



City of Richmond

Report to Committee

To: Planning Committee
From: Brian J. Jackson, MCIP
Director of Development

Date: March 21, 2011
File: 08-4430-03-07/2011-
Vol 01

Re: Ministry of Agriculture Draft Discussion Paper
"Bylaw Standard for Residential Uses in the Agricultural Land Reserve"

Staff Recommendation

- 1) That Richmond advise the Minister of Agriculture that it has no further comments on the Ministry's Draft Discussion Paper entitled "Bylaw Standard for Residential Uses in the Agricultural Land Reserve" until the Ministry undertakes a comprehensive public consultation process in Richmond in addition to the proposed on-line survey tool.
- 2) That all delegations and public comments on the Ministry of Agriculture's Draft Discussion Paper entitled "Bylaw Standard for Residential Uses in the Agricultural Land Reserve" go directly to the Ministry of Agriculture for action or response.

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

Att.

FOR ORIGINATING DEPARTMENT USE ONLY			
ROUTED TO:	CONCURRENCE		CONCURRENCE OF GENERAL MANAGER
Policy Planning	Y ☒ N ☐		
REVIEWED BY TAG	YES ☒ <i>mk</i>	NO ☐	REVIEWED BY CAO
			YES ☒ NO ☐

Staff Report

Origin

On January 20, 2011, the Ministry of Agriculture wrote to municipalities with land in the Agricultural Land Reserve (ALR) requesting comments on their Draft Discussion Paper entitled "Bylaw Standard for Residential Uses in the Agricultural Land Reserve" (**Attachment 1**).

City staff provided Council with a copy of this Draft Discussion Paper by way of a memo dated February 3, 2011.

Planning Committee discussed this memo on February 8, 2011 under Manager's Report. At this meeting, it was noted that:

- The deadline for input had been extended by the Ministry (originally from February 28, 2011 to March 31, 2011 and more recently to April 15, 2011).
- The Ministry should hold public discussions on the Draft Discussion Paper and staff would communicate with the public regarding when the Ministry's Draft Discussion Paper would be discussed.
- Staff would continue to talk with Ministry representatives and encourage the Ministry to take a closer look at such issues as small lots in the Agricultural Land Reserve (ALR).
- The Ministry's Bylaw Standards are not compulsory and municipalities can opt out if they so desire.

On February 11, 2011, the City wrote a letter to the Ministry indicating that:

"The Planning Committee noted the high level of interest in this issue and has requested that the Ministry of Agriculture undertake a comprehensive public consultation process within the region to which the discussion paper is applicable. It is strongly felt that interested groups and individuals should be provided with an opportunity to provide input directly to the Ministry of Agriculture regarding your discussion paper.

There is considerable interest in Richmond about agricultural setbacks, potential residential footprints and possible farm house size limits, therefore, it is respectfully requested that at least one public meeting be located within the City of Richmond, or in a location which is convenient to Richmond residents."

Ministry staff advised the City on March 11, 2011 that their executive has given the direction to provide an opportunity for public consultation on the Draft Discussion Paper through an on-line survey or similar process. However, the on-line survey tool will require approval from the Minister's Office, and since there is a new Minister of Agriculture, this approval will be delayed until briefings on the Ministry have occurred (i.e., the request for approval could be delayed anytime between three days or three weeks).

The purpose of this report is to provide Council with different options on how to respond to the Ministry of Agriculture's Draft Discussion Paper entitled "Bylaw Standard for Residential Uses in the Agricultural Land Reserve" and some preliminary staff input.

Findings Of Fact

Agricultural Advisory Committee (AAC)

The Agricultural Advisory Committee (AAC) considered the Ministry of Agriculture's Draft Discussion Paper entitled "Bylaw Standard for Residential Uses in the Agricultural Land Reserve" on two separate occasions.

On February 10, 2011, the AAC carried unanimously a motion to:

- *"Bring back the discussion paper and information to the AAC March 10, 2011 meeting for further discussion.*
- *Request that the Ministry of Agriculture and Lands extend the deadline for comments to a later date that enables all stakeholders to fully review and submit comments.*
- *Comprehensive public consultation be undertaken by the Ministry".*

On March 10, 2011, the AAC considered the Draft Discussion Paper a second time. According to unadopted minutes, the AAC carried unanimously a motion:

"That the AAC:

Continue to provide feedback to the Ministry of Agriculture and Lands on this initiative until a final document and approach outlined by the Ministry is ready, at which time the Committee can review and consider it further.

Recommend detailed public consultation be undertaken by the Ministry of Agriculture and Lands so that direct public feedback through a public information meeting and survey can be provided".

Metro Vancouver's (MV) Agricultural Committee

The Greater Vancouver Regional District (GVRD) Agriculture Committee first considered the Ministry of Agriculture's Draft Discussion Paper entitled "Bylaw Standard for Residential Uses in the Agricultural Land Reserve" on February 3, 2011.

At this meeting, it was resolved:

"That the Agriculture Committee:

- a) receive for information and comment the Draft Bylaw Standard for Residential Uses in the Agricultural Land Reserve; and*
- b) request Metro Vancouver staff to provide comments on the Draft Bylaw Standard for Residential Uses in the Agricultural Land Reserve for the March 2011 Agriculture Committee meeting and eventual board review".*

On March 3, 2011, the MV Agriculture Committee considered Metro Vancouver comments on the Provincial "Bylaw Standard for Residential Uses in the Agricultural Land Reserve" Discussion Paper. Although the minutes of this meeting are not available at this time, Metro Vancouver staff advise that the Agriculture Committee referred the Draft Discussion Paper back to staff for further information on items such as: the Delta bylaw model for housing on agricultural lands; review of farmland taxation system; secondary dwellings on agricultural lands; house size and impacts on farmland values; etc.

The MV Agriculture Committee is expected to consider the Draft Discussion Paper one final time on April 7, 2011. The Committee's recommendation would then go to the Metro Vancouver Board (potentially on April 29, 2011).

The results of the MV Agricultural Committee's deliberations can be reported verbally to Richmond City Council on April 11, 2011 when it considers the recommendation of its Planning Committee.

Analysis

Overview

The Ministry of Agriculture's Draft Discussion Paper entitled "Bylaw Standard for Residential Uses in the Agricultural Land Reserve" proposes Provincial guidelines that individual local governments could adopt. Three levels of management within the ALR are proposed, with each having different implementation options:

Level 1: Limit **location** of farm residential uses or footprint

- Option 1: Maximum setback from road to principal residence and maximum separation distance between elements
- Option 2: Maximum setbacks from road to rear of footprint and to rear of house
- Option 3: Minimize impact on farm and to neighbouring farms for use with farms over 60 ha/148 acres (e.g., agrologist's report or farm management plan)

Level 2: Establish a maximum farm residential **footprint** area

- Option 1: No area limit; use maximum separation distances between elements
- Option 2: Defined footprint area; same province wide
- Option 3: Defined area for small lots; + % of lot area, up to certain lot size
- Option 4: Set footprint relative to urban zoning

Level 3: Limit **residence size**

- Option 1: No restriction
- Option 2: Define maximum residence sizes for lots less than 8 ha (20 acres) and lots more than 8 ha (20 acres); same province wide
- Option 3: Set the maximum floor area or % coverage of footprint relative to urban zoning

The Draft Discussion Paper does not recognize Richmond's unique land patterns with a plethora of small or irregularly shaped lots. It proposes solutions that need to be tested, with particular attention given to the many lots less than 0.8 ha (2 acres) in Richmond or which have a narrow frontage (e.g., 20 m or 66 foot lot width).

