



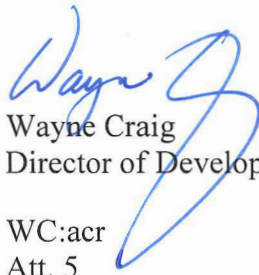
To: Planning Committee
From: Wayne Craig
Director of Development

Date: February 1, 2018
File: AG 17-766906

Re: **Agricultural Land Reserve Appeal Application by Core Concept Consulting Ltd.
for Subdivision at 11200 Westminster Highway**

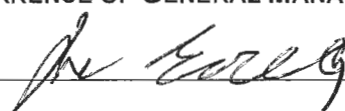
Staff Recommendation

That authorization for Core Concept Consulting Ltd. to make a non-farm use application to the Agricultural Land Commission to subdivide the property at 11200 Westminster Highway into two lots be denied.



Wayne Craig
Director of Development

WC:acr
Att. 5

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| REPORT CONCURRENCE |
| CONCURRENCE OF GENERAL MANAGER |
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Staff Report

Origin

Core Concepts Consulting has applied to the City of Richmond on behalf of the owners for permission to apply to the Agricultural Land Commission (ALC) for a non-farm use (subdivision) for the property at 11200 Westminster Highway (Attachment 1), which is located in the Agricultural Land Reserve (ALR). The applicant wishes to subdivide the property into two evenly sized parcels to allow for two single family dwellings but does not plan to farm on the properties.

The ALR non-farm use application requires consideration and endorsement by City Council. If endorsed by Council, the ALR non-farm use application will be forwarded to the ALC for their consideration. If approved by the ALC, the owner would be required to rezone one of the new lots as the existing house and garage are larger than what is currently permitted under the Agriculture (AG1) zone. Council approval of the rezoning would be required prior to subdivision.

If City Council does not authorize the non-farm use application for the purpose of subdivision, the application proceeds no further and will not be considered by the ALC.

Findings of Fact

The property at 11200 Westminster Highway is 0.35 ha (0.86 ac) in area. The proposed subdivision will result in two lots, each 0.175 ha (0.43 ac) in area as shown in Attachment 2. The Development Application Data Sheet providing details about the development proposal is provided in Attachment 3.

Parcels that were less than 0.8 ha (2 ac) on December 21, 1972 are exempt from ALC regulations including non-farm uses and subdivision. Despite the subject property's current size (0.35 ha [0.86 ac]), it was not less than 0.8 ha (2 ac) in 1972 and therefore must comply with ALC regulations. As such, ALC approval is required for the proposed subdivision.

Subject Site: Existing Housing Profile

A 595 m² (6,407 ft²) single detached house, which includes a 72.7 m² (783 ft²) secondary suite, and a 103.6 m² (1,115 ft²) detached garage, has received provisional occupancy with final building permit inspection pending. The total floor area, including garage, will be 698.6 m² (7,520 ft²). The farm home plate, which is the area of the property that contains all of the residential improvements (e.g., house, driveway, lawn area), is approximately 1,000 m² (10,764 ft²). Although the building permit application was made prior to the City's farmland housing regulations adopted in May 2017, the house floor area, farm home plate, and setbacks all comply with the City's Agriculture (AG1) zoning regulations.

If the non-farm use application is approved to allow the subject property to be subdivided, the new lots would have to comply with the AG1 zone prior to the Approving Officer signing the subdivision plans. Upon review, if the subject property were subdivided into two lots, the lot with the existing house would be considered non-conforming as the house is larger than what is

permitted on a 0.175 ha (0.43 ac.) lot. For a lot that is 0.175 ha (0.43 ac.), the maximum house size would be 500m² (5,382 ft²), including garage floor area. Further, the maximum farm home plate would also be reduced to 870 m² (9,365 ft²) for a lot that is 0.175 ha (0.43 ac.) in size.

