



City of Richmond

Report to Committee

To: Planning Committee **Date:** June 3, 2021
From: John Hopkins **File:** 08-4050-10/2021-Vol 01
 Director, Policy Planning
Re: **Assembly (ASY) Zoned Sites in the Agricultural Land Reserve**

Staff Recommendation

1. That Richmond Zoning Bylaw 8500, Amendment Bylaw 10279, which revises the:
 - a. "Assembly (ASY)" zoning district to restrict the permitted and secondary uses for sites located in the Agricultural Land Reserve and grant a site-specific allowance for an education use; and
 - b. purpose statement in the "Religious Assembly (ZIS7) – No. 5 Road" zoning district, be introduced and granted first reading.

John Hopkins
 Director, Policy Planning
 (604-276-4279)

Att. 3

REPORT CONCURRENCE		
ROUTED TO: Development Applications	CONCURRENCE <input checked="" type="checkbox"/>	CONCURRENCE OF GENERAL MANAGER
SENIOR STAFF REPORT REVIEW	INITIALS: 	APPROVED BY CAO

Staff Report

Origin

This is a companion report to the report titled “Agricultural Land Commission Decision on No. 5 Road Backlands Policy” dated April 8, 2021 from the Director, Policy Planning. The Official Community Plan (OCP) No. 5 Road Backlands Policy and related Zoning Bylaw amendments were adopted by Council at the May 17, 2021 Public Hearing in response to the Agricultural Land Commission (ALC) decision recommending changes to the Backlands policy.

Those amendments addressed the March 3, 2020 referral related to schools/education uses and other accessory uses in the No. 5 Road Backlands Policy area and responded to the ALC’s recommended changes to restrict schools/education uses in the No. 5 Road Backlands Policy.

This report addresses the 9 Assembly (ASY) zoned sites in the Agricultural Land Reserve (ALR) that are located outside of the OCP No. 5 Road Backlands Policy, and proposes changes to land use regulations to be consistent with the Zoning Bylaw amendments adopted on May 17, 2021.

This report supports Council’s Strategic Plan 2018-2022 Strategy #6 Strategic and Well-Planned Growth:

Leadership in effective and sustainable growth that supports Richmond's physical and social needs.

6.1 Ensure an effective OCP and ensure development aligns with it.

Findings of Fact

There are a total of 9 sites located in the ALR that have existing Assembly (ASY) zoning. These 9 sites are outside of and not subject to the No. 5 Road Backlands Policy. A table providing summary information about each site and existing uses is contained in Attachment 1. A map of the 9 Assembly (ASY) zoned sites in the ALR is contained in Attachment 2. Eight (8) sites contain a religious assembly building (church/temple) as the primary use and 1 site contains a school as the primary use. Of the 9 sites, 2 contain a school operation (1 site with a standalone school facility; 1 site has a school that operates in the same building containing religious assembly uses).

Background History – Assembly (ASY) Zoning in the ALR

Prior to 1983, the City’s Zoning Bylaw in place at the time permitted religious assembly uses on agriculturally zoned properties in the ALR. In 1983, the City’s agricultural zoning was amended to remove religious assembly as a permitted use and a comprehensive rezoning bylaw was adopted that rezoned all existing churches and schools to the Assembly (ASY) zone. The ALC reviewed this change and did not object to this rezoning bylaw in 1983 that resulted in the rezoning of existing church sites in the ALR to Assembly (ASY) zoning.

In-Stream Development Applications

There are 2 in-stream development applications that have been submitted for 2 of the 9 Assembly (ASY) zoned sites in the ALR. A summary of each application and their current status is provided below:

- 20451 Westminster Highway (AG 19-881146) – An ALR non-farm use application was submitted by Choice School for Gifted Children to allow the existing school and allow for an expansion for additional classroom space. On January 11, 2021, this application was forwarded to the ALC by Council. The ALR approved the application on April 16, 2021. The impact and approach to this in-stream application is detailed later in this report.
- 11371 No. 3 Road (AG 19-853589) – An ALR non-farm use application was submitted by the Christian & Missionary Alliance to permit an existing school and child care located on the subject site. No expansion or alteration of the existing facility is being proposed. A report providing details and recommendations on the ALR non-farm use application at 11371 No. 3 Road is being brought forward concurrently to the same Planning Committee meeting titled “Application by Christian & Missionary Alliance – Canadian Pacific District for an Agricultural Land Reserve Non-Farm Use at 11371 No. 3 Road” dated June 16, 2021 from the Director, Development. There are no impacts to this in-stream application based on the proposed Zoning Bylaw changes outlined in this report. If the ALR non-farm use application at 11371 No. 3 Road is approved by Council and the ALC, and the proposed zoning amendments in this report are approved by Council, the existing school would be rendered a non-conforming use. Any expansion to the school operation at this site would be subject to the current zoning regulations in place at the time and would require a rezoning application in addition to the required ALR non-farm use approval.

