

AGRICULTURAL DEVELOPMENT ADVISORY COMMITTEE

AGENDA

Monday, October 26, 2020, 8:30 am

Via Zoom

1. CALL TO ORDER

2. APPROVAL OF THE AGENDA

3. ADOPTION OF MINUTES – March 9, 2020 meeting (circulated by email on September 21, 2020)

4. DELEGATIONS

- 4.1 Amy Reid, Quesnel Economic Development Officer: Regional Food Hub update
- 4.2 Lindsay Miles Pickup, Labour Specialist Partnerships & Outreach; Ministry of Agriculture: Labour Market update
- 4.3 Nigel Whitehead, Manager of Planning Services – CRD: Proposed Agricultural Land Reserve Exclusion Application Policy

5. NEW AND UNFINISHED BUSINESS

- 5.1. ADAC membership review
- 5.2. Agriculture sector support - COVID recovery
- 5.3. Agriculture Area Plan
- 5.4. College of New Caledonia update and Community Advisory Committee ADAC representative
- 5.5. ADAC sub-committee report: Ministry of Agriculture Intention Paper: Rural Slaughter Modernization
- 5.6. Report and assessment of ADAC's 3-year term of work
- 5.7. Agriculture, Connectivity and the CRD – Nicole Pressey

6. SUBCOMMITTEE REPORTS

- 6.1 Agriculture Working Group Administration Report
- 6.2 FARMED – Agriculture Education Program update

7. CORRESPONDENCE

7.1 Email communications:

- 7.1.1 2020 August 21 - Area B resident requesting information on Farm Protections;
- 7.1.2 2020 September 22 – Emily Colombo: Community Economic Recovery Infrastructure Program;
<https://www2.gov.bc.ca/gov/content/economic-recovery/cerip>
- 7.1.3 2020 September 24 - John MacLean CRD CAO: Ministry of Agriculture - Release of Intentions Paper for Rural Slaughter Modernization;

- 7.1.4 2020 September 25 - Dale Bubela: Request for Public Submissions Regarding the Public Interest in the Proposed Transfer of Non-Replaceable Forest Licence A79982 (extended);
- 7.1.5 2020 October 1 - Nigel Whitehead, Manager of Planning Services – CRD: Proposed Agricultural Land Reserve Exclusion Application Policy
- 7.1.6 2020 October 9 - Nigel Whitehead, Manager of Planning Services – CRD: Proposed Agricultural Land Reserve Exclusion Application Policy revision
- 7.1.7 2020 October 9 - Request for a letter of support from the ?Esdilagh First Nation for a Class A Abattoir

7.2 Upcoming Events

8. ROUNDTABLE

9. QUESTION PERIOD

10. ADJOURNMENT

Next Meeting:

Agenda Submission Deadline:

QUESTION PERIOD

Question Period provides the public with the opportunity to ask questions or make comments on subject that are of concern to them. Each person will be given 2 minutes to speak. Up to ten minutes in total is allotted for Question Period.

/lf

Cariboo Regional District

AGRICULTURAL DEVELOPMENT ADVISORY COMMITTEE

REGULAR MEETING

The Minutes of the Regular Meeting of the Agricultural Development Advisory Committee, held in Bowron Room, of the Natural Resource Building on March 9, 2020 at 10:00 am

COMMITTEE MEMBERS PRESENT

Martin Rossmann, Chair	Kersley Farmers Institute
Rob Borsato, Treasurer	Quesnel Farmers Market (conference call)
Matt Ziemer	Horticulture (appointment TBA)
Christa Pooley	BC Forage Council (appointment TBA)
Erin Durrell, Secretary	BC Cattlemen's Association
Nicole Pressey	Ministry of Agriculture
CRD Director John Massier	CRD Liaison

SUPPORT TEAM MEMBERS PRESENT

Lori Fogarty, Liaison	Agriculture Working Group
Wilma Watkin	Agriculture Working Group
Lynda Atkinson	Agriculture Working Group
Carey Ekelund	ADAC Administrative Assistant

GUESTS

Josh Pressey	District Manager-Quesnel Natural Resource District, Ministry of FLNRORD
Elizabeth Sharpe	Communities in Transition Ministry of Social Development & Poverty Reduction Employment Labour Market Services Division
Nadine Waarne	Community and Employer Partnerships Ministry of Social Development & Poverty Reduction Employment Labour Market Services Division

REGRETS

Tim Lofstrom	College of New Caledonia - Quesnel
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1. CALL TO ORDER

2. APPROVAL OF THE AGENDA

R/2020-47

It was moved and seconded

That the March 9, 2020 Agricultural Development Advisory Committee agenda be approved as circulated.

CARRIED

3. ADOPTION OF MINUTES

3.0

R/2020-48

It was moved and seconded

That the minutes of the Agricultural Development Advisory Committee meeting dated February 12, 2020 be adopted.

CARRIED

4. DELEGATIONS

5. NEW AND UNFINISHED BUSINESS

5.1. ADAC member representation; two-year term member update

The BC Forage Council has confirmed Christa Pooley as their representative to the Agricultural Development Advisory Committee for a 2-year term ending December 2021.

Matt Ziemer has confirmed he will act as the Agricultural Development Advisory Committee representative for the Horticulture sector for a 2-year term ending December 2021.

Nicole Pressey will renew her 2-year term as the Ministry of Agriculture non-voting member of the Agricultural Development Advisory Committee, with Marisa Nightingale acting as an alternate.

The proposed member representative information will be forwarded to the Cariboo Regional District for appointment approval.

5.2. Agriculture Area Plan:

Nicole spoke with Gregory Bartle, the Land Use Planner with the Ministry of Agriculture in regards to getting the ADAC website link working on the Ministry listing of Agriculture Advisory Committees (AAC). Nicole also mentioned the Ministry is hoping to get the provincial AAC workshops approved for the 2021 fiscal budget. John Massier mentioned the CRD Chair and CAO are going to a conference in Victoria and planned to bring up the topic of Agriculture Area Plans and find out if other areas have found it worthwhile to complete a plan.

5.2.1 Josh Pressey, the District Manager of the Quesnel Natural Resource District provided an informative presentation on government challenges and opportunities in the region including a forestry update to explain how we got here, where we are today, and where are we going.

Pressey summarized the timber supply review and apportionment and included the criteria used to determine the Annual Allowable Cut (AAC), which is done every 5 years by chief forester and reflects current practices and is not future based. The vegetation resource inventory is used. The current AAC determination is 2.67 million cubic meters (1.25 MCM is green, 1.25 MCM is dead and .17 MCM is deciduous).

The ministry has put many programs in place to help prepare for the next large fires. Controlled burns are very high risk. A question was asked in regards to allowing fires to burn as they had previously. Pressey replied the public was not ready for that at the time. However, the public is now ready to allow more burns, bigger burns and burns at different times.

ADAC member Borsato asked if \$250/1000 board foot is break even? Pressey replied that is only true if log costs are still low and that currently the breakeven cost is \$350-\$380/1000 board foot.

