



**CITY OF RICHMOND
URBAN DEVELOPMENT DIVISION**

REPORT TO COMMITTEE

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

To Planning - September 6, 2000
DATE: August 22, 2000
FILE: AG 00-086996

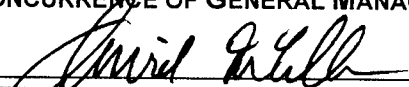
**RE: Agricultural Land Reserve Appeal Application by Gilmore Estates Ltd. for
Subdivision at 10400 and 10500 Steveston Highway,
12051 and 12311 Shell Road, 10631 and 10871 Dyke Road,
11800 and 13200 No. 4 Road, No Access 2209**

STAFF RECOMMENDATION

That authorization for Gilmore Estates Ltd. to apply to the Provincial Agricultural Land Commission for subdivision be denied.


Joe Erceg
Manager, Development Applications

HB:blg
Att. 4

FOR ORIGINATING DIVISION USE ONLY
CONCURRENCE OF GENERAL MANAGER


STAFF REPORT

ORIGIN

Mr. Craig Rowland has applied on behalf of Gilmore Estates Ltd. to reconfigure the boundaries of nine lots in the Agricultural Land Reserve (ALR).

Attachment 1 is a location map showing where the nine lots are located. Attachment 2 is a legal survey plan illustrating the boundaries, addresses and size of these existing nine lots. Attachment 3 is a plan of the proposed boundary reconfiguration (wherein nine new lots would be created). Attachment 4 is the applicant's submission explaining the rationale for this ALR application for subdivision.

FINDINGS OF FACT

The table on the next page provides a summary of the key existing and proposed facts of this application.

RELATED POLICIES & STUDIES

The Agricultural Land Reserve Subdivision and Land Use Regulation 448/98 states that the Approving Officer may approve a subdivision if it:

- (i) does not result in an increase in the number of land registry parcels for the land concerned when compared with the situation existing at the time the application for subdivision was made;
- (ii) involves boundary adjustments that, in the opinion of the Approving Officer or Board of Variance, will allow for the more efficient use of agricultural land or the better utilization of farm buildings for farm purposes; and
- (iii) creates no land registry parcel having an area of less than 8093.5 m².

Talisman Land Resource Consultants prepared a report entitled "Agricultural/Environmental Assessment of Gilmore Farm Property, Richmond, B.C." in 1989 for Advance Pacific Development Inc. as part of a previous application to rezone the area from Agricultural District (AG1) to Golf Course District (AG2) which was denied by Council (RZ 89-182).

According to this report, all of the subject properties have wetness limitations and the unimproved agricultural capability ratings are dominantly Classes 1 to 3 with a small area of Class 3 and 4 in the north-east corner. A detailed soil survey and agricultural capability assessment was carried out by Talisman Land Resource Consultants in 1989 and reconfirmed that 48% of the subject properties have an existing agricultural capability of Class 1, 40% is Class 2 and 12% is Class 3. In other words, the Gilmore Estates Ltd. lands have very good soils and climate for agriculture.

The City has a brief description of Finn Slough and Green, Woodward's, Horseshoe and Lee's Sloughs in the original Environmentally Sensitive Area (ESA) background studies from 1984. The Talisman report also describes the existing habitat and wildlife on the Gilmore Estates Ltd. properties.

The City's 1989 Heritage Inventory identifies the Tilson Barn and Gilmore Potato Pit (Barn) as two heritage resources, both of which are located on 10631 Dyke Road. Furthermore, the Finn Slough heritage area is located to the south on Tiffins Slough and Whitworth (Gilmour) Island.

