



Planning Committee

Date: Tuesday, November 22, 2016
Place: Anderson Room
Richmond City Hall
Present: Councillor Linda McPhail, Chair
Councillor Bill McNulty
Councillor Chak Au
Councillor Carol Day
Councillor Harold Steves
Call to Order: The Chair called the meeting to order at 4:00 p.m.

AGENDA ADDITION

It was moved and seconded
That House Size on the Agricultural Land Reserve be added to the agenda as Item No. 2A.

CARRIED

MINUTES

It was moved and seconded
That the minutes of the meeting of the Planning Committee held on November 8, 2016, be adopted as circulated.

CARRIED

NEXT COMMITTEE MEETING DATE

December 6, 2016, (tentative date) at 4:00 p.m. in the Anderson Room.

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PLANNING AND DEVELOPMENT DIVISION

1. APPLICATION BY 0868256 BC LTD. FOR REZONING AT 8360/8380 SIERPINA PLACE FROM SINGLE DETACHED (RS1/E) TO SINGLE DETACHED (RS2/B)

(File Ref. No. 12-8060-20-009642; RZ 16-737179) (REDMS No. 5197206)

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9642, for the rezoning of 8360/8380 Sierpina Place from “Single Detached (RS1/E)” to “Single Detached (RS2/B)”, be introduced and given first reading.

CARRIED

2. SINGLE-FAMILY DWELLING BUILDING MASSING REGULATION – SECOND PHASE

(File Ref. No. 08-4430-01) (REDMS No. 4958848 v. 12)

Wayne Craig, Director, Development, Barry Konkin, Program Coordinator, Development, and James Cooper, Manager, Plan Review, spoke on single-family dwelling building massing regulation, highlighting amendment options related to (i) rear yard setbacks, (ii) setbacks for accessory structures, (iii) side yard setbacks, (iv) second storey balconies, (v) building site coverage, (vi) increasing landscaped areas on-site, (vii) on-site tree planting requirements, (viii) fencing regulations, and (ix) the methodology of calculating building height.

Mr. Konkin noted that should the proposed information on potential zoning amendment options be received, the next step would be for the amendment options to go to public and stakeholder consultation. The proposed consultation process would include two public information sessions with notifications in the newspaper, social media and the City’s website. Also, Mr. Konkin anticipates that public consultation could begin in early 2017 with a report on public feedback presented to Council in the late spring. Furthermore, he noted that additional public information sessions can be scheduled.

Discussion ensued with regard to (i) the retention of existing trees on-site, (ii) reviewing site coverage, (iii) subdivision and densification of large lots, (iv) increasing setback requirements, (v) options to increase green space on-site, (vi) the maximum floor area for garages and accessory buildings, and (vii) minimizing overlook from coach house balconies.

In reply to queries from Committee, Mr. Konkin noted that drawings can be refined to be more user-friendly and that staff will be available to answer queries at the information sessions.

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Discussion then ensued regarding (i) rear yard setbacks for single-storey dwellings, (ii) provisions for side yard setback projections, (iii) increasing green space in the front yard, and (iv) coach house balcony orientation.

Jim McGrath, 10131 Lawson Drive, expressed concern with regard to (i) the building height of new single-family dwellings, (ii) small building setbacks, (iii) overlook and loss of privacy, (iv) building shadowing, (v) loss of mature trees, (vi) inadequate green space, and (vi) the impact of large single-family dwellings on the surrounding neighbourhood.

██████████, ██████████, expressed concern with regard to (i) the loss of trees, (ii) reduction of green space, (iii) the effect of paved areas on rain runoff, and (iv) large garages.

Kathryn McCreary, 7560 Glacier Crescent, referenced speaking notes (attached to and forming part of these minutes as Schedule 1) and expressed concern with regard to (i) the City's rear yard setback requirements in comparison to other municipalities in Metro Vancouver, (ii) building site coverage, (iii) impervious area coverage, (iv) densification and subdivision of lots, and (v) side yard setback projections.

Jason Ma, 6220 Goldsmith Drive, spoke on single-family building massing regulations in the City and suggested that staff should be able to adjust minimum setback requirements relative to the configuration and character of existing dwellings in the neighbourhood.

In reply to queries from Committee, Joe Erceg, General Manager, Planning and Development, advised that according to Provincial legislation, staff do not have any discretionary approval related to minimum zoning requirements.

Lynda Terborg, 5867 Sandpiper Court, referenced her speaking notes (attached to and forming part of these minutes as Schedule 2) and commented on single-family building massing regulations in the City.

In reply to queries from Committee, Mr. Craig noted that (i) public feedback will be compiled in a report and presented to Council, (ii) information on the matter will be available on the City's website, and (iii) Council will be able to preview the consultation material on proposed amendments prior to public consultation.

It was moved and seconded

- (1) That the proposed amendments to Zoning Bylaw 8500 for further refinement of single-family residential massing be received for the purposes of public stakeholder consultation; and***

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- (2) *That staff be authorized to proceed to public and stakeholder consultation.*

The question in the motion was not called as discussion ensued with regard to the public consultation process. It was then suggested that staff collect contact information of residents in attendance at the meeting.

The question on the motion was then called and it was **CARRIED**.

2A. HOUSE SIZE ON THE AGRICULTURAL LAND RESERVE

(File Ref. No.)

Historical staff reports and Council minutes related to regulations on house size on the Agricultural Land Reserve (ALR) (attached to and forming part of these minutes as Schedule 3) along with the zoning bylaws from the Corporation of Delta (attached to and forming part of these minutes as Schedule 4) was distributed.

Discussion ensued regarding house size restrictions on the ALR and the subdivision of agricultural land.

As a result of the discussion, the following **referral** was introduced:

It was moved and seconded

That staff examine and prepare a report on limiting the size of homes in agricultural areas based on:

- (1) *the BC Ministry of Agriculture report "Bylaw standards for Residential Uses in the Agricultural Land Reserve"; and*
- (2) *the Corporation of Delta Zoning Bylaw, Part V A1 Zone Agriculture; and*

report back by the end of January 2017.

The question on the referral was not called as discussion ensued with regard to the maximum size of homes within the ALR in the Corporation of Delta and the average size of agricultural lots in Richmond.

The question on the motion was then called and it was **CARRIED**.

Mr. Erceg advised that the City has sent correspondence to the Ministry of Agriculture and the Agricultural Land Commission (ALC) regarding the regulation of house size on the ALR, noting that the Province has not expressed interest in pursuing the matter. He added that the ALC has expressed interest in working with City and that staff are scheduled to meet with the ALC CEO and Ministry staff next week.

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3. **MANAGER'S REPORT**

(i) Delta Casino

Mr. Erceg advised that the Corporation of Delta is considering development of a Casino and is seeking stakeholder input. He added that the City intends to bring a report regarding the matter to the December 6, 2016 Planning Committee meeting.

(ii) Tree Bylaw Information Sessions

Mr. Erceg advised that the next Tree Bylaw Information session is scheduled for November 24, 2016 at the West Richmond Community Centre. He further noted that previous information sessions were well attended.

ADJOURNMENT

It was moved and seconded
That the meeting adjourn (5:37 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the meeting of the Planning Committee of the Council of the City of Richmond held on Tuesday, November 22, 2016.

Councillor Linda McPhail
Chair

Evangel Biason
Legislative Services Coordinator

Table 1. Zoning Bylaw 8500: Single Family Residential Massing - Nov. 22, 2016 - A Compromise between the City, Residents and Richmond Builders

