



City of Richmond

Report to Committee

To: Planning Committee
From: Brian J. Jackson, MCIP
 Director of Development
Re: Agriculture (AG) Zone Setback

Date: September 3, 2010
File: 08-4430-03-07/2010-
 Vol 01

Staff Recommendation

That Richmond Zoning Bylaw Amendment Bylaw 8609, to return to the previous Zoning Bylaw 5300 with no setback limitation from a constructed public road for accessory residential buildings, structures and septic fields in the Agriculture (AG) zone (Option 1), be introduced and given first reading.

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 <input checked="" type="checkbox"/> N <input type="checkbox"/>			
REVIEWED BY TAG		YES	NO	REVIEWED BY CAO	
		<input type="checkbox"/>	<input type="checkbox"/>	YES	NO
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Staff Report

Origin

The purpose of this report is to respond to the following referral from Planning Committee on May 18, 2010:

“That with regard to the matter of Agriculture Zone Setback:

- (1) staff consult with the Agricultural Advisory Committee;*
- (2) staff hold a public open house to explain, consult with, and seek input regarding Richmond Zoning Bylaw 8500, Amendment Bylaw 8689, and other options; and*
- (3) notice of this public open house be sent to all the Agriculture (AG) zoned property owners and tenants/leaseholders, in addition to being advertised in the local newspapers”.*

Background

Revised Agriculture (AG) Zone Setback

Richmond Zoning Bylaw 8500 was adopted on November 16, 2009. It repealed and replaced Richmond Zoning & Development Bylaw No. 5300.

One of the new provisions of the Agriculture (AG) zone was to require accessory residential buildings (e.g., garages, carports), structures (e.g., swimming pools, tennis courts) and septic fields to be within 50 m/164 feet of all constructed public roads abutting the property. However, there was no change to the 50 m/164 foot setback from a constructed public road for the principal residential dwellings on the site, which was in the previous Zoning Bylaw 5300.

Attachment 1 provides the policy framework and research behind the public road setback for accessory residential buildings, structures and septic fields, which was intended to protect farmland in the Agriculture (AG) zone.

The new Agriculture (AG) zone road setback for accessory residential buildings, structures and septic fields has received considerable opposition both because of the perceived lack of consultation and the impact that the change has on residences in the AG zone. While the specific Staff Report on Richmond Zoning Bylaw 8500 set out the proposed new road setback, the City has been criticized that this new setback should have involved more specific public consultation prior to being made and that such a significant provision should not have been included in the new Zoning Bylaw.

Attachment 2 describes the history of Richmond Zoning Bylaw 8500 and opposition to the new Agriculture (AG) zone setback from a public road for accessory residential buildings, structures and septic fields.

It should be noted that the new Zoning Bylaw also requires accessory residential buildings and structures (not septic fields) to have a maximum building separation of 50 m/164 feet from the principal residential dwelling(s) on the lot (e.g., the front of a garage, carport or swimming pool has to be within 50 m/164 feet of the back of the house). This new provision has not raised any specific public concerns and is not proposed to be changed (i.e., it is being retained in the Agriculture zone and not included in Bylaw 8609).

Planning Committee Meeting

On May 18, 2010, staff presented 3 options to Planning Committee with regard to the Agriculture (AG) zone setback from a public road for accessory residential buildings, structures and septic fields.

These 3 options are described in further detail in **Attachment 3**. They were:

- Option 1: Return to the previous Zoning Bylaw 5300 setback (no setback limitation from a public road for accessory residential buildings, structures and septic fields);
- Option 2: Retain the Zoning Bylaw 8500 setback except for septic fields (50 m/164 foot setback from all public roads for accessory residential buildings and structures); or
- Option 3: Amend the new Zoning Bylaw 8500 setback from a public road for certain lots (50 m/164 foot setback for lots over 0.8 hectares/2 acres with more than 50 m/164 foot lot width/frontage; 70 m/230 foot setback for lots less than 0.8 hectares/2 acres and lots over 0.8 hectares/2 acres with a lot width/frontage of 50 m/164 feet or less).

At the May 18, 2010 Planning Committee, eleven (11) property owners spoke in favour of Option 1 and three (3) property owners spoke in favour of Option 2. No one spoke in favour of Option 3, which was recommended by City staff.

The Co-Chair of the Agricultural Advisory Committee (AAC) also spoke at the May 18, 2010 Planning Committee and requested that the AAC be provided with the opportunity to discuss and review the 3 setback options outlined in the staff report.

