

**Strengthening Farmland Protection**

**in [name of site]**

[authors]

[Month, Year]

#

# Executive Summary

In this report we present the results of our assessment of the legislative framework to protect farmland in [name of site], [describe location of site]. The purpose of the assessment was to improve our understanding of the state of agricultural land use planning in with the aim to strengthen the policies and legislation that protect our area’s farmland.

The assessment was based on an analysis of the breadth and quality of the policies and legislation that governs agricultural land use planning. The study also involved an analysis of the political context within which agricultural land use planning takes place and decisions are made.

Overall, the legislative framework for protecting farmland in [name of site] is [provide statement regarding level of strength of framework, e.g., weak, moderate, strong].

[revise table by showing levels of assessment in each cell of the table]

Principles of Land Use Planning: Summary evaluation

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Maximise stability** | **Integrate across jurisdictions** | **Minimise uncertainty** | **Accommodate flexibility** |
| [name of site] |  |  |  |  |

\* = Very weak; \*\*\*\*\* = Very strong

[explain the basis of your conclusion by summarising key findings for your site in relation to each of the four principles (stability, uncertainty, integration, flexibility), practices, issues, and policy regimes]

In addition to assessing the strength of the local legislative framework, we also assessed how issues, ideas, interests, and institutions associated with three policy regimes influence local agricultural land use planning processes and decisions. [provide statement regarding level of influence of the policy regimes, e.g., most dominant and to what extent]

[revise table by showing levels of influence in each cell of the table]

Overall Influence of Policy Regimes

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Vision, Goals, Objectives, Recommendations** | **Driving Issues, Concerns** | **Regulations** | **Action Items** |
| Global Competitiveness |  |  |  |  |
| Farmland Preservation |  |  |  |  |
| Food Sovereignty |  |  |  |  |
| Low |  |  | Medium |  |  | High |  |

[explain the basis of your conclusion by summarising key findings for your site in relation to each of the four principles (stability, uncertainty, integration, flexibility), practices, issues, and policy regimes]

# Members of Assessment Team

The following people were members of the assessment team. [describe how they were selected/appointed, if appropriate]

[list members of the assessment team]

# Acknowledgements

[acknowledge people and organisations who supported the process; identify funders, if applicable]

# Glossary

**Policy**:

A formal statement of intent; principles, rules, or guidelines that are designed to determine or influence major decisions or actions and all activities that fall within the domain of the policy.

**Enforceable policy**:

Policy with clear statements of intent to enforce (often with penalty for failing to follow the policy)

**Aspirational policy**:

Policy without clear statements of intent to enforce (often with penalty for failing to follow the policy); a broad statement about desired outcomes, objectives, or activities

**Enabling policy**:

Policy with clear statements of intent to implement a policy (e.g., provide resources)

**Policy regime:**

A policy regime and its changes refer to the combination of issues, ideas, interests, actors and institutions that are involved.

**Legislation**:

A law (or Order in Council) enacted by a legislature or governing body; can have many purposes: to regulate, to authorize, to proscribe, to provide (funds), to sanction, to grant, to declare or to restrict.

**By-law** (bylaw):

Local laws established by municipalities as regulated by the provincial government. Note: for our purposes, a by-law is considered part of legislation.

**Regulation** (pursuant to Act):

Is a form of legislation (law) designed with the intent to regulate; a rule or law designed to control or govern conduct; creates, limits, constrains a right, creates or limits a duty, or allocates a responsibility.

**Governance**:

Methods, systems, or processes of governing; the act of implementing policy and legislation. For our purposes we are concerned with groups (e.g., commissions, advisory committees) that have the authority to apply, review, or enforce policy and legislation specific to agricultural land use planning.

# Abbreviations

[include list of abbreviations used in the report, e.g., names of legislation, names of stakeholder organisations]

[acronym] [full name]

#

# About the Assessment Toolkit

While there are many analytical tools to help evaluate potential land uses and urban design, as we discovered, there are few tools available to help assess land use plans. This Assessment Toolkit is the only one that we know of that is available to assess the strength of a legislative framework to protect farmland.

We anticipate that the greatest potential benefit of this toolkit is to make a positive contribution to the development of agricultural land use plans, planning processes, and policies in Canada to protect farmland and promote farming as the highest and best use of these lands. The toolkit is design to be used by land use decision makers, planning practitioners, non-government organisations, industry groups, farmer organisations, farmers, and the general public.

 This Toolkit is the product of a national project to identify principles and beneficial practices that represent land use planning solutions for protecting farmland in Canada. The project involved a team of eight researchers from six universities.

For more information about the Assessment Toolkit or research project, please contact

Dr. David J. Connell RPP

University of Northern British Columbia.

Phone: (250) 960 5835

Email: david.connell@unbc.ca

Website: http://blogs.unbc.ca/agplanning/

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# Introduction

## Purpose and scope of assessment

In this report we present the results of an assessment of agricultural land use planning in the [name of site], [describe location of site]. The study assessed the breadth and quality of the legislative framework that governs agricultural land use planning, including the documentation of policies, legislation, and governance structures and a detailed analysis of the contents of these documents. The study also involved an assessment of the political context within which agricultural land use planning processes are completed and decisions are made. Our assessment of the political context included documentation and analysis of three policy regimes: farmland preservation, global competitiveness, and food sovereignty.

Why assess a legislative framework?

