



Special Council
Wednesday, December 19, 2018

Place: Anderson Room
Richmond City Hall

Present: Mayor Malcolm D. Brodie
Councillor Chak Au
Councillor Carol Day
Councillor Kelly Greene
Councillor Alexa Loo
Councillor Bill McNulty
Councillor Linda McPhail
Councillor Harold Steves
Councillor Michael Wolfe

Acting Corporate Officer – Claudia Jesson

Call to Order: Mayor Brodie called the meeting to order following the Open Public Works & Transportation Committee meeting (4:30 p.m.) and then recessed the meeting.

RES NO. ITEM

The meeting reconvened at 5:26 p.m. following the Open Public Works & Transportation Committee and Open Parks, Recreation & Cultural Services Committee meetings with all members of Council present.



Special Council
Wednesday, December 19, 2018

RES NO. ITEM

AGENDA ADDITIONS AND DELETIONS

Mayor Brodie noted the addition of Item No. 3 – “Richmond Lawn Bowling Clubhouse Site and Program Update” from the December 17, 2018 General Purposes Committee meeting. The Mayor further advised that “Secondary Dwellings on Agricultural Land” from Councillor Steves be added as Item No. 8 and “Council Remuneration” from Councillor Greene be added as Item No. 9.

SP18/6-1

It was moved and seconded

- (1) *That “Richmond Lawn Bowling Clubhouse Site and Program Update” be added as a new Item No. 3 and the remaining items be renumbered accordingly;*
- (2) *That “Secondary Dwellings on Agricultural Land” be added as Item No. 8; and*
- (3) *That “Council Remuneration” be added as Item No. 9.*

CARRIED

COMMUNITY SAFETY COMMITTEE

1. **REQUEST FOR PROPOSAL 6225P – AWARD OF SUPPLY AND DELIVERY OF FIRE APPARATUSES FOR RICHMOND FIRE RESCUE (RFR)**

(File Ref. No. 03-1000-20-6225P) (REDMS No. 6021703 v. 8)

SP18/6-2

It was moved and seconded

- (1) *That the Contract 6225P for the supply and delivery of one Fire Pumper Apparatus be awarded to Commercial Emergency Equipment Co. at a total cost of \$1,085,258.05 including taxes;*
- (2) *That the General Manager, Community Safety be authorized to execute a contract with Commercial Emergency Equipment Co. for the purchase of one Fire Pump Apparatus identified within Request for Proposal (RFP) 6225P;*

2.



Special Council
Wednesday, December 19, 2018

RES NO. ITEM

- (3) *That a Memorandum of Understanding (MOU) be developed between Commercial Emergency Equipment Co. and the City to establish terms of reference for procurements of future apparatus for up to a five-year period; and*
- (4) *That staff be directed to report back with the proposed MOU between Commercial Emergency Equipment Co. and the City for Council approval.*

CARRIED

GENERAL PURPOSES COMMITTEE

2. APPLICATION FOR A NEW LIQUOR PRIMARY LIQUOR LICENCE FROM MONSTER L KARAOKE LTD, AT 8400 ALEXANDRA ROAD UNIT 130

(File Ref. No. 12-8275-30-001) (REDMS No. 6038880)

SP18/6-3

It was moved and seconded

- (1) *That the application from Monster L Karaoke Ltd., for a new Liquor Primary Liquor Licence to operate a karaoke lounge establishment, at premises located at 8400 Alexandra Road Unit 130, with liquor service, be supported for:*
 - (a) *a new Liquor Primary Liquor Licence with primary business focus of entertainment, specifically a karaoke lounge with total person capacity of 50 occupants; and*
 - (b) *liquor service hours for Monday to Sunday, from 9:00 AM to 2:00AM;*
- (2) *That a letter be sent to Liquor Control and Licensing Branch advising that:*
 - (a) *Council supports the applicant's new Liquor Primary Liquor Licence application and the hours of liquor service with the conditions as listed above;*



Special Council
Wednesday, December 19, 2018

RES NO. ITEM

- (b) *the total person capacity set at 50 occupants is acknowledged;*
- (c) *Council's comments on the prescribed criteria (Section 71 of the Liquor Control and Licencing Regulations) are as follows:*
 - (i) *the impact of additional noise and traffic in the area of the establishment was considered;*
 - (ii) *the potential impact on the community was assessed through a community consultation process;*
 - (iii) *given that this is a new business, there is no history of non-compliance with this establishment;*
- (d) *as the operation of a licenced establishment may affect nearby residents, businesses and property owners, the City gathered the views of the community through a community consultation process as follows:*
 - (i) *residents, businesses and property owners within a 50 metre radius of the establishment were notified by letter. The letter provided information on the application with instructions on how to submit comments or concerns; and*
 - (ii) *signage was posted at the subject property and three public notices were published in a local newspaper. The signage and public notice provided information on the application with instructions on how to submit comments and concerns;*
- (e) *Council's comments on the general impact of the views of residents, businesses and property owners are as follows:*
 - (i) *the community consultation process was completed within 90 days of the application process; and*
 - (ii) *that based on the number of letters sent and no opposed responses received, Council considers that the approval of this application is acceptable to the majority of the residents, businesses and property owners in the area and the community.*

CARRIED



Special Council
Wednesday, December 19, 2018

RES NO. ITEM

3. **RICHMOND LAWN BOWLING CLUBHOUSE SITE AND PROGRAM
UPDATE**

(File Ref. No. 06-2052-25-LBOW1) (REDMS No. 6030445 v. 54; 6036730; 6045609; 6045312;
6047970; 6047971)

