



To: Planning Committee

Date: July 4, 2022

From: Wayne Craig
Director of Development

File: AG 20-914852

Re: **Agricultural Land Reserve Exclusion Application by Montrose Industries Ltd. at
7011 No. 7 Road & PID 024-397-423**

Staff Recommendation

1. That authorization for Montrose Industries Ltd. to forward an Exclusion Application to the Agricultural Land Commission for removal of 7011 No. 7 Road & PID 024-397-423 from the Agricultural Land Reserve (ALR) be denied.
2. That staff be directed to prepare a letter signed by the Mayor to the Minister of Agriculture, Minister of Environment, Richmond Members of Legislative Assembly (MLAs) and the Premier of BC requesting the Provincial Government consider all options to allow the existing landfill at the site to operate in the ALR under a non-farm use approval.

Wayne Craig
Director, Development
(604-247-4625)

WC:sds
Att. 7

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Policy Planning	<input checked="" type="checkbox"/>	
Engineering	<input checked="" type="checkbox"/>	

Staff Report

Origin

Montrose Industries Ltd., previously known as Ecowaste Industries Ltd., has applied to exclude 60 hectares (150 acres) of land comprised of 7011 No. 7 Road & PID 024-397-423 from the Agricultural Land Reserve (ALR). A location map and aerial photograph are provided in Attachment 1. The subject site is currently occupied by an active landfill operated by Montrose Industries Ltd. The subject site is located in the ALR, designated “Agriculture (AGR)” in the City’s Official Community Plan (OCP), and zoned “Agriculture (AG1)”.

The primary assessment criteria for this type of application is to review the proposal against the City’s existing land use policies related to the ALR and the City’s agricultural land base. The City’s OCP and Farming First Strategy are founded on the principle of maintaining the ALR land base and encouraging agricultural uses. This has been achieved through previous non-farm use applications at the site, which require the site to remain in the ALR and be remediated to a state capable of soil-based agriculture upon closure of the landfill.

The subject application is proposing to remove the site from the ALR, which is contrary to fundamental policies in the OCP and Farming First Strategy. In addition, the proposed exclusion does not provide significant benefits to agriculture, especially when compared to the significant financial gain that is likely to be achieved should the lands be excluded from the ALR and ultimately used for urban uses (e.g. industrial).

The landfill has been permitted to operate within the ALR since 1993 and the existing approvals ensure the land can be used for soil-based agricultural purposes once the landfill is decommissioned. The Agricultural Land Commission (ALC) has advised landfills can no longer be considered via a non-farm use application due to the passage of Bill 52, which prohibits construction waste debris as a permitted fill material within the ALR. City staff recognize the intent of this legislation, however; staff do not believe this legislation should apply to existing authorized landfill sites in the ALR prior to the adoption of this Bill. Staff recommend letters be sent to the Minister of Agriculture, Minister of Environment, Richmond Members of Legislative Assembly (MLAs) and the Premier of BC requesting the Provincial Government to consider all options to allow the existing landfill to operate in the ALR under a non-farm use approval. This would allow the landfill to continue to operate under conditions acceptable to the City and the ALC and also maintain the current ALR boundary and the requirement that the lands be remediated to a state capable of soil-based agriculture after the term has ended, consistent with existing City policy.

Background

There have been a number of approvals from Council and the ALC since the original approval for the landfill to operate in the ALR was granted, which are summarized in Attachment 2.

The applicant submitted the subject exclusion application prior to the September 30, 2020 deadline for individual landowners to submit exclusion applications to the ALC. As a result of *Bill 15 – 2019: Agricultural Land Commission Amendment Act*, only the Provincial Government,

Local or First Nation governments or prescribed public bodies may make exclusion applications now.

The applicant has indicated that the purpose of the subject exclusion application is to remove the properties from the ALR in order to continue the landfill operation. The applicant has provided a letter indicating the purpose and rationale for the proposal, which is included in Attachment 3.

As the proposed removal of the subject site from the ALR is contrary to fundamental policies in the City's OCP and Farming First Strategy, staff are recommending that the application be denied. The subject exclusion application will not proceed to the ALC unless authorized by City Council. Should Council deny the application, the ALR exclusion would not proceed any further.

City Council most recently demonstrated their commitment to maintaining the City's ALR boundary in 2020 when City Council denied a request to exclude 3 properties on Burrows Road involving approximately 5.6 hectares (13.8 acres) of land from the ALR (AG 19-855723 / AG 19-855800 / AG 19-855911).

Findings of Fact

A Development Application Data Sheet providing details regarding the development proposal is attached (Attachment 4).

Surrounding Development

To the North: Across the Granville Avenue unopened road allowance, properties zoned "Agriculture (AG1)", designated "Agriculture (AGR)" in the Official Community Plan (OCP) and located in the Agricultural Land Reserve (ALR), and a drainage canal designated Riparian Management Area (RMA).

To the South: Across Blundell Road, property zoned "Industrial (I)" and designated "Industrial (IND)" in the OCP. A Development Permit (DP 11-566011) was issued in 2017 to permit a 65 ha (161 acre) Industrial Logistics Park. A Development Variance Permit (DV 19-869780) was also issued in 2020 to increase the permitted building height for one of the buildings.

To the East: Across the No. 7 Road unopened road allowance, land designated "Industrial (IND)" in the OCP, and a drainage canal designated RMA. This area is under federal jurisdiction (Port Metro Vancouver).

To the West: Across the Savage Road unopened road allowance, properties zoned "Golf Course (GC)" and "Agriculture (AG1)", designated "Agriculture (AGR)" in the OCP and located in the ALR.

Related Policies & Studies

Official Community Plan / Farming First Strategy

The Official Community Plan (OCP) land use designation for the subject site is "Agriculture (AGR)", which comprises those areas of the City where the principal use is agriculture and food

production, but may include other uses as permitted under the *Agricultural Land Commission Act* (ALCA) (e.g. non-farm uses approved by Council and ALC).

The proposal to exclude the lands is inconsistent with the land use designation and the following policies:

OCP Policy / Farming First Strategy	Subject Application
<p>Maintain the existing ALR boundary and do not support a loss of ALR land.</p>	<ul style="list-style-type: none"> • The proposal includes removing approximately 60 hectares (150 acres) from the ALR. • The proposal does not include adding any land to the ALR so there is no off-set to the loss of ALR land. • Removal of the properties from the ALR would result in a net loss of total ALR land. • There are multiple other large ALR land holdings in the immediate vicinity, including land that is owned by Port Metro Vancouver. Excluding the subject site from the ALR will likely generate additional pressure for these lands to be used for industrial purposes.
<p>Continue to encourage the use of the ALR land for farming and discourage non-farm uses.</p>	<ul style="list-style-type: none"> • The current ALC non-farm use approval allows the landfill operation to continue until the approved term (2035). • The City and ALC non-farm use approvals granted to date require the site to be remediated to a state capable of soil-based agriculture after the term has ended (Class 2A with irrigation and drainage). • The purpose of the application is to remove the properties from the ALR. If the land is removed from the ALR, the likelihood that the site will be returned to agricultural production as required by the current non-farm use approval will be diminished. • Removing the lands from the ALR will create pressure for the site and other surrounding properties to be used for non-agricultural purposes.
<p>Coordinate with Metro Vancouver to support the Regional Growth Strategy, which includes agricultural designations and policies for protection of agricultural land.</p>	<ul style="list-style-type: none"> • The properties are designated “Agricultural” in the Metro Vancouver Regional Growth Strategy. • Excluding the land from the ALR is not consistent with the regional land use designation. • The current land fill operation is permitted through a non-farm use application which supports the Agricultural designation. Exclusion from the ALR for the purpose of operating a land fill would be an urban use, which will likely require an amendment to the 2040 Metro Vancouver Regional Growth Strategy land use designation and urban containment boundary. • The applicant delegated to the Metro Vancouver Zero Waste Committee meeting on July 16, 2021 in an effort to have Metro Vancouver express support for a change to the ALR regulations. Metro Vancouver staff provided a follow up report to the committee on November 17, 2021. The staff report indicated that Metro Vancouver has no authority with respect to ALC regulations and recommended that the no position be taken on the request. The committee received the report for information.

Agricultural Land Commission Act (ALCA)

As per the *Agricultural Land Commission Act (ALCA)*, the purpose of the Commission includes the following:

- To preserve the Agricultural Land Reserve.
- To encourage farming of land within the agricultural land reserve in collaboration with other communities of interest.
- To encourage local governments to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

In order to fulfill its purposes, the Commission must give priority to protecting and enhancing all of the following:

- The size, integrity and continuity of the land base of the agricultural land reserve.
- The use of the Agricultural Land Reserve for farm use.

As per the ALR General Regulation, the applicant was required to complete the following as part of the exclusion application submission to the ALC:

- Advertise the application on two separate occasions in a newspaper in general circulation in the municipality where the property under application is located.
- Serve a signed copy of notice to all registered owners of land in the ALR that share a common boundary with the property, including owners of ALR property separated by a public road.
- Installation of exclusion application signage.

The applicant has satisfied these requirements as per the ALR General Regulation. Staff have not received any correspondence from the public regarding the application.

Food Security and Agricultural Advisory Committee

The subject exclusion application was not referred to the Food Security and Agricultural Advisory Committee (FSAAC) as the application is contrary to existing City policy and staff are recommending the application be denied.

