

**TO:** His Worship Mayor Dan Ruimy  
and Members of Council  
**FROM:** Chief Administrative Officer  
**SUBJECT:** Non-Adhering Residential Use in the Agricultural Land Reserve  
22761 132 Avenue

**MEETING DATE:** September 5, 2023  
**FILE NO:** 2023-185-AL  
**MEETING:** CoW

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**EXECUTIVE SUMMARY:**

An application has been received for a Non-Adhering Residential Use (NARU) of the Agricultural Land Reserve (ALC Application #67593), for the property located at 22761 132 Avenue. The application proposes to maintain the existing two dwellings while the new residences are being constructed. Following the construction of the new residences, there would be no more than two dwelling units, with a maximum floor area of 90.0 m<sup>2</sup> (968.8 sq. ft.) for the detached garden suite (DGS) and 500.0 m<sup>2</sup> (5,382.0 ft<sup>2</sup>) for the single-family dwelling with occupancy permits existing at any given time, as per the Agricultural Land Reserve Use Regulations. The NARU application would be required in order to maintain the existing residences while the new dwelling units are under construction.

A restrictive covenant will also need to be registered on title as the property is in a Wildfire Development Permit Area. This will include detailed building design and landscaping requirements prior to Building Permit issuance.

This application is in compliance with the Official Community Plan (OCP).

**RECOMMENDATIONS:**

That Application 2023-185-AL, respecting property located at 22761 132 Avenue be forwarded to the *Agricultural Land Commission* for their review and consideration.

**DISCUSSION:**

**1. Background Context:**

Applicant:	Xiao L Guo
Legal Description:	Lot 1 Section 29 Township 12 New Westminster District Plan 9387
OCP:	
Existing:	<i>Agricultural</i>
Within Urban Area Boundary:	No
Zoning:	
Existing:	RS-3 (Single Detached Rural Residential)

Surrounding Uses:			
North:	Use:	Vacant	
	Zone:	R-1 (Single Detached (Low Density) Urban Residential & RS-3 (Single Detached Rural Residential)	
	Designation:	<i>Eco Cluster and Conservation</i>	
South:	Use:	Single Detached Residential	
	Zone:	RS-3 (Single Detached Rural Residential)	
	Designation:	<i>Agricultural</i>	
East:	Use:	Single Detached Residential/Agricultural	
	Zone:	RS-3 (Single Detached Rural Residential)	
	Designation:	<i>Agricultural</i>	
West:	Use:	Single Detached Residential/Agricultural	
	Zone:	RS-3 (Single Detached Rural Residential)	
	Designation:	<i>Agricultural</i>	
Proposed Use of Property:		Single Detached Residential & Detached Garden Suite Residential and Agriculture	
Site Area:		8.081 hectares (19.97 acres)	
Access:		132 Avenue	
Flood Plain:		Yes	
Fraser Sewer Area:		No	

## 2. Project Description:

The subject property is located at 22761 132 Avenue and currently contains two dwelling units (see Appendices A and B). This application for the Non-Adhering Residential Use is to allow the construction of a new residence while maintaining two existing residences for the period of construction (Appendix D). This application is received in accordance with the regulations under the *Agricultural Land Commission (ALC)*.

The size of the subject property is 8.081 ha (19.97 acres). The owner would like to reside in the existing houses while the new primary residence is being constructed. One existing house would then be either decommissioned or demolished as a condition of issuance of the Occupancy Permit for the newly built dwelling unit. Following this, one existing house as well as the new home will be resided in while construction begins for the second residence which will be used as a Detached Garden Suite (DGS). The final existing house would then be decommissioned or demolished as a condition of issuance of the Occupancy Permit for the proposed DGS.

Under the Agricultural Land Reserve Use Regulation, on an ALR property with a lot area of 40 hectares. (98.8 acres) or less, construction of two residences, one with the maximum floor area of 500.0 m<sup>2</sup> (5,382.0 sq. ft.) for the single-family dwelling and the other with the maximum floor area of 90.0 m<sup>2</sup> (968.8 sq. ft.) for the DGS is permitted. Provided that there is no more than one 500 m<sup>2</sup> (5,382.0 ft<sup>2</sup>) and one 90 m<sup>2</sup> (968.8 m<sup>2</sup>) residence with occupancy permits at one time on the property, this NARU is supported to be forwarded to the *Agricultural Land Commission (ALC)*.

The *Agricultural Land Commission* notes that decommissioning of existing homes can be a tricky endeavor. The applicants' first choice would be to decommission the homes, but would also completely demolish the buildings if decommissioning will not be supported by the ALC. They would

need to meet the BC Building Code's requirements for decommission. Either way, there would only be two residences with occupancy permits on site at any given time.

