



Est. 1873

## REPORT TO MAYOR AND COUNCIL

**PRESENTED:** APRIL 15, 2019 - REGULAR AFTERNOON MEETING  
**FROM:** COMMUNITY DEVELOPMENT DIVISION  
**SUBJECT:** BILL 52 (AGRICULTURAL LAND COMMISSION  
AMENDMENT ACT) AND  
RICHMOND FARM HOME PLATE REGULATIONS

**REPORT:** 19-59  
**FILE:** 6635-04

### RECOMMENDATION:

**That** Council receive the Bill 52 (Agricultural Land Commission Amendment Act) and Richmond Farm Home Plate Regulations report for information.

### EXECUTIVE SUMMARY:

At the Regular Evening Meeting on December 3, 2018, Council requested a staff report on the BC Government passing of Bill 52 (Agricultural Land Commission Amendment Act, 2018) and the City of Richmond regulation of monster houses on the Agricultural Land Reserve (ALR).

Bill 52 came into force on February 22, 2019, when the Agricultural Land Reserve Use, Subdivision and Procedure Regulation was amended through an Order-in-Council. Bill 52 makes three key changes to the Agricultural Land Commission Act (ALC Act):

- reinstatement of a single zone across the ALR
- prohibiting the dumping of construction waste and other damaging substances in the ALR by requiring a notice of intent before land owners place fill on their land
- limiting new principal house size to 500 m<sup>2</sup> (5,382 ft<sup>2</sup>) in total floor area and one residence per parcel, except through application to the ALC

On December 18, 2018, the City of Richmond adopted four (4) zoning bylaw amendments to:

- limit the floor area of residences in the ALR to 400 m<sup>2</sup> (4,306 ft<sup>2</sup>)
- set a maximum farm home plate size of 1,000 m<sup>2</sup> (10,764 ft<sup>2</sup>) for lots greater than 0.2 ha (0.5 ac)
- reduce the maximum height of houses to 2 storeys or 9 metres
- limit the maximum farm house footprint to 60% of the maximum house size, including an amendment to the definition of "farm home plate" to include septic tanks and fields

### PURPOSE:

This report is in response to Council direction and provides information relating to changes to the Agricultural Land Reserve Act upon Bill 52 coming into force on February 22, 2019, as well as the farmland housing regulations adopted by Richmond City Council on December 18, 2018.

### **BACKGROUND/HISTORY:**

In January 2018, the British Columbia Minister of Agriculture formed an Advisory Committee to provide strategic advice on the revitalization of the Agricultural Land Reserve (ALR). Following public consultation, the committee released an interim report on July 31, 2018, which included 17 recommendations. Some of these recommendations are reflected in Bill 52 (Agricultural Land Commission Amendment Act); specifically, recommendations relating to the governance of the ALR, issues with fill and soil removal, and house size limits.

At the Regular Evening Meeting on December 3, 2018, Council requested a staff report on Bill 52 and the City of Richmond regulation of monster houses on the ALR.

### **DISCUSSION/ANALYSIS:**

#### Bill 52 (Agricultural Land Commission Amendment Act)

On November 5, 2018, Bill 52, the Agricultural Land Commission Amendment Act, was introduced to the BC legislature. It received Third Reading and Royal Assent on November 27, 2018 and came into force on February 22, 2019, when the ALR Use, Subdivision and Procedure Regulation was amended through an Order-in-Council to create the ALR General Regulation and ALR Use Regulation.

#### Single Zone across the ALR

In 2014, the ALR was split into two zones. The Township of Langley was located in Zone 1, along with other communities in the South Coast, Island, and Okanagan regions. Bill 52 reinstates a single zone across the ALR. This does not result in a change for the Township.

