



CITY OF POWELL RIVER

REPORT

File Nos. 6020-30-0005

DATE: May 17, 2016
TO: Mayor and Council
FROM: Jason Gow, Senior Planner
SUBJECT: Agricultural Land Reserve Exclusion Application – PRSC Land Developments Ltd. for Sino Bright Investment Limited

RECOMMENDATION:

That the application to exclude land from the Agricultural Land Reserve submitted by PRSC Land Development Ltd. be supported, less those lands designated as having *Fair* Agricultural Land Capability as per the Land Capability and Soil Assessment prepared by Madrone Environmental Services Ltd., and as shown on the diagram attached as to this report as Appendix C.

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I concur with the recommendation.

Mac Fraser, CAO

ORIGIN/PURPOSE:

The intent of this report is to consider whether an application to exclude land from the provincially-designated Agricultural Land Reserve received by the City should be endorsed and forwarded on the Agricultural Land Commission for consideration.

BACKGROUND:

On March 23, 2016, staff received notification from the Agricultural Land Commission (ALC) that Agricultural Land Reserve Exclusion Application (ID 55021) by PRSC Land Developments Ltd. was submitted for review by the City of Powell River. The property in question is the vacant parcel that lies south of Brooks High School and fronts Marine Avenue on the east side of the road. It is legally described as Lot A, District Lot 450 Group 1 NWD Plan BCP23887 Except Part Subdivided by Plan BCP42255 (PID 026-685-591). The full parcel measures 53.7 hectares with approximately 47 hectares designated as ALR. The applicant has applied to exclude the 12.1-hectare portion of the property adjacent to Brooks bounded by the Haul road from the ALR. Attached to this report as Appendix A is a diagram that shows the location of the property and illustrates the portion of land proposed to be excluded.

This application is one piece of a much larger process that includes applications to amend both *City of Powell River Zoning Bylaw 2100, 2006*, and *City of Powell River Sustainable Official*

Community Plan Bylaw 2370, 2014, both currently having had third reading. All applications pertain to Sino Bright Investment Limited's proposal to develop a private school campus and dormitories on a 12.1-hectare portion of the property.

On April 6, 2016, Council resolved that the City of Powell River would hold a Public Information Meeting in regards to the exclusion application. On Wednesday, April 27, 2016, the Public Information Meeting was held at the Recreation Complex. A report on the meeting is attached to this report as Appendix B.

STRATEGIC PRIORITY:

Consideration to support this exclusion application being forwarded to the ALC aligns with the City's 2013 - 2014 Corporate Plan: *Strategic Priority #1, Live Within Our Means; Strategic Priority #2, Governance; Strategic Priority #3, Economic Revitalization Plan; and, Strategic Priority #4, Sustainability.*

EXISTING POLICY:

The *Agricultural Land Commission Act* (the Act) is the high-level statute that sets out principles and broad rules for the protection of agricultural land in British Columbia. The ALC is an independent administrative tribunal that is responsible for administering the Act. The Agricultural Land Reserve (ALR) was created as a direct result of the Province enacting the Act which came into effect in 1973. The land under application is within the ALR and is subject to the legislative framework which includes the Act, the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, as well as other ALC policies.

In *City of Powell River Sustainable Official Community Plan Bylaw 2370, 2014*, the land under application has a land use designation of *Agriculture*. In *City of Powell River Zoning Bylaw 2100, 2006*, the subject property is zoned as A2, *Large Lot Rural*.

ANALYSIS AND IMPACT:

The Public Information Meeting held on April 27, 2016, provided staff an opportunity to hear from the community with regard to this application. As stated earlier, a report on the meeting was prepared by staff and is attached to this report as Appendix B. Excluding City Councillors, City staff and those representing the proponent, approximately 45 people were in attendance. The meeting began with an introduction by City staff and was followed by a presentation by the proponent. The remainder of the meeting was dedicated to hearing any questions, comments or concerns held by those in attendance.

