



District of Maple Ridge

TO: His Worship Mayor Ernie Daykin
and Members of Council

MEETING DATE: January 23, 2012
FILE NO:

FROM: Chief Administrative Officer

ATTN: Workshop

SUBJECT: Draft Albion Flats Concept Plan – Agricultural Land Commission Feedback & Next Steps

I. EXECUTIVE SUMMARY:

On January 11, 2010 Council directed that a concept plan be prepared for the Albion Flats. On February 15, 2010 Council gave consideration to the “Albion Flats Concept Plan Process” report dated February 8, 2010 and resolved that the process recommended in that report be approved.

At the outset of the process Council advised the Agricultural Land Commission (ALC) that the District of Maple Ridge (DMR) was in the process of considering its approach to advancing an area plan review for the Albion Flats, and requested that a meeting be convened between Council and the ALC to ascertain whether the Commission would be prepared to consider exclusions within the study area. In a letter dated January 7, 2010 the ALC advised the District of Maple Ridge that it would be inappropriate for the Commission to discuss the exclusion of lands in advance of a land use planning exercise, and suggested that Council proceed with the preparation of a concept plan, noting that the Commission staff could be made available for assistance. Following the completion of the draft concept plan, the ALC extended an offer to provide comments in advance of an application.

The District of Maple Ridge followed the ALC’s advice and following a Council approved Public Process submitted a concept plan to the ALC for comments in May, 2011.

On July 4, 2011 the Commission hosted a workshop meeting with the District to discuss the Draft Albion Flats Concept Plan (refer to Appendix A). On November 29, 2011, the Commission sent the District its comments pertaining to the Draft Albion Flats Concept Plan (refer to Appendix B attached). To summarize, the Agricultural Land Commission did not endorse the draft concept plan in its entirety, noting that the land north of 105th has agricultural capability; is suitable for agricultural use; and is appropriately designated as Agricultural Land Reserve (ALR). Amongst other things, the ALC Resolution states that the District should submit an exclusion application for the lands south of 105th Avenue, noting that the exclusion may be conditional on certain improvements occurring in the Albion Flats.

Based on the feedback received from the Commission, staff has considered three alternatives for advancement of the Concept Plan:

- 1) The District Submits an Exclusion Application for lands south of 105th Avenue;
- 2) The District Submits an exclusion Application for all of the lands in the Albion Flats;
- 3) A Hybrid Option, where the owner(s) of land north of 105th Avenue submit an application(s) for the lands north of 105th Avenue, and once the ALC decision is known, the District will submit an exclusion application for the lands south of 105th Avenue.

Staff are recommending that Alternative Three be chosen. Discussions with some property owners in the area north of 105th Avenue have indicated that they may likely be submitting their own application(s) for exclusion from the Agricultural Land Reserve. Given that an exclusion application submitted by an individual applicant is faster than an exclusion application made by a local

government, as there is no requirement for a public hearing by an individual, it is quite likely that a Commission decision could be available, in advance of the District submitting an exclusion application. This timing is beneficial for the District of Maple Ridge, as the ALC's decision on the lands north of 105th, may have implications for land use; drainage improvement requirements; and additional studies for lands to the south. If the Commission approves an exclusion application on lands to the north, the District may not need to prepare an agricultural remedial action plan and comprehensive drainage study. Conversely, if the ALC were to deny an application for exclusion on lands to the north, the District of Maple Ridge may wish to refine its concept plan for lands to the south to maximize the amount of commercial and employment space.

The following report provides an overview of the Agricultural Land Commissions comments and the outcomes of their meeting held on October 27, 2011 pertaining to the Albion Flats. Also included in this report is a discussion regarding next steps and Alternatives for Council's consideration.

II. RECOMMENDATIONS:

That staff be directed to advance Alternative Three identified in the staff report entitled "Draft Albion Flats Concept Plan – Agricultural Land Commission Feedback & Next Steps report", dated January 23, 2012.

That an allocation from surplus in the amount of up to \$185,000 be provided, and used if deemed necessary by the CAO, to complete a drainage study, agricultural remedial action plan, and traffic analysis as required by the Agricultural Land Commission for an exclusion application, be approved.

III. BACKGROUND

On January 11, 2010 Council directed that a concept plan be prepared for the Albion Flats. On February 15, 2010 Council gave consideration to the "Albion Flats Concept Plan Process" report dated February 8, 2010 and resolved that the process recommended in that report be approved. The process was further discussed on June 14, 2010.

