

# ANNUAL REPORT 2017-2018

JUNE 30, 2018



**Provincial Agricultural Land Commission**



## Agricultural Land Commission

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June 30, 2018

Honourable Lana Popham  
Minister of Agriculture  
Parliament Buildings  
Victoria, BC V8V 1X4

Dear Minister:

I respectfully submit the Annual Report for the Provincial Agricultural Land Commission for the period April 1, 2017 to March 31, 2018. This report has been prepared in accordance with section 12 of the *Agricultural Land Commission Act*, section 40 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* and section 59.2 of the *Administrative Tribunals Act*.

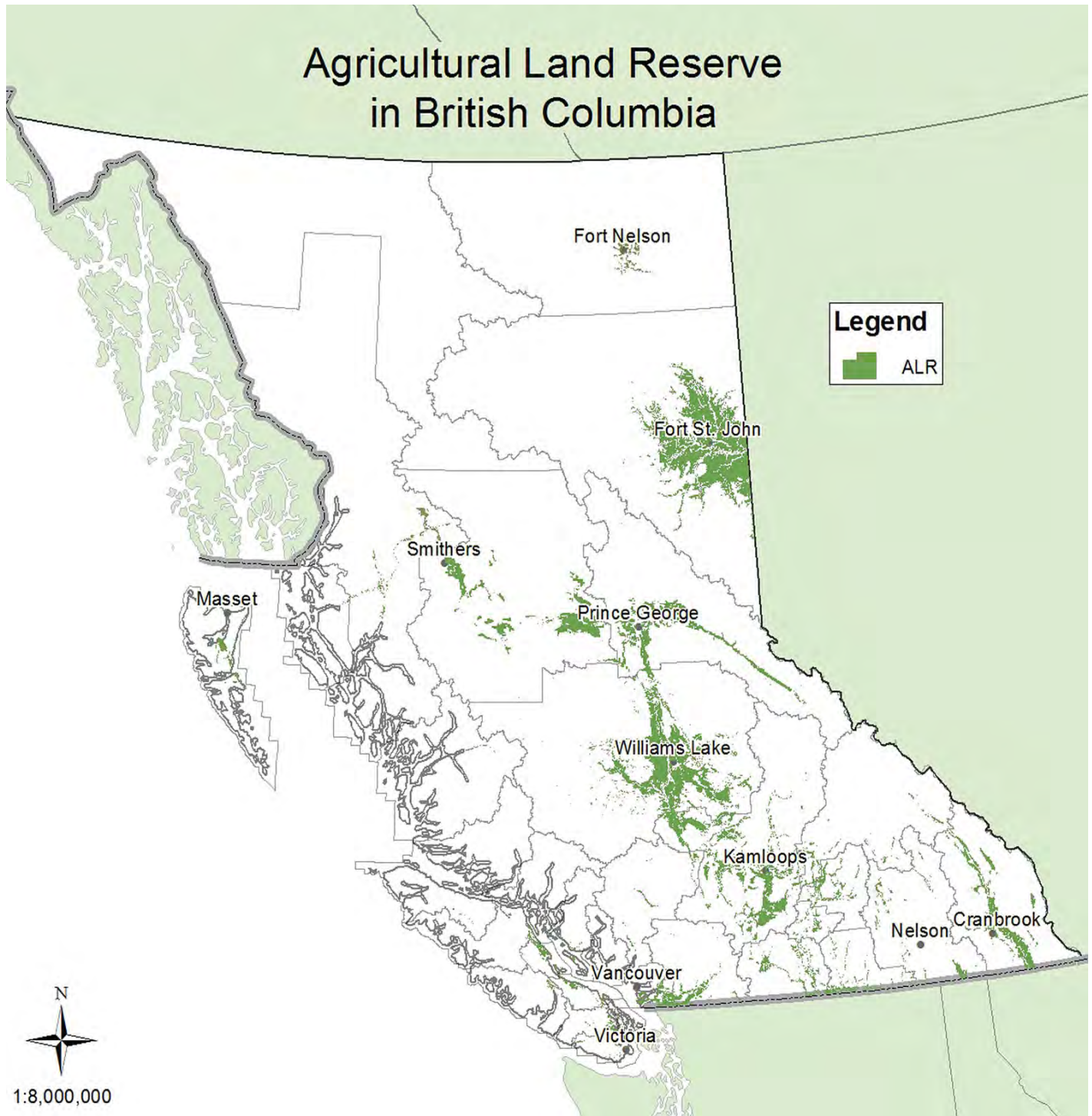
Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'JD' with a long, sweeping line extending upwards and to the right.

Jennifer Dyson, Chair







## 2017/18 ALC Annual Report

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## Message from the Chair Jennifer Dyson



**On behalf of the Board and Commission staff, I am pleased to present the 2017/18 Annual Report of the Agricultural Land Commission (ALC).**

Prior to the enactment of the ALC in 1973, 6000 acres of farmland were being lost annually. Our mandate is as important today as it was 45 years ago. Ensuring that the ALC and the Agricultural Land Reserve (ALR) are resilient and poised for the long term is critical. This means that the ALC needs to be flexible and able to adjust, recognizing changing local and global conditions while keeping the ALC mandate as our compass and agriculture as our priority. It is my privilege to serve and lead the ALC as Chair.

The Minister of Agriculture, the Hon. Lana Popham, was tasked in her mandate letter with “[r]evitalizing the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC)”. To deliver on this important commitment, the Minister established an independent advisory committee with the guiding principles to include: a focus on the future of the ALR and ALC; an evaluation of policy issues that may impede the purposes of the ALR and ALC; and evaluate what is working well. Further, the advisory committee is looking to develop recommendations that work toward improving the purposes of the ALR and ALC and to identify the issues, goals and objectives that will strengthen the ALR, in addition to a strategy on how to achieve them. Many thanks to our amazing Secretariat and volunteers. The ALC has supported this process through ALC CEO Kim Grout, Manager of Land Use Planning, Liz Sarioglu and Policy Analyst, Lindsay McCoubrey. The advisory committee was in good hands with the Ministry of Agriculture Secretariat Director of Policy, Martha Anslow and Senior Policy Analyst, Britney Irvine. Thank you for the passion and energy of the advisory committee volunteers who have committed 100’s of hours to this commitment: Arzeena Hamir, Chris Kloot, Dr. Lenore Newman, Vicky Huntington, Chief Byron Louis, Shaundeh Runka, Brian Underhill and Irmi Critcher. This process was further supported by stakeholders around the province who were extremely thoughtful and articulate. The advisory committee received hundreds of contributions and thousands of survey responses from the public.

To improve transparency and access to information, all decisions of the ALC are now publicly available on our website within two business days of the release of the decision; all ALC enforcement actions (Stop Work Orders, remediation orders and administrative penalties) back to January 1, 2016 are posted on the Provincial Violations Database. To improve the speed and efficiency of land-related searches, our ALR mapping information is now available in ParcelMapBC, the Land Title and Survey Authority of BC’s property information system.



In partnership with Metro Vancouver, a study/review of 99 fill sites in the Metro Vancouver region was undertaken by a third party consultant. Numerous examples of abuse of the intent of the ALC Act and ALRUSP Regulation were observed during the course of that review, including excessive fill volumes and apparent damage to subject and adjacent properties. In an effort to try and curb some of the issues that exist with illegal and excessive filling in the ALR, the ALC adopted a new policy providing greater direction to prospective applicants and their Qualified Registered Professionals for fill placement, and drafted a fill placement bylaw focused on thresholds for notification to the ALC, so that assessments respecting the legitimacy of fill proposals can be made in advance of fill placement. The ALC is hopeful that the Minister's independent advisory committee will recommend limits for fill placement be included in the ALC Act and ALRUSP Regulation to limit the adverse impacts of fill on agriculture capability.

I would like to acknowledge, with great sadness, the passing of Commissioner Greg Norton in February 2018. Greg was a good friend and was dedicated and passionate about his family and agriculture. Greg was a strong member of the Commission and his voice and presence is missed.

Finally, I want to thank the dedicated team of staff and Commissioners, all of whom worked very hard in 2017/18 and remain dedicated to the ALC's mandate. The ALC remains committed to taking steps to deliver and improve on its mandate to preserve agricultural land, encourage farming on agricultural land in collaboration with other communities of interest and encourage all levels of government in British Columbia to enable and accommodate farm uses of agricultural land and uses of land compatible with agriculture in their plans, bylaws and policies.





## The Commission

The Agricultural Land Commission (ALC) is an autonomous provincial agency, independent of the provincial government, that is responsible for exercising its decision making authority in the Agricultural Land Reserve (ALR), a provincial land use zone designated for agriculture, in a non-partisan and impartial manner.

## Mission and Purpose

The purposes of the ALC as set out in section 6 of the *Agricultural Land Commission Act* (ALC Act) are:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

The ALC Act sets out the processes to be followed when making applications for exclusion, inclusion, non-farm use and subdivision to the ALC and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (ALRUSP Regulation), sets out permitted land uses and procedures for applications to the ALC.

When exercising its powers in Zone 2 (see ALR Zones) under section 4.3 of the ALC Act, the ALC considers in descending order of priority:

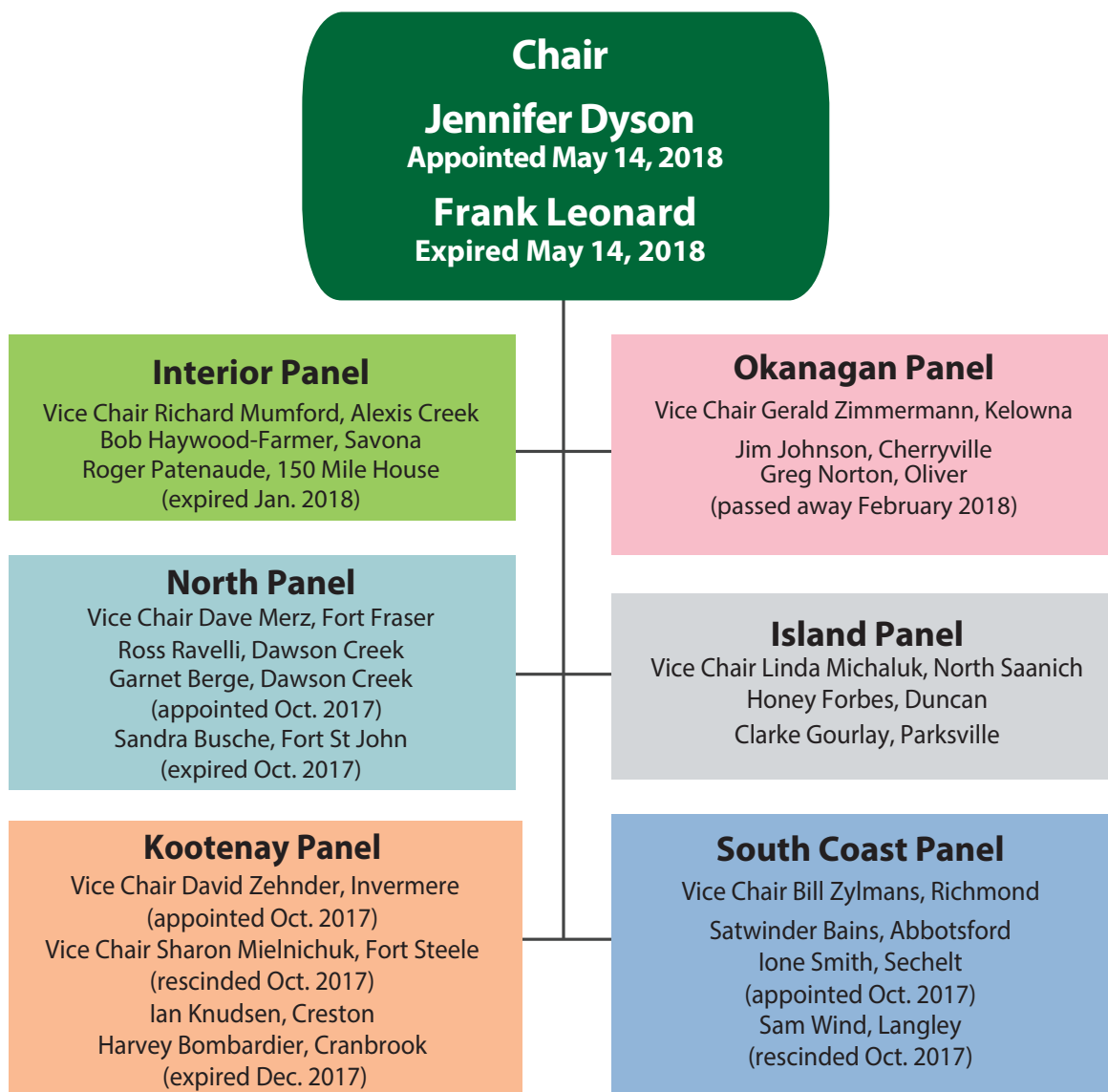
- (a) the purposes of the commission set out in section 6;
- (b) economic, cultural and social values;
- (c) regional and community planning objectives;
- (d) other prescribed considerations.

## Governance Structure

The work of the ALC is carried out by a nineteen member Commission from six regions of the province who are collectively the board of directors of the ALC. The appointment of the Chair and the 6 Vice Chairs are by Order in Council and the other twelve Commission members are appointed by Ministerial Order. Candidates for the appointment are chosen based on their knowledge in matters related to agriculture, land-use planning, local government and first nations government as set out in section 5(1) of the ALC Act.

Administrative tribunals perform a wide range of functions, including: research and recommendations, rule making and policy development, adjudication, and compliance and enforcement.

## Commission Structure



**In February 2018, Commissioner Greg Norton passed away. Greg was a valued Commissioner on the Okanagan Panel since December 2014, and he will be missed.**





## Full Commission

The full Commission, consisting of all members of the board, meet twice a year to carry out a variety of duties, including: developing policies governing ALC operations and the interpretation of legislation, passing resolutions and bylaws regarding the conduct of its affairs, recommending legislative and regulatory changes to government, determining ALR boundaries, approving strategic and business planning initiatives, developing and passing policies, and considering issues of provincial importance.

## Regional Panels

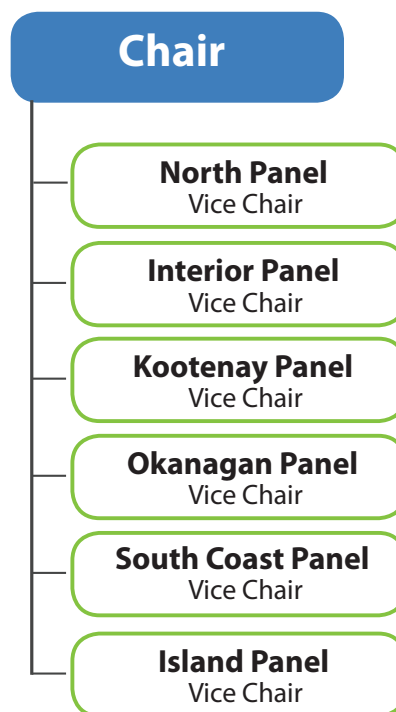
Applications for exclusion, inclusion, non-farm use, subdivision, and transportation, utility and recreational trail uses are adjudicated by 6 regional panels, with the exception of applications referred to the Executive Committee by the Chair under section 11.2 of the ALC Act. Each panel consists of a Vice Chair, and two appointed commissioners from within each region.

A panel has all the powers, duties and functions of the Commission in relation to applications. Decisions of a panel are for all purposes, a decision of the Commission, and may only be reconsidered as per sections 33(1) and 33.1 of the ALC Act.

