



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

December 8, 2016

ALC File: 55446

Dagneault Planning Consultants Ltd.
220 - 8171 Cook Road
Richmond, BC
V6Y 3T8

Dear Mr. Dagneault:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #422/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly. A sketch plan depicting the decision has been attached.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the Agricultural Land Commission Act](#), the Chair may direct the executive committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the Agricultural Land Commission Act](#) which provides a person affected the opportunity to submit a request for reconsideration.

33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:

- (a) evidence not available at the time of the original decision has become available,
- (b) all or part of the original decision was based on evidence that was in error or was false.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Kamelli Mark at (Kamelli.Mark@gov.bc.ca).

Page 2 of 2

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'KMARK', written in a stylized, cursive script.

Kamelli Mark, Land Use Planner

Enclosures: Reasons for Decision (Resolution #422/2016)
No. 5 Road Backlands Policy
Sketch plan

cc: City of Richmond (File: AG 13-646237)

55446d1



AGRICULTURAL LAND COMMISSION FILE 55446

REASONS FOR DECISION OF THE SOUTH COAST PANEL

Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*

Applicant: **Second Sun Realty Fund Ltd.**
(the “Applicant”)

Agent: **Dagneault Planning
Consultants Ltd.**
(the “Agent”)

Application before the South Coast Regional Panel: **Satwinder Bains, Acting
Panel Chair
Gordon McCallum**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 004-856-686

Parcel A (Reference Plan 775), Section 30, Block 4, North Range 5 West, New Westminster District Except: Firstly: Part Subdivided by Plan 2627; Secondly: Part Subdivided by Plan 51360; Thirdly: Part on Statutory Right of Way Plan 21305 (the "Property")

[2] The Property is 12.6 ha in area.

[3] The Property has the civic address 9500 No. 5 Road, Richmond, BC.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 21(2) of the *ALCA*, the Applicants are applying to:

- subdivide the Property to create five 0.8 ha (2 acre) lots along No. 5 Road (generally the westerly 110 m);
- operate a non-farm use to allow community institutional uses on these smaller lots to enable separate congregations to develop assembly facilities and supporting uses (i.e. parking); and
- dedicate a 20 m wide portion of land from Highway 99 to No. 5 Road along the southern border of the Property as road

(the "Proposal").

The Proposal along with supporting documentation is collectively the application (the "Application").



RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 21(2) of the *ALCA*:

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) 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.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Agricultural capability map, ALR context map, and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] At its meeting of May 24, 2016, the City of Richmond resolved that the Agricultural Land Reserve Application by Dagneault Planning consultants Ltd. At 9500 No. 5 Road to allow subdivision of the existing lot into five 0.8 ha (2 acre) lots fronting No. 5 Road and one 8.2 ha (20.3 acre) backland lot and non-farm uses for the development of community institutional facilities and supporting uses on the five 0.8 ha (2 acre) lots on the westerly 110

m (361 ft.) of the site, as outlined in the report dated May 5, 2016 from the Director of Development, be endorsed and forwarded to the Agricultural Land Commission; and that the Agricultural Land Reserve Transportation Application to dedicate a 20 m (66 ft.) wide portion of land from No. 5 Road to Highway 99 as road (Williams Road – Unopened Allowance), as outlined in the report dated May 5, 2016 from the Director of Development, be endorsed and forwarded to the Agricultural Land Commission.

SITE VISIT

[11] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Property based on the evidentiary record associated with the Application.

FINDINGS

[12] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheet 92G/03h for the mapping units encompassing the Property are 70% Class 2 and 30% Class 3, more specifically (7:2WD 3:3WD).