Analysis

Previous Non-Farm Use Applications

Due to the repeal of the Soil Conservation Act and incorporation of soil removal/fill regulations into the ALC Act, Ecowaste Industries Ltd. applied for a non-farm use application (AG 14-654361), which was approved by Council and the ALC in 2015, to permit the following:

- Development of four material recovery facilities related to the existing landfill operation.
- Continued operation of the existing landfill to an ultimate height of 18 m, for a period of 20 years (term ending in 2035).

In 2019, the applicant submitted another non-farm use application (AG 19-863866), in order to:

- Expand one of the previously approved material recovery facilities and replace the operator.
- Add two new material recovery facilities to the four facilities previously approved, for a total of six material recovery facilities.
- Add 20 years to the previously approved term to allow landfill activities to continue until 2055.
- No change to the ultimate landfill height of 18 m was requested.

Council endorsed and authorized the application to be forwarded to the ALC on February 10, 2020. The ALC's decision (Resolution #504/2020), dated October 19, 2020, approved the expansion of the material recovery facility and addition of two new material recovery facilities, but denied the term extension due to legislative changes regarding fill placement and the definition of prohibited fill in the ALR, which now includes demolition and construction waste. Montrose Industries Ltd. has also submitted a Zoning Text Amendment application (ZT 21-922710) to allow the material recovery facilities, but has been put on hold by the applicant until the matter of the operational term of the landfill has been resolved.

Following the ALC's decision to deny the term extension, staff had multiple discussions with the applicant regarding whether they intended to request that the ALC reconsider their decision. The applicant informed staff that they did not intend to submit a reconsideration request of the ALC's decision. As a result, on February 8, 2021, Council authorized staff to request a reconsideration of the ALC's decision to deny the term extension of the landfill and staff subsequently submitted a formal reconsideration request to the ALC. However, as per the ALC decision letter dated October 1, 2021, the ALC indicated that the City's reconsideration would not be considered.

The Mayor, on behalf of Council, also wrote the Minister of Agriculture requesting that the Minister review the reconsideration request. The Minister of Agriculture responded to the Mayor's letter indicating that no action would be undertaken while the reconsideration request was being considered by the ALC. Following the ALC's decision indicating that the ALC would not reconsider their decision regarding the term extension, the Mayor sent a follow-up letter to the Minister of Agriculture requesting that a review of the regulations occur to allow the ALC to consider the extension of the landfill term. The Minister provided a response to the Mayor's letter on March 29, 2022 indicating that the Ministry is looking into the matter and encouraging the affected parties to exhaust all available avenues to resolve the issue (Attachment 5).

Landfill Capacity and Design, Operations and Closure Plan

The applicant advised staff on May 3, 2022 that the landfill will reach the currently approved capacity limit much sooner than originally anticipated as the applicant has not proceeded with the construction of the material recovery facilities due to the uncertainty regarding the landfill term. The combination of not adding additional recycling capacity and an increase in volume of material received will result in the landfill reaching capacity in the near future (estimated 2025 based on the current 18m height limit).

The applicant advised that a new Design, Operations and Closure Plan (DOCP) was submitted to the Ministry of Environment (MOE) in February of 2022. City Staff requested that the applicant provide a copy of the material submitted to MOE, however, the applicant declined to provide the information. City Staff subsequently reached out to MOE and through MOE staff, the applicant provided a copy of the DOCP. The DOCP indicates that the applicant is seeking a substantial vertical expansion of the landfill that would see the final fill height increased from the currently approved 18 m height limit to 28 m and the term of the landfill extended to 2060. Cross-sections illustrating the proposed height increase and impacts to adjacent properties are provided in Attachment 6.

The DOCP is inconsistent with City and ALC approvals granted to date and was submitted to MOE without any consultation with the City or the ALC. The placement of fill within the ALR requires City Council and ALC approval. As a result, the Mayor, on behalf of Council, delivered a letter dated June 22, 2022 to the Minister of Environment, Minister of Agriculture and Richmond MLAs indicating that the DOCP is inconsistent with City Council and ALC approvals and requested that it be set aside or rejected. As of the date of this report, no response has been received.

Proposed Exclusion

Montrose Industries Ltd. has submitted an Agricultural Land Reserve (ALR) exclusion application to remove the following properties from the ALR (“subject site”):

- 7011 No. 7 Road – 132.5 acres (53.6 ha); and
- PID 024-397-423 – 17.5 acres (7.1 ha).

The applicant has indicated that the purpose of the subject exclusion application is to remove the properties from the ALR in order to continue the landfill operation beyond the approved term. The applicant also submitted a compensation package as part of the exclusion application, including the following:

- put into agricultural production two properties currently in the ALR and designated for agricultural use, owned by Montrose Industries Ltd. (6871 No. 7 Road & PID 003-574-229) (total area of the two parcels is approximately 77.5 ac (31.4 ha)).
- make a financial contribution towards City infrastructure projects that improves drainage and farm access in other parts of the City in the amount of \$25,000/acre for a total of \$3.75 million.
- establish a natural wetlands on a portion of the property at 8060 No. 6 Road (10 ha of the 32 ha site) as permitted under the ALCA and ALR Regulations for a 30 year term and contribute \$1 million towards the cost of constructing the wetlands.

The applicant has provided a letter to the City outlining the proposed package as part of the exclusion application, which is provided in Attachment 7.

Staff Assessment

Land-Use Policy Assessment

The proposed exclusion application includes removing approximately 150 acres (60 hectares) of land from the ALR and does not include adding any land into the ALR. Staff do not support the proposal for the following reasons:

- **Land is designated for farming:** the subject site is located within the ALR and is designated “Agriculture” in the City’s OCP and the Metro Vancouver Regional Growth Strategy (RGS). The subject site is located outside the urban containment boundary identified in the OCP and RGS. If the subject site were to be excluded from the ALR, the existing landfill operation would not be consistent with the “Agricultural” OCP designation as there would no longer be an associated ALR non-farm use approval and the landfill operation would be considered an urban use. Prior to urban uses being considered, an amendment to the City’s OCP and an application to Metro Vancouver to change the designation and urban containment boundary would likely be required. Removing the properties from the ALR is contrary to the objectives of the RGS and OCP to protect these areas from urban development.
- **Future use of the lands for agriculture:** the conditions associated with the ALC non-farm use approval for the current landfill operation require the site to be remediated to a state capable of supporting soil-based agriculture after the term has ended. Removing the subject site from the ALR would also remove the conditions associated with the non-farm use approval. The property owner would no longer be required to remediate the site to an agricultural state after closure of the landfill. Removing the land from the ALR will also create pressure for it to be used for non-agricultural purposes.
- **Protection of farmland is a high priority:** the City’s OCP and Farming First Strategy include policies to maintain the existing ALR boundary and do not support a loss of ALR land. This includes ALR land currently used for agriculture, as well as currently unused for farming, but which can be farmed in the future. The subject properties have the potential to be actively farmed with improvements to the land as per the conditions associated with the current non-farm use approval. The subject exclusion application would result in a loss of approximately 150 acres (60 hectares) of ALR land.

Land Value Escalation and Speculation

Removing the properties from the ALR will put significant pressure on the lands to convert to other uses (e.g. industrial) upon closure of the landfill. The exclusion of the site from the ALR will place added pressure on surrounding agricultural lands to be used for non-agriculture purposes. Removing the land from the ALR may also lead to increased agricultural land speculation, which could have detrimental effects on the City’s agricultural land base. In accordance with the City’s Industrial Land Intensification Initiative (ILII), the City is focused on intensify the use of existing industrial land, rather than expanding into non-industrial areas (specifically agricultural).

Staff received third party advice from an appraiser regarding the extent of land value increase that would occur should the land be excluded from the ALR. If the land is removed from the ALR and rezoned for landfill purposes, the land would have to be designated for industrial use, which would result in a substantial increase in value. Industrial land values are between \$4-11 million per acre while agricultural land sells between \$0.4-1.3 million per acre. Given the size of the site and the potential tenfold increase in value, the ALR exclusion has the potential to generate a gross land lift of approximately \$500 million to \$1.5 billion. The ultimate land value increase would vary based on the extent of services available to the site but given the subject site is adjacent to existing industrial development, it is likely the potential gross land lift would be on the high end of the scale.

If there is a desire to pursue exclusion from the ALR, staff recommend that a professional third party appraiser be engaged to accurately quantify the increase in the site value created through exclusion, as any compensation package should ensure the overall benefit is provided to agricultural activity in the City, not a private land owner.

Proposed Compensation Package Assessment

The applicant's proposed compensation package as part of the exclusion application includes putting two other ALR properties (6871 No. 7 Road & PID 003-574-229) into agricultural production. These properties are already in the ALR and there is no impediment preventing these land from being put into agricultural production. Accordingly, this initiative does not constitute any form of benefit to agriculture.

The package also proposes a financial contribution in the amount of \$3.75 million towards City drainage and farm access projects in other parts of the City. The proposed contribution is insignificant compared to the potential tenfold increase in the site value that could be realized. The City regularly constructs drainage improvements within the ALR as part of the City's Capital Plan, although the extent of improvements varying from year to year. The City's 5 Year Capital Plan (2022-2026) envisions \$139 million in drainage improvements throughout the City. The proposed contribution would not result in significant drainage improvements beyond those currently envisioned in the 5 Year Capital Plan.

