

A GUIDE TO THE AGRICULTURAL LAND RESERVE (ALR) APPLICATION PROCESS

What is the Agricultural Land Reserve (ALR)?

If your property is within the ALR, it means that it is subject to the provincial *Agricultural Land Commission Act*. The ALR was established to preserve agricultural land for present and future generations and to encourage the establishment and maintenance of farms as a secure source of food. The ALR is like a provincial “zone” in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural use is regulated.

What is it for?

The Agricultural Land Commission has a mandate to maintain a permanent farmland reserve. A guiding principle is that if the ALR is to be maintained in the long term, it must be protected from encroachment of non-farm uses and subdivisions or by deleting land from the ALR. In making a decision on an application, the Commission and the regional district will examine a number of factors relevant to the application and weigh the likely impact of the proposal against the long-term goal of preserving agricultural land.

When do I need to make an application to the ALR?

If you wish to subdivide your land or use your land for non-farm purposes (which includes additional dwelling units) or to exclude your land from the ALR, you must submit an application to the Agricultural Land Commission through the regional district. How do I make an application? The types of applications made through the local government for property owners are: to include or exclude land, to subdivide land or to use land in the ALR for non-farm purposes.

How do I apply?

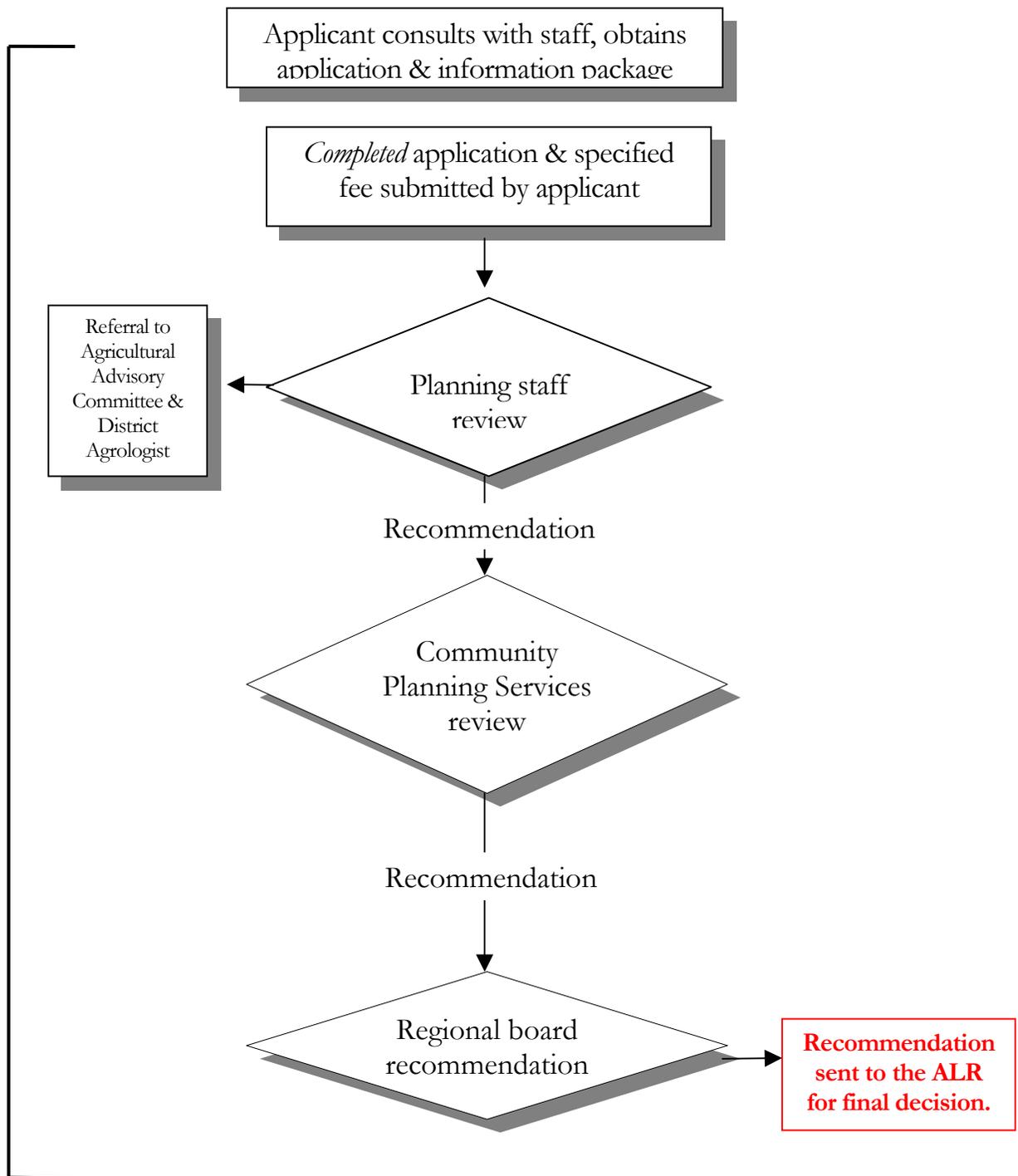
An [ALR application](#) can be obtained from community planning services at the regional district office, from our website at www.comoxvalleyrd.ca or from the Agricultural Land Reserve website at www.alc.gov.bc.ca. You are encouraged to obtain further details and advice from planning staff when making an application.