Findings Of Fact

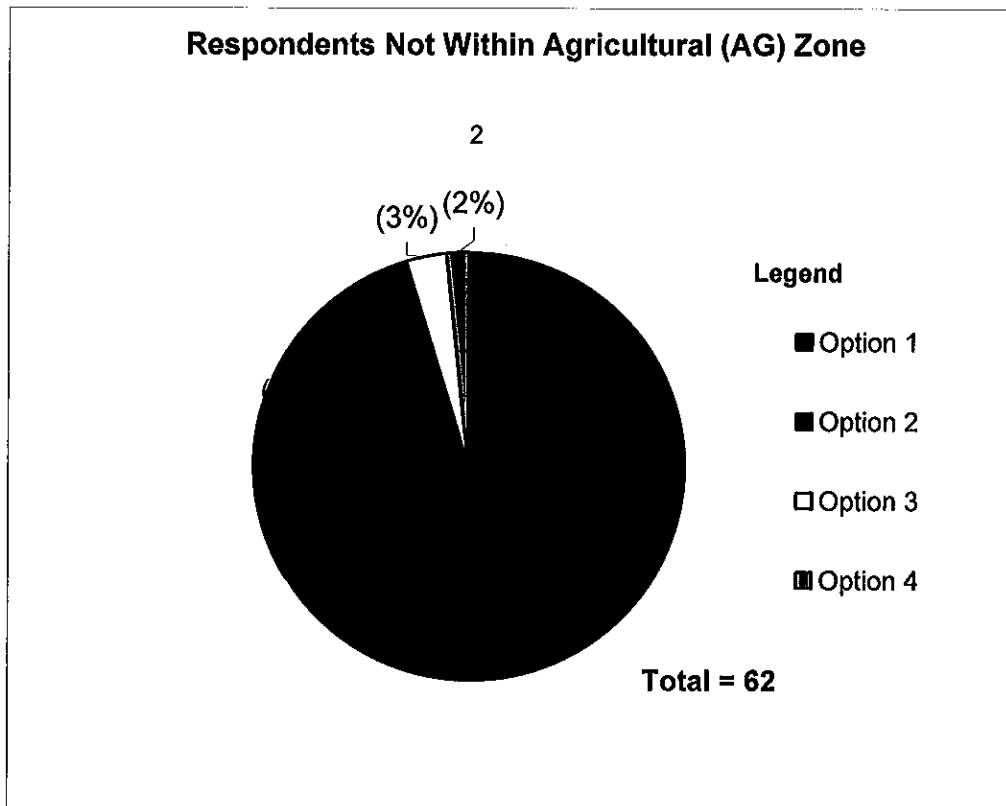
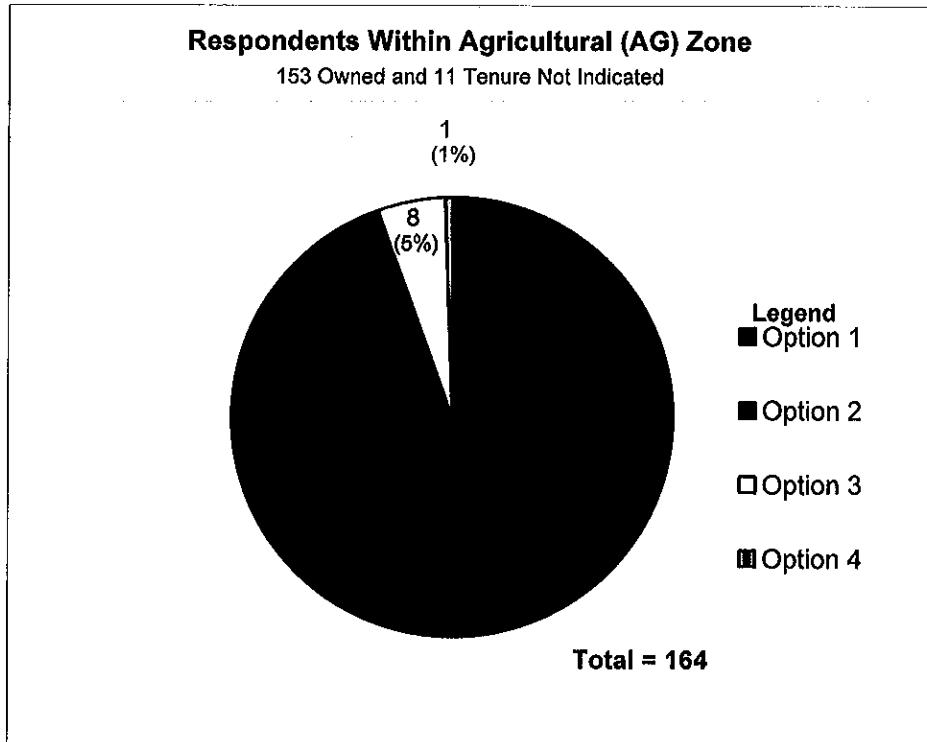
Public Open House

The City held a public open house on June 24, 2010 at the Cambie Secondary School Atrium. As directed by Planning Committee, notice of the public open house was sent to around 1,900 Agriculture (AG) zoned property owners and tenants/leaseholders. The public open house was also advertised in both local newspapers. Approximately 150 – 200 people attended.

At the public open house, as well as on the City's web site, detailed information was provided on each option and a survey was requested to be completed on the public road setback for accessory residential buildings, structures and septic fields (the 50 m/164 foot setback for dwellings did not change and was not the subject of the survey or public open house). A total of 226 responses were received from different properties.

Of the 226 responses, 164 (73%) were from properties within the Agriculture (AG) zone. As shown on the figure on the following page, 143 (87% of the 164) favoured Option 1 (Return to previous Zoning Bylaw 5300 setback – no setback limitation from a public road for accessory residential buildings, structures and septic fields).

Of the remaining responses, 62 (27% of the 226 responses) were from properties not within the Agriculture (AG) zone. As shown on the figure on the following page, 41 (66% of the 62) favoured Option 1 (Return to previous Zoning Bylaw 5300 setback - no setback limitation from a public road for accessory residential buildings, structures and septic fields) and 18 (29% of the 62) supported Option 2 (Retain Zoning Bylaw 8500 setback of 50 m/164 feet from all public roads for accessory residential buildings and structures except for septic fields). Even those who lived outside of the AG zone recommended a return to the previous regulations.



Clearly, the majority of respondents (184 out of the 226 or 81%) preferred Option 1 (Return to previous Zoning Bylaw 5300 setback - no setback limitation from a public road for accessory residential buildings, structures and septic fields).

At the public open house, concern was expressed that respondents from outside Richmond could adversely influence the survey results. This is not an issue as 211 (93%) of the 226 responses were from Richmond.

While the tone at the public open house was civil, the speakers voiced their concern loudly about the lack of consultation on an important change that affected their ability to build homes in the AG zone.

