



REPORT TO COUNCIL

TO: Richmond City Council
FROM: Councillor Bill McNulty, Chair
Planning Committee
DATE: June 18th, 2003
FILE: 8060-20-7536/7537
RE: **APPLICATION BY BOB RANSFORD, ON BEHALF OF INDERJEET AND GURDIAL DHA, FOR REZONING AT 7931 MCLENNAN AVENUE FROM AGRICULTURAL DISTRICT (AG1) TO SINGLE-FAMILY HOUSING DISTRICT, SUBDIVISION AREA F (R1/F)**

The Planning Committee, at its meeting held on Tuesday, June 17th, 2003, considered the attached report, and recommends as follows:

COMMITTEE RECOMMENDATION – Cllrs. Barnes, S. Halsey-Brandt and Steves opposed.

None. (Motion to introduce and give first reading to OCP and Zoning Amendment Bylaws 7536 and 7537 was defeated on a tied vote)

Councillor Bill McNulty, Chair
Planning Committee

Attach.

VARIANCE

Please note that staff recommended the following:

That:

- (1) Bylaw No. 7536, which would:
 - (a) redesignate 7931 McLennan Avenue from “Agriculture” to “Residential”, and
 - (b) include a definition for “Residential”,in the McLennan Sub-Area Plan of Official Community Plan Bylaw No. 7100, and
- (2) Zoning Amendment Bylaw No. 7537 to rezone 7931 McLennan Avenue from “Agricultural District (AG1)” to “Single-Family Housing District, Subdivision Area F (R1/F)”,

each BE DENIED.

Staff Report

Origin

Bob Ransford has applied on behalf of Inderjeet and Gurdial Dha to rezone 7931 McLennan Avenue from Agricultural District (AG1) to Single-Family Housing District, Subdivision Area F (R1/F) in order to permit a two (2) lot residential subdivision. **Attachment 1** identifies the location of this property and **Attachment 2** shows the proposed subdivision layout.

Findings of Fact

ITEM	EXISTING	PROPOSED
Owner	Gurdial and Inderjeet Dha	Undetermined
Applicant	Bob Ransford	Undetermined
Site Size	0.36 ha (0.89 ac.)	One lot 0.091 ha (0.225 ac.) and second lot 0.268 ha (0.662 ac.)
Land Uses	One single-family dwelling	Two single-family dwellings
OCP Designation (Generalized Land Use Map)	Agriculture	No Change
Sub-Area Plan Designation	Agriculture	Residential
Zoning Designation	Agricultural District (AG1) (2 ha or 4.942 ac. minimum parcel size)	Single-Family Housing District, Subdivision Area F (R1/F) (0.083 ha or 0.20 ac. minimum parcel size)
ALR Status	Land Reserve Commission has approved the proposed subdivision (AG 00-183664)	No Change.

Related Policies & Studies

The Official Community Plan (OCP) has two Agriculture objectives: “*continue to protect all farmlands in the Agricultural Land Reserve*” and “*maintain and enhance agricultural viability and productivity in Richmond.*” In support of these objectives, Council has adopted an OCP policy to “*limit the subdivision of farmland and investigate ways to encourage the consolidation of lots in the ALR, for example in the McLennan agricultural area.*”

The goal of the McLennan Sub-Area Plan is “*to preserve the agricultural lands in the East Richmond McLennan Sub-Area, and to minimize urban/rural conflicts.*” To achieve this goal, the Plan has as one of its objectives “*to enhance the agricultural viability of the area east of No. 4 Road in the short term.*” The McLennan Sub-Area Plan also has the following policies: “*retain the East Richmond McLennan Sub-Area in the Agricultural Land Reserve.*” and “*approve rezoning applications that conform to Attachment 1*” (the Land Use map which does not currently contain any Residential designated lands).

The recently approved Richmond Agricultural Viability Strategy reinforces these plans with the following guiding principles: “*subdivision in the ALR will be minimized, except where it supports agricultural viability (e.g. diversification, expansion, etc.)*” and “*urban development in the ALR will be minimized*”. The Strategy goes on to recommend in the McLennan area to “*discourage non-farm uses of the ALR land*” and “*maximize the agricultural land available in McLennan 2 for future agricultural uses ... including the possibility of replotting the land and/or limited access*”. The Strategy also recommends to “*maximize the agricultural land available for agricultural uses: a) review the feasibility of amalgamating smaller lots to larger ones wherever possible ... c) establish guidelines for parcel sizes suitable for farming, including options for smaller parcels of 2 acres or less ...*”.

