

# **Report to Committee**

Re:	Application by Pooni Group Inc. for an Agricultu	Iral Lan	d Reserve Non-Farm Use
From:	Joshua Reis Director, Development	File:	AG 23-017928
To:	Planning Committee	Date:	October 3, 2024

#### Staff Recommendation

at 4880 No. 6 Road

That the application by Pooni Group Inc. for an Agricultural Land Reserve Non-Farm Use to permit an extension of the lease of an approximate 6.8 ha (16.8 acre) portion of 4880 No 6 Road for up to 25 years, and to permit construction of a new 1,664 m<sup>2</sup> clubhouse and driving range structure on the leased portion of the site at 4880 No. 6 Road be endorsed and forwarded to the Agricultural Land Commission.

Jun Per

Joshua Reis, RPP, MCIP, AICP Director, Development (604-247-4625)

JR:jsh Att. 7

REPORT CONCURRENCE
CONCURRENCE OF GENERAL MANAGER
Nagre Co

## Staff Report

## Origin

Pooni Group Inc., on behalf of Kepland Homes Ltd., (Director(s) Tai Hong Ong, Kam Imm Ng) has submitted an Agricultural Land Reserve (ALR) Non-Farm Use application to permit an extension of the lease of a 6.8 ha (16.8 acre) portion of 4880 No 6 Road for up to 25 years, and to permit construction of a new 1,664 m<sup>2</sup> clubhouse and driving range structure on the leased portion of the site. Council consideration is required prior to advancing the non-farm use application to the Agricultural Land Commission (ALC). Approval from the Agricultural Land Commission (ALC) is required for a non-farm use in the ALR, as well as for a lease with a term of greater than three years. A location map and aerial photograph are provided in Attachment 1.

## Background

The property (4880 No 6 Road) is split-zoned property, with the south western portion of the property zoned "Golf Course (GC)" and the remainder to the north and east being zoned "Agriculture (AG1)". The proposed non-farm use application pertains to that portion of the site zoned "Golf Course (CG1)" the "subject area". There is no impact to the existing farm operations located on that portion of the property zoned "Agriculture (AG1)".

The property (4880 No 6 Road) is owned by Keplan Homes which leases the subject area to the current operator of the driving range (Launch Pad Golf Alberta Corp). The agricultural portions on site are leased to Birak Berry Farms Lts, and Garden in Gardens Greenhouse Ltd, with lease terms until August 31, 2026 and December 31, 2026.

The driving range first received Agricultural Land Commission (ALC) approval in 1984, which included a covered tee area and a single-story clubhouse. The most recent approval by the ALC took place in 2000, granting an extension of the lease term for the driving range until 2025. The portion of the site to the east of the subject area was previously unused for agriculture, but was returned to farm use as a requirement to the 2000 ALC decision.

## **Findings of Fact**

A Development Application Data Sheet providing details about the development proposal is attached (Attachment 2).

#### **Surrounding Development**

- To the North: On the same parcel, a farm operation on a parcel zoned "Agriculture (AG1)" and located in the Agricultural Land Reserve (ALR). Across Cambie Road, a farm operation on a parcel zoned "Agriculture (AG1)" and located in the ALR.
- To the South: Across Highway 91, a golf course on a parcel zoned "Golf Course (GC)" and "Agriculture (AG1)" and located in the ALR.

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- To the East: On the same parcel, a farm operation on a parcel zoned "Agriculture (AG1)" and located in the Agricultural Land Reserve (ALR). On the adjacent parcel, a farm operation on a parcel zoned "Agriculture (AG1)" and located in the ALR.
- To the West: Across No. 6 Road, a series of industrial operations on parcels zoned "Industrial Business Park (IB1)".

## **Related Policies & Studies**

#### Official Community Plan

The subject site is designated "Agriculture (AGR)" 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 subject area is zoned as "Golf Course (GC)", which allows the existing and proposed driving range use. The proposed extension of the lease and the proposed new golf club and driving range structure is consistent with the OCP and previous non-farm use approvals for the subject area.

#### Food Security & Agricultural Advisory Committee

The proposal was reviewed and generally supported by the Food Security and Agricultural Advisory Committee (FSAAC) at its meeting held on April 25, 2024. FSAAC meeting notes (No Quorum) are provided in Attachment 3.

#### Floodplain Management Implementation Strategy

The proposal must meet the requirements of the Richmond Flood Plain Designation and Protection Bylaw 8204. Registration of a flood plain covenant on Title is required prior to Building Permit Issuance.

#### Analysis

The proposed non-farm use application seeks to permit a 25 year extension of the lease of the 6.8 ha (16.8 acre) "Golf Course (CG)" zoned portion of the property, and to permit replacement of the existing single-storey driving range facility with a new 1,664 m<sup>2</sup> (17,911 ft<sup>2</sup>) clubhouse and two-storey driving range structure and associated parking areas and walking paths (see Attachment 4).

The proposed development is generally in compliance with the "Golf Course (CG)" zone with the exception of the following variances which have been requested by the applicant:

- 1. to increase the permitted building height from 10.5 m to 11.4 m to facilitate the proposed clubhouse and two-storey driving range structure; and,
- 2. to increase the permitted height of an accessory structure from 35.0 m to 38.1 m to facilitate the proposed netting height.

Should Council endorse and forward the non-farm use application to the ALC, and should the ALC approve the application, a Development Variance Permit application is required prior to Building Permit issuance for the new structures in order to consider the proposed variances. The applicant has provided a letter acknowledging and confirming their intent to make a DVP application following endorsement by the ALC of the non-farm use application (Attachment 5).

#### Lease Extension

The application seeks approval to permit the lease of the subject area beyond 2025 (current approval) to 2049/2050 (specific date to be determined based on the timing of the parties entering into the new lease agreement). The proposed lease extension is between the Owner (Kepland Homes Ltd.) and the Assignee (Launch Pad Golf Alberta Corp.). Any lease for a term greater than 3 years that is for a portion of a parcel of land is considered a subdivision by the ALC and requires approval from the ALC. Any land leased for a term greater than 3 years remains part of the parent parcel and retains all restrictions on use of ALR land.

The applicant has indicated their intention to operate a driving range on-site under a new lease agreement for a 15 year term from the date of commandment, with two options to renew for an additional 5 years each, for a total of 25 years. Upon the lease's expiration, use of the subject area must be conducted in accordance with ALC Regulations and City Zoning.