[13] In addition, the Panel received *Agricultural Conversion Plan Mylora Golf Course Report* prepared for Dagneult Planning Consultants Ltd. and prepared by Bruce McTavish, MSc, MBA, PAg, RPBio on April 20, 2016 (the "McTavish Report") which outlines the capability for the existing golf course to be converted to productive agricultural land. According to the McTavish Report, the unimproved agricultural capability of the Property is rated as 4W which is improvable to class 7:2WDN and 3:3WDN

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

The limiting subclasses associated with this parcel of land are W (excess water), D (undesirable soil structure) and N (salts).

[14] The McTavish Report further finds that:

...there are no contaminants that will inhibit the conversion of the existing golf course to a commercial agricultural property. The soil chemical and physical properties are all within normal parameters for agricultural land in Richmond, and the low macro nutrient levels are consistent with areas that were not fertilized on a regular basis.

[15] The Panel reviewed the BCLI ratings and the McTavish Report and find that the Property has good agricultural capability.

[16] The Property is currently used as a golf course, however, the Applicant has confirmed to the City of Richmond that they will undertake the agricultural remediation works outlined in the McTavish Report at their own cost to convert the golf course to productive agricultural land. According to the McTavish Report, the agricultural remediation works will take approximately a year to complete starting in the spring. Once the agricultural remediation is complete, the proposed 8.2 ha backlot will be sold to the City of Richmond as a fee simple lot. The City of Richmond intends to conduct a form of agricultural activity on the backlot once it is remediated and city-owned. The Panel supports the agricultural remediation of the Property and the eventual agricultural use proposed by the City of Richmond.

[17] The Panel notes the Commission's endorsement of the City of Richmond's *No. 5 Road Backlands Policy*. The No. 5 Road Backlands Policy allows "*Community Institutional uses on the westerly 110m of the properties located on the east side of No. 5 Road*

between Blundell Road and Steveston Highway if the remaining portions are actively farmed'. Although subdivision of the Property is not endorsed in the No. 5 Road Backlands Policy, the Proposal includes the remediation of a golf course to an agricultural use. Therefore in this circumstance, the Panel finds that the Proposal will result in a benefit to the agricultural use of the Property.

DECISION

[18] For the reasons given above, the Panel approves the Proposal to subdivide the Property to create five 0.8 ha parcels, and to allow community institutional uses on these smaller lots to enable separate congregations to develop assembly facilities and supporting uses.

[19] The Proposal is approved subject to the following conditions:

- a. the preparation of a subdivision plan to delineate the area to be subdivided per the drawing submitted with the Application;
- b. the subdivision be in substantial compliance with the plan submitted with the Application;
- c. submission of two (2) paper copies or one (1) electronic copy of the final survey plan to the Commission;
- d. the subdivision plan being completed within three (3) years from the date of release of this decision;
- e. approval for non-farm use is granted for the community institutional uses described in the Application;
- f. conversion of the golf course to agricultural land in accordance with the McTavish Report;
- g. submission of a closure report following the conversion of the golf course to agricultural land to be approved by the Commission; and
- h. the road dedication on the southern border of the Property be used solely for private or farm uses.



[20] When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the subdivision plan.

[21] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[22] These are the unanimous reasons of the South Coast Panel of the Agricultural Land Commission.

[23] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[24] This decision is recorded as Resolution #422/2016 and is released on December 8, 2016.

CERTIFICATION OF DECISION

A handwritten signature in black ink, reading 'Satwinder Bains', is positioned above a horizontal line.

Satwinder Bains, Acting Panel Chair, on behalf of the South Coast Panel

END OF DOCUMENT

ALC Application 55446
Approved Subdivision and
Non-farm Use
ALC Resolution #422/2016

PROPOSED SUBDIVISION PLAN OF PARCEL "A"
(REFERENCE PLAN 775) SECTION 30, BLOCK 4 NORTH,
RANGE 5 WEST, N.W.D. EXCEPT: FIRSTLY: PART
SUBDIVIDED BY PLAN 2627, SECONDLY: PART
SUBDIVIDED BY PLAN 51360, THIRDLY: PART ON
STATUTORY RIGHT OF WAY PLAN 21305

