



# City of Richmond

## Report to Committee

**To:** General Purposes Committee

**Date:** March 23, 2017

**From:** Wayne Craig  
Director, Development

**File:** 08-4057-10/2017-Vol  
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Terry Crowe  
Manager, Policy Planning

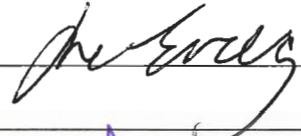
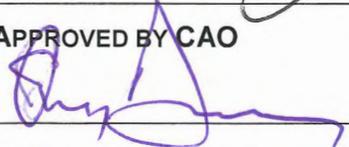
**Re:** **Update on Agriculturally Zoned Land Housing Regulations, Consultation and Building Permit Activity**

### Staff Recommendation

That the staff report titled, "Update on Agriculturally Zoned Land Housing Regulations, Consultation and Building Permit Activity", dated March 23, 2017, from the Director of Development, and the Manager of Policy Planning, be received for information.

  
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REPORT CONCURRENCE		
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>
Building Approvals Law	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
<b>REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE</b>	<b>INITIALS:</b> 	<b>APPROVED BY CAO</b> 

## Staff Report

### Origin

On January 23, 2017, Council authorized a consultation process in regards to possible updates to housing regulations on agriculturally zoned lands. The purpose of this report is to provide Council with:

- (1) an update on residential building permit activity within the Agriculture (AG1) zone;
- (2) a summary on the ability to temporarily withhold building permits; and
- (3) a summary on the process for implementing a moratorium.

This report supports Council's 2014-2018 Term Goal #3 A Well-Planned Community:

*Adhere to effective planning and growth management practices to maintain and enhance the livability, sustainability and desirability of our City and its neighbourhoods, and to ensure the results match the intentions of our policies and bylaws.*

### Background

On November 22, 2016, the Planning Committee requested staff to prepare a report on options to limit the size of homes in agricultural areas based on the Ministry of Agriculture's Guidelines and Delta's Agriculture zone by the end of January 2017. On January 23, 2017, Council received the requested staff report and directed staff to conduct public consultations regarding house size, farm home plate and setbacks, including residential accessory buildings.

Public and stakeholder consultations were conducted between February 27, 2017 and March 12, 2017 through an online survey at LetsTalkRichmond.ca, a public open house, and a stakeholder meeting with members of the Agricultural Advisory Committee and Richmond Farmers Institute. Throughout this process, there was a high level of public interest with over 250 people attending the public open house and a total of 658 completed surveys during the public consultation period.

Staff are in the process of analyzing the consultation findings and intend to report back to Planning Committee on April 19, 2017 with bylaw options for Council's consideration.

### Analysis

#### 1. Building Permit Activity

From 2010 to 2016, there has been on average 15 building permit applications per year for new homes on agriculturally zoned land with an average house size of 967 m<sup>2</sup> (10,408 ft<sup>2</sup>). Since the referral by the Planning Committee on November 22, 2016, there has been a significant increase in the number of building permit applications for housing on agricultural land (as outlined in the Table 1).

Table 1 provides a summary of building permit applications received from 2010 to 2017:

Table 1 – Single Family Dwellings Building Permit Information in the AG1 Zone (2010-2017)				
Year	Number of Building Permit Applications Received	Average House Size of Received Building Permit Applications	Building Permit Applications Received over 10,000 ft <sup>2</sup> (929 m <sup>2</sup> )	Building Permit Applications with the Largest Floor Area
2010	9	795 m <sup>2</sup> (8,557 ft <sup>2</sup> )	5 (56%)	1,444 m <sup>2</sup> (15,544 ft <sup>2</sup> )
2011	21	872 m <sup>2</sup> (9,383 ft <sup>2</sup> )	7 (33%)	1,662 m <sup>2</sup> (17,892 ft <sup>2</sup> )
2012	12	932 m <sup>2</sup> (10,035 ft <sup>2</sup> )	6 (50%)	1,851 m <sup>2</sup> (19,923 ft <sup>2</sup> )
2013	15	1,094 m <sup>2</sup> (11,775 ft <sup>2</sup> )	8 (53%)	2,122 m <sup>2</sup> (22,846 ft <sup>2</sup> )
2014	10	878 m <sup>2</sup> (9,455 ft <sup>2</sup> )	5 (50%)	1,319 m <sup>2</sup> (14,197 ft <sup>2</sup> )
2015	16	1,169 m <sup>2</sup> (12,583 ft <sup>2</sup> )	11 (65%)	2,233 m <sup>2</sup> (24,032 ft <sup>2</sup> )
2016	19	1,028 m <sup>2</sup> (11,070 ft <sup>2</sup> )	6 (32%)	3,809 m <sup>2</sup> (41,000 ft <sup>2</sup> )
2017 (to date)	26	1,114 m <sup>2</sup> (12,000 ft <sup>2</sup> )	17 (65%)	2,080 m <sup>2</sup> (22,390 ft <sup>2</sup> )
Since November 22, 2016 referral	28	1,094 m <sup>2</sup> (11,772 ft <sup>2</sup> )	18 (64%)	2,080 m <sup>2</sup> (22,390 ft <sup>2</sup> )

2. Moratorium Option

In view of increasing building permit activity, Council may want to consider a moratorium option. Section 463 of the *Local Government Act* (LGA) allows Council to temporarily withhold building permits.