It would be fair to say that the majority of those who spoke during this part of the meeting were not in favour of the exclusion application. This same trend was evident in the 26 comment and questionnaire forms completed by attendees following the meeting. Some of the common themes that were mentioned pertained to the loss of trees, the availability of other non-ALR land in the same vicinity that would be better suited to the development of the school, the overriding purpose of the ALC, the belief that it is not acceptable for any land to be excluded from the ALR, and whether or not the land under application is suitable for agriculture in terms of soil capability. During the question period, it was this last theme that drew the most debate. Some claimed that the land under application provides viable yet untraditional farming opportunities; others outright stated that it is not suitable for agriculture. No agreement was reached. From

staff's perspective, however, the suitability of this land to be farmed is the crux of this application and should determine whether support for this application is to be granted.

This is because the policies in regards to the ALR are clearly stated in the City's Sustainable Official Community Plan (SOCP). The following is an excerpt from Section 4.3.2 Agricultural Policies which specifically mention the ALR or ALC:

- (a) Maintain land with agricultural potential in the ALR for future agricultural uses.*
- (b) Encourage development of vacant lands within the ALR with good agricultural capability.*
- (d) The subdivision of lands within the ALR where lot area or layout will impede or fragment agricultural potential or viability is not supported.*
- (e) Encourage a minimum lot size of 8.0 ha in accordance with the provincial standard. Neither an approving officer nor the ALC is obliged to approve applications for subdivision that meet minimum lot size specifications.*
- (g) In order to protect ALR from incompatible or inconsistent uses, development of lands adjacent to, or within, Agricultural Land Reserve lands will be required to:
 - a. Minimize impacts to the natural and human-made physical features of the area; and*
 - b. Include a buffer zone on the non-agricultural side of the parcel boundary adjacent to agricultural land.**
- (n) Support local organizations to acquire private land, including parcels in the ALR, for the purpose of enhancing agricultural use and farm business viability.*

Of these, staff believes policy (a) is most pertinent to this application. It states that all ALR with agricultural potential should be maintained for future agricultural uses. If so, what agricultural potential do the lands proposed to be removed from the ALR hold?

This question was addressed in an assessment entitled "Land Capability and Soil Assessment for Three Parcels in the City of Powell River", prepared for PRSC by Madrone Environmental Services Ltd., a multidisciplinary consulting firm that focuses on the environmental aspects of land management and provides specific scientific expertise in agrology, archaeology, ecology, fisheries, hydrology, and wildlife. The three parcels reviewed as part of the study were a 245-hectare parcel located in Wildwood; a 13-hectare parcel bounded by Timberlane Avenue, Cranberry Street and the Hydro Right of Way; and the parcel associated with the current application.

The purpose of the assessment was to provide PRSC with an inventory of the soils and to evaluate the capability of the land to support agriculture. To properly identify, describe and analyze the agricultural land capabilities of the soils in the project area, detailed soil mapping at a scale of 1:5000 was conducted. Field inspections were carried out throughout the study area by Gordon Butt, MSc, PAg, PGeo, and Wanda Miller, BSc, GIT, AAg, from Madrone. Soils were classified using the Canadian System of Soil Classification as a first step in determining land capabilities and improvability.

Land capability classification is based on the Land Capability Classification for Agriculture in BC classification system which determines the general suitability of the land for agricultural use. The system includes seven classes differentiated on the basis of inherent capability of soils and climate to support common agricultural crops. Class 1 soils typically support the greatest range of crops and/or require the least amount of management to bring them into production. Inversely, Class 7 soils support the narrowest range of crops, if any. In general the greater the number and/or severity of the limitation(s) to a certain land area, the lower the capability of the land to produce agricultural crops.



The soils of the three areas assessed were separated into 17 units. As illustrated in the graphic above, only Unit 12 and Unit 13 make up the land proposed for exclusion from the ALR.

The land proposed for exclusion from the ALR consists of two different units. These are Unit 12 and Unit 13. A description of each with details about their capability classification and improvement ratings and feasibility follows.

Unit 12 This unit covers approximately 80% of the area under application. It has gently sloping, undulating terrain under second-growth forests. Soils are variable in the level of stoniness limitation ranging from Class 3P to 6P, with an average 4P Classification. The soils in this unit have levels of coarse fragments that will hinder tillage, planting, and/or harvest operations. The 4P stoniness limitations could be improved by one class to 3P, with intense removal of the cobbles and stones. The coarse gravel content, however, is considered impractical to remove, and will likely remain after cobble and stone improvement resulting in Class 5P and 6P stoniness limitations.

