

Staff Report to Council

Planning and Development

FILE: 13-6635-20/24-09

REPORT DATE: April 07, 2025 **MEETING DATE:** April 15, 2025
TO: Mayor and Council
FROM: Patrick Ward, Director of Planning and Development
SUBJECT: Agricultural Land Commission Non-Adhering Residential Use Application
for 12770 McTavish Rd

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:



RECOMMENDATION(S):

THAT Council:

- A. Direct staff to forward the Non-Adhering Residential Use Application for a third dwelling unit at 12770 McTavish Rd, as presented at the April 15, 2025 Council meeting, to the Agricultural Land Commission with a recommendation of support, subject to no further subdivision of the property; OR

B. Other.

PURPOSE

To present an application for a Non-Adhering Residential Use for 12770 McTavish Rd (PID: 011-439-343), to retain an unauthorized third dwelling unit.

☐ Information Report

☐ Decision Report

☒ Direction Report

DISCUSSION

Background:

The subject property is 25.2 ha (65 acres) in size, and has been in the applicant's family since 1947. The property was a dairy farm and feed lot until 2000. Since then, approximately 6 ha (15 acres) of the property has been used for boarding up to 15 horses, including an indoor riding arena and stables. Other areas of the property are used for organic garlic production, beehives,

and poultry. The majority of the property (19 ha/47 acres) is leased to Specimen Trees for nursery tree stock.

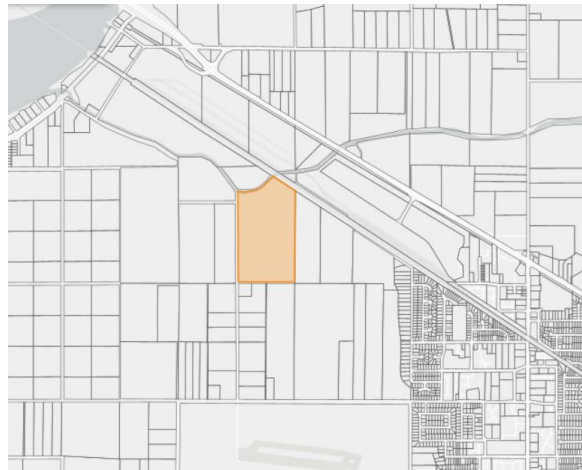


Figure 1: Site Location

For context, the following is an overview of the various residential and associated applications on the property over the years, based on available records:

Date unknown	Single-family dwelling constructed (12352 McTavish Rd)
1967	Single-family dwelling constructed (18241 Green Rd)
1983	Mobile home placed for farm help
1992	<p>Homesite severance subdivision application approved by ALC (1 acre surrounding 12352 McTavish Rd)</p> <p>Single-family dwelling constructed (18275 Green Rd)</p> <ul style="list-style-type: none"> • Subject to completion of homesite severance subdivision • Subject to mobile home removal • Subject to registration of restrictive covenant, limiting use of dwelling to farm help only
1993	<p>Mobile home removed</p> <p>Homesite severance subdivision not completed</p> <p>Covenant for farm help second dwelling (18275 Green Rd) not registered</p>
2006	Demolition of fire-damaged 12352 McTavish Rd
2009	<p>Application to subdivide into three lots denied by ALC</p> <ul style="list-style-type: none"> • Property has good agricultural capability (Class 2 and 3 soils) • Subdivision would reduce overall agricultural potential
2010	<p>Agricultural building constructed (12770 McTavish Rd)</p> <ul style="list-style-type: none"> • Owner supplied letter confirming use of building for agricultural purposes only (mechanical shop and storage of future blueberry farming equipment) • Constructed under the National Farm Code

Date unknown	Upper floor of agricultural building converted to residential dwelling (12770 McTavish Rd)
2022	<p>Application to complete 1992 homesite severance subdivision submitted to the City</p> <ul style="list-style-type: none"> • Conditions of approval not completed <ul style="list-style-type: none"> ○ Register covenant for farm help second dwelling (18275 Green Rd) ○ Removal of unauthorized third dwelling (12770 McTavish Rd) ○ Application expired and file closed in November 2023.