| | Current bylaw | Recommendations | Rationale |
|---------------------------|--|--|--|
| rear yard setback | 6m (20ft) | 7.5m (25ft) | Richmond has the smallest rear yard setback in Metro Vancouver as outlined in Table 2. A 1.5 m increase or 5ft increase would bring Richmond in line with the other average municipalities in Metro Vancouver such as Surrey which has a rear yard setback of 7.5 m. Ten municipalities have a rear yard set back that is either 7.5 or 7.6m. Comparable Cities such as West Vancouver and Burnaby have larger rear yard setback that are 9.1m and 9m respectively. |
| side yard setback | 1.2m (4ft) with very generous 0.6m (2ft) projections often constructed in the sideyard permitted by the city | 1.2m (4ft) with no projections in to the side yard | There are no wood burning fire places installed and therefore no need for protrusions into the side yard. If the west side of a house and the east side of an adjoining house both have generous long projections into the side yard, then there is little room between houses. A 1.2m side yard is the smallest sideyard within Metro Vancouver. (Table 3) Continuing to permit a projection into the sideyard is not practical unless there is some advantage??? |
| impervious area | 70% and pervious area coverage is 30%. | 65% and pervious area coverage 35% | Impervious area is defined as lot area, which is area for all buildings, structures and non-porous surfaces combined. A reduction to the impervious area (hard surface) from 70 to 65 % on a 66 by 120 lot for example, is about 400 square feet of additional potential green space. Seven municipalities have an impervious area requirement. Three municipalities are at 65% or less. (Table 4) Not part of the scope of the original referral, but encourages more green space and is not costly or difficult. |
| site coverage | 45% | 45% | Not part of the scope of the original referral. Modifying this bylaw is a significant addition. The FAR is not changing... Mass is just being redistributed. |
| height measurement | In Area A, The base datum for measurement is from <u>average</u> grade which is the average of 4 finished elevations at the corners of the lot and the average of the 4 corners of the proposed grade around the building. To be consistent with the flood plan elevation the base datum is located 0.3 to 0.6m above the highest crown of the road. | SAME AS THE CITY : the base datum for measurement of overall building height shall be from 0.3m above the highest crown of road facing the front yard. | A simplification of the current bylaw, with no room for manipulation. Richmond is generally flat anyways so keep it simple. Part of the scope of the referral as is was added by Harold Steves at the last public hearing regarding Mega homes in September 2015. |
| trees | The zoning bylaw says nothing about trees. | SAME AS THE CITY : plant one tree in the front yard and one tree in the back yard from an approved city tree list if there are no trees in either the front or back. | A simple way to enhance the tree canopy in Richmond. Not part of the scope of the referral, but it is simple, cheap and a good idea |

Schedule 1 to the Minutes of the Planning Committee meeting of Richmond City Council held on Tuesday, November 22, 2016.

Table 2

| Municipality | Rear Yard Setback | |
|------------------------|-------------------|-----------|
| | Metre | Feet |
| Richmond | 6.0 | 20 |
| Surrey | 7.5 | 25 |
| Langley Township | 7.5 | 25 |
| Port Coquitlam | 7.5 | 25 |
| Port Moody | 7.5 | 25 |
| Langley (City) | 7.5 | 25 |
| White Rock | 7.5 | 25 |
| Coquitlam | 7.6 | 25 |
| North Vancouver (Dist) | 7.6 | 25 |
| New Westminister | 7.6 | 25 |
| North Vancouver (City) | 7.6 | 25 |
| Maple Ridge | 8.0 | 26 |
| Burnaby | 9.0 | 30 |
| Delta | 9.0 | 30 |
| West Vancouver (Dist) | 9.1 | 30 |
| Vancouver | 10.7 | 35 |

has a second floor setback

the vast majority of garages are placed within this setback

Table 3

| Municipality | Side Yard Setback | |
|------------------------|-------------------|----------|
| | Metre | Feet |
| Richmond | 1.2 | 4 |
| Port Coquitlam | 1.2 | 4 |
| Vancouver | 1.5 | 5 |
| Burnaby | 1.5 | 5 |
| Delta | 1.5 | 5 |
| Maple Ridge | 1.5 | 5 |
| Port Moody | 1.5 | 5 |
| Langley (City) | 1.5 | 5 |
| White Rock | 1.5/1.2 | 5 |
| Langley Township | 1.5 | 5 |
| North Vancouver (Dist) | 1.5 | 5 |
| New Westminster | 1.5 | 5 |
| West Vancouver (Dist) | 1.5 | 5 |
| North Vancouver (City) | 1.5 | 5 |
| Surrey | 1.8 | 6 |
| Coquitlam | 1.8 | 6 |

Table 4

| Municipality | Impervious Material Coverage |
|------------------------|------------------------------|
| Vancouver | 0.6 |
| Delta | 0.6 |
| Port Coquitlam | 0.65 |
| Burnaby | 0.7 |
| North Vancouver (City) | 0.7 |
| Richmond | 0.7 |
| Surrey | 0.7 |

By Kathryn McCreary,

Lynda Terborg

To: Lynda Terborg
Subject: Overlooking

When I looked over this staff report I was disappointed because I'm an optimist and only optimists can be disappointed when our community leaders continue to miss the message. Negotiations are a give and take but the review for Building Massing Second Phase is all take and not much give.

Richmond started with lots 66' x 120' and larger, with small homes on them. In the seventies the city introduced smaller lots 40 or 50' x 100' on the average. The houses got bigger and the backyards smaller but still often deeper than the minimum setback required. But the important difference between then and now is the lack of concern today for the impacts and how to mitigate and make it better for the old and new to live together in harmony. We are lacking empathy and a concern for our neighbours plight.

Processes such as this one proposed create more disharmony than you can ever appreciate

The pictures you use on the cover are an insult and show a "Leave it to Beaver life" long past. The lovely backyards in the pictures are overlooked and enjoyed by the new houses being built around. Certainly your pictures are what the new occupants see... but you failed to add the picture of what those old neighbours see when they look back. (I can lend you mine to use show picture "overlooked")

The Land use contracts of the seventies increased density, made homes more affordable and wedged people closer together. But the planning and regulations to do that transition used language and I quote:
"The purpose is to avoid "overlooking"... to lessen the visual impact to maximize privacy in yards, design of individual dwellings shall only be carried out in a comprehensive basis ... with regards to aesthetics, privacy, sunlight and function are considered."

I don't see those goals expressed in this report. Enhancing compatibility by giving a 4 ft side yard setback and taking it away with a 2 foot projection is not compatible. We no longer install wood burning fireplaces and we don't need projecting chimneys. Stating we have a 6 meter (20 ft) backyard setback and taking it away by allowing a three car garage (20 by 37 ft) to be buildt 4 feet off the back fence and calling it an 70 m2 accessory building is worse tactics than those used by sleight of hand snake oil salesmen.

This report is technically too cumbersome for a lay person to assimilate and respond intelligently in an evening walk session with poster boards and handouts. By time it gets to Public Hearing the die is cast and no changes are ever made.

The continuous wall spoken of in "maximum depth of house" is a direct result of the infamous Richmond special L shaped design. Including the front yard 20 foot setback, the three car garage, the auto court hard surface, and some with side door entrance...the front door of the house is now well back 50 to 60 feet from the front of the lot. Therefore 50% of the lot is devoted to the car culture. One solution could be to take 5 or 10 feet off the front yards and add it to the backyards. Aso putting existing FAR on top of those 700 sq. ft. triple car garages could allow a dedication of an additional 5 feet to the backyard.

The major effects of our new rebuilds on residential properties is not seen when driving down the front of our roads. The catastrophic changes to the backyard and side yard perspectives is the what is most devastating to our well being. It is Richmond's dark secret.

In regards to the upper floor building envelope, today, I am submitting to Mr. Erceg three properties for review and formal complaint. I am also reminding him he has not responded to my last email regarding the deflected Elsmore complaint. In addition I will also file another formal complaint on the house at 4971 Foxglove that has projected the WHOLE garage LESS than 2 feet to the side fence and also has a Hydro meter planted in the driveway, as it is obvious there is no room for it to be installed safely on the side of the garage let alone room for the meter reader, a wheelbarrow, wheelchair, painter, or firefighter.

The last point I want to make today is around fire safety Air B&B's, hot plates, legal and non-conforming suites, attic conversions are adding to the angst.

In 2012, BC Fire Code was changed after the Kelowna fires. I witnessed the fire on No 1 Road just across from Hugh Boyd school. The firefighters were quick but not able to stop the fire jumping to the adjoining house to the south, against the prevailing wind. The only reason this fire didn't take more houses in a row was because the house next to it on the north was an older smaller house and the fire couldn't skip to the roof as easily. The code changed the requirements for the amount of sidewall window glazing, and emphasized the requirements to have a minimum of 4 foot separation between buildings. Our old Land Use Contract houses had reduced window openings and many had high clerestory windows in dining rooms and upper floor bedrooms to meet the glazing and privacy restrictions. Would the Building approvals department please let us know what are the guidelines and restrictions for side yard windows today in Richmond.

Thanks you.... I could say more.

ADJOINING SIDEYARD SETBACKS





3928 Pacemore Avenue - Non-conforming to vertical lot width envelope changes. Building permit issued September 2016.



3928 Pacemore Avenue - Non-conforming to vertical lot width envelope changes. Building permit issued September 2016.



3931 Timmore Place - Non-conforming to vertical lot width envelope changes.
Building permit issued August 2016.



3931 Tinnmore Place - Non-conforming to vertical lot width envelope changes.

Building permit issued August 2016.



4691 Cabot Drive - Non-conforming to vertical lot width envelope changes.
Building permit issued March 2016



4971 Foxglove Cres - Non-conforming encroachment into side yard setback (garage less than 0.6 m (2 ft) to fence). Building permit issued October 2015.



4971 Foxglove Cres - Non-conforming encroachment into side yard setback (garage less than 0.6 m (2 ft) to fence). Building permit issued October 2015.



4971 Foxglove Cres - Non-conforming encroachment into side yard setback (garage less than 0.6 m (2 ft) to fence). Building permit issued October 2015.