The applicant's proposed compensation package also includes establishing a natural wetlands on a portion of their property at 8060 No. 6 Road for a 30 year term, while retaining ownership. Although the preservation of this area is important from a wildlife habitat perspective, it does not constitute a benefit to agriculture and in fact could be seen as contrary to agricultural objectives as it would preclude the use of the land for farming. In addition, the Provincial *Farm Practices Protection (Right to Farm) Act* protects normal farm practices within the Agricultural Land Reserve and has legal precedence over the environmental considerations. The applicant's package indicates that the proposed wetlands would be consistent with the ALC Act and Regulations, meaning that the proposed natural wetlands could be removed and used for agricultural purposes in the future. If there is a desire to pursue exclusion from the ALR, including the potential preservation of a wetland area, staff would require the applicant to provide an assessment and detailed proposal from a Qualified Environmental Professional (QEP), including the following information:

- how to reconcile the preservation of the area with the *Agricultural Land Commission Act* and its regulations, and the *Farm Practices Protection (Right to Farm) Act*;
- a detailed biophysical analysis and inventory of the site to identify existing environmental assets and wildlife habitat areas to be retained as a wetland, impact assessment for any proposed changes along with a mitigation and compensation strategy for any disturbance. This analysis would include provision of a detailed landscape plan indicating which area of the site would be retained, details on what improvements would be implemented, as well as a plan for monitoring and ongoing maintenance; and
- how the applicant would formalize their commitment to retain the area as an environmental asset.

Provincial Review of Bill 52

Staff recommends that letters be sent from the Mayor on behalf of City Council to the Minister of Agriculture, Minister of Environment, Richmond Members of Legislative Assembly (MLAs) and the Premier of BC asking the Province to review Bill 52 and to consider all options to allow the landfill to operate in the ALR under a non-farm use application subject to City and ALC approval.

This would allow the land to remain in the ALR, limit the detrimental impacts excluding the land from the ALR will have, and maintain the requirement that the lands be remediated to a state capable of soil-based agriculture upon closure. The current situation is a direct result of the adoption of Bill 52, which did not anticipate the impacts the legislation would have on existing landfills operating in the ALR.

Financial Impact

None.

Conclusion

Montrose Industries Ltd. has applied to exclude 7011 No. 7 Road & PID 024-397-423 from the Agricultural Land Reserve (ALR).

The proposal does not comply with the land use designation or applicable policies contained within the OCP. On this basis, it is recommended that the application be denied.



Steven De Sousa
Planner 2

SDS:cas

Attachment 1: Location Map and Aerial Photo

Attachment 2: Timeline of Previous Approvals

Attachment 3: Letter from the Applicant (Purpose & Rationale)

Attachment 4: Development Application Data Sheet

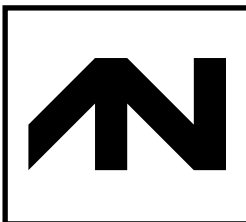
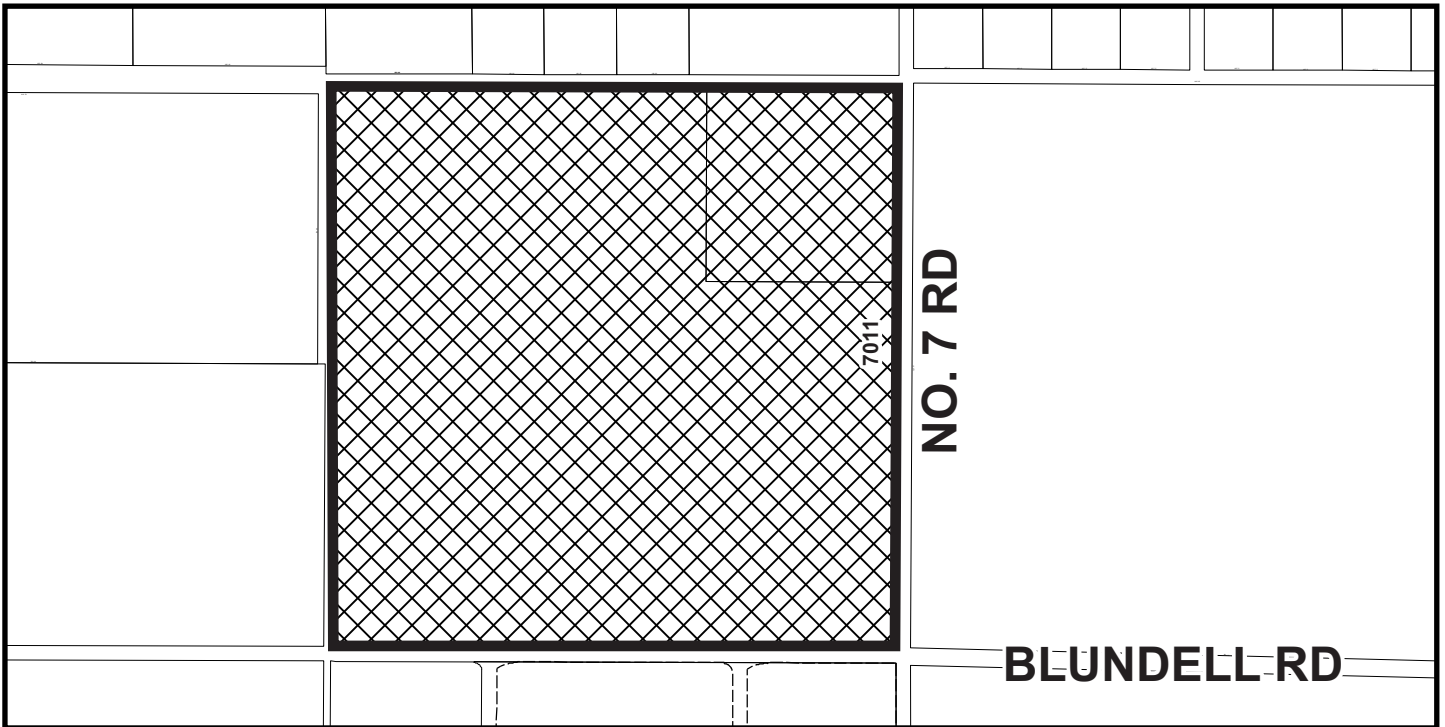
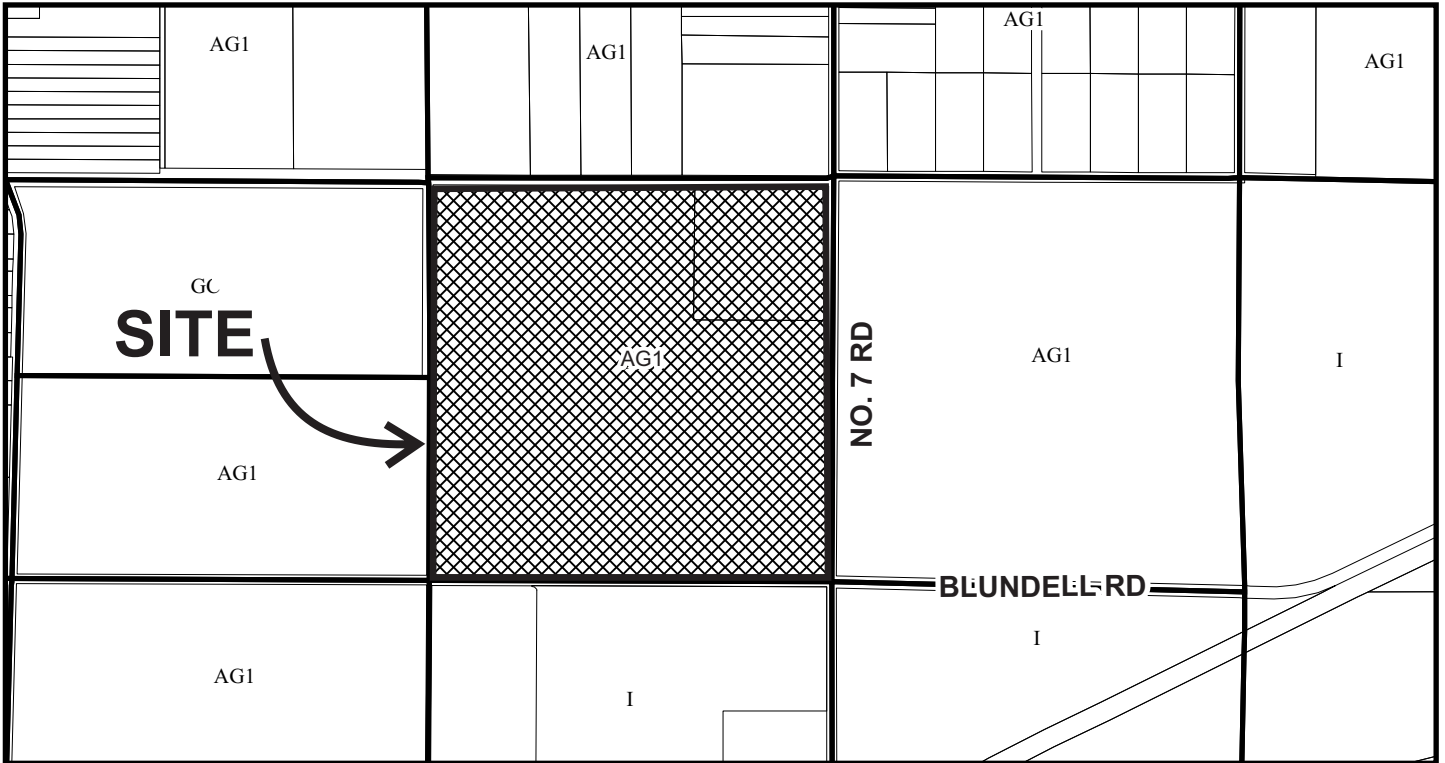
Attachment 5: Letter from the Ministry

