

Housing Legislation in the ALR

July 16, 2024

In 2023, the B.C. Government introduced several new statutes to create more housing for people in B.C., including the *Housing Supply Act*, *Short-Term Rental Accommodations Act*, *Housing Statutes (Residential Development) Amendment Act* and *Housing Statutes (Transit Oriented Areas) Amendment Act* (the “Housing Statutes”). The Housing Statutes do not expressly refer to, or expressly exclude, the Agricultural Land Reserve (“ALR”); however, the *Agricultural Land Commission Act* (“ALCA”) is paramount to the Housing Statutes and there are no changes to the ALCA or its regulations. This document provides guidance for local governments and the public on how the Housing Statutes apply to the ALR.

1. Housing Supply Act

The [Housing Supply Act](#) (“HSA”) provides the B.C. Minister of Housing the ability to establish targets for the availability and affordability of housing in specific communities. The HSA does not have primacy over the ALCA and does not direct housing developments into the ALR as a strategy to meet its targets. If land in the ALR is proposed for housing development, the Agricultural Land Commission (the “Commission” or “ALC”) must continue to consider agriculture under [section 6 of the ALCA](#).

2. Small Scale Multi Unit Housing

The [Housing Statutes \(Residential Development\) Amendment Act](#), i.e., Small Scale, Multi-Unit Housing (“SSMUH”) legislation was introduced to encourage more small-scale, multi-unit housing for people in B.C. The SSMUH legislation requires local governments to allow multiple residential units on a parcel subject to criteria and exceptions. In particular, SSMUH legislation aims to allow more small scale, multi-unit housing in ‘restricted zones’ which are land use zones that are restricted to single-family dwellings or duplexes.

The SSMUH legislation does not apply in certain circumstances that may coincide with the ALR such as rural land use bylaws and Islands Trust.

Where the SSMUH does apply to an ALR parcel, the following considerations must be taken into account.

The ALCA and the ALR Use Regulation already permit up to three residential units on an ALR parcel:

- a principal residence up to 500 m² total floor area,
- a secondary suite within that principal residence, and
- an additional residence up to 90 m² total floor area for parcels 40 ha or less, or up to 186 m² for parcels larger than 40 ha.

The ALR Use Regulation allows all of the above; however, the SSMUH differentiates between areas where a local government *may* allow all or some of the above housing in the ALR, and areas where a local government *must* allow all of the above residential units. A local government cannot permit more housing

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on an ALR parcel than what is permitted by the ALCA and ALR Use Regulation regardless of the SSMUH legislation (i.e., a bylaw may not allow up to 6 units on an ALR parcel). Any bylaw that permits more housing than what is permitted by the ALCA and ALR Use Regulation is of no force and effect to the extent of inconsistency. The SSMUH also refers to several different types of possible multi-unit housing; however, duplexes, triplexes, townhomes, etc. are not permitted in the ALR. In addition, bare land stratas and “building” stratas are a form of subdivision and are not permitted outright in the ALR, and as such, ALC permission is required (see [ALC Information Bulletin 09: Subdivision and Plans that Cause Subdivision in the ALR](#)).

A. Where a local government *may* restrict or allow a secondary suite or additional residence in the ALR

Where the SSMUH legislation does not apply, local governments may continue to allow neither, one, or both the secondary suite and/or additional residence.

B. Where a local government *must* allow a secondary suite or an additional residence in the ALR

If the ALR parcel is in a certain type of ‘restricted zone’, a local government *must* allow at least a secondary suite or an additional residence. See section [481.3\(3\) of the LGA](#).

C. Where a local government *must* allow a suite and an additional residence in the ALR

If the ALR parcel is in another type of ‘restricted zone’, and the parcel is smaller than 4,050 m² (~1 acre) or in a zone which has a minimum lot size of less than 4,050 m² for the purposes of subdivision, a local government *must* allow both a secondary suite and additional residence *if* the ALR parcel is:

- partly or wholly within an urban containment boundary established by a regional growth strategy, or
- is within an urban containment boundary established by an Official Community Plan and in a municipality with a population greater than 5,000, or
- is within a municipality with a population greater than 5,000 that does not have an urban containment boundary.

See section [481.3\(4\) of the LGA](#) as well as s. 481.4, which also sets out certain additional exemptions.

Landowners should seek guidance from their local government on whether the SSMUH legislation applies to their property, whether their property is within a ‘restricted zone’ within the ALR, and how many dwellings are permitted for that specific property.

More information on SSMUH and the ALCA can be found in section 7.1 of the [Provincial Policy Manual & Site Standards: Small Scale, Multi-Unit Housing](#).

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3. *Short Term Rentals Accommodations Act*

Effective May 1, 2024 the *Short Term Rental Accommodations Act* ("STRAA") limits short-term rentals of certain residences, in certain areas of B.C. The STRAA was introduced to regulate short-term rentals and encourage long-term rentals to address B.C.'s housing crisis.

The ALCA and ALR Use Regulation permit a principal residence, a suite within that principal residence, and an additional residence subject to criteria. A local government may prohibit or permit the suite and/or additional residence per the SSMUH legislation (see Section 2 above). Depending on where the property is and whether it includes farmland (BC Assessment Class 9), the STRAA may allow the use of a lawful principal residence including the secondary suite and/or an additional residence in the ALR for short-term rental accommodation subject to criteria.

A parcel in the ALR is subject to the ALCA and ALR Use Regulation and may also be subject to restrictions or exemptions from the STRAA. However, the STRAA does not exempt a landowner from complying with the ALCA and ALR Use Regulation with respect to Tourist Accommodation and Agri-Tourism Accommodation.

Landowners should seek guidance from their local governments on whether the STRAA applies to their property and potential restrictions.

More information on the STRAA can be found at [Overview: B.C.'s short-term rental accommodations legislation](#).

More information on permitted tourist and agri-tourism accommodation in the ALR can be found in the ALC's [Information Bulletin 06: Tourist and Agri-Tourism Accommodation in the ALR](#).

4. Transit Oriented Areas

The *Housing Statutes (Transit Oriented Areas) Amendment Act* facilitates high-density mixed-use development within walking distance to certain transit services. If a transit-oriented area overlaps with the ALR, the transit-oriented densities and regulations do not apply to ALR lands.

5. Areas Without Zoning Bylaws

Note that some areas of the province do not have zoning bylaws. The absence of local zoning bylaws does not relieve a landowner from complying with the restrictions in the ALCA and ALR Use Regulation. In other words, a landowner must not exceed what the ALCA and ALR Use Regulation provide for, regardless of whether any zoning bylaws apply to their property, without seeking and obtaining approval from the Commission first. For example, an ALR parcel that is not subject to a zoning bylaw may construct a maximum of a principal residence including a secondary suite within the principal residence, and a permitted additional residence in accordance with the ALCA and ALR Use Regulation. If a local government chooses to introduce a zoning bylaw to an area in the ALR that is presently without a zoning

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bylaw, it will need to comply with the new requirements of the SSMUH legislation.

