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**TO:** Geoff Garbutt  
GM Strategic and Community Development

**DATE:** February 1, 2014

**FROM:** Jeremy Holm  
Manager of Community Planning

**FILE:** 6635 00

**SUBJECT:** Options for AAC and Area Director Comment on ALR Applications

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#### PURPOSE

To provide the Board with options with respect to Agricultural Advisory Committee (AAC) and Electoral Area Director comment on Agricultural Land Reserve (ALR) applications.

#### BACKGROUND

The Agricultural Area Plan (AAP), which was adopted by the Board on October 23, 2012, included Board consideration of AAC comment on applications for exclusion, subdivision or non-farm use of ALR land as priority implementation action item 1.1A.

At its meeting of June 25, 2013, the Board passed the following motion:

*"That the Agricultural Area Plan Recommended Implementation Action 1.1A, "consider updating the Agricultural Advisory Committee (AAC) Terms of Reference to allow the AAC to make comments on every application (exclusion, non-farm use, subdivision) that is forwarded to the Agricultural Land Commission (ALC)", be referred to staff for a report on options to proceed; including in those options, the opportunity for optional Area Director comment to be incorporated into the process."*

The Board at its meeting of November 26, 2013, endorsed the AAP 2014-2016 Action Plan, which included the direction contained in the above Board motion. This report is intended to provide options for ALR application process review including the opportunity for AAC and Area Director comments on ALR applications.

#### DISCUSSION

The *Agricultural Land Commission (ALC) Act* requires that applications for exclusion, subdivision, or non-farm use by an owner of ALR land not proceed unless authorized by a resolution of the local government if the application; (a) applies to land that is zoned by bylaw to permit agricultural or farm-use, or (b) requires, in order to proceed, an amendment to an official settlement plan, an official community plan, an official development plan or a zoning bylaw. The RDN's current ALR Application review process satisfies the ALC Act requirement for a local government authorizing resolution to the ALC through a Standing Board resolution being provided to the ALC in accordance with Board Policy B1.8 - Review of Provincial Agricultural Land Reserve Applications (see Attachment 1). The RDN's current ALR

application review process does not include opportunity for a specific Board motion with regard to an ALR application and does not provide opportunity for AAC, or Area Director comment on ALR applications.

As defined by its terms of reference, the role of the AAC is to increase awareness of agricultural issues in the RDN, assist in the implementation of the RDN AAP and other agricultural related initiatives, and provide local perspective and expertise to advise the Regional Board on a range of agricultural issues on an ongoing and as needed basis as directed by the Board. The Ministry of Agriculture's best practices guide for AAC terms of reference suggest that it is appropriate for AAC's to provide comment on ALR applications. The ALC has also expressed support for AAC's providing comment on ALR applications.

The AAC includes members with local knowledge and expertise on agriculture, as such the AAC is well equipped to provide comment on ALR applications. A draft amended AAC Terms of Reference providing for AAC comment on ALR applications is included as Attachment 2 for the Board's consideration. The draft amended AAC terms of reference includes the following under Roles and Responsibilities of the AAC: *providing comments and recommendations on applications under the Agriculture Land Commission Act for exclusion, subdivision or non-farm use of ALR land.*

In reviewing Board policy in preparation for this report, it was identified that Board policy from 1998 included an opportunity for written comment on ALR applications from Area Directors. Opportunity for Area Director comment on ALR applications is not included in current ALR application review Policy B1.8. The ALC has advised that Area Directors can provide comment on ALR applications regardless of whether the Director's comments have been subject to any resolution of the Board. However, the ALC has also been clear that communication from elected officials on ALR applications must occur through official channels. As such, should an Area Director choose to comment on an application, it is appropriate that the Director's comments be provided to the ALC through inclusion in the local government report to the ALC.

If the Board chooses to support the amendments to Policy B1.8 as proposed, comments from an Area Director would be provided to the AAC at the time the application is provided to the AAC for comment. Area Director comments would then be included in the local government report to the ALC along with any comments from the AAC (see Attachments 3 and 4).

