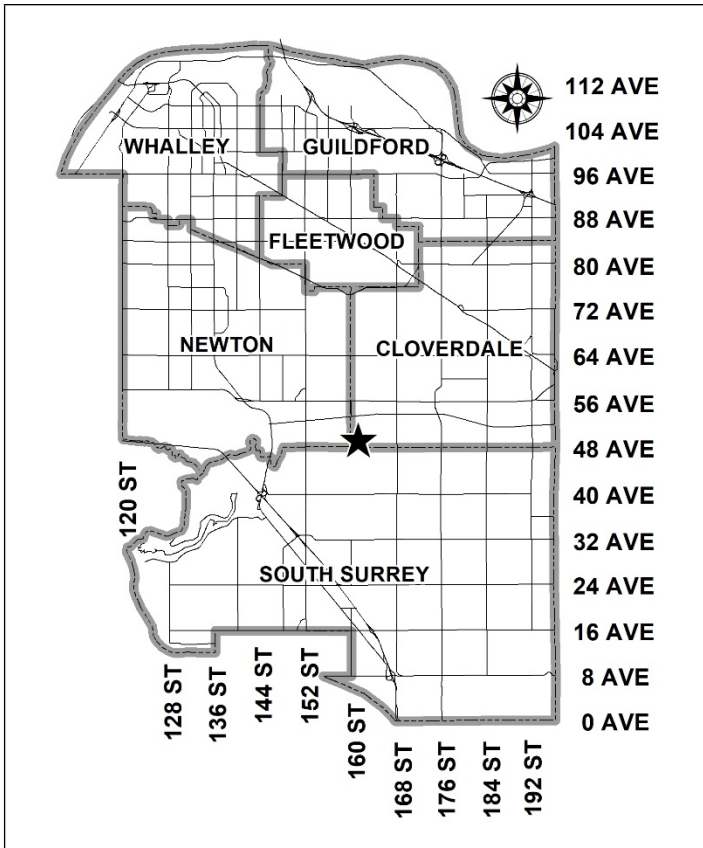


City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7921-0280-00

Planning Report Date: April 17, 2023



PROPOSAL:

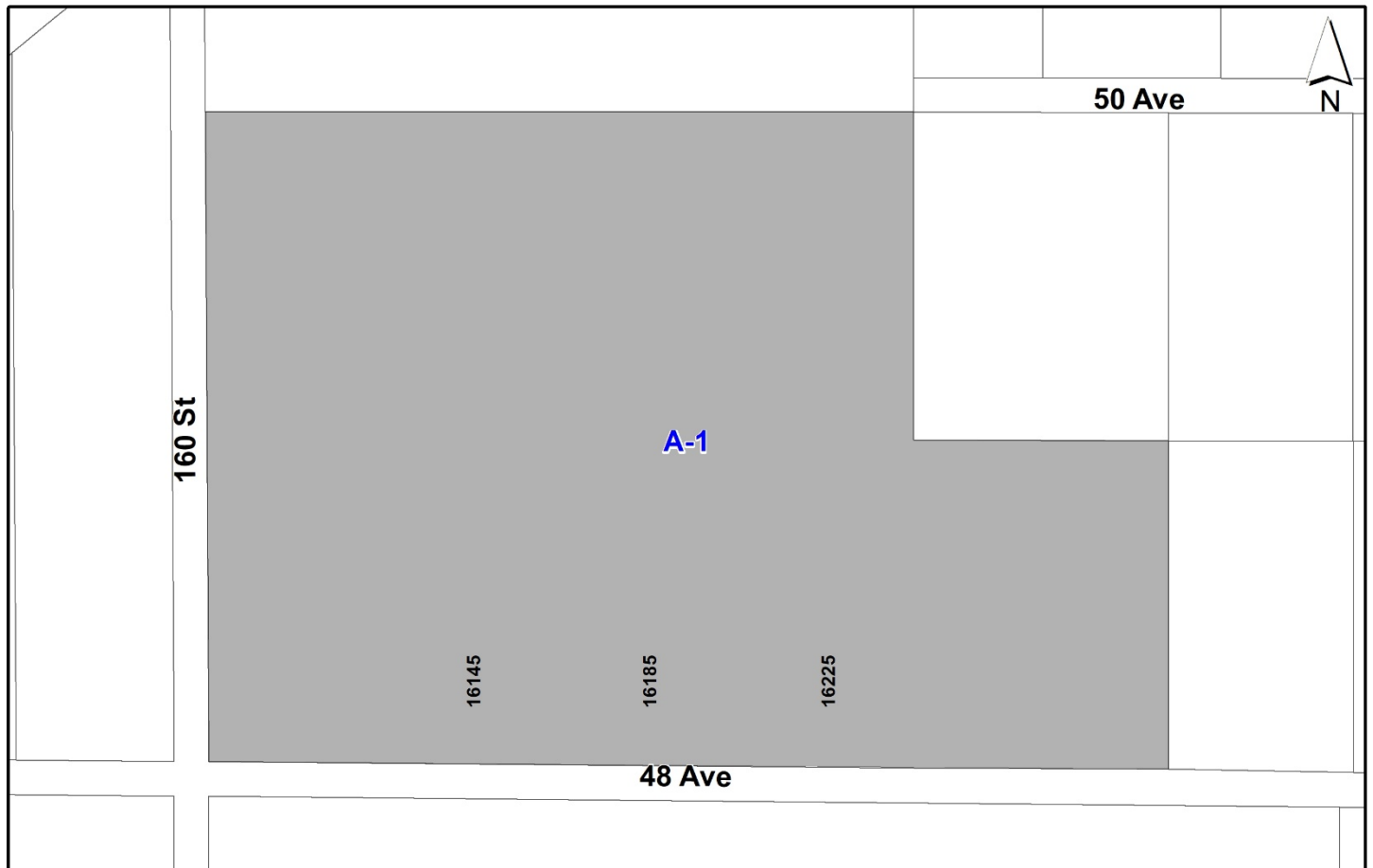
- **Rezoning** from A-1 to CD
- **Development Permit**
- **Non-adhering residential use** under Section 20.1 of the *ALC Act*.

