



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

September 8, 2006

Reply to the attention of Gordon Bednard
ALC File: #O-36435

Canada Lands Company CLC Limited
2000 · 666 Burrard Street
Vancouver BC V6C 2X8

Attention: Randy Fasan, Director - Urban Design & Planning

Dear Mr. Fasan:

Re: Application to Exclude Land from the Agriculture Land Reserve (ALR)

Please find attached the Minutes of Resolution #431/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Richmond, 6911 No. 3 Road, Richmond BC V6Y 2C1

Attention: Mr. George Duncan, CAO

Musqueam Band, 6735 Salish Drive, Vancouver BC V6N 4C4

Attention: Mr. James Easton, CAO

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on September 1, 2006 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT:	Erik Karlsen	Chair
	Sue Irvine	Commissioner
	Lorne Seitz	Commissioner
	John Tomlinson	Commissioner
	Tony Pellett	Staff

For Consideration

Application #O-36435
Applicant Canada Lands Company CLC Limited
Proposal To exclude one parcel of 55.2 ha from the Agricultural Land Reserve (ALR) to facilitate development of a trade and exhibition centre, urban residential and mixed-use development, and major City of Richmond park facilities. This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

Legal Description of Property

PID: 024-741-418
Section 3, Block 4 North, Range 6 West New Westminster District, Except:
Firstly: Plan with Fee 5758F
Secondly: Plan with Fee 5759F
Thirdly: Part subdivided by Plan 24067
Fourthly: Parcel D (Bylaw Plan 50488)
Fifthly: Part dedicated road on Plan LMP43167
Sixthly: 1.84 acres filing 16918
Seventhly: Parcel F (Bylaw Plan LMP24326)
Eighthly: Parcel C (Bylaw Plan 73626)

Site Inspection

The Commission viewed the property on July 19, 2006. Those in attendance:

- Erik Karlsen, Chair
- Sue Irvine, Commissioner
- Lorne Seitz, Commissioner
- John Tomlinson, Commissioner
- Tony Pellett, ALC Staff

Exclusion Meeting

An exclusion meeting was held on August 31, 2006 at the Sheraton Four Points Hotel, 8368 Alexandra Road, Richmond, BC. Those in attendance:

For the Commission:

Erik Karlsen, Chair
Sue Irvine, Commissioner
Lorne Seitz, Commissioner
John Tomlinson, Commissioner
Colin Fry, Director – Regional Operations
Tony Pellett, Regional Planner
Gordon Bednard, Land Use Planner

For the Applicant:

Doug Kester, Vice-President Real Estate, Canada Lands Company CLC Limited

For the City of Richmond:

Shawn Issel
Terry Crowe
Kim Decker
Joe Erceg
Dave Semple
Robert Gonzalez
Gordon Kibble
Rain Daniels
Stewart Brady

For Musqueam First Nation:

Ernie Campbell, Chief
James Easton, Chief Administrative Officer
Howie Charters, Colliers International

Other observers:

Matthew Hoekstra, Richmond Review
Eve Edmonds, Richmond News
Harold Steves, Councillor, City of Richmond

Mr. Doug Kester, Chief Ernie Campbell and Shawn Issel representing the City of Richmond conducted a coordinated PowerPoint presentation.

Context for Commission Consideration

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the “Act”). They are:

1. to preserve agricultural land [defined in section 15 of the Act as “land, including Crown land, that is suitable for farm use”],
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

Through the application process, the Commission may exclude land from the ALR if it believes the land is not suitable for agriculture or is no longer suitable for agriculture. The Commission may also exclude suitable agricultural land from the ALR to meet community needs in cases where no reasonable alternative exists.

Discussion

Assessment of Agricultural Capability

Although the agricultural capability of the subject property was not classified by the Canada Land Inventory, the Commission had for its review the report dated August 18, 2006 from its Staff Agrologist, Trevor Murrie, P.Ag. Mr. Murrie stated in his report,

“Based largely on previous soil survey work, land capability for agriculture assessments for the agricultural soils in Richmond were interpreted and separately mapped. The unimproved and improved ratings provided for an organic soil series similar to those inspected on the subject property (Lulu (LU) – Terric Mesisol) are O4WL (O3LW); for a similar mineral soil series (Blundell (BU) – Rego Gleysol:saline and peaty phase) are 4W (3WN).*

Based on the observations and assessments made, it is my opinion that are no significant limitations to agricultural capability to restrict the agricultural use of the soils on the subject property. Compared to other agricultural capability assessments made on similar soils, no evidence was found to suggest that the Land Capability Classification for Agriculture ratings for the soils identified on the property would be any more limiting than those given to those soils previously surveyed (i.e. Lulu and Blundell). Every indication is that the soils on the subject property have fewer limitations to their agricultural capability than both these soils. Further study, however, is required to assesses the potential for soil wetness (W) and soil salinity (N) being limiting factors.”

Organic Soils - Organic soils are grouped into seven classes, designated as O1 to O7. The organic soil class definitions are equivalent in terms of their relative capabilities and limitations for agricultural use to those defined for mineral soil.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

- N salinity
- L degree of decomposition - permeability
- W excess water

The Commission therefore believes the subject property is prime agricultural land.

Assessment of Agricultural Suitability

The City of Richmond representatives spoke to the issue of agricultural suitability. It was asserted that the subject property is not suitable for agricultural use because it is surrounded by four-lane arterial streets. The Commission's inspection involved entering and exiting the subject property via one of the two access points from No. 4 Road. These manoeuvres were accomplished without difficulty during peak morning traffic. Moreover, the size of the subject property is such that it could constitute a complete farming unit from which farm vehicle movements would be infrequent.

Contrary to the argument that the streets reduce agricultural suitability, the Commission believes the existing road network serves to enhance agricultural suitability by providing a buffer, or separation, to and from adjacent lands.

The Commission therefore believes the subject property is suitable for agricultural use.

Assessment of Community Need

The assessment of community need is particularly difficult in this instance given the three distinct interests involved. It had been expected that the City would advance the argument for community need for the entire proposal, not simply for the park/open space and trade and exhibition centre components.

The Commission respects the comments offered by Chief Campbell at the exclusion meeting and believes it has a clear understanding of the interests of Musqueam First Nation. The Commission also appreciates that the mandate of Canada Lands Company CLC Limited is to optimize the financial and community value obtained from strategic properties deemed surplus to federal program purposes.

Normally it is the responsibility of local government to argue community need and to provide supporting evidence. In this instance the City expressed its desire to obtain access to additional parklands and explained how the community would benefit from the exclusion.

However community need arguments from local governments are to be based on local and regional planning assessments and to be supported by rigorous technical analyses that clearly:

- identify the need for and expected community benefits or values to be achieved
- identify and assess the impacts or risks to the community if the proposal does not proceed or is delayed
- determine whether there are reasonable alternative means of meeting community need
- identify and assess the impacts of meeting community need on agriculture and non-agricultural uses of the lands, and the avoidance, mitigation or management of these impacts.

The Commission does not believe the City has conducted the necessary analyses or provided the level of detail that would warrant further consideration of community need. In the absence of a substantive community need argument it would be inappropriate for the Commission to consider excluding land with prime agricultural capability from the ALR.

Conclusions

1. The land under application has agricultural capability and is appropriately designated as ALR.
2. The land under application is suitable for agricultural use.
3. A convincing community need argument has not been made that would justify the Commission considering the exclusion of prime agricultural land from the ALR.
4. The proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Karlsen
SECONDED BY: Commissioner Tomlinson

THAT the application be refused as submitted.

CARRIED
RESOLUTION #431/2006