

# Provincial Agricultural Land Commission

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Annual Report 2021-2022





# Territorial Acknowledgement

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The ALC gratefully and respectfully acknowledges our work spans across the ancestral territories of the 198 First Nations, as well as 38 Chartered Communities of the Métis Nation of BC.

We recognize that the historic relationship between Indigenous peoples and the land continues today, and respect the diverse teachings, traditions and practices within these territories.

This document was published on the ancestral territory of the Coast Salish peoples including the territories of the xʷməθkʷəyəm (Musqueam), Skwxwú7mesh (Squamish), and Səlílwətaʔ (Tsleil-Waututh) Coast Salish peoples.



## Agricultural Land Commission

201- 4940 Canada Way Burnaby, BC, V5G 4K6  
604-660-7000 | [www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)

Honourable Lana Popham, Minister of Agriculture and Food  
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, 2021, to March 31, 2022. This report has been prepared in accordance with section 59.2 of the Administrative Tribunals Act and section 28 of the Agricultural Land Reserve General Regulation.

Yours truly,



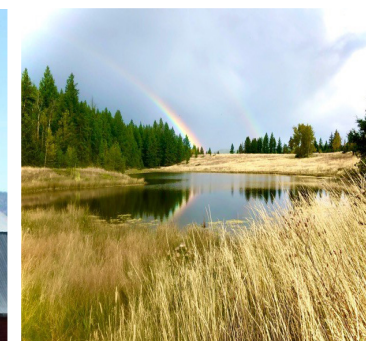
Jennifer Dyson, Chair

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 2021-2022 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).

This past year, again, proved to be a challenging one for BC agriculture. Early in the spring of 2021, dry conditions were already being reported in the southern Interior. On June 29, Canada's highest ever temperature of 49.6° C was recorded in Lytton and BC was in the midst of a provincewide heat dome. The record-

breaking temperatures, exceeding 40 °C impacted crops and livestock, and contributed to what turned out to be one of the most devastating wildfire seasons ever seen in BC. On the heels of the fire season less than two months later, a weather system called an atmospheric river flowed across the southwest corner of the province and over a period of two days, brought strong winds and near-record amounts of rain, which caused widespread flooding and landslides. Landslides and flooding took out bridges and highways, swept up homes and properties and trapped people in cars. Vital transportation corridors across the province were severed. The Sumas Prairie was inundated with so much water that boats were used to ferry supplies and rescue farmers and animals. The City of Merritt was evacuated when its wastewater treatment plant failed. More rain added more water to an already overloaded system. Widespread flooding and erosion in the Interior and agricultural heartland of the Province took months and will in some cases, take years to recover.

A grim warning of how fragile we are, and lessons must be learned from what we've just experienced. Those of us that were not hit directly by these emergencies watched in shock and unease of what was to come. Neighbours and communities reached out to help one another amid the crisis.

Ultimately, all of BC agriculture has been impacted by supply chains and continued escalating costs. We are reminded of how important and diverse agriculture is to this province, and when disaster strikes, we understand why local, or domestic production is so important.

The devastation and crisis in 2021 highlight the complicated geography of the Province. BC's is dominated by mountain ranges with over seventy-five (75) percent of the land base located above 1000 metres in elevation. Less than 5% of the Province's total land base has the capability of supporting agriculture. That capability is diverse. Soil, climate, topography, and drainage seldom occur perfectly for agriculture. In the narrow valleys where soil and climate are suitable, topography is the limiting factor. In the interior plateau where soils are good, climate limits the range of crops that can be grown. These valley bottoms are under tremendous pressure for irreversible conversion to commercial, industrial, residential, recreation, and other supporting infrastructure uses such as roads, rail, ports, solid waste and liquid waste disposal and treatment, etc.

ALR land is essential to BC and Canada's food security and critical to supporting the region's resilience to floods and droughts and climate change (and many other ecosystem services).

The fact that farmland is protected by the ALR should not make it more attractive to development, but it does. Land in the ALR is relatively unencumbered, cheaper and easier to develop, as a result it is considered, including at times by governments, as land “in waiting” for another use.

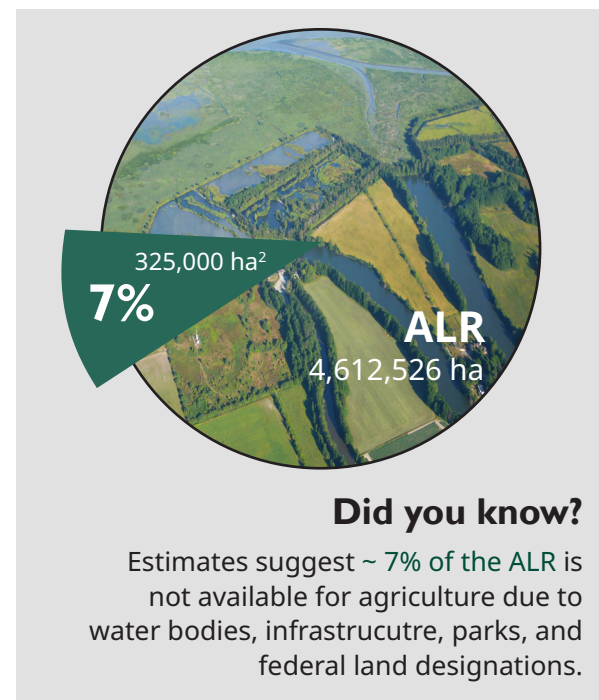
Almost 50 years later, all British Columbians should be thankful for the foresight of those who identified the need to preserve and protect our limited agricultural land as a provincial priority through the original Land Commission Act. The mandate of the ALC is focused on the long-term need to maintain a zone for agriculture while continuing to respond to the changing face of agriculture. It is not static and the support for local or BC agriculture continues to grow.

I am proud of the work of the ALC through COVID and these catastrophic weather events. Change is always happening and the ALC has always had to respond. Several ALC staff were involved in the provincial response efforts in November and December. Approximately 8,917 hectares of ALR were under emergency orders due to flooding in the Fraser Valley, southern Interior and southern Okanagan areas. The ALC worked with the City of Abbotsford to identify ALR properties impacted by floods to try to plan for rapid recovery in the Sumas

Prairie and parts of the Matsqui Prairie. I would like to especially thank CEO, Kim Grout, and Director of Operations, Avtar Sundher, for their work and incredible leadership. They are constantly striving for improvement and in doing so the ALC arrives as a stronger more effective organization. My role has been to lead an amazing collaborative team through virtual meeting platforms while integrating commissioner expertise, good judgment, and sound statutory decisions as required by our mandate. These decisions are exercised impartially, independently, and consistently.

Despite the global pandemic, the Commission remained operational throughout, again thank you to our flexible and dedicated staff and Commissioners. Our existing online application service, and meeting platforms supported their efforts. This past fiscal year, the ALC's 15 Commissioners made well-reasoned and legally defensible written decisions for approximately 315 applications, reviewed 60 requests for reconsideration of those decisions; decided on approximately 150 notices for soil or fill use a year, and managed over 600 active Compliance and Enforcement files.

The pandemic has also changed the way many people live and work. With more people teleworking from home people are moving from more urban centres to rural small towns.



Farm Credit Canada has released their farmland values report for 2021. According to the report, the average farmland values increased by 18.1% in British Columbia. This followed an 8% increase in 2020 and a 5.4% increase in 2019. Limited supply and high demand are factors that influenced farmland values in the province and that according to the report has been influenced by buyers from the lower mainland and other more populated areas of BC buying for affordability and space elsewhere in BC. A copy of the 2021 Farm Values Report can be found here <https://www.fcc-fac.ca/fcc/resources/2021-farmland-values-report-e.pdf>.



The Commission also recognizes the important work that needs to be undertaken to support meaningful reconciliation and implementation of the United Nations Declaration on the Rights of Indigenous Peoples and the Declaration on the Rights of Indigenous Peoples Act. In 2021, 14 of the 15 Commissioners took part in training on Indigenous history and relations and several senior staff and Commissioners took “Advancing Truth and Reconciliation in the Tribunal Context: Practical Steps” offered by the Council of Canadian Administrative Tribunals.

There is a tremendous opportunity for collaboration to preserve farmland, encourage farming, and advancing indigenous food sovereignty in the ALR. Indigenous agriculture is on the rise as a new generation takes a foothold, and the role regenerative agriculture has to play in response to ecological and climate change issues is realized. The ALR provides Nations with opportunities to explore ways agriculture can provide for economic growth. There are also programs like the B.C. Indigenous Agriculture Development Program which supports Indigenous people’s success in the food and agriculture sector. Even in areas outside of the ALR, wildcrafting, maple syrup, tree nurseries, land-based aquaculture and aquaponics occur. Agricultural land is a finite resource that requires careful

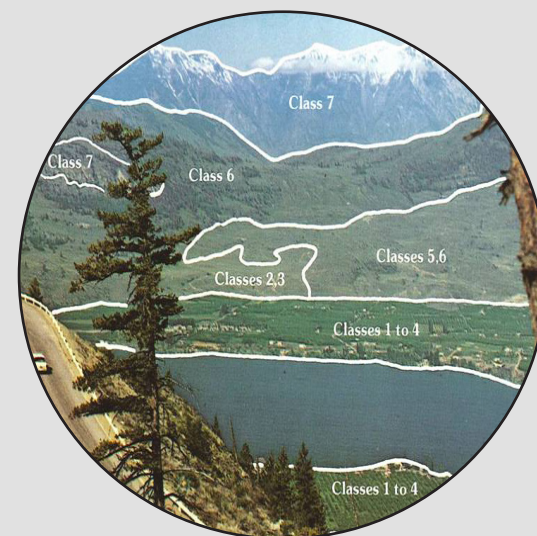
stewardship that can only be achieved through collaboration and the Commission appreciated the opportunity to engage directly with Nations at the First Nations Leadership Gathering this past January. The Commission also looks forward to engaging with the Minister of Agriculture and Food’s Indigenous Agriculture Advisory Committee and providing input into the Provincial Government secretariat struck to support legislative reform and alignment of BC laws with the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) including the alignment of the ALC Act and its regulations.

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 2021-2022 Annual Report.

**Jennifer Dyson**

Chair of the Agricultural Land Commission



### Did you know?

Not all agricultural lands are created equal and not all agricultural lands are capable of, or suitable for producing all agricultural products.

There are seven agricultural capability classifications set out in both the Canadian Land Inventory and the BC Land Inventory systems that take into account the relative degree and type of limitation to agriculture; use and/or the range of possible crops. These systems also indicate the type and intensity of management practices required for good farm management of the soil. Class 1 lands are capable of producing the broadest range of crops and while Class 6 and 7 are the least agriculturally capable lands, they may still be agriculturally productive, where topography and climate allow, and/or where the agricultural activities are dedicated to closed environmental systems.

British Columbia’s diverse agriculture industry needs all classes of land to thrive.



## 2021/2022 Fast Facts

**78** 

LOCAL GOVERNMENTS ENGAGED  
IN THE ALC'S RESIDENTIAL  
FLEXIBILITY SEMINARS

**190**



HECTARES APPROVED FOR  
INCLUSION



**~5%**

OF PROVINCE  
IN ALR

**150+**



LOCAL GOVERNMENTS  
WITH AGRICULTURAL  
LAND RESERVE IN THEIR  
JURISDICTION

**100%** 

SOIL AND FILL NOTICE OF  
INTENTS RESPONDED TO BY THE  
OFFICE OF THE CEO IN 60 DAYS

**98**



HECTARES APPROVED FOR  
EXCLUSION

**75%**



OF APPLICATIONS PROCESSED  
WITHIN 90 BUSINESS DAYS

**4**



ORDERS IN COUNCIL  
AMENDED THE ALC ACT  
AND ITS REGULATIONS

**79%** 

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

**315**



APPLICATIONS DECIDED\*

**340**



APPLICATIONS RECEIVED

**44%**



OF COMPLIANCE  
AND ENFORCEMENT  
COMPLAINTS ARE RELATED  
TO UNAUTHORIZED FILL

**54%**

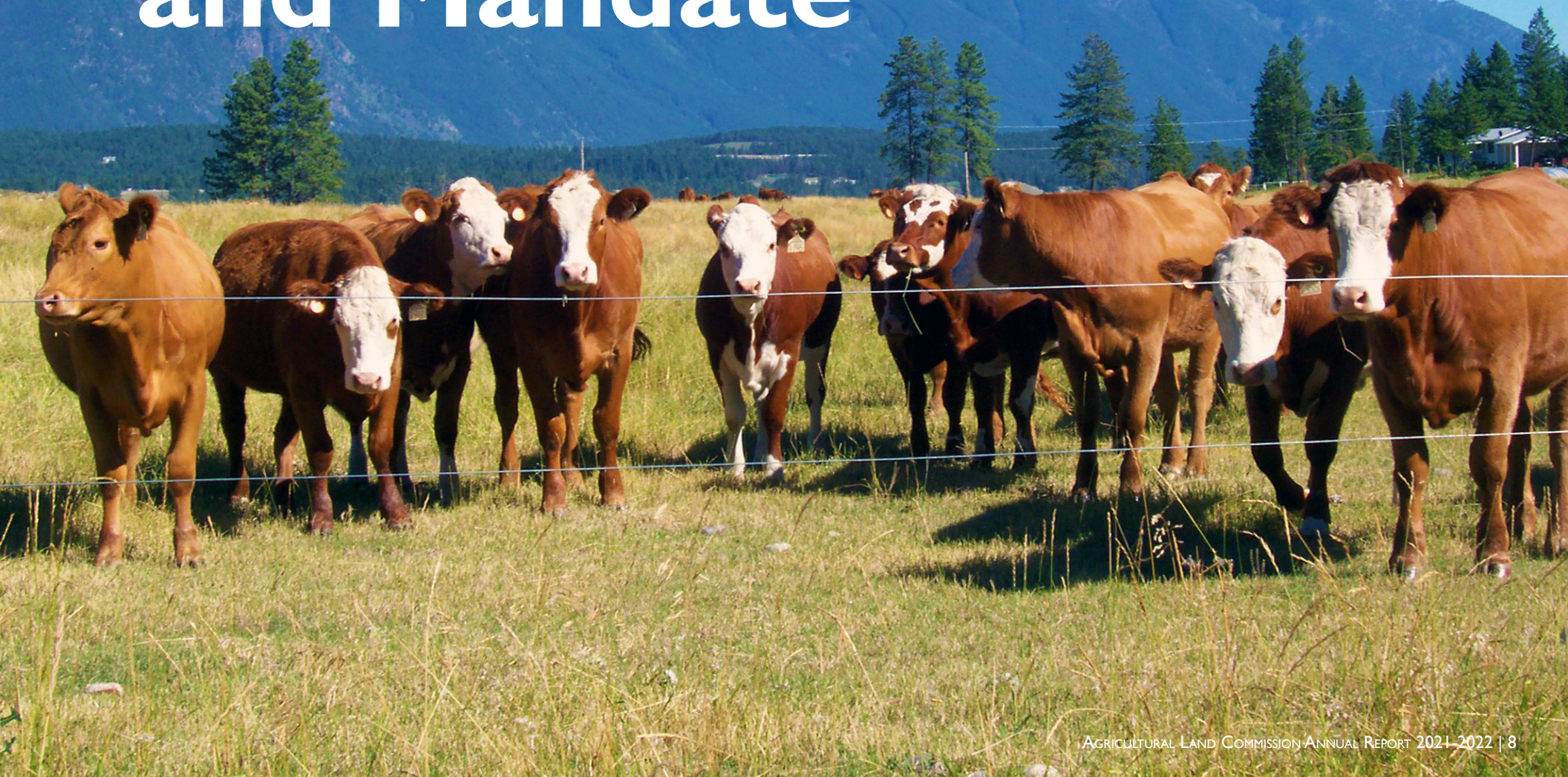


OF THE ALR IS CROWN LAND

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



# Purpose and Mandate





## Purpose and Mandate

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





# GOVERNANCE STRUCTURE

The work of the ALC is carried out by a Commission of not less than 11 and no more than 19 member from six administrative regions around the Province who serve collectively as the board of directors of the ALC. The Commission Chair is appointed by Order in Council of the Lieutenant Governor in Council, and Commission members are appointed by Ministerial Order of the Ministry of Agriculture and Food. The Chair has the authority to appoint one or more Vice-Chairs to serve on the Executive Committee from the members appointed by the Minister and to appoint members to panels for decision-making.

Commission members 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, 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.

## **Executive Committee**

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

## **Panels**

The Chair of the Commission may establish panels consisting of two or more members of the Commission based on administrative region, member expertise, application type or any other criteria determined by the Chair.

The Chair of the Commission has directed the establishment of a panel for each of the six administrative regions of the Province, to make decisions on all application types received from the region, with the exception of applications for soil and fill use and film productions.

