



Regular Council Meeting for Public Hearings

Monday, November 16, 2009

Place: Council Chambers
Richmond City Hall
6911 No. 3 Road

Present: Mayor Malcolm D. Brodie
Councillor Linda Barnes
Councillor Derek Dang
Councillor Evelina Halsey-Brandt
Councillor Greg Halsey-Brandt
Councillor Sue Halsey-Brandt
Councillor Ken Johnston
Councillor Bill McNulty
Councillor Harold Steves

Gail Johnson, Acting Corporate Officer

Call to Order: Mayor Malcolm D. Brodie opened the proceedings at 7:07 p.m.

1. **Zoning Amendment Bylaw 8429 (RZ 08-432190)**
(2451 & 2471 McLeod Avenue; Applicant: Swarn Panesar)

Applicant's Comments:

The applicant was not in attendance.

Written Submissions:

None.

Submissions from the floor:

None.

PH09/10-1

It was moved and seconded

That Zoning Amendment Bylaw 8429 be given second and third readings.

CARRIED



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2. **Zoning Amendment Bylaw 8545 (RZ 08-431606)**
(6451 Princess Lane; Applicant: Penta Homes Ltd.)

Applicant's Comments:

The applicant was available to answer queries.

Written Submissions:

None.

Submissions from the floor:

None.

PH09/10-2

It was moved and seconded

That Zoning Amendment Bylaw 8545 be given second and third readings.

CARRIED

3. **New Zoning Bylaw 8500**
(Entire City of Richmond; Applicant: City of Richmond)

Applicant's Comments:

Holger Burke, Development Coordinator, City of Richmond, provided a brief overview of the new Zoning Bylaw, explaining that the review to update and replace the existing Zoning and Development Bylaw No. 5300, which was initially adopted in 1989, was undertaken to address inconsistencies, provide clarity and implement new policy initiatives adopted by Council. A consultant was retained to assist with this task. Mr. Burke noted this is a regulatory Bylaw, not a policy document.

In addition, Mr. Burke highlighted two issues which have been the subject of recent correspondence to Council as follows:

- (a) a provision in the new Bylaw related to screening of "travel trailers" (recreation vehicles and boats) that are not parked on a required on-site parking space, on residential property. Mr. Burke clarified the intention of this provision and how storage of existing travel trailers would be "grandfathered" from the requirements of the bylaw; and



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- (b) the development of a new residence in the Richmond neighbourhood of Westwind which is subject to the requirements of Land Use Contract 157, and not the existing Zoning and Development Bylaw or the new Zoning Bylaw. Neighbours have expressed their strong opposition to the large size and height of the proposed house and have requested a public meeting with City officials to voice their concerns.

Mr. Burke referenced a legal opinion obtained on the Land Use Contract issue which confirmed there is no relationship between the building permit/land use contract and the new Zoning Bylaw. However, to acknowledge these concerns, it was suggested that staff could establish a working group, with representatives of the area whose property falls under this particular Land Use Contract, and provide a report back to Planning Committee in December. The building permit has not been issued for the subject property, as discussions are being held with the owner about the neighbourhood concerns. Mr. Burke stressed that the City cannot discharge the entire Land Use Contract without the permission of every affected property owner and Provincial Government approval. He noted that there are several other Land Use Contracts in place in Westwind and other areas of the city, all of which were implemented in the 1970's.

In summary, Mr. Burke suggested that staff could bring forward a resolution to be submitted to the Union of BC Municipalities to deal with the issue of Land Use Contracts in Richmond and elsewhere in the Province, if Council so desired.

Following further discussion amongst Council members and Planning and Development staff, the Mayor ruled that no delegations would be heard at this Public Hearing on the subject of the Land Use Contract, in recognition of the legal advice that it has no relationship with either the new Zoning Bylaw, or the existing Zoning and Development Bylaw.