to permit the construction of a third single family dwelling on a farm site within the Agricultural Land Reserve (ALR).

LOCATION: 16145 - 48 Avenue
 (16185 & 16225 - 48 Avenue)

ZONING: A-1

OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

- By-law Introduction for Rezoning (without scheduling a Public Hearing);
- Approval to draft Development Permit for Sensitive Ecosystems; and
- Refer the subject non-adhering residential use application to the Agricultural Land Commission (ALC) for consideration of approval.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Proposing to increase the number of residences permitted under the *Agricultural Land Commission Act (ALCA)*, and under the A-1 Zone, to allow for the construction of a new third single family dwelling.
- Proposing to increase the maximum size of the farm residential footprint permitted in the "General Agriculture Zone (A-1)".

RATIONALE OF RECOMMENDATION

- The proposal partially complies with the Agricultural designation in the Official Community Plan (OCP).
- The proposal complies with the Development Permit requirements in the OCP for Sensitive Ecosystems (Streamside Areas).
- Under Section 18(2) of the *Agricultural Land Commission Act* a local government may approve or permit a non-farm use of agricultural land only if the non-farm use is a permitted non-farm use.
- A non-adhering residential use application is required under the Agricultural Land Commission Act (ALCA) for the proposed replacement 3rd dwelling.
- The City's Agriculture & Food Policy Advisory Committee (AFPC) reviewed the subject rezoning application on April 4, 2023 and recommended the subject Non-Adhering Residential Use Application be referred to the Agricultural Land Commission for consideration.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize referral of the application to the Agricultural Land Commission for consideration of approval.
2. A By-law be introduced to rezone the subject site from "General Agriculture Zone (A-1)" to "Comprehensive Development Zone (CD)" and a date be set for Public Hearing if approval is granted by the Agricultural Land Commission.
3. Council authorize staff to draft Development Permit No. 7921-0280-00 for Sensitive Ecosystems (Streamside Areas), generally in accordance with the attached drawings (Appendix I) and the finalized Ecosystem Development Plan.
4. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) submission of a finalized landscaping plan and landscaping cost estimate to the specifications and satisfaction of the Planning and Development Department;
 - (c) submission of a finalized Ecosystem Development Plan and Impact Mitigation Plan to the satisfaction of City staff;
 - (d) demolition of the existing building to the satisfaction of the Planning and Development Department;
 - (e) registration of a combined Statutory Right-of-Way / Section 219 Restrictive Covenant over the designated Streamside Protection Area for both "No Build" and conveyance access;

SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Three (3) existing single family dwellings (one proposed for removal), multiple farm use buildings and active farmland in the ALR	Agricultural	A-1
North:	Single family dwelling, multiple farm use buildings and active farmland in the ALR	Agricultural	A-1

Direction	Existing Use	OCP Designation	Existing Zone
East:	Multiple farm use structures in the ALR	Agricultural	A-1
South (Across 48 Avenue):	Single family dwelling and multiple farm use buildings in the ALR	Agricultural	A-1
West (Across 160 Street):	Active farmland in the ALR	Agricultural	A-1

