



CITY OF RICHMOND
URBAN DEVELOPMENT DIVISION

REPORT TO COMMITTEE

TO: Planning Committee
FROM: Joe Erceg
Manager, Development Applications
DATE: June 7, 2001
FILE: RZ 00-180700
RE: **Application by Campbell Froh May & Rice to Rezone 2620 No. 6 Road from
Agricultural District (AG1) to Comprehensive Development District (CD/119)**

STAFF RECOMMENDATION

That Bylaw No. 7242, for the rezoning of a portion of 2620 No. 6 Road from "Agricultural District (AG1)" to "Comprehensive Development District (CD/119)", be introduced and given first reading.

H. Burlee

JE
Joe Erceg
Manager, Development Applications

JE:jl
Att.

FOR ORIGINATING DIVISION USE ONLY

CONCURRENCE OF GENERAL MANAGER

David M. Hill

STAFF REPORT**ORIGIN**

An application has been made by Campbell Froh May & Rice to rezone a portion of 2620 No. 6 Road (Maybog Farms) from Agricultural District (AG1) to Comprehensive Development District (CD/119) to permit truck parking during the annual cranberry harvest season only (mid-September to mid-November). The location of the area to be rezoned is shown in **Appendix 1**.

The subject property is currently used as a cranberry farm and is located within the Provincial Agricultural Land Reserve (ALR). There is an existing gravel yard accessible from No. 6 Road which is the area intended to be used for the truck parking and staging area. A more detailed survey showing the relationship of the gravel yard to existing buildings and structures is attached in **Appendix 2**.

FINDINGS OF FACT

ITEM	EXISTING	PROPOSED
Owner	Maybog Farms Ltd.	No change
Applicant	Campbell Froh May & Rice	No change
Site Size	15.5 ha (38.3 acres) total site area	No change in total site area; 0.42 ha (1.03 acres) to be rezoned
Land Uses	Cranberry farm, gravel yard, single-family house, farm equipment storage	No change
OCP Designation	Agricultural	No change
Zoning	AG1	AG1/CD
ALR Designation	Is within ALR	No change

Site Context

North: Agricultural properties zoned AG1; in the ALR
 South: Two single-family lots zoned R1/F; in the ALR
 East: Agricultural properties zoned AG1, in the ALR
 West: Industrial properties zoned I2; not in the ALR

Proposed Activities

In 1994 and 1997, Temporary Use Permits (TUP #94-145 and TUP #97-117631) were approved by City Council and issued to Maybog Farms to use the gravel yard as a temporary staging area for trucks bound for the Ocean Spray Receiving Station at 5200 No. 6 Road. The non-farm use of the gravel yard was approved by the Land Reserve Commission (LRC) in 1994 to occur annually during the months of September and October.

As the *Local Government Act* only permits a Temporary Use Permit to be renewed once, the applicant can no longer continue to apply for Temporary Use Permits. Therefore, the applicant is proposing to rezone a portion of the property to enable this activity to continue to occur on an annual basis from September 15 to November 15.

STAFF COMMENTS

Staff have no significant concerns about the proposed use which has occurred annually since 1994.

Staff note that the residential zoned properties immediately to the south may experience some visual and/or noise impacts from the trucking activity. Information supplied by the applicant indicates that the southernmost edge of the intended parking area is located 70 metres (229.6 feet) away from the south property line that is shared with the residential neighbours.

Staff at the LRC reviewed the application and indicated that the proposed bylaw is consistent with the *Agricultural Land Reserve Act*, the regulations and orders of the Commission. The LRC also approved the proposal to use the staging area from September 15 to November 15 each year. No objections to the proposal were expressed by the LRC (see **Appendix 3**).

ANALYSIS

Staging Area Activities

The peak of the cranberry harvest season occurs for about 12 to 15 days sometime during the period from mid- September to mid-November. During this time, approximately 2 million pounds of cranberries are processed at the Ocean Spray plant each day.

There are no buildings or structures proposed to be built as part of this rezoning application. The staging area at Maybog Farms functions as an overflow lot for trailer trucks that cannot be accommodated at Ocean Spray when loading and unloading of trucks is at capacity. The size of the staging area at Maybog Farms can accommodate up to 12 trucks.

The staging area primarily serves trucks that arrive from Washington and Oregon to receive and take cranberries back to processing plants in the U.S. As these trucks are arriving from outside of the local area, their estimated time of arrival at the Ocean Spray plant cannot be predicted or scheduled. If the trucks arrive at a time when Ocean Spray cannot accommodate them, they will require a place to stop and park until there is available room at the plant to serve them. The use of a staging area at Maybog Farms helps to take some of these trucks off of No. 6 Road while they wait. A letter from Ocean Spray in support of this application (**Appendix 4**) confirms these activities.

Proposed Zoning Amendment

It is proposed to create a Comprehensive Development (CD) zone (attached as **Appendix 5**) that:

1. allows truck parking as an accessory use to agriculture, limited to the annual cranberry harvest period from September 15 to November 15 only;
2. specifies the location of the truck parking area within the overall lot; and
3. specifies that any areas used for truck parking shall not be paved and shall be maintained in a dust-free condition (this was a clause included in the Temporary Use Permits that were issued for this use);

The period during which the staging area is permitted is limited from September 15 to November 15 to provide some flexibility in case the peak of the harvest arrives earlier or later during the year. During the remainder of the year, the staging area cannot be used for truck parking that is not accessory to a use that takes place on the property itself.

