



CITY OF RICHMOND

REPORT TO COMMITTEE

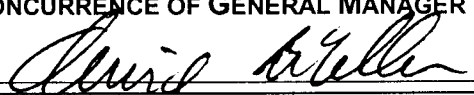
TO: Planning Committee
FROM: Joe Erceg
Manager, Development Applications
DATE: April 26, 2001
FILE: AG 00-084495
RE: **Application by Darshan Rangi for Non-Farm Use (Community Hall) at 6120 No. 5 Road**

STAFF RECOMMENDATION

That authorization for Mr. Darshan Rangi to apply to the Land Reserve Commission for non-farm use (community hall) at 6120 No. 5 Road be denied.


Joe Erceg
Manager, Development Applications

HB:blg
Att.2

FOR ORIGINATING DIVISION USE ONLY
CONCURRENCE OF GENERAL MANAGER


STAFF REPORT

ORIGIN

In January, 2000 Mr. Darshan Rangi applied for permission to replace the existing dog day care facility on the western portion of 6120 No. 5 Road with either a community hall or a seniors care home. Staff prepared a report to the Planning Committee in March, 2000 recommending that this application for a non-farm use in the Agricultural Land Reserve (ALR) be denied.

Prior to the Planning Committee considering either of these proposals, Mr. Rangi added a third option to his ALR application; a request to expand the existing dog day care facility and build a new veterinary clinic on the western portion of the property. In July, 2000 staff prepared another report to the Planning Committee recommending that all three of these non-farm uses be denied.

The minutes of the July 17, 2000 Planning Committee record the following discussion/motions:

"It was moved and seconded

That expansion of the Dog Day Care be supported and that a veterinary clinic with living accommodations be supported to the Land Commission as a non-farm use.

Prior to the question being called a discussion took place amongst the Committee members. It was noted the Committee could not support the Senior Care Home, Community Hall or veterinary clinic/living accommodation components. As a result of the discussion the following referral was introduced:

It was moved and seconded

That the application by Mr. Darshan Rangi for non-farm use at 6120 No. 5 Road be referred to staff for further discussion regarding expansion of the Dog Day Care facility.

CARRIED"

In March, 2001 Mr. Kabel Atwall advised the City that Mr. Rangi would like to proceed with the community hall only on the subject property. Attachment 1 is a copy of Mr. Atwall's submission in favour of this proposal.

FINDINGS OF FACT

ITEM	EXISTING	PROPOSED
Owner	Darshan Rangi	No change
Applicant	Kabel Atwall/Darshan Rangi	No change
Site size	1 ha (2.49 ac.)	No change
Land uses	Westerly 0.35 ha (0.87 ac.) – Residence and Dog Day Care facility Easterly 0.65 ha (1.62 ac.) - Blueberry farming	Westerly 0.35 ha (0.87 ac.) – Residence and Community Hall Easterly 0.65 ha (1.62 ac.) – Blueberry farming
OCP Designation	Agriculture	Community Institutional
McLennan Sub-Area Plan Designation	Agriculture	Agriculture, Institutional and Public
Zoning	Agricultural District (AG1)	Assembly District (ASY) or Comprehensive Development District (CD).

RELATED POLICIES & STUDIES

The Official Community Plan (OCP) has as two of its Agriculture objectives to “continue to protect all farmlands in the Agricultural Land Reserve” and to “maintain and enhance agricultural viability and productivity in Richmond”. The McLennan Sub-Area Plan also has as an objective “to enhance the agricultural viability of the area east of No. 4 Road in the short term”.

If Council and the Commission were to approve this application, the applicant would have to amend the OCP and McLennan Sub-Area Plan and apply for rezoning approval for the proposed community hall.

It should be noted that the OCP defines the “Community Institutional” designation as “those areas of the City which are intended for institutions engaged in religious, educational or cultural activities, and may include adjunct residential development which normally results in community benefit, provided the site is not located in the Agricultural Land Reserve (ALR) or a non-residential area.”

The McLennan Sub-Area Plan also has a policy to “support agriculture and institutional and public uses within a 110 m (361 ft.) strip along the east side of No. 5 Road, from the first lot north of Blundell Road, south to Francis Road, and the lots fronting the south side of Blundell Road, between No. 5 Road and Highway 99, in accordance with the terms of Provincial Agricultural Land Commission Resolution No. 658/90.”