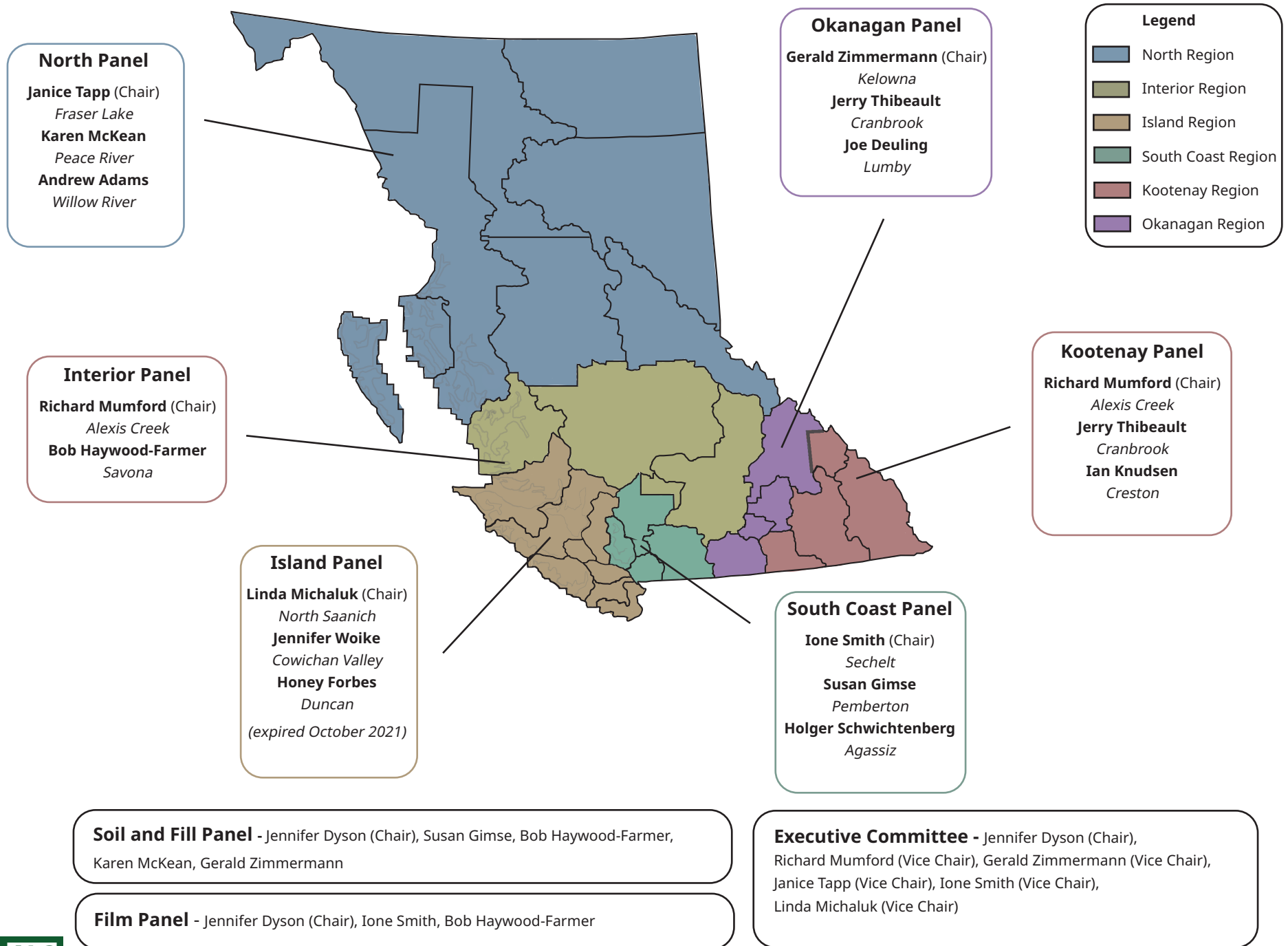
A five-member Soil and Fill Use Panel has been appointed to decide on all soil and fill use applications in BC and a three-member Film Panel has been established to decide on all non-farm use applications for filming in the ALR. These panels were provided with additional training to assist them with the review and analysis of the technical information submitted with these types of applications.

The Chair may 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 s. 33.1 of the ALC Act.



# GOVERNANCE STRUCTURE - PANELS



# GOVERNANCE STRUCTURE

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 and make decisions, where delegated to do so under the ALC Act, 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 laws of First Nation governments, and other agencies to ensure they are consistent with the legislative and regulatory requirements of the ALC Act and its regulations.

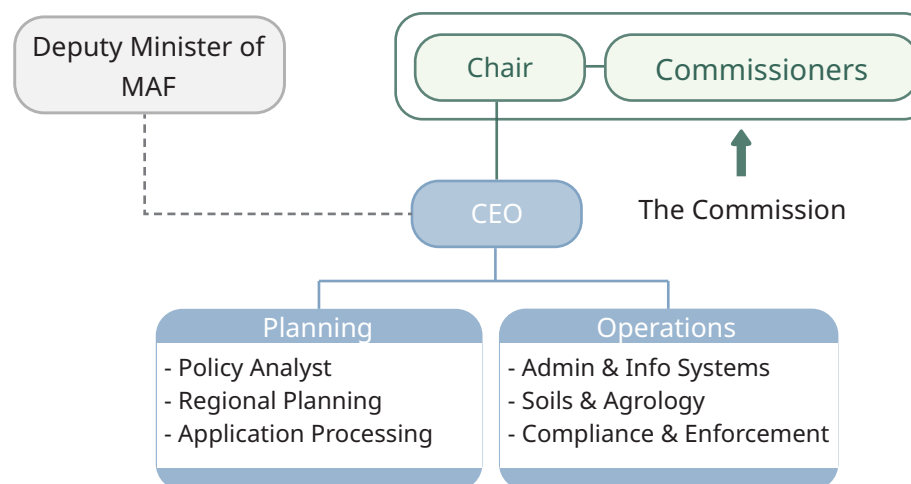
## Compliance and Enforcement

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 river meandering through a rural landscape. The river is a dark blue line that curves through green fields, dense forests, and some small clusters of buildings. The surrounding land is a mix of vibrant green and golden-yellow fields, suggesting different crops or stages of growth. The overall scene is a lush, natural 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.

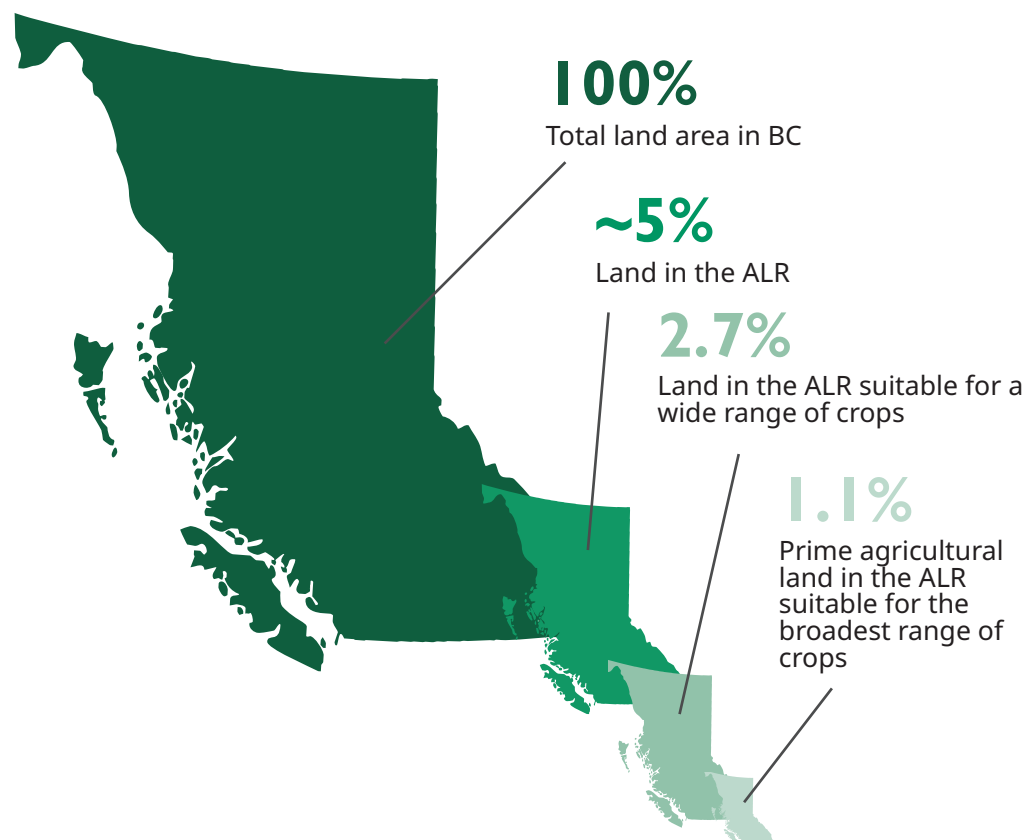
These maps were based on soil surveys and the Canadian Land Inventory (CLI) agricultural capability data, combined with proposed urban expansion areas on lower capability lands.

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:

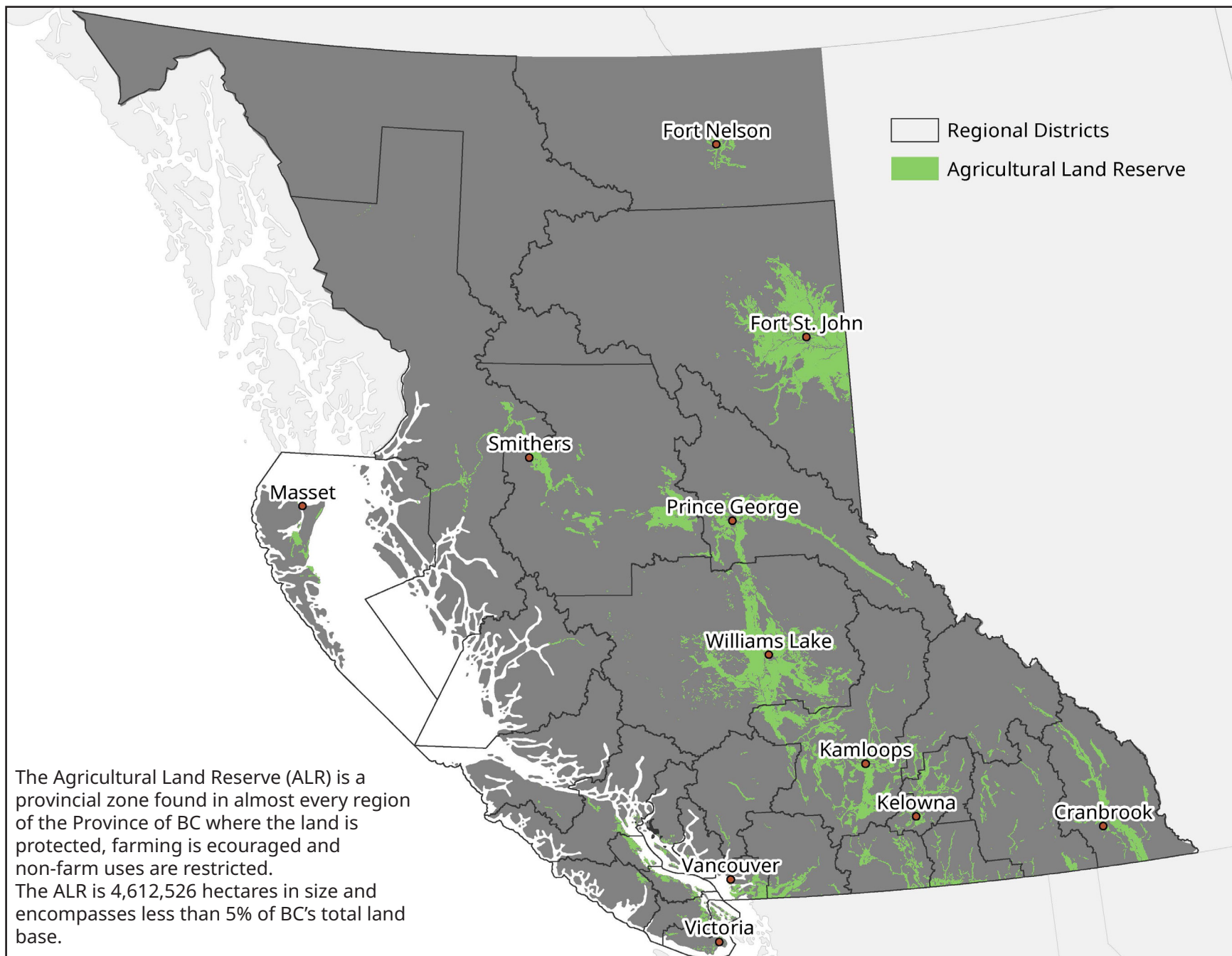
- All Class 1 to 4 land (CLI) that were not already developed were included in the ALR, both Crown and private land;
- If non-agricultural land was not immediately available for urban expansion, enough land was excluded to allow for about five years of community growth to ensure local governments had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

