

**Reaching Agreement on Regional Growth Strategies: Evaluating Alternative
Dispute Resolution Methods For Resolving Interjurisdictional Regional Planning
Disputes**

by

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ABSTRACT

Rapid population growth puts increasing pressure on local governments to accommodate and plan for this growth. Local politicians in municipalities and rural areas affected by the outward spread of growth are often in conflict as each has differing visions and planning priorities for their jurisdiction. The coordinated management of growth within the region is one way of addressing this conflict. A recent legislative amendment in British Columbia, the Growth Strategies Act, 1995, introduced an interactive regional planning model that requires local governments in a regional district to work cooperatively to address growth issues affecting the region. This model emphasizes alternative dispute resolution approaches such as interest-based negotiation and mediation for resolving conflict that inevitably emerges as jurisdictions with competing interests and political views continue to grow and shape the urban form.

No study to date had evaluated interest-based negotiation and mediation to determine if one approach to dispute resolution is perceived as more successful than the other in relation to complex multi-party disputes. This study evaluated the perceived success of interest-based negotiation compared with mediation as alternative dispute resolution approaches for assisting municipalities and regional districts in reaching agreement on regional growth strategies. Two scenarios, one depicting an interest-based negotiation

approach and the other a mediation approach to resolving a multi-party regional planning dispute were developed for evaluation by locally elected officials. A mail questionnaire, which included one of the two scenarios, was sent to 846 locally elected officials from urban and rural jurisdictions in seventeen high growth and low growth regional districts throughout British Columbia. A total of 115 questionnaires were returned.

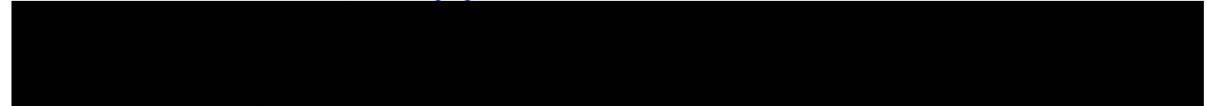
Analysis of Variance (ANOVA) procedures were used to determine any statistically significant effects of independent variables (scenario A/B, high growth/low growth regions, and urban/rural jurisdictions) with respect to dependent variables of fairness, participant satisfaction, efficiency and effectiveness. Qualitative data was also gathered to further gauge perceptions of locally elected officials regarding the two approaches to dispute resolution. The data analysed revealed that both interest-based negotiation and mediator assisted negotiation are perceived to be successful approaches to resolving regional growth strategy disputes. However, results show that rural respondents perceived the mediator-assisted approach to dispute resolution to be the most successful in terms of fairness, participant satisfaction and effectiveness, whereas urban respondents perceived the interest-based dispute resolution approach to be the most successful.

Whether jurisdictions were in a high growth or low growth region had no effect on perceptions. Conflict management training was found to be a significant influence on perceptions of locally elected officials from urban and rural jurisdictions. Also, the key principles of interest-based negotiation and mediation were considered by locally elected officials to be the most successful aspects of the two dispute resolution scenarios.

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CHAPTER 1

INTRODUCTION

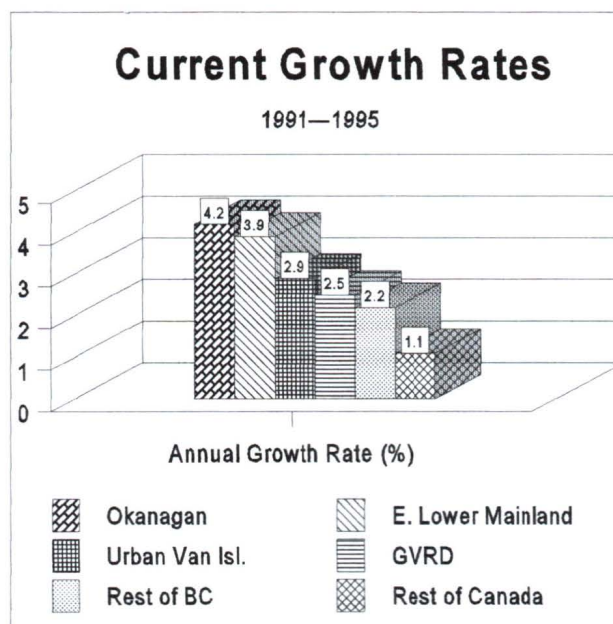
The population of British Columbia is growing rapidly in many areas of the province. High growth areas, such as the Lower Mainland, East and South Vancouver Island, and the Okanagan Valley are experiencing the effects of rapid growth. Growth can be a positive influence as it generates jobs, finances new infrastructure and facilities, and encourages capital investment. However, if rapid growth is not managed effectively, it can result in urban sprawl, crowded transportation networks, diminishing air and water quality, limited water supply, a loss of green space and agricultural land, and increasing housing costs.

These growth trends place increasing pressure on local governments to plan for and service new urban growth. The pressures of rapid population growth, if not managed adequately, can lead to significant physical, economic and social change in a city and region, especially as technological change alters the urban structure. Rapid growth can lead to apprehensiveness about the future livability of communities and put an added financial burden on taxpayers to build or extend municipal and regional services, schools, hospitals and transportation networks to meet the increasing demand in the suburbs.

1.1 Growth and Urban Sprawl

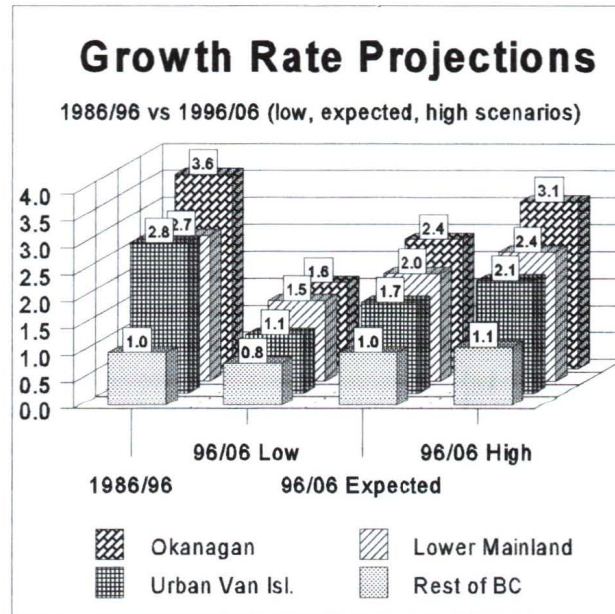
A significant effect of rapid urban population growth is sprawl on the periphery of urban centres. Urban sprawl has resulted in the loss of prime agricultural, recreational and forest lands on the urban-rural fringe. In British Columbia, growth pressures on Greater Vancouver and the eastern Lower Mainland (Fraser Valley), the East Coast of Vancouver Island and the Okanagan Valley are significant. Current growth rates (Figure 1.1) show that these parts of the province are experiencing much higher rates of growth than the rest of British Columbia or Canada. Growth rate projections (Figure 1.2) for 1996 to 2006 show that these trends will likely continue for the next ten years at least.

Figure 1.1: Current growth rates (1991-1995)



Source: BC Statistics, Population Section - 1996

Figure 1.2: Projected growth rates (1996-2006)



Source: BC Statistics, Population Section - 1996

The threat of continued urbanization of farmland and prime recreational land in Greater Vancouver and the Fraser Valley continues with the growing population on a limited land mass. Two-thirds of the population in British Columbia lives in the south-west corner of the province. This area has approximately three percent of the total provincial land mass, and of this only five percent is suitable for agriculture, which is of significant importance in the region. Greater Vancouver is the fastest growing metropolitan area in Canada, growing by approximately 80,000 people a year. The pattern of growth radiates from the city of Vancouver into the rural environs of the Fraser Valley, putting continued pressure on prime agricultural land. “In the past fifteen years the GVRD has used a large share of its developable land. Supply is lower at a time when the region appears to be

facing an expansionary decade” (GVRD, 1990: p. 24). As the GVRD is exhausting its land supply development activity will increasingly occur in the Fraser Valley, an area where agricultural land comprises seventy-seven percent of the land base, much of that in Agricultural Land Reserve (ALR). “As readily developable land is used up, there will be increasing pressure to develop ALR lands” (GVRD, 1990: p. 25).

The Okanagan Valley is a narrow valley dominated by lakes. The valley is a key area for agriculture with tree fruits and grapes the most important crops. The current population of this region is 250,000 which is expected to increase to 400,000 over the next 20 years. Tensions between urban development and agricultural land as well as the upland forest resources is growing, causing further problems with water quality. Agricultural land in the Okanagan has significant residential development values built into current land values. Farmers often do not undertake the necessary reinvestment in their farming operations, leaving the idle land vulnerable to continued urban growth. Krueger and Bryfogle (1971) documented that this tendency to leave agricultural land idle for relatively long periods of time in anticipation of a rise in land values for five large Canadian centres resulted in a significant loss of farmland, while building development only amounted to approximately one-third of the total farmland withdrawn from agricultural use.

The East Coast of Vancouver Island is the largest lowland area on the Island, with the highest concentration of population and several areas of prime agricultural land and

unique forest resources. The population of Vancouver Island has increased by fifty percent, approximately 225,000 people, over the last twenty years to reach about 700,000. Given the continued high growth rates, population forecasts undertaken by BC Statistics, Population Section indicate there will be a further increase of 250,000 over the next twenty-five years. Most of this growth is concentrated along the southern east coast of the Island, with this trend expected to continue.

1.2 The Regional City

The evolving urban settlement pattern in British Columbia's high growth regions as a result of increasing population is broad and complex. The 'regional city' which large metropolitan areas such as Vancouver and Victoria can be classed as, is comprised of four zones: the concentrated city that includes the suburbs, the urban-rural fringe, the urban shadow and the rural hinterland (Russwurm, 1980; Marchand and Charland, 1992). The different zones of the regional city exist as parts of a continuum of urban influence that originates at the core and spreads outward.

The influences of such a city are felt many miles from the core as there are usually urban nodes, or other 'cores', as in a polycentric regional city, like Greater Vancouver, and small clustered settlements in the urban-rural fringe, urban shadow and into the rural hinterland. "Although most population movements are still oriented towards the build-up city core, patterns of flow become more complex as important employment poles and

other activity nodes develop in the more dispersed area of this new form of settlement” (Marchand and Charland, 1992: p. 4).

The polycentric form of urban settlement is a reality for approximately seventy-five percent of Canadian cities (Marchand and Charland, 1992; Bourne, 1996). Such a structure of urban development puts increasing pressure on the urban-rural fringe, a dynamic transition zone where there is a mixture of often conflicting land uses that cause continual tension between political jurisdictions. Local politicians in municipalities and rural areas affected by the outward spread of growth are often in conflict with each other as they are concerned about their individual jurisdictions, and protecting their residents’ quality of life. Many see the coordinated management of growth within the region as a way of addressing this conflict, for example, Scott (1975); Gale, (1992); Bollens (1992); and Hutton (1993). “One of the most significant developments in the advancement of comprehensive land use planning in the United States has been the enactment by some state legislatures of programs designed to foster statewide local or local-regional growth management” (Gale, 1992: p. 425)

1.3 Regional Growth Management Planning

For the purposes of this study growth management is not defined as an effort to stop growth, or even to slow growth. Rather, it is a means by which local or provincial governments can shape the urban form to achieve a balance between protecting natural systems -- land, air and water -- and supporting sustainable residential, commercial and

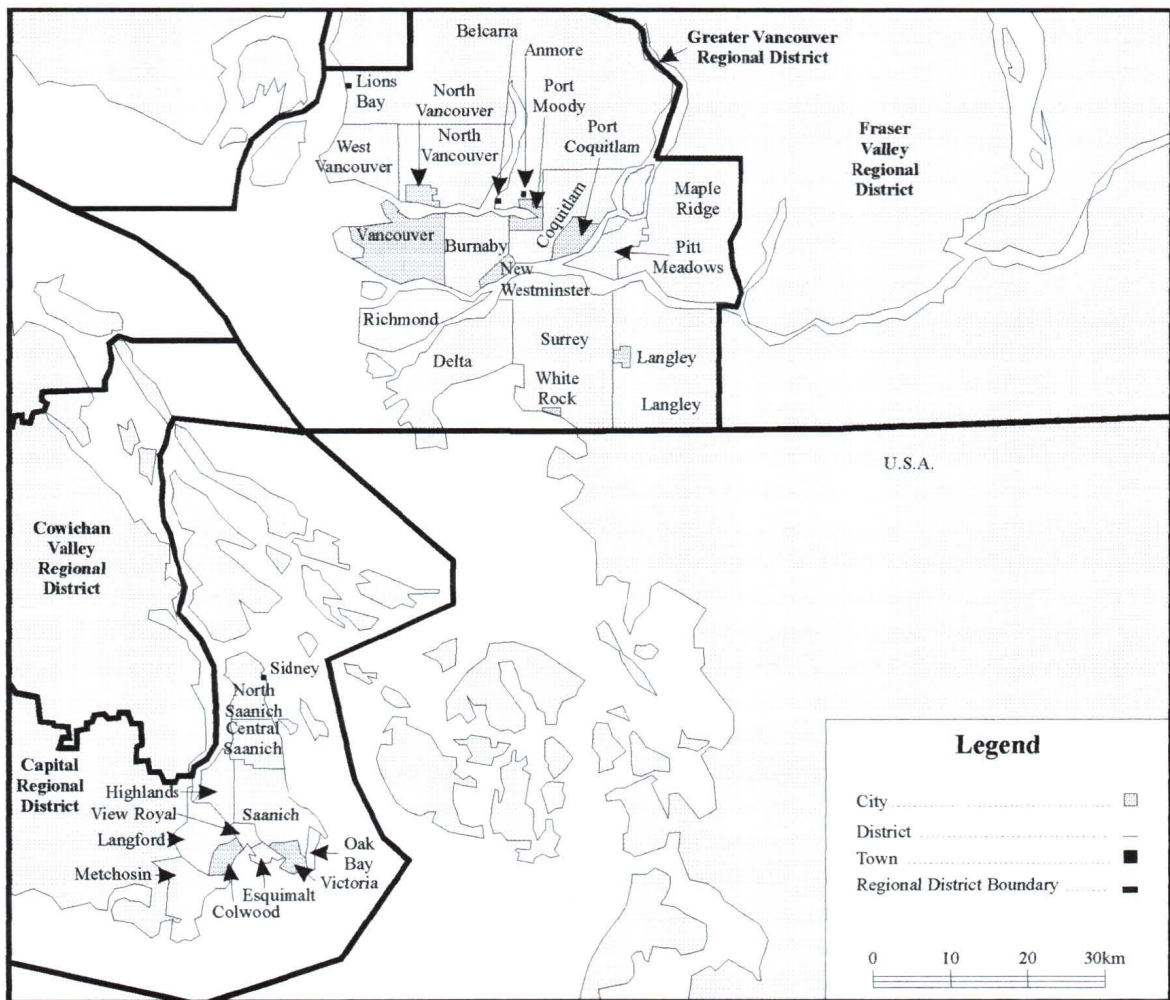
industrial development. The pursuit of a balanced approach to community and regional growth can be thought of as an essential part of good comprehensive planning, and a way to preserve the essential character and quality of life of communities. It is expected that urban areas will continue to grow in many parts of British Columbia, but much can be done by the various levels of government to guide the spatial patterns of growth so as to minimize the negative impacts of such growth.

According to DeGrove (1991), growth management planning requires that planning goals and policies be sufficiently clear and directive to allow progress to be measured. It also requires that the provision of infrastructure be concurrent with the impact of development, limitations be placed on urban sprawl and an emphasis be put on the protection and creation of affordable housing. Finally, consistency within and among plans is typically mandated, expanding both the authority and responsibility of local governments.

Local governments are most directly responsible for the appearance and structure of the local landscape and land use decisions. Planning for population growth on a regional scale is complicated by the fact local governments govern a limited geographic area. Currently, each municipality has its own planning vision. These visions are put into action by the municipality when it enacts land use, zoning and other bylaws. Each municipality usually acts in political isolation from other municipalities. Many urban areas, such as the core of the Capital Regional District and the Greater Vancouver

Regional District, contain several autonomous political and legal communities which, Bergman (1975), likens to a “legal retaining wall”. Figure 1.3 illustrates the continuous boundaries of the municipalities within these two regional districts. Each governmental body may enact policies or impose their own solutions without consulting with each other, which can result in a confusing, disjointed planning map for the region.

Figure 1.3: Map of GVRD and CRD with municipal boundaries highlighted



Source: adapted from Statistics Relating to Regional and Municipal Governments in British Columbia, 1990

In British Columbia municipal and regional district governments often make planning decisions for both urban and rural areas of a region without consulting each other. The geographical consequences of separate political decisions and actions regarding the management of growth could be devastating to the liveability of a region. Porter (1992), Tomalty (1994) and Baldassare et al. (1996) assert that better management of growth and change on a regional scale is required if we want to reduce sprawl and achieve the basic goals of a prosperous economy, a liveable environment, and a harmonious society. “The task at hand is to develop a planning framework with which communities can determine suitable urban form for local conditions and achieve that form through an appropriate development strategy. To achieve this end, a regional growth management framework is proposed...” (Tomalty, 1994: p. 13).

Others, such as Friedmann and Weaver (1979), Cullingworth (1987), and Skaburskis (1993), consider regional planning to be an effective way for separate government jurisdictions to address issues that cross jurisdictional boundaries and have region-wide implications. The scale of growth in urban areas that has been seen over the last number of decades cannot be dealt with by individual municipalities, whose jurisdiction lies within constrained geographical boundaries. Coordinated planning at the broader regional scale can contribute to the effective management of population growth, protection of agricultural, recreational and forested land, reduced traffic congestion, and the more efficient provision of services.

However, cooperative as well as coordinated regional management of growth may be warranted. According to Hodge (1994) regional planning can often create an uneasy alliance between municipalities and regional governments. As municipalities have traditionally had direct control over local land use planning and zoning, any regional foray into the planning realm affecting municipal territory, even at the policy level, is perceived as a threat to a municipality's decision-making power. Consequently, some municipalities are apprehensive about participating in regional growth management planning because there is a perception that such plans could take the control of growth and development away from municipal politicians (Hodge, 1994). Such perception, whether accurate or not, can contribute to inter-jurisdictional conflict.

Given the separate municipal jurisdictions that exist in British Columbia, some model of cooperative regional planning that provides local governments with a framework for addressing regional issues in a coordinated manner is warranted. However, there also has to be a mechanism for resolving conflict that will inevitably emerge as jurisdictions with competing interests and political views continue to grow and shape the urban form.

1.4 Managing conflict in a planning context

Models of regional planning in North America vary. The federal government, the province or state, and regional governments or commissions all have an interest in regional planning. At all levels, a hierarchical model of regional planning is common where decisions are being imposed by an upper-tier of government upon a lower-tier.

Coordination and cooperation regarding regional planning goals is typically not strongly supported. Conflicts that might occur are often addressed through traditional dispute resolution methods. Traditional methods of dispute resolution include political intervention, adjudication through the courts, or a quasi-judicial process, such as arbitration. These operate without the benefit of alternative dispute resolution methods, which emphasize a cooperative problem solving approach such as interest-based negotiation, facilitation or mediation - considered to be better alternatives by Fisher and Ury (1981), Madigan et al. (1990), Condliffe (1991), Mediation Institute (1991) and CORE (1995), among other academics and practitioners.

The traditional method of resolving disputes, which is of particular relevance in a local government environment, is voting, where a majority rules. A typical example of decision making and resolving disputes in a multi-party local government planning process in British Columbia is by a regional district board. Voting strength on the board is roughly proportional to the population of the member municipality or electoral area. Decisions of the board are usually on the basis of a majority of the votes.

Another traditional means of resolving local disputes involves higher government agencies or officials exercising the authority to decide, often imposing a solution that fails to satisfy some, if not all of the disputing parties. Madigan et al. (1990), acknowledge that local public sector disputes can be even more difficult to resolve than internal disputes because they involve more than one governmental decision-maker.

Under extreme conditions another method of dispute resolution is through the court system. Judicial outcomes are not consensual and there is always a winner and a loser. Also, as Madigan et al. (1990) point out, courts generally focus on procedural issues, therefore, the decision made is often on grounds that have little to do with the substantive issues at stake. Finally, court proceedings are typically costly and lengthy, and often viewed as a last resort.

1.5 Alternative dispute resolution: Interest based-negotiation and mediation

Alternative dispute resolution (ADR) models that are based on achieving mutual agreement among those who participate differ significantly from the traditional modes of decision making. Mutual agreement, according to Cormick (1991), assumes that all parties support the decisions reached. This contrasts with traditional procedures such as voting, or where decisions are made by an authoritative figure or adjudicative body making a unilateral decision. In much of the literature, mutual agreement is referred to as “consensus” or “collaborative” decision making (Madigan et al., 1990; Condliffe, 1991; B.C. Roundtable, 1991b; Sloan, 1995; CORE, 1995a)

New process tools for making decisions that emphasize multi-party interest-based negotiation and collaborative decision making have been evolving over the last 5 to 10 years in earnest in BC land use and resource planning. This is supported by the comprehensive document published by the BC Roundtable (1991b) recommending the use of such consensus processes to determine land use, and the CORE (1995) Crown

land use planning process which promoted and utilized interest-based negotiation and mediation. Alternative dispute resolution models are being utilized frequently to resolve conflicts in various arenas such as labour, family and commercial disputes, and more increasingly, resource and land use, instead of traditional methods of dispute resolution.

1.6 New approach to reaching agreement on regional growth management planning

Realizing the need for a new approach to political decision making and dispute resolution to address regional growth management planning, British Columbia enacted legislation, in June, 1995, which introduces an interactive regional planning model. The Growth Strategies Act emphasizes:

- horizontal relations between levels of government; and
- negotiations, mutual agreement and alternative dispute resolution techniques rather than political intervention or adjudication to resolve disputes.

This model was developed to complement the existing local government structure in the province and to help these jurisdictions face the challenge of managing rapid population growth. It also aims to provide local governments with guidance in creating more sustainable forms of urban spatial patterns. It recognizes that the planning activities arising from its implementation will raise issues which will cross geographic and jurisdictional boundaries and which may result in conflicting planning priorities and values.

The Growth Strategies Act aims to acknowledge these potential conflicts and provides a process by which they may be resolved. It maximizes the opportunities for local government to reach agreement quickly and efficiently in the early stages of negotiation by requiring local governments to work closely together on the development of a regional growth strategy and make all efforts to reach agreement, with or without the assistance of a facilitator/mediator whose services are offered as a provision of the legislation.

1.7 Research Objective

Given the fact that the Growth Strategies Act has been in place for just a year, there has been no opportunity to observe a dispute resolution approach that aims to resolve differences between local government jurisdictions on the specific content and policy direction of a regional growth strategy. As noted, the Growth Strategies Act emphasizes the use of facilitation and mediation as alternative dispute resolution processes to resolve disputes that may arise during the development of a regional growth strategy. Therefore, these are likely to be the most widely used processes of dispute resolution among regional districts and municipalities for resolving regional growth strategy issues.

The objective of this research is to evaluate the perceived success of interest-based negotiation compared with mediation as alternative dispute resolution (ADR) approaches to assist municipalities and regional districts in reaching agreement on a regional growth strategy, as required under BC's Growth Strategies Act. The study was designed to test the hypothesis that mediation will be perceived as a more successful method of ADR

than interest-based negotiation for complex, multi-party disputes that may occur during the development of a regional growth strategy. Based on the research to-date, (Madigan et al., 1990; Condliffe, 1991; Sloan, 1995), both interest-based negotiation and mediation are considered to be effective dispute resolution techniques. However, some of the literature considers mediation to be particularly pertinent to multi-party disputes. (Baruch-Bush, 1994; CORE, 1995a; Sloan, 1995). This provided the research opportunity to determine if one approach is perceived to be more successful than the other in a complex multi-party dispute between locally elected politicians negotiating the content of a regional growth strategy. Success will be evaluated by determining the perceptions of locally elected officials regarding fairness, participant satisfaction, efficiency and effectiveness of two dispute resolution scenarios, one employing an interest-based negotiation approach and the other a mediation approach.

