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**To:** Richmond City Council  
**From:** Barry Konkin  
Manager, Policy Planning  
**Date:** January 8, 2019  
**File:** 08-4057-10/2018-Vol 01  
**Re:** **Response to Referral: Additional Dwellings in the Agricultural Land Reserve**

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**Staff Recommendation**

1. That Richmond Official Community Plan Bylaw 9000, Amendment Bylaw 9984, be introduced and given first reading;
2. That Richmond Official Community Plan Bylaw 9000, Amendment Bylaw 9984, having been considered in conjunction with:
  - a. the City's Financial Plan and Capital Program; and
  - b. the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;

is hereby found to be consistent with said program and plans, in accordance with Section 477(3)(a) of the *Local Government Act*;

3. That Richmond Official Community Plan Bylaw No. 9000, Amendment Bylaw No. 9984, having been considered in conjunction with Section 477(3)(b) of the Local Government Act, be referred to the Agricultural Land Commission for comment;
4. That Richmond Official Community Plan Bylaw 9000, Amendment Bylaw No. 9984, having been considered in accordance with Section 475 of the Local Government Act and the City's Official Community Plan Bylaw Preparation Consultation Policy 5043, is found not to require further consultation; and
5. That Richmond Zoning Bylaw 8500, Amendment Bylaw 9985, be introduced and given first reading.

Barry Konkin  
Manager, Policy Planning  
(604-276-4139)

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

## Staff Report

### Origin

At the Special Council Meeting held on Wednesday, December 19, 2018, the following referral was adopted:

- 1) *That staff be directed to bring back bylaws to the January 14, 2019 Regular Council meeting to amend the City's Official Community Plan Bylaw 9000 and the Richmond Zoning Bylaw 8500 to remove the provisions for an additional dwelling for farm workers on AG1 lots located within the Agricultural Land Reserve (ALR); and*
- 2) *That staff be directed to withhold building permits for additional farm dwellings on AG1 lots located in the ALR under Section 463 of the Local Government Act and bring forward building permits that conflict with bylaws in preparation for Council consideration.*

This report is in response to the above noted referral. This report supports Council's 2014-2018 Term Goal #8 Supportive Economic Development Environment:

- 8.3. The City's agricultural and fisheries sectors are supported, remain viable and continue to be an important part of the City's character, livability, and economic development vision.

### Analysis

On June 18, 2018, Council adopted Official Community Plan Bylaw 9000, Amendment Bylaw 9869, and Richmond Zoning Bylaw 8500, Amendment Bylaw 9870 to allow a maximum of one additional dwelling unit on Agriculture (AG1) zoned properties, located within the Agricultural Land Reserve (ALR), for full-time farm workers, employed on the subject lot, provided the following requirements are satisfied:

- the lot is zoned AG1 and is at least 8 ha (20 ac.) in area;
- the lot is classified as 'farm' for taxation purposes;
- a signed statutory declaration is submitted indicating that the additional dwelling unit is for full-time farm workers only;
- submission of a signed and sealed report by a certified Agrologist (P.Ag.) that clearly demonstrates the need for an additional dwelling for full-time farm workers to support the farm;
- the house is no larger than 300 m<sup>2</sup> (3,229 ft<sup>2</sup>); and
- the farm home plate area is no larger than 600 m<sup>2</sup> (6,458 ft<sup>2</sup>).

On November 27, 2018, Bill 52 (*Agricultural Land Commission Amendment Act, 2018*) was given Third Reading and Royal Assent. This Provincial legislation, amongst other things, removes the allowance of additional dwellings for farm workers as a discretionary use for local governments, and now requires approval from the Agricultural Land Commission (ALC) for an additional residence. It is anticipated that the amendments to the *Agricultural Land Commission Act* will come into force in early 2019 when the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* is amended through an Order-in-Council.

In order to be consistent with the upcoming Provincial legislation as directed by Council, staff have prepared Bylaw 9984 and Bylaw 9985 which would amend both the OCP and Zoning Bylaw to remove the provisions that allow an additional dwelling on AG1 zoned land for full-time farm workers.

If the attached bylaws are approved, a property owner who wished to construct an additional residence on AG1 zoned land for full-time farm workers on the subject property would be required to apply for an ALC non-farm use application. The non-farm use application would have to be reviewed and endorsed by Council and if endorsed, approved by the ALC. If approved by the ALC, Council approval of a site-specific rezoning application would also be required.

### **Withholding Resolution**

On December 19, 2018, Council adopted a withholding resolution of building permits that are contrary to the bylaws under consideration. The withholding resolution came into force on December 27, 2018, and any applications that are received by the City that are contrary to bylaws proposed to regulate residential development on land within the ALR are to be withheld and forwarded to Council as per Section 463 of the *Local Government Act*.

