

# The ALC CHANGES AND EFFECTS

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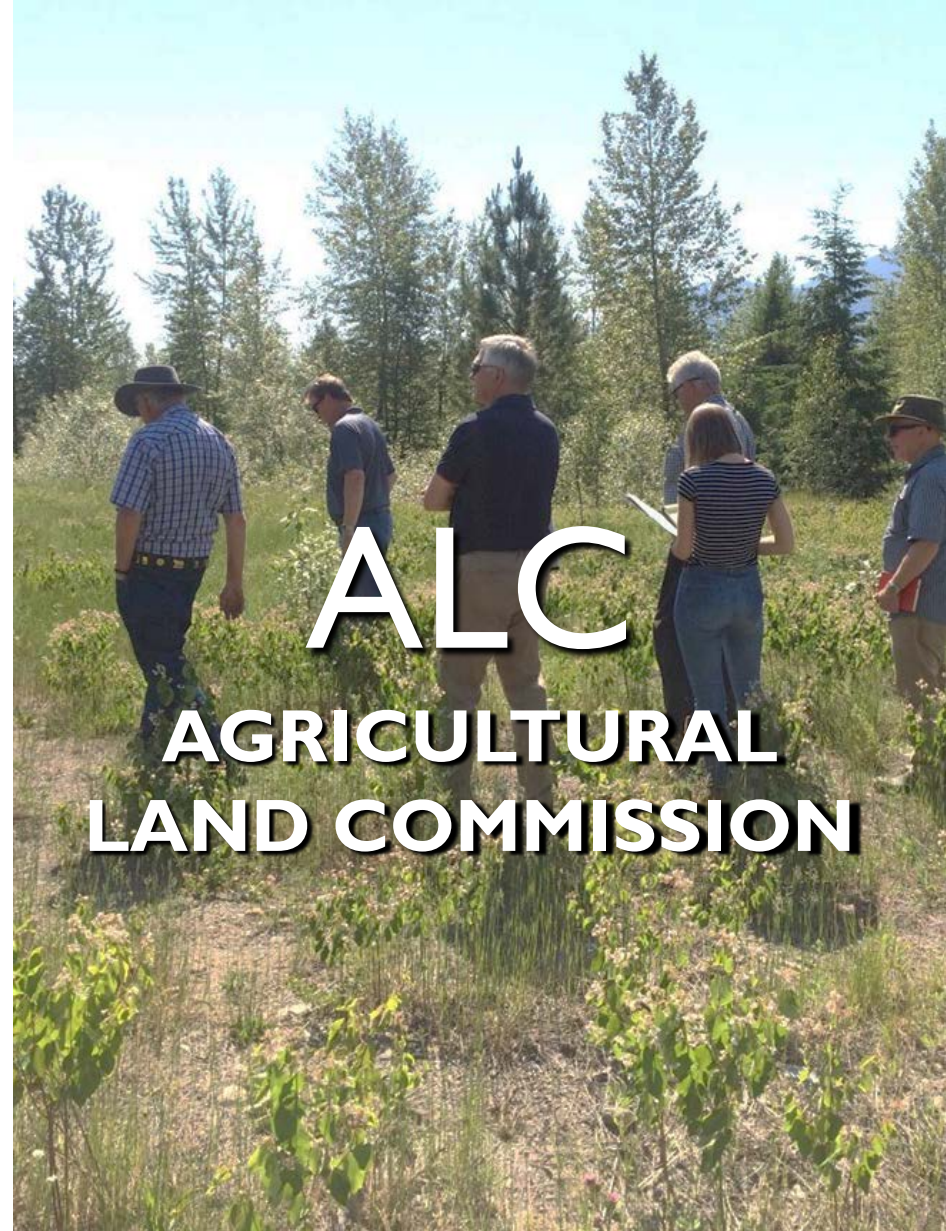






