

# British Columbia's Agricultural Land Commission



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April 11, 2018

# The Agricultural Land Reserve

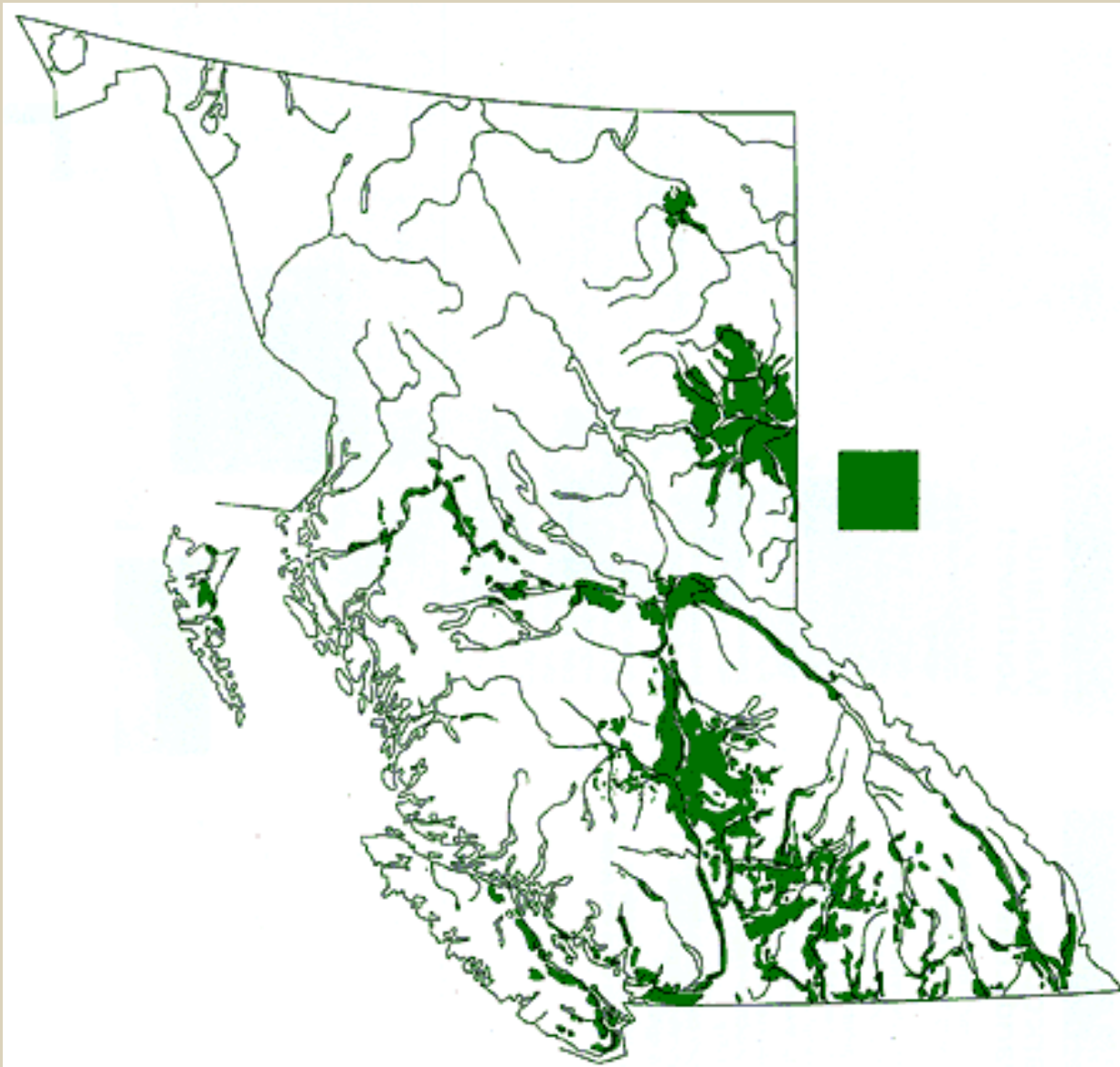
- The ALR is a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are restricted.
- The ALR comprises approximately 4.6 million hectares of land across the province.
- Not all agricultural land in the province is located within the ALR

The ALR  
is a finite  
resource.