Potential Impacts on Neighbours

There are two single-family (R1/F zoned) lots located immediately south of the subject property. The neighbours have expressed concerns about noise, visual and vibration impacts that could emanate from the trucking activities during the peak harvest season.

Staff acknowledge this issue, but also recognize that the proposed use occurs in such a short time span. It was suggested that the applicant explore some ways to address neighbourliness, which could include:

1. the installation of a physical barrier (e.g. fencing or landscaping) to define the boundaries of the parking area so that trucks stay within the identified CD zoned area; and
2. the planting of trees or a hedge in a berm along the farm's south property line so that it can develop as a more substantial buffer against visual and noise impacts.

The applicant's response is attached as **Appendix 6**. The applicant has indicated that they are willing to erect a temporary physical barrier along the south boundary of the parking area during the times when the staging area is used so that trucks do not park outside of the CD zoned area or park closer to the residential properties. The applicant is reluctant to install a barrier along the other sides of the parking area or to install a barrier on a permanent basis because it could interfere with the cranberry farm operations during the remainder of the year.

The applicant indicates that the presence of a ditch along the south property line adjacent to the residential properties prevents the installation of an earth berm or additional landscaping. To achieve the objective of buffering, they have offered to install additional hedging and trees on the neighbouring residential property. The neighbour indicated to staff that he does not support this suggestion and prefers that any buffering remain on the subject property itself.

FINANCIAL IMPACT

None.

CONCLUSION

The approval and issuance of Temporary Use Permits have allowed the truck staging to occur annually since 1994 for approximately 3 weeks per year. The proposed use is a short-term annual occurrence that supports the cranberry industry's short harvest season. Approval of the truck staging area will provide trucks with an off-street parking area instead of having them line up along No. 6 Road and other area roads to wait for an opportunity to enter the Ocean Spray receiving station.

This proposed zoning to allow for temporary truck parking will apply to approximately 3% of the subject property that is already filled and can be used for parking. The zone restricts truck parking to a narrow timeframe corresponding to the cranberry harvest season. Truck parking will not be permitted at any other time of the year.

The applicant has also offered to erect a physical barrier each year when the staging area is in use to define the southern boundary of the parking area so that trucks will not park beyond this area and assemble closer to the residential properties. Due to physical constraints on the subject property, the applicant has offered to enhance the screening on the neighbouring residential property; however, the neighbour does not support this idea.

It is recommended that Bylaw No. 7242, for the rezoning of 2620 No. 6 Road from "Agricultural District (AG1)" to "Comprehensive Development District (CD/119)", be introduced and given first reading.

