

# Staff Report to Council

Planning & Development

FILE: 4520-20-2022-01

**REPORT DATE:** March 30, 2022      **MEETING DATE:** April 05, 2022  
**TO:** Mayor and Council  
**FROM:** Colin O'Byrne, Acting Director of Planning and Development  
**SUBJECT:** Renewal of Temporary Use Permit No. 2019-004 for 17607 and 17890 Ford Road Detour

**CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:**



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**RECOMMENDATION(S):**

THAT Council:

- A. Approve renewal of Temporary Use Permit No. 2019-004 for soil screening and mixing at 17607 and 17890 Ford Road Detour; OR
- B. Other.

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**PURPOSE**

To present to Council an application to renew a Temporary Use Permit at 17607 and 17890 Ford Rd Detour for a soil mixing and screening operation.

☐ Information Report      ☒ Decision Report      ☐ Direction Report

**DISCUSSION**

**Background:**

The City has received an application to renew the Temporary Use Permit (TUP) for soil screening and mixing at 17607 Ford Rd Detour (Site A) and 17890 Ford Rd Detour (Site B).

**Applicant/Owner:** Hank Bitter

**Civic Address:** 17607 & 17890 Ford Rd Detour

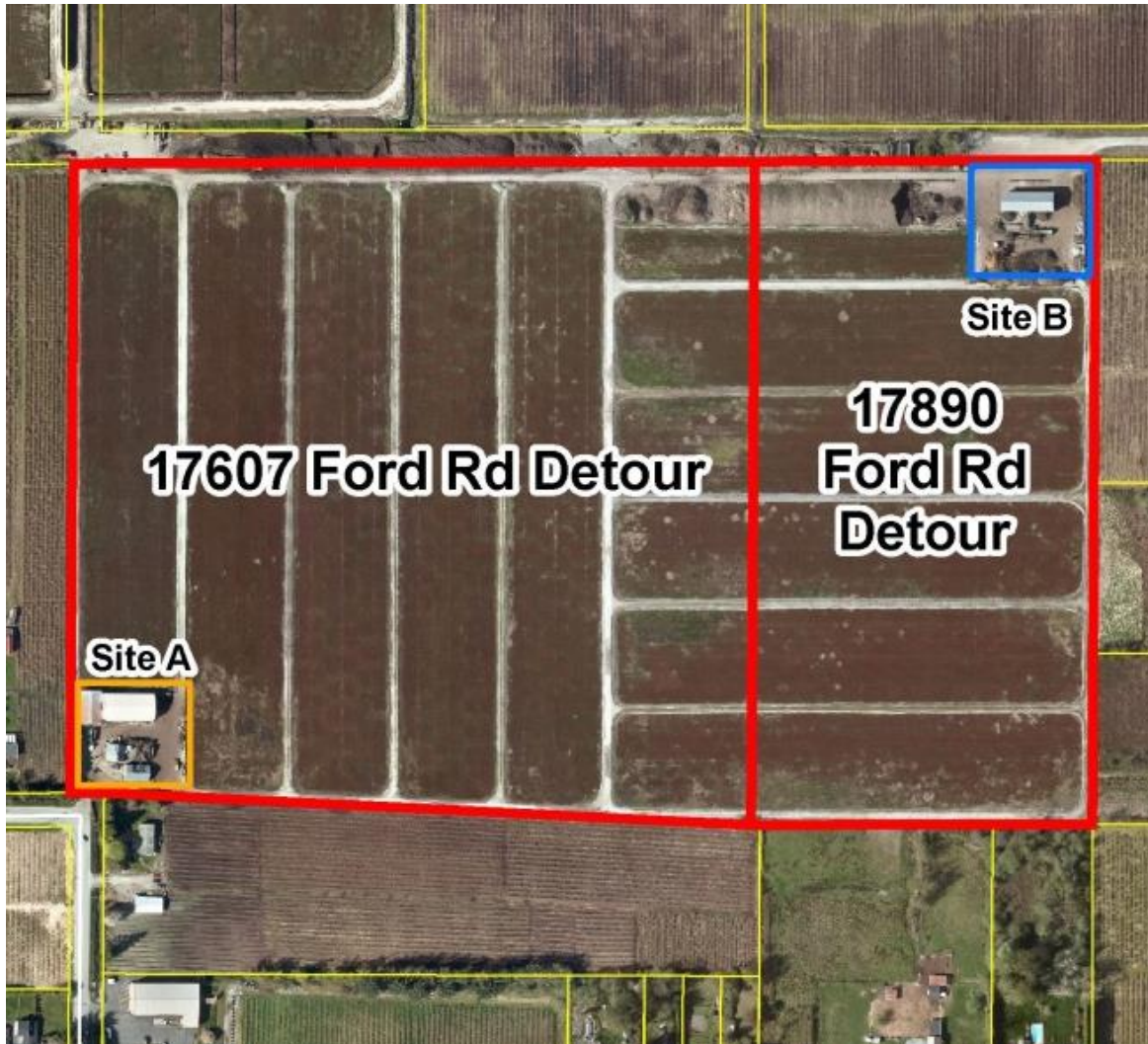
**Property Size:** 23.2 ha/57.3 ac (combined)