SP18/6-4

It was moved and seconded

- (1) *That, subject to the budget process, the lawn bowling greens be resurfaced but not be relocated, as described in the staff report titled "Richmond Lawn Bowling Clubhouse Site and Update," dated November 29, 2018, from the Director, Recreation Services and the Senior Manager, Capital Buildings Project Development;*
- (2) *That, subject to the budget process, Clubhouse Site Option 2 as shown in Attachment 3 be selected as the preferred site for the Richmond Lawn Bowling Clubhouse, as described in the staff report titled "Richmond Lawn Bowling Clubhouse Site and Program Update," dated November 29, 2018, from the Director, Recreation Services and the Senior Manager, Capital Buildings Project Development; and*
- (3) *That staff report back on additional options for the size of the Lawn Bowling Green Clubhouse and program.*

There was agreement amongst Council that the Parts of the motion be voted separately and the question on Part (1) of the motion was called and it was **CARRIED** with Cllrs. McNulty and McPhail opposed.

The question on Part (2) of the motion was called and it was **CARRIED** with Cllrs. Loo, McNulty, McPhail and Wolfe opposed.

The question on Part (3) of the motion was then called and it was **CARRIED**.



Special Council
Wednesday, December 19, 2018

RES NO. ITEM

PLANNING COMMITTEE

4. **REVISED REZONING CONSIDERATIONS FOR THE APPLICATION BY PIETRO NARDONE FOR REZONING OF THE WEST PORTIONS 7151, 7171, 7191, 7211, 7231, AND 7251 BRIDGE STREET FROM THE "SINGLE DETACHED (RS1/F)" ZONE TO THE "SINGLE DETACHED (ZS14) - SOUTH MCLENNAN (CITY CENTRE)" ZONE; AND TO REZONE THE EAST PORTION OF 7191 BRIDGE STREET FROM THE "SINGLE DETACHED (RS1/F)" ZONE TO THE "SINGLE DETACHED (RS2/C)" ZONE**

(File Ref. No. 12-8060-20-009796; RZ 16-732490) (REDMS No. 6004718; 5500172; 5689249)

SP18/6-5

It was moved and seconded

- (1) *That Third Reading of Richmond Zoning Bylaw, 8500 Amendment Bylaw 9796 be rescinded; and*
- (2) *That Richmond Zoning Bylaw 8500, Amendment Bylaw 9796, for the rezoning of the west portions of 7151, 7171, 7191, 7211, 7231, and 7251 Bridge Street from the "Single Detached (RS1/F)" zone to the "Single Detached (ZS14) – South McLennan (City Centre)" zone, and of the east portion of 7191 Bridge Street from the "Single Detached (RS1/F)" zone to the "Single Detached (RS2/C)" zone, be forwarded to a Public Hearing to be held on January 21, 2019.*

CARRIED

5. **APPLICATION BY CHRISTOPHER BOZYK ARCHITECTS FOR A ZONING TEXT AMENDMENT TO THE "VEHICLE SALES (CV)" ZONE TO INCREASE THE FLOOR AREA RATIO TO 0.82 AT 13100 SMALLWOOD PLACE**

(File Ref. No. 12-8060-20-009948; ZT 18-818765) (REDMS No. 6032125 v. 2; 5990457; 6001004; 2221494)

SP18/6-6

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9948, for a Zoning Text Amendment to the "Vehicle Sales (CV)" zone to increase the Floor Area Ratio to 0.82 at 13100 Smallwood Place, be introduced and given first reading.

CARRIED

Opposed: Cllr. Wolfe

6.



Special Council
Wednesday, December 19, 2018

RES NO. ITEM

In accordance with Section 100 of the *Community Charter*, Councillor Linda McPhail declared to be in a conflict of interest as her husband is part of the ownership group of the applicant, and left the meeting – 5:33 p.m.

6. **APPLICATION BY FARRELL ESTATES LTD. FOR A ZONING TEXT AMENDMENT TO THE INDUSTRIAL BUSINESS PARK (IB1) ZONE TO PERMIT VEHICLE SALE/RENTAL ON A PORTION OF THE PROPERTY AT 6260 GRAYBAR ROAD**

(File Ref. No. 12-8060-20-009977; ZT 18-841250) (REDMS No. 6050378 v. 3; 6043915)

SP18/6-7

It was moved and seconded

Application by Farrell Estates Ltd. for a Zoning Text Amendment to the Industrial Business Park (IB1) Zone to Permit Vehicle Sale/Rental on a Portion of the Property at 6260 Graybar Road

CARRIED

Councillor McPhail returned to the meeting – 5:34 p.m.

7. **CANNABIS CULTIVATION IN THE AGRICULTURAL LAND RESERVE - COUNCIL REFERRAL RESPONSE**

(File Ref. No. 08-4430-03-10; XR: 01-0150-20-BCAL1) (REDMS No. 6039195 v. 5)

SP18/6-8

It was moved and seconded

(1) *That the “Cannabis Cultivation in the Agricultural Land Reserve – Council Referral Response” report dated December 3, 2018 from the Manager, Policy Planning be received for information and endorsed; and*

(2) *That this report be forwarded along with Richmond City Council’s written request to the Provincial Government that:*

(a) *a moratorium on the cultivation of cannabis on farmland be established by the Provincial Government;*

(b) *cannabis be eliminated from the Farm Practices Protection (Right to Farm) Act; and*



Special Council
Wednesday, December 19, 2018

RES NO. ITEM

- (c) *local governments be permitted to determine whether or not cannabis should be grown on farmland within the municipality; and*
- (3) *That copies of the letter to the Provincial Government be sent to Richmond Members of Parliament, the Premier, Richmond Members of the Legislative Assembly, Leader of the Official Opposition, Vancouver Coastal Health, the Council/School Board Liaison Committee, UBCM, and District of Saanich.*

The question on the motion was not called as discussion took place on forwarding copies of the written request to the Provincial Government to other relevant parties.

