



**City of Richmond**  
Planning and Development Department

**Report to  
Development Permit Panel**

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**To:** Development Permit Panel  
**From:** Brian J. Jackson, MCIP  
Director of Development  
**Date:** January 22, 2008  
**File:** DV 07-396897  
**Re:** **Application by Randy May for a Development Variance Permit at  
2600 No. 7 Road**

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**Staff Recommendation**

That a Development Variance Permit be issued which would vary the provisions of the Zoning and Development Bylaw No. 5300 to increase the maximum required setback from a public road in the Agricultural District (AG1) zone from 50 m (164 ft.) to 75 m (246 ft.) to accommodate a new single-family dwelling at 2600 No. 7 Road.

Brian J. Jackson, MCIP  
*Director of Development*

EL:blg  
Att.

## Staff Report

### Origin

Mr. Randy May has applied to the City of Richmond for permission to vary the maximum setback from 50 m (164 ft.) to 75 m (246 ft.) to accommodate a new single-family dwelling at the southwest corner of the property located at 2600 No. 7 Road (see **Schedule A**).

### Findings of Fact

The subject site is a large parcel of agricultural land approximately 8.65 ha (21.36 acres) in size. The parcel is located within the Agricultural Land Reserve (ALR) and adjacent to a ditch along No. 7 Road that is identified in the City of Richmond Riparian Management Areas map where a 15 m buffer is required.

The property is currently being utilized for intensive farming activities (cranberry bog). A number of existing farm buildings are situated at the northwest corner of the site. No additional structures or buildings associated with farming activities are located at the southwest corner of the subject parcel (**Attachment 1**).

The property is surrounded by a number of large sized agricultural parcels zoned "Agricultural District (AG1)" involved in farming activities of varying intensity. Neighbouring properties generally have a residential dwelling on the lot that is within the 50 m (164 ft.) maximum permitted setback. There are agricultural buildings and structures located on surrounding properties that are permitted to locate beyond this maximum setback as they are associated with farming activities on the lot.

### Staff Comment

Under the provision of the Agricultural District (AG1) zone, dwelling units must be located within 50 m measured from the front property line abutting the public road. The intent of a maximum setback requirement is to protect the use of land for agricultural uses and not allow dwellings and other non-farming buildings to encroach into viable agricultural land.

The applicant is proposing to construct a single-family dwelling beyond this maximum setback (see **Plan #1**). Due to the time required for the land to settle, site preparation activities were undertaken in February 2007 - six (6) months before the Building Permit application (File No. 07-384969) was submitted. The site preparation works resulted in excavation of peat bog and placement of structural fill for the building foundation approximately 25 m beyond the 50 m maximum setback (see **Attachment 2**).

Based on discussions with the applicant, staff identified that the impact to agriculture would be greater should compliance with the 50 m maximum setback be imposed, as it would result in excavation of more of the cranberry bog at the front of the property. It was further acknowledged that areas, which had already been excavated, could not be reinstituted into a farmable cranberry bog.

### Agricultural Advisory Committee Comments

This Development Variance Permit application was presented to the Agricultural Advisory Committee on December 13, 2007. The Committee has no agricultural concerns and moved the following motion:

*That the Development Variance Permit application be referred to City staff to process accordingly on the understanding that they work with the applicants to secure considerations, which would generally benefit farming and forward the application to the Development Permit Panel when appropriate.*

A copy of the relevant excerpt from the Agricultural Advisory Committee Meeting Minutes from December 13, 2007 is attached for reference (**Attachment 3**).

### **Floodplain Management Implementation Strategy**

In accordance with the City's Flood Management Strategy, the applicant is required to register a Flood Plain Covenant on title referencing the minimum habitable elevation for the area, which is 3.0 m (geodetic).

### **Analysis**

The Official Community Plan's (OCP) objectives pertaining to agriculture in Richmond is to ensure continued protection of all farmlands in the Agricultural Land Reserve (ALR) and maintain and enhance agricultural viability and productivity. The intent of a maximum setback requirement is to protect the use of land for agricultural uses and not allow dwellings and other non-farming buildings to encroach into viable agricultural land.

