

To: Electoral Area Services Committee
From: Tracey Heron, Planning Technician

Date: 2023-03-09
File No: 3060-20 2023-01

Subject: Development Variance Permit 2023-01 to reduce the setback for a manure pit at 40628 Lougheed Hwy, Area G

RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2023-01 to reduce the side lot line setback for a manure pit from 30.0 metres to 10.4 metres, measured from the toe of the berm, at 40628 Lougheed Hwy, Electoral Area G, subject to consideration of any comments or concerns raised by the public.

BACKGROUND

The property owner of 40628 Lougheed Hwy constructed a 4,682.3 m² manure pit without a building permit. A bylaw enforcement file was opened. To facilitate the closure of this bylaw file, a building permit and development variance permit application were applied for.

PROPERTY DETAILS			
Address	40628 Lougheed Hwy	Area	G
PID	001-508-563	Owner	Blundstone Acres Ltd. – Ken Vandeburgt
Folio	775.02650.000	Agent	Kloot Construction Ltd. – Brandon Kloot
Lot Size	39 acres		
Current Zoning	Agricultural 4 (AG-4)	Proposed Zoning	No change
Current OCP	Agricultural (AG)	Proposed OCP	No change
Current Use	Farm	Proposed Use	Manure pit
Development Permit Areas	1-F Geologic Hazard 2-F Riparian Areas		
Agricultural Land Reserve	Yes		

ADJACENT ZONING & LAND USES

North	^	Agricultural 4 (AG-4); Lougheed Hwy, Agriculture
East	>	Agricultural 4 (AG-4); Agriculture
West	<	Agricultural 4 (AG-4); Agriculture
South	v	Agricultural 4 (AG-4); Nicomen Island Trunk Rd, Agriculture

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Property Description

The subject property is 15.8 ha (39 acres) in size and lies about 3.8 km west of Deroche. This rectangular and relatively flat property lies within the Agricultural Land Reserve and is home to a dairy farm with approximately 100 cows. A small watercourse flows east to west through the property about 200 metres south of the new manure pit, before joining another ditch north of Lougheed Hwy and eventually draining into Nicomen Slough.

This established dairy farm has an existing house, numerous barns and outbuildings, and an older small manure pit approximately 350 m² in size.

Zoning

The subject property is zoned Agricultural 4 (AG-4) under *Zoning Bylaw No. 1638, 2021*, and supports Farming and Intensive Agriculture.

Within the zoning bylaw, the manure pit meets the definition of a structure, as a structure is defined as *any construction fixed to, supported by, or sunk into land or water*.

The minimum side lot line setback for all buildings and structures associated with the storage of manure in the zoning bylaw is 30.0 metres.

Variance Request - DVP 2023-01

The applicant is seeking to reduce the western side lot line setback from the required 30.0 metres to 10.4 metres from the toe of the berm to the side lot line. This measurement is taken from the outer edge, or the toe, of the berm as accessory structures are measured from the furthest extent of the structure.

Interior Lot Line Setback for Storage of Manure	
Permitted (zoning)	30.0m
Proposed	10.4m
Requested Variance	19.6 m

The distance from the inner edge of the structure to the property line is approximately 20.4 metres, as the distance from the toe of the berm to the inner edge of the structure is on average 10.0 metres in width.

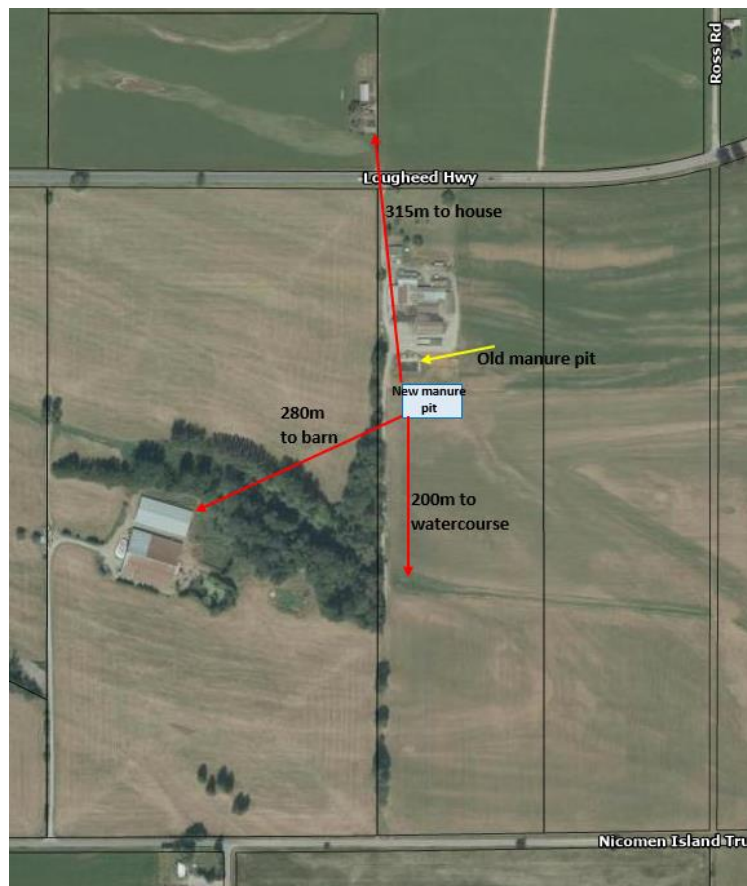


Figure 1: Image shows the approximate location of the newly created manure pit in relation to the old, smaller manure pit.

The dairy farm houses approximately 100 cows, which are mainly kept indoors, requiring the need for a larger manure pit.

The manure stored in the manure pit will be used to fertilize the 15.8 ha agricultural field.

