



CITY OF RICHMOND

REPORT TO COMMITTEE

TO: Planning Committee
FROM: Joe Erceg
Manager, Development Applications

TO PLANNING - July 17, 2001

DATE: July 10, 2001

FILE: AG 00-084495

**RE: APPLICATION BY DARSHAN RANGI FOR NON-FARM USE
(SECOND DWELLING WITH SIX BED UNITS FOR SENIORS) AT
6120 NO. 5 ROAD**

STAFF RECOMMENDATION

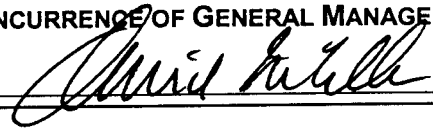
That authorization for Mr. Darshan Rangi to apply to the Land Reserve Commission for non-farm use (second dwelling with six bed units for seniors) at 6120 No. 5 Road be denied.


Joe Erceg
Manager, Development Applications

HB:blg
Att. 3

FOR ORIGINATING DIVISION USE ONLY

CONCURRENCE OF GENERAL MANAGER



STAFF REPORT

ORIGIN

At the May 8, 2001 Planning Committee Meeting, the following motion was passed:

"That the application by Mr. Darshan Rangi to apply to the Land Reserve Commission for non-farm use (community hall) at 6120 No. 5 Road be referred to staff for further exploration of possible uses of the westerly .87 acres of the subject property" CARRIED with Councillor Steves OPPOSED.

Attachment 1 is a copy of Mr. Rangi's latest proposal – to locate a second dwelling with six bed units for seniors on the property.

FINDINGS OF FACT

ITEM	EXISTING	PROPOSED
Owner	Darshan Rangi	No change
Applicant	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.) – Two Residences and Dog Day Care facility Easterly 0.65 ha (1.62 ac.) – Blueberry farming
OCP Designation	Agriculture	No change
McLennan Sub-Area Plan Designation	Agriculture	No change
Zoning	Agricultural District (AG1)	Amended Agricultural District (AG1) 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".

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. The original plans for this proposal referenced use of a holding tank. Mr. Rangi subsequently clarified that it is not intended to use a holding tank and the plans have been amended. It is noted that this site does not qualify for use of a holding tank under the Holding Tank Bylaw.

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.

Zoning Department staff have noted that the Agricultural District (AG1) zone will have to be amended or the property will have to be rezoned to a Comprehensive Development District (CD) zone if this non-farm use application is approved by the City and the Commission.

ANALYSIS

Over the past 1½ years, the following different uses have been considered for the westerly portion of Mr. Rangi's property.

PROPOSAL	STATUS	RATIONALE
Community Hall	Not supported by staff	Contrary to OCP and Area Plan; Technical issues re: ability to locate use on 0.35 ha (0.87 ac.); Precedent; etc.
Seniors Care Home	Not supported by staff	Contrary to OCP and Area Plan; Inappropriate location; Precedent, etc.
Expand Existing Dog Day Care Facility	Not pursued by applicant (Staff prepared to support)	Not economically viable
Veterinary Clinic with Living Accommodation	Staff now prepared to support without living accommodation	Applicant not willing to pursue without living accommodation
Mini Storage	Not supported by staff (although least technical issues)	Industrial use in agricultural area; Contrary to OCP and Area Plan; Precedent; etc.
Yoga Institute	Not supported by staff	Contrary to OCP and Area Plan; Technical issues re: ability to locate use on 0.35 ha (0.87 ac.); Precedent; etc.
Greenhouse	Applicant not willing to pursue	Lack of agricultural expertise/ viability
Roadside Stand	Applicant not willing to pursue	Lack of agricultural expertise/ viability

With regard to the current proposal for a second dwelling with six bed units for seniors, staff believe there are two options for the Planning Committee and/or Council.

