

# Staff Report to Council

Planning and Development

FILE: 4520-20-2020-002

REPORT DATE: October 15, 2020

MEETING DATE: November 17, 2020

TO: Mayor and Council

FROM: Anne Berry, Director of Planning and Development

SUBJECT: Renewal of Temporary Commercial Use Permit No. 2019-003

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:



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RECOMMENDATION(S): THAT Council:

- A. Approve the renewal of Temporary Commercial Use Permit No. 2019-003 for a dog hydrotherapy and boarding business at 18745 Ford Road for two years; OR
- B. Other.

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## PURPOSE

An application to renew Temporary Commercial Use Permit No. 2019-003.

☐ Information Report

☐ Decision Report

☒ Direction Report

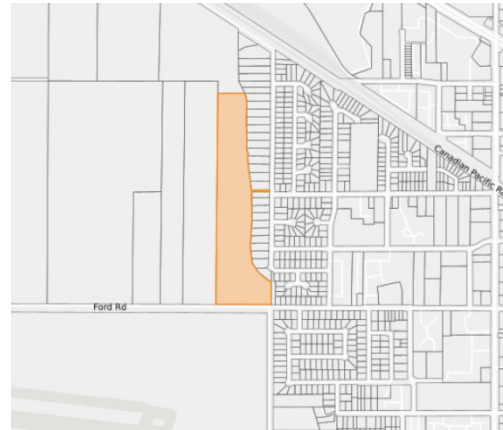
## DISCUSSION

### Background:

The City has received an application to renew the Temporary Commercial Use Permit (TUP) for a dog hydrotherapy and boarding business at 18745 Ford Rd. The permit was originally approved for issuance by Council on October 1, 2019, for a period of one year. The renewal application was submitted prior to the original temporary use permit expiry date of Oct. 1, 2020. The applicant has applied to renew the permit for an additional two year period, which is the maximum permitted under the current Official Community Plan (although the Local Government Act allows for three-year Temporary Commercial Use Permits plus a three-year renewal).

Approval for the business as a non-farm use was granted by the Agricultural Land Commission (ALC) in late 2018 for a period of six years.

**Property Owner:** Xianhu Du  
**Applicant:** Janet Moor  
**Business Name:** HydroPaws  
**Civic Address:** 18745 Ford Rd  
**Property Size:** 9.8 ha (24.15 Acre)  
**Area of TUP:** 100 m<sup>2</sup> (1076 ft<sup>2</sup>)  
**OCP Designation:** Agricultural  
**Zoning:** A-1 (General Agricultural)



The property contains a duplex (previously permitted by the ALC and City as an additional dwelling unit for farm workers) and a Quonset hut housing the animal hydrotherapy pool.

#### 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:

The business involves dog hydrotherapy and rehabilitation using a therapy pool within the Quonset hut. Additionally, the ground floor of the duplex is used for office space and to board dogs requiring therapeutic care. The remainder of the property is used for agricultural uses (primarily blueberry crops), although the property did not receive farm status this year and has been listed for sale on and off during the past year.

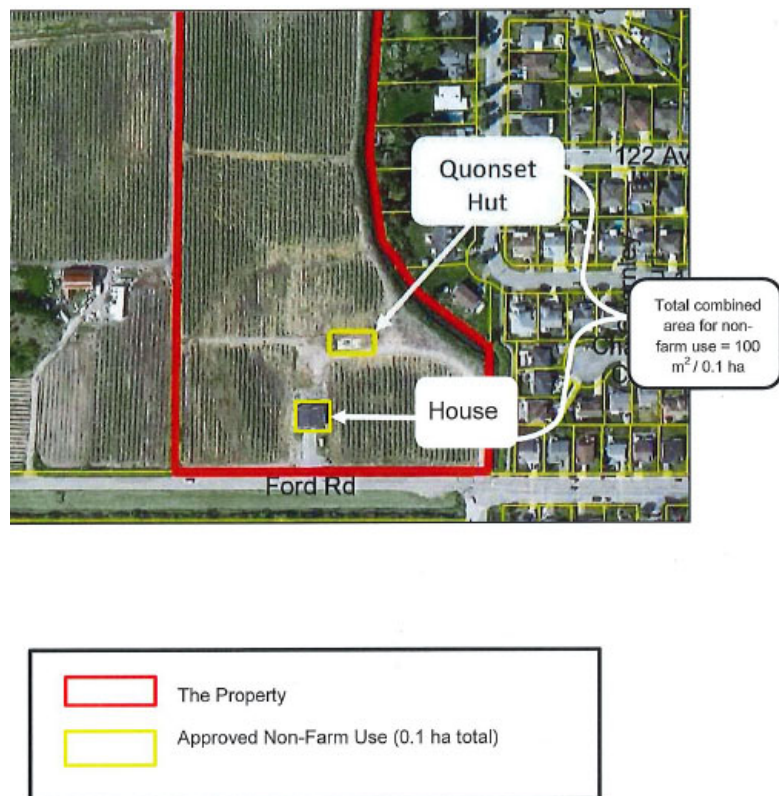


Figure 1: Area of Temporary Use Permit

The property is located in the Agricultural Land Reserve (ALR). The ALC permits home occupations up to 100 m<sup>2</sup> in area and kennels on parcels of land within the ALR. Home occupations are defined by the local government and where a use is not defined as a home occupation, approval from the Agricultural Land Commission (ALC) is required. Animal hydrotherapy is outside the scope of a kennel and does not fit within any definition for the types of home-based businesses permitted in the City's Zoning Bylaw. Therefore, the applicant was required to obtain permission from the ALC for the non-farm use.