RATIONALE FOR DOING AN ASSESSMENT

## Principles for guiding agricultural land use planning

An agricultural land use planning legislative framework provides the context and constraints for what local governments must and can do to protect its agricultural lands. An effective framework of policies, legislation, and governance structures presents an opportunity for local governments, which can then choose how much it wants to take advantage of this opportunity. Within this context it is helpful to be able to assess the quality of an agricultural land use planning framework and understand how well it works and why. For this purpose we have identified the following four principles, which are described below:

* Maximise stability
* Minimise uncertainty
* Integrate across jurisdictions
* Accommodate flexibility

The concepts of stability and uncertainty must be understood with a view of the world as unpredictable and essentially unknowable. This contrasts with a rationale view of the world as something that we can understand fully – if only we had all of the right data and the ability to process the information. This worldview of an open future presents challenges because planning, by its very function, is focussed on making a desirable future a visible part of today’s land use decision-making processes (Connell, 2009). The aim of planning is not to predict the future or claim to be all-knowing but to envision a desirable future with the information available. The functions of planning are to maximise what we can know about the future and to minimise what we do not know, thereby establishing a domain of understanding within which to make the best possible land use decisions in the present. This leads to the first two principles of agricultural land use planning.

### Maximise stability

Something that is stable is difficult to topple; it stands strong and cannot be easily moved. Likewise, a stable legislative framework for protecting farmland is one that is not easily changed at the whim of shifting political interests; it is well-entrenched in acts of legislation, policy, and governance structures that are based on clear, concise language, and can hold up to court challenge. It is something that people can count on to secure the land base for agriculture and to know what the rules are. In this sense, a measure of stability is a measure of the thing itself – the legislative framework – as it is written in its present form. Thus, stability is a critical measure of the strength of an agricultural land use planning framework.

### Minimise uncertainty

In addition to maximising the stability of a legislative framework through clear rules and regulations we must also consider how the framework will be implemented and applied to land use decisions. People want to know they can rely on these rules and regulations to be applied consistently and to know how it will be applied under different circumstances. In this sense, people want not only a stable land base for agriculture but also a legislative framework that provides some certainty about how it will be used to make agricultural land use decisions. However, what we do not know is boundless so we must accept that we cannot eliminate uncertainty. What governments can do is to minimise uncertainty by eliminating loop-holes, ambiguous language, and open-ended conditions. Perhaps more importantly, uncertainty can be minimised through consistent interpretations and applications of the legislative framework. In this sense, a measure of uncertainty is a future-oriented measure of expectations about how the legislative framework will be applied to land use decisions. Thus, the presence of uncertainty is a critical measure of the weakness of an agricultural land use planning framework.

### Integrate across jurisdictions

Integrating policies and priorities across jurisdictions is a foundation for building cohesion across provincial, regional, and local governments. This principle of integration can be viewed as a “policy thread” that weaves together traditional areas of responsibility (Smith, 1998). One can also think of integration as a formal “linkage” between policies that provides consistency among them. Such formal linkages can come in the form of a provincial policy that requires a lower-level policy “to be consistent with” provincial statements. The aim of such vertical mechanisms is to ensure that lower-level policies are set within the context of broader public priorities. The same principle of integration applies horizontally, too, so that plans and strategies are co-ordinated and consistent across local governments. In order to successfully integrate policies across jurisdictions there must be sufficient details about the legislative context that guides and constrains local government plans and strategies.

### Accommodate flexibility

Creating an effective legislative framework is an act of balance without being too stable so that it cannot be changed when needed or too strict so that it cannot be applied in a range of circumstances. Thus, flexibility is necessary in order to moderate the restrictive effects of maximising stability and minimising uncertainty. The principle is to enable decision-makers to accommodate a controlled level of flexibility without compromising the primary functions of the legislative framework to provide stability and reduce uncertainty. The means to accommodate flexibility is typically done through governance mechanisms, such as quasi-judicial provincial commissions, advisory committees, and application processes.

## Political context and policy regimes

To understand how political contexts and multiple public priorities influence agricultural land use planning in Canada, and to what extent it has already had an impact, we will examine the interaction of three current policy regimes: global competitiveness, farmland preservation, and food sovereignty. A policy regime and its changes refer to the combination of issues, ideas, interests, actors and institutions that are involved. Actors of agricultural policy regimes include a wide range of interests represented by citizens, all levels of government, local organisations, professional organisations representing producers, farmers and ranchers themselves, unions, industry trade associations and environmental groups, among others. In Canada, the two policy regimes of global competitiveness and farmland preservation have influenced policies for several decades. The recent emergence of food sovereignty as a policy regime reflects growing public concerns about the security and safety of Canada’s domestic food supply, and may have significant implications for Canada’s global competitiveness and the conservation and use of agricultural land. In this section we described each of these three policy regimes. A description of the criteria we used to determine the level of influence of each policy regime is provided in the appendix.

### Global competitiveness

A policy regime of global competitiveness has strengthened over the past forty years at both the national and provincial levels, usually in the context of pressures on industry viability in the face of freer trade. An interest in global competitiveness often requires policies and strategies to successfully integrate into the global economy. A recent report on competitiveness by the House of Commons Standing Committee on Agriculture and Agri-Food focussed on access to new markets, barriers to trade, food safety and product labelling, and market concentration within sectors. Input to this report was provided by national and regional commodity trade associations, meat and other food processors, transportation associations, and policy institutes, among others. Scholars in this field have noted that, although the membership of the agri-food policy community in Canada is strong individually, the community is nationally fragmented and organisationally divided, as national policies do not always serve all members or geographic regions equally. For example, export-oriented policies may promote the export of raw food products at the risk of higher prices for domestic food processors. Such policies also have regional differences, where policies may benefit one region (food processing in central Canada) to the disadvantage of food producers in another region (food producers in the prairies). Notwithstanding these internal challenges, the competitiveness policy regime continues to strengthen, as evident in the Growing Forward 2 (GF2) policy framework announced on September 14, 2012.