## Executive Committee

The Executive Committee consisting of the Chair and the six (6) panel region Vice Chairs meet monthly and are responsible for:

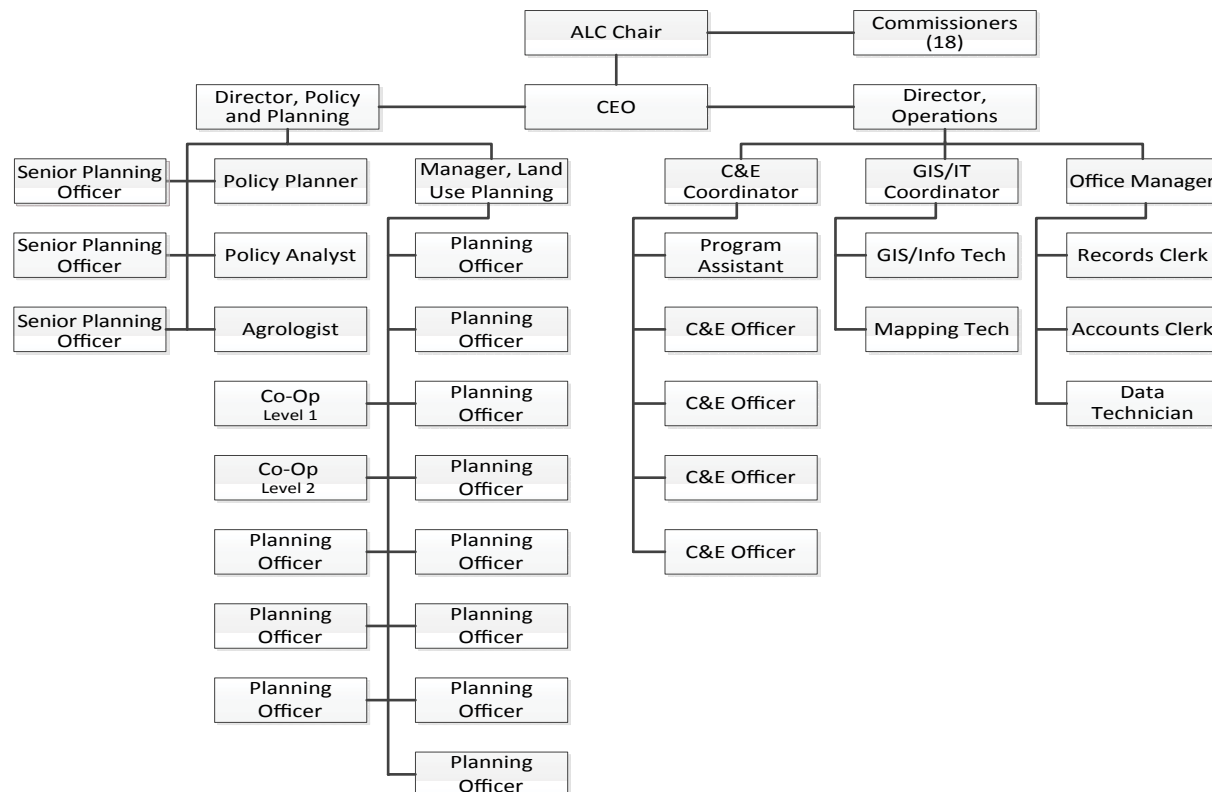
- Deciding applications referred by the Chair under section 11.2 of the ALC Act
- Deciding applications referred by a regional panel
- Making reconsideration determinations on reconsiderations pursuant to section 33(1) and section 33.1 of the ALC Act; and
- Exercising any other functions delegated by the Commission



## Staff Secretariat

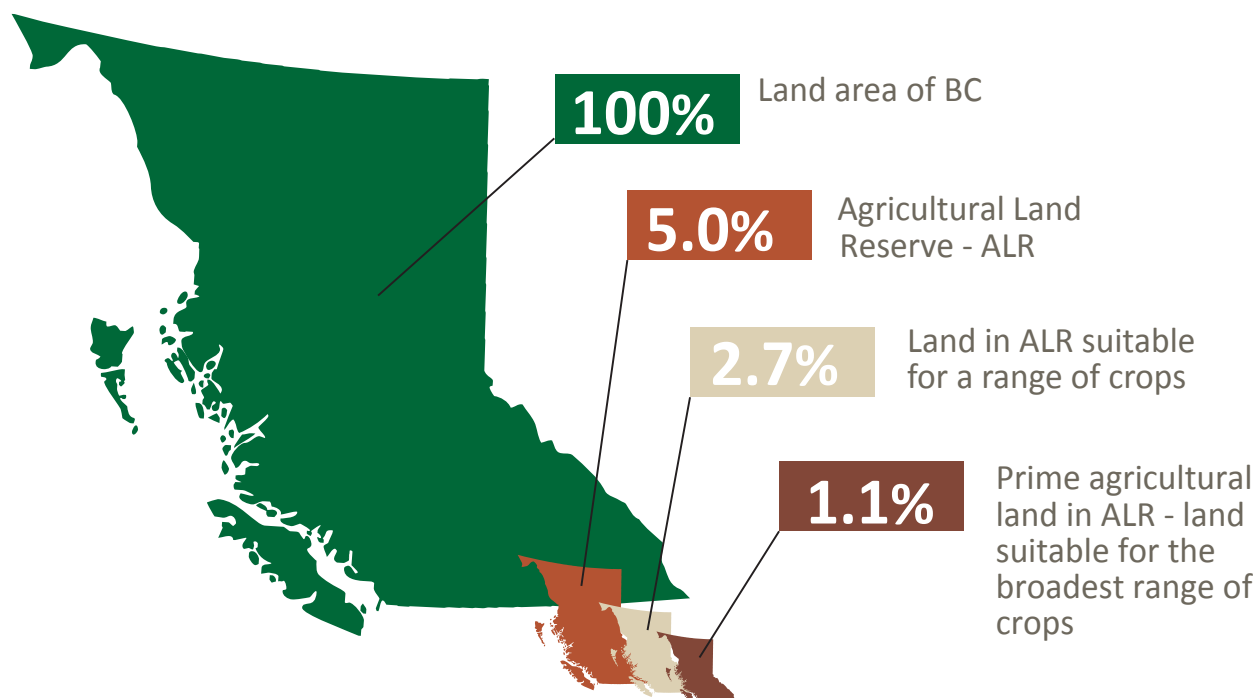
The Commission is supported by a professional staff secretariat working in four functional areas:

1. **Land Use Planning and Application Processing:** Staff research and administer all applications submitted pursuant to the ALC Act and ALRUSP Regulation. In addition, they also review plans and bylaws of local governments and other agencies to ensure they are consistent with the legislative and regulatory requirements of the ALC Act and ALRUSP Regulation.
2. **Compliance and Enforcement:** Designated staff officials respond to reports of suspected contravention, carry out site inspections, investigate alleged contraventions and take enforcement actions, when necessary, to ensure activities in the ALR are consistent with the ALC Act, ALRUSP Regulation and orders of the ALC.
3. **Strategic Planning and Corporate Policy:** Staff actively participate with Commissioners in developing strategies, plans and policies to assist with the interpretation and application of the ALC Act and ALRUSP Regulation. Staff also participate in planning and policy initiatives of other ministries, agencies and local governments.
4. **Administration and Information Systems:** The previous three functions are supported by an administration, records management and information systems unit.



## The Agricultural Land Reserve – Designation History

Under the 1973 ALC Act, the 28 Regional Districts in the Province of BC were required to submit an agricultural reserve plan to the ALC for consideration. To aid Regional Districts and provide guidance, the provincial Ministry of Agriculture prepared suggested ALR maps that identified those lands having the soil and climate combination to support agriculture. These maps were based on soil survey and the Canadian Land Inventory (CLI) agricultural capability data, combined with proposed urban expansion areas on lower capability lands.



Regional Districts made recommendations and these maps were then reviewed by the ALC to ensure technical consistency with the reserves across the Province. In general, the following methodology was applied:

- All Class 1- 4 land (CLI) that were not already developed were included, both Crown and private land;
- If non-agricultural land was not immediately available for urban expansion, enough land was excluded to allow for about 5 years of community growth to ensure local governments had a reasonable amount of time to re-direct future growth patterns;
- Class 5 and 6 lands where historic land use patterns indicated that such land could effectively be used for agriculture in conjunction with Class 1 to 4 land including the spring and summer ranges in ranching areas of the province were included;
- The inclusion of small pockets of Class 7 land where exclusion of such land might have allowed undesirable intrusion or incompatibles uses into agricultural areas.

Following the ALC's review, the plans along with the ALC's recommended changes were approved by Cabinet. The process of establishing the ALR took 1 ½ years.



## Zones

In 2014, the the ALR was split into two zones, each comprised of three panel regions.

### Zone 1 (South Coast, Island, Okanagan)

In Zone 1, the purposes in section 6 of the ALC Act are considered the basis and primary 'filter' for assessing all applications.

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

### Zone 2 (Kootenay, Interior, North)

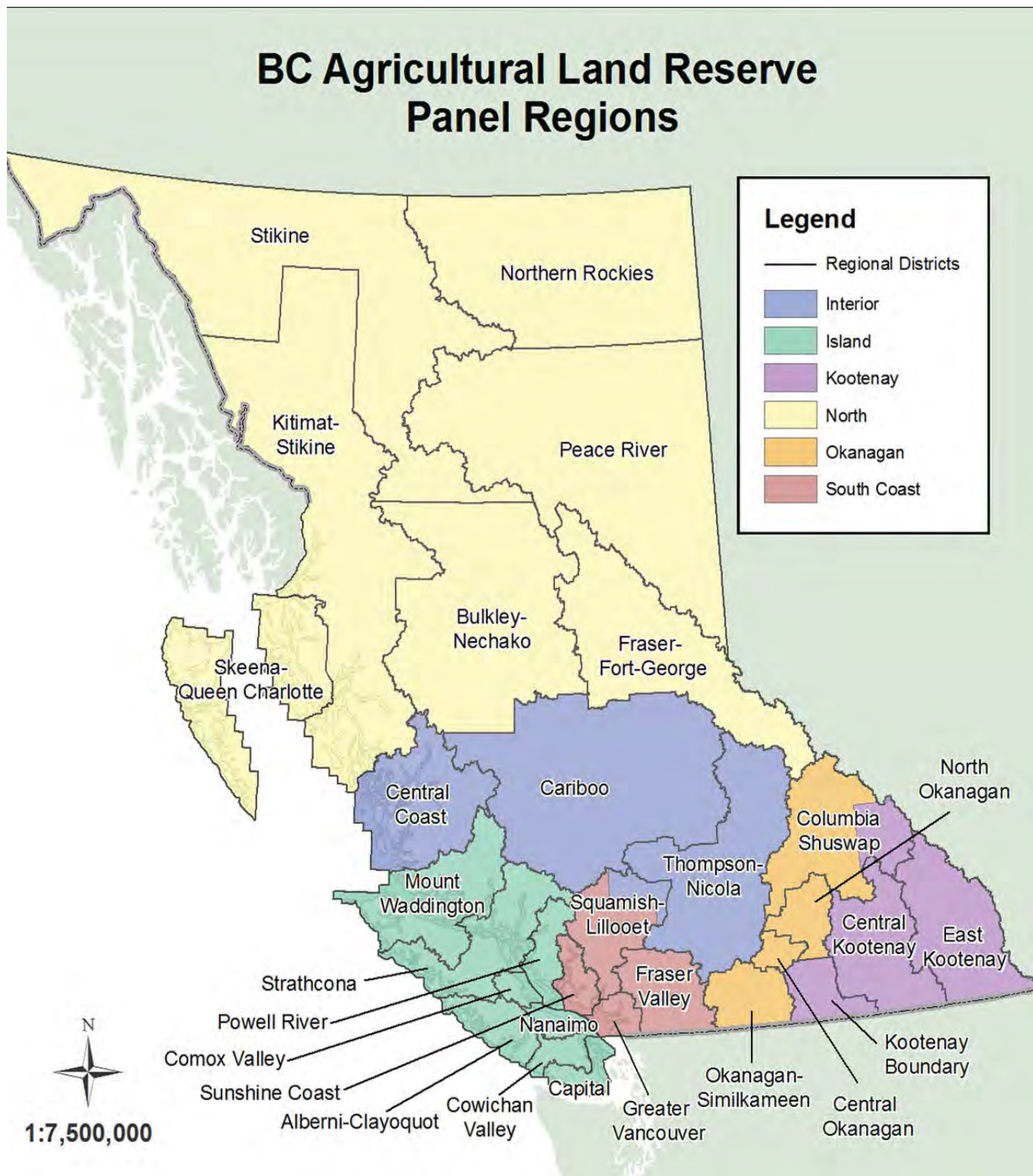
When exercising a power under the ALC Act in relation to land located in Zone 2, the ALC must consider all of the following, in descending order of priority as per section 4.3 of the ALC Act.

- (a) the purposes of the commission set out in the ALC Act;
- (b) economic, cultural and social values;
- (c) regional and community planning objectives;
- (d) other prescribed considerations.



**89%**  
of the ALR is  
in Zone 2

	Region	ALR Area (ha)	Percent ALR Area	Percent in Each Zone
<b>Zone 1</b>	Okanagan	224,780	5%	<b>11%</b>
	Island	115,446	3%	
	South Coast	148,355	3%	
	<b>Total</b>	<b>4,613,109</b>	<b>100%</b>	
<b>Zone 2</b>	Interior	1,529,078	33%	<b>89%</b>
	Kootenay	388,475	8%	
	North	2,206,975	48%	
	<b>Total</b>	<b>4,613,109</b>	<b>100%</b>	



## Interior Panel

The Interior Panel region extends from the Central Coast (Bella Coola Valley) to the community of Chase at the western end of Shuswap Lake. The region is dominated by BC's interior plateau and characterized by dry grasslands and forested parklands. The region includes the Central Coast, Cariboo, Squamish-Lillooet (Lillooet area only) and Thompson-Nicola Regional Districts.

### Major Settlements:

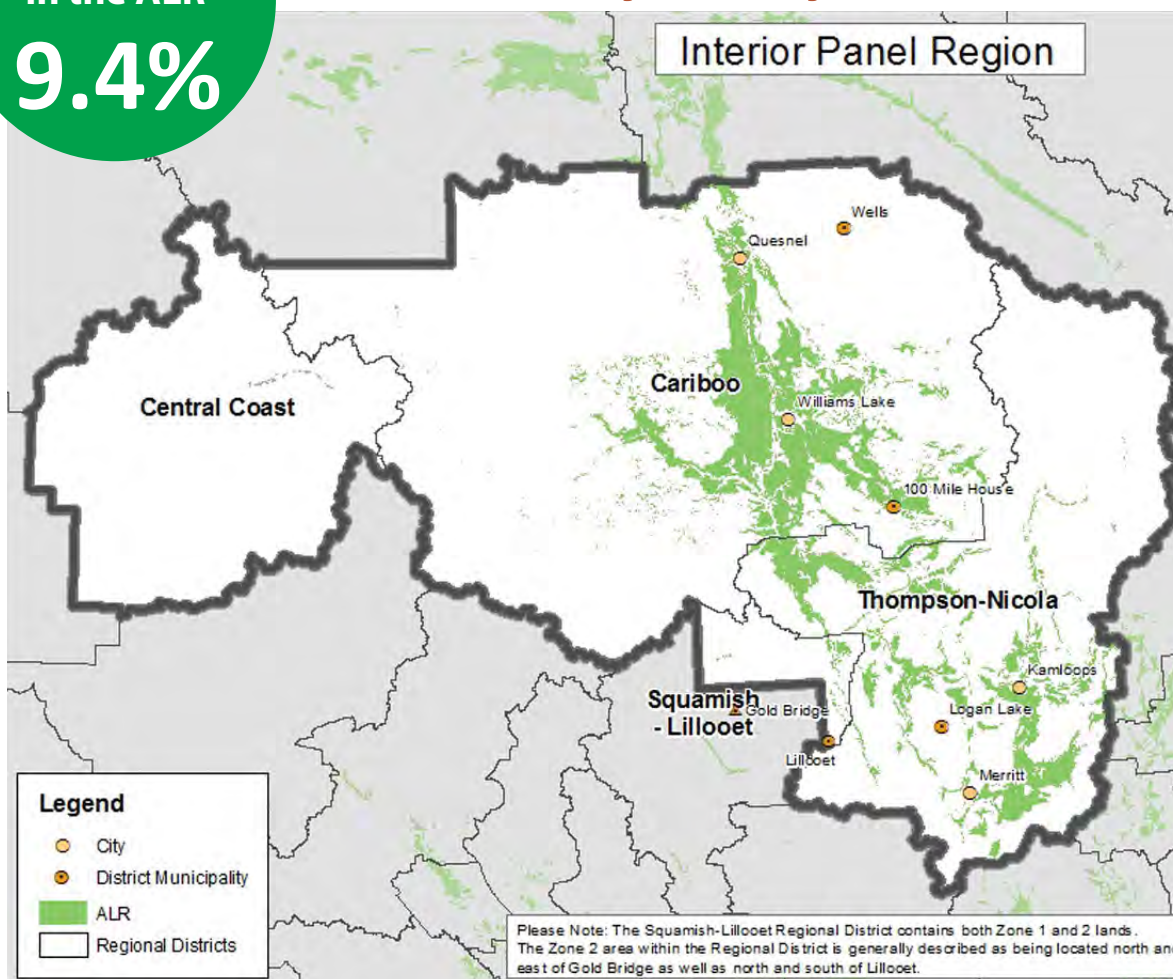
- Merritt
- Kamloops
- 100 Mile House
- Williams Lake
- Bella Coola
- Quesnel

Percent of  
region  
in the ALR

9.4%

Total ALR area in panel region

**1,529,078** hectares





## Island Panel

The Island Panel region encompasses Vancouver Island, most of the Gulf Islands and a number of coastal mainland areas that are part of Regional Districts headquartered on Vancouver Island or are more readily accessed from the Island than from mainland centres. The region includes the Alberni-Clayoquot, Capital, Comox Valley, Cowichan Valley, Mount Waddington, Nanaimo, Powell River and Strathcona Regional Districts.