Agricultural Advisory Committee (AAC)

The AAC met on June 10, 2010 and August 31, 2010 in response to the Council referral that requested consultation with the AAC on the agricultural zone maximum setback issue. Upon consideration of the issue by Committee members at the August 31 meeting, the following motion was passed by the Committee:

That Alternative 1 (Return to the previous regulations that would not apply a maximum setback regulation to residential accessory buildings, structures and septic fields and undertake a review after the Ministry of Agriculture and Lands completes their study of the issue) be supported by the AAC.

Carried (5 members for; 2 members opposed)

A number of different opinions were presented by AAC members on how best to proceed with a review of residential development and applicable regulations for agriculturally zoned properties contained in the Agricultural Land Reserve. A full excerpt of the AAC's August 31, 2010 meeting minutes is contained in **Attachment 4** (Note: The August 31, 2010 meeting minutes are considered draft until they are reviewed and approved at the next scheduled AAC meeting).

Analysis

Alternatives

Staff have identified three (3) potential alternatives to manage the Agriculture (AG) zone setback from a public road for accessory residential buildings, structures and septic fields.

*Alternative 1: Return to previous Zoning Bylaw 5300 setback (Option 1 – no setback limitation from a public road for accessory residential buildings, structures and septic fields) and review after the Ministry of Agriculture and Lands completes its guidelines of setbacks and house sizes in the Agricultural Land Reserve (ALR). **RECOMMENDED***

- Pros:
- Returns to no road setback, which has been accepted and worked since 1992.
 - The City and Agricultural Advisory Committee can re-examine this issue when the Ministry of Agriculture and Lands releases proposed setback guidelines for lands in the Agricultural Land Reserve (ALR) sometime in 2011.
 - Responds to the public feedback.

- Cons:
- Could be viewed as a regressive step that doesn't protect the agricultural potential of the farmland beyond 50 m/164 feet.
 - May be difficult to reintroduce a revised setback later if needed if eliminated now.
 - Treats all lots the same (e.g., bigger lots with a wider frontage that could meet the 50 m/164 foot road setback are treated the same as smaller lots with a narrow frontage that find meeting this setback difficult).

Alternative 2: Table this matter until 2011 pending the results of the Ministry of Agriculture and Lands' review of setbacks and house sizes in the Agricultural Land Reserve (ALR) and retain Zoning Bylaw 8500 setback of 50 m/164 feet from all constructed public roads for accessory residential buildings and structures except for septic fields (Option 2).

- Pros:
- Enables the new road setback to be tested for another year or so.
 - Accessory residential buildings or structures that cannot meet the road setback could be processed as a Development Variance Permit.
 - Allows septic fields to be located beyond the 50 m/164 foot setback.

- Cons:
- Retains a setback that is viewed by the public to have been adopted without sufficient consultation.
 - Although Ministry of Agriculture and Lands' staff have started this review and plan to present their recommendations to the Ministerial representatives by March 2011, it is unclear if and when the Minister will approve any Provincial guidelines.
 - Does not respond to the public feedback.

Alternative 3: Refer this matter back to staff for further review and input from the public and the Agricultural Advisory Committee (This could mean later amending the new Zoning Bylaw 8500 road setback but perhaps not as previously recommended by staff for certain lots under Option 3 which proposed a 50 m/164 foot or 70 m/230 foot road setback).

- Pros:
- Ensures the public and AAC have further input before the road setback is changed.
 - Accessory residential buildings or structures that cannot meet the road setback could be processed as a Development Variance Permit.
 - Enables the City to benefit from any initial work by the Ministry of Agriculture and Lands regarding setback guidelines for lands in the Agricultural Land Reserve (ALR).

- Cons:
- Public and property owners have expressed some urgency that the road setback be changed now (not wait another ½ year until 2011).
 - Questionable whether the City can find a revised, new setback that will satisfy everyone.
 - May not be the best use of City staff and resources (the public is quite cynical of the process and the City's intentions).

Recommendation

Staff are recommending *Alternative 1* for the following reasons:

1. In adding the new setback provision from all constructed public roads for accessory residential buildings, structures and septic fields as part of Zoning Bylaw 8500, Richmond went further than all other Lower Mainland municipalities (except Delta) and introduced a new regulation that can have a secondary impact on house location and size. However, it should be noted that even with the 50 m/164 foot setback for just the dwellings, Richmond continues to be a leader in B.C. since 1994 in protecting farmland from the indiscriminate location of houses on Agriculture (AG) zoned properties.
2. The Ministry of Agriculture and Lands is reviewing this issue because it has the expertise to determine how to protect the agricultural potential of farmland. The intention of the Ministry is to establish Provincial guidelines that municipalities can adopt so there is consistency among jurisdictions. The Ministry will also be reviewing the issue of house sizes and a maximum farm home plate in the ALR (items Richmond is interested in and which will more comprehensively protect farmland than just a public road setback for accessory residential buildings, structures and septic fields).
3. Had the City known that the Ministry was going to review the setback and maximum house size/farm home plate in 2010/2011, the new 50 m/164 foot setback for accessory residential buildings, structures and septic fields might not have been included in the new Zoning Bylaw in 2009. The Ministry is undertaking this review because other Lower Mainland municipalities like Surrey, Pitt Meadows and Abbotsford found this issue very controversial and through Metro Vancouver have requested that the Province take the lead in establishing standards that are more universally acceptable/justifiable.
4. Although the Official Community Plan and Agricultural Viability Strategy support the review of the Agriculture (AG) zone, they do not give explicit direction on what a reasonable road setback is for accessory residential buildings, structures and septic fields. Therefore, returning to the 50 m/164 foot setback for dwellings only is consistent with established policy and directions of the City.
5. *Alternative 1: Return to previous Zoning Bylaw 5300 setback (Option 1 – no setback limitation from a public road for accessory residential buildings, structures and septic fields) and review after the Ministry of Agriculture and Lands completes its guidelines of setbacks and house sizes in the Agricultural Land Reserve (ALR) responds to the public feedback and is supported by the AAC.*

Financial Impact

All three (3) alternatives can be accommodated within the existing City budget.