With the recent changes to the Zoning Bylaw, Richmond staff have learned that any changes, including the introduction of Provincial guidelines for municipalities, must involve a meaningful consultation with the various constituents that own land in the ALR. The City must ensure that the Ministry of Agriculture hears directly from the Richmond public and property owners.

Options

Staff propose 2 options for Council consideration in responding to the Ministry of Agriculture's Draft Discussion Paper entitled "Bylaw Standard for Residential Uses in the Agricultural Land Reserve".

Option 1: No Further Comment (RECOMMENDED)

The City and Agricultural Advisory Committee (AAC) have repeatedly told the Ministry of Agriculture that they must undertake a comprehensive public consultation process on the Draft Discussion Paper.

The proposed on-line survey for public consultation is unacceptable in itself. There is too much public interest in this issue, which is complex and controversial. To rely on a survey that not everyone will be aware of will not satisfy the many Richmond ALR property owners who want to voice their opinions.

Furthermore, by the time the new Minister approves the on-line survey tool, little time will be left to meet the April 15, 2011 deadline for comments.

Under this option, Council would take the position that:

- 1) Richmond advise the Minister of Agriculture that it has no further comments on the Ministry's Draft Discussion Paper entitled "Bylaw Standard for Residential Uses in the Agricultural Land Reserve" until the Ministry undertakes a comprehensive public consultation process in Richmond in addition to the proposed on-line survey tool.
- 2) All delegations and public comments on the Ministry of Agriculture's Draft Discussion Paper entitled "Bylaw Standard for Residential Uses in the Agricultural Land Reserve" go directly to the Ministry of Agriculture for action or response.

Option 2: Comment with Process Concerns (NOT RECOMMENDED)

Under this option, Council would pass a resolution that:

- 1) Richmond advise the Minister of Agriculture that it has the following process concerns on the Ministry's Draft Discussion Paper entitled "Bylaw Standard for Residential Uses in the Agricultural Land Reserve":
 - a) The Ministry must undertake a comprehensive public consultation process in addition to the proposed on-line survey tool before revising the Draft Discussion Paper (e.g., at least one public meeting be located within the City of Richmond, or in a location which is convenient to Richmond residents).
 - b) All revisions to the Draft Discussion Paper must be recirculated to interested stakeholders for comment before being finalized, including the City of Richmond and Richmond's Agricultural Advisory Committee.
- 2) All delegations and public comments on the Ministry of Agriculture's Draft Discussion Paper entitled "Bylaw Standard for Residential Uses in the Agricultural Land Reserve" be sent directly to the Minister of Agriculture along with the City's process comments.

Preliminary Staff Input

The following is some of the preliminary input City staff have on the Ministry of Agriculture's Draft Discussion Paper entitled "Bylaw Standard for Residential Uses in the Agricultural Land Reserve".

This preliminary input is subject to the Ministry undertaking the required comprehensive public consultation process and could change based on this public input.

The Ministry should:

- 1) Consider regulations in the Agricultural Land Commission Act rather than establish guidelines that different local governments may or may not adopt.
- 2) Maintain Richmond's existing, maximum setback of 50 m (164 foot) from a public road for all principal farm residences, additional farm residences and temporary farm worker housing.
- 3) Consider exempting lots less than 0.8 ha (2 acres) from any new regulations, except the maximum setback of 50 m (164 feet) from a public road.
- 4) Consider a maximum footprint for residences, housing and accessory residential buildings and structures (e.g., detached garages; swimming pools; tennis courts; etc.) which:
 - a) Examines a sliding scale starting at lots 0.8 ha (2 acres) and more; and
 - b) Respects the maximum setback of 50 m (164 foot) from a public road.
- 5) Not adopt a maximum house limit at this time in order to permit the Province and local governments the opportunity to monitor the success and implications of any new regulation for 1 to 3 years.

Financial Impact

None to the City.

Conclusion

The Ministry of Agriculture has requested comments on a Draft Discussion Paper entitled "Bylaw Standard for Residential Uses in the Agricultural Land Reserve" by April 15, 2011 (**Attachment 1**).

The City and its Agricultural Advisory Committee have advised the Ministry that it needs to undertake a comprehensive public consultation process on this Draft Discussion Paper.

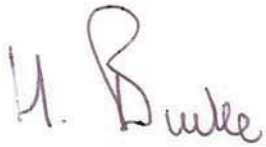
Ministry staff have indicated that they are proposing to provide an opportunity for public consultation through an on-line survey or similar process.

Metro Vancouver's Agricultural Committee is also reviewing the Ministry's Draft Discussion Paper and its recommendations will be available after this report is considered by Planning Committee (e.g. after April 7, 2011).

Richmond staff recommend Option 1: **No Further Comment** on the Ministry's Draft Discussion Paper.

March 21, 2011

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A handwritten signature in dark ink, appearing to read "H. Burke". The letters are cursive and somewhat stylized.

Holger Burke, MCIP
Development Coordinator
(604-276-4164)
HB:cas



January 20, 2011

File:

Dear Stakeholder:

Enclosed is a discussion paper prepared by the BC Ministry of Agriculture. This paper contains a draft set of criteria for developing local government bylaws regarding residential uses in the Agricultural Land Reserve. The criteria are focused on managing the siting and size of residences and residential footprints and do not deal with whether the residential use is permitted. Some local governments have requested this guidance to manage residential uses in farming areas.

The discussion paper describes the issue, framework for developing the bylaw standard, and proposes criteria for developing local government bylaws. We are most interested in input on the criteria (Part 5) but we welcome feedback on all sections of the paper. Please provide us with comments directed specifically at the content of the paper so that your feedback can be effectively incorporated into the final document. We would like to receive all comments by February 28, 2011 (via mail, fax or email). Once stakeholder input has been received and incorporated into the discussion paper, the criteria will be sent to the Ministry executive for final approval. Once approval has been received, the finalized information will be distributed to local governments and incorporated into the Ministry's "Guide for Bylaw Development in Farming Areas".

Please direct your question or comments to:

Mark Robbins – ph 604-556-3086, fax 604 556-3099, Mark.Robbins@gov.bc.ca; or
Hannah Cavendish-Palmer – ph 604 556-3063, , Hannah.CavendishPalmer@gov.bc.ca

Yours truly,

Bert van Dalzen, PEng.
Manager, Strengthening Farming Program
Sustainable Agriculture Management Branch



Bylaw Standard for Residential Uses in the Agricultural Land Reserve

A DISCUSSION PAPER

By the B.C. Ministry of Agriculture

January, 2011

Draft – January 20, 2011

Overview

Local governments have extensive rules and regulations for size and placement of buildings on lots in the urban area. Some zones even have requirements related to landscaping and the final appearance of the urban lot.