City of Richmond

Report to Committee

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

Date: May 4, 2010
File: 08-4430-03-07/2010-Vol 01

Staff Recommendation

1. That Richmond Zoning Bylaw 8500 Amendment Bylaw 8689, to amend the Agriculture (AG) zone to read:

"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.*"

"14.1.6.2. *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:*

70m setback under 2 acres

(a) 70.0 m from a constructed public road abutting the property if the property is:

- (i) less than 0.8 ha in lot area; or
- (ii) 0.8 ha or more in lot area and has a lot width or frontage of less than 50.0 m; or

Keep 50m for lots over 2 acres

(b) 50.0 m from a constructed public road abutting the property if the property is:

- (i) 0.8 ha or more in lot area and has a lot width or frontage of 50.0 m or more."

be introduced and given first reading.

2. That City staff hold a public open house before the Public Hearing to explain Richmond Zoning Bylaw 8500 Amendment Bylaw 8689 and that 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.
3. That the information in the Staff Report dated May 4, 2010 regarding the Agriculture (AG) zone house size referral be received for information and that no further action be taken at this time pending the results of Metro Vancouver's proposed new Regional Growth Strategy and the Ministry of Agriculture and Lands review of this issue.

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

Staff Report

Origin

The purpose of this report is to respond to the two following referral motions from Planning Committee:

"That staff: (1) investigate the implications of non farm use related structures, including septic fields, built on agriculture zoned property, as outlined in the Richmond Zoning Bylaw No. 8500; (2) meet with property owners who might be affected." (December 22, 2009)

"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." (October 20, 2009)

Findings Of Fact

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 single detached houses, accessory residential buildings (e.g., garages, carports) and accessory residential structures (e.g., swimming pools, tennis courts, septic fields) to be within 50 m (164 feet) of a constructed road.

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 (see **Attachment 1**);

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 (see **Attachment 1**).

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) and accessory residential structures (e.g., swimming pools, tennis courts, 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).



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RES NO. ITEM

14. **AGRICULTURE (AG) ZONE SETBACK**
(File Ref. No.: 12-8060-20-8609) (REDMS No. 2969065, 2974133, 2970407)

R10/16-8

It was moved and seconded

That Richmond Zoning Bylaw Amendment Bylaw 8609, to return to the previous regulatory framework of Zoning Bylaw 5300 which had 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.

CARRIED

OPPOSED: Cllrs. S. Halsey-Brandt
 Steves

Item No. 14 – Agriculture (AG) Zone Setback

Timothy Webster, Resident of Vancouver, expressed his concerns related to the usage of agricultural land, stating that agricultural land needs to be preserved and not used for non-farming purposes.

Item No. 10 – The Methodology To Update OCP Environmentally Sensitive Areas (ESAS) and Item No. 14 Agriculture (AG) Zone Setback

Micheal Wolfe, 9731 Odlin Road, stated that he was representing the City Of Richmond Park Partners for Beautification, a program for adopting environmentally sensitive areas (ESA). He expressed his belief that the matter of ESAs needed more attention than an update, and made reference to the 2005 State of Environment document. Mr. Wolfe questioned if another State of Environment Plan had been undertaken in the five years that had elapsed. He made comments regarding the changes in demographics and the related impact on ESAs, and stated the need to find strategies that work to protect ESAs, as some of the best ESAs are being lost to development.

With regard to Item No. 14, Mr. Wolfe spoke in opposition to the recommendation to return to the previous Zoning Bylaw 5300 setback, stating that land will be taken out of farming and put into pools, garages and other similar uses.



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RES NO. ITEM

Item No. 10 – The Methodology To Update OCP Environmentally Sensitive Areas (ESAS) and Item No. 14 Agriculture (AG) Zone Setback

Steve Guthrey, resident of Richmond, stated that he was strongly opposed to the recommendation to return to the previous Zoning Bylaw 5300 setback as it was the best way to lose land that would otherwise be used for productive farming. Mr. Guthrey expressed his belief that if the proposed recommendation is approved, it will result in country estates being occupied by non-farming residents.

Item No. 10 – The Methodology To Update OCP Environmentally Sensitive Areas (ESAS) and Item No. 14 Agriculture (AG) Zone Setback

David Pavititch, 12400 No. 3 Road, spoke in support of the recommendation to return to the previous Zoning Bylaw 5300 setback. He mentioned that his family had been living on their land for over 100 years, and that property owners should have the freedom to do what they choose on their land.

Item No. 10 – The Methodology To Update OCP Environmentally Sensitive Areas (ESAS) and Item No. 14 Agriculture (AG) Zone Setback

Roeland Hoegler, 6560 No. 4 Road, spoke in support of the recommendation to return to the previous Zoning Bylaw 5300 setback. He remarked that after attending Planning Committee meetings and an Open House, it was clear that there was an overwhelming support from the public to return back to the previous Agricultural Zoning. In conclusion, Mr. Hoegler commended the City for listening to the public's concerns and not ignoring the issue.

Item No. 10 – The Methodology To Update OCP Environmentally Sensitive Areas (ESAS) and Item No. 14 Agriculture (AG) Zone Setback

Arzina Hamir, 8480 Dayton Court, Coordinator of the Richmond Rood Security Society, spoke in opposition to the recommendation to return to the previous Zoning Bylaw 5300 setback. Ms. Hamir suggested that building of non-farm use buildings on ALR areas should be conditional and allowed only if there has been agricultural production on the land. She advised that the Ministry of Agriculture was currently giving consideration to the guidelines for housing in the Agricultural Land Reserve (ALR), and asked that the City wait for the Ministry to formulate its recommendations before proceeding with a decision on this matter.



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RES NO. ITEM

Item No. 10 – The Methodology To Update OCP Environmentally Sensitive Areas (ESAS) and Item No. 14 Agriculture (AG) Zone Setback

Todd May, local Farmer and Co-Chair of the Agricultural Advisory Committee, advised that a majority of the Committee supported the staff recommendation to return to the previous Zoning Bylaw 5300 setback. He stated that consultations with members of Richmond’s agricultural community raised many concerns about the impact of the new Zoning Bylaw No. 8500, and therefore the agricultural community strongly supports reverting back to Zoning Bylaw No. 5300.

Item No. 10 – The Methodology To Update OCP Environmentally Sensitive Areas (ESAS) and Item No. 14 Agriculture (AG) Zone Setback

Gurdial Badh, 7251 Ash Street, spoke in support of the recommendation to return to the previous Zoning Bylaw setback. He spoke on behalf of property owners who had been affected by the new bylaw, and stated that democratic process had not been followed in adopting the new Zoning Bylaw No. 8500.

- R10/16-4 4. It was moved and seconded
That Committee rise and report (9:47 p.m.).

CARRIED

CONSENT AGENDA

- R10/16-5 5. It was moved and seconded
That Item No. 13 be removed from the consent agenda and that Items 6 through 12 be adopted by general consent.

CARRIED

6. COMMITTEE MINUTES

- (1) *the Finance Committee meeting held on Monday, October 4, 2010;*
- (2) *the General Purposes Committee meeting held on Monday, October 4, 2010; and*

505 Minimum 'Lot' Size:

1. The minimum 'Lot' size that may be created by subdivision is eight (8) hectares subject to approval under the *Agricultural Land Commission Act* if applicable.
2. The minimum 'Lot' size shall not apply to a home site severance in accordance with the *Agricultural Land Commission Act*, Policy No. 11 March 2003 as amended or superseded from time to time.

