



City of Richmond

Report to Committee

To: Planning Committee
From: Wayne Craig
Director of Development

Date: June 16, 2021
File: AG 19-853589

Re: **Application by Christian & Missionary Alliance – Canadian Pacific District for an Agricultural Land Reserve Non-Farm Use at 11371 No. 3 Road**

Staff Recommendation

That the application by Christian & Missionary Alliance – Canadian Pacific District for an Agricultural Land Reserve non-farm use to allow the existing education and child care use at 11371 No. 3 Road be forwarded to the Agricultural Land Commission.

Wayne Craig
Director of Development

WC:sds
Att. 6

REPORT CONCURRENCE

CONCURRENCE OF GENERAL MANAGER

Staff Report

Origin

Christian & Missionary Alliance – Canadian Pacific District has submitted an Agricultural Land Reserve (ALR) non-farm use application to allow the existing education and child care use at 11371 No. 3 Road to continue. A location map and aerial photograph are provided in Attachment 1. The subject property is zoned “Assembly (ASY)” and is currently occupied by a building (approximately 3,427.4 m² (36,892 ft²) of floor area) with religious assembly (church), ancillary uses (e.g. office), education, child care, and associated surface parking, consistent with the ASY zone. The primary use on the property is religious worship and related activities (Richmond Alliance Church). The existing education and child care use (Noah’s Ark Montessori School) is contained on the second floor. No changes to the existing building or uses are proposed.

Background

The existing church was under construction prior to the inception of the ALR in 1972 and has been in continuous use. Prior to 1983, the City’s Zoning Bylaw permitted religious assembly uses on agriculturally zoned properties in the ALR. Religious assembly was removed as a permitted use from the agriculture zone in 1983 and a comprehensive rezoning bylaw was adopted that rezoned all existing churches and private school lands to “Assembly (ASY)”, including the subject site. The ALC was informed of this in 1983 and expressed no concerns at that time.

In 1992, a non-farm use application was submitted for an expansion of the existing church on the subject site (LCA 92-188). On July 13, 1992, Council forwarded the application to the ALC and the ALC subsequently approved the application for an approximately 1,375 m² (14,800 ft²) addition, subject to a number of conditions, including no additional non-farm uses, in particular schools, day-cares or preschool facilities.

The applicant has indicated that after the ALC’s approval in 1992, the anticipated growth of the church was not realized. In order to recover financial losses, previous church leaders decided to lease out the space to tenants, including an independent school. A Building Permit was issued in 2007 for tenant improvements related to the school use and business licenses have been issued for the current school use on the subject property since 2007 (Noah’s Ark Montessori School), consistent with the ASY zoning.

Noah’s Ark Montessori School has provided a letter, which is attached to this report (Attachment 2), describing the school and child care operation, history of the school in the community, and the integration of agriculture into the school’s curriculum.

In 2018, ALC Compliance and Enforcement (C&E) staff identified that the school and child care use on the property (Noah’s Ark Montessori School) was not consistent with the conditions of the original ALC approval. The letter from ALC C&E staff to the property owner is provided in Attachment 3. ALC C&E staff instructed the property owner to apply for a non-farm use application, should the property owner wish to continue to operate the school and child care on

the property. As per the *Agricultural Land Commission Act* (ALCA), the non-farm use application may not proceed to the ALC unless authorized by a resolution of the local government.

Findings of Fact

A Development Application Data Sheet providing details about the development proposal is attached (Attachment 4).

Surrounding Development

- To the North & South: Single-family dwellings on lots zoned “Agriculture (AG1)” with active agricultural uses, fronting No. 3 Road.
- To the East: Across No. 3 Road, large lots zoned “Agriculture (AG1)” with active agricultural uses, fronting No. 3 Road.
- To the West: Single-family dwelling and agricultural uses on a property zoned “Agriculture (AG1)”, fronting McKenzie Road.