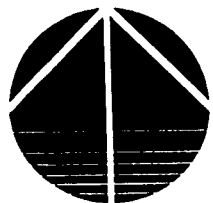
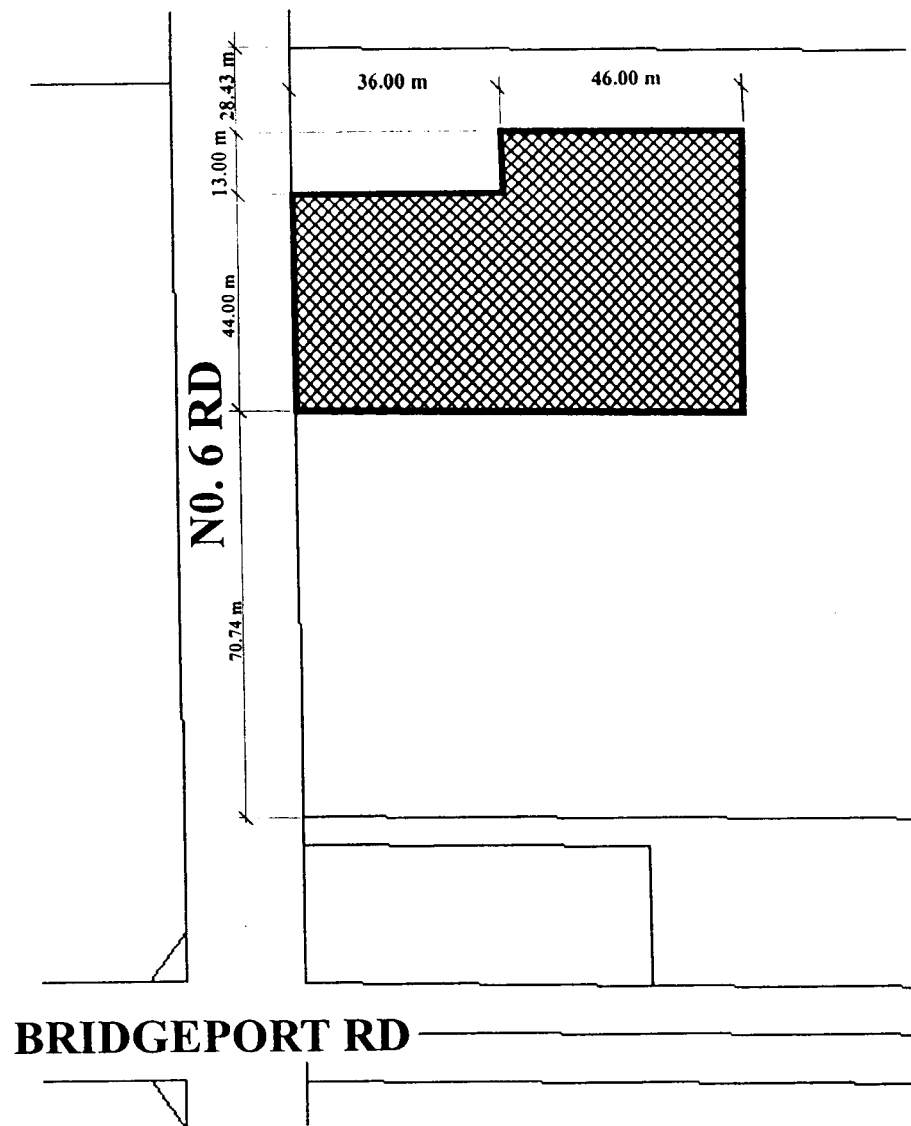
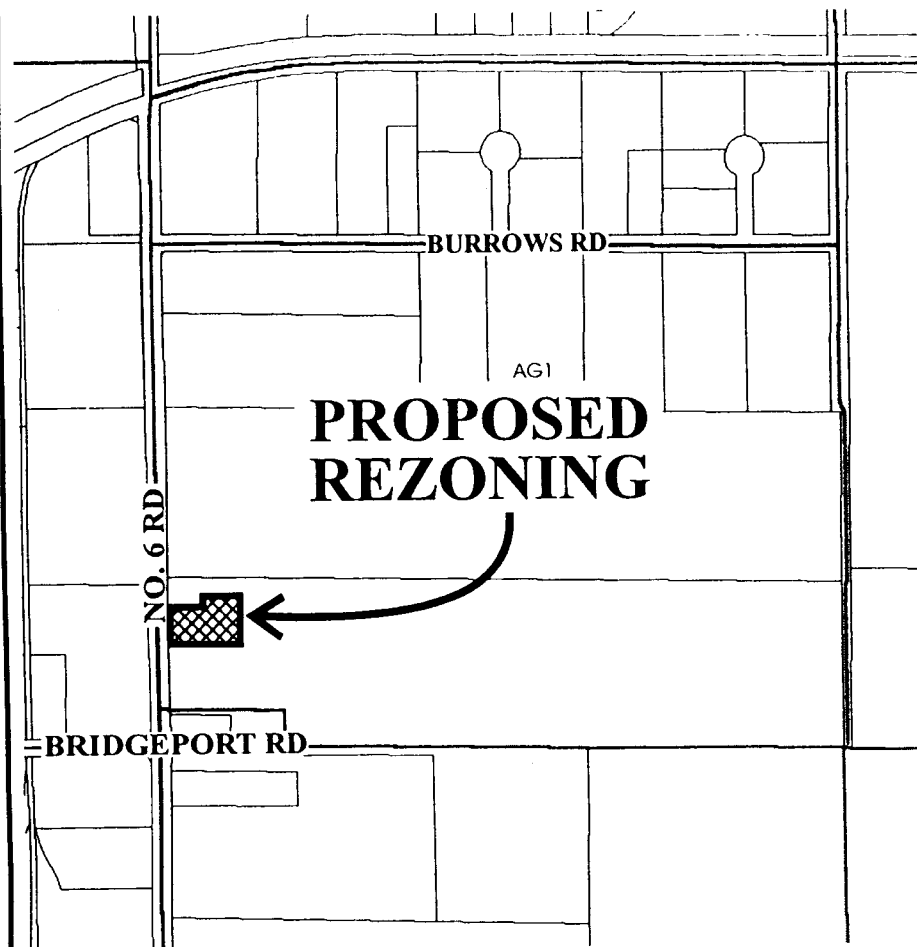


Janet Lee
Planner 2

JL:jl



City of Richmond



RZ 00-180700

Original Date: 10/17/00

Revision Date: 06/06/01

Note: Dimensions are in METRES

**B.C. LAND SURVEYORS CERTIFICATE OF LOCATION
SHOWING BUILDINGS AND IMPROVEMENTS ON PART OF
SOUTH HALF OF THE SOUTH HALF, SECTION 21,
B 5 N, R 5 W, EXCEPT: PART ON PLAN 13169, N.W.D.**

