



# City of Richmond

## Report to Council

**To:** Richmond City Council **Date:** January 22, 2016  
**From:** Amarjeet S. Rattan **File:** 01-0130-01/2016-Vol  
 Director, Intergovernmental Relations and Protocol Unit 01  
**Re:** Revised FCM Resolution - Federal Port Operations on Agricultural Land

### Staff Recommendation

That the Revised FCM Resolution - Federal Port Operations on Agricultural Land, as proposed in the January 22, 2015 staff report from the Director of Intergovernmental relations and Protocol Unit, be submitted to the Federation of Canadian Municipalities for their endorsement (Attachment 3).

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

<b>REPORT CONCURRENCE</b>	
<b>CONCURRENCE OF GENERAL MANAGER</b>	
<b>INITIALS:</b>	<b>APPROVED BY CAO</b>

## **Staff Report**

### **Origin**

At the September 14, 2015 Council Meeting, the City resolution '*Federal Port Operations on Agricultural Land*' (Attachment 1) was endorsed for submission to the Union of BC Municipalities (UBCM).

This City resolution was subsequently endorsed unanimously by UBCM and sent by them to the Federation of Canadian Municipalities (FCM) for their consideration. FCM has now requested that this resolution be revised and resubmitted for inclusion in their 2016 Resolutions.

### **Analysis**

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

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

These resolutions were unanimously endorsed on May 7, 2015, by LMLGA and on September 25, 2015 by UBCM and sent to FCM for their consideration at their June, 2016 Annual Convention.

The City has now received notification from FCM (Attachment 2) that the City resolution submitted through UBCM "does not address a federal issue impacting municipalities nationwide" and has requested that the City consider revising this resolution to have the 'resolved clause' only call on federal port authorities to establish meaningful consultation processes. If this revised resolution (Attachment 3) is approved by Council, FCM has advised that it will accept this and include it in their resolutions to be considered in the June 2016 resolution session of their upcoming annual convention.

### **Financial Impact**

No financial impact.

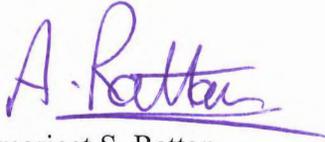
### **Conclusion**

City resolutions with respect to federal PMV ownership of agricultural land were endorsed by the LMLGA and UBCM and subsequently submitted to FCM. However, the FCM has reviewed the UBCM endorsed resolution and recommended that the City consider revising it to have the

January 22, 2016

- 3 -

'resolved clause' only call on federal port authorities to establish meaningful consultation processes. FCM indicated that it is prepared to accept a revised resolution (Attachment 3) for consideration as part of its resolutions session in June 2016.



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

AR:ar

- Att. 1: LMLGA/UBCM Resolutions
- 2: FCM January 20, 2016 notification
- 3: Revised FCM Resolution

**City of Richmond Resolution to LMLGA:**

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

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

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

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

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

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

ENDORSED BY THE LOWER MAINLAND LOCAL GOVERNMENT ASSOCIATION  
UBCM RESOLUTIONS COMMITTEE RECOMMENDATION: **Refer Back to Area Association**

UBCM RESOLUTIONS COMMITTEE COMMENTS:

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

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

**City Resolution to UBCM:**

**Federal Port Operations on Agricultural Land**

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

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

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

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

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

**RESOLVED** that UBCM call on the provincial and federal governments to:

- order federal port authorities operating in BC to sell at fair market value any currently held real properties that fall within the Agricultural Land Reserve;
- enact legislative and regulatory changes to prohibit federal port authorities from purchasing land within the Agricultural Land Reserve if the intended use is non-agricultural; and

- require federal port authorities to establish meaningful consultation processes and a formal dispute resolution process with neighbouring local governments, to address issues arising from federal port operations and activities;

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

TO: MAYOR & EACH COUNCILLOR  
FROM: CITY CLERK'S OFFICE

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	W	
	DB	

Pc: Amrjeet Rattan  
Terry Crowe  
Joe Greg

CityClerk

**From:** Marc LeBlanc <marc.leblanc@fcm.ca>  
**Sent:** Wednesday, 20 January 2016 11:09 AM  
**To:** CityClerk  
**Cc:** Daniel Rubinstein; Pascale Clément  
**Subject:** FCM Resolutions on Port Metro Vancouver  
**Attachments:** MIT-Discouraging Port Metro Vancouver from Expanding on Agricultural Lands.docx; MIT-Federal Port Operations on Agricultural Land.docx

**Importance:** High

**Categories:** 01-0060-20-FCMU1-01

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Good afternoon David,

Hope you're doing well. FCM has received two resolutions from the City of Richmond on the Port Metro Vancouver's expansion into agricultural lands (see attached).

