



To: Planning Committee

Date: June 10, 2024

From: Wayne Craig
General Manager, Planning and Development

File: ZT 24-035934

Re: **Application by Kush Panatch for a Zoning Text Amendment to the “Agriculture (AG1)” Zone to Permit a Glass Greenhouse with Concrete Footings at 12800 / 12910 No. 2 Road**

Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10567, for a Zoning Text Amendment to the “Agriculture (AG1)” zone to permit the use of an 81 m² greenhouse with concrete footing foundations to support the farm business at 12800 / 12910 No. 2 Road be introduced and given first reading.

Wayne Craig
General Manager, Planning and Development
(604-276-4083)

WC:jh
Att. 6

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Building Approvals	<input checked="" type="checkbox"/>	

Staff Report

Origin

Kush Panatch has applied on behalf of the owner, No. 2 Road Farm Ltd. (Kush Panatch), for a Zoning Text Amendment to the “Agriculture (AG1)” zone for the site at 12800/12910 No. 2 Road to allow a glass greenhouse with an earthen floor and concrete footing foundations. The proposed 81 m² greenhouse will support soil bound agricultural production and requires concrete footing foundations for longevity and structural soundness. A location map and aerial photo are provided in Attachment 1.

In 2018, Council introduced new regulations to discourage the introduction of greenhouses with concrete floors and use of concrete generally, while also introducing a fast track process for considering applications proposing greenhouses to facilitate a timely turnaround. At that time, Council adopted Bylaw 9861 to amend the “Agriculture (AG1)” zone to add regulations for agricultural buildings and structures, and greenhouses to restrict the construction of concrete slabs or other impermeable structures and surfaces at or below the natural grade. As per the current AG1 zone, greenhouses solely for supporting a farm business are not permitted to have concrete construction, including concrete foundations and footings. At the time of Bylaw 9861 adoption, Council also implemented a “fast track” application process for applicants proposing rezoning for greenhouses that propose a concrete floor of any size. The subject Zoning Text Amendment proposal is being processed as a “fast track” application.

The subject property is currently occupied by a single-family dwelling, an active regenerative and certified organic farm operation (Athiana Acres), and associated farm buildings.

Findings of Fact

A Development Application Data Sheet providing details about the development proposal is provided in Attachment 3.

Surrounding Development

To the North: A farm operation on a parcel zoned “Agriculture (AG1)” and located in the ALR, fronting No. 2 Road.

To the South: A no access parcel, part of the subject farm operation on a parcel zoned “Agriculture (AG1)” and located in the ALR, and the South Dyke Trail.

To the East: Farm operations on parcels zoned “Agriculture (AG1)” and located in the ALR.

To the West: Across No. 2 Road, low rise apartments on parcels zoned “Low Rise Apartment (ZLR7)” and “Low Rise Apartment (ZLR8)”.

Related Policies & Studies

Official Community Plan

The subject site is designated “Agriculture (AG1)” in the Official Community Plan (OCP), which includes those areas where the principal use is agriculture and food production, but may include other land uses as permitted under the *Agricultural Land Commission Act (ALCA)*. The proposal is consistent with this designation.

Food Security & Agricultural Advisory Committee

The proposal was reviewed by the Food Security and Agricultural Advisory Committee (FSAAC) at its meeting held on May 30, 2024. The application was endorsed. An excerpt from the May 30, 2024 FSAAC meeting minutes is provided in Attachment 4.

Public Consultation

In accordance with the City’s Early Public Notification Policy, notice of the development proposal was provided to residents within 100 metres of the subject site. In addition, a rezoning sign has been installed on the subject property. Staff have received several phone inquiries regarding the application. Questions related to the location and size of the greenhouse and the use of lighting. The applicant has agreed to restrictions on the use of lighting to prohibit the use of bright hydroponic lighting and permit minimal artificial lighting as required under the BC Building Code. Upon receiving additional context regarding the application, no formal correspondence has been received at the time of report writing.

Should the Planning Committee endorse this application and Council grant first reading to the rezoning bylaw, the bylaw will be forwarded to a Public Hearing, where any area resident or interested party will have an opportunity to comment.

Public notification for the Public Hearing will be provided as per the *Local Government Act* and the City’s *Zoning Bylaw 8500*.

