

# Agricultural Land Reserve Exclusion Applications



Development Services

## **ALC Exclusion Applications**

- The Agricultural Land Commission (ALC) has a new approach for property owner to request their land be excluded from the Agricultural Land Reserve
- Staff see a need for a policy and procedure for responding to these types of requests from property owners
- Staff are looking for feedback from Electoral Area Directors for developing a policy and procedure

## Background

- The Agricultural Land Reserve (ALR) is a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are restricted.
- The ALR takes precedence over but does not replace other legislation and bylaws that may apply to the land.
- Local governments are expected to plan in accordance with the provincial policy of preserving agricultural land.

## Background

- The Agricultural Land Commission (ALC) Act sets the legislative framework for the establishment and administration of the agricultural land preservation program:
  - Agricultural Land Reserve Transitional Regulation
  - Agricultural Land Reserve General
  - ALC policies and Bulletins

## Types of Applications to the ALC

### Reviewed by Local Government:

- ALC Inclusion
- ALC Exclusion
- Non-Farm Use (*to conduct a use normally prohibited by ALC*)
- Non-Adhering Residential Use (*to exceed residential limitations imposed by ALC*)
- Subdivision

### Made directly to the ALC:

- Soil & Fill Placement
- Transportation, Utility, Recreation Trail Use Applications

## Exclusion Applications

The ALC has become increasingly reluctant to approve exclusion applications, and as of September 20, 2020, property owners are no longer permitted to make an exclusion application themselves.

Only the local government may make applications to the ALC for exclusion from the ALR.

## What Has Changed?

PRIOR TO SEPT 20, 2020	PRESENT
Property owner applied to ALC to exclude their land from the ALR; ALC referred the application to the CSRD Board, who would review the application and provide recommendation to the ALC.	Property owner requests that the CSRD make an application to the ALC for their land to be excluded from the ALR
Property owner paid fees to ALC and to CSRD	CSRD pays application fee to ALC (\$750)
Property owner covered costs of posting a sign and for any supporting information, such as an agrologist report	CSRD advised by ALC to cover cost of posting a sign and for any related studies (i.e. agrologist report), etc.
No public hearing was required for an ALC Exclusion application. Signage and newspaper ads were the responsibility of the property owner.	CSRD directed by ALC to host public hearing, place newspaper ads, and send mailouts to adjacent or affected local or First Nation governments as part of the ALC Exclusion application process

## History of ALC Exclusion Applications and Approvals in the CSRD

- Since October 2009, the CSRD has received 23 applications for ALR Exclusion.
- Of these applications, the ALC ultimately refused 16 and approved 7.
- Of those 16 applications that were refused exclusion, the CSRD Board had recommended approval for 9 of the exclusion applications.
- Since the change in these regulations, one formal request has been received by CSRD staff from an individual property owner wishing to have his land excluded from the ALR (Electoral Area A).



## Considerations for Developing a CSRD Policy/Procedures for ALC Exclusion Applications

- Cost
- OCP policies
- ALC's considerations for exclusion of ALR land
- Options for processing requests for exclusion

## Cost Considerations

- ALC Exclusion applications will involve a cost to the CSRD:
  - Hard costs: ALC application fee (\$750), posting of a sign (est. \$500), paying for newspaper ads (\$650), venue rental for a public hearing, cost of mailouts
  - Soft costs: Staff time, time diverted away from other Development Services work
- Potential to pass on some of the hard costs to the individual property owner by charging service fees. Amendment to the DS Application Fees Bylaw No. 4001 required.

## Official Community Plan Considerations

Most land which is in the ALR is also designated Agriculture in an OCP (where the CSRD has OCPs), i.e.:

South Shuswap OCP No. 725: **93% of ALR Land is designated Agriculture**

Ranchero/Deep Creek OCP No. 750: **95% of ALR Land designated Agriculture**

Salmon Valley Land Use Bylaw No. 2500: **98% of ALR Land designated Rural/Rural Holdings** (no Agriculture designation)

Rural Sicamous Land Use Bylaw No. 2000: **95% of ALR land designated Agriculture**

