



# Staff Report to Council

Planning and Development

FILE: 3360-20-2022-06

**REPORT DATE:** November 28, 2022

**MEETING DATE:**

December 06, 2022

**TO:** Mayor and Council

**FROM:** Colin O'Byrne, Manager of Planning

**SUBJECT:** Rezoning Application for 11898 Baynes Road

**CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:**

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## RECOMMENDATION(S):

THAT Council:

- A. Grant first and second readings to Zoning Amendment Bylaw No. 2932, 2022; AND
  - B. Direct Staff to schedule a public hearing for an upcoming Council Meeting; OR
  - C. Other.
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## PURPOSE

The purpose of this report is to present an application for a zoning text amendment for 11898 Baynes Rd (PID 003-896-081), to permit construction of an additional, 90 m<sup>2</sup> (969 ft<sup>2</sup>) residence.

☐ Information Report

☒ Decision Report

☐ Direction Report

## DISCUSSION

### Background:

On December 31, 2021, the Agricultural Land Commission (ALC) amended their regulations to permit an additional residence (up to 90 m<sup>2</sup> gross floor area) on properties in the Agricultural Land Reserve (ALR).

The City then amended its Zoning Bylaw to limit placement of these additional residences to properties at least 8 ha (20 acres) in size and that are classified as "farm" by BC Assessment, in order to provide flexibility for active farmers and to limit rural residential estates. When the

Zoning Bylaw was amended to implement this change, it was noted that owners of individual properties less than 8 ha would have the option of applying for a zoning text amendment to permit this additional residence, and each such application would be evaluated on a case-by-case basis. This is the first such application received by the City.

**Owner/applicant:** Chris Begg  
**Civic Address:** 11898 Baynes Rd  
**Property Size:** 1.22 ha (3.292 acres)  
**OCP Designation:** Agricultural  
**Zoning:** A-1 General Agriculture

This parcel was part of a previous ALC exclusion application that was denied by the ALC in 2021. It currently contains a single family dwelling built in 1993, located at the far east end of the property.



#### **Relevant Policy, Bylaw or Legislation:**

In the Official Community Plan, the property is designated as Agricultural, which prioritizes agricultural use of land in the ALR. The following policies also apply:

##### **2.1.4: Limit housing in the ALR.**

- c. The following policies are to be regarded as guidelines that Council may apply, on a case-by-case basis, when considering either rezoning applications or applications to the ALC, to increase the size of a house or permit an additional home in the City's agricultural area:
  - » the need to accommodate a variety of cultural and intergenerational family needs and farm situations;
  - » verification that the site has been or can be used for agricultural production;
  - » verification that the applicant has been farming in Pitt Meadows or elsewhere for a significant period; or if they are a new farmer, that they can demonstrate they are, or will be, capable of farming;
  - » demonstration that there is a need for a larger farmhouse to accommodate existing or anticipated workers on-site through the submission of a detailed report from a professional agrologist indicating such, or through other information; and
  - » submission of a farm plan that is acceptable to Council, which may include justifying any proposed on-site infrastructure or farm improvements, including providing financial security to ensure that the approved farm plan is implemented.

The property is zoned as A-1 (General Agricultural), which permits agriculture and related uses, along with limited residential uses. To permit an additional, 90 m<sup>2</sup> (969 ft<sup>2</sup>) dwelling on the

property, a site-specific text amendment is required, as this parcel is less than 8 ha in size and is not classified as “farm” by BC Assessment.

### Analysis:

#### *Urban Containment Boundary*

In the OCP, the Urban Containment Boundary is defined as:

“A conceptual line that generally coincides with the Agricultural Land Reserve boundary. The City favours development within this boundary and discourages development outside of it in order to protect and preserve land for farming and for environmental protection.”