ITEM	EXISTING	PROPOSED
Owner	Gilmore Estates Ltd.	To Be Determined
Applicant	Craig Rowland	To Be Determined
Site Size	Nine Lots: - 0.15 ha (0.36 ac.) - 1.86 ha (4.60 ac.) - 3.31 ha (8.18 ac.) - 5.37 ha (13.27 ac.) - 7.89 ha (19.50 ac.) - 18.12 ha (44.77 ac.) - 18.59 ha (45.94 ac.) - 34.78 ha (85.94 ac.) - 40.63 ha (100.40 ac.) Total: 131 ha (323 ac.)	Nine Lots: - 2.0 ha (4.94 ac.) - 2.0 ha (4.94 ac.) - 2.0 ha (4.94 ac.) - 2.0 ha (4.94 ac.) - 2.2 ha (5.44 ac.) - 2.3 ha (5.68 ac.) - 2.41 ha (5.96 ac.) - 6.46 ha (15.96 ac.) - 109.66 ha (270.97 ac.) Total: 131 ha (323 ac.)
Land Uses	Four Lots Totalling 62 ha (153 ac.) Leased to McKinney and Farmed With 4 Houses and Barns Two Full and Two Partial Lots Totalling 53 ha (130 ac.) Leased to Dhensaw and Farmed With One House, Barns and a Roadside Stand One Full and Two Partial Lots Totalling 16 ha (40 ac.) Leased to Hogler and Farmed With Barn	Seven Lots Totalling 14.91 ha (36.84 ac.) Each With A House (Seven New Houses) One 6.46 ha (15.96 ac.) Lot With Existing House and Heritage Barns To Be Farmed One 109.66 ha (270.96 ac.) Lot With Existing House (Three Additional Farm Houses Permitted), Barns and Roadside Stand
OCP Designation	Agriculture Agriculture and Open Space ESA Designation – Green Slough, McDonalds Slough, Horseshoe Slough, All of 12311 Shell Road, All of Area South of CNR Along Fraser River	No Change
Zoning	Agricultural District (AG1) 2 ha (4.94 ac.) Minimum Lot Size	No Change
ALR Designation	All Lots Within The ALR No Access 2209 Less Than 0.8 ha (2 ac.) So Exempt From ALR Provisions	All Lots Within The ALR and Subject To ALR Provisions
Canada Land Inventory Agricultural Capability Rating	70% Class 1, 30% Class 2 60% Class 2, 40% Class 3 60% Class 3, 40% Class 4 Wetness Limitations	No Change

STAFF COMMENTSApproving Officer

The original subdivision application (SD 99-165533) was denied for three reasons. Firstly, I was not convinced that the boundary adjustment will allow for the more efficient use of agricultural land or the better utilization of farm buildings for farm purposes. Secondly, two of the lots proposed (this has since been changed by the applicant) would require the opening of an unconstructed road right-of-way in the ALR. And thirdly, I was not prepared to support a subdivision without a Development Permit that would protect and enhance the ESA's in the area.

Land Use

The proposed subdivision is located on prime agricultural lands, which are currently being farmed. The approval of these subdivisions will further erode agricultural viability of these and adjacent lands, and result in a major precedent for the consideration of future lands in this area. The applicant has, to date, not successfully demonstrated how this subdivision will further enhance farming on those lands and the area. Possibly the location of the subdivision along Steveston Highway may be better suited, in terms of location, than the existing proposal. We recommend refusal, or at least deferring consideration of this application until the Agricultural Viability Strategy has been presented and endorsed by Council in late 2000/early 2001.

Development Applications

Old 1933 water line to 10631 Dyke Road on the north side of the Canadian National Railway (CNR) must be replaced. The applicant would have to prove that there is adequate water on No. 4 Road and Dyke Road for fire protection purposes. No. 4 Road is not in the Development Cost Charge (DCC) Program, so any upgrading of it by the applicant would not be subject to DCC credits. Ministry of Environment floodplain covenant would be required as condition of the subdivision application (SD 00-087000).

Fire

Because of the size and location of these lots, we are concerned that there may not be enough water to protect large buildings which may be built. It appears that this is a dead end watermain.

Transportation

The applicant should be required to upgrade No. 4 Road along the frontage of this subdivision to urban standards.

Health

Any new lots must be able to support on-site sewage disposal systems under the Health Act Sewage Disposal Regulations as a condition of future Building Permits. Proposed lot boundaries must maintain a minimum setback of 3 m (10 ft) from existing sewage disposal systems.

Parks

Would like to see the trail on Shell Road continued along the slough through Gilmore Estates to No. 4 Road if possible.

