



DISTRICT OF 100 MILE HOUSE
TO BE HELD IN DISTRICT COUNCIL CHAMBERS
TUESDAY, April 13th, 2021 AT 6:15 PM

	<p><u>CALL TO ORDER</u></p> <p>Mayor to call the Committee of the Whole meeting to order.</p>
A.	<p><u>APPROVAL OF AGENDA:</u></p>
	<p>A1</p> <p>BE IT RESOLVED THAT the April 13th, 2021 Committee of the Whole agenda <u>be approved</u>.</p>
B.	<p><u>INTRODUCTION OF LATE ITEMS</u></p>
C.	<p><u>DELEGATIONS:</u></p>
D.	<p><u>UNFINISHED BUSINESS</u></p>
E.	<p><u>CORRESPONDENCE</u></p>
F.	<p><u>STAFF REPORTS:</u></p>
<p>2021 Solid Waste Management Plan</p>	<p>F1</p> <p>BE IT RESOLVED THAT the memo from Administration dated March 30th, 2021 regarding 2021 Solid Waste Management Plan be received.</p> <p><i>Further action at the direction of Council.</i></p>

Agricultural Land Commission Exclusion Policy Discussion	F2 BE IT RESOLVED THAT the memo from Administration dated March 29th, 2021 regarding Agricultural Land Commission Exclusion Policy be received. <i>Further action at the direction of Council.</i>
G.	<u>BYLAWS:</u>
H.	<u>OTHER BUSINESS:</u>
I.	<u>QUESTION PERIOD:</u>
J.	<u>ADJOURNMENT:</u> BE IT RESOLVED THAT the Committee of the Whole meeting of April 13th, 2021 adjourn: Time:



DISTRICT OF 100 MILE HOUSE

M E M O

Date: March 30, 2021
To: Mayor & Council
From: Administration
Subject: 2021 Solid Waste Management Plan

This memo will provide Council with an update of the 2021 Solid Waste Management Plan (SWMP), just getting underway in the Cariboo Regional District. Tera Grady will be in attendance (virtually) to provide some information on the 100 Mile House landfill and answer questions.

The purpose of the dialogue today is to discuss Council's priorities for ways to reduce material going to the landfill over the next 10 years. This might include: curbside collection of yard and garden waste or glass, exploring bringing apartment buildings into the recycling program, considering a landfill ban on cardboard, or any other priority of Council.

The Solid Waste Management Committee process is different than it was for the previous planning horizon, when Councillor Mingo was part of the committee. The local government roles now are:

- Local Government staff are Technical Advisory Committee (TAC) members, and are tasked with providing the Public Advisory Committee (PAC) members with compelling data/justification for the services/objectives/strategies/policies that each local government has a vested interest in.
- The TAC members will be asked to report on these items early in the process to ensure that the public consultation process prepares residents and provides survey results for the Solid Waste Advisory Committee to consider.
- Local government TAC members should bring forward specific input from local governments.

Below is the current Committee membership list.

Name:	Member Type:	Resident of/Organization Name:	Representative Type:
Al Richmond	PAC	CRD Director & Chair of BSWMC	Regional District Director
Amanda Vibert	PAC	Baker Creek Enhancement Society	Environmental Org.
Brian Mason	PAC	Electoral Area E	Interested Resident
Cory Delves	PAC	Electoral Area A	Interested Resident
Dan Harrison	PAC	Electoral Area D	Interested Resident
Jared Taylor	PAC	Electoral Area F	Interested Resident
Mary Forbes	PAC	Cariboo Chilcotin Conservation Society	Environmental Org.
Peter Jarvis	PAC	South Cariboo Sustainability Society	Environmental Org.
Sherri Jonkman	PAC	South Cariboo	Interested Resident
Davee Palmantier	TAC	Williams Lake First Nation	First Nation
Enver Hrbinic	TAC	Northern Recycling Inc.	Recycler
Joanne Doddridge	TAC	District of 100 Mile House, Staff	Municipality
Leonard Cook	TAC	MoECCS, Environmental Protection Officer	Provincial Gov't
Leslie/Mike Glen	TAC	Gold Trail Recycling LTD	Recycler
Oliver Berger	TAC	Potato House Project	Organics Management
Pat Mahood	TAC	City of Williams Lake, Staff	Municipality
Roxanne Pop	TAC	Xat'sull First Nation (Soda Creek)	First Nation
Steve O'Hara	TAC	Gibraltar Mine Ltd.	LF Operator
Ted Olfert	TAC	City of Quesnel, Staff	Municipality
Tera Grady	TAC	Cariboo Regional District, Staff	Regional District
Tyron Harry	TAC	Tletinqox Government (Anaham)	First Nation
Vince Benner	TAC	Central Cariboo Disposal Services Ltd	Recycler/LF Operator

The Ministry of Environment and Climate Change Strategy has provided a guidance document for Solid Waste Management Plan updates, a document that was not available during the last Solid Waste Management Planning process. The guidance document includes 8 guiding principals (attached), along with Solid Waste Management targets for waste reduction.

Council direction is requested.



J. Doddridge, Director Ec Dev / Planning



Roy Scott, CAO

A.2.2. Provincial principles for solid waste management

A solid waste management plan provides regional districts—and their residents and businesses—with clear direction on how they will achieve shared solid waste goals. Eight guiding principles¹³ with illustrative descriptions are provided for regional districts to follow in developing their solid waste management plan. Regional districts should include additional locally-relevant guiding principles in their solid waste management plans.