Unit 13 This unit is located on west facing slopes in a tapered band that runs across the property. It represents approximately 20% of the land proposed to be excluded. The soils are generally well drained with simple slopes ranging from 10 to 30% with 3T to 4T limitations. Soils with steeper gradients have limitations for farm machinery access, and increased potential for water erosion. Improvements of topographic limitations are impractical. The best improved rating is 3T.

Madrone categorized the soils in the full study area into the following four categories of Agricultural Land Capability: *Good* (Class 2, improvable to Class 2 or 1); *Fair* (Class 4, improvable to Class 3 or 4); *Poor* (Class 4 to 6, improvable to Class 4 to 5); and, *Very Poor* (Class 5 to 7, not practically improvable). Based on their assessment and as shown on the Agricultural Land Capability map for the area in question, Unit 12 is categorized as *Poor* and Unit 13 is categorized as *Fair*.

The definitions for *Poor* and *Fair* Agricultural Land Capability as per the assessment prepared by Madrone are as follows:

Soils with a Poor Agricultural Land Capability are marginal for agriculture. They will be brought into production only with intense, costly and difficult improvements, which may not be practicable or economically feasible. Or, they may be suited for a small range of crops that require minimal cultivation or are tolerant of certain conditions that would preclude other crops.

Soils with a Fair Agricultural Land Capability are suitable, if not ideal, for agricultural production. They experience some limitations which may result in less than optimal management (e.g., restricted tillage, restricted crop choice, delayed planting and harvesting). Or they may be suitable for a smaller range of crops.

Based on these definitions in conjunction with the policies of the SOCP, staff recommends that of the 12.1 hectares of land under application, Council endorse and support the exclusion of all lands identified as having *Poor* Agricultural Land Capability from the ALR and those lands designated as having a *Fair* Agricultural Land Capability to remain within the ALR. Attached to this report as Appendix C is a diagram that illustrates the concept recommended.

It is recognized that this recommendation could be viewed as a constraint. However, as shown on Appendix C, these lands correlate to some of the steeper slopes on the property. As such,

the terrain already poses topographical constraints in terms of development. Arguably these same constraints would make this area difficult to operate as a traditional farm as well. But as identified in the assessment by Madrone, this land is designated as *Fair* in terms of Agricultural Land Capability. Furthermore, with improvements, areas of it could be cultivated as orchard or vineyard. Therefore, rather than a constraint, this recommendation should be viewed as an opportunity to integrate agriculture into the core of the proposed development.

STAFF TIME/INPUT:

Approximately 37 hours has been spent by Planning Services staff to review pertinent background information in order to draft this report.

PUBLIC CONSULTATION:

In terms of the application to exclude land from the ALR, a Public Information Meeting was held on April 27, 2016, in the Cedar Room at the Recreation Complex.

Sino Bright's proposal also requires amendments to the SOCP and Zoning Bylaw 2100, and therefore, public hearings were held for both applications. These were held in Council Chambers on April 7, 2016.

OPTIONS:

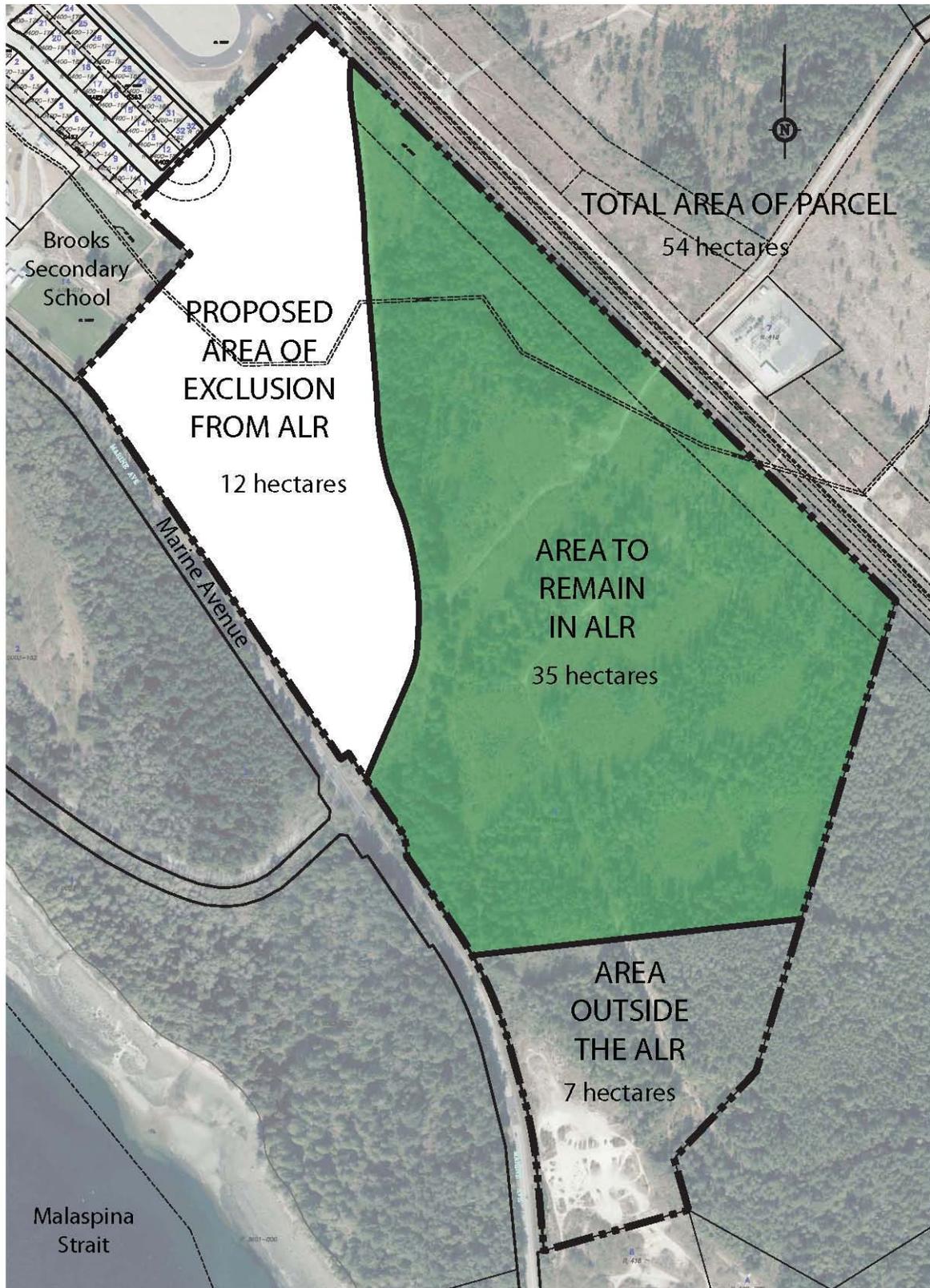
1. That the application to exclude land from the Agricultural Land Reserve submitted by PRSC Land Development Ltd. be supported less those lands designated as having *Fair* Agricultural Land Capability as per the Land Capability and Soil Assessment prepared by Madrone Environmental Services Ltd. and as shown on the diagram attached as to this report as Appendix C.
2. That the application to exclude 12.1 hectares of land from the Agricultural Land Reserve submitted by PRSC Land Development Ltd. be supported and forwarded to the Agricultural Land Commission for consideration.
3. That Council provides an alternative direction to staff; or
4. That Council not approve this application at this time.

Respectfully submitted,

Jason Gow
Senior Planner

JG/tw
Attachments

APPENDIX A





APPENDIX B
CITY OF POWELL RIVER
REPORT

File: 6020-30-0005

DATE: May 17, 2016
TO: Mayor and Council
FROM: Jason Gow, Senior Planner
SUBJECT: Public Information Meeting for ALR Exclusion Application

On April 27, 2016, the City hosted a Public Information Meeting regarding an application it received from PRSC Land Development Ltd. (PRSC) to exclude some of their property from the Agricultural Land Reserve (ALR). The property in question is the vacant parcel that lies south of Brooks High School and fronts Marine Avenue on the east side of the road. It is legally described as Lot A, District Lot 450 Group 1 NWD Plan BCP23887 Except Part Subdivided by Plan BCP42255 (PID 026-685-591). The full parcel measures 53.7 hectares with approximately 47 hectares designated as ALR. The applicant has applied to exclude the 12.1 hectare portion of the property adjacent to Brooks bounded by the haul road from the ALR.