Moving forward, communities are really involved in land management now, to create land usage plans to build a strong ecological land base. Collective land planning takes place under the

Forest and Range Practices Act (FRPA) run by the Ministry, which outlines how all forest and range practices and resource-based activities are to be conducted on Crown land in BC, while ensuring protection of everything in and on them, such as plants, animals and ecosystems. The Ministry will be going through the planning process and agriculture will be represented in this process.

- 5.2.2 Elizabeth Sharpe and associate Nadine Waarne provided information on programs related to Social Development and Poverty Reduction's Labour Market Partnership and possible opportunities available to support labour in the agriculture industry and the development of an agriculture area plan. The 4 programs available include:

- Supports for a labour market issue – identify the specific labour market issue you are planning to address with your project;
- Work experience and training;
- Job creation partnership - project based work experience for participants to provide experience and skills, which will lead to employment;
- Project-based labour market training - classroom training and work experience

- 5.2.3 ALR Changes sub-committee report on residential changes:

The proposed changes will be reviewed by an ADAC sub-committee on March 16th from 9-11 am with a report to the CRD Board of Directors prepared for their next meeting.

<https://news.gov.bc.ca/releases/2020AGRI0003-000139>

- 5.3. Report on ADAC presentation to Central Cariboo Rural Caucus:

A delegation from the Agricultural Development Advisory Committee and support team traveled to Williams Lake on February 26 to present information about the committee to the members of the Central Cariboo Rural Caucus. The delegation presentation was well received and there were many questions from the Caucus members and discussion on the work of the committee.

- 5.4. Request from Nicole Pressey for ideas on specific supports that may be provided by Cariboo Agrologists (see notes from October 17 conference call discussion for update):

Nicole noted there are new environmental regulations including the requirement to do a soil test after the harvest to ensure actual requirements for added fertilizer. Visiting the Ministry of Environment website is a good starting point and record keeping is key in our area, as enforcement is complaint driven. Support and tools can be provided by the Ministry i.e. soils map, as well as the BC Cattlemen's webinar. The Kersley Farmers Institute may also be a source of information.

- 5.5. Reports from ADAC member representative organization:

- Farmers' Market – The executive is working with Marisa Nightingale on planning a Good Agriculture Practices (GAP) workshop for its members. The Quesnel Farmers' Market AGM was well attended, with no change in executive. Tim Cawdell was hired as the Farmers' Market manager.
 - BC Forage Council workshops presented throughout the region in February were well attended. Christa attended the Key Line Design session to help with management intensive grazing and water use, including a 30-minute consultation, which will help them implement their new grazing techniques.
 - CRD Director John Massier noted the letter from ADAC to the CRD BoD requesting bylaw changes in regards to membership, is moving through the system.
-

- Update on water use regulations: The fee is extended until 2022. But if you wait until after that date you will lose your first in time first in right (FITFIR) date. Water courses are not being closed to prospective applications for rights use. It was noted that in regards to Crown grant patents – whatever rights the crown retained would continue, but all the water rights were granted to the land user.

5.6. Other - Nil

6. SUBCOMMITTEE REPORTS

6.1. Ag Working Group Administrative Report:

The ADAC information letters were put in the mail on March 2.

The request by ADAC for bylaw changes to membership has been sent to the NC Rural Directors Caucus and is on the agenda for the March 10th meeting.

6.2. FARMED

Rural Dividend Project Development Grant update:

The team working on the Agriculture Education Program have been busy working on arranging careers in agriculture presentations to students at Correlieu Secondary School. The guest speakers included Ministry of Agriculture staff, the owners and operators of Roddie Creek Ranch, Narcosli Cattle Company and Artique Dairy.

The next interim report to Rural Dividend on the progress of the Agriculture Education Program is due May 31st.

It was noted that the FARMED AGM was held on March 7th and there is a change in executive positions. Lynda Atkinson is now the FARMED Chair and Heloise Dixon-Warren is Vice-chair.

The following ADAC administrative activities will be initiated over the spring and summer

- ADAC Budget submission;
- Regional Food Hub – communicate updates to the ADAC members;
- Year-end report to the CRD Board of Directors; and
- Agriculture Area Plan – Start the process of “planning to plan” as outlined by Janine de le Salle of Urban Food Strategies.

7. CORRESPONDENCE

7.1. Upcoming events

8. ROUNDTABLE

9. QUESTION PERIOD

10. ADJOURNMENT – Rob Borsato moves adjournment at 1:40 pm

Next Meeting: October 2020

Agenda Submission Deadline: One week previous to meeting date

M. Rossmann, Chair

/lf

File:

3015-01

October 1, 2020

VIA EMAIL: northcaribooadac@gmail.com

North Cariboo Agricultural Development Advisory Committee

Dear Chair and Committee Members:

Re: Proposed Agricultural Land Reserve Exclusion Application Policy

Under changes implemented by provincial Bill 15, the Agricultural Land Commission will no longer be accepting Agricultural Land Reserve exclusion applications from private landowners as of September 30, 2020. In preparation for this change, CRD staff presented a discussion paper to the August 20th, 2020 Committee of the Whole meeting, seeking Board direction for the development of a policy outlining how the Board and staff will handle exclusion requests from private landowners. Based on Board discussion, a policy was subsequently drafted and presented at the September 15th, 2020 CRD Policy Committee meeting, where, after discussion, the committee resolved to refer the proposed policy to the North Cariboo Agricultural Development Advisory Committee for comment. The Policy Committee also resolved to recommend to the Board that an interim moratorium be placed on considering both ALR inclusion and exclusion requests until a policy is endorsed by the Board.

Please find enclosed the above-noted background reports and draft policy, along with the Agricultural Land Commission's comments regarding the proposed policy. I am happy to attend an upcoming meeting of your committee, in person or via teleconference, to assist in your discussion.

Please contact the undersigned if you wish to arrange for my attendance at your meeting, or to further discuss this matter.

Respectfully,



Nigel Whitehead, MCIP, RPP
Manager of Planning Services

NW:gh

Attachments

c. Director Massier

7.1.5

building communities together



Date: 09/09/2020

To: Chair and Directors, Policy Committee

And To: John MacLean, Chief Administrative Officer

From: Nigel Whitehead, Manager of Planning Services

Date of Meeting: Policy Committee_Sep15_2020

File: 0340-50

Short Summary:

Agricultural Land Reserve (ALR) Landowner Exclusion Application Policy

Voting:

-

Memorandum:

At the August 20, 2020 Committee of the Whole Meeting, a report outlining Agricultural Land Commission (ALC) changes was presented. As part of the implementation of Bill 15, the ALC will no longer accept ALR exclusion applications from private landowners as of September 30, 2020. Accordingly, the proposed policy will outline how the CRD will consider future exclusion requests from private landowners.