Conclusion

Planning Committee directed City staff to consult with the public and the Agricultural Advisory Committee (AAC) regarding the Agriculture (AG) zone setback from a public road for accessory residential buildings, structures and septic fields.

This consultation has occurred. The majority of the public and the AAC wants the City to return to previous Zoning Bylaw 5300 (i.e., no setback limitation from a public road).

Alternative 1: Return to previous Zoning Bylaw 5300 setback (Option 1 -- no setback limitation from a public road for accessory residential buildings, structures and septic fields) and review after the Ministry of Agriculture and Lands completes its guidelines of setbacks and house sizes in the Agricultural Land Reserve (ALR) is recommended. This being the case, Bylaw 8609 can be introduced and given first reading.

If Planning Committee would prefer, it could still direct staff to proceed with Option 3 -- Amend new Zoning Bylaw setback from a public road for accessory residential buildings and structures for certain lots (i.e., 50 m/164 foot setback for lot over 0.8 hectares/2 acres with more than 50 m/164 foot lot width/frontage; 70 m/230 foot setback for lots less than 0.8 hectares/2 acres and lots over 0.8 hectares/2 acres with a lot width/frontage of 50 m/164 feet or less). However, this Option has received very little public support.

If this is not acceptable, two (2) other alternatives have been presented:

Alternative 2: Table this matter until 2011 pending the results of the Ministry of Agriculture and Lands' review of setbacks and house sizes in the Agricultural Land Reserve (ALR) and retain Zoning Bylaw 8500 setback of 50 m/164 feet from all constructed public roads for accessory residential buildings and structures except for septic fields (Option 2).

Alternative 3: Refer this matter back to staff for further review and input from the public and the Agricultural Advisory Committee (This could mean later amending the new Zoning Bylaw 8500 setback but perhaps not as previously recommended by staff for certain lots under Option 3 which proposed a 50 m/164 foot or 70 m/230 foot road setback).



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HB:rg

Attachment 1 - Policy Framework and Research Behind Agriculture (AG) Zone Setback

Attachment 2 - History of Richmond Zoning Bylaw 8500 and Opposition to New Agriculture (AG) Zone Setback

Attachment 3 - Agriculture (AG) Zone Setback Options Presented to Planning Committee on May 18, 2010

Attachment 4 - Draft of August 31, 2010 Agricultural Advisory Committee meeting minutes

POLICY FRAMEWORK AND RESEARCH
BEHIND AGRICULTURE (AG) ZONE SETBACK

Richmond Official Community Plan

The Richmond Official Community Plan (OCP) has the following Agriculture objectives:

“Objective 1: Continue to protect all farmlands in the Agricultural Land Reserve.”

“Objective 2: Maintain and enhance agricultural viability and productivity in Richmond.”

Richmond Agricultural Viability Strategy

Two of the recommendations from the Richmond Agricultural Viability Strategy (AVS) approved by Council in May 2003 pertinent to the Agriculture (AG) zone setback are:

*“13. Review Zoning Bylaw 5300 in consultation with the public and prepare information, options and recommendations to improve its effectiveness in supporting agricultural viability. This review includes the following items and other actions not yet identified:
... f) Review all minimum and maximum property and building setbacks for residences in the ALR to minimize conflicts with adjacent uses.”*

*“35. Maximize the agricultural land available for agricultural uses:
... c) Establish guidelines for parcel sizes suitable for farming, including options for smaller parcels of 2 acres or less.”*

These two recommendations have not yet been undertaken by the Agricultural Advisory Committee (the City’s main advisory committee regarding Strategy implementation), as the Richmond Agricultural Viability Strategy (AVS) contains 64 recommendations. Thus, a phased Strategy implementation approach is utilized with Council approving annual AAC work programs. To date, Strategy implementation has emphasized East Richmond drainage improvements, improved farm signage, improved agriculture awareness tours, enabling seasonal dwellings on farms, providing advice regarding provincial taxation reviews, providing input regarding the buffering of urban development on the ALR boundary, reviewing various ALR development applications (e.g., Ocean Spray) and most recently, providing significant advice on the Nelson Road interchange. The AAC is currently reviewing the AVS and developing a work program with regard to all of the recommendations. Council will have the opportunity to review the 2011 AAC work program early next year (and provide direction on any priorities it has for the AAC).

Richmond Agricultural Profile Report

The Richmond Agricultural Profile Report (APR), completed in January 2002, indicates that there are 2,299 parcels of land in the ALR.

Of these 2,299 parcels, 1,556 are less than 2 acres (2,000 m²) – representing a total area of 1,057 acres (428 hectares) or 9% of the ALR.

There are 543 parcels between 2 acres (2,000 m²) and 10 acres (4 hectares), totalling 2,600 acres (1,052 hectares) or 23% of the ALR lands in Richmond.

This leaves 200 parcels over 10 acres (4 hectares) totalling 7,700 acres (3,116 hectares) or 68% of the ALR.

Developable Agriculture (AG) Zoned Parcels

In reviewing the above-noted ALR figures, staff recognize that not all of these properties have development potential. So, using the Agriculture (AG) zone as a base, City staff came up with the following number of parcels that are within 30 m (98 feet) of a constructed public road:

- 832 parcels less than 2 acres (2,000 m²); and
- 648 parcels 2 acres (2,000 m²) or more.

Not surprisingly, the majority of the parcels less than 2 acres (2,000 m²) with constructed public road access are in the East Richmond McLennan Sub-Area Plan Area (i.e., along the east side of No. 4 Road; on the west side of No. 5 Road; along the south side of Westminster Highway; on both sides of Granville Avenue and Blundell Road between No. 4 Road and No. 5 Road).