In addition to contributing to the literature, it is anticipated that the research findings will also provide guidance to the provincial government, regional districts and municipalities in determining if one method of alternative dispute resolution is better suited than the other for resolving inter-jurisdictional disputes regarding regional growth strategies. Currently, there is little understanding as to the perceptions of locally elected officials towards these two methods of alternative dispute resolution. If perceptions regarding the success of these methods are understood in relation to the spatial distribution of locally elected officials, policy makers at the provincial level can use this information in determining where to focus their resources in implementing the dispute

resolution provisions of the Growth Strategies Act.

Findings should also reveal what aspects of the two dispute resolution processes respondents perceived as the most successful in resolving the differences between participants depicted in the two scenarios, and why. This information will be useful in determining what elements of a dispute resolution process locally elected officials consider key to the successful resolution of a dispute involving various local government politicians.

CHAPTER 2

GEOGRAPHY AND REGIONAL PLANNING

Historically, geography has been considered one of the bases of planning, although there are conflicting views about the extent and nature of geographical contributions to planning and other relevant policy issues (Hall, 1975; Kivell, 1986). Abercrombie (1938), as quoted in Kivell (1986), stated early on in the development of the planning profession that “geography provides a background upon which the plan is prepared, and the foundation upon which the realization of that plan must be based” (p.1). As the relationship between geography and planning matured, Jackson (1967) acknowledged the substantial contribution geographers were making to the planning profession. He stressed that studies undertaken by geographers increased the planner’s understanding of the processes of human/environment interaction that shape the earth. More recently other authors acknowledge the strong linkage between geography and planning, for example, Cullingworth (1987), Bourne (1996), and Cadwallader (1996). “Fundamental to the concept of systems planning is the idea of interaction between two types of systems: the controlling system, represented by planners themselves, and the urban system, which it seeks to control.” (Cadwallader, 1996: p. 361)

Even though many in the geography and planning professions recognize the contribution geography has made to planning there is still a problem in convincing politicians and policy makers that their actions have spatial characteristics and consequences (Kivell,

1986). Depending on the scale of policy development, the spatial impacts of decisions may or may not be seen. Kivell (1986) contends that some policies like regional policy are explicitly spatial, while other policies, such as the effect of interest rates upon house building and urban expansion, have geographical components and consequences that are not always considered. Alexander Murphy (1994) says that “recognition of the complexities of the relationship between law and place is an important task in understanding geographical change” (p. 4).

2.1 Regions and Planning

Geography and regional planning have developed strong linkages over time which can be linked to geography’s concern for regional relationships. Noronha and Goodchild (1992) state that “the concept of the region has traditionally been one of the cornerstones of geographic thought” (p. 86). Early in the twentieth century geographers were consulted in the mediation of political disputes over internal boundaries and to assist countries in their internal reorganization in Europe and the United States (Noronha and Goodchild, 1992). Therefore, the region evolved as spatial differentiation was acknowledged. The early theorists of regional planning such as de la Blache, Mumford, Geddes, and Odum, saw the distinct relations of interdependence between human social relations and the natural environment on a regional scale and the importance of making this connection (Weaver, 1984; Archer, 1993).

The growth of human social relations and their relationship with the immediate natural environment is seen to promote the emergence and continued evolution of social structure adapted to the local natural environment. This emphasizes a unification of social and natural forces--a geographical bond (Archer, 1993). Localized "human-natural interdependencies" come into contact with and establish relationships with other social structures adapted to the local environment to create a mutual interdependence. The creation of a region involves an expansion of social interrelationships where smaller areas evolve into cities which evolve into regions. Archer (1993) sees the region as a single entity with common purposes and common interests: "As transportation and communication links are established humans become unified in larger social organisms" (p. 503).

The most common definition of a region is the functional region, which is based on the premise of "selective spatial interaction". However, there are typically three types of regions defined in the literature:

- (1) **descriptive:** based on physical environment concepts such as the river basin;
- (2) **structural:** based on functional/nodal aspects of a region; and,
- (3) **administrative:** based on political needs.

(Hall, 1970; Friedmann and Weaver, 1979; Lim, 1983; Noronha and Goodchild, 1992)

The structural or 'functional' region is based on social and economic heterogeneity, mutual complementarity, and is predominantly associated with human activity. As

Noronha and Goodchild (1992) state, functional regions are a spatial manifestation of social organization. Regions are based on the interaction of humans in a particular place and time. The essence of the functional region is considered by Noronha and Goodchild (1992) to be a network of social and economic “tendons” that bind smaller spatial units together, not uniformity of characteristics. Friedmann and Weaver (1979) consider functional ties to be based on mutual self-interest. Friedmann (1955; 1956) was one of the major proponents of shifting analysis and planning of the region from the natural ‘descriptive’ region, such as river basin, to city-dominated, functional regions.

Friedmann’s proposal was to link urbanism with regionalism therefore creating an extension of urbanism from the single city to a regional system of cities oriented along functional lines.

The third type of region defined by Lim (1983) is a region for planning-programming purposes. He uses the example of the Tennessee Valley Authority (TVA) to illustrate how a number of areas can be grouped as a region for the purpose of specific planning goals. The area covered by the TVA was grouped together to achieve specific goals such as improved navigability, provision for reforestation and proper use of marginal lands. Lim also suggests that at the metropolitan level a special purpose or general purpose district can be classified as a region defined for the purposes of planning and programming.

2.2 Regional planning

A general definition of regional planning is public sector activities encompassing economic, social and physical elements to formulate and implement appropriate public policy in an geographical area covering more than one existing local jurisdiction (Lim, 1983). A multitude of local governments within one region often creates difficulty in coordinating individual interests and policy decisions in relation to services, infrastructure and land use planning. Krueger (1971), in discussing the need for regional planning in Ontario, stated that “joint action is required to prevent urban development in places that would be a detriment to the whole region...” (p.306).

Regional planning is considered an effective way for separate local jurisdictions to address issues that are significant at the regional level in a coordinated manner (Friedmann and Weaver, 1979; Cullingworth, 1987; Skaburskis, 1993). Various levels of government have an interest in the development of the region. Therefore, regional planning is undertaken by the different levels of government given particular interests. Lim and others such as Self (1982) and Cullingworth (1987) discuss regional planning activities at three levels of governmental hierarchy: the suprastate or federal level, the state or provincial level, and the substate or regional level. Table 2.1 summarizes the three levels of regional planning. “Regional planning has come of age. In country after country, it has become part of the established machinery of government.” (Friedmann and Weaver, 1979: p.1).

At the suprastate or federal level several departments and commissions are usually involved in some type of regional planning. Lim uses the examples of the TVA, the Delaware River Basin Commission and regional economic development commissions in the United States, while Cullingworth discusses regional economic development and housing as examples of regional planning activities that the federal government of Canada has been involved in. At the state or provincial level, examples of regional planning activities include coastal zone management, energy planning, health planning, agricultural land preservation , environmental programs and flood plain control.

Table 2.1: Three levels of regional planning activities

Suprastate\Federal	State\Provincial	Substate\Regional
Tennessee Valley Authority	Coastal zone management	Consolidation of city\county governments <ul style="list-style-type: none"> • 'Unicity' in Winnipeg
Delaware River Basin Commission	Energy planning	Urban county
Regional economic development	Health planning	Two-tier government <ul style="list-style-type: none"> • 'Metro' Toronto
Housing programs	Agricultural land preservation	Regional government <ul style="list-style-type: none"> • Regional Districts in BC • Portland Metropolitan Services District • King County/Metro in Washington State
	Flood plain control	Council of Governments <ul style="list-style-type: none"> • Former Edmonton and Calgary regional planning commissions • Association of Bay Area Governments
	Environmental programs	Special Purpose Districts <ul style="list-style-type: none"> • Grtr. Victoria Water District • New York Port Authority

At the substate or regional level, various approaches to regional planning can be identified. The first is the consolidation of city and county governments. An example in Canada of such consolidations is the creation of 'Unicity' for Winnipeg and the surrounding hinterland. Lim (1983) notes that while the consolidation approach is theoretically attractive, county style governments are often weak and factional interests strong, therefore raising questions about the effectiveness of this approach to regional planning.

A second type of substate planning is the strengthening of existing urban counties by expanding their service responsibilities and by increasing their tax-raising abilities. A third approach is a system of two-tier government. The reasoning behind this approach is that urban areas have a broader need for jurisdictions that can cope with region-wide problems while also needing jurisdictions that are small enough to address community issues. A typical two-tier regional planning structure in Canada is 'Metro' Toronto, where upper-tier plans prevail over lower-tier plans.

A fourth approach is the creation of a regional government. The Portland Metropolitan Services District in Oregon and King County/Metro in Washington are two examples in the United States. Regional districts in British Columbia is a Canadian example. The fifth approach is often referred to as the Council of Governments (COG). COGs are usually formed by voluntary agreements between local governments and are governed by a board of local representatives. As Lim (1983) points out, their functions are limited to

information exchange, cooperation, coordination, technical assistance, and provision of some services. Examples in the United States include the Miami Valley Regional Planning Commission, and the Association of Bay Area Governments, while in Canada the recently abandoned Edmonton and Calgary Regional Planning Commissions are examples. A sixth approach to substate/regional planning is in the form of special purpose districts. These agencies provide specific services to an entire region. An example in Canada is the Greater Victoria Water District, while an American example is the Port Authority in New York and New Jersey.

2.3 Regional planning in British Columbia

Clearly, there are many approaches to regional planning in North America, all with advantages and disadvantages. All involve various jurisdictions with different political views. This can result in a very vulnerable regional planning process, particularly where planning decisions are imposed by an upper-tier of government upon a lower-tier. British Columbia has taken various approaches to regional planning in its history. It has had experience with regional planning for over sixty years during which it has alternated between a voluntary/consensual approach and a more prescriptive approach where regional planning was a provincial requirement and regional decisions prevailed over municipal land use.

In 1925, the Province introduced legislation that allowed for joint sessions of municipal planning commissions so neighbouring jurisdictions could consider problems affecting

them jointly. In the Vancouver area, the various municipal planning commissions created an association to address inter-jurisdictional issues. This legislation did not allow any joint decisions to affect actions by any of the municipal commissions, therefore it had little effect. In 1948, this legislation was replaced by legislation allowing the creation of regional planning boards, again on a voluntary basis. The provision provided the framework for a regional planning board to prepare a plan for the future physical development and improvement of the area within its jurisdiction. By 1964, five regional planning boards had been formed: the Lower Mainland, Capital Region, Greater Nanaimo, South Okanagan and the Thompson Valley. The most successful of the regional planning boards was the Lower Mainland Regional Planning Board, which adopted a regional plan as early as 1966.

In addition to regional planning boards, there were a multitude of other single purpose agencies that existed in British Columbia, such as the water and sewerage and drainage districts. This multitude of single-purpose agencies provided various services and were doing so in a completely uncoordinated and random manner. No agency existed in a region to set the priorities between the various services required or to speak for the region as a whole. In 1965 the regional district concept was introduced to British Columbia. A regional district is a federation of municipalities and electoral areas. A regional district created a common board of management for services which allowed regional districts to evolve into cohesive governmental entities able to address region-wide issues.

After their creation in 1965 regional districts were given the full authority to engage in regional planning. A regional district was required to prepare a regional plan which could be adopted as an 'official' plan by a regional district bylaw. (Ministry of Municipal Affairs, 1979). A regional plan was a general plan without specific detail for the projected uses of land within the regional district. An 'official' regional plan had seniority over any community plan of a member municipality, but only if the community plan would impede the realization of the objectives of the official regional plan.

In the metropolitan areas, particularly Greater Vancouver, some success for planning regionally was achieved because much of the land was not under provincial control and there was a tradition of intermunicipal cooperation, dating back to the voluntary regional planning commission of the 1920's. In non-metropolitan areas the result was very different. Much of the land was Crown owned, therefore, most of the land use decision making was made at the provincial level and much of what constitutes true regional planning was carried on by individual provincial ministries (Lane, 1981). The regional districts had little control over land use decisions and in these regions there was little willingness of adjacent areas to cooperate.

In the 1970's the regional planning system came increasingly under attack as regional districts felt that there was not a strong mandate, and there was little guidance, resources, tools and controls from the province to make the regional planning policies work. In addition, this model of regional planning did not provide a clear definition of regional

interests, nor provide a limit on the scope of planning (Stachelrodt-Crook, 1975). This resulted in a usurping of municipal land use and zoning powers, which municipalities felt was needless interference in the orderly management of development. A major review of regional districts was undertaken in 1977, and in 1983 the regional planning mandate of all regional districts was removed by the Municipal Amendment Act, 1983, with no other planning legislation to replace it. All existing regional plans were cancelled, and the power to control urban land use was exclusively a municipal power again.

After 1983, regional planning became a voluntary and consensual process as it had been prior to 1965. With this consensual model of regional planning, the Lower Mainland has had some success, again largely due to its long history of cooperation. In this region, success was seen as the regional town centre concept, the progress of rapid transit development, and a broad commitment by municipalities in the region to regional strategic planning (Cameron, 1984). However, up until the enactment of the Growth Strategies Statutes in 1995, there was no statutory basis for regional planning that provided: strong leadership and direction, a framework for coordination on cross-jurisdictional issues, and strong links with provincial agencies whose policies and programs impact upon the spatial evolution of cities and regions.

Regional planning needs to be focussed on critical regional issues where there is consensus that regional action is both necessary and likely to be effective. Many regional planning models therefore often emerge as a response to problems caused by the

pressures of large numbers of people on a limited area of land (Hall, 1975; Self, 1982; Cullingworth, 1987; Baldassare and Wilson, 1996). The management of growth and containment of urban sprawl caused by the pressures of large numbers of people on a limited land area has become an important issue for local and provincial governments in British Columbia and jurisdictions throughout Canada and the United States, in the past ten years particularly. Managing growth and planning models devised to address the problems associated with rapid growth, with particular emphasis on the new regional planning model enacted by British Columbia in 1995 will be discussed in Chapter 3.

CHAPTER 3

GROWTH MANAGEMENT AND URBAN SPRAWL

3.1 The need for growth management

The spatial extent of an urban settlement is not consistent with any other. Often the corporate boundary does not represent the physical extent of a city. Cadwallader (1996) and Bourne (1996) believe this leads to underbounded or regional cities (Marchand and Charland (1992), where the jurisdictional boundaries of a city lie within the physical boundaries of the real city, and overbounded cities where the physical city is well within the legal boundaries of it. In both Canada and the United States most cities are underbounded. There is usually a central city like Victoria which is surrounded by suburbs (nodes), smaller rural settlements, and then the undeveloped hinterland.

Cadwallader (1996) discusses the suburbanisation process which began after World War II as the primary mechanism responsible for the evolution of regional cities. As suburbs grew the need for infrastructure and governmental services grew also. Local governments in these suburban areas were then created to meet the needs of these outlying nodes of urban development, and broader regional or county governments were created to assist in the development of the broader region. At this time regional planning was an exercise in spatial development, where the planner's task was to encourage metropolitan development, not try and manage it (Weaver, 1984).

The urbanization and suburbanization of North America has been steadily increasing since World War II, with regional planning becoming more important. Seventy-seven percent of the population in Canada is located in urban areas and its urban geography is becoming more broadly regional, as large urban centres are the focus of economic growth and social interaction (Bourne, 1996). Between 1981 and 1991, large metropolitan regions in Canada, such as Toronto, Montreal and Vancouver, have gained forty-nine percent of the urban growth in Canada, fifty-four percent of all urban and rural out-migrants and over sixty percent of all immigrants. (Marchand and Charland, 1992; Bourne, 1996) This continues to put pressure on metropolitan regions to accommodate these people.

It is recognized that even though the metropolitan share of population has increased, this is offset by a regional decentralization of population and jobs and a deconcentration of functions and population within the urban hierarchy. Movement has largely been to the outer suburban and urban-rural fringes of metropolitan areas, certain medium cities and communities where amenities are abundant (Bourne, 1996). According to Van Den Berg et al. (1987) the functional bonds are strengthened as the growing suburban population continues to depend on the urban centre for jobs, specialized services and facilities.

“With increasing integration of functions, what once was an urban growth pole becomes a functional urban region or an agglomeration, where urban growth continues at an expanded spatial scale” (Van Den Berg, 1987: p.5).

Canadian cities continue to suburbanize and disperse population and employment throughout a broad geographical area. Over the last decade, the population of Canadian urban areas has grown by an average of 14.5 percent, while their physical size has grown by over thirty percent. Bourne (1996) notes that over this same time period local political boundaries have changed very little. By 1991, over fifty-six percent of the Canadian population, sixty percent of urban land, and fifty percent of jobs was considered suburban. The continuing trend is also for the population density of urban/suburban areas to decline. Such trends puts increasing pressure on the urban/rural fringe and encourages urban sprawl.

3.2 Urban sprawl

Rapid population growth and the continued decline in population density in urban/suburban areas has a pronounced effect on the form and structure that these areas assume. Urban sprawl refers to the expansion around cities where there is always a zone of land in the process of being converted from rural to urban use. Cullingworth (1987) refers to the urban/rural fringe as “an area both in transition and in anticipation of transition” (p. 213). Krueger (1971) contends that in the rapidly urbanizing areas of Ontario, as urban growth spreads out into the rural townships, the central city has a tendency to lose control over the form and pattern of suburban growth. In addition, he found that the rural townships and villages and towns are not usually adequately prepared to handle the problems resulting from rapid urbanisation. The result is then “a haphazard and disorderly urban sprawl that is uneconomic to service, and socially deficient”(p.306).

Traditional patterns of land use in contemporary cities in Canada and the United States continue to encourage urban sprawl. Alonso (1964; 1971) developed a theory of urban land use and land value, based on Von Thunen's agricultural land use theory, that attempted to explain urban structure through the urban land market. This theory links land use and urban rent patterns and bases the process of allocation on competition where each site is occupied by the highest and best use. Therefore, whatever type of land use can get the most utility from a site and is willing to pay for it will be the one to occupy it. This results in the most economically efficient use of land. Cadwallader (1996) analyses the bid-rent curve and associated land use pattern in terms of three major types of urban land use: retail, industrial and residential. He ascertains that retailing has the steepest bid-rent curve, considering its sensitivities to accessibility, therefore it is typically centrally located. However, given the link between high profits and high rent in the central city, and low profits at the edge of the city where the rent is low, retailers are usually indifferent as to their location on the curve.

The industrial bid-rent curve decreases with distance from the city centre, but not as fast as that for the retail sector. As accessibility is not as important a consideration in locating operations since many of its products are sold elsewhere, industry does not consider location to be as critical. The bid-rent curve for residential use decreases significantly with distance from the city centre. The advantage of residing close to the centre and work is not important enough for residential land use to 'outbid' retailing or industry. As the land closer to the centre of the city has to be used more intensively

because of the higher capital cost, the residential development found here is of a higher density than that found further from the core.

In relation to bid-rent curves, land values then decrease with increasing distance from the central city. Garner (1967) states that “as an outgrowth of the highest and best uses, an orderly pattern of land use results in which rents throughout the systems are maximized and all activities are optimally located” (p.336).

In addition to monocentric cities, recent research noted by Cadwallader (1996) has placed polycentric cities within the same theoretical structure of urban land use theory. This is a valuable notion considering the increasing development of polycentric cities within North America, for example, Greater Vancouver with its emphasis on regional town centres (Figure 3.1). Each subcentre would generate its own set of concentric land use zones. However, the land use pattern of such cities would be fragmented, as the zones around each subcentre would intersect with each other.

As noted previously, the problem of urban sprawl is associated with the efficient utilization of land which emphasizes highest and best use economically. Three forms of sprawl discussed by Sargent (1976) and Cadwallader (1996) continue to be representative of the settlement patterns of urban areas today. The first is low-density continuous development that surrounds cities. The second is ribbon development characterized by segments of development extending on various axis from the city. The

third is often referred to as leapfrog sprawl, characterized by discontinuous patches of urban development. All forms act as a catalyst to create a lower-density, sprawling complex of urban form and settlement. As illustrated in Figure 3.1, Greater Vancouver exhibits an urban form shaped by both ribbon development and leapfrog sprawl. Sprawl is facilitated by different administrative policies and land use zoning regulations of different local government jurisdictions. Typically, there are looser building regulations and lower taxation rates in rural areas as opposed to urban areas, which encourages the development of land on the urban-rural fringe. Land speculation also leads to sprawl as land values on the edge of an expanding urban area are typically less than within the urban area. Looser building and land use regulations, lower taxes and land use speculation lead to patterns of low-density continuous sprawl and leapfrog sprawl, the pattern of which is largely dependent on where developers hold large tracts of land.

In regions like Greater Vancouver and the Okanagan there are several catalysts for sprawl. One associated with leapfrog development is the existence of the Agricultural Land Reserve (ALR). The Agricultural Land Commission was established by the provincial government in 1973 with the express purpose of preserving agricultural land through Agricultural Land Reserves. However, while protecting valuable farmland, the ALR promotes leapfrog development where population growth is high and more marginal agricultural land beyond the ALR is available for development. Extensive transportation networks and cheap personal transportation are also catalysts of sprawl. In the Greater Vancouver region between 1985 and 1992, the population grew by

Livable Region Strategic Plan



- | | | | | |
|------------------------|-------------------------------------|--------------------------------------|--|---|
| Metropolitan Core | Green Zone Areas | Agricultural Lands in the Green Zone | Existing SkyTrain/SeaBus | Regional Roads Connections and Goods Movement |
| Regional Town Centres | Growth Concentration Area | | Intermediate Capacity Transit System (Light Rail/Busway) | New or Upgraded Inter-Regional Highway Connection |
| Municipal Town Centres | Urban Areas | | Bus Lane/Priority; High Occupancy Vehicle Facility | Commuter Rail |
| | Areas Under Municipal Consideration | | | |

Figure 3.1: Greater Vancouver's regional and municipal town centres

Source: Livable Region Strategic Plan, Greater Vancouver Regional District, 1995; p. 16

twenty-one percent while the number of vehicle trips increased by forty-two percent. Continued highway development generates ribbon-type sprawl beyond the edge of cities. The location of large shopping centres in outlying areas, where the land is cheaper than closer to the urban core and there is convenient highway access, also acts as a catalyst for a sprawling urban form.

Another important contributor to urban sprawl is our continued penchant for low-density living. North Americans continue to strive for a detached house surrounded by an expanse of green, and we continue to move farther and farther from the urban core to achieve this. A U.S. Federal National Mortgage Association poll reported by Downs (1994), found that seventy-three percent of Americans preferred a single-family detached home with a yard. Continued urban sprawl has changed the urban structure from a monocentric model to a dispersed polycentric urban form, such as Greater Vancouver. Housing, jobs, shopping and other activities are scattered across a large geographical area and long automobile trips are often required to connect them. Such a settlement pattern imposes a large cost on all of us, whether we live in an urban, suburban or rural area.

The impacts of rapid growth and sprawl cannot be contained within any one municipality. Consequently, the problems spill over into other municipalities and the rural unincorporated areas of a region. Although more and more people are moving to suburban and rural areas, they often still commute to work in another municipality. Thus, access between and among the various nodes is expected to increase and the effective service areas of each node to spread. In the Greater Vancouver region, various 'regional

town centres' such as Burnaby Metrotown, Downtown New Westminster, Whalley, Coquitlam Centre, Lonsdale and Richmond Centre are becoming the focus of increased job creation and housing.

3.3 Planning for growth

The different levels of government, particularly provincial/state and local/regional, are increasingly focusing on the minimization of urban sprawl and the other problems associated with rapid population growth, through the development of laws, policies and regulation aimed at growth management.