Based on Committee of the Whole discussion, option five in the COW memorandum (attached) was selected as the underlying policy principle. The proposed policy will compile landowner requests for ALR exclusion for consideration by CRD staff when that applicable area's OCP is updated. Allowance has been made for similar consideration in Rural Land Use Bylaw areas. Further, consideration has been made for the portion of the South Cariboo Zoning Bylaw area that is presently not within an OCP.

The proposed policy was referred for comment to the Agricultural Land Commission and Ministry of Agriculture. Given the tight timeframe of this project, responses were not received by date of this report. Should substantial feedback be received, further amendments may be brought to a subsequent Board Meeting and/or Policy Committee meeting for endorsement as time permits.

Attachments:

1. Agricultural Land Reserve (ALR) Landowner Exclusion Application Policy
2. August 20, 2020 COW Memo – ALC Update and Exclusion Policy Discussion

Financial Implications:

As private landowners will no longer be able to make ALR exclusion applications, any proposals which the CRD wishes to bring to the ALC will require staff resourcing and associated application fees to make such an application.

Policy Implications:

Establishing a clear policy will provide certainty to landowners who wish to request removal of their properties from the ALR.

Alignment with Strategic Plan:

- ☐ **Communication:** Facilitate communication strategies throughout the entire Cariboo Regional District that meet the needs of residents, community stakeholders, and other levels of government.
- ☒ **Planning:** Intentionally plan services and activities of the CRD to prepare for future needs of residents and community stakeholders.
- ☐ **Economic Sustainability:** Foster an environment to ensure the economic sustainability of CRD communities and the region.
- ☒ **Governance:** Ensure that CRD governance policy and practices are intentional, transparent, and respectful.

[Click here to enter text.](#)

CAO Comments:

[Click here to enter text.](#)

Options:

- 1) Endorse policy;
- 2) Receipt and request amendments;
- 3) Receipt only;
- 4) Defer.

Recommendation:

That the agenda item summary from Nigel Whitehead, Manager of Planning Services, dated September 9, 2020, regarding the proposed Agricultural Land Reserve (ALR) Landowner Exclusion Application Policy, be received. Further, that the proposed Agricultural Land Reserve (ALR) Landowner Exclusion Application Policy be endorsed by the Committee.



Regional Board Policy

Agricultural Land Reserve (ALR) Landowner Exclusion Application Policy

Category: Planning Services	Policy Number: PL 5.5	Replaces: N/A
Type: ☒ Policy ☐ Procedure	Authority: ☒ Board ☐ Administrative	Approved By: ☒ Board ☒ CAO ☒ Department Head
Office of Primary Responsibility: Development Services		
Date Adopted: Click or tap here to enter text.	Board Resolution Number: Click or tap here to enter text.	Date to be Reviewed: n/a
Manner Issued: Click or tap here to enter text.		

PURPOSE:

As of September 30, 2020, through implementation of amendments to the Agricultural Land Commission Act and Agricultural Land Reserve Regulation, the Agricultural Land Commission (ALC) will no longer accept Agricultural Land Reserve (ALR) Exclusion Applications from private landowners.

Recognizing that the ALC is the agency responsible for undertaking ALR boundary reviews at a regional scale, this policy establishes a procedure and set of criteria for the CRD to follow when responding to requests from private landowners to exclude their property from the ALR.

POLICY:

1. Official Community Plan and Rural Land Use Bylaw areas:

For landowner ALR exclusion requests within Official Community Plan (OCP) or Rural Land Use Bylaw (RLUB) areas:

- a) CRD Staff will compile landowner requests for consideration during future OCP/RLUB updates.
- b) OCP/RLUB updates will provide a high-level overview of potential areas for ALR boundary changes (i.e. exclusions and inclusions). Staff will determine which properties considered in 1.a) above will be identified in the updated OCP/RLUB, based on good planning practice, community consultation, ALC and Ministry of Agriculture feedback during plan development.
- c) OCP/RLUB updates will be scheduled through normal annual department business planning practices.

- d) Staff will make necessary ALR inclusion and exclusion applications after the conclusion of an OCP/RLUB update process.
 - i) ALR inclusion and exclusion applications will be resourced by CRD staff as part of annual department business planning, as approved by the Board.
 - ii) Staff (with Board approval) may consider resourcing broader ALR boundary review projects on an OCP/RLUB area-wide basis, with coordination and support of Ministry of Agriculture and the ALC, if appropriate.

2. Areas Outside OCP and RLUB Areas:

For landowner ALR exclusion requests not within Official Community Plan (OCP) or Rural Land Use Bylaw (RLUB) areas:

- a) CRD Staff will compile landowner exclusion requests, and where no future inclusion into OCP/RLUB areas is anticipated, staff will bring the landowner exclusion proposals to the Board to consider resourcing in the following years' business plan.

***** END OF POLICY *****

<u>Amended (Y/N)</u>	<u>Date Reissued</u>	<u>Authority (Resolution #)</u>
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

Date: 11/08/2020

To: Chair and Directors, Committee of the Whole

And To: John MacLean, Chief Administrative Officer

From: Nigel Whitehead, Manager of Planning Services

Date of Meeting: Committee of the Whole_Aug20_2020

File: 6635-02

Short Summary:

Agricultural Land Commission (ALC) Update and Exclusion Policy Discussion

Background:

This memo is presented in three parts. Part 1 provides a brief overview of the mandate and functions of the Agricultural Land Commission (ALC). The Board will be familiar with much of this information, however it has been included for context. Part 2 broadly outlines the recent history of legislative, administrative, and regulatory changes of the Agricultural Land Commission (ALC) over the past six years. Part 3 presents to the Board a discussion on developing a processing policy for ALC exclusion applications, considering further provincial changes coming into effect on September 30, 2020.

1.0 - ALC and ALR Overview

The Agricultural Land Commission is a provincial independent administrative tribunal charged with the protection of agricultural land throughout BC. It was created in 1973, along with the Agricultural Land Reserve (ALR). The ALC's mandate, authorizations, and broad regulations are driven by the *Agricultural Land Commission Act*. Additional detailed regulation of land uses and processes, implementing some of the provisions of the *Act* are specified through provincial regulation. Regulations are amended from time to time by Cabinet Order (Order in Council). Currently, the Ministry of Agriculture provides general direction to the ALC by managing the legislation, regulations, and public consultation of proposed changes.

Land uses are regulated within the ALR through the *Act* and various ALR Regulations. The ALC (and court precedence) usually requires a "meet or beat" requirement of local government land use regulations (i.e. zoning bylaws) within the ALR, where local government regulation may be more restrictive of non-agricultural land uses, but not less restrictive than ALR regulations. The reverse is true for "unrestricted agricultural uses", where local government may not restrict certain agricultural land uses within the ALR, regardless of zoning regulations. Any local

government regulations which conflict with these ALR regulatory principles have no force and effect on lands within the ALR.