Key ideas from GF2:

* Competitiveness and Market Growth: The sector needs to continually increase productivity, to reduce costs and to respond to consumer demands, such as for high-value products with specific attributes. Competitiveness also means increasing our share of domestic and international markets.
* The key drivers are:
	+ Innovation: The sector adopts and implements new technologies and innovations, creating and using knowledge to develop new products, technologies and business management practices that drive down costs, increase productivity and respond to consumer demands.
	+ Institutional and Physical Infrastructure: Effective rules, regulations, standards, organizations, and physical infrastructure allow firms to operate and markets to function efficiently for a profitable sector and the well-being of Canadians.
* Competing on cost: One factor in assessing the competitiveness of Canadian agriculture and agri-food sector is how cost-efficient Canadian agricultural producers, manufacturers and exporters are in relation to competitor suppliers. This is influenced by a number of factors, including natural resource availability and use, input prices, labour availability and cost, and scale of operation.
* Innovation is critical for improved cost competitiveness. Innovation can lead to improved productivity and reduced costs. However, despite significant agricultural research, the sector could be more effective in applying knowledge and innovating along the supply chain.
* Focus on the role of innovation for productivity growth and the ongoing efforts to access emerging growth markets.
* Continual innovation and adaptation has contributed to increased yields and the creation of new products and production methods
* Increased trade, globalization of supply chains, and more exacting consumer demands have increased the importance of rules, regulations, and other market infrastructure
* Additional industry capacity and infrastructure investments, such as information and communication technologies, will be required to enable producers, processors, buyers, and government agencies to adjust effectively to new food safety regulations and buyer assurance standards.
* Bilateral and multilateral trade agreements and trade promotion efforts are essential.

### Food sovereignty

For our purposes, food sovereignty is a broad term that focusses on the right of citizens to have greater control over its food supply. The term encompasses food security and food safety. Food security is concerned about the availability, accessibility, and affordability of food.

 While the control of food supplies were among the earliest drivers of nation-building and human settlements, food sovereignty, as defined by the International Planning Committee for Food Sovereignty, is about the right of peoples to define, protect and regulate domestic agricultural production and land policies that promote safe, healthy and ecologically sustainable food production that is culturally appropriate. Within Canada, the growth of the local food movement, as evident by the increasing number of farmers markets and citizen-based initiatives like community gardens and local food councils, has been the forerunner of recent calls for citizens having greater control over national agri-food policies. The National Farmers Union, Canadian Federation of Agriculture, and Food Secure Canada are some of the national actors calling for changes. Adopting agri-food policies that promote greater food sovereignty could easily reach into people’s daily lives, with economic, social and environmental implications, both positive and negative. Such policy will be regarded quite differently depending on a person’s values and priorities, and where agriculture fits among them.

### Farmland preservation

Different terms are used in this policy regime including farmland conservation, farmland preservation, and farmland protection. For our project we will use farmland protection and farmland preservation in two specific ways:

* Farmland protection: a narrower term that we will use to refer specifically to land use planning policies that aim to *protect* farmland so that it is available for farm uses; we will use farmland protection in relation to the contents of a legislative framework.
* Farmland preservation: is a broader term that concerns all aspects of policies related to farmland including policies that not only protect farmland but are also concerned with soil and landscape conservation, etc.; can be synonymously with farmland conservation; we will refer to all that is related to farmland preservation as a policy regime.

As a policy regime, preserving farmland first garnered serious public attention in Canada in the early 1970s with most provincial and local jurisdictions having some form of legislation or guidelines in place by the end of the 1970s. The historical development of farmland policies in Canada were accompanied by a wide range of economic, environmental, and social issues that were associated with and re-inforced tensions among different land uses, such as residential, commercial, industrial, and natural resource development.

Correspondingly, motivations for preserving farmland are influenced by factors such as food production, market value for land, environmental issues, amenity of rural landscapes, agrarian ideals and land use conflicts on the urban fringe. In spite of efforts over the past forty years, Canada has experienced a continual loss of prime farmland across the country. The issue is especially acute in Ontario, which contains the country’s largest supply of prime agricultural lands, but concerns for the preservation of farmland exist across the country, albeit to varying degrees. But is also acute in other jurisdictions due to a much more limited and declining agricultural land base, such as in British Columbia and Quebec.

Concern about the loss and fragmentation (parcelisation) of farmland continues to be an issue in the face of continued urban sprawl and alienation of farmland (i.e., farmland that is not being farmed or no longer suitable for farming). These issues often lead to further problems, such as conflicts or tension with residential, recreational, infrastructure, and industrial land uses. Loss of farmland is often associated with concerns about the supply of local food and, increasingly, it is concerned with “land grabbing” through foreign or out-of-province ownership of land.

### Methods

Legislative framework:

The methods used to complete the assessment involved several activities:

* Document agricultural land use planning legislative framework:

The legislative framework consists of policies, legislation (and by-laws), and governance structures related to agricultural land use planning at local, regional (or upper-tier), and provincial levels of government. The policies and legislation were identified as enforceable, aspirational, or enabling. Refer to the appendix for definitions of these and other terms.

* Content analysis of legislative framework documents:

After identifying the relevant documents the next step was to analyse the level of detail of each document’s contents. The aim of the content analysis is to assess the breadth and quality of the legislative framework.

Political context:

* Policy regimes

We analysed the contents of documents with regard for the presence and importance of policy regimes. The documents included those identified in the legislative framework. The aim is to assess the extent to which agricultural land use planning accommodates the three policy regimes, influences land use decisions, and encompasses a comprehensive view of food systems planning, activities, and issues.

## Strength of provincial legislative framework

British Columbia’s legislative framework is very strong. The act of legislation to establish a land reserve of all farmland and a quasi-judicial tribunal provides the highest level of stability. As Barry Smith (1998) stated, "A stable ALR is the cornerstone of planning for agriculture; heightening certainty for persons engaged in farm businesses and support industries." Important elements within the legislation include a clear mandate for the ALC that is focussed specifically on protecting farmland. This primary focus has withstood the test of time over forty years in spite of changing governments. The additional legislation to protect farm practices extends this stability to areas of land use conflict. The strong language in the legislation that local government plans must be consistent with the ALC Act provides a necessary link in order to extend the provincial legislation into the domain of local land use planning and decisions.

