



City of Richmond

Report to Committee

To: General Purposes Committee **Date:** August 27, 2015
From: Amarjeet S. Rattan **File:** 01-0005-01/2015-Vol
 Director, Intergovernmental Relations and Protocol Unit 01
Re: Revised UBCM Resolution - Port Metro Vancouver and Agricultural Lands

Staff Recommendation

That the Federal Port Operations on Agricultural Land Resolution, as proposed in the August 27, 2015 staff report from the Director of Intergovernmental relations and Protocol Unit, be submitted to the Union of BC Municipalities for their endorsement (Attachment 2).

Amarjeet S. Rattan
 Director, Intergovernmental Relations and Protocol Unit
 (604-247-4686)

REPORT CONCURRENCE		
ROUTED TO: Policy Planning	CONCURRENCE <input checked="" type="checkbox"/>	CONCURRENCE OF GENERAL MANAGER
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: 	APPROVED BY CAO (DEPUTY)

Staff Report

Origin

At the March 23, 2015 Council Meeting, the City resolution '*Discouraging Port Metro Vancouver (PMV) From Expanding on Agricultural Lands*' (Attachment 1) was endorsed for submission to the Lower Mainland Local Government Association (LMLGA) and the Union of BC Municipalities (UBCM).

This City resolution was subsequently endorsed by LMLGA and sent to UBCM for their endorsement. UBCM has requested that this resolution be revised and resubmitted for inclusion in their 2015 Resolutions.

Analysis

As PMV has refused to acknowledge the City's concerns, in relation to their ownership and future use of ALR lands, staff recommend that the City direct its efforts to collaborating with the Lower Mainland Local Government Association (LMLGA), Union of BC Municipalities (UBCM), Federation of Canadian Municipalities (FCM), Metro Vancouver and member municipalities, to seek their support in requesting that the Government of Canada reform and improve PMV- Municipal relations through changes to federal regulations and policies to compel PMV to engage in meaningful consultations with municipalities, and adhere to municipal and regional bylaws and policies.

Accordingly, a Resolution (Attachment 1) outlining City concerns and recommendations was forwarded to LMLGA and UBCM to gain their support in pursuing federal regulatory changes to PMV operations which impact municipal interests.

On May 7, 2015, the LMLGA unanimously endorsed the City resolution and sent it to UBCM for inclusion in their 2015 Resolutions.

The UBCM Resolutions Committee has now reviewed this City resolution and recommended that it be referred back to LMLGA as "the issue as stated in the resolution is specific to Port Metro Vancouver and therefore regional in nature".

Through subsequent discussions with UBCM, a revised City resolution (Attachment 2) has been prepared. If approved by Council, UBCM has advised that it will accept this and include it in their late resolutions to be considered in the September 25th resolution session of the upcoming annual convention.

Financial Impact

No financial impact.

Conclusion

A City resolution with respect to PMV ownership of agricultural land was endorsed by the LMLGA and submitted to UBCM. However, the UBCM Resolutions Committee reviewed this City resolution and recommended that it be referred back to LMLGA as “the issue as stated in the resolution is specific to Port Metro Vancouver and therefore regional in nature”. UBCM has now indicated that it is prepared to accept a revised resolution (Attachment 2) for consideration as part of its late resolutions session, as outlined in the staff report.

A handwritten signature in black ink, reading "A. Rattan", with a horizontal line underneath.

Amarjeet S. Rattan
Director, Intergovernmental Relations and Protocol Unit
(604-247-4686)

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Att. 1: LMLGA/UBCM Resolution
2: Revised UBCM Resolution

City of Richmond Resolution to LMLGA and UBCM:

Discouraging Port Metro Vancouver (PMV) From Expanding on Agricultural Lands Resolution:

WHEREAS the *Canada Marine Act* (e.g., through *Letters Patent* and pursuant to the *Port Authorities Management Regulations*) allows Port Metro Vancouver (PMV) to undertake port activities including the shipping, navigation, transporting and handling of goods and passengers, including managing, leasing, licensing, acquiring and disposing of lands for the purposes of operating and supporting port operations;

AND WHEREAS PMV has purchased land in the BC Agricultural Land Reserve (ALR) in the City of Richmond, totaling 241.51 acres, which over time it intends to develop for port purposes and these ALR land purchases have been authorized by the issuance of *Supplementary Letters of Patent* signed by the Minister of Transport Canada;