The Regional Growth Strategy Bylaw No. 1615, 2011 includes policy to support agriculture and protect agricultural lands. Likewise, all of the Official Community Plans recognize the importance of agriculture and local food production and include associated objectives and policies supporting the preservation of lands within the ALR for agricultural use. Under the current application review process staff include RGS and OCP policy and zoning regulations along with the applicable standing Board resolution as per Policy B1.8 in the local government report to the ALC. Should the Board wish to amend its approach to handling applications to the ALC to include AAC and optional Area Director comments on each application, the information contained in the local government report will be provided to the Area Director and AAC to assist them in providing comment.

Should the Board wish to amend its approach to handling applications to the ALC to include comment on each application from the Area Director and AAC it is expected that application processing time will be extended to allow time for the referral and Committee meeting. The *ALR Regulation* requires the ALR application material and supporting local government report on an ALR application to be provided

within 60 days of receipt of a complete application. In the case that a public information meeting is held in relation to an ALR application, the ALR Regulation allows 90 days for local government review and the application to be forwarded. Under the current Board ALR application review approach of providing no specific comment on ALR applications local government reports are typically forwarded to the ALC within 20 business days of receipt of a complete application.

If the Board chooses to endorse the recommendations in this report, all ALR applications will continue to be forwarded to the ALC without specific comment from the Board. The applicable standing Board resolution as per Policy B1.8 would continue to be included with the local government report to the ALC. Applications would, however, include comment and recommendations from the AAC and optionally from the Area Director for the Electoral Area in which an application occurs. The draft amended ALR application review process is outlined on Attachments 3 and 4.

### **ALTERNATIVES**

1. To continue providing a standing Board resolution on each ALR application and to consider revising the RDN application review process to provide for AAC and optional Area Director comments on each application to the ALC for exclusion, subdivision or non-farm use of ALR land.
2. To maintain the status quo of providing a standing Board resolution and no comment from the AAC or Area Director on each application to the ALC for exclusion, subdivision or non-farm use of ALR land.

### **FINANCIAL IMPLICATIONS**

Should the Board wish to amend its approach to handling applications to the ALC to include AAC and optional Area Director comments on each application, it is anticipated that additional staff time will be required for preparing information on each application for the Area Director and AAC. It may be necessary to schedule special meetings of the AAC in order to provide AAC comment within the 60 day local government application processing time limit required by the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation (ALR Regulation)*. Compensation for mileage to AAC members would be applicable under the Board's Volunteer Mileage Reimbursement Policy A2.19. Based on the AAC membership existing at the time this report was drafted, volunteer mileage compensation amounts to approximately \$290 per meeting. As per the *ALR Regulation*, application fees are \$600. The ALR Regulation allows for \$300 of the fee to be retained by the local government and the balance forwarded to the ALC. The Regional District receives on average approximately 12 applications to the ALC per year including exclusions, subdivisions and non-farm use.

### **STRATEGIC PLAN IMPLICATIONS**

The 2013-2015 Board Strategic Plan identifies agriculture as important in supporting the Board's strategic objectives of Self Sufficiency and Economic Viability. The Board's Strategic Plan further identifies that agriculture has a rich history in the region and remains an important contributor to the local economy, culture, and landscape. Maintaining agricultural opportunities is identified as a key feature of regional resilience and sustainability. The Plan's Strategic Goals and Actions for 2013-2015 recognize agriculture and aquaculture as important contributors to the regional landscape, culture and economy. The Board Strategic Plan includes the following to support the viability and productivity of these industries:

- a) Take actions to overcome the barriers and constraints to agricultural production in the region and explore opportunities to strengthen local food production.
- b) Increase public knowledge and awareness of agriculture and aquaculture in the region through education, marketing and outreach.
- c) Prioritize and implement recommendations from the Agricultural Area Plan.
- d) Review the RDN's regulatory framework to ensure policies and bylaws support local agriculture and aquaculture, and revisit the RDN's policy for reviewing Provincial Agricultural Land Reserve Applications.
- e) Build a shared understanding of the role and purpose of the Agricultural Land Reserve, as well as its legislative framework.

By considering amending its ALR application review process, the Board has prioritized and is implementing its Strategic Plan objectives as per items c) and d) above.

