ALC Bylaw Reviews

A Guide for Local Governments

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### 1.0 Definitions

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<tr>
<th>Term</th>
<th>Description</th>
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<tbody>
<tr>
<td>Agricultural Land Commission (ALC)</td>
<td>The independent administrative tribunal of appointed Commissioners and staff who administer the Agricultural Land Reserve.</td>
</tr>
<tr>
<td>ALC staff</td>
<td>Staff members that carry out the operations of the ALC. Unlike ALC Commissioners, ALC staff members (other than designated officials who can make certain compliance and enforcement orders) are not statutory decision makers.</td>
</tr>
<tr>
<td>Agricultural Land Commission Act (ALCA)</td>
<td>The provincial law that sets the legislative framework for the administration of the agricultural land reserve.</td>
</tr>
<tr>
<td>Agricultural Land Reserve (ALR)</td>
<td>A provincial zone, administered by the Agricultural Land Commission, in which agriculture is recognized as the priority use. Farming is encouraged and non-farm uses are restricted.</td>
</tr>
<tr>
<td>Bylaw</td>
<td>A bylaw, made by a local government, that adopts a regional growth strategy, an official settlement plan, an Official Community Plan, an official development plan or a zoning bylaw; any other bylaw respecting land use in a local government’s jurisdiction made by a local government under any other enactment; and a law of a first nation government respecting land use within the first nation’s settlement lands.</td>
</tr>
<tr>
<td>Commissioners</td>
<td>The ALC’s statutory decision makers appointed by Government under s. 5 of the ALCA. The Chair, Vice-Chairs, and Members are all Commissioners.</td>
</tr>
<tr>
<td>DPA</td>
<td>Development Permit Area</td>
</tr>
<tr>
<td>FPPA</td>
<td>Farm Practices Protection Act</td>
</tr>
<tr>
<td>LGA</td>
<td>Local Government Act</td>
</tr>
<tr>
<td>LTA</td>
<td>Land Title Act</td>
</tr>
<tr>
<td>OCP</td>
<td>Official Community Plan</td>
</tr>
<tr>
<td>Regulation</td>
<td>The Agricultural Land Reserve Use, Subdivision and Procedure Regulation, which is the provincial law that specifies land uses permitted in the ALR and identifies the procedures for submitting ALR notices of intent to remove soil or place fill, and applications for subdivision, non-farm use, inclusion, exclusion, and for transportation, utility, and recreational trail uses.</td>
</tr>
<tr>
<td>Resolution of the Commission</td>
<td>A statutory decision of some or all of the Commissioners that is formally communicated in writing.</td>
</tr>
</tbody>
</table>
2.0 Purpose of this Guide

The challenge of preserving farmland in British Columbia (BC) grows with each passing year. Only 5% of the province is in the Agricultural Land Reserve (ALR) and these lands face increasing pressure from urban development and competing resource uses. There are approximately 150 local governments in BC whose boundaries include ALR land, and these local governments have an important, collaborative role to play with the ALC to preserve agricultural land in the face of these pressures.

This guide is intended as a resource for staff and elected officials in these local governments. It outlines responsibilities regarding the regulation of land uses in the ALR, provides general guidance for drafting bylaws that are consistent with the ALCA and Regulation, and explains the ALC’s Bylaw Review Process. It is intended to support the bylaw development process by providing local governments with information about the preparation, review, and adoption of new or updated plans and bylaws affecting their ALR lands.

For additional information on the bylaw review process, please contact the ALC Regional Planner assigned to your area of the province. Contact information is listed on the contact page of the ALC website.

Please note that this guide is a living document that may be updated when legislative or procedural changes occur that affect the ALC, so please check for updates periodically on our website.

The ALC recommends using this guide in conjunction with those developed by the BC Ministry of Agriculture’s Strengthening Farming Initiative, including the Guide for Bylaw Development in Farming Areas.