The term “growth management” first appeared in the literature in a significant way in the Urban Land Institute’s publication of a collection of readings, Management and Control of Growth (Scott, 1975). The term was originally used to mean rigid growth control, especially no-growth or slow-growth programs associated with California cities and counties. During the last 20 years, the term growth management has evolved to mean something very different. Growth management is now synonymous with a commitment to plan carefully for the growth that comes to an area so as to achieve a responsible balance between the protection of natural systems and the development required to support growth. It tries to balance development and the infrastructure needed to support the impacts of development, including such things as roads, schools, water, sewer, drainage, solid waste, and parks and recreation. Growth management is closely linked to the desire of people to achieve “quality of life”. People want livable communities where

they feel safe, are close to work, parks, schools and community services, have access to affordable housing and are provided transportation options.

The major influence on moving the concept of growth management from a close identification with no-growth or slow-growth movements toward a commitment to plan carefully for growth has been a series of state initiatives that evolved during the 1980s in the United States, and that are continuing in the 1990s throughout the United States and Canada. Current growth management initiatives focus on the concern for protecting the environment, especially agricultural and forest lands, environmentally sensitive rural areas, and green areas and open spaces in both rural and urban settings. In addition, recent initiatives focus on concerns such as: keeping abreast of infrastructure needs as development occurs; properly balancing development and environmental protection; and promoting economic development, where that is needed, through positive efforts. These growth management initiatives also emphasize mandated plans, and implementation strategies. In addition, there is a strong focus on minimizing urban sprawl and creating more affordable housing.

Strong growth management policies can play a significant role in enhancing the capacity of cities to address their changing structure due to the challenges of population growth to more sustainable forms of development through careful planning. Thomas A. Hutton (1993) contends that a strong growth management policy can assist cities in their

adjustment to long-term sustainability, in the following ways:

- “(1) Enhancing a community’s resilience both to short-term, cyclical ‘shocks’, and to the more protracted stresses which inevitably accompany structural change;
- (2) Ensuring that growth is compatible within (defined) ecological limits, both in terms of the immediate urban environment, and also the broader regional setting within which cities grow and develop; and,
- (3) Providing a comprehensive framework within which all strategic policy fields (land use, transportation, employment policies, etc.) can be coordinated.”

(Hutton, 1993,
p.12)

In the United States, approximately thirteen states have enacted intergovernmental growth management legislation while in Canada three provinces have taken the initiative to varying degrees.

According to Bollens (1992) the involvement of the state or province in local government growth policy is aimed at addressing regional growth problems, encouraging efficient growth and development, planning more efficiently for utilities and infrastructure, and the protection of natural resources such as water, agricultural land, forests and parkland. Scott Bollens (1992) has attempted to define the many growth management initiatives which are emerging in North America. He identified three distinctive approaches: *State preemptive planning* that involves direct state action to plan and zone land; *conjoint planning* that focuses on mandating local plans to be consistent with state goals with an emphasis on penalties to ensure consistency; and, *co-operative planning* that emphasizes “carrots” (incentives) as opposed to “sticks” (penalties and sanctions). This approach relies heavily on a “cross acceptance” and

intergovernmental negotiation process to ensure consistency between levels of government. Over the past two decades there has been a definite shift from the preemptive regulatory models to the cooperative and conjoint planning (collaborative) models.

Dennis Gale (1992) also studied the various state enacted laws requiring or encouraging local governments to prepare comprehensive growth management programs consistent with specific state criteria. He identified four models of planning: state dominant; regional-local cooperative, state-local negotiated, and fusion.

The state dominant growth management models all have mandatory local or local and regional plan preparation in common. In addition, all can impose strong sanctions on planning bodies that fail to submit a plan, that submit a plan not meeting state standards, or a plan that simply does not comply with program requirements. This model is a very strong hierarchical model where the state maintains ultimate authority through set standards and criteria and review or approval of local and regional plans. Gale identifies Oregon, Florida, Maine and Rhode Island as the four state-dominant programs. Of these four state dominant models, only Florida and Maine either allow or provide for, on an ad hoc basis, mediation as a method of resolving inter-jurisdictional disputes, prior to state approval of growth management plans. Oregon and Rhode Island provide for any plans not approved by the state to be appealed to a land use or plan appeals board.

Ontario has a top-down planning system that could be categorized as a state dominant model. The provincial government prepares provincial policy statements and assumes a direct role in major planning issues, for example, the creation of the Office for Greater Toronto Area (OGTA) under the Ministry of Municipal Affairs and Housing. The OGTA undertakes overall coordination for planning in the Greater Toronto Area which consists of five regional municipalities and thirty municipalities, and ensures consistency between local plans. Plans must be approved by the Province, and upper-tier regional plans prevail over municipal plans. The Ontario Municipal Board (OMB) hears planning appeals from local governments and the Province and makes binding decisions. Alternative dispute resolution processes to address interjurisdictional disputes are encouraged by the Province through the Office of the Provincial Facilitator.

The State of Maryland enacted a comprehensive Planning Act (1992) that addresses the management of growth. This model of growth management planning could be categorized, using Gale's categories, as a state-dominated model. The State has a set growth policy that local governments must follow in preparing their local plans, with required elements for key areas of state interest. Consistency is also required when local governments are making zoning and land use decisions. There is no provision for cross-acceptance between local or state jurisdictions, however, a State Committee was established to hear about issues of an inter-jurisdictional nature.

The Province of Manitoba has developed a Capital Region Strategy (1996) to address growth and development for the Greater Winnipeg region. This is another example of

Gale's state-dominated model. The goals, objectives and policies are set by the Province, but local governments working together with the Province and the public is emphasized. Municipalities have to define inter-municipal cooperation policies in municipal and district development plans. Consistency is required between provincial, district and municipal development plans and policies. A Capital Region Committee consisting of provincial cabinet ministers and local government mayors review the Strategy continuously, act as a forum for the identification and discussion of regional issues, and identifying approaches to resolving regional concerns and implementing solutions.

Growth management planning models in Georgia and Vermont, where the state has a less decisive role in growth management than the state-dominant model, are categorized by Gale as regional-local cooperative models. In both states plan preparation is voluntary, the reviewing body (region or state) is limited to a review and comment function, and consistency requirements are less demanding on local governments. The key element in this model is that planning is a bottom-up process, moving from lower levels to higher levels of government in a cumulative manner, with considerable discretion left to negotiation between local and regional bodies.

The third model of growth management planning identified by Gale is the state-local negotiated model, which provides the state with a primary role in the planning process. In this model, which Gale has identified New Jersey as the only example, the state prepares plans for its planning areas which reflect key state interests and then county and local governments prepare their plans on a voluntary basis. A cross-acceptance process

is then employed to bring consistency between the state, county and local governments. The cross-acceptance process provides the framework for resolving differences among all levels of government before decisions are made.

Washington State, has what Gale refers to as a fusion (hybrid) model of growth management planning that borrows elements from the other identified models. This model, enacted in 1990, mandates the preparation of growth management plans at the county and local government level, but only for rapidly growth jurisdictions. The state does not prepare a master plan and there is no significant role for state planners in the county-local government negotiation process. The state also only has a review and comment role for county and local government plans. Consistency is required between the approved plan and local zoning and land use ordinances. Washington State has a system of growth management hearing boards that hear disputes between jurisdictions on the plan, and impose decisions on the parties. The State encourages the resolution of differences between jurisdictions before they become so entrenched that they have to be resolved by a Growth Management Hearing Board. The Growth Management Hearing Boards have recently expanded their role to include mediation of disputes at the request of parties in dispute.

British Columbia, under the Growth Strategies Act (GSA), now has a growth management planning model similar to the 'fusion' model defined by Gale. The Washington State growth management planning model had a significant influence on the development of the GSA, although British Columbia developed a model that meets the

unique local government structure in the province, where regional districts and municipalities are not considered upper- and lower-tier governments, but rather a federation of municipalities. In addition, community planning is very strong in British Columbia and the Province wanted to create a regional planning system that worked as close to the local level as possible.

The GSA does not mandate the preparation of regional growth strategies, but allows for Cabinet to require the preparation of a strategy if the conditions of a region warrant it, for example, a significant change in population, its economic development or an aspect of growth or development that involves coordination between local governments or affects more than one local government. The Province does not prepare a master plan nor does it have a review or approval function. The Province does provide a set of provincial goals which regional districts and municipalities should work towards in the preparation of their strategy, but they are not requirements. Consistency is required between a regional growth strategy and municipal plans. However, in the preparation of a regional growth strategy a regional district and its member municipalities are treated as equals, and there is a cross-acceptance process to ensure agreement on the strategy. There is a strong emphasis on alternative dispute resolution through negotiation, facilitation and mediation, but if a dispute cannot be resolved through such approaches, those in dispute can be required by the Minister of Municipal Affairs and Housing to have the dispute resolved for them through one of three methods of arbitration.

As Bollens (1992) did in his study, Gale noted a shift over time towards more collaborative growth management planning models incorporating regional variations, inter-governmental negotiation, alternative dispute resolution and strong local participation.

3.4 Hierarchical and integrative models of growth management planning

These models provide the context for understanding growth management planning systems currently in use within North America. Given the focus in this study on the resolution of differences between local government jurisdictions regarding the content of growth management plans, the most telling discriminator of a growth management planning model is whether it is a hierarchical model or an interactive model (Table 3.1)

There are a number of key elements in these planning models that are significant in relation to inter-jurisdictional relationships and dispute resolution. Hierarchical planning models emphasize: vertical relations between levels of government; plan approvals by the upper levels; little incentive for the resolution of disputes; and, strong tests of consistency between levels. Conversely, interactive planning models emphasize: horizontal relations between levels of government; negotiation between levels of government on plans rather than approvals; and alternative dispute resolution techniques (Paget, 1995).

Table 3.1: Comparison of Hierarchical and Interactive Planning Models

PLANNING MODEL	KEY FEATURES
Hierarchical	<ul style="list-style-type: none"> • direct legislation • explicit and strong state goals and mandates • superior-subordinate relations between levels of plans • plan approvals by upper levels • strong tests of consistency between plans • strong and explicit sanctions for non-performance
Interactive	<ul style="list-style-type: none"> • enabling legislation • implicit and weaker state goals and mandates • equitable or horizontal relations between levels of plans • negotiation between levels on plans rather than approvals • dispute resolution through mediation and limited arbitration • emphasis on incentives rather than sanctions or penalties

British Columbia's GSA (enacted by the Legislature as Bill 11 in 1995) is a good example of an interactive planning model. The basic premise of this legislation is that regional plans and municipal plans have a horizontal rather than vertical relationship. The underlying principle upon which the model is developed is cooperation and collaborative decision making. Each jurisdiction has the responsibility for fulfilling its own authorities and responsibilities and the regional growth strategy provides the means for coordinating them. The legislation focuses on critical regional interests or matters which out of necessity must be managed at the regional scale. (Ministry of Municipal Affairs (1994, 1995).

Growth management planning models can help manage urban growth and facilitate coordination among local government jurisdictions and the provincial government. Innes

(1992) considers coordination and consensus decision making key elements of a strong growth management model, supported by an effective interest-based negotiation and dispute resolution framework.

During the consultative phase of developing the GSA in British Columbia, a set of nine principles were established that reflect what local governments and others in British Columbia believe was the direction the government should take in developing its growth management model (Table 3.2).

Two of the principles encompass the belief that coordination, compatibility and the resolution of differences are required elements of an effective model. The first is that an interactive system where participating local governments have the responsibility to identify mutual issues and goals should lead to a higher level of understanding, and a greater commitment to achieve a mutually agreeable outcome and avoid unresolvable disputes. The second maintains that if an interactive planning system is to be effective it must ensure that disputes that do arise between jurisdictions are resolved quickly and fairly, while still encouraging their resolution by the parties themselves (Ministry of Municipal Affairs, 1994).

Clearly, the trend is increasingly towards growth management planning models that emphasize local “buy-in” to the process, on-going involvement and political commitment, at the municipal, regional and provincial levels of government, and an emphasis on negotiation and alternative methods of dispute resolution. In support of

Table 3.2: Growth Strategies Act Principles

GROWTH STRATEGIES ACT PRINCIPLES	
1. No new institutions	Use existing structures rather than create new super institutions or a new level of government.
2. Voluntary participation... most of the time	Region-wide strategies should be voluntary because planning works best when there is buy-in, unless Cabinet determines there are extreme conditions
3. Compatibility... a bias toward agreement	Interactive planning system gives municipal Official Community Plans and regional growth strategies equal weight. Decisions should be made as close to the local level as possible.
4. Dispute resolution... as a last resort	To be effective the planning process has provide for resolving differences Provide the opportunity to negotiate collaborative solutions, but need a mechanism to ensure closure.
5. Broad based consultation... early and often	Everyone who has to live with the outcome should have a say in the development of plans early and on-going consultation process.
6. Regional diversity/regional flexibility	The system must be flexible to accommodate regional diversity as every region in B.C. is different in economy, geography, objectives and issues.
7. Provincial direction and support	The provincial government should make its expectations clear by providing general goals and provincial policy guidelines.
8. Early provincial involvement	Provincial ministries and agencies should be involved early and continuously.
9. Provincial commitment	The Province should be guided by regional strategies, through entering into partnership agreements with local governments.

this trend continuing, Henry Diamond and Patrick Noonan (1996), in their research that examined land use practices and trends over the past two decades, determined a 10-point agenda for action in the twenty-first century that includes the need to focus on the resolution of land use disputes through negotiation or mediation rather than through traditional methods such as confrontation and litigation.

Given this continuing trend towards the cooperative planning models for the management of growth and the resolution of land use disputes through negotiation or mediation rather than through more confrontational methods, there is an opportunity to study the resolution of disputes on growth management issues utilizing alternative dispute resolution processes. Chapter 4 provides a discussion of alternative dispute resolution and particularly, interest-based negotiation and mediation, since these two methods of dispute resolution are the focus of this study.

CHAPTER 4

NEGOTIATION AND DISPUTE RESOLUTION

Approaches to dispute resolution which allow parties to resolve their own differences are becoming increasingly important in settling environmental, land-use and planning disputes and are viewed largely as an essential element of collaborative decision-making models. (Bingham, 1987; B.C. Roundtable, 1991b; Cormick, 1991; Innes, 1992; Province of Ontario, 1993; CORE, 1995). In the broadest definition, alternative dispute resolution (ADR) processes include some form of consensus-building, joint problem solving, negotiation or neutral third-party intervention to assist or resolve the dispute. The most commonly referenced and utilized ADR processes include negotiation, facilitation, mediation and arbitration. However, arbitration is viewed differently from facilitation and mediation, as the ownership of the decision-making process moves from the parties in dispute to a neutral third party who makes a decision based on the facts and evidence and not negotiation.

The reason more and more individuals and governments are turning to ADR processes to resolve disputes in a variety of circumstances is a dissatisfaction with more traditional decision-making processes. Gail Bingham (1987), considers the primary complaint to be the frequent inability of traditional decision-making processes to deal satisfactorily with the real issues in dispute. Parties care also about the process--how much they will be able to influence the decision, the fairness of the process and its efficiency, and the ability to negotiate as equals. In addition, to the degree that the parties have or wish to

have a continuing relationship, they care about the quality of that relationship and their ability to communicate with one another (Pruitt, 1987; Fraser, 1990).

In interjurisdictional disputes, such as those that will arise through the regional growth strategy development process, fairness, efficiency, effectiveness and the need to maintain a working relationship are of the utmost importance (Bingham, 1987). Ensuring “buy-in” to the process, where all agree to participate and work towards agreement, also appears to be an important factor in the successful resolution of interjurisdictional disputes (Arthur, 1995). ADR processes allow broader attention to the real issues in dispute because the parties set the agenda and because they decide what the terms of the agreement will be. “The first and most simple measure of how successful these processes have been in resolving the issues is how often agreements have been reached” (Bingham, 1987: p.42). Bingham (1987), Pruitt (1987), and Fraser (1990) also agree that if the parties have voluntarily agreed to a decision, they are more likely to be satisfied with it and, therefore, they are more likely to implement it.

4.1 Negotiation

The basis for reaching agreement on any issue is negotiation. Negotiation occurs when two or more parties enter into a direct exchange in an attempt to find some resolution to their actual or potential differences or conflict. Negotiation is a form of shared decision-making where those involved agree to seek an outcome acceptable to all. Negotiation, according to Gifford (1989), is distinguished from adjudication because the parties

themselves, not someone else, determine the result and they must consent to the outcome for it to be operative.

Shared decision making moves away from the standard democratic process of decision by majority vote or rulings of an elected leadership typified by local government structure. Voting is replaced by a search for mutual accommodation of interests. Minority interests are not submerged by majority ones but become important subjects for resolution. The group agrees to seek solutions that are satisfactory to all parties, through invention of alternatives and negotiation of working compromises among competing interests, with or without the assistance of a neutral third party, such as a facilitator or mediator. Cormick (1990) refers to negotiation as shared decision making on a defined set of issues for a specified period of time.

4.2 Interest-based Negotiation

The traditional method of negotiation is for each party to determine their own objectives and their “position” -- how the differences can be resolved to ideally satisfy their objectives. As negotiations continue positions often become entrenched and parties come to an impasse, where further negotiation is unlikely and arbitration or court action is a likely alternative to resolving the dispute. Susskind (1987) contends that with positional bargaining there is little opportunity to explore joint gains. Under this system of negotiating those who suggest a cooperative strategy could be at a disadvantage. For example, some parties may assume that an offer to cooperate is evidence of a weak bargaining position, and could also be interpreted as a lack of commitment to one’s

position. Susskind (1987), Fisher and Ury (1981), Pruitt (1987) and others are strong proponents of changing the context in which disputes are addressed, and creating environments where joint problem solving is rewarded. Interest based negotiation is proposed as an effective alternative to positional negotiation by Susskind (1992), and Fisher and Ury (1981) for a range of disputes, including land use and environmental issues. Interest-based negotiation, according to CORE (1995b), is particularly effective in public policy disputes. Public policy disputes are the types of dispute likely to occur when municipalities and regional districts are negotiating on the content of a regional growth strategy.

Fisher and Ury in “Getting to Yes” (1981) were two of the first proponents of interest-based negotiation as a way to reach an effective agreement in a joint problem solving environment. Fisher and Ury (1981) developed a method of negotiation designed to produce wise outcomes efficiently and amicably, as an alternative to positional bargaining. This approach concentrates on four key points, each dealing with a basic element of negotiation and what can be done about it. These four key principles are summarized in Table 4.1.

The first is *separate the people from the problem*. Because we are emotional beings who often have very different perceptions and have difficulty communicating, emotions usually become inseparable from the objective merits of the problem during negotiations.

Table 4.1: Key Principles of Interest-Based Negotiation

Separate the People From the Problem	Focus on Interests, Not Positions	Invent Options for Mutual Gain	Insist on Objective Criteria
<ul style="list-style-type: none"> • understand others' points of view • don't blame others for your problem • discuss each other's perceptions • make proposals consistent with other's values • make emotions explicit and acknowledge them • allow others to let off steam • don't react to emotional outbursts • listen actively and acknowledge what's being said • speak to be understood 	<ul style="list-style-type: none"> • realize each side has multiple interests • look for concerns which motivate people • talk about your interests in specific terms • acknowledge their interests • talk about what you want to happen in the future • be concrete but flexible • be hard on the problem, soft on the people 	<ul style="list-style-type: none"> • invent options first by brainstorming • broaden your options by looking at the specific and the general • look through eyes of different experts • invent options of different strengths • identify shared interests • dovetail differing interests • do what you can to make the others' decision easy for them 	<ul style="list-style-type: none"> • develop fair standards and procedures • frame each issue as a joint search for objective criteria • reason and be open to reason as to which standards are appropriate • never yield to pressure, only to principle

By taking positions this is intensified because people's personalities become identified with their positions. The key is for people to see themselves working together on a common problem not attacking each other. Participants are encouraged to develop an understanding of others but not get personal when conflict emerges, to remain task-oriented, respect differences, and manage their own emotions.

The second point is *focus on interests, not positions*. Since focusing on positions and compromising between them is not likely to result in an outcome which will effectively meet the parties underlying interests and needs, Fisher and Ury emphasize negotiations that focus on interests. Focusing on positions creates a wall that obscures what a person

really wants. Focusing on interests and asking open questions allows people to express what their real concerns, needs, fears, hopes and desires are in relation to the problem.

The third point is *invent options for mutual gain*, before trying to reach agreement. The premise here is to set aside time during negotiations within which to discuss a wide range of possible solutions that advance mutual interests and reconcile differing interests.

Negotiators will look for solutions only after the issues and the interests underlying them have been fully explored. Creative solutions can arise from a common evaluation of the variety of options with integrative potential that have been generated. The attempt is to avoid the problems of narrowed vision, lack of creativity and the pressure to find the one right solution where there is so much at stake.

The fourth point of Fisher and Ury's interest-based negotiation theory is *insist on objective criteria*. Often in positional bargaining, a person can obtain a favourable outcome by being stubborn and uncompromising. By requiring that the agreement must meet some fair standard agreed to by all negotiating, no one would have to give in to another. Instead, all can defer to a fair solution that meets the objective criteria.

When decisions are made through interest-based negotiation, negotiators depart from the adversarial model of dispute resolution found in positional bargaining. In the interest-based model of dispute resolution it is no longer acceptable for negotiators to be content obtaining progress for themselves. The goal is the joint and convergent progress of all those at the negotiating table towards an outcome that accommodates the underlying

interests of all concerned. The shift is from an outcome where you have winners and losers to an outcome where all win.

4.3 Assisted Negotiation: Facilitation & Mediation

Facilitation refers to the task of managing discussions in a joint negotiation session, or what Fraser (1990) refers to as being a “steward of the process”. A facilitator keeps discussions on track but does not usually assist in finding a settlement between parties on an issue where agreement is required. In practice, the facilitator must maintain neutrality with regards to the substantive issues under discussion and in this respect is independent of instructions from any parties other than the group negotiating at the table once negotiations have begun. In some circumstances a facilitator is asked to assist parties in finding mutually acceptable solutions to an issue in dispute. This would take a facilitator into the realm of mediation. The line between facilitation and mediation is becoming more blurred as these processes are utilized more frequently, according to Cormick (1995) and Sloan (1995).

Where the role of facilitator evolves into that of mediator, the person becomes involved in the matters of substance, but only in the role of go-between among the negotiating parties and for the purpose of achieving mutual understanding and agreements.

Christopher Moore (1986) describes a mediator as someone who assists disputing parties in voluntarily reaching their own mutually acceptable settlement of issues in dispute, but who has no authoritative decision-making power. This characteristic distinguishes a mediator from an arbiter or judge, who is required to make a decision for the parties.

The goals of a judicial decision is not reconciliation but a decision determining which of the parties is right.

The mediator works to reconcile competing interests of the parties in dispute, and Cormick (1991), contends that even the most long-standing and difficult disputes can be resolved utilizing mediation techniques. The goal is to assist parties in examining the future and their interests, and negotiating an agreement that is mutually satisfactory and meets their standards of fairness. As the mediator has no decision-making power the parties are more likely to seek mediation in order to resolve a dispute because they can retain ultimate decision-making power; as opposed to other alternatives, like arbitration, where parties lose their decision making authority.

Madigan et al. (1990) have identified five elements common to mediated negotiation efforts:

- (1) Parties in dispute meet face to face to participate in negotiations.
- (2) A neutral mediator or facilitator tries to improve communication between parties.
- (3) Parties are encouraged to explore and understand each other's underlying interests with regards to the dispute.
- (4) Parties reach a mutually agreeable solution to the dispute.
- (5) Negotiations are designed to be collaborative, not adversarial.

Most of the same elements are common to interest-based negotiations. The key difference in mediation is the existence of a neutral mediator who manages negotiations

and assists parties in communicating effectively and reaching a mutually acceptable agreement.

