



To: Planning Committee

Date: May 20, 2009

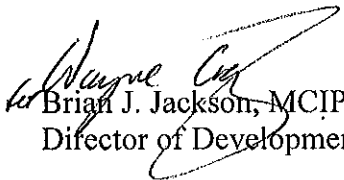
From: Brian J. Jackson, MCIP
 Director of Development

File: AG 07-358609

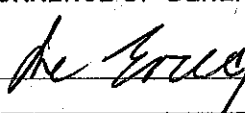
Re: **Agricultural Land Reserve Exclusion Application by Philip Lee at
 6580 No. 4 Road**

Staff Recommendation

That authorization for Philip Lee to apply to the Agricultural Land Commission for exclusion of 6580 No. 4 Road (AG 07-358609) from the Agricultural Land Reserve be denied.


 Brian J. Jackson, MCIP
 Director of Development

BJJ:ke
 Att.

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ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
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Staff Report

Origin

The City has received an application (Philip Lee – Applicant) for exclusion of 6580 No. 4 Road (AG 07-358609) from the Agricultural Land Reserve (ALR).

This proposal is one of four separate ALR exclusion applications submitted by individual applicants along this portion of No. 4 Road between Francis Road and Westminster Highway. Although similar circumstances and relevant City policies are applicable to all four ALR exclusion applications, they are being brought forward separately for Planning Committee and Council consideration.

A location map and aerial photograph of the subject property under application are contained in **Attachment 1**. A map showing the location of all four application sites in relation to the McLennan Sub Area Plan is contained in **Attachment 2**.

ALR Exclusion Application – Processing and Notification Requirements

Processing

A private property owner applying to have property excluded from the ALR submits an application first to the City of Richmond for review by City staff. Once the application has fulfilled submission requirements and addressed City staff comments, the exclusion application is forwarded to Richmond City Council for consideration and decision. In order to proceed to the Agricultural Land Commission (ALC), a resolution from Richmond City Council is required to authorize the subject application to proceed.

If Richmond City Council authorizes the subject ALR exclusion application to proceed, they are forwarded to the ALC for a decision to be made. If Richmond City Council does not authorize the application to proceed, the application does not get forwarded to the ALC and the exclusion application proceeds no further. Should permission not be granted to proceed to the ALC, half of the original application fee is returned to the applicant (\$600 application fee; \$300 returned to applicant if proposal does not proceed to the ALC).

Upon receipt of the ALR exclusion application authorized to proceed to the ALC by Local Government resolution, the ALC may approve or deny the application. If approved, the ALC would notify the proponent and the City of the exclusion. Properties that have been excluded from the ALR are still subject to the City of Richmond's OCP and zoning. Rezoning applications to amend the OCP and zoning would need to be submitted, reviewed and considered for proposals that do not comply with these regulations. The applicant (P. Lee) has not submitted a concurrent rezoning application in conjunction with the subject ALR exclusion request.

If the ALR exclusion is denied by the ALC, the application process is complete and notification of the decision is given to the proponents and Richmond for information purposes.

Public Notification Requirements

ALR exclusion applications by property owners are required to notify the public of their application prior to filing it with the Local Government (City of Richmond). Notification involves the following, which is to be completed by owner/applicant:

- ❑ Advertise in a local newspaper identifying the intent, location and applicant of the ALR exclusion application.
 - ❑ Serve a copy and notice of the application to other property owners in the ALR that share a common property with the property under application.
 - ❑ Post a sign on the property that identifies the intent, location and applicant of the proposal with a copy of the notice and application posted on the sign.
-

Any public comments received by the applicant as a result of the notification process must be forwarded or directed to the City of Richmond for consideration in the processing of the exclusion application.

Compliance with Notification and Public Comments

The applicant has adhered to the notification requirements and submitted the appropriate documentation when the application was filed with the City. No correspondence or comments from the public were received directly by the City or forwarded by the applicant.

Agricultural Land Commission Act - Exceptions

Exception Provision

A provision in the ALC Act enables properties that meet certain criteria to be excepted from the provisions of the ALC Act and applicable regulations. The exception provision is as follows (stated in Section 23 of the ALC Act):

“Restrictions to the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the Land Registry Act, R.S.B.C. 1960, c. 208, less than 2 acres in area.”

In order for a property to adhere to the above provision, the following must be confirmed:

- ❑ On December 21, 1972, the lot was less than 2 acres in area; and
- ❑ On December 21, 1972, the land was on its own, separate certificate of title.