Based on discussions with the property owner, compliance with the 50 m setback provisions would result in less land being available for cranberry farming as portions of the bog have already been disturbed and could not be reinstituted into a farmable cranberry bog. Rearranging the existing preload would only result in removal of more of the bog area by excavating land within the 50 m maximum setback, thus loss of more agriculturally productive land. Undertaking legal commitments to limit all residential buildings to the southwest corner where the bog area has already been disturbed would maximize the remaining area of the property for active farming.

As a condition to issuance of the Development Variance Permit, a Restrictive Covenant limiting all residential dwellings and accessory buildings to the southwest corner where the bog area has already been disturbed is required to be registered on title. The Restrictive Covenant must include a Reference Plan prepared by a Registered Land Surveyor identifying the restricted area and must include languages to ensure all non-farm use structures, including dwellings and residential accessory buildings, are located within the restricted area. A sketch is attached to this report to show the approximate location and dimensions of the restrictive covenant area (**Attachment 4**).

Under the existing zoning, the property is large enough (over 8 ha.) to have one (1) principal dwelling and one (1) additional dwelling for farm labour. Generally, the location of a second additional dwelling as permitted under the zoning would be allowed in the future. However, the siting and location of this dwelling for farm labour will be limited by the Restrictive Covenant. The applicant understands that any future dwellings for farm labour must be located within the 50 m maximum setback as well as within the restricted area. The overall idea is that by ensuring that the proposed and any future dwellings are concentrated in one area, more land is made available for farming, which constitutes an agricultural benefit and maintains the intent of the maximum setback provisions.

If approved, this Development Variance Permit application will only apply to the proposed single-family dwelling (Building Permit File No. 07-384969). All substantial renovations, building alternations, extensions or reconstruction shall be undertaken in accordance to the existing zoning.

### Conclusions

This Development Variance Permit application is required to accommodate a new single-family dwelling at 2600 No. 7 Road. If permitted, the applicant could construct a new home situated entirely beyond the 50 m maximum setback from the public road. Staff have identified the following considerations to ensure the intent of preserving as much viable agricultural land as possible is maintained:

- A legal commitment to limit all non-farm related buildings (proposed and future) to the southwest section of the property could ensure maximum use of land for farm purposes now and into the future.
- Future residential (second dwellings due to properties size) or non-farm related buildings would be limited to the southwest corner, which ensures as much area as possible is retained for agricultural purposes; thus maintaining the intent of the maximum setback provision of the AG1 zone.

On this basis, the variance can be supported.



Edwin Lee  
Planning Technician – Design  
(Local 4121)

