



To: Planning Committee
From: Wayne Craig
Director, Development
Date: March 27, 2018
File: AG 14-668409
Re: **Release of Agricultural Land Commission Decision – Agricultural Land Reserve Non-Farm Use Application at 18791 Westminster Highway (AG 14-668409; Applicant – Nanaksar Gurdwara Gursikh)**

Origin and Background

This memo informs Council of a release of decision from the Agricultural Land Commission (ALC) South Coast Panel regarding the Agricultural Land Reserve (ALR) non-farm use application at 18791 Westminster Highway. The intent of the subject ALR application is to use the southern 2 ha. (5 acre) portion of 18791 Westminster Highway for temple special event and overflow parking in addition to the areas use as an agricultural parking and staging area that supports existing farming activities on the remaining portions of the site to the north. For references purposes, see Attachment 1 for a location map and Attachment 2 for the March 2018 ALC decision.

The following provides a brief summary of the previous Council and ALC consideration of this application at 18791 Westminster Highway:

- January 26, 2015 – Council endorsed the ALR application at 18791 Westminster Highway and forwarded it to the ALC for their review and consideration (note: the ALR application at 18791 Westminster Highway was considered concurrently with the rezoning application by the same applicant at 18691 Westminster Highway; RZ 02-208277 to allow for the expansion of the existing temple complex.
- June 19, 2017 – Release of ALC decision for 18791 Westminster Highway identified a number of ALC conditions that the applicant noted would limit the ability to expand the temple through a rezoning application granted 3rd Reading on February 16, 2015 at 18691 Westminster Highway. As a result, the applicant submitted a request to the ALC to reconsider their decision with supporting materials on September 18, 2017. The ALC allowed the request to reconsider the application to proceed based on the additional information put forward by the applicant.

ALC Decision and Analysis

The ALC approved the ALR application requesting to allow the south portion of 18791 Westminster Highway to be used for temple overflow and special event parking, subject to the following conditions summarized below:

- Confirmation of consolidation of 18691 and 18791 Westminster Highway into one lot.

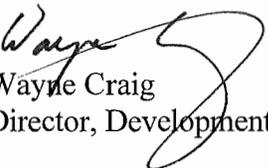
- Construction of a fence and vegetative buffer for the purposes of delineating the overflow/special event parking lot from the agricultural areas.
- Registration of a legal agreement on the consolidated lot to restrict further development of buildings and structures on the existing farm areas to the north of the temple and overflow parking areas.
- Temple ornamental/meditation gardens situated between the overflow parking area and existing farm activities must be maintained or converted to agricultural production and cannot be used for any other non-farm uses.
- Required parking areas to support the existing and proposed expanded temple and overflow parking must consist of permeable materials (i.e., gravel).

Staff have reviewed the above ALC conditions in conjunction with the rezoning considerations for 18691 Westminster Highway and determined that they are consistent with one another. Staff note that as per the *Agricultural Land Commission Act* and noted in the ALC decision cover letter, the Chair of the ALC can require reconsideration of the application by the Executive Committee (comprising the ALC Chair and Chairs of all Regional Panels) within 60 days from the release ALC decision on this application, which should be taken into account when completing the noted conditions.

Conclusion

The ALC release of decision for the ALR non-farm use application to use the south 2 ha (5 acre) portion of 18791 Westminster Highway for temple overflow and special event parking has been approved. Staff are liaising with the applicant and ALC on moving forward to fulfill the ALC conditions. With the exception of the applicant completing upon the identified ALC conditions, there are no further development applications required for 18791 Westminster Highway. Work to fulfill the rezoning considerations at 18691 Westminster Highway (RZ 02-208277) will continue and will be advanced to Council for final adoption of the zoning amendment bylaw once all items have been completed.

Please contact me directly should you have any questions (604-247-4625).


Wayne Craig
Director, Development

WC:ke

pc: Joe Erceg, MCIP, General Manager, Planning and Development
Barry Konkin, Manager, Policy Planning
Kevin Eng, Planner 2



City of Richmond



18691 &
18791 Westminster Hwy

Original Date: 01/22/15

Revision Date

Note: Dimensions are in METRES

CNCL - 306
PLN - 150



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

March 12, 2018

Reply to the attention of: Shawna Wilson
ALC File: 54024

Harp S. Hoonjan and Jinder S. Berar
DELIVERED ELECTRONICALLY

Dear Mr. Hoonjan and Mr. Berar:

Re: Reconsideration of Application 54024 to conduct a non-farm use in the Agricultural Land Reserve

Please find attached the Reasons for Decision of the South Coast Panel for the above noted application (Resolution #80/2018). As agent, it is your responsibility to notify the applicant accordingly.