The location of these structures meets the Farm Home Plate (FHP) requirements, and the area of the FHP does not exceed a maximum contiguous area of 0.20 hectares (2000 m<sup>2</sup>).

### **3. Planning Analysis:**

The proposed single-family dwelling and DGS are permitted on the subject property and comply with *Zoning Bylaw No. 7600-2019* regulations for gross floor area of 500.0 m<sup>2</sup> and 90.0 m<sup>2</sup>, respectively and farm home plate and are supported for forwarding to the ALC. A variance will be required for the siting of the DGS in the side yard of the subject property, as these structures are currently only permitted in the rear yard.

The requested variance would be the subject of a future Council report, should this application be forwarded to and supported by the ALC.

#### **i) Development Permits:**

The proposed buildings will be constructed within the Farm Home Plate and therefore will not be within 50.0 m (164.0 ft) of the watercourse on site. Provided that building occurs according to the preliminary plans, there is no requirement for a Watercourse Development Permit at this time.

It should be noted that this property is located within a Natural Features Development Permit area for construction within the flood plain. This type of Development Permit is not currently being applied to single family residential construction, as long as they meet flood plain elevation.

Should the proposal change, a new application will be required and may be subject to a Development Permit for watercourses. Additionally, as this is a single-family dwelling site, this property meets the Development Permit Exemptions for wildfire, and will require a restrictive covenant on site for wildfire in lieu of a Development Permit.

### **4. Environmental Implications:**

There are no anticipated environmental implications with regards to this application, provided that construction will be located with the Farm Home Plate and as proposed. There are several watercourses on the northern portion of the lot, as well as being in a floodplain. There are areas of steep slopes on the property, and the northern portion is heavily treed. However, the proposed buildings will be located outside of the areas of steep slopes and heavily treed areas.

### **5. Agricultural Impact:**

All new construction will occur within the existing Farm Home Plate and is anticipated to have no additional negative impact on agricultural activities on the lot.

### **6. Intergovernmental Issues:**

Under Bill 52, the Ministry of Agriculture has increased restrictions for residential uses within the ALR, including (but not limited to) restricting the number of principal residences to one residence per parcel. Prior to Bill 52, the ALC requirements for replacing an existing dwelling unit were consistent with the Maple Ridge practice of requiring a Second Dwelling Agreement and securities to cover the

cost of demolition. These provisions allowed a second dwelling unit to be retained during the construction of a new dwelling unit, with the understanding that demolition would occur prior to the issuance of an Occupancy Permit for the new dwelling unit with the Building Department requiring a second dwelling agreement..

Under Bill 25, an ALC application is required if the property owner wishes to maintain the existing residence during the construction of a new residence.

## **7. Alternative:**

It is recommended that the application for the Non-Adhering Residential Use be forwarded to the ALC for consideration. Should Council not support the temporary retention of the second dwelling unit, Council may elect not to forward this application to the ALC, in which case it will be considered closed and the application will not proceed any further. In this case, the Building Department will not issue the Building Permit for the new dwelling unit until the existing house is demolished.

## **CONCLUSION:**

This application for a Non-Adhering Residential Use is for the owner to continue to reside in the existing houses while new houses are being constructed. This process follows the requirements of the ALC. The recommendation is to forward this application to allow an additional residence while constructing the new one to the ALC for consideration. No more than two dwelling units will be inhabited at any time.

"Original Signed by Annie Slater-Kinghorn"

*Prepared by:* **Annie Slater-Kinghorn, BA**  
**Planning Technician**

"Original Signed by Charles R. Goddard"