EL:blg

Attachment 1: Aerial Photo

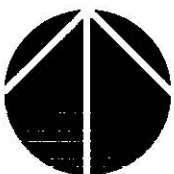
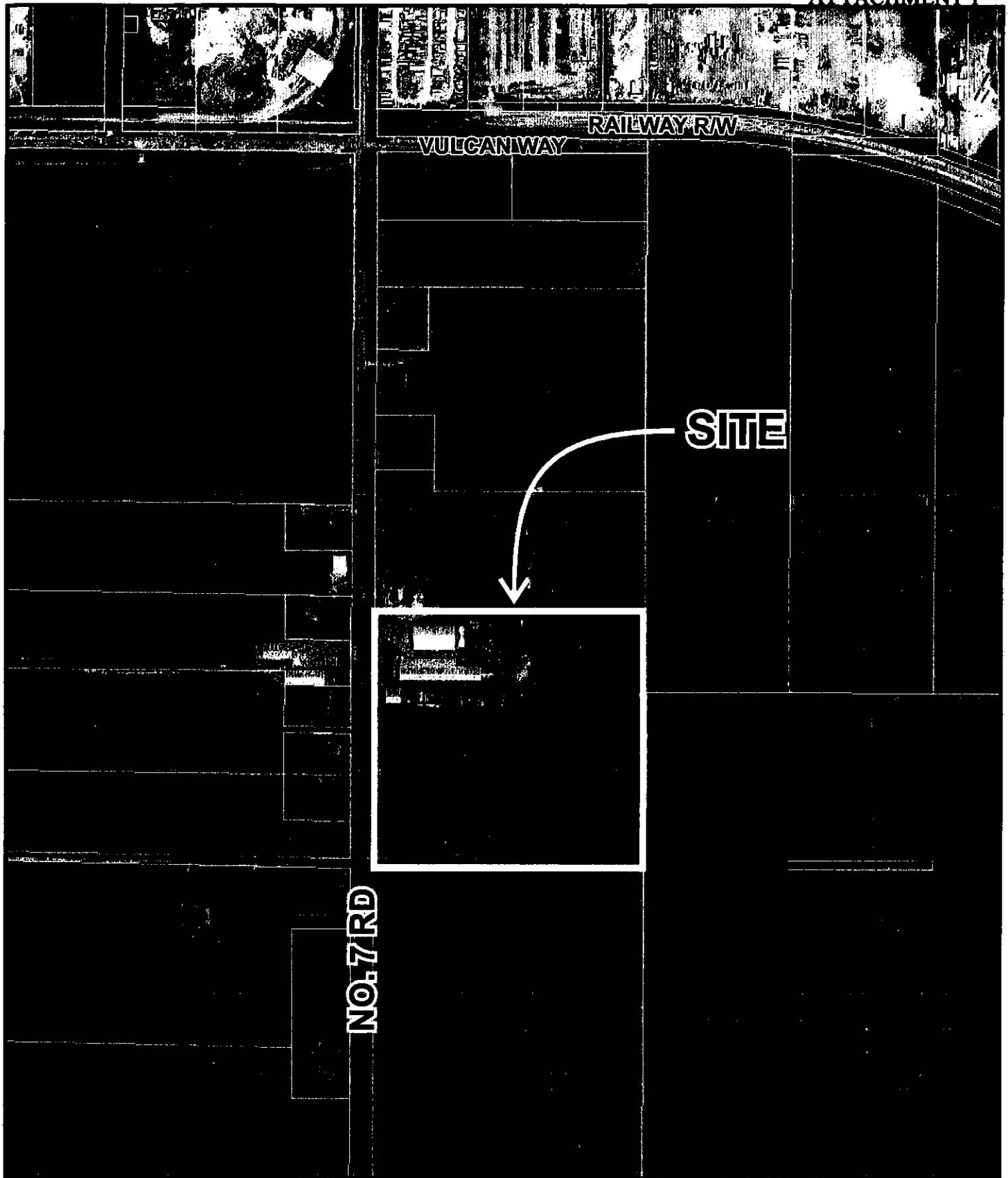
Attachment 2: Plan Showing Preload As-Built on 2600 No. 7 Road

Attachment 3: Agricultural Advisory Committee Meeting Minutes from December 13, 2007

Attachment 4: Sketch Showing Approximate Location and Dimensions of Restrictive Covenant Area

There are requirements to be dealt with prior to issuance of the Development Variance Permit by Council:

1. Submission of a Reference Plan prepared by a Registered Land Surveyor identifying the bog area that has already been disturbed;
2. Registration on title a Restrictive Covenant limiting all residential buildings (except Seasonal Farm Labour Accommodation) to the southwest corner of the site where the bog area has already been disturbed; and
3. Registration of a floodplain covenant, specifying a minimum habitable elevation of 3.0 m, on title.



DV 07-396897

Original Date: 11/06/07

Amended Date: 01/24/08

Note: Dimensions are in METRES

**PLAN SHOWING PRELOAD ASBUILT ON PART OF  
THE SOUTH WEST CORNER OF THE SOUTH HALF OF LOT 2  
SECTIONS 14 AND 23 BLOCK 5 NORTH RANGE 5 WEST  
NEW WESTMINSTER DISTRICT PLAN 3129**

R-07-15359-PRE-ASB

PARCEL IDENTIFIER (PID): 001-704-125

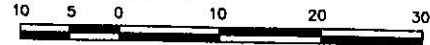
**CIVIC ADDRESS**

#2600 NO. 7 ROAD  
RICHMOND, B.C.



**LEGEND**

SCALE 1:500



ALL DISTANCES ARE IN METRES.

