

Provincial Agricultural Land Commission

Annual Report 2019-2020





Agricultural Land Commission

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604-660-7000 | 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, 2019 to March 31, 2020. 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.

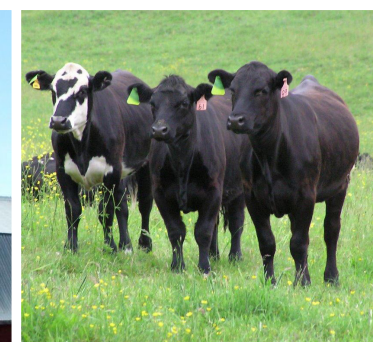
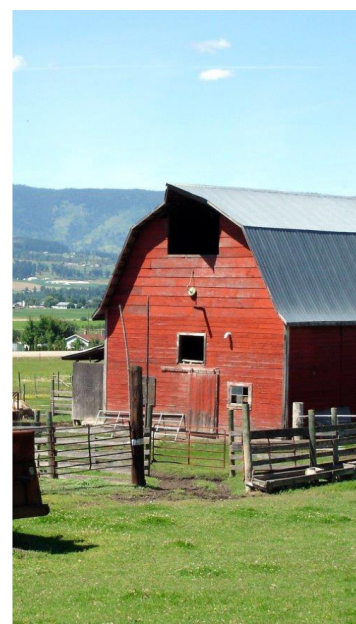
Yours truly,



Jennifer Dyson, Chair
PROVINCIAL AGRICULTURAL LAND COMMISSION

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Message from the Chair

Jennifer Dyson

On behalf of the Board and Commission staff, I present the 2019-2020 Annual Report of the Agricultural Land Commission (ALC). It is my privilege to work with this team and serve the province as ALC Chair.

As I reflect on 2019, I keep returning to the notion of a slow awakening of the importance of our vibrant and diverse agricultural sector.

This includes the primary production from the farmers, growers, and ranchers who are at the heart of nearly 17,500 farms, utilizing 2.6 million hectares of land. Our top five commodities include dairy, chickens, greenhouse vegetables, floriculture, and beef – yet British Columbia (BC) produces over 200 agriculture products and contributed \$1.9 billion to the provincial GDP in 2017. We rank fourth in Canada among all provinces for food and beverage manufacturing.

While it might be a relatively small percentage of our population that farm the land, we pull our weight as an economic driver. That said, understanding what

agriculture is and what the emerging issues are only underscores the complexity on the land.

The geography of this great province introduces such a host of challenges, opportunities, opinions, and ideas. Agriculture in BC ranges from extra-large, large, medium, and small farms. There are families barely scraping by, and those that are flourishing; farms that are expanding, and those that are lifestyle owners or estates. Further, BC has an aging farmer population and an ever-present new-entrant population who want access to the land. Balancing and creating a space for everyone and their individual needs is difficult. Thoughtful dialogue with such a diverse sector is key.

Generally, out of the control of the industry, are rising costs and land values, an aging demographic, climate change concerns, competition for water sources, increased regulation, among others. Consolidation, in the agricultural sector, for example, is not new, yet the fact that three meat processors produce 85 percent of Canada's beef



causes great concern here in BC. When a rail strike threatened the ability to move grains or commodities to market, it hit farmers in the north, and when shipments of seed or fertilizer is halted and spring is here, we feel it. Last summer, irrigation water was shut off for Island forage producers. In each case, real vulnerability is highlighted. Agriculture is often the canary in the coal mine. These setbacks are just a sample; we are all different, but each affects the security of agriculture, the land, and ultimately our food security.

The Agricultural Land Reserve (ALR) is comprised of more than 150 different local governments, including 116 municipalities, and 27 regional districts. Each local government has unique land use needs and approaches to regulating land use within the ALR. Local planning plays a critical part in protecting agricultural values, it has always been clear the Commission needs to work more closely with local governments.

To communicate with local government, agriculture planning, and agricultural advisory groups, the ALC travelled across the province last spring to discuss recent legislative and regulatory changes made to the ALC Act and regulations. Our province-wide consultation resulted in staff and Commissioners engaging with approximately 269 people across 72 local governments in the following nine locations:


Island (Nanaimo): May 1, 2019;
Okanagan / Interior (Kelowna): May 22, 2019; Sunshine Coast (Sechelt): May 22, 2019; South Coast (Langley): May 30, 2019; Kootenay (Cranbrook): June 5, 2019; North / Interior (Prince George): June 12, 2019; Northwest (Terrace): Friday, June 14, 2019; Northeast (Fort St. John): June 19, 2019; Island (Saanich): August 20, 2019.

This team effort included all staff and Commissioners at one time or another, depending on which region we were in. Wide-ranging candid discussions regarding changes to the ALC and regulations and discussion about pending changes occurred.

In addition to our province-wide engagement, the ALC continued to meet with agriculture organisations to better understand emerging issues and talk about legislative and regulatory changes. In the fall, the ALC, in partnership with the Ministry of Agriculture, embarked on another engagement session around two main topics: Residential Flexibility and Economic Diversification.

Amidst this blur of activity in 2019, the day-to-day operations of the Commission continued. The ALC's job is to continue to understand implications of growth and give careful consideration to changes happening on the land in terms of





affordability, multi-family farm ownership, and future agricultural innovation; while continuing to collaborate with local governments around planning and forging partnerships around best practises for compliance and enforcement.

This is all done as a team under the amazing leadership of our CEO Kim Grout, our management team, and our dedicated staff. In addition, I want to recognize our Commissioners around the province who always come with knowledge, expertise, and professionalism.

As a team we focus on strengthening the role the ALC and ALR plays within each jurisdiction and consider how potential threats to preserving this body of land can be mitigated while at the same time being an agency that plays a positive role in encouraging agriculture and appropriate agricultural practises and innovation. The ALR was intended as a permanent zone, a zone for agriculture where agriculture is considered the 'highest and best use'.

Agricultural Land Use Inventories (ALUI) through the Ministry of Agriculture collect consistent data about land use and land cover on agricultural land. Identified in the Final Report on Revitalization and pursued by the ALC is ALUI accounting – accounting that evaluates the inventory (the land) and costs of our decisions, as well as the

benefits. It is also a key element that we have the ability to clearly assess land use now and in the future. This accounting becomes an important piece of evidence along with ongoing conversations that provide baseline data used to track trends in the ALR and to measure changes over time. Accounting also quantifies the amount of land currently in use and provides an assessment of the growth of the industry (or range of growth estimates) to determine long term land use needs. The ability to marry this information with the agricultural capability of the land and other resources (e.g. hydrology, population, climate) is critical. Only 5% of the land area of the Province has the soil, climate, and topography suitable for agricultural use, and because of a growing urban sprawl, this scarce area was designated for preservation in the ALR. Approximately 50% (2.3 million hectares) of the ALR is Crown land. While some of the Crown portion of the ALR is utilized by agriculture for Crown land grazing leases, a large portion is used for non-agricultural uses, including licenses of occupation, recreational permits, forestry and reforestation objectives, wildlife management, mining, and so on. Added to the statistic; 50% ALR parcels are 10 ha or less.

Finally, last Spring during our outreach, I

"...Ongoing pressure is what the ALR is subject to...and what it was designed to resolve. When a City and its rural surroundings meet at a fence, a road, or at some natural feature such as a river valley or inlet, there will be bids to develop resorts, condominiums, and shopping malls. Those proposals must be weighed against the loss of a resources that takes centuries to replace..."

- Ken Cameron and Mike Harcourt, City Making in Paradise

spoke about the idea of innovations that look like progress at the outset and quickly give fabulous results, but ultimately lead to disaster. I used the example of bottom trawling for Atlantic cod, which initially brought spectacular catches and riches – but ultimately destroyed the fishery. This lesson can apply to how we approach land use planning in the ALR. There can always be unintended consequences by only understanding one side of the story. We must be careful as we move forward, slow and measured. The ALR needs long-term planning. It is essential that we protect farmland and support agriculture so our farms can be profitable while growing the province's food.



2019/20 Fast Facts

132

LOCAL GOVERNMENT BYLAW
REFERRALS COMPLETED

146

SOIL AND FILL NOI DECISIONS
RELEASED BY OFFICE OF THE
CEO IN 60 BUSINESS DAYS

72%

NON-ADHERING
RESIDENTIAL USE
APPLICATIONS APPROVED

126

HECTARES OF LAND
INCLUDED IN THE ALR

238

HECTARES OF LAND
EXCLUDED FROM THE ALR

446

APPLICATIONS DECIDED*

377

APPLICATIONS RECEIVED



5%

OF PROVINCE
IN ALR

81%

OF DECISIONS RELEASED
WITHIN 90 BUSINESS DAYS

269

LOCAL GOVERNMENT
STAFF AND ELECTED
OFFICIALS ENGAGED IN
ALC REGIONAL SEMINARS

150+

LOCAL GOVERNMENTS
WITH AGRICULTURAL
LAND RESERVE IN THEIR
JURISDICTION

42%

OF COMPLIANCE
AND ENFORCEMENT
COMPLAINTS ARE
RELATED TO ILLEGAL FILL

50%

OF THE ALR IS CROWN LAND

*Applications decided includes carry over from the previous fiscal year.

Changes to the Legislation 2019/2020

On January 4, 2018, the BC Minister of Agriculture, the Honourable Lana Popham, appointed an independent Advisory Committee (Committee) to lead a public consultation that would provide Government with strategic advice and policy guidance for revitalizing the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC).

In response to the recommendations for legislative change put forward by the Minister's Committee, new legislation was brought into force by the Provincial Government in 2019 and 2020.

Bill 15 Amendments

On May 30, 2019, Bill 15 received Royal Assent, pending associated regulatory changes to bring the Bill into force and effect.

On March 12, 2020, Order-in-Council (OIC) #131/2020 created a new ALR General Regulation and renamed the existing ALR General Regulation, the ALR Transitional Regulation, which brought Bill 15 partially into force. The remaining portions of the new ALR General Regulation will be brought into force on September 30, 2020, at which point the ALR Transitional Regulation will be repealed.

As of March 12, 2020, the following changes have been brought into force and effect as a result of Bill 15:

- **Application Fee Process:** changes to the application fee process now require applicants to pay the local government or First Nation portion of the fee directly to their respective local government or First Nation Government and if the local government or First Nations government forward the application to the ALC, the applicant pays the ALC its portion of the fee.
- **Flexible Region Structure:** Bill 15 provides the ALC Chair the flexibility to create decision-making Regions that can better consider local and regional circumstances and make better use of the Commissioners, drawing on their expertise in a related technical field or land-use issue and allows for Commissioner members to serve on more than one Region if quorum of individual members' expertise warrants it.
- **Decision-Making Criteria:** Bill 15 introduced new decision-making criteria in s.6 of the Agricultural Land Commission Act (ALC Act) to prioritize the protection of the size, integrity, and continuity of the land base that the ALC must consider when exercising any power or performing a duty under the ALC Act.
- **Commissioner Appointments:** Bill 15 established that the ALC Chair can give input to Government regarding Commissioner appointments. As a result of changes in Bill 15 brought into force and effect March 12, 2020 by OIC

LEGISLATIVE CHANGES

#131/2020, all new members of the Commission, with the exception of the Chair, will be appointed by Ministerial Order and the Chair of the Commission will select a Vice chair(s) from the members appointed by the Minister.

- **Local Government Delegated Decision-Making:** Bill 15 removes the authority of the ALC to enter into delegation agreements with local governments and first First Nations governments.

The following changes will come into effect on September 30, 2020:

- **Exclusions:** private landowners will no longer be able to make applications for exclusions in an attempt to strengthen the application process by empowering local governments, First Nations and other prescribed bodies to continue to make exclusion applications that are more community planning focused. Private landowners can still request that their land be removed from the ALR provided their local government agrees and makes the application to the ALC.
- **Reconsiderations:** the reconsideration process has been amended to clarify the circumstances under which reconsiderations will proceed.
- **Enforcement Provisions:** the CEO of the ALC has been given the authority to register a remediation notice on a property's certificate of title as an advisory to potential purchasers.
- **Notice of Statutory Rights-of-Way:** requires that the ALC be notified and that evidence of that notification be provided to the Land Title Survey Authority (LTSA) before the LTSA can register a statutory right-of-way in the ALR. It remains a requirement to submit an application to the ALC for approval to construct non-farm works (i.e. Roads and utility works) within right-of-way of any kind.

Manufactured Homes:

On July 4, 2019, OIC #285/2019 permitted manufactured homes as defined in the ALR Use Regulation, if all necessary authorizations (e.g. building permit) were issued before February 22, 2020; the manufactured home is no more than 9 metres wide (i.e. 'double-wide'); and the manufactured home is occupied by family member of the landowner.

On January 28, 2020, OIC #028/2020 extended the deadline to receive all required authorizations to locate a manufactured home for family members from February 22, 2020 to December 31, 2020.

The Commission

The ALC is an autonomous provincial agency, independent of the provincial government, that is responsible for exercising its decision-making authority in the ALR. The ALR is a provincial land use zone designated for agriculture, in a non-partisan and impartial manner. As an administrative tribunal, the ALC performs a wide range of functions, including: research and policy development, application adjudication, and compliance and enforcement.

Purpose and Legislative Framework

(1) 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; and,
- (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.

(2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:

- (a) the size, integrity and continuity of the land base of the agricultural land reserve; and,
- (b) the use of the agricultural land reserve for farm use.

Did you know?

Section 6 (2) was added on March 12, 2020 – OIC #131/2020 as detailed in the Legislative Changes section.