The question on the motion was then called and it was **CARRIED**.

COUNCILLOR HAROLD STEVES

8. SECONDARY DWELLINGS ON AGRICULTURAL LAND
(File Ref. No.) (REDMS No.)

A previously distributed staff memorandum regarding amendments to the *Agricultural Land Commission Act* dated December 12, 2018 from the Manager, Policy Planning, was distributed on table (attached to and forming part of these minutes as Schedule 1.)

In response to a query from Council, Barry Konkin, Manager, Policy Planning advised that if a resolution was passed by Council regarding a moratorium on building permits for additional farm dwellings on agricultural land, a grace period until December 27, 2018 would commence after which all building permits would be withheld.

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

SP18/6-9

It was moved and seconded

- (1) *That staff be directed to bring back bylaws to the January 14, 2019 Regular Council meeting to amend the City's Official Community Plan Bylaw 9000 and the Richmond Zoning Bylaw 8500 to remove the provisions for an additional dwelling for farm workers on AG1 lots located within the Agricultural Land Reserve (ALR); and*



Special Council
Wednesday, December 19, 2018

RES NO. ITEM

- (2) *That staff be directed to withhold building permits for additional farm dwellings on AG1 lots located in the ALR under Section 463 of the Local Government Act and bring forward building permits that conflict with bylaws in preparation for Council consideration.*

CARRIED

NEW BUSINESS

9. **COUNCIL REMUNERATION**

(File Ref. No.) (REDMS No.)

Councillor Greene spoke to Council remuneration and read from her submission that was distributed on table (attached to and forming part of these minutes as Schedule 2.) As a result, the following **motion** was introduced:

SP18/6-10

It was moved and seconded

To cancel Richmond City Council pay increase in 2019 due to federal taxation changes and to phase in the planned salary increases for elected representatives from 2020–2024.

The question on the motion was not called as, in response to questions from Council, Bruce Clow, Interim Director, Human Resources, reviewed the staff memorandum dated December 19, 2018 titled “Council Remuneration” (attached to and forming part of these minutes as Schedule 3.)

Mr. Clow advised that staff have reviewed the actions of other BC municipalities, as noted in Attachment 2; he further commented on remaining consistent with employment law. Also, Mr. Clow remarked that, in light of the recent changes to federal legislation, the proposed salary and benefits scenarios were prepared with the intent of keeping Council members’ net current salaries and benefits as status quo. He then provided background information regarding the purpose of the external task force of citizens and the independent compensation.



Special Council
Wednesday, December 19, 2018

RES NO. ITEM

In response to Council comments, George Duncan, Chief Administrative Officer, spoke to the 2006 process, noting that should Richmond City Council's net salaries and benefits surpass the current 75th percentile in comparison to other BC municipalities, the matter could be revisited to make adjustments as necessary in an effort to remain in the same position in the comparative group.

Discussion further took place and the following Council comments were noted:

- the City of Richmond is not responsible to compensate salaries as a result of changes in taxation regulation;
- the matter of salaries and benefits is between an individual employee and the municipality as the employer;
- in the light of the upcoming changes to federal legislation, it would be prudent for the external task force of citizens to reconvene on this matter; and
- Richmond is the 4th largest city in B.C. and as such, keeping Council compensation competitive, encourages participation from a broad range of generations.

Discussion further took place and in reply to queries regarding the ability of Council members to negotiate salaries and benefits individually, staff advised that, should Council resolve, individual members could opt to waive a portion of their remuneration at any time; however, if an individual chose to reverse this decision, remuneration would not be retroactive.

The question on the motion was then called and it was **DEFEATED** with Mayor Brodie and Cllrs. Day, Loo, McNulty, McPhail, Steves, and Wolfe opposed.

Councillor Day then spoke to freezing Council's remuneration until the external task force of citizens has had an opportunity to reconvene, as previously done in 1992 and 2006 and distributed material (attached to and forming part of the minutes as Schedule 4).



Special Council
Wednesday, December 19, 2018

RES NO. ITEM

As a result, the following **motion** was introduced:

SP18/6-11

It was moved and seconded

- (1) *That Council seek a review of the Council remuneration by an independent panel and related compensation management professional; and*
- (2) *That the current unadjusted level of remuneration for Council be maintained until the results of the panel are finalized and approved by Council.*

DEFEATED

Opposed: Mayor Brodie
Cllrs. Loo
McNulty
McPhail
Steves

Discussion further ensued regarding the options for adjustments detailed in the staff memorandum and the option of allowing individual members of Council to decline a portion of their remuneration at any time.

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

SP18/6-12

It was moved and seconded

- (1) *That the salary adjustment set out in Scenario 2 in Attachment 1 of the staff memorandum dated December 19, 2018 from the Interim Director, Human Resources for the Mayor and Councillors commencing on January 1, 2019 be approved; and*
- (2) *That any Councillor or the Mayor may waive a portion of their remuneration if they so choose at any time.*

CARRIED

Opposed: Cllr. Greene



Special Council
Wednesday, December 19, 2018

RES NO. ITEM

BYLAW FOR ADOPTION

SP18/6-13 It was moved and seconded
*That Pollution Prevention and Clean-Up Bylaw No. 8475, Amendment
Bylaw No. 9950 be adopted.*

CARRIED

ADJOURNMENT

SP18/6-14 It was moved and seconded
That the meeting adjourn (6:33 p.m.).

CARRIED

Certified a true and correct copy of the
Minutes of the Special meeting of the
Council of the City of Richmond held on
Wednesday, December 19, 2018.