1.1 - ALC Application Types

Different [ALC approvals](#) can be sought for various uses and activities on ALR land. Some of the application types are new as of 2019. The ALC timeline outlined in Part 2 of this report provides some context on these new processes and requirements. Some application types require local government (Board or Council) resolutions of support. Others are made directly to the ALC and do not require local government approval. Further approval processes have been laid out through amended legislation for ALR lands within current and future First Nations Treaty Settlement lands, but for brevity are not discussed in this report.

ALR Inclusion Applications

Inclusion applications can be made by landowners or local governments to include properties into the ALR. The process requirements vary slightly, where increased consultation and notification requirements are imposed on local governments as they generally make inclusion applications for private lands under their own accord and not on behalf of the individual landowners. This would commonly include applications driven by long range planning processes where the local government proposes changes to ALR boundaries (commonly a combination of inclusions and exclusions).

ALR Exclusion Applications

Exclusion applications can be made by landowners or local governments. On September 30, 2020, landowners will no longer be permitted to make an exclusion application. Public notification and engagement requirements are higher for local government applications than landowner applications, and will remain the same after September 30, 2020. For a detailed discussion of the impacts of this change, see Part 3 of this report.

Non-Farm Use (NFU) Applications

Non-Farm Use (NFU) applications are made where a landowner requests permission from the ALC to conduct a land use normally prohibited by ALC Regulation. NFU applications must first receive local government endorsement, prior to receiving consideration by the ALC. NFU applications commonly considered in the CRD include gravel extraction, placer mining, and industrial agriculture uses such as abattoirs.

Non-Adhering Residential Use (NARU) Applications

Non-Adhering Residential Use (NARU) applications are a new sub-type of Non-Farm Use applications implemented when residential restrictions were brought into effect in February of 2019 (See Part 2 timeline). NARU applications request permission to exceed residential limitations imposed by the ALC Act and Regulations, and must receive local government endorsement prior to ALC consideration. Additional residences for farm help, which were previously routinely approvable by CRD staff, now require a NARU application.

Common NARU applications that the CRD has been receiving are primarily related to the order of construction, allowing applicants to live in an existing dwelling while constructing a new one, or to permit an additional dwelling for farm help. The CRD Board will be considering its first oversize residence application at the August 21, 2020 meeting.

Subdivision Applications

Subdivision in the ALR requires ALC approval. Subdivision applications must first receive local government endorsement prior to ALC consideration. The ALC has been increasingly scrutinizing these applications over the past decade or so, ensuring that subdivisions are protecting and/or improving the agricultural viability of lands. This often limits subdivisions to cases where there is a farm business reason for the subdivision, allowing better utilization or layout of the land. Planning staff rely heavily on OCP direction where available when considering such applications, as per ALC recommended practice.

Homesite severances allow for a small subdivision where a long-time farmer can subdivide off their homesite and sell the remaining agricultural operation. These proposals are exempt from ALC applications, although are increasingly rare, as the landowner must have continuously owned and farmed the land since 1972.

A further application exemption exists for some types of minor lot boundary adjustments on agricultural properties.

Soil & Fill Applications

Soil & Fill Applications were brought into effect in February 2019, when the ALC heightened their regulation of such activities. It is generally a two-step process, with an expedited review process (Notice of Intent or NOI), with an ability for the ALC Chief Executive Officer to require a full application based on that review. An applicant who exceeds the soil and fill exemptions will generally first submit a Notice of Intent for removal or deposit of soil/fill directly to the ALC. Local governments are cc'd on such applications, but are not required to consider the proposal. The ALC has 60 days to approve the application, request more information, or require a full Soil Use for Placement of Fill or Removal of Soil application. The full application is treated similar to a Non-Farm Use application, in that it must first receive local government consideration and endorsement, prior to consideration of the ALC.

There are some soil and fill exemptions for construction or works with a minor total footprint (1,000 sq. m / 0.25 ac.), as well as agricultural road improvements. Some larger developments may require additional applications, such as a Non-Farm Use application.

The CRD has processed three Soil and Fill applications to date, and 16 Notices of Intent have been considered directly by the ALC for properties within the CRD. Staff have found that ALC approval is more likely at the NOI stage where the information supplied by the landowner is complete and fulsome (i.e. material details, cross-sections, detailed mapping and justification).

Transportation, Utility, and Recreation Trail Use Applications

This is a long-standing application type made directly to the ALC for approval of various uses of ALR lands for road construction, road right of ways, railways, recreation trails, utility corridors, water and sewer lines. The process allows for landowners to provide feedback to the ALC regarding the proposed utility/right of way location. Local government consideration and endorsement is not required. If the ALC determines the local government's consideration is required, then the application is referred to the local government for comment.

The ALC's online application database (going back to approximately 2014) shows five applications; four approved, with one recent application pending.

2.0 – ALC Changes (2014 to Present)

Over the past six years the ALC has gone through a period of increased government focus and regulatory transformation. For a regulatory body which generally remained quite constant over the past decades, keeping up with the ongoing changes has been a challenge for many local government planners across BC.

Although the ALC's operations are independent of provincial government, the commission is ultimately a tribunal of the province, receiving its regulatory framework, operational authority, and broad mandate from the Province.

Through 2014-2017 the ALC went through a period of government focus on decentralization, regionalized regulations (i.e. two zone system), increased localized decision making, and increased performance accountability to the government.

More recently, as the Board is aware, the period of 2018-present has seen another round of government focus on the ALC. Largely led by the BC Ministry of Agriculture, the Agricultural Land Commission has been undergoing a "revitalization" effort to roll back some of the decentralized authority, focusing more on Province-wide regulation, increasing the strength and focus on agricultural protection, and closing many loopholes that individuals and business were utilizing which resulted in damage to the overall quality and integrity of agricultural land within the Province. Generally, many of the issues (i.e. mega-mansions, damaging fill dumping, proliferation of right of ways) have not been identified in the central interior of the province. The ALC revitalization project appears to be mostly a response to pressures of economic growth and real estate development in the southern portions of the province, as well as industrial development in the Northeast.

2.1 - Timeline

A brief timeline highlighting major changes since 2014 is presented below. Links to background provincial documents are embedded where applicable.

May 2014 – Bill 24 establishes two zone system, ALC regional panels, OCP consultation requirements, ALC performance indicators.

2015 – Various regulatory amendments considering liquor production, medical marihuana, residential uses, second permanent dwellings on large parcels, among others.

2016 – Various regulatory amendments considering block exclusions, tree planting, agri-tourism, on-farm events, application fees.

2017 – Regulatory amendments for liquor production within the ALR.

January 2018 – ALC Revitalization Advisory Committee established by Agriculture Minister Popham.

Spring 2018 – ALC Revitalization Advisory Committee conducted public engagement across the province and released a [summary report](#).

July 2018 – Provincial regulation clarifies soil-bound cannabis production may not be restricted by local governments. Also allows cannabis production in previously existing greenhouses or licensed grow-operations with some limits.

July 2018 – ALC Revitalization Advisory Committee's [interim report](#) published.

November 2018 – Bill 52 receives royal assent – to be implemented at a later date (Feb 19, 2019) via provincial regulation.

