



MINUTES

PLANNING COMMITTEE

Date: Wednesday, September 6th, 2000

Place: Anderson Room
Richmond City Hall

Present: Councillor Malcolm Brodie, Chair
Councillor Bill McNulty, Vice-Chair
Councillor Linda Barnes (4:05 p.m.)
Councillor Lyn Greenhill
Councillor Harold Steves

Call to Order: The Chair called the meeting to order at 4:03 p.m.

MINUTES

1. It was MOVED and SECONDED
That the minutes of the meeting of the Planning Committee held on Tuesday, August 22nd, 2000, be adopted as circulated.

CARRIED

NEXT COMMITTEE MEETING DATE

2. The next meeting of the Planning Committee will be held on Tuesday, September 19th, 2000, at 4:00 p.m. in the Anderson Room.

URBAN DEVELOPMENT DIVISION

3. **APPLICATION BY MR. PING ZHANG FOR REZONING AT 7071 AND 7111 MARRINGTON ROAD FROM SINGLE-FAMILY HOUSING DISTRICT, SUBDIVISION AREA E (R1/E) TO SINGLE-FAMILY HOUSING DISTRICT, SUBDIVISION AREA K (R1/K)**
(RZ 00-174523/RZ 00-177671 - Report: Aug. 21/00, File No.: 8060-20-7156/7157) (REDMS No. 179485, 180337, 180438)

The Manager, Development Applications, Joe Erceg, reviewed the report with Committee members.

It was moved and seconded

- (1) *That Bylaw No. 7156, for the rezoning of 7071 Marrington Road from "Single-Family Housing District, Subdivision Area E (R1/E)" to "Single-Family Housing District, Subdivision Area K (R1/K)", be introduced and given first reading.*

- (2) *That Bylaw No. 7157, for the rezoning of 7111 Marrington Road from "Single-Family Housing District, Subdivision Area E (R1/E)" to "Single-Family Housing District, Subdivision Area K (R1/K)", be introduced and given first reading.*

CARRIED

4. **AGRICULTURAL LAND RESERVE APPEAL APPLICATION BY GILMORE ESTATES LTD. FOR SUBDIVISION AT 10400 AND 10500 STEVESTON HIGHWAY, 12051 AND 12311 SHELL ROAD, 10631 AND 10871 DYKE ROAD, 11800 AND 13200 NO. 4 ROAD, AND NO ACCESS 2209**

(AG 00-086996 - Report: Aug. 22/00, File No.: AG 00-086996) (REDMS No. 177041)

Mr. Erceg reviewed the report with Committee members. In response to a question from the Chair, he clarified that the application now being considered is a new application and was not an appeal of the decision of the Approving Officer in 1999 to reject a subdivision application to reconfigure the boundaries of nine lots in the Agricultural Land Reserve.

Mr. Craig B. Rowland, representing the shareholders of Gilmore Estates Ltd., provided detailed information on the history of the property and the current status of this property in the Agricultural Land Reserve. He explained that the owners, since acquiring the property in 1970, had been searching for viable opportunities for optimum use of the land. Mr. Rowland stated that the property was currently leased for farming, and that the owners wished to continue to own the land, however, they wished to recoup their investment in the property. As a result, the owners were proposing subdivision of the properties which would allow some lots to be consolidated and allow the retention of others in one parcel. Mr. Rowland then explained in detail how the subject properties would be configured, during which he noted that the resulting lots would be no more than presently existed.

Mr. Rowland advised that the City's Subdivision Bylaw and Zoning & Development Bylaw each permitted 5 acre lots in agricultural zones, and stated that the application now being considered conformed to that requirement. He stated that the owners were asking Committee to advance the application through the process to give the Agricultural Land Commission the opportunity to comment on whether the proposal would be in the best interests of the agricultural community. He noted that the City's Approving Officer would still have the opportunity to review the application after its consideration by the Agricultural Land Commission.

Mr. Nick Krabbendam, of #1901 - 1235 Quayside Drive, New Westminster, referred to Page 4 of the staff report, and in particular to a statement which indicated that "*Possibly the location of the subdivision along Steveston Highway may be better suited, in terms of location, than the existing proposal*", and questioned whether consideration would be given to allowing subdivision of the properties along Steveston Highway. The Chair ruled however that the Committee would not negotiate with the applicants at this meeting on possible alternative solutions.