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 ALR. The new 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 fourteen (14) member Commission from six administrative regions of the province who are collectively the board of directors of the ALC. The Chair and six Vice Chairs were appointed by Order in Council and the other seven Commission members were appointed by Ministerial Order of the Minister of Agriculture. Candidates for appointment are selected 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.

Chair

Jennifer Dyson
Appointed May 14, 2018

Interior Region

Vice Chair: Richard Mumford
Alexis Creek

Bob Haywood-Farmer
Savona

South Coast Region

Vice Chair: Ione Smith
Sechelt

Satwinder Bains
Abbotsford

Susie Gimse
Pemberton

Kootenay Region

Vice Chair: David Zehnder
Invermere

Ian Knudsen
Creston

Jerry Thibeault
Cranbrook

Island Region

Vice Chair: Linda Michaluk
North Saanich

Honey Forbes
Duncan

Okanagan Region

Vice Chair: Gerald Zimmermann
Kelowna

Joe Deuling
Lumby (appointed December 31, 2019)

Jim Johnson
(expired December 30, 2019)

North Region

Vice Chair: Janice Tapp
Fraser Lake

Andrew Adams
Willow Creek

James Garnet Berge
(expired October 23, 2019)

Ross Ravelli
(expired October 8, 2019)

Full Commission

The Full Commission consisting of all members of the board, meet at least twice a year, either in person or electronically to carry out a variety of duties, including: developing policies governing ALC operations and the interpretation of legislation, and passing resolutions and bylaws regarding the conduct of its affairs.

Panels

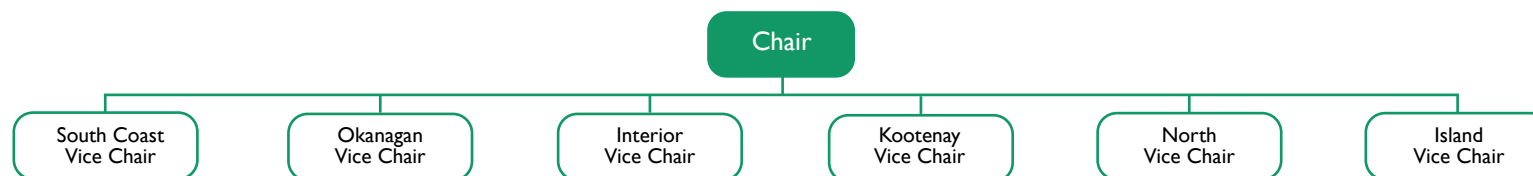
Applications for exclusion, inclusion, non-farm use, non-adhering residential use, soil and fill use, subdivision, and transportation, utility and recreational trail uses are adjudicated by a group of Commissioners (a Panel).

- From April 1, 2019 to March 12, 2020, six regional Regions were legislated based on geography, with the exception of applications referred to the Executive Committee by the Chair under Section 11.2 of the ALC Act. Each Region consisted of a Vice Chair and one or two other members of the Commission who resided in the same legislated region;
- In response to legislative change that took effect March 12, 2020, the Chair of the Commission directed the continued operation of a Region structure based on the six administrative regions of the Province with Regions consisting of two or three members of the Commissioners who resided in the same region.

A Panel of the Commission has all the powers, duties and functions of the Commission in relation to applications. Decisions of a Region 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 six Vice Chairs of the Commission meet monthly and are responsible for: deciding applications referred by the Chair under Section 11.2 of the ALC Act, making reconsideration determinations on reconsiderations pursuant to Section 33(1) for decisions released prior to March 12, 2020, 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:

Land Use Planning and Application Processing

Staff research and administer all applications submitted pursuant to the ALC Act and Regulations. In addition, they 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.

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.

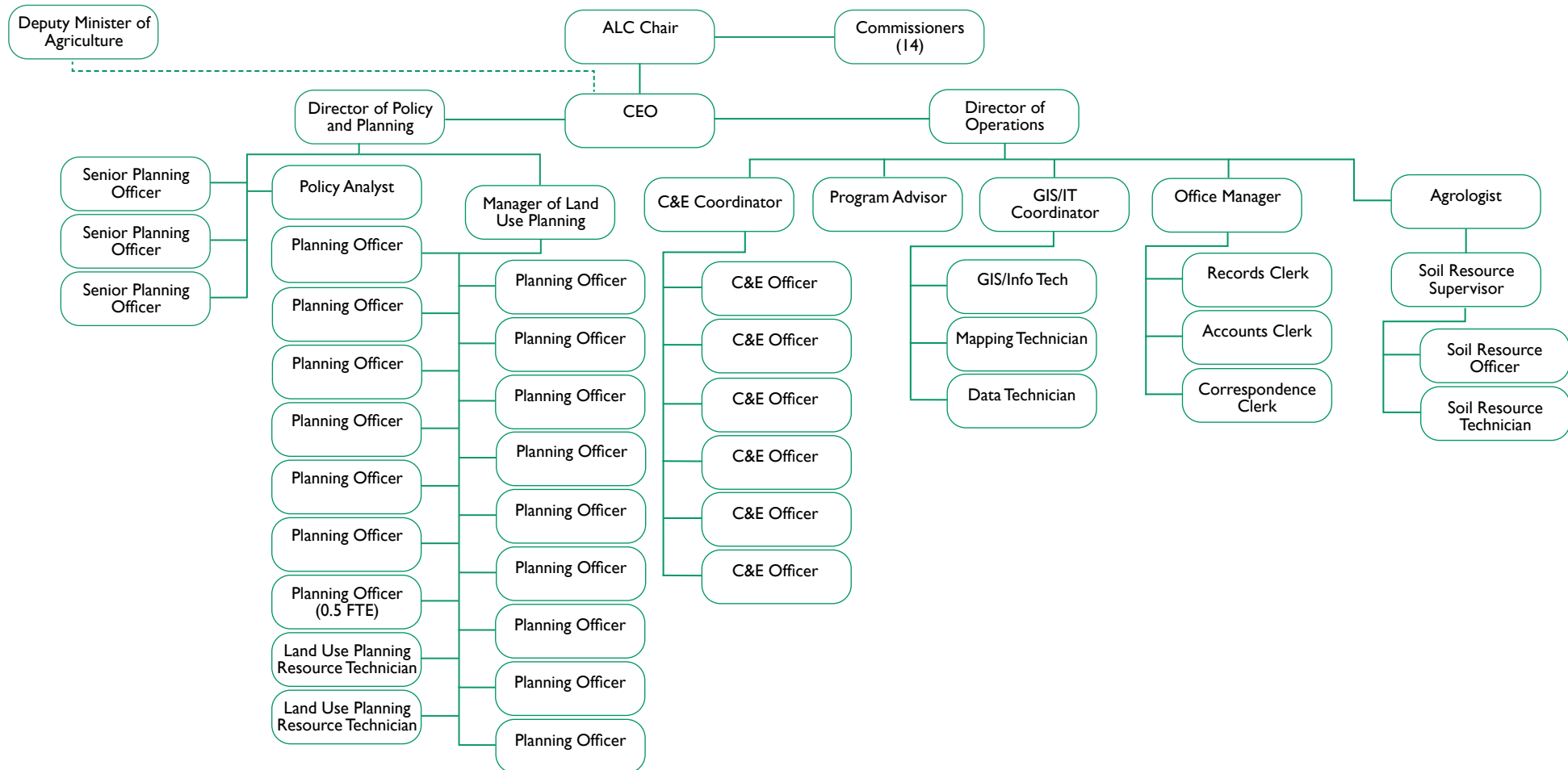
Strategic Planning and Corporate Policy

Staff actively participate with Commissioners in developing strategies, plans and policies to assist with the interpretation and implementation of the ALC Act and Regulations. Staff also participate in planning and policy initiatives of other ministries, agencies and local governments.

Administration and Information Systems

The previous three functions are supported by an administration, records management, and geospatial information systems unit.

Agricultural Land Commission Organizational Chart



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.

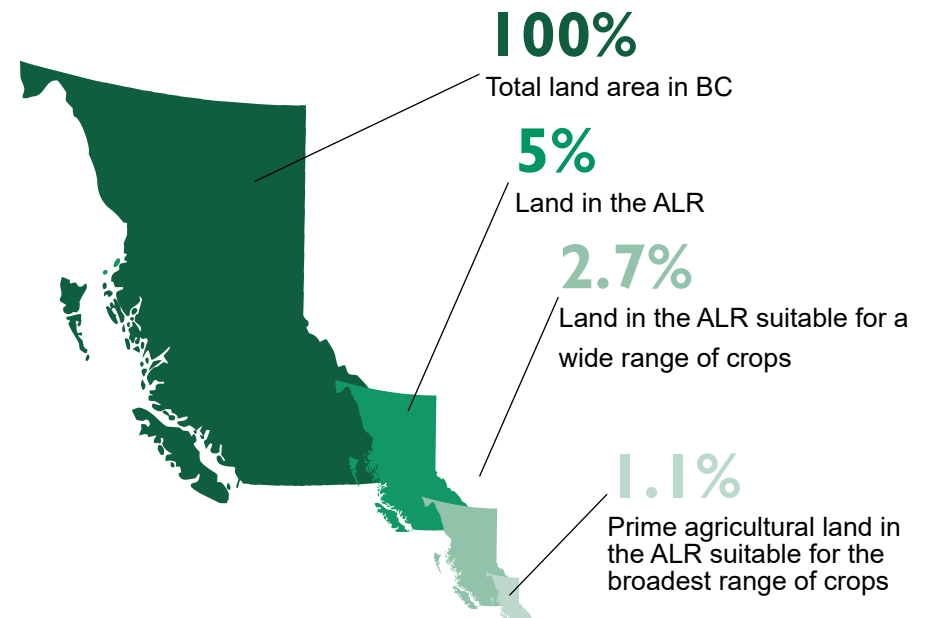
These maps were based on soil survey and the Canadian Land Inventory (CLI) agricultural capability data, combined with proposed urban expansion areas on lower capability lands.

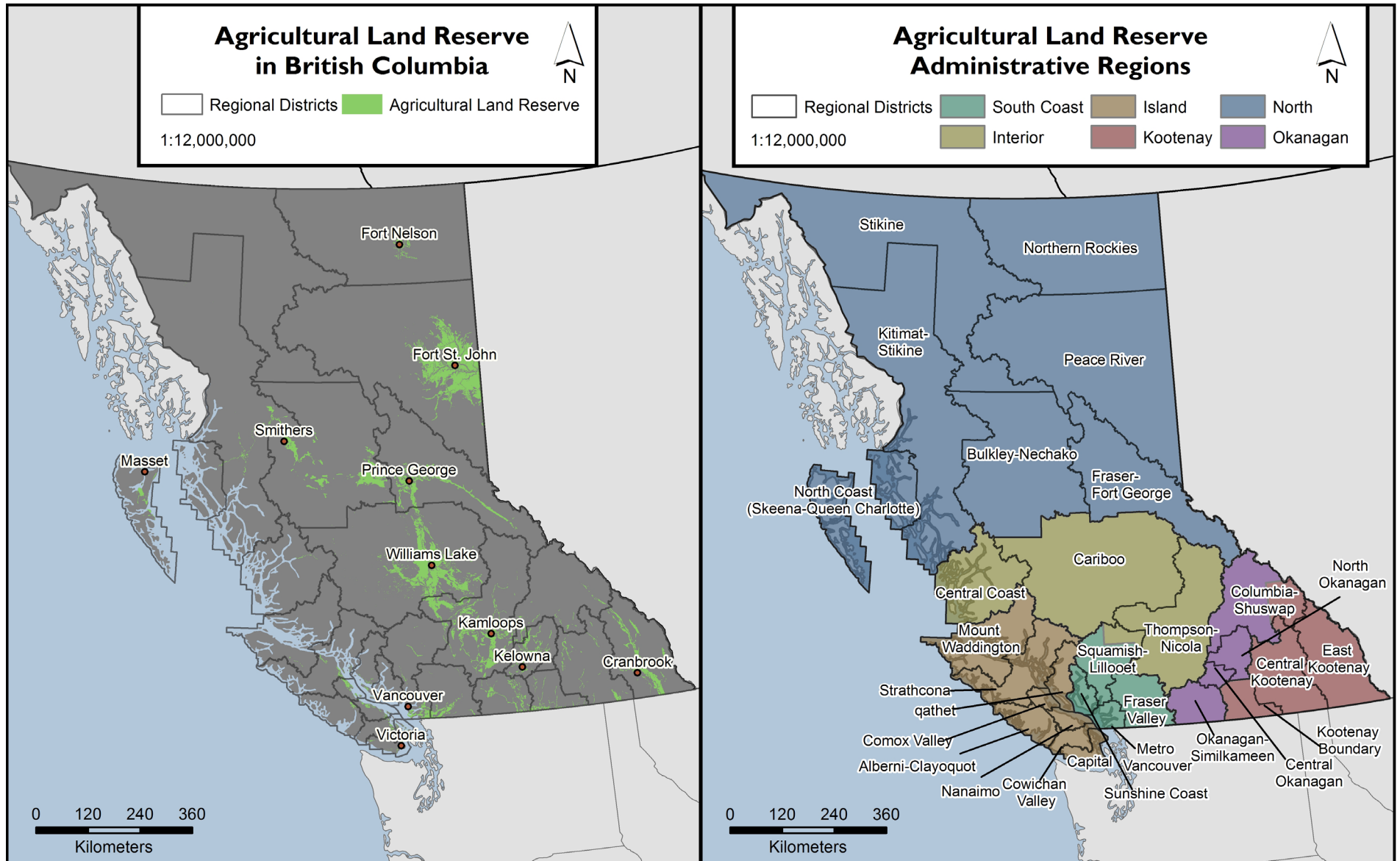
Regional Districts made recommendations to the ALC and the maps were reviewed to ensure technical consistency with the reserves across the province. In general, the following methodology was applied:

- All Class 1- 4 land (CLI) that were not already developed were included in the ALR, 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 (CLI) 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; and,

- Small pockets of Class 7 land where exclusion of such land might have allowed undesirable intrusion or incompatibles uses into agricultural areas were included.