6. Urban Agricultural Interface

The ALC encourages residential densification in areas outside of the ALR and for local governments to mitigate impacts of housing development near the ALR by employing strategies from the ALC and Ministry of Agriculture and Food (“MAF”) [Subdivision Near Agriculture: A Guide for Planners and Approving Officers in B.C.](#) and the MAF [Guide to Edge Planning: Promoting Compatibility Along Agricultural Urban Edges](#). Although the *Provincial Policy Manual & Site Standards: Small-Scale, Multi-Unit Housing* document encourages local governments to implement modest setbacks in an effort to accommodate additional density on the urban side, edge planning for parcels adjacent to the ALR that are actively farmed or may be farmed in the future, is still critically important to mitigate conflict between urban and agricultural land uses. At the residential/agricultural interface, farmers often experience trespass, property and equipment vandalism, crop damage and theft, livestock harassment, and litter. Residential neighbours may be impacted by odour, noise, dust, flies, spray drift, and other disturbances resulting from farm practices. Edge planning such as fencing, buffering, and setbacks on the residential side of the ALR boundary are long-standing land use tools to promote compatibility, shared health, safety, and peaceful enjoyment, as well as a farmer’s right to farm under the *Farm Practices Protection (Right to Farm) Act*.

Have more questions about the Housing Statutes? Contact the Ministry of Housing PLUM@gov.bc.ca

Have more questions about housing in the ALR? Contact the ALC ALCBurnaby@Victoria1.gov.bc.ca

 <p>Agricultural Land Commission</p>	<p>NON-ADHERING RESIDENTIAL USE APPLICATIONS FOR HOUSING IN THE ALR</p>	<p>POLICY L-26</p> <p>Amended June 2024 Adopted April 2020</p>
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On February 22, 2019 the ALCA was amended by the Provincial Government to directly address - principal residences and requiring that the Agricultural Land Commission (the "Commission") not grant permission for additional residences unless it is necessary for a farm use as explained in the Minister of Agriculture's [February 23, 2019 news release](#).

This policy outlines general guidelines for the Commission's consideration of non-adhering residential use applications which request residential uses in excess of those residential uses permitted by the Agricultural Land Commission Act (the "ALCA") or its regulations. This includes applications for temporary farm worker housing, and other housing for farm labour, as well as applications to construct or alter a principal residence which will exceed 500m² in total floor area.

For more information on the kinds of factors the ALC may consider when deciding on applications, please see the ["What the Commission Considers"](#) page on the ALC's website.

Principal Decision-Making Considerations:

1.0 Additional Residences

Section 20.1 of the ALCA provides that unless permitted by the Commission or the regulations, an owner of agricultural land who constructs, alters or uses a residential structure on the land may have no more than one residence per parcel. The Agricultural Land Reserve Use Regulation (the "ALR Use Regulation") may permit an additional residence if certain conditions are met. If an owner wishes to construct an additional residence not permitted by the ALR Use Regulation, the owner must make a Non-Adhering Residential Use ("NARU") application to the Commission for permission.

Section 25(1.1)(b) of the ALCA states that the Commission must not grant permission for an additional residence unless the additional residence is necessary for a farm use. The Commission may consider the number of residences currently on the property, and the contribution of those their occupants to the farm operation when considering whether an additional residence is necessary to support the farm operation.

2.0 Housing for temporary farm workers under a federal agricultural worker program

In considering whether a non-adhering residential use is necessary for a farm use, the Commission will assess the scale and intensity of the farm operation. As such, the Commission's determination of a NARU application for temporary farm worker housing ("TFWH") as part of a federal agricultural worker program will be based on the agricultural operation's need. In addition to the information outlined below in Section 4.0 'Housing to reflect agricultural activity', applicants can provide other documentation associated with a

federal agricultural worker program application (e.g. previous or current Labour Market Impact Assessment “LMIA”).

The Commission prefers that temporary housing for farm workers, including foreign workers, should be in an existing building, or a residential structure constructed or manufactured to be moved from one place to another, and installed on a temporary foundation with no basement.

On April 26, 2019, the Commission delegated decision-making authority to the Chief Executive Officer (“CEO”) to streamline the process of NARU applications for TFWH registered in a federal agricultural worker program that meets specific criteria outlined in CEO Delegated Decision-Making Criterion 15. If the application does not meet the criteria (including because the applicant cannot or prefers not to meet all the requirements), then the application will be referred to the Commission for a decision.

The circumstances in which the CEO’s delegated decision-making authority applies are as follows:

CEO Delegated Decision-Making Criterion 15:

Based on an assessment of the intensity and scale of the farm operation, non-adhering residential use applications for temporary farm worker housing (TFWH) for workers registered in a federal temporary worker program that comply with the following criteria:

- i. The parcel where the TFWH is to be located is classified as ‘farm’ under the BC Assessment Act;
- ii. The minimum size of the farm operation* on which the TFWH can be located is 4 ha;
- iii. The maximum number of workers requested in each application for a farm operation* is limited to no more than:
 - a. 130 workers for greenhouse, mushroom, tree fruit, and berry/vegetable production
 - b. 40 workers for all other commodities
- iv. The workers are housed in a temporary residential structure designed to be moved from one place to another;
- v. Siting and placement of the TFWH minimizes the residential impacts on agricultural land taking into consideration topography, agricultural capability, access, and encourages the clustering of residential structures;
- vi. The registration of a restrictive covenant stating that the TFWH will only be used by temporary farm workers and that the owner will remove the TFWH and restore the land to agricultural use if the TFWH is vacant for two consecutive years; and
- vii. The receipt of an ILOC sufficient to remove the TFWH provided to the ALC upon approval of the NARU.

**Clarification: farm operation means an area of land used for a farm operation consisting of one or more contiguous or non-contiguous lots, that may be owned, rented or leased, which forms and is managed as a single farm.*

3.0 Principal Residences Larger than 500 m²

Section 25(1.1)(b) of the ALCA (the requirement that an additional residence must be necessary for a farm use) does not apply to a NARU application for a principal residence larger than 500 m². This means that the Commission has discretion to permit a larger principal residence even if it is not necessary for a farm use.

However, the necessity for farm use of the proposed principal residence is still a relevant factor in the Commission's determination of whether a size over 500 m² should be allowed. The Commission will generally consider whether the requested increase in total floor area would be supportive of the current farming operation and necessary for farm use. The Commission may also consider unique or extenuating circumstances that do not negatively impact the agricultural use of the property. An applicant should provide evidence of such circumstances if it wants them to be considered by the Commission.

