



The Corporation of the District of Central Saanich

REGULAR COUNCIL REPORT

For the Regular Council meeting on November 08, 2021

To: Christine Culham
Director of Planning and
Building Services

File: 3900-20

From: Jarret Matanowitsch
Director of Planning and
Building Services

Priority: <input checked="" type="checkbox"/> Strategic <input type="checkbox"/> Operational
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Date: October 26, 2021

Re: Housing and Agriculture Zones

RECOMMENDATIONS:

1. That staff be directed to prepare a bylaw to amend Land Use Bylaw No. 2072 for Council's consideration to allow for detached accessory dwellings on all Agricultural zoned properties in a manner that is similar to Rural zones.
2. That staff be directed to prepare a bylaw to amend Official Community Plan Bylaw No. 1600 for Council's consideration to amend the Temporary Use Permit process for Farm Worker Accommodation as part of permitting detached accessory dwellings in Agricultural Zones.

BACKGROUND:

The province recently announced legislative changes that come into force at the end of 2021 that allow local governments to permit an accessory dwelling unit in the form of a detached dwelling on Agricultural Reserve Land (ALR) lands, subject to conditions, without requiring approval from the Agricultural Land Commission (ALC). It is however, the decision of the local government to determine how they may want to amend their bylaws in response to the new legislation.

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The purpose of this report is to receive direction from Council on amending the agriculture zones in response to changes in provincial legislation allowing accessory dwellings in the Agricultural Land Reserve.

DISCUSSION:

Accessory Dwellings in Agricultural Zones:

During the Residential Infill and Densification project Agriculturally zoned properties were not addressed as changes in provincial legislation were pending. The legislative changes now allow for a property within the ALR to have an accessory detached dwelling unit, the size of which depends on the lot area and size of the existing dwelling. A briefing from the Ministry of Agriculture is attached for reference as Appendix A.

Under the new legislation there are no occupancy restrictions for the second dwelling, such as being a family member or farm worker. The size of a second dwelling is limited to 90 m², except that for properties over 40 ha the second dwelling can be up to 186 m². For properties under 40 ha if the principal residence exceeds 500 m² then an accessory detached dwelling unit would not be permitted. For any property owner an application process to the ALC for larger or additional homes would remain an option.

To permit a detached accessory dwelling in Agriculture zones, a similar approach taken by the District on Rural lands is recommended. This entails allowing a cottage or carriage house as an alternative to a secondary suite in the principal dwelling. However, any proposed Land Use Bylaw amendments need to account for the size of the existing home and if there is a mobile home for family members or other second dwelling already existing on the property, including a secondary suite.

In response to the legislative changes the ALC hosted information sessions for local government staff in October and the Ministry of Agriculture is hosting one mid- November, with updated interpretation FAQ sheets expected later this year. Draft bylaws will consider any further clarification of the legislation that may be presented.

Special Considerations:

There are a number of options for the District to consider when amending the Land Use Bylaw for this housing form on Agricultural lands.

Council could consider requiring farm status as a condition of having a detached dwelling unit, however as that status can change over the course of time it is not recommended.

Although the provincial legislation differentiates between lots over or under 40 ha, there are only two in the District that large; therefore treating all properties the same is recommended.

Most of the agricultural properties in the District are zoned A-1, however there are four other A-zones that allow for specific uses which are summarized in the table below. All of the A-zones allow for a Residential Single Family use, however given the unique land uses associated with zone A-3 to A-7 Council may prefer to limit residential uses on these properties to a single dwelling with a suite.

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Zone	A-3	A-5	A-6	A-7
Specific Use	Fairground	Heritage Acres	Veterinary Clinic	Model Aircraft Aerodrome

An additional consideration is how the new regulations may impact the requirement for a Temporary Use Permit (TUP) for farm work accommodation. If a detached dwelling is permitted outright, then the Official Community Plan could be amended such that a Temporary Use Permit for farm worker accommodation would not apply to the detached accessory dwelling and only be required if a third (or more) dwelling unit for farm workers was proposed. An additional TUP guideline could be added that would only support a third dwelling for farm worker if the permitted accessory dwelling is already occupied by a farm worker or a family member.

Options for Council to consider:

1. Maintain status quo. Under this option secondary suites up to 90 m² would be permitted and any proposed detached accessory dwellings up to 90 m² would require approval through a rezoning application, but would not require approval from the ALC.
2. Allow for detached accessory dwellings as an alternative to a suite similar to Rural Estate zones. Under this option there would be no occupancy restrictions or ALC approval required. (Recommended)
3. Allow for both a secondary suite and detached accessory dwelling, that could be subject to certain conditions such as farm status. This would be an increase in the number of dwelling units and above what is otherwise permitted in the Rural Estate or Residential zones. Under this option there would be no occupancy restrictions or ALC approval required.

CONCLUSION:

In response to changes in provincial legislation staff are recommending amendments to the Land Use Bylaw to allow for detached accessory dwellings similar to the Rural zones. Based on Council direction staff will prepare a draft bylaw for Council's consideration.

Respectfully Submitted

Andrea
Planning

ATTACHMENTS:
Appendix A Ministry Release

***Endorsed by:
Jarret Matanowitsch,
Director of Planning and Building Services***

***Administrator's Recommendation:
I concur with the recommendations contained
in this report.
Christine Culham
Chief Administrative Officer***

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British Columbia News

Increasing housing flexibility in the ALR

<https://news.gov.bc.ca/24889>

Monday, July 12, 2021 11:30 AM

Victoria - New rules will allow property owners in the Agricultural Land Reserve (ALR) increased housing flexibility, helping farmers and non-farmers support their families and businesses in their communities.

Options for an additional small secondary home have been added to regulations, allowing farmers and ALR landowners to have both a principal residence and small secondary residence on their property with a streamlined approval process. Only permissions from local government or First Nations government will be required, and there will be no application to the Agricultural Land Commission (ALC).

The additional residence can be used for housing extended family, agritourism accommodation, housing for farm labour or a rental property for supplemental income. There is no longer a requirement that additional residences must be used by the landowner or immediate family members.

“Our government’s goal from the outset has been to protect farmland for future generations, so British Columbians can have a secure local food system and our communities can prosper,” said Lana Popham, Minister of Agriculture, Food and Fisheries. “We recognize the unique needs of established farming families, those new to farming and those living in the ALR who don’t farm.”

Examples of flexible housing options permitted under the regulation include, but are not limited to:

- garden suites, guest houses or carriage suites;
- accommodation above an existing building;
- manufactured homes; and
- permitting a principal residence to be constructed in addition to a manufactured home that was formerly a principal residence.

The changes respond to the feedback received in regional engagement sessions and to the ministry’s policy intentions paper, where ALR landowners made it clear they wanted this type of residential flexibility.

“We took the time to listen and come up with solutions that will help both farmers and non-farmers alike, while protecting the integrity of our valuable agricultural land,” Popham said. “We hope this regulatory change will assist new farmers starting their businesses, encourage landowners to partner with new farmers to get their land into production, and address the needs of British Columbian families. Having an option for housing opens up new doors to families and provides more opportunities for more agricultural land to go into production, increasing our province’s food security.”

Farming families will continue to be able to apply to the ALC for multiple, larger homes if they are necessary for farming purposes.

The new rules come into effect Dec. 31, 2021.

Quotes:

Brian Frenkel, president, Union of British Columbia Municipalities (UBCM), and councillor, District of Vanderhoof –

“UBCM is pleased to see changes that increase residential options for landowners in the ALR. Our members have identified housing affordability, house sizes and farm worker housing as important issues in their

communities, and these changes will help local governments to address these challenges by working with local farmers and ALR landowners.”

Jennifer Dyson, chair, ALC –

“In B.C. we have a finite amount of land set aside for agriculture. Balancing the growing demands on the ALR and greater flexibility that benefits agriculture is a priority of the ALC.”

Katie Underwood, owner, Peas n' Carrots farm –

“I am excited about this rule change, which supports farmers living on the land they manage, especially when affordable housing is in such short supply and purchasing farmland is near impossible for new farmers. As a farmer who does not live on her farm, living on site would strengthen my connection to the land, create peace of mind, particularly during windy nights, and encourage me to rest more often.”

Learn More:

For more information about the ALR, visit:

<https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/agricultural-land-reserve/the-agricultural-land-reserve> (<https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/agricultural-land-reserve/the-agricultural-land-reserve>)

A backgrounder follows.

Dave Townsend

Government Communications and Public Engagement

Ministry of Agriculture, Food and Fisheries

250 356-7098

250 889-5945 (mobile)

Backgrounders

Facts about ALR housing flexibility

- The size of a small secondary residence will depend on the size of the land parcel and the existing home.
- On parcels 40 hectares or smaller, if the existing residence is 500 square metres (approximately 5,400 square feet) or less, a second residence of 90 square metres (approximately 970 square feet) or less can be built.
- If the existing residence is larger than 500 square metres, then a small secondary residence for non-farm use would not be permitted. However, farmers can still apply to the Agricultural Land Commission (ALC) for an additional residence for farm use.
- On parcels larger than 40 hectares, a second residence 186 square metres (approximately 2,000 square feet) or less is permitted, no matter the size of the first residence.
- Landowners who had previously invested in a secondary manufactured home on their land have until Dec. 31, 2021, to ensure appropriate permits and authorizations are in place. This grandparenting period has been extended from the previous July 31 deadline.
- Filing a notice of intent for soil/fill use to the ALC for the additional residence continues to be a requirement.