As a result, Council approval through a rezoning process would be required for a 0.175 ha (0.43 ac.) lot, to allow:

- a larger house size of 698.6 m² (7,520 ft²), including garage floor area, rather than 500 m² (5,382 ft²); and
- a larger farm home plate size to allow a farm home plate of 1,000 m² (10,764 ft²) rather than 870 m² (9,365 ft²).

A rezoning would only be considered if this non-farm use application is endorsed by Council and approved by the ALC. Further, the rezoning would only apply to the new lot with the house. Alternatively, the owner could reduce the floor area of the house and garage by 198.6 m² (2,138 ft²), and reduce the farm home plate area by 130 m² (1,400 ft²) to comply with the AG1 zone of the new lot. The other lot, which would be vacant, would have to comply with the AG1 zoning regulations at time of building permit.

Surrounding Properties

To the north: Richmond Nature Park

To the east and west: Single family dwellings on properties zoned Agriculture (AG1) within the ALR.

To the south: Parcels zoned Agriculture (AG1) that are designated as Environmentally Sensitive Areas within the ALR.

Related Policies & Studies

2041 Official Community Plan (OCP)

The subject property is designated for "Agriculture" in the 2041 Official Community Plan (OCP) and in the East Richmond McLennan Sub-Area Plan. To meet the objective of enhancing all aspects of the agricultural sector including long-term viability, the OCP limits the subdivision of agricultural land into smaller parcels, except where benefits to agriculture can be demonstrated. The 2041 OCP Regional Context Statement Policy discourages subdivision into small agricultural parcels which would create impractical farm sizes. This is aligned with Metro Vancouver's 2040 Regional Growth Strategy, which aims to support a sustainable economy by protecting the supply of agricultural land and promoting agricultural viability with an emphasis on food production. Local governments are required to support agricultural viability by including policies in their OCP, which discourage the subdivision of agricultural land and farm fragmentation.

Although no farming currently exists on the property, if the parcel is not subdivided and no additional house is built, the undeveloped portion of the property may be used for agricultural activities now or in the future. If this non-farm use application is approved by Council and the ALC to allow the subdivision to proceed, the property owner has indicated they intend to use the lots for residential purposes only.

The East Richmond McLennan Sub-Area Plan aims to preserve agricultural lands in the area and to minimize urban/rural conflicts. When housing encroaches into agricultural areas a number of conflicts have been identified including: residents opposing agricultural activities that may generate noise or other perceived irritants to the enjoyment of a residential lot; the construction of new houses at a higher elevation than the surrounding properties frequently causes drainage problems for the adjacent lands; the agricultural properties are more prone to theft and vandalism with more people living close by; and farmers have difficulty gaining access to their properties with their equipment with wet soil conditions and housing surrounding their land.

Richmond Agricultural Viability Strategy

The Agricultural Viability Strategy (AVS) establishes a long-range strategy for improving the viability of farmlands within the City. The principles of the AVS include the minimization of subdivision, except where it supports agricultural viability (e.g., diversification, expansion). Further, the AVS identifies that small parcels are less efficient to farm and can limit agricultural options.

Contrary to the AVS, the proposal reduces an existing 0.35 ha (0.86) parcel of farmland to two smaller 0.175 ha (0.43 ac) parcels, which would not allow for farming or enhance farming viability in the ALR.

Zoning – Agricultural (AG1)

Section 14.1.8 of the Richmond Zoning Bylaw states that the subdivision of land in the ALR shall not be permitted unless approved by the ALC. Where the approval of the ALC is not required, the minimum lot area shall be 2.0 ha (5 ac). As the property is less than 2.0 ha (5 ac), both City of Richmond and ALC approvals are required.

If the non-farm use application were endorsed by Council and approved by the ALC, the lot with the existing house would have to be rezoned to allow:

- a larger house size of 698.6 m² (7,520 ft²), including garage floor area, rather than 500 m² (5,382 ft²); and
- a larger farm home plate size to allow a farm home plate of 1,000 m² (10,764 ft²) rather than 870 m² (9,365 ft²).

A rezoning to allow a larger house size and farm home plate area would be contrary to policies in the OCP which aim to limit the area used for residential development on farmland.