B.C.G.S. 926.015



SCALE 1:1500

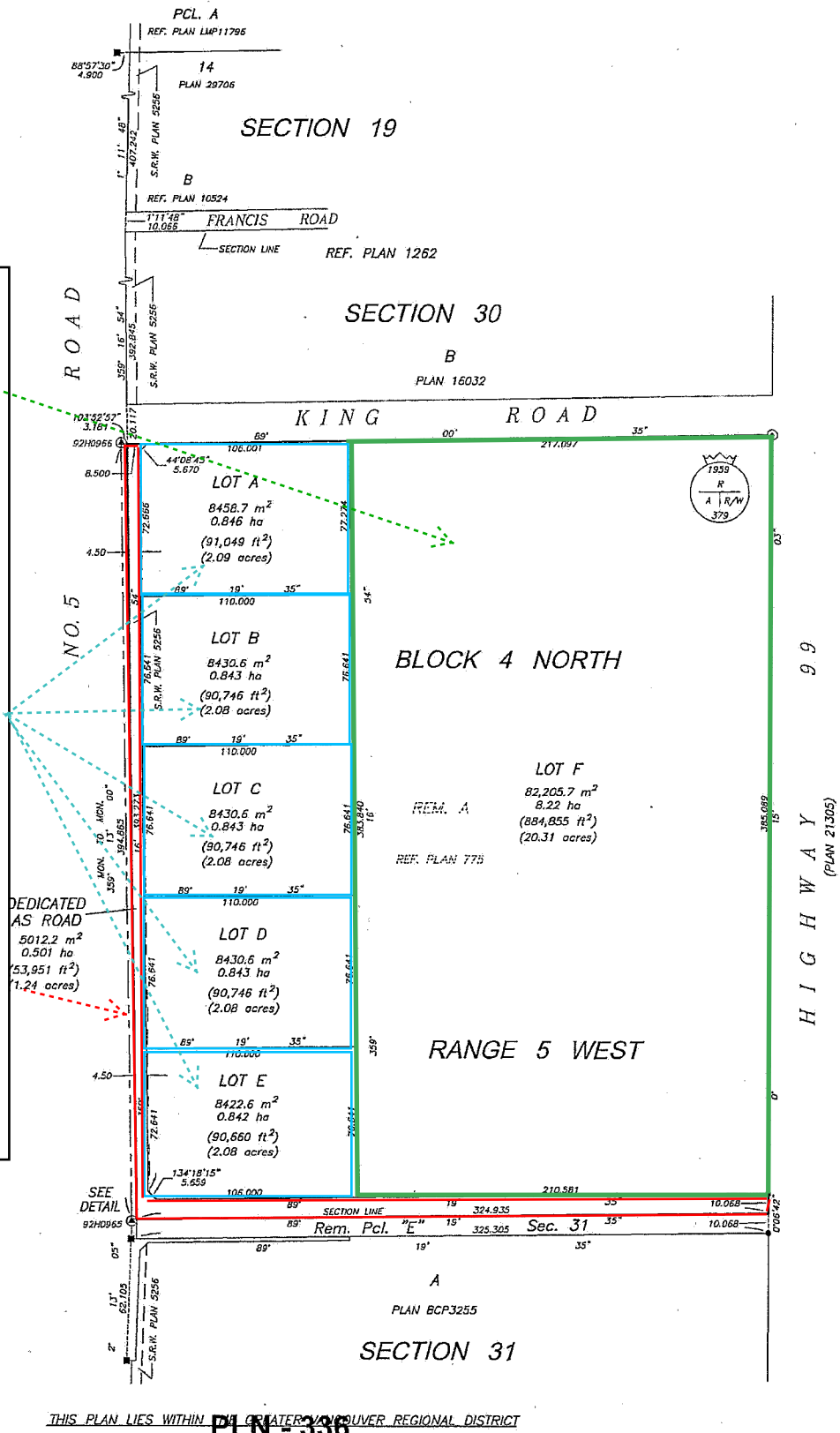
ALL DISTANCES ARE IN METRES.