It should be noted that not all of 1,480 parcels zoned Agriculture (AG) with constructed public road access are within the ALR (e.g., Terra Nova area), so this figure is not directly comparable to the 2,229 parcels in the ALR recorded in the Richmond Agricultural Profile Report.

Agricultural Land Commission Act

Section 23 of the Agricultural Land Commission (ALC) Act states:

“Restrictions to the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the Land Registry Act, R.S.B.C. 1960, c. 208, less than 2 acres in area.”

The intent of this provision is to “except” parcels that were less than 0.8 hectares/2 acres and not tied to other properties when the agricultural land freeze was enacted in December 1972 from the provisions of the ALC Act. These parcels are still located in the Agricultural Land Reserve (ALR) and subject to the Local Government Act and City’s Official Community Plan and Zoning Bylaw.

Agricultural Land Commission Policy #19

The Agricultural Land Commission (ALC) has established as its policy regarding the placement of fill or removal of soil for the construction of a single-family residence that:

“The placement of fill or removal of soil should not exceed 0.2 ha of the parcel.”

This area of 2,000 m² (0.49 acres) is intended to accommodate the construction of the residence, accessory facilities and services (i.e., “accessory buildings, structures, services, utilities and landscaping” such as “garages, carports, workshops, sheds, water lines, wells, sewer lines, sanitary sewer disposal systems, power conduits, reasonable landscaping and driveways”).

Other Municipalities

Apparently, Delta is the only other municipality in B.C. that has successfully implemented a maximum house size and farm home plate. In Delta, all accessory residential buildings and structures must be located within 60 m (197 feet) of a public road in their agricultural zones.

A few other Lower Mainland municipalities (Surrey, Pitt Meadows, Abbotsford) have proposed maximum house sizes and farm home plates. Each of these municipalities proposed a similar setback of 60 m (197 feet) from a public road for accessory residential buildings and structures in their agricultural zones. However, because of significant public opposition, none of these other municipalities have proceeded with this setback.

Typical items included in the farm home plate and setback for accessory residential buildings and structures include:

- Attached or detached garage or carport;
- Decorative landscaping;
- Attached or detached household greenhouse or sunroom;
- Residential-related workshop, tool and storage shed;
- Artificial ponds not serving farm drainage or irrigation needs or aquaculture use;
- Septic tank and other related facilities, excluding the septic field; and
- Residential related recreation areas such as, but not limited to, swimming pools, tennis courts and art installations.

Septic fields are not included in the farm home plate. Some municipalities also proposed to exclude the driveway and parking areas from the farm home plate and setback.

Metro Vancouver's Proposed New Regional Growth Strategy

According to Metro Vancouver's (MV) September 2010 Draft New Regional Growth Strategy (RGS), one of the "*Actions Requested of Other Governments and Agencies*" to "*Protect the region's supply of agricultural land and promote agricultural viability with an emphasis on food production*" is:

"2.3.9 That the province, in consultation with municipalities, establish and enforce maximum residential floor area and setback regulations for development in the Agricultural Land Reserve, while recognizing existing municipal regulations."

In responding to this proposed policy in the draft RGS, the Ministry of Agriculture and Lands has indicated:

"The Ministry agrees that this is an issue and is considering establishing standards regarding homeplates including restrictions to location and residential footprint size. These would guide local government bylaw development. Legislative changes will also be considered."

The Ministry of Agriculture and Lands is also updating the inventory of agricultural lands in MV.

HISTORY OF RICHMOND ZONING BYLAW 8500
AND OPPOSITION TO NEW AGRICULTURE (AG) ZONE SETBACK

Richmond Zoning & Development Bylaw No. 5300

The previous Zoning Bylaw, which was repealed on November 16, 2009 and replaced with Richmond Zoning Bylaw 8500, had a maximum setback for dwellings of 50 m (164 feet). However, it did not require accessory residential buildings (e.g., garages, carports), structures (e.g., swimming pools, tennis courts) and septic fields to be within 50 m (164 feet) of a constructed road.

It is interesting to note that the maximum setback was added to the Agricultural District (AG1) zone when Richmond Zoning & Development Bylaw No. 5300 was originally adopted in April 1989 (i.e., it was added as part of a large document that replaced the previous Richmond Zoning Bylaw No. 1430).

Originally, the maximum setback was 40 m (131 feet) for both dwellings and accessory residential buildings. This was increased to 50 m (164 feet) in February 1992 and was amended to only apply to dwellings (not accessory residential buildings). The maximum setback in the AG1 zone was further amended in February 1994 to only apply to one public road (not two (2) public roads on a corner lot).

Public Consultation re: Proposed New Zoning Bylaw

In 2005, with Council's approval, staff initiated an update and replacement of Richmond Zoning & Development Bylaw No. 5300, which was initially adopted in 1989.

As part of this process, the Agricultural Advisory Committee and various other stakeholders were extensively consulted. A public information open house was held on the proposed new Zoning Bylaw in November 2008. Various drafts of the new bylaw were also posted on the City's web site.

The proposal to introduce a 50 m (164 foot) setback for accessory residential buildings, structures and septic fields in the Agriculture (AG) zone was on the table throughout this process. However, after the public information open house, a proposal to limit the size of dwellings in the AG zone was also put into the proposed new Zoning Bylaw. This latter proposal ended up becoming the focus of attention from realtors, Richmond's small builders and property owners of AG zoned land. As a result, the 50 m (164 foot) setback for accessory residential buildings, structures and septic fields was not regarded as being a significant issue.

