



Analysis: Richmond FarmWatch suggestions & insights from the Garden City Conservation Society (GCCS)

**Suggested revised wording—
Richmond Farmwatch wording,
along with GCCS refining, in red**

Minister Lana Popham: The Garden City Conservation Society supports the Richmond FarmWatch suggestions (with the wording refinements shown) and offers further insights, drawing on Richmond experience.

Agricultural Land Commission Act, Section 18

Unless permitted under this Act,

(a) a local government, a first nation government or an authority, or a board or other agency established by a local government, a first nation government or an authority, or a person or agency that enters into an agreement under the *Local Services Act* may not

- (i) permit non-farm use of agricultural land or permit a residence or other building to be erected on the land except for farm use, or
- (ii) approve a residence with a floor area of more than 500 m² (total enclosed area prior to any deductions for stairwells, garage, etc.) or
- (iii) approve more than one residence on a parcel of land unless the additional residences are necessary for farm use, and

(b) an approving officer under the *Land Title Act*, the *Local Government Act* or the *Strata Property Act* or a person who exercises the powers of an approving officer under any other Act may not approve a subdivision of agricultural land.

In Section 18 (a) (i), FarmWatch added a key word, *residence*. This strengthens the wording, which currently only *implies* that building non-farmhouse residences is *not* allowed (except where explicitly permitted). In Richmond, the ALR landowners assert a supposed right to have residences of almost any size and kind constructed to the extent it was allowed when they purchased their ALR land.

In 18 (a) (ii), FarmWatch took the existing “maximum floor area” of “500 m² for principal farm residence” (stated in your Ministry’s *Guide for Bylaw Development in Farming Areas*) and inserted it in the *ALC Act*. Naturally, that would curtail the plundering of the ALR, but the GCCS question was “Why 500?” Some answers:

- Making it law simply strengthens an established limit. The 500 m² figure is not easy to dismiss as arbitrary, and it has not been controversial.
- At that 500 m² level, the ALC may not be pestered with applications to exceed it.
- While bolstering the ALR, it leaves room for local governments to act responsibly.

Guide for Bylaw Development in Farming Areas

2.4.6.5.3 Maximum Floor Area — Farm Residences

The Agricultural Land Commission Act does not permit a residence with a floor area of more than 500 m² on ALR land (Section 18). In order to direct the largest residential uses to non-farm areas, a municipality may set a lower floor-area limit for ALR residences. It would typically be the average floor area the municipality permits on its urban lots that are zoned for detached houses.

In addition, local governments may allow up to:

- a) 300 m² for each additional farm residence where permitted and
- b) 15 m² for each temporary farm worker housing space where permitted.

All the stated floor areas are totals prior to any deductions (for garages, stairwells, etc., as specified in municipal bylaws).

Earlier in 2017, Richmond staff made a diligent effort to calculate “a floor area commensurate with urban areas in Richmond,” since the *Guide for Bylaw Development* limits farm residences to the *lesser* of that calculation and 500 m².

From their staff-report, it appears the floor area that best met the *commensurate* criterion was 300 m² (calculated at 303 m² and rounded). Also, we have adopted their method for calculating a municipal limit (incorporated in the guideline at left).

Presumably the municipality would make the limit for an additional farm residence no higher than for the principal residence without the *Guide* having to say that.

In Richmond, a limit like 300 m² could hardly be a hardship for farmers, since a separate bylaw (#9706) gives them a streamlined way to exceed the set limit.

For simplicity, the stated areas need to be rounded metric totals with no deduction. (Since local deductions for excluded areas vary, they complicate the law/guideline.)