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

Council approved the issuance of the original TCUP on October 1, 2019 for one year, subject to several conditions. These conditions are listed below with corresponding staff comments:

Current Condition	Proposed Condition	Staff Comments
<p>The non-farm use must comply with the conditions of the non-farm use approval granted by the Agricultural Land Commission under Resolution #264/2019, as follows:</p> <ul style="list-style-type: none"> <li>i. The siting of the non-farm use shall be in accordance with 'Attachment A';</li> <li>ii. The size of the operation shall be limited to 100 square metres;</li> <li>iii. If this permit is cancelled for any reason, the non-farm use is no longer permitted;</li> <li>iv. Approval for non-farm use is granted for the sole benefit of the Agent and is non-transferable.</li> </ul>		No changes recommended.
<p>The waste water from the hydrotherapy pool shall be disposed of in accordance with Building Bylaw No. 2131, 2003.</p>		No changes recommended.

The applicant shall obtain a business licence, building permit and any other applicable permits under all applicable City bylaws.		No changes recommended. A business licence is active. Building permits were issued for the Quonset hut and pool.
This permit is only granted to Hydropaws. Shall the business no longer exist, the permit is no longer valid.		No changes recommended.
A \$1,000 refundable security in the form of a letter of credit will be held to ensure compliance with the terms and conditions of the permit.		No changes recommended. A \$1,000 bond is currently held by the City.
Business hours will be restricted to Monday – Saturday, 9:30 am 6:00 pm, with hours extended to 8:00 pm on a maximum of two evenings per week.		No changes recommended.
Sound mitigation will be constructed within the one year term of the temporary use permit.	Sound mitigation measures installed in accordance with the temporary use permit will be maintained.	Sound mitigation measures have been installed and therefore it is recommended the TUP require maintenance of such measures.
Bylaw Enforcement Staff will monitor operations on the site on a yearly basis at a minimum, and more frequently whenever possible.		No changes recommended. City Bylaw staff last visited the property on Oct. 21, 2020.

The renewal of the TCUP gives Council the opportunity to reassess the compatibility of the business in relation to the surrounding area.

#### *Bylaw Complaints*

The City has received noise complaints from one individual. The noise complaints were investigated according to the City's Complaints and Bylaw Enforcement Policy. Staff determined no violation to the City's Noise Control Bylaw have occurred and no penalties were issued.

As required by the TCUP, the business owner installed sound mitigation insulation on the east side facing the complainant and on the west side of the building.



The driveway along the east property line is part of the property and can be used by anyone residing on the property, and is indeed used heavily during harvesting season by agricultural workers. The business owner has asked the clients to use the main access to the property further to the west.

The suggestions by the complainant in regards to relocating the entrance to the building to the west side is not a feasible solution for the business owner. With the sound mitigation in place, the keeping of the door closed and the window open to a minimum, the surrounding neighbours should not be impacted by any noise generated by the business operation.

No bylaw complaints have been received from any other residents.

### Subject Site & Surrounding Area

The area surrounding the subject site is both agricultural and residential. All properties to the north, south, and west are agricultural (Attachment B). The subject property borders a residential zone to the east. The nearest farm house is approximately 1385 metres away and nearest residential home is located approximately 68 metres away from the Quonset hut. Directly across from the property is the Pitt Meadows Regional Airport, which has aviation related land uses.