Alternatively, the owner could modify the house, garage and farm home plate to conform to the AG1 zone.

Agricultural Advisory Committee (AAC)

The proposed subdivision was reviewed by the City's Agricultural Advisory Committee (AAC). After a discussion about the proposal, the AAC concluded that the proposed subdivision does not benefit agriculture or support agricultural viability.

After the discussion, the AAC approved the following motion (Excerpt from August 15, 2017 AAC Meeting minutes in Attachment 4):

That the applicant observe OCP policies that limit subdivision of agricultural land into smaller parcels, except where benefits to agriculture can be demonstrated; and the Agricultural Viability Strategy's objective of minimizing subdivision, except where it supports agricultural viability.

Analysis

Farm Use

The owner of the subject property at 11200 Westminster Highway has stated that they do not intend to farm the property because it is limited in size and thus has not submitted a farm plan. The owner also indicated that he attempted to secure the purchase of adjacent farmland to the south to consolidate with one of the proposed lots but was not successful.

The owner has offered instead to provide farm access to the land locked parcel to the south as a means to benefit agriculture. If an easement were secure, the farm access is proposed to be 3.0 m (9.8 ft.) wide for the full depth of the subject property along the west property line (Attachment 2). The intent is to improve the front portion of the easement with asphalt to serve the dual purpose of farm access for the property owner behind the subject property, and a driveway access. The remaining southern portion of the easement would be a gravel or sawdust farm access road connecting to the property line of the parcel to the south. The property owner of the subject property has agreed to construct this portion of the farm access.

Despite the offer to provide farm access to the land locked parcel to the south, this would not guarantee that either parcel would be farmed. The land locked property owner to the south has also indicated they have no interest in farming at this time. Further, the land locked parcel to the south does not require the easement to farm as they could also use the unopened road dedication to access the parcel for soil based farming rather than relying on the proposed easement. Staff are of the opinion that this subdivision application does not provide a net benefit to agriculture and is not consistent with City and ALC regulations.

If Council wishes to endorse this application, and the application is approved by the ALC, staff would recommend that a legal easement agreement be registered on the subject property as part of the rezoning for a larger house size prior to subdivision.

Related Subdivision Applications

Many properties to the east and west of the subject property are smaller than 0.35 ha (0.86 ac) and are primarily used as a residence (Attachment 5). Some of these properties resulted from subdivision approvals in the 1980s prior to the introduction of policies and regulations that provide direction to curb subdivision of ALR properties. These policies that limit the subdivision of ALR properties include:

- Amendments to the Agriculture (AG1) zone to include the minimum subdivision lot size of 2.0 ha (1989);
- Richmond Official Community Plan's policy to:

- “limit the subdivision of farmland and investigate ways to encourage the consolidation of lots in the ALR, for example in the McLennan agricultural area” (McLennan Sub-Area Plan); and
- “limit the subdivision of agricultural land into smaller parcels, except where benefits to agriculture can be demonstrated” (2041 OCP); and
- Richmond Agricultural Viability Strategy recommendation to “discourage non-farm uses of the ALR land” in the McLennan area and principles that “subdivision in the ALR will be minimized, except where it supports agricultural viability”.

The property at 11228/11260 Westminster Highway was subdivided (SD 88-170) in 1988 with an ALC condition for one of the new lots to consolidate with land locked parcels to the south to create a larger farmable parcel. Without the lot consolidation and a demonstrated benefit to agriculture, the ALC was not prepared to support the subdivision.

In 2000, the owner at 11140 Westminster Highway, a parcel with the same area as the subject property, applied for subdivision. The property is exempt from ALR regulations because it was less than 0.8 ha (2 acres) on December 1, 1972 at the time that the ALR was created. As it is an exempt property, an ALC decision was not required. Rather, City approval was required as the Richmond Zoning Bylaw does not permit any property less than 0.8 ha (2 acres) in the Agriculture (AG1) zone to be subdivided. Richmond City Council denied the application on the grounds that it was contrary to the objectives and policies of the Richmond OCP and McLennan Sub-Area Plan, and that amending the agriculture designation of the subject property in both these plans would set a precedent for similar rezoning and subdivision requests in the ALR.