 There are, however, several factors within the farmland protection framework that undermine stability and contribute to uncertainty. The most influential tool that has been used by provincial governments to introduce new elements to the legislative framework has been the Ministry of Agriculture’s annual service plan for the Agricultural Land Commission. Annual Service Plans have been used to introduce new factors (e.g., community need and regional responsiveness) that compromised the ALC mandate to protect farmland as a matter of provincial interest. As Gary Runka stated, “Somehow, during the mid-1990s, uncertainty of purpose and direction crept in to both the administration and the perception of BC’s agricultural land preservation program” (Runka 2006:5). At other times the service plans have also been used to re-inforce the legislated mandate.

The use of regional panels within the ALC has been a source of uncertainty within the legislative framework. Until 2014 the use of the ALC panels, as per the ALC Act, was at the discretion of the ALC Chair. Over the years the level of influence of regional panels in ALC decisions has shifted. In the 2002 annual service plan, the concepts of “regional representation” and “community need” were formally inserted into the ALC practices. In the following years the influence of the regional panels was strengthened. And, as noted in the 2007 service plan, the number of applications to the ALC for land use changes “increased significantly.” Effectively, the greater level of influence of regional and local interests compromised the mandate of the ALC, thereby changing expectations and introducing a greater level of uncertainty about how the ALC Act would be applied. In 2010, the ALC Chair made changes to return to a more centralised decision-making process that re-focusses on protecting the agricultural land base as a mandate of provincial interest. However, in May, 2014, the ALC Act was amended through Bill 24, which was passed on May 29, 2014. These changes were preceded by statements by BC’s Premier in the summer of 2013 that the ALC Act would be reviewed and subject to change. There were three main changes to the ALC Act:

* The ALR was divided into two zones
* The criteria for agricultural land use decisions in Zone 1 were not changed
* The criteria for agricultural land use decisions in Zone 2 were changed and introduced additional factors that the ALC must consider when making decisions (e.g., social, economic, cultural, and heritage values)
* The regional panels were now required, as opposed to being at the discretion of the ALC Chair
* The level of direct political involvement was increased through the power to appoint members to the ALC (in some cases without consultation with the ALC)

The most significant changes affect Zone 2 for which the mandate of the ALC to protect farmland has changed. This change has undermined the stability of the legislative framework and introduced uncertainty about how the new criteria will be applied has also increased.

 Another important weakness of BC’s agricultural land use planning concerns foreign or out-of-province ownership of land. Presently, BC has no restrictions on foreign ownership of agricultural land, regardless of whether it is in the ALR or not. Foreign ownership of agricultural land increases the possibility that farmland will be alienated.

 The provincial legislative framework in BC, like most farmland protection policies, is focussed on planning for agricultural land use in the face of urban development and private land. Correspondingly, both the legislation and the supporting materials are directed at integrating provincial policies and legislation with urban land use planning tools of local governments, such as Official Community Plans, implementing bylaws (e.g., zoning regulations), and Regional Growth Strategies. In contrast, planning for agriculture in the face of natural resource developments, usually but not exclusively on Crown land, is largely undeveloped. Regional Growth Strategies are valuable planning tools that can help address natural resource developments, urban development, and farmland protection; however the absence of legal strategic land use planning constrains the development of agricultural land use planning at the regional scale.

 Although the provincial legislative framework in BC is strong overall, there are two practices associated with how the framework is used that compromise this strength. First, the decision-making process has been driven by applications to change land uses. The ALC Act provides a mechanism for land owners, including governments, to apply to the ALC to exclude or include land in the ALR, to approve subdivisions, and to permit non-farm uses. As recognised in a review of the ALC in 2010, these applications have dominated the activities of the ALC with the direct consequence that the ALC had limited time and resources to dedicate to working with local governments to strengthen land use policies in order to protect farmland. Second, although there is no specific policy that treats each local government differently, the practice of working with local governments to develop land use plans is based on the principle of flexibility. That is, the ALC recognises that the geography of the province is very diverse and that local government plans can – and should (Smith, 1998) – be developed to accommodate this diversity. However, this practice of flexible planning leads to significant differences among local government plans with regard to the level of commitment to protecting farmland, with some plans being inconsistent with the mandate of the ALC Act to protect all farmland.

 Finally, the ALC recently expressed a strong interest to dedicate more resources to encourage farming and its viability. These complementary activities to protecting the land base were present when the land reserve was first established in 1973. However, the programs were eliminated soon thereafter. Such programs serve indirectly to protect the agricultural land base by increasing the demand for the land itself as productive farmland.

## Overview of site

[Although this report is intended for people who are familiar with your site, you never know who might read the report or their level of knowledge. For this reason, it is helpful to provide a general overview of your site, including population (growth trends), character (rural, urban), geographic features, state of economy and economic drivers (major industries), types of land use, special issues or opportunities. Include maps to show the location of your within the province as well as a more detailed map to show the relevant geo-political boundaries. Save your discussion of the agricultural aspects of your site for the next sub-section.]

Figure 1. [insert title]

Figure 2. [insert title]

##

## Agricultural profile

[location (with maps showing farmland), demographics, agricultural capability (soils, climate), farming activities, farm and farmer demographics]

# Results

In this section we present the results for the assessment of [name of site]. We begin with our analysis of the legislative framework. Next we present the results of the content analyses of local government policies and legislation. We then present the results of the political context, which includes our assessment of the influence of the three policy regimes (farmland preservation, food sovereignty, and global competitiveness). The section ends with results of the stakeholder analysis. We discuss the significance of these results in the next section.