Context & Background

- The subject property is 18.2 hectares in size and is located at 16145 – 48 Avenue in Cloverdale.
- The property is designated Agricultural in the Official Community Plan (OCP), zoned General Agriculture Zone (A-1), and located within the Agricultural Land Reserve (ALR).
- The subject site has three existing single-family dwellings, and multiple farm use structures used for on site farm operations.
- The subject site currently has a farm residential footprint of approximately 9,041.10 square metres.
- The subject site was consolidated from 2 lots into 1 lot in 2010. Two of the existing dwellings were already constructed, and the third dwelling was under construction, prior to this consolidation.
- The three existing dwellings, and the farm residential footprint in excess of 2000 square metres, are grand parented under previous zoning and ALC Policies.
- Two of the dwellings are inhabited by the family that own and operate the farming business. The most recently constructed dwelling is approximately 432 square metres in floor area. According to the applicant, the second, older dwelling, is undersized for their growing family. The applicant proposes that this older dwelling will be demolished as part of this application and replaced with the proposed new dwelling.
- The third existing dwelling is used as farm worker accommodation for foreign workers and is approximately 356 square metres in floor area. The applicants have informed staff that the farm operation employs 10 foreign farm workers who are part of the Government of Canada's Seasonal Agricultural Workers Program (SAWP) as well as the temporary foreign workers program.
- The applicants have informed staff that the large farm operation was established in 1975 and includes the growing, storing and packing of various produce products including carrots, potatoes, cabbage, parsnips, lettuce, and beets. All existing farm structures will be retained for ongoing farm production operations.

- There are several Class AO watercourses located on the subject property. The watercourse that runs parallel to the front property line, between the subject site and 48th Avenue, will be protected through the associated Sensitive Ecosystem Development Permit.
- Surrounding lands to the north, east and south are also designated Agricultural in the OCP, located within the ALR and zoned General Agriculture Zone (A-1).

DEVELOPMENT PROPOSAL

Planning Considerations

- The property owners are proposing to build a new single family dwelling on the subject site that will be 542 square metres in floor area. One of the existing dwellings will be demolished prior to the construction of the proposed dwelling. This new dwelling will then be the new third dwelling on the subject site.
- The applicants propose to rezone the site from "General Agriculture Zone (A-1)" to "Comprehensive Development Zone (CD)" (based on A-1) to permit the three dwellings on site.
- The proposed "Comprehensive Development Zone (CD)" will differ from the A-1 Zone in that it will:
 - Permit three dwellings on site, including the existing dwelling, the existing farm worker's residence, and the proposed new dwelling.
 - Allow a maximum Farm Residential Footprint area greater than 2000 square metres.
- The request for the third dwelling requires a non-adhering residential use application with the ALC as it is not a permitted residential use under ALC policies.
- The applicants confirm that the farm residential footprint for the proposed new residence is proposed to be 2,175.9 square metres.
- The applicants confirm that the total area of the farm residential footprint for all residences is proposed to be 9,277.50 square metres.
- The applicants inform staff that the area where the dwelling is to be demolished will be reverted for agriculture use. It will be used as a trial parcel to assess the adaptability of various crops to environmental and weather conditions, and the feasibility of larger scale production. This area will be approximately 1,939.50 square metres.
- The applicants inform staff that the fragmented portion of agricultural land adjacent to the east and south perimeter of the proposed new farm residential footprint will be used for planting fruit trees or another similar use.
- A Development Permit for Sensitive Ecosystems for streamside areas is required as part of this application for the Class AO watercourse fronting the proposed farm residential footprint along 48 Avenue.

- Staff are not aware of another site where three dwellings have been permitted on an oversized farm residential footprint, with respect to current-day Zoning By-law regulations and ALR policies. Staff acknowledges that this unprecedented proposal has the potential to influence expectations regarding future development in the ALR. However, staff also note that there are unique circumstances regarding this proposal that suggest it has merit, including that there are currently 3 existing dwellings on the subject site (with no increase in the number of dwellings proposed) and that this parcel was consolidated in the past for the purpose of improving the viability of agricultural operations.

Referrals

Engineering:	The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix II.
Agriculture & Food Policy Committee (AFPC):	At the April 4, 2023 meeting, AFPC recommended that the proposed Non-Adhering Residential Use Application be supported and forwarded to the ALC for consideration.

Transportation Considerations

- The existing driveway access to the existing dwellings will be maintained. For the proposed single family dwelling, a new driveway access will be installed over the Class A/O watercourse along 48 Avenue, requiring a notification under the Water Sustainability Act.

POLICY & BY-LAW CONSIDERATIONS

Regional Growth Strategy

- The subject site complies with the "Agricultural" designation of Metro Vancouver's Regional Growth Strategy.

Official Community Plan

Land Use Designation

- The subject site complies with the "Agricultural" designation under the OCP. This designation supports agriculture, complementary land uses and public facilities. This designation includes lands within the Agricultural Land Reserve (ALR) as well as rural lands outside of the ALR that are used for farming.