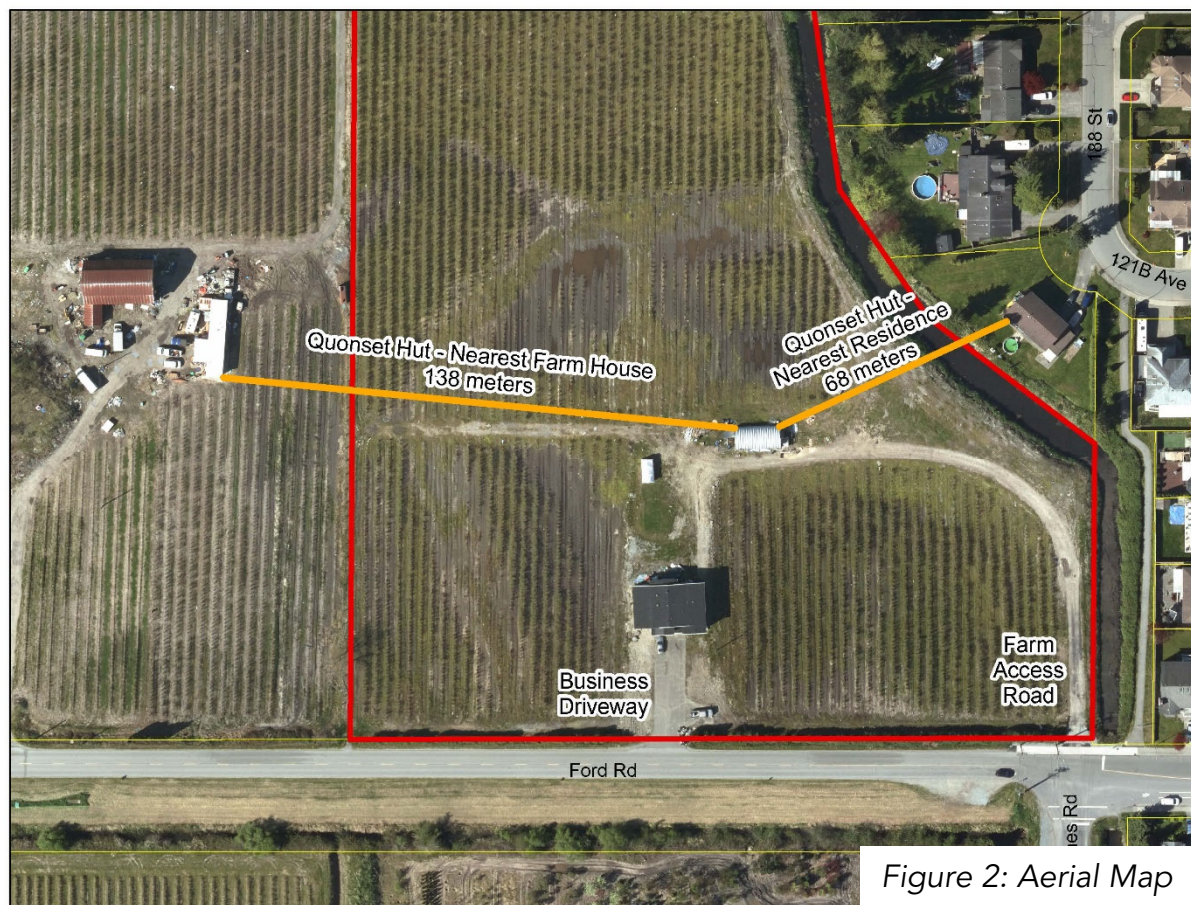


Figure 2: Aerial Map

The potential for disturbance from the proposed business is relatively low considering the surrounding parcels are mainly agricultural. Potential noise disturbances from dog barking can be addressed through the City's Noise Control Bylaw No. 2138, 2003.

### 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 installed a development application sign on the property.

Notices were mailed to all 61 properties within 50 m of the subject property as required and as shown below:

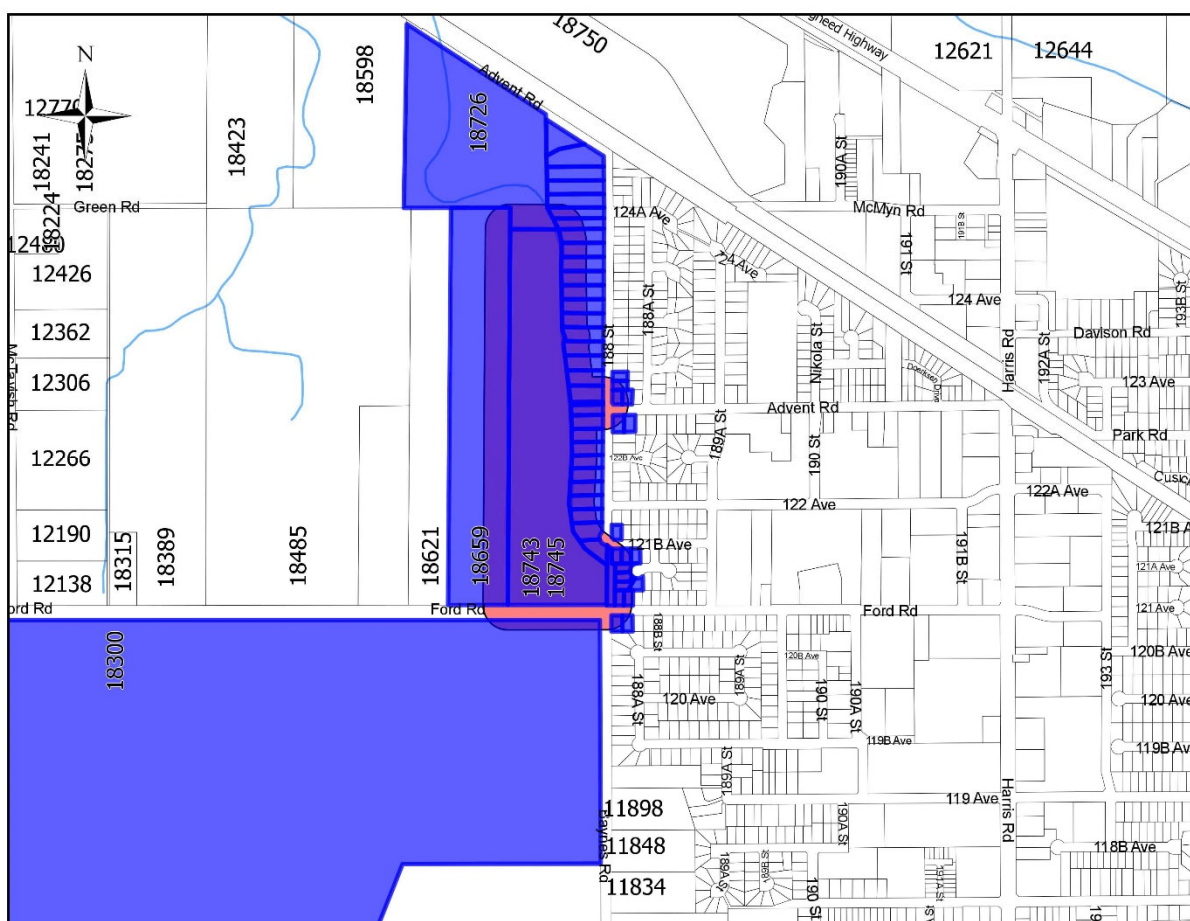


Figure 3: Mailout Radius Map

A newspaper advertisement was also placed, advising of the application.

At the time of writing, some letters of support have been received from the public regarding the application. Any additional comments received will be reported to Council.

## Planning Application Alternatives

The *Local Government Act* obtains certain tools for land use applications for a property owner wishing to undertake an activity not currently permitted under existing regulations. Tools include: Zoning Bylaw Amendments, Development Variance Permit, and Temporary Commercial Use Permits.

Amendments to the Zoning Bylaw are permanent and the use would be permitted in perpetuity, even with change of ownership of the land. The City's Official Community Plan contains policies to protect agricultural land and the ALC granted approval of this non-farm use for six years. Therefore, Planning Staff do not recommend nor support a rezoning application for this proposed use.

A Development Variance Permit (DVP) application is not a possibility as a DVP cannot vary use or density.

The intent of a Temporary Commercial Use Permit (TCUP) is to allow a use that would not otherwise be permitted under the City's Zoning Bylaw. TCUPs allow the City to monitor a particular use and provide an opportunity to monitor and evaluate whether or not that use is compatible with the surrounding land uses. A TCUP is the preferred option in this case because it enables the City to impose conditions under which the business must operate and allows Council to reassess the operation at the renewal stage.

## 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.

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## FINANCIAL IMPLICATIONS

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

## PUBLIC PARTICIPATION

- ☒ Inform   ☒ Consult   ☐ Involve   ☐ Collaborate   ☐ Empower

Comment(s):

Development sign posted on site, newspaper advertisement and notice mailed to residents within 50 m of site.

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## KATZIE FIRST NATION CONSIDERATIONS

Referral      ☐ Yes      ☒ No

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## SIGN-OFFS

**Written by:**

Allison Dominelli,  
Development Services Technician

**Reviewed by:**

Alex Wallace,  
Manager of Community Development

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## ATTACHMENT(S):

- A. Letter of Intent from Applicant
- B. Letters of Support
- C. Agricultural Land Commission Decision Letter
- D. Draft Renewal of Temporary Commercial Use Permit No. 2019-003



Attachment A: Letter of Intent from Applicant

October 1, 2020

Mayor and Council

Pitt Meadows

Dear Mayor and Council:

I am owner operator of HydroPaws in Pitt Meadows. One-year-ago, I was granted a TUP to operate my hydrotherapy business for animals. With that TUP came some conditions, all of which I have adhered to.

Hydrotherapy is a relatively new industry in Canada but is growing. It is a very large industry in The United Kingdom and also the United States. Having this business in Pitt Meadows brings clients in from Squamish all the way to Chilliwack. These clients now frequent other local businesses before or after their appointment at HydroPaws.

Applying for the TUP was a very long process. My passion for animal wellness was my driving force to overcome the many hurdles It was a difficult journey. I was given a year to prove that this would be a suitable location for my business and I have done that. There has not been any noise complaints or noise violations. We are always mindful that our surrounding neighbours deserve a peaceful environment.

We have grown this business from ground up and it is thriving. We were hit very hard for three months during initial outbreak of COVID but we managed to get through that. Now, once again, numbers are growing weekly. We have a very large client base.

This is a very unique business. The warm pool brings joy and pain relief to many arthritic, senior dogs who are not able to maintain regular exercise. It is a tremendous fitness venue for athletic dogs. We have blind dogs, three-legged dogs, overweight dogs, reactive dogs, and healthy ones who just love to swim. All of these benefit from our services. The underwater treadmill is also something we offer for pre and post- surgical clients. There are only a few of these treadmills in all of the lower mainland and surrounding areas. Again, this alone brings people in from all over.

So many canines and their humans would be adversely affected if we were not able to continue servicing them. There are many dog enthusiasts within our community who use and love our facility. I would be happy to provide you with many letters of support.

Respectfully,

Janet Moor

Attachment B: Letters of Support

October 10, 2020

Bark Avenue Holistic Pet Supplies  
19166 Mc Myn Road  
Pitt Meadows, BC V3Y 2J3

To Whom it May Concern:

Since 2012 I have operated my business in this great community that I also call home. My entire life's work centers around helping people create happy, healthier lives for their beloved pets. I consider myself fortunate to have a loyal clientele and referral network who endeavor to keep our dollars close to home.