The subject area is located within the ALR and is currently occupied by an existing driving range operation, which includes a single-storey clubhouse, driving range structure, netting and associated parking. There is no increase in the amount of leased land proposed to be used for the driving range operation, and the ongoing operations, as a driving range facility, do not negatively impact the use and agricultural production of the remainder of the property.

## Proposed Replacement Clubhouse and Driving Range

The existing single-storey clubhouse and driving range structure is proposed be replaced with a new two-storey clubhouse structure consisting of stacked stalls (40 in total, 20 on each level). The overall footprint of the new building is slightly larger  $(1,664 \text{ m}^2)$  than that of the existing building  $(1,201 \text{ m}^2)$  an increase of  $463\text{m}^2$ . Effort was made to generally align the proposed new building on the existing building footprint.

The proposed new clubhouse and driving range structure will not add to the land area used for driving range purposes and will not negatively impact the agricultural use of the rest of the property. The applicant's qualified agrologist has identified that neither on-site agriculture on the remaining lands of the parcel, nor the surrounding agriculture will be affected by the proposed changes. The Agrologist Report is found in Attachment 6.

The applicant intends to utilize the existing parking area with some modification to accommodate a new loading space and four accessible parking stalls. These stalls are proposed to be added to the existing 88 parking stalls to enhance accessibility of the subject site.

Opportunities to offset new hard surfaces of the modest increase in clubhouse footprint and parking surface with porous surface or additional landscaping will be addressed through the subsequent Development Variance Permit process.

The applicant confirms that no soil deposit is required to construct the proposed new loading area and 4 new accessible parking stalls in the existing parking area, and that there are no soil based improvements or structures proposed within the landing area of the driving range. The proposed building is slab on base, and preload may be required for stabilization in the construction process to ensure structural integrity.

No permanent structures or equipment are planned for the target area where golf balls would land that could impact the soil. Only temporary, removable targets are proposed.

The applicant is proposing the continued use of two rows of fencing with netting to prevent any golf balls from going offsite. The inner row of netting surrounding the driving range is proposed to be increased to a height of 30.5 m (100 ft). In addition, there is second row of fencing with netting along Highway 91. The netting on this outer row is proposed to be increased to a height of 38.1 m (125 ft) to ensure containment of golf balls on site.

## Landscaping

The applicant confirms that no tree removal is proposed. There are a few landscape bushes in the footprint of the proposed new building. An existing hedge (three bushes in total) will be removed and relocated for a new walkway located in front of the building. As the application is not removing any bylaw sized trees, an Arborist Report and corresponding Tree Management Plan was not required for submission as part of the application but will be confirmed at the subsequent Development Variance Permit and Building Permit stages. There is some reconfiguration and addition of hardscaping, which will result in an additional approximately 66 m<sup>2</sup> of hardscape. There are no significant changes being proposed to the existing landscaping, and restitution of the landscape surrounding the new building will integrate with the existing landscaping. In total, there is 1,841 m<sup>2</sup> of dedicated landscaped area. Additional landscaping, a landscape plan and Tree Management Plan will be secured through the subsequent Development Variance Permit and Building Applications.

## Lighting

The plans provided by the applicant shows that the minimum distance from a lighting fixture to No. 6 Road to the West would be 36 m. An existing boulevard of trees approximately 15 meters tall will provide a visual buffer for light spill over to Highway 91 to the south. In addition, the applicant has committed that lighting will be downward facing, Dark Sky compliant, and will follow the American National Standard Institute recommended practices for "Lighting Sports and Recreational Areas". There is no record of lighting related complaints associated with the existing facility. A detailed lighting plan will be required as part of the Development Variance Permit application to ensure there is no undesirable intensification of lighting.

## Transportation and Parking

The applicant engaged a transportation professional to prepare a Traffic Study to identify traffic generation and impacts from the proposed expansion of the clubhouse, to demonstrate compliance with the City's parking requirements and review site access and circulation. The study identified the site meets zoning requirements for parking and bike spaces, as well as confirmed a functioning site layout. In addition, four accessible parking stalls are proposed to be added to the existing 88 parking stalls to enhance accessibility of the subject site. The Traffic Study was reviewed and approved by the City's Transportation Department.

## Ministry of Transportation and Infrastructure

This proposal was referred to the Ministry of Transportation and Infrastructure (MOTI) due to its adjacency to Highway 91. Confirmation has been received from MOTI indicating no objection to the proposal, provided that the outer netting height bordering Highway 91 be increased as proposed to a height of 38.1 m, and that measures are taken to reduce nuisance lighting to Highway 91. The applicant has agreed to these considerations, which are located in Attachment 7.

## NAV CANADA and Transport Canada

NAV CANADA (Canada's air navigation service provider) evaluated the application to assess if any of the proposed physical structures would have an impact on air navigation and procedures. NAV CANADA indicated no objection to the proposed application. Additionally Transport Canada assessed the building structures to determine if any additional lighting or identifiers would be required to be added to the fence, netting, and other physical structures. It was concluded that no lighting or marking would be required.

#### **Development Variance Permit**

Should Council endorse and forward the non-farm use application to the ALC, and should the ALC approve the application, a Development Variance Permit application is required prior to Building Permit issuance in order to consider the proposed variances to the City's zoning bylaw for building height from 10.5 m to 11.4 m and the increase in accessory structure height from 35.0m to 38.1m to facilitate an increase in the height of the perimeter netting. A full review of the proposal will be conducted at that time and will include, but not be limited to:

- Refinement of on-site landscaping to optimize planting areas and opportunities to improve on-site permeability
- Review and refinement of the proposed lighting plan; and,
- Compliance with the City's Flood Plain Designation and Protection Bylaw 8204.

## **Financial Impact**

None.

#### Conclusion

Pooni Group Inc., on behalf of Kepland Homes Ltd., has submitted an Agricultural Land Reserve (ALR) Non-Farm Use application to permit an extension of the lease of a 6.8 ha (16.8 acre) portion of 4880 No 6 Road from 2025 for up to 25 years, and to permit construction of a new 1,664 m<sup>2</sup> clubhouse and driving range structure on the leased portion of the site.

As the intensification of use is relatively minor, and there is no anticipated impacts to the portions of land being used for agriculture, it is recommended that the proposed non-farm use application be endorsed and forwarded to the Agricultural Land Commission (ALC).