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.







Interior Region

The Interior 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 park lands.

The region includes the Central Coast, Cariboo, Squamish-Lillooet (Lillooet area only) and Thompson-Nicola Regional Districts.

Major Settlements

100 Mile House
Bella Coola
Kamloops
Merritt
Quesnel
Williams Lake

Percent of
Region in the ALR

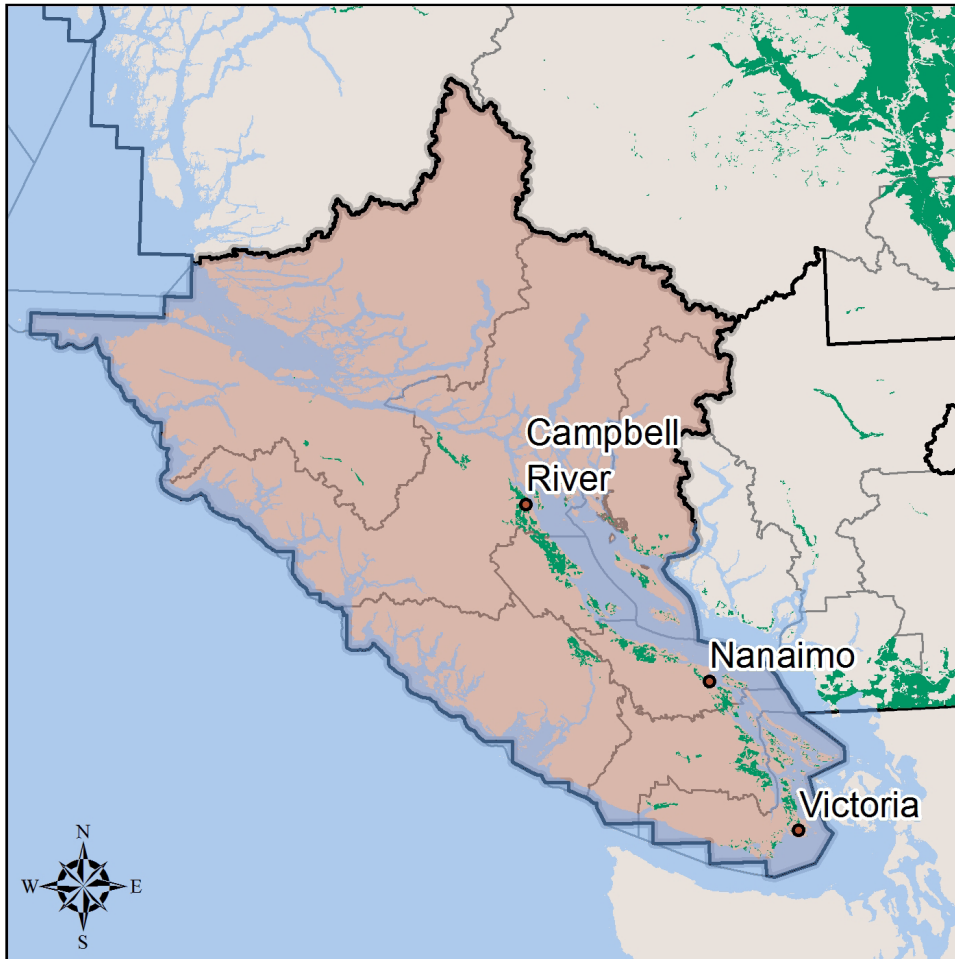
9.4%

Total ALR area in Region

1,529,061 hectares

Total area in Crown Land

~1,044,317 hectares



Island Region

The Island 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, qathet Regional District and Strathcona Regional Districts.

