

Staff Report to Council

Planning and Development

FILE: 3360-20-2020-02

REPORT DATE: June 01, 2020 MEETING DATE: June 16, 2020
TO: Mayor and Council
FROM: Anne Berry, Director of Planning and Development
SUBJECT: Rezoning Application for 18385 Old Dewdney Trunk Road

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:



RECOMMENDATION(S): THAT Council:

- A. Grant first and second readings to Zoning Amendment Bylaw No. 2860, 2020; AND
- B. Schedule an electronic public hearing for Zoning Amendment Bylaw No. 2860, 2020 during an upcoming Regular Meeting of Council; AND
- C. Should Zoning Amendment Bylaw No. 2860, 2020 be adopted, register a covenant on title for 18385 Old Dewdney Trunk Road that limits the non-farm uses to the existing owners; OR
- D. Other.

PURPOSE

To introduce a Zoning Bylaw amendment to permit a bistro, on-site catering and expanded retail sales area for Hopcott Meats at 18385 Old Dewdney Trunk Rd.

☐ Information Report ☒ Decision Report ☐ Direction Report

DISCUSSION

Background:

Applicant: Jennifer Foxley
Owner: Hopcott Premium Meats Ltd.
Civic Address: 18385 Old Dewdney Trunk Rd.
Parcel Area: 41.16 ha (101.7 acres)
OCP: Agricultural – 20 ha minimum parcel size
Zoning: General Agriculture A-1

Hopcott Meats is a butcher shop with a retail sales area, bistro and proposed catering business.

Originally, the building containing the retail sales area was built in 2006 in accordance with City and ALC regulations. In 2015, a building permit for an addition was issued which included a commercial kitchen to process farm products and a kitchen demonstration area; these changes were understood by the applicant to be compliant with City and ALC regulations. Subsequently staff, was informed that the way the retail sales area was calculated was incorrect according to ALC regulations. Revised plans were subsequently received by the Building Inspector which permitted conversion of the demonstration area to a bistro and expanded the retail sales area; these changes were not vetted by the City's Planning Department and, therefore, the applicant was unaware that the building was no longer compliant with City or ALC regulations.

In 2019, Council considered an Agricultural Land Commission (ALC) non-farm use application for this property to gain approval for the existing retail sales area, the existing bistro, and to allow a proposed catering business to operate within the existing farm retail building.

The non-farm use application for the property was granted by the Agricultural Land Commission (ALC) on December 23, 2019, as follows:

"For the reasons given above, the Panel approves the Proposal to retroactively allow the 205.4 m2 Bistro and 93 m2 Additional Retail Area, and to allow use of the existing commercial kitchen for the Catering Service, subject to the following conditions:

- a. the non-farm use is confined to the Farm Building per Schedule A of this decision;
- b. the Commission must review and approve the draft zoning text amendment prior to adoption; and
- c. approval for non-farm use is granted for the sole benefit of the Applicant and is non-transferrable. "

As the application for a non-farm use was successful, the applicant has now applied to the City for a rezoning to permit the continued non-farm use.

Relevant Policy, Bylaw or Legislation:

Official Community Plan

Policy 4.2.5 a) Value-added agricultural business initiatives in appropriate locations, including on-farm sites, are encouraged.

Zoning Bylaw

The property's A-1 (General Agriculture) permits agriculture and related agricultural businesses, including farm retail sales:

- Processing and sales of farm and animal products are permitted provided that a minimum of 50% of the products are produced in the farm operation of which the lot on which the processing and sales occur forms a part.

While retail use includes the manufacture or assembly of items for retail sale, the A-1 zoning does not permit restaurant use (food service or seating for food consumption). Restaurant use includes cafés, bistros, and on-site catering and is not supported by the site's current zoning.

Additionally, the Zoning Bylaw and ALC Regulations restrict the size of the farm retail sales area where all of the products sold are not produced on the farm to a total of 300 m² (indoor and outdoor area).

Following the addition to the building in 2015, the retail sales area is 393 m², the bistro and indoor seating area cover 115.4 sq m, and the outdoor seating is approximately 90 sq m in area. The applicant has reported that 40 to 45% of the products sold are not produced on the farm and, therefore, the zoning needs to be amended to bring this aspect into compliance.