Analysis

The purpose of this Zoning Text Amendment application is to allow the construction of an 81 m² glass greenhouse with concrete footings on site to support existing farm operations. The greenhouse is located generally in the North West corner of the site, as shown in the site plan in Attachment 2. The proposed use is consistent with the “Agriculture (AG1)” zone and the Agricultural Land Reserve (ALR) Regulations.

Current City regulations aim to promote soil-based farming by regulating the type of agricultural buildings and greenhouses and the amount of impermeable surfacing that can be constructed. The introduction of the prohibition on the use of concrete materials in 2018 had the intent of protecting high-quality soils used for soil-based agriculture.

The flooring of the proposed greenhouse will be soil based as is the standard requirement under the AG1 zone. A Statutory Declaration is required prior to the issuance of a Building Permit to

ensure the flooring remains soil based. This is included in the considerations associated with this application. Only the footings are proposed to be concrete. While the applicant explored other options for the greenhouse perimeter footings, they determined that concrete footings would provide for greater longevity and structural soundness of the greenhouse, contributing to the overall sustainability of the structure and related cost considerations.

The applicant advised there is no intention of using hydroponic lighting for the purposes of vegetation growth and that the greenhouse will utilize natural lighting. Some artificial lighting will be required to meet health and safety standards under the BC Building Code. As lighting was the subject of one or more inquiries regarding the application the applicant has agreed to the registering of a restrictive covenant which will be registered on Title, prohibiting the use of hydroponic lighting within the greenhouse and to ensure any lighting is downward focussed. (Attachment 6).

The proposed greenhouse will be 6.4m (21 feet) by 12.6m (41.5 feet) in size. It will be 4.8m (15.8 feet) in height, in compliance with permitted heights within the "Agriculture (AG1)" zone. Development Plans are found in Attachment 5.

The applicant has provided confirmation of farm status as per BC Assessment. The farm operation on site is Athiana Acres. Launched in 2022, Athiana Acres is a regenerative farm, and certified organic farm that participates in farmers markets, and sells products to restaurants in Greater Vancouver. A variety of different crops are grown on the subject site and the intent of the proposed new greenhouse is to increase the diversity of crops grown on the farm by providing a temperature controlled environment to climate sensitive crops and extend the availability of product into the winter season. Reported produce to be grown includes tomatoes, cucumbers, strawberries and a variety of herbs.

Staff are supportive of the application as the subject site is an active farm, the greenhouse is proposed to contribute to an increased diversity of crops, as well as extend the availability of local produce, and the applicant has confirmed farm status as per BC assessment. An application of this type aligns with the intent and purpose of the "Fast Track" process Council established for greenhouses.

The purpose of this Zoning Text Amendment application is to introduce Bylaw Amendment No. 10567 to amend the "Agriculture (AG1)" zone to permit the use of one 81 m² greenhouse with concrete footing foundations to support the farm business at 12800 / 12910 No 2 Road.

Transportation and Site Access

Vehicular access to the subject site is provided via the northern driveway on No. 2 Road adjacent to 12800 No. 2 Road that will lead to an existing gravel area used for public parking. Walking paths made of gravel or grass will lead to the greenhouse. Any pathways constructed with fill will be done in compliance with the Agricultural Land Commission regulations. Produce will be transferred through a variety of means, including push carts and wheelbarrows.

Transportation confirmed that they have no concerns with the access proposed in the development.

Site Servicing and Frontage Improvements

There are no site servicing concerns and no frontage improvements required for this property at this time given the limited scope of the application.

Financial Impact or Economic Impact

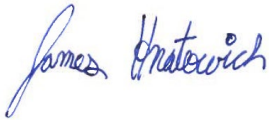
None

Conclusion

The purpose of this Zoning Text Amendment application is to amend the “Agriculture Zone (AG1)” permit the use of an 81 m² greenhouse with concrete footing foundations to support the farm business at 12800 / 12910 No 2 Road.

The Zoning Text Amendment application complies with the land use designation and applicable policies contained within the OCP for the subject site.

It is recommended that Richmond Zoning Bylaw 8500, Amendment Bylaw 10567 be introduced and given first reading.



