



# Staff Report to Council

## Planning and Development

FILE: 09-3900-02/21

**REPORT DATE:** November 22, 2021      **MEETING DATE:** December 07, 2021  
**TO:** Mayor and Council  
**FROM:** Anne Berry, Director of Planning and Development  
**SUBJECT:** Zoning Amendment Bylaw No. 2910, 2021

**CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:**

---

### **RECOMMENDATION(S):**

THAT Council:

- A. Grant first and second readings to Zoning Amendment Bylaw No. 2910, 2021 regarding limited residential flexibility in the Agricultural Land Reserve; AND
- B. Waive the requirement for a public hearing pursuant to Section 46 of the City of Pitt Meadows Development Procedures Bylaw and Section 464(2) of the Local Government Act; OR
- C. Other.

### **PURPOSE**

Amendments to the Zoning Bylaw related to upcoming changes to Agricultural Land Commission regulations regarding residential flexibility.

Information Report       Decision Report       Direction Report

### **DISCUSSION**

#### **Background:**

The Agricultural Land Commission (ALC) made previous changes on February 22, 2019, regarding its residential regulations on Agricultural Land Reserve (ALR) land. This included introducing a 500 m<sup>2</sup> size limit on principal dwellings and required ALC approval for all additional dwellings on ALR land, such as farm help, living in an existing home while a new one is constructed, and

manufactured homes. Almost immediately, the provision for manufactured homes without ALC approval was extended, ultimately until December 31, 2021.

Those changes to the regulations meant that a "non-adhering residential use" application is required every time any ALR property owner wished to add a second dwelling to their property or live in an existing home while constructing a new one. Council will remember discussing several of these types of applications over the past couple of years.

Based on feedback received during engagement sessions from September to November in 2019, the provincial government is now introducing limited residential flexibility on ALR land through a streamlined approval process, through the Agricultural Land Reserve Use Regulation that will come into force on December 31, 2021. This report will explain these changes and the City's response.

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

The use of ALR land is governed by the provincial *Agricultural Land Commission Act*.

The City's Official Community Plan supports the use of ALR land for agricultural purposes and discourages the use of ALR for residential purposes. The following policies apply:

#### 4.2.1 Agricultural Land for Productive Uses

- a) Lands designated as Agriculture on Schedule 3A and 3B are intended to be used for agricultural production purposes;
- b) The City is committed to updating agricultural regulations and policies that support and encourage farming in Pitt Meadows;

#### 4.2.3 Housing in Agricultural Areas

- a) Zoning regulations for residential dwellings on agricultural land that establish a building placement envelope at set distances from front and side lot lines and create building height restrictions will be considered. The City will also consider restricting the size of dwelling units.

The City's Zoning Bylaw also regulates land uses in the ALR. City bylaws must be consistent with the *ALC Act* and cannot prohibit farm uses. However, municipalities can be more restrictive than the ALC regarding non-farm uses, including residential uses.