At the outset of the process Council requested the Agricultural Land Commission ALC advise the District on which areas within the Albion Flats the ALC would be prepared to consider for exclusion. In a letter dated January 7, 2010, the ALC advised Maple Ridge to proceed with a concept plan and to work with the ALC. Upon completion of a concept plan the ALC would provide comments.

On July 14, 2010 HB Lanarc, led by Mark Holland, B.L.A., MSc., MCIP, LEED and Janine de la Salle, MA, were retained to lead the Albion Flats Concept Plan process. The approved process included a number of stakeholder meetings, a Community Forum, a two day charrette, a public open house, and charrette follow-up meeting. Following the public process, the Albion Flats Charrette Summary Report was presented to Council. Council considered and discussed the report over a number of meetings (Workshop - February 7 2010; Regular Council Meeting - February 8, 2010; Council Workshop - February 14, 2010; Council Workshop - March 14, 2011, and Regular Council Meeting - March 22, 2011).

At the February 14, 2010 Council Workshop, Council approved a revised process for the submission of a concept Plan to the Agricultural Land Commission for comment. That process committed the District to hosting an Open House on March 30, 2011 and then reporting back to Council on the outcomes of that session on May 2, 2011.

On May 2, 2011 Council considered a staff report that highlighted the results from the March 2011 Open House and discussed the next steps in the Council adopted process, which was to request comments from the Agricultural Land Commission. During that meeting Council passed a number of resolutions which are attached as Appendix C. To summarize, the resolutions endorsed the draft

concept plan for submission to the Commission; requested that the Commission convene a meeting with the District; and directed that all background materials (including background and staff reports be forwarded to the Commission.

Pursuant with Council's request, the Commission met with Council on July 4, 2011 and provided comments to the District in a letter dated November 29, 2011. The following section of the report will provide a highlight of the Commission comments.

IV. AGRICULTURAL LAND COMMISSION COMMENTS

On October 27, 2011 the Agricultural Land Commission met to consider the draft Albion Flats Concept Plan and accompanying materials that that had been submitted by the District of Maple Ridge. The minutes of that meeting included the following Resolution #2635/2011 (refer to Appendix B):

**IT WAS
MOVED BY: Commissioner Collins
SECONDED BY: Commissioner Miles**

THAT the Commission not endorse the draft concept plan entirely as submitted, but only in part;

THAT DMR be advised that while the Commission is prepared to cooperate towards future commercial or industrial development at Albion Flats, it will do so in conjunction with restoration of an agricultural future for that part of Albion Flats lying to the north of 105 Avenue;

AND THAT focusing on the area north of 105 Avenue the Commission will expect DMR to undertake a comprehensive review of drainage and stream flow conditions in the Road Thirteen Dyking District with a view to resolving issues identified in the Golder Associates overview agricultural assessment and the HB Lanarc environmental baseline report, that review to include

- preliminary consultation with Fisheries and Oceans Canada,
- preparation of an agricultural remedial action plan in consultation with the Commission, the Ministry of Agriculture, Fisheries and Oceans Canada and the land owners, such a plan to address all relevant issues including but not limited to drainage, long term access, buffering or consolidation, and
- design to ensure that traffic patterns enable practical access and use by farm vehicles;

AND THAT the Commission will expect DMR to submit an application under section 29 of the *Agricultural Land Commission Act* to exclude from the ALR the land lying south of 105 Avenue and west of 240 Street together with any remnant areas elsewhere in DMR identified by the Commission as being unsuitable for agriculture; Commission approval of such an application may be in part or in whole conditional on progress toward the foregoing action plan;

AND THAT this response does not suggest or promote any move to eliminate the use of land at Albion Flats as an agricultural fairground;

AND THAT the Commission recognizes that any implementation or action to be taken with respect to the Commission's response to the concept plan will require that DMR and land owners be responsible for complying with applicable Acts, regulations, and decisions of any authorities that have jurisdiction under an enactment.

**CARRIED
Resolution # 2635/2011**

Terminology

It should be noted that the ALC uses “north – south” terminology to describe the lands either side of 105 Avenue in the Albion Flats. Traditionally these lands have been described using “west-east” terminology. For example using ALC terminology Planet Ice is located “south” of 105 Avenue, whereas traditionally Planet Ice is described as being “east” of 105 Avenue. For consistency the ALC’s “north-south” reference will be used in the body of this report.

V. ALC RESOLUTION #2635/2011 IN DETAIL

ALC Resolution #2635 identifies the items that must be given consideration in the advancement of a draft concept plan, and submission of an exclusion application for lands located on the south side of 105th Avenue. The following section of the report provides an overview of the resolution, and draws on information in the Commission minutes and accompanying ALC Staff report (refer to Appendix B). The items are listed in the order in which they appear in the Resolution. The ALC Resolution is noted in bolded italicized text.

