

July 4, 2003

2060-20-
7536/7537

J.W.(Bill) Sorenson,
#505, 6611 Minoru Blvd.,
Richmond, B.C.

To Public Hearing
Date: <u>July 21, 2003</u>
Item # <u>2</u>
Re: <u>Bylaws 7536+7537</u> <u>7931 McLennan Ave</u>

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

Re: Public Hearing to consider Application for the rezoning of 7931 McLennan Avenue from Agricultural District (AG1) to Single-Family Housing District, Subdivision Area F (R1/F)

I am sure current members of council must wonder why I appeared at the June 19th, 2003 council meeting to oppose the subject application for rezoning. First, a bit of history. My wife and I use to own a one acre lot fronting on McLennan avenue south of Blundell Ave., immediately behind 10420 Blundell Ave. We attended endless Public Hearings in the 1980"s relative to the Official Community Plan and McLennan Sub-area Plan. At the end of the day, it became clear the dedicated portion of McLennan Rd. south of Blundell Ave. would not be opened up in the foreseeable future, and development and subdivision would not be possible. We had been able to access the property for some time using the driveway for 10400 Blundell Ave., but the owners eventually planted a hedge to prevent access through their property. A makeshift plank crossing of the ditch on the McLennan Ave. alignment provided basic access for those on foot, but you certainly couldn't get equipment to the property. In the circumstances, we sold the property because we were getting killed with property taxes and didn't have the ability to generate enough income to even cover taxes.

I would like to clarify for the benefit of Councillor McNulty that there is no comparison between this subdivision and the subdivision of the MacMorran property across the street. Dave McLellan, General Manager, Urban Development, has consistently recommended against approving this subdivision over the years, and his letter dated January 12, 2000 addressed to the Dahs outlines the differences between this proposal and the MacMorran subdivision. The MacMorran family owned this property going back to the 1940's and subdivision was approved in 1981 subject to road extension and provision of services. Financial restrictions prevented Mrs. MacMorran proceeding at that time. Then the family was advised this approval would expire if they did not proceed immediately, and Mrs. MacMorran's son then arranged the necessary financing so the subdivision could proceed.



In 1987 after the McLennan area plan was adopted, Mr. & Mrs. Dha made their first application to subdivide. However, their situation was totally different, and municipal legislation had changed since the MacMorran subdivision was approved.

I am opposing the Dha's application to subdivide, because subdivision was part of their plan from the beginning. They purchased 7931 McLennan Ave. expecting to create two lots. The previous owner (Mr. Redpath I believe) had loaded a portion of the property preparatory to building a house in a more central portion of the lot. At this point the balance of the acre, including the proposed new lot, was covered with blueberry bushes. The Dha's purchased the property and set out, as evidenced by the series of events to follow, to eventually have the property divided into two lots. They added new loading immediately north of the existing loading which had been in place over two years, and less than a month later commenced construction of their house. A number of neighbors, who were familiar with the challenges of building in this area, spoke to the Dhas and pointed out the new fill would have to be left longer so it could do its job. The Dhas did not heed this advice and proceeded to build their ill-fated house. The events that have followed are indeed unfortunate, but have all been of the Dhas own making. Predictably the house became unstable and cracks started to appear. At this point in 1987 the Dhas made their first application to subdivide. It is notable that their action against the City of Richmond had not been initiated at this point. I am left wondering if this initial subdivision application had been successful, would they also have then have sued the City when the problems with the house became apparent? We'll never know! In any event, as the condition of the house deteriorated further they sought compensation from the City of Richmond and were eventually successful in obtaining a judgement. (I believe it was for \$ 220,000. +/-) However, none of this money was spent correcting the problems with the house. Instead, council has been faced with applications to subdivide on almost an annual basis and has had to deal with the cost of one public hearing after another. It is almost a case of continuing to apply until council members become tired of seeing their application and consider approval, not on the merits, but to make it go away forever. Rezoning by exhaustion! Along the way, the Dhas have removed the blueberry bushes from the property and loaded the portion of the existing acre lot, which they now wish to subdivide. I would like to know, and I am sure council would like to know as well, if a permit was obtained prior to bringing in this fill? I can see how Mayor Brodie could be duped into thinking this property is not suitable for farming! Of course this was part of the Dhas plan from the beginning to make a case for subdivision. Possibly council members have not been aware of all the events I have outlined? Sorry if my presentation has become quite wordy, but I wanted you to understand the plan that has been in place from day one to get this

property subdivided. I think it is almost disrespectful of the various staff members who have consistently recommended against this subdivision over the years. I doubt if some of the current staff is fully aware of the total history of this property, but are recommending the application be declined because it means the Dhas would be shown preferential treatment over the hundreds, not 28 or 29, of other owners of small holdings in the area. At the present time the Dhas have a one acre lot and some \$220,000. awarded to them so they would have the money to repair their damaged home. It is unfortunate the Dhas have endured this experience. However, had they built their home on the site that was first loaded by the previous owner and not set out to beat the system by trying to get a second lot, knowing all the while the restrictions placed on subdivision by the Community Plan, none of the resulting misfortunes would have occurred. I hope council will listen to their staff, and not allow the Dhas to make a mockery of the City, it's bylaws and elected officials who are charged with the responsibility of ensuring all property owners are treated equally within the City's bylaws and regulations as they exist at any point in time. As I said earlier, there are hundreds of owners of small holdings in the McLennan area who could be seen to be enduring a hardship. These people own properties fronting on future dedicated streets and have been paying full residential taxes for years, yet they can't access their property and receive no services from the city. They have inherited the right to provide the open spaces we all hold so dear, but no one at any level of government seems to care that they are locked into a situation they could never have contemplated prior to the Land Commission. Compare them with the applicants, who not only have a residential lot, but have also been compensated some \$230,000. for their misfortune.

As far as I am concerned, this application has very little to do with preserving farmland and everything to do with ensuring all city property owners are treated equally under the law. If council is prepared to tackle the injustices of all the owners of small holdings in Richmond, and particularly in the McLennan area, then this subdivision should be approved. However, if this application is being given considerations not afforded other owners then it would be totally inappropriate to approve. I don't believe councils should be dealing in rezoning, that is why we develop community plans which send a signal to property owners, developers and others as to what the long term plan is for the community.

Once again I apologize for the length of my presentation. I guess I never use one word when ten will do, but I feel there is more to this application than creating two lots. The integrity of the community planning process and council itself is at stake.

Thanks for your time


J.W. (Bill) Sorenson