

Township of
Langley



Est. 1873

REPORT TO MAYOR AND COUNCIL

PRESENTED: APRIL 15, 2019 - REGULAR AFTERNOON MEETING
FROM: COMMUNITY DEVELOPMENT DIVISION
SUBJECT: AGRICULTURAL LAND COMMISSION
 APPLICATION NO. 100315
 (FORT LANGLEY AVIATION LTD. /
 23600 BLOCK OF RIVER ROAD, 23945 AND 24600 RIVER ROAD)

REPORT: 19-54
FILE: 11-34-0014

PROPOSAL:

Application to exclude 34.5 ha (85.2 ac) of land located north of River Road and east of the Fort Langley National Historic Site (23600 – 24600 block of River Road) from the Agricultural Land Reserve (ALR) pursuant to Section 30(1) of the Agricultural Land Commission Act.

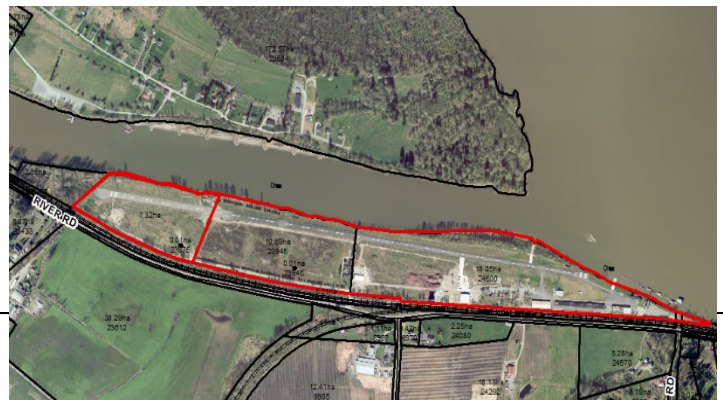
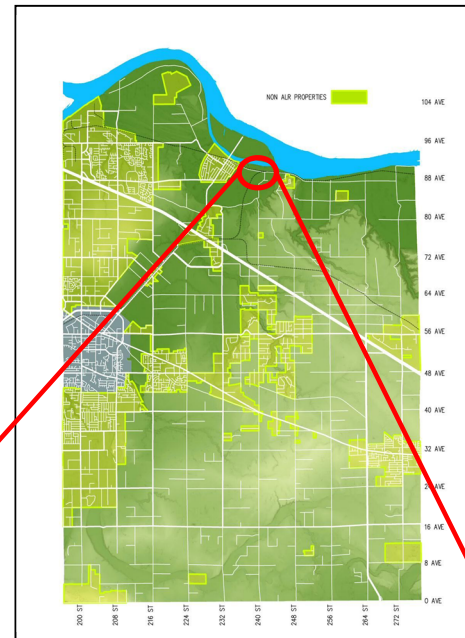
RECOMMENDATION SUMMARY:

That Council authorize referral of the application to the Agricultural Land Commission (ALC).

RATIONALE:

As part of the Official Community Plan updates in 2016, the subject site's designation was changed from 'Agricultural' to 'Industrial'. The changes in land use designation were supported by the ALC and Metro Vancouver.

Should the exclusion application be approved, future amendments to the Rural Plan and Zoning Bylaw will be required prior to any development occurring on the site. Staff are supportive of the development proposal as it is consistent with the Official Community Plan.



RECOMMENDATION:

That Council authorize referral of the application for exclusion from the Agricultural Land Reserve of 34.5 ha (85.2 ac) of land, north of River Road and east of the Fort Langley National Historic Site (23600 – 24600 block of River Road) to the Agricultural Land Commission.