An endorsement from City Council is required to forward the application to the ALC for its final decision. If approved by the ALC, the proposed lot with the existing house would have to be rezoned to allow a larger house and farm home plate than what is permitted under the AG1 zone. This would be inconsistent with City OCP policies that aim to limit the area used for residential development on farmland. Allowing the subdivision of the property would set a precedent for similar subdivision requests in the ALR, in particular, properties along the south side of Westminster Highway which are of a similar size. Further, allowing the subject property to subdivide would be inconsistent with City decisions and policies.

Illegal Fill

Illegal fill was deposited on the site when the current house began construction. Through the development process, it was determined that the amount of fill on the property exceeded the maximum area allowable on site. There is now a stop work order for the development until the fill is removed from the property. The City and the ALC has agreed to allow the applicant to keep the fill on the property until a final decision on the proposed subdivision has been made. If the application is denied, the owner must remove the fill from the property and remediate the site with organic soils to bring it to farmable condition. If the application is approved, the owner may use the fill on the property for the purpose of constructing the second house on the new lot.

Financial Impact

None.

Conclusion

The proposed subdivision is not consistent with the Richmond OCP and ALC policies, which protect and enhance farm viability, and minimize farmland subdivision in the ALR. Allowing the subdivision of the property would likely set a precedent for similar subdivision applications in the ALR. In addition, the AAC did not support the proposal.

Staff recommend that the ALR non-farm use subdivision application at 11200 Westminster Highway to create two evenly sized properties as outlined in this report be denied and that the ALR non-farm use application not be forwarded to the ALC.