### Major Settlements:

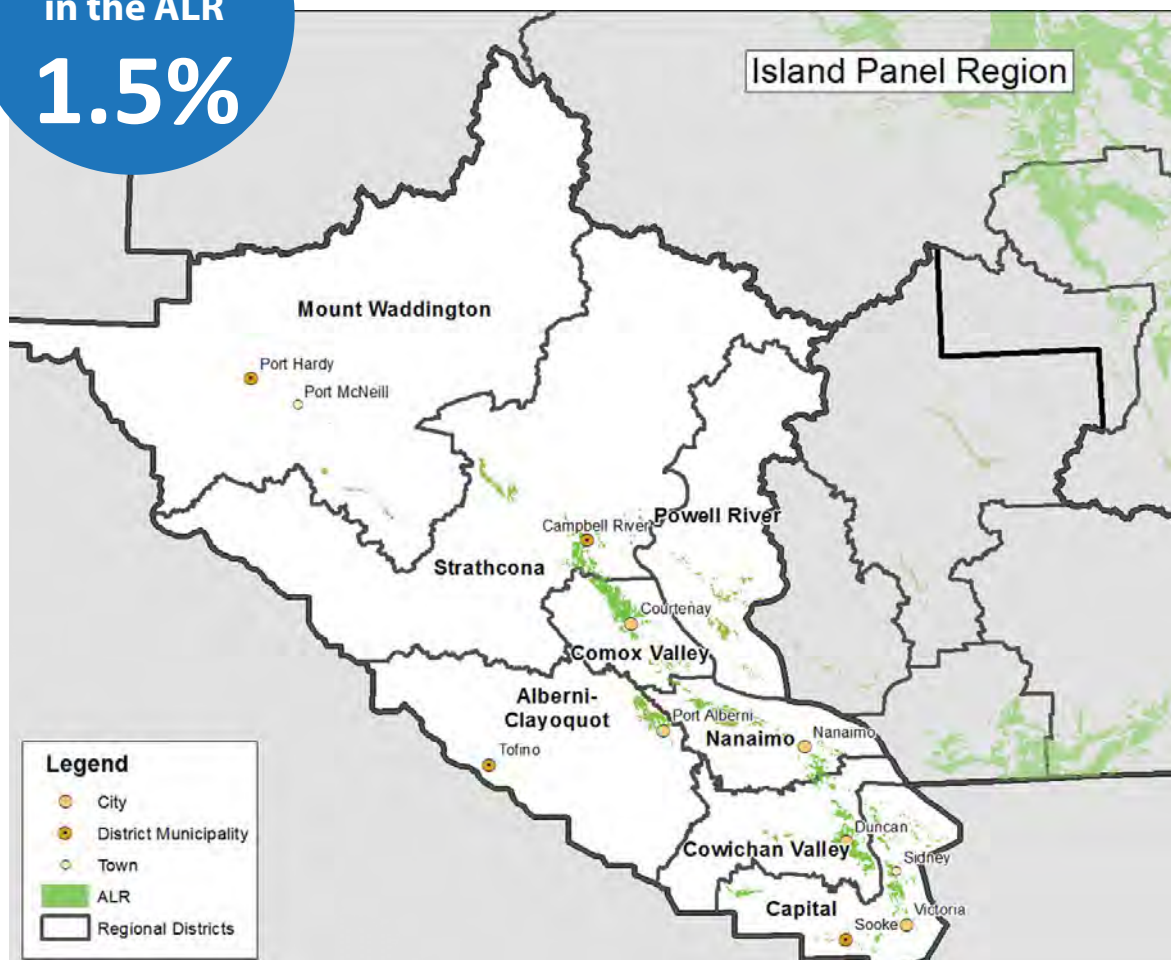
- Saanich
- Duncan
- Nanaimo
- Port Alberni
- Comox
- Courtenay
- Campbell River
- Powell River

Percent of  
region  
in the ALR

**1.5%**

Total ALR area in panel region

**115,446** hectares



## Kootenay Panel

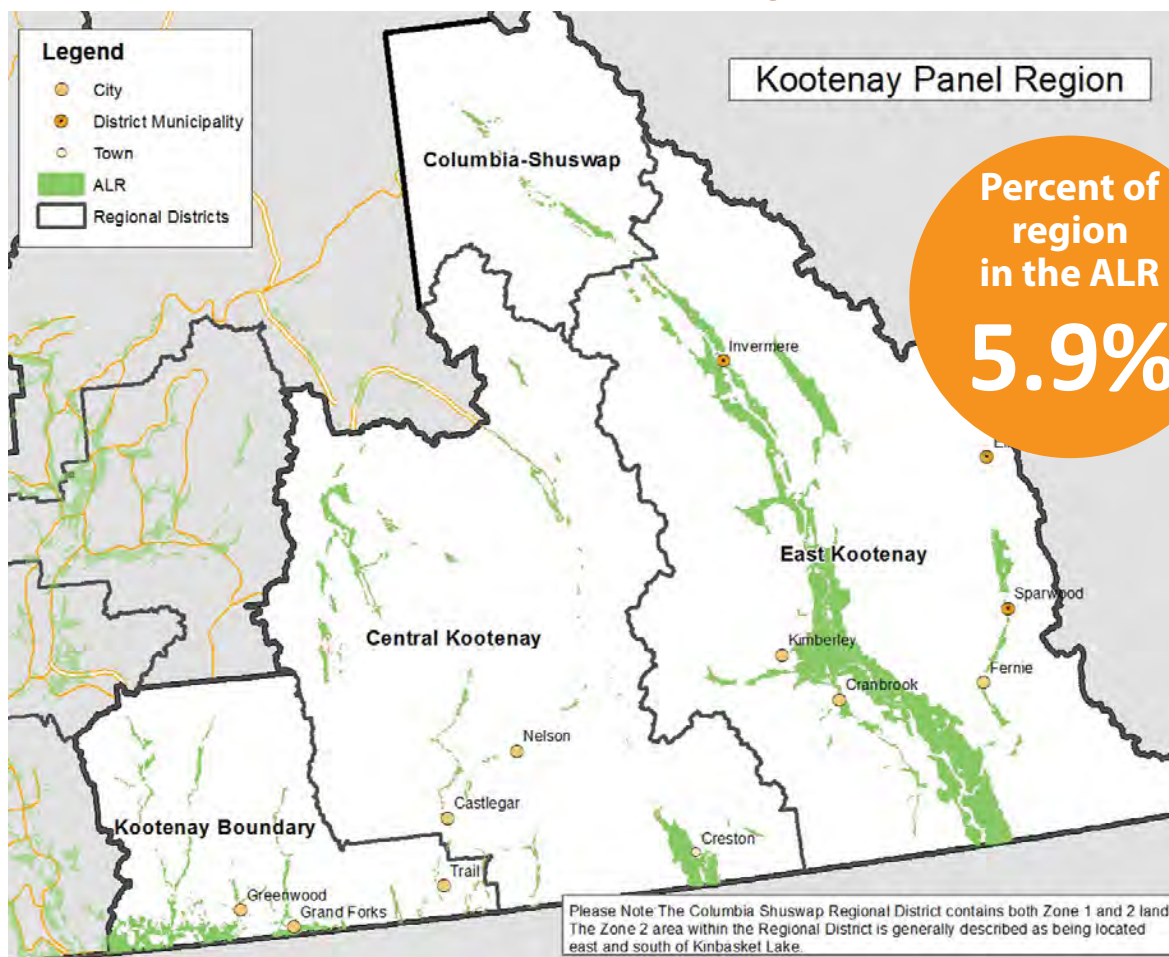
The Kootenay Panel region encompasses the southeasterly portion of BC extending from the BC/Alberta border in the east to the Grand Forks and Kootenay Boundary area in the west. The region includes the Central Kootenay, East Kootenay and Kootenay Boundary Regional Districts and a portion of the Columbia Shuswap Regional District (Golden area only).

### Major Settlements:

- Sparwood
- Cranbrook
- Kimberly
- Invermere
- Creston
- Grand Forks

Total ALR area in panel region

**388,476** hectares



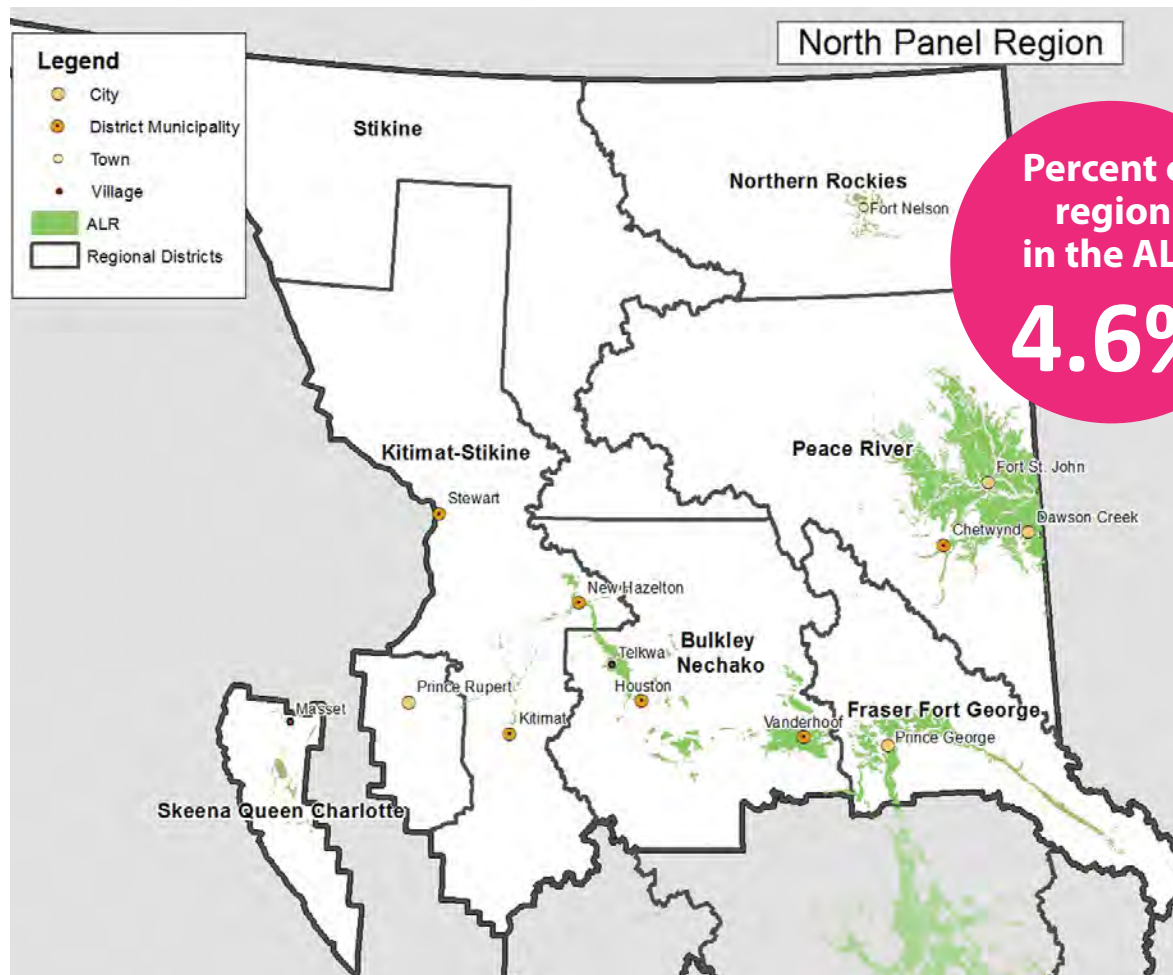
## North Panel

The North Panel region encompasses north east, north central and north west BC, from Prince George, north, east and west. The region includes the Bulkley-Nechako, Fraser-Fort George, Kitimat-Stikine, Peace River and Skeena-Queen Charlotte Regional Districts and the Northern Rockies Regional Municipality.

### Major Settlements:

- Prince George
- Vanderhoof
- Telkwa
- Terrace
- Fort St John
- Dawson Creek
- Fort Nelson
- Smithers

Total ALR area in panel region  
**2,206,975** hectares





## Okanagan Panel

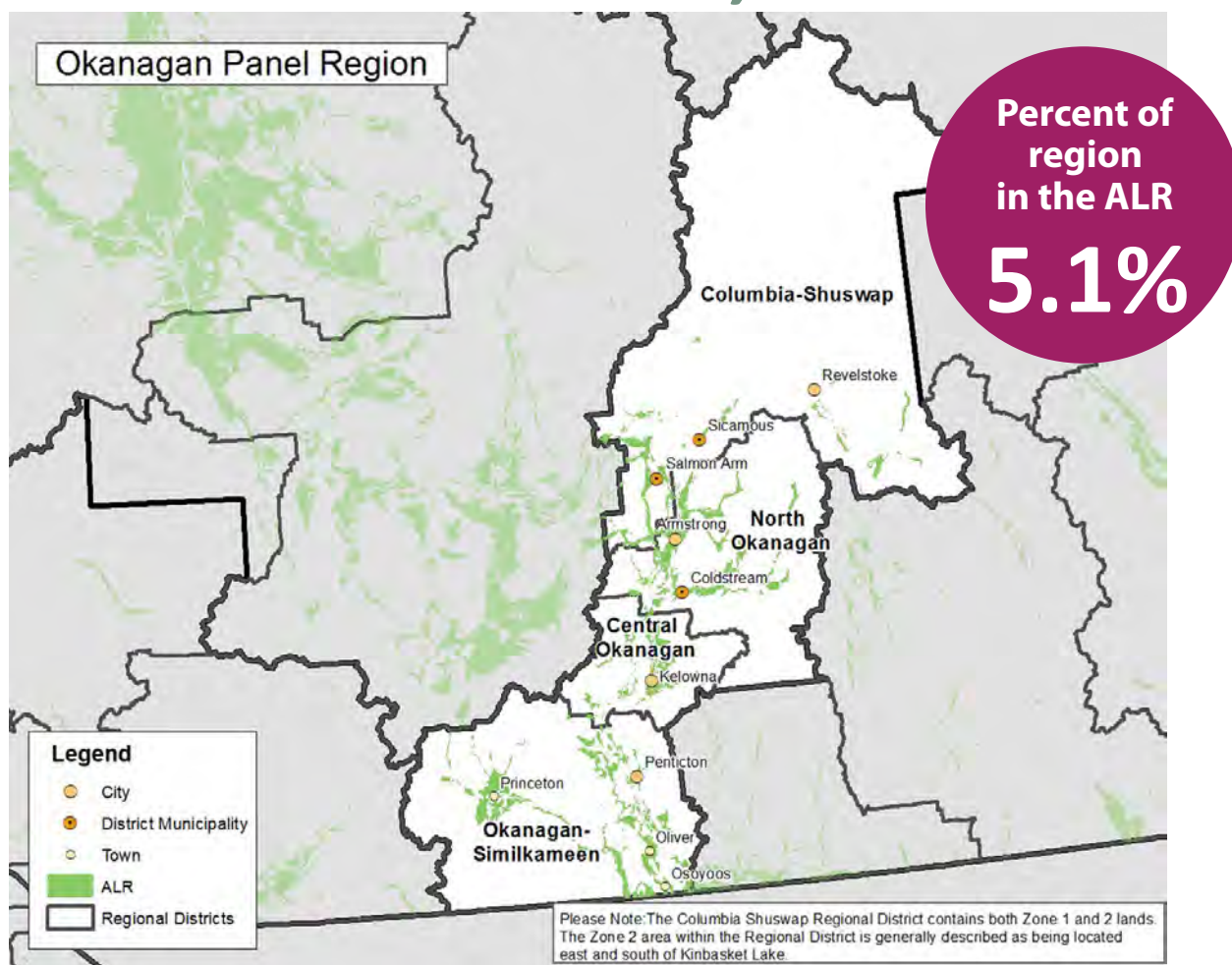
The Okanagan Panel region encompasses the Okanagan and Similkameen Valleys, the Columbia Shuswap and Princeton areas. The region includes the Central Okanagan, Columbia Shuswap (except Golden area), North Okanagan and Okanagan-Similkameen Regional Districts.

