

August 7, 2024

ALC File: 69337
Your File: LU007923

Mike Ruskowski
City of Delta
DELIVERED ELECTRONICALLY

Dear Mike Ruskowski:

Re: Reasons for Decision - ALC Application 69337

Please find attached the Reasons for Decision of the Executive Committee for the above noted application (Resolution #511/2024). As the agent, it is your responsibility to notify the applicant accordingly.

Please note that the submission of a \$150 administrative fee may be required for the administration, processing, preparation, review, execution, filing or registration of documents required as a condition of the attached Decision in accordance with section 11(2)(b) of the ALR General Regulation.

Under section 33.1 of the *Agricultural Land Commission Act* ("ALCA"), the Chair of the Agricultural Land Commission (the "Commission") has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

Under section 33 of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. A request to reconsider must now meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides either:

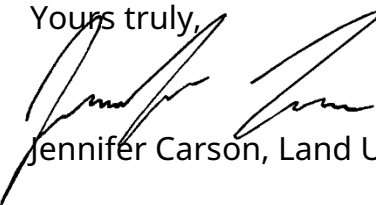
- o Evidence that was not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
- o Evidence that all or part of the original decision was based on evidence that was in error or was false.

The time limit for requesting reconsideration of a decision is one year from the date of the decision's release, as per [ALC Policy P-08: Request for Reconsideration](#).

Please refer to the ALC's [Information Bulletin 08 – Request for Reconsideration](#) for more information.

Please direct further correspondence with respect to this application to
ALC.SouthCoast@gov.bc.ca.

Yours truly,



Jennifer Carson, Land Use Planner

Enclosures: Reasons for Decision (Resolution #511/2024)
 Schedule A: Decision Map

69337d1



AGRICULTURAL LAND COMMISSION FILE 69337
REASONS FOR DECISION OF THE EXECUTIVE COMMITTEE

Exclusion Application Submitted Under s.29(1) of the Agricultural Land Commission
Act

Applicant: City of Delta

Landowner: Tsawwassen Golf & Country Club Ltd. (the
"TGCC")

Agent: Mike Ruskowski, City of Delta

Properties:

Property 1

Parcel Identifier: 013-123-149

Legal Description: Lot A, Section 10,
Township 5, New Westminster District, Plan
78593

Civic: 4800 Springs Boulevard, Delta, BC

Area: 2.56 ha (entirely within the ALR)

Property 2

Parcel Identifier: 028-012-241

Legal Description: Lot 1, Sections 10 and 15,
Township 5, New Westminster District, Plan
BCP4178, Except Plans EPP42884 and
EPP64666



Civic: 5133 Springs Boulevard, Delta, BC
Area: 42.98 ha (entirely within the ALR)

Executive Committee:

Jennifer Dyson, Chair

Richard Mumford

Brenda Schoepp

Ione Smith

Jerry Thibeault

Gerry Zimmerman

OVERVIEW

- [1] The Properties are located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] The Applicant, the City of Delta (“Delta”), is applying to the Agricultural Land Commission (the “Commission” or “ALC”) under s.29(1) of the Agricultural Land Commission Act to exclude 1.77 ha of land from Property 1 and 0.05 ha from Property 2 (totalling 1.82 ha) from the ALR to facilitate residential townhouse development associated with the adjacent Tsawwassen Springs Golf Course (the “Proposal”). The area proposed for exclusion consists of 1.77 ha of Property 1 for the development and irrigation pumphouse and 0.05 ha of Property 2 to accommodate an emergency access cul-de-sac for the proposed townhouse development.
- [3] The Landowner, the Tsawwassen Golf and Country Club Ltd (the “TGCC”), is proposing to include a 2.6 ha portion of an actively farmed property in Deroche in the Fraser Valley Regional District (PID: 000-818-743) (the “Deroche Property”) into the ALR, should the Commission approve the exclusion Proposal.
- [4] The Proposal was considered in the context of the purposes and priorities of the Commission set out in section 6 of the ALCA:
- 6 (1) The following are the purposes of the commission:
- (a) to preserve the agricultural land reserve;

- (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest; and,
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

(2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:

- (a) the size, integrity and continuity of the land base of the agricultural land reserve;
- (b) the use of the agricultural land reserve for farm use.

EVIDENTIARY RECORD

[5] The Proposal, along with related documentation from the Applicant, Agent, Landowner, local government, third parties, and Commission is collectively referred to as the “Application”. All documentation in the Application was disclosed to the Agent in advance of this decision.

[6] In accordance with s. 29(2) of the ALCA, Delta held a Public Hearing regarding the Proposal on Monday, December 4, 2023, and as required, a copy of the minutes from the public hearing was included in the Application material as well as email submissions received from the public. Delta received comments and submissions both for and against the Proposal.