Electoral Area B OCP No. 850: **70% of ALR land designated Agriculture**

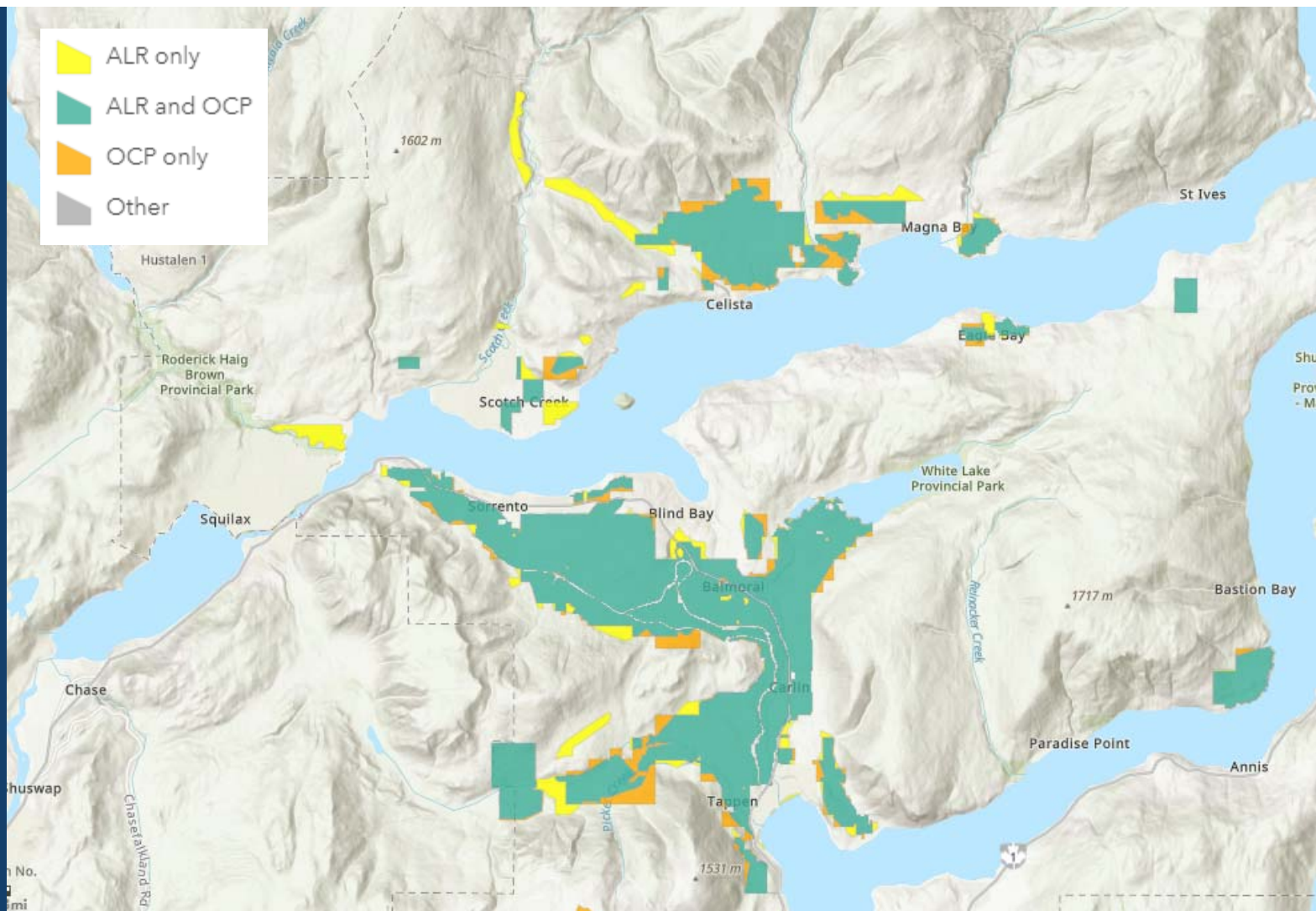
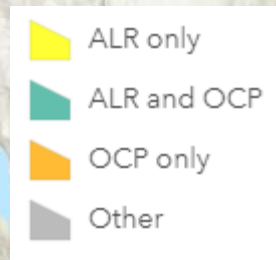
# Electoral Area F Official Community Plan Bylaw No. 830

## Section 11.3

### *Objective 1*

To support the long-term viability of the agricultural industry in the North Shuswap and to ensure valuable agricultural lands are preserved for agricultural purposes and protected from inappropriate fragmentation through subdivision.

Policies of the Agriculture designation in various OCPs do not support exclusion from the ALR.



## ALC Considerations for Exclusion

- Is the land suitable for agriculture?
- Has any effort been made to improve the land?
- What is the agricultural capability, with and without improvements?
- What types of uses surround the property?
- Would the exclusion affect the size, continuity, or integrity of the ALR land base?

## 6 Options for CSRD to Consider for ALC Exclusion Applications

Option	Cost to CSRD	Notes
<b>1. CSRD does not consider requests for exclusion from property owners.</b>	None	Individual property owners have no avenue for pursuing an exclusion from the ALR, even if their land is not suitable for agriculture. However, they could still apply for non-farm use, non-adhering residential use, or subdivision, depending on their goals.  It may be reasonable for a property owners to have an opportunity to apply for exclusion.
<b>2. CSRD considers applications based on OCP Policy only.</b>	Staff time plus hard costs	Unlikely OCP would support exclusion of ALR land where there is one.  Not all areas of CSRD have an OCP.