Related Policies & Studies

Official Community Plan

The Official Community Plan (OCP) land use designation for the subject site is “Agriculture (AGR)”, which comprises of those areas of the City where the principal use is agriculture and food production, but may include other uses as permitted under the *Agricultural Land Commission Act* (ALCA), including non-farm uses approved by Council and the ALC.

Riparian Management Area Designation

A 15 m wide Riparian Management Area (RMA) designation exists along the subject site’s east property line associated with a drainage canal along No. 3 Road. As no construction or site changes are proposed, there is no impact on the RMA.

Food Security and Agricultural Advisory Committee

The proposal was reviewed and supported by the Food Security and Agricultural Advisory Committee (FSAAC) at its meeting held on May 21, 2020. The FSAAC encouraged the applicant to consider implementing an agricultural component to the proposal (e.g. community gardens). An excerpt from the May 21, 2020 FSAAC meeting minutes is provided in Attachment 5. In response, the applicant is proposing to install a number of garden plots at the site for use by the students of the school. More information regarding the proposal is provided in the “Analysis” section of this report.

Analysis

Zoning

The subject property is zoned “Assembly (ASY)”, which currently provides for religious assembly, education and other limited community uses (including child care). Council recently adopted amendments to the ASY zone on May 17, 2021, in association with the No. 5 Road

Backlands Policy amendments. These amendments include requiring Agricultural Land Commission (ALC) approval for any change or increase of use for sites zoned ASY and located in the ALR. This amendment addressed the issue of existing uses being converted to other uses permitted in the ASY zone, such as education, without Council and ALC approvals.

This report is being brought forward for Council's consideration concurrently with another report titled "Assembly (ASY) Zoned Sites in the Agricultural Land Reserve" dated June 3, 2021 from the Director, Policy Planning that includes options for Council to remove education as a permitted use in the ASY zone for properties located in the ALR, outside of the No. 5 Road Backlands Policy area. Should Council decide to remove education as a permitted use, the education use on the subject property would be considered non-conforming and be permitted to continue (subject to ALC approval of the non-farm use application). However, any change or expansion of the education use would be subject to the current zoning regulations in place at the time and require both Council and ALC approval. If Council or the ALC denies the non-farm use application, the education and child care use on the subject property becomes an ALC enforcement and compliance issue.

Non-Farm Use

Although the existing education and child care use is consistent with the "Assembly (ASY)" zoning, ALC Compliance and Enforcement (C&E) staff identified that the education and child care use on the property was not consistent with the previous ALC approval. In 1992, Council and the ALC approved an approximately 1,375 m² (14,800 ft²) addition to the existing church. The ALC approval included a number of conditions, including prohibiting any additional non-farm uses, in particular schools, day-cares or preschool facilities.

In 2018, ALC C&E staff identified the school on the property as an ALC C&E issue (Attachment 3). ALC C&E staff instructed the property owner to apply for the subject non-farm use application, should the property owner wish to continue to operate the school and child care on the property. Council authorization is required for the non-farm use application to proceed to the ALC for a decision.

Agricultural Component

As part of the ALR non-farm use application and in response to the Food Security and Agricultural Advisory (FSAAC) comments, the applicant worked with staff to propose approximately 34.8 m² (375 ft²) of garden plots, compost, rain barrel and shed in an approximately 443.6 m² (4,775 ft²) grassed area along the south property line (Attachment 6). The agricultural components are proposed to be located in this area in order to maintain the required vehicle parking spaces and avoid impact to the Riparian Management Area along the front of the property. Noah's Ark Montessori School will manage the garden plots and integrate the growing of produce into the school's curriculum, with excess produce being donated to the community. The property owner has also provided a signed letter confirming the commitment to install the proposed agricultural component, along with a security amount of \$5,050 (based on a cost estimate for the works).

Financial Impact

None.

Conclusion

Christian & Missionary Alliance – Canadian Pacific District has submitted an Agricultural Land Reserve (ALR) non-farm use application to allow the existing education and child care use at 11371 No. 3 Road to continue.