Appendix 2

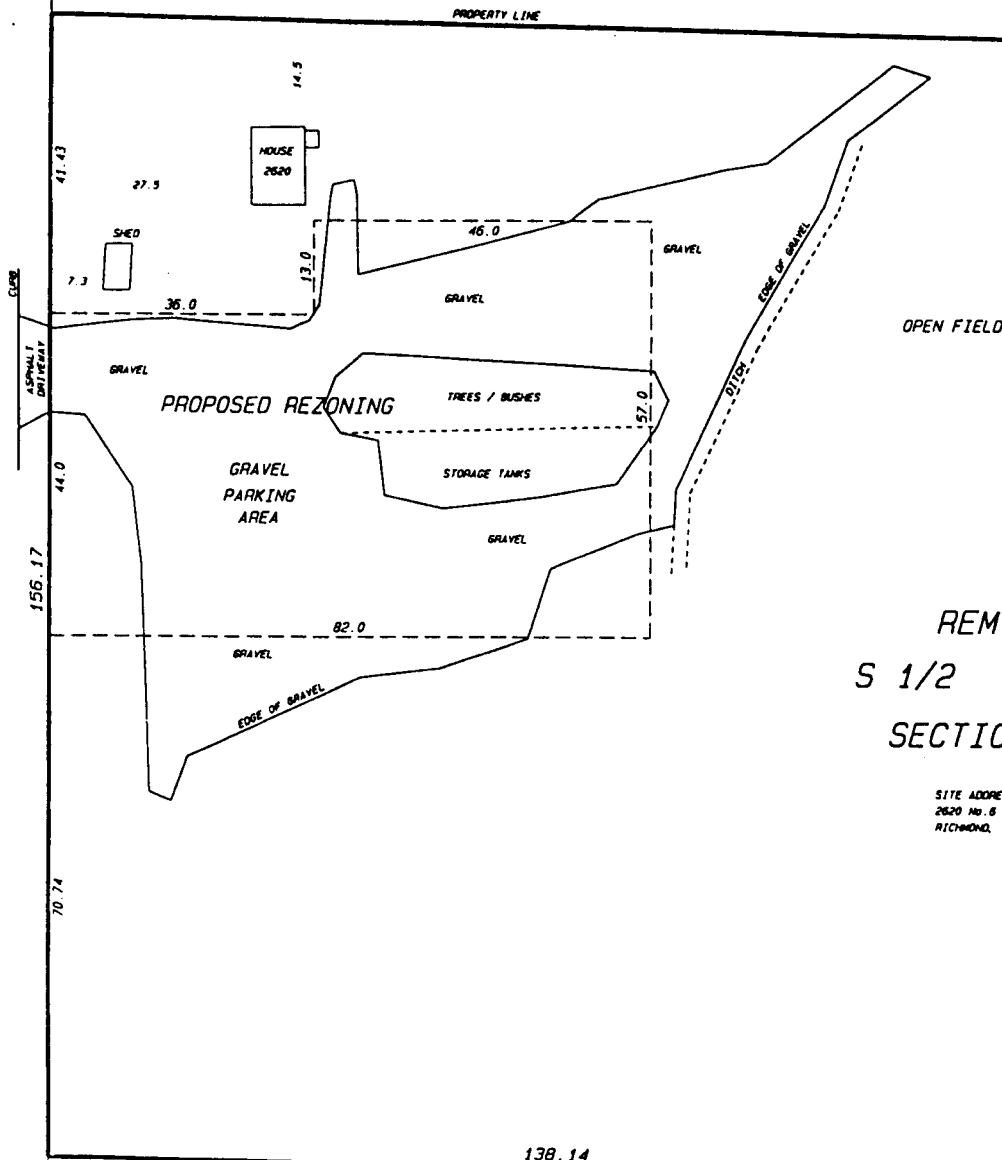


SCALE 1: 500

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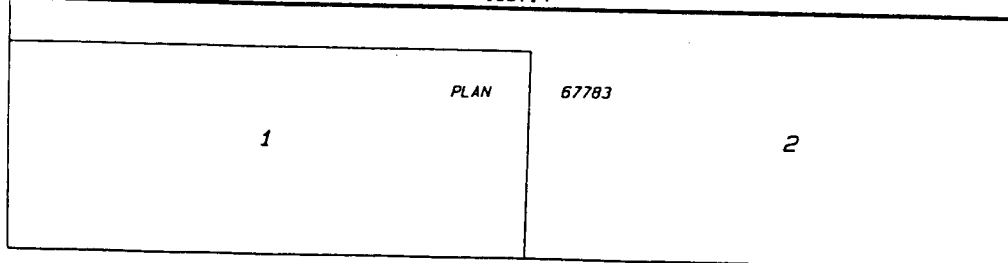
N 1/2 S 1/2 SECTION 21

NUMBER 6 ROAD



REM
S 1/2 S 1/2
SECTION 21

SITE ADDRESS:
2620 NO. 6 ROAD,
RICHMOND, B.C.



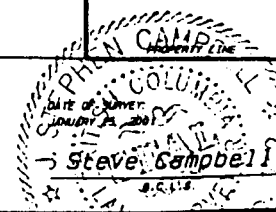
BRIDGEPORT ROAD

MATSON, PECK & TOPLISS
SURVEYORS AND ENGINEERS
210-8171 COOK ROAD,
RICHMOND, B.C.
V6Y 3T8

(604) 270-8331
(1-800) 270-4137

DATE OF DRAWING: JANUARY 30, 2001

R01-12986.DAT





Land Reserve Commission

Working Farms, Working Forests

12 April 2001

Reply to the attention of Tony Pellett

City of Richmond
6911 No. 3 Road
Richmond BC V6Y 2C1

Attention: Janet Lee, Planner

Re: Rezoning of land subject to Application #O-29084

This is in response to your letter of 04 April 2001 requesting Commission comment on a proposed Comprehensive Development (CD) zone for application to that part of PID 011-874-872 S ½ of S ½ Sec 21 Block 5N Range 5W NWD except part on Plan 13169 approved for annual "temporary truck parking" under Commission Resolution #656/94.

Commission staff have researched Application #O-29084 and have determined that the approval granted by Resolution #656/94 was not limited to the time period of the *Temporary Use Permit* granted by the City. Thus its replacement by more permanent zoning is acceptable.

Commission staff have also reviewed the wording of the Comprehensive Development (CD) Zone. It is noted that with the exception of the "temporary truck parking", the permitted uses are those of the Richmond Zoning Bylaw. The "temporary truck parking" regulations are slightly more restrictive than those of Resolution #656/94, which allowed "a temporary storage yard for trucks filled with cranberries destined for the Ocean Spray Cranberry receiving facility during the harvest months of September and October". The CD zone regulations would limit the temporary use to the period from September 15 to October 31 only.

Under Section 47 of the *Agricultural Land Reserve Act*, a bylaw that provides restrictions on farm use of agricultural land additional to those provided by the *Act* and the regulations is not, for that reason alone, inconsistent with the *Act* and the regulations. **The proposed bylaw is "consistent" with the *Agricultural Land Reserve Act*, the regulations and the orders of the Commission as required by law.**

Thank you for referring the proposed bylaw material to this office in a timely manner. Please quote Application #O-29084 in future correspondence related to this matter.