## **SUMMARY/CONCLUSIONS**

The Board at its meeting of November 26, 2013 endorsed the AAP 2014-2016 Action Plan, which included the following Board motion of June 25, 2013 within the 2014 AAP implementation work plan: *That the Agricultural Area Plan Recommended Implementation Action 1.1A, "consider updating the Agricultural Advisory Committee (AAC) Terms of Reference to allow the AAC to make comments on every application (exclusion, non-farm use, subdivision) that is forwarded to the Agricultural Land Commission (ALC)", be referred to staff for a report on options to proceed; including in those options, the opportunity for optional Area Director comment to be incorporated into the process.* This report is intended to provide options and recommendations for AAC and Area Director comments on ALR applications for the Board's consideration.

The *Agricultural Land Commission (ALC) Act* requires that applications for exclusion, subdivision, or non-farm use by an owner of ALR land not proceed unless authorized by a resolution of the local government if the application: (a) applies to land that is zoned by bylaw to permit agricultural or farm-use, or (b) requires, in order to proceed, an amendment to an official settlement plan, an official community plan, an official development plan or a zoning bylaw. Board Policy B1.8 - Review of Provincial Agricultural Land Reserve Applications (see Attachment 1), includes a standing Board resolution to be forwarded to the ALC with each ALR application. The ALR application review process outlined in Policy B1.8 does not currently include opportunity for AAC, or Area Director comments on ALR applications.

As defined by its terms of reference, the role of the AAC is to increase awareness of agricultural issues in the RDN, assist in the implementation of the RDN AAP and other agricultural related initiatives, and provide local perspective and expertise to advise the Regional Board on a range of agricultural issues on an ongoing and as needed basis as directed by the Board. The Ministry of Agriculture and the ALC support AAC's providing comment on ALR applications. A draft amendment AAC Terms of Reference providing for AAC comment on ALR applications is included as Attachment 2 for the Board's consideration.

While the ALC has advised that Area Director comments are appropriate regardless of whether they have been subject to any resolution of the Board, the ALC has also been clear that communication from elected officials on applications must occur through official channels. As such, it is appropriate that Area Director comments be included with the local government report to the ALC. If the Board chooses to

amend its approach to processing applications to the ALC to include AAC and optional Area Director comments on each application, staff recommend that Board Policy B1.8 be amended as per Attachment 3 to include AAC and optional Area Director comments within the ALR application review process. If the Board chooses to endorse the recommendations in this report, all ALR applications will continue to be forwarded to the ALC without specific comment from the Board. The applicable standing Board resolution as per Policy B1.8 would continue to be included with the local government report to the ALC. Applications would, however, include comment and recommendations from the AAC and optionally from the Area Director for the electoral area in which the subject property resides.

While staff recommend the Board allow for AAC and Area Director comment on ALR applications, at this time staff do not recommend the Board consider amending the RDN's ALR application review process to include Board comment on ALR applications. Rather, staff recommend that amendments to existing Board Policy B1.8 related to Board comments on ALR applications be considered concurrently with the Bylaw and Policy Update project outlined in the AAP 2014-2016 Action Plan. This would allow the Board to consider its position on ALR application comments in the context of a comprehensive agricultural policy and bylaw review.

## **RECOMMENDATIONS**

1. That the Board approve the amended Agricultural Advisory Committee Terms of Reference as outlined in the report to allow the Committee to provide comment on all applications for exclusion subdivision or non-farm use in the ALR, and
2. That the Board approve amended Policy B1.8 "Review of Provincial Agricultural Land Reserve Applications" as outlined in the report to provide for AAC and Electoral Area Director comment on applications for exclusion, subdivision, or non-farm use of ALR land.

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Report Writer

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General Manager Concurrence

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CAO Concurrence

**Attachment 1**  
**Current Board Policy B1.8 – Review of Provincial Agricultural Land Reserve Applications**

SUBJECT:	<b><i>Review of Provincial Agricultural Land Reserve Applications</i></b>	POLICY NO:	B1.8
		CROSS REF.:	
EFFECTIVE DATE:	November 26, 2002	APPROVED BY:	Board
REVISION DATE:	June 28, 2011	PAGE:	1 of 1

**PURPOSE:**

To establish a process in the review of ALR applications for the exclusion, subdivision and non-farm use of lands within the Provincial Agricultural Land Reserve (ALR).

**POLICY:**

**1. Applications for the exclusion of lands within the ALR.**

All decision-making regarding whether land should be in the Agriculture Land Reserve (ALR) shall be allocated to the Agricultural Land Commission.