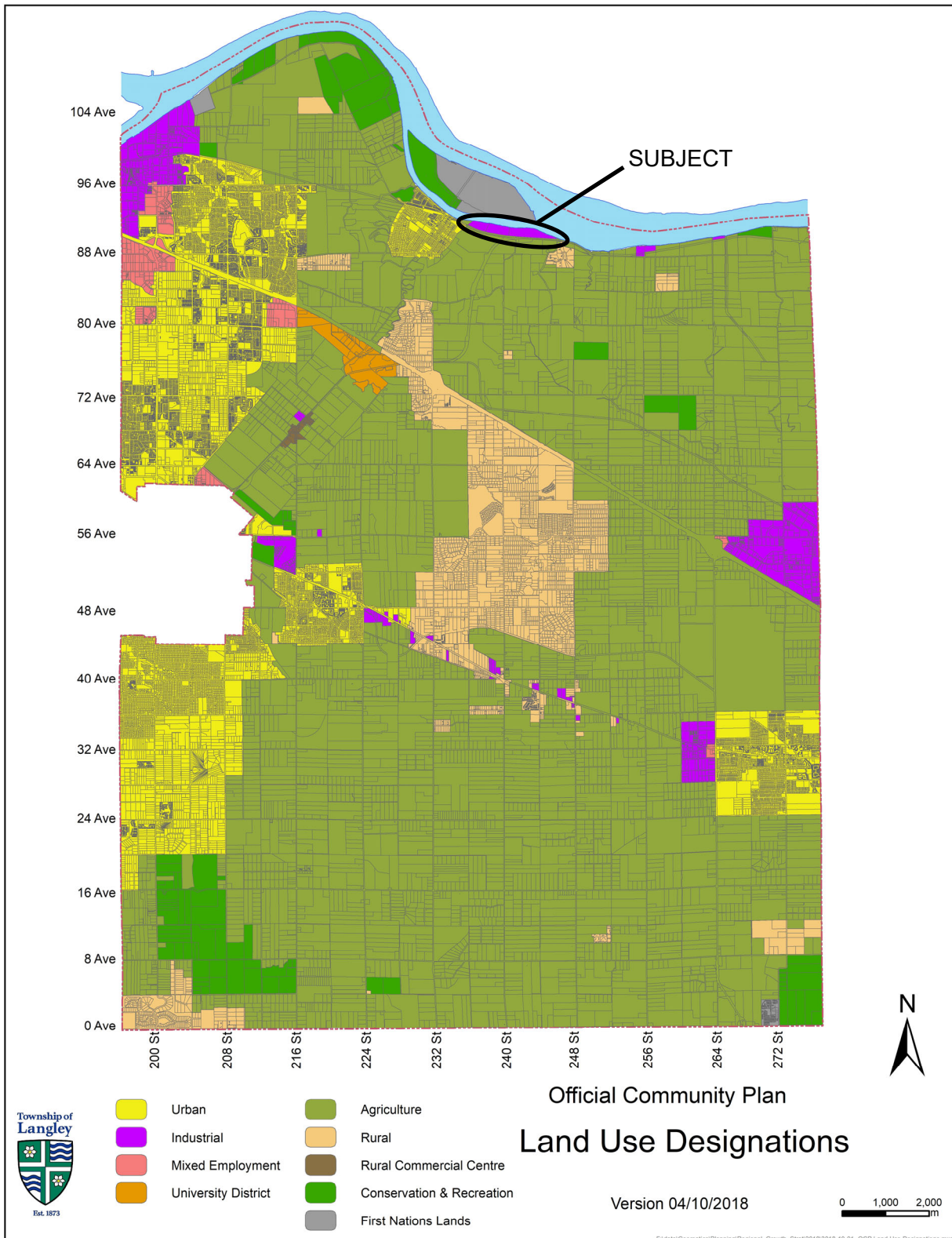
EXECUTIVE SUMMARY:

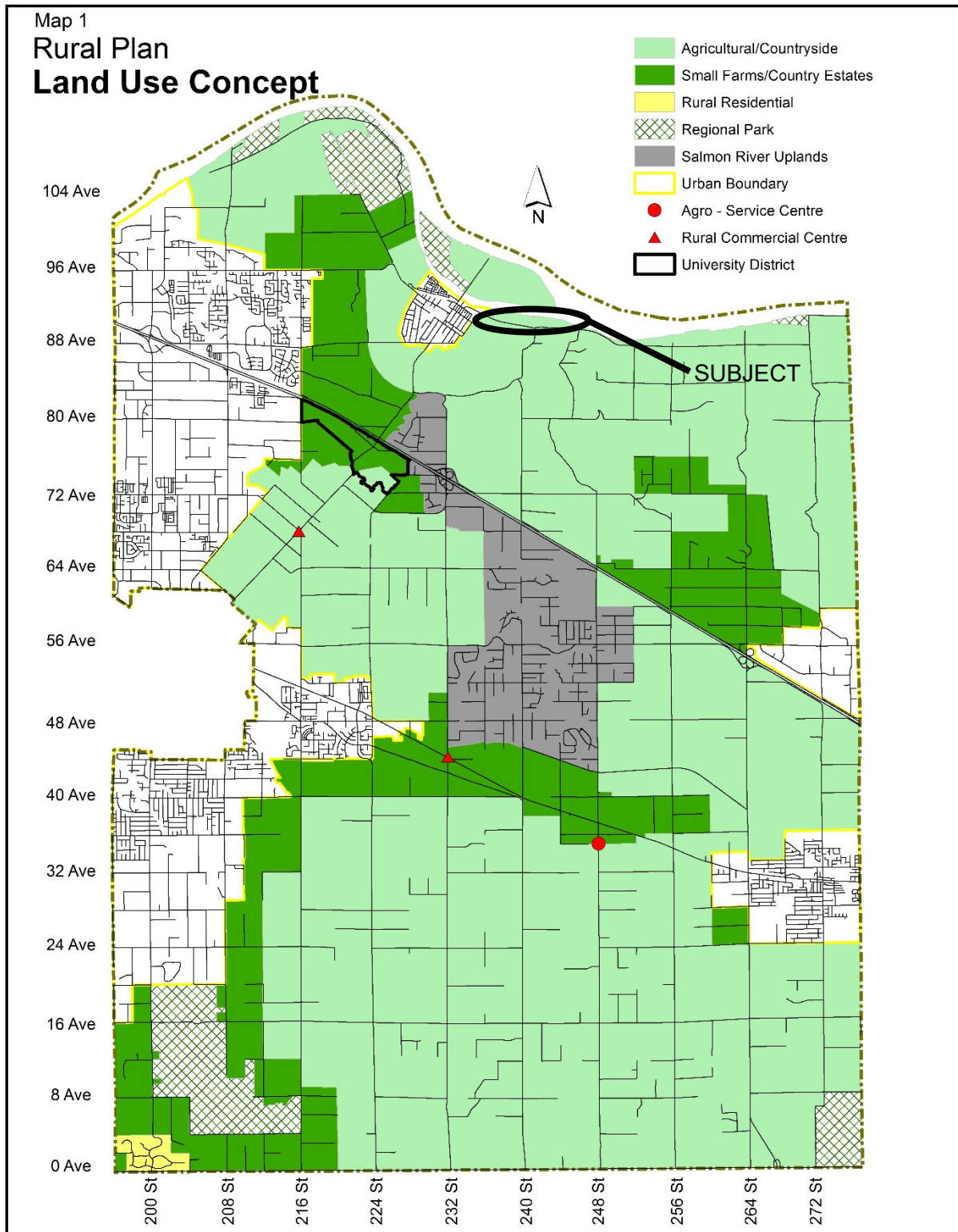
Aplin and Martin Consultants Ltd. has applied on behalf of Fort Langley Aviation Ltd. under Section 30(1) of the ALC Act to exclude 34.5 ha (85.2 ac) of land currently used for aviation purposes from the ALR. According to the applicant, the intent of the proposed exclusion is to continue to use the site for aviation purposes and to allow for a future light industrial business park (pending ALC exclusion and other necessary approvals).