Themes/Policies

- Surrey's OCP outlines various policies to be considered with respect to agricultural lands inside and outside the ALR, including:

- Policy A1.4 – Strongly discourage applications for urban expansion into the Agricultural Land Reserve (ALR), consistent with policies outlined in Section E3 of this Official Community Plan.
 - Policy E3.2 – Ensure all land uses within the Agricultural Land Reserve conform to the policies and regulations of the *Agricultural Land Commission Act* and the *Farm Practices Protection Act* (as amended).
 - Policy E3.8 – Maximize the productive utilization of agricultural land through such means as amending by-laws, policies, and other regulations, as appropriate, to support agricultural production and innovation.
- Although the proposal is not wholly consistent with OCP policies regarding compliance with ALCA regulations, the replacement of an existing dwelling for the purposes of providing housing for the owners and operators of the agricultural operation is consistent with the policy of supporting agricultural production.

Agricultural Land Commission Act and Regulations

- Section 20.1(1)(a) of the *ALCA* restricts the number of residences permitted on a parcel in the Agricultural Land Reserve (ALR) to one (1).
- Section 20.1(1)(b) of the *ALCA* restricts the maximum total floor area of a principal residence to 500 square metres.
- Section 20.1(2)(a) of the *ALCA* authorizes a property owner to apply to the ALC for a non-adhering residential use.
- ALC Policy L-26, adopted April 2020, outlines general guidelines for the ALC consideration of non-adhering residential use applications which request residential uses in excess of those permitted by the ALC Act or its regulations.
- ALC Policy L-26, adopted April 2020, indicates that the total residential footprint for a principal residence should not be more than 2,000 square metres, that the total residential footprint for each permitted additional residence should not be more than 1,000 square metres, and that the total residential footprint for each permitted temporary farm worker housing space should not be more than 35 square metres per worker.
- Section 35(a)(i) of the *ALCA ALR-Use Regulation* restricts the total area from which soil is removed or on which fill is placed to 1,000 square metres or less.
- Staff note that the three dwellings on the subject site are existing non-conforming. The applicant is seeking authorization for a non-adhering residential use to allow replacement of one existing dwelling.

CD By-law

- The applicant is proposing a "Comprehensive Development Zone (CD)" to accommodate a proposed third dwelling and a farm residential footprint greater than 2,000 square metres on the subject site. The proposed CD By-law for the proposed development site identifies the uses, densities and setbacks proposed. The CD By-law will have provisions based on the "General Agriculture Zone (A-1)".
- The proposed CD By-law will contain the same requirements as the "General Agricultural Zone (A-1)" with one additional permitted use, density, and special regulation, as follows:
 - Two additional single family dwellings.
 - The maximum floor area of each dwelling unit shall be as follows:
 - Principal dwelling: 432 square metres.
 - Second dwelling: 357 square metres.
 - Third dwelling: 500 square metres.
 - The farm residential footprint area is to be a maximum of 9,277 square metres.
- The Ministry of Agriculture recommends a minimum useable floor area of between 7.44 to 10 square metres (with a minimum air space of 8.5 cubic metres) per worker in the sleeping area. The floor area in washrooms, laundry rooms, mechanical rooms and storage rooms is not considered useable living area and is not included in the calculation of useable floor area.
- As the Zoning By-law does not contain any provisions with respect to farm worker accommodation the proposed additional dwelling units will be required to comply with all relevant Provincial guidelines for the provision of seasonal housing for temporary farm workers as well as the BC Building Code.

Applicant's Rationale

- The applicants have provided the following rationale for this proposal:
 - The applicants are the owners and operators of the farm practices on the subject site. The farm business is owned by four brothers, whose children are also involved in the onsite farm operations. All families live on the subject site, and the applicants would like to continue to grow their farm operations and their families on the subject site.
 - The families live within two of the existing single family dwellings on the subject site. The dwelling that is proposed for demolition is old and too small for the growing families. The proposed new dwelling will allow them to remain living on the farm as the families grow.
 - The site already has three existing dwellings, and a farm residential footprint in excess of 2000 sq m, that are grand parented under previous zoning and ALC Policies.

- The proposed farm residential footprint of 9,277.50 square metres is close in size to the existing farm residential footprint of 9,041.10. The net loss in agricultural land will be about 236 square metres.
- The applicants highly depend on the foreign farm workers to maintain a viable farm operation. These are full time employees who work a minimum of 40 hours per week on site and live in one of the existing dwellings.
- Staff support the proposal as it supports the ongoing viability of the existing agricultural operation.