### **Analysis:**

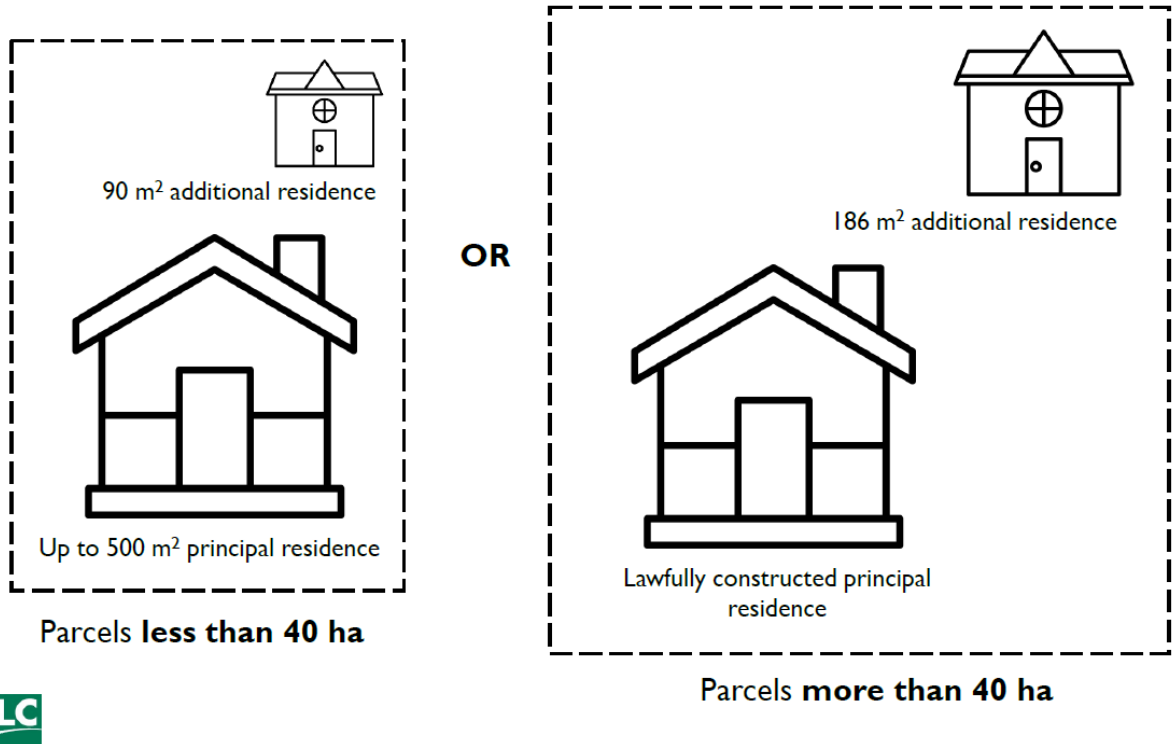
#### *Upcoming Changes to ALC Regulations*

After December 30, 2021, the ALC will permit new additional residences on ALR land in the following circumstances, without requiring ALC approval in the form of an application:

- Only one residence currently exists on the parcel
- The new residence must be detached entirely from the existing residence

- Parcels 40 ha (99 acres) or less can have:
  - Principal residence with a maximum floor area of 500 m<sup>2</sup> (5,381 ft<sup>2</sup>); plus
  - Additional residence with a maximum floor area of 90 m<sup>2</sup> (968 ft<sup>2</sup>)
- Parcels larger than 40 ha can have:
  - Principal residence any size; plus
  - Additional residence with a maximum floor area of 186 m<sup>2</sup> (2,002 ft<sup>2</sup>)

## On December 31, 2021



*Figure 1: Illustration of residential uses after new regulations in effect*

There is no requirement for the additional residence to be necessary for farm help or family members. There is no specification for the form of the additional residence other than the size limit. For example, these could take the form of a garden suite or suite within an existing agricultural building.

The new regulations do not eliminate the soil and fill provisions for residential dwellings. A Notice of Intent (NOI) may still be required before adding any small, secondary residence.

If a parcel already contains a principal residence larger than 500 m<sup>2</sup> or two residences, then the new regulations do not apply and a new 90 m<sup>2</sup> residence cannot be added without application to and approval by the ALC.

Again, local governments can be more restrictive than these new ALC regulations and can prohibit or regulate these new additional residences.

Approval from the ALC is already required for additional permanent residences in the ALR and for migrant farm-worker housing. Once the new regulations are in effect, land in the ALR will no longer be permitted to have a standard manufactured home in addition to a principal residence.

### *Current City Regulations*

Under the Zoning Bylaw at present, in the ALR a standard manufactured home in addition to a principal residence is permitted to be occupied by:

- Immediate family member(s) providing general health care for the property owner living on the property, including requiring a doctor's note attesting to this; or
- Full-time farm employee where the City is satisfied a full-time farm worker is necessary for farm operations (an agrologist report is required for this option), and the farm operation must be at least 8 ha (20 acres); or
- Migrant farmworkers where the City is satisfied migrant farmworkers are necessary for farm operations (an agrologist report is required for this option), and the property must be at least 8 ha (20 acres).

Properties with these manufactured homes are required to register restrictive covenants on title that require removal of the manufactured home once it is no longer being used per the requirements listed above. For family member use of a manufactured home, ALC approval is not required. For a full-time farm employee or migrant farmworkers, ALC approval is currently required. Once the ALC regulations change, all manufactured homes in addition to a single family dwelling will require ALC approval.