Only

**5%**

of the  
Province



# Agricultural Land Commission

- ALC is an independent administrative tribunal
- Carries out mandate set out in ALC Act
- Interprets & applies the legislation written by gov't



# The Purposes of the Commission as set out in s. 6 of the ALCA

- Preserve agricultural land
- Encourage farming on agricultural land in collaboration with other communities of interest
- Encourage local governments, First Nations, the government & its agents to enable & accommodate farm use of agricultural land & uses compatible with agriculture in their plans, bylaws & policies

# Primary Functions of the ALC

- Legislation interpretation
- Application review
- Local Government Plan and Bylaw review
- Compliance and Enforcement (C&E)



# Legislation Interpretation



# ALR Use, Subdivision & Procedure Regulation

- Defines permitted farm uses and permitted non-farm uses
- Activities that are not specifically referenced in the Regulation are not permitted and a non-farm use application must be submitted and approved in order for the activities to occur





# Permitted Farm Uses

- May be regulated but not prohibited
- ALC does not receive notification that these land uses are taking place in the ALR
- Local governments involved in regulating through zoning, building & business licensing bylaws
- ALC only aware if there is a complaint or a compliance and enforcement issue

# Examples of Permitted Farm Uses

- Additional residences for farm help accommodation
  - Example: temporary farm worker housing
  - Reference ALC Policy L-09
- Alcohol Production Facilities
  - Example: breweries, cideries, meaderies, distilleries, wineries
- Gathering for An Event
  - Reference ALC Policy L-22

# Permitted Non-Farm Uses

- These uses may be outright prohibited by local and regional governments
- Local governments may pass bylaws that:
  - Prohibit these uses in their jurisdiction, or
  - Restrict these non-farm uses to whatever extent they deem appropriate for their community

# Examples of Permitted **Non-Farm** Uses

- Bed and Breakfast
  - Reference ALC Policy L-06
- Home Occupation/Home Based Business
  - Reference ALC Policy L-07

# Application Review



# ALC Application Types

- Inclusion
- Exclusion
- Subdivision
- Transportation/Utility Corridor
- Non-Farm Use



# ALC Applications

- Activities that are not specifically referenced in the Regulation are not permitted and a non-farm use application must be submitted and approved in order for the activities to occur
- It is not uncommon for a proposed operation to combine permitted uses with other activities that require an ALC application in order to proceed
  - Examples:
    - Restaurant for a Winery
    - Permanent facility for Gathering for Events



# Local Government Plan and Bylaw Review





# The ALC and Local Government

- The ALC works with local governments in order to achieve agricultural land preservation through the adoption of supportive bylaws
- Local governments also regulate land use and issue permits for lands in the ALR
- Work together to achieve compliance with the ALCA and Regulation

**75% of the ALR is under local government jurisdiction**

# Hierarchy of Legislation

- The Agricultural Land Commission Act (ALCA) sets the legislative framework for the ALC
- The Local Government Act (LGA) establishes the legal framework for local governments to undertake planning and land use management
- The ALCA takes precedence over the LGA



# Collaboration with Local Governments

- While the ALC is ultimately responsible for the administration of the ALR, local government bylaws are essential, complementary components in helping to preserve agricultural land and to encourage farming. The ALC strongly supports local governments in their efforts to assist with joint administration of ALR lands.



# Agricultural Land Commission Act - ALCA

- Local governments are legislatively required to ensure that their bylaws are consistent with the ALCA and Regulation (reference s. 46(2) of the ALCA)
- A local government bylaw that is inconsistent with the ALCA, Regulation, or any ALC Resolution is of no force or effect (reference s. 46(4) of the ALCA)



# Local Government Bylaws and the ALR

- When drafting new bylaws affecting the ALR, the ALC works with local governments to ensure consistency between the bylaw and the ALR Regulation.
- Updates to the ALR Regulation may result in local governments needing to update their bylaws in order to ensure consistency. This is standard practice and is required as per the legislation.

# Recent Changes to the ALC Regulations

- Alcohol Production Facilities – November 9, 2017
- Gathering for Events – July 29, 2016
- Agri-Tourism – July 29, 2016



# Compliance & Enforcement (C&E)



# ALC Compliance & Enforcement

The Compliance & Enforcement (C&E) team's role is to ensure that activities in the ALR are consistent with the ALCA and Regulation.

C&E is responsible for:

- Conducting investigations to determine compliance
- Education
- Enforcement (Violations & Commission Decisions)
- Working with other agencies, including local government bylaw enforcement, in order to achieve compliance





# Compliance & Enforcement Team

- 5 full-time C&E officers are responsible for all of the ALR land in the province
- Collaboration with local government and other agency partners is essential in order to achieve compliance



# Priority issues for the ALC

- Unauthorized use in the ALR
- Additional Dwellings
- Fill Deposition
- Awareness/Education



# Guiding Principles for C&E

- Working with property owners to achieve compliance.
- Work with local government staff to promote awareness and to resolve complaints and issues
- Transparency and fairness in decision making



# ALC Compliance & Enforcement

2016/17 C&E Files by Type