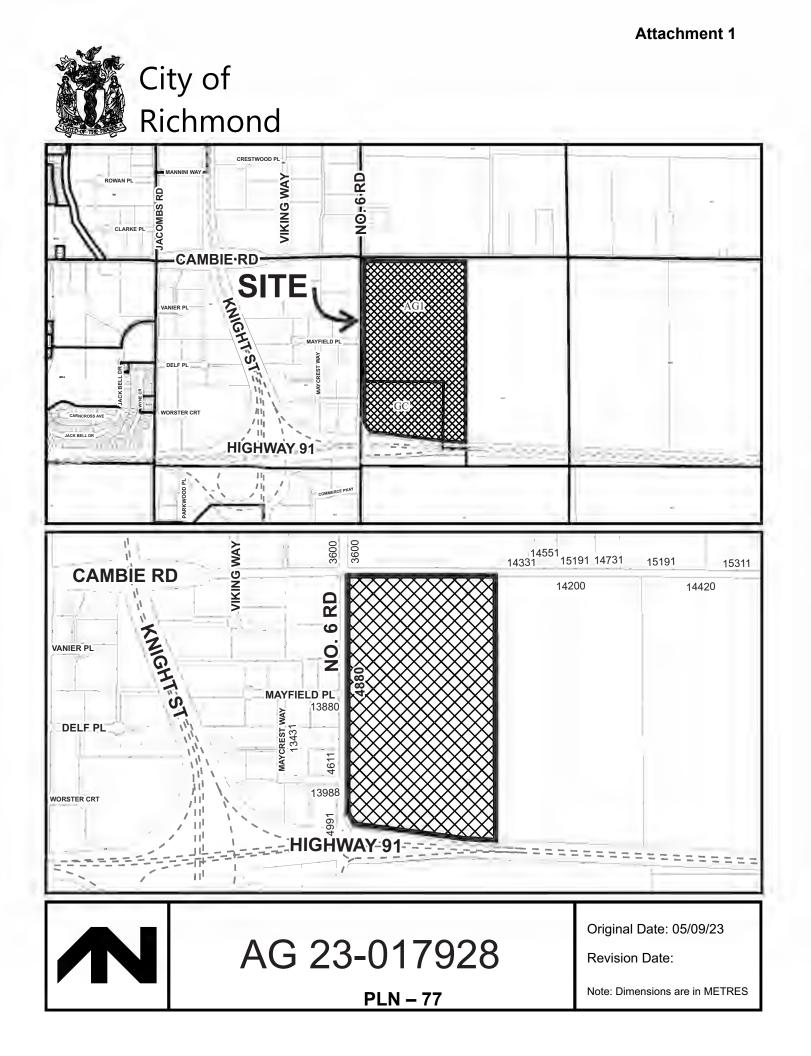
If forwarded to the ALC, the ALC will conduct a review where they may approve the proposal as submitted, approve the proposal with conditions, refuse the proposal, or refuse the proposal but allow an alternative proposal. If approved by the ALC, a subsequent Development Variance Permit from the City would then be required to consider the proposed variances to building height and permitted netting fence height.

James Unatowich

James Hnatowich Planner 1

JSH:cas

- Att, 1: Location Map & Aerial Photo
  - 2: Development Application Data Sheet
  - 3: FSAAC Meeting Notes
  - 4: Applicant Drawing Set
  - 5: Letter of Commitment
  - 6: Agrologist Report
  - 7: Considerations







AG 23-017928

**PLN – 78** 

Original Date: 05/08/23

Revision Date:

Note: Dimensions are in METRES



# **Development Application Data Sheet**

Development Applications Department

# AG23-017928

# Attachment 2

Address:	4880 No. 6 Road, Richmond, BC V6V 1P7

Applicant: Pooni Group

Planning Area(s): East Richmond

	Existing	Proposed
Site Area (m²):	Approximately 68,032 m <sup>2</sup>	Approximately 68,032 m <sup>2</sup>
Land Uses:	Driving Range	Driving Range
OCP Designation:	Agriculture (AGR)	Agriculture (AGR)
Zoning:	Golf Course (GC)	Golf Course (GC)

On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	0.6	0.04	none permitted
Lot Coverage (% of lot area):	No Maximum Lot Coverage	2.45%	none
Setbacks (m):	Front: Min. 6.0 m Rear: Min. 4.5 m Side: Min. 4.5 m Exterior Side: Min. 4.5 m	Front: Min. 70.72 m Rear: Min. 208.62 m Side: Min. 71.7 m Exterior Side: Min. 56.73 m	none
Height (m):	10.5 m	11.4 m	Required
Off-street Parking Spaces – Accessible	4 Stalls	4 Stalls	none
Off-street Parking Spaces – Total:	Min 67	92	none
Bicycle Parking Spaces- Class 1:	Min 2	2	none
Bicycle Parking Spaces- Class 2:	Min 3	3	none
Fencing	35 m	38.1 m	Required



# Excerpt from the Meeting Minutes of the Food Security and Agricultural Advisory Committee (FSAAC) No Quorum

Held April 25, 2024, (7:00 pm) M.2.002 Richmond City Hall

# 1. ALR Non-Farm Use Application at 4880 No. 6 Road

Steven De Sousa, Planner 3, Policy Planning, introduced the Agricultural Land Reserve (ALR) Non-Farm Use application at 4880 No. 6 Road, including the following comments:

- The site is located in the ALR and includes an existing driving range, which has historical approvals from the ALC;
- The purpose of the application is to alter the existing driving range, including a new clubhouse and driving range stall structure, and extend the lease beyond 2025 to 2049; and
- The site has Golf Course (GC) zoning, which allows the existing and proposed driving range use.

The applicant provided the following additional comments:

- The leased area of the site for the driving range accounts for 24% of the total area of the parent parcel and the remainder is agricultural use (berry production, field crops, pasture, hay production), which will not be impacted by the proposal;
- The proposal includes expanding to a two-storey driving range stall structure, locating the building within the existing impervious building footprint; and
- No soil fill is required to construct the proposed building and parking area, and there are no non-soil based improvements or structures proposed within the landing area of the driving range.

In response to questions from the Committee, the applicant provided the following additional comments:

- Lighting has been reviewed to minimize light spillover on adjacent properties and highways;
- The overall impervious surface area of the subject site will increase by approximately 0.7% and the overall footprint of the new building is slightly larger than that of the existing building; and
- There will be no increase in the number of parking stalls, except to accommodate required accessible parking and loading.

The committee expressed support for the proposal as there is no impact proposed to the existing farmland and farm operation.