1. Promote zero waste approaches and support a circular economy

*Encourage a shift in thinking from waste as a residual requiring disposal, to waste as a resource that can be utilized in closed-loop systems. **Zero waste approaches** aim to minimize waste generation and enable the sustainable use and reuse of products and materials. At the local level, look to remove barriers or encourage opportunities that will contribute to towards the establishment of a circular economy.*

2. Promote the first 3 Rs (Reduce, Reuse and Recycle)

*Elevate the importance of waste prevention by prioritizing programming and provision of services for the first 3 Rs in the 5 R **pollution prevention hierarchy** (see Figure 1 of this Guide). Implement programs and services that consider provincial and regional targets for waste reduction and environmental protection. Encourage investments in technology and infrastructure, and ensure they occur as high up on the hierarchy as possible.*

3. Maximize beneficial use of waste materials and manage residuals appropriately

Technology, best practices and infrastructure investments should continue to develop to recover any remaining materials and energy from the waste stream, and to manage residuals for disposal.

4. Support polluter and user-pay approaches and manage incentives to maximize behaviour outcomes

Producer and user responsibility for the management of products can be supported through the provision of market-based incentives, disposal restrictions on industry-stewarded products, zoning to support collection facilities, and support for reuse and remanufacturing businesses. Education and behaviour change strategies aimed at consumers and businesses will help foster further waste reduction, reuse and recycling. For example, user fees can be managed as incentives to increase waste reduction and diversion.

5. Prevent organics and recyclables from going into the garbage wherever practical

Maintaining a system to prevent organics and recyclables from going into the garbage will provide clean feedstock of greater economic value as well as a potential end product use to the recycling industry, while reinforcing behaviour to reduce, reuse and

¹³ Order of principles not indicative of prioritization unless otherwise noted.

recycle. Innovation in separation solutions, establishment and enforcement of disposal restrictions or other creative means will influence this approach.

6. Collaborate with other regional districts wherever practical

Collaboration on many aspects of solid waste management (e.g., to access facilities and markets, share campaigns and programs) will support the most efficient and effective overall municipal solid waste system.

7. Develop collaborative partnerships with interested parties to achieve regional targets set in plans

Strengthen partnerships with interested parties to achieve regional targets. All waste and recycling sector service providers, associations, and environmental organizations, product stewardship producers and agencies, and waste generators are key interested parties in achieving these targets. Cooperative efforts will optimize successful outcomes. Encourage a marketplace that will complement stewardship programs and drive private sector innovation and investment towards achievement of targets.

8. Level the playing field within regions for private and public solid waste management facilities

Solid waste management facilities within a given region should be subject to similar requirements. A consistent set of criteria¹⁴ should be used to evaluate the waste management solutions proposed by private sector and by a regional district or municipality.

A.2.3. Targets for waste reduction

The Ministry of Environment has established provincial solid waste management targets that set a direction for regional districts to follow and allow for performance measurement at the provincial level. These targets are adjusted from time to time to reflect current realities and public expectations. The most recent information on provincial targets can be found on the Municipal Waste Management Plans website.¹⁵

Regional districts should set appropriate regional targets that are

- ♦ achievable
- ♦ time-bound
- ♦ demonstrate continuous improvement over time

Regional district target timelines do not need to align with provincial target timelines (e.g., it may be appropriate to set a 5- or 10-year target locally despite the provincial target date).

¹⁴ See Part H of this Guide for example criteria to draw upon

¹⁵ <http://www2.gov.bc.ca/gov/content/environment/waste-management/garbage/municipal-waste-management-plans>

As of 2013, the ministry has set two provincial targets for 2020:¹⁶

- Lower the municipal solid waste disposal rate to 350 kg per person per year
- Have 75% of B.C.'s population covered by organic waste disposal restrictions

These targets were developed after the ministry reviewed provincial disposal data from 2012 and 2013 to see the current state and general trend. Through an analysis of current solid waste management plans in B.C. and consideration of future targets set in plans, the ministry determined that these provincial targets are achievable. Regional districts may set locally relevant targets, including regional municipal solid waste disposal rates.

A similar process will be used to determine new long-term provincial targets as the 2020 target date approaches, i.e.,

- a) review current state and existing trends
- b) analyze current solid waste management plans in B.C. and local targets set within them
- c) based on this information, define achievable interim and long-term targets

The ministry may look to set aspirational provincial targets aimed at promoting continuous improvement for those regional districts who have achieved and surpassed the provincial target for waste disposal.

A.2.4. Considerations for Small, Rural Regional Districts

Small and rural regional districts have distinct challenges when it comes to municipal solid waste management. Their populations are more dispersed and fewer in number, leaving them without economies of scale for cost effective servicing. Regional district resources may be primarily focused on improving the solid waste infrastructure and services, leaving fewer resources available to implement zero waste approaches.

While the legislative requirements outlined in this Guide are applicable to all regional districts, the solid waste management plans, regional targets, and programs should align with regional district capabilities and local opportunities. Flexibility regarding the guidance on solid waste management planning is built into this Guide - the ministry's expectation is that regional districts provide rationale for their decisions related to reviewing and amending or renewing their solid waste management plan.

¹⁶ Provincial targets are subject to change over time. Please refer to current ministry information for the most up-to-date provincial targets.



F2

DISTRICT OF 100 MILE HOUSE

M E M O

Date: March 29, 2021

To: Mayor & Council

From: Administration

Subject: Agricultural Land Commission Exclusion Policy Discussion Paper

The purpose of this report is to seek direction from Council regarding policy development for Agricultural Land Reserve (ALR) exclusion applications.

As of September 30, 2020, private landowners are no longer able to make an application for ALR exclusion, as a result of amendments made to the Agricultural Land Commission Act. Amendments to the Act were intended to protect the size, integrity, and continuity of the land base of the ALR. Now, only a local government (or First Nation or prescribed bodies) may submit an exclusion application to the Agricultural Land Commission (ALC).