A building permit application was submitted on November 9, 2018 for an additional dwelling at 14791 Westminster Highway for full-time farm workers. This application was made immediately following issuance of a building permit for the principal dwelling at the same property. After the initial review, the building permit application was considered to be incomplete and the application was cancelled. The building permit application was re-submitted with all requirements met on December 21, 2018, prior to the enactment of the withholding resolution for an additional dwelling on December 27, 2018. The application will be reviewed under the existing regulations for an additional dwelling.

Bill 52 establishes how in-stream building permits can be considered for compliance with the new Provincial regulations. For an additional dwelling for farm workers in the ALR, a lawfully issued City building permit is required, and the concrete foundations must be poured prior to the amendments to the *Agricultural Land Commission Act* coming into force, which is expected to be in the first quarter of 2019. If these conditions are not met, the building permit application at 14791 Westminster Highway will be cancelled.

### **Consultation**

Staff have reviewed the proposed OCP amendment bylaw with respect to the *Local Government Act* and the City's OCP Bylaw Preparation Consultation Policy No. 5043 requirements and recommend that it be referred to the ALC for comment. As the proposed bylaws are consistent with the new Provincial legislation, staff do not anticipate any concerns from the ALC.

Table 1 clarifies this recommendation. ALC referral comments will be requested prior to the public hearing date. Public notification for the public hearing will be provided as per the *Local Government Act*.

**Table 1 – OCP Public Consultation Summary**

Stakeholder	Referral Comment
<b>REFER</b>	
Provincial Agricultural Land Commission	Refer to the ALC, consistent with <i>Local Government Act</i> requirements.
<b>NO REFERRAL NECESSARY</b>	
Richmond School Board	No referral necessary, as they are not affected.
The Board of Metro Vancouver	No referral necessary, as they are not affected.
The Councils of Adjacent Municipalities	No referral necessary, as they are not affected.
First Nations (e.g., Sto:lo, Tsawwassen, Musqueam)	No referral necessary, as they are not affected.
TransLink	No referral necessary, as they are not affected.
Port Authorities (Port Metro Vancouver and Steveston Harbour Authority)	No referral necessary, as they are not affected.
Vancouver Airport Authority (VAA) (Federal Government Agency)	No referral necessary, as they are not affected.
Richmond Coastal Health Authority	No referral necessary, as they are not affected.
Community Groups and Neighbours	Community Groups and Neighbours will have the opportunity to comment regarding the proposed OCP amendment (and proposed Zoning Bylaws) at Planning Committee, Council and at a Public Hearing.
All Relevant Federal and Provincial Government Agencies	No referral necessary, as they are not affected.


**Financial Impact**

None.

**Conclusion**

To respond to Council’s referral and to be consistent with the upcoming enactment of Bill 52 (*Agricultural Land Commission Amendment Act, 2018*) which would require approval from the ALC for any additional residences in the ALR, staff recommend that the following bylaws be introduced and given first reading:

1. Richmond Official Community Plan Bylaw 9000, Amendment Bylaw 9984; and
2. Richmond Zoning Bylaw 8500, Amendment Bylaw 9985.



John Hopkins  
Planner 3  
(604-276-4279)

JH:cas



Richmond Official Community Plan Bylaw 9000
Amendment Bylaw 9984
(Additional Dwellings on Agriculturally Zoned Land)

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

- 1. Richmond Official Community Plan Bylaw 9000, as amended, is further amended at Section 7.1 Protect Farmland and Enhance Its Viability, Objective 1, by deleting policy g) in its entirety and replacing it with the following:
'g) limit the number of dwelling units to one (1) on lots within the Agricultural Land Reserve (ALR). Any proposal for additional dwelling units would require approval from both Council and the Agricultural Land Commission (ALC).'
2. This Bylaw may be cited as 'Richmond Official Community Plan Bylaw 9000, Amendment Bylaw 9984'.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

Five horizontal lines for recording readings and adoption.



MAYOR

CORPORATE OFFICER



**Richmond Zoning Bylaw 8500  
Amendment Bylaw 9985  
(Additional Single Detached House)**

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:
  - a) deleting subsection 14.1.4.2 from Section 14.1.4 (Permitted Density) in its entirety and replacing it with the following:
 

“2. The maximum residential **density** is one **principal dwelling unit** per lot.”; and
  - b) deleting subsection 14.1.4.A.2 from Section 14.1.4.A (Farm Home Plate) in its entirety.
2. This Bylaw may be cited as “**Richmond Zoning Bylaw 8500, Amendment Bylaw 9985**”.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED



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CITY OF RICHMOND
APPROVED by 
APPROVED by Director or Solicitor 

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MAYOR

\_\_\_\_\_  
CORPORATE OFFICER