Staff Comments

Staff have consistently recommended that the proposal by the Dha’s to subdivide 7931 McLennan Avenue be denied (see the attached chronology of applications on this property). The reasons staff cannot support the current application are that:

1. It is contrary to the Official Community Plan, McLennan Sub-Area Plan and Richmond Agricultural Viability Strategy.
2. Approving this application could set a precedent for other rezoning and subdivision requests in the ALR, as there are numerous similarly sized parcels with road access in the McLennan Sub-Area that could apply for a two (2) lot subdivision (see **Attachment 3**).

Analysis

Arguments in favour of approving this application include:

1. The Land Reserve Commission has approved the proposed two (2) lot subdivision.
2. Council and the Development Permit Panel have approved a Development Variance Permit (DV 00-179925) to not extend McLennan Avenue to the northern property line of 7931 McLennan Avenue and to not require McLennan Avenue to be built to full City standards (so as not to open up the lots to the north for development).
3. The applicant has argued that the subject property is not viable for agriculture and demonstrated that a septic field could be accommodated on the proposed new lot.

Financial Impact

None to the City.

Conclusion

Bob Ransford has applied on behalf of Inderjeet and Gurdial Dha to rezone 7931 McLennan Avenue from Agricultural District (AG1) to Single-Family Housing District, Subdivision Area F (R1/F) in order to permit a two (2) lot residential subdivision. Staff are recommending that this application be denied because it is contrary to the Official Community Plan, McLennan Sub-Area Plan and Richmond Agricultural Viability Strategy and because they are concerned that approving this application would set a precedent for other rezoning and subdivision applications in the ALR, particularly the McLennan Sub-Area. However, Council in the past has been nearly equally divided in favour of and in opposition to the various requests to subdivide the Dha property.

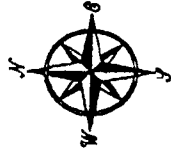
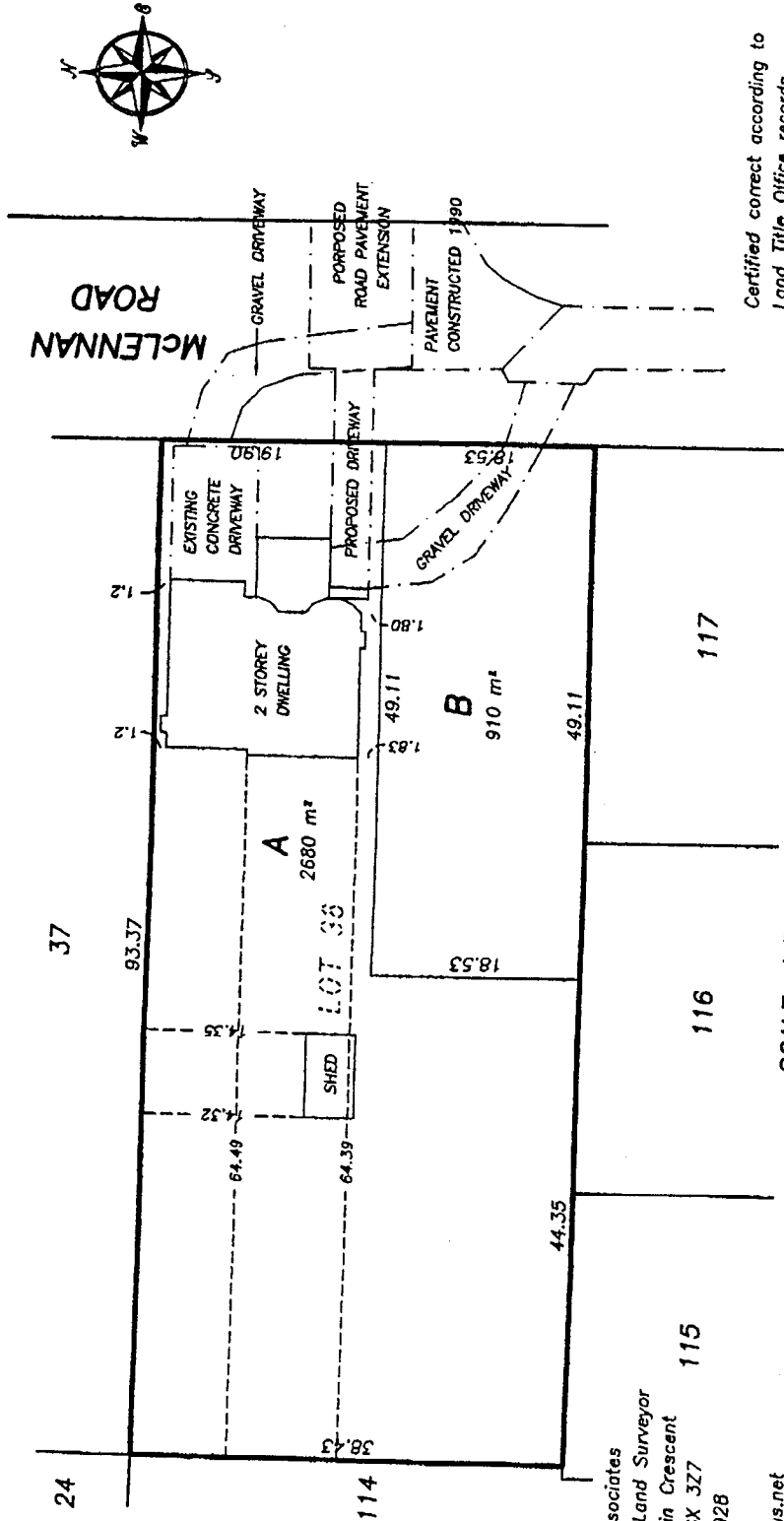


