



To: Planning Committee
From: Wayne Craig,
Director, Development
Re: **Recent Decision by the Executive Committee of the Agricultural Land Commission on Agricultural Land Reserve Application for Non-Farm Use by Sanstor Farms Ltd. at 14671 Williams Road**
Date: April 25, 2018
File: AG 16-734186

The purpose of this memo is to advise members of the Planning Committee on a recent decision by the Executive Committee of the Agricultural Land Commission (ALC) on the Agricultural Land Reserve (ALR) application for a non-farm use by Sanstor Farms Ltd. at 14671 Williams Road. It was decided by the majority of the Executive Committee to reverse the decision of the South Coast Panel and refuse the application for a sand storage depot on the subject property.

Background

In 2016, Sanstor Farms Ltd. applied to the City of Richmond for permission to apply to the ALC for a non-farm use at 14671 Williams Road to use approximately 5 ha (12.4 ac.) of the eastern portion of the site for an outdoor sand storage facility. The remaining 3.3 ha (8.2 acres) of the site was proposed to be improved and used for soil based agricultural production. On July 24, 2017, City Council resolved to forward this non-farm use application to the ALC for their consideration.

On January 16, 2018, the South Coast Panel of the ALC released its decision that the majority of the South Coast Panel approved the non-farm use application. On January 31, 2018, the City was informed that the ALC Chair had reviewed the decision made by the South Coast Panel and referred the matter to the Executive Committee of the Commission for reconsideration. The ALC Chair directed the reconsideration on the basis that the decision made by the South Coast Panel may not fulfill the purposes of the ALC as set out in Section 6 (Purpose of the Commission) of the *Agricultural Land Commission Act*.

The ALC Executive Committee consists of the ALC Chair and the six Vice-Chairs of the Commission.

Executive Committee Decision

On April 17, 2018, the Executive Committee released its decision on the application. The majority of the Executive Committee decided to reverse the decision of the South Coast Panel and refuse the non-farm use application for a sand storage depot on the subject property. In the reasons for the

decision of the Executive Committee (Attachment 1), it is indicated that the majority of the Committee found that the proposal does not preserve agricultural land as:

- the proposal is an industrial use and is therefore more appropriately located on land that is available outside of the ALR; and
- the property would be utilized indefinitely for an industrial use that is more appropriately located outside of the ALR.

It is important to note that the applicant has one (1) year from the date that the decision was released, which was on April 17, 2018, to submit a request for reconsideration. Staff will inform members of the Planning Committee should the applicant submit a request for reconsideration. In the meantime, this application will be considered closed. Staff will continue to work with the property owners to find an alternative site, either private or City owned, that are not in the ALR and are industrially zoned which could be suitable for a sand storage facility.

If you have any questions, please contact me at 604-247-4625.



Wayne Craig
Director, Development

WC:jh

Att. 1: Letter dated April 17, 2018 from the ALC Indicating Release of Decision from ALC Executive Committee



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

April 17, 2018

ALC File: 55285

Brian French
C&F Land Resource Consultants Ltd.
DELIVERED ELECTRONICALLY

Dear Mr. French:

Re: Application 55285 to to conduct a non-farm use in the Agricultural Land Reserve

Please find attached the Reasons for Decision of the Executive Committee for the above noted application (Resolution #125/2018). As agent, it is your responsibility to notify the applicant accordingly.

Request for Reconsideration of a Decision

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

Please direct further correspondence with respect to this application to Shawna Wilson at (Shawna.Mary.Wilson @gov.bc.ca).

Yours truly,

Shawna Wilson, Land Use Planner

Enclosures: Reasons for Decision (Resolution #125/2018)
Schedule A: Reasons for Decision of the South Coast Panel, Resolution
#15/2018
Schedule B: January 31, 2018 Chair Referral of Resolution #15/2018 to the
Executive Committee

cc: City of Richmond (File: AG 16-734186)



AGRICULTURAL LAND COMMISSION FILE 55285

RECONSIDERATION OF ORIGINAL APPLICATION REASONS FOR DECISION OF THE EXECUTIVE COMMITTEE

Non-Farm Use application submitted under s. 20(3) of the *Agricultural Land Commission Act*

Applicant: Sanstor Farms Ltd. Inc. No.
BC0971292

Agent: Brian French, C&F Land
Resource Consultants Ltd.

Property: Parcel Identifier: 003-464-504
Legal Description: South Half of the South East
Quarter, Section 28, Block 4 North, Range 5 West,
Except: South 33 Feet, New Westminster District
Civic: 14671 Williams Road, Richmond, BC
Area: 8.3 ha

Executive Committee: Frank Leonard, Chair
William Zylmans, South Coast Panel
Richard Mumford, Interior Panel
Linda Michaluk, Island Panel
David Zehnder, Kootenay Panel
Dave Merz, North Panel



OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA). The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.
- [2] Pursuant to s. 20(3) of the ALCA, the Applicant is applying to the Agricultural Land Commission (the "Commission") to establish a dredged river sand depot (the "Depot") on the eastern 5 ha of the Property (the "Proposal").
- [3] By Resolution #15/2018, dated January 16, 2018, the South Coast Panel approved the Proposal (the "Original Decision").
- [4] On January 31, 2018, the Original Decision was referred by the Chair to the Executive Committee of the Commission under s. 33.1 of the ALCA.
- [5] The Proposal was considered in the context of the purposes of the Commission set out in s. 6 of the ALCA. These purposes are:
 - (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

- [6] The Executive Committee considered the following evidence:
 - 1. The Proposal along with related documentation from the Applicant, Agent, local government, third parties, and Commission (collectively referred to as the "Application");
 - 2. The Original Decision; and



3. The Chair Referral of the Original Decision to the Executive Committee, dated January 31, 2018.

BACKGROUND

[7] In 2018, South Coast Panel Chair Zylmans and Commissioner Bains (the “majority of the South Coast Panel”) approved the Proposal by Resolution #15/2018. In their review of the Proposal, the majority of the South Coast Panel found the following:

