



## Agricultural Land Reserve

### *A guide for applications to the Provincial Agricultural Land Commission*



#### **This Guide Explains:**

- The Agricultural Land Reserve (ALR)
- The Agricultural Land Commission
- The City of Courtenay's role
- Applications to the Agricultural Land Commission and the application process
- Commonly asked questions

*This pamphlet is a guide only. It is general in nature, and is not a legal document. Any contradiction, dispute or difference between the contents of this brochure and applicable bylaws, plans, policies or guidelines will be resolved by reference to the bylaws or other official documents.*

#### **What is the Provincial Agricultural Land Reserve (ALR)?**

The Agricultural Land Reserve (ALR) can be thought of as a provincial zone in which agriculture is recognized as the priority use. The ALR includes private or public lands that may be farmed, forested, or vacant.

In 1973, in response to the rapid loss of farm land and the intense pressure on agricultural land for non-agricultural uses the province of BC created the *Agricultural Land Commission Act*.

This legislation:

- Created maps showing lands in the ALR;
- Restricted non-agricultural use and development of land in the ALR; and
- Created a set of policies and regulations for activities in the ALR.

#### **What is the Provincial Agricultural Land Commission (ALC)?**

The Agricultural Land Commission is a group of at least seven people appointed by the province of BC.

They have authority to deal with all applications can make decisions on these applications under the *Agricultural Land Commission Act*.

#### **When is an application to the ALC required?**

Under the *Agricultural Land Commission Act* owners are required to apply to:

1. Include land in the ALR (*Section 17(3) of the ALC Act*);
2. Exclude land from the ALR (*Section 30(1) of the ALC Act*);
3. Subdivide land within the ALR (*Section 20(2) of the ALC Act*);
4. Use land in the ALR for non-farm purposes (*Section 20(3) of the ALC Act*); and,
5. Place fill or remove soil for non-farm purposes.

#### **What role does the City of Courtenay play?**

Planning Staff in the Planning Services Department are the first people to contact when discussing land in the ALR.

The City:

- Is the local liaison for applications to the Agricultural Land Commission;
- Has maps showing ALR boundaries;
- Provides applications to the public;
- Provides assistance to the public in reviewing ALC and City requirements including policies and regulations which may affect the application; and
- Provides details on application processing.

Planning Staff will do their best to answer inquiries. Should any questions arise that staff cannot answer; people will be referred to the Agricultural Land Commission office in Burnaby.

#### **How is an ALR application made?**

With a few exceptions, applications to the Agricultural Land Commission are submitted to the Planning Services Department. Planning Staff have application packages that outline the required information, drawings, and fees.

It is important to make an appointment with Planning Staff before submitting a formal application. Staff will be pleased to review requirements and provide information. Early discussions will familiarize the land owner with the different types of applications and the City of Courtenay's basic policies regarding agricultural land preservation. Applicants should also review the ALC's "Applicant's Information Package" (available at [www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)).

Applications to exclude land from the ALR will require public advertising by the landowner prior to submitting an application. The application form contains more details.

An application to the Commission should be in writing and include all the information that the applicant wants considered. On-site visits by the Commission may form part of the application approval process but if they occur, would be brief. The application should be complete and thorough.

#### **How long does the application process take?**

City staffs do their best to ensure that applications are dealt with in a timely manner. Most applications take approximately 6 months to proceed through the evaluation process at the City. The application is then forwarded to the ALC in Burnaby. The Commission takes approximately 8 to 12 weeks to consider the application and make a decision. The Commission contacts the applicant with the final decision.

#### **ALR Application Process**

The *Agricultural Land Commission Act* and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (B.C. Reg. 171/2002) identify the process required for ALR applications

It is important to remember that submitting an application does not guarantee approval.

#### **What are the application costs?**

The cost of an application can vary depending on the complexity of the application. Some typical costs include:

- The ALC application fee;
- Any documents/plans necessary to complete the application requirements such as an agrologist report, water study, etc.
- Public notification (for exclusion applications only)

## What control does the City have on land in the ALR?

The City can enact regulations for land within the ALR, but cannot prohibit agriculture. The City cannot approve subdivisions or non-agricultural uses without the approval of the Commission.

The Commission cannot consider some applications without the approval of corresponding local bylaws. For example, if an applicant is proposing a non-farm use within the ALR that requires a local rezoning, the City Council can withhold the ALR application until zoning requirements are met.

In other types of ALR applications Council forwards a resolution containing comments, suggestions and possibly a statement of support or non-support.

