



Number: 400-02-18
REGIONAL DISTRICT OF CENTRAL KOOTENAY
Policy Manual

Chapter: Development Services

Section: Planning

Subject: Agricultural Land Reserve Land Exclusions

Board Resolution:	583/20	Established Date:	September 17, 2020	Effective Date:	September 30, 2020
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POLICY:

PURPOSE:

Individual landowners are no longer eligible to submit exclusion applications to the Agricultural Land Commission (ALC) to remove their land from the Agricultural Land Reserve (ALR), whereas prior to September 30, 2020 they could. This policy guides the Board's response to requests by landowners that the Regional District of Central Kootenay apply on their behalf to the ALC for exclusion from the ALR.

SCOPE:

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

DEFINITIONS:

ALC: Agricultural Land Commission

ALR: Agricultural Land Reserve

APHC: Advisory Planning and Heritage Commission

Board: RDCK Board

Block Request: Where a written request is received for five (5) or more individual properties OR for lands with a total area of five (5) hectares (12.4 acres) or greater located in a cohesive area for which the Regional District of Central Kootenay believes there is a broad public interest served by pursuing the exclusion

CVAAC: Creston Valley Agricultural Advisory Committee

Qualified Professional: As defined within Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015

RAC: Rural Affairs Committee

RDCK: Regional District of Central Kootenay

POLICY:

Eligibility

1. RDCK shall review requests for property exclusion from ALR lands and consider submitting an exclusion application to the ALC only: as part of Official Community Plan reviews, as a Block Request (see definition), or as part of other relevant policy projects such as the Agricultural Plan.



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

Procedure

Eligible requests shall follow the below procedure:

1. It is recommended that the applicant first confer with the RDCK Planning staff on the proposed exclusion whether for guidance or alternative procedures. To initiate the process a written request must be prepared to the attention of the Planning Department. The request shall include the legal description of the subject properties, signatures from every property owner and a rationale for the proposed exclusion.
2. As a first step RDCK 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 or Soil Use application to ALC. If so the land owner will be encouraged to submit their own application to the ALC.
3. RDCK 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;
 - date of purchase;
 - parcel size(s) in hectares (ha); and,
 - site plan.

Supporting evidence should also be provided which may include:

- maps;
 - photographs;
 - soil assessments;
 - Property Assessment Notice (BC Assessment);
 - Qualified Professional's report; and/or,
 - letters of support from adjacent properties.
5. RDCK Planning staff will evaluate the application with the following:
 - relevant RDCK bylaws and policies including but not limited to the Agricultural Plan, Official Community Plans and Zoning Bylaws;
 - surrounding land uses;



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- the continuity of the ALR in the area;
 - the parcel size;
 - the percent of the parcel within the ALR;
 - the soil and agricultural capability; and,
 - other considerations as deemed appropriate by RDCK Planning staff.
6. RDCK Planning staff will refer the application for comment to applicable Local Electoral Director(s) and/or CVAAC. The Electoral Area Director(s) may solicit advice from applicable APHC's.
 7. The request, staff evaluation, and referral comments will be incorporated into a report to the RAC.
 8. The applicant is invited to attend the RAC meeting at which the request will be considered. After considering the applicant's proposal, referral agency comments and staff recommendations, RAC will make a recommendation to the Board on whether to proceed with an application to the ALC.
 9. If the Board does not pass a resolution the request will proceed no further.
 10. If the Board passes a resolution RDCK Planning Staff will prepare notice and hold a public hearing as required by the *Agricultural Land Commission Act*.
 11. RDCK planning staff will submit the Local Government application and necessary documentation to the ALC portal.

RELATED LEGISLATION:

Agricultural Land Commission Act (s. 29)