Attachment 6: Cross-Sections of Proposed Height Increase

Attachment 7: Letter from the Applicant (Compensation Package)



City of Richmond



AG 20-914852

PLN - 40

Original Date: 11/25/20

Revision Date:

Note: Dimensions are in METRES



City of
Richmond



AG 20-914852

PLN - 41

Original Date: 11/25/20

Revision Date:

Note: Dimensions are in METRES

Timeline – Montrose (Ecowaste) Previous Approvals in the ALR

- 1993: Approval by Council and the Agricultural Land Commission (ALC) to allow the landfill operation in the ALR under the Soil Conservation Act (Permit S-271).
 - The approval requires the site to be remediated to a state capable of soil-based agriculture upon the end of the term (closure of the landfill). This includes covering the site with approximately 2 m of soils (consistent with the BC Contaminated Sites Regulations standards for agricultural land use) and ensuring a final agricultural soil capability rating of Class 2A is achieved. To further support soil-based agriculture, the remediation plan also requires the installation of irrigation and drainage required to support agricultural production. The original approval included a height limit of 8 m and a term of 5 years.
- 1999: Approval for a 10 year renewal to Permit S-271 to allow the continued operation of the landfill in the ALR.
- 2002: Repeal of the Soil Conservation Act resulting in soil removal and filling in the ALR being regulated and permitted through the ALC Act and related regulations (i.e., non-farm use application).
- 2009-2015: Exploration and development planning by the applicant for a large scale phased industrial development proposed for the site south of Blundell Road (outside of the ALR and designated in the OCP for industry). This resulted in shifting the focus of the landfill operation to filling the industrial site to the south in order to prepare for future industrial development.
- 2015: Council and the ALC approved a non-farm use application (AG 14-654361) for the subject site in the ALR to develop four temporary material recovery facilities associated with the landfill and continue the operation of the landfill until 2035, up to a maximum height of 18 m.
- 2019: the applicant submitted another non-farm use application (AG 19-863866) to expand one of the previously approved material recovery facilities, add two additional material recovery facilities, and extend the term of the landfill operation to 2055. No change to 18m maximum height proposed.
 - Council endorsed the non-farm use application and sent to the ALC on February 10, 2020.
 - The ALC approved the material recovery facilities, but rejected the request to extend the term of the landfill, due to changes in legislation regarding fill placement and the definition of prohibited fill in the ALR, which now includes demolition and construction waste. The landfill operation primarily accepts materials originating from demolition, land clearing and construction activities.
- 2020: The applicant submitted the subject exclusion application (AG 20-914852) prior to the September 30, 2020 deadline for individual landowners to submit exclusion applications to the ALC. As a result of *Bill 15 – 2019: Agricultural Land Commission Amendment Act*, only the Provincial Government, Local or First Nation governments or prescribed public bodies may make exclusion applications now.
- 2021: the applicant submitted a Zoning Text Amendment application (ZT 21-922710) to allow the material recovery facilities, but has been put on hold by the applicant until the matter of the operational term of the landfill has been resolved.
- 2021: submission by the City of a reconsideration request of the ALC’s decision to deny the term extension of the landfill. ALC decision letter dated October 1, 2021, indicates that the City’s reconsideration would not be considered.
- 2022: new Design, Operation and Closure Plan (DOCP) submitted to the Ministry of Environment (MOE) by the applicant in February. Staff were informed of the new DOCP submission to MOE by the applicant on May 3, 2022. DOCP indicates intention to increase height to 28m and extend landfill term to 2060.

Ecowaste Industries Ltd. ALR Exclusion Application ID #61386
Sept 23, 2020

Supplemental Information - Proposal & Rationale

1. Application and Properties

This application by Ecowaste Industries Ltd. (“Ecowaste”) is to exclude from the Agricultural Land Reserve two properties the company owns in Richmond totalling 60.8 ha (the “Properties”). The purpose of the exclusion is to enable Ecowaste’s landfill and its waste recycling / recovery / diversion facilities to continue to operate on these Properties beyond 2035.

In Agricultural Land Commission Resolutions 384/2015 and 385/2015 the Commission encouraged Ecowaste and the City of Richmond to consider whether these two Properties might be more appropriately used for industrial purposes. The ALC also suggested an alternative use such as industrial might relieve pressures on higher quality land that is actively used for agriculture. The Commission also considered that the length of time the Properties had been used as a landfill may have limited the site’s potential to effectively support a soil-based agricultural operation.

Furthermore, on August 26, 2020 the Commission contacted Ecowaste to recommend the company make an application to exclude the Properties from the ALR in order for the landfill and its waste recycling/recovery/diversion facilities to continue in operation beyond 2035.

The two Properties are located within the area bounded by Granville Road (north), No. 7 Road (east), Blundell Road (south) and Savage Road (west) in Richmond. Both are in the ALR. They are designated AGR (Agriculture) in Richmond’s OCP (Bylaw 9000) and zoned AG1 (Agriculture) in Bylaw 8500. Property 1 (PID 024-397-423) is 7.1 ha; Property 2 (PID 024-397-407) is 53.7 ha. Property 2 is located at 7011 No. 7 Road, Richmond. Property 1 is located Northeast of 7011 No. 7 Road.

2. History

The Properties were stripped of peat several decades before the landfill came into operation, a process which started in World War II. The peat was used to provide cushioning for the shipment of ammunition. Neither Property has been farmed since. There is no record of either having been farmed prior to WW II.

Ecowaste has nearly 50 years of waste management experience in Richmond. From 1971 to 1986 the company (then called Richmond Landfill Ltd.) operated a municipal solid waste landfill on 65 hectares of land previously owned by the Fraser River Harbour Commission. That property was excluded from the Agricultural Land Reserve in the 1970s. As that 65 ha property was being filled Ecowaste purchased the two Properties which are the subject of this application, and on which the company now operates its landfill for demolition, construction and land clearing (DLC) waste. Ecowaste has permission from the ALC, the City of Richmond, BC's Ministry of Environment and Climate Change (Operational Certificate 4922) and Metro Vancouver (Licences L005 and C007) for its operations.

An operating permit was initially issued by the Ministry of Environment in 1986. This was converted to an Operating Certificate in 1992 and updated to the current Operational Certificate 4922 by BC's Ministry of Environment & Climate Change Strategy under section 28 of the Environmental Management Act on September 6, 2017 (the "OC"). Under section 1.1.5 of the OC waste that can be accepted by Ecowaste and deposited as fill includes construction, demolition and landfill clearing debris, contaminated soils and other wastes.

Over the past 30 years Ecowaste has added recycling operations to its landfill operation. These include conversion of yard waste into compost, conversion of clean wood into biofuels and conversion of concrete into aggregate. The compost and aggregate products are used for landfill closure activities or sold commercially to the public or to custom soils manufacturers on site. Soils are also made available for use by area farmers to enhance both the amounts and capabilities of topsoil on farmland in Richmond and nearby farm communities. Ecowaste also treats contaminated soils through bioremediation and storage. Ecowaste's on-site tenants manufacture custom soils using wastewater treatment plant biosolids imported to the site and compost generated on site. Soils manufactured from regional waste water treatment plants have also been used to establish woodlots used for landfill leachate treatment, which is part of the landfill operation. Contaminated soils are treated by a soil bio-remediation company; once remediated they are either used on site in landfill construction or sold for other off-site uses.

The mix of materials accepted by Ecowaste are inert (non-polluting, non-toxic) and originate primarily from construction, demolition and land clearing activities in the Lower Mainland. The materials accepted consist mostly of wood (41% by weight), followed by asphalt (13%), building materials (10%), rubble (9%) and plastic (9%). Other land-clearing debris, metal, textiles, soil, paper, rubber, masonry, concrete, and insulation (excluding asbestos) make up the remainder. Ecowaste's current non-farm use application (Richmond file AG 19-863866; ALC file 59139) and pending as of this date, contemplates additional Materials Recovery Facilities ("MRFs") which will allow it to accept and process a broader range of wood, plastics, carpet, roofing and aggregates. None of these additional wastes will be landfilled.

3. Previous ALR Applications

Five applications have been made to the ALC over the past 40 years, including:

Application ID 22175/Legacy File: 11019
Northern Industries Ltd.
Soil/Fill Application
1980 - for the removal of 220,000 cubic metres of peat
Approved by ALC Resolution #100/1981

Application ID 40356/Legacy File: 20224
Richmond Landfill Ltd.
1986 - to extend land use onto 29 ha
Non-Farm Use Application
Refused by ALC Resolution #908/1986

Application ID 995/Legacy File: 27166
Ecowaste Industries Ltd.
Non-Farm Use
1992 - for further extraction of peat and deposit of materials
Approved by ALC Resolution #173/1993
With 10-year extension granted in 1998

Application IDs 54043 & 54044
Ecowaste Industries Ltd.
Non-Farm Use
2015 – to locate four operations related to the landfill operation and grant a 20-year extension (to 2035)
Approved by ALC Resolutions #384/2015 & #385/2015

Application ID 59139
Ecowaste Industries Ltd.
2019 – to revise the 2015 approval to allow Ecowaste to replace one of the four materials recovery facility operators approved by #384/2015 and #385/2015 with Ecowaste; to increase the footprint of that operation from 1.3 ha to 3.3 ha; to operate two additional Materials Recovery Facilities in addition to those approved in 2015; and to extend the term of approval of #384/2015 and #385/2015 by 20 years (to 2055).