Madigan et al. (1990) are proponents of an interest-based approach to negotiations, but concede that it is often difficult for parties with differing interests involved in complex disputes to resolve their differences without the assistance of a neutral. Susskind (1987) has established three preconditions for the success of unassisted negotiations, where there is no neutral to help manage the process of negotiating. Without the existence of these preconditions, assisted negotiation is often necessary. The preconditions are:

- (1) the issues in dispute, and the number of parties participating in the negotiations, should be relatively few and easily identified;
- (2) the parties to the negotiation must be able to communicate with each other effectively enough to allow joint problem solving; and
- (3) the uncertainty surrounding the outcome of individual action must be quite high for all parties

Other researchers agree that mediation can help parties to resolve differences where communication between parties is poor; parties have become intensely emotional about the conflict and this results in barriers to discussion and settlement; there are misperceptions, stereotypes, or perceived value differences hindering productive exchanges; and, multiple issues are in dispute and parties cannot agree on the procedure for addressing them (Nolin, 1993; Madigan et al., 1990; and Condliffe, 1991).

The use of mediation as an effective means of resolving complex, multi-party conflicts is increasing substantially. Lawyers see the advantages to using mediation. Sloan (1995) considers mediation as a less formal and more fluid, efficient, timely and inexpensive dispute resolution process as compared to a court proceeding. Similarly, governments at all levels are recommending the use of mediation or utilizing it in legislation and day-to-day practice to address complex issues involving numerous parties, whether involving inter-agency, labour, commercial, landlord-tenant, environmental or land use conflicts. For example, mediation in Canada is used substantially in: treaty negotiations between the federal, provincial levels of government and First Nations; cost sharing discussions between federal, provincial and local governments; negotiations between local and provincial governments and the public on land use; and labour negotiations. In addition, provincial governments see the need for mediation as an alternative form of dispute resolution in policy and legislation. Mediation is an element of various policy and legislative initiatives undertaken in recent years (i.e. BC's Residential Tenancy Act, Reform of the Planning Act in Ontario, and BC Hydro regulations).

4.4 Dispute resolution in the context of the Growth Strategies Act

As noted previously, many of the issues arising in conflict between local governments developing a regional growth strategy will occur because of the different values, priorities and goals of each jurisdiction. These are often difficult to resolve and are often the very issues which lie at the heart of the authority of local government elected officials. They are the issues which give local officials the opportunity to exercise their

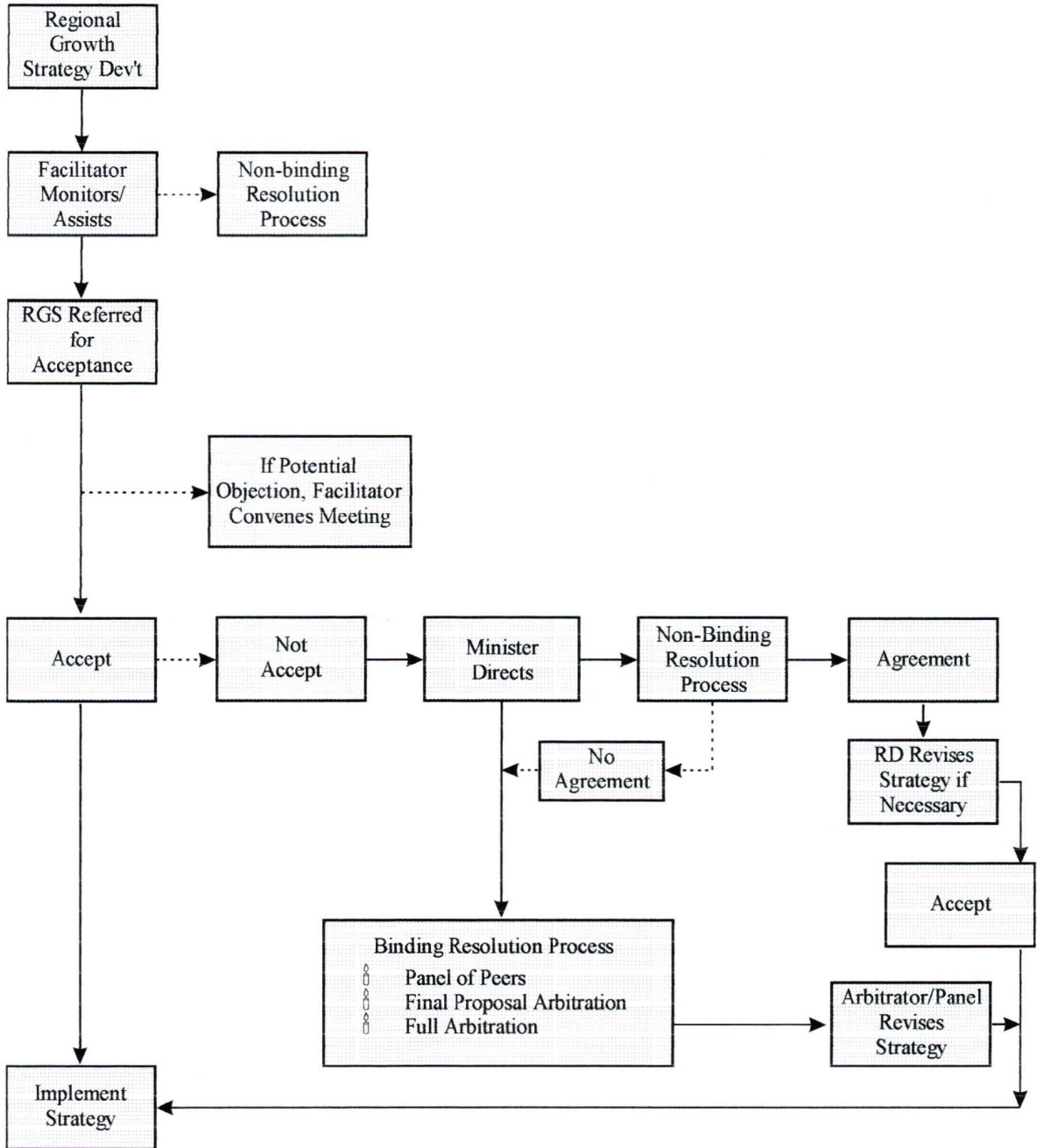
mandate most visibly and they are the issues which often lead to the most controversy in a community.

The use of interest-based negotiation and mediation offer opportunities to address the different values, priorities and goals of each jurisdiction and reach agreement on a regional growth strategy, which other methods of negotiation and dispute resolution do not offer. According to the literature, every effort should be made to ensure that ADR processes such as facilitation and mediation are made available to the parties at early stages in their negotiations to provide them with the specific assistance necessary to help them overcome any obstacle to reaching agreement (deBono, 1985; Pops & Stephenson, 1987; Carpenter, 1990; Madigan, et al., 1990; Condliffe, 1991). This focus on overcoming obstacles early on in the process helps to avoid escalation of differences on some issues into a complete failure to agree.

The Growth Strategies Act emphasizes early resolution of potential objections or actual disputes before a strategy is referred to municipalities and adjoining regional districts for acceptance. Figure 4.1 outlines the process a regional district would follow in order to reach agreement a regional growth strategy. The approach taken in the GSA emphasizes a process of discussion, negotiation and mutual agreement, which follows the basic principles behind interest-based negotiation and mediation processes advanced by Fisher and Ury (1981), Bingham (1987), Pruitt (1987), Mediation Institute (1991), and

Figure 4.1: Process for Reaching Agreement on a Regional Growth Strategy

REACHING AGREEMENT ON REGIONAL GROWTH STRATEGIES



Susskind (1992). The basic principles espoused by these authors, and emphasized in the GSA include:

- respect fairly all diverse elements of participants and their constituency;
- shift the discussions from the positions each party is taking to the underlying interests each wants to accomplish; and
- look for mutually acceptable outcomes that meet the joint objectives of all the parties.

Although interest-based negotiation and mediation are not specified as the only alternative dispute resolution elements of the GSA, their use is recommended and encouraged by the Ministry of Municipal Affairs for addressing the varied priorities and objectives of, and potential conflicts between, the local government jurisdictions involved in the development of, and agreement on, a regional growth strategy. The GSA also provides for the referral of a dispute regarding the content of a regional growth strategy to one of three arbitration processes. Parties to a dispute would only be referred to one of the arbitration processes as a last resort, where the other methods of dispute resolution have failed.

4.5 The Dispute Resolution Process: Evaluating Its Success

Given the emphasis of interest-based negotiation and mediation on ensuring fairness, the mutual satisfaction of all participants, the effectiveness of the process and its efficiency, it is valuable to evaluate the success of these ADR methods in meeting these objectives.

To this end, this study evaluates success on the basis of the perceived:

- fairness,
- participant satisfaction,
- effectiveness, and
- efficiency

of the negotiation process. These four variables were identified by Blair Sheppard (1984) as the four key categories of success criteria that his research identified as important when studying broad range of disputants, intervening parties and conflict settings. Sheppard clustered the identified procedural effectiveness criteria into a 2 x 4 classification scheme. The first dimension of his classification has two broad categories: (1) criteria directly related to procedure, such as implementability or cost of the process; and, (2) criteria that concern the outcome of the conflict, such as “reducing the likelihood of future similar conflict” (Sheppard, p.168). The second dimension of Sheppard’s classification scheme has four categories and concerns the substantive issue of the criteria. The categories, as noted above, are: fairness, participant satisfaction, effectiveness and efficiency.

Sheppard notes that more emphasis in the conflict literature has been put on criteria related to the outcome of the conflict than direct procedural criteria. However, he sides with some of the later researchers (Lind, Kurtz et al., 1980; Folger, 1977; Tyler and Caine, 1981), who suggest that the type of dispute resolution process used is often more important in determining disputant satisfaction with an outcome than the outcome itself. The list of criteria defined by Sheppard apply to a range of dispute scenarios, some

elements of which are not relevant to a public policy dispute resolution process such as the one being studied here. For example, Sheppard identified “privacy” as an important criterion, but he noted that this is relevant only in a dispute such as between a man and woman involved in an extramarital affair. Given the public nature of disputes over the content of a regional growth strategy such a criterion is not relevant. For the purposes of this study Sheppard’s procedural effectiveness criteria have been modified to reflect the public nature of the disputes the study focuses on.

As noted in Chapter 1, this study was designed to test the hypothesis that mediation will be perceived as a more successful method of ADR than interest-based negotiation for complex, multi-party disputes that may occur during the development of a regional growth strategy. According to the literature both interest-based negotiation and mediation are considered to be successful approaches to resolving disputes, although mediation is often cited as a particularly effective approach for resolving complex, multi-party disputes (Baruch-Bush, 1994; Sloan, 1995; CORE, 1995a). Given this, the null hypothesis for this study was that there is no difference in perceptions of locally elected officials in terms of fairness, participant satisfaction, effectiveness and efficiency in relation to scenario A and scenario B. In this case, the null hypothesis is not put forward as the traditional strawman, but in the manner of an open question--is there a significant difference in the perceived qualities of interest-based negotiation or mediation.

CHAPTER 5

RESEARCH METHODOLOGY

The study of inter-jurisdictional conflict situations in relation to planning, and effective ways for resolving conflict is relevant subject matter for geographic study. This study is primarily concerned with two alternative dispute resolution processes, interest-based negotiation and mediation, and their potential impact on regional planning decision-making at the local government level, which ultimately has long-term spatial impacts.

A number of researchers, including Susskind (1981), Cormick (1987), Bingham (1987), Talbot (1981) and the B.C. Roundtable (1991a), have undertaken research and evaluated the use of alternative dispute resolution and a consensus-building or collaborative approach to public land use or environmental decision-making. However, these studies have concentrated on evaluating consensus building negotiation processes which ultimately provide recommendations to a separate decision-making body, typically a level of government. This differs from the context for negotiations which will be examined in this research study which encompasses locally elected representatives with ultimate decision-making authority. Therefore, the negotiation milieu will be more complex because those directly involved in the negotiations will be those making the final decision.

In relation to growth management, authors such as Bollen (1992), Innes (1992) and Gale (1992), have categorized growth management programs which exist in the U.S. and documented the use of group consensus processes and alternative dispute resolution, but no evaluation of their use was undertaken. It appears, to-date, that no research comparing the perceived success of interest-based negotiation and mediation, as integral elements of an interactive planning process between local governments on regional issues has been undertaken.

It is expected that regional district and municipal elected officials and staff will generally employ interest based negotiation and mediation, along with other ADR processes, to resolve conflicts as they occur during the development of a regional growth strategy. Although there is a variety of non-binding ADR processes that local governments embroiled in a conflict can utilize, it is expected that the most commonly used will be interest-based negotiation and mediation, particularly given the interest of the Ministry of Municipal Affairs and Housing in seeing these processes used to resolve disputes.

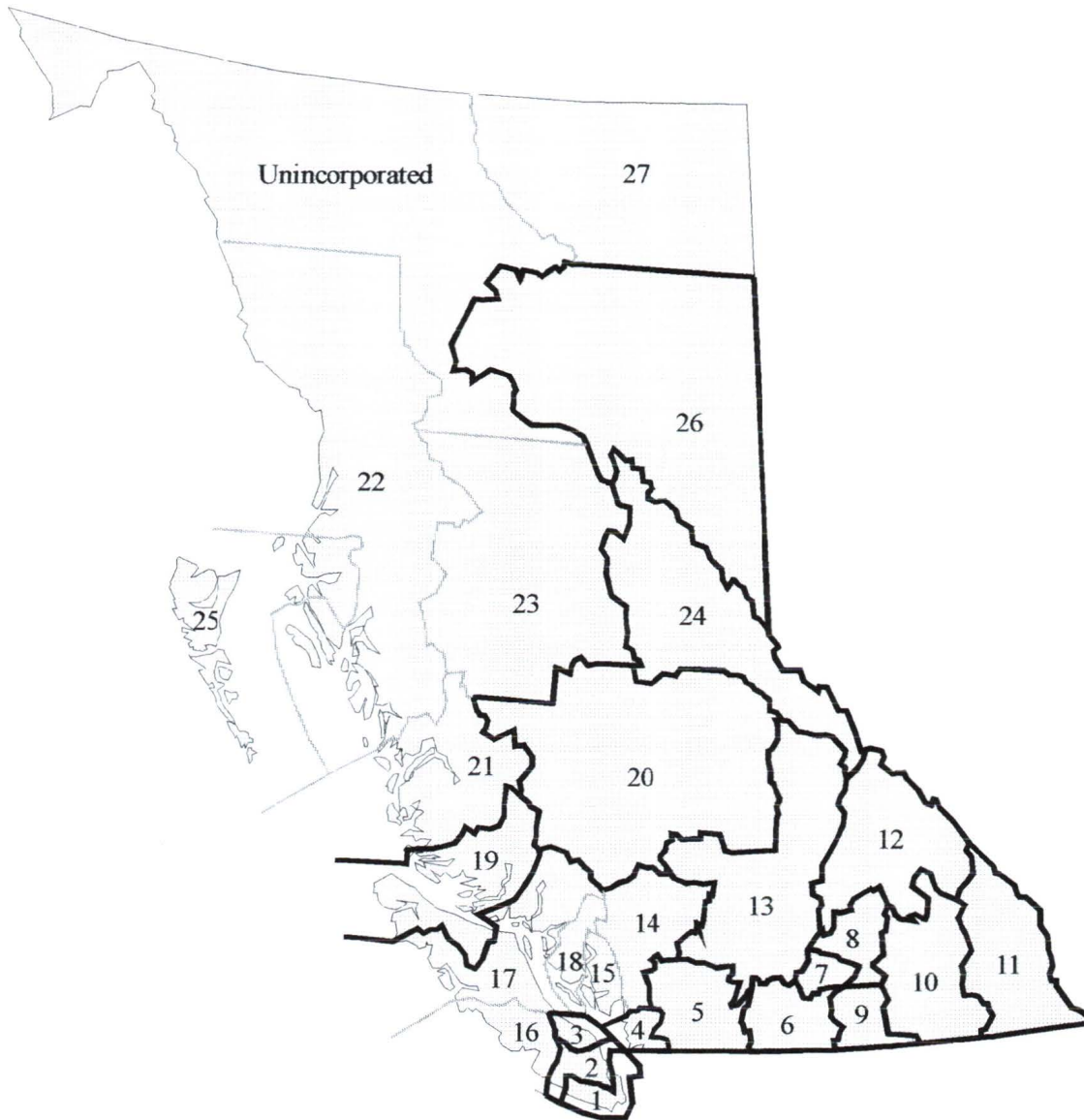
5.1 Data Sample

Within the province of British Columbia there is a total population of 1,044 locally elected officials from municipalities and electoral areas. Since the study was designed to determine if there are differences in perceptions to dispute resolution processes between those locally elected officials from high or low growth regions and rural and urban areas within those regions, a stratified sample of seventeen regional districts was chosen. The

regional districts were identified by their status as high or low growth regions. High growth regions are those with an average growth rate for 1986-1996 and a projected growth rate for 1996-2006 (Figure 1.2) that is at least seventy percent higher than the average growth rate for the province for the same time periods. There are only eight regional districts within the province considered to be high growth regions. For the purposes of this study the remaining nineteen regional districts are considered low growth. In order to ensure an approximately equal population from the low growth regions a sample of nine low growth regional districts was chosen based upon a comparative number of locally elected officials in municipalities and electoral areas within the regional districts. Figure 5.1 is a map that identifies the regional districts selected for the survey.

Within the eight high growth and nine low growth regional districts there is a total of 846 locally elected officials representing municipalities and electoral areas. Within the identified high growth and low growth regions, the population of 846 was further divided into urban and rural areas, based on population size and concentration of population. Those jurisdictions with a population of more than 1,000 and a population density of at least 400 people per square kilometre were considered to be urban for the purposes of this study. Those jurisdictions that did not meet these criteria were considered to be rural. These definitions of urban and rural are provided by Statistics Canada for its 1991 Census data categorizations, and were considered appropriate for this study.

Figure 5.1: Regional Districts Participating in Study



Regional Districts in British Columbia

1	<i>Capital</i> *†	15	Sunshine Coast
2	<i>Cowichan Valley</i> *†	16	Alberni-Clayoquot
3	<i>Nanaimo</i> *†	17	Comox-Strathcona
4	<i>Greater Vancouver</i> *†	18	Powell River
5	<i>Fraser Valley</i> *†	19	<i>Mount Waddington</i> *
6	<i>Okanagan-Similkameen</i> *†	20	<i>Cariboo</i> *
7	<i>Central Okanagan</i> *†	21	Central Coast
8	<i>North Okanagan</i> *†	22	Kitimat-Stikine
9	<i>Kootenay-Boundary</i> *	23	Bulkley-Nechako
10	<i>Central Kootenay</i> *	24	<i>Fraser-Fort George</i> *
11	<i>East Kootenay</i> *	25	Skeena-Queen Charlotte
12	<i>Columbia-Shuswap</i> *	26	<i>Peace River</i> *
13	<i>Thompson-Nicola</i> *	27	Fort Nelson-Liard
14	Squamish-Lillooet		

* Regional districts where all municipal and electoral area elected officials received mail questionnaires.

† Regional districts that are within high growth regions

One hundred and fifteen of the 846 locally elected officials surveyed returned a mail questionnaire, therefore generating a fourteen-percent response rate. This return rate is lower than expected, but was adequately balanced between rural and urban respondents within high growth and low growth regions. Table 5.1 illustrates the geographical representation of the sample population.

Table 5.1: Sample size by region and community type

REGION	URBAN	RURAL	TOTAL
HIGH GROWTH	38	22	60
LOW GROWTH	24	31	55
TOTAL	62	53	115

From the responses of the questionnaire, it is possible to draw a picture of the identity of the locally elected officials in terms of age, sex, education, number of years in public office and whether they had served on a regional district board. The following tables summarize age (Table 5.2), education level (Table 5.3), and number of years in public office (Table 5.4).

Table 5.2: Age of locally elected officials

Category	Frequency	% of sample
20 - 29	0	0
30 - 39	8	7.0
40 - 49	47	40.9
50 - 59	27	23.5
60 - 69	25	21.7
70 and over	6	5.2
No answer	2	1.7
TOTAL	115	100

Table 5.3: Education level of locally elected officials

Education level	Frequency	% of sample
Less than high school	3	2.6
High school	17	14.8
Some post-secondary	42	36.5
University graduate	26	22.6
Post-graduate degree	24	20.9
Other	3	2.6
TOTAL	115	100

Table 5.4: Years in public office for locally elected officials

Years in public office	Frequency	% of sample
0 - 9	74	64.4
10 - 19	34	29.6
20 - 29	5	4.3
30 and over	2	1.7
TOTAL	115	100

Note: the usual term of a locally elected official is three years

The most representative age group is those between the ages of forty and forty-nine (40.9%), while there were a significant number of respondents between the ages of fifty and fifty-nine (23.5%). This is disproportionate to the comparative age groups in the general British Columbia population, where forty to forty-nine year olds comprise fourteen percent of the population while fifty to fifty-nine year olds make up nine percent. Over thirty-six percent of respondents have had some post-secondary education, while over forty-three percent have an undergraduate or post-graduate university degree. This is compared to the general population of British Columbia, where fifteen percent have had some post-secondary education and eleven percent have an undergraduate or post-graduate university degree. Respondents were overwhelming male (seventy-four percent) compared to female (twenty-six percent), whereas the provincial average is fifty-two percent female and forty-eight percent male. Therefore, it can be concluded that the sample population tends to be older and better educated than the provincial average, and dominated by males. Most respondents had been in office for nine years or

less. Over fifty-five percent of respondents have served on a regional district board, while more than forty-three percent have not.

5.2 Research Design

Table 5.5 outlines the experimental design used in this study. The experimental design utilizes the four key categories of criteria Sheppard (1984) identified as critical to evaluate the perceived success of two dispute resolution processes -- interest-based negotiation and mediation. This experimental design provides the opportunity to determine the perceived effects of each negotiation process depicted in the scenarios in relation to fairness, participant satisfaction, efficiency and effectiveness.

As the Growth Strategies Act was only enacted in June, 1995, there has not been an opportunity for a real test of how successful interest-based negotiation and mediation would be as alternative dispute resolution techniques. Therefore, in order to test interest-based negotiation and mediation to determine their perceived success in resolving multi-party inter-jurisdictional disputes, two regional growth strategy negotiation scenarios, one utilizing interest-based negotiation and the other mediation, were written. Copies of the two scenarios are attached in Appendix 1. Although based on fictitious local government jurisdictions, the issues contained in the scenarios are those that will likely be dealt with during the development of a regional growth strategy.

Table 5.5: Experimental Design

SUCCESS CRITERIA	INTEREST-BASED NEGOTIATION	MEDIATOR ASSISTED NEGOTIATION
FAIRNESS <ul style="list-style-type: none"> • perceived fairness • level of disputant control • free expression • equal opportunity for participation 		
SATISFACTION <ul style="list-style-type: none"> • participant satisfaction with process • disputant commitment to supporting agreement • understanding of others' interests • protection from exposure to personal criticism 		
EFFICIENCY <ul style="list-style-type: none"> • use of resources • timeliness and speed of resolution • stability of negotiations 		
EFFECTIVENESS <ul style="list-style-type: none"> • all joint objectives met • degree to which real concerns re: dispute surface • outcomes that can be measured and monitored 		

Two pretests of the scenarios and questionnaire were completed. Twenty locally elected officials were chosen randomly from within those regional districts that were not to be included in the main study so as not to contaminate the sample population. Ten received a questionnaire with Scenario A and ten received a questionnaire with Scenario B.

Pre-testing of the scenarios was undertaken to ensure that each was reasonably realistic; all the words were understood; they were parallel in the dispute resolution approach used with the exception of a mediator in scenario B; they achieved what they were intended to

achieve; no aspect of the scenarios suggested researcher bias; they were gender-neutral; and, encompassed all aspects of interest-based negotiation identified by Fisher and Ury (1981).

The questionnaire was pretested to ensure each question measured what it was intended to measure, all the words used were understood, questions were interpreted similarly by respondents, and to determine if any aspect of the questionnaire suggested researcher bias.