4.0 Housing to reflect agricultural activity

In considering whether a non-adhering residential use is necessary for a farm use, the Commission will assess the scale and intensity of the farm operation. Where an applicant can demonstrate that the scale and intensity of the farm operation has exceeded the labour capacity of the owner/residents, the Commission may determine that an additional residence would be necessary to support the farm operation.

The Commission may not be supportive of housing proposals which "intend" to expand or intensify the farm operation unless it considers there to be a satisfactory mechanism to ensure that expansion is undertaken after the new housing is constructed.

NARU applications must include an appropriate level of information to aid the Commission in its determination of whether the proposed use is consistent with the purposes of the ALCA set out at section 6 and, if applicable, that an additional residence is necessary for a farm use. The following are examples of the information that may be submitted with an application:

- i. Size (ha) of the current farming operation (including leased lands)
- ii. Type(s) and amount of commodity(ies) produced on the property
- iii. Description and number of current farm labourers with details of roles and responsibilities
- iv. Rationale for additional farm labour requirements based on the applicant's agricultural operation or commodity(ies)
- v. Proposed number of farm workers to reside in the additional residence or principal residence >500 m²
- vi. Proposed length of occupancy of farm workers (e.g. seasonal, temporary, year-round)
 - a. Include date ranges, if applicable
 - b. Include expected work hours (part-time or full-time)

- vii. Details of the proposed residence
 - a. Size of residence and total residential footprint
 - b. Foundation type
 - c. Site map
 - d. Associated infrastructure requirements
- viii. Farm plan or farm business plan (support future expansion, if applicable)
- ix. Professional reports (e.g. report by a professional agrologist, geotechnical report)
- x. Farm succession plan, if applicable
- xi. Expense receipts demonstrating equipment, start-up, or infrastructure costs
- xii. Lease agreements for other properties associated with the farm operation
- xiii. Farm quota records

5.0 Limiting housing's physical impact on the productive parcel

The type of non-adhering residential structure should reflect the agricultural use of the property. Preference will be provided to residential uses which utilize existing structures and/or residences that are sized appropriately and located in an area which minimizes negative impacts to the agricultural land or can easily be removed from the property, such as a manufactured home.

The total residential footprint, meaning the portion of a property used for the principal residence, additional residence(s), and the accessory residential facilities (e.g. yard, driveway, servicing, etc.), should maintain a viable agricultural remainder and should not unnecessarily infringe upon the productive farming area of the property. Unless a more restrictive local government bylaw is in place, the following parameters, consistent with the Minister's Bylaw Standards, will inform the Commission's consideration of the appropriate total residential footprint:

- a) **Principal Residence:** The total residential footprint for a principal residence should not be more than 2,000 m².
- b) **Additional Residence:** The total residential footprint for an additional residence should not be more than 1,000 m².
- c) **Temporary Farm Worker Housing:** The total residential footprint for each permitted temporary farm worker housing space should not be more than 35 m² per worker.
- d) **Siting:** The setback from the front lot line to the rear or opposite side of the total residential footprint should not be more than 60 metres. Lots narrower than 33 metres are exempted from the 60 metre maximum setback guideline (for the total residential footprint) from the front lot line, however, the footprint should fill the front of the lot to a maximum of 2,000 m².

- e) The following exceptional circumstances may also apply to the siting of residential footprints and may be considered by the Commission:
 - i) **Existing Footprints:** The clustering of a residence with other existing non-agricultural uses on the property to limit the fragmentation of ALR land and avoid the restriction of agricultural activities.
 - ii) **Commodity-Specific Needs:** The strategic placement of a residence to benefit or optimize the agricultural operation (e.g. monitoring of livestock on a large property).
 - iii) **Topographic Features:** Siting of a residence as appropriate to reduce the use of potentially productive farming land for residential purposes (e.g. sited on a non-farmable area of the property).

If the Commission approves a NARU application to place or construct an additional residence, to construct or alter a principal residence, or to reside in a residence while constructing another residence, its permission may be granted with limits or conditions. Examples of conditions may include:

- a) Siting of the residence in accordance with specified criteria
- b) A requirement that farm help must be contributing to the farm operation as described within the application
- c) Registration of a restrictive covenant requiring the removal or “decommissioning” of the additional residence should the residence not be used for the purpose of farm labour requirements or should the residence be unoccupied for a certain length of time
- d) The posting of a financial security in the form of an Irrevocable Letter of Credit in the amount of \$50,000 or as otherwise determined to ensure “decommissioning” of a residence being used during construction of another residence. Without limiting other potential repercussions to the applicant or property owner, the Commission may access some or all of the financial security upon a failure to comply with any or all aspects of the conditions of permission ordered by the Commission
- e) Consolidation with neighbouring parcel(s) and/or restrictions on the future residential use of other parcels included within the farm operation.

“decommission” pursuant to Commission Resolution No. 113N/2024 requires the removal of:

- (a) all kitchen facilities including cabinets, counter tops, sinks and associated plumbing;
- (b) all kitchen appliances (including stoves, fan hoods, microwaves, hotplates, etc);
- (c) all 220 volt electrical connections for the kitchen and/or gas piping;
- (d) all laundry facilities and associated plumbing; and
- (e) all bathroom fixtures including toilets, bathtub/shower facilities and associated plumbing.

6.0 Building a New Principal Residence While Occupying an Existing Residence

It is the Commission's preference that the original principal residence be removed prior to the construction of a new principal residence, so that the new principal residence can be constructed in the same location as the original residence, thus minimizing the impact on the land base. However, the Commission recognizes that in some circumstances this may not be feasible. Applicants seeking to continue living in the existing residence while constructing a new residence should explain why they are required to do so, or why the new principal residence cannot be constructed in the same location as the existing principal residence.

On October 23, 2019, the Commission delegated its decision-making authority to the CEO to streamline the process of NARU applications which propose to build a new residence while occupying an existing residence, when the proposal meets the criteria outlined in CEO Delegated Decision-Making Criterion 17. If the application does not meet the criteria (including because the applicant cannot or prefers not to meet all the requirements), then the application will be referred to the Commission for a decision.

If an application is required and approved, the Commission may require conditions such as a covenant, siting, removal or decommissioning of the original residence. See Section 5.0 'Limiting housing's physical impact on the productive parcel' above for the definition of "decommission".

The circumstances in which the CEO's delegated decision-making authority applies are as follows:

CEO Delegated Decision-Making Criterion 17:

Non-Adhering Residential Use applications for building a new principal residence while occupying an existing residence that complies with the following criteria:

- i. At the time of the application there is only one residence on the parcel;
- ii. Siting* of the new principal residence has a maximum 60 metre setback from the front lot line to the rear or opposite side of the total residential footprint, with the total residential footprint being a maximum of 2,000 m². Lots narrower than 33 metres are exempted from the 60 metre maximum setback (for the total residential footprint) from the front lot line; however, the footprint must fill the front of the lot to a maximum of 2,000 m²; and,
- iii. Receipt/confirmation of the following within 30 days of the date of a decision to approve is issued:
 - a. registration of a restrictive covenant requiring the removal of the original residence;
 - b. a signed affidavit committing to removal of the original residence;and,

- c. an ILOC sufficient to ensure removal of the original residence within 60 days of completion of the new principal residence.

