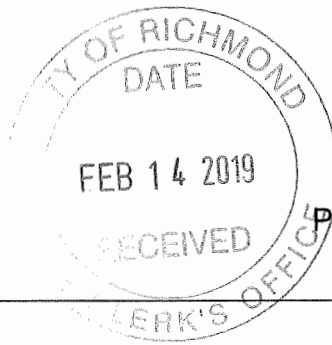




# City of Richmond



## Memorandum

Planning and Development Division  
Policy Planning

**To:** Mayor and Councillors  
**From:** Barry Konkin  
Manager, Policy Planning

**Date:** February 13, 2019  
**File:** 08-4050-10/2018-Vol 01

**Re:** **Proposed Official Community Plan Bylaw 9000, Amendment Bylaw 9984: Criteria for Applications for an Additional Dwelling**

### Purpose

The purpose of this memo is to provide Council with background information for applications for an additional dwelling on land within the Agricultural Land Reserve (ALR), and a recommended amendment to Bylaw 9984 for additional dwellings on land in the AG1 zone.

### Background

At the January 14, 2019 Council Meeting, first reading was given to Bylaw 9984 (Richmond Official Community Plan Bylaw 9000, Amendment 9984), and Bylaw 9985 (Richmond Zoning Bylaw 8500, Amendment 9985) which would remove the provisions for additional dwellings for farm workers to bring the Official Community Plan (OCP) and Zoning Bylaw in line with recently approved Provincial legislation (Bill 52).

At the same Council meeting, Council members inquired about criteria that are currently used to assess applications for an additional dwelling unit such as the minimum lot size, and maximum house size. These criteria were not included in Bylaw 9984, as the intent of the proposed bylaw amendments is to be consistent with Bill 52 which places the authority for new non-farm use applications for an additional dwelling unit with the Agricultural Land Commission (ALC). The amendments to the *Agricultural Land Commission Act* as passed under Bill 52 are also silent on a maximum house size permitted, or a minimum lot size for an additional dwelling. The amendments are intended to allow the ALC to make a decision on the additional house on a case-by-case basis, considering each application on its own merits. Staff do note that the Ministry of Agriculture's guidelines for development of residential uses on the ALR do reference a maximum house size of 300 m<sup>2</sup> (3,230 ft<sup>2</sup>) for an additional dwelling.

It is anticipated that Bill 52 will be enacted through an Order-in-Council in early 2019 which may include application criteria as part of the amendments to the *Agricultural Land Commission Act*.

### Additional Dwelling Provisions in Richmond Zoning Bylaw 8500

Prior to May 17, 2017 when Council adopted limits to residential development (e.g., farm home plate, maximum house size, maximum setbacks) in the ALR, the AG1 zone allowed additional dwelling units for full-time farm workers for a farm operation employed on the lot in question provided that:

*"the need for the additional dwellings units is justified by a Professional Agrologist and that the lot has the lot area specified below:*

- a) 1 additional dwelling unit on a lot between 8.0 ha and 25.0 ha; or
- b) 2 additional dwelling units on a lot between 25.0 ha and 30.0 ha; or
- c) 3 additional dwelling units on a lot over 30.0 ha.”

This provision was removed from the AG1 zone in its entirety on May 17, 2017, and a new policy was included in the OCP which indicated the following:

*“limit the number of dwelling units to one (1) on agriculturally zoned properties. Through a rezoning application, on a case-by-case basis, applications to exceed the maximum number of dwelling units may be considered if the property is 8 ha (20 acres) in area or greater, and if the applicant provides a report, satisfactory to Council, from a Professional Agrologist, which demonstrates that:*

- *full-time farm labour is required to live on the farm; and*
- *the secondary farmhouse is subordinate to the principal farm dwelling unit.”*

On June 18, 2018, following additional public consultation on limits to residential development in the ALR, Council directed staff to amend the OCP and Zoning Bylaw to:

*“allow up to one (1) additional dwelling unit in the AG1 zone provided the property is 8 ha (20 ac.) in area or greater, the property is classified as a farm under the BC Assessment Act, and if the owner provides a statutory declaration that the additional dwelling unit is for full-time farm workers only, and submits a report from a Professional Agrologist which demonstrates that:*

- *full-time farm labour is required to live on the farm; and*
- *the secondary farmhouse is subordinate to the principal farm dwelling unit.”*

The June 18, 2018 bylaw amendments also included a maximum farm home plate (600m<sup>2</sup>) and a maximum house size (300m<sup>2</sup>) for an additional dwelling based on the Ministry of Agriculture’s guidelines.

With the recent passing of Bill 52 which removes local government discretion on allowing additional dwelling units in the ALR, proposed Bylaw 9984 and 9985 have been prepared to be in keeping with the new provincial legislation.

### **Proposed Amendments to Bylaw 9984**

Based on comments made at the January 14, 2019 Council meeting, if Council wishes to consider including criteria for applications for an additional dwelling unit in the ALR, staff would recommend amending proposed Bylaw 9984 (OCP amendment) to indicate that for any non-farm use application for an additional dwelling unit for farm workers would only be considered, by Council, if:

- the lot is 8 ha (20 ac.) in area or greater;
- the floor area for the additional dwelling unit is no more than 300m<sup>2</sup> (3,229 ft<sup>2</sup>); and
- the maximum farm home plate is increased by no more than 600 m<sup>2</sup> (6,458 ft<sup>2</sup>).

While staff intend to simplify the OCP with respect to additional dwellings in the ALR, Bylaw 9984 could be further amended to indicate that the owner of a lot, that is 8 ha (20 ac.) or greater, who wishes to apply for a non-farm use application, would be required to submit the following:

- proof that the lot is classified as a farm under the *BC Assessment Act*;
- a statutory declaration that the additional dwelling unit is for full-time farm workers only; and
- a report from a Professional Agrologist which demonstrates that full-time farm labour is required to live on the farm and the secondary dwelling unit is subordinate to the principal farm dwelling unit.

Staff have attached an amended version of Bylaw 9984 (OCP amendment) with the above noted criteria added for Council's consideration. This bylaw may be amended by Council, and as the bylaw amendment does not impact density or land use, the bylaw could be amended and adopted following the public hearing.

Bylaw 9985 to amend the Zoning Bylaw to remove the outright provision for an additional dwelling for farmworkers does not require any further amendments based on the amended OCP policy as prepared.

If you have any questions, please contact me at 604.276.4139.



Barry Konkin  
Manager, Policy Planning

BK:jh

pc: SMT  
Wayne Craig, Director, Development  
James Cooper, Director, Building Approvals



**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), and would only be considered, by Council, if the lot:

- is 8 ha (20 ac.) in area or greater, and
- classified as a farm under the BC Assessment Act.

To apply for an ALC non-farm use on a lot that is 8 ha (20 ac.) or greater, the owner must submit:

- a statutory declaration that the additional dwelling unit is for full-time farm workers only, and
- a report from a Professional Agrologist which demonstrates that full-time farm labour is required to live on the farm and the secondary dwelling unit is subordinate to the principal farm dwelling unit.

If approved by both Council and the ALC on a lot that is 8 ha (20 ac.) or greater, the maximum floor area for an additional dwelling unit shall be no larger than 300m<sup>2</sup> (3,229 ft<sup>2</sup>), and the maximum farm home plate shall be increased by no more than 600 m<sup>2</sup> (6,458 ft<sup>2</sup>).”

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

_____
_____
_____
_____
_____



\_\_\_\_\_  
MAYOR

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



# City of Richmond

## Report to Council

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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;

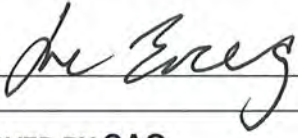


is hereby found to be consistent with said program and plans, in accordance with Section 477(3)(a) of the *Local Government Act*;

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)

January 8, 2019

- 2 -

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

JAN 14 2019



\_\_\_\_\_  
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

JAN 14 2019

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED



\_\_\_\_\_  
MAYOR

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



<b>To Public Hearing</b>	
Date:	FEB. 19, 2019
Item #	9
Re:	BYLAWS 9984 B 9985: ADDITIONAL DWELLINGS IN THE ALR.

**Agricultural Land Commission**  
201 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000 | Fax: 604 660-7033  
[www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)

February 8, 2019

Reply to the attention of Kamelli Mark  
ALC Planning Review: 46523 & 46428  
Local Government File: Bylaw 9984 & 9985

City of Richmond  
City Clerk's Office

**Delivered Electronically**

**Re: Official Community Plan Bylaw 9000, Amendment Bylaw 9984 and Zoning Bylaw 8500 Amendment Bylaw 9985 Additional Dwellings in the ALR**

Thank you for forwarding a copy of Amendment Bylaw 9984 and Amendment Bylaw 9985 (the "Bylaws") for review and comment by the Agricultural Land Commission (ALC) in advance of the Public Hearing scheduled on February 19, 2019. The following comments are provided to help ensure that the Bylaws are consistent with the purposes of the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the "Regulation"), and any decisions of the ALC.

The ALC wishes to advise the City of Richmond (the "City") that it supports the City's efforts to ensure consistency between the Bylaws and Bill 52 (Agricultural Land Commission Amendment Act, 2018) by proposing the removal of the Bylaws' provisions permitting an additional residence for farm workers on AG1 lots. As per Bill 52, a proposal for an additional residence would require an ALC application for a non-adhering residential use.

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulation, or any Orders of the Commission.

If you have any questions about the above comments, please contact the undersigned at 604-660-7005 or by e-mail ([Kamelli.Mark@gov.bc.ca](mailto:Kamelli.Mark@gov.bc.ca)).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Kamelli Mark, Regional Planner

Enclosure: Referral Package for Amendment Bylaw 9984 and Amendment Bylaw 9985

CC: Ministry of Agriculture, attn.: Alison Fox and Dieter Geesing

46523m2, 46428m1



# City of Richmond

**RECEIVED**  
**PROV. AGRICULTURAL** JAN 25 2019  
**LAND COMMISSION**

6911 No. 3 Road,  
Richmond, BC V6Y 2C1  
www.richmond.ca

January 24, 2019  
File: Bylaw 9984 & 9985

Finance and Corporate Services Division  
City Clerk's Office  
Telephone: 604-276-4007  
Fax: 604-278-5139

Agricultural Land Commission  
#133 – 4940 Canada Way  
Burnaby, BC V5G 4K6

To Whom It May Concern:

**Re: Official Community Plan Bylaw 9000, Amendment Bylaw 9984 and  
Zoning Bylaw 8500, Amendment Bylaw 9985  
Additional Dwellings in the Agricultural Land Reserve**

This is to advise that Richmond City Council, at the meeting held on January 14, 2019, considered the above matter and the following resolution, in regards to Bylaws 9984 and 9985:

**RESPONSE TO REFERRAL: ADDITIONAL DWELLINGS IN THE  
AGRICULTURAL LAND RESERVE**

It was moved and seconded

- (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.*

Enclosed for your information and comment is a copy of the above Bylaw as at first reading, along with the relevant staff report. If the Agricultural Land Commission wishes to provide a response to the Public Hearing, it would be most appreciated if your response were received by the City Clerk's Office by Thursday, February 14, 2019 for inclusion in the Public Hearing agenda. However, if you are unable to do so, your response is welcome up to and including the time of the Public Hearing scheduled for 7:00 p.m. on Tuesday, February 19, 2019. Comments can be provided in writing on in-person at the Public Hearing.

Yours truly,



David Weber  
*Director, Clerk's Office*

DW:gb  
Enc.

pc: Barry Konkin, Manager, Policy Planning



# City of Richmond

## Report to Council

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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

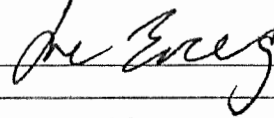
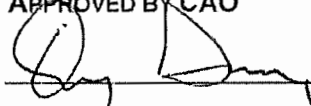
1. That Richmond Official Community Plan Bylaw 9000, Amendment Bylaw 9984, be introduced and given first reading;
2. That Richmond Official Community Plan Bylaw 9000, Amendment Bylaw 9984, having been considered in conjunction with:
  - a. the City's Financial Plan and Capital Program; and
  - b. the 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)



January 8, 2019

- 2 -

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> 

CNCL - 784

PH - 264

## 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.

CNCL - 785

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.

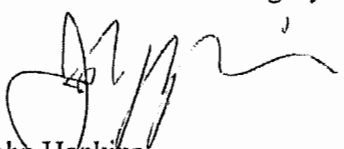
**Financial Impact**

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.



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**CNCL - 787****PH - 267**



City of  
Richmond

Bylaw 9984

**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

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CITY OF RICHMOND
APPROVED by 
APPROVED by Manager or Solicitor 

\_\_\_\_\_  
MAYOR

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

CNCL - 788

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City of  
Richmond

Bylaw 9985

**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 

\_\_\_\_\_  
MAYOR

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

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