All ALR exclusion applications are to be forwarded to the Provincial Agricultural Land Commission (ALC) and are to include the following policy statement:

*If the ALC deems it appropriate to remove land from the ALR then the Board will consider the development of the land in accordance with the Regional Growth Strategy and the Official Community Plan.*

**2. RDN land use regulations on lands which are excluded from the ALR.**

Should the Provincial Agricultural Land Commission exclude land from the ALR, the Regional District will determine the appropriate use of the land through its official community plan and zoning processes.

**3. Applications for the subdivision of lands within the ALR.**

All ALR subdivision applications are to be forwarded to the Provincial Agricultural Land Commission (ALC) and are to include the following policy statement:

*As outlined in the Regional Growth Strategy, the Regional District of Nanaimo fully supports the mandate of the Agricultural Land Commission (ALC) and the preservation of land within the Agricultural Land Reserve (ALR) for agricultural use. The Regional District encourages the ALC to only consider subdivision where in the opinion of the ALC the proposal will not negatively impact the agricultural use of the land or adjacent ALR lands.*

**4. Applications for the non-farm use of lands within the ALR.**

All ALR non-farm use applications are to be forwarded to the Provincial Agricultural Land Commission (ALC) with no resolution of support or opposition from the Regional Board of Directors.

**Attachment 2**  
**Draft Amended Agricultural Advisory Committee**  
**Terms of Reference**

**BACKGROUND**

The Regional District of Nanaimo (RDN) established an Agricultural Advisory Committee in 2008 to assist in a range of RDN initiatives, such as the preparation of an Agricultural Area Plan (AAP) and provide comments and recommendations to the Board on a range of agricultural issues. The RDN adopted the AAP on October 23, 2012. The AAP includes recommendations for action in support of local agriculture and aquaculture in the RDN.

One of the recommended actions included in the AAP is to establish a Committee to guide the implementation of the AAP and provide the Regional Board with ongoing advice and recommendations on agricultural related items. These Terms of Reference expand the role of the AAC to include reference to the preparation and implementation of the AAP.

**PURPOSE**

The role of the AAC is to increase awareness of agricultural issues in the RDN, assist in the implementation of the RDN AAP and other agricultural related initiatives, and provide local perspective and expertise to advise the Regional Board on a range of agricultural issues on an ongoing and as needed basis as directed by the Board.

**ROLES AND RESPONSIBILITIES**

The AAC will, upon the Regional Board's direction, be responsible for advising the Regional Board on a number of initiatives including:

- monitoring and evaluating the AAP and its implementation;
- preparing regular reports to the Board with RDN staff assistance;
- providing comments and recommendations to the RDN Board as it relates to agriculture on items including, but not limited to, the Regional Growth Strategy (RGS), Official Community Plans (OCP), Local Area Plans, reviews of RDN Zoning Bylaws, Parks and Trails Master Plans, Drinking Water and Watershed Protection Plans, Liquid Waste Management Plans, Rainwater Management Plans, noxious weed/insect control, and other items referred to the AAC by the Board upon request or as directed by Board policy;
- providing comments and recommendations on applications under the *Agriculture Land Commission Act* for exclusion, subdivision or non-farm use of ALR land,
- promoting public awareness of agriculture and its role and economic value in the community; and,
- advocating on behalf of the agricultural community.

**MEMBERSHIP**

The AAC will consist of a maximum of ten members appointed by the Regional Board representing a diverse range of interests including elected officials, commodity groups/producers, and established regional farming and aquaculture organizations. AAC members should reside, own property, or conduct business within the RDN.

Membership representation will be as follows:

#### Community Members

- Two members who actively participate in agriculture in District 68;
- Two members who actively participate in agriculture in District 69;
- Two members representing regional agricultural organizations;
- One member representing shellfish aquaculture organizations;

#### Elected Members

- One Electoral Area Director from District 68;
- One Electoral Area Director from District 69; and
- One Municipal Director.

Community members will be appointed by the Regional Board through an open application process. Members will be recruited through advertisements in local media, word of mouth, and use of the RDN website. In addition, direct invitations may be used to solicit participation by the specific interests listed above. Applications must demonstrate the applicant's interest in agriculture and ability to commit the necessary time to the AAC.