Analysis:

The intent of the Zoning regulations is mainly consistent with ALC regulations. These regulations are intended to provide bona fide farmers with some means to add value to their farm products, while limiting the scope of commercial activity on farm properties to ensure the preservation of viable agricultural land.

Hopcott Premium Meats has created a successful destination farm-retail outlet offering a range of food products and agri-tourism events that are intended to showcase their farm products. While the farm retail sales building is located outside the City's commercial areas, it is on an arterial route used by both local residents and visitors

which mitigates some of the negative effects associated with dispersed retail uses. The location and nature of the retail and bistro operations, therefore, has not negatively impacted local agriculture uses.

The applicant has advised that the commercial kitchen in the building will also be used for on-site catering, to provide catering to special events held on the property and other local properties owned by the applicant as part of the farm operation. For example, ten special events per year such as weddings are permitted under specific conditions on ALR properties, and the Hopcott farm operation has hosted such events for the last few years.

Agricultural Advisory Committee

This application was considered by the City's Agricultural Advisory Committee (AAC) at their meeting on November 8, 2018. The AAC was conscious of not wanting to set a precedent for such applications, but supported this application because the operation affects a relatively small portion of the property and the majority of the products sold are produced on the farm. AAC members noted that successful farmers, especially multi-generational operations, need to be increasingly innovative at finding ways to add value to their farm products in order to maintain viable operations. Their main concern was whether a future owner would buy the farm solely with the intention of turning the farm retail building into a restaurant and events venue.

Staff Comments

The City's Building Department has advised that occupancy of the bistro is limited to 30 people and once the property has been brought into compliance a business licence will be required.

In general, Planning staff do not support non-farm uses on agricultural property where they remove viable land from agricultural production, are better suited to other zones, increase speculation on other agricultural properties, increase visitor traffic to agricultural areas, or may inspire other non-farm uses.

Staff support this application based on ALC approval and because the expanded retail area, bistro, and catering operations are all viable means of providing added value to the farm products produced on the property where the farm retail building is situated and from other properties that are part of the same farm operation.

Approval for the non-farm use from the ALC is non-transferable, and therefore if the property is sold a new application to the ALC will be required. It is for this reason staff recommend a covenant be registered on title that limits the non-farm uses to the existing owners.

An amendment to the Zoning Bylaw has been drafted that limits the expanded retail area, bistro and catering uses to the existing building on the property. Catering will be limited to use on the farm operation.

The applicant posted a development sign on the property. At the time of writing this report, no comments have been received from members of the public.

It is recommended that the bylaw be given first and second reading, with a public hearing scheduled for an upcoming Regular Meeting of Council.

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):

A public hearing is required prior to consideration of third reading.

KATZIE FIRST NATION CONSIDERATIONS

Referral ☐ Yes ☒ No

SIGN-OFFS

Written by:

Allison Dominelli,
Development Services Technician

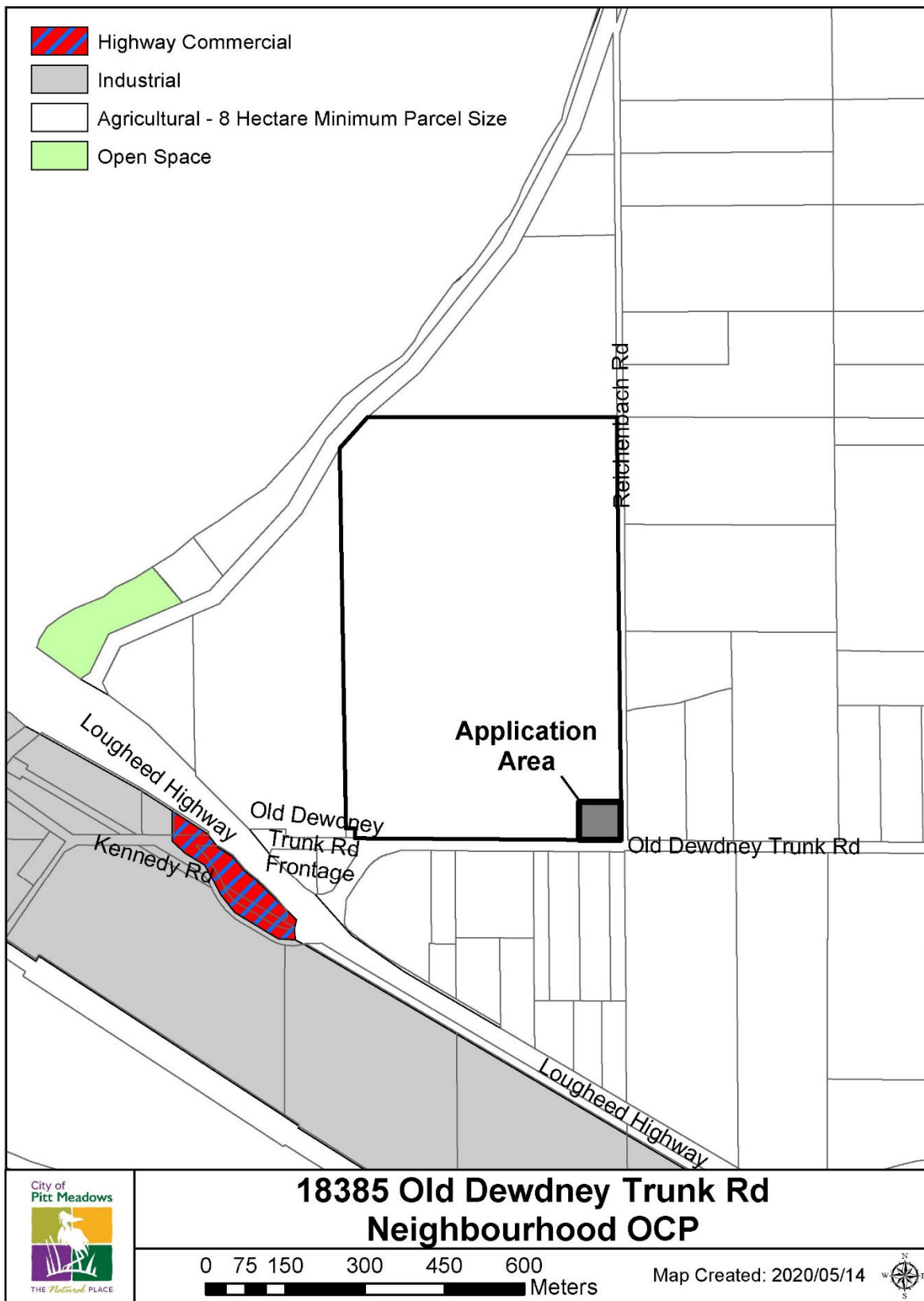
Reviewed by:

Alex Wallace,
Manager of Community Development

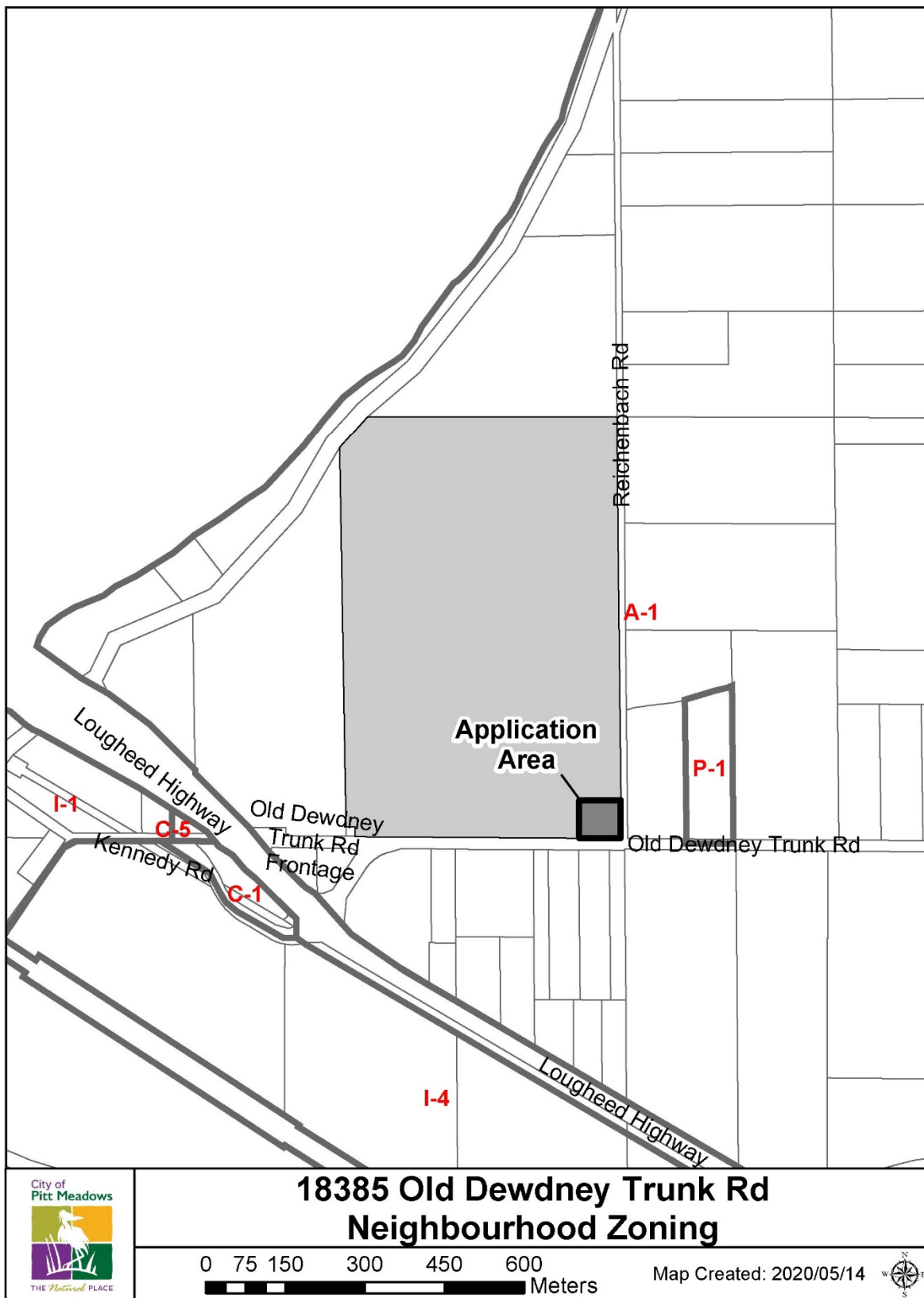
ATTACHMENT(S):

- A. Neighbourhood OCP Map
- B. Neighbourhood Zoning Map
- C. Aerial Photo Map
- D. Floor Plan
- E. ALC Decision
- F. Zoning Amendment Bylaw No. 2860, 2020

