



THE CORPORATION OF THE DISTRICT OF SUMMERLAND REQUEST FOR DECISION

DATE: May 9, 2022
TO: Graham Statt, Chief Administrative Officer
FROM: JoAnn Peachey, Planner II
SUBJECT: Housing on Agricultural Lands Review

FILE: Z22-002

STAFF RECOMMENDATION:

That Council pass the following resolution:

THAT staff be directed to draft Official Community Plan and Zoning Bylaw amendments for housing on agricultural lands to:

- ***Allow flexibility of residential uses by allowing carriage houses up to 90 m² on agricultural lands***
- ***Limit residential encroachment by siting carriage houses within the existing farm home plate***
- ***Discourage the use of arable lands for residential purposes further by specifying siting conditions for the farm home plate to be located near roads or on non-arable land (land not suitable for agricultural production).***

STRATEGIC PRIORITY:

Good Governance – Reviewing housing policy on agricultural lands is an opportunity to improve processes and support community resiliency.

CULTURAL IMPACT STATEMENT:

Community Character - “Reflect Summerland’s cultural values in municipal decisions and projects.”

*District of Summerland Cultural Plan (2016)

PURPOSE:

To present Council with background information on housing on agricultural lands with an aim to update housing regulations for agricultural zones.

BACKGROUND:

Agricultural Land Reserve (ALR) Use Regulation

On December 31, 2021, ALR Regulation 30/2019 was amended to allow for an additional residence up to 90 m² on parcels less than 40 ha without ALC approval, if the principal residence is 500 m² or less (Attachment No. 1). It is noted that a secondary suite within the principal residence is also permitted without ALC approval.

The Agricultural Land Commission (ALC) establishes regulation and governs land use within the ALR and this most recent amendment was completed to add residential housing flexibility within the ALR for agricultural landowners and farmers. Since the announcement of the proposed regulatory amendment (July, 2021), the District's offices have been getting regular inquiries about the potential to add a secondary residence on agricultural properties from local farmers and landowners interested in providing more housing options on their properties and subsidizing their farm income with rental revenue. For this reason, staff is recommending that one goal of this project is to align, as much as possible, with the flexibility provided by the ALC to provide options to Summerland agricultural landowners to diversify their operations.

Official Community Plan

The Official Community Plan includes policies specific to agricultural lands and their protection as well as policies related to housing and sustainability. Throughout the OCP, the protection of agricultural lands is a key principle, stemming from the Regional Growth Strategy's theme of carefully directing human settlement and Summerland's community vision of preserving and enhancing agricultural character. The establishment of the urban growth boundary aids in farmland protection and establishing sustainable community development.

The Official Community Plan seeks to support the framework and policies of the ALR and land-based agricultural activity with the farmland designation, and recognize farmland as a land and water based industry, contributing to Summerland's economic, social and environmental well-being (Section 4.2.3).

In relation to residential uses on agricultural lands, the OCP policies are to:

- Confine residential development in the ALR to farm residences (Section 7.2.3.1)
- Develop a farm residential "home plate" to minimize the impacts of the residential and other associated non-farm uses on farm parcels (Section 7.2.3.2)
- Ensure new urban land developments provide adequate buffers to minimize the conflicts with agricultural operations (Section 7.2.3.10)
- Implement the strategies as described with any adopted agricultural plan for the community.

Agricultural Plan

The OCP identifies its Agricultural Plan as a secondary plan that provides more specific directions. Within the Agricultural Plan, farm residential footprints are identified to prevent degradation of farmland and works towards "encouraging development of any new residence or building not related to agricultural activities on the property either immediately next to a road, or on a piece of property not conducive to agriculture such as a rock outcrop (Agricultural Plan Section 3.6.1).

It is also stated in the goals of the Plan that "creation of an urban growth boundary will assure farmers of the protection of farmland. Farmland will not be considered for the District's residential housing needs in the future" (Section 3.1.2.1).

Zoning Bylaw

Currently, the Zoning Bylaw includes a "farm home plate" with a maximum of 905 m² and 35% coverage for properties with one residence (total footprint of 316.75 m² for residential buildings and structures). If there is temporary and/or additional dwelling for farm help, the maximum increases to 1,500 m² and 35% coverage (total footprint of 525 m² for residential buildings and structures).

The Zoning Bylaw limits additional dwellings to an additional dwelling for farm help and temporary farm worker accommodation, as well as a secondary suite.

Housing on Agricultural Lands Workshop

A workshop was held on April 12, 2022 to explore the topic of housing on agricultural lands and was attended by approximately 20 people representing the Agricultural Advisory Committee, Development Processes Improvement Committee, Water Advisory Committee, Interior Health, Ministry of Agriculture, and Council.

The workshop included brainstorming sessions to develop a SWOT analysis, explore the balance of sustainability, protection of agriculture and housing interests, and discussion on whether the farm home plate and use of residences were still achieving our community goals.

General principles/themes included:

- Strong agricultural community with strong local government representation (AAC, elected officials)
- Sense of community identity from agriculture
- Desire to protect arable lands
- Pressure of outside factors (ALC, non-farmers, competing uses, resource allocation)
- Focus on sustainability to support food security
- Lack of information on current conditions (existing dwellings and suites, non-arable lands)
- Focus on housing for bona-fide farmers and farming operations
- Identification of urban areas for densification and additional housing

Many participants acknowledged the interconnectedness between the protection of agricultural lands, meeting housing needs and sustainability and identified reasons for ranking one priority over another (Table 1), but these priorities often overlap (for example, many goals related to “agriculture” and “sustainability” can be consistent) and the point of the exercise was to consider the many factors/aspects that influence these interests.

There appeared to be general satisfaction with the use of a farm home plate with minor suggestions to allow more flexibility for siting on non-arable lands and to reduce overall residential footprint.