Amend.
BL 6367, 2006
Amend.
BL 6600, 2007

506 'Farm Home Plate' and 'Farm Home Plate' – 'Migrant Farm Worker Housing':

1. The maximum area of a 'Farm Home Plate' containing one 'Farm House' is 3,600 square metres.
2. The maximum area of a 'Farm Home Plate' containing a 'Farm House' and 'Additional Farm House' is 5,000 square metres.
3. Where a 'Farm Home Plate' and 'Farm Home Plate - Migrant Farm Worker Housing' are located on the same parcel of land, they shall be located so as to minimize loss of productive agricultural land.
4. The maximum area of a 'Farm Home Plate - Migrant Farm Worker Housing' is 1,400 square metres except for greenhouses, mushroom operations and berry/vegetable operations with "on-farm processing" or "on-farm product preparation", which are permitted up to 4,300 square metres based on a ratio of 33 square metres per worker.
5.
 - a) The maximum depth of a 'Farm Home Plate' is 60 metres measured from a dedicated or constructed road.
 - b) The maximum depth of a 'Farm Home Plate – Migrant Farm Worker Housing' where it does not adjoin a 'Farm Home Plate', is 60 metres measured from a dedicated or constructed road.
 - c) Where a 'Farm Home Plate' and 'Farm Home Plate - Migrant Farm Worker Housing' are adjoining and located on the same 'Lot', their maximum combined depth is 100 metres measured from a dedicated or constructed road.
 - d) In subsections (a) through (c), distance shall be measured to the closer of either the dedicated or constructed frontage road, abutting road, lane or Highway.
6. The rear face of a 'Farm House', 'Additional Farm House', 'Accessory Farm Residential Facilities', or 'Migrant Farm Worker Housing' shall not be located within 10 metres of the rear of the 'Farm Home Plate'. For the purposes of this section, the rear face of any 'Farm House', 'Additional Farm House', 'Accessory Farm Residential Facilities', or 'Migrant Farm Worker Housing' faces the 'Lot' line opposite the front 'Lot' line.
7. The sewerage septic tank for a dwelling on a 'Farm Home Plate' shall be located on the 'Farm Home Plate'.
8. The sewerage septic tank for 'Migrant Farm Worker Housing' shall be located on the same 'Farm Home Plate – Migrant Farm Worker Housing' as the 'Migrant Farm Worker Housing' that it serves.
9. Subsections 1 through 6 shall not apply to any 'Farm House', 'Additional Farm House' or 'Accessory Farm Residential Facilities' constructed prior to the adoption of 'Delta Zoning Bylaw No. 2750, 1977, Amendment (Rural Residential Bylaw P03-17) Bylaw No. 6367, 2005". For greater certainty, after the adoption of 'Delta Zoning Bylaw No. 2750, 1977, Amendment (Rural Residential Bylaw P03-17) Bylaw No. 6367, 2005", any 'Farm House', 'Additional Farm House' or 'Accessory Farm Residential Facilities' shall be located on the same 'Farm Home Plate', unless varied by a Development Variance Permit.
10. A Development Variance Permit may be considered in order to vary subsections 1 through 8.

Amend.
BL 6798, 2010

- Amend. 507 Area of a 'Farm House', 'Additional Farm House' or 'Migrant Farm Worker Housing':
BL 6600, 2007
1. The maximum 'Floor Area – Farm House' on a 'Lot' less than 8 hectares shall be 330 square metres.
 2. The maximum 'Floor Area – Farm House' on a 'Lot' 8 hectares or greater shall be 465 square metres.
 3. The maximum 'Floor Area – Additional Farm House' is a maximum of 180 square metres if located on a 'Lot' less than 8 hectares or a maximum of 233 square metres if located on a 'Lot' 8 hectares or greater.
 4. The maximum 'Floor Area – Migrant Farm Worker Housing' shall be 10 square metres per approved* 'Migrant Farm Worker'. If the building to be used exceeds the maximum allowable floor area per worker or per farm unit, the excess area must be made inaccessible to the workers.
- *Approved by the recognized Federal Government program under which the workers are hired.
- The regulations set out in relation to maximum Floor Area and numbers of workers shall be reviewed and amended to be consistent with guidelines for 'Migrant Farm Worker Housing' established by the Provincial Minister responsible for Agriculture and as amended from time to time.
5. An 'Additional Farm House' may only be used as 'Migrant Farm Worker Housing' where the 'Additional Farm House' legally existed prior to the adoption of Bylaw No. 6367 on May 31, 2006.
- Amend. 508 'Additional Farm House':
BL-6600, 2007
- A. 'Additional Farm House':
 1. Not more than one 'Additional Farm House' is permitted on any 'Lot'.
 2. An 'Additional Farm House' is only permitted if:
 - a) it is occupied by a retired person who worked full-time on the farm and is a member of the family that currently operates the farm and written approval of the Agricultural Land Commission has been obtained; or
 - b) it is occupied by 'Migrant Farm Workers' only. The 'Additional Farm House' used for 'Migrant Farm Worker Housing' shall meet the standards of this Zoning Bylaw, the *B.C. Health Act* and the *Guidelines for the Provision of Seasonal Housing for Migrant Farm Workers in BC*, all as amended or replaced from time to time; or
 - c)
 - (i) it is occupied by a full-time farm employee who is required for the farm operation and who provides a net benefit to the existing farm operation; and
 - (ii) The 'Additional Farm House' is sited so as not to have a negative effect on the existing farm operation; and
 - (iii) The net benefit of every 'Additional Farm House' is supported by a report prepared by a Professional Agrologist to be retained by The Corporation of Delta who is a full member of the British Columbia Institute of Agrologists describing:
 - the established level of farm operation;
 - detailed agricultural rationale of the necessity for a full-time farm employee living in the 'Additional Farm House';
 - an assessment of the impacts on the farm operation of the proposed 'Additional Farm House'; and

The Terra Nova sub-division, located west of No. 1 Road and Westminster in Richmond, used to be inexpensive agriculture land before 1980. However, its real estate market value multiplied after the request, made in 1980, for re-zoning it for residential, park, and business purposes got approved in 1988.

Compared with the other types of re-zoning, it is a much longer and more complicated process to re-zone an agriculture land for residential and business uses. First, the owner of the property submits an application to the city government, posts signs in front of the land to declare the intended change of usage, and advertises it on newspapers and other media. Then, he/she will have to prepare all the required documents and get audited by the city government before his/her application can be forwarded to the Agriculture Department for review and approval.

Even though this process consumes a lot of time and effort from the city government, the government would still opt to do it because more land for residential housing is in demand as the city population grows.

Investors who expect a high return in their investment should not only familiarize themselves with this process to plan ahead, but also conduct market research to make a wise decision on their investment.

In my experience, even if re-zoning is not possible, agriculture land would still be a good investment option, considering its much lower price. In addition, it seldom causes a loss. In the Greater Vancouver, residential area can locate in the same zone as farming field. In recent years many investors prefer to purchase agriculture land in Richmond, Surrey, and Langley for the size of land they can get with the price they pay. Some of the agriculture lands in Richmond (east of No. 4 Road, for example) are only 3-5 minutes driving distance to downtown Richmond. With a million dollars, you can purchase a big piece of land, build a luxurious house with beautiful woods surrounding it, and enjoy a relaxing life away from the busy world. You can also design the house the way you want it to fit your special needs; swimming pool, tennis court, green house, animal barn, you name it. However, with the same amount of money you can only get a 2000-square-foot house on a 4000-square-foot lot in other areas of Richmond.

No matter you purchase a piece of agriculture land as an investment choice or to build your own residence, you should have a basic understanding on its geographical location, permitted uses, property tax, water, waste and sewage system. Information about the government's assessment on the land, its market value, and estimated return rate is important to know as well. Enough research on such issues allows you to make a well-informed decision.

It is also recommended that you keep in mind the available fund and manpower you have. List all the potential problems you might encounter along the process and think about potential solutions in advance. An experienced real estate agent will not only help you identify a property with a good return but also ensure a smooth transaction for you.

For the sellers out there, if you want to get a better resale value on your agriculture land, make sure to pick one that is wide and open, sits on a plane, and close to all the conveniences.

AGRICULTURAL LAND POSSESSES GREAT POTENTIAL IN REAL ESTATE INVESTMENT

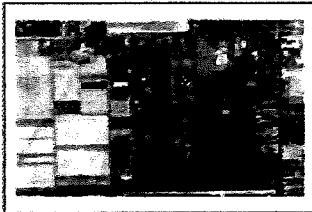


Realtor
Tracy Niu

 Further Property Details


East Richmond, Richmond

calculate mortgage 



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"Country Living with City Conveniences" Rarely available and very Unique property offers 20 Acres (19.8 & .2 acres) Blueberry Farm with 2 titles and 2 homes, Exceptional opportunity for the Right Buyer to do and Lot Alignment and Create 2 Similar 10 Acres parcels each. The property is Centrally located close Mayfair Lake Golf Course, Lulu Island Vinery, Peacefull Country setting with SSS\$Mountain view and easy access to, Sry, Bby, New West & Sry Delta. Airport or Vanc. Don't miss this Great Opportunity to Buy this high revenue producing Duke/Bluecrop Blueberry farm plus 2 homes for an extended family, Build your Dream Homes and work on your own farm. Owner will Lease back the Berries

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15240 15260 WESTMINSTER
HIGHWAY

MLS®

STYLE

BEDRMS

BATHS

LOT SIZE

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NA

3

2

20.05 acre

REALTOR®: Badh, Gurdial S.(Dale) REMAX Real Estate Services. (604) 303-7653

 Realtor's Email

 Realtor's Web Page

Referral to Planning staff, Nov. 22, 2016

That staff examine and prepare a report on limiting the size of homes in agricultural areas based on :

the BC Ministry of Agriculture report "By-law standards for Residential Uses in the Agricultural Land Reserve", and

The Corporation of Delta Zoning By-law, Part V A1 Zone Agriculture, and
report back by the end of January, 2017.