ANALYSIS

According to the applicant's submission (Attachment 4), the proposed boundary re-alignment will:

- consolidate the majority of one of the largest holdings in the Greater Vancouver Regional District (GVRD) into one legal parcel;
- create a 109.68 ha (271 ac.) parcel that will accommodate large scale agricultural activities and result in the more efficient use of this land for farm purposes;
- eliminate the existing arbitrary lot boundaries and fragmented parcel configuration which could be sold individually to different purchasers; and
- allow leasehold areas which best respond to the physical characteristics of the land.

However, from the staff's perspective, the proposed subdivision will:

- create seven small lots ranging in size from 2.0 ha (4.94 ac.) to 2.41 ha (5.96 ac.) along No. 4 Road, in an area which is currently being farmed and that has a very good capability for agriculture;
- result in seven new dwellings being built on these small lots in a highly visible location in the ALR;
- create a new concentration of "rural, residential lots" adjacent to agricultural lands to the west and east that are actively farmed resulting in potential urban/rural conflicts;
- segregate the historic Tilson Barn and Gilmore Potato Pit (Barn) from the parent farm parcel and, as suggested by the applicant, result in future public and private land uses and patterns of development which differ from the land to the north of the railway; and
- create an undesirable precedent and result in pressure for further development proposals in the ALR (i.e. to the south around Finn Slough).

OPTIONS

1. **DENIAL** - **Staff recommendation in lieu of above-noted concerns.**
2. **APPROVAL** - Based on the applicant's submission and to allow the Land Reserve Commission to make the final determination if this application benefits agriculture.
3. **DEFERRAL** - Pending the completion of the Agricultural Viability Strategy.

FINANCIAL IMPACT

None to the City.

CONCLUSION

In 1999, Mr. Craig Rowland applied on behalf of Gilmore Estates Ltd. to reconfigure the boundaries of nine lots in the ALR under Agricultural Land Reserve Subdivision and Land Use Regulation 448/98 (SD 99-165533). As Approving Officer, I denied this application primarily because I was not convinced that the boundary realignment will allow for the more efficient use of agricultural land or the better utilization of farm buildings for farm purposes. Mr. Rowland has subsequently submitted the subject ALR application for subdivision. Staff continue to recommend that this proposal be denied because it will create seven "rural, residential lots" with new houses in an area which is currently being farmed and create a precedent for other development proposals in the ALR.

