



Staff Report to Council

Planning and Development Services

FILE: 13-6635-01/24

REPORT DATE: August 08, 2024 **MEETING DATE:** September 10, 2024

TO: Mayor and Council

FROM: Patrick Ward, Director of Planning & Development

SUBJECT: Proposed New Council Policy C110 Agricultural Land Reserve Exclusion Procedure

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:

RECOMMENDATION(S):

THAT Council:

- A. Approve Council Policy C110 Agricultural Land Reserve Exclusion Procedure as presented at the September 10, 2024 Council Meeting; OR
 - B. Other.
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PURPOSE

To introduce a new Council policy on the procedure for receiving requests from private landowners to exclude land from the Agricultural Land Reserve (ALR).

- Information Report Decision Report Direction Report

DISCUSSION

Background:

As of September 30, 2020, private landowners are no longer permitted to submit applications to exclude their land from the ALR directly to the Agricultural Land Commission (ALC). Only a local government, First Nation, or prescribed public body can now submit an exclusion application. The Province introduced this change to compel local governments to assess exclusion applications within the context of the larger community vision, so that only exclusion applications in alignment with the community’s broader land use goals are received by the ALC.

Local governments have the authority to determine how exclusion requests from private landowners are received and to make decisions on whether or not to apply to the ALC. With an exclusion request, the municipality assesses the proposal in relation to its own specific land-use policies, bylaws (for example, the Official Community Plan [OCP]), and community goals. The final decision to permanently remove land from the ALR is, however, made by the ALC.

Exclusion applications submitted to the ALC require public notification (including signage, mailed notices, newspaper advertisements, public hearing requirements), associated technical and agricultural studies in support of the application, plus substantial staff time to prepare and manage the application. The City does not currently have a policy, procedure, or fee to receive and process an exclusion application on behalf of a private landowner.

At the February 28, 2023 Public Meeting, Council received a report outlining options for processing exclusion requests submitted by private landowners and passed the following motion:

That Council resolve that all requests to exclude land from the Agricultural Land Reserve by private landowners be deferred until a Council Policy is developed to address these requests and plan for creation of a policy in the 2024 Business Plan.

The February 28, 2023 staff report noted that deferring any exclusion request until such time as a policy is in place would ensure transparency, enable a more comprehensive review, and communicate clearly to ALR landowners of the City's commitment to protecting and preserving ALR land, as supported by the OCP. It is noted that the City has not received any formal exclusion-related inquiries or requests since February 28, 2023.

Relevant Policy, Bylaw or Legislation:

The use of ALR land is governed by the provincial *Agricultural Land Commission Act* and supporting Regulations. As per section 6 of the Act, the purpose of the ALC is:

- To preserve agricultural land;
- To encourage farming on agricultural land in collaboration with other communities of interest; and
- To encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

The community's OCP supports the use of ALR land for agricultural purposes and discourages the use of ALR land for non-farm purposes.

Recently, the City adopted its Agricultural Viability Strategy (AVS). The first goal identified in this strategy is to protect farmland for farming. Feedback received during the development of the AVS supported the preservation of farmland and protection from urban encroachment; the implementation of policies and bylaws to protect farmland for farming; and, ensuring that farmland is used to its full potential.

The City's Zoning Bylaw also regulates land uses in the ALR in alignment with the *ALC Act*.

Analysis:

The policy documents described above outline the City's commitment to protecting the agricultural land base for now and for future use. The protection of agricultural land has long been one of the City's core values, and farming a key component of the city's history and identity.

Any land proposed for exclusion from the ALR, therefore, should be critically examined to fully understand if the proposed community benefit(s) outweighs land lost for current and future food production. Land converted to urban uses from agricultural is very difficult—if not impossible—to recover later for land-based food production.

A new Council policy (Attachment A) has been drafted to handle requests from private landowners who wish to exclude their land from the ALR. In alignment with the community's OCP and AVS, the guiding principle of this Policy is that exclusions are not generally supported, to maintain the integrity of the ALR and its boundaries. ALR exclusion applications should only be considered in rare circumstances where it is needed to align with broader land use goals defined in the OCP, and where a demonstrated and significant community benefit is provided. The Policy applies only to requests from private landowners and does not restrict the City from initiating an ALC application without such a request.

As outlined in the Policy, the general procedure to follow when an exclusion request is received is to prepare and present an initial report to Council. It will include a recommendation about the proposal, informed by City plans and policies (e.g. the OCP and AVS). If the recommendation is that the exclusion application be pursued, the report would outline recommended next steps, such as referral to the City's Agricultural Advisory Committee, and any other applications required, such as Regional Growth Strategy or OCP amendments.

If Council chooses to proceed with an exclusion application, all costs associated will be borne by the applicant, including administrative costs and any required technical reports. Following receipt of any technical reports, the ALC application process involves posting signage and advertising notices, and holding a public hearing, before returning to Council for a final resolution to submit the formal application to the ALC.

COUNCIL STRATEGIC PLAN ALIGNMENT

- Principled Governance Balanced Economic Prosperity Infrastructure
- Community Spirit & Wellbeing Corporate Pride Public Safety
- Not Applicable

Advocacy - Proactively advocate for issues of importance to our community.

WORKPLAN IMPLICATIONS

- Already accounted for in department workplan / no adjustments required
 - Emergent issue / will require deferral of other priority(ies)
 - Other
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FINANCIAL IMPLICATIONS

- None Budget Previously Approved Referral to Business Planning
- Other

Costs associated with an exclusion application will be borne by the applicant.

PUBLIC PARTICIPATION

- Inform Consult Involve Collaborate Empower

Comment(s):

This policy is made public through the normal agenda process and will be posted on the City’s website if approved.

KATZIE FIRST NATION CONSIDERATIONS

- Referral Yes No Other
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SIGN-OFFS

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Reviewed by:

Colin O’Byrne,
Manager of Planning

Michelle Baski,
Project Manager, Agriculture and Environment

Patrick Ward,
Director of Planning and Development

ATTACHMENT(S):

- A. Draft Council Policy C110 Agricultural Land Reserve Exclusion Procedure