For more information contact:

Community Planning Services
Comox Valley Regional District
600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 • Toll free: 1-800-331-6007 • Fax: 250-334-8156
Office hours: Monday – Friday 8:00 am – 4:30 pm (except statutory holidays)

Agricultural Land Reserve Application Process

Allow approximately 3 to 4 months for processing





APPLICANT INFORMATION PACKAGE

for exclusion, inclusion, subdivision or non-farm use applications under the Agricultural Land Commission Act

TOPICS

What type of application can I make?

How do I make an application?

Are there requirements for notice of my application?

How does the Commission make a decision?

What is agricultural land?

Can my application be reconsidered or appealed if it is refused?

Sample sketch

Appendix - Forms for Notice of Application

Provincial Agricultural Land Commission
133 - 4940 Canada Way
Burnaby, BC V5G 4K6
Telephone: (604) 660-7000 Fax: (604) 660-7033
www.alc.gov.bc.ca



Applicant Information Package

What Type Of Application Can I Make?

There are four types of applications that a land owner may choose to make. They are:

1. Include land into the Agricultural Land Reserve (ALR) (*Section 17(3) of the ALCA*)
There is no application fee.
2. Exclude land from the ALR (*Section 30(1) of the ALCA*)
The application fee is \$600.00.
3. Subdivide land within the ALR (*Section 20(2) of ALCA*)
The application fee is \$600.00.
4. Use land in the ALR for non-farm purposes (*Section 20(3) of ALCA*)
The application fee is \$600.00.

All four types of applications require the land owner to complete an **Application by Land Owner** form. Note: For non-farm use applications involving placement of fill or removal of soil, the land owner must complete an **Application for Non-farm Use to Place Fill or Remove Soil** form.

How Do I Make An Application?

STEP 1 *Plan Your Application*

Make an inquiry to your local government (*i.e.*, Municipality, Regional District, or Islands Trust) to:

- identify local government policies on agricultural land preservation and other regulations and policies relevant to your proposal
- inquire if other approvals may be also be required
- decide on the type of application you wish to make:
- identify if there are requirements for publicizing a notice of your application
- obtain the maps of your property required for the application.

STEP 2 *Complete Your Application Form*

Complete the **Application by Land Owner** following the instructions on the form.

- Refer to the **“Applicant’s Information Package”** for helpful information, particularly the sample sketch and the factors the Commission considers in making its decision.

Ensure required documents are attached:

- Certificate of Title
- map or sketch showing the details requested on the application form
- proof you have completed the notice of your application (if required)
(Refer to the *Applicant’s Information Package* for information on the notice requirements under the heading “Are There Requirements For Notice Of My Application?”)
- agent authorization (if using an agent).