- “the required pumping infrastructure has already been established for the existing use on the Adjacent Property and that limited additional infrastructure is required for the Depot. In consideration of the location requirements of the sand storage depot, in this circumstance, the majority of the Panel finds that the Depot is appropriately located on the Property”
- “the construction of the berms and implementation of drainage the Proposal would not have a negative impact to surrounding agricultural land”
- “the use of . . . non-permanent structures does not preclude the Property from reclamation of the area in the future”
- “the storage of clean sand does not preclude this portion of the Property from reclamation in the future. The majority of the Panel also finds that the stored river sand could be used for reclamation of the Property in the future”
- “the sand storage depot would facilitate the provision of clean sand, an input used in some agricultural operations, and that its operation would provide a benefit to agricultural activities in the region”

[8] South Coast Panel Commissioner Smith was the dissenting vote of Resolution #15/2018. The dissenting vote outlined the following reasons:

- “the Proposal is not in keeping with the purpose of s.6(a) of the ALCA to preserve agricultural land”
- “sand storage is not a permitted use in the ALR and is more appropriately located on land outside the ALR”
- “alternative locations for sand storage exist outside the ALR”



FINDINGS OF THE MAJORITY OF THE EXECUTIVE COMMITTEE

This section sets out the findings of Chair Leonard, Commissioner Mumford, Commissioner Michaluk, Commissioner Zehnder, and Commissioner Merz (the “majority of the Executive Committee”).

[9] The Application submits that “[t]he requirements for a Fraser River dredge sand storage site are very constrained by distance from the River, proximity to critical dredge sites and suitability of the site for this type of heavy industrial use”. The Executive Committee reviewed submissions included in the Application from the Agent and the City of Richmond regarding potential locations for the Depot outside of the ALR. The majority of the Executive Committee finds that the Proposal is an industrial use and is therefore more appropriately located on land that is available outside of the ALR.

[10] The Application submits that the Depot would occupy the eastern 5 ha of the Property and that a series of berms and canals would be constructed in order to contain the sand storage area. In addition, non-permanent structures, a paved access area, and a constant volume of approximately 100,000 cubic metres of dredged sand will be associated with the Depot. In consideration of the Proposal, the majority of the Executive Committee referred to the purpose of the Commission outlined in s. 6(a) of the ALCA to preserve agricultural land. The majority of the Executive Committee finds that a 5 ha portion of the Property will be utilized indefinitely for an industrial use that is more appropriately located outside the ALR and therefore the Proposal does not preserve agricultural land.

DECISION OF THE MAJORITY

[11] For the reasons given above, the Executive Committee reverses the decision of the South Coast Panel recorded as Resolution #15/2018 and refuses the Proposal.

[12] A decision of the Executive Committee is a decision of the Commission pursuant to s. 10(3) of the *Agricultural Land Commission Act*.



Reasons for Decision of the Executive Committee
Reconsideration of Resolution #15/2018, Application 55285

DISSENTING REASONS

[13] This section sets out the dissenting reasons of Commissioner Zylmans.

[14] I, Commissioner Zylmans, reaffirm the reasons given as the decision of the majority of Resolution #15/2018.

RESOLUTION AND RELEASE

[15] This decision is recorded as Resolution #125/2018 and is released on April 17, 2018.

CERTIFICATION OF DECISION

A handwritten signature in black ink, reading "Frank Leonard", is written above a horizontal line.

Frank Leonard, Chair (majority)

A handwritten signature in black ink, reading "Dave Merz", is written above a horizontal line.

Dave Merz, North Panel (majority)

A handwritten signature in black ink, reading "R. Mumford", is written above a horizontal line.

Richard Mumford, Interior Panel (majority)

A handwritten signature in black ink, reading "David Zehnder", is written above a horizontal line.

David Zehnder, Kootenay Panel (majority)



Reasons for Decision of the Executive Committee
Reconsideration of Resolution #15/2018, Application 55285

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Linda Michaluk, Island Panel (majority)

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William Zylmans, South Coast Panel (in dissent)



Agricultural Land Commission Schedule A
ALC File 55285 (Sanstor Farms Ltd)
ALC Resolution #125/2018

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

January 16, 2018

ALC File: 55285

Brian French
C&F Land Resource Consultants Ltd.
DELIVERED ELECTRONICALLY

Dear Mr. French:

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the South Coast Panel (Resolution #15/2018) as it relates to the above noted application. A Decision Map depicting the decision is also attached (Schedule A). 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.

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.

The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the ALC website.

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

Page 2 of 2

Further correspondence with respect to this application is to be directed to Shawna Wilson at (Shawna.Mary.Wilson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink that reads "Shawna Wilson". The signature is written in a cursive, flowing style.

Shawna Wilson, Land Use Planner

Enclosures: Reasons for Decision (Resolution #15/2018)
Schedule A: Decision Map
Schedule B: Site Plan

cc: City of Richmond (File: AG 16-734186)

55285d1



AGRICULTURAL LAND COMMISSION FILE 55285

REASONS FOR DECISION OF THE SOUTH COAST PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicants:

**Sanstor Farms Ltd. Inc. No.
BC0971292
(the “Applicants”)**

Agent:

**Brian French, C&F Land
Resource Consultants Ltd.
(the “Agent”)**

Application before the South Coast Regional Panel:

**William Zylmans, Panel Chair
Satwinder Bains
Ione Smith**



THE APPLICATION

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

Parcel Identifier: 003-464-504

South Half of the South East Quarter, Section 28, Block 4 North, Range 5 West,

Except: South 33 Feet, New Westminster District

(the "Property")

[2] The Property is 8.3 ha.

[3] The Property has the civic address 14671 Williams Road, Richmond, BC.

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

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

[6] Pursuant to s. 20(3) of the ALCA, the Applicant is applying to establish a dredged river sand depot (the "Depot") on the eastern 5 ha of the Property (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

[7] In addition to the Proposal, the Applicant wants to make agricultural improvements to the western 3 ha of the Property. The Application submits that the land will be improved by the installation of drainage, the placement of 0.5 metres of topsoil (to be salvaged from the establishment of the proposed Depot on the eastern portion of the Property), and the addition of soil amendments including lime and fertilizer. The agricultural improvements as described do not require an application to the Commission. For this reason, the Panel only considered the Depot.

RELEVANT STATUTORY PROVISIONS

[8] The Application was made pursuant to s. 20(3) of the ALCA:



20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[9] 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

[10] The Panel considered the following evidence:

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

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

[11] At its meeting of July 24, 2017, the Council of the City of Richmond resolved to forward the Application to the Commission.