4. Status of Properties

(a) Landfilling

No landfilling occurred on the two Properties between 2013 and 2020 as the site wasn't needed while the filling of Ecowaste's non-ALR south landfill was underway to prepare that site for the industrial park development. However, on Properties 1 and 2 additional grasslot space was created to assist with leachate processing through an irrigation system that is applied to willows and forage grasses. Once harvested, these plants are either used in the on-site compost program or baled and used for run-off and sedimentation control on site. An updated Design Operations and Closure Plan was submitted to the BC Ministry of Environment and Climate Change in December, 2018.

(b) Agriculture

In 2006 Ecowaste constructed a soil-plant system for use as an irrigation-based leachate treatment process. In 2007 it began creating topsoil using combinations of sand, biosolids, recycled-paper fibres and wood waste. These topsoils were used to establish treatment plots covering the capped portion of the landfill. This was then planted with fast-growing poplar trees. This was expanded between 2008 and 2010 using copiced willows. After 2010 there was further expansion. A portion was converted to forage grasses in 2018 and another portion will be converted this year. The soil-plant treatment plots are irrigated with leachate which has undergone treatment in our aeration pond and in the engineered wetland, providing additional leachate capacity and harvestable biomass. This system satisfies the Agricultural zoning of the site and provides Ecowaste with a biomass crop for harvest and use as soil, and for sediment control barriers. Other agricultural activities include:

- composting operations to produce soil blends and site cover,
- noxious weed management (implemented in 2015) to address Japanese knotweed, thistle and scotch broom infestation, and
- managing soil stockpiles.

5. Why an Exclusion?

Ecowaste's landfill is a non-farm use permitted under the Agricultural Land Commission Act (ALCA). This non-farm use was initially approved in 1993 with a 10-year extension granted in 1998. A further extension (until 2035) was granted by the Agricultural Land Commission in 2015. The 2015 ALC approval is included with the application documents.

As part of the 2015 approval Ecowaste was granted permission (1) to locate four ancillary operations (known as Tervita, Quantum Murray, Yardworks-Arrow and Urban Wood Waste Recyclers) related to the landfill onto the properties (Application 54043) and (2) to continue the operation of the landfill for a period of 20 years, thereby increasing the final elevation of the Properties from that which was previously approved (Application 54044).

In May 2019 Ecowaste applied to amend the 2015 ALC approval (i) to replace Urban Wood Waste Recyclers with Ecowaste as the operator of MRF #4, (ii) to enlarge the footprint of that facility, (iii) to build two additional materials recovery facilities on the landfill (MRFs #5 & #6), and (iv) to extend the term of the 2015 approval by 20 years, from 2035 to 2055. Ecowaste's amendment request was in the form of a non-farm use application (Application 59139). The City of Richmond endorsed and forwarded the application after a unanimous vote by Council.

None of these amendments, if approved, would require or result in any change to the waste stream coming to the landfill site, or any additional landfill material being deposited on the site, or any change to final elevation of the site approved in 2015. The result would be that more of the incoming waste would be reprocessed and recovered and the landfill would be able to continue operating for an additional 20 years before reaching capacity.

On August 26, 2020 the ALC contacted Ecowaste to advise of its concern that, as a result of changes in Bill 15-2019, the ALC could be prevented from granting a 20-year extension of the term granted in 2015. The ALC advised that the changes in Bill 15-2019 would not prevent the Commission from approving the replacement of Urban by Ecowaste as the operator of MRF #4 or from approving a larger footprint for that facility or from approving the two additional MRFs #5 and #6, if it otherwise chose to do so.

The reason given by the ALC was that Bill 15-2019 resulted in a new section of the Agricultural Land Reserve Use Regulation which provided that certain types of waste could not be used as fill on agricultural land. These had been approved by the ALC in 2015 and continue to be permitted under that approval; under Ecowaste's Operational Certificate 4922 issued under the Environmental Management Act; and under the licences issued by Metro Vancouver.

Because of this, and in order to avoid permanently closing the landfill in 2035, on August 26 the ALC recommended Ecowaste make an application to exclude its two Properties from the ALR. Also on August 26 Ecowaste was advised by the ALC that Bill 15-2019 did not prevent Ecowaste from continuing to operate until 2035 under its 2015 approval.

Furthermore, exclusion of the Properties is also consistent with two of the findings of the ALC expressed in its 2015 approval resolutions:

[13] Although the Commission has, through previous approval and related conditions, supported the reclamation of the Properties for agricultural purposes, the Panel discussed whether the most effective end use of the Properties, from a planning perspective, is agriculture. The Panel made no determinative decision in this regard, but encourages the Applicant, along with the City, to consider whether the Properties might be more appropriately looked at as a logical expansion of the adjoining industrial area.

[14] Conditions are in place that strives to ensure the future use of the Properties is agricultural. While the Panel remains certain these conditions are imperative, the agricultural future of a site that has serve[d] as a land fill for the amount [of] time in question, may have limited the potential for the Properties to effectively support a soil-based agricultural operation. As a result, considering alternative uses on the Properties, such as industrial, may be prudent especially if it relieves pressures on higher quality land that is actively used for agriculture.

If the Properties are excluded from the ALR Ecowaste will keep the landfill in operation until 2055 or until it reaches capacity. Ecowaste will also:

- Put into agricultural production two of its other ALR properties that are not being farmed – its 6.5 ha property (PID 003-560-261) at 6871 No. 7 Rd and its 24.9 ha property (PID 003-574-229) on Francis.
- Make a financial contribution towards City infrastructure projects that improve drainage and improve farm access in other parts of Richmond.
- Establish a natural wetlands on part of its 32 ha ALR property (PID 003-845-231) at 8060 No. 6 Rd. as permitted under the ALC Act and Regulations.

6. Additional Considerations

Are the properties capable of being farmed? No, as they are being used for a landfill and have been used for that purpose for many years.

Based on the BC Land Inventory (BCLI) "Land Capability Classification for Agriculture in B.C." system, the improved agricultural capability ratings applicable to the Properties are Class 2 and Class 3, more specifically approximately 90% (03LWF), 9% (7:02w 3:03LW) and 1% (6:3DW 4:3WN). However, the historical mapping for the Properties is not applicable due to (1) past peat extraction and (2) soil disturbance from decades of landfill use. Historical surveys prior to the peat extraction show the main agricultural limitations of the soils in the area were excess soil moisture, poorly decomposed peat and low fertility.

Are the Properties suitable for agricultural use? No, and they cannot be until the landfill operation ceases and only if the Properties are rehabilitated for farming. Even then, there will still be (i) possible consumer resistance to eating food that has been grown on a former landfill site and (ii) limited access for farm vehicles as the only road access is from the east along Blundell Road through Port Metro Vancouver's industrial operations and Blundell does not continue west to connect with No. 6 Rd.

The ALC itself has questioned the suitability of these Properties for agricultural use. In its 2015 decision the Commission determined:

"... the agricultural future of a site that has serve[d] as a land fill for the amount [of] time in question, may have limited the potential for the Properties to effectively support a soil-based agricultural operation. As a result, considering alternative uses on the Properties, such as industrial, may be prudent especially if it relieves pressures on higher quality land that is actively used for agriculture."

The ALC also addressed whether the most effective end use of the Properties was agriculture. It made no determinative decision in this regard but encouraged Ecowaste and the City ***"... to consider whether the Properties might be more appropriately looked at as a logical expansion of the adjoining industrial area."***

Will there be any additional adverse impact on adjacent farm properties if the exclusion were allowed? No. There are no working farms adjacent to the eastern, southern or western edges of the Properties. There are four working farms to the north: 15100, 15260, 15380 and 15460 Westminster Highway. All of these farms are accessed from Westminster. Ecowaste has several decades of experience working amicably with its neighbours – farmers and non-farmers alike – and the company is committed to continue doing so. Any minor impacts our neighbours currently experience as a result of the operation of the landfill would not change because of the proposed exclusion from the ALR, as the landfill would continue in operation until 2055 or until it reached capacity. (See letter dated June 20, 2019 from Ecowaste to the City of Richmond on “Adjacency Impacts”, included with this application.)

Will this set a precedent for similar exclusion applications from landowners in Richmond or Metro Vancouver generally? No. Ecowaste’s properties, their history of peat extraction, their use as a landfill and their location next to industrial uses are sufficiently unique to discourage any other landowner from claiming the proposed exclusion of the Properties as a precedent in another application. Furthermore, the ALC has twice suggested exclusion might be an option for these properties - in 2015 and 2020 – which in itself is unprecedented.

Could the proposed landfill be accommodated on lands outside the ALR or in the ALR but on land that is less capable? No. The site is already being used as a landfill; no other lands in the region outside the ALR are available or suitable for a landfill; and there are no less capable lands within the ALR of sufficient size available or suitable for a landfill. There is only one other landfill left in the Lower Mainland – the Vancouver Landfill in Delta – and it is scheduled to close in 2028.

Who else supports this? The existing landfill operation is supported by the Ministry of Environment and Climate Change and Metro Vancouver but neither has been asked for their opinion on this exclusion application. However, continuation of the landfill beyond 2035 supports many of the key strategies and objectives of both the ministry and Metro. And the ALC itself has suggested industrial use might be more appropriate than agriculture.

