



Agricultural Land Commission & Agricultural Land Reserve

What is the Provincial Agricultural Land Reserve (ALR)?

Approximately 5% of BC is considered good agricultural land. In 1973, in response to the rapid loss of farm land and the intense pressure on agricultural land for non-agricultural uses, the Province created the *Agricultural Land Commission Act (ALCA)*.

The *ALCA* defines agricultural land reserve as the total of all agricultural land in BC.

The *ALCA*:

- Created maps showing lands in the ALR
- Restricted non-agricultural use and development of land in the ALR; and
- Created a set of policies and regulations for activities in the ALR

What is the Provincial Agricultural Land Commission (ALC)?

The ALC is an independent administrative tribunal whose members are appointed by the Province.

The ALC makes decisions on all applications under the *ALCA*.

The ALC cannot consider some applications without the approval of corresponding local bylaws. For example, if an applicant is proposing a non-farm use within the ALR that requires a local rezoning, the Regional Board can withhold the ALR application until zoning requirements are met.

ALC Application Streams

When an application arrives at the ALC, there are three application streams that the application may take depending on the type of application: Commission Panel, Executive Committee, or Chief Executive Officer Delegation.

The application stream is determined at the beginning of the application process by the *ALCA* and ALC staff. Applicants and local governments cannot request a specific stream.

ALR Regulations

On February 22, 2019, the *Agricultural Land Reserve Use Regulation* came into effect which identifies uses in the ALR including:

- Farm Uses
- Permitted Non-Farm Uses
- Residential Uses
- Soil or Fill Uses
- Exclusions

Farm Uses

Permitted farm uses are uses in addition to regular farming/ranching. These uses are for the most part directly linked to agriculture. **Permitted farm uses can be restricted but not prohibited by local government.** Examples of permitted farm uses include:

- Wineries & Cideries
- Storage, packing & processing of farm products
- Timber production, harvesting and silviculture
- Equestrian facilities
- Application of soil amendments
- Farm retail sales
- Temporary or seasonal agri-tourism activities
- Agroforestry
- Production of compost with conditions

- Land development works for farm purposes

Permitted Non-Farm Uses

Permitted non-farm uses are uses that may or may not be linked directly to agriculture and are considered compatible with agriculture and have low impacts on the land base.

Some permitted non-farm uses can be prohibited by local governments.

Examples of permitted uses include:

- Home based business
- Temporary sawmill
- Pet kennels and breeding facilities
- Production and storage facilities
- Production & development of biological products used in integrated pest management
- Aggregate extraction less than 500 m³
- Conservation & passive recreation & open land parks
- Education & research (not schools)

Residential Uses

Unless otherwise permitted, an owner of agricultural land who constructs, alters or uses a residential structure on the agricultural land must comply with all of the following:

- The agricultural land may have no more than one residence per parcel
- The total floor area of a principal residence must be 500 m² or less
- The residential structure must be sized, sited, and used in accordance with all applicable local and provincial government regulations

An owner may apply to the ALC for permission for a non-adhering residential use.

Soil or Fill Uses

The ALCA and its regulations govern fill placement or soil or aggregate removal within the ALR. Though many concepts contained in the ALCA and its regulations are unchanged from the past, there have been significant changes in relation to fill placement, soil removal, and aggregate removal.

Anyone who intends to place fill on land in the ALR or to remove soil or aggregate from land in the ALR must comply with the ALCA and its regulations.

The removal of soil from or placement of fill on agricultural land for one or more of the following purposes is permitted if all applicable conditions are met:

- Constructing or maintaining a structure for farm use or for a principal residence
- Constructing or maintaining berms for producing cranberries
- Constructing or maintaining flood protection dikes, drainage, irrigation and livestock watering works for farm use
- Maintaining an existing farm road
- Using clean sand as a top-dress for berry production
- Applying soil amendments
- Conducting soil research and testing

If the above conditions are not met, a soil or fill use application may be required.

Cannabis

The use of agricultural land for producing cannabis lawfully may not be prohibited if the cannabis is produced:

- Outdoors in a field, or
- Inside a structure that has a base consisting entirely of soil

Agricultural land used for producing cannabis lawfully may not be prohibited if the cannabis is produced inside a structure that meets both of the following conditions:

- The structure was constructed before July 13, 2018; and
- The structure has not been altered since July 13, 2018 to increase the size of its base or to change the material used as its base

Any land used for cannabis must also meet Regional District Bylaws.

Contact the ALC

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Burnaby, BC, V5G 4K6
1-800-663-7867
ALC.Okanagan@gov.bc.ca
www.alc.gov.bc.ca

What Regional District Policies Affect Applications?

- Regional Growth Strategy (RGS)
- Zoning Bylaw
- Official Community Plan (OCP)
- Joe Rich Rural Land Use Bylaw (RLUB)

The Regional District also completed an Agricultural Plan in 2005. Recommendations in the Agricultural Plan will be considered in the review of any application.

How is an ALR Application Made?

Applications must be submitted online through the ALC's Application Portal on the ALC's website www.alc.gov.bc.ca.

See the **ALC Application Portal Quick Guide for Applicants** for more details.

Submitting an application does not guarantee approval.

Application Costs

Typical costs include:

- The Agricultural Land Commission application fee
- Any documents/plans necessary to complete application requirements such as an agrologist report, water study, etc.

How long does the Application Process Take?

Most applications take approximately 6 to 8 weeks to proceed through the evaluation process.

The ALC receives the application via the Application Portal and has committed to a 60 business day application process (not including local government component).

Public Input

- Advisory Commissions
- Public Hearing
- Public Notice

Applications are referred to various Regional District Advisory Commissions for review & comment, which are considered in any decision made by the Regional Board.

ALR Application Process

Discuss the Proposal with Staff

Staff can provide guidance for preparation of online application and discuss any bylaws and policies that may affect the application.

Register for a BCeID Account and Submit Application Online Through the ALC Portal

Payment and Application is Received by Regional District

Staff, relevant agencies, and public Advisory Commissions are asked to provide comments on the proposal. Staff then prepares a report to the Regional Board.

Consideration by the Regional Board

The Regional Board may indicate to the ministry:

- Support for the application,
- Support for the application with certain conditions,
- Defer making a recommendation,
- No support for application.

Staff Forward Recommendation to the ALC

ALC Considers the Application

The ALC will give most applicants an opportunity to present their application. The ALC either approves (often with conditions) or does not approve the application and notifies the applicant and affected agencies.