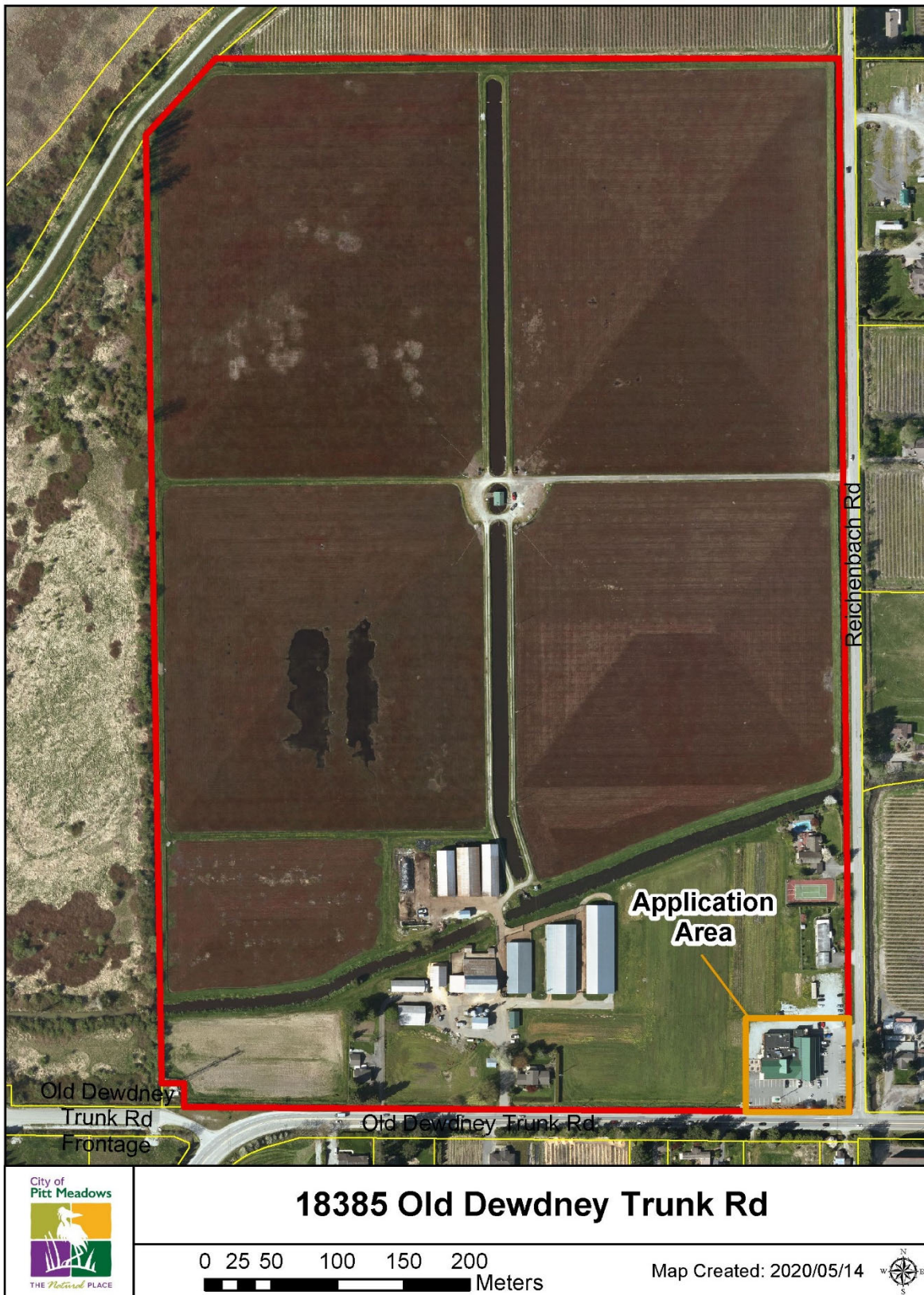
ATTACHMENT A: Neighbourhood OCP Map



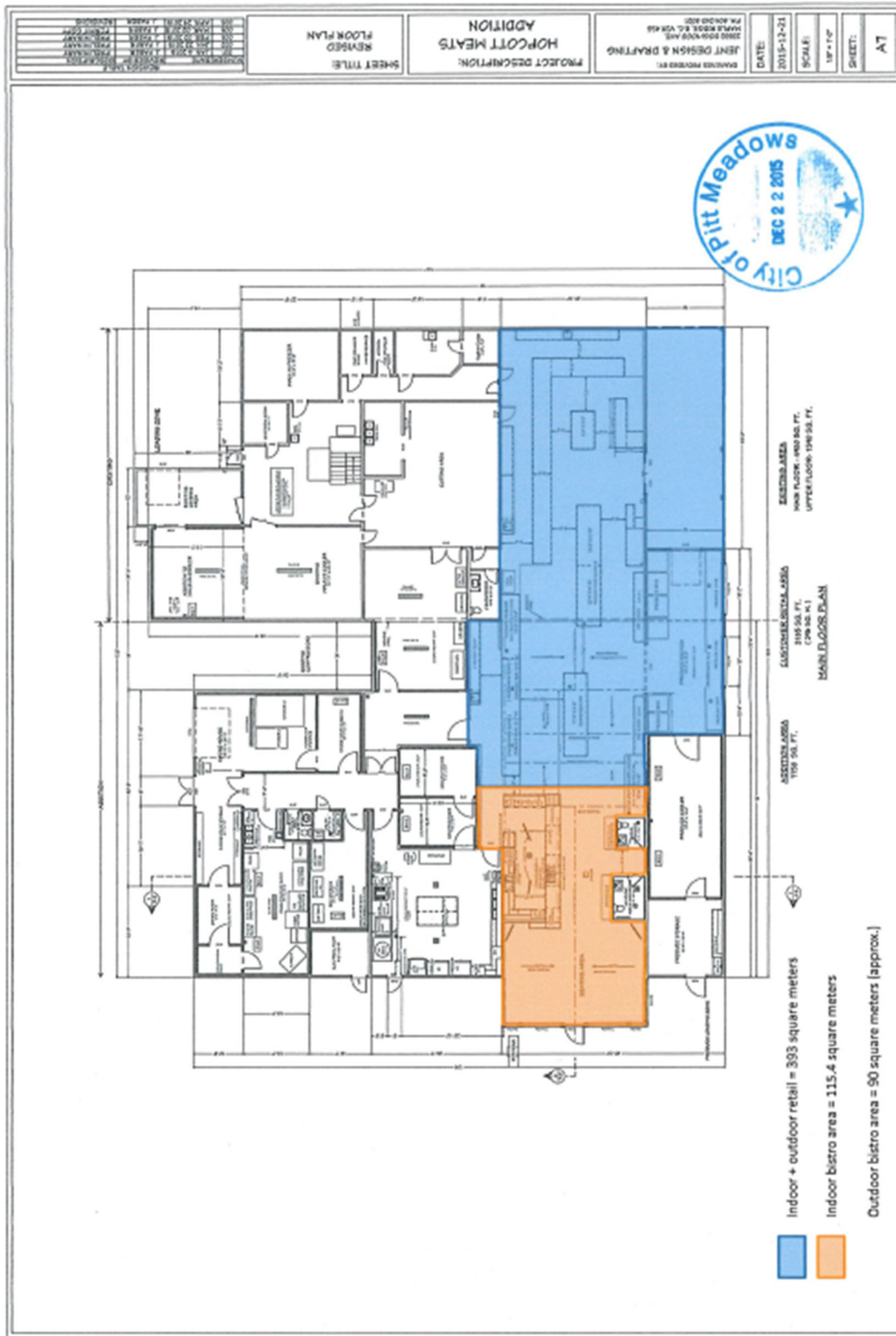
ATTACHMENT B: Neighbourhood Zoning Map



ATTACHMENT C: Aerial Photo Map



ATTACHMENT D: Floor Plan





Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

December 23, 2019

ALC File: 56353

Jennifer Foxley
DELIVERED ELECTRONICALLY

Dear Jennifer Foxley:

Re: Application 56353 to conduct a non-farm use in the Agricultural Land Reserve

Please find attached the Reasons for Decision of the South Coast Panel for the above noted application (Resolution #531/2019). As agent, it is your responsibility to notify the applicant accordingly.

Review of Decisions by the Chair

Under section 33.1 of the *Agricultural Land Commission Act* (ALCA), the Chair of the Agricultural Land Commission (the "Commission") has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

Request for Reconsideration of a Decision

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

Please direct further correspondence with respect to this application to
ALC.SouthCoast@gov.bc.ca.

Yours truly,

Nicole Mak, Land Use Planner

Enclosure: Reasons for Decision (Resolution #531/2019)
Schedule A: Decision Map

cc: City of Pitt Meadows (File: 6635-20-2018-05) Attention: Colin O'Byrne

56353d1



AGRICULTURAL LAND COMMISSION FILE 56353
REASONS FOR DECISION OF THE SOUTH COAST PANEL

Non-Farm Use Application Submitted Under s. 20(2) of the *Agricultural Land Commission Act*

Applicants: Frederick Robert Hopcott

Agent: Jennifer Foxley

Property: Parcel Identifier: 013-182-757
Legal Description: That Portion Section 15 Block 6
North Range 1 East Lying South and East of the
Dyke Ditch shown on Reference Plan 439 Except:
Firstly: Part Shown on Plan with Fee Deposited
20141E Secondly: Parcel "B" (Reference Plan 6134)
Thirdly: Parcel "C" (Reference Plan 6134) New