FINDINGS

[12] In assessing agricultural capability, the Panel referred 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/3h for the mapping units encompassing the Property are Class 2 and Class 3, more specifically 99% (6: 03LW - 4: 3DW) 1% (6: 02LW - 4: 3DW) where O represents 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), and D (undesirable soil structure and/or low perviousness).

[13] The Panel reviewed the BCLI ratings and finds that the Property can support agriculture.

[14] This following section sets out the findings of Panel Chair Zylmans and Commissioner Bains (the "majority of the Panel").

[15] E. Mathers Bulldozing, a subsidiary company of Sanstor Farms Ltd., currently operates a dredged river sand storage depot on the adjacent non-ALR property to the east of the Proposal (PID 003-475-727) (the "Adjacent Property"). The property on which the current dredged river sand storage depot is operating is in the process of developing warehouses for industrial use. The Application submits that the dredged river sand depot is incompatible with the industrial development of the Adjacent Property and therefore relocation is required in order to continue operating.

[16] The eastern 5 ha of the Property is not cleared. The Application submits that the Depot would occupy the eastern 5 ha portion of the Property and that the existing vegetation would

be cleared, the site grubbed, and the topsoil stripped and salvaged for use on the western 3 ha of the Property.

[17] With regard to the proposed site for the Depot, the Application submits that “[t]he requirements for a Fraser River dredge sand storage site are very constrained by distance from the River, proximity to critical dredge sites and suitability of the site for this type of heavy industrial use”. The Application further submits that “dredging infrastructure composed of buried and surface input pipe and drainage water conduit are already installed on the western boundary of the existing Mathers site and would be reconfigured to fit the new site”. In the local government report, the City of Richmond provided alternative locations for the Depot that are outside of the ALR. The Agent provided a response to the alternative locations identified by the City of Richmond in a letter dated August 30, 2017. The Panel reviewed the submissions regarding the location of the Depot. The majority of the Panel finds that the required pumping infrastructure has already been established for the existing use on the Adjacent Property and that limited additional infrastructure is required for the Depot. In consideration of the location requirements of the sand storage depot, in this circumstance, the majority of the Panel finds that the Depot is appropriately located on the Property.

[18] A series of berms and canals are proposed to be constructed for the Depot in order to contain the sand storage area, including:

- a) a one to two metre high perimeter berm to isolate the Proposal from the eastern portion of the Property and adjacent ALR land;
- b) an intercept drainage canal, within the perimeter berm to collect and pump drainage water from the Proposal into the Fraser River;
- c) a berm, inside the intercept canal, approximately four to five metres in height to contain the dredged river sand.

The majority of the Panel finds that with the construction of the berms and implementation of drainage the Proposal would not have a negative impact to surrounding agricultural land.

- [19] No permanent structures are required for the Proposal. The non-permanent structures associated with the Depot include a scale house on wheels and a scale on lock blocks. The Agent submits that a fabric roof building with a lock block base may also be required in the future. The majority of the Panel finds that the use of these non-permanent structures does not preclude the Property from reclamation of the area in the future.
- [20] The Application submits that approximately 100,000 cubic metres of dredged river sand will remain on the eastern 5 ha portion of the Property at all times. As the material proposed to be stored is sand of a quality suitable for agriculture, the Panel finds that the storage of clean sand does not preclude this portion of the Property from reclamation in the future. The majority of the Panel also finds that the stored river sand could be used for reclamation of the Property in the future.
- [21] A paved area is proposed for access to the Depot. The proposed paved area is $\pm 1,650$ square metres but that it could be reduced to ± 600 square metres, if necessary. The majority of the Panel finds that a ± 600 square metres paved area would be sufficient for the proposed use.
- [22] The majority of the Panel finds that the sand storage depot would facilitate the provision of clean sand, an input used in some agricultural operations, and that its operation would provide a benefit to agricultural activities in the region.

DECISION OF THE MAJORITY

- [23] For the reasons given above, the majority of the Panel approves the Application subject to the following conditions:

General

- a. approval is provided for sand storage of dredged river sand from the south arm of the Fraser River; no other sand may be stored on the Property;
- b. approval for the non-farm use is granted for the sole benefit of the Applicant and is non-transferable;
- c. no permanent infrastructure for the Depot is to be established on the Property;

Prior to Depot Operations

- d. the registration of a covenant on title stating that the Depot is for the sole benefit of the Applicant, that the sand storage depot is only to be used for sand storage of dredged river sand from the south arm of the Fraser River, and that approval for the sand storage operations is terminated should the Applicants cease the Depot operations;
- e. siting of the non-farm use as identified in the attached Decision Map (Schedule A) and the attached Site Plan (Schedule B);
- f. the establishment of the berms and canals on the easterly 5 ha of the Property as described in Paragraph 18 above and illustrated as “buffer, berm and collector ditch” on the attached Site Plan (Schedule B);
- g. the maximum area to be paved is 600 square metres;
- h. to ensure the successful implementation of remediation, a financial security in the form of an Irrevocable Letter of Credit (ILOC) in the amount of \$300,000 must be made payable to the Minister of Finance c/o the Agricultural Land Commission. The ILOC is to ensure remediation is conducted in accordance with the information submitted with the Application and the conditions of this decision. For greater clarity, some or all of the ILOC will be accessible to, and used by, the Commission upon the failure of the Applicant to comply with any or all aspects of the conditions of approval contained herein;
- i. should rezoning of the Property be required, the rezoning must include agricultural uses; the proposed rezoning must be reviewed and approved by the Commission prior to first reading;

During Depot Operations

- j. heavy equipment that is not required in the daily operations of the Depot cannot be stored on the Property;
- k. sand pumping and storage activities must not negatively impact the drainage of adjacent properties;
- l. the submission of a report every five (5) years for the duration of the Depot operation outlining the following:
 - i. the volume of sand stored annually for each year in the five year period



- ii. the agricultural use and improvements carried out for each year in the five year period

Post Depot Operations

m. should the Depot cease operations, the Property must be remediated in accordance with the correspondence dated October 31, 2017 from Brian French and the reclamation plan outlined in the *Assessment of Agricultural Capability for 14671 Williams Road, Richmond, B.C.* prepared by C&F Land Resource Consultants Ltd. dated April 20, 2016 (excerpts from each compiled in the attached Schedule C: Reclamation Plan);

[24] 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.

