



REPORT

To: Chair and Directors

Report Number: DS-BRD-142

From: Kathy Suggitt, General Manager of Development Services

Date: May 13, 2021

Subject: Draft Agricultural Land Exclusion Policy 0340-63

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board adopt the "ALR Exclusion Policy 0340-63," which is intended to address how the Peace River Regional District deals with Agricultural Land Reserve Exclusion Applications.

BACKGROUND/RATIONALE:

On September 30, 2020, new changes to the *Agricultural Land Commission Act* and its regulations came into effect, whereby all Agricultural Land Reserve (ALR) Exclusion applications must be made by either a local government, First Nations governments, the Province, or a prescribed public body. Private landowners are no longer able to submit exclusion applications for consideration directly to the Agricultural Land Commission (ALC).

On Dec 11, 2020, the Regional Board passed the following resolution:

MOVED, SECONDED, and CARRIED

That the Regional Board authorize the preparation of a draft policy that will address how the PRRD moves forward with future Agricultural Land Reserve exclusion applications, for consideration at a future Regional Board Meeting; further, that the policy specify that the PRRD will review private landowner Agricultural Land Reserve Exclusion applications on a case-by-case basis as they are received.

The attached Agricultural Land Reserve Exclusion Application Policy sets the service level expectation requested by the Board by stating that applications will be considered on an individual basis as they are received, and not held and considered annually or at some other interval. The policy also specifies the criteria staff must use to assess the private landowner exclusion applications.

Staff will provide a report to the Regional Board with their evaluation of the planning merits based on the criteria in the policy, and noting where applicable, any comments received through the referral process. As a departure from the previous approach, where staff simply put forward factual information relevant to the application and the Board chose to either support or deny support for the application to proceed to the ALC, under the new policy, staff will provide a recommendation to either support or deny the application. If supported, the PRRD becomes the applicant and applies to the ALC for the exclusion on behalf of the landowner. Support for the application would be based upon compliance with the PRRD Official Community Plan policies and Zoning bylaws and the criteria outlined in the policy. A denial of an application would be based on the analysis relative to the criteria and lack of alignment with PRRD Official Community Plan policies and Zoning bylaws.

Should the Regional Board support a private landowner exclusion application, staff would then prepare and submit the application to the ALC on behalf of the private landowner *in the PRRD's name*. This step will only be initiated if the Board passes a resolution to support the application and apply on behalf of the land owner for the exclusion.

ALTERNATIVE RECOMMENDATIONS:

1. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- ☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

There are cost implications to process ALR Exclusion applications on a case-by-case basis that will be the responsibility of the PRRD. Fixed costs include, but may not be limited to: the application fee payable to the ALC, the advertising costs to place the required advertising in the local newspaper(s), the cost to produce and install a sign to be posted on the property to give notice of the exclusion request, the facility booking rental cost (if applicable) to hold the required public meeting, and staff time.

Prior to September 30, 2020, the cost associated with any private landowner seeking to exclude their lands (or a portion thereof) from the ALR was \$1,500. The first portion of the application fee (\$750) was made payable to the PRRD and was meant to cover the costs related to preparing a report that was brought forward to the Regional Board to analyze the respective OCP policies and Zoning regulations. If the Board approved the application to be forwarded on to the ALC for their consideration, the applicant would then pay the remaining \$750 to the ALC directly to move forward with the application. The applicant was also responsible for any costs related to sign requirements, public hearing venue rentals (if needed), advertisement in the local newspaper, and so forth.

Given the changes in legislation, the PRRD *will become the applicant* if the Regional Board supports the proposed private landowner exclusion application. As such, the \$750 application fee is then payable by the PRRD to the ALC. It is proposed that the Development Application Procedures and Fees Bylaw be updated accordingly to reflect the payment of \$1,500 by the private landowner applicant to the PRRD to continue to cover the costs of the application. Should the Regional Board not support the application and decline to forward it to the ALC, \$750 would be refunded to the private landowner. The bylaw will also include a provision that the private landowner would be responsible for the additional costs associated with the advertisements, signage, and facility rental (if applicable).

COMMUNICATIONS CONSIDERATION(S):

If approved, the new ALR Exclusion Policy 0340-63 will be uploaded to the PRRD Web Page.

OTHER CONSIDERATION(S):

None at this time.

Attachments

1. Draft Agricultural Land Reserve Exclusion Policy 0340-63