



CITY OF RICHMOND
URBAN DEVELOPMENT DIVISION

REPORT TO COMMITTEE

TO: Planning Committee

DATE: December 4, 2000

FROM: Joe Erceg
Manager, Development Applications

FILE: AG 00-183664

RE: Agricultural Land Reserve Appeal Application by Bob Ransford (on behalf of Gurdial and Inderjeet Dha) for Subdivision at 7931 McLennan Avenue

STAFF RECOMMENDATION

That authorization for Bob Ransford to apply to the Land Reserve Commission for subdivision of Gurdial and Inderjeet Dha's property at 7931 McLennan Avenue be denied.

H. Bulee

for

Joe Erceg
Manager, Development Applications

HB:blg
Att. 4

FOR ORIGINATING DIVISION USE ONLY
CONCURRENCE OF GENERAL MANAGER
<i>David Mills</i>

STAFF REPORT

ORIGIN

Mr. Bob Ransford has applied, on behalf of Gurdial and Inderjeet Dha, for permission to subdivide 7931 McLennan Avenue into two lots of 910 m² (0.22 ac.) and 2,680 m² (0.67 ac.).

An Agricultural Land Reserve (ALR) application is required because although the subject property was created prior to the agricultural land freeze and is less than 2 acres, it was not on a separate certificate of title on December 21, 1972.

This fact was discovered by the Land Reserve Commission when it was reviewing the Dha's latest proposal to extend McLennan Avenue. Unfortunately, the Commission did not raise this issue in the past nor was the City aware of the fact that 7931 McLennan Avenue was not on a separate certificate of title when it considered all of the previous rezoning and subdivision applications on this property.

According to the title searches submitted by the applicant, 7931 McLennan Avenue was on the same certificate of title as Lots 36 and 37 to the north and the former Lot 39 to the south on December 17, 1971 and these four lots were owned by Frank and Helen Suderman.

In 1979, Bruce and Helen Redpath obtained title to 7931 McLennan Avenue and Lots 36 and 37. The subject property was placed on a separate certificate of title and transferred to Gurdial and Inderjeet Dha in 1985.

Attachment 1 shows the location of the subject property. Attachment 2 is a copy of the proposed subdivision plan. Attachment 3 illustrates the existing land use (colour photographs taken by the applicant are also available). Attachment 4 is the applicant's reasons for the proposal.

FINDINGS OF FACT

ITEM	EXISTING	PROPOSED
Owner	Gurdial & Inderjeet Dha	Undetermined
Applicant	Bob Ransford	Undetermined
Site Size	0.36 ha (0.89 ac.)	0.09 ha (0.22 ac.) and 0.27 ha (0.67 ac.)
Land Uses	One single-family dwelling	Two single-family dwellings
OCP Designation (Generalized Land Use Map)	Agriculture	No change
Area Plan Designation (McLennan Sub-Area Plan)	Agriculture	Residential
Zoning	Agricultural District (AG1)	Single-Family Housing District, Subdivision Area F (R1/F)

RELATED POLICIES & STUDIES

Section 21 (1) of the Agricultural Land Commission Act states that "Restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the Land Registry Act, R.S.B.C. 1960, c. 208. less than 2 acres in area".

STAFF COMMENTS

This ALR application was not circulated to various City staff for comment because the proposal to subdivide 7931 McLennan Avenue was reviewed as part of Rezoning Application RZ 00-084689, Development Variance Permit Application DV 00-179925 and Subdivision Application SD 00-084687.

ANALYSIS

There would appear to be three options available to Planning Committee and/or Council with regard to this ALR application.

1. DENY THE ALR APPLICATION (Staff Recommendation)

Staff are continuing to recommend that the proposed subdivision of 7931 McLennan Avenue be denied on the grounds that it is contrary to the Richmond Official Community Plan (OCP) and McLennan Sub-Area Plan and would set a precedent for similar ALR, rezoning and subdivision requests.

2. APPROVE THE ALR APPLICATION

The majority of Council has supported Rezoning Application RZ 00-084689 on this site. The reasons for this, which would also be applicable to the subject ALR application, are that farming on such a small area is not viable and the undeveloped portion of the property is surrounded by single-family dwellings.

3. REFER THE ALR APPLICATION TO THE LAND RESERVE COMMISSION WITH NO RECOMMENDATION

Although not normal practice, the Planning Committee and/or Council could refer this ALR application to the Land Reserve Commission without any recommendation in order for the Commission to decide if a 0.36 ha (0.89 ac.) parcel at this location can be farmed and to determine to what extent McLennan Avenue should be constructed.

FINANCIAL IMPACT

None to the City.


CONCLUSION

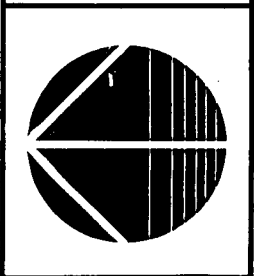
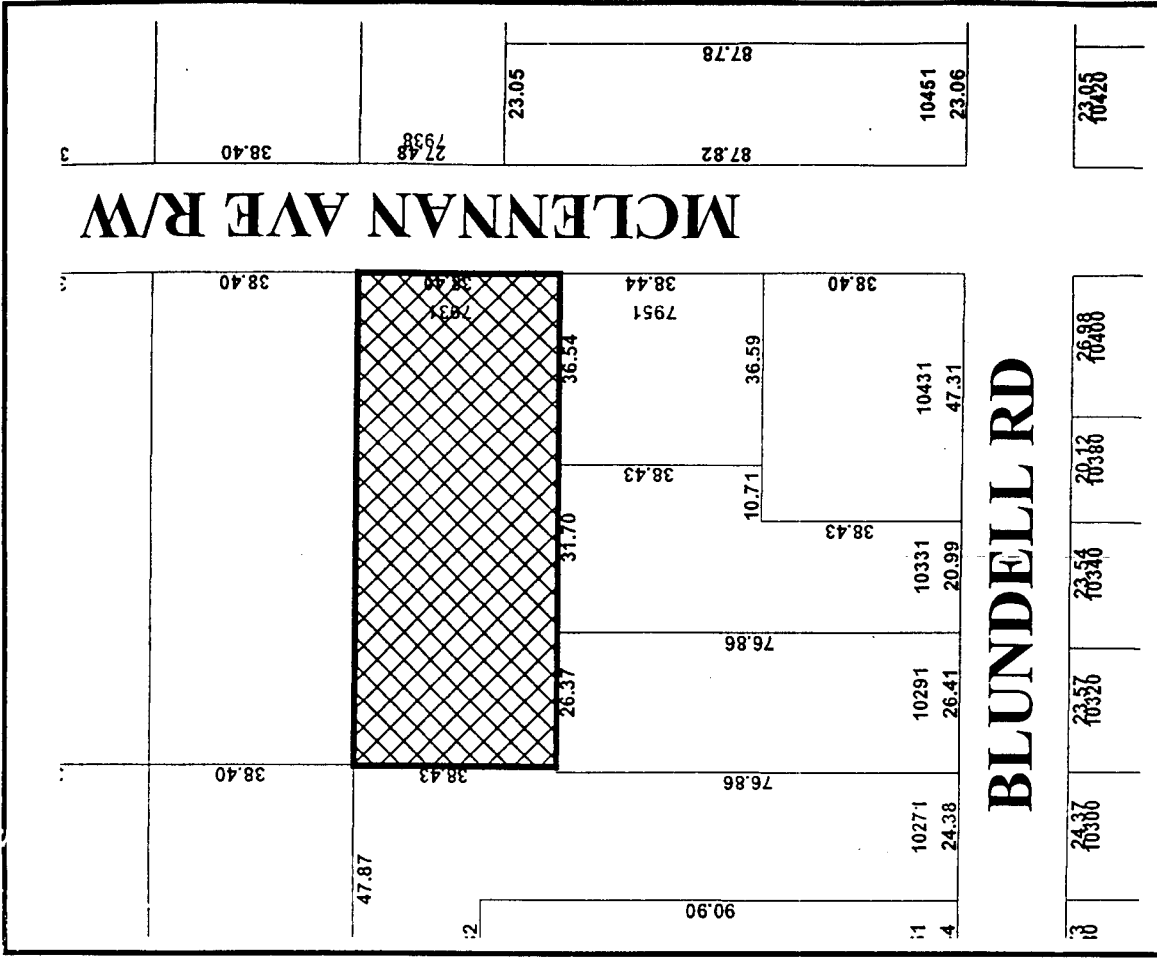
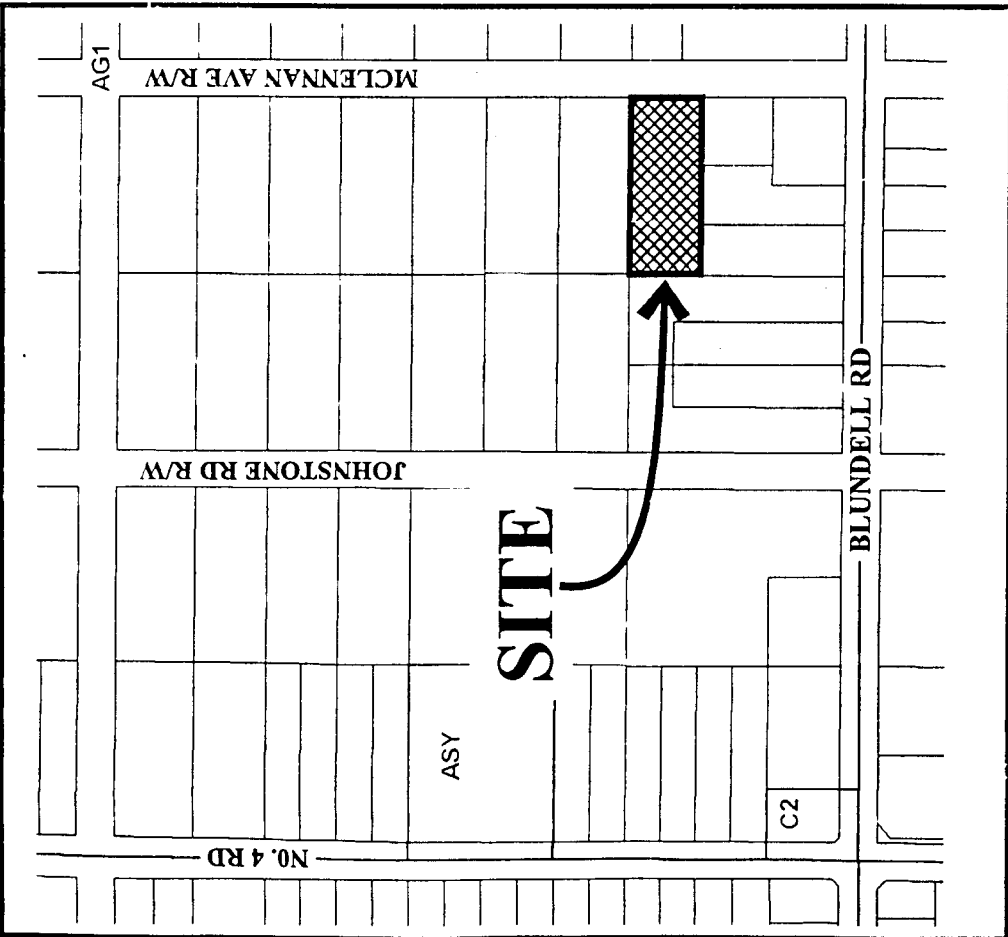
Mr. Bob Ransford has applied for permission to subdivide 7931 McLennan Avenue into two lots of 910 m² (0.22 ac.) and 2,680 m² (0.67 ac.). An ALR application is required because the subject property was not on a separate certificate of title on December 21, 1972. Staff are continuing to recommend that the proposed subdivision be denied because it is contrary to the OCP and Sub-Area Plan and would set a precedent for similar ALR, rezoning and subdivision requests. Since the majority of Council has supported Rezoning Application RZ 00-084689, it could approve the ALR application so that the Land Reserve Commission can consider the proposed subdivision and extension of McLennan Avenue. Another option would to refer the ALR application without a recommendation to the Commission to determine if this is a viable farm property.

A handwritten signature in black ink, appearing to read "H. Burke." The signature is written in a cursive style with a large initial "H" and a long, sweeping underline.

Holger Burke, MCIP
Development Coordinator

HB:blg

 City of Richmond



AG 00-183664

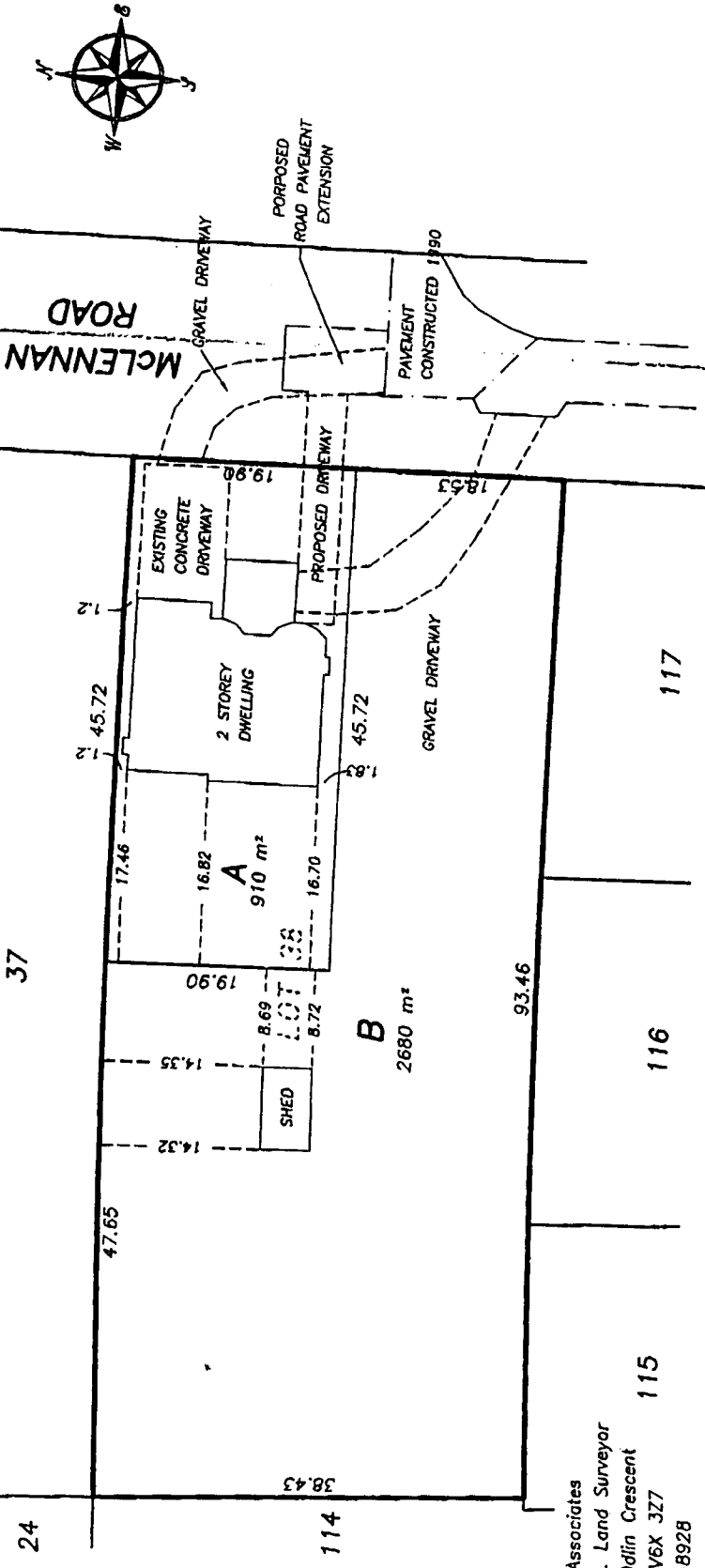
Original Date: 12/01/00

Revision Date:

Note: Dimensions are in METRES

**PLAN OF PROPOSED SUBDIVISION OF LOT 38 SECTION 14
BLOCK 4 NORTH RANGE 6 WEST NEW WESTMINSTER DISTRICT PLAN 1149**

#7931 McLENNAN ROAD
RICHMOND, B.C.



Certified correct according to
Land Title Office records
this 31st day of October, 2000.

[Signature]
B.C.L.S.

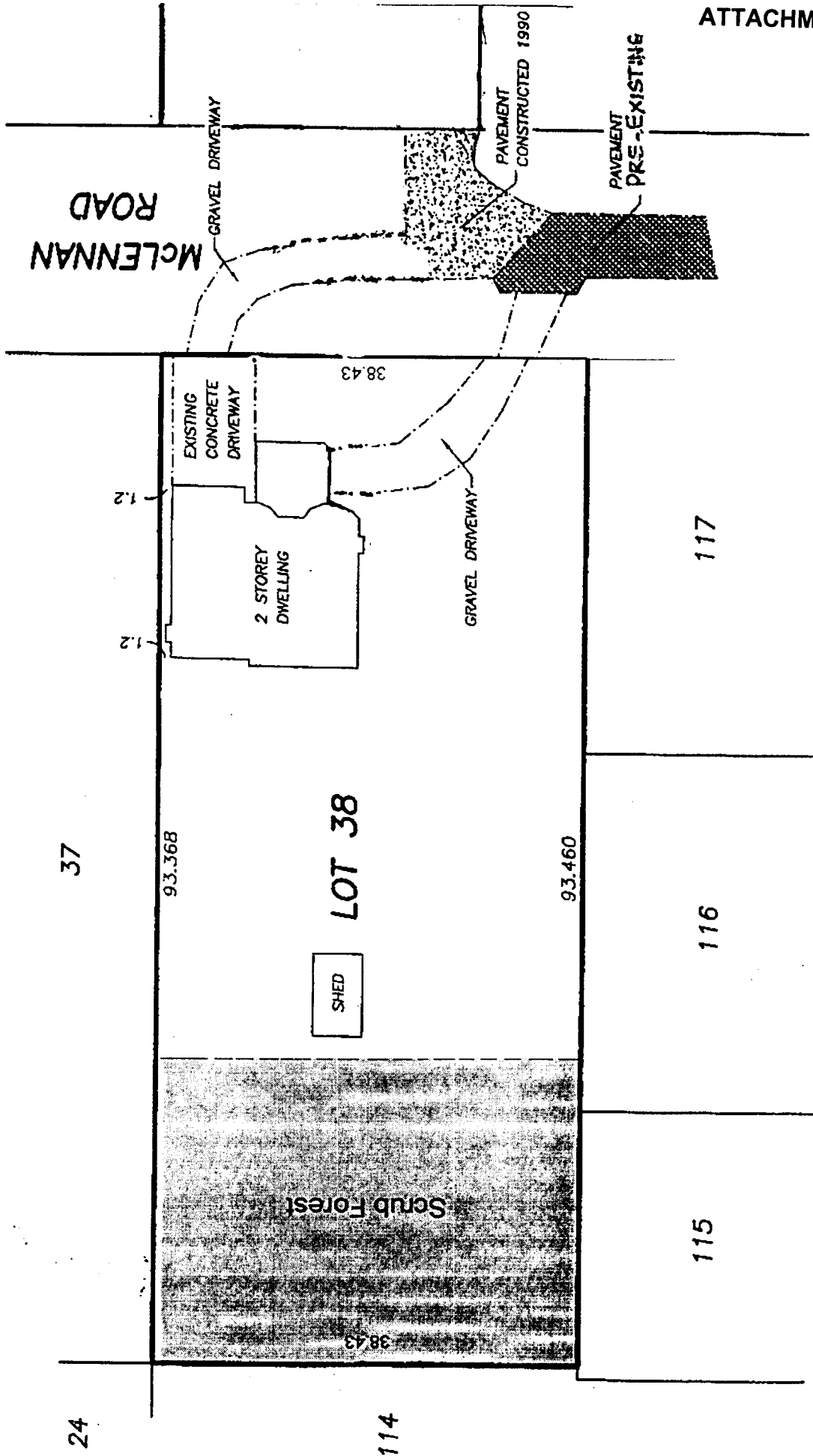
SCALE: 1:500

ALL DISTANCES ARE IN METRES AND DECIMALS
THEREOF UNLESS OTHERWISE INDICATED

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J. C. Tam and Associates
Canada and B.C. Land Surveyor
115 - 8833 Odlin Crescent
Richmond, B.C. V6X 3Z7
Telephone: 214-8928
Fax: 214-8929
E-mail: jctam@telus.net
Job No. 1572
FB-8 P95
Drawn By: JT

DWG No. MB-0319

#7931 McLENNAN ROAD
RICHMOND, B.C.



7931 McLennan Avenue, Richmond, British Columbia
Application for Subdivision in the ALR
Sec. 22(1)

PART 8 PROPOSAL AND REASONS FOR APPLICATION

The proposal is to subdivide this 0.89 acre residential lot into two residential lots, the new north lot being approximately 0.22 acre and the new south lot being an L-shaped lot of approximately 0.67 acre.

The reason this subdivision is being proposed is that the existing lot is not suitable for agricultural activity. It is situated within largely a residential neighbourhood within an urban community. An existing two storey residential modern dwelling, yard area and shed occupies more than half of the area of the proposed new northern lot. The remaining land are to the south of the house is filled for almost all of the easterly half of the lot with non-native structural fill that was put in place prior to and during the construction of the existing dwelling. The remaining approximate one-quarter westerly portion of the lot is forested with scrub vegetation.

The lot is immediately bounded to the south and to the west by residential development and, across the street to the east, by residential development. The property to the north is abandoned and partially forested. There is no viable agricultural activity in the entire neighbourhood.

Modern settlement patterns in the area have featured the development of large homes in a rural setting, rather than hobby farming or any type of commercial agricultural activity that might be expected in ALR areas where lot sizes are larger.

On October 16, 2000, Richmond City Council gave third reading to Official Community Plan Amendment Bylaw 7158 (which redesignates the subject property from Agricultural to Residential) and Zoning Amendment Bylaw 7159 (which rezones the subject property from AG1 to Single-Family Housing District, Area (R1/F) to permit the rezoning as contemplated.

The City of Richmond was proceeding on the assumption that the lot, being less than two acres in size, exempted the subject property from the restrictions under the Agricultural Land Reserve Act. It was only upon learning that the subject property was not on a separate certificate of title on December 21, 1972, that it was realized that the subject property was not exempted from the restrictions of the Agricultural Land Reserve Act. Furthermore, there are likely cases where Richmond's Approving Officer has, in the past, approved subdivisions within the ALR, assuming that the properties were exempt from the restrictions by virtue of their lot size, not realizing that the second exemption criteria, concerning separate certificate of title, was not met. The reason why the subject property received the level of scrutiny that determined its proper status prior to the final subdivision is that a Special Case application had been made to the Land

Reserve Commission under section 34 to permit the extension of McLennan Avenue to permit access to the new lots upon subdivision.

In summary, we argue the following in support of our application for subdivision:

- the land area comprising the existing lot, after accommodating the existing residential dwelling, is simply not large enough to support any viable agricultural operations;
- the native soils are poorly drained and of an inferior quality. Non-native soils have been imported to the site to improve drainage for the residential development on a portion of the lot;
- the lot is alienated within a residential area that may have a semi-rural, but certainly not, an agricultural character; and
- there are many precedents where lots of this size with an agriculturally designated area were sub-divided within the City of Richmond.

We respectfully request the Commission's support of our application for subdivision.