Yours truly

LAND RESERVE COMMISSION

per:

K.B. Miller, Chief Executive Officer

TP/

29084 m1



Land Reserve Commission

Working Farms, Working Forests

May 10, 2001

Reply to the attention of Andrew Upper

City of Richmond
6911 No. 3 Road
Richmond, BC V6Y 2C1

Attention: Ms. Janet Lee, Planner

Re: **Application # O-29084**
South Half of Section 21, Block 5 North Range 5 West, Except Part on Plan 13169, N.W.D.

Further to your fax of April 30th 2001, the Land Reserve Commission (the "Commission"), acting pursuant to section 26 of the *Agricultural Land Reserve Act* (the "ALRA"), has reconsidered the above noted application.

The Commission, by Resolution #239/2001, has allowed the proposal to vary the original condition of storage (limited by Resolution #656/94 to September and October of each year) to accommodate storage within the month of November of each year. This approval is granted provided the activities on the above referenced property is in compliance with all remaining aspects of Commission Resolution #656/94, any previous Commission decisions concerning the above referenced property and applicable regulations of the ALRA, the *Soil Conservation Act*, except as provided by this approval.

The Commission's approval does not relieve you of the responsibility of adhering to any other enactment, legislation or decision of any agency having jurisdiction.

Please quote your application number in any future correspondence.

Yours truly,

LAND RESERVE COMMISSION

per:

A. Chambers, Chair

cc: Campbell Froh May & Rice Suite 200 5611 Cooney Road Richmond, B.C. V6X 3J6
Attention: Mr. Ralph May
BC Assessment, Delta

AU/lv



Ocean Spray of Canada, Ltd.

5400 No. 6 Road
Richmond, B.C. V6V 1T1
(604) 273-8200 FAX (604) 273-7849

May 29, 2001

City of Richmond
6911 No. 3 Road
Richmond, B.C.
V6Y 2C1

Urban Development Division
File # RZ 00-180700

Attention: Ms. Janet Lee, Planner

Dear Ms. Lee:

This letter is written in support of the proposed rezoning application at 2620 No. 6 Road, Richmond. The use of this site is critical to the ongoing operations of Ocean Spray of Canada, Ltd. and the Richmond cranberry growers. Without the availability of this property for short-term storage of trucks and trailers, it will be impossible to avoid lineups of incoming and outgoing cranberry trucks along No. 6 Road.

Ocean Spray has investigated other potential industrial storage areas, but no permanent site can be found in the vicinity of the receiving station.

We thank you for your continued support of Ocean Spray of Canada, Ltd. and the local cranberry industry.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Ball".

Rick Ball
Richmond Receiving Station Manager

CITY OF RICHMOND
BYLAW 7242
RICHMOND ZONING AND DEVELOPMENT BYLAW 5300
AMENDMENT BYLAW 7242 (RZ 00-180700)
2620 NO. 6 ROAD

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. Richmond Zoning and Development Bylaw 5300 is amended by inserting as Section 291.119 thereof the following:

“291.119 COMPREHENSIVE DEVELOPMENT DISTRICT (CD/119)

The intent of this zoning district is to ensure that rural lands will be preserved for farming and farm-related purposes, and to accommodate temporary truck parking accessory to agriculture.

291.119.1 PERMITTED USES

AGRICULTURE;
KEEPING & RAISING OF ANIMALS FOR COMMERCIAL
PURPOSES;
HORTICULTURE;
PEAT EXTRACTION & PROCESSING;
ROADSIDE STAND (Classes A and B), provided that the operation is
clearly ancillary to a permitted agricultural use;
ACCESSORY USES, BUILDINGS & STRUCTURES
TEMPORARY TRUCK PARKING as an ACCESSORY USE to
AGRICULTURE

291.119.2 PERMITTED DENSITY

.01 Maximum **Floor Area Ratio:** 0.60

291.119.3 MINIMUM SETBACKS FROM PROPERTY LINES

.01 **Front Yard:** 6 m (19.685 ft.).

291.119.4 MINIMUM BUILDING SEPARATION SPACE

.01 1.2 m (3.937 ft.).

291.119.5 TEMPORARY TRUCK PARKING

.01 Temporary truck parking is limited to the cranberry harvest period from September 15 to November 15 only.

.02 Any areas used for parking shall not be paved and shall be maintained in a dust-free condition by means of water spraying or other approved non-toxic method.”

2. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning and Development Bylaw No. 5300, is amended by repealing the existing zoning designation of the following area and by designating it **COMPREHENSIVE DEVELOPMENT DISTRICT (CD/119)**:

That area shown cross-hatched on "Schedule A attached to and forming part of Bylaw No. 7242."

