

# **Provincial Agricultural Land Commission**



## **ANNUAL REPORT**

**2011/12**

June 30, 2012



**Agricultural Land Commission**  
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August 1, 2012

Honourable Don McRae  
Minister of Agriculture  
Parliament Buildings  
Victoria, BC V8V 1X4

Dear Minister:

I respectfully submit the Annual Report for the Provincial Agricultural Land Commission for the period April 1, 2011 to March 31, 2012.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in dark ink, appearing to read 'R. Bullock', is written over a horizontal line.

Richard Bullock, Chair

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## Message from the Chair

The past year has been one of ongoing change for the Commission and the start of transitioning to a new way of doing business in order to carry out its mandate to preserve agricultural land and encourage farming. While the Commission awaited a response to the Chair's report "Review of the Agricultural Land Commission - Moving Forward: A Strategic Vision of the Agricultural Land Commission for Future Generations" it embarked on implementation plans envisioned in the review document. The provincial government released my report and responded with direction in November 2011.

As a result of government direction, the Commission was provided with \$625,000 in transitional funding for this fiscal year (and an additional \$975,000 for 2012/13). Planning how to best use the transitional funding took swift action and rapid project development. The Staff and Commissioners worked diligently to develop project plans, hire temporary staff, request proposals, negotiate and award contracts, develop processes and practices and begin training staff all while continuing to carry out the regular work of the Commission. As a result of the short timeline, it was difficult to spend the funds provided by fiscal year end. However, the Commission and staff made great headway with a number of specific projects that will prepare the organization to move forward.

Technological upgrades to its database, digital information management and improved mapping will form the basis of new online services to the public and improved research and analysis for the Commission and staff. Data input and historical application information scanning of some 25,000 hardcopy files is underway. Initial work on a new self serve website and online application form was also started.

The ALC had limited opportunity to respond positively to the recommendations set out in the Auditor General's report. However following government direction and transitional funding, the Commission has had the ability to move forward in dealing with some of the recommendations; particularly related to information management and mapping.

The Commission is setting the course for a future that includes working closely with agricultural stakeholders, local governments and other provincial government ministries as it moves to focusing on supporting the business of agriculture through proactive planning, encouraging farming and continuing to preserve our precious agricultural land resource.

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## Mission and Purpose

The Agricultural Land Commission (ALC) is the provincial agency responsible for administering the Agricultural Land Reserve (ALR), a provincial land use zone for agriculture. The purposes of the ALC as set out in legislation are:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) to encourage local governments, First Nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

The *Agricultural Land Commission Act (ALC Act)* sets out processes for the inclusion or exclusion of land to and from the ALR and for non-farm use and subdivision of land within the ALR. The *ALC Act* is supported by the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Regulation 171/2002)*, which provides procedures for applications and defines permitted land uses and subdivisions within the ALR.

As an administrative tribunal acting pursuant to the *ALC Act* and the *Administrative Tribunals Act*, the ALC considers each application on its individual merits through a fair and transparent review process.

The work of the ALC is carried out by a body of appointed Commissioners. The appointed Commissioners are the board of directors of the Commission which is supported by 20 professional staff.



## Administrative Tribunal

**An administrative tribunal** is a specialized government agency established under provincial legislation to implement legislative policy. Appointment to such agencies is by order-in-council and in the case of the ALC, some members are appointed by Ministerial Order. Candidates for appointment are chosen for their knowledge and expertise and their experience in the particular sector being regulated by the legislation. As per its governing legislation, Commission members must be knowledgeable in matters relating to agriculture, land use planning, local government or first nation government. Administrative tribunals perform a wide range of functions, including research and recommendations; rule making and policy development; adjudication; and standard setting.

Administrative tribunals function at arm's length from government and are expected to exercise their role in a nonpartisan manner. However, the precise relationship between administrative tribunals and government varies.



# The Board

The Agricultural Land Commission is administered by a government-appointed Commission consisting of a Chair, Vice-Chairs and members who represent six geographic regions that reflect the varied geography and agricultural areas of the province. Commissioners are appointed from the regions and are selected for their relevant backgrounds and expertise.

All members form the provincial body of the Agricultural Land Commission which consider the following:

- Strategic and business planning
- Policy development
- Issues of province-wide importance
- Meeting with applicants, individuals, local governments, farm organizations and other government representatives

<b><u>Board Members (April 1, 2011 - March 31, 2012)</u></b>	
<b>Richard Bullock - Kelowna (Chair)</b>	
Denise Dowswell, <i>Vanderhoof</i>	Jerry Thibeault, <i>Cranbrook</i>
Gordon Gillette, <i>Williams Lake</i>	Jim Collins, <i>Fort St. John</i>
Hubert Miles, <i>Vernon</i>	Jennifer Dyson, <i>Port Alberni</i>
Jim Johnson, <i>Cherryville</i>	Sylvia Pranger, <i>Kent</i>
Lucille Dempsey, <i>Kamloops</i>	

The following Commissioners also served in this fiscal year until their terms expired:

Roger Mayer, <i>Keremeos</i>
John Tomlinson, <i>Langley</i>
Mike Bose, <i>Surrey</i>
Niels Holbek, <i>Black Creek</i>





# Commission Office

The business of the Commission is carried out through four functional areas.

- Land Use Planning and Application Processing:** Staff research and administer all applications submitted pursuant to the *Agricultural Land Commission Act* and Regulations. In addition, they also review plans and bylaws of local governments and other agencies to ensure that the ALR is properly identified and that the policies support and encourage the objectives of the Act and Regulations.
- Compliance and Enforcement:** The ALC has a legislative mandate to ensure activities in the ALR are consistent with the Act, regulations and orders of the ALC.
- Strategic Planning and Corporate Policy:** Staff actively participates with Commissioners in developing strategies, plans and policies to achieve its mandate. Staff also participates in planning and policy initiatives of other ministries, agencies and local governments.
- Administration and Information Systems:** The previous three functions are supported by an administration, records management and information systems unit.

Executive Directors	Policy and Special Projects	Compliance and Enforcement	Staff Agrologist
Brian Underhill Colin Fry	Shaundehi Runka	Ron MacLeod Thomas Loo	Vacant

Regional Planners	Land Use Planners	Mapping and GIS	Administrative Support
Roger Cheetham Martin Collins Tony Pellett	Gordon Bednard Jennifer Carson Lily Ford Terra Kaethler Elizabeth Sutton Ron Wallace Eammon Watson	Craig Phillips Gabriel Hazaparu	Myra Duggan Carol Bignell

Auxiliary Staff	
Lindsay McCoubrey Judson Young	Jamie Louie Reed Bailey



# Panel Operations

The Commission operates with panels that include members from the regions where they are making application decisions. Panels are responsible for:

- Decisions on applications
- Plan and bylaw reviews
- Field inspections
- Meeting with individuals, local governments, farm organizations and other government representatives

Panels have the powers, duties and functions of the Commission in respect of all matters allocated by the Chair. Decisions of a panel are final and cannot be appealed to the full Board.

Commission panels met 19 days in fiscal year 2011/12.

Area of Province: 99,217,145 hectares  
Area of ALR: 4,623,237hectares (April 1, 2012)

<p><b><u>Island Panel</u></b> Responsible for the Alberni-Clayoquot, Capital, Comox Valley, Cowichan Valley, Mount Waddington, Nanaimo, Powell River and Strathcona Regional Districts and the Islands Trust.</p>	<p><b><u>South Coastal Panel</u></b> Responsible for the Fraser Valley, Metro Vancouver, Squamish-Lillooet (except Lillooet area) and Sunshine Coast Regional Districts.</p>
<p><b><u>Okanagan Panel</u></b> Responsible for the Central Okanagan, Columbia Shuswap (except Golden area), North Okanagan and Okanagan-Similkameen Regional Districts.</p>	<p><b><u>Kootenay Panel</u></b> Responsible for the Central Kootenay, East Kootenay and Kootenay-Boundary and portion of Columbia Shuswap (Golden area only) Regional Districts.</p>
<p><b><u>Interior Panel</u></b> Responsible for the Cariboo, Central Coast and Thompson-Nicola, portion Squamish-Lillooet (Lillooet area only) Regional Districts.</p>	<p><b><u>North Panel</u></b> Responsible for the Bulkley-Nechako, Fraser-Fort George, Kitimat-Stikine, Northern Rockies, Peace River and Skeena-Queen Charlotte Regional Districts.</p>

# Regional Panels





# Interior Panel

The Interior Panel region extends from the Central Coast (Bella Coola Valley) to the community of Chase at the western end of Shuswap Lakes, encompassing cattle ranching in the Cariboo and Thompson-Nicola Regional Districts. The region is dominated by BC's interior plateau and characterized by dry grasslands and forested parklands. The region includes the Central Coast, Cariboo, Squamish-Lillooet (Lillooet area only) and Thompson-Nicola Regional Districts.

**April 1, 2011 - March 31, 2012**

## Applications Decided by Component Type

EXCLUSIONS	INCLUSIONS	NON-FARM USE	SUBDIVISION	PLACE FILL & REMOVE SOIL
11	4	11	22	3

## Area Included and Excluded and Agriculture Capability

	REFUSED	APPROVED		AGRICULTURE CAPABILITY FOR FINAL APPROVED			
		Conditional	Final	Prime	Mixed	Secondary	Unclassed
Inclusion Area (hectares)	0	0	37	32	0	5	0
Exclusion Area (hectares)	47	31	25	4	21	0	0

## Plans and Bylaws Reviewed

CATEGORY	INTERIOR PANEL	NUMBER
Official Community Plans  <i>Including OCPs, updates to existing OSPs and Sub-Area Plans such as neighbourhood plans, agricultural area plans &amp; edge plans</i>	<ul style="list-style-type: none"> <li>• Kamloops Industrial Land Review</li> <li>• Salmon Arm Official Community Plan</li> <li>• Columbia Shuswap Electoral Area C Official Community Plan</li> <li>• Barriere Official Community Plan</li> <li>• City of Kamloops Agriculture Area Plan</li> </ul>	5
TOTAL		5



# Island Panel

The Island Panel region encompasses Vancouver Island, most of the Gulf Islands and a number of coastal mainland areas that are part of Regional Districts headquartered on Vancouver Island or are more readily accessed from the Island than from mainland centers. The region includes the Alberni-Clayoquot, Capital, Comox Valley, Cowichan Valley, Mount Waddington, Nanaimo, Powell River and Strathcona Regional Districts.

**April 1, 2011 - March 31, 2012**

## Applications Decided by Component Type

EXCLUSIONS	INCLUSIONS	NON-FARM USE	SUBDIVISION	PLACE FILL & REMOVE SOIL
4	4	12	24	2

## Area Included and Excluded and Agriculture Capability

	REFUSED	APPROVED		AGRICULTURE CAPABILITY FOR FINAL APPROVED			
		Conditional	Final	Prime	Mixed	Secondary	Unclassed
Inclusion Area (hectares)	0	5	395	0	1	394	0
Exclusion Area (hectares)	11	6	1	1		0	0

## Plans and Bylaws Reviewed

CATEGORY	AREA	NUMBER
Growth Strategies/Official Community Plans <i>OCPs, updates to existing OSPs and Sub-Area Plans such as neighbourhood plans, agricultural area plans &amp; edge plans</i>	<ul style="list-style-type: none"> <li>Strathcona RD: City of Campbell River</li> <li>Alberni Clayoquot RD: Cherry Creek OCP Beaufort OCP</li> <li>Islands Trust: Galiano OCP: Thetis OCP South Pender OCP</li> <li>Powell River RD: Southern Region OCP</li> <li>Capital Regional District: Review of Growth Strategy</li> </ul>	8
Implementing Bylaw	<ul style="list-style-type: none"> <li>Islands Trust: Thetis Island Zoning Bylaws</li> </ul>	1
Agriculture Plans	<ul style="list-style-type: none"> <li>North Saanich Agricultural Plan</li> </ul>	5



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	<ul style="list-style-type: none"><li>• Agricultural Plan for Central Saanich</li><li>• Nanaimo Regional District Agricultural Plan</li><li>• Agricultural Plan for Alberni-Clayoquot</li><li>• Agricultural Plan for Campbell River</li></ul>	
TOTAL		14



# Kootenay Panel

The Kootenay Panel region encompasses the southeasterly portion of BC extending from the BC/Alberta border in the east to the Grand Forks and Kootenay Boundary area in the west. The region includes the Central Kootenay, East Kootenay and Kootenay Boundary Regional Districts and a portion of the Columbia Shuswap Regional District (Golden area only).