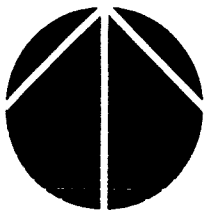
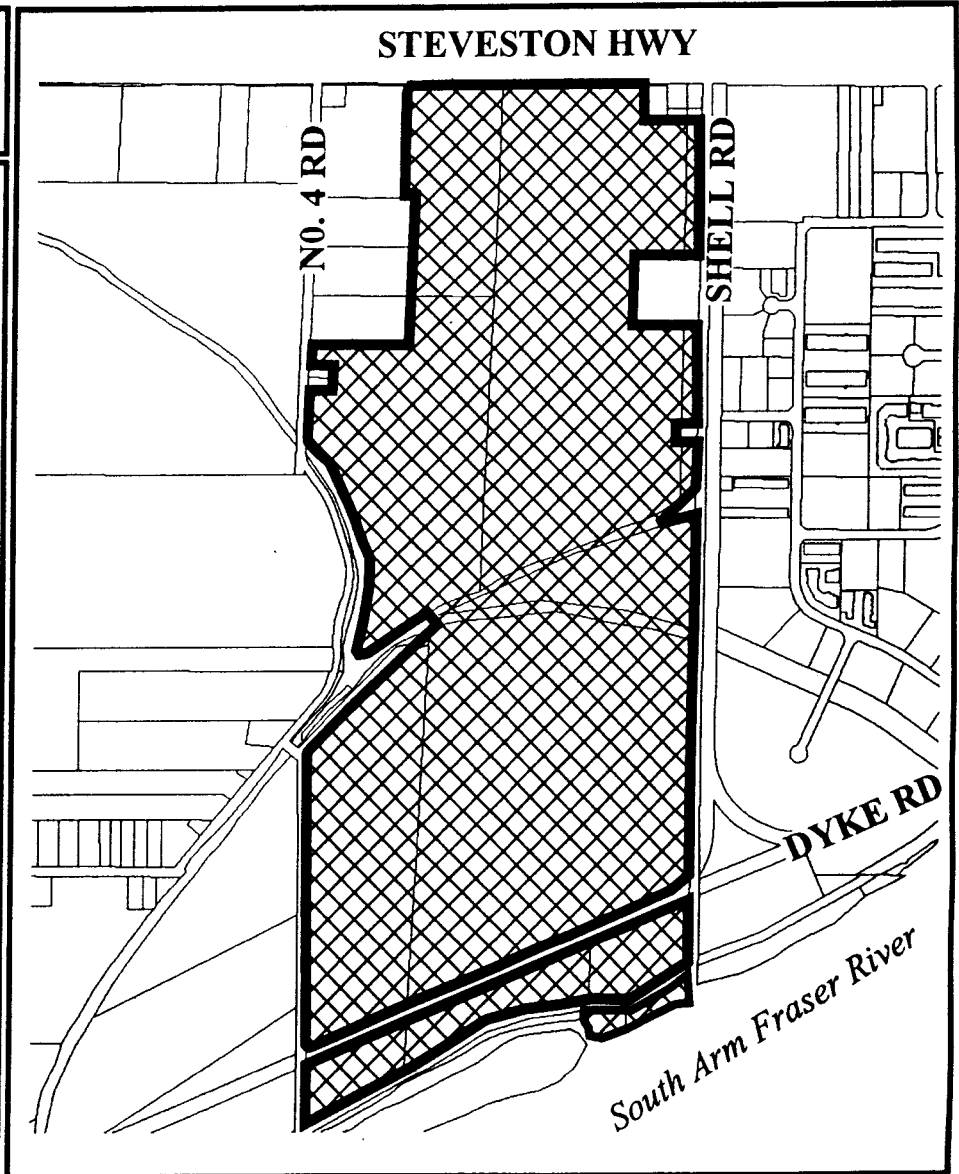
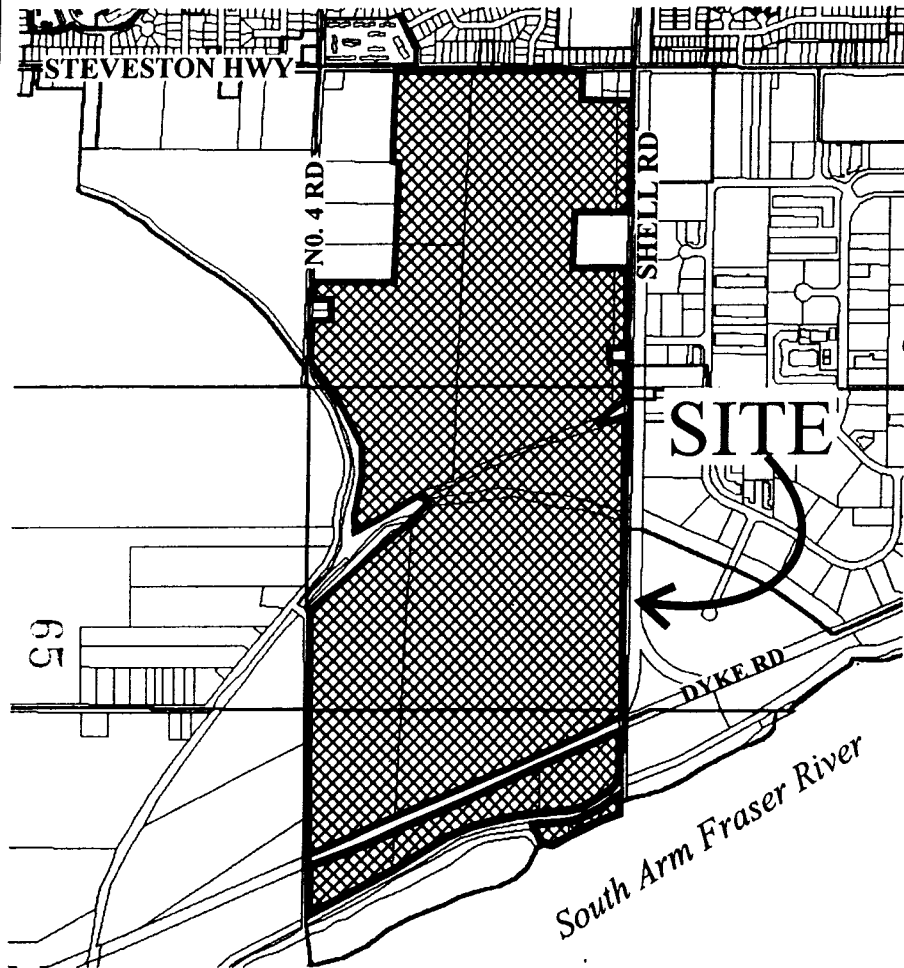