This parcel is unique in that it is one of only four privately-owned parcels in the ALR that are also located within the Urban Containment Boundary (see Figure 1):

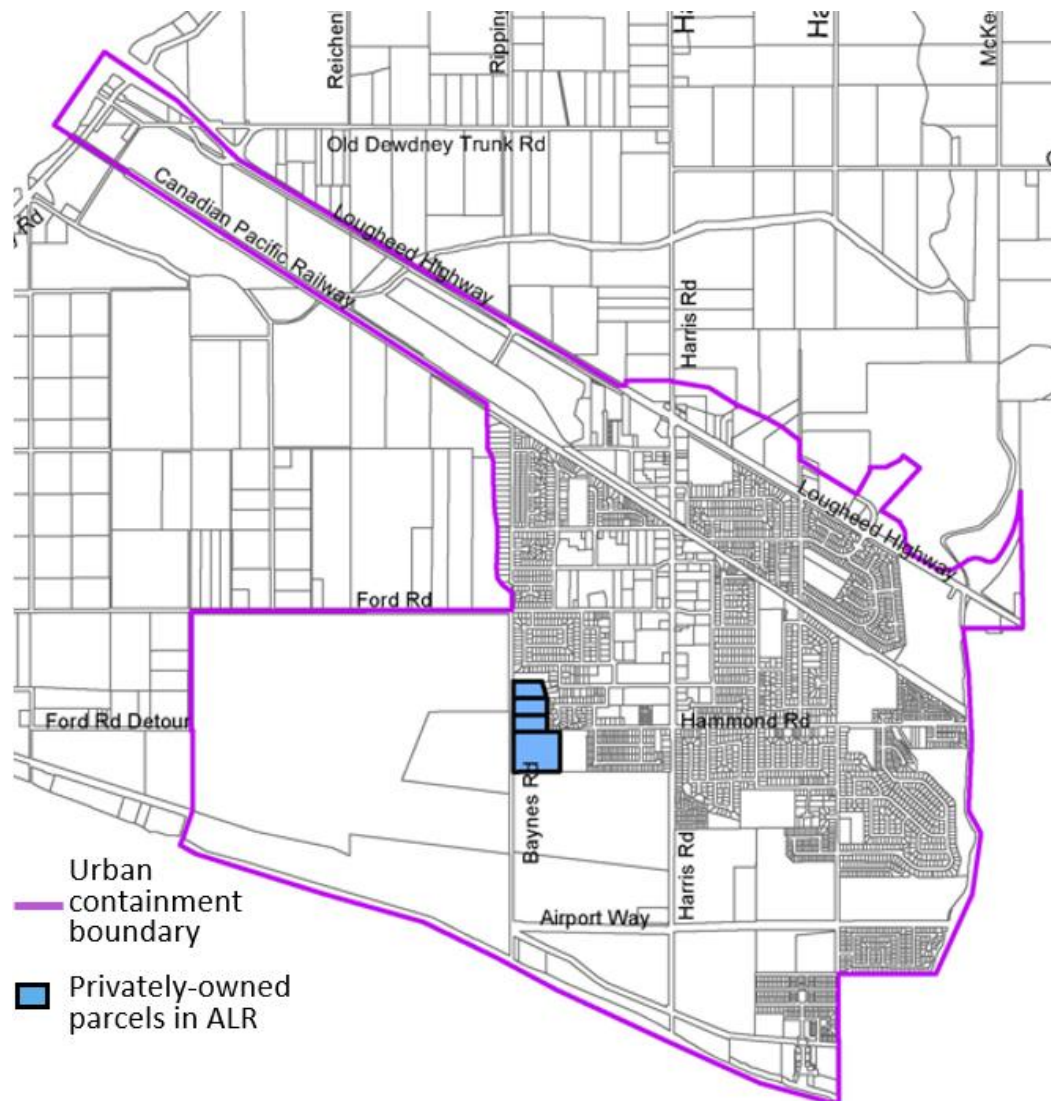


Figure 1: Privately-owned ALR parcels within the urban containment boundary

### *Design and location*

Detailed plans for the additional dwelling have not been completed yet, as the applicant does not want to go to this expense if the application is not approved. In saying that, the additional dwelling will be required to comply with the following Zoning Bylaw regulations for additional residences in the ALR:

- Maximum height 6 m;
- Maximum floor area 90 m<sup>2</sup> (968 ft<sup>2</sup>);
- Maximum distance from existing house 50 m;
- Minimum rear setback 7.5 m;
- Share a driveway with existing house; and
- Minimum flood construction level of 5.75 m.