* The following exceptional circumstances may also be considered with respect to the siting of the new principal residence:

- a. Clustering with Existing Residential Structures: The clustering of the new principal residence with other existing non-agricultural uses on the parcel to limit the fragmentation of ALR land and avoid the restriction of agricultural activities.
- b. Commodity-Specific Needs: The strategic placement of the new principal residence to benefit or optimize the agricultural operation (e.g. monitoring of livestock on a large parcel).
- c. Topographic Features: Siting of the new principal residence as appropriate to reduce the use of potentially productive farming land for residential purposes (e.g. sited on a non-farmable area of the parcel).

Role of the Local Government:

Local governments must review NARU applications and either provide comments and recommendations for the Commission's consideration or, in some cases, authorize the application to proceed to the Commission: ALCA, ss. 25(3), 34(4)-(5). For applications in relation to settlement lands, the First Nation Government must authorize the application to proceed to the Commission: ALCA, s. 25(3.1).

An absence of local zoning bylaws does not relieve a landowner of complying with the restrictions in the ALCA and ALR Use Regulation.

Local government bylaws can be more restrictive of residential use of the ALR than the ALCA: ALCA, s. 46(6). The ALR Use Regulation identifies certain designated farm uses and permitted non-farm uses that local governments must not prohibit, but places no limitation on local government powers to prohibit or otherwise restrict residential uses of ALR land.



EXCLUSION APPLICATION GUIDE

EFFECTIVE SEPTEMBER 30, 2020

Published August 6, 2020

Purpose: this guide is intended to outline the process for submitting a local or First Nation government initiated or prescribed body initiated exclusion application to the Agricultural Land Commission as of September 30, 2020.

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LOCAL OR FIRST NATION GOVERNMENT INITIATED EXCLUSION APPLICATIONS

STEP 1: Local or First Nation Government Fills out the Application

- Log into the ALC Application Portal using your local or First Nation government's BCeID Business account, found here: <https://a100.gov.bc.ca/pub/oatsp/>
 - Please contact the ALC if your local or First Nation government does not currently have an account registered with the Portal
 - The ALC must also assign a local or First Nation government 'role' to every local or First Nation government staff BCeID used to submit a local or First Nation government initiated application
- Create the exclusion application
- Complete the application up to Step 7 and save (do not submit the application). You can move between the steps, save and exit the application multiple times
- Download a copy of the application

STEP 2: Local or First Nation Government Gives Notice of the Application

❖ Sign:

- Post a sign on the affected parcel(s) advising of the exclusion application
 - Contact the ALC to confirm where to place signs if multiple parcels are involved
- The Sign must be:
 - at least 60 cm x 120 cm in size
 - located at the midpoint boundary of the parcel fronting a roadway
- Provide a summary of the application and a map showing the subject parcel(s)

Figure 1: Sample Sign

NOTICE TO MAKE APPLICATION TO EXCLUDE LAND FROM THE AGRICULTURAL LAND RESERVE

EXCLUSION APPLICATION INFORMATION:
 Application ID: 68513
 Applicant: City of Smithton
 Posting Date: Sept 12, 2017
 Proposal: To exclude 11 hectares from 4 properties on Carbunkle Road for industrial needs as identified in ABC planning report.

Civic Address: 4512, 4518, 4588 & 4620 Carbunkle Road
PID: 123-456-789, 123-123-321, 456-789-123 & 987-654-321

TO SUBMIT COMMENTS:
 Local Government: City of Smithton
 Phone: 1-800-555-1234 Email: planning@smithton.ca
 Local Government File Number: 88D-2017

Insert Map Here

NOTE: ALL CORRESPONDENCE RECEIVED WITH RESPECT TO THIS APPLICATION FORMS PART OF THE PUBLIC RECORD, AND IS DISCLOSED TO ALL PARTIES, INCLUDING THE APPLICANT

❖ Notice of Public Hearing:

- Provide notice of the public hearing in at least two issues of a local newspaper, with the last notice appearing not less than 3 days and not more than 10 days before the public hearing. Should your area not have a local newspaper, please contact the ALC to discuss alternative notice options
- Notice must identify:

- Time and place of the public hearing
- Parcel(s) affected
- Intent of the application
- When and where application will be reviewed

❖ **Notice of Application:**

- Provide a copy of the application to adjacent or affected local or First Nation governments, where applicable

STEP 3: Local or First Nation Government Holds the Public Hearing

- Hold the public hearing in accordance with s. 465 of the *Local Government Act*
 - At the public hearing:
 - All persons must be afforded an opportunity to speak
 - Public hearing may be adjourned from time to time
 - A Council/Board member who did not attend public hearing may vote on the application if provided with a written or oral report of public hearing

STEP 4: Local or First Nation Government Passes a Resolution on the Application

- Council/Board passes a resolution to forward or not forward the application to the ALC
 - If forwarded, the application proceeds to the ALC for consideration (see Step 5 below)
 - If not forwarded, the application is refused.
- Local or First Nation government will update the application status in the ALC Application Portal to reflect the outcome of the Council/Board's resolution

STEP 5: Local or First Nation Government Submits the Application

- Proof of notice must be submitted with your application including a copy of the newspaper advertisement and photographs of the sign showing the location of posting in relation to the road or other public access
- Upload public hearing report and any other public comments received
- Upload a copy of the local or First Nation government Council/Board resolution
- Include any other application materials

STEP 6: Local or First Nation Government Pays the Application Fee

- Submit the \$750 application fee to the ALC
 - Fees can be paid by cheque (made out to the Minister of Finance) or by credit card over the phone or in person

STEP 7: ALC Holds the Exclusion Meeting

- Once a completed application and prescribed fee is received, ALC processing of the application will begin

- The ALC must offer an exclusion meeting with written notice to the local or First Nation government not more than 30 days before the meeting
- If the ALC considers it advisable, the ALC may notify adjacent or affected landowners of the parcel(s) subject to the application
- In advance of the exclusion meeting, the ALC must give notice of the materials that will be considered at the meeting, and any new information received
- At the exclusion there may be:
 - representations from the local or First Nation government (e.g. a presentation)
 - written submissions and other forms of evidence to be considered by ALC
 - representations, evidence, opinions of any person present at meeting
- Following the exclusion meeting, the ALC will provide a draft summary of the exclusion meeting proceedings (the “exclusion meeting report”) for verification and sign-off by the local or First Nation government

