



**SECTION 3.3.1 – Agricultural Land Commission – Agricultural  
Land Administration**

(OLD LMM SECTION 1.3.0402)

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**NAME OF AGREEMENT:** AGRICULTURAL LAND ADMINISTRATION

**RECIPROCAL AGENCY:** PROVINCIAL AGRICULTURAL LAND COMMISSION

**ISSUANCE:** Assistant Deputy Minister, Crown Land Administration  
Division

**IMPLEMENTATION:** Ministry of Agriculture and Lands

**REFERENCES:** Agricultural Land Commission Act  
Soil Conservation Act  
Land Act

**RELATIONSHIP TO  
PREVIOUS  
AGREEMENT:**

Effective date	BN #	Summary of Changes:
		Unchanged

**RELATIONSHIP TO  
PREVIOUS AGREEMENT**

Amendment of 81-10-30 Agreement to:

- simplify wording of agreement and clarify agency roles and functions;
- eliminate procedural instructions for applicants;
- designate agency contacts; and
- add or clarify definitions.



## AGRICULTURAL LAND ADMINISTRATION

PROVINCIAL AGRICULTURAL  
FORESTS  
LAND COMMISSION  
(File: 00144)

MINISTRY OF  
AND LANDS  
(File: 0319631)

### 1.0 Purpose and Scope

- a) The purpose of this memorandum is to establish an understanding between the Provincial Agricultural Land Commission and the Ministry of Forests and Lands with respect to the responsibilities of the Commission and the Ministry for Crown land and with the following objectives:
  - (i) to achieve an improved level of service to the public;
  - (ii) to facilitate co-operation between the Ministry and the Commission in which the objectives of each may be mutually achieved; and
  - (iii) to establish procedures for the implementation of these objectives.
- b) This memorandum of agreement is subject to the Agricultural Land Commission Act, the Soil Conservation Act, and the Land Act.

### 2.0 Definitions

- a) “Agricultural Land” means land currently being used or which has potential for agricultural uses.
- b) “Agricultural Land Reserve Land” means land designated as Agricultural Land Reserve (ALR) under the Agricultural Land Commission Act.
- c) “Agricultural Use” means farm use as defined in the Agricultural Land Act and those uses listed as permitted uses in Section 2(1), B.C. Regulation 7/81 (Agricultural Land Commission Subdivision and Land Use Regulation).
- d) “Commission” means the Provincial Agricultural Land Commission established under the Agricultural Land Commission Act.
- e) “Crown Land” means land, whether or not it is covered by water, or an interest in land, vested in the Crown.
- f) “Fill” means any material brought on land in an agricultural land reserve.
- g) “Local Authority” means a municipality or regional district or as defined in the Soil Conservation Act.
- h) “Ministry” means the Ministry of Forests and Lands.



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- i) “Regional Lands Manager” means the appropriate Regional Manager for one of the Lands Regions of the Ministry of Forests and Lands.
- j) “Soil” means the entire mantle of unconsolidated material including gravel and sand above bedrock other than minerals as defined in the Mineral Act or the Mining (Placer) Act.

### 3.0 Responsibilities and Jurisdiction of the Commission and the Ministry

- a) The Commission is recognized as the agency responsible for the preservation of agricultural land within the Province with the mandate for encouraging the establishment, maintenance and preservation of farms and encouraging uses of land within Agricultural Land Reserves that are compatible with agricultural purposes.
- b) The Ministry is recognized as the agency responsible for the administration and management of Crown land under the Land Act with the mandate for optimizing economic, environmental, and social benefits through land allocation.

### 4.0 Reviews and Studies of Crown Land and Agricultural Land Reserves

#### 4.1 Reviews or Studies by the Ministry

Where the Ministry is undertaking reviews or studies which encompass ALR lands or lands outside the ALR with the potential for agricultural use, the Commission shall be notified and invited to participate in the process. This may result in the Ministry making application to the Commission for inclusion into, exclusion from, subdivision within or non-agricultural use within an ALR.

#### 4.2 Reviews or Studies by the Commission

Where a review of agricultural lands or an ALR is being undertaken by the Commission that includes Crown land, the Regional Lands Manager shall be supplied with supporting information and advised prior to the designation of that land as an ALR.

### 5.0 Exemptions Not Requiring Referral or Application to the Commission

In certain situations, the disposition of Crown land within an Agricultural Land Reserve does not require Commission referral or approval. This applies in the following situations:

- a) the disposition of any existing surveyed lot in an ALR 0.81 hectares or greater in size, providing that the proposed use is for agriculture, a homesite or any other use acceptable to the Commission pursuant to B.C. Regulation 7/81 (Agricultural Land Commission Subdivision and Land Use Regulation);



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- b) any agricultural use for which a lot is to be created that is 58 hectares or greater;
- c) any agricultural use for which a lot is to be created that is less than 58 hectares provided that the lot to be created is to be legally consolidated by survey with the existing holdings of the applicant or will be bound by restrictive covenant so that the lot to be created can not be transferred separately from the existing holdings of the applicant;
- d) dispositions (individually or collectively) and non farm use of lots from subdivisions surveyed before December 21, 1972, where the total number of contiguous lots is less than 5 and each lot is under 0.81 hectares;
- e) consolidation of existing surveyed lots or unsurveyed Crown land with existing surveyed lots; or
- f) consolidation of natural accretions.

If the Crown is considering a disposition in any of the above situations, neither referral nor an application to the Commission is required. If any doubt exists the matter should be referred to the Commission on the Land Referral Form L19 (Appendix I, or as it may be amended from time to time) for confirmation.

