



City of Richmond
Urban Development Division

Report to Committee

To: Planning Committee
From: Raul Allueva
Director of Development
RE: **AGRICULTURAL LAND RESERVE APPEAL APPLICATION BY CHARAN SETHI
FOR SUBDIVISION AT 10531 GRANVILLE AVENUE**

To Planning - May 17, 2005

Date: May 4, 2005

File: AG 05-288429

Staff Recommendation

That authorization for Charan Sethi to apply to the Agricultural Land Commission for Subdivision of 10531 Granville Avenue be denied.

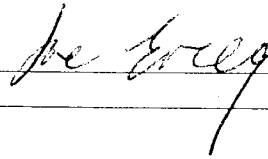
for


Raul Allueva
Director of Development

RA:jl
Att. 3

FOR ORIGINATING DIVISION USE ONLY

CONCURRENCE OF GENERAL MANAGER



Staff Report

Origin

Charan Sethi has applied, on behalf of Kazimiera Pidek and Darlene Straarup (who have owned the property since 1967), for an Agricultural Land Reserve Application for Subdivision of 10531 Granville Avenue (**Attachment 1**). The owners wish to subdivide a 0.2 ha (0.5 acre) lot from the current 1.78 ha (4.4 acres) lot. The proposed site plan is shown in **Attachment 2**.

Project Description

The subject property, which is used as a U-Pick blueberry farm, is currently occupied by a house, storage buildings, greenhouses and blueberry fields. A paved parking area on the east side of the property is proposed to be subdivided for a 0.2 ha (0.5 acre) lot.

The owners wish to subdivide in order to sell the newly-created lot and alleviate current financial burdens. **Attachment 3** contains two letters from the applicant and property owners that outline the reasons for the proposed subdivision.

Findings Of Fact

Item	Existing	Proposed
Owner	Kazimiera Pidek and Darlene Straarup	No change
Applicant	Charan Sethi	No change
Site Size	1.78 ha (4.4 acres)	1.58 ha (3.9 acres) farm and 0.2 ha (0.5 acre) lot
Land Uses	Agricultural	Agricultural and Residential
OCP Designation	Agricultural	No change
Area Plan Designation	Agricultural	Agricultural and Residential
Zoning	AG1	AG1 and R1/F
ALR Designation	In the ALR	No change

Site Context

The subject property is surrounded on all sides by blueberry farms.

Related Policies & Studies

Zoning Bylaw

The Zoning Bylaw specifies the following minimum lot sizes for subdivision that are relevant for this application:

- AG1 (Agricultural District) – 2 ha (4.942 acres)
- R1/F (Single-Family Housing District, Subdivision Area F) – 828 m² (0.2 acres)

In the subject application, both the smaller lot to be created and the remainder of the original parcel do not meet the minimum lot areas for AG1 zoning. Therefore, rezoning of both parcels to R1/F would be required. An amendment of the Official Community Plan (OCP) to change the land use designation of both properties from “Agriculture” to “Residential” would also be required.

Agricultural Viability Strategy

The City’s Agricultural Viability Strategy (AVS), adopted in 2003, contains policies and objectives to minimize subdivision within the ALR on the premise that agricultural viability is jeopardized as lot sizes become smaller. If subdivision is considered, there should be a benefit to agriculture (e.g. diversification, expansion, etc.).

Agricultural Land Commission Act

The Agricultural Land Commission (ALC) has provisions to allow homesite severances under the *Agricultural Land Commission Act*. A homesite severance enables a farmer who has owned his property continuously since December 21, 1972 to subdivide the portion of the lot which contains the farmer’s primary residence. These provisions allow a retiring farmer to sell off the remaining portion of his farm to someone who wishes to farm the land. The retiring farmer could then continue to live in his house provided that he does not sell the homesite for at least five years.

This subject application is not deemed as a homesite severance because the property owners wish to create a vacant parcel to sell for financial reasons.

Local Government Act

The *Local Government Act* also has provisions that govern subdivision within the ALR without the need to rezone or amend the OCP. Under Section 946 of the *Act*, a parcel may be subdivided to provide a residence for a relative. Any parcel created under these provisions must be at least 0.25 ha (0.6 acre) and the remainder of the original parcel must be at least 2 ha (4.9 acres) in size.

This application would not qualify under the provisions to subdivide for a relative because the resulting parcel sizes do not meet the minimum areas set out in the *Act* and the new parcel to be created is not intended for a relative.