Table 1: Balancing Interests

Sustainability Pillar (4 participants ranked highest)	<ul style="list-style-type: none">• Food security a major concern• Allowing development on non-arable lands• Guide development in a sustainable way• Agriculture and housing subsidiary
Agriculture Pillar (7 participants ranked highest)	<ul style="list-style-type: none">• Focus on food production• Protect and preserve agricultural lands• Protect rural character• Housing needs based on ‘bona-fide’ farm operations

Housing Pillar (4 participants ranked highest)	<ul style="list-style-type: none"> • People need a roof over their heads • For 'bona-fide' farmers and others • Housing should be focused in City Centre/Downtown • Challenges with affordable housing • Housing is a true crisis
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DISCUSSION:

The general principles identified in the workshop generally reconfirm the vision, goals and policies of the District included in the OCP and the Agricultural Plan. Of note, there was a focus on protecting arable land and acknowledgement that not all agriculturally designated lands, or not all parts of a farm parcel, were suitable for farming due to Summerland's unique terrain and particular site conditions.

Recent changes to ALR regulations, along with high demand for housing, has spurred greater interest from people living on agricultural land in constructing additional residences on A1 and A2 zoned properties. Such changes provide an opportunity to provide additional housing; however, any additional non-farm uses permitted on agricultural lands can have unintended consequences, like farmland conversion and pricing farmers out of the land market due to increases in assessment value of farm properties.

Summerland's agricultural lands are important for its cultural identity of the community as a whole, economy and food security so introduction of new residential uses should be limited to minimize impacts to arable lands and should not be a replacement for promoting residential intensification or affordable housing policies within the urban growth area.

Staff has identified a proposed approach that would allow for additional flexibility for housing on agricultural lands and discourage the use of agricultural arable lands for residential purposes (Table 2 below) and is asking Council to confirm the go-forward approach through a resolution, prior to the drafting of bylaw amendments.

This approach seeks to align with ALR regulations by allowing secondary houses in the A1 and A2 zone, while continuing to limit the encroachment of residential uses on farmland through the use of the farm home plate.

This approach allows for flexibility in how the farm home plate coverage is used while focusing on preventing farmland encroachment by residential uses. It attempts to maintain primacy of agricultural lands for farming purposes through containment of residential uses within the farm home plate and reducing the farm home plate size in the case of the placement of secondary dwelling.

Although an additional dwelling would be allowed and be available for anyone's use (under the term "carriage house"), the proposed amendments would strengthen the farm home plate regulations by specifying siting conditions.

The proposed approach also seeks to provide an increase in farm home plate coverage to adjust for additional uses while not increasing the size of the farm home plate itself. The intent is to accommodate this additional use within the area where other residential uses already could occur and do more with less encroachment onto agricultural land.

There is a concern that allowing carriage houses on agricultural lands will make such properties more lucrative for non-farmers. However, there are also benefits to farmers as this additional flexibility allows for potential for supplemental income, aging in place, and accommodating part-time/casual/family help. By not focusing on the “user” of such residences, it also reduces the incentive for people to convert accessory buildings for housing without permits in place, which can lead to unsafe conditions and drive such uses “underground” and avoids putting in place regulations that are difficult to enforce.

Table 2: Proposed approach for zoning amendments

Topic	Existing	Proposed	Rationale
Siting	Farm home plate sited anywhere on a property	Specifying location(s) near road or in a non-arable/less-suitable farming area	Preserving farmland; flexibility for varied terrain
Additional dwellings	Additional one-storey 110 m ² dwelling for farm help only (2 ha of arable land required)	90 m ² carriage house (one-storey or two-storey if above a garage). Removal of “additional dwelling for farm help”. No restrictions on occupant use.	Align with ALR regulations; flexibility of use; reduce incentives for conversion of accessory buildings without permit
Farm home plate size	Farm home plate sizes with 35% coverage: <ul style="list-style-type: none"> 1 dwelling – 905m² (317m²) With additional dwelling for farm help/TFWA¹ – 1,500 m² (525 m²) 	Increase farm home plate total building coverage to 45% of 905m ² . Farm home plate size does not increase with additional dwelling. Not include TFWA in coverage calculations.	Limit encroachment of non-farm residence into agricultural land areas. Increases total building coverage from 317 m ² to 407 m ² , which is a 90m ² difference.

To achieve the above, OCP policies and zoning regulations will need to be drafted to better prevent the degradation of farmland while allowing additional residences within the ALR.

LEGISLATION and POLICY:

- *Official Community Plan*
- *Agricultural Plan*
- *Zoning Bylaw 2000-450*

FINANCIAL IMPLICATIONS:

N/A

¹ TFWA = Temporary Farm Worker Accommodation

SUPPORTING DOCUMENTS:

1. ALR Regulation 30/2019

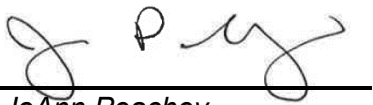
CONCLUSION:

Staff is recommending Council direct staff to prepare OCP amendment and zoning amendment bylaws based upon the proposed approach as outline above (resolution provided).

OPTIONS:

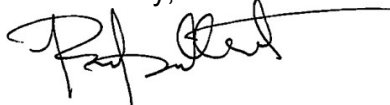
1. Move the motion as recommended by staff.
2. Refer to staff for other options.

Respectfully submitted,



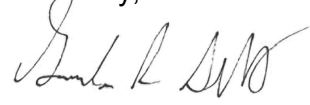
JoAnn Peachey
Planner II

Reviewed by,



Brad Dollevoet
Director of Development
Services

Endorsed by,



Graham Statt
Chief Administrative
Officer

Presentation: Yes ☒ No ☐