

# Staff Report to Council

Planning and Development

FILE: 6635-20-2022-04

**REPORT DATE:** September 23, 2022      **MEETING DATE:** October 04, 2022  
**TO:** Mayor and Council  
**FROM:** Angie Lucas, Director of Planning and Development  
**SUBJECT:** Non-farm Use Application for 18701 Lougheed Highway

## CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:



While I acknowledge the Planning & Development staff's role is to provide Council with technical advice, as has been articulated in this report and its attachments, I believe further context and/or my perspective is needed to assist Council with their decision-making concerning this non-farm use application.

Contained in the 2020 OCP document, recently adopted by Council, language exists indicating the City may consider exceptions to the "no net loss" policy of ALR lands. Specifically, an exception to support the removal of ALR lands is supportable if significant community benefits are provided by the alternative use. In my opinion, the answer to this statement is somewhat subjective and, as such, I have a differing point of view regarding what constitutes a 'significant community benefit' and therefore, reasonably deemed an exception by the City. Below are some key aspects related to this non-farm application that I believe make it an extenuating application and an exception:

- This is not an individual applicant or developer, nor a for-profit entity, but rather a worldwide recognized religion/culture;
- Religious protection and gatherings are captured in the Charter of Rights and Freedoms which is an important consideration;
- This would provide a valuable benefit and service for a large congregation;
- The non-farm use application involves only 4 out of 23 acres, and they will be farming the balance. As well, 1 acre is proposed to be added back for agricultural use;
- Builds diversity in the City; and
- Does not create unmanageable precedence as this is an extenuating circumstance and each non-farm use application must be considered on its own merits, relative to itself.

With that, this contextual information may provide sufficient rationale for Council to forward the non-farm use application to the Agricultural Land Commission with a recommendation of support.

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## **RECOMMENDATION(S):**

THAT Council:

- A. Decline to forward to the Agricultural Land Commission the Non-Farm Use Application for events at 18701 Loughheed Highway; OR
  - B. Forward the Non-Farm Use application for events at 18701 Loughheed Highway to the Agricultural Land Commission with no comments; OR
  - C. Forward the Non-Farm Use application for events at 18701 Loughheed Highway to the Agricultural Land Commission with a recommendation of support; OR
  - D. Forward the Non-Farm Use application for events at 18701 Loughheed Highway to the Agricultural Land Commission with a recommendation of no support; OR
  - E. Other.
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## **PURPOSE**

To present an application for an Agricultural Land Commission non-farm use, to use an agricultural building at 18701 Loughheed Highway for events.

☐ Information Report

☒ Decision Report

☐ Direction Report

## **DISCUSSION**

### **Background:**

The City has received an application for a non-farm use at 18701 Loughheed Hwy, to use an existing agricultural building for events (i.e., religious gatherings).

<b>Owner:</b>	Khalsa Darbar Society
<b>Applicant:</b>	CityState Consulting Group
<b>Civic Address:</b>	18701 Loughheed Hwy
<b>Property Size:</b>	8.39 ha (20.74 acres)
<b>OCP Designation:</b>	Agricultural – 20 acre minimum
<b>Zoning:</b>	A-1 General Agriculture



The property is located within the Agricultural Land Reserve (ALR), and requires approval from the Agricultural Land Commission (ALC) in order to use the property for the non-farm use of religious gatherings. If approved, the property will also require a zoning text amendment to be approved or a temporary use permit issued to allow this use. A zoning text amendment

permanently changes the land use permitted, while a temporary use permit can be issued for up to three years under the new Official Community Plan (OCP), once it is adopted.

This application builds on a long history of non-farm use and building applications since 1991. A similar non-farm use application was presented to Council on June 19, 2018, where it received unanimous support from Council. Refer to the 2018 Staff Report (Attachment A) for more information.

Since that time, the following applications and correspondence has occurred:

- 2018 non-farm use application was considered by ALC, and was declined due to conflicts and impacts on regular agricultural operations. The ALC sent a letter to the property owners, outlining the Commission's requirement for the building to be converted back to its permitted use by January 10, 2020. Refer to Attachment B for more information.
- 2020 reconsideration request (appeal) was determined by ALC that it did not meet requirements for reconsideration.