THE INTENDED PLOT SIZE OF THIS
PLAN IS 432mm IN WIDTH BY 559mm
IN HEIGHT (C SIZE) WHEN PLOTTED AT
A SCALE OF 1:1500

Lot F ~8.2 ha to be
converted from golf
course to agricultural
land

Lots A, B, C, D & E
all ~0.8 ha approved
for community
institutional uses

Road dedication area



BONNETT LAND SURVEYING LTD.
B.C. & CANADA LAND SURVEYORS
#201-9547 152nd STREET,
SURREY, B.C. V0R 5V5
PHONE: 604-582-0717

DRAWING # 30911-4 Revision #4
FILE # 30911-4_R4
DATE: MAY 3, 2016

THIS PLAN LIES WITHIN PLN - 336

ALRA - Minutes

Resolution #174/2000
Application #19621

MINUTES OF THE LAND RESERVE COMMISSION

Minutes of a meeting by the Land Reserve Commission (the "Commission") held on August 24, 2000 at the Commission's offices at 4940 Canada Way, Burnaby, B.C.

| | | |
|----------|-----------|--------------|
| Present: | G. Horn | Commissioner |
| | C. Hunt | Commissioner |
| | R. Veiner | Commissioner |

Staff Present: Bruce Gunn, Planning Officer and Sherry Sumpton, Regional Research Officer

Consideration of LRC File #19621 regarding the No. 5 Road Back Lands Policy submitted by the City of Richmond.

Staff Report

Planning Officer Bruce Gunn presented his report dated July 25, 2000.

Discussion

The Commission acknowledged that the current Policy represents the final stage of a consultation process with the City. The Commission has reviewed and commented on previous drafts of the Policy. The Commission concluded that the March 21/2000 version of the Policy incorporates the Commission's previous comments. As a result, the Commission agreed to endorse the Policy as presented. Therefore:

IT WAS

MOVED BY: Commissioner C. Hunt

SECONDED BY: Commissioner R. Veiner

THAT the Staff Report be received and that the Commission endorse the March 21/2000 "Amended No. 5 Road Back Lands Policy" as presented and communicate same to the City of Richmond.

Carried.

September 8, 2000

Reply to the attention of Bruce Gunn.

J. Richard McKenna
City Clerk
City of Richmond
6911 No. 3 Road
Richmond, B.C.
V6Y 2C1

Dear Sir:

RE: No. 5 Road Back Lands Policy
Our File: #50-O-RICH-85-19621

Thank you for forwarding to the Commission a copy of the March 21, 2000 No. 5 Road Back Lands Policy. The Commission acknowledges, with the appreciation, the work undertaken by the City in the development of this Policy. We note that the Policy includes the comments and suggestions made by the Commission as per our review of previous drafts of the Policy. Based on the co-operative and collaborative approach established between the City and the Commission we view the March 21, 2000 Policy as the final document in this process. By **Resolution #174/2000** the Commission is pleased to endorse the March 21, 2000 No. 5 Road Back Lands Policy as presented by the City and will use this Policy as a basis for dealing with Agricultural Land Reserve applications in this area of Richmond. If you have any questions please contact Bruce Gunn, Planning Officer at 660-7019.

Yours truly,

LAND RESERVE COMMISSION

As Per:

Alan Chambers, Chair

BG/I:19621d5.doc

AMENDED NO. 5 ROAD BACKLANDS POLICY
(Endorsed by Planning Committee on March 21, 2000)

CITY POLICIES

1. The area outlined in bold lines as "Area Proposed for Public and Institutional Use" on the accompanying plan dated 01/24/00 may be considered for non-farm use.
2. The types of non-farm use which may be considered are:
 - "Assembly District" uses, and
 - Certain "School / Public Use District" uses (i.e., public park, public recreation facility, municipal works, health and safety measures, community use).
3. The amount of land on each property which may be developed for approved non-farm uses is limited to the westerly 110 m (360.892 ft) for properties fronting onto No. 5 Road.