Related Policies and Studies

Official Community Plan

The OCP land use designation for each of these Assembly (ASY) zoned properties in the ALR is “Agriculture”. There is no land use policy in the OCP to support new or expanded assembly related facility development on land designated for “Agriculture” located in the ALR. On this basis, these proposals are reviewed on a case-by-case basis and considered on their own merits.

Assembly (ASY) Zoning

The current Assembly (ASY) zoning applicable to these 9 sites in the ALR permit a range of assembly activities as permitted uses such as religious assembly, education, child care and private club.

Agricultural Land Reserve

These 9 Assembly (ASY) sites are located in the ALR. The *Agricultural Land Commission Act* (ALCA) is the enabling Provincial legislation for land in the ALR. For sites that are subject to the provisions of the ALCA, a non-farm use application and approval is required for new or expanded assembly related development in the ALR. The ALCA includes a provision that allows some properties in the ALR not to be subject to the ALCA legislation if certain criteria

are met (less than 2 acres and on separate certificate of title prior to December 21, 1972). For these properties that are not subject to the ALCA, no application or approval from the ALC would be required for non-farm related development or uses.

Summary of Proposed Amendments to the Assembly (ASY) Zone

The proposed amendments to the Assembly (ASY) zone are administrative in nature and consistent with the recently Council approved amendments to the No. 5 Road Backlands Policy that restricted uses in response to an ALC decision that recommended changes to the Policy. The Zoning Bylaw amendments proposed in this report apply only to the 9 Assembly (ASY) zoned sites in the ALR. The rationale for these proposed amendments is contained in a subsequent section of this report.

The proposed revisions for these 9 Assembly (ASY) zoned sites in the ALR are summarized as follows:

- Amend permitted uses to remove education and private club.
- Amend uses to allow child care as a secondary use
- Include a site specific allowance to permit the school and proposed expansion approved by the previously referenced ALR application at 20451 Westminster Highway (AG 19-881146).
- Minor amendment to revise the purpose statement in the Religious Assembly (ZIS7) – No. 5 Road zone.

Analysis

Approach to In-stream Application at 20451 Westminster Highway (Choice School)

The Choice School ALR application to permit the existing school and classroom expansion on the subject site, currently zoned Assembly (ASY), was approved by the ALC on April 16, 2021. The amendments to the Assembly (ASY) zone proposed in this report would remove education (school) as a permitted use; therefore, a site-specific allowance is proposed to permit an education use at 20451 Westminster Highway to allow the Choice School facility to the extent granted in the recent ALC approval for the site. This zoning approach for a site specific allowance on this site is consistent with the ALC approval. If a site-specific allowance is not granted to 20451 Westminster Highway and the Assembly (ASY) zone is amended to remove schools as a permitted use, a rezoning application would be required for this site.

Expansion Potential and Consultation with Property Owners about Future Needs

The potential expansion to or redevelopment of these 9 Assembly (ASY) sites in the ALR is contingent on a number of factors:

- The current OCP “Agriculture” land use designation that applies to each of these sites and no OCP land use policy that supports new or expanded assembly development. As a result, proposals for assembly development on land designated for Agriculture would be considered on a case-by-case basis.
- Whether Assembly (ASY) zoning applies to all or only a portion of a site.
- Overall size of site to accommodate additional development and supporting off-street parking.

- Site specific factors and context that may include adjacent land uses, Environmentally Sensitive Areas (ESAs) and on-site buildings/uses.

Staff consulted with property owners about plans to develop or expand facilities based on their future needs. A summary of responses received is provided in Attachment 3. Key findings are as follows:

- 4 sites responded that they had no expansion plans.
- 1 site indicated they would like to expand existing church and day care facilities.
- Outside of the 2 in-stream applications identified previously for existing schools, no other property owners indicated plans for future school development.