Harold Steves,

City Councillor

Day,Carol

From: Carol Day <carol@carolday.net>
Sent: Tuesday, 22 November 2016 14:46
To: Day,Carol
Subject: Fwd: ALR House size limits in Delta
Attachments: A1 - Agricultural.pdf

----- Forwarded message -----
From: Lee Fraser <LFraser@delta.ca>
Date: Tue, Nov 22, 2016 at 11:31 AM
Subject: ALR House size limits in Delta
To: carol@carolday.net <carol@carolday.net>

Hi Carol,

Thank you for your inquiry regarding permitted house sizes on ALR land in Delta. Attached for your reference is our A1 Zone, but here is the information you specifically requested (see Sec.507 of the Delta Zoning Bylaw – pg 46):

Maximum size of farmhouse permitted:

- On a Lot less than 8 hectares: Maximum 330 sq m (3552 sq ft)
- On a lot more than 8 hectares: Maximum 465 sq m (5005 sq ft)

There is also information regarding the maximum size of an additional farmhouse and maximum floor area for Migrant farm workers housing.

Please let me know if you require anything further. Thank you.

Best Regards,

Lee Fraser | Application Centre Technician

Community Planning & Development

The Corporation of Delta

Direct: 604.946.3248

Check the status of your building permit application

Register for myCity today! Visit delta.ca/myCity

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PART V

A1 ZONE: AGRICULTURE

Amend
BL 6555, 2007

501

Permitted Uses:

'Farming'

Breeding pets

'Kennel'

Amend.
BL 6555, 2007
Amend.
BL 7286, 2014

Permitted Accessory Uses:

Notwithstanding any other provision of this zoning Bylaw, "Accessory Uses" shall be permitted in this Zone as follows:

'Accessory Farm Residential Facilities' accessory to a 'Farmhouse' or 'Additional Farmhouse',

'Additional Farmhouse' accessory to 'Farming'

'Agricultural Liquid Waste Storage Facility' accessory to 'Farming',

'Agricultural Solid Waste Storage Facility' accessory to 'Farming',

'Agri-tourism' accessory to 'Farming',

'Cogeneration Facility' accessory to a 'Greenhouse Operation'

'Farm House' accessory to 'Farming', breeding pets, or 'Kennel',

'Farm Retail Sales' accessory to 'Farming'.

'Home Occupation' accessory to a 'Farm House' or 'Additional Farm House',

'Migrant Farm Worker Housing' accessory to 'Farming',

'On-farm Composting' accessory to 'Farming',

'On-farm Processing' accessory to 'Farming',

'On-farm Product Preparation' accessory to 'Farming',

'Soilless Medium' preparation and storage accessory to 'Farming'.

Bed and Breakfast operation with a maximum of three (3) 'Bed and Breakfast Units' accessory to a 'Farm House',

Horse riding, training and boarding with a maximum of 40 permanent stalls but not including a racetrack licensed by the Province of B.C. accessory to 'Farming',

Keeping of 'Household Pets' accessory to a 'Farm House' or 'Additional Farm House',

Office space, change rooms, lunchrooms, washrooms, storage and product preparation areas accessory to any "Permitted Use",

Retail shop for equestrian-related goods that has a maximum retail 'Floor Area' of 50 square metres accessory to a horse riding, training and boarding facility.

Amend.
BL 6555, 2007

502

Setbacks for 'Farm House', 'Additional Farm House' and 'Accessory Farm Residential Facilities' and 'Migrant Farm Worker Housing':

Amend.
BL 6600, 2007

The regulations for setbacks as set out in this Section shall be reviewed and amended to be consistent with setbacks established by the Provincial Minister responsible for Agriculture when such guidelines are established.

**YOU HAVE REQUESTED A PORTION OF THIS BYLAW.
BEWARE THAT OTHER BYLAW PROVISIONS MAY
AFFECT THE PROPERTY.**

1. 'Farm Houses', 'Additional Farm Houses', 'Accessory Farm Residential Facilities' and 'Migrant Farm Worker Housing' shall be no closer in horizontal distance to the front 'Lot' line or a 'Lot' line adjacent to a 'Flanking Street' or other 'Lot' lines than the distance specified below. Section 305 does not apply for 'Farm Houses', 'Additional Farm Houses', 'Accessory Farm Residential Facilities' and 'Migrant Farm Worker Housing' in this zone. Please refer to Section 510 in this zone for information on separation distances between 'Migrant Farm Worker Housing' and other agricultural uses.

The following front 'Lot' line and 'Flanking Street' setbacks apply to the closer of either, the dedicated or constructed frontage road, abutting road, lane or Highway:

| | Front 'Lot' Line and a 'Lot' Line Adjacent to a 'Flanking Street' | Other 'Lot' Lines |
|---|---|-------------------|
| 'Farm House' | 6 metres | 15 metres |
| 'Additional Farm House' | | |
| 'Accessory Farm Residential Facilities' except for decorative landscaping | | |
| 'Migrant Farm Worker Housing' | | |

2. No building or 'Amenity Open Space' used for 'Migrant Farm Worker Housing' shall be located closer than 30 metres from the nearest exterior wall of a 'Dwelling Unit' on another 'Lot'. Where this setback cannot be provided because of the existing configuration of farm buildings or the size of the 'Lot', landscape screening as set out below can be used instead.
3. Landscape screening used in lieu of the 30 metre setback described above shall be:
 - a) located between the 'Migrant Farm Worker Housing' and the 'Dwelling Unit' in question;
 - b) located at least 6 metres from the nearest wall of the building used for 'Migrant Farm Worker Housing';
 - c) a minimum length equivalent to the longest side of the building used for 'Migrant Farm Worker Housing';
 - d) a minimum width of 1.5 metres; and
 - e) comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and maintained in a healthy, growing condition.

Amend.
BL 6367, 2006

503 Maximum 'Height' of Structure:

The maximum 'height' of a 'Farm House', 'Additional Farm House', or 'Accessory Farm Residential Facilities' shall not exceed 2½ storeys as defined in Section 607 (1), measured from finished grade.

504 Other Regulations:

1. The provisions of Section 603 'Home Occupations' apply to this zone except Sections 603 (8) and 603 (13).
2. A maximum of four boarders or lodgers shall be permitted in a 'Farm House' or an 'Additional Farm House'.

505 Minimum 'Lot' Size:

1. The minimum 'Lot' size that may be created by subdivision is eight (8) hectares subject to approval under the *Agricultural Land Commission Act* if applicable.
2. The minimum 'Lot' size shall not apply to a home site severance in accordance with the *Agricultural Land Commission Act*, Policy No. 11 March 2003 as amended or superseded from time to time.

Amend.
BL 6367, 2006
Amend.
BL 6600, 2007

506 'Farm Home Plate' and 'Farm Home Plate' – 'Migrant Farm Worker Housing':

1. The maximum area of a 'Farm Home Plate' containing one 'Farm House' is 3,600 square metres.
2. The maximum area of a 'Farm Home Plate' containing a 'Farm House' and 'Additional Farm House' is 5,000 square metres.
3. Where a 'Farm Home Plate' and 'Farm Home Plate - Migrant Farm Worker Housing' are located on the same parcel of land, they shall be located so as to minimize loss of productive agricultural land.
4. The maximum area of a 'Farm Home Plate - Migrant Farm Worker Housing' is 1,400 square metres except for greenhouses, mushroom operations and berry/vegetable operations with "on-farm processing" or "on-farm product preparation", which are permitted up to 4,300 square metres based on a ratio of 33 square metres per worker.
 - a) The maximum depth of a 'Farm Home Plate' is 60 metres measured from a dedicated or constructed road.
 - b) The maximum depth of a 'Farm Home Plate – Migrant Farm Worker Housing' where it does not adjoin a 'Farm Home Plate', is 60 metres measured from a dedicated or constructed road.
 - c) Where a 'Farm Home Plate' and 'Farm Home Plate - Migrant Farm Worker Housing' are adjoining and located on the same 'Lot', their maximum combined depth is 100 metres measured from a dedicated or constructed road.
 - d) In subsections (a) through (c), distance shall be measured to the closer of either the dedicated or constructed frontage road, abutting road, lane or Highway.
6. The rear face of a 'Farm House', 'Additional Farm House', 'Accessory Farm Residential Facilities', or 'Migrant Farm Worker Housing' shall not be located within 10 metres of the rear of the 'Farm Home Plate'. For the purposes of this section, the rear face of any 'Farm House', 'Additional Farm House', 'Accessory Farm Residential Facilities', or 'Migrant Farm Worker Housing' faces the 'Lot' line opposite the front 'Lot' line.
7. The sewerage septic tank for a dwelling on a 'Farm Home Plate' shall be located on the 'Farm Home Plate'.
8. The sewerage septic tank for 'Migrant Farm Worker Housing' shall be located on the same 'Farm Home Plate – Migrant Farm Worker Housing' as the 'Migrant Farm Worker Housing' that it serves.
9. Subsections 1 through 6 shall not apply to any 'Farm House', 'Additional Farm House' or 'Accessory Farm Residential Facilities' constructed prior to the adoption of 'Delta Zoning Bylaw No. 2750, 1977, Amendment (Rural Residential Bylaw P03-17) Bylaw No. 6367, 2005". For greater certainty, after the adoption of 'Delta Zoning Bylaw No. 2750, 1977, Amendment (Rural Residential Bylaw P03-17) Bylaw No. 6367, 2005", any 'Farm House', 'Additional Farm House' or 'Accessory Farm Residential Facilities' shall be located on the same 'Farm Home Plate', unless varied by a Development Variance Permit.
10. A Development Variance Permit may be considered in order to vary subsections 1 through 8.