- ***“THAT the Commission not endorse the draft concept plan entirely as submitted, but only in part; “THAT DMR be advised that while the Commission is prepared to cooperate towards future commercial and industrial development at Albion Flats, it will do so in conjunction with restoration of an agricultural future for that part of Albion Flats lying to the north of 105th Avenue;”***

The Commission states that any exclusion application in the Albion Flats is to be for the lands located to the south of 105th Avenue. The letter from the Commission (November 29, 2011) acknowledges that this is consistent with previous Commission decisions regarding the Flats. The Commission undertook a critical review of its 1999 decision which stated that all but seven of the parcels on the south side of 105th should be excluded. Those seven parcels (fronting Lougheed Highway, south of 105th) were to remain in the ALR and be limited to agricultural or agri-industrial uses.

The Commission’s resolution states that the Commission is prepared to cooperate towards future commercial or industrial development in the Albion Flats, in “conjunction with restoration of an agricultural future” for lands lying north of 105th Avenue. The letter further states that after reviewing the 2011 draft concept plan, the Commission concluded that “in return for agricultural restoration north of 105th Avenue, it should not place any restrictions on the use of the seven parcels, which could play an important role in DMR’s economic future.”

The Commission’s staff report acknowledges that Agri-industrial development is not likely to seek to locate in the area, and that the District should be advised that the entire area south of 105th Avenue is considered appropriate for exclusion from the ALR.

- ***AND THAT focusing on the area north of 105th Avenue the Commission will expect DMR to undertake a comprehensive review of drainage and stream flow conditions in the Road Thirteen Dyking District with a view to resolving issues identified in the Golder Associates overview agricultural assessment and the HB Lanarc environmental baseline report, that review to include***
 - ***Preliminary consultation with Fisheries and Oceans Canada***

Issues relating to drainage are noted in the decision, resolution, and in the Commission staff report. It is clear that the Commission will require a comprehensive review of drainage and

stream flow conditions in the area, and it is noted that any Commission approvals may be conditional on this. The implications of this are discussed later in this report.

- ***Preparation of an agricultural remedial action plan in consultation with the Commission, the Ministry of Agriculture, Fisheries and Oceans Canada and the land owners, such a plan to address all relevant issues including but not limited to drainage, long term access, buffering or consolidation, and***

The Agricultural Land Commission resolution requires that the District work with the ALC and Ministry in the preparation of an Agricultural Remedial Action Plan, that will include the above noted drainage improvements, as well as long term access, buffering, and consolidation. As a component of the Albion Flats HB Lanarc and Golder and Associates were retained to prepare an agricultural assessment and environmental assessment of the area. How this information could be applied and how this remedial plan could be achieved is discussed later in this report.

- ***Design to ensure that traffic patterns enable practical access and use by farm vehicles;***

In September 2010, Urban Systems were retained to provide an assessment of the traffic conditions and potential impacts in the Albion Flats. That report concluded that intensified land use development in the area will generate more trips into the area, and the impact will be dependent upon the size of the development and resulting volume of traffic. The report further recommended that a more detailed traffic impact assessment be prepared once a refined concept plan is developed. How this can be achieved is discussed later in this report.

- ***AND THAT the Commission will expect DMR to submit an application under Section 29 of the Agricultural Land Commission Act to exclude from the ALR the land lying south of 105th Avenue and west of 240th Street together with any remnant areas elsewhere in DMR identified by the Commission as being unsuitable for Agriculture; Commission approval of such an application may be in part or in whole conditional on progress toward the foregoing action plan***

As noted above, the Commission is suggesting that the District submit an application for exclusion for the lands south of 105th Avenue, pursuant to Section 29 of the Agricultural Land Commission Act. Section 29 Agricultural Land Commission Act Requirements are discussed in a later section of this report.

The resolution also suggests that remnant parcels elsewhere in the District, identified by the Commission, also form part of the exclusion application. The ALC staff has provided a list of properties which will be the subject of a future staff report. It is noted that the ALC are not requiring that these properties be excluded at this time, rather have provided the District with an opportunity to resolve their ALR status. (see Appendix D attached)

- ***AND THAT this response does not suggest or promote any move to eliminate the use of land at Albion Flats as an agricultural fairground;***

This requirement suggests that the agricultural fairground is to remain in the Albion Flats. However, it is noted that the Resolution, and accompanying ALC staff report are silent on whether it is to remain in its current location.