Holger Burke, MCIP
Approving Officer/
Development Coordinator

HB:blg



City of Richmond

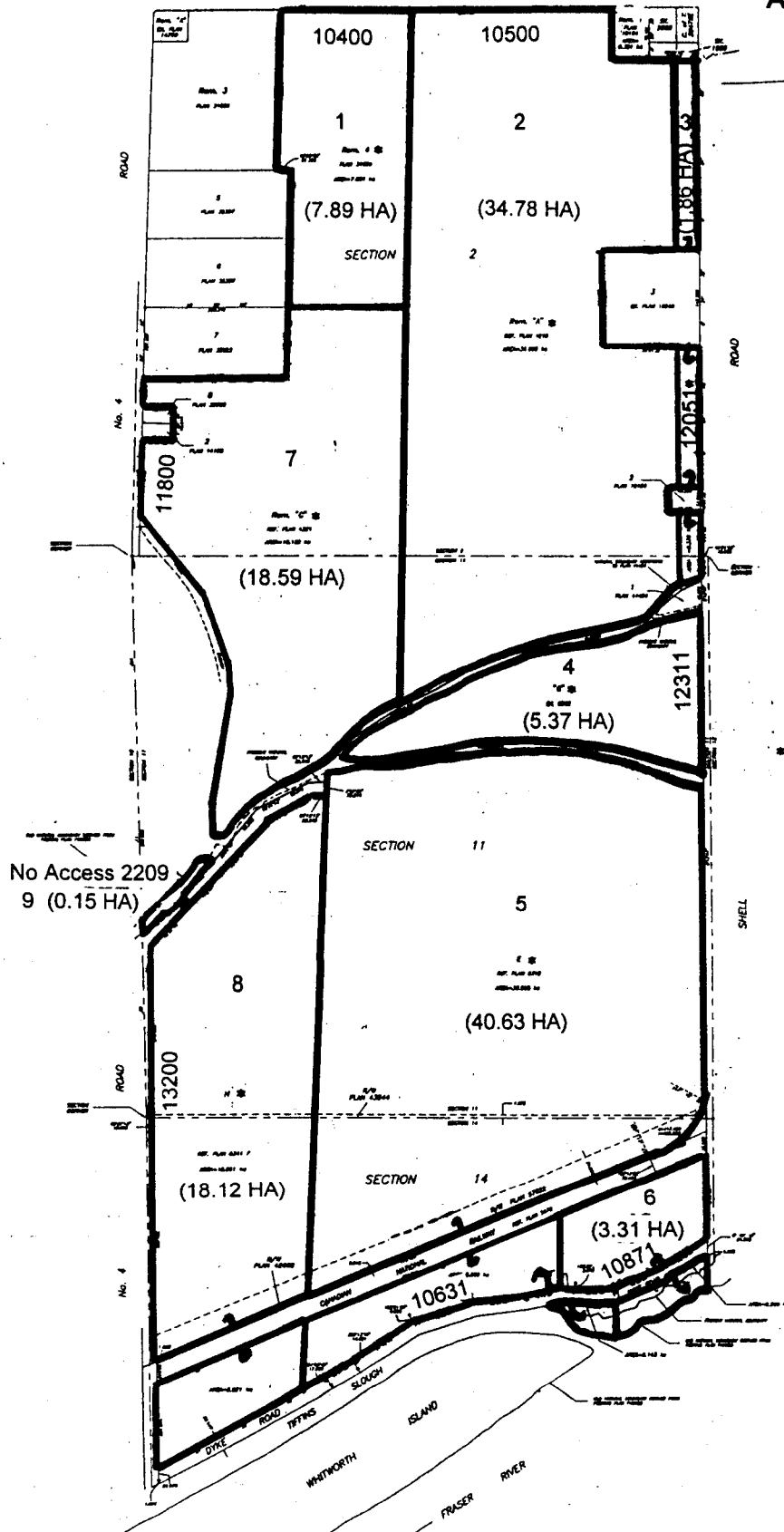


AG 00-086996