Given the site's "Industrial" designation in the Official Community Plan that is consistent with Metro Vancouver Regional Growth Strategy, its current non-agriculture related land uses, and geographic separation from the rural area, staff recommend that Council authorize referral of the exclusion application to the ALC.

PURPOSE:

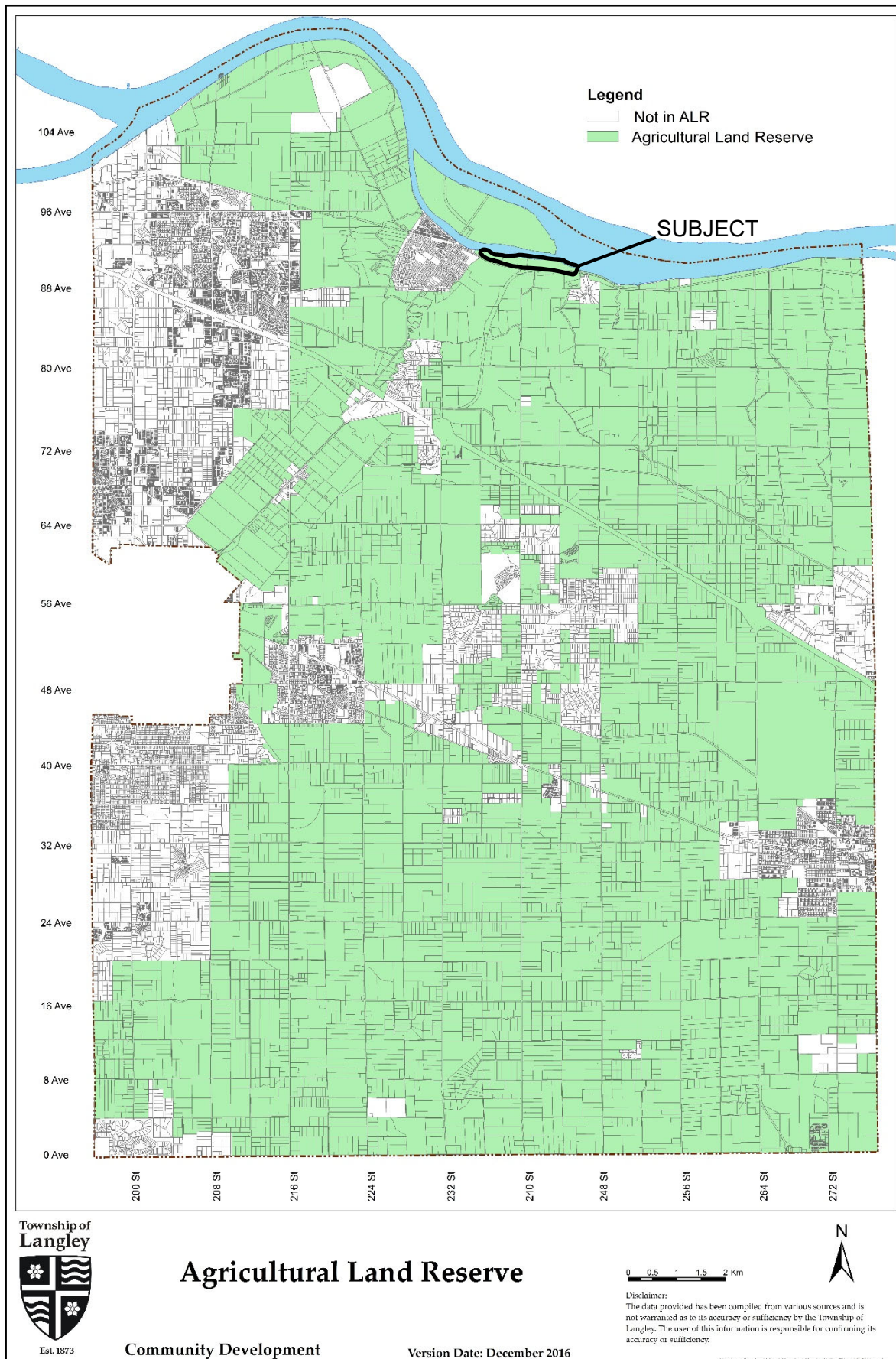
This report is to provide Council with information and a recommendation with respect to an ALR exclusion application, submitted under Section 30(1) of the ALC Act.