- ***AND THAT the Commission recognizes that any implementation or action to be taken with respect to the Commission’s response to the concept plan will require that DMR and land owners be responsible for complying with applicable Acts, regulations, and decisions of any authorities that have jurisdiction under an enactment”***

The ALC exclusion requirements are discussed in a later section of this report.

VI. ANALYSIS OF AGRICULTURAL LAND COMMISSION COMMENTS

The ALC’s resolution appears to indicate that the Commission focused on the Agricultural Suitability; Assessment of Potential Impact on Agriculture; and Assessment of other reports submitted as part of their review of the proposal. A brief summary of those comments is as follows (refer to Appendix B):

Agricultural Suitability: key points:

- The “Commission does not believe there are external factors which would render the lands north of 105th Avenue unsuitable for agricultural use.”
- The Golder Report confirms that much of the drainage is associated with “inadequate outlets for on-farm drainage systems” and the Golder report concludes that with appropriate drainage and proper buffering from the non-farm uses to the south, the two large parcels (totaling 24 ha) can achieve the potential associated with prime farm land.

Assessment of Potential Impact on Agriculture: key points:

- “The Commission noted that the proposal to eliminate all but the smallest scale of farming from the Albion Flats is likely to have a negative impact on DMR’s overall agricultural production potential, even if the suggested compensation policy is initiated.”

Assessment of other reports submitted as part of the proposal: key points:

- The Commission appears to understand the economic importance of the opportunity to develop a commercial hub at Albion Flats for the District
- The Commission acknowledges that the Lougheed Highway/105th Avenue intersection will be of critical importance, and state that at the time of the improvements, that “the overflow parking lot should be phased out and the site rehabilitated for agriculture.”
- In 1999 the Commission resolved that all but 7 properties on the south side of 105th Avenue should be excluded from the ALR. The 7 remaining parcels were to remain in the ALR and be limited to agriculture or agri-industrial use. After reviewing the 2011 draft Concept Plan the Commission “concluded that in return for restoration north of 105th Avenue, it should not place any restrictions on the use of those 7 parcels, which could play an important role in DMR’s economic future.”

The decision from the Commission also contained the following conclusions:

Commission Conclusions:

1. *That the land north of 105 has agricultural capability, is suitable for agricultural use, and is appropriately designated as ALR.*
2. *That apart from the agricultural fairgrounds, the lands south of 105 Avenue is of very limited interest to agriculture, thus previous Commission proposals for limiting land use options may be reconsidered.*
3. *That the draft concept plan, as proposed, will have an overall negative impact on agriculture in DMR.*
4. *That the draft concept plan is inconsistent with the objectives of the Agricultural Land Commission Act to preserve agricultural land.”*

Impact of the ALC 's Comments on the Draft Concept Plan

The concept plan submitted to the ALC for comments proposed the following land uses:

South Side of 105 Ave

- Commercial (transit oriented mixed use)
- Residential (townhouse)
- Recreation (including multi-purpose recreation facility)
- Community garden and agricultural fields
- Agricultural fairgrounds and farm cluster
- Conservation / green space
- Institutional
- Mixed employment node (business & light industrial)
- Agri-Industrial

North Side

- Commercial (auto-oriented regional serving retail)
- Business office
- Conservation / green space

It is evident that advancing land uses based on the comments and advice of the ALC would see the elimination of the proposed commercial and business office land uses on the north side of 105 Ave.

There are approximately 60.36 hectares (149 acres) of land in the Agricultural Land Reserve on the south side of 105 Ave. The Commission comments advise that in return for agricultural restoration north of 105th Avenue, it will not place any restrictions on the use of lands to the south, with the added advice that this does not suggest or promote any move to eliminate the use of lands in the Albion Flats as an agricultural fairground. (refer to the following map figure for information on lands in the ALR)

As such it would appear that Maple Ridge could move forward with an exclusion application for all 60.36 ha (149 acres) on the south side by undertaking the following work and commitments:

- A comprehensive drainage analysis
- An agricultural remedial action plan
- Traffic analysis
- A commitment to keep the use of lands in the Albion Flats as an agricultural fairground.

In reading the ALC Resolution and accompanying staff report, the Commission appears to imply that no further refinement of the draft concept plan would be required at this juncture. Assuming the lands are removed from the ALR, the District would refine the concept plan to accommodate the District's desired uses including the commitment to keep the use of lands in the Albion Flats as an agricultural fairground. Should the lands be excluded, Maple Ridge would then decide on the best fit for land use on the south side of 105 Ave.