[25] When the ALC has received evidence of completion of conditions d, l, and j, it will confirm that the construction and operation can commence.

[26] Where a regional panel consists of three appointed members:

- (a) the quorum to make a decision is 2: *Interpretation Act, s. 18*,
- (b) where all 3 members are present, the decision of the majority governs the Application decision: *Interpretation Act, s. 18*.

[27] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.

[28] This decision is recorded as Resolution #15/2018 and is released on January 16, 2018.



CERTIFICATION OF DECISION

This is a decision of the majority of the South Coast Panel.

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William Zylmans, Commissioner

A handwritten signature in black ink, appearing to read 'Satwinder Bains', written over a horizontal line.

Satwinder Bains, Commissioner

DISSENTING VOTE

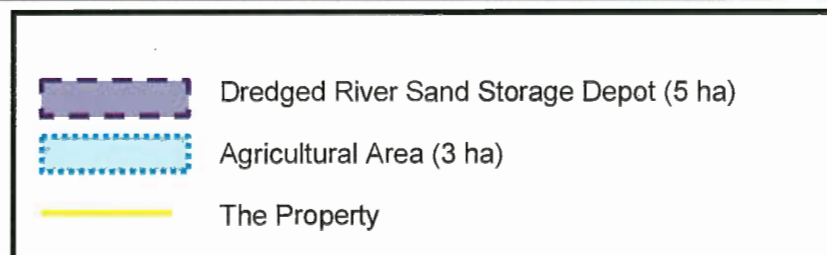
[30] The reasons for which I do not support the decision are:

- a. The Proposal is not in keeping with the purpose of s.6(a) of the *ALCA* to preserve agricultural land;
- b. Sand storage is not a permitted use in the ALR and is more appropriately located on land outside the ALR; and
- c. Alternative locations for sand storage exist outside the ALR.

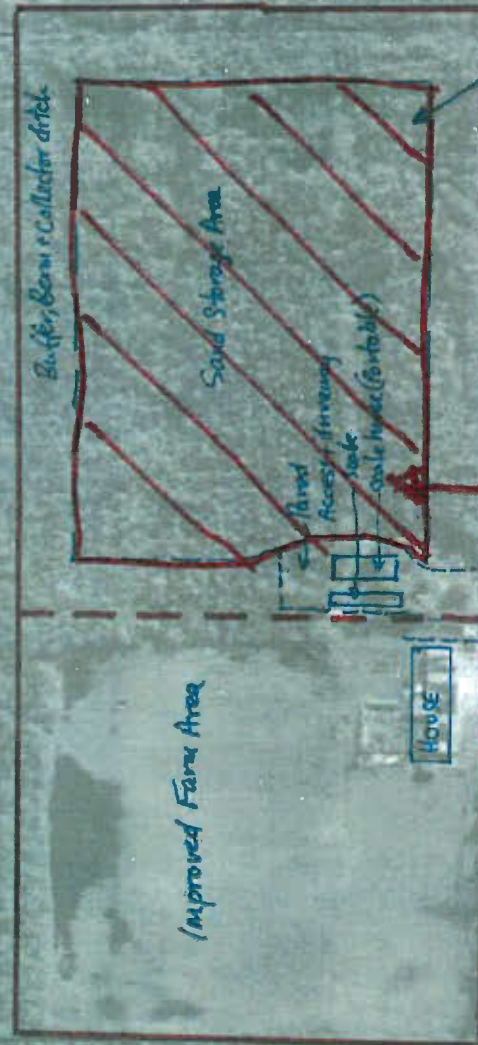
These are my reasons.

A handwritten signature in black ink, appearing to read 'Ione Smith', written over a horizontal line.

Ione Smith, Commissioner



PROPOSED INFRASTRUCTURE
 FOR SANDSTOR FARMS
 Sand Storage Facility
 Scale 1:2000
 (Conceptual, subject to adjustment)



Area proposed for storage of Sand, $\pm 30,000 \text{ m}^2$
 Base $\pm 100,000 \text{ m}^3$ of sand to remain in place
 in case needed for reclamation of site



Report on Proposed Non-farm Use at 14671 Williams Road
Mr. Bruce Mathers: April 20, 2016

Page -9-

6.3 Reclamation if Site Decommissioned

6.3.1 Reclamation Activities

In the unlikely event of Mathers quitting the site, it would be reclaimed for agricultural use. Reclamation would entail:

- a) stripping and stockpiling of +/-100,000m³ of sand to be used in reclamation;
- b) removal of infrastructure from the site;
- c) ripping the native sub-base to a depth of 1 metre in two directions at one metre spacing to loosen the clay;
- d) replace stockpiled sand to a depth of +/- 2 metres spread evenly over the disturbed site; the target finished elevation would be 1.0 metres geodetic;
- e) import Class A compost onto the site to provide a placed depth of at least 150mm and cultivate into the sand layer top a depth of 400mm;
- f) Install a subsurface drainage system consistent with the improved system on the existing field;
- f) manage fertility as required to bring the site up to an acceptable agricultural standard for a range of crops;
- g) establish a cover crop if a perennial crop is not intended for immediate planting;
- h) secure a suitable source of irrigation water either from municipal water supply or ditch water having low salt content.

The final reclaimed agricultural capability would be Class 4A unimproved with improvement to Class 2A with irrigation. This reclaimed land would be highly suited for root crops, leafy vegetables, berries and field crops.



