

The ALC CHANGES AND EFFECTS

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ALR

**AGRICULTURAL
LAND RESERVE**



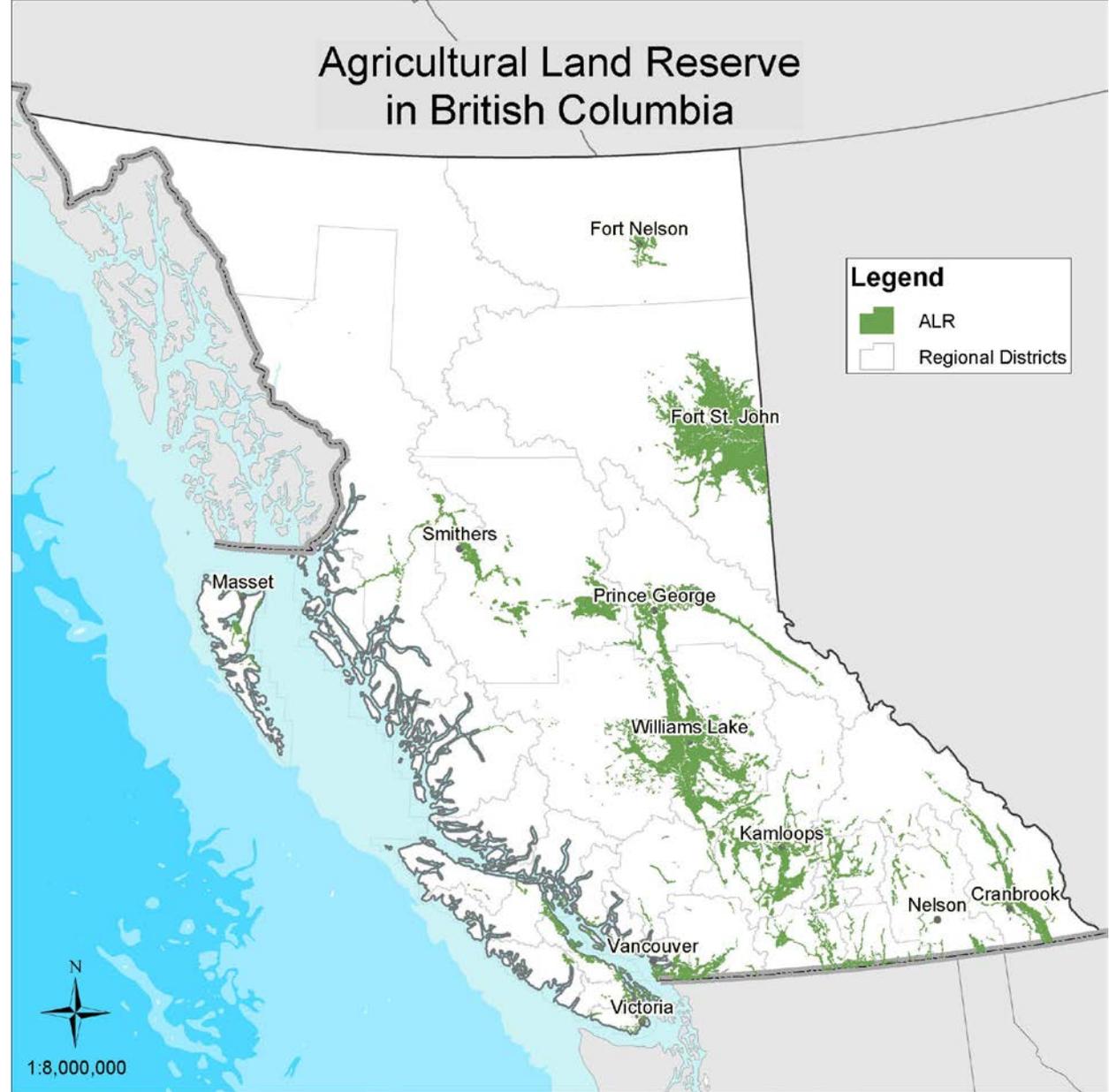
ALC

**AGRICULTURAL
LAND COMMISSION**



Agricultural
land is finite

Only 5% of BC's land is set aside for agricultural priority



ALR PRESSURES



Residential



Industrial



Commercial



Illegal
Filling

Minister's Independent Advisory Committee

January 4, 2018

- Minister of Agriculture, Honourable Lana Popham appointed an Independent Advisory Committee (IAC) to lead a public consultation that would provide Government with strategic advice and policy guidance for revitalizing the ALR and ALC

Minister's Independent Advisory Committee

“The Committee respectfully emphasizes that our Recommendations are predicated on the immediate need for a Government commitment to an ‘Agriculture First’ agenda - a Government-wide policy shift that identifies BC’s agricultural land and industry as the equivalent to other provincial natural resources”

– IAC Final Report





Minister's Independent
Committee Consultation



IAC Interim Report
What We Heard Report (2018)

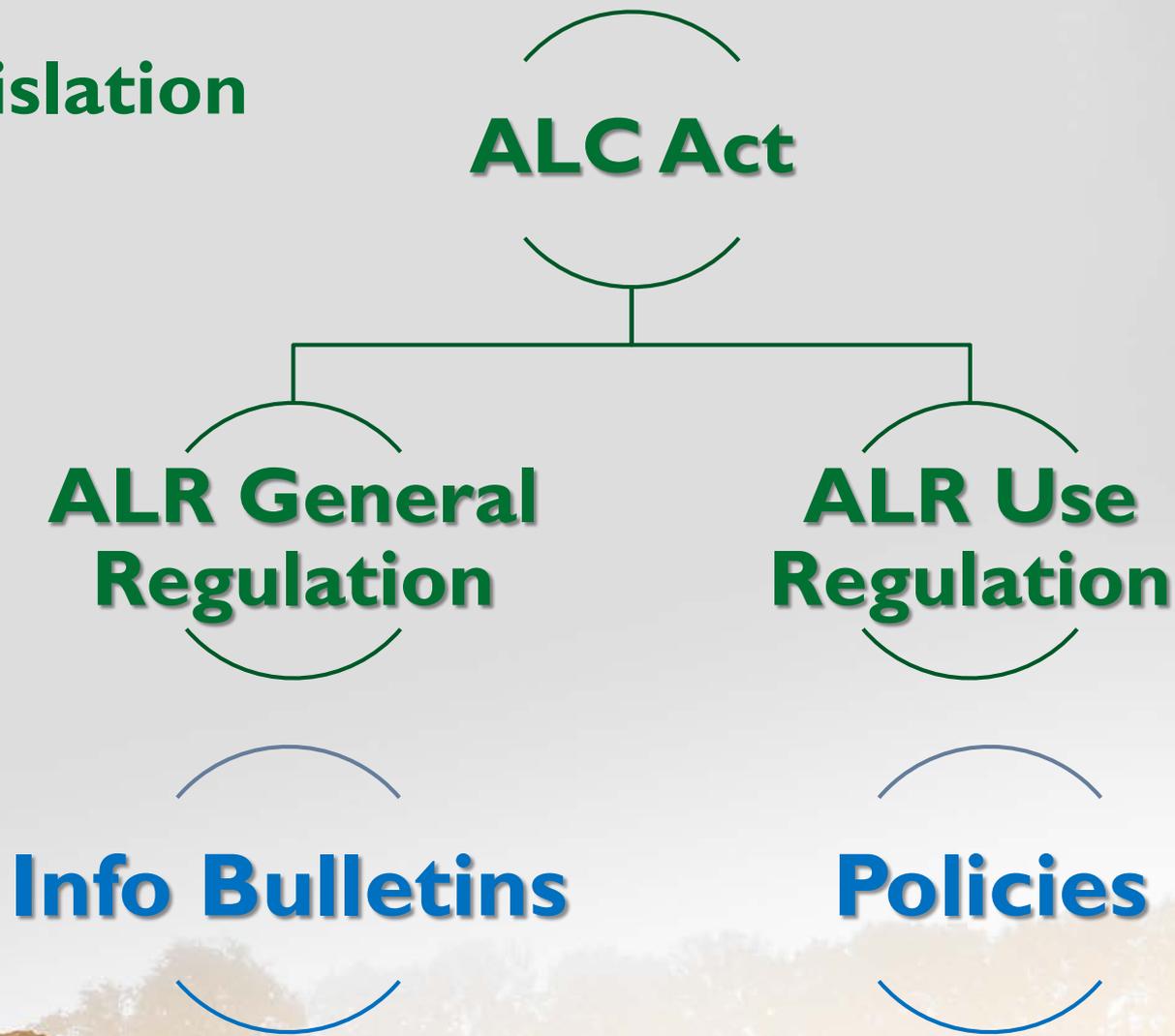


Bill 52 (Fall 2018)
Bill 15 (Spring 2019)



Change
ALC Act & ALR Regulations

ALC Legislation



An aerial photograph of a mountain valley. In the foreground, there are green and brown agricultural fields. A river winds through the valley. The middle ground is filled with dense green forests. In the background, there are rugged mountains with some snow patches under a blue sky with white clouds.

TOP LEGISLATIVE CHANGES

An aerial photograph of agricultural fields. A road runs diagonally across the upper right portion of the image. The fields are green and show signs of being recently tilled or planted. The text "BILL 52 CHANGES" is overlaid in large, white, bold, sans-serif font across the center of the image.

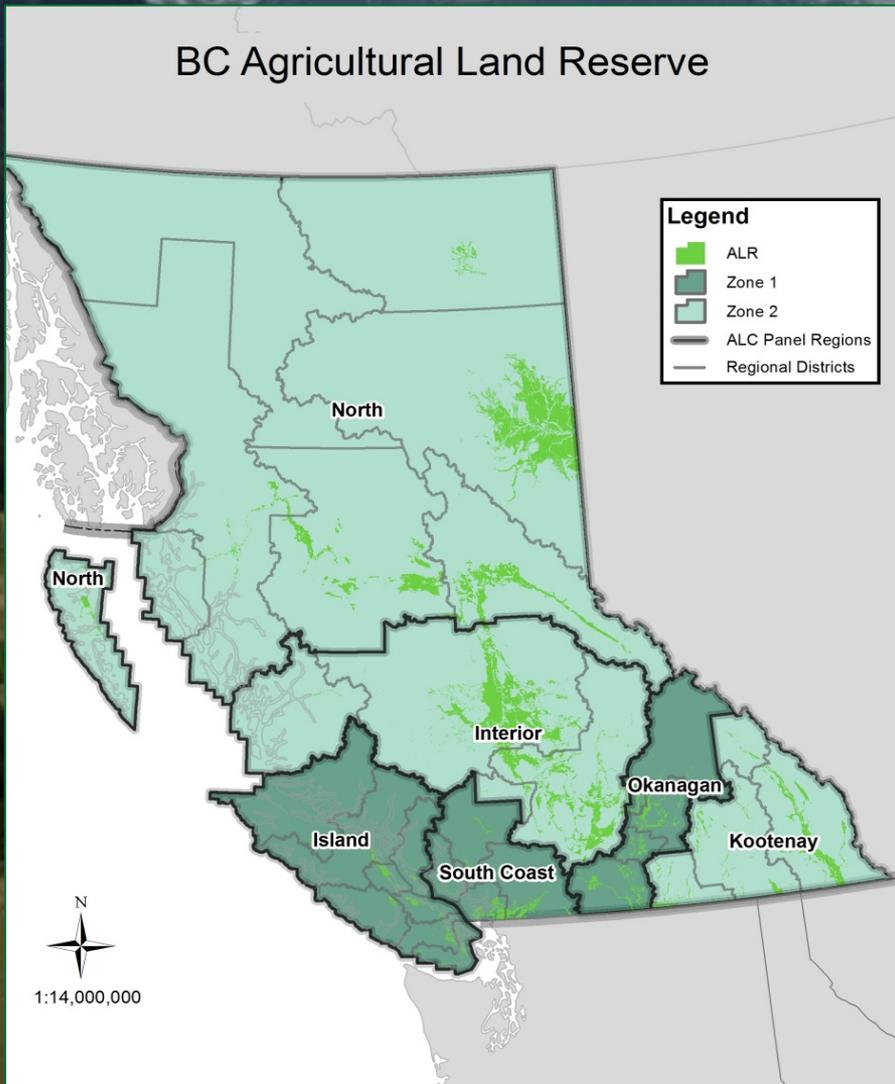
BILL 52 CHANGES

2 Zone ALR

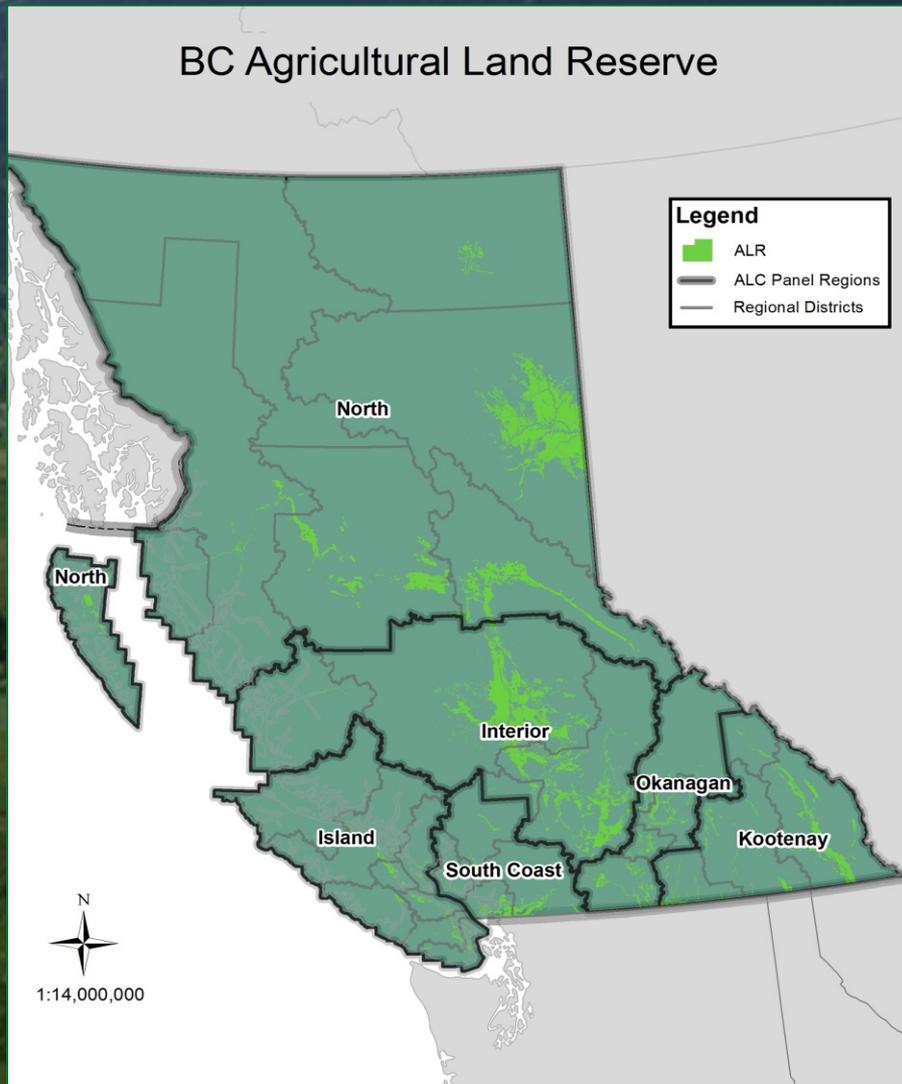


Single ALR

BC Agricultural Land Reserve



BC Agricultural Land Reserve



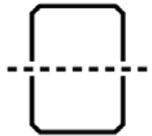
2. Application Types



Exclude land from the ALR



Include land into the ALR



Subdivide land within the ALR



Non-Farm Use



Non-Adhering Residential Use



Place Fill / Remove Soil



Transportation, Utility and Recreational Trail Use



RESIDENTIAL USES

Residential Use

Unless permitted by Regulation or approved by the ALC

(Old ALC Act Sec 18)

(New ALC Act Sec 20.1 & 25)

A **local government** may not approve more than one residence on a parcel **unless it is necessary for farm use**

A **local government** may not approve more than one residence per parcel; and the residence must be less than 500 m²

AND

The **ALC** must not grant permission for an additional residence **unless the additional residence is necessary for farm use**