Staff Comments

The Health Department has reviewed the proposed subdivision and commented that they have no objections to this application.

An application for subdivision to create a 0.2 ha lot with the existing farm residence was made in 1988. At that time, the application was denied because it was contrary to a 1987 Council resolution to not support further subdivision of land in order to preserve the agricultural viability of the McLennan Area.

Agricultural Advisory Committee Comments

The application was presented to the Agricultural Advisory Committee (AAC) on April 14, 2005. The AAC passed the following resolution:

“That the applicant consider a homesite severance rather than an ALR application for subdivision.”

The AAC members noted that the property owner could qualify for a homesite severance to achieve a similar result or, alternatively, sell the whole farm parcel.

The AAC was concerned about the viability of the McLennan agricultural area and setting a precedent that would lead to more future requests for subdivision. While sympathetic to the owners, the AAC felt that there were available options that would not require the consideration of an Agricultural Land Reserve Application for Subdivision.

Analysis

The property owners have owned the land continuously for 37 years and therefore would qualify for a homesite severance. The proposed subdivision would result in the same development pattern as a homesite severance: a smaller parcel and a larger remainder parcel. One dwelling unit could be built on each parcel that was created.

Staff are sympathetic to the owner’s circumstances and initially felt that the application could be supported on compassionate grounds. However, after further review of the implications to the OCP and zoning, and discussion with the AAC, Staff raise the following concerns:

- One of the principles of the Agricultural Viability Strategy is that “subdivision in the ALR will be minimized, except where it supports agricultural viability (e.g. diversification, expansion, etc.)”. The premise of this application does not appear to support agricultural viability.
- Since this is not a homesite severance or a subdivision to provide a residence for a relative, and the new parcels do not meet the minimum area requirements for the AG1 zone, the parcels would require an OCP amendment and rezoning to R1/F.
- This application creates a precedent which would likely set expectations that the City is now approving subdivision of farmland. Other property owners are likely to come forward with similar applications for subdivision with the expectation that they would be approved. This would further erode the base of larger farm parcels in the area.
- The smaller lot would likely be sold to someone who wishes to build a dwelling unit on the property. It is unlikely that someone would undertake extensive farming activities on a 0.2 ha lot.
- There are no perceived long-term benefits to farming that would result from this application. The immediate benefit is that the farmer could continue to stay and farm his land, which would be reduced in size due to the subdivision. However, over the long-term, such a subdivision does not promote agricultural viability.

Options

Option 1: Deny the application (*Recommended*)

- The application could be denied for the reasons outlined in the previous section.

Option 2: Support the application as presented by the applicant to proceed to the Agricultural Land Commission

- Should Council deem that there are grounds to support this application, it could be approved to proceed to the ALC for consideration.
- Support by the City does not automatically guarantee support by the ALC.
- The City would still have to approve an OCP amendment and rezoning if the ALC approves this application.

Option 3: Refer application back to the applicant and staff to discuss a homesite severance

- The application could be referred back to the applicant and staff to discuss the possibility of implementing a homesite severance in order to achieve subdivision.
- Should a homesite severance be approved for the lot, an OCP amendment and rezoning would still be required because neither parcel conforms to the minimum area for AG1 zoning.

Financial Impact

None.