It is recommended that the ALR non-farm use application be forwarded to the Agricultural Land Commission (ALC).



Steven De Sousa
Planner 1

SDS:cas

Attachment 1: Location Map & Aerial Photo

Attachment 2: Letter from Noah's Ark Montessori School

Attachment 3: Letter from ALC Compliance & Enforcement Staff

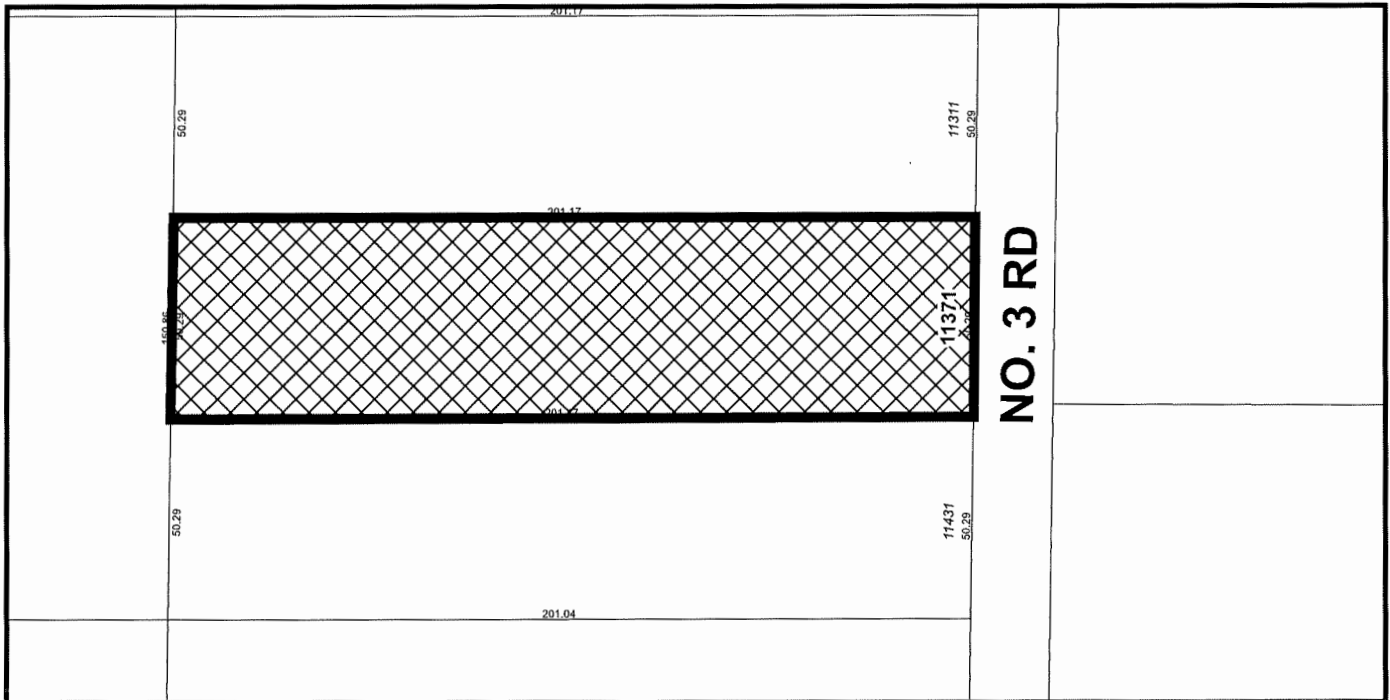
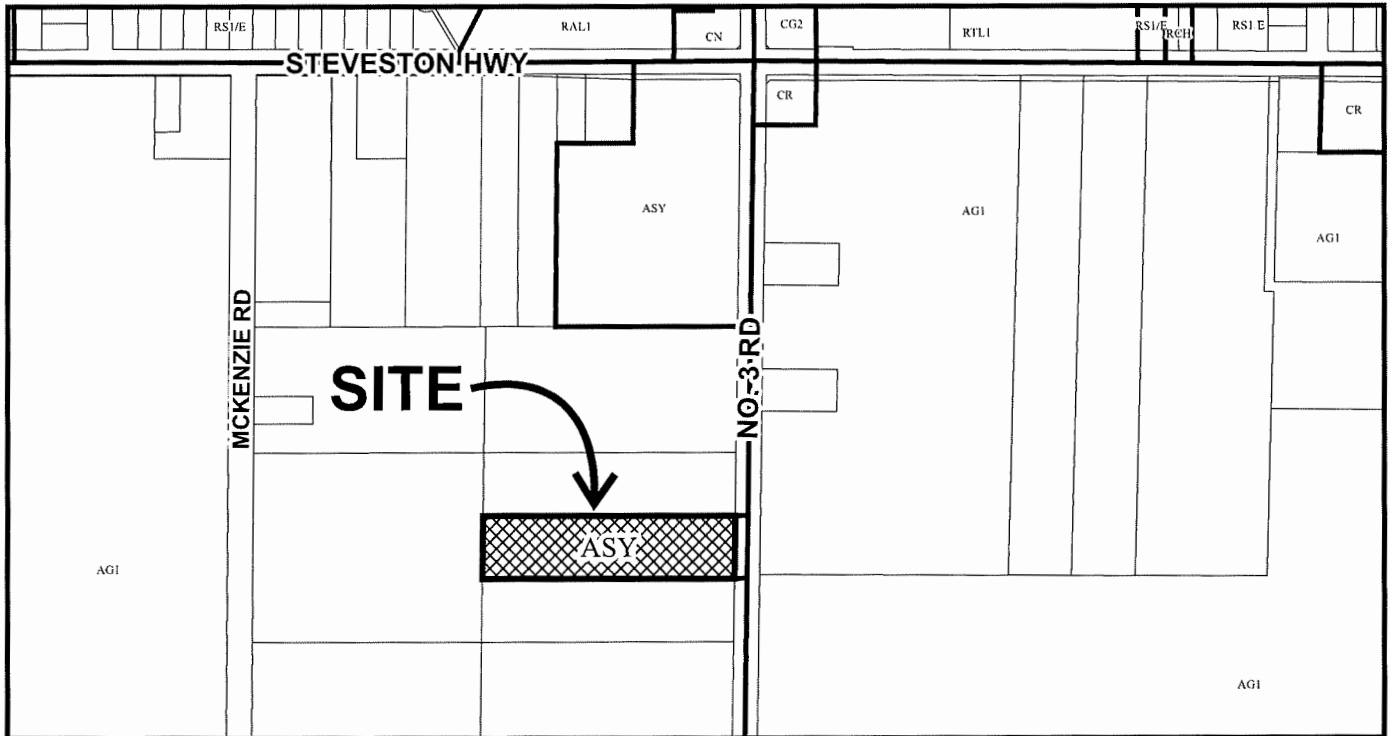
Attachment 4: Development Application Data Sheet