Major Settlements

Campbell River
Comox
Duncan
Nanaimo
Port Alberni
Powell River
Saanich

Percent of
Region in the ALR

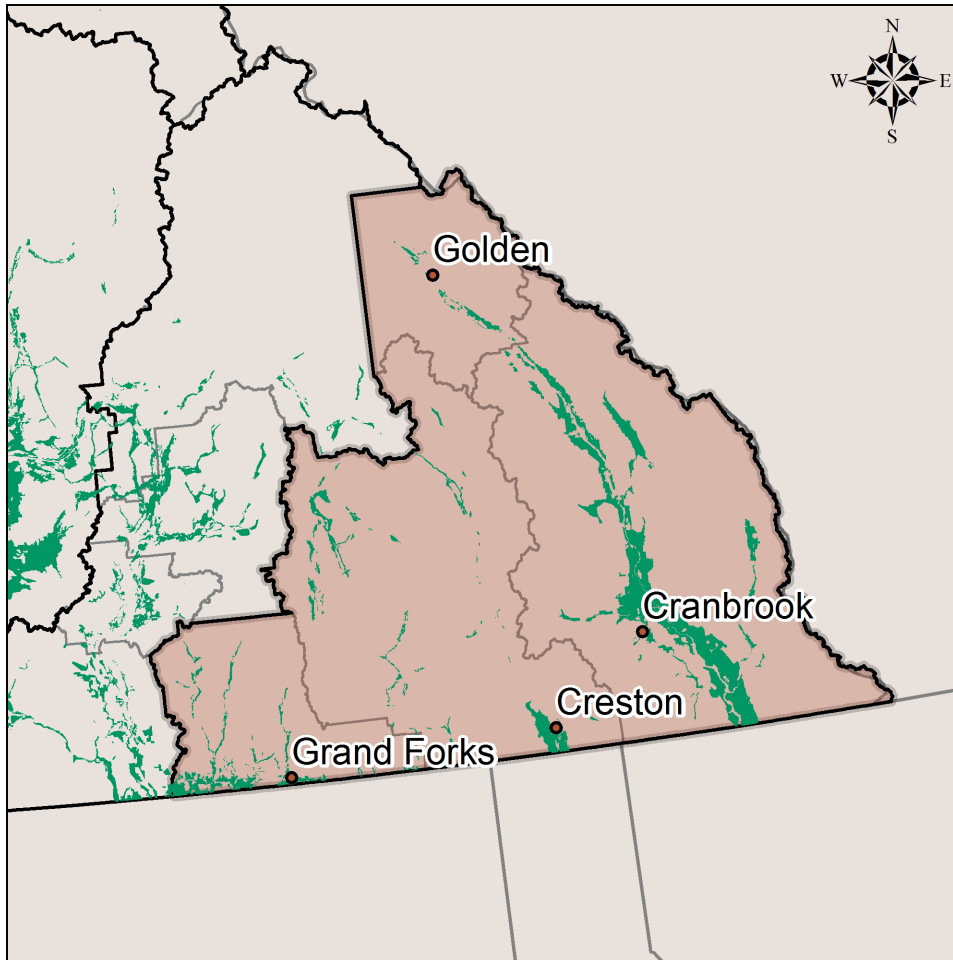
1.5%

Total ALR area in Region

115,434 hectares

Total area in Crown Land

~27,489 hectares



Kootenay Region

The Kootenay 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

Cranbrook
Creston
Grand Forks
Kimberly
Invermere
Sparwood

Percent of
Region in the ALR

5.8%

Total ALR area in Region

388,383 hectares

Total area in Crown Land

~226,526 hectares



North Region

The North 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

Fort Nelson
Fort St. John
Prince George
Telkwa
Terrace
Smithers
Vanderhoof

Percent of
Region in the ALR

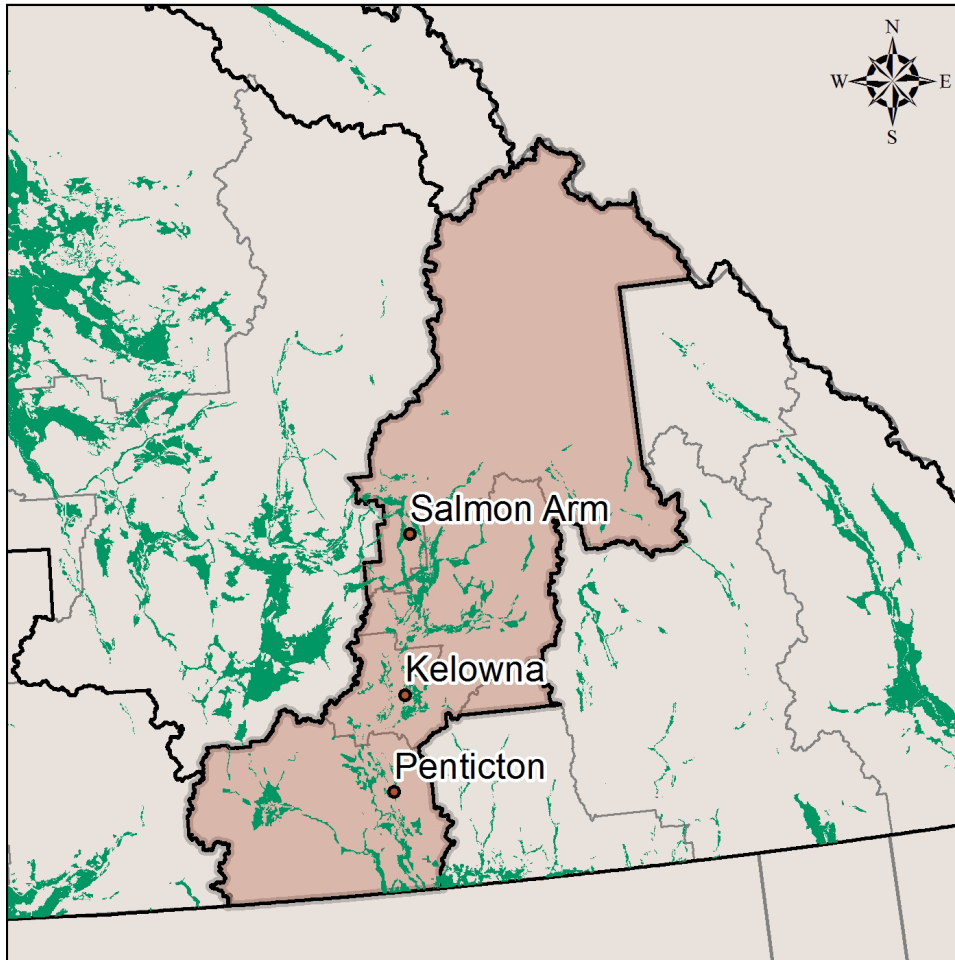
4.6%

Total ALR area in Region

2,207,019 hectares

Total area in Crown Land

~1,100,751 hectares



Okanagan Region

The Okanagan 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

Kelowna
Osooyos
Oliver
Penticton
Princeton
Revelstoke
Salmon Arm
Vernon

Percent of
Region in the ALR

5.1%

Total ALR area in Region

224,722 hectares

Total area in Crown Land

~93,622 hectares



South Coast Region

The South Coast 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

Abbotsford
Chilliwack
Langley
Mission
Pitt Meadows
Richmond
Surrey
Vancouver

Percent of
Region in the ALR

4.1%

Total ALR area in Region

148,236 hectares

Total area in Crown Land

~39,670 hectares

DECISIONS

ALC Decisions by Region and Type Fiscal 2019-2020

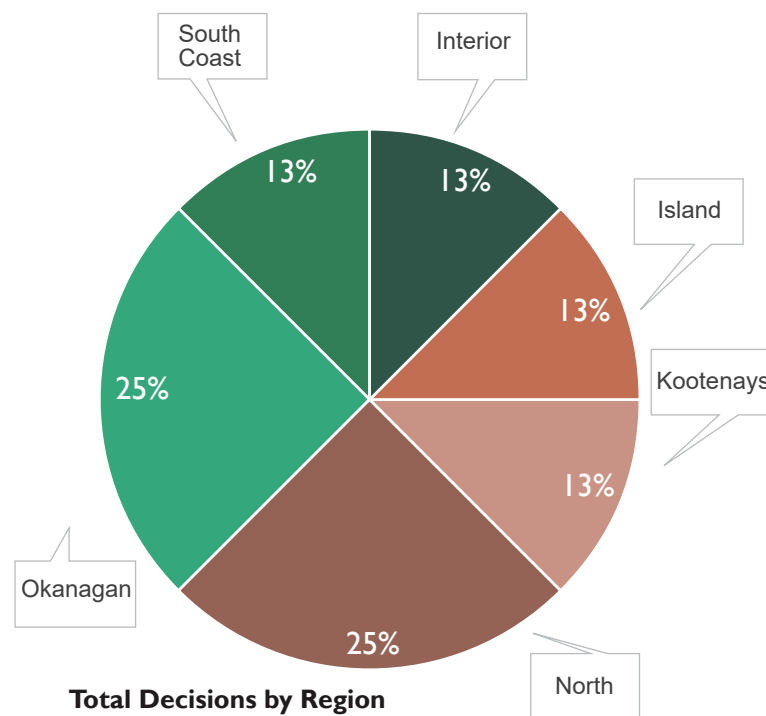
Region	Type	Approvals	Refusals	Total Decisions			
				2019-2020	2018-2019	2017-2018	2016-2017
Interior	Inclusion	1	0	1	1	1	5
	Exclusion	2	0	2	3	2	3
	Subdivision	2	6	8	11	5	8
	Non-Adhering Residential Use	0	1	1	-	-	-
	Non-Farm Use	9	2	11	5	8	13
	TUR	5	1	6	4	3	3
	Soil (Extraction and Fill)	1	1	2	2	3	4
	Total	20	11	31	26	22	36
Island	Inclusion	0	1	1	1	1	2
	Exclusion	5	3	8	5	4	6
	Subdivision	3	12	15	8	13	14
	Non-Adhering Residential Use	3	4	7	-	-	-
	Non-Farm Use	12	7	19	6	8	35
	TUR	7	0	7	8	5	5
	Soil (Extraction and Fill)	3	3	6	3	8	1
	Total	33	30	63	31	34	63
Kootenay	Inclusion	0	1	1	1	10	7
	Exclusion	2	5	7	3	1	3
	Subdivision	6	14	20	19	14	15
	Non-Adhering Residential Use	3	2	5	-	-	-
	Non-Farm Use	12	3	15	8	17	39
	TUR	4	0	4	4	4	1
	Soil (Extraction and Fill)	0	0	0	0	3	6
	Total	27	25	52	35	49	71
North	Inclusion	2	0	2	5	5	4
	Exclusion	3	4	7	9	4	2
	Subdivision	19	17	36	39	57	43
	Non-Adhering Residential Use	2	0	2	-	-	-
	Non-Farm Use	36	4	40	28	46	29
	TUR	9	0	9	10	5	10
	Soil (Extraction and Fill)	0	1	1	0	8	7
	Total	71	26	97	91	125	95
Okanagan	Inclusion	1	1	2	7	5	12
	Exclusion	3	4	7	16	4	1
	Subdivision	17	6	23	22	13	10
	Non-Adhering Residential Use	13	4	17	-	-	-
	Non-Farm Use	10	8	18	32	25	17
	TUR	9	0	9	13	2	2
	Soil (Extraction and Fill)	7	4	11	3	8	1
	Total	60	27	87	96	53	42
South Coast	Inclusion	1	0	1	2	10	7
	Exclusion	7	3	10	14	9	2
	Subdivision	16	9	25	21	31	37
	Non-Adhering Residential Use	25	9	34	-	-	-
	Non-Farm Use	20	10	30	22	25	32
	TUR	8	1	9	19	14	15
	Soil (Extraction and Fill)	4	3	7	5	14	15
	Total	81	35	116	83	103	108
TOTAL		292	154	446	316	391	415

Inclusion Applications

Applications made under Section 17(3) of ALC Act. Inclusion applications are for the addition of land into the ALR and may be initiated by the Commission, local government, First Nation, or landowner (fee \$0). The ALC does not require landowner consent to include land into the ALR. However, to be included into the ALR, the land must have capability for agricultural uses, based either on soils, climate, or a combination of both. Inclusion applications have no fee, and though they require local government support, they must be forwarded to the ALC for Commissioner consideration.

2%
OF 2019-2020
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	1	0	1
Island	0	1	1
Kootenay	0	1	1
North	2	0	2
Okanagan	1	1	2
South Coast	1	0	1
Totals	5	3	8



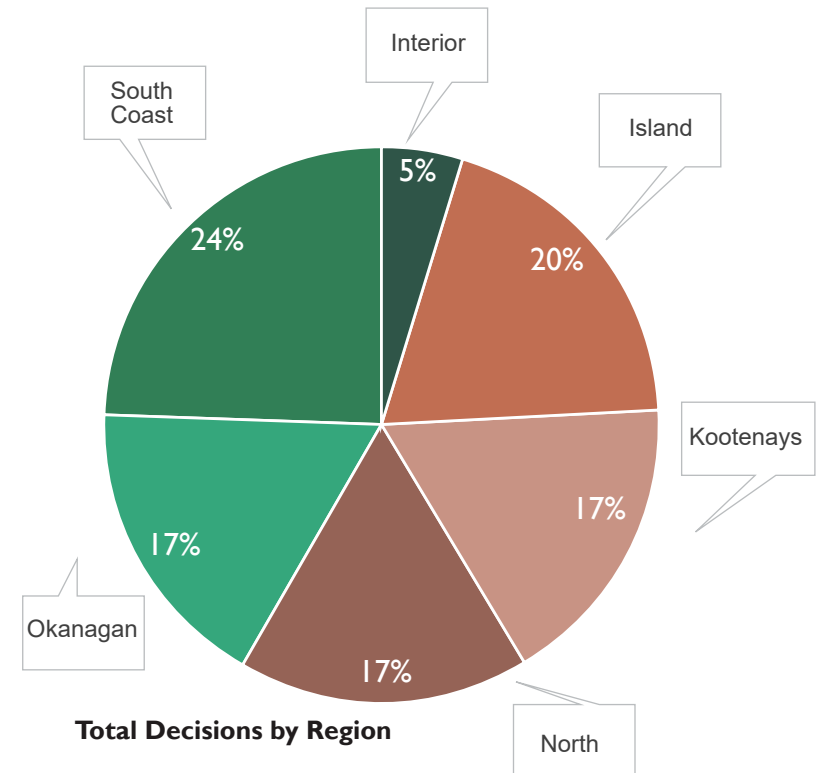
DECISIONS

Exclusion Applications

Applications made under Section 29, or 30 of the ALC Act (fee \$1500). Exclusion applications are to remove land from the ALR. Exclusion applications may be initiated by the Commission, a local government, First Nation, or landowner. All exclusion applications must first be reviewed by local government and may not proceed to the Commission unless authorized by a resolution of the local government. A local government may elect to refuse to forward an application to the Commission. The ALC may approve (with or without conditions) or refuse an exclusion application, or approve an alternative such as a subdivision, or non-farm use.

9%
OF 2019-2020
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	2	0	2
Island	5	3	8
Kootenay	2	5	7
North	3	4	7
Okanagan	3	4	7
South Coast	7	3	10
Total	22	19	41



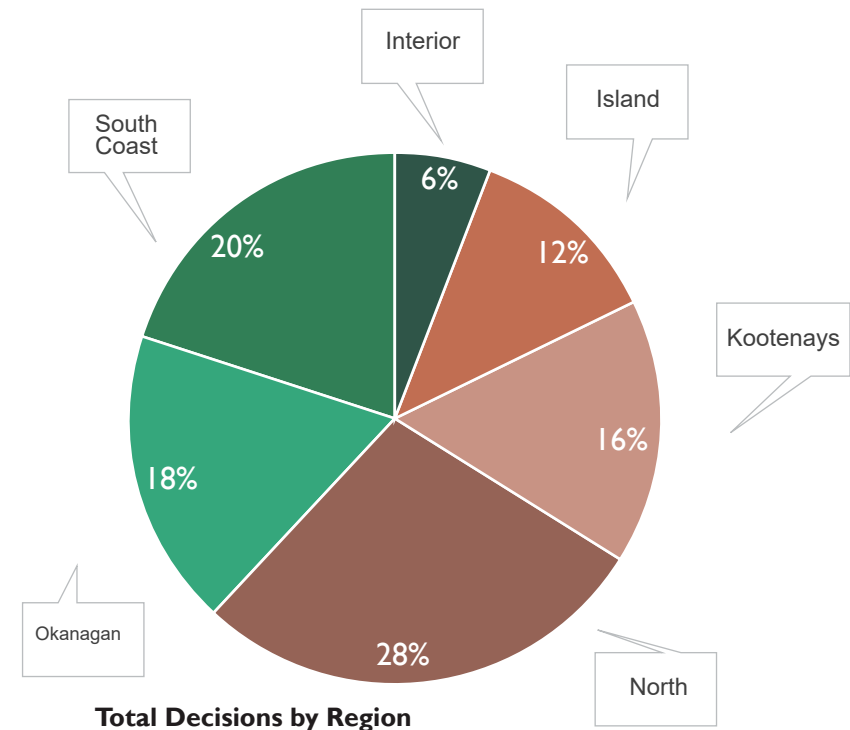
DECISIONS

Subdivision Applications

Applications made under Section 21(2) of ALC Act (fee \$1500). Subdivision applications may be initiated by a landowner. All subdivision applications must be reviewed by local government and may not proceed to the Commission unless authorized by a resolution of the local government. A local government may elect to refuse to forward an application to the Commission. The ALC may approve (with or without conditions) or refuse an subdivision application.

28%
OF 2019-2020
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	6	2	8
Island	3	12	15
Kootenay	14	6	20
North	17	19	36
Okanagan	6	17	23
South Coast	9	16	25
Total	55	72	127



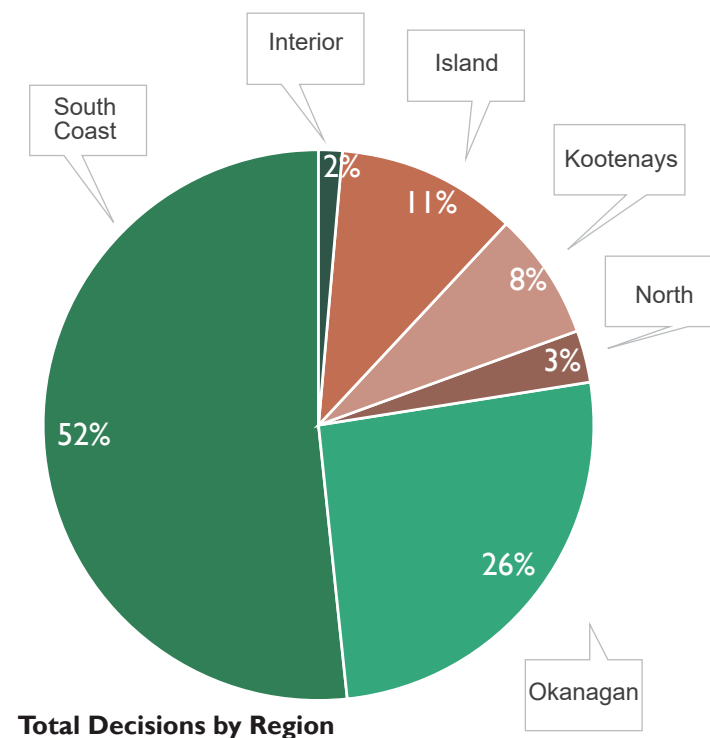
DECISIONS

Non-Adhering Residential Use Applications

Applications made under Section 20.1 of ALC Act (fee \$1500). A parcel of ALR land may not have more than a principle residence, with a floor area no greater than 500 m²; and a manufactured home, no more than 9 metres wide for a family member. Non-adhering residential use applications are required for additional residences for farm use, or other uses, or to construct a dwelling larger than 500 m². All non-adhering residential use applications must be reviewed by local government and may not proceed to the Commission unless authorized by a resolution of the local government. A local government may elect to refuse to forward an application to the Commission. The ALC may approve (with or without conditions), or refuse a non-adhering residential use application.

15%
OF 2019-2020
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	0	1	1
Island	3	4	7
Kootenay	3	2	5
North	2	0	2
Okanagan	13	4	17
South Coast	25	9	34
Total	46	20	66



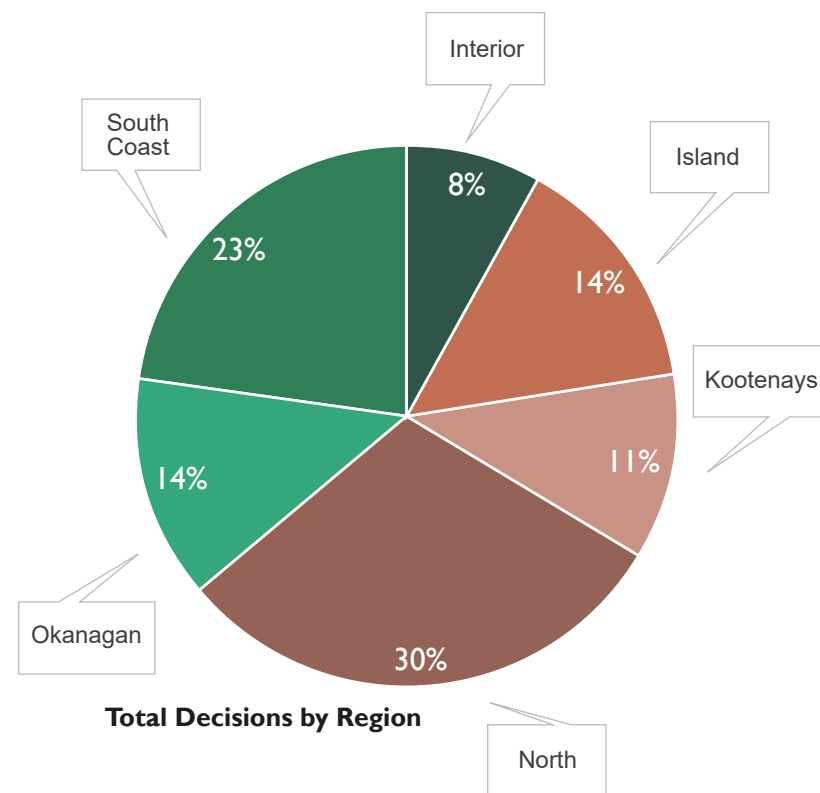
DECISIONS

Non-Farm Use Applications

Applications made under Section 20(2) of ALC Act (fee \$1500). Non-farm use applications are initiated by a landowner for uses that exceed the thresholds permitted in the regulation or are not uses expressly permitted by regulation, such as commercial or industrial business uses. All non-farm use applications must be reviewed by local government and may not proceed to the Commission unless authorized by a resolution of the local government. A local government may elect to refuse to forward an application to the Commission. The ALC may approve (with or without conditions), or refuse a non-farm use application.