September 28, 2009 Staff Report re: Proposed New Richmond Zoning Bylaw 8500

In the Staff Report to Planning Committee on the proposed new Zoning Bylaw, City staff clearly noted that:

- It was proposed that accessory residential buildings and structures be required to be within 50 m (164 feet) of a road and the single detached house in order to protect the farmland in the Agriculture (AG) zone;
- The proposal to introduce house size limits was considered but abandoned because of opposition and that this proposal should be subject to a separate public consultation process if Council directs staff to pursue this matter further.

Richmond Zoning Bylaw 8500

This bylaw, which was adopted on November 16, 2009, has the following maximum setback in the Agriculture (AG) zone:

“No portion of a single detached housing building, garage, carport or septic field, including any additional dwelling units and all other accessory buildings or accessory structures to the single detached housing, shall be located further than 50.0 m from all public roads abutting the property.”

In other words, the new Zoning Bylaw requires all accessory residential buildings (e.g., garages, carports), structures (e.g., swimming pools, tennis courts) and septic fields to be within 50 m (164 feet) of a constructed road. There was no change to the 50 m (164 foot) setback for dwellings.

At the Public Hearing on Bylaw 8500, no public concerns were expressed about the new Agriculture (AG) zone setbacks.

It should be noted that when Planning Committee considered Richmond Zoning Bylaw 8500 on October 20, 2010, it passed the following referral regarding house size limits in the Agriculture (AG) zone:

“That staff:

- (1) examine limiting the size of homes in agricultural areas and in doing so, update the City’s Agricultural profile to determine how many properties are left that could accommodate large homes;
... and report back.”*

December 22, 2009 Planning Committee Referral

On December 22, 2009, Planning Committee passed the following referral motion:

“That staff:

- (1) investigate the implications of non farm use related structures, including septic fields, built on an agricultural zoned property, as outlined in the Richmond Zoning Bylaw No. 8500; and*
- (2) meet with property owners who might be affected.”*

This referral was made in response to concerns expressed by Dale Badh that the new 50 m (164 foot) setback for accessory residential buildings, structures and septic fields was made without any input whatsoever from the public and was a back door way of limiting the size of dwellings on ¼ to 2 acre (0.1 to 0.8 ha) lots with narrow frontages.

Agricultural Advisory Committee (AAC) Input

The AAC discussed the Agriculture (AG) zone setback and house size limit referrals on March 11, 2010.

The Committee agreed that:

- a Working Group be established to review both of these issues;
- septic fields should not be subject to a setback limitation in the Zoning Bylaw;

- the 50 m (164 foot) setback was more problematic for lots less than 2 acres (0.8 ha) and lots with a narrow frontage (e.g., 20 m or 66 foot wide lots); and
- the intention of the new setback for accessory residential buildings and structures was primarily to protect the area beyond 50 m (164 feet) for commercial farming on lots over 2 acres (0.8 ha) and small plot farming, urban agriculture and back yard gardens on lots less than 2 acres (0.8 ha).

Working Group

In order to assist with the two referrals from Planning Committee regarding the Agriculture (AG) zone setback and potential house size limits, City staff established a Working Group to act in an advisory capacity that met on three occasions.

Invited members of the Working Group included:

- Dale Badh (realtor who raised the issue of the new 50 m setback);
- Charan Sethi (AG zone property owner of a lot less than 2 acres);
- Barry Cavanaugh (AG zone property owner of a lot over 2 acres);
- Todd May (member of the Agricultural Advisory Committee);
- Arzeena Hamir (member of the Richmond Food Security Society);
- Rod Lynde (professional who designs houses in Richmond's agriculture zone); and
- Kathleen Zimmerman (staff from the Ministry of Agriculture and Lands).

Dale Badh invited the following two individuals to the initial meeting and the Working Group permitted their involvement in subsequent meetings:

- Roland Hoegler (AG zone property owner of a lot less than 2 acres on No. 4 Road); and
- Jan Knap (AG zone property owner of a lot over 2 acres on Westminster Highway).

The majority of the Working Group supported Option 1 – Return to previous Zoning Bylaw 5300 setback (no setback limitation from a public road for accessory residential buildings, structures and septic fields).

**AGRICULTURE (AG) ZONE SETBACK OPTIONS
PRESENTED TO PLANNING COMMITTEE ON MAY 18, 2010**

50 Meter (164 Foot) Setback Referral																																					
Option 1	RETURN TO PREVIOUS ZONING BYLAW 5300 SETBACK																																				
Description	Return to the maximum setback of 50 m (164 feet) for dwellings only. Eliminate the new requirement that accessory residential buildings (e.g., garages, carports), structures (e.g., swimming pools, tennis courts) and septic fields must be within 50 m (164 feet) of a public road.																																				
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Advantages	<ol style="list-style-type: none"> 1. This is the only option the majority of the Working Group supported. 2. Returns to a setback that has been accepted and worked since 1992. 3. Addresses the concern that it is difficult to locate all the accessory residential buildings and structures, including a septic field, within 50 m (164 feet) of a road on narrow lots. 4. Responds to the criticism that the new requirement has the effect of limiting the size of a house. 5. Enables the City to do further work on the implications and implementation of a new setback, particularly in relation to any potential farm home plate or house size limits. 																																				
Disadvantages	<ol style="list-style-type: none"> 1. Is a regressive step in that it does not address the recommendations of the AVS or the objectives of the OCP. 2. Fails to protect the agricultural potential of the area beyond 50 m (164 feet) of a public road (e.g., a 2,000 m²/0.49 acre lot on No. 4 Road has an area of 1,000 m²/10,765 ft² beyond this setback). 3. Treats lots with a wider frontage, which should be able to meet the 50 m (164 feet) setback, the same as narrow lots that may find this difficult. 4. Other municipalities require or propose accessory residential buildings and structures to be within 60 m (197 feet) of a public road. 5. May be difficult to reintroduce this setback later if eliminated now. 																																				
Implementation	Amend the Agriculture (AG) zone in Richmond Zoning Bylaw 8500 to read: <i>"No portion of a single detached housing building, including any additional dwelling units, shall be located further than 50.0 m from a constructed public road abutting the property."</i>																																				

