

TO: CITY MANAGER

1996 NOVEMBER 05

FROM: DIRECTOR PLANNING AND BUILDING

OUR FILE: 02.120.5

**SUBJECT: IMPLEMENTATION OF BURNABY BUSINESS
PARK'S BIG BEND AREA LAND USE PROPOSAL**

PURPOSE: To provide Council with information in response to questions that have been raised regarding Burnaby Business Park's land use proposal; and to advance its implementation leading to an application to the Provincial Agricultural Land Commission to exclude certain lands from the Agricultural Land Reserve.

RECOMMENDATIONS:

1. **THAT** Council endorse the implementation proposals as presented in this report.
2. **THAT** a copy of this report be forwarded to:

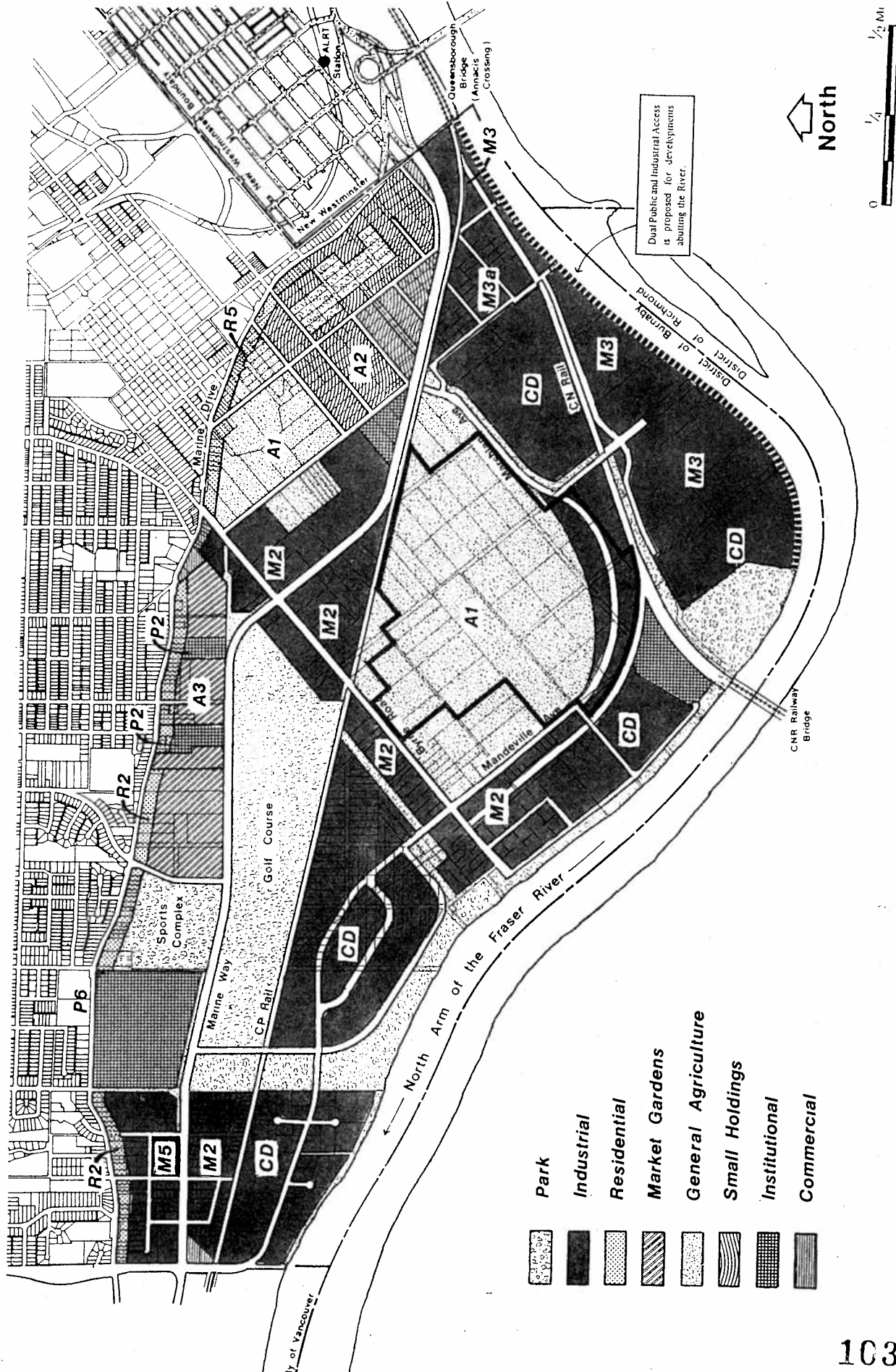
Provincial Agricultural Land Commission
#133 - 4940 Canada Way
Burnaby, BC V5G 4K6

Mr. Doug Porter
3782 Thurston Street
Burnaby, B.C. V5H 1H7

R E P O R T

1.0 BACKGROUND

Burnaby Business Park Ltd. (BBP) owns 265 acres in the Big Bend area (*Figure 1*). 222 acres are zoned for A1 Agricultural use and are within the Agricultural Land Reserve (ALR) as noted on Figure 1. 43 acres are zoned for CD Comprehensive Industrial use and designated accordingly in the Big Bend Development Plan (*Figure 2*).



Big Bend Development Plan

— Burnaby Business Park Lands

Figure 2

1.1 Provincial Agricultural Land Commission Review

As Council will recall, on 1996 June 26 the Provincial Agricultural Land Commission (ALC) discussed the BBP proposal to develop a land use plan for the subject lands and by resolution, endorsed a set of objectives and principles for a land use review and authorized further discussions between the ALC, BBP and the City to seek a resolution and to work towards a land use plan that will meet the objectives of all three parties. BBP has engaged G.G. Runka Land Sense Ltd. (Land Sense Ltd.) To prepare an agricultural development concept plan for its properties.

