

Provincial Agricultural Land Commission

Annual Report 2020-2021



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, 2020, to March 31, 2021. 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.

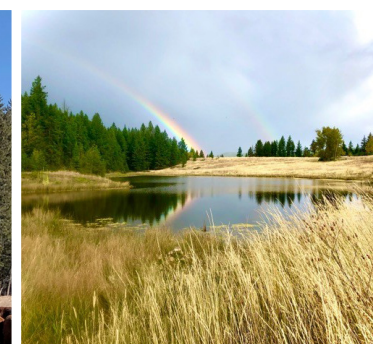
Yours truly,



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 2021-2021 Annual Report of the Agricultural Land Commission. It is my privilege to work with this team and serve the province as Chair of the Agricultural Land Commission (ALC).

As a result of topography dominated by mountain ranges, less than 5% of the province's total land base has the soil, climate, and topography suitable to support agriculture. These lands are located in valley bottom areas that have, and continue to be, under tremendous settlement pressure for irreversible

conversion to urban, industrial, residential, recreation, and infrastructure uses.

This intensive and unrelenting pressure on agricultural land (an estimated loss of 6,000 acres a year prior to 1973) was the driving force behind the creation of the Land Commission Act and the Provincial Agricultural Land Reserve (ALR) in 1973.

After almost 50 years, BC's ALR program remains the most successful program of its kind in North America. It was and continues to be visionary land-use planning legislation that has played a significant role in sustaining the commercial agricultural sector, providing economic and social benefits to every region of the province. Additionally for almost 50 years, the ALR has contributed to more compact and sustainable communities by serving as an effective urban growth boundary.

Without the ALR, it is unlikely that commercial agriculture would exist in some communities in the Lower Mainland and parts of the Island or the Okanagan.

In 2018 this Government took a leadership role and directed a review to revitalize and strengthen the ALC and ALR. A nine-member group of volunteers (the "Minister's Advisory Committee for Revitalizing the ALR and the ALC) including Indigenous representation prepared a report ([Revitalizing the Agricultural](#)

[Land Reserve and the Agricultural Land Commission](#)) to protect the future of agriculture in BC to ensure that BC citizens don't wake up one day and ask ourselves where did the farmland and our farmers and ranchers go?

In its report, the Revitalization Committee encouraged the Provincial Government to adopt an "Agriculture First" agenda in the ALR consistent with the mandate of the ALC Act. The ALC and the Ministry of Agriculture, Food and Fisheries is working to champion this agenda across government.

The report also stressed the need for all governments to shift their focus away from activities that limit, damage, and alienate land from farming and ranching towards activities that utilize the agricultural potential of the land and protect valuable soils for the future. Refocusing on these priorities would be consistent with recent (2019) amendments to the ALC Act that requires priority to be given to the size, continuity, and integrity of the ALR in all decision-making.

A protected, productive ALR is a vital component of BC's agricultural fabric and food security. It requires a legislative and regulatory preference for agricultural activities with provincial rules and limits for non-farm use.

Unfortunately, after all these years the ALC

is still considered by some as a rationing board to facilitate urban and industrial expansion.

As we have seen throughout this pandemic agriculture is an important, stable, and sustainable economic driver in this province. Agriculture is also a key part of local culture and regional community development. All levels of government must be encouraged to enable and accommodate farm use on land in the ALR in their plans, policies, and bylaws.

The ALR continues to be perceived as an attractive option for development because farmland costs less than other types of land. ALR restrictions on land uses and subdivision has achieved a measure of success by keeping farmland values in check, not for development, but for long-term food security in BC and to develop a healthy local food system. To keep the agricultural sector vital and increase land utilization within the ALR we must stay the course.

The recent legislative and regulatory changes to the ALC Act and its regulations over the past two years were meant to strengthen the legislative framework and prevent further erosion of the land base.

This past fiscal year, the ALC's 15 Commissioners made well-reasoned and legally defensible written decisions for approximately 400 applications, reviewed

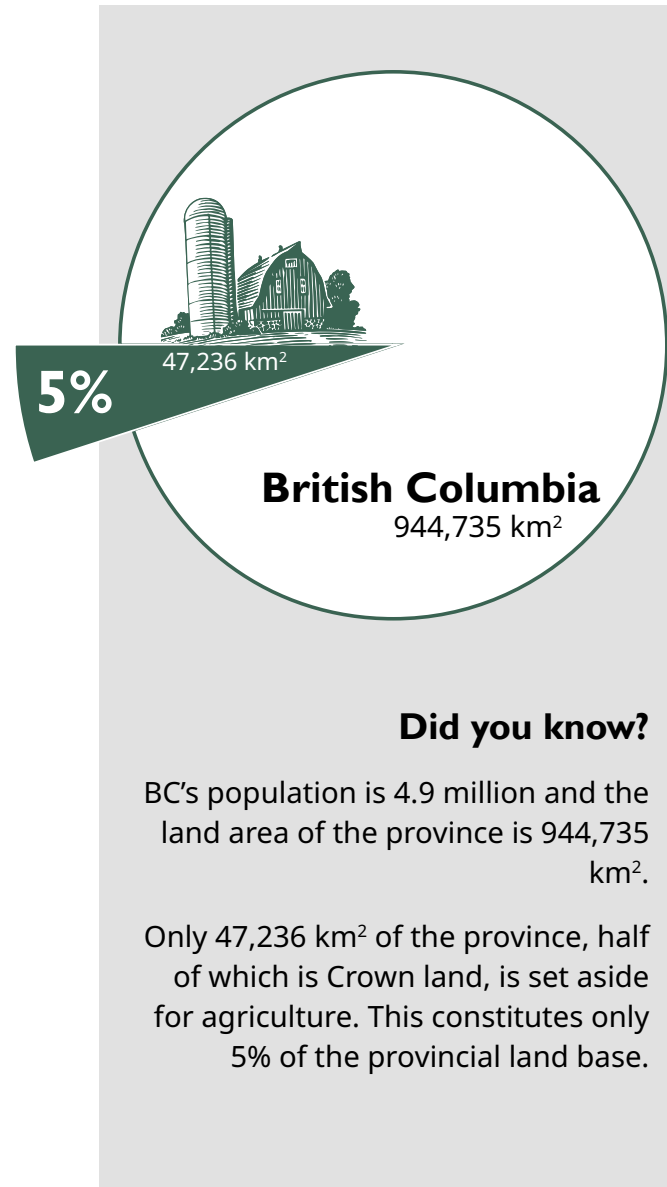
69 requests for reconsideration of those decisions; decided on approximately 200 notices for soil or fill use a year, and managed over 500 active Compliance and Enforcement files.

The job is intense and there continues to be unrelenting pressure to facilitate more development on the ALR land base.

Experience indicates that development increases speculation and drives up the value of ALR land, which ultimately limits farm expansion or prevents the next generation of farmers from accessing ALR land. This constant craving for residential, commercial, and industrial development to consume the ALR is the great challenge for agriculture in BC.

The COVID-19 pandemic has shown us the vital importance of local food production and forced society to think more critically about the importance of local food production and how fragile our reliance on an integrated global food system is.

In a report by Vancity [*Home on the Range: Cost pressures and the price of farmland in Metro Vancouver*](#) (2018), one of the findings was that BC is highly dependent on food imports. The National Post, in an [article published in 2020](#) stated: "... that Canada needs to become more secure by becoming more self-sufficient...". The article examined how a country made wealthy by globalization and trade needs



to protect itself against pandemics (and other unknown future shocks) by safeguarding its primary resources and local economy for its own citizens.

While globalization has been beneficial for some agricultural commodities, the pandemic has also demonstrated that the most secure countries in the world are those countries that can provide for themselves first.

BC is in an extraordinary position given the amazing diversity created by our climate and geography. This sets us apart from other provinces; support for BC agriculture is on the rise.

Our farms, people, and diversity are as varied as our geography. The land, and more importantly, the soil, not only serves as the foundation for agriculture, but also provides ecosystem services that benefit society such as water filtration, carbon sequestration in soil and plants, pollination, and habitat for plants and animals.

The Commission also recognizes the important work that needs to be undertaken to support meaningful reconciliation to implement the United Nations Declaration on the Rights of Indigenous Peoples and the Declaration on the Rights of Indigenous Peoples Act passed by the Provincial Government in November 2019.

Indigenous agriculture in BC is growing and there are many examples of Indigenous communities working to produce for domestic and international markets in a manner that is consistent with their spiritual and cultural values.

There is a tremendous opportunity for collaboration to preserve farmland, encourage farming, and advance indigenous food sovereignty in the ALR.

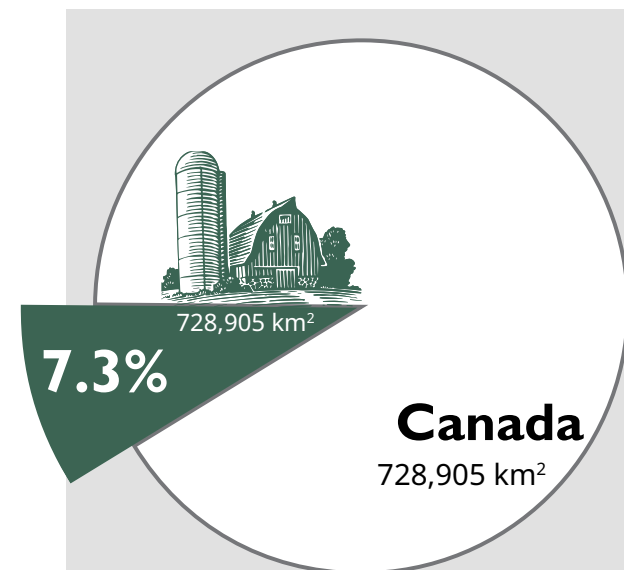
Agricultural land is a finite resource that requires careful stewardship that can only be achieved through collaboration.

In this report, you can learn more about the work that we do at the ALC. More than ever, we remain committed to delivering and improving upon our mandate, to preserve agricultural land and encourage farming in collaboration with other communities of interest.

Thank you for taking the time to review our 2020-2021 Annual Report.

Jennifer Dyson

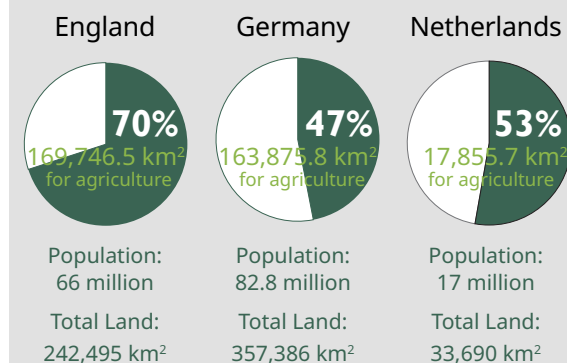
Chair of the Agricultural Land Commission



Did you know?

Canada's population is 37 million and the land base of the country is 9,985,000 km². Only 628,905 km² of the country is used for agriculture.

For comparison:





2020/2021 Fast Facts

62 

LOCAL GOVERNMENTS ENGAGED
IN THE ALC'S EXCLUSION
PROCESS SEMINARS

103

HECTARES OF LAND
INCLUDED IN THE ALR



137

HECTARES OF LAND
EXCLUDED FROM THE ALR



5%

OF PROVINCE
IN ALR

150+



LOCAL GOVERNMENTS
WITH AGRICULTURAL
LAND RESERVE IN THEIR
JURISDICTION

100% 

SOIL AND FILL NOI'S RESPONDED
TO BY OFFICE OF THE CEO IN 60
DAYS

137

HECTARES OF LAND
EXCLUDED FROM THE ALR



95%



OF APPLICATIONS PROCESSED
WITHIN 90 BUSINESS DAYS

2



ORDERS IN COUNCIL
AMENDED THE ALC ACT
AND ITS REGULATIONS

82% 

APPROVAL RATE FOR NON-
ADHERING RESIDENTIAL
USE APPLICATIONS FOR
ADDITIONAL HOMES

373



APPLICATIONS DECIDED*

378



APPLICATIONS RECEIVED

42%



OF COMPLIANCE
AND ENFORCEMENT
COMPLAINTS ARE RELATED
TO UNAUTHORIZED FILL

54%



OF THE ALR IS CROWN LAND

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



Legislative Changes

Changes to the Legislation 2020/2021

On January 4, 2018, the BC Minister of Agriculture, the Honourable Lana Popham, appointed an independent Advisory 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 Advisory 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 brought Bill 15 partially into force, created a new ALR General Regulation, and renamed the existing ALR General Regulation, the ALR Transitional Regulation. The remaining portions of both Bill 15 and the new ALR General Regulation were brought into force on September 30, 2020, at which point the ALR Transitional Regulation was repealed.

- **Exclusions:** The exclusion process was changed to no longer allow private landowners to make application to exclude their land from the ALR. Only local governments, First Nations governments, the province, and other prescribed public bodies (as defined in s. 16(2) of the ALR General Regulation) may make exclusion applications.
- **Reconsiderations:** The reconsideration process was amended to clarify the circumstances under which reconsiderations can be requested, and to only permit one reconsideration request for each application.
- **Enforcement Provisions:** The CEO of the ALC was 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:** Anyone wanting to register a statutory right of way under s. 218 of the Land Title Act must notify the ALC and the ALC must issue a form confirming this notice was received before the Land Title Survey Authority can register the statutory right-of-way plan in the ALR. Anyone wishing to construct non-farm works (e.g. roads and infrastructure) in a right of way of any kind must still make an application under s. 22 of the ALR General Regulation.
- **Fees:** Application fees have been changed to split the overall fee amount equally (50/50) between the local government and the ALC. The fee for non-adhering residential use applications, submitted to the local government after September 30, 2020, has been reduced from \$1,500 to \$900.
- **Soil and Fill:** The amount of fill permitted to maintain an existing farm road was increased to 50 m³ per 100 m of existing farm road per year. For maintaining an existing farm road, the definition of prohibited fill was amended to permit recycled concrete aggregate and recycled asphalt pavement (OIC #353/2020 in June 2020).

Manufactured Homes:

The deadline permitting the placement of a manufactured home for a family member that has received all of the necessary authorizations (e.g. building permit) was extended from July 31, 2021, to December 31, 2021, by OIC #254/2020.

The Commission

The Commission

The ALC is an administrative tribunal, independent of the Provincial Government, that is responsible for exercising its decision-making authority under the Agricultural Land Commission Act, in compliance with certain sections of the Administrative Tribunals Act. As set out in the legislation, the Commission and its decision-makers must remain neutral and faithfully, honestly, and impartially perform their duties. They cannot have an interest or bias in a case or towards the people in the case.

Purpose and Legislative Framework

1. The purposes of the ALC as set out in s. 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.

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 and utility uses in the ALR. The new ALR General Regulation sets out procedures for applications to the ALC. The ALR Use Regulation sets out permitted uses in the ALR.