The Regional Board will appoint two Electoral Area Directors and one Municipal Director as outlined above. The Board will designate one of the three Board representatives as the Chairperson for the AAC.

#### *Non-Voting Advisors*

The AAC may seek representatives from other organizations to advise the AAC from time to time on an as needed basis to provide expertise in response to the needs of the AAC.

#### **TERM**

The term of appointment for AAC members is two years. In order to allow staggering of Committee membership and allow for greater continuity for the AAC and its works, approximately half of the Community member terms will expire each year.

No substitute members will be permitted. If a member must resign from the Committee, their position will be filled through the application process.

No remuneration for participation on the Committee is provided unless otherwise approved by the Board. However, if Committee activities coincide with meal times, meals may be provided.

#### **CONFLICT OF INTEREST**

AAC members having a priority or pecuniary interest in a matter discussed by or are personally affected by a matter discussed by the AAC must declare a conflict and step aside from the discussion and subsequent vote/motion on that particular matter.



**Attachment 3**  
**Draft Amended Board Policy B1.8 –**  
**Review of Provincial Agricultural Land Reserve Applications**

SUBJECT:	<b><i>Review of Provincial Agricultural Land Reserve Applications</i></b>	POLICY NO:	B1.8
		CROSS REF.:	
EFFECTIVE DATE:	November 26, 2002	APPROVED BY:	Board
REVISION DATE:	XXXX XX, 20XX	PAGE:	1 of 1

**PURPOSE:**

To establish a process in the review of ALR applications for the exclusion, subdivision and non-farm use of lands within the Provincial Agricultural Land Reserve (ALR).

**POLICY:**

**1. Electoral Area Director comment on applications for exclusion, subdivision, or non-farm use of ALR land.**

All applications under the *Agriculture Land Commission (ALC) Act* for exclusion, subdivision, or non-farm use of ALR land are to be forward to the Electoral Area Director for the Electoral Area in which the subject property resides along with a completed ALC local government report in order to allow the Director to provide comment on the application. Director comments and are to be provided to staff in writing and are to be forwarded to the Agricultural Advisory Committee (AAC) by staff through inclusion in the referral to the AAC for comment on the application. The Area Director's comments will then be provided to the ALC by staff through inclusion in the local government report to the ALC.

**2. Agricultural Advisory Committee comment on applications for exclusion, subdivision, or non-farm use of ALR land.**

All applications under the *Agriculture Land Commission (ALC) Act* for exclusion, subdivision, or non-farm use of ALR land are to be forward to the Agricultural Advisory Committee (AAC) along with a completed ALC local government report in order to allow the AAC to provide comment and recommendation on the application. If the Area Director has provided comments on the application, the Director's comments will be included with the referral to the AAC. AAC comments and recommendations are to be forward to the ALC by including the AAC motion in the local government report to the ALC.

**3. Board Standing resolution regarding applications for the exclusion of lands within the ALR.**

All decision-making regarding whether land should be in the Agriculture Land Reserve (ALR) shall be allocated to the Agricultural Land Commission.

All ALR exclusion applications are to be forwarded to the Provincial Agricultural Land Commission (ALC) and are to include the following Board policy statement:

*If the ALC deems it appropriate to remove land from the ALR then the Board will consider the development of the land in accordance with the Regional Growth Strategy and the Official Community Plan.*

**4. Board Standing resolution regarding RDN land use regulations on lands which are excluded from the ALR.**

Should the Provincial Agricultural Land Commission exclude land from the ALR, the Regional District will determine the appropriate use of the land through its official community plan and zoning processes.

