

If your land is in the Agricultural Land Reserve (ALR), you will require approval from the Provincial Agricultural Land Commission (ALC) to proceed with an exclusion of land from the ALR. The *Agricultural Land Commission Act* requires that the responsible local government make application for exclusion applications on behalf of private landowners. The RDEK has a policy that guides how and when applications will be received and processed. In order for a request for an exclusion application to proceed applications must:

- be received by the RDEK by August 1st each calendar year;
- include all information that is required by the RDEK as identified on the applicable application form; and
- include the applicable payment to the RDEK (see below).

Prior to submission of an ALR Exclusion Application to the RDEK, potential applicants are encouraged to review the ALR Private Landowner Request for Exclusion Application Policy to confirm that the application request meets the identified criteria.

How to apply:

1. Complete the RDEK ALR Exclusion application form.
2. Your application must include:
 - a) A Title Search print dated no more than 30 days before August 1st annually. These are available online at <http://www.ltsa.ca/cms>.
If the application is being submitted to the RDEK more than 30 days before August 1st, please provide authorization and include payment for a Title Search to be obtained by the RDEK for a document fee of \$15.00.
 - b) Detailed information about the proposal, including a map or sketch showing the parcel(s) or area proposed for exclusion.
 - c) Detailed information about current agricultural use, agricultural improvements and non-agricultural land use on the parcel(s).
 - d) Supporting information such as photographs.
 - e) Signatures authorizing the request for the exclusion application to be made by the RDEK by all registered owners as shown on the Title Search.
3. Non-refundable application fees payable to the Regional District of East Kootenay are required in two phases:
 - Application submission - \$500.00, plus \$15 for Title Search (if applicable)
 - If a public hearing is authorized - \$1000.00
The public hearing fee must be paid within 10 days of notification to allow for advertising of the hearing.

4. Payment can be received at the RDEK office in Cranbrook at:

**19 - 24th Avenue South
Cranbrook BC V1C 3H8**

Office Hours: 8:30 am to 4:30 pm Monday through Friday, excluding holidays

Phone: 250-489-2791

Fax: 250-489-3498

Toll Free: 1-888-478-7335

Incomplete or missing information will delay processing of your application.

What happens to your application:

Exclusion Application Process:

Applications will be reviewed by the RDEK Board of Directors once annually following the August 1st deadline.

1. RDEK staff will review your application to ensure that all required information has been provided and in consideration of the ALR Private Landowner Request for Exclusion Application Policy. You will be notified if additional information is required prior to the application process proceeding.
2. The application will be referred to the applicable Advisory Planning Commission for your Electoral Area.
3. Your application is sent to the Regional District Board for consideration. The RDEK Board of Directors will consider whether or not to authorize a public hearing for each request under consideration. If an application is determined to be consistent with the Exclusion Application Policy a public hearing will be authorized.

If the Board does not grant a public hearing, then your application is finished and proceeds no further.

If a public hearing is authorized you will be notified of the proposed hearing date and required to pay the public hearing portion of the application fee.

4. A notification sign on the parcel(s) under application is required by the Agricultural Land Reserve General Regulation. You will be provided information on the required sign content and sign type by RDEK staff after the public hearing is authorized. The responsibility for the production of the sign, posting of the signage and provision of photo documentation of proof of sign posting to the RDEK is the responsibility of the requesting applicant.
5. A public hearing will be held for the authorized exclusion application request(s). A public hearing report and summary of comments received in response to the sign posting will be included in a public hearing report and presented to the RDEK Board. The Board will consider whether to forward the application(s) to the ALC or refuse to make the application(s).

If the Board recommends proceeding with the application(s), the RDEK will make application on behalf of the private landowner(s).

6. The ALC will review the RDEK Exclusion Application and notify the RDEK of the decision. The required signage on the parcel(s) must remain in place until a decision on the application has been made.
7. Once the RDEK has been notified by the ALC of their decision on the ALR Exclusion application the applicant(s) will be notified of the decision.
8. If the ALC approves the exclusion application and your proposal requires rezoning, official community plan (OCP) amendment, subdivision or a building permit, you may now proceed to the next step in the development process.

ALC approval of your application does not guarantee that other approvals will also be granted.

If the ALC turns down the RDEK ALR Exclusion application, you may contact them directly for more information.

Private Landowner Request for ALR Exclusion Application Policy

Adopted December 2020

Resolution No. 49502

Local government initiated Agricultural Land Reserve (ALR) exclusion applications under section 34 (1)(b) of the *Agricultural Land Commission Act*, including requests for exclusion applications from all private landowners under Regional District of East Kootenay (RDEK) jurisdiction, shall be accepted on an on-going basis and processed annually. The annual application intake deadline for Private Landowner exclusion request applications shall be August 1st.

The procedure for processing exclusion request applications following the annual intake deadline shall be:

- 1) Confirmation of receipt of all application requirements and supporting information by RDEK staff.
- 2) Application will be processed in accordance with the general application procedure as outlined in the Development Applications Bylaw.
- 3) Criteria to be considered by the RDEK on whether or not to support advancing an private landowner request for exclusion to the ALC shall include:
 - Demonstration that alternative approvals such as Non-Farm Use or Subdivision approval or other accommodation within the ALR have been considered prior to applying for exclusion. Provision of rationale on why exclusion from the ALR is required.
 - Clear identification of support for the proposed exclusion as a result of a comprehensive land use planning process such as an Official Community Plan (OCP) development or review process, or a comprehensive ALR boundary review process.
- 4) In conjunction with RDEK Board consideration of the application, proceeding with all ALR General Regulation requirements that require expenditure of financial resources, such as advertising and hosting a public hearing and posting of signage, shall only be authorized if support to forward the application to the Agricultural Land Commission (ALC) is granted. Where feasible application processing and application requirements, such as referral to Advisory Planning Commissions, advertising and hosting public hearings, shall be combined with other applications in order to reduce the need for dedication of both staff and financial resources.



ALR Exclusion Private Landowners Application

Cranbrook Office
19 – 24th Avenue South
Cranbrook BC V1C 3H8
Ph: 250-489-2791 • Fx: 250-489-3498

Columbia Valley Office
1164 Windermere Loop Road
Invermere BC V0A 1K3
Ph: 250-342-0063 • Fx: 250-342-0064

Toll Free 1-888-478-7335

SECTION 1 – APPLICANT INFORMATION

Registered Owner(s): _____	Agent: _____
Address: _____ _____	Address: _____ _____
Phone: _____ (home) _____ (work) Email: _____	Phone: _____ (home) _____ (work) Email: _____

SECTION 2 – DECLARATION AND AUTHORIZATION

I / we declare that the information in this application is, to the best of my / our knowledge, true and correct.

Signature of Applicant(s): _____ Date: _____

If the application is submitted by an Agent, the owner(s) must sign the following statement or provide separate written authorization:

I / we consent to this application filed by the person or company whose name appears as the agent above.

Signature of Owner(s): _____ Date: _____

Personal information contained on this form is collected under the *Local Government Act* and in accordance with the *Freedom of Information and Protection of Privacy Act* and will be used only for the purpose of processing the application and may be shared with the Directors of the RDEK and referral agencies. For questions or additional information pertaining to your personal information, contact the RDEK FOI Coordinator at 250-489-2791.

