



To: General Purposes Committee **Date:** February 25, 2015
From: Amarjeet S. Rattan **File:** 01-0140-20-
 Director, Intergovernmental Relations & Protocol Unit PMVA1/2015-Vol 01
Re: **Port Metro Vancouver Resolution to LMLGA, UBCM and FCM**

Staff Recommendation

1. That the Port Metro Vancouver Resolution, as proposed in the February 25, 2015 staff report from the Director, Intergovernmental Relations and Protocol Unit, be submitted to the Lower Mainland Local Government Association, the Union of BC Municipalities and the Federation of Canadian Municipalities for their endorsement (Attachment 2).

2. That a letter and the staff report titled “Port Metro Vancouver Resolution to LMLGA, UBCM and FCM” dated February 25, 2015, be sent to Metro Vancouver, the City of Vancouver, the Corporation of Delta, the City of Coquitlam, the Village of Belcarra, the City of Burnaby, the City of New Westminster, the City of Port Moody, the City of North Vancouver, the City of Surrey, the District of North Vancouver, the City of Port Coquitlam, the District of West Vancouver, the District of Maple Ridge, the City of Pitt Meadows and the Township of Langley, requesting their support for the endorsement of the Port Metro Vancouver Resolution.

3. That the above mentioned letter and staff report be copied to the Office of the Prime Minister, the Minister of Transport Canada, the Premier of British Columbia, the BC Minister of Agriculture, Richmond Members of Parliament and Members of the Legislative Assembly, the Federal Leader of the Official Opposition and the Provincial (BC) Leader of the Official Opposition.

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

Att. 2

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

Staff Report

Origin

At the February 10, 2015 Council meeting, the following referral was made in regards to the report titled, “Richmond Response: Adopted Port Metro Vancouver Land Use Plan”:

That a resolution be sent to the Lower Mainland Local Government Association for submission to the Union of British Columbia Municipalities and to the Federation of Canadian Municipalities

This report is in response to this referral.

Analysis

Port Metro Vancouver (PMV) is the trade name for the Vancouver Fraser Port Authority, a non-shareholder, financially self-sufficient corporation established by the Government of Canada in 2008, under the *Canada Marine Act*. PMV is accountable to the Minister of Transport Canada. Transport Canada, under the direction of the Minister, oversees and regulates most aspects of the Port’s activities through the *Canada Marine Act* and through *Letters Patent* and pursuant to the *Port Authorities Management Regulations*.

The *Letters Patent* issued for PMV indicate that it manages both Federal real property and lands, which the port holds in its own name. PMV may provide services or carry out activities in connection with transport services within the port, or within or between specified municipalities to provide access to or from the port and its facilities. The 16 specified municipalities are those adjacent to PMV operations, namely Coquitlam, Delta, Maple Ridge, New Westminster, Pitt Meadows, Port Coquitlam, Surrey, Richmond, Vancouver, Burnaby, District of North Vancouver, City of North Vancouver, Port Moody, West Vancouver, Belcarra and the Township of Langley.

PMV Land Use Plan and Agriculture Land Reserve (ALR) Lands

PMV’s Mission Statement is “To lead the growth of Canada’s Pacific Gateway in a manner that enhances the well being of Canadians and inspires national pride.” In the spirit of this statement, it would be expected that PMV would consider and balance the interests of both the country and the communities within which it operates.

A key priority for PMV is to ensure that it has an adequate supply of industrial land in the Metro Vancouver region to meet its long term trade requirements. According to its Land Use Plan, PMV’s current inventory of 1,000 hectares of market ready industrial lands is sufficient to meet port demand for approximately 10 years. On December 5, 2014, PMV stated that it needs an additional 930 hectares (2,300 acres) to meet its long term needs. A concern exists that PMV has not stated where in the Metro Vancouver region it will expand its holdings, if it will expand in Richmond and that it will not expand on agricultural land.

PMV operations in Richmond are located on approximately 790 acres of Federal real property known as Fraser Port (Attachment 1). Within this site, PMV leases out approximately 240 acres for ‘non port related use’ (Adesa Richmond Public Auto Auction and Harvest Power Composting Facility) and also has an inventory of approximately 175 acres of undeveloped land.

