



To: Planning Committee
From: Brian J. Jackson, MCIP
Director of Development
Re: Accessory Residential Building Height in the Agriculture (AG1) Zone

Date: March 13, 2012
File: 08-4430-03-07/2011-Vol 01

Staff Recommendation

That the report from the Director of Development dated March 13, 2012 regarding Accessory Residential Building Height in the Agriculture (AG1) zone be received for information.

Brian J. Jackson, MCIP
Director of Development
(604-276-4138)

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ROUTED TO:	CONCURRENCE		CONCURRENCE OF ACTING GENERAL MANAGER
Building Approvals	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	
Policy Planning	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	
Community Bylaws	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> <i>AE</i>	NO <input type="checkbox"/>	REVIEWED BY CAO YES <input checked="" type="checkbox"/> <i>AD</i> NO <input type="checkbox"/>

Staff Report

Origin

At the January 17, 2011 Public Hearing, Council passed the following referral motion:

“That staff consult with stakeholders to discuss the existing height limit for accessory residential buildings on farmland of any size in Richmond and report back through Planning Committee”.

Opposed: Councillors Linda Barnes and Harold Steves
(Absent: Councillor Evelina Halsey-Brandt)

This referral was made in response to a delegation by Dale Badh wherein he “stated that the issue is the existing height limit on accessory residential buildings in the AG zone” and that he “supported the idea of returning to the previous height outlined in the earlier Zoning Bylaw 5300”.

Background

The existing maximum height limit for accessory residential buildings in the Agriculture (AG1) zone in Richmond Zoning Bylaw 8500 is “5.0 m or 1½ storeys” (this does not apply to agricultural buildings).

The previous Richmond Zoning & Development Bylaw No. 5300 had no maximum height limit for accessory residential buildings in the Agriculture (AG1) zone.

The 5.0 m or 1½ storey height limit was added to the Agriculture (AG1) zone because:

- 5.0 m is the maximum height permitted for accessory residential buildings in both the existing and previous Zoning Bylaws in zones that permit and are used for single family residential purposes;
- a 7.4 m or 2 storey height for accessory buildings is the maximum height permitted in either the old or new Zoning Bylaw, but this is only in the coach house zones;
- a coach house is not permitted above a detached garage in the Agricultural Land Reserve (ALR) by the Provincial Agricultural Land Commission (ALC) nor by the City in any of its Zoning Bylaws past or present;
- Councillors and Building Approvals staff were concerned that new accessory residential buildings were being constructed with full second floors that could easily become illegal coach houses; and
- having no maximum height limit for accessory residential buildings in the Agriculture (AG1) zone could be problematic and open to abuse.

This change was noted in the November 10, 2009 Staff Report on Richmond Zoning Bylaw 8500 under:

“Summary of Key Issues Considered in Revising the Zoning Bylaw

14. Strengthen the prohibition of secondary suites or illegal dwelling units in accessory buildings in agricultural areas by introducing a 1½ storey height limit for accessory buildings, a maximum building separation space of 50.0 m from the principal dwelling unit and restrictions on the washroom size, pedestrian access and location of a kitchen or any habitable space in the accessory building”.

“Summary List Of Key Issues Addressed

<i>Issue with Existing Bylaw</i>	<i>Response in Proposed New Bylaw</i>
<i>14. Prevent the use of accessory buildings in agricultural areas for secondary suites or illegal dwelling units</i>	<i>Implement height, location and use limitations to accessory buildings in the proposed new zone that replaces the existing Agriculture (AG1) zone”</i>

In addition to the 5.0 m or 1½ storey maximum height limit in the Agriculture (AG1) zone, Bylaw 8500 has the following new provisions regarding accessory residential buildings:

- a maximum building separation space of 50.0 m between the accessory residential building and the single family house;
- the prohibition of a kitchen or any habitable space (e.g., bedroom and other living space) in the accessory residential building;
- a limitation to one washroom with a maximum floor area of 10.0 m², which must not contain a bathtub and which must be located on the ground floor;
- the ground floor must be designed and used for vehicle parking and storage;
- pedestrian access to the first storey is limited to one door to and through the vehicle parking and storage area; and
- pedestrian access to the half storey is limited to the inside of the accessory residential building from the vehicle parking and storage area.

All of these additional provisions are important to note because the concern raised at the January 17, 2011 Public Hearing which led to the Council referral involves more than just reviewing the existing height limit for accessory residential buildings on farmland and returning to the previous unlimited height outlined in the earlier Zoning Bylaw 5300.

Findings Of Fact

Staff have consulted with the following stakeholders to discuss the existing height limit for accessory residential buildings on farmland in Richmond, and provided them with the rationale for this limitation and the other provisions regarding these buildings.

Provincial Agricultural Land Commission (ALC)

On January 24, 2012, City staff met with staff from the ALC and Ministry of Agriculture. ALC staff indicated that they are supportive of Richmond's existing Zoning Bylaw 8500 and would prefer not to revert back to unlimited heights for accessory residential buildings as was the case in the previous Zoning Bylaw 5300. They noted that the Commission does not have the resources to enforce the potential illegal use of two storey accessory residential buildings should they be used as coach houses in the ALR.

It was noted that Maple Ridge permits detached garden suites (or coach houses) in the ALR in its Zoning Bylaw. However, the additional dwelling must be approved by the Commission through an ALR application. Although there have been several applications, the Commission has yet to approve a detached garden suite (or coach house) in the ALR in Maple Ridge.