Review of Decisions by the Chair

Under section 33.1 of the *Agricultural Land Commission Act* (ALCA), the Chair of the Agricultural Land Commission (the Commission) has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

Request for Reconsideration of a Decision

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of the release of the original decision. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

Please direct further correspondence with respect to this application to Shawna Wilson at (Shawna.Mary.Wilson@gov.bc.ca).

Yours truly,

A handwritten signature in black ink that reads 'Shawna Wilson'.

Shawna Wilson, Land Use Planner

Enclosures: Reasons for Decision (Resolution #80/2018)
Schedule A: Decision Map
Schedule B: Sketch Plan

cc: City of Richmond (File: AG 14-668409)



AGRICULTURAL LAND COMMISSION FILE 54024
RECONSIDERATION OF PANEL DECISION
REASONS FOR DECISION OF THE SOUTH COAST PANEL

Non-Farm Use application submitted under s. 20(3) of the *Agricultural Land Commission Act*

Request for Reconsideration submitted pursuant to s. 33 of the *Agricultural Land Commission Act*

Applicant: Nanaksar Gurdwara Gursikh Temple Society

Agent: Harp S. Hoonjan & Jinder S. Berar

Property: Parcel Identifier: 003-682-871
Legal Description: Parcel "B" (Reference Plan 1415) of the South Half Section 6, Block 4, North Range 4 West, New Westminster District, Except: Part on Statutory Right of Way Plan NWP88278 and Plan EPP8964
Civic: 18791 Westminster Highway, Richmond, BC
Area: 5.3 ha

Panel: William Zylmans, South Coast Panel Chair
Ione Smith
Satwinder Bains



OVERVIEW

[1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA). The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.

[2] Pursuant to s. 20(3) of the ALCA, the Applicant applied to the Agricultural Land Commission (the "Commission") to operate a 290- stall overflow gravel parking lot on 1.3 ha of the Property to support the Nanaksar Gurdwara Gursikh Temple (the "Temple") located on the adjacent parcel (the "Proposal").

[3] By Resolution #170/2017, dated June 19, 2017, the Panel approved the Proposal (the "Original Decision") subject to conditions.

[4] On September 18, 2017, the Commission received the Applicant's Request for Reconsideration of condition "a" of Resolution #170/2017. Condition "a" requires that:

a. the area identified as "reclamation area" on the attached Sketch Plan 2 must be reclaimed to an agricultural capability equal to or better than Class 3 without the introduction of limitations (e.g. P- stones or dense soils such as clay). Reclamation must be to the satisfaction of the Commission.

[5] The Request for Reconsideration submits that the reclamation area is integral to a City of Richmond application for the Temple addition and parking area approved by the Commission in 2001 to be rezoned to 'Public Assembly' that has received third reading and that both the reclamation area and the Proposal area were disturbed by sewer and construction works.

[6] As per Commission Resolution #029N/2014, requests for reconsideration are directed to the Executive Committee of the Commission to determine if the submission meets the criteria under s. 33(1) and that the submission demonstrates:

(a) evidence not available at the time of the original decision has become available,

- (b) all or part of the original decision was based on evidence that was in error or was false, or
- (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.
- [7] In this case, the Executive Committee found that the Request for Reconsideration contains evidence that was not available at the time of the Original Decision and the information would have been germane to the review of the Application by the Panel.
- [8] Pursuant to s. 33(2) of the ALCA, the Executive Committee identified the City of Richmond as an affected party. The Executive Committee notified the affected party of the decision to reconsider the Original Decision.
- [9] In accordance with s. 11.1(3) of the ALCA, the Chair of the Commission referred the *Request for Reconsideration* of the Original Decision to the Panel.

BACKGROUND

- [10] In 2001, the Commission approved Application 33860 made by the Applicant to expand the Temple and its sewer connection, and to construct additional parking on an adjacent parcel to the west (PID 023-751-878, the "Adjacent Parcel"). The approval was recorded as Resolution #402/2001 and was subject to the consolidation of the Adjacent Parcel and the Property into a single parcel, and the conversion of the Temple ornamental gardens into blueberry production. In October 2001, a request to reconsider Resolution #402/2001 was received. The reconsideration request pertained to the conditions of approval; specifically, the requirement to convert the existing temple garden into blueberry production. The Commission noted that it had originally accepted the proposal to convert the ornamental gardens in order to provide a benefit to agriculture but had not felt strongly that this was necessary given the fact that the gardens could be converted to agricultural use in future if required. The Commission allowed the request under Resolution #669/2001 to amend the conditions previously set out under Resolution #402/2001, allowing the ornamental gardens to remain in place (subject to compliance with all other conditions set out in Resolution #402/2001).