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2 Landscape Areas - Option B

Ame 012277 230141

Area Type Exterior Area Exterior Area

5.80%

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Softscape Hardscape

Site Coverage 92.34%

Area

Landscape Areas Schedule - Existing Name Number

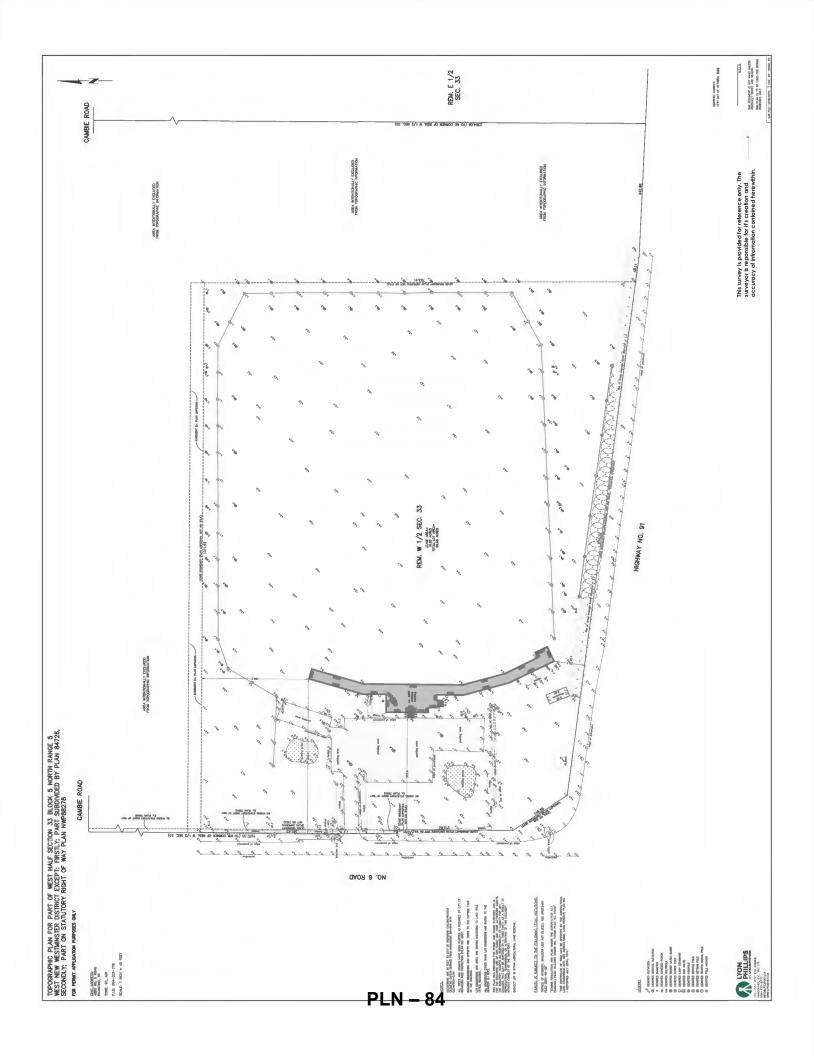
Property Schedule

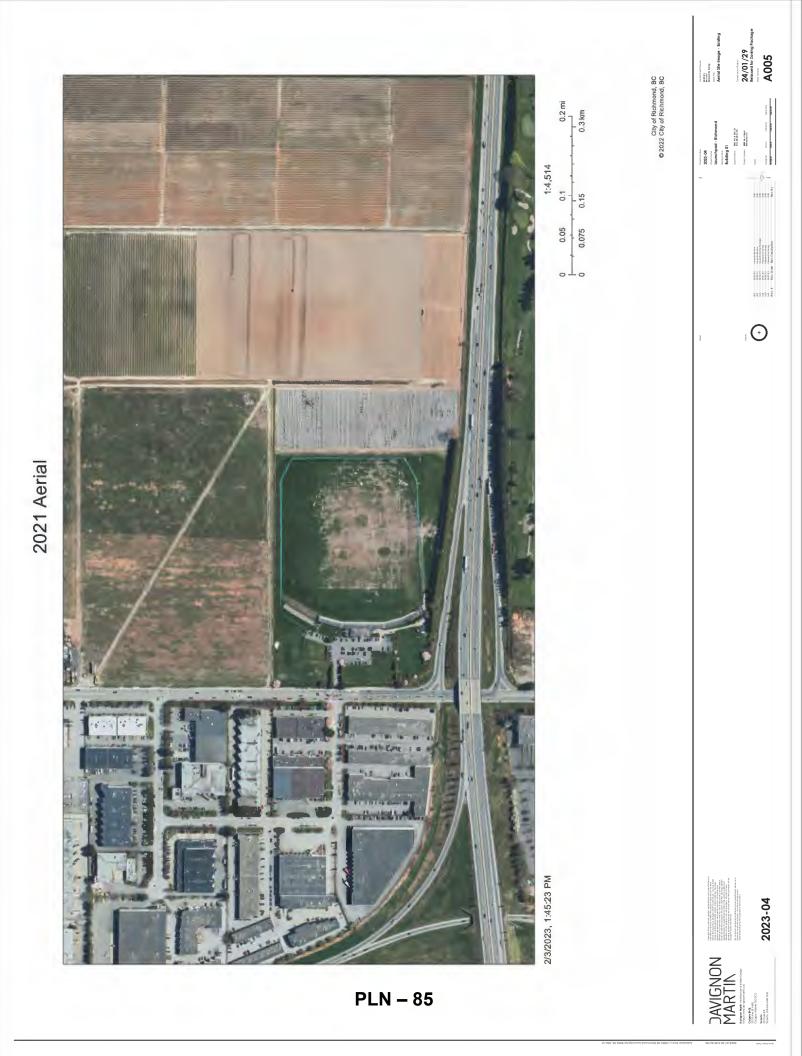
andscape Areas Schedule - New Construction	hedule - New Co	onstruction			Property Schedule	•
Name	Number	Area	Site Coverage Area Type	Area Type	More Facility Economic Economic De PORTURE DA S	AM0 01 ED 1/2 2 301 EV
Softscape	<varies></varies>	62 341 m²	91.64%	Exterior Area		
lards cape	7	3 985 m²	5.86%	Exterior Area		
Building	4	1 664 m²	2.45%	Gross Building Area		
Accessory / Waste 3	e	41 m²	0.06%	Gross Building Area		
Approximate Site Area: 10	01.10	48 032 m <sup>2</sup>				