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Written Submissions:

- (a) Douglas Schwenning, 7540 Sunnybank Avenue
- (b) Arnold E. Shuchat, Richmond
- (c) Mella and George Langevin, 10011 Seacote Road
- (d) Kelvin Higo, Richmond
- (e) Heidi Tims, Richmond
- (f) Scott Stewart
- (g) Gord Cameron, 22080 Chaldecott Drive
- (h) Gerard Brunel, 11206 Kingcome Avenue
- (i) Daphne Stabler
- (j) Norm DeGirolamo, 10791 Hollymount Drive
- (k) Glenn Wilson, 6300 Riverdale Drive
- (l) Melanie Arnis, 3131 Garry Street (Schedule 1)

Submissions from the floor:

Janice Frail, 4431 Candlewood Drive, spoke in opposition to the Bylaw. Mrs. Frail expressed concern regarding the requirement to screen recreational vehicles that are visible from a public road, and believed this requirement should be omitted from the Bylaw.

Ken Frail, 4431 Candlewood Drive, spoke in opposition to the Bylaw, and made the following comments: (i) the best protection from vandalism is to keep recreational vehicles visible; building hedges or fences around recreational vehicles may increase opportunities for vandalism and subsequently may increase police calls; (ii) hedges and fences constructed around recreational vehicles may obstruct the ability of Richmond Fire-Rescue (RFR) to safely attend fires, and that RFR and the Police should have been consulted regarding this section of the proposed bylaw; (iii) residents may have less opportunity to use their recreational vehicles if, as a result of this bylaw, they must store their vehicles off-site; and (iv) many homes do not have lane access, which potentially limits storage options. A copy of Mr. Frail's submission is attached to these Minutes (Schedule 2).



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Norm DeGirolamo, 10791 Hollymount Drive, sought and received clarification regarding whether the grandfathering clause would apply to the owner of a recreational vehicle, if that owner was to replace a grandfathered vehicle with a newer vehicle. He stated his opposition to this section of the Bylaw and suggested it be deleted.

Arlene Turner, 6040 Canim Place, sought and received clarification on the definition of “parking space”, the number of vehicles that are allowed on a lot, and whether grandfathering would apply to a resident who relocated a recreational vehicle from an off-site location onto his or her property. Ms. Turner also commented on the following: enforcement of the bylaw on the basis of a complaint seems unfair; the proposed height of the screening fence/hedge is not adequate enough to screen most recreational vehicles; and, the definition of “travel trailer” needs further exploration. Ms. Turner stated she did not support the Bylaw.

Lynda Terborg, 5860 Sandpiper Court, indicated her support of the new Zoning Bylaw and queried the legal provisions of Bylaw 8500 and how it captures the amendments of Bylaw 5300.

Mark Dostie, 5580 Woodpecker Drive, commented that his property backs on to the property under discussion and questioned whether there was time for a report to be produced and sent back to Planning Committee before building permits were issued and construction began.

A resident of 20 years expressed interest in the working group and queried how it was going to be formed and who would be chosen to participate.

Michael Woytowich, 11480 Kingfisher Drive, commented that if the building permit conforms to the land use contract then he strongly supported a working group.

Rajko Jakopin, 11511 Pelican Court, commented about the inequity of the requirement for screens having to be built for recreational vehicles but not for (home occupation) commercial vehicles.

Tom Martin, a Vancouver resident and architect, referenced residential building heights and the impact of development on neighbours. Mr. Martin believed that resolving the building height issue for the property in Westwind may lead to a good solution.



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The Mayor acknowledged the conclusion of the opportunity for first time presentations, and the following speaker addressed Council for the second time with new information:

Janice Frail, 4431 Candlewood Drive, commented that the definition of “travel trailer” requires more clarification, and that the bylaw seems to discriminate against recreational vehicles whereas there are other types of vehicles or trailers that look far worse.

Discussion ensued and Council members were of the opinion that the new regulations concerning screening of travel trailers were unnecessary as: (i) they were not aware of complaints regarding recreational vehicles parked on residential properties; (ii) the nature of enforcement based on complaints received could pit neighbour against neighbour; (iii) this section appears to unfairly single out and discriminate against travel trailers, as opposed to other similar types of vehicles; and (iv) a proliferation of screening fences could be unsightly.

PH09/10-3

It was moved and seconded

That Zoning Bylaw 8500 be amended by deleting section 6.4.5 in its entirety and the term and definition for “Travel Trailer” from section 3.4 the Use and Term Definitions of the Bylaw.