December 2018 – ALC Revitalization Advisory Committee's [final report](#) published.

February 19, 2019 –ALC Revitalization/Bill 52 changes come into effect via provincial regulation.

- Establishes maximum dwelling size of 500 sq. m. (5,382 sq. ft.)
- Soil and Fill regulations come into effect, strictly regulating importing fill and aggregate removal on properties within the ALR. (Note: this has affected trail maintenance activities within portions of the 108 Mile greenbelt lands, affects rural properties with long driveways).
- Total footprint of residential use of a property limited to 1,000 sq. m. / 0.25 ac. (includes areas of removal or importation of soil, gravel, concrete, etc., for driveways, building foundations, lawns, landscaping, etc.)
- Establishes additional permit types – Non-adhering residential use (NARU), soil and fill applications (NOI).

- NARU permit required for most cases where living in existing home during construction of new home.
- Additional residences for farm help now require application and assessment by ALC.
- ALC is prohibited from approving second residences not for farm help.
- Notice of Intent (NOI) required for most cases where agricultural or non-agricultural users need to bring fill on or off ALR properties.
- Increased compliance and enforcement tools available to ALC.

July 2019 – Regulatory amendments prohibit future second manufactured homes for family as of February 19, 2020.

Fall 2019 – Additional Ministry of Agriculture consultation initiated, called Supporting BC Farmers. Public meetings held across the province. [Summary report here](#).

January 27, 2020 – [Residential Flexibility Intentions Paper](#) published by Ministry of Agriculture, based on Supporting BC Farmers feedback.

- Ministry will work with stakeholders and continue to work on allowances for small second dwellings within the ALR.

January 28, 2020 – Second manufactured home for family deadline extended from February 19, 2020 to Dec. 31, 2020 while Ministry of Agriculture works on revised second dwelling regulations.

March 12, 2020 – Phase 1 of Bill 15 Implementation.

- Largely procedural and administrative changes.
- ALC decision appeals/reconsideration requests limited to one request within one year of decision.
- Requires ALC to consider ***the size, integrity and continuity*** of the ALR (in addition to agricultural protection) when assessing applications.

April 17, 2020 – North Cariboo Agricultural Development Committee's report on Ministry of Agriculture Residential Flexibility paper received by Board and staff directed to forward to the Ministry.

June 26, 2020 – Ministry of Agriculture [news release](#) on additional changes to come into effect

September 30, 2020.

- NARU application fees reduced from \$1,500 to \$900. Local government portion increased from \$300 to \$400.
- Increase fill importation for repair and construction of farm roads from 50 cu. m. (approx. 40 dump trucks) total to 50 cu. m. per 100 m. of farm road.

July 30, 2020 – Ministry of Agriculture informational letter to Local Governments – see attachment

September 30, 2020 – Phase 2 of Bill 15 implementation. In addition to the June 26, 2020 announcement, scheduled Bill 15 changes include:

- Removal of private landowners' ability to apply for exclusion from the ALR
- Proportioned ALC fees paid directly to ALC and local governments.
- Time limit for reconsideration requests of ALC decisions further reduced from one year to 90 days from decision.
- ALC must be notified prior to registration of a Statutory Right of Way within the ALR.
- Allow ALC remediation orders to be registered on property titles.

3.0 – ALR Exclusion Application Policy

Presently, landowners may apply to the Agricultural Land Commission to exclude their property from the ALR. Over the past decade or two, the ALC has become increasingly reluctant to approve exclusions. As of March 12, 2020 the ALC is now mandated through legislation to consider not only protection of ALR land for agricultural uses, but to consider the size, integrity, and continuity of the ALR as a whole. This means that in some cases, regardless of agricultural viability of the land, the ALC will be less likely to permit exclusions unless an equivalent amount of agricultural land is brought into the ALR (size consideration), and the ALC will be unlikely to approve exclusion applications which create "donut-holes" within the ALR (continuity consideration).

Over the past 10 years, the CRD has received 13 ALR exclusion applications. On average, this represents 1.3 applications per year, although no exclusion applications have been received since 2018. The maximum annual number of exclusion applications received in the past ten years was four applications in 2013. Of the 13 exclusion applications received over the past ten years, 11 were endorsed by the CRD Board, and eight were approved by the ALC (two with alternative proposals approved).

As of September 30, 2020, individual landowners may no longer apply for exclusion applications. Realistically, it is not anticipated to have a significant impact in the Cariboo region, considering recent historical application numbers (two or less per year), and further considering that exclusion application approvals are increasingly unlikely.

Future exclusion applications must be made directly by the local government to the ALC. The ALC will expect that the local government acts as the sole agent in managing the application through the ALC's required processes. This would include public notification such as signage, mailouts, newspaper advertisements, public hearing requirements, and potentially costly agricultural studies. Based on discussion with the CRD's solicitor, local governments do not have the legislative ability to pass such costs on to individual landowners, however, where a local government-led ALR exclusion application is made in conjunction with a landowner-led bylaw

amendment, there may be an ability for partial cost recovery when some of the requirements such as advertising, agrology studies, and public hearings are required for both processes.

ALC staff have indicated, that along with their legislated considerations, they will lean heavily on considering long-range planning policy (i.e. OCP's) when looking at local government exclusion applications.

3.1 - Board Options for future ALR Exclusion Applications

The CRD Board has a number of options on how it wishes to proceed when dealing with any future landowner requests of consideration for ALR exclusions. Staff recommend that CRD policy be developed in how these requests are processed (if at all) and what considerations will be made to support or move forward with particular requests. Proposed options are described below, organized from least desirable to most desirable by CRD Planning staff.

(The below policy options should be considered with expected annual private landowner requests for ALR exclusion in the range of 0-4 requests per year.)

1. Landowner applications accepted ad-hoc with no staff consideration ("flow-through" applications).

The CRD could attempt to create a process which is as similar as possible to the historical exclusion application process where the CRD acts simply as a flow-through agent to give land owners an opportunity to be heard by the ALC. CRD staff would take information directly from land owners and act essentially as a disinterested party, making applications to the ALC more or less as an agent. The CRD may have an ability to pass some costs on to the applicant if the exclusion request is made in conjunction with a bylaw amendment (i.e. zoning or OCP amendment). This process would consume staff time, regardless of cost recovery from the applicant. This option is not recommended by CRD staff (nor ALC staff) due to the potential draw on staff time, and as it would likely set many applicants for failure at the ALC (as exclusion approvals are increasingly rare to receive).

2. No landowner applications.

The Board may wish to direct staff not to accept or consider any exclusion requests from private landowners. If exclusions are to be considered, it would be done internally through staff direction, generally as a result of long-range planning document updates or stand-alone planning department projects. ALC staff have indicated that some communities are strongly considering this option. This practice has already been a long-standing policy of at least one local government (Corporation of Delta).