Report on Proposed Non-farm Use at 14671 Williams Road
Mr. Bruce Mathers: April 20, 2016

Page -10-

6.3.2 Reclamation Cost Estimate

The estimated cost to carry out the decommissioning and reclamation of the sand storage site in case of closure is as follows:

ACTIVITY	DETAILS	COST
REMOVE INFRASTRUCTURE	REMOVE BUILDINGS & SCALE	10,000
STRIP AND STOCKPILE SAND FOR RECLAMATION ABOVE CLAY BASE	50000M2 AREA 2M DEEP = 100,000M3 @ \$0.50/M3	50,000
RIP CLAY SUBSOIL TO 1M DEPTH IN 2 DIRECTIONS	RIP WITH DOZER AND RIPPER, 3,000M2/HR FOR TWO TREATMENTS = 25 HRS @ \$200/HR	5,000
REPLACE STOCKPILED SAND	100,000M3 @ 0.50/M3	50,000
SUPPLY & PLACE COMPOST	50,000M2 x 0.15M = 7,500M3 @ \$15.00/M3 IN PLACE	112,500
DRAINAGE, IRRIGATION, CULTIVATION & SEEDING	50,000M2 @ 0.50/M2	25,000
MONITORING AND SUPERVISION	DURING DECOMMISSIONING AND RECLAMATION	20,000
ESTIMATED TOTAL RECLAMATION COST		272,500

Therefore the total estimated cost to reclaim the sand storage site to an acceptable agricultural condition if the sand storage activity were to cease is \$272,500. Bonding to secure this eventuality with contingency allowance in the amount of \$300,000 would ensure that the site could be returned to productive agriculture.



Decommissioning and Reclamation: In our April 20,. 2016 report we discuss the estimated cost of reclamation of the site in the unlikely event of it being closed. We suggest a total reclamation cost of \$272,500 which would be secured by bonding. The cost to remove the asphalt paving would be minimal estimated to be about \$5,000 for the 1650m² of paving and \$2,250 for the reduced area of 600m². Removal of the buried piping within the ALR area would cost less than \$500.00. Removal of the scale and lockblocks would cost about \$1,500 for an excavator and truck. The total estimated cost of removing the infrastructure is between \$4,250 and \$7,000 depending on the paved area. Of course the bulk of the reclamation cost is associated with the land rehabilitation and return to agricultural production.



Agricultural Land Commission

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www.alc.gov.bc.ca

January 31, 2018

ALC File: 55285

To: Executive Committee Members
Provincial Agricultural Land Commission

Whereas:

1. I, Frank Leonard, Chair of the Provincial Agricultural Land Commission (the "Commission") have reviewed the *Reasons for Decision of the South Coast Panel*, recorded as Resolution #15/2018 and released on January 16, 2018 ("the Decision"). A copy of the Decision is attached.
2. Section 33.1 of the *Agricultural Land Commission Act* (the "ALCA") states:

Reconsideration of decisions of panel

33.1(1) The chair of the commission may, in writing, direct the executive committee to reconsider a decision made by a panel established under section 11(1) respecting an application or other matter allocated to the panel by the chair of the commission, including a panel's reconsideration of a decision under section 33 (1), if

(a) the chair considers that the decision

- (i) may not fulfill the purposes of the commission as set out in section 6, or
- (ii) does not adequately take into consideration the considerations set out in section 4.3, if applicable, and

(b) the chair makes the direction to the executive committee within 60 days of the decision being made.

- (2) If the chair of the commission directs the executive committee to reconsider a decision under subsection (1), the chair must give notice of the reconsideration to any person that the chair considers is affected by the reconsideration.
- (3) If the chair of the commission directs the executive committee to reconsider a decision under subsection (1), the executive committee must confirm, reverse or vary the decision.
- (4) For the purposes of subsection (3), the executive committee has all the powers, duties and functions of the commission.
- (5) A decision by the executive committee under subsection (3) is for all purposes a decision of the commission.

Reconsideration to Executive Committee
Re: ALC File: 55285

3. I consider that the Decision may not properly fulfill the purposes of the Commission in section 6 and does not adequately take into consideration the considerations in section 4.3, which factors apply in Zone 2; and
4. This referral to the Executive Committee under s. 33.1(1) does not represent my final conclusion on the proper outcome of the reconsideration, and determines only that this Decision is appropriate for referral to and independent consideration by the Executive Committee, with each Executive Committee member being responsible for exercising their independent judgment as part of the Executive Committee as a decision-making body after deliberation, discussion and consideration of all the information, evidence and submissions.

Therefore I direct as follows:

1. That the Decision is referred to the Executive Committee for reconsideration.
2. That I do consider Sanstor Farms Ltd. Inc. No. BC0971292 ("the Applicants") to be persons entitled to notice under s. 33.1(2), and therefore direct staff to notify the Applicants of the reconsideration.
3. That staff arrange a meeting of the Executive Committee to consider the reconsideration at the first available meeting opportunity following the close of submissions.

PROVINCIAL AGRICULTURAL LAND COMMISSION



Frank Leonard, Chair
Provincial Agricultural Land Commission

January 31, 2018

Date

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

January 16, 2018

ALC File: 55285

Brian French
C&F Land Resource Consultants Ltd.
DELIVERED ELECTRONICALLY

Dear Mr. French:

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the South Coast Panel (Resolution #15/2018) as it relates to the above noted application. A Decision Map depicting the decision is also attached (Schedule A). 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.

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.

The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the ALC website.

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

Page 2 of 2

Further correspondence with respect to this application is to be directed to Shawna Wilson at (Shawna.Mary.Wilson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink that reads "Shawna Wilson". The signature is written in a cursive, flowing style.

Shawna Wilson, Land Use Planner

Enclosures: Reasons for Decision (Resolution #15/2018)
Schedule A: Decision Map
Schedule B: Site Plan

cc: City of Richmond (File: AG 16-734186)

55285d1



AGRICULTURAL LAND COMMISSION FILE 55285

REASONS FOR DECISION OF THE SOUTH COAST PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicants:

**Sanstor Farms Ltd. Inc. No.
BC0971292
(the "Applicants")**

Agent:

**Brian French, C&F Land
Resource Consultants Ltd.
(the "Agent")**

Application before the South Coast Regional Panel:

**William Zylmans, Panel Chair
Satwinder Bains
Ione Smith**



THE APPLICATION

- [1] The legal description of the property involved in the application is:
- Parcel Identifier: 003-464-504
- South Half of the South East Quarter, Section 28, Block 4 North, Range 5 West,
- Except: South 33 Feet, New Westminster District
- (the "Property")
- [2] The Property is 8.3 ha.
- [3] The Property has the civic address 14671 Williams Road, Richmond, BC.
- [4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").
- [5] The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.
- [6] Pursuant to s. 20(3) of the ALCA, the Applicant is applying to establish a dredged river sand depot (the "Depot") on the eastern 5 ha of the Property (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").
- [7] In addition to the Proposal, the Applicant wants to make agricultural improvements to the western 3 ha of the Property. The Application submits that the land will be improved by the installation of drainage, the placement of 0.5 metres of topsoil (to be salvaged from the establishment of the proposed Depot on the eastern portion of the Property), and the addition of soil amendments including lime and fertilizer. The agricultural improvements as described do not require an application to the Commission. For this reason, the Panel only considered the Depot.