Governance Structure

The work of the ALC is carried out by a Commission of not less than 11 and no more than 19 members from six administrative regions around the province who serve collectively as the board of directors of the ALC. The Chair is appointed by Order and Council of the Lieutenant Governor in Council, and Commission members are appointed by Ministerial Order of the Ministry of Agriculture, Food, and Fisheries. The Chair has the authority to appoint one or more Vice-Chairs from the members appointed by the Minister. Candidates are appointed by the Minister after a merit-based process and consultation with the Commission Chair based on their knowledge in matters related to agriculture, land-use planning, local government, and First Nations government as set out in s. 5(1) of the ALC Act.

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, the interpretation of legislation, and passing resolutions and bylaws regarding the conduct of its affairs.

Panels

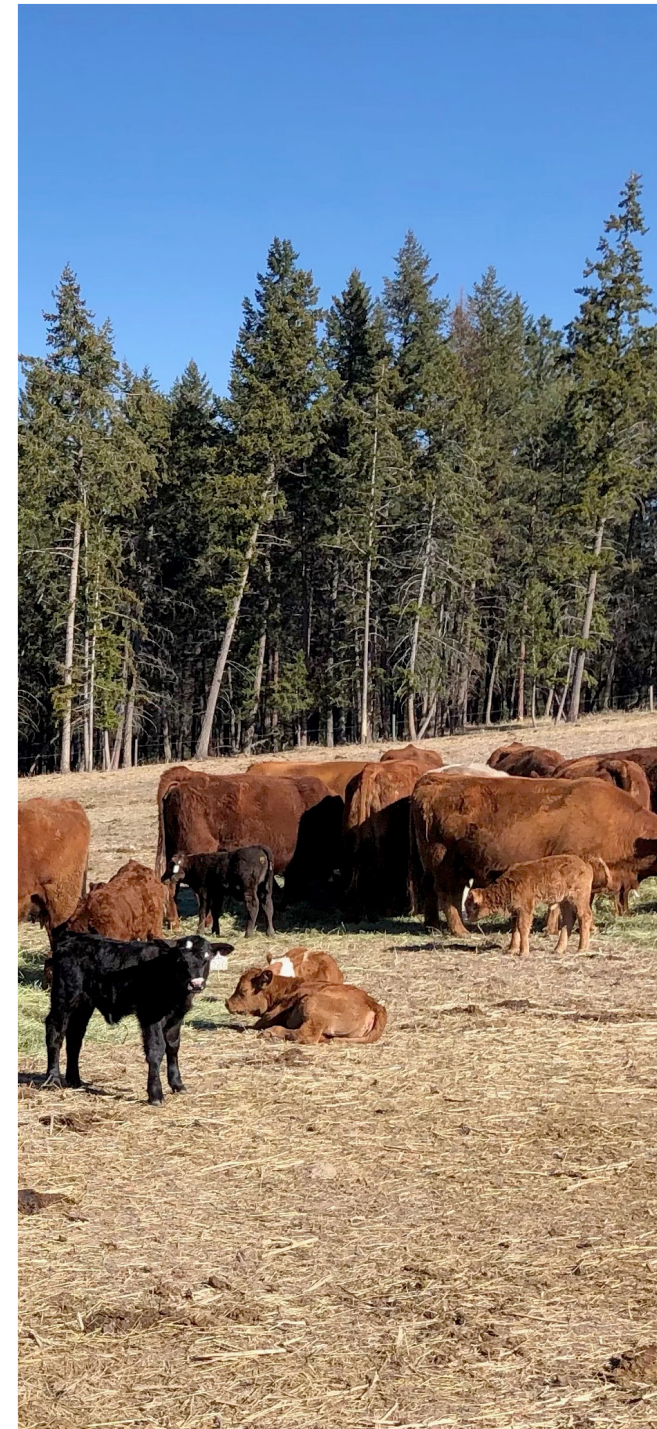
Applications for exclusion, inclusion, non-farm use, non-adhering residential use, soil and fill use, subdivision, and transportation and utility uses are adjudicated by a group of Commissioners (a panel).

- In response to legislative change (Bill 15-2019) that took effect March 12, 2020, the Chair of the Commission directed the establishment of a panel for each of the six administrative regions of the province, consisting of two or three members, to make decisions on all application types received from the region, with the exception of soil or fill use applications.
- In 2020-2021, a five-member Soil and Fill Use Panel was established by the Chair to decide on all soil and fill use applications.
- The flexibility provided in Bill 15-2019 allows the Chair to appoint Commission members to more than one panel and the Chair of the Commission may also serve on a panel.

A panel of the Commission has all the powers, duties, and functions of the Commission to adjudicate on applications. Decisions of a panel are for all purposes, a decision of the Commission, and may only be reconsidered as per s. 33 and 33.1 of the ALC Act.

Executive Committee

The Executive Committee, consisting of the Chair and five Vice-Chairs of the Commission meet monthly as needed and are responsible for: deciding applications delegated by the Full Commission, making reconsideration determinations on reconsiderations pursuant to s. 33(1) for decisions decided by the Executive Committee, and exercising any other functions delegated by the Full Commission.



The Commission

Chair of the Commission

Jennifer Dyson, *Port Alberni*

Vice-Chairs

Richard Mumford, *Alexis Creek*

Gerald Zimmermann, *Kelowna*

Janice Tapp, *Fraser Lake*

Ione Smith, *Sechelt*

Linda Michaluk, *North Saanich*

David Zehnder, *Invermere*
(expired November 2020)

Commissioners

Bob Haywood-Farmer, *Savona*

Honey Forbes, *Duncan*

Satwinder Bains, *Abbotsford*
(expired October 2020)

Susie Gimse, *Pemberton*

Joe Deuling, *Lumby*

Ian Knudsen, *Creston*

Jerry Thibeault, *Cranbrook*

Andrew Adams, *Willow River*

Karen McKean, *Peace River*
(appointed April 20, 2020)

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

Application Processing (Adjudication) and Notices of Intent

ALC staff research and administer the processing of all applications received pursuant to the ALC Act and its regulations. Staff also administer, where delegated the authority to do so under the ALC Act, make decisions for all notices of intent to remove soil or place fill.

Policy and Planning

ALC staff actively participate with Commissioners in developing strategies, plans, and policies to assist with the interpretation and implementation of the ALC Act and its regulations. As well, staff review plans, policies, and bylaws of local governments and other agencies to ensure they are consistent with the legislative and regulatory requirements of the ALC Act and its regulations.

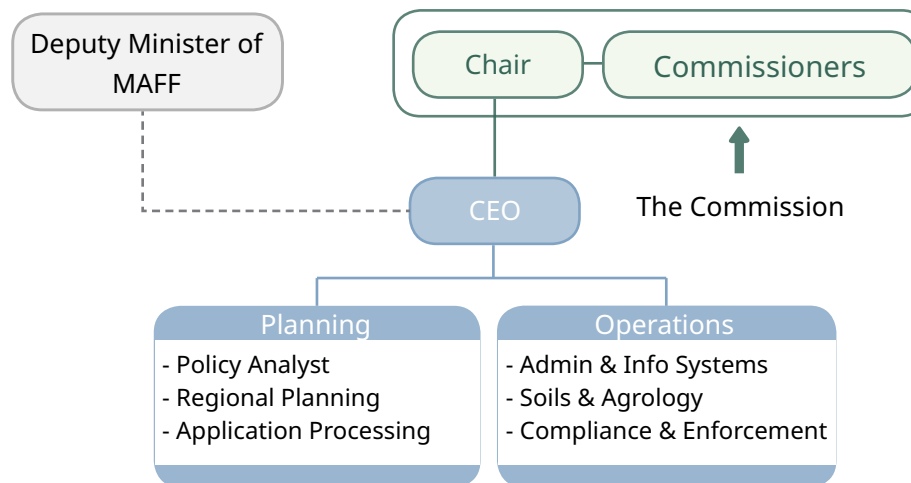
Compliance and Enforcement

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, its regulations, and orders of the ALC.

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



An aerial photograph showing a vast landscape of agricultural fields in various shades of green and brown, interspersed with winding waterways and marshes. In the upper right, a small town or village is visible. The foreground shows large, rectangular plots of land, some of which are tilled or planted. The overall scene depicts a rural, agricultural environment.

The Agricultural Land Reserve

The Agricultural Land Reserve Designation History

Under the 1973 Land Commission Act (the precursor to the 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 the soil and climate combination to support agriculture.

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

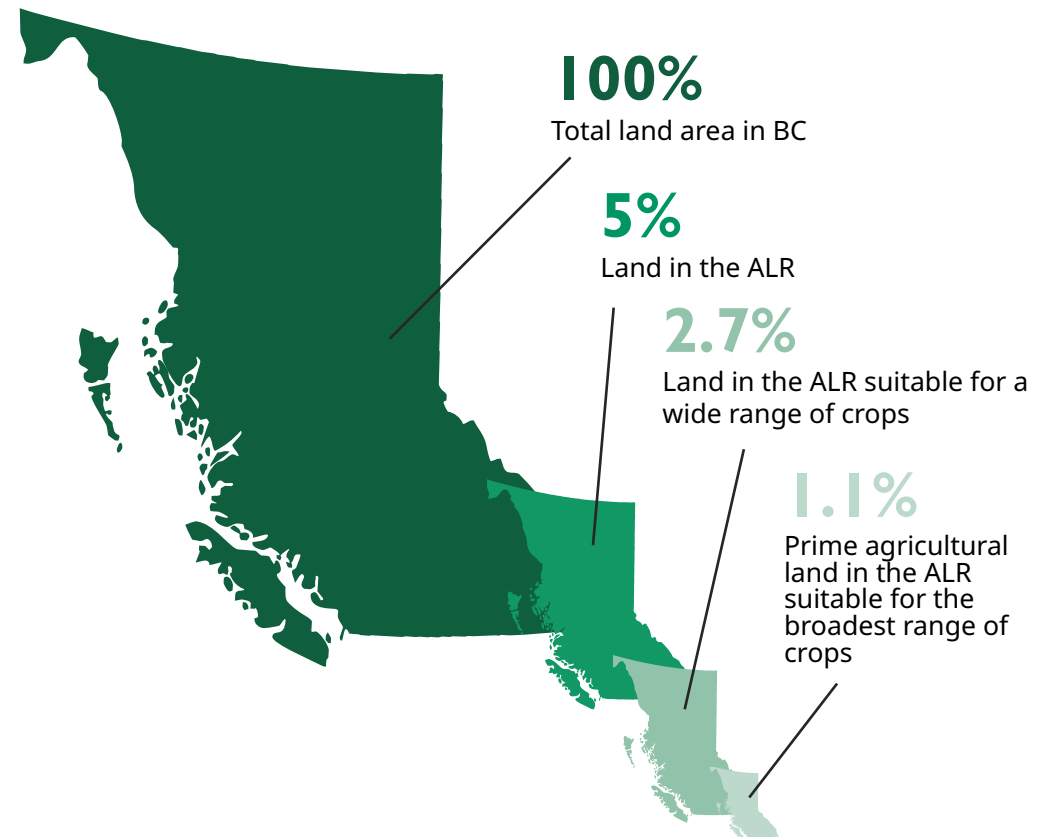
Regional Districts made recommendations to the ALC and the maps were reviewed to ensure technical consistency with the reserves across the province. In general, the following methodology was applied:

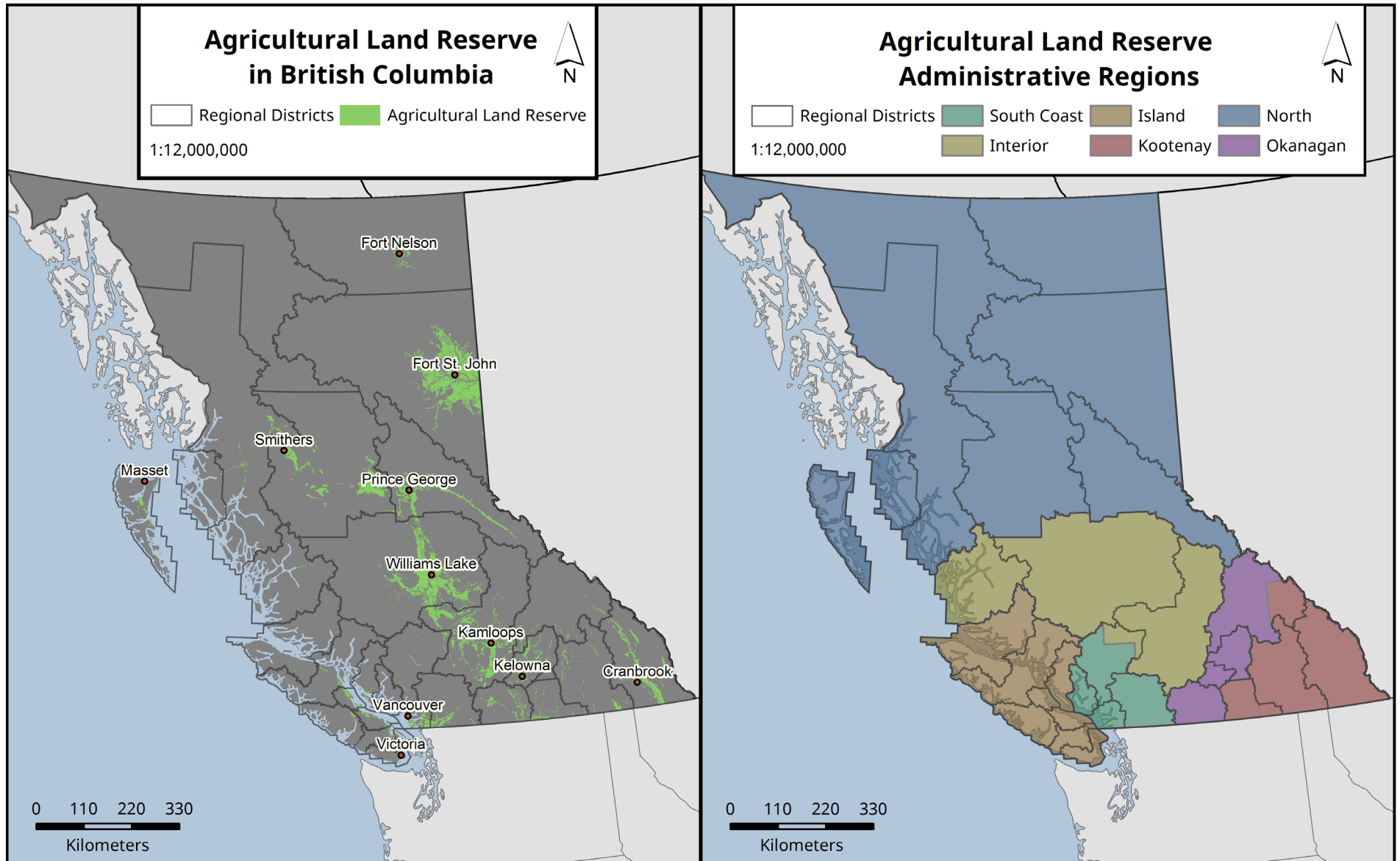
- All Class 1 to 4 land (CLI) that were not already developed were included in the ALR, both Crown and private land;
- If non-agricultural land was not immediately available for urban expansion, enough land was excluded to allow for about 5 years of community growth to ensure local governments had a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

