



PROVINCIAL AGRICULTURAL LAND COMMISSION Resolution # 104N/2023

Previous Resolutions: 099N/2022; 083N/2021; 082N/2021; 077N/2020; 067N/2019; 059N/2019; 058N/2019; 057N/2019; 046N/2017; 016N/2011; 008N/2011; 003N/2009

CHIEF EXECUTIVE OFFICER DELEGATED AUTHORITY

Under [Section 27 of the Agricultural Land Commission Act](#) the ALC, by resolution, may establish criteria under which the CEO may approve applications for exclusion, subdivision, non-farm use, non-adhering residential use, and soil or fill use with respect to specified regions of British Columbia. If the CEO considers that the application does not meet the criteria specified, or for any other reason does not wish to approve the application, the application must be referred by the Chair to the applicable regional panel for a decision. An approval of an application by the CEO is a decision of the ALC for the purposes of the *ALC Act*.

The Chief Executive Officer Delegated Authority Criteria are:

1. Subdivision, non-farm use, non-adhering residential use, and soil or fill use applications that fulfill a requirement of the Commission contained in a previous decision made by resolution.
2. Subdivision, non-farm use, non-adhering residential use, and soil or fill use applications that are consistent with a specific planning decision of the Commission made by resolution (e.g.: Peace River- Fort St. John Comprehensive Development Plan).

Clarification: This criterion for decision-making does not include general comments or endorsement of the Commission regarding Official Community Plans, Zoning Bylaws or their respective amendments.

3. Non-farm use and non-adhering residential use applications made necessary by minor deviations from the permitted uses identified in the ALR Use Regulation.
4. Non-farm use applications made pursuant to section 22 of the ALR General Regulation, except for those relating to recreational trails.

Clarification: Applications made under Section 22 of the ALR General Regulation and Section 20(2) of the ALCA are considered to be non-farm use applications. As such,

Section 27 (1)(a) of the ALCA which delegates authority to the CEO to consider non-farm use applications is interpreted to encompass applications made under s. 22 of the ALR General Regulation.

5. *Repealed February 26, 2016*
6. *Repealed February 26, 2016*
7. Subdivision applications for boundary adjustments that are consistent with the intent of section 3 of the ALR General Regulation but cannot be approved by the local approving officer due to the limitations on parcel size and on the number of parcels involved in the proposed boundary line adjustment.

Clarification: This criterion for decision-making does not include permission for the CEO to consider boundary adjustment subdivisions of non-contiguous parcels.

8. Requests for variations or removal of conditions of approval imposed by the Commission by resolution in exclusion, subdivision, non-farm use, non-adhering residential use, and soil or fill use applications that are consistent with the intent of the Commission's original decision.

Clarification: Applications made under Section 22 of ALR General Regulation and Section 20(2), of the ALCA are considered to be non-farm use applications. As such, Section 27 (1)(a) of the ALCA which delegates authority to the CEO to consider non-farm use applications is interpreted to encompass applications made under s. 22 of the ALR General Regulation.

9. *Repealed February 26, 2016*
10. *Repealed February 26, 2016*
11. *Repealed February 26, 2016*
12. Subdivision applications that are consistent with the provisions and intent of ALC Policy L-11 Homesite Severance on ALR Lands.
13. *Repealed February 26, 2016*
14. Subdivision, non-farm use, non-adhering residential use and soil or fill use that are not consistent with any of the existing approved criteria (Criteria 1 – 13) but nonetheless are minor in nature and in the opinion of the CEO, the interests of the Commission would be unaffected by an approval of the application.

15. Based on an assessment of the intensity and scale of the farm operation, non-adhering residential use applications for temporary farm worker housing (TFWH) for workers registered in a federal temporary worker program that comply with the following criteria:
- i. The parcel where the TFWH is to be located is classified as 'farm' under the BC Assessment Act;
 - ii. The minimum size of the farm operation* on which TFWH can be located is 4 hectares;
 - iii. The maximum number of workers per application request* is limited to no more than:
 - a. 130 workers for greenhouse, mushroom, tree fruit and berry/vegetable production
 - b. 40 workers for all other commodities
 - iv. The workers are housed in a temporary accommodation structure designed to be moved from one place to another;
 - v. Siting and placement of the TFWH minimizes the residential impacts on agricultural land taking into consideration topography, agricultural capability, access, and encourages the clustering of residential structures;
 - vi. The registration of a restrictive covenant stating that the TFWH will only be used by temporary farm workers and that the owner will remove the TFWH and restore the land to agricultural use if the TFWH is vacant for two consecutive years; and
 - vii. The receipt of a financial security sufficient to remove the TFWH provided to the ALC upon approval of the non-adhering residential use.

**Clarification: Farm operation means an area of land used for a farm operation consisting of one or more contiguous or non-contiguous lots, that may be owned, rented or leased, which forms and is managed as a single farm.*

16. Non-farm use applications to place temporary classrooms, commonly referred to as portables, and or to expand grass playing fields if placed or constructed on an existing school site operated as a school by the local School District.

17. Non-Adhering Residential Use applications for building a new principal residence while occupying an existing residence that complies with the following criteria:

- i. At the time of the application there is only one residence on the parcel;
- ii. Siting** of the new principal residence has a maximum 60 metre setback from the front lot line to the rear or opposite side of the total residential

- footprint, with the total residential footprint being a maximum of 2,000 m². Lots narrower than 33 metres are exempted from the 60 metre maximum setback (for the total residential footprint) from the front lot line; however, the footprint must fill the front of the lot to a maximum of 2,000 m²; and,
- iii. Receipt/confirmation of the following within 60 days of the date of a decision to approve is issued:
 - a. registration of a restrictive covenant requiring the removal of the original residence;
 - b. a signed affidavit committing to removal of the original residence; and,
 - c. a financial security sufficient to ensure removal of the original residence within 60 days of completion of the new principal residence.

** The following exceptional circumstances may also be considered with respect to the siting of the new principal residence:

- a. Clustering with Existing Residential Structures: The clustering of the new principal residence with other existing non-agricultural uses on the parcel to limit the fragmentation of ALR land and avoid the restriction of agricultural activities.
- b. Commodity-Specific Needs: The strategic placement of the new principal residence to benefit or optimize the agricultural operation (e.g. monitoring of livestock on a large parcel).
- c. Topographic Features: Siting of the new principal residence as appropriate to reduce the use of potentially productive farming land for residential purposes (e.g. sited on a non-farmable area of the parcel).

18. Non-Farm Use Applications for filming in the Agricultural Land Reserve that comply with the following criteria:

- i. The filming is conducted on agricultural land that is classified as a farm under the Assessment Act.
- ii. The receipt of documentation (i.e. a plan) that the filming will avoid all soil disturbances (soil compaction, contamination of offsite seeds/soil, fill, deposition, or extraction). Any equipment which is brought on site will be clean from seed or soil contaminants and have appropriate temporary ground cover and to restrict rutting or soil damage.
- iii. The receipt of a site plan that indicates that any support activity and vehicles (catering, first aid, cast trailers, wardrobe etc.) will not interfere with the productivity of land (i.e., use of driveways, parking lots).
- iv. No permanent infrastructure is constructed. Any set builds will either be temporary or facades on existing infrastructure.
- v. The applicant ensures the location contract includes a clause

indicating the site will be returned to the same or better condition after production has wrapped, and that production is aware of the NFU permit criteria.

- vi. The duration of filming will not extend past 60 days, excluding prep and wrap days in one calendar year.
- vii. The receipt of a security in the amount of \$10,000 per parcel provided to the ALC upon approval of the Non-Farm Use.