**ALR**

**AGRICULTURAL  
LAND RESERVE**



**ALC**

**AGRICULTURAL  
LAND COMMISSION**

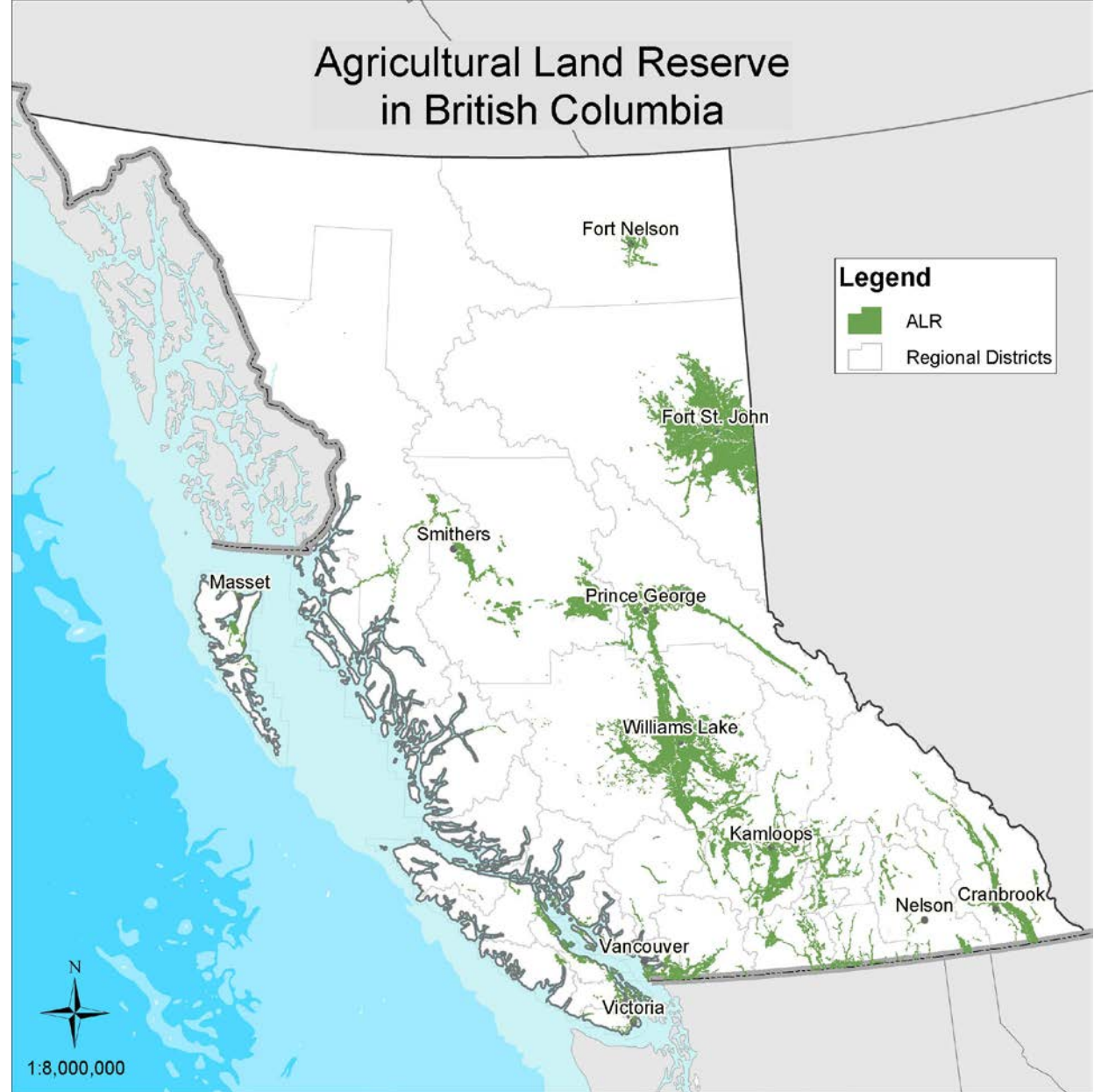
**ALC**





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)