Original Date: 04/06/00

Revision Date:

Note: Dimensions are in METRES



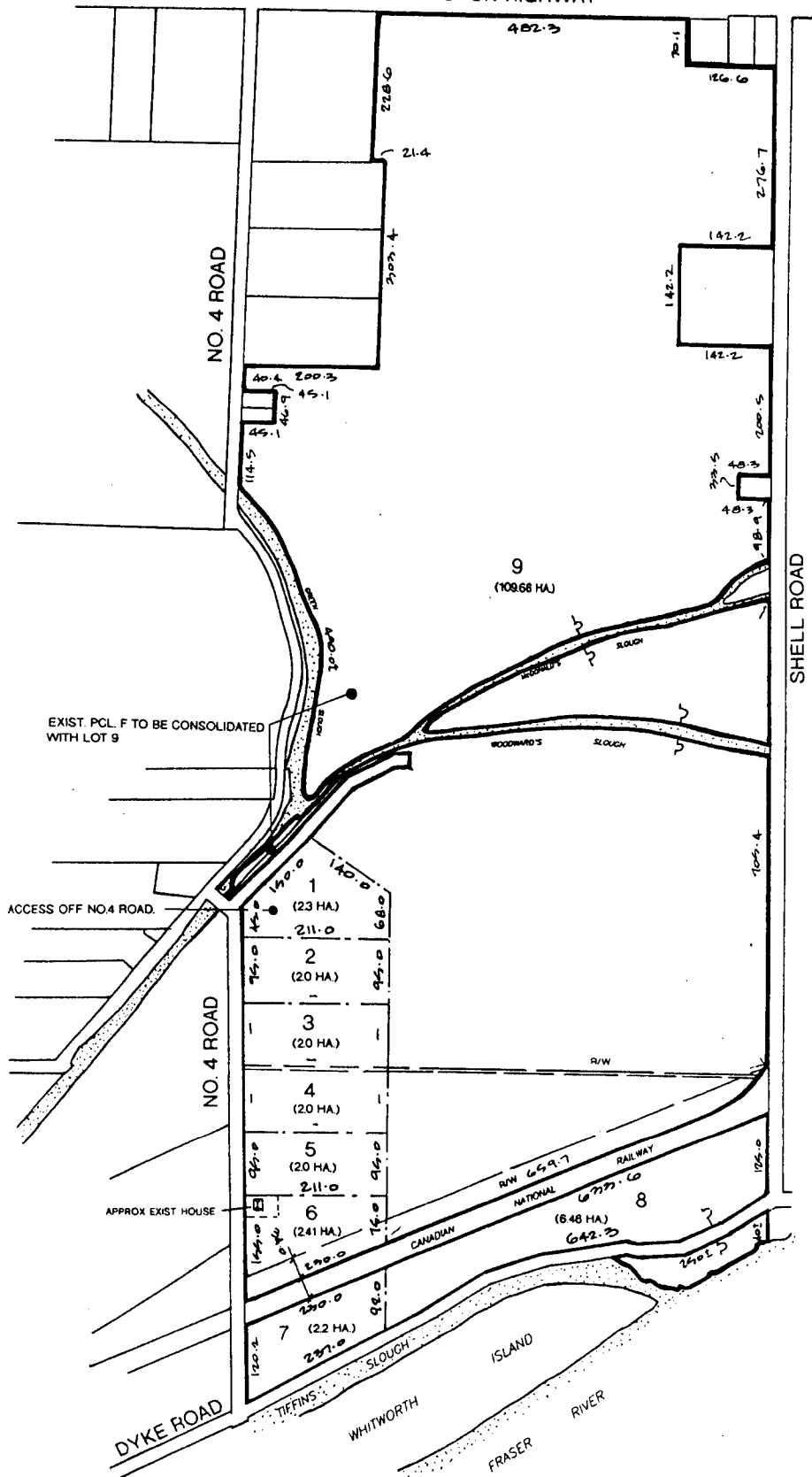
No Access 2209
9 (0.15 HA)