#### Soil and Fill Placement

Bill 52 prohibits the dumping of construction waste and other damaging substances on farmland. It also establishes new offences for illegal fill and soil removal with maximum penalties of \$1 million or six (6) months imprisonment for a first offence. The ALR Use Regulation limits the total area to which fill can be removed or placed to 1,000 m<sup>2</sup> (10,764 ft<sup>2</sup>) when required for constructing or maintaining a structure for farm use or principal residence.

Property owners wishing to place fill for a farm-use (such as berms for cranberry production) are required to submit a notice of intent with the ALC to improve monitoring and compliance. ALC Bylaw No. 2 (Placement of Fill in the Agricultural Land Reserve) also sets maximum fill areas, beyond which an application to the ALC is required. Placement of fill that is not consistent with the ALR Use Regulation or ALC Bylaw No. 2 is not permitted unless approved by the ALC through a non-farm use application.

#### House Size Restrictions and Additional Dwellings

Bill 52 sets a maximum principal house size of 500 m<sup>2</sup> (5,382 ft<sup>2</sup>) total floor area across all of the ALR. If a farmer requires a larger primary house size (as may be the case with multi-generational farming households), he or she can apply to the ALC for a non-farm use and demonstrate that the increased house size provides a benefit to agriculture on the property. Bill 52 does not set a maximum house size for additional dwellings on the ALR, although local governments may choose to set a limit. In addition, Bill 52 limits parcels in the ALR to one residence, subject to certain grandfathering exceptions.

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Bill 52 amends the definition of “farm use” to exclude residential uses and introduces a definition for “non-adhering residential use” to include additional residences, principal residences exceeding 500 m<sup>2</sup> (5,382 ft<sup>2</sup>), and a use of a residential structure that is in contravention of the regulations. A proponent for a “non-adhering residential use” (a principal residence larger than 500 m<sup>2</sup>, an additional residence on a parcel in the ALR, or a residence that is not sited or used in accordance with the applicable regulations) must submit an application to the ALC for approval before a building permit can be issued. The ALC is prohibited from approving an additional residence unless it is necessary for a farm use.

Bill 52 requires residences be “sited or used in accordance with the applicable regulations.” The ALR Use Regulation does not include siting requirements for principal residences at this time, although the size, siting, and use of pre-existing additional dwellings must be in accordance with the ALR regulation as it read immediately before amendment.

Existing manufactured homes and accommodation above an existing structure on a farm may only be continued to be used as a residence if there is no other residence on the parcel other than the principal residence, the size and siting are not altered after February 22, 2019, unless permitted, and the size, siting, and use of the manufactured home or accommodation above a structure were in accordance with applicable enactments prior to February 22, 2019.

“Grandfathering” and Implications for Building Permit Approvals

A “grandfathering period” to November 5, 2019, is included in Bill 52 for unfinished principal residences exceeding 500 m<sup>2</sup> (5,382 ft<sup>2</sup>) in total floor area, provided all required authorizations have been granted upon Bill 52 coming into force (February 22, 2019) and have substantially begun construction of the foundation by November 5, 2019. Unfinished additional dwellings will only be grandfathered if all required authorizations to construct the additional residence were granted before February 22, 2019, and construction of the foundation of the residence substantially begun before February 22, 2019. This is outlined in the table below:

Type of Permit Sought	As of February 22, 2019	Before November 5, 2019	After November 5, 2019
<i>Principal residence 500 m<sup>2</sup> or less</i>	Not Applicable	Not Applicable	Not Applicable
<i>Principal residence over 500 m<sup>2</sup></i>	Required authorizations must be granted to be grandfathered	Construction must have begun to be grandfathered	Requires local government and ALC approval
<i>Additional residence</i>	Required authorizations must be granted and construction must have begun to be grandfathered	Requires local government and ALC approval	Requires local government and ALC approval

In consultation with legal counsel, the Township determined that building permits for applications reviewed prior to February 22, 2019, may be issued, provided that they:

- are for principal residences over 500 m<sup>2</sup> (5,382 ft<sup>2</sup>), and not additional residences; and
- have been approved, substantially approved, or would have been approved in the usual course without significant revision.

As of February 22, 2019, pre-existing residential structures may be altered (defined as alteration to exterior walls to increase size or change siting) as long as the alteration does not lead to further contravention of the ALC Act or regulation. In other words, existing dwellings may construct additions or other alterations to exterior walls, as long as the size of the finished dwelling does not exceed 500 m<sup>2</sup> (5,382 ft<sup>2</sup>) or cause the dwelling to further contravene siting or use regulations.

The Township has a policy to allow for an existing residence on ALR land to remain temporarily (up to 90 days) while a replacement residence is constructed. It has been determined that such practice may no longer be feasible based on the new regulations, subject to further discussion with the ALC.

#### Minister's Bylaw Standard for Residential Uses

In 2011, the Ministry of Agriculture developed a Minister's Bylaw Standard (MBS) for residential uses in the ALR, in consultation with local governments, agricultural advisory committees, and real estate professionals. Bill 52 has adopted the Minister's standard for maximum floor area (500 m<sup>2</sup> or 5,382 ft<sup>2</sup>) for principal residences across all of the ALR. The MBS also recommends a 50 m (164 feet) maximum setback for dwellings from the road frontage and a maximum residential footprint (farm home plate) of 2,000 m<sup>2</sup> (21,528 ft<sup>2</sup>) with 60 m (197 ft) maximum setback to the rear of the residential footprint. Bill 52 and the ALR Use Regulation have not included these recommendations on siting and residential footprint.

#### Richmond Farmland Housing Regulations

Beginning in 1994, Richmond has regulated the siting of residential uses by establishing a 50 m (164 ft) maximum setback for dwellings in the Agriculture (AG1) zone, which covers most of the ALR in the municipality. The City of Richmond has also discussed the regulation of house size on the ALR since 2009, with increasing concern as building permits for dwellings as large as 3,809 m<sup>2</sup> (41,000 ft<sup>2</sup>) were received.

On December 18, 2018, after much public discussion, Richmond Council adopted four zoning bylaw amendments:

1. Zoning Amendment Bylaw 9965 amended the AG1 zone to limit the maximum size of a house, including garage and residential accessory buildings, to 400 m<sup>2</sup> (4,305 ft<sup>2</sup>).
2. Zoning Amendment Bylaw 9966 amended the AG1 zone to:
  - a. revise the maximum area of the farm home plate to 1,000 m<sup>2</sup> (10,763 ft<sup>2</sup>) for lots equal to or greater than 0.2 ha (0.5 acre);
  - b. revise the maximum number of storeys for a house from 2 1/2 to 2 storeys and reduce the maximum building height for a house from 10.5 m (34.4 ft) to 9.0 m (29.5 ft); and
  - c. introduce a farm house footprint regulation which would limit the maximum farm house footprint to 60% of the maximum house size permitted for the property in the AG1 zone.
3. Zoning Amendment Bylaw 9967 amended the definition of "Farm Home Plate" to include the entire sewerage septic system, including septic tanks and fields, within the farm home plate.
4. Zoning Amendment Bylaw 9968 amended the Single Detached (RS1/F-G) zone in the ALR to limit the maximum size of a house to 400 m<sup>2</sup> (4,305 ft<sup>2</sup>).

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In other words, as a result of these amendments, the Richmond regulations are stricter than those of Bill 52 and the Minister's Bylaw Standard for Residential Uses.

Bill 52 reinstates a single zone across the ALR. It requires a notice of intent to be submitted to the ALC before an owner can place fill on an ALR property. After February 22, 2019, principal dwellings greater than 500 m<sup>2</sup> (5,382 ft<sup>2</sup>), additional dwellings, and dwellings not sited and used in accordance with the applicable regulations on the ALR will require approval from the ALC to proceed.

Respectfully submitted,

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for  
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