I want to specifically mention Janet Moor of HydroPaws Hydrotherapy & Wellness Center. She has created a true, destination location bringing new people into our community. I frequently receive referrals from HydroPaws only to find that my new clients have driven in from as far as Vancouver or Chilliwack. These folks ask for recommendations for local restaurants, boutiques and coffee shops, thus bringing more dollars into our local economy.

My hope is that the City of Pitt Meadows will grant HydroPaws a permanent business license. I would hate to lose such a great resource and referral partner. Thank you.

Sincere Regards,

Susi Wilson  
Owner  
Bark Avenue Holistic Pet Supplies  
604.465.2755

To: Whom it may concern

From: Larry & Lindsay Isaac

489 Alouette Drive, Coquitlam, BC

Date: September 27<sup>TH</sup>

Re: HydroPaws Canine Hydrotherapy Centre

18745 Ford Road, Pitt Meadows, BC

Good Day:

This is a letter of support for the business of HydroPaws and owner Janet Moor, providing an essential service for many dog owners in the Lower Mainland who have seen their pets deal with leg surgeries, other limb issues and post-surgery arthritis.

Our circle of friends with dogs here in Coquitlam recommended Janet and HydroPaws to us, based on the loving care and rehab sessions that she has provided, whether it's the initial controlled treadmill-work in the water tank, massage therapy, and/or the more vigorous swimming pool sessions as the healing process moves along post-surgery.

Doing the twice-weekly drive to Pitt Meadows by ourselves and other dog owners from various communities is more than justifiable, as this is a service that offers very few locations for a population centre of Vancouver.

As well, her location makes it more than convenient for us to do some shopping at the Meadow Vale Centre at the Harris Road/Lougheed Hwy intersection, plus the Harris Road Langley Farm Market twice a week since the COVID Pandemic began.

Regards;

Larry & Lindsay Isaac

54-23651 132nd Ave  
Maple Ridge, BC V4R 0E9

October 13, 2020

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

To Whom It May Concern:

I have known Janet at HydroPaws as I had been taking my dog twice weekly for canine hydrotherapy sessions. My dog Abby had an illness called degenerative myelopathy, which is similar to ALS in humans. With this illness Abby went from the dragging off one foot then both feet, to use of a wheelchair as she was essentially paralyzed in her back end. Throughout this time, Janet used both the underwater treadmill and the enclosed pool for Abby's hydrotherapy sessions. While Abby may have not been able to weight bear on 4 limbs on land, the use of hydrotherapy allowed her to float and use her legs to walk/swim. To a canine caregiver, seeing your seemingly paralyzed dog kick and swim is mystifying and truly fulfilling at the same time. Knowing that my dog was feeling so free and seeing her so free, made me tear up every time.

While the benefits of hydrotherapy were clearly seen for my dog, I also benefited from these sessions knowing that Abby was in good hands with Janet, and knowing that Janet understood what I was going through too. HydroPaws is not just a business to Janet- it is a lifestyle choice of being able to help the dogs as much as their humans. I am lucky to live fairly local to HydroPaws, but many other dog owners do not have that luxury. Many of HydroPaws clients travel from farther distances and I know that Janet is always referring clients to other businesses within Pitt Meadows.

In addition to the hydrotherapy sessions with my dog Abby, I have had the opportunity to swim my two foster dogs in the enclosed pool. While these dogs were not physically disabled like Abby, they had special needs as well in requiring no other dogs around due to reactivity. I was unable to let them swim outdoors in most areas due to the reactivity. HydroPaws allowed these 2 foster dogs to individually swim their hearts out, have fun and come home tired. Without this opportunity to swim them, other forms of exercise (walks, hikes) were stressful at best. No one tells you how hard it is to walk their dog, until they have an outdoor lifestyle with a reactive dog.

Please feel free to contact me at [REDACTED] or [REDACTED] if you require additional information.

Kind regards,



Stephanie Finn

**From:** Lissa Price  
**Sent:** Tuesday, October 20, 2020 7:47:27 PM  
**To:** [council@pittmeadows.ca](mailto:council@pittmeadows.ca) <[council@pittmeadows.ca](mailto:council@pittmeadows.ca)>  
**Subject:** Hydropaws Business

Hi

I just wanted to let you know how appreciative I am for Janet & Hydropaws. Without her and the services she provides to our 4 legged friends, my dog would still be paralyzed.

She has gotten my dog walking and we are very optimistic that he will fully recover from his injury.

Please approve her business license so she can continue to provide an invaluable service.

I don't know what we would do without her.

Please feel free to contact me if needed.

Many Blessings

Lissa Price

[REDACTED]

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To whom it may concern,

I am writing this letter in regards to my support for HydroPaws (located at 18745 Ford Rd, Pitt Meadows) to continue business as they have been. HydroPaws hydrotherapy has saved my dogs life after a severe injury by providing highly trained staff and knowledge regarding rehabilitation for dogs. This business is a much needed establishment for the surrounding community. I myself travel [REDACTED] because HydroPaws is rated one of the best wellness centers around. They have not disappointed on their ability to provide wonderful services for my dog and that means the world to me. I hope this letter of support will help and support this business as it has helped me and my family.