30%
OF 2019-2020
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	9	2	11
Island	12	7	19
Kootenay	12	3	15
North	36	4	40
Okanagan	10	8	18
South Coast	20	10	30
Total	99	34	133



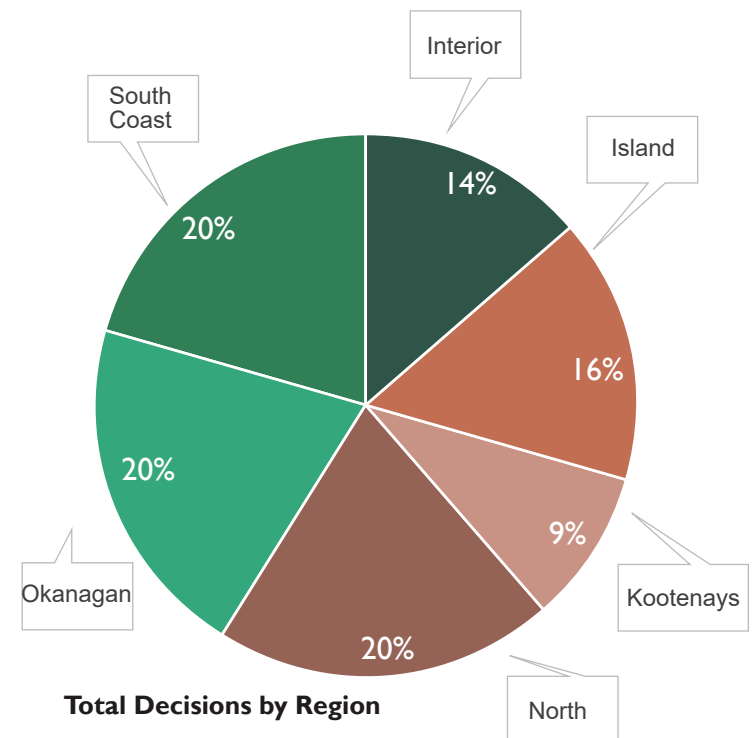
DECISIONS

Transportation, Utility, and Recreational Use Applications

Applications made under Section 6 of the Agricultural Land Reserve General Regulation (fee \$1500). Transportation, utility and recreational use applications are submitted directly to the ALC, without the necessity of review by local government. However, the ALC may refer the proposals to local government for comment as necessary. These applications may be submitted by a third party for a road or utility corridor work without the consent of the landowner, provided the landowner is notified that an application is being undertaken, and advised that they may submit their comments or concerns with the proposal directly to the Commission. The ALC may approve (with or without conditions) or refuse a Transportation, Utility, and Recreational Use application.

10%
OF 2019-2020
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	5	1	6
Island	7	0	7
Kootenay	4	0	4
North	9	0	9
Okanagan	9	0	9
South Coast	8	1	9
Total	42	2	44



Soil or Fill Use in the ALR

Placing fill or removing material from a property requires authorization from the ALC, unless it is listed as an Exempted Activity in the ALR Use Regulation. Additionally, some types of fill are prohibited under the ALCA and cannot be approved. A person who intends to place fill or remove soil or aggregate in the ALR for any use not exempt under Section 35 of the ALR Use Regulation may not do so without a Notice Intent or Soil or Fill Use Application being approved by the Commission.

The different streams are detailed below.

Exempted Activities

- **Maximum placement of fill for the following:**
 - Cranberry berms: 10 m base width and 2 m high
 - Flood protection dikes, drainage, irrigation, and livestock watering: 320 m³ / 16 ha annually
 - Farm structures: 1,000 m² area each
 - Principal residence: 1,000 m² area
 - Maintaining an existing farm road: 50 m³ annually
 - Top-dress for berries: 100 m³ / ha clean sand annually
 - Soil amendments: to a depth of 30 cm
- **Aggregate removal (up to a maximum of 500 m³)**
 - Cultivable surface layer of soil must be salvaged, stored on the parcel, and be made available for rehabilitation; and,
 - Disturbed area must be rehabilitated.
- **Soil research and testing, limited to the amount necessary**

Permitted Outright

ALC Authorization Required

- **A Notice of Intent (NOI) or Soil or Fill Use Application** is required to place fill or remove soil or aggregate for reasons other than an Exempted Activity.
 - NOI's are generally for small, routine proposals.
 - \$150 fee
 - No retroactive approvals
 - Decisions made by the office of the CEO
 - More complicated proposals may require an application. If an NOI is not approved, a landowner may be directed to submit an application. A landowner may also choose to directly submit an application instead of an NOI.
 - An application has a fee of \$1500, however, if it is a rejected application, the Applicant pays \$1350 to account for the \$150 NOI fee
 - Applications decisions are made by the Commission

NOI or Application

Prohibited

- **Placing fill or removing soil or aggregate (other than an Exempted Activity) without completing an NOI or application is prohibited.**
- **The following must not be used as fill on ALR land:**
 - 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

Not Permitted

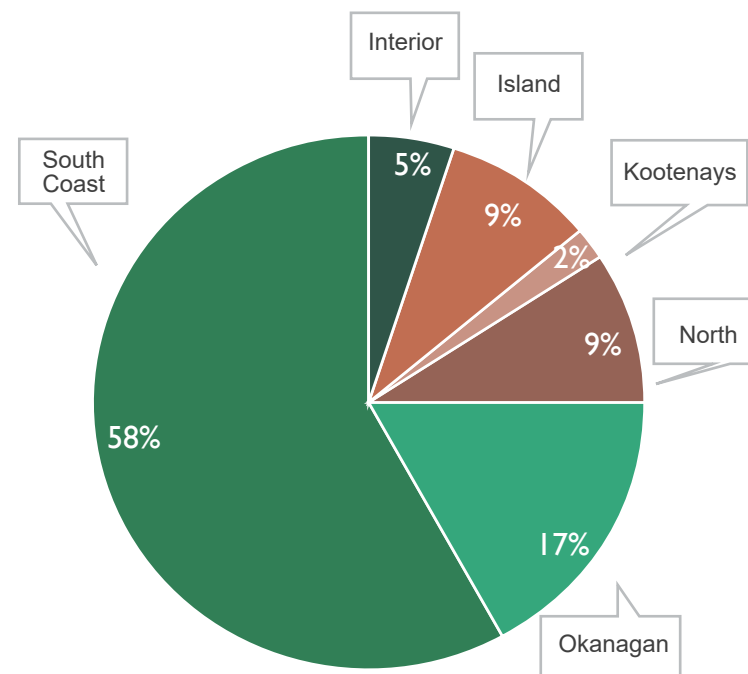
DECISIONS

Notice of Intent for Soil or Fill Use

Only in very limited circumstances may fill be placed or soil or aggregate removed from land in the ALR without a Notice of Intent (NOI) or Soil or Fill Use Application being approved by the Commission. NOIs, made under Section 20.3(c) of the ALC Act, may be approved for small scale, routine proposals to place fill on ALR land, or remove soil from ALR land (fee \$150). A person who intends to place fill or remove soil for specified farm uses or specified non-farm uses must file a NOI with the ALC at least 60 days before engaging in the intended use. The office of the CEO may either approve the proposal with conditions, or require the submission of a non-farm use application to the Commission (the NOI fee is discounted from the \$1500 Soil or Fill Use application fee).

Region	Approvals	Refusals	Total Decisions
Interior	5	2	7
Island	11	1	12
Kootenay	1	2	3
North	9	1	10
Okanagan	17	5	22
South Coast	59	15	74
Total	102	26	128

Please note: NOIs are not a part of the official application count.



Total Decisions by Region

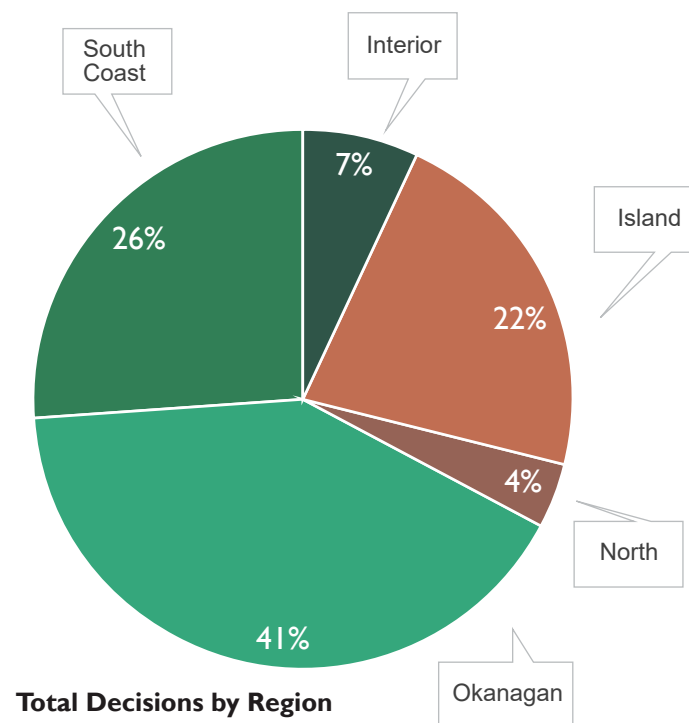
DECISIONS

Soil or Fill Use Applications

Applications made under Section 20.3(5) of ALC Act (fee \$1500) for the placement of fill or removal of soil or aggregate on an area wide basis, or that are large scale, or for a term exceeding 2 years may make a soil or fill use application to the Commission or they may be directed to do so after a review of a Notice of Intent by the office of the CEO. All soil and fill use applications must be reviewed by local government and may not proceed to the Commission unless authorized by a resolution of the local government. A local government may elect to refuse to forward an application to the Commission. The ALC may approve (with or without conditions) or refuse a soil or fill use application.

6%
OF 2019-2020
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	1	1	2
Island	3	3	6
Kootenay	0	0	0
North	0	1	1
Okanagan	7	4	11
South Coast	4	3	7
Total	15	12	27



Decision by Type and Administrative Region

April 1, 2019 to March 31, 2020

Interior Region

35% Non-Farm Use
26% Subdivision
19% Transportation, Utilities, & Recreation
6% Exclusion
6% Soil
3% Non-Adhering Residential Use
3% Inclusion

Kootenay Region

38% Subdivision
28% Non-Farm Use
13% Exclusion
9% Non-Adhering Residential Use
9% Transportation, Utilities, & Recreation
2% Inclusion
0% Soil

Okanagan Region

26% Subdivision
21% Non-Farm Use
20% Non-Adhering Residential Use
13% Soil
10% Transportation, Utilities, & Recreation
8% Exclusion
2% Inclusion

Island Region

30% Non-Farm Use
24% Subdivision
13% Exclusion
11% Transportation, Utilities, & Recreation
11% Non-Adhering Residential Use
10% Soil
1% Inclusion

North Region

41% Non-Farm Use
37% Subdivision
10% Transportation, Utilities, & Recreation
7% Exclusion
2% Inclusion
2% Non-Adhering Residential Use
1% Soil

South Coast Region

27% Non-Adhering Residential Use
23% Non-Farm Use
20% Transportation, Utilities, & Recreation
20% Subdivision
8% Exclusion
2% Soil
2% Inclusion

ALR Change by Commission

April 1, 2019 to March 31, 2020 | All figures are in hectares (ha)

Area Included and Excluded

Region	Inclusion		Exclusion		Net Change
	Approved	Refused	Approved	Refused	
Interior	11	0	2	0	9
Island	0	62	6	10	-6
Kootenay	0	72	4	33	-4
North	105	0	12	67	93
Okanagan	1	4	23	31	-22
South Coast	4	0	31	58	-27
Total	121	138	78	199	43

Yearly Net Changes to ALR

Yearly Comparison	Outright and Conditional Decisions		
	Inclusion	Exclusion	Net Change to ALR
2019	120.9	89.6	31.3
2018	373	77	297
2017	458	3015	-2557
2016	263	1195	-932
2015	75	4135	-4060
2014	1523	1897	-374

Agricultural Capability of Areas Approved for Inclusions

Region	Inclusion Area (ha)	Agricultural Capability			
		Prime	Mixed	Secondary	Unclassified
Interior	11	-	-	11	0
Island	0	-	-	-	10
Kootenay	0	-	-	-	33
North	105	-	-	105	67
Okanagan	1	1	-	-	31
South Coast	4	4	-	-	58
Total	121	5	138	116	199

Agricultural Capability of Areas Approved for Exclusions

Region	Exclusion Area (ha)	Agricultural Capability			
		Prime	Mixed	Secondary	Unclassified
Interior	2	-	2	-	-
Island	6	2	-	4	-
Kootenay	4	-	2	2	-
North	12	7	1	4	-
Okanagan	23	2	21	-	-
South Coast	31	17	14	-	-
Total	78	28	40	10	0

ALR Change by Commission Decision by Regional District

Area Included and Excluded - April 1, 2019 to March 31, 2020

Regional Districts	Outright and Conditional Decisions		Net Change Include/Exclude
	Application Type		
	Inclusion Area	Exclusion Area	
Buckley Nechako	104.7	0.6	104.1
Capital	-	1.3	-1.3
Central Kootenay	-	2	-2
Central Okanagan	0.9	0.2	0.7
Columbia Shuswap	-	21.2	-21.2
Comox Valley	-	0.8	-0.8
East Kootenay	-	2.4	-2.4
Fraser Valley	-	16.7	-16.7
Metro Vancouver	3.9	14.6	-10.7
North Okanagan	-	12.2	-12.2
Okanagan Similkameen	-	0.5	-0.5
Peace River	-	11.1	-11.1
Strathcona	-	4.1	-4.1
Thompson Nicola	11.4	1.9	9.5
Total	120.9	89.6	31.3

2019/2020 Year End Notification and Decision Processing Targets

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

PERFORMANCE INDICATOR	ACTUAL			TARGET
	2019/2020	2018/2019	2017/2018	
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.				
Notification of Complete Application within 5 business days of receipt of application	69%	95%	94%	100%
Notification of Deficient Application within 5 business days of receipt of Application	52%	95%	99%	100%
Performance Indicator 2: Notification to applicant of the ALC decision within 5 business days of the decision being finalized.				
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.				
Percentage of Applications processed within 60 business days	57%	47%	72%	90%
Performance Indicator 4: Percent of Applications processed within the 90 business day period.				
Percentage of Applications processed within 60 business days	81%	94%	95%	90%

Did you know?