**Area of TUP:** 0.8 ha/2 ac (combined)

**OCP Designation:** Agricultural (Attachment A)

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

The applicant advised that there have been no changes to the operation.



Site A at 17607 Ford Rd Detour has been the subject of numerous temporary use permits and non-farm use applications dating back to 1994. The soil screening and mixing operation was expanded onto Site B at 17890 Ford Rd Detour and included in the TUP issued in 2015. The vast majority of the two properties are used for cranberry production and there are no dwellings on either property. The applicant has provided a letter in support of his renewal application (see Attachment C).

The business involves soil screening and mixing. Site A screens raw peat moss for the mushroom industry and Site B processes topsoil. The sites are on opposite corners because the peat moss must be kept as far away from any topsoil as possible to ensure that no forms of bacteria make it into the soil for mushrooms. Peat from other properties is processed and mixed with other agricultural by-products and turned into topsoil. It also provides an important service to the agricultural community by redirecting and reusing horse manure and spent mushroom compost (which are waste products) as a quality soil.

The Agricultural Land Commission (ALC) granted approval for the non-farm use application on both sites in 2014 for a period of ten years (ending on March 31, 2024), subject to certain conditions (see Attachment D). Staff note that a letter of intent (Attachment C) was provided by the applicant which indicates that the ALC approval expires in 2026, however 2024 is the correct expiry; the applicant has been notified about the discrepancy.

As per a requirement of the ALC, a covenant is registered on title confirming the non-farm use approval is for the applicant (Hank Bitter) only and that the property cannot be sold or otherwise transferred unless the soil mixing and screening operation is stopped and the land returned to an agricultural standard.

Hank's Trucking currently holds a Licence to Occupy along the unopened portion of Ford Rd north of his properties for storing equipment and materials related to the soil processing facility.

Under the TUP, a charge of \$9,333 annually is levied in order to compensate for the difference in taxes between land classed as agricultural and light industrial. In 2014 when this charge was determined, both of the subject properties were solely classed as agricultural. Beginning in 2015 however, the properties have been assessed by BC Assessment as both agricultural and light industrial and the property taxes paid accordingly based on these assessments.

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

The issue is regulated by the City's Official Community Plan Bylaw No. 2352, 2007 and the *Local Government Act*.

#### **Analysis:**

##### **Staff Review**

The application was circulated internally to various departments including Planning, Building, Engineering, Environment, and Fire; there were no concerns noted.

The City's Bylaw Department recently visited the site and reviewed the conditions of the TUP; no concerns were identified and the site was found to be in compliance with the terms of the TUP. No bylaw complaints about the operation have been received within the past two years.

See Attachment D for a copy of the draft renewal of the TUP.

The City is also holding a \$10,000 irrevocable Letter of Credit to confirm that permit conditions are being met. If approved, it is recommended that this Letter of Credit be continued as a condition of the new TUP.

### **Agricultural Advisory Committee**

At their meeting on February 10, 2022, the City's Agricultural Advisory Committee (AAC) considered this application. Although quorum was not achieved and therefore no motion passed, members in attendance expressed support for this application and noted that materials produced on this site are used for gardening which promotes agriculture in the community.