STAFF COMMENTS

Policy Planning Department staff have recommended that this application be denied because it is contrary to the objectives and policies of the OCP and McLennan Sub-Area Plan. Furthermore, the proposal is not consistent with the direction in the pending Richmond Agricultural Viability Strategy (RAVS).

Transportation Department staff commented that there is limited bus service to the area (No. 405 bus provides service every half hour during off-peak times).

Utility staff commented that sanitary sewers are not available, nor are there any plans to provide sanitary sewers to this area. No. 5 Road is serviced with water, storm sewer, gas, a 14 m wide pavement, curb/gutter and sidewalks on both sides of the road.

Environmental Health Department staff commented that the applicant must make application and receive a permit to construct an on-site sewage disposal system prior to the issuance of Building Permits. Land area requirements for on-site sewage disposal will have a limiting effect on the area available for building envelope and parking lot. Applicant should be made aware of this fact as it may affect the feasibility of the project.

Development Applications Department staff have summarized the history of the subject property and some of the surrounding area in Attachment 2. Essentially, the Land Reserve Commission has refused a previous application for a non-farm use (i.e. religious building) on the subject property and the illegal fill on the site should not be used as a reason to justify this application.

ANALYSIS

Staff are continuing to recommend that this ALR application be denied. The reasons for this recommendation and the response to Mr. Atwall's submission (Attachment 1) are as follows:

- The construction of a community hall at this location is contrary to the objectives, policies and land use designations in the OCP and McLennan Sub-Area Plan. Furthermore, the proposal is not consistent with the direction in the pending RAVS.
- The fact that the westerly 0.35 ha (0.87 ac.) was debilitated prior to 1981 should not be used as a reason to justify this application. Using this argument implies that an illegal activity that is not corrected is grounds for a non-farm use and rezoning application.
- The Land Reserve Commission has refused a previous application for a religious building on this property on the basis that the land has the potential for farm use and is located in a large, important blueberry farming area. It is unlikely the Commission would support the construction of a community hall at this location.
- Although the westerly 0.35 ha (0.87 ac.) of the property has been debilitated, the remainder of the site has an improved agricultural capability rating of Class 2 with wetness or organic soil limitations. The applicant has given no indication as to how the proposed community hall will enhance the agricultural potential of the property or provide a "net benefit" to the farming community.
- Staff believe that the 0.35 ha (0.87 ac.) area could be used for non-soil bound farming (e.g. L & C Greenhouses at 8111 No. 5 Road is located on a 0.39 ha or 0.97 ac. parcel) or rehabilitated if the owner really wanted to use this area for agricultural purposes.
- The applicant has not demonstrated that a community hall, with its associated off-street parking (the proposal for a 557 m² or 6000 ft² community hall would require 56 off-street parking spaces with sufficient manoeuvring aisles), and the existing residence could be accommodated on the westerly 0.35 ha (0.87 ac.) of the property.
- The applicant has not indicated where the on-site sewage disposal field will be relocated on the property if it is to be used for a community hall, parking area and existing residence. Staff question whether the westerly 0.35 ha (0.87 ac.) can accommodate all of these uses and do not want the applicant to locate the on-site sewage disposal field in the blueberry fields or to use a holding tank.
- Mr. Rangi purchased the subject property in 1992; the same year the City amended the McLennan Sub-Area Plan to restrict No. 5 Road between Westminster Highway and Blundell Road to "Agriculture" use. Furthermore, it is assumed that he was aware that illegal fill had been placed on the westerly portion of this parcel.
- An undesirable precedent would be set by approving this application. The applicants are already using the Cornerstone Evangelical Baptist Church and Miao Yih Holy House as examples to support their non-farm use application. Approving a community hall at 6120 No. 5 Road would create further pressure to allow assembly uses between Westminster Highway and Blundell Road (which is contrary to the OCP and McLennan Sub-Area Plan).

- Staff are not convinced that placing a community hall on the subject property would relieve the pressure for non-farm uses on No. 5 Road between Steveston Highway and Blundell Road or help protect other productive agricultural lands. Furthermore, there is nothing in the subject application that guarantees that Mr. Rangī will continue to farm the remaining 0.65 ha (1.62 ac.) of his property.
- The Planning Committee on July 17, 2000 indicated that it could not support the community hall (or senior care home or veterinary clinic/living accommodation) component of this application. It would appear that the only non-farm use the Committee was prepared to consider on the westerly portion of Mr. Rangī's property was an expanded dog day care facility (which was previously approved by the Land Reserve Commission as a special case application with no size limitations on it).