Properties that are excepted from the ALC Act are not required to obtain approval from the ALC for development (residential, commercial, institutional, industrial) or use of properties in the ALR. However, the property is still subject to applicable Local Government regulations and zoning.

Examination to Determine if 6580 No. 4 Road is Excepted from the ALC Act

City staff conducted research on the subject property, but have not been able to attain the appropriate legal titles and subdivision plans (to confirm adherence with criteria) to determine if the property meets the provisions to be excepted from the ALC Act. Staff notified the applicant about this exception provision contained in the Act and to follow-up with ALC staff to clarify the criteria and information required to confirm if the exception applies to the property under application.

Implications for Properties that are Excepted from the ALC Act

Although it has not been confirmed that the property at 6580 No. 4 Road is excepted from the ALC Act, the possibility remains due to the small size of the property (1,773 sq.m or 0.44 acres) and historical subdivision pattern in the area.

A property that meets the provisions to be excepted from the ALC Act, is still located in the ALR and does not mean that the property is automatically excluded from the ALR. If a property owner wishes to amend the existing boundary of the ALR to exclude their property, an application for ALR exclusion and subsequent authorization to proceed from Richmond City Council and decision from the ALC is required. Any proposal to amend the ALR boundary to exclude a property from the ALR requires an ALR exclusion application despite whether a property is excepted or not excepted from ALC Act.

Benefit of Keeping Properties Excepted from the ALC Act in the ALR

There are many examples of properties in Richmond that are contained in the ALR and are also excepted from the ALC Act. The following are benefits of keeping properties excepted from the ALC Act within the ALR:

- ❑ This approach is consistent with the City's Official Community Plan (OCP) designation of "Agriculture" for all properties contained within the ALR. This land use designation identifies agriculture as the principal land use to be considered for ALR lands and supports the ALC's mandate to preserve agricultural land.
- ❑ The existing boundary of the ALR along No. 4 Road constitutes a contiguous clearly defined buffer and helps to delineate between urban and rural/agricultural areas. The situation of the ALR boundary coinciding with a public road is a common occurrence in Richmond (i.e., Steveston Highway, No. 2 Road, No. 6 Road, Alderbridge Way, Westminster Highway). Exclusion of properties along ALR boundaries and section line roads compromises the natural buffer provided by the road and can potentially lead to increased development pressure on agricultural land.
- ❑ There are likely numerous properties throughout Richmond's agricultural areas that are contained within the ALR, but are excepted from the ALC Act due to property size and historical legal title. From a land use and planning perspective of maintaining areas for agricultural purposes, the approach taken is to designate and include all land in the ALR for agricultural purposes and not individually differentiate properties that are excepted from the ALC Act. This approach is beneficial to agriculture as it would provide a more contiguous and large land base available for farming and not result in further erosion of the ALR boundary.
- ❑ Maintaining properties excepted from the ALC Act within the ALR also assists in the potential future consolidation of smaller lots into larger parcels that can be more readily farmed. If individual exclusions are considered, future lot consolidation may be more difficult to achieve.

Findings of Fact

Please refer to **Attachment 3** for additional technical information, surrounding land uses specific to the property under application and a table highlighting the status of the application in regards to information requested by staff.

Related Policies & Studies

Official Community Plan (OCP)

The OCP General Land Use map designates the subject property under application for 'Agriculture'. The McLennan Sub Area plan, approved in 1987, designates the site for 'Agriculture' (refer to **Attachment 2**) and contains specific objectives and policies to enhance agricultural viability in the area east of No. 4 Road, therefore maintaining this portion of the McLennan Sub Area in the ALR. The OCP also identifies policies directed towards protecting all farmland in the ALR and maintaining the integrity of the ALR boundary.

The exclusion of 6580 No. 4 Road from the ALR would not be consistent with the OCP objective of maintaining the existing boundary of the ALR. If the property is excluded from the ALR, the City's existing OCP designation and zoning would still be applicable to the subject property. As a result, the Agricultural land use designation in the OCP and zoning (AG1) would limit urban development to low-intensity residential (single-family) and related accessory uses. More intensive urban residential development would not be in compliance with existing OCP designations and zoning and would require the appropriate OCP amendments and rezoning applications to be considered by Richmond City Council.

Agricultural Viability Strategy (AVS)

The AVS (approved by Council on May 26, 2003) supports the broader OCP objectives of protecting farmlands in the ALR and enhancing agricultural viability of farmland in Richmond.