John Hopkins
Senior Planner
604-276-4279

JH:cas

Attachment 1: Location Map

Attachment 2: Proposed Subdivision Plan

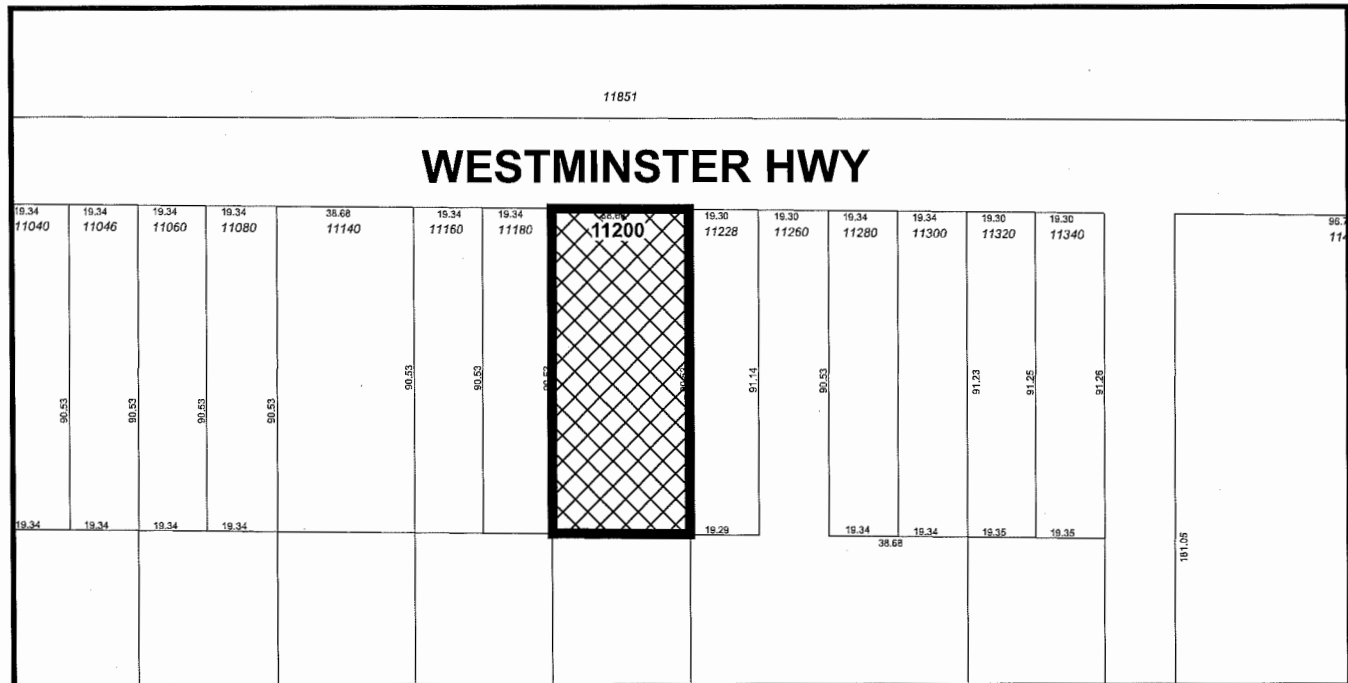
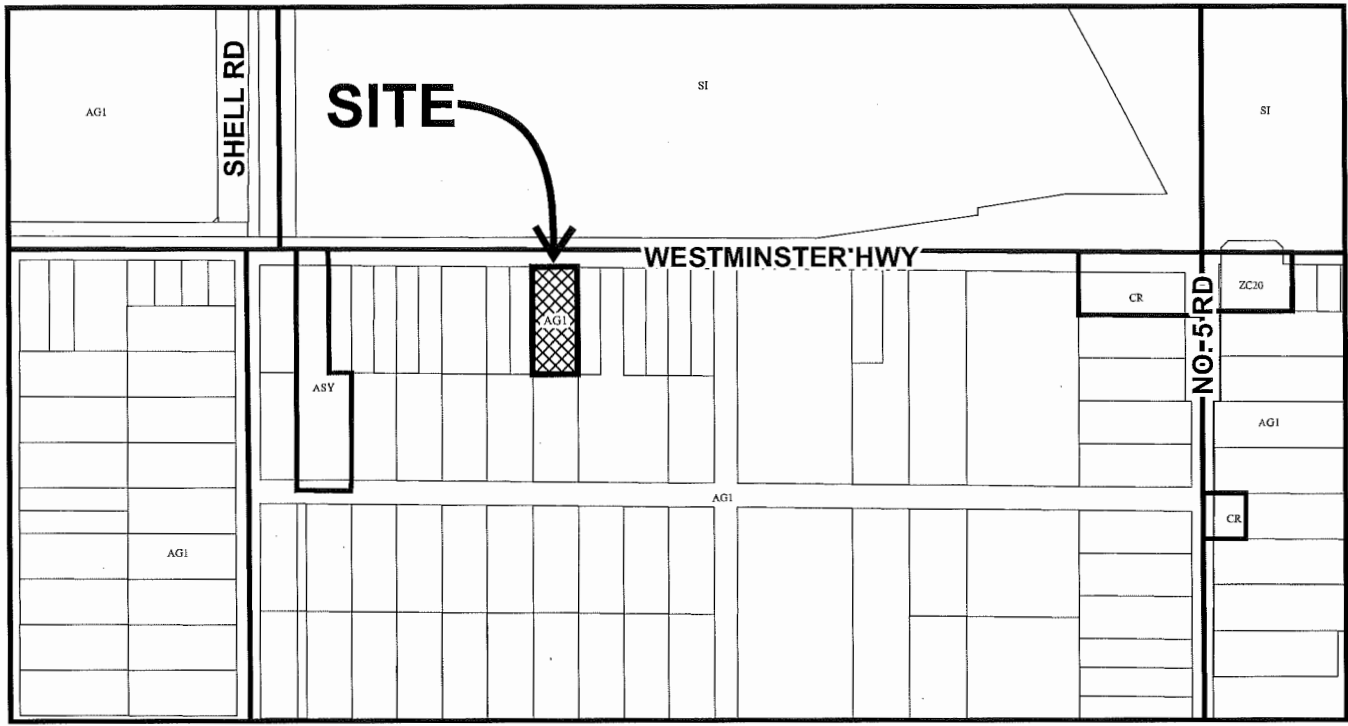
Attachment 3: Development Application Data Sheet