FINANCIAL IMPACT

None to the City.

CONCLUSION

Mr. Kabel Atwall and Mr. Darshan Rangī have applied to locate a community hall on the westerly portion of 6120 No. 5 Road. Attachment 1 is a copy of the applicant's submission in favour of this proposal. Should the Planning Committee or Council and Land Reserve Commission approve this non-farm use application, the Official Community Plan (OCP) and McLennan Sub-Area Plan would have to be amended at the time of a rezoning application. Staff continue to recommend that this Agricultural Land Reserve (ALR) application be denied and do not agree with the applicants rationale for the proposed community hall for the reasons outlined in this report.

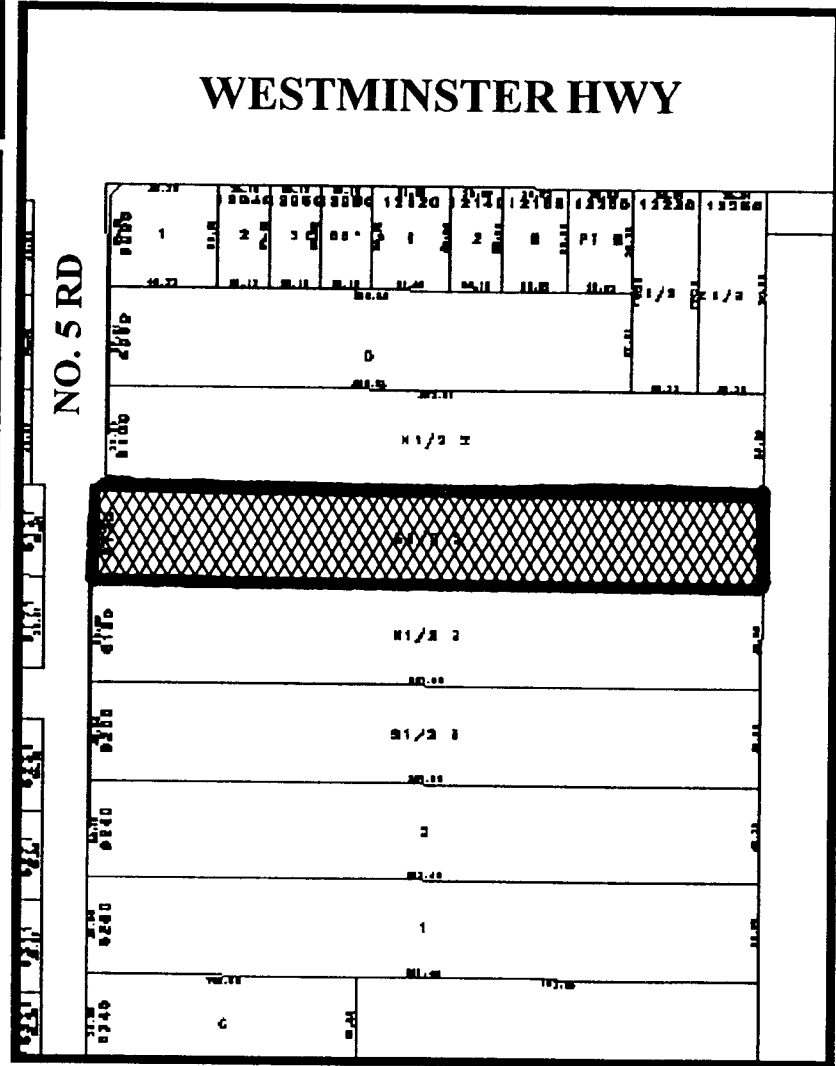
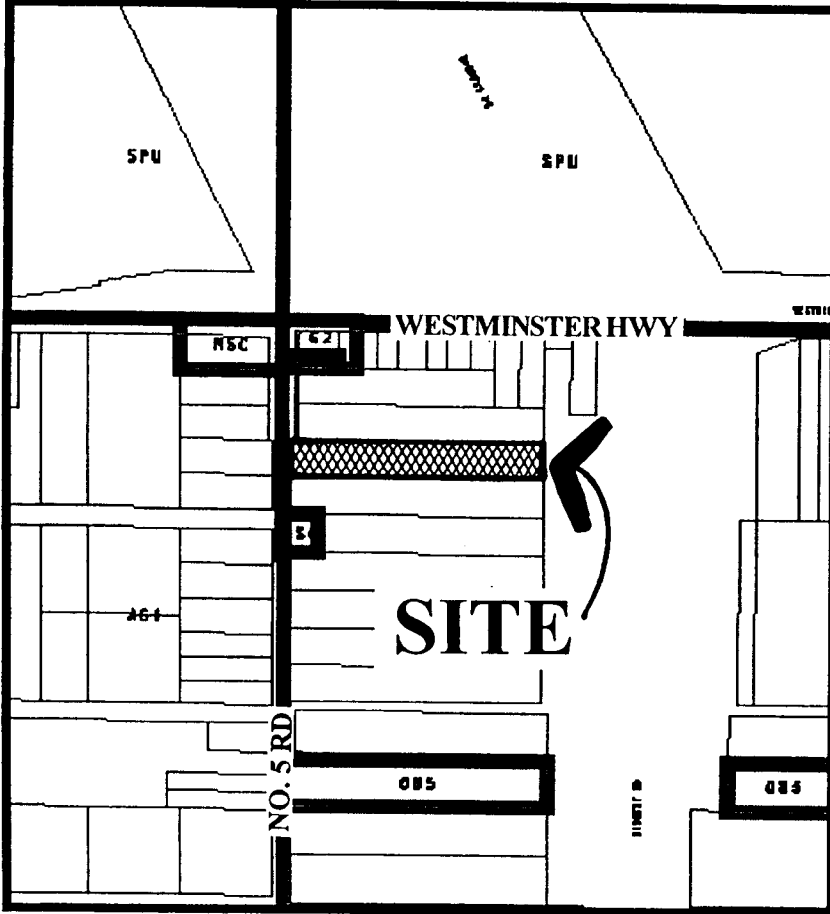