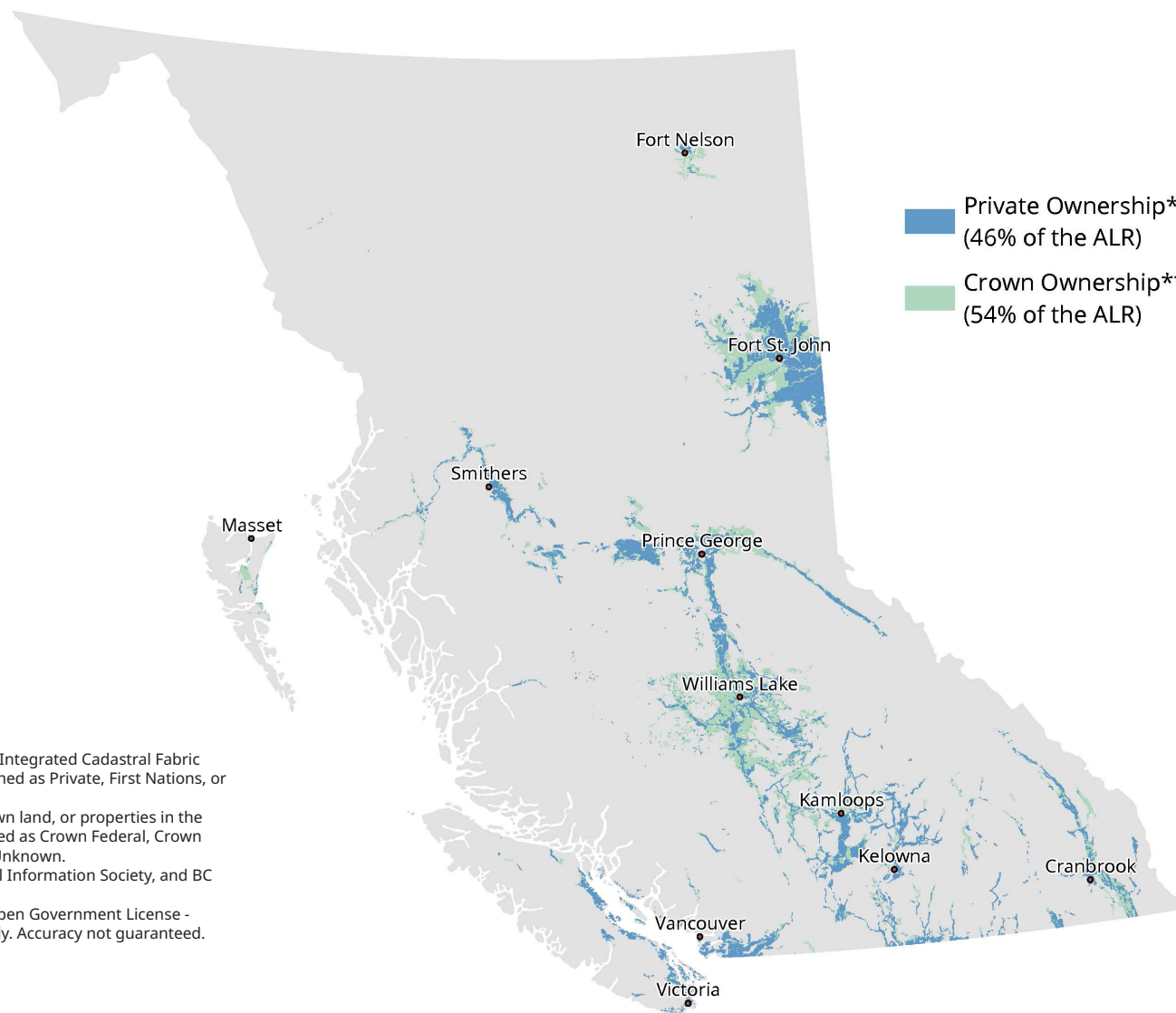






## Agricultural Land Reserve: Private vs Crown Ownership

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

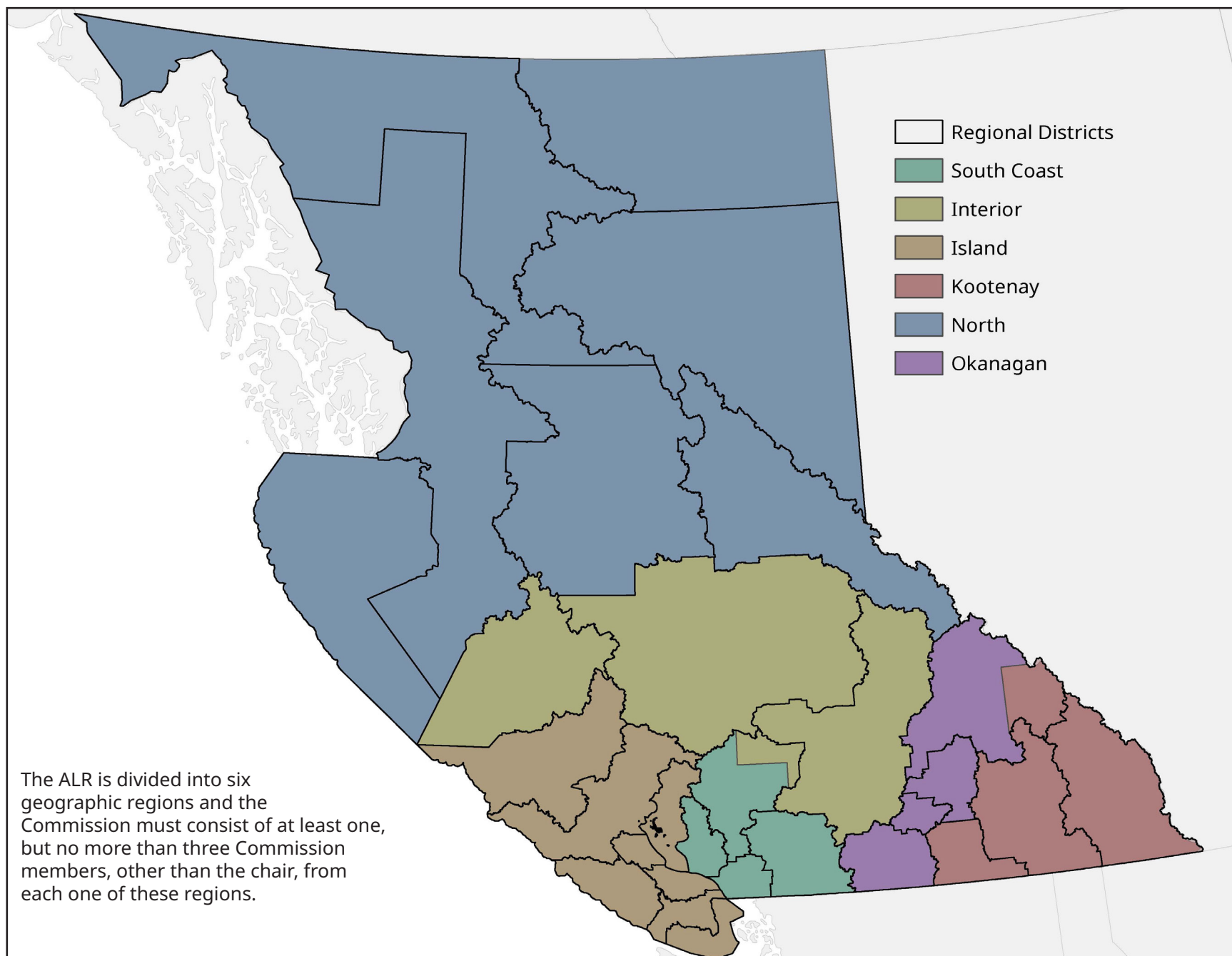
\*\*Crown Ownership = Unsurveyed crown land, or properties in the ICF where the Ownership Class is defined as Crown Federal, Crown Provincial, Crown Municipal, None, or Unknown.

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

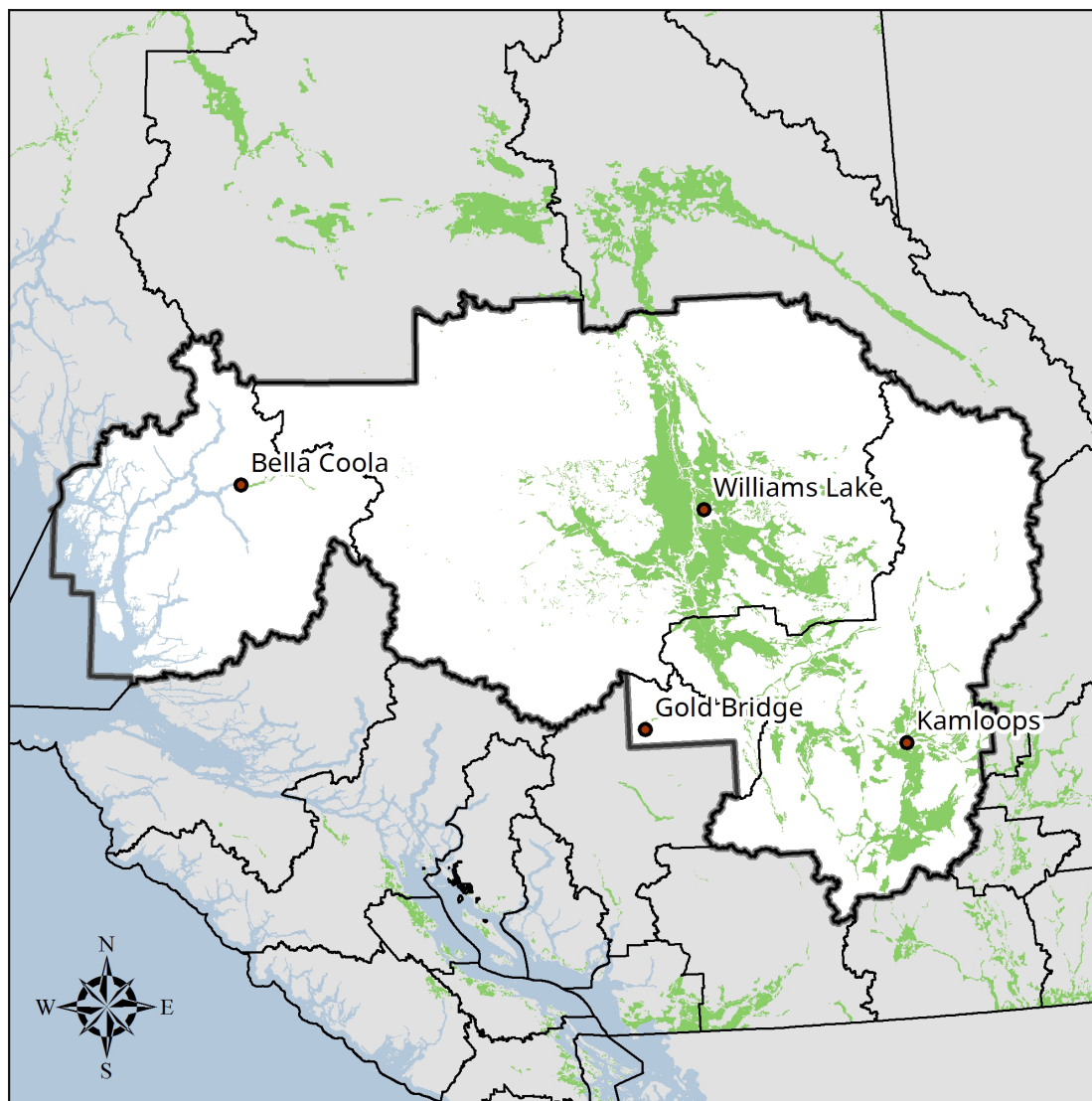
Contains information licensed under Open Government License - British Columbia. Map for reference only. Accuracy not guaranteed. Map created June 2021.



## THE ALR - ADMINISTRATIVE REGIONS



## 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

~1,528,999 hectares

**The ALR in the Interior Region  
represents **33%** of the total ALR  
in the Province.**



## 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

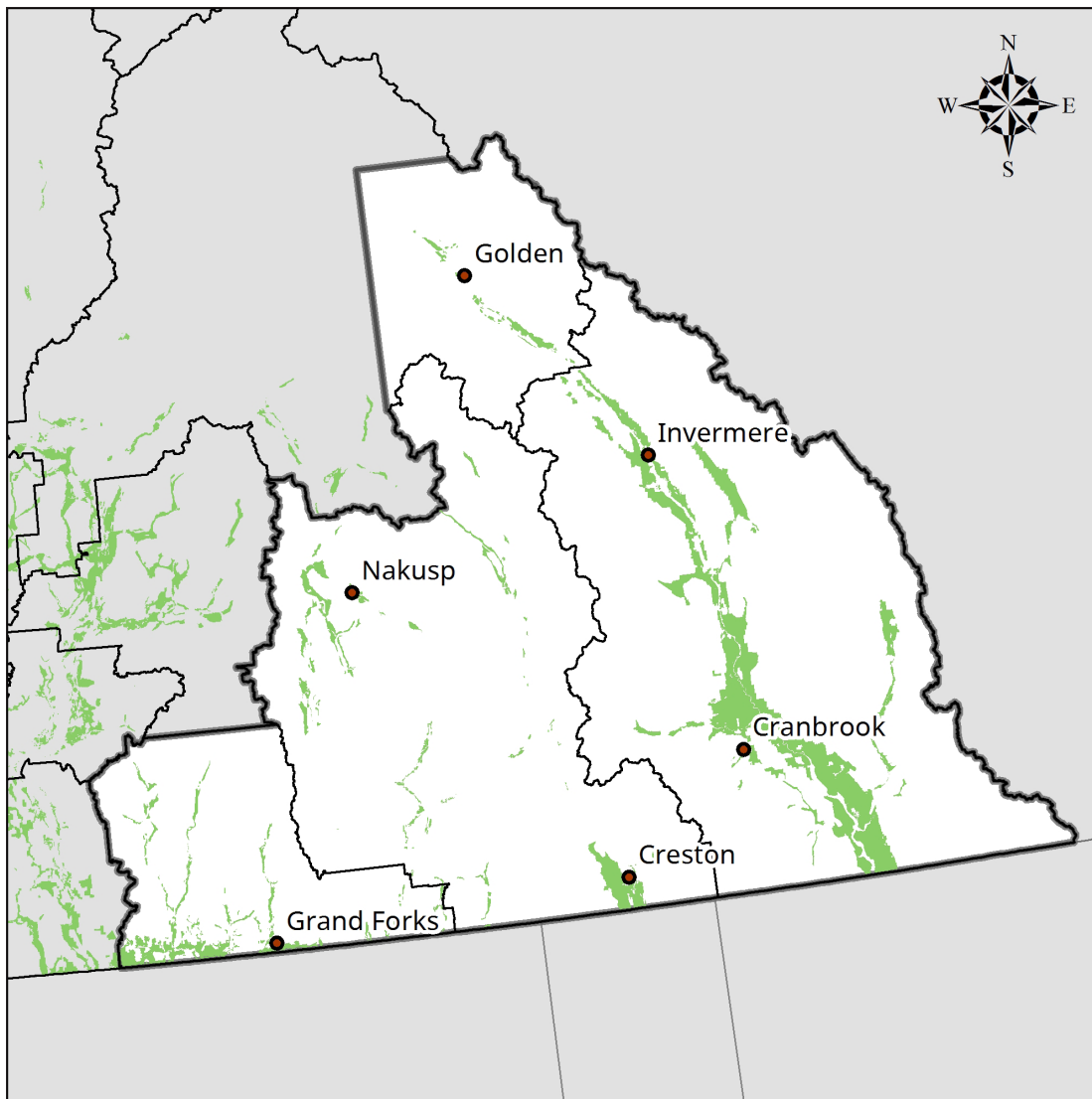
**1.5%**

### Total ALR area in Region

~115,422 hectares

**The ALR in the Island Region  
represents 3% of the total ALR  
in the Province.**

## 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%**

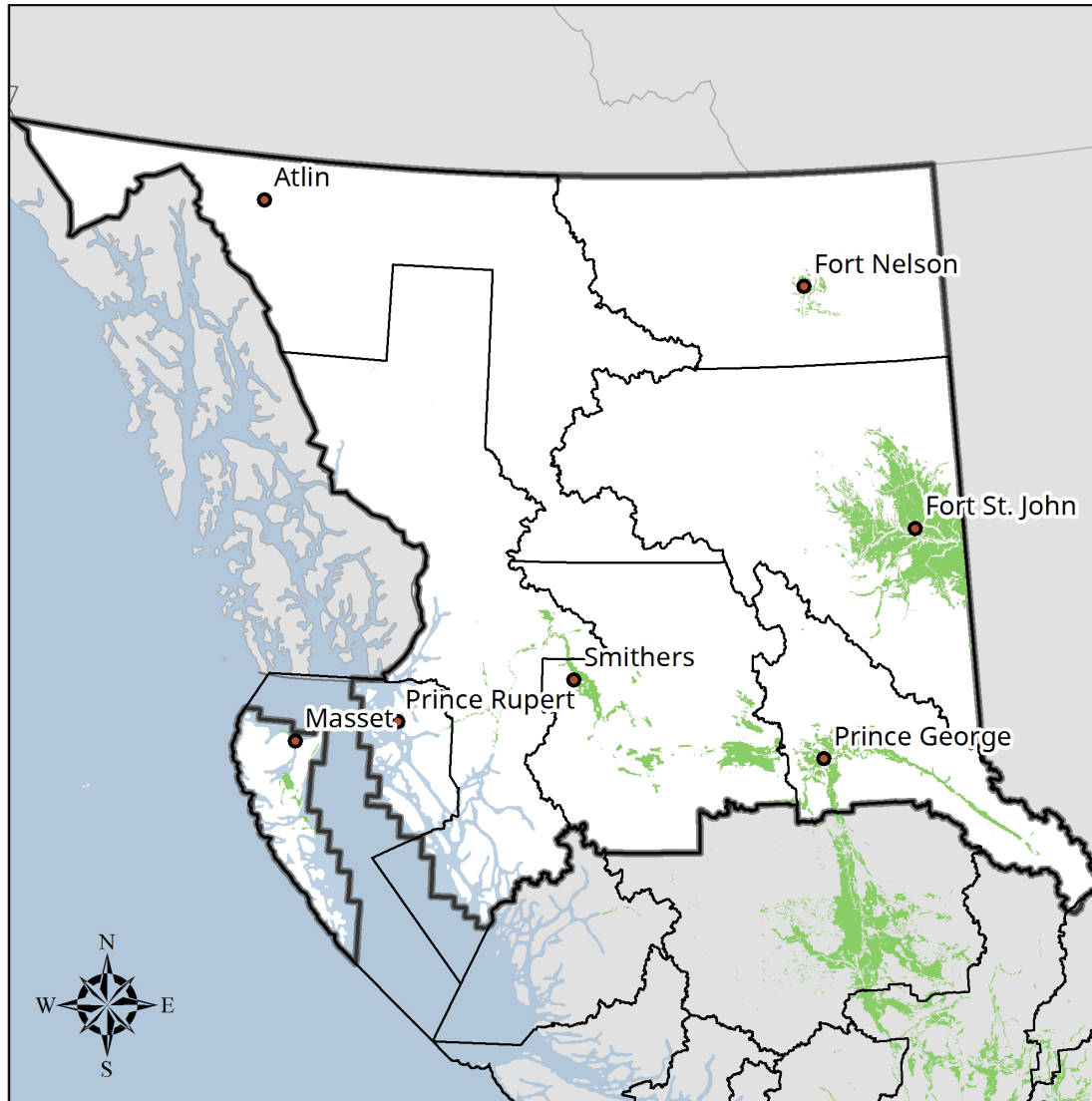
### Total ALR area in Region

~388,295 hectares

**The ALR in the Kootenay Region  
represents 8% of the total ALR  
in the Province.**



## 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 North Coast Regional District 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