Despite the non-agricultural nature of the proposed uses are they important for the local community, region or province? Yes. The landfill already provides (and will continue to provide) a range of important services and benefits to Richmond, to the region and to the province as a whole, as described herein. By excluding the Properties and permitting the landfill to operate beyond 2035, these services and benefits will continue. There will also be several benefits to local agriculture, including:

- Reducing the demand for illegal dumping in the City and region, some of which now occurs on farmland.
- Increasing the range and quality of soil available to local farmers by treating contaminated soils through bioremediation and custom soils manufacturing.
- Producing ground wood for animal bedding or as hog fuel for greenhouse boilers.
- Reducing pressure by others to apply to the Commission to convert productive farmland to landfill operations.
- Bringing 30 more hectares of Richmond farmland into agricultural production.
- Providing funds for City infrastructure projects that improve drainage and improve farm access in other parts of Richmond.

Ecowaste will also work with the City to establish a natural wetlands on part of its 32 ha ALR property (PID 003-845-231) at 8060 No. 6 Rd., as permitted by the ALC Act and Regulations.

7. What's At Stake?

While Canada and the world face a climate emergency, at the regional level Metro Vancouver is facing a waste crisis. More specifically, the region is challenged with limited options when it comes to disposing of all the demolition, construction and land clearing waste being generated each year. Since Ecowaste's 2015 ALC approval, more DLC waste was generated in the Lower Mainland than had been anticipated; local governments have mandated that more of the waste stream be recovered; technology has been developed to make it possible to do so; and other landfill options for the region have either disappeared or, in the case of the Vancouver Landfill, advanced its anticipated closure date from 2036 to 2028. Ecowaste will soon be the only landfill of any type in the region. [See Appendix A for more complete discussion of the waste issues which are driving the need for Ecowaste to continue its landfill beyond 2035.]

Ecowaste has a plan to extend the life of its landfill and recycle/repurpose more materials to address these challenges. It involves investing in more and bigger MRFs on site and adding 20 years to the life of the landfill. This is designed to recover more materials coming to the landfill that would otherwise be buried. Ecowaste had anticipated that, if its current ALC non-farm use application were approved, the landfill and the additional materials recovery facilities would continue to operate until 2055. If the additional 20 year term requested in that application is not approved, the only way of ensuring Ecowaste can continue to operate beyond 2035 is to have the two landfill Properties excluded from the ALR.

Adding more years to the term approved by the City and ALC in 2015 will ensure sufficient DLC waste will be available to enable the landfill to justify the costs of the three Materials Recovery Facilities. Keeping the landfill in operation will also give the region more time to address the long-term waste crisis and to plan for an eventual replacement of the Ecowaste landfill. It is noteworthy that:

1. There would be no change to the waste stream coming to the landfill if the properties were excluded from the ALR.
2. There would be no change to the source of this waste, i.e. it would remain primarily the Lower Mainland.
3. There would be no organics or “green waste” coming to the landfill, as is the case now.

Currently Ecowaste’s landfill accepts 260,000 tonnes of DLC waste annually while the Vancouver Landfill accepts 70,000 tonnes. The latter is scheduled to close in 2028. When that happens the DLC waste that Vancouver Landfill currently accepts each year will either be directed to Ecowaste or sent out of the region, most likely to the US. Governments need to plan for this today, which is why Ecowaste is making this application. And we are prepared to make the investment needed without any public funds.

If Ecowaste’s landfill and MRFs can continue to operate until 2055 it will enable the region to recycle/recover 45% to 50% more construction and demolition waste from the region each year; recycle/recover more types of waste from the existing waste stream; and extend the life of the landfill from 2035 to 2055. This will serve the waste needs of the region more comprehensively and for a longer period, and directly support Metro Vancouver’s **Integrated Solid Waste & Resource Management Plan** including such ISWRMP strategies and actions as:

- Strategy 2.4 Target demolition, land clearing and construction (DLC) sector for increased reuse and recycling
- Action 2.4.2 Implement waste reduction strategies directed toward diverting DLC waste from disposal while supporting opportunities for beneficial use.
- Action 2.4.3 Review existing DLC recycling and processing capacity, project future needs and develop a strategy to address any identified gaps.

Strategy 2.7 Target wood for reuse, recycle and energy recovery

Action 2.7.3 Encourage highest and best use for wood following waste management hierarchy in the following priority: (a) reuse..., (b) recycle... (c) compost..., (d) ...produce biofuels, (e) process wood as a fuel...

Strategy 4.2 Ensure a disposal site is available for DLC waste

Action 4.2.1 Assess long-term disposal of DLC waste remaining after recycling in collaboration with the private sector

Action 4.2.2 Identify disposal sites for DLC waste remaining after recycling that will be available when existing disposal facilities reach their capacity

8. Summary

- Ecowaste wishes to continue to provide a valued service to the residents of the City of Richmond and the Lower Mainland through its construction and demolition recycling and disposal services, including the landfill operation.
- Ecowaste has operated on this site since 1985 and has a consistent record of responsibly handling all waste materials.
- The Ecowaste Landfill is the only dedicated local disposal option in the region for construction and demolition waste. The Vancouver Landfill provides limited disposal options for C&D waste and is scheduled to close in 2028; what Vancouver Landfill and Ecowaste Landfill cannot take now or in the future would have to be exported out of the region, likely out of the country.
- Ecowaste Landfill is in full compliance with its Operational Certificate 4922 issued by the Ministry of Environment and Climate Change Strategy, and with the licences issued by Metro Vancouver. It will continue to do so after exclusion of the Properties.
- Ecowaste also has a long history providing the City of Richmond with recycling of yard waste (into compost) and accepting soils from public works activities at a discount, which will continue.

- The private investment by Ecowaste in the materials recovery facilities is \$40 – \$50 million so they are only viable if (1) they are located on the landfill itself and (2) they have many more years to recover Ecowaste’s costs.
- Even if the lands are excluded from the ALR the City will retain control over their use through its zoning and other bylaws, and through its regulation of servicing for water supply, wastewater collection and storm water collection and discharge.
- In Agricultural Land Commission Resolutions 384/2015 and 385/2015 the Commission encouraged Ecowaste and the City of Richmond to consider whether the Properties might be more appropriately used for industrial purposes.
- The ALC also suggested an alternative use such as Industrial might relieve pressures on higher quality land that is actively used for agriculture.
- The Commission also considered that the length of time the Properties had been used as a landfill may have limited the site’s potential to effectively support a soil-based agricultural operation.
- In August of 2020 the ALC recommended the company make an application to exclude the Properties from the ALR in order for the landfill and its waste recycling / recovery / diversion facilities to continue beyond 2035.

Contact: John Moonen, John Moonen & Associates Ltd.
5330 Montiverdi Place, West Vancouver, B.C. V7W 2W8
604.921.6433; 604.786.7654
johnmoonen@telus.net

Appendix A

As the population of the region grows, the amount of DLC waste increases, other landfill options disappear and technology improves, there will be an even greater demand for recycling and diverting waste from landfills. We believe Ecowaste’s landfill is the ideal place for them to be located. In Metro Vancouver’s November 2017 “**Biennial/5-Year Progress Report on the Integrated Solid Waste & Resource Management Plan (“ISWRMP”)** the amount of construction and demolition waste disposed of at the Vancouver Landfill and by private DLC landfills (including Ecowaste’s) grew from 306,065 tonnes in 2010 to 351,076 tonnes in 2016:

Year	Vancouver Landfill	Private Facilities	Total
2010	140,734	165,331	306,065
2011	196,498	169,961	366,459
2012	185,317	173,374	358,691
2013	159,303	233,039	392,342
2014	132,721	260,951	393,672
2015	124,044	266,338	390,382
2016	118,168	232,908	351,076

The total figure increased to 371,521 tonnes in 2017 [see MV’s “**2017 Recycling and Solid Waste Management Summary**”] and to 420,000 tonnes in 2018. With the recent loss of two other private landfills in the region, Ecowaste is having to accept a growing share. It accepted 86,000 tonnes of DLC waste in 2010; this grew to 190,000 tonnes in 2014 and to 260,000 tonnes in 2019. When the Vancouver Land Fill closes in 2028 this number will increase significantly.

In a 2016 report by Tetra Tech for Metro Vancouver entitled “**2015 Demolition, Land-clearing and Construction Waste Composition Monitoring Program**” the percentage of wood at VLF in 2015 was found to be significantly higher than it was in 2011. It had increased by 29% over 4 years. Wood now makes up over 40% of the materials accepted by Ecowaste: in 2015 this was 77,726 tonnes of the 190,000 tonne total. The Tetra Tech report also found that 27,720 tonnes of wood were sent “out-of-region” in 2015, out of a total of 70,000 tonnes leaving the region.

This cannot continue, which is one of the reasons in 2013 Ecowaste sought and obtained approval for Urban Wood Waste Recyclers to build and operate MRF #4 on its site. Now a larger MRF than originally approved by Richmond and the ALC is desperately needed. And additional materials recovery facilities (MRF #5 and MRF #6) need to be put in place to address the growing crisis.



AG 20-914852

Attachment 4

Address: 7011 No. 7 Road & PID 024-397-423

Applicant: Montrose Industries Ltd.

