

To: Electoral Area Services Committee

Date: 2020-05-12

From: Julie Mundy, Planner 1

File No: 3015-20 2020-01

**Subject: Agricultural Land Commission application – Non-Adhering Residential Use (proposed employee residence) at 781 Blatchford Road, Electoral Area H**

## RECOMMENDATION

**THAT** the ALC application for a non-adhering residential use (employee residence) at 781 Blatchford Road, Electoral Area H, be forwarded to the Agricultural Land Commission for consideration.

**AND THAT** the Agricultural Land Commission consider the FVRD corporate report dated May 12, 2020.

## STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

Foster a Strong & Diverse Economy

## BACKGROUND

The property owners of 781 Blatchford Road wish to construct a second residence for a farm employee above a building. The property is within the Agricultural Land Reserve and is subject to the provincial *Agricultural Land Commission Act (ALC Act)* and the Agricultural Land Reserve Regulations. The ALC Act and Regulations require an application for a non-adhering residential use to determine if a second residence can be permitted. See the table below for property information.

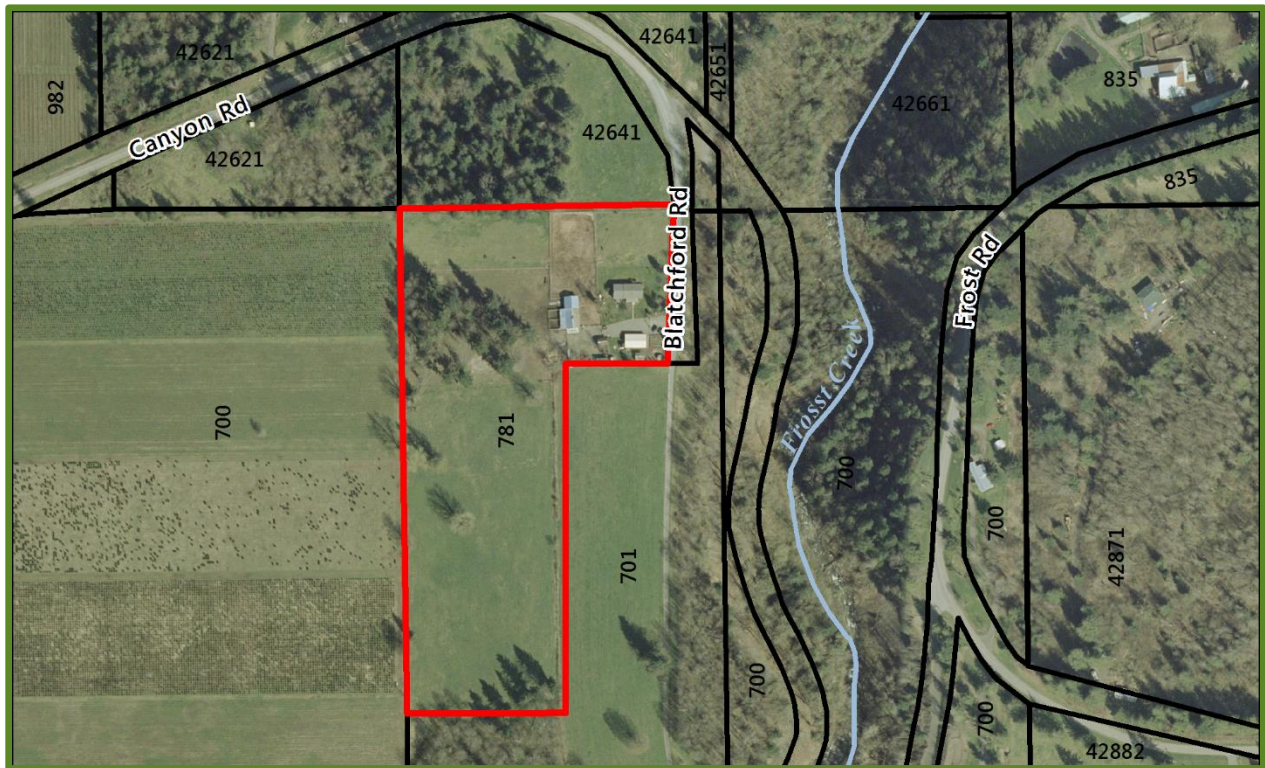
### PROPERTY DETAILS

|                                  |                                       |                        |           |
|----------------------------------|---------------------------------------|------------------------|-----------|
| <b>Address</b>                   | 781 Blatchford Road, Electoral Area H |                        |           |
| <b>PID</b>                       | 007-369-255                           |                        |           |
| <b>Folio</b>                     | 733.02909.010                         |                        |           |
| <b>Lot Size</b>                  | 10 acres                              |                        |           |
| <b>Owner</b>                     | Mary & Glen Samson                    | <b>Agent</b>           | n/a       |
| <b>Current Zoning</b>            | Rural Agriculture (R-Ag)              | <b>Proposed Zoning</b> | No change |
| <b>Current OCP</b>               | Agricultural (AG)                     | <b>Proposed OCP</b>    | No change |
| <b>Current Use</b>               | Farm & Residential                    | <b>Proposed Use</b>    |           |
| <b>Development Permit Areas</b>  | n/a                                   |                        |           |
| <b>Agricultural Land Reserve</b> | Yes                                   |                        |           |

### ADJACENT ZONING & LAND USES

|              |   |  |
|--------------|---|--|
| <b>North</b> | ^ | Rural Agriculture (R-Ag), Residential        |
| <b>East</b>  | > | Rural Agriculture (R-Ag), Farm & Residential |