Richmond Agricultural Advisory Committee (AAC)

The AAC considered this matter on February 9, 2012 and passed the following motion:

"That height limitations for residential accessory buildings should not apply for bona fide farm operations where the additional height or storey is supportive of the farm and does not negatively impact agriculture".

In essence, the AAC supported the existing Zoning Bylaw limitations for 1½ storey accessory residential buildings on properties used for single family residential purposes (e.g., detached garage with a room above it) and allowing 2 storey agricultural buildings on properties used for bona fide farm purposes (e.g., detached building with farm equipment or a workshop on the ground floor and farm supplies/equipment/office on the second floor or the future conversion of the second floor for seasonal farm labour accommodation with a rezoning application).

Delegation and Other Interested Stakeholders

On February 29, 2012, City staff met with Dale Badh, Roland Hoegler, John Gaskin and Rafik Shaikh regarding this matter. Mr. Badh was the delegation at the January 17, 2011 Public Hearing that led to the Council referral. He continues to maintain that the City should not have changed the Agriculture (AG1) zone without comprehensive property owner consultation/input and should use its enforcement powers if illegal coach houses are being constructed in the ALR.

At the outset, these stakeholders stated that they wanted the City to return to the previous provisions of Zoning Bylaw 5300. However, upon further clarification, they agreed that a 10.5 m and 2 storey height limitation (similar to the principal residence in the AG1 zone) should be used and that the 50.0 m maximum building separation space between the accessory residential building and the single family house should be retained. The group felt all other new provisions regarding accessory residential buildings should be deleted (i.e., prohibition on kitchen and habitable space; limitation to one washroom of 10.0 m² on the ground floor with no bathtub; restrictions on the pedestrian access).

Analysis

Examples

City staff have conducted some field work to locate accessory residential buildings that illustrate this height issue. Six examples were found involving properties ranging in size from 0.2 ha to 4.0 ha. None of these properties are bona fide farms (i.e., do not have a farm assessment). City staff also found three examples of properties between 1.78 ha to 2.0 ha in size that are bona fide farms (i.e., have a farm assessment and the owner/farmer lives on the property). Photographs of all nine examples will be displayed at the Planning Committee meeting.

Options

Based on the input of the stakeholders consulted, there are 2 options to manage accessory residential buildings in Richmond Zoning Bylaw 8500.

***Option 1: ALC and AAC:
(RECOMMENDED)***

***Leave Richmond Zoning Bylaw 8500 as is and
Restrict Accessory Residential Building Height and Use***

- | | |
|---------------|---|
| Description - | - leave the 5.0 m and 1½ storey height limit and other restrictions on accessory residential buildings in the Agriculture (AG1) zone |
| | - continue to allow agricultural buildings on bona fide farms without these height and use restrictions (i.e., properties that are used for a farm business and/or have a farm assessment as determined by the BC Assessment Authority) |
| Pros | - protects the ALR for farming (e.g., from the potential for illegal coach houses) |
| | - applies the same standard for accessory residential buildings that is found in most other zones that are used for single family residential purposes |
| | - bona fide farms would continue to be permitted higher heights for their agricultural buildings |
| Cons | - the distinction between accessory residential buildings and agricultural buildings in the AG1 zone is not that clear and could change after construction (e.g., a bona fide farm may not always be farmed in the future) |
| | - does not involve any further public input (i.e., a Public Hearing on a Zoning Bylaw amendment) |

Option 2: Other Stakeholders' Preference: Amend Richmond Zoning Bylaw 8500 to Essentially Return to the Previous Zoning Bylaw Provisions

- Description - change the 5.0 m or 1 ½ storey height limit to 10.5 m or 2 storeys for all accessory residential buildings in the Agriculture (AG1) zone
- repeal all of the other restrictions on accessory residential buildings, except the 50.0 m maximum building separation from the single family house
- Pros - returns to the previous practice, that was in place for a number of years
- provides all agricultural property owners with the same flexibility
- Cons - does not protect farmland or avoids potential conflicts
- difficult for Community Bylaws and ALC staff to deal with the enforcement of illegal coach houses in the ALR

Financial Impact

None to the City.

Conclusion

Council requested that staff consult with stakeholders regarding the new 5.0 m or 1 ½ storey height limit on accessory residential buildings in the Agriculture (AG1) zone in response to a delegation at a Public Hearing.

Staff have consulted with the Agricultural Land Commission (ALC), Richmond Agricultural Advisory Committee (AAC) and the delegate and other interested stakeholders in this matter.

Two options have been identified to deal with accessory residential buildings in the (AG1) zone:

- Option 1: Leave Richmond Zoning Bylaw 8500 as is and Restrict Accessory Residential Building Height and Use*
- Option 2: Amend Richmond Zoning Bylaw 8500 to Essentially Return to the Previous Zoning Bylaw Provisions.*

Option 1 is preferred by City staff because it:

- is supported by staff from the ALC and by Richmond's AAC;
- prevents an illegal coach house, which is not permitted by the ALC in the ALR or the City in the AG1 zone;
- helps enhance or protect agricultural land by reducing the potential for residential conflicts with farming;
- allows a half storey which is adequate for a recreation room or office in an accessory residential building (the Zoning Bylaw doesn't prohibit these uses); and
- is similar to all other zones that permit single family housing, both in the previous and existing Zoning Bylaws, which have a 5.0 m height limit for accessory residential buildings.

Therefore, it is recommended that Planning Committee receive this Staff Report for information.



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