

# Annual Report 2018-2019

Provincial Agricultural  
Land Commission







## Agricultural Land Commission

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604-660-7000 • [www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)

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, 2018 to March 31, 2019. This report has been prepared in accordance with section 12 of the Agricultural Land Commission Act, section 40 of the Agricultural Land Reserve General Regulation and section 59.2 of the Administrative Tribunals Act.

Yours truly,

Jennifer Dyson, Chair

PROVINCIAL AGRICULTURAL LAND COMMISSION



## 2018/19 ALC Annual Report

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## Message from the Chair, Jennifer Dyson

**O**n behalf of the Board and Commission staff, I am pleased to present the 2018-2019 Annual Report of the Agricultural Land Commission (ALC).

It is my privilege to work with this team and serve the province as Chair of the Agricultural Land Commission.

Sometimes we need to revisit history to understand where we are today. First and foremost, we must remember that over 90% of the land area of BC is mountainous and non-arable and that our most highly productive agricultural areas are located at the lower elevations where our urban populations are centered. By 1973, it was estimated that 20% of all arable land in the lower Fraser Valley and Okanagan Valley had been lost to development, forcing

government to consider its options to curb urban sprawl and protect our scarce agricultural land base. This demand for preservation of agricultural land resulted in the creation of the BC Land Commission Act that took effect April 18, 1973 after a stormy ride through the legislature. At the time, this Act was considered the most progressive pieces of legislation of its kind in North America. It is hard to imagine how much agricultural land would be left today if there had been no Agriculture Land Commission (ALR). Today, the mandate of this legislation continues to preserve and protect the scarce 5% of the Province capable of agricultural production.

For the past 46 years, BC's fertile farm lands have continued to be the subject of land use competition from speculation, non-farm use,

population growth and industrial expansion. The cumulative impact of urbanization and industrialization places ongoing pressure on agricultural lands. Conflicts between urban, industrial, recreational, natural habitats and agricultural uses only increase over time. Competition for land and the expectation that the ALR is available for non-agricultural purposes—results in the ALR becoming increasingly off-limits or unaffordable for its intended purpose, for both farmers trying to expand and new entrants.

Removing speculation from the equation helps to keep agricultural land priced accordingly and provides the opportunity for current and future generations to continue farming. The fact that the ALC is a commission, independent of government, is one of the reasons we have been successful





thus far. The ALC continues to work to build strong partnerships with the over 150 local governments with jurisdiction over land in the ALR, supported by the public and agricultural stakeholders to find ways to support agriculture and address pressures on the limited agricultural land base. Balancing the needs of agriculture now and in the future remains our priority. The complexity of our varied geography and the socioeconomic differences within regions of the province is one of agriculture's strengths, through its diversity.

As both a farmer and Chair of the ALC, I am mindful that encouraging agriculture is central to protecting the land. There is a constant need for communication and education. So many misconceptions about the ALR exist. Over the years the ALC has struggled to maintain core activities let alone take on the much-needed role of educator. In 2018-2019, the Commission worked to increase engagement with industry, local governments and other stakeholders on recent legislative changes and the work of the ALC. The ALC is committed to the implementation of the ALC Act changes in order to help support and strengthen the agricultural sector well into the future. We will strive to remove ambiguity, and harden the edges of the ALR by working with all of our partners. It is time to value agriculture. The ALR is a zone for agriculture that is meant to protect farm land from speculation and the encroachment of non-agricultural development, while encouraging and supporting innovation in the agriculture sector.

It is my view that those who identified the need to preserve and protect our limited agricultural land through the original Land Commission Act, may not have fully grasped the enormity of the impacts of exponential

population growth on agriculture and the agricultural land base. Forty-six years later, all British Columbians should be thankful for the foresight of these agricultural land preservation pioneers who have placed agriculture and the land on which it occurs in a position of strength to compete with other land use demands in BC. We need to continue to collectively work together to support a strong agricultural sector with a stable land base on which to farm.

Thank you to CEO Kim Grout for her leadership and the dedicated team of staff and commissioners, all of whom continue to work very hard and are committed to the ALC's mandate. This has been an extremely busy year and staff and Commissioners continue to rise to meet the change and its challenges. We are committed to taking steps to deliver and improve on our mandate to preserve agricultural land, encourage farming on agricultural land in collaboration with other communities of interest and encourage all levels of government in BC 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). The ALR is 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, non-adhering residential use, soil and fill use, subdivision and transportation, utility and recreational trail uses in the ALC. The Agricultural Land Reserve General Regulation (General Regulation) sets out procedures for applications to the ALC. The Agricultural Land Reserve Use Regulation (Use Regulation) sets out permitted uses in the ALR.

## 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 six 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.

**CHAIR**  
**Jennifer Dyson**  
 APPOINTED MAY 14, 2018

**INTERIOR PANEL**

VICE CHAIR Richard Mumford, Alexis Creek  
 Bob Haywood-Farmer, Savona

**OKANAGAN PANEL**

VICE CHAIR Gerald Zimmermann, Kelowna  
 Jim Johnson, Cherryville

**NORTH PANEL**

VICE CHAIR Dave Merz, Fort Fraser Lake  
 (EXPIRED OCT. 2018)

VICE CHAIR Janice Tapp, Fraser Lake  
 (APPOINTED OCT. 2018)

Ross Ravelli, Dawson Creek  
 Garnet Berge, Dawson Creek  
 Andrew Adams, Willow Creek  
 (APPOINTED OCT. 2018)

**ISLAND PANEL**

VICE CHAIR Linda Michaluk, North Saanich  
 Honey Forbes, Duncan  
 Clarke Gourlay, Parksville  
 (EXPIRED OCT. 2018)

**KOOTENAY PANEL**

VICE CHAIR David Zehnder, Invermere  
 Ian Knudsen, Creston  
 Jerry Thibeault, Cranbrook  
 (APPOINTED OCT. 2018)

**SOUTH COAST PANEL**

VICE CHAIR Bill Zylmans, Richmond  
 (EXPIRED OCT. 2018)

VICE CHAIR Ione Smith, Sechelt  
 (APPOINTED OCT. 2018)

Satwinder Bains, Abbotsford  
 Susie Gimse, Pemberton  
 (APPOINTED OCT. 2018)

## 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.

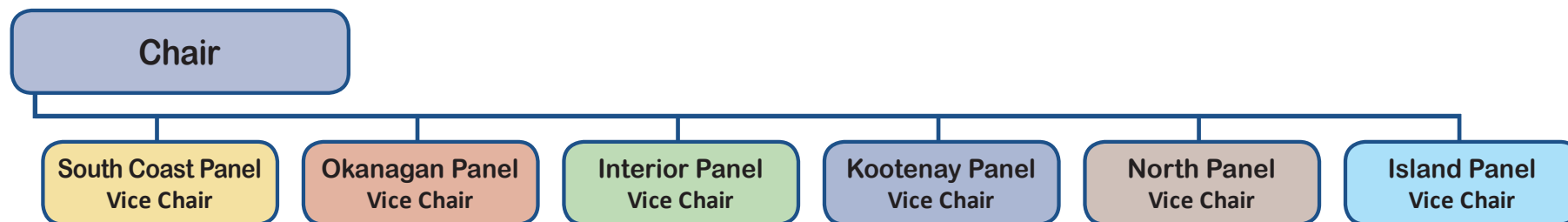
## Regional Panels

Applications for exclusion, inclusion, non-farm use, non-adhering residential use, soil and fill use, subdivision, and transportation, utility and recreational trail uses are adjudicated by six 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

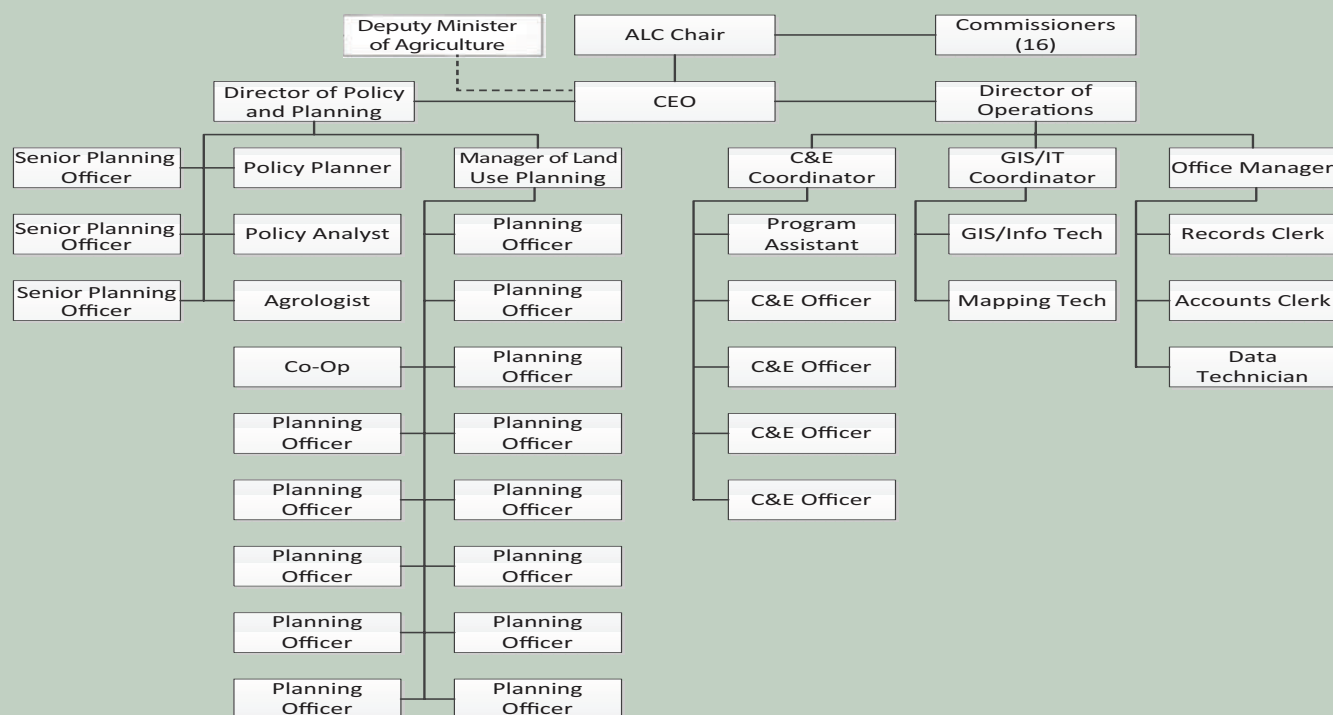
The Executive Committee consisting of the Chair and the six panel region Vice Chairs meet monthly and are responsible for: deciding applications referred by the Chair under section 11.2 of the ALC Act, Deciding applications referred by a regional panel, making reconsideration determinations on reconsiderations pursuant to section 33(1) and section 33.1 of the ALC Act; and exercising any other functions delegated by the Commission





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 Regulations. 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 Regulations.
- 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, Regulations and orders of the ALC.
- 3) **Land 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 Regulations. 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.

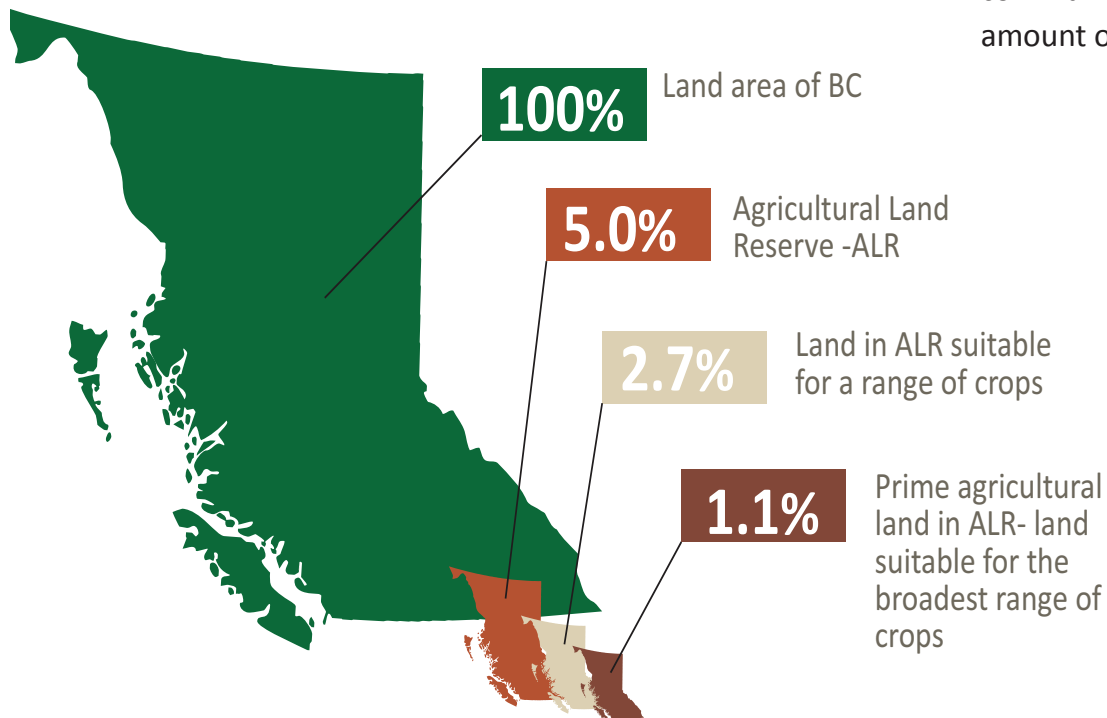


## The Agricultural Land Reserve – Designation History

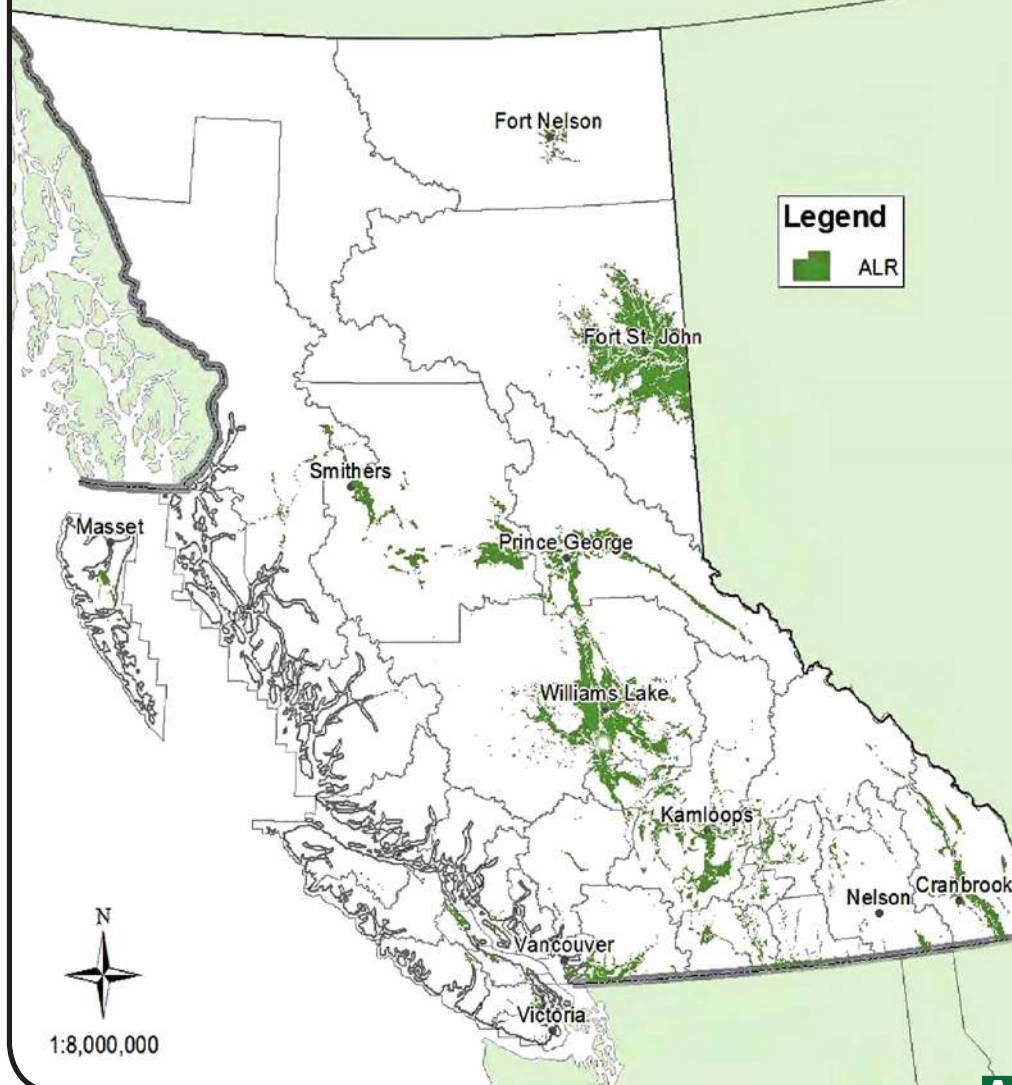
Under the 1973 ALC Act, the 28 Regional Districts in the Province of BC were required to submit an agricultural reserve plan to the ALC for consideration. To aid Regional Districts and provide guidance, the provincial Ministry of Agriculture prepared suggested ALR maps that identified lands having soil 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:

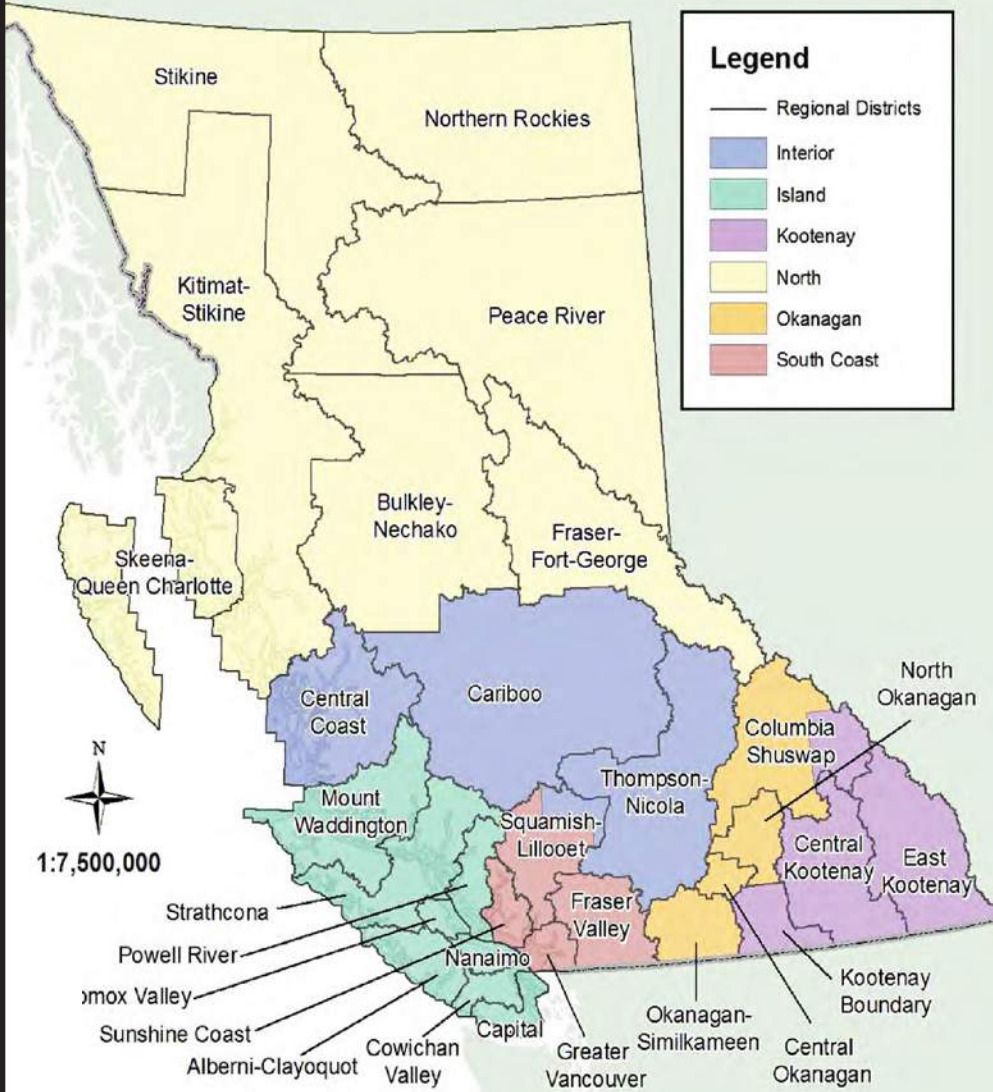
- All Class 1- 4 land (CLI) that were not already developed were included, both Crown and private land;
- If non-agricultural land was not immediately available for urban expansion, enough land was excluded to allow for about 5 years of community growth to ensure local governments had a reasonable amount 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 1½ years.



## Agricultural Land Reserve in BC



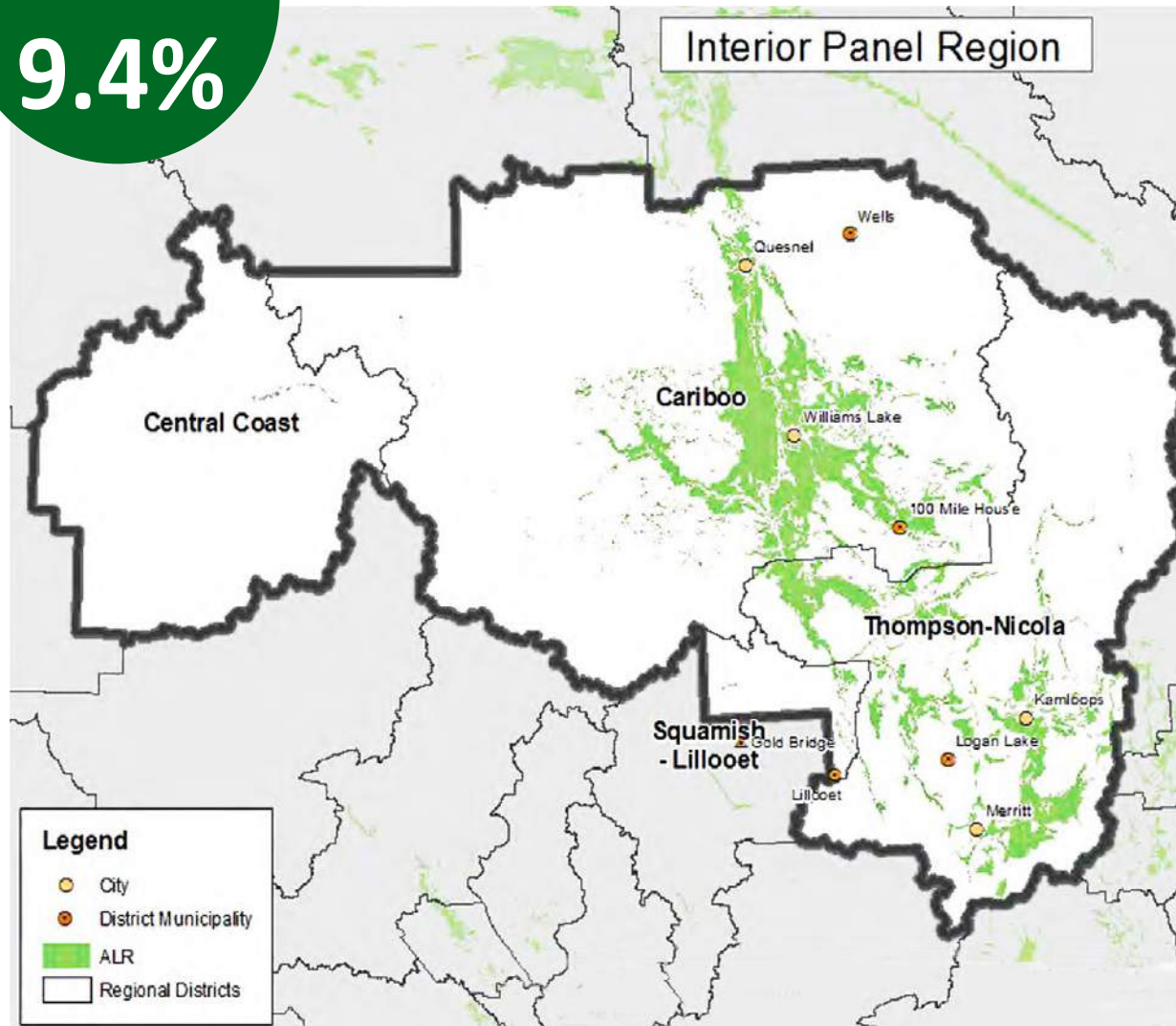
## Agricultural Land Reserve Panel Regions





Percent of  
region  
in the ALR  
**9.4%**

Total ALR area in panel region  
**1,529,063** hectares



## 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

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

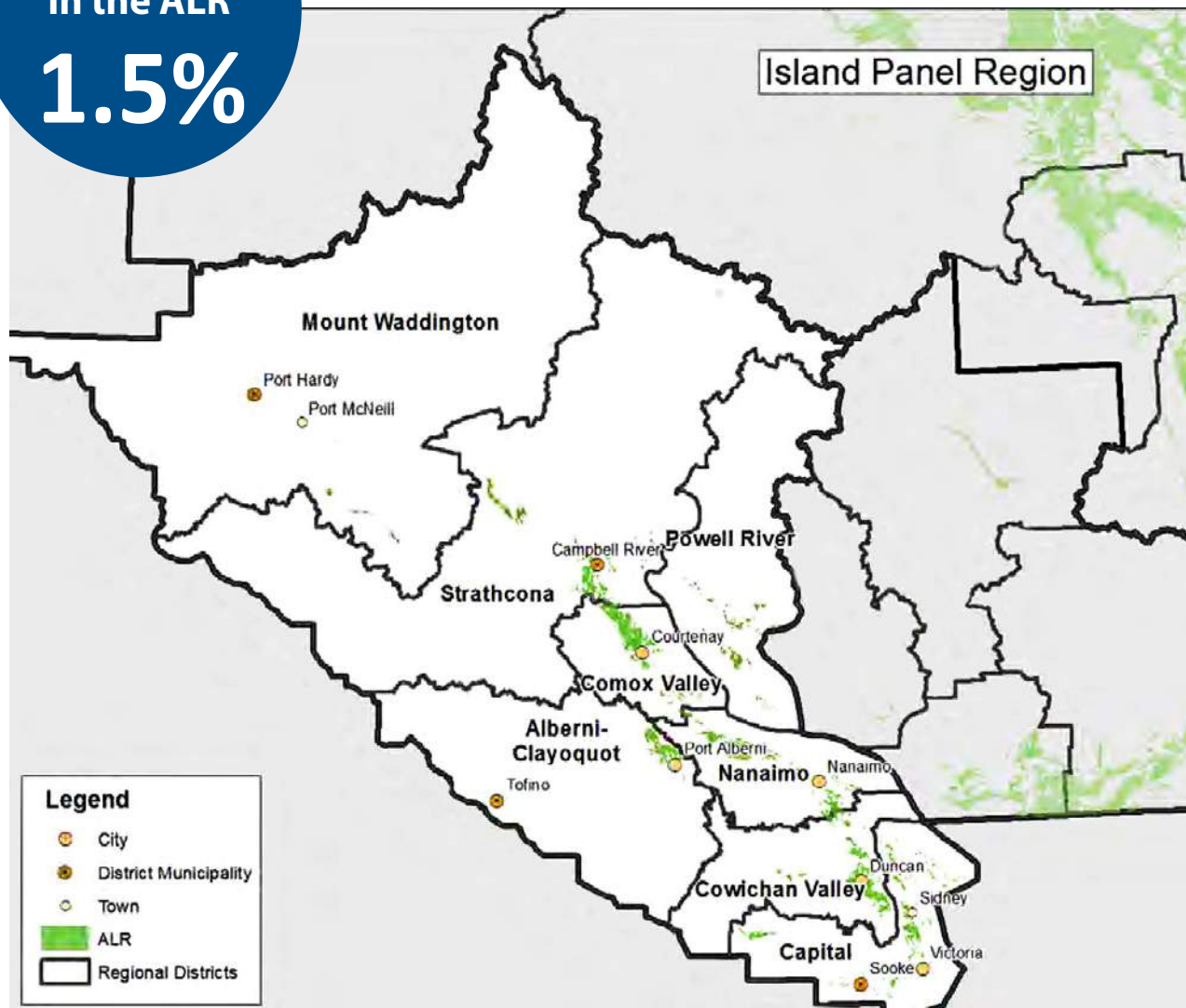
Percent of  
region  
in the ALR  
**1.5%**

Total ALR area in panel region  
**115,442** 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.

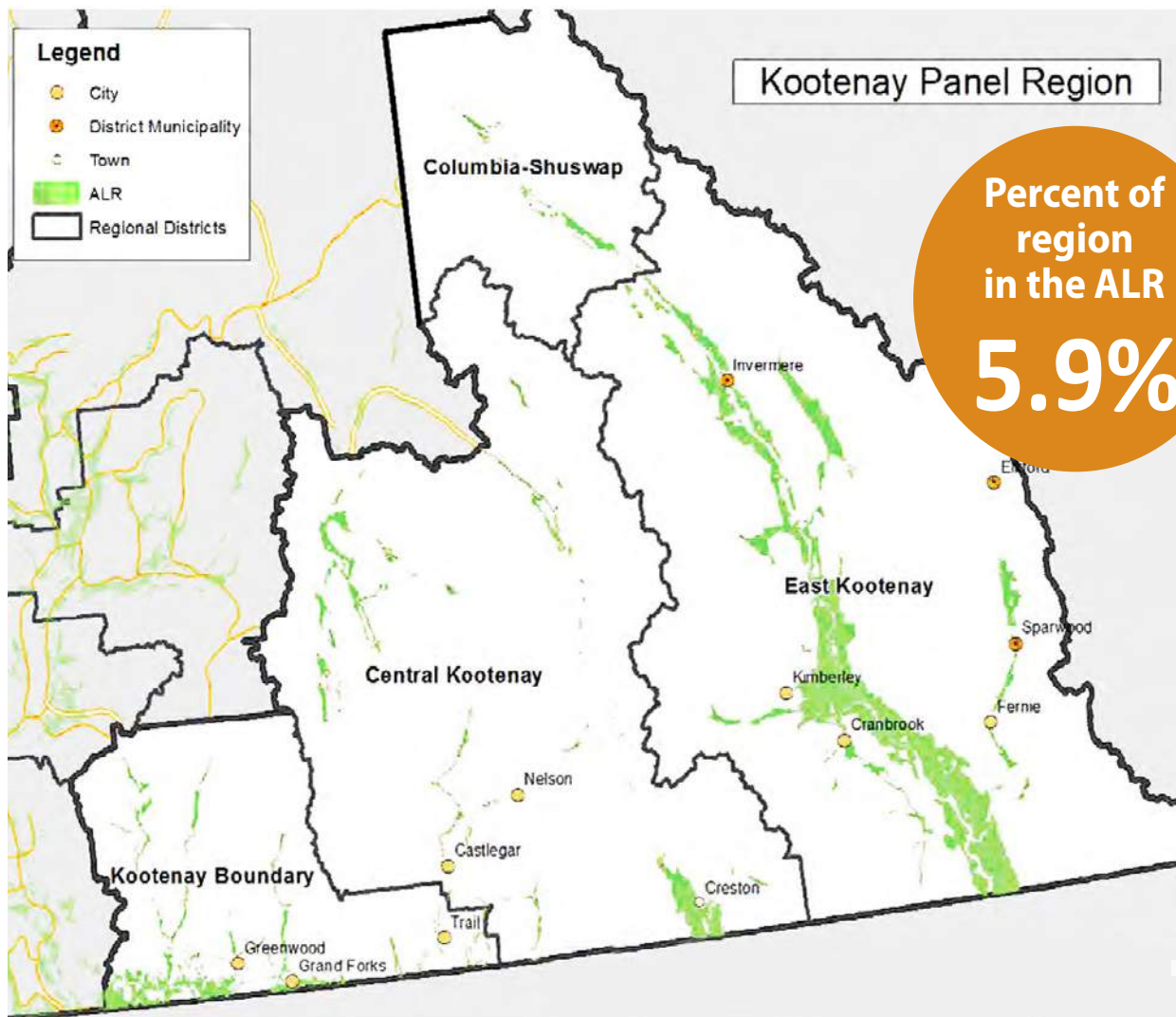
The region includes the Alberni Clayoquot, Capital, Comox Valley, Cowichan Valley, Mount Waddington, Nanaimo, Powell River and Strathcona Regional Districts.



## Major Settlements

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

Total ALR area in panel region  
**388,426** 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.