STEP 8: ALC Makes a Decision on the Application

- The ALC must make a decision on the application taking in consideration its mandate under s. 6(1) and the priorities it must consider in doing so under s. 6(2) of the ALC Act. More information about what the ALC generally considers when making a decision on applications can be found here: <https://www.alc.gov.bc.ca/application-and-notice-process/applications/what-the-commission-considers/>
- The ALC must provide a decision in writing, whether to refuse, approve (with or without conditions), or approve as an alternate use, such as a non-farm use
- The ALC strives to communicate most of its decisions, in writing (electronic or mail), within 60 business days of an application being received and the majority of its decisions in 90 business days. Please be advised that the 60 and 90 business day application process timeline may not be consecutive given the specifics of an application; the ALC may “pause” the business day timelines should any of the following be required:
 - The exclusion meeting
 - A site visit
 - A request for additional information (from the local government or any other person considered appropriate)

PRESCRIBED BODY INITIATED EXCLUSION APPLICATIONS

A “prescribed body” is defined in s. 16 of the ALR General Regulation as:

- Regional Health Board
- Educational Body
- Improvement District
- BC Transit Corporation
- BC Housing Management Commission
- BC Hydro and Power Authority
- South Coast BC Transportation Authority
- BC Transportation Financing Authority
- Columbia Power Corporation

STEP 1: Prescribed Body Fills out the Application

- Create a Basic or Business BCeID account
- Logon to the ALC Application Portal found here:
<https://a100.gov.bc.ca/pub/oatsp/>
- Create the exclusion application
- Complete the application up to Step 7 and save (do not submit application)
 - Note: You can move between the steps, save and exit the application multiple times
- Download a copy of the application

STEP 2: Prescribed Body Gives Notice of the Application

- As the applicant, you are responsible for ensuring the notice requirements are fulfilled prior to filing your application with the local or First Nations government and for all costs arising from providing the notice

❖ **Sign:**

- Post a sign on each of the affected parcel(s) advising of the exclusion application
 - The Sign must be:
 - at least 60 cm x 120 cm in size
 - located at the midpoint boundary of the parcel(s) fronting a roadway
- Provide a summary of the application and a map showing the subject parcel(s)

Figure 2: Sample Sign

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 PID: 123-456-789, 123-123-321, 456-789-123 & 987-654-321

TO SUBMIT COMMENTS:

Local Government: City of Smithton
 Phone: 1-800-555-1234 Email: planning@smithton.ca
 Local Government File Number: 88D-2017

Insert
Map
Here

NOTE: ALL CORRESPONDENCE RECEIVED WITH RESPECT TO THIS APPLICATION FORMS PART OF THE PUBLIC RECORD, AND IS DISCLOSED TO ALL PARTIES, INCLUDING THE APPLICANT

❖ **Notice of Public Hearing:**

- Provide notice of the public hearing in at least two issues of a local newspaper, with the last notice appearing not less than 3 days and not more than 10 days before the public hearing
- Notice must identify:
 - Time and place of the public hearing
 - Parcel(s) affected
 - Intent of the application
 - When and where application will be reviewed
- Send any comments received from the public to the local or First Nation government

❖ **Notice of Application:**

- Provide a copy of the application to a local or First Nation government that shares of common boundary to the parcel, where applicable

STEP 3: Prescribed Body Holds the Public Hearing

- Hold the public hearing
 - At the public hearing:
 - All persons must be afforded an opportunity to speak
 - Public hearing may be adjourned from time to time
 - A member who did not attend public hearing may vote on the application if provided with a written or oral report of public hearing

STEP 4: Prescribed Body Submits the Application

- Photographs of the sign showing the location of posting in relation to the road or other public access must be submitted with the application
- Upload proof of notice of public hearing (newspaper)
- Include all other application requirements
- Public comments received by prescribed body and forwarded to local or First Nation government must be uploaded

STEP 5: Prescribed Body Pays the Local or First Nation Government Portion of Application Fee

- Pay the local or First Nation government their portion of the application fee (\$750)

STEP 6: Local or First Nation Government Board/Council Passes a Resolution on the Application

- Local or First Nation government may choose to hold a public information meeting

- Local or First Nation government may refer application to adjacent local or First Nation government where applicable. Adjacent local or First Nation government may provide comment on the application
- Council/Board resolves to either forward or not forward the application to the ALC
 - If forwarded, the application proceeds to the ALC for consideration
 - If not forwarded, the application is refused and the ALC portion of the fee is not required
- Local or First Nation government will update the application status in the ALC Application Portal to reflect the outcome of the Council/Board's resolution

STEP 7: Prescribed Body Pays the ALC Portion of the Application Fee

- If the Council/Board resolves to forward the application to the ALC, the applicant must now pay the ALC portion of the application fee (\$750)
 - Fees can be paid by cheque (made out to the Minister of Finance) or by credit card over the phone or in person

STEP 8: ALC Holds the Exclusion Meeting

- Once a completed application and prescribed fee is received, ALC processing of the application will begin
- The ALC must offer an exclusion meeting with written notice to the applicant and local or First Nation government not more than 30 days before the meeting
- If the ALC considers it advisable, the ALC may notify adjacent or affected landowners of the parcel(s) subject to the application
- In advance of the exclusion meeting, the ALC must give notice of the materials that will be considered at the meeting, and any new information received
- At the exclusion there may be:
 - representations from the local or First Nation government (e.g. a presentation)
 - written submissions and other forms of evidence to be considered by ALC
 - representations, evidence, opinions of any person present at meeting
- Following the exclusion meeting, the ALC will provide a draft summary of the exclusion meeting proceedings (the "exclusion meeting report") for verification and sign-off by the applicant

STEP 9: ALC Makes a Decision on the Application

- The ALC must make a decision on the application taking in consideration its mandate under s. 6(1) and the priorities it must consider in doing so under s. 6(2) of the ALC Act. More information about what the ALC generally considers when making a decision on applications can be found here: <https://www.alc.gov.bc.ca/application-and-notice-process/applications/what-the-commission-considers/>
- The ALC must provide a decision in writing, whether to refuse, approve (with or without conditions), or approve as an alternate use, such as a non-farm use
- The ALC strives to communicate most of its decisions, in writing (electronic or mail), within 60 business days of an application being received and the majority of its decisions in 90

business days. Please be advised that the 60 and 90 business day application process timeline may not be consecutive given the specifics of an application; the ALC may “pause” the business day timelines should any of the following be required:

- The exclusion meeting
- A site visit
- A request for additional information (from the local government or any other person considered appropriate)

ATTACHMENT A:

**APPLICABLE ACT AND REGULATION SECTIONS FOR LOCAL OR FIRST NATION
GOVERNMENT INITIATED EXCLUSION APPLICATIONS**

ALC Act

Note: These sections of the ALC Act come into force and effect September 30, 2020. See [Bill 15-2019](#) for text until BC Laws is updated.

