

Staff Report to Council

Planning and Development

FILE: 4520-20-2021-03

REPORT DATE: March 30, 2022

MEETING DATE:

April 26, 2022

TO: Mayor and Council

FROM: Colin O'Byrne, Acting Director of Planning and Development

SUBJECT: Temporary Industrial Use Permit for 17612 Ford Rd Detour

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:



RECOMMENDATION(S):

THAT Council:

- A. Authorize the issuance of Temporary Industrial Use Permit No. 2021-003 for a blacksmithing and metal fabrication business on the property located at 17612 Ford Rd Detour; OR
- B. Other.

PURPOSE

To present to Council an application for a Temporary Industrial Use Permit at 17612 Ford Rd Detour.

☐ Information Report

☒ Decision Report

☐ Direction Report

DISCUSSION

Background:

The City has received an application for a Temporary Industrial Use Permit (TUP) for a blacksmith and steel fabrication business at 17612 Ford Rd Detour. The business is currently operating out of the subject location under a TUP which was approved for issuance by Council on October 3, 2017, for two years. An application to renew the TUP was approved by Council in November of 2019, permitting the applicant to continue operating their business for an additional two years.

TUP renewals can be renewed once for a maximum of two years under the current Official Community Plan, so the applicant is currently seeking authorization for a new TUP. The new TUP will have very similar terms and conditions to the 2019 TUP renewal.

Applicant/Owner:	Robert Heinze
Legal Description:	Lot A Block 5N Plan NWP1167 Part 1 N Section 5 Range 1E Land District 36 PCL "ONE" (REF PL 13135) OF PCL D (307554E)
Civic Address:	17612 Ford Road Detour (see Attachment A)
Parcel Area:	0.405 ha (1.0 Acre)
OCP Designation:	Agricultural (20 Acre Minimum) (see Attachment B)
Zoning:	A-1 (General Agricultural) but subject to RS (Large Lot Residential) regulations (see Attachment C)

While the property is located in the Agricultural Land Reserve, the Agricultural Land Commission regulations do not apply to this property as the lot is less than two acres in size and was in existence prior to 1972 when the ALR was created. Under the City's Zoning Bylaw parcels in this situation are treated as Large Lot Residential (RS) zoned.

Relevant Policy, Bylaw or Legislation:

The issue is regulated by the City's Zoning Bylaw No.2505, 2011 and the *Local Government Act*.

The Official Community Plan (OCP) designation of the subject property is Agricultural. The OCP encourages agricultural uses in areas designated for agriculture.

A home-based business is permitted under the property's current zoning, however, the scale of the operation is slightly beyond what would be permitted as a home-based business, and the potential for disturbance is greater. Further, the proposal does not fit within the definition for any of the permitted types of home-based businesses.

Analysis:

The applicant's father, Ewald Heinze, previously operated a similar type of business, Haney Blacksmith, out of the same existing workshop on the subject property for approximately fifteen years prior to 2011. This business was previously permitted to operate under past zoning regulations, but since the adoption of Zoning Bylaw 2505, 2011, this type of use is no longer permitted on agriculturally zoned properties.

ABCO Railings has operated at the subject property since 2017 and all work is completed inside the workshop where extruded aluminum is cut, products are fabricated, and they are then installed off-site. The business also offers repairs for farm equipment and consists of one full-time employee, a fabricator, and one part-time secretary who works in the office. The business is considered an industrial use, which is not permitted under the property's current zoning. The current zoning permits residential and light agricultural uses. Council approved the issuance of the original TUP on October 3, 2017, subject to several conditions which are listed below.