Previously, private landowners would submit an exclusion application to the ALC, along with proof of advertising. The application would be referred to the municipality for determination on whether it should proceed to the ALC or not. The private landowner would bear the costs of the application and the required advertising (newspaper ads, notification sign), and they advocated for the exclusion.

Under the new process, the responsibility for submitting ALR exclusion applications falls to the local government (or other prescribed body), as does the new requirement for a Public Hearing and the hard and soft costs of application requirements like: ads, signage, reports, staff time, and administration.

The ALC advises that:

- a local government should only submit applications that it independently and objectively supports;
- there is a \$750 application fee to the ALC to be paid by the local government;

- a public hearing is required; and
- the local government bears the costs of satisfying application requirements (i.e. signage – proof of application, public hearing advertising and notices, and any supplemental agriculture or other reports).

In response to the changes to the Agricultural Land Commission Act that places the onus on the local government to submit exclusion applications, a clear policy will provide certainty to landowners who wish to ask the District to make an application on their behalf. The District has discretion to determine its response to these private landowner requests, but there is no legislative requirement for a local government to initiate an exclusion application at the request of a landowner. Likewise, local governments do not have the legislative ability to pass on the costs of the application, advertising, Public Hearing, potential agricultural studies, or any other costs onto individual landowners.

It should also be noted that even if the local government submits an exclusion application, there is no guarantee that it will be approved by the Land Commission. Staff is of the understanding that the ALC will lean heavily on considering long-range planning policy (ie: OCPs) when reviewing local government exclusion applications. Best advice from the ALC's available reference material supports this thinking in that exclusion applications are best considered within the context of a community's land use planning exercises. In light of the stated reasons for ALC Act revitalization, the heavier focus on local government support and responsibility, along with discussions with planning staff in other local government jurisdictions, it seems that exclusion applications may be increasingly unlikely to be approved.

Since 2015, the District has received 2 applications for ALR Exclusion from private landowners, one of which was forwarded to the ALC and subsequently approved, and one was not supported by District Council and therefore not forwarded to the ALC. So, even though approximately 50% of the land area of 100 Mile House is in the ALR (map attached), historically the District has not received many exclusion applications. There is presently one private landowner wishing to initiate the process to exclude private lands from the ALC, pending the outcome of Council's policy discussion.

There are several options to consider for how Council would like to handle private landowner requests for exclusion.

1. Outright moratorium on private landowner application requests

Council may wish to direct staff not to accept any applications or requests for exclusion from private landowners. This option is being considered by some communities.

2. Landowner requests accepted ad-hoc – District role as a flow-through agent

Accepting landowner application requests in a flow-through capacity would essentially reduce the District's role to one of 'agent'. This process is not purposeful, would take up staff time and financial resources, and is likely to fail. Without proper land use consideration and municipal support, the ALC may not be inclined to approve exclusions, and the private landowner then, would not likely be successful in securing the exclusion approval.

3. Landowner applications accepted ad-hoc - with OCP policy support

Application costs and processing time would still need to be absorbed by the District, but this option would more firmly anchor support from a long-range planning perspective. Although the overall number of application requests from landowners is not likely to be high, accepting ad-hoc requests could place a burden on staff time on an ongoing basis if additional parameters are not set.

4. Collect private landowner requests annually or at some other regular interval

This approach would enable private landowners to submit requests to the District, which would be compiled and brought forward to Council for consideration at regular intervals (ie: every 1-3 years). Each application brought forward could be assessed as to the viability of the proposal and those deemed viable could be moved forward.

5. Accept private landowner requests only as part of larger OCP review (ie: every 5+ years)

Private landowner requests could be compiled and considered during future OCP updates. This would enable a high level, comprehensive review with long-range planning at the forefront, rather than reacting to individual interests.

In all options except outright moratorium, staff time and District financial resources will be required. Some nominal recovery of funds may be possible if another process is also already underway (ie: an OCP amendment), where an applicant has paid a fee and a Public Hearing will be scheduled and advertised as part of that process. But full cost recovery will not likely be possible. This is supported by publicly available legal opinion.

Similarly, in all cases except outright moratorium, establishing some criteria in terms of what constitutes an eligible request from a private landowner seems prudent, and to that end, what information the landowner must provide in order to be considered eligible. District staff time should not be spent conducting land use research for private property interests, nor seek out extensive application detail.

In considering private landowner requests for the District to initiate an application to the Land Commission to have lands excluded from the ALR, Council may also wish to review and confirm current agriculture policies in the OCP (attached).

It has been challenging to find information about what other municipalities are doing in terms of new ALC Exclusion Policy requests from private landowners. There has been some progress made in policy development amongst Regional Districts where ALR lands are usually more prevalent. Some examples follow.

- a. RD Central Kootenay has established a policy where requests for property exclusion from ALR lands will only be considered as part of OCP reviews, as a block request, or as part of other relevant policy projects like an Agricultural Plan. Ad hoc requests are not considered.

- b. RD Okanagan Similkameen has proposed policy changes underway which generally support the integrity of the ALR and its existing boundaries, where exclusion requests are only considered within the context of a comprehensive review of the OCP, and where private landowners are encouraged to seek alternatives to land exclusion.
- c. The Cariboo RD is still considering options. Staff reports have noted a preference for considering exclusion requests only in the context of larger OCP review processes, but no Board decisions have yet been made.
- d. RD East Kootenay has adopted a policy, which lists an annual intake deadline for private landowner requests, and eligible requests are processed annually subject to: confirmation of all application requirements and supporting information, demonstration that alternative approvals have been considered, and identification of support in a comprehensive land use planning process (ie: OCP). They have also listed conditions that must be met prior to expending RD processing and application resources and a preference to combine application processes with other applications to reduce staff time and financial resources.