Applicant Rationale

The applicant states the following reasons to support the variance request:

- The placement of the manure pit allows for the maximization of valuable farmland;
- Close proximity to barns and original manure pit; and
- There are no watercourses in proximity to the new manure pit.

The construction of the manure pit has been completed, and it would be extremely challenging and costly to decommission the newly constructed 4,682.3 m² manure pit and move it to meet the required side setback.

Agricultural Land Reserve

The property at 41300 Loughheed Hwy is within the Agricultural Land Reserve (ALR), a provincial zone in which agriculture is recognized as the priority use.

The provincial *Code of Practice for Agricultural Environmental Management* states the following setbacks are required for a composting structure:

BC Provincial Code of Practice Setbacks for a Composting Structure					
Drinking Water Source		Watercourse, other than a Drinking Water Source		Property Boundary	
Required	Actual	Required	Actual	Required	Actual
30 m	150m	15 m	200 m	4.5 m	10.4 m

The placement of the manure pit exceeds all provincial agricultural regulations from all water sources, watercourses, and property line boundaries.

Staff Comments

While the structure has already been constructed, staff support the manure pit location as:

- The manure pit is about 200 metres from the nearest known watercourse to the south;
- The manure pit exceeds the Provincial *Code of Practice for Agricultural Environmental Management* requirements for setbacks; and
- While new construction may occur on neighbouring properties, there are currently no structures in the nearby vicinity of the newly constructed manure pit.

Environmental and Safety Considerations

The subject property lies within the Fraser River floodplain, and the elevations around the toe of the manure pit range from 6.22 metres geodetic elevation to 7.43 metres geodetic elevation. The top of

the berm surrounding the manure pit has been elevated to an average of 8.7 metres geodetic elevation, which is 1.27 metres higher than the highest elevation around the toe of the berm.

The manure pit was lined with High-Density Polyethylene (HDPE), which is commonly used to line landfills and manure pits due to its excellent UV and chemical resistance. Both the design of the pit structure and the installation of the HDPE were completed professionally.

Filling of the manure pit is done from the top, and will be pumped as needed for field fertilization, or if the manure reaches 0.6 metres from the top. Monitoring of this depth will occur by the farmer during periods of high rainfall.

In addition to lining the manure pit, the outer berm will be grassed over to prevent erosion, and a 1.2-metre-tall fence will be installed around the perimeter for safety.

Building Permit

The applicant has applied to the FVRD Building Department for a building permit for the manure pit. The final inspection of building permit number BP015430 can be completed when the western side lot line setback matter has been resolved.

Bylaw Enforcement

The property at 40628 Lougheed Hwy has an active bylaw file open for the construction of a manure pit without a building permit. During the inspection of the manure pit for the open bylaw file, it was also determined that the new structure was built too close to the western interior lot line.

Completion of this development variance permit will facilitate the closure of the bylaw enforcement file on the subject property.

Neighbourhood Notification and Input

All property owners within 30 metres of the property will be notified by FVRD of the development variance permit application and will be given the opportunity to provide written comments or attend the Board meeting to state their comments. FVRD staff encourage the applicant to advise neighbouring property owners and residents of the requested variance in advance of the mail-out notification. To date, no letters of support or objection have been submitted.

COST

The application fee of \$1,600 has been paid in full by the applicant. This includes the extra \$300 charge for development variance permits originating from a bylaw file.

CONCLUSION

The applicant for 40628 Lougheed Hwy has applied for a development variance permit to reduce the western side lot line from the required 30.0 metres as stated in *Zoning Bylaw No. 1638, 2021*, to 10.4 metres, measured from the toe of the berm.

A bylaw file was opened on the property as a building permit was not obtained for the construction of the manure pit. To ensure compliance with the zoning bylaw, the applicant has since applied for a building permit in conjunction with a development variance permit.

This established dairy farm houses approximately 100 cattle within the barns, requiring a new and larger manure pit than what previously existed. The location of the new manure pit helps to minimize the footprint of structures on the property, while maximizing useable farm land for forage.

Staff are supportive of this variance application due to the 200 metre distance to the nearest known watercourse, which reduces the likelihood of stream contamination. The manure pit also exceeds the agricultural requirements for composting structure distances from watercourses, water sources, and property lines as stated in the BC Provincial *Code of Practice for Agricultural Environmental Management*.

As such, staff recommend Development Variance Permit 2023-01 be issued by the Fraser Valley Regional District Board, subject to any comments or concerns raised by the public.

OPTIONS

Option 1 – Issue (Staff Recommendation)

MOTION: THAT the Fraser Valley Regional District Board issue Development Variance Permit 2023-01 to reduce the western side lot line setback for a manure pit from 30.0 metres to 10.4 metres, measured from the toe of the berm, at 40628 Lougheed Hwy, Electoral Area G, subject to consideration of any comments or concerns raised by the public.

Option 2 – Refuse

If the Board wishes to refuse the application, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional Board refuse Development Variance Permit 2023-01 for the property located at 40628 Lougheed Hwy, Electoral Area G.

Option 3 – Refer to Staff

If the Board wishes to refer the application back to staff to address any outstanding issues, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2023-01 for the property located at 40628 Lougheed Hwy, Electoral Area G to FVRD staff.

COMMENTS BY:

Hasib Nadvi, Manager of Planning: reviewed and supported

Graham Daneluz, Director of Planning & Development: reviewed and supported

Kelly Lownsborough, Director of Corporate Services/CFO: Reviewed and supported

Jennifer Kinneman, Chief Administrative Officer: Reviewed and supported.

DEVELOPMENT VARIANCE PERMIT 2023-01
SCHEDULE A
Site Plan

