



Agricultural Land Commission
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www.alc.gov.bc.ca

March 17, 2017

ALC File: 55644

RPS Group
Suite 700, 555 – 4th Avenue SW
Calgary, AB T2P 3E7

Attention Jerry Hagen:

Re: Application for a Utility Corridor the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the South Coast Panel (Resolution #64/2017) as it relates to the above noted application. A sketch plan depicting the decision is also attached. As agent, it is your responsibility to notify the applicant accordingly.

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'. The letters are bold and stylized, with some overlapping.

Kamelli Mark, Land Use Planner

Enclosures: Reasons for Decision (Resolution #64/2017)
Sketch plan

55644d1



AGRICULTURAL LAND COMMISSION FILE 55644

REASONS FOR DECISION OF THE SOUTH COAST PANEL

Application submitted pursuant to s. 6 of BC Regulation 171/2002 (ALR Use, Subdivision and Procedure Regulation)

Applicant: City of Richmond
(the "Applicant")

Agent: Jerry Hagen
(the "Agent")

Application before the South Coast Regional Panel: William Zylmans, Panel Chair
Satwinder Bains



THE APPLICATION

[1] The legal description of the properties involved in the application are:

Property 1

Parcel Identifier: 002-789-850

Parcel One (RD173314E) (Reference Plan 8809) of Lot 3, Section 19, Block 4, north Range 5 West, New Westminster District Plan 5239

Civic Address: 8871 Sidaway Road, Richmond, BC

Parcel Area: 6.4 ha

Area Affected: 0.6 ha

Property 2

Parcel Identifier: 011-007-427

Lot 5, Section 20, Block 4, North Range 5 West, New Westminster District Plan 3109

Civic Address: 8611 No. 6 Road, Richmond, BC

Parcel Area: 8.1 ha

Area Affected: 1.0 ha

Property 3

Parcel Identifier: 011-007-419

Lot 4, Section 20, Block 4, North Range 5 West, New Westminster District Plan 3109

Civic Address: 8611 No. 6 Road, Richmond, BC

Parcel Area: 8.1 ha

Area Affected: 1.0 ha

Property 4

Parcel Identifier: 004-021-908

Lot 1, Section 29, Block 4, North Range 5 West, New Westminster District, Plan 4691



Civic Address: 9111 No. 6 Road, Richmond, BC

Parcel Area: 8.5 ha

Area Affected: 0.83 ha

Property 5 (Right-of-Way)

Parcel Identifier: N/A

Government Road Allowance between Sec 21, Block 4N, Range 5W and Section 28, Block 4N, Range 5W

Civic Address: N/A

Parcel Area: 3.8 ha

Area Affected: 3.8 ha

(collectively, the “Properties”)

[2] The Properties are located within a designated agricultural land reserve (“ALR”) as defined in s. 1 of the *Agricultural Land Commission Act* (the “ALCA”).

[3] The Properties are located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[4] Pursuant to s. 6 of the BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the “Regulation”), the Applicants are applying to create two temporary workspaces, with a maximum combined area of 2.0 ha, for the purpose of constructing an underground pipeline (fuel delivery system for the Vancouver International Airport) within an existing Road Right of Way (ROW) along Francis Road (the “Proposal”). The Proposal along with supporting documentation is collectively the application (the “Application”).

RELEVANT STATUTORY PROVISIONS

[5] The Application was made pursuant to s. 6 of the Regulation:

6 Unless permitted under sections 2 and 3, a person must file an application under section 34 (6) of the Act directly with the office of the commission and in a form acceptable to the commission for any of the following uses:

- (a) widening of an existing road right of way;
- (b) construction of a road within an existing right of way;
- (c) dedication of a right of way or construction of any of the following:
 - (i) a new or existing road or railway;
 - (ii) a new or existing recreational trail;
 - (iii) a utility corridor use;
 - (iv) a sewer or water line other than for ancillary utility connections;
 - (v) a forest service road under the [Forest Act](#);
- (d) the new use of an existing right of way for a recreational trail.

[6] The Panel considered the Application within the context of s. 6 of the *ALCA*. The purposes of the Agricultural Land Commission (the “Commission”) set out in s. 6 are as follows:

- 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

[7] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Previous application history



4. Agricultural capability map, ALR context map and satellite imagery

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

[8] The Panel reviewed two previous applications involving Property 1 (there are no previous applications in ALC records involving Property 2, Property 3, Property 4, or Property 5):

Application ID: 11112
Legacy File: 719
(Penich, 1975)

To subdivide two 0.08 ha lots from Property 1 (6.4 ha) for residential uses. The Commission stated that the subject property has very good agricultural potential and that the construction of two additional homes on the property would remove too much land from production. The application was refused by Resolution #2226/75.