The Agricultural Land Reserve (ALR) is a provincial zone in which agriculture is the priority use. However, local governments regulate residential uses and have typically not specified size and placement requirements for these uses within the ALR. The growth in the urban population and recreational and second home development, adjacent to a fixed ALR boundary, has contributed to increasing residential uses in the ALR instead of farm-oriented residential use.

This paper does not address the circumstances under which an additional farm residence is justified. It is focused on the sizing and siting of residential uses, not whether they are permitted.

With limited or no local government bylaw regulation on residence size and placement, residences in the ALR might be built in a way that has long-term negative impacts on the agricultural potential of the specific lot and the surrounding lots.

This paper is presented as a framework for discussion on how local governments can better manage residential uses in the ALR in order to preserve the long term agricultural potential of the land.

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1.0 Issue and Challenge

The Agricultural Land Reserve (ALR) is a provincial zone in which agriculture is the priority use. However, as BC's population grows and recreational developments increase, there is greater pressure to use the ALR for non-farm residential purposes. The ALR is often used for very large homes, secondary residences, and vacation or weekend recreation homes. Frequently, ALR land owners do not farm their land and many do not consider the impact of their residential uses on the long-term agricultural potential of their property or adjacent properties.

Some local governments have attempted to guide farm residential use in the ALR. Richmond has had maximum setbacks for residences in the ALR since 1989. Delta adopted size and siting criteria for residential uses in the ALR in their zoning bylaw in 2006. Surrey, Pitt Meadows, and Abbotsford have developed draft bylaws for public discussion.

In light of the growing interest in managing residential uses in the ALR, Metro Vancouver has asked the Minister of Agriculture to develop provincial standards rather than continue with the current ad-hoc approach by local governments. Consistency can be achieved by legislative changes to the *Agricultural Land Commission Act* or by providing a Minister's bylaw standard to guide bylaw development by local governments, as per section 916 of the *Local Government Act*. This discussion paper focuses on developing a Minister's bylaw standard for residential uses in the ALR.

2.0 Framework for Development of Bylaw Standards

2.1 Objective

The objective of this collaborative study is to identify criteria that will minimize the impact of residential uses on the current and future farming capability of land in the ALR while not unduly limiting the residential use needs of farmers.

2.2 Process

The development of this bylaw standard was initiated by a formal request from Metro Vancouver.¹ The process will be as follows:

1. Develop background information on farm residential use.
2. Engage local government planners in an open discussion on what they think an effective approach would be.
3. Develop this discussion paper to solicit formal feedback from local planners, the real estate industry, the agriculture industry, and non-farmer residents living on ALR land.
4. Forward the resulting bylaw standard to the Minister of Agriculture for consideration as a Minister's standard for zoning and farm bylaws, under Section 916 of the *Local Government Act*. The approved standard will be inserted into the Guide to Bylaw Development in Farming Areas and available for use by local governments.

2.3 Stakeholder Consultation

The key stakeholders will be consulted on specific questions as follows:

- **Planners** – what structure should the farm residential uses provisions take? In three areas of the province, Fraser Valley, Okanagan, and Southern Vancouver Island, local government planners will be provided with this discussion paper and invited to provide feedback individually and to attend a joint meeting for discussion of the issues in a group session.
- **Real Estate Industry** – what structure should the farm residential uses provisions take? The real estate industry will be asked for their feedback on the best way to manage farm residential uses to preserve long term agricultural capability.
- **Agriculture Industry** – what specific requirements, size and placement, are reasonable from a farming perspective? The BC Agriculture Council will be asked to provide the industry's perspective on what specific criteria will not be limiting to farming.

¹ Section 2.3.10 of Metro Vancouver's Regional Growth Strategy requests that the province "...establish and enforce maximum residential floor area and setback regulations for development within the Agricultural Land Reserve, while recognizing existing municipal regulations."

2.4 Tentative Schedule

• Develop background information	August 2010
• Begin discussion with local government planners	September 2010
• Develop discussion paper	December 2010
• Feedback from local government planners	Jan/Feb 2011
• Feedback from real estate industry	Jan/Feb 2011
• Feedback from agriculture industry	Jan/Feb 2011

2.6 Definitions

The following definitions are provided to clarify the meaning of certain words that are used in the discussion paper. The definitions are drawn or adapted from the *Farm Practices Protection (Right to Farm) Act*, 'Guide for Bylaw Development in Farming Areas', *BC Assessment Act*, and various local government bylaws.

Accessory Farm Residential Facilities	The following buildings, structures or improvements associated with a <i>principal farm residence</i> or <i>additional farm residence</i> on a farm: 1. attached or detached garage or carport 2. decorative landscaping 3. attached or detached household greenhouse or sunroom 4. residential-related workshop, tool, and storage sheds 5. artificial ponds not serving farm drainage or irrigation needs, or aquaculture use 6. residential-related recreation areas such as, but not limited to, swimming pools and tennis courts.
Additional Farm Residence	A building on a farm used as a home or residence by: 1. A full-time employee of the farm and his/her spouse and children or; 2. A member of the lot owner's <i>immediate family</i> ; 3. <i>Temporary farm worker(s)</i> .
Farm Residential Footprint	means the portion of a lot that includes a <i>principal farm residence</i> and its <i>accessory farm residential facilities</i> .
Floor Area- Farm Residence(s)	The total combined area of all floors contained within the exterior walls of all farm residences on a lot, including outdoor and indoor household greenhouses and sunrooms, but excluding cellar with a ceiling height less than 1.95 meters and attached or detached garages or carports to a maximum of 42 square meters for a farm residence.
Immediate Family	means, with respect to an owner, the owner's (a) parent, grandparent, and great grandparents, (b) spouse, parents of spouse and stepparents of spouse, (c) brothers and sisters, and (d) children or stepchildren, grandchildren and great grandchildren.
Manufactured Home	means a transportable prefabricated structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another and to be used for residential purposes. The structure normally conforms to a standard required by the National Building Code of Canada.

Principal Farm Residence	means the main building used to accommodate a resident in the ALR but does not include <i>Temporary Farm Worker Housing</i> .
Temporary Farm Worker(s)	means an individual or individuals who carry out agricultural work on a temporary, seasonal basis on a <i>farm operation</i> and are registered with a federal government temporary worker program.
Temporary Farm Worker Housing	means accommodation that is used solely for the purpose of providing cooking, sanitary, and sleeping facilities to temporarily house <i>temporary farm worker(s)</i> on a farm operation as necessary for the agricultural labour needs of a farm operation or other farms, if permitted.

3.0 Background on Residential Uses in the ALR

3.1 Impacts of Residential Uses on Agricultural Potential

Agriculture is a dynamic industry. Production systems and the types of agricultural products grown in a specific area change over time and what is grown on a specific farm site today may not be what is produced there in 5 years. The zoning of parcels in farming areas should allow for a range of agricultural activities that may change with trends in the industry and the markets.