Attachment 5: Excerpt from the May 21, 2020 FSAAC Meeting Minutes

Attachment 6: Letter of Commitment and Proposed Agricultural Component



City of
Richmond



AG 19-853589

PLN - 26

Original Date: 02/25/19

Revision Date:

Note: Dimensions are in METRES



City of
Richmond



AG 19-853589

PLN - 27

Original Date: 02/25/19

Revision Date:

Note: Dimensions are in METRES



Ark Montessori Reggio Elementary School
 Richmond Alliance Church
 11371 No. 3 Road
 Richmond, BC V7A 1X3

City of Richmond
 Policy Planning Department
 c/o Steven De Sousa
 604-204-8529

June 15, 2021

Dear Steven,

Re: Request for a Letter of Intent / Agricultural Land Use

It has come to our attention, through no fault of our own, that there are ALR issues regarding the permitting of school use in our current location at the Richmond Alliance Church and that a letter outlining background information is requested by the City's Planning Department.

Ark Montessori Reggio Elementary School has operated at this location for 14 years with the approval of the City, which has issued construction and development permitting, cleared annual business licences, and have been issued continuous health department and fire marshall clearances. Fourteen years ago, the City had installed a school road sign on No. 3 Road formally indicating our school presence and operations. Furthermore, City 'clearance for operations' letters have been issued every 5-6 years for operations affirmation to the Ministry of Education.



The Ark School has been serving the young children of the Richmond community for over 21 years. We operate a licensed daycare (Noah's Ark), pre-kindergarten, kindergarten and elementary program for children up to grade three/four. The Ark specializes in an alternative education only for the formative primary years, with a focus on Montessori and Reggio Emilia

pedagogy, rooted in values focused on the natural world and whole child development.



Approximately 55 children attend Ark Montessori Reggio Elementary school and we are proud to note that we have never had an empty space in our entire history. Our school employs six full-time teachers, two assistants and two volunteers, all required for support the students with developmental needs, primarily, Autism and Dyslexia. We are also practicum supervisors to train new Early Childhood Educator candidates from Douglas College, Delta and Vancouver Continuing Education, Capilano Collage and Capital College. Our community of highly dedicated parents also participate on rotation every single day of the school year to collaboratively learn with the teachers and children.

At any given time, 35% of our student enrolment has special needs and cannot successfully attend traditional schools with large class sizes, poor teacher-to-student-ratios and few-to-no opportunities for outdoor, hands-on educational experiences necessary for children to learn in a developmentally appropriate, healthy way. The Ark specializes in advanced developmental, targeted early-intervention and support, for which many families actually move to Richmond to attend our program.

With the advent of the possible construction of a larger, formalized community garden space at the Richmond Alliance Church, we are excited to be able to further facilitate a more expanded integrated natural-world curriculum, which would be readily accessible to the community of children and parents. 20% of our families receive financial BC Childcare Subsidy

assistance from the Ministry of Children and Families. Not only would the excess produce we grow be able to be donated within the Richmond community at large through the Richmond Food Bank, but a school community garden will also be able to better support some of our struggling families, many new to Canada, as well as the needy within the church, with better food security and healthier nutritional choices.

We currently maintain smaller food-growing plots and run a large, early-potato growing program. Just today, the children took home their first baggies of lettuce! At any given time, about 20% percent of the families enrolled are our local Richmond blueberry and cranberry farmers, who are very supportive of school's natural education values which truly reflect and represent of the actual community of our school's demographics.

("Mayberry Farms" written on the truck.)



Our school has had a very long and consistent history of community, farming-related, child education-centered gardening/farming practices and operations. When leasing space years ago at A.R. MacNeil High School when it was originally built, we erected a greenhouse and built a community garden in collaboration with the school administration and science staff. Arzeena Hamir, was a dedicated parent at our school for over 7 years, and worked to establish Richmond original Food Security and Agricultural Advisory. She currently sits at the Comox Valley Regional District Board as vice chair, and speaks for the National Farmers' Union. The Ark School has regularly participated in field educational and gardening experiences many years before school programs were more commonly available, such as at the Richmond Sharing Farm Society, when school education programs were only more formally established in 2017.

People ▼
Arzeena
Hamir

Arzeena Hamir
Director, Area B at Comox Valley Regional District
Courtenay, British Columbia, Canada · 500+ connections

Comox Valley Regional District

University of London

Schedule 2 to the Minutes of the General Purposes Committee meeting held on Monday, January 16, 2012

Mayor and Councilors

From: Arzeena Hamir
Date: January 9, 2012, 1:43 PM
To: Mayor and Councilors
Subject: FVH Road 2 water / Irrigation Application
Categories: 06-0040-06-01 - Food Security
Attachments: Road 2 water / Irrigation Application - 06-0040-06-01-1.pdf

Mayor and Councilors

Arzeena Hamir has been working on an application for funding from the Real Estate Foundation to do a feasibility study on the possibility of growing vegetables for food security. The study will be done in the summer of 2012. The study will be done in the summer of 2012. The study will be done in the summer of 2012.