### Major Settlements:

- Princeton
- Osoyoos
- Oliver
- Kelowna
- Vernon
- Salmon Arm
- Revelstoke
- Penticton

Total ALR area in panel region

**224,780** hectares



## South Coast Panel

The South Coast Panel region encompasses the lower mainland region of BC from Hope to the Fraser River delta and north to the Sunshine Coast, and the Squamish River and Pemberton valleys. The region includes the Fraser Valley, Metro Vancouver, Squamish-Lillooet (except Lillooet area) and Sunshine Coast Regional Districts.

### Major Settlements:

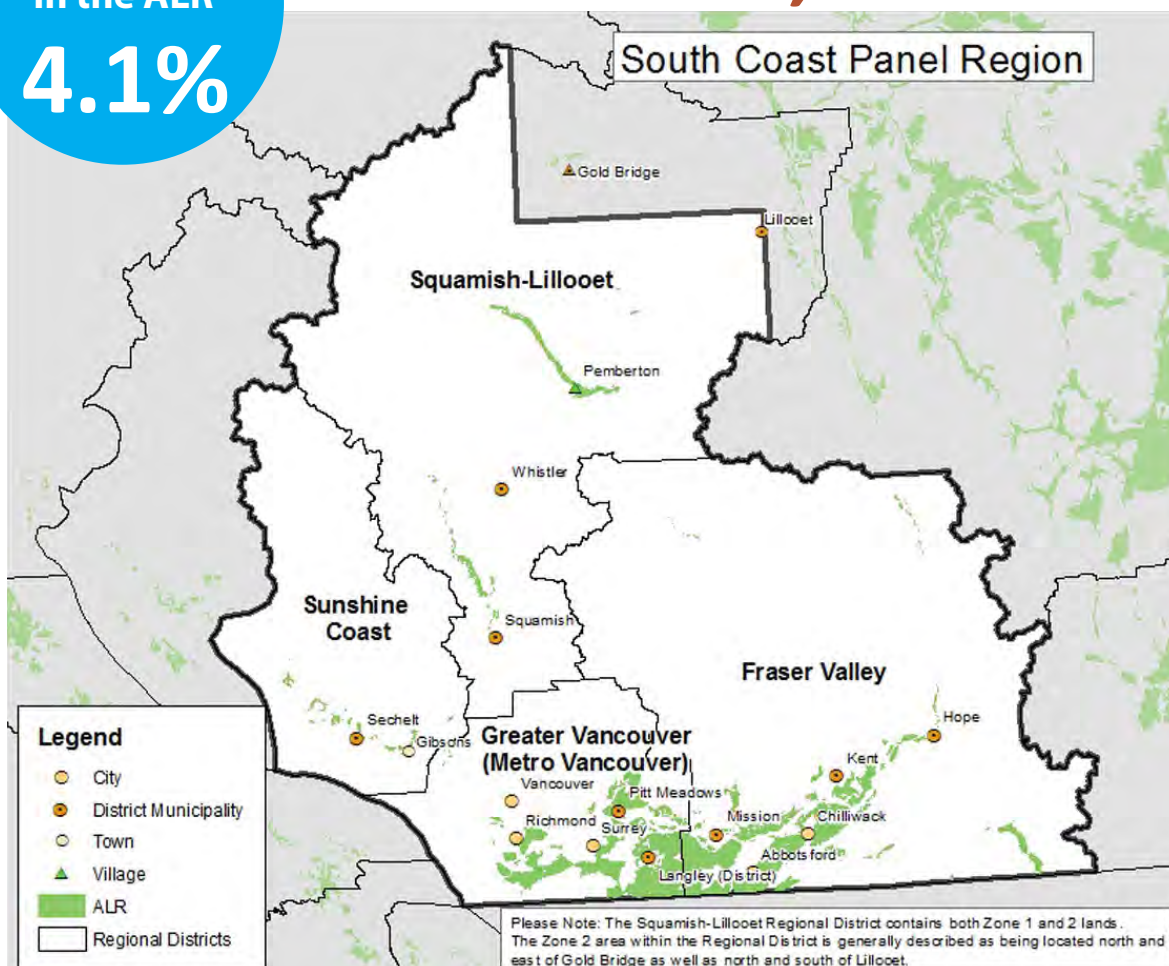
- Sechelt
- Richmond
- Surrey
- Langley
- Pitt Meadows
- Maple Ridge
- Abbotsford
- Chilliwack
- Squamish
- Pemberton
- Mission
- Vancouver

Percent of  
region  
in the ALR

**4.1%**

Total ALR area in panel region

**148,355** hectares



## ALC Decisions by Zone and Type

Fiscal 2017-2018

			Status		Year	Previous 3 Years		
Zone	Region	Type	Approvals	Refusals	2017-2018 Total Decisions	2016-2017 Total Decisions	2015-2016 Total Decisions	2014-2015 Total Decisions
Zone 1	Island	Exclusion	1	3	4	6	6	0
		Inclusion	1	0	1	2	3	2
		Non-Farm Use	3	5	8	35	17	6
		Subdivision	6	7	13	14	22	1
		Soil (Extraction and Fill)	8	0	8	1	1	2
		Transportation, Utility & Recreation	3	2	5	5	12	3
		Total	22	17	39	63	61	14
	Okanagan	Exclusion	1	4	5	12	18	1
		Inclusion	4	0	4	1	3	2
		Non-Farm Use	7	6	13	10	16	6
		Subdivision	11	14	25	17	24	18
		Soil (Extraction and Fill)	2	0	2	2	5	4
		Transportation, Utility & Recreation	4	0	4	0	7	8
		Total	29	24	53	42	73	39
	South Coast	Exclusion	5	5	10	7	31	0
		Inclusion	8	1	9	2	0	1
		Non-Farm Use	15	10	25	32	29	10
		Subdivision	8	23	31	37	30	15
		Soil (Extraction and Fill)	8	6	14	15	14	9
		Transportation, Utility & Recreation	13	1	14	15	5	13
		Total	57	46	103	108	109	48
Zone 2	Kootenay	Exclusion	5	5	10	7	6	2
		Inclusion	0	1	1	3	1	1
		Non-Farm Use	12	2	14	15	12	12
		Subdivision	12	5	17	39	23	9
		Soil (Extraction and Fill)	4	0	4	1	1	3
		Transportation, Utility & Recreation	3	0	3	6	4	0
		Total	36	13	49	71	47	27
	Interior	Exclusion	0	1	1	5	2	0
		Inclusion	2	0	2	3	1	0
		Non-Farm Use	5	0	5	8	6	3
		Subdivision	3	5	8	13	21	3
		Soil (Extraction and Fill)	3	0	3	3	6	3
		Transportation, Utility & Recreation	3	0	3	4	11	6
		Total	16	6	22	36	47	15
	North	Exclusion	3	2	5	4	27	15
		Inclusion	4	0	4	2	3	12
		Non-Farm Use	57	0	57	43	38	13
		Subdivision	26	20	46	29	84	27
		Soil (Extraction and Fill)	5	0	5	10	11	16
		Transportation, Utility & Recreation	8	0	8	7	8	4
		Total	103	22	125	95	171	87
		Grand Total	263	128	391	415	508	230

\* Based on applications decided on between April 1, 2017 to March 31, 2018. Approvals include both outright and conditional decisions. Includes all ALC decisions and delegated decisions from the Oil & Gas Commission and the Fraser-Fort George Regional District.



## Inclusion and Exclusion Decisions by Panel Region

Fiscal 2017-2018

April 1, 2017 to March 31, 2018

All figures are in Hectares (ha)

PANEL REGION	INCLUSION		EXCLUSION		NET CHANGE
	APPROVED	REFUSED	APPROVED	REFUSED	
Interior	75	0	0	-25	75
Island	6	0	-10	-45	-4
Kootenay	0	28	-2,880	-88	-2,880
North	207	0	-26	-201	181
Okanagan	20	0	0	-108	20
South Coast	235	1	-95	-76	140
<b>TOTAL</b>	<b>543</b>	<b>29</b>	<b>-3,011</b>	<b>-543</b>	<b>-2,468</b>

### Agricultural Capability of Areas Approved for Inclusion

PANEL REGION	INCLUSION Area (ha)	AGRICULTURAL CAPABILITY			
		Prime	Mixed	Secondary	Unclassed
Interior	75	-	-	75	-
Island	6	-	-	6	-
Kootenay	0	-	-	-	-
North	207	-	-	207	-
Okanagan	20	5	3	12	-
South Coast	235	113	44	78	-
<b>TOTAL</b>	<b>543</b>	<b>118</b>	<b>47</b>	<b>378</b>	<b>0</b>

### Agricultural Capability of Areas Approved for Exclusion

PANEL REGION	EXCLUSION Area (ha)	AGRICULTURAL CAPABILITY			
		Prime	Mixed	Secondary	Unclassed
Interior	0	-	-	-	-
Island	-10	-	-10	-	-
Kootenay	-2,880	-	-2,876	-4	-
North	-26	-	-6	-20	-
Okanagan	0	-	-	-	-
South Coast	-95	-13	-82	-	-
<b>TOTAL</b>	<b>-3,011</b>	<b>-13</b>	<b>-2,974</b>	<b>-24</b>	<b>0</b>

YEARLY COMPARISONS	OUTRIGHT AND CONDITIONAL DECISIONS		
	INCLUSIONS	EXCLUSIONS	NET CHANGE TO ALR
2017	458	-2,962	-2,505
2016	263	-1,195	-932
2015	75	-4,135	-4,060
2014	1,523	-1,897	-374
2013	186	-494	-309

## ALR Change by Commission Decision in Regional District

### Area Included and Excluded

Fiscal 2017 - 2018

April 1, 2017 to March 31, 2018

All figures are in Hectares (ha)

REGIONAL DISTRICT	OUTRIGHT & CONDITIONAL DECISIONS		
	APPLICATION TYPE		Included/Excluded (ha)*
	Inclusion Area (ha)*	Exclusion Area (ha)*	
Bulkley-Nechako	135	-	135
Capital	5	-10	-5
Cariboo	75	-	75
Central Kootenay	-	-	-
Central Okanagan	3	-	3
Columbia Shuswap	12	-	12
East Kootenay	-	-2,877	-2,877
Fraser-Fort George	63	-	63
Fraser Valley	41	-32	9
Metro Vancouver	191	-63	128
Kitimat-Stikine	-	-6	-6
Kootenay Boundary	-	-3	-3
Okanagan Similkameen	5	-	5
Peace River	9	-20	-11
Sunshine Coast	4	-	4
<b>Total</b>	<b>543</b>	<b>-3,011</b>	<b>-2,468</b>

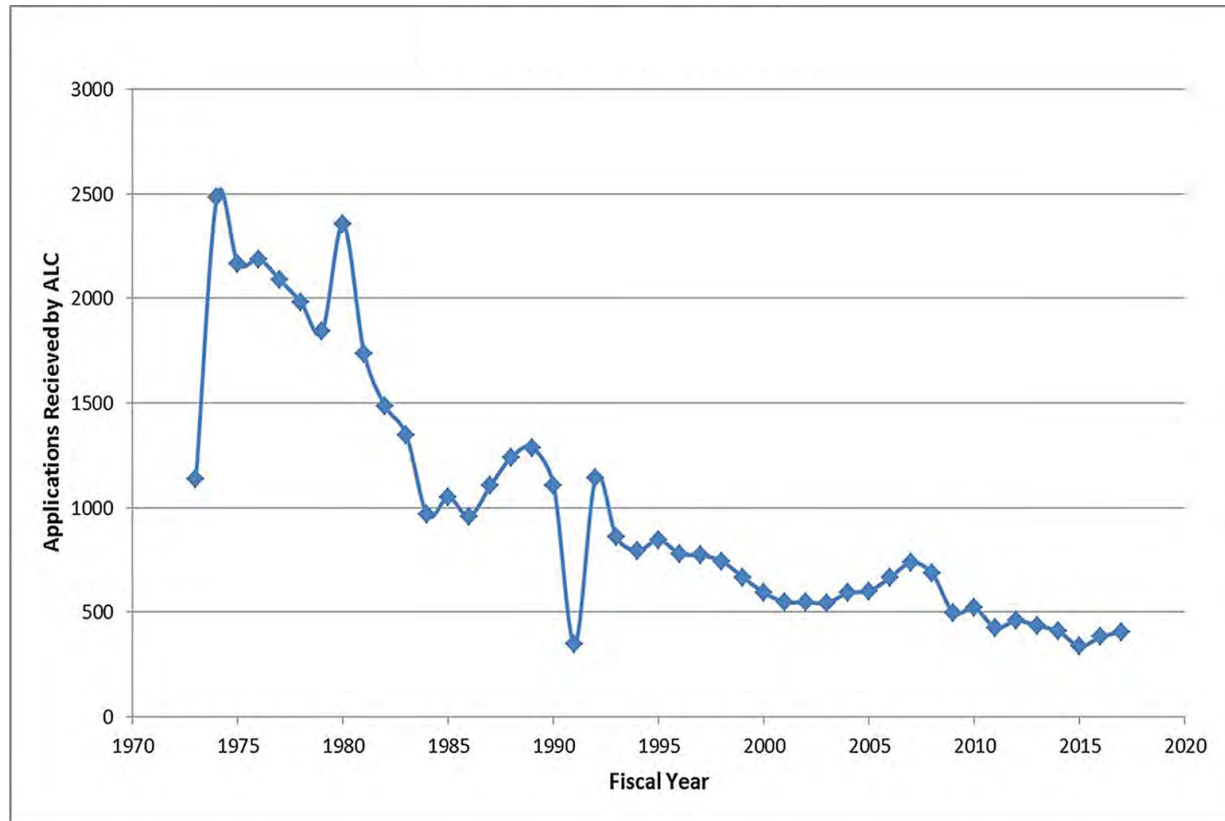
\* Outright approval, conditional approval, and completed conditional approval.





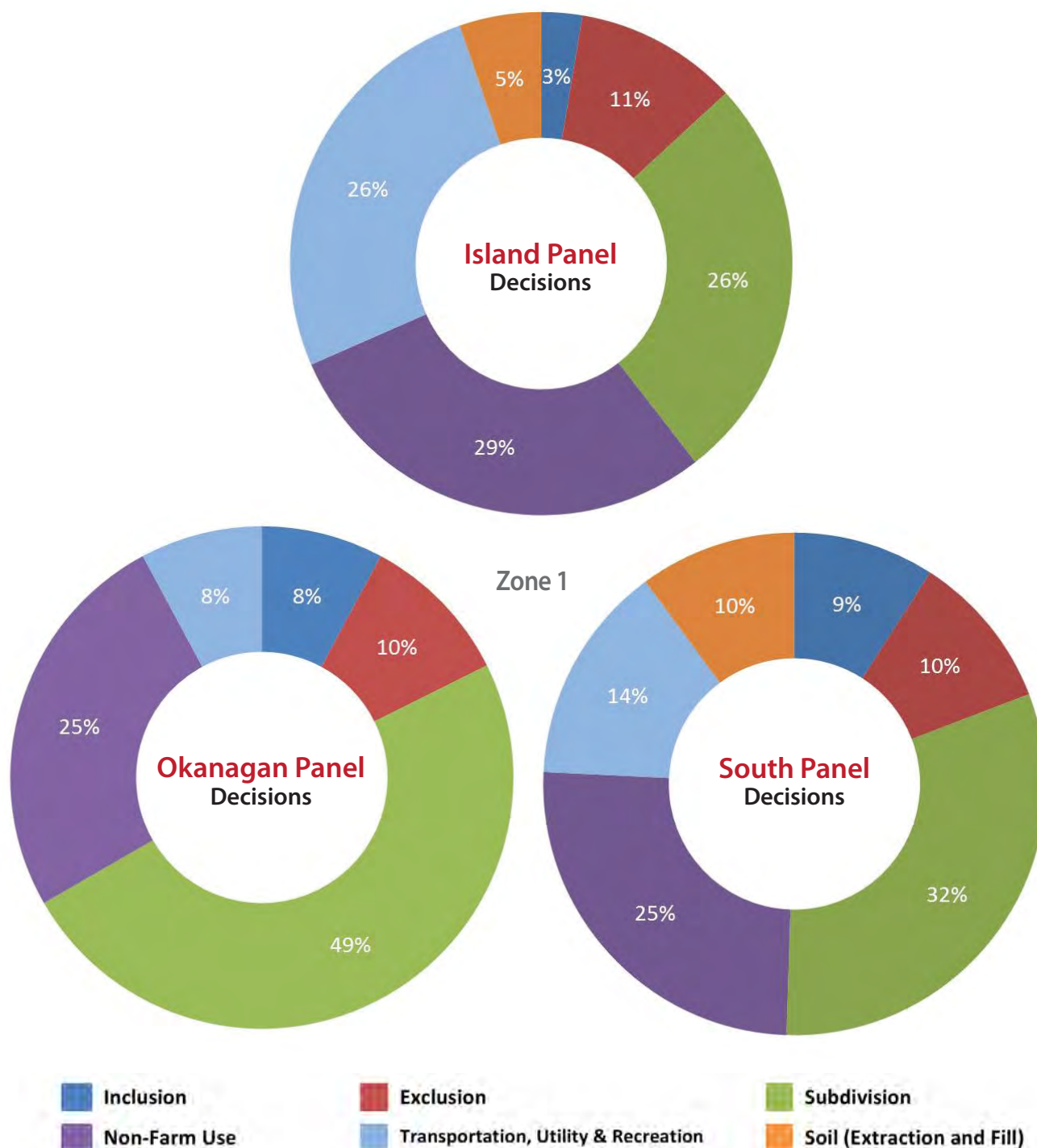
## Total Number of Applications Received