## State of agricultural land use planning

[describe data collected from secondary sources that describe the general state of agricultural land use planning: measures of effectiveness, historic loss/fragmentation/preservation of farmland, land use planning decisions, consistency, level of political support (i.e., it is a government priority?), level of public support, issues and opportunities.]

## Legislative framework

The legislative framework consists of policies, regulations, and governance structures related to agricultural land use planning at local, regional, and provincial levels of government. Policy documents were identified as enforceable, aspirational, or enabling (refer to the appended glossary for definitions of these and other terms).

 [Describe the results of the <AgLUP Toolkit Legislative Framework> in relation to Legislation, Policy, Governance, Required Integration.] [Refer to the <AgLUP Toolkit Legislative Framework>; summarise results in the table below]

Table 1: Legislative Framework

|  |  |  |  |
| --- | --- | --- | --- |
|  | **POLICY** | **LEGISLATION** | **GOVERNANCE** |

|  |  |  |  |
| --- | --- | --- | --- |
| **PROVINCIAL** | [ALC] Annual Service Plans[MAL] Strengthening Farming[ALC] ALR and Community Planning Guidelines[Smith] “Planning for Agriculture” | *Agricultural Land Commission Act**Local Government Act**Farm Practices Protection (Right to Farm) Act* *Forest and Range Practices Act**Range Act**Land Title Act**Water Act***Agricultural Land Reserve Use, Subdivision, and Procedure Regulation** | Agricultural Land Commission[*ALC Act*]*Administrative Tribunals Act*Governance Policy for theAgricultural Land Commission |
| REQUIREDINTEGRATION | **LGA Part 25** **849** **Purpose of regional growth strategy** (e) maintaining the integrity of a secure and productive resource base, including the agricultural land reserve |
| **REGIONAL** |  |  |  |
| REQUIREDINTEGRATION | **ALC Act Section 46 Conflict with bylaws**(2) A local government in respect of its bylaws and a first nation government in respect of its laws must ensure consistency with this Act, the regulations and the orders of the commission(4) A local government bylaw or a first nation government law that is inconsistent with this Act, the regulations or an order of the commission has, to the extent of the inconsistency, no force or effect**ALC Act 13 Dispute resolution on community issues****LGA Part 25 882 (3)** (**OCP) Adoption procedures 882**  The local government must refer the plan to the ALC for comment.**LGA Part 25 946 (3) Subdivision to provide residence for a relative**  |
| **LOCAL** |  |  |  |

*Acts (provincial laws), bylaws (local government laws, e.g., official municipal plan)* [*italicised*]

**Enforceable policy, regulations pursuant to acts [bold]**

Aspirational policy at all levels [plain text]

## Content analysis of documents

After documenting the legislative framework we assessed the contents of the documents. The results of this content analysis reflect the breadth and quality of the legislative framework. For this we used a three-point (check mark) scale indicating different levels of detail from minimal (✓) to moderate (✓✓) to high (✓✓✓). The criteria we used for this part of the assessment are included in Appendix: Criteria for Evaluating Content of Legislative Framework.

*Local government legislation documents*

[Describe the results of the <AgLUP Toolkit content analysis Legislation>; summarise results in the table below]

*Local government policy documents*

[Describe the results of the <AgLUP Toolkit content analysis Policy>]

[Describe the documents in relation to enforceable, aspirational, enabling]

[Summarise results in the table below]

Table 2. Contents of local agricultural land use legislative documents

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name of document** | **Legislative Context** | **Background** | **Vision, Goals, Objectives** | **Regulations**(enforceable policies, procedures) | **Maps** |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

Table 3. Breadth and depth of legislative context

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of document** | **Legislative context (legislation and policies)** | **Land use planning tools** | **Gov.** |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |

Table 4. Contents of local land use policy documents

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name of document** | **Legislative Context** | **Background** | **Vision, Goals, Objectives** | **Regulations**(enforceable policies, procedures) | **Maps** |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

Table 5. Breadth and depth of legislative context: policy documents

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of document** | **Legislative context (legislation and policies)** | **Land use planning tools** | **Gov.** |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |

Table 6. Status of local agricultural land use policy documents

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **Aspirational** | **Enforceable** |
| **Name of document** | In progress | Received by Council | [name of comprehensive community plan] |
| Named in plan | Led to revisions of plan | Adopted as by-law (sub-area plan) |
|  |  |  |  |  |  |

## Policy regimes

The two policy regimes of farmland preservation and global competitiveness have influenced agricultural land use policy and legislation for over forty years. Food sovereignty, and its associated concerns with food security and demand for local food, is a nascent policy regime that is influencing agricultural land use planning. Within this context, the aim of our analysis was to assess how issues, ideas, interests/actors and institutions associated with the three policy regimes influence local agricultural planning processes, including decisions about zoning, official plans, boundary adjustments, land division and servicing, and, as well, to assess the extent to which agricultural land use planning encompasses a comprehensive view of food systems planning, activities, and issues.

 To complete the assessment of the presence and importance of the policy regimes we examined the documents that comprise the legislative framework. Presence and importance were measured as a function of both the level of influence of words, concepts, and statements that appear in the documents and of the placement of these words, concepts, and statements within each document. The criteria for measuring the policy regime statements are presented in Appendix: Criteria for determining level of influence of policy regimes.