Unfortunately, under FCM's Procedures for Resolutions, FCM generally does not take positions on conflicts between individual municipalities and federal entities, as they do not fall within FCM's existing policy. These resolutions do not address a federal issue impacting municipalities nationwide, but address an issue specific to B.C.'s Lower Mainland. Further, FCM would not take a position on permanently prohibiting PMV expansion onto ALR land nor on prioritizing agricultural or industrial land uses. Therefore, both resolutions as they stand would be categorized as a "Category B" and recommended not to be adopted.

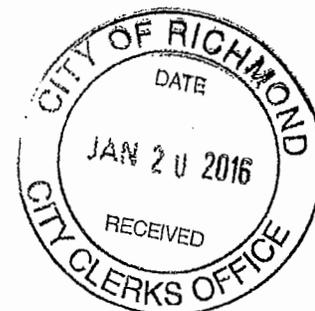
However, the need for meaningful municipal consultation by federal entities in cases where federal and municipal interests overlap is fundamental to existing FCM policy. FCM would welcome a resolution where the resolved clause only calls on federal port authorities to establish meaningful consultation processes, as is mentioned in the second resolution, "Federal Port Operations on Agricultural Land."

An acceptable resolution's resolved clause would look like:

**RESOLVED**, That FCM call on the federal government to require federal port authorities to establish meaningful consultation processes and a formal dispute resolution process with neighbouring local governments, to address issues arising from federal port operations and activities.

Could you please advise if Richmond City Council would be comfortable adopting a resolution with this resolved clause. The "Whereas" clauses do not have to be amended from the "Federal Port Operations on Agricultural Land." Our deadline to receive all resolutions is January 25<sup>th</sup>, but FCM can be flexible with accepting an amended resolution a week or so late. I understand that this is fairly short notice, so if you have any questions, please don't hesitate to contact me.

Marc



March 30, 2015

### **Discouraging Port Metro Vancouver from Expanding on Agricultural Lands**

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

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

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

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

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

*City of Richmond, BC*

Dec 4 , 2015

**Federal Port Operations on Agricultural Land**

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

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

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

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

**WHEREAS**, The City of Richmond has expressed opposition to the Land Use Plan that Port Metro Vancouver prepared for the ALR land that it purchased in Richmond, specifically the fact that the plan may contemplate future non-agricultural use of ALR land; therefore be it

**RESOLVED**, That UBCMFCM call on the provincial and federal governments to:

- order federal port authorities operating in BC to sell at fair market value any currently held real properties that fall within the Agricultural Land Reserve;
- order federal port authorities operating in BC to sell at fair market value any currently held real properties that fall within the Agricultural Land Reserve;

enact legislative and regulatory changes to prohibit federal port authorities from purchasing land within the Agricultural Land Reserve if the intended use is non-agricultural; and

- require federal port authorities to establish meaningful consultation processes and a formal dispute resolution process with neighbouring local governments, to address issues arising from federal port operations and activities; and be it further resolved

**RESOLVED**, That in the specific case of Port Metro Vancouver, UBCMFCM urge the Board of Directors of Port Metro Vancouver to adopt a policy prohibiting the expansion of Port Metro Vancouver operations onto lands within the Agricultural Land Reserve.

*UBCM  
City of Richmond, BC*

**Revised FCM Resolution**

**Federal Port Operations on Agricultural Land**

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

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

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

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

**RESOLVED** that FCM call on the federal government to require federal port authorities to establish meaningful consultation processes and a formal dispute resolution process with neighbouring local governments, to address issues arising from federal port operations and activities;