



**REGULAR COUNCIL REPORT**

**For the Regular Council meeting on Monday, November 28, 2022**

**Re:** Housing in Agriculture Zones

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**RECOMMENDATION(S):**

1. THAT staff be directed to prepare a bylaw to amend the Land Use Bylaw as follows:
  - a. To permit detached accessory dwelling units up to 90m<sup>2</sup> in the agriculture zones in lieu of a secondary suite in the principal dwelling,
  - b. Include a maximum area for attached accessory uses and building features (eg: decks, porches etc) not captured in floor area regulations for detached accessory dwellings,
  - c. Amend the current prohibitions to no longer restrict the use of modular homes (CSA A-277 standard) throughout the District, and
  - d. Amend the current prohibitions to restrict the use of mobile homes (CSA Z-249) throughout the District.
  
2. THAT staff be directed to prepare amending bylaws to:
  - a. introduce development permit guidelines for the protection of farming that would apply to detached accessory dwellings, and
  - b. to delegate authority to the Director of Planning and Building Services to approve development permits for the protection of farming for detached accessory dwellings in agriculture zones.

**PURPOSE:**

The purpose of this report is to provide Council with input from the Peninsula and Area Agricultural Commission (PAAC) and Advisory Planning Commission (APC), and to present options for Council's consideration with respect to permitting additional housing in Agricultural zones. Furthermore this report identifies additional Land Use Bylaw (LUB) amendments for consideration in response to issues that have arisen during the Building Permit process since the Residential Infill amendments were adopted in 2021.

**BACKGROUND:**

At the November 8, 2021 regular meeting Council received an introductory report on Housing in Agriculture zones to address recent legislative amendments to the provincial Agricultural Land Reserve Regulations. At that time Council referred the matter to the Peninsula and Area Agricultural Commission (PAAC) and Advisory Planning Commission (APC) with specific questions. The comments from PAAC are attached as Appendix A and an excerpt of the APC minutes pertaining to this item are attached as Appendix B.

This report includes some analysis of agricultural lands in Appendix C and options for Council to consider in order to minimize impacts on agricultural lands and operations.

## **DISCUSSION:**

The recent legislative changes do allow for more flexibility with respect to housing in the Agricultural Land Reserve (ALR) without restricting occupancy to family members or farm workers. While the new legislation would remove some barriers to providing housing that would directly support farming, one of the most vital aspects to this matter is the importance of retaining farming as the highest and best use of the land and avoid property speculation based solely on financial returns from rental income.

### ***Unique Regulatory Considerations***

Any proposed amendments related to Detached Accessory Dwellings in agriculture zones would have to be in compliance with the provincial Agricultural Land Commission (ALC) regulations. Therefore, any Land Use Bylaw (LUB) amendments to the Agricultural zones are somewhat more complex in nature and require more time during the review process to ensure compliance with the provincial regulations. Examples of the unique set of restrictions that apply to agricultural zones based on provincial regulations and the nature of farm land are summarized below:

- The size of the property and principal residence determines if an accessory dwelling is permitted and it's maximum size.
- Restrictions on soil removal and placement of fill are limited to an area of 1,000 m<sup>2</sup> for all residential uses, eg: principal and accessory buildings, driveways, parking areas, and ALC regulations do not provide for increased soil removal or placement of fill for accessory dwellings and they are to be captured within the 1,000 m<sup>2</sup> allowance.
- Conversion of an existing building would require approval from the ALC,
- The ALC has provided clarity regarding restricting the floor area of structures accessory to a residential use as noted below, which should be captured within the Land Use Bylaw:  
"Accessory residential buildings, such as detached garages or studios, are only permitted by the Agricultural Land Reserve Use Regulation, BC Reg 30/2019 if they are necessary for residential use. The determination of whether an accessory building is necessary for residential use is the authority of the Commission and will depend on the facts of each individual property. Accessory residential buildings must comply with the size limits set out in the ALCA and cannot be used to circumvent the size limits on principal or additional residences in the ALCA and the regulations. Therefore, floor areas of detached accessory residential buildings will count towards the total floor area of the principal or additional residence (as applicable) as though those accessory buildings were attached to the same structure as the house."