## Options Continued

Option	Cost to CSRD	Notes
<b>3. CSRD does not provide opinion but processes exclusion application with information directly from the property owners</b>	Staff time plus hard costs	Without local government support, the ALC is unlikely to approve exclusion of ALR land.
<b>4. CSRD compiles property owners requests and brings to the Board at set intervals, i.e. once or twice per year.</b>	Less staff time than processing all applications individually, potential to hold just one public hearing and save on some hard costs.	Still involves addressing all requests from individual property owners.



## Options Continued

Option	Cost to CSRD	Notes
<b>5. CSRD only considers applications where there is a strategic interest.</b>	Staff time plus hard costs	Individual property owners have no avenue to request ALR exclusion unless it benefits the CSRD and the CSRD initiates the application (i.e. Balmoral corner).
<b>6. Three-stage approach: CSRD requires initial fee and application, and only moves forward with application to ALC and charging a secondary fee if there is potential for CSRD to support exclusion</b>	Less staff time required and hard costs as only application that met policy criteria would proceed to public consultation.	<p>CSRD not obligated to host public hearing, post sign, etc. for applications they will ultimately not support.</p> <p>OCP policies considered where applicable.</p> <p>Similar to a bylaw amendment process (phased approach).</p>

## **Staff Recommendation**

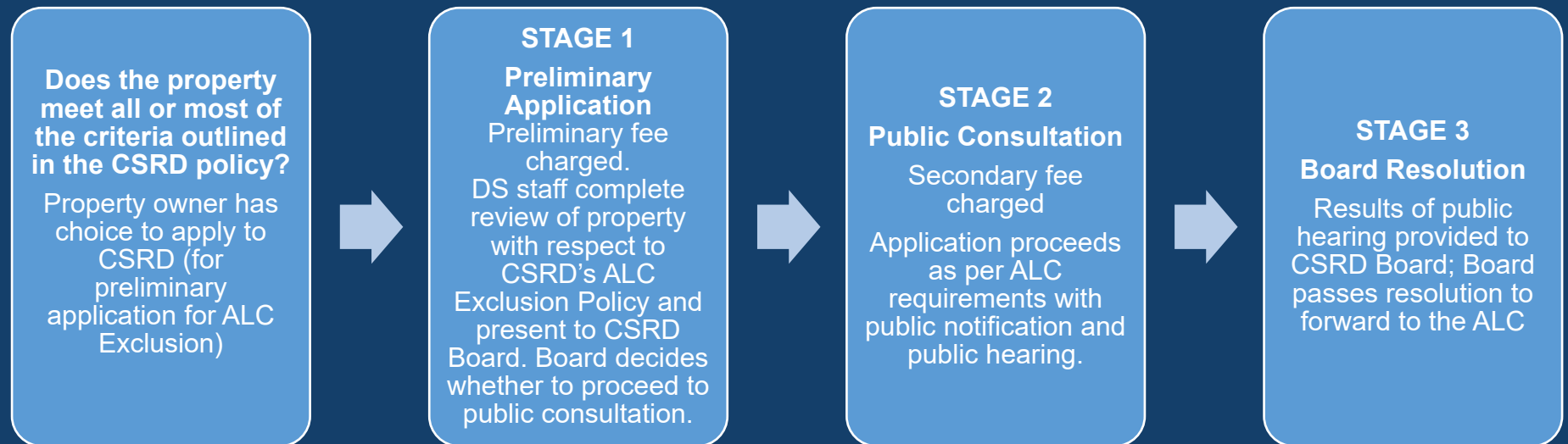
DS staff recommend the three-stage approach to applications, and suggest the ALC exclusion policy include a set of criteria that the applicant must meet for an application to proceed as an exclusion application to the ALC.

The policy would be made available to property owners inquiring about exclusion application so they could consider their chance of success prior to making an application for the first stage.

## Potential Criteria to Include in ALC Exclusion Policy

- OCP Policies – not designated Agriculture in OCP
- Soil Capability – Class 5/6 soils or poorer
- Farm Classification – does not have farm classification with BC Assessment
- Surrounding Uses – not surrounded by ALR
- Slopes – has slopes that affect agricultural potential
- Other?

# Three-Stage Approach example



## Next Steps

- Development Services staff recommend the CSRD Board direct staff to prepare a CSRD policy using the three-stage approach for the Board's consideration to clearly address exclusion requests from property owners
- The policy would outline the process and considerations for the CSRD to review ALC Exclusion applications
- Direct staff to update the Development Services fees bylaw for ALC Exclusion applications
- A staff report with the proposed policy and amendments to the fees bylaw will be presented at a future Board meeting this summer