The remaining back land portion of each property shall be retained for farm use only.
4. Satisfactory sanitary sewage disposal is required as a condition of Development Permit approval.
5. Continue to strive for a partnership approach, with back land owner prepared farm plans to achieve farming, but allow for a limited infrastructure component (e.g., little or no regional and on-site drainage, irrigation or access roads), where a full infrastructure component is not practical.
6. The current moratorium on non-farm use approvals (initiated by the Land Commission and adopted by Council in February, 1996) should be retained and may be lifted on an individual lot basis for owners who:
 - a) prepare farm plans;
 - b) explore farm consolidation;
 - c) commit to do any necessary on-site infrastructure improvements;
 - d) co-operate as necessary to remove constraints (e.g., required infrastructure) to farming the back lands, in partnership with others; and
 - e) commit to legal requirements as may be stipulated by Council to achieve acceptable land uses (e.g., farming the back lands).
 - f) undertake active farming of the back lands.
7. The following procedure will apply when considering applications for non-farm use and Assembly District rezoning.

March 22, 2000

| Approvals Procedure |
|--|
| Proponent applies to City and Commission for non-farm use approval. |
| Commission reviews proposal and may give approval in principle for non-farm use based on the proponent: |
| <ul style="list-style-type: none">• preparing an acceptable farm plan;• entering into a restrictive covenant;• providing a financial guarantee to farm; and• agreeing to undertake active farming first |
| Proponent undertakes active farming based on the approved farm plan. |
| Commission gives final approval for non-farm use. |
| Proponent applies to City for rezoning of site to Assembly District (ASY). |
| City approves rezoning application after proponent meets all City requirements. |

Amendments to the above policies

If either the City or the Land Commission intends to amend any of the above procedures, the initiating party will advise the other party of this intent and seek comment on the proposed amendments prior to concluding any approvals.

Co-ordination of review process

The City and the Commission will co-ordinate efforts when reviewing applications for non-farm use, in order to ensure that the interests of each party are addressed. This co-ordinated effort will be done prior to granting any approvals.

LAND COMMISSION POLICIES (for information)

In addition to the City policies described above, the Land Commission policies also apply to the No. 5 Road back lands.

The Commission's policies may change from time to time.

Currently (i.e., February, 2000), the Commission's policies are as follows:

1. Proponents must prepare farm plans that:
 - describe how the proponent intends to bring the back land portion of the subject site into commercial scale agricultural production (i.e., type and method of farming) ¹, and
 - describe the net agricultural benefits that will be created.

Indicators of net agricultural benefits include:

 - consolidation of parcels,
 - improved road access to the subject and adjacent sites,
 - long term agricultural lease options,
 - non-farm infrastructure improvements (including fencing and buffering) and/or improvements to adjacent sites,
 - options for more intensive farm use than is currently occurring on site, and
 - commitment by an experienced farm operator to farm the site as per the farm plan.
2. Proponents must enter into a Restrictive Covenant with the Commission to ensure that:
 - Farming is established,
 - Farming is maintained, and
 - The back land portion of the subject site is not used for any other purpose than farming.
3. Where required, proponents must provide a financial guarantee in a form determined by the Commission ².

¹ Commercial scale agriculture means:

- production carried on by a full time farmer, and
- who derives all or most of his/her income from farming activity.