Figure 2: Site Map

The City became aware of the subject third dwelling unit in the agricultural building when the subdivision application was submitted in 2022. Removal of that dwelling and returning the agricultural building to its original approved 2010 building plans were conditions for approval of the subdivision. That subdivision was ultimately not completed, and the application expired in 2023. Subsequently, the City alerted the property owner that the third dwelling unit was unauthorized and must be removed or converted back to an agricultural building. In response, this Non-Adhering Residential Use application was submitted to retain the third dwelling.

Relevant Policy, Bylaw or Legislation:

The Agricultural Land Commission (ALC) Act and Agricultural Land Reserve General Regulation establish the permitted land uses in the Agricultural Land Reserve (ALR) and the processes for seeking Provincial authorization for non-permitted uses. The *ALC Act* also establishes the Commission's mandate to prioritize farming on ALR lands and places limits on residential development. Since 2019, the ALC approval is required for all dwelling units in excess of one principal residence per lot, except for a 90 m² additional residence.

The *ALC Act*¹ states that the ALC must not grant permission for an additional residence unless it is necessary for a farm use. In assessing these types of applications, the ALC² will review whether the housing reflects the agricultural activity occurring on the farm, including assessing the scale and intensity of the farm operation, the number of existing residences, and the contribution of their occupants to the farm operation.

The City's Official Community Plan Bylaw No. 2864, 2020 includes policies prioritizing the protection and viability of agricultural land, and limiting additional housing and residential uses in agricultural areas. Farming is recognized as the priority use on agricultural land, and non-farm uses are discouraged. In general, increased residential use on agricultural land can lead to more urban-rural conflicts, such as trespassing, rural traffic, and complaints about farming practices. It can also heighten expectations of approval or increase speculation about the potential allowance of more residential or non-farm uses for other properties. At the same time, the City's OCP recognizes that there may be a need for additional housing in the agricultural area for farm worker housing. The OCP includes guidelines that Council may apply, on a case-by-case basis, when considering additional homes in the agricultural area (see below).

The property's A-1 (General Agricultural) zoning permits agriculture and related uses. In the Zoning Bylaw No. 2505, 2011, a second dwelling is only permitted in the following circumstances:

- Minimum farm operation size of 8 ha;
- Owner of the farm resides on the property; and
- Covenant registered on title restricting occupancy of the dwelling to a full-time farm employee.

¹ Section 25(1.1)(b)

² ALC Policy L-26 Non-Adhering Residential Use Applications for Housing in the ALR:
https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/policies/alc_policy_l-26_-_non-adhering_residential_use_applications.pdf

A third dwelling for a full-time farm employee is only permitted where a farm operation is greater than 40 ha (99 acres) in size. The subject parcel is less than this minimum area, at 25.2 ha.

The City's Agricultural Viability Strategy supports the preservation of farmland, the use of farmland for farming, and discourages non-farm uses.

Analysis:

Presently, the two dwelling units at 18241 and 18275 Green Rd are permitted by the City's zoning and because they were constructed before the ALC's regulations changed in 2019, (i.e. ALC approval is now required for all dwelling units in addition to the principal dwelling unit). However, it was a requirement of the City at the time of construction of 18275 Green Rd that a covenant be registered on title restricting occupancy of that dwelling for full-time farm help and that remains outstanding (presently, 18275 Green Rd is occupied by one of the property owners who, according to the applicant, is a full-time farm worker). The third dwelling unit at 12770 McTavish Rd is not permitted under the City's zoning as three dwellings are only allowed on farm operations greater than 40 ha (100 acres).

<i>Dwelling Unit</i>	<i>Permitted under Zoning Regulations</i>	<i>Permitted under ALC Regulations</i>	<i>Outstanding Requirements</i>
<i>18241 Green Rd</i>	Yes	Constructed prior to ALR formation	n/a
<i>18275 Green Rd</i>	Yes	Yes, at time of construction. Would require ALC approval if constructed today	Covenant limiting occupancy to full-time farm worker
<i>12770 McTavish Rd</i>	No	Subject to ALC approval	ALC approval, Rezoning

The City's OCP provides the following matters to consider, on a case-by-case basis, when reviewing Non-Adhering Residential Use (NARU) applications to the ALC, or rezoning applications:

- 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, and providing financial security to ensure that the approved farm plan is implemented.