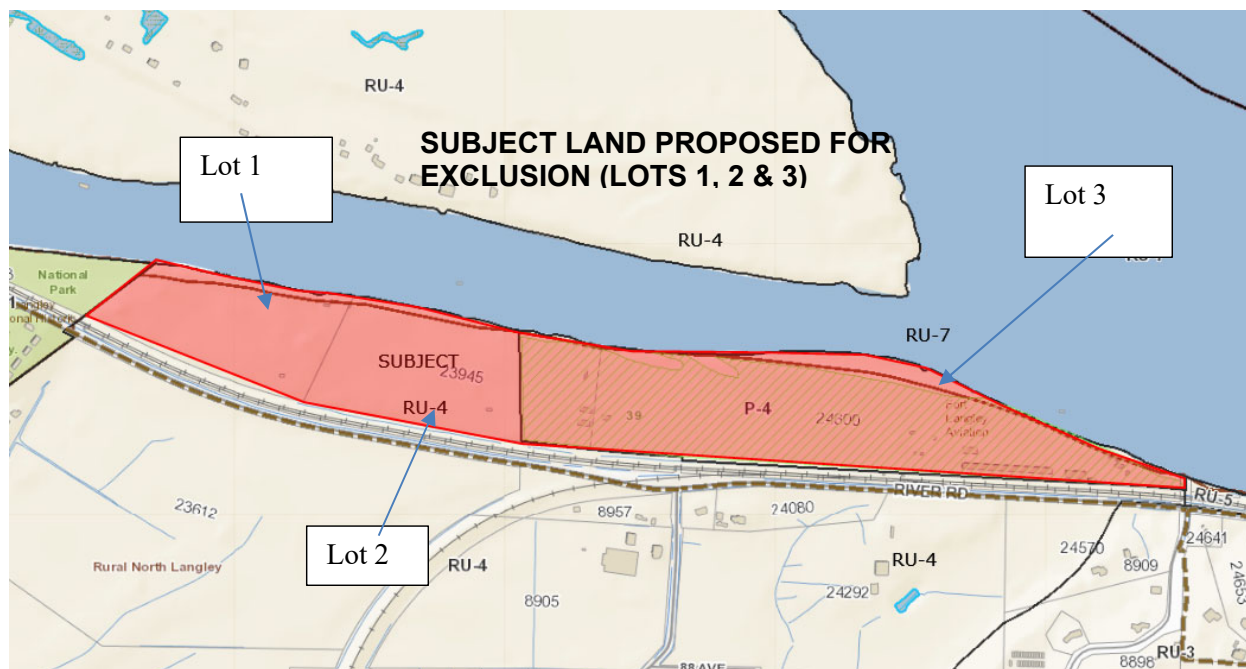




Amendment Bylaw No. 5103 - September 29, 2014

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ZONING BYLAW 2500

ADDITIONAL INFORMATION:

Owner:	Fort Langley Aviation Ltd. 9380 - 198 Street Langley, BC V1M 3J8
Applicant / Agent:	Aplin & Martin Ltd. 1680, 13450 - 102 Avenue Surrey, BC V3T 5X3
Legal Description:	Lot 1 District Lots 583 and 242 Group 2 New Westminster District Plan 74396 Lot 2 District Lots 583 and 242 Group 2 New Westminster District Plan 74396 Lot 3 District Lot 242 Group 2 New Westminster District Plan 74396
Area:	34.5 ha (85.2 ac)
Existing Zoning:	Rural Floodplain Zone RU-4 and Airport Zone P-4
Minimum Parcel Size:	RU-4: 8 ha (19.7 ac) P-4: 1.7 ha (4.2 ac)
Rural Plan Designation:	Agriculture / Countryside
Regional Growth Strategy:	Industrial
Official Community Plan:	Industrial
Agricultural Land Reserve:	In the Agricultural Land Reserve

BACKGROUND/HISTORY:

The Fort Langley Seaplane base was established in 1959 on a portion of the easterly parcel (24600 River Road / Lot 3) included in this exclusion application. Over time, the seaplane base expanded within this property as well as to the property to the west (23945 River Road / Lot 2). The third, westerly parcel (Lot 1) located next to Fort Langley National Historic site was included in the airport after it was purchased by the current owner and operator, Fort Langley Aviation, in 2003. Since then, the airport has been expanded with the construction of offices, hangars, mechanical shops and a runway expansion.

According to the applicant, a vast majority of the site has never been utilized for agricultural purposes. In response to annual flooding and to allow for year-round use, the site was filled with hog fuel to a depth three (3) to four (4) metres and topped with silty sand dredged from the Fraser River. The site's agricultural condition was also affected in 1986 when a train carrying toxic chemicals derailed spilling approximately 250,000 litres of chemicals over ten (10) acres of the site. As part of site remediation at that time, additional sandy fill was placed on the affected areas of the site.

In 2004, the applicant applied to exclude the Fort Langley Seaplane Base from the ALR. The ALC refused the exclusion application in 2006.

The applicant indicates that the purpose of the current application is to exclude the subject site from the ALR in order to continue to use the site as an airport but also to allow for a future light industrial park. According to the applicant, addition of industrial businesses to the site would help to achieve economies of scale and maximize the efficiency of the operation.

DISCUSSION/ANALYSIS:

The ALC allows Council the opportunity to provide recommendations on applications to exclude land from the ALR. The applicant indicates that the subject site is proposed to be excluded from the ALR as a result of its physical isolation, soil capability, contamination and its current non-agricultural use. The applicant has provided a rationale in support of the exclusion application (Attachment A).

The applicant has complied with ALC's procedure for exclusion applications by circulating details of the proposal to adjacent property owners, posting the required signage on the subject property, and advertising the application in local newspapers.

Description of Property:

The subject site is comprised of three (3) parcels shown on the site plan included in this report. Lot 1 (7.5 ha / 18.5 ac) accommodates a portion of a runway and is located directly east of the Fort Langley National Historic site. Lot 2 (10.6 ha / 26.21ac / 23945 River Road), and Lot 3 (16.3 ha / 40.42 ac / 24600 River Road) also accommodate portions of a runway and related buildings. The site is physically separated from farm uses by the Fraser River to the north and east, and River Road / CN Rail line to the south. As stated in the *Fort Langley Airport – ALR Exclusion Rationale Summary* (Attachment A), approximately 15% of the site is paved to accommodate airport related buildings and the runway. The site contains nine (9) buildings used for aviation purposes. The subject site fronts River Road and has vehicle access via two (2) private CN Rail crossings. The site also has water access secured through a Federal lease of the foreshore at its northeast property line.

Adjacent Uses:

North:	Fraser River beyond which is McMillan Island;
East:	Fraser River;
South:	CN Railway corridor and River Road, beyond which are properties located in the ALR, zoned Rural Zone RU-4 and designated 'Agriculture / Countryside' in the Rural Plan; and
West:	Fort Langley National Historic Site zoned Institutional Zone P-1, designated 'Institutional' in Fort Langley Community Plan and located in the ALR.

Official Community Plan:

In conjunction with the adoption of the updated Regional Context Statement and Township of Langley Official Community Plan in 2016, the subject lands were designated "Industrial". The proposed light industrial uses are consistent with the policies in the Township Official Community Plan and Metro Vancouver Regional Growth Strategy.

Rural Plan:

The subject property is designated 'Agricultural / Countryside' in the Rural Plan. Should the subject lands be excluded from the ALR, an amendment to the Rural Plan to change the subject site's designation from "Agricultural / Countryside" to "Industrial" and to designate the site a Development Permit area will be required.

Zoning:

Parcels 1 and 2 shown on the site plan included in this report are zoned Rural Floodplain Zone RU-4 while the easterly parcel is zoned Airport Zone P-4. Rezoning of the subject site will be required to accommodate proposed light industrial land uses if the ALC approves the exclusion application. The site will also be required to meet the applicable Provincial Contamination Site Regulation requirements.

Agricultural Advisory Committee:

In accordance with past practice, the application will be forwarded to the Agricultural Advisory and Economic Enhancement Committee (AAEEC) for information purposes.

Servicing:

Should the land be removed from the ALR, overall servicing issues will be addressed as part of future rezoning and Rural Plan amendment applications.

POLICY CONSIDERATIONS

Given the site's "Industrial" designation in the Official Community Plan that is consistent with Metro Vancouver Regional Growth Strategy, its current non-agriculture related land uses and physical disconnection from the rural area, staff recommend that Council authorize referral of the exclusion application to the ALC. Pending the ALC approval, an amendment to the Rural Plan will be required to align the Rural Plan with the Official Community Plan and to designate the site as a Development Permit area.

Respectfully submitted,

Zorica Andjelic
DEVELOPMENT PLANNER
for
COMMUNITY DEVELOPMENT DIVISION

ATTACHMENT A ALR Exclusion Rationale Summary Prepared by the Applicant



Fort Langley Airport – ALR Exclusion Rationale (Summary) (March 28, 2019)

PURPOSE

The purpose of this summary is threefold:

- A. To provide an update on the recent 2017 changes in municipal and regional policies and the subject lands' land use designation and how these changes further support the proposal by Fort Langley Aviation for an Agricultural Land Reserve Exclusion and the development of a light industrial park.
- B. To compare and outline the significant differences between the 2004 and 2016 Agricultural Land Reserve (ALR) exclusion applications and why many of the reasons for refusal presented in the 2004 Exclusion Application by the ALC and Township of Langley are no longer applicable.
- C. To provide additional technical information and context regarding the unsuitability of the subject lands for agriculture.

There have been significant changes in the Township of Langley's and Metro Vancouver's planning objectives for this site since the original 2004 ALR exclusion application. Parallel to these changes are numerous additional infrastructure and amenity improvements proposed that were not included in the original application. The following rationale compares the two applications within this context and provides a summary to illustrate why many of the reasons for refusal presented in the 2004 exclusion application are no longer applicable.

A. RECENT CHANGES IN MUNICIPAL AND REGIONAL LAND USE POLICIES

1. Change in Site's Land Use Designation at Municipal and Regional Levels

The proposed land use is consistent with the sites 'industrial' designation in the Official Community Plan and Metro Vancouver Regional Growth Strategy (RGS). This is a major change in land use as well as economic policy at both levels of government and represents a major difference between the 2004 ALR exclusion application and the current 2016 application.

The current application is inline with both Township of Langley and Metro Vancouver in land use policy objectives, due to the importance of economic development in Langley and the region in terms of a significant short and long term need for job lands.

2. Status of the Regional Context Statement and Regional Growth Strategy Amendments.

Metro Vancouver has accepted the Township of Langley's amended Regional Context Statement (RCS) as of November 18, 2016. The Township of Langley Council submitted its original RCS to Metro Vancouver in July 2013; the GVRD Board declined to accept the Township of Langley's RCS based on four main objections. Metro Vancouver and the Township of Langley entered a non-binding dispute resolution. As a result of the Settlement Agreement reached between the two parties, the Township formally submitted their amended RCS to Metro Vancouver on November 8, 2016.

- In 2016, Township of Langley Council adopted a revised RCS for submission to Metro Vancouver. The amended RCS obtained approval as a result of bolstering the language reaffirming the Township's commitment to the goals and objectives of the RGS, whilst recognizing the roles and responsibilities of local government and

confirming the authority and jurisdiction of the provincial Agricultural Land Commission.

- Within the Township's amended RCS, the subject site has been designated for Industrial land-use. This expands the site's potential uses to include light industrial activities.

3. The Impact of the Proposed Industrial Uses on Adjacent Agricultural Uses - No Net Impact

Two key considerations come to light when asking the question of "what is the net impact to agriculture," under the current 2016 proposal.

The first consideration is that there is no net increase to the amount of developable land under the proposed 2016 light industrial park when compared to what is permitted under the aviation uses.

When comparing the permitted land uses under the 2004 (status quo) and 2016 (proposed) ALR the net impact on adjacent agricultural uses from the proposed light-industrial use of the site is nil. This is because the developable area of both the current permitted aviation uses compared to the proposed light industrial uses remains unchanged. The net developable area of the light industrial area may actually decrease as a result of the creation of the proposed east west national and regional trail system. This is a new amenity proposed in the 2016 application and has been identified in the Township's planning and park policies. This is further complimented by an improved road network and infrastructure which was not previously included in the 2004 application.

There is an opportunity to create an ALR landscape buffer along the east west trail system. This would contribute significantly to defining and creating a contiguous northern ALR boundary parallel to the existing physical boundaries of River Road and the CN rail line.

The second key consideration relates to "the nature (characteristics) of the permitted uses," under the two development scenarios, current (aviation related uses only) and proposed (light industrial). Under both scenarios uses are to be, light, clean and non-offensive. There is therefore no net impact on agriculture based on the proposed light industrial uses when compared to the current 2004 permitted aviation uses due to their incredible commonalities. In short, there would be no observable differences in the two uses.

The Township of Langley defines light industrial use as is "enclosed within a building and is not offensive by reason of smoke, vibration, smell, toxic fumes, electrical or electronic interference and produces no significant noise which in any way interferes with the use of any contiguous lot". Given regulatory limitation to the light-industrial use there will be no apparent impact on nearby agricultural uses.

B. COMPARISON AND DIFFERENCES - 2004 VERSUS 2016 ALR APPLICATIONS - RATIONALE FOR 2004 REFUSAL TO BE NO LONGER BE APPLICABLE

1. Difference in Proposed Land Uses between 2004 and 2016 Applications

Staff's consensus that the ALR exclusion was unnecessary to facilitate the on-going development of the Fort Langley Seaplane Base for aviation purposes is no longer applicable given the change in scope of the current application. The current proposal specifies that Fort Langley Aviation intends to maintain the airport as the primary use, but also develop a light industrial business park on the site. While aviation uses are permitted federally and therefore, outside of ALC jurisdiction, the owner intends to operate and lease out space for, both aviation-related and non-aviation-related businesses within the light industrial business park. Non-aviation-related industrial uses are not permitted in the ALR and therefore, ALR exclusion is required.

2. 2004 versus 2016 Application Compliance with the Official Community Plan, the Rural Plan and other Regional Policies

The initial application for ALR exclusion was submitted to the Township of Langley for review and endorsement by the ALC in 2004. This application was to exclude only the easterly most hooked-parcels of the subject site located at 24600 River Road in Langley, BC. As the basis for the proposal, the applicants, Fraser River Aviation and Fort Langley Aviation, were applying for exclusion to allow for the property to continue to be developed for aviation purposes without the encumbrance of having to obtain Building Permit approvals from the ALC.

Differing from the previous application, the current ALR exclusion application not only includes the easterly-most hooked-parcels at 24600 River Road, but also 23945 River Road and the parcel to the west of it with no civic address.

The 2004 application did not receive endorsement from Township of Langley Council to proceed to the ALC for review. In a staff report to Council dated December 19, 2005, it was recommended that Council not endorse the application for the following reasons:

- The application did not comply with the Township's Official Community Plan and Rural Plan.
- In Staff's opinion, the ALR exclusion was unnecessary to facilitate the on-going development of the Fort Langley Seaplane Base for aviation purposes. As outlined in the Staff report to Council:
 - Recent court decisions have greatly clarified jurisdictional issues with respect to land use at federally recognized airports such as the Fort Langley Seaplane Base. Until recently Township Staff has issued Building Permits on airport lands only after approval from the Provincial Agricultural Land Commission was obtained. In light of recent judicial decisions and advice from the Township's solicitors, this practice has been discontinued. Advice from the Township of Langley solicitors is that neither the Township nor the Provincial Agricultural Land Commission has jurisdiction over airport related land uses – such remains federal government jurisdiction.
 - As per Transport Canada's Federal Aviation Law:

"[A]n owner of an aerodrome is not obliged to obtain a building permit or to build to local standards because an aerodrome and its related buildings are an integral part of aviation and thus fall within the exclusive federal power over aeronautics...in summary, parliament has exclusive jurisdiction with respect to aeronautics." Transport Canada, Aerodrome Safety Civil Aviation, 1997.
- Staff believed that Township of Langley land use policies combined with federal government jurisdiction over airports was sufficient to allow for the on-going growth and development of the Fort Langley Seaplane Base.
- Staff believed that exclusion of the lands from the ALR would increase pressure to allow the property to be developed for non-airport/non-ALR uses, both of which would be inconsistent with Rural Plan.
- Staff believed that any land use policy change for the Fort Langley Seaplane Base lands should only be considered within the framework of an overall review of the Fraser River lands / Rural Plan update.