After reading one of the two scenarios, locally elected officials were asked to respond to questions regarding their perceptions of the dispute resolution processes used in the scenarios. 'Perception' for this study is considered to be the impression a locally elected official has of the dispute resolution approach used in the scenario, which is considered "social perception" by Schiff (1971: p. 7). The two scenarios depict two different methods of dispute resolution (interest-based negotiation and mediation). This method of research was chosen because:

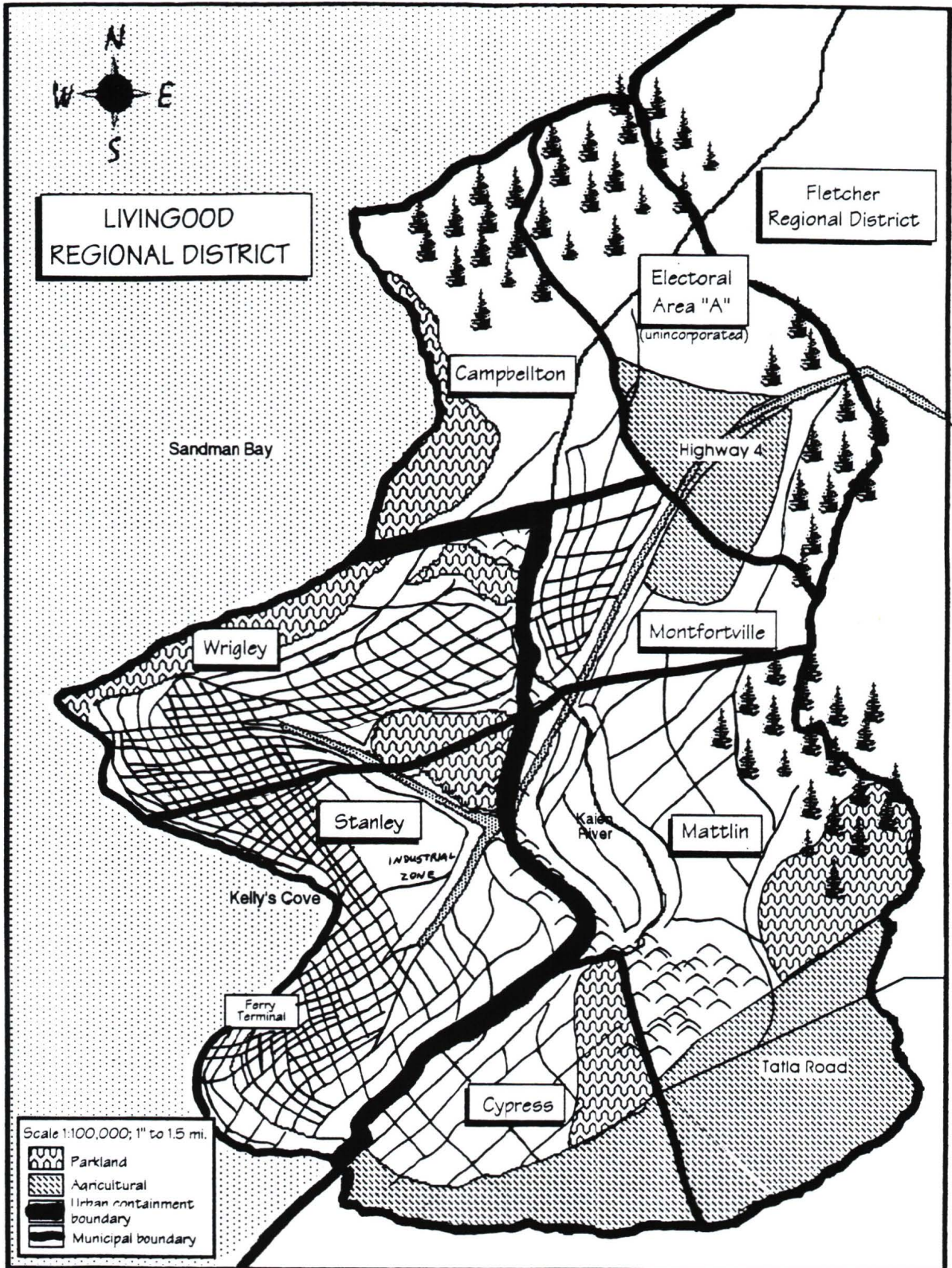
- no regional districts had yet taken on the preparation of a regional growth strategy under the Growth Strategies Act, therefore, there had been no real test of interest-based negotiation or mediation as techniques for resolving disputes when politicians are negotiating complex planning policy issues; and
- it allows those who will be negotiating in real conflict situations (locally elected politicians), to review a simulated dispute resolution process and provide their perceptions of its success.

Both scenarios A and B focus on a dispute resolution process with the same issues in dispute, and both result in the same agreement on a regional growth strategy. However, the dispute resolution process utilized in each scenario differs. Scenario A utilizes an interest-based negotiation approach for resolution of the dispute, while scenario B utilizes a mediation approach for resolution of the dispute. The dispute in both scenarios centres around the urban containment boundary that the regional district has identified in its regional growth strategy. A map of the fictional “Livingood Regional District” was included for respondents as a reference when reading the scenario (Figure 5.2). The scenario raises issues of economic development, housing and quality of life for two of the regional district’s member municipalities and they will not accept the strategy until amendments are made. The remaining four municipalities and one adjoining regional district are ready to accept the regional growth strategy without amendment.

5.3 Data Collection

The locally elected officials in urban and rural communities, within both high and low growth regions identified were randomly selected to receive a mail questionnaire that contained only one of the two dispute resolution scenarios prepared. Locally elected officials were selected randomly by ensuring that each municipal council received a comparable number of each scenario and questionnaire. As municipal councils are comprised of an uneven number of councillors, including the mayor, each council did not receive an equal number of each scenario. The municipalities where surveys were sent

Figure 5.2: Map of 'Livingood Regional District'



had between five and eleven members. If there were five councillors (including the mayor) they would receive three of one scenario and two of the other, if seven councillors they would receive four of one and three of the other. And so on for councils of nine and eleven members. Each electoral director was mailed a scenario and questionnaire directly at their regional district office. The scenarios they received were alternated to ensure equal coverage. The councillors and electoral area directors were told that not everyone had the same scenario to review and, so as not to contaminate questionnaire responses, they were asked not to discuss the content of the scenario with their colleagues. Appendix 2 contains tables showing the population of urban and rural jurisdictions within the regional districts sampled, for high growth and low growth regions.

A mail questionnaire was chosen to survey respondents because of the large sample size and the expansive geographical area covered. Three weeks prior to mailing out the questionnaires an article was written and included in the Union of British Columbia Municipalities' (UBCM) November, 1995 newsletter (Appendix 3). The UBCM is an organization in British Columbia that represents all local governments within the province. Their newsletter, which focuses on issues of interest to local government, is published quarterly and mailed to every municipality and regional district. The purpose of the article was to notify locally elected officials that a study on conflict management in relation to the preparation of regional growth strategies was to be conducted, and ask for their participation if they were one of the recipients of a survey questionnaire. It was hoped that this advance notice of the study would help to increase the response rate.

A cover letter was included with each scenario and questionnaire mailed that outlined the purpose of the survey, its significance and the importance of their participation (Appendix 4). A follow-up letter was sent approximately 6 weeks following the first mailing (Appendix 5).

The questionnaire consisted of five parts, with a mix of open and closed questions. The first part of the questionnaire provided statements intended to gauge perceptions regarding fairness, participant satisfaction, effectiveness and efficiency in terms of the approach used to resolve the growth management conflict. Respondents ranked their responses using a seven-point scale varying from one to seven, where one was strongly agree and seven was strongly disagree.

The second part utilized open ended questions to try and determine what aspects of the approach used in the conflict resolution scenario were perceived to be the most successful in resolving the differences between participants, and why. Respondents were also asked if there are better approaches for the resolution of growth management conflict such as those depicted in the scenarios, and if so what are they.

The third part of the questionnaire was designed as a manipulation check to clarify that respondents perceived the dispute resolution approach in each of the scenarios encompassed the key principles of interest-based negotiation or mediation. The fourth part of the questionnaire was used to solicit demographic information on respondents; and the fifth part solicited any additional comments.

CHAPTER 6

SURVEY RESULTS

As indicated previously, the first part of the questionnaire consisted of a series of statements intended to gauge perceptions of respondents regarding the fairness, participant satisfaction, effectiveness and efficiency of the approaches used.

Respondents ranked their responses using the seven-point scale. Four questions were written to gauge perceptions on each dependent variable.

A reliability analysis was run for each question to determine reliability and support for creating four composite variables for each of fairness, participant satisfaction, efficiency and effectiveness (Table 6.1). The overall reliability coefficients should correspond to the scores of their components to establish internal consistency. Results show adequate consistency between individual variables and the overall alpha score for its composite variable. This supports the creation of composite variables. There were sixteen questions in total, but these were grouped into four composite variables representing fairness, participant satisfaction, efficiency and effectiveness which are used for the subsequent analyses conducted in this study. It should be noted that although the alpha scores for the composite variables are only moderately high, dropping any of the individual variables would result in even lower scores. In addition, there are no similar studies where the alpha scores can be compared to those utilized in this study.

Table 6.1: Reliability Analysis for Composite Dependent Variables

Composite Variable	Dependent Variable	Reliability Coefficient: <i>Alpha</i>	<i>Alpha</i> if item deleted
<i>Fairness</i>	• approach fair	.6011	.5283
	• approach allowed free expression		.6101
	• equal opportunity for participation		.4844
	• had control over process		.4875
<i>Participant Satisfaction</i>	• parties understood others interests	.6468	.5939
	• would feel satisfied		.5576
	• would be committed to supporting settlement		.4628
	• would not feel exposed to personal criticism		.6719
<i>Efficiency</i>	• not time consuming	.5538	.4458
	• approach should be used only when there are deadlines		.5475
	• negotiations would not easily break down		.4802
	• approach would not use a lot of resources		.4428
<i>Effectiveness</i>	• held promise of producing outcomes that can be measured and monitored	.6488	.6168
	• dealt with real concerns of participants		.5611
	• ensured all issues of concern were discussed		.5766
	• agreement met all joint objectives identified		.5562

Data gathered from the survey questionnaires was analysed statistically and qualitatively. Both one-way and two-way analysis of variance (ANOVA) procedures were performed to determine any statistically significant effects of independent variables with respect to the dependent variables of fairness, participant satisfaction, efficiency and effectiveness. The study is primarily interested in the effects of each approach used (scenario A and scenario B), region (high growth and low growth) and community type

(urban and rural) on perceptions of fairness, participant satisfaction, efficiency and effectiveness.

Before undertaking analysis of the data it was important to ensure that the dispute resolution approaches being evaluated were actually perceived as containing their key principles. In order to clarify that respondents perceived that the dispute resolution approach in each scenario encompassed the key principles of interest-based negotiation (scenario A) or mediation (scenario B) a manipulation check was included in the questionnaire. Table 6.2 summarizes the results of this manipulation check. The results show that all respondents agree that both dispute resolution approaches (interest-based negotiation and mediation) utilized the key principles of interest-based negotiation and mediation.

Table 6.2: Means for key principles of interest-based negotiation and mediation

Principle of Interest-Based Negotiation	Mean for Entire Population	Mean for Scenario A	Mean for Scenario B
Focuses on interests	2.28	2.43	2.14
Separates the people from the problem	2.75	2.78	2.71
Provides options for mutual gain	2.46	2.46	2.46
Objective criteria for evaluating options	2.86	2.95	2.77

Note: Responses were ranked on a seven-point scale where 1 was strongly agree and 7 was strongly disagree

The null hypothesis of this study is that there is no difference in perceived success between an interest-based dispute resolution process (scenario A) and a mediator assisted interest-based dispute resolution process (scenario B). The statistical technique of one-way ANOVA allows this hypothesis to be tested. It also is expected that there will be no difference in perceived success between respondents from high growth and low growth regions, or those from urban and rural areas. The results generated are shown in Table 6.3 (scenarios A and B), Table 6.4 (high and low growth regions), and Table 6.5 (urban and rural).

Table 6.3: Analysis of Variance of Success Variables by Scenario

Dependent Variable	Mean Score		Between Groups		
	Scenario A	Scenario B	d.f.	<i>F</i> ratio	<i>F</i> probability
Fairness	2.23	2.35	1	1.08	.30
Participant Satisfaction	2.68	2.76	1	.22	.64
Efficiency	3.73	3.54	1	.92	.34
Effectiveness	2.67	2.74	1	.19	.66

Note: Responses were ranked on a seven-point scale where 1 was strongly agree and 7 was strongly disagree

The results of Table 6.3 indicate that there are no significant differences between perceptions of fairness, participant satisfaction, efficiency and effectiveness for scenario A and scenario B. Therefore, the null hypothesis cannot be rejected.

Table 6.4: Analysis of Variance of Success Variables by Region

Dependent Variable	Mean Score		Between Groups		
	High growth region	Low growth region	d.f.	<i>F</i> ratio	<i>F</i> probability
Fairness	2.38	2.19	1	2.90	.09
Participant Satisfaction	2.80	2.63	1	1.03	.31
Efficiency	3.75	3.51	1	1.42	.24
Effectiveness	2.83	2.56	1	2.82	.10

Note: Responses were ranked on a seven-point scale where 1 was strongly agree and 7 was strongly disagree

Results summarized in Table 6.4 show that there are no significant differences between perceptions of fairness, participant satisfaction, efficiency and effectiveness for those from high growth and low growth regions.

Table 6.5: Analysis of Variance of Success Variables by Community Type

Dependent Variable	Mean Score		Between Groups		
	Urban	Rural	d.f.	<i>F</i> ratio	<i>F</i> probability
Fairness	2.31	2.26	1	.16	.69
Participant Satisfaction	2.68	2.76	1	.25	.62
Efficiency	3.65	3.61	1	.04	.84
Effectiveness	2.71	2.70	1	.002	.96

Note: Responses were ranked on a seven-point scale where 1 was strongly agree and 7 was strongly disagree

Results summarized in Table 6.5 show that there are no significant differences between perceptions of fairness, participant satisfaction, efficiency and effectiveness for urban and rural areas.

Mean scores for dependent variables were also examined for urban or rural areas and high or low growth regions according to the scenario the respondents reviewed (Table 6.6). There is little variation between the mean scores of respondents in either the high growth or low growth regions for both scenarios A and B. There is also little variation between the mean scores of respondents in rural or urban communities.

Table 6.6: Mean Scores for Dependent Variables

Independent Variable	Cases	Fairness		Participant Satisfaction		Effectiveness		Efficiency	
		Mean	S.D.	Mean	S.D.	Mean	S.D.	Mean	S.D.
Scenario A	57								
<i>High growth</i>	30	2.40	.56	2.76	.98	2.67	.77	3.87	1.21
<i>Low growth</i>	27	2.04	.55	2.60	1.03	2.55	.73	3.58	.92
<i>Urban</i>	31	2.10	.59	2.47	.96	2.52	.68	3.65	.97
<i>Rural</i>	26	2.37	.55	2.93	1.00	2.85	.83	3.84	1.22
Scenario B	58								
<i>High growth</i>	30	2.37	.64	2.84	.82	2.88	1.09	3.63	1.01
<i>Low growth</i>	28	2.33	.71	2.67	.73	2.58	.73	3.44	1.17
<i>Urban</i>	31	2.52	.73	2.90	.81	2.90	1.05	3.66	1.15
<i>Rural</i>	27	2.16	.52	2.60	.71	2.56	.77	3.40	1.01

Note: Responses were ranked on a scale of 1 to 7, where 1 was strongly agree and 7 was strongly disagree.

Even though there was no perceived difference between scenario A and scenario B, high and low growth regions, and urban and rural areas for the composite variables in the one-way ANOVA procedure, sometimes effects can be masked in one procedure that can be detected in another (Norcliffe, 1982: p.183). A two-way ANOVA should be able to detect these differences if they exist. Consequently, a series of two-way ANOVA procedures were run to evaluate the separate and combined effects of variables describing scenarios reviewed, growth regions and community type for each of the composite success variables. Education level, sex, age, and training in conflict management were used as control variables. The following tables summarize the results of the ANOVA procedures run to test for interactions of scenarios A and B, and high and low growth regions for the composite variables: fairness (Table 6.7), participant satisfaction (Table 6.8), efficiency (Table 6.9), and effectiveness (Table 6.10).

From the results of the 2-way ANOVAs evaluating scenarios A and B and high and low growth regions (Tables 6.7 to 6.10), it does not appear that there is a significant interaction between the scenario reviewed and the regions for dependent variables of fairness, participant satisfaction, efficiency and effectiveness.

Table 6.7: Analysis of Variance of Fairness for Scenarios A and B/High and Low growth

Variable	<i>F</i>	d.f.	Significance
<i>Control Variables</i>	1.60	4	.18
Education	1.58	1	.21
Sex	.40	1	.53
Age	.17	1	.68
Conflict mgmt. training	3.92	1	.05
<i>Main Effects</i>			
Scenarios A/B	.86	1	.36
High/Low growth	3.05	1	.08
<i>2-way Interactions</i>			
A.B. H.L.	2.13	1	.15

Table 6.8: Analysis of Variance of Participant Satisfaction for Scenarios A and B/High and Low growth

Variable	<i>F</i>	d.f.	Significance
<i>Control Variables</i>	.53	4	.71
Education	1.07	1	.30
Sex	.40	1	.53
Age	.26	1	.61
Conflict mgmt. training	.33	1	.57
<i>Main Effects</i>			
Scenarios A/B	.25	1	.62
High/Low growth	.99	1	.32
<i>2-way Interactions</i>			
A.B. H.L.	.005	1	.95

Table 6.9: Analysis of Variance of Efficiency for Scenarios A and B/ High and Low growth

Variable	<i>F</i>	d.f.	Significance
<i>Control Variables</i>	1.60	4	.18
Education	1.64	1	.20
Sex	1.15	1	.29
Age	.21	1	.64
Conflict mgmt. training	3.66	1	.06
<i>Main Effects</i>			
Scenarios A/B	.75	1	.39
High/Low growth	1.73	1	.19
<i>2-way Interactions</i>			
A.B. H.L.	.08	1	.79

Table 6.10: Analysis of Variance of Effectiveness for Scenarios A and B/High and Low growth

Variable	<i>F</i>	d.f.	Significance
<i>Control Variables</i>	.41	4	.80
Education	1.03	1	.31
Sex	.40	1	.53
Age	.03	1	.87
Conflict mgmt. training	.34	1	.56
<i>Main Effects</i>			
Scenarios A/B	.13	1	.72
High/Low growth	2.54	1	.11
<i>2-way Interactions</i>			
A.B. H.L.	.12	1	.73

Tables 6.11 through 6.14 summarize the results of 2-way ANOVAs that tested for interactions of scenarios A and B and urban and rural communities for the composite variables: fairness (Table 6.11), participant satisfaction (Table 6.12), efficiency (Table 6.13) and effectiveness (Table 6.14).

Table 6.11: Analysis of Variance of Fairness for Scenarios A and B/Urban and Rural

Variable	<i>F</i>	d.f.	Significance
<i>Control Variables</i>	1.89	4	.12
Education	1.43	1	.23
Sex	1.21	1	.28
Age	.21	1	.65
Conflict mgmt. training	5.03	1	.03
<i>Main Effects</i>			
Scenarios A/B	.35	1	.56
Urban/Rural	.30	1	.59
<i>2-way Interactions</i>			
A.B. U.R	9.11	1	.003

The results of the ANOVAs testing for interactions between scenarios A and B, and urban and rural communities show that there is a significant interaction between the scenario reviewed and which community type a respondent resided in for the dependent

**Table 6.12: Analysis of Variance of Participant Satisfaction for Scenarios A and B/
Urban and Rural**

Variable	<i>F</i>	d.f.	Significance
<i>Control Variables</i>	.74	4	.57
Education	.75	1	.39
Sex	.84	1	.36
Age	.56	1	.46
Conflict mgmt. training	.63	1	.43
<i>Main Effects</i>			
Scenarios A/B	.08	1	.78
Urban/Rural	.39	1	.53
<i>2-way Interactions</i> A.B. U.R	6.00	1	.02

**Table 6.13: Analysis of Variance of Efficiency for Scenarios A and B/Urban and
Rural**

Variable	<i>F</i>	d.f.	Significance
<i>Control Variables</i>	1.81	4	.13
Education	1.04	1	.31
Sex	1.74	1	.19
Age	.12	1	.73
Conflict mgmt. training	4.30	1	.04
<i>Main Effects</i>			
Scenarios A/B	1.09	1	.30
Urban/Rural	.06	1	.81
<i>2-way Interactions</i> A.B. U.R	2.62	1	.14

Table 6.14: Analysis of Variance of Effectiveness for Scenarios A and B/Urban and Rural

Variable	<i>F</i>	d.f.	Significance
<i>Control Variables</i>	.48	4	.74
Education	.59	1	.45
Sex	.68	1	.41
Age	.00	1	.99
Conflict mgmt. training	.74	1	.39
<i>Main Effects</i>			
Scenarios A/B	.02	1	.89
Urban/Rural	.00	1	1.00
<i>2-way Interactions</i>			
A.B. U.R	5.10	1	.03

variables of fairness, participant satisfaction and effectiveness, but not efficiency. This suggests that perceptions of success of the dispute resolution approaches is affected by whether a respondent is from an urban or rural area. Conflict management training is also an influence on the perception of fairness and efficiency.

Tables 6.15 through 6.18 summarize the results of ANOVAs run to determine any interactions between high and low growth regions and urban and rural communities for the composite variables: fairness (Table 6.15), participant satisfaction (Table 6.16), efficiency (Table 6.17) and effectiveness (Table 6.18).

Table 6.15: Analysis of Variance of Fairness for High and Low Growth Regions and Urban and Rural

Variable	<i>F</i>	d.f.	Significance
<i>Control Variables</i>	1.77	4	.14
Education	2.29	1	.13
Sex	.29	1	.59
Age	.70	1	.41
Conflict mgmt. training	4.93	1	.03
<i>Main Effects</i>			
High/Low Growth	2.17	1	.14
Urban/Rural	.07	1	.79
<i>2-way Interactions</i>			
H.L U.R	1.52	1	.22

Table 6.16: Analysis of Variance of Participant Satisfaction for High and Low Growth Regions and Urban and Rural

Variable	<i>F</i>	d.f.	Significance
<i>Control Variables</i>	.56	4	.69
Education	1.11	1	.30
Sex	.31	1	.58
Age	.42	1	.52
Conflict mgmt. training	.31	1	.58
<i>Main Effects</i>			
High/Low Growth	1.28	1	.26
Urban/Rural	.60	1	.44
<i>2-way Interactions</i>			
H.L U.R	.07	1	.79

Table 6.17: Analysis of Variance of Efficiency for High and Low Growth Regions and Urban and Rural

Variable	<i>F</i>	d.f.	Significance
<i>Control Variables</i>	1.69	4	.16
Education	1.76	1	.19
Sex	1.53	1	.22
Age	.33	1	.57
Conflict mgmt. training	3.59	1	.06
<i>Main Effects</i>			
High/Low Growth	1.61	1	.21
Urban/Rural	.00	1	.99
<i>2-way Interactions</i>			
H.L U.R	.43	1	.51

Table 6.18: Analysis of Variance of Effectiveness for High and Low Growth Regions and Urban and Rural

Variable	<i>F</i>	d.f.	Significance
<i>Control Variables</i>	.54	4	.70
Education	1.32	1	.25
Sex	.19	1	.66
Age	.19	1	.66
Conflict mgmt. training	.92	1	.34
<i>Main Effects</i>			
High/Low Growth	2.35	1	.13
Urban/Rural	.08	1	.78
<i>2-way Interactions</i>			
H.L U.R	2.49	1	.12

There is no significant interaction between high and low growth regions and urban and rural and respondent's perceptions of fairness, participant satisfaction, efficiency and effectiveness.

Since the independent variable "conflict management training" was a significant explanatory factor for perceptions of fairness for scenarios A and B and the interaction with urban and rural, this suggests that there may be a relationship between training in conflict management and the perception of fairness. A one-way ANOVA procedure was used to examine the overall effect of conflict management training on perceptions of fairness, participant satisfaction, efficiency and effectiveness. Table 6.19 summarizes the results which show that conflict management training has a significant effect on the perception of fairness and a marginal effect on the perception of efficiency. Mean scores indicate that those respondents with conflict management training found both scenarios to be marginally fairer and more efficient than those without training.