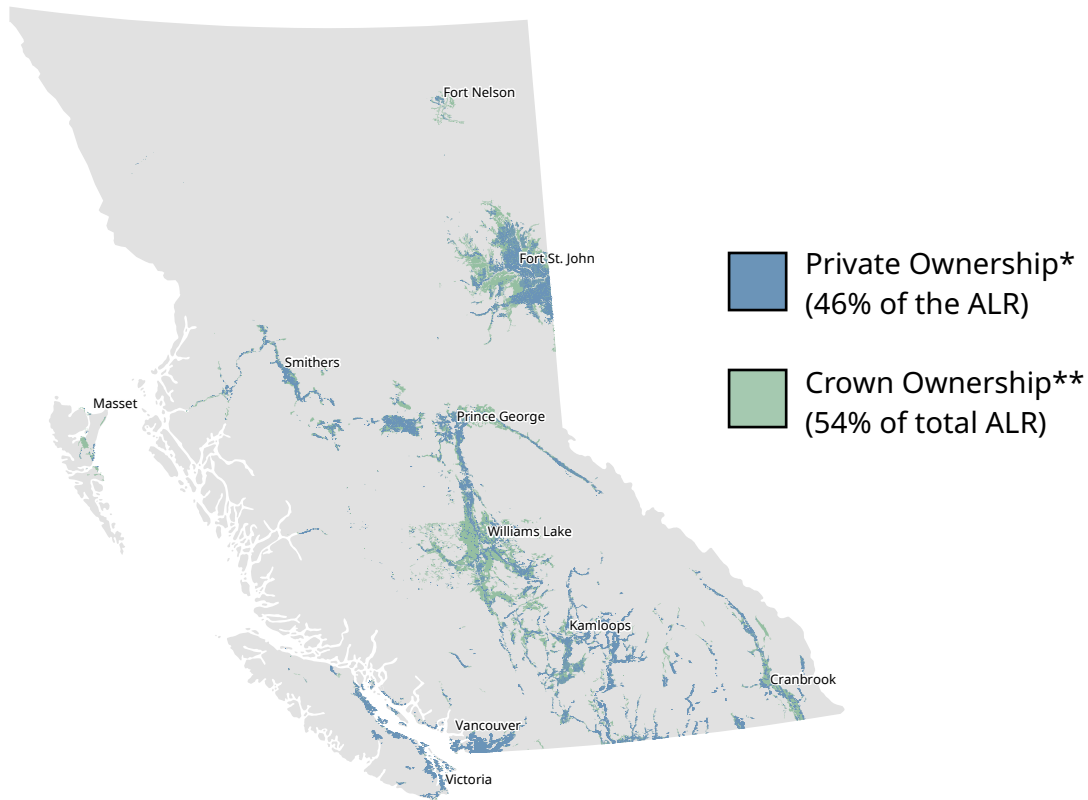
Following the ALC's review, the plans along with the ALC's recommended changes were approved by Cabinet. The process of establishing the ALR took 1 ½ years.





Agricultural Land Reserve: Private vs Crown Ownership

Five percent (~4.6 million ha) of the land base in BC is designated as ALR. Within this five percent, approximately 54% is Crown ALR and 46% is privately owned. Access to this land base is further limited by landscape features (such as wetlands, rivers, streams, lakes), infrastructure (including airports, roads, rail lines, utility corridors, oil and gas infrastructure, sewage and water treatment facilities), forestry and mining, trails, parks, and other non-farm uses such as schools, churches, firehalls, sports fields, and resorts.



*Private Ownership = Properties in the Integrated Cadastral Fabric (ICF) where the Ownership Class is defined as Private, First Nations, or Municipal

**Crown Ownership = Unsurveyed crown land, or properties in the ICF where the Ownership Class is defined as Crown Federal, Crown Provincial, Crown Municipal, None, or Unknown.

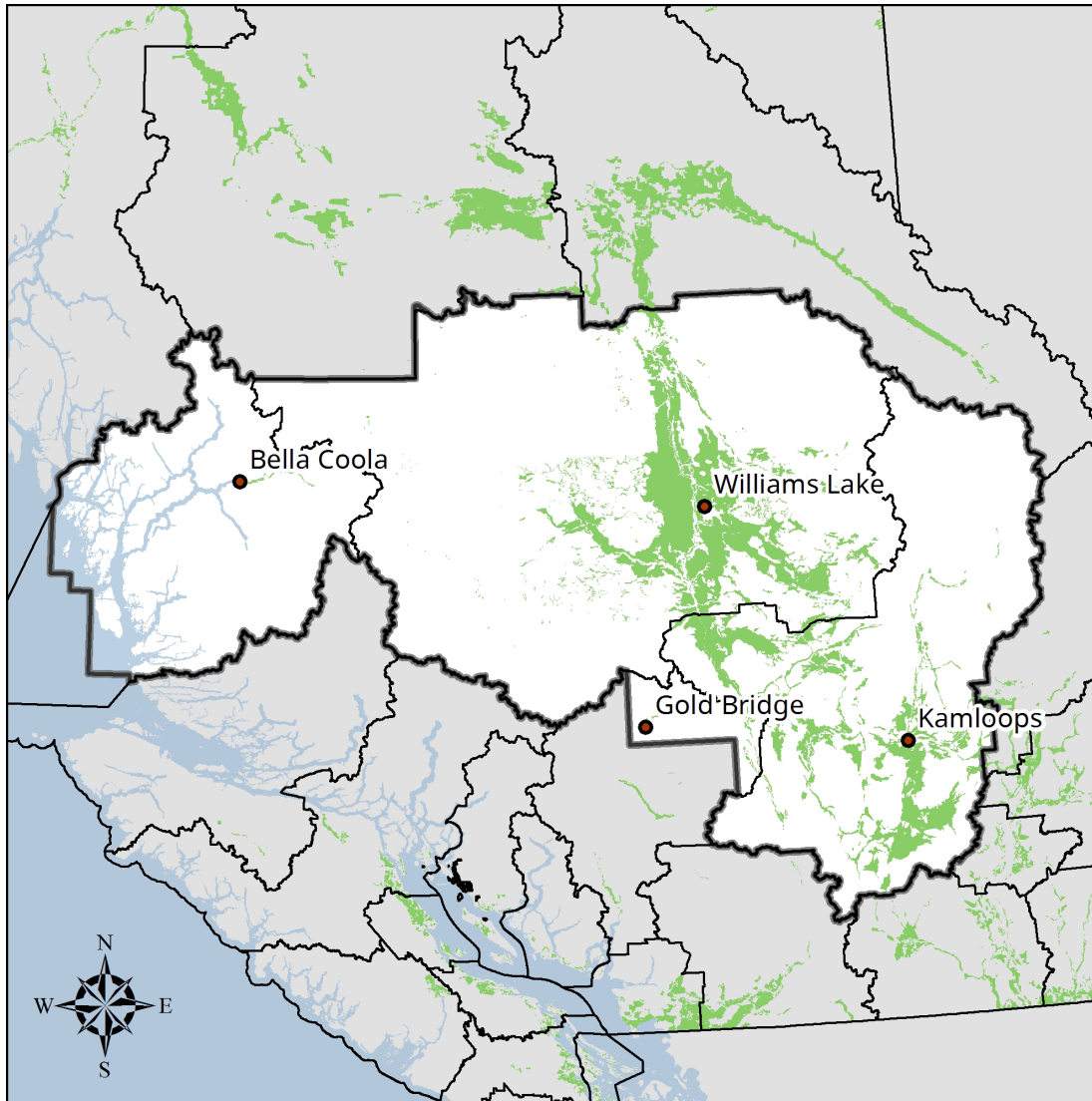
Data sources: ALC, Integrated Cadastral Information Society, and BC geographic warehouse.

Contains information licensed under Open Government License - British Columbia. Map for reference only. Accuracy not guaranteed. Map created June 2021.

Estimates suggest ~ 7% of the ALR is not available for agriculture due to water bodies and infrastructure.



Interior Administrative 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 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

1,529,043 hectares

Island Administrative 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, and Strathcona Regional Districts.

Major Settlements

Campbell River
Comox
Duncan
Nanaimo
Port Alberni
Powell River
Saanich

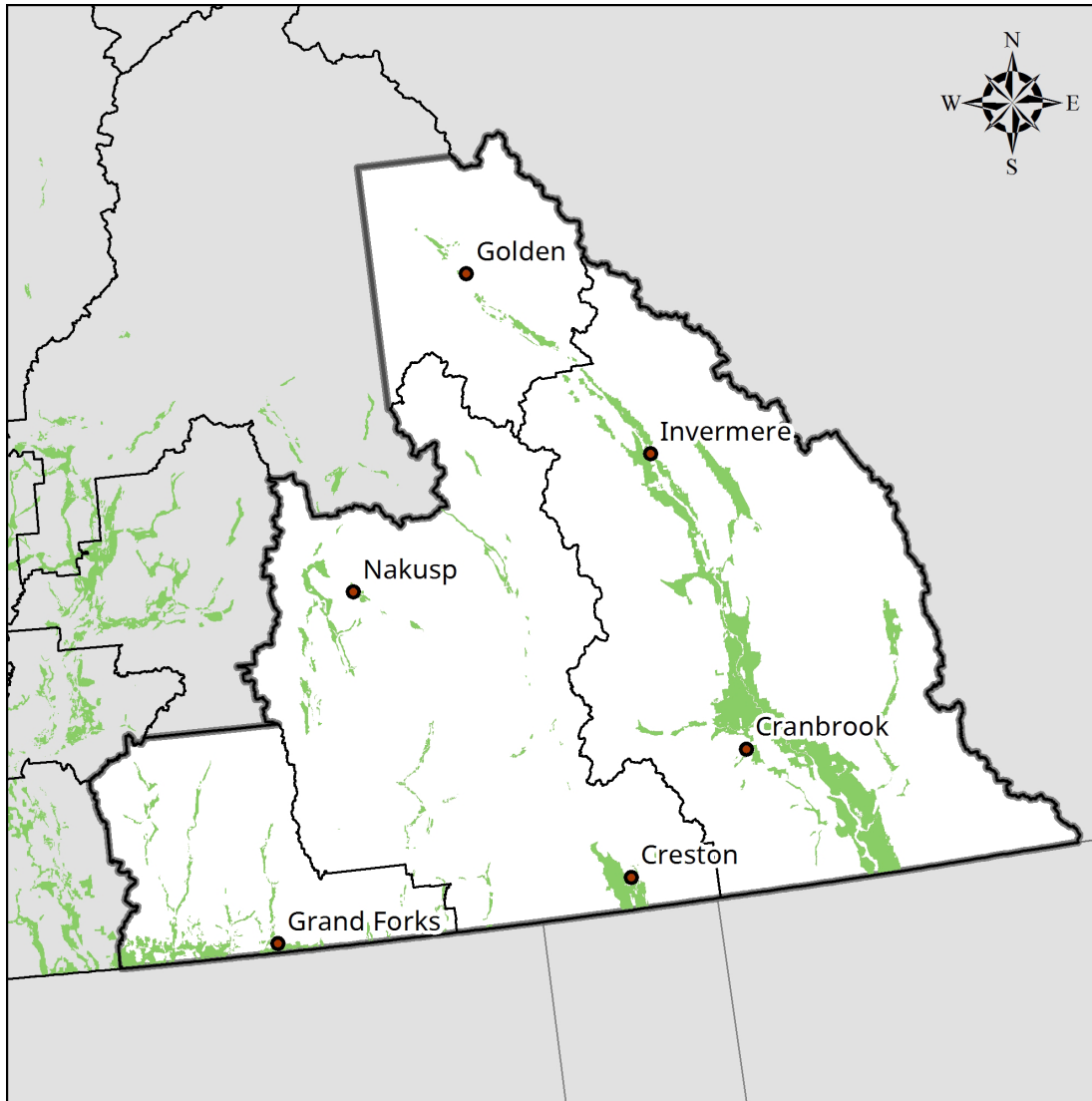
Percent of Region
in the ALR

1.5%

Total ALR area in Region

115,449 hectares

Kootenay Administrative 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

Creston
Cranbrook
Grand Forks
Kimberly
Invermere
Sparwood

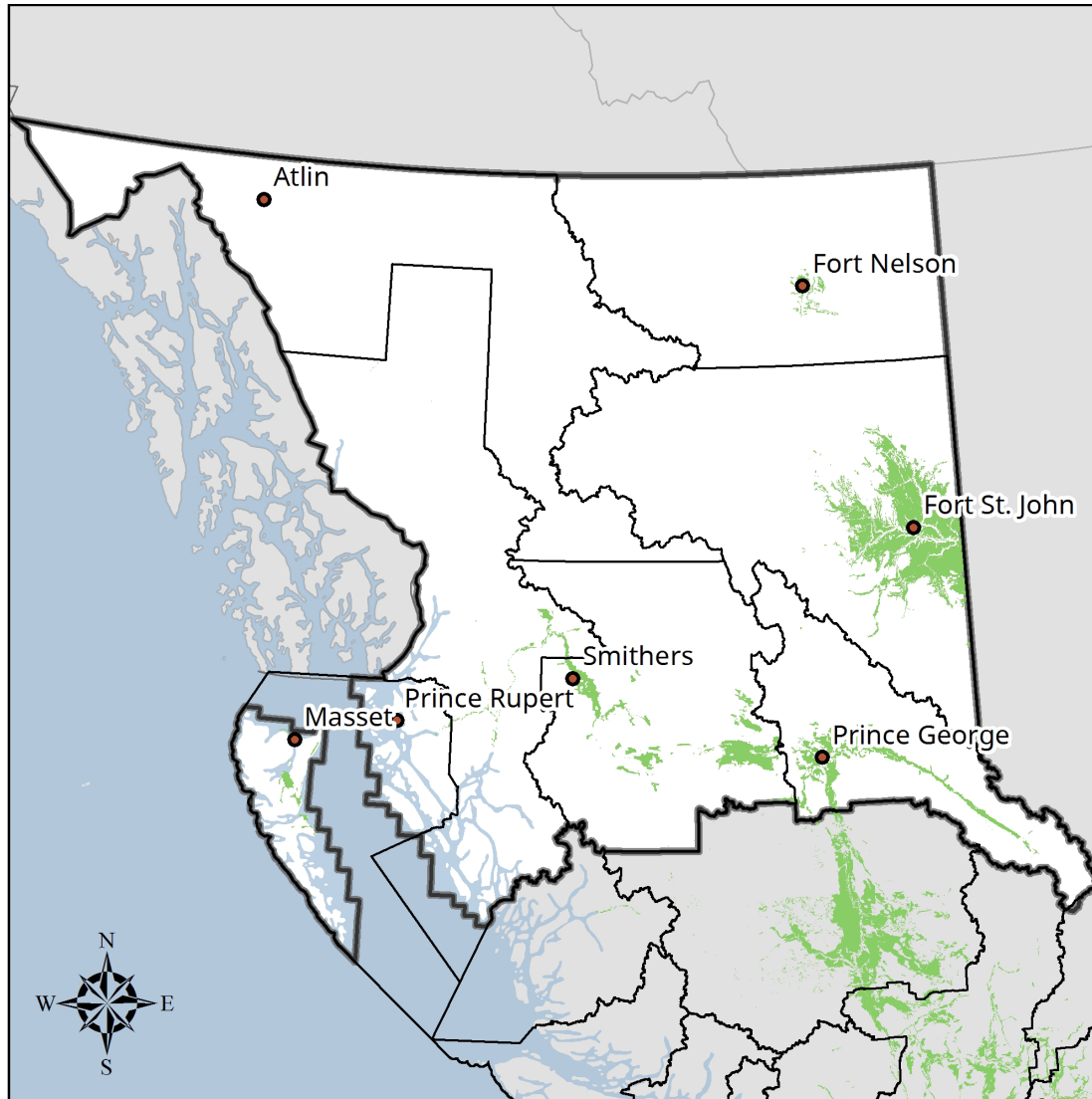
Percent of Region
in the ALR

5.8%

Total ALR area in Region

388,377 hectares

North Administrative Region



The North region encompasses north-east, north-central and north-west BC, from Prince George to the BC/Yukon border.