RELEVANT STATUTORY PROVISIONS

- [8] The Application was made pursuant to s. 20(3) of the ALCA:



20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[9] 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

[10] The Panel considered the following evidence:

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

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

[11] At its meeting of July 24, 2017, the Council of the City of Richmond resolved to forward the Application to the Commission.

FINDINGS

[12] In assessing agricultural capability, the Panel referred 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/3h for the mapping units encompassing the Property are Class 2 and Class 3, more specifically 99% (6: 03LW - 4: 3DW) 1% (6: 02LW - 4: 3DW) where O represents 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), and D (undesirable soil structure and/or low perviousness).

[13] The Panel reviewed the BCLI ratings and finds that the Property can support agriculture.

[14] This following section sets out the findings of Panel Chair Zylmans and Commissioner Bains (the "majority of the Panel").

[15] E. Mathers Bulldozing, a subsidiary company of Sanstor Farms Ltd., currently operates a dredged river sand storage depot on the adjacent non-ALR property to the east of the Proposal (PID 003-475-727) (the "Adjacent Property"). The property on which the current dredged river sand storage depot is operating is in the process of developing warehouses for industrial use. The Application submits that the dredged river sand depot is incompatible with the industrial development of the Adjacent Property and therefore relocation is required in order to continue operating.

[16] The eastern 5 ha of the Property is not cleared. The Application submits that the Depot would occupy the eastern 5 ha portion of the Property and that the existing vegetation would

be cleared, the site grubbed, and the topsoil stripped and salvaged for use on the western 3 ha of the Property.

[17] With regard to the proposed site for the Depot, the Application submits that “[t]he requirements for a Fraser River dredge sand storage site are very constrained by distance from the River, proximity to critical dredge sites and suitability of the site for this type of heavy industrial use”. The Application further submits that “dredging infrastructure composed of buried and surface input pipe and drainage water conduit are already installed on the western boundary of the existing Mathers site and would be reconfigured to fit the new site”. In the local government report, the City of Richmond provided alternative locations for the Depot that are outside of the ALR. The Agent provided a response to the alternative locations identified by the City of Richmond in a letter dated August 30, 2017. The Panel reviewed the submissions regarding the location of the Depot. The majority of the Panel finds that the required pumping infrastructure has already been established for the existing use on the Adjacent Property and that limited additional infrastructure is required for the Depot. In consideration of the location requirements of the sand storage depot, in this circumstance, the majority of the Panel finds that the Depot is appropriately located on the Property.

[18] A series of berms and canals are proposed to be constructed for the Depot in order to contain the sand storage area, including:

- a) a one to two metre high perimeter berm to isolate the Proposal from the eastern portion of the Property and adjacent ALR land;
- b) an intercept drainage canal, within the perimeter berm to collect and pump drainage water from the Proposal into the Fraser River;
- c) a berm, inside the intercept canal, approximately four to five metres in height to contain the dredged river sand.

The majority of the Panel finds that with the construction of the berms and implementation of drainage the Proposal would not have a negative impact to surrounding agricultural land.

[19] No permanent structures are required for the Proposal. The non-permanent structures associated with the Depot include a scale house on wheels and a scale on lock blocks. The Agent submits that a fabric roof building with a lock block base may also be required in the future. The majority of the Panel finds that the use of these non-permanent structures does not preclude the Property from reclamation of the area in the future.

[20] The Application submits that approximately 100,000 cubic metres of dredged river sand will remain on the eastern 5 ha portion of the Property at all times. As the material proposed to be stored is sand of a quality suitable for agriculture, the Panel finds that the storage of clean sand does not preclude this portion of the Property from reclamation in the future. The majority of the Panel also finds that the stored river sand could be used for reclamation of the Property in the future.

[21] A paved area is proposed for access to the Depot. The proposed paved area is $\pm 1,650$ square metres but that it could be reduced to ± 600 square metres, if necessary. The majority of the Panel finds that a ± 600 square metres paved area would be sufficient for the proposed use.

[22] The majority of the Panel finds that the sand storage depot would facilitate the provision of clean sand, an input used in some agricultural operations, and that its operation would provide a benefit to agricultural activities in the region.

DECISION OF THE MAJORITY

[23] For the reasons given above, the majority of the Panel approves the Application subject to the following conditions:

General

- a. approval is provided for sand storage of dredged river sand from the south arm of the Fraser River; no other sand may be stored on the Property;
- b. approval for the non-farm use is granted for the sole benefit of the Applicant and is non-transferable;
- c. no permanent infrastructure for the Depot is to be established on the Property;

Prior to Depot Operations

- d. the registration of a covenant on title stating that the Depot is for the sole benefit of the Applicant, that the sand storage depot is only to be used for sand storage of dredged river sand from the south arm of the Fraser River, and that approval for the sand storage operations is terminated should the Applicants cease the Depot operations;
- e. siting of the non-farm use as identified in the attached Decision Map (Schedule A) and the attached Site Plan (Schedule B);
- f. the establishment of the berms and canals on the easterly 5 ha of the Property as described in Paragraph 18 above and illustrated as "buffer, berm and collector ditch" on the attached Site Plan (Schedule B);
- g. the maximum area to be paved is 600 square metres;
- h. to ensure the successful implementation of remediation, a financial security in the form of an Irrevocable Letter of Credit (ILOC) in the amount of \$300,000 must be made payable to the Minister of Finance c/o the Agricultural Land Commission. The ILOC is to ensure remediation is conducted in accordance with the information submitted with the Application and the conditions of this decision. For greater clarity, some or all of the ILOC will be accessible to, and used by, the Commission upon the failure of the Applicant to comply with any or all aspects of the conditions of approval contained herein;
- i. should rezoning of the Property be required, the rezoning must include agricultural uses; the proposed rezoning must be reviewed and approved by the Commission prior to first reading;

During Depot Operations

- j. heavy equipment that is not required in the daily operations of the Depot cannot be stored on the Property;
- k. sand pumping and storage activities must not negatively impact the drainage of adjacent properties;
- l. the submission of a report every five (5) years for the duration of the Depot operation outlining the following:
 - i. the volume of sand stored annually for each year in the five year period



- ii. the agricultural use and improvements carried out for each year in the five year period

Post Depot Operations

m. should the Depot cease operations, the Property must be remediated in accordance with the correspondence dated October 31, 2017 from Brian French and the reclamation plan outlined in the *Assessment of Agricultural Capability for 14671 Williams Road, Richmond, B.C.* prepared by C&F Land Resource Consultants Ltd. dated April 20, 2016 (excerpts from each compiled in the attached Schedule C: Reclamation Plan);

[24] 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.

