

Land Reserve Commission



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Working Farms,
Working Forests

July 10, 2002

Information Bulletin #5

I. ISSUE:

Adoption of a new "Agricultural Land Reserve Use, Subdivision and Procedure Regulation" under the *Agricultural Land Commission Act, 2002*, c. 36 and bringing the new Act into force.

II. CHANGES:

This bulletin discusses the new "Agricultural Land Reserve Use, Subdivision and Procedure Regulation" which replaces all existing regulations under the *Agricultural Land Reserve Act* and *Soil Conservation Act* and becomes law on November 1, 2002. Cabinet passed Regulation #171/2002 on July 3, 2002 which brings the *Agricultural Land Commission Act, 2002*, and this Regulation into force on November 1, 2002.

III. WHY:

Government's Core Review and Deregulation Task Force directed the Commission to implement three strategic shifts to improve the land reserve system in British Columbia. The first two shifts have been discussed in earlier bulletins. The third shift was to streamline and deregulate requirements and procedures for management of the Agricultural Land Reserve. This is also part of government's new era commitment and the initiative of the Minister of Deregulation to reduce regulatory requirements across government by one third.

IV. HOW:

The new regulation under the *Agricultural Land Commission Act, 2002* replaces five existing regulations under current legislation which will be repealed with passage of the new Act. The Commission, following implementation of its Strategic Plan 2000, started a process in early 2001 to amend its regulations to simplify and clarify permitted uses in the Reserve and procedures for applications. Changes to the Act and new direction from government flowing from Core Review in January 2002 have necessitated further changes to the regulations. The Commission consulted, over the past year and a half, an advisory group of expert local government planners from across the province to advise on the draft regulations.

V. LOCAL GOVERNMENT IMPLICATIONS:

- The regulation elevates uses now permitted under Commission policy (general orders) to the regulation for better transparency
- The regulation adds as permitted uses those uses historically permitted by the Commission under application, including some new activities such as agri-tourism
- By expanding some permitted uses in the Reserve, the regulation expands economic opportunity for farmers and landowners in the Reserve
- The regulation clarifies those permitted farm uses which a local government may regulate but not prohibit
- The regulation clarifies those permitted uses in the Reserve that a local government may prohibit by bylaw (where a bylaw is in place)
- The regulation clarifies and broadens permitted roads, railways and utilities permitted in the Reserve
- The regulation clarifies that the application of specified soil amendments, compost and bio-solids in compliance with regulations under the *Waste Management Act* is permitted
- The regulation clarifies that the production of specified compost (from both agricultural and non-agricultural wastes) on a farm for farm purposes is permitted
- The regulation provides for transportation and utility use applications to be filed directly with the Commission (streamlining)
- The Act and regulation establish a results-based process based on notification for soil removal and fill, eliminating what are currently applications under the *Soil Conservation Act* and permits issued by local government
- New enforcement powers (in Act) and procedures for administrative

- appeals of enforcement orders and penalties imposed by chief officer
- The enforcement powers of the Act and the procedures for imposing penalties with regard to contraventions under the Act (for ALR areas under delegation), and procedures for administrative appeals to penalties and enforcement orders apply to local governments with a voluntary delegation agreement with the Commission under Section 26 of the Act

VI. PROCESS:

The effective date for the *Agricultural Land Commission Act, 2002*, and the "Agricultural Land Reserve Use, Subdivision and Procedure Regulation" is November 1, 2002. The Commission regional panels will meet with some local governments over the summer and will discuss the proposed regulations at these meetings. Commission staff will also be available to meet with local government staff, if requested. In addition, the Commission is planning to hold day long local government seminars in January 2003 to review the regulations and statutory changes in detail.

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

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