Rationale for Amending the Assembly (ASY) Zoning

The proposed approach is to undertake Zoning Bylaw amendments that would apply to the 9 Assembly (ASY) zoned sites that are located in the ALR. No amendments to the OCP are required. The proposed changes to the Zoning Bylaw are related to the previous Council approved assembly use restrictions to the No. 5 Road Backlands Policy area to no longer permit schools and only allow religious assembly uses and other related secondary uses. To account for the approved in-stream ALC application for an existing school and proposed classroom expansion, a site specific allowance to permit a school at 20451 Westminster Highway is included in the amendments. Staff recommend making the proposed Zoning Bylaw changes for the following reasons:

- Establishes identical zoning regulations for all sites located in the ALR that have Assembly (ASY) zoning, whether they are located in the No. 5 Road Backlands Policy area or not.
- Applying a consistent set of zoning regulations in the ALR will avoid certain Assembly (ASY) zoned sites in the ALR being targeted for certain types of development (i.e., school facilities). There is a significant risk of this occurring if different zoning regulations exist in the ALR where some sites allow more non-farm uses than others.
- Based on the responses provided by property owners and site-specific allowance to permit a school at 20451 Westminster Highway, no existing schools would be impacted and potential future development would also not likely be impacted as no property owners indicated any plans for new school development.
- If no revisions are made to the Assembly (ASY) zoning, a property with this zoning could potentially build a school and would only be subject to a City building permit application that would not require Council approval under the current zoning bylaw. This scenario could arise for some of the 9 Assembly (ASY) zoned sites in the ALR that may not be subject to the ALCA based on a provision in the legislation (i.e., sites that are less than 2 acres and on separate certificate of title prior to December 21, 1972). Sites in the ALR that fall under this provision are not subject to the ALCA and would not need to go through an ALR non-farm use application.
- The proposed approach and amendments do not impact existing religious assembly facilities that are located on 8 of the 9 sites as religious assembly will remain a permitted use. The recommended approach does not preclude the ability for property owners to make a rezoning application to request a use not permitted in the zone.

- Maintaining the Assembly (ASY) zone without any revisions would not provide Council with the full ability to control and approve certain uses in the ALR (i.e., schools and private clubs).

Consultation

The Zoning Bylaw amendments proposed in this report will be subject to Council review and consideration, which includes a Public Hearing. Prior to the Public Hearing, the 9 Assembly (ASY) zoned property owners in the ALR will be notified and the public will have an opportunity to comment at the Public Hearing.

Financial Impact

None.

Conclusion

Based on the previous Council approved revisions to the OCP No. 5 Road Backlands Policy and Zoning Bylaw and property owner responses about future development plans, the following administrative amendments are proposed to 9 sites with Assembly (ASY) zoning that are located in the ALR:

- Amend permitted uses to remove education and private club and allow child care as a secondary use.
- Include a site specific allowance to permit the school and proposed expansion approved by the previously referenced ALR application at 20451 Westminster Highway (AG 19-881146).
- Minor amendment to revise the purpose statement in the Religious Assembly (ZIS7) – No. 5 Road zone.

Staff recommend that Richmond Zoning Bylaw, Amendment Bylaw 10279, be granted first reading.



Kevin Eng
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(604-247-4626)

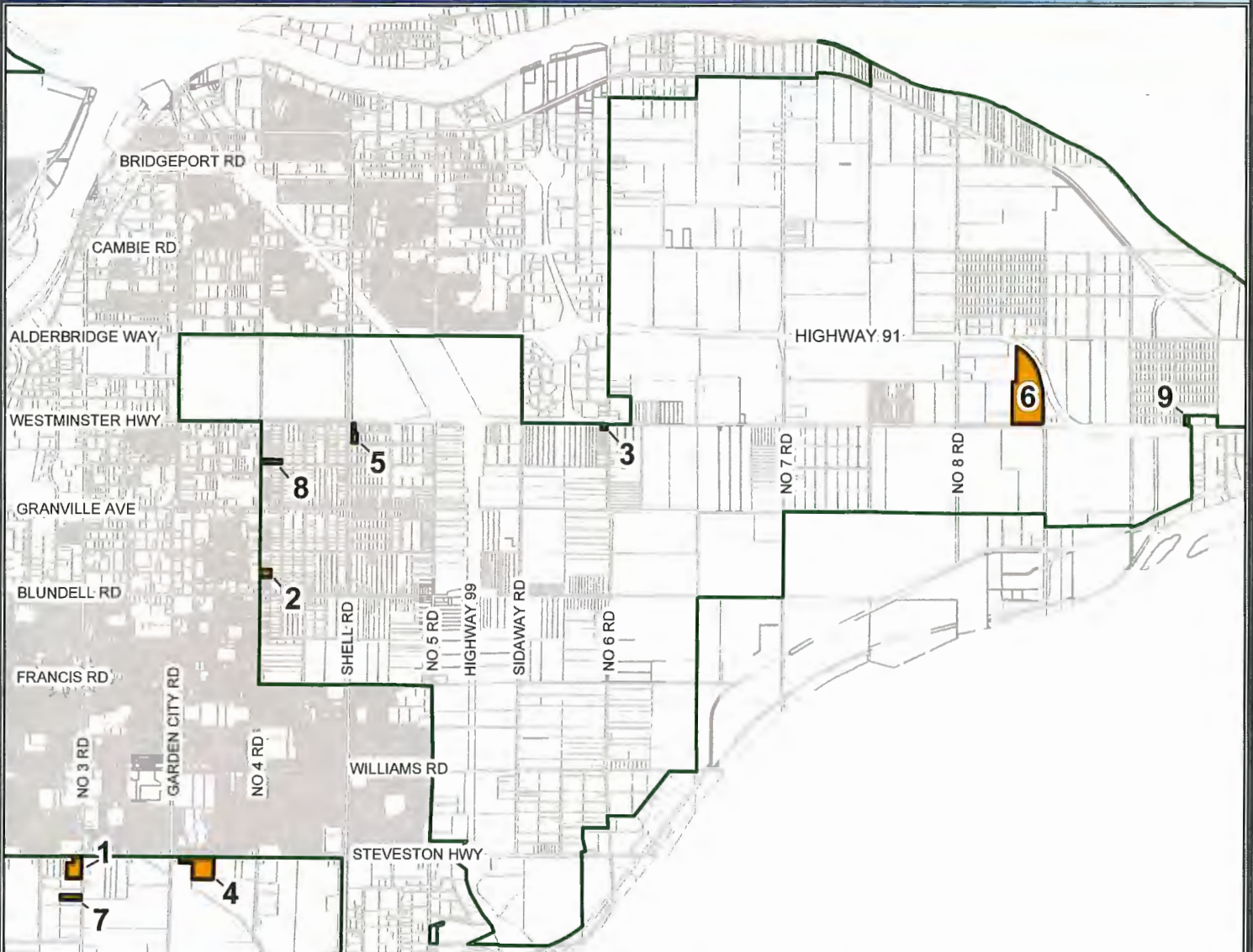
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- Att. 1: Summary Information – 9 Assembly (ASY) Zoned Sites in the ALR
- 2: Map of 9 Assembly Zoned Sites in the ALR
- 3: Summary of Public Consultation Responses about Potential Future Development and Uses – 9 Assembly (ASY) Zoned Sites in the ALR

ATTACHMENT 1

Summary Information – 9 Assembly (ASY) Zoned Sites in the ALR

Owner/Site	Zoning	Site Area	Existing Uses	Existing Development Applications
Congregation of the South Arm United Church of Canada 11051 No. 3 Road	ASY	6.3 acres	Primary - Religious Assembly Other/Secondary – Child care	N/A
Immanuel Christian Reformed Church 7600 No.4 Road	ASY	1.79 acres	Primary - Religious Assembly Other/Secondary – Child care and house	N/A
Armenian Apostolic Church of BC 13780 Westminster Hwy	ASY	0.65 acres	Primary - Religious Assembly Other/Secondary – Child care	N/A
International Buddhist Society 9160 Steveston Hwy	ASY (portion) AG1 (remaining)	11 acres	Primary - Religious Assembly	N/A
Lansdowne Congregation of Jehovah's Witnesses 11014 Westminster Hwy	ASY	1.66 acres	Primary - Religious Assembly	N/A
Nanaksar Gurdwara Gursikh Temple 18691 Westminster Hwy	ASY (portion) AG1 (remaining)	41.34 acres	Primary - Religious Assembly	Rezoning application has been granted 3 rd reading for a temple expansion (RZ 02-208277); also approved through ALR application (AG 00-175102) ALR application for agriculture and temple overflow parking (AG 14-668409)
Christian & Missionary Alliance 11371 No. 3 Road	ASY	2.5 acres	Primary – Religious Assembly Other/Secondary – School and child care	In process ALR non-farm use application (AG 19-853589)
Our Saviour Lutheran Church of Richmond 6340 No. 4 Road	ASY	1.75 acres	Primary - Religious Assembly Other/Secondary – Child Care	N/A
Choice School for Gifted Children Society 20451 Westminster Hwy	ASY	0.88 acres	Primary - School	ALR non-farm use application approved to allow school and classroom expansion (AG 19-881146) 20411 Westminister Highway – Future rezoning application required