Mayor (Malcolm D. Brodie)

Acting Corporate Officer (Claudia Jesson)



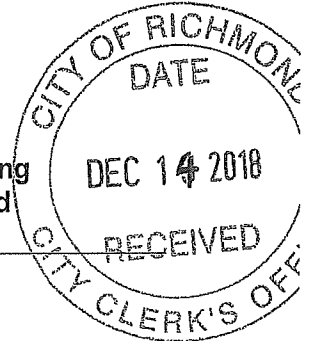
City of Richmond

Memorandum Planning and Development Division Policy Planning

To: Mayor and Councillors
From: Barry Konkin
Manager, Policy Planning

Date: December 12, 2018
File: 08-4105-01/2018-Vol 01T

Re: James Cooper,
Director, Building Approvals
**Bill 52 - *Agricultural Land Commission Amendment Act*, 2018 and Building
Permits; Additional Farm Dwelling; Withholding of a Building Permit; and
Considerations for the December 17, 2018 Public Hearing**



Purpose

The purpose of this memorandum is to provide Council with information regarding the recently-approved changes to the *Agricultural Land Commission Act* (Bill 52); and implications for Building Permit approvals. Further, this memorandum also provides Council with information on a recently submitted Building Permit Application for an additional residence for farm workers, a potential withholding of a building permit application, and considerations for the December 17, 2018 Public Hearing.

Bill 52 – *Agricultural Land Commission Amendment Act*

On November 27, 2018, Bill 52 (*Agricultural Land Commission Amendment Act*, 2018) was given Third Reading and Royal Assent. This legislation:

- establishes a maximum single family house size of 500m² (5,382 ft²) in total floor area for land located within the Agricultural Land Reserve (ALR); and
- ✱ • revises the regulation to remove an additional dwelling for farm employees as an outright permitted use.

It is anticipated that the amendments to the *Agricultural Land Commission Act* will come into force in early 2019 when the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* is amended through an Order-in-Council. An information update from the ALC is attached (Attachment 1).

Any proposal for a dwelling larger than 500m² (5,282 ft²), or for an additional dwelling on a property within the ALR, would require a non-farm use application to be reviewed and endorsed by Richmond Council and if endorsed, approved by the Agricultural Land Commission (ALC) upon enactment of the amended *Agricultural Land Commission Act*.

Building Permit Grandfathering Provisions of the Revised *Agricultural Land Commission Act*

Prior to Third Reading of Bill 52, an amendment to the Bill was moved by the Minister of Agriculture to establish a 'grandfathering' period for in-stream building permits for land in the

PHOTOCOPIED
PH - Hem #5
DEC 14 2018

 Richmond

ALR, where the proposed dwelling would be greater than 500m² (5,382 ft²). If the property owner has a lawfully issued Building Permit from the City, the property owner would have to demonstrate sufficient commencement of construction prior to November 5, 2019 if they wish to proceed. Ministry of Agriculture staff have advised City staff that for the purposes of the amended *Agricultural Land Commission Act*, the commencement of construction is defined as the completion of all concrete foundation work required for the house.

There is no 'grandfathering' period in the revised *Agricultural Land Commission Act* for building permit applications for an additional dwelling for farm workers in the ALR. In those cases, the property owner would have to hold a lawfully issued Building Permit from the City and demonstrate sufficient commencement of construction (concrete foundation poured) prior to the amendments to *Agricultural Land Commission Act* coming into force, which is expected to be in the first quarter of 2019.

Bylaws 9965, 9966, 9967 and 9968 – Proposed Zoning Amendments for Principal Dwellings in the AG1 and RS1/F-G Zones

On November 6, 2018, staff were directed by Richmond City Council to prepare bylaw amendments for residential development in the ALR. The proposed bylaws would do the following:

1. Bylaw 9965 would amend the Agriculture (AG1) zone to limit the maximum size of a house, including garage and residential accessory buildings, to 400 m² (4,305 ft²).
2. Bylaw 9966 would amend the Agriculture (AG1) zone to:
 - a. revise the maximum area of the farm home plate to 1,000 m² (10,763 ft²) for lots equal to or greater than 0.2 ha (0.5 acre);
 - b. revise the maximum number of storeys for a house from 2 ½ to 2 storeys and reduce the maximum building height for a house from 10.5 m (34.4 ft.) to 9.0 m (29.5 ft.); and
 - c. introduce a farm house footprint regulation which would limit the maximum farm house footprint to 60% of the maximum house size permitted for the property in the AG1 zone.
3. Bylaw 9967 would amend the definition of 'Farm home plate' to include the entire sewerage septic system, including septic tanks and fields, within the farm home plate.
4. Bylaw 9968 would amend the Single Detached (RS1/F-G) zones in the ALR to limit the maximum size of a house to 400 m² (4,305 ft²).

Implications for Building Permits

The 400 m² maximum house size limit being considered at the December 17, 2018 Public Hearing, together with the amended *Agricultural Land Commission Act*, create a number of scenarios for Building Permits that are already issued but no construction has begun, and for Building Permits that have not been issued, but are under staff review.

For Building Permits that have been issued permitting construction of a house larger than 400 m² (4,305 ft²), construction activity must start within 180 days of permit issuance to maintain the validity of the building permit. An application for extension is possible, but an extension will not be granted if a change in zoning regulations has taken place after permit issuance, and the project is not in compliance with the new regulation.

Building Permits that are ‘in-stream’ and under staff review, for a house size greater than the 400 m² (4,305 ft²) size limit being considered by Council, and greater than the new ALC Act limit of 500m² (5,282 ft²), must be issued prior to the enactment of the amended *Agricultural Land Commission Act* in order to proceed. As stated above, the enactment date will be the date the ALR Regulation is amended, which is expected in the first quarter of 2019.