- s. 29** (1) A person may apply to the commission to have land excluded from the agricultural land reserve if the person is
- (a) the owner of the land and is
 - (i) the Province, a first nation government or a local government, or
 - (ii) a prescribed public body,
 - (b) a local government, and the land is within the local government's jurisdiction, or
 - (c) a first nation government, and the land is within the first nation's settlement lands.
- (2) Subject to subsection (3),
- (a) an applicant must give notice, in the prescribed form and manner and before making the application, of the application and of a public hearing respecting that application, and
 - (b) the public hearing must be held in the prescribed manner.
- (3) On request of an applicant described in subsection (1) (a), the commission may waive one or more of the requirements of subsection (2).
- (4) An application made by an applicant described in subsection (1) (a) may not proceed unless authorized as follows:
- (a) by a resolution of a local government if the application is made by a person other than a first nation government and, on the date the application is made, the application
 - (i) applies to land within the local government's jurisdiction that is zoned by bylaw to permit farm use, or

(ii) requires, in order to proceed, an amendment to an official settlement plan, official community plan, official development plan or zoning bylaw of the local government;

(b) by a law of a first nation government if the application applies to settlement lands over which the first nation has legislative authority.

s. 29.1 (1) In this section, "**decision respecting proposed settlement lands**" means a decision of the commission made under subsection (2) (b) or (c) of this section on receiving an application under section 29

(a) by an applicant described in subsection (1) (a) of that section, and

(b) in relation to proposed settlement lands.

(2) On receiving an application under section 29, the commission may do one of the following:

(a) refuse permission to have land excluded from the agricultural land reserve;

(b) grant permission, with or without limits or conditions, to have land excluded from the agricultural land reserve;

(c) permit, with or without limits or conditions, a non-farm use, non-adhering residential use, soil or fill use or subdivision of land.

(3) A decision respecting proposed settlement lands is not effective unless and until

(a) those lands are established, in whole or in part, as settlement lands, and

(b) the first nation government that has jurisdiction over those settlement lands enacts a law approving the commission's decision and provides a certified copy of the law to the commission.

(4) Unless a decision respecting proposed settlement lands first becomes effective under subsection (3), the decision expires on the earlier of the following dates:

(a) the date the decision expires according to its terms;

(b) the date a notice to suspend negotiations takes effect.

(5) The commission must deliver its written decision to the applicant.

s. 34 (1) This section applies to the following types of applications:

- (a) an application made by a first nation government as the owner of proposed settlement lands, other than an inclusion application under section 17;
- (b) an exclusion application made by a person referred to in section 29 (1) (b) or (c);
- (c) an application for which review would be required under section 34.1, but the application is made by the local government or first nation government that would be responsible for the review;
- (d) an application for a specific type of use prescribed by regulation as an application that must be filed directly with the commission;
- (e) an application made under section 58.3 (1) (e), unless a regulation made under that section provides otherwise.

(2) A person may make an application described in subsection (1) by submitting the application and paying the prescribed application fee to the commission.

(3) In respect of an application described in subsection (1) (d), the commission

(a) may request comments and information from the local government or first nation government for the area in which the land described in the application is located, and

(b) if a request is made under paragraph (a) of this subsection, pay a prescribed portion of the fee received under subsection (2) to the local government or first nation government.

(4) A local government or first nation government that is paid a fee under subsection (3)

(b) may retain the fee, and the *Financial Administration Act* does not apply in relation to that fee.

s. 34.1 (1) A person may make an application to which section 34 does not apply by submitting the application and paying the prescribed application fee, if any, to the following, as applicable:

(a) the municipality, if the land described in the application is in a municipality;

(b) the regional district, if the land described in the application is in a regional district but not in a municipality or a local trust area;

(c) the Islands Trust, if the land described in the application is within a local trust area under the *Islands Trust Act*,

(d) the first nation government, if the land described in the application is in the settlement lands of a first nation.

(2) A local government or first nation government that receives an application must review the application and do one of the following:

(a) forward to the commission

(i) the application, and

(ii) the comments and recommendations of the local government or first nation government respecting the application;

(b) notify the applicant that the application will not be forwarded to the commission if

(i) the application is refused, or

(ii) the application may not, under this Act, proceed unless authorized by a resolution of the local government or a law of the first nation government and the required resolution or law is refused.

(3) If a local government or first nation government forwards an application under subsection (2) (a) to the commission, the applicant must pay the prescribed application fee, if any, to the commission.

(4) The application fee that must be paid under subsection (3) is in addition to the application fee, if any, paid under subsection (1).

(5) A local government or first nation government that collects a fee under subsection (1) may retain the fee, and the *Financial Administration Act* does not apply in relation to that fee.

ALR General Regulation – Effective September 30, 2020

Note: These sections of the ALR General Regulation (BC Reg. 57/2020) come into force and effect September 30, 2020. See [OIC 131/2020](#) for text until BC Laws is updated.

Procedures at meetings and public hearings

- s. 9** (1) a local government or a first nation government that holds a public hearing with respect to an application may, without limiting any other powers of the commission, local government, first nation government or public body applicant,
- (a) designate the date, time and place for the meeting or public hearing, and
 - (b) adjourn the meeting or public hearing
- (2) a local government or a first nation government holding a public hearing
- (a) must give all persons present an opportunity to be heard on matters related to the proposal or application that is the subject of the public hearing, and
 - (b) may, without further notice, allow a proposal or application that is the subject of the public hearing to be amended to accommodate representations made at that public hearing
- (3) a local government or a first nation government who was not present at a public hearing may vote on the proposal or application that was the subject of the public hearing if an oral or written report of the public hearing has been given to the member

Applications by local or First Nation government applicants

- s. 14** (1) If a local or first nation government applicant is applying to include land in, or exclude agricultural land from, the agricultural land reserve, the applicant must do all of the following:
- (a) give notice of the application not less than 3 days and not more than 10 days before the date of the public hearing;
 - (b) give a copy of the application to the following:
 - (i) if the land that is the subject of the application is adjacent to an area over which a different local government or first nation government has jurisdiction, that different local government or first nation government;
 - (ii) each local government or first nation government whose interests, the local or first nation government applicant believes, will be affected by the application;
 - (c) include with the application
 - (i) a report of the public hearing and any additional public comments,

and

(ii) any other supporting material the commission may require;

(d) post a sign, in a form and manner acceptable to the commission, on the land that is the subject of the application.

(2) Despite subsection (1) (b), a local or first nation government applicant is not required to give a copy of an application to a first nation government referred to in paragraph (b) of the definition of “first nation government” in section 1 of the Act.

Notice of public hearing

s. 15 (1) A notice of a public hearing must be given in accordance with this section by

(a) the commission, in respect of a proposal on the commissions’ own initiative to include land in, or exclude agricultural land from, the agricultural land reserve, and

(b) a local or first nation government applicant, in respect of an application by the applicant to include land in, or exclude agricultural land from, the agricultural land reserve.