Application ID: 14404
Legacy File: 32842
(Senghera Farms Ltd., 1999)

To place approximately 1000 m³ of gravel on an approximately 59 m x 100 m portion of Property 1 to a depth of approximately 0.2 to 0.3 m for the purpose of constructing a greenhouse. The application was approved by ALC Resolution #535/99.

SITE VISIT

[9] 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

[10] 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 Properties are as follows:

- Property 1: Class 2 and Class 3, more specifically (7:2WD 3:3WD)
- Property 2: Class 3, more specifically (O3LWF)
- Property 3: Class 3, more specifically (O3LWF)
- Property 4: Class 3, more specifically (O3LWF)
- Property 5: Class 3, more specifically (O3LWF)

O - Indicates organic soils.

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.

The limiting subclasses associated with this parcel of land are L (degree of decomposition – permeability), W (excess water), F (low fertility), and D (erosion).

[11] The Panel reviewed the BCLI ratings and find that the Properties are capable of supporting agriculture.

[12] The Application identifies four potential locations for the two proposed temporary workspaces on Property 1, Property 2, Property 3, and Property 4. The temporary workspaces are to be used for a combination of staging and storage of vehicles, pipes, and equipment to facilitate construction of the pipeline. The Application states that no agriculture is currently taking place on the portions of the Properties proposed for temporary workspaces. According to the Application, the 3.8 ha area identified as a “pipeline easement” is located entirely within an existing City of Richmond ROW (Property 5) along Francis Road (currently undeveloped). The Panel has no objection to the proposed location of the pipeline as it is entirely contained within an existing ROW.

[13] While no farming is currently taking place on the portions of the four Properties proposed for the temporary workspaces, this is not indicative that the lands will not be utilized for agricultural purposes in future. The Panel appreciates that the locations within

the ALR were chosen to best facilitate the construction and staging needs for the pipeline along Francis Road; however, there is the potential for negative impacts to accrue on the subject Properties and on adjacent properties during construction. The Panel is amenable to the Applicant utilizing any two of the four proposed temporary workspaces, provided that the two chosen sites are successfully reclaimed following completion of construction along Francis Road; should the Applicant choose to clear Property 2 for use as a temporary workspace, reforestation of the site would not be required following completion of construction.

DECISION

[14] For the reasons given above, the Panel approves the Proposal to create two temporary workspaces, with a maximum combined area of 2.0 ha, for the purpose of constructing an underground pipeline (fuel delivery system for the Vancouver International Airport) within an existing Road Right of Way (ROW) along Francis Road.

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

Pre-Construction Phase:

- a. The Applicant shall submit a finalized plan confirming the selection of the two temporary workspaces prior to commencement of construction;
- b. no more than two temporary workspaces shall be selected out of the four proposed options;
- c. submission of a schedule outlining the projected start date and end date of construction within the Proposal area within 60 calendar days from release of this decision;
- d. submission of a pre-site assessment for the two temporary workspaces prepared by a qualified registered professional for review and approval by the Commission prior to commencement of construction. Any pre-site assessment prepared for Property 4 must assess the parcel in its entirety;
- e. submission of a reclamation plan for the two temporary workspaces prepared by a qualified registered professional for review and approval by the Commission prior to

commencement of construction. If Property 4 is selected for use as a temporary workspace, the reclamation plan must include reclamation measures for the portion of the property outlined on the attached Sketch Plan;

- f. to ensure the successful reclamation of the project area and appropriate oversight should the Applicant cease to consult with a qualified registered professional, a financial security in the form of an Irrevocable Letter of Credit (the "ILOC") in the amount of \$40,000 must be made payable to the Minister of Finance c/o the Agricultural Land Commission. The ILOC is to ensure the project is conducted in accordance with the information submitted with the Application and the conditions of this decision;
- g. for greater clarity, some or all of the ILOC will be accessible to and used by the Commission upon the failure of the operator to comply with any or all aspects of the conditions of approval contained herein;

Construction Phase:

- h. the construction and location of the pipeline and the two temporary workspaces shall be in substantial compliance with the plan submitted with the Application and the attached Sketch Plan;
- i. under the direction of a professional agrologist, all existing topsoil must be salvaged for use during the reclamation of the project where appropriate:
 - i. Stockpiled soils should be windrowed and located in an area where they will not be disturbed and will not impede site drainage;
 - ii. Stockpiles should not exceed 3 metres in height and slopes should be no steeper than 3:1;
 - iii. Stockpiles should be seeded and established with an appropriate plant cover, or other suitable soil erosion control measure must be applied to protect the stockpiles from wind, runoff and other removal process;
 - iv. Stockpiled soil must not be removed from the Property without written permission from the Commission;

- j. geotextile fabric must be placed under soil stockpiles to protect underlying soil and to ensure no foreign material is left on site following completion of construction;
- k. swamp/rig mats must be installed over the temporary workspaces to protect underlying soil;
- l. appropriate weed control must be practiced on all areas disturbed by the Proposal;
- m. any fencing which is removed or damaged must be replaced, to the landowners satisfaction, by the Applicant at the time of construction;

Post-Construction Phase:

- n. if Property 1, Property 2, or Property 3 are selected for use as temporary workspaces, upon completion of construction the temporary workspaces must be reclaimed to an agricultural capability equal to or better than existing conditions as per the pre-site assessment within 6 months of construction completion along Francis Road;
- o. if Property 4 is selected for use as a temporary workspace, upon completion of construction the portion of the property outlined on the attached Sketch Plan must be reclaimed to an agricultural capability equal to or better than the BCLI improved capability ratings;
- p. submission of a closure report prepared by a professional agrologist for review and approval by the Commission within 60 days following completion of the project, confirming that the Commission's conditions of approval have been met;
- q. release of the ILOC will be dependent on receipt of evidence that the reclamation is completed to a standard deemed satisfactory by the Commission. In this regard, the Commission will consider the final report that must be prepared by a qualified registered professional and submitted to the Commission in fulfillment of condition "p" above; and,
- r. the construction and reclamation being completed within three (3) calendar years from the date of release of this decision.

[16] 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.



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

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

[19] This decision is recorded as Resolution #64/2017 and is released on March 17, 2017.

CERTIFICATION OF DECISION

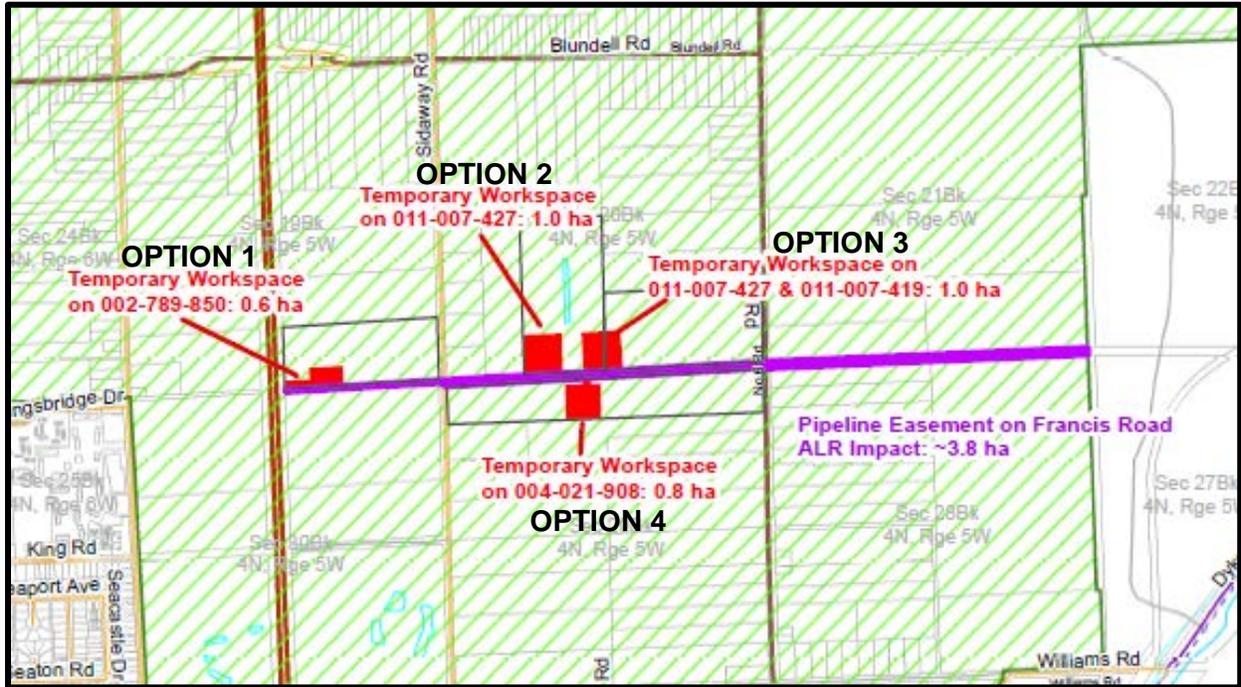
A handwritten signature in black ink, appearing to read 'W. Zylmans', with a long horizontal flourish extending to the right.

