

# Staff Report to Council

Planning & Development

FILE: 3090-20-2020-02

**REPORT DATE:** February 01, 2022      **MEETING DATE:** March 01, 2022  
**TO:** Mayor and Council  
**FROM:** Anne Berry, Director of Planning and Development  
**SUBJECT:** Development Variance Permit Application for 19880 Richardson Road

**CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:**



---

**RECOMMENDATION(S):**

THAT Council:

- A. Direct staff to notify surrounding residents that Development Variance Permit No. 2022-001 to reduce the minimum required setback to a watercourse for an agricultural building at 19880 Richardson Road from 15 metres to 11.46 metres will be considered at an upcoming Public Meeting of Council; OR
- B. Other.

---

**PURPOSE**

To bring back an application for a Development Variance Permit at 19880 Richardson Rd to vary the minimum required setback to a watercourse from 15 m to 11.46 m for an agricultural building, following general compliance of other outstanding bylaw infractions.

☐ Information Report      ☐ Decision Report      ☒ Direction Report

**DISCUSSION**

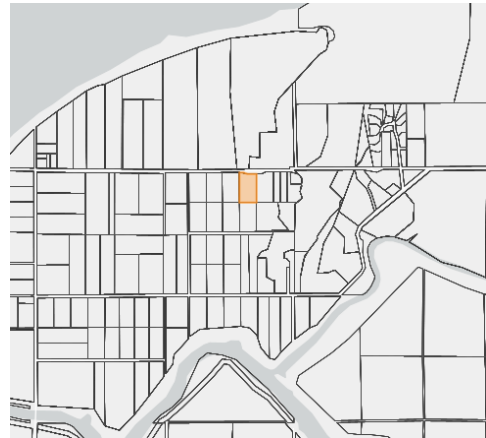
**Background:**

This application was previously considered by Council at the May 12, 2020 Meeting, where the following motion was passed:

“THAT Council refer this item back to Staff to:

- A. Resolve any outstanding issues or concerns relating to the property located at 19880 Richardson Road; AND
- B. Confirm build date of the building and report back to Council at a future meeting.”

**Applicant:** Christina Laplante  
**Owner:** Laplante Holdings Ltd.  
**Civic Address:** 19880 Richardson Rd  
**Property Size:** 2.02 ha (5 ac)  
**OCP Designation:** Agricultural  
**Zoning:** A-1 General Agriculture



The property is currently assessed as a farm by B.C. Assessment and has blueberry crops growing on it. It contains the subject agricultural building and an additional agricultural storage building. The adjacent property at 19894 Richardson Rd is also owned by the same property owners and is where they reside.

A complaint about the use of both properties was submitted to the City’s Bylaw Department. During their investigation, it was determined that the subject agricultural building had been constructed without a building permit. To bring the property into compliance, the property owners were directed to apply for a building permit for this agricultural building. During the review of the building permit application, it was noted that the building was located 11.46 m from a watercourse, Fenton Slough. The City’s Zoning Bylaw requires a minimum setback distance of 15 m from watercourses, and so this application for a development variance permit was submitted.

According to the applicant, the agricultural building is used for farm storage related to the blueberry farming operation on the property. Both City and ALC staff confirmed the use of the building is agricultural and that blueberry farming is occurring on the property. The floor area of the building is 560 m<sup>2</sup> (6,031.8 ft<sup>2</sup>) and it is just under 6.7 m (22 ft) in height.

**Relevant Policy, Bylaw or Legislation:**

City of Pitt Meadows Zoning Bylaw No. 2505, 2011. The property’s A-1 zoning permits agriculture and related uses.

**Analysis:**

Under the provincial *Riparian Areas Protection Regulation*, riparian areas (streamside habitat) are protected to maintain stream health and productivity. Agricultural buildings and practices are exempt from this regulation. However, the B.C. Ministry of Agriculture, in conjunction with the Ministry of Environment, has published recommendations for agricultural building setbacks to watercourses. Watercourse setbacks in the City’s Zoning Bylaw are based on this B.C. Ministry of Agriculture’s Guide for Bylaw Development. This guide includes recommended riparian setbacks, which vary depending on the type of agricultural facilities and watercourse classification.

Larger setbacks are recommended for higher-risk buildings, such as for confined livestock, manure storage, and mushroom barns. Watercourses are classified on a scale from natural stream to constructed ditch, with natural streams having the most considerable setback.

On this property, the subject watercourse is Fenton Slough, which is considered to be a “channelized stream.” In the Ministry’s guide, a channelized stream is a permanent or relocated stream that has been dyked, diverted, or straightened and carries drainage flows from headwaters or significant sources of groundwater (see Category 4 listed in Attachment D). For an agricultural storage building such as in this case, the recommended setback to a channelized stream is between 10 to 15 m.