Additional Residential Use

Permitted outright by Regulation

Previous Regulation

- One Secondary Suite
&
- One manufactured home for immediate family
OR
- A residence above an existing farm structure
&
- A second dwelling on a parcel > 50 ha if the total area occupied by all residential use is 4,000m² or less

Current Regulation

- One Secondary Suite
&
- A manufactured home for immediate family with all required authorizations granted prior to February 22, 2020

Additional Residence(s) for Farm Use = **ALC Application Required**

Principal
Residence

Additional
Residence(s)



Residential Considerations

Local Governments

- ✓ **May** further restrict principal total floor area
- ✓ **May** prohibit secondary suites in principal residence

Landowners

- ✓ **Existing residences are grandfathered**, if authorized
- ✓ **Must** apply to the ALC for residence larger than 500 m² or for an additional residence
- ✓ **May** need to apply to the ALC to replace an existing additional residence



SOIL OR FILL USES

Prohibited Fill

- Placement of construction or demolition waste, including masonry rubble, concrete, cement, rebar, drywall and wood waste is prohibited in the ALR
- **ALC must reject applications for the placement of prohibited fill**

Glass



Wood/Lumber



Polymer (plastics)



Ashpalt





Soil and Fill Exemptions & Applications

Exempted Activities

7 activities with established thresholds

**PERMITTED
OUTRIGHT**

Notice of Intent

All other activities
\$150 fee
No retroactive approvals

CEO DECISION

Soil or Fill Use Application

NOI Refusals
\$1500 (-\$150)

**COMMISSION
DECISION**

Soil and Fill Exemptions

Exempted Soil or Fill Use Activities

1. Farm structure or principal residence (max 1,000 m²)
2. Cranberry berms
3. Flood plain dikes, dikes, irrigation, livestock watering
4. Maintain existing farm road (50 m³/year)
5. 100 m³/ha or less (sand top dressing)
6. Soil amendments
7. Conduct soil research or testing