Table 1 below provides a summary of the various implications to Building Permits.

Table 1: Building Permit Implications Table

Building Permit Implication Timeline	House size between 400m² and 500m²	House size greater than 500m²	Additional house for farm workers
Submitted prior to November 14, 2018 (withholding resolution)	<ul style="list-style-type: none"> No impact 	<ul style="list-style-type: none"> No impact 	<ul style="list-style-type: none"> No impact
Submitted prior to Council adoption of house size bylaws (late 2018) – subject to withholding	<ul style="list-style-type: none"> New applications are reviewed by Council If BP already issued, no impact 	<ul style="list-style-type: none"> New applications are reviewed by Council If BP already issued, no impact 	<ul style="list-style-type: none"> No impact
Prior to the enactment of <i>Agricultural Land Commission Act</i> (first quarter of 2019)	<ul style="list-style-type: none"> No impact 	<ul style="list-style-type: none"> BP must be issued 	<ul style="list-style-type: none"> BP must be issued and construction has begun
Prior to November 5, 2019	<ul style="list-style-type: none"> No impact 	<ul style="list-style-type: none"> Construction must have begun 	<ul style="list-style-type: none"> Would require Council and ALC approval
Following November 5, 2019	<ul style="list-style-type: none"> No impact 	<ul style="list-style-type: none"> Would require Council and ALC approval 	<ul style="list-style-type: none"> Would require Council and ALC approval

Implications for Issued Building Permits for a Principal Dwelling Prior to Construction

To date, there are 28 issued Building Permits from the City, where construction has not commenced, to construct a principal single family dwelling within the ALR which would exceed the new Provincial house size limit of 500 m² (5,382 ft²). Those property owners would have to complete site preparation work, including removing any pre-load, and demonstrate that concrete foundations have been poured before November 5, 2019. If these conditions can be met, the house size would be grandfathered and construction would be allowed to proceed. If the concrete foundation work is not complete by November 5, 2019, staff will complete a site inspection, and if warranted, issue a stop work order and cancel the Building Permit application.

Implications for In-Stream Building Permit Applications for a Principal Dwelling

To date, there are 25 Building Permit applications still under staff review for single family principal dwellings in the ALR which exceed the 500 m² (5,382 ft²) house size limit. These applications were all received prior to Council’s withholding resolution which took effect on November 14, 2018.

For these applications, the property owner would be required to have a lawfully issued Building Permit from the City prior to the enactment date of the amendments to the *Agricultural Land Commission Act*. If a Building Permit is issued before the enactment date, the owner would have to complete all site preparation work, including pre-load, and have concrete foundation work completed prior to November 5, 2019 in order to proceed.

With a typical pre-load period of 6 to 8 months, there is potential for some of these in-stream permits to miss the November 5, 2019 deadline. In those cases, the owner could re-submit their Building Permit application to be consistent with all Provincial enactments, as well as the requirements of Richmond Zoning Bylaw 8500, or submit a non-farm use application for review by Council, and approval of the ALC. Should the 400 m² (4,305 ft²) size limit being considered by Council be adopted, a rezoning to allow a larger principal dwelling on a site-specific basis would also be required.

Building Permit Application for Additional Dwelling for Farm Workers – 14791 Westminster Highway

Council adopted amendments to the AG1 zone in June 2018 to allow one additional dwelling provided that:

- the property is 8.0 ha (20 acres) or greater;
- a signed statutory declaration is submitted by the owner of the property;
- the need for the additional dwelling is justified by a certified professional Agrologist;
- the maximum floor area of the house is not greater than 300 m² (3,229 ft²); and
- the maximum area of the additional farm home plate is not greater than 500 m² (6,458 ft²).

In addition, the amendments to the *Agricultural Land Commission Act* revises the ALC regulations to remove an additional dwelling for farm employees as an outright permitted use. However this regulation has not yet been enacted.

A building permit application for an additional dwelling for farm workers of 300 m² (3,229 ft²) for the property located at 14791 Westminster Highway was submitted on November 7, 2018. After detailed staff review and consultation with Legal Services, this building permit application has been cancelled, as the application is incomplete. The applicant did not provide the required statutory declaration attesting to the agricultural use of the property, and no agrologist's report justifying the additional dwelling has been provided.

With the amendments to *Agricultural Land Commission Act* given Royal Assent, Council may wish to direct staff to remove the zoning provisions allowing an additional dwelling for farm workers in Richmond Zoning Bylaw 8500. If so desired, an appropriate wording is:

the January 14, 2019 Regular Council meeting to

* ① Staff be directed to bring back bylaws to amend the City's Official Community Plan Bylaw 9000 and the Richmond Zoning Bylaw 8500 to remove the provisions for an additional dwelling for farm workers on AG1 lots located within the Agricultural Land Reserve

These amendments will ensure that the City's Zoning Bylaw and Official Community Plan are consistent with the Provincial legislation. A land owner would still be able to make a non-farm use application to Council and the Agricultural Land Commission (ALC) to allow an additional dwelling for farm workers. Should a non-farm use be endorsed by Council and approved by the

② that staff be directed to withhold building permits for additional farm dwellings on AG1 lots located in the ALR under Section 403 and bring forward in preparation

ALC, a rezoning application to allow the additional dwelling on a site-specific basis would also be required.