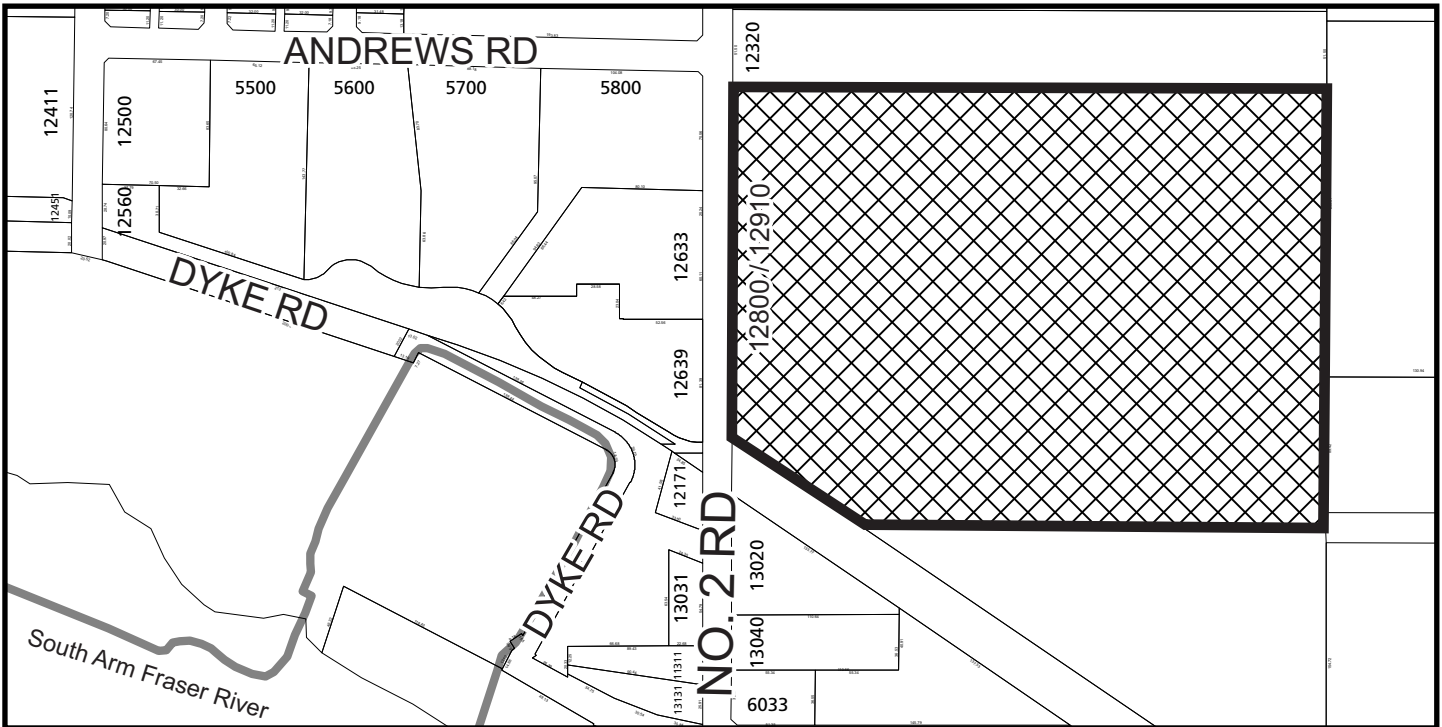
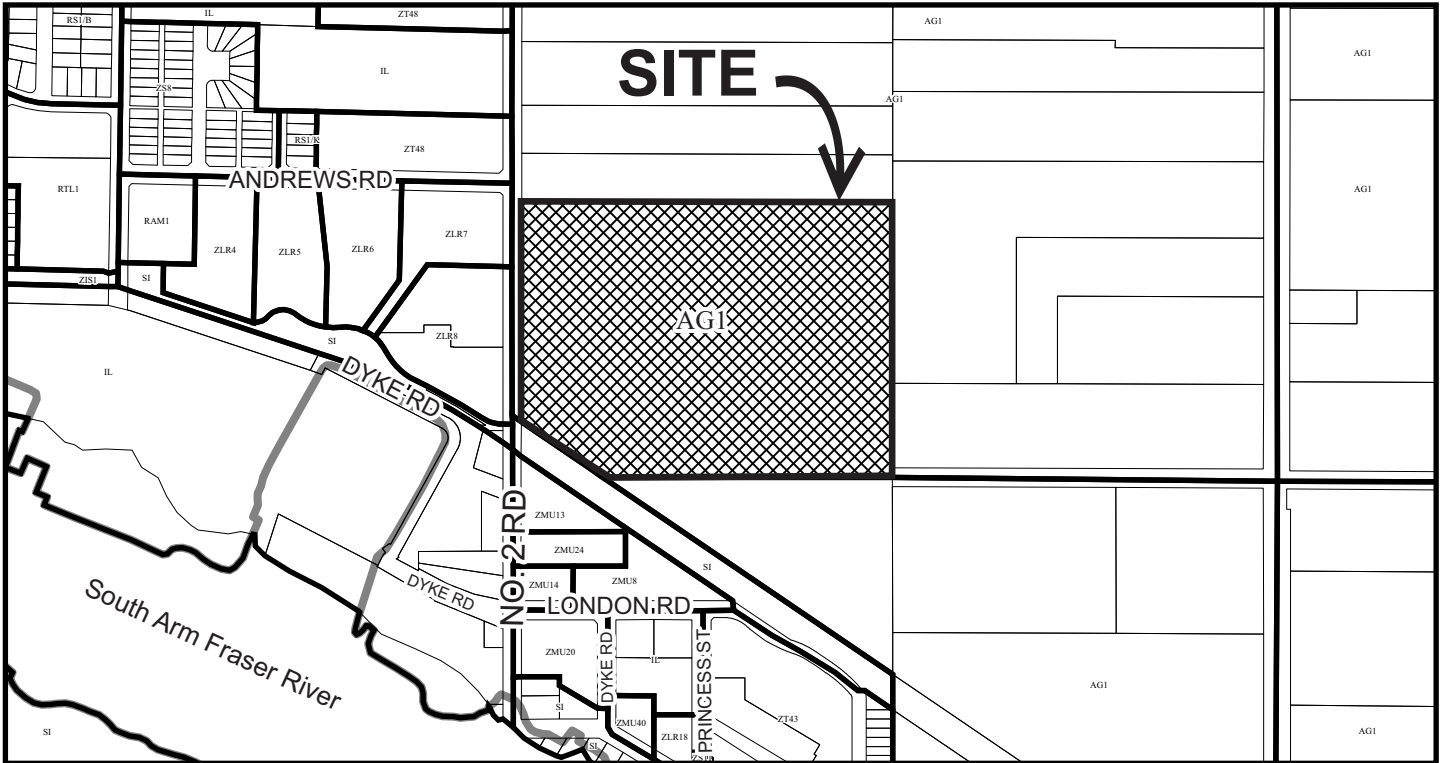
James Hnatowich
Planner 1
(604-247-4911)