In addition, PMV recently purchased the 55 acre industrial zoned site known as Fraser Wharves located at the south end of No. 6 Road. As well, there is approximately 160 acres of industrial land to the west of the Fraser Port site that PMV could potentially acquire for their future expansion.

PMV has also purchased approximately 230 acres ALR agricultural land, known as the Gilmore Farm Lands, adjacent to the Fraser Port site. The *Supplementary Letters Patent* issued by the Minister of Transport Canada clearly states that this agricultural land purchase is being made “in support of port operations” (Attachment 2). All indications are that PMV will continue to purchase more agricultural land in the City and throughout the Metro Vancouver region for their future expansion.

City Council and staff participated in the PMV 2012-2104 Land Use Plan process and have repeatedly requested PMV, on at least ten occasions, to not expand on or use agricultural land, as the protection of farmland is a Council priority.

From a land use perspective, as the City’s 2041 Official Community Plan (OCP) and the Metro Vancouver 2040 Regional Growth Strategy (RGS) are important approved land use planning documents that preceded the preparation of PMV’s Land Use Plan, the port and the implementation of the PMV Land Use Plan should have been guided by them. This is not the case, as PMV has not committed to avoid developing on agricultural land. As well, the City is concerned about the PMV being allowed to set a precedent for others who own or may own agricultural land and wish to develop it for non-agricultural purposes. Agricultural land is typically about one third the cost of industrial land and would have lower carrying costs.

PMV’s Land Use Plan identifies ALR agricultural lands as a “Special Study Area”. PMV was requested to delete their plans “Special Study Area” designations in Richmond and replace them with an “Agricultural” designation, before the Plan was presented to the PMV Board of Directors for approval. Letters were also sent to the Minister of Transport Canada, the BC Minister of Agriculture, BC Ministry of Transportation and Infrastructure, the Chair of the BC Agricultural Land Commission, the Metro Vancouver Board and all Metro Vancouver municipalities advising them of these recommendations.

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

Accordingly, a Resolution (Attachment 2) outlining City concerns and recommendations should be forwarded to LMLGA, UBCM, FCM, Metro Vancouver and member municipalities to gain their support in pursuing federal regulatory changes to PMV operations which impact municipal interests.

Financial Impact

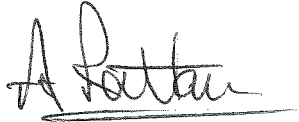
No financial impact.

February 25, 2015

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Conclusion

Staff have reviewed Port Metro Vancouver's adopted 2014 Land Use Plan and find that, after repeated requests from the City of Richmond, the Plan does not protect ALR agricultural land from future port expansion or operations. A City Resolution to LMLGA, UBCM and FCM Resolution (Attachment 2) outlines the actions required from the Minister of Transport Canada to stop PMV from expanding its operations and activities on agricultural land.