Holger Burke, MCIP
Development Coordinator
(4164)

HB:blg

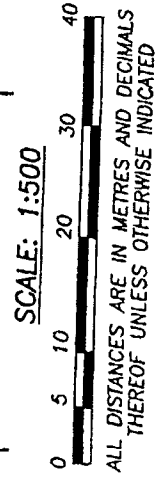
**PLAN OF PROPOSED SUBDIVISION OF LOT 38 SECTION 14
BLOCK 4 NORTH RANGE 6 WEST NEW WESTMINSTER DISTRICT PLAN 1149**

#7931 McLENNAN ROAD
RICHMOND, B.C.



Certified correct according to
Land Title Office records
this 10th day of August, 2001.

[Signature]
B.C.L.S.

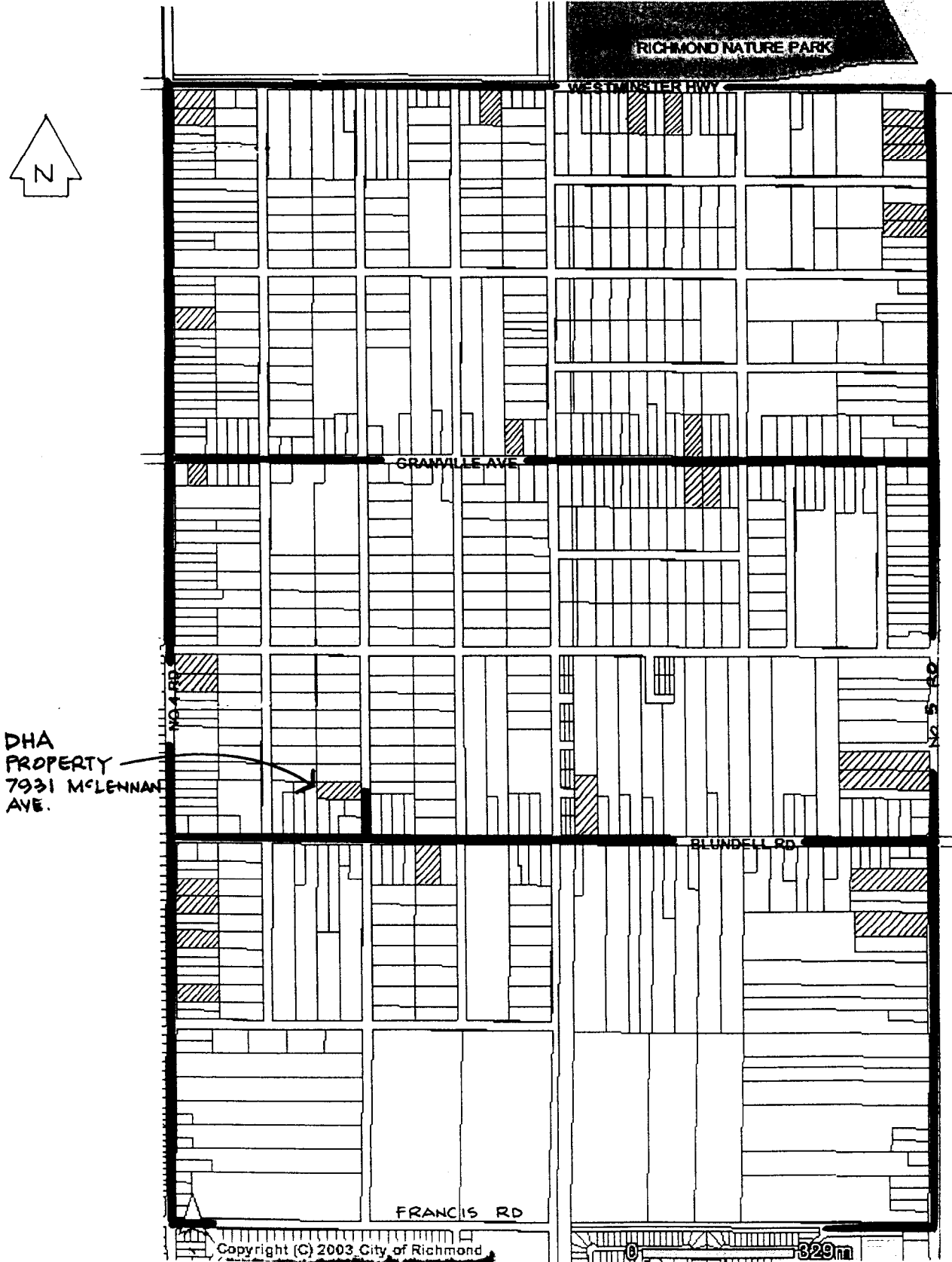


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M^cLENNAN SUB-AREA



156



- PARCELS WITH ROAD ACCESS
WITH SIMILAR SUBDIVISION POTENTIAL

**CHRONOLOGY OF APPLICATIONS ON THE
DHA PROPERTY AT 7931 McLENNAN AVENUE**

- November 26, 2001** - Council approves the issuance of a Development Variance Permit (DV 00-179925) to vary the Subdivision Bylaw in order not to extend McLennan Avenue to the northern property line of 7931 McLennan Avenue and to not build McLennan Avenue to full City standards.
- However, final adoption of Official Community Plan Amendment Bylaw 7158 and Rezoning Bylaw 7159 (Rezoning Application RZ 00-084689) are defeated by a 5-4 vote of Council.
- November 13, 2001** - Development Applications staff advise the City Clerk that RZ 00-084689 is ready for adoption (e.g. written confirmation has been received from a certified soils engineer that the soil conditions will support another septic field and a covenant will be registered on the proposed new lot as a condition of subdivision approval indicating that soil replacement is required and a suitable septic system must be approved prior to the issuance of a Building Permit for a new single-family dwelling).