The ALC met again on 1996 September 06 at which time it reviewed the history of the area including parcel sizes and layout, agricultural suitability and capability of the lands and related land use factors. The benefits to agriculture to be gained through endorsement and implementation of the proposed plan were discussed and the ALC concluded that the plan meets the objectives of the Commission and provides overall net benefits for agriculture in this region. It was specifically noted that the endorsement of the concept plan does not fetter the Commission's decision making authority under the Agricultural Land Commission Act and that BBP will need to file a formal application. The ALC identified a number of items which should be addressed prior to, or at the time of the application. As these items will be of interest to the Council and others, they are reviewed later in this report.

1.2 City Council Review

At its 1996 September 09 meeting, Council received the Manager's Report No.23, Item 23, providing information in support of a recommendation to endorse a Land Use Concept (*Figure 3*). This report addressed matters which include agricultural climate characteristics, soil characteristics, drainage requirements, environmentally significant areas, potential for organic production and certification and the land suitability for specific crops. Consideration was also given to the improvements required to the agricultural infrastructure in order for the property owners to be in a position to lease the proposed farm units for actual production.

Two scenarios of crop use choice were represented in the Land Use Concept Plan. For the purposes of the concept plan, the approximately 66 suitable crops were prioritized into two crop groups or types which provide the greater opportunity at this time: vegetables/blueberries and cranberries.

- ▶ a first scenario suggests a combination of vegetables/blueberries on Farm Unit 1 (58 acres) and cranberries on Farm Unit 2 and 3 (56 and 60 acres respectively).
- ▶ a second scenario suggests a vegetable/blueberry combination on all three farm units (174 acres).

This Plan also designates lands for habitat restoration, comprehensive industrial use, public open space (dedicated park/buffer area, bog forest preservation) and for community based allotment gardens.

Provision is made to turn some 39 small, vacant, unproductive parcels into several reasonably sized consolidated farm units with long-term tenure. It has been recognized that BBP proposes to submit an application to exclude 52 acres of land to expand the industrial area as shown on *Figure 4*. 21 acres has had an historical deposition of wood waste and other off-site materials. Of the remaining lands, configuration constraints to land suitability for agriculture associated with waste disposal and a major drainage ditch cover a further 7 acres.

In adopting a resolution endorsing the Land Use Concept on 1996 September 09, Council requested staff to examine the opportunity to provide smaller units and to give consideration to the ability for organic farmers to lease property. The prospect of introducing aquaculture was also to be reviewed.

1.3 Council Correspondence

On 1996 September 30, Council received an item of correspondence from Mr. D. Porter in which he stated his belief that virtually all of the agricultural quality land within the ALR should be retained for agricultural use without exception. He also proposed that the 30 metre wide park/buffer area be located solely on lands not suitable for agriculture. Mr. Porter then reiterated his position whereby he would like to see agricultural land protected by referendum in the same manner as dedicated parkland.

Arising from its discussion, Council subsequently referred this correspondence to staff for report.

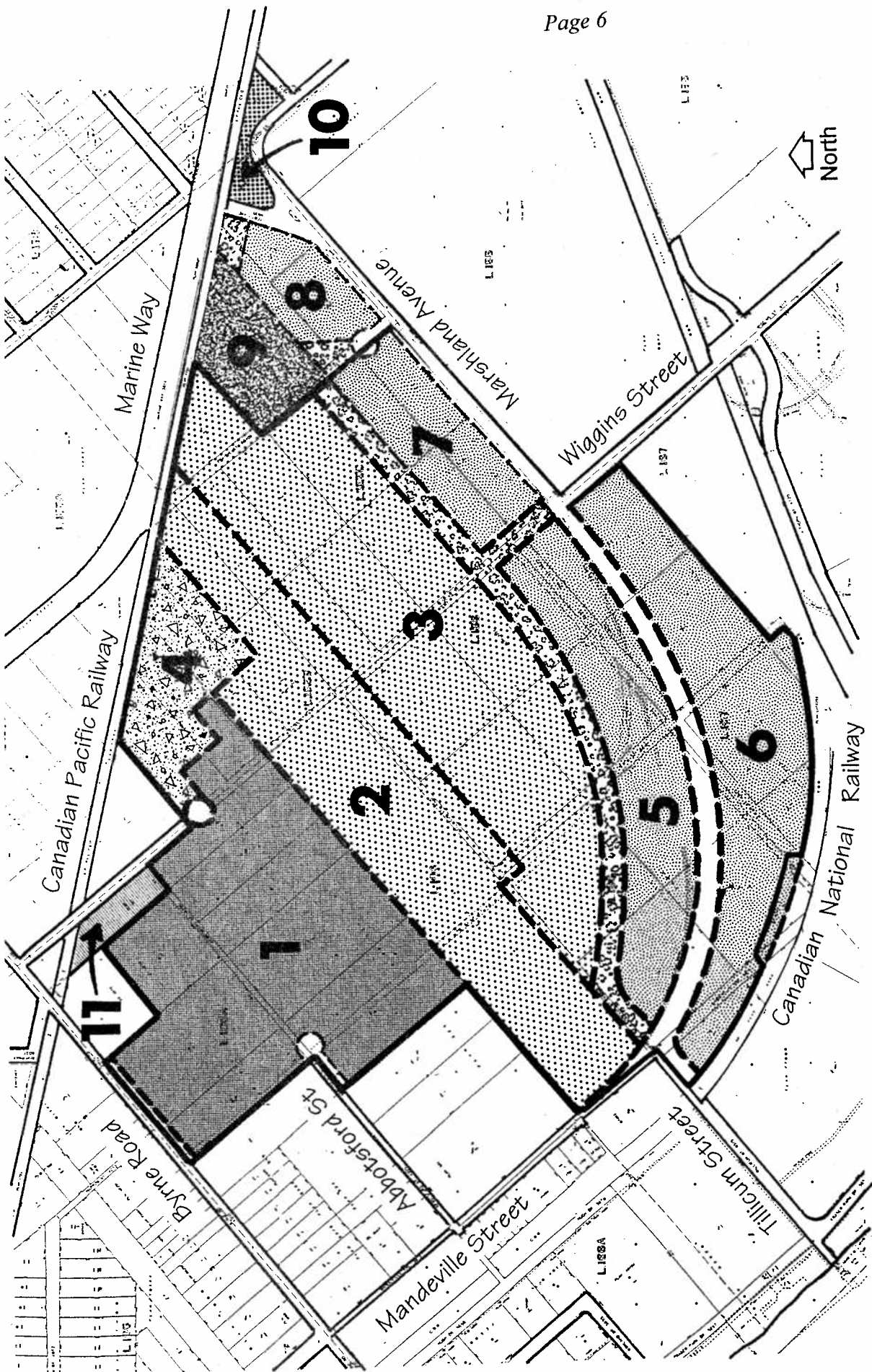
















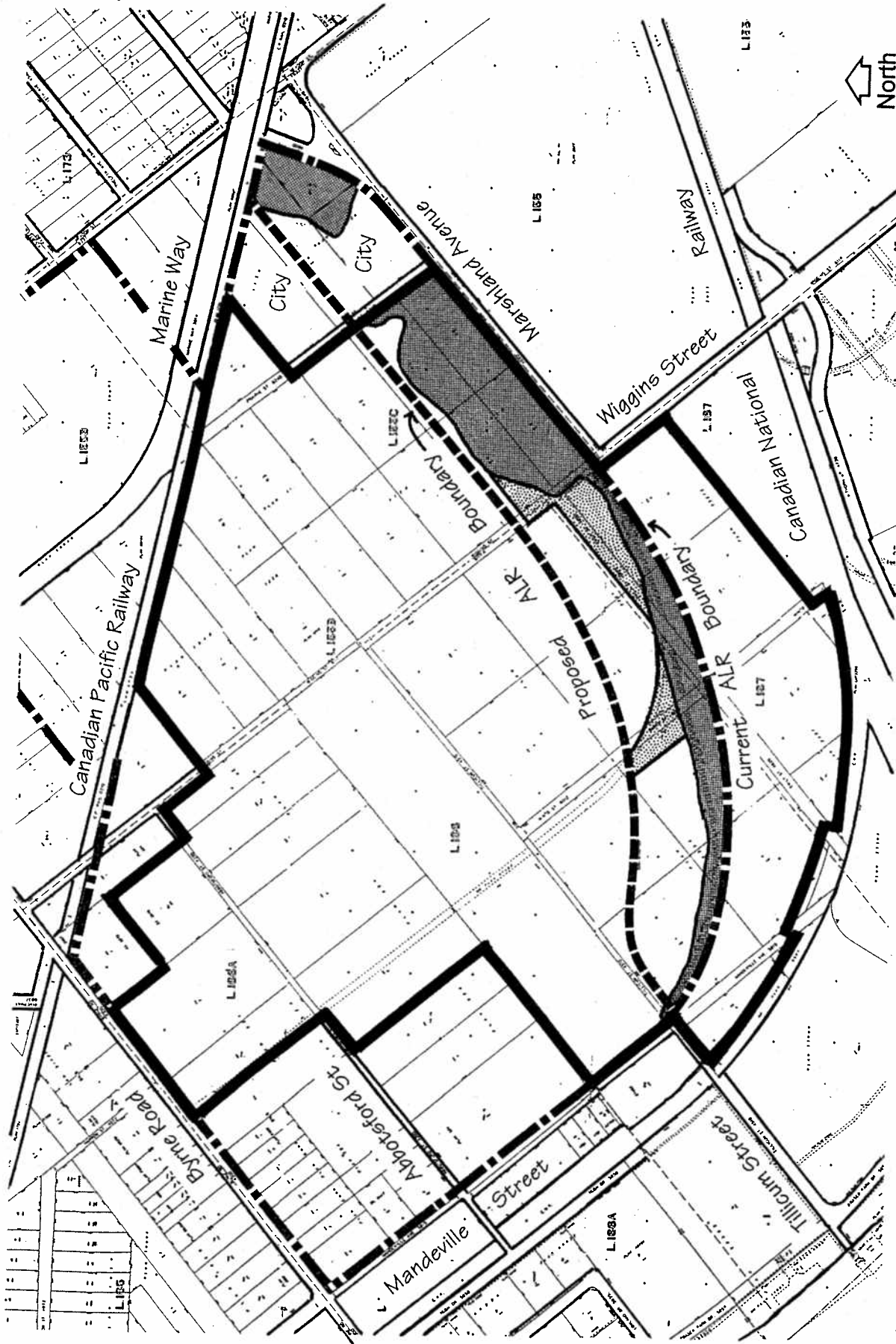


Figure 3

Land Use Concept Plan

-  Boundary of Burnaby Business Park Lands
-  Consolidated Lot Boundaries
-  Dedicated Park/Buffer
-  Farm Unit (Vegetables/Blueberries)
-  Farm Unit (Vegetables/Blueberries or Cranberries)
-  Farm Unit (Vegetables/Blueberries or Cranberries)
-  Habitat Restoration
-  Comprehensive Industrial (BBP)
-  Farm Unit (Vegetables/Blueberries or Cranberries)
-  Farm Unit (Vegetables/Blueberries or Cranberries)
-  Gateway Use
-  Allotment Gardens (City)
-  Comprehensive Industrial (City)
-  Bog Forest Preservation (City)
-  Gateway Use
-  Allotment Gardens (City)

August, 1996



Proposed Agricultural Land Reserve Exclusion






-  Boundary of Burnaby Business Park Lands
-  Current ALR Boundary
-  Proposed ALR Boundary
-  Areas Unsuitable Due to Configuration
-  Areas Unsuitable for Agricultural Use Due to Land Modification (Landfill Deposits, Modification)

Figure 4
August, 1996

2.0 BBP'S RESPONSE TO ITEMS RAISED BY THE AGRICULTURAL LAND COMMISSION

As noted in Section 1.1, the ALC has identified a number of items which should be addressed by BBP which will be of interest to Council and others. The following sections list the items and BBP's response. Where appropriate, staff comment follows in italics.

2.1 Lease Term and Renewal Options

The Commission requested information on the proposed lease term and whether or not a renewal option will be offered.

BBP has advised that the owner's commitment to the ALC is 25 years of agricultural use/production. The specific length of a lease, opportunity for renewal options, and lease rate review time can be structured to meet lessee interests and requirements.

There needs to be different commitments for the various crop options. Blueberries, for example, require up to 5 years to generate sufficient capital on the investment. Vegetables, on the other hand, can generate 3 to 4 crops per year. The majority of the lease areas should be longer term. It should be noted also that there is no commitment whatsoever, nor has there been any suggestion of intent, to rezone the lands for non-agricultural use or to remove them from the ALR at the end of a 25 year lease.

2.2 Provisions to Ensure Land is Farmed

The Commission wishes to know what mechanisms will be employed to ensure the land is farmed.

BBP has agreed to the use of a covenant which stipulates agricultural use for the farm area and conservation uses for the habitat enhancement area for the 25 year period.

The property owner, the ALC and the City of Burnaby should all be signatory to the covenant document and it should be registered against the title of individual properties in the Land Title Office. The situation would be re-evaluated at the end of the term by all three parties. Any change in ownership would be subject to the registered covenant conditions. BBP does not agree to the concept of dedicating the land for agricultural use by referendum as proposed by Mr. Porter.

2.3 Provision of Agricultural Infrastructure and Relief for Lessees Undertaking Improvements

The ALC has requested clarification on the extent of the agricultural infrastructure for which BBP is prepared to pay for and the general approach to rent (lease) relief to tenants undertaking improvements. BBP advises that, with respect to the Agricultural Development Concept, it will construct and pay for:

- ▶ primary drainage ditch upgrading,
- ▶ Abbotsford street and drainage ditch construction,
- ▶ habitat restoration area dyke interfacing with proposed Farm Unit 2.
- ▶ perimeter protection for the Bog Forest (*water table control at the agricultural/Bog Forest interface*): *The specific measures will need to be engineered, approved and the implementation program protected with bonding and a servicing agreement,*
- ▶ all other infrastructure such as clearing, soil preparation, on-farm sub-drainage; potentially a cranberry area drainage ditch, water reservoir, Fraser River water intake (*to flood fields during harvesting, for irrigation, and to prevent frost damage*); minor access and building site preparation are intended to be the responsibility of the lessees with appropriate lease rate adjustments. *Staff are in receipt of an application to develop the lands through which a Fraser River water intake would pass and this component will need to be resolved in the near future.*

2.4 Location, Size and Number of Dwellings

The ALC has asked as to what mechanisms will be employed to restrict the location, size and number of dwellings.

BBP advises that, depending on the Lessee's requirements, it will restrict dwelling sites to the minimum. The maximum number and site specific locations (8) are identified on Land Sense Ltd.'s agricultural development plan.

The approach taken by BBP to limit the number of residential building sites is significant given the fact that, under the existing lot configurations, once serviced it would have been possible to build 32 residential dwellings.

2.5 Impact of Industrial Development and Habitat Restoration on Agriculture

The ALC has raised the question of potential impacts from adjacent non-agricultural uses and farm management including set-back requirements for spraying, storm water runoff, and impacts of waterfowl on crops and proposed mitigation, if necessary.

BBP advises:

- ▶ The proposed 100 foot wide (30m) parkway should provide adequate buffering for crop spraying requirements.

- ▶ Storm runoff is to be internalized in a drainage system specifically for the industrial use area, separate from the agricultural area.
- ▶ Shading from adjacent industrial buildings and/or landfilled areas should be minimal due to industrial building height restrictions and the parkway width.
- ▶ Site specific designing of the habitat restoration area will be required along the dyke interface to control water/drainage in wetland and agricultural field areas. Spraying set-back requirements will be addressed to ensure they do not impact the farm areas.
- ▶ Waterfowl currently use a component of the area and the hope is to intensify a more desirable habitat within the restoration area, thus reducing predation on adjacent vegetable and berry fruit crops. The most probable immediately adjacent crop is cranberries, which are not utilized by waterfowl.

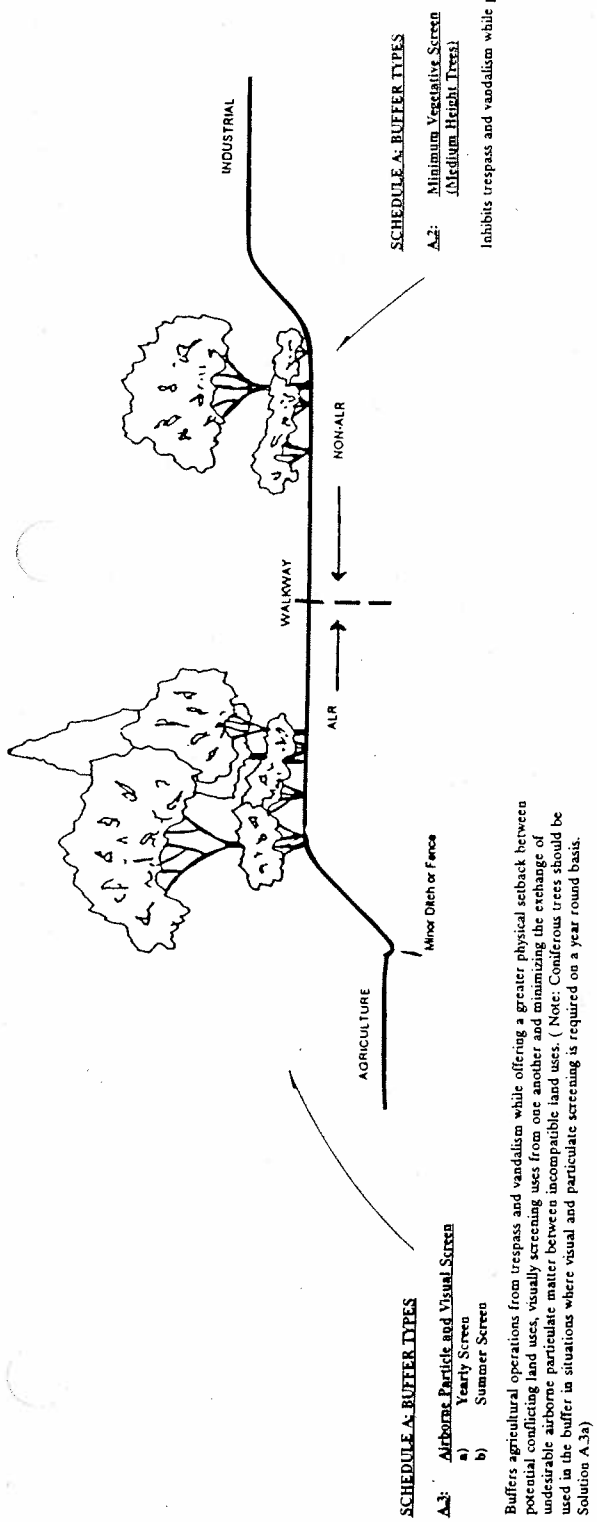
2.6 Location, Design and Impact of Park/Trail