The Ministry also recommends that the area between the building and the watercourse should be vegetated with riparian plant species. In this case, the area has been cleared nearly to the top-of-bank. Staff recommend that the space between the building and the channel should be remediated and replanted with native vegetation to be compliant with Ministry guidelines; and include this as a condition in the development variance permit.

In the City’s Zoning Bylaw, the minimum required setback to a watercourse or key ditch for an agricultural storage building is 15 m, based on those Ministry guidelines.

According to the site survey, the agricultural building is located 11.46 m from the top of the bank of Fenton Slough.

	Required Setback	Actual Setback	Variance Amount
<b>Agricultural Building</b>	15 m	11.46 m	3.54 m

#### *Property Compliance*

An investigation by the City’s Bylaw Department confirmed several bylaw infractions were occurring on the property, including unsightly premises, unauthorized business use, and the subject agricultural building constructed without a permit. Over the past few years, the property owner has been working with the City to bring the property into compliance. Bylaw staff now report that all outstanding bylaw infractions have been resolved, except this required development variance and subsequent building permit. The building permit cannot be issued unless this development variance permit is authorized.

In response to Council's motion to confirm the build date of the building, the applicant confirmed that the subject building was constructed between December 2018 and January 2019.

### *Recommendation*

Although constructed without the benefit of a building permit, the location of the building does meet the objectives of the provincial guidelines. A variance will enable the issuance of a building permit to ensure that the building is built to B.C. building standards and safety requirements. This is the first step to bringing this structure into compliance with our bylaws and regulations. The process described in this report is as per the *Local Government Act* and the City's Development Procedures Bylaw. If a local government proposes to pass a resolution to issue a development variance permit, it must give notice in accordance with section 499 of the Act.

City Operations staff require at least a 6 m clearance on either side of all key ditches and watercourses for ditch cleaning and maintenance purposes; this is achieved in this case.

If this application is not approved, then a building permit cannot be issued for the building. Subsequently, the City could order the structure be removed or relocated or register a notice on title that building regulations were not complied with, under section 57 of the *Community Charter*.

### **COUNCIL STRATEGIC PLAN ALIGNMENT**

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

### **FINANCIAL IMPLICATIONS**

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

### **PUBLIC PARTICIPATION**

- ☒ Inform    ☒ Consult    ☐ Involve    ☐ Collaborate    ☐ Empower

Comment(s):

If authorized, staff will notify all property owners and residents within 50 m (164 ft) of the subject property, as per the City's Development Procedures Bylaw No. 2740, 2016. Any comments or feedback received will be reported to Council prior to consideration of issuance of the Development Variance Permit.