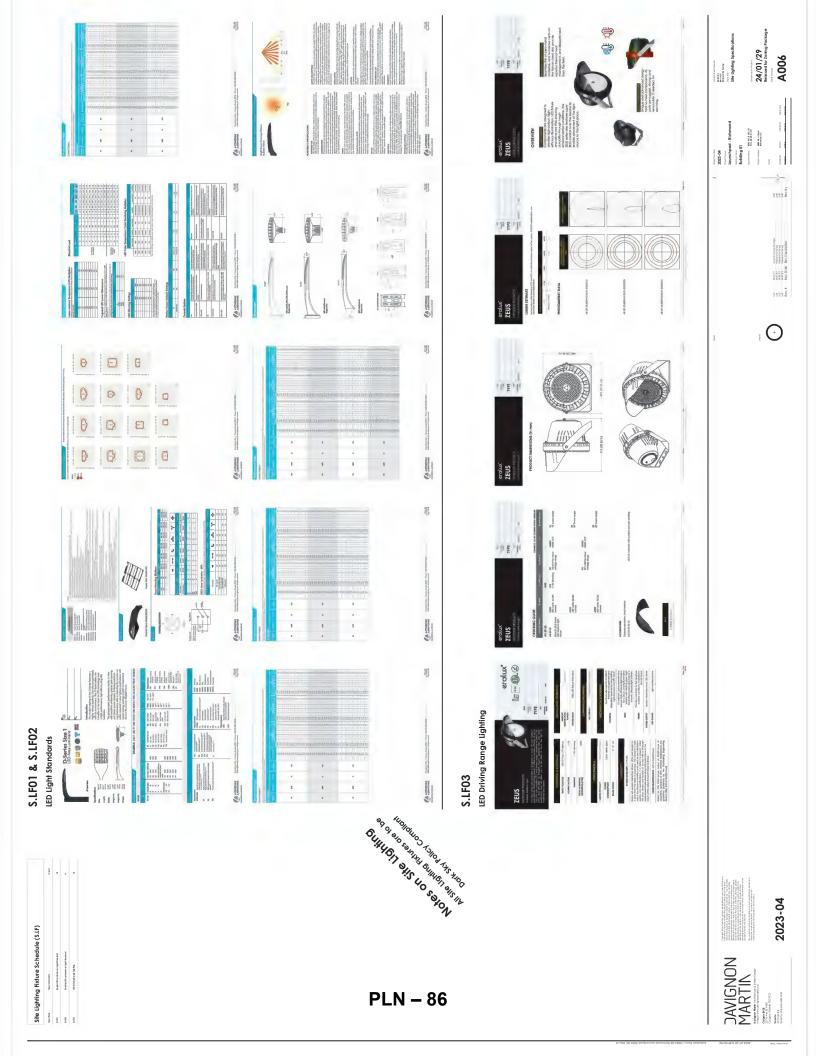
67 m² 0.10% Floor Area 68 032 m² 0.10%	0°.10%



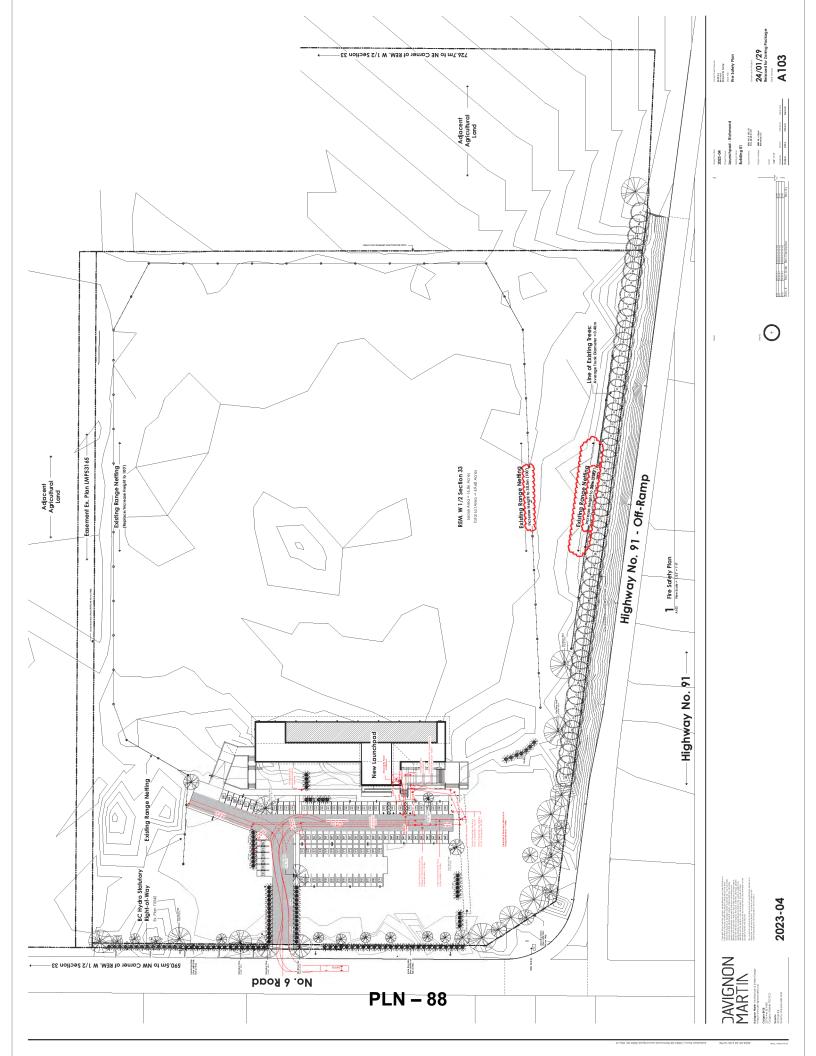
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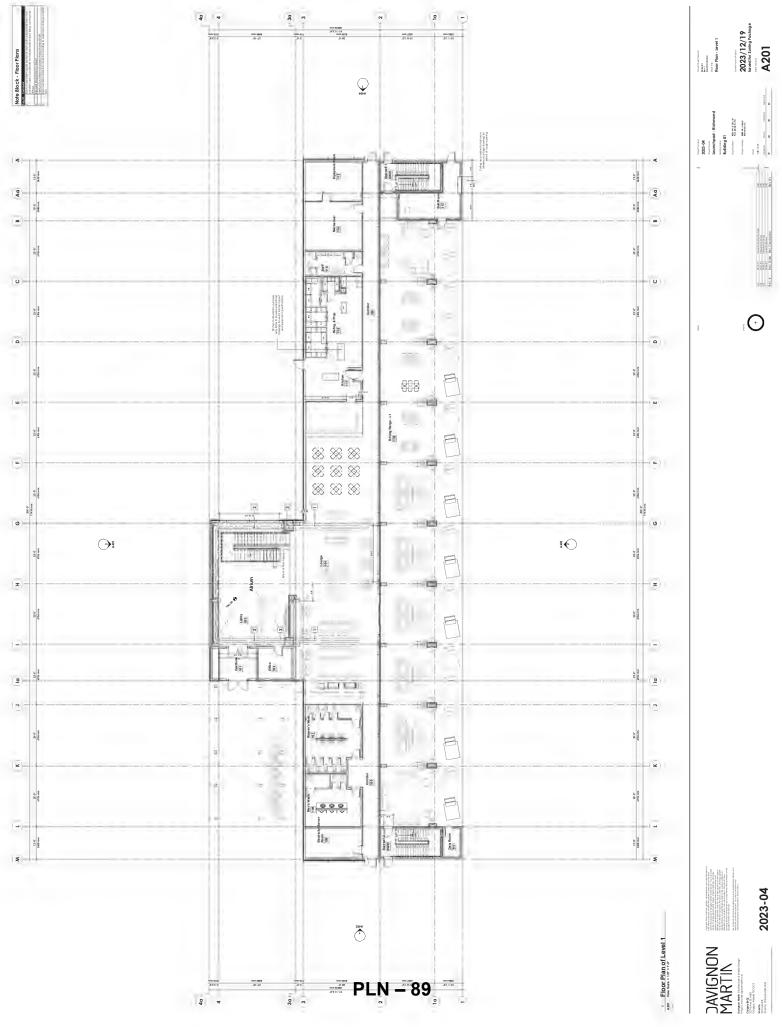