- x 1.16 INDICATES SPOT ELEVATION
- ⊙ INDICATES SETTLEMENT GAUGE

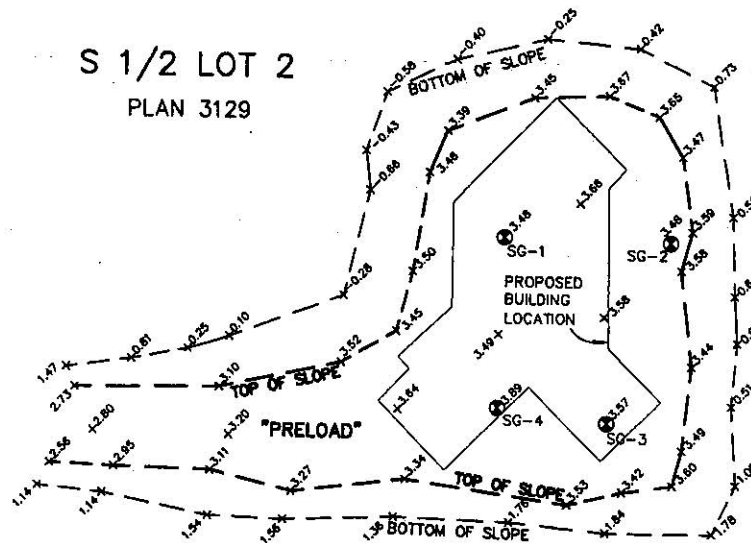
**"MAYBERRY FARMS"**

#2600 No. 7 ROAD

**NO. 7 ROAD**

286.6

**S 1/2 LOT 2  
PLAN 3129**



**Excerpt from the Minutes from  
Agricultural Advisory Committee Meeting**

**Thursday, December 13, 2007 – 7:00 p.m.  
Anderson Room  
Richmond City Hall**

**Development Proposal – 2600 No. 7 Road**

Staff reviewed the details of the Development Variance Permit application, summarised in the Development Table attached to the AAC agenda package. The proposal is to vary the maximum setback of 50 m to 75 m for a residential dwelling proposed to be situated in the southwest corner of the property. Site preparation activities (excavation of peat bog; placement of structural fill) had already been undertaken. Based on discussions with the applicant, staff identified that the impact to agriculture would be greater should compliance with the 50 m maximum setback be imposed, as it would result in excavation of more of the cranberry bog at the front of the property. It was further acknowledged that areas that had already been excavated could not be reinstituted into a farmable cranberry bog.

In preliminary discussions with the applicant, staff had identified the following considerations associated with the application:

- ❑ The proposed location of the residential dwelling maximizes the remaining area for farm purposes.
- ❑ A legal commitment to limit all non-farm related buildings (proposed and future) to the southwest section of the property could ensure maximum use of land for farm purposes now and into the future.
- ❑ Future residential (second dwellings due to properties size) or non-farm related buildings would be limited to the southwest corner, which is viewed as a benefit to agriculture.

Bruce May and Ken May acknowledged that they were related to the applicant and noted that no conflict of interest arose as a result. AAC members asked questions about the potential precedent applications of this nature would pose. General discussion ensued amongst members about why the AAC was considering this application and what feedback was being sought.

Staff responded by clarifying the required process of a Development Variance Permit application and that a referral to the AAC was part of the standard staff review and processing of the application in order to obtain comments and feedback from an agricultural perspective.

Additional questions were asked to confirm the location of the drainage canal along the east side of No. 7 Road. The applicant noted that a legal survey had confirmed that the drainage canal was situated within the road allowance.

As a result of the discussion, the following motion was moved and seconded:

*That the AAC support the proposed maximum setback variance for 2600 No. 7 Road.*