With the responsibility for exclusion applications now falling to the municipality, any exclusion application, whether individual, grouped or part of a comprehensive review, will consume staff time and include hard costs. In addition, it is the District that will be sole applicant for exclusion applications falling within its jurisdiction, and will be responsible for any additional information, potentially expensive agricultural reports, meetings, answering questions, conditions, and other requirements of the ALC. In considering the options, Council should consider the extent to which the District should be utilizing planning department resources on applications that would generally impact only an individual or select group of property owners.

Exclusion applications initiated by the District should reflect the District's own goals of supporting and protecting the agricultural land base. Aligning exclusion requests with broader policy objectives as part of a comprehensive land use review (i.e. OCP update), is the ALC's preferred approach as opposed to exclusion applications based on an individual's preferences. The underlying principle of this approach is to maintain the integrity of the ALR and its boundaries, and to put forward ALR exclusion applications only in circumstances where they are needed to align with broader land use goals.

The effect of these recent changes to the Agricultural Land Commission Act has put local governments in a position to be the lead drivers of ALR boundary assessments.

Upon Council direction, staff will draft a policy for how the District will handle ALR exclusion requests from private landowners, and return the draft policy to a future Council meeting or Committee of the Whole meeting for further discussion.



J. Doddridge, Director Ec Dev / Planning



Roy Scott, CAO

Attachments:

- **March 18, 2020 letter and Appendix - Ministry of Agriculture, Science and Policy Division**
- **July 30, 2020 letter and Appendix - Ministry of Agriculture, Science and Policy Division**
- **ALC Policy-Lab on Exclusion Applications FAQ sheet**
- **Agriculture Policies in District of 100 Mile House OCP**
- **ALR Map of 100 Mile House – OCP Schedule D**



March 18, 2020

File: 0280-30
Ref: 190925

All local and treaty first nation governments with land in the Agricultural Land Reserve:

Re: Bill 15 – Agricultural Land Commission Amendment Act, 2019 (Exclusions, Statutory Rights-of-Way and Application Fee Process)

The purpose of this letter is to provide additional information on recent regulations that have brought into effect changes to the *Agricultural Land Commission Act* (ALCA). As part of recent public engagement undertaken by the Province, many local governments provided feedback that they would benefit from additional guidance and information from the BC Ministry of Agriculture on any significant legislative changes that are made.

On March 12, 2020, an Order in Council was made bringing Bill 15 – *Agricultural Land Commission Amendment Act, 2019* into force in two phases (see information bulletin at <https://news.gov.bc.ca/releases/2020AGRI0012-000465>). At the request of the Agricultural Land Commission (ALC), the first phase of Bill 15 amendments was brought into force on March 12, 2020. These amendments enhance the efficiency of the ALC's decision making by strengthening its governance and independence and by providing greater flexibility in how ALC structures decision-making panels to local and regional needs.

The second phase of Bill 15 amendments will come into force September 30, 2020. This will provide time for local and treaty first nation (TFN) governments, the public and other stakeholders to become familiar with, prepare for, and adapt to those changes. Phase two includes changing the exclusion process for both private and public landowners, requiring notice be provided to the ALC for the registration of statutory rights-of-way in the Agricultural Land Reserve (ALR), and simplifying the ALC application fee process. These changes will impact both private and public landowners.

Appendix 1 of this letter provides additional information on these changes and Appendix 2 provides a summary of what changes will occur in each phase.

.../2

If you have any questions regarding Bill 15 and the revitalization of the ALC and ALR, please contact Arlene Anderson, Director of Legislation, BC Ministry of Agriculture, at Arlene.Anderson@gov.bc.ca.

If you have questions about the administration of the ALR and the new processes for exclusion applications and statutory rights-of-way, please contact the ALC at ALCBurnaby@Victoria1.gov.bc.ca.

Sincerely,



James Mack
Assistant Deputy Minister

Appendices (2)

pc: Gary MacIsaac, Executive Director
Union of BC Municipalities

Kim Grout, Chief Executive Officer
Provincial Agricultural Land Commission

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

Appendix 1: Summary of Recent Changes

Local or TFN Government Initiated Exclusion Applications

As of September 30, 2020, a local or TFN government may initiate an exclusion application to the ALC for one, or any combination of the following:

1. **Local or TFN government owned land**

Local or TFN governments may continue to submit exclusion applications to the ALC for land that it owns anywhere in the Province. (see: Owner Exclusion Applications below)

2. **Privately owned land identified in a planning exercise**

Local or TFN governments may continue to submit exclusion applications to the ALC for privately owned land within its jurisdiction.

3. **Privately owned land requested for exclusion consideration by a landowner**

Private landowners¹ will no longer be able to make their own application to exclude their land from the ALR. In response to this change, private landowners may ask their local or TFN government to make an application to exclude the private landowners' land on their behalf.

A local or TFN government has the discretion to determine its response to these private landowner requests. There is no legislative requirement for a local or TFN government to initiate an exclusion application at the request of a landowner. A local or TFN government's response to a private landowner's request can be as diverse and unique as the community in which the land is located in. Consultations with local and TFN governments indicated that communities will likely address exclusion requests from private landowners in diverse ways.

A few examples of how communities may address these private landowner exclusion requests include:

- Establishment of a policy to decline to consider these exclusion requests because they do not align with the community's land use plan or planning process.
- Establishment of a policy to collect private landowner's exclusion requests and review these requests every three years to assess whether any of them fit within the community's land use or community plan and, for those that do, incorporate them in a local or TFN government's exclusion application.
- Establishment of a policy to consider these requests more frequently but require that the requests clearly demonstrate that the request reflects the community's land use or

¹ Private landowners are persons who are not the Province, local or TFN nation governments, or public bodies prescribed by regulation.

community plan prior to incorporating the land into a local or TFN government's exclusion application.