2017 Condition	2019 Condition Amendments	2021 Condition
A maximum of two business clients are permitted on the property at any given time.		No changes are recommended.
No outdoor storage of equipment or materials associated with the business shall take place on-site.		No changes are recommended.
Production and storage of the materials and products used and produced shall take place entirely within the existing accessory building.	Production of the materials and products used and produced shall take place entirely within the existing accessory building and storage of materials and products used shall take place entirely within the existing accessory building, storage shed and storage container.	The structure identified as “Storage Container” on Schedule A is permitted on the property provided it is used for the storage of goods related to the business authorized under a valid TUP registered on title. If the TUP expires and the business is not authorized to operate on the subject property, the storage container must be removed within 30 days, provided the applicant is not in the process of applying for a new TUP or TUP renewal.
The size of the operation shall be limited to the floor area of the existing accessory building (167 m ² /1800 ft ²).	The size of the operation shall be limited to the floor area of the existing accessory building (167 m ² /1800 ft ²), storage container (30 m ² /320 ft ²) and shed (37.9 m ² /408 ft ²).	No changes are recommended.
The hours of operation of the business shall be limited to 8 AM to 6 PM, Monday through Saturday.		No changes are recommended.
Use of a coal-fueled forge is not permitted.		No changes are recommended.

The building's sprinkler system must be serviced by a certified ASTTBC Technician, and a copy of the service report be provided to the Fire Department prior to operation.		No changes are recommended. The service report was submitted to the Fire Department in 2017.
The applicant shall obtain a business licence and any other applicable permits under all applicable City bylaws.		No changes are recommended. Current business licence in place.
Bylaw Enforcement Staff will monitor operations on the site on a yearly basis at a minimum, and more frequently whenever possible.		No changes recommended. <i>Bylaw Enforcement Staff visited the site in 2018, 2019, and 2022.*</i>

* Site visits were not conducted in 2020 or 2021 due to public health restrictions during the COVID-19 pandemic. Bylaw Enforcement Staff have now returned to regular inspections.

The renewal of the TUP in November of 2019 provided Staff and Council with the opportunity to reassess the compatibility of the business in relation to the surrounding area. As part of the 2019 renewal, the TUP conditions were amended to include the two accessory structures the business was using for its operations. A storage container was added to the property to store materials related to the business. An existing storage shed is also being used 50% for business and 50% for personal use.

With regards to the storage container, the City issued a temporary building permit for the structure with an expiration date that aligned with the TUP's expiry date in October of 2019. This approach was taken because under the TUP conditions, only two accessory structures could be used for business purposes with the storage container being the third structure. In reviewing the 2021 TUP application, staff noted that the storage container remained on the property, despite the temporary building permit expiring in 2019, and was still being used for business purposes. To continue the usage of the storage container on the property, staff:

- Required the applicant to apply for a regular building permit for the storage container; and,
- Added a condition to the new 2021 TUP stating that if the TUP expires and the business is not authorized to operate on the subject property, the storage container must be removed.

The 2021 TUP conditions have, therefore, been modified to properly reflect the accessory structures on the property being used for business operations. The City will continue to hold an irrevocable letter of credit for \$5,000 to confirm compliance with the above conditions.

Temporary Use Permits

The City's OCP designates all lands within the City as TUP Areas. The purpose of designating TUP 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.

In accordance with the current OCP, TUP may be issued by Council for up to two years. When a permit expires, Council has the option of renewing the permit for up to an additional two years under the same conditions of the original approval or amended conditions of the permit, or may choose not to issue the renewal permit at all. When the renewal expires, the applicant will then be required to apply for a brand new permit.

Subject Site & Surrounding Area

The area surrounding the subject site is largely agricultural. There are no nearby residential areas. However, there are several farmhouses surrounding adjacent agricultural properties. The closest farmhouse on surrounding properties is approximately 50 m away from the workshop. Directly across Ford Road Detour from the subject property is Dr. Bee's Honeyland, a popular farm retail operation. To the northeast of the subject property is the location of Hank's Trucking and Bulldozing, a commercial operation that is currently permitted to operate by a TUP. To the south of the property is the Fraser River dike. There are industrial properties in the area, located along the Fraser River, on the south side of the dike.

The potential for disturbance from the business is relatively low given the rural nature of the area. Since 2017 when the original TUP was issued, no bylaw complaints have been received.