Applications Received by Commission per fiscal year (1973-2018)



## Decisions by Type and by Panel Region

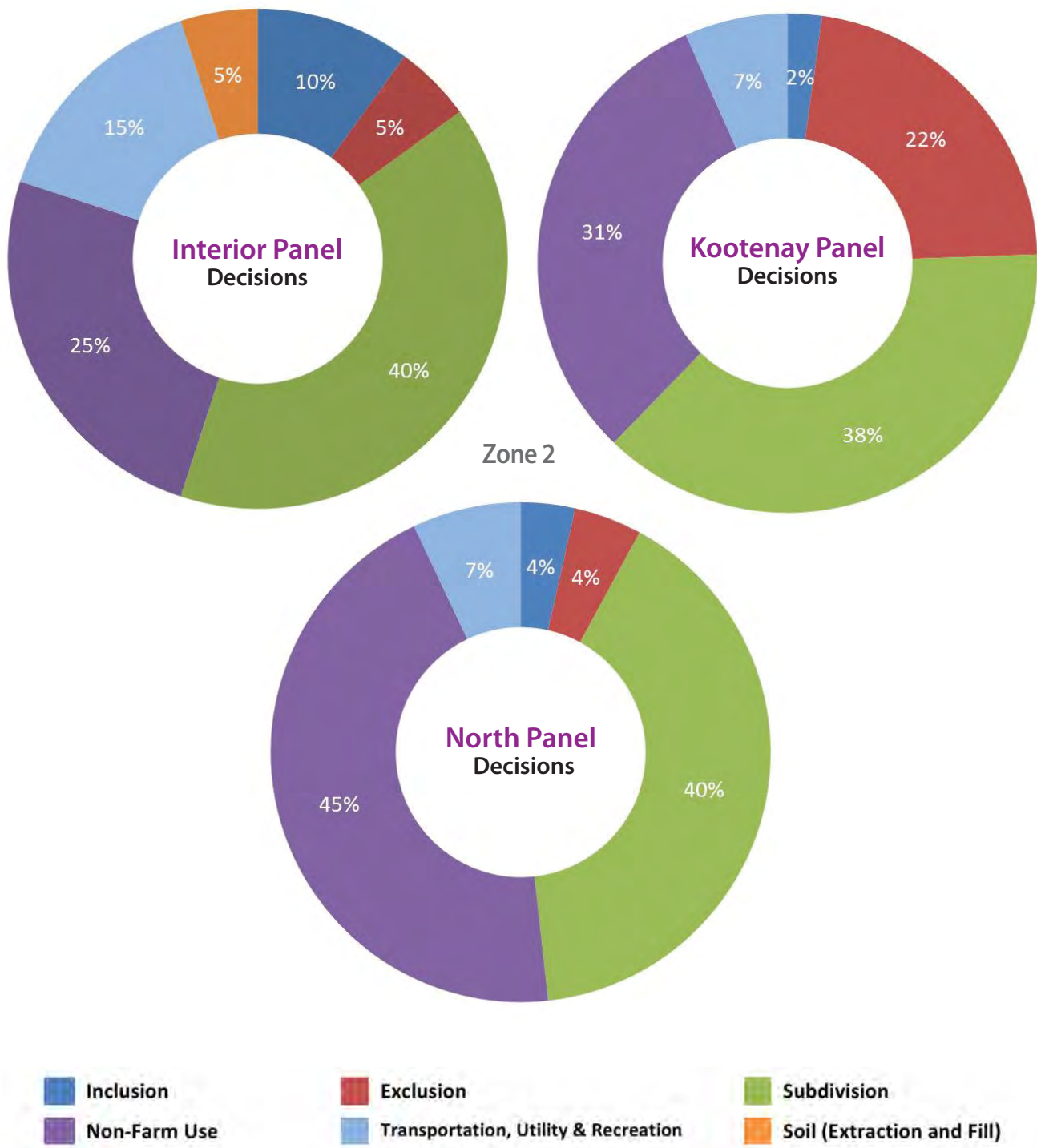
Fiscal 2017-2018





## Decisions by Type and by Panel Region

Fiscal 2017-2018



## Performance Indicators

The following performance indicators regarding the timely processing of applications were established effective April 1st, 2016 to evaluate the performance of the ALC under section 12(2)(b) of the ALC Act.

**Performance Indicator 1:** Notification to applicant within 5 business days (once payment is received that the application is: (a) complete, or (b) not complete and specify what additional information is required.

PERFORMANCE INDICATOR	2016/17 ACTUAL	2017/18 ACTUAL	2017/18 TARGET	2018/19 TARGET
Notification of Complete Application within 5 business days of receipt of application	92%	94%	100%	100%
Notification of Deficient Application within 5 business days of receipt of application	92%	99%	100%	100%

**Performance Indicator 2:** Notification to applicant of the ALC decision within 5 business days of the decision being finalized.

PERFORMANCE INDICATOR	2016/17 ACTUAL	2017/18 ACTUAL	2017/18 TARGET	2018/19 TARGET
Notification of Commission decision within 5 business days of decision being finalized	100%	100%	90%	90%

**Performance Indicator 3:** Percent of Applications processed within 60 business days.

PERFORMANCE INDICATOR	2016/17 ACTUAL	2017/18 ACTUAL	2017/18 TARGET	2018/19 TARGET
Percent of Applications processed within 60 business days	65%	72%	90%	90%

**Performance Indicator 4:** Percent of Applications processed within 90 business days.

PERFORMANCE INDICATOR	2016/17 ACTUAL	2017/18 ACTUAL	2017/18 TARGET	2018/19 TARGET
Percent of Applications processed within 90 business days.	92%	95%	100%	100%

## Delegated Decisions

The ALC has the ability to enter into an agreement with a local government, government agency or public body to enable that authority to exercise some of the ALC's power to decide applications for non-farm use or subdivision in the ALR. ALR inclusion and exclusion applications cannot be delegated. Under section 26(5) of the ALC Act, decisions made by a government authority in these circumstances have the same legal effect as decisions of the ALC.

To enter into such an agreement, the ALC must have confidence that the proposed delegate is ready, willing and able to carry out the statutory mandate conferred under the enabling statute. This confidence means ensuring the proposed delegate understands and is prepared to ensure complete compliance with the statutory processes and purposes of the ALC Act.

The ALC currently has delegation agreements in place with the Regional District of Fraser-Fort George (RDFFG) and the BC Oil and Gas Commission (OGC).



## Delegated Decision Statistics:

### Regional District of Fraser-Fort George (RDFFG)

- In 2002, the ALC delegated conditional decision making authority to the RDFFG at its request. The ALC/RDFFG Delegation Agreement is based on ALC endorsed local government Official Community Plan (OCP) Bylaws (based on Electoral Areas), which specify minimum lot sizes and permitted farm uses. If subdivision and non-farm use proposals are not consistent with the OCP bylaw and require a bylaw amendment, the terms of the Delegation Agreement require that a subdivision or non-farm use application be made to the ALC.
- In 2017/18, RDFFG made 6 decisions under their delegated decision-making authority: 4 for subdivision, and 2 for non-farm use.
- In 2017, after ALC reviews of the RDFFG delegated decisions in 2013 and 2016 to ascertain consistency with the purposes of the ALC Act, the ALC requested that the RDFFG be prepared to accept ALC Chair oversight of decisions. The rationale for this request is that currently, as per the ALC Act, all regional panel decisions, are subject to ALC Chair oversight. All panel decisions are reviewed by the Chair, and at the Chair's discretion are forwarded to the Executive Committee of the ALC for review, and may be overturned, or confirmed.

- RDFFG indicated in 2017 that it wished to retain its delegated authority with ALC Chair oversight. The revised Delegation Agreement, establishing ALC Chair oversight and other changes made necessary by recent changes to the ALRUSP Regulation, is being finalized for signature in 2018.
- The current ALC/RDFFG Delegation Agreement may be accessed at: [https://www.alc.gov.bc.ca/assets/alc/assets/about-the-alc/working-with-local-governments/rdffg\\_delegation\\_agreement\\_2002.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/about-the-alc/working-with-local-governments/rdffg_delegation_agreement_2002.pdf)

## BC Oil and Gas Commission (OGC)

- In 2004, the ALC delegated conditional decision making authority to the OGC for specified non-farm uses associated with oil and gas production facilities, such as: well sites, borrow pits, access roads, pipelines and powerlines. The premise of the ALC/OGC Delegation Agreement is that oil and gas facilities are temporary and will be reclaimed and returned to agricultural uses.
- The Delegation Agreement was updated in 2013 and most recently in 2017.
- The ALC/OGC Delegation Agreement:
  - establishes a threshold (20 ha per Section – 256 ha) up to which oil and gas facilities are permitted in the ALR without application to the ALC (however the OGC reviews);
  - requires the stripping and stockpiling of topsoil to ensure reclamation of the oil and gas facility;
  - requires the submission of a Schedule A report which outlines the state of the soil resource prior to development;
  - requires the submission of a Schedule B reclamation/closure report of all abandoned oil and gas facilities;
  - permits the OGC to make decisions on behalf of the ALC on oil and gas facilities that exceed the 20 ha threshold.
- Annual reports from the OGC specify the total amount of ALR affected by oil and gas facilities both annually and cumulatively.
- The 2017 ALC/OGC Delegation Agreement can be accessed at: [https://www.alc.gov.bc.ca/assets/alc/assets/about-the-alc/working-with-other-ministries-and-agencies/alc\\_ogc\\_delegation\\_agreement\\_2017\\_update.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/about-the-alc/working-with-other-ministries-and-agencies/alc_ogc_delegation_agreement_2017_update.pdf)
- The OGC made 38 non-farm use decisions under their delegated decision-making authority, affecting 302.3 ha of ALR in the 2017/18 fiscal year.

OIL AND GAS ACTIVITY TYPE	NUMBER OF RECLAMATION REPORTS SUBMITTED	TOTAL AREA IDENTIFIED AS RECLAIMED (ha)
Wells	10	94.7
Facilities	9	51.4
Power Lines	6	36.3
Reservoirs	6	75.9
Roads	5	45.0
Borrow Pits	5	21.9
Sumps	3	1.0
<b>Total</b>	<b>44</b>	<b>326.2</b>



The table below shows the area of land in the ALR affected by oil and gas activity by type broken down by activity within Crown and private lands. These activities require the submission of a Schedule A. The table also tabulates the total area affected by oil and gas activity for the 2017-18 fiscal year.

OIL AND GAS ACTIVITY	AREA (ha)		TOTAL AREA (ha)
	Crown	Private	
Pipelines	106	314	420
Well Sites	70	262	332
Roads	23	38	61
Other (Ancillary)	115	274	389
<b>Total</b>	<b>314</b>	<b>888</b>	<b>1,202</b>

- Cumulatively in the Peace River Regional District, there is a total of 24,744 ha of land in the ALR affected by oil and gas activity, including well sites, pipelines, roads and other ancillary oil and gas uses. This represents 1.86% of the total ALR land area in the region.
- As a comparison, 1,691 ha of new surface land use (SLU) clearing occurred in the 2017/18 fiscal year. Therefore, oil and gas activities within the ALR area account for 71.1% of the total oil and gas activity within northeast British Columbia for the 2017-18 fiscal year.

The total area identified as reclaimed (Schedule B reporting) in the 2017/18 fiscal year, as well as the total area reclaimed as described in those reports:

OIL AND GAS ACTIVITY TYPE	NUMBER OF SCHEDULE B's SUBMITTED	TOTAL IDENTIFIED AS RECLAIMED(ha)
Pipelines	507	1,980.25
Wells	24	45
<b>Total</b>	<b>531</b>	<b>2,025.25</b>

The total number of inspections, investigations and enforcement actions in 2017/18 undertaken by the OGC pursuant to the Delegation Agreement:

TYPE	TOTAL
Inspections	1,694
Investigations	0
Enforcement Actions	33

## Reconsideration of Decisions

There are two types of reconsiderations that can be initiated under the ALC Act. The first type of reconsideration can be requested by an affected person, or by the Commission, pursuant to section 33(1) of the ALC Act. The second type of reconsideration can only be directed by the Chair of the Commission pursuant to section 33.1 of the ALC Act.

### Section 33(1) of the ALC Act Reconsideration Request by an Affected Person

Regardless of whether an application is refused or approved, an affected person, as defined by ALC Request for Reconsideration Policy P-08, may make a reconsideration request pursuant to section 33(1) of the ALC Act.

The purpose of section 33(1) is to allow the Commission to revisit decisions if they were fundamentally flawed due to consideration of incorrect information or, if subsequent to a decision, compelling information is provided that would have significantly contributed to the Commission's understanding of the facts at the time of its original deliberation as set out in ALC Request for Reconsideration Policy P-08. Section 33(1) is not intended to provide an affected person with an opportunity to periodically revisit the ALC's decision in perpetuity.

The authority to decide on requests to reconsider an application decision made by a Regional Panel under section 33(1) was delegated by resolution of the full Commission to the Executive Committee in October 2014. If the Executive Committee determines a decision should be reconsidered, the Commission Chair under section 11.1(3) of the ALC Act must refer the matter to the Regional Panel that made the original decision.

The Executive Committee considered 73 reconsideration requests under section 33(1) of the ALC Act in the 2017-18 fiscal. Eighteen of the 73 requests (25%) were directed back to the decision-makers for reconsideration. Of the 18 requests directed back to the decision-makers, 12 received decisions within the 2017/18 fiscal.

2017/18 section 33(1) Requests for Reconsideration

REGION	REQUESTS RECEIVED	REQUESTS REFERRED	DECISION REVERSED	DECISION CONFIRMED	DECISION VARIED
South Coast	24	7	1	3	1
Island	18	5	0	2	1
Okanagan	14	2	0	0	0
North	5	2	2	0	0
Interior	4	0	0	0	0
Kootenay	8	2	0	1	1
<b>Total</b>	<b>73</b>	<b>18</b>	<b>3</b>	<b>6</b>	<b>3</b>



## Section 33.1 of the ALC Act Reconsideration as Directed by the Chair of the Commission

Regardless of whether an application is refused or approved, the ALC Chair may direct the Executive Committee to reconsider an application decision made by a Regional Panel pursuant to section 33.1 of the ALC Act.

The purpose of section 33.1 is to provide the Chair with oversight to ensure consistency of decision considerations according to the ALC Act. The Chair has the authority to direct the Executive Committee to reconsider a decision that the Chair considers may not fulfill the purposes of the Commission set out in section 6, or adequately consider section 4.3 of the ALC Act.

Subsequent to a decision being released to the applicant, the Chair is given 60 days to review a decision and direct the Executive Committee to reconsider the application. At the Chair's direction, the Executive Committee must review the application and then confirm, reverse, or vary the decision.

The Executive Committee reconsidered 19 application decisions at the request of the Chair, 16 of which received decisions within the 2017/18 fiscal year, as noted in the table below.

### 2017/18 section 33.1 Reconsiderations

REGION	DECISIONS DIRECTED TO EXECUTIVE	DECISION REVERSED	DECISION CONFIRMED	DECISION VARIED
South Coast	4	1	1	0
Island	1	0	1	0
Okanagan	1	0	0	0
North	5	1	2	2
Interior	0	0	0	0
Kootenay	8	4	4	0
<b>Total</b>	<b>19</b>	<b>6</b>	<b>8</b>	<b>2</b>



## Policy and Regional Planning

### Policy

The policies of the Commission provide interpretation and clarification of the ALC Act and ALRUSP Regulation; outline guidelines, strategies, rules or positions on various issues; and, provide clarification and courses of action consistently taken or adopted by the Commission. All ALC policies are available on the [ALC Policies & Bylaws](#) page of the website.