Amend.
BL 6798, 2010

- Amend. BL 6600, 2007 507 Area of a 'Farm House', 'Additional Farm House' or 'Migrant Farm Worker Housing':
1. The maximum 'Floor Area – Farm House' on a 'Lot' less than 8 hectares shall be 330 square metres.
 2. The maximum 'Floor Area – Farm House' on a 'Lot' 8 hectares or greater shall be 465 square metres.
 3. The maximum 'Floor Area – Additional Farm House' is a maximum of 180 square metres if located on a 'Lot' less than 8 hectares or a maximum of 233 square metres if located on a 'Lot' 8 hectares or greater.
- Amend. BL 6798, 2010 4. The maximum 'Floor Area – Migrant Farm Worker Housing' shall be 10 square metres per approved* 'Migrant Farm Worker'. If the building to be used exceeds the maximum allowable floor area per worker or per farm unit, the excess area must be made inaccessible to the workers.
- *Approved by the recognized Federal Government program under which the workers are hired.
- The regulations set out in relation to maximum Floor Area and numbers of workers shall be reviewed and amended to be consistent with guidelines for 'Migrant Farm Worker Housing' established by the Provincial Minister responsible for Agriculture and as amended from time to time.
5. An 'Additional Farm House' may only be used as 'Migrant Farm Worker Housing' where the 'Additional Farm House' legally existed prior to the adoption of Bylaw No. 6367 on May 31, 2006.
- Amend. BL 6600, 2007 508 A. 'Additional Farm House':
1. Not more than one 'Additional Farm House' is permitted on any 'Lot'.
 2. An 'Additional Farm House' is only permitted if:
 - a) it is occupied by a retired person who worked full-time on the farm and is a member of the family that currently operates the farm and written approval of the Agricultural Land Commission has been obtained; or
 - b) it is occupied by 'Migrant Farm Workers' only. The 'Additional Farm House' used for 'Migrant Farm Worker Housing' shall meet the standards of this Zoning Bylaw, the *B.C. Health Act* and the *Guidelines for the Provision of Seasonal Housing for Migrant Farm Workers in BC*, all as amended or replaced from time to time; or
 - c)
 - (i) it is occupied by a full-time farm employee who is required for the farm operation and who provides a net benefit to the existing farm operation; and
 - (ii) The 'Additional Farm House' is sited so as not to have a negative effect on the existing farm operation; and
 - (iii) The net benefit of every 'Additional Farm House' is supported by a report prepared by a Professional Agrologist to be retained by The Corporation of Delta who is a full member of the British Columbia Institute of Agrologists describing:
 - the established level of farm operation;
 - detailed agricultural rationale of the necessity for a full-time farm employee living in the 'Additional Farm House';
 - an assessment of the impacts on the farm operation of the proposed 'Additional Farm House'; and

such report to be prepared to a standard acceptable to the Director of Community Planning & Development, contain sufficient and appropriate rationale for recommendations made, and completed at the cost of the applicant; or

- d) Written approval of the Agricultural Land Commission has been obtained.
3. A building permit for an 'Additional Farm House' shall not be unreasonably withheld.
- 508 B. 'Migrant Farm Worker Housing':
1. 'Migrant Farm Worker Housing' shall only be permitted where all of the following criteria are met:
- a) The 'Lot' is located in the Agricultural Land Reserve and has 'Farming' as a "Permitted Use".
- b) The 'Lot' is classified as a 'Farm' under the *British Columbia Assessment Act* as amended or replaced from time to time.
- c) The 'Farm' on which the 'Migrant Farm Workers' are employed is no less than 8 ha in area.
- d) The 'Lot' on which the 'Migrant Farm Worker Housing' is located is no less than 4 ha in area.
2. For 'Migrant Farm Worker Housing' the following conditions apply:
- a) All 'Migrant Farm Worker Housing' shall meet the standards in the *B.C. Health Act* and the *'Guidelines for the Provision of Seasonal Housing for Migrant Farm Workers in BC'*, both as amended or replaced from time to time.
- b) Not more than one 'Farm Home Plate - Migrant Farm Worker Housing' is permitted per 'Farm'.
- c) Any new building for 'Migrant Farm Worker Housing' shall be a 'Dwelling, Manufactured Home' and may only be placed on a temporary foundation or footings.
- d) If a 'Lot' contains two or more existing permanent dwellings, only one can be used for 'Migrant Farm Worker Housing'.
- e) The total 'Floor Area – Migrant Farm Worker Housing' shall not exceed 420 m² per farm except for greenhouses, mushroom operations and berry/vegetable operations with 'on-farm processing' or 'on-farm product preparation', which are permitted a maximum of 1,300 square metres per farm based on one 'Migrant Farm Worker' per 1,000 square metres of 'Principal Farm Building'. This limit shall be reviewed and amended to be consistent with guidelines for migrant farm worker housing, established by the Provincial Minister responsible for Agriculture and as amended from time to time.
- f) Not more than 42 'Migrant Farm Workers' per 'Farm' are permitted except for greenhouses, mushroom operations and berry/vegetable operations with 'on-farm processing' or 'on-farm product preparation', which are permitted one 'Migrant Farm Worker' per 1,000 square metres of 'Principal Farm Building' floor area, to a maximum of 130 workers per farm. This limit shall be reviewed and amended to be consistent with guidelines for migrant farm worker housing established by the Provincial Minister responsible for Agriculture and as amended from time to time.
- g) The minimum 'Floor Area' per 'Migrant Farm Worker' in 'Migrant Farm Worker Housing' is 7.44 m², which includes living and sleeping areas but does not include:
- a) any common laundry, washroom or storage areas and mechanical rooms;
- b) open balconies, decks, terraces and exterior steps.

Amend.
BL 6798, 2010

Amend.
BL 6798, 2010

Amend.
BL 6798, 2010

Amend.
BL 6798, 2010

- h) The minimum volume per 'Migrant Farm Worker' is 8.5 m³ per person in the sleeping area of any 'Migrant Farm Worker Housing'.
- i) "Amenity Open Space" shall be provided on the same 'Farm Home Plate – Migrant Farm Worker Housing' as the 'Migrant Farm Worker Housing' at a minimum standard of 50 m² plus 5 m² per 'Migrant Farm Worker'. Where the 'Amenity Open Space' is subject to inundation by water or is otherwise unsuitable for leisure use, a deck or similar structure shall be provided at the minimum standard noted above. This requirement shall be reviewed and amended to be consistent with migrant farm worker housing guidelines when such guidelines are established by the Provincial Minister responsible for Agriculture.
- j) Where a 'Farm' accommodates more than 20 'Migrant Farm Workers', 'Amenity Indoor Space – Migrant Farm Worker Housing' may also be provided in a mobile, manufactured building to a maximum of 50 square metres floor area. This building shall be separate from the building(s) which contain workers' sleeping areas but included on the 'Farm Home Plate – Migrant Farm Worker Housing'. This space may also be provided in a mobile, manufactured building to a maximum of 50 square metres of floor area. This building shall be separate from the building(s) which contain workers' sleeping area but included on the 'Farm Home Plate – Migrant Farm Worker Housing'. This space may include one enclosed bathroom with a toilet and sink but may not include any other plumbing fixtures or wall partitions. Provision of 'Amenity Indoor Space – Migrant Farm Worker Housing' is optional and may only be provided in addition to the minimum requirement for 'Amenity Outdoor Space'.
- k) Prior to occupancy of the 'Migrant Farm Worker Housing' and annually thereafter, the operator of a 'Farm' shall deposit a statutory declaration with The Corporation of Delta, verifying:
- the dates of proposed occupancy;
 - the number of 'Migrant Farm Workers' approved for that farm in an employment confirmation provided through the Federal Migrant Agricultural Farm Worker Program or Pilot Project for Occupations Requiring Lower Levels of Formal Training, as amended or replaced from time to time;
 - that the housing complies with all applicable Municipal regulations;
 - that the housing has been inspected by an Inspector recommended by the Western Agriculture Labour Initiative (W.A.L.I.) and certified as being in compliance with the "Guidelines for the Provision of Housing for Seasonal Agricultural Workers in BC" as amended or replaced from time to time;
 - that there is available by telephone twenty-four hours a day, a person who is fluent in English and who may be contacted by phone twenty-four hours a day, to answer enquiries from the municipality as to occupancy of 'Migrant Farm Worker Housing' on the farm;
 - the contact information for the appointed person shall be provided in the required annual statutory declaration and updated should it change prior to deposit of the next annual statutory declaration;
 - that the 'Migrant Farm Worker Housing' is covered by insurance for the dwelling; and
 - that the 'Migrant Farm Worker Housing' shall be occupied only by workers hired through the Federal Migrant Agricultural Farm Worker Program or the Pilot Project for Occupations Requiring Lower Levels of Formal Training for that 'Farm'.