The Commission has requested information on the location of the proposed trail within the park/trail and the rationale for the 30 metre width along its entirety. Again, the ALC has raised the question of its potential impact on the adjacent farm area including the set-back requirements for spraying, trespass, and monitoring of trail use.

BBP advises that Land Sense Ltd. has recommended specific park design criteria (*illustrated on Figure 5*) which are intended to reduce impact. BBP will also discuss and refine conditions and trail location with the ALC and Burnaby that assist in reducing conflict between uses.

The criteria for the 30 metre width was first recommended by staff, in part, to provide a permanent dedicated buffer between the agricultural and industrial components of the Land Use Concept Plan. An opportunity is also presented to incorporate an important link into the City's open space framework and trail network for the Big Bend Area. The concept illustrated on Figure 5 has been adapted from the ALC's Landscaped Buffer Specifications. Preference should be given to utilizing native species.

It is intended to locate the ALR boundary in the centre of the park/trail as shown on Figure 5 so that the ALC retains jurisdiction over the interface with the adjacent farm area. Staff also intend to pursue discussions with BBP and ALC staff regarding the incorporation of interpretive facilities or displays explaining the benefits of the various components of the plan (i.e., agricultural, habitat preservation and enhancement, bog forest preservation, etc.).



Proposed Park/Buffer Concept, Agriculture - Industrial Interface

SCHEDULE A: BUFFER TYPES

A2: Minimum Vegetative Screen (Medium Height Trees)

Inhibits trespass and vandalism while providing minimum protection to non-farm developments

Buffers agricultural operations from trespass and vandalism while offering a greater physical setback between potential conflicting land uses, visually screening uses from one another and minimizing the exchange of undesirable airborne particulate matter between incompatible land uses. (Note: Coniferous trees should be used in the buffer in situations where visual and particulate screening is required on a year round basis. Solution A.3a)

SCHEDULE A: BUFFER TYPES

- A3: Airborne Particulate and Visual Screen
 - a) Yearly Screen
 - b) Summer Screen

Yearly Screen
Minimum double row deciduous/coniferous trees. (continuous as shown)
-See Schedules B.2, B.8, C.1 & C.3
-Underplant and fence as shown

Summer Screen
Minimum double row deciduous trees. (continuous)
-See Schedules B.1, B.8, C.1
-Underplant and fence as shown

Minimum triple row trespass inhibiting shrubs. (continuous)
-See Schedules B.5 & C.5

Minimum double row screening shrubs. (continuous)
-See Schedule B.6, C.6a & C.6b

Fence as per Schedule D. of Fencing Specifications.

Minimum single row deciduous trees. (continuous)
-See Schedules B.3, B.7, & C.2

Minimum row trespass inhibiting shrubs. (continuous)
-See Schedules B.5 & C.5

Minimum single row screening shrubs. (continuous)
-See Schedules B.6, C.6a & C.6b

Fence as per Schedule D. of Fencing Specifications.

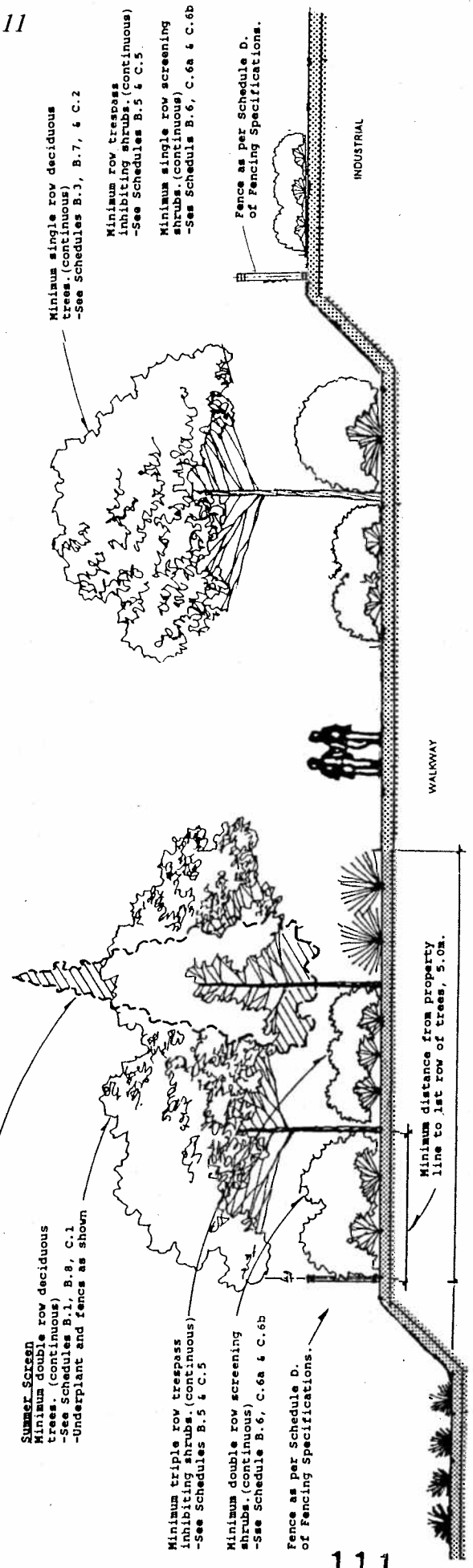


Figure 5

(Adapted from: B.C. Agricultural Land Commission. 1993. Landscaped Buffer Specifications.)

