

Appendix A: Juan de Fuca Agricultural Land Reserve Application Policy

CAPITAL REGIONAL DISTRICT
CORPORATE POLICY

Policy Type	Board		
Section	Juan de Fuca Community Planning		
Title	JUAN DE FUCA AGRICULTURAL LAND RESERVE APPLICATION POLICY		
Adopted Date		Policy Number	BRD05
Last Amended			
Policy Owner			

1. POLICY:

To provide a formal procedure for the CRD Board's review and consideration of Agricultural Land Reserve applications in the Juan de Fuca (JdF) Electoral Area.

2. PURPOSE:

To establish policy and procedures for review and consideration of Agricultural Land Reserve applications in the JdF.

3. SCOPE:

Section 34(4) of the *Agricultural Land Commission Act (ALC Act)* requires that local government review applications submitted for land in the Agricultural Land Reserve and, subject to subsection (5), forward to the Agricultural Land Commission (the Commission) the application together with comments and recommendations in respect of the application.

This policy applies to the following types of applications in the JdF that are subject to the *Agricultural Land Commission Act and Regulations*:

- Non-adhering residential use;
- Non-farm use;
- Subdivision;
- Exclusion and block exclusion;
- Inclusion and block inclusion;
- Soil use for placement of fill or removal of soil.

The Juan de Fuca Land Use Committee may make comments and recommendations to the CRD Board on matters relating to applications under the *Agricultural Land Commission Act and Regulations* in the JdF in accordance with CRD Bylaw No. 3166, "Juan de Fuca Land Use Committee Bylaw No. 1, 2004".

The Advisory Planning Commissions are established pursuant to section 461 of the *Local Government Act*, and by CRD Bylaw No. 2945, "Capital Regional District Advisory Planning Commission Bylaw No. 1, 2002", and CRD Bylaw No. 3517, "Capital Regional District Agricultural Advisory Planning Commission Bylaw No. 1, 2008".

4. DEFINITIONS:

AAPC means the Agricultural Advisory Planning Commission for the Juan de Fuca Electoral Area of the Capital Regional District established by bylaw;

APC means an Advisory Planning Commission for the Juan de Fuca Electoral Area of the Capital Regional District established by bylaw;

ALC means the Agricultural Land Commission of British Columbia;

COMMUNITY PLANNING means the Juan de Fuca Community Planning Division of the Planning & Protective Services Department of the Capital Regional District;

CRD means the Capital Regional District;

JdF means the Juan de Fuca Electoral Area of the Capital Regional District;

LUC means the Juan de Fuca Land Use Committee of the Capital Regional District Board;

ALR means land in the Agricultural Land Reserve as designated by the *Agricultural Land Commission Act*.

5. PROCEDURE:

ALR applications submitted to Community Planning shall be reviewed in accordance with the following procedure:

1. Applications are received by Community Planning through the ALC portal.
2. Community Planning shall confirm the required application documents are submitted.
3. Community Planning shall accept the fee payment as specified by the ALC.
4. Community Planning shall confirm any public notification required by the ALC.
5. Community Planning will prepare a report to the LUC that includes the application information, reference to the applicable official community plan policies and zoning bylaw regulations, and any other applicable information.
6. Applications will be considered by LUC and a recommendation forwarded to the CRD Board.
7. Should the CRD Board refer the application to the AAPC or APC, Community Planning staff will prepare the public notification of the meeting.
8. Community Planning staff will prepare a report to the LUC outlining the APC recommendation, public comments received, planning analysis, and draft resolutions for consideration.
9. The LUC will consider the public comments, AAPC or APC recommendation, and provide a recommendation on the application to the CRD Board, unless otherwise delegated.
10. Should the CRD Board forward the application to the ALC, Community Planning staff will prepare the required documents and upload it to the ALC portal.
11. Should the CRD Board not forward the application to the ALC, Community Planning will notify the applicant and return the ALC portion of the application fee to the applicant.