 [describe the results of the analysis; refer to the tables below; summarise results in the table below]

Table 7. Global competitiveness documents

|  |  |  |
| --- | --- | --- |
|  |  | **GLOBAL COMPETITIVENESS** |
|  | **Vision, Goals, Objectives, Recommendations** | **Driving Issues, Concerns** | **Regulations** | **Action Items** |
| **Level of Influence** | **High Influence** |  |  |  |  |
| **Medium Influence** |  |  |  |  |
| **Low Influence** |  |  |  |  |

Table 8. Farmland preservation documents

|  |  |  |
| --- | --- | --- |
|  |  | **FARMLAND PRESERVATION** |
|  | **Vision, Goals, Objectives, Recommendations** | **Driving Issues, Concerns** | **Regulations** | **Action Items** |
| **Level of Influence** | **High Influence** |  |  |  |  |
| **Medium Influence** |  |  |  |  |
| **Low Influence** |  |  |  |  |

Table 9. Food sovereignty documents

|  |  |  |
| --- | --- | --- |
|  |  | **FOOD SOVEREIGNTY** |
|  | **Vision, Goals, Objectives, Recommendations** | **Driving Issues, Concerns** | **Regulations** | **Action Items** |
| **Level of Influence** | **High Influence** |  |  |  |  |
| **Medium Influence** |  |  |  |  |
| **Low Influence** |  |  |  |  |

Table 10. Global competitiveness statements

|  |  |  |
| --- | --- | --- |
|  |  | **GLOBAL COMPETITIVENESS** |
|  | **Vision, Goals, Objectives, Recommendations** | **Driving Issues, Concerns** | **Regulations** | **Action Items** |
| **Level of Influence** | **High Influence** |  |  |  |  |
| **Medium Influence** |  |  |  |  |
| **Low Influence** |  |  |  |  |

Table 11. Farmland preservation statements

|  |  |  |
| --- | --- | --- |
|  |  | **FARMLAND PRESERVATION** |
|  | **Vision, Goals, Objectives, Recommendations** | **Driving Issues, Concerns** | **Regulations** | **Action Items** |
| **Level of Influence** | **High Influence** |  |  |  |  |
| **Medium Influence** |  |  |  |  |
| **Low Influence** |  |  |  |  |

Table 12. Food sovereignty statements

|  |  |  |
| --- | --- | --- |
|  |  | **FOOD SOVEREIGNTY** |
|  | **Vision, Goals, Objectives, Recommendations** | **Driving Issues, Concerns** | **Regulations** | **Action Items** |
| **Level of Influence** | **High Influence** |  |  |  |  |
| **Medium Influence** |  |  |  |  |
| **Low Influence** |  |  |  |  |

Table 13. Frequency of global competitiveness statements

|  |  |  |
| --- | --- | --- |
|  |  | **GLOBAL COMPETITIVENESS** |
|  | **Vision, Goals, Objectives, Recommendations** | **Driving Issues, Concerns** | **Regulations** | **Action Items** |
| **Level of Influence** | **High Influence** |  |  |  |  |
| **Medium Influence** |  |  |  |  |
| **Low Influence** |  |  |  |  |

Table 14. Frequency of farmland preservation statements

|  |  |  |
| --- | --- | --- |
|  |  | **FARMLAND PRESERVATION** |
|  | **Vision, Goals, Objectives, Recommendations** | **Driving Issues, Concerns** | **Regulations** | **Action Items** |
| **Level of Influence** | **High Influence** |  |  |  |  |
| **Medium Influence** |  |  |  |  |
| **Low Influence** |  |  |  |  |

Table 15. Frequency of food sovereignty statements

|  |  |  |
| --- | --- | --- |
|  |  | **FOOD SOVEREIGNTY** |
|  | **Vision, Goals, Objectives, Recommendations** | **Driving Issues, Concerns** | **Regulations** | **Action Items** |
| **Level of Influence** | **High Influence** |  |  |  |  |
| **Medium Influence** |  |  |  |  |
| **Low Influence** |  |  |  |  |

## Stakeholder analysis

In addition to understanding the policies and legislation, it is important to acknowledge that these documents are influenced by various political forces. The aim of the stakeholder analysis is to document different organisations and institutions that participate in and thereby influence agricultural land use planning processes and decisions. Our stakeholder analysis involved three aspects: identify relevant stakeholders; complete a profile for each stakeholder; assess each stakeholder’s level of influence within agricultural land use planning. For each stakeholder we aimed to complete a comprehensive profile based on secondary sources, including promotional materials on websites; reports, positions papers and other publications; statements in the media; committee meeting minutes, etc. The same level of information was not available for each stakeholder.

Based on the information collected for the profiles we then assessed their level of influence using a power-influence grid (Bryson, 2004). This analysis leads to four categories of stakeholders (Figure X):

* Players: have both an interest and significant power
* Subjects: have an interest but little power
* Context setters: have power but little direct interest
* Crowd: have little interest or power

Figure 3. Categories of stakeholders



[Describe the results of the <Stakeholder Profile>]

[Describe the results of the <Stakeholder Power-Influence Grid>; use and refer to grid below]

Table 16. Stakeholder analysis: power-interest grid

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **INFLUENCE** | High |  |  |  |
| Medium |  |  |  |
| Low |  |  |  |
|  |  | Low | Medium | High |
| **POWER** |

# Evaluation

In this section we discuss the strength of the legislative framework for [name of site].

## Strength of principles

Overall, the legislative framework for protecting farmland in [name of site] is [provide statement regarding level of strength of framework, e.g., weak, moderate, strong; refer to summary table below].

[revise table by showing levels of assessment in each cell of the table]

Table 17. Principles of Land Use Planning: Summary of evaluation

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Maximise stability** | **Integrate across jurisdictions** | **Minimise uncertainty** | **Accommodate flexibility** |
| [name of site] |  |  |  |  |

\* = Very weak; \*\*\*\*\* = Very strong

[explain the basis of your conclusion by summarising key findings for your site in relation to each of the four principles (stability, uncertainty, integration, flexibility), practices, issues, and policy regimes]

*Maximise stability*

A stable legislative framework for protecting farmland is one that is not easily changed at the whim of shifting political interests; it is well-entrenched in acts of legislation, policy, and governance structures that are based on clear, concise language, and can hold up to court challenge. A key element of stability is a clear statement of purpose regarding farmland protection among the primary goals and objectives within each enforceable document. Thus, stability is a critical measure of the strength of an agricultural land use planning framework.