Holger Burke, MCIP
Development Coordinator

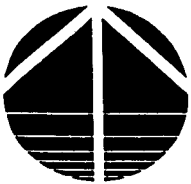
HB:blg



City of Richmond



43

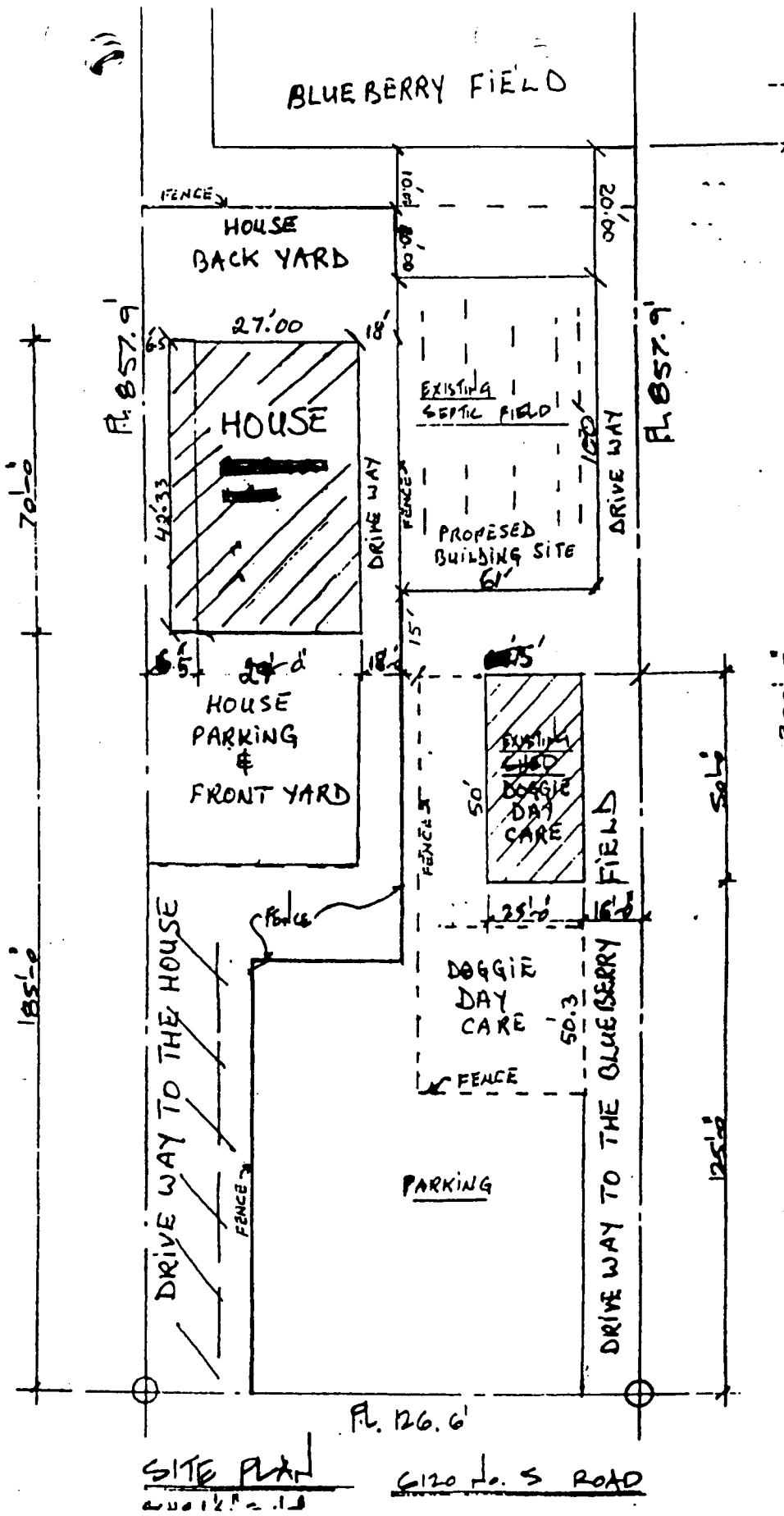
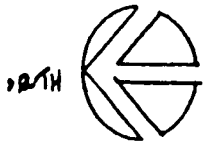