Those in favour commented on the need for more housing and those concerned about the Proposal identified safety, traffic, access, noise, costs, and lack of indoor amenity space for the strata community as issues. The Executive Committee did not find any agricultural concerns identified in the public hearing comments or submissions.

- [7] On April 9, 2024, Commissioners Dyson, Smith and Schoepp conducted a walk-around site visit in accordance with the *ALC Policy Regarding Site Visits in Applications*, (the “Site Visit”). A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Agent on May 16, 2024 (the “Site Visit Report”).
- [8] On May 22, 2024, the Executive Committee conducted an online meeting with the Agent, representatives of Delta, and TGCC (the “Exclusion Meeting”). An exclusion meeting report was prepared and was certified as accurately reflecting the observations and discussions of the Exclusion Meeting by the Agent on June 26, 2024 (the “Exclusion Meeting Report”).

BACKGROUND

- [9] In 1965, construction of the Tsawwassen Springs Golf Course (the “Golf Course”) began on Property 2, including the placement of fill. In 1966, the Golf Course was opened to the public and a clubhouse was constructed in 1967. The ALR was subsequently established in the early 1970s and the Golf Course was included into the ALR at that time.

- [10] In 2007, an application was received to exclude three areas of the Golf Course, including a portion of Property 2, totaling 11.5 ha to facilitate the development of a golf orientated residential community and the re-alignment and expansion of the existing Golf Course (Application 37379). An application was also received to include 1.3 ha of land into the ALR to align the ALR boundary with the Golf Course boundary on Property 2 (Application 37380). The Commission approved the exclusion and inclusion applications by Resolutions #589/2007 and #591/2007 respectively. These applications resulted in the current configuration of Property 2.
- [11] Most recently in 2018, TGCC applied to exclude 1.75 ha of the Properties from the ALR (Application 56528), over the same area that is currently under application. Application 56528 was refused by the Commission by Resolution #136/2018 on the grounds that excluding the Proposal area would interrupt the contiguous agricultural unit, thus decreasing the unit's viability for potential future agricultural use and was subsequently refused on reconsideration.

PROPERTY CONTEXT

- [12] The land under application is located south of Hwy 17 in Tsawwassen, within a block of ALR land largely comprised of the Golf Course. The land under applications is surrounded by residential development to the west and northwest on Tsawwassen First Nation ("TFN") land, the Golf Course directly to the north, east and south and the Tsawwassen Springs Golf Course (the

“TSGC”) residential development to the east. The Tsawwassen Mills Shopping Centre is located directly north across Highway 17.

- [13] During the Site Visit, the Commission observed that the permanent legal access to Property 1 is a narrow private road that includes a landscaped centre median, a roundabout, speed bumps and other traffic calming features. The only other access to Property 1 is single lane gravel road off of Highway 17 which is permitted via an easement through the TFN Lands.
- [14] Property 1 contains a single-family residence and accessory buildings as well as a temporary gravel parking lot used during the construction of the residential development on the adjacent property. Property 2 is operated as the Golf Course. The Application submits there are no agricultural activities occurring on Property 1 or Property 2.

ANALYSIS AND FINDINGS

Proposed Exclusion

- [15] To assess agricultural capability on the Properties, the Executive Committee referred to the reports prepared by Brian French of C&F Land Resource Consultants Ltd. dated May 21, 2016 (the “2016 French Report”) and May 16, 2017 (the “2017 French Report”) and the agricultural capability ratings identified in the Revised Agricultural Capability Assessment of Property 1 report prepared by Eryne Croquet, P.Ag , dated July 3, 2020 (the “Statlu Report”) and the agricultural utility report prepared by MacTavish Resource

Management Consultants Ltd Report (the “MacTavish Report”) dated March 2, 2023.

- [16] According to the 2016 & 2017 French Reports the agricultural capability ratings of the British Columbia Land Inventory are not useful due to the placement of fill on the Properties that occurred during the construction of the Golf Course in the 1960s. The 2016 French Report finds that due to historic filling and presence of stones and asphalt contaminants in the fill material, the majority of the land was unimprovable from Class 5.
- [17] According to the Statlu Report, the improved agricultural capability ratings applicable to Property 1 are Class 3 and Class 4, more specifically the southern portion of Property 1 is classified as Class 4 with the limitations of aridity (A) and stoniness (P) and is improvable to Class 3 with the same limitations and due to historic filling, the northern portion of Property 1 is unimprovable from Class 4 with the limitations of aridity (A), stoniness (P) and undesirable soil structure (D) due to compaction. The fill material on the northern portion of Property 1 was not tested for potential contamination in the Statlu Report.
- [18] During the Site Visit, the agrologist that prepared the Statlu Report discussed the presence of salinity as an additional soil limitation that would likely be exacerbated by climate change.
- [19] The MacTavish Report accepted the agricultural capability findings in the Statlu Report and concluded that the proposed 1.82 ha for exclusion (the

"Proposed Exclusion Area") had low agricultural utility based on a number of factors including access, continuity, and surrounding land use. The Executive Committee agrees with the MacTavish Report's assessment of the agricultural utility of the Proposed Exclusion Area.