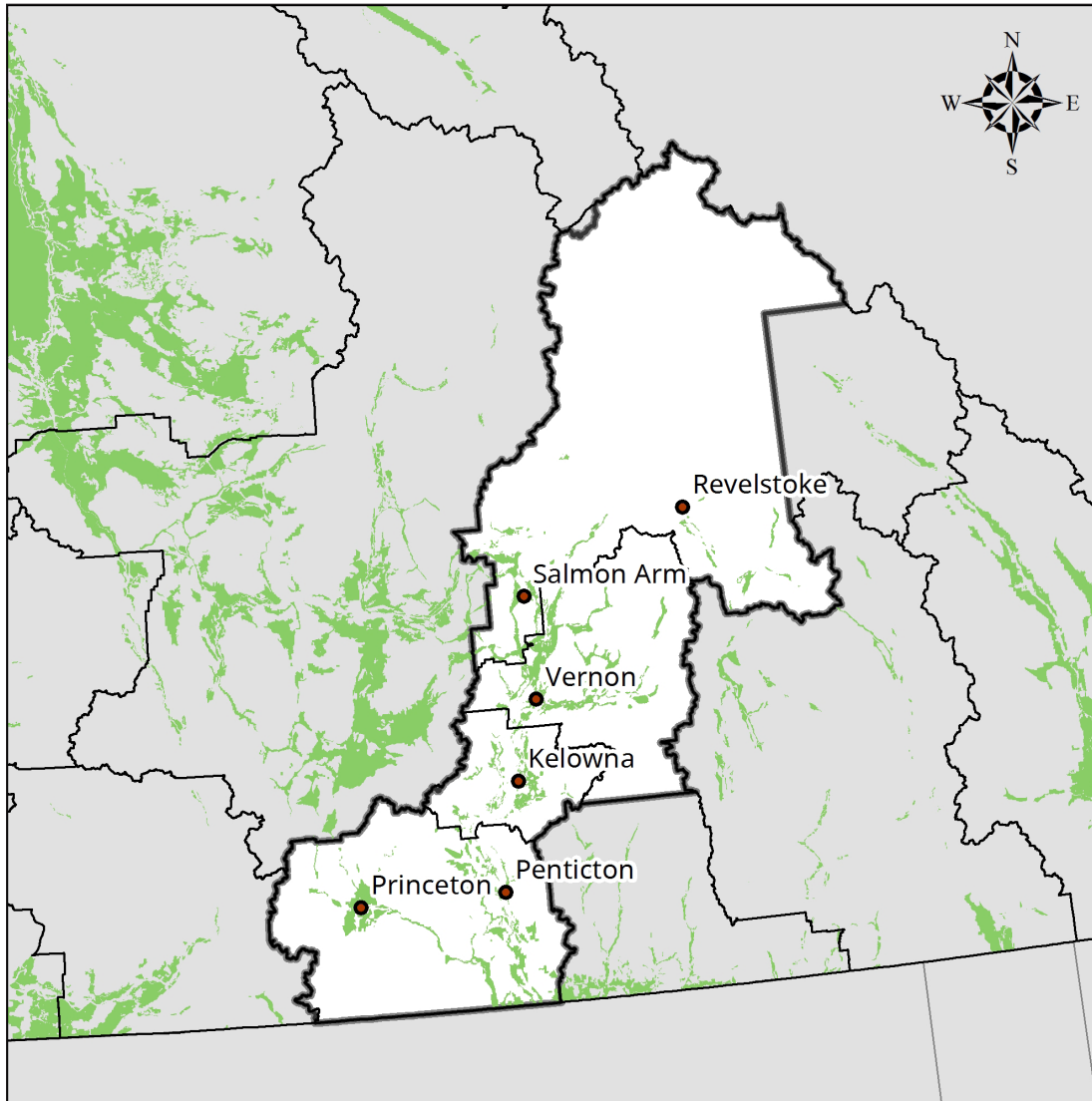
**3.6%**

### Total ALR area in Region

~2,206,951 hectares

**The ALR in the North Region  
represents 48% of the total ALR  
in the Province.**

## 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%**

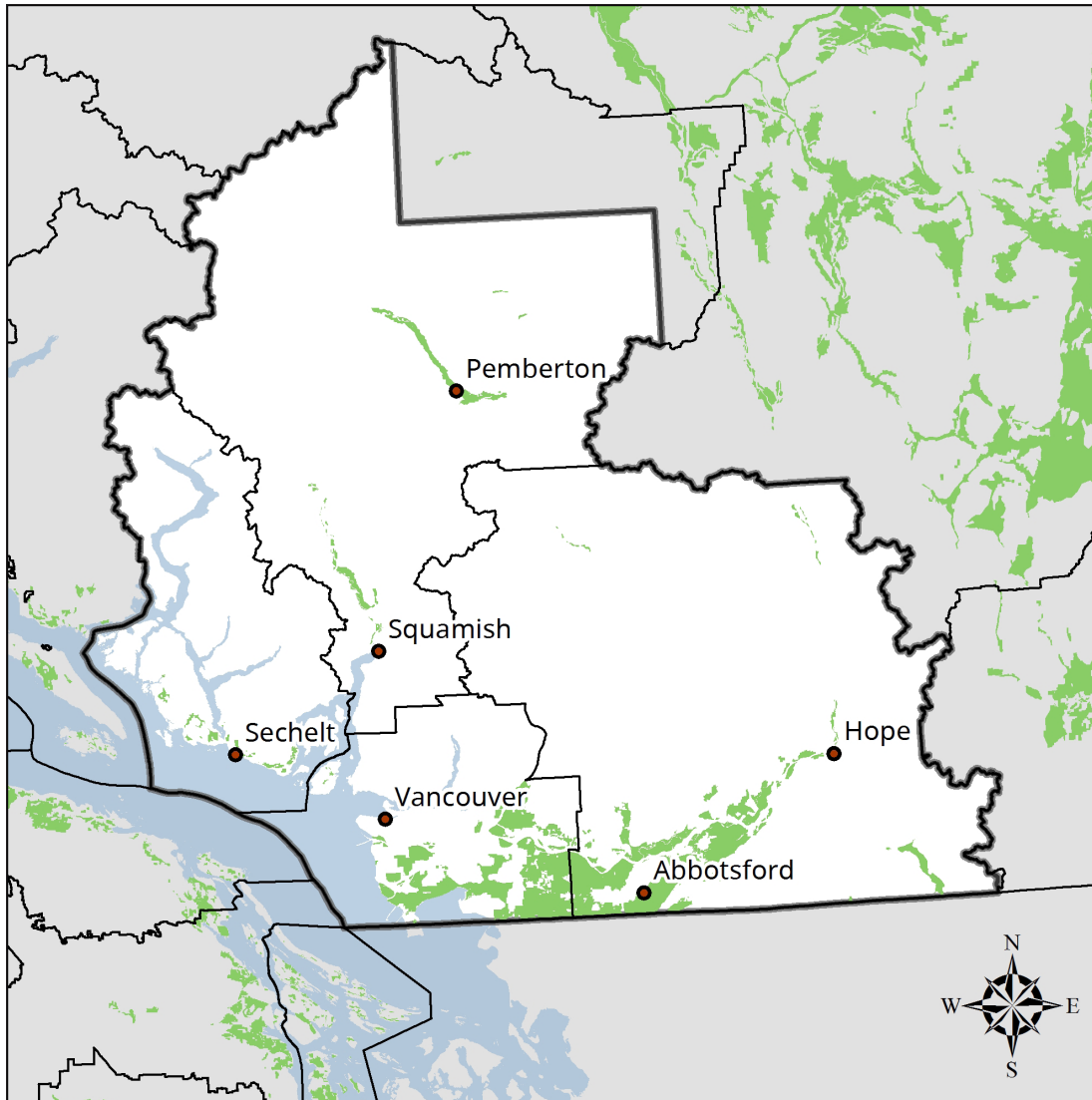
### Total ALR area in Region

~224,688 hectares

**The ALR in the Okanagan Region  
represents 5% of the total ALR  
in the Province.**



## 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-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

**The ALR in the South Coast Region  
represents 3% of the total ALR  
in the Province.**



# Statutory Rights of Way



# STATUTORY RIGHTS OF WAY

## Statutory Rights of Way

Effective September 30, 2020, the ALC Act was amended and under the new requirements:

- the registrant of a proposed Statutory Right of Way (SRW) under section 218 of the Land Title Act must notify the ALC of their intention to register a SRW; and
- a Registrar of Titles at the Land Title and Survey Authority of British Columbia (LTSA) is unable to register a SRW in the ALR unless the registrar is satisfied that the ALC has been notified in the form and manner required by the ALC.

Regardless of the successful registration of a SRW, SRW registrants must still obtain ALC approval before engaging in a non-farm use within the SRW. The September 2020 legislative change was intended to provide an opportunity for the ALC to remind SRW registrants that ALC approval continues to be required in relation to the use or construction on a SRW in the ALR.

On the effective date of this change, ALC staff manually issued e-mail confirmations for each SRW notification until changes could be made to the ALC's online application portal to provide an automated response. Due to resourcing challenges, an online system for submitting SRW notifications was not in place until December, 2021.

In 2021/22, the ALC received 753 SRW notifications, as compared to the 352 SRW notifications received the previous fiscal between September 30, 2020 (legislation effective date) and March 31, 2021.

## Number of Statutory Rights of Way Submitted in 2021/2022

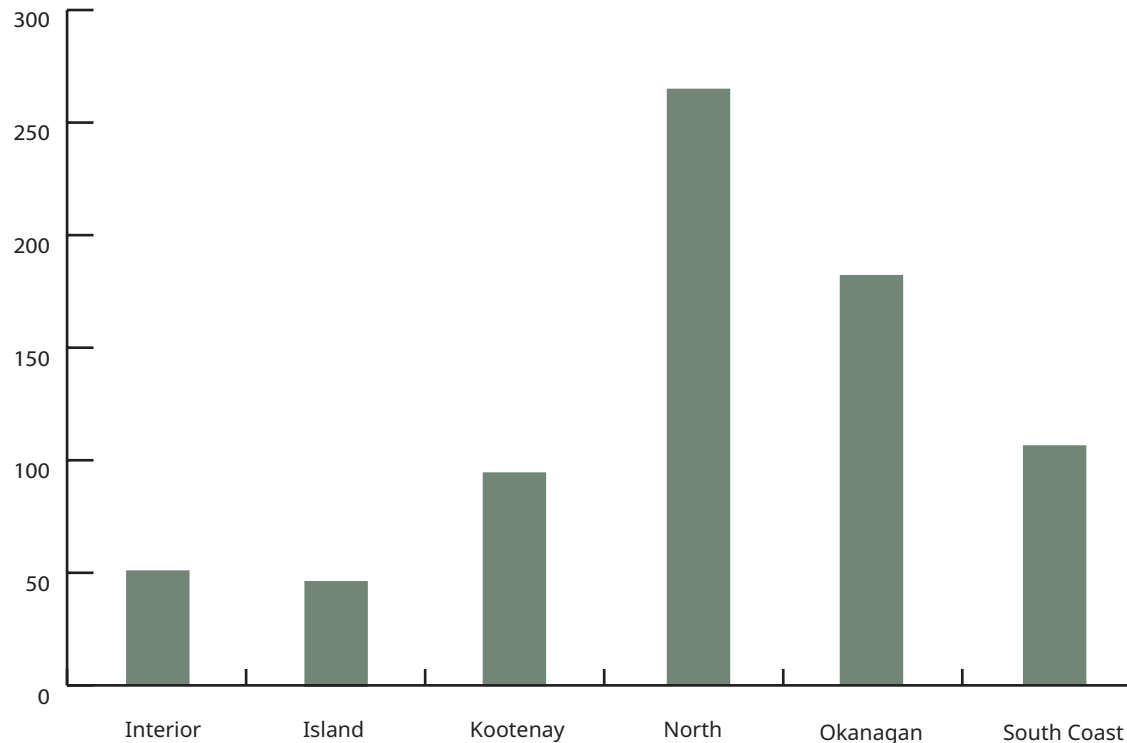
Region	Count of Region	Percent for each Region
Interior	52	7%
Island	47	6%
Kootenay	96	13%
North	266	35%
Okanagan	184	24%
South Coast	108	14%
<b>Total</b>	<b>753</b>	<b>100%</b>

# STATUTORY RIGHTS OF WAY

## Statutory Rights of Way by Region

Thirty-five percent of all the Statutory Rights of Way (SRWs) were in the North Administrative Region and the majority of these SRWs were for oil and gas activity. Twenty-four percent of all the SRWs were in the Okanagan Administrative Region and the majority of these SRWs were submitted by FortisBC Inc. to provide electrical distribution to individual subject properties.

Fifty-three percent of all the SRWs received this fiscal were from two agencies: BC Hydro (229) and FortisBC Inc. (171). The majority of the BC Hydro SRWs were for electric distribution and were fairly-well distributed across the Province while the majority of the FortisBC Inc. SRWs (60%), also for electrical distribution, were in the Okanagan Administrative Region.



Statutory Rights of Way by Region







# Applications and Decisions



# APPLICATIONS RECEIVED

Applications received by the Commission were down 10% in 2021/22, as compared to the previous fiscal.

This decrease is likely due to a combination of factors including:

- A 57% decrease in the number of exclusion applications received by the Commission. Last fiscal there was a large spike in the number of exclusion applications received as applicants rushed to submit exclusion applications before the regulations changed on September 30, 2020 to no longer permit private property owners to submit exclusion applications.
- A change in legislation was announced in July 2021 and took effect January 1, 2021, that permits an additional residence in the ALR without ALC approval, subject to certain criteria, that likely contributed to the decrease in the number of NARU applications received by the ALC (-29%).
- A slow down in the oil and gas sector has resulted in steady decline in the number of non-farm use applications received by the Oil and Gas Commission (OGC). The number of non-farm use applications considered by the OGC this past fiscal was down 64%.
- The above-mentioned decreases were somewhat offset by a 27% increase in the number of subdivision applications received, a 33% increase in transportation and utility use applications received, and a 64% increase in applications received for soil or fill use.

## Number of Applications Received by Application Type (2021/2022 to 2017/2018)

APPLICATION TYPE	NUMBER OF APPLICATIONS RECEIVED <sup>1</sup> BY TYPE				
	2021/2022	2020/2021	2019/2020	2018/2019	2017/2018
Inclusion	7	9	10	14	20
Exclusion	22	51	38	23	41
Non-Farm Use <sup>3</sup>	57	77	89	120	127
Non-Adhering Residential Use <sup>2</sup>	79	112	90	10	-
Subdivision	79	62	83	127	118
Transportation and Utilities	60	45	43	55	49
Soil or Fill	36	22	27	16	18
<b>TOTALS</b>	<b>340</b>	<b>378</b>	<b>380</b>	<b>365</b>	<b>373</b>

<sup>1</sup> 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.

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

<sup>3</sup> Includes non-farm use applications decided by the OGC.

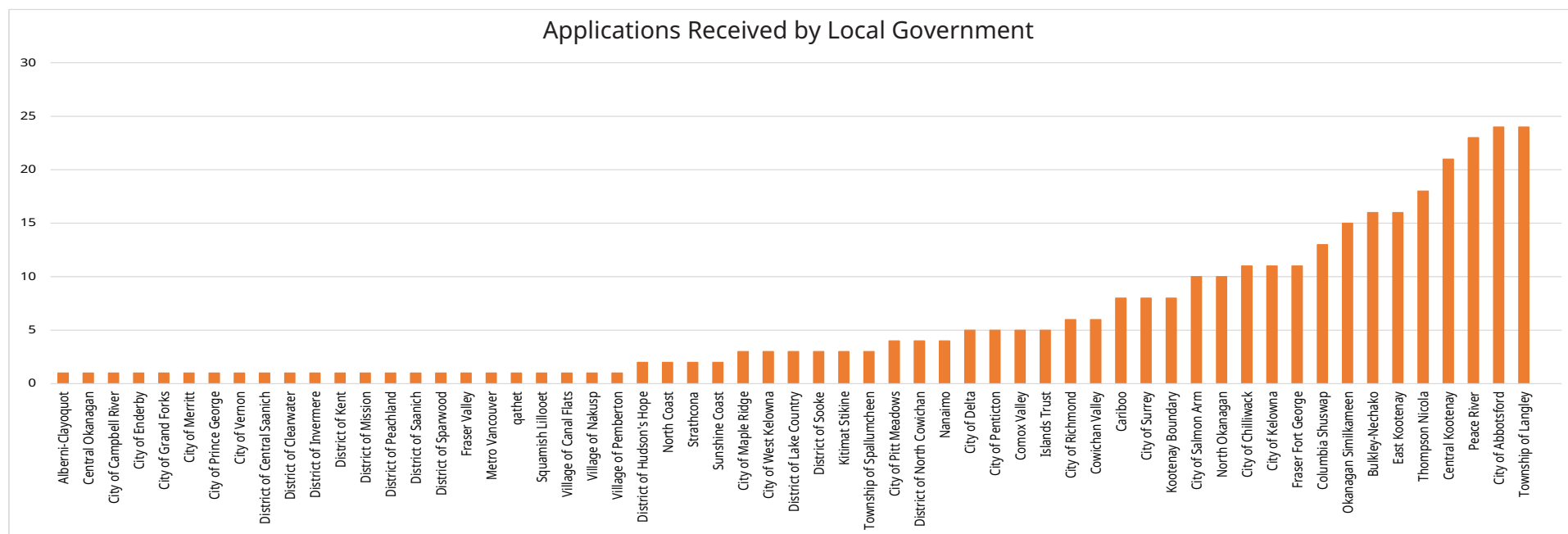


# APPLICATIONS RECEIVED

## Number of Applications Received by Region (2021/2022 to 2017/2018)

ADMINISTRATIVE REGION	NUMBER OF APPLICATIONS RECEIVED <sup>1</sup> BY REGION				
	2021/2022	2020/2021	2019/2020	2018/2019	2017/2018
Interior Region	28	26	24	25	20
Island Region	34	33	38	45	37
Kootenay Region	51	52	35	34	34
North Region	58	62	81	100	123
Okanagan Region	76	91	93	80	65
South Coast Region	93	114	109	81	94
<b>TOTALS</b>	<b>340</b>	<b>378</b>	<b>380</b>	<b>365</b>	<b>373</b>

## Number of Applications Received by Local Government (2021/2022)



<sup>1</sup> 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.

# DECISIONS

## Number of Application Decisions Released (2021/2022 to 2017/2018)

The number of decisions released by the Commission are down 16% this fiscal as compared to the previous fiscal which tracks with the decrease in the number of applications received which are down 10% this fiscal. The decrease in the number of decisions released is also likely due in part to unusually high staff turn over and vacancy rate which made it very difficult for the ALC to process and release decisions, especially in the very busy regions of the Province, in particular in the South Coast and Okanagan Administrative Regions.

ADMINISTRATIVE REGION	NUMBER OF APPLICATIONS DECIDED <sup>1</sup> BY REGION				
	2021/2022	2020/2021	2019/2020	2018/2019	2017/2018
Interior Region	33	24	31	26	22
Island Region	19	40	63	31	34
Kootenay Region	44	43	52	35	49
North Region <sup>2</sup>	46	59	97	91	125
Okanagan Region	62	99	87	96	53
South Coast Region	111	108	116	83	103
<b>TOTALS</b>	<b>315</b>	<b>373</b>	<b>446</b>	<b>362</b>	<b>391</b>

<sup>1</sup> Applications decided includes applications carried forward from the previous fiscal year.