- Staff also recommended that Council request the ALC to confirm that its jurisdiction pertains to non-farm uses not related to the Seaplane Base operation, and does not inhibit the on-going growth and development of the Fort Langley Seaplane Base for aviation purposes.

3. Site Servicing Upgrades

The 2004 application was submitted without the benefit of a detailed servicing construction feasibility analysis and did not propose the major infrastructure upgrades that the current 2016 application proposes. This is a significant difference between the applications. The site is not currently serviced by municipal water or sanitary sewer. The closest sanitary and water services are found in Fort Langley, approximately 1,500 meters west of the midpoint of the site.

The site currently relies on infiltration and overland flow towards the Fraser River and two ditches along the north side of the train tracks and River Road for drainage. There is currently no piped drainage available on River Road along the site's frontage. The roadway is drained by overland flow into ditches along both sides of River Road. The existing grades between the site and Fort Langley along River Road do not support gravity flow from the site towards Fort Langley. The site is currently serviced by one or more water well(s) and septic fields.

Fort Langley Aviation Ltd. will undertake the required on-site and off-site infrastructure, servicing, road upgrades associated with the proposed development. Such improvements may include road improvement beneficial to both industrial and farm users. Drainage improvements will have no negative impact on the adjacent farm properties. The value of the major off-site infrastructure improvements is estimated to be in the range of \$5 million.

4. The Impact of Proposed Truck Route on Adjacent Agricultural Uses

Over the last 20 years, there has been significant network and jurisdictional changes in and around the Township of Langley. Three significant changes over the last 20 years include the creation of Translink (South Coast British Columbia Transportation Authority) in 1999; the completion of the Golden Ears Bridge in 2009; and the completion of the Port Mann/Highway 1 Improvement Project in 2012. Despite these changes the Township's road networks have been left relatively unchanged. These are all significant changes since the 2004 ALR Exclusion Application.

The proposed truck route modification is a Township of Langley initiative that addresses the changing infrastructure throughout the Township and its surrounding area. The Township of Langley engaged Creative Transportation Solutions (CTS) to undertake a review of the truck routes in north east Langley with the goal of increasing efficiency, operations and safety. The recommendations included amending routes by deleting several road linkages. The proposed rerouting would eliminate truck traffic through historic Fort Langley.

CTS determined that the current road network linking to the site has sufficient capacity to accommodate the development of an industrial park at the subject site. As outlined in Table 4 (ALR Exclusion Application Package pg. 28-29), all roads located in the current local road network are operating below their design capacity and would therefore be able to accommodate the traffic generated by the industrial development.

With the introduction of an industrial park into the area, modifications should be considered to delete both 88 Avenue and 96th Avenues east of 216 Street, Glover Road north of Highway 10 and River Road west of 240th Street routes (see Figure 15). The benefit of these amendments would be that non-delivery trucks would be prohibited from travelling through historic Fort Langley, decreasing both the volume and type of traffic that goes through the neighborhood's downtown core.

Fort Langley Aviation also engaged CTS to undertake a feasibility of the improvements required for the proposed light industrial park which identified the construction of an at grade gated CN rail crossing.

CTS was asked to comment on the net impact of the changes to the truck route on adjacent and area agricultural uses. CTS advised that *"the net impact to agriculture is neutral. An increase in truck traffic will be moved through arterial roads serving agriculture with road conditions and safety improved. The impact will be net positive for the urban uses of Fort Langley as these changes will eliminate track traffic through downtown Fort Langley."*

5. Impact of various charges registered against title on the proposed development.

A review of the various charges on title was undertaken to determine whether any of these would be required to be released or amended to accommodate the proposed development and have any impact on adjacent agricultural uses.

Charge	Description	Impacts
COVENANT AA71928	Design guidelines to reduce the flood potential of areas within buildings used for habitation, business and storage of goods susceptible to damage by floodwaters	No impact - can apply to new development
COVENANT AA71929	Restricts residential dwellings and/or mobile homes from being placed on the land.	No impact - use not proposed
COVENANT BP13842	Facilitates the construction and maintenance of a public trail for the Township of Langley that will be open to the public with or without vehicles or machinery.	No impact - trail proposed to be enhanced through proposal
COVENANT AD6339	No building shall be constructed, nor mobile home located, within 30 meters of the natural boundary of the Fraser River.	No impact - not proposed
RESTRICTIVE COVENANT AB235227	Binding private lands (Sellers Land) and Township lands together	Not determined at this time
EASEMENT BV403782	To allow construction and to maintain roads and driveways	Can be modified or released.
EASEMENT AA180822	For construction and maintenance of roads and driveways	No impact. Can be modified or removed.
LAND USE CONTRACT P67640	Outlines where dredging can occur, traditional fishing rights, permitted uses, and excavation areas.	No impact
STATUTORY RIGHT OF WAY BL22290	To facilitate the construction, repair, and maintenance of a public trail for the Grantee and the public with or without vehicles or machinery.	No impact

In summary, it is the opinion of the consulting team that the encumbrances currently registered on title will not have any impact on the proposed development and adjacent agricultural uses. Should the east west pedestrian trail and an ALR buffer be constructed

a statutory right of way and restrictive covenant would be required by the Township of Langley.