### **Opportunity for Public Input**

The *Local Government Act* contains notice requirements for newspaper advertisement and mail-out letters prior to the adoption of a resolution to issue a Temporary Use Permit. In accordance with Development Procedures Bylaw No. 2740, 2016, the applicant has also installed a development application sign on the property.

The required mail-out radius for Temporary Use Permits is to properties within a 50 m radius from the subject properties, and notices were mailed to these residents.

### **Temporary Use Permits**

The City's Official Community Plan (OCP) designates all lands within the City as Temporary Use Permit Areas. The purpose of designating Temporary Use Permit Areas in the City is to allow for temporary commercial and industrial uses where they would not otherwise be permitted by zoning. Council may impose conditions concerning the temporary use and the restoration of lands following the expiration of the permit.

A Temporary Use Permit (TUP) is intended to permit a use on a property that would not otherwise be permitted under the City's Zoning Bylaw. A TUP can be viewed as a trial period for a particular use, providing an opportunity to evaluate if that use will be compatible with other surrounding land uses or appropriate for a use that is intended on an ongoing basis.

If it is deemed that the use is compatible and a more long-term solution is desired for the ongoing use, then a rezoning application could be entertained. Rezoning a property is permanent and the use would continue to be permitted in perpetuity, even if the property is sold.

In this case, the soil screening and mixing operation have been a long-standing operation in the community. However, rezoning of these properties would involve another application to the ALC as their approval is only granted until 2024 and is for the sole benefit of the applicant. Staff recognize that TUP's can be cumbersome to administer and are not necessarily the most palatable land-use solution, but in this case, a TUP makes sense given that the ALC has granted approval of the non-farm use for a ten year period.

If this TUP is renewed, then staff will work with the applicant and the ALC to determine the next steps prior to expiry of the ALC approval and TUP. If the applicant intends to keep operating his business, then a new non-farm use application to the ALC is likely required.

### **COUNCIL STRATEGIC PLAN ALIGNMENT**

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

Business Vitality. Foster a vibrant and diverse economy where local businesses thrive.  
Agriculture. Support and advocate for the continued viability of our agricultural industry.

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### **FINANCIAL IMPLICATIONS**

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

Annual charge of \$9,333 levied to compensate for the difference in taxes between land valuations classed as agricultural versus light industrial. Although the assessment roll was updated in 2015 to recognize the portion of the property being used for light industrial activity, since the land is in the ALR it was not fully valued comparable to other light industrial property values in the City.

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### **PUBLIC PARTICIPATION**

- ☒ Inform    ☒ Consult    ☐ Involve    ☐ Collaborate    ☐ Empower

Comment(s):

Mail-out notification to surrounding residents and property owners, newspaper advertising, and sign posted on site in accordance with *Development Procedures Bylaw No. 2740, 2016*.

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### **KATZIE FIRST NATION CONSIDERATIONS**