In deciding how to address private landowner requests to have their land in the community's exclusion application, a local and TFN government should be aware that the exclusion application requirements and its ALC application fee will be the responsibility of the local or TFN government ultimately making the exclusion application. It will also be the body responding to any requests for further information from the ALC and the recipient of any information the ALC might share with any applicant.

Exclusion applications are best considered within the context of a community's land use planning exercises. A community's long-term land planning vision is critical to determine what land is contained within a local or TFN government's exclusion application. This is important to assist in reducing potential urban/residential conflict with farming activities when land is excluded from the ALR. ALC staff are available to work with local and TFN government staff as part of these planning exercises to evaluate the suitability of potential exclusion areas.

Owner Exclusion Applications

As of September 30, 2020, only public landowners (i.e., the Province, local governments, TFN governments, and prescribed public body landowners) will be able to make owner applications to exclude land from the ALR. Private landowners will no longer be able to make their own applications to exclude land from the ALR, nor will their consent be required for land to be excluded.

Public landowners who apply to exclude their land will be required to hold a public hearing as part of the notification requirements of the application process. This change was made to provide community members and others the opportunity to comment on exclusions proposed by public landowners.

Public Landowners: Province, local government, TFN government, and prescribed public bodies

1. **Provincial ministries and agencies** who administer land in the Province may continue to apply for exclusion. These applications continue to require approval of the local or TFN government in which the land is located before they can proceed to the ALC for decision.
2. **Local or TFN governments** may continue to apply for the exclusion of land it owns. The local or TFN government in which the land is located must approve the application before it can be considered by the ALC.

3. **Prescribed public bodies** may continue to apply for exclusion. These applications continue to require approval of the local or TFN government in which the land is located before they can be considered by the ALC. Public bodies are prescribed by regulation and include improvement districts, health authorities, school districts, etc.

Local and TFN governments retain the authority to determine how they will address exclusion applications from the public landowners listed above. For example, a local or TFN government may or may not support an application if the proposal does not reflect the local jurisdiction's land use plan. These communities may resolve not to forward an application to the ALC for consideration and decision. This reflects the longstanding process and is not changed by Bill 15.

Statutory Rights-of-Way

As of September 30, 2020, Bill 15 changes the requirements for notifying the ALC of statutory rights-of-ways (SRW) in the ALR. Under the new requirements, the registrant for a proposed SRW will be required to notify the ALC of the SRW. A Registrar of Titles at the Land Title and Survey Authority (LTSA) will be unable to register an SRW in the ALR unless the registrar is satisfied that the ALC has been notified in the form and manner required by the ALC. The ALC is currently working with the LTSA to develop the 'Receipt of SRW Notification' document that will be provided to the registrant upon submitting notification through the ALC Application Portal in a new 'Notification of SRW' submission.

Successful registration with the Land Title and Survey Authority still requires the SRW registrant or any other person to obtain ALC approval for most non-farm use within the SRW (e.g. construction). The SRW registrant will still be required to obtain ALC approval before engaging in a non-farm use related to the SRW. This change will provide an opportunity for SRW registrants to be reminded by the ALC that its approval continues to exist in relation to any land use or construction on the SRW in the ALR.

Application Fee Collection Process

As of March 12, 2020, Bill 15 simplifies the fee collection process for the applicable ALC applications (i.e. subdivision, non-farm use, soil/fill use, non-adhering residential use, and exclusion) by establishing that the local or TFN government must only collect its portion of the ALC application fee. If the local or TFN government decides to support an application and forwards it to the ALC for consideration and decision, it is the applicant that will be responsible for paying the ALC directly for its portion of the application fee.

This change removes the current obligation on local and TFN governments to collect the total application fee and then remit to the ALC its portion for all applications the local or TFN government supports and forwards to the ALC for consideration and decision.

The ALC will be updating the Application Portal to reflect the changes to the application fee payment process so both the applicant/agent and the local government is advised first when the application is submitted to the local government, and second, if the local government forwards the application to the ALC (i.e. the auto email notifications).

Reasons for Changes

The changes made by the *Agricultural Land Commission Amendment Act, 2018* (Bill 52) and 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 BC 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 in February 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 BC.

Bill 15 continues the government's commitment to revitalize the ALR and ALC. The part of Bill 15 that strengthens the independence and governance of the ALC was brought into force on March 12, 2020. The remainder of Bill 15 will be brought into force on September 30, 2020. On and after this date, the exclusion process will change as described above to ensure that these exclusions reflect a local or TFN government's broader long-term land use planning goals. This change will help farmers by preserving a more contiguous land base in the ALR and lessening conflict between urban and agricultural land uses.

Role of the Agricultural Land Commission

The ALC is the independent administrative tribunal dedicated to preserving agricultural land and encouraging farming in BC 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.

Appendix 2: Effective dates for recent legislative changes

Effective: March 12, 2020

Bill 15

- Sections brought into force to:
 - simplify the application fee process such that local or TFN governments need only receive payment of their portion of the ALC application fee, while applicants pay the ALC its portion of the application fee if the local or TFNs government forwards the application to the ALC;
 - bring more rigour to the reconsideration process by clarifying the circumstances under which reconsiderations will proceed;
 - enable the ALC to register remediation orders with the Land Title Office, thereby providing notice to prospective buyers of any outstanding issues for which subsequent owners will be liable;
 - replace the current fixed ALC governance model with a more flexible model that allows for panels to be created as needed rather than relying on fixed regional panels;
 - provide the Chair input on commissioner appointments made by the Minister; and,
 - introduce criteria that the ALC must consider when exercising any power or performing a duty under the ALCA.