While discussions with land owners to the south of 105th Avenue have been somewhat limited, there is a sense that they are in favour of their lands being excluded from the ALR. It was noted that the Agricultural Land Commission previously indicated a willingness to exclude these lands, and the owners have been patiently waiting for a concept plan since 2000. There is also concern that any deviation from the ALC's recent resolution, may jeopardize the future for exclusion of lands to the south.

VIII OUTSTANDING ISSUES

- **Drainage**

Although a number of reports allude to issues with drainage on some of the lands to the north of 105th Avenue, the amount of conclusive research, detailed data collection and analysis completed on empirical data is limited. As such the extent of the impact of drainage conditions on these lands is not fully understood. It is also not fully understood as to the drainage conditions on these lands prior to any development activity in the area.

The District has invested significantly in drainage improvements within the area; separate detention facilities were constructed under the parking lot of Planet Ice as well as to accommodate runoff from the Fields For Kids. More recently, storm water east of 240 Street has been diverted directly to the Fraser River by way of a large diameter storm sewer and outfall on 240 Street at a total cost of \$1.9 million. In addition, the Spencer Creek Pump Station located at the intersection of Loughheed Highway and Tamarack Lane has been upgraded to improve drainage in the area at a cost of \$308,000.

As part of the work done in preparing the concept plan, AECOM Engineering was retained to undertake a Storm and Sanitary Off-Site Servicing Requirement preliminary study of the Albion Flats. That report concludes that development in the Albion Flats will require the construction of detention ponds and/or increased pumping capacity at the Spencer Creek Pump Station to mitigate the increase in stormwater runoff rates and subsequent impact on the downstream drainage systems.

It is clear that the ALC will require a comprehensive review of drainage and stream flow conditions in the area not only pertaining to the conveyance of storm water through the area but to better determine the specific constraints to improving agricultural drainage and it is noted that any ALC approvals may be conditional on this. Any such study will include the identification of any system improvements as well as cost estimates for the works. Some form of bonding for these works will be required although the exact nature will require clarification from the ALC.

The estimated cost for this drainage study is \$75,000 - \$100,000. The Alternatives located later in this report discuss the timing or requirement to undertake this study.

- **Agricultural Remedial Action Plan.**

As noted earlier in this report, the Commission is requiring that the District prepare an agricultural remedial action plan as a condition for exclusion of the lands south of 105th Avenue. The agricultural remedial action plan is to be prepared in consultation with the Commission, the Ministry of Agriculture, Fisheries and Oceans Canada and the land owners, and is to address relevant issues pertaining to agriculture in the area, with specific reference to drainage, buffering, access, or consolidation. Clearly, the intent of the action plan is to deal with the agricultural lands north of 105th Avenue, and to address any issues that may negatively impact on the success of any agricultural activity occurring in that area in the future.

It is recommended that an agrologist be retained to prepare an Agricultural Remedial Action Plan for the area north of 105th Avenue. The details of this review would be determined based on consultation with the Commission, the Ministry of Agriculture, Fisheries and Oceans Canada, and the property owners. Until these discussions are initiated it is difficult to comprehend the complexities of the studies and the degree of work required, however preliminary discussions indicate that such a study will cost \$50,000 - \$75,000.

- **Traffic Analysis**

That once the draft concept plan is further refined, that a Transportation Engineering Consultant be retained to further analyze volumes and impacts, including assessment of the design to ensure that traffic patterns enable practical access and use by farm vehicles. It is estimated that this study will cost \$10,000.

IX LEGISLATIVE REQUIREMENTS

- **Agricultural Land Commission Act**

Part of the ALC Resolution was that the District of Maple Ridge submits an application under Section 29 of the Agricultural Land Commission Act. Section 29 states that a Local Government may make an application to exclude land from the Agricultural Land Reserve and notes that a Public Hearing is required by the regulations. The Agricultural Land Reserve Use, Subdivision and Procedures Regulation states that a sign is to be posted on the affected properties and requires that notice be placed in the local newspaper.

Following the Public Hearing, the local Government is required to forward the fee, information on the proposed land use, public hearing minutes, and include copies of the following resolutions from Council; Agricultural; Advisory Committee; Planning Staff and others. (A copy of Section 29 of the Agricultural Land Commission Act and local government referral form is attached as Appendix E).

- **Regional Growth Strategy**

Recognizing that the District of Maple Ridge is committed to the identification of lands suitable for future employment generation, and that the Albion Flats is identified as an area which will be subject to a future Area Planning process, the District requested that Metro Vancouver identify the area as “Urban” in the draft Growth Strategy (May 2009). However, because the area is outside of the Urban Area Boundary and the majority of it is within the Agricultural Land Reserve, the Urban Designation was not supportable by the Region. Instead, Albion Flats was designated “Agricultural” and identified as a “Special Study Area” in the draft Regional Growth Strategy (Bylaw No. 1136). A Special Study Area is a location where a municipality has expressed its intention to alter the existing land use, and is anticipating a future regional land use designation amendment.