3. Landowner applications received ad-hoc and considered based on OCP policy.

The Board may wish to develop policy where applications or proposals would be accepted from private landowners where there is a long range planning document (i.e. OCP) support for exclusions. The process would ultimately need to be staff-led; application costs and processing time would most likely need to be absorbed by the CRD. Applications

would be received and processed on first-come, first-served basis. CRD Planning Department would need to allocate staff time and project costs to manage applications through the ALC process, hold public meetings, post notices, contract agricultural studies, etc. The risk to the CRD is that by committing to processing requests as received from the public, it could negatively impact staff resourcing on other planned department projects.

4. Landowner requests compiled, considered and prioritized by Board at regular intervals.

CRD staff could compile landowner requests and bring them to the Board for consideration at regular intervals (i.e. once every two or three years). Staff could develop a series of considerations to assess the viability of each proposal, with recommendations of which proposals (or areas) warrant moving forward. In this case, the CRD still needs to allocate staff time and project costs to manage applications through the ALC processes, hold public meetings, post notices, fund agricultural studies, etc., but could be done as part of annual business planning activities.

5. Landowner requests earmarked for future long-term planning.

CRD staff could compile landowner requests and earmark them for consideration during future OCP updates in the area. This process would be the most equitable for communities as potential ALR boundary considerations would be considered and assessed at a high level by staff across a given OCP area, rather than only putting in staff time to consider properties where landowners have made an effort to reach out and make a request (as in option 4 above). Considering that staff time in option 4 would be broadly subsidized through the Planning Services budget, option 5 would be considered more equitable for staff to consider a community-wide priority to move towards exclusion of particular lands. However, note that a long-term planning process (i.e. OCP update) would generally only identify lands for exclusion; a subsequent planning process and department project would be required to pursue an exclusion application at a later date after the OCP update. This option would take the greatest amount of time from landowner's request, through to ALC application, but would also provide the most coherent and equitable process for a community-wide ALC decision.

3.2 - Discussion

In considering the options presented above, the Board needs to consider the extent to which the CRD should be utilizing department resources on applications that would generally impact only an individual or select few property owners. From a broader planning perspective, it is best to consider ALC boundaries from a long-range, community wide assessment. This allows for a greater chance at success as applications could consider inclusion of properties in conjunction with exclusion (the likelihood of landowner support of ALR inclusion remains to be seen).

It would appear from this legislative change, that the provincial government is positioning for local governments to be the lead driver of ALR boundary assessments. The challenge with such an assessment is that it is generally a high cost and time-consuming study. It is challenging for

local governments to justify such expense, when the mandate of the ALC is to consider such issues. ALC Boundary studies, and further long-range planning activities of the ALC were discussed broadly by the ALC Chair (R. Bullock at the time) as a priority in years 2010 to 2014. Since then, it seems that the ALC and provincial government's priority has shifted to strengthening regulation, and possibly moving the pendulum back towards a reactive agricultural planning regime.

From a long-range planning perspective, there are substantial land use planning challenges in some areas of the CRD, due in part to ALR boundary location and historical small lot subdivision approvals (often prior to formation of CRD). This is especially prevalent in the South Cariboo, where there are areas with very poor agricultural potential which are in the ALR, and some areas of high value lowlands that are not within the ALR. What has resulted in some cases is a fragmentation of the viable agricultural land that is not within the ALR, and a development "freeze" on the more rocky/forested upland areas contained within the ALR.

Further to the north (particularly north and west of Quesnel) are areas of densely forested lands with marginally capable soils. Significant resources could be spent assessing soil conditions and agricultural viability, with the possible result of more reasonable ALR boundaries. However, it must be noted that the ALC often takes a very high-level and broad based approach to protecting agricultural lands, considering not only current utility, but improved utility (with limited consideration of cost recovery), indoor technological (i.e. greenhouse) production, future viability due to climate change, and so forth.

With the ongoing regulatory and procedural evolution of the ALC and its operations, staff have largely been in a period of close observation and monitoring of ALC application decisions. It has been challenging for staff to provide supportive advice to applicants particularly on new application types. Moving forward, as more applications are adjudicated by the ALC and reviewed by CRD staff, we will be able to provide improved advice to potential landowners and applicants.

With respect to ALR exclusion proposals, by developing clear policy of the Board, we will be able to provide some certainty to landowners in their expectations when or if making such a request. Upon receipt of this report and Board discussion, staff will draft an ALR Exclusion Application Policy and bring back to the September 10 Committee of the Whole meeting for consideration.

Attachments:

AGRI Letter to Local Governments OIC 353 – July 30, 2020



File: 0280-30

Ref: 192545

July 30, 2020

To: All local and treaty First Nation governments with land in the Agricultural Land Reserve

Re: Information update on Order in Council #353/2020 - Amendments to regulations under the *Agricultural Land Commission Act* regarding application fees, soil removal, and fill placement. Part of Bill 15 – *Agricultural Land Commission Amendment Act, 2019* also brought into force by the same Order in Council.

Greetings,

The purpose of this letter is to provide additional information about recent regulations that will bring into effect changes to the *Agricultural Land Commission Act* (ALCA) and its regulations. As part of recent public engagement undertaken by the B.C. Government, many local governments indicated that they would benefit from additional guidance and information from the Ministry of Agriculture on any significant legislative changes.

On June 26, 2020, [Order in Council No. 353/2020](#) updated Agricultural Land Reserve (ALR) regulations (see news release at <https://news.gov.bc.ca/releases/2020AGRI0026-001178>). Effective September 30, 2020, the Order in Council:

- amends the Agricultural Land Reserve Use Regulation and the Agricultural Land Reserve General Regulation as they relate to soil removal, fill placement, and application fees; and,
- brings into force a part of the *Agricultural Land Commission Amendment Act, 2019* (Bill 15), which amends the ALCA to enable the Agricultural Land Commission (ALC) CEO to file remediation order notes on title.

The September 30, 2020 effective date provides time for local governments, the public, other stakeholders, and First Nation governments to become familiar with, prepare for, and adapt to those changes. These changes will impact both private and public landowners.

The appendix to this letter provides additional information about these changes.

If you have any questions regarding these amendments and the revitalization of the ALC and the ALR, please contact Arlene Anderson, Director of Legislation, B.C. Ministry of Agriculture, at Arlene.Anderson@gov.bc.ca.

.../2

Ministry of Agriculture
Agriculture, Science and Policy
Division

Office of the
Assistant Deputy Minister

Mailing Address:
PO Box 9120 Stn Prov Govt
Victoria BC V8W 9B4

Telephone: 778 974-3844
Facsimile: 250 356-7279

Location:
5th Floor, 545 Superior Street
Victoria BC V8V 1T7

Web Address: <http://www.gov.bc.ca/agri/>

If you have questions about the administration of the ALR, please contact the ALC at ALCBurnaby@Victoria1.gov.bc.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jennifer McGuire', with a stylized, cursive script.