50 Meter (164 Foot) Setback Referral																																					
Option 2	RETAIN ZONING BYLAW 8500 SETBACK EXCEPT FOR SEPTIC FIELDS																																				
Description	<p>Continue to require all accessory residential buildings (e.g., garages, carports) and accessory residential structures (e.g., swimming pools, tennis courts) to be within 50.0 m (164 feet) of a public road.</p> <p>Clarify that this setback only applies to one public road on a corner lot.</p> <p>Eliminate the 50.0 m (164 feet) setback for septic fields.</p>																																				
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Advantages	<ol style="list-style-type: none"> 1. Protects the agricultural potential of the area beyond 50 m (164 feet) of a public road. 2. Addresses the recommendations of the AVS and the objectives of the OCP. 3. Narrow lots, which find it more difficult to meet this requirement, don't need to have accessory residential buildings or structures (e.g., detached garage, swimming pool or tennis court) if they want to maximize their house size. 4. Wider lots should be able to meet this requirement and have a large house. 5. Responds to the most problematic issue by eliminating the requirement that the septic field must be within 50 m (164 feet) of the road (consistent with Delta, Surrey, Pitt Meadows and Abbotsford). 																																				
Disadvantages	<ol style="list-style-type: none"> 1. The majority of the Working Group is strongly opposed to this option. 2. Fails to address the concern that it is difficult to locate accessory residential buildings and structures within 50 m (164 feet) of a road on narrow lots. 3. Has the effect of limiting the size of a house, particularly on narrow lots if accessory residential buildings and structures (e.g., detached garage, swimming pool or tennis court) are proposed. 4. Does not distinguish between lots less than 2 acres (which may be excepted from the ALC Act) and lots over 2 acres (which are subject to the Act). 5. Has been negatively received by some property owners and is said to be adversely affecting the sale or redevelopment of some agricultural land. 																																				
Implementation	<p>Amend the Agriculture (AG) zone in Richmond Zoning Bylaw 8500 to read:</p> <p><i>"No portion of a single detached housing building, garage or carport, including any additional dwelling units and all other accessory buildings or accessory structures to the single detached housing, shall be located further than 50.0 m from a constructed public road abutting the property"</i></p>																																				

Recommended	50 Meter (164 Foot) Setback Referral																																																					
Option 3	AMEND NEW ZONING BYLAW 8500 SETBACK FOR CERTAIN LOTS																																																					
Description	<p>Increase the new setback for accessory residential buildings (e.g., garages, carports) and accessory residential structures (e.g., swimming pools, tennis courts) from 50 m (164 feet) to 70 m (230 feet) from a public road for:</p> <ol style="list-style-type: none"> all lots less than 0.8 hectares (2 acres); and lots 0.8 hectares (2 acres) or more that have a lot width/frontage of 50 m (164 feet) or less. 																																																					
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Advantages	<ol style="list-style-type: none"> Enables lots less than 0.8 hectares (2 acres), which may find it difficult to meet the 50 m (164 foot) setback, to have an accessory residential building or structure without encroaching excessively into the back lands. Recognizes that lots over 0.8 hectares (2 acres) that have a wider frontage (i.e., over 50 m/164 feet = 3,500 m²/0.86 acre farm home plate) should be able to meet the 50 m (164 foot) setback. Continues to protect the agricultural potential of the area beyond 50 m (164 feet) - 70 m (230 feet) of a public road. Is greater than other Lower Mainland municipalities (i.e., 60 m/197 feet) in recognition of Richmond's unique lot configurations. Addresses the recommendations of the AVS and the objectives of the OCP. 																																																					
Disadvantages	<ol style="list-style-type: none"> The majority of the Working Group is strongly opposed to this option (e.g., they believe an accessory residential building such as a workshop should be allowed to be located further away from the house). May still be difficult to locate accessory residential structures (e.g., tennis court, swimming pool) within 70 m (230 feet) of a road on narrow lots. Is 10 m (33 feet) greater than what has been established or proposed in other Lower Mainland municipalities (i.e., 60 m/197 feet). Is a compromise that has not been accepted by property owners in the Agriculture (AG) zone and may be viewed to adversely affect the sale or redevelopment of some agricultural lands. Is somewhat arbitrary for lots over 0.8 hectares (2 acres) that have a frontage greater than 50 m (164 feet) and is linked to the option of a farm home plate which has not yet been reviewed or approved by Council. 																																																					

Recommended	50 Meter (164 Foot) Setback Referral
Option 3	AMEND NEW ZONING BYLAW 8500 SETBACK FOR CERTAIN LOTS
Implementation	<p>Amend the Agriculture (AG) zone in Richmond Zoning Bylaw 8500 to read:</p> <p><i>“No portion of a single detached housing building, including any additional dwelling units, shall be located further than 50.0 m from a constructed public road abutting the property.”</i></p> <p><i>“No portion of a single detached housing garage or carport, and all other accessory buildings or accessory structures to the single detached housing, shall be located further than:</i></p> <ul style="list-style-type: none"><i>a) 70.0 m from a constructed public road abutting the property if the property is:</i><ul style="list-style-type: none"><i>(i) less than 0.8 ha in lot area; or</i><i>(ii) 0.8 ha or more in lot area and has a lot width or frontage of less than 50.0 m; or</i><i>b) 50.0 m from a constructed public road abutting the property if the property is:</i><ul style="list-style-type: none"><i>(i) 0.8 ha or more in lot area and has a lot width or frontage of 50.0 m or more.”</i>