Kind Regards,

Alexis Wylie

[REDACTED]

From: Cheryl Popeniuk [REDACTED]  
Date: Wed, Oct 28, 2020 at 4:24 PM  
Subject: HydroPaws Canine Hydrotherapy and Wellness Centre  
To: <[council@pittmeadows.ca](mailto:council@pittmeadows.ca)>

Good afternoon.

It is my understanding that the license for Janet Moors Hydropaws Therapy business is coming up for renewal. I wanted to write and provide you with the positive experience that I have had since utilizing their services. Not only has it been a huge benefit for my dog, but I'm sure a huge benefit for all of the clients that engage their services. They are not only addressing my specific concerns with my pet, but directing me to other additional alternative therapies and choices.

Dog owners are reaching out and looking for more integrative solutions to their canine issues, including anxiety, pain management as well as aggression. Hydrotherapy has been proven to be successful in treating these issues. The days of taking your dog to the vet and medicating them only are quickly disappearing. This is a good thing. It is known that integrative health care, along with Western veterinary medicine, is the best bet for long, healthy lives for our 4 legged best friends.

As a long time resident of Pitt Meadows, I was ecstatic to find that we had our own option of hydrotherapy in our beautiful (natural) back yard. It is great to know that myself, as well as the other thousands of dog owners in the City of Pitt Meadows, and other communities, can take advantage of the service that Hydropaws has to offer. In the end, we have everything to gain and nothing to lose, and the results are more healthy, happy and grounded animals.

Needless to say, HydroPaws has my undying gratitude and support and I am looking forward to many more visits in the future. Please feel free to contact me if there is any further information you may require.

Sincerely, Cheryl Popeniuk



From: Breanne Davie [REDACTED]  
Date: Fri, Oct 30, 2020 at 10:07 AM  
Subject: Letter for the city  
To: Hydro Paws <[hydropawstherapy@gmail.com](mailto:hydropawstherapy@gmail.com)>

To Whom it May Concern

We are writing to express our gratitude for a local Pitt Meadows business HydroPaws. We began attending hydropaws with our dog approximately 12 months ago when he was diagnosed with a degenerative disease similar to ALS in humans. We both truly feel that hydropaws is one of the main contributing factors our dog is still with us today. We are beyond thankful and grateful that such a progressive and diverse business was located within our small community. We are firm believers in supporting local businesses and this was definitely no exception. Hydropaws is a perfect place to take our pet; with a quiet location and only one dog seen at a time it provides a perfectly peaceful environment for our hyper boxer dog to be able to focus on his rehab effectively. We both work and live locally so being able to balance work life while still being able to provide our dog with this level of care is something we are beyond appreciative for.

Thank you for your time and please feel free to contact us if needed

Sincerely  
Breanne Davie and Curtis Bloom

[REDACTED]

Breanne Davie, BKin  
Practicing Kinesiologist  
Personal Trainer



**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](http://www.alc.gov.bc.ca)

July 30, 2019

ALC File: 58118

**Janet Moor**  
**DELIVERED ELECTRONICALLY**

Dear Janet Moor:

**Re: Application 58118 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 #264/2019). 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 Kelsey-Rae Russell at [ALC.SouthCoast@gov.bc.ca](mailto:ALC.SouthCoast@gov.bc.ca).

Yours truly,

Kelsey-Rae Russell, Land Use Planner

Enclosures: Reasons for Decision (Resolution #264/2019)  
 Schedule A: Decision Map

cc: City of Pitt Meadows (File: 6635-20-2018-06) Attention: Colin O'Byrne



**AGRICULTURAL LAND COMMISSION FILE 58118**  
**REASONS FOR DECISION OF THE SOUTH COAST PANEL**

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

**Applicant:** Xianhu Du

**Agent:** Janet Moor

**Property:** Parcel Identifier: 014-474-069  
Legal Description: Lot 1 Section 3 Block 6 North  
Range 1 East New Westminster District Plan  
82021  
Civic: 18745 Ford Road, Pitt Meadows, BC  
Area: 9.8 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] The Agent established the dog-oriented pet wellness hydrotherapy and boarding business as they believed that the business was consistent with kennel uses permitted in the A-1 designation of the City of Pitt Meadows Zoning Bylaw. However, the City of Pitt Meadows (the "City") clarifies that the pet hydrotherapy operation includes activities outside of the scope of a kennel and cannot be accommodated as a home-based business under the City's Zoning Bylaw or ALR Use Regulation. As such the Application has been submitted to the Agricultural Land Commission to bring the business into compliance.
- [3] Pursuant to s. 20(2) of the ALCA, the Agent is applying on behalf of the Applicant to the Agricultural Land Commission (the "Commission") to continue the operation of an animal wellness, hydrotherapy, and boarding facility on 0.1 ha of the Property (the "Proposal").
- [4] The issue the Panel considered is whether the Proposal will have an impact on the agricultural utility of 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.

## **BACKGROUND**

[7] The Property has been used as a blueberry farm for 20 years. In 2008, building permits were granted to construct a duplex on the Property for farm worker accommodation.