Withholding of a Building Permit – 11131 Granville Avenue

On November 6, 2018, Council also passed a resolution to implement a withholding resolution of all building permit applications that would be contrary to the bylaw being prepared, in this case to limit the maximum permitted house size to 400 m² (4,305 ft²). A building permit for a principal dwelling on the property at 11131 Granville Avenue that would be contrary to the bylaw under consideration was submitted on December 7, 2018. A detailed review of the permit application has confirmed that the design submitted is for a principal dwelling with a floor area of 560 m² (6,027 ft²), which exceeds the maximum size permitted on the lot of 500 m² (5,382 ft²) as per the AG1 Zone. As the permit application is non-compliant with the Richmond Zoning Bylaw 8500, the permit application has been cancelled, and a Council resolution to withhold the permit is not required.

Public Hearing Considerations

It is anticipated that there will be considerable public input at the December 17, 2018 Public Hearing on the proposed bylaws for agricultural house regulations. As described on Page 2 of this memorandum, there are 4 bylaws for house regulations being considered at the Public Hearing.

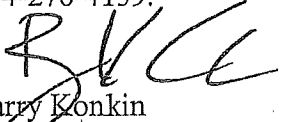
The Deputy Municipal Clerk has advised that the house size limit in Bylaws 9965 and 9968 – to further regulate house size on properties AG1 and RS1/F and RS1/G respectively, currently at 400 m² (4,305 ft²) – cannot be changed at the Public Hearing, as the house size limit is included under the density provisions of the Bylaw. Any change to the house size limit would require an additional Public Hearing.

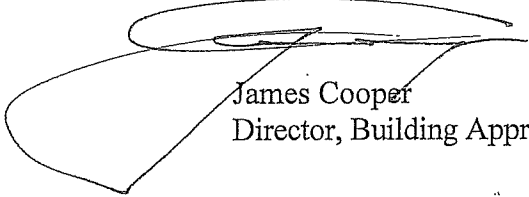
The content of the other 2 bylaws – Bylaw 9966 for farm home plate size and house footprint limit and Bylaw 9967 to require the septic tank and field to be located within the farm home plate – could be amended following the Public Hearing, if Council so desired.

Conclusion

Staff will continue to monitor the implementation of the amendments to the *Agricultural Land Commission Amendment Act*, and will provide Council with an update on the effective date of the legislation and the amendments to the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

If you have any questions, please contact either Mr. Cooper at 604-247-4606 or Mr. Konkin at 604-276-4139.


Barry Konkin
Manager, Policy Planning


James Cooper
Director, Building Approvals

BK:cas

pc: SMT

Wayne Craig, Director of Development



Agricultural Land Commission
201 – 4940 Canada Way, Burnaby, BC V5G 4K6
Tel: 604 660-7000
www.alc.gov.bc.ca

Dec. 4, 2018 – ALC Information Update: Bill 52 – 2018 Agricultural Land Commission Amendment Act

This ALC information update is to inform local governments, land owners and the general public.

General Summary:

Bill 52 has received Royal Assent **but will not have force and effect until new ALR Regulations are adopted**. The Provincial Government is currently working on these ALR Regulations. The ALC anticipates that they will be adopted next year.

Housing Questions:

If your proposed primary house is more than 500m² (5,382 sq ft), the following grandfathering provisions may apply:

Primary Residence:

To have a primary residence (1st house) larger than 500 m² grandfathered, you must have:

1. Received your building permit before the new ALR Regulations are adopted (if building permits are required where you live); AND
2. Construction of the foundation or alteration is substantially begun by November 5, 2019.

Additional Residence (ie. 2nd House):

To have your additional residence grandfathered, you must have:

1. Received your building permit before the new ALR Regulations are adopted (if building permits are required where you live); AND
2. Construction of the Foundation or alteration is substantially begun before the new ALR Regulations are adopted.

Until new Regulations are adopted, the ALC is not able to confirm if a project will meet the grandfathering conditions. This update is intended only to provide information with respect to the timing of the amendments to the ALC Act.

Please refer to the exact language of Bill 52 (3rd Reading) on the Legislative Assembly of BC's website: <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>

NEW BUSINESS – Council Meeting (Special) December 17, 2018

Councillor Kelly Greene

Motion: To cancel Richmond City Council pay increase in 2019 due to federal taxation changes and to phase in the planned salary increases for elected representatives from 2020–2024.

Rationale: Due to significant budgetary pressures in 2019, it would be inappropriate for elected officials for the City of Richmond to realize a significant raise in the coming year. Even though Mayor and Councillors' take home pay would not change after the planned raise due to federal taxation changes, Richmond residents should see their representatives demonstrating personal commitment to fiscal restraint.

It is important for elected representatives to understand that the majority of tax-paying residents do not receive pay or pension increases, even if their costs increase or personal taxation rules change. Through demonstrating our personal understanding of this situation, we can build trust with residents that we are carefully considering all budgetary items, and respect the work residents' undertake to pay their property taxes.



City of
Richmond

Memorandum
Human Resources

To: Mayor and Councillors
From: Bruce Clow
Director, Human Resources
Re: Council Remuneration

Date: December 19, 2018
File: 05-1800-03/2018-Vol 01

Origin

Mayor Brodie has requested staff provide legal and technical guidance with respect to the City's plan to administer Council's adjustments as a result of the termination of the 1/3 non-taxable component of their remuneration effective January 1, 2019, and any potential impacts arising from a motion that may be put before Council on a Special Council meeting on December 19, 2018 on the same topic.

Background

The Elected Official's remuneration program, which was established in 2006 with the assistance of an external task-force of citizens and members of the business community and guided by an external professional compensation consultant, was designed to be administered on the basis of the following principles:

- Key components of remuneration, including base rate, are determined by external market data acquired from a specified comparator group and maintained at the 75th percentile;
- Annual increases will be implemented at the rate of increase of the Vancouver Consumer Price Index (CPI);
- External market surveys will be conducted on a regular basis (ideally every two to three years) and if possible during the final year of the term of the incumbent Council; and
- The Elected Officials remuneration plan will be administered on the basis of relevant and current market data without involvement or participation by incumbent Elected Officials.

