

Staff Report to Council

Planning and Development

FILE: 4520-20-2020-01

REPORT DATE: April 21, 2020

MEETING DATE: May 05, 2020

TO: Mayor and Council

FROM: Anne Berry, Director of Planning and Development

SUBJECT: Temporary Commercial Use Permit for a Guard Dog Training Facility
at 18423 Green Road

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:

RECOMMENDATION(S): THAT Council:

- A. Direct Staff to notify residents within a 488-metre radius of 18423 Green Road that a Temporary Commercial Use Permit for a guard dog training facility will be considered at the May 26th, 2020 Regular Meeting of Council; OR
- B. Other.

PURPOSE

To present to Council a Temporary Commercial Use Permit application to permit the operation of a guard dog training facility within an existing horse arena and gravel area at 18423 Green Road and to seek direction to notify the public.

☐ Information Report

☐ Decision Report

☒ Direction Report

DISCUSSION

Background:

The City has received an application for a Temporary Commercial Use Permit (TCUP) to permit a guard dog training facility within an existing horse arena and outdoor gravel area at 18423 Green Road. The property is contained entirely within the Agricultural

Land Reserve, and because a guard dog training facility is not included in the definition of a permitted farm-use, a non-farm use application was successfully applied for in 2019. The application received conditional approval from the Agricultural Land Commission (ALC) on January 8, 2020 (Attachment F). One of the conditions of approval is to obtain a Temporary Use Permit for non-farm use. The applicant has now submitted a TCUP to complete the conditions of approval.

Applicant:	Johnsen Tree Farms Ltd.
Owner:	Kris Johnsen
Civic Address:	18423 Green Road
PID:	013-183-443
Legal Description:	Parcel "C" (Reference Plan 6108) Section 26 Block 4 North Range 1 East New Westminster District
Parcel Area:	10.16 ha (25.11 acres)
Area of TCUP:	7150 m ² (0.715 ha)
OCP Designation	Agricultural—20 ha Minimum Parcel
Zoning:	A-1 (General Agriculture)

The property is 10.16 ha where 9.5 ha of the property is currently being used for agricultural purposes. There is an existing tree farm on the property and on adjacent properties (Attachment A). The applicant is seeking approval to use the existing horse arena and the outdoor gravel area, which are currently unused, for a guard dog training facility. The owners have identified that the area proposed to be used for the guard dog training facility cannot be used for planting more trees unless the buildings are cleared, and the land is remediated.

Application History

Agricultural Advisory Committee- March 28, 2019

In March 2019, the City received an Agricultural Land Commission (ALC) non-farm use application to permit a commercial guard dog training operation within the existing horse arena and outdoor gravel area on the property. The total area proposed to be used for the operation is 7150 m² (0.715 ha). The application was brought to the Agricultural Advisory Committee (AAC) on March 28, 2019.

The AAC commented that while the use is not related to agriculture, they agreed that the commercial use would be better than allowing an existing structure to remain empty. They also acknowledged that the applicant has a long history of farming. The AAC voted to support the applicant and are in support of issuing a Temporary Commercial Use Permit for a commercial guard dog training facility subject to the following conditions:

- a) No retail operations are undertaken;
- b) No expansion of the business be allowed; and,
- c) The business is limited to dog training only.

Council Meeting – April 16, 2019

The ALC non-farm use application was presented at the Regular Meeting of Council held on April 16th, 2019. At that meeting, Council passed the following motion:

"MOVED by Mayor Dingwall, SECONDED by Councilor MacDonald, THAT Council:

- A. Direct Staff to canvas neighbours in the area around the property asking if they have any initial concerns; AND*
- B. Based on area canvas, if no concerns are heard, forward to the Agricultural Land Commission the non-farm use application to allow a guard dog training facility at 18423 Green Road with a recommendation of support."*

CARRIED.

Opposed: Councilor Meachen"

Council Meeting – July 30th, 2019

City staff canvassed the neighbourhood after the Council Meeting held on April 16th, 2019. A member from the Planning Department and a Bylaw Officer canvassed the area around the subject site within a 488 metre radius on Wednesday, June 19, 2019. Staff chose the 488 metre radius because the subject site is located within the Agricultural Land Reserve, and the density is very low (see figure 1), based on the Development Procedures Bylaw No. 2740, 2016.

Upon canvassing, City staff prepared notices that included a description of the proposed business and contact information for the Staff member managing the associated file. While talking to the neighbours, Staff took a survey of people in support or not support the proposed use. Of the residents that Staff were able to reach, no concerns were raised. Of those who Staff were not able to reach, the notice was left in their mailbox. At the writing of the report for the April 16th, 2019 Council meeting, no further comments were received.