Additionally, the Zoning Bylaw currently permits garden suites up to 90 m<sup>2</sup> (968 ft<sup>2</sup>) in the ALR that have received approval from the ALC under a "non-adhering residential use" application. There is no regulation regarding occupancy, meaning that a garden suite can be occupied by a family member, farmworker, or rented out. A garden suite can either be a detached building or a dwelling unit within an existing agricultural building. With the upcoming ALC regulation changes, ALC approval will no longer be required for garden suites as it has in the past. This means that 615 ALR properties will be permitted to add a garden suite to their property, unless the Zoning Bylaw is amended.

The City's Zoning Bylaw also has a regulation that requires all residential buildings on a parcel to be located within 50 m of each other to limit the impact of residential use on farmland.

### *Options*

The intent of the City's Zoning Bylaw and other regulations has always been to protect farmland and ensure the long-term viability of the agricultural industry in Pitt Meadows. Rural residential

"estates" have long been recognized as negatively impacting agricultural land, and their proliferation is discouraged.

Upon learning of the upcoming ALC regulations, staff reviewed these and the Zoning Bylaw and determined there were two general options to proceed:

- Option 1: Amend the Zoning Bylaw to permit some increased residential flexibility to support farmers with some limitations to discourage rural estates; or
- Option 2: No changes to the Zoning Bylaw, as it already aligns with the incoming ALC regulations.

### **Option 1**

The City could amend some of its regulations to reflect the local conditions better and enforce the local and historical bylaws' intent while still embracing the spirit of the ALC regulation changes. This option is suggested to help eliminate some of the strictly rural residential estate-style development, which tends to drive the price of agricultural land up. This option will permit some increased residential flexibility for legitimate farmers while curtailing the use of the ALR land as rural estates.

### **Option 2**

Alternatively, no changes to the Zoning Bylaw are required for aligning with the incoming ALC regulation, with the exception of the manufactured home section in the Zoning Bylaw which would be partially inconsistent with the upcoming ALC regulations. Any portion of a City bylaw that is inconsistent with an ALC regulation is not valid. This will mean that any lot greater than 2 acres in the ALR (currently 615) will be able to have an additional, permanent 90 m<sup>2</sup> residence and there will be no occupancy restrictions. This option will permit the most amount of residential flexibility but may lead to more ALR land being used for residential purposes, including land not being farmed. Staff are concerned that more residences in the ALR, especially on properties not being farmed, will create the potential for more urban-rural conflicts such as trespass; rural traffic; complaints about farming practices; the potential use of additional residences for short-term rentals; etc.

### *Proposed Changes to Zoning Bylaw*

While the upcoming changes to ALC regulations offer flexibility for additional residential uses in the ALR, staff suggest that accepting these regulations as is (Option 2 above) may further the proliferation of rural residential estates, especially on smaller ALR parcels, which hurts the long-term viability of agriculture in Pitt Meadows. Staff are concerned about the potential for non-farming properties to take advantage of these new regulations to build short-term rentals (e.g. Airbnb), which are likely to negatively impact farming. However, for legitimate farmers, these new regulations offer an opportunity for on-site residential accommodation for farm employees and family members or to collect rental income from long-term tenants. For these reasons, staff recommend Option 1 as describe above.

The following is a summary of the proposed changes to the Zoning Bylaw:

- Mobile home only permitted if approved by the ALC.
- For approved mobile homes, removal of requirement for doctor's note certifying family member occupant is providing health care for property owner. Occupancy of mobile homes will continue to be limited to family member, farm employee or migrant farm-worker.
- New section for 'Additional Residence in the ALR'
  - Farm status required
  - Minimum lot size 4 ha (10 acres)
  - Maximum gross floor area of 90 m<sup>2</sup>
  - Short-term occupancy less than thirty days not permitted
  - Located within 50 m of principal residence and share a driveway.

It should be noted that the additional residence in the ALR will be permitted in addition to a secondary suite contained with the principal dwelling.

As a way of discouraging rural residential estate-style development, staff suggest that the 90 m<sup>2</sup> additional residence only be permitted on properties with "farm status" from BC Assessment. It is also recommended that these residences not be permitted for short-term rentals. The City's experience with short-term rentals in the ALR is that of complaints from nearby, permanent residents regarding noise, litter and trespassing.

As another way to discourage estates, a minimum parcel size is recommended for an additional 90 m<sup>2</sup> residence. The smaller (0.8 – 4 ha / 2 – 5 ac) lots in the ALR are where the City tends to see more "residential estates", so this is seen as a way of further limiting the spread of these types of estates that are not being actively farmed. A minimum parcel size of 4 ha (10 acres) is suggested. Currently, there are 328 parcels in the ALR that are 4 ha or larger and 517 parcels that are 2 ha (5 ac) or larger.

