



**CITY OF RICHMOND**  
URBAN DEVELOPMENT DIVISION

**REPORT TO COMMITTEE**

**TO:** Planning Committee  
**FROM:** Joe Erceg  
Manager, Development Applications  
**DATE:** January 5, 2000  
**FILE:** AG 99-170664  
**RE:** **Agricultural Land Reserve Application by Benjamin de Putter for  
Non-Farm Use (Second One-Family Dwelling) at 12951 Rice Mill Road**

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**STAFF RECOMMENDATION**

That authorization for Benjamin de Putter to apply to the Provincial Agricultural Land Commission for non-farm use (second one-family dwelling) be approved subject to the following conditions:

1. The second one-family dwelling at 12951 Rice Mill Road be restricted by means of a covenant to the use of the immediate family only during the lifetime and residency of Benjamin and/or Marina de Putter on the subject property;
2. Mr. and Mrs. de Putter forgo the option of a Homesite Severance subdivision and register a short term lease for the second one-family dwelling in order to avoid having to rezone or permanently subdivide 12951 Rice Mill Road; and
3. The de Putters obtain all of the necessary Building/Plumbing Permits and Business Licenses for the subject property when and if the Provincial Agricultural Land Commission grants approval to the second one-family dwelling.

Joe Erceg  
Manager, Development Applications

HB:blg  
Att.

<b>FOR ORIGINATING DIVISION USE ONLY</b>
<b>CONCURRENCE OF GENERAL MANAGER</b>

## **STAFF REPORT**

### **ORIGIN**

In April, 1999, the City was advised that there may be an illegal second dwelling and unlicensed business located at 12951 Rice Mill Road (see attached location map of property).

Upon inspection, the Property Use and Building Approvals Departments confirmed this information.

Consequently, a registered letter was sent to Benjamin and Marina de Putter dated August 30, 1999 advising them to rectify these two bylaw infractions (copy of letter attached).

Mr. de Putter responded by sending the attached, undated letter to Richmond City Council, which was received on September 21, 1999.

Staff subsequently met with Mr. de Putter on November 9, 1999 and advised him to make the Agricultural Land Reserve (ALR) application, which is the subject of this report.

### **FINDINGS OF FACT**

ITEM	EXISTING	PROPOSED
Owner	Benjamin and Marina de Putter	No Change
Applicant	Benjamin de Putter	No Change
Site Size	4.93 ha (12.18 ac.)	No Change
Land Uses	One-family dwelling. Machine shed with illegal one-family dwelling. Small orchard and vegetable farm.	No Change
OCP Designation	Agriculture	No Change
Zoning	Agricultural District (AG1)	No Change
ESA Designation	Northern property line is designated an ESA because of McDonald Slough	No Change
Surrounding Land Uses	Vacant land to the east. Ministry of Transportation and Highways land to the south and west (i.e. Highway 99). Farm land to the north.	No Change

### **RELATED POLICIES & STUDIES**

The Agricultural District (AG1) permits “residential, limited to one-family dwelling”, “home occupation” and other agricultural land uses. An additional dwelling intended for occupation by a full-time agricultural worker employed on the lot in question may be permitted if the lot contains a minimum area of 8 ha (19.769 ac.) – which is not the case with this application. The minimum lot size for a subdivision in the Agricultural District (AG1) is 2 ha (4.942 ac.), whereas the minimum lot size for a dwelling is 828 m<sup>2</sup> (8,912.81 ft<sup>2</sup>).

Agricultural Land Reserve Subdivision and Land Use Regulation 448/98 permits one single-family dwelling unit and accessory buildings and structures for each land registry parcel. Thus, the proposal to legalize the second one-family dwelling on the property requires the Agricultural Land Commission's approval either for a non-farm use or subdivision. Certificate of General Order #997/95 allows for the establishment of a home occupation use without application to the Commission subject to certain conditions (which the existing unlicensed business at 12951 Rice Mill Road would appear to meet). The Commission also has Homesite-Severance Policy #025/78 where a subdivision could be allowed if the applicant has been the owner-occupant of the property since December 21, 1972 and wishes to dispose of the parcel but retain a homesite on the land.

### **STAFF COMMENTS**

Staff have no objection to this application provided that the second dwelling is temporary and for family members only. Since sanitary sewer is unavailable, the applicant will have to ensure that the Richmond Health Department has approved the on-site sewage disposal.

### **ANALYSIS**

This application is a somewhat unique situation, which differs from most other Agricultural Land Reserve (ALR) applications and can be supported on the following grounds:

1. The de Putters have owned 12951 Rice Mill Road since 1969 and have been residing on the property since 1970. Thus, they predate the December 21, 1972 establishment of the ALR.
2. Because of the aforesaid length of time, the de Putter's could apply under the Commission's Homesite Severance Policy to subdivide off their one-family dwelling and sell the rest of the property to their family. However, Mr. and Mrs. de Putter are willing to forgo this option since it would lead to a permanent subdivision of their property and a premature sale of the land.
3. In order to avoid having to rezone 12951 Rice Mill Road (because the Agricultural District (AG1) only permits one-family dwelling on this size of a lot), staff have suggested that a temporary lease be entered for the second one-family dwelling. By agreeing to do so, the de Putters will not permanently subdivide the property nor will the area of the second one-family dwelling be rezoned.
4. As noted in Mr. de Putter's letter to Richmond City Council, they have requested that an exception be made on compassionate grounds because of the length of time they have lived on the property and because of their age and failing health. To legitimize this understanding, it has been agreed to register a covenant on the title of the property limiting the second one-family dwelling to family members only. Thus, when no longer needed, the one-family dwelling attached to the machine shed would be removed.
5. Mr. de Putter has indicated that his family will obtain all of the necessary Building/Plumbing Permits and Business Licenses. Staff have suggested that this occur when and if the approval of the ALR application has been received. There would not appear to be anything in the zoning or ALR regulations that would preclude the issuance of the necessary permits for the second family dwelling or the Business License for a home occupation on the property.

**FINANCIAL IMPACT**

None to the City.

**CONCLUSION**

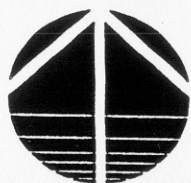
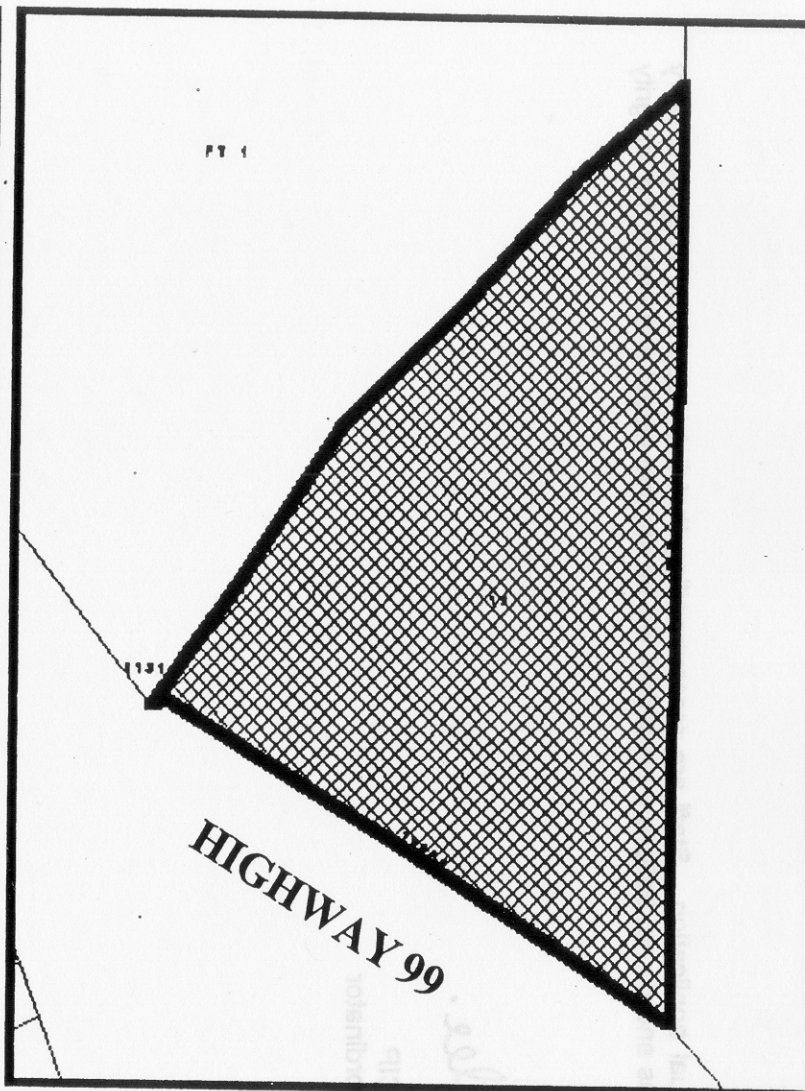
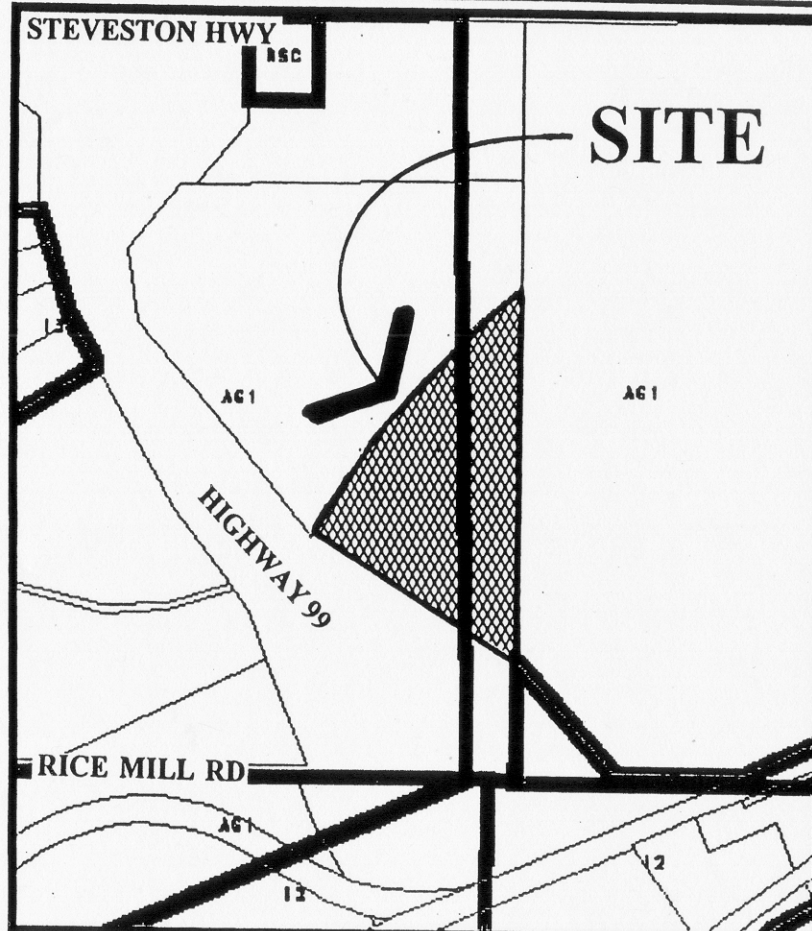
This is an unusual application. Staff are recommending that it be approved subject to very specific conditions and do not believe a precedent will be set that would undermine the integrity of the ALR.

Holger Burke, MCIP  
Development Coordinator

HB:blg



City of Richmond



AG 99-170664

Original Date: 11/22/99

Revision Date:

Note: Dimensions are in METRES

URBAN DEVELOPMENT DIVISION  
FAX 276-4177 or 276-4157

August 30, 1999

File: 12951 Rice Mill Road  
REGISTERED A.R.

Benjamin & Marina Deputter  
12951 Rice Mill Road,  
Richmond, BC V6W 1A2

Dear Mr. & Mrs. Deputter:

**Re: 12951 Rice Mill Road.  
Zoning And Development Bylaw No. 5300 & Amendments Thereto  
Lot 15, Section 6, Block 3 North, Range 5 West, Plan 37971**

City records show that you are the property owners of the above property and as such, this letter is to advise you that we have received a complaint regarding a variety of issues concerning 12951 Rice Mill Road.

The inspections on April 21, & August 18, 1999, revealed that:

- 1) an out building, which was originally constructed as a machine shed in 1975, was converted into a dwelling unit, and was occupied by your son and daughter in law and family,
- 2) according to Mrs. Jackie Deputter, her husband has an office in this 2<sup>nd</sup> dwelling for a steel manufacturing firm known as "Precision Steel",
- 3) the Plumbing Inspector Mr. D. Pearson, after reviewing site plans, noted a number of plumbing fixtures and plumbing installations within this 2<sup>nd</sup> dwelling. According to the plans, all plumbing fixtures and installations were carried out without the benefit of any valid permits or approval by City Officials.

The property at 12951 Rice Mill Road is zoned Agricultural District (AG1). The intent of this zoning is limited to **One-Family Dwelling, Home Occupation and a variety of Agricultural Uses.**

In view of the above noted issues, the Property Use Division, is requesting your co operation to rectify the following issues:

- 1) the 2<sup>nd</sup> dwelling (the outbuilding) on the property must be vacated and reverted back to it's intended original use, that of a machine shed on or before November 30, 1999;
- 2) once this outbuilding is vacated, and reverted back to a machine shed (it's intended original use) and if it is the intent to use the currently installed fixtures in the machine shed, then an application for the plumbing permits must be applied for by December 15, 1999. Please note that if these fixtures are not required in the machine shed, then a permit must be obtained for permanent removal of all installed plumbing fixtures and plumbing installations currently situated within this outbuilding; and
- 3) a "home occupation business licence for Precision Steel" can be applied for and could be issued if all the requirements under the Zoning Bylaw No. 5300 can be satisfied,.

Please contact the undersigned at 207-4708, by September 20, 1999, with your intention regarding the above noted issues. As it is the policy of the City, another inspection will be carried out of your premises after the given date of November 30, 1999, to ensure compliance to the relevant bylaws are complied with.

If you require further information or wish to discuss the contents of this letter, again please contact the under signed at 207-4708

Yours Truly

Joe. Puymon

Property use Inspector

JP:jp

pc Mr. David McLellan,  
Urban Development Administrator.

Councillor Mr. Ken Johnson,

Joanne Hikida, Licence Inspector



Mr. Mrs. B. de Putter  
12951 Rice Mill Rd.  
Richmond, BC

TO: MAYOR & EACH  
COUNCILLOR  
FROM: CITY CLERK

pc: *Gen Manager of the City*

		INIT
	JRM	
	AB	
	DAW	
	AS	
	KY	

8075-111

Richmond City Council:

Dear Sirs,

On April 21st, Mr. Joe Puyman, the Property Use Inspector came to our farm to tell us that a complaint had been phoned in to his department, that there were (2) illegal business being ran from our premises, and that he came to check this out. Upon inspection, the sticking point turned out to be the addition to the machine shed built by my son John in 1975 that was used as a woodworking shop as he was being trained to be a Joiner. After using it for a few years, he left home and the building was not used for about five years. Since it was his shop and he took care of all permits, we let him do what he thought would be the best use for the money he had put in. In 1986 he came home and told us he was going to change the shop to make it ready for a Bed and Breakfast operation during Expo as that was being encouraged by the government and Expo at that time to accommodate the influx of tourists. He put in partitions, a washroom, a fridge and sink and registered with the Expo committee who phoned in if there was an overflow of tourists. After Expo, several family members have used the facility on a temporary basis. When my son got married and bought a house on Vancouver Island, he wanted me to buy his shop which I did. I realized that there were changes made without permits but since he was a capable cabinet maker and builder it must be up to standard.

At the time the complaint came in, my other son Len and family live in the shop. According to the inspector, our farm is not large enough to allow for a 2nd dwelling. We bought this parcel of land in 1969 and have farmed it ever since. We have lived here peacefully all this time and raised six children on this beautiful place. We have no neighbors for a 1/2 mile around, so there cannot be any complaints of noise or other disturbances. Mr. Puyman told us that he cannot reveal where the complaint came from or the motive behind it. We are deeply disturbed by all this after having lived here so long, especially since old age (73), failing health (i.e. diabetes, prostate cancer) has been my portion of late. We are law-abiding citizens and want to do what is right even if it hurts.

However, our request at this time in our life is to make an exception to the rule on compassionate grounds. If there is a health or fire hazard we will gladly correct it.

Please consider our request as you see fit. If you want me to appear before council to answer some of your questions, I will gladly do so.

Yours truly,

*Ben de Putter*  
Ben de Putter