If a local government adopts a bylaw that is inconsistent with the ALCA or the Regulation, not only is the bylaw in contravention of the ALCA, but the local government may face legal challenge. The bylaw review process is critical to ensure that any inconsistencies are identified early on and action can be taken to bring the draft bylaw into compliance with the ALCA and Regulation prior to adoption.
3.0 Roles and Responsibilities in the ALR

3.1 The Agricultural Land Commission (ALC)

The ALC is an independent administrative tribunal dedicated to preserving agricultural land and encouraging farming in British Columbia, and is the agency responsible for administering the Agricultural Land Reserve Act and Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

The Agricultural Land Commission Act (ALCA)

The ALCA sets out the legislative framework for the establishment and administration of the agricultural land preservation program. Section 6 ALCA outlines the purposes of the Commission as follows:

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

The Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the “Regulation”)

The Regulation identifies the procedures for submitting applications and notices of intent, and specifies land uses permitted in the ALR. The ALC is responsible for interpreting the Regulation and provides guidance in the ALC Policies (see below). The ALC requests that local governments or individuals consult with ALC staff regarding the Regulation when clarification is needed.

The ALC and Regulation are not subject to any other enactment, whenever enacted, except the Interpretation Act, the Environment and Land Use Act, and the Environmental Management Act.

ALC Policies

The ALC’s Policies provide interpretation and clarification of the Regulation and the ALCA; outline guidelines, strategies, rules or positions on various issues; and provide clarification and courses of action consistently taken or adopted by the Commissioners.

ALC Structure and Functions

The ALC is made up of the Commission and a staff team. The Commission consists of one Chair, six Vice-Chairs, and twelve Members. Vice Chairs and Members are each assigned to one of six Regional Panels based on their place of residence in the province. The Chair and six Vice Chairs together comprise the Executive Committee, and all 19 members comprise what is often referred to as the Full Commission. The staff team is based in the ALC’s Burnaby office.

As an administrative tribunal, the ALC performs a wide range of functions including policy development, adjudication of applications, and compliance and enforcement. The particular focus of this guide is the role the ALC plays in assisting local governments with achieving consistency between their bylaws and the ALCA, Regulation, and any Resolutions of the Commission via the ALC’s Bylaw Review Process.
3.2 The Ministry of Agriculture (MOA)

ALC staff work with MOA staff in “agri-teams” to provide advice to local government planners to help achieve consistency between bylaws and the ALCA and Regulation. MOA staff review bylaws independently of the ALC Bylaw Review Process, but ALC and MOA staff may discuss bylaw reviews prior to responding. The ALC copies the MOA on all bylaw reviews at the time they are provided to the Local Government.

The Farm Practices Protection (Right to Farm) Act (FPPA)

A key component of MOA’s “Strengthening Farming” program involves the FPPA, which underpins efforts to protect current farm practices and protects a farmer’s right to farm. If a farm operation qualifies for protection under the FPPA, the farmer does not contravene local government bylaws related to animal control, noise and nuisance if conducting a farm operation in accordance with normal farm practices.

The Ministry of Agriculture’s Guide for Bylaw Development in Farming Areas

The ALC may refer to the MOA’s Guide for Bylaw Development in Farming Areas when reviewing a draft bylaw. This guide offers standards for developing and amending bylaws affecting farming areas (including ALR land) and provides general information for handling other planning issues involving agriculture.


The ALC may refer to the MOA’s Guide to Edge Planning: Promoting Compatibility Along Agricultural – Urban Edges when reviewing a draft bylaw. It sets out guidelines that support local governments when addressing urban/agricultural compatibility issues on both sides of the urban/agricultural edge.

3.3 Local Governments

Local government bylaws prepared under the authority of the LGA must adhere to all other provincial legislation, including the ALCA. Section 46 of the ALCA requires that local governments adopt bylaws that are supportive of farm activities and of compatible uses in the ALR. Bylaws must also recognize the wide range of agricultural values and the economic, social and environmental contributions of a healthy agricultural sector to communities and regions. Section 46 of the ALCA also states that it is the responsibility of local governments to ensure that all bylaws related to lands in the ALR are consistent with the ALCA, the Regulation, and any orders of the Commission.