PUBLIC ENGAGEMENT

- Pre-notification letters were sent on September 12, 2022, and the Development Proposal Signs were installed on September 12, 2022. Staff received 3 responses from neighbouring residents (*staff comments in italics*):
 - The primary concern of the 3 residents was the nuisance of multiple trucks accessing the site daily. The residents did not want this proposed rezoning to allow more of this use.
 - *Staff advised the residents that these trucks were used to access the farm operations on site as the owners have a large farming business. All farm production and distribution occur directly from the subject site and the trucks are needed for this operation. Staff also advised the residents that the current application is in regard to the residential structures associated with the subject site only and that the farm uses on site are permitted uses under the A-1 Zone.*

DEVELOPMENT PERMITS

Sensitive Ecosystems (Streamside Areas) Development Permit Requirement

- The subject property falls within the Sensitive Ecosystems Development Permit Area (DPA) for Streamside Areas in the OCP, given the location of an existing Class AO (red-coded) watercourse which flows into the Serpentine River. The Sensitive Ecosystems (Streamside Areas) Development Permit is required to protect aquatic and terrestrial ecosystems associated with streams from the impacts of development.
- In accordance with Part 7A Streamside Protection setbacks of the Zoning By-law, a Class A/O (red-coded) watercourse requires a minimum streamside setback of 15 metres, as measured from the top of bank. The proposed setbacks comply with the requirements outlined in the Zoning By-law.
- The riparian area will be protected through the registration of a combined Restrictive Covenant/Right-of-Way against the property to ensure safeguarding and maintenance of the Protection Area in perpetuity, in compliance with the OCP.
- A notification under the Water Sustainability Act is required due to a new driveway access proposed to be installed over the Class A/O watercourse along 48 Avenue.

- An Ecosystem Development Plan, prepared by Afshin Parsamanesh, *R.P. Bio.*, of Enkon Environmental Ltd. and dated October 17, 2022 was reviewed by staff and found to be generally acceptable, with some modifications to content and format of the report still required. The finalized report and recommendations will be incorporated into the Development Permit, should Council elect to allow the application to proceed.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

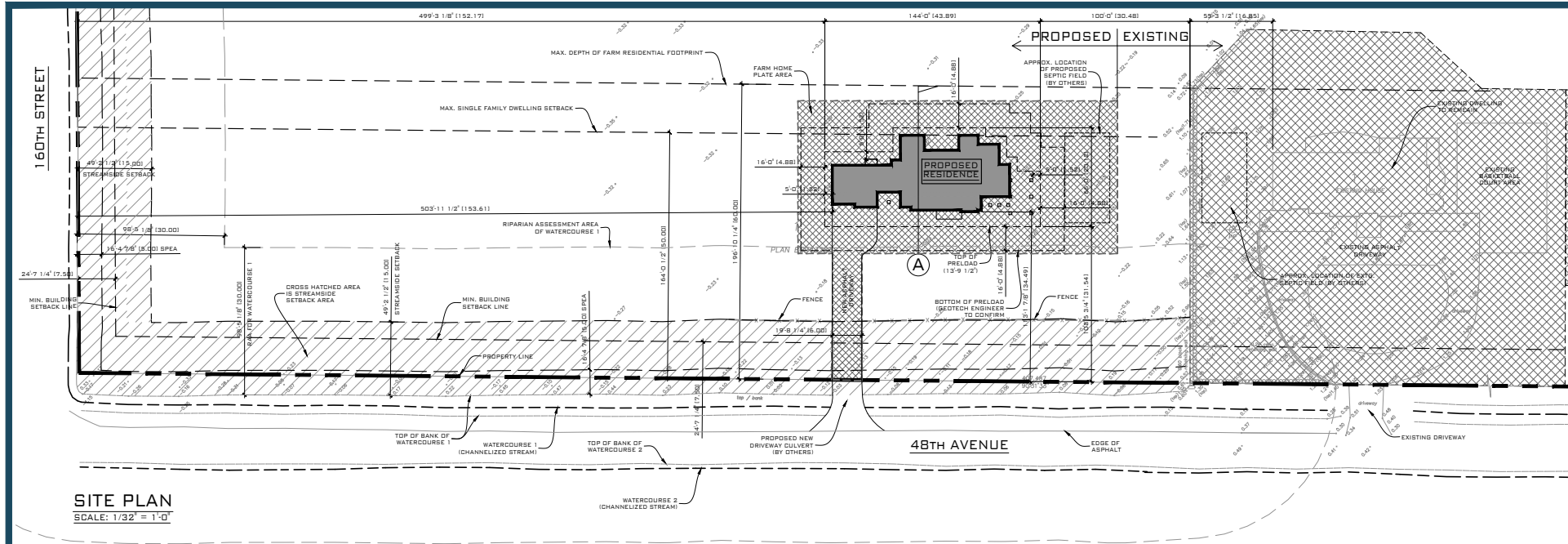
The following information is attached to this Report:

Appendix I.	Site Plan
Appendix II.	Engineering Summary
Appendix III.	Draft AFPC Minutes – April 4, 2023
Appendix IV.	Aerial Photo