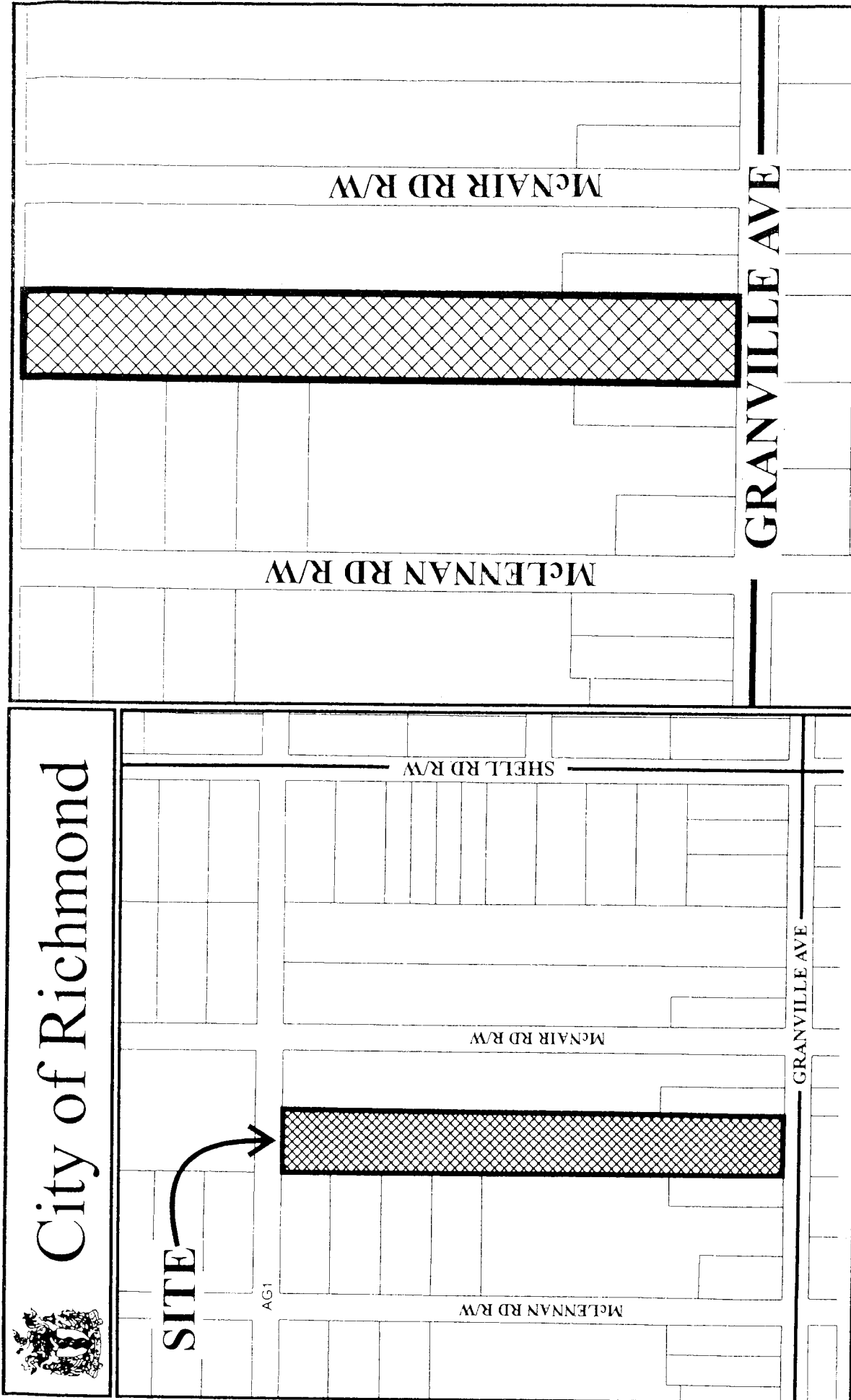
Conclusion

This application is contrary to policies in the AVS and jeopardizes the concept of agricultural viability. The property owner could achieve a similar result with the homesite severance provisions in the *ALR Act*. Staff therefore recommend denial of the application.



Janet Lee
Planner 2

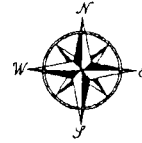
JL:cas



<p>Original Date: 01/21/05</p> <p>Revision Date:</p> <p>Note: Dimensions are in METRES</p>	<p>AG 05-288429</p>
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PROPOSED SUBDIVISION PLAN OF PART OF LOT 65
SECTION 11 BLOCK 4 NORTH R.A. 6 WEST
NEW WESTMINSTER DISTRICT PLAN 38358