The applicant advised that the additional residence will be located near the existing house, approximately as shown in Figure 2:



*Figure 2: Proposed area for additional residence*

If this rezoning application is approved, a development permit is not required. A soil permit and/or soil fill approval from the Agricultural Land Commission (ALC) and the City may be required depending on the foundation type and any geotechnical engineering requirements. This will be determined at or before the building permit stage.

The applicant advised that, if approved, his daughter and partner will live in the new, additional dwelling and the remainder of he and his family will occupy the existing house. There are no restrictions from the additional dwelling being occupied by someone other than family in the future.

The intent of the City restricting these additional residences to properties in the ALR that are larger than 8 ha is to limit the proliferation of “estate-style” development on agricultural properties to the detriment of bona fide farming activity. In this case, the property is not actively farmed. However, the existing house is located in the southeast corner of the property and the additional residence is proposed beside it, confining the residential footprint to one area. Although there is an existing driveway bisecting the property, the remainder of the property is undeveloped and available for farming in the future, with the exception of a small outbuilding by the property entrance used for yard equipment storage. Based on the size of this property, historical challenges with drainage in the area, and the financial cost to improve the soil, it seems unlikely that traditional field crops will be pursued. At this time, the applicant has not provided any indication that farming activity will be undertaken.

### *Airport considerations*

The site is next to the Pitt Meadows Airport. The Noise Exposure Frequency (NEF) map shows that the site is within NEF 30 – 35 range. Aircraft noise is noticeable beginning as low as NEF 25. At NEF 30, speech interference and annoyance caused by aircraft noise are, on average, established and growing. By NEF 35, these effects are very significant. Transport Canada does not support residential development at NEF 30 and above. In saying that, the applicant has owned the property since 2013 and is aware of the noise from the airport.

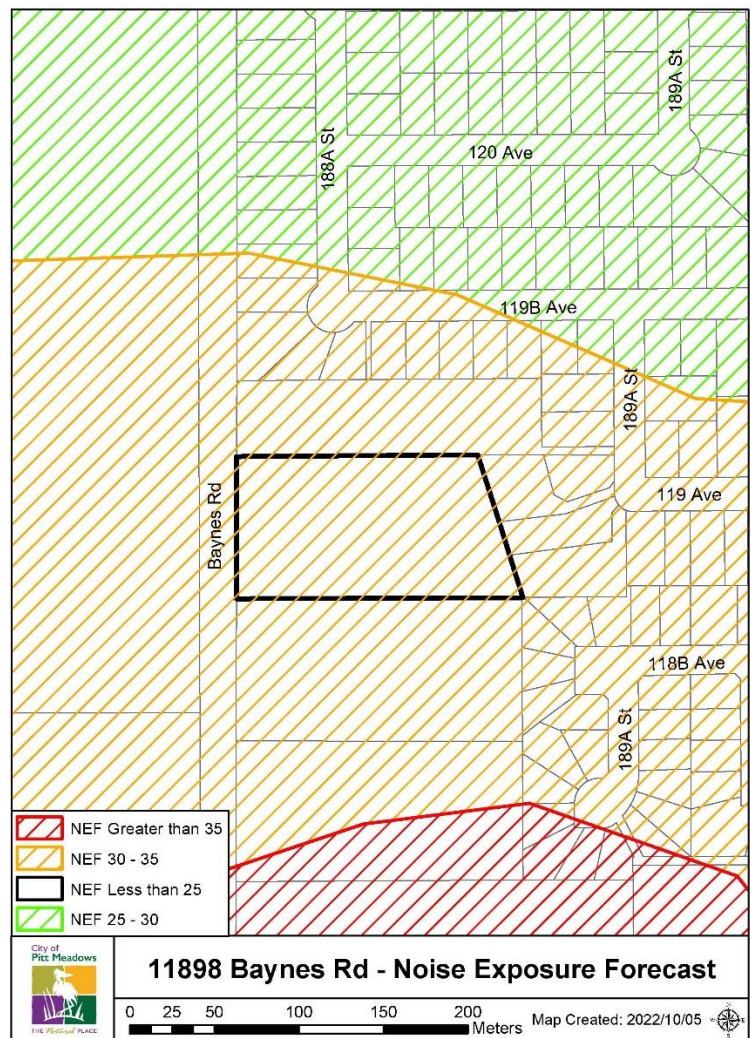


Figure 3: Noise exposure forecast

### *Floodplain considerations*

The property is also located in the flood plain, and a minimum flood construction level of 5.75 m is required for new construction; this can be achieved through fill importation and/or construction techniques. The proposed site for the additional residence is at approximately 2.7-3.0 m elevation level currently.

