

Staff Report to Council

Planning and Development

FILE: 0340-50/21

REPORT DATE: November 23, 2021 **MEETING DATE:** November 30, 2021
TO: Mayor and Council
FROM: Anne Berry, Director of Planning and Development
SUBJECT: Update to Council Policy C026 – Temporary Accessory Dwellings in the Agricultural Land Reserve

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:



RECOMMENDATION(S):

THAT Council:

- A. Approve the amendments to Council Policy C026 Temporary Accessory Dwellings in the ALR as presented at the November 30, 2021 meeting of Council; OR
- B. Other.

PURPOSE

To present Council with proposed amendments to Council Policy C026.

Information Report Decision Report Direction Report

DISCUSSION

Background:

At the June 23, 2020 Regular Meeting, Council passed the following motion:

“Refer Council Policy C026 Temporary Accessory Dwellings in the ALR to business planning for review and update.”

Relevant Policy, Bylaw or Legislation:

Council Policy C026 was developed in 1994. It was last revised in 2001.

Analysis:

On February 22, 2019, the *Agricultural Land Commission Act* and *Agricultural Land Reserve Regulations* were updated. These updates included requiring approval from the Agricultural Land Commission (ALC) to retain an existing house on a property while a new house is being constructed elsewhere on the property. Previously, this action did not require ALC approval and only needed approval from the City.

Under the previous regulations, the City would permit a property owner to continue to live in an existing dwelling while a new dwelling was being constructed, subject to receipt of the following:

- \$25,000 bond; and
- Second dwelling agreement.

Upon occupancy of the new house and under the terms of the second dwelling agreement, the property owner would have 60 days to demolish the original house or convert it into an agricultural or accessory building through a building permit process. In many cases, this policy was generally successful. However, in some cases, property owners did not comply, and enforcement of the policy was challenging. Staff believes non-complying property owners believed that they could earn back their \$25,000 bond by retaining and renting out the original dwelling. Further frustration for enforcement occurs when a residence is converted to an agricultural or accessory building, and following return of the bond the building is re-converted to a dwelling and illegally rented out.

Two dwellings on a single property have never been permitted in the ALR unless that second dwelling was explicitly approved for bona fide farm use by the ALC and the City. Therefore, any of these properties with second dwellings that were supposed to be demolished or converted to agricultural or accessory buildings are in contravention of the City's Zoning Bylaw and ALC regulations. Unfortunately, it is challenging and time-consuming for staff to prove contraventions, as investigations often require multiple bylaw officer visits and renters are often affected.

The intent of farmland is for farming, and properties with multiple residential buildings take away more land that might otherwise be available for agriculture, and have an increased demand on infrastructure and services. Properties used for residential purposes rather than farming also tend to drive up land costs for farmers.

Other Municipalities

A review of some other municipalities reveals a wide range of bond amounts taken in similar situations:

Table 1: Municipal Comparison of Bond Amounts

MUNICIPALITY	BOND AMOUNT
Salmon Arm	\$5,000
Township of Langley	\$25,000
Abbotsford	No bond
Chilliwack	\$10,000
Kelowna	No Bond
Maple Ridge	\$10,000

All of the other municipalities surveyed also require some form of a signed agreement with the property owner, similar to the City of Pitt Meadows.

While staff are recommending a higher bond amount than other municipalities currently require, staff's experience is that the current bond amount of \$25,000 is not sufficient.

Recommended Updates to Council Policy C026

The policy has been updated to use the City's new template for Council Policies.

Staff suggest increasing the minimum performance bond to \$50,000. However, there may be rare instances where the City requires a higher bond amount; for example:

- a larger than average dwelling to be demolished;
- residential accessory buildings also to be demolished; and
- knowledge of building remediation requirements (e.g., asbestos, etc.).

The revised policy (Attachment B) removes the option for converting an existing single-family dwelling into a non-residential building, which will eliminate the enforcement challenges identified above. Buildings originally constructed for residential use are difficult and costly to effectively convert into usable agricultural buildings. Re-conversion back into illegal rental units raises concerns about occupant safety due to uninspected retrofits and other adverse impacts to renters.

Agricultural Land Commission

After the February 2019 update to the ALC regulations, all applications to retain an existing house while constructing a new home are assessed by the ALC. Since then, three such applications have

been forwarded by the City to the ALC for a decision. One of those applications expired due to inactivity and the ALC ultimately approved the other two. The ALC required its own \$30,000 performance bond for each application in addition to the City's bond. While staff acknowledge that depositing two performance bonds may be financially cumbersome for some applicants, it is not recommended that the City collect anything less than \$50,000 as a performance bond to cover the cost of demolishing the existing dwelling unit (any leftover bond money would be returned to the applicant). Being the local governing authority, the City is better positioned than the provincial ALC to enforce and monitor the demolition of old dwellings.

Agricultural Advisory Committee

As part of ALC applications to retain an existing dwelling during construction of a new one as noted above, the City's Agricultural Advisory Committee (AAC) has considered a number of these applications in recent years. Each time, the AAC has recommended that the City require at least a \$50,000 bond for these situations.

At their November 18, 2021 meeting, the AAC considered the amendments to the policy and passed the following motion:

“THE AAC Supports the amendments to Council Policy C026 Temporary Accessory Dwellings in the ALR as presented at the November 18, 2021 meeting”.

Non-compliance

If an applicant did not demolish an existing dwelling and is in contravention of a signed second dwelling agreement, the City's enforcement options include:

- If an existing dwelling is not demolished and a new dwelling has been constructed on the property, the property will not comply with the City's Zoning Bylaw. At this point, daily fines (\$500) could be issued through the City's Bylaw Notice Enforcement Bylaw.
- If daily fines are not sufficient to motivate the demolition, the City could proceed to a court injunction ordering the property owner to demolish the residence or ask for an order permitting the City to demolish the dwelling if compliance does not occur. The City could then use the bond to recover the costs of demolition.

COUNCIL STRATEGIC PLAN ALIGNMENT

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

Agriculture. Support and advocate for the continued viability of our agricultural industry.

FINANCIAL IMPLICATIONS

- None Budget Previously Approved Referral to Business Planning
 Other

The recommended changes would help realign resources associated with bylaw enforcement to other priorities and more effectively ensure the City can recoup costs for demolition of non-complying buildings, if necessary.

PUBLIC PARTICIPATION

- Inform Consult Involve Collaborate Empower

Comment(s):

The updated Council Policy will be posted on the City’s website.

KATZIE FIRST NATION CONSIDERATIONS

- Referral Yes No
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SIGN-OFFS

Written by:

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Reviewed by:

Alex Wallace,
Manager of Community Development

ATTACHMENT(S):

- A. Current Council Policy C026
- B. Draft Updated Council Policy C026