Figure 1: 18423 Green Rd - Neighbouring Uses Distances

It is to be noted that the City has received previous complaints about persistent dog barking at this location by a property owner in the vicinity of the subject site. The complaint was dealt with at the time, which resulted in the owner being required to stop operation and make an Agricultural Land Commission non-farm use application to bring the use into compliance.

The application was brought back to Council at the Regular Meeting held on July 30th, 2019. Staff informed Council of the information received from the neighbourhood canvas, and the following motion was passed:

"THAT Council:

- A. Forward to the Agricultural Land Commission the non-farm use application to allow a guard dog training facility at 18423 Green Road with a recommendation of support.*

Carried."

The application was subsequently forwarded to the Agricultural Land Commission (ALC) for decision. On January 8, 2020, the ALC approved the application with various conditions, one being that the City of Pitt Meadows grants the applicant a Temporary Use Permit.

Current Application

The intended use and portions of the property that it will occupy remains the same as the previous applications. The total area proposed to be used for the guard dog training facility is 7165 m² (0.715 ha) and is located within an existing horse arena and gravel area, as shown in Figure 1 below (Attachment D).

The applicant has submitted a business plan indicating the days and hours of operation and the number of dogs being trained at one time. The proposed days and hours of operation are Tuesday to Sunday from 9:00 AM to 8:00 PM. The applicant is proposing to have a maximum of 10 dogs on the property at one time, except for seminars. When seminars do occur on the property a maximum number of people and dogs attending is 12 each. For regular training operations there will be one trainer working with one client at a time, and the facility will be strictly a training facility, there will not be any boarding of dogs overnight. The majority of the training will take place inside the walled horse arena. Lastly, the guard dog trainer will not be on the premise at all times because they do training in the USA and Europe. They do not live on the premise (Attachment E). When the guard dog trainer is not on the property, no training of dogs will take place.

The parking area will be located along the western side of the horse arena (Figure 1). Should Council not approve the TCUP, the guard dog training facility will not be permitted to operate on the property.

An approved TCUP is a condition of the ALC's approval on the non-farm use (Attachment F). The applicant has posted a development proposal sign on the property on March 11, 2020 per the Development Procedures Bylaw No. 2740, 2016 (Attachment G).



Figure 2: Guard Dog Training Location

Relevant Policy, Bylaw or Legislation:

The issue is regulated by the City's Official Community Plan and Zoning Bylaw No. 2505, 2011.

Official Community Plan

The Official Community Plan (OCP) contains policies that aim to balance the protection of agricultural land from non-farm uses with enabling value-added agricultural business initiatives that help diversify the agricultural economy. In general, non-agricultural use of farmland is discouraged; however, uses that are approved by the ALC are also permitted under the OCP policies.

All lands within the City of Pitt Meadows are designated as Temporary Commercial/Industrial Use Permit Areas. This allows for commercial or industrial uses to be permitted in areas where they are otherwise not allowed.

Zoning Bylaw

The subject site is currently zoned A-1 (General Agricultural), which permits agriculture and associated uses. The A-1 zoning allows the use of kennels, which are defined as "the use of land, building, or structures to keep, board, or breed domestic animals." It does not include the training of animals.

Animal training is, however, included in the definition of "Veterinary Service" and "Commercial School," which are permitted uses in the C-1 (Highway Commercial) and C-2 (Neighbourhood Commercial) zones. Hence, a Temporary Commercial Use Permit has been applied to permit the intended commercial use on the subject property.

Analysis:

The Planning Department points out that this use would be more appropriate in a C-1 or C-2 zone where veterinary services and commercial schools (including dog training businesses) are permitted uses. The policies contained within the OCP permits owners of land to apply for a Temporary Use Permit to allow commercial businesses to operate in areas where these uses are otherwise not permitted. The applicant has the right to apply for a rezoning to permit this use; however, rezoning the property would not be supported by the Agricultural Land Commission or City Staff as rezoning the property would run with the land.

