

# Staff Report to Council

Planning and Development

FILE: 6635-20-2021-06

**REPORT DATE:** October 25, 2021      **MEETING DATE:** November 09, 2021  
**TO:** Mayor and Council  
**FROM:** Anne Berry, Director of Planning and Development  
**SUBJECT:** Agricultural Land Commission Non-Adhering Residential Use Application  
for 19416 Richardson Road

**CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:**



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**RECOMMENDATION(S):**

THAT Council:

- A. Direct Staff to forward to the ALC, with a recommendation of support, the application for a non-adhering residential use at 19416 Richardson Road to retain the existing dwelling while a new dwelling is being constructed, subject to:
1. The existing dwelling being demolished upon completion of the new dwelling; AND
  2. Receipt of a \$50,000 bond and second dwelling agreement; OR
- B. Other.

**PURPOSE**

To present to Council a non-adhering residential use application to the Agricultural Land Commission to permit retention of the existing dwelling at 19416 Richardson Rd while a new dwelling is being constructed. The owners intend to demolish the existing dwelling when the new home is complete.

Information Report

Decision Report

Direction Report

## **DISCUSSION**

### **Background:**

Under the *Agricultural Land Commission Act*, any dwelling unit, in addition to one principal residence, requires approval from the Agricultural Land Commission (ALC), including retaining an existing dwelling to live in while a new dwelling is being constructed.

**Owner:** Asrin Rahmati

**Applicant:** Yared Afework

**Property Size:** 4.04 ha (9.9 acres)

**OCP Designation:** Agricultural

**Zoning:** A-1 (General Agricultural)

The property currently contains an existing one-storey dwelling built-in 1978 that is 1483 ft<sup>2</sup>. There is also an accessory structure, a gazebo, on the property. The applicant has advised that the owner hopes to continue living in the existing home while constructing a new principal residence. A new dwelling is proposed to the west of the existing home, providing multi-generational housing for the owner’s family. The proposed home is designed to be 500 m<sup>2</sup> (5,381 ft<sup>2</sup>) which will meet the City and ALC regulations for size. The additional living space will provide the homeowners with adequate space for their children and their families. After the new home is complete, the owners intend to demolish the existing home.



The property contains blueberry crops and has received “farm status” from BC. Assessment.

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

The Agricultural Land Reserve Use Regulation regulates this issue; Official Community Plan Bylaw No. 2352, 2007; and Zoning Bylaw No. 2505, 2011.

Council Policy C026 Temporary Accessory Dwellings in ALR stipulates that an additional dwelling may be located on a property temporarily while a new dwelling is being constructed, subject to the City receiving a \$25,000 bond or letter of credit to ensure that the temporary dwelling is either demolished or decommissioned.

## **Analysis:**

In these situations where a property owner wishes to live in an existing dwelling while a new home is being constructed, the City requires a \$25,000 bond to be deposited and a second dwelling agreement be signed. This agreement requires the owner to either decommission the existing dwelling and convert it to an agricultural building before the final occupancy of the new house or to demolish the existing dwelling. The bond is only returned upon completion of either of these options.

Before February 2019, ALC approval was not required where an existing dwelling was temporarily retained while a new home was being constructed. The City processed numerous applications over the years using the above-noted process and bond collections.

The experience of staff is that dwellings converted into agricultural buildings often do not remain as agricultural buildings. After the building inspector has given final approval for a converted agricultural building and the \$25,000 bond returned, many of these buildings have been illegally converted back to dwellings. These situations become very difficult for bylaw enforcement to manage. The bylaw and building departments advise that discovering these types of “dwellings” has been occurring more frequently, especially given Metro Vancouver’s lack of affordable housing options. For this reason, staff recommend that approval for this application be subject to the existing dwelling being demolished, rather than decommissioned and converted into an agricultural building.

If an owner does not comply with the second dwelling agreement and demolish the existing house, \$25,000 is no longer enough for the City to go in and demolish the house. Further, \$25,000 may also not be enough incentive for an owner to demolish the house, given that a second dwelling on a property could be rented and the \$25,000 be recouped in a matter of months.

In 2020, two similar applications were forwarded to the AAC and subsequently reviewed and approved by Council. The resolution of these applications being the receipt of \$50,000 bonds and second dwelling agreements to ensure demolition. Endorsed by Council, staff are in the process of reviewing and updating the Council Policy for these types of temporary dwellings and the \$25,000 bond amount.