Agricultural potential involves a number of considerations:

- Fertility or capability of the soil for crop production
- Size of arable area
- Suitability for non-soil based agriculture
- Potential for local direct market agriculture or agri-tourism
- Land use compatibility with adjoining or nearby land uses

3.1.1 Residential Uses can limit Crop Production

Intensive crop production tends to be located on relatively smaller agriculture lots where irrigation is available. Such sites are often near urban centres. On smaller parcels, residential footprints can limit the agricultural capability by using a significant proportion of land that could be in production.

3.1.2 Residential Uses and Non-soil Based Agriculture

In response to the market demand for high volumes of food, supplied year round, farmers have moved some production systems indoors such as poultry production and greenhouse vegetables. Mushrooms have historically been grown indoors. These farm operations do not need large agriculture lots to produce large quantities of food but have the potential to generate noise, odour, and dust that neighbours may find annoying.

3.1.3 Nearby Residences can affect Farming Practices

BC Farm Industry Review Board (FIRB) has determined that it is normal farm practice for farmers to show reasonable consideration for neighbours. Currently, normal farm practices for noise scare devices in South Coastal BC include setbacks from residences. As a result, the placement of residential uses deep in a lot can have a significant impact on the agricultural use of neighbouring lots by requiring the farmer to modify farming practices. Sections 6.1 and 6.2 of the Appendix illustrate the impact of the location of the residential footprint on neighbouring farm activities.

3.1.4 Residential Uses Raise ALR Land Prices

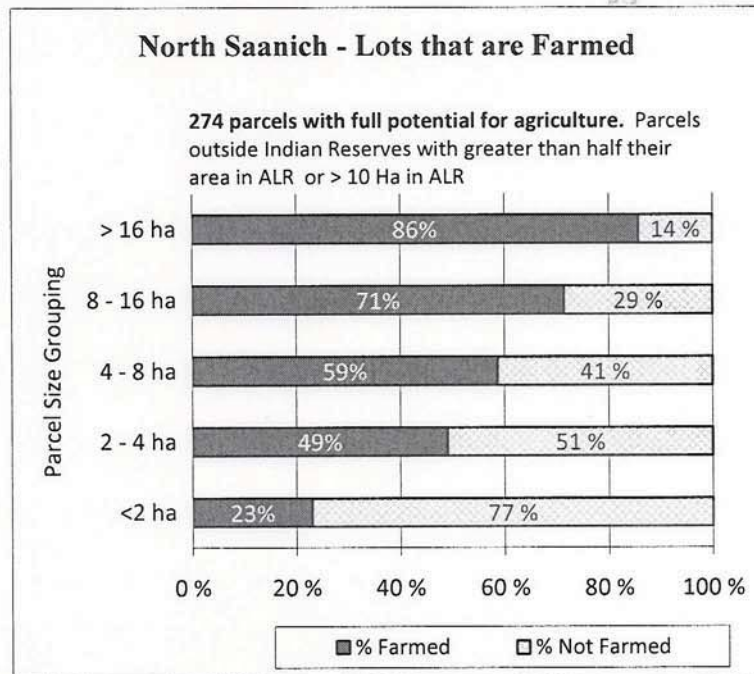
There is an increasing interest, particularly in the urban population, to purchase more locally grown food. Some of this locally grown food

comes from intensively farmed small acreages. The ability to use ALR land for residential uses increases the cost of agricultural land. The placement of a very large home, with extensive accessory residential facilities, on smaller lots in the ALR raises the total capital cost of the lot for agriculture production in the future.

3.2 Residential Uses, Small Lots, and Farming Activity in the ALR

In many areas of the province, the ALR is highly parcelized. As explained under section 3.1, small agricultural lots can be useful. However, BC currently has an oversupply. Agricultural land use inventories undertaken by the Ministry of Agriculture have shown that the smaller the lot, the less likely it will be farmed. Most of the lots that are not farmed are used for residences. Furthermore, it is the Agricultural Land Commission's experience that the subdivision of farmland will likely increase the residential use of farmland.

This graph shows the relationship between lots size and farming activity in North Saanich. The amount of farming activity increases with lot size. A similar pattern occurs in other farming areas near urban centres.



3.3 Legislative Framework

3.3.1 Agricultural Land Commission (ALC)

Section 18 of the *Agricultural Land Commission Act (ALC Act)* indicates that local governments may not approve more than one residence on a parcel of land unless the additional residences are necessary for farm use. This statute provides general direction to local government, but does not specify the threshold or intensity of farm uses necessary to qualify for additional residences, nor does it reference the size or siting of residences.

Section 3(1) of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, references one single family dwelling per land registry parcel within the ALR, permits a secondary suite within a single

family dwelling, and one *manufactured home* up to 9 metres in width for use by the owner's *immediate family*. Local governments have the ability to prohibit and/or regulate these uses. All other dwellings require an application to the ALC. The ALC does not currently have a policy on farm residential size or placement.

3.3.2 Local Government Act

Section 916 of this Act states that the Minister of Agriculture may establish, publish and distribute standards in relation to farming areas for guidance of local governments in the preparation of bylaws in the farming area, as discussed in this paper.

3.4 Initiatives to Guide Residential Uses in the ALR

The farm residential use provisions proposed or adopted by some local governments are summarized in section 6.3 of the Appendix.

3.4.1 Richmond

Richmond has had maximum setbacks for a *principal farm residence(s)* in the ALR since 1989. A recent initiative to extend the maximum setback to include *accessory farm residential facilities* has been reversed after meeting resistance from the community. Richmond is awaiting the outcome of this process to create a Minister's bylaw standard before proceeding.

3.4.2 Delta

In 2006, Delta adopted farm house requirements in their zoning bylaw. The requirements limited farm residence size and the size and placement of the *farm residential footprint*. As Delta is regulated under section 918 of the *Local Government Act*, the bylaw required and received endorsement by the Minister of Agriculture. At the time, the Minister informed Delta that the Ministry will develop bylaw standards and that the standards may differ from Delta's bylaws.

3.4.3 Abbotsford, Surrey, and Pitt Meadows

Over the last few years, these three communities developed draft bylaws for farm residential uses that did not make it through the public consultation process. The Abbotsford Agriculture Strategy includes an action item on farm residential uses. Abbotsford and Surrey are awaiting the outcome of this process to create a Minister's bylaw standard before proceeding.

3.5 Local Government Input on Residential Uses in the ALR

3.5.1 Ground-truthing Draft Bylaw Criteria in Abbotsford

The City of Abbotsford developed a draft *farm residential footprint* bylaw in 2009 with the following farm residence and *farm residential footprint* requirements:

- *Principal farm residence* maximum 800 m² home on a 1,600 m² site area
- Second residence maximum 325 m² home on a 650 m² site area
- Maximum *farm residential footprint* setback, 60 m from the road to rear of footprint

Ministry and City staff looked at how farm residential use building permits from 2005 to 2008 would have met the proposed size and placement criteria. With a total of 139 residential building permits in the farming area they found:

- 96% met the house size limits
- 83% met the *farm residential footprint* requirement
- 53% met the setback requirements
- **Less than half of the second residence permits met the requirements**

3.5.2 Ministry Meeting with Lower Mainland Local Government Planners

On September 9, 2010, Ministry staff discussed the challenges of developing bylaw standards for farm residential uses with local government planners from the Lower Mainland. All local governments that either have farm residential rules in place (Richmond, Delta) or had presented draft farm residential footprint bylaws for public comment (Abbotsford, Surrey, Pitt Meadows) were in attendance.

