

**JUAN DE FUCA LAND USE COMMITTEE**

Notice of Meeting on Tuesday, **October 20, 2020 at 7 pm**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

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**AGENDA**

1. Approval of Agenda
2. Approval of the Supplementary Agenda
3. Adoption of Minutes of September 15, 2020
4. Chair's Report
5. Planner's Report
6. Juan de Fuca Agricultural Land Reserve Application Policy BRD05
7. Adjournment

*Please note that during the COVID-19 situation, the public may attend the meeting in-person or electronically through video or teleconference. Since in-person capacity is limited, should you wish to attend the meeting in-person, please contact the Juan de Fuca Community Planning Office at 250.642.8100 or by email at [jdfinfo@crd.bc.ca](mailto:jdfinfo@crd.bc.ca). Should you wish to attend electronically, please contact us by email at [jdfinfo@crd.bc.ca](mailto:jdfinfo@crd.bc.ca) so that staff may forward meeting details. Written submissions continue to be accepted.*



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**Minutes of a Meeting of the Juan de Fuca Land Use Committee  
Held Tuesday, September 15, 2020, at the Juan de Fuca Local Area Services Building  
3 – 7450 Butler Road, Otter Point, BC**

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**PRESENT:** Director Mike Hicks (Chair), Stan Jensen (EP), Vern McConnell, Roy McIntyre, Ron Ramsay, Dale Risvold (EP), Sandy Sinclair  
**Staff:** Kevin Lorette, General Manager, Planning and Protective Services (EP), Iain Lawrence, Manager, Community Planning (EP); Wendy Miller; Recorder (EP)  
**PUBLIC:** 0 In-person; approximately 8 EP

EP – Electronic Participation

The meeting was called to order at 7:00 pm.

The Chair provided a Territorial Acknowledgement.

**1. Approval of the Agenda**

**MOVED** by Roy McIntyre, **SECONDED** by Dale Risvold that the agenda be approved.

**CARRIED**

**2. Approval of the Supplementary Agenda**

**MOVED** by Vern McConnell, **SECONDED** by Ron Ramsay that the supplementary agenda be approved.

**CARRIED**

**3. Adoption of Minutes from the Meeting of July 21, 2020**

**MOVED** by Sandy Sinclair, **SECONDED** by Ron Ramsay that the minutes from the meeting of July 21, 2020, be adopted, as amended.

**CARRIED**

**4. Chair's Report**

The Chair welcomed Kevin Lorette, General Manager, Planning and Protective Services, and thanked everyone for coming to the meeting.

**5. Planner's Report**

- a) At its meeting of August 12, 2020, the CRD Board supported the LUC's July 21, 2020, recommendations:
- approving provision of parkland in the form of cash-lieu for subdivision application SU000720 (6505 Powder Main)
  - approving provision of parkland in the form of cash-lieu or lesser amount if the owner agrees to dedicate and construct a trail for subdivision application SU000721 (17151 Parkinson Road)
  - approving development permit with variance application DV000071 (2727 Anderson Road)
  - giving Bylaw Nos. 4316 and 4317 first and second reading and direction that the bylaws proceed to public hearing (rezoning and OCP amendment application RZ000267 - 3542 Otter Point Road)

- b) Public hearings are scheduled for rezoning and OCP amendment application RZ000267:

Date: Monday, September 21, 2020

Time: 7pm

Place: Juan de Fuca Local Area Services Building  
3-7450 Butler Road, Otter Point, BC

**6. Comprehensive Community Development Plan Amendment Application**

- a) **RZ000242 - That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R (PID: 009-592-342);**

**Lot 1, Section 97, Renfrew District, Plan EPP24972 (PID: 028-991-125) (17110 Parkinson Road);**

**That Part of District Lot 17, Renfrew District Shown Outlined in Red on Plan 347R (PID: 009-575-006) (6598 Baird Road);**

**and Those Parts of Block A and B, District Lot 751, Together with Unsurveyed Crown Foreshore or Land Covered by Water Being Part of the Bed of Port San Juan, All Within Renfrew District, Shown Outlined in Red on Licence V905027, Containing 3.86 Hectares, More or Less**

Iain Lawrence reported that the application is to redesignate the subject properties from Marine Protection (M) and Residential (R) to a new Pacific Gateway Marina (PGM) designation, and to rezone the subject properties from Marine (M) and Community Residential – One (CR-1) to a new Pacific Gateway Marina Comprehensive Development (PGM-CD) zone, in order to permit a mix of community uses, year-round residential accommodation, vacation properties, and commercial tourism, recreation and marina services to the general public.