**Relevant Policy, Bylaw or Legislation:**

*Agricultural Land Commission Act and Regulations* establish permitted uses of lands in the Agricultural Land Reserve and processes for seeking Provincial authorization for non-permitted uses.

*Official Community Plan Bylaw No. 2352, 2007 and (Draft) Official Community Plan Bylaw No. 2864, 2020, and Zoning Bylaw No. 2505, 2011*

The following OCP policies applicable to this application are:

- (2007 OCP) 4.2.1 ALR Land for Productive Uses – to protect ALR lands, encourage viable agricultural practices and no net loss. The City may consider exclusions in cases where they are supported by ALC and provide a significant community benefit by the proposed alternative use. Objective 2.1: Preserve ALR Land For Productive Uses in the draft 2020 OCP outlines similar policy considerations.
- (2007) 4.2.4 Urban – Rural Conflicts – includes a requirement for agricultural impact assessment to quantify impacts associated with application. Objective 2.2: Minimize Conflicts Between Rural and Urban Land Uses in the draft 2020 OCP outlines similar considerations.
- (2007) 4.3.5 Cultural and Recreational Facilities – encourages community facilities and public uses in the Civic Centre, the Town Centre and the Sawyers Landing Waterfront Village. (2020) Objective 7.2: Encourage Citizen Engagement in the Community includes similar support for locating cultural and recreational facilities. (2020) Objective 7.5: Support Schools, Libraries, Service Organizations and Places of Worship as Anchors of Community Life supports community-based service groups that bring people together.

## Analysis:

### *18701 Lougheed Hwy*

In addition to the subject building, the property contains a trailer being used for storage, and a greenhouse. The greenhouse was constructed on the property in 2021 without a building permit. Access to the property is via a driveway from Lougheed Highway. The majority of the property is leased to a farmer and currently used for crop production of blueberries, small trees and plants.

According to the applicant, the subject agricultural building is no longer being used for blueberry processing or other agricultural purposes and the caretaker suite is not occupied. The farm leaseholder transports harvests off-site for processing. The applicant advised that the building can be easily converted back to farm use, but it is currently being used for regular events, which is not currently permitted.



*Figure 1: Google street view of property from Lougheed Hwy*

## Proposal

This application is submitted in order to bring into compliance the ongoing use of the subject agricultural building for events (as a religious place of worship). The events are held on Sundays, between 10am and 2pm. The applicant advised that 75–120 people attend these events. In addition, the applicant proposes to hold one, annual, three day event in April, similarly held between 10am and 2pm with 75-120 people.

47 parking spaces are currently provided, with an additional 20 spaces proposed for overflow parking. Based on the size of the building (5,000 ft<sup>2</sup>), 47 parking spaces would be required for a place of worship or community service use under the City's Zoning Bylaw.

The applicant proposes to convert a one acre area back into crop production, to be farmed by the leaseholder. A small area adjacent to Lougheed Hwy is proposed to be improved with native landscaping, and wood curbs installed around the parking area to minimize erosion and contain vehicles to the specified parking areas.

The proposed non-farm use would occupy up to 4 acres of the 20-acre agricultural parcel. A site plan is outlined in Figure 2 below.



Figure 2: Proposed Site Plan

A summary of the differences between this new application and the previous 2018 application supported by Council is outlined in the table below:

Table 1. Summary of differences between the previous and current applications.

2018	2022
30 events (religious gatherings) per year	Events every Sunday (~52/year) plus annual 3-day event in April
No specified number of people attending, but applicant advised 30-40 vehicles at each event	75-120 people attending the events
Proposed 0.5 acre community garden for public use	No community garden. 1 acre added into agricultural production, plus new curbs and landscaping around parking area.