Surrey had proposed a draft farm home plate bylaw and was modifying it for a second try. Their planned approach was to focus on maximum setback distances and remain silent on house size and *farm residential footprint* size.

The local government planners present indicated that while the need for regulation of farm residential uses in the farming area is recognized, the issue can be politically sensitive for local governments. The development of a Minister's bylaw standards will assist them in implementing farm residential use regulations for farming areas.

4.0 Considerations for a Bylaw Standard

The considerations that incorporate impacts on agriculture and current initiatives on managing farm residential uses to protect agricultural land may be grouped as follows:

1. size of the farm residence(s)
2. area devoted to the *farm residential footprint*
3. location of the *farm residential footprint* on the property

4.1 Farm Residence Size

The size of a farm residence can have a relatively small impact on the land available for farming. However, permitting unlimited house sizes has a significant indirect impact by attracting residential uses to the farming area and increasing the capital value of the total land and residential package for future farmers.

Without reasonable limits on house size, the farming area becomes the default zone for people who wish to build a larger home than is permitted in urban areas.

In some communities where residence size limitations on farmland have been proposed, there has been negative reactions from some residents who were used to agricultural zoning with very few criteria for residences. This concern was not as significant in Abbotsford, Pitt Meadows, and to a lesser extent Delta, where the house size in farming areas was set relative to the maximum house size permitted in the urban area.

4.1.1 Approaches for regulating farm residence size

1. Regulate only the placement of the *farm residential footprint*. This approach is easier and less limiting than regulating the farm residence size. It will keep residential uses from consuming farmland and making some farm practices difficult.
2. Set a provincial maximum limit on house size (total floor space). Some communities prefer a set house size that meets farmers' needs but discourages estate homes of non-farmers. This approach is a challenge, because no matter what number is picked, some people will want it lower and some will want it higher.
3. Match farm residence size to urban house size in a given community. Set the maximum permitted *principal farm residence* size to be the same as the largest commonly-used urban house size in the local community.² With this approach, non-farmers wishing to build a large house will find the urban area zoning meets their needs and they will not have to locate in farming areas.

² This approach will be better defined through consultation with local government planners.

4.2 Area Dedicated to the *Farm Residential Footprint*

When very large homes or vacation homes are built on farmland, they often include extensive *accessory farm residential facilities*, which may be larger than those commonly found in front or back yards in urban areas. Examples include parking areas, pools, tennis courts, multi-car garages, decorative landscaping and gardening greenhouses. These *accessory farm residential facilities* often sprawl around the house(s), covering farmland and often making it difficult to manoeuvre farm equipment in some parts of the lot.

4.2.1 Approaches for regulating the *farm residential footprint*

1. Define a specific *farm residential footprint*. The area chosen for the *farm residential footprint* could allow for a common size of single-storey house, garage, and back yard. The size of the farm residential footprint could increase for additional farm residence(s) and temporary farm worker housing (where permitted). If a pool and/or tennis court or other items are desired, the house could be designed, possibly with two or more storeys, to make room for these *accessory farm residential facilities*.
2. Set a *farm residential footprint* based on lot size or a percentage of the lot size up to a maximum. If the same *farm residential footprint* is used on small and large lots, it would mean that a greater percentage of the small parcel is covered with non-farm uses.
3. Set the largest commonly-used urban lot as the area for the *principal farm residence* and a medium size urban lot for *additional farm residence(s)* (where permitted). This approach is a variation of approach 2. It uses accepted local zoning as a basis for establishing the *farm residential footprint*.

4.3 Location of the *Farm Residential Footprint*

The placement of a *principal farm residence*, particularly on smaller parcels³, can have a significant impact on the long-term agricultural potential on that lot by limiting or preventing the placement of future farm buildings and making cropping and the utilization of machinery more difficult and inefficient.

More importantly, homes placed deep into a lot can have an impact on the long-term agricultural potential of the property and of neighbouring properties by limiting their use for some commodities or making it more difficult and often more expensive for existing and future farmers to expand their operations.

³ Lots under 8 hectares.

4.3.1 Approaches for regulating the location of the farm residential uses

1. Establish a **maximum** setback from the road for the *farm residential footprint*. These criteria would apply to all types of housing on farmland. In Delta, this approach proposes several criteria. The rear of the *farm residential footprint* can be no more than 60 metres from the road and the rear of the house(s) can be no more than 50 metres from the road (providing at least 10 metres for a back yard area). In Delta, all residential accessories including landscaping must be included in the *farm residential footprint*.
2. Establish a **maximum** setback from the road for the *farm residential footprint*. These criteria would apply to all types of housing on farmland. This approach provides more flexibility in locating the *farm residential footprint*. However, it may have greater impact on the neighbouring lots because a new house may be located closer to an adjacent farm and affect its operations.
3. Establish a **maximum** setback from the road for the *principal farm residence* and then a **maximum** separation distance between the *principal farm residence* and each *additional farm residence* (where permitted) and its *accessory farm residential facilities*. This approach gives the landowner more flexibility in deciding what the *farm residential footprint* would look like, yet minimizes the use of farmland for residential uses.

For each approach, setbacks or separation distances could be varied by the local government boards of variance or through development variance permits. An Agrologist's report, with a specific terms of reference, should be required in support of any variance requests for agricultural reasons. The terms of reference could be part of this Minister's bylaw standard.

5.0 Levels of Management and Criteria for Local Governments

5.1 Levels of Management

Local governments utilizing this standard to manage residential uses in the ALR can choose one of the following levels:

- Level 1:** Limit the location of the farm residential uses (or *farm residential footprint*) but not set any size limits. Maximum setbacks or separation distances would apply to all residence types within *farm residential footprints*.
- Level 2:** Limit the location (level 1) and establish a maximum *farm residential footprint* area.
- Level 3:** Limit the location and establish a maximum *farm residential footprint* area (level 2) and limit residence size.

All levels leave room for applications to the board of variance or a variance development permit. A terms of reference for board of variance reviews could be developed for local government consideration. Refer to section 6.4 of the Appendix for information on how local governments can apply each level of management.

From the Ministry of Agriculture's perspective, level 3 is preferred over level 2 and level 2 is preferred over level 1.

5.2 Criteria for House Size and Farm Residential Footprint Size

The Ministry recognizes that farm residential use needs are different in different regions of the province. To this end, it would not be appropriate to set specific farm residence size limits or *farm residential footprint* size limits that apply to the entire province. Local governments are encouraged to set residence and *farm residential footprint* size limits that are consistent with their urban community and not permit larger homes in the ALR than are currently permitted in the urban area.