JUNE 15/99

Gilmore Estates

66 | LEGAL SURVEY PLAN

damax consultants ltd.
3862 w. 14th avenue, vancouver v6r 2w9
tel. 224-6827 fax.222-9240



MAR.17/2000.

Gilmore Estates

PROPOSED SUBDIVISION

damax consultants ltd.
 3862 w. 14th avenue, vancouver v6r 2w9
 tel. 224-6827 fax.222-9240

March 18, 2000

Subdivision Approving Officer
 City of Richmond
 7577 Elmbridge Way
 Richmond, B. C.

Dear Sir:

Re: Subdivision of Gilmore Estates Lands

Enclosed please find an application and supporting documentation for a subdivision of the Gilmore Estates Ltd. lands south of Steveston Highway between Number 4 and Shell Roads. Background on the subdivision is provided below.

We are submitting this application further to our meetings and our previous application for subdivision. As you suggested, the new application is for a subdivision involving consideration by the Land Commission rather than an application under BC Reg 7/81. The application has been amended in response to your comments and the comments of Brian Gunn and Sherry Sumpton of the Land Commission.

In addition to the fundamental question regarding the impact of the subdivision on agriculture (positive, negative or neutral), your response to our last application raised concerns about the opening up of a road and the protection of the sloughs which traverse the property. The present application does not involve opening and use of the unconstructed road allowance. We propose that the sloughs be protected through dedication to the Crown or the City and a covenant restricting removal of vegetation and development within 7.5 metres of the natural boundaries as recommended by the Ministry of Environment.

Subdivision Application Overview

The proposed subdivision is shown on the enclosed plan. Essentially, the application involves the reconfiguration of nine existing legal parcels. It would not result in an increase in the number of legal parcels. No parcel would be less than 5 acres: the minimum permitted under the bylaw. We believe the boundary adjustments would allow for the more efficient use of agricultural land. The Agricultural Land Commission Subdivision and Land Use Regulation (B.C. Reg 7/81) Section 1 provides that the Approving Officer may approve such a subdivision under the Land Title Act. No referral to the Agricultural Land Commission is required. All parcels remain subject to the Agricultural Land Commission Act. In reviewing our former application, you were not convinced that the boundary adjustments proposed would allow for the more efficient use of agricultural land

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and were not prepared to approve the application under the regulation. In our subsequent meeting, you suggested we file an application which would involve consideration by the Land Commission.

Area Context, Existing Use and Ownership

The nine legal parcels which comprise this subdivision application are located in the Gilmore area of Richmond. The area is one of predominantly small holdings used for residential, recreational and agricultural purposes. To the north are single family and multiple family neighbourhoods, to the east is Riverside Industrial Park, to the south is the Finn's Slough historic community and the Fraser River and to the west are Richmond Country Club, a smaller lot single family subdivision, hobby farm estate properties and agricultural uses. See enclosed Area Context Plan.

The properties have been owned since 1974 by the current owners. The land is currently leased to three parties on a year to year basis. The lease holders grow crops which vary from year to year. Gilmore Estates intends to continue to lease the land for agricultural purposes. The tenants desire short term leases and are not interested in considering longer terms due to the financial risks associated with farming.

Proposed Plan of Subdivision

The subdivision will yield one 109.66 hectare parcel extending from Steveston Highway to the B.C. Hydro right of way; one 6.46 hectare parcel located between the CNR and B. C. Hydro rights of way and Dyke Road; and seven parcels ranging in size from 2.0 to 2.41 hectares parcels fronting on No. 4 Road. All parcels exceed the minimum area requirements set out in Richmond's bylaw. All parcels front existing dedicated roads.