[25] When the ALC has received evidence of completion of conditions d, l, and j, it will confirm that the construction and operation can commence.

[26] Where a regional panel consists of three appointed members:

- (a) the quorum to make a decision is 2: *Interpretation Act, s. 18*,
- (b) where all 3 members are present, the decision of the majority governs the Application decision: *Interpretation Act, s. 18*.

[27] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.

[28] This decision is recorded as Resolution #15/2018 and is released on January 16, 2018.



CERTIFICATION OF DECISION

This is a decision of the majority of the South Coast Panel.

William Zylmans, Commissioner

Satwinder Bains, Commissioner

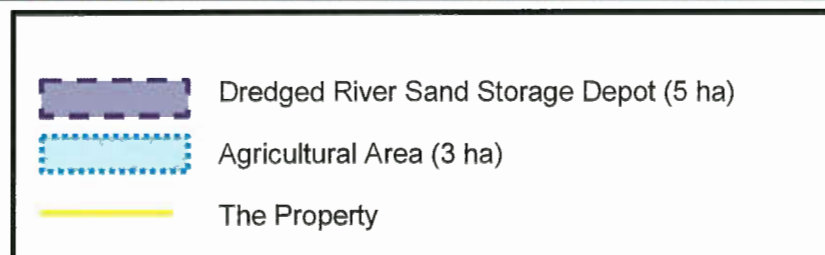
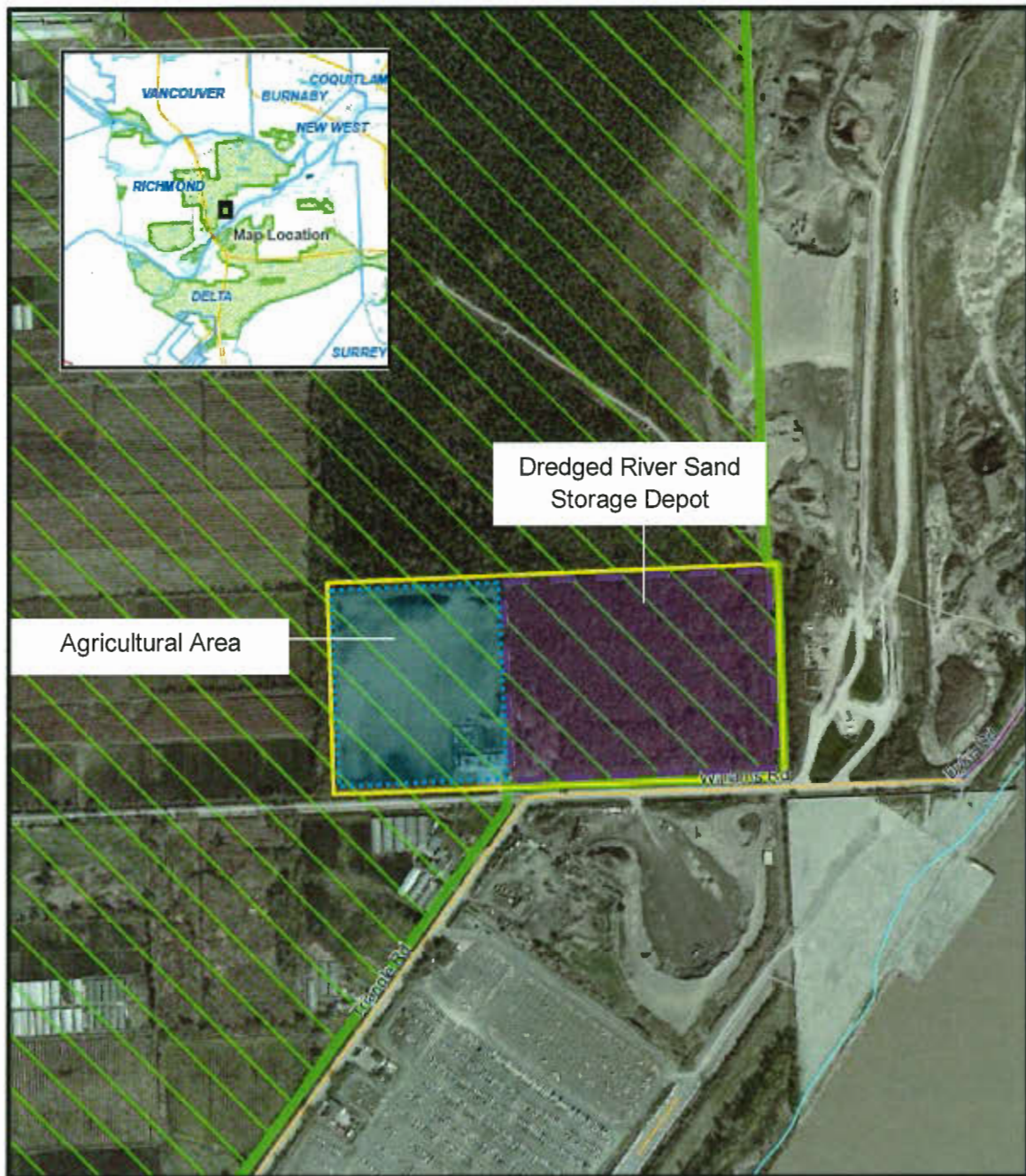
DISSENTING VOTE

[30] The reasons for which I do not support the decision are:

- a. The Proposal is not in keeping with the purpose of s.6(a) of the ALCA to preserve agricultural land;
- b. Sand storage is not a permitted use in the ALR and is more appropriately located on land outside the ALR; and
- c. Alternative locations for sand storage exist outside the ALR.

