

# AgRefresh

**STAGE 3 REPORT | EXCERPT  
PRINCIPAL RESIDENCES**





## 2.3 Principal Residences

### Ensure appropriate residential footprint and number of homes

Abbotsford's existing agricultural zoning does not regulate the size of a principal residence (except through lot coverage), however, AgRefresh has explored this idea.

Ministry of Agriculture research (2011) indicates that large and expensive homes can significantly increase the value of a farm property, making it more expensive for farmers and less likely to be farmed, especially for smaller parcels.

In early 2019, during Stage 3 of AgRefresh, Provincial amendments to *Agricultural Land Commission Act* (Bill 52, 2018) introduced a 500 m<sup>2</sup> size limit for a principal residence in the ALR, requiring ALC approval for any dwelling above this maximum. The new Provincial 500 m<sup>2</sup> house size limit is consistent with the Minister of Agriculture's 2015 Bylaw Standards.

### 2.3.1 Decision Makers

Applications for an ALR principal residence over 500 m<sup>2</sup>:

<b>Council</b>	Council considers the ALC application (forward or refuse)
<b>ALC</b>	ALC approves or refuses the residence

### 2.3.2 What we heard in Stage 3 (before Bill 52)

#### 'Early Ideas' explored through Stage 3 engagement

- Set a maximum house size in relation to parcel size in the ALR, potentially allowing larger homes on larger parcels

#### Stage 3 engagement feedback highlights\*

- 75% of respondents agreed/somewhat agreed with setting house size limits by parcel size; with 25% opposed to any house size limits
- some wanted the same size limit for all lot sizes
- some felt farm need or family size should determine size
- many indicated support for the Minister's 500 m<sup>2</sup> standard
- some had concerns with the impact of large homes on land prices

\*A full summary of Stage 3 engagement material and feedback is available in the "Stage 3 Winter 2017-18 Engagement Results" report.

## 2.3.3 Draft Recommendations

### A SNAPSHOT

#### Zoning Bylaw Highlights

- Reference required compliance with the *ALC Act* for single detached dwellings, supplemented with an explanatory note regarding the 500 m<sup>2</sup> principal residence size limit;
- Integrate a three storey height maximum
- Defer consideration of residential siting and footprint (home plate), pending further Provincial review on this topic.

#### Procedural Highlights

- Adopt a Council Policy to guide decision making for ALC applications requesting a principal residence over the ALC 500 m<sup>2</sup> maximum.
- Explore a standing Council resolution to automatically forward ALC applications requesting permission to occupy a dwelling while constructing a replacement principal residence, subject to criteria.



## DRAFT POLICY AND REGULATION UPDATES

<b>New</b> (Zoning)	<b>Maximum House Size</b> - lots subject to the <i>ALC Act</i>
ALC Alignment	Acknowledging Provincial ALR house size limits, the following regulations are proposed for all new single detached dwellings in the ALR:
Ministry Alignment	<ul style="list-style-type: none"><li>• A single detached dwelling on a lot within the Agricultural Land Reserve shall only be permitted in accordance with the <i>Agricultural Land Commission Act</i>, the <i>Agricultural Land Reserve Use Regulation</i>, or as approved by the Agricultural Land Commission. (see 140.2.11 of Appendix B)</li><li>• An ‘explanatory note’ accompanies the above provision, noting the ALC’s 500 m<sup>2</sup> house size limit. The explanatory note is for reader convenience and is not part of the formal bylaw. This allows immediate updates with any change to the <i>ALC Act</i>, regulations, ALC policy or interpretation</li></ul>
	This approach identifies the ALC limit on house size within the Zoning Bylaw, while acknowledging the ability to construct a larger dwelling if the proposal is forwarded to the ALC by Council (Council can refuse) and ultimately approved by the ALC through the Non-Adhering Residential Use application process.
<b>Existing</b> (Zoning)	<b>Maximum House Size</b> - lots not subject to <i>ALC Act</i>
ALC Alignment	The 500 m <sup>2</sup> <i>ALC Act</i> house size limit does not apply to properties within the ALR that are under 2 acres and on their own certificate of title pre-dating December 1972 (see ALC Policy P-02 for details). This qualification needs to be confirmed by the ALC for each individual lot.
	Existing Zoning Bylaw provisions would apply to these properties, and vary depending on zoning.
	ALR properties meeting the ALC exemption criteria and zoned A1-A6, RR, CR, or SR will continue to be regulated through lot coverage, height, and setbacks.
	Dwelling size for ALR properties in other zones (e.g., RS1 and RS3) that meet the ALC exemption criteria is regulated by through floor space ratio, height, setbacks and maximum lot coverage.