NOT TO SCALE

2.7 Options for Consolidation of ALR Lands and Leasehold by Explanatory Plan

The ALC has requested BBP to weigh the legal consolidation of the ALR lands into four large parcels against the option to consolidate into one or two legal parcels with leased areas described by Explanatory Plan.

Council has also requested staff to examine the opportunity to provide smaller farm units.

The consolidation of lands by Subdivision Plan is a common occurrence which has been used by the City and others. We have been advised that the consolidation and subsequent lease by Reference or Explanatory Plan under consideration by the ALC, and supported by BBP, involves the following:

- ▶ Land Title Act restricts subdivision of land into smaller parcels for the purposes of leases in excess of three years, and requires compliance with the subdivision sections of the Land Title Act before such leases are created.
- ▶ Land Title Act authorizes the Registrar to accept a Reference or Explanatory Plan if:
 - ▶ it is in satisfactory form,
 - ▶ lease(s) are approved by the Approving Officer for the City, and
 - ▶ the lease(s) are approved by the Provincial Agricultural Land Commission.

If leases are granted as proposed, the title to a typical consolidated lot would show BBP as the registered owner and note, as encumbrances, the particular leases granted by BBP as shown on the Explanatory or Reference Plan attached to the lease. The leases would be for a fixed term and upon expiry, would be discharged.

The result of this procedure is that the legal lease areas are not permanently subdivided as they would be if a traditional subdivision plan was registered for each farm unit.

Staff see the benefit of this approach, particularly if we are to facilitate the lease of smaller parcels to a number of individual farmers. Staff have made BBP aware of Council's request to give due consideration to this alternative and this will be the subject of a further report before the lands are offered for lease.

Consideration is also being given by BBP to establishing a Stewardship Clause for inclusion in the lease requiring the lessee(s) to submit a management plan for review and approval by a registered, professional Agrologist.

2.8 Linking Phasing of Industrial Development to the Development of Agricultural Lands

The ALC has requested clarification on the proposed phasing of the industrial lands and the possibility of its linkage to the phased development of the agricultural components.

It is absolutely critical that there be no misunderstanding in this regard. The proposal to remove certain lands from the ALR is performance based. The Guiding Principles adopted by Council on 1996 September 09, Item 3.5, states that, "Additional land would not be released for industrial development until long-term agricultural leases are in place and agricultural development has commenced".

BBP's response to the ALC's request is as follows:

- ▶ It is assumed that the following approach does not apply to the BBP lands now out of the ALR (*and zoned for comprehensive industrial use*). Moreover, it is recognized that provision will be made for substantially all of the industrial infrastructure requirements to be provided for before any new lands are finally zoned for industrial use.
- ▶ A specific formula is proposed for the 52 acre exclusion area whereby one acre of industrial land could be developed for sale for every two acres of agricultural land in production.
- ▶ The definition of 'land in production' is intended as: long term lease in place to a third party qualified agricultural user; a signed, approved agricultural management plan which requires the Lessee to undertake field activity in the next growing season; or crop production underway.

It should be recognized that the exclusion of the proposed industrial lands from the ALR, by itself, will not allow development to proceed. The lands will still need to be rezoned from A1 Agricultural District to CD Comprehensive Development District and therefore, the City Council will retain the final control over phasing.

Based on discussions with Land Sense Ltd. and its discussions with persons in the agricultural industry, first indications are that the lands will all be leased as they are made available. BBP's formula would then only be applicable if market conditions dramatically change in the near future.

2.9 Land Required for Roads and Building Sites

The ALC has requested that a calculation be made of the land lost to road rights-of-way and potential building sites (at 0.25 acres per site) under the existing lot configuration compared to that in the proposed concept plan.

BBP has calculated the approximate areas as follows:

a) existing rights-of-way	16 acres
potential building sites (32 x 0.25)	<u>8 acres</u>
	24 acres
b) proposed rights-of-way	7 acres
potential building sites (8 x 0.25)	<u>2 acres</u>
	9 acres

The gain to agriculture is, therefore, approximately 15 acres. Council will recall that, of the lands proposed for exclusion, 24 acres has an agricultural capability. Based on the foregoing, the net effect of the revised concept plan is to reduce the net area lost to approximately 9 acres.

3.0 IMPLEMENTATION MEASURES

Both City Council and the Provincial Agricultural Land Commission have considered and endorsed Burnaby Business Park Ltd.'s land use proposals. A number of issues have been raised, the majority of which have been addressed in the previous sections of this report. Others will need to be examined further as part of the implementation measures which need to be advanced in order to bring the proposals to fruition as follows:

3.1 Organic Farming Initiatives

City Council and Mr. Porter have raised the question of advancing organic farming initiatives. In the 1996 September 09 Manager's Report it was noted that Land Sense Ltd. has identified and reviewed the relevant regulations and standards for organic food production certification and concluded that, if it is the choice of the land owners and/or food producers, there is no reason why organic certification crop management standards could not be met on all or most of the subject properties.

In discussing this aspect further, Dr. Bill Herman (a Professional Agrologist, Soil Chemist and Fertility Specialist), has advised that, while these lands will certainly qualify for organic farming, their present fertility is low and should be brought up gradually over a five year period. BBP has advised that, while they do not propose to make organic farming mandatory, it is their intent to advertise the fact that they would prefer organic farming enterprises for areas utilized for vegetable crops.

