

POLICY

AGRICULTURAL LAND RESERVE EXCLUSION APPLICATIONS

PREAMBLE

As a result of Bill 15-2019, effective September 30, 2020, private landowners are no longer able to make an application to the Agricultural Land Commission (ALC) for exclusion from the Agricultural Land Reserve (ALR). Only the Provincial Government, local or First Nation governments or prescribed public bodies may make such applications. This policy establishes a procedure and set of considerations for the Columbia Shuswap Regional District (CSRD) to follow when reviewing ALR exclusion requests from private landowners in the CSRD Electoral Areas.

PURPOSE

The intent of Policy P-24 is to establish:

- A three-stage procedure for the CSRD to review ALR exclusion requests from private landowners;
- A set of policy considerations that the CSRD may consider when reviewing ALR exclusions requests and is available to private landowners for them to consider prior to deciding to apply to the CSRD for exclusion from the ALR.

POLICY

This policy will remain in effect until it is repealed or replaced.

This policy is in effect for the following geographic areas: all of the lands within the CSRD that lie outside of municipal boundaries, Indian Reserves and National Parks.

Stage 1: Preliminary Application

Prior to submitting a preliminary application for ALR exclusion, private landowners are encouraged to contact Development Services staff to review the policy and discuss their potential application. Development Services staff will explain the set of considerations that the CSRD may take into account when reviewing ALR exclusion requests from private landowners.

Private landowners who wish for their land to be excluded from the ALR may submit a complete preliminary application to the CSRD using the Development Services ALR Exclusion application form. A preliminary application fee will be charged as per the Development Services Application Fees Bylaw No. 4000 (Bylaw No. 4000).

Development Services staff will review the application, the subject property, the CSRD considerations for exclusion requests, and other information submitted by the applicant and prepare a report for the CSRD Board. The staff report will provide an analysis of the considerations for the application, including relevant planning information, and make a recommendation to the Board.

The staff report and recommendation(s) will be reviewed by the CSRD Board at a regular Board meeting. The Board will make a motion whether to proceed with the public consultation requirements of an ALR exclusion application as required by the *ALC Act*, or not.

A preliminary application will only proceed to Stage 2: Public Consultation if the CSRD Board approves it to proceed to Stage 2.

Stage 2: Public Consultation

If the Board agrees to proceed with the public consultation process, a public consultation fee will be charged as per Bylaw No. 4000. Once the public consultation fee has been received from the applicant, Development Services staff will start an exclusion application on the ALC Application Portal for the subject property and give notice of the application, which includes the following, as set out in the *ALC Act*:

- Posting a sign on the affected parcel(s) advising of the exclusion application;
- Providing notice of a public hearing in at least two issues of a local newspaper; and,
- Providing a copy of the application to adjacent or affected local or First Nation governments, where applicable.

Development Services staff will hold a public hearing for the ALR exclusion application in accordance with s. 465 of the *Local Government Act*.

Staff will compile the information gathered through the public consultation process and prepare a supplementary staff report for the CSRD Board.

Stage 3: Board Resolution

The staff report and recommendation(s) will be reviewed by the CSRD Board at a regular Board meeting, and the Board will motion to support the exclusion application or not. If supported, the applicant will be charged the ALC application fee as per Bylaw No. 4000, and Development Services staff will complete the application in the ALC portal and submit the required fee to the ALC. If not supported, the application is cancelled.

The ALC will decide to exclude the property from the ALR or not.

If the property is excluded from the ALR, a landowner may still require other approvals from the CSRD including but not limited to bylaw amendments, development permits, subdivision, and/or building permits.

CSRD CONSIDERATIONS FOR EXCLUSION REQUESTS

1. Official Community Plan Policies
 - Is the property designated Agriculture?
 - If so, what are the policies of the Agriculture designation?
2. Zoning
 - Is the property zoned Agriculture?
3. Soil Capability
 - What Class soils are on the property?
 - Are there limitations to improving the soils or opportunities to improve the soils?
4. Farm Classification
 - Does the property have BC Assessment Farm Classification?
5. Surrounding Uses
 - Is the property surrounded by other agricultural uses or ALR land?
 - Will the application fragment ALR land?

6. Slopes and Hazards
 - Are there slopes or potential natural hazards on the property that prohibit or impede agricultural uses?
7. Public Interest
 - Is there a strategic public interest if the exclusion is successful?
8. Is another ALC approval more suitable?
 - Landowners should first apply to the ALC for subdivision, non-farm use, or non-adhering residential use if suited to the purposes of their proposal.

ADOPTED: December 2021