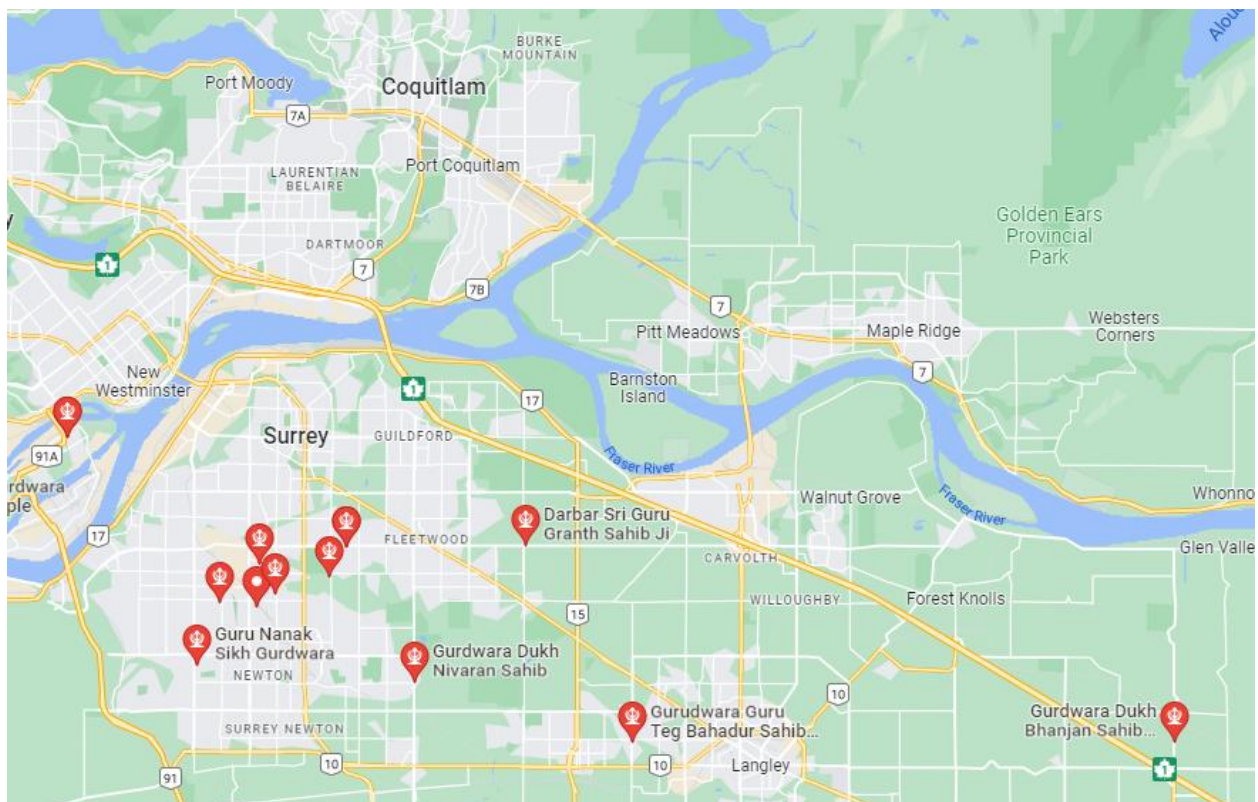
## Staff Review

Similar to review of the 2018 application, the current proposal:

- Does not align with multiple policies in the OCP in relation to protection of farmland and support of agricultural uses and would be better suited for location in the urban area. Refer to Attachment A for areas currently zoned for a place of worship, all of which are in the urban area.
- Does not show a clear benefit to agriculture with only 1 acre added into production.
- Does not show a larger community benefit, as articulated within the context of the OCP (e.g. affordable housing, park land, public art, trails, etc.). Previous applications involving removal of land offered a monetary contribution to be used for broader agricultural benefits (e.g., towards improving the drainage network).
- Brings additional traffic to agricultural areas and potential impacts to neighbouring agricultural lands.
- Includes safety concerns regarding the amount of vehicles accessing the site for the proposed use from Lougheed Hwy, which is controlled by the Ministry of Transportation and Infrastructure (MOTI). There is also an HOV lane, which accommodates the new rapid bus, and a bike lane between the property and highway lane. Feedback from MOTI has been requested on this application, but not yet received.
- Is precedent setting and may encourage more non-farm use applications on agricultural lands in the future. The City does regularly receive inquiries from religious and community groups about using ALR land for non-farm use purposes.

It is acknowledged that this type of facility would be well used by many members of the community, fill a service gap, and would re-purpose an existing agricultural building. Pitt Meadows does have a very limited land base in the urban area and an ideal property for this type of use may not be available or may be expensive. According to Google maps, the nearest Sikh Temples are located in Surrey and Langley (see Figure 3).





