



Planning Committee

Date: Tuesday, July 16, 2019

Place: Anderson Room
Richmond City Hall

Present: Councillor Linda McPhail, Chair
Councillor Bill McNulty
Councillor Carol Day
Councillor Alexa Loo
Councillor Harold Steves

Also Present: Councillor Chak Au
Councillor Michael Wolfe

Call to Order: The Chair called the meeting to order at 4:00 p.m.

MINUTES

It was moved and seconded

That the minutes of the meeting of the Planning Committee held on July 3, 2019, be adopted as circulated.

CARRIED

NEXT COMMITTEE MEETING DATE

September 4, 2019, (tentative date) at 4:00 p.m. in the Anderson Room

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DELEGATION

1. Dr. Kent Mullinix, Director of the Institute for Sustainable Food Systems (ISFS), Kwantlen Polytechnic University (KPU), accompanied by Dr. Wallapak Polasub, Senior Institute Economist, ISFS, KPU, with the aid of PowerPoint presentation (copy on file, City Clerk's Office), presented a proposal for a study of approved non-farm use applications and subdivision in the Agricultural Land Reserve (ALR) and highlighted the following:
 - the *Agricultural Land Commission (ALC) Act* and ALR Regulation specifies that non-farm use can be allowed and the Act states that when non-farm use is permitted that it can have no net impact to agriculture or it is to enhance agriculture;
 - however, in the history of ALR there has never been an analysis of ALR land use exemptions and the long term outcomes of non-farm use including subdivision are unknown;
 - in Richmond from 2006 to 2016 there have been 11 subdivisions or land use exemptions approved affecting 22 parcels and the question remains have they advanced agriculture or had no net negative impact;
 - the proposed study will assess the long-term outcomes of approved non-farm use and subdivisions in Metro Vancouver's ALR with the objective to bring this knowledge to local governments and the Provincial Government to understand the ramifications of the approvals;
 - six representative municipalities have been targeted, Richmond, Delta, Surrey, Maple Ridge, Pitt Meadows, and the Township of Langley, for a review of all exemptions and subdivisions approved for the entirety of the ALR;
 - been in discussion with the ALC to access the historical records and hope to go back all the years of the ALR for this analysis;
 - the study will include an analysis of the currents, trends, and characteristics for the six municipalities as well as conduct onsite assessments to ascertain the outcomes of the exemptions and subdivisions;
 - the study will be conducted over the summer and fall with the intent to summarize and publish a report by the end of the year;
 - total cost of the study is \$23,300, the ISFS will contribute \$5300, requesting each target municipalities contribution \$3000;

2.

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- thus far Pitt Meadows has agreed to support the project with funding, Maple Ridge Agricultural Advisory Committee and the city administration supports the project and has agreed to contribute funding, the Delta Agricultural Advisory Committee voted to support the project and recommend funding to its Council, Surrey Agriculture and Food System Advisory Committee voted to support the project and recommend funding to its Council;
- Ministry of Agriculture representatives, Metro Vancouver agriculture planner, and the ALC are supportive of the study and recognize that it addresses a serious knowledge gap and have agreed to work with the project; and
- the City of Richmond is respectfully requested to support the proposed study.

In response to questions from Committee, Dr. Mullinix remarked that (i) there is the potential to expand on the initial proposed study as research is conducted it may lead to further examinations and the study will review exempted uses such as wineries, (ii) Metro Vancouver recently conducted a study on fill sites in Metro Vancouver which is now publically available and this will be a compliment study to that to provide a better picture of non-farm activities on the ALR, (iii) we are in discussions with the Township of Langley and waiting for the outcomes of other municipal requests before going back to them, (iv) the plan is to attempt to communicate with land owners or the operator of the facility for the study, and (v) within BC, a study on exemptions and subdivisions has not been conducted before.

Discussion took place on referring the matter back to staff for further review and input including potentially expanding the parameters of the study prior to considering the funding request.

As a result of the discussion, the following **referral motion** was introduced:

It was moved and seconded

That the request for the proposed study of approved non-farm use applications and subdivision in the Agricultural Land Reserve (ALR) from the Institute for Sustainable Food Systems, KPU be referred to staff to look at issues that are relevant to Richmond and to consider the request.