As defined in the AVS, the subject property is contained in the McLennan 2 Agricultural Management Node (Six quarter-sections bounded by No. 4 Road, Westminster Highway, No 5 Road and Francis Road). All properties in this node are to be managed in a coordinated and comprehensive manner. Site-specific exclusion requests, considered independent of other properties in this Agricultural Management Node are not supported as a fragmented approach that would not benefit agriculture and jeopardize the established boundary (No. 4 Road) between urban and rural areas. As a result, the ALR exclusion application for 6580 No. 4 Road does not comply with the policies and recommendations contained in the AVS.

Zoning

The subject site is zoned Agricultural District (AG1). A majority of the properties in the McLennan Sub Area in the ALR are zoned AG1. In addition to agriculture and supporting uses, this zoning district permits a single-family residential dwelling and related accessory uses.

Staff Comments

Requested Information

Upon review the ALR exclusion application, staff communicated to the applicant relevant portions of the City's OCP and AVS in order to identify the principles of Council adopted plans and policies aimed at preserving the existing ALR boundary and enhancing agricultural viability. Staff also identified to the applicant that the proposed exclusion does not comply with the City's OCP and AVS, and the proposal cannot be supported on this basis.

Staff requested that additional information be provided, should the applicant wish to continue to proceed and to enable staff to conduct a complete review. The following comments were forwarded to the applicant in order to obtain a clear rationale for the proposal:

- The submission of a soils report from the appropriate professional to address the subject property's agricultural capability and potential impact on surrounding properties.
- The submission of a detailed rationale to justify and explain the purposes of ALR exclusion application.
- More information to determine how an exclusion application will result in agricultural viability and whether this proposal will ultimately impact farming in the area.
- Information was also requested on the proposed future land uses should the subject site be removed from the ALR.

Status of the Application and Staff Request for Additional Information

A summary of the status of the application in relation to staff's requests for additional information and clarification to be provided by the proponent is contained in **Attachment 3**. The applicant has not provided any of the additional supplementary information requested by staff nor have they indicated if further information will be forthcoming.

Approximately two years has passed since City staff requested additional information for the subject ALR exclusion application. In early March 2009, staff communicated the status of the ALR exclusion application and outstanding information that has yet to be received. Staff have not received any response from the applicant providing updates on their proposal.

Based on the limited information submitted for this ALR exclusion application at 6580 No. 4 Road, staff consider the proposal incomplete, thereby not enabling staff to conduct a full examination and review.

City Services

Existing Services

The subject property is serviced by City storm system with drainage to No. 4 Road. City water is also located along No. 4 Road and services the property under application. The subject property is required to be serviced by an on-site septic sewer disposal system as the area is not contained in an existing City sewer area and not serviced by a City sanitary sewer system.

Servicing Challenges and Implications

There are a number of servicing implications and challenges that would result if the subject ALR exclusion application is approved. Generally, removal of land from the ALR represents the first step in the further development of agricultural land for other purposes such as residential, commercial or industrial development. More intensive, urban oriented-development places increased demands on City water, storm and sanitary sewer services. In general, City services in agricultural areas are not designed for or have the capacity to support increased development.

A particularly challenging City servicing implication for development of agricultural areas relates to sanitary sewer service. The subject properties east of No. 4 Road between Westminster Highway and Francis Road (including the property under application) are not serviced by a City sanitary sewer system and are located outside of a defined City sanitary sewer catchment area.

Richmond City Council adopted a Sanitary Sewer Connection Policy (7401) (**Attachment 4**) on October 24, 2004, which sets out an approach to addressing sanitary sewer connection requests for properties outside of sewer areas. The Policy was developed to take into account infrastructure efficiencies and agricultural land protection policies, which are common issues that arise in many sewer connection requests made to the City. From an infrastructure perspective, existing sewerage areas have an existing limit, which does not generally have the capacity to support additional properties or areas. Based on agricultural land use policies, servicing these properties with a sanitary sewer system is contrary to the protection of farmland as intensive servicing in these areas results in increased pressure to develop farmland for other purposes.

Policy 7401 generally identifies that properties outside of City sewer boundaries be denied connection to the City sanitary sewer system, which provides a consistent and coordinated approach to addressing infrastructure capacity and OCP land use policies aimed at protecting farmland. Any proposal involving a connection to the City's sanitary sewer system for the

subject property under ALR exclusion application would not comply with the provisions of Policy 7401.