Local governments are permitted to issue Temporary Use Permits (TUP) under Section 492 of the *Local Government Act*. TUPs are issued by Council for a period of up to two years, with the possibility of extension for a further two years. Council may establish conditions under which a permit may be granted. Staff are suggesting the following conditions be placed within the TUP:

- No retail component to the commercial business. The business is to be strictly for dog training;
- No expansion of the business be permitted including the area of use, operational days and hours, and number of dogs;
- Parking is to be limited to the west side of the horse arena;
- No overnight boarding permitted;
- Business is restricted to the 7150 m² (0.715 ha) existing horse arena and gravel area;
- Hours and days of operation be as follows:
 - Tuesday to Sunday, 9:00 AM to 8:00 PM;
- The number of seminars related to the guard dog training business permitted per year is 10. The maximum number of dogs and attendees permitted to attend the seminars is 12 each. The owner is required to inform the City of the seminar(s) ahead of time inclusive of the date, time, and number of people and dogs estimated to be attending; and,

- The number of dogs on the property at any one time not to exceed 10 except for seminars where a maximum number of dogs is 12.

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

The applicant has posted a Development Proposal Sign on the property (Attachment F). Surrounding residents within a 488 m radius of the property will also be notified if directed by Council.

KATZIE FIRST NATION CONSIDERATIONS

Referral ☐ Yes ☒ No

SIGN-OFFS

Written by:

Stefanie Ekeli, Development Services
Technician

Reviewed by:

Alex Wallace, Manager Planning and
Development

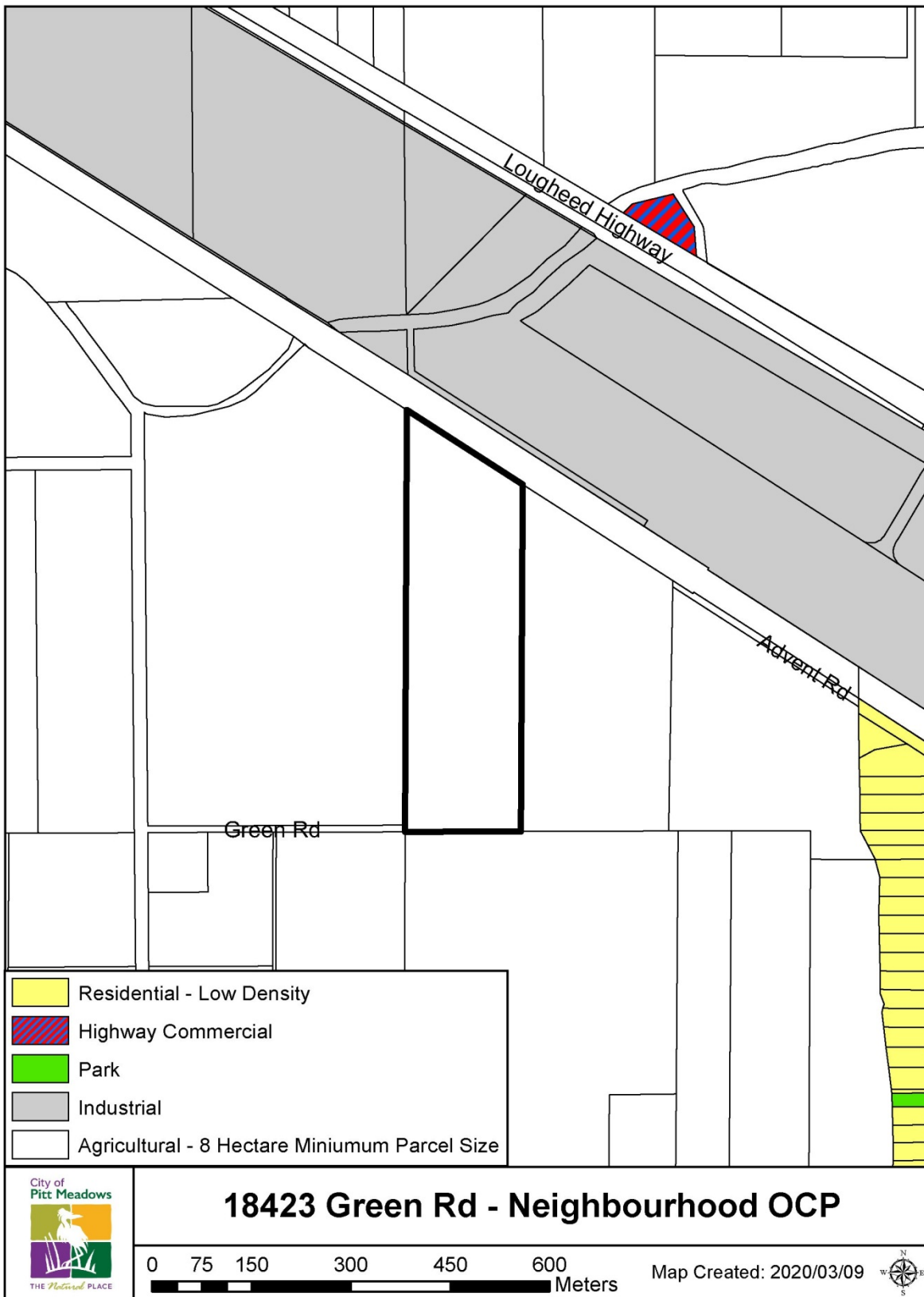
ATTACHMENT(S):