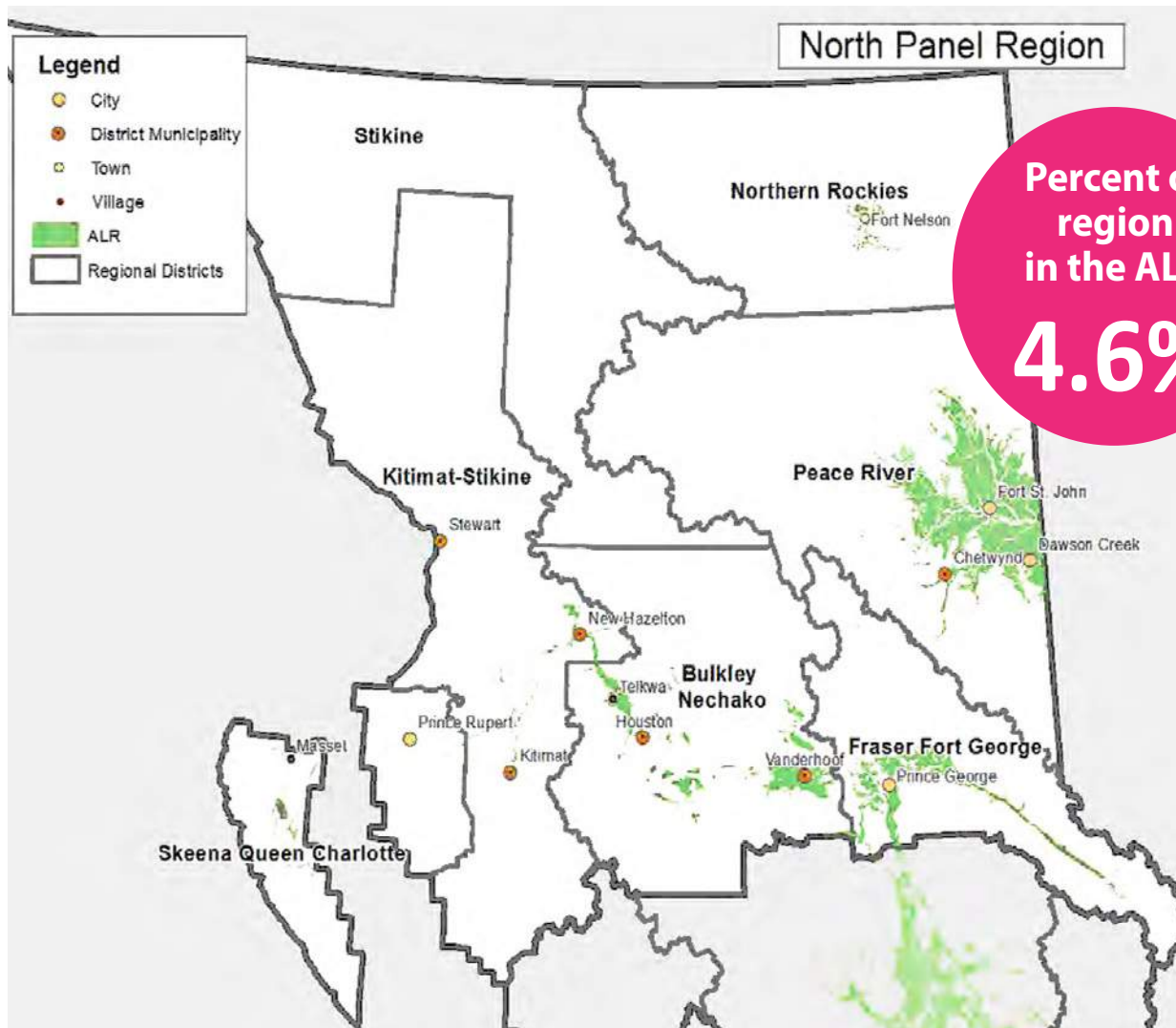
The region includes the Central Kootenay, East Kootenay and Kootenay Boundary Regional Districts and a portion of the Columbia Shuswap Regional District (Golden area only).

### Major Settlements

Sparwood • Grand Forks  
 Cranbrook • Kimberley  
 Invermere • Creston



Total ALR area in panel region  
**2,206,966** hectares



## NORTH PANEL

The North Panel region encompasses north east, north central and north west BC, from Prince George, north, east and west.

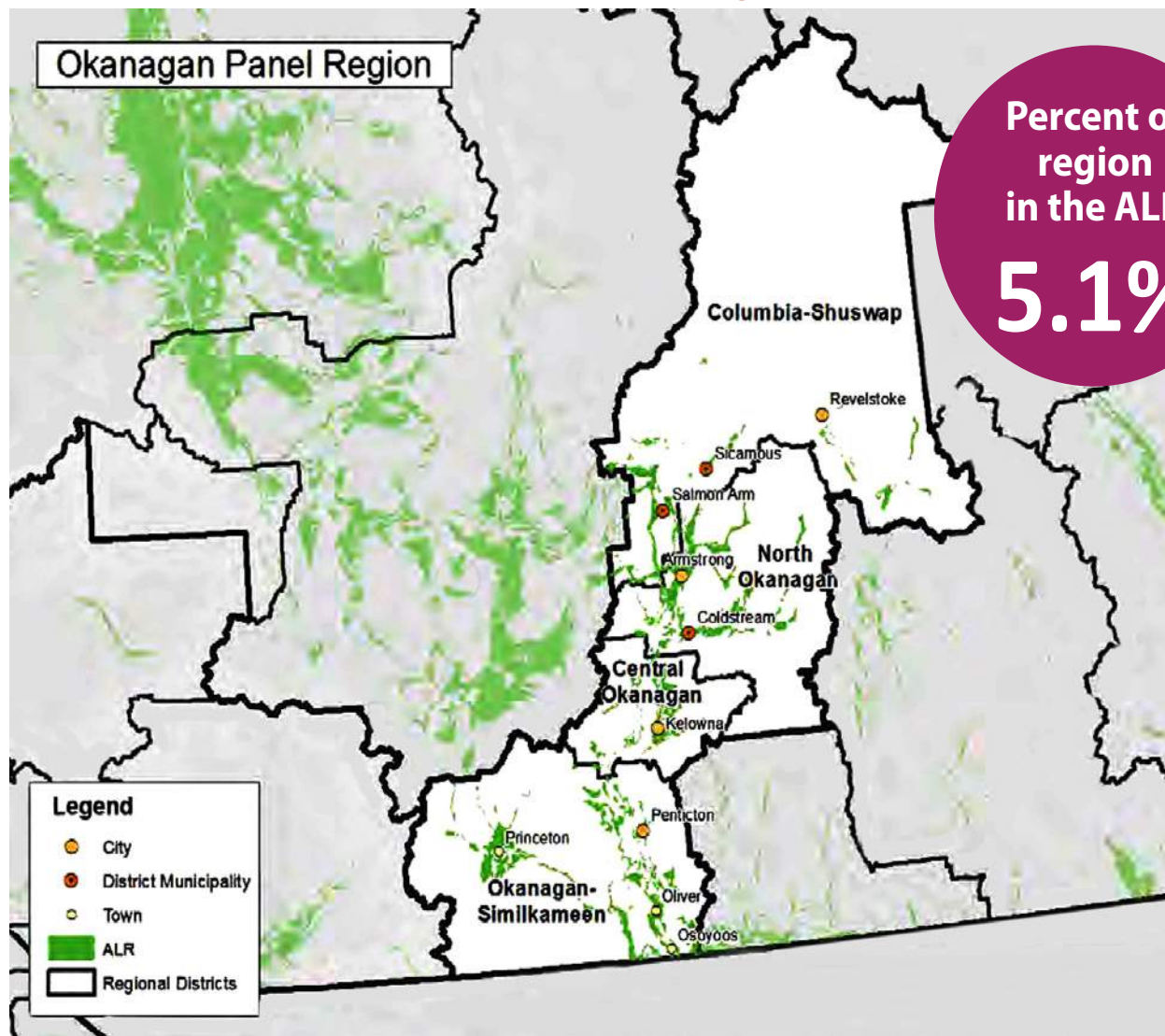
The region includes Bulkley-Nechako, Fraser-Fort George, Kitimat-Stikine, Peace River and Skeena-Queen Charlotte Regional Districts and the Northern Rockies Regional Municipality.

### Major Settlements

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

Total ALR area in panel region

**224,795** 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

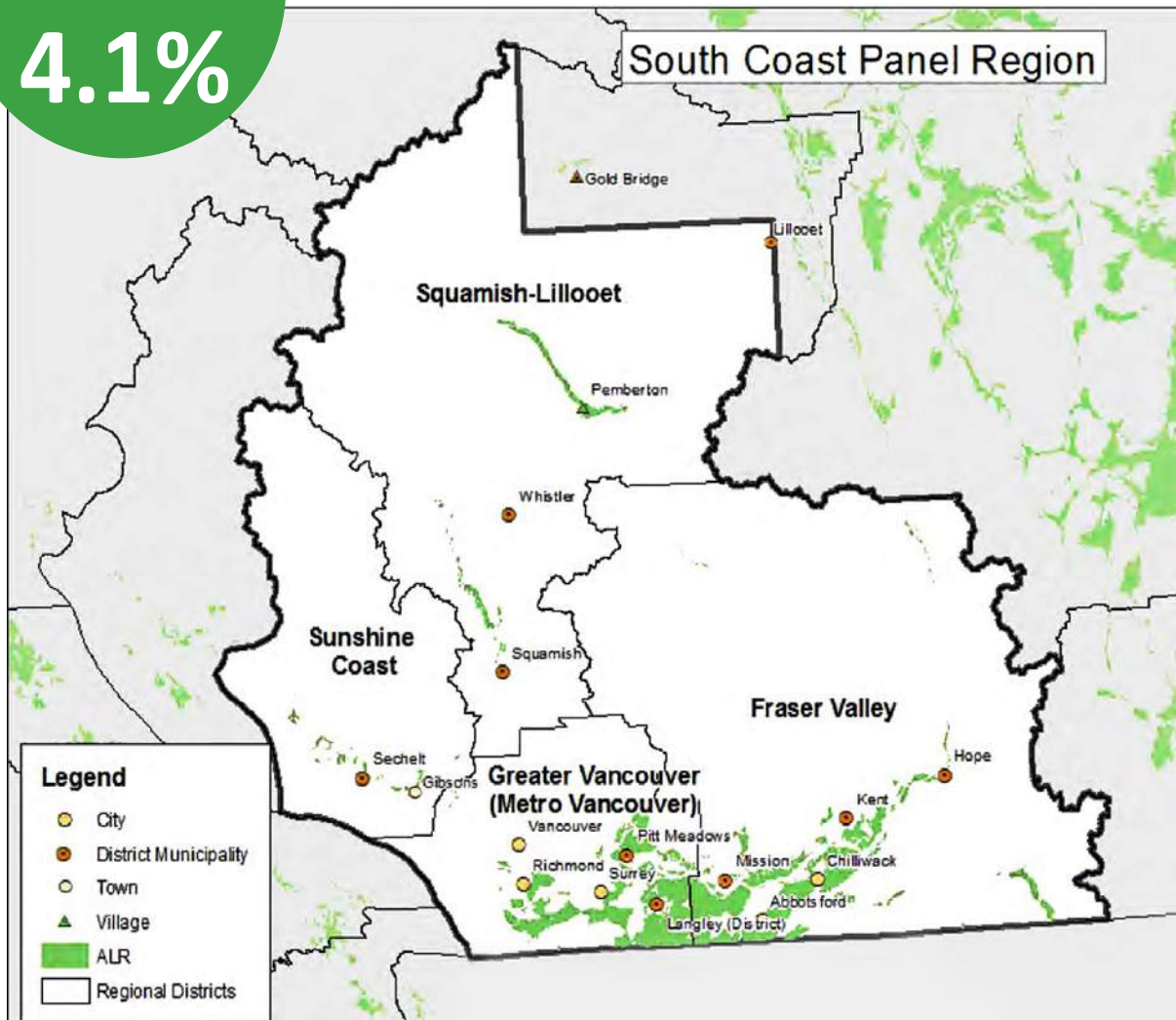
Princeton • Osoyoos •  
Oliver • Kelowna  
• Vernon • Penticton  
• Salmon Arm • Revelstoke

Percent of  
region  
in the ALR

**4.1%**

Total ALR area in panel region

**148,278** 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.

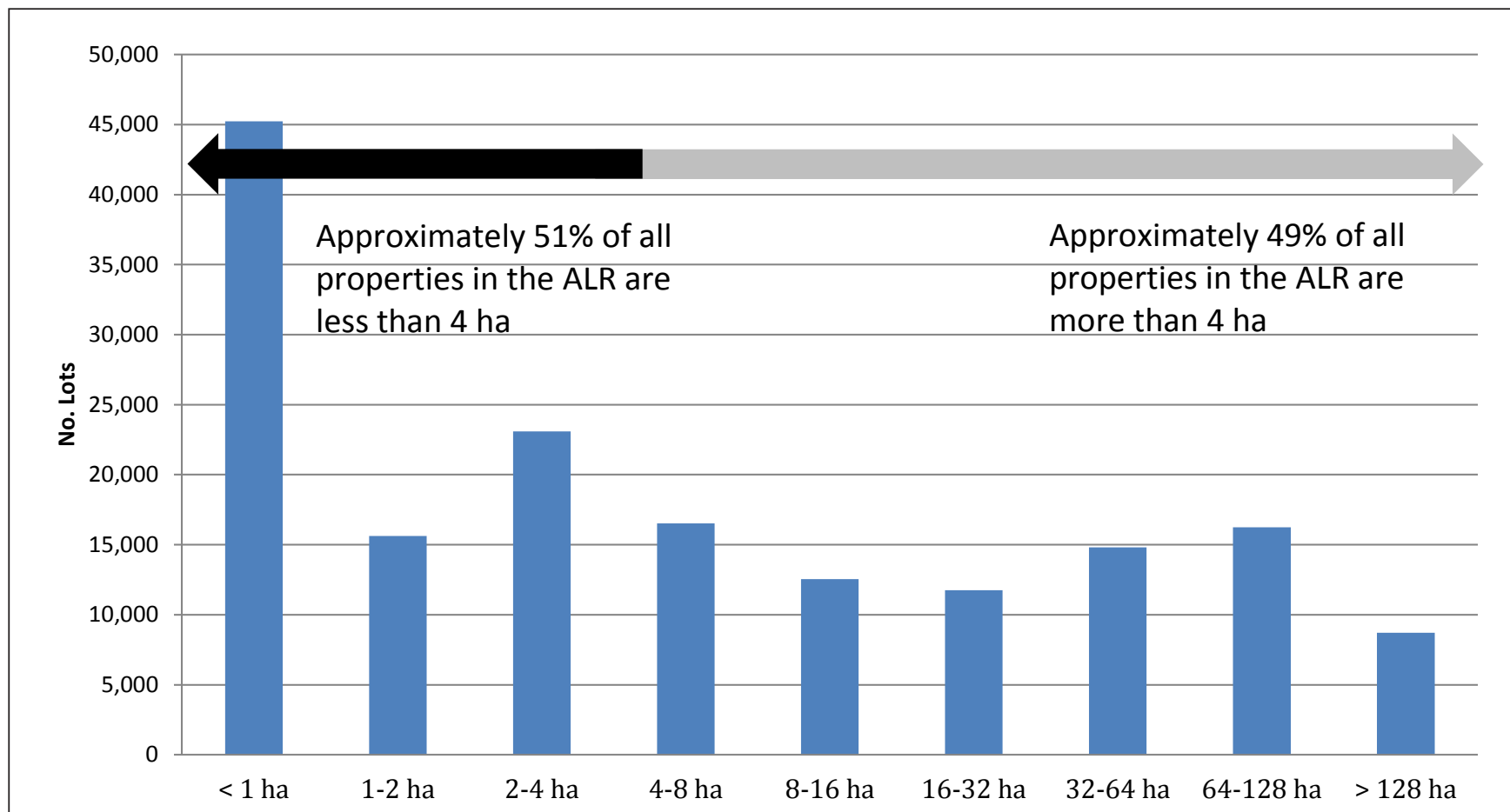
The region includes the Fraser Valley, Metro Vancouver, Squamish Squamish-Lillooet (except Lillooet area) and Sunshine Coast Regional Districts.

### Major Settlements

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



## Number of Parcels in the ALR by Size All Regions - 2018\*



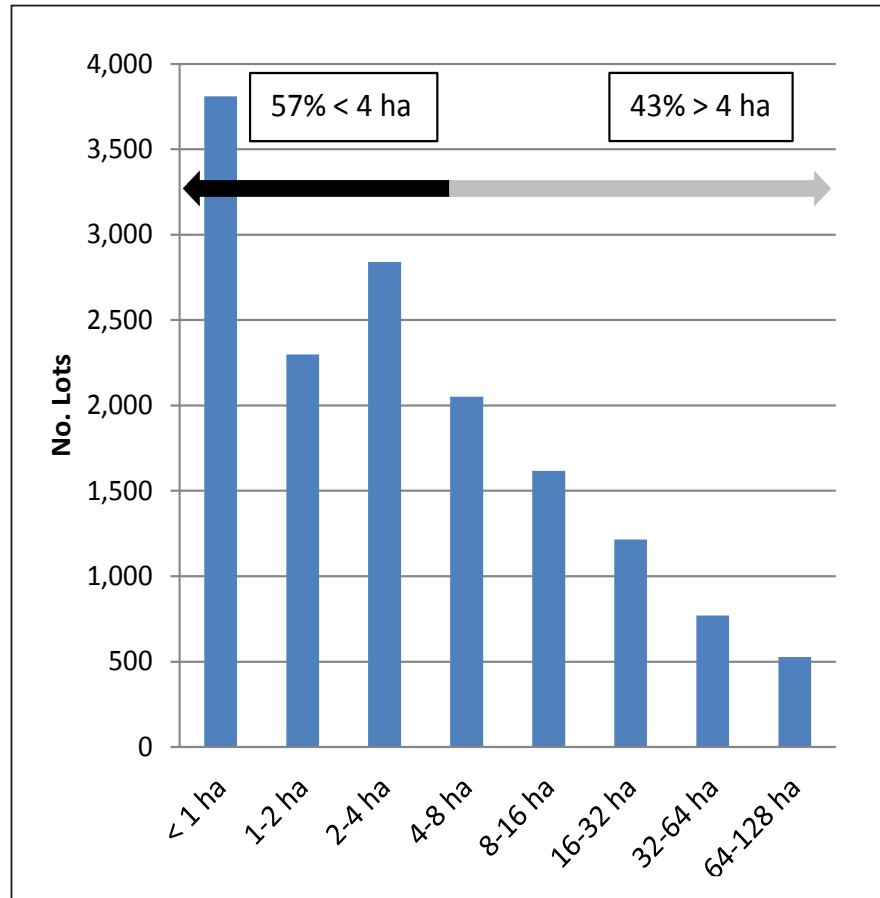
\*Data is a snapshot based on the review of data in April 2018

### Parcel size in the ALR (does not include Crown)

There are approximately 165,000 fee-simple parcels in the ALR. Twenty-seven percent (27%) of parcels in the ALR are less than 1 ha in size. The second most significant category is the 2-4 ha category, which comprises 14% of parcels. The remaining parcel sizes comprise 7-10% in each respective category, with the exception of parcels greater than 128 ha, which make up only 5% of all ALR parcels.

## Number of Parcels in the ALR by Size

Island Region - 2018

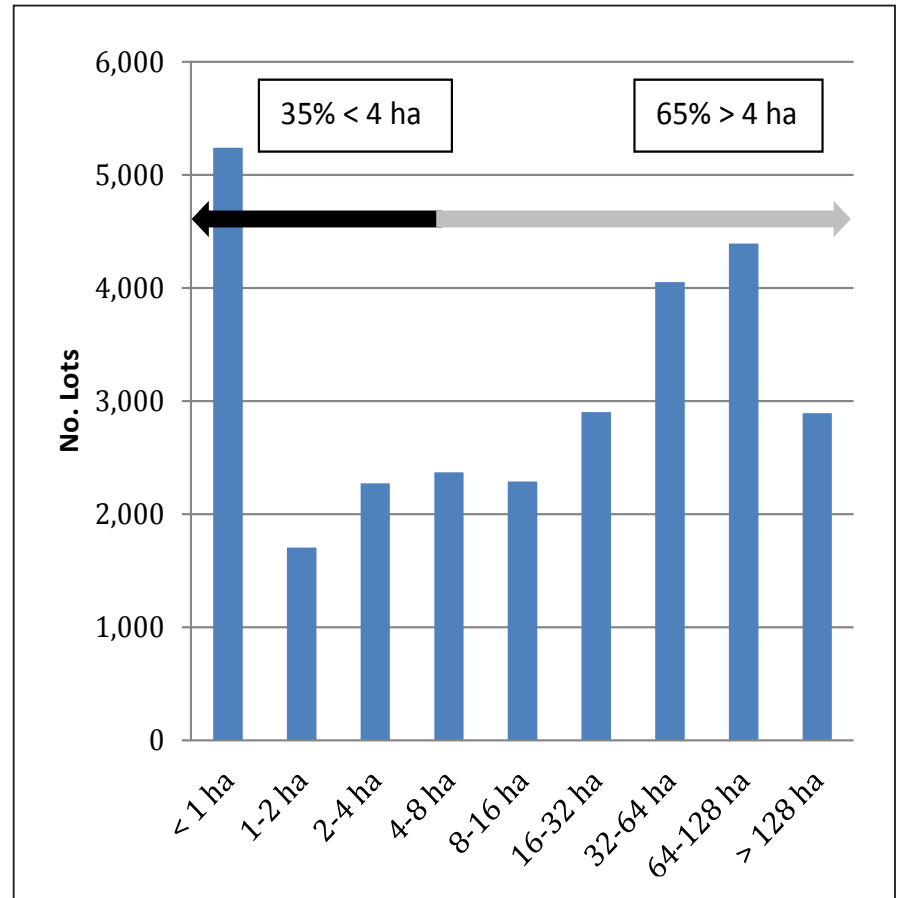


\*Data is a snapshot based on the review of data in April 2018

### Parcel Size in the Island Panel Region:

The Island has 15,000 parcels in the ALR. Thirty-nine percent (39%) of the parcels in the Island Panel Region are less than 2 ha; with an additional 40% between 2 and 16 ha.

Interior Region - 2018



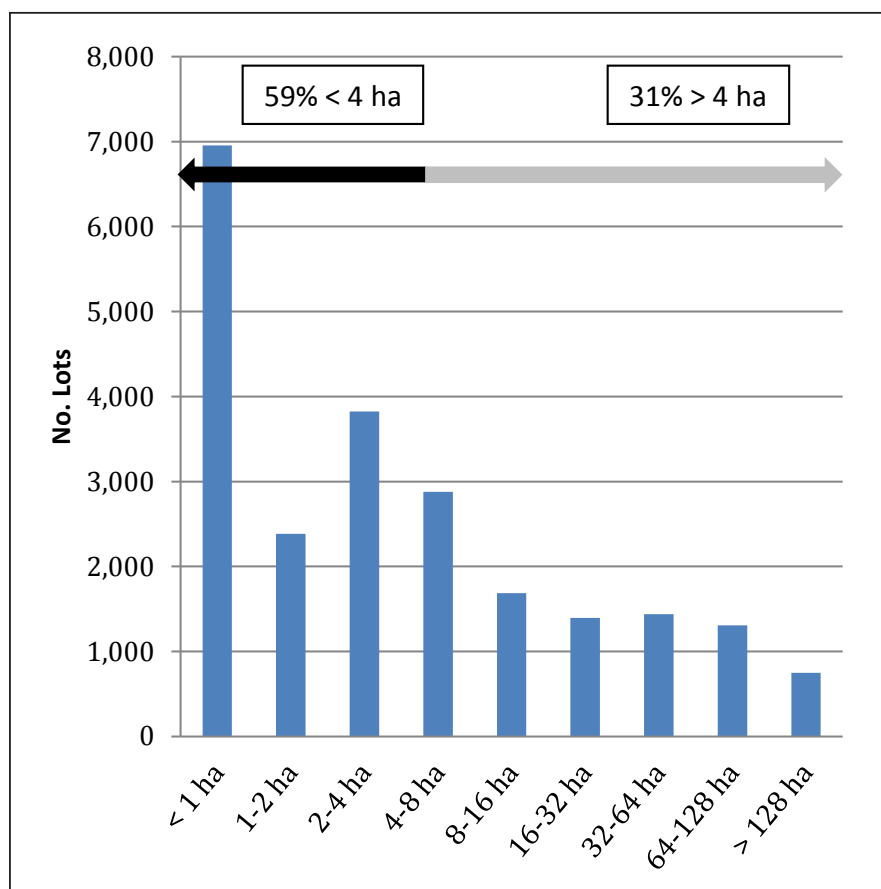
\*Data is a snapshot based on the review of data in April 2018

### Parcel Size in the Interior Panel Region:

The Interior has 28,000 parcels in the ALR. Twenty-five percent (25%) of the parcels in the Interior Region are less than 2 ha in size and 40% of the parcels are between 16 and 128 ha in size.

## Number of Parcels in the ALR by Size

Kootenay Region - 2018

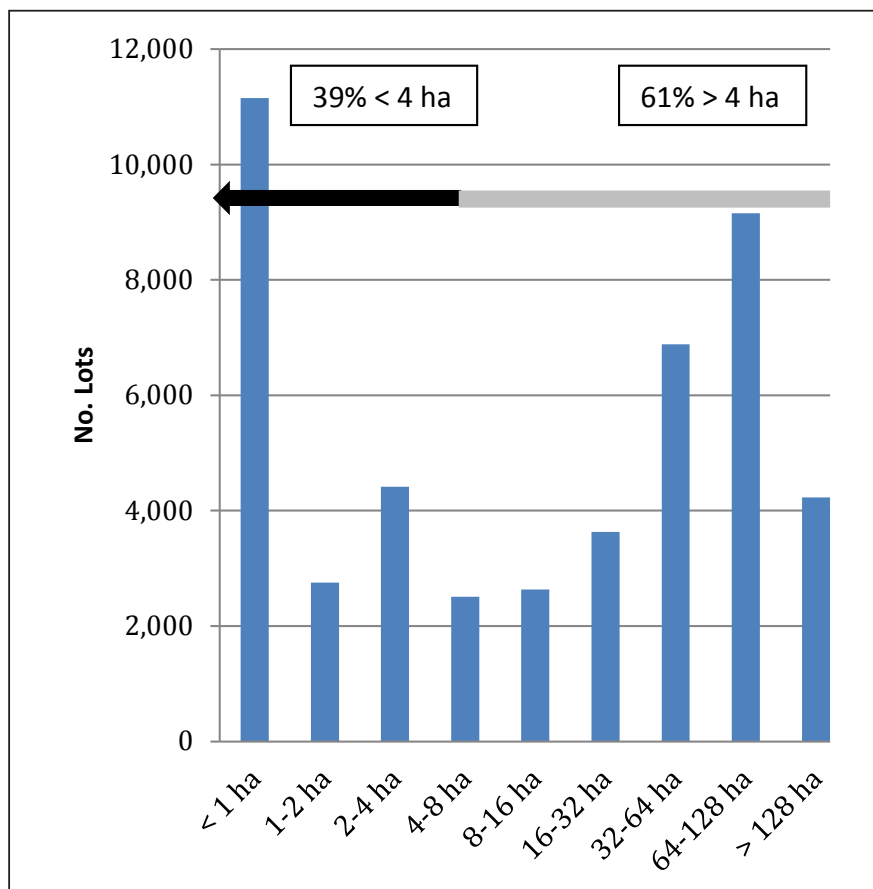


\*Data is a snapshot based on the review of data in April 2018

### Parcel Size in the Kootenay Panel Region:

There are about 23,000 parcels in the ALR in the Kootenays. Forty two percent (42%) of the parcels in the Kootenays are under 2 ha; 17% are between 2 and 4 ha; and 13% are 4-8 ha.

North Region - 2018



\*Data is a snapshot based on the review of data in April 2018

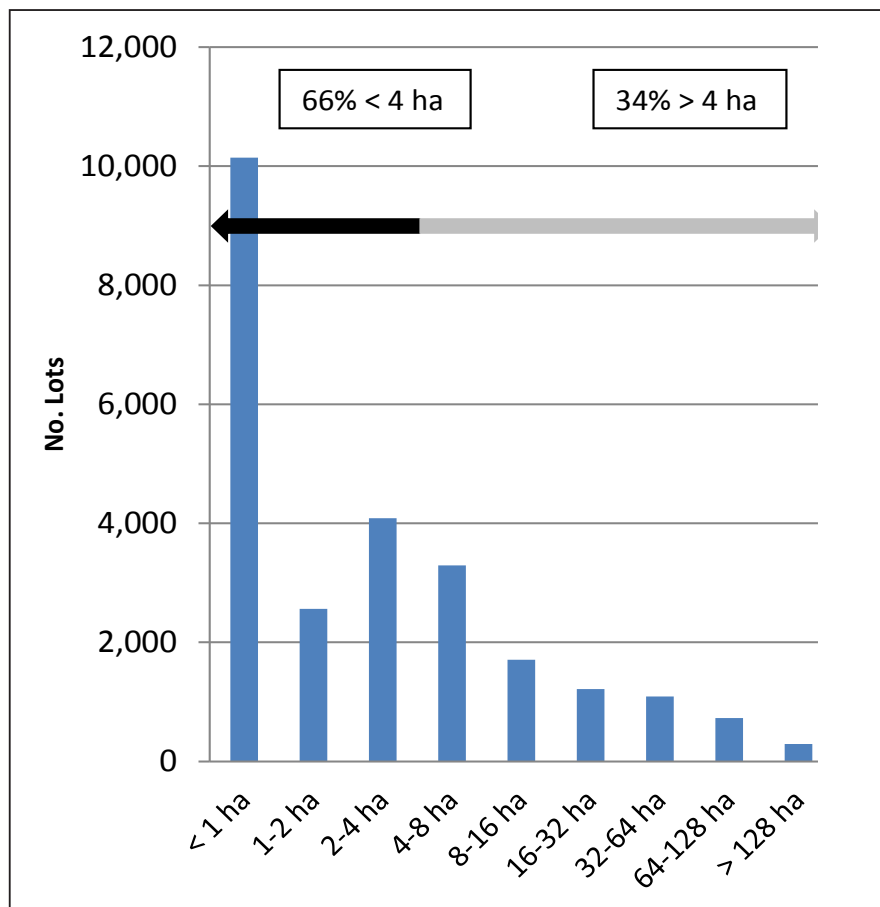
### Parcel Size in the North Panel Region:

The North is the largest region and has the largest number of fee simple parcels of all the regions, at 47,000. Thirty percent (30%) of parcels in the North are less than 2 ha and 19% of the parcels are between 64-128 ha.



## Number of Parcels in the ALR by Size

Okanagan Region - 2018

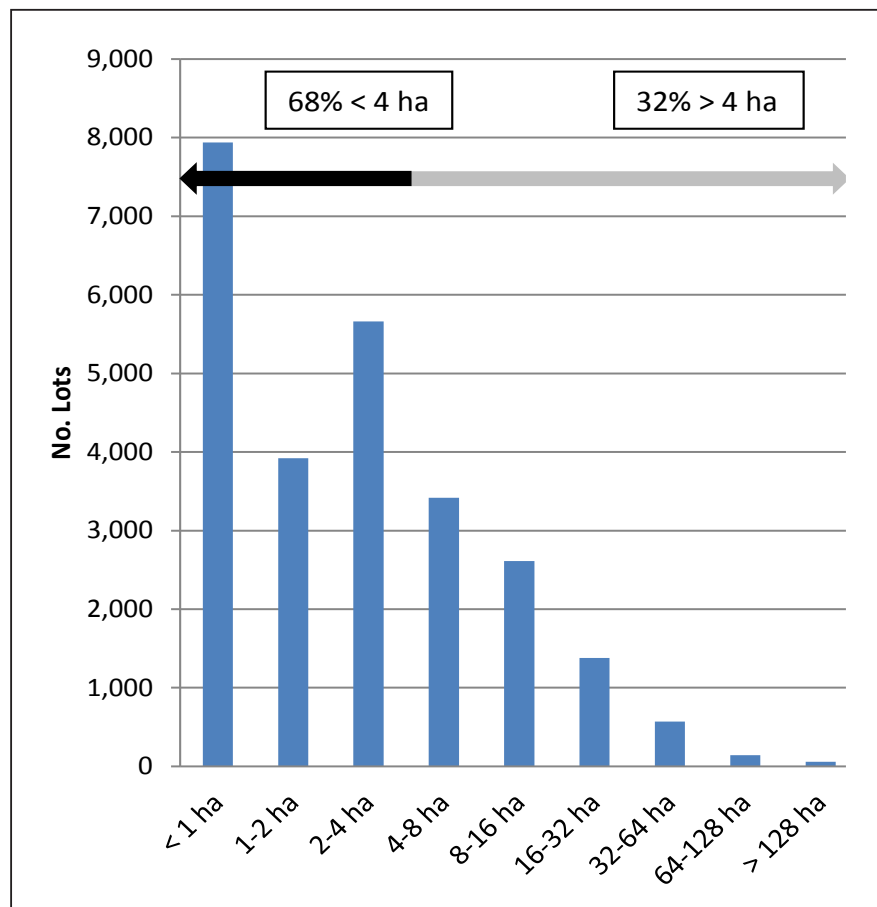


\*Data is a snapshot based on the review of data in April 2018

### Parcel Size in the Okanagan Panel Region:

The Okanagan has about 25,000 fee simple parcels in the ALR. Forty percent (40%) of the parcels in the Okanagan are less than 1 ha. The second most common parcel size after 1 ha or less is 2-4 ha at 16%.

South Coast Region - 2018



\*Data is a snapshot based on the review of data in April 2018

### Parcel Size in the South Coast Panel Region:

There are about 26,000 fee simple parcels in the ALR in the South Coast region. Sixty-eight percent (68%) of parcels are less than 4 ha. Forty-six percent (46%) of parcels are under 2 ha, and of those, 31% are less than 1 ha.

# ALC DECISIONS BY REGION AND TYPE Fiscal 2018-2019

Region	Type	STATUS		YEAR	PREVIOUS 3 YEARS		
		Approvals	Refusals	2018-2019 Total Decisions	2017-2018 Total Decisions	2016-2017 Total Decisions	2015-2016 Total Decisions
Island	INCLUSION	1	0	1	1	2	3
	EXCLUSION	2	3	5	4	6	6
	SUBDIVISION	1	7	8	13	14	22
	NON-FARM USE	1	5	6	8	35	17
	TRANSPORTATION, UTILITY & RECREATION	6	2	8	5	5	12
	SOIL (EXTRACTION AND FILL)	2	1	3	8	1	1
	NON-ADHERING RESIDENTIAL USE	0	0	0	-	-	-
	CONSERVATION COVENANT	0	0	0	-	-	-
	<b>TOTAL</b>	<b>13</b>	<b>18</b>	<b>31</b>	<b>34</b>	<b>63</b>	<b>61</b>
Okanagan	INCLUSION	6	1	7	5	12	18
	EXCLUSION	7	9	16	4	1	3
	SUBDIVISION	11	11	22	13	10	16
	NON-FARM USE	19	13	32	25	17	24
	TRANSPORTATION, UTILITY & RECREATION	13	0	13	2	2	5
	SOIL (EXTRACTION AND FILL)	2	2	5	4	0	7
	NON-ADHERING RESIDENTIAL USE	1	0	1	-	-	-
	CONSERVATION COVENANT	0	0	0	-	-	-
	<b>TOTAL</b>	<b>59</b>	<b>36</b>	<b>96</b>	<b>53</b>	<b>42</b>	<b>73</b>
South Coast	INCLUSION	2	0	2	10	7	31
	EXCLUSION	7	7	14	9	2	0
	SUBDIVISION	5	17	21	31	37	30
	NON-FARM USE	12	9	22	25	32	29
	TRANSPORTATION, UTILITY & RECREATION	16	3	19	14	15	14
	SOIL (EXTRACTION AND FILL)	2	3	5	14	15	5
	NON-ADHERING RESIDENTIAL USE	0	0	0	-	-	-
	CONSERVATION COVENANT	0	0	0	-	-	-
	<b>TOTAL</b>	<b>44</b>	<b>39</b>	<b>83</b>	<b>103</b>	<b>108</b>	<b>109</b>
Kootenay	INCLUSION	1	0	1	10	7	6
	EXCLUSION	1	2	3	1	3	1
	SUBDIVISION	3	16	19	14	15	12
	NON-FARM USE	4	4	8	17	39	23
	TRANSPORTATION, UTILITY & RECREATION	4	0	4	4	1	1
	SOIL (EXTRACTION AND FILL)	0	0	0	3	6	4
	NON-ADHERING RESIDENTIAL USE	0	0	0	-	-	-
	CONSERVATION COVENANT	0	0	0	-	-	-
	<b>TOTAL</b>	<b>13</b>	<b>22</b>	<b>35</b>	<b>49</b>	<b>71</b>	<b>47</b>
Interior	INCLUSION	1	0	1	1	5	2
	EXCLUSION	1	2	3	2	3	1
	SUBDIVISION	3	8	11	5	8	6
	NON-FARM USE	5	0	5	8	13	21
	TRANSPORTATION, UTILITY & RECREATION	4	0	4	3	3	6
	SOIL (EXTRACTION AND FILL)	2	0	2	3	4	11
	NON-ADHERING RESIDENTIAL USE	0	0	0	-	-	-
	CONSERVATION COVENANT	0	0	0	-	-	-
	<b>TOTAL</b>	<b>16</b>	<b>10</b>	<b>26</b>	<b>22</b>	<b>36</b>	<b>47</b>
North	INCLUSION	5	0	5	5	4	27
	EXCLUSION	6	3	9	4	2	3
	SUBDIVISION	18	21	39	57	43	38
	NON-FARM USE	26	2	28	46	29	84
	TRANSPORTATION, UTILITY & RECREATION	10	0	10	5	10	11
	SOIL (EXTRACTION AND FILL)	0	0	0	08	7	8
	NON-ADHERING RESIDENTIAL USE	0	0	0	-	-	-
	CONSERVATION COVENANT	0	0	0	-	-	-
	<b>TOTAL</b>	<b>65</b>	<b>26</b>	<b>91</b>	<b>125</b>	<b>95</b>	<b>171</b>
<b>TOTAL</b>		<b>210</b>	<b>151</b>	<b>362</b>	<b>391</b>	<b>415</b>	<b>508</b>

\* INFORMATION BASED ON APPLICATIONS DECIDED BETWEEN APRIL 1, 2018 TO MARCH 31, 2019, EXCEPT FOR YEARS 2015-2017. INCLUDES ALL ALC DECISIONS AND DELEGATED DECISIONS WITH THE OGC AND THE RDFFG

## ALR CHANGE BY REGION Fiscal 2018-2019

April 1, 2018 to March 31, 2019 • All figures are in hectares (ha)

### Area Included and Excluded

PANEL REGION	INCLUSION		EXCLUSION		NET CHANGE
	Approved	Refused	Approved	Refused	
Interior	41	0	1	3	40
Island	2	0	6	8	-4
Kootenay	1	0	3	5	-2
North	124	0	22	64	102
Okanagan	46	2	28	221	18
South Coast	96	0	79	233	17
<b>Total</b>	<b>310</b>	<b>2</b>	<b>139</b>	<b>534</b>	<b>171</b>

NOTE: A negative number indicates a loss of land from the ALR

### Yearly Net Change to ALR

YEARLY COMPARISON	OUTRIGHT AND CONDITIONAL DECISIONS		
	INCLUSION	EXCLUSION	NET CHANGE TO ALR
2018	373	77	297
2017	458	3,015	-2,557
2016	263	1,195	-932
2015	75	4,135	-4,060
2014	1,523	1,897	-374
2013	186	494	-309

### Agricultural Capability of Areas Approved for Inclusions

PANEL REGION	INCLUSION Area (ha)	AGRICULTURAL CAPABILITY			
		Prime	Mixed	Secondary	Unclassified
Interior	41	-	-	41	-
Island	2	2	-	-	-
Kootenay	1	-	-	1	-
North	124	-	-	124	-
Okanagan	46	15	-	31	-
South Coast	96	-	18	78	-
<b>Total</b>	<b>310</b>	<b>17</b>	<b>18</b>	<b>275</b>	<b>0</b>

### Agricultural Capability of Areas Approved for Exclusions

PANEL REGION	EXCLUSION Area (ha)	AGRICULTURAL CAPABILITY			
		Prime	Mixed	Secondary	Unclassified
Interior	1	-	-	1	-
Island	6	-	-	6	-
Kootenay	3	-	3	-	-
North	22	15	4	3	-
Okanagan	28	5	16	7	-
South Coast	79	16	63	-	-
<b>Total</b>	<b>139</b>	<b>36</b>	<b>86</b>	<b>17</b>	<b>0</b>



## ALR Change by Commission Decision by Regional District

Area Included and Excluded

April 1, 2018 to March 31, 2019

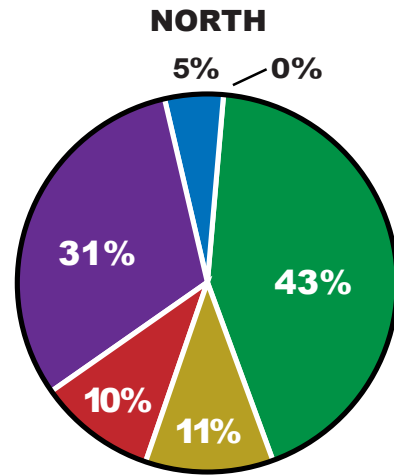
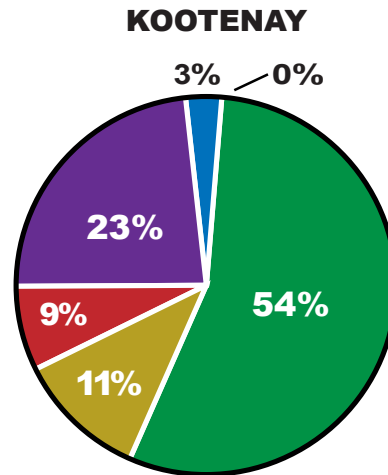
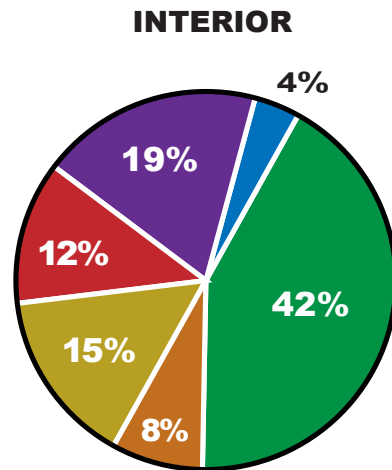
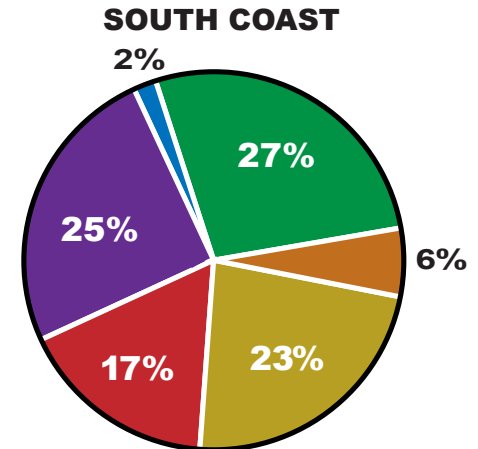
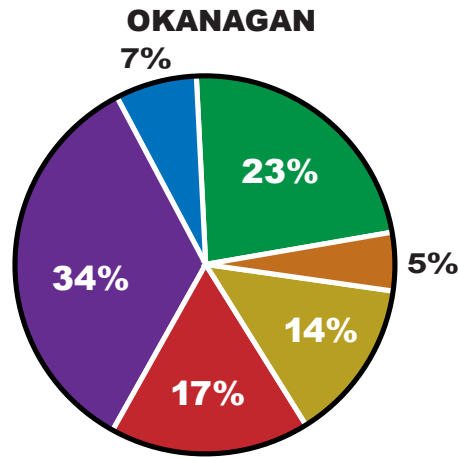
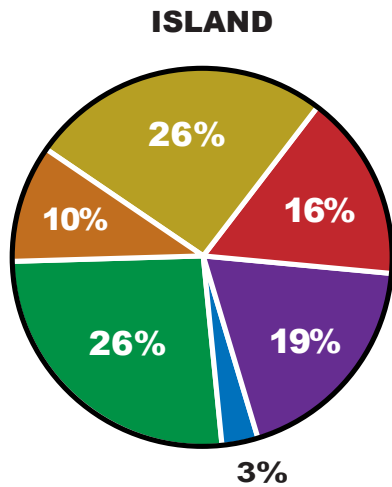
All figures are in hectares (ha)

REGIONAL DISTRICTS	OUTRIGHT AND CONDITIONAL DECISIONS		
	APPLICATION TYPE		Net Area Include/Excluded*
	Inclusion Area*	Exclusion Area*	
Bulkley-Nechako	68	-	68
Capital	-	6	-6
Central Okanagan	2	23	-21
Columbia Shuswap	30	-	30
Cowichan Valley	2	-	2
Fraser-Fort George	56	3	53
Fraser Valley	18	-	18
Kitimat-Stikine	-	4	-4
Kootenay Boundary	1	3	-2
Metro Vancouver	78	73	5
North Okanagan	3	1	2
Okanagan Similkameen	10	4	6
Peace River	-	15	-15
Sunshine Coast	-	6	-6
Thompson Nicola	41	1	40
<b>Total</b>	<b>310</b>	<b>139</b>	<b>52</b>

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

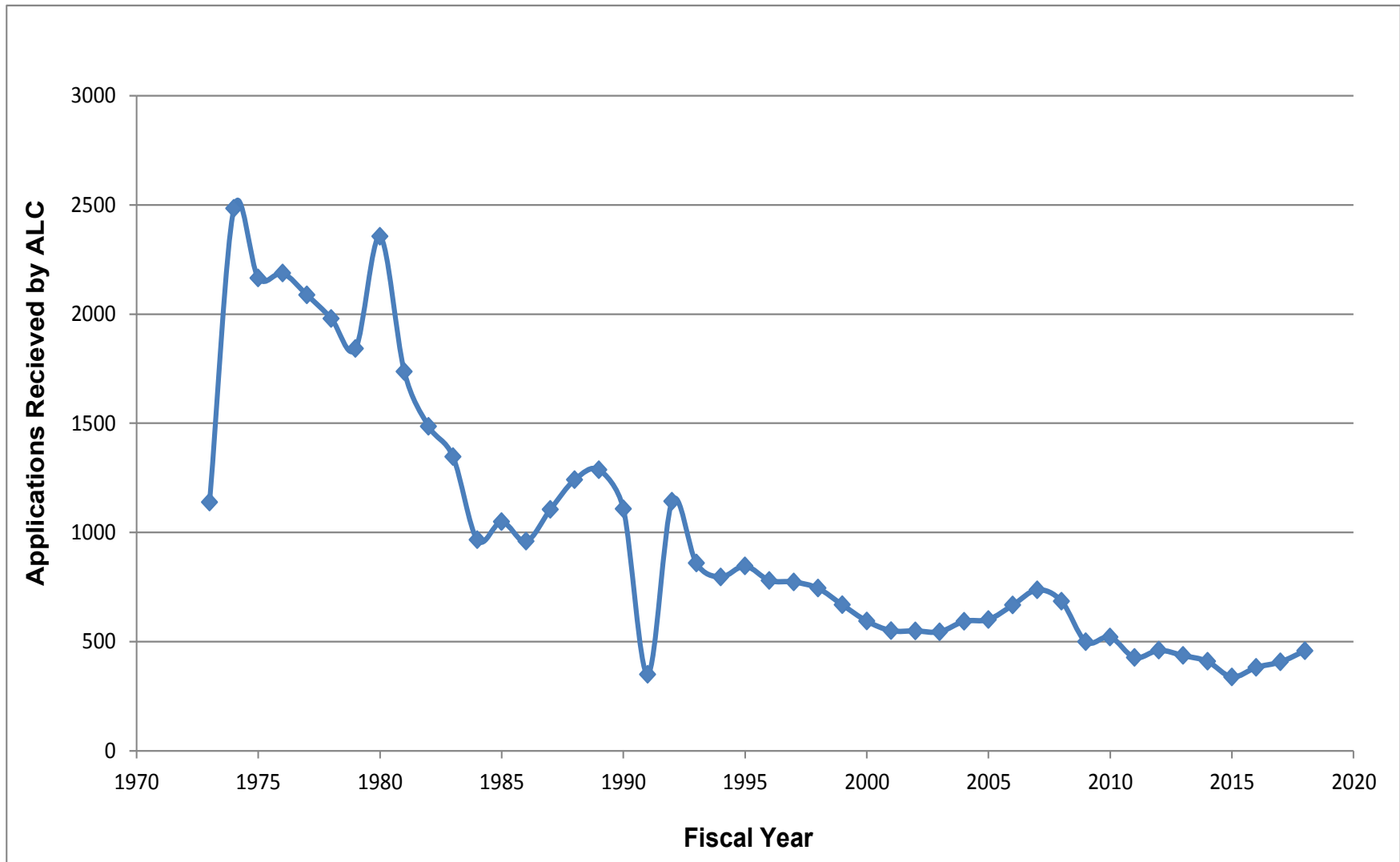
## Decision by Type and by Panel Region

April 1, 2018 to March 31, 2019



## Total Number of Applications Received

Fiscal Applications Received by Commission per fiscal year (1973-2019)





## 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	2018/19 ACTUAL	TARGET
Notification of Complete Application within 5 business days of receipt of application	92%	94%	95%	100%
Notification of Deficient Application within 5 business days of receipt of application	92%	99%	95%	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	2018/19 ACTUAL	TARGET
Notification of Commission decision within 5 business days of decision being finalized	100%	100%	100%	90%

**Performance Indicator 3:** Percent of Applications processed within the 60 business day period.

PERFORMANCE INDICATOR	2016/17 ACTUAL	2017/18 ACTUAL	2018/19 ACTUAL	TARGET
Percentage of Applications processed within 60 business days	65%	72%	47%	90%

**Performance Indicator 4:** Percent of Applications processed within the 90 business day period.

PERFORMANCE INDICATOR	2016/17 ACTUAL	2017/18 ACTUAL	2018/19 ACTUAL	TARGET
Percentage of Applications processed within 90 business days	92%	95%	94%	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.

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

### Delegated Decisions Statistics:

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

- In 2002 the ALC delegated conditional ALR decision making authority to the RDFFG at its request. The ALC/RDFFG Delegation Agreement is based on ALC endorsed local government Official Community Plan Bylaws (based on Electoral Areas), which specify minimum lot sizes and permitted farm uses. If subdivision and non-farm 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 2018/19, RDFFG made nine (9) decisions under their delegated decision-making authority; five (5) for subdivision, and four (4) for non-farm use.
- On March 7, 2019, a Bill to amend the Agricultural Land Commission Act, Bill 15, received first reading. Upon force and effect, this Act amendment will remove the ALC's authority to enter into delegation agreements with local governments and terminates the ALC's agreement with Regional District of Fraser-Fort George (RDFFG).