As a whole, existing services to the subject property under application on No.4 Road as well as other properties contained in the ALR are adequate for the needs of existing residential uses (single-family dwellings) permitted in agriculturally-zoned areas. An increase in the development of agricultural land will result in additional pressure on City storm, water and sanitary sewer services that would not likely have sufficient capacity to enable further expansion in the agricultural areas and would also be contrary to City land use policies.

Analysis

The subject ALR exclusion at 6580 No. 4 Road is not consistent with the following OCP objectives and policies:

- Maintain the ALR boundary and protect all farmlands in the ALR.
- Maintain and enhance agricultural viability in the ALR on a city-wide basis and within the McLennan Sub Area.
- Land use designations to identify agriculture as the principal use.

The subject ALR exclusion application does not comply with the City's policies and objectives of preserving the existing ALR boundary as a measure to protect all land in the ALR for farm purposes. Not all land is actively in farm production in the ALR; however, designating land for agricultural purposes ensures that future use of the land for farming remains the top priority.

Commercial agriculture, on large contiguous parcels, is challenging in the McLennan Area given the existing subdivision pattern of agricultural land and resulting lot sizes and configuration. However, the potential for lot consolidation into larger agricultural parcels and for small lot agriculture or farm operations involved in more intensive urban agriculture activities remain a possibility and viable land use that benefit agriculture and comply with City OCP and zoning, as well as ALC regulations. Small lot agriculture utilizing principles of intensive urban agriculture (compact planting arrangements, selecting high-value crops) are viable farm activities that can be achieved on small lots. Removal of the subject site under application or other properties in the area from the ALR on the basis that they are small in size would jeopardize the ability to undertake or establish small or consolidated lot agricultural activities in the area.

Applications to exclude individual properties from the ALR is the first initial step towards increased undesirable urban development, which would ultimately result in the loss of land available for farming and be contrary to the mandate of the ALC and direction in Richmond's OCP. As well, the impact of additional urban development on agricultural viability would be negative and not support farming.

The subject application does not have adequate information or responded to the staff requests for additional information pertinent to the review and examination of the ALR exclusions.

Should the ALR exclusion application be considered and approved by both Richmond City Council and the ALC, the property would still be subject to Richmond's OCP and zoning. It remains unclear whether the applicant wishes to undertake development if the property is excluded, which would require amendments to the OCP and zoning that currently does not support more intensive urban development.

Financial Impact

If the requested ALR exclusion is denied, 50% of the ALR exclusion application fee will be refunded to the proponent, on the basis that the application does not proceed to the ALC for consideration. The submission fee is \$600 for an exclusion application request. As a result, the proponent would be refunded \$300 dollars.


No portion of the fee would be refunded to the applicant if the application proceeds to the ALC, as the City is required to forward half of the application fee to the ALC (\$300 for each exclusion application).

Conclusion

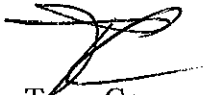
The application to exclude 6580 No. 4 Road from the ALR is not supported as:

- While the existing use on the subject property is single-family, the applicant has not indicated what proposed future use of the property would be.
- The proposed ALR exclusion does not comply with the City's policies on land within the ALR.
- Individual exclusions would result in negative impacts to farming in the area and set a precedent for other property owners to exclude land from the ALR, thus continuing to reduce the land base of the ALR.
- The application is missing key, supportive materials typically requested for staff to conduct a comprehensive review of each proposal.

On this basis, staff recommend that the request by the proponent to proceed to the ALC with an ALR exclusion application at 6580 No. 4 Road be denied.