### *Agricultural Advisory Committee*

At their meeting on October 14, 2021, the City’s Agricultural Advisory Committee (AAC) considered the application and passed the following motion:

“The Agricultural Advisory Committee supports the Non-adhering Residential Use Application for 19416 Richardson Road, subject to:

- The existing dwelling being demolished upon completion of the new dwelling;  
and
- Receipt of a \$50,000 bond and second dwelling agreement.”

During the AAC meeting, a committee member asked whether the owner farms the property or leases the land to another farmer. The applicant has confirmed that the property owners live on the property but lease the land out to another farmer who carries out the farm operations. However, the homeowner has stated that this situation is only temporary as they intend to take over the farm operations in the future.

### *Recommendations*

A non-adhering residential use application only proceeds to the ALC for review if it receives approval from the local government's Council in the form of an authorizing resolution. If an application is forwarded to the ALC, the ALC will consider the local government's input, but the ALC ultimately makes the final decision. Conversely, if Council does not resolve to forward an application to the ALC, the application does not proceed further. In this case, there is no appeal process to the ALC that an applicant can make.

Staff recommends the following options for consideration on whether or not to forward this application to the ALC:

- A. Forward the Non-adhering Residential Use Application for 19416 Richardson Rd to the Agricultural Land Commission with a recommendation of support, subject to:
  - The existing dwelling being demolished upon completion of the new dwelling; and
  - Receipt of a \$50,000 bond and a second dwelling agreement; OR
- B. Forward the Non-adhering Residential Use Application for 19416 Richardson Rd to the Agricultural Land Commission with a recommendation of no support; OR
- C. Forward the Non-adhering Use Residential Use Application for 19416 Richardson Rd to the Agricultural Land Commission with no comment; OR
- D. Decline to forward the Non-adhering Residential Use Application for 19416 Richardson Rd to the Agricultural Land Commission.

As the application is only for a temporary situation and if the dwelling will be demolished upon completion of the new house, staff recommend option A. Staff also support the Agricultural Advisory Committee's recommendation of increasing the bond to \$50,000.

If the application is not approved, then the existing house must be demolished before a building permit for the new house is issued.

**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

There are no financial implications associated with this report.

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**PUBLIC PARTICIPATION**

- Inform     Consult     Involve     Collaborate     Empower

Comment(s):

This report is available on the City’s website and all other agenda locations.

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**KATZIE FIRST NATION CONSIDERATIONS**

Referral     Yes     No

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**SIGN-OFFS**

**Written by:**

Sarah Nickerson,  
Development Services Technician

**Reviewed by:**

Alex Wallace,  
Manager of Community Development

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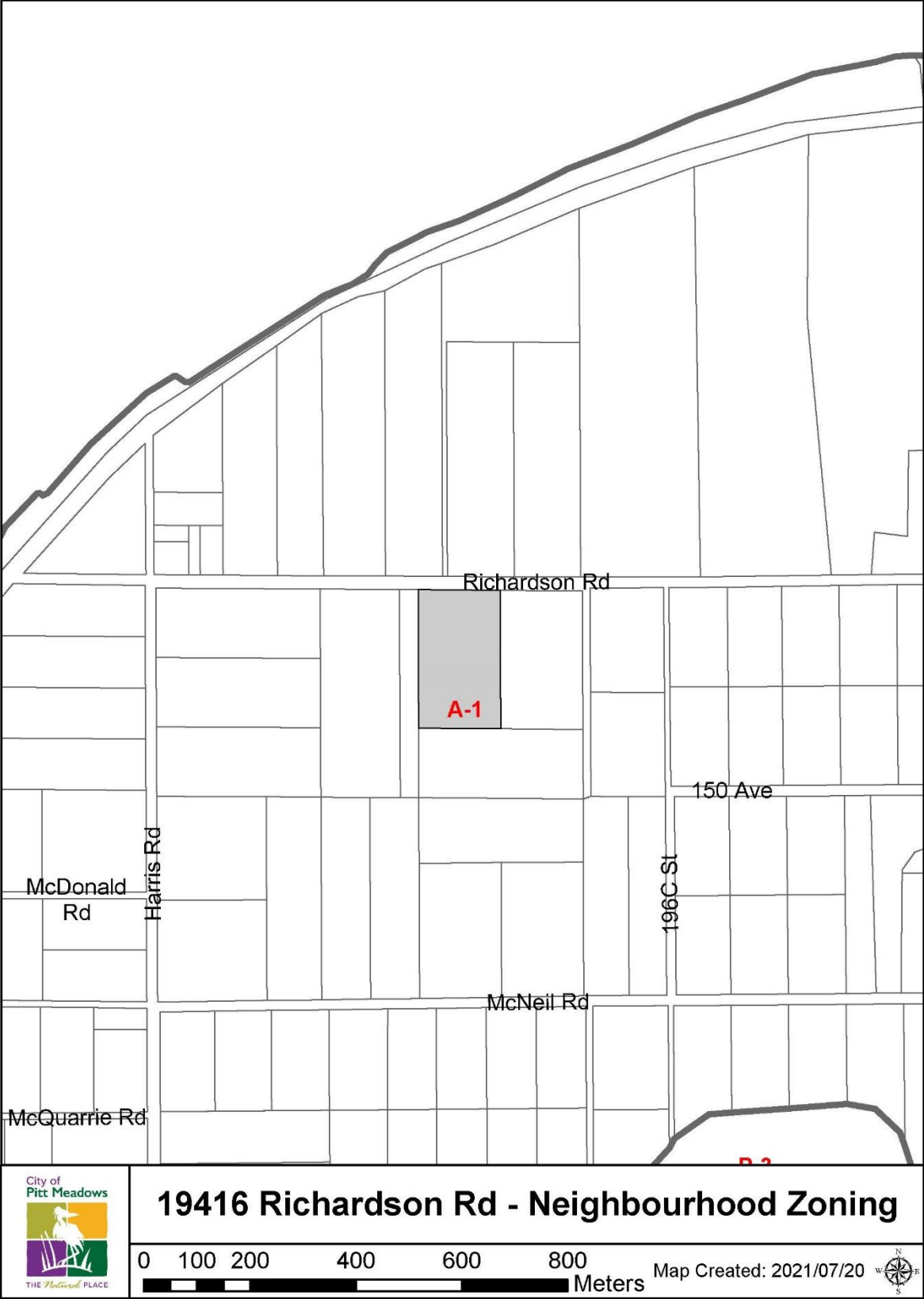
**ATTACHMENT(S):**