**5. Board Standing resolution regarding applications for the subdivision of lands within the ALR.**

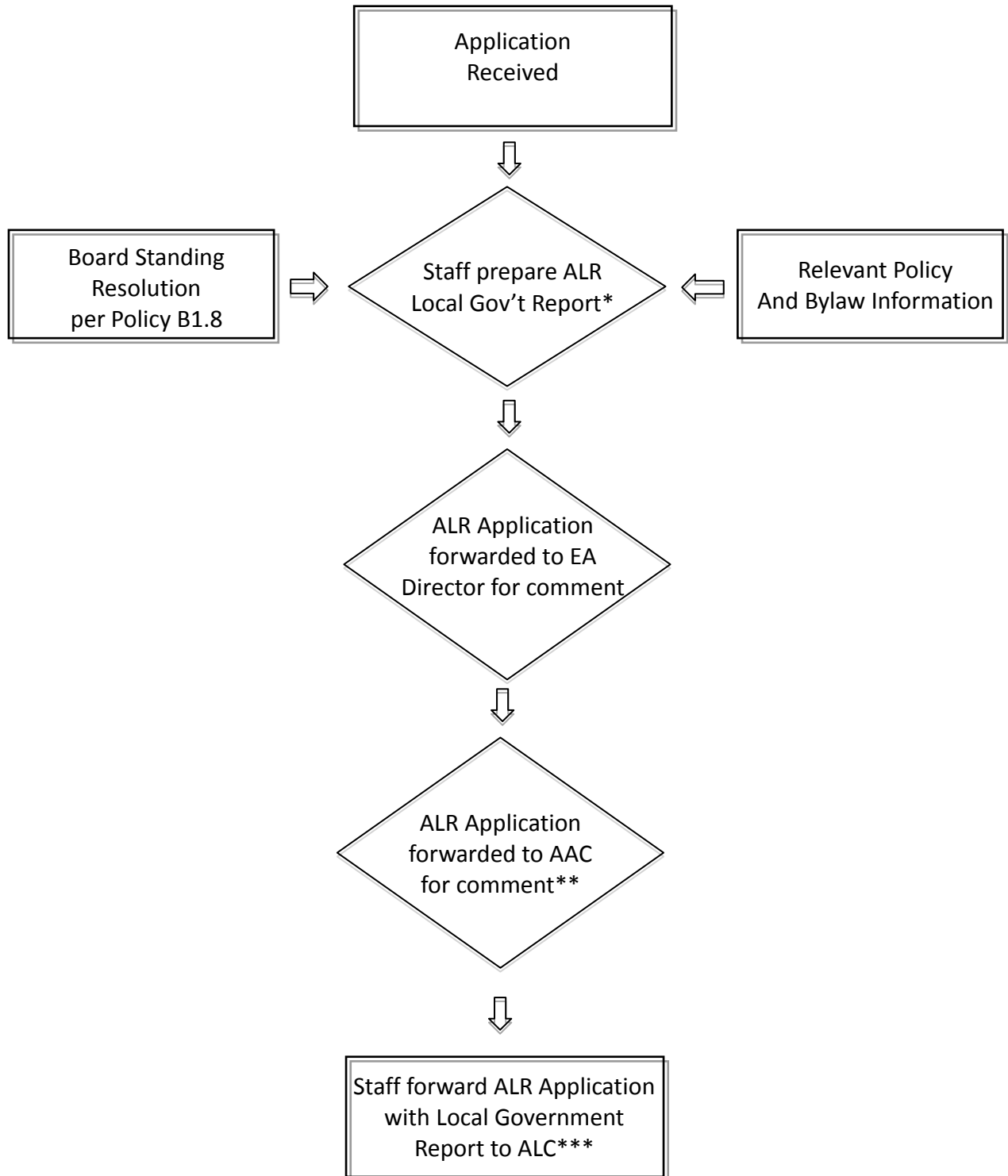
All ALR subdivision applications are to be forwarded to the Provincial Agricultural Land Commission (ALC) and are to include the following Board policy statement:

*As outlined in the Regional Growth Strategy, the Regional District of Nanaimo fully supports the mandate of the Agricultural Land Commission (ALC) and the preservation of land within the Agricultural Land Reserve (ALR) for agricultural use. The Regional District encourages the ALC to only consider subdivision where in the opinion of the ALC the proposal will not negatively impact the agricultural use of the land or adjacent ALR lands.*

**6. Board Standing resolution regarding applications for the non-farm use of lands within the ALR.**

All ALR non-farm use applications are to be forwarded to the Provincial Agricultural Land Commission (ALC) with no resolution of support or opposition from the Regional Board of Directors.

**Attachment 4**  
**Proposed ALR Application Review Process**



\* Includes Standing Board Resolution  
\*\* Includes EA Director comment if provided  
\*\*\* Includes comments from EA Director and AAC