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, power lines, etc. The premise of the 2004 ALC/OGC Delegation Agreement was that oil and gas facilities were temporary and would be reclaimed and returned to agricultural uses.
- The 2004 Delegation Agreement was amended in 2013 and 2017 to:
  - establish a 20 ha per section threshold up to which oil and gas facilities are permitted in the ALR without application to the ALC with review by the OGC;
  - require the stripping and stockpiling of topsoil to ensure reclamation of oil and gas facilities;
  - require the submission of a Schedule A report which outlines the state of the soil resource prior to development;
  - require the submission of a Schedule B reclamation/closure report for all abandoned oil and gas facilities; and
  - permit the OGC to make decisions on behalf of the ALC for oil and gas facilities over and above the 20 ha threshold.
- 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 24 non-farm use decisions for oil and gas facilities that exceed the 20 ha per Section threshold of oil and gas facilities permitted outright in the ALR under their delegated decision-making authority, affecting 180 ha of ALR in 2018/19.





## OGC Application Summary April 1, 2018 – March 31, 2019

<b>SUMMARY ACTIVITY</b>	<b>Total</b>
Applications Submitted	<b>25</b>
Applications Approved	<b>24</b>
Total Area of Non-farm Use Approved (ha)	<b>180</b>
Applications Triggering Item 2 of Appendix I1	<b>19</b>
Applications Triggering Item 4 of Appendix I1	<b>4</b>
Applications Triggering Item 5 of Appendix I1	<b>7</b>
Applications Triggering Item 6 of Appendix I1	<b>0</b>

- The Minister of Agriculture's Independent Advisory Committee on the revitalization of the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC) expressed concern in their July 2018 Interim Report that the development and expansion of provincial oil and gas resources in the Northeast of BC exceeded the capacity of the current regulatory environment to protect farmland and recommended the establishment of a Deputy Minister level task force to try and correct the policy imbalance they believed was threatening the future of Agriculture in this region.
- This fiscal the Ministry of Agriculture, the Ministry of Energy Mines and Petroleum Resources, the ALC and the OGC met and committed to working together to assess the impacts of oil and gas on agriculture in the North East and find ways to mitigate potential impacts so that there can be more of a balance between the Agriculture and O&G objectives in the area.
- The July 2018 Interim Committee Report to the Minister of Agriculture 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 table below shows the area of ALR land affected by oil and gas activity by type broken down by activity. These activities require the submission of a Schedule A. The table also tabulates the total area affected by oil and gas activity for the 2018 - 2019 fiscal year.

Activity	Land Cover Categories				Total Area (ha)
	Forested	Shrub	Cultivated / Pasture	Clearing	
Pipelines	206	32	219	0	457
Well Site Facilities	87	32	39	0	158
Roads	92	17	18	0	127
Pipelines	234	25	248	1	508
<b>Total</b>	<b>619</b>	<b>106</b>	<b>524</b>	<b>1</b>	<b>1,250</b>

The total area identified as reclaimed (Schedule B reporting) in 2018-2019 fiscal year, as well as the total area reclaimed as described in those reports.

Activity Type	Schedule B's Submitted	Area Reclaimed (ha)
Pipelines	187	933
Wells	14	20
<b>Total</b>	<b>201</b>	<b>953</b>

Total number of inspections, investigations and enforcement actions in 2018-2019 undertaken by the OGC pursuant to the Delegation Agreement:

Type	Total
Inspections	1,262
Investigations	0
<b>Total</b>	<b>1,262</b>

The OGC estimates that the total cumulative area of ALR in the Peace River Regional District affected by oil and gas activity, including well sites, pipelines, roads and other ancillary oil and gas uses is 25,965 ha. This represents 1.95% of the total ALR land area in the North Panel Region.

Activity	Land Cover Categories						Total Area (ha)
	Forested	Shrub	Cultivated / Pasture	Clearing	Rock	No Class	
Pipelines	4,765	742	3,193	6	0	70	8,766
Well Site Facilities	3,613	0	6,018	153	0	30	9,814
Roads	2,041	336	859	2	0	19	3,257
Ancillary	1,689	210	1,304	1	0	46	3,250
Total Affected	12,107	2,157	11,374	162	0	165	25,965
Affected (%)*	1.6	2.5	2.5	10.5	0.0	0.4	17.5%

\* Represents the proportion of each ALR land cover category affected by oil and gas activity





## 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 s. 33(1) of the ALC Act. The second type of reconsideration can only be directed by the Chair of the Commission pursuant to s. 33.1 of the ALC Act.

### Section 33(1) of the ALC Act:

#### Reconsideration Requested 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 s. 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 Commis-

sion'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 Commission's decision in perpetuity.

The authority to decide on requests to reconsider an application decision made by a Regional Panel under s. 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 ALC Chair under s. 11.1(3) of the ALC Act must refer the matter to the decision body that made ALC the original decision.

The Executive Committee considered 89 reconsideration requests under s. 33(1) of the ALC Act in 2018-2019. Twenty three (23) of the 89 requests were directed for reconsideration. Of the 23 requests directed back to the decision-makers, 20 received decisions within the 2018-2019 fiscal.

### 2018-2019 Section 33(1) Reconsiderations

Region	Request Received	Requests Referred	Decision Reversed	Decision Confirmed	Decision Varied
South Coast	31	8	0	6	1
Island	13	4	0	3	1
Okanagan	16	3	0	1	1
North	8	2	1	0	1
Interior	9	3	2	0	1
Kootenay	13	3	0	1	1
<b>Total</b>	<b>90</b>	<b>23</b>	<b>3</b>	<b>11</b>	<b>6</b>

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

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 s. 33.1 of the ALC Act.

The purpose of s. 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 s. 6, or prior to Bill 52 coming into force and effect on February 22, 2019, adequately consider s. 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 16 application decisions at the request of the Chair, 14 of which received decisions within the 2018-2019 fiscal, as noted in the table below.

### 2018-2019 Section 33.1 Reconsiderations

Region	Decisions Directed to Executive	Decision Reversed	Decision Confirmed	Decision Varied
South Coast	3	1	0	2
Island	1	0	0	0
Okanagan	3	0	0	0
North	8	3	2	0
Interior	1	5	0	0
Kootenay	0	1	0	0
<b>Total</b>	<b>16</b>	<b>10</b>	<b>2</b>	<b>2</b>

## Policy and Regional Planning

### Policy

The ALC's policies and information bulletins provide clarification and interpretation of the ALC Act and Regulations, as well as guidance on courses of action consistently taken or adopted by the Commission. All ALC policies and information bulletins are available on the [ALC Policies & Bylaws](#) page of the website.

The ALC has been busy in 2018/19 responding to significant legislative changes to the ALC Act and Regulations initiated and adopted by the provincial government. The ALC Act and regulation amendments had, and continue to have, a substantial impact on Commission workload and resources.

### The Minister's Independent Advisory Committee on the Revitalization of the ALR and ALC

The Minister of Agriculture appointed an Independent Advisory Committee (IAC) on January 4, 2018, whose purpose was to revitalize the ALR and the ALC. The IAC was tasked with delivering a set of interim recommendations to the Minister by spring 2018.

The guiding principles for the IAC's work included:

- Focus on the future of the ALR and ALC;
- Evaluate what is working well;
- Evaluate policy issues that inhibit the purposes of the ALR and ALC;
- Develop recommendations that:

The IAC undertook a province-wide process of stakeholder and public engagement with secretariat support from the Ministry of Agriculture. An Interim Report from the IAC was submitted to the Minister on July 31, 2018. The Interim Report outlined the IAC's preliminary findings and priority recommendations.

For more information and to read the reports visit: <https://engage.gov.bc.ca/agriculturallandreserve/>

### Cannabis Regulations:

On July 13, 2018, BC Government amended ALR Regulation #171/2002 designating cannabis production a farm use if it was grown in the soil, in a soil based structure, or in an existing crop growing structure. All other forms of cannabis cultivation, not designated as a farm-use, were a non-farm use, requiring the submission of a non-farm use application to the ALC; these other forms of cultivation could also be prohibited by local government.

To assist with the interpretation of the July 13, 2018 cannabis regulation, the ALC issued Information Bulletin #04 .



On February 22, 2019, the enabling regulations for Bill 52 were adopted by government (the ALR General Regulation and the ALR Use Regulation). The ALR Use Regulation removed the word 'designated' from the cannabis section, confirming that all forms of cannabis production were considered a farm use. The ALC re-issued its Information Bulletin 04 on May 8, 2019 clarifying:

- that all forms of cannabis production in the ALR are a farm use;
- that applications to the Commission were no longer required
- that local government could still prohibit non-soil based production; and,
- that the threshold limits for soil or fill use related to farm structures applied to buildings for cannabis production (1,000 m<sup>2</sup>)

Prior to the re-issuance of Information Bulletin 04, ten Non-Farm Use applications for cannabis production had been received by the ALC, but no decisions had been made. Following the May 8, 2019 re-issuance of Information Bulletin 04, each of the ten applicants were contacted to explain the changes to the ALC's regulatory oversight. Applicants were requested to clarify whether their project complied with the 1,000 m<sup>2</sup> fill regulation threshold; those applications that complied with the 1000 m<sup>2</sup> fill regulation threshold were cancelled, and those applications that did not comply with the 1000 m<sup>2</sup> fill regulation threshold were retained for review by the Commission as soil or fill use applications.

Information Bulletin 04 – Cannabis Production in the ALR can be found on the Policies & Bulletins page of the ALC website: <https://www.alc.gov.bc.ca/alc/content/legislation-regulation/alc-policies/>



## Bill 52: ALC Act and Regulation Amendments:

Following on the July 31, 2019 Interim Report of the IAC and arising from its recommendations, Bill 52 was tabled, debated and adopted by the provincial government on November 27, 2018. The purpose of Bill 52 was to strengthen and revitalize the ALC and the ALR. The following provides a summary of the main components of the Bill 52 amendments. In addition, the revised and re-ordered enabling Regulations for Bill 52 were adopted on February 22, 2019, specifically: the Agricultural Land Reserve General Regulation #171/2002, and the Agricultural Land Reserve Use Regulation #30/2019

### Elimination of Zone 2:

The two zones of the ALR that were established in 2014 were eliminated, as was section 4.3 of the ALC Act, returning the ALR to a single zone with a single mandate as per section 6 of the ALC Act.

**Residential Use Changes:** Bill 52 restricted the maximum size of a principal residence on an ALR parcel to 500 m<sup>2</sup>.

**Additional Residences:** Bill 52 amended section 20 of the ALC Act (which originally gave authority to local government to permit additional residences necessary for farm help on an ALR parcel), to permit only one principal residence on an ALR parcel. Bill 52 also amended section 25 of the ALC Act so that the Commission cannot permit an additional residence on an ALR parcel unless it is for farm use. It is anticipated that the ALC will need to prioritize applications for farm worker housing in the ALR to ensure that farm development and expansion is not hindered by administrative processes.

### Information Bulletin #05 - Residences in the ALR

Information Bulletin 05 clarifies the new role of the ALC as the authority for residential uses in the ALR, and provides application thresholds and criteria for residence size and additional residences for farm labour respectively. Information Bulletin 05 also clarifies grandfathering provisions for existing residences, including how and when both the ALC and local government make determinations on proposed additions to, and replacement of, existing residences.

Information Bulletin 05 - Residences in the ALR can be found on the Policies & Bulletins page of the ALC Website:

<https://www.alc.gov.bc.ca/alc/content/legislation-regulation/alc-policies>

## Soil and Fill Regulations Changes:

Bill 52 amended section 20.3 of the ALC Act by establishing terms for the removal of soil or placement of fill in the ALR as per regulation. Sections 35 and 36 of the ALR Use Regulation sets thresholds for the placement of fill or the removal of soil at 1,000 m<sup>2</sup> of area for farm structures and principal residence; establishes seven exceptions for agricultural

activities and infrastructure, and defines prohibited fill. Proposals for fill or removal of soil beyond the 1,000 m<sup>2</sup> threshold require the submission of a Notice of Intent (with a \$150.00 fee). Terms and conditions may be set by the CEO, or the CEO may require the submission of a soil or fill use application to the ALC for the fill or removal project.

### ALC Soil and Fill Uses in the ALR



#### Exempted Fill Placement or Soil Removal Activities

Construction or Maintenance of:

- Berms for cranberries — **max 10 m base & 2 m high**
- Flood protection dikes, drainage, irrigation, and livestock watering — **annual max 320 m<sup>3</sup> / 16 ha**
- Farm structures or Principal residence — **max area of 1,000 m<sup>2</sup>**

Maintaining an existing farm road — **annual max 50 m<sup>3</sup>**

Clean sand as a top-dress for berries — **annual max 100 m<sup>3</sup>/ha**

Soil amendments — **max depth of 30 cm**

Soil research and testing, **limited to the amount necessary**

Aggregate Removal — **max 500 m<sup>3</sup>**

- Cultivable surface layer of soil must be salvaged, stored on the parcel, available for rehabilitation
- Disturbed area must be rehabilitated

For more information please visit [www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)



#### ALC Authorization Required

##### Notice of Intent (NOI) or Soil or Fill Use Application

To place fill or remove soil or aggregate **for reasons other than an Exempted Activity**.

NOI's are generally for small, routine proposals. Anything more complicated requires an Application. If an NOI is not approved, a landowner may be referred to submit an Application. A landowner may also choose to directly submit an application instead of an NOI.



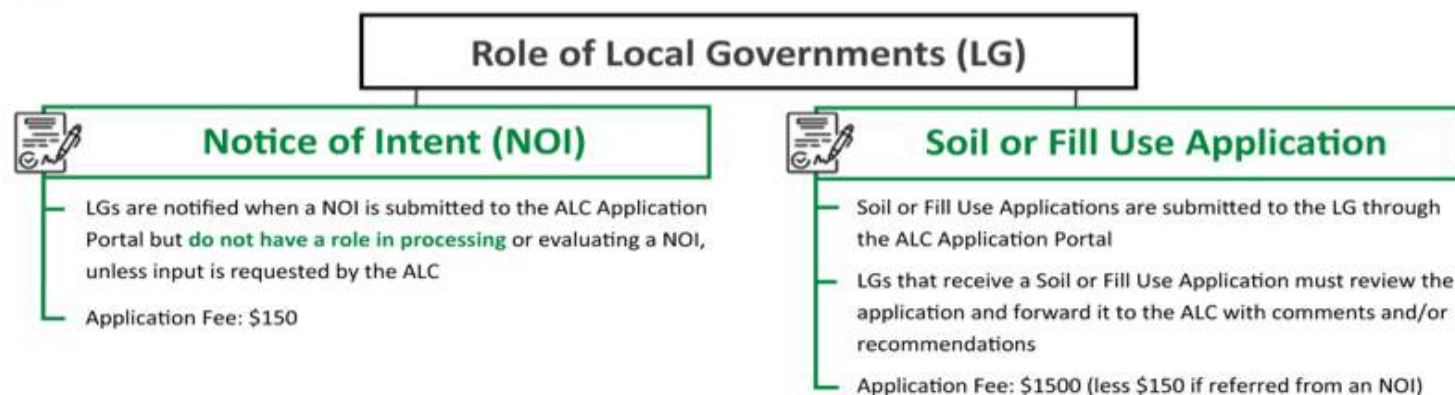
#### Prohibited

To place fill or remove soil or aggregate for reasons (other than an Exempted Activity) **without completing a NOI or Application**

##### Any of the following as fill:

- Construction or demolition waste (incl. masonry rubble, concrete, cement, rebar, drywall and wood waste)
- Asphalt
- Glass
- Synthetic polymers (e.g., plastic drainage pipe)
- Treated wood or Unchipped lumber

## ALC Soil and Fill Uses in the ALR



\*LGs can permit fill placement or soil/aggregate removal if it is an **Exempted Activity** (under the ALR Use Regulation) **or is approved by the ALC**

### Recent Changes

Effective February 22, 2019, the ALC Act and ALR Regulations have been amended. Here are some **Key changes** regarding soil removal or fill placement:

- Soil removal and fill placement are no longer defined as *Farm use* or *Non-farm use* in any circumstance.
- Only in very limited circumstances may fill placement or removal of soil or aggregate be undertaken without a *Notice of Intent* or a *Soil or Fill Use Application*.
- Prohibited fill has been defined.

Disclaimer: This brochure provides general information to assist in interpreting the *Agricultural Land Commission Act*, the *Agricultural Land Reserve General Regulation*, and the *Agricultural Land Reserve Use Regulation* and is not intended to be a substitute for consulting them. The Act and Regulations will govern if inconsistent with this bulletin. For more information please visit [www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)

## Information Bulletin #07 – Soil & Fill Use in the ALR

Information Bulletin 07 clarifies the regulation and provides information about how to approach the ALC to request fill/extraction that exceeds the thresholds.