Applicant Information Package

STEP 3 Submit Your Application

Send the completed application, additional documents and fee:

- to the local government office (fee payable to the local government).

STEP 4 The Local Government Considers Your Application

The Local Government receives your application and:

- ensures your application is complete and all documents are included
- completes a local government report
- may refer your application to various committees
- may hold a public information meeting
- must refer your application to its Board or Council for recommendations and comments
- if the land is zoned for agriculture or farm use, or if your proposal requires a bylaw amendment, the Board or Council decides whether to allow your application to proceed to the Commission. If authorization is not granted, your application proceeds no further and the local government returns a portion of the application fee to you.
- if authorization is granted, the application process continues.

STEP 5 The Commission Makes A Decision On Your Application

The Commission receives your application and:

- assigns a file # to your application
- sends a letter to you which acknowledges receipt, identifies the staff person handling your file, and estimates the approximate time for a decision (A copy is sent to the local government.)
- prepares a Summary Report and forwards a copy for your review
- holds a meeting, if you are applying for exclusion, to allow you to present your proposal
- may hold a meeting if your are applying for inclusion, subdivision or non-farm use.
- may view your property
- may refer your application to various agencies for comments and recommendations
- decides on your application and advises you in writing of the decision. (A copy is sent to the local government.) It is the policy of the Commission not to communicate decisions verbally in advance of issuing the written decision.

Note: If your application is successful, approval of the local government and other authorities may also be necessary. Approval of the Commission does not imply that other approvals or permits will be granted.

Are There Requirements For Notice Of My Application?

If you are applying to **exclude** land from the ALR (under section 30(1) of the *Agricultural Land Commission Act*), you are required to provide notice of your application to the public. (See Sections 15 & 16 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.)

As the applicant, you are responsible for ensuring the notice requirements are fulfilled prior to filing your application with the local government and for all costs arising from providing the notice. The following information outlines the steps to take in providing notice of your application.

1. Advertise the application.

- Your application must be advertised on two separate occasions not less than 7 or more than 14 days apart, in a newspaper in general circulation in the municipality or regional district where the property under application is located.
- The wording of the notice must be as specified in the Regulations. (*Refer to the form in the Appendix.*)

2. Serve a signed copy of the application and the notice to all registered owners of land in the ALR that share a common boundary with the property under application, including owners of property separated by a public road.

Remember, it is the registered owner of the property that must be served the notice and this may not necessarily be the occupant. Your local government office may be able to help you determine who the registered owners are that must be served notice of your application.

3. Post a sign on the land.

- The sign must display enlarged copies of the notice and the application covering a minimum area of 60 cm x 120 cm.
- The wording of the notice is to be the same as the newspaper advertisement notice.
- The sign must be placed at the midpoint of the property along a public road, so that it is visible from the road and so that vegetation does not hide it from view.

The purpose of the sign is to identify the property so that any person reading the notice in the newspaper or any person served a notice of your application can confirm the location.

4. Publish, post and serve the notice at least 14 days prior to the local government acting on the application.

5. Submit proof that you have met the notice requirements by including with your application:

- an original copy of each notice advertisement in the local newspaper with the date of publication clearly noted,
- a signed statement declaring the names and addresses of the adjacent property owners served, the date of service and the method of service (*refer to the form in the Appendix*), and
- a photograph which clearly shows the sign posted on the property.

6. Forward any responses that you may receive on your application to the local government as soon as they are received so that this information may be considered with your application.

The notice specifies that comments are to be forwarded to the local government office but in the event that you receive any comments, you must send them on to the local government office.

How Does The Commission Make A Decision?

This information is to help applicants view their proposals through the eyes of the Commission.

What Is the ALR?

The Agricultural Land Reserve can be thought of as a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are controlled.

The ALR includes private and public lands that may be farmed, forested, or vacant land. Some ALR blocks cover thousands of hectares, while others are small pockets of only a few hectares.