- A. Site Context Map
- B. Official Community Plan Map
- C. Zoning Map
- D. Site Plan
- E. Proposed Guard Dog Training Facility Business Plan
- F. ALC Decision Letter
- G. Development Proposal Sign
- H. Draft TCUP No. 2020-001

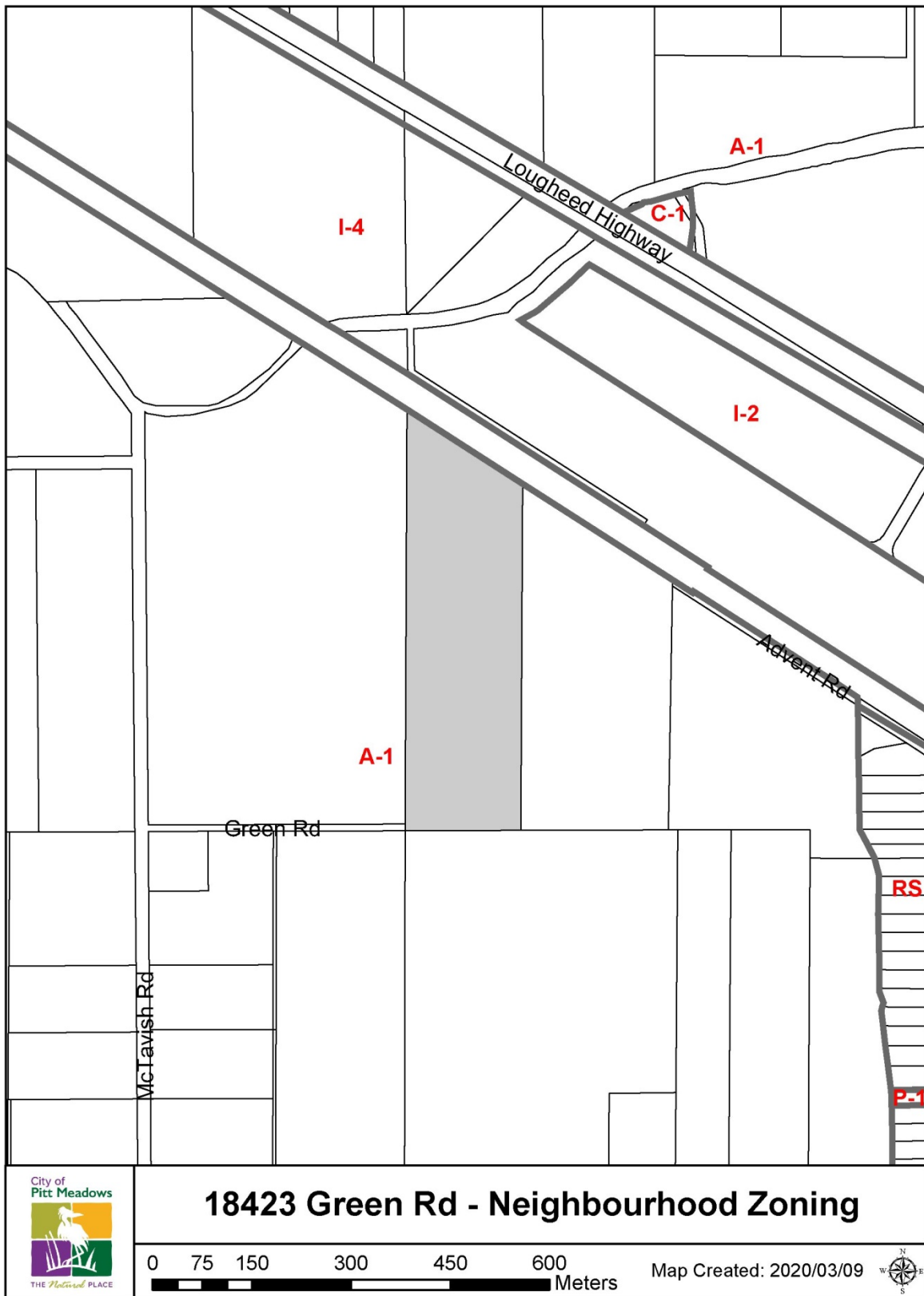
ATTACHMENT A: Site Context Map

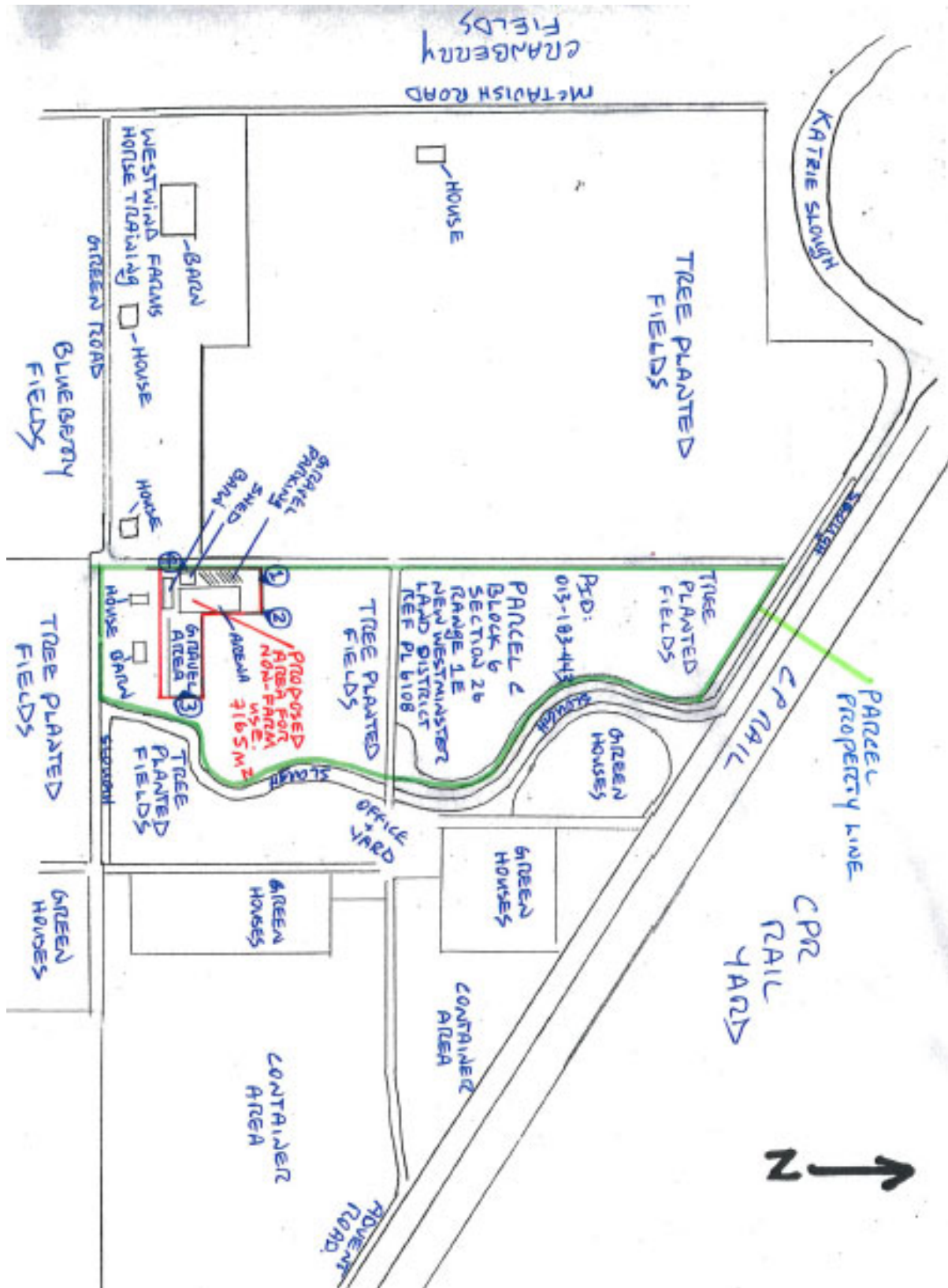


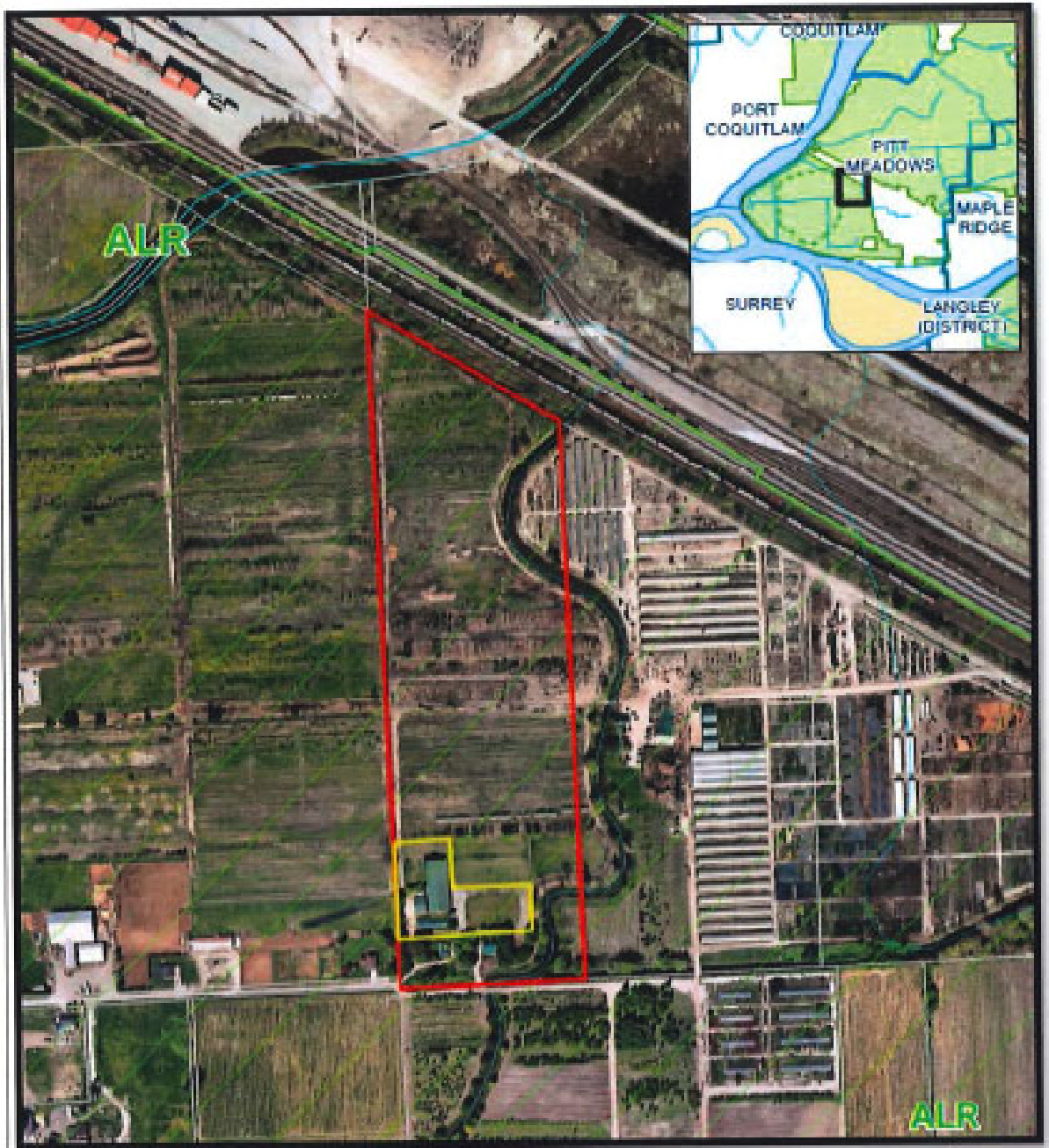
ATTACHMENT B: Official Community Plan Map



ATTACHEMENT C: Zoning Map







Approximate area conditionally approved for non-farm use.



The Property

ATTACHMENT E: Proposed Guard Dog Training Facility Business Plan

To the City of Pitt Meadows

As requested, I wish to submit the following items for a business plan for operating a guard dog training facility at the above address.

- The hours of operation will be from 9:00 am till 8:00 pm.
- The dog training will be operating Tuesday to Sundays.
- There will be less than 10 dogs on the premise at any one time with the exception of seminars.
- There will be one trainer working with one client at a time.
- This will be a training facility only, there will not be any overnight dog boarding.
- The trainer will not be on site consistently as he is also training in the USA and in Europe.

Thank you,

Kelly Readman
18423 Green Road,
Pitt Meadows, B.C.
V3Y 1Z1

ATTACHMENT F



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

January 8, 2020

ALC File: 58308

Rolf Johnsen
DELIVERED ELECTRONICALLY

Dear Rolf Johnson:

Re: Application 58308 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 #9/2020). As agent, it is your responsibility to notify the applicant(s) 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,

A handwritten signature in black ink, appearing to read 'P. Volker', is written over a white rectangular area.