Staff hope that these proposed changes will permit increased residential flexibility to support farmers with some limitations to discourage rural estates.

For migrant farmworker housing greater than 90 m<sup>2</sup> in size on a parcel less than 40 ha (99 acres), approval from the ALC will still be required and per regulations in the City's Zoning Bylaw.

The upcoming ALC regulation changes differentiate between parcels smaller and larger than 40 ha (99 acres). The City only has 24 parcels larger than 40 ha, and the new residential regulations will not apply to 14 of these large parcels within Pitt Addington Marsh Wildlife Management Area (Ecological Reserve), Codd Island Wetland, the three golf courses, and the Pitt Meadows Airport, as these parcels are not zoned to allow residential use. There are only 10 parcels larger than 40 ha that are zoned to allow residential use and all are actively farmed.

*Grandfathering*

After the new ALC regulations and any City Zoning Bylaw changes come into effect, legal non-conforming or grandfathering provisions will apply to a number of parcels. Any residence lawfully constructed can be retained in its size and footprint, including a second dwelling or manufactured home.

However, there is no automatic right to replacement for a grandfathered residence. If a grandfathered residence is destroyed more than 75% above its foundation or an owner wants to rebuild or add on to a grandfathered residence, approval from the ALC through a non-adhering residential use application is required.

### *Soil and Fill*

Under the upcoming ALC regulations, there are no outright soil and fill provisions for additional 90 m<sup>2</sup> residences. Any additional residence that requires placement of fill or removal of soil will be required to submit a notice of intent (NOI) or a soil or fill use application to the ALC.

### *Other Proposed Zoning Change*

Although not related to any upcoming ALC changes, if the City is going to be making changes to the Zoning Bylaw, staff recommend amending one of the current requirements in sec 5.10 for migrant farm-worker housing. Currently, migrant farm-worker housing is only permitted on a lot primarily used for horticultural (flowers) and berry crops. Recently, the City received an application by a farming operation wanting to locate migrant farm-worker housing on a lot with a greenhouse operation producing bell peppers. This has led staff to reconsider this requirement in the Zoning Bylaw and suggest amending this section such that horticultural or food-producing crops would permit migrant farmworker housing if all other regulations are met. Cannabis operations would not qualify.

### *Agricultural Advisory Committee*

Staff presented the new ALC regulations to the City's Agricultural Advisory Committee (AAC) at their meeting on September 9, 2021, where the following motion was passed:

"It was MOVED and SECONDED THAT the Agricultural Advisory Committee:  
A. Refer back to Planning staff to collect more information from the Agricultural Land Commission on the new regulations to be presented to the Committee for further discussion at the next AAC meeting.

CARRIED."

Following an information session hosted by the ALC, staff brought forward the proposed Zoning Bylaw amendments to the AAC for their review and consideration at their meeting on November 18, 2021, where the following motion was passed:

"It was MOVED and SECONDED THAT the Agricultural Advisory Committee Recommends that the City adopt Zoning Amendment Bylaw No. 2910, 2021".

## **Conclusion**

Changes to the Zoning Bylaw are recommended, to offer limited increased residential flexibility for legitimate farmers while restraining the use of ALR land for estates.

Staff recommend the following changes:

- Mobile home only permitted if approved by the ALC.
- For approved mobile homes, removal of requirement for doctor’s note certifying family member occupant is providing health care for property owner. Occupancy of mobile homes will continue to be limited to family member, farm employee or migrant farm-worker.
- New section for ‘Additional Residence in the ALR’
  - Farm status required
  - Minimum lot size 4 ha (10 acres)
  - Maximum gross floor area of 90 m<sup>2</sup>
  - Short-term occupancy less than thirty days not permitted
  - Located within 50 m of principal residence and share a driveway.
- Migrant farm-worker housing for lots used for horticultural or food-producing crops, not just horticultural or berries.

## **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
- 

## **PUBLIC PARTICIPATION**

- Inform     Consult     Involve     Collaborate     Empower

Comment(s):

The Agricultural Advisory Committee was consulted and their expertise informed the direction of this proposed bylaw amendment. This report and bylaw amendment will be posted on the City’s website as part of the regular agenda process.