CARRIED

PH09/10-4

It was moved and seconded

That Zoning Bylaw 8500 be given second reading, as amended on this day.

CARRIED

PH09/10-5

It was moved and seconded

That Zoning Bylaw 8500 be given third reading.

CARRIED

PH09/10-6

It was moved and seconded

That Zoning Bylaw 8500 be adopted.

CARRIED



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The Mayor then turned the discussion towards Land Use Contract 157 and following comments and questions put by Council members to staff, there was a general understanding that the establishment of a working group comprised of a cross-section of property owners, would proceed immediately. Following their deliberations a public meeting would be arranged and duly advertised. Mayor Brodie stressed the limitations the City has in addressing this issue, as the Land Use Contract is a legal contract that supersedes the current Zoning Bylaw, and that there is no provincial legislation or otherwise that allows it to be ignored. He added that approaching the UBCM and seeking the support of other BC municipalities regarding legislation to deal with Land Use Contracts was an important next step.

PH09/10-7

It was moved and seconded

That staff establish a working group for the entire area of Land Use Contract 157 with the Westwind residents and report back to the Planning Committee with the results as soon as possible following a public meeting, including information on the history and legal requirements of the existing Land Use Contract 157.

CARRIED

PH09/10-8

It was moved and seconded

That staff bring forward a resolution for submission to the Union of BC Municipalities with regard to the issue of Land Use Contracts in Richmond and elsewhere in the Province, giving notice of this action to other municipalities in the Metro Vancouver Region.

The question on the motion was not called as Council members discussed the merits of waiting until the results of the working group's deliberations are known before taking the proposed action. Accordingly, the following **tabling** motion was introduced:

PH09/10-9

It was moved and seconded

That Resolution No. PH09/10-8 be tabled until the results of the working group on Land Use Contract 157 are known.

CARRIED



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ADJOURNMENT

PH09/10-10

It was moved and seconded
That the meeting adjourn (8:50 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the Regular Meeting for Public Hearings of the City of Richmond held on Monday, November 16, 2009.

Mayor (Malcolm D. Brodie)

Acting Corporate Officer,
City Clerk's Office (Gail Johnson)

SCHEDULE 1: TO THE MINUTES OF THE
REGULAR MEETING OF COUNCIL FOR
PUBLIC HEARINGS HELD ON MONDAY,
NOVEMBER 16, 2009.

To Public Hearing	
Date:	Nov 16, 2009
Item #:	3
Re:	Bylaw 8500

MayorandCouncillors

From: Burke, Holger
Sent: November 13, 2009 4:01 PM
To: 'm.arnis@shaw.ca'
Cc: MayorandCouncillors
Subject: RE: rv bylaw
Categories: UCRS CODE / FILE NUMBER: 12-8060-20-8500

Dear Melanie Arnis:

The proposed new screening provisions are Section 6.4.5 on page 6-3 of the proposed new Zoning Bylaw.

Travel trailers are defined in Section 3 on page 3-33.

There is no definition for boat.

It is proposed that existing travel trailers and boats located on private property prior to the adoption of Richmond Zoning Bylaw 8500 would be grandfathered from the proposed new screening provisions.

The other issues you raise are covered by other bylaws not the zoning.

Holger Burke, MCIP
 Development Coordinator
 City of Richmond
 (E) hburke@richmond.ca
 (P) 604-276-4164
 (F) 604-276-4052

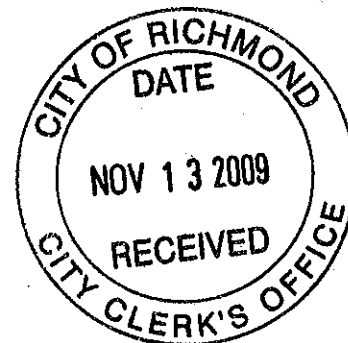
From: MayorandCouncillors
Sent: November 12, 2009 11:56 AM
To: Burke, Holger
Subject: FW: rv bylaw

Holger - can you please respond to the writer? Thanks.