### *Agricultural Advisory Committee*

This application was considered by the City's Agricultural Advisory Committee (AAC) at their meeting on November 8, 2022, where the following motion was ultimately passed:

"It was **MOVED** and **SECONDED** THAT the Agricultural Advisory Committee:

Recommends that Council approve the zoning text amendment application for the property at 11898 Baynes Road to permit construction of a 90 m<sup>2</sup> additional residence."

Comments from the AAC included a concern about receiving an influx of similar applications if this one is approved, and support for the placement of the additional residence.

### *Alternatives*

If this application is not approved, the applicant can construct an addition to the existing single family dwelling, or demolish and rebuild, to a maximum total floor area of 500 m<sup>2</sup>. The single family dwelling can include a secondary suite up to 90 m<sup>2</sup> in floor area.

### *Next Steps*

A bylaw to permit construction of an additional residence on this particular property has been drafted for Council's consideration (see Attachment D). If it receives 1<sup>st</sup> and 2<sup>nd</sup> readings, a public hearing is recommended to be scheduled. Residents within 122 m of the property would be notified about a public hearing.

If the rezoning is approved, the next step for the applicant is to apply for a building permit. As this property is located in the ALR, a development permit for form and character is not required. A garden suite in the urban, residential areas would require a development permit for form and character, to address landscaping, privacy and fit within the neighbourhood. While a development permit is not required, the applicant has indicated that screening will be provided along the rear property line (east), which is closest to residential neighbours. This screening will take the form of landscaping and/or fencing.

This application is somewhat unique. The property is in the ALR but is not being farmed, and is within the City's urban containment boundary. This proposal does not demonstrate a benefit to agriculture, but given its close proximity to adjacent, urban residential lots, is likely to be compatible with the surrounding neighbourhood.

**COUNCIL STRATEGIC PLAN ALIGNMENT**

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

**Housing Diversity.** Encourage diversity in housing types to foster an inclusive, affordable, multi-generational community.

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**WORKPLAN IMPLICATIONS**

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- ☒ Already accounted for in department workplan / no adjustments required  
☐ Emergent issue / will require deferral of other priority(ies)  
☐ Other

Development applications are processed as part of the regular department workplan.

**FINANCIAL IMPLICATIONS**

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

- ☒ Inform    ☒ Consult    ☐ Involve    ☐ Collaborate    ☐ Empower

Comment(s):

A development sign was posted on the site on November 14, 2022. The application was referred to the Agricultural Advisory Committee on November 8, 2022. A public hearing is recommended to be scheduled.

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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

**ATTACHMENT(S):**

- A. Letter of Intent
- B. Neighbourhood OCP Map
- C. Neighbourhood Zoning Map
- D. Zoning Amendment Bylaw No. 2932, 2022

Allison Dominelli  
City of Pitt Meadows  
12007 Harris Rd.  
Pitt Meadows, BC V3Y 2B5

Re: Letter of Intent for 11898 Baynes Rd.