There is a great degree of interest in the study. The study will be done in the summer of 2012. The study will be done in the summer of 2012. The study will be done in the summer of 2012.

Next that the agricultural land inventory has been completed, the next step is to analyze the data from the inventory of agricultural land. The study will be done in the summer of 2012. The study will be done in the summer of 2012. The study will be done in the summer of 2012.

I propose that Council approve a meeting grant from the Comox Valley Regional District to the Real Estate Foundation to do the study. The study will be done in the summer of 2012. The study will be done in the summer of 2012. The study will be done in the summer of 2012.

I understand that Arzeena has to have the grant application in by next Friday.

Thank you.

Arzeena



The following photos are from our school's current growing cycle:





Our school staff and families are more than willing and capable of establishing and operating a community garden successfully. We have the skills, education and very strong motivation to be able to have the kind of environmental education resource a community garden program will foster. It will add immense value to the children's daily experiences and connect them deeply to their own bodies and health, their natural setting and place in the world, and to their greater Richmond community by contributing to food to benefit others in need.

If you have any further questions, please feel free to contact our school administration team. Thank you.

Sincerely,

Adina Priel
Principal

Regena Narayan
Head Teacher & Safe School Coordinator



Agricultural Land Commission

201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

December 28 2018

ALC C&E File 81192

VIA REGULAR MAIL

Christian and Missionary Alliance - Canadian Pacific District
101-17660 65A Avenue
Surrey BC
V3S 5N4

Dear Property Owners,

Unauthorized Activity in the Agricultural Land Reserve

CIVIC: 11371 No. 3 Road, Richmond BC
PID: 004-113-331
LEGAL: Lot 14, Block 3N, Plan NWP4120, Part S1/2, Section 5, Range 6W,
New Westminster Land District
(the "Property")

This letter serves to inform you that the Agricultural Land Commission (the "ALC" or the "Commission") has recently received information that alleges you are operating an educational facility namely, Noah's Ark School on the Property.

According to ALC Resolution #663/1992, the Commission approved an application to expand the existing church building from 10,000 ft² to 25,000 ft² and the parking lot from 120 to 198 spaces. The decision stated that the approval does not extend to permit any additional non-farm uses on the site, in particular schools, daycares or preschool facilities.

Commission records indicate that the Property is within the Agricultural Land Reserve ("ALR") and therefore is subject to the *Agricultural Land Commission Act* (the "Act") and BC Regulation 171/2002 Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the "Regulation").

Be advised that pursuant to s. 20(1) of the Act:

20(1) "A person must not use agricultural land for a non-farm use unless permitted by this Act";

Based on the above information, I determine that under the Act should you wish to operate a school on the Property you must submit a non-farm use application to the ALC.

In order to move forward in an effort to bring the Property into compliance with the Act, please submit the non-farm use application with respect to the Property no later than March 31 2019.

The application can be retrieved and subsequently submitted through the ALC's Application Portal via the ALC's website at: <http://www.alc.gov.bc.ca/alc/content/applications-and-decisions>

If you choose to submit an application, please advise me of the Application ID once your application has been submitted.

A lack of response to this letter may result in further action(s) which may include, but is/are not limited to; the recommendation of a monetary penalty and/or an order to rehabilitate the Property to a suitable agricultural standard.

Please contact me if you require further information. I can be reached at roland.persinovic@gov.bc.ca. I look forward to hearing from you to resolve this matter in a timely fashion.

This letter does not relieve the owner of 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.

Sincerely,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in blue ink, appearing to read 'Roland', is positioned above the printed name and title.