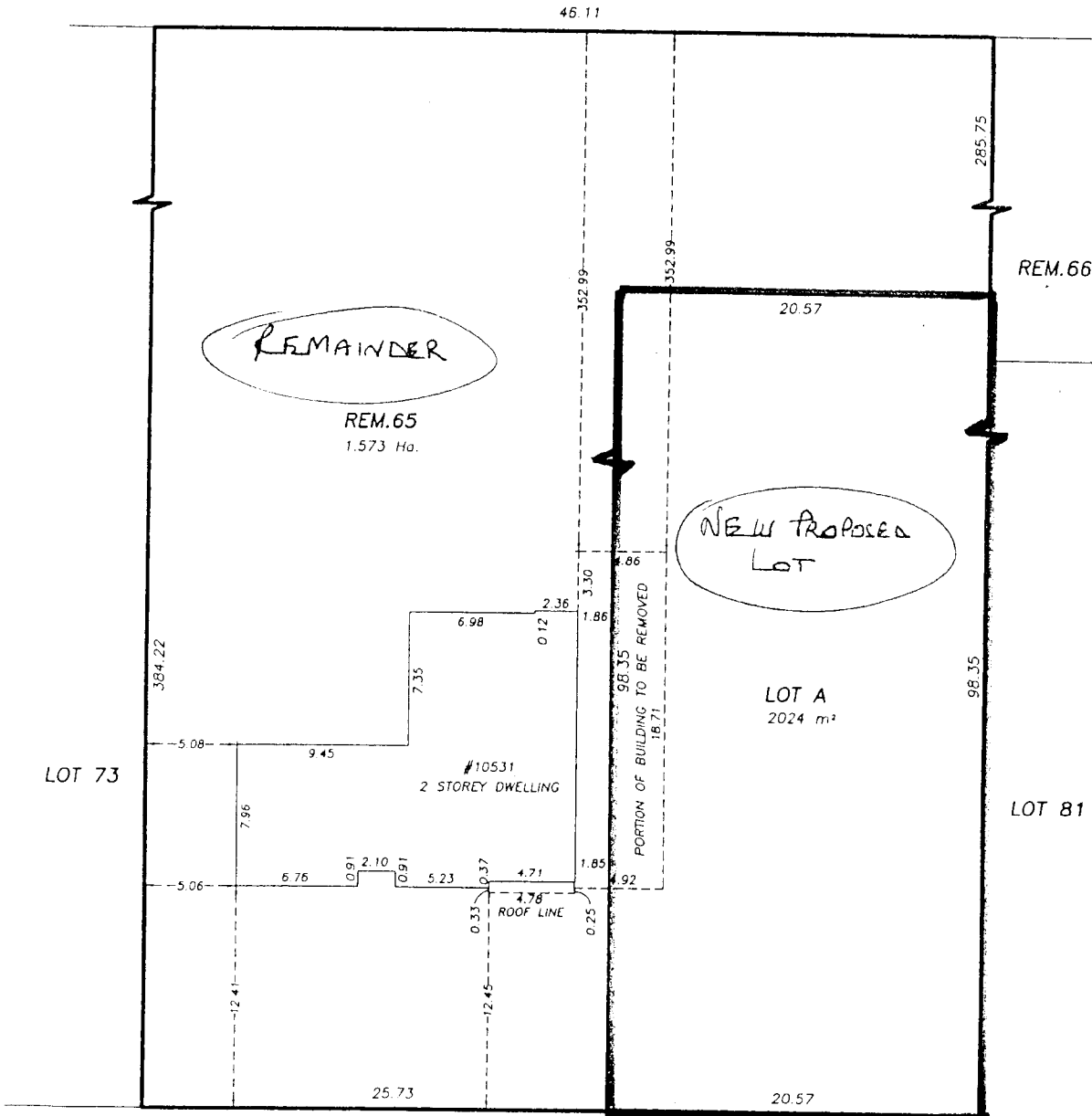
#10531 GRANVILLE AVENUE,
 RICHMOND, B.C.
 P.I.D. 008-794-138



SCALE: 1:250

0 5 10 20

ALL DISTANCES ARE IN METRES AND DECIMALS
 THEREOF UNLESS OTHERWISE INDICATED



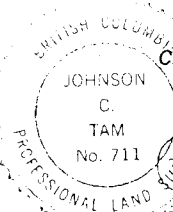
GRANVILLE AVENUE

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 Richmond, B.C. V6X 3Z7
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 E-mail: jctam@telus.net
 Job No. 2633
 FB-42 P51-53
 Drawn By: KA

This document is not valid unless
 originally signed and sealed.

Note: This plan is not to be
 used for the purpose of
 establishing property lines.



CERTIFIED CORRECT:

JOHNSON C. TAM, B.C.L.S.
 DECEMBER 6th, 2004.

DWG No. 2633-NEC



T I E N S H E R
GROUP OF COMPANIES

Dear Sir/Madam,

On behalf of the Owners, I would like to make this application to subdivide the subject property as per plan attached. This property has owned by this family since October 1967. The family has very actively farmed this property as a blueberry farm and would like to continue farming but with the death of father, a 55 year old sister who has Down Syndrome coupled with dementia and the mother is 90 years old all residing at the property it has been a financial challenge.