This subdivision will consolidate the majority of one of the largest holdings in the GVRD into one legal parcel. It will ensure the holding will remain intact and not be fragmented and sold individually to different purchasers. This large consolidated parcel will accommodate large scale agricultural activities. It will allow patterns of agricultural usage and leasehold areas which best respond to the physical characteristics of the land rather than the arbitrary lot boundaries which now exist. Thus it will result in the more efficient use of this land for farm purposes. The rural character as viewed along Steveston Highway will remain.

The area between the CNR and Dyke Road is to be reconfigured into two parcels. This pattern recognizes the functional and physical separation and distinct character of this area from the balance of the property. It also provides for the continuity of the hobby farm frontages proposed along No. 4 Road as discussed in the paragraph below. This section of the property contains barns and other buildings and storage areas ancillary to the major farming uses which would be retained. This area has a strong association with the waterfront: the Fraser River and Finn's Slough. This

may, in the future, suggest public and private land uses and patterns of development which differ from the land to the north of the railway.

The seven parcels to be created fronting No. 4 Road are consistent with the hobby farm estate character of the area to the west. The properties will remain in the ALR and retain their agricultural zoning. They will be utilized for residential use and smaller scale farm operations. These operations may include Chinese and other ethnic vegetable growing, organic salad crops and produce, ornamental nursery plant growing, berry crops, field vegetables, greenhouse crops and horse boarding. These activities often utilize a five acre farm planning size for efficient operation. The proposed parcels are over 200 metres deep resulting in large spatial separations between the uses on these properties and larger scale farming operations which may occur on the large parcel. This pattern of subdivision will focus the residential uses now permitted on the entire property to one location close to No. 4 Road. This will result in the more efficient use of the balance of the property for agricultural purposes and accommodate efficient smaller scale farm operations. No new roads will be need to be dedicated. The existing spur road will not need to be opened. The unopened section of road could be utilized as a component of a trail system if desired by the City and subject to the consideration of the Land Commission.

Municipal services and utilities exist in the streets which surround the lands which are sufficient to service the proposed subdivision. To retain the rural character of the area, no road upgrading should take place. The reconfiguration results in no net gain in the number of legal parcels nor the number of residences permitted.

This subdivision would enable the present group, which has owned this land for over twenty five years, to retain a major consolidated agricultural land holding while selling up to seven lots to recover some of their long term capital investment.

Benefits to Agricultural Use of the Lands

Consolidation of the majority of this holding into one legal parcel has a positive benefit to agriculture. The current fragmented subdivision pattern does not reflect logical lease parcels. If the holding were broken up and the parcels were sold, access to some of the parcels for farm use would be difficult. A consolidated ownership provides the greatest flexibility to accommodate future agricultural needs.

The subdivision creates a lot line between the proposed parcels fronting No. 4 Road and the larger parcels to the east. This is not an urban / rural boundary. All parcels will be in the Agricultural Land Reserve and used for agricultural purposes. Residences will be located on the seven parcels fronting No. 4 Road. This focused siting of dwellings has less impact on farm practices than would a similar number of residences scattered on the existing parcels. Hedgerows could be planted to separate large scale and small scale farm operations. We would follow the guidance of

the Land Commission as to any site planning parameters it deems appropriate as conditions of subdivision approval.

Other Public Benefits

Consolidation of the majority of this property into one legal lot has broad public benefits. It will allow the greatest flexibility and opportunities for long term land use planning. The resulting parcel would be one of the largest single parcels of land in the GVRD.

Subdivision would include the dedication of the environmentally sensitive sloughs to the Crown or City and retention of vegetation along their shorelines.

The provision of estate sized lots along a portion of the No. 4 Road frontage will complement the existing character of this section of Gilmore and accommodate the needs of families seeking a rural lifestyle in Richmond. Agricultural parcels of the size proposed are a legitimate permitted use in the Agricultural Land Reserve.

This subdivision would allow the long term owners to meet their current financial objectives while retaining a major consolidated agricultural land holding.

Please keep us informed of your progress in reviewing this application. In particular, please advise us of any referrals to other agencies or City committees.

Yours truly,

LISTRAOR DEVELOPMENTS INCORPORATED



Craig B. Rowland
President

enclosures