AG 00-084495

Original Date: 01/19/00

Revision Date:

Note: Dimensions are in METRES

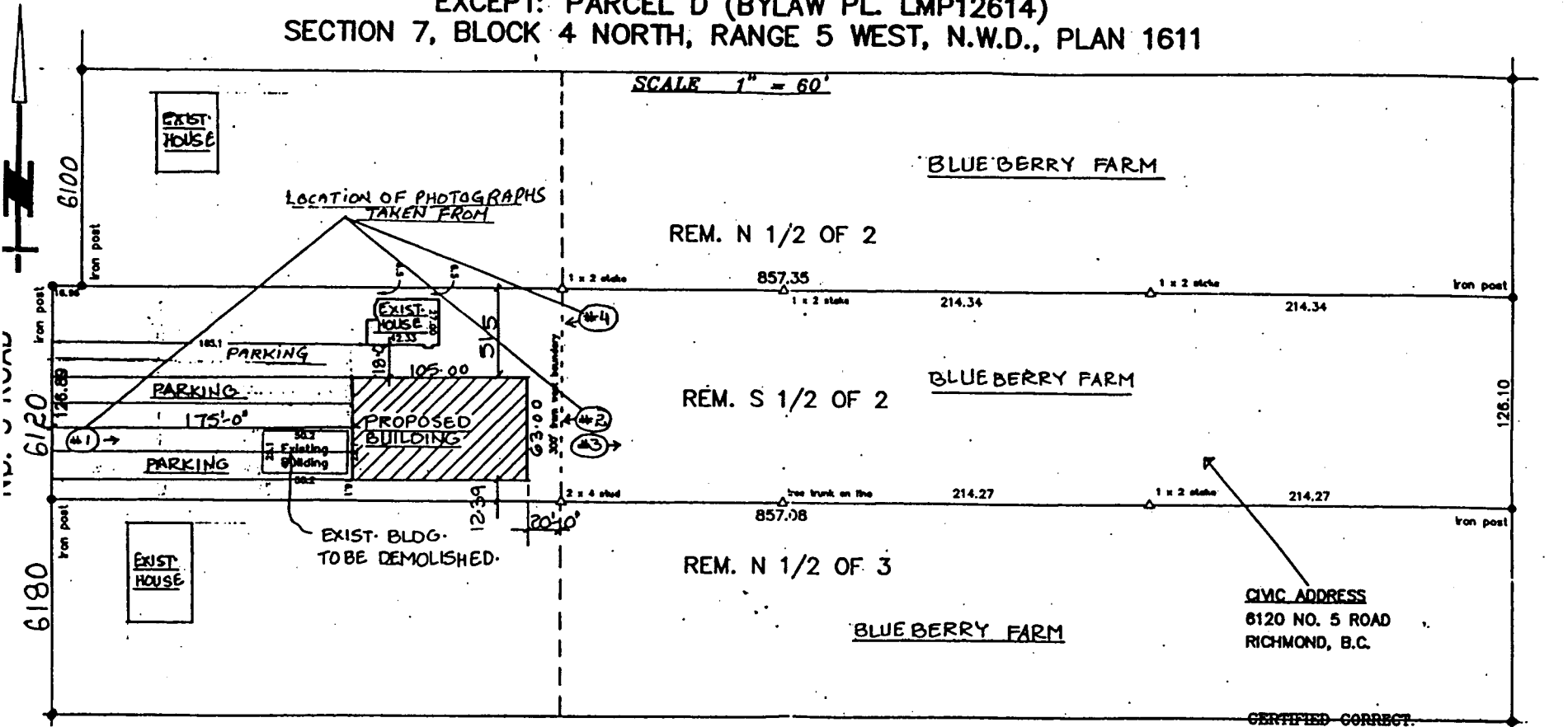


SITE PLAN 6120 No. 5 ROAD

Figure 1: Detailed plan of western portion of subject property.

**SURVEY PLAN OF THE S 1/2 OF LOT 2
EXCEPT: PARCEL D (BYLAW PL LMP12614)
SECTION 7, BLOCK 4 NORTH, RANGE 5 WEST, N.W.D., PLAN 1611**

SCALE 1" = 60'



CIVIC ADDRESS
6120 NO. 5 ROAD
RICHMOND, B.C.

CERTIFIED CORRECT.
DATED THIS 27TH DAY OF JUNE, 1997

LOUIS NGAN *[Signature]* B.C.L.S.

LOUIS NGAN LAND SURVEYING
210 - 2580 SIMPSON ROAD
RICHMOND, B.C. V6X 2P9
(604) 273-2938

FILE: R45-6120TP

PROPOSED DEVELOPMENT PLAN

ATTACHMENT 1
APPLICANT'S SUBMISSION

KHEVIN DEVELOPMENT SERVICES LTD.
140 - 4651 SHELL ROAD
RICHMOND, B.C. V6X 3M3
Phone (604) 341-0212 Fax (604) 207-1256

March 20, 2001

Mr. Malcom Brodie
Chair, Planning Committee
City of Richmond
6911 No. 5 Road
Richmond, B.C.
V6Y 2C1

Dear Sir:

Re: AG 00-084495
Application by Darshan Rangji for Non Farm Use

Further to the Planning Committee meeting of July 17, 2000, Mr. Rangji would like to proceed with a Community Hall on the subject property.

The site of the hall would be the .9 acre portion of the property which has been debilitated through a previous fill operation. The building itself would be approximately 6,000 square feet in size.

In going forward with the community hall concept, it hoped that the use can be considered in the following context.

Firstly, the McLennan Sub Area Plan notes that the area of the subject property should be

retained for agricultural use. But the Plan, in recommending this use, does not take into consideration situations where property or portions of a property have been debilitated from an agricultural perspective.