The Local Government Act (LGA)

The LGA establishes the legal framework for regional districts and other local government authorities. The authority given to local governments to undertake planning and land use management is set out in Part 14 of the LGA, which also contains specific references to agricultural land, the ALR, and the ALCA:

- Section 473(1)(b) requires local governments to include statements and map designations for the approximate location, amount and type of present and proposed agricultural land uses in
their OCPs.

- Section 474(1)(c) allows local governments to include “policies...respecting the maintenance and enhancement of farming on land in a farming area or in an area designated for agricultural use” in OCPs.

- Section 475(4) requires local governments to consult with the Commission “[if] the development of an official community plan, or the repeal or amendment of an official community plan, might affect agricultural land.”

- Section 477(3)(b) requires local governments to refer proposed OCPs that affect ALR land to the Commission for comment after first reading.

- Section 481 specifies restrictions on zoning authority in relation to farming for communities regulated under s.553 LGA; specifically, that “a local government must not exercise the powers under [s. 479 - Zoning Bylaws] to prohibit or restrict the use of land for a farm business in a farming area unless the local government receives the approval of the minister responsible for the administration of the Farm Practices Protection (Right to Farm) Act.”

- Section 551 allows the agriculture minister to establish bylaw standards for farming areas for the guidance of local governments in the preparation of zoning bylaws and farm bylaws. Section 552 outlines how farm bylaws may be developed, and s. 553 and s. 554 set out the criteria for regulated local governments.

- Section 555(2) specifies that intensive agriculture is a permitted use on ALR land, regardless of zoning bylaw regulations that may prohibit certain farm practices.
4.0 The ALC Bylaw Review Process

To avoid inconsistencies between local government bylaws and the ALCA, the Regulation, or any Resolution of the Commission, the ALC works with local governments to undertake a coordinated and cooperative Bylaw Review Process. Both the local government and the ALC play a role.

4.1 The Local Government’s Role

As outlined in the previous section, the LGA requires that local governments refer draft bylaws and amendment bylaws to the Commission when they affect ALR lands. Furthermore, under s. 46(2) ALCA a local government must ensure consistency between adopted bylaws and the ALCA, the Regulation, or any Resolutions of the Commission. Should any inconsistencies exist between adopted bylaws and the ALCA, the Regulation, or any Resolutions of the Commission, the bylaws are of no force or effect, to the extent of the inconsistency (s. 46(4) ALCA). Notwithstanding s. 46(4) ALCA, a local government is still required to comply with s. 46(2) ALCA.

Given these legislative requirements, it is the responsibility of local governments to consult with the ALC early on in the bylaw development or planning process by referring draft bylaws to the ALC for review. Ideally, consultation with the ALC should begin prior to first reading to enable maximum discussion and opportunity for necessary revisions. The review process will help ensure that any inconsistencies are identified and resolved to the satisfaction of both the local government and the ALC prior to bylaw adoption.

The adoption of a bylaw that is inconsistent with the ALCA, the Regulation, or any orders of the Commission contravenes s. 46 (2) ALCA and may expose the local government to legal challenge.

New or amended bylaws that should be referred to the ALC for review include, but are not limited to:

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

Local government bylaw referrals should be sent electronically to the ALC’s Director of Policy & Planning and the Regional Planner assigned to your area of the province. Contact information for all ALC staff is listed on the contact page of the ALC website. These staff should also be the first point of contact if you are unsure whether or not a bylaw should be referred to the ALC for review.
4.2 The ALC’s Role

The Bylaw Review Process is overseen by the ALC’s Director of Policy and Planning, with assistance from Regional Planners who are each responsible for different geographic areas of the province.

As noted previously, local government bylaw referrals should be sent electronically to the ALC’s Director of Policy & Planning and the Regional Planner assigned to your area of the province. Contact information all ALC staff is listed on the contact page of the ALC website. These staff should also be the first point of contact if you are unsure whether or not a bylaw should be referred to the ALC for review.

When a local government refers a draft bylaw to the ALC for review, ALC staff first determine whether the review can be completed by staff or if it must involve the Commission. When a draft bylaw is referred to the ALC, staff conducts a preliminary review to assess whether it proposes to designate ALR land for non-agricultural uses (for example, designating ALR land as “residential” in an OCP), or proposes to support the exclusion or non-farm use of ALR.

