

To: CAO for the Electoral Area Services Committee

Date: 2019-07-09

From: Andrea Antifaeff, Planner I

File No: 3015-20 2019-07

Subject: Agricultural Land Commission Application – Non-Adhering Residential Use (proposed employee residence) at 41379 Nicomen Island Trunk Road, Electoral Area “G”

RECOMMENDATION

THAT the application for non-adhering residential use (employee residence) within the Agricultural Land Reserve for the property located at 41379 Nicomen Island Trunk Road, Electoral Area “G” be forwarded to the Agricultural Land Commission for consideration;

AND FURTHER THAT the Agricultural Land Commission consider the staff report dated July 9, 2019 under file number 3015-20 2019-07 and the attached Secondary Dwellings in the Electoral Areas policy.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

Foster a Strong & Diverse Economy

Support Healthy & Sustainable Community

BACKGROUND

The Fraser Valley Regional District has received an application for a non-adhering residential use (employee residence) in the Agricultural Land Reserve for the property located at 41379 Nicomen Island Trunk Road, Electoral Area “G”.

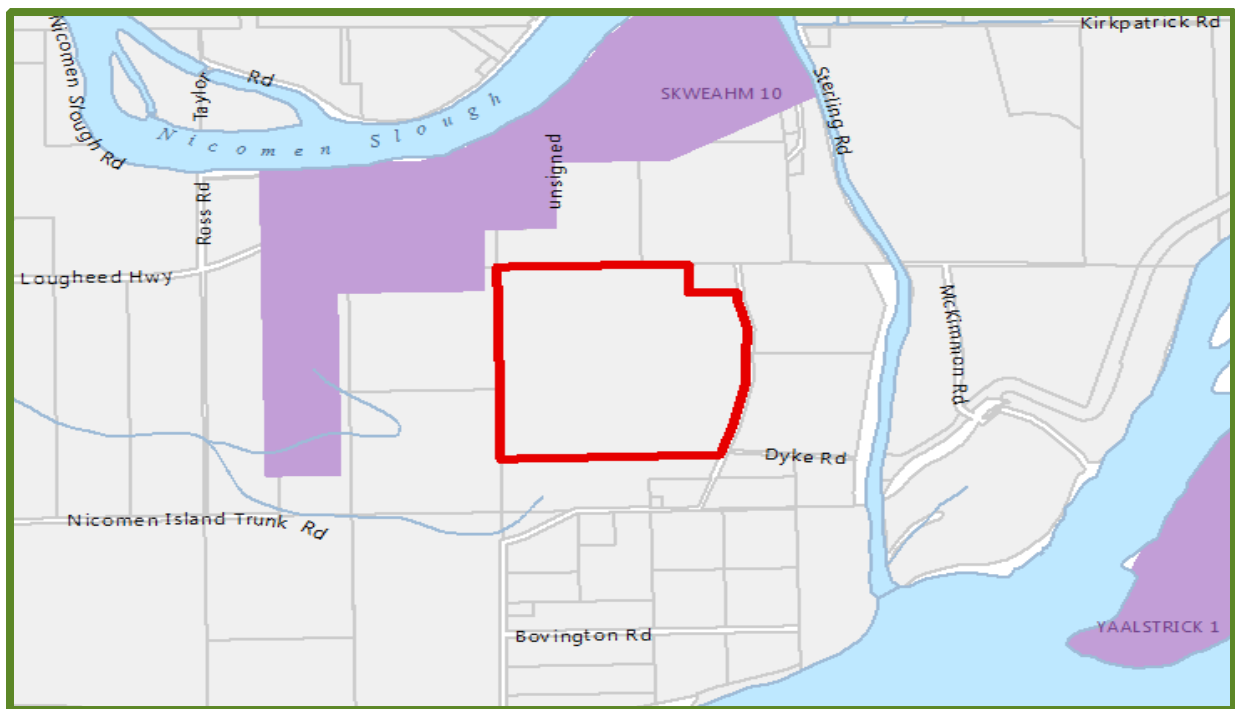
PROPERTY DETAILS			
Electoral Area	G		
Address	41379 Nicomen Island Trunk Rd		
PID	001-325-035		
Folio	775.03530.005		
Lot Size	100 acres		
Owner	Peter & Renee Jonker & Jonker Holsteins Ltd.	Agent	N/A
Current Zoning	Floodplain Agriculture (A-2)	Proposed Zoning	No change
Current OCP	Agricultural (Ag)	Proposed OCP	No change
Current Use	Agricultural & Residential	Proposed Use	No change

Development Permit Areas	2-G RAR
Agricultural Land Reserve	Yes

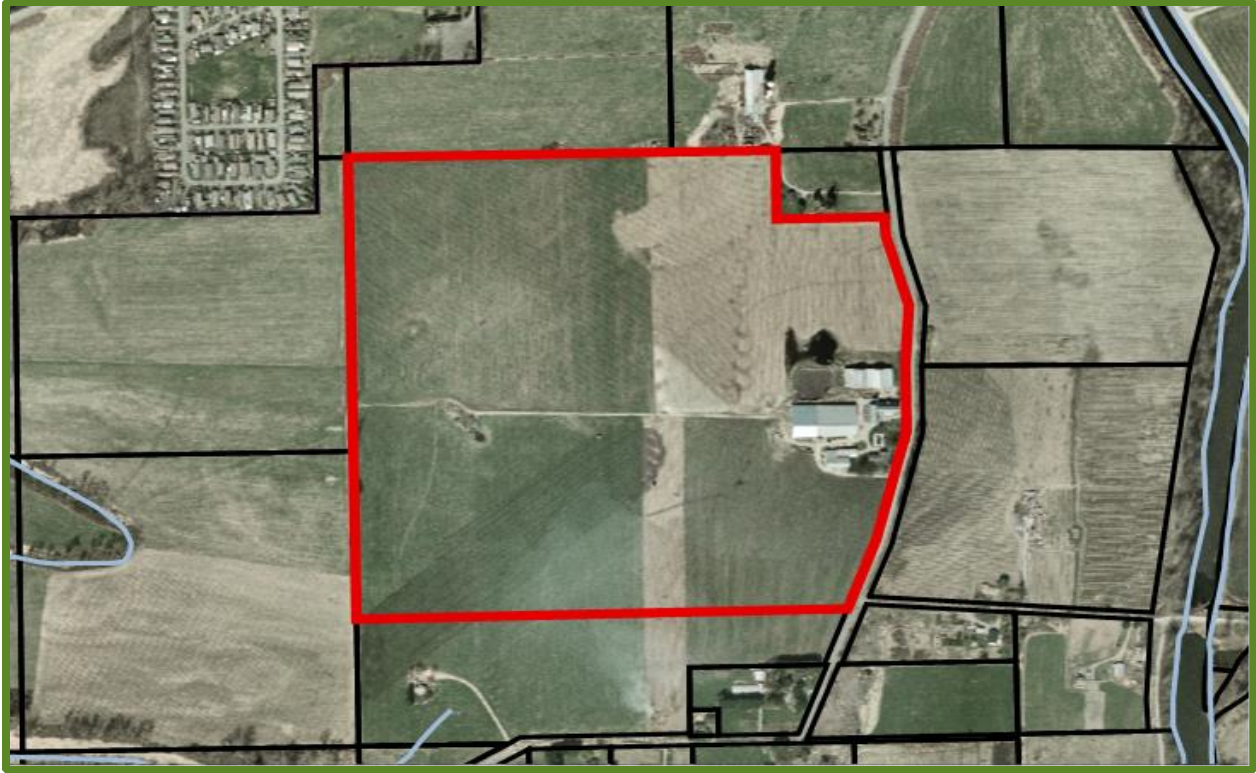
ADJACENT ZONING & LAND USES

North	^	Floodplain Agriculture (A-2); Agricultural
East	>	Floodplain Agriculture (A-2); Agricultural
West	<	Floodplain Agriculture (A-2); Agricultural
South	v	Floodplain Agriculture (A-2); Agricultural

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

ALC Regulations

The Agricultural Land Commission (ALC) is the provincial agency responsible for administering the Agricultural Land Reserve (ALR). Effective February 22, 2019, the Province amended the *Agricultural Land Commission Act (ALCA)* and ALR regulations with Bill 52 removing local government's authority to approve additional residences for farm use. Through Bill 52, all property owners must now apply to the ALC for approval of any additional residence. As per section 25 of the *ALCA* when the commission is making determinations with respect to an application for a non-adhering residential use, the commission must consider the prescribed criteria, if any, and must not grant permission for an additional residence unless the additional residence is necessary for a farm use.

ALC non-adhering residential use applications are referred to local governments and require a resolution from the Fraser Valley Regional District Board to forward the application to the ALC before the application may be considered by the ALC.

The Agricultural Land Commission Act and regulations has previously contained provisions facilitating the construction of additional dwellings for farm help, manufactured homes for immediate family members, accommodation above an existing farm building, or (in parts of the province) a second single family dwelling. These provisions were removed from the *ALCA* and the *ALR Use Regulation*, though the *ALCA* provides some grandfathering protection for pre-existing structures of these kinds.

If the owners of the property had submitted a building permit application for the construction of the accessory employee residence and started construction prior to February 22, 2019 this application would not be required as the proposal is consistent with FVRD zoning regulations.

Property Description

The owners of the property have made an application for a non-adhering residential use (employee residence) at 41379 Nicomen Island Trunk Road.

The property is located within the Agricultural Land Reserve (ALR) and is currently classified as farm by BC Assessment. The property is 100 acres (40.5 hectares), flat, and is currently used for a dairy farm operation. The dairy farm operation (including a single family dwelling) currently uses 5 acres of the property and the remaining 95 acres are used for producing hay crops.

Proposed Employee Residence

The property owners are proposing to construct a 4,019 sq. foot (373 sq. metres) accessory employee residence. The proposed residence is designed as a four bedroom rancher with a bonus room above. Square footage summary of the proposed employee residence:

Area of House		Size
Indoor living space		2,509 sq. feet (233 sq. metres)
Decks		850 sq. feet (79 sq. metres)
Attached double car garage		660 sq. feet (61 sq. metres)
Total		4,019 sq. feet (373 sq. metres)



Image 1:
Construction
drawings of
proposed
employee
residence



FVRD Policies and Regulations

Zoning

The subject property is zoned Floodplain Agriculture (A-2) as per *Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992*. The proposed accessory employee residence is consistent with the zoning regulations provided for in the bylaw. Zoning excerpt below.

Accessory Employee Residential Use

- a. Shall be permitted in the R-3 zone; and
- b. Except as restricted by the *Agricultural Land Commission Act*, shall be permitted in the A-1 and A-2 zones; and
- c. Shall be permitted only on a parcel classified as farm land for the purposes of assessment and taxation pursuant to the *Assessment Act*, R.S.B.C. 1979, c.21; and
- d. Shall not be permitted on a parcel of less than 7.5 hectares in area; and
- e. Shall be limited to one accessory employee dwelling unit for parcels between 7.5 hectares and 15.0 hectares in area; and
- f. Shall be limited to a maximum of two accessory employee dwelling units on parcels greater than 15.0 hectares in area.

Secondary Dwellings in the Electoral Areas

Recently the FVRD Board adopted a policy regarding secondary dwellings in the electoral areas. The policy was developed to create a framework for the introduction of secondary dwellings into the Electoral Areas, with the intent of balancing the community and developer interest and acknowledging the cumulative effects to both the environment and the character of the communities in which they exist. This policy only applies to lands that are outside of the Agricultural Land Reserve. Although the policy doesn't apply to accessory employee residences on farms in the ALR, the policies on form and design of second dwellings could be considered by the ALC:

3.4.2 The FVRD Board encourages maintaining a relationship between the secondary dwelling and the principle dwelling on the parcel, through maximum setback requirements, for the purposes of:

- discouraging future subdivision rationale;
- maintaining the ancillary nature of the second dwelling;
- encouraging natural surveillance; and,
- reducing impacts to neighbouring properties.

3.4.3 The FVRD Board does not support the issuance of Ministry of Transportation Access Permits for additional or alternative access for a secondary dwelling. Secondary dwellings should be accessed from the same access as the principle dwelling, whichever is lesser.

3.4.4 Secondary dwellings should be restricted in size to: a) a total floor space of not more than 90m²; or b) 40% of the habitable floor space of the principle dwelling, whichever is lesser.

3.4.5 Secondary dwellings should be subject to minimum setback and maximum height requirements consistent with the principle dwelling the parcel.

The proposed construction drawings are not consistent with the size, access and siting policies in the secondary dwellings in the electoral areas policy.

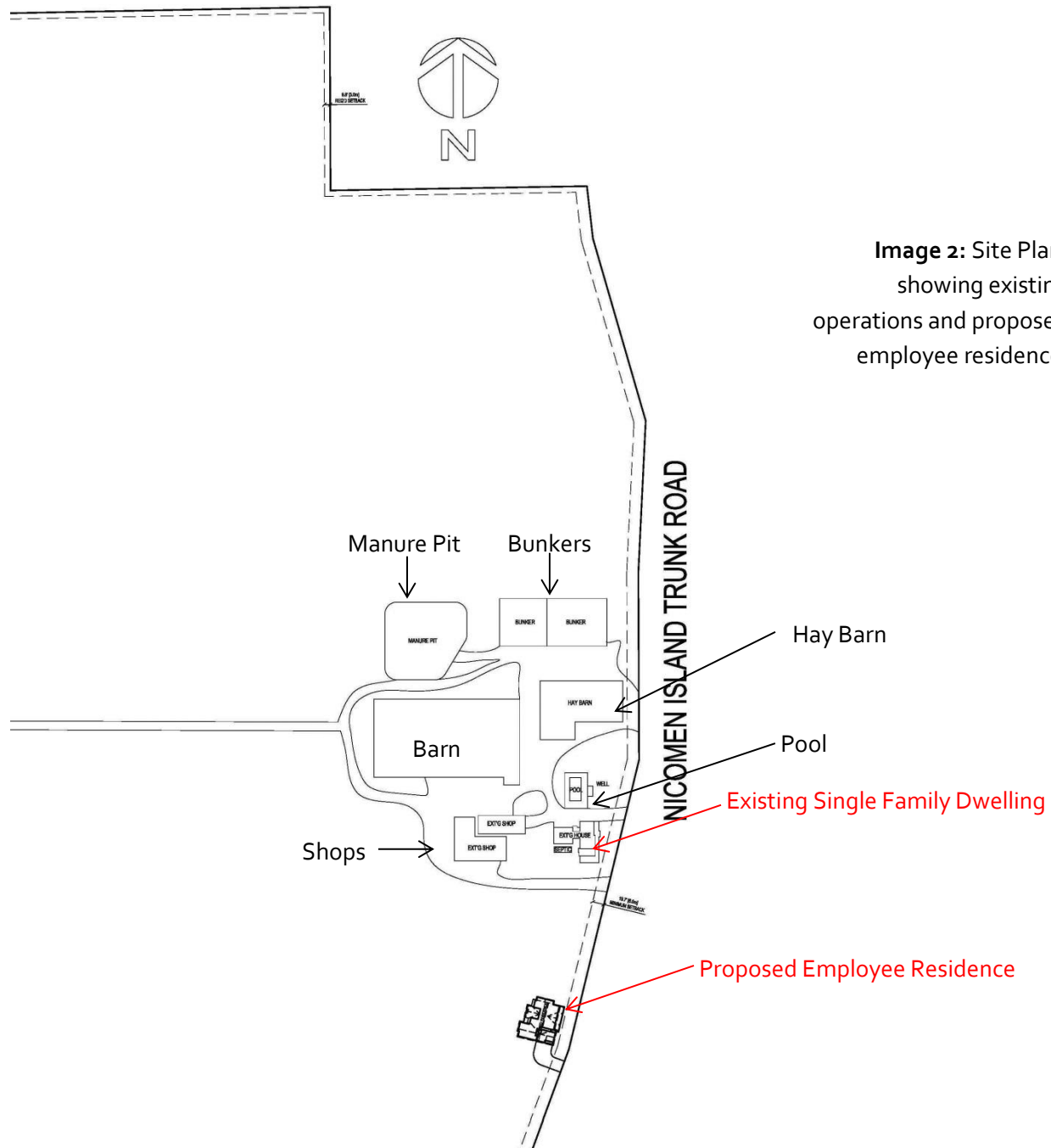


Image 2: Site Plan:
showing existing
operations and proposed
employee residence.

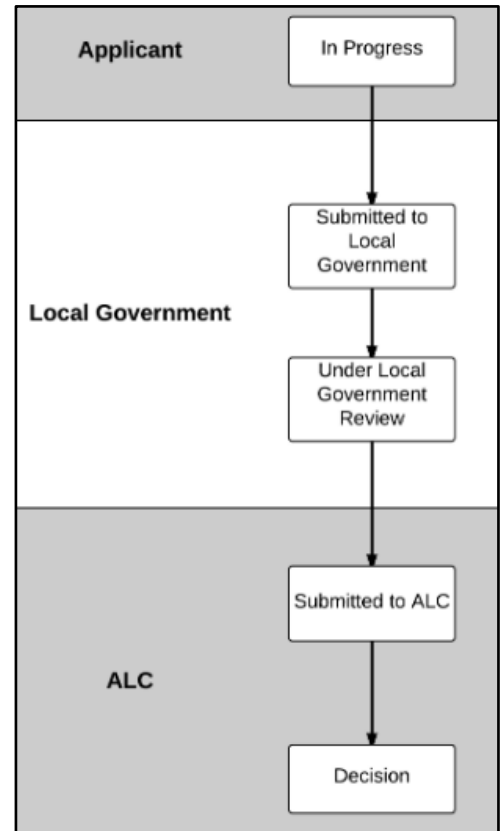
Process

Non-adhering residential use applications are submitted by the applicant to the ALC Application Portal and the application is sent directly to the FVRD. The process is shown in the flowchart below.

The FVRD Board may either:

1. Forward the application – with any comments it deems appropriate – to the ALC (by way of an authorizing resolution) so that the ALC may make a decision on it; or,
2. Not forward the application to the ALC, in which case the application will not proceed.

If the application proceeds to the ALC and it is approved, the FVRD may then issue a building permit for the construction of the accessory employee residence. Flood protection, setbacks, and building code matters will be addressed through the building permit process.



COST

The application fee of \$1,500.00 has been received by the applicant. A remittance of \$1,200.00 will be forwarded to the Agricultural Land Commission.

CONCLUSION

Staff recommend that the FVRD Board resolve to forward the application to the ALC as the proposed land use (accessory employee residential use) is consistent with the zoning bylaw and ask that the Agricultural Land Commission consider the FVRD's Secondary Dwellings in Electoral Areas policy when considering the application.

OPTIONS

Option 1 **Forward to the ALC (Staff Recommendation)**

THAT the Fraser Valley Regional District Board forward the application for the ALR non-adhering residential use (employee residence) to the Agricultural Land Commission.

AND FURTHER THAT the Agricultural Land Commission consider the staff report dated July 9, 2019 under file number 3015-20 2019-07 and the attached Secondary Dwellings in the Electoral Areas policy.

Option 2 Refuse

THAT the Fraser Valley Regional District Board refuse the application for the ALR non-adhering residential use (employee residence) and not forward the application to the Agricultural Land Commission.

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development: Reviewed and supported.

Margaret Thornton, Director of Planning & Development: Reviewed and supported.

Mike Veenbaas, Director of Financial Services: No further financial comments.

Jennifer Kinneman, Acting Chief Administrative Officer: Reviewed and supported.