As suggested in the Plan and as noted in the March 6, 2000 Planning Department report, that the area should be kept for farm related purposes, it would be interesting to discover what type of farm related purposes the Planning Department had in mind in making this statement. The total property is only 2.5 acres in size. It is difficult to imagine any operation of 1.6 acres requiring .9 acres of land for any types of farm related uses. The area is too small for a commercial greenhouse and the small area being farmed does not require .9 acres of land for infra structure purposes.

One cannot ignore that the subject site has been rendered non productive from an agricultural use perspective. The fact is supported by a soils report prepared by Susan Ames, P. Ag., who states in the report that "The fill area has been given an agricultural

capability rating of Class 7. Land in this class has no capability for arable culture or sustained grazing." This coupled with the small size, from an agricultural perspective, renders the property useless from an agricultural point of view.

It is agreed that land with agricultural capability and potential should be retained for agriculture. But this use cannot be forced on lands with no capability. It is proposed that by recognizing anomalies such as the subject .9 acre site and considering low impact non-agricultural uses on these lands may actually relieve pressure to have non-farm uses on lands with better agricultural capability. An irony is that the proposed use would be allowed in the No. 5 Road corridor, south of Blundell Road, where its siting would actually destroy land with very good agricultural capability. Therefore, it would seem more logical to utilize lands of lesser or no agricultural capability for these uses.