Pascal Volker, Land Use Planner

Enclosure: Reasons for Decision (Resolution #9/2020)
 Schedule A: Agricultural Land Commission Decision Sketch Plan

cc: City of Pitt Meadows (File: 6635-20-2018-09)



AGRICULTURAL LAND COMMISSION FILE 58308
REASONS FOR DECISION OF THE SOUTH COAST PANEL

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

Applicant: Johnsen Tree Farms Ltd.

Agent: Rolf Johnsen

Property: Parcel Identifier: 013-183-443
Legal Description: Parcel "C" (Reference Plan 6108)
Section 26 Block 6 North Range 1 East New
Westminster District
Civic: 18423 Green Road, Pitt Meadows, BC.
Area: 10.1 ha

Panel: Ione Smith, South Coast Panel Chair
Susan Gimse
Satwinder Bains



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] Pursuant to s. 20(2) of the ALCA, the Applicant is applying to the Agricultural Land Commission (the "Commission") to use 0.7 ha comprised of the existing horse barns, horse arena and the outdoor gravel riding ring (the "horse facilities") for a commercial guard dog training operation (the "Proposal").
- [3] The issue the Panel considered is whether the Proposal would impact the agricultural utility of the Property.
- [4] 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

- [5] The Proposal along with related documentation from the Applicant, Agent, local government, and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Agent in advance of this decision.



EVIDENCE AND FINDINGS

Issue: Whether the Proposal would impact the agricultural utility of the Property.

[6] The Applicant submits that approximately 9.3 ha of the Property are used for planting wholesale nursery trees. The 0.7 ha for the proposed dog training operation was previously used for horse training but is currently unused. Additionally, there is a residence on the Property that occupies approximately 1000 m².

[7] The Applicant states that they cannot use the Proposal area for planting nursery trees, unless the buildings and gravel are cleared and remediated. The Applicant submits that renting the unused horse facilities to a guard dog training company would allow them to use the land in its current state, without constructing any additional infrastructure.

[8] The Panel considered the Applicant's submission that the Proposal would be conducted in the existing horse facilities and that the area of the Property currently under agricultural production would not be reduced. The Panel finds that the Proposal does not impact the agricultural utility of the Property.

[9] At its meeting of July 30, 2019, the City of Pitt Meadows (the "City") Council resolved to forward the Application to the Commission with a recommendation of support. The City's Staff Report to Council (the "Report"), dated July 22, 2019, submits that the Official Community Plan (OCP) for the area "aims to balance protection of agricultural land from non-farm uses with enabling value-added agricultural business initiatives that help diversify the agricultural economy. In general, non-agricultural use of farmland is discouraged; however, uses that are approved by the ALC are also permitted under the OCP policies." Therefore, if the Proposal is approved by the Commission it would be compliant with the OCP. However, the Report states that the Proposal is not consistent with the City's current zoning designation (A-1, General Agriculture). Therefore, if the ALC approves the Proposal, the Applicant would need to apply to the City for rezoning or a Temporary Use Permit to bring the non-farm use into compliance with the City's Zoning Bylaw.

[10] The Panel considered the City's Report regarding the Proposal not being consistent with the City's current zoning designation. The Panel is concerned that, in order to pursue the Proposal, the Property could be rezoned in a manner that is inconsistent with the long-term preservation of agricultural land. In this sense, the Panel finds that a Temporary Use Permit would be a more appropriate method to ensure the primarily agricultural nature of the Property, while allowing the Proposal as a temporary and limited use.

DECISION

[11] For the reasons given above, the Panel approves the Proposal to use the existing horse barns, horse arena and the outdoor gravel riding ring for a commercial guard dog training operation, subject to the following conditions:

- a. The issuance of a Temporary Use Permit by the City of Pitt Meadows. A copy of which must be forwarded to the Commission;
- b. If the Temporary Use Permit is not renewed or is cancelled for any reason, the non-farm use is no longer permitted;
- c. Siting of the non-farm use in accordance with Schedule A;
- d. No additional infrastructure beyond the existing horse barns, horse arena and outdoor gravel riding ring may be constructed or used for the non-farm use; and
- e. Approval for non-farm use is granted for the sole benefit of the Applicant and is non-transferable.

[12] 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.

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



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

[15] Resolution #9/2020

Released on January 8, 2020

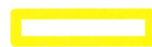
A handwritten signature in black ink, appearing to read "Ione Smith", is positioned above the printed name.