Westminster District
Civic: 18385 Old Dewdney Trunk Road, Pitt
Meadows, BC
Area: 41.2 ha

Panel: Ione Smith, South Coast Panel Chair
Susan Gimse



OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] The Applicant operates Hopcott Farm which includes a 1294.6 m² building for farm product storage, processing, and retail (the "Farm Building"). The Farm Building includes a commercial kitchen that was originally intended to be used for processing farm products; however, the kitchen was subsequently converted to be used for both, processing farm products and preparing bistro products after the building plans were approved by the City of Pitt Meadow's building inspector, but without approval of the Commission. In addition, the retail sales area has exceeded the 300 m² area permitted in s. 11(3)(b)(i) of the ALR Use Regulation.
- [3] Pursuant to s. 20(2) of the ALCA, the Applicant is applying to the Agricultural Land Commission (the "Commission") to use 0.58 ha of the Property to:
- Retroactively allow the continued operation of the bistro with approximately 115.4 m² of indoor bistro area and 90 m² of outdoor seating, totalling 205.4 m² (the "Bistro");
 - Retroactively allow the use of the existing 93 m² of additional retail sales area (the "Additional Retail Area"); and
 - Operate an onsite and offsite catering service which includes catering events held onsite and offsite (the "Catering Service"). The Catering Service will use the existing commercial kitchen (the "Proposal").
- [4] The issue the Panel considered is whether the Bistro, Additional Retail Area and Catering Service supports agricultural operations on the Property.
- [5] The Proposal was considered in the context of the purposes of the Commission set out in s. 6 of the ALCA. These purposes are:
- (a) to preserve the agricultural land reserve;