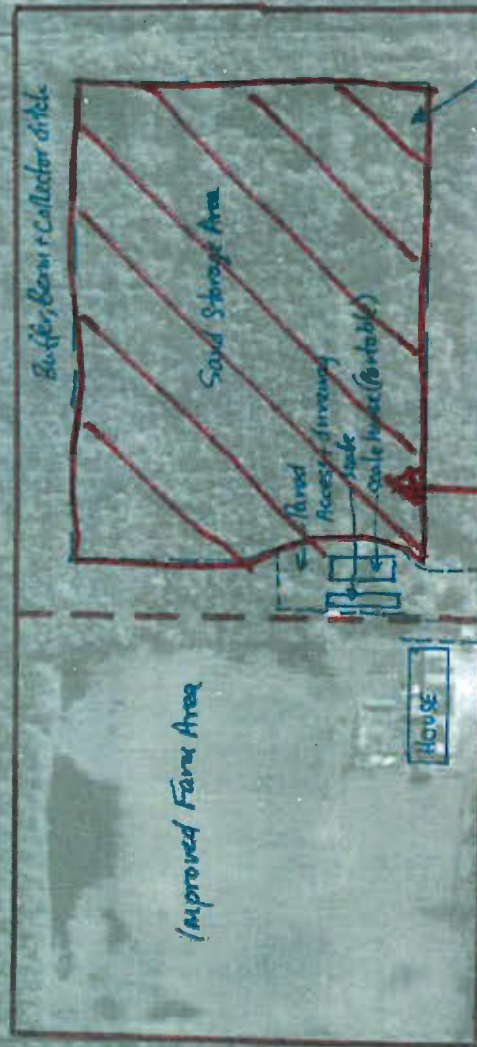
These are my reasons.

Ione Smith, Commissioner



Schedule B: Agricultural Land and Commission Site Plan
 ALC File 55285 (Sanstor Farms Inc.)
 Conditionally Approved Non-Farm Use
 ALC Resolution #15/2018

PROPOSED INFRASTRUCTURE
 FOR SANSTOR FARMS
 Sand Storage Facility
 Scale 1:2000
 (Conceptual, Subject to adjustment)



Area proposed for storage of sand, $\pm 30,000 \text{ m}^2$
 Base $\pm 100,000 \text{ m}^3$ of sand to remain in place
 in case needed for reclamation of site



Report on Proposed Non-farm Use at 14671 Williams Road
Mr. Bruce Mathers: April 20, 2016

Page -9-

6.3 Reclamation if Site Decommissioned

6.3.1 Reclamation Activities

In the unlikely event of Mathers quitting the site, it would be reclaimed for agricultural use. Reclamation would entail:

- a) stripping and stockpiling of +/-100,000m³ of sand to be used in reclamation;
- b) removal of infrastructure from the site;
- c) ripping the native sub-base to a depth of 1 metre in two directions at one metre spacing to loosen the clay;
- d) replace stockpiled sand to a depth of +/- 2 metres spread evenly over the disturbed site; the target finished elevation would be 1.0 metres geodetic;
- e) import Class A compost onto the site to provide a placed depth of at least 150mm and cultivate into the sand layer top a depth of 400mm;
- f) Install a subsurface drainage system consistent with the improved system on the existing field;
- f) manage fertility as required to bring the site up to an acceptable agricultural standard for a range of crops;
- g) establish a cover crop if a perennial crop is not intended for immediate planting;
- h) secure a suitable source of irrigation water either from municipal water supply or ditch water having low salt content.

The final reclaimed agricultural capability would be Class 4A unimproved with improvement to Class 2A with irrigation. This reclaimed land would be highly suited for root crops, leafy vegetables, berries and field crops.



Report on Proposed Non-farm Use at 14671 Williams Road
Mr. Bruce Mathers: April 20, 2016

Page -10-

6.3.2 Reclamation Cost Estimate

The estimated cost to carry out the decommissioning and reclamation of the sand storage site in case of closure is as follows:

ACTIVITY	DETAILS	COST
REMOVE INFRASTRUCTURE	REMOVE BUILDINGS & SCALE	10,000
STRIP AND STOCKPILE SAND FOR RECLAMATION ABOVE CLAY BASE	50000M2 AREA 2M DEEP = 100,000M3 @ \$0.50/M3	50,000
RIP CLAY SUBSOIL TO 1M DEPTH IN 2 DIRECTIONS	RIP WITH DOZER AND RIPPER, 3,000M2/HR FOR TWO TREATMENTS = 25 HRS @ \$200/HR	5,000
REPLACE STOCKPILED SAND	100,000M3 @ 0.50/M3	50,000
SUPPLY & PLACE COMPOST	50,000M2 x 0.15M = 7,500M3 @ \$15.00/M3 IN PLACE	112,500
DRAINAGE, IRRIGATION, CULTIVATION & SEEDING	50,000M2 @ 0.50/M2	25,000
MONITORING AND SUPERVISION	DURING DECOMMISSIONING AND RECLAMATION	20,000
ESTIMATED TOTAL RECLAMATION COST		272,500

Therefore the total estimated cost to reclaim the sand storage site to an acceptable agricultural condition if the sand storage activity were to cease is \$272,500. Bonding to secure this eventuality with contingency allowance in the amount of \$300,000 would ensure that the site could be returned to productive agriculture.



Decommissioning and Reclamation: In our April 20, 2016 report we discuss the estimated cost of reclamation of the site in the unlikely event of it being closed. We suggest a total reclamation cost of \$272,500 which would be secured by bonding. The cost to remove the asphalt paving would be minimal estimated to be about \$5,000 for the 1650m² of paving and \$2,250 for the reduced area of 600m². Removal of the buried piping within the ALR area would cost less than \$500.00. Removal of the scale and lockblocks would cost about \$1,500 for an excavator and truck. The total estimated cost of removing the infrastructure is between \$4,250 and \$7,000 depending on the paved area. Of course the bulk of the reclamation cost is associated with the land rehabilitation and return to agricultural production.