Site Number	Address	Zoning	Existing Use
1	11051 No 3 Rd	ASY	Religious Assembly
2	7600 No 4 Rd	ASY	Religious Assembly
3	13780 Westminster Hwy	ASY	Religious Assembly
4	9160 Steveston Hwy	ASY (Portion) and AG1 (Remaining)	Religious Assembly
5	11014 Westminster Hwy	ASY	Religious Assembly
6	18691 Westminster Hwy	ASY (Portion) and AG1 (Remaining)	Religious Assembly
7	11371 No 3 Rd	ASY	Religious Assembly and School/Child Care
8	6340 No 4 Rd	ASY	Religious Assembly
9	20451 Westminster Hwy	ASY	School

Legend

- Subject Properties
- ALR Boundary

NOTE – Assembly (ASY) zoned properties contained in the OCP No. 5 Road Backlands Policy area are not identified on this map.

Note:
 The information shown on this map is compiled from various sources and the City makes no warranties, expressed or implied, as to the accuracy or completeness of the information.
 Users are reminded that lot sizes and legal description must be confirmed at the Land Title office in New Westminster.
 This IS NOT a legal document, and is published for information and convenience purposes only.
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ATTACHMENT 3

**Summary of Pubic Consultation Responses Received from the 9 Assembly (ASY)
Zoned Properties in the ALR on Potential Future Development and Uses**

Owner/Site	Consultation Response from Owner/Congregation about Future Development Plans						
	No future plans	School or School expansion	Dormitories	Child Care	Religious Assembly	No response	Other
Congregation of the South Arm United Church of Canada 11051 No. 3 Road						<input checked="" type="checkbox"/>	
Immanuel Christian Reformed Church 7600 No.4 Road				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Armenian Apostolic Church of BC 13780 Westminster Hwy						<input checked="" type="checkbox"/>	
International Buddhist Society 9160 Steveston Hwy	<input checked="" type="checkbox"/>						
Lansdowne Congregation of Jehovah's Witnesses 11014 Westminster Hwy	<input checked="" type="checkbox"/>						
Nanaksar Gurdwara Gursikh Temple 18691 Westminster Hwy					<input checked="" type="checkbox"/>		
Christian & Missionary Alliance 11371 No. 3 Road	<input checked="" type="checkbox"/>						
Our Saviour Lutheran Church of Richmond 6340 No. 4 Road	<input checked="" type="checkbox"/>						
Choice School for Gifted Children Society 20451 Westminster Hwy		<input checked="" type="checkbox"/>					



**Richmond Zoning Bylaw 8500
Amendment Bylaw 10279 (Revisions to the Assembly (ASY) and
Religious Assembly (ZIS7) – No. 5 Road Zoning Districts**

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

1. Richmond Zoning Bylaw 8500, as amended, is further amended by:
 - a. adding Sections 13.3.11.6 and 13.3.11.7 to the Assembly (ASY) zoning district (13.3) as follows:
 - “6. For any **site** that is located in the **Agricultural Land Reserve**:
 - a) **religious assembly** shall be the only permitted **principal use**;
 - b) **child care** shall only be permitted as a **secondary use**; and
 - c) **education** and **private club** are not permitted.
 7. Notwithstanding Section 13.3.11.6.c), **education** shall be permitted on the following **site** only and subject to the applicable approval granted by the Agricultural Land Commission, in accordance with the *Agricultural Land Commission Act* (as amended), prior to the date of adoption of Amendment Bylaw 10279:

20451 Westminster Highway
PID 003-934-268
Lot 78 Section 4 Block 4 North Range 4 West New Westminster District
Plan 1593”
 - b. deleting Section 24.7.1 of the Religious Assembly (ZIS7) – No. 5 Road zoning district (24.7) and replacing it with the following:

“Purpose

The **zone** provides for **religious assembly** and other limited community uses.”
2. This Bylaw may be cited as “**Richmond Zoning Bylaw 8500, Amendment Bylaw 10279**”.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

JUL 12 2021

CITY OF RICHMOND
APPROVED by <i>[Signature]</i>
APPROVED by Director or Solicitor <i>[Signature]</i>

MAYOR

CORPORATE OFFICER