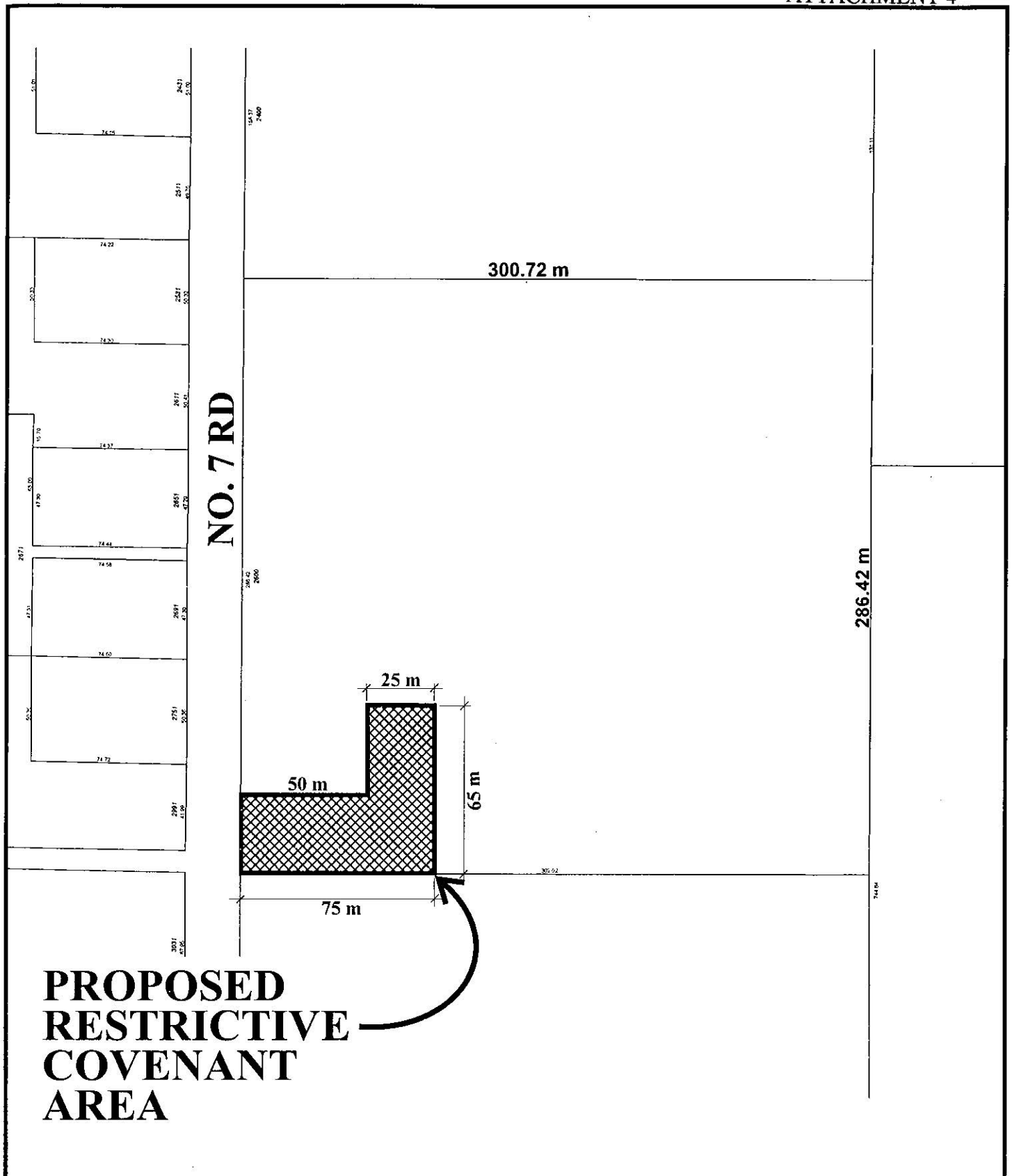
*Defeated on a 2-4 vote*

Discussion ensued about a possible motion to identify that the AAC had no agricultural concerns as it related to this proposal. There was concerns voiced about such a motion, therefore it was not moved or seconded. As a result, the following motion was moved and seconded:

*That the Development Variance Permit application be referred to City staff to process accordingly on the understanding that they work with the applicants to secure considerations, which would generally benefit farming and forward the application to the Development Permit Panel when appropriate.*

*Carried Unanimously.*





DV 07-396897

Original Date: 01/24/08

Amended Date:

Note: Dimensions are in METRES



**City of Richmond**  
Planning and Development Department

**Development Variance Permit**

**No. DV 07-396897**

To the Holder: RANDY MAY  
Property Address: 2600 NO. 7 ROAD  
Address: 3111 NO. 7 ROAD  
RICHMOND, BC V6V 1W4

1. This Development Variance Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied by this Permit.
2. This Development Variance Permit applies to and only to those lands shown cross-hatched on the attached Schedule "A" and any and all buildings, structures and other development thereon.
3. The "Richmond Zoning and Development Bylaw No. 5300" is hereby varied as follows:  
Vary the maximum setback for a residential dwelling in the Agricultural District (AG1) from 50 m (164 ft.) to 75 m (246 ft.) as illustrated on the attached plan labelled #1. This Development Variance Permit applies to the ONE dwelling structure only. All substantial renovations, building alterations, extensions or reconstruction shall be undertaken in accordance with the existing zoning.
4. The land described herein shall be developed generally in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.
5. If the Holder does not commence the construction permitted by this Permit within 24 months of the date of this Permit, this Permit shall lapse.