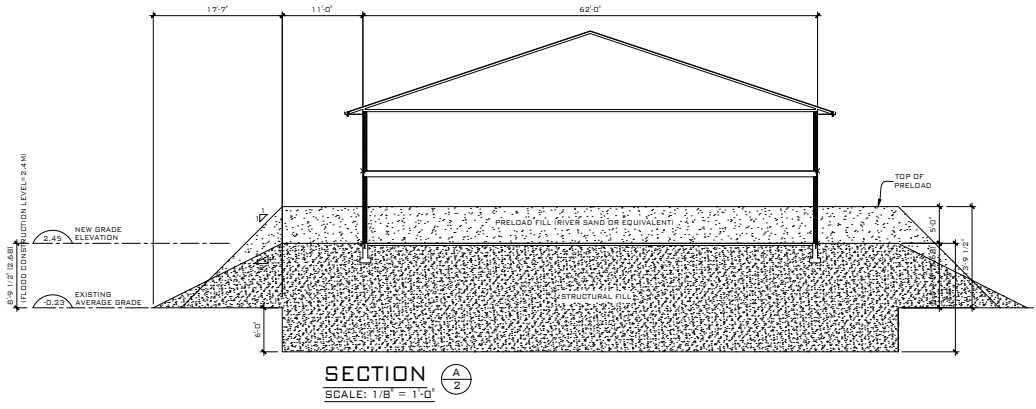
approved by Ron Gill

Don Luymes
General Manager
Planning and Development

AT/ar



SITE PLAN
SCALE: 1/32" = 1'-0"



SECTION A
SCALE: 1/8" = 1'-0"

SITE DATA

SITE AREA: 2,078,703.8 SQ.FT. (193,117.90 SQ.M.)

ZONING: A1

AREA REVERTED BACK TO AGRICULTURAL USE = 20,877 SQ.FT. (1,939.5 SQ.M.)

PROPOSED NEW NON-FARM USE AREA = 23,420.8 SQ.FT. (2,175.9 SQ.M.)
(INCLUDES NEW DRIVEWAY, SOIL PRE-LOAD FILL AREA AND NEW SEPTIC FIELD)

FARM HOME PLATE AREA:

EXISTING DWELLING AREA (INCLUDES FILL AREA, DRIVEWAY, RECREATION, AND SEPTIC AREA) = 55,562 SQ.FT. (5,161.9 SQ.M.)

EXISTING FARM WORKER'S DWELLING AREA (INCLUDES SEPTIC AREA) = 20,879 SQ.FT. (1,939.7 SQ.M.)

TOTAL EXISTING FARM HOME PLATE AREA = 76,441 SQ.FT. (7,101.6 SQ.M.)

PROPOSED FARM HOME PLATE AREA = 23,420.8 SQ.FT. (2,175.9 SQ.M.)
(INCLUDES FILL AREA, NEW DRIVEWAY AND NEW SEPTIC FIELD)

TOTAL FARM HOME PLATE AREA = 99,861.8 SQ.FT. (9,277.5 SQ.M.)

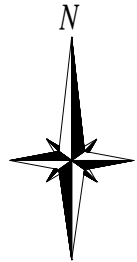
MAX. FARM HOME PLATE AREA ALLOWED = 2000 SQ.M + 2X1000 SQ.M. = 4000 SQ.M. (43,056 SQ.FT.)

MIN. SETBACKS:		
	MIN. REQUIRED:	PROPOSED:
FRONT:	7.5 M	34.49 M
REAR:	12.0 M	326.49 M
SIDE:	13.5 M	393.43 M
STREET SIDE:	7.5 M	153.61 M

FLOOR AREA CALCULATIONS:

FLOOR AREA:	5,382 SQ.FT. (500 SQ.M.)
MAX ALLOWED:	452 SQ.FT. (42 SQ.M.)
MAX GARAGE:	
PROP. HOUSE =	5,834.00 SQ.FT. (542.0 SQ.M.)
EXISTING HOUSE =	7,923.00 SQ.FT. (431.6 SQ.M.)
EXISTING FOREIGN WORKER'S HOUSE =	3,833.00 SQ.FT. (356.1 SQ.M.)
TOTAL FLOOR AREA =	17,590.00 SQ.FT. (1,634.2 SQ.M.)