3. This Bylaw may be cited as **"Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 7242"**.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

_____	CITY OF RICHMOND

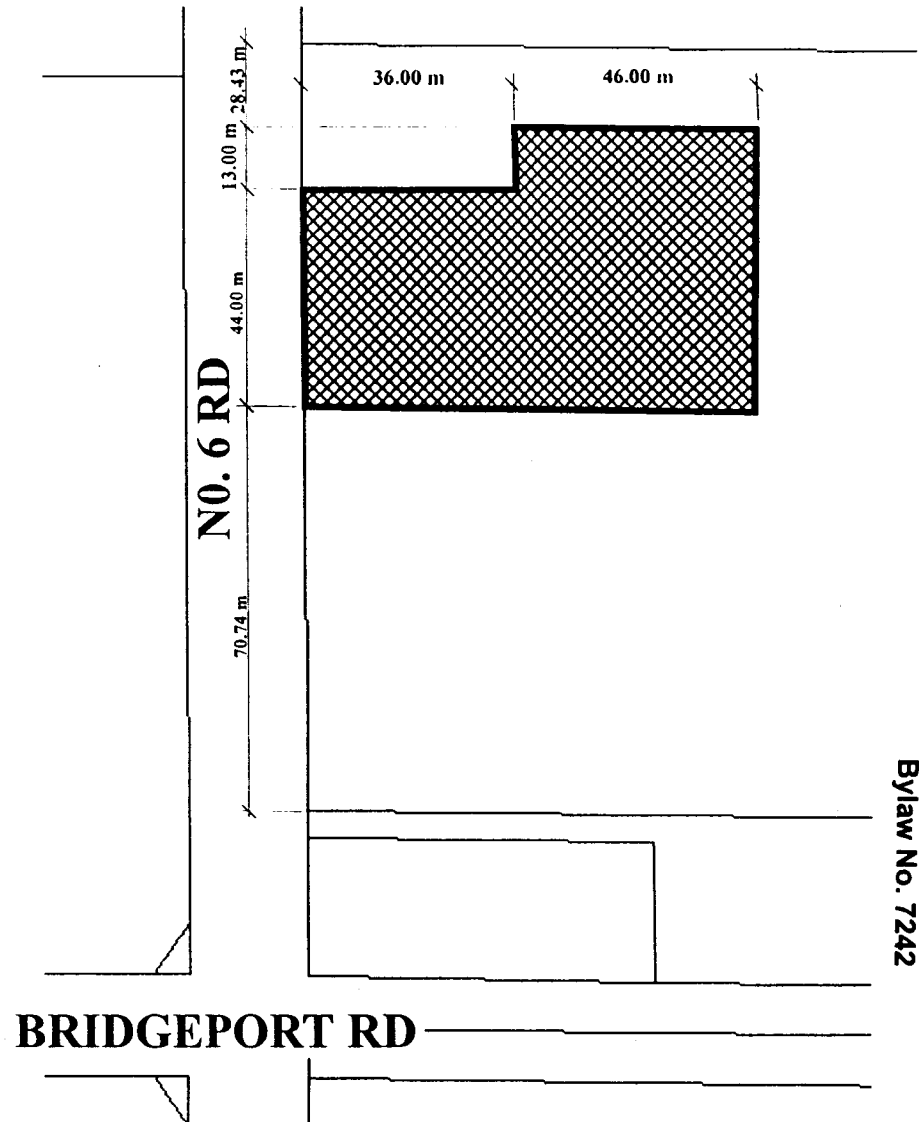
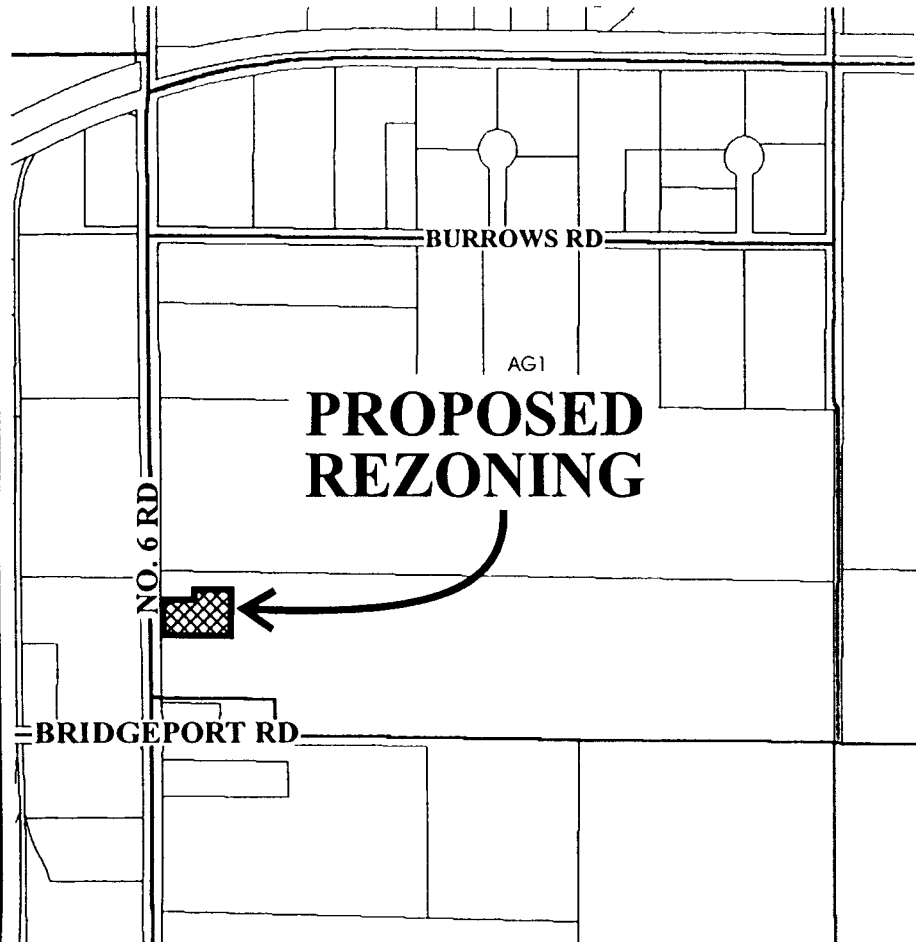
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_____	APPROVED for legality by Solicitor