William Zylmans, Panel Chair, on behalf of the South Coast Panel

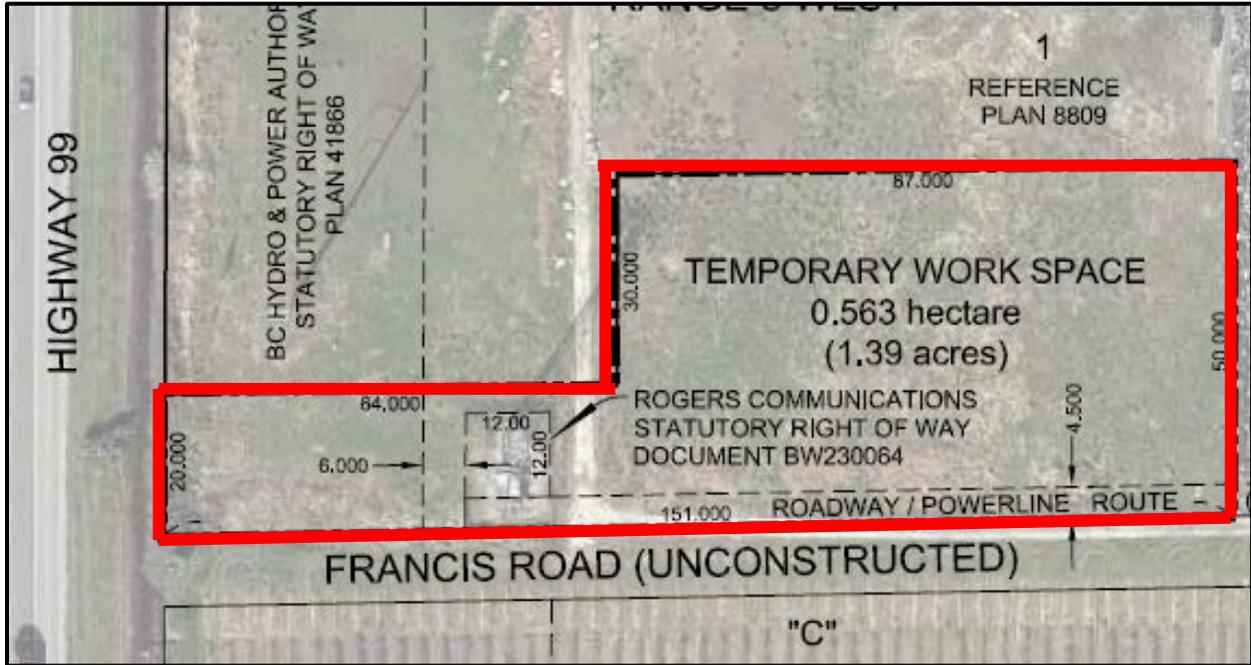
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Agricultural Land Commission Decision Sketch Plan
ALC File 55644 (City of Richmond)
Conditionally Approved Utility Corridor Use
ALC Resolution #64/2017



 = Conditionally Approved Utility Corridor Use (two temporary workspaces out of four options, with a maximum combined area of 2.0 ha)



 = Conditionally Approved Utility Corridor Use (temporary workspace - Property 1, Option 1)



Agricultural Land Commission Decision Sketch Plan
ALC File 55644 (City of Richmond)
Conditionally Approved Utility Corridor Use
ALC Resolution #64/2017



-  = Conditionally Approved Utility Corridor Use (temporary workspace - Property 2, Option 2)
-  = Conditionally Approved Utility Corridor Use (temporary workspace - Property 3, Option 3)



-  = Conditionally Approved Utility Corridor Use (temporary workspace - Property 4, Option 4)
-  = Area to be reclaimed if Property 4, Option 4, is selected for use as temporary workspace