Jennifer McGuire
Assistant Deputy Minister

Appendix (1)

cc: Gary MacIsaac, Executive Director
Union of BC Municipalities

Kim Grout, Chief Executive Officer
Agricultural Land Commission

Tara Faganello, Assistant Deputy Minister, Local Government Division
Ministry of Municipal Affairs and Housing

Appendix: Summary of Recent Changes

Please note: this information is for guidance purposes only. For more details please see the ALCA, the Agricultural Land Reserve Transitional Regulation, the Agricultural Land Reserve General Regulation, the Agricultural Land Reserve Use Regulation, and information provided by the ALC.

Application Fees

On March 12, 2020, [Order in Council \(OIC\) No.131/2020](#) was approved by the B.C. Government. This OIC simplifies how application fees are collected by local governments, First Nation governments, and the ALC. Those changes will come into effect September 30, 2020. In response to feedback about application fee amounts, Order in Council No. 353/2020 makes further changes about application fees. It lowers the fee for “non-adhering residential use” applications and it increases the amount of application fees that go to a local or First Nation government when they are required to review an application. For more information about applications that require local or First Nation government review, please see section 34 of the ALCA and section 34.1 of the *Agricultural Land Commission Amendment Act, 2019* (Bill 15).

Until September 29, 2020			
Application fees when local or First Nation government review is required			
Application type	Fee to local or First Nation government	Fee to ALC	Total fee
Non-Adhering Residential Use	\$300	\$1200	\$1500
Soil or Fill Use			
Non-Farm Use			
Subdivision			
Exclusion	\$0	\$0	\$0
Inclusion			

As of September 30, 2020 and after			
Application fees when local or First Nation government review is required			
Application type	Fee to local or First Nation government	Fee to ALC	Total fee
Non-Adhering Residential Use	\$450	\$450	\$900
Soil or Fill Use	\$750	\$750	\$1500
Non-Farm Use			
Subdivision			
Exclusion			
Inclusion	\$0	\$0	\$0

On September 30, 2020 and after, fees for “non-adhering residential use” applications will be reduced from \$1,500 to \$900. Local and First Nation governments will also receive 50 percent of

the total application fee when their review is required, receiving \$450 for “non-adhering residential use” applications and \$750 for other types of application.

If a landowner applies to a local or First Nation government and the local or First Nation government does not forward the application to the ALC, the applicant only pays the local or First Nation government their portion of the application fee (\$450 or \$750). The applicant will not pay the ALC’s portion of the application fee because the ALC will not review the application.

OIC No. 353/2020 also changes the amount a local or First Nation government will pay when they initiate some types of application to the ALC. Instead of the current higher fee, local and First Nation governments will pay \$450 for a “non-adhering residential use” application or \$750 for most other types of application. The most common local or First Nation government-initiated applications with these lower fees will likely be exclusion applications for land within their jurisdiction and applications for non-farm uses or subdivisions of land the local government owns. Fees for applications that are set out in regulation as those that must be filed directly with the ALC (transportation and utility use applications) remain at \$1500; they are not changed by OIC No. 353/2020.

Soil Removal and Fill Placement

OIC No. 353/2020 will make it easier for farmers on the ALR to maintain and build roads.

Annual Farm Road Maintenance

For maintenance of existing farm roads, soil removal or fill placement is currently allowed up to a volume of 50m³ per year. If a farmer needs to use more than that amount, they must seek permission by submitting a Notice of Intent or an application to the ALC. Some people with larger parcels expressed that this 50m³ limit unintentionally impacts their farms, and so this OIC increases the amount of soil removal or fill placement for farm road maintenance to 50m³ per 100m of existing road length annually, effective September 30, 2020. To remove soil or place fill for the construction of a new farm road or for maintenance beyond 50m³ per 100m of farm road length, a person can consult the ALC website for more information about seeking permission by submitting a Notice of Intent or application to the ALC.

Recycled Concrete Aggregate and Recycled Asphalt Pavement

Construction and demolition waste are prohibited fill materials in the ALR. Prohibited fill materials are those:

- that a person cannot use for a fill use permitted by regulation (see Agricultural Land Reserve Use Regulation section 35), and,
- that the ALC may not approve to be used as fill if a person applies (see Agricultural Land Reserve Transitional Regulation section 30.1 and Agricultural Land Reserve General Regulation section 23).

OIC No. 353/2020 defines recycled concrete aggregate and recycled asphalt pavement and permits them to be used as fill for roads and parking areas in certain circumstances. Since some farm road maintenance is permitted under the regulations (see Agricultural Land Reserve Use Regulation section 35 [d]), a person will be able to use recycled concrete aggregate or recycled asphalt pavement as fill for farm road maintenance up to the annual permitted amount without submitting a Notice of Intent or an application to the ALC.

When a person applies to the ALC for permission to place fill for road construction, maintenance, or widening, the ALC will be able to approve the use of recycled concrete aggregate or recycled asphalt pavement as fill. Similarly, when a person applies to the ALC for permission to place fill for parking area construction or maintenance, the ALC will be able to approve the use of recycled concrete aggregate or recycled asphalt pavement as fill.

For the purposes of the ALCA, recycled concrete aggregate and recycled asphalt pavement will be concrete and asphalt from a demolition process that have had other construction debris, like metal rodding, glass, or wood removed from them. Recycled concrete aggregate and recycled asphalt pavement will have to be crushed or screened and not exceed specific dimensions. Recycled concrete aggregate will have to be able to pass through a 1.905 cm screen (the size of 3/4 inch crush) while recycled asphalt pavement particles will be 1.905 cm³ or smaller.

The ALC's compliance and enforcement team monitors how ALR land is used and responds to information or concerns they receive, including concerns about illegal fill dumping. People should contact the ALC if they suspect unauthorized land uses like fill dumping on the ALR. More information on the ALC's compliance and enforcement program can be found online here: <https://www.alc.gov.bc.ca/alc/content/alc-act-alr-regulation/compliance-and-enforcement/about-compliance-and-enforcement>.

Remediation Order Notes on Title

Currently, a person might purchase ALR land without being aware that there are outstanding remediation orders related to contraventions of the ALCA. OIC No. 353/2020 brings part of the *Agricultural Land Commission Amendment Act, 2019* (Bill 15) into force. That part gives the ALC's CEO the ability to file notices in the land title office about remediation orders that have been issued under the ALCA. The CEO may cancel the remediation order note when they are satisfied that the remediation order has been complied with, or that the remediation order cannot be substantially complied with. If the CEO registers a remediation order note on title, it will provide an avenue for prospective buyers to become aware of outstanding issues with the ALR land.

Recent legislative changes: Revitalization of the ALR and the ALC

The *Agricultural Land Commission Amendment Act, 2019* (Bill 15) continued the B.C. government's commitment to revitalize the ALR and the ALC. The part of Bill 15 that strengthens the independence and governance of the ALC was brought into force on March 12, 2020. Much of the remainder of Bill 15 will be brought into force on September 30, 2020.