In total, the ALR comprises those lands within the province that have the potential for agricultural production.

The Commission has a mandate to maintain a permanent farm land reserve. A guiding principle is that if the Agriculture Land Reserve is to be maintained in the long term, it cannot be endlessly eroded by encroachment of non-farm uses and subdivisions or by deleting land from the ALR.

In making a decision on an application, the Commission must consider a number of interrelated factors. It reviews the variables that it considers relevant to the application and weighs the likely impact of the proposal against the long-term goal of preserving agricultural land. The Commission begins by looking at the specific property and proposal. It then looks at the proposal in relation to surrounding lands, related agricultural concerns, and community planning objectives. Finally, the picture is broadened further to consider the provincial interest.

THE LAND RESOURCE

In arriving at its decision, the Commission considers the agricultural potential of the parcel and the agricultural potential of surrounding lands.

One measure of agricultural potential is the Canada Land Inventory Agricultural Capability rating system, which is based on the range of crops that can be grown. Other parameters of agricultural potential are suitability for specific crops, productivity, and homogeneity or integrity of the farming community, both present and future. (*For further information on the agriculture capability rating system, see the Commission's pamphlet entitled "What is Agricultural Land?"*)

RELATED AGRICULTURAL CONCERNS

Will the proposal benefit agriculture?

Is the proposed use supportive of agriculture or in conflict with it?

Will the proposal permanently damage the physical capability of the land for agricultural use?

How do the existing and proposed parcel sizes relate to the type of agriculture in the area?

Are there physical restrictions that significantly interfere with farm use of the property?



Applicant Information Package

What effect or impact would the proposal have on existing or potential agricultural use of surrounding lands?

- Would the proposal create conflicts in terms of noise, dust, odours, trespass, etc.?
- Would the proposal generate demand for urban-type services such as sewer and water?
- Would the proposal necessitate construction of new roads or widening of existing roads?
- Would the proposal raise expectations for similar approvals on surrounding lands?

Does the proposal include any measures to reduce potential impact on surrounding lands?

Can the proposal be modified or should conditions be imposed to reduce potential negative impacts?

AREA CONCERNS

How do surrounding uses and parcel sizes affect use of the property for farm purposes?

Does the proposal meet the regional and community planning objectives for the area? For example, will the proposal require a change to the present zoning or the Official Community Plan?

Given a documented need for the proposal, can it be accommodated outside the ALR?

Are there land use issues the Commission could address to encourage or improve the agricultural use of the land or area?

What are the recommendations of the local government, advisory committees and other stakeholders?

Has funding been provided to improve the agricultural infrastructure in the area?

OTHER CONSIDERATIONS

The Commission's decisions are oriented towards maintaining a permanent farm land reserve. The following factors, while carefully considered, will not necessarily determine the outcome of an application:

- present use
- local government zoning and land use bylaws
- existing parcel size
- personal circumstances.

For instance, a 2-hectare parcel that is not providing a full-time farm income does not, for that reason alone, qualify for exclusion or non-farm use or subdivision. Similarly, while an applicant may propose to subdivide land to a parcel size permitted by local zoning, the Commission may feel that the size restricts agricultural options and, consequently, the long-term preservation of agricultural lands. In other instances, the Commission must weigh an applicant's personal circumstances such as estate settlements, desires to subdivide parcels for children and other similar desires against its legislated responsibility to preserve agricultural land.

The Commission does not consider current market conditions to be a determining factor in its decisions.