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

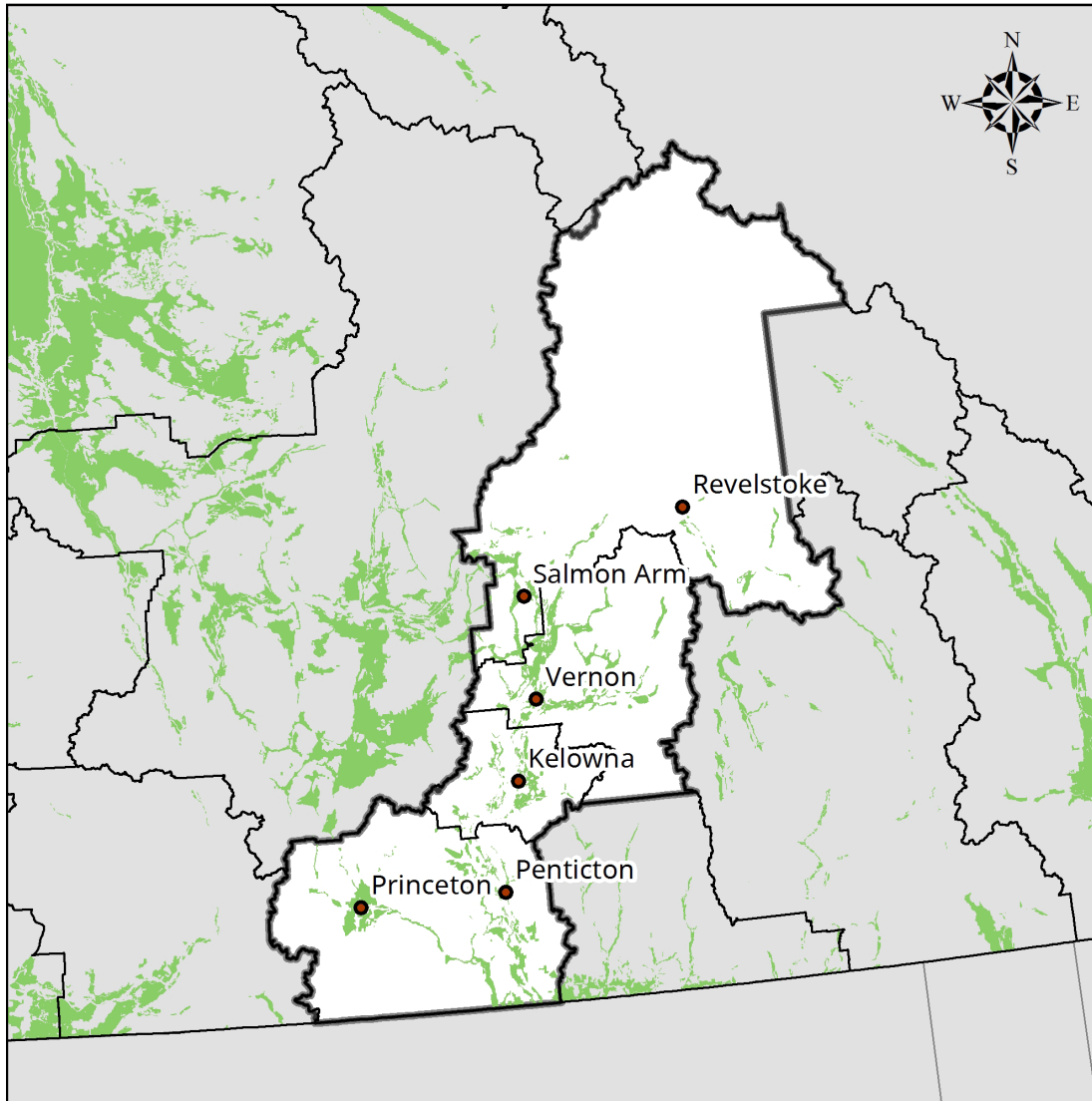
Percent of Region
in the ALR

3.6%

Total ALR area in Region

2,207,029 hectares

Okanagan Administrative 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
Osoyoos
Oliver
Penticton
Princeton
Revelstoke
Salmon Arm
Vernon

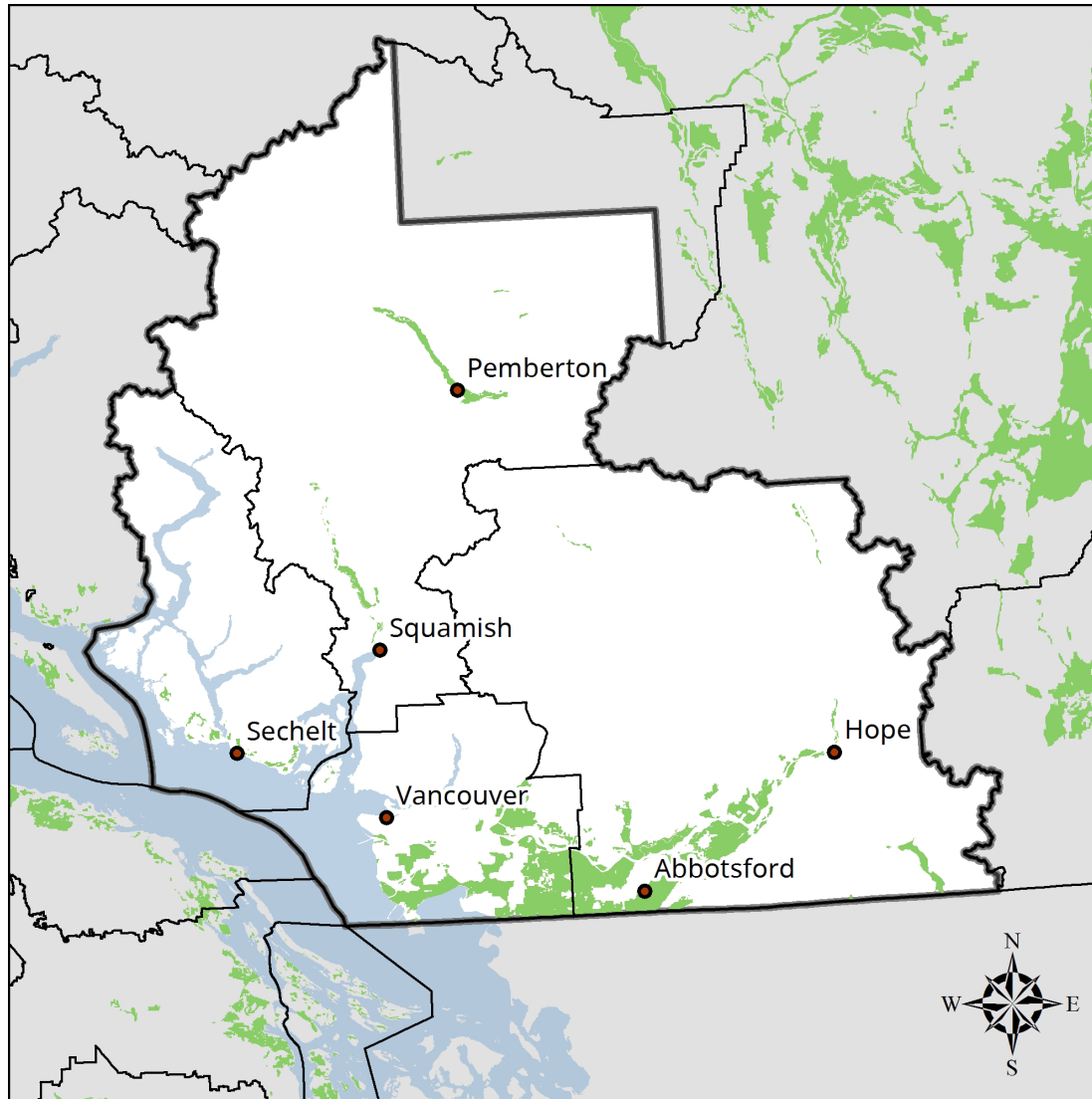
Percent of Region
in the ALR

5%

Total ALR area in Region

224,702 hectares

South Coast Administrative 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 the 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

148,294 hectares

Decisions

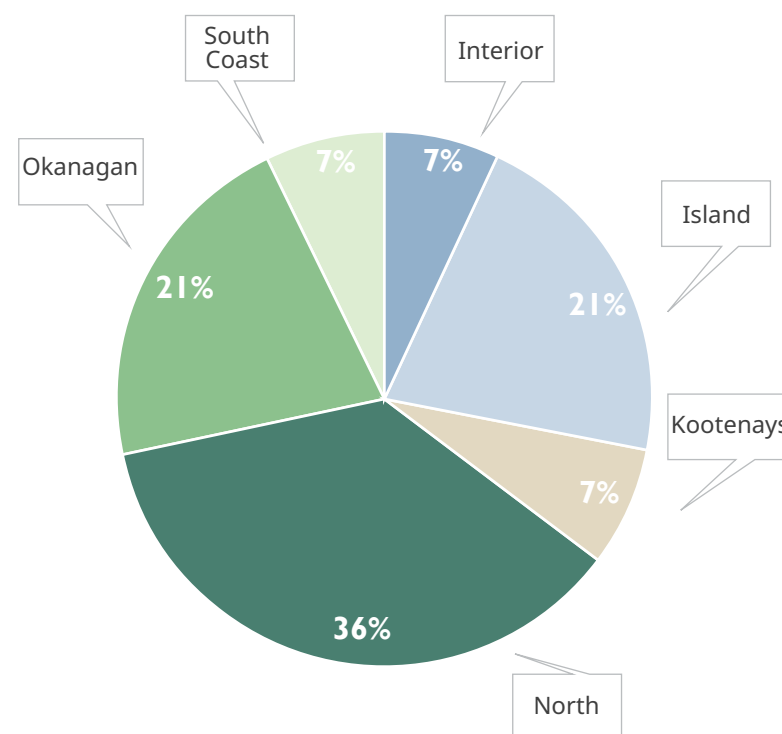


Inclusion Applications

Inclusion applications made under s. 17(3) of the ALC Act for the addition of land into the ALR may be initiated by the Commission, a local government, a First Nation government, or a landowner. To be included in the ALR, land must have the capability for agricultural uses, based on soils and climate, or a combination of both. Local governments and First Nations may comment on an inclusion application but are required to forward all applications for inclusion to the ALC for consideration. There is no fee (\$0) required for applications to include land into the ALR.

4%
OF 2020-2021
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	0	1	1
Island	2	1	3
Kootenay	0	1	1
North	5	0	5
Okanagan	2	1	3
South Coast	1	0	1
Totals	10	4	14



Decisions by Region

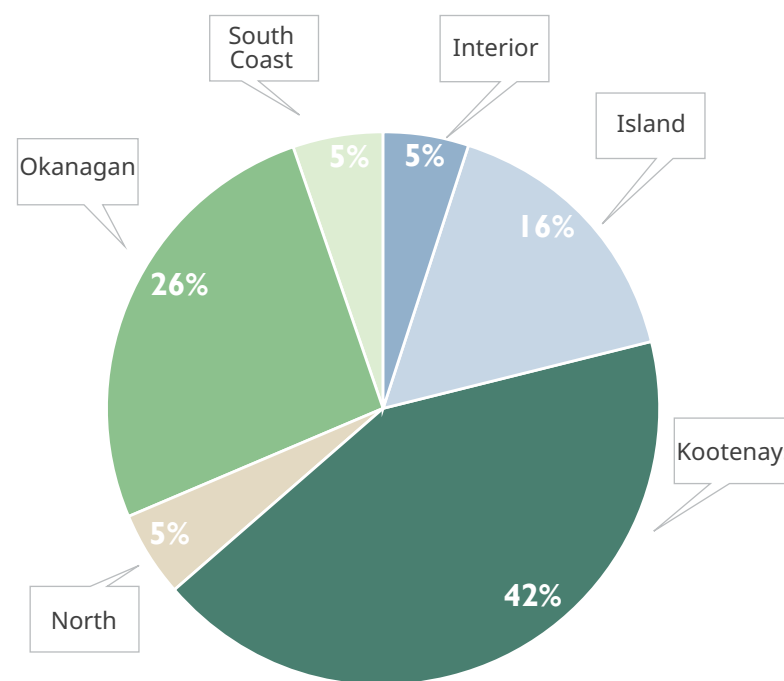
Seventy-one percent of inclusion applications decided in 2020-2021 were approved.

Exclusion Application

Exclusion applications made under s. 29, or 30 of the ALC Act to remove land from the ALR may only be initiated by the Commission, a local government, a First Nation government, or a prescribed public body. All exclusion applications must first be considered by the local or First Nation government who then, by resolution, must determine whether to forward an application to the ALC for its consideration. A local government or First Nation government is not compelled to forward an application to the Commission (except in certain circumstances). The ALC may approve or refuse an exclusion application or approve an alternative application type but retain the land within the ALR.