- (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest; and,
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

EVIDENTIARY RECORD

- [6] The Proposal along with related documentation from the Applicant, Agent, local government, third parties, and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Agent in advance of this decision.
- [7] The Panel conducted a walk-around site visit on October 16, 2019 in accordance with the *ALC Policy Regarding Site Visits in Applications*, (the "Site Visit"). A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Agent on November 28, 2019 (the "Site Visit Report").

BACKGROUND

- [8] The Applicant's farm operation is made up of four parcels, including the Property (the "Farm Operation"). The Farm Operation includes approximate 28 ha of cranberries, 11 ha of cornfields, approximately 0.8 ha of various fruits and vegetables (approximately 15 types of produce), and between 400 to 800 head of cattle.
- [9] In 2006, a 610.4 m² farm building was constructed on the southeastern corner of the Property, approximately 261 m² of the building was to be used for indoor and outdoor retail sales area and approximately 350 m² of the building was to be used for processing and storing farm products, office space, washrooms and an electrical/sprinkler room. The City of Pitt Meadows (the "City") determined that 55% to 60% of the products sold in the retail sales area were produced on the farm which is consistent with retail sales permitted in the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (ALRUSPR) in effect at that time.

[10] In early 2015, the City received a building permit application for the expansion of the farm building to 1294.6 m², where approximately 393 m² was to be used for an indoor and outdoor retail area and 901 m² was to be used for processing and storing farm products, office space, washrooms and an electrical/sprinkler room. The building plan included a commercial kitchen and "a large counter area with a sink and stove that was open to an expanded retail floor area". The commercial kitchen was to be used to process farm products for retail sales and the counter area with a sink and stove to be used for cooking demonstrations. Again, the City determined that the amount of farm product being sold in the retail sales area (55% to 60%) was consistent with the ALRUSPR. The City believed the proposal was consistent with the 300 m² retail sales area provision in section 2(2)(a) of the ALRUSPR, as the City calculated the floor area based on areas available to customer foot traffic.

[11] In late 2015, the building plans were subsequently revised and approved by the City's building inspector without consultation with the City's Planning Department. The changes affected the commercial kitchen, cooking demonstration area and increased the floor area adjacent to the demonstration area by 58.6 m². The commercial kitchen also included more cooking and food preparation appliances. The demonstration kitchen was converted into a bistro sales counter with additional of a till area, hot case, coffee accessories, and rotisserie, panini press, and soup warmers.

[12] The Panel notes there is a discrepancy between Applicant and City regarding the total floor area of the Proposal. The Applicant states that the bistro area is 165.36 m² and the retail area is 294.40 m² while the City states that the bistro area is 205.4 m² and the retail area is 393 m². The Panel reviewed the Proposal using the total floor area provided by the City as the City was the permitting body that initially allowed the bistro and retail sales area.

EVIDENCE AND FINDINGS

[13] During the Site Visit, the Agent explained that the Applicant raises between 400 to 800 head of cattle per year and approximately 10,000 to 12,000 lbs of beef (8 to 18 head of cattle) are butchered and processed on the Property. The Applicant sells all parts of the



animal including the beef fat. The Applicant produces beef based ham, beef based fresh sausages and deli meats, beef bacon, rendered beef fat, freezer packs, and dog food from the cattle raised on the Property.

Issue: Whether the Bistro, Additional Retail Area, and Catering Service supports agriculture operations on the Property.

The Bistro and Additional Retail Area

[14] The Agent stated during the Site Visit that the 205.4 m² Bistro is operated as a takeout counter with an indoor and outdoor seating area for customers. The Agent explained that the takeout counter menu is heavily based on beef products produced on the Property. The Panel understands from the Site Visit that the Applicant has no further plans for expansion in terms of hours of operation and Bistro footprint.