- October 24, 2001** - The Development Permit Panel recommends that DV 00-179925 be issued as recommended by staff incorporating a hammerhead turn-around at the end of McLennan Avenue and the filling of the open ditch along 7931 McLennan Avenue.
- September 25, 2001** - Staff report to the Development Permit Panel recommending that DV 00-179925 be approved. In response to the previous referral from the Panel, the applicant and staff have agreed to extend McLennan Avenue slightly further to the north to incorporate a hammerhead turn-around and to fill the open ditch along 7931 McLennan Avenue.
- July 21, 2001** - Based on a submission from Kabel Atwall, the Land Reserve Commission reconsiders Agricultural Land Reserve (ALR) Application AG 00-183664 and approves the subdivision of a 910 m² lot from 7931 McLennan Avenue.
- May 4, 2001** - Land Reserve Commission denies AG 00-183664 to subdivide 7931 McLennan Avenue.
- January 22, 2001** - Council authorizes Gurdial and Inderjeet Dha to apply to the Land Reserve Commission to subdivide 7931 McLennan Avenue (4 Councillors opposed).
- January 16, 2001** - Planning Committee recommends that AG 00-183664 to subdivide 7931 McLennan Avenue be denied.
- December 4, 2000** - Staff report to Planning Committee recommending that AG 00-183664 be denied.