This Permit is not a Building Permit.

AUTHORIZING RESOLUTION NO.  
DAY OF

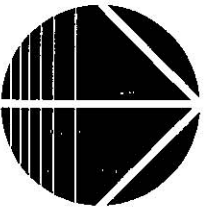
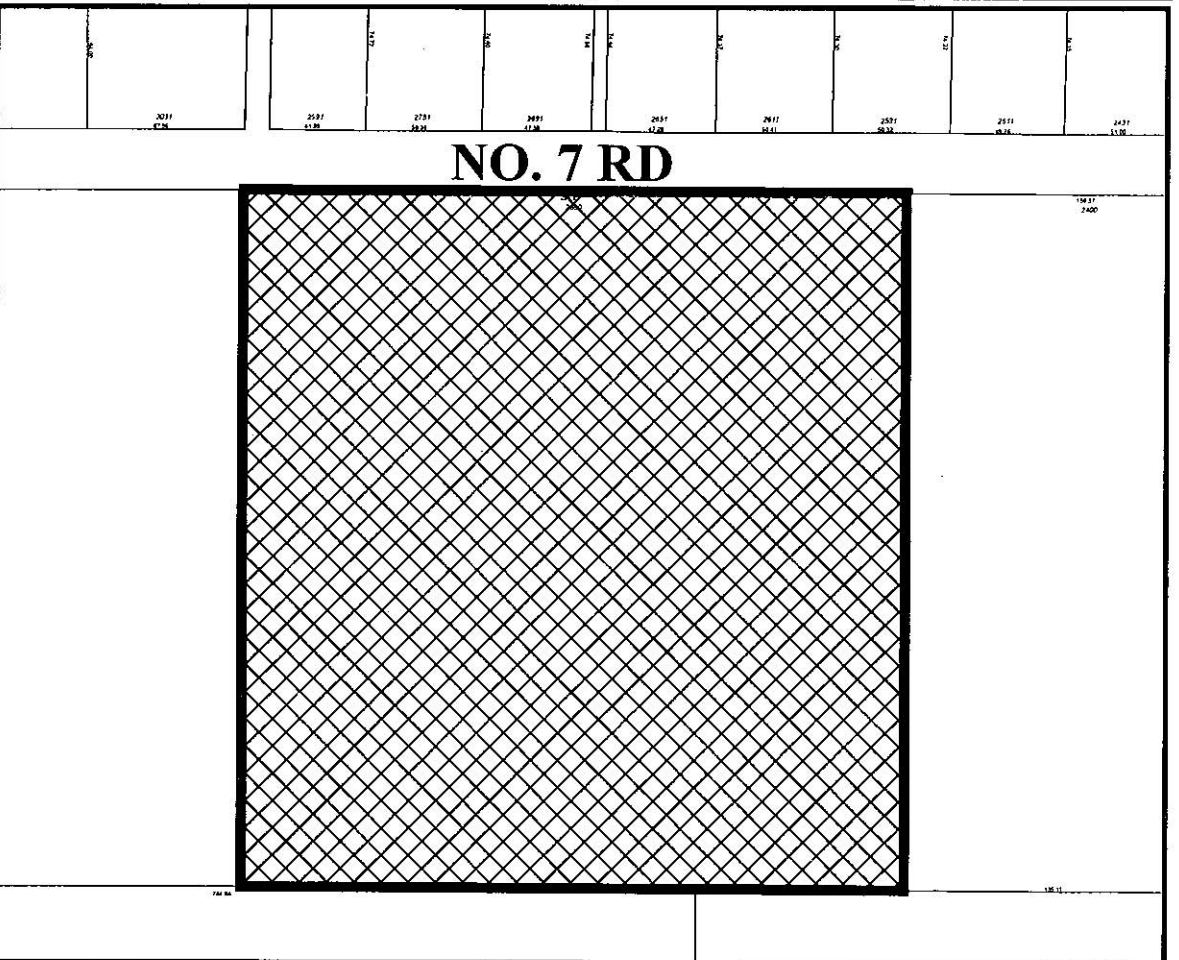
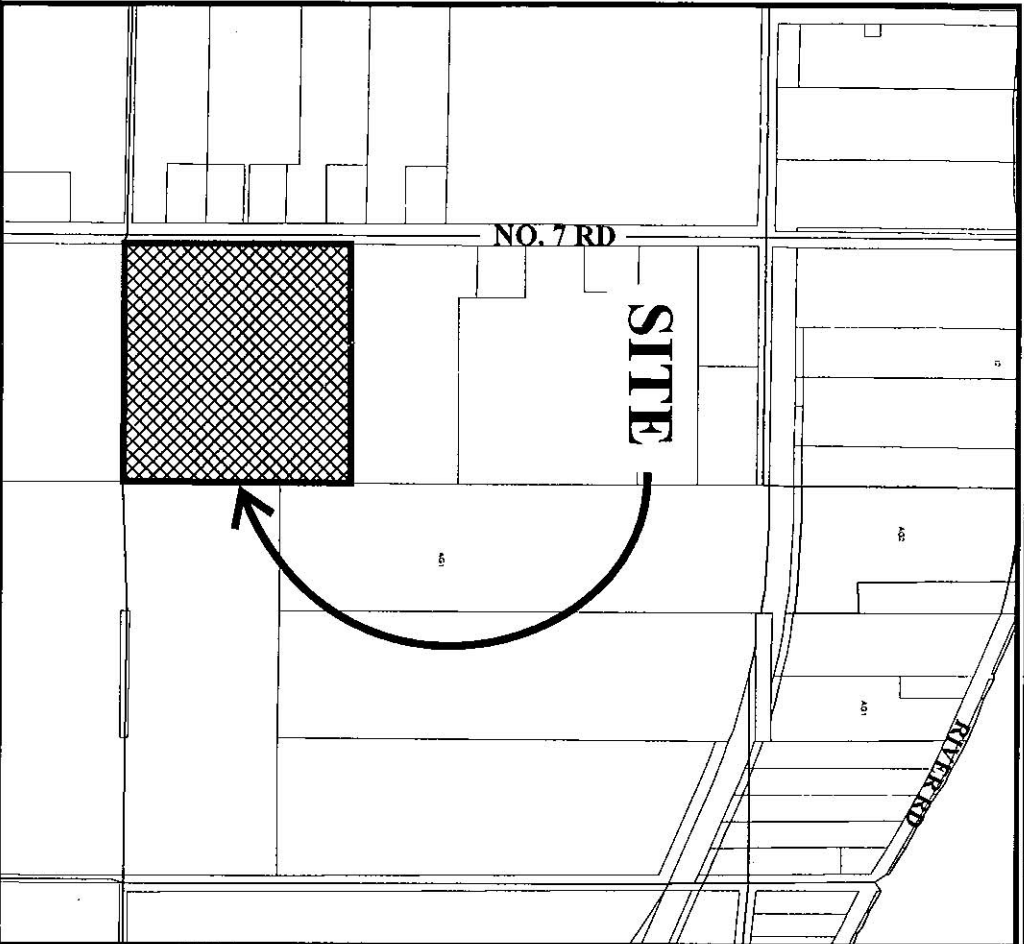
ISSUED BY THE COUNCIL THE

DELIVERED THIS DAY OF

MAYOR



# City of Richmond



DV 07-396897  
SCHEDULE "A"

Original Date: 11/14/07  
Revision Date:  
Note: Dimensions are in METRES

MAX. SETBACK FROM PUBLIC ROAD (NO. 7 RD)  
75M (246')

MAXIMUM FRONT YARD  
SETBACK TO PROPERTY  
LINE 164'-0"  
50m

DV 07396897

same as for property  
to be used for

SITE PLAN OF SOUTH HALF LOT 2  
SECTIONS 14 AND 25 BLOCK 5 NORTH  
RANGE 2 WEST NEW WESTMINSTER DISTRICT  
PLAN 5129