Attachment 4: Excerpt of Agricultural Advisory Committee Draft Meeting Minutes

Attachment 5: Location Map with Nearby Addresses and Parcel Sizes



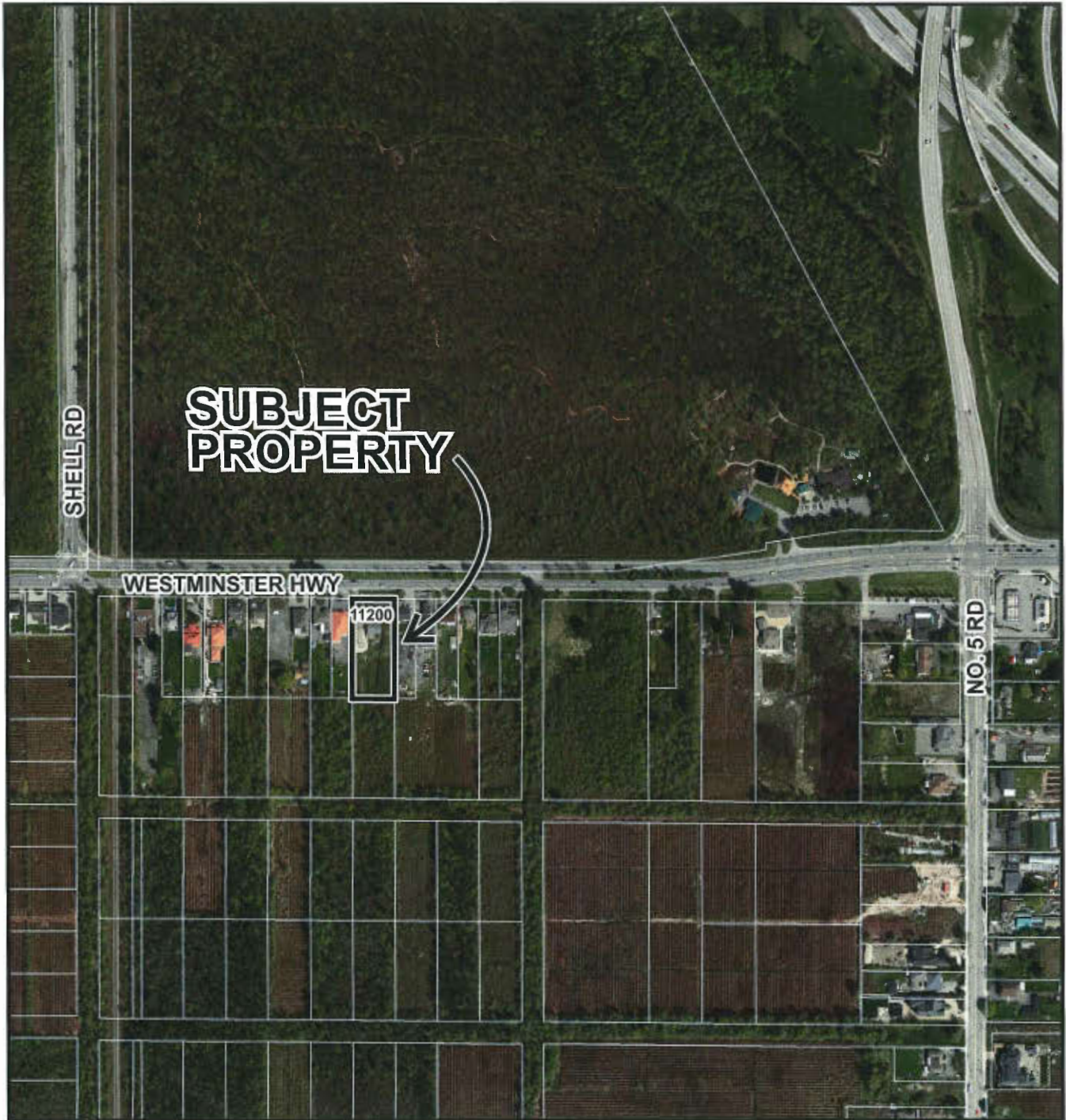
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City of
Richmond