In this case, the property has been owned by the applicant's family since 1947 and has been successfully farmed since then. An agrologist report was submitted by the applicant indicating that the third dwelling unit is justifiable based on the farming operation (see Appendix B of Attachment A), and outlining the current farming operation as follows:

- horse boarding and riding ring accommodating 15 horses;
- organic garlic planting (1 acre);
- small-scale poultry production (30 chickens, 30 turkeys);
- seasonal beehives (50);
- road and ditch maintenance for leased nursery operation; and
- future plans for beef cattle and vegetable crops.

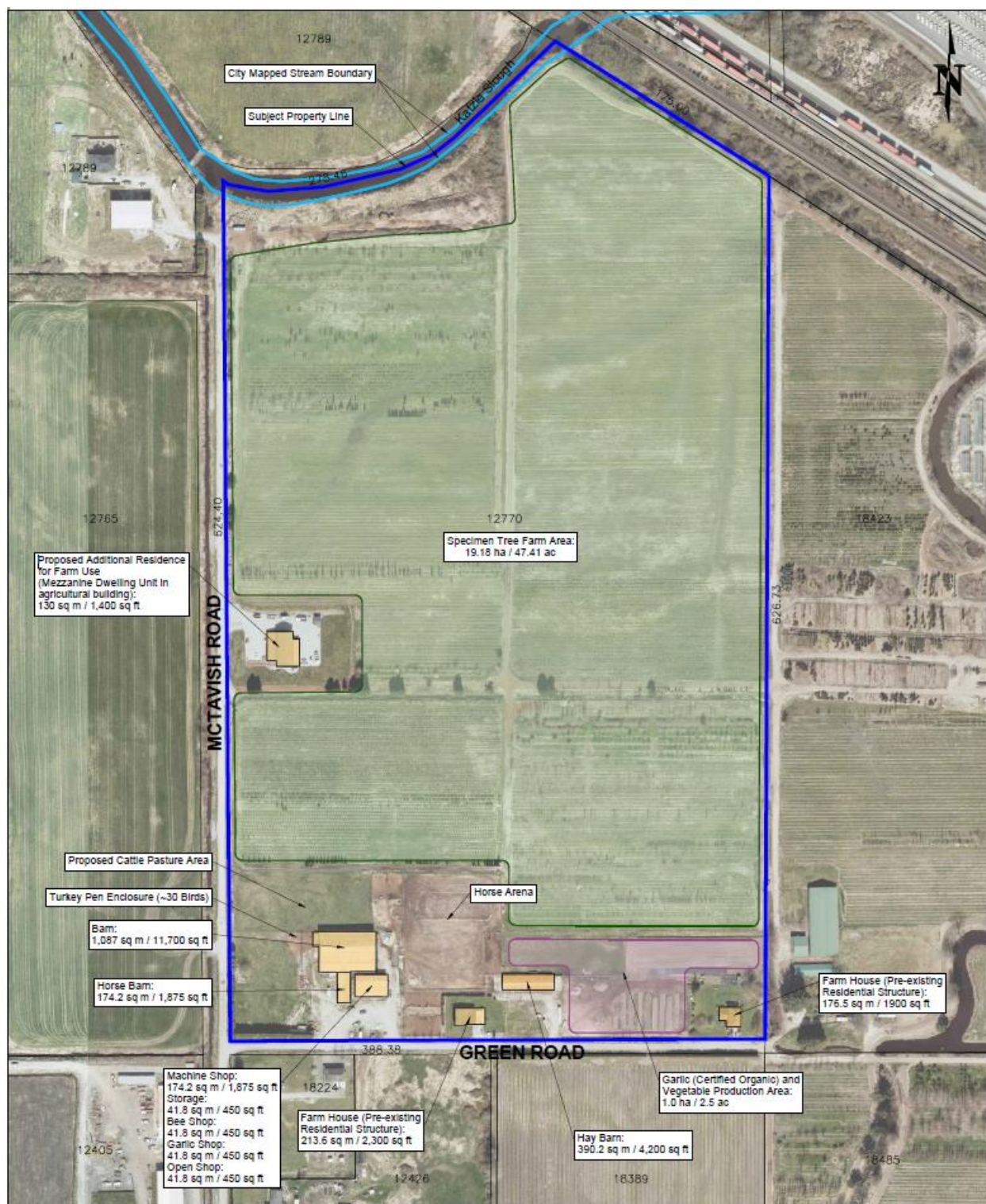


Figure 3: Site Plan

Given that most of the site (47 of 65 acres) is farmed by a neighbouring farm, it is difficult to assess if the level of agricultural production substantiates the need for multiple dwelling units. A supporting agrologist's report (see Attachment A) does, however, indicate that the farming

activity is quite diverse and the property owner does assist the leasing farm operation with some on-site ditch and road maintenance. The remaining 18 acres of the property is being farmed or used for residential purposes by the property owner and family.