The ALC completed work on the following policies in 2017/18:

#### **Land Use Policies:**

- L-10 Building a New Residence while Occupying the Existing Residence - Amendments
  - Added messaging about covenants and definition of uninhabitable
- L-23 Placement of Fill for Soil Bound Agricultural Activities – New Policy
  - General guidelines on the placement of fill for prospective applicants and their qualified registered professional
  - To ensure that filling in the ALR results in improved agricultural capability/suitability and to address some of the issues that are resulting in poor filling practices, degradation of agricultural land and compliance issues

#### **Procedural Policies:**

- P-10 Criteria for Agricultural Capability Assessments - New Policy
  - To ensure that professional agrologists submitting agricultural capability assessment reports as part of an application, or as required by a compliance and enforcement order, are providing sufficient information and evidence to support their assessment, that they are qualified to complete this work and that their work, has been performed in accordance with the British Columbia Institute of Agrologists Code of Ethics





The ALC also works with partner agencies on emerging and ongoing administrative and operational issues affecting the ALR. Some of the other projects the ALC worked on this year include:

### Agricultural Soil Land Investigation

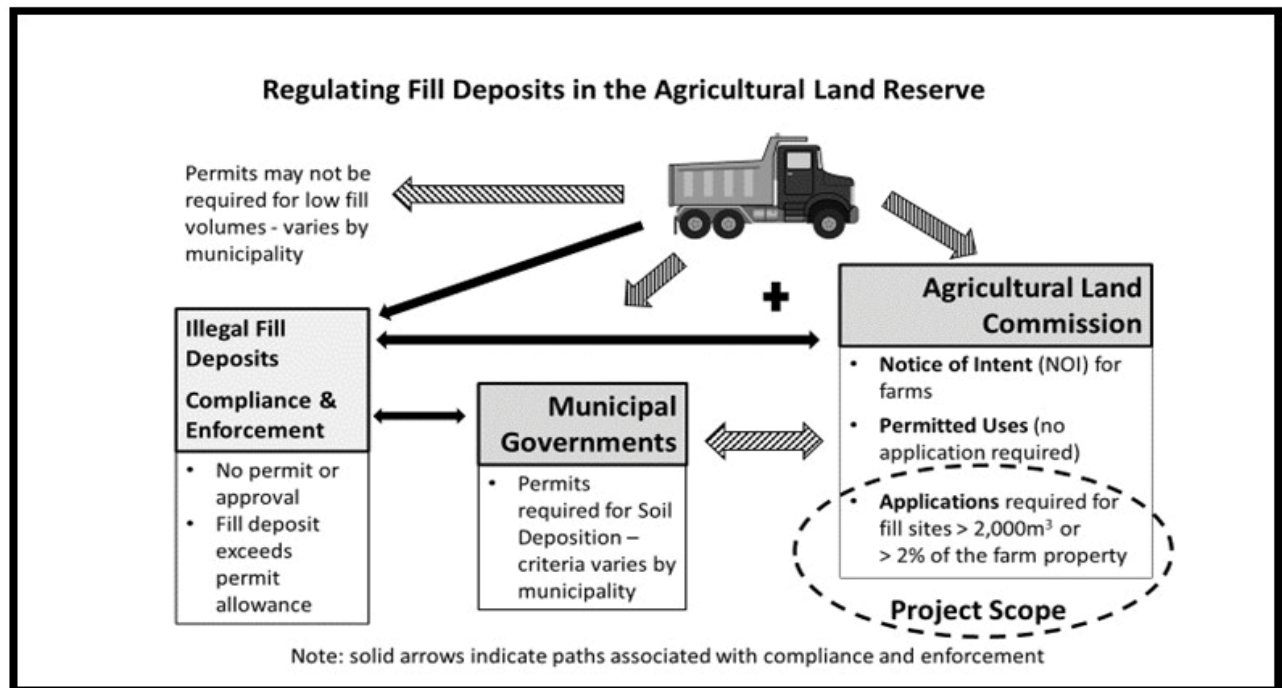
In partnership with Metro Vancouver Regional District (MVRD), a study/review of 99 fill sites in the Metro Vancouver region was undertaken by a third party consultant, to assess how the placement of fill on agricultural land is impacting soils and crop production on sites in the ALR.

MVRD and the ALC retained a qualified professional to investigate previously approved fill sites to assess and document the impacts of fill deposition on selected properties. The objectives were to:

1. Evaluate the outcomes of previously approved ALC applications for soil deposition;
2. Identify the factors that contributed to the positive and negative outcomes of soil deposition in the ALR; and,
3. Recommend what management practices should be required to ensure soil applications in the ALR provide benefits to the agricultural capability of the land.

Under the ALRUSP Regulation, landowners in the ALR can submit an application to the ALC requesting to deposit fill or remove soil on ALR land for purposes other than farm use (as defined in the ALRUSP Regulation).

### Regulating Fill Deposits in the Agricultural Land Reserve



The reasons given for depositing fill on agricultural land vary, but most applicants indicate that they require fill to improve poor site drainage or to address adverse topography that hinders cultivation. There are also situations where fill is illegally deposited on agricultural land (without approval or beyond the conditions defined in an ALC approval). Most often the outcome of illegal filling is a reduction in the agricultural capability of the land. Numerous examples of abuse of the intent of the ALC Act and ALRUSP Regulation were observed during the course of that review, including excessive fill volumes and apparent damage to subject and adjacent properties.

The experience of ALC with sites that have received ALC approval to deposit fill suggests that the proposed benefits of filling in the ALR may sometimes be offset by poor management practices both on- and off-site, including:

- topsoil disturbance and degradation which reduces soil fertility;
- importing heterogeneous soils (i.e. mixed soils with different drainage characteristics) and low quality materials (stony soils, heavy clay, construction and demolition debris);
- flooding on neighbouring properties; and
- soil settling (particularly on peat) impacting neighbouring properties.

Furthermore, there is a gap in information on the final agricultural capability of approved fill sites (i.e. whether the final agricultural capability is improved compared to the pre-fill conditions). Fill practices may inadvertently be negatively affecting agricultural productivity on approved fill sites as well as neighbouring properties.

As a method of distinguishing the sites, a visual rating system was established. The sites were ranked as Good, Fair or Poor, in terms of the agricultural capability of the site post fill. An additional separation was made for sites with no farming activity. These ratings were based on several factors that ultimately contributed to either positive or negative outcomes of the placement of fill:

- level of agricultural activity of the site;
- the appearance of the crop health or farm productivity (e.g., livestock);
- evidence of continued drainage or drought conditions;
- soil quality; and,
- site configuration (e.g., topography of fields after fill placement).

The results of the visual rating indicated that 17% of the fill sites were ranked as Good while 22% were ranked as Fair with an additional 25% ranked as Poor. Nearly 25% of the approved fill sites were not being used for farming purposes. In general, properties that were larger in size with lower fill volumes and percentage of area covered tended to be ranked as Good, whereas sites that were ranked Poor tended to be smaller properties with greater fill volumes or percentage of area covered.

### Online Application & Decision Search – Public Access

As of March 31, 2017, the ALC Application Portal now includes public application & decision search functionality. Applications electronically submitted to the ALC starting July 15, 2015 can be accessed from the [ALC website homepage](#) and from the [Application Portal](#) directly. Application & Decision Search does not require a login.

#### How do you use Application & Decision Search?

Application & Decision Search allows targeted and general searches of applications and ALC decisions.

**Targeted Search:** Look for a specific application using the ALC Application ID, the Property Identification (PID), Civic Address, or the Applicant/Agent Name.

**General Search:** Look for a range of applications using the Application Type, Local Government, Panel Region, Application Status, Date Range, and/or Decision filters.

#### When can the public see application information?

Applications become visible in the Application & Decision Search when the ALC acknowledges the submission as complete. An application is acknowledged as complete when the local government forwards the application and the associated fee to the ALC, and when the ALC has confirmed that all the required documents are present and correct.

### Education, Presentations & Outreach

In addition to numerous local government sessions, the ALC presented at a number of significant events, including to various industry groups:

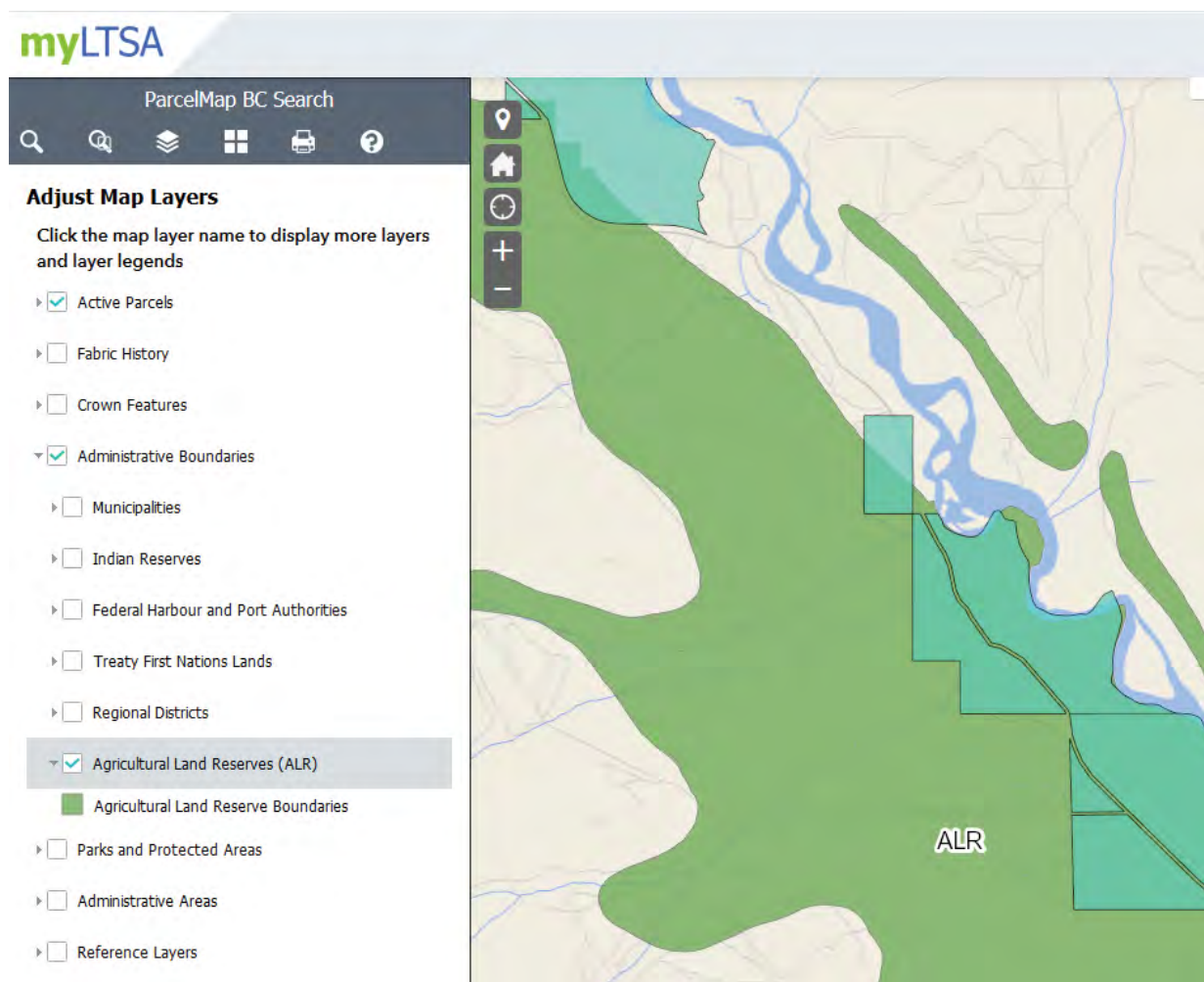
- BC Ministry of Transportation & Infrastructure Approving Officers
- BC Young Farmers
- BC Municipal Administration Training Institute (MATI) - School for Approving Officers
- BC Association of Regional District Planning Managers Conference
- Appraisal Institute of Canada (BC Association and Regional Chapters)
- BC Cattleman's Association
- BC Agriculture Council
- Union of BC Municipalities Executive
- Canadian Bar Association
- Ontario Farmland Trust Annual Conference
- Ontario Ministries responsible for Agriculture, Forests and Natural Resources, Municipal Affairs, Environment and Climate Change
- BC Ministry of Agriculture - Local Government Agricultural Advisory Committee (AAC) Workshops
- BC Institute of Agrologists
- Planning Institute of BC Conference

## Land Title and Survey Authority of BC – ALR layer in ParcelMap BC

The ALC and the Land Title and Survey Authority of BC (LTSA) have been working together to increase the profile of the ALR with respect to land transactions in BC. The ALR layer has been added to the LTSA's online [ParcelMap BC](#) tool so real estate agents, surveyors, land owners and the general public can see if a property of interest is in the ALR.

The ALC is also working with LTSA with respect to the types of transactions that require ALC authorization to be deposited with LTSA, specifically: certain types of roads, subdivisions, and registering restrictive covenants on a Certificate of Title.

**ParcelMap BC** - the ALR layer is located in the 'Administrative Boundaries' section. Disclaimer: When looking at both the ALR Boundary layer and the Parcel Boundaries layer in ParcelMap BC please note that there may be minor alignment issues.





### Minister of Agriculture's Independent Advisory Committee – Revitalizing the ALR & the ALC

The Minister of Agriculture appointed an independent committee made up of members with diverse agricultural backgrounds and experiences to build recommendations for the revitalization of the ALR and the ALC through consultation and engagement with agriculture stakeholders and the public.

The Minister of Agriculture Lana Popham, was tasked in her mandate letter with “[r]evitalizing the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC)”. To deliver on this important commitment, the Minister established an independent advisory committee to provide the Province with strategic advice and policy guidance. The Advisory Committee was tasked with leading consultation and engagement with stakeholders and the general public, and delivering to the Minister a set of recommendations.

The Advisory Committee identified three general objectives prior to the consultation:

- Preserve the productive capacity of land in the ALR;
- Encourage farming of land in the ALR for uses related to agriculture and food production; and,
- Strengthen the administration and governance of the ALR and ALC to both increase public confidence and to ensure that land use regulation and land use decisions are preserving agricultural land and encouraging farming and ranching in the ALR.

The ALC was invited to attend and observe all of the Committee’s consultation sessions and has been working to support the Committee with feedback, information, and clarification on the ALC Act, ALRUSP Regulation and the ALC's experience working with the legislation.

For more information on the work of the Minister’s Independent Advisory Committee, please visit their website: <https://engage.gov.bc.ca/agriculturallandreserve/>





## Regional Planning

There are approximately 150 local governments within BC that have land within the ALR, and these local governments have an important, collaborative role to play with the ALC to preserve agricultural land.

The ALC supports coordinated and collaborative planning with local governments to ensure agricultural lands are protected and available to provide food and other agricultural products for generations to come. Although the ALC takes a lead role in preserving ALR land for farming, local government plans, bylaws, and policies also play a critical role in developing a fair and a supportive regulatory climate for agriculture.

Per section 46.2 of the ALC Act, it is the responsibility of local governments to ensure that their bylaws are consistent with the ALC Act and the ALRUSP Regulation.

The ALC assists local governments with achieving consistency between their bylaws and the ALC Act, ALRUSP Regulation, and any resolutions of the Commission via the ALC's Bylaw Review Process. The ALC's Bylaw Review Process is overseen by the ALC's Director of Policy and Planning, with assistance from three Regional Planners, each responsible for different geographic areas of the province.

The ALC reviews bylaws which regulate farm uses in the ALR and in ALR-adjacent areas. Bylaws (new or amendments) requiring review by the ALC as per section 46(1) of the ALC Act include, but are not limited to:

- Official Community Plans (OCPs)
- OCP Policies
- Neighbourhood Plans
- Zoning Bylaws
- Agricultural Area Plans
- Transportation Plans
- Parks and Open Space Plans

The re-designation of ALR lands for non-agricultural uses can only be achieved via a resolution of the Commission (for example, re-designating ALR land from "agriculture" to "residential"). A resolution of the Commission reflects a statutory decision made by the Commissioners. A resolution of the Commission can support or refuse to support the re-designation of ALR lands for non-agricultural uses.

The ALC's three regional planners conducted numerous bylaw reviews in 2017/18, some of which proposed the re-designation of ALR land and required a resolution of the Commission, and some of which did not propose the re-designation of ALR land and did not require a resolution of the Commission. A breakdown of the 2017/18 bylaw reviews by Panel Region has been provided in the tables on the following page.