### 6.0 Referrals to the Commission

- a) Except as specified in section 5.0, the following applications and proposals will be referred to the Commission using the Land Referral Form L19 (Appendix I, or as it may be amended from time to time):
  - (i) an application or land use proposal for Crown land within an ALR;
  - (ii) an application or land use proposal for Crown land that may have an impact or effect on the agricultural use of neighbouring lands located in an ALR; or
  - (iii) a proposal for the reservation, designation, prohibition of use or transfer of administration and control to another Ministry or to the Government of Canada of Crown lands within an ALR or where the proposal may have an impact or effect on the agricultural use of neighbouring lands in an ALR.
- b) Upon referral the Commission will provide a response to the Ministry within 30 days which:
  - (i) shall provide the Ministry with information confirming that the land is located within an ALR and, where necessary, any other applicable information; and



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- (ii) shall indicate the type(s) of application required under the Agricultural Land Commission Act, the Soil Conservation Act, or regulations.
- c) Referral of proposals to the Commission will not constitute an application for approval by the Commission.

### 7.0 Applications to the Commission for Exclusion, Subdivision and/or Non-Agricultural Use

- a) Where the Ministry is in receipt of an application for Crown land located in an ALR and approval of the Commission is required for the subdivision and/or nonagricultural use of the land or the exclusion from an ALR, the Ministry will require as a precondition to disposition that the applicant obtain the approval of the Commission.
- b) Where a Crown land applicant or tenure holder is required to make application to the Commission, the Commission shall recognize the applicant or tenure holder only where he/she is able to present a letter of commitment or authorization signed by the Regional Lands Manager (or an authorized representative) which conveys to him/her the authority to apply to the Commission on behalf of the Ministry.
- c) Applications made for exclusion under Section 12(1) or for subdivision or non-agricultural use under Section 20(1) of the Agricultural Land Commission Act shall be made by the applicant through the appropriate local authority using the Commission's Schedule B form.
- d) Applications for special non-agricultural uses made under B.C. Regulation 313/78 (Section 44) shall be made by the applicant directly to the Commission using the Commission's Schedule F form.

### 8.0 Applications to the Commission by the Ministry for Inclusion of Land into an Agricultural Land Reserve

Where an application for Crown land is approved by the Ministry for agricultural purposes and the land is not located in an ALR, the Regional Lands Manager shall make application to the Commission through the appropriate local authority for the inclusion of the land into an ALR. The application shall include all required forms and documents, and other information relating to the suitability of the land for agricultural purposes.

### 9.0 Soil Conservation Act

#### 9.1 Identification of Crown Land for Soil Removal or Placement of Fill

- a) The Commission and the Ministry will co-operate with local authorities to designate Crown land within an Agricultural Land Reserve for soil removal or placement of fill to expedite the issuance of required permits.



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- b) Proposals for designation of Crown land for soil removal or placement of fill may be initiated by either the appropriate local authority or by the Regional Lands Manager. Proposals forwarded to the Commission shall be accompanied by a detailed agricultural capability report and other information necessary to document the suitability of the land for the proposed use.
- c) Where the Commission and the local authority agree to the designation of Crown land for soil removal or placement of fill, the Commission will advise the Ministry and the local authority of its support for the designation, and the Ministry may so designate the land under Section 13 of the Land Act.

### 9.2 Applications for the Use of Crown Land for Soil Removal or Placement of Fill

- a) Where an application is made for the use of Crown land in an area designated for the extraction of soil or the placement of fill, the Ministry may approve the application and upon the issuance by the local authority of a permit under the Soil Conservation Act, may grant tenure under the Land Act.
- b) Where an application is made for the use of Crown land within an ALR in an area not designated for the extraction of soil or the placement of fill, the Ministry or an applicant will submit an application to the Commission as specified in the Soil Conservation Act and regulations.
- c) The Ministry will advise the Commission and the appropriate local authority of a tenure issued under the Land Act for soil removal or placement of fill within an Agricultural Land Reserve.

### **10.0 Procedures for the Sale of Land Managed by the Commission to Lessees of the Commission**

Reference should be made to L.A.M. 1.6.0100, Appendix III (“Real Estate Services to the Agricultural Land Commission”) for a description of the responsibilities of both agencies in the sale of agricultural land, managed by the Commission, to lessees of the Commission.

### **11.0 Designated Contacts**

- a) Any matters relating to the interpretation of this Agreement or any difficulties encountered in the processing of referrals or applications shall be referred to the Director, Land Policy Branch, Ministry of Forests and Lands, and to the Director, Planning, Processing, and Technical Division, Provincial Agricultural Land Commission.



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- b) The Assistant Deputy Minister, Timber and Land Marketing, Ministry of Forests and Lands, and the General Manager, Provincial Agricultural Land Commission will be responsible for the administration of this Agreement.

### 12.0 Interagency Dialogue

An annual meeting and frequent dialogue between the staff members of both agencies is encouraged. Meetings may be initiated by either party to discuss the current policies and procedures of either agency and any other matter of mutual concern.

### 13.0 Effective Date and Term of the Agreement

- a) This Agreement becomes effective upon signature by both parties.
- b) Either party to the Agreement may, on 14 days written notice, convene a meeting to discuss modification to this Agreement. Modifications mutually agreed upon will become effective 30 days thereafter.
- c) This Agreement will remain in force until December 31, 1992, unless extended or terminated by mutual consent.

R. P. Murdoch  
General Manager  
Provincial Agricultural Land Commission

B. E. Marr  
Deputy Minister  
Ministry of Forests and Lands

27 October 1987