JH:cas

- Att.: 1: Location Map
2: Site Plan
3: Development Application Data Sheet
4: FSAAC Meeting Minutes
5: Development Plans
6: Rezoning Considerations



City of Richmond



ZT 24-035934

PLN - 180

Original Date: 04/24/24

Revision Date: 06/06/24

Note: Dimensions are in METRES



City of Richmond



ZT 24-035934

PLN - 181

Original Date: 04/24/24

Revision Date: 06/06/24

Note: Dimensions are in METRES

Attachment 2



NOTES:
CONTRACTOR SHALL VERIFY ALL DIMENSIONS
BEFORE CONSTRUCTION

REVISION	NO.

PANATCH GROUP
PROPERTIES - CAPITAL - FOUNDATION
Kluah Panatch
E: kluah@panatchgroup.com
C: 604-694-2355

ATHIANA ACRES
Simran Panitch
E: simran@athianaacres.com
C: 604-306-3291

PROJECT
ATHIANA ACRES
12910/12800 No. 2 Rd., Richmond BC

TITLE
FARM PLAN
DRAWN: JRR
REVIEWED: SP/KP
DATE: 2024-06-07 3:58 pm
SCALE: 1/64" = 1'-0"

DRAWING NO.

D1.3

PLN - 182

1 FARM PLAN
1/64" = 1'-0"



ZT 24-035934

Attachment 3

Address: 12800 / 12910 No. 2 Road

Applicant: Kush Panatch

Planning Area(s): Gilmore

	Existing	Proposed
Owner:	No 2 Road Farm Ltd	No Change
Site Size (m²):	11.15 hectares (27.56 acres)	No Change
Land Uses:	Agriculture	No Change
OCP Designation:	Agriculture (AGR)	No Change
Zoning:	Agriculture (AG1)	No Change

On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Lot Coverage- Greenhouses:	Max. 75 %	0.07%	none
Greenhouse Setbacks (m):	Front: Min. 7.5 m Rear: Min. 4.5 m Side: Min. 4.5 m	Front.: 101.2 m Rear.: 258.5 m Side: 57.3 m	none
Height (m):	Max. 20 m	4.8 m	none



City of Richmond

Excerpt from the Meeting Minutes of the Food Security and Agricultural Advisory Committee (FSAAC)

Held Thursday, May 30, 2024 (7:00 pm)
Microsoft Teams

1. Zoning Text Amendment Application - 12800 No. 2 Road

James Hnatowich, Policy Planning, introduced the proposal and provided the following comments.