**April 1, 2011 - March 31, 2012**

## Applications Decided by Component Type

EXCLUSIONS	INCLUSIONS	NON-FARM USE	SUBDIVISION	PLACE FILL & REMOVE SOIL
12	3	14	41	1

## Area Included and Excluded and Agriculture Capability

	REFUSED	APPROVED		AGRICULTURE CAPABILITY FOR FINAL APPROVED			
		Conditional	Final	Prime	Mixed	Secondary	Unclassed
Inclusion Area (hectares)	4	3	17	17	0	0	0
Exclusion Area (hectares)	85	0	466	110	342	14	0

## Plans and Bylaws Reviewed

CATEGORY	AREA	NUMBER
Official Community Plans	<ul style="list-style-type: none"> <li>Central Kootenay RD: Electoral Area F</li> <li>Kootenay Boundary: Electoral Area B</li> <li>East Kootenay Regional District: Baynes Lake OCP</li> </ul>	3
Implementing Bylaws	<ul style="list-style-type: none"> <li>East Kootenay Regional District: South Country Zoning and Floodplain Management Bylaw</li> </ul>	1
Agriculture Plans	<ul style="list-style-type: none"> <li>East Kootenay Regional District Agricultural Plan</li> </ul>	1
<b>TOTAL</b>		<b>5</b>



# North Panel

The North Panel region encompasses north east, north central and north west BC, from Prince George, north east and west. The region includes the Bulkley-Nechako, Fraser-Fort George, Kitimat-Stikine, Northern Rockies, Peace River and Skeena-Queen Charlotte Regional Districts.

**April 1, 2011 - March 31, 2012**

## Applications Decided by Component Type

EXCLUSIONS	INCLUSIONS	NON-FARM USE	SUBDIVISION	PLACE FILL & REMOVE SOIL
17	5	40	61	3

## Area Included and Excluded and Agriculture Capability

	REFUSED	APPROVED		AGRICULTURE CAPABILITY FOR FINAL APPROVED			
		Conditional	Final	Prime	Mixed	Secondary	Unclassed
Inclusion Area (hectares)	0	32	198	0	0	198	0
Exclusion Area (hectares)	263	273	132	67	34	31	0

## Plans and Bylaws Reviewed

CATEGORY	AREA	NUMBER
Official Community Plans <i>OCPs, updates to existing OSPs and Sub-Area Plans such as neighbourhood plans, agricultural area plans &amp; edge plans</i>	<ul style="list-style-type: none"> <li>South Peace Fringe Area Official Community Plan</li> <li>Peace River Regional District Rural Plan</li> <li>Northern Rockies Regional Municipality Official Community Plan</li> <li>Bulkley Nechako:               <ul style="list-style-type: none"> <li>Francois/Ootsa Lake OCP</li> <li>Houston Topley Landing OCP</li> </ul> </li> <li>Fraser Fort George RD: Prince George OCP</li> <li>Kitimat Stikine RD: City of Terrace OCP</li> </ul>	7
Agriculture Plans	<ul style="list-style-type: none"> <li>Bulkley Nechako Agricultural Plan</li> </ul>	1
Covenants	<ul style="list-style-type: none"> <li>Fraser Fort George Regional District : Nature Trust/Zammuto</li> </ul>	1
<b>TOTAL</b>		<b>9</b>





# Okanagan Panel

The Okanagan Panel region encompasses the Okanagan and Similkameen Valleys, the Columbia Shuswap and Princeton areas. The region includes the Central Okanagan, Columbia Shuswap (except Golden area), North Okanagan and Okanagan-Similkameen Regional Districts.

**April 1, 2011 - March 31, 2012**

## Applications Decided by Component Type

EXCLUSIONS	INCLUSIONS	NON-FARM USE	SUBDIVISION	PLACE FILL & REMOVE SOIL
10	3	24	36	2

## Area Included and Excluded and Agriculture Capability

	REFUSED	APPROVED		AGRICULTURE CAPABILITY FOR FINAL APPROVED			
		Conditional	Final	Prime	Mixed	Secondary	Unclassed
Inclusion Area (hectares)	2	0	5	0	0	5	0
Exclusion Area (hectares)	64	18	2	0	1	1	0

## Plans and Bylaws Reviewed

CATEGORY	AREA	NUMBER
Regional Growth Strategies/Official Community Plans <i>Including OCPs, updates to existing OSPs and Sub-Area Plans such as neighbourhood plans, agricultural area plans &amp; edge plans</i>	<ul style="list-style-type: none"> <li>Central Okanagan Regional District South Slopes/Tepanier OCP</li> <li>Kelowna Official Community Plan</li> <li>Upper Valleyview Area Plan</li> <li>Town of Osoyoos Agriculture Plan</li> </ul>	4
Implementing Bylaws	<ul style="list-style-type: none"> <li>District of Summerland Zoning Bylaw</li> </ul>	1
Covenants	<ul style="list-style-type: none"> <li>Twin Lakes Ranch</li> </ul>	1
TOTAL		6



## South Coast Panel

The South Coast Panel region encompasses the lower mainland region of BC from Hope and environs to the Fraser River delta and north to the Sunshine Coast and the Squamish River and Pemberton valleys. The region includes the Fraser Valley, Metro Vancouver, Squamish-Lillooet (except Lillooet area) and Sunshine Coast Regional Districts.