## Total # of Bylaws Reviewed for the Okanagan Region: Four (4)

LOCAL GOVERNMENT	BYLAW NAME	BYLAW PROPOSAL SUMMARY	ALR AFFECTED BY PROPOSAL (ha)	ALC RESOLUTION NUMBER (if required)
City of Kelowna	Temporary farm worker housing	Policy development process	N/A	N/A
City of Kelowna	Agriculture Plan	Agricultural Planning Process	8,621 ha	N/A
Regional District of Okanagan Similkameen	Zoning Bylaws	Radio Frequency Interference Area Protection of Farming DPA Industrial Zone Update	2,735 ha N/A	N/A
City of Armstrong	Waste Management	Add treatment plant holding tanks	8 ha	N/A

## Total # of Bylaws Reviewed for the Kootenay Region: Three (3)

LOCAL GOVERNMENT	BYLAW NAME	BYLAW PROPOSAL SUMMARY	ALR AFFECTED BY PROPOSAL (ha)	ALC RESOLUTION NUMBER (if required)
Regional District of Central Kootenay	Village of Salmo OCP	Advised village to designate ALR areas as such	+/- 2 ha	N/A
Regional District of East Kootenay	Amendment to Bylaw 2600 (City of Kimberly)	Proposal to include ALR into a designation "Parks Recreation and Open Space"	9 ha	Plan Review File #46631
Regional District of East Kootenay	OCP Bylaw 1854 Town of Creston	New Creston OCP – designations correct and consistent with ALCA/Regs	33 ha	N/A

## Total # of Bylaws Reviewed for the Interior Region: Three (3)

LOCAL GOVERNMENT	BYLAW NAME	BYLAW PROPOSAL SUMMARY	ALR AFFECTED BY PROPOSAL (ha)	ALC RESOLUTION NUMBER (if required)
City of Kamloops	Kamloops OCP 2017	Re-designate two ALR areas: one for future residential use; the other for industrial use	6.7 ha residential use, 265 ha industrial use Total 271.7 ha	Pending
Cariboo Regional District	Lac La Hache OCP	Exclude lands previously endorsed; allow one new residential designation.	23.9 ha (previously endorsed or re-endorsed) New 11.4 ha	Conditional re-endorsement of 4 ha and Endorsement of 11.9 ha. Total 15.9 ha endorsed for exclusion by Resolution 2657/2017
Cariboo Regional District	South Cariboo OCP	Exclude ± 600 ha for residential development	605 ha	254.3 ha endorsed for exclusion and 350.7 ha refused for exclusion by Resolution 2656/2017

## Total # of Bylaws Reviewed for the North Region: Three (3)

LOCAL GOVERNMENT	BYLAW NAME	BYLAW PROPOSAL SUMMARY	ALR AFFECTED BY PROPOSAL (ha)	ALC RESOLUTION NUMBER (if required)
City of Fort St. John	Fort St. John OCP, BylawNo. 2388, 2017	Redesignate ALR lands for residential, commercial, and industrial uses	645 ha of dominantly Class 2	146 ha endorsed and 499 ha refused by Resolution #2658/2018
Peace River Regional District	North Peace Fringe Area OCP	Update OCP	To be determined	Pending
Regional District of Bulkley-Nechako	Endako, Fraser Lake, Ft Fraser OCP	Initial draft review of Rural OCP	N/A	Comments on first draft – no resolution required at this stage





## Total # of Bylaws Reviewed for the Island Region: Five (5)

LOCAL GOVERNMENT	BYLAW NAME	BYLAW PROPOSAL SUMMARY	ALR AFFECTED BY PROPOSAL (ha)	ALC RESOLUTION NUMBER (if required)
Comox Valley Regional District	CVRD Agricultural Watershed Plan – set terms of reference for plan	Plan for future agricultural water use in the Comox Valley	N/A – area affected will depend on proposed study area (RFP closed Apr 2018)	N/A
Comox Valley Regional District	CVRD Master Plan for Comox Valley Exhibition Grounds	Expansion of existing (ALC approved) Agricultural Exhibition grounds to property adjacent and north of existing grounds	3.4 ha	Advised RD that ALC application is required for expansion – not received to date Application Legacy File #34854
Cowichan Valley Regional District	Shawningan Lake School Bylaw	Proposed construction of school dormitory on SLS lands -partially within the ALR	Site for school construction not within ALR	N/A
District of North Cowichan	Medical Marijuana Bylaw 3597	Restrictions on the production of Medical marijuana - setbacks from property boundaries	Potentially all ALR in District	Plan Review File #46619
District of Central Saanich	Keating Crossroads Business District	Proposed business district definition and designation	N/A – area defined outside ALR	N/A

## Total # of Bylaws Reviewed for the South Coast Region: Seven (7)

LOCAL GOVERNMENT	BYLAW NAME	BYLAW PROPOSAL SUMMARY	ALR AFFECTED BY PROPOSAL (ha)	ALC RESOLUTION NUMBER (if required)
Township of Langley	Aldergrove Community Plan Update, LRP00007	To re-designate ALR for non-agricultural uses	+/- 108 ha	+/- 108 ha refused for exclusion - Resolution #2653/2017
City of Maple Ridge	Soil Deposit Regulation Bylaw No. 7412-2017	A bylaw to regulate the deposit of soil and other material		N/A
District of Mission	OCP Bylaw 5760-2017	A bylaw contemplating the inclusion of ALR land within a special study area	+/- 243 ha	N/A
District of Squamish	OCP Bylaw No. 2500, 2017	2040 OCP	+/- 797 ha	N/A
Metro Vancouver Regional District	Electoral Area A OCP Bylaw 1250, 2017	OCP for Barnston Island	+/- 618 ha	N/A
Sunshine Coast Regional District	OCP Bylaw No. 708, 2017	OCP for Egmont/ Pender Harbour		N/A
Township of Langley	OCP Bylaw 2017 No. 5300	Brookswood-Fernridge OCP		N/A

### Local Government Engagement Survey

To ensure that the ALC is effectively engaging with local governments, the ALC commissioned Sentis Research to survey local governments whose work involves recognizing agricultural land uses and enforcing the ALC Act within the context of local policies and bylaws.

The results of the 2016/17 survey revealed that the top land use planning, bylaw enforcement and compliance challenges identified by local governments are:

- Unauthorized land use in the ALR
- Additional dwellings
- Public awareness/education
- Unauthorized filling in the ALR
- Subdivisions

Based on those findings, the 2018 survey focused on the following objectives:

- Identifying strategies to decrease the incidence of unauthorized uses in the ALR
- Identifying permitted uses that are the most difficult to regulate
- Gathering information on additional dwellings for farm help, including the criteria used and challenges faced
- Measuring the current incidence and perceptions regarding the regulation of size and siting of structures in the ALR
- Determining top reasons for requesting subdivision in the ALR and measured awareness of alternates to subdivision

Overall, a total of 167 local government stakeholders completed the survey.

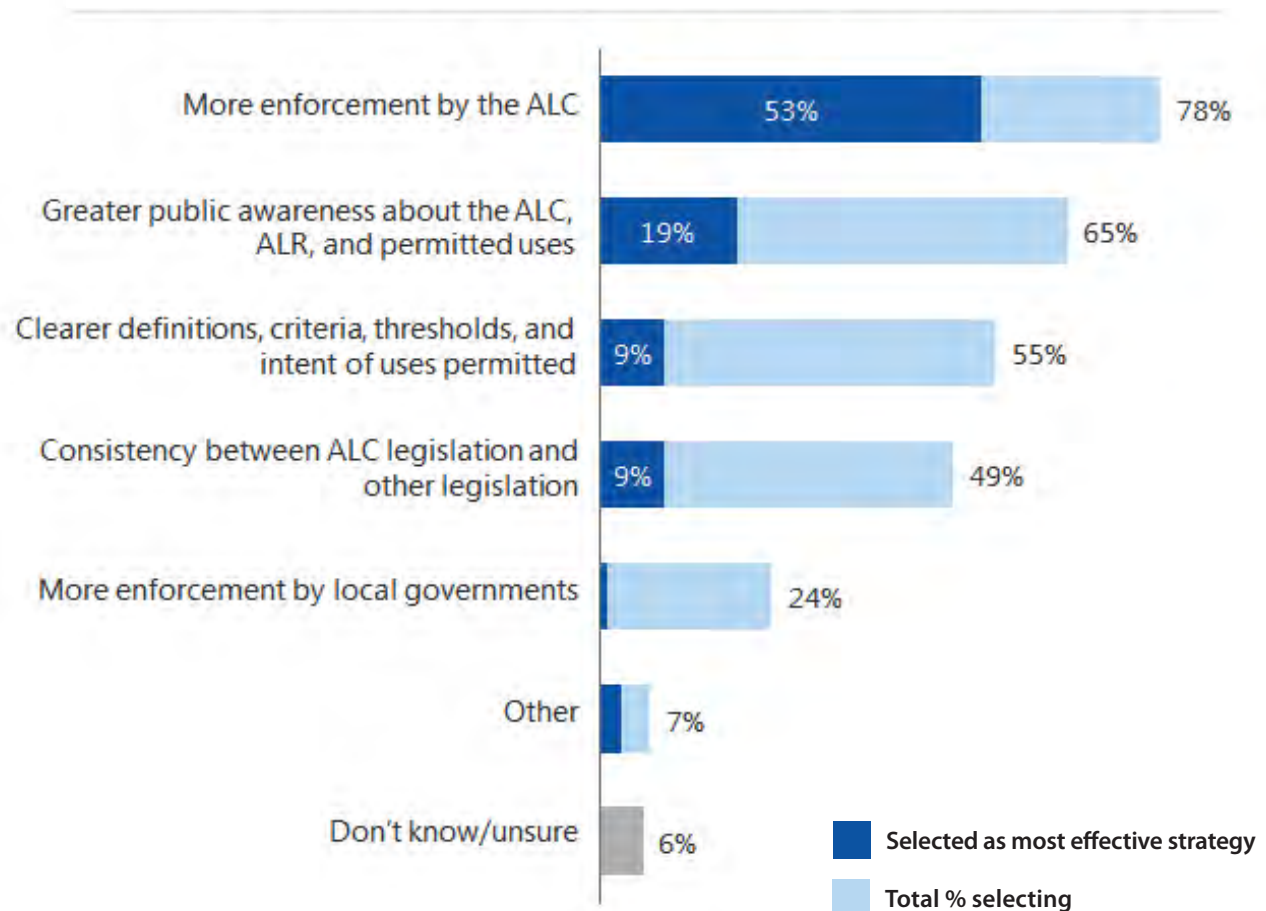


## Excerpts from the 2018 Survey

### Decreasing Unauthorized Uses in the ALR

While greater public awareness, clearer definitions, and greater consistency between ALC legislation and other legislation are considered helpful in decreasing unauthorized uses in the ALR, local government respondents consider more enforcement by the ALC to be by far the most effective way to decrease unauthorized uses in the ALR.

**Strategies to Decrease the Incidence of Unauthorized Uses in the ALR**



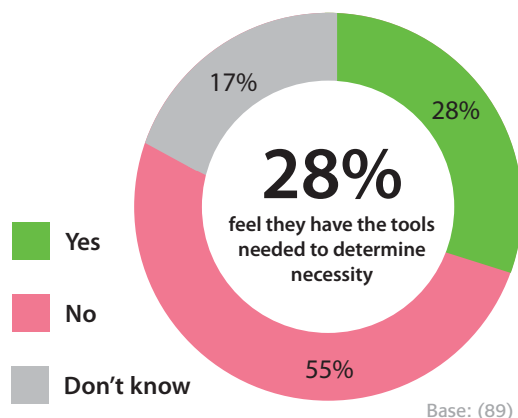
Those working in a Bylaw Enforcement role are most likely to believe that more enforcement by the ALC and local governments would be effective (92% and 69% selecting, respectively).



## Additional Dwellings for Farm Help

The majority of stakeholders (56%) find it difficult to regulate additional dwellings necessary for farm help. It is also the permitted use that is considered the most difficult to regulate. It follows that only 28% of those who deal with requests for additional residential dwellings for farm help feel that they have the tools necessary to determine if the additional dwellings are needed. The challenges cited as making this determination difficult include:

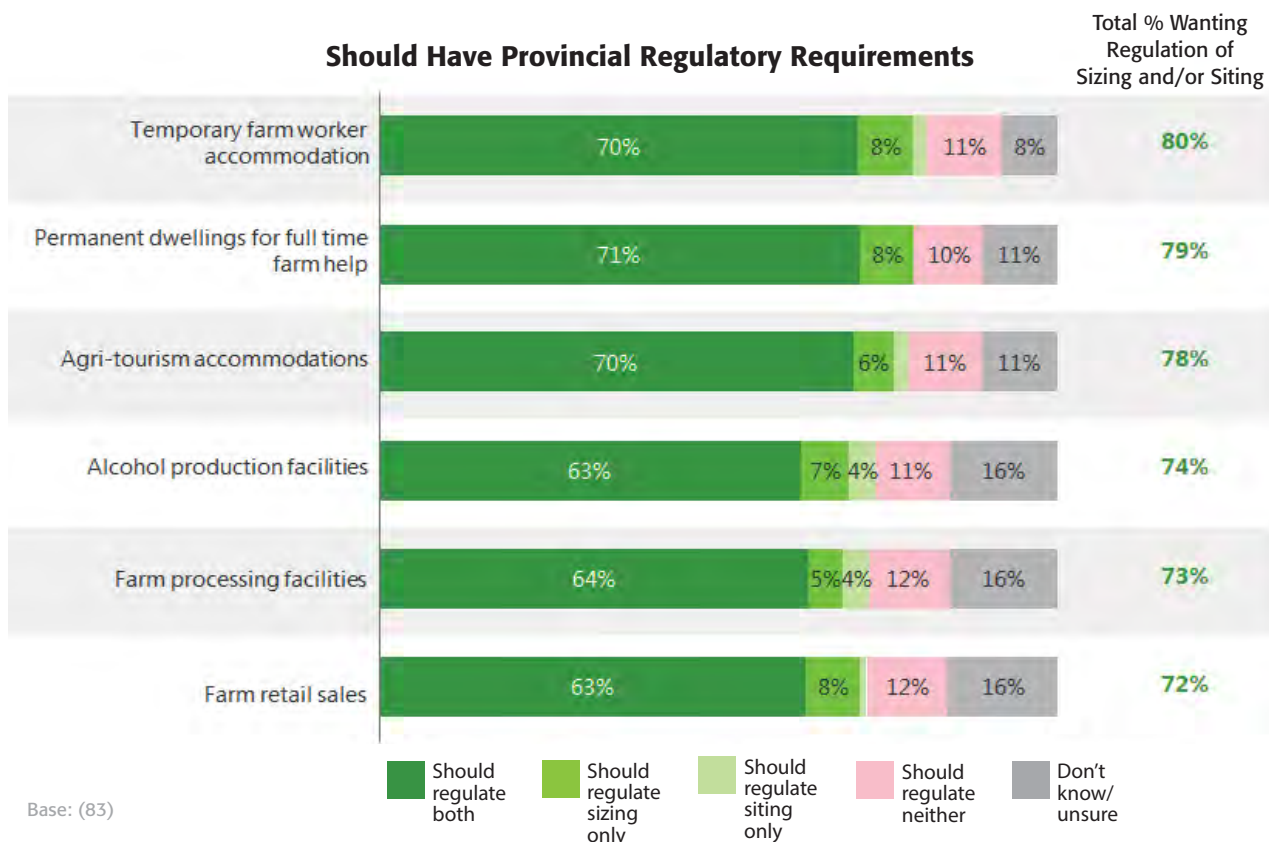
- A lack of industry standards;
- Limited staff resources; and,
- A lack of understanding of the applicant's business operations.



**Ability to Determine Necessity of Additional Dwellings for Farm Help**

## Regulating Size & Siting of Structures in the ALR

There is strong support for introducing provincial regulatory requirements for the size and siting of structures in the ALR – particularly for temporary and permanent accommodations.



## 50% Processing/Production Requirement

A strong majority (70%) of those who review and regulate the size and/or siting of farm processing and/or farm retail sales buildings find it difficult to determine/enforce compliance of the requirement that 50% of what is processed/produced in facilities in the ALR must be comprised of agricultural products grown on the farm.