Bylaw Review by ALC Staff

If a draft bylaw does not propose to designate ALR land for non-agricultural uses or does not propose to support the exclusion or non-farm use of ALR, then the review is completed by ALC staff.

The ALC’s role in this type of bylaw review is to identify inconsistencies between draft bylaws and the ALCA, Regulation, and any Resolutions of the Commission, and to suggest strategies for improvement.

Approximate timeline:

- New bylaws: 20 – 30 business days
- Bylaw amendments: 10 – 15 business days

Response type:

- Letter signed by the Director of Policy & Planning or a Regional Planner outlining the ALC’s position with regard to the proposed bylaw or bylaw amendment (does not include an ALC Resolution).
- The letter may include suggestions for improving the draft bylaw’s consistency with the ALCA, Regulation, or orders of the Commission.
- The letter may include a request to review the next draft of the bylaw, if substantial inconsistencies were identified.
- Responses are sent electronically and copied to the Ministry of Agriculture.
Table 1: Bylaw Review by ALC Staff
This process applies to draft bylaws that do not propose to redesignate ALR land for non-agricultural uses

STEP 1
The local government refers the draft bylaw or bylaw amendment to the ALC.
The referral should include detailed maps, and should be sent electronically to the Director of Policy & Planning and the applicable Regional Planner (contact list on ALC website).

STEP 2
ALC staff acknowledge receipt of the referral and begin preliminary review.
ALC staff may contact local government staff to discuss the draft bylaw, and may request spatial data to support the review.

STEP 3
ALC staff provide a written response regarding the draft bylaw to the local government.
The response may request revisions to the draft bylaw to ensure consistency with the ALCA, Regulation, and decisions of the Commission.

If No Revisions Requested:
The local government may proceed with adoption of the draft bylaw.
Local government provides an electronic copy of the adopted bylaw to the ALC for its records.
Note: if revisions to the draft bylaw are made subsequent to the ALC’s response, the revised draft must be re-referred to the ALC for review and comment.

If Revisions Requested:
The local government revises the draft bylaw to reflect the ALC’s response. Regional Planners are available to discuss revisions with local government staff if required.

STEP 4
The local government refers the revised draft bylaw to the ALC for review and comment.

STEP 5
The local government refers the revised draft bylaw to the ALC for review and comment.

STEP 6
ALC staff review the revised draft bylaw and discuss revisions with local government staff as needed.
ALC staff provide the local government with a response to the revised draft.

STEP 7
The draft bylaw or draft bylaw amendment is adopted.
Local government provides an electronic copy of the adopted bylaw to the ALC for its records.
**Bylaw Review by ALC Commission**

ALC staff lack the statutory authority to provide the ALC’s support for designating ALR lands for non-agricultural uses (for example, designating ALR land as “residential” in an OCP) or to support bylaws that propose the exclusion or non-farm use of ALR. Support for these bylaws can only be achieved via a Resolution of the Commission, which reflects a statutory decision made by some or all of the Commissioners. A Resolution of the Commission can support or refuse to support the designation of ALR lands for non-agricultural uses. Resolutions of the Commission are communicated via written decision documents.

As such, if a draft bylaw proposes to designate ALR land for non-agricultural uses or to support the exclusion or non-farm use of ALR, then the review is completed by the Commission with the support of ALC staff. This process is more complex, can involve multiple meetings between the Commissioners and local government staff or elected officials, and may also include site visits to affected properties.

In this type of bylaw review, ALC staff are responsible for facilitating the review process, and the Commissioners are responsible for issuing a decision as to whether or not to endorse the draft bylaw or parts thereof.

**Approximate timeline:**

- All bylaws: a minimum of 60 business days

**Response type:**

- Letter signed by the ALC Chair outlining the Commission’s position with regard to the draft bylaw or bylaw amendment and the Commission’s reasons for the decision, which includes a Resolution of the Commission.
- The reasons for decision may or may not include endorsement(s) of specific draft bylaw provisions. Endorsement may become a factor for consideration in related future ALC applications, but does not fetter or bind the Commission in its future decisions.
- All responses are sent electronically and copied to the Ministry of Agriculture.