Public Consultation:

12. The CRD Board may refer the application to the AAPC or, if inactive, to the community APC.
13. Public notification of the LUC, AAPC and APC meeting will include information about the public meeting at which the application will be considered.
14. Notices will be mailed or otherwise delivered to owners and occupants of all parcels within a distance of 500 metres of the parcel(s) that is subject to the application.
15. Notices of the LUC, AAPC or APC meeting will be mailed or otherwise delivered at least 10 days prior to the meeting.
16. Meetings are open to the public and advertised in the local newspaper and on the CRD website.
17. Where an application is associated with a Regional Growth Strategy amendment, an Official Community Plan amendment and/or a zoning amendment, the procedure for considering that application shall be used to obtain public input on the ALR application.

Evaluation Criteria:

18. The CRD may consider the following criteria when reviewing an ALR application:
 - a) Compliance with Regional Growth Strategy and official community plan policies, zoning regulations, agricultural strategies;
 - b) Agricultural suitability and potential of the land to support farm uses;
 - c) Agricultural capability;
 - d) Alternative locations for the proposed development on non-ALR lands;
 - e) Proximity of the proposed development to existing farms;
 - f) Provision of landscaping and buffering, or existing natural topographical features, of sufficient dimension to separate and minimize impacts between agricultural and non-agricultural uses;
 - g) Referral responses and comments received through public notification;
 - h) Potential impact on the community if the application is approved.
19. In addition to the above criteria, exclusion or block exclusion applications may be considered subject to:
 - a) Exclusion or block exclusion applications can only be considered in conjunction with an amendment to the Regional Growth Strategy, official community plan and zoning bylaw;
 - b) Accommodating government/Crown corporation facilities where it is demonstrated that the facility cannot practically be located on non-ALR lands;
 - c) The land proposed to be excluded from the ALR abuts existing non-ALR land and is a 'sliver' of land comprising less than 25% of the subject parcel;
 - d) The land proposed to be excluded from the ALR forms a logical extension to the existing non-ALR area and does not constitute an intrusion into the ALR (the ALR boundary will not be significantly lengthened as a result of the extension);
 - e) The land proposed to be excluded from the ALR is contained within permanent well-defined boundaries (i.e. roads, topographic or other natural features);
 - f) The land has a Soil Capability Rating of, or is improvable to, a Class 5-7 and is not suitable to support the growing of crops or use by farm animals for grazing, as demonstrated by a Qualified Professional;
 - g) An alternate parcel of land in the JdF is proposed to be included in the ALR that is of a higher soil capability rating, adjacent to existing ALR land, and is of an equivalent size of the parcel proposed to be excluded, so there is no-net-loss of ALR land.

20. In cases where soils have been degraded due to poor land use practices, illegal dumping, soil deposit or soil removal, favorable consideration of an application may not be given.
21. The applicant is responsible for retaining services of a Qualified Professional, as necessary, to provide information and to demonstrate the criteria in this policy has been satisfied.

Decisions:

22. The LUC will consider the application, the AAPC or APC recommendation, and any public comments received, and make a recommendation to the CRD Board, unless otherwise delegated.
23. The CRD Board, unless otherwise delegated, must review the application subject to section 34(4) of the *Agricultural Land Commission Act* and may resolve to:
- a) Not forward the application to the ALC subject to section 34(5) of the *Agricultural Land Commission Act*;
 - b) Forward the application to the ALC with comments and a recommendation to support the application;
 - c) Forward the application to the ALC with comments and a recommendation to reject the application;
 - d) Forward the application to the ALC without comments or a recommendation.
24. If the CRD Board exercises its authority as set out in section 34(5) of the *Agricultural Land Commission Act* and does not authorize the application to proceed, the application will not be considered by the ALC.

7. AMENDMENT(S):

Adoption Date	Description:

8. REVIEW(S):

Review Date	Description: