



CITY OF RICHMOND

REPORT TO COMMITTEE

TO: Planning Committee

DATE: February 8, 2000

FROM: Terry Crowe
Manager, Land Use

FILE: 4105-04-04

RE: No. 5 Road Back Lands

STAFF RECOMMENDATION

1. That the proposed consolidated policy for the No. 5 Road back lands (attached as Appendix 3 to the report, dated February 8, 2000 from the Manager, Land Use), be adopted and forwarded to the Provincial Agricultural Land Commission for concurrence.
2. That Policy 5006, "Non-farm use along the No. 5 Road corridor" and Policy 5035, "No. 5 Road Back Lands", be rescinded.
3. That Council receive for information, the findings contained in Appendix 4 of the report, dated February 8, 2000 from the Manager, Land Use.

Terry Crowe
Manager, Land Use

Att. 4

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Manager, Property Taxes.....	Y <input type="checkbox"/> N <input type="checkbox"/>	_____

STAFF REPORT

ORIGIN

Presently, the City has two separate but companion policies relating to the No. 5 Road back lands:

- Policy 5006, “Non-farm use along the No. 5 Road corridor” (see Appendix 1), outlines the non-farm use and development criteria for evaluating non-farm use applications to the Land Commission. Council adopted this policy in September, 1990 after Council and the Commission agreed to consider Assembly District uses along the east side of No. 5 Road, between Blundell Road and Steveston Highway. This policy was used to evaluate previous non-farm use applications and is the basis for Policy 5035.
- Policy 5035, “No. 5 Road Back Lands” (see Appendix 1), outlines the City’s conditions for consideration of new Assembly District use applications in the back lands area. Council adopted this policy in November, 1998 as a response to the lack of actual farming of the back lands.

On March 16, 1999, Planning Committee received a staff report on a proposed revision to City Policy 5035, “No. 5 Road Back Lands”. The purpose of the revision was to integrate the City’s policy with the recently adopted Land Commission policy for the back lands.

Committee referred the report back to staff to:

1. Clarify the Commission’s definition of “commercial scale” agricultural production;
2. Outline the implications of the proposed No. 5 Road back lands policy; and
3. Separate the City’s policy from the Land Commission’s policy.

This report:

- addresses the above referral items,
- proposes a consolidation of the policies for the back lands, and
- provides information on the Commission’s requirements for previously approved non-farm (Assembly District) uses along No. 5 Road.

FINDINGS OF FACT

For a chronology of decisions on the No.5 Road back lands, see Appendix 5.

Policy 5035 (adopted on November 9, 1998)

Policy 5035 for properties within the No. 5 Road back lands area says:

- a. Assembly District uses should continue to be considered;

- b. Continue to strive for a partnership approach, with back land owner prepared farm plans to achieve farming, but allow for a limited infrastructure component (e.g., little or no regional and on-site drainage, irrigation or access roads), where a full infrastructure component is not practical;
- c. The moratorium should be retained, but lifted on an individual lot basis for owners who:
 - i. prepare farm plans;
 - ii. explore farm land consolidation;
 - iii. commit to do any necessary on-site infrastructure improvements;
 - iv. co-operate as necessary to remove constraints (e.g. required infrastructure) to farming the back lands, in partnership with others; and
 - v. commit to legal requirements as may be stipulated by Council to achieve acceptable land use (e.g. farming the back lands).

Council referred Policy 5035 to the Land Commission with the request that they:

- a. endorse the policy as stated above;
- b. specify the contents of an acceptable farm plan; and
- c. confirm a list of farming activities that are acceptable under the above policy.

Land Commission response

The Commission responded to Council's request in a letter dated November 27, 1998 (see Appendix 2).

Essentially, the Commission advised that:

- They generally support the City's approach to encouraging farming of the back lands; but
- The City's approach does not go far enough to effectively achieve farming of the back lands; therefore;
- They will require applicants to:
 - a) Prepare farm plans which document:
 - How the back lands will be brought into "commercial scale" farm production, and
 - The "net agricultural benefits" that will occur;
 - b) Bring the back lands into active farming in accordance with the approved farm plan before final Commission approval is given;
 - c) Enter into a Restrictive Covenant to ensure that farming is established and maintained and that the back lands will be only used for farming; and
 - d) Provide a financial guarantee that farming will occur, if the Commission deems this to be necessary and appropriate.
- They will evaluate each proposal on its own merits, rather than specify what the contents of an acceptable farm plan should be and what farming activities are acceptable.

In January, 1999, City staff asked Commission staff to comment on the *first* draft of the proposed revisions to policy 5035 (No.5 Road Back Lands), which incorporated the Commission's recommended changes. The Commission passed Resolution #139/99 endorsing the first draft revisions (see letter dated February 11, 1999 in Appendix 2).

In January, 2000, staff asked Commission staff to comment on the *second* draft of the proposed revisions to policy 5035 (No.5 Road Back Lands). The Commission passed Resolution #49/2000 endorsing the second draft revisions (see letter dated February 1, 2000 in Appendix 2).

They have not reviewed the proposed consolidated policy for the back lands contained in Appendix 3.

ANALYSIS

A Referral items

Questions respecting the Land Commission's policy

Staff raised three questions respecting some of the Commission's requirements.

Question 1: What constitutes "commercial scale" farm production?

Commission staff advised verbally that the term "commercial scale agriculture" has not been formally defined, but that it essentially means:

- ✓ agricultural production carried on by a farmer who is farming full time, and
- ✓ who derives all or most of this income from farming activity.

In addition, any farmer who combines farming activity outside the back lands area with farming activity within the back lands area, would be defined as undertaking "commercial scale agriculture".

The Commission's intent in specifying that "commercial scale agriculture" be undertaken within the back lands is to encourage the assembly of larger parcels for farming and the installation of the necessary infrastructure (e.g., drainage, irrigation, access roads).

Note that the Commission does not rule out the possibility of smaller agricultural activities being approved for the back lands (e.g., community gardens).

Question 2: If final approval for a non-farm use will not be given by the Commission until active agricultural production of the back land occurs, will the Commission's approval in principle be sufficient for the applicant to proceed with consummating the purchase or sale of the subject site and making any other financial commitments?

There are two possible procedural approaches which the Commission and the City could take:

1. A firm approach in which final approval for a non-farm use would not be given until active farming of the back lands actually occurs, or
2. A more flexible approach in which approval for a non-farm use is given subject to the applicant satisfying certain requirements.

The Commission is prepared to be flexible in determining what constitutes “active agricultural production”. For example, it may be sufficient for the applicant to complete the pre-requisites for farming (e.g., preparation of farm plan, consolidation of land, provide a financial guarantee), prior to actively farming the land. This approach may be reasonable given that in some cases, the applicant (i.e., a religious or private school organization) may not be in a position to undertake active farming or to lease their back lands to another party to farm until they own and occupy the site. A delay in occupancy could occur where the religious or private school organization needs to raise sufficient funds to build their facility.

As well, in order to achieve active farming of the back lands, the City may also require the following items prior to final reading of the zoning amendment bylaw:

- ✓ land use plan
- ✓ servicing program
- ✓ timing of active farming
- ✓ financial guarantees from proponents, in the absence of such by the Commission
- ✓ agreements (e.g., servicing, land use, timing)

The main features of both procedural approaches are as follows:

Comparison of the firm and flexible procedural approaches

Firm procedural approach	Flexible procedural approach
Proponent applies to City and Commission for non-farm use approval.	Proponent applies to City and Commission for non-farm use approval.
Commission reviews proposal and may give approval in principle for non-farm use based on the proponent: <ul style="list-style-type: none"> • preparing an acceptable farm plan; • entering into a restrictive covenant; and • providing a financial guarantee to farm • agreeing to undertake active farming first 	Commission reviews proposal and may give approval for non-farm use <i>subject to</i> the proponent: <ul style="list-style-type: none"> • preparing an acceptable farm plan; • entering into a restrictive covenant; • providing a financial guarantee to farm; • undertaking active farming; and • receiving zoning approval from the City.
Proponent undertakes active farming based on the approved farm plan.	Proponent applies to City for rezoning of site to Assembly District (ASY).
Commission gives final approval for non-farm use.	City processes rezoning application to the third reading stage.
Proponent applies to City for rezoning of site to Assembly District (ASY).	Proponent implements farm plan and undertakes active farming
City approves rezoning application after proponent meets all City requirements.	City gives final reading to the rezoning application after proponent meets all City and Commission requirements.

The flexible approach is preferred because:

- it allows the Commission to review each proposal on its own merits and to allow for any unique situations;

- it helps to reduce the uncertainty for the proponent when considering whether or not to consummate the purchase of the site or to undertake any required infrastructure improvements; and as a result
- it may be more effective in achieving farming of the back lands, as compared with the firm approach.

Question 3: What types of financial guarantees will be acceptable?

The Commission:

The Commission confirms that they have the authority to require financial guarantees to achieve their farming objectives and to implement specific decisions. The types of financial guarantees which the Commission may require include:

- Cash (acceptable but not preferred)
- Letter of Credit
- Safekeeping Agreement (whereby an acceptable security is deposited with a financial institution for safe keeping)

The City:

In the absence of any financial guarantees required by the Commission, the City should require that the proponent provide financial guarantees, such as the types listed above. The City has the authority to require some financial guarantees at the rezoning stage to achieve certain agricultural objectives (i.e., to provide infrastructure services).

Overall comment:

Staff believes that the above technical issues can be resolved because the Commission reviews each application on its own merits and is flexible, as necessary and appropriate when applying the policy requirements. This process should result in a fair and reasonable decision, which will also achieve some level of farming in the back lands.

Implications of the No. 5 Road Back Lands Policy

The implications of the proposed City No. 5 Road back lands policy are:

- It facilitates the co-ordination of the City and Land Commission's respective approval processes;
- It strengthens the City policy that the No. 5 Road back lands are to be farmed;
- It may enhance the possibility of consolidating and servicing the smaller parcels in the area;
- It improves the probability of achieving farming;
- It may make it more difficult for property owners to achieve non-farm use approval and Assembly District zoning or slow down the number of future such applications.

Format options for revised policy

Given that the City and the Land Commission have adopted separate, but consistent policies for the No. 5 Road back lands, the question arises as to what format the policies should be in.

The format options are:

1. Two separate policies, consisting of:
 - a) Council's policy as adopted on November 9, 1998, and
 - b) Land Commission's policy as set out in their November 27, 1998 letter.
2. One uniform policy, created by:
 - a) Modifying Council's policy by incorporating the Land Commission's adopted policy requirements.

Either option is feasible.

The main advantage of Option 1 (two separate policies) is that either the City or the Land Commission can amend their respective policy, without affecting the integrity of the other policy. The main advantage of Option 2 is simplicity in that a single, uniform policy is created.

Planning Committee directed that staff bring forward Option 1 (separate policy statements).

Commission staff do not object to the separate policies option, but have requested that the policy statement state that if either the City or the Commission wish to amend their respective policies, that the initiating party advise the other party of any proposed amendment and seek comment before approving any changes. This procedure is deemed acceptable.

Other comments

1. The recommended policy is consistent with the OCP policy of enhancing the viability of farm lands.
2. By passing Resolution #49/2000 (see letter dated February 1, 2000 in Appendix 2), the Commission concurs with:
 - the proposal to apply a flexible approach to approving non-farm uses, and
 - the proposed No. 5 Road Back Lands policy format.
3. The recommended approach is unique because the back lands area is the only area in British Columbia, wherein this particular non-farm use policy has been adopted.

B. Consolidation of policies for the No. 5 Road back lands

There is no reason for the existence of two separate City policies for the back lands area. Staff proposes that:

- Policies 5006 and 5035 be rescinded, and

- a new combined policy consisting of the key relevant features from Policy 5006 and the proposed revisions to Policy 5035 be adopted to replace these two aforementioned policies.

The proposed consolidated policy is attached as Appendix 3 (this has not been submitted to the Commission yet).

C. Information on requirements for previously approved non-farm (Assembly District) uses

Council requested that staff provide information on the Commission's requirements for all non-farm (Assembly District) uses along No. 5 Road, which were approved under the existing policy. The collected information is summarised in Appendix 4.

Essentially, staff found that:

- There are nine sites which required both City and Land Commission approval for non-farm (Assembly District) use, because they are over 0.809 ha (2 ac) in size.
- Of the nine sites:
 - four are developed and occupied,
 - one is being pre-loaded prior to construction,
 - four are not redeveloped.
- Of the four sites which are developed and occupied, only one site (Lingyen Mountain Temple) has any active farming activity. The Vedic Cultural Centre appears to have had some limited amount of farming activity, but none is apparent at this time.

FINANCIAL IMPACT

No budgetary impacts.

CONCLUSION

1. The proposed consolidated non-farm (Assembly District) use policy for the No. 5 Road back land should be adopted.
2. Existing Policies 5006 and 5035 should be rescinded.
3. If Council adopts the proposed consolidated policy, it should forward it to the Land Commission for concurrence.

Ian Chang, MCIP
Planner 2

IC:cam

APPENDIX 1

- 1. Policy 5006, “Non-farm use along the No. 5 Road corridor**
- 2. Policy 5035, “No. 5 Road Back Lands”**



POLICY 5006:

It is Council policy that:

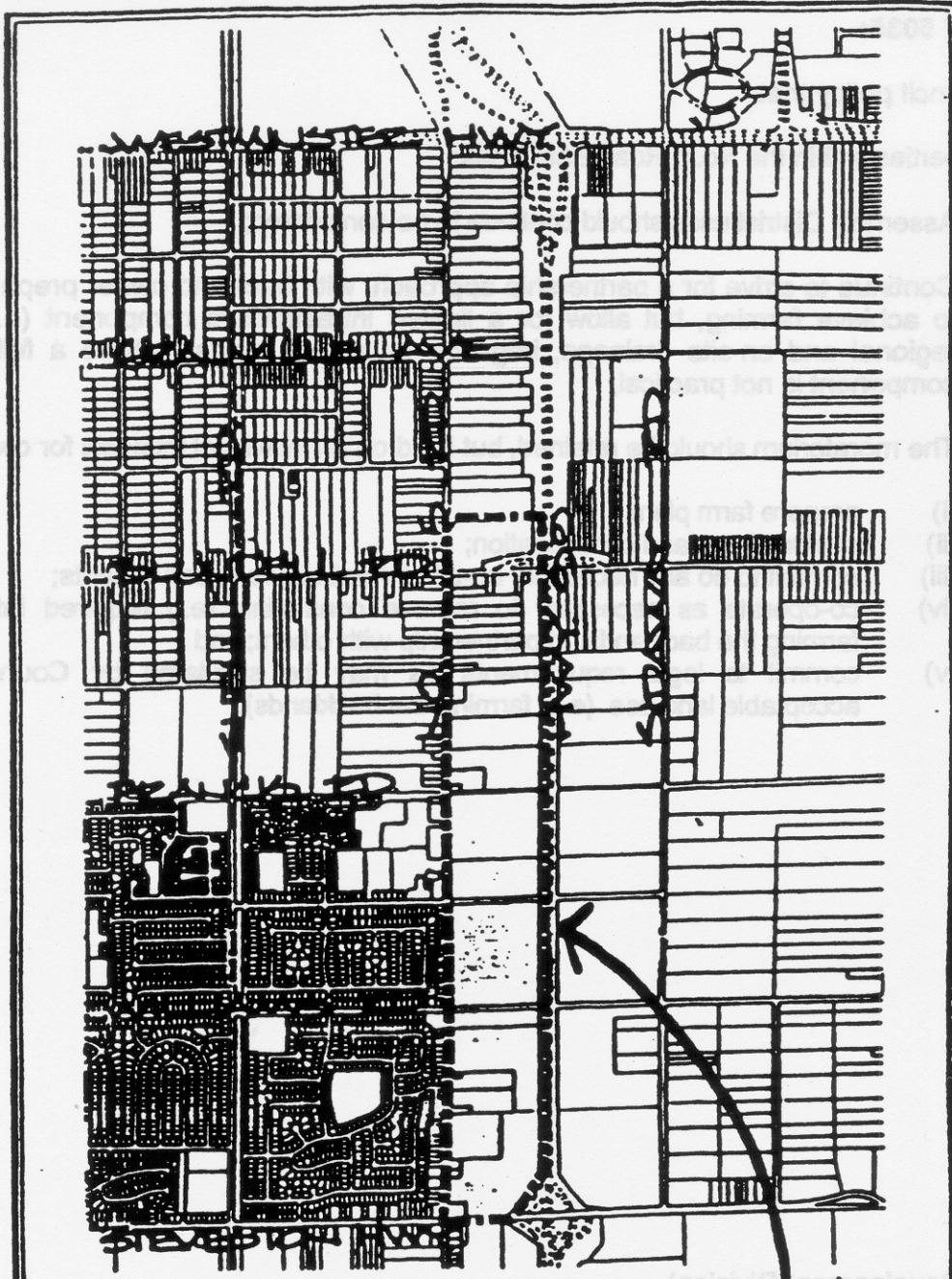
The following five non-farm use and development criteria, for the area shaded grey and marked as "Area Proposed for Public and Institutional Use" on the accompanying plan dated 06/28/90, shall be used as the basis for evaluating non-farm use appeals to the Provincial Agricultural Land Commission:

1. Limit the **type** of non-farm uses to "Assembly District" uses and certain "School/Public Use District" uses (i.e. public park, public recreation facility, municipal works, health and safety measures, community use).
2. Initially, limit the **area** which may be developed to the corridor between Blundell Road and Steveston Highway.
3. Limit the **amount** of land on each property which may be developed to the front one-half. The remaining half would be left for farm use.
4. Require that satisfactory sanitary sewage disposal be provided as a condition of Development Permit approval.
5. Encourage property owners to develop rear portion of lots for allotment gardens, where they do not intend to farm the land themselves.

(Urban Development Division)



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SCHEDULE A TO POLICY - NON-FARM USE ALONG THE NO. 5 ROAD CORRIDOR

Area Proposed for Public and Institutional Use

DATE 06/26/90



POLICY 5035:

It is Council policy that:

For properties within the No. 5 Road Backlands:

- (a) Assembly District uses should continue to be considered;
- (b) Continue to strive for a partnership approach, with Backland owner prepared farm plans to achieve farming, but allow for a limited infrastructure component (e.g., little or no regional and on-site drainage, irrigation or access roads), where a full infrastructure component is not practical;
- (c) The moratorium should be retained, but lifted on an individual lot basis for owners who:
 - (i) prepare farm plans;
 - (ii) explore farm land consolidation;
 - (iii) commit to do any necessary on-site infrastructure improvements;
 - (iv) co-operate as necessary to remove constraints (e.g required infrastructure) to farming the backlands, in partnership with others; and
 - (v) commit to legal requirements as may be stipulated by Council to achieve acceptable land use (e.g. farming the backlands).

Refer to Policy 5006 for duplicate information.

(Urban Development Division)

APPENDIX 2

LAND COMMISSION LETTERS

- 1. Nov. 27/98 letter commenting on City's November 9, 1998 proposed policy.**
- 2. Feb.11/99 letter endorsing first proposed amendment to policy 5035.**
- 3. Feb.1/00 letter endorsing second proposed amendment to policy 5035.**

- consolidation of parcels
- improved road access to the subject site and adjacent sites
- long term agricultural lease options
- on-farm infrastructure improvements (including fencing and buffering) and/or improvements to adjacent sites
- options for more intensive agricultural use than is currently occurring on site
- commitment by an experienced farm operator to farm the site as per the agricultural plan

are example indicators of net agricultural benefits.

3. When reviewing specific assembly use applications the Commission shall not provide final approval until such time as the backland portion of the subject site is brought into active agricultural production in accordance with the agricultural plan.
4. The Commission shall require a restrictive covenant with respect to matters addressed in an agricultural development plan to ensure that agricultural production of the backland is established and maintained and to ensure that there is no misunderstanding on the use of the backlands for any purpose other than agriculture. In this regard, the Commission may also require a financial guarantee from the proponent in a form as determined appropriate by the Commission.

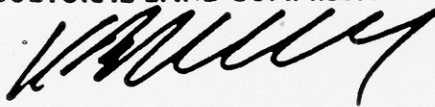
Finally, concerning the matter of an appropriate agricultural (farm) plan and list of acceptable farm activities as requested by the City in your letter of November 10, 1998, the Commission felt that each proposal should be evaluated on its own merits. While the Commission generally endorses the City's approach as per Policy item (1)(c) when reviewing an assembly use application it was not prepared to provide further detail as to how these elements should be incorporated into a farm plan.

Once again thank you for the opportunity to comment on the No. 5 Road Backlands Policy.

Yours truly:

AGRICULTURAL LAND COMMISSION

per:



K. B. Miller, General Manager

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c.c. Dave Melnychuk, Resource Specialist
Ministry of Agriculture and Food, Abbotsford





77-01-0

✓ c.c. Gen Mgr - Dist. Dir
Feb 18 1999
Jm

February 11, 1999

Reply to the attention of Bruce Gunn.

J. Richard McKenna
City Clerk, City of Richmond
7577 Elmbridge Way,
Richmond, B.C.
V6X 2Z8

Dear Sir:

RE: No. 5 Road Backlands Policy
Our File: #50-O-RICH-85-19261

4.10.99-03

Thank you for forwarding to our attention a copy of the January 6, 1999 Planning Committee Report which contains a revised No. 5 Road Backlands Policy. The Commission notes with appreciation that the recommendations included in our letter of November 27, 1998 (Res. #769/98) have been, in our view, effectively incorporated into the revised Policy. Therefore by Resolution #139/99 the Commission wishes to express our endorsement of the January 6, 1999 No. 5 Road Backlands Policy as prepared by the City. We believe that this Policy provides a good framework for the evaluation of future development applications while ensuring the agricultural use of the backlands in conjunction with the opportunity to locate assembly uses adjacent to No. 5 Road. We also wish to acknowledge the close working relationship between City staff and the Commission throughout the development of this Policy. Such an approach is very much appreciated by the Commission as we feel it provides the best opportunity to address agricultural issues and seek mutually acceptable solutions. We look forward to working with the City on this and other related agricultural planning projects in the future.

Once again thank you for the opportunity to comment on the January 6, 1999 No. 5 Road Backlands Policy. *(Adopted by Council Nov. 9/98).*

Yours truly:

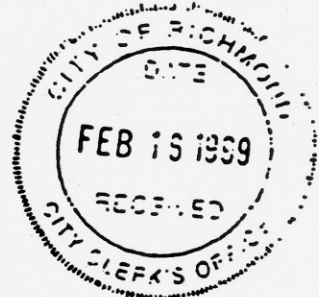
AGRICULTURAL LAND COMMISSION

per:

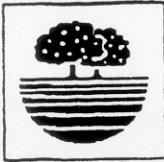
A. Chambers, Chair

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c.c. Dave Melnychuk, Resource Specialist
Ministry of Agriculture and Food, Abbotsford



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Provincial Agricultural Land Commission

133 - 4940 Cana

FEED FAX THIS END

FAX	
To:	Ian Chang
Dept.:	City of Richmond
Fax No.:	7 276-4177
No. of Pages:	1
From:	Bruce Gunn - ALC
Date:	Feb 11 2000
Company:	
Ph No.:	660-7019
Comments:	F41-
Post-it	fax pad 7903E

February 1, 2000

Reply to t

Mr. Ian Chang
 Community Planner
 City of Richmond
 6911 No. 3 Road
 Richmond, B.C. V6Y 2C1

Dear Mr. Chang:

**Re: No. 5 Road Back Lands - January 2000 draft Policy
 Our File # 19621**

Thank you for the opportunity to review the above captioned Policy. We note that the Policy is designed to express the interests of both the City and the Commission in one document. Further, we note with appreciation that the current draft Policy incorporates those suggestions contained in the Commission's previous communications dated Nov. 27/98 (ALC Res. #769/98) and Jan. 6/99 (ALC Res. #139/99) respecting the need for a proponent to; prepare a farm plan, identify opportunities to achieve a net agricultural benefit, enter into a restrictive covenant limiting the back lands to farm use, where it is deemed appropriate, provide a financial guarantee and withholding final non-farm use approval until the farm plan has been executed.

Concerning the final provision of the Policy requiring notification of the parties prior to changing the Policy, the Commission supports this approach. Therefore, by **Resolution #49/2000** the Commission wishes to advise the City of Richmond that it endorses the January 2000 draft No. 5 Road Back Lands Policy as submitted and looks forward to working with the City on the application of this Policy. On this later point, while not expressly stated in the Policy it is our understanding that, from an administrative perspective, when reviewing a specific proposal we will coordinate our efforts to insure that the interests of each party are addressed prior to finalizing our respective approval functions.

Yours truly;

AGRICULTURAL LAND COMMISSION

per:

A. Chambers, Chair

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NO-30-2018 110527

Preserving Our Foodlands

APPENDIX 3

**PROPOSED CONSOLIDATED POLICY FOR NO. 5 ROAD
BACKLANDS**

AMENDED NO. 5 ROAD BACKLANDS POLICY (Endorsed by Planning Committee on March 21, 2000)

CITY POLICIES

1. The area outlined in bold lines as “Area Proposed for Public and Institutional Use” on the accompanying plan dated 01/24/00 may be considered for non-farm use.
2. The types of non-farm use which may be considered are:
 - “Assembly District” uses, and
 - Certain “School / Public Use District” uses (i.e., public park, public recreation facility, municipal works, health and safety measures, community use).
3. The amount of land on each property which may be developed for approved non-farm uses is limited to the westerly 110 m (360.892 ft) for properties fronting onto No. 5 Road.

The remaining back land portion of each property shall be retained for farm use only.
4. Satisfactory sanitary sewage disposal is required as a condition of Development Permit approval.
5. Continue to strive for a partnership approach, with back land owner prepared farm plans to achieve farming, but allow for a limited infrastructure component (e.g., little or no regional and on-site drainage, irrigation or access roads), where a full infrastructure component is not practical.
6. The current moratorium on non-farm use approvals (initiated by the Land Commission and adopted by Council in February, 1996) should be retained and may be lifted on an individual lot basis for owners who:
 - a) prepare farm plans;
 - b) explore farm consolidation;
 - c) commit to do any necessary on-site infrastructure improvements;
 - d) co-operate as necessary to remove constraints (e.g., required infrastructure) to farming the back lands, in partnership with others; and
 - e) commit to legal requirements as may be stipulated by Council to achieve acceptable land uses (e.g., farming the back lands).
 - f) undertake active farming of the back lands.
7. The following procedure will apply when considering applications for non-farm use and Assembly District rezoning.

Approvals Procedure
Proponent applies to City and Commission for non-farm use approval.
Commission reviews proposal and may give approval in principle for non-farm use based on the proponent: <ul style="list-style-type: none"> • preparing an acceptable farm plan; • entering into a restrictive covenant; • providing a financial guarantee to farm; and • agreeing to undertake active farming first
Proponent undertakes active farming based on the approved farm plan.
Commission gives final approval for non-farm use.
Proponent applies to City for rezoning of site to Assembly District (ASY).
City approves rezoning application after proponent meets all City requirements.

Amendments to the above policies

If either the City or the Land Commission intends to amend any of the above procedures, the initiating party will advise the other party of this intent and seek comment on the proposed amendments prior to concluding any approvals.

Co-ordination of review process

The City and the Commission will co-ordinate efforts when reviewing applications for non-farm use, in order to ensure that the interests of each party are addressed. This co-ordinated effort will be done prior to granting any approvals.

LAND COMMISSION POLICIES (for information)

In addition to the City policies described above, the Land Commission policies also apply to the No. 5 Road back lands.

The Commission's policies may change from time to time.

Currently (i.e., February, 2000), the Commission's policies are as follows:

1. Proponents must prepare farm plans that:
 - describe how the proponent intends to bring the back land portion of the subject site into commercial scale agricultural production (i.e., type and method of farming) ¹, and
 - describe the net agricultural benefits that will be created.

Indicators of net agricultural benefits include:

 - consolidation of parcels,
 - improved road access to the subject and adjacent sites,
 - long term agricultural lease options,
 - non-farm infrastructure improvements (including fencing and buffering) and/or improvements to adjacent sites,
 - options for more intensive farm use than is currently occurring on site, and
 - commitment by an experienced farm operator to farm the site as per the farm plan.
2. Proponents must enter into a Restrictive Covenant with the Commission to ensure that:
 - Farming is established,
 - Farming is maintained, and
 - The back land portion of the subject site is not used for any other purpose than farming.
3. Where required, proponents must provide a financial guarantee in a form determined by the Commission ².

¹ Commercial scale agriculture means:

- production carried on by a full time farmer, and
- who derives all or most of his/her income from farming activity.

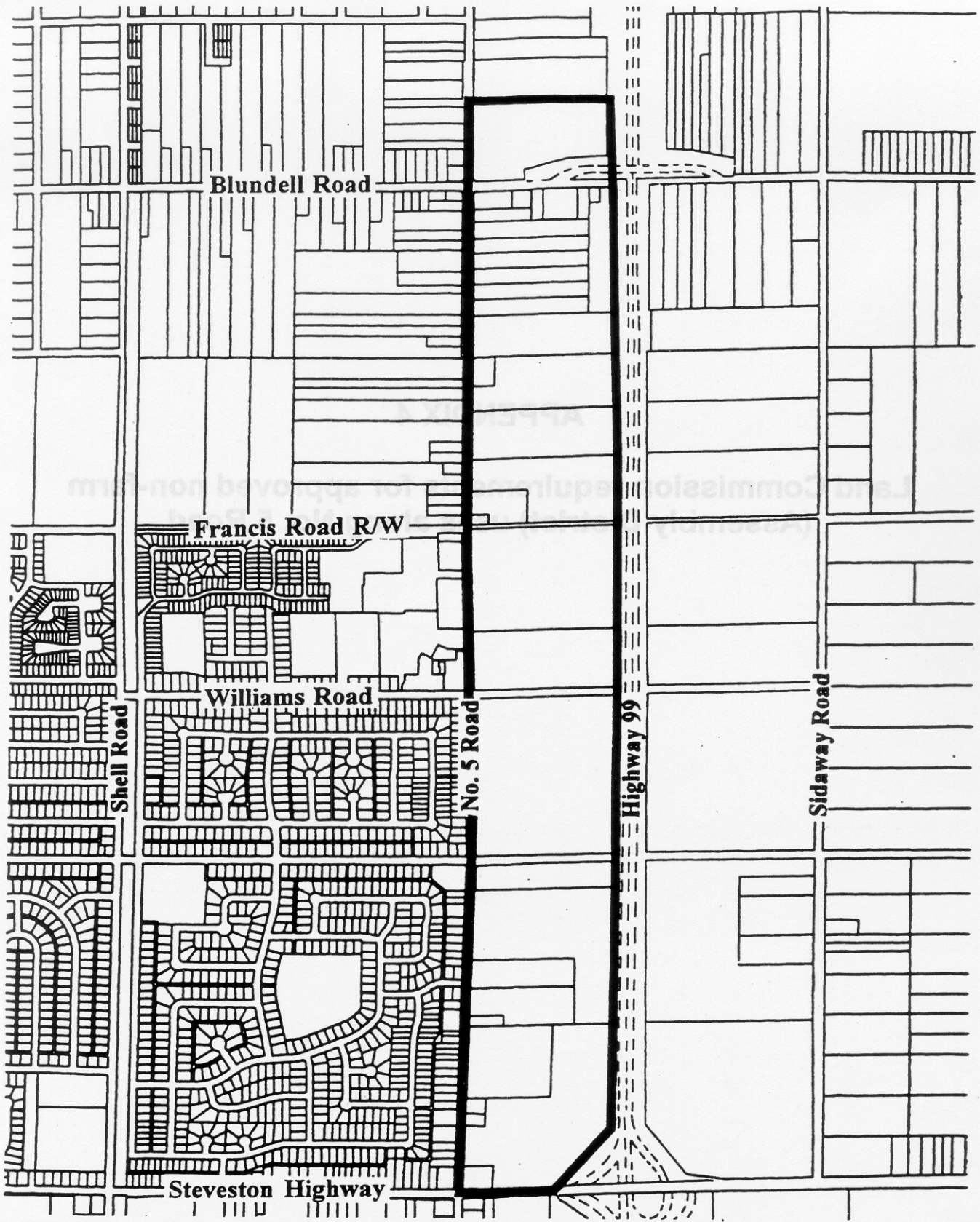
In addition, any farmer who combines farming activity outside the back lands area with farming activity within the back lands area, would be defined as undertaking "commercial scale agriculture".

The Commission's intent in specifying commercial scale agriculture is to encourage the assembly of larger parcels for farming and the installation of the necessary infrastructure (e.g., drainage, irrigation, access roads). However, the Commission does not rule out the possibility of smaller agricultural activities being approved for the back lands (e.g., community gardens).

² Acceptable forms of financial guarantees include:

- cash (acceptable but not preferred)
- letter of credit
- safekeeping agreement (whereby an acceptable security is deposited with a financial institution for safekeeping)

4. The Commission will not give final non-farm use approval to the proponent until the back land portion of the subject site is brought into active farm production in accordance with the farm plan.
5. The Commission will evaluate each proposal on its own merits, in order to determine what will constitute an acceptable farm plan and acceptable list of farm activities.



Blundell Road

Francis Road R/W

Williams Road

Shell Road

No. 5 Road

Highway 99

Sidaway Road

Steveston Highway



Area Proposed for Public
and Institutional Use §13

Date:
01/24/00

APPENDIX 4

Land Commission requirements for approved non-farm (Assembly District) uses along No. 5 Road

**TABLE SHOWING LAND COMMISSION REQUIREMENTS FOR NON-FARM USE
(ASSEMBLY DISTRICT) APPROVAL FOR SITES LARGER THAN 0.8 ha (2 ac)**

APPLICANT	PROPERTY	REQUIREMENTS	COMPLIANCE
A Sites approved for non-farm use and are developed and occupied			
Vedic Cultural Centre (AG 89-001)	8200 No. 5 Road	<ul style="list-style-type: none"> ▪ farm plan ▪ restrictive covenant ▪ access to back land ▪ water supply ▪ lease for farmers ▪ farming 	<ul style="list-style-type: none"> ▪ yes ▪ yes ▪ yes ▪ yes ▪ none apparent
India Cultural Centre (LCA 85-145 & LCA 85-192)	8600 No. 5 Road	<ul style="list-style-type: none"> ▪ no farm plan required ▪ no other requirements stipulated 	<ul style="list-style-type: none"> ▪ n/a ▪ n/a
<ul style="list-style-type: none"> ▪ Lutfur Rahman (Richmond Jewish Day School) ▪ (AG 96-147) 	<ul style="list-style-type: none"> ▪ 8760 No. 5 Road 	<ul style="list-style-type: none"> ▪ no farm plan required. ▪ garden and orchard along east boundary. ▪ participation in No. 5 Road back lands owners group 	<ul style="list-style-type: none"> ▪ n/a ▪ none apparent ▪ yes
<ul style="list-style-type: none"> ▪ Lingyen Mountain Temple ▪ (AG 93-210) 	<ul style="list-style-type: none"> ▪ 10060 No. 5 Road 	<ul style="list-style-type: none"> ▪ farm plan ▪ restrictive covenant ▪ soil re-conditioning program. ▪ water management program. ▪ farming 	<ul style="list-style-type: none"> ▪ yes ▪ yes ▪ yes ▪ not known ▪ yes (some limited activity)

APPLICANT	PROPERTY	REQUIREMENTS	COMPLIANCE
B. Sites approved for non-farm use and development has started			
<ul style="list-style-type: none"> ▪ Vancouver Christian Centre (now Shia Muslim) ▪ (AG 89-412) 	<ul style="list-style-type: none"> ▪ 8580 No. 5 Road 	<ul style="list-style-type: none"> ▪ farm plan ▪ restrictive covenant ▪ financial guarantee to farm ▪ copy of lease between applicant and tree nursery operator ▪ farming 	<ul style="list-style-type: none"> ▪ no ▪ no ▪ no ▪ no ▪ no (site being pre-loaded only)
C. Sites approved for non-farm use but development not yet started			
<ul style="list-style-type: none"> ▪ Yao Yu Cheuh ▪ (AG 91-239) 	<ul style="list-style-type: none"> ▪ 8240 No. 5 Road 	<ul style="list-style-type: none"> ▪ farm plan ▪ restrictive covenant ▪ farming 	<ul style="list-style-type: none"> ▪ no ▪ no ▪ no (site not yet redeveloped)
<ul style="list-style-type: none"> ▪ 349678 BC Ltd. ▪ (AG 91-226) 	<ul style="list-style-type: none"> ▪ 8320, 8340, 8380 No. 5 Road 	<ul style="list-style-type: none"> ▪ consolidate 3 lots ▪ farm plan ▪ restrictive covenant ▪ farming 	<ul style="list-style-type: none"> ▪ no ▪ yes ▪ no ▪ no (site not yet redeveloped)
<ul style="list-style-type: none"> ▪ Limerick Enterprises (Catholic School) ▪ (AG 91-017) 	<ul style="list-style-type: none"> ▪ 9360 No. 5 Road 	<ul style="list-style-type: none"> ▪ farm plan ▪ fence between school and back land ▪ restrictive covenant ▪ farming 	<ul style="list-style-type: none"> ▪ no ▪ no ▪ no ▪ no (site not yet occupied or developed)

APPLICANT	PROPERTY	REQUIREMENTS	COMPLIANCE
<ul style="list-style-type: none"> ▪ Richmond Christian School ▪ (AG 98-144171) 	<ul style="list-style-type: none"> ▪ 10260 No. 5 Road 	<ul style="list-style-type: none"> ▪ no farm plan required. ▪ restrictive covenant ▪ fence and landscape buffer ▪ notification of any changes to lease agreement between RCC and vendor. ▪ financial security ▪ withholding final rezoning until covenant and financial security arranged. ▪ farming 	<ul style="list-style-type: none"> ▪ n/a ▪ yes ▪ not known ▪ n/a yet ▪ yes (by ALC) ▪ yes ▪ yes (by previous owner)

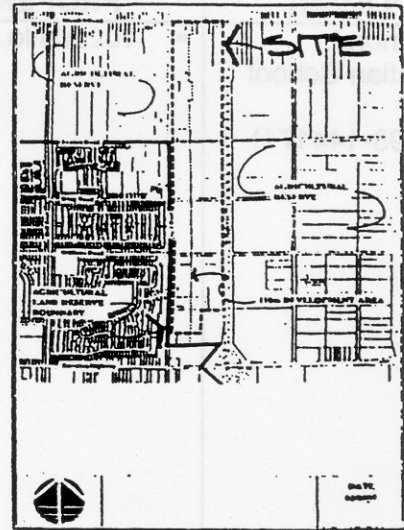
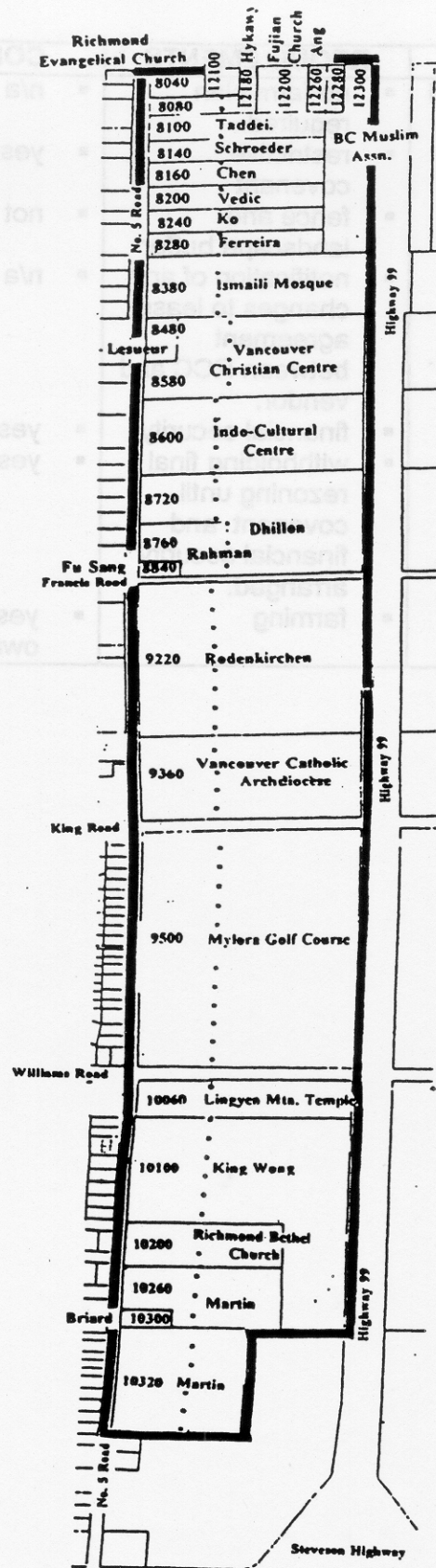


Figure 1-1
Property Addresses and Property Owners in the Study Area

LEGEND

- Study Area
- 110 m Assembly Use Frontage

N

Scale: 16 cm = 1,000 m

APPENDIX 5

Chronology of decisions on No.5 Road Back Lands

**History of Events
No 5 Road Backlands Area
City Of Richmond**

- 1950 Richmond establishes its first Zoning Bylaw No. 1134
- 1957 Richmond establishes its second Zoning Bylaw No. 1430
- 1973 Province establishes the Agricultural Land Reserve
- 1986 Richmond establishes its first Official Community Plan (OCP).
- 1989 Richmond establishes its third Zoning Bylaw No. 5300
- 1989 Richmond updates the OCP
- 1990 **Backland Policy Established (Policy 5006)**
- The Provincial Agricultural Land Commission (PALC) and Richmond Council agrees to a policy which supports non-farm uses in the Agricultural Land Reserve (ALR), specifically Assembly District (ASY) uses, in the No. 5 Road corridor (area bounded by Blundell Road, Highway 99, Steveston Highway and No. 5 Road).
- This policy:
- supported Assembly District (ASY) uses only within the westerly 110 m (361 ft.) of the properties fronting onto No. 5 Road and
 - required that the backlands be kept for farming.
- 1993 After several Assembly District (ASY) proposals were approved, the PALC and Council became concerned that the farming of the backlands was not occurring.
- PALC proposed that:
- a study be undertaken to identify the barriers to farming and what needed to be done to encourage and facilitate farming.
 - a moratorium be put on new applications until:
 - after the study was completed, and
 - a policy was developed and adopted by Council and the Commission.
- 1996 Moratorium**
Council agreed to PALC's proposal for a moratorium and study.
- 1997 A consultant (Zbeetnoff Consulting) undertook and completed the study.
- 1997 Planning Committee received the study report and directed that it be forwarded to the key stakeholders for comment.
- 1998 (April) (a) No. 5 Road Backlands Consultation

Staff submitted a report to Council containing the stakeholder comments and four recommendations.

Council adopted two of the four recommendations, namely:

- That Council proceed to address the No. 5 Road backland agricultural and development issues on a partnership basis with the land owners and to obtain their commitment to do their part of the implementation process.
- That staff be directed to establish a consultation process with the No. 5 Road Public Assembly Lands Improvement Group for the purpose of:
 - ✓ communicating and co-ordinating Council decisions on the future of the backlands and implementation of the Backlands Study findings and conclusions;
 - ✓ discussing possible ways of addressing their issues; and
 - ✓ determining the form of commitments required from the Group in respect of the provision of on-site infrastructure improvements (i.e., drainage, irrigation, road, land assembly, tenure arrangements for lessees, agricultural development plans, etc.).

(b) Martin Property

In addition to adopting the above recommendations, Council also passed a resolution directing that a letter be written to the Commission supporting a request from Mr. and Mrs. Del Martin that consideration be given to the lifting of the moratorium on their property at 10320 No. 5 Road, provided that:

- ✓ a farm plan was filed for the backlands, and
- ✓ a commitment to ensure that the land was actually farmed was obtained.

1998 (Aug.) In response to Council's directives, staff prepared and sent a questionnaire to all property owners in the No. 5 Road Backlands area, enquiring whether or not they are prepared to:

- participate in a partnership approach to removing the barriers to the farming of the backlands;
- commit in principle to providing required on-site improvements on their properties;
- commit in principle to undertaking the other required implementation actions, which were suggested in the Backlands Study report;
- what the owners felt the next steps should be to achieve a successful solution to the farming of the backlands; and

Affected property owners indicated that they are not interested in farming the land.

1998 (Sept.) Council endorsed a non-farm use application from the Richmond Christian School for the Del Martin property.

This application will be decided by the Land Commission.

1998 (Oct.) The Land Commission asked the City to comment on a proposal by the India Cultural Centre (8600 No. 5 Road) to use their backland for turf farming.

Council passed a Resolution advising the Land Commission that they support the India Cultural Centre's turf farm proposal.

1998 (Nov.) **Revised Backlands Moratorium Policy (Policy 6035)**

- Council adopts Policy 6035
- This means that Council and the ALC agree to lift the moratorium on a site by site basis if owners agree to meet certain farming conditions

1999 (Mar.17) Richmond adopts a new OCP

2000 (Feb) Richmond Council considers a consolidated and clarified Revised Backlands Moratorium policy.