- [20] The Executive Committee finds that there has been substantial development surrounding the Proposed Exclusion Area since Resolution #322/2021 was decided that has impacted the continuity of the ALR and further isolated the Proposed Exclusion Area.
- [21] The Executive Committee finds that there are significant barriers for farm equipment access to Property 1 via the narrow road ("Springs Boulevard") that is privately owned in certain sections by TGCC or by the Tsawwassen Springs Country Club strata corporation, who as owners of the road may take issue with machinery, trucks, and other equipment using Springs Boulevard. This access issue is further compounded by the restriction imposed by the Ministry of Transportation and Infrastructure on Highway 17, which prevents access of any type being granted to Property 1 from Highway 17 which serves to further isolate Property 1.
- [22] Further, the Executive Committee understands from the Site Visit and Exclusion Meeting that the current gravel road over the easement area granted by TFN expires in 2032 and will not be renewed or extended beyond this date by TFN.

[23] The Executive Committee finds that while no factor identified in these minutes on its own is substantive enough to justify the exclusion of land from the ALR, in this specific circumstance, given the unique combination of parcel size, configuration, surrounding uses and more critically lack of appropriate access, the agricultural viability of the Proposed Exclusion Area has been significantly reduced and therefore, approves the exclusion Proposal.

TGCC Proposed Inclusion

[24] As compensation for the proposed exclusion, the TGCC is proposing to include a 2.6 ha portion of an actively farmed property in Deroche in the Fraser Valley Regional District (PID: 000-818-743) (the “Deroche Property”) into the ALR, should the Commission approve the exclusion Proposal.

[25] The Application includes an Agricultural Capability Assessment of the Deroche Property in the Statlu Report” and an assessment of the agricultural utility of the Deroche Property in the MacTavish Report. The MacTavish Report states that the Deroche Property is an active agricultural operation that has excellent quality soil that is well suited to agricultural uses which the Commission accepts.

[26] However, the land proposed for inclusion is not owned by or within the jurisdiction of the Applicant, and the Commission has not received a corresponding inclusion application from the TGCC. Should Delta require the inclusion as a condition of development approval or the TGCC wish to

include the Deroche Property into the ALR, a separate application pursuant to section 17(3) of the ALCA would need to be submitted.

DECISION

[27] For the reasons given above, the Executive Committee approves the Proposal to exclude 1.77 ha from Property 1 and 0.05 ha from Property 2 for a total of 1.82 ha of land from the ALR for residential development associated with the adjacent Tsawwassen Springs Golf Course subject to the submission of a surveyed plan of the area to be excluded to the Commission, within three years of the date of the release of this decision that is in compliance with Schedule A of this decision.

[28] The Commission will advise the Registrar of Land Titles that the 1.82 ha of the Properties has been excluded from the ALR when it has received confirmation that the conditions of approval have been met.

[29] Should the above conditions of approval not be completed to the satisfaction of the ALC within the timeframe(s) specified, the approval will expire and a new application may be required.

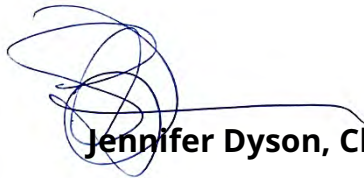
[30] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[31] These are the unanimous reasons of the Executive Committee.

[32] A decision of the Executive Committee is a decision of the Commission pursuant to s. 10(4) of the ALCA.

[33] Resolution #511/2024

Released on August 7, 2024

A handwritten signature in blue ink, appearing to read "Jennifer Dyson", is written over the printed name. The signature is stylized with loops and a long horizontal stroke.

Jennifer Dyson, Chair

On behalf of the Executive Committee



ALC FILE NO: 69337	ALC FILE NO: 511/2024
MAP PRODUCED: July 26, 2024	
MAP SCALE: 1:7,500	
DATA SOURCES & NOTES: ALC, BCGW & ESRI / VFPA. Contains information licensed under Open Government License - British Columbia.	
Map for reference only. Accuracy not guaranteed.	

- Conditionally Approved Exclusion (~1.82 ha)
- Existing Temporary Access Road
- Subject Properties
- Agricultural Land Reserve
- PMBC Parcel Cadastre