This can be done by:

- selecting specific size limits that meet the criteria, or
- establishing *farm residential footprint* and house size limits consistent with commonly occurring urban residential zones. The *principal farm residence* can be set at the largest commonly occurring urban lot size and the *additional farm residence* (where permitted) at a medium size urban lot. Refer to section 6.4 of the Appendix for information on how to identify commonly occurring urban residential zones.

5.3 Criteria for Location of Farm Residential Uses

Restrictions on the location of the farm residential uses may be prescribed as follows:

- If a *farm residential footprint* size is defined, then the footprint must be within 60 metres of the road and the residence must be within 50 metres of the road. If there are *additional farm residences* (where permitted), then they must be contiguous.
- If no *farm residential footprint* is defined, then the *principle farm residence* must be within 50 metres of the road and *additional farm residence(s)* and *accessory farm residential facilities* must meet the maximum setbacks as described below:
 - 20 metre maximum setback for the *additional farm residence(s)* from the *principal farm residence*
 - 20 metre maximum setback for *temporary farm worker housing* from the *principal farm residence*
 - 15 metre maximum setback for *accessory farm residential facilities* from the *principal farm residence*

5.4 Criteria and Levels in Bylaw Form

Level 1. Limit the location of the farm residential uses (or *farm residential footprint*) but not set any size limits.

Siting of Farm Residential Uses

No *principal farm residence* shall be sited more than 50 m from the front lot line. All *additional farm residences*, *temporary farm worker housing* or *accessory farm residential facilities* shall have a maximum setback distance from the *principal farm residence* of:

Additional farm residence	20 m
Temporary Farm Worker Housing	20 m
Accessory Farm Residential Facilities	15 m

Level 2. Limit the location of the farm residential uses (or *farm residential footprint*) and establish a maximum *farm residential footprint* area.

Siting and Size of Farm Residential Footprint

The *farm residential footprint* must be within 60 m of the front lot line and the *principal farm residence* must be within 50 m of the front lot line. *Additional farm residences* must also be within 50 m of the front lot line.

The maximum size of the *farm residential footprint* for the *principle farm residence* is to be consistent with the largest commonly occurring urban residential zone. If *additional farm residences* are permitted, the *farm residential footprint* may be increased by an amount that is consistent with medium size urban lots. These sizes are to be specified by the local government.

Level 3. Limit the location of the farm residential uses (or *farm residential footprint*) and establish a maximum *farm residential footprint* area and limit residence size.

Siting and Size of Farm Residential Uses

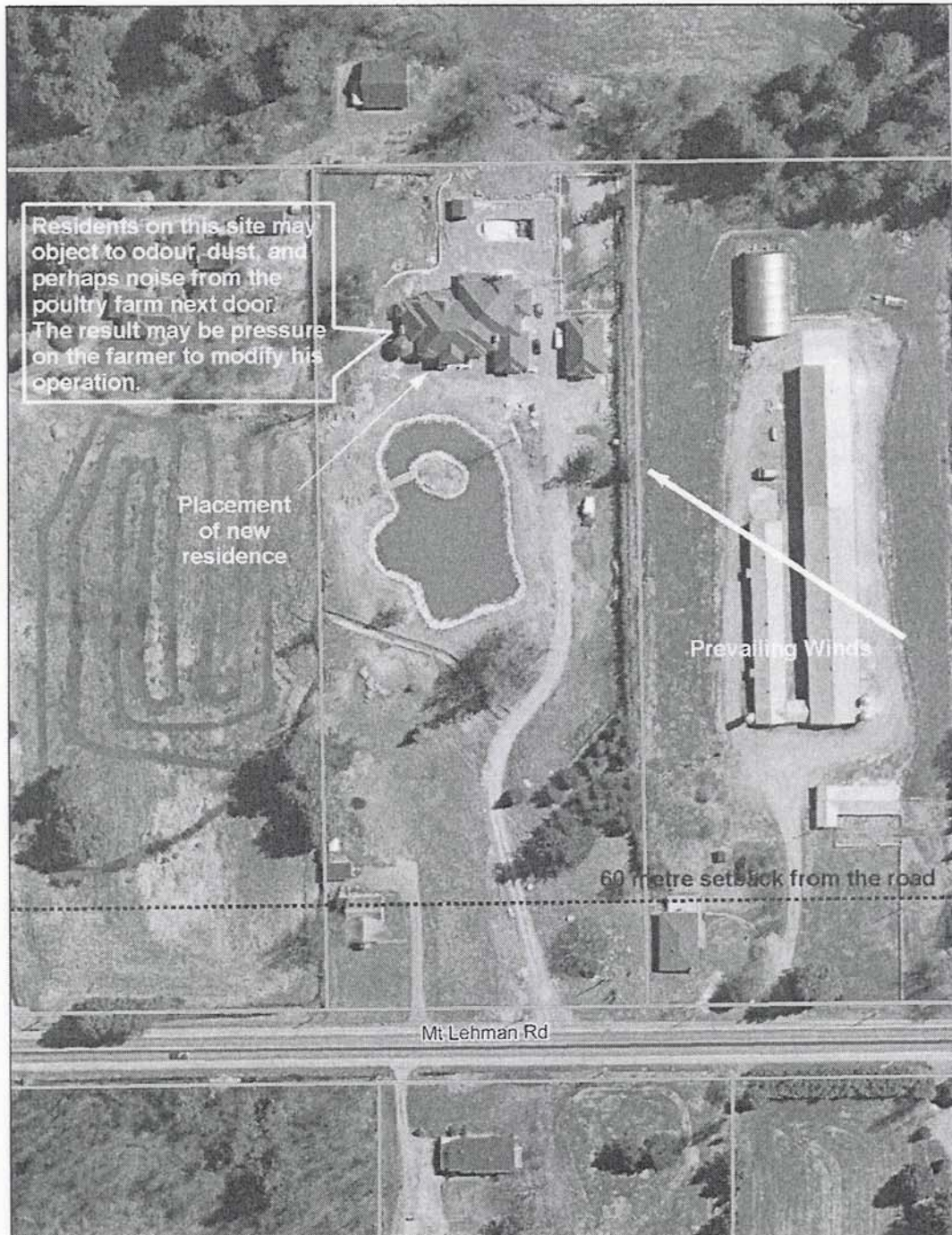
The *farm residential footprint* must be within 60 m of the front lot line and the *principal farm residence* must be within 50 m of the front lot line. *Additional farm residences* must also be within 50 m of the front lot line.

The maximum size of the *farm residential footprint* for the *principle farm residence* is to be consistent with the largest commonly occurring urban residential zone. If *additional farm residences* are permitted, the *farm residential footprint* may be increased by an amount that is consistent with medium size urban lots. These sizes are to be specified by the local government.

The maximum size of the *principle farm residence* is to be consistent with the largest commonly occurring urban residential zones and the maximum size of *additional farm residence(s)* are to be consistent with medium size urban lots. These sizes are to be specified by the local government.