---

## **KATZIE FIRST NATION CONSIDERATIONS**

Referral     ☐ Yes     ☒ No

---

## **SIGN-OFFS**

### **Written by:**

Allison Dominelli,  
Development Services Technician

### **Reviewed by:**

Alex Wallace,  
Manager of Community Development

---

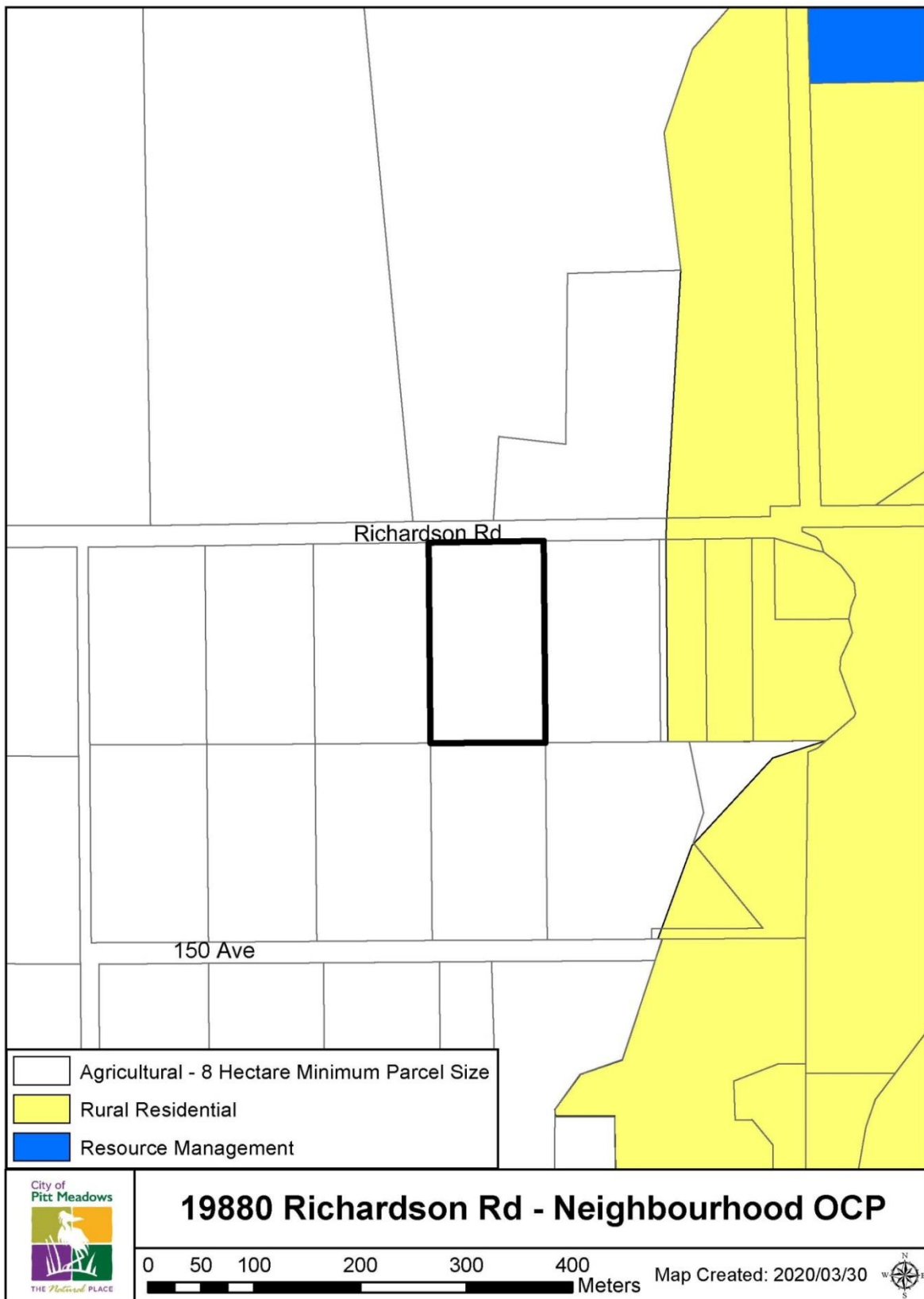
## **ATTACHMENT(S):**

- A. Neighbourhood Zoning Map
- B. Neighbourhood OCP Map
- C. Aerial Photo Map
- D. Excerpt from Ministry of Agriculture's "Agricultural Building Setbacks in Farming Areas" dated February 2011
- E. Site Survey
- F. Building Plans
- G. Draft Development Variance Permit No. 2022-001