C. ASSESSMENT AND CONTEXT OF SITE'S UNSUITABILITY FOR AGRICULTURE

The 2004 application did not include either an agricultural capability assessment or a geotechnical report whereas the 2016 report includes both. The 2016 detailed agrological analysis, undertaken by McTavish Resource & Management Consultants and the respective geotechnical report prepared by WSP brings to light many issues and existing conditions related to the site's unsuitability for agriculture which were not included in the previous 2004 application.

These documents serve to define and analyze the agricultural suitability of the site which is based on but not limited to: location, topography, accessibility, economic viability, agricultural capability and in this case the impact of soil contamination.

1. Agricultural Capability

In regard to topography, over 80% of the site is not in a natural state, this includes its elevation and soil composition which has been created (man-made) over a period of 50 years. Prior to this period, the site was either floodplain, or foreshore; not a defined identifiable piece of property due to the influence of the Fraser River. Historically the site is not suitable for agriculture as it is regularly flooded and does not meet the agricultural freeboard requirements for production of most crops.

2. Site Access, Contamination, Location and Isolation

The site has poor access and remains significantly isolated from adjacent agricultural lands to the south. The impact of the CN main rail line to Roberts Bank, today and in the future, will only continue to grow in significance, and is far greater today than in 2004; there are up to 40 trains per day that make use of the tracks (mainline and destined for Roberts Bank). To deal with the increase in inaccessibility an at grade gated crossing for the CN tracks is proposed which will significantly increase the safety of and accessibility to the site. This upgrade is only made financially viable by industrial development. Without this improvement safe access to the site for agricultural purposes will continue to be less likely as the significance of Roberts Bank increases within a global context. This improvement was not included as part of the 2004 ALR Exclusion Application.

3. Defining a New ALR Edge without Parcelization

The lands are located along the northern edge of the existing ALR within the Township with restricted access from the north by the Fraser River, with Fort Langley to the west and with CN Rail and River Road restricting access to the south and east.

The previous application did not address the long-term objective of the Township establishing a secure east-west pedestrian trail access completing this segment of the Trans-Canada and Regional River Trail systems. Although there is an access easement in favor of the Township, there is no public pedestrian access permitted to the site. The establishment of an east-west pedestrian trail offers an outstanding opportunity to create a landscape buffer parallel to the CN tracks which can be designed to be an ALR buffer. This landscape buffer and trail paralleled by the CN tracks and River Road would create a new strong contiguous northerly boundary to the ALR. Excluding the subject lands from the ALR would adjust the ALR boundary without parcelizing the ALR due to the strength of this new well-defined boundary and the significant isolation of this site.

The proposed revised boundary is in keeping with best management practices and the adjustment follows logical and contiguous borders of the ALR this includes roads, rail lines and instead of bluffs and water courses follows a regional and national trail that offers an opportunity to create a contiguous ALR buffer. This feature fulfills multiple

planning objectives which include, defining the agricultural urban edge, creating an aesthetic buffer adjacent to the rail line and to define and provide a visual edge of the proposed light industrial park. In summary, the subject site's context fulfills the principles of rationalizing strong ALR boundaries.

4. The Impact of Contamination on the Long Term Agricultural Suitability of the Site

If the airport was not in operation and the land was converted back to agricultural production, the only feasible activities would be poultry or greenhouse uses in enclosed structures as per the Agrologist Assessment prepared by McTavish Resource & Management Consultants. It is doubtful however; whether poultry barns or greenhouses could be constructed on the existing wood waste fill. If the airport was converted to poultry or greenhouse uses, the wood waste would need to be removed and appropriate fill deposited to meet structural geotechnical requirements. The additional costs of removal and disposal of wood waste for construction would make the construction costs on this site considerably higher than on other comparable agricultural sites rendering the proposed non-soil based uses financially unfeasible or economically noncompetitive. The area where the contaminated plume exists cannot have any material removed without federal review and the issuance of the required permits. (Note, previous remediation efforts have been carried out.)

The contaminated area will require a Certificate of Compliance be obtained to verify that all of the soil affected by the chemical spill has been remediated. Although the 2004 and 2016 applications substantiate that the existing chemical contamination is a major impediment to soil based agricultural production, as it is not permitted, they do not address the long-term impact of contamination of the site's agricultural suitability in terms of non-soil based agriculture.

Golder & Associates was contracted to provide comment on the possibility of producing non-soil based agriculture in the area of the chemical spill. The company advised that it is likely achievable on the basis that a properly engineered system is put in place and a long-term monitoring system is developed and implemented. The system must be a completely enclosed system/structure and not come in contact with the existing ground. Hence, livestock or food products would need to be enclosed and could come in contact with the contaminated area.

A detailed analysis to review the type and nature of the 1986 chemical spill of approximately 250,000 liters of 1,2 Dichloroethane (EDC) and 60,000 liters of solid phase caustic soda is required to provide a detailed evaluation and recommended approach to production. This however confirms that additional expense is required to remediate the ongoing issues related to the long-term contamination of the site. This is a major consideration affecting the unsuitability of the site for agricultural uses.