6.0 Appendix

6.1 Impact of House Placement on Neighbouring Lot with a Poultry Operation



6.2 Impact of House Placement on Neighbouring Lot with a Blueberry Operation



6.3 Summary of existing and proposed residential use bylaw standards in the ALR

Municipality	Home plate	Maximum Setback	Total Floor Area
Richmond	☐ N/A	50 m to rear of house	☐ N/A
Delta (Bylaw)	☐ Home plate for one farm house: 3,600 m ² ☐ Home plate for a farm house and additional dwelling: 5,000 m ²	50 m from road to rear of house, and 60 m to rear of farm home plate	☐ On a lot less than 8 ha: • Principal 330 m² • Second 180 m² ☐ On a lot greater than 8 ha: • Principal 465 m² • Second 233 m²
Abbotsford (Draft Bylaw)	☐ Total Farm Home plate: 2,250 m ² ☐ Home plate for principal dwelling: 1,600 m ² ☐ Home plate for second dwelling: 650 m ²	60 m from road	☐ Principal dwelling: 800 m ² ☐ Second dwelling: 325 m ²
Pitt Meadows (AAC Recom Bylaw)	☐ 0.36 ha	Home plate touching road	☐ 600 m ² on a lot less than 5 ha ☐ 1,080 m ² on a lot greater than 5 ha
Surrey (Draft Bylaw)	☐ 4,000 m ² with one side along dedicated road	60 m from road	☐ Lots less than 4 ha: one 325 m ² dwelling ☐ Lots between 4 and 8 ha: one dwelling 425 m ² or one 325 m ² dwelling and one 177 m ² dwelling ☐ Lots greater than 8 ha: one 650 m ² dwelling or one 465 m ² dwelling and one 232 m ² dwelling

6.4 Options for applying the three levels of management

The following sections provide information to assist local government in applying each level of management presented.

- Level 1:** Limit the location of the farm residential uses (or *farm residential footprint*) but not set any size limits.
- Level 2:** Limit the location (level 1) and establish a maximum *farm residential footprint* area.
- Level 3:** Limit the location and establish a maximum *farm residential footprint* area (level 2) and limit residence size.

6.4.1 Location of farm residential uses or *farm residential footprint(s)*

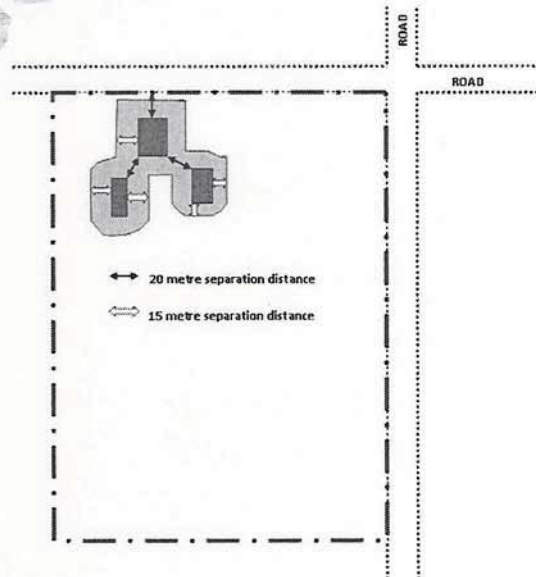
Principles

- Minimize the impact on the farm operational area on the subject lot of farm residences and associated *accessory farm residential facilities*;
- Minimize effects on neighbouring farm lots;
- Allow some flexibility for very large properties (60 hectares or more), such as ranches

Option 1: Not define a footprint, but set a maximum setback from the road for the *principal farm residence*. The distance from the lot line at the road to the rear or opposite side of the *principal farm residence* must no more than 50 metres, thus leaving a 10-metre-wide yard. Also, set maximum separation distances between walls of habitable rooms in each residence:

- 20 metres between the *principal farm residence* and any *additional farm residence* (where permitted);
- 20 metres between the *principal farm residence* and *temporary farm worker housing*; also,
- 15 meters between a farm residence and the farthest extent of its *accessory farm residential facilities*.

While offering flexibility, this option has potential difficulty in that *principal and additional farm residences* (where permitted) and *accessory farm residential facilities* could sprawl.



Option 2: Locate the *farm residential footprint* close to the public road, either at the front or at the side, if it is a corner lot.

- The distance from the lot line at the road to the rear or opposite side of the footprint must no more than 60 metres.
- The distance from the lot line at the road to the rear or opposite side of the farm residence must no more than 50 metres, thus leaving a 10-metre-wide yard.

Option 3: On very large farms (60 hectares or more) such as ranches, the best site for farm houses, in relation to the farm operation, may not be near a public road.

- Allow the *farm residential footprint* to be located where there will be least impact on the farm's capability and operation, and the least impact on neighbouring farm properties.
- An Agrolgist's report or farm management plan may be necessary.

6.4.2 Maximum areas of *farm residential footprint*

Principles

- Minimize the coverage of farm land by farm residences and associated *accessory farm residential facilities*;
- Direct non-farm estate homes to urban areas;
- Select farm residential criteria that reflect the urban zoning, which allows varying criteria to be set to suit local governments around BC;
- Set a smaller farm residential footprint for lots less than 8 hectares⁴.

Option 1: No restriction on *farm residential footprint* size. *Accessory residential facilities* and *additional farm residences* (where permitted) have the maximum separation distances as described under section 6.4.1. This will restrict the overall size of the footprint but may be less restrictive from a siting and footprint size perspective.

Option 2: Define a specific maximum *farm residential footprint* to meet the principles outlined. Suggested footprints are:

- 3000 m² for the *principal farm residence*
- 1500 m² for an *additional farm residence* (where permitted)
- 1400 m² for *temporary farm worker housing* (maximum 42 workers) except for greenhouses, mushroom operations, and berry/vegetable operations with on-farm processing
- 4300 m² for *temporary farm worker housing* for greenhouses, mushroom operations, and berry/vegetable operations with on-farm processing (maximum 130 workers, based on 33 m² per worker)

⁴ Lots of 8 hectares or larger are more likely to be farmed, so very large houses on those lots are more likely to be occupied by farmers. On smaller lots, step 4 calculates a sufficiently large footprint to meet farm needs.

Option 3: Set a specific *farm residential footprint* or establish the footprint as a percentage of lot size up to a maximum. Suggested footprints for the *principal farm residence* are:

- 1500 m² for parcels less than 3 hectares
- 5% of lot area to a maximum of 3000 m² for parcels larger than 3 hectares (maximum footprint size is reached at 6 hectare parcel size)

When an *additional farm residence* is permitted, increase the *farm residential footprint* by 60% to accommodate the additional dwelling.

Option 4: Set the maximum *farm residential footprint* area relative to urban zoning in each jurisdiction. In instances where there is no urban zoning, utilize zoning from the next closest urban jurisdiction.

Estimating the *farm residential footprint* area

- Step 1: Identify the zones of that local government which are “urban” – i.e., are smaller than 4,000 m² (approx. 1 acre). Zones that allow lots that are equal to or larger than 4,000 m² are considered “suburban” or “rural” and are not considered in these calculations.
- Step 2: List the “urban” zones where single family dwellings are a permitted use, and list the permitted minimum lot area for each of those zones.
- Step 3: For the two “urban” zones which permit the largest minimum lot area, calculate the average of the two permitted minimum lot areas. The resulting area will be the maximum permitted *farm residential footprint* for lots greater than or equal to 8 hectares.