Allison,

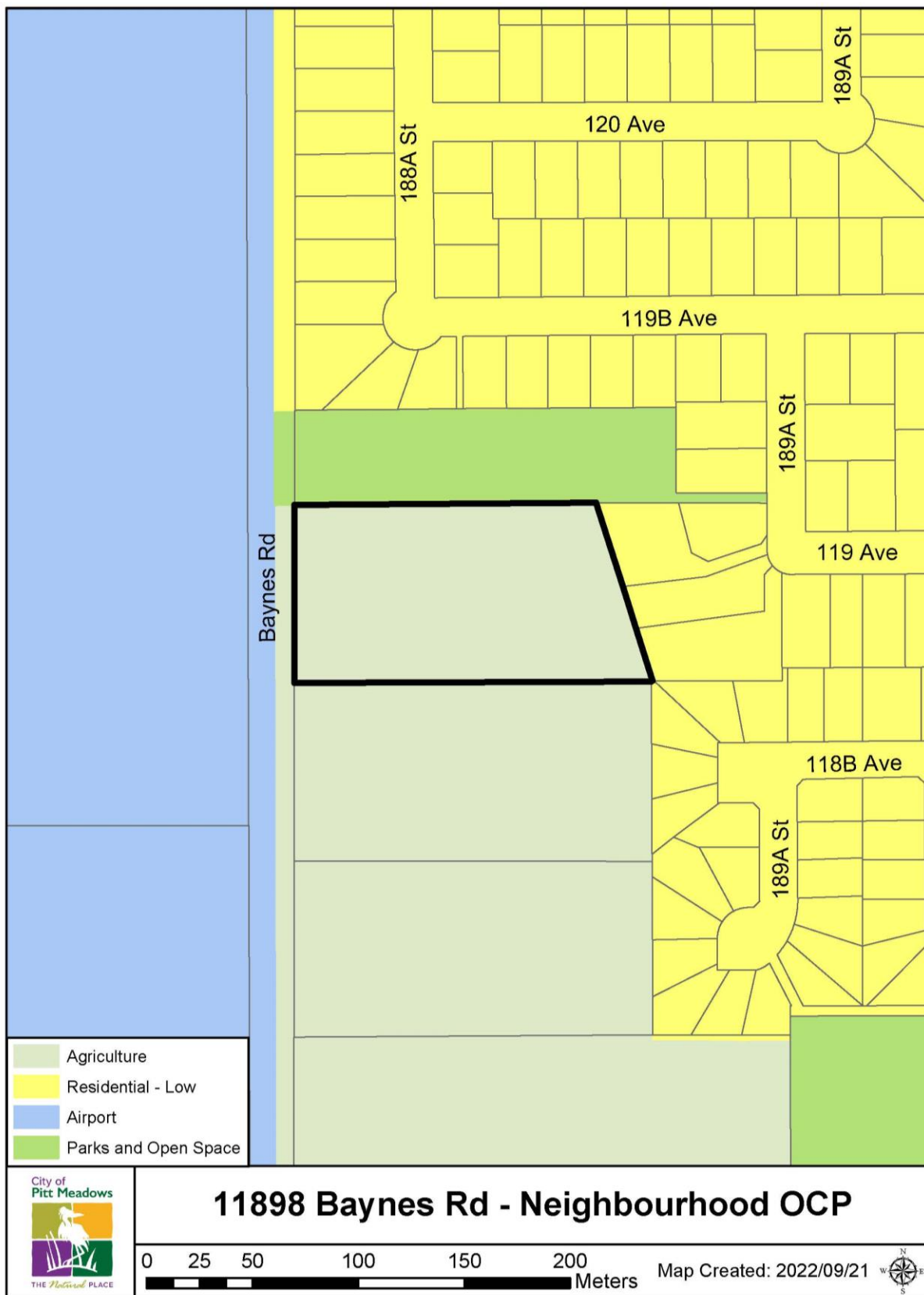
We are applying for a zoning text amendment to build a 90 sq m accessory residential home for our children adjacent to our existing home on the property. The 90 sq m size adheres to the ALC's new guidelines for accessory residential construction. As one of only 4 agriculturally zoned properties within the Pitt Meadows urban area, we feel that the City bylaw precluding agriculturally zoned properties under 20 acres from building accessory residential homes was not envisioned to apply to properties in the Urban area. Further, R1 residential lot owners around us are able to build garden suites of similar size. As you are aware, we submitted an ALC exclusion application last year including a comprehensive community plan. The existing home and the proposed new home would fit into that community plan should an exclusion be revisited in the future.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Begg". The signature is written in a cursive, flowing style.

Chris Begg

Attachment B: Neighbourhood OCP Map



Attachment C: Neighbourhood Zoning Map