**Lack of an ALC response to a bylaw referral does not denote ALC support.** Please follow up with ALC staff if you have not received a response to your referral by the specified due date.
Table 2: Bylaw Review by ALC Commissioners
This process typically applies to bylaws that propose to designate ALR land for non-agricultural uses or to support future exclusion or non-farm use applications

<table>
<thead>
<tr>
<th>STEP</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The local government refers the draft bylaw to the ALC prior to 1st reading. The referral should include: the draft bylaw, accompanying maps, the rationale for the proposed use of ALR lands (eg: data and analysis on past and projected growth trends, land demand and supply, an explanation of why alternative sites outside of the ALR are not being considered). ALC staff may also request spatial data to support mapping. Referrals should be sent electronically to the Director of Policy &amp; Planning and the applicable Regional Planner (contact list available on ALC website).</td>
</tr>
<tr>
<td>2</td>
<td>ALC staff acknowledge receipt of the referral and provide it to the ALC Chair for preliminary review and confirmation that it requires review by the Commissioners.</td>
</tr>
<tr>
<td>3</td>
<td>ALC staff prepare a staff report, which typically includes: copies of previous ALC decisions related to the issue/area, an analysis of land supply and demand, maps, and a number of decision options for the Commissioners’ consideration. They will not contain a recommended decision, and Commissioners may ultimately consider decision options not outlined in the staff report. The ALC Staff Report is provided to the local government for review. Commissioners conduct a preliminary review of the referral and the ALC staff report, and may request additional information from the local government.</td>
</tr>
<tr>
<td>4</td>
<td>The Commissioners may request a site visit and/or meeting with the local government. Site visits can be conducted with or without representation from the local government, and can be delayed by weather conditions such as snow on the ground. Meetings with local government staff and/or elected officials can be conducted in conjunction with or separately from a site visit. ALC staff prepare a Site Visit and/or Meeting Report, which is provided to the local government and the Commissioners.</td>
</tr>
<tr>
<td>5</td>
<td>The Commissioners conclude their review of the bylaw referral, any additional information received, the ALC staff report, and the Site Visit/Meeting Report. A decision is reached regarding the draft bylaw and a Resolution is adopted. The reasons for decision, including the Resolution number, is released to the local government and available publically shortly thereafter.</td>
</tr>
</tbody>
</table>
4.3 Drafting Bylaws that Affect the ALR

The following section outlines some specific guidance for the development of bylaws that affect ALR land, and is reflective of the content that ALC staff will be looking for when they conduct a bylaw review through the processes outlined in the previous section.

Please note that additional resources on developing bylaws that affect the ALR or other agricultural areas are provided by the Ministry of Agriculture and should be used in conjunction with this guide. Links to relevant Ministry of Agriculture guidelines are provided throughout.

To ensure consistency with the ALCA, the Regulation and the LGA, bylaws affecting the ALR should include goals, objectives, and policies for agriculture that are supportive of farming and compatible uses.

Per s. 2(1.1) of the Regulation, bylaws affecting the ALR must not prohibit designated farm uses, nor regulate them to the point of prohibition. Per s. 46(5) ALCA, a local government bylaw or a first nation government law is deemed to be inconsistent if it allows a use of land that is not permitted under the ALCA or if it contemplates a use of land that would impair or impede the intent of the ALCA, the Regulation, or an order of the Commission. In addition, bylaws should not establish environmental regulations which limit the use of ALR land for agricultural purposes.

To achieve consistency with the ALCA and Regulation, bylaws affecting land within the ALR should, at a minimum, include the following:

- A general statement which recognizes the authority and jurisdiction of the ALC for ALR lands within the bylaw area.
- A map showing the ALR boundaries (current as of the date of bylaw adoption).
- A single plan designation or zone for all ALR lands that permits a broad range of agricultural uses with an agriculturally appropriate minimum lot size. Alternatively, for jurisdictions with large amounts of ALR lands or where lands within the ALR vary in character and agricultural activity, a limited range of agricultural plan designations may be appropriate, provided that they permit a broad range of agricultural uses and appropriate parcel sizes.
- Policies that ensure new urban development adjacent to ALR land provides for appropriate buffering on the urban side.
- Policies for housing for farm help which ensure that the ALC is consulted when additional housing for farm help is requested (preferred option) or, alternatively, that establish specific requirements that must be met in order for an additional residence for farm help to be permitted.
- Policies for limiting the size and siting of residences on farm parcels (for example, restricting the size and location of farm home plates).