(2) The notice must do all of the following:

(a) state the general intent of the proposal or application;

(b) identify the land affected, whether by using the legal description or by describing the land generally;

(c) state the date, time and place of the public hearing;

(d) state when and where a copy of the proposal or application may be inspected.

(3) The notice must be published as follows:

(a) publication must be in at least 2 issues of a newspaper within the meaning of the *Community Charter*;

(b) the newspaper must be circulated in the municipality, regional district or settlement lands within which the land that is the subject of the proposal or application is located;

(c) the last publication must be circulated not less than 3 days and not more than 10 days before the date of the public hearing.

(4) Despite subsection (3) of this section, if the requirements of that subsection are not practical, the commission or local or first nation government applicant, as applicable, may give notice in the same manner as a council may give notice under section 94 (4) and (5) of the *Community Charter*.

Commission meeting

s. 20 (1) The commission must do all of the following:

(a) hold a meeting to determine an exclusion application;

(b) not more than 30 days before the meeting, give written notice of the meeting to

(i) the applicant,

(ii) the local government or first nation government that has jurisdiction over the agricultural land that is the subject of the application, and

(iii) if the commission considers it advisable, each owner of agricultural land that shares a common boundary with, or is separated by a public road right of way from, the agricultural land that is the subject of the application;

(c) before the meeting, give notice to the applicant of the following:

(i) the information, if any, related to the application that will be considered at the meeting;

(ii) any new information that becomes available.

(2) At the meeting, the commission may do one or more of the following:

(a) hear representations from the applicant;

(b) accept written submissions or any other form of evidence, whether or not it would be admissible as evidence in a court of law;

(c) hear representations, evidence and opinions the commission considers

relevant of

- (i) any person present or represented at the meeting, and
- (ii) the local government or first nation government that has jurisdiction over the agricultural land that is the subject of the application.

Evidence presented at meeting

s. 21 (1) This section applies if

- (a) evidence is presented at a meeting of the commission held to determine an exclusion application, and
 - (b) a statement or summary of that evidence has not been given to the applicant before the meeting.
- (2) If the applicant is present at the meeting, the commission may
- (a) hear further representations in respect of the evidence, or
 - (b) adjourn the meeting to enable the applicant to answer the evidence.
- (3) If the applicant is not present at the meeting, the commission must notify the applicant personally or by registered or electronic mail of
- (a) the evidence, and
 - (b) the date by which the additional evidence may be answered.

ATTACHMENT B:

**APPLICABLE ACT AND REGULATION SECTIONS FOR PUBLIC BODY INITIATED
EXCLUSION APPLICATIONS**

ALC Act

Note: These sections of the ALC Act come into force and effect September 30, 2020. See [Bill 15-2019](#) for text until BC Laws is updated.

- s. 29** (1) A person may apply to the commission to have land excluded from the agricultural land reserve if the person is
- (a) the owner of the land and is
 - (i) the Province, a first nation government or a local government, or
 - (ii) a prescribed public body,
 - (b) a local government, and the land is within the local government's jurisdiction, or
 - (c) a first nation government, and the land is within the first nation's settlement lands.
- (2) Subject to subsection (3),
- (a) an applicant must give notice, in the prescribed form and manner and before making the application, of the application and of a public hearing respecting that application, and
 - (b) the public hearing must be held in the prescribed manner.
- (3) On request of an applicant described in subsection (1) (a), the commission may waive one or more of the requirements of subsection (2).
- (4) An application made by an applicant described in subsection (1) (a) may not proceed unless authorized as follows:
- (a) by a resolution of a local government if the application is made by a person other than a first nation government and, on the date the application is made, the application
 - (i) applies to land within the local government's jurisdiction that is zoned by bylaw to permit farm use, or

(ii) requires, in order to proceed, an amendment to an official settlement plan, official community plan, official development plan or zoning bylaw of the local government;

(b) by a law of a first nation government if the application applies to settlement lands over which the first nation has legislative authority.

s. 29.1 (1) In this section, "**decision respecting proposed settlement lands**" means a decision of the commission made under subsection (2) (b) or (c) of this section on receiving an application under section 29

(a) by an applicant described in subsection (1) (a) of that section, and

(b) in relation to proposed settlement lands.

(2) On receiving an application under section 29, the commission may do one of the following:

(a) refuse permission to have land excluded from the agricultural land reserve;

(b) grant permission, with or without limits or conditions, to have land excluded from the agricultural land reserve;

(c) permit, with or without limits or conditions, a non-farm use, non-adhering residential use, soil or fill use or subdivision of land.

(3) A decision respecting proposed settlement lands is not effective unless and until

(a) those lands are established, in whole or in part, as settlement lands, and

(b) the first nation government that has jurisdiction over those settlement lands enacts a law approving the commission's decision and provides a certified copy of the law to the commission.

(4) Unless a decision respecting proposed settlement lands first becomes effective under subsection (3), the decision expires on the earlier of the following dates:

(a) the date the decision expires according to its terms;

(b) the date a notice to suspend negotiations takes effect.

(5) The commission must deliver its written decision to the applicant.

s. 34 (1) This section applies to the following types of applications:

- (a) an application made by a first nation government as the owner of proposed settlement lands, other than an inclusion application under section 17;
- (b) an exclusion application made by a person referred to in section 29 (1) (b) or (c);
- (c) an application for which review would be required under section 34.1, but the application is made by the local government or first nation government that would be responsible for the review;
- (d) an application for a specific type of use prescribed by regulation as an application that must be filed directly with the commission;
- (e) an application made under section 58.3 (1) (e), unless a regulation made under that section provides otherwise.

(2) A person may make an application described in subsection (1) by submitting the application and paying the prescribed application fee to the commission.

(3) In respect of an application described in subsection (1) (d), the commission

(a) may request comments and information from the local government or first nation government for the area in which the land described in the application is located, and

(b) if a request is made under paragraph (a) of this subsection, pay a prescribed portion of the fee received under subsection (2) to the local government or first nation government.

(4) A local government or first nation government that is paid a fee under subsection (3)

(b) may retain the fee, and the *Financial Administration Act* does not apply in relation to that fee.

s. 34.1 (1) A person may make an application to which section 34 does not apply by submitting the application and paying the prescribed application fee, if any, to the following, as applicable:

(a) the municipality, if the land described in the application is in a municipality;

(b) the regional district, if the land described in the application is in a regional district but not in a municipality or a local trust area;

(c) the Islands Trust, if the land described in the application is within a local trust area under the *Islands Trust Act*,

(d) the first nation government, if the land described in the application is in the settlement lands of a first nation.

(2) A local government or first nation government that receives an application must review the application and do one of the following:

(a) forward to the commission

(i) the application, and

(ii) the comments and recommendations of the local government or first nation government respecting the application;

(b) notify the applicant that the application will not be forwarded to the commission if

(i) the application is refused, or

(ii) the application may not, under this Act, proceed unless authorized by a resolution of the local government or a law of the first nation government and the required resolution or law is refused.