10%
OF 2020-2021
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	2	0	2
Island	2	4	6
Kootenay	16	0	16
North	0	2	2
Okanagan	4	6	10
South Coast	1	1	2
Totals	25	13	38



Decisions by Region

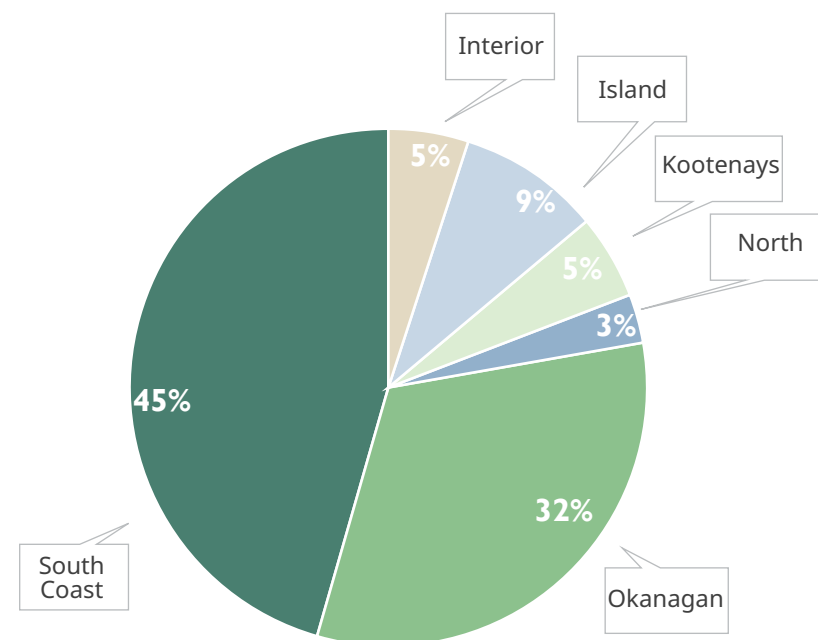
Sixty-six percent of exclusion applications decided in 2020-2021 were approved.

Non-Adhering Residential Use Applications

Non-adhering residential use applications made under s. 20.1 of ALC Act to permit the construction of more than one residence, or a principal residence with a total floor area greater than 500 m², or an accommodation use that doesn't comply with Part 4 of the ALR Use Regulation may be initiated by a landowner. All non-adhering residential use applications must first be considered by the local or First Nation government who must, by resolution, agree to forward an application to the Commission for consideration. A local government or First Nation government may also elect to refuse to forward an application to the Commission.

30%
OF 2020-2021
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	6	0	6
Island	4	6	10
Kootenay	5	1	6
North	3	0	3
Okanagan	30	6	36
South Coast	35	15	50
Totals	83	28	111



Decisions by Region

Seventy-five percent of non-adhering residential use applications decided in 2020-2021 were approved.

Non-Adhering Residential Use Applications Statistics

Number of Non-Adhering Residential Use Applications Decided by Sub-type

Application sub-type	Number of decisions	Percentage of decisions
Additional residence	90	81%
Principal residence larger than 500m ²	18	16%
Tourist accommodation	3	3%
Total	111	100%



Approval Rate of Non-Adhering Residential Use Applications Decided by Sub-type

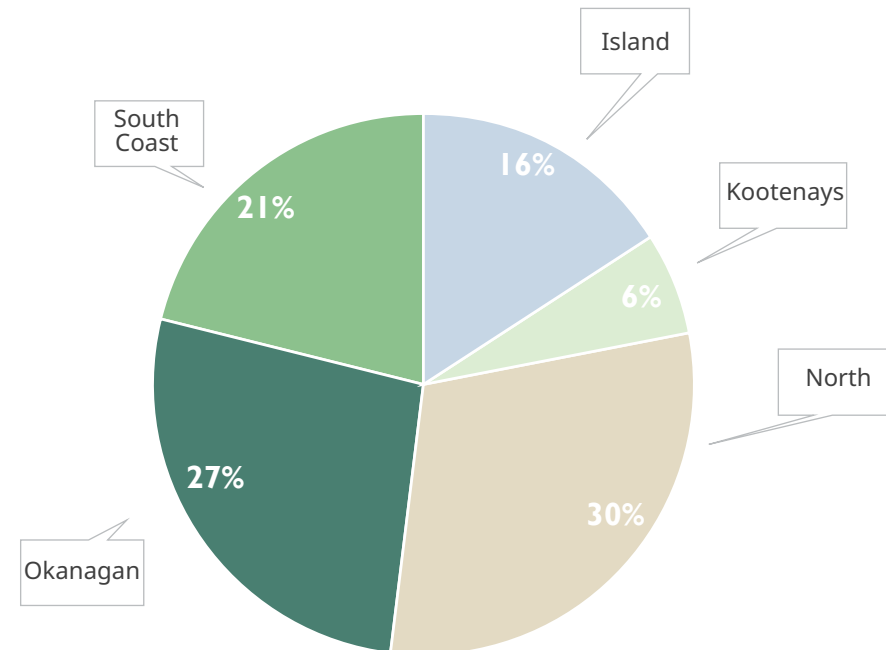
Application sub-type	Number of decisions	Number approved	Number refused	Approval rate (%)
Additional residence	90	74	16	82%
Principal residence larger than 500m ²	18	7	11	39%
Tourist accommodation	3	2	1	67%
Total	111	83	28	75%

Non-Farm Use Applications

Non-farm use applications made under s. 20(2) of the ALC Act for a use that exceeds the thresholds permitted by the ALR Use Regulation or for a use not expressly permitted by regulation, such as commercial or industrial business uses, may be initiated by a landowner. All non-farm use applications must be reviewed by the local or First Nation government who must, by resolution, agree to forward an application to the Commission for consideration. A local or First Nation government may elect to refuse to forward an application to the Commission.

19%
OF 2020-2021
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	0	0	0
Island	9	2	11
Kootenay	4	0	4
North	16	5	21
Okanagan	11	8	19
South Coast	13	2	15
Totals	53	17	70



Decisions by Region

Seventy-six percent of non-farm use applications decided in 2020-2021 were approved.

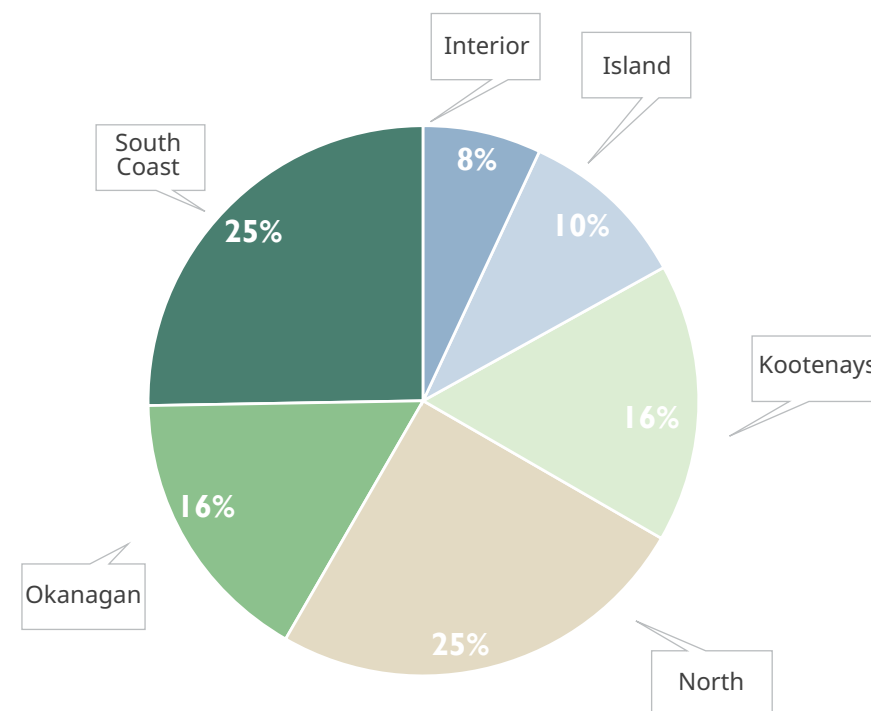
DECISIONS

Subdivision Applications

Subdivision applications made under s. 21(2) of the ALC Act may be initiated by a landowner. All subdivision applications must be reviewed by a local or First Nation government who must, by resolution, agree to forward an application to the Commission for consideration. A local or First Nation government may elect to refuse to forward an application to the Commission.

16%
OF 2020-2021
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	2	3	5
Island	1	5	6
Kootenay	5	5	10
North	13	2	15
Okanagan	3	7	10
South Coast	10	5	15
Totals	34	27	61



Fifty-six percent of subdivision applications decided in 2020-2021 were approved.

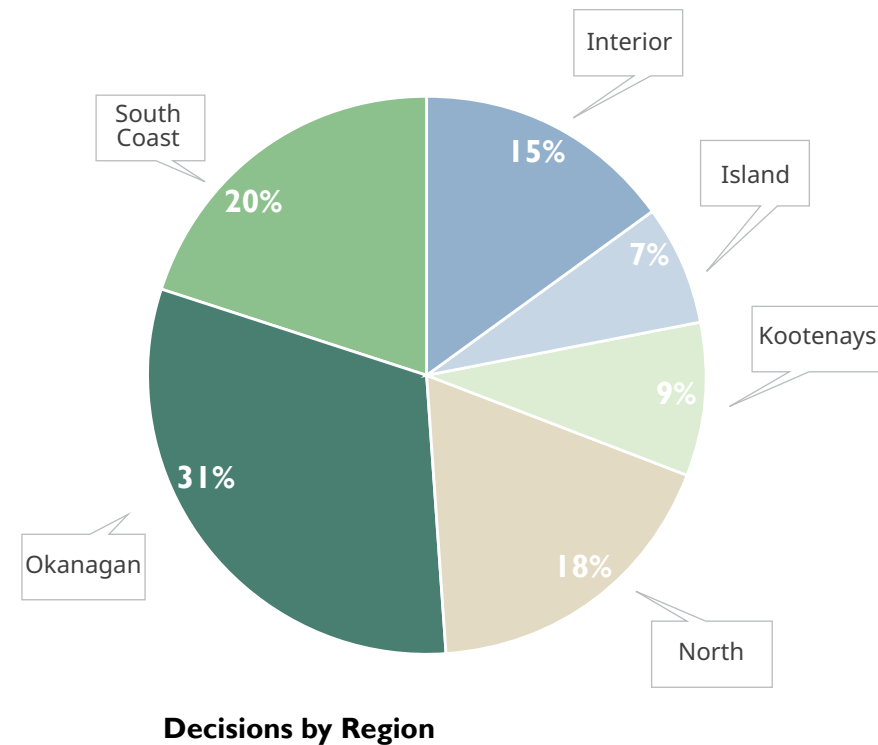
Decisions by Region

Transportation and Utility Applications

Applications made under s. 22 of the Agricultural Land Reserve General Regulation for the construction of transportation, utility and trail infrastructure in the ALR are submitted directly to the ALC, without a resolution from a local or First Nation government or landowner consent. These applications may be made by a landowner or person with a right of entry under another enactment, provided the landowners have been notified and advised that they may submit their comments or concerns with the application directly to the Commission.

15%
OF 2020-2021
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	8	0	8
Island	4	0	4
Kootenay	4	1	5
North	10	0	10
Okanagan	16	1	17
South Coast	11	0	11
Totals	53	2	55



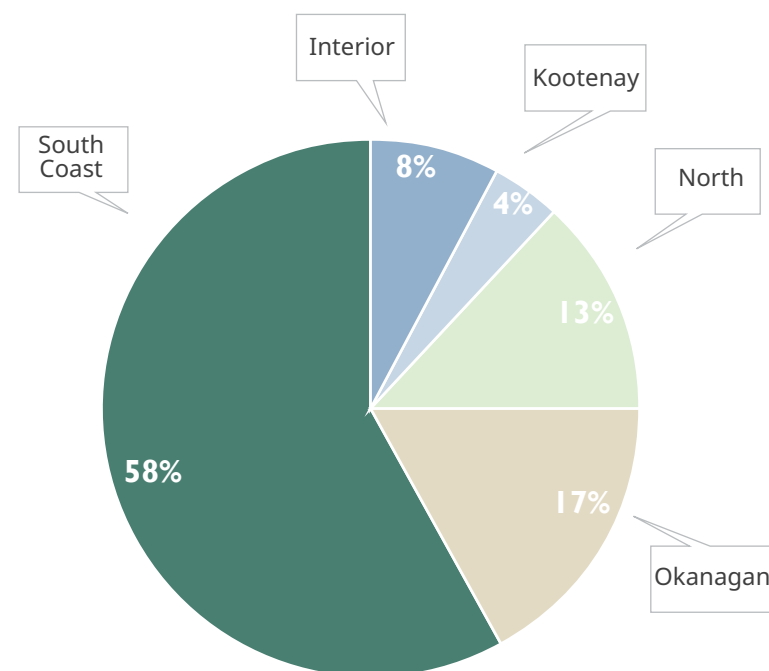
Ninety-six percent of transportation and utility applications decided in 2020-2021 were approved.

Soil or Fill Use Applications

Soil or Fill Use applications made under s. 20.3(5) of the ALC Act to place fill or remove soil or aggregate for area-wide filling, large scale projects, or projects directed to do so after a review of a Notice of Intent (NOI) by the office of the CEO (see page 35 for a description of the NOI process). All soil or fill use applications must be reviewed by local or First Nation government and may not proceed to the Commission unless authorized by a resolution of the local or First Nation government. A local or First Nation government may elect to refuse to forward an application to the Commission. In 2020/21, the Chair of the ALC appointed a 5-member panel to decide on all soil and fill use applications. The panel was provided with additional training to assist them with the review and analysis of the technical information submitted with this application type.

6%
OF 2020-2021
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	2	0	2
Island	0	0	0
Kootenay	1	0	1
North	1	2	3
Okanagan	4	0	4
South Coast	9	5	14
Totals	17	7	24



Decisions by Region

Seventy-one percent of soil or fill use applications decided in 2020/21 were approved.

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 under s. 35 of the ALR Use Regulation. Additionally, some types of fill are prohibited under s. 36 of the ALR Use Regulation and cannot be approved by the Commission. A person who intends to place fill or remove soil or aggregate in the ALR for any use not exempt under s. 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.

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 per 100 m 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 \$1,500, however, if it is a rejected NOI, the Applicant pays \$1,350 to account for the \$150 NOI fee
- Application 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

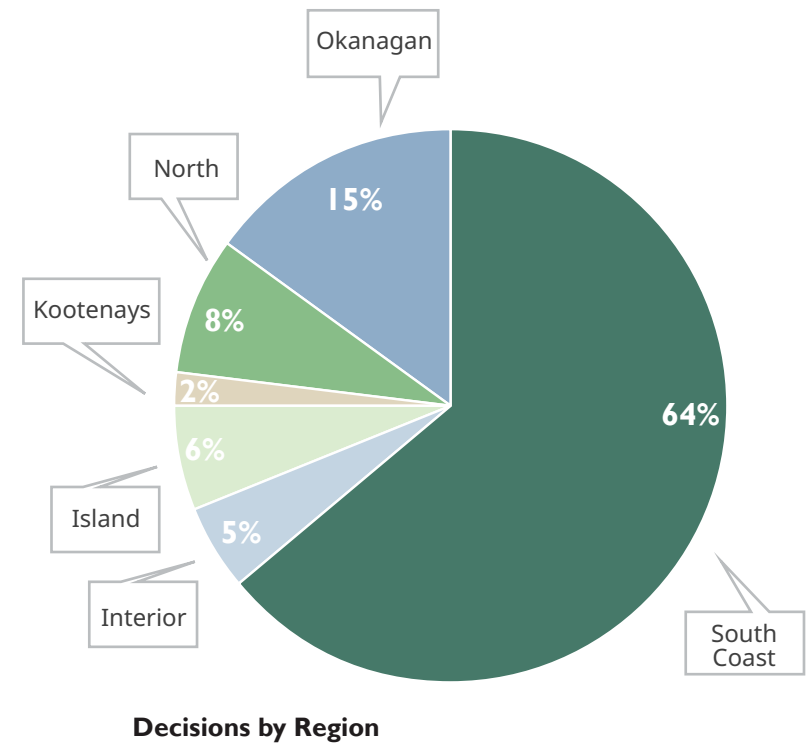
Notice of Intent for Soil Removal or Fill Placement

A Notice of Intent (NOI) to remove soil (including mineral extraction projects) or place fill may be submitted directly to the ALC for consideration of the CEO and/or their delegate. Once all of the information necessary to make a decision has been received, the ALC has 60-days to respond to an NOI. If the CEO and/or their delegate refuses to approve an NOI, applicants must submit a soil or fill use application to the local or First Nation government and ALC before any soil removal or fill placement activities can take place.