Discussion then ensued among Committee members, the delegation and staff, during which the following comments were made in response to questions:

- the freeze on the development agricultural land had established in October, 1972 and Agricultural Land Reserve (ALR) boundaries were officially created in 1974, and since that time the subject property has been in the ALR
- the property was acquired in 1971 by the shareholders but the purchase was not completed until 1974
- one of the options considered by staff was to defer consideration of the application until such time as the Agricultural Viability Strategy had been adopted by Council, and that the answer to the question of whether it would be more efficient to farm the proposed configuration of parcels than the existing layout might lie within that report; staff were hoping to provide a 'better feel' for areas such as that owned by Gilmore Estates, and to offer suggestions for types of farming which could be economically viable as well as other uses for the land, now and in the future
- 100% of the subject property was currently being farmed; the existing lot configuration did not seem to be impeding the current farming operations
- with reference to the 7 proposed lots aligned in a north/south direction adjacent to No. 4 Road, proposed for hobby farm-type estates, advice was given that no more than the 7 homes already on the properties would be created; the proposal should be encouraged because hobby farms were considered to be a viable use in the ALR and would provide an incentive to farmers to continue farming
- with reference to the existing homes on the properties and to concern that additional homes could be constructed, the suggestion was made that a condition of approving the subdivision could require the demolition of the existing homes so that there would only be one dwelling on each lot

During the discussion, concern was expressed that if the subdivision was approved, a similar situation to the one being experience by Richberry Farms (Item No. 4 following) with regard to the use of pesticides adjacent to residential areas. Advice was given that the Agricultural Land Commission often added as part of its approval process, the requirement for the provision of berms, etc., and Mr. Rowland commented that this should help to alleviate any concerns relating to the use of pesticides. Concern was also expressed about whether the increased size of the resulting lots (if the subdivision was approved) would make it economically impossible for farmers to continue to lease the land for farming.

(Councillor Steves left the meeting at 4:23 p.m., during the above discussion.)

(During the discussion, the request was made that staff, in any future reports on this matter, include information on (i) the fact that the property was agriculturally zoned; and (ii) history of the Lower Mainland Planning Board.)

It was moved and seconded

That authorization for Gilmore Estates Ltd. to apply to the Provincial Agricultural Land Commission for subdivision BE DENIED.

Prior to the question being called, Committee members commented that (a) the subdivision, if approved, would create even more urban/rural problems for the area; (b) consolidation of the properties into larger parcels would have a negative impact on the continuation of leasehold farming because of the prohibitive cost of farming such large areas; (c) the creation of 5 acre lots would add even more problems for the area; and (d) the resulting combination of hobby farms and agricultural uses would not be a more efficient use of agricultural land.

The question on the motion was then called, and it was **CARRIED**.

5. **AGRICULTURAL LAND RESERVE APPEAL APPLICATION BY RICHBERRY FARMS LTD. FOR EXCLUSION AT 20471, 20491, 20511, 20531, 20551, 20571 AND 20591 WESTMINSTER HIGHWAY**
(AG 00-086824 Report: Aug. 24/00, File No.: AG 00-086824) (REDMS No. 180815)

Mr. Erceg reviewed the report with Committee members. In response to a question from the Chair, he advised that a dwelling could be constructed on each of the 7 subject properties; however, there was some question as to whether this would be possible under Provincial regulations. Mr. Erceg stated that discussion with 2 staff of the Agricultural Land Commission indicated that a dwelling could be placed on each lot.

Mr. Kabel Atwall, of 4746 Wyne Crescent, accompanied by Mr. Peter Dhillon, a principal of Richberry Farms Ltd., explained that the property in question had been owned and farmed by the applicant since 1978. He noted that the adjacent property, located adjacent to the applicant's cranberry operation, was approved for school use in 1993 and was now occupied by the Choice Learning Centre. Mr. Atwall further advised that subsequent to that, guidelines were put in place by the Provincial Government regarding the aerial spraying of pesticides within 500 metres of the school, which meant that three-quarters of the farm could no longer be aerially sprayed with pesticides and fertilizers. He stated that because of these restrictions, the applicant chose to convert 10 acres of property located north of the school to a golf driving range to act as a buffer between the school and that portion of the farm which was still sprayed from the air. Mr. Atwall noted however that this resulted in the isolation of the 7 subject properties located at the south-east corner of the farm area.

Mr. Atwall advised that the proximity of these 7 properties to the school made it difficult for the applicant to farm the land; as well, it was uneconomical to hand-spray the lots and existing ground and soil conditions restricted the use of heavy farm equipment on the site. He added that greenhouses were not feasible because at least 10 acres of land was required to maintain a viable operation, as well, the use was very labour intensive and incompatible with the farming practices of Richberry Farms.

