



Land Reserve Commission

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Working Farms,
Working Forests

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I. ISSUE:

[*Agricultural Land Commission Act, Bill 21 — 2002*](#)

This bill was introduced to the legislature on April 15th, 2002 for first reading and passed third reading on May 14th, 2002. The legislation and accompanying regulation are expected to be brought into force by regulation in September 2002.

II. CHANGES:

Bill 21 is a new piece of legislation which combines some provisions from three existing acts: *Land Reserve Commission Act*, *Agricultural Land Reserve Act* and *Soil Conservation Act*. It introduces a number of new provisions to implement government direction for the Commission, that is, to make the Commission "more regionally responsive to community needs". Bill 21 includes consequential amendments to the *Forest Land Reserve Act* to remove the land use regulatory provisions for Forest Land Reserve land and to retain the Commission's authority to regulate forest practices on private FLR/ALR managed forest lands.

III. WHY:

Core Review direction confirmed that the Agricultural Land Reserve program to protect agricultural land serves a compelling public interest and should be maintained. Government directed several changes to make the Commission operations more effective and efficient. These included: restructuring of the Commission to six panels (from three panels) based on six regions; a collaborative model with increased focus on delegation to local governments and authorities; deregulation, streamlining and more results-based processes.

Core Review decided that the Forest Land Reserve was not the appropriate tool to protect the working forest land base and that other models should be developed. It directed the Commission to eliminate the Forest Land Reserve over one year with the immediate elimination of the land use regulatory and recapture charge provisions and the transition of the private land forest practices regulation to another model, possibly a public/private partnership, within one year (by April 2003).

IV. HOW:

The new legislation was passed in the current spring session and will be brought into force by regulation, anticipated to become effective in September. A revised "ALR Use, Subdivision and Procedure Regulation" is expected to be passed by Order-in-Council (Cabinet decision) this spring and brought into force at the same time as the legislation.

V. LOCAL GOVERNMENT IMPLICATIONS:

The new legislation will provide local governments and the Commission with additional tools to collaborate in protecting farmland and planning for agriculture. These include the re-structuring of the Commission to six panels which meet and make decisions in their respective regions and meet on a more regular basis with councils and boards. A new voluntary dispute resolution process is provided where the Commission and a local government disagree on a community issue. A new results-based process is provided to regulate soil removal and placement of fill in the reserve. New enforcement and compliance powers are provided to the Commission and those local governments with delegated decision authority to enforce decisions and provisions of the Act.

The new use, subdivision and procedure regulations will clarify permitted farm and non farm uses in the reserve and those uses which local

governments may regulate but not prohibit. The regulations will streamline procedures, make the regulatory framework more transparent and reduce overall regulatory requirements. The new regulation will be forwarded to local governments following passage by Cabinet, which is expected within a month. A 90 day period between passage of the regulations and their enactment and also enactment of the *Agricultural Land Commission Act*, will provide local governments with time to examine their regulatory framework for ALR lands in their jurisdiction and consider whether adjustments are necessary.

VI. PROCESS:

The new legislation resulted from government direction through Core Review. A more regionally based Commission structure and regulatory streamlining are consistent with the direction adopted by the Commission in its Strategic Plan 2000, which involved extensive consultation with local governments and other stakeholders. The revised regulations also reflect this direction and the draft regulations have been under review with local government representatives since early 2001.

[See clause by clause summary of the proposed legislation.](#)

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