The Public Information Meeting was held in the Cedar Room of the Recreation Complex from 7 pm to approximately 9 pm. The meeting was advertised in the Powell River Peak on April 15 and 22 and on the City's website. Excluding City Councillors, City staff and those representing the proponent, approximately 45 people were in attendance. The meeting began with an introduction by City staff and was followed by a presentation by the proponent. The remainder of the meeting was dedicated to hearing any questions, comments or concerns held by those in attendance.

Thirteen different speakers offered their comments with regards to the application. Nine of these expressed their concern and opposition towards removing the land from the ALR, two were in favour of the application and two were unclear about their position. Throughout this process, City staff or the proponent responded to the questions raised when possible. The following summarizes the general themes raised by the speakers:

- the forest will be lost, it is heavily used by the public – huge loss to the community;
- how the proposed exclusion is not in keeping with the ALR purpose and legislation – Section 6 of the ALC Act;
- keep the forest or replace land excluded with agricultural land somewhere else – would there be any say as to buffers on private land;
- the ALC's role is to protect agricultural land – ALC has not been doing their job;

- is this land good agricultural land?
- it is not good farmland but there is a great forest there – doesn't want the school there, suggested the former golf course property;
- there are various types of farming – the ALR is under threat in the Province and we need to protect agricultural land – farming in BC is growing;
- no land should come out of the ALR – in the 1990s a large section in Powell River came out of the ALR – price of food is rising;
- very unclear process lacking transparency – do not support building private school for the wealthy on ALR;
- is there any guarantee that the remaining ALR land in the subject property will stay ALR;
- in favour of the exclusion but the City doesn't do enough to encourage agricultural development as a whole;
- would there be adequate services for the development?

In response to a question about the suitability of the soils on the land under application for agriculture, a representative of the proponent spoke briefly about the report prepared for PRSC by Madrone Environmental Services Ltd. that addresses the land capability and soil assessment. Additional points made by the proponent's representatives in response to other questions were:

- Island Timberlands has the rights to the trees – the trees will come down;
- this property is for sale – this proposal is a good fit for being adjacent to Brooks and if this doesn't happen, the next proposal may not be a good fit.

Following the meeting, attendees were given an opportunity to fill out a comment form supplied by the City. On the form, attendees were asked what part of the region they live in and whether they are in favour of the application. A section was also provided where additional comments could be recorded. Twenty-six responses were received. Of these, 23 respondents reported being residents of the City and the other three were from the surrounding electoral areas. Six respondents marked that they are in favour of the application, sixteen marked that they are not and the remaining did not mark their forms either in favour or not. Common themes drawn from the additional comments provided are listed below:

- no land should be removed from the ALR as it is a finite resource – Powell River has third-highest removal rate in province;
- no net loss of ALR – land swap good solution;
- there is other non-ALR property in close vicinity to Brooks that would be better suited such as the old golf course lands;
- the development of a school will provide jobs;
- the trees will be gone whether the proposal goes ahead or not;
- the land under proposal is not good arable farmland and a school will be better use;
- residents of Powell River are not informed enough to fully appreciate the implications of this proposal;
- has the applicant considered the infrastructure required for servicing and providing access to the parcel?
- China's human rights record;
- distrust in City processes, City is a partner in this – conflict of interest;

- more difficult to sell if whole parcel remains the in the ALR and hopefully this will stall Island Timberlands from the eventual tree harvest;
- keep the community green;
- private business in ALR?
- not going to be paying taxes as private schools now exempt;
- will cause strain on infrastructure that is not yet in place;
- run-off created when cleared;
- that amount of students and teachers will impact our highway;
- how does this conform to Sustainability Charter?
- just because soil capability is poor does not mean it can't be farmed.

After the meeting, a number of attendees gathered in smaller groups to discuss the proposal further. City staff and representatives for the proponent were on hand to provide clarification about the application where possible.

Respectfully submitted,

Jason Gow
Senior Planner

JG

APPENDIX C

