



STAFF REPORT TO COMMITTEE

DATE OF REPORT April 19, 2022

MEETING TYPE & DATE Electoral Area Services Committee Meeting of May 4, 2022

FROM: Development Services Division
Land Use Services Department

SUBJECT: Application No. ALR21B01 (1715 & 1745 Thain Road/PID: 028-342-119 and PID: 001-740-849)

FILE: ALR21B01

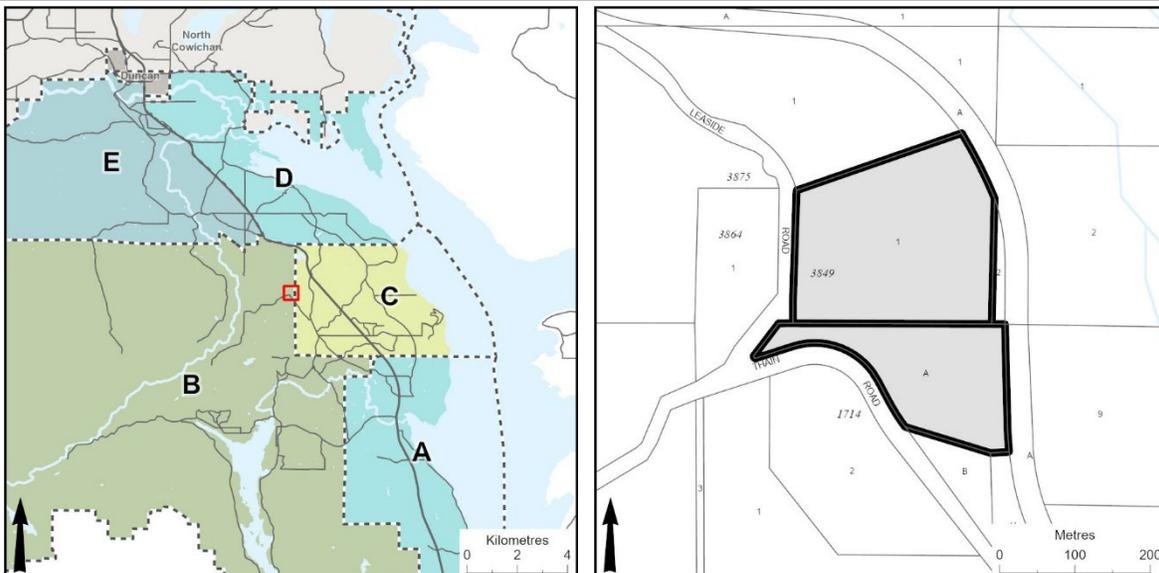
PURPOSE/INTRODUCTION

The purpose of this report is to present an update regarding the Agricultural Land Commission application for a Non-Farm Use (Removal of Soil) to update an Aggregate Extraction Plan for operations at 1715 & 1745 Thain Road (PID: 028-342-119 and PID: 001-740-849).

RECOMMENDED RESOLUTION

That it be recommended to the Board that Application No. ALR21B01 (1715 & 1745 Thain Road, PID: 028-342-119 and PID: 001-740-849), be forwarded to the Agricultural Land Commission.

LOCATION MAP



BACKGROUND

At the Electoral Area Services Committee (EASC) of April 6, 2022, staff presented a report to consider forwarding an application from GT Farms to update their Aggregate Extraction Plan (AEP) to include a Closure Plan and to include soil that was imported onto the site without authorization. The applicant and staff presented additional information at the April 13, 2022, Board meeting. The Board passed the following motion:

That Application No. ALR21B01 (1715 and 1745 Thain Road, PID: 028-342-119 and PID: 001-740-849), be referred back to staff to facilitate a meeting with the Agricultural Land Commission, Ministry of Mines and Ministry of Environment,

regarding the operations and non-compliance issues on the subject site and how to work together to move the site forward in a more positive way and report back to the Electoral Area Services Committee prior to the Committee making any decision on the application.

APPLICATION SUMMARY

The portion of the site applicable to this application is located within the Agricultural Land Reserve (ALR) and is subject to the provincial *Agricultural Land Commission Act (ALC Act)* and the Agricultural Land Reserve Regulations. The initial Aggregate Extraction Plan (AEP) for GT Farms was approved in 1999 and has since expired, and was for the improvement of limitations to land capability for agriculture that affected the Site. A mining permit, obtained by the Ministry of Energy and Mines and Low Carbon Innovation was also issued in 1999 and remains active for the Site. The aggregate extraction operation is now looking to begin closure procedures through to 2026. As the permit has expired, the activities on the site are not currently authorized by the ALC and are considered out-of-compliance. To rectify the non-compliance, GT Farms has submitted an application to update their AEP to include a Closure Plan to apprise the ALC of the current status and planned implementation schedule of closure and rehabilitation of the Site, located at 1715 and 1745 Thain Road.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

Agricultural Land Commission (ALC)

The subject property is within the ALR, and the use under consideration is a non-farm use; therefore, the application cannot proceed to the ALC for consideration without a resolution by the CVRD Board. Should the CVRD forward the application to the ALC, the information and recommendation offered by the CVRD is taken into consideration by the Commission but should not be construed as being binding on the Commission's opinions or decisions.

OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

N/A

PLANNING ANALYSIS

The AEP is intended to meet the requirements of the ALC Policy P-13 – Reclamation Plans for Aggregate Extraction, which outlines the best management practices for aggregate extraction, including closure and reclamation of land. The specific requirements of the closure report will ultimately be outlined in the conditions of the ALC authorization, which may include bonding, scheduled reporting to the ALC by a professional Agrologist, and monitoring by an ALC Bylaw Compliance Officer. The conditions are outlined by the ALC, and the CVRD does not have any applicable bylaws or policies in place to guide such applications, nor do local governments have the jurisdiction to enact such regulations.

Staff recommend that the application be forwarded to the ALC, who will determine if the AEP is in compliance with the *ALC Act* and applicable regulations. ALC representatives have clarified that such applications can be regulated better through local government authorization rather than through ALC enforcement. Should the CVRD not forward the application to the ALC, the ALC can choose to move the application forward by issuing a Remediation Order to ensure that the site is reclaimed to an agricultural standard, although the opportunity to regulate the closure process will be limited and may take longer to process.

Representatives from the Province have noted their intent to appear at the May 4, 2022, EASC meeting to clarify the local government role and authority in these types of applications, as well as to discuss the ALC compliance and enforcement tools available under the applicable ALC legislation.

OPTIONS

Option 1 (Recommended):

That it be recommended to the Board that Application ALR21B01 (1715 & 1745 Thain Road, PID: 028-342-119 and PID: 001-740-849), **be forwarded** to the Agricultural Land Commission.

Option 2:

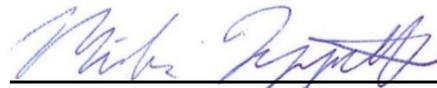
That it be recommended to the Board that Application No. ALR21B01 (1715 & 1745 Thain Road, PID: 028-342-119 and PID: 001-740-849), **not be forwarded** to the Agricultural Land Commission.

Prepared by:

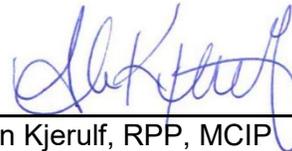


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Reviewed for form and content and approved for submission to the Committee:

Resolution:

Corporate Officer

Financial Considerations:

Chief Financial Officer