Kevin Eng
Planner 1



Terry Crowe
Manager, Policy Planning

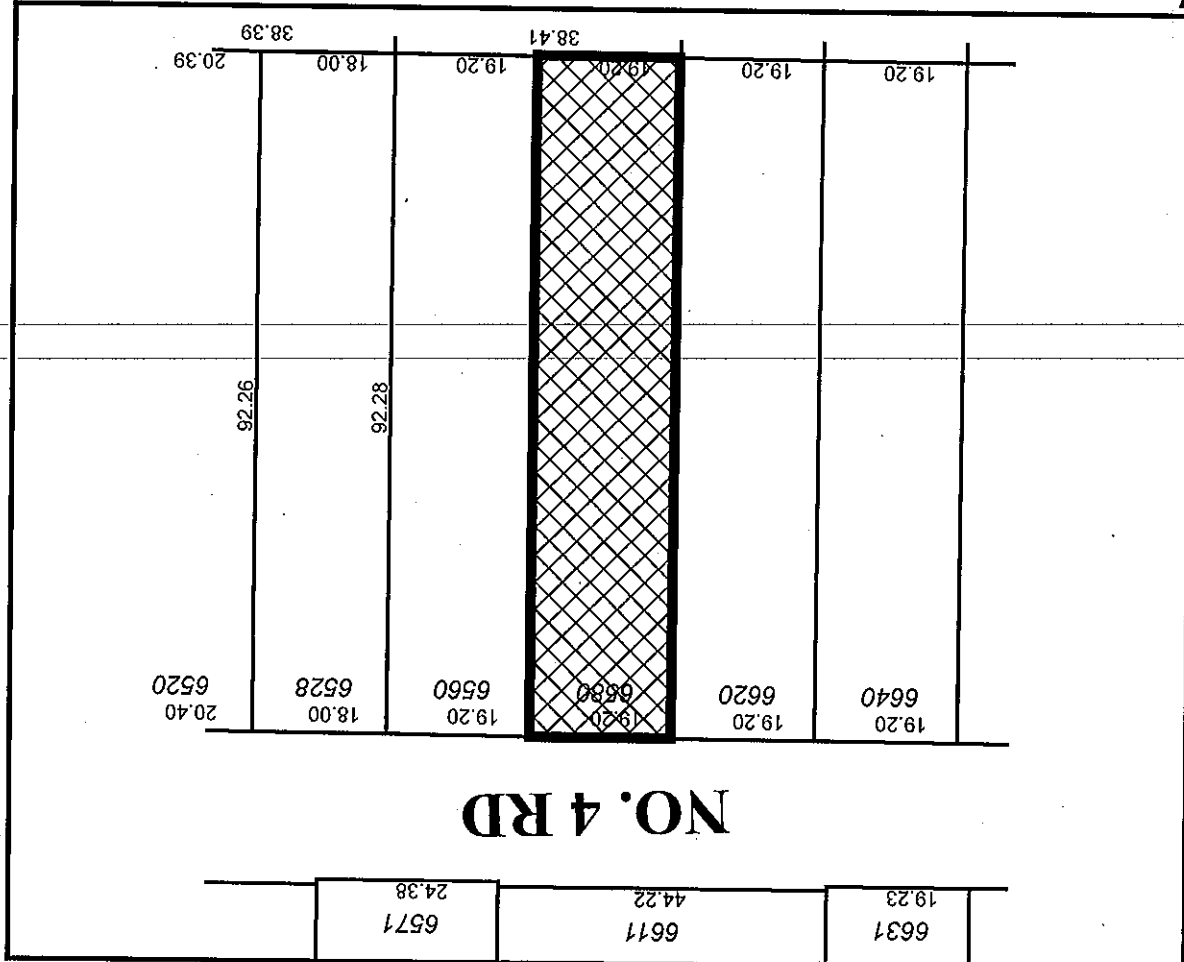
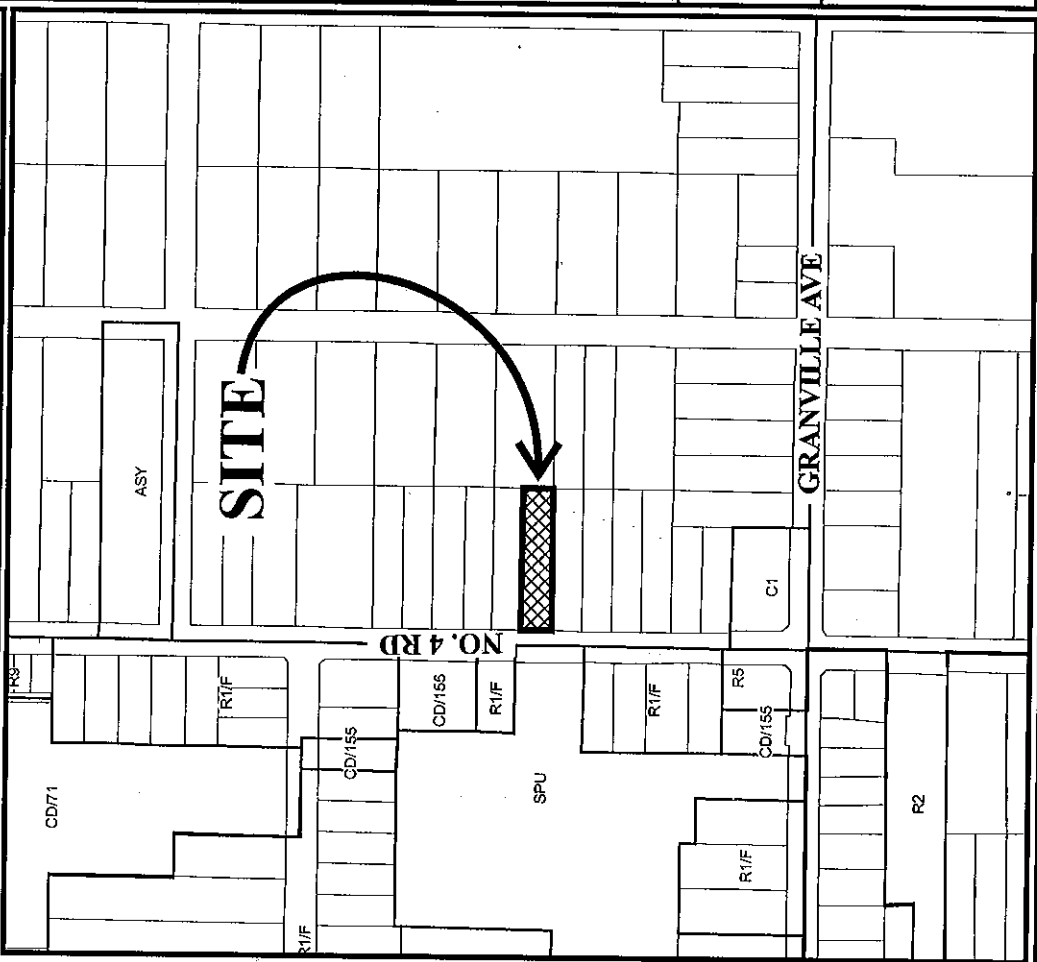
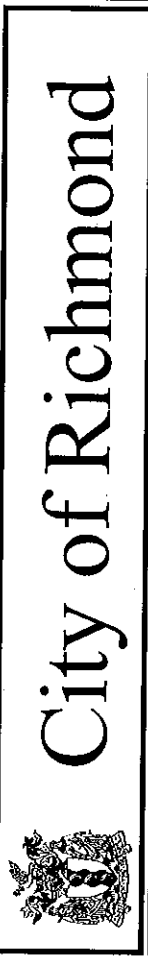
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Attachment 1 – Location Map and Aerial Photo