AGRICULTURAL ADVISORY COMMITTEE (AAC)

Held Thursday, August 31, 2010 at 7:00 p.m.
M.2.002
Richmond City Hall

In Attendance:

Todd May (Chair); Bill Zylmans; Ken May; Bruce May; Dave Sandhu; Dave Johnston; Arzeena Hamir; Councillor Harold Steves; Kevin Eng (Policy Planning); Terry Crowe (Policy Planning)

Regrets:

Bill Jones; Danny Chen; Tony Pellett (Agricultural Land Commission); Kathleen Zimmerman (Ministry of Agriculture and Lands)

1. Adoption of Agenda

Staff noted that this AAC meeting was a special meeting called to obtain committee feedback on the Agricultural Zone Maximum Setback issue only.

2. Agricultural Zone Maximum Setback Review

Staff summarized the purpose of the meeting and noted that the public survey results were distributed in the last agenda package. Three proposed alternatives were communicated by staff to AAC members. One of these alternatives would be recommended to Council in a staff report to an upcoming Planning Committee meeting. The three alternatives are summarized as follows:

- **Alternative 1** – Return to the previous regulations pertaining to maximum setback for agriculturally zoned properties contained in Zoning and Development Bylaw 5300 (Option 1 in the survey). This alternative would not apply a maximum setback to residential accessory buildings and structures. A review of residential land use regulations in the agricultural zone would be undertaken after the Ministry of Agriculture and Lands completes their examination and establishes guidelines for residential development on farmland.

- **Alternative 2** – Table the agricultural setback issue and await the forthcoming work being undertaken by the Ministry of Agriculture and Lands to review and develop guidelines for residential uses on farmland. This alternative retains the existing provisions of Bylaw 8500 (Option 2 in the survey), thus requiring all residential dwellings and accessory residential structures and buildings to be situated in the 50m setback (with the exception of septic fields).
- **Alternative 3** – Refer the agricultural maximum setback issue back to City staff to undertake further work and consultation with the AAC and public. In this alternative, City staff would also be able to resource the Ministry’s review of residential uses on agricultural land, which would be running concurrent to the City’s review.
- Staff indicated that based on the review of the issue conducted to date and subject to AAC and Council consideration of the matter, it is proposed that Alternative 1 would be recommended by staff.

Committee members had the following comments and questions:

- One member indicated previous opposition to Alternative 1 on the basis that the Committee’s mandate was to foster a healthy environment for agriculture as a whole and not to serve individual interests. It was noted that regulations pertaining to house size, setback and farm plates can be applied to achieve agricultural viability. The member indicated that Alternative 2 is supportable.
- Questions were asked about the phrase “development of agricultural land”. Staff clarified that development was being referenced to residential development on agricultural land (construction of a single-family dwelling and related buildings).
- A question was asked about how many small agricultural lots (1/2 acre to 2 acres) existed in Richmond and where they are located. Staff noted that many are located within the six quarter-sections bounded by Westminster Highway, No. 5 Road, Francis Road and No. 4 Road.
- Clarification was provided on the past 50m maximum setback and that it applied to (residential dwellings only). It was also noted that the new regulations pertaining to maximum setback contained in Bylaw 8500 were intended to close an existing loophole in the zone and limit non-farm development beyond 50m.
- A comment was made about the space required to locate amenities (backyards, swimming pools etc.) on agricultural sites due to limited community amenities available in close proximity to agricultural land.
- A member indicated that other members of the agricultural community had directly communicated to them that they opposed the process of the maximum setback regulation change and the preference is to go back to previous regulations prior to undertaking further review and consultation on the issue.

- AAC members agreed that there had not been sufficient consultation on the change to the agricultural zone.
- One member commented that the current maximum setback regulations unnecessarily capture all agricultural properties and that regulations need to be more focussed.
- One member did not prefer a process of reverting back to old regulations in order to move forward with new regulations. A related concern to this was that by reverting to old regulations, rapid residential development on farmland beyond the 50m would continue.
- A member indicated concerns about unaffordable agricultural land for farmers and that investors were the only people purchasing farmland for future development. In order to send a stronger message out about how development in farming areas should be limited, the existing bylaw regulations applying a 50m setback to all residential buildings should be maintained. This member acknowledged that more public consultation needs to occur. As a result, Alternative 3 was preferred.
- The Committee Chair requested that each voting member indicate their preference for the three alternatives presented by staff. The preferences are summarized as follows:
 - 5 members prefer Alternative 1.
 - 1 member prefers Alternative 2.
 - 1 member prefers Alternative 3.

AAC members forwarded the following motion:

That Alternative 1 (Return to the previous regulations that would not apply a maximum setback regulation to residential accessory buildings, structures and septic fields and undertake a review after the Ministry of Agriculture and Lands completes their study of the issue) be supported by the AAC.

Carried (5 members for; 2 members opposed)

3. Adjournment

The meeting was adjourned at 8:00 p.m.

Bill Zylmans/Todd May
Chairperson

KE:ke



Richmond Zoning Bylaw 8500
Amendment Bylaw 8609
Agriculture (AG) Zone

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

- 1. Richmond Zoning Bylaw 8500, as amended, is further amended by deleting section 14.1.6.1 in its entirety and substituting the following:

14.1.6.1 No portion of a single detached housing building, including any additional dwelling units, shall be located further than 50.0 m from a constructed public road abutting the property. On a corner lot or double fronting lot, the 50.0 m from a constructed public road abutting the property shall be determined based on the location of the permitted access to the single detached housing building or additional dwelling unit(s).

- 2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 8609".

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

OCT 12 2010



MAYOR

CORPORATE OFFICER