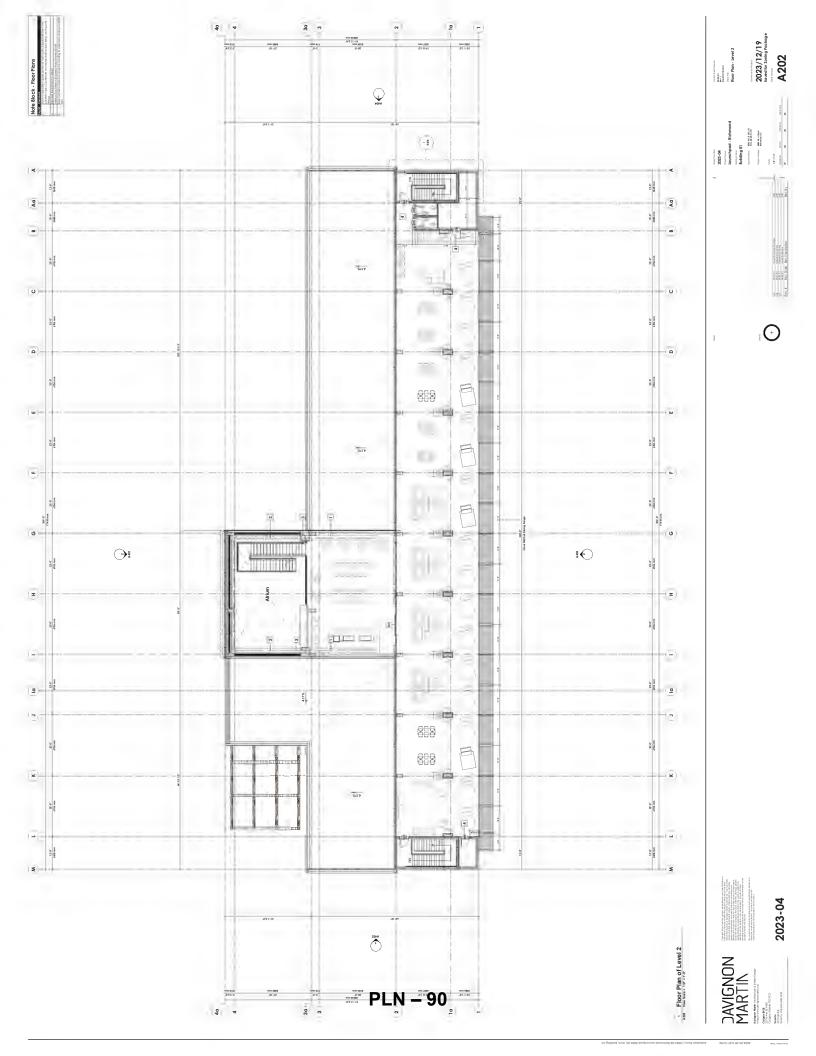


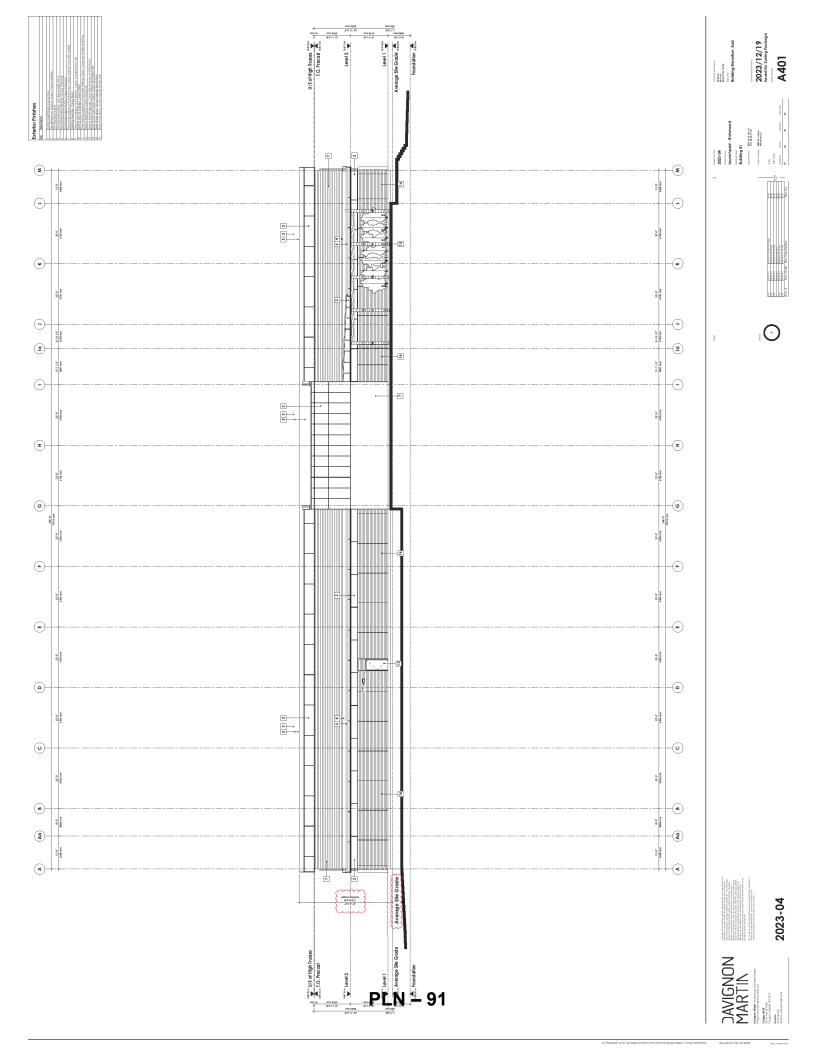


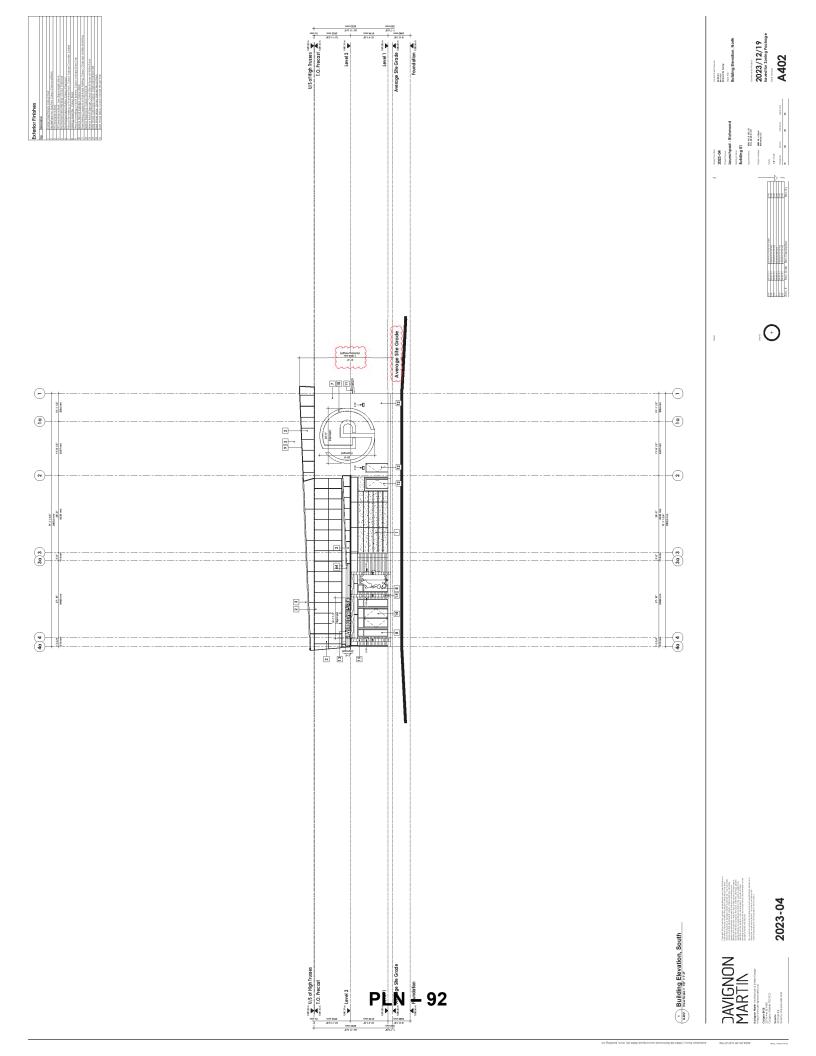


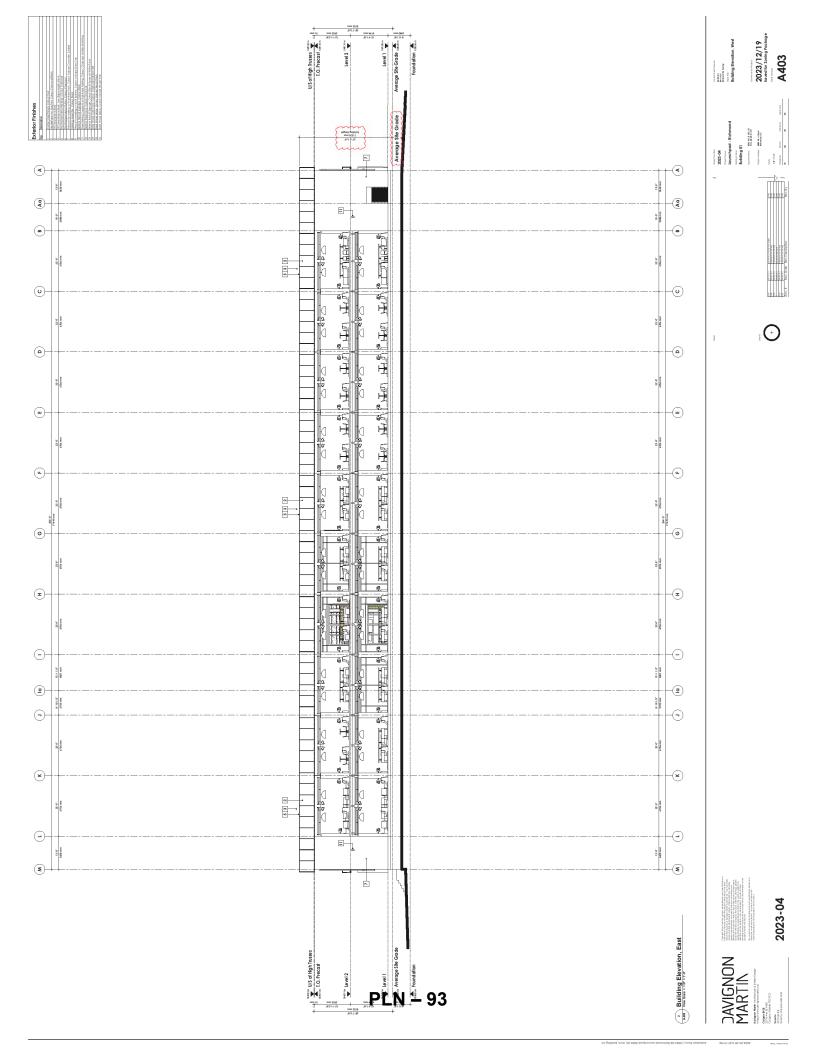


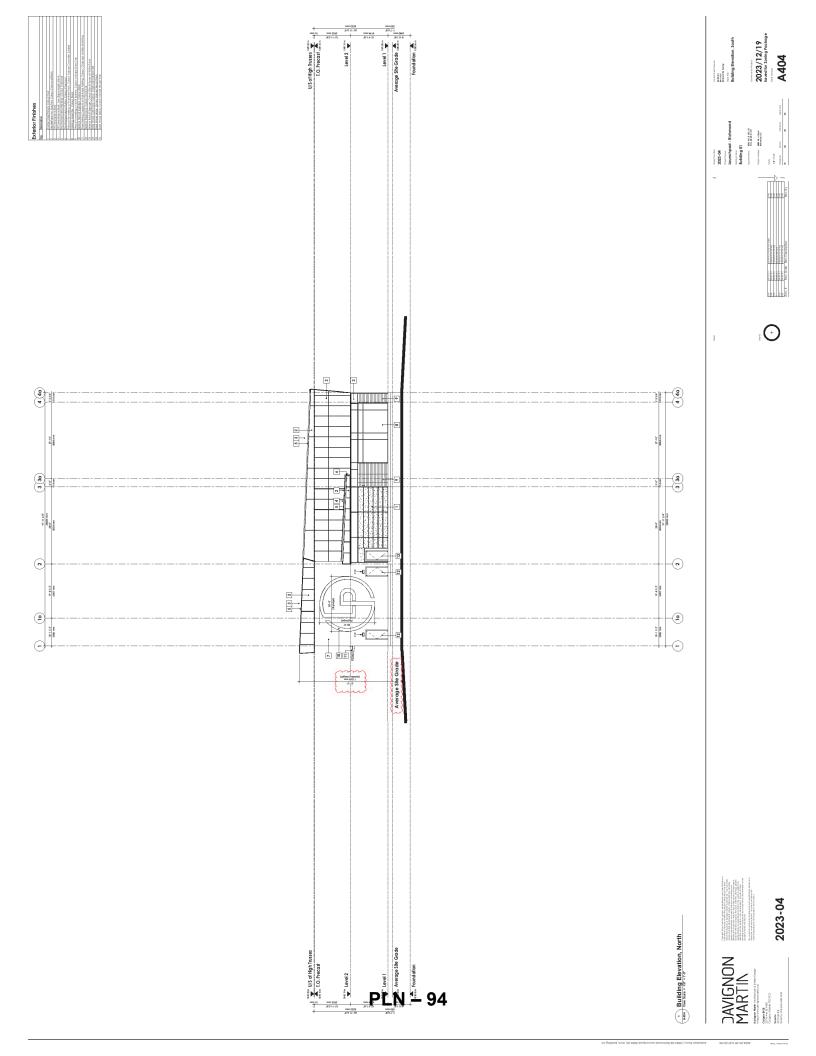














Sep 27, 2024

Planning Department City of Richmond 6911 No. 3 Road Richmond, BC V6Y 2C1

To: James Hnatowich

From: Blaire Chisholm, Pooni Group Inc.

RE: 4880 No. 6 Road AG Application (AG 23-017928) - Letter of Commitment

Dear James,

We are writing to confirm our intention to apply for a Development Variance Permit prior to the Building Permit stage for our project at 4880 No. 6 Road, Richmond, providing the application received approval from the Agricultural Land Commission (ALC). This application will specifically request variances to increase the netting height and building height higher than the current zoning bylaw permits.

We appreciate your guidance and look forward to working with the City of Richmond on this matter.

Thank you for your consideration.

Sincerely,

Hin Untrol

Blaire Chisholm





#### Re: Review of Non-farm use proposal ALC 67497

McTavish has reviewed the non-farm use application proposal ALC 67497 and related documentation as provided by the land owner Kepland Homes Ltd and the operator of an existing on-site driving range, Windmill Launchpad (Windmill) and their agent Pooni Group. We also reviewed available mapping such as Google Earth and the Richmond Interactive Map. No field visits were conducted for this review.