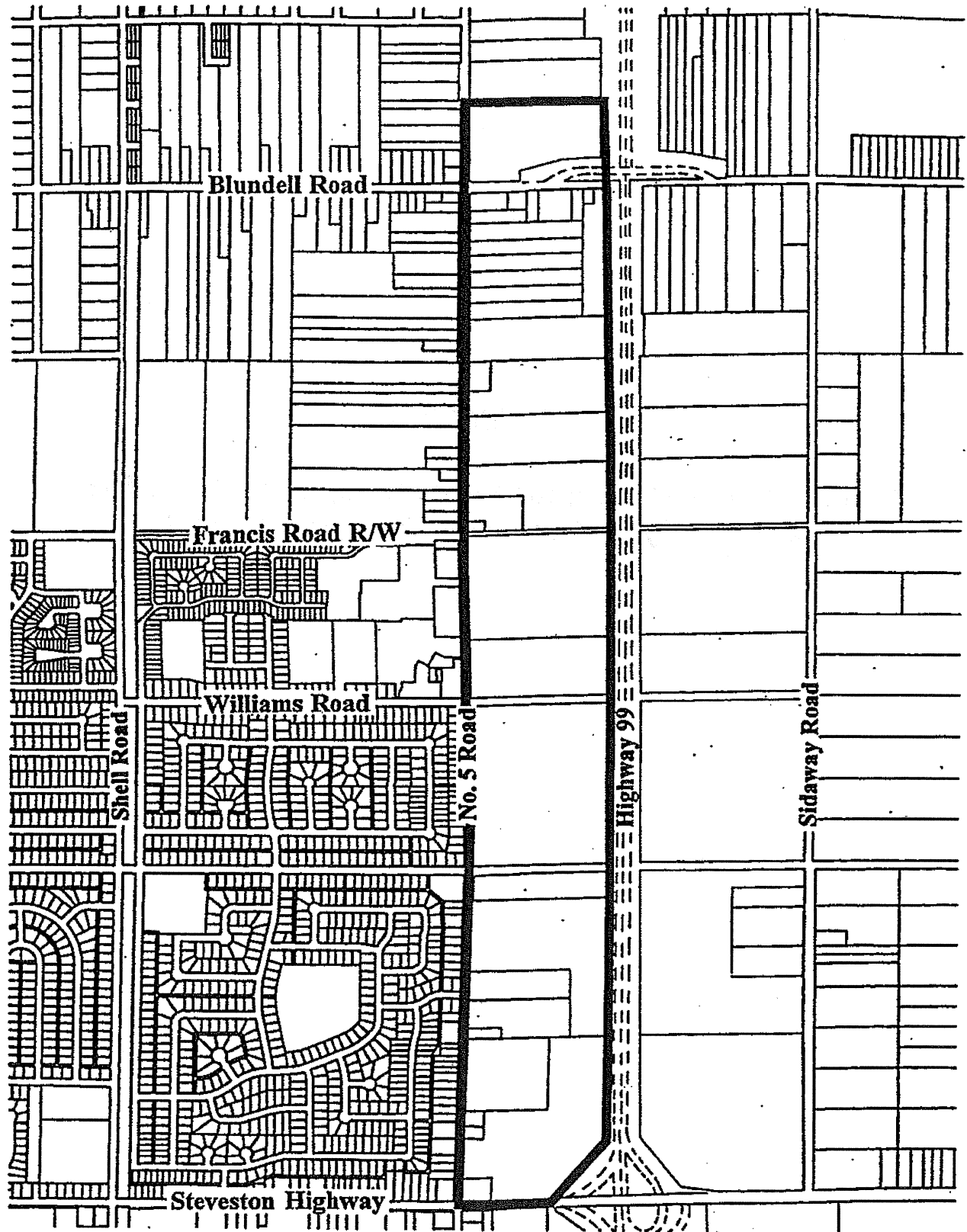
In addition, any farmer who combines farming activity outside the back lands area with farming activity within the back lands area, would be defined as undertaking "commercial scale agriculture".

The Commission's intent in specifying commercial scale agriculture is to encourage the assembly of larger parcels for farming and the installation of the necessary infrastructure (e.g., drainage, irrigation, access roads). However, the Commission does not rule out the possibility of smaller agricultural activities being approved for the back lands (e.g., community gardens).

