



# qathet

## REGIONAL DISTRICT

<b>SECTION 5.2</b>	<b>INDIVIDUAL SERVICE POLICIES</b>
<b>POLICY</b>	<b>5.2.8</b>
<b>SUBJECT</b>	<b>AGRICULTURAL LAND RESERVE EXCLUSION</b>
<b>ADOPTED</b>	<b>JANUARY 10, 2024</b>

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### **PURPOSE:**

Individual landowners are no longer eligible to submit exclusion applications to the provincial Agricultural Land Commission to remove land from the Agricultural Land Reserve. This policy guides the Board's response to requests by landowners that the qathet Regional District apply on their behalf to the Agricultural Land Commission for exclusion from the Agricultural Land Reserve.

### **SCOPE:**

Local Governments, First Nation Governments, the Province of BC, and prescribed public bodies may make application to exclude land from the Agricultural Land Reserve. This policy applies to individual landowners and other groups or agencies which may no longer submit exclusion applications to the Agricultural Land Commission.

### **DEFINITIONS:**

**ALC:** Agricultural Land Commission

**ALR:** Agricultural Land Reserve

**Board:** qathet Regional District Board

**Community Request:** Where a written request is received for which the Regional District believes there is a broad public interest served by pursuing the exclusion

### **POLICY:**

#### **Eligibility**

1. qathet Regional District shall review requests for exclusion of land from ALR lands and consider submitting an exclusion application to the ALC only:
  - as part of Official Community Plan reviews;
  - as a Community Request (see definition); or

- as part of other relevant policy projects such as an Agricultural Plan.

2. Individual requests on an ad hoc basis will not be considered.

## **Procedure**

Eligible requests shall follow the procedure below:

1. It is recommended that the applicant first confer with Planning staff on the proposed exclusion whether for guidance or alternative procedures. To initiate the process, a written request must be prepared and submitted to the Planning Department. The request shall include the civic address and legal description of the subject properties, signatures from every property owner, and a letter of rationale for the proposed exclusion.
2. Planning staff shall review all requests for property exclusion from ALR lands and advise the land owner if their proposal can be achieved by other means (i.e. Non-Farm Use, Subdivision or Non-Adhering Residential Use). If so, the land owner will be encouraged to submit their own application to the ALC.
3. Planning staff will review the request and if the request is deemed to be ineligible, it will proceed no further.
4. Should the request be eligible to proceed the land owner must provide:
  - Legal Description(s) and Parcel Identifier(s) (PID)
  - copy of the Title, issued not more than 30 days prior to the current date, for any parcel of land subject to the request and a copy of all non-financial charges registered on the subject property(s);
  - letter of authorization signed by all landowners;
  - letter of rationale for the application
  - parcel size(s) in hectares (ha);
  - site plan; and
  - application fee.

At the request of Planning staff, supporting evidence may be required including:

- maps;
- photographs;
- soil assessments;
- Property Assessment Notice (BC Assessment);
- Qualified Professional's report; and/or,
- letters of support from adjacent properties.

5. Planning staff evaluate the application utilizing the following criteria:
  - Policy review of applicable official community plan;
  - Bylaw review of applicable zoning;
  - Surrounding land uses;
  - Percentage of the parcel in the ALR;
  - Size of parcel;
  - History of ALR Exclusions in the surrounding area;
  - Rationale provided by the private landowner for the proposed ALR Exclusion (including any studies or plans provided, or any land swap or land exchange offered);
  - Potential Impacts for the surrounding area and broader agricultural community;
  - Existing and proposed land use;
  - Agricultural Advisory Committee feedback; and
  - Soils classification and agricultural capability.
6. Planning staff refer the request to the Agricultural Advisory Committee.
7. Agricultural Advisory Committee consider the request and makes recommendation to Committee of the Whole on whether to proceed with an application to the ALC or recommend alternatives to exclusion (i.e. Non-Farm Use, Subdivision or Non-Adhering Residential Use).
8. Planning staff prepare a report for the Committee of the Whole which reviews staff's evaluation of the request and any advice received from the Agricultural Advisory Committee.
9. Planning staff advise the applicant to attend the Committee of the Whole meeting at which their request will be considered.
10. Committee of the Whole consider the applicant's proposal, advisory committee comments, staff recommendations, and make a recommendation to the Board on whether to proceed with an application to the ALC.
11. If the Board passes a resolution to not support the request, the request will proceed no further.
12. If the Board passes a resolution to support the request, Planning Staff will log in to the ALC Application Portal to generate an exclusion application.
13. Planning staff to prepare notice and hold a public hearing as required by the *Agricultural Land Commission Act*.
14. Following the public hearing, Planning staff prepare a public hearing report for the Committee of the Whole.

15. Committee of the Whole considers the results of the public hearing and make a recommendation to the Board on whether to proceed with the application to the ALC.
16. If the Board passes a resolution to not proceed with the application, Planning staff cancel the exclusion application in the ALC Portal and no other action is taken.
17. If the Board passes a resolution to proceed with the application, Planning staff submit the application in the ALC Portal.

## **RELATED LEGISLATION**

*BC Agricultural Land Commission Act (s. 29)*