### Perceived Difficulties of Determining & Enforcing Compliance

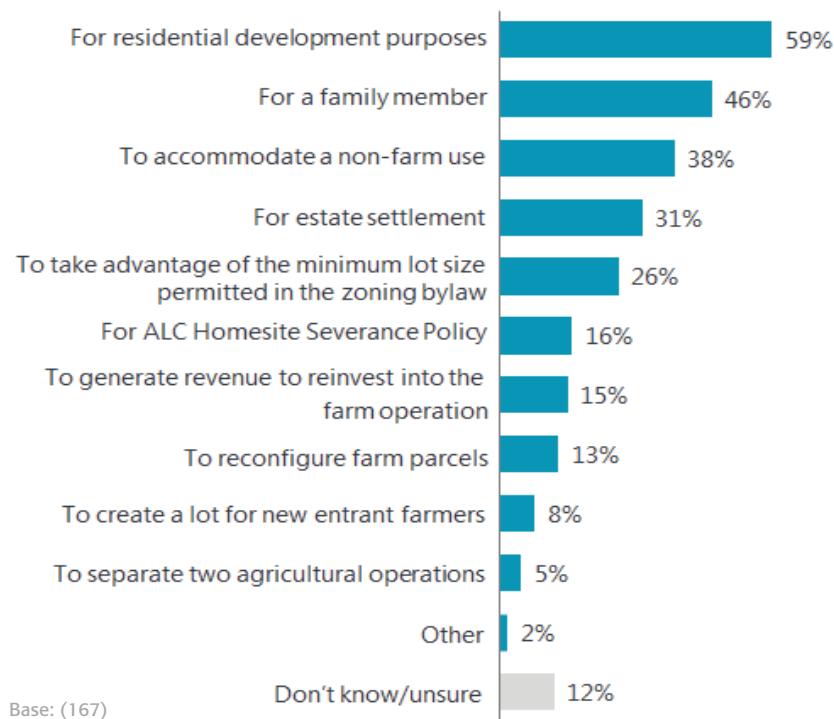
50% of what is processed/produced in facilities located in the ALR must be comprised of agricultural products grown on the farm where the facilities are located



## Subdivision

Stakeholders identified that the most common reason that landowners request application for subdivision in the ALR is for residential development purposes.

### Reasons Landowners Request Application for Subdivision in the ALR



Find the complete 2018 ALC Local Government Engagement Survey Report on the ALC website [here](#)

## Judicial Review

The legislation does not provide for appeals of Tribunal decisions. Instead, a party may apply for judicial review in BC Supreme Court. A judicial review is not a re-trial or a rehearing of an application. In this type of review, a sitting Supreme Court Judge will review a decision that has been made by an administrative tribunal or an administrative decision maker. The judge does not focus on whether they would have made a different decision than that of the original decision maker. Instead, the judge focuses on determining whether the decision maker had the authority to make a particular decision and whether the decision maker exercised that authority.

In fiscal year 2017/18, the BC Supreme Court issued one judgment on judicial review. A summary of the Court's findings is provided below.

### **McCall et al. v. Agricultural Land Commission, BCSC 133564**

In 2013, the Commission issued a decision on reconsideration refusing to exclude the petitioners' land from the ALR. The property owners commenced a proceeding challenging that decision. The court subsequently set aside that decision and ordered in a decision finalized in 2017 that the ALC undertake a further reconsideration of its original decision made in 2010 not to exclude the land from the ALR.

Six other proceedings involving the ALC before the BC Supreme Court remain undecided at this time.



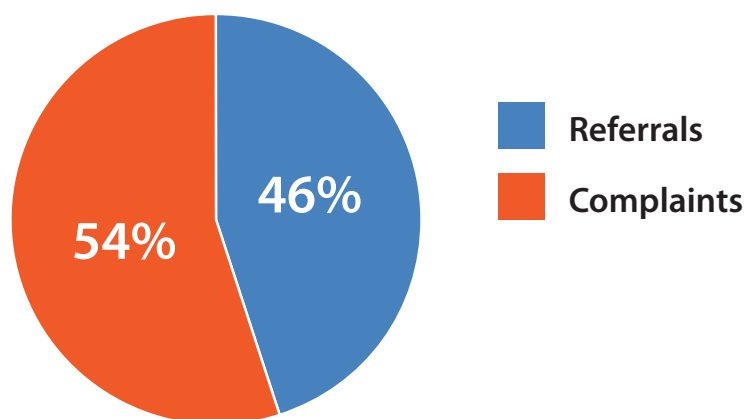
### Compliance and Enforcement Program

The ALC Compliance and Enforcement program (C&E program) was established in 2007 in response to increasing complaints of non-compliant activities in the ALR. The purpose of the program is to strengthen delivery of the ALC's legislative mandate to ensure that activities taking place within the ALR are consistent with the ALC Act. This is achieved by using a combination of education, information and enforcement.

The C&E program responds to complaints of alleged contraventions of the ALC Act and ALRUSP Regulation from the public, as well as, referrals from local, provincial and federal governments and other agencies.

#### New Complaints - Fiscal 2017-2018

Total received 193



### Compliance & Enforcement Workload

As of April 1, 2017 there were 238 active C&E files (i.e. non-resolved complaints and referrals) from the previous fiscal year. Approximately 16 new complaint/referrals are received monthly which is an increase of 18% from fiscal 2016/17. Due to a concerted effort by the C&E team with implementation of new internal procedures and the introduction of standardized templates, 135 files were closed (i.e. compliance gained), which is an increase of 41% over the previous fiscal (see Program Statistics on p. 45). Even with the focus on file closures, there were 304 active files at the end of the year, an increase of 28% over previous fiscal. This file load may continue to increase based on the current complaint/referral incoming rate.

From 2007-2016, the C&E program was comprised of two C&E officers. In 2016 with the assistance of additional funding provided by the provincial government, the C&E program was increased to five officers and a program assistant dedicated to the processing of incoming complaints and referrals. Twenty-two FLNRO Natural Resource Officers (NROs) are also designated as officials under the ALC Act to assist the C&E program upon request. The most common requests for assistance were for inspections and delivery of notices/orders.



## Program Statistics

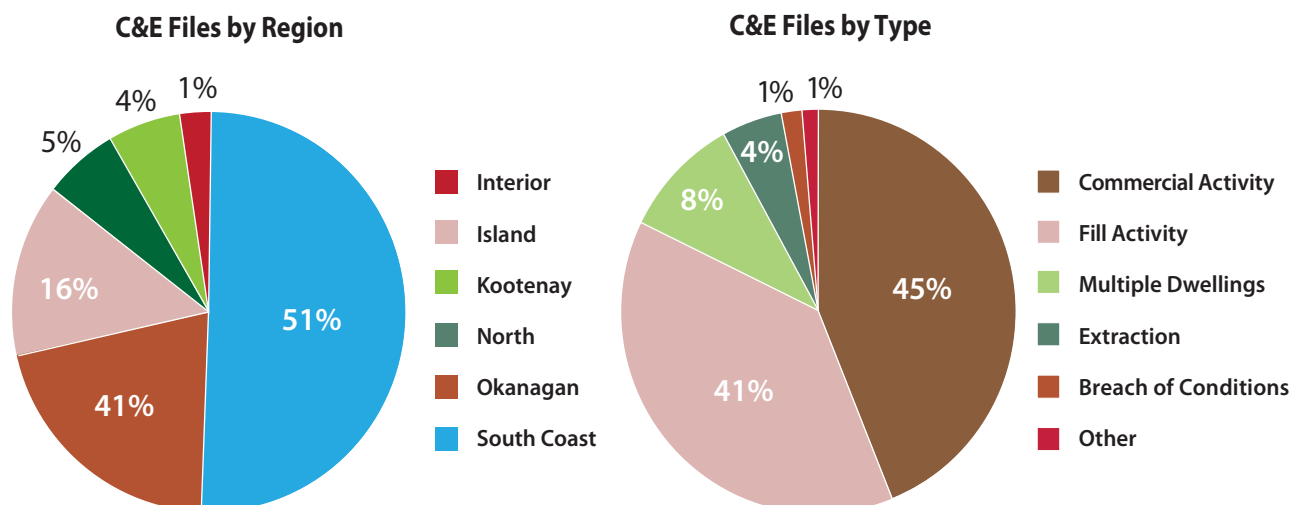
KEY STATISTICS		
	2017/18	Percent Change from Fiscal 2016/17
Active Files at Beginning of Year (April 1, 2017) <sup>1</sup>	238	-
Incoming Complaints/Referrals	193	+18%
Files Closed	135	+41%
Active Files at End of Year (March 31, 2018) <sup>2</sup>	304	+28%
Property Inspections	292	+8%
Compliance Actions <sup>3</sup>	153	+19%
Enforcement Actions - Orders Issued <sup>4</sup>	38	+81%

<sup>1</sup> # of active files at the beginning of the fiscal; includes files from the 2016/17 fiscal and previous fiscal years

<sup>2</sup> Includes five C&E files which represented multiple parcels/properties; these were separated into 13 files with only one parcel or property per C&E file

<sup>3</sup> Compliance actions include compliance notices and notices of contravention

<sup>4</sup> Orders include stop work orders, remediation orders and penalty orders



In total, there were 38 enforcement actions, an increase of 81% over the previous year. The ALC issued its first penalty order in 2017 for \$7,500. The order was issued after a company operating a non-farm business in the ALR failed to respond to three notices of contravention and a stop work order. After the company refused to pay, a petition was filed in the BC Supreme Court for an Order for Compliance. Recently, our legal counsel advised that they are expecting the penalty payment shortly.

## Other C&E Program Enhancements in 2017/18

- In May 2017, C&E on-boarded to the Natural Resource Inspection System (NRIS), a web based data management system to manage complaint files used province wide by several Natural Resource Sector enforcement agencies;
- In June 2017, a permanent Director of Operations was hired to oversee the program;
- In January 2018, C&E submitted a Report to the Minister on all C&E activities, identifying common issues and recommended solutions;
- In March 2018, the ALC was on-boarded to the Quarterly Environmental Enforcement Summaries and the Environmental Violations Database (EVD). Enforcement actions issued under the ALC Act including Stop Work Orders; Remediation Orders and Administrative Penalties are now published. ALC Act actions from 2016 were also retroactively uploaded to the EVD;
- Development of a number of internal operational policies and procedures to better guide the program area;
- Meeting with industry stakeholders and local governments to promote increased and collaborative enforcement in the ALR and to review local bylaws for consistency with the ALC Act and ALRUSP Regulation.

## Appeals under Section 55 of the ALC Act

A person who is the subject of a determination, decision, order or penalty by an ALC official under section 50, 52 and 54 of the ALC Act may appeal to the board of the Commission. The ALC's Practice Directive, with respect to appeals, provides further guidance with regard to appeals under the ALC Act. On an appeal, the Commission may confirm or reverse the determination, decision, order or penalty, or refer the matter back to the official with or without direction.

In 2017/18, five appeal hearings were held. A summary of appeal outcomes for the current fiscal is provided below. There were no appeals heard in the previous year. The increase in appeals is a direct result of significantly more enforcement actions during the year.

### 2017/18 Appeal Outcomes

OUTCOME	Number of Orders Under Appeal
Confirmed	2
Reversed	0
Decision Pending	3
Withdrawn	3
Total number of orders	8

## 2017 / 2018 Agricultural Land Commission Financial Report

DESCRIPTIONS	2017/2018 BUDGET	2017/2018 ACTUAL	2016/2017 BUDGET
Salaries	\$2,406,000	\$2,262,000	\$2,196,000
Benefits	591,000	563,000	539,000
Commission	529,000	519,000	764,000
Staff Travel	100,000	87,000	150,000
Professional Services - Contracts	40,000	66,000	70,000
Legal Contracts	400,000	297,000	350,000
IT expenses	145,000	168,000	40,000
Office Supplies & Business Expenses	60,000	70,000	70,000
Materials, Supplies & Statutory Advertising	26,000	0	35,000
Vehicle Expenses	5,000	12,000	10,000
Amortization	11,000	11,000	11,000
Building Occupancy Charges	6,000	7,000	13,000
Recoveries	(1,000)	(4,000)	(3,000)
Overhead Allocation	231,000	299,000	300,000
<b>TOTAL</b>	<b>\$4,549,000</b>	<b>\$4,362,000</b>	<b>\$4,545,000</b>



## Cumulative GIS ALR Change - Included & Excluded

April 1, 2012 - March 31, 2018

FISCAL YEAR	INCLUSIONS (ha)	EXCLUSIONS (ha)	NET CHANGE (ha)	CURRENT TOTAL ALR (ha)
April 1, 2012				4,623,289
2012/13	238	1,709	-1,471	4,621,818
2013/14	1,296	1,957	-662	4,621,156
2014/15	792	1,090	-298	4,620,858
2015/16	79	4,283 <sup>1</sup>	-4,204	4,616,654
2016/17	198	943 <sup>2</sup>	-745	4,615,909
2017/18	223	2,970 <sup>3</sup>	-2,747	4,613,162
<b>Total</b>	<b>2,826</b>	<b>12,952</b>	<b>-8,637</b>	

### Cumulative GIS ALR Change Notations

All figures calculated using GIS data are based on final Completion Date for the boundary change.

These figures reflect application and non-application related ALR boundary changes. Application changes resulting from the completion of conditions of approval and non-application related boundary changes resulting from changes made by the Provincial government via legislation or regulation, cadastre changes and other associated amendments to the ALR boundary that are not tracked due to their nature and frequency.

### Non-Application Related Boundary Changes of Note

- <sup>1</sup> In April 2015, Order in Council number 148 'permanently' excluded 2,775 hectares and 'temporarily' excluded an additional 941 hectares of land from the ALR on April 8, 2015 for the Site C Dam. The total area excluded from the ALR is 3,716 hectares. The excluded area is reflected in the GIS ALR Change table statistics for 2015/16 but is not recorded as a decision of the Commission.
- <sup>2</sup> In accordance with paragraph 30 of the Lands Chapter of the Tla'amin Final Agreement & section 9 of the Tla'amin Final Agreement Act, 835.8 hectares of land was excluded from the ALR effective April 5, 2016. The excluded area is reflected in the GIS ALR Change table statistics for 2015/16 but is not recorded as a decision of the Commission.
- <sup>3</sup> In October 2017, the ALC completed the East Kootenay ALR Boundary Review Project that excluded 2,875.6 ha from the ALR; 1,284.8 ha was excluded from Electoral Area B and 1,590.8 ha was excluded from Electoral Area E. The excluded area is reflected in the GIS ALR Change table statistics for 2017/2018.

### Archived ALC Cumulative Statistics Table 1974 – March 31, 2012

See Appendix B for ALC cumulative inclusion and exclusion statistics by calendar year.



## ALR Included & Excluded By Calendar Year (Database)

1974 – March 31, 2012

CALENDAR YEAR	INCLUSIONS (hectares)	EXCLUSIONS (hectares)	NET FIGURE (hectares)	CURRENT ALR AREA (hectares)
At Designation				4,717,519
1974	0	628	-628	4,716,891
1975	2,561	3,193	-632	4,716,259
1976	517	2,365	-1,848	4,714,411
1977	4,300	18,924	-14,624	4,699,787
1978	19,141	10,524	8,617	4,708,403
1979	3,252	9,758	-6,507	4,701,897
1980	242	6,131	-5,889	4,696,008
1981	1,275	16,474	-15,199	4,680,809
1982	3,634	6,212	-2,578	4,678,231
1983	6,233	4,228	2,005	4,680,235
1984	7,545	5,047	2,498	4,682,733
1985	19,440	9,229	10,211	4,692,944
1986	1,807	4,662	-2,855	4,690,089
1987	5,152	2,868	2,283	4,692,373
1988	6,714	1,238	5,476	4,697,848
1989	947	1,180	-233	4,697,615
1990	10,680	2,195	8,485	4,706,100
1991	768	2,075	-1,306	4,704,794
1992	3	1,081	-1,078	4,703,716
1993	5,843	823	5,020	4,708,736
1994	2,877	1,642	1,235	4,709,971
1995	1,095	1,171	-75	4,709,896
1996	1,868	1,574	294	4,710,190
1997	869	5,252	-4,383	4,705,808
1998	678	2,861	-2,184	4,703,624
1999	1,961	1,864	97	4,703,721
2000	23,204	5,797	17,407	4,721,127
2001	973	553	420	4,721,548
2002	41,792	1,530	40,262	4,761,809
2003	428	746	-318	4,761,491
2004	1,559	1,497	62	4,761,553
2005	1,670	2,241	-572	4,760,981
2006	977	531	446	4,761,428
2007	1,263	1,628	-365	4,761,063
2008	801	1,457	-655	4,760,408
2009	1,385	2,172	-787	4,759,620
2010	658	555	103	4,759,723
2011	682	632	50	4,759,773
1ST Q 2012	16	6	10	4,759,783
<b>Total</b>	<b>184,810</b>	<b>142,544</b>	<b>+42,266</b>	<b>4,759,938</b>