It is extremely important to note that the property was not debilitated for agricultural use by Mr. Rangi. In reviewing the history of the fill operation, it is clear that the fill was able to remain on the site, even after an order from the ALC to have it removed within 60 days. This order was given in June of 1981, a full eleven years prior to Mr. Rangi purchasing the property.

In a report prepared by Sandra Takarczyk, Manager, Property Use and Administration, regarding the lack of action on the fill removal order, she states that the illegal soil placement was insignificant at that time for 3 reasons:

1. The amount of the fill was minimal
2. The placement on the site was not significant in that building permit applications had been made for accessory buildings which would cover the fill footprint
3. It was not unusual for fill to be placed in front of a blueberry field to accommodate the parking of vehicles relating to the farm crop

First of all, if the amount of fill was not significant, why did the ALC want it removed? To cover a .9 acre portion of a 2.5 acre site would appear to be significant. In addition, if the fill was deemed to be insignificant because it would have been covered by buildings, it is requested that the present owner be given the same consideration. Lastly, the area of fill far exceeds what would be required to accommodate vehicles for the 1.6 acres of blueberries that are grown on the site.

All this points to the fact that both the ALC and the City of Richmond were complicate in letting the fill remain and contributed to the debilitation of the site. Now to say it must remain for farm purposes is not consistent in their lack of effort in having the fill removed.

The issue of fill and debilitation of land was exactly the reason that the Cornerstone Evangelical Baptist Church at 12011 Blundell Road was allowed by the ALC. It was for these reasons, that the land was included, as the only property north of Blundell Road, into the "assembly corridor" along No. 5 Road. If it was recognized in 1988 that the

assembly land use was acceptable for that site, other sites with similar debilitation should also have been recognized in the McLennan Sub Area Plan.

It is also important to look at the issue of precedent. The McLennan Plan states as an objective, the need to preserve that area north of the Cornerstone Baptist Church and along the east side of No. 5 Road for agriculture and designates this area for agriculture. Through these policies and designations it is inferred, that it did not wish to see any assembly uses within this area.

It would be interesting to find out how these policies and designation rationalize the existence of an assembly use in the form of the Miao Yih Holy House at 6740 No. 5 Road. Its existence certain does not comply with the McLennan Plan and it is clearly being used for assembly purposes.

Given its existence, how can one, therefore, deny a community hall use on one property on the basis that it does not comply with the OCP, when a similar use exists on another site.

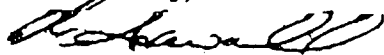
It is believed that there is more than sufficient justification for the use of the .9 acres for a community hall use. As noted earlier, the property does not have any agricultural capability nor can it be used for, in any realistic sense, for farm related purposes.

Land in similar circumstances was included in the "assembly corridor" and precedent already exists for the type of use proposed. Furthermore, the land was not considered so important for agriculture that the ALC and Richmond pursued the order to have the fill removed. In addition, by utilizing these anomalies within the ALR for the type of low impact uses proposed, it could help relieve pressure to development more productive land for these uses.

The Community Hall concept would also be consistent with the 1999 OCP Leisure Services objective which is to "ensure that a broad range of leisure opportunities suited to community needs and interests are made available and accessible through the development and co-ordination of public, non-profit and private sectors." While the OCP also states that agricultural lands must be protected and remain viable for farming, it is submitted, that given the debilitated condition of the site, that no lands with any agricultural potential will be removed from the true agricultural land base of the community. As noted before, this type of proposal may actually help protect the productive agricultural lands.

Therefore, it hoped that your Committee can recognize the unique circumstances regarding the request and recommend that the application go forward to the ALC.