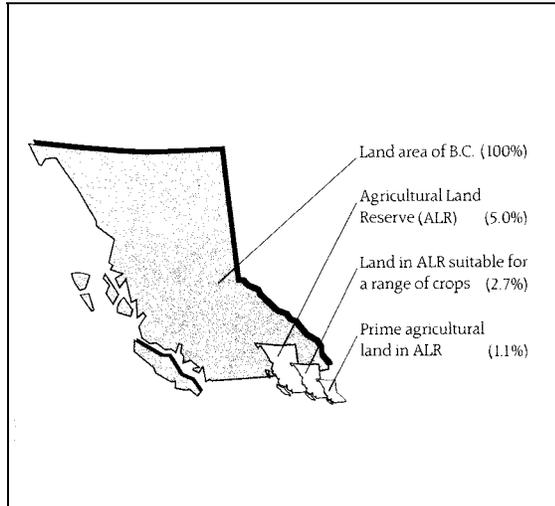
PROVINCIAL INTEREST

Does the proposal comply with the goals of the *Agricultural Land Commission Act*?

*The goal of the Agricultural Land Commission is:
to preserve British Columbia's agricultural lands for present and future use; and
to encourage the establishment and maintenance of B.C.'s farms and farming community.*

What Is Agricultural Land?

Less than 5% of our province is suitable for farming. Some of the best agricultural lands are in narrow valley bottoms, where they must compete with other uses, such as housing, industry, transportation, recreation, and wildlife habitat. Agricultural Land Reserves preserve BC's limited amount of farmland to insure that we can meet our present and future food needs.



One measure of agricultural potential is the Land Capability Classification System for Agriculture in British Columbia. Where this mapping is not available, the Commission will use the Canada Land Inventory (CLI) mapping. Both systems identify land according to its potential and limitations for agriculture using a rating system of Class 1 to 7.

The classification systems are based on climate and soil characteristics as well as on consideration of topography, drainage, and other landscape characteristics but are not based on the current use of the land.

The best agricultural lands are rated Class 1 because they have the ideal climate and soil to allow a farmer to grow the widest range of crops. Class 7 is considered non-arable, with no potential for soil bound agriculture. As the class numbers increase from Class 1 to Class 7, the range of crops decreases. Associated with each class is a subclass that describes limitations such as topography, stoniness, soil moisture deficiency, low fertility, etc.

However, the ratings give no indication of the yield of individual crops. For example, for a particular crop, some Class 4 lands may produce higher yields than Class 3 or 2 but the range of crops for Class 4 is narrower than for Class 3 or 2. Similarly, a higher-numbered class does not necessarily mean lower quality agricultural land. Some of these lands are highly suitable for specialty crops. For instance, some blueberry and cranberry lands in Richmond are rated Class 5 but represent unique soils that are highly prized for blueberries and cranberries. The forage lands in west-central BC, which are an integral part of beef farming in that area, are Class 5. In the southern interior, the natural grasslands, unique in North America, are rated as Class 6, but are important to the ranching industry.

Thus, the Commission looks not only at the agriculture capability ratings but also may take into account factors related to productivity, yield, suitability, etc.



Applicant Information Package

The land capability classification for agriculture has two main components; the capability class and the capability subclass. The *class* identifies potential for agriculture. The *subclass* identifies limitations or special management practices needed to improve the soil.

AGRICULTURE CAPABILITY CLASSES

Class 1 land is capable of producing the very widest range of crops. Soil and climate conditions are optimum, resulting in easy management.

Class 2 land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 3 land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 6 land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

Class 7 land has no capability for soil bound agriculture.

AGRICULTURE CAPABILITY SUBCLASSES

A & M	soil moisture deficiency	N	salinity
C	adverse climate	P	stoniness
D	undesirable soil structure	R	shallow soil / bedrock outcroppings
E	erosion	T	topography
F	low fertility	S & X	cumulative and minor adverse characteristics
I	inundation (flooding by streams, etc.)		

The land capability classification usually gives land two ratings: unimproved and improved. *Unimproved* ratings describe the land in its native condition without any improvements to the soil. *Improved* ratings indicate the land's potential once the appropriate management practice identified by the subclass, such as irrigation, stone removal or drainage, has been implemented.

Can My Application Be Reconsidered Or Appealed If It Is Refused?

Reconsideration of an Application

A person may request that an application be reconsidered:

- if there is new information not previously considered by the Commission, or
- if the decision was based on information that was in error or false.