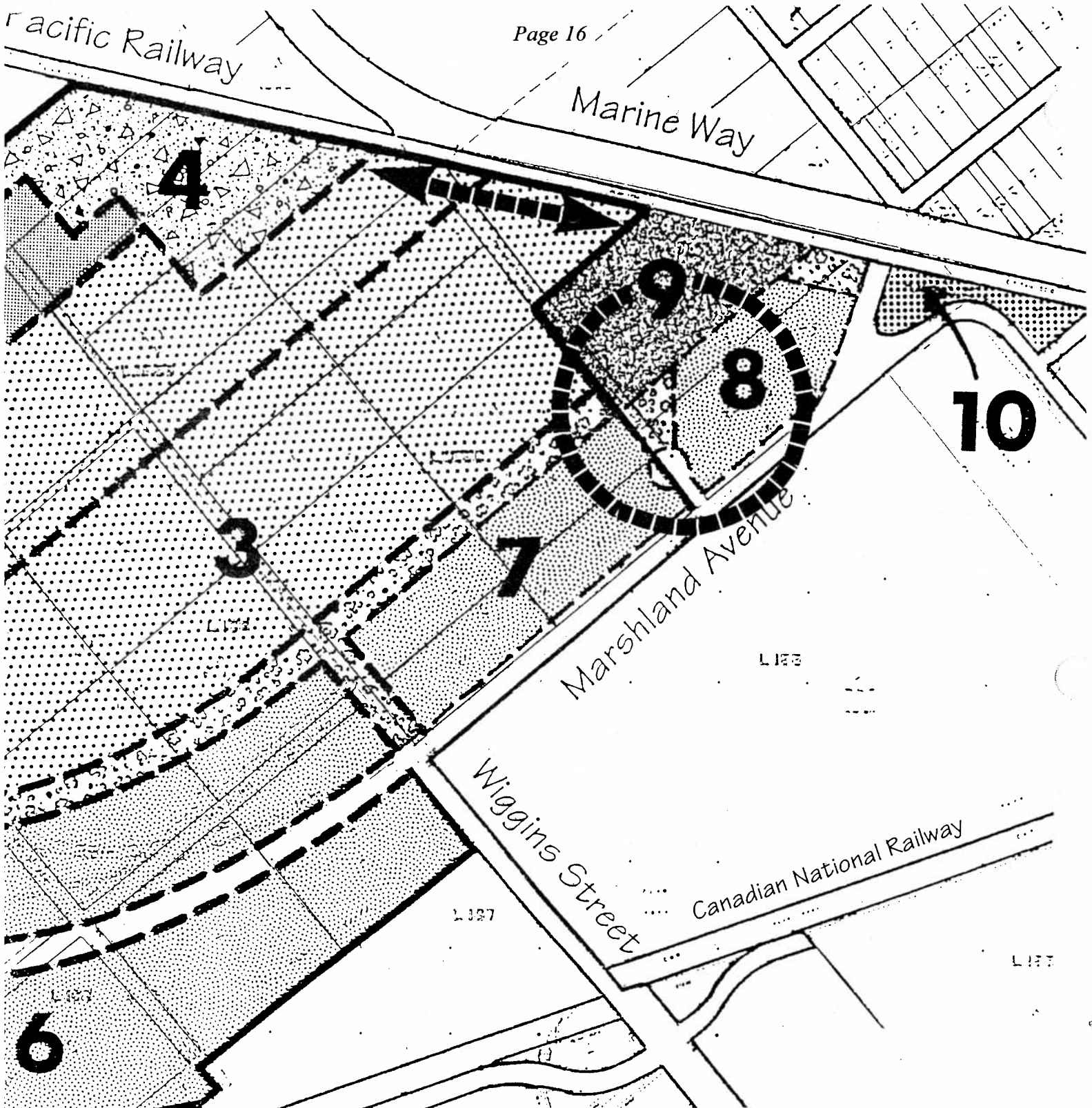
3.2 Review of Bog Forest Reserve

As shown on Figure 3, Area 9 is designated as Bog Forest Preservation. The lands in question are owned by the City and, unlike the BBP lands, they have not previously been used for agricultural or industrial use with the result that they contain a number of maturing coniferous trees and other distinctive vegetation representative of a bog ecosystem. These lands would also function as a park area within the context of the overall Big Bend area open space system linking Burnaby's south slope residential area with the developing foreshore park lands. The lands between the Bog Forest and Marshland Avenue have been proposed for industrial use.

In the previous Council report, it was noted that the final design of the three proposed components (bog forest, linear park and industrial) would be the subject of a more detailed plan which would be presented to Council for its consideration. Staff have subsequently undertaken a more detailed field inspection of the area and have found that, while the majority of the coniferous trees are Western Red Cedar, there are also several significant, large Sitka Spruce trees within this area. The coniferous trees extend out towards Marshland Avenue into what is currently designated for industrial use. The forest area appears to be used by hawks and owls. It is staff's view, therefore, that the City should proceed as soon as possible with an inventory of the vegetation, habitat, wildlife and general conditions within and adjacent to this area as illustrated on *Figure 6* in order to develop a detailed design which maintains habitat and significant vegetation. A budget of \$8,000 is proposed for this inventory and, unless otherwise directed by Council, staff will invite proposals for this study.

3.3 Link Between Habitat Restoration and Bog Forest Preservation Areas

As a consequence of the subsequent field review, it is further proposed to include a greenway/pedestrian link between the proposed habitat restoration and bog forest areas as illustrated on Figure 6. The lands along the south side of the railway right-of-way within this area are treed and should be retained. They also provide a visual buffer from Marine Way traffic. It is, therefore, proposed to have BBP survey the area of the vegetation cover along this area and present a plan for its retention.



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Proposed Greenway / Pedestrian Link of Habitat Restoration and Bog Forest Preservation Areas



Lands Proposed for Vegetation, Ground Condition Inventory and Land Use Review

Figure 6

As the lands to the south are proposed as a cranberry farm, it will be necessary to provide a dyke along this interface. This dyke, and the pedestrian connection should be designed to ensure that the water regime is maintained along the vegetated areas.

3.4 Allotment Gardens

The Land Use Concept (Figure 3) provides for the utilization of a 2.3 acre City owned parcel for an allotment garden. While Land Sense Ltd. has undertaken a detailed review of the BBP lands, its scope of work did not include an assessment of the City parcel. In order to confirm its suitability for allotment gardens, or other agricultural use, it is proposed to request Land Sense Ltd. to undertake the following:

- ▶ review all existing technical reports and data on soil characteristics, drainage, etc.,
- ▶ carry out detailed mapping of soils characteristics to determine allotment garden suitability,
- ▶ carry out detailed mapping of land modification (i.e. areas of landfill, deep peat harvesting, major ditch side casting, former building sites, etc.) that would affect land suitability for allotment garden use, and
- ▶ review general drainage conditions and provide appropriate water table control options.

An Explanatory report with an accompanying map would be provided at cost of \$1,500 plus G.S.T. Unless otherwise directed, it is our intention to request Land Sense Ltd. to proceed with the study.

3.5 Aquaculture

In its consideration of the Land Use Concept, Council requested a review of the prospect of introducing aquaculture within the subject area. In this regard, the City is pursuing a comprehensive plan to re-establish and upgrade significant fish and wildlife habitat in other portions of the Big Bend area (in particular, the nearby 40 acre Burnaby Fraser Foreshore Park). With respect to the subject area, we have discussed this with ALC staff who have advised that this would be of serious concern to the Commission. The Provincial Government has established the Farm Practices Protection Act (Right to Farm) which stipulates guidelines for normal farm practices and limits activities which would conflict with farming. In the subject case, the introduction of fish into the ditches and waterways or other bodies of water would restrict the ability to draw water from them to irrigate crops and to flood the cranberry fields during harvesting and when required to limit frost damage to the fields.

3.6 Application to ALC to Exclude Lands from ALR

The Agricultural Land Commission Act states, in part, that on application by a Municipality, or on the Commission's own initiative, the Commission may exclude land from the ALR on terms it considers advisable. As the City owns lands which are proposed to be excluded from the ALR, it can make application directly to the ALC. BBP must submit its application to the City. Council is required to make a decision at this stage to authorize the application to be forwarded to the ALC for its decision. The ALC's requirements with regard to notification of an application are *attached* as 'Appendix A'.

The next step in the process will, therefore, be for Burnaby Business Park Ltd. to submit their exclusion application to the City and proceed with the notification procedures. As portions of the City lands are also proposed to be excluded from the ALR, the City will also need to initiate its own application. While the two applications will be legally separate and distinct, it is proposed that they be advanced concurrently to avoid unnecessary duplication in hearing dates, etc.

3.7 City Approvals

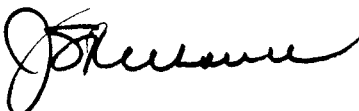
BBP will be required to submit an application to subdivide (consolidate) the properties pursuant to the Burnaby Subdivision Control Bylaw and the Provincial Land Title Act. An application will also need to be submitted to the City to prepare and introduce a Road Exchange Bylaw.

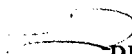
In the final analysis, an application to rezone portions of the property from A1 Agricultural District to CD Comprehensive Development District will be required for the proposed industrial component. This application will not proceed until the agricultural component has been established as outlined herein.

4.0 CONCLUSION

It is staff's opinion that it is important to recognize that the situation regarding the BBP lands has dramatically changed from that which has prevailed in the past. As a consequence, all involved have had the opportunity to pursue meaningful dialogue and present land use concepts in a constructive, cooperative process.

The resultant land use concept, together with the proposed implementation measures outlined in this report, are considered to meet the objectives and principles established by the Agricultural Land Commission and the City Council for the land use review and will provide overall net benefits to agriculture in Burnaby's Big Bend area. A recommendation has been advanced, therefore, to endorse the implementation measures noted in this report which will result in the advancement of the proposal. If the recommendation is adopted by Council, the next stage would involve the receipt of a formal application from BBP to exclude a portion of its lands from the ALR.


D.G. Stenson, Director
PLANNING AND BUILDING

 PB\ma
Attachments

cc: City Solicitor
Director Finance
Director Engineering
Director Recreation & Cultural Services

Requirements for Notification of Application to Exclude Lands from the Agricultural Land Reserve

If you are applying to **exclude** land from the ALR (under section 12(1) of the *Agricultural Land Commission Act*), you are required to provide notice of your application to the public.
(See section 5 of B.C. Regulation 313/78.)

As the applicant, you are responsible for ensuring the notice requirements are fulfilled prior to filing your application with the local government and for all costs arising from providing the notice. The following information outlines the steps to take in providing notice of your application.

1. Advertise the application.
 - Your application must be advertised on two separate occasions not less than 7 or more than 14 days apart, in a newspaper in general circulation in the municipality or regional district where the property under application is located.
 - The wording of the notice must be as specified in the Regulations. (*Refer to the form in the Appendix.*)

2. Serve a signed copy of the application and the notice to all registered owners of land in the ALR that share a common boundary with the property under application, including owners of property separated by a public road.
Remember, it is the registered owner of the property that must be served the notice and this may not necessarily be the occupant. Your local government office may be able to help you determine who the registered owners are that must be served notice of your application.

3. Post a sign on the land.
 - The sign must display enlarged copies of the notice and the application covering a minimum area of 60 cm x 120 cm.
 - The wording of the notice is to be the same as the newspaper advertisement notice.
 - The sign must be placed at the midpoint of the property along a public road, so that it is visible from the road and so that vegetation does not hide it from view.
The purpose of the sign is to identify the property so that any person reading the notice in the newspaper or any person served a notice of your application can confirm the location.

4. Publish, post and serve the notice at least 14 days prior to the local government acting on the application.

5. Submit proof that you have met the notice requirements by including with your application:
 - an original copy of each notice advertisement in the local newspaper with the date of publication clearly noted,
 - a signed statement declaring the names and addresses of the adjacent property owners served, the date of service and the method of service (*refer to the form in the Appendix*), and
 - a photograph which clearly shows the sign posted on the property.

6. Forward any responses that you may receive on your application to the local government as soon as they are received so that this information may be considered with your application.
The notice specifies that comments are to be forwarded to the local government office but in the event that you receive any comments, you must send them on to the local government office.