[15] The Agent explained during the Site Visit that the beef, cranberries, and approximately 15 other produce products are grown on the Property. There are three main areas in the retail sales area of the Farm Building: the deli & meat section, the produce section, and the outdoor seasonal produce storage area. The Agent stated that she is confident that the retail sales area meets s. 11(2) of the Agricultural Land Reserve Use Regulation ("ALR Use Regulation"). The Agent further added that the Applicant intended for the retail sales area to be compliant with s. 11(3) of the ALR Use Regulation. However, due to a difference in area calculated as part of the retail sales area, the finished retail sales area was determined to be 393 m². In this case, the Panel gave consideration to the permission granted erroneously by the City for the construction of the 393 m² retail sales area.

[16] The Panel recognizes that the Applicant sought approval from the City and that the City erroneously permitted the construction of the expansion that resulted in the creation of the Bistro and the Additional Retail Area. The Panel considered the small overall footprint of the Proposal on the Property and the large and diverse Farm Operation. With respect to the Bistro and Additional Retail Area, the Panel finds that that the Bistro and Additional Retail Area allow for more value added activity for the Farm Operation without becoming the primary use of the Property. In this case, the Panel is amenable to the retention of the Bistro



and the Additional Retail Area as they support and are ancillary to the primary agricultural use of the Property.

The Catering Service

[17] The Agent stated that the Catering Service is intended to cater at events held on the Property and at other properties. The Agent explained during the Site Visit that the Property hosts some cooking classes and two main events (Rancher Day and Long Table Dinner). The Catering Service is also able to provide catering to weddings (less than 10 per calendar year) on another property that is part of the Farm Operation. The Catering Service will use the existing commercial kitchen that is used for processing farm products and preparing products for the Bistro. The Application states the intention of the Catering Service is as another outlet for the beef and produce grown as part of the Farm Operation, as such, the main food products used as part of the Catering Service will be sourced from the Farm Operation and if required, other products will be sourced from other local farms.

[18] The Panel finds that the Catering Service is ancillary to the primary agricultural use of the Property given the Applicant's intention to offer the Catering Service for permitted events on the Farm Operation properties. The Panel is amenable to allow the use of the commercial kitchen for the Catering Service provided that the commercial kitchen be limited to the processing of farm products for the Bistro, for retail sales, or the catering service for permitted events held on the Farm Operation.

[19] The City notes that although the Proposal is consistent with the Official Community Plan designation of Agriculture, the Proposal is not consistent with the current General Agriculture (A-1) zoning. As such, a zoning text amendment would be required.

DECISION

[20] For the reasons given above, the Panel approves the Proposal to retroactively allow the 205.4 m² Bistro and 93 m² Additional Retail Area, and to allow use of the existing commercial kitchen for the Catering Service, subject to the following conditions:

- a. the non-farm use is confined to the Farm Building per Schedule A of this decision;



- b. the Commission must review and approve the draft zoning text amendment prior to adoption; and
- c. approval for non-farm use is granted for the sole benefit of the Applicant and is non-transferrable.

[21] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[22] These are the unanimous reasons of the Panel.

[23] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.

[24] Resolution #531/2019
Released on December 23, 2019

A handwritten signature in black ink, appearing to read "Ione Smith", is positioned above the printed name.

Ione Smith, Panel Chair

On behalf of the South Coast Panel



CITY OF PITT MEADOWS
ZONING AMENDMENT BYLAW
No. 2860, 2020

Attachment F

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 "Zoning Amendment Bylaw No. 2860, 2020".
2. The Zoning Bylaw No. 2505, 2011 is amended as follows:
 - (a) Part 8 [*Agricultural*] – Section 8.1 A-1 General Agricultural is amended by adding the following subsection:

8.1.11 Site Specific Provisions

- a) Despite any other provision of this bylaw, in the case of
 - i. That Portion Section 15 Block 6 North Range 1 East Lying South and East of the Dyke Ditch Shown on Reference Plan 439,
 - ii. Except Firstly: Part Shown on Plan with Fee Deposited 20141E, Secondly: Parcel "B" Reference Plan 6134), Thirdly: Parcel "C" (Reference Plan 6134), New Westminster District,
 - iii. in the farm building addressed as 18385 Old Dewdney Trunk Road,the following uses are permitted:
 - i. Farm retail sales area of 393 sq m;
 - ii. Restaurant area of 205.4 sq m; and
 - iii. Catering service for permitted events held on the farm operation.

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