- November 30, 2000** - Bob Ransford makes an Agricultural Land Reserve application (AG 00-183664) on behalf of Mr. and Mrs. Dha to subdivide 7931 McLennan Avenue into two residential lots.
- November 15, 2000** - The Land Reserve Commission advises Mr. & Mrs. Dha that their property is in fact subject to the provisions of the Agricultural Land Commission Act and that an Agricultural Land Reserve application will be required to subdivide 7931 McLennan Avenue into two lots and to partially extend McLennan Avenue.
 - The Development Permit Panel refers (DV 00-179925) at 7931 McLennan Avenue back to staff to work with the applicant on the redesign of the road extension to incorporate a turn-around and the appropriate drainage.
- October 24, 2000** - Staff report to Development Permit Panel recommending that DV 00-179925 be approved.
- October 16, 2000** - Public Hearing on RZ 00-084689. Council receives a petition with approximately 100 signatures supporting the Dha's rezoning application. Five delegations speak in favour of the rezoning and three delegations speak against the application. There are also two letters of support and four letters in opposition. Council gives second and third reading to Bylaws 7158 and 7159 (with 4 Councillors opposed).
- September 26, 2000** - City staff advise the Land Reserve Commission that Council has supported the proposal to partially extend McLennan Avenue.
- September 2000** - Mr. and Mrs. Dha apply directly to the Land Reserve Commission for permission to partially extend McLennan Avenue (a "special case" application).
- September 11, 2000** - Council gives first reading to Official Community Plan Amendment Bylaw 7158 and Rezoning Bylaw 7159 (with 3 Councillors opposed).
- September 7, 2000** - Mrs. Dha applies for a Development Variance Permit (DV 00-179925) to vary the Subdivision Bylaw in order to not extend McLennan Avenue to the northerly property line of 7931 McLennan Avenue and to not build McLennan Avenue to full municipal standards.
- August 28, 2000** - Council directs staff to prepare the appropriate amendments to the Official Community Plan (OCP) and Zoning & Development Bylaw subject to the approval of a Development Variance Permit and ALR application for the partial extension of McLennan Avenue and professional proof that a septic disposal field could be accommodated on the proposed new lot.

- August 22, 2000** - A motion of the Planning Committee to deny the rezoning of 7931 McLennan Avenue from Agricultural District (AG1) to Single-Family Housing District, Subdivision Area F (R1/F) is defeated on a tie vote.
- July 4, 2000** - Staff report to Planning Committee recommending that RZ 00-084689 be denied.
- January 18, 2000** - Gurdial and Inderjeet Dha apply to rezone 7931 McLennan Avenue from Agricultural District (AG1) to Single-Family Housing District, Subdivision Area F (R1/F) (RZ 00-084689) and apply to subdivide the property into two single-family residential lots (SD 00-084687).
- January 12, 2000** - Letter written to Mr. and Mrs. Dha explaining how their proposed rezoning and subdivision is different than that of Mrs. McMorran at 7938 McLennan Avenue.
- December 8, 1999** - General Manager, Urban Development, provides Council with a memorandum giving some supplemental points to consider with regard to the Dha property and previous applications.
- November 1999** - Mr. and Mrs. Dha write to some members of Council giving them the history of their various applications and requesting support for a two lot subdivision at 7931 McLennan Avenue.
- December 14, 1992** - Council resolves that a bylaw for the rezoning of 7931 McLennan Avenue from Agricultural District (AG1) to Single-Family Housing District (R1/F) not be introduced.
- December 3, 1992** - Planning and Development Services Committee resolves that a bylaw for the rezoning of 7931 McLennan Avenue from Agricultural District (AG1) to Single-Family Housing District (R1/F) not be introduced.
- November 7, 1992** - Petition received from 21 residents representing 11 different properties in the area stating that if 7931 McLennan Avenue is rezoned from AG1 to R1/F they wish to have the same rezoning and asking for an explanation as to why this application would even be considered.
- November 4, 1992** - Staff report recommending that a bylaw for the rezoning of 7931 McLennan Avenue from Agricultural District (AG1) to Single-Family Housing District (R1/F) not be introduced.
- September 3, 1992** - Rezoning Application RZ 92-246 to rezone 7931 McLennan Avenue from Agricultural District (AG1) to Single-Family Housing District, Subdivision Area F (R1/F) and Subdivision Application SD 92-247 for a two lot subdivision submitted by Gurdial and Inderjeet Dha.