The purpose of the external task force of citizens and an independent compensation consultant was to fix an issue around Elected Officials remuneration. The goal was to bring more rigour, transparency and objectivity to the process by which Elected Officials remuneration is determined without the involvement of Elected Officials who would receive the benefit. The process that was established is considered best practice and is a very effective system that clearly defines a specific peer group, market positioning and how salary adjustments are determined and administered.

Emerging Issue

Many Elected Officials in Canada receive 1/3 of their remuneration as non-taxable earnings. The Federal Government will terminate this tax exemption effective January 1, 2019.

Legal Perspective

While the Mayor and Councillors are elected every 4 years as opposed to being appointed, they are legally deemed to be employees of the City. This is validated by the fact that they receive a T4 and are assessed by the Canada Revenue Agency (CRA) for employment income. In order to clarify, staff consulted with professional Legal Counsel.

Elected Officials receive a prescribed rate of pay, prescribed benefits and have income tax deducted from their pay and remitted. They receive a T4 outlining their remuneration.

Historically, the current compensation philosophy for Elected Officials and the process to determine the level of remuneration, which are both considered best practice, were determined by an independent Committee and compensation consultant dating back to 2006 and 1992 respectively. This philosophy includes indexing the annual adjustment to the Vancouver CPI, and a periodic market adjustment if warranted. A portion of the remuneration (1/3) has been tax exempt by CRA. CRA has now rescinded the tax-free portion.

In an employment Law context, this change to a material component of the employee/employer "contract" (remuneration) through no fault of the Employee would be addressed by an effort to "keep the Employee whole". If the Employer were to unilaterally change a material term or condition of the employee/employee contract, it would give rise to a "constructive dismissal". In this context, the Employment contract is between each employee and the employer; it is not a group contract. In this instance, there has been an established range and change process. If the employer decides to take no action (in view of the 1/3 tax exemption ending), all members of Council will experience a reduction in take home pay. An Elected Official could reasonably expect to be paid at least what they were paid in the prior year and in accordance with the established process to determine Elected Officials compensation. To this end, they could also assert that the doctrine of detrimental reliance applies (a reliance on facts or assertions to their detriment). To act in a fashion other than one in which the employee remains whole could create legal issues. Whether the situation at hand is seen as "detrimental reliance" or "constructive dismissal", the remedies would largely be the same. An employer cannot unilaterally change an employee's remuneration that can pose material hardship on an employee. Solutions proposed by staff are intended to address this.

Technical Perspective: HR / Compensation and Proposed Remedy

Based on regular employment and compensation practices and the specific nature of the change imposed by the Federal Government, it is appropriate that the City ensure that the net value of remuneration of Elected Officials remain whole, effective 2019 onwards (*Scenario 2, Attachment 1*). The purpose of the change in Federal Government income tax regulations is to conclude a long practiced subsidy by the Federal Government of municipal governance costs, as opposed to, it being an attempt to regulate the level of remuneration provided to local government Elected Officials.

In order to achieve the "remain whole" objective, Elected Officials' gross remuneration will be increased until the 2019 net remuneration is equal to the value of their 2019 net remuneration if the 1/3 non-taxable component of employment earnings had remained in place.

Rationale for Proposed Remedy

Following are key points of the proposed adjustment:

- Justification – A change has been imposed by a senior-level government that will have a significant impact on local government Elected Officials' compensation. The purpose of this change is to reduce their costs, as opposed to addressing a need to correct or address any real issue concerning the remuneration provided to local government Elected Officials. Majority of municipalities surveyed are adjusting their Council remuneration to keep them whole effective January 1, 2019 (*Attachment 2*). It would be prudent for the City of Richmond to align with the broader local market and keep Elected Officials whole effective 2019, while others are making the salary adjustments rather than delay this into the future when the City's Council rates have fallen significantly behind the market.
- Elected Officials do not realize a net pay increase through the proposed corrective measures.
- As public sector remuneration is established primarily on the basis of their external comparator group and the basis for acceptance is directly related to local market position and the awarding of fair and equitable rates, most if not all municipalities will eventually have to adjust Elected Officials remuneration in response to market pressures.
- Implementing the needed adjustment in incremental increases over an extended period of time (*Scenario 3, Attachment 1*) will not have any impact on the total cost if the principle is to keep them whole (i.e. incorporating retro payments over time). The significant downside and risk factor of this approach is that year over year adjustments become noticeably significant (e.g. 6-7% incremental increase per year for the Mayor, and 4% incremental increase each per year for Councillors). An incremental increase approach only postpones the liability and monies owing into the future years creating significant retro payouts. The cost of Scenario 2 (Keep them whole effective 2019) and Scenario 3 (Keep them whole but with incremental increases and retro payments) is exactly the same. The main difference is that Scenario 3 results in significant annual increases whereas Scenario 2 makes the proper adjustment once, at the same time as other municipalities that are making the change to keep them whole.
- Implementing incremental adjustments until 2024 when Elected Officials reach a point where they are kept whole without retroactive adjustments (*Scenario 4, Attachment 1*) results in less cost than keeping them whole effective 2019. However, incremental increases will still result in significant annual increases for several years.
- Implementing no change and adjusting only by the Vancouver CPI each year (*Scenario 1, Attachment 1*) results in an approximate total annual net income loss of \$21,000 for the Mayor (i.e. 16% reduction in net income), and \$7,500 for each Councillor (i.e., 11% reduction in net income).
- Lessons learned include having to play catch-up with the market on Elected Officials' remuneration if it is allowed to fall behind can be increasingly more difficult and challenging to administer as more time elapses. This was one the of the factors which prompted the 1992 Task Force and 2006 Independent Panel to recommend the program and a process which are presently in place and which were designed deliberately not having the sitting Council involved in determining its remuneration. To have a defensible and objective process in place to administer Elected Officials' remuneration protects the plan and ensures alignment with other municipalities and fairness.