<sup>2</sup> 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 48-50 for more information on Delegated Decision-making by the OGC.



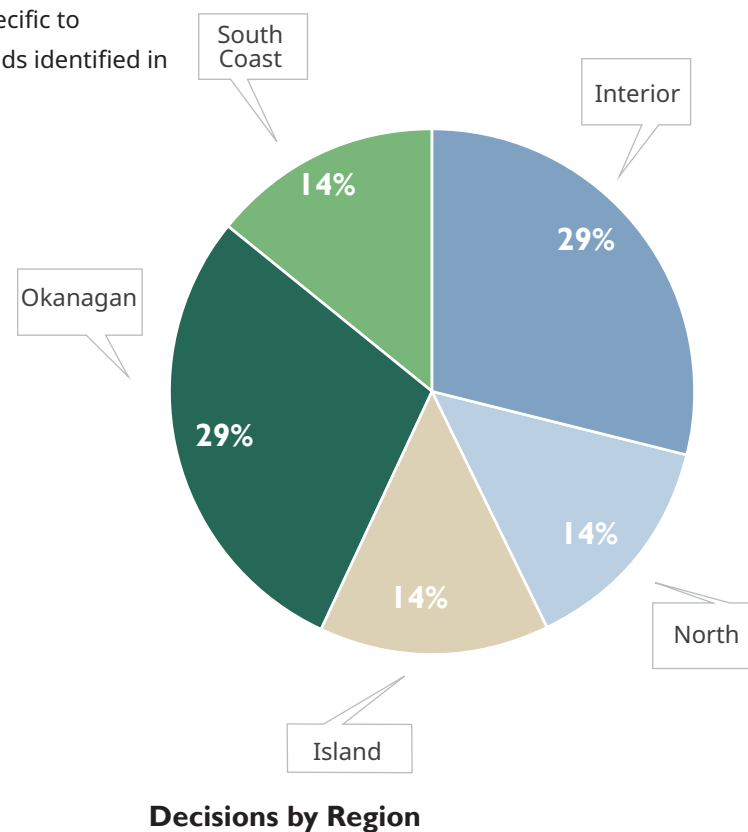
## Inclusion Applications

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.

\*the definition of First Nation Government in the Agricultural Land Commission Act (ALC Act) is specific to settlement lands that are subject to a treaty or land claims agreement, or proposed settlement lands identified in an agreement in principle.

Region	Approvals	Refusals	Total Decisions
Interior	2	0	2
Island	1	0	1
Kootenay	0	0	0
North	1	0	1
Okanagan	2	0	2
South Coast	1	0	1
<b>Totals</b>	<b>7</b>	<b>0</b>	<b>7</b>

**2%**  
OF 2021-2022  
APPLICATIONS



**One hundred percent of inclusion applications decided in 2021/22 were approved.**

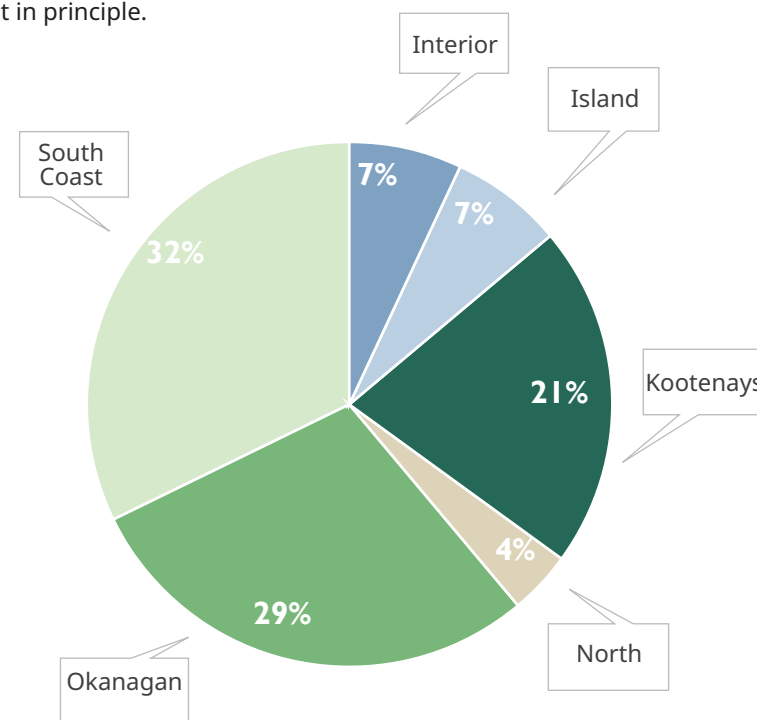
## Exclusion Applications

Exclusion applications made under s. 29 or s. 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. Section 29 exclusion applications must first be considered by the local or First Nation government who then, by resolution of the local government or law of the First Nation government, 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.

\*the definition of First Nation Government in the Agricultural Land Commission Act (ALC Act) is specific to settlement lands that are subject to a treaty or land claims agreement, or proposed settlement lands identified in an agreement in principle.

**9%**  
OF 2021-2022  
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	1	1	2
Island	2	0	2
Kootenay	4	2	6
North	0	1	1
Okanagan	5	3	8
South Coast	3	6	9
<b>Totals</b>	<b>15</b>	<b>13</b>	<b>28</b>



**Decisions by Region**

**Fifty-four percent of exclusion applications decided in 2021/22 were approved.**



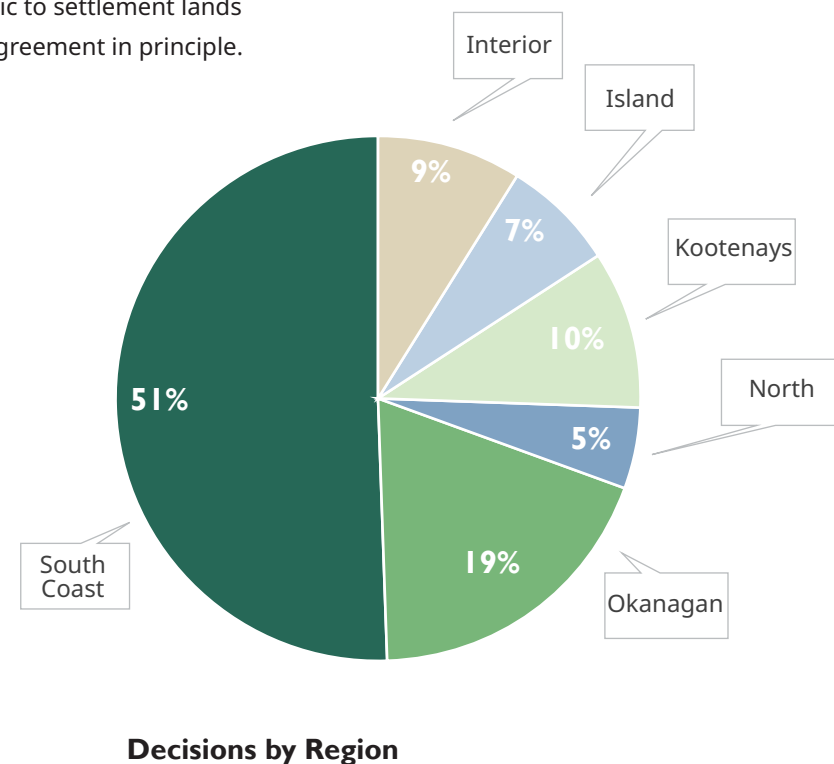
## Non-Adhering Residential Use Applications

Non-adhering residential use applications made under s. 20.1 of ALC Act to permit the construction of a principal residence with a total floor area greater than 500 m<sup>2</sup>, or an additional residence or 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 of the local government or law of the First Nation government, 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.

\*the definition of First Nation Government in the Agricultural Land Commission Act (ALC Act) is specific to settlement lands that are subject to a treaty or land claims agreement, or proposed settlement lands identified in an agreement in principle.

**26%**  
OF 2021-2022  
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	6	1	7
Island	5	1	6
Kootenay	8	0	8
North	3	1	4
Okanagan	10	5	15
South Coast	33	8	41
<b>Totals</b>	<b>65</b>	<b>16</b>	<b>81</b>



Eighty percent of non-adhering residential use applications decided in 2021/22 were approved.

## Non-Adhering Residential Use Application Decision Statistics

### Number of Non-Adhering Residential Use Applications Decided by Sub-Type

Application Sub-Type	Number of decisions	Percentage of decisions
Additional residence	72	89%
Principal residence greater than 500 m <sup>2</sup>	9	11%
Tourist accommodation	0	0%
<b>Total</b>	<b>81</b>	<b>100%</b>



### 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	72	57	15	79%
Principal residence greater than 500 m <sup>2</sup>	9	8	1	89%
Tourist accommodation	0	0	0	0%
<b>Total</b>	<b>81</b>	<b>65</b>	<b>16</b>	<b>80%</b>



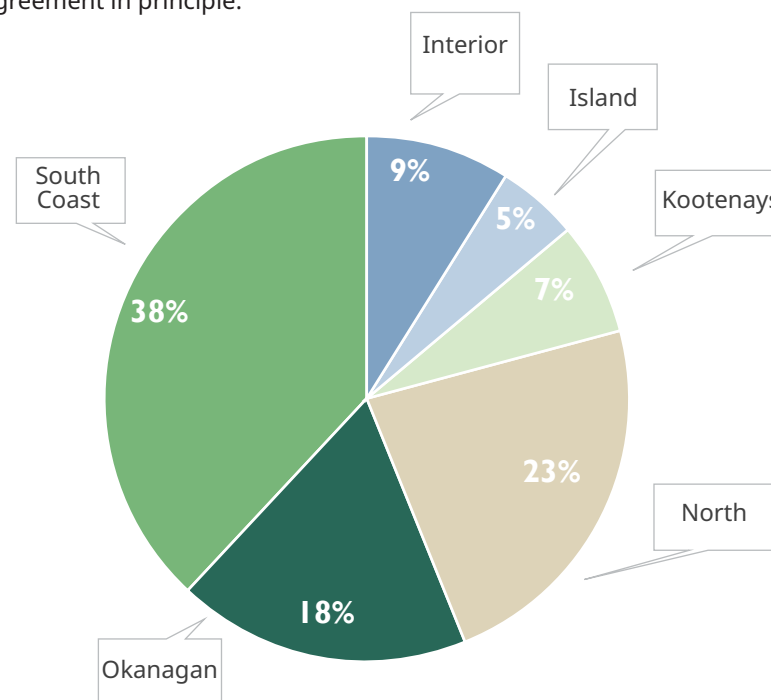
## Non-Farm Use Applications

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 of the local government or law of the First Nation government, 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.

\*the definition of First Nation Government in the Agricultural Land Commission Act (ALC Act) is specific to settlement lands that are subject to a treaty or land claims agreement, or proposed settlement lands identified in an agreement in principle.

**18%**  
OF 2021-2022  
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	5	0	5
Island	3	0	3
Kootenay	4	0	4
North	11	2	13
Okanagan	9	1	10
South Coast	19	2	21
<b>Totals</b>	<b>51</b>	<b>5</b>	<b>56</b>



**Decisions by Region**

**Ninety-one percent of non-farm use applications decided in 2021/22 were approved.**

# DECISIONS

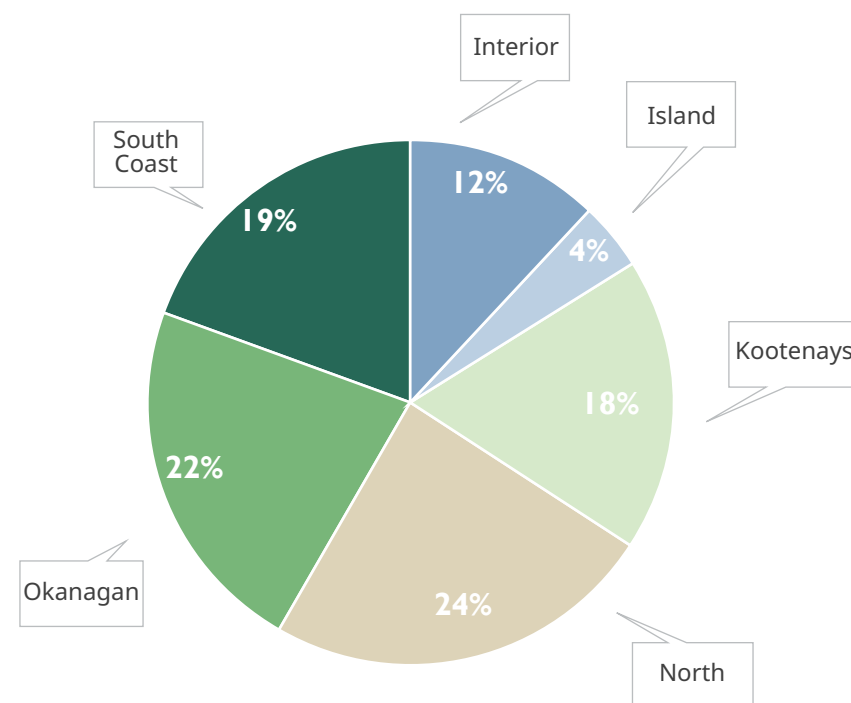
## Subdivision Applications

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 of the local government or law of the First Nation government, 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.

\*the definition of First Nation Government in the Agricultural Land Commission Act (ALC Act) is specific to settlement lands that are subject to a treaty or land claims agreement, or proposed settlement lands identified in an agreement in principle.

**21%**  
OF 2021-2022  
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	3	5	8
Island	1	2	3
Kootenay	9	3	12
North	10	6	16
Okanagan	10	5	15
South Coast	11	2	13
<b>Totals</b>	<b>44</b>	<b>23</b>	<b>67</b>



**Decisions by Region**

Sixty-six percent of subdivision applications decided in 2021/22 were approved.



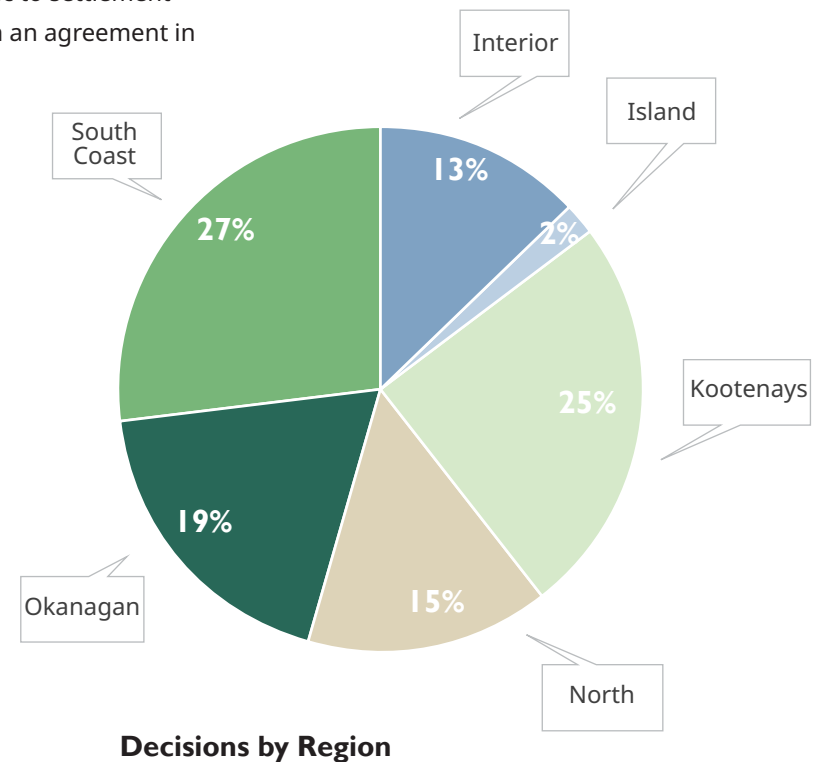
## Transportation and Utility Applications

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 of the local government or law of the 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.

\*the definition of First Nation Government in the Agricultural Land Commission Act (ALC Act) is specific to settlement lands that are subject to a treaty or land claims agreement, or proposed settlement lands identified in an agreement in principle.

**15%**  
OF 2021-2022  
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	6	0	6
Island	1	0	1
Kootenay	12	0	12
North	7	0	7
Okanagan	8	1	9
South Coast	13	0	13
<b>Totals</b>	<b>47</b>	<b>1</b>	<b>48</b>



Ninety-eight percent of transportation and utility applications decided in 2021/22 were approved.

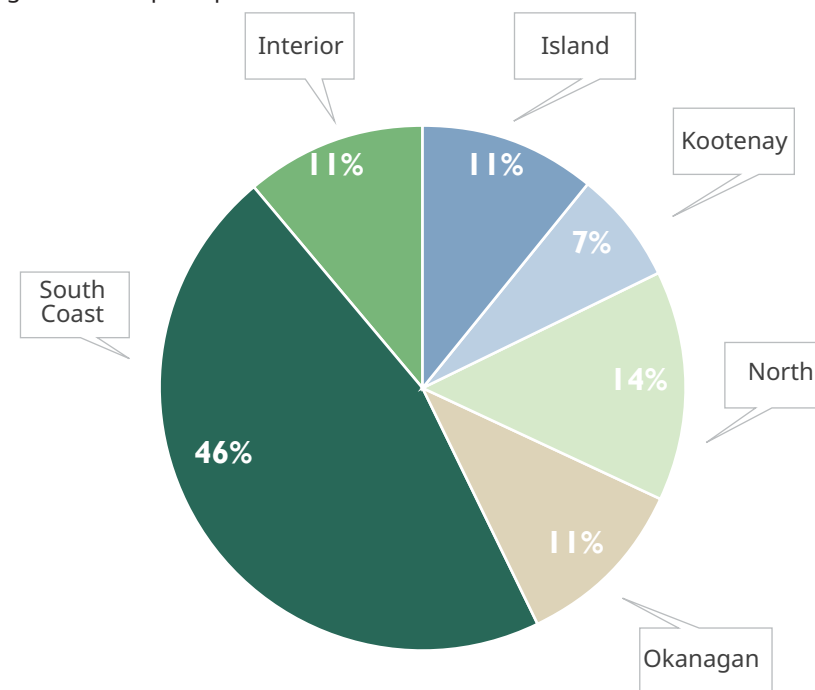
## Soil or Fill Use Applications

Soil or Fill Use applications made under s. 20.3(5) of the ALC Act for the placement of fill or remove soil or aggregate for large scale projects, or projects directed to do so by the office of the CEO after a review of a Notice of Intent (NOI). All soil or fill use applications must be reviewed by local or First Nation governments and may not proceed to the Commission unless authorized by a resolution of the local government or law of the First Nation government\*. A local or First Nation government\* may elect to refuse to forward an application to the Commission.

\*the definition of First Nation Government in the Agricultural Land Commission Act (ALC Act) is specific to settlement lands that are subject to a treaty or land claims agreement, or proposed settlement lands identified in an agreement in principle.

**9%**  
OF 2021-2022  
APPLICATIONS

Region	Approvals	Refusals	Total Decisions
Interior	2	1	3
Island	2	1	3
Kootenay	2	0	2
North	3	1	4
Okanagan	3	0	3
South Coast	7	6	13
<b>Totals</b>	<b>19</b>	<b>9</b>	<b>28</b>



Decisions by Region

Sixty-eight percent of soil or fill use applications decided in 2021/22 were approved.



## Soil or Fill Use in the ALR

Only in very limited circumstances, which are expressly identified in s. 26 and s. 35 of the ALR Use Regulation, can fill placement or removal of soil or aggregate be undertaken in the ALR without interaction with the Agricultural Land Commission (ALC) via a Notice of Intent or a Soil or Fill Use Application. 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 (including aggregate for building construction) or remove soil or aggregate in the ALR for any use that is not considered an exempted under s. 26 and 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. For more information please see [ALC Policy Bulletin L-23](#).

### 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 m<sup>3</sup> / 16 ha annually
- Farm structures: 1,000 m<sup>2</sup> area each
- Principal residence: 1,000 m<sup>2</sup> area
- Maintaining an existing farm road: 50 m<sup>3</sup> per 100 m annually
- Top-dress for berries: 100 m<sup>3</sup> / ha clean sand annually
- Applying soil amendments to a depth of 30 cm

#### Aggregate removal (up to a maximum of 500 m<sup>3</sup>)

- 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

#### Notice of Intent (NOI)

- NOIs are to seek authorization prior to lawful placement of fill or removal of soil or aggregate, it is NOT a process to seek retroactive approval of fill that was placed or soil that was removed without prior authorization from the ALC
- NOIs are generally for authorization of permitted uses in the ALR Use Regulation
- NOI fee is \$150
- NOI decisions are made by the CEO or their delegates
- If an NOI is not approved, a landowner may be directed to submit an application

#### Applications

- A landowner may also choose to directly submit an application instead of an NOI
- Soil and Fill Use applications are generally required for the placement of fill or removal of soil not expressly permitted by the ALR Use Regulation and larger scale fill or removal projects
- An application has a fee of \$1,500. If an Applicant previously submitted an NOI, the \$150 fee is deducted and the Applicant pays \$1,350
- 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

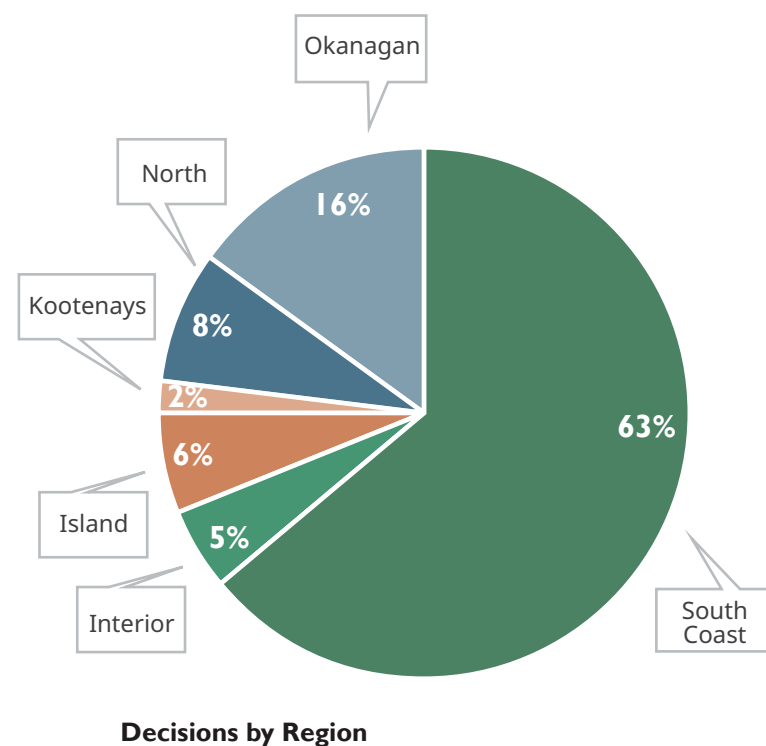
## Notice of Intent for Soil Removal or Fill Placement

A Notice of Intent (NOI) to remove soil (including mineral extraction projects) or place fill may be submitted directly to the ALC for consideration by 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 a NOI. If the CEO and/or their delegate refuses to approve a 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.

\*the definition of First Nation Government in the Agricultural Land Commission Act (ALC Act) is specific to settlement lands that are subject to a treaty or land claims agreement, or proposed settlement lands identified in an agreement in principle.

Region	Approvals	Refusals	Total Decisions
Interior	5	3	7
Island	6	2	8
Kootenay	2	1	3
North	10	2	12
Okanagan	19	4	23
South Coast	68	21	89
<b>Total</b>	<b>110</b>	<b>33</b>	<b>143</b>



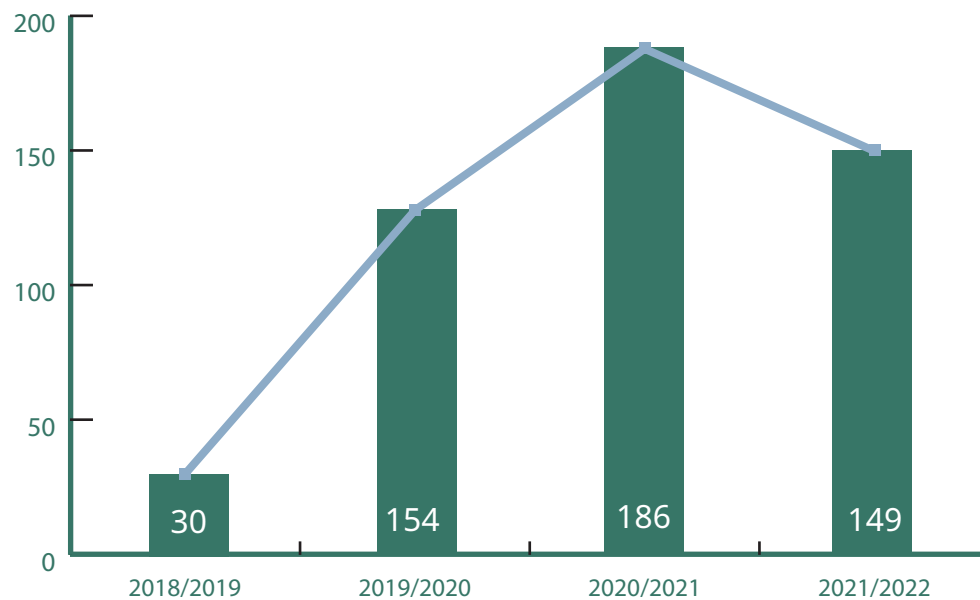
Please note: NOIs are not considered applications under the ALC Act and are not included in the application statistics referred to elsewhere in this report.

## Notice of Intent Submissions

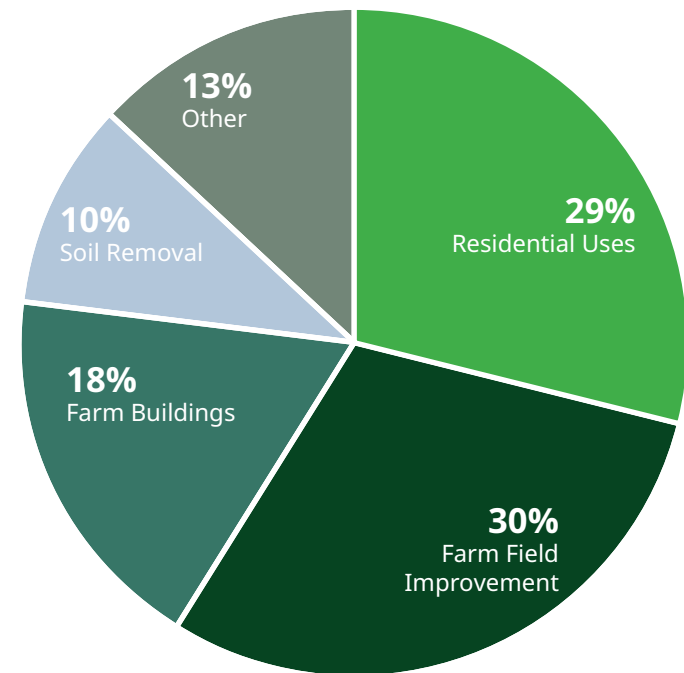
The number of NOIs submitted to the ALC this fiscal decreased from 186 to 149, which represents a 20% decrease as compared to the previous fiscal.

This decrease is mainly associated with the changes made to s. 35(d) of the ALR Use Regulation on September 30, 2020, which increased the permitted annual volume of fill placement and/or removal of soil associated with the maintenance of existing farm roads. The number of NOIs submitted for the construction and/or maintenance of farm roads decreased from 31 in the 2020/21 fiscal year to four in the 2021/22 fiscal year.

The ALC clarified this past year that NOIs were not required for the installation of federally regulated telecommunication towers and their associated access roads in the ALR, which also accounts for some of the decrease.



Submitted NOIs



NOI Submissions by Category



# DECISIONS

## Percent of Decisions by Type by Administrative Region April 1, 2021 to March 31, 2022

### Interior Region

24%	Subdivision
21%	Non-Adhering Residential Use
18%	Transportation and Utilities
15%	Non-Farm Use
9%	Soil or Fill
6%	Inclusion
6%	Exclusion

### Island Region

32%	Non-Adhering Residential Use
16%	Non-Farm Use
16%	Soil or Fill
16%	Subdivision
11%	Exclusion
5%	Inclusion
5%	Transportation and Utilities

### Kootenay Region

27%	Transportation and Utilities
27%	Subdivision
18%	Non-Adhering Residential Use
14%	Exclusion
9%	Non-Farm Use
5%	Soil or Fill
0%	Inclusion

### North Region

35%	Subdivision
28%	Non-Farm Use
15%	Transportation and Utilities
9%	Soil or Fill
9%	Non-Adhering Residential Use
2%	Inclusion
2%	Exclusion

### Okanagan Region

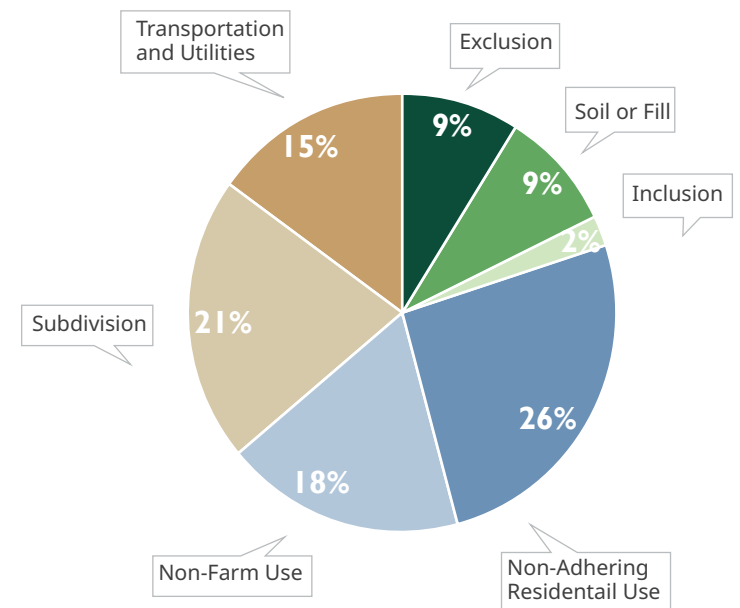
24%	Non-Adhering Residential Use
24%	Subdivision
16%	Non-Farm Use
15%	Transportation and Utilities
13%	Exclusion
5%	Soil or Fill
3%	Inclusion

### South Coast Region

37%	Non-Adhering Residential Use
19%	Non-Farm Use
12%	Subdivision
12%	Soil or Fill
12%	Transportation and Utilities
8%	Exclusion
1%	Inclusion

## Percent of Decisions by Type

April 1, 2021 to March 31, 2022



## ALR Change Approved by Commission Decision

April 1, 2021 to March 31, 2022 | All figures are in hectares (ha)

### Area Approved for Inclusion and Exclusion

Region	Inclusion		Exclusion		Net Change
	Approved	Refused	Approved	Refused	
Interior	10.5	0.0	9.5	50.9	1
Island	1.1	0.0	11.6	0.0	-10.5
Kootenay	0.0	0.0	6.9	32.2	-6.9
North	20.4 <sup>1</sup>	0.0	0.0	10.7	20.4
Okanagan	1.5	0.0	17.9	58.5	-16.4
South Coast	40.8	0.0	10.4	27.7	30.4
Total	74.3	0.0	56.3	180	18

<sup>1</sup> The ALC and Ministry of Forests, Lands, Natural Resource Operations, and Rural Development (FLNRORD) have an agreement that requires Crown land receiving an agricultural grant to be included into the ALR.

See page 74 for the cumulative statistics on lands included and excluded from the ALR this fiscal (Cumulative GIS ALR Change).

### Agricultural Capability of Areas Approved for Inclusion

Region	Inclusion Area	Agricultural Capability			
		Prime	Mixed	Secondary	Unclassified
Interior	10.5	-	10.5	-	-
Island	1.1	-	-	1.1	-
Kootenay	0.0	-	-	-	-
North	20.4	-	-	20.4	-
Okanagan	1.5	1.5	-	-	-
South Coast	40.8	-	40.8	-	-
Total	74.3	1.5	51.3	21.5	0.0

### Agricultural Capability of Areas Approved for Exclusion

Region	Exclusion Area	Agricultural Capability			
		Prime	Mixed	Secondary	Unclassified
Interior	9.5	-	-	9.5	-
Island	11.6	0.1	11.5	-	-
Kootenay	6.9	5.6	-	1.3	-
North	-	-	-	-	-
Okanagan	17.9	1.3	16.4	-	0.2
South Coast	10.4	8.8	1.6	-	-
Total	56.3	15.8	29.5	10.8	0.2

# DECISIONS

## ALR Change Approved by Commission Decision by Regional District

Area Included and Excluded by Commission decision – April 1, 2021 to March 31, 2022 | All figures are in hectares (ha)

Regional Districts	Outright and Conditional Decisions		Net Change Include/Exclude
	Application Type		
	Inclusion Area	Exclusion Area	
Alberni-Clayquot	0.0	11.5	-11.5
Bulkley-Nechako	20.4	0.0	20.4
Capital	0.0	0.1	-0.1
Cariboo	2.2	0.0	2.2
Central Kootenay	0.0	6.9	-6.9
Central Okanagan	0.0	16.4	-16.4
Columbia Shuswap	0.0	1.5	-1.5
Fraser Valley	40.8	1.6	39.2
Islands Trust	1.1	0.0	1.1
Metro Vancouver	0.0	8.8	-8.8
Okanagan-Similkameen	1.5	0.0	1.5
Thompson-Nicola	8.3	9.5	-1.2
Total	74.3	56.3	18

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



# PERFORMANCE INDICATORS

## 2021/2022 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
	2021/2022	2020/2021	2019/2020	2018/2019	2017/2018	
Performance Indicator 1: Percent of Applicants notified with 5 business days of application receipt <sup>1</sup> by the ALC that the Application is complete.						
	86%	94%	69%	95%	94%	100%
Performance Indicator 2: Percent of Applicants notified within 5 business days of application receipt <sup>1</sup> by the ALC that the Application is deficient and specifies what additional information is required.						
	68%	91%	52%	95%	99%	100%
Performance Indicator 3: Percent of Applications processed within 60 business days <sup>2</sup> .						
	45%	86%	57%	47%	72%	90%
Performance Indicator 4: Percent of Applications processed within 90 business days <sup>2</sup> .						
	75%	95%	81%	94%	95%	90%

Despite a slight decrease in the number of applications submitted, performance targets were down in 2021/22 largely due to:

- The performance targets not accounting for the administrative tribunal nature of applications and the variability in application complexity, volume of evidence, affected third party involvement, matters of procedural fairness, and statutory processing requirements. ALC Commissioners and staff report that the complexity of applications appears to be increasing in part due to legislative changes and new jurisdiction over residential structures of all types in the ALR.
- The level of staff turnover and number of vacancies was also very high this past fiscal with long delays experienced in the hiring process. Eleven of the fifteen staff that handle application intake and processing were new to the ALC and/or their role in 2021/22.

<sup>1</sup> An application is not received by the ALC until the required application fee is paid.

<sup>2</sup> 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. The application processing period is paused when waiting for the submission of additional information from the applicant, for a scheduled site visit or exclusion meeting to occur, or at the request of the applicant.



# Delegated Decisions





## Delegated Decisions under Section 26 of the ALC Act

Under s. 26 of the Agricultural Land Commission Act (ALC Act), the Commission may enter into delegation with a First Nation government or an authority to exercise some or all of the Commission's power to decide use or subdivision applications. 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.

## BC Oil and Gas Commission

Since 2004, the BC Oil and Gas Commission (OGC) has been delegated the power to make decisions on applications for non-farm use associated with oil and gas production facilities, such as well sites, borrow pits, access roads, pipelines, power lines, subject to certain thresholds, within the Peace River Regional District and the Northern Rockies Regional Municipality.

The premise behind 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 includes 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 per section threshold an application to the OGC, acting on behalf of the ALC, is required. On the following page is a summary of OGC approvals for the 2021/22 fiscal year. The ALC notes that the number of oil and gas related applications approved by the OGC were substantially lower this fiscal than previous years.



## BC Oil and Gas Commission (OGC) Delegated Decision Statistics

The Delegation Agreement identifies oil and gas and ancillary activities that require a decision from the OGC under the ALC Act.

These activities, specified in Appendix I of the Delegation Agreement are as follows:

- Item 2 - oil and gas and ancillary activity sites where the combined total area of existing and proposed activities on the section is >20.0 hectares
- Item 4 - above ground electric power line not immediately adjacent to a road
- Item 5 - conversion or expansion of an existing oil and gas activity or ancillary activity, or a new oil and gas activity or ancillary activity that is listed in (i)-(v) (multi-well facilities, sumps, water reservoirs, produced water storage ponds, camps, borrow/aggregate pits), for which new land is required and the total project (lease) area is >3.0 hectares
- Item 6 - oil and gas waste storage, treatment, and/or disposal facility that is operated by a person who is not a producer, or a conversion or expansion of such a site for which new land is required

OGC Application Summary	2021/22	2020/21	2019/20	2018/19	2017/18
Applications Submitted	19	12	28	25	38
Applications Approved	4	11	28	24	38
Total Area of Non-Farm Use Approved (ha)	3.4	37.5	153.5	180	302.3
Applications Triggering Item 2 of Appendix I <sup>1</sup>	8	10	17	19	-
Applications Triggering Item 4 of Appendix I <sup>1</sup>	5	-	5	4	-
Applications Triggering Item 5 of Appendix I <sup>1</sup>	7	10	12	7	-
Applications Triggering Item 6 of Appendix I <sup>1</sup>	-	-	-	-	-

<sup>1</sup>The Number of Application triggering individual items in Appendix 1 exceeds the total because some applications trigger more than one item.

Please note: Information regarding Appendix I<sup>1</sup> was not reported out on by the OGC prior to 2018/19.

## DELEGATION

The total area of ALR in Northeast BC affected by each type of oil and gas activity and ancillary activity and the total area affected

ACTIVITY	Total Area (ha) 2021/2022			Total Area (ha) 2020/2021		
	Crown	Private	Total area (ha)	Crown	Private	Total area (ha)
Pipelines	79	204	283	205	442	647
Wellsites, facilities	72	47	120	28	79	107
Roads	97	332	429	112	17	129
Ancillary	151	203	354	246	186	432
<b>Total</b>	<b>399</b>	<b>787</b>	<b>1,186</b>	<b>591</b>	<b>723</b>	<b>1,314</b>

The total area of ALR in Northeast BC affected by activities exempt from requiring permission for non-farm use

ACTIVITY	Total Area (ha) 2021/2022	Total Area (ha) 2020/2021
Pipelines	102	422
Wellsites, facilities	11	78
Roads	8	61
Ancillary	96	326
<b>Total</b>	<b>217</b>	<b>887</b>

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

The Minister of Agriculture and Food'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 to 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 and Food;
- Deputy Minister of Energy, Mines and Low Carbon Innovation;
- 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.



### Delegated Decision Making Under Section 27 of the ALC Act

Under s. 27 of the Agricultural Land Commission Act (ALC Act), the Commission may, by resolution, delegate to the Chief Executive Officer (CEO) the authority to make certain application decisions, subject to the establishment of criteria.

The Commission has delegated the CEO the authority to approve certain types of use and subdivision applications in accordance with s. 27 of the ALC Act. If the CEO considers that the application does not meet the purposes of s. 6 of the ALC Act, does not meet the criteria specified by the Full Commission, or for any other reason does not wish to approve the application, the application must be referred to the applicable panel for a decision. An approval by the CEO is a decision of the Commission for the purposes of the ALC Act.

The CEO approved 71 applications in the 2021/22 fiscal year and on average these decisions were made within 24 active business days which is the same as the average for the previous fiscal year. Applications for temporary foreign worker housing for workers registered in a federal temporary worker program were made on average within 10 active business days.

### Supporting Tree Fruit Operations

Temporary farm worker housing applications can only be reviewed by the CEO if they meet certain criteria. The CEO can approve housing for a certain number of farm workers as determined by commodity. The limit for greenhouse, mushroom, and berry/vegetable production applications is 130 workers, and for all other commodities the limit is 40 workers, consistent with the Minister of Agriculture and Food's Bylaw Standard. Tree fruit operations are becoming much larger in scale and often require more than 40 workers. In order to reduce application process times for the tree fruit industry, the Commission has modified the criteria for CEO approval of temporary farm worker housing applications from 40 to 130 workers for the tree fruit industry.





# Reconsiderations





# RECONSIDERATIONS

## Reconsideration of Decisions

ALC decisions are final and conclusive but may be reconsidered in very limited circumstances under the ALC Act, as noted below.

### Requests by an affected person under s. 33 of the ALC Act

The Commission may reconsider a decision pursuant to s. 33 of the ALC Act upon written request of an affected party<sup>1</sup> 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, or
- (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 substantive and compelling new information is provided that would have significantly contributed to the Commission's understanding of the facts at the time of its original deliberation. This section does not provide for the re-argument or re-weighing of the same evidence. If the panel concludes that there are no grounds for reconsideration, the ALC takes no further action on the matter.

Region	Requests Submitted under s. 33 ALC Act				Requests Reconsidered under s. 33 ALC Act			
	2021/22	2020/21	2019/20	2018/19	2021/22	2020/21	2019/20	2018/19
Interior	1	5	5	9	2	4	1	3
Island	6	11	13	13	5	2	5	4
Kootenays	1	7	18	13	3	3	6	3
North	7	8	8	8	7	4	1	2
Okanagan	17	16	14	16	5	6	6	3
South Coast	28	26	29	31	23	14	14	8
<b>Total</b>	<b>60</b>	<b>73</b>	<b>87</b>	<b>90</b>	<b>45</b>	<b>33</b>	<b>33</b>	<b>23</b>

Forty-five (45) of the 60 requests submitted in the 2021/22 fiscal were reviewed by the Commission. Of the 45 reconsiderations reviewed this fiscal, 36% (16) did not meet the requirements for reconsideration under s. 33 of the ALC Act. Of the 29 decisions reconsidered this fiscal, 14% (4) were confirmed (decision unchanged), 17% (5) were reversed, and 69% (20) were varied.

<sup>1</sup>See ALC Policy P-08 for definition of an affected party.



# RECONSIDERATIONS

## Reconsiderations directed by the Chair under s. 33.1 of the ALC Act

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 of the ALC Act 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.

### Chair Directed Reconsiderations (s. 33.1 of the ALC Act)

Region	Requests			
	2021/22	2020/21	2019/20	2018/19
Interior	0	0	0	1
Island	0	0	0	1
Kootenays	0	0	0	0
North	0	0	0	8
Okanagan	0	0	0	3
South Coast	0	2	2	3
<b>Total</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>16</b>

There were no Chair directed reconsiderations in 2021/22.

# Legislative Changes





## Changes to the Legislation 2021/2022

### Additional Residence Regulation Changes

On April 26, 2021, the BC Government amended the ALR Use Regulation to extend the permission for the placement of a manufactured home in the ALR until December 31, 2021. The purpose of the amendment was to provide the BC Government time to consider public feedback received during regional engagement sessions on housing in the ALR.

On July 12, 2021, the BC Government amended the ALR Use Regulation to permit a small secondary residence in the ALR effective December 31, 2021.

The new regulations permit a residence with a total floor area of 90 m<sup>2</sup> or less on parcels 40 ha or less provided there is only one existing residence on the parcel that is 500 m<sup>2</sup> or less; and on parcels greater than 40 ha, a residence with a total floor area of 186 m<sup>2</sup> or less is permitted provided there is only one existing residence on the parcel.

The additional residence can be used for housing extended family, agritourism accommodation, housing for farm labour, or a rental property for supplemental income.

Local government bylaws and First Nation Government laws may prohibit an additional residence and/or be more restrictive with respect to its size and siting.

These new residential permissions do not include any provisions for fill placement or soil removal. Any additional residence permitted by regulation requires a Notice of Intent (NOI) approval for structural fill placement or soil removal from the ALC prior to construction of the additional residence.

Please see [ALC Information Bulletin IB-05](#) for more information.

### Vertical Farming in Controlled Environment Structures

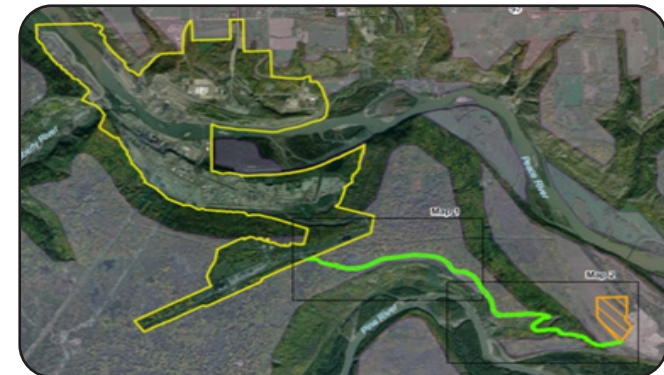
On February 18, 2022, the BC Government amended the ALR Use Regulation to designate intensive crop production in 'Controlled Environment Structures' (CES) in the ALR as a farm use that, like all farm structures, is still subject to the fill placement and soil removal restrictions in the ALR Use Regulation. This is not a change in ALC interpretation, the ALC already considered vertical farming to be a farm use; but what is new is that local government can prohibit these structures in the ALR, if they so choose, by bylaw.

This change does not come into effect until August 31, 2022, to give local governments time to draft/amend local bylaws.

### Site C Exclusion

On February 1, 2022, the BC Government ordered the temporary exclusion of 101.5 ha of land from the ALR until December 31, 2025, for a haul road and aggregate extraction site for the construction of the Site C Dam. The area excluded is shown in the image to the right. This order includes conditions and directs Ministry of Energy, Mines and Low Carbon Innovation (EMLI) officials to require as a condition of the Mines permit, a revised reclamation plan that must be developed in cooperation with the Treaty 8 First Nations and be filed with the Mines Inspector within one year of a permit being issued.

At midnight on December 31, 2025 the lands revert back to ALR.





# Policy and Regional Planning

A large, two-story red barn with a grey metal roof stands in a lush green field. The barn has several windows and a large door. In the foreground, a rusty metal trailer is parked on the grass. A wooden fence runs across the middle ground. In the background, there are rolling green hills and distant mountains under a clear blue sky.



## Policy and Regional Planning

ALC Policy and Regional Planning staff work with provincial ministries and local and First Nation governments in a coordinated and cooperative manner by participating in planning processes and reviewing policies, plans, and bylaws with a goal to:

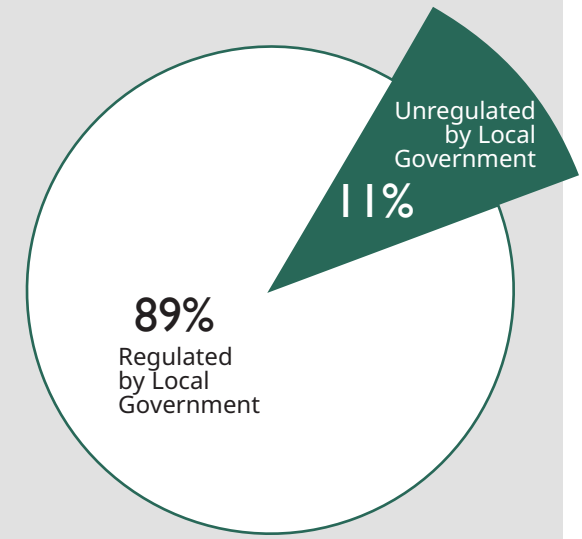
- Ensure consistency with the ALC Act, ALR regulations, and prior orders/resolutions of the Commission;
- Provide feedback and clarifications on ALR regulations, as needed; and,
- Identify opportunities to enable and encourage farming in the ALR.

Section 3 of the ALC Act stipulates that a minister or agent of the government must not exercise a power granted under another enactment except in accordance with the ALC Act and its regulations and s. 46(2) of the ALC Act requires local and First Nation governments to ensure consistency between their bylaws/laws and the ALC Act, its regulations, and any resolutions of the Commission. Should any inconsistencies exist, the laws and bylaws are of no force or effect to the extent of the inconsistency (s. 46(4) ALC Act). Notwithstanding s. 46(4) ALC Act, governments should still ensure their bylaws are consistent, as inconsistencies cause confusion for the public and could encourage non-compliance with the ALC Act and its regulations.

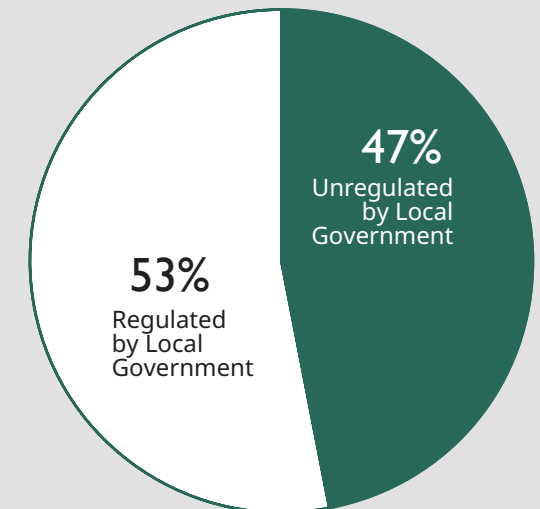
### Unregulated Areas of the ALR

In 2019, the ALC polled local governments and determined that 11% of the ALR is unregulated by local government zoning, and building construction is unregulated (no permits or inspection required) in 47% of the ALR. These figures were calculated with the assistance of local government planning and geoinformational staff. The ALC plans to undertake additional work to determine the impact of this finding on the ALR.

### Zoning Bylaws Regulations



### Building Permits Regulations



## Bylaw Review Highlights

Each year, the ALC reviews local government bylaw referrals affecting the ALR and land adjacent to the ALR. 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. Of note this past fiscal was:

### **Kelowna 2040 OCP Review (Planning Review File 46687)**

In June 2021, the Commission reviewed the City of Kelowna's 2040 Official Community Plan. The 2040 OCP is an update to the previous 2030 OCP, which was reviewed and endorsed by the ALC and adopted by the City in 2011.

The OCP proposed to redesignate/re-affirm ~172.8 ha of ALR land over 20 properties. In the Commission's review of the OCP, it confirmed areas previously endorsed by the Commission for public service utility and industrial development dating as far back as 1993 and conditionally endorsed the use of 93.7 ha of land owned by Kelowna International Airport for future airport expansion and 0.6 ha for the expansion of UBCO residences and teaching facilities. The Commission also refused to endorse 2.2 ha of roads and parks, and the inclusion of an additional 3.9 ha of ALR land in the City's Permanent Growth Boundary.

### **Armstrong Exclusion Policy**

The City of Armstrong proposed the referral of a policy identifying lands for future exclusion from the ALR to the Regional District of North Okanagan for consideration as part of future growth planning in the region. The Commission in their review determined the City's Exclusion Policy was not consistent with the ALC's mandate to preserve agricultural land, encourage farming and preserve the integrity and continuity of the ALR. The Commission noted that the lands identified in the City Exclusion Policy are actively farmed, have generally good soil/climate capability and/or provided a buffer/transition between residential and agricultural uses, and have a long history of the Commission refusing their exclusion upon application. The Commission encouraged Armstrong in their response to re-orient its growth aspirations and to explore other options for growth, specifically densification of residential uses on lands outside of the ALR.