The total residential floor area on a property permitted by the ALC is 590 m² (500 m² for the principal dwelling and 90 m² for a secondary dwelling). The applicant rationalizes that this property's total residential floor area is 520.1 m², spread across three dwellings, which is less than the ALC permits. While mathematically correct, this does not fully align with the intent of the residential regulations. Multiple detached dwelling units typically use more land (multiple driveways, septic fields, backyards, etc.) for non-farm purposes than one larger dwelling and, therefore, do impact the agricultural potential. It is noted that the applicant has indicated that a homesite severance subdivision application would not be pursued further if this Non-Adhering Residential Use application is approved, which could be secured through a restrictive covenant if this ALC application proceeds.

Agricultural Advisory Committee

At their meeting on February 13, 2025, the City's Agricultural Advisory Committee (AAC) considered the application and passed the following motion:

"THAT the AAC recommends that Council forwards to the ALC the Non-Adhering Residential Use application for 12770 McTavish Rd subject to no further subdivision of the property."

Discussion at the AAC meeting included support for the location of the unauthorized dwelling at the edge of the property and minimized residential footprint, and noted the long-term family farming operation. The AAC expressed support for the application, provided that the property is not subdivided in the future.

Next Steps:

An NARU application only proceeds to the ALC for review if it receives approval in the form of an authorizing resolution from the local government to be forwarded. Council has the option of:

- Forwarding the application to the ALC with a recommendation of support;
- Forwarding the application to the ALC with no comment;
- Forwarding the application to the ALC with a recommendation of no support; or
- Not forwarding the application to the ALC.

If an application is forwarded to the ALC, the ALC will consider the local government's input, but ultimately, any decision is made by the ALC. Conversely, if Council does not resolve to forward an application to the ALC, then the application does not proceed any further. There is no appeal process to the ALC that an applicant can make in that case.

Should this application be approved by the ALC, the applicant must submit a land use application (rezoning) to permit the third dwelling unit on the property. As part of that application, recommendations for conditions of approval are likely to include:

- Registration of a covenant on title confirming occupancy of 18275 Green Rd and 12770 McTavish Rd to farm employees only;
- Registration of a covenant on title prohibiting further subdivision; and
- Registration of a covenant on title prohibiting any additional residential floor area or dwelling units being added to the property.

If ultimately rezoned, a building permit will be required to bring the unauthorized dwelling unit at 12770 McTavish Rd into residential code compliance.

Conclusion

While the majority of the property is farmed by a neighbouring tree farm and City policies do not support this level of residential use on a farm property of this size, the agrologist report outlines a rationale for allowing multiple residential dwellings to support the agricultural business, and the AAC recommended the application be forwarded to the ALC. Further, noting that the property has received a homesite severance subdivision approval from the ALC, retention of large agricultural lots is supported by City and ALC policies. Therefore, the recommended motion is for Council to forward the application to the ALC with a recommendation of support provided no further subdivision of the property is permitted.

COUNCIL STRATEGIC PLAN ALIGNMENT

- ☐ Principled Governance ☒ Balanced Economic Prosperity ☐ Infrastructure
☐ Community Spirit & Wellbeing ☐ Corporate Pride ☐ Public Safety
☐ Not Applicable

WORKPLAN IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

PUBLIC PARTICIPATION

☒ Inform ☒ Consult ☐ Involve ☐ Collaborate ☐ Empower

Comment(s):

The application was reviewed by the City's Agricultural Advisory Committee on February 13, 2025.

KATZIE FIRST NATION CONSIDERATIONS

Referral ☐ Yes ☒ No ☐ Other

SIGN-OFFS**Written by:**

Allison Dominelli,
Planner

Reviewed by:

Colin O'Byrne,
Manager of Planning

Patrick Ward,
Director of Planning & Development

ATTACHMENT(S):

A. Letter of Intent