For examples, see Section 5.0 Sample Bylaw Language (p.17). Further details regarding bylaws affecting the ALR are also available from the Ministry of Agriculture.
To achieve consistency with the ALCA and Regulation, bylaws affecting land adjacent to the ALR should, at a minimum, include the following:

- Policies supportive of adjacent or nearby agricultural activities.
- Policies that protect farming activities along the ALR boundary.

For more information and sample wording on bylaws affecting land adjacent to the ALR, please refer to the MOA’s Guide to Edge Planning.

**Regulating Farm Uses in the ALR**

Local government bylaws must permit the widest possible range of permitted farm uses within the ALR. These uses found in s.2 of the Regulation, which defines these uses including thresholds and criteria that must be met in order to carry them out. Some examples of designated farm uses include alcohol production facilities (with limits), on-farm processing (with limits), on-farm retail (with limits), and intensive livestock production. *Local governments may regulate but may not prohibit farm uses.*

A local government may choose to regulate the way that a designated farm use operates; for example, by restricting the maximum building size. *However, a local government may not regulate to the point of prohibition.* For more information about what would constitute regulating to the point of prohibition, please contact ALC or MOA staff.

**Regulating Permitted Non-Farm Uses in the ALR**

Section 3 of the Regulation outlines permitted non-farm uses in the ALR, including thresholds and criteria that must be met in order to carry them out. Some examples of permitted non-farm uses include agri-tourism accommodations, home-based businesses, kennels, wildlife management areas, and roads. *Permitted non-farm uses may be regulated or prohibited by a local government bylaw.*

**Planning for Transportation, Utility, and Recreational Trail Uses in the ALR**

Proposed transportation corridors, utility corridors, or recreational trails within or directly adjacent to ALR lands may have negative impacts on agriculture. Roads and highways may act as a catalyst for development, raising expectations for land use change. Every effort should be made to avoid agricultural areas when proposing new transportation or utility corridors.

*A proposed transportation corridor, utility corridor, or recreational trail through the ALR must be reviewed by the ALC as part of the Bylaw Review Process.* Proposed transportation or utility corridors must be shown on bylaw maps and must be clearly labeled. *New transportation or utility corridors through the ALR may require an ALC application.* ALC staff should be consulted in order to determine what process is most appropriate in any given scenario.

The registration or dedication of all statutory Right-of-Ways on ALR lands requires ALC consent. The provisions outlined in the Land Title Act do not override the requirements set out in the ALCA.
Minimum Parcel Size in the ALR
A plan designation or zone that affects the ALR should have a minimum parcel size that is supportive of agriculture and that is large enough to discourage subdivision. The objective of including minimum parcel sizes in a bylaw is to reduce expectations for subdivision based solely on meeting minimum parcel size requirements. In general, the ALC prefers large minimum parcel sizes, as this ensures that the widest range of options are available for agricultural uses and discourages the use of ALR land for rural residential purposes.

The bylaw should caution readers that the Commissioners are not obliged to approve subdivisions in the ALR that meet the minimum parcel size specified in a bylaw. At the same time, local governments are not obliged to approve a re-zoning to allow for a subdivision approved by the ALC that does not fit local land use regulations.

For sample wording, please see Section 5.0 Sample Bylaw Language (p.17).

Designation of ALR Land for Agricultural Uses
Bylaws should include ALR lands in a designation that signifies that agriculture is the priority use. This may be an 'Agriculture' designation or zone, or equivalent. Occasionally, where the ALCA, the Regulation, or a Resolution of the Commission permits a non-agricultural use, a different designation may be appropriate to reflect that use.