- In 2018, City of Richmond Council adopted a Bylaw to add regulations for greenhouses with concrete construction.
- As per the “Agriculture (AG1)” zone, greenhouses are not permitted to have concrete construction sunk into, at or below the natural grade of the site.
- A property owner may apply to build a greenhouse with concrete construction through a rezoning application.
- A “fast track” review process is applicable to these applications, given the applicant has provided farm status, which the applicant has provided.

Kush Panatch, Simran Panatch and Daniel Garfinkel, from Athiana Acres, provided a presentation identifying the following:

- Athiana Acres has a refined and modern agricultural vision, focusing on regenerative and organic farming practices.
- Athiana Acres provides product through their on-site farm stand, farm markets, community events, restaurant partnerships, and other arrangements in the greater Vancouver area.
- The applicant is proposing a grass greenhouse with concrete footings for longevity and structural considerations.
- The greenhouse will help the business expand the product range, and extend product availability into the winter months.

In response to questions from the Committee, Athiana Acres representatives provided the following additional comments:

- The current vision is to have just the one greenhouse on site.
- The greenhouse will be heated through a natural gas heater. The proposed thickness of the glass will limit the need for heating.

- The greenhouse will at times be open to the public, with the intent to showcase it as an important component of the farm.

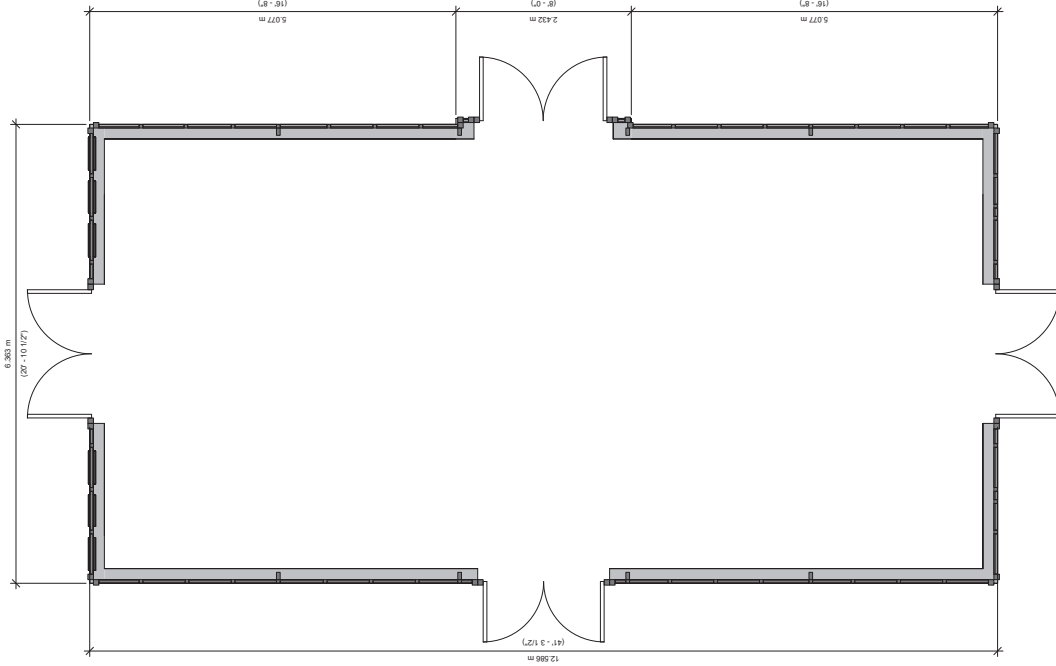
The Committee passed the following motion:

That the Food Security and Agricultural Advisory Committee support the application for a Zoning Text Amendment at 12800 No.2 Road (ZT 24-035934) as presented.