- August 18, 1992** - Mr. and Mrs. Dha write to Mayor and Council asking for reconsideration of their application to subdivide 7931 McLennan Avenue.
- September 6, 1991** - Staff advise Provincial Agricultural Land Commission that LCA 90-207 can be closed because RZ 90-208 was defeated by Council.
- May 13, 1991** - Council brings forward the following In-Camera motions: that Official Community Plan Amendment Bylaw No. 5652 and Zoning Amendment Bylaw No. 5653 be forwarded to the open Council meeting for an appropriate resolution to ensure that no further action is taken on the rezoning; that the appeal of the decision in the Dha case be abandoned; and that the balance of the funds owing from the court judgement including costs (approximately \$100,000 in total) be paid to Mr. and Mrs. Dha.
- April 22, 1991** - Council motion that Bylaw 5652 and 5653 (RZ 90-208) be reconsidered and finally adopted is defeated by a 7-2 margin.
- April 8, 1991** - Council tables Bylaw 5652 and 5663 (RZ 90-208) to the April 22, 1991 Council meeting.
- March 25, 1991** - Council tables Bylaw 5652 and 5663 (RZ 90-208) to the April 8, 1991 Council meeting.
- March 20, 1991** - Memo from staff responding to Council request for information regarding "stub" roads or "agricultural stub roads" advising that McLennan Avenue is unique in the sense that small acreages about the unopened portions of the road allowance for a considerable length and that an overall policy dealing with this issue should be unnecessary as there are no similar circumstances nor are any foreseen.
- February 18, 1991** - Public Hearing on Bylaw 5652 and 5653 (RZ 90-208). Five individuals speak against the rezoning application and proposed amendment of the sub-area plan. Council gives second and third readings to both bylaws but also resolves that prior to reconsideration and final adoption that written information be provided by staff on: a detailed description of the legal fees which had been incurred by Mr. and Mrs. Dha in comparison to the amount of the award, and in particular, whether these fees were "hard or soft" legal expenses; whether the existing house, in its present condition, was suitable for occupancy or should be condemned, and the legal ramifications of allowing a "faulty" house to be sold to another individual; and the feasibility of either establishing a policy which would allow a "stub" road to stop short of a property line, or creating a buffer strip along "agricultural stub roads", which would prevent the provision of a road or services to adjacent agricultural properties.

- January 30, 1991** - Special Case ALR Application LCA 90-207 referred to the Provincial Agricultural Land Commission by the City as resolved by Council.
- January 28, 1991** - Council resolves that Bylaw 5652 and 5653 be introduced and given first reading (RZ 90-208) and that LCA 90-207 be submitted to the Provincial Agricultural Land Commission for approval. Council also resolves that the Planning and Development Services Committee examine the feasibility of either establishing a policy which would allow a "stub" road to stop short of a property line, or creating a buffer strip along "agricultural stub roads", which would prevent the provision of a road or services to adjacent agricultural properties, and report to Council prior to final readings of Bylaw 5653.
- January 17, 1991** - Planning and Development Services Committee endorses staff recommendation that Bylaw 5652 and 5653 be introduced and given first reading (RZ 90-208) and that LCA 90-207 be submitted to the Provincial Agricultural Land Commission for approval.
- November 28, 1990** -
- City of Richmond applies on behalf of the Dhas to amend the McLennan Sub-Area Plan designation of 7931 McLennan Avenue from Agricultural to Urban Residential and to rezone 7931 McLennan Avenue from Agricultural District (AG1) to Single-Family Housing District, Subdivision Area F (R1/F) in order to permit a two lot subdivision (RZ 90-208).
 - City of Richmond applies on behalf of the Dhas to extend McLennan Avenue to the north boundary of 7931 McLennan Avenue within the Agricultural Land Reserve (LCA 90-207).
 - City of Richmond applies on behalf of the Dhas to vary the road standard to permit a lesser standard than required by the Subdivision Bylaw (DVP 90-209).
 - As directed by Council, staff report recommends that Official Community Plan Amendment Bylaw No. 5652 and Zoning Amendment Bylaw No. 5653 be introduced and given first reading (RZ 90-208) and that LCA 90-207 be submitted to the Provincial Agricultural Land Commission for approval.
- November 26, 1990** - Council directed staff to initiate the necessary steps to make the subdivision of 7931 McLennan Avenue legally and administratively feasible at an In-Camera meeting.
- November 15, 1990** - The Municipal Engineer advises that he felt it was inappropriate for the Public Works and Services Committee to consider this referral and the Planning and Development Services Committee resolves to refer the matter to the November 26, 1990 In-Camera session of Council for direction.