CARRIED

COMMUNITY SERVICES DIVISION

2. HOUSING NEEDS AND CO-LOCATION OPPORTUNITIES

(File Ref. No. 08-4057-04) (REDMS No. 5993517 v. 13A)

In response to a query from Committee regarding addressing housing needs for youth who are aging out of the foster care system, Kim Somerville, Director, Community Social Development noted that staff would take that into consideration, particularly through the homelessness strategy.

It was moved and seconded

That staff be directed to work within the existing policy framework to analyze the co-location of affordable housing for seniors and other priority groups identified in the Affordable Housing Strategy 2017–2027 in conjunction with future City projects as they arise on a case-by-case basis as described in the report titled “Housing Needs and Co-Location Opportunities”, dated June 26, 2019 from the Director, Community Social Development.

CARRIED

PLANNING AND DEVELOPMENT DIVISION

3. REVISED REZONING CONSIDERATIONS FOR THE APPLICATION BY BENE (NO. 3) ROAD DEVELOPMENT LTD. FOR REZONING OF THE PROPERTY AT 4700 NO. 3 ROAD FROM THE “AUTO-ORIENTED COMMERCIAL (CA)” ZONE TO A NEW “HIGH RISE OFFICE COMMERCIAL (ZC44) – ABERDEEN VILLAGE” ZONE

(File Ref. No. 12-8060-20-009216; RZ 14-672055) (REDMS No. 6219995)

Sara Badyal, Planner 2, reviewed the revised rezoning considerations, noting in particular that (i) the request does not result in any changes to proposed land uses, density, or design of the proposed ten storey commercial and office building, (ii) at the Public Hearing held on June 17, 2019, Council adopted new policy in the CCAP restricting office space subdivision to one strata lot or one airspace parcel per storey or a minimum floor area of 20,000 square feet, (iii) the applicant would like to proceed under the new policy direction due to increased construction cost and interest from prospective purchasers, and (iv) the applicant requests that the rezoning considerations be amended to provide the ability to subdivide the proposed six floors of office space into six floor sized strata lots, sized approximately 8,500-11,000 square feet per floor.

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It was moved and seconded

That the rezoning considerations associated with Richmond Zoning Bylaw 8500, Amendment Bylaw 9216, for the creation of a new “High Rise Office Commercial (ZC44) – Aberdeen Village” zone and for the rezoning of 4700 No. 3 Road from the “Auto-Oriented Commercial (CA)” zone to the new “High Rise Office Commercial (ZC44) – Aberdeen Village” zone, be revised to change the rezoning consideration from prohibiting subdivision (including stratification and/or air space parcels) of office space within the proposed building to limiting the subdivision of office space to no more than one strata lot or one air space parcel per storey.

CARRIED

4. **APPLICATION BY SPIRES ROAD DEVELOPMENT HOLDINGS LTD. FOR REZONING AT 8671, 8691, 8711 AND 8731 SPIRES ROAD AND THE SURPLUS PORTION OF THE SPIRES ROAD AND COOK CRESCENT ROAD ALLOWANCE FROM “SINGLE DETACHED (RS1/E)” ZONE TO “PARKING STRUCTURE TOWNHOUSES (RTP4)” ZONE**

(File Ref. No. 12-8060-20-010058; RZ 17-790301) (REDMS No. 6126892 v. 3)

Edwin Lee, Planner 1 provided an overview of the application and highlighted aspects of the tree retention and replacement plan and site servicing and frontage improvements.

In reply to queries from Committee, Wayne Craig, Director, Development and Mr. Lee advised that:

- the vehicle and bicycle parking provided on site does comply and staff are still reviewing bicycle parking requirements within City Centre and other transit-oriented areas and will provide an update when available;
- in terms of accessibility, there will be a common lobby area with elevator to take people from the ground floor to the podium level and two units will be designed in accordance to the basic universal housing standards but no convertible units are proposed;
- should the rezoning application proceed, a development permit would be required with a more detailed review of the preliminary landscape plan and a list of recommended list of tree species is available on the City’s website and staff will look to provide as many of those trees as possible;
- 100% of residential parking stalls need to be energized as per zoning bylaw requirement, all of the parking for the proposed development will be energized for electric vehicle charging and staff continue to look for on street charging equipment through large-scale redevelopment;