Amending a Special Study Area land use designation or Urban Area Boundary is considered to be a Minor Amendment, and lands in the Agricultural Land Reserve are required to consult with the Agricultural Land Commission during the preparation of the planning studies, prior to initiating an application to exclude lands from the ALR. Those policies read as follows:

“6.10.1 Special Study Areas as depicted on the Specialty Study Areas and Sewerage Extension Areas map (Map 12) identify locations where, prior to the adoption of the Regional Growth Strategy, a municipality has expressed an intention to alter the existing land use, and is anticipating a future regional land use designation amendment. Pending Board approval of a regional land use designation amendment, the current regional land use designation applies within the Special Study Area.”

Amending a regional land use designation within a Special Study Area is a minor amendment under section 6.3.4 of the Regional Growth Strategy. This includes associated adjustments to the Urban Containment Boundary for a Special Study Area.

6.10.2 If the Special Study Area involves lands within the Agricultural Land Reserve, then the municipality is required to consult with the Agricultural Land Commission during the preparation of the planning studies prior to initiating an application to exclude the lands from the Agricultural Land Reserve”

Pursuant with the above requirements, all Alternatives presented in the following section of this report have included consultation with Metro Vancouver. Once the lands are excluded from the Agricultural Land Reserve, it is anticipated that staff will prepare an Official Community Plan amending Bylaw. Approval from the Metro Vancouver Board will be required prior to final reading of the Bylaw.

X. ALTERNATIVES

In light of the aforementioned analysis, three Alternatives are proposed for Council’s discussion.

1. Alternative One: District Submits An Exclusion Application for the lands south of 105th Avenue

This alternative would advance the preparation and submission of an exclusion application for lands situated on the south side of 105th Avenue. This alternative is consistent with the advice received through the ALC’s comments, and based on this is likely to result in a successful outcome. This application would be prepared on its own merits independent of what the owners of land on the north side of 105th Avenue plan to do.

This alternative assumes that no further conceptual work is required at this time. The conceptual land uses would be prepared after the application had received approval from the ALC.

The drainage report would identify the costs required to improve the drainage and would be based on the land uses currently identified in the current concept plan for the south side of 105th Ave. Under Alternative One it is assumed that the District would be required to provide some form of financial assurance to the ALC either through a bond or a letter of credit as part of the exclusion application. However, it is possible that the Commission may require that some or all of the works be started, or even completed before issuing its approval.

The work required to advance this alternative would include those items listed by the ALC namely;

- *a comprehensive review of drainage and stream flow conditions in the Road Thirteen Dyking District;*
- *preparation of an agricultural remedial action plan in consultation with the Commission, the Ministry of Agriculture, Fisheries and Oceans Canada and the land owners, such a plan to address all relevant issues including but not limited to drainage, long term access, buffering or consolidation,*
- *design to ensure that traffic patterns enable practical access and use by farm vehicles*
- *a commitment to keep the use of lands in the Albion Flats as an agricultural fairground.*

An estimated timeline and cost to complete Alternative One is estimated as follows

Tasks Alternative One - District application south of 105th	Date
Drainage Report	Feb - April 2012
Agricultural remedial action plan & traffic analysis	Feb - April 2012
Discussions with Federal and Provincial ministries, Metro Vancouver & ALC staff, Agricultural Advisory Committee, and property owners	ongoing
Council meeting	May 2012
Public Hearing	June 2012
Formal Exclusion Application	July/August 2012
ALC decision	Sept/October 2012

Actions	Estimated Cost
Drainage Report	\$75,000 - \$100,000
Agricultural Remedial Action Plan	\$50,000 - \$75,000
Traffic Report	\$10,000

The advantages of Alternative One:

- Is consistent with the ALC's advice and comments, and is likely to be successful
- The District is in sole control of the work items and the schedule
- An ALC decision could be received by the fall of 2012

The disadvantages of Alternative One:

- The District will not know the outcome of any exclusion application(s) that may be submitted for lands north of 105th Avenue in advance of the District's exclusion application being submitted to the ALC
- The ALC required studies will be based on the assumption that development will not occur on lands to the north. Should the lands to the north be excluded from the ALC, the drainage, agricultural remedial action plan, and traffic studies may not be required, or may need to be further updated.