- A. Neighbourhood OCP Map
- B. Neighbourhood Zoning Map
- C. Aerial Photo Map and Site Layout
- D. Photos of Existing House
- E. Letter from Applicant
- F. Council Policy C026

# ATTACHMENT A: Neighbourhood OCP Map



ATTACHMENT B: Neighbourhood Zoning Map



ATTACHMENT C: Aerial Photo Map and Site Layout





**ATTACHMENT D: Photos of Existing House**



## ATTACHMENT E: Letter from Applicant

Date – August 09, 2021

City of Pitt Meadows  
12007 Harris Road,  
Pitt Meadows  
V3Y 2B5

RE – Letter of Intent to build new family house at 19416 Richardson Road

Dear Councillors,

We are living in a small farmhouse at 19416 Richardson Road, Pitt Meadows. We are a family of 5. Our family is growing and need more space for our family. Our existing house has been a beautiful home for our family for the last couple of years. Although it was perfect for our small family back then, we are currently hoping to build our dream home at the farm.

Our dream is to have our family under one roof where they can grow up together in a culturally inclusive household. The existing house is too small for the family and we decide to build the new family house to accommodate all of us. With the current house, our children and their families are unable to have the privacy they need, however, with the future house, we are about to provide them with their own space and a common area where everyone can come together.

Our hope is that we are about to build a bigger happy home for our growing happy family. Our plan is to keep the existing small house till we complete the construction of the new house.

Thank you for your consideration.



Asrin-Rahmati

## ATTACHMENT F: Council Policy C026



### COUNCIL POLICY C026

13 - Planning & Development

### **Temporary Accessory Dwellings in ALR.**

Effective Date: September 13, 1994

Revised Date: January 16, 2001

Reaffirmed Date: July 21, 2015

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#### **Purpose:**

To establish a policy for review and assessment of temporary accessory dwellings in the ALR.

#### **Policy:**

In order to maintain knowledge and control of the occupancy status of temporary accessory dwellings in the Agricultural Land Reserve, Council, in conjunction with the provisions of the current Agricultural Land Commission Act and Municipal Land Use Bylaw, will require as a condition of approval of temporary accessory dwellings in ALR that a Section 219 Covenant be registered on title and the posting of a performance bond for \$25,000 in cash, by certified cheque or through an irrevocable Letter of Credit to the satisfaction of the District.

This covenant will identify the approved user(s), note that a municipal review of the occupancy status will be done on a 1-year interval and will provide a clause requiring the demolition/removal of the building when it is no longer required for the user(s) approved by Council.