Any person affected by the decision (i.e., not necessarily the applicant) may request reconsideration of an application.

A request for reconsideration and the reasons must be made in writing.

The Commission, on its own initiative, may also reconsider a decision if there is new information not previously considered or if the information was in error or false .

The Commission must notify any person it considers affected by its decision to reconsider an application.

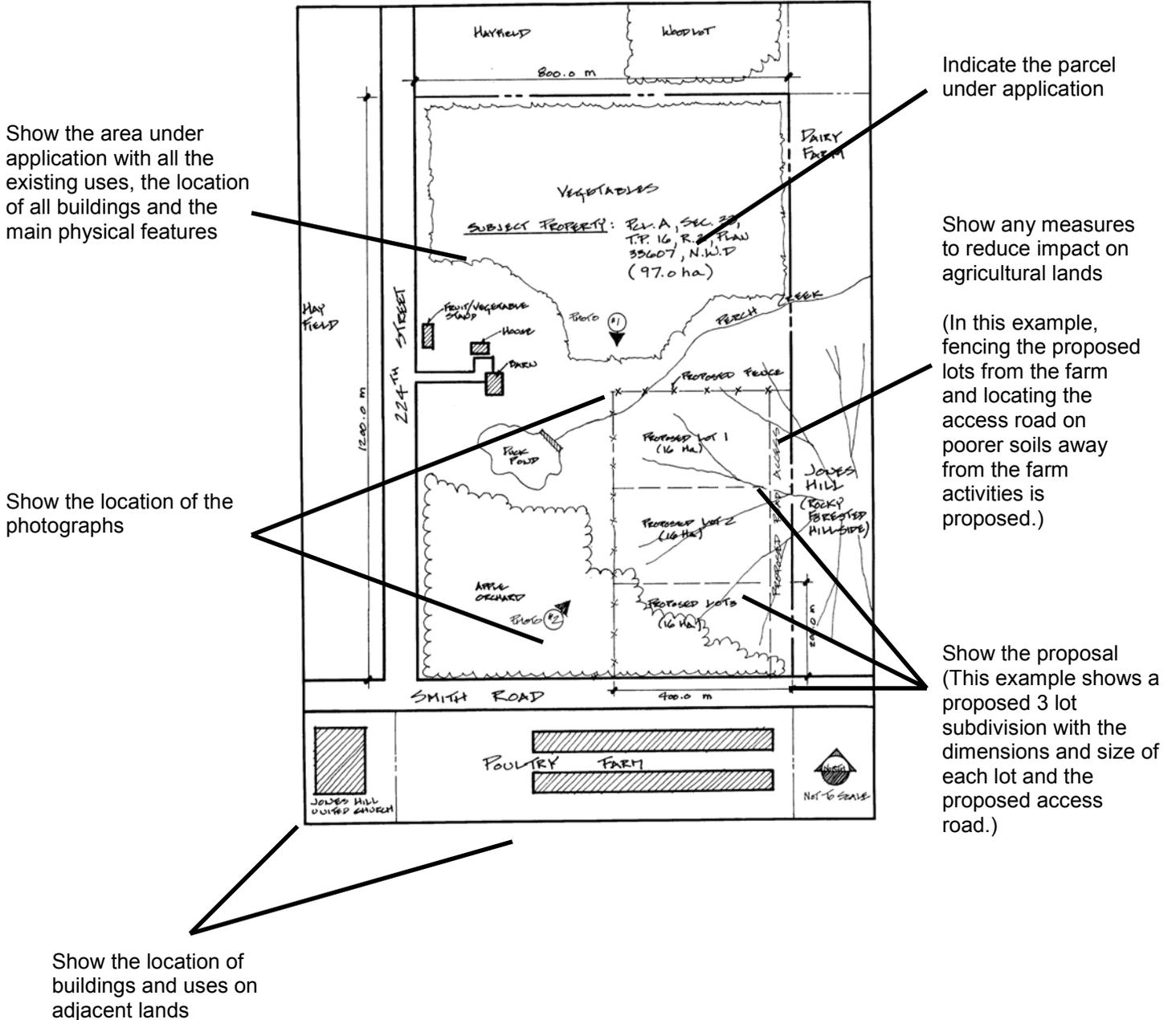
Appeal Provisions

There are no appeal provisions except on a question of law or excess of jurisdiction to the Supreme Court.