Attachment 2 – McLennan Sub Area Plan Land Use Map

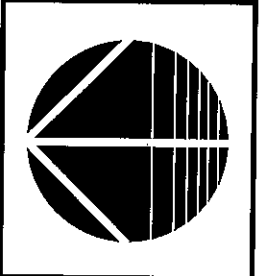
Attachment 3 – Data on Subject Site, Land Use Context and Application Status Summary Table

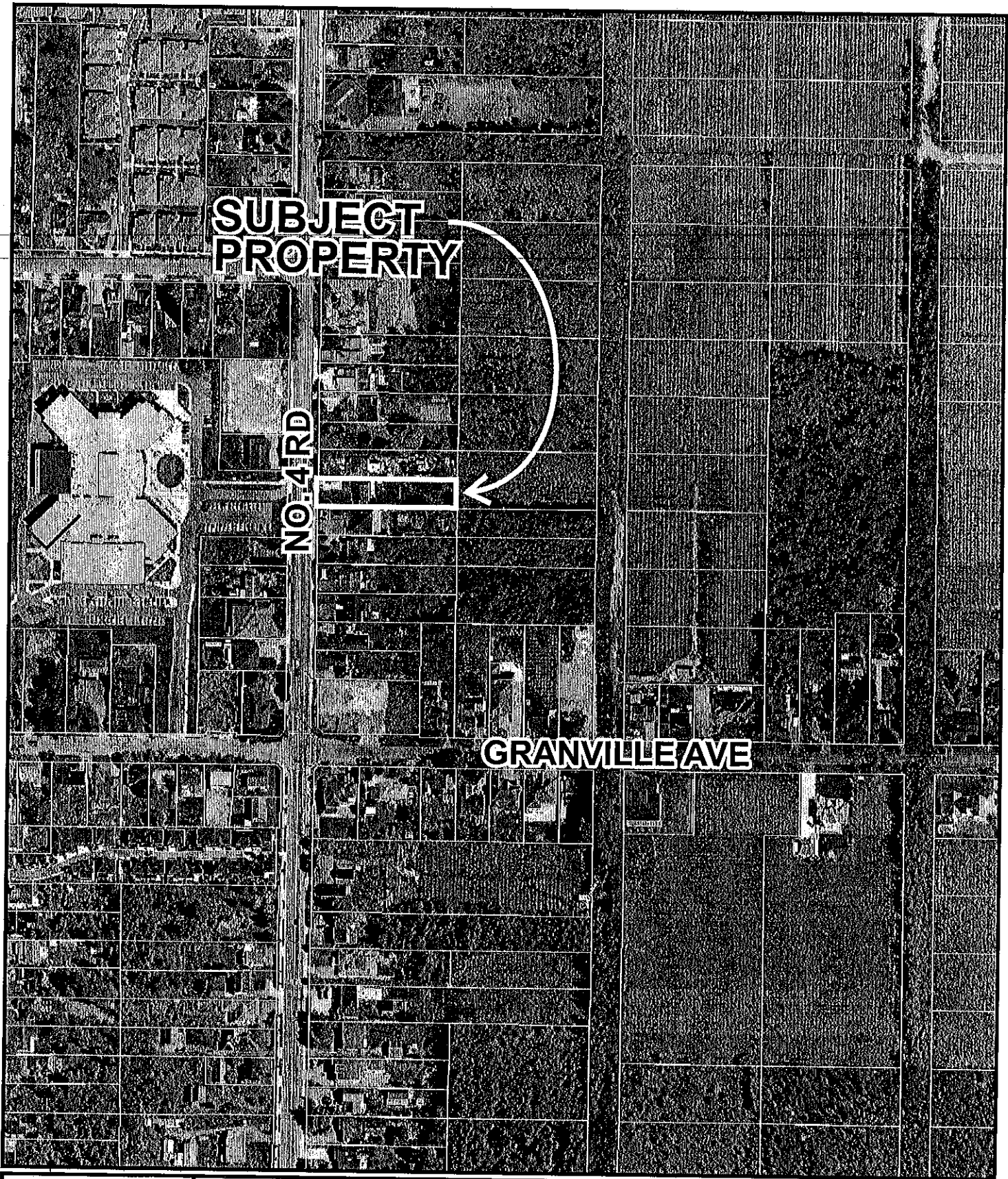
Attachment 4 – Sanitary Sewer Connection Policy 7401