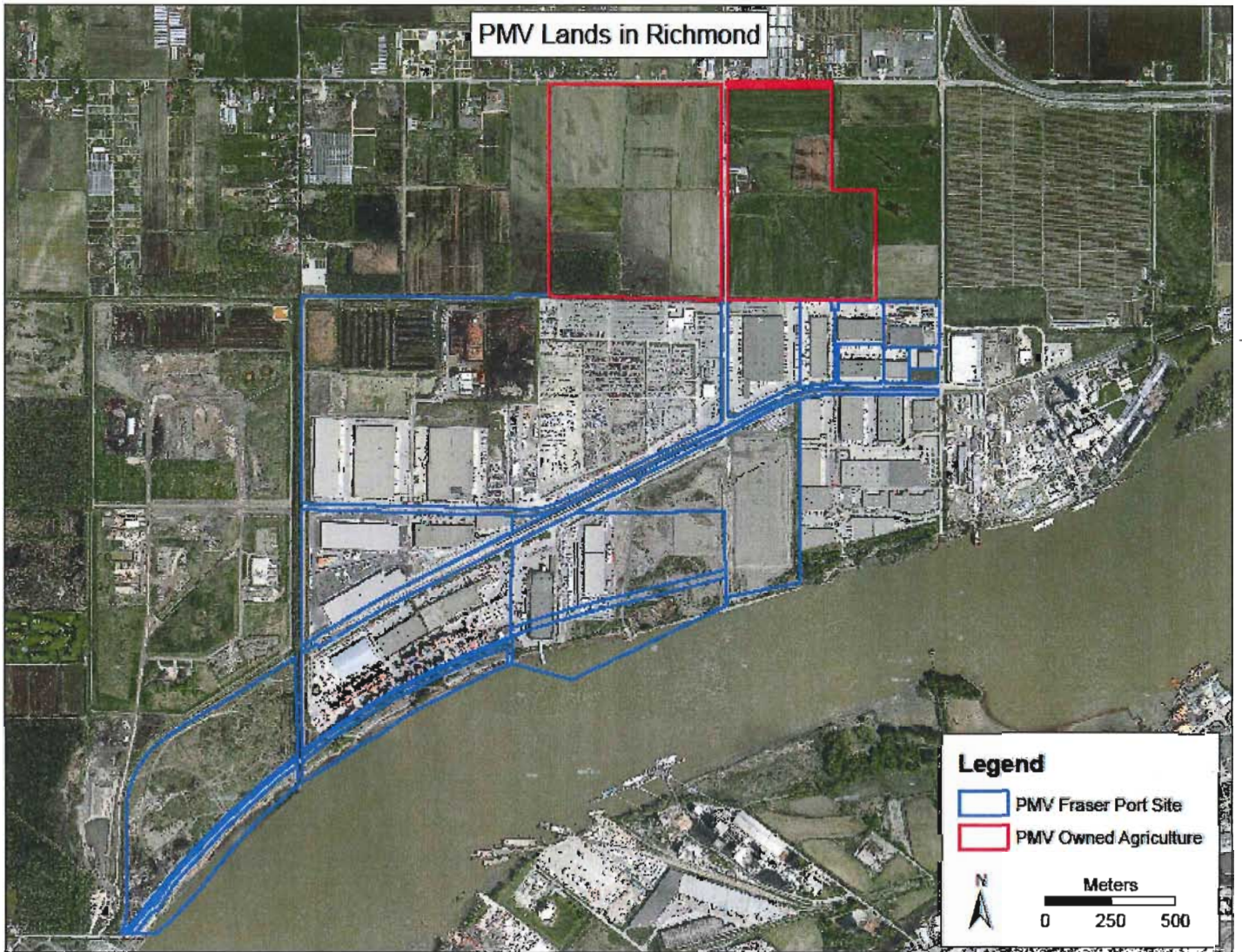


Amarjeet S. Rattan
Director, Intergovernmental Relations & Protocol Unit
(604-247-4686)

AR:zf

Attachments:

1. PMV Lands In Richmond Map
2. Draft LMLGA and UBCM FCM Resolution PMV Ownership of Agricultural Lands



City of Richmond 2015 LMLGA and UBCM/FCM Resolution:

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

WHEREAS Port Metro Vancouver (PMV), also known as the Vancouver Fraser Port Authority (VFPA), is an amalgamation of the former Fraser River Port Authority, North Fraser Port Authority and Vancouver Port Authority which occurred on January 1, 2008, through the issuance of a *Supplementary Letter of Patent* from the Minister of Transport Canada, giving it the responsibility of operating and developing the assets and jurisdictions of the three combined authorities;

AND WHEREAS the *Canada Marine Act* (e.g., through *Letters Patent* and pursuant to the *Port Authorities Management Regulations*) allows 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 in 2008, PMV purchased four parcels in 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* (attached) signed by the Minister of Transport Canada;

AND WHEREAS since 2008, the PMV Board was guided by three previous Land Use Plans of the former Vancouver Port Authority, North Fraser Port Authority and the Fraser Port Authority, which on October 28, 2014, the Board replaced with a new Land Use Plan (Plan) to manage PMV lands and waters;

AND WHEREAS PMV's Plan designates the four ALR parcels as 'Special Study Areas' and not for agricultural use;

AND WHEREAS from a regional and municipal land use management perspective, the City's approved 2041 Official Community Plan (OCP) and the Metro Vancouver's approved 2040 Regional Growth Strategy (RGS) preceded the PMV's 2014 approved Land Use Plan, PMV and the implementation of its Plan should be guided by them;