Yours sincerely,



Kabel Atwall

ATTACHMENT 2
HISTORY OF SUBJECT PROPERTY AND SURROUNDING AREA

Date	Events
Prior to 1981	According to Land Reserve Commission files, the previous owner (A. Sunderji) placed deleterious fill (i.e. broken pavement and sawdust) on the westerly portion of 6120 No. 5 Road, without first obtaining a Permit from the City and the Commission under the Soil Conservation Act.
June, 1981	The City and Commission became aware that fill was being deposited illegally on the site and directed Mr. Sunderji to cease and desist from further filling and to apply for a Permit under the Soil Conservation Act. The activity ceased and no further action was pursued.
July, 1981	Mr. Sunderji applied to the Commission for a permit to legalise the fill which was already deposited.
September, 1981	After completing a field inspection, the Commission: <ul style="list-style-type: none"> ▪ refused the Sunderji application on the grounds that the site was capable of supporting a fairly wide range of farming options; ▪ directed Mr. Sunderji to cease all filling on the site immediately and take steps to rehabilitate the property to an acceptable agricultural condition; and ▪ directed that the rehabilitation must be completed within 60 days.
January, 1986	Cornerstone Evangelical Baptist Church applied for non-farm use approval to develop 12011 Blundell Road for a church and related facilities. Review of application delayed pending the completion of the McLennan Sub-Area Plan.
December 1986	Council adopted a policy supporting "Public, Institutional and Open Space" uses along the east side of No. 5 Road, between Francis Road and Steveston Highway in the Richmond Official Community Plan.
April 1987	Council brought forward the draft McLennan Sub-Area Plan, which designated the east side of No. 5 Road, between Westminster Highway and Francis Road, for "Agriculture, Institutional and Recreational" uses. At the Public Hearing, the Land Reserve Commission objected to this policy because: <ul style="list-style-type: none"> ▪ the area is predominantly in agricultural use with very little non-farm development; ▪ the area represents the single largest area of mineral soils in the McLennan area and has the greatest variety of agricultural uses in the area; and ▪ non-farm uses in this part of the corridor would tend to "box in" the McLennan ALR lands with urban uses. The Commission recommended that this area be designated for "Agriculture".
May 1987	Council adopted the McLennan Sub-Area Plan without incorporating the Commission recommendation.
September, 1987	Council authorizes Cornerstone Evangelical Baptist Church to apply to the Commission. This support was based on the McLennan Sub-Area Plan policy which designated the east side of No. 5 Road, between Westminster Highway and Francis Road for "Agriculture, Institutional and Recreational" uses. There was no soil removal issue with this application. The peat on the site was removed to a large extent, but was replaced with acceptable fill (monitored by the Commission).
February, 1988	The Commission approves the Cornerstone application in principle, subject to acceptable site plans. The Commission stated that it was not prepared to accept any further residential development on the site.
March, 1988	Cornerstone Evangelical Baptist Church applies for rezoning approval of 12011 Blundell Road.

Date	Events
September, 1988	Council rezones the westerly portion of 12011 Blundell Road to Assembly District (ASY).
November, 1988	Shaffin Sunderji applied for approval of a non-farm use (religious building) at 6120 No. 5 Road.
March, 1989	Council supported the Sunderji application by authorizing him to appeal to the Commission. This support was based on the McLennan Sub-Area Plan policy which designated the east side of No. 5 Road, between Westminster Highway and Francis Road for "Agriculture, Institutional and Recreational" uses.
October, 1989	<p>The Commission refused the Sunderji application on the basis that:</p> <ul style="list-style-type: none"> ▪ the land has potential for farm use as demonstrated by the current blueberry production; and ▪ the property is located within a large and important blueberry farming area and wishes to discourage non-farm uses that will not enhance and preserve the areas long term agricultural potential.
May, 1990	The City and the Commission met to resolve the conflict between the McLennan Sub-Area Plan policy and the Commission's opposition to non-farm uses along the No. 5 Road corridor between Westminster Highway and Francis Road.
August, 1990	<p>The City and the Commission agreed on a policy that:</p> <ul style="list-style-type: none"> ▪ restricts non-farm uses to the corridor between Blundell Road and Steveston Highway, and ▪ preserves the corridor between Westminster Highway and Blundell Road for farm use only.
March, 1992	<p>McLennan Sub-Area Plan amended to restrict No. 5 Road, between Westminster Highway and Blundell Road, to "Agriculture" use. Darshan Rangi purchases 6120 No. 5 Road.</p>
December, 1992	Mr. Rangi commissioned the engineering consulting firm of Dames and Moore to undertake soil drilling and sampling on the western portion of 6120 No. 5 Road for the purpose of determining foundation requirements for a mobile home and making general recommendations regarding the foundation for a residence on the site.
1996	Darshan Rangi applies to locate a dog day care facility on the westerly portion of 6120 No. 2 Road. The application is not supported by staff because it is contrary to the Kennel Regulations Bylaw and requires Land Reserve Commission approval. Council directs staff to amend the Kennel Regulations Bylaw and the Commission approves the dog day care facility as a special case application.
1997	Council directs staff to amend the Zoning and Development Bylaw in order to facilitate Mr. Rangi's dog day care facility at 6120 No. 5 Road. Dog day care facility and residence built.