Mr. Atwall referred to statements made by staff that the properties could be sold individually, and commented that it was unlikely that anyone would want to locate adjacent to a driving range, however, the applicant may be forced to pursue this option if the application is denied. Mr. Atwall then referred to correspondence (dated September 6th, 2000 to the Manager, Development Applications) which outlined possible uses which could be envisaged for the properties. A copy of this correspondence is attached as Schedule A and forms part of these minutes. He added that the applicants would also consider the properties as the site for a possible fire hall, if that was the wish of the City. Mr. Atwall concluded his presentation by stating that the applicant was of the belief that there would not be a measurable impact on the area if the exclusion was permitted, and he asked that the application be forwarded to the Agricultural Land Commission with the support of Council.

The Chair referred to a staff report (dated June 28th, 1994) which dealt with an application from Richberry Farms for non-farm use to develop a golf driving range, copies of which were provided to all members of the Committee.

Discussion then ensued among Committee members, the delegation and staff on this matter, during which the following information was provided:

- at one time, blueberries were grown on the subject properties, however, because of the location of the school immediately to the west, and the wet ground conditions, it was not longer possible to undertake aerial spraying of the lots in question
- a minimum of 10 acres was required in order to operate a viable greenhouse operation; such an operation would be very labour intensive
- spraying of the properties, either by air or by hand, would cause problems because of the close proximity of the school; this was why regulations were put into effect
- the uses described in the correspondence (Schedule A) were taken from the Zoning & Development Bylaw; the applicant was considering a more public use however the use would not be for a school.

At the request of the Chair, the General Manager, Urban Development, David McLellan provided information on the history of the establishment of the Choice Learning Centre at its present location.

(Councillor Steves entered the meeting at 5:02 p.m.)

Discussion continued with the delegation and staff on the problems being experienced by the applicant, and on the concerns of the Committee of the impact of allowing the properties to be excluded from the Agricultural Land Reserve. In response to the concerns expressed, Mr. Atwall advised that the applicant was not interested in developing the properties for residential uses and wished to discuss with the City and Council, appropriate uses for these lots. He added that if the Committee was concerned that the school could acquire the westerly most property to expand its facilities, the applicant may consider removing that property from the application for exclusion.

Councillor Steves referred to the June, 1994 staff report and stated that at that time, the representative of Richberry Farms had indicated that these 7 properties would continue to be farmed; that the area could be hand-sprayed, and that homes would not be constructed. In response, Mr. Atwall advised that the liability and safety issues related to the spraying of pesticides and fertilizers adjacent to the school was a major concern of the applicant. Reference was made to the possibility of ground spraying, and again safety issues were cited and information was provided on the complaints received from the parents of students at the school each time the applicant sprayed the property with pesticides or fertilizers. Discussion ensued between Councillor Steves and the delegation on this issue.

Questions were raised about the feasibility of converting the golf driving range to farmland, and advice was given that while this was possible, Richberry Farms would then lose its buffer for the spray area. In response to further comments, Mr. Atwall commented that the purpose of the driving range was to provide a buffer from the school for aerial spraying and that it would not be economically viable to spray the larger area (if the driving range was converted), by hand.

Discussion continued on whether there were any options available which would allow the continuation of farming on the subject properties, and questions were raised about whether the City's Agricultural Viability Study which was presently underway, would provide answers on how both uses could be accommodated. Reference was made to the approval of the golf driving range 5 years ago and questions were raised about why the issues now being addressed were not considered at that time. In reply, Mr. Atwall advised that the focus at that time was to create a buffer area between the school and the farm, and the only way to do that was to establish a golf driving range. The Chair questioned whether staff had had any comments at the time, and Mr. McLellan responded that the focus was on the immediate problem of the school being located adjacent to the farm, and that not a great deal of thought was given to the subject site.

It was moved and seconded

That authorization for Richberry Farms Ltd. to apply to the Land Reserve Commission for the exclusion of 20471, 20491, 20511, 20531, 20551, 20571 And 20591 Westminster Highway, be approved.

Prior to the question being called, Committee members spoke at length on the issue of approving the application for exclusion, during which they indicated that under normal circumstances the application would not be approved. However, because of the situation which the applicant had been placed in by the Provincial Government with regard to aerial spraying regulations adjacent to the Choice Learning Centre, there was consensus amongst Cllrs. Greenhill, McNulty and Barnes that the application should be forwarded to the Agricultural Land Commission for approval.

Councillors Steves and Barnes voiced their opposition to the application for exclusion being submitted to the Agricultural Land Commission for approval because of the belief that the subject properties could still be farmed.