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- there has been one application with road closure that has proceeded in the area to date, through that application staff worked with transportation, engineering, and real estate divisions to come up with a new cross section and this cross section might be built upon but is currently applicable only to this area;
- there is a requirement for purpose built rental units being redeveloped for a tenant relocation program, a rental replacement program, and to allow existing tenants first rights of refusal in the new development however there is no such requirement for secondary rental markets;
- the two trees designated for retention are located near to the future public walkway along the north property line, within the outdoor amenity area at grade so there is an opportunity to keep both trees;
- this specific development looked to modify building envelopes which allowed the retention of the Austrian pine tree and blue spruce tree in the northeast corner of the site;
- the parks department is reviewing ecological forest management practices on public land but some information may affect planning or could be used in development and staff anticipate a report in early fall regarding the matter;
- each site is unique in terms of tree retention, with any development application received by the City, the first step is an arborist report, which details the health of the trees on any specific site and their suitability for retention and staff work with applicants to manipulate building envelopes around trees, however grade changes have a significant impact on the ability to retain trees; and
- retaining walls are built where possible however it depends on the type of trees and ground conditions to ensure proper drainage on site and tree preservation coordinators take this into consideration and coordinate with the Parks department arborists for any City trees on site.

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10058, for the rezoning of 8671, 8691, 8711 and 8731 Spires Road and the surplus portion of the Spires Road and Cook Crescent road allowance from the “Single Detached (RS1/E)” zone to “Parking Structure Townhouses (RTP4)” zone, be introduced and given first reading.

CARRIED

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5. **APPLICATION BY DESIGN WORK GROUP LTD. FOR REZONING AT 11480 AND 11500 RAILWAY AVENUE FROM THE “SINGLE DETACHED (RS1/E)” ZONE TO THE “ARTERIAL ROAD TWO-UNIT DWELLINGS (RDA)” ZONE**

(File Ref. No. 12-8060-20-010060; RZ 17-771371) (REDMS No. 6211969)

Mr. Lee provided an overview of the application and noted that there are no bylaw trees onsite and a development permit will be required deal with the form and character of the duplexes and landscape design.

In response to queries from Committee, Mr. Craig remarked that each unit will be provided with a two car side by side garage, there will also be dedicated visitor stall for the two units that will share a driveway and the other unit has space for visitor parking in front of the garage. Mr. Craig further noted in terms of the arterial road strategy, there are various forms of redevelopment envisioned along Railway Avenue including townhouses, duplexes, and coach houses.

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10060, for the rezoning of 11480 and 11500 Railway Avenue from the “Single Detached (RS1/E)” zone to the “Arterial Road Two Unit Dwellings (RDA)” zone, be introduced and given first reading.

CARRIED

6. **METRO VANCOUVER REGIONAL PLAN**

(File Ref. No. 08-4045-00) (REDMS No. 6228841)

Discussion ensued with regards to the Metro Vancouver 2040 (Regional Growth Strategy) and staff noted there will be an opportunity for Council to provide formal comment.

It was moved and seconded

That staff be directed as detailed in the report titled “Metro Vancouver Regional Plan Amendments” dated July 4, 2019 from the Manager, Policy Planning, to advise the Greater Vancouver Regional District Board that the City of Richmond has no objections to the minor amendments outlined in the Metro Vancouver request dated May 24, 2019.

CARRIED

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7. **CANNABIS RELATED OFFICIAL COMMUNITY PLAN AND ZONING BYLAW AMENDMENTS IN RESPONSE TO THE NEW PROVINCIAL AGRICULTURAL LAND RESERVE USE REGULATIONS**

(File Ref. No. 08-4430-03-10; 12-8060-20-010061/010062) (REDMS No. 6228160; 6231338; 6231300)

Mr. Konkin provided brief comments to Committee, noting that staff reviewed the recent changes from February 2019 to the Agricultural Land Reserve (ALR) Regulation regarding cannabis and it is now up to local governments to regulate cannabis growth to the extent they desire. Mr. Konkin further remarked that the proposed bylaws presented to Committee represent staff's opinion of the maximum level of restrictions possible under the new regulations from the Province which would limit production of cannabis to soil based agriculture, soil based greenhouse, or a building previously used for growing plant based crops in place before July 2018.