The application was scheduled to be considered by the LUC at its June 16, 2020, meeting. At that meeting, the LUC considered a letter included on the supplementary agenda from Pacheedaht First Nation received the day of the meeting. At that meeting, the LUC resolved to table consideration of the proposal to its September 15, 2020, in order to provide time to respond to Pacheedaht's concerns, including a review of the Port Renfrew OCP, and consultation and decision making processes generally, and site servicing, and areas of cultural and archaeological significance within the area subject to the application.

Iain Lawrence directed attention to the June 16, 2020, staff report. The staff report includes the referral comments received from agencies in response to the LUC's referral of the application on September 18, 2018, to agencies and to a Public Information Meeting in Port Renfrew. Iain Lawrence summarized the referral comments as included in the staff report and advised that the proposal was considered at a Public Information Meeting in Port Renfrew on December 11, 2018, as well as by the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission on January 29, 2019.

Iain Lawrence directed attention to the September 15, 2020, supplementary staff report, which provided additional information and a revised recommendation as result of the correspondence received from Pacheedaht on June 16, 2020. The recommendation has been revised to require the applicant to register a covenant on the title of the lands prior to bylaw adoption in favour of the CRD securing the Archaeological Impact Assessment (AIA) and geotechnical reports as submitted by the applicant. The proposed bylaw continued to reflect the requirement for provision of water and sewer amenities.

Iain Lawrence directed attention to the September 15, 2020, amended supplementary staff report, which provides further additional information and a revised bylaw as result of the correspondence received from the Pacheedaht on September 8, 2020.

Iain Lawrence advised that the proposed revised bylaw reflects removal of the property known as "Little Renfrew" and removal of Development Areas E and F. Iain Lawrence outlined the bylaw as included in the amended supplementary staff report.

Iain Lawrence reported that staff also recommends that the proposed bylaw be further amended to remove the residential portion of Lot 1, Section 97, Renfrew District, Plan EPP24972. It was advised that "Little Renfrew" and the residential portion of Lot 1 are known areas of cultural and archaeological significance.

Iain Lawrence reported that, since the time that the supplementary agenda was circulated, additional correspondence from the Pacheedaht was received stating that the proposed revised bylaw does not address the concerns set out in the September 8, 2020, letter.

The Chair confirmed that the applicant was present.

Iain Lawrence responded to questions from the LUC advising that:

- the property identified as Community Use (Lot 64) on Plan No. 2 of proposed Bylaw No. 4096 is not included in the area subject to the application
- the area subject to the application includes the areas identified on Plan Nos. 1 and 2 of proposed Bylaw No. 4096 minus the residential portion of Lot 1, Section 97, Renfrew District, Plan EPP24972
- with the removal of "Little Renfrew" and the residential portion of Lot 1, no caves are in the area subject to the application

At the request of the Chair, Iain Lawrence highlighted the revised area subject to the application.

The applicant confirmed that the revised area is correct.

The Chair requested comment from Kristine Gatzke, Referrals Coordinator, Pacheedaht First Nation; and Kelsey McDermott, Associate, Mandell Pinder, legal representative for Pacheedaht First Nation.

Kristine Gatzke thanked membership for the invite to the meeting and thanked Director Hicks for reaching out directly this afternoon.

Kristine Gatzke's comments included:

- in Pacheedaht's opinion, consultation/meaningful dialogue has not started
- it had been hoped that the CRD would have scheduled a meeting with the Pacheedaht prior to tonight's meeting as requested in the letter dated June 16, 2020 to address concerns and development recommendations regarding the proposal
- the recommendations presented in the most recent report were developed without direct input from the Pacheedaht
- Pacheedaht does not agree with the covenant recommendation
- Pacheedaht does not agree with the removal of Lot 1 from the subject area as removal does not encompass all archaeological sites including the foreshore leading to the cave entrance and the cave entrance

Kelsey McDermott advised that she will be speaking to Pacheedaht's letter dated September 8, 2020, and the letter received in response from Iain Lawrence dated July 31, 2020.