A bylaw may only include a non-agricultural designation of ALR land if that designation is approved by a Resolution of the Commission received via the Bylaw Review Process or via an ALC Application.

The non-agricultural designation of ALR land that has not been approved by the Commission contravenes ss. 46(2) ALCA and may expose a local government to legal challenge.

A bylaw that includes non-agricultural designations not approved by a Resolution of the Commission is considered to be inconsistent with the ALCA and the Regulation. Pursuant to s. 46 (4) of the ALCA, the inconsistent bylaw has, to the extent of the inconsistency, no force or effect.

Development Permit Areas (DPAs)
Section 488(1) of the LGA provides local governments with the authority to designate a DPA for the "protection of farming". The ALC encourages local governments to designate DPAs in areas where farm and non-farm conflicts are occurring, or are likely to occur with development. DPAs must be designated by an OCP and the OCP must specify the conditions or objectives that justify the designation in addition to the requirements for development.

This tool is an appropriate means to protect agricultural uses and activities, particularly along the ALR boundary, where conflicts with urban uses are likely to occur. For example, in a DPA for the protection of farming, a local government can require a developer to install a buffer (for example: setbacks, fencing, vegetative screening etc.) to mitigate conflicts between farm and non-farm uses.

For sample wording, please refer to the MOAs Guide to Edge Planning.
Other kinds of DPAs (for example, for the protection of the environment) may have unintended negative impacts on agriculture. Provisions in DPAs for purposes other than agriculture should recognize that agriculture is the priority use in the ALR, and that agricultural uses should not be effectively prohibited or restricted as a consequence of protecting other values.

If conservation covenants are used as a tool to implement a DPA, they must not contemplate prohibitions or restrictions on agricultural uses in the ALR unless approved by a Resolution of the Commission (s. 22 ALCA).

Comprehensive Development Zones
In certain circumstances, a local government may find that it is more appropriate to use a Comprehensive Development (CD) zone than an existing standard zone in order to more accurately reflect a Resolution of the Commission. CD zones affecting ALR lands must be referred to the ALC for review and comment prior to adoption to ensure compliance with the ALCA, Regulation, and any applicable Resolutions of the Commission.
5.0 Sample Bylaw Language

Example wording for a general statement recognizing the authority and jurisdiction of the ALC:
• Notwithstanding any other provisions of this bylaw, all lands within the Agricultural Land Reserve (ALR) are subject to the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the Regulation), and any Orders of the Agricultural Land Commission (ALC). The ALCA and Regulations generally prohibit or restrict non-farm use and subdivision of ALR lands, unless otherwise permitted or exempted.

Example wording for agricultural goals and objectives:
• Reserve lands within the ALR for agricultural and related uses
• Minimize conflicts between farm and non-farm uses
• Support and promote the economic viability of the agriculture sector

Example wording for agricultural policies:
• Permit a full range of agricultural and complementary uses in the ALR and encourage value-added activities that can improve farm viability
• Require generous setbacks and buffers when developing lands adjacent to the ALR to prevent conflicts and encroachment (Development Permit Areas for the protection of farming may be used as an implementation tool)
• Recognize and protect the needs and activities of farm operations when considering adjacent and nearby land uses
• Plan for uses that are compatible with agriculture along the ALR boundary
• Preserve contiguous areas of agricultural land and avoid severance by transportation and utility corridors
• Encourage partnerships with the agriculture community, senior governments and private enterprise to promote the development of the agriculture sector

Example wording for Minimum Parcel Sizes:
• The minimum parcel size of ___ ha. applies to land that is designated/zoned Agriculture (or other designation that permits agriculture) and is in an ALR designated under the Agricultural Land Commission Act (ALCA), unless
  o the land is excluded from the ALR,
  o the land is approved for subdivision within the ALR, under the ALCA, or
  o subdivision is permitted or exempted from approval under the ALCA, Agricultural Land Reserve Use, Subdivision and Procedure Regulation, or Order of the Commission.

For additional assistance with bylaw wording, please contact the ALC or alternatively, consult the MOAs Guide for Bylaw Development in Farming Areas. The ALC also recommends that local governments consult their solicitor for legal wording and continuity.