### ***Housing Potential***

With respect to housing potential, there are approximately 611 agricultural lots that permit a residential use with the average lot size being 3.8 ha (9.4 ac), with a median of 1.95 ha (4.82 ac) indicating there are more small lots. An analysis of agricultural properties is provided in Appendix C.

The District LUB allows for detached accessory dwellings in lieu of a secondary suite, whereas the ALC allow for both a suite and a detached accessory dwelling, therefore allowing three dwelling units in the form of a principal dwelling, secondary suite, and detached cottage/carriage house could be a consideration. Notably, both the APC and PAAC supported three dwellings in agricultural and rural areas.

Concerns related to permitting three dwellings include increasing rural sprawl and negatively impacting the rural character and agricultural landscape of the community. Increasing density in the rural and agricultural areas could also be considered contrary to the following Official Community Plan policies to prioritize agriculture and integrate new development with municipal services:

- 3.2.1.1 Areas designated as Agriculture on Schedule A, Land Use Plan will be retained for agricultural uses over the long-term regardless of any changes that may be made by the Provincial Government with respect to the Agricultural Land Reserve.
- 3.3.1.2 Support agricultural uses on rural lands where possible and discourage subdivision and development of rural lands.
- 4.2.1 Most new residential and mixed-use residential/commercial development should occur as infill and densification within the Urban Settlement Area as designation on Schedule A, Land Use Plan. Uses outside of this boundary should primarily be rural, agricultural or open space.
- 9.2.3.1 Integrate all transportation planning in the District with land use planning to ensure that new development proposals support, and are supported by, transit services and pedestrian and cycling networks.
- 10.2.1.2 In general, do not support the provision of municipal services to areas outside of the Urban Settlement Area in accordance with the Regional Growth Strategy.

When carriage houses and cottages were introduced to the rural zones they were limited to one accessory dwelling unit (ie: a suite or a cottage) and the same approach is recommended at this time.

### ***Dwelling Types***

Historically, the ALC permitted placement of a mobile home for family members, which was permitted in our LUB through the following regulation:

“The siting, erection or moving of a mobile home or modular home into the municipality, or from one lot to another within the municipality, shall be prohibited except in the Rural Estate, Industrial and Agriculture zones.”

In BC, the term ‘manufactured homes’ includes modular homes built to CSA, A-277 standards, or mobile homes built to CSA, Z-249 standards. Over recent decades the quality and aesthetics of manufactured homes have changed significantly, particularly for modular homes which are often not rectangular in shape and may include attached garages or be 2-storeys.

With the provincial ALC regulations now allowing for more options for a second dwelling beyond mobile homes for family members, revisiting if and how the LUB should address manufactured homes should be considered. The following summary provides some considerations:

- ***Mobile homes:***
  - As an accessory dwelling, there are some smaller versions that could meet the 90m<sup>2</sup> restriction for a Detached Accessory Dwelling on Rural or Agricultural zones and this would probably be the most common application. While the placement of a mobile home could be an affordable and fairly quick option compared to on-site construction, a disadvantage to their use is the level of energy efficiency and that they are inherently constructed to be temporary in nature ie: not on permanent foundations.

*Recommendation: since the Land Use Bylaw previously allowed their placement to align with ALR regulations and that the province is transitioning toward more permanent forms of housing, staff recommend that they be prohibited throughout the District. Should there be a circumstance where a property owner wished to place one on their property, they could be considered through a variance application on a case-by-case situation.*

- **Modular homes:**
  - As an accessory dwelling, most modular homes would exceed the size restriction so their use as a cottage/ carriage house would be limited.
  - As a principle residence they could be utilized throughout the District and depending upon the lot size and width, an Infill Development Permit may be required.
  - They could provide housing more efficiently by reducing demand on the construction industry due to their on-site assembly requiring less time and being less complex.
  - Unlike mobile homes, the construction standards for modular homes have to meet the BC Building Code.