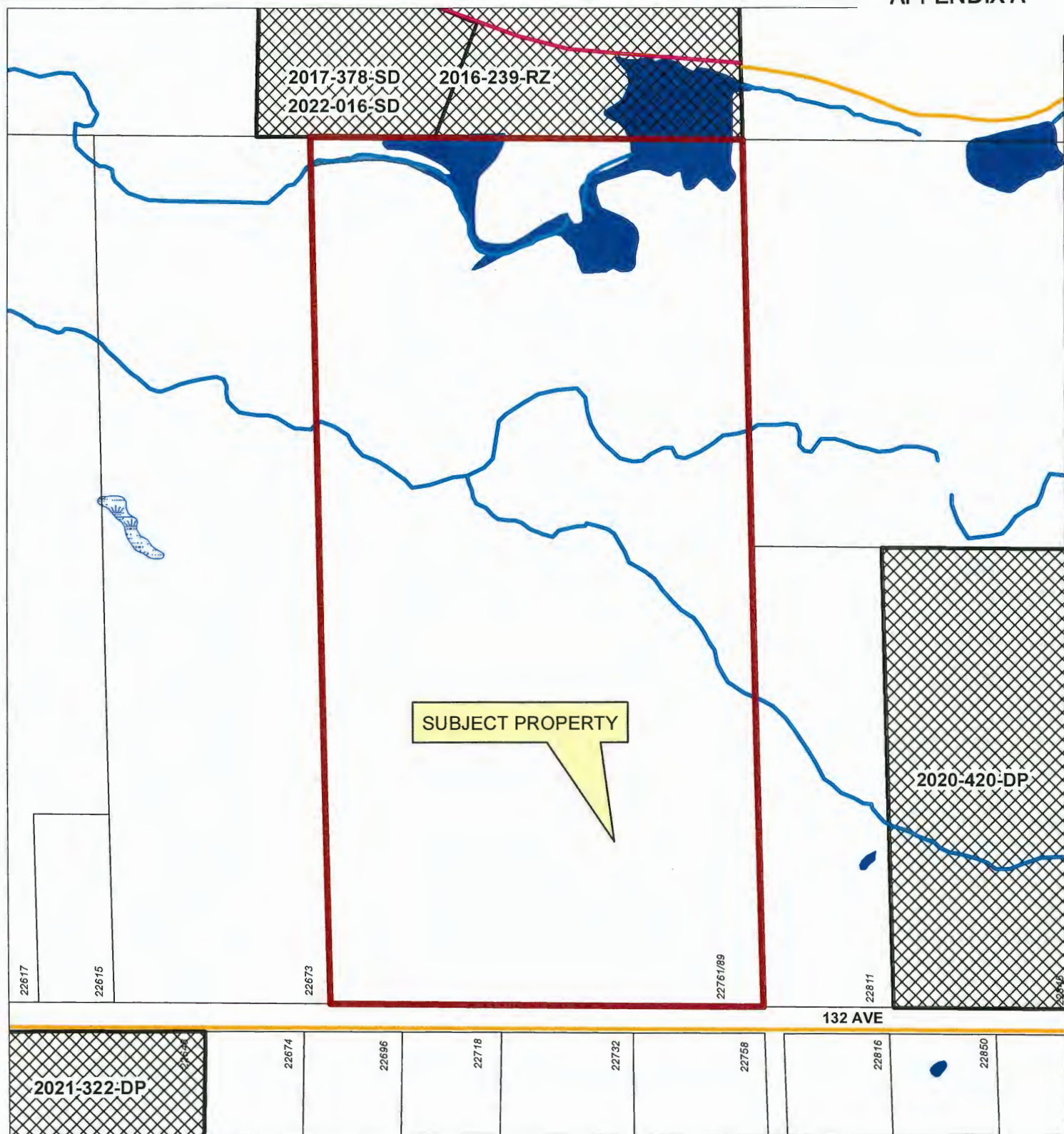
*Reviewed by:* **Charles R. Goddard, BA, MA**  
**Director of Planning**

"Original Signed by Scott Hartman"

*Concurrence:* **Scott Hartman**  
**Chief Administrative Officer**

The following appendices are attached hereto:

Appendix A – Subject Map  
Appendix B – Ortho Map  
Appendix C – Official Community Plan Map  
Appendix D – Site Plan



Scale: 1:2,500

### Legend

- Stream
- Existing Trails
- Pending, Proposed, & Desired Trails
- Active Applications (RZ/SD/DP/VP)
- Canal
- Lake or Reservoir
- Marsh

## 22761 132 AVENUE Subject Map

PLANNING DEPARTMENT



**MAPLE RIDGE**  
British Columbia

[mapleridge.ca](http://mapleridge.ca)