Amend.
BL 6798, 2010

Amend.
BL 6798, 2010

Documentation shall be provided to support the statements made in the statutory declaration.

PART V: A1

- l) 'Migrant Farm Worker Housing' shall not be occupied except during the time periods identified in the statutory declaration.
- m) The owner of the 'Lot' on which the 'Migrant Farm Worker Housing' is located shall register on the title of that 'Lot', a restrictive covenant against the title stating that:

Amend.
BL 6798, 2010

- the accommodation shall only be used for the accommodation of full-time 'Migrant Farm Workers' hired for that 'Farm' through the Federal programs specified in this Bylaw, as amended or replaced from time to time;
- the accommodation shall only be used during the periods of time approved by the Federal program under which the workers are hired;
- the 'Dwelling, Manufactured Home' used for 'Migrant Farm Worker Housing' shall be removed, at the owner's expense, by December 31st of the second year following the year when the most recent statutory declaration was submitted;
- an 'Additional Farm House' used for 'Migrant Farm Worker Housing' shall be removed or converted to a non-residential use, at the owner's expense, by December 31st of the second year following the year when the most recent statutory declaration was submitted;
- a minimum financial security, equal to the cost to remove a 'Dwelling, Manufactured Home' or to demolish or convert an 'Additional Farm House' as the case may be, shall be provided to Delta. This security may be drawn upon by the Municipality should the owner fail to remove, demolish or convert the 'Migrant Farm Worker Housing' as required in this Bylaw by December 31st of the second year following the year when the most recent statutory declaration was submitted;
- a new estimated cost prepared by a qualified contractor to remove, demolish or convert as appropriate, the 'Migrant Farm Worker Housing' shall be provided to Delta every five years and the financial security deposited with Delta adjusted accordingly;
- if the security is not sufficient to cover the costs incurred by the Municipality, the Owners shall pay the balance owing to the Municipality. If the balance is not paid, the Municipality shall be authorized to recover the amount of the invoice, from the Lands in the same manner as it would be able to collect unpaid Municipal taxes;

Amend.
BL 6798, 2010

- the owner shall provide Delta with current contact information for a person who is fluent in English and who may be contacted by phone twenty-four hours a day, to answer enquiries from the municipality as to occupancy of 'Migrant Farm Worker Housing' on the farm;

Amend.
BL 6798, 2010

- the contact information for the appointed person shall be provided in the required annual statutory declaration and updated should it change prior to deposit of the next annual statutory declaration; and
- the operator of the 'Farm' shall indemnify and save Delta harmless for any loss or damage suffered as a result of Delta exercising any rights or enforcing any obligations in the covenant.

- n) The operator of the 'Farm' shall provide to Delta a minimum financial security, equal to the cost to remove a 'Dwelling, Manufactured Home' or to demolish or convert an 'Additional Farm House' as the case may be, which may be drawn upon by the Municipality should the owner fail to remove, demolish or convert the 'Migrant Farm Worker Housing' as required in this Bylaw by December 31st of the second year following the year when the most recent statutory declaration was submitted.

509 Special Requirements in Edge Planning Area*: - (Non-Residential Farm Use)

Notwithstanding Section 501, the following uses, buildings or structures are not permitted in the Edge Planning Area shown on Schedule I:

- a) Raising and keeping of swine and fur-bearing animals;
- b) 'Kennel', Breeding pets;
- c) Buildings, structures and outdoor areas containing 'Mushroom Growing Medium' or where 'Mushroom Growing Medium' is prepared or stored.

*The regulations set out in this section shall be reviewed and amended to be consistent with Edge-Planning Guidelines established by the Provincial Minister responsible for Agriculture when such guidelines are established.

Amend.
BL 6600, 2007
Amend.
BL 6798, 2010

510 Setbacks: Non-Residential Farm Use and 'Migrant Farm Worker Housing'*

The uses, buildings and structures set out in Column 1 below shall be no closer in horizontal distance to the 'Lot' lines in Columns 2, 3 and 4 or to any point of a building used for 'Migrant Farm Worker Housing' in Column 5 below, than the distance specified in those columns. The 'front lot line' and 'Lot' line adjacent to flanking road setbacks in Column 2 applies to the frontage road and abutting roads, lanes or Highways. Column 4 applies in place of Column 2 or 3 for property lines along the ALR boundary in the Edge Planning Area shown on Schedule I. Section 305 does not apply to lands in this Zone.

The following 'front lot line' and flanking road setbacks apply to a frontage road, abutting road, lane or Highway. Where there is no dedicated road in place, distance shall be measured to the closer of either the dedicated or constructed frontage road, abutting road, lane or Highway.

Amend.
BL 6798, 2010

| | Column 1 | Column 2 | Column 3 | Column 4 (Edge Planning Area) | Column 5 |
|----|---|---|-------------------|--|--|
| | Use, Building or Structure | 'Front Lot Line' and 'Lot' line adjacent to a flanking road | Other 'Lot' lines | Property within the area outlined in Schedule I | 'Migrant Farm Worker Housing' Building |
| a. | Farm buildings, structures, or outdoor storage areas, except as provided in Rows (b) through (q) below. | 7.5 metres | 4.5 metres | 7.5 m except for boilers and exterior fans where setback is 15 metres. | 7.5 metres |

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| | | | | | |
|----|--|------------|------------|---------------|------------|
| b. | Farm buildings, structures, or outdoor storage areas, including 'Confined Livestock Areas', containing animals other than swine and fur-bearing animals. | 15 metres | 15 metres | 60 metres | 30 metres |
| c. | Farm buildings, structures, or outdoor storage areas, including 'Confined Livestock Areas', containing swine and fur-bearing animals. | 30 metres | 30 metres | Not Permitted | 30 metres |
| d. | 'Agricultural Liquid Waste Storage Facility' | 30 metres | 30 metres | 30 metres | 30 metres |
| e. | 'Agricultural Solid Waste Storage Facility' | 15 metres | 15 metres | 30 metres | 30 metres |
| f. | 'Agricultural Solid Waste' Field Storage | 30 metres | 30 metres | 30 metres | 30metres |
| g. | 'On-farm Composting', whether inside or outside of farm buildings or structures. | 30 metres | 30 metres | 30 metres | 30 metres |
| h. | 'Mushroom Growing Medium' preparation and storage whether inside or outside of farm buildings or structures. | 30 metres | 30 metres | Not permitted | 30 metres |
| i. | 'Soilless Medium' Preparation | 15 metres | 15 metres | 15 metres | 30 metres |
| j. | 'Soilless Medium' Storage | 7.5 metres | 7.5 metres | 7.5 metres | 7.5 metres |
| k. | 'Detention Pond' | 7.5 metres | 4.5 metres | 4.5 metres | 4.5 metres |
| l. | Wood Waste Storage | 7.5 metres | 7.5 metres | 7.5 metres | 7.5 metres |
| m. | Silo | 30 metres | 30 metres | 30 metres | 30 metres |
| n. | Chemical Storage | 7.5 metres | 7.5 metres | 15 metres | 30 metres |
| o. | Incinerators | 30 metres | 30 metres | 30 metres | 30 metres |

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Amend.
BL 7286, 2014

| | | | | | |
|----|---|------------|-----------|-----------|-----------|
| p. | Generator Shed or 'Cogeneration Facility' | 15 metres | 15 metres | 15 metres | 30 metres |
| q. | 'Migrant Farm Worker Housing' building | 6.0 metres | 15 metres | 15 metres | 3 metres |

Amend.
BL 6798, 2010

*The regulations set out in Columns 4 and 5 above shall be reviewed and amended to be consistent with Edge Planning Guidelines established by the Provincial Minister responsible for Agriculture when such guidelines are established.