[11] In 2010, the Commission received Application 51633, submitted by the BC Ministry of Transportation and Infrastructure to extend Nelson Road north from Westminster Highway and to connect with Highway 91 by way of an east-to-south off-ramp and a north-to-west on-ramp; the north-to-west on-ramp involved the construction of an overpass. The Commission approved the application by Resolution #2491/2010. The application resulted in the current size and configuration of the Property.

EVIDENTIARY RECORD

[12] The South Coast Panel considered the following evidence:

1. The Proposal along with related documentation from the Applicant, Agent, local government, and Commission, collectively referred to as the "Application";
2. The Original Decision;
3. The Request for Reconsideration dated September 18, 2017, received by the Commission on September 19, 2017.

SITE VISIT

[13] On January 15, 2018, the Panel conducted a walk-around site visit in accordance with the *Policy Regarding Site Visits in Applications* (the "Site Visit").

[14] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Agent on March 1, 2018 (the "Site Visit Report").

EVIDENCE AND FINDINGS

CONDITION "a" OF RESOLUTION #170/2017

[15] The reclamation area described in condition "a" of Resolution #170/2017 encompasses the area approved for parking in 2001 by Resolution #402/2001 and



#669/2001 (the "Reclamation Area"). The Reclamation Area is located on the Adjacent Parcel, to the north of the Temple.

[16] The Application submits that the Applicant was required to fulfill numerous conditions set by the City of Richmond in association with a rezoning application pursued based on Resolution #402/2001 and #669/2001. One of the City of Richmond's conditions required the Applicant to remove the existing septic field and provide sanitary service with a municipal sewer system to the Temple and the Temple's addition. The Agent submits that as part of the process of removing the septic tank, the soil surrounding the septic tank had to be aired and turned over for several years in order to decontaminate the soils. The Agent further submits that the septic removal process was completed in the mid-2000s and the new sewer hookup completed in 2006/2007. The Applicant submits that fulfilling the City of Richmond's condition took several years and resulted in disturbance to land on the Property and the Adjacent Property.

[17] The Agent submits that the Reclamation Area is the same location of the former septic tank and that the area has not been farmed since the 1980s due to the presence of the septic tank. The Agent submits that fill has always been present in this area as a result of the septic tank and that there was limited topsoil present in this location. The Agent further submits that the limited topsoil that was present in the Reclamation Area was decontaminated and used in the agricultural area of the Properties. The Panel observed the Reclamation Area and the setting of the Reclamation Area in relation to the agricultural portion of the Adjacent Property during the Site Visit. The Panel finds that the Reclamation Area has been significantly disturbed due to the removal of the septic tank. In addition, the Panel finds that the Reclamation Area is alienated from the agricultural activity occurring on the Adjacent Property due to the disturbance caused by historical servicing development and current hydro infrastructure that is in place to support the Temple and the Temple addition. The Panel is therefore amenable to the retention of the Reclamation Area for parking.

[18] Resolution #402/2001 and #669/2001 still stand as is.

Ornamental Gardens

[19] Resolution #669/2001 approved the retention of the 2.05 ha ornamental garden in place of developing the area for agriculture. The Application submits that the former ornamental garden was removed in association with Ministry of Transportation and Infrastructure works approved by the Commission under Resolution #2491/2010. The Application submits that the ornamental garden is proposed for reinstatement on the west side of the existing agricultural building and is to be approximately 0.28 ha in size. The Panel is satisfied with the proposed reinstatement of a 0.28 ha ornamental garden on the west side of the agricultural building, as outlined in the attached Schedule B.

DECISION

- [20] For the reasons given above, the Panel approves the Proposal subject to the following conditions which replace the conditions of Resolution #170/2017:
- a. the consolidation of the Property and the Adjacent Parcel into one lot as per Resolution #402/2001;
 - b. the preparation of a survey plan to delineate the area to be consolidated in substantial compliance with the attached Schedule A;
 - c. the survey plan must show the location of the vegetative buffer and fence as required by condition "e" below;
 - d. the submission of one (1) electronic copy of the final survey plan to the Commission;
 - e. the construction of a vegetative buffer as described in Schedule A1: Buffer Types and the construction of a fence as described in Schedule D: Fencing Specifications of the 1998 Agricultural Land Commission document titled *Landscape Buffer Specifications* or an alternative form of vegetative buffer or fencing to the satisfaction of the Commission as per the attached Schedule B for the purpose of delineating the approved non-farm use areas from the agricultural areas;
 - f. the registration of a covenant for the purpose of prohibiting the construction of additional farm or non-farm buildings or structures on the agricultural areas identified on the attached Schedule A unless approved by way of a future application(s) to the Commission;



- g. conditions “a” through “f” must be completed within one (1) year from the date of release of this decision. Failure to meet this timeline will result in action by ALC Compliance and Enforcement and will require a new application to the Commission should you wish to continue with the non-farm use on the Property and the Adjacent Property;
- h. the ornamental gardens as shown on the attached Schedule B must be maintained or converted to agricultural production; conversion of the ornamental garden area into other non-farm uses including parking is not permitted; and
- i. the area approved for parking on the Adjacent Property and the 1.3 ha area approved for parking on the Property, as shown on Schedule B, are to be constructed and maintained with permeable materials (i.e. gravel).