2. Alternative two : District Submits An Exclusion Application for All of the Lands in the Albion Flats

Alternative two would see Council submit an application for exclusion for both the lands to the south and to the north of 105th Avenue. While there is no legal requirement for the District to consult with property owners in advance of an exclusion application, it would be beneficial for the District to discuss potential land use options with the owners of the area in an attempt to arrive at consensus, prior to proceeding with an exclusion application.

An estimated timeline and cost to complete Alternative Two is estimated as follows:

Tasks – Alternative Two: District submits for all of Albion Flats	Date
Discussions with Federal and Provincial ministries, Metro Vancouver & ALC staff & Agricultural Advisory Committee	Feb – May 2012
Consultation with property owners to the north of 105 th to arrive at consensus regarding future land use	Feb – May 2012
Council meeting	June 2012
Public Hearing	July 2012
Formal Exclusion Application	August 2012
ALC decision	October/November 2012

If the exclusion application for lands both north and south of 105th Avenue were approved by the ALC, the exclusion process would be completed in October or November of 2012 (assuming no conditions were required by the ALC).

If the exclusion application were denied for lands north and south, it is assumed that Council would proceed with the submission of an exclusion application to the ALC for the lands to the south. The following is the estimated timeline and cost:

ALC DENY Exclusion Application for lands north & south of 105th Avenue	October / November 2012
Council review of ALC decision	November 2012
District to proceed with exclusion application for lands South of 105 th Avenue (an assumption)	November 2012
Initiate Drainage Report	November 2012
Initiate agricultural remedial action plan & traffic analysis	November 2012
Discussions with Federal and Provincial ministries, Metro Vancouver & ALC staff, Agricultural Advisory Committee, & property owners	ongoing
Council meeting	January 2013
Public Hearing	Jan/February 2013
Formal Exclusion Application	February/March 2013
ALC decision	spring 2013

Actions	Estimated Cost
Drainage Report	\$75,000 - \$100,000
Agricultural Remedial Action Plan	\$50,000 - \$75,000
Traffic Report	\$10,000

Advantages of Alternative Two:

- If successful, this will result in a maximum amount of commercial and employment lands in the Albion Flats
- It may not be necessary to prepare a drainage; a remedial action plan; or traffic studies required as a component of an exclusion application to the south
- ALC decision could be received by the fall of 2012

Disadvantages of Alternative Two:

- Is inconsistent with the Commissions advice, and may not be supported
- If this exclusion application is denied, the District would need to start the process for excluding the south side
- May place the “approval in principal” for development on the south side of 105th Avenue at risk, since the entire application may be denied.
- If successful, may result in other conditions being attached to the exclusion application, such as placing additional lands in the ALR. This was the case in a recent ALC approval in Mission and staff has been advised that the applicant has been having difficulty in acquiring/finding lands for inclusion.

3. Alternative Three: Hybrid Option - Owner(s) Submit Exclusion Application(s) for lands north of 105th Avenue AND following ALC decision, the District submits Exclusion application for lands to the south of 105th Avenue

This alternative is a three step approach:

- a) Property owner(s) to the north of 105th Avenue would submit an application(s) for exclusion in advance of the District’s application for the south side of 105th Avenue
- b) ALC decision would be received
- c) District would then submit an application for exclusion for the lands south of 105th Avenue.

Based on discussions with some of the property owners north of 105th Avenue, It is our understanding that some of the owners may likely be submitting their own application(s) for exclusion from the ALR. Any application(s) for exclusion would be presented to Council, who will review the application(s), and forward those deemed to have merit to the Agricultural Land Commission for consideration. Should the Commission approve any (or all) of the applications, this may have implications on the District’s submission for the lands to the south. For example, if the lands to the north were to be excluded from the Agricultural Land Reserve, it is possible that the comprehensive drainage plan and/or the requirement for an agricultural remedial action plan would no longer be required.

The estimated timeline and cost to complete Alternative Three is estimated as follows:

Task - Property Owners to North	Date
Property owners prepare exclusion application(s)	Feb - Mar 2012
Submit Exclusion Application to the District	March 2012
Council meeting	April/May 2012
Forward Exclusion Application to ALC	April/May 2012
ALC decision	July/August 2012

- **If ALC APPROVE the Exclusion Application for north**

Task	Date
District prepares RFP for Drainage Report ¹	Feb 2012
District prepares RFP for agricultural remedial action plan & traffic analysis ¹	Feb 2012
Discussions with Federal and Provincial ministries, Metro Vancouver & ALC staff & Agricultural Advisory Committee	ongoing
District reviews ALC decision on lands to the north	September 2012
Drainage, agricultural remedial action plan & traffic study	Likely not required
Council meeting	September/October 2012
Public Hearing	September/October 2012
Formal Exclusion Application to ALC	October 2012
ALC decision	Late 2012