Option 1: DENIAL (Staff Recommendation)

Staff are still recommending that this Agricultural Land Reserve (A.L.R.) application be denied on the following grounds:

- Staff believe that the westerly 0.35 ha (0.87 ac.) could be used for non-soil bound farming (e.g. greenhouse; roadside stand; etc.) or rehabilitated if the owner really wanted to use this area for agricultural purposes. By way of comparison, L & C Greenhouses at 8111 No. 5 Road is located on a 0.39 ha or 0.97 ac. parcel.
- The proposed 400 m² (4,300 ft²) second dwelling with a 130 m² (1,400 ft²) lobby, administration office and exercise and entertainment area is very large for only six bed units for seniors. With this size of a house, staff are concerned that additional beds may be installed in the future or the house may be used for other (e.g. assembly) purposes.
- Staff are not convinced that this is a good location for a dwelling with six bed units for seniors nor has the applicant totally proven that the on-site sewage disposal field can be located to the westerly 0.35 ha (0.87 ac.) for the benefit of two dwellings and a doggie day care facility.
- The fact that this 0.35 ha (0.87 ac.) area 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. Furthermore, it can be argued that Mr. Rangi should have made himself aware of the illegal fill situation when he purchased the property in 1992.
- There is nothing in the subject application that guarantees that Mr. Rangi will continue to farm the remaining 0.65 ha (1.62 ac.) of his property.

Option 2: APPROVAL

The applicant has the following arguments in favour of approving this A.L.R. application:

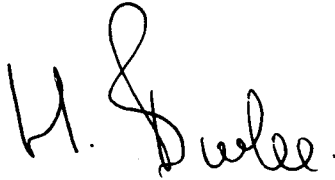
- The proposed second dwelling with six bed units for seniors is the least obtrusive non-farm use that has been proposed for the property (i.e. it does not require the amount of parking or generate the volume of sewage of the previous community hall, seniors care home or yoga institute proposals).
- Mr. Rangi is prepared to remove the 0.21 ha (0.53 ac.) area of bad fill in the middle of the blueberry field and to rehabilitate it back to an agricultural use. Thus, there would be a tangible benefit to agriculture, which could be a condition of approving either the A.L.R. or rezoning application.
- The exact location of the second dwelling and suitability of the proposed on-site sewage disposal field will be resolved at the rezoning stage should the City and Commission approve this non-farm use A.L.R. application. Mr. Rangi does not want to spend additional money on an architect or engineer at this time but will at the rezoning stage.
- Mr. Rangi is holding the City and Land Reserve Commission responsible for not enforcing the removal of the illegal fill that was placed on the property prior to 1981 and for not placing a notice on the title of the property so that he would have been aware of this when he purchased the property in 1992.

FINANCIAL IMPACT

None to the City.

CONCLUSION

The Planning Committee referred Mr. Rangi's application for a non-farm use at 6120 No. 5 Road back to staff on May 8, 2001. Since then, Mr. Rangi and staff have discussed a number of possible uses for the westerly 0.35 ha (0.87 ac.) of the subject property. Based on these discussions, Mr. Rangi's latest proposal is to locate a second dwelling with six bed units for seniors on the property. Should the Planning Committee or Council and Land Reserve Commission approve this non-farm use application, a rezoning application would also be required. Staff continue to recommend that this A.L.R. application be denied for the reasons outlined in this report.

A handwritten signature in black ink, appearing to read "H. Burke". The signature is fluid and cursive, with a large loop at the top.

Holger Burke, MCIP
Development Coordinator

HB:blg



City of Richmond

WESTMINSTER HWY

NO. 5 RD

SITE

AG 00-084495

Original Date: 01/19/00

Revision Date:

Note: Dimensions are in METRES

6120 No.5 Road
Richmond, B.C.
V6Y 2T9

June 21st, 2001

Mr. Malcom Brodie
Chair of Planning Committee
City of Richmond
6911 No. 3 Road
Richmond, B.C.
V6Y 2C1

Dear Sir,


RE: AG 00-084495-6120 No.5 Road
Application by Darshan Rangi for non-farm use

Further to the Planning Committee meeting on May 8th, 2001 and numerous meetings with the staff I have decided to proceed with the senior's 6 bed unit home as per the attached site plan. The building would be two stories, approximately 2150 square feet on each floor plus an additional 1400 square feet on the main floor for the main lobby, administration office, an exercise and an entertainment area. The purposed building is smaller in size compared to the Miao Yih Holy House at 6740 No. 5 Road in Richmond.

Upon receiving the building permit, I would be willing to remove the bad fill in the middle of the blueberry field located on the site. The bad fill area is approximately half an acre and one to two feet in depth (please see the attached survey). Once this bad fill is removed the land would be rehabilitated and then suitable for its original purpose, that of agricultural usage (please refer to the attached pictures of the bad fill area).