*Recommendation: treat modular homes as a form of housing permitted throughout the District.*

### **Floor Area**

The provincial legislation allows for a principal dwelling up to 500 m<sup>2</sup> in area and one Detached Accessory Dwelling up to 90m<sup>2</sup> and for consistency, the same is approach is recommended. A recommendation of the Advisory Planning Commission was to include both principal and Detached Accessory Dwellings in the allowable 500m<sup>2</sup> that Council could consider. Alternatively, should Council desire, the maximum floor area for the principal dwelling could be reduced. Of note, the provincial legislation does not allow a density transfer between dwellings, i.e.; if the principal dwelling is 450m<sup>2</sup> you cannot allocate the remaining 50m<sup>2</sup> toward the accessory dwelling or vice versa.

An issue that has arisen during the Building Permit process for carriage houses is the extent of areas such as decks, covered patios, porches, and balconies that are not counted in floor area but do increase the overall massing. To provide clarity, introducing a new regulation to set a maximum area for any combination of attached decks, balconies, porches, and covered balconies is recommended, which could include different sizes based on those in Rural/Agricultural zones vs Urban Residential zones.

Another issue is a mixed-use building with a residential and accessory use in one building. While this allows for more flexibility in design, it has presented challenges with respect to the Building Code. Staff are recommending that the regulations be amended such that the floor area allocated for the accessory dwelling includes any attached accessory use, except where sited above a single level garage no more than 42m<sup>2</sup> in area. This would align with ALC regulations and provide more certainty going forward. Regulations could also address the potential re-purposing of an existing accessory building that is larger than the floor area permitted for a Detached Accessory Dwelling, with specific criteria to support a variance application, or where applicable, to obtain ALC approval of the conversion.

### **Level of Development Control**

One of the key decisions of Council with respect to considering accessory dwellings, is the level of development control desired to ensure agricultural capability and farm operations are not negatively impacted. Examples of the level of development control are noted below from the lowest to highest.

#### **A. Permit in Zoning Provisions:**

1. Permit in zoning regulations and only require a Building Permit, i.e.; as adopted for rural zones.
2. Cross-reference that the proposal has to be consistent with ALC Regulations without specific regulations included in the LUB.

3. Information Notes (non-regulatory) could be included for clarification of provincial conditions.

*Note: because this option has the most regulatory ambiguity and would put more of a burden on applicants to review provincial legislation it is not recommended.*

- B. Permit in Zoning and include 'General Regulations' to incorporate conditions of the use that reflect the ALC regulations among others, such as:
  1. Require a minimum lot size to allow for detached accessory dwellings; this option could particularly beneficial should up to 3 dwelling units be a consideration.
  2. Require farm status or other form of agricultural test to allow a detached accessory dwelling. A key challenge with this control option is that farm status can change in the future, therefore it is not generally recommended, nor was an approach such as this supported by PAAC.
  3. Limit spatial separation to minimize land disturbance and protect the integrity of farm lands. In the Rural zones a maximum separation from the principal dwelling of 50 m was adopted. Similarly, consideration of a maximum setback from the roadway or any other property line could be considered. Given the range of property sizes in the agriculture zones, separation regulations could be based on a lot size threshold, such as 30 m for properties less than 1 ha or 50 m if 1 ha or larger.
  4. Restrict or prohibit an additional driveway or municipal services directly to the accessory dwelling.
  5. Require siting to be within a restricted residential footprint; this approach could align with the ALC 1,000 m<sup>2</sup> restrictions on soil removal/placement of fill for all residential buildings and structures and help to avoid the need for additional approval from both the ALC and Council for soil deposit permits.
  6. Additional regulations or information notes to ensure zoning regulations align with the provincial ALC regulations, i.e.; depending upon the form of roof construction, attic space may be included in floor area.

*Note: while this option may seem to be a less bureaucratic process than Option C below, it would require a more prescriptive regulatory regime and there is risk that due to the diversity of lands the regulations are not always achieving the desired outcome and may result in variance applications.*

- C. Permit in Zoning and Regulate through Development Permit Area for the Protection of Farming:
  - Utilize local government authority for development permit areas for the protection of farming to regulate detached accessory dwellings. This could allow more flexibility in siting based on the specific property and an agrologist's assessment where required. For clarity, farm operations would be exempt from requiring a development permit and could include guidelines pertaining to screening, landscaping, fencing and siting in order to provide for the buffering for farm operations from a residential use.
  - Where possible, the regulatory considerations included in Option B could be incorporated as guidelines which provides more flexibility.
  - A development permit process could more broadly address other non-farm uses, and Council could consider replacing the temporary use permit process required for farm campgrounds with a DP process.

*Note: while this option may seem to be more bureaucratic than necessary, using a guidelines approach would improve flexibility in siting. To minimize the approval processing time, the authority to approve development permits (DP) could be delegated to the Director of Planning and Building Services.*

**Next Steps**

Following Council’s direction, draft bylaws will be prepared for Council’s consideration.

**CONCLUSION:**

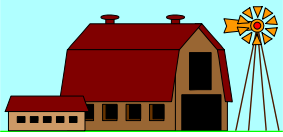
The province made legislative changes that come into force at the end of 2021 that allow local governments to permit a detached accessory dwelling on Agricultural Reserve Land (ALR) lands, subject to conditions, without requiring approval from the Agricultural Land Commission (ALC). It is however, the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

There appears to be general support for providing more options for housing on agricultural lands, which could be used for family purposes, for farm workers, or as supplemental rental income. Staff believe this can be done in a manner that would retain farming as the highest and best use of the land and utilizing a development permit process could provide the most flexibility.

Report written by:	Andrea Pickard, Planner
Respectfully submitted by:	Jarret Matanowitsch, Director of Planning and Building Services
Concurrence by:	Christine Culham, Chief Administrative Officer

**ATTACHMENTS:**

- Appendix A: PAAC Comments
- Appendix B: Excerpt APC minutes
- Appendix C: Agricultural Land Analysis



# Peninsula & Area Agricultural Commission

*c/o Saanich Municipal Hall  
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Secretary: Isobel Hoffmann, [isobel.hoffmann@saanich.ca](mailto:isobel.hoffmann@saanich.ca)  
Chair: Phil Christie*

November 30, 2021

Pamela Martin  
Corporate/Legislative Coordinator  
District of Central Saanich  
1903 Mt. Newton X Road  
Saanichton, BC V8M 2A9

Your File: 3900-20

Dear Ms. Martin:

## **Housing & Agriculture Zones**

At the November 18, 2021, Peninsula Agricultural Commission Meeting, the report from Central Saanich on Housing and Agricultural Zones was considered. A few of our members were unable to attend the ZOOM meeting, so the report and comments from the meeting were circulated for additional comments.

PAAC was asked to comment on four questions:

1. *Whether the status quo should be extended from rural to agricultural lands, as per the staff recommendations (from the report).*
2. *Alternatively, whether consideration should be given for setting the same regulations for rural and agricultural lands related to:*
  - a) *The maximum size limits for the principal dwelling; and*
  - b) *The proximity for accessory dwellings to the primary dwelling*
3. *Whether allowing three dwellings as a maximum in both rural and agricultural lands is supportable.*
4. *Whether an agricultural use, farm development plan, or agricultural intensity test be a condition.*

PAAC discussion at the meeting and additional comments were noted as follows:

- The agricultural community needs flexibility for farmers and the farm workers.
- Yes, for maximum flexibility the status quo should be extended from rural to agricultural lands, as per the staff recommendations, wherein a maximum of 3 dwellings are okay in the form of principal residence with suite and a secondary residence.
- If rules are too prescriptive it becomes limiting for the farmer.

- Flexibility is the key: perhaps include a land use planning report depending on the proposed accommodation location, access, topography, trees and vegetation, for example dwellings should not be placed on high-quality arable land, where avoidable and where it is not avoidable the dwelling should be placed on the lowest agricultural capability class lands within that farm unit or parcel.
- With respect to "clustering farm plates at the main road " a "one size fits all" policy does not work. Many farm parcels on Vancouver Island have lowlands that have high capability soils lying along the main road and often have forested high ground that is bedrock or stony in the back part of the parcel, which would be preferred location for housing, with the buildings spread out in forested areas in order to not exacerbate the fire hazard.
- Most members agree with the provincial restrictions placed on the overall footprint of the additional accommodations which are 90 sq. meters for parcels less than 40 ha and 186 sq. meters for parcels over 40 ha.
- The majority of PAAC members are opposed to additional restrictions on rental dwellings. however, if they are to be tied to the intensity of the farming. One member asked if there could be a mechanism to reward the farm owner who leases their land to a farm worker or other farmer.

Thank you for the opportunity to comment on this issue. We look forward to hearing the outcome of Council's decision. Please advise if you have any questions.

Yours truly,

*“Phil Christie”*

Phil Christie, Chair  
Peninsula & Area Agricultural Commission

cc: Mayor and Council, District of Central Saanich  
Councillor Chris Graham, Central Saanich PAAC Rep  
Jarret Matanowitsch, Director of Planning, Central Saanich  
Andrea Pickard, Central Saanich Planning

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**Municipalities:  
Saanich, Central Saanich, North Saanich & Metchosin**



# EXCERPT



*THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH*

Minutes of the **ADVISORY PLANNING COMMISSION** Meeting  
**Wednesday, November 17, 2021**, at 7:00 PM  
Council Chambers

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**PRESENT:**

**Members:**

Denise Tidman (Chair), Allison Habkirk (Zoom), Kathryn Parfitt (Zoom), Megan Parrish (Zoom), Richard Primrose (Zoom), Jim Rondeau (Zoom), Ron Spelt (Zoom), and Susan Zedel (Zoom)

**Council Liaisons:**

Councillor Thompson (Zoom)  
Councillor Newton (Zoom)

**Staff:**

Ivo van der Kamp, Planner  
Andrea Pickard, Planner  
Pamela Martin, Corporate/Legislative Coordinator

**ABSENT:**

John Hannam

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**1. CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

5.2. Housing and Agriculture Zones

The Planner presented on the report from the Director of Planning and Building Services.

The Commission discussed the following:

- Whether it is appropriate for rural and agricultural zones to have similar rules.
- Concerns with a second dwelling encroaching onto agricultural land that should be used for farming.
- That a secondary dwelling could be used for farm worker accommodation.
- Whether having an intensity test as a condition for housing is appropriate.

MOVED

*The Advisory Planning Commissions supports that the status quo be extended from rural to agricultural lands, as per the two staff recommendations in the Housing and Agricultural Zones report.*

CARRIED UNANIMOUSLY

MOVED

*That the Advisory Planning Commission recommends a maximum of 500 square meters for all residential dwellings on agricultural land.*

CARRIED

Opposed: Megan Parrish

MOVED

*That the Advisory Planning Commission are not advising any changes to rural lands.*

CARRIED UNANIMOUSLY

MOVED

*That the Advisory Planning Commissions supports allowing three dwellings as a maximum in both rural and agricultural lands.*

CARRIED

Opposed: Allison Habkirk, Jim Rondeau, and Susan Zedel

## Agricultural Property Analysis

With respect to housing potential, a basic analysis of agricultural properties is provided.

- There are approximately 611 agricultural lots zoned for residential use.
- Property sizes ranges from 0.02 (218m<sup>2</sup>) to 78 ha (193 ac) in size as shown in Figure 1 below.
- The average lot size is 3.8 ha (9.4 ac) with a median of 1.95 ha (4.8 ac), indicating there are more small lots.
- Some already have approved second dwellings and would not be permitted another accessory dwelling (i.e., mobile homes or for farm workers).
- There are five types of Agricultural zones in the District, all permit a residential use and three are split zoned.
- Current A-1 zoning and ALC regulations allow for a secondary suite in the principal dwelling, however the 4 unique agriculture zones (A-3 Fairground, A-5 Heritage Acres, A-6 Veterinary Clinic, A-7 Model Aircraft Aerodrome) do not permit secondary suites.

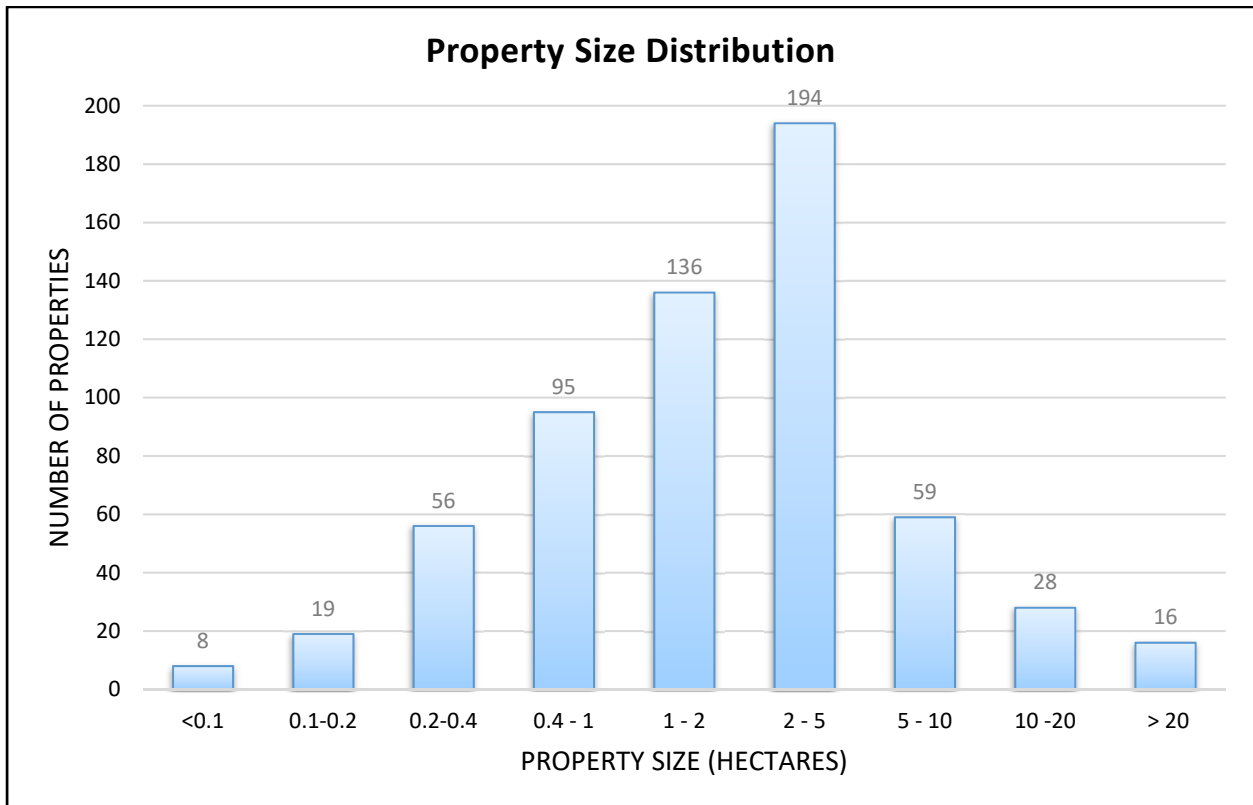


Figure 1: Distribution of Agricultural Lot Sizes

Table 1: Conversion Table

<i>Hectare</i>	<i>Acres</i>	<i>Hectare</i>	<i>Acres</i>
<0.1 (1,000 m <sup>2</sup> )	0.247	2	4.94
0.2 (2,000 m <sup>2</sup> )	0.494	5	12.36
0.4 (4,000 m <sup>2</sup> )	0.988	10	24.71
1	2.47	20	49.42