Planning Application Alternatives:

The *Local Government Act* provides certain tools for land use applications for a property owner wishing to undertake an activity not currently permitted under existing regulations. These tools are described below in relation to the current application and they include:

- Amendment to the Zoning Bylaw
- Development Variance permits; and
- Temporary Use Permits.

A TUP is intended to permit a use on a property that would not otherwise be permitted under the City's Zoning Bylaw. In a way, 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 considered. Rezoning a property is permanent and the use would continue to be permitted in perpetuity, even if the property is sold. Depending on the extent of the rezoning proposal, additional levels of approval may be required, such as from the Agricultural Land Commission and/or Metro Vancouver.

Even though the use on the property has occurred for four years without complaints received and arguably a trial period has been completed, a rezoning application is not recommended by staff since the use would continue in perpetuity when/if the property was sold. Staff do not feel a perpetual use is necessarily appropriate.

A Development Variance Permit (DVP) is not a possibility as a DVP cannot vary use or density. There are no other application types that the applicant can pursue.

Agricultural Advisory Committee

At their meeting on February 10, 2022, the City's Agricultural Advisory Committee (AAC) considered the application. While quorum was not achieved at the meeting, staff requested feedback from the committee members on the application. Overall, the committee members did not voice any concerns about the proposal with many members offering their support for the business to continue to operate in the community.

Conclusion:

This application is to permit the continuation of ABCO Railings which has operated at the subject property for many years with support from the AAC and City Council through the approval of TUP in 2017 and 2019. No changes have been made to the business operations since 2019, however, the 2021 permit conditions have been modified to ensure that the property complies with the Zoning Bylaw regulations related to the number of permitted accessory structures, if the industrial use ceases. The conditions of the TUP ensure there is little impact to the surrounding area which is confirmed by the fact that the City's Bylaw Enforcement Department has received no complaints regarding the business. Therefore, staff recommend Option A:

- Authorize the issuance of Temporary Industrial Use Permit No. 2021-003 for a blacksmithing and metal fabrication business on a property located at 17612 Ford Rd Detour.

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.

FINANCIAL IMPLICATIONS

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

There are no financial implications associated with this report.

PUBLIC PARTICIPATION

☒ Inform ☐ Consult ☐ Involve ☐ Collaborate ☐ Empower

Comment(s):

Notices were mailed to surrounding residents and property owners and advertising in accordance with *Development Procedures Bylaw No. 2740, 2016*.

KATZIE FIRST NATION CONSIDERATIONS

Referral ☐ Yes ☒ No

SIGN-OFFS

Written by:

Sarah Nickerson,
Development Services Technician

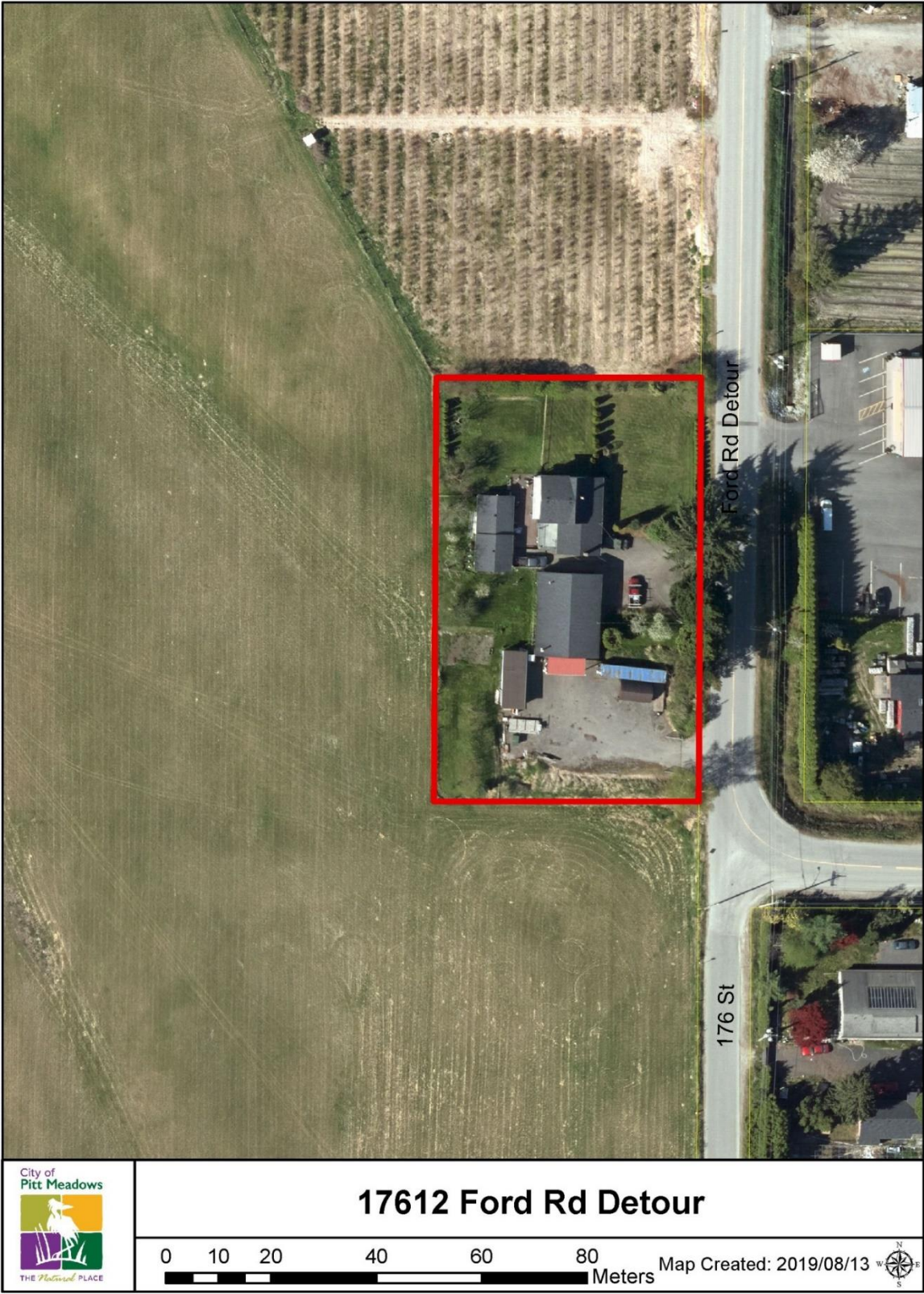
Reviewed by:

Colin O'Byrne,
Acting Director of Planning and Development

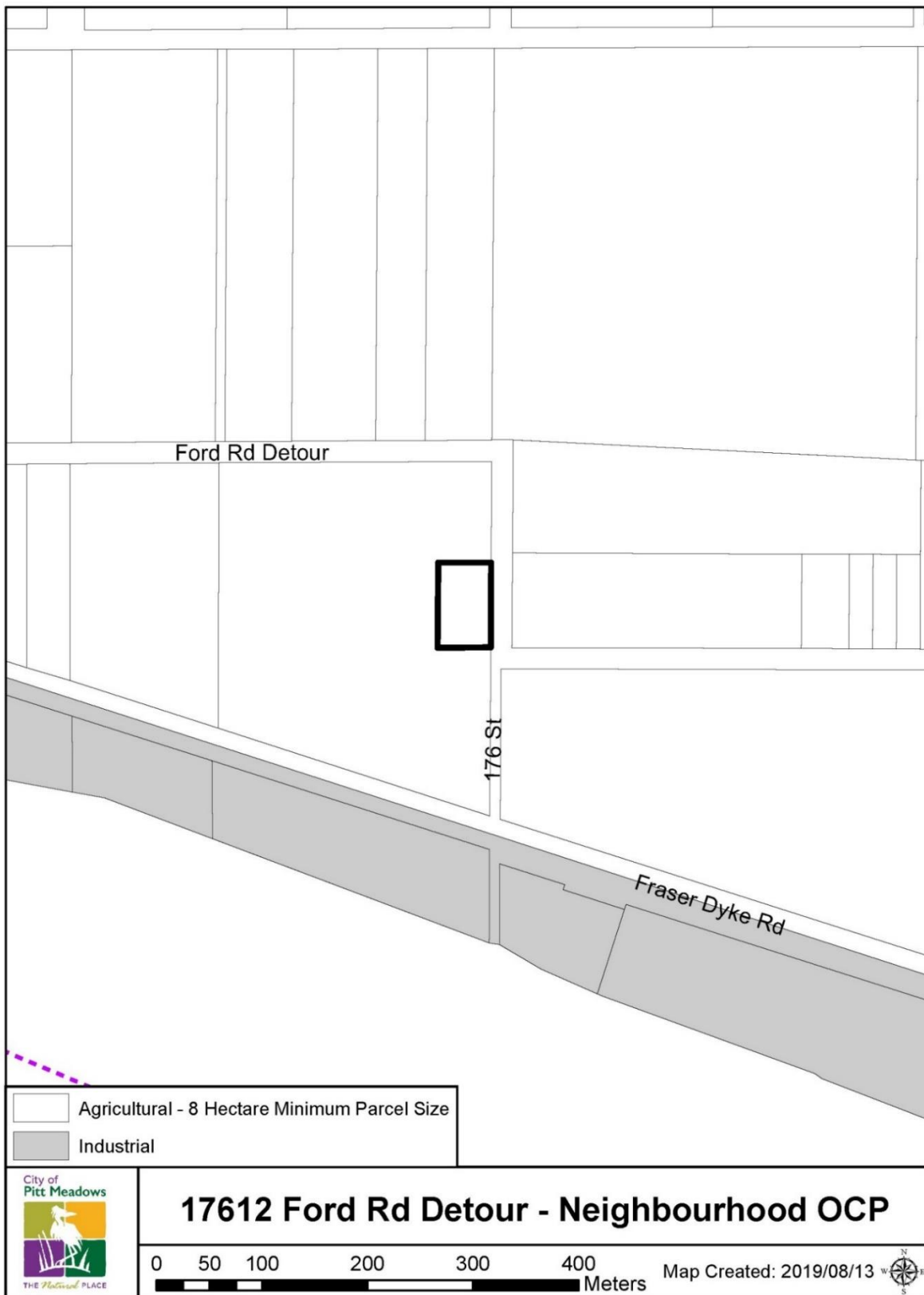
ATTACHMENT(S):

- A. Site Plan
- B. Neighbourhood OCP Map
- C. Neighbourhood Zoning Map
- D. Aerial Photo Map
- E. Letter of Intent
- F. Draft of TUP 2021-003