The family would like to subdivide the half acre as indicated on the attached plan and sell to help with the financial difficulties. This allow them to concentrate on taking care of the loved ones as well as continue to work on the farm.

Please note the following:

- About 50% of the proposed lot is gravelled and has been used a parking lot for many years;
- The subdivision will not be in conflict with agriculture activities as the neighbouring on the East is also approximately the size half of it is still being farmed to grow blueberries;
- The proposal will not permanently damage the physical capability of the land for agricultural use;
- The proposal is similar to adjacent and many other properties in the area;
- The proposal will not create conflicts in terms of noise, dust, odours, trespass, etc.;
- The proposal will only require city water and there is no sewer in the area;
- The proposal will not necessitate construction of a new road, extra driveway or widening of existing roads;
- There are very few other properties which has the capabilities and also qualifies under the Homesite Severance Act;
- There will no impact on the adjacent properties;

Your consideration is much appreciated. Should you have any questions, please do not hesitate to call, email or write to the undersigned.

Sincerely,

Charan S. Sethi

Darlene and David Straarup
Kazimiera Pidek
10531 Granville Avenue
Richmond, B.C.
V6Y 1R5
604-277-7657

November 11, 2004

To Whom It May Concern:

This letter is being sent as a request for subdivision of our frontage property at 10531 Granville Avenue. Parcel Identifier: 008-794-138 Lot 65 Section 11 Block 4 North Range 6 West, New Westminster District Plan 38358.

My name is Darlene Straarup and my husband and I reside on a ^{4.475} acre parcel of blueberry property. I co-own the property with my mother Kazimiera Pidek. We moved onto the property 5 years ago in order to care for my father who was dying at the time, my mother who is now 90 years old, and my sister who is age 55 and has Downs Syndrome coupled with Dementia. My father passed away last year. My mother continues to reside with us as does my sister. We are their primary caregivers. We also have the responsibility of farming the blueberries on our acreage.

My mother and father purchased this farm 37 years ago and worked it diligently until 5 years ago. By then they were in their mid eighties and could no longer sustain the farm lifestyle they enjoyed for so many years. My parents built up one of the largest and most popular U-Pick operations in the Lower Mainland, known as "Joe's Berry Farm". My husband and I both worked our regular jobs, PLUS farmed the property from 2000 until 2003, when we realized that this was exhausting us. I was forced to leave my profession, and come home full time to look after my parents and sister, as well as tend to the details of the farm. Because the farm produces such a limited income, my husband continued to work. However, his salary was considerably less than mine, and, because we lost my income, plus acquired many expenses related to the farm, we found ourselves with increased financial stress. The family home was requiring extensive repairs, not only because of it's age, but because improvements had to be made to meet the health needs of my mother and sister. We also had to make several improvements to the farm and U-Pick operation. Selling the family farm was not an option as it is our home and we enjoy the location and providing a U-Pick service to the community, during a time when very few quality U-Pick operations exist. So, we were forced to take out a mortgage against the property in order to remain here.

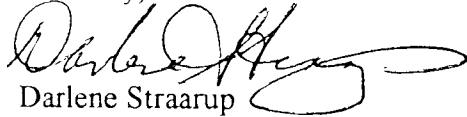
However, taking out a mortgage is a temporary solution. As we look upon the extensive on-going needs of the farm and some of the changes we still have to make to our home, we are faced with the challenge of how to successfully sustain and build upon the foundation my parents have laid in regard to this property and our U-Pick operation. My

mother has ailing health, but overall is doing well at 90 because we are able to look after her in the comforts of her home here with us. But her needs are increasing. Also, as caregivers to my sister, we receive no compensation, and her needs are also intensifying. She would not do well in group home care, and our intentions and wishes of my mother, is that she remain with us for as long as it is feasible.

We are sincerely hoping that as a solution to our situation, we might be able to subdivide our frontage, and sell it as a half acre. Currently, there are very few existing blueberry plants on the ½ acre, most is a parking lot. These additional funds from the sale of the ½ acre would relieve the tremendous stress we currently feel in our situation, and would allow us to continue to farm our field and to look after it properly, without the financial stress.

We thank you for considering our situation. We hope that you would find it feasible to subdivide our frontage in order for the sale of the ½ acre to occur.

Sincerely,


Darlene Straarup


Kazimiera Pidek