Agricultural Land Reserve General Regulation (current)

- Retitled the Agricultural Land Reserve Transitional Regulation
- Partially repealed

Agricultural Land Reserve General Regulation (new)

- Sections brought into force to:
 - restore a requirement for the ALC to give notice of permissions issued for use or subdivision applications (rather than only non-farm, non-adhering or residential use);
 - allow notice of public hearings to be given in other forms if newspaper publication is not practical;
 - require that pre-hearing notice be given not less than 3 days and not more than 10 days before the date of a hearing; and
 - give the ALC the ability to determine notice requirements for applications, exclusions, meetings and public hearings.

Effective: September 30, 2020

Bill 15

- Sections brought into force to:
 - change the exclusion application process so that only the Province, local and TFN governments and certain prescribed public bodies can make exclusion applications;
 - remove the requirement for owner consent before land can be excluded from the ALR;
 - enable the ALC to register remediation orders with the Land Title and Survey Authority (LTSA), thereby making all prospective buyers aware of any outstanding issues regarding ALR land; and
 - require persons who are registering a statutory right of way charge at the LTSA to give notice of the charge to the ALC if the charge is on ALR land.

Agricultural Land Reserve Transitional Regulation (current ALR General Regulation)

- Repealed

Agricultural Land Reserve General Regulation (new)

- Remainder of provisions brought into force to:
 - prescribe the public bodies that can apply for exclusion from the ALR, such as health authorities, school districts, improvement districts, post-secondary institutions and some Crown corporations (local and TFN governments are also considered public bodies when applying to remove land outside their jurisdiction);
 - require that notice of applications for statutory rights of way be given in a form acceptable to the ALC, and require that an applicant provide a Registrar of Titles with the proof of that notice, as issued by the ALC; and
 - make consequential changes reflecting amendments to the Act in Bill 15.



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

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

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

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". The signature is fluid and cursive, with the first name being more prominent.

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			
Inclusion	\$0	\$0	\$0

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	\$0	\$0	\$0
Inclusion			

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.



**ALC POLICY-LAB ON EXCLUSION APPLICATIONS:
FREQUENTLY ASKED QUESTIONS**

Published August 6, 2020

BACKGROUND: Effective September 30, 2020, Bill 15-2019 removes the ability for a private landowner to submit an application for exclusion to the Agricultural Land Commission (ALC). On the week of July 20-24, ALC staff held six regionally based policy-labs to discuss the implications of this change, and the process for submitting a local or First Nation government initiated exclusion application, or a prescribed body initiated exclusion application. The following questions were raised by the local government attendees of the policy-labs.

APPLICATIONS

Q1: How does a local government submit an exclusion application?

Applications are submitted on the ALC application portal found here: <http://a100.gov.bc.ca/pub/oatasp/list?execution=e1s1>. The portal prompts the applicant with a set list of questions that must be completed before the application may be submitted. In order to submit an application, a local government must log into its BCeID business account. Please contact the ALC if your local government does not currently have an account, as the ALC must assign a local government 'role' to every BCeID used to submit a local government application.

More information about the exclusion application process can be found in the ALC's Exclusion Application Guide available on the ALC's website.

Q2: Can a local government initiated application include multiple parcels?

Yes, a single application may include multiple parcels and there is no requirement that the parcels be contiguous or located within the same area. However, notice requirements, such as the posting of a sign, may apply to each parcel if they are not contiguous. Please contact the ALC if you have any questions related to notice/signage requirements.

Q3: Can a single exclusion application be submitted for parcels in multiple jurisdictions/ local governments (i.e. a regionally based application)?

No, parcels in an application must be located within one local government's area of jurisdiction. However, local governments may submit simultaneous exclusion applications for review by the ALC at the same time.

Notice for the public hearing must be given in accordance with s. 15 (local or First Nation governments) or s. 17 (prescribed bodies) of the ALR General Regulation.

Note: These sections of the ALR General Regulation (BC Reg. 57/2020) come into force and effect September 30, 2020. See [OIC 131/2020](#) for text until BC Laws is updated

RECONSIDERATIONS

Q8: How will reconsideration requests proceed for landowners who have received a decision on an exclusion application before September 30, 2020?

Amendments made as part of Bill 15-2019 have impacted the reconsideration process.

For decisions made before March 12, 2020:

An applicant or person affected will have one year from the release of the decision to submit a request for reconsideration in accordance with [ALC Policy P-08: Requests for Reconsideration](#). However, it should be noted that Bill 15-2019 proposes to limit the time period for requesting reconsideration to 90 days from the date of the decision. **This has not yet been brought into force and effect.** As a result, an applicant or person affected by a decision will have one year from the date of the decision's release to request reconsideration of the decision or 90 days from the date the legislative change takes effect (date unknown at this time), whichever comes sooner.

The request for reconsideration will be sent to the original decision-making body; which may be the Executive Committee or a Panel. The ALC may reconsider a decision if the original decision-making body determines that there has been no previous request for reconsideration and meets the criteria for reconsideration as described in s. 33(1) of the ALC Act as it was before March 12, 2020:

- (a) evidence not available at the time of the original decision becomes available; or*
- (b) Evidence demonstrating that either all or part of the original decision was based on evidence that was in error or false;*

For decisions made after March 12, 2020:

An applicant or person affected will have one year from the release of the decision to submit a **single request** for reconsideration, or until such time as s. 33(2)(a) in Bill 15-2019 takes effect which contemplates a 90 day time limit, whichever date is sooner. The request for reconsideration will be sent to the original decision-making body. The ALC may reconsider a decision if the decision-making body determines that:

- (a) New evidence has become available that was not available at the time of the original decision that could not have been obtained earlier through the exercise of due diligence; ALCA: s. 33(2)(c)(i); or*

Q12: What is the change in fees for exclusion applications effective September 30, 2020?