² Acceptable forms of financial guarantees include:

- cash (acceptable but not preferred)
- letter of credit
- safekeeping agreement (whereby an acceptable security is deposited with a financial institution for safekeeping)

4. The Commission will not give final non-farm use approval to the proponent until the back land portion of the subject site is brought into active farm production in accordance with the farm plan.
5. The Commission will evaluate each proposal on its own merits, in order to determine what will constitute an acceptable farm plan and acceptable list of farm activities.



Area Proposed for Public
and Institutional Use 313

Date:
01/24/00

APPENDIX 4

**Land Commission requirements for approved non-farm
(Assembly District) uses along No. 5 Road**

January 31, 2000

**TABLE SHOWING LAND COMMISSION REQUIREMENTS FOR NON-FARM USE
(ASSEMBLY DISTRICT) APPROVAL FOR SITES LARGER THAN 0.8 ha (2 ac)**

| APPLICANT | PROPERTY | REQUIREMENTS | COMPLIANCE |
|--|------------------|--|---|
| A. Sites approved for non-farm use and are developed and occupied | | | |
| Vedic Cultural Centre (AG 89-001) | 8200 No. 5 Road | <ul style="list-style-type: none"> ▪ farm plan ▪ restrictive covenant ▪ access to back land ▪ water supply ▪ lease for farmers ▪ farming | <ul style="list-style-type: none"> ▪ yes ▪ yes ▪ yes ▪ yes ▪ none apparent |
| India Cultural Centre (LCA 85-145 & LCA 85-192) | 8600 No. 5 Road | <ul style="list-style-type: none"> ▪ no farm plan required ▪ no other requirements stipulated | <ul style="list-style-type: none"> ▪ n/a ▪ n/a |
| <ul style="list-style-type: none"> ▪ Lutfur Rahman ▪ (Richmond Jewish Day School) ▪ (AG 96-147) | 8760 No. 5 Road | <ul style="list-style-type: none"> ▪ no farm plan required. ▪ garden and orchard along east boundary. ▪ participation in No. 5 Road back lands owners group | <ul style="list-style-type: none"> ▪ n/a ▪ none apparent ▪ yes |
| <ul style="list-style-type: none"> ▪ Lingyen Mountain Temple ▪ (AG 93-210) | 10060 No. 5 Road | <ul style="list-style-type: none"> ▪ farm plan ▪ restrictive covenant ▪ soil re-conditioning program. ▪ water management program. ▪ farming | <ul style="list-style-type: none"> ▪ yes ▪ yes ▪ yes ▪ not known ▪ yes (some limited activity) |

| APPLICANT | PROPERTY | REQUIREMENTS | COMPLIANCE |
|--|---|--|---|
| B. Sites approved for non-farm use and development has started | | | |
| <ul style="list-style-type: none"> Vancouver Christian Centre (now Shia Muslim) (AG 89-412) | <ul style="list-style-type: none"> 8580 No. 5 Road | <ul style="list-style-type: none"> farm plan restrictive covenant financial guarantee to farm copy of lease between applicant and tree nursery operator farming | <ul style="list-style-type: none"> no no no no no (site being pre-loaded only) |
| C. Sites approved for non-farm use but development not yet started | | | |
| <ul style="list-style-type: none"> Yao Yu Cheuh (AG 91-239) | <ul style="list-style-type: none"> 8240 No. 5 Road | <ul style="list-style-type: none"> farm plan restrictive covenant farming | <ul style="list-style-type: none"> no no no (site not yet redeveloped) |
| <ul style="list-style-type: none"> 349678 BC Ltd. (AG 91-226) | <ul style="list-style-type: none"> 8320, 8340, 8380 No. 5 Road | <ul style="list-style-type: none"> consolidate 3 lots farm plan restrictive covenant farming | <ul style="list-style-type: none"> no yes no no (site not yet redeveloped) |
| <ul style="list-style-type: none"> Limerick Enterprises (Catholic School) (AG 91-017) | <ul style="list-style-type: none"> 9360 No. 5 Road | <ul style="list-style-type: none"> farm plan fence between school and back land restrictive covenant farming | <ul style="list-style-type: none"> no no no no (site not yet occupied or developed) |