The remedies of the *Judicial Review Procedures Act* apply to all applications.

SAMPLE SKETCH

You must submit a plan or sketch with your application showing specific information. The sketch may be drawn freehand by yourself or drawn by a professional but in either case it must show all of the information requested on the application form.





NOTICE OF EXCLUSION APPLICATION REGARDING LAND IN THE AGRICULTURAL LAND RESERVE

I,(full name, or names, of registered owner)

of(mailing address)

intend on making an application pursuant to Section 30(1) of the *Agricultural Land Commission Act* to exclude from the **Agricultural Land Reserve** the following property which is legally described as,

.....(legal description from the title certificate)

and located at(street address if applicable).

Any person wishing to express an interest in the application may do so by forwarding their comments in

writing to,

..... (name and mailing address of the local government)

by, (14 days from the date of first publication)



Appendix - Applicant Information Package

PROOF OF SERVING NOTICE

AS REQUIRED BY SECTION 16 OF THE AGRICULTURAL LAND RESERVE USE, SUBDIVISION AND PROCEDURE REGULATION

I (full name of declarant)
of (mailing address)
do solemnly declare that a copy of the notice of application and a copy of the signed application as required by Section 16 of the Agricultural Land Reserve Procedure Regulation
for land legally described as
..... was served on the following owners of land:

Table with 4 columns: NAME AND ADDRESS, LEGAL DESCRIPTION OF LAND, DATE OF SERVICE, HOW SERVED: (Registered mail or delivered)

And I make this solemn declaration believing it to be true and correct to the best of my knowledge.

..... (Signature of declarant)
..... (Date)

IMPORTANT - AN APPLICATION FILED UNDER SECTION 30 OF THE AGRICULTURAL LAND COMMISSION ACT MUST INCLUDE A COPY OF THIS STATEMENT COMPLETED IN FULL, AND SIGNED AND DATED BY THE PERSON WHO SERVED THE NOTICE.



APPLICATION BY A LAND OWNER

under the Agricultural Land Commission Act to

- **exclude land from the ALR**
- **include land in the ALR**
- **subdivide land in the ALR**
- **use land in the ALR for non-farm purposes**

The *Applicant's Information Package* contains useful information for preparing your application. Before you begin, review this information, particularly the factors the Commission does and does not consider in making its decision and the sample of the plan or sketch required to accompany your application.

Your plan or sketch must identify individual parcels by legal description and must specify the dimensions of each parcel. If you do not have a plan of your property, your local government office may be able to provide one for you.

To avoid delays in processing your application, please ensure that all parts of the form are completed and that all additional documentation and fees are enclosed.

The information required by this form and the documents you provide with it are collected to process an application under the *Agricultural Land Commission Act* and regulation. This information will be available for review by any member of the public. If you have any questions about the collection or use of this information, contact the Commission and ask for the staff member handling the application.

Provincial Agricultural Land Commission
Room 133, 4940 Canada Way, Burnaby, BC V5G 4K6
Telephone: (604) 660-7000 Fax: (604) 660-7033
www.alc.gov.bc.ca

INSTRUCTIONS FOR COMPLETING THE APPLICATION FORM

TYPE OF APPLICATION

EXCLUSION: Check this box if you wish to exclude the land from the Agricultural Land Reserve.

INCLUSION: Check this box if you wish to include land in the Agricultural Land Reserve.

SUBDIVISION: Check this box if you wish to subdivide but keep the land within the Agricultural Land Reserve.

NON-FARM USE: Check this box if you wish to use land for non-farm purposes but keep the land within the Agricultural Land Reserve. (Note: If your proposal involves the placement of fill or removal of soil, please complete the Application for Non-farm Use to Place Fill or Remove Soil, instead of this form.)