AND WHEREAS the City of Richmond has advised PMV that it continues to strongly object to its Land Use Plan, as it does not protect ALR land, and has requested the PMV Board to delete the “Special Study Areas’ located within ALR in the City of Richmond, and create a policy which prohibits the expansion of PMV operations on all ALR lands;

THEREFORE BE IT RESOLVED that the Lower Mainland Local Government Association (LMLGA) and the Union of BC Municipalities (UBCM) call on the federal government and the Minister of Transport Canada, through the Federation of Canadian Municipalities (FCM) and other avenues as appropriate, to:

1. Request the Minister of Transport Canada to rescind the March 24, 2009 *Supplementary Letter of Patent* (attached) issued by the Honourable John Baird, Minister of Transport , Infrastructure and Communities, which authorized the transfer of the 229.34 acre Agricultural Lands real property, described in this *Supplementary Letter of Patent*, from A.C. Gilmore & Sons (Farms) Ltd. to PMV, and order the PMV Board to dispose of this real ALR property and other real ALR properties, currently designated in their Plan as ‘Special Study Areas’, for agricultural purposes, at fair market value;
2. Request the Minister of Transport Canada, by way of regulatory changes (e.g., to *the Canada Marine Act, the Port Authorities Management Regulations and Letters of Patent*), to prohibit the PMV and its subsidiaries, from purchasing any ALR land in the City of Richmond and within the Metro Vancouver region, for port purposes; and
3. Request the Minister of Transport Canada to require PMV to establish, with the local governments located within the area in which it operates, a meaningful consultation process and a formal dispute resolution process to address Municipal/PMV issues arising from its operations and activities.

ENDORSED BY THE LOWER MAINLAND LOCAL GOVERNMENT ASSOCIATION

UBCM RESOLUTIONS COMMITTEE RECOMMENDATION: Refer Back to Area Association

UBCM RESOLUTIONS COMMITTEE COMMENTS:

The Resolutions Committee advises that the UBCM membership has not previously considered a resolution requesting that the federal government prohibit the acquisition by port corporations of land in the BC Agricultural Land Reserve for non-agricultural, port purposes.

The Committee would observe that the issue as stated in the resolution is specific to Port Metro Vancouver and therefore regional in nature.

Revised City Resolution to UBCM:

Federal Port Operations on Agricultural Land

Whereas the *Agricultural Land Reserve Act* and regulations establish the Agricultural Land Reserve (ALR) as a provincial zone in which agriculture is recognized as the priority land use, farming is encouraged, and non-agricultural uses are restricted;

And whereas the Canada *Marine Act* empowers federal port authorities to undertake port activities including the shipping, navigation, transporting and handling of goods and passengers, including managing, leasing, licensing, acquiring and disposing of lands for the purposes of operating and supporting port operations;

And whereas the provisions of the Canada *Marine Act* effectively exempt federal port authorities operating in BC from the land use provisions of the *Agricultural Land Reserve Act* and regulations;

And whereas Port Metro Vancouver, a federal port authority, has purchased land in Richmond, BC that falls within the Agricultural Land Reserve, and which over time it may wish to develop for port operations rather than agricultural use—a situation that could occur in any region of the province where a federal port authority operates;

And whereas the City of Richmond has expressed opposition to the Land Use Plan that Port Metro Vancouver prepared for the ALR land that it purchased in Richmond, specifically the fact that the plan may contemplate future non-agricultural use of ALR land:

Therefore be it resolved that UBCM call on the provincial and federal governments to:

- order federal port authorities operating in BC to sell at fair market value any currently held real properties that fall within the Agricultural Land Reserve;
- enact legislative and regulatory changes to prohibit federal port authorities from purchasing land within the Agricultural Land Reserve if the intended use is non-agricultural; and
- require federal port authorities to establish meaningful consultation processes and a formal dispute resolution process with neighbouring local governments, to address issues arising from federal port operations and activities;

And be it further resolved that in the specific case of Port Metro Vancouver, UBCM urge the Board of Directors of Port Metro Vancouver to adopt a policy prohibiting the expansion of Port Metro Vancouver operations onto lands within the Agricultural Land Reserve.