Table 1: Example Community, *Farm Residential Footprint* for Lots $\geq$ 8 hectares

“Urban” Single-family Zone	Permitted Minimum Lot Area (sq. m.)	Comments	Farm Residential Footprint (lots $\geq$ 8 ha)
R1	3,800	Average these lot areas: (3,800 + 2,000) / 2 = 2,900 m ²	2,900 m ² = 31,220 ft ² = 0.72 acre
R2	2,000		
R3	1,000		
R4	860		
R5	600		
R6	500		
R7	400		

- Step 4: To calculate the area of *farm residential footprint* on smaller lots (less than 8 hectares):
- Ignore the two “urban” zones which permit the largest minimum lot areas, and ignore the two “urban” single family zones which permit the smallest minimum lot areas.
 - For the remaining single family zones, calculate the average permitted minimum lot area. The resulting area will be the maximum permitted *farm residential footprint* on lots less than 8 hectares.

Table 2: Example Community, *Farm Residential Footprint* on Lots < 8 hectares

Zone	Permitted Minimum Lot Area (sq. m.)	Comments	Farm Residential Footprint (lots < 8 ha)
R1	3,800	Ignore these 2 zones	
R2	2,000		
R3	1,000	Average the lot areas of the remaining zones; $(1,000 + 860 + 600) / 3 = 820 \text{ m}^2$	820 m^2 $= 8,830 \text{ ft}^2$
R4	860		
R5	600		
R6	500	Ignore these 2 zones	
R7	400		

6.4.3 Maximum residential *floor area* or site coverage in the ALR

Principles

- Having a maximum *floor area* or site coverage may not be as important as criteria for the size and location of the *farm residential footprint* (see above).
- Ensure that the largest homes in a community are not directed to farming areas. Direct them to urban areas by setting criteria that relate to “urban” zones. That way, residents who desire a large home will find urban lots to be appealing and will not consume farmland.

Option 1: No restriction on residential floor area or site coverage.

Option 2: Define a specific maximum residence size to meet the principles outlined.

Suggested *principal farm residence* size limits are:

- 500 m² of total *floor area* on lots of less than 8 hectares
- 650 m² of total *floor area* on lots of more than 8 hectares

Additional farm residences (where permitted) have total *floor area* limits of 300 m² and 400 m² for lots of less than and greater than or equal to 8 hectares respectively.

Temporary farm worker housing total *floor area* is 10 m² per permitted worker

Option 3: Set the maximum *farm residential footprint* area relative to urban zoning in each jurisdiction. In instances where there is no urban zoning, utilize zoning from the next closest urban jurisdiction.

Estimating the farm residence size

- Step 1: Identify the zones of that local government which are “urban” – i.e., are smaller than 4,000 m² (approx. 1 acre). Zones which allow lots that are equal to or larger than 4,000 m² are considered “suburban” or “rural” and are not considered in these calculations.
- Step 2: List the “urban” zones where single family dwellings are a permitted use, and list the permitted minimum lot area, the floor space ratio (FSR⁵), and the maximum site coverage⁶ for each of those zones⁷.

Table 3: Example Community, Maximum Floor Area & Maximum Site Coverage of Principal Farm Residence on Lots $\geq$ 8 hectares

“Urban” Single-family Zone	Permitted Minimum Lot Area (sq. m.)	FSR	Comments	Maximum Site Coverage	Comments	Principal Farm Residence (lots $\geq$ 8 ha)
R1	3,800	0.35	Average of two FSRs = $(0.35 + 0.40) / 2 = 0.375$	30%	Average of two coverages = $(30\% + 35\%) / 2 = 32.5\%$	Footprint = 2,900m ² [from Table 1]
R2	2,000	0.40		35%		Max. floor area = 2,900 X 0.375 = 1,087.5 m² Max. coverage = 2,900 X 32.5% = 942.5 m²
R3	1,000	0.45		40%		
R4	860	0.45		40%		
R5	600	0.45		45%		
R6	500	0.50		50%		
R7	400	0.55		55%		

- Step 3: For the two “urban” zones which permit the largest minimum lot area, calculate the average of the two permitted floor space ratios and site coverages.

⁵ Area of all floors divided by lot area

⁶ Area of a lot covered by the ground floor and in some jurisdictions, by accessory structures and/or pavement

⁷ Some local governments do not use all of these criteria in their “urban” single family zones. Some use the term “floor area ratio (FAR)” instead of FSR.

The results will be the maximum permitted total *floor area* and the site coverage of the *principal farm residence* for lots greater than or equal to 8 hectares.

- Step 4: To calculate the total *floor area* and permitted site coverage of principal *farm residences* on smaller lots (less than 8 hectares) and for *additional farm residences* (where permitted):
- Ignore the two “urban” zones which permit the largest minimum lot areas, and ignore the two “urban” single-family zones which permit the smallest minimum lot areas.
 - For the remaining single-family zones, calculate the average floor space ratio and site coverage. The results will be the maximum permitted total *floor area* and site coverage of the *principal farm residence* on lots less than 8 hectares, or any *additional farm residences* (where permitted).

Table 4: Example Community, Maximum Floor Area & Maximum Site Coverage of Principal Farm Residence on Lots < 8 hectares or an Additional Farm Residence

“Urban” Single-family Zone	Permitted Minimum Lot Area (sq. m.)	FSR	Comments	Maximum Site Coverage	Comments	Principal Farm Residence on Lots < 8 ha or an Additional Farm Residence
R1	3,800	0.35	Ignore these 2 zones.	30%	Ignore these 2 zones.	
R2	2,000	0.40		35%		
R3	1,000	0.45	Average these FSRs = 0.45	40%	Average these site coverages (40% + 40% + 45%) / 3 = 41.67%	Footprint = 820 m ² [from Table 2] Max. floor area = 820 X 0.45 = 369 m ² Max. coverage = 820 X 41.67% = 341.7 m ²
R4	860	0.45		40%		
R5	600	0.45		45%		
R6	500	0.50	Ignore these 2 zones.	50%	Ignore these 2 zones.	
R7	400	0.55		55%		

Table 5 brings all of the sample calculations together for this “example community”. It shows that, for lots of less than 8 hectares, the permitted maximum house size (of 3,970 ft²) would be comparable to houses commonly built in urban areas. This farm house would sit on a *farm residential footprint* of 8,830 ft², which is about 45% larger than many urban lots in this example.

Relating the criteria for housing in the ALR to existing zones in local communities allows them to take on local character. It also allows variation across BC.

Table 5: Example Community, Summary of Calculated Criteria

Criterion	Lot < 8 ha		Lot >= 8 ha	
	sq. m.	sq. ft.	sq. m.	sq. ft.
<i>Farm Residential Footprint</i>				
• Principal	820	8,830	2,900	31,220
• Additional	820	8,830	820	8,830
House size (if it is to be limited)				
Maximum floor area: principal	369	3,970	1,087.5	11,705
additional	369	3,970	369	3,970
Site coverage: principal	341.7	3,680	942.5	10,145
additional	341.7	3,680	341.7	3,680