Planning Area(s): East Richmond

	Existing	Proposed
Owner:	Montrose Industries Ltd.	No change
Site Size:	<ul style="list-style-type: none">7011 No. 7 Road: 132.5 ac (53.6 ha)PID 024-397-423: 17.5 ac (7.1 ha)Total: 150 ac (60.7 ha)	No change
Land Uses:	Landfill activities and related uses	No change
OCP Designation:	Agriculture (AGR)	No change
Zoning:	Agriculture (AG1)	No change
Agricultural Land Reserve:	The site is contained in the ALR	Proposed removal of the site from the ALR



March 29, 2022

File: 0280-30

Ref: 196755

His Worship Mayor Malcolm D. Brodie
 City of Richmond
 6911 No. 3 Road
 Richmond, BC V6Y 2C1
 Email: mayorandcouncillors@richmond.ca

Dear Mayor Brodie,

Thank you for your letter of November 3, 2021, regarding the Agricultural Land Commission's (ALC) decision on EcoWaste Industries Ltd.'s (EcoWaste) application. In your letter, you request that the ministry review the matter and consider legislative changes to allow EcoWaste's landfill to extend its operations while remaining within the ALR. I apologize for the delayed response; the combination of the wildfire season followed by intense flooding has created challenging times for the agriculture sector in our province.

I understand that EcoWaste submitted a non-farm use application to expand and extend its operations in the Agricultural Land Reserve (ALR) to 2055. This application was not approved by the ALC. The City of Richmond (the City) requested reconsideration of this decision. This request was refused by the ALC because it did not meet the legislated criteria for reconsideration. EcoWaste has requested that the City make an application to the ALC to exclude the landfill from the ALR, which will be considered by the City in the coming months.

Protecting the ALR from illegal dumping of demolition and construction waste is important to the preservation of agricultural land. Government made regulatory changes in 2019 to expressly prohibit the use of this waste as fill on the ALR. The provision of legitimate landfills to accept and manage demolition and construction waste is a critical component to protecting the entire ALR because it reduces barriers to compliance with illegal dumping restrictions.

The Ministry is looking into the matter and encourages the affected parties (e.g., EcoWaste, local government, etc.) to exhaust all available avenues to resolve this issue.

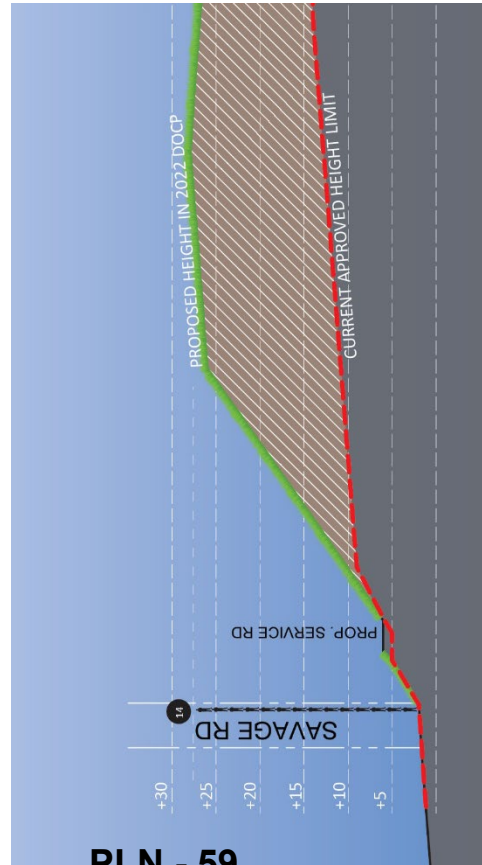
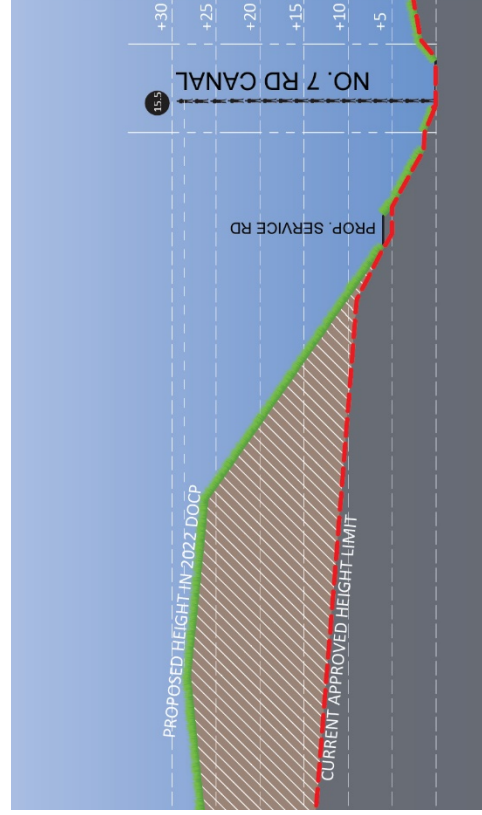
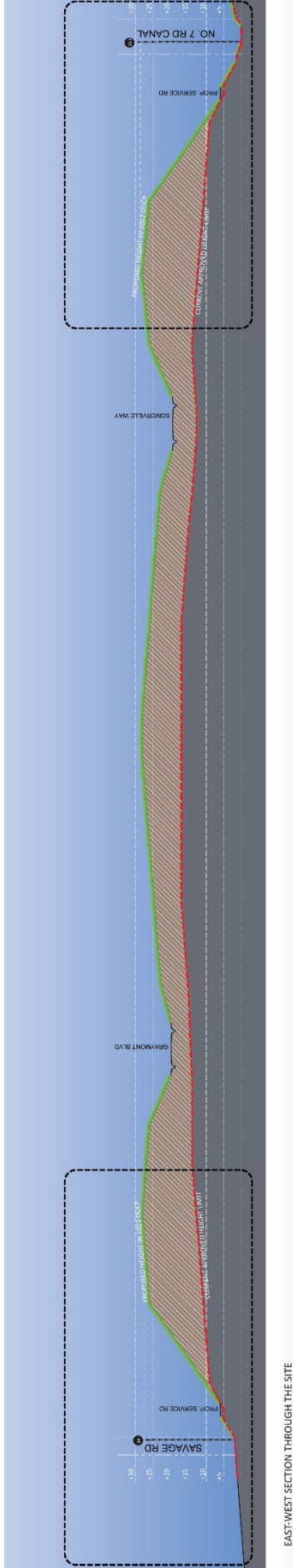
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Thank you again for your follow-up communication and your continued efforts to support agriculture in the province.

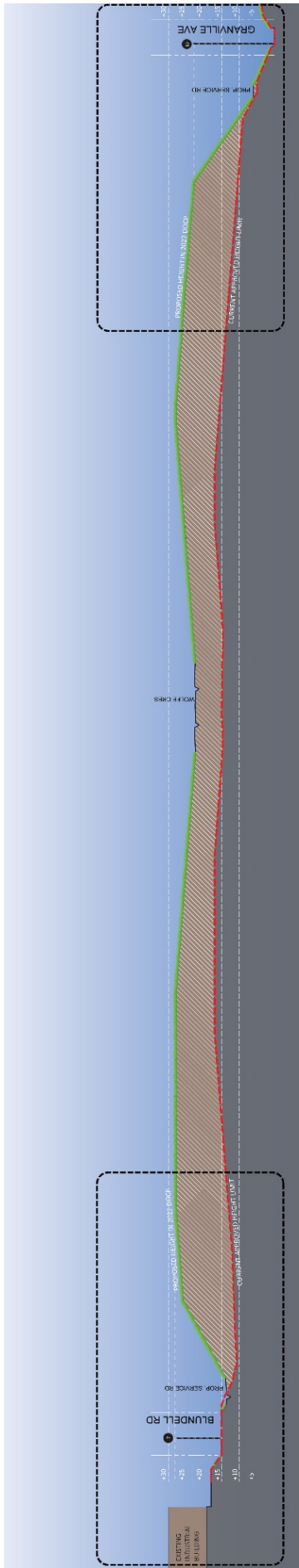
Sincerely,

A handwritten signature in blue ink that reads "Lana Popham". The signature is written in a cursive, flowing style.

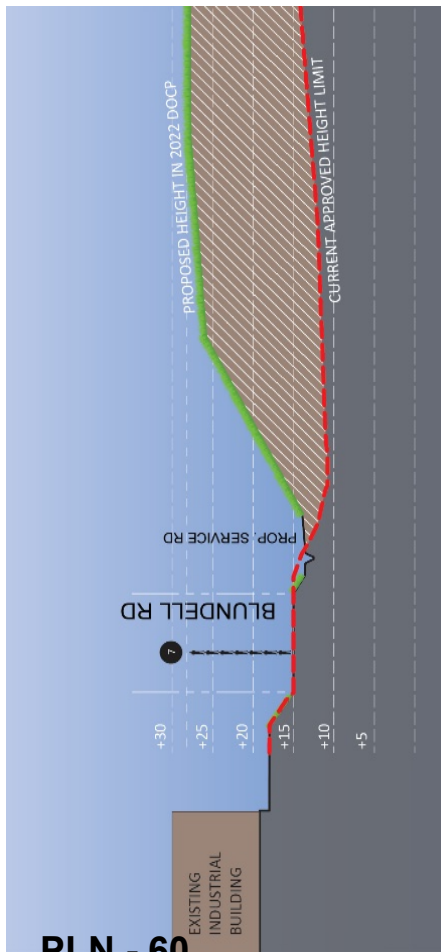
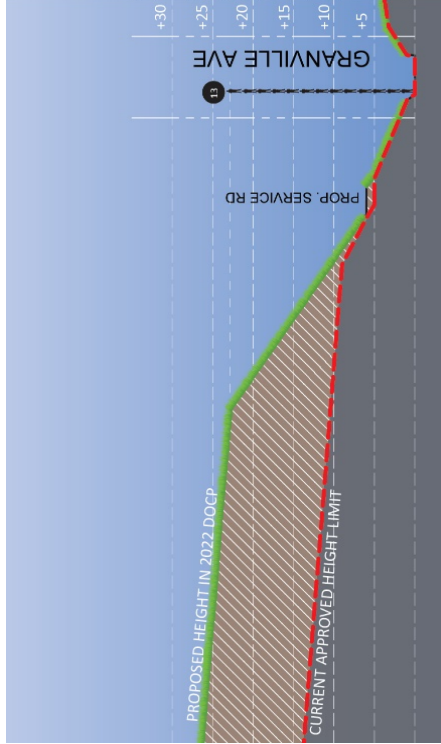
Lana Popham
Minister