The changes made by the *Agricultural Land Commission Amendment Act, 2018* (Bill 52) and the *Agricultural Land Commission Amendment Act, 2019* (Bill 15) build on recommendations of the Minister's Independent Advisory Committee (the Committee) to revitalize the ALR and the ALC, focusing on four targeted areas:

- protecting the ALR land base into the future;
- preserving the productive capacity of the ALR;
- improving governance of the ALR; and,
- supporting farmers and ranchers in the ALR.

From February 4 to April 30, 2018, the Committee held stakeholder consultation meetings in nine communities across B.C. with representatives from 29 local governments and over 110 individuals representing farming and ranching associations and other agricultural organizations and stakeholder groups. The Committee also hosted an online public survey, receiving over 2300 completed surveys during that period, as well as over 270 written submissions.

Feedback collected from this public engagement demonstrated that British Columbians believe the ALR is fundamental to the economic performance of the province's agriculture sector and to the province's food security. They value the ALR because it ensures viable agricultural land is available, affordable, and in production now and into the future. There is strong support from British Columbians for protecting the ALR.

The first stage of legislative changes to revitalize the ALR and the ALC were made by the *Agricultural Land Commission Amendment Act, 2018* (Bill 52). The amendments in Bill 52 were brought into force on February 22, 2019, and made changes in three key areas:

- Restricting the removal of soil and placement of fill; and, increasing penalties for the dumping of construction debris and other harmful fill in the ALR.
- Directly addressing mega-mansions and speculation in the ALR by limiting principal residence size on ALR land and empowering the ALC to approve additional residences if they are necessary for farm use.
- Reunifying the ALR as a single zone, ensuring consistent rules with strong protections for all ALR land across the province.

These critical amendments were needed immediately to preserve the viability and productive capacity of the ALR through addressing the detrimental nature of mega-mansion builds and the abuse of soil and fill on the ALR. Further, Bill 52 confirmed that all land in the ALR is valuable by removing the two-zone approach. It was vital that government eliminate the perception that there is higher and lower priority agricultural land in B.C.

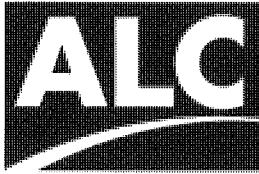
Role of the Agricultural Land Commission

The ALC is the independent administrative tribunal dedicated to preserving agricultural land and encouraging farming in B.C. in collaboration with other communities of interest. The ALC administers the ALR in accordance with the ALCA and its regulations.

The appointed commissioners review land use plans, create operational policies, and decide land use applications. ALC staff support the commissioners through administration, planning, mapping, and compliance and enforcement of legislation and orders. The ALC and its staff anticipate working with stakeholders throughout implementation of the Bill 15 changes in order to provide operational and administrative guidance. ALC staff will provide local governments with information updates through the ALC update emails, information bulletins, process guidelines, updates to the ALC website and application Portal, and educational materials with respect to Bill 15.

Role of the Ministry of Agriculture

The Ministry of Agriculture establishes government's policy and legislative framework for the ALC and the ALR. To encourage farming and promote the development of the industry, the Ministry provides agricultural land use planning support and information material for local and TFN governments across the province through its Strengthening Farming Program and Regional Agrologist network.



Agricultural Land Commission

201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000 | Fax: 604 660-7033
www.alc.gov.bc.ca

September 14, 2020

Reply to the attention of Sara Huber
ALC Planning Review: 46736
Local Government File: PL14.1

Nigel Whitehead
Manager of Planning Services, Cariboo Regional District
Nwhitehead@cariboord.ca

Delivered Electronically

Re: Cariboo Regional District Agricultural Land Reserve Exclusion Application Policy

Thank you for forwarding a draft copy of Cariboo Regional District (CRD) Agricultural Land Reserve (ALR) Exclusion Application Policy (the “Exclusion Policy”) for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Exclusion Policy is consistent with the purposes of the *ALC Act* (ALCA), the ALR General Regulation, (the “ALR General Regulation”), the ALR Use Regulation (the “ALR Use Regulation”), and any decisions of the ALC.

The Exclusion Policy proposes to establish parameters for when and how the CRD will review and submit exclusion applications to the ALC, in anticipation of the regulatory changes which will take effect on September 30, 2020.

Generally, the Exclusion Policy follows the following process:

- For landowner exclusion requests within Official Community Plan (OCP) or Rural Land Use Bylaw (RLUB) areas:
 - CRD staff will compile requests for review as part of an OCP or RLUB review process.
 - OCP/RLUB updates will provide high-level overview of potential areas for ALR boundary changes (including inclusion areas).
 - CRD staff will determine which requested properties will be considered for exclusion/inclusion based on planning best practices, community consultation, and ALC and Ministry of Agriculture feedback during the plan’s development.
 - CRD staff will make associated exclusion or inclusion applications at the conclusion of the OCP/RLUB update process.
- For landowner exclusion requests not within OCP or RLUB areas:
 - CRD Staff will compile landowner requests, and where no future inclusion into OCP/RLUB areas is anticipated, staff will bring to the Board to consider resourcing in the following years’ business plan.

ALC staff generally support the Exclusion Policy, but note some additional considerations/clarifications:

- The Exclusion Policy stipulates that inclusion applications will follow the same process as exclusion requests. However, it is worth clarifying that private landowners may still make inclusion applications at their own discretion. The CRD will not unnecessarily delay such requests by requiring them to be reviewed as part of an OCP/RLUB update process. Rather, the CRD Board will review such requests as they are submitted. The inclusion applications referenced in the Exclusion Policy therefore apply only to those applications submitted by the CRD.
- The Exclusion Policy states that the locations for possible future exclusion will be reviewed based on "good planning practices", community consultation, and ALC and Ministry of Agriculture feedback. The CRD may wish to implement additional criteria under which the CRD may consider the requests, including size of parcel, percentage of parcel in the ALR, agricultural capability of parcel, etc. that may make this review process clearer for CRD staff.

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any Orders of the Commission.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned at 236-468-3254 or by e-mail (Sara.Huber@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Sara Huber, Regional Planner

Enclosure: Referral of CRD Exclusion Policy

CC: Ministry of Agriculture – Attention: Nicole Pressey

46736m1

File:

3015-01

October 9, 2020

VIA EMAIL: northcaribooadac@gmail.com

North Cariboo Agricultural Development Advisory Committee

Dear Chair and Committee Members:

Re: UPDATE - Proposed Agricultural Land Reserve Exclusion Application Policy

At the October 2, 2020 Board meeting, the Board resolved to not place a moratorium on considering ALR inclusion applications or landowner exclusion requests, during the period of time in which the policy is being developed.

I will continue to await an invite to attend an upcoming meeting of your committee, in person or via teleconference, if required, to assist in your discussion regarding the policy this office referred to you on October 1, 2020.

Please contact the undersigned if you wish to arrange for my attendance at your meeting, or to further discuss this matter.

Respectfully,



Nigel Whitehead, MCIP, RPP
Manager of Planning Services

NW:gh

c. Director Massier

7.1.6

building communities together