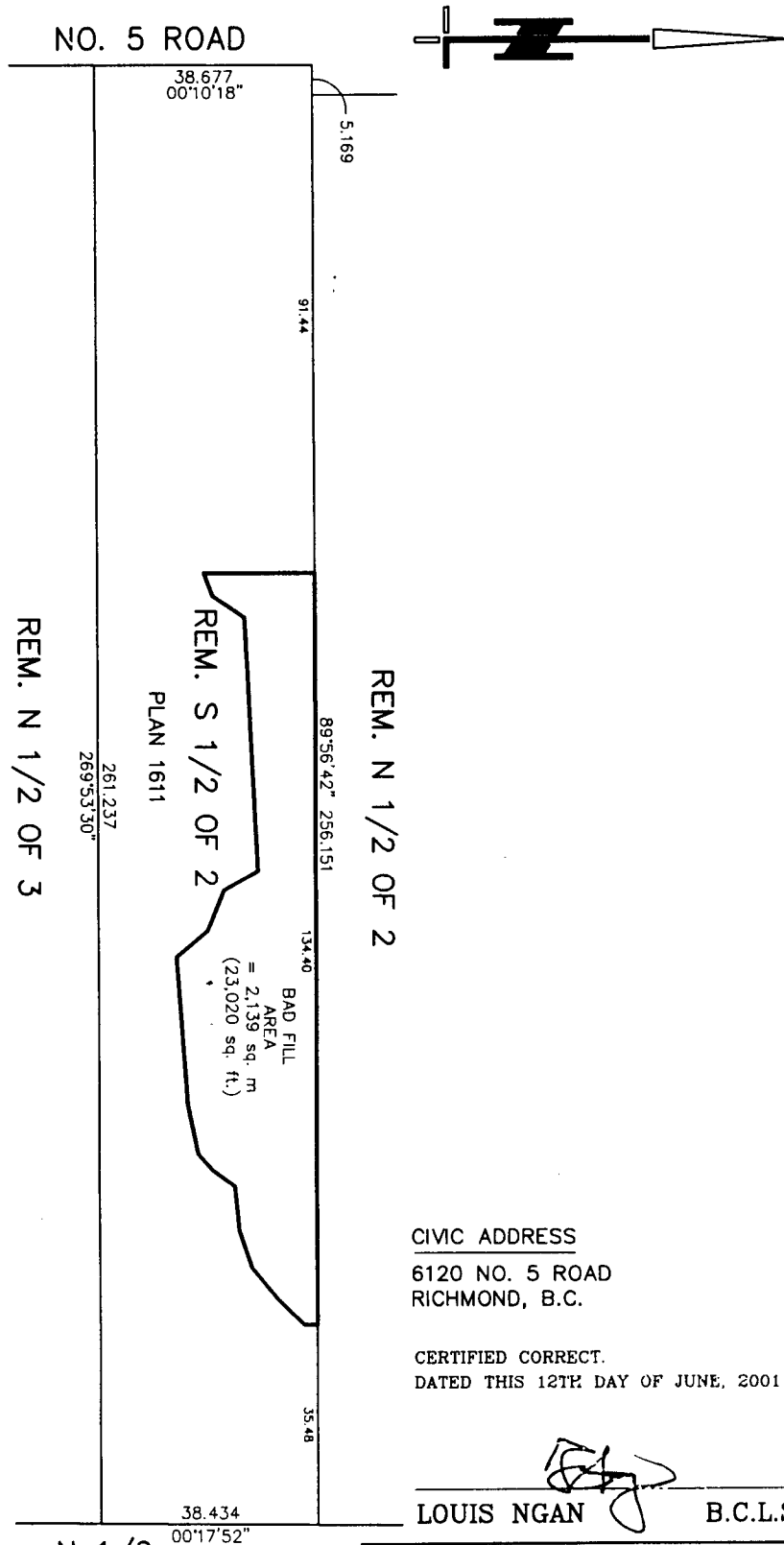
I would also like to point out that I bought the land in 1992 and later learned that the city and agriculture land committee had failed to enforce the order of removing the bad fill. My original plan was to construct a yoga center at the site. The OCP was in favour of Institutional use and public assembly. I was not aware of the bad fill located on the property at that point in time as the city failed to register the notation on caveat to the Land Title Office. Even though the onus should have been on the city, I am compromising by decreasing the size of the senior care home facility from the original size of the yoga center. Please take all these extenuating factors into consideration with regards to my property and my application.