Kelsey McDermott's comments included:

- Pacheedaht and the CRD were both involved in the provincial licence of occupation process for the water lot for the marina
- the marina and the uplands are located in two different areas
- the two areas are different and should be considered separately
- there are operational concerns regarding the established marina that require multi-agency input
- the upland residential areas have yet to be established
- the clarification received this evening regarding the area subject to the application is appreciated
- the issues related to the application remain complicated and difficult to discuss when dialogue is limited to making representation as a member of the public
- consultation/meaningful dialogue can start with this application
- the AIA has limitations
- it is understood that there is a network of caves and that not all caves have been found
- Pacheedaht and Port Renfrew community members have knowledge regarding the caves
- Pacheedaht considers the caves to have ongoing cultural importance with the hope to use them for ceremonial purposes
- the geotechnical report included in the AIA references one study addressing limestone caves in England
- Pacheedaht questions whether the geotechnical report is relevant to the caves in Port Renfrew
- environmental information is limited to the Environmental Impact Assessment (EIA) prepared by Cascadia Biological Services
- Pacheedaht was not given opportunity to make comment on the environment or the EIA
- Pacheedaht requests that the application not proceed this evening
- Pacheedaht requests that consideration of the application continue on two tracks, one for the marina and the other for the uplands
- Pacheedaht wishes to develop processes for working with the CRD
- Pacheedaht looks forward to opportunity to participate in the process for updating the Port Renfrew Official Community Plan

The Chair's comments included:

- the membership is being asked this evening to decide if the proposal should proceed
- he would never want jeopardize the caves
- the proposal has been revised to remove cave areas
- no caves are in the area subject to the application
- the covenant will guide development regardless of ownership
- the public trail amenity is supported by the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission and the community of Port Renfrew
- the water tank amenity has been provided
- a land based community sewer system to the satisfaction of the Ministry of Environment is required
- application has been in progress for four years
- application has merit to move forward to the CRD Board for consideration

The Chair asked Iain Lawrence to read allowed the revised recommendation which reflects removal of the caves from the area subject to the application.

Iain Lawrence read aloud an amendment to recommendation d), i) and new recommendation e).

**MOVED** by Director Hicks, **SECONDED** by Roy McIntyre that the Land Use Committee recommends to the Capital Regional District (CRD) Board:

- a) That the referral of proposed Bylaw No. 4096, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 13, 2020" to a Public Information Meeting in Port Renfrew, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; CRD departments; BC Hydro; Cowichan Valley Regional District; Department of Fisheries and Oceans; District of Sooke; Island Health; Ministry of Environment and Climate Change Strategy; Ministry of Forests, Lands and Natural Resource Operations; Ministry of Transportation and Infrastructure; Pacheedaht First Nation; RCMP; Sooke School District #62 be approved and the comments received;
- b) That proposed Bylaw No. 4096, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 13, 2020" be introduced and read a first time and read a second time;
- c) That in accordance with the provisions of Section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a public hearing with respect to Bylaw No. 4096; and
- d) That prior to adoption of the bylaws, the applicant:
  - i. Register a covenant on the title of the lands pursuant to Section 219 of the *Land Title Act* in favour of the CRD securing the Archaeological Impact Assessment prepared by Duncan McLaren, PhD, dated July 31, 2018, and the geotechnical report prepared by Bruce Dagg, P.Eng., dated November 19, 2015, and require that any land alteration requiring blasting or excavation within 100 m of a sea cave be reviewed and monitored by a geotechnical engineer and monitored by a representative from the Pacheedaht;
- e) That Plan Nos. 1 and 2 of Bylaw No. 4096 be amended to remove a part of Lot 1, Section 97, Renfrew District, Plan EPP24972 prior to public hearing.

Opposed: Ron Ramsay  
**CARRIED**

## 7. Adjournment

The meeting adjourned at 7:54 pm.

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Chair



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**REPORT TO THE LAND USE COMMITTEE  
MEETING OF TUESDAY, OCTOBER 20, 2020**

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**SUBJECT Juan de Fuca Agricultural Land Reserve Application Policy BRD05**

**ISSUE SUMMARY**

To consider a policy and procedures for considering Agricultural Land Reserve (ALR) applications in the Juan de Fuca (JdF) Electoral Area.

**BACKGROUND**

Bylaw No. 3885, the Juan de Fuca Electoral Area Development Fees and Procedures Bylaw, was adopted in 2019. Administrative and operational policies to guide procedural considerations of each development application type are now being developed to accompany Bylaw No. 3885. Applications for land development in the Agricultural Land Reserve (ALR) are included in the scope of Bylaw No. 3885.

The Agricultural Land Commission (ALC) establishes fees and procedures for applications for non-adhering residential use, non-farm use, subdivision, ALR inclusion, and the placement of fill or the removal of soil on land in the ALR. These applications are submitted by private landowners to the ALC through an online application portal. Applications are then forwarded by the Commission to local government for review, comment and/or a formal resolution to support or deny the application. Application fees are submitted by the applicant to local government, who retains a portion of fee to cover processing and review costs and forwards the remainder to the Commission.

As a result of Bill 15-2019, private landowners are no longer able to make an application for the exclusion of land from the ALR. Only the provincial government, local or First Nation government, or a prescribed public body may make such applications.

