

ADMINISTRATIVE REPORT



TO: Planning and Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: October 15, 2020

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

Administrative Recommendation:

THAT the Board of Directors initiate Official Community Plan Amendment Bylaw No. 2913, 2020.

Purpose:

The purpose of this report is to review policy options to provide direction on how to address Agricultural Land Reserve (ALR) exclusions, in response to recent changes to the *Agricultural Land Commission Act* that place the onus on the Regional District to submit exclusion applications within its jurisdiction.

Background:

As of September 30, 2020, private landowners are no longer able to make an application for 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).

Since 2012, new Electoral Area Official Community Plan (OCP) Bylaws have stated that it is the policy of the Regional District Board to require ALR exclusions be accompanied by an assessment from a qualified professional agrologist.

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.

Administration notes that other jurisdictions are considering various options to address this change in legislation, such as considering ALC exclusions:

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- on behalf of a private landowner on an ad-hoc basis or at specified intervals (i.e. annually or once every two or three years);
 - as part of a comprehensive land use review (i.e. OCP update or other strategic projects) or in conjunction with an owner-led OCP/rezoning application;
 - only as part of a comprehensive land use review (i.e. OCP update or other strategic projects); or
 - by not accepting or considering exclusion requests from private land owners.

Given the preservation of the ALR 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 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. and should be exhausted prior to requesting the Regional District initiate an exclusion application.

Administration has concerns with allocating limited staff resources on ad hoc exclusion requests and seeks to align such requests with broader policy objectives.

As such, it is recommended that private landowners looking to exclude their lands from the ALR be directed to submit an application to the ALC (i.e. non-farm use, non-adhering residential, subdivision, etc.) when required to authorize their proposal.

In addition, exclusion of lands from the ALR should be part of a comprehensive land use review (i.e. OCP update).

Given the above, Administration suggests that the Regional District remove policy statements in the applicable Electoral Area OCP Bylaws that require agrologist reports for applications to exclude land from the ALR and to add growth management policies that the Regional District:

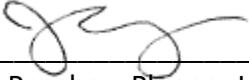
- *Will consider requests for the Regional District to initiate an application to the Agricultural Land Commission to have lands excluded from the Agricultural Land Reserve only within the context of a comprehensive review of this Official Community Plan (OCP) Bylaw.*
- *The Regional District encourages 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.*
- *Generally supports maintaining the integrity of the Agricultural Land Reserve (ALR) and its existing boundaries.*

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 only includes the first two policy statements, as the Electoral Area "H" already contains policies speaking to the ALR boundaries.

Alternatives:

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1. THAT the Board of Directors not initiate Official Community Plan Amendment Bylaw No. 2913, 2020.
 2. THAT the Board of Directors direct staff to initiate Official Community Plan Amendment Bylaw No. 2913, 2020, subject to the following amendments:
 - i) *TBD*

Respectfully submitted:



J. Peachey, Planner I

Endorsed by:



C. Garrish, Planning Manager