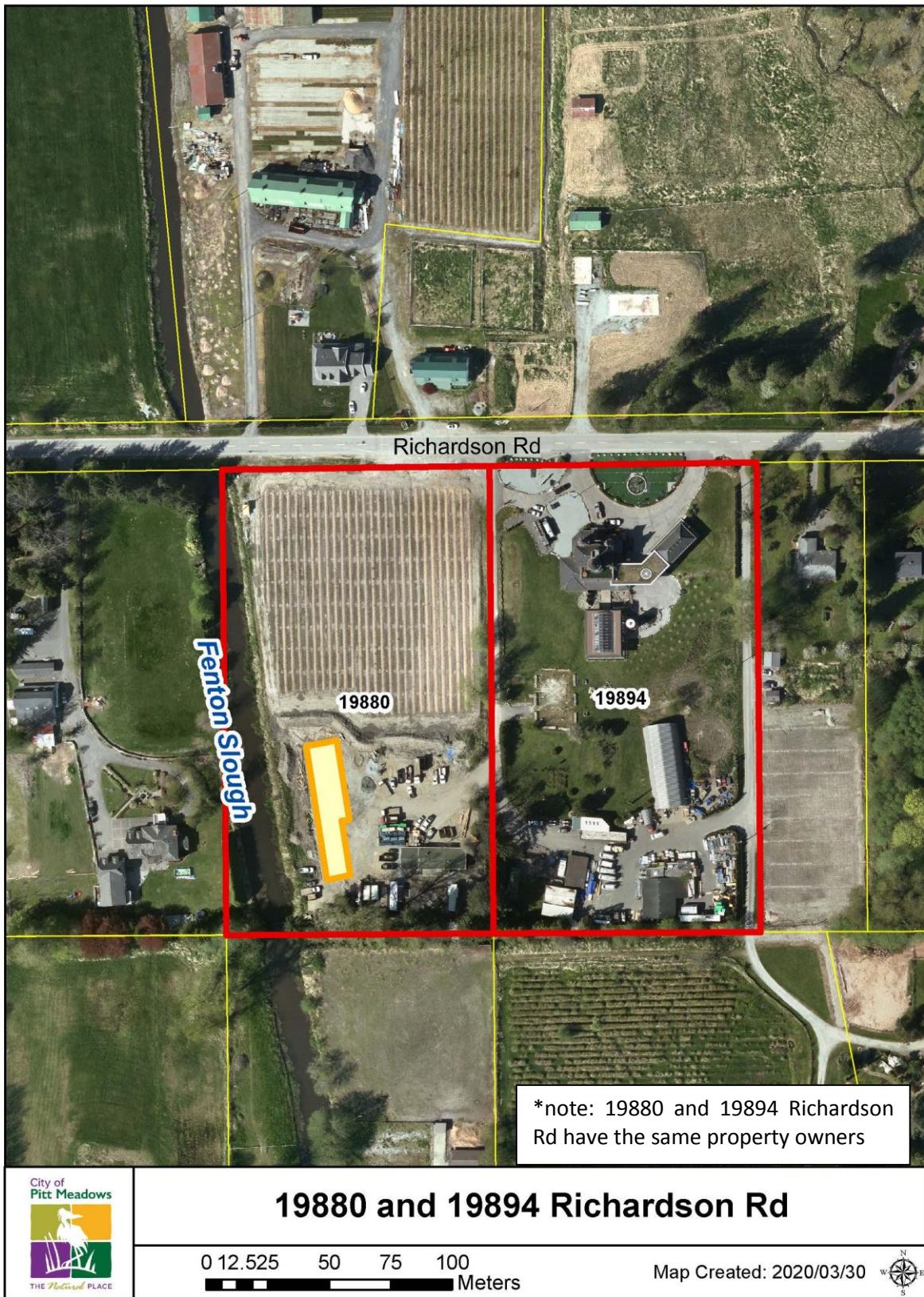
ATTACHMENT A: Neighbourhood Zoning Map



ATTACHMENT B: Neighbourhood OCP Map









ATTACHMENT D: Excerpt from Ministry of Agriculture's "Agricultural Building Setbacks in Farming Areas" dated February 2011

<b>Table 1 Building and Facilities Setbacks from Watercourses for Riparian Protection in Farming Areas * a f</b>				
Watercourse Type	Category 1	Category 2	Category 3	Category 4
	<ul style="list-style-type: none"> <li>• Confined Livestock Area &gt; 10 agricultural units <sup>d</sup></li> <li>• Seasonal feeding area</li> <li>• Solid Agricultural Waste Field Storage with &gt;2 weeks storage time</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Waste Storage Facility</li> <li>• Chemical, compost, and woodwaste storage</li> <li>• Confined livestock area &lt; 10 agricultural units <sup>d</sup></li> <li>• Incinerator</li> <li>• Mushroom barn</li> <li>• On-farm composting</li> <li>• On-farm soilless medium production and storage</li> <li>• Silo</li> <li>• Petroleum Storage</li> </ul>	<ul style="list-style-type: none"> <li>• Brooder house</li> <li>• Hatchery</li> <li>• Fur farming shed</li> <li>• Livestock barn</li> <li>• Livestock Shelter</li> <li>• Milking facility</li> <li>• Stable</li> </ul>	<ul style="list-style-type: none"> <li>• Boiler Room</li> <li>• Cidery</li> <li>• Cold Frame</li> <li>• Crop Storage</li> <li>• Detention Pond</li> <li>• Direct Farm Marketing</li> <li>• Granary</li> <li>• Greenhouse</li> <li>• Machinery Storage</li> <li>• On Farm Processing</li> <li>• On Farm Product Preparation</li> <li>• Retention Pond</li> <li>• Impervious Surfaces</li> </ul>
Natural Streams	30 m	15 m	15 m	15 m
Channelized Streams	30 m	15 m	15 m	2 x channel width <sup>b</sup> Minimum of 10 m Maximum 15 m
Constructed Channels and Ditches <sup>e</sup>	30 m	15 m	5 m <sup>c</sup>	5 m <sup>c</sup>

**Notes**

\* Property safety and risk management concerns may require larger setbacks in some instances and will then override the setback standards shown here.

a Setback distances are measured from the top of bank as defined in this factsheet.

b Channel width is determined from the top of bank to top of bank.

c The minimum building setback distance from a constructed channel or constructed ditch which a municipality is responsible for maintaining is 7 metres.

d Agriculture unit is equal to the live weight of 455 kg (1000 lbs) of livestock, poultry or farmed game or any combination equaling this weight.

e There is no differentiation between constructed channels and constructed ditches for the purposes of building setbacks, only for drainage maintenance purposes.

f The setback from a domestic water intake for all agricultural buildings is 30 m.

[https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards/riparian-setbacks/823400-1\\_agricultural\\_building\\_setbacks.pdf](https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards/riparian-setbacks/823400-1_agricultural_building_setbacks.pdf)