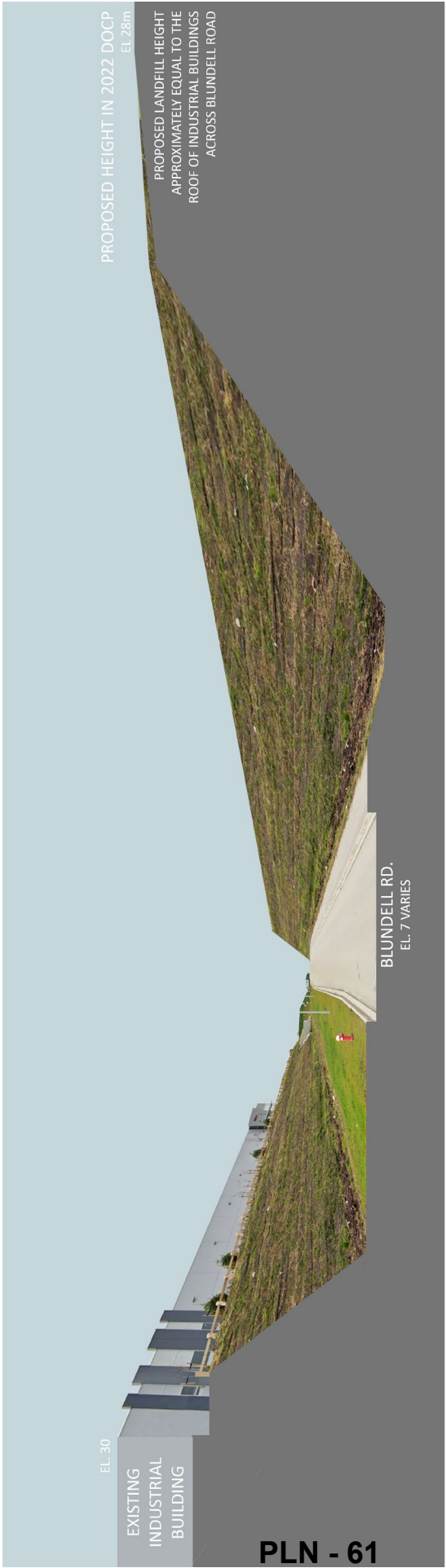
PLN - 59



NORTH-SOUTH SECTION THROUGH THE SITE



PLN - 60



EL. 30

EXISTING
INDUSTRIAL
BUILDING

PLN - 61

BLUNDELL RD.
EL. 7 VARIES

PROPOSED HEIGHT IN 2022 DOCP
EL. 28m

PROPOSED LANDFILL HEIGHT
APPROXIMATELY EQUAL TO THE
ROOF OF INDUSTRIAL BUILDINGS
ACROSS BLUNDELL ROAD

POTENTIAL VIEW ALONG BLUNDELL ROAD

January 21, 2022
File: AG 20-914852



100 - 3031 Viking Way,
Richmond, BC, Canada
V6V 1W1

T (604) 276-9511
F (604) 270-4185

Delivered via email only

Steven De Sousa
Planning & Development Division
City of Richmond
6911 No. 3 Road
Richmond BC
V6Y 2C1

Dear Steven De Souza,

I am writing in response to the questions and issues you raised in your March 5, 2021, letter regarding Montrose's application to exclude 7011 No. 7 Road & PID 024-397-423 from the Agricultural Land Reserve (**processed by the City of Richmond under reference number AG 20-914852**). In September 2021, I became CEO of Montrose Industries and will be the primary contact point going forward.

Since joining Montrose, my informal discussions with City of Richmond councillors and all other stakeholders has confirmed, in our view, a broad understanding and agreement on the value of securing the future of this landfill which provides significant benefits to both Richmond and the broader Metro Vancouver region and beyond. Our landfill is one of only two operating landfills in the Lower Mainland, and without approval of our exclusion application, we will be forced to begin a wind-down process in late 2022 or early 2023 for closure in 2024.

Each stakeholder I talk to has encouraged Montrose to follow up directly with City staff on the proposals we outlined in our initial application. These proposals explain how we can work together to provide a benefit to agricultural production for the City, enhance City infrastructure and provide critical ecological system functions through the creation of a wetland.

An update on our proposals to the City of Richmond

In your March 2021 letter you requested additional information on the proposals included in our initial application, which I have provided below:

- a) **Put into agricultural production two of Montrose's other ALR properties that are not being farmed.** You wrote in your letter that "*staff do not consider this a benefit to agriculture as the lands are already in the ALR and there are currently no impediments to bringing these lands into agricultural production.*" We believe there are benefits in using this land for agricultural production rather than having it lie fallow. We are currently working with potential partners on proposals that will bring these lands into agricultural production

so they can contribute to the local food supply and provide local employment. We will continue to keep the City informed as we go forward.

- b) **Make a financial contribution towards City infrastructure projects that improve drainage and improve farm access in other parts of Richmond.** In your March 2021 letter you asked us to provide additional details and to quantify our financial contribution. Montrose is prepared to make a financial contribution of \$25,000 for each of the 150 acres we have requested to be excluded from the ALR, with the monies earmarked for agricultural enhancement projects that improve drainage, expand farm access or make other needed improvements to enhance farming in Richmond. The total value of this contribution would be \$3.75 million.
- c) **Establish a natural wetlands on part of our 32-hectare ALR property at 8030 No. 6 Road as permitted under the ALC Act and Regulations.** In your March 2021 letter you asked for more details on the proposed wetlands and how it could coordinate with efforts to protect Sandhill crane habitat. Montrose is prepared to set aside approximately 10 hectares of this 32-hectare site for an extended term lease to create a wetland, within the rules set out by the ALC for such use. We estimate a market cost to us of \$4.5 million for the loss of use of this land for 30 years. We would also contribute up to \$1M towards the cost of constructing the wetlands. The result would be an important wetland ecosystem that could provide crucial habitat to Sandhill cranes as well as other animal and plant species.

Additional context and rationale

We note that the main reason we are applying for exclusion, is it would facilitate our ability to continue operating until 2055 instead of 2035, thus providing for the long term, a unique and crucial facility for the Region and significantly advance broad recycling goals and results.

To this goal, in 2020, Richmond City Council unanimously approved our application to construct a new materials recovery facility at our site and to extend our operating term by 20 years, to 2055. The City forwarded our application to the ALC for approval. However, the ALC could not approve an operating extension beyond 2035 given that amendments to the ALR Use Regulation in 2019 prohibited placing construction and demolition waste on ALR lands.

In addition, an impetus for our exclusion application to the City originally came from the ALC itself. In 2015 and again in 2020, the ALC encouraged Montrose and the City of Richmond to consider whether the land under discussion might be more appropriately used to expand the adjoining industrial area rather than be used for agricultural purposes.

If the City is concerned that the current agricultural land use designation of these properties will be lost as a result of their being excluded from the ALR, the City will continue to have complete control over zoning the land should the properties be excluded from the ALR.

Our application supports important City-endorsed policies

Your March 2021 letter noted that Montrose’s proposed application was “contrary to existing City policies regarding maintaining the existing ALR boundary.” While we appreciate this, we submit that several aspects of this application support other City and City-endorsed policies, including:

- (a) **“Support the use of agricultural land for local food production and encourage a local food network to increase local food supply and consumption”** (from the City’s Farming First Strategy) by bringing into production over 30 hectares of land that have never been farmed;
- (b) **“Continue improvements to irrigation and drainage infrastructure in support of agricultural production”** and **“Support farm access to properties located in the ALR”** (from the City’s Farming First Strategy), by providing the City with \$3.75 million to spend on irrigation, drainage, farm access and other improvements;
- (c) **“Target demolition, land clearing and construction (DLC) sector for increased reuse and recycling”** and **“Ensure a disposal site is available for DLC waste”** (from Metro Vancouver’s Integrated Solid Waste and Resource Management Plan) by ensuring the continued operation of the landfill; and
- (d) **“Preserve wildlife habitat, the natural environment and our natural and cultural heritage”** (from the City’s Parks, Recreation and Cultural Services Master Plan), by creating wetlands.

We welcome the opportunity to meet with you and other City staff to discuss these proposals in more detail. Our goal is to work together on short- and long-term solutions that enable the City to:

- responsibly meet the waste disposal and material recycling needs of its residents,
- support food production,
- invest in needed agricultural infrastructure projects, and
- create new environmentally protected wetlands.

I also encourage you to take a look at the video at <https://vimeo.com/loftymedia/ecowaste> to see our site and learn more about our long-term vision for being part of Richmond and the Lower Mainland’s sustainable future. I look forward to continuing this discussion with you.

Sincerely,

Michael Kennedy
President & CEO
Montrose Industries Ltd.

cc: John Moonen