On June 26, 2020, Order in Council No. 353, 2020 was approved and ordered; it amends the ALR General Regulation to increase the portion of the ALC application fee which goes to a local or First Nation government. As of September 30, 2020, local and First Nation governments will receive 50% of the application fee for prescribed body initiated exclusion applications (equivalent to \$750). Local or First Nation governments are required to pay \$750 for an exclusion application they initiate.

A prescribed body must pay the \$1500 application fee – \$750 of which is paid directly to the local or First Nation government, and \$750 of which is paid to the ALC, should the local or First Nation government authorize the application to proceed to the ALC.

DECISION-MAKING

Q13: What is the ALC's decision-making criterion for exclusion applications?

As with all ALC applications, the ALC considers the merits of the proposal under its s. 6(1) ALC Act mandate, which includes the following:

- *to preserve the agricultural land reserve;*
- *to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest;*
- *to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.*

As of March 12, 2020 with the implementation of portions of Bill 15-2019, under s. 6(2) of the ALC Act the ALC must also now give priority to protecting and enhancing:

- *the size, integrity and continuity of the land base of the agricultural land reserve;*
- *the use of the agricultural land reserve for farm use.*

More information about ALC decision-making considerations can be found here:

<https://www.alc.gov.bc.ca/alc/content/applications-and-decisions/what-the-commission-considers>

Q14: If an application is submitted for multiple parcels, does the ALC have discretion to approve some parcels for exclusion and refuse others?

Yes, the ALC has the discretion to determine which, if any, parcels may be supported for exclusion. The ALC also has discretion to approve an exclusion application with conditions (e.g. rezoning), or may approve an alternate land use such as a non-farm use.

Q18: Are ALC staff able to provide feedback on any proposed local government policies/options for exclusion applications?

Yes, ALC Regional Planners can assist in the review of draft policies/options for exclusion applications. Please feel free to contact your applicable regional planner, and/or review the ALC's Bylaw Reviews: A Guide for Local Governments for more information.

- Interior, Okanagan, North: Sara Huber (Sara.Huber@gov.bc.ca)
- Island, Kootenay: Martin Collins (Martin.Collins@gov.bc.ca)
- South Coast: Shannon Lambie (Shannon.Lambie@gov.bc.ca)

ALC BYLAW REVIEW PROCESS

Q19: Can a local government designate ALR land for a non-agricultural use (e.g. commercial, residential, etc.)?

Land within the ALR cannot be designated for non-agricultural use without a resolution from the ALC to support the redesignation.

Should a local or First Nation government wish to designate ALR lands for non-agricultural use by bylaw, the local or First Nation government must refer their bylaw to the applicable ALC Regional Planner, who will prepare the referral for the Commission's review. The process is outlined in the ALC's Bylaw Reviews: A Guide for Local Governments. The ALC considers the merits of the proposal under its s. 6(1) mandate and s. 6(2) decision-making priorities in the ALC Act, as it would with an application.

Designations for non-agricultural use in local government bylaws that have not been endorsed by the Commission are of no force and effect.

Note: 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 ALC Act, the Regulations, or any Orders of the Commission.

Q20: What does an area "endorsed" by the ALC look like?

An endorsed area would have a previous resolution of the ALC which states that it is supported for a specific use (e.g. industrial). The resolution will specify the type of application that must be submitted in order to undertake the use (e.g. non-farm use, subdivision, or exclusion) or may include other conditions. When the application is submitted to the ALC, it may be reviewed by the ALC's CEO through an expedited decision-making process.



10.0 AGRICULTURE

10.1 Introduction

Since the conclusion of the Gold Rush, agriculture has been an important sector of the economy of 100 Mile House. Livestock, hay, vegetables and other field crops are grown in the area. District residents continue to enjoy products which are grown and produced locally through their support of the South Cariboo Farmer's Market.

Producing and consuming locally grown food also reduces greenhouse gas emissions, principally by reducing the need to transport food over long distances. This helps support the District's efforts to reduce greenhouse gas emissions, as outlined in Section 15.0.

Food Systems planning is an issue of rising importance in many B.C. communities and 100 Mile House is no exception. Proactive support of agriculture and protection of designated agricultural land is fundamental to providing food security within the community.

10.2 Existing Conditions

A majority of all land in the District of 100 Mile House is designated for Agricultural use. This comprises 2,710 hectares, 53.2% of the total land area. Nearly all land designated for Agricultural use in the District is in the Agricultural Land Reserve (ALR). The agriculture objectives and policies contained in this section support the retention of these lands in the ALR, and suggest actions to promote the rural economy. It should be noted that privately owned parcels in the ALR are designated as Agriculture on Schedule B: Land Use – District Wide and Main Community Inset.

10.3 Land Use Map Designations

The ALR boundaries are shown on Schedule D: Agricultural Land Reserve. Lands designated as Agriculture are shown on Schedule B: Land Use – District Wide and Main Community inset.

10.4 Objectives

The District's agriculture objectives are to:

- 10.4.1. Protect and maintain the economic viability of the agricultural sector of the community and encourage its improvement and expansion.
- 10.4.2. Support a diversity of traditional and non-traditional agricultural and farming uses within the Agricultural Land Reserve and those lands designated Agriculture within the District.
- 10.4.3. Support a range of agricultural related activities outside of lands designated Agriculture, to promote and support education and awareness of local food systems planning.