AG 17-766906

Original Date: 04/04/17

Revision Date:

Note: Dimensions are in METRES

PLN - 176



City of
Richmond

Development Application Data Sheet
Development Applications Department

AG 16-745803

Attachment 3

Address: 11200 Westminster Highway

Applicant: Core Concepts Consulting Ltd.

| | Existing | Proposed |
|-----------------------------------|---|--|
| Owner: | Nahal Amarjit, Nahal Harbhajan Nahal Charanjit S, Nahal Harbhajan K. | No Change |
| Site Size (m²): | 0.35 ha (0.86 ac) | Lot 1: 0.175 ha (0.43 ac) Lot 2: 0.175 ha (0.43 ac) |
| Land Uses: | Single Family Dwelling | One Single Family Dwelling on each lot for a total of two |
| OCP Designation: | Agriculture | No Change: Complies |
| ALR Designation | The property is contained within the ALR boundary | No Change: Complies |
| Area Plan Designation: | East Richmond McLennan | No Change: Complies |
| Zoning: | Agriculture (AG1) | No Change: Complies |
| Other Designation | NA | NA |

**Excerpt from the Draft Minutes of
The Agricultural Advisory Committee Meeting**

**Thursday, August 15, 2017 – 7:00 p.m.
M2.002, Richmond City Hall**

1. Development Proposal – Non-Farm (Subdivision) at 11200 Westminster Highway

Staff provided an overview of the non-farm application to subdivide the property into two equally-sized lots in order to building two houses. The property is 0.35 ha (0.86 ac) and the proposed new lots will each be 0.175 ha (0.43 ac). The current land use is a house that is being constructed and is close to completion. Excess fill was deposited on the site when the current house began construction and a stop work order has been issued for the development until the fill is removed from the property. Remediation of the affected area would be required on the site. The City and the ALC has agreed to allow the owner to keep the fill on the property until a final decision has been made on the proposed subdivision.

The applicant has indicated that the owner does not wish to farm on the property. The Richmond 2041 OCP limits the subdivision of agricultural land into smaller parcels, except where benefits to agriculture can be demonstrated. The Richmond Agricultural Viability Strategy objectives also include the minimization of subdivision, except where it supports agricultural viability. The Committee invited the proponent to the table.

The applicant presented the following:

- The applicant expressed that due to the small size of the parcel, it is impractical to farm
- A handout of maps depicting the ownership of properties fronting Westminster Highway one block east of Shell Road and adjacent land-locked properties to the south was provided to AAC members. The maps show that land-locked properties with access through another parcel fronting a road are more likely to be farmed.
- The applicant proposes that if the subdivision would be approved, they would agree to provide a legal farm access to land-locked parcels to the south to enable farm activity, which is a benefit to agriculture.
- The applicant stated that the owners attempted to purchase the adjacent land locked parcel to the south to be consolidated with their property but was unable to secure the property at a good price.

The AAC asked if the proposed access to the adjacent property to the south is desired by the adjacent property owners. The applicant stated that the owners had not approached their neighbours with this proposal but that the proposed access offered would be beneficial to farming.

The AAC discussed whether the property was too small to be farmed. As the applicant confirmed that they had no intentions of farming the site, with the exception of a garden for personal use, it was concluded that the proposed subdivision would not benefit agriculture. The AAC also expressed concern about unauthorized fill placed on the site.