Information Bulletin 07 can be found on the Policies & Bulletins page of the ALC Website: <https://www.alc.gov.bc.ca/alc/content/legislation-regulation/alc-policies>

## ALC Policies & Bylaws:

The majority of the policy changes requiring a resolution of the Commission in response to Bill 52 related ALC legislation changes and to the issuance of the previously noted Information Bulletins, are anticipated to take place in the 2019-2020 fiscal.

### The ALC completed work on the following policies and bylaws in 2019:

#### Bylaws:

- ALC Bylaw No.2 – Placement of Fill in the Agricultural Land Reserve – New (April 2018)
  - Adopted in response to the 2017/18 Agricultural Soil Land Investigation Report in order to clearly define when the placement of fill in the ALR is considered necessary, and the process for notification and application to the Commission for the placement of fill in the ALR

The Placement of Fill Bylaw was made redundant with the adoption of the ALR General Regulation (BC Reg. #171/2002), and the ALR Use Regulation (BC Reg. #30/2019) on February 22, 2019, bringing into force and effect the Bill 52 changes and introducing sections 35 and 36 of the ALR Use Regulation.

#### Land Use Policies:

- L-03 – Alcohol Production Facilities – New & Amendments (April 2018)
  - Combined existing policies of breweries, distilleries and meaderies (L-21) with wineries & cideries (L-03) as per the changes to the ALR Regulation in OIC 432/2017 with additional interpretation language changes
  - Increased the language emphasizing the importance of the primary growing of Primary Farm Product (PFP) before development of an Alcohol Production Facility (APF), the ancillary nature of APF development, and to suggest evidence that local governments could use to help determine if a proposed APF meets the Regulation
  - Added Placement of Fill Bylaw excerpts to the Reference and Interpretation Sections
- L-21 – Brewery, Distillery and Meadery in the ALR – Rescinded (April 2018)
  - New L-03 encompasses breweries, distilleries, and meaderies as alcohol production facilities



### Placement of Fill Bylaw related amendments and repeals

- Policies L-01 to L-10; L-13; L-16 to L-19; and L-23 - Housekeeping amendments (April 2018)
  - Added related excerpts from the new Placement of Fill Bylaw to inform local government and land owners of the new placement of fill thresholds that will require notification to the ALR prior to commencing for applicable permitted uses in the ALR
- L-14 – Placement of Fill or Removal of Soil: Construction of Farm Buildings and L-15 – Placement of Fill or Removal of Soil: Construction of a Single Family Residence – Repealed (April 2018)
  - New Placement of Fill Bylaw fully contemplates these policies

### Procedural Policies:

- P-02 – Parcels Less than 2 Acres – Amendments (November 2018)
- Clarified how “less than 2 acres” in Section 23 (1) of the ALC Act should be interpreted in response to the Guse v. The Provincial Agricultural Land Commission 2018 BCSC 1983 Judgment

### Clarification of policies and bylaws (November 2018)

The Commission has historically passed a number of resolutions and bylaws pursuant to section 9 of the ALC Act, including resolutions enacting policies, information bulletins, general orders, and practice directives.

The Commission considers it advisable for the management and conduct of its affairs and the performance of its duties and functions to clarify the status of historical Commission bylaws and policies so as to provide greater certainty to the public. The ALC notes that subsequent to this clarification, changes to existing and the creation of new policies, information bulletins, general orders, and practice directives have occurred.

### 1. The Commission confirmed the continued application of the following:

- a. Bylaw No. 2 – Placement of Fill in the ALR (April 2018);
- b. Policy L-01 – Farm Product Processing in the ALR (April 2018);
- c. Policy L-02 – Farm Retail Sales in the ALR (April 2018);
- d. Policy L-03 – Alcohol Production Facilities in the ALR (April 2018);
- e. Policy L-04 – Agri-tourism Activities in the ALR (April 2018);
- f. Policy L-05 – Agri-tourism Accommodation in the ALR (April 2018);
- g. Policy L-06 – Bed and Breakfast Use in the ALR (April 2018);
- h. Policy L-07 – Home Occupation Use in the ALR (April 2018);
- i. Policy L-08 – Residential Uses in the ALR – Zone 1 (April 2018);
- j. Policy L-09 – Additional Residences for Farm Help Accommodation (April 2018);
- k. Policy L-10 – Building New Residence While Occupying Existing Residence (April 2018);
- l. Policy L-11 – Homesite Severance on ALR Lands (January 2016);
- m. Policy L-12 – Approvals Granted Under Orders in Council 4473/72 and 157/73 (January 2016);
- n. Policy L-13 – Dikes for Flood Control and Irrigation in the ALR (April 2018);
- o. Policy L-16 – Lease of a Portion of ALR Land for Farm Use (April 2018);
- p. Policy L-17 – Lease for a Retired Farmer – Zone 2 (April 2018);
- q. Policy L-18 – Residential Uses in the ALR – Zone 2 (April 2018);
- r. Policy L-19 – Utility Services Within an Existing Right of Way in the ALR (April 2018);
- s. Policy L-22 – Gathering for an Event in the ALR (October 2016);
- t. Policy L-23 – Placement of Fill for Soil Bound Agricultural Activities (April 2018);
- u. Policy P-01 – ALR Subdivision Approval by Approving Officers (January 2016);
- v. Policy P-02 – Parcels Less than 2 Acres (November 2018);
- w. Policy P-03 – Approval Runs with the Land and Has No Expiry Unless Specified (January 2016);
- x. Policy P-04 – Communication of Commission Decisions (October 2016);
- y. Policy P-05 – Public Perusal of Records (January 2016);
- z. Policy P-06 – Waiving of Application Fees (January 2016);
- aa. Policy P-07 – Site Visits in Applications to the ALC (October 2016);
- bb. Policy P-08 – Request for Reconsideration (October 2016);
- cc. Policy P-09 – File Closure (October 2016);
- dd. Policy P-10 – Criteria for Agricultural Capability Assessments (October 2017);
- ee. IB-01 – Slaughter Plants and Handling Red Meat Waste in the ALR (October 2008);
- ff. IB-02 – ALR and Coal Exploration and Extraction in the ALR (January 2006);
- gg. IB-03 – Bylaw No 2 – Placement of Fill in the ALR (May 2018)
- hh. IB-04 – Cannabis Production in the ALR (August 2018);
- ii. Policy G-01 – Governance Policy (October 2016);
- jj. Policy G-02 – The Role of Elected Officials in Applications to the ALC (October 2016);
- kk. General Order 291/89 – Vancouver Southlands Subdivision and Non-Farm Use (April 1989); and
- ll. PD-01 – Appeals Under Section 55 of the ALC Act (November 2018).

### 2. The Commission rescinded all its bylaws, policies, information bulletins, general orders, and practice directives made on a date prior to the date of this resolution, with the exception of those confirmed in paragraph 1 above.

## Online Application Portal Changes – Bill 52 Related

The ALC Application Portal was updated to include the new Non-Adhering Residential Use application type, and updated existing Soil & Fill applications. Changes to the existing Notice of Intent (NOI) pages were also made to reflect the new role of NOI's and their associated fee (\$150).

### **A Non-Adhering Residential Use application can be submitted for the following sub-types:**

- Additional Dwelling for Farm Use
- Principle Residence greater than 500 m<sup>2</sup>
- Non-Adhering Tourist Accommodation

### **A Soil or Fill Use Application or a Notice of Intent (NOI) can be submitted for the following sub-types:**

- Place Fill
- Remove Soil
- Remove Soil & Place Fill

### **A Notice of Intent is submitted directly to the ALC with a read-only copy sent to the local government.**



Zone 2 functionality and related s. 4.3 specific questions were also removed from the Application Portal. Applicants who were filling out an application or who had recently submitted an effected application were advised of the changes and provided an opportunity to amend their application accordingly.

The Portal 'Learn More' drop downs in each application type and all email notifications were updated to reflect the changes with respect to Zones, decision considerations (section 4.3), application fees (\$1,500), NOI fees (\$150), and the new application types.

## Regional Planning

There are approximately 150 local governments within BC that have land within the ALR. 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 regulations.

The ALC assists local governments with achieving consistency between their bylaws and the ALC Act, ALR General Regulation, the ALR Use Regulation, and any resolutions of the Commission via the ALC's Bylaw Review Process.

In 2018/2019 the ALC adopted an updated bylaw review guide: "ALC Bylaw Reviews: A Guide for Local Governments" (the "Guide"). The guide is intended as a resource for local government staff and elected officials. It outlines responsibilities regarding the regulation of land uses in the ALR, provides general guidance for drafting bylaws that are consistent with the ALC Act and regulations, and explains the ALC's Bylaw Review Process. It is intended to support the bylaw development process by providing local governments with information about the preparation, review, and adoption of new or updated plans

and bylaws affecting their ALR lands.

The ALC reviews bylaws which regulate farm uses in the ALR and in ALR- adjacent areas. Bylaws (new or amendments) requiring review by the Commission 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

Bylaw reviews are undertaken by both the ALC staff and by the Commissioners. ALC staff are responsible for identifying inconsistencies between draft bylaws and the ALC Act, ALR General Regulation, and the ALR Use Regulation.

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 2018-2019, highlighted in the following tables.



## Total numbers of Bylaws Reviewed for the Island Region: Seven (7)

Local Government	Bylaw Name	Bylaw Proposal Summary	ALR Affected by Proposal (ha)	ALC Resolution # (if required)
Capital Regional District - Sooke	Review of 7 Zoning Amendment applications for lands within the District	Residential development including small lot subdivisions	No areas of ALR directly affected by proposals – lands adjacent to ALR only	Various dates Response included suggestions regarding buffering of adjacent ALR lands
City of Colwood	OCP Bylaw 1700	Designation of ALR as Parks and Open Space	75.3 ha	May 24, 2018: Advised that designation inconsistent and requires amendment. Separate “Agriculture” section required ALC file 46636
Island’s Trust – Denman Island	Bylaw 228 and 229	Creation of separate designation for ALR	2387 ha	July 13, 2018: Supported changes in designation to ALR • ALC file 46649
Cowichan Valley Regional District	Zoning Bylaw 1840 (Electoral Area A)	Revise existing Commercial Zoning to widen permissible uses	Land not in ALR but surrounded on 3 sides by ALR	July 2018: Advised on possible conflicts and suggested buffers along ALR interface
Cowichan Valley Regional District	Application under Water Sustainability Act for Works within stream	Proposed Bridge replacement	Stream traverses ALR property (2 ha)	June 27, 2018: No resolution required – stream sides protected and enhanced by works
District of Lantzville	OCP Bylaw 150	Replace and Update OCP for District	140 ha	August 22, 2018: District advised of changes required to assure compliance with ALC Act • ALC file 46653
Port Renfrew	Proposed Bylaw 4266	Update DPA’s and Riparian area designations	<20 ha	March 29, 2019: Advised that DPA wording accurately addresses the relationship between DPA’s and the ALR designation • ALC file 46666

## Total number of Bylaws Reviewed for the South Coast Region: Ten (10)

Local Government	Bylaw Name	Bylaw Proposal Summary	ALR Affected by Proposal (ha)	ALC Resolution # (if required)
City of Abbotsford	Bylaw 2812-2018	District Plan	None; plan area is directly adjacent to ALR boundary	No resolution required. ALC staff provided comments specific to the City's designation of neighbouring ALR land (Special Study Area C) for potential future non-agricultural uses
City of Abbotsford	N/A	Policy Statement re: historical use of ALR properties and OCP designations	All ALR land within the City of Abbotsford	No resolution required. ALC staff expressed concerns with the proposed policy statement wording and requested re-wording to ensure compliance with the ALCA and regulations
City of Chilliwack	OCP00033	Chilliwack Proper and Fairfield Island Neighbourhood Plan	+/- 41 ha (total ALR in plan area)	No resolution required. ALC staff provided comments to ensure consistency with ALCA and regulations, requested text edits and mapping edits
City of Maple Ridge	Bylaw 7412-2017	Soil Deposit Regulation Bylaw	All ALR land within Maple Ridge	No resolution required. ALC staff provided comments to ensure consistency with the ALCA and regulations, requested text amendments for clarity, and made suggestions to improve process
City of Richmond	OCP Amendment Bylaw 9869, Zoning Amendment Bylaw 9870	Bylaws related to additional residences in the ALR for farm help	All ALR land within Richmond	No resolution required. ALC staff expressed serious concerns about proposed amendments that would permit additional residences in the ALR for farm help based on parcel size. Recommended non-adoption
District of Hope	N/A	Food & Agriculture Plan	All ALR land within the District of Hope	No resolution required. ALC staff provided comments to ensure consistency with the ALCA and regulations, requested text amendments for clarity
District of Kent	Zoning Amendment Bylaw 1607	Additional Residences: Coach Houses	All ALR land within the District of Kent	No resolution required. ALC staff recommended non-adoption as bylaw was not consistent with ALCA and regulations
District of Mission	OCP Amendment Bylaw 5807-2018-5670(8)	Cedar Valley Local Area Plan	None; plan area is directly adjacent to ALR boundary	No resolution required. ALC staff provided comments and recommendations related to best practices for edge planning
Township of Langley	OCP Bylaw 2018 No. 5334 and 5335	Williams Neighbourhood Plan and Willoughby Community Plan Amendment	None; neighbourhood plan area is directly adjacent to ALR boundary	No resolution required. ALC staff provided comments and recommendations related to best practices for edge planning
Village of Pemberton	Bylaw No. 832, 2018	Zoning Bylaw	All ALR land within the Village of Pemberton	No resolution required. ALC staff provided comments to ensure consistency with the ALCA and regulations, requested text amendments for clarity

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

Local Government	Bylaw Name	Bylaw Proposal Summary	ALR Affected by Proposal (ha)	ALC Resolution # (if required)
City of Fort St. John	Fort St. John Official Community Plan, Bylaw No. 2388, 2017	Redesignate ALR lands for residential, commercial, industrial uses	645 ha of dominantly Class 2C land	146 ha endorsed and 499 ha refused - 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 number of Bylaws Reviewed for the Kootenay Region: Three (3)

Local Government	Bylaw Name	Bylaw Proposal Summary	ALR Affected by Proposal (ha)	ALC Resolution # (if required)
Regional District of East Kootenay	Elk Valley Zoning Bylaw 2840	Amend Bylaw to permit a second single family dwelling on the property	64.8 ha	April 2018 Second dwelling allowed under application #56739 Resolution #418/2016
Regional District of East Kootenay	Upper Columbia Valley Zoning Bylaw 2846	Amend Zoning Bylaw from Small Holdings -3 to Small Holdings 2	3.7 ha	April 2018 Subdivision allowed under application #56352 Resolution #292/2017
Regional District of Central Kootenay	RDCK Agricultural Advisory Commission Bylaw 2492 – 2016	Review of Land Use Inventory reports and Ag Plan Consultation Report	RDCK	Follow-up meeting cancelled, not yet rescheduled

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

Local Government	Bylaw Name	Bylaw Proposal Summary	ALR Affected by Proposal (ha)	ALC Resolution # (if required)
City of Kamloops	Kamloops Official Community Plan 2017	Re-designate two ALR areas: one for future residential use; the other for industrial use	6.7 ha for residential use 265 ha for industrial use Total: 271.7 ha	Pending: Proposed meeting in 2018 with City of Kamloops has not occurred but is pending
Thompson Nicola Regional District	Termination of Land use Contract Agreement Bylaw BA 159	Terminate seven land use contracts undertaken in the 1970's	Thirteen (13) ALR parcels affected	N/A – but ALC recommended amendments to bylaw to reflect ALR regulations and land uses.
Village of Ashcroft	Ashcroft OCP			ALC staff advised the bylaw was consistent with the ALC Act.

## Total number of Bylaws Reviewed for the Okanagan Region: Two (2)

Local Government	Bylaw Name	Bylaw Proposal Summary	ALR Affected by Proposal (ha)	ALC Resolution # (if required)
Regional District of North Okanagan	Bylaw 2799	Cannabis bylaw to reflect legalization	All ALR lands in RD	Oct 11, 2019: ALC staff confirmed bylaw consistent with ALC Act
District of Lake Country	District of Lake Country OCP	Revised OCP	5,000 ha	March 22, 2019: ALC staff confirmed the OCP to be consistent with the ALC Act and previous ALC decisions.



### The NOI Process

A Notice of Intent (NOI) is a form land owners may submit to the ALC for a fee of \$150 to have their fill and/or extraction projects reviewed by the CEO and or their delegate. The ALC is given 60 days to respond to an NOI once all of the information submitted is considered adequate to make a decision. If no follow up is carried out, the applicant may commence their project without ALC authorization.