Ione Smith, Panel Chair

On behalf of the South Coast Panel



Schedule A: Agricultural Land Commission Decision Sketch Plan
ALC File 58308 (Johnsen Tree Farms)
Conditionally Approved Non-Farm Use
ALC Resolution #9/2020



Approximate area conditionally approved for non-farm use.



The Property

ATTACHMENT G: Development Proposal Sign



#162492v1

CITY OF PITT MEADOWS

TEMPORARY COMMERCIAL USE PERMIT NO. 2020-001

ISSUED BY:

THE CITY OF PITT MEADOWS, a City under the "Local Government Act" of the Province of British Columbia, and having its Municipal Offices at 12007 Harris Road, in the Municipality of Pitt Meadows, in the Province of British Columbia, V3Y 2B5

(hereinafter called the "City")

TO: **JOHNSEN TREE FARMS LTD.**
18598 Advent Road
Pitt Meadows, BC
V3Y 2G8

(hereinafter called the "Permittee(s)")

WHEREAS the Permittee(s) wishes to conduct an industrial operation upon ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Pitt Meadows in the Province of British Columbia, and more particularly known and described as:

Parcel Identifier: 013-183-443

***Legal Description: Parcel 'C' (Reference Plan 6108) Section 26 Block 6 North Range
1 East New Westminster District***

(hereinafter called the "Lands")

AND WHEREAS the Permittee(s) has made application for a Temporary Industrial Use Permit in regard to the Lands;

AND WHEREAS the Local Government Act provides that in such a Permit certain matters may be regulated, required or limited;

NOW THEREFORE, the Council of the City of Pitt Meadows hereby issues a Temporary Industrial Use Permit in respect of the Lands as follows:

1. This Temporary Commercial Use Permit is issued subject to compliance with all City Bylaws except those bylaw conditions that are at variance with the conditions described in this Permit.

2. This Temporary Commercial Use Permit applies to and only to those lands within the City described below, and any and all buildings, structures and other development thereon:

Parcel Identifier: 013-183-443

Legal Description: *Parcel 'C' (Reference Plan 6108) Section 26 Block 6 North Range 1 East New Westminster District*

3. The Temporary Use described on this permit shall be discontinued on or before **May 28, 2022**.
4. The Temporary Use permitted on the said lands shall be to:

Permit a non-farm use consisting of a guard dog training facility within an existing horse arena and gravel area with a total area of 7,150 m² (0.715 ha) as *shown outlined on the site plan appended as Attachment A*.

5. The Temporary Use shall be carried out according to the following conditions:
 - a. No retail component to the commercial business. The business is to be strictly for dog training;
 - b. No expansion of the business be permitted of the business be permitted including the area of use, operational days and hours, and number of dogs;
 - c. Parking is to be limited to the west side of the horse arena;
 - d. No overnight boarding permitted;
 - e. Business is restricted to the 7150 m² (0.715 ha) existing horse arena and gravel area as shown on the site plan in Attachment A;
 - f. Hours and days of operation be as follows:
 - i. Tuesday to Sunday, 9:00 AM to 8:00 PM; and,
 - ii. Number of dogs on the property at any one time not to exceed 10, except for seminars, where 12 dogs are permitted on the property.
 - g. The number of seminars related to the guard dog training business permitted per year is 10. The maximum number of dogs and attendees permitted to attend the seminars is 12 each. The owner is required to inform the City of the seminar(s) ahead of time inclusive of the date, time, and number of people and dogs estimated to be attending.
 - h. No outdoor storage of equipment or materials associated with the business shall take place on site;
 - i. The applicant shall obtain a business license and any other applicable permits under all applicable City bylaws;

- j. This approval in no way relieves the owner or occupier of the responsibility of adhering to all other legislation which may apply to the land. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities which have jurisdiction;
6. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this permit and any plans and specifications attached to this permit shall form a part hereof.
7. Bylaw Enforcement Staff will monitor operations on the site on a yearly basis at a minimum, and more frequently whenever possible.
8. This permit is not transferable. The permit may be amended or cancelled by Council resolution and in accordance with the regulations prescribed by the Lieutenant Governor in Council.
9. This permit is not a building permit.

AUTHORIZING BY COUNCIL RESOLUTION, passed on the _____ day of _____, 2020

THE CORPORATE SEAL OF THE CITY OF PITT MEADOWS

was hereunto affixed on the _____ day of _____, 2020

Bill Dingwall, Mayor

Kate Barchard, Corporate Officer

Kris Johnsen (Owner, Johnsen Tree Farms Ltd.)

Print Name

SIGNED, SEALED AND DELIVERED BY
the Owner of the Lands on
the ____ day of _____, 2020

Attachment "A"

Site Plan