From: m.arnis@shaw.ca [mailto:m.arnis@shaw.ca]
Sent: November 11, 2009 4:39 PM
To: MayorandCouncillors
Subject: rv bylaw

November 11, 2009

Dear Mr. Brodie and Councillors,



I have tried to find the proposed bylaw regarding RVs and boats in the multi hundred page document on the web and after a half an hour only got a headache. So I must rely on the newspaper accounts of this bylaw.

I understand that RV and boat owners are to install shrubbery and or fencing if they park them on their property not on a driveway.

I have a few questions regarding this issue.

1. Is this bylaw easily enforceable by having the offending items clearly defined?

If I park my pick up truck of any size (and some can be quite large) and my camper right next to it, I haven't breached the bylaw. But if I put my camper on my truck, it then becomes a RV and breaches the law? If I have a raised roof van, that is ok but not if I have a stove in it? Or a sink? If I store my cartopper type aluminum boat, kayak or canoe on the ground it is fine, but not if I put it on my vehicle as my vehicle becomes a boat trailer?

Have you defined Boat? Are Sea-Doos and Jet Skis allowed to be stored on a trailer? They are not actually boats, but Personal Watercraft.

If I put down some crushed rock, or pave more of my lawn, can I call it my driveway and circumvent the bylaw?

2. What is the purpose of this new bylaw?

Is it to cover up the RV or boat so it can't be seen? Many RVs and large boats on trailers can be over 12 feet high. So a 1.8 metre shrub or 2.0 metre fence really covers only 50 % or less of the vehicle. So if you can see 50 % of the RV or boat, have you covered it?

3. Is this bylaw congruent to other wheeled vehicles?

I see everywhere all around Richmond people parking pick up trucks, vans, panel vans, moving vans, flat bed trucks, semi trailer trucks, trucks with Hyabs, filthy commercial trucks with ladders and other things hanging off them, utility trailers, dump trucks some with loads, buses, utility trailers made of the flat deck of an old pick up, and many other types of wheeled vehicles. Plus there is no cap on the number of these vehicles. Many properties are full of cars. They could be the cars of extended family, guests, B and B guests, renters, or whoever. All of which are OK with the new bylaw, but not one 20 ft. RV or one 10 ft boat?

4. Is this bylaw congruent with other types of storage?

Again all over Richmond people are storing old hot tubs, appliances, junked swing sets, campers, pick up canopies, lawn furniture, construction materials, scrap metal, gardening items, rocks, large toys and other kind of storage of any other kind of material. All of which are again OK with new bylaw, but not one 20 ft. RV?

In conclusion I don't see how it has been defined, or that it has a purpose, and it is outright unfair to RV/boat owners compared to any other owner of a wheeled vehicle, or any other resident storing junk.

I am also offended when I walked by Mr. Steves' property and counted at least 12 vehicles not on his driveway. Many of them are not drivable and are hulks of rusty metal leaching into the soil. He also has a truck canopy sinking into the ground, and a rusty oil tank on his property, all visible. Yet my 22 foot fully insured, drivable RV has to be covered up.

Owning a boat or recreational vehicle shouldn't be a crime in Richmond.

Yours truly,

Melanie Arnis
3131 Garry Street.
Richmond, BC,
V7E 2S5
604-277-6345
m.arnis@shaw.ca

What is the definition of on site parking space as it relates to RV's + Boats? Is it a driveway?

Date: November 16, 2009-11-16

To: **Richmond City Council**

Re: **Proposed By-Law 6.4.5 – Parking of Travel Trailers or Boats**

SCHEDULE 2 TO THE MINUTES OF THE
REGULAR MEETING OF COUNCIL FOR
PUBLIC HEARINGS HELD ON MONDAY,
NOVEMBER 16, 2009.

I take the position that this Bylaw should not be passed.

- X
1. This bylaw calls for the building of fences or hedges to obstruct the view of Travel Trailers or Boats. There is a field of study called **Crime Prevention Through Environmental Design, (CPTED)**. The first principle is to ensure that there are no obstacles that will create an opportunity for a criminal to commit a crime. Building more fences and hedges makes it easier for a criminal to step out of the public view while they commit theft, property damage, or vandalism. Passing this bylaw will create more opportunity to commit ^{Crime} require greater police response, create more victims of crime, create more fear of crime, and increase costs to ICBC and private insurance companies. The best way to protect an RV is to leave it in plain sight. Our subdivision has an active Crime Watch program and we watch our neighbours property. Despite our vigilance we still have vehicle breakins. I would not want property crime to increase.