Referral    ☐ Yes    ☒ No

### **SIGN-OFFS**

**Written by:**

Allison Dominelli,  
Development Services Technician

**Reviewed by:**

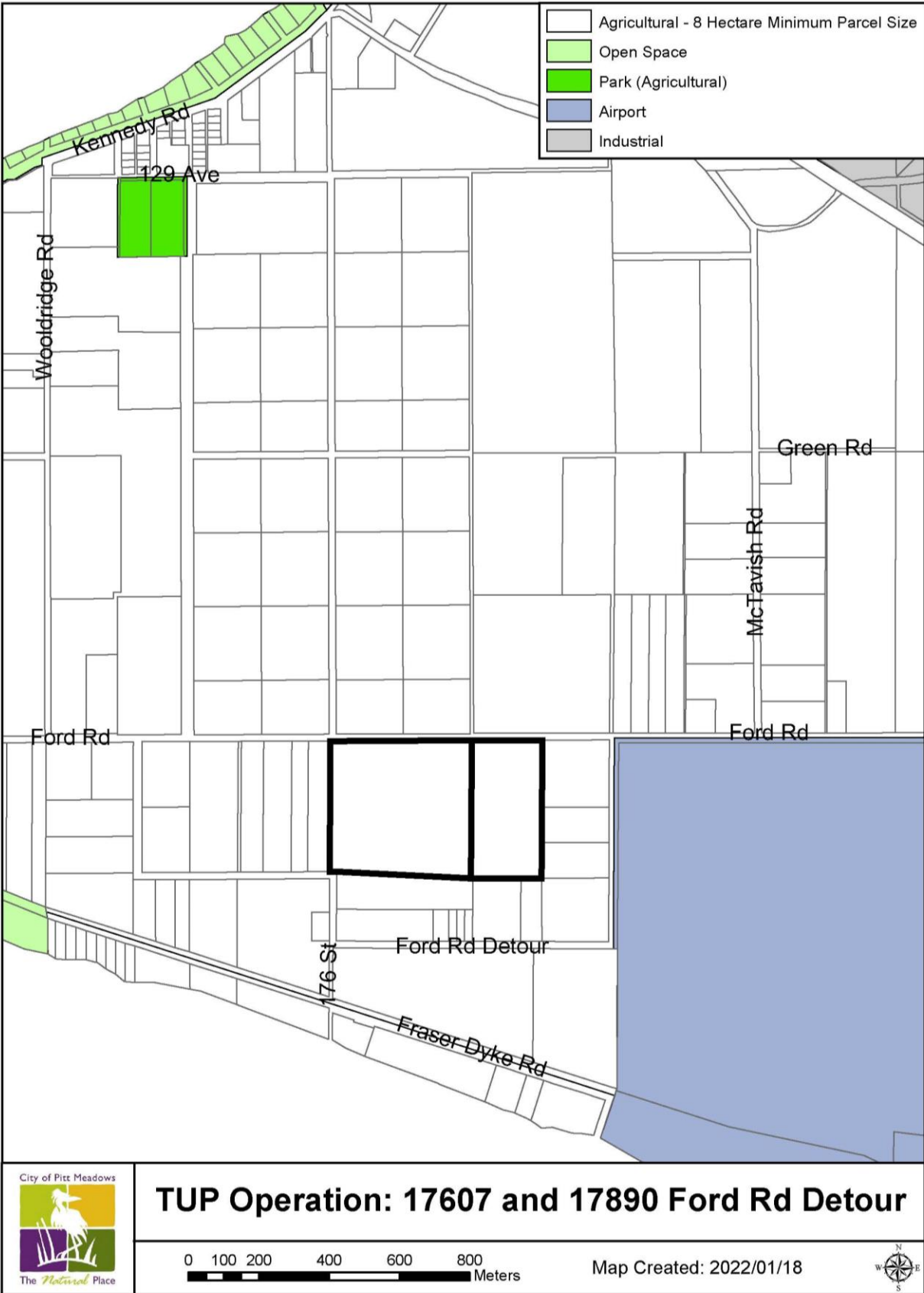
Alex Wallace,  
Manager of Community Development

