

Schedule 4 to the Minutes of the
Public Hearing meeting of
Richmond City Council held on
Monday, May 17, 2021.

**TO: MAYOR & EACH
COUNCILLOR**
FROM: CITY CLERK'S OFFICE

From: Eng, Kevin
Sent: May 13, 2021 5:23 PM
To: Mayor and Councillors
Cc: City Clerk; O'Halloran, Matthew Reid; Hopkins, John
Subject: May 17 Public Hearing (Bylaws 10258 & 10259) - ALC Correspondence
Attachments: 46633m2 - ALC Response.pdf

Categories: - TO: MAYOR & EACH COUNCILLOR / FROM: CITY CLERK'S OFFICE

Hello,

Please see attached correspondence from the ALC in regards to Bylaws 10258 & 10259 for the May 17 Public Hearing.

Regards,
Kevin Eng
Planner 2, Policy Planning Department, City of Richmond
604-247-4626; keng@richmond.ca; www.richmond.ca



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Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

May 12, 2021

Reply to the attention of Shannon Lambie
ALC Planning Review: 46633

Kevin Eng
Planner 2, Policy Planning Department,
City of Richmond
keng@richmond.ca

DELIVERED ELECTRONICALLY

Re: Official Community Plan Bylaw 9000, Amendment Bylaw 10258 and Bylaw 10259 No 5 Road Backlands Policy

Thank you for forwarding a draft copy of the Richmond Official Community Plan (the "OCP") Bylaw 7100 and 9000, Amendment Bylaw 10258 (the "Amendment Bylaw 10258") and the Richmond Zoning Bylaw 8500, Amendment Bylaw 10259 (the "Amendment Bylaw 10259") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Amendments are consistent with the purposes of the *ALC Act*, the Agricultural Land Reserve (ALR) General Regulation, the ALR Use Regulation, and any decisions of the ALC.

The Amendment Bylaws are proposed by the City in response to ALC Resolution #078N/2020, which requested revisions to the City's Number 5 Road Backlands Policy. These requested revisions were communicated in a January 21, 2021 letter to the City's Mayor and Council.

Amendment Bylaw 10258 proposes to revise Schedule 1 of the City of Richmond's (the "City") OCP (Bylaw 9000; Section 7.3), the *No. 5 Road Backlands Policy* and Schedule 2.13A of the City's OCP (Bylaw 7100), the *East Richmond Area McLennan Sub-Area Plan* in order to clarify permitted uses and related policies for religious assembly use.

ALC staff note the following changes to Schedule 2.13A of the City's OCP (Bylaw 9000), the *No. 5 Road Backlands Policy*

- a) The second paragraph in the overview subsection in Section 7.3 (No. 5 Road Backlands Policy) has been deleted and replaced with:

"The purpose of the Policy is to allow Religious Assembly uses on the westerly 110 m ("Frontlands") of the properties located on the east side of No. 5 Road between Blundell Road and Steveston Highway (the area outlined in bold lines on the No. 5 Road Backlands Policy Area Map), if the remaining portions ("Backlands") are actively farmed.

ALC staff do not object to this change. It is consistent with ALC Resolution #078N/2020.

- b) The Objective subsection contained in Section 7.3 has been deleted and replaced with:

"Religious Assembly uses may be permitted in the Frontlands if the Backlands are actively farmed."

ALC staff do not object to this change. It is consistent with ALC Resolution #078N/2020.

c) Clauses a), b), c), and g) under the Policies subsection in Section 7.3 have been deleted and replaced as follows:

- a. in the Frontlands, Religious Assembly uses may be considered subject to the agricultural development of the Backlands, which is to be considered and approved by the City and the Agricultural Land Commission through the necessary land use approval process;

ALC staff do not object to this change. It is consistent with ALC Resolution #078N/2020.

- b. in the Frontlands, uses that are clearly ancillary to a Religious Assembly use may be considered and approved by the City and the Agricultural Land Commission through the necessary land use approval process;

ALC staff do not object to this change. It is consistent with ALC Resolution #078N/2020. The intent of the Policy is to permit Religious Assembly uses, subject to farming being undertaken on the property. ALC staff acknowledge that uses that are clearly ancillary, i.e., limited in scope, scale, and duration as compared to the religious worship, may also be considered in conjunction with Religious Assembly uses.

- c. residential uses (e.g., congregate housing, community care facility, multiple-family housing, housing for older adults) are not permitted in the Frontlands or the Backlands;

ALC staff do not object to this change. It is consistent with ALC Resolution #078N/2020. Restricting residential uses in the Policy area is an important step in strengthening the Policy.

- g. all applicants proposing to develop new Religious Assembly facilities on the Frontlands or expand an existing Religious Assembly facility must either:

- provide evidence of Farm Status under the BC Assessment Act to demonstrate that the subject parcel has been farmed for the five consecutive years preceding the ALC's consideration of an application, or (if no ALC approval is required) the City's processing of a rezoning application; or
- provide evidence that the Backlands portion of the subject parcel is currently available for farming via a lease registered on title between the property owner and a legitimate farming enterprise for a term of at least five years, and either:
 - provide evidence that the parcel is currently being farmed; or

- o provide a plan for how it will be farmed;

ALC staff do not object to this change. It is consistent with ALC Resolution #078N/2020.

- d) adding the following new clause h) under the Policies subsection contained in Section 7.3 after clause g):

" h) applicants shall submit the necessary reports to the City to achieve and maintain farming with all costs to implement works associated with an approved farm plan to be paid by the applicant;"

ALC staff do not object to this change.

