

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 applications will be processed. In order for a request for an exclusion application to proceed applications must:

- 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 prior to submission of the application. These are available online at <http://www.ltsa.ca>.
If you wish the RDEK to obtain a Title Search on your behalf, please provide authorization and include payment for a Title Search to be obtained by the RDEK for a document fee of \$17.50.
 - 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:
2023* Application Fee:
 - Application submission - \$500.00, plus \$17.50 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.

*Complete application must be received by the RDEK by December 31, 2023.

2024 Application Fee:

- Application submission - \$750.00, plus \$17.50 for Title Search (if applicable)
- If a public hearing is authorized - \$1500.00
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.

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. All property owners will be required to sign an Agent Authorization Letter appointing the RDEK as Agent on their behalf prior to submission of the application to the ALC.

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. As part of the processing of the application the ALC will hold an Exclusion Meeting and may require a site visit by the ALC Commissioners and ALC staff. RDEK staff will advise you of proposed meeting and site visit dates, as applicable. The timing of these required steps is at the sole discretion of the ALC. The required signage on the parcel(s) must remain in place until a decision on the application has been made. When the ALC makes a decision on the application, the RDEK will be notified as Agent for the application.
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 (Consolidation)

Amended June 2023

Resolution No. 51130

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.

The procedure for processing exclusion request applications 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.

SECTION 1 – APPLICANT INFORMATION

Registered Owner(s): _____	Agent: _____
Address: _____	Address: _____
Phone: _____ Email: _____	Phone: _____ 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 requested on this form is collected under the authority of section 26 of the Freedom of Information and Protection of Privacy Act (FOIPPA) and will be used by the RDEK for the purpose of processing the application. Disclosure of personal information by the RDEK is subject to the requirements of FOIPPA. For questions about the collection, use or disclosure of your personal information in the RDEK, contact the Corporate Officer of the RDEK at 19 – 24th Ave S., Cranbrook BC, V1C 3H8 or 250-489-2791.

SECTION 3 – LAND UNDER APPLICATION

Legal description of all land proposed for development:

Lot _____ Block _____ Plan _____ District Lot _____

Extended legal description: _____

Street Address: _____ Parcel Identifier Number (PID): _____

Size of property: _____ Existing Zoning: _____

Purchase date: _____

Farm Classification: ☐ Yes ☐ No

SECTION 4 – DEVELOPMENT & LAND USE INFORMATION

- **Describe in detail all agriculture that currently takes place on the parcel(s):**

[illegible]

SECTION 4 – DEVELOPMENT & LAND USE INFORMATION cont...

- [illegible]

- [illegible]

Office Use Only
File No: _____
Revised: June 2023

- **Attach a map or sketch showing:**

- North arrow & scale
- Parcel lines with dimensions
- Area for exclusion clearly identified
- Physical features (creeks, ponds, gullies, hills etc.)
- Access (roads, driveways, etc)
- All buildings & structures (existing & proposed)
- All agricultural improvements (if applicable)
- Well or water intake
- Septic tank & field

SECTION – 5 LAND USE OF ADJACENT PARCEL(S):

	Primary Land Use Type (e.g Agricultural, Residential, etc.)	Specific Activity (e.g. cattle grazing, single family residence, etc)
North		
East		
South		
West		

SECTION 6 – PROPOSAL

- **How many hectares are you proposing to exclude?** _____
- **Why are you requesting an exclusion application? Include what future uses or activities require the exclusion of the parcel(s) and why they cannot be accommodated within the ALR through another form of approval (e.g. non-adhering residential use, non-farm use or subdivision).**

[illegible]

SECTION 6 – PROPOSAL cont'd...

- Have the parcel(s) proposed for application been identified as supported for future exclusion from the ALR in the applicable Official Community Plan (OCP)?

- ☐ Yes Policy: _____ OCP: _____
- ☐ No
- ☐ Unzoned Area not covered by an OCP

- **Identify why you believe the parcel(s) should be excluded from the ALR?**

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins or other markings on the paper.

SECTION 7 – ENSURE THE FOLLOWING ARE ENCLOSED WITH YOUR APPLICATION:

- ☐ Map or Sketch as identified in Section 4 (Page 4) of this application form.
- ☐ Initial application fee of \$500.00 payable to the Regional District of East Kootenay
- ☐ A Title Search Print. These are available from the Land Title Office at www.ltsa.ca; **OR**
- ☐ Consent to the RDEK to conduct a Land Title Search on your behalf for a fee of \$17.50 (include payment or authorization if applicable).
- ☐ Photographs in support of your application request (Optional).