The ALC is an administrative tribunal and applications must be reviewed individually on a case-by-case basis.

Bill 52 restricted uses in the ALR resulting in an increase of applications and increased workload for Commissioners.

Time was needed for ALC to become familiar with the new Act and Regulations, notify applicants, develop new processes, and respond to an increase in inquiries from the public & local governments.

Despite the challenges to meet processing times in 2019/2020 there was a significant improvement in performance targets between the first quarter and fourth quarter of the 2019/2020 fiscal year. In the fourth quarter, the ALC released 84% of decisions within 60 business days and 91% of decisions within 90 business.

Delegated Decisions

Prior to March 20, 2020, the ALC had the ability to enter into an agreement with a local government, government agency or public body granting them the authority to decide on non- farm use and subdivision applications in the ALR. Under Section 26 (5) of the ALC Act, a decision made by a delegated authority has the same legal effect as a decision of the ALC.

Following the partial enactment of Bill 15 on March 20, 2020, the ALC no longer has the ability to enter into an agreement with a local government.

At the beginning of fiscal 2019/2020, the ALC had delegation agreements with the Regional District of Fraser Fort George (RDFFG) and the BC Oil and Gas Commission (OGC). However, FFGRD voluntarily withdrew from the delegation agreement in July 2019 following the announcement that Bill 15 would no longer allow for delegation to a local government authority. The following is a summary of delegated decisions for the 2019/20 fiscal.

Delegated Decisions Statistics:

Regional District of Fraser-Fort George (RDFFG)

The ALC delegated conditional approval for decision making in the ALR to the RDFFG in 2002.

The RDFFG made 4 decisions under their delegated decision-making authority until they withdrew from their delegation agreement: 2 for subdivision, and 2 for non-farm uses. The now-lapsed 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

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, subject to certain thresholds.

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 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

The OGC made 28 non-farm use decisions for oil and gas facilities that exceed the 20 ha per section threshold of oil and gas facilities permitted in the ALR under their delegated decision-making authority, affecting 153.5 ha of ALR in 2019/2020.

OGC Application Summary April 1, 2019 – March 31, 2020

Applications Submitted	28
Applications Approved	28
Total Area of Non-farm Use Approved (ha)	153.5
Applications Triggering Item 2 of Appendix I1	17
Applications Triggering Item 4 of Appendix I1	5
Applications Triggering Item 5 of Appendix I1	12
Applications Triggering Item 6 of Appendix I1	0

Deputy Minister Task Force – Agriculture and Oil & Gas in Northeast BC

The Minister of Agriculture's Independent Advisory Committee on the revitalization of the Agricultural Land Reserve and the Agricultural Land Commission expressed concern that the development and expansion of provincial oil and gas resources in the ALR in Northeast BC has 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 viability of agriculture in this part of the region and province.

The Revitalization Report can be found here: https://engage.gov.bc.ca/app/uploads/sites/121/2019/04/Final-Committee-Report-to-the-Minister-of-Agriculture-Recommendations-for-Revitalization-December-4-2018_Optimized.pdf

This Task Force was established in 2019 to consider Recommendation 25 from the Revitalization Report. The Task Force is comprised of the:

- Deputy Minister of Agriculture
- Deputy Minister of Energy Mines and Petroleum Resources;
- Chief Executive Officer, Agricultural Land Commission; and,
- Commissioner and Chief Executive Officer, BC Oil and Gas Commission.

The Task Force is charged with developing a comprehensive and factual report to provide both the history and current context in Northeast BC with respect to oil and gas and agricultural land use, as well as examining existing policy and regulatory frameworks for both sectors. This report will guide additional work including:

- determining any regulatory or legislative enhancements that may be warranted;
- consideration of available information deemed appropriate, including the Farmington Landowners Group trials, the Peace River Regional District and local farmers/ranchers; and,
- consultation as appropriate/desired with Indigenous Communities, landowners local governments, industries and others.

The Task Force will provide any findings or recommendations arising from their work to the Deputy Minister Committee for Natural Resources (DMCNR) for review and discussion prior to advancing any recommendations to Government.

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) Reconsideration Requests

The Commission may reconsider a decision pursuant to s. 33(1) upon written request of an affected party or at the Commission's own initiative if the Commission determines that:

- (a) evidence not available at the time of the original decision has become available that could not have been made available had the person affected exercised due diligence,
- (b) all or part of the original decision was based on evidence that was in error or was false.

This is a discretionary authority that provides the Commission with a mechanism to revisit a decision if found to be flawed due to the consideration of incorrect information or, if compelling information is provided that would have significantly contributed to the Commission's understanding of the facts at the time of its original deliberation. Upon reconsideration, a decision maker may confirm, reverse, or vary the decision.

Prior to March 12, 2020, 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. After changes to the ALC Act took effect March 12, 2020, all requests for reconsideration are sent directly to the decision-maker(s) on the original decision (i.e. Executive Committee, Panel or CEO) to decide if they wish to reconsider the decision.

In 2019/2020, Commission decision-makers received 83 requests for reconsideration under s. 33(1) of the ALC Act. Including requests received late in 2018/19, 87 requests were considered this fiscal, as noted in the table on the next page.

Section 33.1 Reconsiderations Directed by the ALC Chair

Pursuant to Section 33.1 of the ALC Act, the Chair may direct the Executive Committee to reconsider an application decision made by a Panel if the Chair finds that the application decision may not fulfill the purposes of the Commission as set out in Section 6 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.

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. The Executive Committee must review the application and then may confirm, reverse, or vary the decision.

The Executive Committee reconsidered 2 application decisions at the request of the Chair, both of those requests were decided on this fiscal, as noted in the table on the next page.

RECONSIDERATIONS

(1) Section 33(1) Reconsideration Requests

Region	Requests Considered	Requests Sent for Reconsideration	Decisions Reversed	Decisions Confirmed	Decisions Varied
Interior	5	1	0	0	0
Island	13	5	0	2	2
Kootenay	18	6	1	2	1
North	8	1	1	0	0
Okanagan	14	6	1	2	1
South Coast	29	14	0	1	5
Totals	87	33	3	7	9

(2) Section 33.1 Reconsiderations Directed by the Chair

Region	Decisions Directed to Executive	Decisions Reversed	Decisions Confirmed	Decisions Varied
Interior	0	0	0	0
Island	0	0	0	0
Kootenay	0	0	0	0
North	0	0	0	0
Okanagan	0	0	0	0
South Coast	2	1	0	1
Totals	2	1	0	1

Policy and Information Bulletins

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

The ALC was kept busy in 2019/2020 responding to legislative changes to the ALC Act and its regulations. The ALC Act and regulatory amendments had, and continue to have, a substantial impact on Commission workload and resources, requiring the development of new processes, policies, information bulletins, website content and application portal changes to facilitate implementation of amended legislation.

The ALC completed work on the following listed policies and information bulletins in 2019/20.

Repealed Policies:

In April 2019, the following policies were repealed due to the residential related changes to the ALC Act and its regulations as a result of Bill 52-2018:

- *ALC Policy L-05: Agri-Tourism Accommodation in the ALR*
- *ALC Policy L-06: Bed and Breakfast Use in the ALR*
- *ALC Policy L-08: Residential Uses – Zone 1*
- *ALC Policy L-09: Additional Residences for Farm Help Accommodation*
- *ALC Policy L-18: Residential Uses – Zone 2*
- *ALC Policy L-17: Lease for a Retired Farmer – Zone 2*

The following policies were replaced with two new information bulletins outlining the legal interpretation of the new residential use rules:

- *ALC Information Bulletin 05: Residences in the ALR & ALC Information Bulletin 06: Accommodation For Tourists in the ALR; and,*
- *ALC Policy L-19: Utility Services within an Existing Right-of-Way* as a result of OIC# 67/2019 which removed the word 'dedicate' from the ALR General Regulation, for transportation and utility applications.

As a result of OIC #67/2019, ALC approval is only required for construction of non-farm works within a right-of-way; not for the registration of the right-of-way itself, with the exception of legal instruments that transfer ownership of the lands and are therefore considered a form of subdivision.

Amended Policies:

In April 2019, the following policies were amended to appropriately reference the new ALC Act, ALR General Regulation and ALR Use Regulation and new soil or fill use requirements.

New Policies:

ALC Policy L-24: Farm Related Commercial and Farm-Related Industrial Uses was developed and adopted to provide general guidelines for Commission decision-making when considering the placement of fill, removal of soil, and applications for non-farm use pertaining to the development of farm structures for farm-related commercial and industrial uses, including farm product processing, farm retail sales, alcohol production facilities, etc.

ALC Policy L-25: Manufactured Homes in the ALR was developed and adopted to assist in the interpretation of the ALC Act and the ALR Use Regulation with respect to what is considered a manufactured home in the ALR, including the appropriate Canada Standards Association standard, length, number of storeys, etc.

Amended Information Bulletins:

Information Bulletin 04: Cannabis Production in the ALR was re-issued on May 8, 2019 to clarify 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 m²).

ALC Information Bulletin-05: Residences in the ALR was amended to reflect the changes to the ALR Use Regulation for manufactured homes for family members on July 5, 2019 and January 28, 2020.

New Information Bulletins:

ALC Information Bulletin-08: Request for Reconsideration was adopted to provide guidance and assist in the interpretation of Section 33 of the ALC Act regarding a request for reconsideration, specifically related to the decision-making body responsible for considering requests for reconsideration, limits place on the number of request per application (one request), reconsideration request criteria, time limits placed on requests, and the new decision-making criteria in Section 6(2) of the ALC Act.

Regional Planning

The ALR spans 143 different local governments, including 116 municipalities and 27 Regional Districts. To avoid inconsistencies between local government bylaws and the ALC Act, its regulations, or any Orders of the Commission, the ALC works with local governments to undertake a coordinated and cooperative bylaw review process.

In 2018, the ALC adopted an updated bylaw review guide: *“ALC Bylaw Reviews: A Guide for Local Governments.”* 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.

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 (OCP)
- OCP Policies

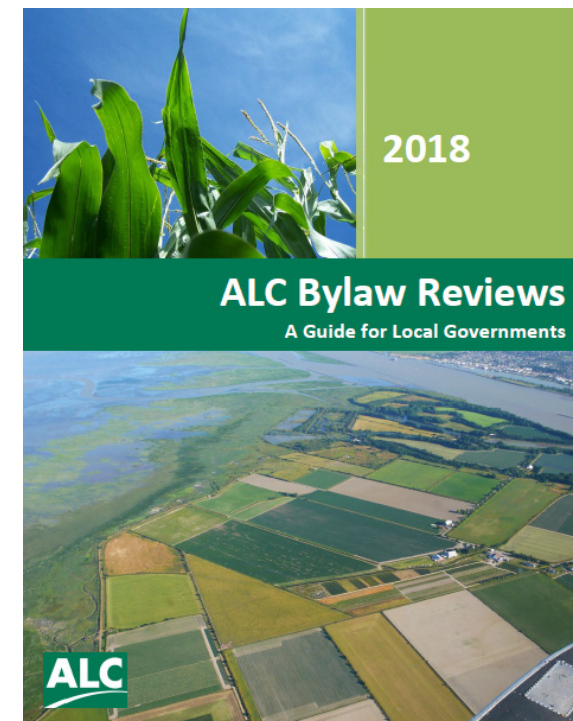
- Neighbourhood Plans
- Zoning Bylaws
- Agricultural Area Plans
- Transportation Plans
- Parks and Open Space Plans

When a draft bylaw is referred to the ALC, staff conduct a preliminary review to assess whether it proposes to designate ALR land for non-agricultural uses (for example, designating ALR land as “residential” in an OCP), or proposes to support the exclusion or non-farm use of ALR.

If a draft bylaw does not propose to designate ALR land for non-agricultural uses or does not propose to support the exclusion or non-farm use of ALR, then the review is completed by ALC staff. ALC staff are responsible for identifying inconsistencies between draft bylaws and the ALC Act, ALR General Regulation, and the ALR Use Regulation. In the 2019/2020 fiscal year, ALC staff received and reviewed 132 referrals from local governments. A selection of these are presented on the following page.

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. Such a resolution of the Commission can support or refuse to support the re-designation of ALR lands for non-agricultural uses.



The [Bylaw Review Guide](#) is available here.