- e) deleting clause a) in the Development Application Procedure and Requirements subsection contained in Section 7.3 and replacing it with the following:

"a) all proposals for Religious Assembly development are subject to City and ALC approval through the necessary development application process to be reviewed on a case-by-case basis and in accordance with the OCP;"

ALC staff do not object to this change.

- f) deleting the words "Community Institutional" in the first line of clause b) in the Development Application Procedure and Requirements subsection contained in Section 7.3 and replacing them with the words "Religious Assembly";

ALC staff do not object to this change. It is consistent with ALC Resolution #078N/2020.

ALC staff note the following changes to Schedule 2.13A of the City's OCP (Bylaw 7100), the *East Richmond Area McLennan Sub-Area Plan*:

- a) deleting the second paragraph in the Issue subsection contained in Section 6.0 (Community Facilities and Services) of the East Richmond Area McLennan Sub-Area Plan (Schedule 2.13A) and replacing it with the following:

"The 110 m (361 ft.) strip along the east side of No. 5 Road, from the first lot on the north side of Blundell Road south to Francis Road, and the lots fronting the south side of Blundell Road, between No. 5 Road and Highway 99, lends itself to agriculture and religious assembly uses."

ALC staff do not object to this change.

- b) deleting clause a) in the Policies subsection contained in Section 6.0 of the East Richmond Area McLennan Sub-Area Plan (Schedule 2.13A) and replacing it with the following:

"a) Require that land use and development in Agriculture and Religious Assembly designated areas in the accompanying Land Use Map are consistent with the provisions of the No. 5 Road Backlands Policy contained in Official Community Plan Bylaw 9000 (Section 7.3);"

ALC staff do not object to this change.

- c) amending the Land Use Map legend in the East Richmond Area McLennan Sub-Area Plan (Schedule 2.13A) to retitle the Agriculture, Institutional and Public designation as "Agriculture and Religious Assembly"

ALC staff do not object to this change. It is consistent with ALC Resolution #078N/2020.

- d) deleting the definition of "Agriculture, Institutional and Public" contained in Appendix I in the *East Richmond Area McLennan Sub-Area Plan* (Schedule 2.13A) and replacing it with the following:

"Agriculture and Religious Assembly: Land uses that are consistent with the provisions of the No. 5 Road Backlands Policy contained in Official Community Plan Bylaw 9000 (Section 7.3)".

ALC staff do not object to this change. It is consistent with ALC Resolution #078N/2020.

Amendment Bylaw 10259 proposes to revise the *Assembly* (ASI) zoning district to restrict the permitted and secondary uses for areas within the No. 5 Road Backlands Policy area located in the ALR and revise the *Religious Assembly No. 5 Road* (ZJS7) zoning district to restrict permitted and secondary uses in this zone, and finally to revise the "religious assembly use definition". ALC staff note the following changes to the Richmond Zoning Bylaw 8500:

- a) deleting "private club" in Section 13.3.3 (Secondary Uses) of the Assembly (ASY) zoning district (13.3), and replacing it with "child care";

ALC staff do not object to this change.

- b) deleting Section 13.3.11.3 of the Assembly (ASY) zoning district (13.3), and replacing it with the following:

"3. Within the area bounded by the bold black line shown in Diagram 1:

religious assembly shall be the only permitted principal use;

child care shall only be permitted as a secondary use; and

education and **private club** are not permitted;

4. Notwithstanding Section 13.3.11.3.c), education shall be permitted on the following site only and subject to the applicable approval granted by the Agricultural Land Commission, in accordance with the Agricultural Land Commission Act (as amended), prior to the date of adoption of Amendment Bylaw 10259:

12011 Blundell Road

PID: 002-555-310

5. For any site that is located in the Agricultural Land Reserve, any a) change in the principal use or secondary use on the site; or b) increase in the scale, extent or degree of a permitted principal use or secondary use of land on the site;

after the date of adoption of Bylaw 10259, must be approved by the Agricultural Land Commission in accordance with the Agricultural Land Commission Act (as amended)."

ALC staff do not object to these changes. The ALC approved the development of church and school facilities on the westerly 2.4 ha section of the Property identified as PID: 002-555-310 (ALC Resolution #45/88).

- c) deleting "child care" and "education" in Section 24.7.2 (Permitted Uses) of the Religious Assembly (ZIS7)- No. 5 Road Zoning District (24.7);

ALC staff do not object to this change. It is consistent with ALC Resolution #078N/2020.

- d) adding "child care" as a new bullet in Section 24.7.3 (Secondary Uses) of the Religious Assembly (ZIS7) - No. 5 Road Zoning District (24.7); and

ALC staff do not object to this change.

- e) deleting the definition of "religious assembly" in Section 3.4 (Use and Term Definitions), and replacing it with the following:

"Religious assembly means a building wherein people regularly assemble for religious worship and related activities which may include churches, chapels, mosques, temples, synagogues, convents and monasteries, and as an accessory use, a rectory or a manse and religious educational activities. This use does not include education nor any other uses defined separately."

ALC staff do not object to this change. It is consistent with ALC Resolution #078N/2020.

The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any decisions of the Commission.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned at 236-468-2026 or by e-mail (shannon.lambie@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink that reads "S. Lambie". The signature is written in a cursive, flowing style.

Shannon Lambie, Regional Planner

46633m2