| <b>West</b>  | < | Rural Agriculture (R-Ag), Farm & Residential |
| <b>South</b> | v | Rural Agriculture (R-Ag), Farm & Residential |

### NEIGHBOURHOOD & PROPERTY MAP



## DISCUSSION

### ALC Non-Adhering Use Application

The Agricultural Land Commission (ALC) is the provincial agency responsible for administering the Agricultural Land Reserve. In February 2019, the Province amended the *Agricultural Land Commission Act* and the *ALR Regulations*, changing how additional residences in the ALR are approved.

Under the current rules, local governments must not permit construction of a secondary residence for farm employee use in the ALR without ALC approval. This approval is considered through a non-adhering residential use application. The ALC is authorized to approve a non-adhering residential use only when the additional residence is necessary for a farm use. The decision for approving or denying non-adhering residential use is the responsibility of the ALC.

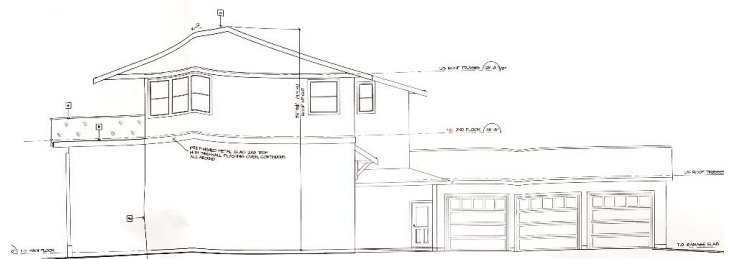
In order for a Non-Adhering Residential Use to be considered by the ALC, the application must be forwarded to them by a local government resolution.

### Property Description

The property is 10 acres (4 ha) in size, is in the Agricultural Land Reserve, and is assessed as farm land by BC Assessment. There is currently a single-family residence, a detached garage, and a small livestock barn on the property. Most of the property is currently used for hay. The property owner indicates they also have 6 chickens, 6 turkeys and 4 cows.

### Proposed Structure & Application Rational

The property owners are proposing to construct a two-storey, 'L' shaped building. There will be a workshop for farm equipment and a 3-car garage on the first floor. A residence will occupy part of the second floor. The residence has 3 bedrooms, 2 bathrooms, and a total area of 1408 square feet. See the floor plan in Appendix A.



The area of the building components are:

| 1 <sup>st</sup> Floor Area |             |
|----------------------------|-------------|
| Workshop                   | 2304 sq. ft |
| 3 car garage               | 804 sq. ft  |
| Foyer                      | 84 sq. ft   |
| Total                      | 3192 sq. ft |

| 2 <sup>nd</sup> Floor Area |             |
|----------------------------|-------------|
| Living area                | 1408 sq. ft |
| Workshop                   | 896 sq. ft  |
| Balcony                    | 845 sq. ft  |
| Total                      | 3149 sq. ft |

The property owners advise the proposed structure will replace an existing barn which is in need of repair. They state the proposed building is more cost-effective than placing a mobile home and makes

more efficient use of the land. The property owners advise the dwelling will provide accommodation for the son who works on the farm and who will be expanding the operation.