Table 6.19: One-way ANOVA: Success variables by conflict management training

Dependent Variable	Group 1 (with training) 41 cases	Group 2 (no training) 72 cases	Between Groups		
	Mean	Mean	d.f.	F ratio	F probability
Fairness	2.21	2.45	1	3.94	.05
Participant Satisfaction	2.69	2.79	1	.36	.55
Efficiency	3.48	3.88	1	3.62	.06
Effectiveness	2.67	2.79	1	.45	.50

Table 6.20 shows the incidence of conflict management training for respondents in high and low growth regions, and urban and rural communities who reviewed either scenario A or scenario B. This allows us to determine if training had any effect on perceptions of fairness and efficiency in relation to the independent variables, which Table 6.19 does not allow us to do.

Table 6.20: Incidence of conflict management training for respondents

Community type	Cases	Conflict mgmt. training		No conflict mgmt. training	
		#	%	#	%
Scenario A	55	#	%	#	%
<i>High growth</i>	30	10	33	20	67
<i>Low growth</i>	25	7	28	18	72
<i>Urban</i>	30	10	33	20	67
<i>Rural</i>	25	7	28	18	72
Scenario B	58	#	%	#	%
<i>High growth</i>	30	14	47	16	53
<i>Low growth</i>	28	10	36	18	64
<i>Urban</i>	31	11	35	20	65
<i>Rural</i>	27	13	48	14	52

Table 6.20 reveals that virtually the same percentage of urban respondents who reviewed scenario A (33 percent) and those who reviewed scenario B (35 percent) have had conflict management training. However, there is a large difference in the percentage of rural respondents with conflict management training between those reviewing scenario A (28 percent) and those reviewing scenario B (48 percent).

Overall, it was found that there is similarity in perceptions of fairness, participant satisfaction, effectiveness and efficiency between all of the groups, although there are a few significant differences. In particular, community type is significant where there are differences in perceptions of fairness, participant satisfaction and effectiveness for scenarios A and B. A detailed discussion of the results of the study reported here will be presented in Chapter 7.

CHAPTER 7

DISCUSSION OF SURVEY RESULTS

The purpose of this study was to evaluate the comparative success of interest-based negotiation and mediation as alternative dispute resolution (ADR) approaches for reaching agreement on regional growth strategies.

Research to-date, discussed in Chapter 4, concludes that both interest-based negotiation and mediation are successful dispute resolution techniques. However, no study has undertaken a comparative analysis to determine if one approach is perceived to be more successful than the other, particularly in relation to interjurisdictional growth management conflicts.

The intent of the Growth Strategies Act and British Columbia's Ministry of Municipal Affairs and Housing is to encourage the use of interest-based negotiation and mediation as two possible ADR approaches for resolving conflict in complex interjurisdictional situations. The aim of the legislation is to provide a framework for cooperation and collaboration on regional planning, primarily to address growth related issues that cross municipal boundaries. An integral element of the framework is negotiation between municipal and regional governments on the content of a regional growth strategy. Given the complex nature of cross-boundary issues, the Ministry of Municipal Affairs and Housing emphasizes interest-based negotiation, facilitation and mediation as effective approaches for the resolution of inevitable conflict between jurisdictions.

If either interest-based negotiation or mediation was perceived by locally elected officials to be a more successful approach to dispute resolution, this would contribute new research findings to the literature. It would also provide valuable information to the provincial government so it can make the most efficient use of its resources in support of the Growth Strategies Act ADR provisions.

Using the categories of procedural effectiveness criteria recommended by Sheppard (1984) analysis of the data sought to determine:

- locally elected officials' perceptions of fairness, participant satisfaction, efficiency and effectiveness for dispute resolution scenarios, one utilizing an interest-based negotiation approach and one utilizing a mediation approach.

In addition, the analysis sought to determine:

- what aspects of either ADR approaches locally elected officials perceived to be the most successful in resolving the differences between participants; and
- whether locally elected officials believed that there are better approaches for assisting parties to resolve growth management conflicts such as those depicted in the scenarios.

It should be noted that the scenarios used for this study were fictitious and incorporated only potential conflicts that may arise between municipal and regional district officials during the preparation of a regional growth strategy. The actual conflicts that do occur will vary depending on the spatial and political framework within which a strategy is being negotiated. Therefore, the results of this study are only to be considered as a guide

to the perceived overall success of either approach to dispute resolution presented in this thesis. Every conflict situation will be unique and may require a different method of alternative dispute resolution than the two processes evaluated here.

The results of the study do not support a significant difference in perceptions of fairness (Table 6.7), participant satisfaction (Table 6.8), efficiency (Table 6.9) and effectiveness (Table 6.10) between locally elected officials for scenarios A and B, in relation to high and low growth regions. This leads one to conclude that even though high growth regions are dealing with higher pressures on their land base, infrastructure, housing and other services, the fact that these pressures exist does not make either approach to resolving conflicts amongst neighbouring local jurisdictions more successful than the other.

While no significant differences in perceptions of those from high or low growth regions were determined for any of the four 'success' variables, there were significant differences in perceptions of fairness (Table 6.11), participant satisfaction (Table 6.12) and effectiveness (Table 6.14), but not efficiency (Table 6.13) for scenarios A and B, where analysed in relation to urban and rural areas. This indicates that urban and rural locally elected officials perceive fairness, participant satisfaction and effectiveness differently depending upon the dispute resolution approach used to resolve differences between disputing parties. This difference in perception may be attributed to the documented difference in interrelations among people in urban and rural communities--

the 'social distinctiveness' between urban and rural dwellers (Wirth, 1938; Fisher, 1969; Carter, 1981).

Wirth (1938) discussed the urban-rural continuum where the size of the aggregated population affects relations between residents. Therefore, the larger the population the more increased differentiation and ultimately segregation between people is expected. Societies at the rural end of the continuum were seen by Wirth as close-knit, highly stable, integrating and homogeneous in composition. Urban societies are supposed to be loose in association, unstable in membership, characterized by social mobility and with contacts often occurring only in one situational context such as the workplace and recreation, whereas contacts in rural societies would occur in many different contexts (Wirth, 1938). Outside of a rural community a sense of belonging to an integrated community is no longer held, and instead urban dwellers are believed to have a more impersonal and superficial relationship (Fisher, 1969). Carter (1981) adds that the bonds of kinship and neighbourliness of traditional rural environs are replaced by competition and formal control mechanisms in urban areas, which can more easily lead to conflict.

The urban-rural distinction identified by these authors could be an explanation of the difference in the perceptions of urban and rural respondents regarding fairness, participant satisfaction and effectiveness for the two scenarios. Even though the differences in perception between urban and rural respondents for scenarios A and B are significant for fairness ($F = .003$), participant satisfaction ($F = .02$), and effectiveness ($F = .03$), the mean scores (Table 6.6) show that the differences between urban and rural

respondents are slight. The mean scores indicate that locally elected officials from urban communities perceived the approach used in scenario A to be fairer, provide more participant satisfaction and be more effective than rural respondents. Conversely, mean scores indicate that the locally elected officials from rural communities perceived the approach used in scenario B to be fairer, provide more participant satisfaction and be more effective than the urban respondents.

Those locally elected officials from rural areas may perceive that a dispute resolution approach using a mediator is fairer, provides more participant satisfaction and is more effective because the presence of a neutral mediator ensures that:

- a set of rules for negotiation (procedural rules) is formulated by agreement between all participating parties, and that the rules all agreed to are followed, and
- each participant is allowed the opportunity to speak without being criticized or threatened by others who may not share their opinion.

Results of the 2-way ANOVAs run to analyse interactions between high and low growth regions and urban and rural areas show no significant difference in perceptions of fairness (Table 6.15), participant satisfaction (Table 6.16), efficiency (Table 6.17) and effectiveness (Table 6.18). This is somewhat surprising given the increasing land use and development pressures in high growth regions. However, because British Columbia continues to be a recipient of large numbers of migrants from other parts of Canada as well as international immigrants, all locally elected officials may consider their jurisdictions potential growth areas in the future. It is projected by BC Statistics that

between 1995 and 2021 the population of British Columbia will increase by fifty-four percent. International migration will account for forty-nine percent of the population gain and interprovincial migration will account for thirty percent of the increase. In addition to the potential for high growth rates in the future for jurisdictions in low-growth regions, locally elected officials may believe that even with a lower rate of growth their jurisdictions still face some of the same issues that jurisdictions in high growth regions face, but on a smaller scale.

Results of the ANOVA procedure (Table 6.11) show that conflict management training was a significant factor in the perceptions of fairness for locally elected officials from urban and rural areas. This suggests a relationship between conflict management training and the perception of fairness. As noted in Table 6.20 there was a twenty percent difference between the existence of conflict management training for rural respondents to scenarios A and B, whereas, there was only a two percent difference between urban respondents to scenarios A and B. Twenty-eight percent of rural respondents reviewing scenario A had any training, forty-eight percent of rural respondents reviewing scenario B had conflict management training. Therefore, the fact that rural locally elected officials consider the dispute resolution approach using the mediator to be fairer than their urban counterparts may be due in part to familiarity with the different alternative dispute resolution approaches, and their objectives. This knowledge probably helps rural locally elected officials in being more receptive to having a neutral third party assisting parties in dispute to reach a mutually acceptable agreement.

In addition to the statistically significant data the study was able to gather, qualitative data was gathered regarding opinions on aspects of the dispute resolution approaches used in the two scenarios, and whether there were better approaches to resolving similar disputes. The open-ended question (Question 2a in the survey questionnaire) asked: “In your opinion, what aspects of the approach used in the conflict resolution scenario were the most successful in resolving the differences between participants?” Table 7.1 summarizes the responses to this question.

This qualitative data shows that rural respondents cited “agreeing to the rules of the game” to be one of the most successful aspects of the mediator assisted dispute resolution scenario (Scenario B) more often than did urban respondents. Other aspects of the mediator assisted approach that rural respondents found to be as successful or more successful than urban respondents were:

- focusing on the problem/interests/issues not the people;
- identifying common objectives/mutual interests; and
- looking for “win-win” outcomes

It is interesting to note, given the results of the ANOVA procedures, that among those responding to this question slightly more urban elected officials considered the assistance of a neutral to be one of the most successful aspects of the Scenario B approach.

Table 7.1: Most Successful Aspects of Dispute Resolution Approaches

Response	High growth		Low growth		Total			
	urban	rural	urban	rural	A		B	
Focusing on the problem/ interests/issues not the people	A: 8 B: 11	A: 4 B: 7	A: 7 B: 5	A: 7 B: 7	26		30	
					U 15	R 11	U 16	R 14
Identifying common objectives/ mutual interests	A: 5 B: 5	A: 8 B: 3	A: 4 B: 0	A: 5 B: 2	22		10	
					U 9	R 13	U 5	R 5
Assistance of neutral	A: 0 B: 9	A: 0 B: 5	A: 0 B: 5	A: 0 B: 4	0		23	
					U 0	R 0	U 14	R 9
Allowing each person to speak freely and participate	A: 8 B: 7	A: 4 B: 2	A: 6 B: 1	A: 5 B: 3	23		13	
					U 14	R 9	U 8	R 5
Looking for “win-win” outcomes	A: 3 B: 1	A: 1 B: 2	A: 2 B: 0	A: 3 B: 1	9		4	
					U 5	R 4	U 1	R 3
Agreeing to “rules of the game”	A: 2 B: 4	A: 1 B: 7	A: 2 B: 4	A: 1 B: 3	6		18	
					U 4	R 2	U 8	R 10

Another qualitative question (Question 2b) asked why respondents considered these aspects to be the most successful. Table 7.2 summarizes the responses. The results of this question suggest that locally elected officials from rural areas consider the following to be equally significant or more significant reasons for the success of the aspects of the

approach used in scenario B than respondents from urban communities:

- allowed for building a common understanding;
- people don't feel personally attacked;
- allows a “win-win” situation; and
- separates the people from the problem

Table 7.2: Why Key Aspects of the Approach Used Were Most Successful

Response	High growth		Low growth		Total			
	urban	rural	urban	rural	A		B	
Allowed for building of common understanding	A: 3	A: 4	A: 2	A: 1	10		10	
	B: 3	B: 2	B: 2	B: 3	U 5	R 5	U 5	R 5
Allowed for recognition of common goals to work toward	A: 5	A: 3	A: 3	A: 2	13		10	
	B: 5	B: 1	B: 2	B: 2	U 8	R 5	U 7	R 3
Allowed participants to feel they had control over process	A: 2	A: 1	A: 4	A: 2	9		8	
	B: 4	B: 2	B: 1	B: 1	U 6	R 3	U 5	R 3
People don't feel personally attacked	A: 0	A: 1	A: 0	A: 0	1		10	
	B: 4	B: 3	B: 1	B: 2	U 0	R 1	U 5	R 5
Allows a “win-win” situation	A: 2	A: 2	A: 5	A: 0	9		12	
	B: 4	B: 2	B: 0	B: 6	U 7	R 2	U 4	R 8
Separates people from the problem	A: 4	A: 3	A: 0	A: 1	8		13	
	B: 3	B: 2	B: 4	B: 4	U 4	R 4	U 7	R 6

There is particularly strong support from rural respondents for the perception that the mediator-assisted dispute resolution process allows a “win-win” situation. This may be because one of the mediator’s most important tasks is to assist parties to achieve an agreement that allows all to feel they have gained rather than compromised--the ‘win-win’ principle.

In a final question regarding perceptions of the approach used to resolve the dispute, respondents were asked: “Are there better approaches for assisting parties to resolve growth management conflicts such as those depicted in the scenario?” The responses were ranked on a seven-point scale where 1 was strongly agree and 7 was strongly disagree. A series of one-way and two-way ANOVA procedures were run to determine if there was any significant interaction between scenarios A/B and high/low growth regions, scenarios A/B and urban/rural jurisdictions, and high/low growth regions and urban/rural jurisdictions. Education level, sex, age and conflict management training were used as control variables, with none of them significant. The one-way ANOVA procedures run did not indicate any significant differences between between scenarios A/B, high/low growth regions, and urban/rural jurisdictions. However, the results of the three two-way ANOVA procedures, summarized in Table 7.3, show that there is a significant difference between perceptions of respondents in relation to high and low growth regions, and urban and rural communities.

Table 7.3: Analysis of Variance

Variable	F	d.f	Significance
Main Effects			
Scenario A/Scenario B	2.05	1	.16
High/Low growth	.50	1	.48
2-way interaction			
A.B H.L	.27	1	.61
Main Effects			
Scenario A/Scenario B	2.15	1	.15
Urban/Rural	.54	1	.47
2-way interaction			
A.B U.R	.04	1	.84
Main Effects			
High/Low growth	.71	1	.40
Urban/Rural	.34	1	.56
2-way interaction			
H.L U.R	7.10	1	.01

In order to determine where the significant difference in mean scores were examined (Table 7.4). Mean scores were ranked on a seven-point scale where 1 is strongly agree and 7 is strongly disagree. The mean scores show there were minor differences between respondents, particularly those living in high growth regions reviewing scenario A and B. Those from rural jurisdictions in high growth regions reviewing scenario A had a mean score of 3.91, while those from rural jurisdictions in high growth regions reviewing scenario B had a mean score of 4.50. Urban respondents in high growth regions reviewing scenario A had a mean score of 3.56 while counterparts reviewing scenario B had a mean score 3.95.

Table 7.4: Mean Scores for Better Approaches by Scenarios A and B

Variable	Cases	Mean	S.D.
For entire population	111	3.86	1.09
Scenario A	54	3.70	1.14
<i>High Growth</i>	29	3.69	.97
Urban	18	3.56	.98
Rural	11	3.91	.94
<i>Low Growth</i>	25	3.72	1.34
Urban	13	4.08	1.26
Rural	12	3.33	1.37
Scenario B	57	4.00	1.04
<i>High Growth</i>	30	4.13	1.01
Urban	20	3.95	1.15
Rural	10	4.50	.53
<i>Low Growth</i>	27	3.85	1.06
Urban	11	4.27	.79
Rural	16	3.56	1.15

Note: Responses were ranked on a seven-point scale where 1 was strongly agree and 7 was strongly disagree.

The mean scores suggest that locally elected officials from rural jurisdictions in high growth regions lean toward perceiving there to be no better approach than mediator-assisted dispute resolution for resolving similar growth management conflicts. In low growth regions the results suggest that those in rural areas, reviewing both Scenario A and Scenario B, agree somewhat that there are better approaches to resolving growth management disputes. For those reviewing scenario A, urban respondents in low growth regions neither agreed nor disagreed that there are better approaches, whereas their counterparts in high growth regions agreed somewhat that there were better approaches.

The fact that forty-eight percent of rural respondents reviewing scenario B have had conflict management training, and are cognizant of mediation and other alternative dispute resolution processes, may be one of the explanations for locally elected officials from rural jurisdictions in high growth regions to lean toward disagreeing that there is a better approach.

This question was followed by an open-ended question that asked “If you think there are better approaches for assisting parties to resolve growth management conflicts such as those depicted in the scenario, what are they?” Table 7.5 summarizes the results. Only 23.5 percent of the respondents replied to this question. However, the use of a neutral third person to assist in resolving the dispute (facilitator/mediator) was noted by almost forty percent of those responding. This suggests that there is support amongst locally elected officials for the use of a neutral to assist in resolving interjurisdictional regional planning disputes.

7.1 Conclusion

This study concludes that both interest-based negotiation and mediator assisted negotiation are perceived to be successful approaches to resolving regional growth strategy disputes. However, results do show small but significant differences in the perceptions of urban and rural locally elected officials regarding fairness, participant satisfaction and effectiveness of the two approaches to resolving regional growth strategy

Table 7.5: Better approaches to resolving disputes

Response	Scenario A	Scenario B	Total
Higher level of government imposing decision	3	2	5
Vote of the regional district board	3	1	4
Use of a neutral facilitator/mediator	10	0	10
Rules of procedure agreed to prior to negotiations	4	0	4
More public input	3	1	4
TOTAL	23	4	27

disputes. There is no significant difference between groups of respondents regarding perceptions of efficiency. Although the scenarios presented to the locally elected officials were based on the preparation of a fictional regional growth strategy, many regional districts will be facing similar issues. In reviewing the results of the ANOVA procedures and mean scores for perceptions of fairness, participant satisfaction and effectiveness, results show that rural respondents perceived the mediator-assisted approach to dispute resolution to be the most successful, whereas urban respondents perceived the interest-based negotiation approach to be the most successful. Overall, results show a significant difference in responses to three out of four ‘success’ variables from locally elected officials in urban and rural jurisdictions. Whether jurisdictions were in a high growth or low growth region had no effect on perceptions.

Results showed that for the ‘success’ variables of fairness and efficiency, conflict management training had a significant effect on perceptions of locally elected officials from urban and rural jurisdictions. In particular, rural respondents to scenario B, which

was perceived by these respondents as a more successful approach to dispute resolution, had a twenty percent higher incidence of conflict management training than urban respondents.

All respondents perceived focusing on the problem/issues and not the people to be the most successful aspect of either dispute resolution approach reviewed. Allowing each person to speak freely and participate was perceived as the second most successful aspect, while identifying mutual interests and common objectives was the third most successful aspect of either dispute resolution approach reviewed. The most successful aspects of the dispute resolution approaches were perceived as such because they allowed for a building of common understanding between parties in dispute, allowed for the recognition of common goals to work toward, separated the people from the problem, and allowed for a “win-win” outcome.

CHAPTER 8

STUDY IMPLICATIONS

This study contributes to the fields of urban geography, regional planning and conflict management. The “new urbanism” Bourne (1996) alludes to, which includes the emphasis on concepts of sustainable cities and a multi-nucleated urban structure, is gaining prominence in urban geography, planning and public policy. Both concepts are important in the development of regional planning and growth management policy for British Columbia and the rest of Canada. The sustainable cities movement has been gaining momentum and residents as well as local governments are interested in balancing population growth and economic development with preservation of the environment, agricultural lands, open spaces, forests, the provision of affordable housing, and ultimately their quality of life. Differences in perceptions found in this study between urban and rural locally elected officials suggests that there may be differences in how urban and rural officials perceive growth, development and quality of life. Therefore, hand in hand with a geographer’s interest in the “new urbanism” should be an interest in the successful resolution of conflict that can result from different local government jurisdictions in a multi-nucleated region, each with differing perceptions, trying to balance the positive and negative effects of rapid growth and create a sustainable and livable region.

Such a focus is important both for the profession of geography and the field of public policy as it would detect the geographical influences of major public policy. Coppock

and Sewell (1975) state that understanding policies and processes of local government decision making is essential to an understanding of the geography of a country. The same is true at the regional level. Local government decision making impacts residents directly, particularly if decisions are related to land use. For example, in British Columbia, local government jurisdictions have the authority to enact land use and zoning bylaws. The zoning and land use decisions determine where housing, commercial and industrial developments are located. Local government decisions also determine the type and density of housing. Such decisions, especially those that perpetuate low-density residential development, can and do contribute to sprawl and the continued transition of rural areas on the urban fringe.

The conflict management field emphasizes the importance of utilizing key principles of interest-based negotiation and mediation in dispute resolution. This study has shown that locally elected officials consider these key principles to be of primary importance in the resolution of regional growth management planning disputes such as those depicted in the scenarios. In addition, rural respondents found the mediator-assisted dispute resolution approach to be fairer than one that relies solely on interest-based negotiation. It was suggested that this may be related to the higher incidence of conflict management training amongst this group because their level of comfort with, and confidence in, mediation would be increased by their knowledge and understanding of mediation and other alternative dispute resolution approaches. This is of significance to the field because it shows that the assistance of a mediator is perceived to be more successful than interest-based negotiation in a multi-party regional growth management planning conflict

situation, and that conflict management training has an impact on perceptions.

Results of this study show that both interest-based negotiation and mediation can be useful approaches to resolving regional growth management planning disputes.

Although, there are significant differences in the perceptions of success between locally elected officials from urban and rural jurisdictions which has important implications for both local governments and the provincial government.

Regional districts embarking upon a regional growth strategy process need to be cognizant of the different perceptions of locally elected officials in urban and rural jurisdictions regarding a successful approach to resolving disputes. It will be particularly important for regional districts to note the key aspects of a successful approach to dispute resolution and why they are considered to be key aspects. In all stages of negotiation between jurisdictions involved in the development of a regional growth strategy the emphasis on interest-based negotiation and mediation principles were noted as key aspects of a successful dispute resolution process and should be considered a priority. Given the importance placed upon the key principles of interest-based negotiation and mediation by all locally elected officials sampled, it is suggested that regional districts beginning to negotiate the content of a regional growth strategy utilize these principles right from the start. Utilizing interest-based negotiation principles in the early stages of negotiations may help to avoid entrenched disputes in later stages that could require the use of a mediator to manage a more tension filled dispute resolution process.

The provincial government, as it continues to support implementation of the Growth Strategies Act, should be aware that both interest-based negotiation and mediation are considered successful approaches to the resolution of regional growth strategy disputes. However, it should note that perceptions regarding which dispute resolution approach is more successful varies between urban and rural jurisdictions. In addition, the aspects of a dispute resolution process considered most successful by locally elected officials should be noted. The results of this study are particularly important because a facilitator appointed by the Ministry of Municipal Affairs and Housing has the responsibility of monitoring regional growth strategy development processes and advising on appropriate dispute resolution approaches when requested by a participating local government.

Results support the provincial government's emphasis on interest-based negotiation and mediation since locally elected officials consider both approaches to be useful. As noted previously, officials also consider the key principles of interest-based negotiation and mediation to be the most successful aspects of a dispute resolution process, which provides further support for the Province's emphasis on alternative dispute resolution.