- October 25, 1990** - Planning and Development Services Committee resolves that the Public Works and Services Committee be asked to consider if they are willing to make any changes, in light of the Dha's case, to Council's policies with respect to not permitting the extension of roads and services, other than to a bona fide farm property containing a minimum of 5 acres, unless the area is serviced by a sanitary sewer system and not to allow a lot which does not have improved frontage to be used as the site of a dwelling.
- October 16, 1990** - Memo from Paul Kendrick advising that whether or not the Dhas are allowed to subdivide should be based on planning and engineering grounds and be divorced from the law suit (in which the Dhas were awarded \$220,000 due to differential settlement of the house they built on the property in 1986-87).
- September 27, 1990** - Mr. and Mrs. Dha appear as a delegation at the Planning and Development Services Committee and SD 90-168 is tabled and referred to Solicitor for report on how this case and any other pending cases might be affected by the decision to permit the Dhas to subdivide.
- August 30, 1990** - Approving Officer writes to the Dhas and outlines the process necessary to subdivide 7931 McLennan Avenue (ie. OCP amendment; rezoning; Development Variance Permit; and Provincial Agricultural Land Commission approval).
- Subdivision Application SD 90-168 to subdivide 7931 McLennan Avenue into two lots submitted by Inderjeet Dha.
- May 14, 1990** - SD 89-397 denied by Approving Officer because the road allowance on which the property fronts is not cleared, drained, constructed and surfaced to adequate standards and because the property is located in the Agricultural District (AG1) which has a minimum area of a parcel created by subdivision of 2 ha (4.942 ac.).
- April 9, 1990** - Council does not adopt the Planning and Development Services Committee recommendation but resolves that Council's policy regarding building permits for unserviced lots be confirmed with respect to the proposed development at 7931 McLennan Avenue.
- March 29, 1990** - Planning and Development Services Committee recommends that the Dhas be permitted to subdivide their property at 7931 McLennan Avenue into two lots approximately 19.22 m x 93.31 m and that McLennan Road be extended, the minimum distance, in order to provide legal access to the northerly lot created (the access point to the northern lot would be at most southern end of the lot).

- January 8, 1990** - Staff report to Planning and Development Services Committee recommending that Council's policy regarding building permits for unserved lots be confirmed with respect to the proposed development at 7931 McLennan Avenue.
- November 10, 1989** - Subdivision Application SD 89-397 to subdivide 7931 McLennan Avenue into two lots submitted by Ross McLarty on behalf of Gurdial and Inderjeet Dha.
- June 13, 1988** - Council adopts Planning and Development Services Committee recommendation that Council's policy regarding building permits for unserved lots be confirmed with respect to the proposed development at 7931 McLennan Avenue.
- May 26, 1988** - Planning and Development Services Committee recommends that Council's policy regarding building permits for unserved lots be confirmed with respect to the proposed development at 7931 McLennan Avenue.
- May 18, 1988** - Staff report to Planning and Development Services Committee recommending that Council's policy regarding building permits for unserved lots be confirmed with respect to the proposed development at 7931 McLennan Avenue.
- May 13, 1988** - Subdivision Application SD 88-234 to subdivide 7931 McLennan Avenue into two lots submitted by Gurdial and Inderjeet Dha.
- October 15, 1987** - Planning and Development Services Committee reconfirmed its recommendation of October 1, 1987 to support the existing Council policy.
- October 1, 1987** - Planning and Development Services Committee recommends that Council's policy regarding building permits for unserved lots be confirmed with respect to the proposed development at 7931 McLennan Avenue.
- September 17, 1987** - Staff report to Planning and Development Services Committee recommending that Council's policy regarding building permits for unserved lots be confirmed with respect to the proposed development at 7931 McLennan Avenue.
- September 3, 1987** - SD 87-273 denied by Approving Officer because the road allowance on which the property fronts is not cleared, drained, constructed and surfaced to adequate standards.
- July 17, 1987** - Subdivision Application SD 87-273 to subdivide 7931 McLennan Avenue into two lots submitted by Gurdial and Inderjeet Dha.



**Richmond Official Community Plan Bylaw 7100
Amendment Bylaw 7536 (RZ 03-234414)
7931 McLennan Avenue**

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

1. Richmond Official Community Plan Bylaw 7100 is amended by repealing the existing land use designation in Attachment 1 to Schedule 2.13A (East Richmond Area Plan: McLennan Sub-Area Plan – Land Use Map) thereof of the following area and by designating it “**Residential**”.

That area shown in black and cited on “Schedule A attached to and forming part of Bylaw 7536”, specifically Lot 38 Section 14 Block 4 North Range 6 West New Westminster District Plan 1149 (P.I.D. 001-824-082 – 7931 McLennan Avenue).

2. Richmond Official Community Plan Bylaw 7100 is amended by inserting the following in Section 1.3 to Schedule 2.13A (East Richmond Area Plan: McLennan Sub-Area Plan – Definitions) thereof:

Residential: Single-family housing which exists, or is proposed, for a parcel of land.