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

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

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



Transport Canada / Transports Canada

LEGAL SCANNED
SEP 04 2009

Place de Ville
Ottawa
K1A 0N5

Your file / Votre référence

Fax (613) 990-8889 / Télécopieur (613) 990-8889

Our file / Notre référence
AHP 7060-120-19-4

April 7, 2009

Mr. Robin Silvester
President and Chief Executive Officer
Vancouver Fraser Port Authority
100 The Pointe
999 Canada Place
Vancouver, British Columbia
V6C 3T4

Dear Mr. Silvester:

I am pleased to enclose English and French versions of the Supplementary Letters Patent issued by the Minister of Transport, Infrastructure and Communities to amend Schedule C of the Letters Patent to reflect the acquisition of 6131 & 6220 No. 8 Road from A.C. Gilmore & Sons (Farms) Ltd.

As these Supplementary Letters Patent are to be effective upon registration in the Land Registration Office of the transfer documents, copies of the registered document(s) should be forwarded to this office at the earliest opportunity for deposit with the original Supplementary Letters Patent in the Transport Canada Legal Registry.

These Supplementary Letters Patent will be published in the April 11, 2009 issue of the *Canada Gazette* pursuant to subsection 8(3) of the *Canada Marine Act*.

Should you have any questions, please feel free to contact me at (613) 949-9436.

Yours truly,

Robert Spencer,
Manager, Port Property
Airport and Port Programs

Enclosures

Cc: Irene Gauld, VFPA

51-0209 (98-12)

**CANADA
SUPPLEMENTARY LETTERS PATENT
issued to the
VANCOUVER FRASER PORT AUTHORITY**

BY THE MINISTER OF TRANSPORT, INFRASTRUCTURE AND COMMUNITIES

WHEREAS effective January 1, 2008 the port authorities of Vancouver, Fraser River and North Fraser amalgamated to continue as the Vancouver Fraser Port Authority ("Authority");

WHEREAS Letters Patent were issued by the Minister of Transport, Infrastructure and Communities for the Authority pursuant to paragraph 59.7(k) of the *Port Authorities Management Regulations* effective January 1, 2008;

WHEREAS in support of port operations the Authority wishes to acquire from A.C. Gilmore & Sons (Farms) Ltd. the real property described below;

WHEREAS Schedule C of the Letters Patent describes the real property, other than federal real property, held or occupied by the Authority;

WHEREAS the board of directors of the Authority has requested the Minister of Transport, Infrastructure and Communities to issue Supplementary Letters Patent to add to Schedule C of the Letters Patent the real property described below;

NOW THEREFORE under the authority of section 9 of the *Canada Marine Act*, the Letters Patent are amended by adding to Schedule C of the Letters Patent the real property described as follows:

PID Number	Description
013-055-887	SECTION 7 BLOCK 4 NORTH RANGE 4 WEST EXCEPT FIRSTLY: THE NORTH EAST QUARTER SECONDLY: THE EAST 12.5 CHAINS OF THE SOUTH EAST QUARTER THIRDLY: .919 ACRES ON THE NORTH WEST QUARTER ON PLAN WITH BYLAW FILED 53425 NEW WESTMINSTER DISTRICT
004-137-973	SECTION 12 BLOCK 4 NORTH RANGE 5 WEST EXCEPT: (1) PARCEL "A" (REFERENCE PLAN 14013); (2) PART CONTAINING 5260.4 SQUARE METRES ON PLAN BCP393; NEW WESTMINSTER DISTRICT

Received and filed under
No. 157753
in Registry of Legal
Services Transport Canada

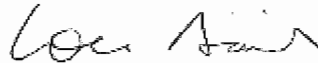
2/9/19

Reçu et classé sous
No. _____
au Bureau d'enregistrement
du Service juridique de
Transports Canada

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These Supplementary Letters Patent are to be effective on the date of registration in the New Westminster Land Title Office of the transfer documents evidencing the transfer of the real property described above from A.C. Gilmore & Sons (Farms) Ltd. to the Authority.

Issued under my hand this day of ~~2nd~~ ^{4th} ~~MAY~~ ^{MAY}, 2009.



John Baird, P.C., M.P.
Minister of Transport, Infrastructure and Communities