## **FVRD Regulations & Policies**

### Zoning

The property is zoned Rural Agriculture (R-Ag) under Zoning Bylaw 66 for Electoral Areas E and H. The proposed accessory employee residence use is consistent with the zoning regulations which require: 1) the accommodation to be the residence of a person directly involved in the operation of a farm unit; and, 2) the lot to be classified as "Farm" by BC Assessment. The zoning does not limit the form of an accessory employee residence.

### *Other Building Options*

The uses proposed for the first floor of the proposed structure are permitted under FVRD zoning and the ALC regulations without any further application other than building permits.

The R-Ag zone allows for the placement of a mobile home for accessory personnel care use. This use is for the care or assistance of a person who resides on the same lot for reasons of age or infirmity. A mobile home could be placed on the property without ALC approval if a building permit were to be issued by December 31, 2020. The property owner indicates that this option is not appropriate for their circumstances.

### Secondary Dwellings Policy

The Board adopted a policy on Secondary Dwellings in the Electoral Areas in June 2019. This policy is superseded by provincial regulations for residences in the ALR; however, the Secondary Dwellings policy may provide useful form and design considerations. Excerpts from the policy include:

- 3.4.2 The FVRD Board encourages maintaining a relationship between the secondary dwelling and the principal dwelling on the parcel through maximum setback requirements for the purposes of a) discouraging future subdivision rationale; b) maintaining the ancillary nature of the secondary dwelling; c) encouraging natural surveillance; and d) reducing impacts to neighbouring properties.
- 3.4.3 The Board does not support Ministry of Transportation Access Permits being issued to accommodate additional or alternative access for a secondary dwelling. Secondary dwellings should be accessed from the same access as the principal dwelling on the parcel.
- 3.4.4 Secondary dwellings should be restricted in size to: a) a total floor space of not more than 90m<sup>2</sup>; or b) 40% of the habitable floor space of the principal dwelling, whichever is lesser.
- 3.4.5 Secondary dwellings should be subject to minimum setback and maximum height requirements consistent with the principal dwelling on the parcel.

The proposed structure is consistent with the access and siting policies in the secondary dwellings policy. The proposed residence is not consistent with the size policy.

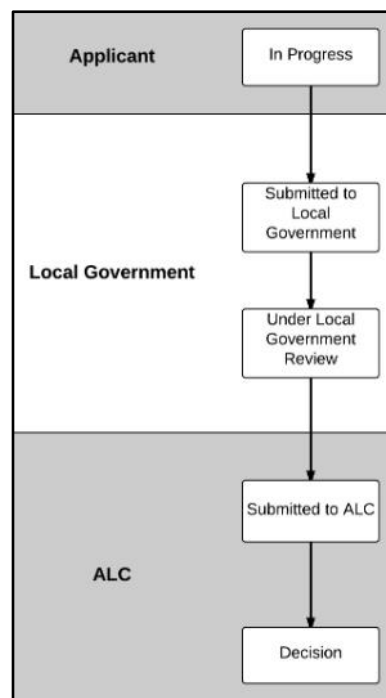
### ALC Application Process

Non-adhering residential use applications are submitted by the applicant to the ALC Application Portal, and the application is sent directly to FVRD.

The FVRD Board may either:

1. Forward the application to the ALC with any comments it deems appropriate through an authorizing resolution.
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. Building code matters will be addressed through the building permit process.



### COST

The application fee of \$1,500 has been received by the applicant. A remittance of \$1,200 will be forwarded to the ALC if the application moves forward. The \$1,200 will be returned to the applicant if the application is refused and not forwarded to the ALC.

### CONCLUSION

Staff recommend that the FVRD Board resolve to forward the application to the ALC. The proposed land use (accessory employee residential use) is consistent with the zoning bylaw, and the property has 'Farm' status under BC Assessment.

If the application is forwarded, the ALC will determine if the dwelling is required for farm purposes in accordance with their Act and Regulations.

### OPTIONS

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

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

AND THAT the Agricultural Land Commission consider the FVRD corporate report dated May 12 2020.

Option 2 – Refuse

MOTION: THAT the Fraser Valley Regional District Board decline to forward the application for a non-adhering residential use (employee residence) to the Agricultural Land Commission

**COMMENTS BY:**

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

**Kristy Hodson, Acting Director of Finance:** Reviewed and supported

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