MAYOR

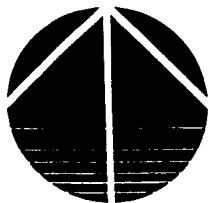
CITY CLERK



City of Richmond



Schedule A attached to
and forming part of
Bylaw No. 7242



RZ 00-180700

Original Date: 10/17/00

Revision Date: 06/06/01

Note: Dimensions are in METRES

CAMPBELL FROH MAY & RICE

BARRISTERS AND SOLICITORS

RAYMOND P. FROH*
ERIC RICE, Q.C.*
ERIC D. SCHROTER*
KATHERINE E. DUCEY

RALPH A. MAY*
MARK E. STANDERWICK*
EDWARD L. MONTAGUE
IAN R. H. SHAW

RSCU PROFESSIONAL CENTRE
SUITE 200
5611 COONEY ROAD
RICHMOND, B.C. V6X 3J6

TELEPHONE: (604) 273-8481
TOLL FREE: 1-800-883-8288
FAX: (604) 273-4729
EMAIL: rmay@cfmrlaw.com

*A LAW CORPORATION

June 7th, 2001

Our File No. 53412

City of Richmond
Urban Development Division
6911 No. 3 Road
Richmond, B.C.
V6Y 2C1

Attention: Janet Lee

Dear Madam:

RE: Development Application - 2620 No. 6 Road, Richmond, B.C.
Ocean Spray Cranberries and Maybog Farms Ltd.

Thank you for your letter of May 2, 2001. The form of bylaw is acceptable. However, I have not seen that there is a restriction of the time period. Perhaps the restriction by the Land Reserve Commission of the time period will be sufficient.

The physical barrier for parking is substantially in place by way of the area which has gravel on it at the present time. On the east boundary there is a ditch and on the north there is a residence. It seems to me the south boundary is where you would have more concern.

As this parking serves a dual purpose and is used as part of the agricultural operations as well a permanent fence could interfere with taking care of the surrounding land. Therefore we would suggest temporary fences be in place during the period of use.

With respect to the planting of trees, if trees are planted on the farm this will prevent the maintenance of the ditch on the south boundary. The neighbour to the south has planted a hedge on most of the north boundary but not all of it. Ocean Spray Cranberries would be willing to reimburse the neighbour for reasonable costs of continuing the hedge along his north boundary. This has the advantage that the residential property owner always has control of the hedge and

CAMPBELL FROH MAY & RICE

Page 2

can make his own choices as to determining the height and the matter in which the hedge is placed.

Ocean Spray is sending you a separate letter regarding its needs for the parking area.

Yours truly,

CAMPBELL FROH MAY & RICE

Per:

RALPH A. MAY

RAM:sll

C:\WTDATA\FARMOCEANS\PR\RICHMOND-june.wpd

CITY OF RICHMOND
BYLAW 7242
RICHMOND ZONING AND DEVELOPMENT BYLAW 5300
AMENDMENT BYLAW 7242 (RZ 00-180700)
2620 NO. 6 ROAD

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HORTICULTURE;
PEAT EXTRACTION & PROCESSING;
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2. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning and Development Bylaw No. 5300, is amended by repealing the existing zoning designation of the following area and by designating it **COMPREHENSIVE DEVELOPMENT DISTRICT (CD/119)**:

That area shown cross-hatched on "Schedule A attached to and forming part of Bylaw No. 7242."

3. This Bylaw may be cited as **"Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 7242"**.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

_____	<div style="border: 1px solid black; padding: 2px;"> <p>CITY OF RICHMOND</p> <p>APPROVED for content by originating dept.</p> <p><i>HB</i></p> <p>APPROVED for legality by <i>[Signature]</i></p> </div>