Actions	Estimated Cost
Unknown as the DMR is uncertain what conditions (if any) the ALC would attach to the approval	unknown

- **If ALC DENY the exclusion application for the north**

Task	Date
District prepares RFP for Drainage Report¹	Feb 2012
District prepares RFP for agricultural remedial action plan & traffic analysis ¹	Feb 2012
Discussions with Federal and Provincial ministries, Metro Vancouver & ALC staff & Agricultural Advisory Committee	ongoing
District reviews ALC decision on lands to the north	September 2012
District Initiates drainage, agricultural remedial action plan, & traffic study	Sept/October 2012
Council considers refinements to the concept plan	October 2012
Council meeting	Oct/November 2012
Public Hearing	November 2012
Formal Exclusion Application to ALC	December 2012
ALC decision	Early 2013

Actions	Estimated Cost
Drainage Report	\$75,000 - \$100,000
Agricultural Remedial Action Plan	\$50,000 - \$75,000
Traffic Study	\$10,000

¹ These studies could be initiated in advance of a ALC decision on lands to the north, however if the ALC were to approve the exclusions on lands to the north, the studies may be redundant, or need to be further updated

Advantages of Alternative Three:

- The District's application for the lands south of 105th Avenue is consistent with the ALC's comments
- The success of the lands being excluded from the ALR for lands south of 105th Avenue are not placed in jeopardy, as they are considered separately from the application to the north
- The District knows in advance the outcome of exclusion application(s) for lands to the north, so it can refine the land use concept plan if desired
- This is a fiscally responsible approach and the District could potentially save between \$135,000 to \$185,000 in consulting fees if the lands to the north are excluded, as these studies would not likely be required.

Disadvantages of Alternative Three:

- Delays the District's submission of the exclusion application for the lands south of 105th Avenue (depending on ALC decision on lands to the north)
- Timing is dependent on how quickly the property owners to the north take to prepare and submit exclusion application(s)
Timing is also dependent on the length of time the ALC will take to consider the exclusion application(s) for lands to the north

XI. BUDGET

As noted previously, the Agricultural Land Commission resolution requires that the District prepare a "comprehensive review of drainage and stream flow conditions in the Road Thirteen Dyking District" study; an agricultural remedial action plan; and traffic study as a component of an application for exclusion in the Albion Flats. At this time, there is uncertainty regarding the complexities of these studies, and for that reason, the District is unable to provide a definitive estimate of the costs of these studies, and have provided a range instead. Based on the above estimates, funds in the amount of \$185,000 are requested.

XII. CONCLUSION:

Based on the feedback received from the Agricultural Land Commission, staff has considered three alternatives for advancement of the Concept Plan, and are suggesting that the District proceed with Alternative Three. This alternative is recommended because it is staff's understanding that property owner(s) on the land north of 105th Avenue will likely be submitting their own application(s) for exclusion from the Agricultural Land Reserve, and that the ALC decision(s) pertaining to the application(s) would have direct impact on the District's application for exclusion to the south. For example, if the ALC denies the request for exclusion on land to the north of 105th Avenue, Council may wish to refine the draft concept plan to maximize the amount of commercial or employment lands. Alternatively, if the ALC approves the exclusion application on lands to the north, the District would not likely have to undertake drainage and traffic studies, nor prepare an agricultural remedial action plan, therefore saving the community up to approximately \$185,000 in consulting fees. Lastly, this approach is recommended because any individual application(s) that may occur to the north of 105th is independent of the District, thereby leaving the District to apply for exclusion for the lands to the south which is consistent with the ALC's Resolution, and is not likely to jeopardize the success of the lands to the south being removed from the Agricultural Land Reserve.

Therefore, it is recommended that Council endorse Alternative Three (Hybrid Option - Owners Submit Exclusion Application(s) for lands north of 105th Avenue AND following ALC decision, the District submits Exclusion application for lands to the south of 105th Avenue), as outlined in the staff report.

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Director of Planning

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GM: Public Works & Development Services

Concurrence: J.L. (Jim) Rule
Chief Administrative Officer

CC/

List of Attachments:

- Appendix A – Draft Concept Plan
- Appendix B - November 29, 2011 Letter from the Agricultural Land Commission
- Appendix C – May 2, 2011 Council Workshop Resolution
- Appendix D – Correspondence from ALC re: remnant parcels
- Appendix E – Section 29 Agricultural Land Commission Act & Local Government Referral Form