I feel that I am qualified to speak on CPTED. I served as a police officer and police manager for 31 years with the Vancouver Police Department. During my police service I have used CPTED concepts to great advantage to reduce crime and the fear of crime.

Implementing a Bylaw that provides increased opportunity for criminal activity will increase police calls for service, and will increase the cost of policing in the City of Richmond. Policing is one of the greatest costs to every municipality. Decisions made by council will have an impact on the ability of the RCMP to respond. Lets not make it more difficult for our police.

- X
2. Building fences and planting hedges **will also present challenges to Richmond Fire Services**. Consider the safety concerns of firefighters responding to a Travel Trailer ablaze with toxic fiberglass and plastic fumes, battery acid, rubber tires and a possible propane tank explosion. Consider the safety concerns of a firefighter trying to fight a fire involving a fiberglass boat. Consider the battery, trailer tires and ~~with~~ plastic fuel tanks full of fuel. Construction of a fence or hedge will obstruct their ability to easily fight the fire from a safe distance, unobstructed and unfettered. Easy and direct access to a burning recreational vehicle will result in it being more quickly extinguished (knocked down), and there will be a greater possibility or preventing the spread of the fire to adjacent structures.

From time to time our community experiences a rash of hedge fires by persons who get a thrill from arson and property damage. Requiring hedges and fences to be built ^{check} to obstruct the view of boats or trailers simply puts more property at risk to arson and vandalism. It facilitates the commission of property damage and puts unnecessary demands on public safety responders.

- R*
3. **I was interesting to see that this proposed bylaw has been routed to a number of City departments however it has not been forwarded to either Police or Fire.** Council should consider routing proposed bylaw proposals through ~~these~~ police and fire to better determine the impact on service delivery and cost of response.

- Island City by*
- R*
4. There are many aspects to consider about RV use in Richmond. We like the label **"Island by Nature"**. Its one of the reasons we like to live here and raise our family. I should point out that we built our house in Richmond 27 years ago. We keep our 16 foot boat power boat in the garage most of the year, but during the summer, we park it on the driveway for several weeks, to make the best use of it. After work and on weekends we hook up, and use the area boat launches to get out on the river, or to travel to the Gulf Islands. One of the many advantages of living in Richmond is that it is so accessible for boating and recreation. When our boat is not in use we use our travel trailer. When the travel trailer is not in use it is parked on the driveway, one side obstructed from view by a cedar hedge.

- R*
5. Having the boat or trailer on the driveway enables my family to get things ready for a trip, to be prepared to use our equipment frequently, and for me to ensure that all of the safety equipment is in top shape. **It allows us to enjoy camping and boating to the best advantage.** If we had to park a boat or RV off site they would be more expensive to store, require more driving to retrieve before use, and to return afterwards to an off site storage area. Stored off site my boat and Travel trailer would be more prone to theft or vandalism. It would require more time and frustration and result in less usage. Constructing a fence around an RV or boat would also restrict its usage.

- R*
6. None of the homes in my subdivision have lane access. In our subdivision there are eighteen families that will be affected by this legislation. These include: two families with tent trailers, four families with utility trailers, five families with boats, three families with travel trailers and two families with snowmobile trailers. Two other trailers can be described as tool trailers and used by neighbours who are self employed. **Passing this bylaw will result in a direct impact on many residents in my subdivision and throughout Richmond.** This bylaw should not be given consideration without the full consultation of affected citizens.

I have never received a complaint, or heard of any negative comment regarding a boat or RV parked on private property in my subdivision. **I do not believe that there is a need for council to enact this bylaw. It is in effect over-governance.**

Richmond should be known for its recreational opportunities, not for its lifestyle restrictions.

This bylaw is counterproductive and I submit that it should not be passed.

Ken and Jan Frail

Richmond, B.C.

4431 CANDLEWOOD DRIVE

V7C 4V9