Staff recommend that no public hearing be held for this amendment as it is consistent with the



OCP. Notice of waiving of public hearing will be advertised in the newspaper and on the City's website.

---

**KATZIE FIRST NATION CONSIDERATIONS**

Referral     Yes     No

---

**SIGN-OFFS**

**Written by:**

Allison Dominelli,  
Development Services Technician

**Reviewed by:**

Alex Wallace,  
Manager of Community Development

---

**ATTACHMENT(S):**

- A. Zoning Amendment Bylaw No. 2910, 2021

**CITY OF PITT MEADOWS**  
**ZONING AMENDMENT BYLAW**  
**No. 2910, 2021**

A bylaw to amend applicable sections of Zoning Bylaw No. 2505, 2011

---

**WHEREAS** it is deemed expedient to amend the City of Pitt Meadows Zoning Bylaw No. 2505, 2011;

**NOW THEREFORE** the Council of the City of Pitt Meadows enacts as follows:

1. This Bylaw may be cited as the "Zoning Amendment Bylaw No. 2910, 2021".

2. The Zoning Bylaw No. 2505, 2011 is amended as follows:

a) The following definition is added to Section 2.3 [General Definitions]:

ADDITIONAL RESIDENCE IN THE ALR means a *dwelling unit* that is separate from and *accessory* to a *farm house* on the same *lot*.

b) Section 5.5 b) is deleted in its entirety.

c) Section 5.8 is amended as follows:

(i) By inserting the following underlined words into the opening paragraph of **5.8 Manufactured Home**:

A single *mobile home*, located on a non-permanent foundation without basement excavation is permitted in the Agricultural Land Reserve if approved by the Agricultural Land Commission, subject to the following conditions;

(a) By deleting 5.8(a)(i) and replacing it with the following:

The *mobile home* may only be occupied by the property owner or the father, mother, father-in-law, mother-in-law, son, daughter, grandparent, brother, sister, or grandchild of the owner and the owner is resident on the property.

d) Subsection 5.10(a)(i) is deleted and replaced with the following:

i. The lot upon which the accommodation is located is classified as a "farm" under the **Assessment Act** and is primarily used for horticultural or food-producing operations.

e) The following section is added:

### 5.18 Additional residence in the ALR

- a) An additional residence within the Agricultural Land Reserve is permitted if the following conditions are met:
- i. the *lot* upon which the additional residence is located is classified as a “farm” under the *Assessment Act*;
  - ii. the *lot* upon which the additional residence is located has an area of at least 4.05 ha;
  - iii. the *lot* upon which the additional residence is located contains no dwelling unit other than one *farm house* and an approved *secondary suite*;
  - iv. the maximum *gross floor area* of an additional residence is 90 m<sup>2</sup> unless the lot is larger than 40 ha, in which case the maximum *gross floor area* of an additional residence is 186 m<sup>2</sup>. In these instances, *gross floor area* shall include any *basement area*; and
  - v. short-term occupancy of less than thirty days of an additional residence is not permitted.
- b) An additional residence in the ALR will:
- i. be connected to municipal water and obtain approval from Fraser Health Authority for the septic system;
  - ii. be sited not less than:

Minimum distance from the <i>farm house</i>	2.4 m
Maximum distance from the <i>farm house</i>	50.0 m
Minimum front yard setback	7.5 m
Minimum interior side yard setback	3.0 m
Minimum exterior side yard setback	7.5 m
Minimum rear yard setback	7.5 m
Minimum setback to a <i>watercourse, key ditch and constructed ditch</i>	15.0 m

- iii. not contain a rooftop *balcony, deck or patio*;
- iv. share a driveway with a *farm house*;
- v. be limited to a *height* of 6.0 m unless located entirely within an *agricultural building*; and
- vi. not be attached to an *accessory farm residential building or structure* but may be contained with an *agricultural building*.

- f) Section 8.1.2 is amended by adding the following as an Accessory Use:
  - (i) Additional residence in the ALR
- g) Section 8.2.2 is amended by adding the following as an Accessory Use:
  - (i) Additional residence in the ALR

**READ** a FIRST and SECOND time on [DATE].

**PUBLIC HEARING** held on [DATE].

**READ** a THIRD time on [DATE].

**ADOPTED** on [DATE].

---

Bill Dingwall  
Mayor

---

Kate Barchard  
Corporate Officer