[8] In 2015, the Property was sold to the Applicant who lives off-site. In 2018, a lessee took over the berry operation on the Property. The Agent rents from the off-site owner and moved onto the Property with the intent to establish a dog-oriented pet wellness hydrotherapy and boarding business.

## **EVIDENCE AND FINDINGS**

**Issue: Whether the Proposal will have an impact on the agricultural utility of the Property.**

[9] Section 24(1) of the ALR Use Regulation permits home occupation in the ALR provided that it is not prohibited by a local government bylaw. The Application has come forward because the City’s Zoning Bylaw does not include hydrotherapy as a permitted home occupation use. The City’s Report to Council submitted with the Application clarifies that the animal care, treatment, and hospitalization are in the City’s definition of ‘Veterinary Service’ which is permitted in the C-1 (Highway Commercial) and C-2 (Neighbourhood Commercial) zones. For this reason, the Proposal is not permitted as a home occupation use as defined in the City’s Zoning Bylaw and therefore is not consistent with s. 24(1) of the ALR Use Regulation.

[10] The Application states that the ground floor of the duplex residence is utilized for boarding dogs that require therapeutic care, and that a 73.6 m<sup>2</sup> Quonset hut was constructed on a vacant cement pad for the therapy pool used for pet rehabilitation. The Applicant further submits that they have no intention of expanding the operation outside of its current footprint of ~0.01ha. The Panel considered the scope, nature, and location of the Proposal on the Property and finds that the use would have a minimal impact on the agricultural utility of the Property.

[11] At its meeting of February 12, 2019, the City of Pitt Meadows Council resolved to forward the Application with support. However, the Report to Council submitted with the Application states that in order to facilitate the Proposal, the Property would either need to be rezoned to C-1 (Highway Commercial) or C-2 (Neighbourhood Commercial), or would require a temporary use permit to bring the Proposal into compliance with the Zoning Bylaw. The Panel finds that rezoning the Property for a commercial use would be inconsistent with the agricultural priority use of the ALR and that a Temporary Use Permit (TUP) would be a more appropriate tool to ensure the temporary nature of the Proposal. The Panel is aware that the TUP will result in a maximum allowable time for the business to operate on the Property for 6 years. After that time, if the business still wishes to operate on the Property, the Applicant may submit a new application for non-farm use to request approval for an additional time period either through TUP or rezoning. Otherwise, the business will be required to relocate to a site that is compliant with existing zoning, outside the ALR.

## **DECISION**

[12] For the reasons given above, the Panel approves the Proposal to operate an animal wellness, hydrotherapy, and boarding facility on 0.1 ha subject to the following conditions:

- a. The issuance of a Temporary Use Permit (TUP) by the City of Pitt Meadows. A copy of which must be forwarded to the Commission;
- b. If the TUP 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. The non-farm use may not exceed 100m<sup>2</sup> in area; and
- e. Approval for non-farm use is granted for the sole benefit of the Agent and is non-transferable.

[13] 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.