Highlights of Referrals completed for the North Region

Local Government	Referral Name	Referral Details	ALC Response
Peace River Regional District	Zoning Amendment Bylaw No. 2373, 2019	To permit a minimum parcel size of 45 ha for three properties in order to build out the Rural Community of Montney, as designated in the PRRD Official Community Plan Bylaw No. 1940, 2011 and eliminate non-conformity.	File 51380: ALC staff had no objection to the 45 ha minimum lot size as it facilitated subdivision of the areas adjacent to the intersection of 271 and 256 Roads, as previously endorsed by Resolution #26N/2013.
Peace River Regional District	OCP and Zoning Amendment Bylaw Nos. 2374 and 2375, 2019	To amend the OCP designation of a property from Medium Density Rural Residential (MDR) to High Density Rural Residential (HR) and rezone from Residential 3 (R-3) to Residential 1 (R-1) to subdivide into 78 lots.	File 51374: ALC staff had no objection as it was consistent with the previous ALC in Resolution #145/2011.
Peace River Regional District	Zoning Amendment Bylaw No. 2376, 2019	To rezone two properties from Large Agricultural Holdings (A-2) to Light Industrial (I-1).	File 51397: ALC staff restated requirement to exclude properties supported for industrial use in the Comprehensive Development Plan, from the ALR prior to rezoning.
Peace River Regional District	Zoning Amendment Bylaw No. 2365, 2019	To rezone a \pm 0.6 ha portion of two properties from the Large Agricultural Holdings Zone (A-2) to General Commercial Zone (C-2).	File 51473: ALC staff encouraged the PRRD to create a site-specific zone and/or a special exception to the General Commercial Zone. While portion of the properties was previously approved for campground use, the proposed permits uses inconsistent with the ALCA and its regulations.

Highlights of Referrals completed for the Interior Region

Local Government	Referral Name	Referral Details	ALC Response
Cariboo Regional District	Zoning Amendment Bylaw No. 5215	To rezone a property from Rural 1 (RR 1) to Rural 2 (RR 2) and Rural 3 (RR 3) in order to subdivide four lots ranging in size from 0.8 ha to 2.36 ha.	File 51445: ALC staff the ALC encouraged the CRD to create a site-specific zone and/or a special exception to the RR-2 zone in order for the ALR lots zoning to be consistent with the ALCA and its regulations.
Thompson Nicola Regional District	North Thompson Official Community Plan Bylaw – Draft #1	To replace the existing Blue River, Avola, Clearwater, and Barriere OCPs and establish long-range planning policy for the Electoral Areas “A” (Wells Gray Country), “B” (Thompson Headwaters) and “O” (Lower North Thompson)	File 46694: ALC staff provided general comments on the OCP and some minor wording changes.
City of Quesnel	OCP and Zoning Bylaw Nos. 1879 and 1880	To guide the City’s future growth and development towards the year 2030.	File 46699: ALC staff provided general comments on the OCP and some minor wording changes.

Highlights of Referrals completed for the Okanagan Region

Local Government	Referral Name	Referral Details	ALC Response
District of Lake Country	Temporary Use Permit 2019-003	To allow for the continued use of the property for mechanical, electrical, and maintenance repair, including both mobile and shop based services.	File 51471: ALC staff objected to the issuance of the TUP, as there was no approval for this use, but noted that the applicant may wish to request confirmation from the ALC as to whether the property meets Section 23(1) of the ALCA.
Regional District of Okanagan Similkameen	Electoral Area OCP and Zoning Amendment Bylaw Nos. 2804, 2019	To undertake textual amendments to the Low (LR) and Medium Density Residential (MR) designations in the OCPs, and a series of amendments to the Residential Multiple Family Zones in the Zoning Bylaws.	File 46696: ALC staff generally supported the bylaws, with the exception of the redesignation of one of property proposed for MR.
Regional District of Okanagan Similkameen	OCP and Zoning Amendment Bylaw Nos. 2785	To establish consistent regulations across the Electoral Areas with respect to accessory structures, including allowing accessory dwellings in certain low density residential zones, agricultural zones, resource area zones, and small/large holdings zones	File 46701: ALC staff supported the amendments, however recommended revised wording to ensure clarity.
Regional District of Okanagan Similkameen	Electoral Area A, C, D, E, F, H, and I OCP Amendment Bylaw No. 2876	To establish consistency between the Watercourse Development Permit Area designation of the OCPs and the recently implemented Provincial Riparian Area Protection Regulation.	File 46702: ALC staff had no objection, as the bylaws reflect new Provincial legislation and the restrictions imposed by the development permit area do not apply to agricultural activities.
Town of Princeton	OCP and Zoning Amendment Bylaw Nos. 977 and 978, 2020	To provide a framework for the growing, production and sale of cannabis in the Town	File 46711: ALC staff recommended amending the bylaws to reflect the permitted cannabis production, processing and retail sales in the ALR.

Referrals completed for the Kootenay Region

Local Government	Referral Name	Referral Details	ALC Response
Regional District East Kootenay	Village of Canal Flats OCP Review	New Village Official Community Plan - ALC Executive Resolution	ALC File: 46677 ALC Executive Resolution 2660/2019
Regional District East Kootenay	Bylaw Referral 9719222 - Subdivision and Rezoning	Rezoning and Subdivision proposal referral	ALC File: 46706
Regional District Central Kootenay	Crown Land License of Occupation 100288977	Remove accreted rock/gravel from stream for restoration	ALC File: 51671
City of Sooke	Bylaw 774 Regional Context Statement Review	Bylaw to amend Regional Context Statement in Regional Growth Strategy to protect Ag land	ALC File: 46718

Highlights of Referrals completed for the South Coast Region

Local Government	Referral Name	Referral Details	ALC Response
City of Richmond	Official Community Plan Bylaw # 9000, Amendment Bylaw 10061 and Richmond Zoning Bylaw 8500, Amendment Bylaw 10062	Related to cannabis production within the Agricultural Land Reserve	ALC File 46678: ALC staff expressed concerns related to setbacks and lot coverage.
City of Surrey	Development Application No. 7915-0020-00	Amendment to alter Surrey Zoning Bylaw, 1993, No. 12000 (CD Bylaw) for a property adjacent to the ALR.	ALC File 46693: ALC staff did not object to the proposed CD Bylaw but indicated the proposed 15 meter setback may not be sufficient in order to mitigate edge conflicts which may occur in relation to noise or odor with the adjacent property to the south.
Fraser Valley Regional District	Official Community Plan Updates Popkum and Bridal Falls, Electoral Area D	Referral including summary of the edits made to the draft copy of the OCP for Popkum and Bridal Falls, Electoral Area "D"	ALC File: 46537 ALC staff recommended wording adjustments to strengthen protection of the ALR. ALC staff also disagree with statements indicating that large rural residential lots reduce conflicts along the ALR border.
Town of Gibsons	Town of Gibsons Zoning Bylaw Amendment No. 1065-53, 2020 for cannabis production facilities	Referral regarding a zoning amendment that will prohibit cannabis production facilities in the Town of Gibsons, except where specifically permitted.	ALC File: 46708 ALC Staff recommend that Gibsons revise the wording to explicitly acknowledge the Agricultural Land Reserve, where cannabis may be produced when consistent with Section 8 of the ALR Use Regulations (outdoors, inside a structure that has a base consisting entirely of soil, or in a pre-existing structure that was constructed for the purpose of growing crops inside of it).

Referrals completed for the Island Region

Local Government	Referral Name	Referral Details	ALC Response
Quathet Regional District	Texada Island OCP Bylaw #551 Review	New Texada Island Official Community Plan	ALC File: 46697
City of Nanaimo	East Wellington Park Plan Review	Review of East Wellington Park development plan	ALC File: 46689
District of Central Saanich	Review Bylaw 1973 - Farmworker Housing (ALC 46705)	Review proposed and final OCP amendment Bylaw addressing Farmworker housing provisions	ALC File: 46695
City of Sooke	Bylaw 774 Regional Context Statement Review	Bylaw to amend Regional Context Statement in Regional Growth Strategy to protect Ag land	ALC File: 46718

ALC Regional Seminars

Throughout May and June 2019, the ALC undertook a province wide engagement initiative in nine different areas, engaging with approximately 269 people across 72 local governments, including the following locations:

Island; Nanaimo: May 1, 2019
Okanagan/Interior; Kelowna: May 22, 2019
Sunshine Coast; Sechelt: May 22, 2019 (Mini Seminar)
South Coast; Langley: May 30, 2019
Kootenay; Cranbrook: June 5, 2019
North/Interior; Prince George: June 12, 2019
Northwest; Terrace: June 14, 2019 (Mini Seminar)
Northeast; Fort St. John: June 19, 2019
Island; Saanich: August 20, 2019 (Mini Seminar)

The purpose of the Regional Seminars was to engage with local government staff and elected officials to discuss the 2018/2019 changes to the ALC Act and Regulations, policies, procedures, and region-specific topics.

Supporting BC Farmers

From September to November 2019, the ALC CEO and Chair joined the Ministry of Agriculture for a province wide consultation and engagement series designed to elicit citizen feedback on the recent legislative changes.

Eight sessions were hosted across the province (Merville, Delta, Dawson Creek, Prince George, Kamloops, Kelowna, Castlegar and Cranbrook), with a total of 613 British Columbians registered. A further 1,580 online survey submissions and 87 personal submissions were received.

The sessions were focused on three major topics: i) supporting farmers and ranchers in the ALR to expand and diversify their businesses; ii) helping new or young farmers become established on the land and in businesses; and, iii) ensuring flexibility for residential options while prioritizing agriculture in the ALR. The findings from engagement series were published in [Supporting B.C. Farmers Public Engagement “What We Heard” Report](#).

ALC Engagement

In addition to the ALC Regional Seminars in the Spring of 2019 and the Supporting BC Farmers Consultation Session in the Fall of 2019, ALC staff participated in 32 community engagement activities, summarized in the table below:

Regional District South Okanagan, April 2019

Association of Vancouver Island and Coastal Communities, April 2019

Real Estate Institute of British Columbia, April 2019

University of Northern British Columbia/Metro Vancouver Policy Lab; Burnaby, April 2019

Planning Institute of British Columbia Conference, May 2019

Central Saanich Open House, May 2019

Highway 97 Lake Country Planning Study Conference Call with Ministry of Transportation and Infrastructure, Urban Systems, stakeholders, June 2019

Peace River Regional District, June 2019

BC Agriculture in the Classroom, July 2019

Regional Planning Lab; Kelowna (included a number of other local governments, discussing compliance issues in the ALR), July 2019

BC Cattlemen, July 2019

City of Maple Ridge, July 2019

City of Vancouver Discussion - Bill 52 and Southlands, July 2019

BC Land Summit, August 2019

Regional Industrial Lands Strategy Stakeholder Workshop, September 2019

Township of Langley Farm Tour, September 2019

City of Chilliwack Farm Tour, September 2019

BC Dairy Association, September 2019

Canadian Farm Writers Conference, September 2019

Union of British Columbia Municipalities (UBCM), October 2019

BC Agriculture Council, October 2019

BC Expropriation Conference, October 2019

Manufactured Homes Definition Discussion with City of Abbotsford, RDNO (via phone), Township of Langley (via email), and Manufactured Homes Association, industry representatives, October 2019

Lower Mainland Flood Forum, October 2019

Vancouver Fraser Port Authority Land Use Plan, November 2019

BC Farmer's Institute Conference, November 2019

Minister Donaldson FLNRORD, November 2019

Thompson Nicola Regional District Committee, November 2019

UBC School of Land and Water systems, November 2019

Integrated Partnership for Regional Emergency Management 2019 Regional Tabletop Exercise, November 2019

Squamish Lillooet Regional District AAC - presentation on residential changes, January 2020

Alberni Farmer's Institute, January 2020

Ministry of Energy, Mines, and Petroleum Resources – conference call discussion re: bonding; agreement on MOU potential, January 2020

Regional District of North Okanagan Advisory Planning Committee, January 2020

Certified Organic Association of British Columbia Conference, February 2020

UBCM electoral Director's Forum, February 2020

Ministry of Agriculture Agri-Team Session, March 2020

BC Trails Strategy Discussion – FLNRORD, Ministry of Agriculture, March 2020

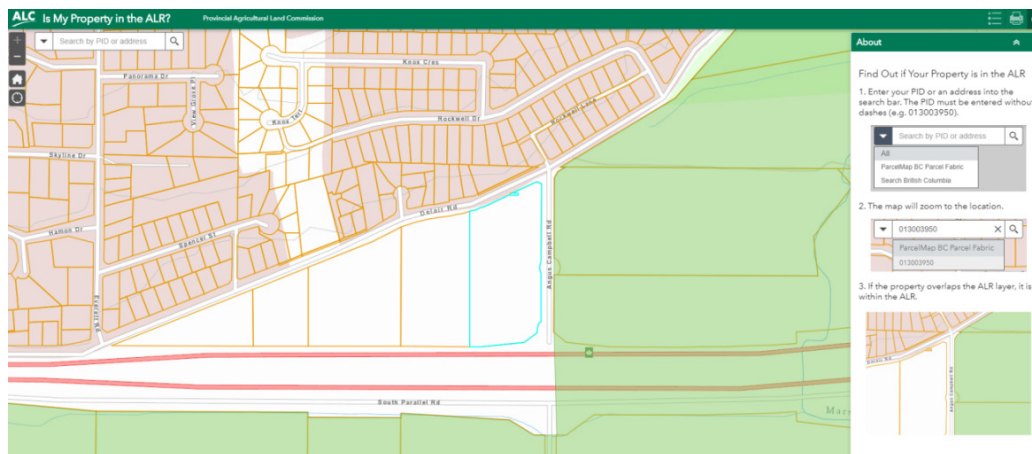
Ministry of Transportation and Infrastructure provincial approving officer Meeting March 2020

Unregulated Areas of the ALR

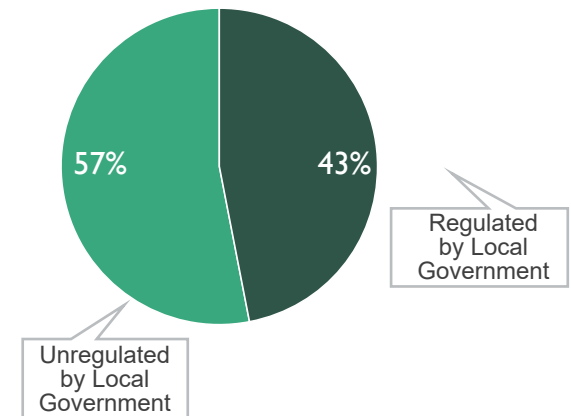
Starting in late 2019 and continuing on through 2020, the ALC wanted to determine the percentage of the ALR in local government jurisdictions unregulated by bylaw (both zoning and building permit regulation). Working with local governments, it was determined that of the approximately 4,613,000 ha of ALR reported in July 2019, it was determined that 11% of the ALR is unregulated by local government zoning, while 47% percent requires no building permits or inspection. This is illustrated in the graphs on the right.