| APPLICANT | PROPERTY | REQUIREMENTS | COMPLIANCE |
|---|--|---|--|
| <ul style="list-style-type: none"> Richmond Christian School (AG 98-144171) | <ul style="list-style-type: none"> 10260 No. 5 Road | <ul style="list-style-type: none"> no farm plan required. restrictive covenant fence and landscape buffer notification of any changes to lease agreement between RCC and vendor. financial security withholding final rezoning until covenant and financial security arranged. farming | <ul style="list-style-type: none"> n/a yes not known n/a yet yes (by ALC) yes yes (by previous owner) |

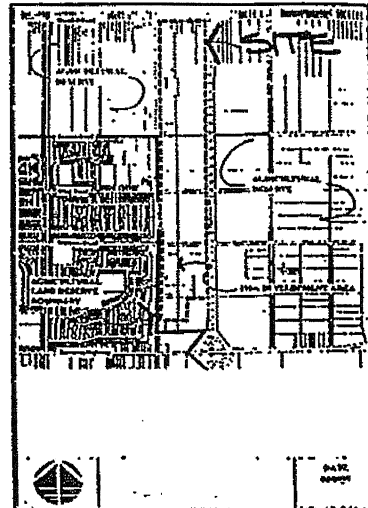
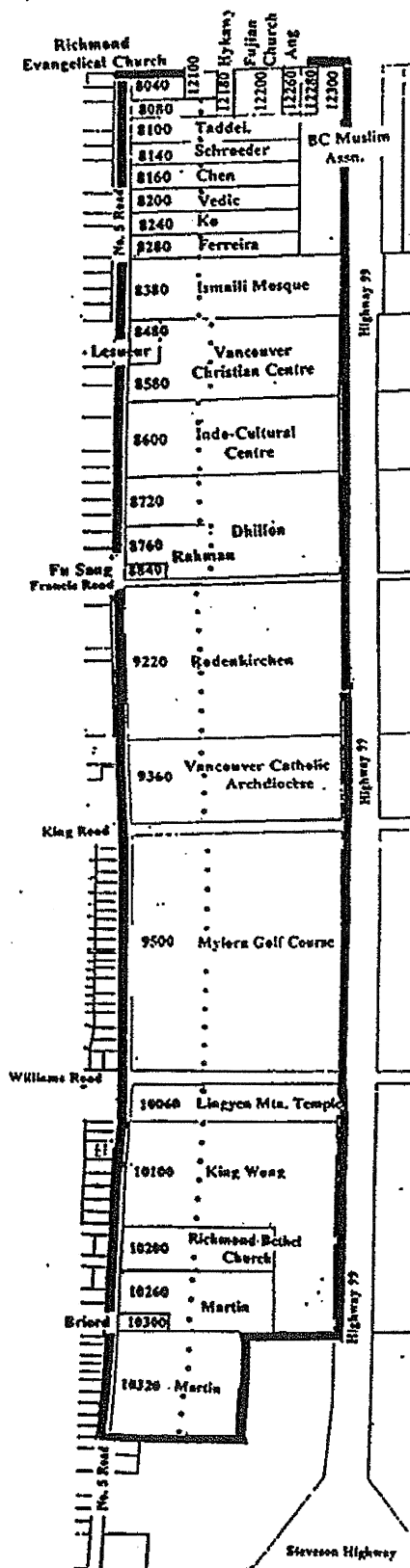


Figure 1-1

Property Addresses and
Property Owners in the
Study Area

LEGEND

- Study Area
- 110 m Assembly Use Frontage



Scale: 16 cm = 1,000 m