APPLICANT

This is the registered owner of the land or an agent acting on behalf of the owner. If there is more than one registered owner, all owners' names must be shown. An agent must supply written authorization of all owners.

LOCAL GOVERNMENT

Specify the municipality or regional district in which the property is located.

LAND UNDER APPLICATION and INTERESTS IN OTHER LANDS

Refer to your registered title to complete this part. The size of parcel refers to the entire parcel, not just the area under application. If you do not know the size of your property, your local government office may be able to assist with this information. Copies of the Certificate of Title or Title Search Print must accompany your application.

PROPOSAL

Be clear and precise in describing the proposal and purpose of the application.

If proposing to subdivide, be sure that the number, area and dimensions of the parcels are noted, including the remainder of the parcel. A plan or sketch showing the proposal is required.

If proposing a non-farm use, provide details on the area, buildings, parking, and other physical alteration of the land that the non-farm use will require. Include a plan or sketch if appropriate.

Explain what steps you may be proposing to reduce potential impact on surrounding agricultural lands such as landscape screening, fencing, etc.

CURRENT USE OF LAND and ADJACENT USES

Describe the current use of the whole parcel and the types of activities on adjacent lots. Include any historical use of the property, particularly its use for farming activities. Show this information on a plan or sketch.

SIGNATURE(S)

All registered owners of the land must sign the application or provide written confirmation that they consent to the application. If an agent signs the application form, he/she must provide written authorization to act on behalf of the owner(s).

NOTICE OF APPLICATION

If you are applying to exclude your land from the ALR, your application must be accompanied by proof of the advertising, serving and posting requirements of Section 16 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

SEND COMPLETED APPLICATION and ACCOMPANYING DOCUMENTS TO:

- the Municipality in which the land is located;
- if not within a Municipality, the Regional District or Islands Trust in which the land is located.

The following must be enclosed:

- Application fee (\$600) payable to the Local Government
- Certificate of Title or Title Search Print
- Agent authorization (if using agent)
- Map or sketch showing proposal & adjacent uses
- Proof of Notice of Application *(See instructions)
- Photographs (optional)

INCOMPLETE OR MISSING INFORMATION WILL DELAY YOUR APPLICATION

If you have any questions about the application process, contact the Municipal or Regional District or Islands Trust office in which the property is located. You may also contact the Commission's office.



APPLICATION BY LAND OWNER

NOTE: The information required by this form and the documents you provide with it are collected to process your application under the Agricultural Land Commission Act and regulation. This information will be available for review by any member of the public. If you have any questions about the collection or use of this information, contact the Agricultural Land Commission and ask for the staff member who will be handling your application.

TYPE OF APPLICATION (Check appropriate box)

- | | |
|--|--|
| <input type="checkbox"/> EXCLUSION
under Sec. 30(1) of the Agricultural Land Commission Act | <input type="checkbox"/> SUBDIVISION in the ALR
under Sec. 21(2) of the Agricultural Land Commission Act |
| <input type="checkbox"/> INCLUSION
under Sec. 17(3) of the Agricultural Land Commission Act | <input type="checkbox"/> Non-farm USE in the ALR
under Sec. 20(3) of the Agricultural Land Commission Act |

APPLICANT

Registered Owner:		Agent:	
Address:		Address:	
	Postal Code		Postal Code
Tel. (home) () (work) ()		Tel. ()	
Fax ()		Fax ()	
E-mail		E-mail	

LOCAL GOVERNMENT JURISDICTION (Indicate name of Regional District or Municipality)

LAND UNDER APPLICATION (Show land on plan or sketch)

Title Number	Size of Each Parcel (Ha.)	Date of Purchase Month Year
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OWNERSHIP OR INTERESTS IN OTHER LANDS WITHIN THIS COMMUNITY

(Show information on plan or sketch)

If you have interests in other lands within this community complete the following:

Title Number(s):