Prior to focusing research on the resolution of inter-jurisdictional disputes in order to achieve growth management goals, regional planning should include careful examination of the network of economic and social interactions between the communities and the major nodes of activity and decision making in the region. Because the study found differences between locally elected officials from urban and rural jurisdictions a thorough analysis of the interactions between urban and rural areas and the important

place in the region each occupies is necessary. This would lay the foundation for a regional planning process that is based on a clear understanding of the linkages between the different parts of a region. Given the importance of inter-jurisdictional coordination and dispute resolution there need to be more theoretical and empirical studies centred on the functional interactions between jurisdictions which impact the geography of a region.

More attention should be paid to the urban-rural issues related to growth and sprawl, and how to resolve conflict on the urban-rural fringe. This is particularly important since there appears to be a continued shift in population, jobs and functions to suburban and urban fringe areas, and a spreading out of the functional region. One cannot assume that a region is a grouping of homogenous spatial units, and the results of this study show that locally elected officials from urban and rural jurisdictions perceive things differently, even though they reside in the same region. Regions are becoming more functionally integrated so more emphasis on the resolution of conflict on the urban-rural fringe is important. Understanding the differences in perceptions between urban and rural locally elected officials can provide much needed geographical input to local government policy.

Given the results of this research regarding the difference in perceptions between urban and rural locally elected officials, future research should be undertaken on how best to guarantee equal participation in a regional planning process between urban and rural jurisdictions to ensure the interests of both are addressed adequately. It was suggested that conflict between urban and rural areas can be reduced by involving all jurisdictions equally in planning for the region as both urban and rural officials felt it was important to

build a common understanding of the issues facing the region and to strive for mutual agreement.

Overall, the results of this study indicate that interest-based negotiation and mediation are successful approaches for resolving disputes arising from regional growth management planning negotiations. Effective solutions to growth management problems may require alternative approaches to resolving disputes amongst different political jurisdictions, particularly at the local and regional levels where direct land use decision making is done. Further research into the various aspects of interjurisdictional relationships, conflict and appropriate dispute resolution approaches in relation to regional growth management planning is needed by those in the fields of geography, conflict management and public policy as each can provide a valuable contribution.

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APPENDIX 1

REGIONAL GROWTH STRATEGY DISPUTE RESOLUTION SCENARIOS

SCENARIO A: INTEREST-BASED DISPUTE RESOLUTION APPROACH

Background:

A Regional Growth Strategy (“the strategy”) is being developed by the Livingood Regional District (LRD), in consultation with its member municipalities, citizens, other governmental bodies, and the adjoining regional district. The strategy aims to achieve a compact urban area and alleviate problems associated with population growth including urban sprawl, traffic congestion, loss of natural environmental features and changing neighbourhood character.

There are 6 municipalities within the LRD and one adjoining regional district, Fletcher Regional District (FRD). All municipalities which are members of the LRD, and the adjoining FRD, must accept the proposed strategy before the LRD can adopt and implement it. The municipalities of Montfortville and Wrigley are the only affected local governments that have notified the LRD that they will not accept the strategy as it is currently written. There are some outstanding issues that still need to be resolved before they will accept it.

Montfortville is identified in the strategy as a “slow-growth” community. It is located just outside of the urban containment boundary (which is the limit of urban development over the time frame of the strategy: 25 years). It will see its growth rate decrease over the next 25 years and is concerned that will have significant impacts upon economic development of the municipality, which is presently thriving. Montfortville has said it will not accept the strategy as presented until it gets agreement from the LRD to increase its allotted growth rate from 2% to 5% annually, which is the current rate of growth; and, to be included within the urban containment boundary.

The Livingood RD found it very difficult to draw the urban containment boundary where it is in the strategy but did so after many discussions with the affected local governments, representatives from the Province, the public, interest groups, and after obtaining advice from its planning department.

Wrigley is within the urban containment boundary. Wrigley City council is concerned that as a consequence of the strategy it will have to provide a broader mix of housing options to accommodate its growth capacity as identified in the strategy. This would increase the number of multi-family housing units, in what up until now has been a community with an abundance of parkland, large single-family lots, and only the odd townhouse or apartment/condominium development. The municipality has said that it will not accept the strategy until the number of people it must accommodate is reduced from the strategy’s defined growth capacity of 30,000 people over the next 25 years to 16,000 people, its own estimated level of capacity. The LRD thinks this goes completely against one of the principles of the strategy -- compact urban development, concentrated within the municipalities of Wrigley and Stanley.

The other municipalities in the region accept the strategy as written, even though some are not completely satisfied with it but accept it so that the critical regional issues are addressed. Some municipalities within the LRD, once they heard of the objections to the strategy, expressed concern that if amendments were made to accommodate Montfortville's wishes to be included in the urban containment boundary as well as Wrigley's demands to reduce its growth capacity, the entire strategy would be compromised. The intent of the strategy is to direct growth to existing urban areas that already have the infrastructure and service capacity or the capacity to easily expand to serve development. Wrigley has the necessary infrastructure and service capacity in place, while Montfortville does not currently have the excess capacity. All municipalities within the LRD are anxious to sit down with each other to discuss the outstanding issues to see if they can come to an agreement and get the regional growth strategy adopted. It's been three years and most people just want to get on with it and implement the strategy before it's too late to achieve its goals.

Dealing with the Conflict:

Chris Powell, the Livingood Regional District (LRD) Chair, leads off the discussions by stating that the only way to address the current growth problems is to draw the urban containment boundaries as they are in the strategy, increase housing density within the boundaries, and reduce the growth rates for communities outside those boundaries.

Robin Harrison, a councillor from Wrigley jumps in: "Chris, please correct me if I'm wrong, but during our earlier negotiations we discussed the need to concentrate growth, but no decision was made to increase our estimated growth capacity by almost 100%. I do appreciate the tremendous amount of work the LRD staff has put into the development of this strategy, not to mention the countless hours all of us around this table have dedicated to developing an effective growth strategy. However, what concerns me is fairness. My council wants to be confident that our municipality is not taking more than its fair share of the estimated population growth for the region."

Chris (LRD Chair): "In earlier discussions, there were a number of options discussed, but in order to meet the compact growth goal this is the best one LRD staff came up with. We can't make everyone happy, and frankly, Robin, Wrigley council's idea of fairness seems to be ensuring the municipality doesn't have to take its share of population growth while others work to accommodate the expected population increase. Just because Wrigley residents are wealthy and can afford large lots doesn't mean that the municipality shouldn't have to accommodate increased density."

Robin (Wrigley councillor): "Come on, Chris, let's not make this personal, we're trying to work with you on the problem. We're willing to do our fair share, but we don't feel that we're being treated fairly. What concerns us the most is a loss of community character and liveability for our residents. A 100% increase in our growth capacity over the next 25 years seems a little severe. We don't want to end up in arbitration, and I don't think you do either. We want to handle this problem on the basis of some fair standard, rather than of power and selfish interest."

Before anyone can respond, Kim Porteous, the mayor of Montfortville interrupts: “If you want to talk about fairness, what about Montfortville. We’re enjoying a 5% rate of growth annually, employment is high and housing starts are through the roof, if you’ll pardon the pun. My council won’t accept the proposed 2% target growth rate the regional growth strategy specifies for our community, as it will mean lost jobs and declining economic prosperity, and who wants that. If it means including us within the urban containment boundary to ensure we can maintain our current growth rate, then I would like to explore some ways to achieve that.”

As negotiations progress along these lines for some time, most of the participants are doing their best to identify what they feel are the underlying issues concerning their communities and the region as a whole. Robin (Wrigley councillor) has been trying to focus on the problem, not the people, and on the underlying interests each municipality has about the strategy, and feels that Chris (LRD Chair) and Kim (Montfortville mayor) are willing to play the same game. They are starting to explore what really concerns them.

Kerry Eckel, a councillor from Stanley, tries to build on Robin’s negotiation approach: “I’m not clear why the urban containment boundary was put where it is in the strategy. Nor am I clear about why Wrigley is being asked to double its estimated growth capacity, and Montfortville told it has to cut its growth rate almost in half. What were the reasons for those percentages? Was there a set of objective criteria staff used when attempting to draw the urban containment boundary?”

Chris (LRD Chair): “All studies done by the LRD planning department, based upon the provincial environmental impact assessment (EIA) data indicate that the Kaien River and the hills form a natural geographic boundary to separate the proposed compact urban area and communities beyond. With regards to the percentages, as you are aware LRD staff undertook some population projections and those were the numbers that made the most sense, although there is some room for modification.”

Robin (Wrigley councillor): “Let me see if I understand what you’re saying, Chris. If I’ve understood you correctly, you’re using a natural geographic boundary supported by the EIA data to distinguish between the compact urban area and the remaining communities in the regional district. In addition, you said there’s some room for modification on the specific numbers applied to Wrigley and Montfortville in terms of growth capacity and growth rates. If that’s correct then let’s discuss whether or not the participants agree to using the provincial environmental data and the population growth projections done by the LRD as appropriate standards upon which to discuss potential alternatives for the strategy that would be agreeable to everyone.” After reviewing and discussing the EIA and population projections everyone agrees to use this information as the basic criteria for identifying options which all can gain from.

After much discussion Kerry (Stanley councillor) tries to identify the common objectives heard from all parties. “Kim’s concerns regarding economic development are of utmost

importance to Montfortville council although it has expressed support for the LRD goals of reducing sprawl, preserving agricultural land and encouraging complete communities with a balance of housing and employment. Everyone else agrees that reducing sprawl and preserving agricultural land and parks are the most important issues addressed in the regional growth strategy.”

Loren, the mayor of Mattlin, adds: “Let’s not forget Wrigley’s fear of losing its community character. I don’t want to lose the unique character my community has either...what about everyone else? There is widespread agreement. “Then we should add that to the list of mutual interests”, says Robin. Robin is quite excited that everyone seems to be working to identify and generate options/solutions which would result in a “win-win solution”, where everyone benefits.

A number of options are developed by the group. They attempt to address the joint objectives identified while ensuring that the environmental data all agreed to use as an objective information base is considered. One option is preferred by Robin (Wrigley), Kim (Montfortville) and Chris (LRD). It would not change the urban containment boundary nor the growth rates or growth capacity in the regional growth strategy. The strategy would be amended, though, to include:

- a statement that provides for a review of Wrigley’s growth capacity figures in five years, to determine if they require any adjustment;
- a commitment from Wrigley council to prepare an alternative housing plan to address that community’s need to accommodate higher growth while maintaining the character and liveability of the community. The housing options are to be ready for a public consultation process within eighteen months, and a final plan agreed to by council within three years.
- an agreement that commits the LRD and Montfortville to work on a joint study, to be completed within one year, to determine how the municipality can work to achieve its goal of a “complete community” where the provision of jobs within the community largely supports its residents. This would also reduce the amount of commuting to jobs in Wrigley and Stanley.

Kerry (Stanley councillor): “Let’s all consider the ramifications of this option and think about the overall goals of the *Growth Strategies Act* in making our decision. I’m sure we can agree on a strategy that meets everyone’s needs and concerns so we can avoid arbitration where someone else makes the decisions for us.”

The representatives from Wrigley and Montfortville agree that the option presented is feasible. The other participants agree that if Montfortville and Wrigley accept the option they will ask their respective councils to support the amendments to the strategy. Chris also agreed to support this option and take it to the LRD board for consideration, as the RD would have to be prepared to assist both Montfortville and Wrigley in developing ways to address their concerns while maintaining the integrity of the regional growth strategy.

After taking the proposed amendments to their respective councils for consideration, Kim (Montfortville) and Robin (Wrigley) inform the others at the negotiating table that their councils are willing to accept the preferred option. The LRD Board also accepts the preferred option. All other affected local governments agree that the preferred option is the best solution. With this the amendments are made to the regional growth strategy, which is accepted by all.

SCENARIO B: MEDIATOR-ASSISTED DISPUTE RESOLUTION APPROACH

Background:

A Regional Growth Strategy (“the strategy”) is being developed by the Livingood Regional District (LRD), in consultation with its member municipalities, citizens, other governmental bodies, and the adjoining regional district). The strategy aims to achieve a compact urban area and alleviate problems associated with population growth including urban sprawl, traffic congestion, loss of natural environmental features and changing neighbourhood character.

There are 6 municipalities within the LRD and one adjoining regional district, Fletcher Regional District (FRD). All municipalities which are members of the LRD, and the adjoining FRD, must accept the proposed strategy before the LRD can adopt and implement it. The municipalities of Montfortville and Wrigley are the only affected local governments that have notified the LRD that they will not accept the strategy as it is currently written. There are some outstanding issues that still need to be resolved before they will accept it.

Montfortville is identified in the strategy as a “slow-growth” community. It is located just outside of the urban containment boundary (which is the limit of urban development over the time frame of the strategy: 25 years). It will see its growth rate decrease over the next 25 years and is concerned that will have significant impacts upon economic development of the municipality, which is presently thriving. Montfortville has said it will not accept the strategy as presented to them until it gets agreement from the LRD to increase its allotted growth rate from 2% to 5% annually, which is the current rate of growth; and, to be included within the urban containment boundary. The Livingood RD found it very difficult to draw the urban containment boundary where it is but did so after many discussions with the affected local governments, representatives from the Province, the public, interest groups, and after obtaining advice from its planning department.

Wrigley is within the urban containment boundary. Wrigley City council is concerned that as a consequence of the strategy it will have to provide a broader mix of housing options to accommodate its growth capacity as identified in the strategy. This would increase the number of multi-family housing units, in what up until now has been a community with an abundance of parkland, large single-family lots, and only the odd townhouse or apartment/condominium development. The municipality has said that it will not accept the strategy until the number of people it must accommodate is reduced from the strategy’s defined growth capacity of 30,000 people over the next 25 years to 16,000 people, its own estimated level of capacity. The LRD thinks this goes completely against one of the principles of the strategy -- compact urban development, concentrated within the municipalities of Wrigley and Stanley.

The other municipalities in the region accept the strategy as written, even though some are not completely satisfied with it but accept it so that the critical regional issues are

addressed. Some municipalities within the LRD, once they heard of the objections to the strategy, expressed concern that if amendments are made to accommodate Montfortville's wishes to be included in the urban containment boundary as well as Wrigley's demands to reduce its growth capacity, the entire strategy will be compromised. The intent of the strategy is to direct growth to existing urban areas that already have the infrastructure and service capacity or the capacity to easily expand to serve development. Wrigley has the necessary infrastructure and service capacity in place, while Montfortville does not currently have the excess capacity. All municipalities within the LRD are anxious to sit down with each other to discuss the outstanding issues to see if they can come to an agreement and get the regional growth strategy adopted. It's been three years and most people just want to get on with it and implement the strategy before it's too late to achieve its goals.

Dealing with the Conflict:

In order to assist the LRD, its member municipalities and the FRD reach agreement on a regional growth strategy for the LRD, the LRD Board and the dissenting municipalities have decided to bring in a mediator to help them negotiate outstanding issues standing in the way of a completed strategy. The agreed upon mediator -- Pat Carey, a well-respected facilitator/mediator with extensive experience in land use issues -- meets with the participants in the conflict resolution process individually before everyone comes to the negotiating table. The purpose of this is for the mediator to get a sense of the scope of the conflict and of the scope of the negotiation process that would be needed to help the parties reach agreement.

Pat then meets with the parties jointly to explain how the mediation process is going to work and what is expected of participants. Pat helps them to prepare joint terms of reference, establish procedures to provide a framework for negotiation, develop an agenda of items or issues to be negotiated and agree on any required information they might need. The parties decide that each local government will have one seat at the negotiation table and may be accompanied by any advisors or staff they wish, who can only participate in the discussions with the concurrence of the "table". With information gathered from the individual meetings Pat assisted the parties in developing an agenda for joint discussions. In addition, if the assistance is required, a technical consultant experienced in population forecasting was jointly selected by the parties to address any issues revolving around growth rates, as well as economic and population forecasting.

After reviewing the agenda, Pat begins: "What I want to do first is go around the table and have everyone express what their interests are with regards to the regional growth strategy. Your comments will be noted on the board and form the basis for further discussion. Remember to focus on the problems that need to be addressed and not on the people involved. Please try to put aside any personal difficulties you may have with anyone else here. Keep in mind what it would be like to be in someone else's shoes. Also, what I want to hear are your interests or concerns not your jurisdictions' position on the issues in conflict."

Chris Powell, the LRD Chair, begins by stating that the only way to address the current growth problems is to draw the urban containment boundaries where they are, increase housing density within the boundaries, and reduce the growth rates for communities outside those boundaries. Pat redirects this line of discussion: "Chris, please identify what underlying interests the LRD wants to accomplish...what issues is the strategy designed to address in the region."

Chris (LRD Chair): "Well, when it comes right down to it the LRD is primarily interested in reducing the amount of urban sprawl in the region, preserving green space and agricultural land, and encouraging the idea of complete communities where there is a balance of jobs and housing within the same area in order to reduce traffic congestion and the associated pollution problems."

Robin Harrison, a councillor from Wrigley jumps in: "Chris please correct me if I'm wrong, but during our earlier negotiations we discussed the need to concentrate growth, but no decision was made to increase our estimated growth capacity by almost 100%. I do appreciate the tremendous amount of work the LRD staff has put into the development of this strategy, not to mention the countless hours all of us around this table have dedicated to developing an effective growth strategy. However, what concerns me is fairness. My council wants to be confident that our municipality is not taking more than its fair share of the estimated population growth for the region."

Chris (LRD Chair): "In earlier discussions, there were a number of options discussed, but in order to meet the compact growth goal this is the best one LRD staff came up with. We can't make everyone happy, and frankly, Robin, Wrigley council's idea of fairness seems to be ensuring the municipality doesn't have to take its share of population growth while others work to accommodate the expected population increase. Just because Wrigley residents are wealthy and can afford large lots doesn't mean that the municipality shouldn't have to accommodate increased density."

Pat (mediator) interjects: "Chris, remember to separate the people involved from the particular interests that are being expressed. Now, Robin, you have identified fairness as a concern for Wrigley council. Are there other interests your council has regarding the proposed content of the regional growth strategy?"

Robin (Wrigley councillor): "Council wants to reduce sprawl, maintain parks and farms as well, but what we want to be sure of is that we're not taking more than our fair share of the estimated population growth for the region in order to meet these goals. We're also concerned about a loss of community character and liveability for our residents, which a 100% increase in our growth capacity over the next 25 years may cause. We don't want to end up in arbitration, and I don't think you do either. We want to work with the LRD and handle this problem on the basis of some fair standard, rather than of power and selfish interest."

Chris (LRD Chair): “Robin, in earlier discussions, there were a number of options discussed, but in order to meet the compact growth goal this is the best one LRD staff came up with...”

Pat (mediator): “Just a moment, Chris, before we get into a discussion of options I want to ensure everyone here has the opportunity to express their concerns and interests. From this we can develop common objectives that will provide us with the basis for inventing options for mutual gain...but we need to ensure we have identified all the interests first.”

Kim Porteous, the mayor of Montfortville provides that community’s viewpoint: “If you want to talk about fairness, what about Montfortville. We’re enjoying a 5% rate of growth annually, employment is high and housing starts are through the roof, if you’ll pardon the pun. My council will not accept the proposed 2% target growth rate the strategy specifies for our community, as it will mean lost jobs and economic prosperity, and who wants that! If it means including us within the urban containment boundary to ensure we can maintain our current growth rate, then I would like to explore some ways to achieve that.”

Pat (mediator): “Kim, you’re trying to jump ahead and establish options. It’s your underlying concerns, needs, fears, etc. that we need to discuss at this time. So, if I understand you correctly, your community’s primary concerns are the potential loss of jobs and economic prosperity”? Kim (Montfortville mayor): “Yes, I would say that those are our biggest concerns”.

Kerry Eckel, a councillor from Stanley asks for clarification from Chris (LRD Chair): “I’m still not clear about why the urban containment boundary was put where it is in the strategy. Nor am I clear about why Wrigley is being asked to double its estimated growth capacity, and Montfortville told it has to cut its growth rate almost in half. What were the reasons for those percentages? Was there a set of objective criteria staff used when attempting to draw the urban containment boundary?”

Chris (LRD Chair): “All studies done by the LRD planning department, based upon the provincial environmental impact assessment (EIA) data indicate that the Kaien River and the hills form a natural geographic boundary to separate the proposed compact urban area and communities beyond. With regard to the percentages, as you are aware LRD staff undertook some population projections and those were the numbers that made the most sense, although there is some room for modifications.”

Pat (mediator): “Let me see if I understand what you’re saying, Chris. If I’ve understood you correctly, you’re using a natural geographic boundary supported by EIA data to distinguish between the compact urban area and the remaining communities in the LRD. In addition, you said there is some room for modification on the specific numbers applied to Wrigley and Montfortville in terms of growth capacity and growth rates. If that’s correct then let’s discuss whether or not the participants agree to using the provincial environmental data and the population growth projections done by the LRD as

appropriate standards upon which to discuss potential alternatives for the strategy that would be agreeable to everyone.” After reviewing and discussing the EIA and population modelling everyone agrees to use this information as the basic criteria for identifying options which can ensure all parties gain.

Pat provided everyone with the opportunity to discuss their interests, focusing on the problems and not the people, and to have them recorded to form the basis for further discussions. Before the next meeting, Pat meets individually with the participants to ensure that there are no important issues that have not yet surfaced in joint discussions.

In a joint meeting again, Pat draws the parties into a discussion of what joint objectives can be identified from the interests expressed: “Kim has expressed concerns regarding economic development, while clarifying support for the LRD goals of reducing sprawl, preserving agricultural land and encouraging complete communities. I have also recorded that everyone else feels that reducing sprawl and preserving agricultural land and parks are the most important issues the strategy should address. Is this correct?” Pat gets agreement from everyone. “Are there any other issues of equal importance that should be included as a joint objective?”

Loren, the Mayor of Mattlin, adds: “Let’s not forget Wrigley’s fear of losing its community character. I don’t want to lose the unique character of my community either.”

Pat (mediator): “How does everyone else feel about this issue?” There is widespread agreement that this is an important issue. “Then we should add it to the list of mutual interests.”

Pat leads the group in a structured discussion of options for mutual gain to address the joint objectives identified while ensuring that the environmental data all agreed to use is considered. One option is preferred by Robin, Kim and Chris. It would not change the urban containment boundary nor the growth rates or growth capacity in the growth strategy. The strategy would be amended, though, to include:

- a statement that provides for a review of Wrigley’s growth capacity figures in five years, to determine if they require any adjustment;
- a commitment from Wrigley council to prepare an alternative housing plan to address that community’s need to accommodate higher growth while maintaining the character and liveability of the community. The housing plan options are to be ready for a public consultation process within eighteen months, and a final plan agreed to by council within three years; and,
- an agreement that commits the LRD and Montfortville to work on a joint study, to be completed within one year, to determine how the municipality can work to achieve its goal of a “complete community” where the provision of jobs within the community largely supports its residents. This should also reduce the amount of commuting to jobs in Wrigley and Stanley.

Kerry (Stanley councillor): “I’m encouraged. The preferred option appears to meet all the joint objectives we identified. I can’t speak for everyone, but I’m sure we’ll be able to agree on a strategy that meets everyone’s needs and concerns so that we can avoid arbitration where someone else makes the decisions for us.”

The representatives from Wrigley and Montfortville agree that the option presented is feasible. The other participants agree that if Montfortville and Wrigley accept the option they will ask their respective councils to support the amendments to the strategy. Chris also agreed to support this option and take it to the LRD board for consideration, as the LRD would have to be prepared to assist both Montfortville and Wrigley in developing ways to address their concerns while maintaining the integrity of the strategy.

Pat (mediator): “You need to consider the ramifications of all the options, and think about the overall goals of the *Growth Strategies Act* in your evaluation. I will prepare a summary of issues identified, joint objectives and the options you devised for mutual gain that you can take to your respective councils or boards for referral when discussing the options with them.”

After taking the proposed amendments to their respective councils for consideration, Kim (Montfortville) and Robin (Wrigley) inform the rest that their councils are willing to accept the preferred option. The LRD Board also accepts the preferred option. All other affected local governments agree that the preferred option is the best solution. With this the amendments are made to the regional growth strategy and all accept it.