FILE: 2023-185-AL  
DATE: May 29, 2023

BY: AL





Scale: 1:2,500



22761 132 AVENUE  
Ortho Map

PLANNING DEPARTMENT



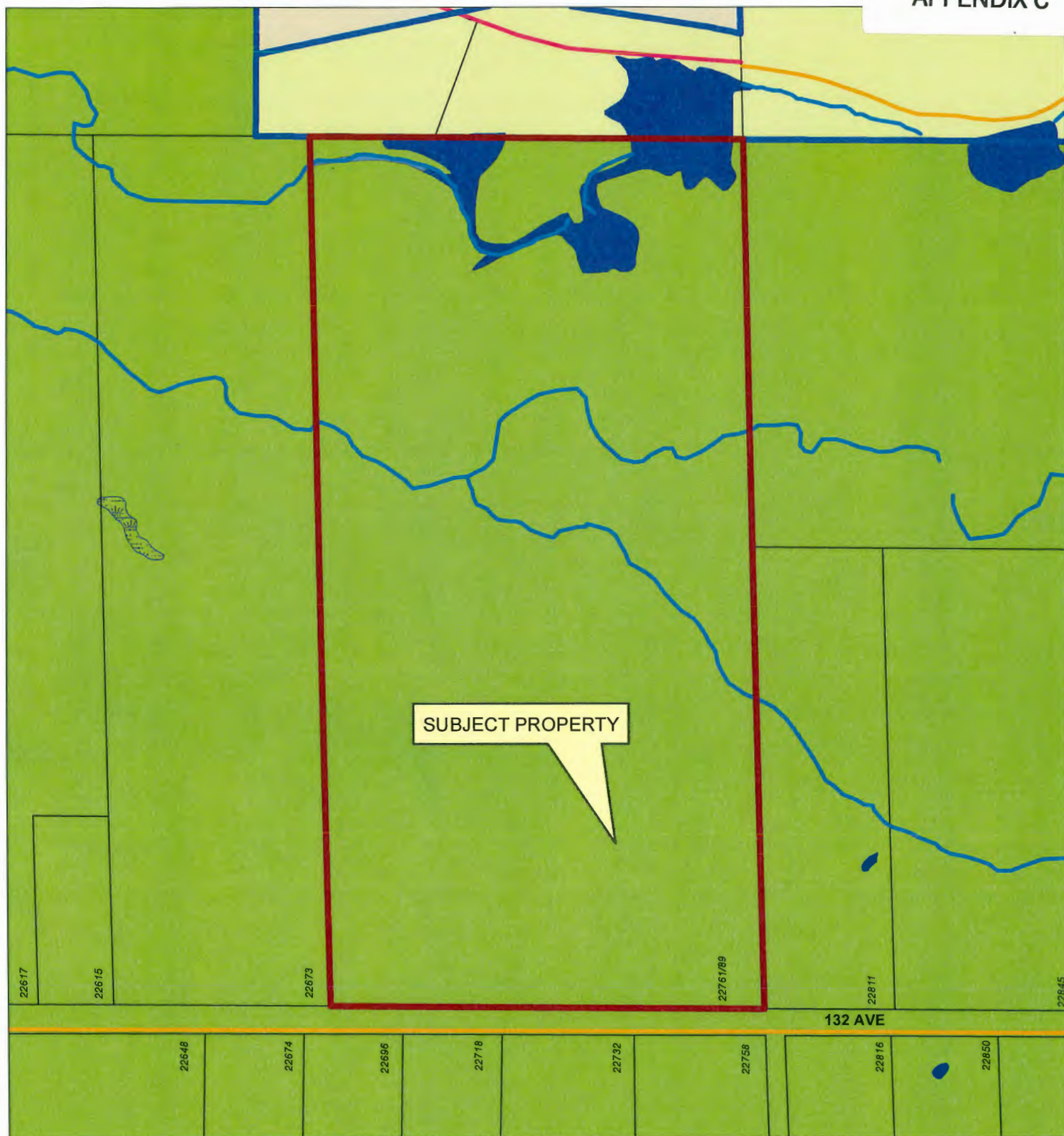
MAPLE RIDGE  
British Columbia

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FILE: 2023-185-AL  
DATE: May 29, 2023

BY: AL





Scale: 1:2,500

### Legend

- CONSERVATION
- ECO CLUSTERS
- Agricultural

## 22761 132 AVENUE LAND USE

PLANNING DEPARTMENT



**MAPLE RIDGE**

British Columbia

**mapleridge.ca**

FILE: 2023-185-AL

DATE: May 29, 2023

BY: AL

CIVIC ADDRESS:	22761 123 AVE, MAPLE RIDGE, B.C.
LEGAL DESCRIPTION:	LOT 01 SECT 29 TOWNSHIP 12 N.W.D. PLAN 9387
PID:	004-400-254
ZONE: RS-3 (AGRICULTURAL)	
LOT SIZE:	8,081 ha. (869, 931.60 SF)
LOT COVERAGE ALLOWED (1% OF LOT SIZE):	86, 983.10 SF
LOT COVERAGE:	7, 607.00 SF
FLOOR SPACE RATIO CALCULATION:	
MAIN HOUSE:	
MAIN FLOOR	3, 810.00 SF
UPPER FLOOR	1, 590.00 SF
NET AREA	5, 400.00 SF
GARAGE	451.00 SF
COVERED PORCH	967.00 SF
DETACHED GARDEN SUITE:	
MAIN FLOOR	94.00 SF
UPPER FLOOR	884.00 SF
NET AREA	969.00 SF
GARAGE	837.00 SF