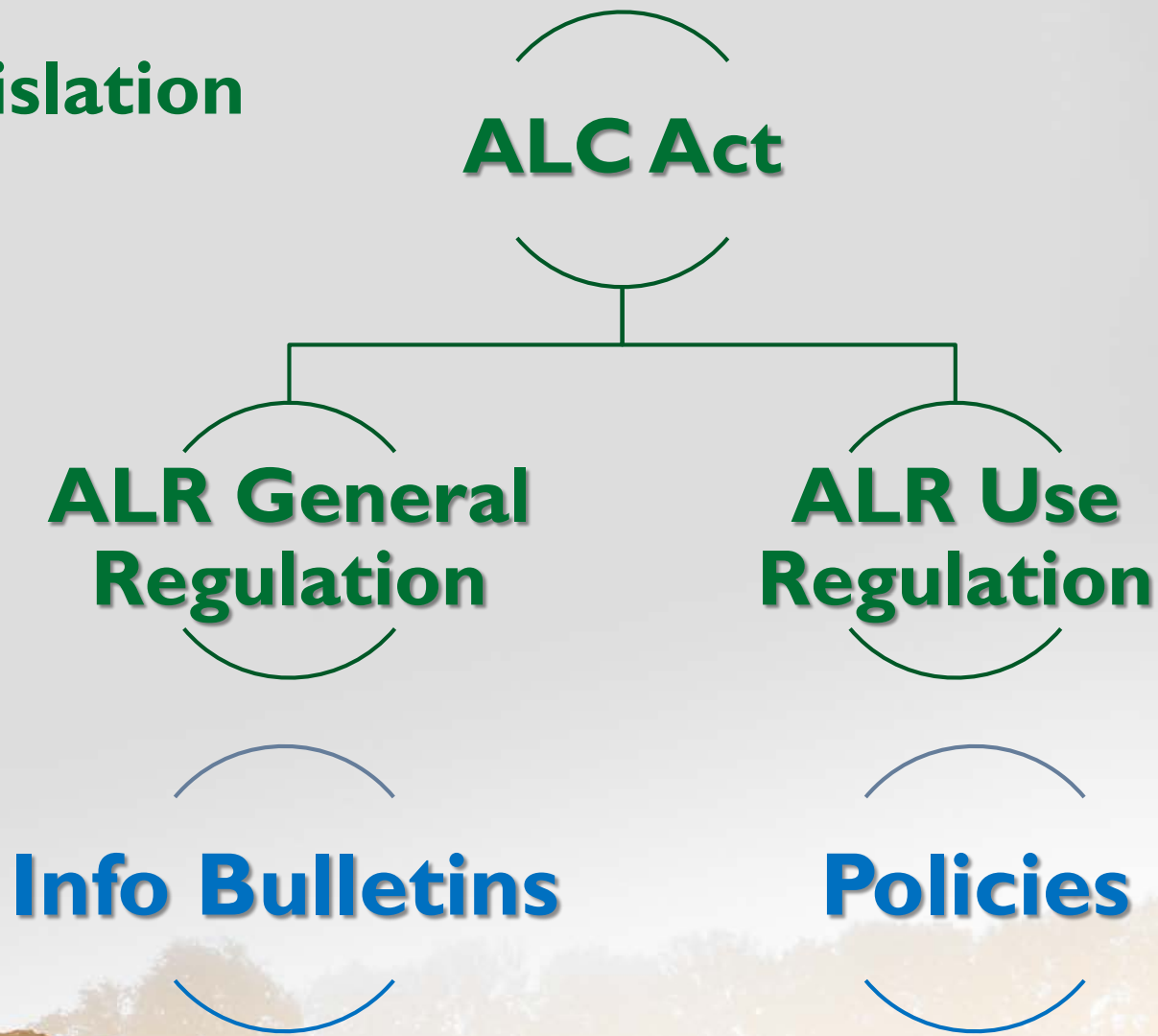
## Bill 52 (Fall 2018) Bill 15 (Spring 2019)



## Change ALC Act & ALR Regulations



# ALC Legislation





# TOP LEGISLATIVE CHANGES

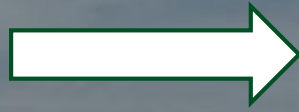


An aerial photograph of a large green field, possibly a golf course or agricultural land, with a road running diagonally across the upper right. Long shadows are cast across the field from the left. The text "BILL 52 CHANGES" is overlaid in large white letters.

