

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission

FROM: B. Newell, Chief Administrative Officer

DATE: December 16, 2020

RE: Official Community Plan (OCP) Bylaw Amendments - ALR Exclusion Applications

Purpose:

The purpose of this report is to seek input from the Electoral Area Advisory Planning Commissions regarding proposed amendments that would introduce new Official Community Plan (OCP) Bylaw policies for Agricultural Land Reserve Exclusion applications.

Background:

As of September 30, 2020, private landowners are no longer able to make an application for ALR exclusion, as a result of amendments made to the *Agricultural Land Commission Act* in an effort to protect the size, integrity and continuity of the land base of the ALR. Henceforward, only a local government (or First Nation or prescribed bodies) may submit an exclusion application to the Agricultural Land Commission (ALC).

The ALC has advised that:

- a local government should only submit applications that it independently and objectively supports;
- there is a \$750 application fee to the ALC, to be paid by the local government;
- a public hearing is required; and
- the local government bears the costs of satisfying application requirements (i.e. signage – proof of application, public hearing (i.e. newspaper ads), any supplemental reports).

In response to the changes to the *Agricultural Land Commission Act* that places the onus on the Regional District to submit exclusion applications within its jurisdiction (except for prescribed bodies), the Board of Directors, at its meeting of October 15, 2020, resolved to initiate Amendment Bylaw No. 2913.

This bylaw seeks to remove policy statements in a number of Electoral Area OCP Bylaws that require agrologist reports for applications to exclude land from the ALR, and to add the following new growth management policies:

- *Will consider requests for the Regional District to initiate an application to the Agricultural Land Commission to have lands excluded from the Agricultural Land Reserve only within the context of a comprehensive review of this Official Community Plan (OCP) Bylaw.*
 - *Encourages property owners to seek, as an alternative to the exclusion of lands from the Agricultural Land Reserve, approval from the Agricultural Land Commission for other application types under the Agricultural Land Commission Act such as non-farm use, non-adhering residential use and subdivision.*
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- *Generally supports maintaining the integrity of the Agricultural Land Reserve (ALR) and its existing boundaries.*

Analysis:

With the responsibility for exclusion application now falling to the Regional District, any exclusion application, whether individual, grouped or part of a comprehensive review, will consume staff time and include hard costs.

In addition, it is the Regional District that will be applicant for exclusion applications falling within its jurisdiction (with the exception of prescribed bodies) and will be championing any ALR exclusion application it puts forth for privately owned lands.

Given the preservation of the agricultural lands is a fundamental part of the goals, objectives and policies incorporated in the South Okanagan Regional Growth Strategy Bylaw and the Electoral Area's OCP Bylaws, it is important that any exclusion application initiated by the Regional District reflect these overarching goals of supporting and protecting the agricultural land base.

Administration has concerns with allocating limited staff resources on ad hoc exclusion requests and seeks to align such requests with broader policy objectives as part of a comprehensive land use review (i.e. OCP update).

This approach is also the ALC's preferred approach as opposed to exclusion applications based on an individual's preferences.

The underlying principal of this approach is to maintain the integrity of the ALR and its boundaries, and to put forward ALR exclusion applications in circumstances where it is needed to align with broader land use goals.

By adding these growth management policies, the Regional District is sending a clear message as to the circumstances in which the Regional District will consider undertaking an ALR exclusion for a privately owned lands (i.e. within the context of an OCP update).

Administration considers that a request for exclusion from the ALR should be a "last resort" and that other options are available to a landowner, such as seeking ALC approval for either a non-farm use, non-adhering residential use, subdivision, etc.

It should be noted that the drafted OCP Amendment Bylaw No. 2913, 2020 does not include Electoral Area "A", as it is anticipated that any policy direction would be incorporated into the OCP update. Further, the drafted OCP Amendment Bylaw for Electoral Area "H" only includes the first two policy statements, as the Electoral Area "H" already contains policies speaking to the ALR boundaries.

Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that proposed ALR Exclusion policies be supported.

Options:

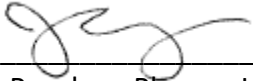
1. THAT the APC recommends to the RDOS Board of Directors that proposed ALR Exclusion policies be supported.
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2. THAT the APC recommends to the RDOS Board of Directors that that proposed ALR Exclusion policies be supported, subject to the following amendments:

i) *TBD*

3. THAT the APC recommends to the RDOS Board of Directors that proposed ALR Exclusion policies not be supported.

Respectfully submitted:



J. Peachey, Planner I

Endorsed by:



C. Garrish, Planning Manager