Carried Unanimously

Attachment 5

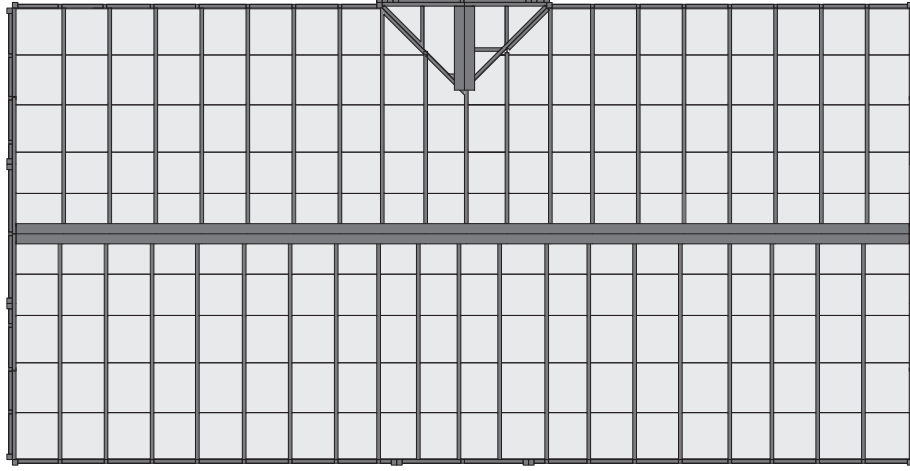
A3.0



PLN - 186

A3.0

A3.0



A3.0

1 Floor Plan
1:32

2 Roof Plan
1:32

NOTES:
CONTRACTOR SHALL VERIFY ALL DIMENSIONS
BEFORE CONSTRUCTION

REVISION	NO.

PANATCH GROUP
PROPERTIES - CAPITAL - FOUNDATION

ATHIANA ACRES

PROJECT: ATHIANA ACRES

129/01/2800 No. 2 Rd., Richmond BC

TITLE: PLANS

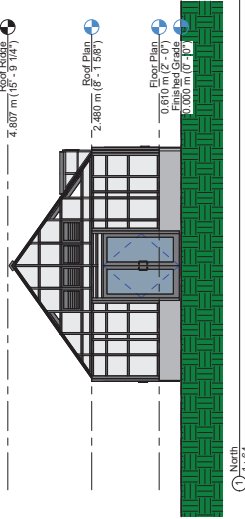
DRAWN	JPR	REVIEWED	SP

DATE: 2024-08-04

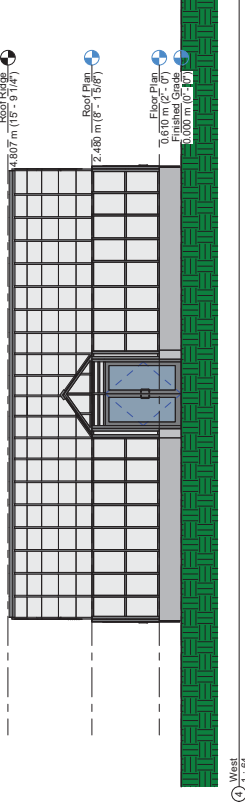
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PROJECT PHASE: BUILDING PERMIT DRAWING

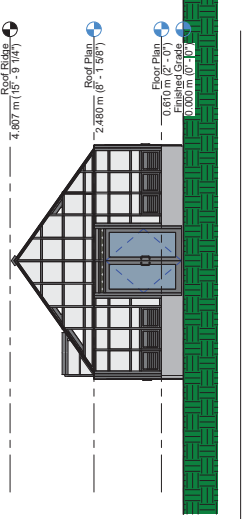
A2.0



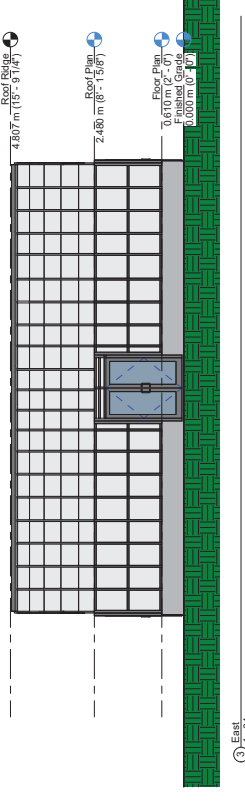
① North
1:64



④ West
1:64



② South
1:64



③ East
1:64

NOTES:
CONTRACTOR SHALL VERIFY ALL DIMENSIONS
BEFORE CONSTRUCTION.

REVISION	NO.