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

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

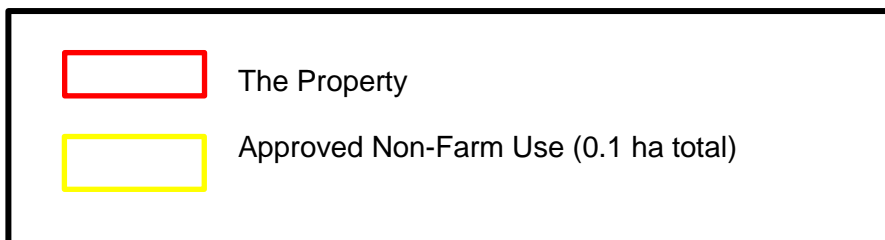
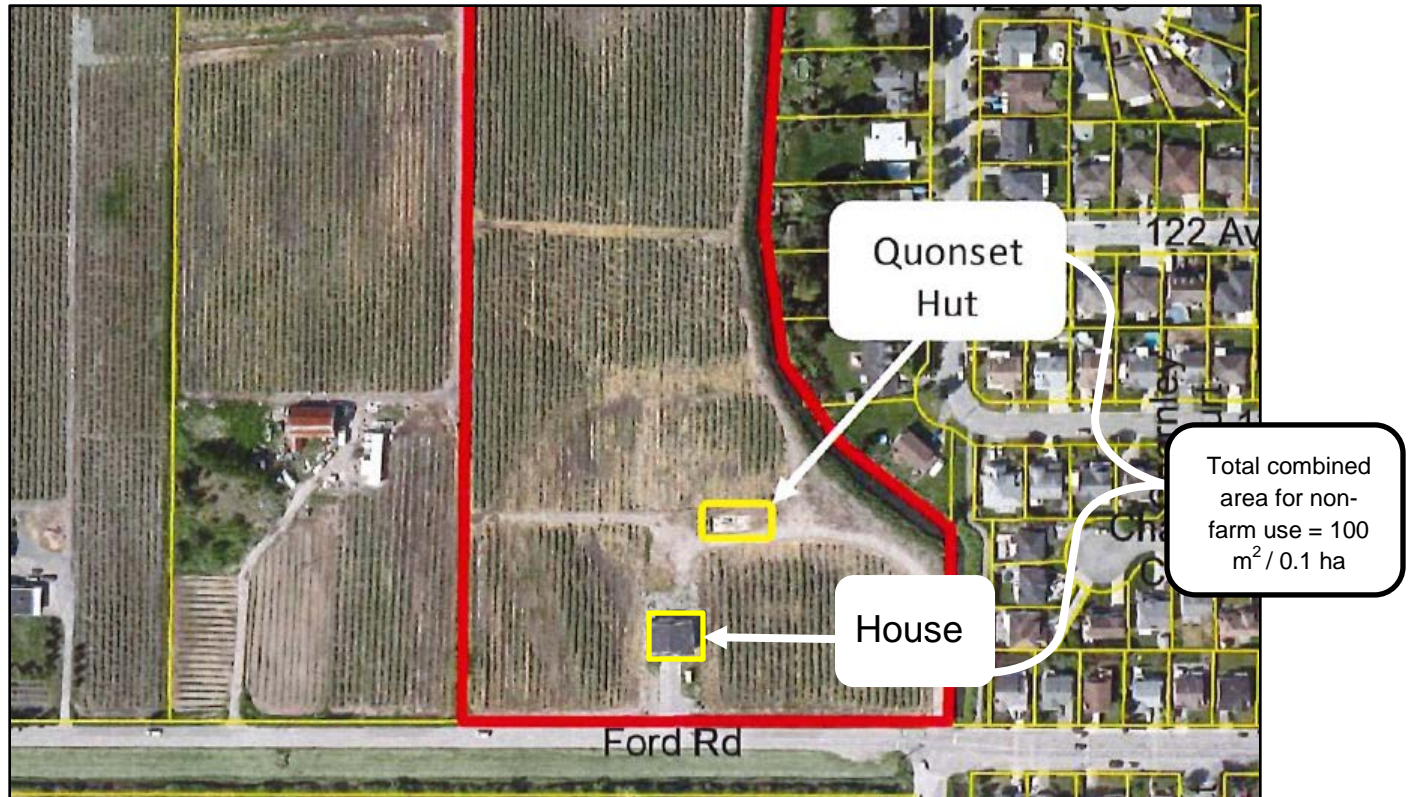
[16] Resolution #264/2019

Released on July 30, 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**

**RENEWAL OF TEMPORARY COMMERCIAL USE PERMIT NO. 2019-003**

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: **XIANHU DU (Property Owner)**  
2909 CLIFFROSE CRESCENT  
COQUITLAM, BC  
V3E 2S9

**JANET MOOR (Business Owner)**  
18745 FORD ROAD  
PITT MEADOWS, BC  
V3Y 0A5

(hereinafter called the "Permittee(s)")

WHEREAS the Permittee(s) wishes to conduct a commercial 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: 014-474-069***

***Legal Description: Lot 1 Section 3 Block 6 North Range 1 East New Westminster District Plan 82021***

(hereinafter called the "Lands")

AND WHEREAS the Permittee(s) has made application for a Temporary Commercial 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 Commercial 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:** 014-474-069

**Legal Description:** Lot 1 Section 3 Block 6 North Range 1 East New Westminster District  
Plan 82021

3. The Temporary Use described on this permit shall be discontinued on or before , 2022

4. The Temporary Use permitted on the said lands shall be to:

*Allow a dog hydrotherapy and boarding facility.*

5. The Temporary Use shall be carried out according to the following conditions:

- a. The non-farm use must comply with the conditions of the non-farm use approval granted by the Agricultural Land Commission under Resolution #264/2019, as follows:
  - i. The siting of the non-farm use shall be in accordance with 'Attachment A';
  - ii. The size of the operation shall be limited to 100 square metres;
  - iii. If this permit is cancelled for any reason, the non-farm use is no longer permitted;
  - iv. Approval for non-farm use is granted for the sole benefit of the Agent and is non-transferable;
- b. The applicant shall obtain a business license, building permit and any other applicable permits under all applicable City bylaws;
- c. The waste water from the hydrotherapy pool shall be disposed of in accordance with Building Bylaw No. 2131, 2003;
- d. This permit is only granted to HydroPaws. Shall the business no longer exist, the permit is no longer valid;
- e. 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;
- f. A \$1,000 refundable security in the form of a letter of credit will be held to ensure compliance with the terms and conditions of the permit;
- g. Business hours will be restricted to Monday – Saturday, 9:30 am 6:00 pm, with hours extended to 8:00 pm on a maximum of two evenings per week;
- h. Sound mitigation measures installed in accordance with the temporary use permit will be maintained.

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, BGS, LL.B., CPHR

\_\_\_\_\_  
Kate Barchard, Corporate Officer

\_\_\_\_\_  
Xianhu Du, Property Owner

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Janet Moor, Applicant

\_\_\_\_\_  
Print Name

SIGNED, SEALED AND DELIVERED BY  
the Owner of the Lands on  
the \_\_\_\_ day of \_\_\_\_\_, 2020



**Attachment "A"**

**Site Plan**