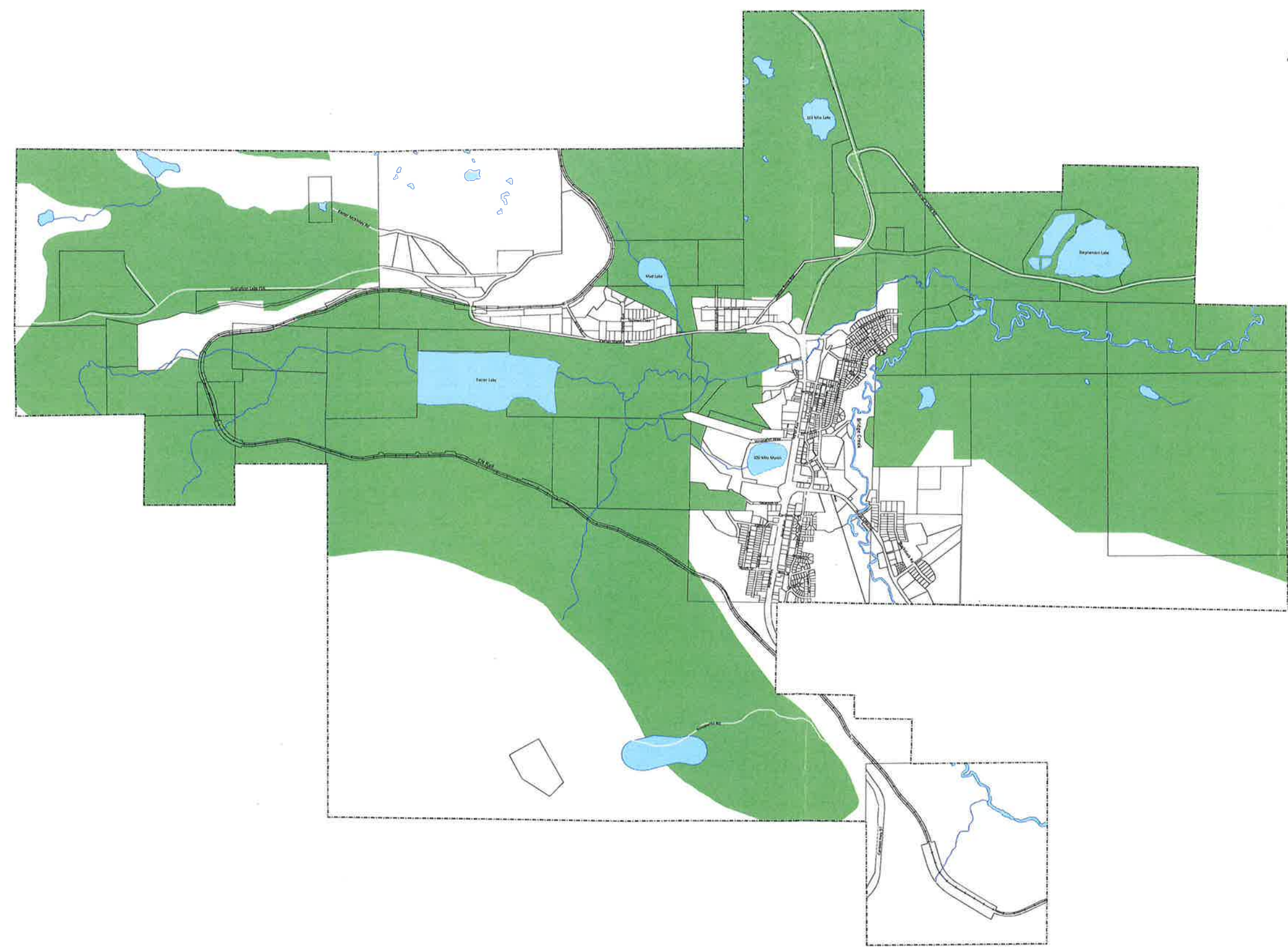
10.5 Policies

The District will:

- 10.5.1. Encourage farming operations on land designated for Agriculture as shown on Schedule B: Land Use – District Wide and Main Community inset. Council is supportive of land uses within the ALR that conform to the provisions of the Agricultural Land Commission Act and the regulations made under the Act.
- 10.5.2. Encourage new subdivisions, which abut lands designated Agriculture and are used for grazing, to provide perimeter fencing to strengthen the buffer between agricultural and non-agricultural uses.
- 10.5.3. Evaluate new developments in respect to their implications and impacts on the agricultural uses in the area.
- 10.5.4. Encourage new non-agricultural developments, adjacent to lands designated for Agriculture to provide and maintain a distinct buffer in the form of setbacks, fencing or landscaping that is consistent with Ministry of Agriculture Guidelines and take advantage of naturally occurring buffers, such as roads, topographic features, watercourses and transitional land uses such as rural residential parcels.
- 10.5.5. Encourage provincial and utility agencies to minimize the impact of new roads and utility corridors through agricultural land by utilizing only those lands necessary, and by maximizing the capacity of existing corridors and roads.
- 10.5.6. Support the agricultural industry by considering the establishment of economic strategies that promote the industry, and identify new farm markets.
- 10.5.7. Support the agricultural and rural economy by encouraging secondary “value added” uses such as agri-tourism, and secondary processing of products produced on site through home occupations.
- 10.5.8. Examine ways of expanding the amount of space dedicated to community gardens such as encouraging community gardens in new subdivisions and as part of multi-family residential developments.
- 10.5.9. Continue to support and promote a Farmers Market within 100 Mile House.
- 10.5.10. Work with agricultural producers and support organizations, including the Agricultural Enterprise Development Centre, in the South Cariboo to advance the principles of food systems planning and agricultural enterprises.
- 10.5.11. Work with stakeholders to support education programs on local food production and gardening.
- 10.5.12. Support the production and processing of hemp and other sustainable crops as a means of diversifying the agricultural land base in the South Cariboo.
- 10.5.13. Recognize climate change will impact the agricultural sector and work with stakeholders to undertake sustainable and adaptive action including opportunities for diversification.



District of
100 Mile House



- Agricultural Land Reserve
- CN Rail
- Creeks & Streams
- District Boundary
- Lakes & Marshes
- Parcels

Schedule D:
Agricultural Land
Reserve
Bylaw No.1288, 2016



Date: March 2016