Local or First Nation governments may not permit the placement of fill or removal of soil unless it is first approved by the Commission (NOI or Soil or Fill Use application) or is a permitted activity in s. 26 or s. 35 of the ALR Use Regulation.

Region	Approvals	Refusals	Total Decisions
Interior	7	3	10
Island	9	3	12
Kootenay	3	1	4
North	11	4	15
Okanagan	24	5	29
South Coast	89	32	121
Total	143	48	191

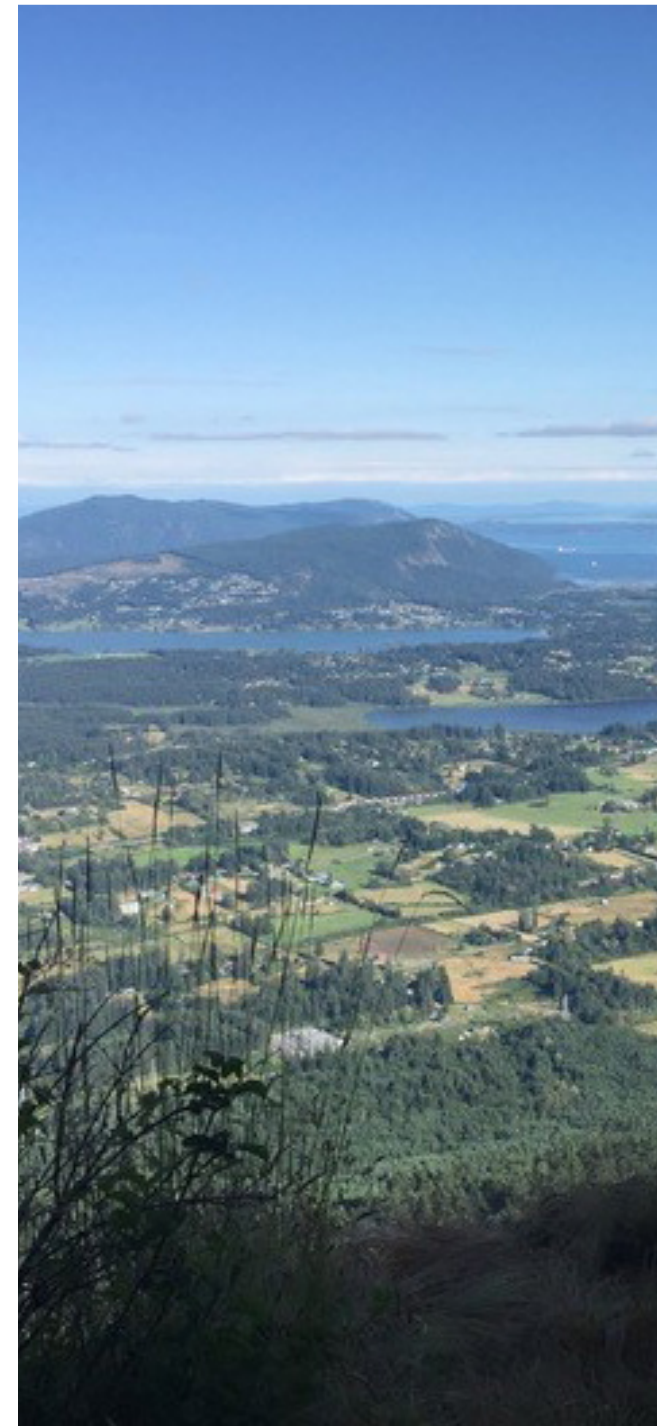
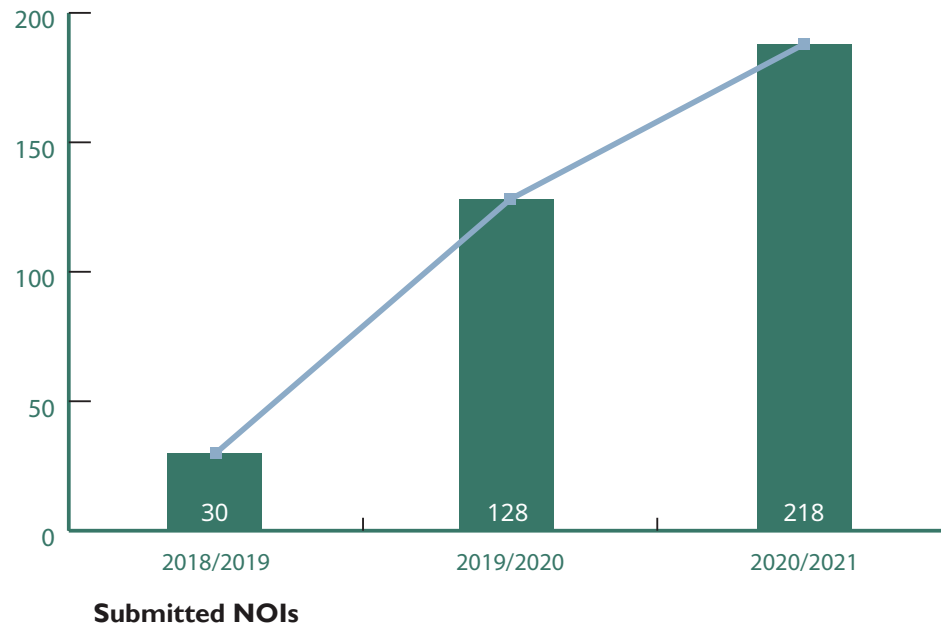
Please note: NOIs are not considered applications under the ALC Act and are not included in the application statistics referred to elsewhere in this report.



Notice of Intent Submissions

Following the adoption of Bill 52-2019 on February 22, 2019, the number of NOIs submitted to the ALC increased significantly. Between the 2019/2020 fiscal year and the 2020/2021 fiscal year, the number of NOIs submitted increased from 128 to 218, which represents a 70% increase in NOIs submitted to the Commission, as illustrated in the chart below.

In response to this, the hiring of additional staff resources was necessary to ensure the ALC was able to meet the legislated 60-day timeline for response to NOI submissions.



DECISIONS

Percent of Decisions by Type by Administrative Region April 1, 2020, to March 31, 2021

Interior Region

33%	Transportation and Utilities
25%	Non-Adhering Residential Use
21%	Subdivision
8%	Exclusion
8%	Soil or Fill
4%	Inclusion
0%	Non-Farm Use

Island Region

28%	Non-Farm Use
25%	Non-Adhering Residential Use
15%	Exclusion
15%	Subdivision
10%	Transportation and Utilities
8%	Inclusion
0%	Soil or Fill

Kootenay Region

37%	Exclusion
23%	Subdivision
14%	Non-Adhering Residential Use
12%	Transportation and Utilities
9%	Non-Farm Use
2%	Inclusion
2%	Soil or Fill

North Region

36%	Non-Farm Use
25%	Subdivision
17%	Transportation and Utilities
9%	Inclusion
5%	Non-Adhering Residential Use
5%	Soil or Fill
3%	Exclusion

Okanagan Region

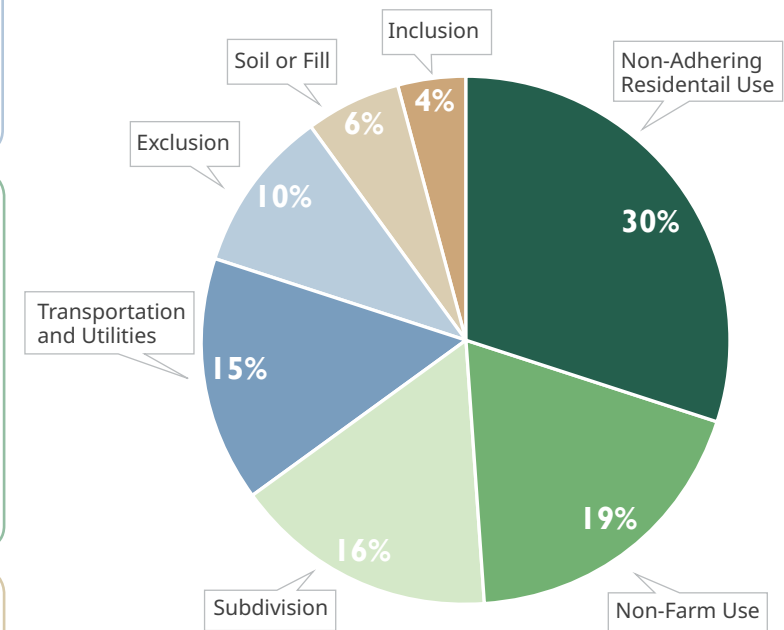
36%	Non-Adhering Residential Use
19%	Non-Farm Use
17%	Transportation and Utilities
10%	Subdivision
10%	Exclusion
4%	Soil or Fill
3%	Inclusion

South Coast Region

46%	Non-Adhering Residential Use
14%	Non-Farm Use
14%	Subdivision
13%	Soil or Fill
10%	Transportation and Utilities
2%	Exclusion
1%	Inclusion

Percent of Decisions by Type

April 1, 2020, to March 31, 2021



DECISIONS

Number of Applications Received and Decided (2020/2021- 2016/2017)

ADMINISTRATIVE REGION	NUMBER OF APPLICATIONS RECEIVED ¹ BY REGION				
	2020/2021	2019/2020	2018/2019	2017/2018	2016/2017
Interior Region	26	24	25	20	30
Island Region	33	38	45	37	44
Kootenay Region	52	35	34	34	61
North Region ³	62	81	100	123	91
Okanagan Region	91	93	80	65	51
South Coast Region	114	109	81	94	81
TOTALS	378	380	365	373	358

ADMINISTRATIVE REGION	NUMBER OF APPLICATIONS DECIDED ² BY REGION				
	2020/2021	2019/2020	2018/2019	2017/2018	2016/2017
Interior Region	24	31	26	22	36
Island Region	40	63	31	34	63
Kootenay Region	43	52	35	49	71
North Region ³	59	97	91	125	95
Okanagan Region	99	87	96	53	42
South Coast Region	108	116	83	103	108
TOTALS	373	446	362	391	415

¹ Forwarded to the ALC by a local government or submitted directly to the ALC for a Transportation and Utility Use application or to the Oil and Gas Commission (OGC) in the North Administrative Region.

² Applications decided includes applications carried forward from the previous fiscal year.

³ Applications submitted and decided in the North Administrative Region includes applications submitted to and decided by the OGC, acting on behalf of the ALC. The number of decisions made by the OGC this past fiscal year were substantially lower than in previous years. Please see page 44 for more information on Delegated Decision-making by the OGC.

DECISIONS

Number of Applications Received by Region and Application Type (2020/2021- 2016/2017)

ADMINISTRATIVE REGION	NUMBER OF APPLICATIONS RECEIVED ¹ BY REGION				
	2020/2021	2019/2020	2018/2019	2017/2018	2016/2017
Interior Region	26	24	25	20	30
Island Region	33	38	45	37	44
Kootenay Region	52	35	34	34	61
North Region	62	81	100	123	91
Okanagan Region	91	93	80	65	51
South Coast Region	114	109	81	94	81
TOTALS	378	380	365	373	358

APPLICATION TYPE	NUMBER OF APPLICATIONS RECEIVED ¹ BY TYPE				
	2020/2021	2019/2020	2018/2019	2017/2018	2016/2017
Inclusion	9	10	14	20	12
Exclusion	51	38	23	41	42
Non-Farm Use ³	77	89	120	127	122
Non-Adhering Residential Use ²	112	90	10	-	-
Subdivision	62	83	127	118	133
Transportation and Utilities	45	43	55	49	38
Soil or Fill	22	27	16	18	11
TOTALS	378	380	365	373	358

¹ Forwarded to the ALC by a local government or submitted directly to the ALC for a Transportation and Utility Use application or to the Oil and Gas Commission (OGC) in the North Administrative Region.

² This application type was introduced February 22, 2019 by Bill 52-2018.

³ Includes non-farm use applications decided by the OGC.

PERFORMANCE INDICATORS

2020/2021 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 s. 12 (2) (b) of the ALC Act.

PERFORMANCE INDICATOR		ACTUAL			TARGET
	2020/2021	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	94%	69%	95%	94%	100%
Notification of Deficient Application within 5 business days of receipt of Application	91%	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%	100%	90%
Performance Indicator 3: Percent of Applications processed within the 60 business day period.					
Percentage of Applications processed within 60 business days	86%	57%	47%	72%	90%
Performance Indicator 4: Percent of Applications processed within the 90 business day period.					
Percentage of Applications processed within 90 business days	95%	81%	94%	95%	90%

Please note: the application processing period commences on the date the ALC receives both the application documentation from the local government and the application fee from the applicant and the application processing period is paused when waiting for the submission of additional information from the applicant, for a scheduled site visit of exclusion meeting to occur or at the request of the applicant.

ALR Change Approved by Commission Decision

April 1, 2020 to March 31, 2021 | All figures are in hectares (ha)

Area Approved for Inclusion and Exclusion

Region	Inclusion		Exclusion		Net Change
	Approved	Refused	Approved	Refused	
Interior	0.0	1.9	12.2	0.0	-12.2
Island	10.2	0.5	6.8	56.4	3.4
Kootenay	0.0	0.6	71.6	9.9	-71.6
North	175.2 ¹	0.0	0.0	9.1	175.2
Okanagan	4.6	0.1	7.8	9.6	-3.2
South Coast	0.3	0.0	0.3	2.0	0.0
Total	190.3	3.1	98.7	87.0	91.6

¹ The ALC and Ministry of Forests, Lands, Natural Resource Operations, and Rural Development (MFLNRORD) have an agreement that requires Crown land receiving an agricultural grant to be included into the ALR. There were three inclusion applications submitted under this agreement in the 2020/2021 fiscal, totalling 160.3 ha included into the ALR.

See page 64 for the cumulative statistics on lands included and excluded from the ALR this fiscal (Cumulative GIS ALR Change).