# BILL 52 CHANGES

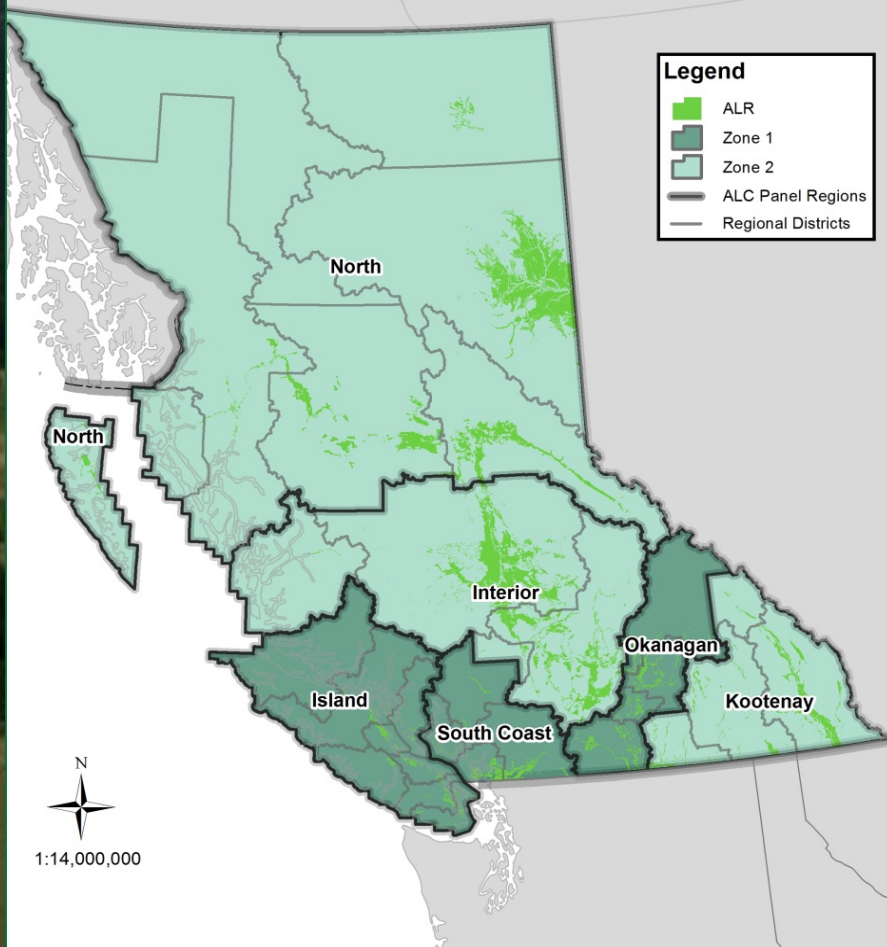


# 2 Zone ALR

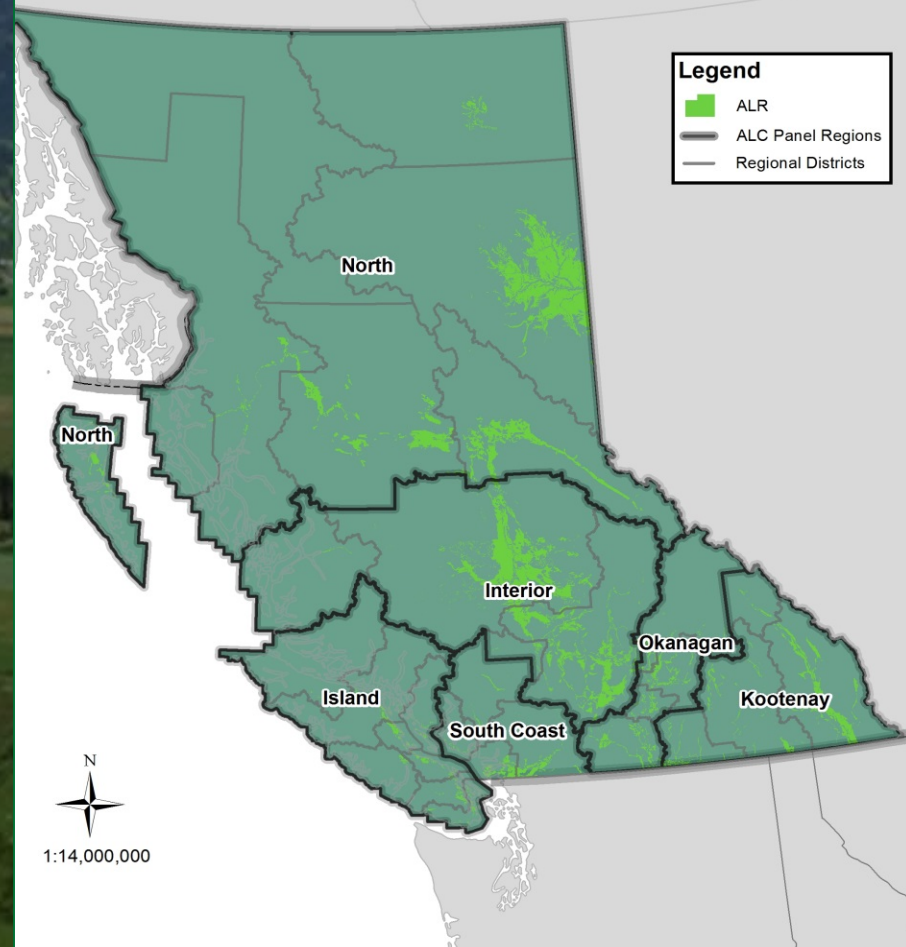


# Single ALR

BC Agricultural Land Reserve



BC Agricultural Land Reserve





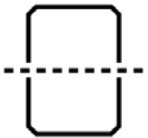
## 2. Application Types



**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 m<sup>2</sup>

**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	Current Regulation
<ul style="list-style-type: none"><li>• One Secondary Suite &amp; • One manufactured home for immediate family OR • A residence above an existing farm structure &amp; • A second dwelling on a parcel &gt; 50 ha if the total area occupied by all residential use is 4,000m<sup>2</sup> or less</li></ul>	<ul style="list-style-type: none"><li>• One Secondary Suite &amp; • A manufactured home for immediate family <u>with all required authorizations granted prior to February 22, 2020</u></li></ul>



# 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 m<sup>2</sup> 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 m<sup>2</sup>)
2. Cranberry berms
3. Flood plain dikes, dikes, irrigation, livestock watering
4. Maintain existing farm road (50 m<sup>3</sup>/year)
5. 100 m<sup>3</sup>/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*.



An aerial photograph of a large green field, possibly a farm or agricultural area. A road runs diagonally across the upper right portion of the image. A fence line or boundary runs diagonally across the middle of the field. The text "BILL 15 COMING SOON(?)" is overlaid in large white letters with a drop shadow.

# 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?

