



REPORT

To: Electoral Area Directors Committee

Report Number: DS-EADC-007

From: Shawn Dahlen, Chief Administrative Officer

Date: November 9, 2020

Subject: Agriculture Land Reserve Exclusion Policy

The following motion was deferred at the September 17, 2020 Electoral Area Directors Committee Meeting and is back on the floor for consideration:

**Prior to voting to the recommendation on the floor, staff recommend that the Committee amend the motion as outlined in Recommendation 1.*

RECOMMENDATION ON THE FLOOR:

Moved Director Sperling, SECONDED Director Hiebert

That the Electoral Area Directors Committee recommend 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 the October 8, 2020 Regional Board Meeting.

RECOMMENDATION:

That the Electoral Area Directors Committee amend the recommendation on the floor by deleting the words “at the October 8, 2020 Regional Board Meeting”, and inserting in their place, “at a future Board meeting” and adds at the end of the recommendation “; further, that the policy specify that private landowner ALR Exclusion applications will be compiled and presented for consideration by the Board at six month intervals”.

BACKGROUND/RATIONALE:

At the September 17 Electoral Area Directors Committee meeting, the above noted “RECOMMENDATION ON THE FLOOR”, arising from Report DS-EADC-003, linked below, was deferred pending contact with Al Richmond, Vice-Chair, and staff, at the Cariboo Regional District to garner their response and feedback in regards to the change in the Agricultural Land Reserve exclusion applications.

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 local government, First Nations governments, the Province, or a prescribed public body. Landowners are no longer able to submit exclusion applications for consideration by the Agricultural Land Commission (ALC).

The ALC has indicated that local governments will be responsible for determining if and when they will consider private landowner requests for exclusion from the ALR. Through discussion with the ALC, it has been advised that each local government should determine the process for evaluating and applying for ALR Exclusion applications.

Since the September 17, 2020, Electoral Area Directors Committee meeting, PRRD staff have been in contact with neighbouring regional districts to determine how other jurisdictions are addressing ALR exclusion applications and to consider best practices to guide the development of a policy for the PRRD to address ALR Exclusion applications moving forward. The following regional districts were contacted:

- Cariboo Regional District (as per the September 17 EADC motion)
- Bulkley-Nechako Regional District
- Fraser Fort-George Regional District
- Thompson-Nicola Regional District
- Regional District of Central Kootenay

While there are many other regional districts within BC, the majority of those do not have significant amounts of land within the Agricultural Land Reserve. PRRD staff did not contact any regional districts in the Lower Mainland, Okanagan, or Vancouver Island.

Currently, few, if any regional districts have well-defined policies in place to guide ALR Exclusion applications. Most regional districts contacted have not yet formulated an approach to address how they will approach exclusion applications received from private landowners on or after September 30, 2020. A summary of each regional district’s current approach, and what is proposed, if direction has been given, at is summarized in the attached Table 1.

ALTERNATIVE OPTIONS:

1. That the Electoral Area Directors Committee amend the recommendation on the floor by deleting the words “at the October 8, 2020 Regional Board Meeting”, and inserting in their place, “at a future Board meeting” and adds at the end of the recommendation “; further, that the policy specify that the PRRD will review private landowner ALR Exclusion applications on a case-by-case basis”.
2. That the Electoral Area Directors Committee amend the recommendation on the floor by by deleting the words “at the October 8, 2020 Regional Board Meeting”, and inserting in their place, “at a future Board meeting” and adds at the end of the recommendation “; further, that the policy specify that private landowner ALR exclusion applications be compiled and considered in concert with future Official Community Pan updates.
3. That the Electoral Area Directors Committee amend the recommendation on the floor by by deleting the words “at the October 8, 2020 Regional Board Meeting”, and inserting in their place, “at a future Board meeting” and adds at the end of the recommendation “; further, that the policy specify that the PRRD will not accept or consider any ALR Exclusion applications from private landowners”.
4. That the Electoral Area Directors Committee provide further direction.

STRATEGIC PLAN RELEVANCE:

- Partnerships
- Collaboration with Local and First Nations governments

FINANCIAL CONSIDERATION(S):

The PRRD would incur a \$750 application fee for each exclusion application it makes, plus costs incurred to hold the required public hearing, such as facility rentals, staff time, and notification costs. In addition, signage would also need to be posted. ALC staff noted, during webinars to introduce the new process, that it is unclear if the PRRD can legally pass this cost on to individual landowners if the PRRD makes an application on behalf of an individual landowner under the Agricultural Land Commission Act.

COMMUNICATIONS CONSIDERATION(S):

PRRD Development Services and Communications staff will develop content for the PRRD's website to ensure landowners understand the new ALR Exclusion application process, the PRRD's approach to processing future ALR Exclusion applications, and other options available through the Agricultural Land Commission that are driven by the landowner.

OTHER CONSIDERATION(S):

In recent years, the PRRD has processed ALR exclusion applications as follows:

- Five exclusion applications in 2016
- Five exclusion applications in 2017
- One exclusion application in 2018
- Six exclusion applications in 2019
- Eight exclusion applications to-date in 2020 (four of which are ongoing)

This is an average of five ALR Exclusion applications per year.

External Links:

1. [Changes to the Agricultural Land Commission Act, DS-EADC-003](#)
2. [ALC Exclusion Application Guide](#)

Attachments

1. Table 1. A Summary of Regional District's approach to ALR Exclusion Applications