Concern was also expressed that if the land was developed for industrial use, the land could never again be returned to its agricultural state. The comment was made that further investigation could result in the applicant finding another way of using the property which was not irreversible.

The question on the motion was then called, and it was **CARRIED**

OPPOSED: Cllr. Barnes
Steves

6. **TEEN MOTHER PROGRAM**

(Report: Aug. 8/00, File No.: 3070-03-01) (REDMS No. 179335)

It was moved and seconded

That the Richmond School District No. 38 Board be advised that the Richmond City Council and the Richmond Child Care Development Board support and encourage the School Board in seeking additional capital funding for the continuance of the existing Teen Mother Program in the proposed new Richmond Secondary School.

Prior to the question being called, Councillor McNulty commented on the excellent program being offered by the Richmond School District and agreed that it should be supported by the City.

The question on the motion was then called, and it was **CARRIED**.

7. **MANAGER'S REPORT**

- (a) Mr. Erceg referred to correspondence copied to all members of Council regarding the Eligible School Sites Proposal - Five Year Capital Plan, and advised that the School Board had not yet dealt with the proposal outlined in the correspondence. He stated that once the City received notification of a Board resolution, staff would forward the matter to Council for formal consideration. He added that the City had 60 days to respond to the notification submitted by the School Board.
- (b) Councillor Greenhill referred to correspondence from the Union of British Municipalities (dated August 28th, 2000) on its response to Bill 30 - Gaming Control Act. She referred to the September 13th deadline for the submission of responses, and she questioned if the City would be providing an answer. Mr. Crowe advised that staff were presently preparing a response which would be submitted directly to the UBCM with copies to Council. Questions were raised as to whether the reply would include statements on the horseracing component of gambling, and Mr. Crowe stated that staff would comment on this issue and that staff's review would examine the legislation to determine if and to what extent it enables Council to protect its 'no gaming expansion' policy.

- (c) Councillor Steves expressed concern that a resolution adopted at the May 2nd, 2000 Planning Committee which dealt with the preparation of an analysis of privately owned dyke right-of-ways in the area of the BC Packers site had not yet been dealt with by the Committee. Mr. Crowe advised in reply that the City Solicitor was finalizing a report on this matter. He noted that part of the delay was related to the need to avoid the provision of any information which could jeopardize the status of the Public Hearing. Mr. Crowe stated that he would pursue the matter with Mr. Kendrick.
- (d) Mr. Crowe provided information on the upcoming September 17th, 2000 deadline for the presentation to Council by the Steveston Fishermen's Alliance for a fish auction facility on the site of the BC Packers property.

ADJOURNMENT

It was moved and seconded
That the meeting adjourn (5:44 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the meeting of the Planning Committee of the Council of the City of Richmond held on Wednesday, September 6th, 2000.

Councillor Malcolm Brodie
Chair

Fran J. Ashton
Executive Assistant

KHEVIN DEVELOPMENT SERVICES LTD.
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Phone (604) 341-0212 Fax (604) 207-1256



September 6, 2000

Joe Erceg
Manager, Development Applications
City of Richmond
6911 No. 3 Road
Richmond, B.C.

*RE: ITEM NO. 5 - PLANNING
COMM. AGENDA
SEPT. 6, 2000*

Dear Sir:

Re: File No. AG00-086824
ALR Appeal, Richberry Farms

In response to your report dated August 24, 2000 to the Planning Committee regarding the above noted application, questions have been directed to the applicant regarding potential future uses of the properties if they were to be excluded from the Agricultural Land Reserve.

While it is difficult to be absolutely definitive, in terms of future potential uses, by the letter, Richberry Farms gives it undertaking that any future uses of the properties would be worked out in conjunction with the City of Richmond prior to any rezoning or development applications being submitted.

Furthermore, the type of uses envisioned would be restricted to those allowed under the provisions of the following zoning designations as noted in Richmond's Zoning and Development Bylaw No. 5300 and Amendments:

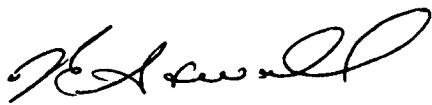
- I2 Light Industrial District
- I3 Business Park Industrial
- I4 Limited Industrial Retail District
- I5 Industrial Storage District
- SPU School and Public Use District

There will absolutely not be any type of residential development whatsoever.

All of this, of course, is predicated upon the land being released from the Agricultural Land Reserve.

It is requested that this information be forwarded to the members of the Planning Committee prior to the 4 p.m. meeting on September 6, 2000.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kabel Atwall', with a stylized flourish at the end.

Kabel Atwall
Khevin Development Services Ltd.