New ALR Property and Map Finder

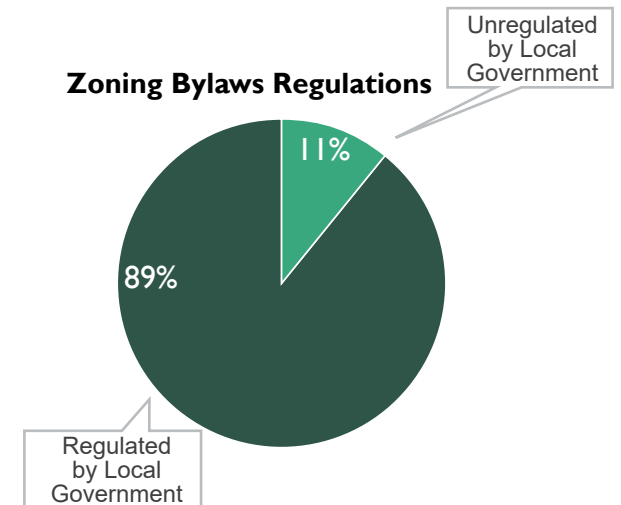
The ALC GIS department is committed to serving the public and improving their mapping services. A new and more efficient ALR Property and Map Finder web mapping application will be made available in the summer of 2020. The new application is mobile and tablet compatible with a simple user interface.



Building Permits Regulations



Zoning Bylaws Regulations



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 2019/2020, BC courts issued two judgments related to the ALC. 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 and 2019 BCCA 302

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). In August 2018, the BC Supreme 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.

The appeal was dismissed (that is, the court ruled in the Commission's favour) on August 19, 2019. The Court of Appeal found that an error in the Commission's process does not give an applicant the right to bring a claim for damages, and that the plaintiffs/appellants had not alleged any facts that would amount to a breach of the settlement agreement. The Court of Appeal did not decide whether the Commission's statutory immunity barred the action, or whether the action was an abuse of process. The plaintiffs/appellants paid court costs to the Commission.

R.N.L. Investments Ltd. v. Provincial Agricultural Land Commission, 2019 BCSC 1191

The owner of a Surrey golf property applied to exclude the property from the ALR for development. The regional Region approved the exclusion, but the Chair directed reconsideration under s. 33.1 of the Agricultural Land Commission Act and the Executive Committee on reconsideration refused the application. Its initial decision was inadvertently made without consideration of an expert report submitted by the property owner. The Executive Committee rescinded (or purported to rescind) this initial decision and made a new reconsideration decision in which it again refused the exclusion application.

The judicial review petition was heard by the BC Supreme Court in February 2019 and decided in July 2019. The court found that the Executive Committee's first decision was a nullity (that is, it had no legal force or effect) because of the failure to consider the new expert report. As a result, it was proper for the Executive Committee to engage in a new reconsideration. The BC Supreme Court dismissed the petition, rejecting the petitioner's allegations that the Chair was biased or had unreasonably fettered his discretion in referring the application for reconsideration because it was a golf course. The court also rejected procedural unfairness allegations (including that the Chair had failed to give reasons for decision for the referral) in its decision.

The property owner appealed and the matter was heard by the Court of Appeal on March 4, 2020. The property owner's main arguments on appeal were that the Chair was required to give reasons for decision when directing reconsideration under s. 33.1, and that the Executive Committee's reconsideration process was procedurally unfair because it did not undertake a new site visit and exclusion meeting attended by the property owner. The Court of Appeal has not yet issued its decision.

Compliance and Enforcement Program 2019/2020

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, compliance verification and enforcement tools.

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.

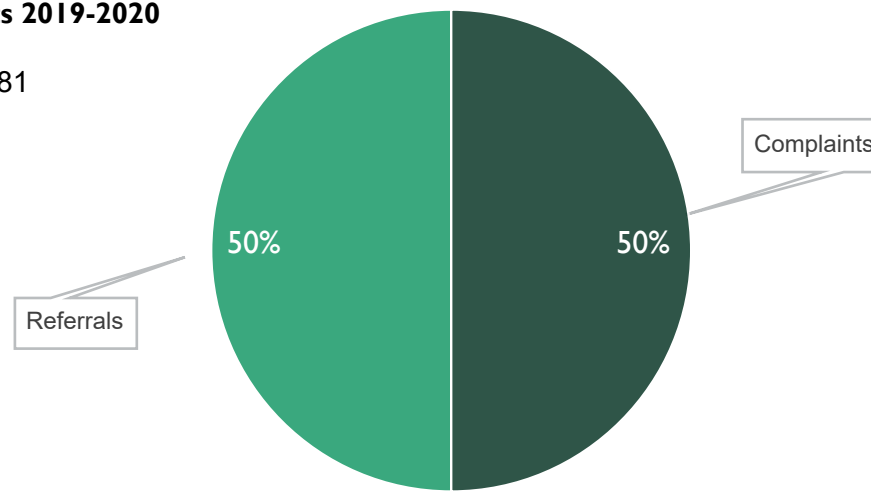
From 2007-2016, the C&E program was comprised of two C&E officers. In 2016, with the additional funding provided by the provincial government, the C&E program was increased to five officers (including a C&E coordinator) and a resource assistant dedicated to the processing of incoming complaints and referrals. In the current fiscal, the Minister approved funding for two additional C&E officers. The ALC hired the two new officers who are based in Nanaimo and Kamloops. The ALC also had designated twenty-two FLNRO Natural Resource Officers (NROs) as officials under the ALC Act to assist the C&E program upon request. Following a review, it was determined that the delegation program needed a refresh and training programs needed to be re-vamped. As a result, all NRO designations were rescinded this past fiscal to allow for a redesign of the program.

New Complaints 2019-2020

Total received: 381

Complaints: 50%

Referrals: 50%



Compliance & Enforcement Workload

At the start of the fiscal (April 1, 2019), there were 340 active C&E files (i.e. non-resolved complaints and referrals). Despite the concerted effort by the C&E team to gain compliance and close 10% more files than previous fiscal year (245 files were closed), there were 476 active files at the close of the fiscal, which represents an increase of 40% over previous fiscal.

This file load may continue to increase based on the current complaint/referral incoming rate; property inspections increased by 25%. Enforcement actions were down 9% from the previous year, mainly due to staff vacancies.

Table 1: Key C&E Statistics

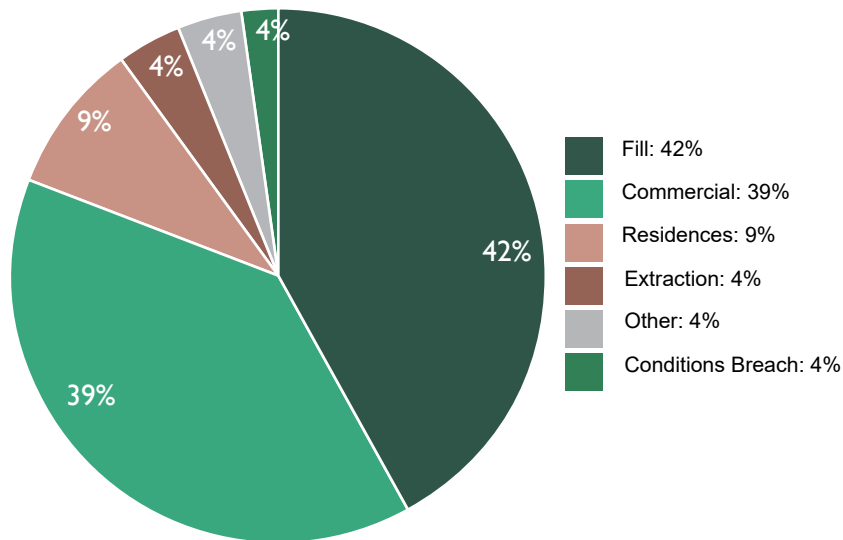
Activity	2019/2020	Percent Change from Fiscal 2018/2019
Active Files at Beginning of Year (April 1, 2019) ¹	340	+11%
Incoming Complaints/Referrals	381	+48%
Files Closed	245	+10%
Active Files at End of Year (March 31, 2020)	476	+40%
Property Inspections	310	+25%
Compliance Actions ²	239	+3%
Enforcement Actions - Orders Issued ³	30	-9%

¹ #of active files at the beginning of the fiscal; includes files from the 2018/19 fiscal and previous fiscal years

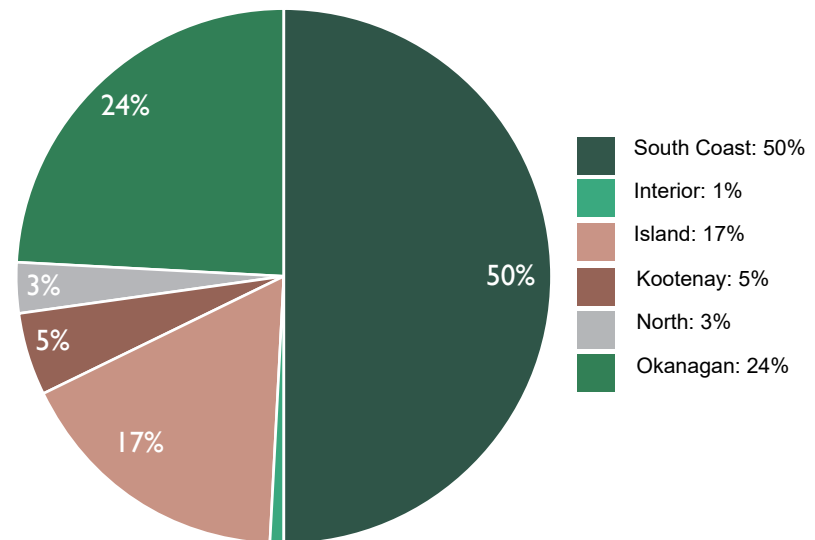
² Compliance actions include compliance notices and notices of contravention

³ Orders include stop work orders, remediation orders and penalty order

C&E Files by Type



C&E Files by Region



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 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 2019/2020, there were no appeals submitted to the Commission.

FINANCIAL REPORT

2019/2020 Agricultural Land Commission Financial Report

Description	2019/20 Budget	2019/20 Actual	2018/19 Budget
Salaries	2,634,000	2,804,179	2,410,000
Benefits	668,000	710,938	603,000
Commission	536,000	544,172	524,000
Staff Travel	88,000	106,284	100,000
Prof Services - Contracts	30,000	7,365	70,000
Legal Contracts	413,000	287,150	340,000
IT expenses	137,000	99,103	170,000
Office Supplies & Business Expenses	60,000	55,846	60,000
Statutory Advertising & Publications	0	0	0
Materials & Supplies	5,000	3,984	5,000
Vehicle Expenses	15,000	1,530	15,000
Amortization	11,000	14,645	11,000
Building Occupancy Charges	8,000	95,009	8,000
Shared Cost Arrangements	150,000	0	0
Recoveries	(1,000)	0	(1,000)
Overhead Allocation	38,000	110,000	38,000
Other Misc Revenues	0	(16,405)	0
TOTAL	\$4,792,000	\$4,823,800	\$4,353,000

Cumulative GIS ALR Change - Included & Excluded April 1, 2012 - March 31, 2020

FISCAL YEAR	INCLUSIONS (ha)	EXCLUSIONS	NET CHANGE	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 ¹	-4,204	4,616,654
2016/17	198	943 ²	-745	4,615,909
2017/18	223	2,970 ³	-2,747	4,613,162
2018/19	65	212	-147	4,613,015
2019/20	127	238	-111	4,612,904
Total	3,018	13,402	-10,385	

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

¹ In April 2015, Order in Council 148 'permanently' excluded 2,775 hectares and 'temporarily' excluded an additional 941 hectares of land from the ALR for 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 ALC Region or the Commission.

² 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 Cumulative GIS ALR Change table statistics for 2015/16 but is not recorded as a decision of the ALC Region or the Commission.

³ In October 2017, the ALC completed the East Kootenay ALR Boundary Review Project that excluded 2875.6 hectares from the ALR; 1284.8 ha was excluded from Electoral Area B and 1590.8 ha was excluded from Electoral Area E. The excluded area is reflected in the GIS ALR Change table statistics for 2017/2018.

APPENDIX

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
Total	184,810	142,544	+42,266	4,759,938

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