Sincerely,


Darshan Rangi



PLAN SHOWING LOCATION OF BAD FILL ON
THE S 1/2 OF LOT 2 EXCEPT: PARCEL D(BYLAWS PL. LMP12614)
SECTION 7, BLOCK 4 N., RANGE 5 W., N.W.D., PLAN 1611
SCALE 1 : 1000



CIVIC ADDRESS

6120 NO. 5 ROAD
RICHMOND, B.C.

CERTIFIED CORRECT.

DATED THIS 12TH DAY OF JUNE, 2001

LOUIS NGAN

B.C.L.S.

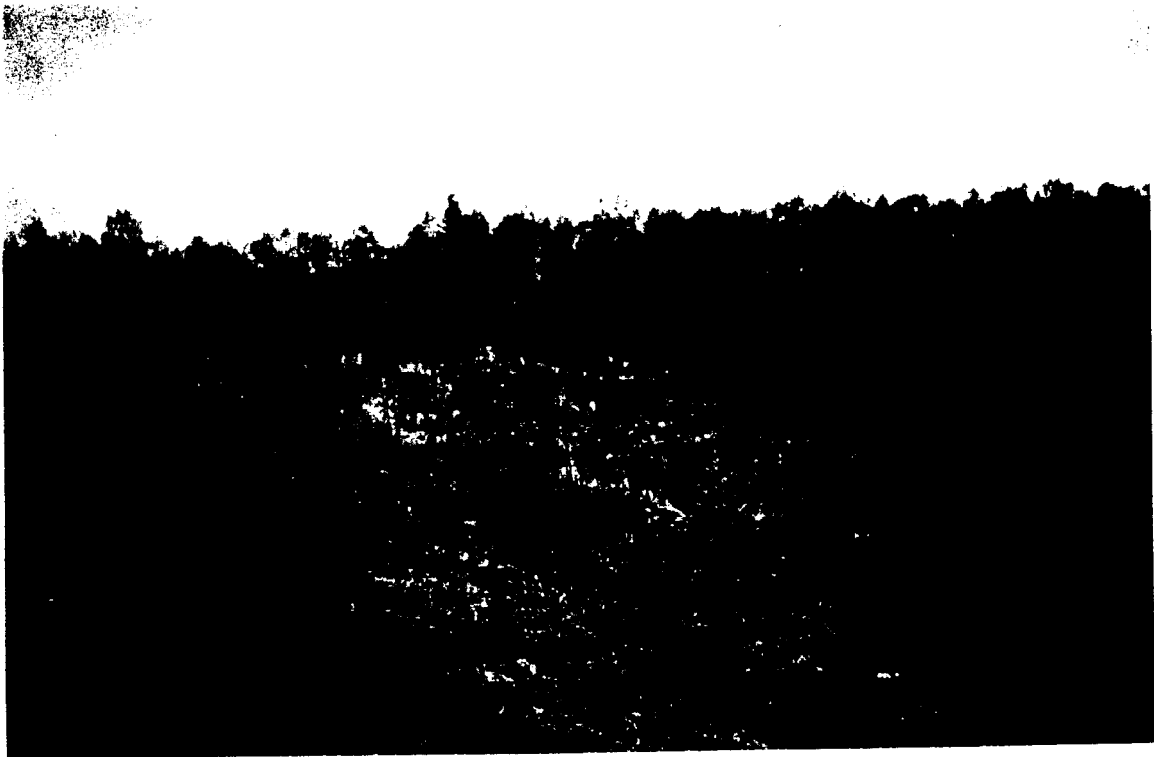
N 1/2
15
PLAN 1611

LOUIS NGAN LAND SURVEYING

#270-11180 VOYAGEUR WAY
RICHMOND, B.C., V6X 3N8
(604) 273-2938



The following pictures showing the middle of the blueberry field where the previous owner dumped 2 feet of bad dirt. Even though I have removed the bad fill and replanted the blueberry plants, still the growth of the blueberry plants is very poor.



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 legalize 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 A.L.R. 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.</p> <p>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.