3. This Bylaw may be cited as “**Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 7536**”.

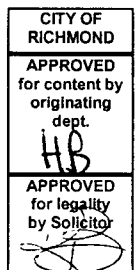
FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

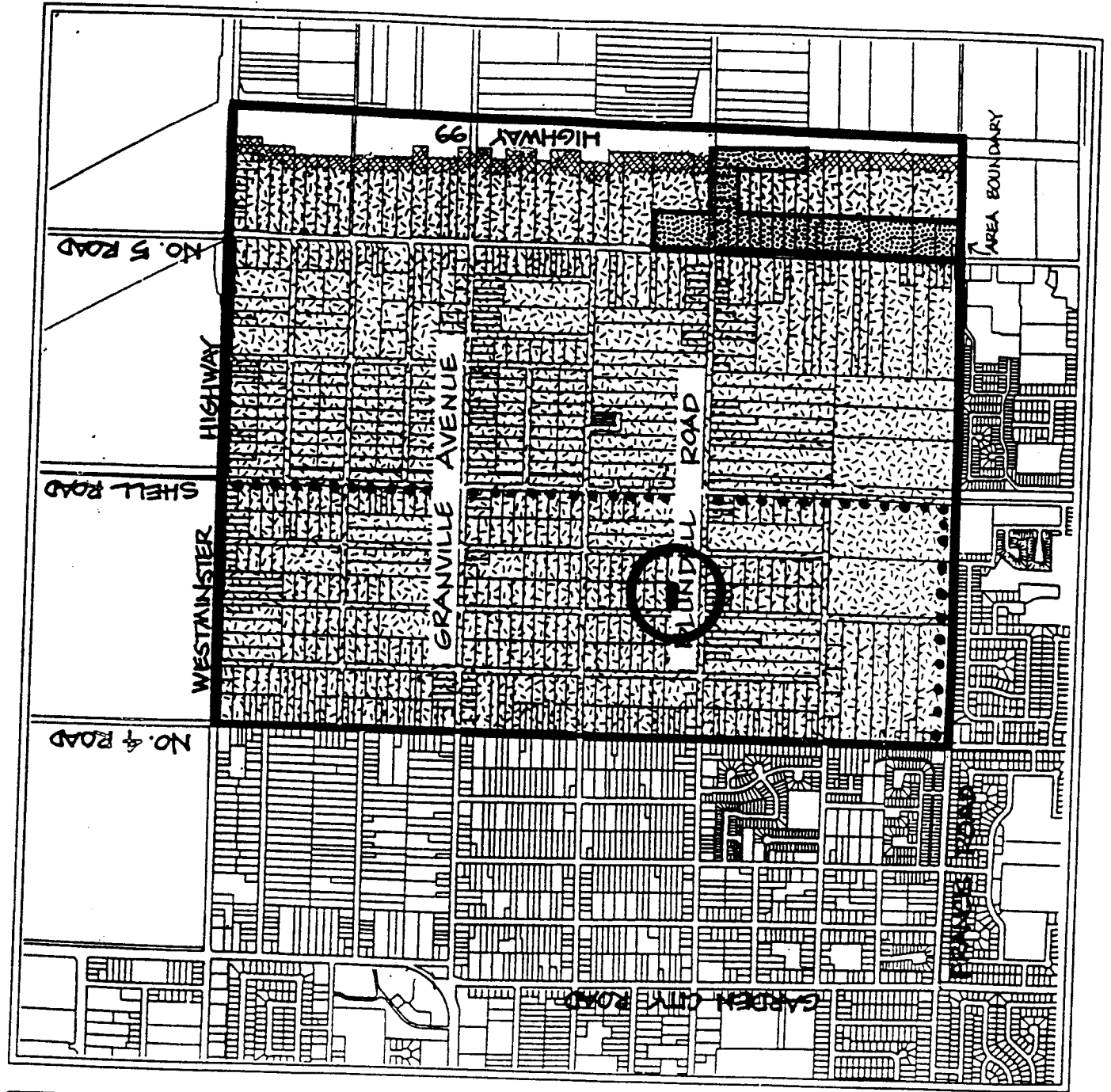
ADOPTED



MAYOR




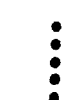

CITY CLERK

Schedule A attached to and forming part of Bylaw 7536



Attachment 1

Land Use

-  Agriculture
-  Agriculture, institutional and Public
-  Buffer
-  Proposed Trail Systems
-  Residential

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McLennan
Official
 Community Plan





**Richmond Zoning and Development Bylaw 5300
Amendment Bylaw 7537 (RZ 03-234414)
7931 McLennan Avenue**

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

1. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning and Development Bylaw 5300, is amended by repealing the existing zoning designation of the following area and by designating it **SINGLE-FAMILY HOUSING DISTRICT, SUBDIVISION AREA F (R1/F)**.

P.I.D. 001-824-082

Lot 38 Section 14 Block 4 North Range 6 West New Westminster District Plan 1149

2. This Bylaw may be cited as **“Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 7537”**.

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept. HB
APPROVED for legality by Solicitor

MAYOR

CITY CLERK