**April 1, 2011 - March 31, 2012**

### Applications Decided by Component Type

EXCLUSIONS	INCLUSIONS	NON-FARM USE	SUBDIVISION	PLACE FILL & REMOVE SOIL
4	4	37	38	20

### Area Included and Excluded and Agriculture Capability

	REFUSED	APPROVED		AGRICULTURE CAPABILITY FOR FINAL APPROVED			
		Conditional	Final	Prime	Mixed	Secondary	Unclassed
Inclusion Area (hectares)	0	0	39	30	9	0	0
Exclusion Area (hectares)	19	1	3	0	3	0	0

### Plans and Bylaws Reviewed

CATEGORY	AREA	NUMBER
Growth Strategies/ Official Community Plans	<ul style="list-style-type: none"> <li>Fraser Valley Regional Growth Strategy - update issues</li> <li>Metro Vancouver Regional Growth Strategy</li> <li>Richmond OCP</li> <li>Squamish OCP</li> <li>Gibsons OCP Neighbourhood Plans (2)</li> <li>Sechelt OCP</li> </ul>	7
Implementing Bylaws	<ul style="list-style-type: none"> <li>Pitt Meadows Zoning Bylaw</li> </ul>	1
Transportation Plans	<ul style="list-style-type: none"> <li>South Fraser Perimeter Road - ongoing work</li> <li>North Fraser Perimeter Road</li> <li>Port Mann / Highway 1 Project</li> </ul>	3
Parks and Recreation Plans	<ul style="list-style-type: none"> <li>Matsqui Trail Regional Park</li> </ul>	1



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Other Land Use Plans	<ul style="list-style-type: none"><li>• Bowen Island Neighbourhood Planning Study</li><li>• Maple Ridge Albion Flats Planning Study</li><li>• Pitt Meadows North Lougheed Land Use Study</li></ul>	3
Covenants	<ul style="list-style-type: none"><li>• Surrey eagle nest covenant discharge</li></ul>	1
TOTAL		16



## Compliance and Enforcement

Compliance and enforcement staff continue to work with local governments to build relationships and work jointly on compliance issues. The ALC embarked on a pilot project inspecting 50 properties within the City of Surrey, targeting unauthorized non-farm uses, such as commercial truck parking, unauthorized industrial activities, storage of non-farm related equipment and the deposition of unauthorized fill. Since the initial coordinated inspections with the newly designated officers from the Ministry of Forest, Lands and Natural Resource Operations, the ALC Compliance and Enforcement division has continued to work with the City of Surrey's Bylaw Enforcement to bring the properties into compliance.

During the 2011/12 fiscal year the ALC Compliance and Enforcement division continued to work with the Resource Management Coordination Program. The number of Natural Resource Officers (NRO) that were designated as Officials with the ALC has increased to 38 with representation from Dawson Creek and Terrace in the North, Vancouver Island and Powell River in the West, Cranbrook and Nakusp in the south-east, Vernon, Terrace and Grand Forks, in the Central and South regions of BC. By utilizing the NROs the Commission has shortened its initial response time to as little as 2 days in the most areas.

All complaints are still coordinated and received by ALC staff. The ALC has also considered the use of video conferencing and internet communication technology to provide a more efficient model of training to other NROs throughout the province.

### Statistics

#### April 2011 to March 2012 Activities of the Compliance and Enforcement Team

Inquiries	Site Inspections	Voluntary Correction of Non-compliance	Warnings Issued	Enforcement Actions Initiated	Stop Work Orders Issued	Ongoing Investigations
420	320	75	60	36	16	110



# Planning and Operational Policy

## Anaerobic Digesters

The Agricultural Land Commission continued its work related to anaerobic digester uses in the ALR. The Commission is supportive of farm based anaerobic digester (AD) systems where the primary use of Agricultural Land Reserve land is agriculture and anaerobic digestion, associated waste management and energy production are accessory uses and compatible with surrounding agricultural operations. Current ALC regulation does not include anaerobic digestion as a permitted land use and thus this use requires an application and approval of the Commission. To date, the Commission has received very few applications for this use and wishes to gain some experience with on-farm AD prior to considering regulatory change. In reviewing an application for on-farm AD, the Commission's focus is on evidence that ensures an AD is farm based and supportive of the farm where it is located, its primary purpose is not for energy production, its footprint is minimized and it is used to manage agricultural waste primarily.

The Commission is concerned with current and ever increasing pressures related to urban waste disposal (green waste) on ALR lands. It must be clear that feedstocks are not predominantly urban waste and that urban waste is not displacing the ability to dispose of agricultural waste in the ALR.

## Slaughterhouses

The Commission's current processing regulation requires that at least 50% of the product being processed on ALR land is grown on the farm. An industry group pointed out that it is very difficult to operate a viable slaughter and meat processing facility with this requirement which means all such new facilities must make a non-farm use application to the Commission or be located outside the ALR.

The Commission examined this land use activity to determine under what conditions, slaughterhouse/processing facilities can occur in the ALR along with the associated disposal of waste products from the facility without an application.

The ALC recognizes the important role that the livestock sector plays in maintaining diverse farm operations across the province. In various regions of BC, animals are raised for the sole purpose of producing meat. The slaughter of animals for meat is part of the food system and it is not uncommon for slaughter to be provided by a farm-based abattoir as a service to nearby livestock producers so that the transportation of animals is reduced.

The Commission has concerns about the size and siting of slaughter facilities in the ALR. In some cases, these services are more of an industrial scale and should be located outside the ALR. The Commission is also concerned about dealing with waste streams from the slaughter business and ensuring that certain wastes do not contaminate the soil and reduce the agricultural capability of the land. To date the Commission has not decided to move forward with regulatory or policy change on this issue.



## **Winery Lounge/Food Primary/Alcohol**

In December 2011 and February 2012 the Commission held consultation meetings regarding the sale of other types of alcohol at BC winery lounges. The current Agricultural Land Reserve Use, Subdivision and Procedure Regulation #171/2002 permits the operation of a winery lounge with food service (up to 125 sq. m in size indoors as well as outdoors) subject to conditions including that the property has a minimum 2 ha vineyard. The only alcohol permitted to be served in a winery lounge is wine produced from the farm.

As a result of the consultation the Commission had an opportunity to consider options and determine whether to amend existing ALC winery policies to facilitate the sale of alcohol products not produced on the farm. The Commission decided that the current regulatory regime for wineries located in the Agricultural Land Reserve is appropriate.

Should an established winery wish to sell other types of alcohol at its winery lounge via a food primary liquor license, a non-farm use application and approval of the Commission is required (along with applicable liquor licenses).