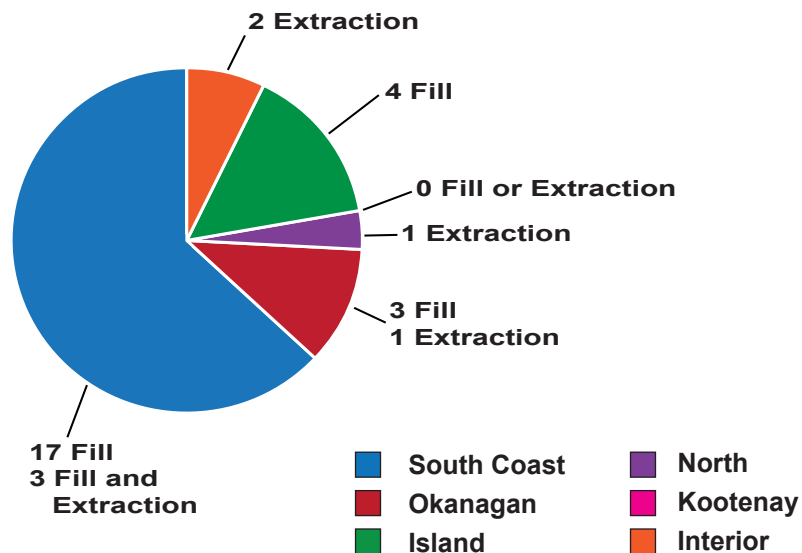
An investigative process is necessary to evaluate if a project proposal meets the ALC's mandate and should be authorized with limits and conditions, or refused and ordered to make a Soil or Fill Use application.

Local Governments are notified when a NOI is submitted to the ALC and when decision has been made but have no formal role in the evaluation or approval of the NOI. Local Governments may not approve a proposed fill placement or soil removal project unless it is approved by the Commission (NOI or Soil or Fill Use application) or is a permitted activity in s. 35 of the ALR Use Regulation.

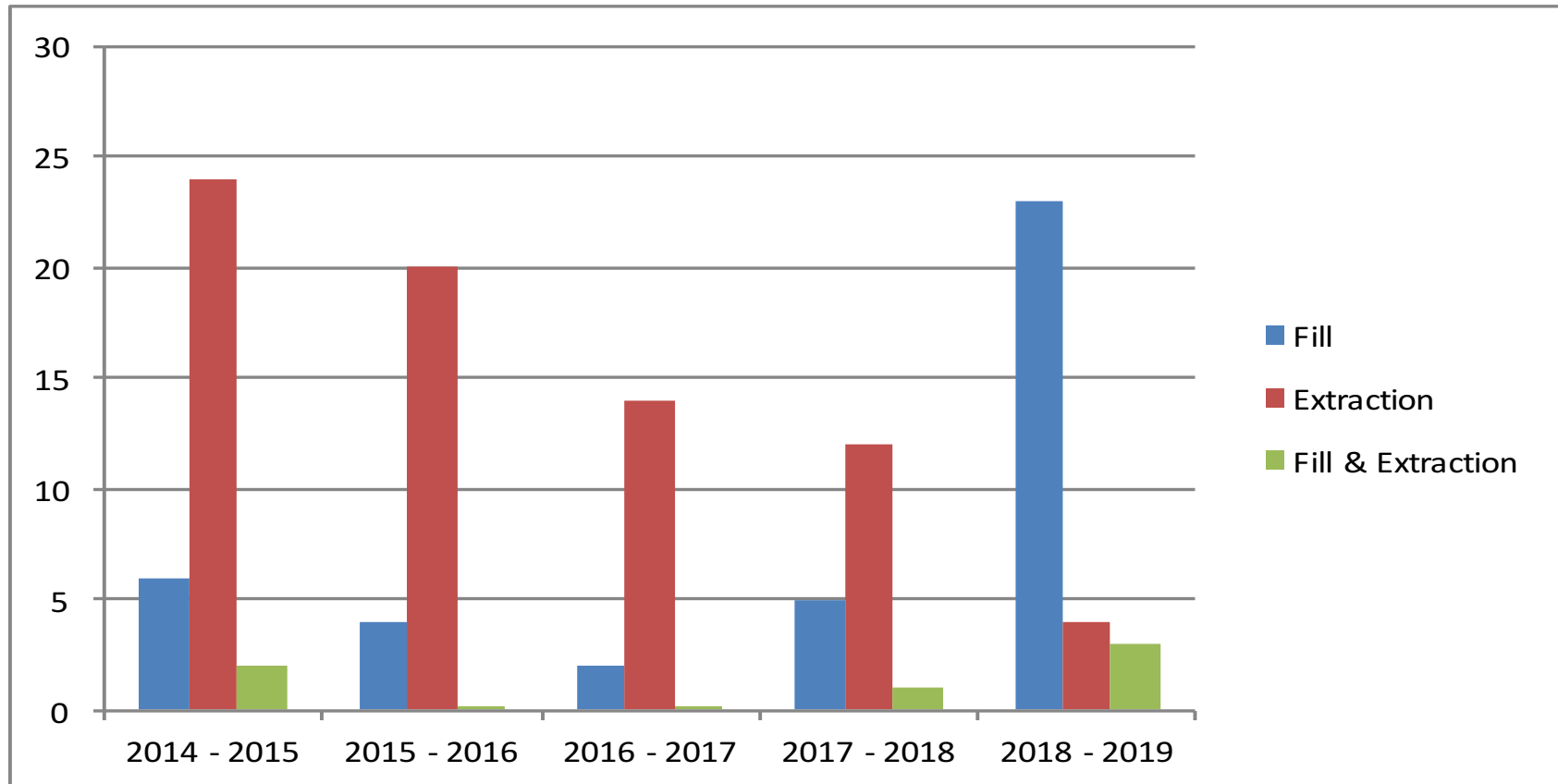
#### NOI Decisions by Region

Total 31

April 1, 2018 to March 31, 2019



### Notice of Intent 2014-2019



The number of NOI's for extraction activities is declining while the number of NOI's for the placement of fill has substantially increased.

This increase is attributed to the following factors:

- the adoption of Bylaw No. 2 in April 2018 requiring notification to the ALC for the placement of fill in the ALR;
- improved record keeping as a result of increased staff resources; and
- what appears to be increasing pressure in the South Coast region to dispose of excavation material from development
- Bill 52 enabling regulations dated February 22, 2019

## 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 2018/2019, the BC Supreme Court issued two judgments on judicial review. A summary of the Court's findings is provided below.

### **Union Road Properties Ltd. et al. v. British Columbia (Agricultural Land Commission), 2018 BCSC 1349**

In 2016 the Commission settled a judicial review proceeding by agreeing to a new hearing and process for an application to exclude land (along with a proposed inclusion of other land). This occurred before the Executive Committee, which refused the application in 2017. Instead of seeking judicial review, the landowners commenced an action for damages, claiming breach of the settlement agreement. The Commission applied to strike and dismiss the action on the basis that it disclosed no reasonable claim and was otherwise an abuse of process (including because the tribunal has statutory immunity under the Administrative Tribunals Act). The court found in favour of the Commission on these grounds and dismissed the action. The landowners appealed and the matter was heard by the Court of Appeal on May 28, 2019.

### **Guse v. Provincial Agricultural Land Commission, 2018 BCSC 1983**

A landowner challenged a Commission subdivision decision, arguing that the decision and Policy P-02 were unreasonable. The property in question was 1.997 acres, which the Commission had rounded to 2 acres in considering whether it was subject to the exclusion at s. 23 of the ALC Act in accordance with Policy P-02. The court found that the Commission's decision was unreasonable and criticized Policy P-02. It made a declaration that the property in question is less than 2 acres.

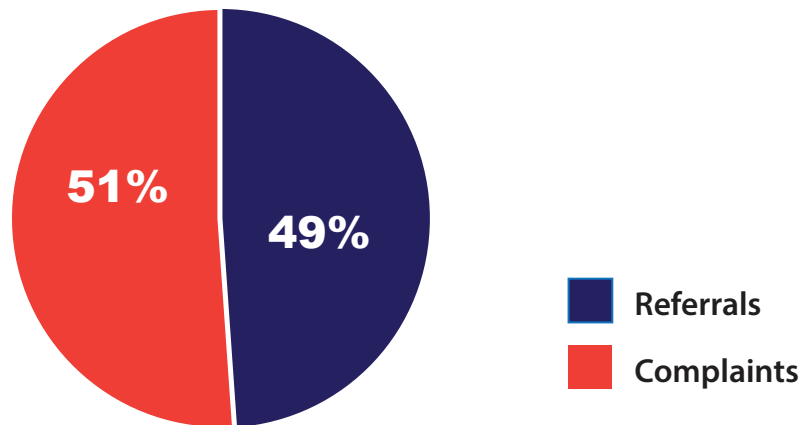
## Compliance and Enforcement Program 2018-2019

The ALC Compliance and Enforcement (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, compliance verification and enforcement.

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

### New Complaints - Fiscal 2018/19

Total received 257



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 (including a C&E Co-ordinator) and a Resource Assistant dedicated to the processing of incoming complaints and referrals. In the current fiscal, the Minister approved funding for two additional C&E officers for a total of seven. The new officers will be hired in fiscal 2019-2020. 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.

## Compliance & Enforcement Workload

As of April 1, 2018 there were 306 active C&E files (i.e. non-resolved complaints and referrals) from the previous fiscal year. Approximately 21 new complaint/referrals are received monthly which is an increase of 33% from fiscal 2017-2018. Due to a concerted effort by the C&E team, 219 files were closed (i.e. compliance gained), which is an increase of 62% over the previous fiscal. Even with the focus on file closures, there were 344 active files at the end of the year, an increase of 12% over previous fiscal. This file load may continue to increase based on the current complaint/referral incoming rate. Property inspections and enforcement actions were down 15% and 13% respectively from the previous year. The team was short-staffed for a few months due to a retirement and an extensive sick leave caused by a non-work related motor vehicle accident.

### Key C&E Statistics

	2018-2019	Percent Change from Fiscal 2017-2018
Active Files at Beginning of Year (April 1, 2018) <sup>1</sup>	306	+ 29 %
Incoming Complaints/Referrals	257	+ 33 %
Files Closed	219	+ 62 %
Active Files at End of Year (March 31, 2019)	344	+ 12 %
Property Inspections	248	- 15 %
Compliance Actions <sup>2</sup>	232	+ 50 %
Enforcement Actions - Orders Issued <sup>3</sup>	33	- 13 %

<sup>1</sup> Number of active files at the beginning of the fiscal; includes files from the 2017/18 fiscal and previous fiscal years;

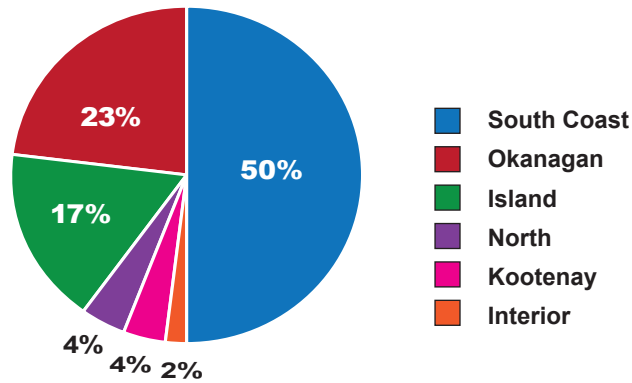
<sup>2</sup> Compliance actions include compliance notices and notices of contravention;

<sup>3</sup> Orders include stop work orders, remediation orders and a penalty order

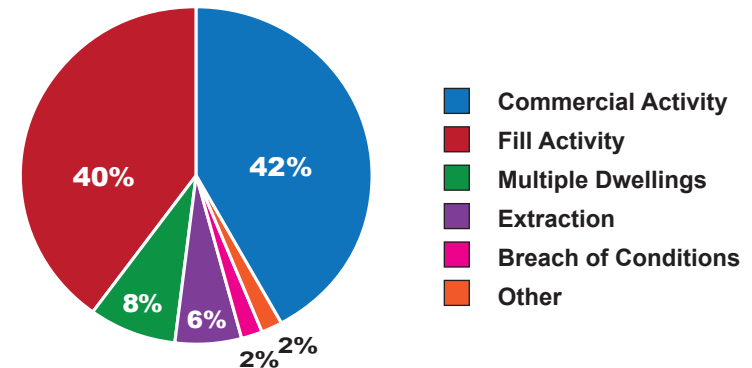
The ALC issued its second penalty for \$70,000. The order was issued after a property owner significantly over filled their property. The property owner paid the penalty in a timely manner.



### C&E Files by Region



### C&E Files by Type



### Other C&E Program Enhancements in 2018/2019

- In May 2018 the C&E Co-ordinator retired and one of the Officers was temporarily assigned to the Co-ordinator position until it was permanently filled later in the year.
- In September 2018 an auxiliary Officer was hired to backfill the vacant position created by the Officer assigned to the Co-ordinator position.
- In November 2018, due to the technical duties associated with the update and maintenance of the Natural Resource Inspection System (NRIS), a C&E Advisor position was created to replace the Resource Assistant position. The Resource Assistant was temporarily assigned to the new position until it could be permanently filled through a meritorious process.
- In March 2019 the vacant Co-ordinator position was permanently filled by the acting Officer through a meritorious process.
- In March 2019 the C&E Advisor competition was completed.
- In March 2019, the ALC commenced hiring process for two additional Officer approved by the Minister earlier in the year. A third officer will be hired due to vacancy left by the officer who was successful in the Co-ordinator competition.
- A number of internal operational policies and procedures to better guide the program area were developed.
- Increased engagement with industry stakeholders, local governments and other provincial agencies to promote increased and collaborative enforcement in the ALR and to review local bylaws for consistency with the ALC legislation.

### 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 ALC. The ALC Rules of Practice and Procedure for Appeals under section 55 of the ALC Act, provides further guidance with regard to appeals. 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 2018/2019, seven appeal hearings were held. A summary of appeal outcomes for the current fiscal is provided below and details of each appeal are available on the ALC website at: <https://www.alc.gov.bc.ca/alc/content/legislation-regulation/compliance-and-enforcement/>

There were eight appeals heard in the previous year. The increase in appeals during the last two years is a direct result of significantly more enforcement actions by the C&E Program.

#### 2018-2019 Appeal Outcomes

Outcome	# of Orders Under Appeal
Confirmed	6
Reversed	1
Decision Pending	0
Withdrawn	0
<b>Total</b>	<b>7</b>

## 2018-2019 Agricultural Land Commission Financial Report

DESCRIPTION	2018/19 BUDGET	2018/19 ACTUAL	2017/18 BUDGET
Salaries	\$2,410,000	\$2,273,000	\$2,406,000
Benefits	603,000	596,000	591,000
Commission	524,000	586,000	529,000
Staff Travel	100,000	88,000	100,000
Prof Services - Contracts	70,000	30,000	40,000
Legal Contracts	340,000	456,000	400,000
IT expenses	170,000	136,000	145,000
Office Supplies & Business Expenses	60,000	56,000	60,000
Statutory Advertising & Publications	0	0	21,000
Materials & Supplies	5,000	2,000	5,000
Vehicle Expenses	15,000	2,000	5,000
Amortization	11,000	13,000	11,000
Building Occupancy Charges	8,000	110,000	6,000
Recoveries	(1,000)	0	(1,000)
Overhead Allocation	38,000	233,000	231,000
<b>Total</b>	<b>\$4,353,000</b>	<b>\$4,581,000</b>	<b>\$4,549,000</b>

Updated June 6, 2019

## Cumulative GIS ALR Change - Included & Excluded April 1, 2012 – March 31, 2019

FISCAL YEAR	INCLUSIONS (ha)	EXCLUSIONS (ha)	NET CHANGE (ha)	CURRENT TOTAL ALR (ha)
April 1, 2012				4,717,519
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	2970 <sup>3</sup>	-2,747	4,613,162
2018/19	65	212	-147	4,613,015
<b>Total</b>	<b>2,668</b>	<b>10,194</b>	<b>-8,784</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 BC 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 148 'permanently' excluded 2,775 hectares and 'temporarily' excluded an additional 941 hectares of land from the ALR 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 2015/2016 but is not recorded as a decision of

the ALC panel or the Commission.

<sup>2</sup> In accordance with paragraph 30 of the Lands Chapter of the Tla'amin Final Agreement and 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 2015/2016 but is not recorded as a decision of the ALC panel or 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 report Appendix B for ALR cumulative inclusion and exclusion statistics by calendar year.

## ALR Included and Excluded by Calendar Year (Database)

1974 – March 31, 2012

CALENDAR YEAR	INCLUSIONS	EXCLUSIONS	NET FIGURE	CURRENT ALR area
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>

Note: (1) All figures between 1974 and 2008 include both final decided and conditionally approved decisions. (2) Figures from 2009 forward include only Final Approved and Completed Conditions Decisions. (3) ALR area at designation is based on manual mapping method (Dot Matrix or electronic planimeter 1974).