## 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 following is summary of the more significant changes made to the ALC's policies in 2021/22:

Policy L-22 Gathering for Events was amended to reflect the unique parking requirements of the film industry stipulating that parking areas must not be permanent (asphalt, concrete, gravel, etc.) and parking must not interfere with the farm's agricultural productivity.

Policy P-07 Site visits in Applications to the ALC was amended to clarify that site visits are not a statutory requirement.

Policy L-25 Manufactured Homes in the ALR was repealed to coincide with the residential regulatory changes made by Government that took effect December 31, 2021.

The Commission also resolved a definition for the total floor area of an additional 90 m<sup>2</sup> or 186 m<sup>2</sup> residence for incorporation into Residential Information Bulletin No. 5 that took effect December 31, 2021, and published a Frequently Asked Questions document on its website to help clarify what the residential regulatory changes mean for property owners and local governments.

## Memorandum of Understanding with the Ministry of Energy, Mines and Low Carbon Innovation (EMLI)

In September 2021, the ALC and the Ministry of Energy, Mines and Low Carbon Innovation (EMLI) entered into a non-binding MoU to establish improved cooperation between the two agencies with respect to mining and extraction projects in the ALR with the following objectives:

- i. to preserve land within the ALR in accordance with the ALC's mandate;
- ii. to ensure that applicable notices or applications are submitted to each respective party;
- iii. to avoid redundancy in the reclamation securities required by each party; and,
- iv. to achieve an improved level of service to the public.

A copy of the MoU can be found on the ALC's website.

## Regional Seminars on Residential Regulation Changes

On December 31, 2021, the Ministry of Agriculture and Food amended the ALR Use Regulation to increase housing flexibility in the ALR. In addition to the principal residence, one small secondary residence is now permitted on a parcel in the ALR, subject to certain conditions.

The updated regulation also provides local governments with the ability to further restrict and/or prohibit secondary residences based on local needs and preferences. At the Regional Seminars the ALC was able to:

- Describe the amendments to the residential permissions that were changing effective December 31, 2021;
- Discuss the associated impacts of these changes on things such as soil and fill use, total floor area, grandfathering, non-adhering residential use applications, etc.;
- Discuss considerations for associated local government residential bylaw amendments; and,
- Open a dialogue between local governments about possible implementation strategies.

Attendance was excellent with 140 attendees at the first session, 94 attendees in the second session and 90 attendees in the third session; with representation from 78 different local governments, four Ministry of Agriculture and Food staff, one Ministry of Transportation and Infrastructure staff and two from the Ministry of Municipal Affairs.

Administrative Region	Number of Local Governments Represented
Kootenay	6
Island	18
Interior	4
North	11
Okanagan	19
South Coast	20
Total	78

Following up on these seminars, the ALC presented, upon request, to a number of groups on the changes to the residential permissions in the ALR including: Spallumcheem's Agricultural Advisory Committee (AAC), the Ministry of Agriculture and Food Local Government Land Use Planners Workshops in the North and Island Regions, Metro Vancouver and Metro Vancouver Planners Workshop, Salmon Arm AAC, Squamish-Lillooet Regional District AAC, the Fair Realty group from Sorrento and Salmon Arm, the Central Okanagan Century 21 Realtors, the Regional District of Bulkley-Nechako, the Provincial AAC meeting hosted by the Ministry of Agriculture and Food, the Regional District of Nanaimo and the Comox Valley Regional District.

## ALC Engagement and Outreach

### Ministerial Meetings

**Minister of Agriculture and Food (MAF)/Minister of Mental Health and Addictions (MHA)/Minister of Indigenous Relations and Reconciliation (MIRR)** – Chair Dyson and the Honorable Lana Popham, Minister of Agriculture and Food met with the Honorable Minister Malcolmson (MHA) and Minister Rankin (MIRR) to discuss the ALR and the issues and challenges facing the agricultural industry.

**Minister of State for Lands and Natural Resource Operations** – Chair Dyson and CEO Kim Grout met with the Minister of State to discuss issues and challenges for agriculture and range in Crown ALR including the impacts of trail development and wildfire management and recovery on the agriculture industry to help inform the work of the Premier's Lands and Natural Resource Operations Secretariat.

**Minister of Forests, Lands and Natural Resource Operations and Rural Development, Minister of Agriculture, Minister of State** – Chair Dyson, CEO Kim Grout and the BC Cattleman arranged with Minister Conroy, Minister of State Cullen and Minister Popham to discuss the need for agriculture and range to be considered in the Forest Practices and Range Protection Act and its regulations specifically.

### Working Groups

**Crown Trails Working Group:** The ALC and Ministry of Forests Lands and Natural Resource Operations and Rural Development'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 and Infrastructure (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 Authority 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.



**Fortis BC Working Group:** The ALC and Fortis BC have established a working group to help improve communication and understanding of each agencies processes, legislation, issues, and challenges to help improve the application process.

### **Meetings and Presentations**

- Regional District Chair and Chief Administrative Officer Forum
- BC Agriculture Council (BCAC)
- UBC Land and Food Systems Program
- BC Agriculture in the Classroom Foundation Summer Institute
- Vancouver Island Real Estate Association
- Fraser Valley Chapter of the Canadian Appraisal Institute
- Joint ALC/MAF presentation on tourism in the ALR in the Okanagan
- Regional District of Fraser Fort George (FFG)
- First Nation Leadership Gathering
- Tseshaht First Nation
- Tla'amin First Nation
- Township of Langley
- Appraisal Institute of BC
- Subdivision Session for Local Government Land Use Planners - North Region
- BC Cranberry Marketing Commission (BCCMC)
- Union of BC Municipalities (UBCM) 2021 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 had the authority to make a particular decision and whether the decision maker exercised that authority reasonably and fairly.

In fiscal year 2021/2022, BC courts (in this case, the BC Supreme Court) issued one judgment related to the Agricultural Land Commission (ALC). A summary of the Supreme Court's findings is provided below.

### **Galvin v Provincial Agricultural Land Commission, 2021 BCSC 1755**

The owner of a farm near Nanaimo applied to the ALC to subdivide land into two parcels (one consisting of the homesite and the other consisting of the remainder of the property), to divide the property between her sons. Shortly after the ALC Island Panel refused the application, the owner died and her personal representatives filed a judicial review proceeding in the BC Supreme Court in December 2020 challenging the ALC's decision. After an April 2021 hearing, on September 3, 2021 Madam Justice Baker found that the Island Panel's decision was unreasonable as it did not adequately explain why the proposed subdivision would impact the agricultural utility of the property. The judge ordered that the decision be set aside and the matter returned to the ALC for reconsideration. The judge also ordered costs against the ALC. The ALC did not appeal the Supreme Court's decision.





# Compliance and Enforcement



## Compliance and Enforcement Program

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 ensure that activities taking place within the ALR are consistent with the ALC Act, its regulations and orders of the Commission. 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. Their authority includes entering and inspecting land, requesting records, and issuing orders for compliance and stop work orders if uses of land contravene or are about to contravene the Act, its regulations, or orders of the Commission.

The ALC C&E Program currently consists of five officers, one Intake Program Advisor and one Supervisor/Officer. Three officers work out of the ALC head office in Burnaby, one officer is based in Nanaimo, one officer is based in Kamloops, and two officers are based in the Okanagan.

Officer's key functions include:

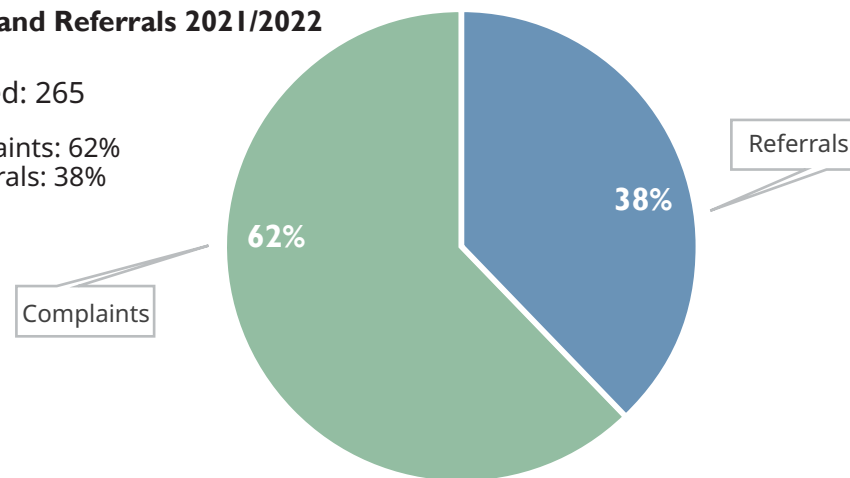
- Responding to reports of alleged ALC contraventions on private or public ALR land;
- Conducting inspections;
- Seeking voluntary compliance when contraventions are found and taking enforcement actions when needed; and,
- Developing and maintaining partnerships with municipalities and regional districts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

### Complaints and Referrals 2021/2022

Total received: 265

Public Complaints: 62%

Agency Referrals: 38%



## Compliance & Enforcement Workload

As of April 1, 2021, there were 588 active C&E files (i.e. non-resolved complaints and referrals) carried forward from the previous fiscal year, which is an increase of 23%, and 250 files were closed (i.e. compliance gained) during the 2020/21 fiscal year, which is a increase of 25% over the previous fiscal. The number of incoming complaints and referrals were down this past fiscal but the number of active files at the end of the fiscal (602) was up 3% due, in large part, to staffing vacancies and the additional workload placed on the remaining staff compliment.

Property inspections were up 50% and enforcement actions taken by ALC officials were up 12% from the previous fiscal.

## C&E Statistics

C&E Activity	2019/2020	2020/2021	2021/2022	Percent Change from Previous Fiscal
Active Files at Beginning of Year (April 1) <sup>1</sup>	340	477	588	+23%
Incoming Complaints/Referrals	381	310	265	-14%
Files Closed	245	200	250	+25%
Active Files at End of Year (March 31)	476	587	602	+3%
Property Inspections	310	194	292	+50%
Compliance Actions <sup>2</sup>	239	234	223	-5%
Enforcement Actions - Orders Issued <sup>3</sup>	30	17	19	+12%

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

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

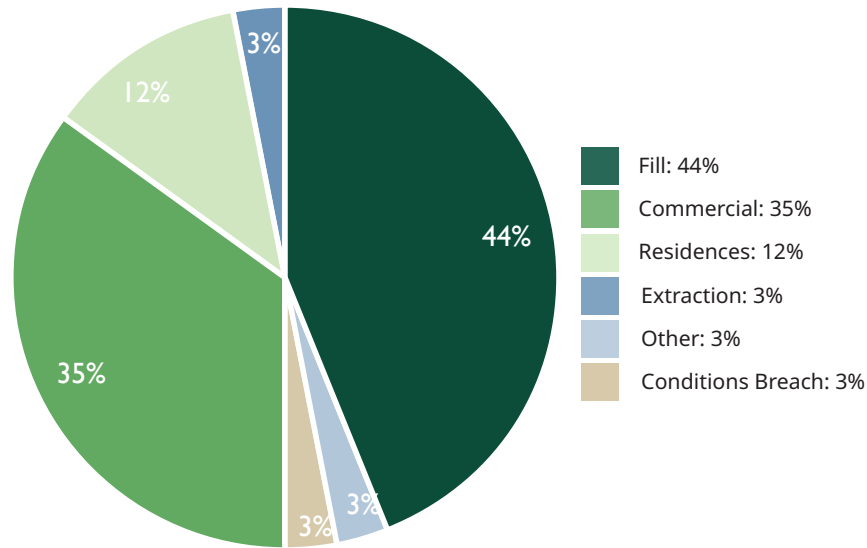
<sup>3</sup> Orders include stop-work orders, remediation orders and penalty orders.



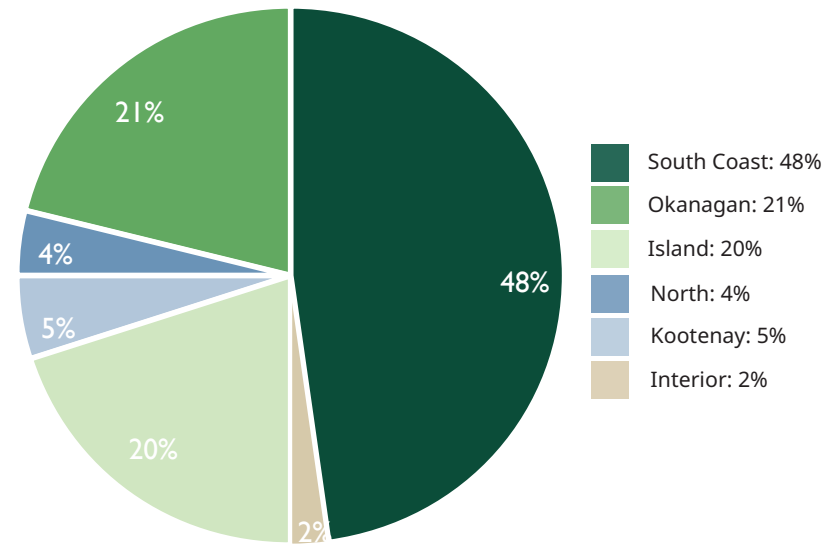
# COMPLIANCE AND ENFORCEMENT

The breakdown of C&E case files by type and by region is highlighted in the charts below:

**C&E Files by Type**



**C&E Files by Region**



Total 2021-2022 Active Files = 859

## Enforcement appeals under s. 55 of the ALC Act

A person who is the subject of an enforcement determination, decision, order or penalty by an ALC official under sections 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 is available on the ALC's website. 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.

A summary of appeal outcomes for the current fiscal is provided below and details of each appeal decision are available on the ALC website at: <https://www.alc.gov.bc.ca/compliance-and-enforcement/compliance-and-enforcement-appeals/>

Outcome of Appeal	Number
Confirmed	0
Reversed	0
Decision Pending	3
Withdrawn	0
<b>Total</b>	<b>3</b>

# Financial Report



# FINANCIAL REPORT

## 2021/2022 Agricultural Land Commission Financial Report

Description	2021/22 Budget*	2021/22 Actual	2020/21 Budget*	2020/21 Actual
Salaries & Benefits	2,773,000	3,565,088	2,715,000	3,527,130
Commission	794,000	329,706	794,000	310,128
Staff Travel	188,000	11,751	188,000	3,571
Prof Services - Contracts	525,000	368,657	525,000	345,844
Legal Services	28,000	-	28,000	-
IT expenses	239,000	146,662	239,000	203,558
Office Supplies & Business Expenses	69,000	63,471	69,000	15,380
Statutory Advertsing & Publications	21,000	-	21,000	-
Materials & Supplies	26,000	8,737	26,000	11,560
Vehicle Expenses	52,000	2,584	52,000	331
Amortization	281,000	13,318	281,000	14,534
Building Occupancy Charges	5,000	94,077	5,000	91,818
Shared Cost Arrangements	-	-	-	-
Recoveries	(3,000)	-	(3,000)	(32,767)
Government Transfers	-	268,409	-	-
Overhead Allocation	3,000	-	3,000	420,000
Other Misc Revenues	-	-	-	-
<b>TOTAL</b>	<b>\$5,001,000</b>	<b>\$4,872,460</b>	<b>\$4,943,000</b>	<b>\$4,911,087</b>

\*The above financial figures are reflective of the ALC annual estimates budget. This differs from previous reports which demonstrated the financials based on the working budget



# Appendix





# APPENDIX

## I. Cumulative GIS ALR Change - Included & Excluded April 1, 2012 - March 31, 2022

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 <sup>1</sup>	-4,204	4,616,654
2016/17	198	943 <sup>2</sup>	-745	4,615,909
2017/18	223	2,970 <sup>3</sup>	-2,747	4,613,162
2018/19	65	212	-147	4,613,015
2019/20	127	238	-111	4,612,904
2020/21	103	137	-34	4,612,870
2021/22	39	384 <sup>4</sup>	-344	4,612,526
<b>Total</b>	<b>3,160</b>	<b>13,922</b>	<b>-10,763</b>	

### Cumulative GIS ALR Change Notations

All figures calculated using GIS data are based on final completion date for the boundary change. These figures reflect application and non-application related ALR boundary changes. Application changes resulting from the completion of conditions of approval and non-application related boundary changes resulting from changes made by the Provincial government via legislation or regulation, cadastre changes and other associated amendments to the ALR boundary that are not tracked due to their nature and frequency.

### Non-Application Related Boundary Changes of Note

<sup>1</sup>In April 2015, Order in Council 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.

<sup>2</sup>In 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.

<sup>3</sup>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.

<sup>4</sup>In February 2022, Order in Council 53 'temporarily' excluded an additional 101.5 hectares of land from the ALR for gravel extraction to support the construction of Site C Dam that will revert back to ALR at midnight on December 31, 2025.

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

Please see the following page for ALC cumulative inclusion and exclusion statistics by calendar year. The ALR data shown on this table were calculated using manual methods (i.e. Dot Matrix or electronic planimeter). The ALR maps were not digitized until April 1, 2012.



# 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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