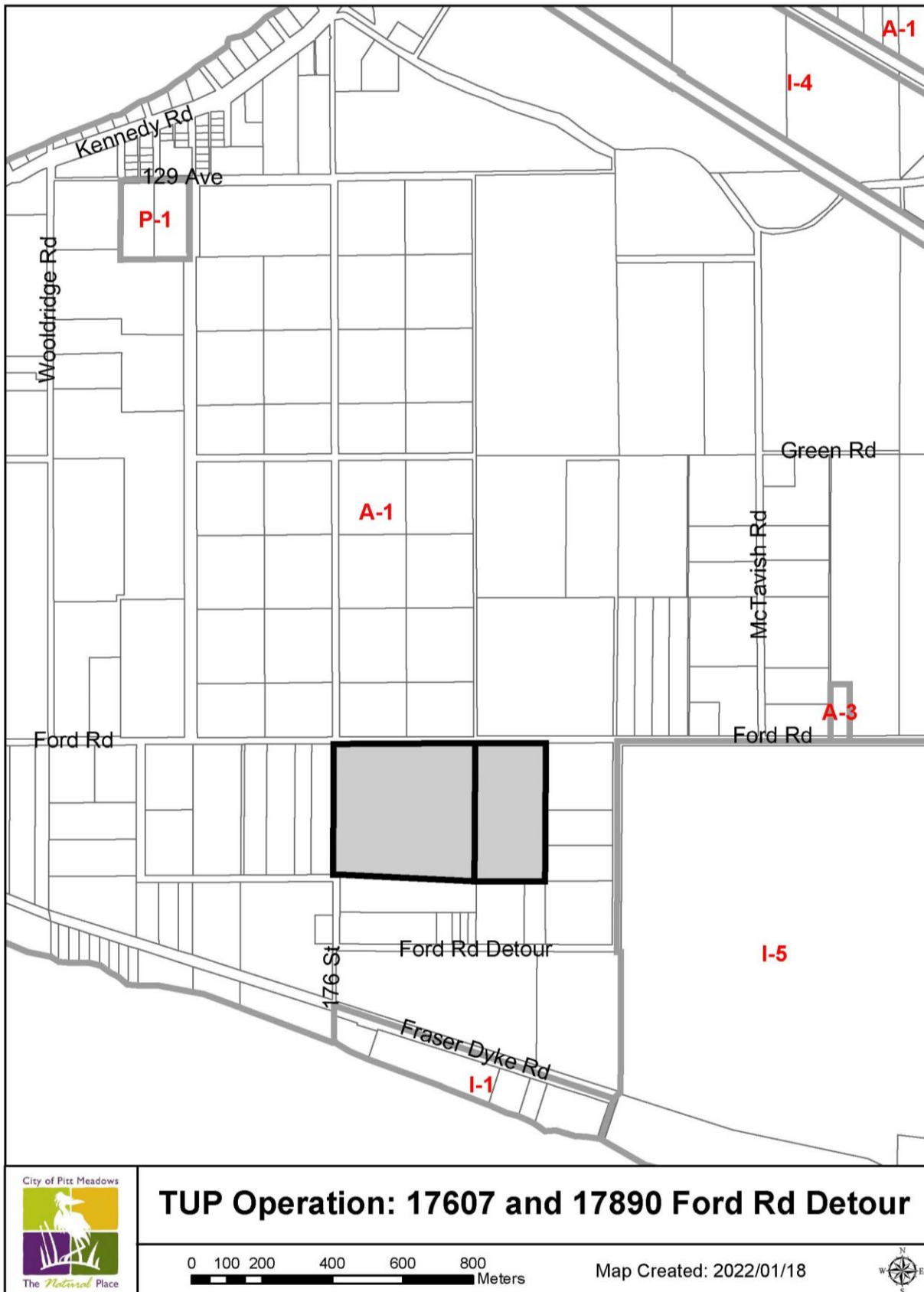
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**ATTACHMENT(S):**

- A. Neighbourhood OCP Map
- B. Neighbourhood Zoning Map
- C. Letter of Intent
- D. Draft renewal of TUP 2019-004

ATTACHMENT A: Neighbourhood OCP Map







# **HANK'S TRUCKING AND BULLDOZING LTD.**

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17607 FORD DETOUR ROAD, PITT MEADOWS, B.C. V3Y 0A7

BUS: 604-465-3189 FAX: 604-465-0300

December 13, 2021.

City of Pitt Meadows  
12007 Harris Road  
Pitt Meadows, BC  
V2Y 2B5

**RE: Temporary Commercial Use Application**

The intent of this application is to continue the peat and topsoil screening operation that has been in business since 1994. There have been no changes to our site or operation since the last application in 2019.

The ALC has given approval of this use until the year 2026 and has been in contact several times to ensure that all requirements have been met.


We have been providing a service to farmers and local residents providing quality garden soils and Peat Moss for mushroom growers as well. It is with great pride that we provide garden soil to the Pitt Meadows Community Garden as well as the Intergenerational Gardens in Maple Ridge where seniors and students work together creating lasting relationships in our communities.

This business provides employment to several employees who screen soil, delivery products and manage the daily operations.

As all business operations have remained the same and we have remained in compliance, we ask that a new Temporary Commercial Use Permit be granted.

If you require any further information, please do not hesitate to give me a call.

Regards,



Hank Bitter  
Hank's Trucking & Bulldozing Ltd.