In response to questions from Committee, Anthony Capuccinello Iraci, City Solicitor, Joe Erceg, General Manager, Planning and Development, and Mr. Konkin commented that:

- current facilities include two concrete slab greenhouses, the first approximately 75,000 square feet and the second is currently under construction, one has the right to cultivate cannabis;
- staff are recommending bylaw amendments that are as restrictive on cannabis growth in the ALR as possible under the regulations;
- the Corporation of Delta recently revised their bylaw however the City of Surrey has not;
- staff can continue to provide correspondence to the Province to make Council's concerns regarding cannabis growth in the ALR known however responses to previous correspondence have not been ideal and there was no consultation regarding the most recent update to the ALR Regulation;
- in the proposed zoning amendment, there is a proposed amendment to Section 5 for 5.21.5 that includes a proposed regulation that establishes a maximum floor area for on farm processing of 15% of the cannabis production facility up to a maximum of 100 square metres as municipalities can regulate but cannot so regulate as to be essentially a prohibition
- staff will be reviewing building permit submissions and if the proposed bylaws are adopted, bylaw enforcement officers can be dispatched for any complaints related to cannabis growth and production.

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A letter from the Union of BC Municipalities (UBCM) to the Minister of Forests, Lands, Natural Resource Operations & Rural Development was distributed on table (attached to and forming part of these minutes as Schedule 1). Discussion then took place on delaying consideration of the proposed bylaw amendments to await further clarification from the Province as requested by UBCM.

In reply to further queries from Committee, staff advised that:

- setbacks are based on the current Ministry guidelines to ensure adequate separation for certain farm practices;
- if the proposed bylaw amendments were to be delayed, it is staffs' opinion that the City would be at some risk due to the possibility that structures could be built on farmland and converted for cannabis production in the future if the proposed regulations are not established as they could be granted non-conforming use status;
- the legislation is clear that any building to be used for cannabis production must have been used for growing crops previously;
- the use of a building that was previously used for crops is one of the three methods of growing cannabis that local governments cannot prohibit and currently under the ALR Regulations a building could be constructed on farmland for cannabis without further municipal regulation; and
- Council's direction has been to locate cannabis production facilities in industrial areas through site specific rezoning in order to control emission and odour concerns and staff will continue to work with Metro Vancouver on their odour monitoring program and provide feedback.

It was moved and seconded

- (1) ***That Richmond Official Community Plan (OCP) Bylaw 9000, Amendment Bylaw 10061, to revise Section 3.6.5 of Schedule 1 of the OCP on the City's land use policies for the management of restriction of cannabis related activities in response to the Provincial Agricultural Land Reserve (ALR) Use Regulations, be introduced and given first reading***
- (2) ***That Richmond Official Community Plan Bylaw 9000, Amendment Bylaw 10061, having been considered in conjunction with:***
 - (a) ***the City's Financial Plan and Capital Program;***
 - (b) ***the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;***

is hereby found to be consistent with said program and plans, in accordance with Section 477(3)(a) of the Local Government Act;

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- (3) *That Richmond Official Community Plan Bylaw 9000, Amendment Bylaw 10061, having been considered in conjunction with Section 477(3)(b) of the Local Government Act, be referred to the Provincial Agricultural Land Commission for comment and response by August 27, 2019;*
- (4) *That Richmond Official Community Plan Bylaw 9000, Amendment Bylaw 10061, having been considered in accordance with OCP Bylaw Preparation Consultation Policy 5043, is hereby found not to require further consultation;*
- (5) *That Richmond Zoning Bylaw 8500, Amendment Bylaw No 10062, to amend Section 3.4 and add Section 5.21 to manage and restrict cannabis related activities in the Agricultural Land Reserve in accordance with the Agricultural Land Reserve Use Regulation, be introduced and given first reading; and*
- (6) *Whereas Section 463 of the Local Government Act allows the withholding of building permits that conflict with bylaws in preparation;*

Whereas Council has granted first reading to Richmond Zoning Bylaw 8500, Amendment Bylaw 10062 to amend land use regulations specific to the production of cannabis in and outside of the ALR in response to changes to the Provincial ALR legislation;

Therefore be it resolved that staff bring all building permit applications involving the production of cannabis in a building or structure, received more than 7 days after the date of first reading of Richmond Zoning Bylaw 8500, Amendment Bylaw 10062, forward to Council to determine whether such applications are in conflict with the proposed bylaw.

CARRIED

8. MANAGER'S REPORT

Mr. Konkin announced the appointment of John Hopkins to the position of Senior Policy Coordinator.

ADJOURNMENT

It was moved and seconded
That the meeting adjourn (5:08 p.m.).