*Figure 3: Sikh Temples – Google Maps*

### *Alternative Options and Considerations*

#### 1. Exclusion from the ALR

Landowners are no longer eligible to apply to exclude land from the ALR; only a local or First Nation government can apply to the ALC to exclude private land. However, the City does not have an established process or fee structure for a private landowner to request the City apply to exclude land from the ALR. An exclusion application is a lengthy and involved process, including requirements for a development sign, advertising, and the organization of a public hearing. Management of such a process will require considerable staff time and costs to the City, and other projects and development applications would likely be delayed as a result.

The owner of the adjacent property to the west of this site (18601 Lougheed Hwy) applied to exclude that property from the ALR in 2020, just prior to the regulation change that prohibits landowners from applying. That parcel is not actively farmed and had been used for commercial purposes since the 1960's, prior to the formation of the ALR. The exclusion application was refused by the ALC and their decision noted that "the Panel considered that the Property is located in the middle of a block of ALR land. The Panel was concerned that excluding the Property would result in a fragmented ALR in this area, which could potentially introduce further non-farm use and residential use into the area." Upon review of this and other ALC exclusion decisions (e.g., the North Lougheed Study Area and the Baynes Road properties), an exclusion application would need to show a clear net benefit to agriculture and the ALC can still decide to refuse exclusion.

## 2. Gathering for an event in the ALR

Properties in the ALR are permitted to hold up to ten events per year with a maximum of 150 people without special approval from the ALC, unless an existing building requires upgrades for assembly use under the BC Building Code. If building upgrades are necessary, then an approved non-farm use is required under ALC regulations. This option permits the limited use of ALR land for events, but in such a way that agriculture is still the highest priority use of the land. In order to host events under this regulation, the City requires an annual business license application, which permits tracking of these events.

### **Conclusion**

Council has the following options for this application:

1. Decline to forward to the Agricultural Land Commission the Non-Farm Use Application for events at 18701 Lougheed Highway; OR
2. Forward the Non-Farm Use application for events at 18701 Lougheed Highway to the Agricultural Land Commission with no comments; OR
3. Forward the Non-Farm Use application for events at 18701 Lougheed Highway to the Agricultural Land Commission with a recommendation of support; OR
4. Forward the Non-Farm Use application for events at 18701 Lougheed Highway to the Agricultural Land Commission with a recommendation of no support; OR
5. Other.

If the application is approved by the ALC, the next step would be for the applicant to submit a zoning text amendment or temporary use permit application, along with additional application information. Recommended supporting information and site improvements for the zoning text amendment or TUP may include: agricultural impact assessment (as recommended in the OCP); building and servicing upgrades to meet Building Code and associated code review (sprinklers, alarms, fire separation, firefighting provisions, etc.) and Engineering requirements (culvert review/modifications, water service upgrades, etc.); negotiation of community benefit; traffic study and corresponding ingress/egress improvements as per MOTI; and landscape buffering.

### **COUNCIL STRATEGIC PLAN ALIGNMENT**

- ☐ Principled Governance      ☐ Balanced Economic Prosperity      ☐ Corporate Excellence  
☐ Community Spirit & Wellbeing      ☐ Transportation & Infrastructure Initiatives  
☒ Not Applicable

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### **FINANCIAL IMPLICATIONS**

- ☒ None      ☐ Budget Previously Approved      ☐ Referral to Business Planning  
☐ Other
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**PUBLIC PARTICIPATION**

☒ Inform    ☒ Consult    ☐ Involve    ☐ Collaborate ☐ Empower

Comment(s):

This report is posted to the City's website as part of the Council meeting agenda package.

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**KATZIE FIRST NATION CONSIDERATIONS**

Referral    ☐ Yes    ☒ No

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**SIGN-OFFS****Written by:**

Allison Dominelli,  
Senior Development Services Technician

**Reviewed by:**

Colin O'Byrne,  
Manager of Planning

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**ATTACHMENT(S):**

- A. Council Staff Report – May 15, 2018
- B. ALC Decision May 16, 2019 (Previous Application)
- C. Site Plan