New  
(Policy)

ALC  
Alignment

Ministry  
Alignment

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### **Principal Residence over 500 m<sup>2</sup>**

There may be unique circumstances where a principal residence larger than 500 m<sup>2</sup> is needed to support a farm operation.

Acknowledging this scenario, proposals for homes over 500 m<sup>2</sup> are processed by the ALC on a case-by-case basis through a 'Non-Adhering Residential Use' application; meaning the application 'does not adhere' to the size limit of the *ALC Act*.

These applications must be considered by Council before they are reviewed by the ALC. Council has the option to either forward the application to the ALC for consideration, or refuse the application, in which case the application process ends.

#### ***Recommended Council Policy***

A new Council Policy is recommended to identify key considerations that will help evaluate 'farm need' and support decision making when reviewing ALC applications for a larger principal residence (see Appendix C, Division 1).

The Council Policy is intended to supplement the advice of Council's Agricultural Advisory Committee, outline factors to guide staff report content, and support Council decision making.

The policy notes that the City may consider the following factors when reviewing the application:

1. the extent of compliance with the Zoning Bylaw;
  2. whether the principal residence will be the only dwelling unit on the property at the time of occupancy, excluding a secondary suite;
  3. whether the lot is over 4.0 ha in area;
  4. the extent of farmable area on the lot that is not encumbered by environmental constraints or natural areas that impede agriculture;
  5. whether a high proportion of the lot is being actively farmed and if the farmed commodity typically demands a high labour need;
  6. if the lot has been assessed as 'farm' under the *Assessment Act* for the past 3 years; and
  7. other unique circumstances relevant to the proposal.
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Updated  
(Zoning)

New  
(Procedure)

ALC  
Alignment

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### **Occupying a residence while building a replacement**

Since enactment of Bill 52, 2018, an ALR property owner must obtain ALC approval to occupy an existing residence while building a replacement.

A proposed update to section 130.4 of the Zoning Bylaw maintains the option to occupy a single detached dwelling while constructing a replacement residence in the ALR, if the ALC has authorized:

- temporary retention of the existing residence; or
- conversion of the building to an alternative use.

#### ***Draft Recommended Procedure***

Given the potential operational need to live on a farm during construction of a replacement residence, the following procedure is recommended for Council consideration:

1. That Council consider a Standing Resolution to forward to the Agricultural Land Commission, without comment, all Non-Adhering Residential Use applications requesting to occupy a principal single detached dwelling while constructing a replacement dwelling, if:
  - (a) the lot is assessed as farm under the *Assessment Act*; and
  - (b) the existing single detached dwelling, upon completion of the new residence, will be demolished or converted to a residential use permitted in the Zoning Bylaw.
2. That Council review and evaluate, with the input of the Agriculture Advisory Committee, all applications not meeting the above criteria.
3. That Council reaffirm this approach with any change to Council, and at a recurring time interval set by Council.

New  
(Zoning)

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### **Buildings Accessory to a Single Detached Dwelling**

Buildings and structures accessory to a single detached dwelling in the ALR shall not have a combined floor area exceeding the gross floor area of the principal single detached dwelling.

This does not impact buildings accessory to farming.

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Defer  
(Zoning)

Ministry  
Alignment

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### **Residential Footprint and Siting** (home plate)

The ‘residential footprint’, or ‘farm home plate’ is the portion of a farm property used for residential purposes (i.e., house, yard, garage, pool, driveway, sport courts, landscaping, etc.).

Consistent with April 2020 Council direction, AgRefresh recommends deferring consideration of new Zoning Bylaw provisions regulating the size and siting of a ‘residential footprint’ on an ALR parcel, pending further Provincial work on this topic.

The Minister of Agriculture’s Advisory Committee for Revitalizing the ALR and ALC recommended the following in its December 2018 final report:

- *“Enable new regulations for siting, secondary dwellings, and home plate size.” [p. 61]*
- *“Carry out additional consultation and analysis on home plate size and siting, with results to be added later by regulation.” [p. 63]*

Section 58(2)(c) of the *ALC Act* was updated in February 2019 through Bill 52, 2018 to give the Province the power to make regulations:

- “respecting the size and siting of residential structures ...”; and
- “requiring all residential structures to be sited within a prescribed area on a parcel of agricultural land”.

Deferring further work on this topic will allow coordination with potential future Provincial regulation changes, if any.

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