



REPORT TO COUNCIL

TO: Richmond City Council
FROM: Councillor Malcolm Brodie, Chair
Planning Committee
DATE: February 8, 2001
FILE: AG 00-084344
RE: **AGRICULTURAL LAND RESERVE APPEAL APPLICATION BY GERARD AND
LYNDA HOL FOR SUBDIVISION AT 12400 NO. 3 ROAD**

The Planning Committee, at its meeting held on Tuesday, February 6, 2001, considered the attached report, and recommends as follows:

COMMITTEE RECOMMENDATION

That authorization for Gerard and Lynda Hol to apply to the Land Reserve Commission for subdivision at 12400 No. 3 Road be forwarded to the Commission without a recommendation; and, that staff identify for the Commission any similar applications for a homesite severance in the past and which may come forward in the future.

Councillor Malcolm Brodie, Chair
Planning Committee

Attach.

VARIANCE

Please note that staff recommended the following:

That authorization for Gerard and Lynda Hol to apply to the Land Reserve Commission for subdivision at 12400 No. 3 Road BE DENIED.

STAFF REPORT

ORIGIN

Gerard & Lynda Hol and Ellen McConnell have applied to subdivide a 0.25 ha (0.62 ac.) parcel from 12400 No. 3 Road in order to build a new retirement home (see Attachments 1 and 2).

According to the applicants, the subject 4.05 ha (10 ac.) property has been in the family since 1899. Lynda Hol's grandparents, James McConnell and Annie Blair, pioneered 12.14 ha (30 ac.) of land and subsequently left one-third of that land to each of their children. Her father and mother, Gordon and Ellen (Nellie) McConnell, successfully farmed their 4.05 ha (10 ac.) until the end of 1973.

Gerard & Lynda Hol moved onto the subject property in a trailer in the summer of 1972. They then lived in a new barn they built on the property from 1973 to 1975 until their house at 12400 No. 3 Road was completed at the end of 1975. According to the Land Title records, the property was transferred to the Hols in 1974. They have operated it as a horse farm since and located an indoor riding arena on the site in 1984.

Ellen McConnell still lives in a small 84 m² (900 ft²) house on the property addressed as 12320 No. 3 Road. She has an unregistered lifetime lease on this home and lives on her own because she is very capable and in good health.

Mr. & Mrs. Hol now wish to retire and build themselves a new home. Their youngest daughter has been a partner in the horse operation for approximately ten years, and her family would like to move into their existing house. In doing so, it is proposed that Ellen McConnell will move into the new retirement home with Gerard & Lynda Hol and that the existing small 84 m² (900 ft²) house will be demolished. This way, Lynda Hol will be with her mother and be able to help her daughter with the horse operation when needed.

The Planning Committee considered this application on June 20, 2000 and passed the following referral motion:

"That the report (dated June 7, 2000, from the Manager, Development Applications), regarding an Agricultural Land Reserve Appeal Application for Subdivision by Gerard Hol and Lynda Hol at 12400 No. 3 Road, be referred to staff for further discussions with the applicants on various options, and to obtain information from the Agricultural Land Reserve Commission on this matter".

Prior to the question being called, staff were directed to review City regulations to determine if it was a City restriction that existing houses could not be expanded. Attachment 3 is a copy of the minutes and submissions from the June 20, 2000 Planning Committee.

FINDINGS OF FACT

ITEM	EXISTING	PROPOSED
Owner	Gerard & Lynda Hol	No Change
Applicant	Gerard & Lynda Hol Ellen McConnell	No Change
Site Size	4.05 ha (10 ac.)	0.25 ha (0.62 ac.) and 3.8 ha (9.38 ac.)
Land Uses	Two houses, garage, horse barn, indoor riding arena, pasture	No Change
OCP Designation	Agriculture	No Change
Zoning	Agricultural District (AG1)	No Change

Surrounding land uses include:

- North - One house, barn and potatoes on a 3.92 ha (9.68 ac.) property;
- East - No buildings, potatoes on a 3.94 ha (9.74 ac.) no access property;
- South - One house on a 0.25 ha (0.62 ac.) lot; one house, barn, shop and vegetables on a 3.73 ha (9.23 ac.) property; and
- West - One house on a 0.10 ha (0.25 ac.) lot; one house on a 0.26 ha (0.64 ac.) parcel; one house, barn and pasture on a 7.57 ha (18.71 ac.) property.

RELATED POLICIES & STUDIES

The Agricultural District (AG1) limits the subject property to a single one-family dwelling. Therefore, one of the two houses on the property is a legal, non-conforming. The minimum lot size for a subdivision in the Agricultural District (AG1) is 2 ha (4.942 ac.) and a dwelling is not to be constructed on a lot of less than 828 m² (8,912.81 ft²).

According to the Municipal Act, the Approving Officer can approve a subdivision to provide a residence for a relative that is less than the minimum lot size established by the City of Richmond Zoning and Development Bylaw No. 5300. However, the following requirements must be met:

- (a) The person making the application has owned the parcel for at least five years before making the application;
- (b) the application is made for the purpose of providing a separate residence for the owner or for the owner's mother, father, mother-in-law, father-in-law, daughter, son, daughter-in-law, son-in-law or grandchild;
- (c) the approval of the Land Reserve Commission has been received for properties within the Agricultural Land Reserve (ALR);
- (d) any parcel created by subdivision must be at least 1 ha (2.47 ac.) unless a smaller area, in no case less than 0.25 ha (0.62 ac.), is approved by the medical health officer;
- (e) the remainder of the property proposed to be subdivided must not be less than 2 ha (4.94 ac.); and
- (f) for five years after subdivision approval, the use of the parcel subdivided for the purpose of providing a residence must be residential use only and the use of the remainder of the original parcel must not be changed.

The intent of the above-noted provisions is to accommodate the Land Reserve Commission's "Homesite Severance Policy 025/78". The key provisions of this policy are:

- (1) A "once only" severance may be permitted where the applicant submits documentary evidence that he or she has continuously owned and occupied the property as his or her principal place of residence since December 21, 1972 (the date of the original agricultural land freeze);
- (2) an application for a homesite severance will be considered only where the applicant submits documentary evidence showing a legitimate intention to sell the remainder of the property upon the approval of the homesite severance application;
- (3) the Land Reserve Commission can either allow the existing homesite to be created as a separate parcel or can approve the creation of a parcel elsewhere on the subject property if the creation of a parcel encompassing the homesite would create potential difficulty for the agricultural operation or management of the remainder;
- (4) the remainder of the subject property after severance of the homesite must be of a size and configuration that will constitute a suitable agricultural parcel;
- (5) a condition of every homesite severance approved by the Land Reserve Commission shall be an order stipulating that the homesite is not re-sold for five years except in the case of estate settlements; and
- (6) no one has an automatic right to a homesite severance, the Commission shall be the final arbiter as to whether a particular homesite severance meets good land use criteria and a prime concern of the Commission will always be to ensure that the remainder will constitute a suitable agricultural parcel.

STAFF COMMENTS

Development Applications

The applicants initially would have preferred to subdivide a 0.13 ha (0.32 ac.) building lot for their retirement home. However, because this does not comply with the minimum requirements in the Municipal Act and would necessitate a rezoning application, they have revised their subdivision proposal to a 0.25 ha (0.62 ac.) lot.

Sanitary sewer is unavailable; therefore a septic tank and field will be required. Development Cost Charges (DCC's) and water/storm sewer connection costs will be determined at the subdivision stage. The dimensions of the proposed lot should ensure that the required side yard setback to any existing buildings are maintained, otherwise a Development Variance Permit will be required.

Land Use

There were two other homesite severance applications on the east side of No. 3 Road between Steveston Highway and Finn Road that have some relevance to this application by the Hols.

In 1992, James McKinney applied to subdivide a 0.4 ha (1 ac.) retirement homesite from the 4 ha (10 ac.) parcel to the immediate south (LCA 92-292 – 12500 No. 3 Road). Staff did not originally support this Land Commission appeal because of technical and policy issues (i.e. lack of frontage on No. 3 Road; unwelcome precedent of opening the unconstructed road right-of-way between the McKinney and Hol properties; long-term farm viability of the property).

The Planning Committee referred this recommendation back to staff to answer a number of questions. When staff reported back to the Committee, it was recommended that the subdivision be supported under the Land Commission's Homesite Severance Policy.

This application was forwarded to the Provincial Agricultural Land Commission with the recommendation that it be approved by the Planning Committee on September 23, 1993 and by Council on October 12, 1993. In doing so, the Chair of the Planning Committee wanted the Commission to be made aware of the fact that James McKinney had resided on and farmed the subject property since 1972 and that he and his son also farm approximately 76 ha (190 ac.) of leased land.

The Commission subsequently refused the subdivision of the proposed 0.4 ha (1 ac.) lot but allowed a smaller lot of approximately 0.25 ha (0.62 ac.) under and in accordance with its Homesite Severance Policy.

This subdivision, creating 12480 No. 3 Road, was approved by the Approving Officer and registered in the Land Title Office on June 8, 1995 under Subdivision Application SD 94-129. However, before doing so, a Development Variance Permit application (DV 94-200) was required to vary the existing standard of services (i.e. road access) for the subdivision, the minimum lot area of the homesite, and maximum setback for a dwelling in the Agricultural District (AG1). This application was recommended for approval by the Development Permit Panel on November 21, 1994 and was approved for issuance by Council on November 28, 1994.

In 1991, George Wright applied to subdivide a 2 ha (4.94 ac.) parcel from 11540 No. 3 Road (located to the north of the Hol's property). According to LCA 91-015, Mr. Wright was the principal owner of Wrightholm Farms Ltd., which had farmed the subject 27 ha (66.72 ac.) along with over 80 ha (200 ac.) of leased land since the 1920's. The purpose of the subdivision was to create a parcel for either George Wright or his son Richard Wright to build a new residence on.

Staff recommended that a smaller lot option (i.e. 0.27 ha or 0.67 ac.) be approved. The Planning Committee endorsed this recommendation on November 28, 1991 and Council authorized Wrightholm Farms Ltd. to apply to the Provincial Agricultural Land Commission to subdivide a 0.27 ha (0.67 ac.) parcel on December 9, 1991.

However, the Commission denied this application in 1992 because of concerns relating to the effect of the subdivision on the subject property and surrounding area, the precedent for similar applications, and the fact that the application did not strictly comply with the Homesite Severance Policy. This decision was reconfirmed in 1993, although the Commission did indicate that it would not object to the construction of a new residence for farm purposes without subdivision.

In order to take advantage of this suggestion from the Commission, Mr. Wright applied to amend the Agricultural District (AG1) to allow two additional dwellings intended for occupation by full-time agricultural workers employed on a lot containing a minimum area of 25 ha (61.77 ac.). This application (ZBL 93-372) was supported by staff and Zoning Amendment Bylaw No. 6286 was adopted by Council on August 22, 1994. As a result, a third dwelling was constructed on the Wrightholm Farms Ltd. property, which is addressed as 11560 No. 3 Road.

Mr. Hol mentioned two other homesite severance subdivisions in his submission to the Planning Committee on June 20, 2000. Both were approved after the ALR was established (and it is assumed were approved by City Council).

The Tonoskis were able to subdivide a 0.26 ha (0.64 ac.) lot across the street at 12291 No. 3 Road. This subdivision was approved by the Provincial Agricultural Land Commission by LCA 85-085 and was approved by the City's Approving Officer and registered in the Land Title Office on November 20, 1985 under SD 85-193.

The subdivision by the Featherstones at 9300 Finn Road is approximately 1,400 m (4,593 ft.) away from the Hols' property. However, it too was approved by the Provincial Agricultural Land Commission by LCA 85-085. The subdivision of a 0.4 ha (1 ac.) lot was approved by the City's Approving Officer on December 12, 1988 and was registered in the Land Title Office on January 11, 1989.

Health

Proof that the proposed lot would be able to support on-site sewage disposal would be required prior to subdivision approval. The actual permit to construct the on-site sewage disposal system would be required prior to the issuance of any Building Permits for the proposed lot. The property lines for the proposed new lot must maintain a minimum setback of 3 m (10 ft.) from any adjacent, existing on-site sewage disposal system.

ANALYSIS

In response to the referral motion and various questions from the Planning Committee Meeting of June 20, 2000, staff can advise as follows:

Further Discussions with the Applicants on Various Options

Mr. Hol has since submitted a letter from Jim and Doris McKinney attesting to the fact that he and Lynda Hol began construction on the subject property and were living with their family in a trailer at 12400 No. 3 Road prior to September 1972.

Ellen McConnell has signed an affidavit swearing to the fact that Gerard & Lynda Hol have lived on the subject property since the summer of 1972 and that the Hols had an unregistered interest in the property from that time until March 1974 when they became the registered owners. Mrs. McConnell's affidavit also confirms that she has lived on the property since 1933, that she was the registered owner until March 1974 and that she has an unregistered lifetime lease for the house at 12320 No. 3 Road.

Mr. Hol has also submitted information indicating that he asked the City to confirm that 12400 No. 3 Road was zoned Agricultural District under Zoning Bylaw No. 1430 in 1972 in order to determine a capital gains tax exemption.

From these various submissions and based on further discussions with the Hols, it has been confirmed that Gerard & Lynda Hol have thoroughly reviewed their various options and would like to proceed with a homesite severance subdivision as soon as possible.

Obtain Information From the Land Reserve Commission on This Matter

Staff have discussed the circumstances behind this application with staff from the Land Reserve Commission.

Generally speaking, Commission staff are reluctant to comment on an application that they have not seen and/or that has not been approved by the City. However, the impression City staff received was that the Commission is phasing out its Homesite Severance Policy and that applicants must meet all of the requirements set out in the policy. Having said this, each application is considered on its own merits.

Strictly speaking, the Hols do not comply with all of the requirements of the Commission's Homesite Severance Policy (i.e. they did not legally own the subject property on December 21, 1972). Therefore, it has yet to be determined if the Commission would approve this subdivision application for compassionate or other grounds.

Review City Regulations to Determine if it was a City Restriction that Existing Homes Could Not Be Expanded

At the June 20, 2000 Planning Committee Meeting, there was discussion on whether or not either of the two existing houses on the subject property could be expanded (rather than subdividing the property).

As noted elsewhere, this area is zoned Agricultural District (AG1). This zone has a maximum floor area ratio (F.A.R.) of 0.60, a maximum height of 2.5 storeys or 10.5 m (34.449 ft.) for dwellings, a maximum setback of 50 m (164.042 ft.) and other setback requirements based on the size of the lot. The Agricultural District (AG1) also stipulates that the maximum number of dwellings as one for a lot less than 8 ha (19.769 ac.).

According to the City's solicitor, either or both of the existing houses (12400 No. 3 Road occupied by Mr. & Mrs. Hol or 12320 No. 3 Road occupied by Ellen McConnell) could be expanded provided that it meets these zoning requirements. The reason for this interpretation is that the number not the size of the existing houses is non-conforming. Commission staff have also confirmed that the expansion of either or both houses would not require ALR approval.

However, whichever house was determined to be non-conforming (probably 12320 No. 3 Road) could not be demolished and replaced with a new house. This would require rezoning and ALR approval. The Municipal Act also stipulates that if a non-conforming use is discontinued for a continuous period of six months, any subsequent use of the land, building or structure becomes subject to the bylaw.

Staff have discussed this option with Mr. & Mrs. Hol and they have indicated that they are not prepared to abandon the subdivision application in favour of expanding either of the existing houses.

OPTIONS

There would appear to be three different options available to Planning Committee and Council with regard to this subdivision application within the Agricultural Land Reserve (ALR).

1. Denial (Staff Recommendation)

The reasons staff are recommending that this application be denied include:

- Gerard & Lynda Hol did not legally own the subject property on December 21, 1972 (as required by the Land Reserve Commission's Homesite Severance Policy 025/78);
- one of the existing houses on the property is a legal, non-conforming use under the Agricultural District (AG1) and the proposed subdivision would legalize this non-conformity by creating a new lot;
- approving this ALR application could set a precedent and be used by other applicants to justify further subdivision requests; and
- the Land Reserve Commission refused a similar subdivision application to the north (LCA 91-015 from Wrightholm Farms Ltd. at 11540 No. 3 Road) which did not strictly meet the requirements of the Homesite Severance Policy and because of concerns regarding the effect and precedent of the subdivision on the subject property and surrounding area.

2. Approval

The City could recommend approval of this subdivision application and refer it to the Land Reserve Commission for a final decision on the grounds that:

- the subject property has been in Lynda Hol's family name since 1899 and Ellen McConnell could qualify for a homesite severance because she has an unregistered lifetime lease on the small house addressed as 12320 No. 3 Road;
- the subdivision meets the intent of the Municipal Act provisions regarding a subdivision to provide a residence for a relative; and
- Council supported a similar application by James McKinney directly to the south which was approved by the Land Reserve Commission (LCA 92-292; SD 94-129; DVP 94-200 – 12488 and 12500 No. 3 Road, 0.25 ha or 0.62 ac. and 3.74 ha or 9.23 ac. parcels).

3. Referral

The City could refer this subdivision application to the Land Reserve Commission without a recommendation in order for the Commission to determine if:

- the subdivision complies with the Commission's Homesite Severance Policy 025/78;
- there are compelling compassionate reasons to consider this application on its own merits; and
- the subdivision is similar to the ones approved by the Commission for the McKinneys (LCA 92-292), Tonoski (LCA 85-085) and/or Featherstone (LCA 87-279).

FINANCIAL IMPACT

None to the City.

CONCLUSION

Gerard & Lynda Hol and Ellen McConnell have applied to subdivide a 0.25 ha (0.62 ac.) lot from their property within the ALR in order to build a new retirement home at 12400 No. 3 Road. The subject 4.05 ha (10 ac.) property has been in Lynda Hol's family since 1899 and the applicants assumed ownership of it in 1974. The proposed subdivision does not require rezoning as it could be considered a subdivision for a relative under the Municipal Act. Staff are recommending that the subdivision application be denied because the Hols do not meet the provisions of the Land Reserve Commission's Homesite Severance Policy 025/78, since the proposal will create another lot in the area and by approving this ALR application a precedent could be set for other subdivision requests. Other options the Planning Committee and Council have are to approve the subdivision application or refer it to the Land Reserve Commission without a recommendation.

A handwritten signature in black ink, appearing to read "H. Burke". The signature is written in a cursive, flowing style.

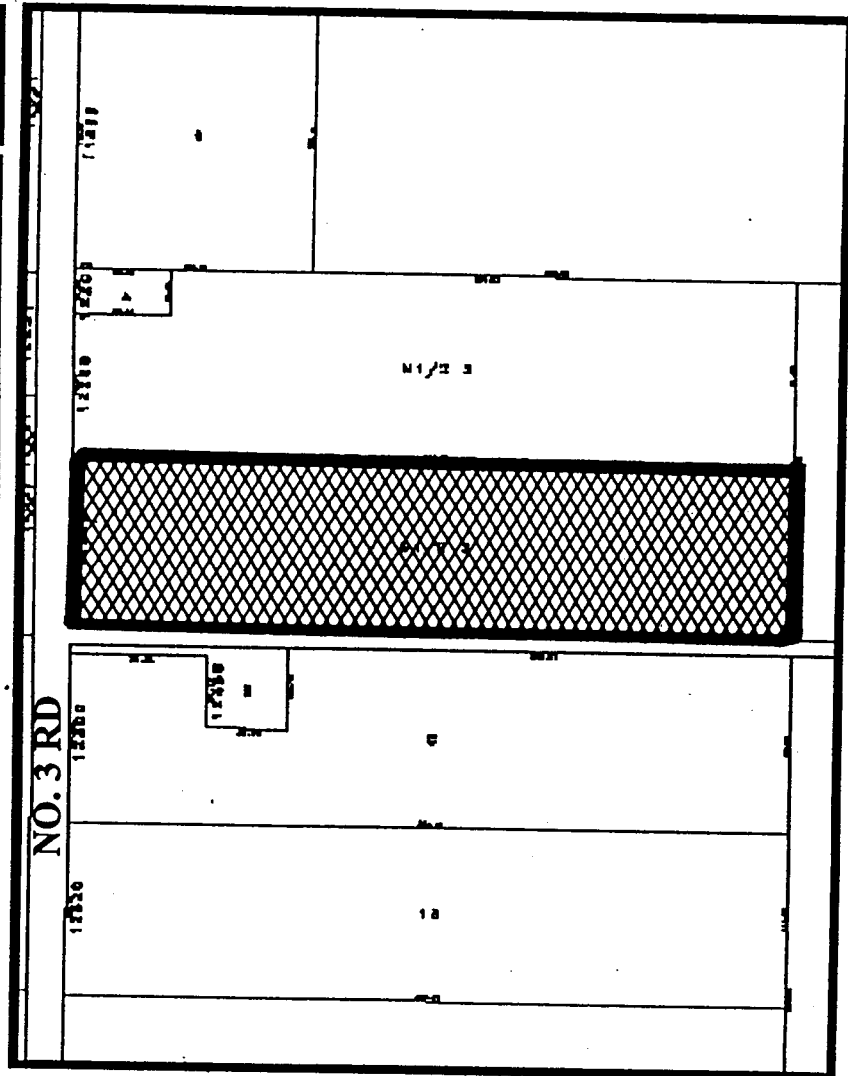
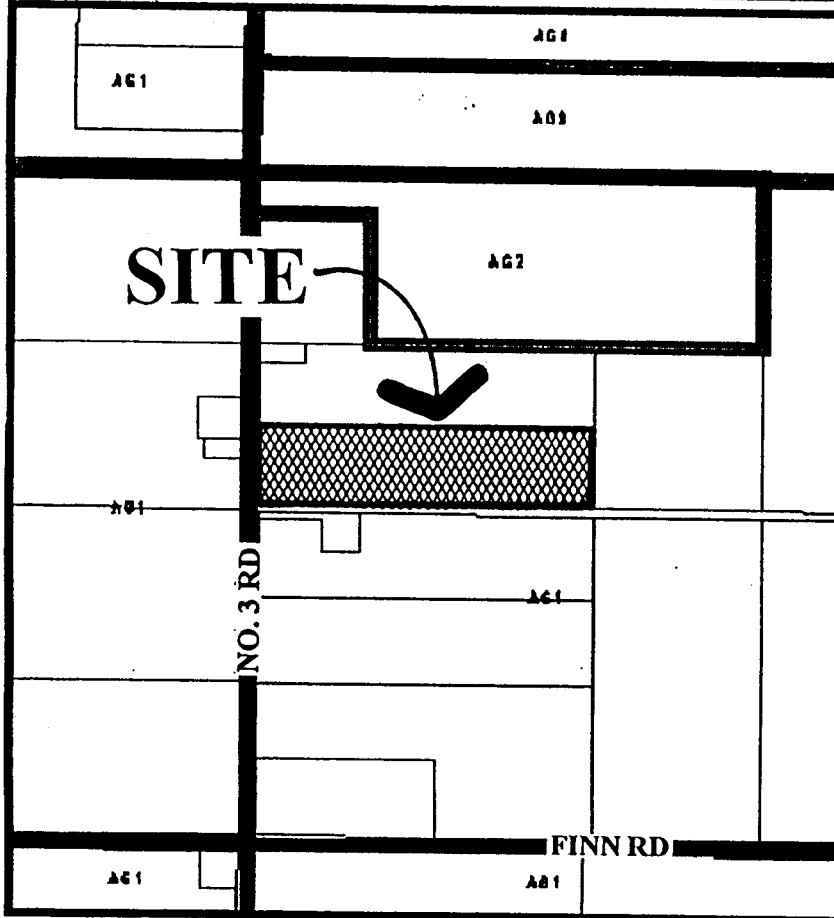
Holger Burke, MCIP
Development Coordinator

HB:blg



City of Richmond

149



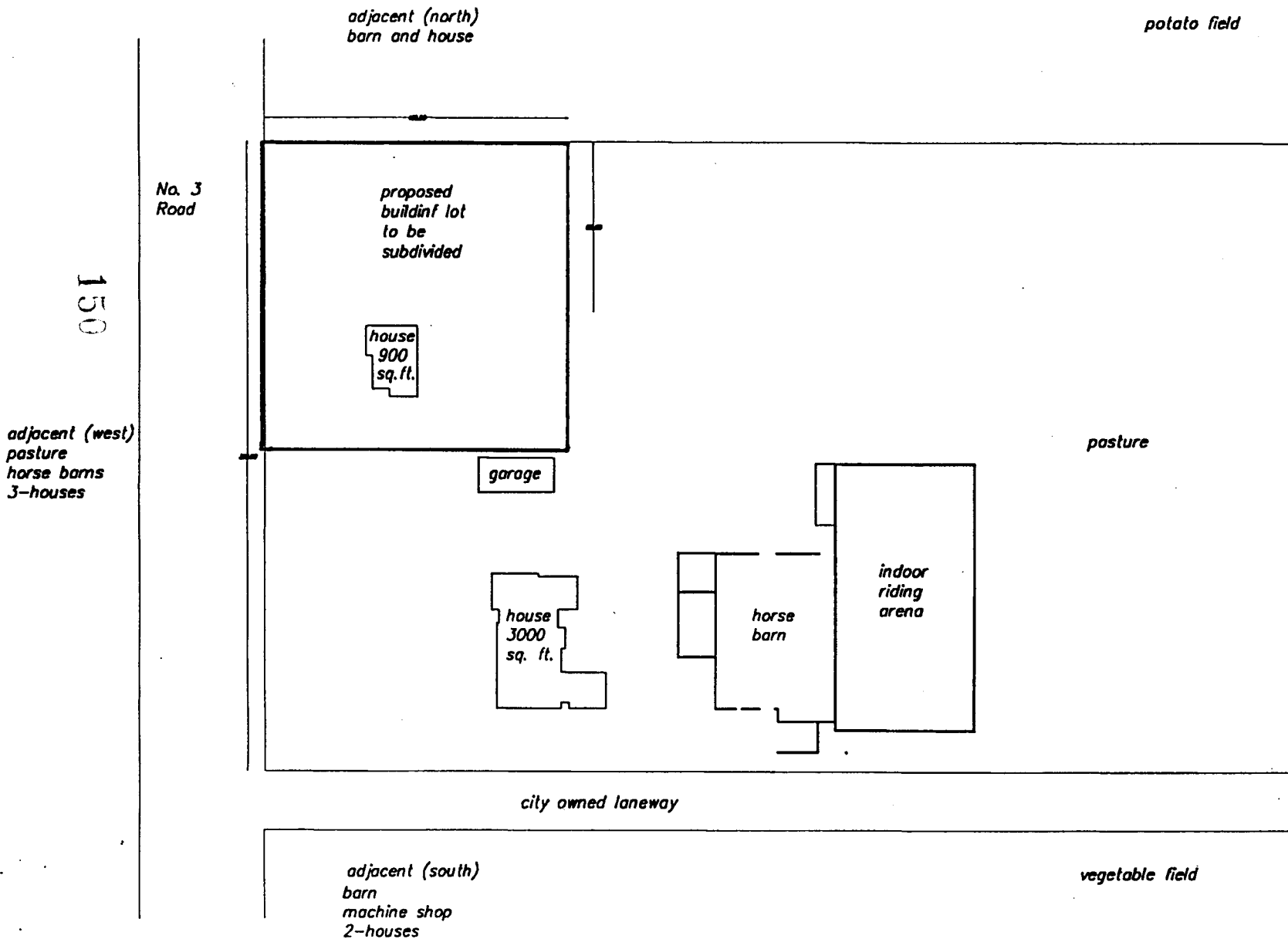
AG 00-084344

Original Date: 01/19/00

Revision Date:

Note: Dimensions are in METRES

ATTACHMENT 1



6.

It was moved and seconded

- (1) *That staff prepare an amendment to the Official Community Plan to create a Heritage Conservation Area for the 'Heritage Residential' area of London/Princess, including London Farm and the Princess Street road end, for presentation to Council through the Planning Committee in September, 2000;*
- (2) *That a public consultation process be initiated, and*
- (3) *That the bylaw come into effect upon completion of the Cedar Development Corporation project at 13400 Princess Street.*

The question on the motion was not called, as the following amendment was introduced:

It was moved and seconded

That the following be added as Part (4), That staff report on the compatibility of including the 'residential' area north of Princess Lane with the Heritage Conservation Area."

CARRIED

The question was then called on the motion as amended, and it was **CARRIED**.

6. **APPLICATION BY ALLAN BELEY FOR REZONING AT 5671 MONCTON STREET FROM SINGLE-FAMILY HOUSING DISTRICT, SUBDIVISION AREA E (R1/E) TO SINGLE-FAMILY HOUSING DISTRICT, SUBDIVISION AREA C (R1/C)**
(RZ 00-085803 - Report: May 31, 2000, File No.: 8060-20-7143) (REDMS No. 155979, 156334)

It was moved and seconded

That Bylaw No. 7143, for the rezoning of 5671 Moncton Street from "Single-Family Housing District, Subdivision Area E (R1/E)" to "Single-Family Housing District, Subdivision Area C (R1/C)", be introduced and given first reading.

CARRIED

7. **AGRICULTURAL LAND RESERVE APPEAL APPLICATION BY GERARD HOL AND LYNDA HOL FOR SUBDIVISION AT 12400 NO. 3 ROAD**

(AG 00-084344 - Report: June 7/00, File No.: AG 00-084344) (REDMS No. 153432)

Mr. Burke reviewed the report with Committee members. In response to questions from Committee members on this matter, the following information was provided:

- the Zoning & Development Bylaw did not allow a second dwelling on the property - the Agricultural District limits the subject property to only one single-family dwelling, thus making the second dwelling legal, non-conforming
- the second dwelling would have to be located on 8 hectares of property

- in this case, the mother could not apply for the subdivision because she has no legal title to the property as the lease is not a registered lease
- if the mother submitted an application because she did have a lease for the property, the decision would lie with the Agricultural Land Reserve Commission as to whether the application complied with their criteria
- the owners would not be permitted to build another dwelling to replace the smaller house, if that building was demolished
- if it was determined that the smaller house was non-conforming, the owners could increase the size of the larger dwelling
- the minimum 8 hectare lot size requirement for a second dwelling is a requirement imposed by the City
- to allow the applicants to construct a new home on the property, the Agricultural Land Reserve Commission would have to determine if they would permit a second dwelling on a 10 acre lot; if the new home was permitted, the applicant would have to submit an application to amend the Zoning & Development Bylaw to permit the second dwelling
- care would have to be taken because the pressure for non-farm use is extreme throughout the Agricultural Land Reserve; this is not something that the City would want to encourage; if a second home was permitted, over time there would be pressure to subdivide it out of the Agricultural Land Reserve

Discussion ensued on whether subdivision should be permitted and the options which were available, such as increasing the size of the larger home, if it was determined that the smaller home was the non-conforming house.

Mr. Gerry Hol, accompanied by his wife Lynda, addressed Committee on their application. A copy of Mr. Hol's submission is attached as Schedule A and forms part of these minutes. Mr. Hol also circulated to the Committee, a notarized letter signed by his mother-in-law, which provided information regarding the history of the property. He then responded to questions from Committee members on the two houses and the lease arrangement.

Discussion continued among Committee members and staff on possible options which might be available to resolve the situation. As a result, the following referral motion was adopted:

It was moved and seconded

That the report (dated June 7th, 2000, from the Manager, Development Applications), regarding an Agricultural Land Reserve Appeal Application for Subdivision by Gerard Hol and Lynda Hol at 12400 No. 3 Road, be referred to staff for further discussions with the applicants on various options, and to obtain information from the Agricultural Land Reserve Commission on this matter.

Prior to the question being called, staff were directed to review City regulations to determine if it was a City restriction that existing homes could not be expanded.

The question on the motion was then called, and it was CARRIED.

8. **STRATA TITLE CONVERSION SUBDIVISION APPLICATION
SC 98-153681 AND LAND USE CONTRACT AMENDMENT
APPLICATION LU 00-086975 (BYLAW NO. 7132)
CORONA HOLDINGS LTD. - 3740 CHATHAM STREET
(SC 98-153681 LU 00-086975 - Report: May 3/00, File No.: 8060-20-7132)
(REDMS No. 149867, 82582, 156637, 150126)**

Mr. Burke reviewed the report with Committee members. Mr. McLellan expressed concerns about the continued existence of the Land Use Contract for the subject property. He then provided information on the use of Land Use Contracts by the City during which he noted that the City had been trying to eliminate all Land Use Contracts.

Mr. McLellan stated that the Steveston town site was facing considerable changes within the next 25 years, and if the Land Use Contract was allowed to continue, City staff would be forced to negotiate with all the people on the strata title in order to regain control of the City's property. For these reasons, he was not in favour of the proposed amendment to the Land Use Contract.

Mr. Bert Hol, representing Corona Holdings Ltd., referred to correspondence sent by David McLellan, and advised that his father's proposal was to return all the angle parking stalls located along 2nd Avenue to the City, however the parking related to the building use would remain in the control of the applicant. He suggested that the proposal would also help to correct certain parking situations in the area.

Discussion then ensued among Committee members, staff and the delegation on the options which were available if the amendment to the Land Use Contract was denied. With reference to the parking spaces and loading bay on the public right-of-way, advice was given that the Traffic Bylaw contained a provision which allowed use of a public road allowance for private purposes, and Mr. McLellan suggested that it might be possible to make a similar arrangement for the subject property.

Mr. Hol stated that 2 of the loading bays were located on 2nd Avenue, but not on the Corona Holdings property, and he voiced concern that these stalls could be removed from the development. Mr. Hol suggested that the only way to maintain them as part of the development was through the Land Use Contract.

June 20, 2000

City of Richmond

Planning Committee Members

I'm Gerry Hol of 12400 No. 3 Road, co-applicant of the subdivision at that address. My family and I moved to Richmond in 1950 when it was still a farming community. My wife as well as her father, a Richmond Pioneer, was born and raised on the property in question. They are part of the well known Richmond Pioneer "Blair" family.

The reason for this application is that my wife has her roots on this property and wishes to retire from farming and still be able to live on the place where she was born and raised. In 1972 when her dad wanted to retire from farming, we purchased this property and raised our six children there. Our children were members of the Richmond 4H Dairy Club and the Richmond-Delta 4H Beef Club.

My wife's love for horses goes back to her childhood when she shared a horse with her sister and went riding at her aunt Mable Blair's place. She decided to start boarding horses and now has a viable horse farm operation, boarding, training and raising competition horses with the help from our youngest daughter. Our youngest daughter, whom we hope will be able to purchase our place and carry on with the horse operation, I'm proud to say, is a member of the Canadian Equestrian Team, has represented Canada at many international competitions and is a level 3 coach. We were recently in Europe, raising and training competition horses is a thriving farm business there, as it is in Eastern Canada. We would like our daughter to have part of that in Western Canada.

Over the last couple of years, my wife and I have debated our options on numerous occasions. My mother in law still lives on her own in the second house and has a lifetime lease. She will shortly be 90 years old and my wife does not think that she should live on her own much longer, without us being able to keep a watchful eye over her.

In order to meet City requirements we have decided to change our initial plans, and for now request to include my mother in law's house in the subdivision application, so that we can make up half an acre of land to be subdivided without effecting the existing farm operation and without removing arable land from the ALR. At a later date, if this subdivision is approved, we will decide whether to add-on to my mother in-law's house, rebuild there and have her live with us, or to look at the possibility of her mom moving to a care facility, which at this immediate time while she is in good health, is not too desirable.

Our neighbor to the south, Jim McKinney, who purchased his 10 acre parcel shortly after we did, was permitted to subdivide a building lot a number of years ago. That lot did use up half an acre of good farm land out of the reserve and he was not born and raised there, and there was not an existing house on it. Although the McKinney's were a pioneer family, their family farm was subdivided and sold for housing prior to Jim purchasing next to us.

When my wife and I met at City Hall with Holger Burke, he mentioned that Jim McKinney purchased his place in 1972, my wife and I immediately both disagreed with him, because we were sure that he purchased after us. We remembered that while we were living on the subject property in a mobile trailer and were carefully wrecking the old barn, salvaging what we could for our new barn, that Jim's contractor came and requested electrical power to build forms for concrete.

Soon after the meeting with Mr. Burke, we checked the Micro fish records here at the hall and were very surprised to find that McKinney's building permit was in fact in 1972.

We were obviously wrong with our memory of dates, and moved in 1972, not 1973. We moved into the trailer in 1972 and started our barn construction early in 1973. I found our original barn plans and they were stamped by the Municipality in March of 1973. I also looked up our barn building permit date on Micro-fish, which was March 12, 1973, originally taken out in my name. As soon as we had the roof on the barn we temporarily moved in there from our mobile trailer. We had applied for a permit to build a house at the same time as the barn, but due to our financial situation, the temporary stay in the barn turned out to be more than two years.

The purchase of this property was a non-arms length transaction, all verbal, without any registered documents. We did draw up an agreement letter, but unfortunately I've not been able to find it. Property transfer did not take place until 1974 because we agreed not to transfer until an adequate down payment was made.

I would like this committee to take into account the reason for the restriction of subdividing farmland, which is to preserve farm land. Rejecting this application will not preserve farmland. Our proposed subdivision does not encroach on farm land. There is already a house and yard there and has been a homestead since the late 1800's.

I don't think that setting a precedent, as mentioned in Staff Report to Committee a few times, should be a negative factor in this application. I don't know of another Pioneer family still farming the family farm in Richmond, that would qualify under the current ALR rules, other than George Wright.

At the Farmer's workshop held here on June 6, 2000, George indicated that he was not at all happy that his subdivision request in 1991 was turned down and McKinney's subsequent request was approved. George is a member of a Richmond Pioneer family, still living on the family farm. His wife has recently been very ill with cancer and it is sad that they were refused the possibility to enjoy retirement on a small lot in a new home like the Featherstone's

Herb Featherston, a member of a Richmond Pioneer Family, just around the corner from us on Finn Road, was given permission to subdivide a half acre for retirement. Peggi Featherstone is still there enjoying retirement.

Our neighbor directly across the road, Jim Tonoski, was given permission to subdivide a half acre for retirement purposes. He was an ex B.C. Hydro employee and not a Richmond Pioneer. He is still there enjoying his retirement.

McKinney's on the other hand, sold their family farm for a housing subdivision, then Jim McKinney bought and moved to No. 3 Road. He was granted permission to subdivide for his retirement, but never did build or move there.

Approval of our subdivision application would allow a member of a Richmond Pioneer family to retire on the place where she was born and at the same time live close enough to assist her daughter on the farm.

It would also address City Staff's concern with one of the existing houses on the property to be a non-conforming use, as it would then be subdivided onto its own lot.

This subdivision request is not for financial gain, we are not land speculators, when my wife does her gardening she says running the dirt through her hands gives her a feeling that she is part of this place.

For my wife's sake I hope you will approve this application.

Gerry Hol