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To: "Direct to Mayor and Council - DL"

CC: "City Manager's Correspondence Group - DL"

"Kelley, Gil" <Gil.Kelley@vancouver.ca>

Date: 8/7/2019 6:05:45 AM

Subject: Memo - Recent Changes to Agricultural Land Commission Act and Regulations

Attachments: Council Memo - Recent Changes to Agricultural Land Commission Act and Re....pdf

Greetings Mayor and Council,

The attached memo from Gil Kelley, General Manager of Planning, Urban Design, and Sustainability, is to provide background information on Recent Changes to Agricultural Land Commission Act and Regulations. A brief summary is as follows –

- Memo for information, no action required
- Effective February 22, 2019, the Agricultural Land Commission Act (ALC Act) was amended restricting house size in the ALR (Southlands) to 500 m² (5,382 sf) and allowing one residence per parcel; ALC approval is required before CoV can issue a permit
- New regulations exempt properties less than 2 acres that have a separate certificate of title as of December 21, 1972 (approx. 160 parcels in Southlands ALR that are less than 2 acres)
- City staff have sent letters to all Southlands ALR property owners, including a few with in-stream permit applications, advising of the changes to the ALC Act and providing both ALC and staff contact information.

Should you have any questions, please contact Gil Kelley at 604.873.7456 or Gil.Kelley@vancouver.ca.

Best,
Sadhu

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Pronouns: he, him, his



The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the Musqueam, Squamish, and Tsleil-Waututh peoples.

MEMORANDUM

August 2, 2019

TO: Mayor and Council

CC: Sadhu Johnston, City Manager
Paul Mochrie, Deputy City Manager
Lynda Graves, Administration Services Manager, City Manager's Office
Rena Kendall-Craden, Civic Engagement and Communications Director
Katrina Leckovic, City Clerk
Neil Monckton, Chief of Staff, Mayor's Office
Alvin Singh, Communications Director, Mayor's Office
Anita Zaenker, Chief of Staff, Mayor's Office
Susan Haid, Deputy Director of Planning – Long-Range and Strategic Planning
Chris Robertson, Assistant Director, Planning, Urban Design and Sustainability

FROM: Gil Kelley
General Manager, Planning, Urban Design and Sustainability

SUBJECT: Recent Changes to Agricultural Land Commission Act and Regulations

This memorandum provides information on recent changes to the Agricultural Land Commission Act (the "ALC Act") and regulations and implications for properties within the Agricultural Land Reserve ("ALR") in Vancouver. No action is required.

Background

The ALR is a provincial land use zone governed by the ALC Act where agriculture is recognized as the priority use and non-agricultural uses are regulated. There are approximately 235 parcels within the ALR in Vancouver (see attached map). These properties are located in the Southlands area of Vancouver and are predominantly zoned RA-1, with some CD-1 zoned sites. The intent of the RA-1 District Schedule is to encourage the semi-rural, equestrian and limited agriculture nature of the area.

In 1989, the Agricultural Land Commission ("ALC") adopted General Order #291/89 (the "Order"), which allowed the City to approve subdivisions and issue permits for uses that were compliant with RA-1 zoning without seeking ALC approval. The Order permitted owners to apply directly to the City with requests for a use or a permit, and directly to the Approving Officer for a subdivision or strata title proposal.

On May 6, 2019, City staff was advised that the ALC had rescinded General Order #291/89 at its meeting on April 25, 2019. In June, Staff received a resolution from the ALC officially

rescinding the General Order with an effective date of June 10, 2019. As a result, all ALR lands in Vancouver are no longer shielded by the Order. Approvals from the ALC are now required for non-adhering residential uses, non-farm uses, subdivision, inclusion, exclusion, soil or fill use and transportation, utility and recreational trail uses.

Changes to the Agricultural Land Commission Act

Effective February 22, 2019, the ALC Act was amended and new ALR Use Regulation created which restricts house sizes in the ALR to a maximum of 500 m² (5,382 ft²), including a secondary suite, and allows no more than one residence per parcel. The RA-1 District Schedule is not aligned with the new ALC Act and regulations. Currently, the RA-1 District Schedule provides outright approval for a one-family dwelling, provided the floor area does not exceed 280 m² (3,014 ft²). Conditional approval can be granted for a one-family dwelling with a floor area exceeding 280 m² (3,014 ft²), infill one-family dwellings and dwelling units for a caretaker in conjunction with a one-family dwelling. In the past, the City approved homes greater than 500 m² and caretaker dwelling units and infill dwellings that had also been approved on parcels in the Southlands ALR and are now non-compliant with the ALC Act.

All new residential construction or alterations exceeding 500 m² (5,382 ft²) and all proposals for construction of an additional residence (i.e. caretaker's unit) will now require ALC approval prior to the City issuing any permits. A property owner will need to submit an application to the ALC for permission for a "non-adhering residential use" which includes the following:

- a) An additional residence;
- b) A principal residence having a total floor area that is more than 500 m²; or
- c) A use of the residential structure that contravenes the regulations.

In addition, any proposals for non-farm uses, such as golf courses, may require an application to the ALC for approval for a "non-farm use".

The recent amendments to the ALC Act and its regulations include grandfathering provisions for the completion of residential construction/alterations initiated by February 22, 2019 or for alterations that do not increase the floor area of existing residences. There are also exemptions for properties that are less than 2 acres in size and were on a separate certificate of title as of December 21, 1972. There are approximately 160 parcels within the Southlands ALR that are less than 2 acres in area. Further analysis would be required to confirm whether these parcels meet the title requirements for exemption from the regulations.

In-Stream Applications

A letter has been sent to property owners and applicants with Development or Building permit applications currently in review. The letter advises that General Order #291/89 has been rescinded and of the changes to the ALC Act. The letter encourages the property owners to contact the ALC with questions, and to confirm whether ALC approval is required prior to the City issuing their permit. Staff are also actively following up with the ALC for confirmation regarding approvals for these applications.

Some of these projects will not be impacted by the changes to the ALC Act and its regulations because the:

- subject property meets exemption criteria as per s. 23 of the ALC Act;
- construction is for a farm use or does not result in an increase to residential floor area;
- construction is located on a portion of the property outside the ALR; or
- construction complies with grandfathering provisions.

Future Enquiries and Applications

A general letter has been sent to all property owners within the ALR to advise them of the changes to the ALC Act and to provide ALC contact information. The letter also outlines the process for property owners to confirm with the ALC whether their property is exempt from the requirements. If a property owner can provide written confirmation from the ALC that their property is exempt, the City can proceed with future permit approvals without ALC approval.

Staff in Development Services, the Building Review Branch and Planning, Urban Design and Sustainability who are involved with Development and Building permit applications for properties within the ALR have been updated on the changes to the ALC Act. The Regulation Policy group will continue to work with these groups to ensure owners and applicants are informed of the ALC Act requirements through the enquiry and application process and approvals are in compliance with the ALC Act.

Next Steps:

City-wide and Regional Planning staff have met with ALC staff and will continue to communicate with the ALC to get clarification on the changes to the ALC Act as well as expectations for aligning zoning and policies with the new requirements.



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