(3) If a local government or first nation government forwards an application under subsection (2) (a) to the commission, the applicant must pay the prescribed application fee, if any, to the commission.

(4) The application fee that must be paid under subsection (3) is in addition to the application fee, if any, paid under subsection (1).

(5) A local government or first nation government that collects a fee under subsection (1) may retain the fee, and the *Financial Administration Act* does not apply in relation to that fee.

ALR General Regulation – General Procedures that apply to all Application Types

Note: These sections of the ALR General Regulation (BC Reg. 57/2020) come into force and effect September 30, 2020. See [OIC 131/2020](#) for text until BC Laws is updated.

Local or first nation government review

- s.8** (1) A local government or first nation government that receives an application under section 34.1 [application procedure if local government or first nation government review required] of the Act must, in accordance with this section, forward to the commission
- (a) the application, and
 - (b) the comments and recommendations of the local government or first nation government in respect of the application.
- (2) The application, comments and recommendations must be forwarded within the following period after the local government or first nation government receives the application:
- (a) 90 days, if a public information meeting is held under section 19 (b) [public hearing and public information meeting];
 - (b) 60 days, if paragraph (a) does not apply.
- (3) The comments and recommendations must be in a form acceptable to the commission and address all of the following that apply:
- (a) in the case of an exclusion application made by a public body applicant,
 - (i) whether the notice required under section 17 (a) [exclusion applications by public body applicants] of this regulation has been given,
 - (ii) whether the resolution or law required under section 29 (4) [exclusion applications] of the Act has been made, and
 - (iii) any responses the local government or first nation government received
 - (A) under section 18 [responses to exclusion applications], and
 - (B) through a public information meeting held under section 19 (b),if any;
 - (b) in the case of a use or subdivision application, whether
 - (i) the resolution, if required under section 25 (3) [applications by owner] of the Act, has been made, or
 - (ii) the law required under section 25 (3.1) of the Act has been made.
- (4) The comments and recommendations may include any other information the local government or first nation government wants the commission to consider concerning the application.

Procedures at meetings and public hearings

- s. 9** (1) The commission, a local government, a first nation government or a public body applicant that holds a meeting, public information meeting or a public hearing with respect

to an application may, without limiting any other powers of the commission, local government, first nation government or public body applicant,

- (a) designate the date, time and place for the meeting or public hearing, and
- (b) adjourn the meeting or public hearing.

(2) The commission, a local government, a first nation government or a public body applicant holding a public hearing

- (a) must give all persons present an opportunity to be heard on matters related to the proposal or application that is the subject of the public hearing, and
- (b) may, without further notice, allow a proposal or application that is the subject of the public hearing to be amended to accommodate representations made at that public hearing.

(3) A member of the commission, a local government or a first nation government who was not present at a public hearing may vote on the proposal or application that was the subject of the public hearing if an oral or written report of the public hearing has been given to the member.

Public body applicants

s. 16 (1) An applicant to exclude agricultural land from the agricultural land reserve is a public body applicant if the applicant is the owner of the agricultural land and is

- (a) the Province, a local government or a first nation government, or
- (b) a person or body listed in subsection (2).

(2) The following are prescribed for the purposes of section 29 (1) (a) (ii) [*exclusion applications*] of the Act:

- (a) a regional health board designated under section 4 (1) of the *Health Authorities Act*;
- (b) an educational body within the meaning of the *Freedom of Information and Protection of Privacy Act*;
- (c) an improvement district within the meaning of the *Local Government Act*;
- (d) BC Transportation Financing Authority;

- (e) British Columbia Housing Management Commission;
- (f) British Columbia Hydro and Power Authority;
- (g) South Coast British Columbia Transportation Authority;
- (h) British Columbia Transit Corporation;
- (i) Columbia Power Corporation.

Exclusion applications by public body applicants

s. 17 If a public body applicant is applying to exclude agricultural land from the agricultural land reserve, the public body applicant must do all of the following:

- (a) give notice of the application not less than 3 days and not more than 10 days before the date of the public hearing;
- (b) give a copy of the application to any local government or first nation government that has jurisdiction over land that shares a common boundary with the agricultural land that is the subject of the application;
- (c) include with the application a copy of the notice required under paragraph (a);
- (d) post a sign, in a form and manner acceptable to the commission, on the land that is the subject of the application.

Responses to exclusion applications

s. 18 (1) If a public body applicant receives a response to a notice given under section 17 (a) [*exclusion applications by public body applicants*], the applicant must promptly forward the response to the local government or first nation government that has jurisdiction over the agricultural land that is the subject of the application.

(2) A local government or first nation government that receives a copy of an application under section 17 (b) may respond to the application by giving comments and recommendations to the local government or first nation government that has jurisdiction over the agricultural land that is the subject of the application.

s. 19 If a public body applicant is applying to exclude agricultural land from the agricultural land reserve,

(a) the applicant must give notice of a public hearing in accordance with section 15 (2) to (4) [*notice of public hearing*] as if the applicant were a local or first nation government applicant, and

(b) the commission, or the local government or first nation government that has jurisdiction over the agricultural land that is the subject of the application, may, in addition to the public hearing, hold a public information meeting with respect to that application.

Commission meeting

20 (1) The commission must do all of the following:

(a) hold a meeting to determine an exclusion application;

(b) not more than 30 days before the meeting, give written notice of the meeting to

(i) the applicant,

(ii) the local government or first nation government that has jurisdiction over the agricultural land that is the subject of the application, and

(iii) if the commission considers it advisable, each owner of agricultural land that shares a common boundary with, or is separated by a public road right of way from, the agricultural land that is the subject of the application;

(c) before the meeting, give notice to the applicant of the following:

(i) the information, if any, related to the application that will be considered at the meeting;

(ii) any new information that becomes available.

(2) At the meeting, the commission may do one or more of the following:

(a) hear representations from the applicant;

(b) accept written submissions or any other form of evidence, whether or not it would be admissible as evidence in a court of law;

(c) hear representations, evidence and opinions the commission considers relevant of

- (i) any person present or represented at the meeting, and
- (ii) the local government or first nation government that has jurisdiction over the agricultural land that is the subject of the application.

Evidence presented at meeting

s. 21 (1) This section applies if

(a) evidence is presented at a meeting of the commission held to determine an exclusion application, and

(b) a statement or summary of that evidence has not been given to the applicant before the meeting.

(2) If the applicant is present at the meeting, the commission may

(a) hear further representations in respect of the evidence, or

(b) adjourn the meeting to enable the applicant to answer the evidence.

(3) If the applicant is not present at the meeting, the commission must notify the applicant personally or by registered or electronic mail of

(a) the evidence, and

(b) the date by which the additional evidence may be answered.