 [discuss key elements of the AgLUP legislative framework that make it stable; how useful and difficult to change.]

*Minimise uncertainty*

The presence of uncertainty, typically introduced via ambiguous language, exceptions or gaps, is a critical measure of the weakness of an agricultural land use planning framework. Thus, in addition to maximising the stability of a legislative framework through enforceable policies, people want to know they can rely on these rules and regulations to be applied consistently under different circumstances.

 [discuss key elements of the AgLUP legislative framework that introduce uncertainty, e.g., ambiguous terms, statements that are left open to interpretation, or provide a way of going around requirements].

*Integrate across jurisdictions*

Integrating policies and priorities across jurisdictions is a foundation for building cohesion across provincial, regional, and local governments. One can also think of integration as a formal “linkage” that provides consistency among them. In order to successfully integrate policies across jurisdictions there must be sufficient details about the legislative context that guides and constrains local government plans and strategies. By this measure of integration, we found that [describe the extent to which existing AgLUP legislative framework is integrated with other legislation; describe how the local government agricultural plan goes beyond the minimum requirements as set by provincial policy].

*Accommodate flexibility*

Creating an effective legislative framework is an act of balance, without being too stable so that it cannot be changed when needed or too strict so that it cannot be applied in a range of circumstances. Thus, flexibility is necessary in order to moderate the restrictive effects of maximising stability and minimising uncertainty. The means to accommodate flexibility is typically done through governance mechanisms.

 [discuss the role and effectiveness of governance mechanisms that accommodate flexibility]

Political context

In addition to assessing the strength of the local legislative framework, we also assessed how issues, ideas, interests, and institutions associated with three policy regimes influence local agricultural land use planning processes and decisions. [provide statement regarding level of influence of the policy regimes, e.g., most dominant and to what extent; refer to the table below]

[revise table by showing levels of influence in each cell of the table]

Table 18. Overall Influence of Policy Regimes

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Vision, Goals, Objectives, Recommendations** | **Driving Issues, Concerns** | **Regulations** | **Action Items** |
| Global Competitiveness |  |  |  |  |
| Farmland Preservation |  |  |  |  |
| Food Sovereignty |  |  |  |  |
| Low |  |  | Medium |  |  | High |  |

[explain the basis of your conclusion by summarising key findings for your site in relation to each of the four principles (stability, uncertainty, integration, flexibility), practices, issues, and policy regimes]

Current issues

In addition to the above four principles, we also discuss several current issues that we believe deserve specific attention: [MODIFY the following as needed.]

*Small-lot agriculture/farmland fragmentation [if relevant to your site]*

The combined issue of small-lot agriculture and fragmentation of the land base centres on what appears to be a growing awareness of food sovereignty. Much of this interest in small-lot agriculture is associated with new farmers and their need for affordable land that is reasonably close to population centres. What makes the demand for small-lot agriculture particularly important is that there is often little room within farmland protection legislative frameworks to accommodate smaller lots. The main reason is that sub-dividing into smaller lots is in direct conflict with the over-riding goal to not fragment the land base. The primary land use planning tool for preventing fragmentation is large minimum lot sizes. Thus, small lots and farmland protection are often in direct opposition.

 [describe the extent to which the existing AgLUP legislative framework accommodates small-lot agriculture or deals with fragmentation as an issue]

*Foreign (out-of-province) ownership of agricultural land [if relevant to your site]*

[describe the extent to which the existing AgLUP legislative framework addresses and deals with issues of foreign and/or out-of-province ownership of agricultural land]

## Stakeholder analysis

[discuss groups and perspectives; refer to the <Stakeholder Power-Influence Grid> results.]

[discuss the extent to which the existing agricultural plans have integrated multiple perspectives such as those of citizens, local organisations, professional organisations representing farmers, and environmental group]

# Recommendations

[Based on your full assessment of the strength of your site’s legislative framework, identify and discuss a set of recommendations for moving forward. These recommendations can centre on a range of issues and opportunities.

Questions to consider regarding principles:

* How can the stability of the legislative be increased? Have we clearly and directly expressed our level of commitment to farmland protection in relation to other public priorities?
* Are there ways to minimise uncertainty by closing loopholes and clarifying ambiguous terms?
* Can we better integrate local priorities with the mandate of the ALC to protect farmland by including more direct references to the provincial legislative framework that serves our needs? Can we strengthen the language used to express this level of integration? Are our internal policies consistent with regard to public priorities and the place of farmland among them?
* Have we identified specific local interests that need to be accommodated? Have we used language to accommodate these interests without undermining the strengths of the framework?

Questions regarding the contents of the legislative framework:

* Does the background information included within the legislation documents provide sufficient context to represent the importance and role of agriculture and farmland from social, economic, and environmental perspectives?
	+ Have local interests (current political context) in agriculture and food been appropriately represented within the legislative framework?
* Are agriculture and farmland protection included in the vision and goals of the legislative documents?
* Do our maps appropriately recognise agricultural lands and interests?
* Have we included sufficient breadth and depth of the provincial legislative context?
	+ Are all of the directly relevant sections of primary acts and regulations (i.e., ALC Act and Regulation, LGA, Right to Farm) named?
	+ Are important secondary acts and regulations named?
	+ Has your site considered a farm by-law?
	+ Do the agricultural policies in the comprehensive plan (OCP) need to be revised?
	+ Do land use by-laws need to be changed?
	+ Is an Agricultural Area Plan needed?
	+ Can we protect farmland better by adopting specific land use planning tools (e.g., development permit areas).

Questions regarding additional elements of the legislative framework?

* Do we need to revise or create an Agricultural Advisory Committee?
* Do we need update the existing agricultural plan or strategy? Or create new ones?
* Are current plans or strategies named within the legislative documents of the framework? Is our knowledge of the agricultural land base sufficient or should we complete an agricultural land inventory?