511 Additional 'Separation Distance' – Non-Residential Farm Use*:

1. The uses, activities, buildings, and structures set out in Column 1 below shall be no closer in horizontal distance to a 'Natural Stream', 'Channelized Stream', or a 'Constructed Ditch', than the distance specified below:

| | 'Natural Stream' | 'Channelized Stream' | 'Constructed Ditch' |
|--|------------------|----------------------|---------------------|
| Seasonal Feeding areas, 'Agricultural Solid Waste' field storage facility with more than 2 weeks storage time, 'Confined livestock Area' with more than 10 agricultural units (1 agricultural unit = live weight of 455 kg of livestock, poultry, or farmed game or any combination of them equalling 455 kg) | 30 m | 30 m | 30 m |
| 'Agricultural Solid Waste Storage Facility', 'Agricultural Liquid Waste Storage Facility', chemical storage, compost storage, composting, incinerator, silo, wood waste storage, mushroom barn, 'Confined Livestock Area' with less than 10 agricultural units (1 agricultural unit = live weight of 455 kg of livestock, poultry, or farmed game or any combination of them equalling 455 kg) | 15 m | 15 m | 15 m |
| All other farm buildings and structures | 15 m | 10 m | 5 m |

*The regulations set out in the table above shall be reviewed and amended to be consistent with Streamside Protection Guidelines established by the Province of B.C. when such guidelines are established.

2. A Development Variance Permit may be used to vary the setbacks in subsection 1 if supported by a report documenting the impacts of a reduced setback. The report shall be prepared at the cost of the applicant by a qualified environmental professional as defined in the Riparian Areas Regulation as amended from time to time. The report shall be prepared to a standard acceptable to the Director of Community Planning and contain sufficient and appropriate rationale for the recommendations made.

512 Maximum 'Agricultural Site Coverage' – Non-Residential Farm Use:

The 'Agricultural Site Coverage' associated with the following uses shall not exceed the percentage set out opposite thereto:

- | | |
|--|-----|
| a) Apiculture | 20% |
| b) Nurseries, Specialty Wood Crops, and Turf Farms | 35% |

- | | | |
|----|---|-----|
| c) | Raising of Livestock, Poultry, Game, and Fur including 'Confined Livestock Areas' | 35% |
| d) | Mushroom growing | 35% |
| e) | Growing of Tree, Vine, Field & Forage Crops | 25% |

513 'Agricultural Product' and 'Mushroom Growing Medium' Storage, Processing and Preparation:

A minimum of 50% of the total volume of the 'Agricultural Products' or 'Mushroom Growing Medium' stored on a 'Lot' or processed or prepared by 'On-farm Processing' or 'On-Farm Product Preparation' on a 'Lot':

- a) must be consumed as animal feed or used in the production of mushrooms, on a farm owned or operated by the owner or lessee of the 'Lot': or
- b) must have been harvested, grown, raised, or produced on a farm owned or operated by the owner or lessee of the 'Lot'.

514 Agricultural Waste Management and 'On-Farm Composting':

1. Using, storing, and managing 'Agricultural Solid Waste' and 'Agricultural Liquid Waste' must conform to the Code of Agricultural Practice for Waste Management, April 1, 1992 established by the 'Agricultural Waste Control Regulation' of the *Environmental Management Act*, as amended from time to time.
2. All 'On-farm Composting', including but not limited to mushroom and manure composting, must conform to the Code of Agricultural Practice for Waste Management, April 1, 1992, established by the 'Agricultural Waste Control Regulation' of the *Environmental Management Act*, as amended from time to time, and the 'Organic Matter Recycling Regulation' of the *Environmental Management Act*, as amended from time to time. 'Mushroom Growing Medium' preparation and storage shall comply with the 'Mushroom Composting Pollution Prevention Regulation' of the *Environmental Management Act* as amended from time to time.
3. Notwithstanding the above, where 'On-farm Composting' takes place within the 'Edge Planning Area' identified in Schedule I, the following regulations apply:
 - a) Compost shall be maintained in a manner that allows aerobic decomposition.
 - b) Impermeable surfaces shall be required for all storage.
 - c) The total volume of compost production on site, including mixed and finished compost, shall be limited to 100 m³ at any one time.
4. Where more than 50% of the raw materials or 'Agricultural Solid Waste' used for 'On-farm Composting' originates from on the farm, then 100% of the finished compost may be distributed or sold off the farm.
5. Where less than 50% but more than 1% of the raw materials or 'Agricultural Solid Waste' used for 'On-farm Composting' originates from on the farm, then up to 50% of the finished compost may be distributed or sold off the farm.
6. Where 100% of the raw materials or 'Agricultural Solid Waste' used for 'On-farm Composting' originates from off the farm, then 100% of the finished compost must be used on that farm and shall not be distributed or sold off the farm.

515 Farm Retail Sales*:

1. Notwithstanding Section 501, 'Farm Retail Sales' shall only be permitted on a 'Lot' assessed as a farm pursuant to the *Assessment Act*.
2. Where all of the products offered for sale are produced on the farm on which the retail sales are taking place, the size of the 'Farm Retail Area' shall not be limited, but the location is subject to all applicable siting and setback provisions.
3. Where any of the products offered for sale are not produced on the farm on which the

retail sales are taking place:

- a) a 'Farm Retail Area' shall not exceed 300 m²; and
- b) a minimum of 50% of the 'Farm Retail Area' shall be limited to product produced on that farm.

*The regulations set out in this section shall be reviewed and amended to be consistent with amendments to any policies on farm retail uses established by the Provincial Minister responsible for Agriculture when such policies are amended.

516 Vehicle Storage, Parking and Loading:

1. Nothing in the regulations of this section shall be interpreted so as to restrict the parking, storage or numbers of "farm vehicles".
2. Off-Street parking shall be provided as per Part IX and Section 410 of this Bylaw.
3. For each 'Farm House' or 'Additional Farm House' overnight parking of a maximum of six recreational vehicles is permitted. For the purposes of this section, recreational vehicles include only utility trailers not exceeding 5,500 kilograms licensed gross vehicle weight, pleasure boats, motor homes and towable campers, all of which shall be uninhabited and are kept primarily for other than gain, rent or sale.
4. The storage or parking of any 'wrecked motor vehicles' is prohibited unless:
 - a) they are within an enclosed building or obscured from view from any property line; or
 - b) they are:
 - i) considered farm tractors or implements of husbandry under the *Motor Vehicle Act*, as amended from time to time;
 - ii) trucks over 5,500 kilograms licensed gross vehicle weight which are considered farm vehicles as defined in the 'Commercial Transport Regulation' of the *Commercial Transport Act* as amended from time to time;

and are kept for the purpose of salvaging parts to repair or maintain other farm tractors, implements of husbandry as defined in the *Motor Vehicle Act*, as amended from time to time or farm vehicles as defined in the 'Commercial Transport Regulation' of the *Commercial Transport Act* as amended from time to time on that farm.
5. Off-Street loading spaces shall be provided as per Part IV, Section 409 and 411 and Part IX, Section 902.

517 Facilities and Services to be Available:

Notwithstanding any other provision of this Bylaw, land may be used for those "Permitted Uses" and "Permitted Accessory Uses" set out in the A1-Agricultural Zone subject to immediate availability and adequacy of Municipal facilities and services to serve each parcel of land and each unit of every building, structure and use to be erected, placed, or carried out thereon. For the purposes of this section, 'facilities and services' means Sanitary sewer, waterworks, on-site fire protection, and drainage works to the standards set out in the current Delta Subdivision and Development Standards Bylaw.

518 Criteria for 'Cogeneration Facility' in this zone

1. The 'Combined Heat and Power Engine' must be fueled by natural gas.
2. The 'Combined Heat and Power Engine' must be sized to be commensurate with the heat demand of the 'Greenhouse Operation'.
3. The hours of operation of the 'Cogeneration Facility' shall be determined by the thermal, electrical and/or CO₂ demands of the 'Greenhouse Operation' on the lands.
4. The 'Cogeneration Facility' shall be used to meet the thermal, electrical and/or CO₂ requirements for cultivation and production of agricultural products within the 'Greenhouse Operation' on the lands.

Amend.
BL 7286, 2014

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5. The 'Combined Heat and Power Engine' capacity must not exceed 1.0 MW_e/ha of land in 'Greenhouse' crop production on the farm operation. A 'Combined Heat and Power Engine' with a capacity up to 1.5 MW_e/ha is permitted if high intensity lighting (greater than 10,000 lux) is used in the 'Greenhouse'.
6. The 'Combined Heat and Power Engine' must operate with an efficiency of at least 80 percent.
7. The farm must have capacity to store excess heat generated by the 'Combined Heat and Power Engine' for beneficial use by the 'Greenhouse Operation'.
8. The 'Combined Heat and Power Engine' operation must meet emission standards established by Metro Vancouver or as required in the *BC Environmental Management Act* or appropriate successor legislation.
9. The 'Cogeneration Facility' shall be disconnected from its natural gas fuel supply if it cannot be demonstrated that the criteria noted above are being met.