APPENDIX 2

**TABLES OF REGIONAL DISTRICTS WHERE LOCALLY ELECTED
OFFICIALS RECEIVED SURVEY QUESTIONNAIRES**

HIGH GROWTH REGIONS

EAST COAST VANCOUVER ISLAND			LOWER MAINLAND			OKANAGAN VALLEY		
Regional District	Municipality	Pop. (1991)	Regional District	Municipality	Pop. (1991)	Regional District	Municipality	Pop. (1991)
<i>Capital</i>	<i>Urban</i>		<i>Greater Vancouver</i>	<i>Urban:</i>		<i>Central Okanagan</i>	<i>Urban</i>	
	• Victoria	71,228		• Vancouver	471,844		• Kelowna	75,950
	• Oak Bay	17,815		• Burnaby	158,858		<i>Rural</i>	
	• Esquimalt	16,192		• New Westminster	43,585		• Peachland	3,459
	• Sidney	10,082		• City of North Vancouver	38,436		• 4 Electoral Areas	Each under 10,000
	• Saanich	95,577		• District of North Vanc.	75,157			
	• Langford	14,762		• Richmond				
	• Colwood	13,468		• Delta	126,624			
	<i>Rural</i>			• Township of Langley	88,978			
	• View Royal	5,925		• District of Langley	19,765			
	• Metchosin	4,232		• West Vanc.	66,040			
	• Central Saanich	13,684		• Port Moody				
	• North Saanich	9,645		• Coquitlam	38,783			
• Highlands	1,201	• Port Coquitlam	17,760					
		• Surrey	84,021					
		• White Rock	36,773					
		• Pitt Meadows	245,173					
		• Maple Ridge	16,314					
		<i>Rural</i>	11,147					
		• Anmore	48,422					
		• Belcarra						
		• Lion's Bay	741					
		• 2 Electoral Areas	610					
			1,328					
			Each under 5,000					

EAST COAST VANCOUVER ISLAND			LOWER MAINLAND			OKANAGAN VALLEY		
Regional District	Municipality	Pop. (1991)	Regional District	Municipality	Pop. (1991)	Regional District	Municipality	Pop. (1991)
<i>Cowichan Valley</i>	<i>Urban:</i>		<i>Fraser Valley</i>	<i>Urban:</i>		<i>North Okanagan</i>	<i>Urban:</i>	
	• Duncan	4,301		• Abbotsford	18,864		• Armstrong	3,200
	• Ladysmith	4,875		• Matsqui	68,064		• Vernon	27,955
	<i>Rural</i>			• Mission	26,202		• Coldstream	7,999
	• North Cowichan	21,373		• Chilliwack	49,531		<i>Rural:</i>	
	• Lake Cowichan	2,241		• Hope	6,016		• Enderby	2,128
	• 9 Electoral Areas	Each under 5,500		• Kent	4,322		• Spallumcheen	4,719
				<i>Rural:</i>			• Lumby	1,265
				• Harrison Hot Springs	655		• 5 Electoral Areas	Each under 3,500
				• 12 Electoral Areas	Each under 3,500			
<i>Nanaimo</i>	<i>Urban:</i>					<i>Okanagan-Similkameen</i>	<i>Urban:</i>	
	• Nanaimo	60,019					• Penticton	27,258
	• Parksville	7,333				• Summerland	9,253	
	• Qualicum Beach	5,186				• Oliver	3,743	
	<i>Rural</i>					• Osoyoos	3,403	
	• 8 Electoral Areas	Each under 5,000				• Princeton	2,810	
						<i>Rural:</i>		
						• Keremeos	933	
						• 9 Electoral Areas	Each under 4,500	

LOW GROWTH REGIONS

KOOTENAY REGION			CENTRAL REGION			NORTH REGION			NORTHERN VANCOUVER ISLAND		
Regional District	Municipality	Pop. (1991)	Regional District	Municipality	Pop. (1991)	Regional District	Municipality	Pop. (1991)	Regional District	Municipality	Pop. (1991)
<i>East Kootenay</i>	<i>Urban:</i>		<i>Thompson-Nicola</i>	<i>Urban:</i>		<i>Peace River</i>	<i>Urban:</i>		<i>Mount Waddington</i>	<i>Urban:</i>	
	• Cranbrook	16,447		• Kamloops	67,057		• Dawson Creek	10,981		• Port Hardy	5,082
	• Fernie	5,013		• Merritt	6,279		• Ft. St. John	14,156		<i>Rural:</i>	
	• Kimberely	6,531		<i>Rural:</i>			• Chetwynd	2,843		• Port McNeill	2,641
	<i>Rural:</i>			• Logan Lake	2,379		• Hudson's Hope	985		• Alert Bay	628
	• Elkford	2,846		• Ashcroft	1,714		• Taylor	821		• Port Alice	1,371
	• Invermere	2,207		• Cache Creek	1,007		• Tumbler Ridge	4,650		• 4 Electoral Areas	Each under 1,500
	• Sparwood	4,211		• Chase	2,083		• Pouce Coupe	832			
	• Radium Hot Springs	395		• Clinton	662		• 4 Electoral Areas	Each under 5,500			
	• 6 Electoral Areas	Each under 5,500		• Lytton	335						
				• 10 Electoral Areas	Each under 4,500						

KOOTENAY REGION			CENTRAL REGION			NORTH REGION			NORTHERN VANCOUVER ISLAND		
Regional District	Municipality	Pop. (1991)	Regional District	Municipality	Pop. (1991)	Regional District	Municipality	Pop. (1991)	Regional District	Municipality	Pop. (1991)
Central Kootenay	<i>Urban:</i>		Cariboo	<i>Urban:</i>		Fraser-Fort George	<i>Urban:</i>				
	• Castegar	6,579		• Quesnel	8,179		• Prince George	69,653			
	• Nelson	8,865		• Williams Lake	10,387		<i>Rural:</i>				
	• Creston	4,205		<i>Rural:</i>			• Mackenzie	5,796			
	<i>Rural:</i>			• 100 Mile House	1,866		• McBride	580			
	• Kaslo	863		• 12 Electoral Areas	Each under 7,500		• Valemount	1,128			
	• Nakusp	1,641					• 7 Electoral Areas	Each under 4,000			
	• New Denver	571									
	• Salmo	1,069									
	• Silverton	231									
	• Slocan	263									
	• 11 Electoral Areas	Each under 4,000									
Kootenay Boundary	<i>Urban:</i>		Columbia Shuswap	<i>Urban:</i>							
	• Grand Forks	3,610		• Revelstoke	7,729						
	• Rossland	3,571		• Salmon Arm	12,115						
	• Trail	7,919		• Golden	3,721						
	<i>Rural:</i>			<i>Rural:</i>							
	• Greenwood	725		• Sicamous	2,501						
	• Fruitvale	2,062		• 6 Electoral Areas	Each under 5,000						
	• Midway	611									
	• Montrose	1,197									
	• Warfield	1,814									
	• 5 Electoral Areas	Each under 3,500									

APPENDIX 3

**UNION OF BRITISH COLUMBIA MUNICIPALITIES'
NEWSLETTER ARTICLE REGARDING STUDY**

UVic Undertaking Conflict Management Study

The Growth Strategies Act enacted on June 8, 1995, enables local governments to prepare regional growth strategies to address growth related issues in a coordinated and cooperative way. The legislation requires a regional growth strategy to be accepted by all local government jurisdictions that would be affected by the strategy. An important step in the success of this legislation will be the development of conflict resolution approaches that foster a cooperative planning relationship.

Lois-Leah Goodwin, a graduate student and Peter E. Murphy, Professor in the Department of Geography, University of Victoria, are undertaking a study that is designed to explore and understand the views of locally elected officials regarding approaches used for managing conflict that may occur during the development of a regional growth strategy. The results will help to further understanding of the pros and cons of using different approaches. It is also anticipated that the results will be of benefit to the Ministry of Municipal Affairs in its implementation of the Growth Strategies Act.

Over the next few weeks many of you will be receiving a letter from Lois-Leah and Peter, asking you to fill out a questionnaire regarding your views on managing conflict. Your participation is critical to the success of the project, therefore it would be appreciated if you would volunteer approximately 25 minutes of your time to help with this project.

For further information please contact Lois-Leah Goodwin in Victoria at 658-5346.



Rural Subdivision You Want It - You Got It

The Minister of Transportation and Highways, the Honourable Jackie Pement, announced to the Regional District Day session at the 1995 UBCM Convention that the province would transfer the subdivision approval authority in rural areas to those regional districts that requested it. So far, nine regional districts and the Islands Trust have expressed initial interest.

The Ministers announcement fulfills the substance of the UBCM resolution that the function be on the request of the regional district and not be imposed on all regional districts. In addition, the Minister addressed the concerns over liability for existing subdivisions approved by the Ministry and extended

welcome offers to assist in the transition process.

The Ministry has begun an implementation plan that would hopefully see legislation introduced at a spring session. Work is underway on assessing information that would be needed to assist and train new regional district approving officers. Regional districts that are interested in exploring the possibility of assuming the function should contact the Ministry of Transportation and Highways if they have not already done so.

Once this initial transfer phase is complete, it is envisioned that regional districts would have the opportunity to signal by July 1st that they wish to assume the function on January 1 of the following year.

Regional District Emergency Preparedness

On Tuesday, October 3 during the morning session for Electoral Area Directors, the Ministry of Attorney General, Provincial Emergency Program staff reviewed for the delegates a proposal to require basic emergency preparedness for electoral areas by regional districts.

Under the current legislation, this function is permissive under Section 790(2)(b). Currently, 14 of the 29 regional districts are using this provision to deliver emergency preparedness to anywhere from one electoral area to

the whole regional district.

This legislative proposal to make emergency preparedness mandatory for regional districts to prepare basic emergency preparedness plans is a recommendation in the consultants report done for the Ministry of Forests reviewing the actions of government agencies involved in the 1994 Garnet forest fire in the Pentiction forest district.

If your regional district would like to comment on this proposed legislation, you should write to: Manager of Policy and Plans Provincial Emergency Program 455 Boleskine Road Victoria, BC V8Z 1E7 with a copy to the UBCM office.

Regional Health Capital Directions

The Ministry of Health is moving to clarify the responsibility for old regional hospital district debt and establish some 13 new regional hospital districts along the lines of the regional health boards.

With respect to "old debt", the principle endorsed by UBCM that the area that incurred the debt will be responsible to retire it is being fully respected. The present 29 RHDs will be responsible to retire the debts they incurred (the definition of what point the debt is incurred is to be prescribed). This will allow RHDs that

have other assets on the books to decide how to dispose of them.

At the same time, the Ministry is intending to proclaim by Letters Patent establishing 13 new regional hospital districts that would be responsible for approving the 40% local share of new capital projects proposed by regional health boards. The GVRD would remain responsible for the local share of the six RHBs within its area.

From the information available, it appears that all municipalities and regional districts would ap-

point directors to these new boards much as they do now. In some areas, new voting units would be established that may shift voting strengths. Since a uniform tax rate must be used throughout the new RHD, some potential tax shifts might be anticipated. At this time it is not clear how/who shall inaugurate the new boards, what their administrative structures might be or what their immediate tasks for 1996 will be. It is anticipated that they will be established on January 1, 1996.

Universities and Colleges Grants-in-Lieu New Formula Under Development

The 1995 Provincial Budget allocated \$2 million for new grants in lieu of taxes for universities and colleges. The Budget simply said:

For the 1995 property tax year, the government will provide about \$2 million in grants in lieu of property taxes to local governments where universities or colleges

are located. The Union of British Columbia Municipalities (UBCM) will be consulted on how best to distribute these grants.

Recently the Ministry of Finance has begun to engage UBCM in discussions that would lead to distribution of the 1995 funds. UBCM has taken the position that at this point it has

no mandate to provide advice on the difficult choices between options for distribution that might be considered but is willing to ensure those affected are made aware of the uttative. Up to 50 municipalities could be affected, depending on how the system is designed.

New Contaminated Sites Draft Now Available

Draft 3 of the Contaminated Sites Regulation has been released for review.

It has been over a year since the 2nd draft was released just prior to the 1994 UBCM Convention. That draft provoked a strong response and sent the Ministry back to review many elements. In conjunction with the UBCM-MELP "Protocol" Committee it was agreed to undertake a review of

criteria, administration, legal and training needs.

The legal review confirmed the need for amendments to the Waste Management Act to address local government liability concerns. Medical Health officials and environmental officials have undertaken a complete review of the standards to define contaminants and have developed a new approach that is more sensi-

nitive to the intended land use. A major change in administrative procedures will be the option for local government to "opt out" of being the body receiving site profiles of potentially contaminated sites. Given this development, UBCM and the Ministry deferred further work on approaches to training local government staff to process site profiles.

CHC Elections and Local Government Involvement

In November 1996 one-third of community health councils (or in some metropolitan areas, regional health boards) will be directly elected and it is the intention of the Ministry of Health to have these

elections conducted in conjunction with local government elections.

UBCM has been urging the Ministry to release their ideas for discussion but has been adamant that any proposal that could

see local government conducting elections on behalf of CHCs or RHBs must be completely at the discretion of local government (ie. no mandatory service) and with complete cost recovery. We

have also questioned the legislative authority for local government involvement and the need to allow local election officials plenty of time to consider CHC election procedures.

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ASSOCIATED
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APPENDIX 4

COVER LETTER AND SURVEY QUESTIONNAIRE



November 23, 1995

Dear respondent:

The *Growth Strategies Act* enacted on June 8, 1995, enables local governments to prepare regional growth strategies to address growth related issues in a coordinated and cooperative way. The legislation requires a regional growth strategy to be accepted by different local government jurisdictions. An important step in the success of this legislation will be the development of conflict resolution approaches that foster a cooperative planning relationship.

The enclosed questionnaire is designed to explore and understand the views of locally elected officials regarding approaches used for managing conflict that may occur during the development of a regional growth strategy. Information is being collected from elected representatives of municipalities and electoral areas in nineteen different regional districts in the province. The results will help us understand the pros and cons of using different approaches. Upon completion of the study, a summary of the key findings will be made available to you.

This study is being undertaken to fulfill thesis requirements for a Master of Arts degree in the Department of Geography, University of Victoria. Although the MA candidate also works for the Ministry of Municipal Affairs as the Acting Manager of Policy Development, Policy and Research Branch, this study is being done independently. However, it is anticipated that the results will be of benefit to the Ministry in its implementation of the Growth Strategies Act.

It would be appreciated if you would volunteer your time to help with this project. It will take you about 25 minutes to read the scenario and complete the questionnaire. You are not required to write your name or identify your jurisdiction, so anonymity and confidentiality are guaranteed. The coding you see on the top of the questionnaire only identifies your jurisdiction as urban or rural, within a perceived high or low growth region. Further, the responses will be reported only in summary form, with no individuals being identified. Not every respondent has the same scenario to review so your colleagues may have received a different one. Therefore, please do not discuss the content of the scenario you received with your colleagues as it is important that you express your original thoughts on the questionnaire. When you have completed the questionnaire, please return it by mail in the self-addressed envelope provided.

Your position as a locally elected official makes you a suitable candidate for participation in this study, and your participation is critical to this project, although strictly voluntary. Twenty-five minutes of your time will contribute immensely to the advancement of conflict management research. Therefore, we hope that you will assist this research by completing the questionnaire. If you have any questions please contact Lois-Leah at (604) 387-4059.

Thank you for your cooperation in this important and practical project.

Sincerely,

Lois-Leah Goodwin
MA Candidate
Department of Geography

Peter E. Murphy
Professor
Department of Geography

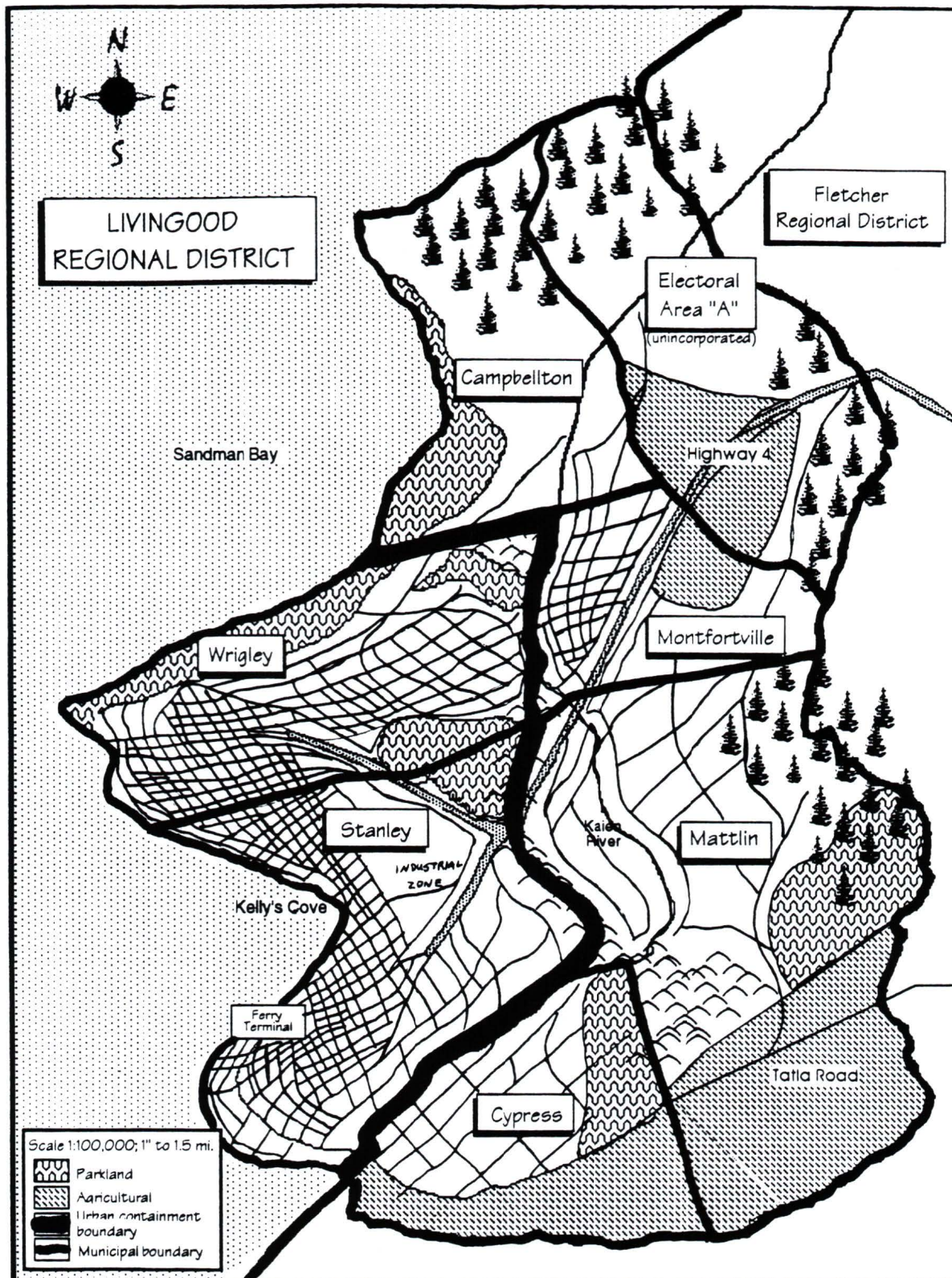
Conflict Resolution Questionnaire

Instructions:

Please **read the following scenario** depicting the negotiation and resolution of a dispute between local government jurisdictions regarding growth management issues. The accompanying map illustrates the location of the theoretical municipalities in relation to each other, the geography of the region and the location of the urban containment boundary. Once you have read the scenario please **fill out the questionnaire at the end.**

Conflict Resolution Scenario

NOTE: Locally elected officials received either one of the two scenarios (Scenario A or Scenario B) which are included in APPENDIX 1.



QUESTIONNAIRE

- (1) Below are some specific statements which are intended to gauge your perceptions regarding fairness, participant satisfaction, effectiveness and efficiency in terms of the approach used to resolve the conflict.

Please rate the following statements using these numbers:

1	2	3	4	5	6	7
S t r o n g l y A g r e e	A g r e e	A g r e S o m e w h a t	N e i t h e r A g r e n o r D i s a g r e e	D i s a g r e S o m e w h a t	D i s a g r e e	S t r o n g l y D i s a g r e e

- _____ (a) The approach used to resolve the conflicts depicted in the scenario was fair.
- _____ (b) The conflict resolution approach held promise of producing outcomes that can be measured and monitored.
- _____ (c) The conflict resolution approach did not deal with the real concerns of participants.
- _____ (d) The approach used to resolve the conflicts appears to be time consuming.
- _____ (e) Parties to the conflict were able to understand each others interests and therefore be more cooperative.
- _____ (f) If I was a participant, I would have left the meeting satisfied.
- _____ (g) If I was a participant, I would not be committed to supporting the settlement.
- _____ (h) The approach used to resolve the conflicts allowed for the free expression of interests without fear of them being ignored.
- _____ (i) The approach did not ensure that all issues of concern to participants were discussed.
- _____ (j) The approach to resolving the conflicts should only be used when there are no deadlines.
- _____ (k) The conflict resolution approach provided equal opportunities for participation by all parties.
- _____ (l) If I was a participant, I would feel that I was exposed to personal criticism during discussions.
- _____ (m) The agreement met all of the joint objectives identified.
- _____ (n) The negotiations could easily break down because of the approach used.
- _____ (o) The process appears to use up a lot of resources.
- _____ (p) If I were a participant, I would feel like I had no control over the conflict resolution process.

(2) Please answer the following questions.

- (a) In your opinion, what aspects of the approach used in the conflict resolution scenario were the most successful in resolving the differences between participants?

(b) Why?

- (c) Are there better approaches for assisting parties to resolve growth management conflicts such as those depicted in the scenario? *(Please check one of the following)*

Definitely Yes	Yes	Probably Yes	Maybe	Probably No	No	Definitely No

- (d) If you think there are better approaches for assisting parties to resolve growth management conflicts such as those depicted in the scenario, what are they?

(g) Sex: Male____ Female____

(h) Age: _____

(i) Have you ever had any training in conflict management? Yes____ No _____

If yes, what kind of training?

(4) If you have any further comments please provide them in the following space (or attach a separate sheet).

RESULTS MAIL-IN FORM

This study should be completed by April, 1996. At that time I would be happy to send you a summary of the key findings. If you are interested, please complete the address box below and a brief report will be forwarded to you. Please note that **this information will be used only for mailing purposes and not for the actual study.**

NAME: _____

ADDRESS: _____

THANK YOU FOR YOUR TIME

APPENDIX 5

FOLLOW-UP LETTER REGARDING SURVEY QUESTIONNAIRE



January 12, 1996

A few weeks ago a questionnaire was sent to you seeking your views on approaches used for managing conflict that may occur during the development of a regional growth strategy, authorized by the *Growth Strategies Act* (enacted June 8, 1995). The results will help me to understand the advantages and disadvantages of using different approaches to conflict resolution. Your position as a locally elected official makes you an important contributor to this study.

If you have already completed and returned the questionnaire to me please accept my sincere thanks. If not, please do so today. Because it has only been sent to a representative sample of locally elected officials, it is extremely important that yours also be included in the study if the results are to accurately represent the opinions of elected officials in the various regions of the province.

If by some chance you did not receive the questionnaire, or it got misplaced, please call me right now, (604) 658-5946 and I will get another one in the mail to you today.

Sincerely,

Lois-Leah Goodwin
MA Candidate

VITA

Surname: Goodwin

GivenNames:Lois-Leah

Place of Birth: Edmonton, Alberta, Canada

Educational Institutions Attended:

University of Victoria

1981-1986

Degrees Awarded:

B.A. University of Victoria

1986


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Title of Thesis:

Reaching Agreement on Regional Growth Strategies: Evaluating ADR Methods For Resolving Interjurisdictional Regional Planning Disputes

Author:


Lois-Leah Goodwin
August 23, 1996