Agricultural Capability of Areas Approved for Inclusions

Region	Inclusion Area	Agricultural Capability			
		Prime	Mixed	Secondary	Unclassified
Interior	0.0	-	-	-	-
Island	10.2	-	10.2	-	-
Kootenay	0.0	-	-	-	-
North	175.2	14.9	-	160.3	-
Okanagan	4.6	-	1.3	3.3	-
South Coast	0.3	0.3	-	-	-
Total	190.3	15.2	11.5	163.6	0.0

Agricultural Capability of Areas Approved for Exclusions

Region	Exclusion Area	Agricultural Capability			
		Prime	Mixed	Secondary	Unclassified
Interior	12.2	-	7.7	4.5	-
Island	6.8	-	6.4	0.4	-
Kootenay	71.6	10.5	54.0	7.1	-
North	-	-	-	-	-
Okanagan	7.8	2.3	0.4	5.1	-
South Coast	0.3	0.3	-	-	-
Total	98.7	13.1	68.5	17.1	0.0

ALR Change Approved by Commission Decision by Regional District

Area Included and Excluded by Commission decision – April 1, 2020 to March 31, 2021 | All figures are in hectares (ha)

Regional Districts	Outright and Conditional Decisions		Net Change Include/Exclude
	Application Type		
	Inclusion Area	Exclusion Area	
Capital	0.0	6.4	-6.4
Central Kootenay	0.0	36.5	-36.5
Central Okanagan	0.0	0.4	-0.4
Columbia Shuswap	0.0	29.9	-29.9
Cowichan Valley	9.8	0.0	9.8
East Kootenay	0.0	10.3	-10.3
Fraser-Fort George	138.6	0.0	138.6
Islands Trust	0.4	0.4	0.0
North Okanagan	4.6	0.5	4.1
Okanagan Similkameen	0.0	1.8	-1.8
Peace River	36.6	0.0	36.6
Sunshine Coast	0.3	0.3	0.0
Thompson Nicola	0.0	12.2	-12.2
Total	190.3	98.7	91.6

Only Regional Districts that had change in the ALR are listed in the table above.

Delegated Decisions

Delegated Decisions

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 granting them the authority to decide on non-farm use and subdivision applications in the ALR. The ALC can still enter into delegation with a First Nation government or an authority. The following is a summary of delegated decisions for the 2020/21 fiscal. Under s. 26 (5) of the ALC Act, a decision made by a delegated authority had the same legal effect as a decision of the ALC.

Delegated Decisions Statistics:

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 once the resource had been extracted. While the Delegation Agreement has been amended over the years to try and strengthen the agricultural considerations, the current agreement establishes a 20 ha per section threshold up to which oil and gas facilities are permitted in the ALR without application, and beyond the 20 ha threshold, to the OGC, acting on behalf of the ALC. Below is a summary of OGC approvals. The ALC notes that the number of oil and gas related applications approved by the OGC were substantially lower this fiscal than previous years as shown in the table below.

OGC Application Summary	2020/21	2019/20	2018/19	2017/18	2016/17
Applications Submitted	12	28	25	38	28
Applications Approved	11	28	24	38	28
Total Area of Non-Farm Use Approved (ha)	37.5	153.5	180	302.3	159
Applications Triggering Item 2 of Appendix I1	10	17	19	-	-
Applications Triggering Item 4 of Appendix I1	0	5	4	-	-
Applications Triggering Item 5 of Appenwdix I1	10	12	7	-	-
Applications Triggering Item 6 of Appendix I1	0	0	0	-	-

Please note: Information regarding Appendix I1 was not reported out on by the OGC prior to 2018/19.

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](#).

The Deputy Minister 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 Deputy Minister 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. The report will guide additional work including:

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

The Deputy Minister 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.





Reconsiderations

Reconsideration of Decisions

There are two types of reconsiderations that can be initiated under the ALC Act:

1. Requests by an affected person under s. 33

The Commission may reconsider a decision pursuant to s. 33 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.

2. Reconsiderations directed by the Chair under s. 33.1

Pursuant to s. 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 s. 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.



RECONSIDERATIONS

Requests by an affected person under s. 33

Region	Requests Submitted				Requests Reconsidered			
	2020/21	2019/20	2018/19	2017/18	2020/21	2019/20	2018/19	2017/18
Interior	5	5	9	9	4	1	3	0
Island	11	13	13	13	2	5	4	5
Kootenays	7	18	13	13	3	6	3	2
North	8	8	8	8	4	1	2	2
Okanagan	16	14	16	16	6	6	3	2
South Coast	26	29	31	31	14	14	8	7
Total	73	87	90	90	33	33	23	18

52% (36) of the 66 reconsiderations reviewed this fiscal did not meet the requirements of s. 33 of the ALC Act. Of the 33 decisions reconsidered this fiscal, 12% (4) of the decisions were reversed, 6% (2) were confirmed (decision remained unchanged), and 82% (27) were varied.

33.1 Chair Directed Reconsiderations

Region	Requests			
	2020/21	2019/20	2018/19	2017/18
Interior	0	0	1	0
Island	0	0	1	1
Kootenays	0	0	0	8
North	0	0	8	5
Okanagan	0	0	3	1
South Coast	2	2	3	4
Total	2	2	16	19

50% of the decisions reconsidered at the direction of the Chair were reversed and 50% were confirmed (decision remained unchanged).

A photograph of two white lambs in a lush green field. The lamb in the foreground is looking directly at the camera, while the one behind it is slightly out of focus. The text 'Policy, Regional Planning, and Engagement' is overlaid in white on the left side of the image.

Policy, Regional Planning, and Engagement

Regional Planning

To avoid inconsistencies between local and First Nation government bylaws, plans and policies and the ALC Act, its regulations, or any resolution of the Commission, the ALC works with local and First Nation governments to undertake a coordinated and cooperative planning review process.

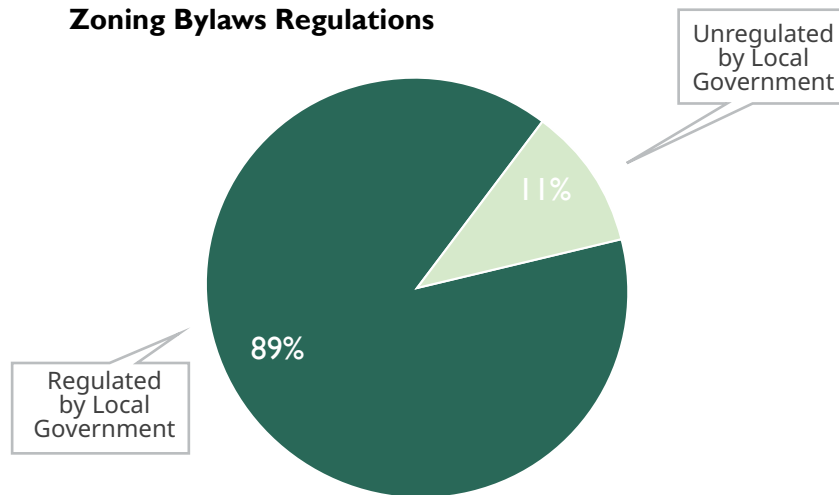
Section 46(2) of the ALC Act requires that a local or First Nation government must ensure consistency between adopted bylaws and the ALC Act, its regulations, or any resolutions of the Commission. Should any inconsistencies exist between adopted bylaws and the ALC Act, the regulations, or any resolutions of the Commission, the bylaws are of no force or effect, to the extent of the inconsistency (s. 46(4) ALC Act). Notwithstanding s. 46(4) ALC Act, a local government is still required to comply with s. 46(2) ALC Act.

Given these legislative requirements, it is the responsibility of local and First Nation governments to consult with the ALC early on in the bylaw development or planning process by referring draft bylaws to the ALC for review. The adoption of a bylaw that is inconsistent with the ALC Act, the regulations, or any orders of the Commission contravenes s. 46 (2) ALC Act and may expose the local government to legal challenge.

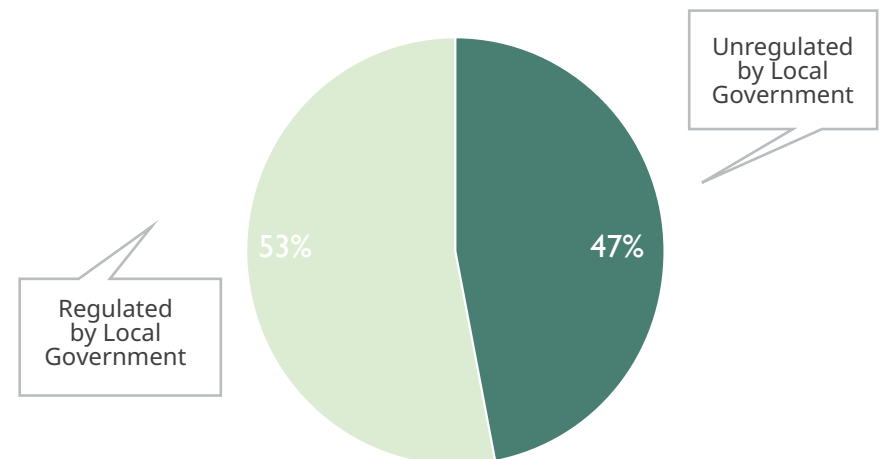
Unregulated Areas of the ALR

Starting in late 2019, the ALC sought to determine the percentage of the ALR in local government jurisdictions unregulated by bylaw (both zoning and building permit regulation). In July 2019 it was determined that 11% of the ALR is unregulated by local government zoning, and 47% of the ALR is unregulated for building construction (e.g. requires no building permits or inspection). This work was calculated with the assistance of local government planning and geoinformational staff.

Zoning Bylaws Regulations



Building Permits Regulations



Regional Planning Highlights

Section 475 of the Local Government Act requires that local governments refer draft bylaws and amendment bylaws to the Commission when they might affect agricultural land. Each year, the ALC reviews hundreds of referrals affecting the ALR and adjacent areas. These include, but are not limited to, Official Community Plans (OCPs), Neighbourhood Plans, Zoning Bylaws, Agricultural Area Plans, Transportation Plans, and Parks and Open Space Plans. There were two large OCPs commented on by the Commission in 2020/2021:

Village of Midway's Official Community Plan (Planning Review File 46703)

In August 2020, the Commission reviewed the Village of Midway's Official Community Plan. The OCP affects 748.6 ha of the ALR, of which approximately 40.5 ha of ALR was proposed to be designated for non-agricultural uses and excluded from the ALR. The 40.5 ha proposal area included lands in the already developed downtown core, scattered existing light industrial uses and residential enclaves, and unspecified economic development areas. In review of the OCP, the Commission confirmed the existing and historic non-farm use of the downtown core and endorsed the non-agricultural designation and future exclusion of 15.9 ha. The areas of existing light industrial uses and residential enclaves had either previously received non-farm use approval from the Commission or their uses pre-dated the ALR. The Commission did not endorse the exclusion of the existing non-farm uses (10.4 ha) on the basis that if these lands were excluded their current uses could change or intensify, to the detriment of adjacent and surrounding agricultural lands. The Commission did not endorse the 14.4 ha of undeveloped lands for exclusion for unspecified economic development because the lands had good agricultural capability, and could be utilized for agriculture, consistent with the ALC's mandate to preserve farmland and encourage farming.

Steamboat-Jubilee Official Community Plan (Planning Review File 46751)

In December 2020, the Commission reviewed the Regional District of East Kootenay's Electoral Area "G" Steamboat-Jubilee Mountain Official Community Plan. The OCP affects approximately 22,707 ha of ALR and contained policies that generally support the protection of the agricultural land base and directed future development into established settlement areas. Within five of these settlement areas, (Dry Gulch and Radium Resort, Edgewater, Spillimacheen, Wilmer and Spur Valley) the OCP identified 770.2 ha of ALR, comprising ~216 properties, for future settlement and exclusion from the ALR. In the Commission's review of the OCP, it supported the future exclusion of 191 properties, totaling 218.4 ha, including some partial properties and rights-of-way in the identified settlement areas. The rationale for the exclusion included historic subdivision patterns that pre-dated the ALR and previous approvals for residential use. The Commission did not support the policies supporting future exclusion of 25 properties, totaling 527.8 ha due to their good agricultural capability.

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 issued two policies: *ALC Policy L-26 Non-Adhering Residential Use Applications* in April 2020 which outlines general guidelines for the ALC's considerations of non-adhering residential use applications, and *ALC Policy P-11 Expert Opinion*, in October 2020, which is intended to provide guidance on what is expected of an expert whose opinion is submitted as evidence before the Commission.

Regional Seminars on Exclusion Process Changes Post Bill 15-2019

Regional Seminars

In July 2020, the ALC hosted six webinars, one in each administrative region, for local government planning staff to discuss changes to the exclusion process scheduled to take effect September 30, 2020. The regional seminars focused on how the changes would affect local governments and how they could best manage and process applications.

While the sessions were intended to be regionally based, local government staff had the ability to attend any session based on their availability.

Session Attendance

Region	ALC Staff	AGRI Staff	Local Government Staff	Number of Local Governments
Interior	5	1	8	6
Island	7	1	23	14
Kootenay	5	0	15	9
North	6	0	14	11
Okanagan	7	1	15	10
South Coast	6	1	16	12
TOTAL -	4	91	62	

ALC Engagement & Outreach

Ministerial Meetings

Minister of Energy, Mines and Low Carbon Innovation (EMLI) The ALC met with the Honorable Minister Ralston to discuss the need for a better balance between oil and gas development and agriculture in the ALR in northeastern BC and to support the work of the Joint Deputy Minister's Task Force reviewing the current situation.

Minister of Forests, Lands, Natural Resources and Rural Development (FLNRORD) The ALC met with the Honorable Minister Conroy to discuss the extent of Crown ALR (Crown ALR makes up 54% of the total ALR land base), its importance for agriculture in BC, the need for increased utilization of Crown ALR for agriculture, and challenges with tenure and land use authorizations in Crown ALR.

Minister of State for Lands and Natural Resource Operations: The ALC made a submission about the importance of Crown ALR to agriculture in BC, to the Minister of State responsible for assessing whether land use objectives that support economic activity, environmental sustainability, and reconciliation with Indigenous Peoples can be more effectively achieved through restructuring of the Ministry of FLNRORD.

Working Groups

FLNRORD Land and Resource Management Plan (LRMP) Update: The ALC is participating in the update to the Fort St. John LRMP that will provide a set of strategic policies and objectives for the long-term management of provincial public lands and resources in and around the Fort St. John area to provide long-term land management direction and increased certainty for all land users. There is approximately 149,151 hectares of ALR in the LRMP area.

Crown Trails Working Group: The ALC and FLNRORD's Recreation Sites and Trails of BC (RSTBC) Division staff have a joint working group to help improve communication between the two agencies, discuss recreation impacts on agriculture in Crown ALR, and discuss ways to improve the process for recreational trail applications to the ALC, with the ultimate goal of creating a Memorandum of Understanding.