# Next Steps

[Next steps should arise from your recommendations. These steps might include a presentation to council or the agricultural advisory committee, or applying for funds to complete an agricultural area plan, etc.]

# References

Bryson, J. (2004). “What to do When Stakeholders Matter: Stakeholder Identification and Analysis Techniques.” *Policy Management Review* 6(1): 21-53.

Connell, D. J. (2009). Planning and Its Orientation to the Future. *International Planning Studies,* *14*(1), 85-98.

Runka, G. (2006). “BC’s Agricultural Land Reserve – Its Historical Roots.” Seminar presented at *Planning for Food*, World Planners Congress, Vancouver, BC, June 21, 2006.

Smith, B. (1998). *Planning for Agriculture.* Victoria, BC: Agricultural Planning Commission.

# Appendix: Criteria for Evaluating Content of Legislative Framework

Legislation documents

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Legislative Context (Provincial)** | **Background** | **Vision, Goals, Objectives** | **Local Legislation** | **Maps** |
| **0** | None | None | None | None | None |
| ✓ | Brief statements that include at least one reference to the main provincial legislation or policy related to agricultural land use planning. Little too context provided other than perhaps a statement that acknowledges the local governments duty to uphold these acts and policies. | Very brief description of agriculture background. This may include a minimal section or statistics on historical context, background and issues, and demographics on agriculture/farming. | Includes a vision, goal, or objective for agriculture but with minimal explanation or rationale.  | One or two brief statements about agricultural land use policies, perhaps with little context.  | Provides at least one (1) general land use map(s) with agricultural land use shown.  |
| ✓✓ | Expanded statements that reference more than one of the main provincial legislation and policies and provides added context to the above. Multiple statements that outline how provincial legislation and policies “fit” in the local context. | Includes multiple sections dedicated to information and statistics about agricultural background. May also reference an agricultural plan or report.  | Includes a vision, goal, and objective for agriculture with a statement of explanation and some action items.  | Several statements (three to five) about agricultural land use policy presented within local context. May also reference an agricultural plan. | Provides at least one (1) general land use map(s) showing agricultural land uses and at least one (1) agriculture specific map showing designated agricultural land.  |
| ✓✓✓ | Comprehensive that outlines how provincial legislation and policies “fit” in the local context.. May include diagrams to help establish thread of consistency among different levels of government.  | Comprehensive account of agricultural background . May also reference an agricultural plan or report. | Includes a detailed section on vision, goals, and objectives for agriculture that outlines a rationale and action items. May also document relations with other land uses and local priorities.  | Detailed section of agricultural land use policy statements (more than five) or agricultural sub-area plan adopted as by-law. May also reference an agricultural plan. | Provides two (2) or more agricultural land use maps including a map showing designated agricultural land. May also include Other maps to illustrate specific issues or policies (future areas of study, development permit areas, current land tenure).  |

Policy documents

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Legislative Context (Provincial)** | **Background** | **Vision, Goals, Objectives** | **Local Policies** | **Maps** |
| **0** | None | None | None | None | None |
| ✓ | Brief statements that include at least one reference to the main provincial legislation or policy related to agricultural land use planning. Little to no context provided other than perhaps a statement that acknowledges the local governments duty to uphold these acts and policies. | Very brief description of agriculture background. This may include a minimal section or statistics on historical context, background and issues, and demographics on agriculture/farming. | Includes a vision, goal, or objective for agriculture but with minimal explanation or rationale.  | Several statements (three to five) about agricultural land use policy presented within local context.  | Provides at least one (1) general land use map(s) with agricultural land use shown.  |
| ✓✓ | Expanded statements that references more than one of the main and policies and provides added context to the above. Multiple statements that outline how provincial legislation and policies “fit” in the local context. | Includes multiple sections dedicated to information and statistics about agricultural background. May also reference an agricultural plan or report. | Includes a goof presentation of vision, goal, and objective for agriculture with a statement of explanation, a few recommendation items, and some action items.  | Comprehensive section of agricultural land use policy statements (more than five).  | Provides at least one (1) general land use map(s) showing agricultural land uses and at least one (1) agriculture specific map showing designated agricultural land.  |
| ✓✓✓ | Comprehensive that outlines how provincial legislation and policies “fit” in the local context.. May include diagrams to help establish thread of consistency among different levels of government.  | Comprehensive account of agricultural background. May also reference an agricultural plan or report. | Includes a detailed section on vision, goals, and objectives for agriculture with an extensive and detailed list of recommendations and/or action items.  | Comprehensive agricultural plan. May also refer to background report. | Provides two (2) or more agricultural land use maps including a map showing designated agricultural land. May also include Other maps to illustrate specific issues or policies (future areas of study, development permit areas, current land tenure).  |

# Appendix: Criteria for determining level of influence of policy regimes

|  |  |  |
| --- | --- | --- |
|  |  | **Placement (significance) within Document** |
|  | **Aims, Goals, Objectives** | **Mission, Vision, Mandate, Purpose** | **Driving issues, concerns** | **Action items** |
| **Level of influence** | **High influence** | A clear, explicit statement as part of a short list (three to five) of items in an enforceable policy or regulation | A clear, explicit statement at the highest level of an enforceable policy or regulation |  |  |
| **Medium influence** | A clear, explicit statement as part of a short list (three to five) of items in an aspirational policy | A clear, explicit statement at the highest level of an aspirational policy | A clear, explicit statement as part of a short list (three to five) items in a policy | A clear, explicit statement as part of a short list (three to five) of items in a policy |
| **Low influence** | A clear, explicit statement as part of a long list of items in an aspirational policy |  | A clear, explicit statement as part of a long list of items in an aspirational policy | A clear, explicit statement as part of a long list of items in a policy |