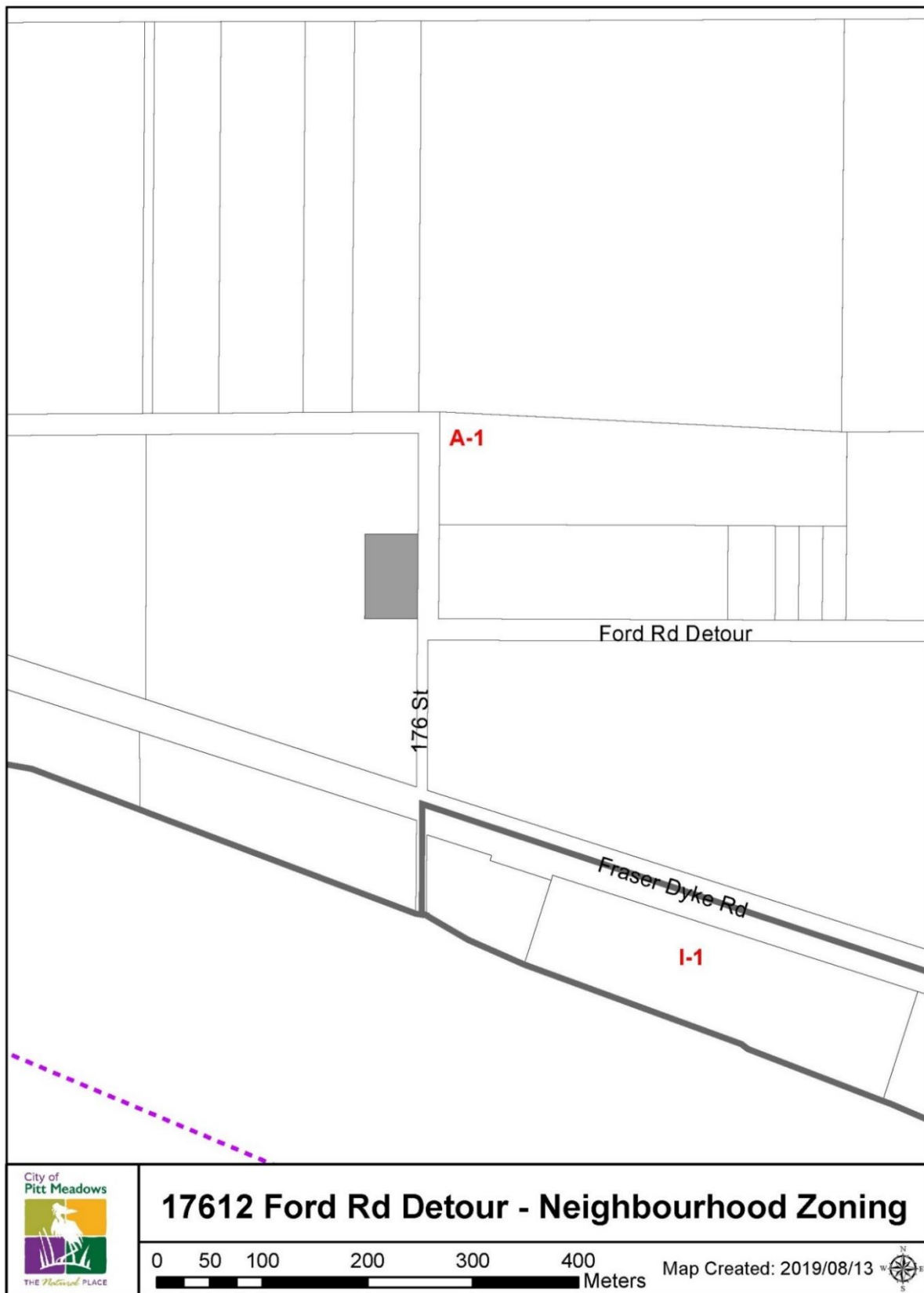
Attachment A: Site Plan



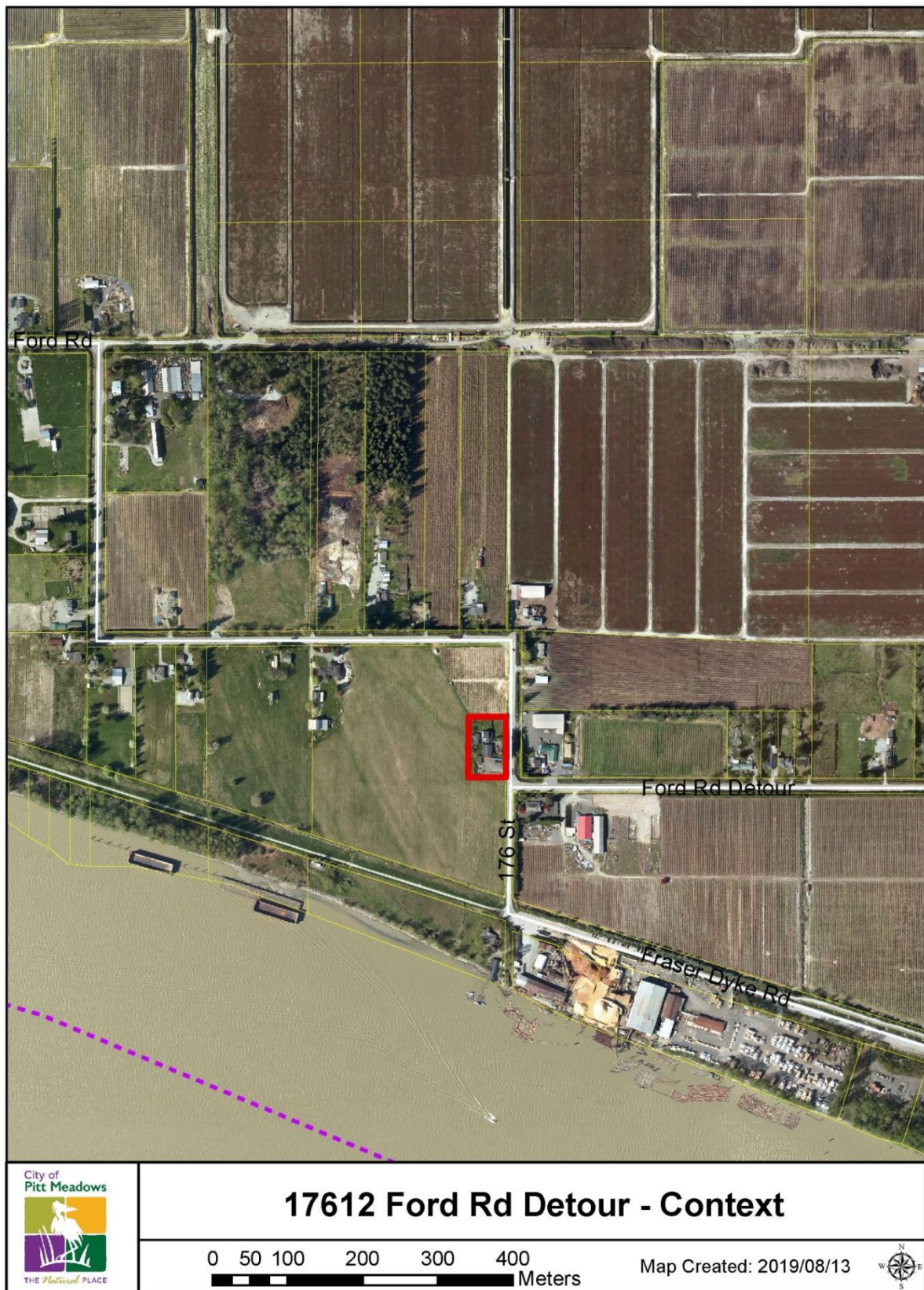
Attachment B: Neighbourhood OCP Map



Attachment C: Neighbourhood Zoning Map



Attachment D: Aerial Photo Map



Attachment E: Letter of Intent

November 10, 2021

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

To Whom It May Concern:

As per your request for a letter of intent, first I would like to thank you for your consideration to continue my operation of my business.

Currently I have been operating my 1800 sq ft shop on my property at 17612 Ford Road Detour; hours are Monday to Friday 8 am to 4:30 pm. I currently employ one fabricator in the shop and one part-time secretary in the office. Parking and loading is minimal. My work is railing fabrication. All work is completed inside where extruded aluminum is cut, fabricated and installed on site. I do custom metal fabrication such as planter boxes, chimney caps, etc. An example of my custom work can be found in the council room of the Pitt Meadows City Hall. The aluminum frame that holds the lights was fabricated by ABCO Railings. I also do repairs for boats and miscellaneous items. There is no excessive noise or odor in regards to aluminum fabrication.

Being in business for 32 years, I have built a good clientele. The majority of my work for my customers is fabricated in the shop, then onsite installation. Very few customers come to my shop unless it is for a custom fabrication.

My business proposal is continue operating at 17612 Ford Road Detour, Pitt Meadows. I will do the exact same as I have been doing the last 4 years, aluminum railings, repairs on farm equipment and miscellaneous steel fabrications in the surrounding area.

Sincerely,

Robert Heinze