ALC/Ministry of Transportation (MOTI) Working Group on Infrastructure Applications: The ALC and MOTI established a joint working group to help improve communication and understanding of issues impacting the ALR and the application process.

BC Hydro Working Group: Given the issues and challenges with overlapping legislation (ALC Act and BC Hydro Authority Act), ALC and BC Hydro staff established a joint working group to help improve communication and understanding of issues impacting the ALR and the application process, and discuss ways the two agencies can engage more effectively in advance of applications to help improve the process.

LTSA Working Group: ALC and Land Titles Survey Association established a working group to identify ways to improve the current process for the registration of documents and notices on title.

Ducks Unlimited Canada (DUCs): ALC and DUCs staff have been meeting to discuss the impacts of new legislation on DUCs operations and are working to develop processes to help address/navigate the issues within the legislative framework available to the Commission.

Filming in the ALR Working Group: The ALC has been working collaboratively with Creative BC (BC's Film Commission) to develop a streamlined process for the consideration of non-farm use applications for temporary filming in the ALR.

Meetings and Presentations

- Chilliwack Agricultural and Rural Advisory Committee
- BC Land Surveyor's Conference
- Comox Valley Regional District Chair and Chief Administrative Officer Forum
- The Inter-Ministry Invasive Species Working Group (IMISWG)
- Fraser Valley Agri-tourism Strategy Meeting
- BC Agriculture Council (BCAC)
- Maple Ridge Agricultural Advisory Committee
- Regional District of Central Okanagan Planning Lab ALR Exclusion Process
- University of Fraser Valley
- Qathet Regional District Agricultural Advisory Committee
- UBC Land and Food Systems Program
- Salmon Arm Agricultural Advisory Committee
- Ministry of Forest, Lands, Natural Resource Operations and Rural Development (FLNRORD) District Managers meeting
- Ministry of Forest, Lands, Natural Resource Operations and Rural Development (FLNRORD) Directors of Authorization meeting
- Metro Vancouver Industrial Lands Task Force
- Simon Fraser University Resource and Environment Management Program
- Union of BC Municipalities (UBCM) 2020 Convention Meetings



Judicial Review

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's decision was, in all the circumstances, reasonable, or whether the applicant was afforded procedural fairness. In fiscal year 2020/2021, BC courts issued three judgments related to the Agricultural Land Commission. A summary of the courts' findings is provided below.

Whitehead v. British Columbia (Agricultural Land Commission), 2021 BCSC 31

This judicial review proceeding was commenced in BC Supreme Court in November 2018 challenging a refusal of a subdivision application which was combined with an offer to apply for inclusion in the ALR of land on an adjacent parcel. The matter was set down multiple times but was finally heard on October 8, 2020. The court released its decision in January 2021, finding in favour of the ALC. Madam Justice Wilkinson found that the ALC was not bound to grant permission for the proposed subdivision on the basis of the inclusion proposal, and that the ALC's decision overall was reasonable.

R.N.L. Investments Ltd. v. Provincial Agricultural Land Commission, 2019 BCSC 1191, affirmed 2021 BCCA 67

The owner of a Surrey golf property applied to exclude the property from the ALR for development. A judicial review was commenced in BC Supreme Court in November 2018 challenging the ALC's decision, on reconsideration, to deny the application for exclusion. After a February 2019 hearing, the BC Supreme Court decided the matter in the ALC's favour. The petitioner appealed to the BC Court of Appeal and a hearing was held in that court in March 2020. The Court of Appeal released its decision in February 2021, finding in favour of the ALC. Madam Justice Dickson, writing for the Court of Appeal, found that the Chair is not required to give reasons for ordering a s. 33.1 reconsideration, and further that there was no requirement for a site visit or oral hearing in the circumstances of this case.

Sanstor Farms Ltd. v. Provincial Agricultural Land Commission, 2019 BCSC 1191

The ALC refused permission for an owner to engage in a non-farm use, specifically the operation of a sand depot, on a property in Richmond. A judicial review proceeding was commenced in BC Supreme Court in December 2019 challenging a Chair referral under s. 33.1 of the Agricultural Land Commission Act and a later refusal by the Executive Committee to reconsider, under s. 33, a decision unfavourable to the petitioner. This proceeding was heard on September 22, 2020. As the petition raised an issue that was before the Court of Appeal in R.N.L. Investments, the judge in Sanstor waited for a decision in R.N.L. Investments before ruling in this matter. On March 16, 2021, after the R.N.L. Investments decision was issued, Mr. Justice Myers ruled in favour of the ALC on both grounds. He found that the ruling in R.N.L. Investments disposed of the challenge to the Chair referral and that the Executive Committee's refusal to reconsider was reasonable as the applicant bore the burden of demonstrating that the grounds for a s. 33 reconsideration were made out and the applicant had not demonstrated that the evidence it relied on was not available at the time of the original decision.



Compliance & Enforcement

Compliance and Enforcement Program

Escalating population growth in BC has increased the pressure for other uses on BC's agricultural land base which has led to an increase, year over year, in the number of reports of non-compliant activities in the ALR. The ALC's Compliance and Enforcement (C&E) Program was brought into effect in 2007 out of concern that damage from activities not permitted in the ALR would continue to occur unless further protective measures were taken. The C&E program's main purpose 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 and its regulations. This is achieved by using a combination of education, compliance assessment, and enforcement.

Officials designated under the ALC Act have legislated authority to enforce provisions of the ALC Act on ALR lands for the purposes of administering the ALC Act. Their authority includes entering and inspecting land, requesting records, and issuing orders to stop work that contravenes (or has potential to contravene) provisions of the ALC Act, its regulations, or orders of the commission.

The ALC C&E Program currently consists of six officers (two of those positions were vacant for the majority of 2020-2021), one Intake Advisor and one Supervisor/Officer. At full complement, a total of seven Officers are responsible for the province-wide program. The C&E Officer's key functions include:

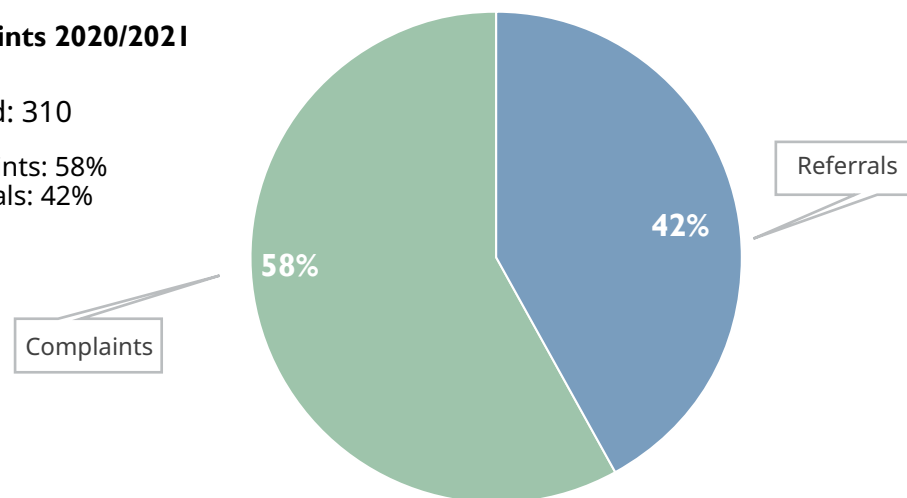
- Responding to reports of alleged ALC contraventions on private or public ALR land, for residential, commercial or industrial-based activity;
- Conducting inspections;
- Seeking voluntary compliance when contraventions are found and taking enforcement actions when needed; and
- Developing and maintaining partnerships with municipalities and regional districts & other Provincial agency staff on collaborative enforcement.

New Complaints 2020/2021

Total received: 310

Public Complaints: 58%

Agency Referrals: 42%



Compliance & Enforcement Workload

As of April 1, 2020, there were 477 active C&E files (e.g. non-resolved complaints and referrals) carried forward from the previous fiscal year. The C&E team closed 200 files (e.g. compliance gained) during the 2020/2021 fiscal year, which is a decrease of 18% over the previous fiscal. There were 587 active files at the end of this fiscal, which is an increase of 23% over the previous fiscal. Property inspections and enforcement actions were down from the previous year due to officer vacancies (two positions were held vacant for most of the fiscal due to budget constraints), Provincial Health Orders on travel restrictions, and the dedication of ALC staff resources to temporary foreign worker housing inspections for compliance with COVID-19 Provincial Health Orders for four months.

Enforcement actions taken by the ALC C&E Program are publicly posted in the Natural Resources Compliance & Enforcement Database <https://nrcecd.gov.bc.ca/>

C&E Statistics

C&E Activity	2020/2021	2019/2020	Percent Change from Previous Fiscal
Active Files at Beginning of Year (April 1) ¹	477	340	+40%
Incoming Complaints/Referrals	310	381	-19%
Files Closed	200	245	-18%
Active Files at End of Year (March 31)	587	477	+23%
Property Inspections	194	310	-37%
Compliance Actions ²	234	239	-2%
Enforcement Actions - Orders Issued ³	17	30	-43%

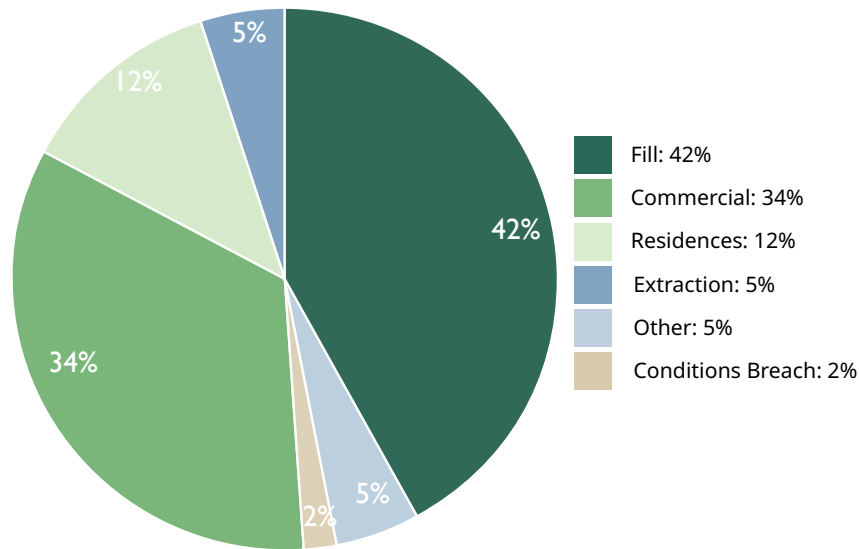
¹ Number of active files at the beginning of the fiscal; includes files from the previous fiscal years.

² Compliance actions include compliance notices and notices of contravention.

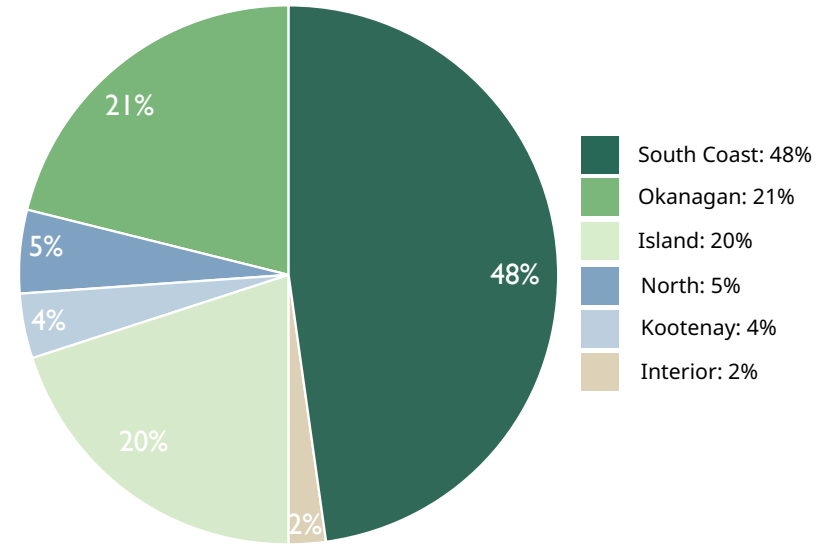
³ Orders include stop-work orders, remediation orders and penalty orders.

COMPLIANCE AND ENFORCEMENT

C&E Files by Type



C&E Files by Region



Total 2020-2021 Active Files = 787

Appeals under s. 55 of the ALC Act

A person who is the subject of a determination, decision, order or penalty by an ALC official under s. 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 s. 55 of the ALC Act, provides further guidance with regard to appeals. On an appeal, the Commission may confirm, reverse or vary the determination, decision, order or penalty, or refer the matter back to the official with or without direction. In 2020-2021, two appeal hearings were held. A summary of appeal outcomes for the current fiscal is provided below and details of appeal decisions are available on the ALC website at: <https://www.alc.gov.bc.ca/alc/content/alc-act-alr-regulation/compliance-and-enforcement>.

Outcome of Appeal	Number
Confirmed	2
Reversed	0
Decision Pending	1
Withdrawn	1
Total	4

A photograph of a brown horse with a white blaze lying down in a grassy field. In the background, there is a dilapidated wooden structure with a collapsed roof, situated near a body of water. The scene is set in a rural area with trees and hills in the distance.

Financial Report

FINANCIAL REPORT

2020/2021 Agricultural Land Commission Financial Report

Description	2020/21 Budget	2020/21 Actual	2019/20 Budget
Salaries	2,809,000	2,816,373	2,634,000
Benefits	713,000	710,757	668,000
Commission	536,000	310,128	536,000
Staff Travel	88,000	3,571	88,000
Prof Services - Contracts	30,000	12,703	30,000
Legal Contracts	413,000	333,141	413,000
IT expenses	137,000	203,558	137,000
Office Supplies & Business Expenses	60,000	15,380	60,000
Statutory Advertising & Publications	0	0	0
Materials & Supplies	5,000	11,560	5,000
Vehicle Expenses	15,000	331	15,000
Amortization	11,000	14,534	11,000
Building Occupancy Charges	8,000	91,818	8,000
Shared Cost Arrangements	-	0	150,000
Recoveries	(1,000)	0	(1,000)
Overhead Allocation	38,000	420,000	38,000
Other Misc Revenues	0	(32,767)	0
TOTAL	\$4,826,000	\$4,911,087	\$4,792,000

Appendix



APPENDIX

I. Cumulative GIS ALR Change - Included & Excluded April 1, 2012 - March 31, 2021

FISCAL YEAR	INCLUSIONS (ha)	EXCLUSIONS (ha)	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
2020/21	103	137	-34	4,612,870
Total	3,121	13,539	-10,419	

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

¹In 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.

²In accordance with paragraph 30 of the Lands Chapter of the Tla'amin Final Agreement and s. 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.

³In 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.

Archived ALC Cumulative Statistics Table 1974 – March 31, 2012

Please see the following page for ALC cumulative inclusion and exclusion statistics by calendar year.



APPENDIX

2. 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
March 31, 2012	16	6	10	4,759,783

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).

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