CARRIED

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Certified a true and correct copy of the Minutes of the meeting of the Planning Committee of the Council of the City of Richmond held on Tuesday, July 16, 2019.

Councillor Linda McPhail
Chair

Amanda Welby
Legislative Services Coordinator



May 22, 2019

The Honourable Doug Donaldson
Minister of Forests, Lands, Natural Resource Operations & Rural Development
Parliament Buildings
Victoria, BC, V8V 2C2

RE: Shift in Provincial Policy on Cannabis Production in the ALR

Dear Minister Donaldson,

In June 2018, the president of the Union of BC Municipalities (UBCM) met with you to discuss emerging concerns about the production of cannabis in the Agricultural Land Reserve (ALR). At that time Minister Popham had declared a conflict of interest in relation to cannabis production.

Although UBCM was pleased with the outcomes of that meeting, we now have concerns about the position that the provincial government has recently taken on this file. Specifically, UBCM is concerned with the legislative and regulatory amendments that were made in February 2019 and which shifted provincial policy on cannabis production in the ALR.

In early May the Agricultural Land Commission (ALC) released their "Revised Information Bulletin 04 – Cannabis Production in the ALR." At that time UBCM became aware that, effective February 22, 2019, the *Agricultural Land Commission Act* and the ALR Use, Subdivision and Procedure Regulation (now the ALR General Regulation) were amended, and the ALR Use Regulation was created.

Within these amendments, the provincial policy on cannabis production in the ALR shifted in order to recast all cannabis production in the ALR as farm use – meaning that applications to the ALC are no longer required for any form of cannabis production.

The UBCM Executive discussed this issue at their May 2019 meeting and would like to identify our key concerns as well as a number of questions that we have.

Lack of Consultation

UBCM was not consulted on the legislative and regulatory changes that have changed the characterization of cannabis production in the ALR. We understand that the changes did not directly impact the *Local Government Act*, but we strongly believe that the amendments have significant impacts on our members and that UBCM should have been consulted.

Based on this, we would like clarification on:

- The rationale for the changes to consider all cannabis production in the ALR as farm use
- The reason that UBCM and/or local governments were not consulted in advance of the amendments

In addition, the Minister's Advisory Committee on the Revitalization of the ALC and ALR conducted a consultation process to gain local government and other stakeholder feedback. Based on this, the committee recommended in its December 2018 final report that an immediate moratorium on non-soil bound production be established and that the ALC be provided with the authority to consider all cannabis-related applications. We understand from discussions with Ministry of Agriculture staff why a moratorium was not considered, but we could like clarification as to:

- Why the Committee's recommendation to provide the ALC with the authority to consider all cannabis-related applications was not pursued

Delay in Informing Local Governments

As it appears that many local governments were unaware of the change to consider all cannabis production as farm use, and that consequently the ALC would no longer be considering applications for cannabis production, the amendments have had the effect of creating a 3-month gap in which some forms of cannabis production may have been unregulated in terms of ALC oversight and/or local government land use regulation. Given the requirements for creating or amending local government bylaws, it is foreseeable that this gap could continue to exist for many more months.

Based on this, we would like clarification on:

- Why the change was not immediately communicated to local governments
- The general status of applications that may have been made to the ALC for non-farm use cannabis production since February

Monitoring & Enforcement

As the ALC no longer has a vetting role in proposals for cannabis production on the ALR, it is implied that monitoring and enforcement of allowable land use will increasingly be a local government responsibility.

Based on this, we would like clarification on:

- The extent to which local governments are now expected to provide monitoring and enforcement of allowable ALR land use in relation to cannabis production
- How the Minister's Bylaw Standards, or other guidance documents, will be revised or developed to support local governments in this role

Please note that separate correspondence is being prepared for Minister Popham in regards to the impacts of Bill 15 on our members, and the lack of consultation on that file.

UBCM supports collaboration as the best means to develop policy solutions to address concerns. As such, we look forward to your response to the concerns we have raised and the specific issues that we have asked for clarification on.

Sincerely,



Arjun Singh

President, UBCM

cc: Jennifer Dyson, Chair, Agricultural Land Commission

Lorie Hrycuik, Executive Director, Corporate Governance, Policy & Legislation Branch, Ministry of Agriculture

Mary Shaw, Executive Director, Cannabis Legalization and Regulation Secretariat

Arlene Anderson, Manager - Legislation, Corporate Governance, Policy and Legislation Branch, Ministry of Agriculture