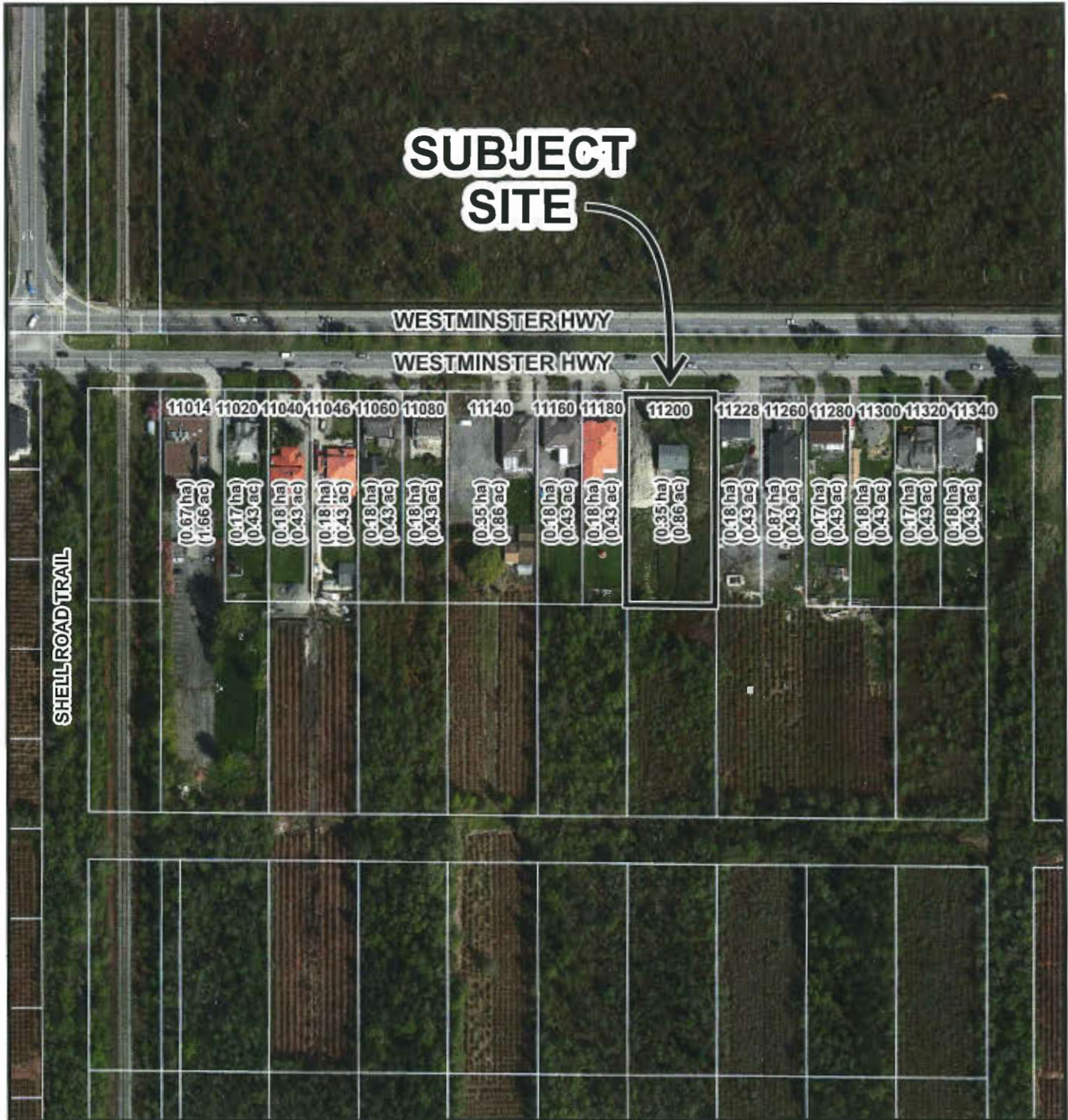
As a result of the discussion, the Committee made the following motion:

That in rendering its final decision, City Council observe OCP policy that limit subdivision of agricultural land into smaller parcels, except where benefits to agriculture can be demonstrated; and the Agricultural Viability Strategy's objective of minimizing subdivision, except where it supports agricultural viability.

Carried (5 members in favour; 1 opposed -Doug Wright, 1 abstained – Chaim Kempler)



City of
Richmond



AG 17-766906

Original Date: 09/27/17

Revision Date:

Note: Dimensions are in METRES