[21] This decision 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.

[22] These are the unanimous reasons of the Panel.

[23] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.

[24] Resolution #80/2018
Released on March 12, 2018

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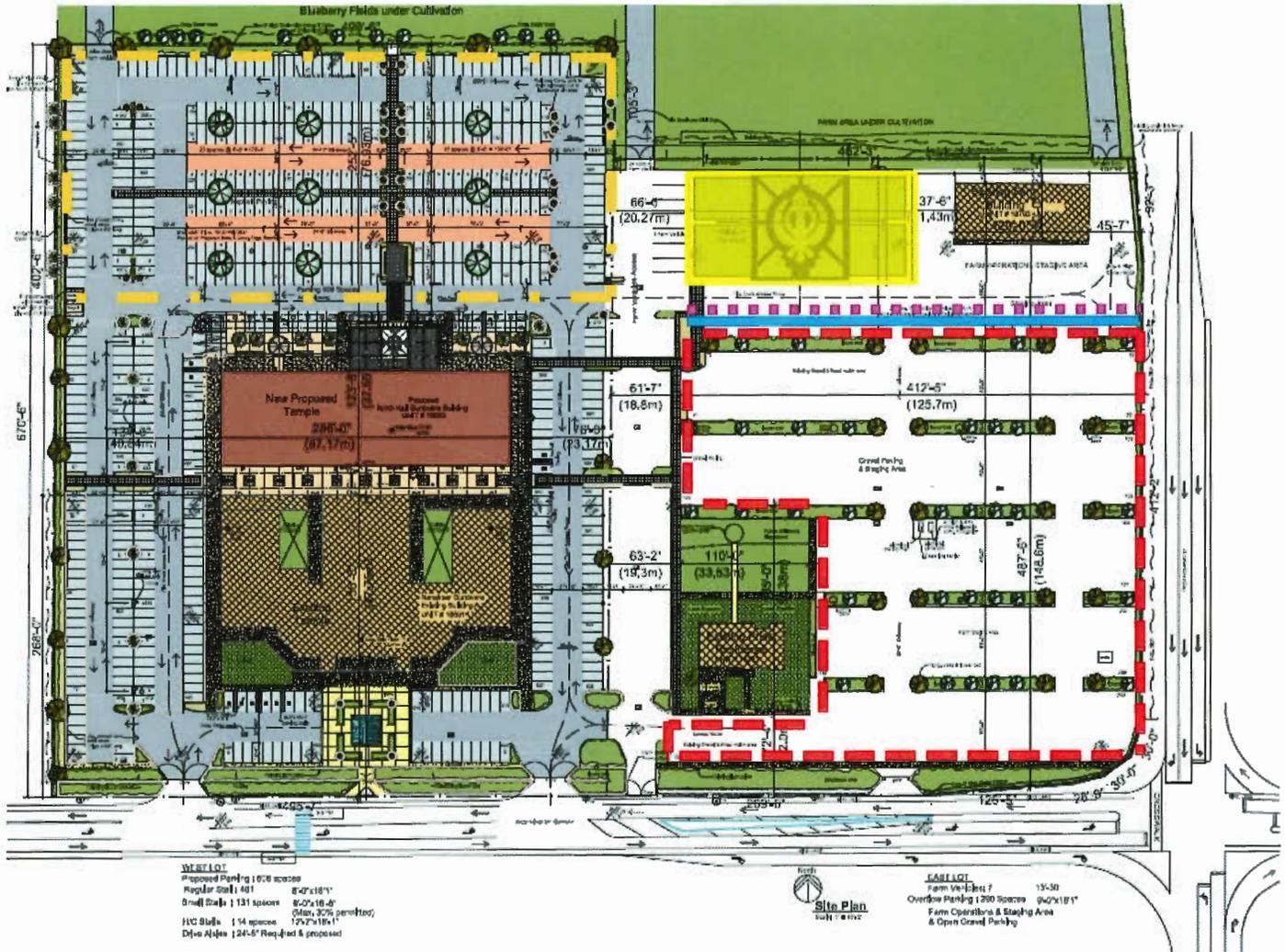
William Zylmans, Panel Chair
On behalf of the South Coast Panel



	Areas To Be Consolidated
	Agricultural Area
	Property
	Adjacent Property



Schedule B Agricultural Land Commission
ALC File 54024 (Nanaksar Gurdwara Gursikh Temple Society)
Conditionally Approved Non-Farm Use
ALC Resolution #80/2018



PLN - 160