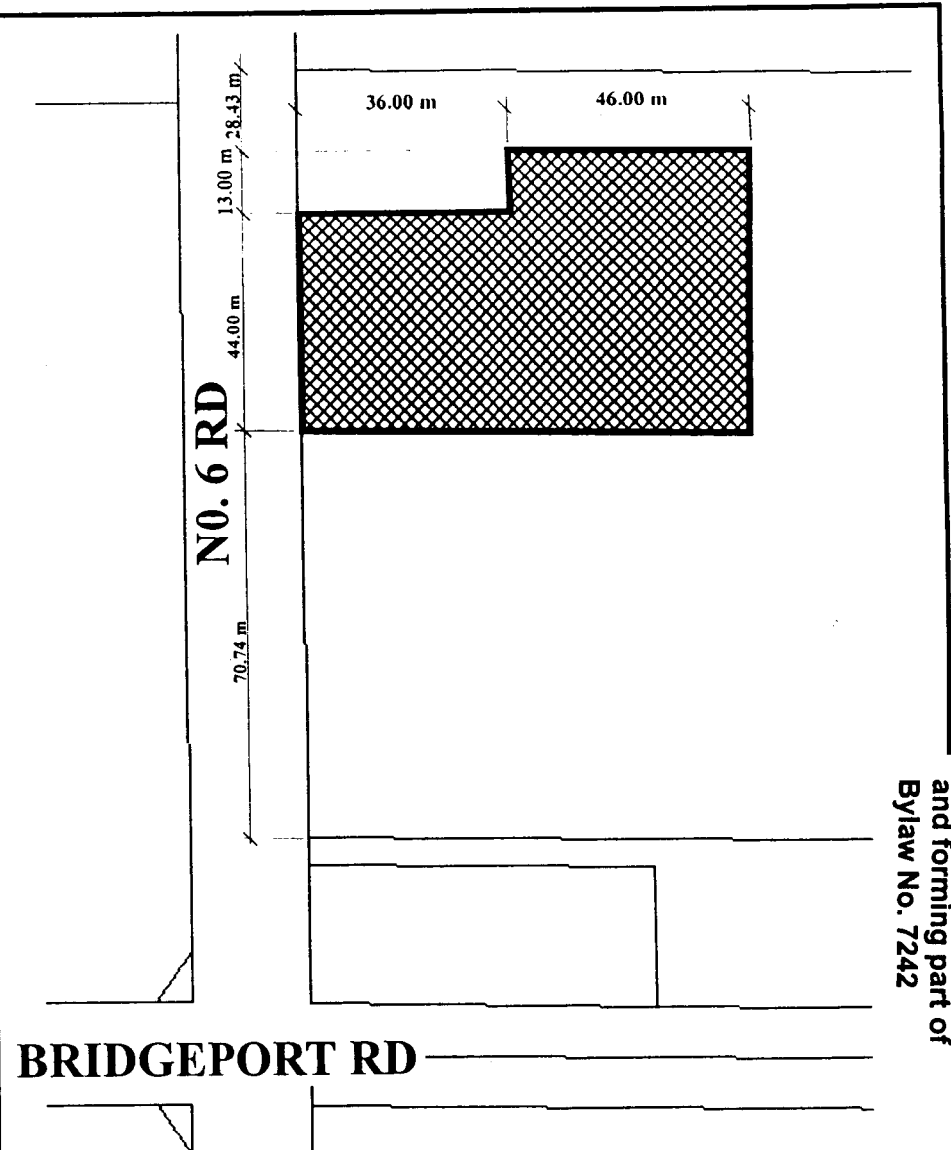
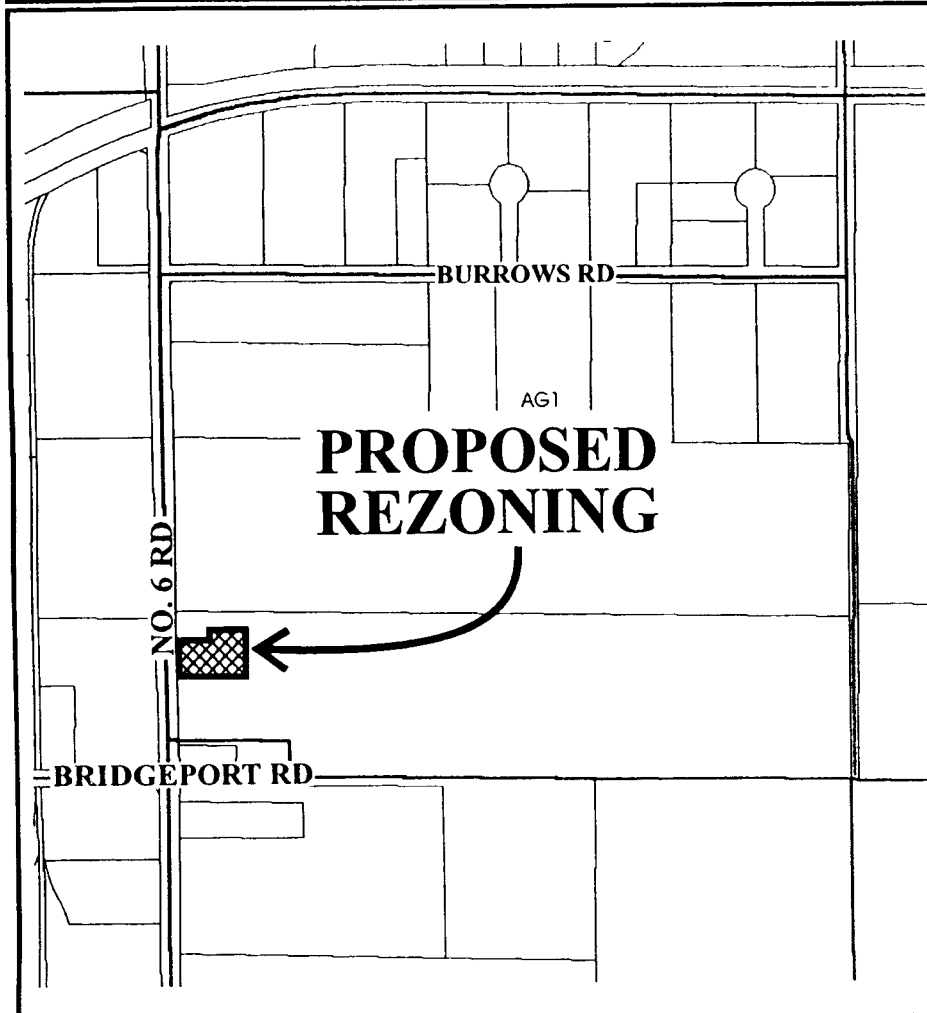
MAYOR

CITY CLERK

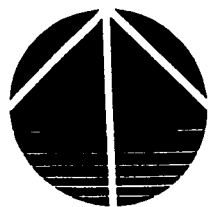


City of Richmond

46



Schedule A attached to
and forming part of
Bylaw No. 7242



RZ 00-180700

Original Date: 10/17/00

Revision Date: 06/06/01

Note: Dimensions are in METRES