Roland Persinovic
Compliance and Enforcement Officer



AG 19-853589

Attachment 4

Address: 11371 No. 3 Road

Applicant: Christian & Missionary Alliance – Canadian Pacific District

Planning Area(s): Gilmore

| | Existing | Proposed |
|-------------------------|---|-----------|
| Owner: | Christian & Missionary Alliance – Canadian Pacific District | No change |
| Site Size: | 10,108 m ² (2.5 ac / 1 ha) | No change |
| Land Uses: | Religious assembly, education and child care | No change |
| OCP Designation: | Agriculture (AGR) | No change |
| Zoning: | Assembly (ASY) | No change |

| | Bylaw Requirement | Proposed | Variance |
|---------------------------|---|---|----------------|
| Floor Area Ratio: | Max. 0.5 | Existing: 3,427.4 m ² (36,892 ft ²) (0.34 FAR) (No change) | None permitted |
| Lot Coverage – Buildings: | Max. 35% | No change | None |
| Lot Size: | N/A | No change | None |
| Setbacks: | Front: Min. 6.0 m Rear: Min. 7.5 m Side: Min. 7.5 m | No change | None |
| Height: | 12.0 m | No change | None |

**Excerpt from the Meeting Minutes of the
Food Security and Agricultural Advisory Committee (FSAAC)**

**Thursday, May 21, 2020 – 7:00 p.m.
Webex**

Non-Farm Use Application – 11371 No. 3 Road (AG 19-853589)

Steven De Sousa, Planner 1, introduced the non-farm use application and provided the following comments:

- The purpose of the ALR non-farm use application is to allow the existing education use on the property to continue and address an ALC non-compliance issue;
- The existing church building was under construction prior to the inception of the ALR and has been in continuous use since then;
- In 1992, a non-farm use application was approved by both City Council and the ALC for an expansion to the church, with specific conditions, including prohibiting additional non-farm uses on-site, in particular schools, daycares or preschool facilities;
- After the approval in 1992, the anticipated growth was not realized and the church leaders at the time decided to lease out space to Richmond Music School and Noah's Ark Montessori School; and
- The existing uses are consistent with the "Assembly (ASY)" zoning, which allows education uses and the property is designated "Agriculture" in the OCP, which allows agriculture and food production, but may include other uses as permitted under the ALCA, including non-farm uses approved by Council and the ALC.

Ron Redekop, Richmond Alliance Church, provided additional comments regarding the proposal, including the following:

- The property was purchased and the church constructed before the inception of the ALR;
- The current church leaders were unaware of the conditions associated with the 1992 ALC approval; and
- There is no additional agricultural impact as a result of the existing school uses.

Discussion ensued regarding the potential for the applicant to incorporate a farming component to the proposal and lighting at the site.

The Committee passed the following motion:

That the Food Security and Agricultural Advisory Committee support the Non-Farm Use Application at 11371 No. 3 Road and encourage the applicant to consider implementing an agricultural component to the proposal (e.g. community gardens).

Carried Unanimously



Richmond Alliance Church

11371 No. 3 Road, Richmond BC, V7A 1X3, Tel.:604-277-3613

ATTACHMENT 6

May 20, 2021

Development Application Department
City of Richmond
6911 No. 3 Road
Richmond, BC V6T 2C1

Re: 11371 No. 3 Road (AG 19-853589)

To Whom It May Concern,

This letter confirms our commitment to installing the agricultural component as specified in the attached site plan/sketch.

The cost estimate for this component is \$5,050.00 (see attached).

Sincerely,

Kevin Krause

359.89



South Property line

| | | | |
|---------------------|-------------|------------|---|
| Shed (if necessary) | Rain Barrel | Composting | <p>Raised Vegetable Garden Approx 2.5' x 150' (375 sft)</p> |
| | | | <p>Grass Area Approx 22' x 200' (4,400 sft)</p> <p>***Total Green Area Approx 4,775 sft ***</p> |