LOT COVERAGE: N/A



BY	DATE	REVISIONS



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DESIGNED BY: XXXX
DRAWN BY: XXXX
CHECKED BY: J. WILLSON
SCALE: AS NOTED
DATE: 01 FEB., 2023

OWNER: CANADIAN FARMS
PROJECT: SITE PLAN

ADDRESS: 16145 48TH STREET SURREY, BC
PLAN #: WR-22-20
PAGE: 2 OF 2



INTER-OFFICE MEMO

TO: **Manager, Area Planning & Development
- North Surrey Division
Planning and Development Department**

FROM: **Development Services Manager, Engineering Department**

DATE: **October 25, 2022** PROJECT FILE: **7821-0280-00**

RE: **Engineering Requirements
Location: 16145 48 Ave**

DEVELOPMENT PERMIT/DEVELOPMENT VARIANCE PERMIT

The following issues are to be addressed as a condition of issuance of the Development Permit for Sensitive Ecosystems (Streamside) associated with the proposed construction of a new single-family dwelling on the existing A-1 property:

- The applicant will be required to provide a combined statutory right-of-way/restrictive covenant (SRW/RC) for the watercourse located along the south property line along 48 Ave. The SRW/RC is to be registered over the setback from the top of bank as per Part 7A of the Zoning Bylaw.

A Servicing Agreement is not required. An Administrative Processing Fee is required to administer the required legal documents.

Jeff Pang, P.Eng.
Development Services Manager

TH



DRAFT Agricultural and Food Policy Committee Minutes

Meeting Room 125A and 125B
Surrey Operations Centre
(Works Yard)
6651 148 St
Surrey, B.C.
TUESDAY, APRIL 4, 2023
Time: 6:00 p.m.

Present:

Councillor Bose, Chair
D. Bondar
H. Dhillon
P. Harrison
S. Keulen
S. Rai
M. Schutzbank
R. Sihota
R. Tamis
R. Vanderende

Absent:

Councillor Bains, Vice Chair
R. Brar

Staff Present:

D. Luymes, General Manager, Planning & Development
M. Kischnick, Senior Planner
M. Jorgensen, Planner
J. Kew, Planner
A. Theobald, Planner
L. Blake, Assistant City Clerk
S. Meng, Administrative Assistant

D. NEW BUSINESS

5. Development Application 7921-0280-00

Alissa Theobald, Planner
Address: 16145 - 48 Avenue

R. Sihota declared a conflict of interest at 7:13 p.m. and left the meeting.

Alissa Theobald, Planner, summarized the report dated March 27, 2023, regarding Development Application No. 7921-0280-00 regarding a proposed rezoning from A-1 to CD (based on A-1), Non-Adhering Residential Use (NARU), and Sensitive Ecosystem Development Permit (SEDP) for the property located at 16145 48 Avenue. The following information was highlighted:

- The subject site is 18.2 hectares and is designated Agricultural in the Official Community Plan (OCP) zone and located within the Agricultural Land Reserve (ALR). Subject site has three existing dwelling used for onsite farm operations. The first two are inhabited by the family that own and operate the farming business. The third is used for farm worker accommodation. The subject site currently has a farm residential footprint of approximately 9041 square metres.
- The property owners are proposing to build a new single family dwelling on the subject site that will be 542 square metres in floor area. One of the existing dwellings will be demolished prior to the construction of the proposed dwelling. This new dwelling will then act as the third dwelling on the subject site.

- The proposed “Comprehensive Development Zone (CD)” will differ from the A-1 Zone in that it will:
 - Permit three dwellings on site, including the existing dwelling, the existing farm worker’s residence, and the proposed new dwelling.
 - Allow a maximum farm residential footprint area greater than 2000 square metres.
- The request for the third dwelling requires a non-adhering residential use application with the Agriculture Land Commission (ALC) as it is not a permitted residential use under ALC policies.
- The applicant confirms that the farm residential footprint for all residences is proposed to be approximately 9,277 square metres. The applicant informs staff that the area where the dwelling is to be demolished will be reverted for agriculture use. It will be used as a trial parcel to assess the adaptability of various crops to environmental and weather conditions, and the feasibility of larger scale production. This area will be approximately 1,939.50 square metres.
- The applicants state they are the owners and operators of the farm practices on the subject site. The farm business is owned by four brothers, whose children are also involved in the on-site farm operations. All families live on the subject site. The families live within two of the existing single family dwellings on the subject site. The dwelling that is proposed for demolition is old and too small for the growing families. The proposed new dwelling will allow them to remain living on the farm as the families grow. Due to lot consolidation that occurred in 2009, from 2 lots to 1 lot, the existing farm residential footprint is already greater than 2000 square metres.

In response to questions from the Committee, Ms. Theobald, Mr. Kischnick and, Mr. Luymes provided the following information:

- The past application was similar however since that committee was resolved, staff agreed to bring it back to this committee for Council’s recommendation.
- The proposed dwelling is 542 square metres.
- With 3 dwellings on site, the fill on site is significant.
- Difference of agricultural land between current and proposed dwelling is 236 square metres.

- CD and A-1 zone difference is number of homes and the overall farmer residential footprint.
- CD zoning only allowed for 1 home and ALC legislation changes based on house size.
- The site could specify text amendment keeping A-1 zone to allow for 3 homes in excess of residential homes instead of a CD zoning.
- The front of the house by the hatch fencing will be created as a setback.