Original Date: 02/02/07
 Revision Date:
 Note: Dimensions are in METRES

AG 07-358609





**SUBJECT
PROPERTY**

NO. 4 RD

GRANVILLE AVE



AG 07-358609

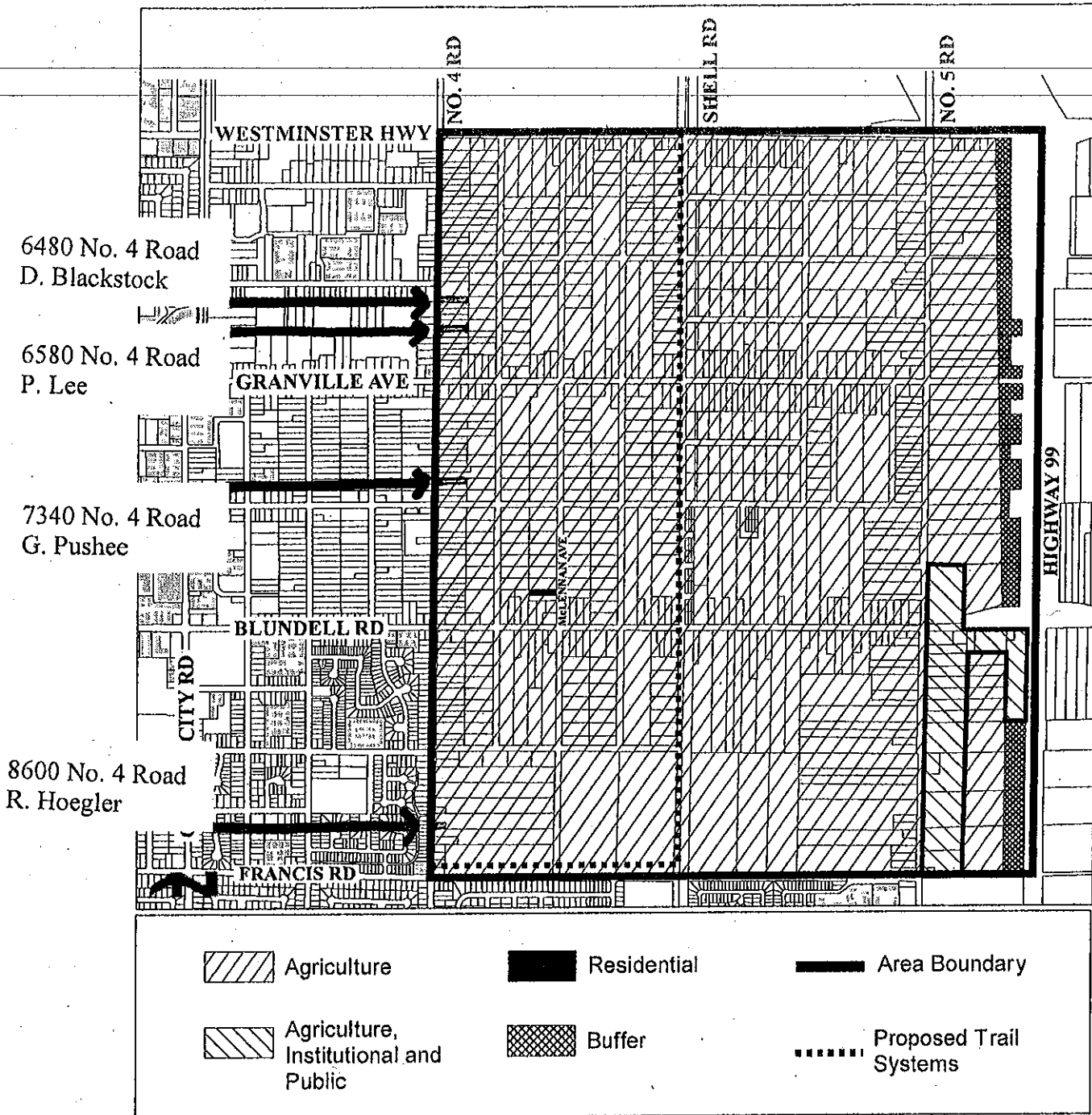
Original Date: 02/02/07

Amended Date:

Note: Dimensions are in METRES

City of Richmond

Land Use Map *Bylaw 7536*
2003/07/21



**Findings of Facts
6580 No. 4 Road (Philip Lee)**

Item	Existing	Proposed
Owner	P. Lee/ A. Lee	N/A
Applicant	Phillip Lee	N/A
Site Size	1,773 sq.m (0.44 ac)	No change
Land Uses	Single-family dwelling	Not clearly specified by applicant
OCP Designation	Agriculture	N/A Currently unknown
McLennan Sub-Area Plan Designation	Agriculture	N/A Currently unknown
ALR Designation	Subject site is within the ALR	Exclude property from the ALR
Zoning	Agricultural District (AG1)	N/A Currently unknown

Surrounding Context

To the west: McNeil Secondary School is located on the west side of No. 4 Road directly across from the subject property.

To the south: An AG1 zoned property in the ALR with an existing single-family residential dwelling.

To the east: An AG1 zoned property (no access), which contains farming activities (blueberries).

To the north: An AG1 zoned property in the ALR with an existing single-family residential dwelling.

Status Summary Table for ALR Exclusion Application at 6580 No. 4 Road

ALR Exclusion Application	Requests for Information - Applicant Response	Additional Updates
6580 No. 4 Road (Philip Lee) Submitted Jan. 16/07	Soils Information <input type="checkbox"/> No information provided.	N/A
	More detailed written rationale <input type="checkbox"/> No information provided.	
	How proposal will benefit farming <input type="checkbox"/> No information provided.	
	Proposed future land use <input type="checkbox"/> No information provided.	



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Adopted by Council: October 25, 2004

Policy 7401

File Ref: 6400-00

Sanitary Sewer Connection

Policy 7401:

It is Council Policy that:

1. Properties outside of City sewer boundaries be denied connection to the City sanitary sewer system unless the General Manager, Engineering and Public Works deems there to be a health-related concern and it is not technically feasible to construct an on-site sewer system and the connection would not be contrary to the Official Community Plan.
2. All costs related to connection of a property outside the City sewer boundaries to the City sanitary sewer system are the responsibility of the party requesting the sewer connection, including the costs of investigating and implementing any upgrades to the existing City sanitary sewer system necessitated by the new connection and all associated construction costs.

(Engineering & Public Works Department)