While the application types, requirements and fees are established by the ALC, local government may adopt policies and procedures to guide consideration of the applications.

Staff have prepared a Juan de Fuca Agricultural Land Reserve Application Policy (the Policy) in anticipation of receiving new applications. The Policy includes administrative procedures, public consultation processes, and criteria for various application types.

**ALTERNATIVES**

*Alternative 1:*

That the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

- a) That the Agricultural Land Reserve Application Policy be approved; and
- b) That the staff be directed to initiate an amendment to the Juan de Fuca Electoral Area Development Fees and Procedures Bylaw, 2018, Bylaw No. 3885, to increase the application fees for OCP and zoning amendment applications where exclusion from the ALR is also requested.

*Alternative 2:*

That the Juan de Fuca Agricultural Land Reserve Application Policy be referred back to staff based on Committee direction.

**IMPLICATIONS***Legislative*

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

Section 29 of the *ALC Act* came into force on September 30, 2020, and specifies that only government, First Nations or a prescribed body may apply to the ALC to have land excluded from the ALR. Therefore, in cases where an individual land owner wished to have land excluded, they would request that the local government apply on their behalf.

The powers of the Juan de Fuca Land Use Committee, as stated by Bylaw No. 3166, include making recommendations to the CRD Board on matters for the Electoral Area regarding applications under the *ALC Act*.

*Financial*

The ALC prescribes the application fee for most types of applications. Local governments collect the fee and are entitled to a portion of that fee to cover administration costs. If the local government exercises its authority to not forward the application to the ALC, the ALC portion of the fee is returned to the applicant. Otherwise, the remainder of the fee is forwarded to the Commission.

Recent changes by the ALC for exclusion and block exclusion applications do not specifically authorize local governments to charge or collect an application fee for applications made by local governments on behalf of landowners. However, since an OCP and zoning bylaw amendment would likely be required in conjunction with any authorization to allow uses requiring ALR exclusion, staff recommend that the fee specified by Bylaw No. 3885 for zoning and OCP amendments be increased where there is an associated ALR exclusion.

*Public Consultation*

The ALC establishes public notification requirements for some ALR application types. The proposed policy establishes public notification procedures for all ALR application types in the JdF to include notification to owners and occupants of land within 500 m of the subject property. The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them. There is an Agricultural Advisory Planning Commission (AAPC) for the JdF, but membership is currently inactive. Since this is an administrative policy, public consultation is not required. However, notice of the Land Use Committee meeting and agenda will be posted on the CRD website prior to the consideration of this item by the committee.

*Land Use*

In order to aid the Land Use Committee and CRD Board in determining whether to support an application, the proposed Juan de Fuca ALR application policy includes criteria by which ALR applications may be evaluated. These include compliance with the Regional Growth Strategy, local OCPs and zoning bylaws; the agricultural suitability and potential of the land to support farm uses; alternative locations for the proposed development on non-ALR lands, the proximity of the

proposed development to existing farms; and the provision of landscaping or buffering to separate minimize the impacts between agricultural and non-agricultural uses. In addition, exclusion requests should consider soil capability ratings to demonstrate to the Commission that the land is not suitable for agricultural production. The proposed policy clarifies that the landowner is responsible for the costs associated with providing such information.

Where exclusion of land from the ALR does not conform with the OCP or zoning bylaw for that area, an amendment to those bylaws would be required. Consistency with the RGS would be determined through that process.

**CONCLUSION**

Staff have prepared the Juan de Fuca Agricultural Land Reserve Application Policy (Appendix A) to guide consideration of ALR applications. If the LUC is supportive, the policy would proceed to the CRD Board for review and approval. In order to cover the additional costs associated with and ALR exclusion application, staff recommend increasing the associated OCP and zoning bylaw amendment application fees.

**RECOMMENDATION**

That the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

- a) That the Agricultural Land Reserve Application Policy be approved; and
- b) That the staff be directed to initiate an amendment to the Juan de Fuca Electoral Area Development Fees and Procedures Bylaw, 2018, Bylaw No. 3885, to increase the application fees for OCP and zoning amendment applications where exclusion from the ALR is also required or requested.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning and Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

**ATTACHMENT**

Appendix A: Juan de Fuca Agricultural Land Reserve Application Policy

Appendix A: Juan de Fuca Agricultural Land Reserve Application Policy



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CAPITAL REGIONAL DISTRICT  
 CORPORATE POLICY

Policy Type	<i>Board</i>		
Section	<i>Juan de Fuca Community Planning</i>		
Title	<b>JUAN DE FUCA AGRICULTURAL LAND RESERVE APPLICATION POLICY</b>		
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: