



BOARD REPORT

TO: Chair and Directors

File No: LC2582A
PL20210112

SUBJECT: Electoral Area A: ALR Exclusion Application No. 2582A

DESCRIPTION: Report from Laura Gibson, Planner II, dated May 9, 2022.
1127 Horse Creek Road North, Horse Creek

RECOMMENDATION: THAT: ALR Exclusion Application No. 2582A be forwarded to the Agricultural Land Commission, this 19th day of May, 2022 recommending that the subject property be excluded from the ALR.

SHORT SUMMARY:

The subject property is located at 1127 Horse Creek Road North in Horse Creek in Electoral Area A. The property owner has applied to the CSR for the land to be excluded from the Agricultural Land Reserve (ALR). Applications for exclusion from the ALR can only be made to the Agricultural Land Commission (ALC) by the local government. At the January 20, 2022 Board meeting the Board motioned for the application to proceed to Stage 2 – Public Consultation as per CSR ALR Exclusion Policy P-24. The Public Consultation has been completed in accordance with the ALC Act and ALC Exclusion Application Guide, and the application is now at Stage 3 – Board Resolution. If the Board motions to forward the application to the ALC, Development Services staff will charge the landowner the additional fee of \$750 and submit the application for exclusion to the Agricultural Land Commission (ALC) through their online application portal. The ALC will ultimately decide if the property will be excluded from the ALR.

VOTING:	Unweighted Corporate <input checked="" type="checkbox"/>	LGA Part 14 (Unweighted) <input type="checkbox"/>	Weighted Corporate <input type="checkbox"/>	Stakeholder (Weighted) <input type="checkbox"/>
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BACKGROUND:

See item 11.1 on [January 20, 2022 Regular Board Meeting Agenda](#) for background.

POLICY:

See [2022-01-20 Board DS LC2582A](#) for overview of applicable policy.

FINANCIAL:

There is no financial implication to the CSR as a result of this application.

KEY ISSUES/CONCEPTS:

At the January 20, 2022 Board meeting, the Board motioned for the application to proceed to Stage 2 – Public Consultation as per the ALR Exclusion Policy P-24. The public consultation requirements are outlined in the ALC Act and ALC Exclusion Application Guide. A Notice of Application sign was posted on the subject property, a copy of the application was sent to affected First Nation governments, and a public hearing was held on May 5, 2022. The public hearing was advertised in the Golden Star

newspaper on April 21 and April 28, 2022, along with the CSRD website and social media platforms. Notices of the public hearing were also sent to property owners and tenants of properties within 100 m of the subject property.

The public hearing notes are attached to the Board report as “LC2582A_Public_Hearing_Notes_2022-05-05.pdf”. One member of the public attended by phone. No public comments were received regarding the application.

As part of the Public Consultation process, copies of the ALR Exclusion application were sent to applicable First Nation governments. The responses are summarized in the table in the Communications section, below. Adams Lake Indian Band (ALIB) noted that their preliminary analysis identified 4 known ALIB cultural heritage sites intersecting and within 5 km of the subject property, including Indigenous heritage trails and subsistence. They also stated there is potential for archaeology and that the property is in the Rockies Park Ranges grizzly population unit and Columba River watershed. ALIB concluded that they had no immediate concerns, but notes they were unable to access the links provided to the application documents. DS staff subsequently provided the LC2582A application and Board package to ALIB and did not receive any further comments. No other comments about the application were received from other First Nations.

SUMMARY:

The property owner has applied to the CSRD to exclude their land from the ALR. Applications for exclusion from the ALR can only be made to the ALC by the local government. Staff are recommending that the Board forward LC2582A to the ALC for the following reasons:

- There is no CSRD planning policy about ALR exclusion in Electoral Area A;
- Although the Class 4 and 5 soils are not particularly poor, they may only be suitable for limited crops and are not noted to be improvable;
- The property does not have BC Assessment Farm Classification;
- The property is surrounded by industrial uses (gravel extraction) to the south and west and Crown land to the north and east, and no agricultural uses;
- The proposed exclusion will not result in fragmentation of ALR land or existing farmland;
- Results of public consultation did not include any opposition to the proposal exclusion.

IMPLEMENTATION:

If the Board supports the ALR exclusion and approves LC2582A to be submitted to the ALC, DS staff will charge the property owner the ALC application fee of \$750 and submit the application to the ALC through the ALC's online application portal. The ALC will send the CSRD an email when they have reviewed the application to advise whether the exclusion application was approved or not and the CSRD will advise the property owner of the outcome.

COMMUNICATIONS:

Following Stage 1 of the application, as part of the required public consultation process, copies of the ALR Exclusion application were sent to relevant First Nation governments. The responses received are summarized below. Full responses are attached to the Board report as “LC2582A_First_Nations_Referral_Responses.pdf”.

Adams Lake Indian Band	Preliminary analysis identified 4 known ALIB cultural heritage sites intersecting and within 5 km, including Indigenous heritage trails and subsistence. Potential for archaeology and in the Rockies Park Ranges grizzly population unit and
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	Columbia River watershed. No immediate concerns, but unable to access the links provided to the application documents. <i>DS staff subsequently provided the documents and no further comments were received.</i>
Little Shuswap Lake Band	Defers to the Shuswap Band.
Okanagan Indian Band	Referral not in OKIB area.
Penticton Indian Band	Outside Penticton Indian Band's areas of responsibility.
Akisqnuk Ktunaxa Nation Council Lower Similkameen Indian Band Neskonlith Indian Band Okanagan Nation Alliance Qwelmintec Secwepemc Shuswap Indian Band Simpco First Nation Splatsh First Nation Upper Nicola Band	No response.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

Report Approval Details

Document Title:	2022-05-19_Board_DS_LC2582A.docx
Attachments:	- LC2582A_First_Nations_Referral_Responses.pdf - LC2582A_Public_Hearing_Notes_2022-05-05.pdf
Final Approval Date:	May 10, 2022

This report and all of its attachments were approved and signed as outlined below:



Corey Paiement

A handwritten signature in blue ink, appearing to read "Gerald Christie", with a horizontal line drawn underneath the signature.

Gerald Christie

A handwritten signature in black ink, appearing to read "Jennifer Sham".

Jennifer Sham

A handwritten signature in black ink, appearing to read "Jodi Pierce".

Jodi Pierce