## Delegation Agreements

Delegation is the authorization by the ALC to a local government or an authority to act on its behalf to make use and subdivision decisions in the ALR under section 26 of the *Agricultural Land Commission Act*.

Delegation involves a primary statutory body entrusted by the legislature with the exercise of a statutory power, conferring upon another decision maker (the “Delegate”) the power to make certain decisions under the statute. As such, the decision of the Delegate is treated as if it were the decision of the original decision maker. To enter into a delegation, a body such as the ALC must have confidence that the proposed delegate is ready, willing and able to carry out the statutory mandate conferred under the enabling statute. This confidence means ensuring the proposed delegate understands and is prepared to ensure complete compliance with the statutory processes and purposes of the *ALCA*.

### Local Governments

1. Fraser-Fort George Regional District
  - In the 2011/12 the Regional District made 20 decisions under the delegated decision-making authority.
2. Regional District of East Kootenay
  - In the 2011/12 the Regional District made 4 decisions under the delegated decision-making authority.

### Oil and Gas Commission

- In 2011/12 a total of 429 oil and gas activities on ALR lands were exempted from making an application pursuant to the delegation agreement based on reporting and reclamation conditions. The OGC received 85 Schedule “B” post reclamation reports where ALR lands were no longer needed for oil and gas use. The OGC Commissioner did not make a decision on any ALC Act applications. Six investigations and 6 enforcement actions took place.



## Chair Review

The Chair's report "Review of the Agricultural Land Commission - Moving Forward: A Strategic Vision of the Agricultural Land Commission for Future Generations" was submitted to the Minister of Agriculture in November 2010. The government released the report and responded with direction in November 2011. The full report can be viewed on the ALC website <http://www.alc.gov.bc.ca/publications/Final%20Report-Nov26.pdf>.

The following is an excerpt from the report.

### Chair Summary

*In accordance with the direction provided by the Honourable Steve Thomson in his letter of July 30, 2010 over the course of a three month period I conducted a review of the Agricultural Land Commission (ALC) regarding operations, policy, regulations and legislation. The purpose of the review was to verify that the ALC is meeting its mandate while looking for ways to improve its decision making processes.*

*The resulting report is intended to be a high level document that identifies issues and outlines recommendations, but does not go into the fine details on how the recommendations could be implemented. I believe there needs to be some direction provided on these ideas prior to delving into them further. I have identified issues to be considered in order to make the recommended changes - legislation, further consultation and/or funding. A business plan is an integral part of any proposal for change and one will be developed following receipt of further direction.*

*As part of the review, an ALC review committee travelled throughout the province and met with over 300 individuals from over 60 stakeholder groups. The stakeholder meetings were invaluable and provided very useful feedback regarding the work of the ALC. It was clear that there is overwhelming support of the Agricultural Land Reserve (ALR) program and I believe this support is a sign that after almost 40 years, the relevance of the ALR is no longer in question and that the ALC is well-positioned to explore new opportunities to strengthen the ALR. However, stakeholders were almost unanimous in expressing their concern regarding the inadequacy of the ALC's funding and lack of resources to carry out its existing work, never mind explore new opportunities.*

*I recognize and accept that these are difficult economic times and that the ALC is not immune to fiscal constraints. Over the last two fiscal years the ALC has been forced to focus on processing applications with minimum or no attention being given to its other statutory obligations. This has lead to stakeholders' dissatisfaction, particularly at the local government level, because the ALC is not available to discuss local and regional matters or to deal with emerging or*





*ongoing issues such as the impact of oil and gas activities on agriculture in northeast BC.*

*The ALC's current governance structure of 19 commissioners and regional panels needs further scrutiny. From a financial standpoint, between fiscal years 2003/04 to 2008/09 the cost of operating the commission more than doubled.*

*Furthermore, the existing governance structure has given rise to 6 regional commissions with little evidence that the panels maintain any provincial focus on the agricultural land preservation program. Moreover, there is very limited or no training and education provided to new commissioner upon appointment. New appointees are required to start performing their duties without any meaningful awareness of the job, their roles as a member of an administrative tribunal or on the decision-making process. This is unfair to commissioners and a potential legal liability for the ALC as an organization.*

*I suggest consideration be given to a governance model that establishes a single decision-making body while retaining regional representation from each of the ALC's 6 administrative regions. A smaller structure will facilitate more in-depth dialogue amongst commissioners regarding planning, ALR boundary reviews and policy matters while at the same time building a cohesive team with staff. Commissioners would also receive training at a peer level as well as from external agencies such as the Justice Institute of BC and the BC Council of Administrative Tribunals.*

*Another observation is that the application process appears to be directly opposed to the objectives of the Agricultural Land Commission Act of preserving agricultural land and encouraging farming. Whether an application is for exclusion, subdivision or non-farm use, the application process fosters and perpetuates speculation to the detriment of the ALR. For example, the Act provides the opportunity for an individual to purchase prime agricultural land today and apply to remove it from the ALR the next day. Land speculation remains high after nearly 40 years and there is still a pervasive attitude among many that agricultural land is simply holding property until a "higher or better" use is identified. In addition, an inordinate amount of resources are consumed in dealing with these proposals. Refocusing the legislation away from applications and towards long range planning, ALR boundary reviews and the needs of bona fide farmers and ranchers will go a long way in addressing the continued speculation to convert agricultural land for other purposes.*

*Following my review I can confirm that the ALC is extremely challenged to meet its mandate. In my opinion, the ALC has done an admirable job despite financial constraints. After nearly 40 years, I believe the ALR should be looked upon as a solid foundation for the business of agriculture in BC. Regrettably however the foundation has suffered erosion to the land base and loss of support from bona fide farmers and ranchers - but thankfully not to a point that it is irreparable. Continued government, support and adequate funding and resources, will allow the ALC to meet its challenges.*



## PROVINCIAL AGRICULTURAL LAND COMMISSION

*As such, I am recommending that serious consideration be given to several strategic shifts to set the ALC on course for the next 40 years. They are:*

- *An ALR that has defensible boundaries;*
- *An ALR that places agriculture first;*
- *An ALC that evolves to a proactive planning organization and moves away from being reactive and focussed on applications;*
- *An ALC that places priority considerations on bona fide farmers and ranchers and issues that may impact, positively or negatively, bona fide farmers and ranchers;*
- *An ALC that builds strong alliances with farm and ranch groups and organizations to identify and cooperatively address emerging issues that may impact, positively or negatively, bona fide farmers and ranchers;*
- *An ALC that is able to respond to and enforce against improper use of ALR land; and*
- *An ALC that has up to date technology to undertake its legislated duties.*

*In order to achieve these strategic shifts, I provide the following recommendations that I believe will allow the ALC to meet its mandate to preserve agricultural land, to encourage farming, and to encourage local governments to enable and accommodate farm use in their planning.*

1. *That the ALC have sufficient funding and resources to enable it to undertake targeted reviews of ALR boundaries to ensure that the ALR is more accurate and includes land that is both capable and suitable for agricultural use;*
2. *That the work of the ALC be repositioned away from being reactive and focussed on applications, to a proactive planning model that will enable it to strengthen ties to local government land use planning, deal with emerging issues as they relate to agriculture, and undertake ALR boundary reviews;*
3. *That the “encouraging farming” aspect of the ALC’s mandate take greater prominence so that the ALC can focus its work on farmers, ranchers and the business of farming;*
4. *That the ALC have sufficient funding and resources for compliance/enforcement and that its compliance and enforcement capabilities be enhanced through legislative amendments;*
5. *That the ALC have sufficient funding and resources to enable it to fully implement its Online Application Tracking System (OATS), to digitally capture all historic information and to spatially link this information to GIS mapping;*
6. *That the commission be reconfigured to a single 7-member decision-making body that retains regional representation from each of the ALC’s 6 administrative regions and draws on the knowledge of “Farm Advisors” from each region;*
7. *That the role of Chair and Chief Executive Officer (CEO) be separated and that the CEO position be determined by the ALC and not by Order-in-Council; and*
8. *That the Homesite Severance Policy be maintained, a new policy not be adopted, and criteria developed, in association with groups such as the BC Cattlemen’s Association and other agricultural stakeholder groups, to consider subdivision proposals meant to facilitate the legitimate inter-generational family transfer of active farm and ranch operations.*



## Auditor General Report Update

The Agricultural Land Commission (ALC) had the opportunity in September 2011 to update the Auditor General on the progress to date in implementing the recommendations outlined in the September 2010, "Audit of the Agricultural Land Commission" and noted in the Commission's last annual report document. The challenges facing the commission and identified in the audit continued throughout the past fiscal year and only modest steps were taken to address the recommendations. At the time the Commission was required to update the Auditor General on its progress the Chair's report "Review of the Agricultural Land Commission - Moving Forward: A Strategic Vision of the Agricultural Land Commission for Future Generations" had not yet been released and further action on the recommendations was awaiting direction from government. Government direction was provided in November 2011 and the Commission proceeded with starting to address the recommendations late in the fiscal year.

## Government Direction & Transitional Funding

The government released the Chair's report "Review of the Agricultural Land Commission - Moving Forward: A Strategic Vision of the Agricultural Land Commission for Future Generations" and responded with direction in November 2011 <http://www.newsroom.gov.bc.ca/2011/11/province-strengthens-agricultural-land-commission.html>

Government provided the Commission with \$625,000 in transitional funding for this fiscal year and an additional \$975,000 for 2012/13.

Following the November 2011 announcement by government to improve and strengthen the operations of the ALC, the ALC Board has reviewed and supported the following initiatives and projects to enhance the Commission's ability to carry out a number of changes that will assist it in becoming even more of a proactive organization dedicated to preserving farm land and encouraging farming.

- Online Application Tracking System (OATS) database fixes and upgrades are underway. First upgrade completed and installed March 14, 2012.
- The ALC continued work on its database to improve reporting functions
- The ALC also initiated discussions regarding changes and improvements to its website design and work on an interactive self- help portal to enable users to access data, historical file information, mapping, etc. Work has been undertaken related to linking the OATS database to the ALC's digital spatial information (ALR maps, agricultural capability maps, etc.) The new web design includes a focus on electronic submission of applications and file management. A consulting firm presented preliminary plans to assess needs, address potential build, deliverable dates and cost.
- Conversion of approximately 290 paper agricultural capability maps to digital format was substantially completed this year and continues into the next fiscal year.
- Scanning historical maps containing the ALC's application history is an ongoing project that started in December 2011 and will also continue into the next fiscal.
- Five auxiliary employees were hired to work on entering the Commissions historical application data into OATS and to scan relevant file documents. Over 1,500 files are being worked on and



approximately 700 files are completed (i.e.: data entered, documents scanned and mapping confirmed) and another approximately 400 files have data entered, have been mapped and are awaiting scanning.

## Legislative Change

Government announced amendments to the *Agricultural Land Commission Act* in November 2011 <http://www.newsroom.gov.bc.ca/2011/11/changes-strengthening-agricultural-land-commission-now-law.html>

The *Act* was amended November 24, 2011 via the *Miscellaneous Statutes Amendment Act* [http://www.leg.bc.ca/39th4th/3rd\\_read/gov19-3.htm](http://www.leg.bc.ca/39th4th/3rd_read/gov19-3.htm)

Changes to the *Agricultural Land Commission Act* included the following:

- Allows for a person other than a provincial government employee to be designated as an official by the ALC CEO.
- Clarifies that a panel of the Commission has the powers, duties and functions of the Commission in respect of matters allocated to the panel by the Chair of the Commission
- Provides that a covenant that restricts the use of agricultural land for farm purposes has no effect until approved by the Commission
- Authorizes the CEO to refuse an application if specified criteria are met including if within the 5 years immediately preceding the application, a previous application was refused permission by the Commission; the previous application was made on or after November 24, 2011; the land or part of the land that is the subject of the application is the same as the land, or part of the land, that was the subject of a previous application, and the CEO considers that the application is substantially the same as the previous application.
- Provides for the executive committee to reconsider a decision made by a panel at the direction of the Commission Chair
- Authorizes a member of the Commission or an official to make an order requiring a person to produce a record or thing in the person's possession or control and authorizes the Commission to apply to the Supreme Court if a person is not complying with the order
- Provides the authority to make regulations respecting fees and information that must be submitted to the Commission



## Mapping, GIS and Data Management

Mapping/GIS staff continue to work with contractors on linking the Online Application Tracking System (OATS) database to the ALC's digital spatial information (ALR maps, agricultural capability maps, etc). Linking the GIS mapping and ALR boundary to the database will ensure that maps are amended as decisions of the Commission are made and conditions are met. It will also improve staff's ability to analyze application and Commission decision history, trends, impacts and the longer term results of Commission decisions on the land base. It will allow for tracking changes to the ALR boundary over time; from designation to present.

The digital layer of application history maps continues to undergo quality assurance checking and the digital conversion of approximately 290 Agriculture Capability maps was partially complete at year end.



**CUMULATIVE PANEL STATISTICS – Apr 1, 2011-Mar 31, 2012**

**Applications Decided by Component Type**

PANEL REGION	EXCLUSION	INCLUSION	NON FARM USE	SUBDIVISION	PLACE FILL & REMOVE SOIL
Interior	11	4	12	22	3
Island	4	4	12	24	2
Kootenay	12	3	14	41	1
North	17	5	40	61	3
Okanagan	10	3	24	36	2
South Coast	4	4	37	38	20
<b>TOTAL</b>	<b>58</b>	<b>23</b>	<b>139</b>	<b>222</b>	<b>31</b>

**Approved Area Included and Excluded and Net Change 2011/12 (Hectares)**

PANEL REGION	INCLUSION	EXCLUSION	Net Change
	Approved	Approved	
Interior	37	25	12
Island	395	1	394
Kootenay	17	466	-449
North	198	132	66
Okanagan	5	2	3
South Coast	39	3	36
<b>TOTAL</b>	<b>691</b>	<b>629</b>	<b>62</b>

**Conditionally Approved Area Included and Excluded 2011/12 (Hectares)**

PANEL REGION	INCLUSION	EXCLUSION
	Approved	Approved
Interior	0	31
Island	5	6
Kootenay	3	0
North	32	273
Okanagan	0	18
South Coast	0	1
<b>TOTAL</b>	<b>40</b>	<b>329</b>

Note: No change to the ALR until all conditions related to the approval are completed



**Agriculture Capability of Areas Approved for Inclusion in the ALR 2011/12 (Hectares)**

<b>PANEL REGION</b>	<b>Area Included</b>	<b>Prime</b>	<b>Mixed</b>	<b>Secondary</b>	<b>Unclassed</b>
Interior	37	32	0	5	0
Island	395	0	1	394	0
Kootenay	17	17	0	0	0
North	198	0	0	198	0
Okanagan	5	0	0	5	0
South Coast	39	30	9	0	0
<b>TOTAL</b>	<b>691</b>	<b>79</b>	<b>10</b>	<b>602</b>	<b>0</b>

**Agriculture Capability of Area Approved for Exclusion from the ALR 2011/12 (Hectares)**

<b>PANEL REGION</b>	<b>Area Excluded</b>	<b>Prime</b>	<b>Mixed</b>	<b>Secondary</b>	<b>Unclassed</b>
Interior	25	4	21	0	0
Island	1	1	0	0	0
Kootenay	466	110	342	14	0
North	132	67	34	31	0
Okanagan	2	0	1	1	0
South Coast	3	0	3	0	0
<b>TOTAL</b>	<b>629</b>	<b>182</b>	<b>401</b>	<b>46</b>	<b>0</b>



**Plans and Bylaws Reviewed Summary 2011/12**

	INTERIOR	ISLAND	KOOTENAY	NORTH	OKANAGAN	SOUTH COAST
Growth Strategies/Official Community Plans	5	8	3	7	4	7
Implementing Bylaws	0	1	1	0	1	1
Transportation Plans	0	0	0	0	0	3
Agriculture Area Plans	0	5	1	1	0	0
Parks and Recreation Plans	0	0	0	0	0	1
Other Land Use Plans	0	0	0	0	0	3
Covenants				1	1	1
<b>TOTAL</b>	<b>5</b>	<b>14</b>	<b>5</b>	<b>9</b>	<b>6</b>	<b>16</b>

**New Applications Received Previous Five Years**

	2007/08	2008/09	2009/10	2010/11	2011/12
Number of Applications Received	666	598	591	540	448

This table reflects only new applications received by the Commission. It does not reflect workload as the following work is not accounted for: application reconsiderations, land use planning, notices of intent for placement of fill and soil removal and compliance and enforcement.





**Table 1: Area Included & Excluded Calendar Year**

Year	INCLUSIONS	EXCLUSIONS	Net Figure	Current ALR
1974	0	628	-628	4,716,891
1975	2,561	3,193	-632	4,716,259
1976	517	2,365	-1,848	4,714,411
1977	4,300	18,924	-14,624	4,699,787
1978	19,141	10,524	8,617	4,708,403
1979	3,252	9,758	-6,507	4,701,897
1980	242	6,131	-5,889	4,696,008
1981	1,275	16,474	-15,199	4,680,809
1982	3,634	6,212	-2,578	4,678,231
1983	6,233	4,228	2,005	4,680,235
1984	7,545	5,047	2,498	4,682,733
1985	19,440	9,229	10,211	4,692,944
1986	1,807	4,662	-2,855	4,690,089
1987	5,152	2,868	2,283	4,692,373
1988	6,714	1,238	5,476	4,697,848
1989	947	1,180	-233	4,697,615
1990	10,802	2,195	8,607	4,706,222
1991	768	2,075	-1,306	4,704,916
1992	3	1,081	-1,078	4,703,838
1993	5,843	823	5,020	4,708,859
1994	2,877	1,642	1,235	4,710,094
1995	1,095	1,171	-75	4,710,018
1996	1,868	1,574	294	4,710,312
1997	869	5,252	-4,383	4,705,930
1998	678	2,861	-2,184	4,703,746
1999	1,961	1,864	97	4,703,843
2000	23,219	5,797	17,422	4,721,265
2001	973	553	420	4,721,686
2002	41,792	1,516	40,276	4,761,961
2003	428	746	-318	4,761,643
2004	1,559	1,497	62	4,761,705
2005	1,670	2,207	-537	4,761,168
2006	977	548	429	4,761,597
2007	1,268	1,442	-174	4,761,423
2008	833	1,461	-628	4,760,795
2009	1,384	2,115	-731	4,760,064
				GIS ALR Area
2010	658	364	295	4,623,700
2011	682	632	50	4,623,416
<b>Total</b>	<b>184,966</b>	<b>142,075</b>	<b>42,891</b>	

- Note: (1) All figures between 1974 to 2009 include both final decided and conditionally approved decisions.  
 (2) Figures from 2009 forward include only Final Decisions.  
 (3) The Current ALR area commencing in 2010 has been revised based on GIS calculation.  
 (4) All figures are cumulative and in hectares.



**Table 2: Area Included & Excluded by Regional District by Fiscal Year**

Regional District	Area at Designation	Inclusion 1974-2009 Q1	Exclusion 1974-2009 Q1	Inclusion April 1, 2009- March 31, 2012	Exclusion April 1, 2009 – March 31, 2012	GIS ALR Area April 1, 2012
Alberni-Clayoquot	7,935	808	1,041	0	0	7,768
Bulkley-Nechako	297,611	70,798	2,172	288	82	373,261
Capital	19,595	289	2,819	5	3	16,382
Cariboo	925,506	18,594	18,439	303	32	936,244
Central Coast	4,453	53	65	0	0	4,624
Central Kootenay	71,539	803	8,417	25	435	63,116
Central Okanagan	33,077	210	7,207	29	5	27,254
Columbia Shuswap	67,409	1,375	17,935	40	6	54,578
Comox Valley	----	----	----	499	127	23,432
Comox-Strathcona*	43,725	5,259	8,101	----	----	----
Cowichan Valley	21,984	420	4,683	51	1	19,051
East Kootenay	272,510	346	7,466	0	725	265,897
Fraser-Fort George	349,636	43,507	12,301	171	196	390,796
Fraser Valley	76,803	415	5,394	56	8	71,675
Kitimat-Stikine	64,170	3,146	838	4	0	66,010
Kootenay Boundary	55,061	356	1,973	17	9	54,154
Metro Vancouver	66,839	233	6,180	8	401	60,929
Mount Waddington	1,741	17	120	0	0	2,027
Nanaimo	21,053	1,880	4,470	27	2	18,729
North Okanagan	70,283	1,555	5,946	13	773	68,899
Northern Rockies	45,554	603	1,113	0	0	48,528
Okanagan-Similkameen	86,478	2,196	4,917	38	10	84,072
Peace River	1,453,434	26,673	2,648	76	335	1,288,967
Powell River	14,130	502	5,086	0	0	9,699
Skeena-Queen Charlotte	43,887	80	187	0	0	43,196
Squamish-Lillooet	27,126	939	2,923	0	0	25,349
Strathcona	----	----	----	94	0	19,137
Sunshine Coast	6,275	27	2,251	0	5	3,971
Thompson-Nicola	568,705	2,134	4,292	43	29	574,380
<b>Total</b>	<b>4,716,516</b>	<b>183,214</b>	<b>138,982</b>	<b>1,787</b>	<b>3,184</b>	<b>4,623,237</b>

- Note: (1) All figures between 1974 to March 31, 2009 include both final and conditionally approved decisions.  
 (2) Figures from 2009 forward include only Final Decisions.  
 (3) All figures are cumulative and in hectares.  
 (4) Totals may not add up due to rounding of figures.  
 (5) \*Split to form Comox Valley and Strathcona Regional Districts in 2008



## Table 3: Inclusions & Exclusion from the ALR by Regional District 2011/12

Regional District	Inclusions	Exclusions
Alberni Clayoquot	0.0	0.0
Bulkley Nechako	64.1	0.0
Capital	2.6	0.0
Cariboo	0.4	15.5
Central Coast	0.0	0.0
Central Kootenay	0.0	32.9
Central Okanagan	0.0	0.0
Columbia Shuswap	0.0	0.0
Comox Valley	392.6	0.0
Cowichan Valley	0.0	1.3
East Kootenay	0.0	432.8
Fraser Fort George	126.6	33.9
Fraser Valley	39.3	0.2
Metro Vancouver	0.0	2.8
Kitimat Stikine	0.0	0.0
Kootenay Boundary	17.0	0.0
Mount Waddington	0.0	0.0
Nanaimo	0.0	0.0
North Okanagan	5.2	1.0
Northern Rockies	0.0	0.0
Okanagan Similkameen	0.0	0.8
Peace River	7.5	97.9
Powell River	0.0	0.0
Skeena-Queen Charlotte	0.0	0.0
Squamish Lillooet	0.0	0.0
Strathcona	0.0	0.0
Sunshine Coast	0.0	0.0
Thompson Nicola	36.9	9.5
<b>Total</b>	<b>691</b>	<b>629</b>

Note: (1) Final approved decisions (not conditional approvals).  
(2) All figures in hectares.



## 2011/12 Financial Report

DESCRIPTION	2011/12 Budget April 1, 2011	Transitional Funding	Total Budget	2011/12 Actual March 31, 2012
SALARIES	1,245,000	18,000	1,263,000	1,213,822
BENEFITS	286,000	4,000	290,000	271,046
COMMISSION	191,000	143,000	334,000	318,439
STAFF TRAVEL	42,000	0	42,000	55,728
PROF SERVICES CONTRACTS	10,000	128,000	138,000	61,914
LEGAL CONTRACTS	64,000	177,000	241,000	217,468
INFO SYSTEMS	67,000	75,000	142,000	126,106
OFFICE SUPPLIES & BUSSINESS EXP	40,000	0	40,000	36,281
STAT ADVERTISING	9,000	0	9,000	0
UTILITIES & MATERIALS	1,000	0	1,000	878
VEHICLES	18,000	80,000	98,000	6,693
AMMORT	4,000	0	4,000	0
BOC				4,310
Other Expenses	-3,000	0	-3,000	287
<b>TOTAL BUDGET</b>	<b>1,974,000</b>	<b>625,000</b>	<b>2,599,000</b>	<b>2,312,972</b> <b>(286,028)</b>



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