PANATCH GROUP
PROPERTIES - CAPITAL - FOUNDATION

ATHIANA ACRES

PROJECT
ATHIANA ACRES

129/01/2800 No. 2 Rd., Richmond BC

TITLE
ELEVATIONS

DRAWN	REVIEWED	SP
JPR		

DATE
2024-08-04

SCALE
1:64

PROJECT PHASE:
BUILDING PERMIT
DRAWING NO.

A3.0



NOTES:
CONTRACTOR SHALL VERIFY ALL DIMENSIONS
BEFORE CONSTRUCTION

REVISION	NO.

PANATCH GROUP
PROPERTIES - CAPITAL - FOUNDATION

ATHIANA ACRES

PROJECT
ATHIANA ACRES

1291/12900 No. 2 Rd., Richmond BC

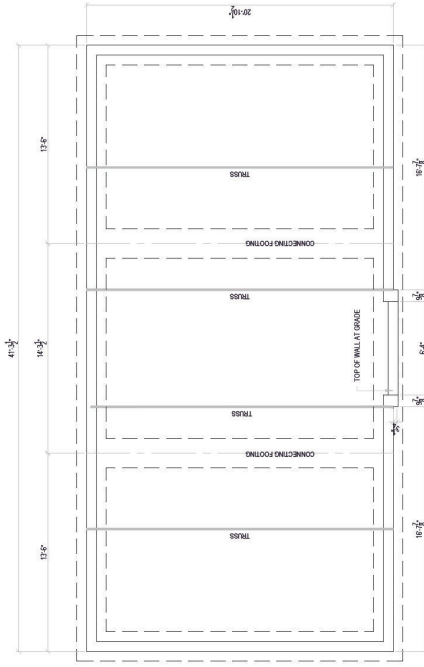
TITLE
RENDERINGS

DRAWN	REVIEWED	SP
JPR		

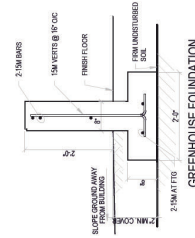
DATE
2024-08-04

SCALE

PROJECT PHASE:
BUILDING PERMIT
DRAWING NO.



GREENHOUSE FOUNDATION PLAN



STRUCTURAL LOADING CONDITION		
APPROX. LOAD DESCRIPTION	WEIGHT (PSF)	
X SHORT LOAD	21.3	
X ROOF FINISHING	15	

- GENERAL NOTES**
1. ALL DIMENSIONAL ELEVATIONS AND SURFACES SHALL BE CHECKED AND REFERRED WITH ARCHITECTURAL DRAWINGS AND FINISHING. CONFIRM THE LOCATION OF ALL SERVICES BEFORE PROCEEDING WITH CONSTRUCTION. NOTES ON DRAWINGS SHALL TAKE PRECEDENCE OVER NOTES ON THIS PLAN.
 2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2018 BRITISH COLUMBIA BUILDING CODE.
 3. STRUCTURE DESIGNED IN ACCORDANCE WITH THE 2018 BRITISH COLUMBIA BUILDING CODE.
 4. ANY LOCAL MUNICIPAL INSPECTIONS OF ALL REQUIRED INSPECTIONS PRIOR TO PROCEEDING WITH CONSTRUCTION.
 5. FOUNDATION WALLS TO BE CONCRETE WALLS ON A DEEP 24" WIDE FOOTING. REFERENCE FOUNDATION WALL DRAWINGS. PROVIDE CORNER BARS AT JOINTS AND AT THE TOP AND BOTTOM OF WALLS. PROVIDE REINFORCING BARS AT JOINTS AND AT THE TOP AND BOTTOM OF WALLS. PROVIDE REINFORCING BARS AT JOINTS AND AT THE TOP AND BOTTOM OF WALLS. PROVIDE REINFORCING BARS AT JOINTS AND AT THE TOP AND BOTTOM OF WALLS.
 6. PROVIDE 10M ANGLE BARS IN 24" DEEP CORNER BARS TO MATCH ALL HORIZONTAL BARS. PROVIDE MINIMUM OF 24" COVER FOR 10M HORIZONTAL OR VERTICAL BARS AND MAXIMUM OF 20MM FOR 10M BARS.

FORMOSA ENGINEERING INC.
CORPORATE ENGINEERS

191 F.W. (604) 222-7158
formosa191@gmail.com

PERMIT TO PRACTICE NUMBER: 103848

PROJECT: AS NOTED

DATE: 19/07/2023

DRAWN: 19/07/2023

CHECKED: 19/07/2023

DATE: 23-0005/11

PROJECT: 432 4TH STREET EAST
NORTH WINDOVER B.C. V1V 1R7

CLIENT: NEW GREENHOUSE AT 12800 NO. 2 ROAD RICHMOND B.C.

PROJECT TYPE: GENERAL NOTES, DETAILS AND FOUNDATION PLAN

INSPECTIONS TO BE PERFORMED (TYPE AND REQUIREMENTS)

FOUNDATION FORM: 100% OVER REINFORCEMENT AND BRACING AND REMOVAL OF FORMWORK

SEND ALL INSPECTION REQUESTS BY EMAIL TO formosa191@gmail.com. STATE TYPE OF INSPECTION, TIME AND DATE DESIRE AND THE TIME THE WORK IS COMPLETED. DO NOT CALL FOR INSPECTION IF WORK IS NOT COMPLETED. RE-INSPECTION FEE WILL APPLY IF WORK NOT COMPLETED.



Address: 12800 / 12910 No 2 Road

File No.: ZT 24-035934

Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 10567, the developer is required to complete the following:

1. Registration of a restrictive covenant on Title to prohibit the use of artificial lighting for the purpose of growth and to ensure any lighting for health and safety is downward facing within the greenhouse.

Prior to Building Permit Issuance, the developer must complete the following requirements:

1. Submission from an Architect confirming the design of the greenhouse meets Zoning Bylaw 8500 and BC Building Code 2024/ Farm code.
2. Submission of a Statutory Declaration confirming that all proposed construction shall comply with the permitted uses specified in Zoning Bylaw 8500, consistent with the City's Bulletin No. BUILDING-32 "Statutory Declaration Requirement for Building Permit Applications in AG1 Zones"
3. Submission of a Construction Parking and Traffic Management Plan to the Transportation Department. Management Plan shall include location for parking for services, deliveries, workers, loading, application for any lane closures, and proper construction traffic controls as per Traffic Control Manual for works on Roadways (by Ministry of Transportation) and MMCD Traffic Regulation Section 01570.
4. If applicable, obtain a Building Permit (BP) for any construction hoarding. If construction hoarding is required to temporarily occupy a public street, the air space above a public street, or any part thereof, additional City approvals and associated fees may be required as part of the Building Permit. For additional information, contact the Building Approvals Department at 604-276-4285.

Note:

- * This requires a separate application.
- Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.

All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to enactment of the appropriate bylaw.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters of credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director of Development.

- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.
- If the development will be constructed in phases and stratified, a [Phased Strata Subdivision Application](#) is required. Each phase of a phased strata plan should be treated as a separate parcel, each phase to comply with the Richmond Zoning Bylaw 8500 in terms of minimum lot area, building setback and parking requirements. Please arrange to have the City's Approving Officer review the proposed phased boundaries in the early DP stages. To allow sufficient time for staff review and preparation of legal agreements, the application should be submitted at least 12 months prior to the expected occupancy of development.

- If the development intends to create one or more air space parcels, an [Air Space Parcel Subdivision Application](#) is required. To allow sufficient time for staff review and preparation of legal agreements, the application should be submitted at least 12 months prior to the expected occupancy of development.
- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial *Wildlife Act* and Federal *Migratory Birds Convention Act*, which contain prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.

Signed

Date



**Richmond Zoning Bylaw 8500
Amendment Bylaw 10567 (ZT24-035934)
12800 / 12910 No 2 Road**

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. Inserting the following as a new Section 14.1.11.17 (Other Regulations) in the Agriculture (AG1) zone and renumbering accordingly:

“One **greenhouse**, 81 m² in size, with concrete footings is permitted so as to not permit a concrete slab for the entirety of the floor, on the following **site** only:

12800 No. 2 Road / 12910 No. 2 Road
PID 003-950-972

West Half Section 7 Block 3 North Range 6 West Except: Firstly: Part Shown on Reference Plan 1948; Secondly: Part shown on Reference Plan 5169; Thirdly: Part included in Parcel "A" (Explanatory Plan 10350), New Westminster District”

2. This Bylaw may be cited as “**Richmond Zoning Bylaw 8500, Amendment Bylaw 10567**”.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

ADOPTED

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

MAYOR

CORPORATE OFFICER