If Council wishes to invoke Section 463 of the LGA, the following establishing resolution would suffice:

*Whereas Section 463 of the Local Government Act allows the withholding of building permits that conflict with bylaws in preparation; and*

*Whereas Council directed staff to conduct public consultation regarding house size, farm home plate and setbacks, including residential accessory buildings,*

1. *That staff be directed to prepare for Council’s consideration a bylaw to limit house size, farm home plate and setbacks, including residential accessory buildings in the Agriculture (AG) zones; and*
2. *That staff bring all building permit applications for residential development, including residential accessory buildings, in the Agriculture (AG) zones received more than 7 days after the passage of resolution #1 to Council, to determine whether such applications are in conflict with the proposed bylaw to limit house size, farm home plate and setbacks, including residential accessory buildings in the Agriculture (AG) zones.*

If this resolution is adopted by Council on March 27, 2017:

- staff will continue preparing bylaw amendments taking into consideration the results of the recent public and stakeholder consultations; and
- completed building permit applications for residential buildings in the Agriculture (AG) zones received after April 3, 2017 (7 days after the resolution) will be forwarded to Council for a decision, regarding whether the building permit is contrary to the bylaw under preparation.

### 3. Process for Implementation of the Moratorium

In order to implement Section 463 of the LGA, staff and Council must do the following:

- **Establishing Resolution: Council resolution to establish withholding period**  
To temporarily withhold a building permit in accordance with Section 463 of the LGA, Council must first pass an establishing resolution (a draft establishing resolution has been prepared above) that directs staff to prepare a bylaw that would, in this case, limit house size, farm home plate and setbacks, including residential accessory buildings in the agricultural zones.
- **First Withholding Resolution (within initial 30 day period)**  
If a completed building permit application for a residential building in an agricultural zone is submitted after the 7 day period, Council would (within 30 days beginning on the day the application for the building permit was made) need to identify and resolve what it considers to be the conflict between the bylaw in preparation and the proposed building permit application. If Council resolves that there is a conflict, then issuance of the building permit may be withheld for the balance of the 30 day period (and Council must attend to the second withholding resolution – see below). If Council does not resolve that there is a conflict, then, if the building permit application is complete and otherwise compliant, the building permit must be issued.
- **Second Withholding Resolution (within initial 30 day period)**  
If Council has resolved to withhold the issuance of a building permit, during the same 30 day period (starting on the date that an application for a building permit was made), Council would need to pass a second withholding resolution to either:
  - grant a building permit, but impose conditions on it that would be in the public interest, having regard to the bylaw that is under preparation; or
  - direct that the permit issuance be withheld for a further 60 days.
- **Second Withholding Period (additional 60 day period – 90 days total)**  
If Council has resolved to withhold the issuance of the building permit for a further 60 days (which would be 90 days from the date that a building permit application was made) and, if the bylaw under preparation has been adopted on or before the expiration of the 60 day period, then the building permit must comply with the new bylaw.

If a bylaw has not been adopted by Council within the 60 day period, the building permit must be issued in accordance with the zoning bylaw in place and the owner may be entitled to compensation for any damages arising from the withholding of the building permit.

In summary, if Council wishes to adopt the moratorium resolution:

- the temporary withholding period is limited to a maximum of 90 days;
- Council would have the ability to review affected building permit applications received while the bylaw is under preparation; and
- if an application is withheld for 90 days and the bylaw is not adopted within that period, the application must be issued in accordance with the existing bylaw provisions and the applicant may be entitled to compensation for damages resulting from withholding the building permit.

To avoid any compensation claims related to temporarily withholding a building permit, a bylaw establishing limits on house size, farm home plate and setbacks, including residential accessory buildings in the Agriculture (AG) zones would need to be adopted no later than July 3, 2017 (which is 90 days after April 4, 2017).

#### 4. Bylaw Amendment Process

Bylaw options to establish limits on house size, farm home plate and setbacks, including residential accessory buildings in the Agriculture (AG) zones will be presented to Planning Committee on April 19, 2017. If there is consensus and first reading is granted to a preferred bylaw by Council on April 24, 2017, the public hearing would be scheduled for May 15, 2017, which is within the 90 day review period. The bylaw could be adopted the same day as the public hearing.

It is noted that should a bylaw be considered at the June 19, 2017 public hearing it would also be within the 90 day review period. Council may also establish an alternate public hearing date provided that the required statutory notice requirements are met and it is within the 90 day review period.

#### **Financial Impact**

None.

#### **Conclusion**

Staff have recently completed public and stakeholder consultations on possible updates to the City's housing regulations on agriculturally zoned lands. The issue has had a high level of public interest with over 250 people attending a recent open house and a total of 658 completed surveys. Staff intend to report back to Planning Committee on April 19, 2017 on the consultation findings, options and bylaws for each option. As this is a complex issue and involves considerable work, this is the earliest the results and findings can be presented to Planning Committee.

Since the beginning of 2017, there have been 26 building permit applications received for homes on agriculturally zoned land; this compares with a historical average of 15 building permit applications per year. Due to the significant increase in the number of building permit applications received to date, staff have provided a details on how Council may use Section 463 of the *Local Government Act*, which allows a local government to withhold building permit applications, if they are in conflict with the objectives of a bylaw under consideration.



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