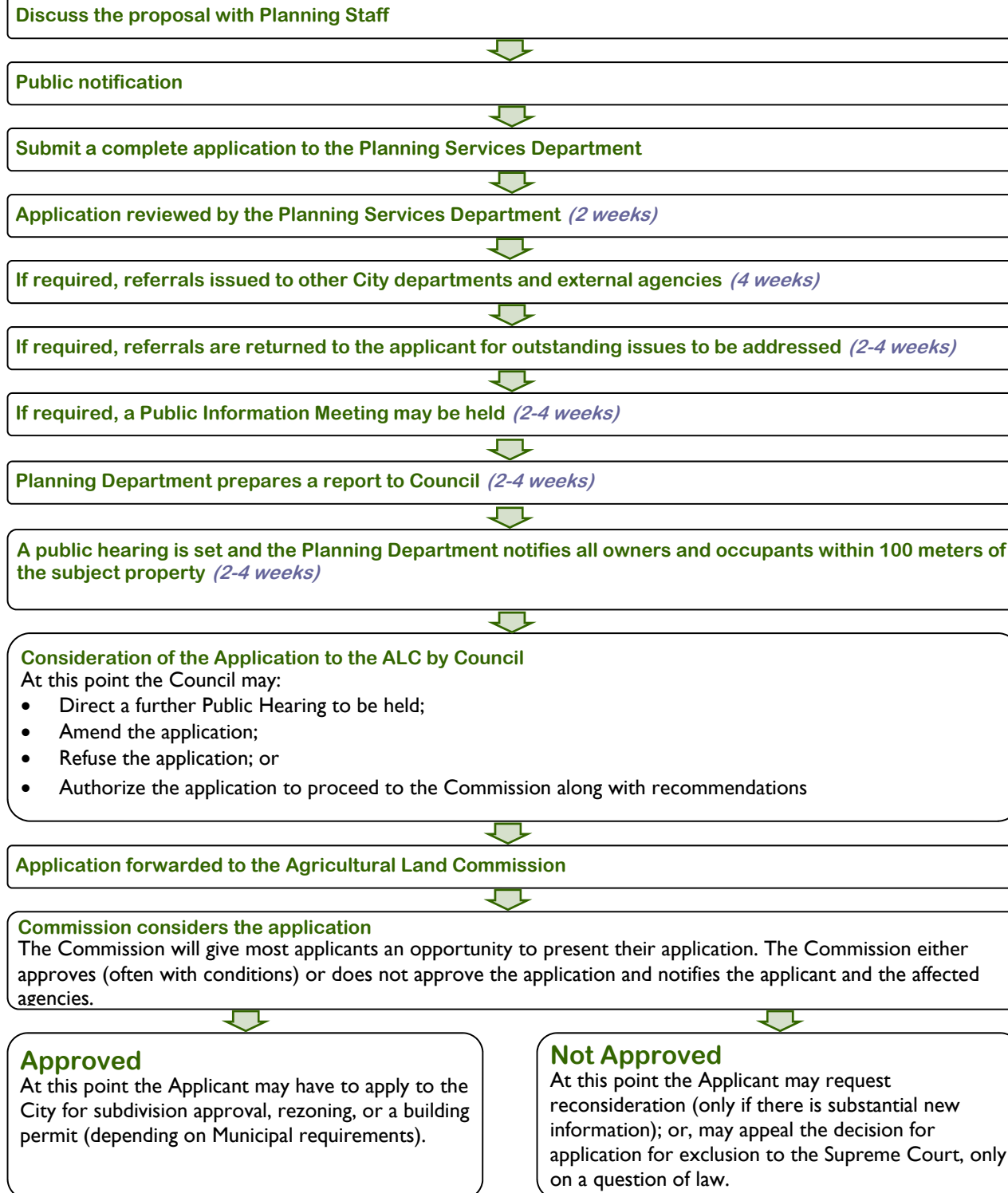
Farming using normal farm practices (some of which neighbours may consider a nuisance) is supported by the *Farm Practices Protection (Right to Farm) Act*. Public concerns about farm practices should be discussed with the Ministry of Agriculture and Lands (250) 334-1410.

## What City policies affect applications?

The Official Community Plan (OCP) is a statement of broad objectives and policies regarding the form, character and density of existing and future land use and servicing requirements for the City of Courtenay. The policies in the OCP are used in evaluating applications and reviewing changed in land use. All development must conform to the OCP.

When land is excluded from the ALR, development cannot proceed without rezoning and changing the land use designation of the OCP.

## ALR Application Flowchart



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## For More Information:

You should always refer to the official copies of the Official Community Plan, Zoning Bylaw, Subdivision Control Bylaw, Development Application Procedures Bylaw, and other formal City of Courtenay documents if you are unsure of any procedure or requirement. Staff will be pleased to be of assistance.

For more information, please contact planning staff at the Planning Services Department 250-334-4441. We will be pleased to help you and answer any questions that you might have.



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