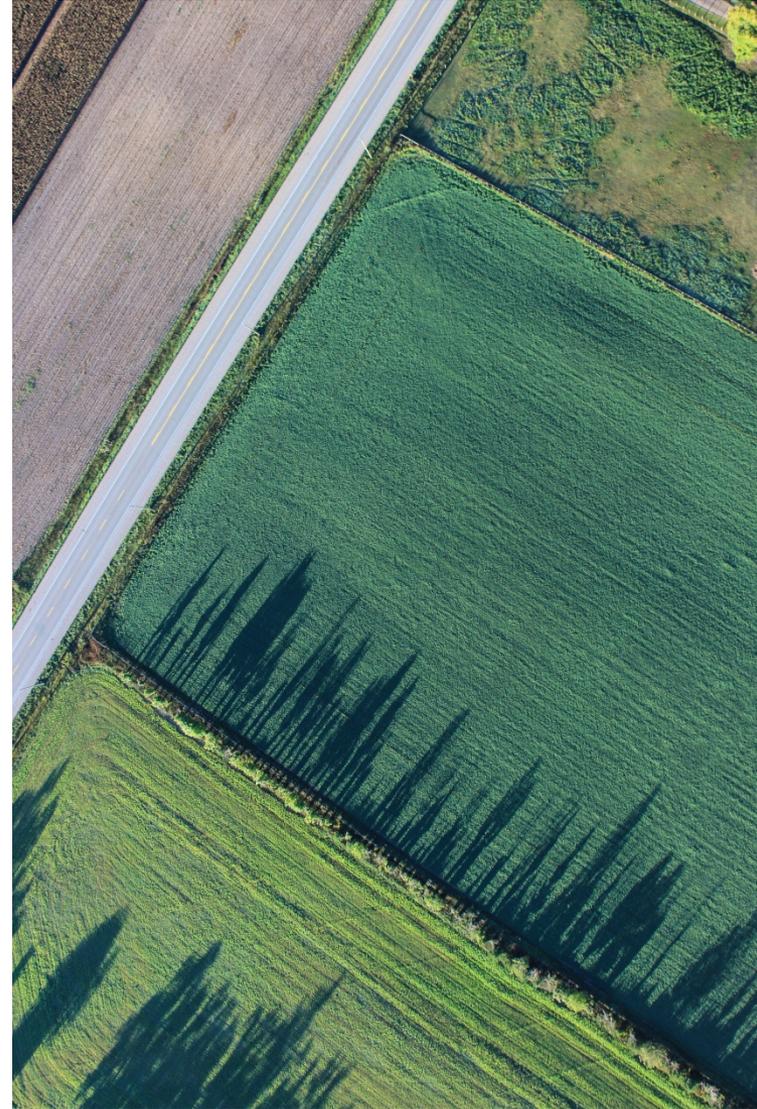
Transportation, Utility, & Recreational Trail Applications

- **Do not** require application to dedicate a statutory right-of-way
- **Do require** an application to construct a SRW
- **Must** notify Commission of dedication of SRW (Bill 15)



Bill 15 Change

- Proponents will be required to notify the ALC of the creation of a SRW under s. 218 *Land Title Act*
- Registrar of Titles will not register a SRW unless proof of ALC notification is given
- ALC approval of construction of a registered SRW is not guaranteed



SRW Considerations

Best Practice

- Design alignment that minimizes agricultural impacts
- Apply to ALC for approval of construction in future SRW
- Change SRW alignment if ALC not amenable
- Register SRW if ALC approves construction of alignment

Risky Business

- Design alignment that impacts agriculture (e.g. bisecting land)
- Dedicate SRW
- Then apply to ALC for SRW construction
- ALC may refuse construction of SRW

Section 19 of the ALCA prohibits the Registrar of Titles from doing certain things that would cause a subdivision of land unless approved by the ALC.

The following are considered subdivisions that must be approved by the ALC:

- Road dedications under s. 107, *Land Title Act*;
- A lease for any duration of a portion of a parcel;
- A transfer of a portion of a parcel to any transferee pursuant to s. 99, *Land Title Act*.
- A transfer pursuant to s. 114, *Land Title Act* of a portion of a parcel shown on a statutory right of way plan.
- A reference plan of a portion of a parcel deposited pursuant to s. 47 of the *British Columbia Railway Act*.



**BILL 15
COMING SOON(?)**

9. Decision Criteria Section 6.2 ALCA

New ag focused decision making criteria for applications and other duties

s. 6(2) ALCA

- The Commission must give **priority** to protecting and enhancing
 - The **size, integrity and continuity** of the ALR
 - The use of the ALR for **farm use**

Exclusion Applications

Private Landowner Applicant  *Government/Public Body Applicant*
Changing to

“to encourage these type of applications [to] be done as part of thoughtful land-use planning process”



THANK YOU QUESTIONS?