The Committee noted the following comments:

- The Committee expressed they are a family of prime farmers who contributed a lot to the industry.
- The Committee expressed the three houses that exist were on two separate properties and they were already conforming. The family amalgamated the property with the small house they are going to demolish and will reclaim the existing house as is. Thus, it is not a loss of agricultural land.
- The Committee expressed the family consolidated in 2009 due to the location of the barns and the addition of parcel taxes.

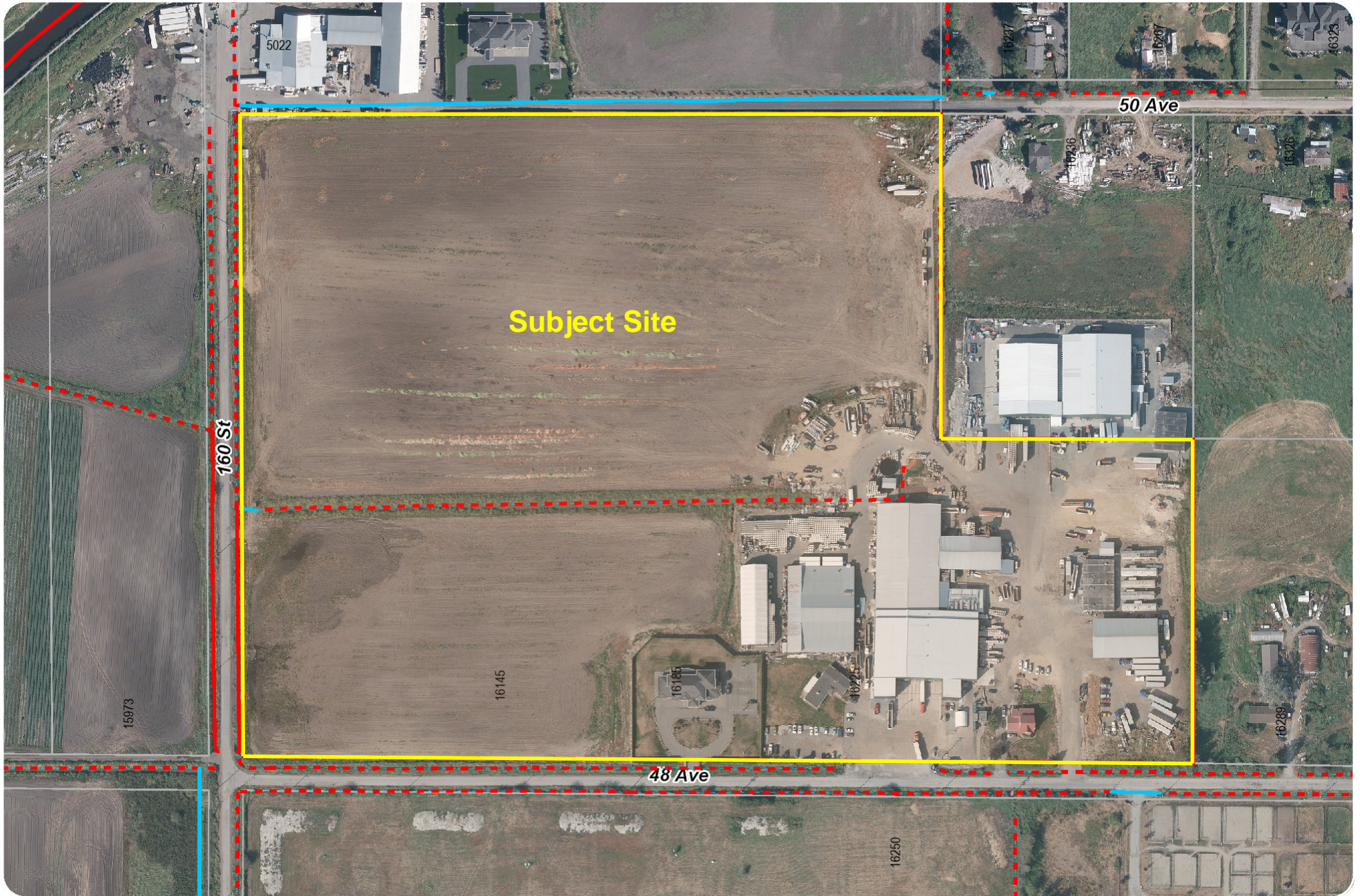
It was

Moved by M. Schutzbank
 Seconded by S. Van Keulen
 That the Agricultural and Food Policy

Committee recommend that the General Manager of Planning and Development support Development Application 7921-0280-00.

Carried by members remaining

R. Sihota rejoined the meeting at 7:40 p.m.



Subject Site

Scale: 1:3,045