The proposal includes the upgrade of facilities of the Windmill operated Richmond Driving Range located at 4880 No 6 Road in Richmond BC. This driving range was approved for non-farm use in 1984 and has been operated by Windmill since 2001.

It appears that the proposed upgrade of the driving will not change the non-farm use status of the land on which the driving range has operated since 1984. While the parking hard surface and other hardscape may increase by 41 m<sup>2</sup>, the associated use (storage and workshops) will decrease with 26 m<sup>2</sup> for a net increase which is negligible compared to the total area of the driving range. The renovated clubhouse will have a footprint increase from 1,201 m<sup>2</sup> to 1,664 m<sup>2</sup>, a small increase (0.7%) as related to the total surface area of the driving range of 68,032 m<sup>2</sup>. Ornamental trees and shrubs will not be affected by the proposed work. No changes will be made to fencing or site drainage. Berms will not be installed. Fill is not required.

We found that neither the on-site agriculture on the remaining land of the parcel, nor surrounding agriculture will be affected by the proposed changes to the driving range, and some of the improvements such as better shielded lights may benefit local agriculture by reducing light pollution.

Sincerely,

#### McTavish Resource and Management Consultants Ltd.

Per

Hubert Timmenga, PhD, P.Ag., CMC Qualified Professional





**Non-Farm Use Considerations** 

Development Applications Department 6911 No. 3 Road, Richmond, BC V6Y 2C1

# Address: 4880 No. 6 Road

# File No.: AG23-017928

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

- 1. Council and Agricultural Land Commission (ALC) approval of the Non-Farm Use Application.
- 2. The submission and processing of a Development Variance Permit\* as required, such as for netting heights and building heights completed to a level deemed acceptable by the Director of Development and/ or the Ministry of Transportation and Infrastructure (MOTI).
- 3. Submission of a lighting plan, identifying that lighting fixtures are pointed towards the range with visors attached to fixtures, using lighting products that are Dark Sky compliant of achieves the same objectives, and follows recommendations of RP-6-20 Recommended Practice: Lighting Sports and Recreational Areas. Lighting plan to be deemed acceptable by the Director of Development.

#### 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 intends to create one or more air space parcels, an <u>Air Space Parcel Subdivision Application</u> 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

(Signed copy on file)