Bruce Clow
Director, Human Resources

Att. 2

Mayor	Scenario 1			Scenario 2		Scenario 3		Scenario 4		
Year	No Adjustment (CPI Increase only)	Net Income Loss	% of Net Income Loss	Keep Whole	YoY Increase %	Keep Whole with YoY Increase Retro Adjustments	%	Proper Level by 2024 No Retro Adjustments	YoY Increase %	Net Income Loss
2019	\$ 155,182	\$ 21,308	16.6%	\$ 194,496	28.7%	\$ 155,182	2.7%	\$ 155,182	2.7%	\$ 21,308
2020	\$ 157,711	\$ 21,656	16.6%	\$ 197,666	1.6%	\$ 171,630	10.6%	\$ 166,320	7.2%	\$ 16,990
2021	\$ 160,282	\$ 22,008	16.6%	\$ 200,888	1.6%	\$ 189,822	10.6%	\$ 177,458	6.7%	\$ 12,699
2022	\$ 162,895	\$ 22,367	16.6%	\$ 204,162	1.6%	\$ 209,942	10.6%	\$ 188,596	6.3%	\$ 8,437
2023	\$ 165,550	\$ 22,731	16.6%	\$ 207,490	1.6%	\$ 232,194	10.6%	\$ 199,734	5.9%	\$ 4,204
2024	\$ 168,248	\$ 23,102	16.6%	\$ 210,872	1.6%	\$ 256,805	10.6%	\$ 210,872	5.6%	\$ -
Total over 6 years	\$ 969,868	\$ 133,172		\$ 1,215,574		\$ 1,215,574		\$ 1,098,162		\$ 63,638

Councillor	Scenario 1			Scenario 2		Scenario 3		Scenario 4		
Year	No Adjustments (CPI Increase only)	Net Income Loss	% of Net Income Loss	Keep Whole	YoY Increase %	Keep Whole with YoY Increase Retro Adjustments	%	Proper Level by 2024 No Retro Adjustments	YoY Increase %	Net Income Loss
2019	\$ 80,017	\$ 7,847	11.4%	\$ 90,946	16.7%	\$ 80,017	2.7%	\$ 80,017	2.7%	\$ 7,847
2020	\$ 81,321	\$ 7,975	11.4%	\$ 92,428	1.6%	\$ 85,396	6.7%	\$ 83,734	4.6%	\$ 6,242
2021	\$ 82,647	\$ 8,105	11.4%	\$ 93,935	1.6%	\$ 91,137	6.7%	\$ 87,451	4.4%	\$ 4,656
2022	\$ 83,994	\$ 8,237	11.4%	\$ 95,466	1.6%	\$ 97,264	6.7%	\$ 91,168	4.3%	\$ 3,086
2023	\$ 85,363	\$ 8,371	11.4%	\$ 97,022	1.6%	\$ 103,803	6.7%	\$ 94,885	4.1%	\$ 1,534
2024	\$ 86,754	\$ 8,508	11.4%	\$ 98,603	1.6%	\$ 110,782	6.7%	\$ 98,603	3.9%	\$ -
Total per Councillor over 6 years	\$ 500,096	\$ 49,042		\$ 568,400		\$ 568,400		\$ 535,858		\$ 23,365

Assumptions:

CPI of 2.9% was used for 2019 salary adjustments

CPI of 1.63% was used for 2020 to 2024 salary adjustments based on CPI historical average (2015 to 2018)

Marginal tax rates of 45.8% for the Mayor and 28.2% for Councilors were used from 2019 to 2024

Marginal tax rates will remain unchanged from 2019 to 2024

Elected Officials & Elimination of Income Tax Exemption Status Effective 1/1/2019

The following municipalities **have made a decision to keep Council members 'whole'** to account for the removal of 1/3 tax free allowance and impact on remuneration (net pay):

- Coquitlam
- Port Coquitlam
- Capital Regional District
- Mission
- Langley (City)
- Lions Bay
- Maple Ridge
- District of North Vancouver
- Kelowna
- Langley (Township)
- Port Moody

The following **will be recommending keeping them 'whole'**:

- Burnaby (to be presented to Council in January 2019)

The following have decided **not to adjust remuneration to keep them 'whole'**:

- Surrey

The following indicate that **no formal decision has been made yet**:

- New Westminster (did not disclose what their recommendation will be)
- Delta

Waiting for a response from the following:

- Abbotsford
- Chilliwack
- West Vancouver
- White Rock

Note: Municipalities in red font represent comparators for determining Elected Officials' remuneration at Richmond.

Council Remuneration regarding :

Jan 2019 increase to keep council remuneration whole.

Given that the Federal govt has chosen to withdraw the tax free portion of the salaries of all city councils across Canada adjustments need to be made to the income city council members receive.

In 1992 and 2006 a independent review panel with members of the public where tasked with assessing the remuneration of council and now that the pay structure is fundamentally being changed by the federal govt it is necessary to appoint a independent review panel that can choose to enlist the professional services of a Compensation management professional.

The existing paycheck can be maintained until the review is complete and then adjustments can be made at that time.

MOTION TO AMMEND:

To keep: *"cancel the pay raise in 2019"*

To add: **"until we hear back from a volunteer panel evaluating compensation, such as in 1992 and 2006. "*

Carol Day