

PROPOSAL:

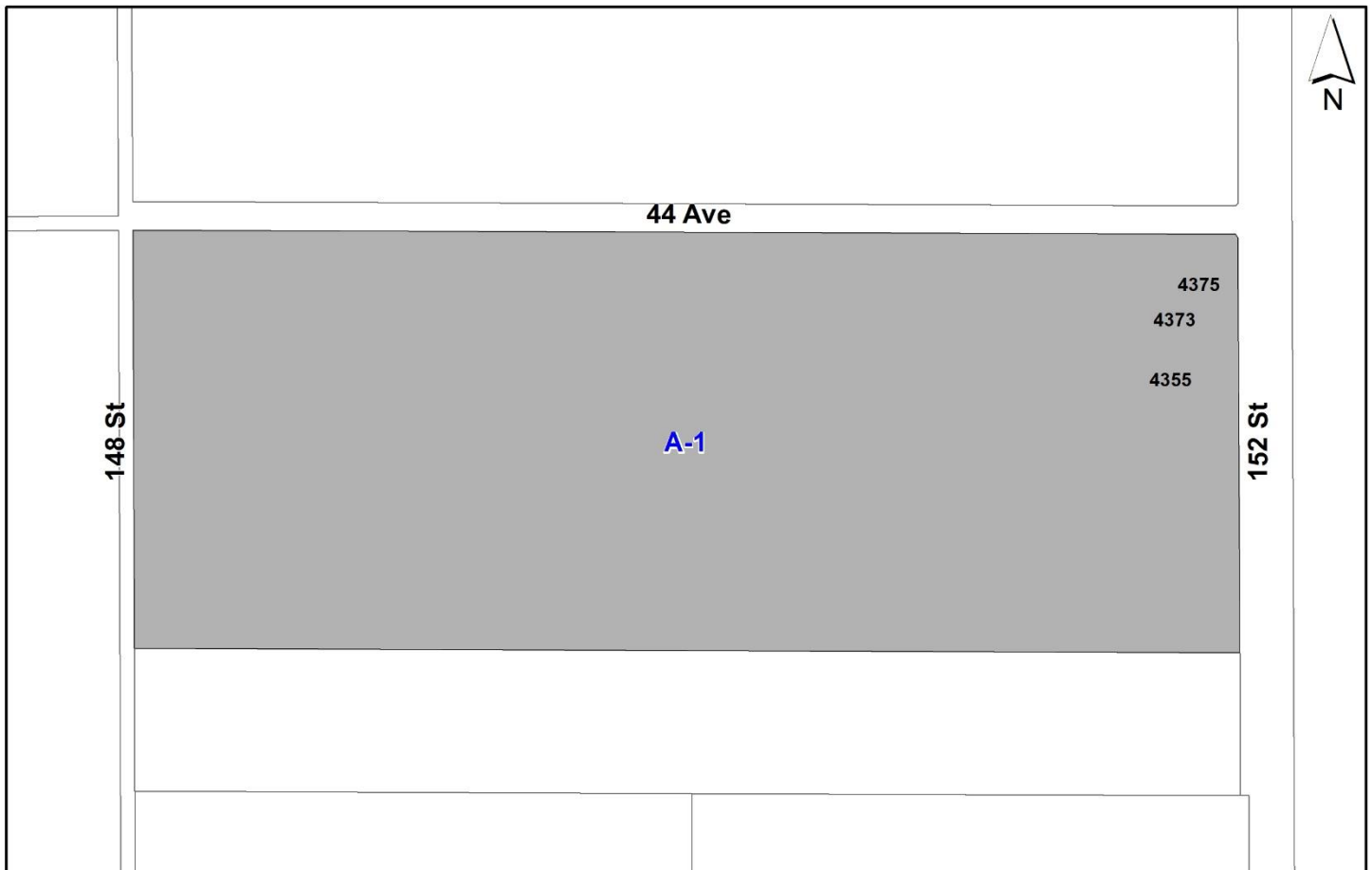
- **ALR Non-Adhering Residential Use** under Section 20.1 of the *ALC Act*.

to permit a new principal residence larger than 500 square metres, and to construct the new principal residence while occupying the existing on-site residence.

LOCATION: 4373 - 152 Street
(4355, 4375 - 152 Street)

ZONING: A-1

OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

- Authorize the subject Non-Adhering Residential Use (NARU) application to be forwarded to the Agricultural Land Commission (ALC).

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- The Province adopted legislation on February 22, 2019, which introduced a number regulations pertaining residential uses in the Agricultural Land Reserve (ALR), including a maximum floor area for principal residences and a limit on the number residences per parcel.
- The ALCA authorizes a property owner to apply for a Non-Adhering Residential Use (NARU) under Section 20.1(2).
- The proposal complies with the Agricultural designation in the Official Community Plan (OCP).
- The proposal complies with the requirements of the “General Agriculture Zone (A-1)”. The A-1 Zone, does not include any restrictions on density or house size.
- The proposal received endorsement of support from the Agriculture and Food Policy Committee (AFPC).

RECOMMENDATION

The Planning & Development Department recommends that Council authorize the application to be forwarded to the Agricultural Land Commission (ALC).

SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Agriculture (ALR)	Agricultural	A-1
North, East (Across 152 Street), South, West:	Agriculture (ALR)	Agricultural	A-1

Context & Background

- The subject property is located on the west side of 152 Street, north of 40 Avenue, and is 23.97 ha (56.77 Acres) in area.
- The property currently contains a single family dwelling and accessory buildings which include a detached garage, storage, farm office, and greenhouses. Approximately 20 acres of the site is utilized for field grown blueberries and mixed vegetables.
- The property is designated "Agricultural" in the Official Community Plan (OCP), zoned "General Agricultural Zone (A-1)" and located within the Agricultural Land Reserve (ALR).
- The subject property is classified as "farm" under the BC Assessment Act.
- There is a Class AO (red-dash coded) ditch along the majority of the property's perimeter.

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant is proposing to occupy the existing on-site residence while constructing a new principal residence, larger than 500 square metres.
- If approved, the proposal would permit the construction of a 1,000 square metre principal residence and for the owner and their family to continue occupying the existing dwelling while building the new principal residence. The existing dwelling will be demolished once the new residence is constructed.

- The new residence would be located at the front of the property, where the existing detached garage is currently located, sited within 50 metres of the east (front) lot line. The proposal is consistent with the minimum and maximum setbacks for a single-family dwelling identified in the A-1 Zone and the applicant has indicated that a detailed design of the new principal residence will comply with all other provisions of the A-1 Zone, including the farm residential footprint.
- Although the siting of the proposed principal residence utilizes the existing fill pad of the detached garage, additional fill will be required, subject to the issuance of a Fill Permit and in accordance with the Zoning Bylaw and the ALR Regulations.
- If Council authorizes the application to proceed and the ALC approves the Non-Adhering Residential Use, a subsequent Development Permit application may be required for Sensitive Ecosystems Development Permit (DP3) for Streamside Areas. The proposal to construct a single family dwelling within the ALR is exempt from the issuance of a Hazard Lands Development Permit (DP2) for Flood Prone Areas, where the Flood Construction Level (FCL) is met and appropriately addressed with an approved Fill Permit.
- In addition to the new principal residence, the applicant plans to replace the existing detached garage, which is not subject to an approved ALC Non-Adhering Residential Use application. The applicant has indicated that a new detached garage will be constructed where the existing residence is currently located.

Referrals

Engineering:	The Engineering Department has no objection to the project.
Agricultural and Food Policy Committee (AFPC)	At the November 7, 2023 meeting, AFPC recommended that Council forward the subject Non-Adhering Residential Use application to the Agricultural Land Commission (ALC) for consideration.

POLICY & BY-LAW CONSIDERATIONS

Agricultural Land Commission Act and Regulations

- Generally, land within the ALR may have no more than one residence per parcel and the maximum total floor area of a principal residence is limited to 500 square metres, in accordance with the Section 20.1(1) of the *Agricultural Land Commission Act (ALCA)*.
- The applicant has submitted an ALC Non-Adhering Residential Use (NARU) application under Section 20.1(2) of the *ALCA*, which proposes two residential uses:
 - To construct a new principal residence, larger than 500 square metres; and
 - To occupy an existing residence while constructing a new principal residence.

Applicant's Rationale

The applicant has provided the following information as their rationale to support the proposal:

- The proposed principal residence will accommodate the diverse needs of the multi-generational household, including elderly parents;
- Occupying the existing residence will allow the family to efficiently continue the active farm operations. Once the new principal residence is constructed, the existing home will be demolished, resulting in one residence on the property;
- The applicant is exploring alternative construction methods such as building on piles, in order to maintain the integrity of the soil and minimize any potential disruption;
- The farm is labour intensive, with crops being hand picked. Of the family members that will reside within the proposed residence, six will work full-time on the farm.
- The following is a more detailed account of the farm operation on the subject property, provided by the applicant:
 - *The farm, spanning approximately 45 acres, currently consists of a variety of blueberries and mixed vegetables. Our farming practices demand significant time and attention, particularly for the mixed vegetable crops that require regular access and treatment. We often find ourselves tending to these crops during odd hours, predominantly in the early morning and late evening for harvesting and applying fertilizer.*
 - *Alongside the blueberry bushes, we cultivate various crops such as methi leaves, romaine lettuce, green leaf, red leaf, summer squash, long eggplant, cucumber tar, watermelon, green beans, long hot peppers, Thai peppers, and zucchini, among others.*
 - *We have already undertaken significant efforts to improve the property. This includes clearing approximately 27 acres of overgrown crops and blackberry bushes, restoring the structures, and sheathing of all the greenhouses, and installing new irrigation systems for the greenhouses and a majority of the blueberry fields.*

Official Community Plan

- The subject property is designated “Agricultural” under the OCP and within the Agricultural Land Reserve (ALR).
- The “Agricultural” designation does not specifically address house size or residing in an existing residence while constructing a new principal residence.
- The subject property is located within the 200-year Flood Plain. Single family dwelling construction within the ALR is exempt from a Hazard Lands (Flood Prone) Development Permit where the Flood Construction Level (FCL) is met and appropriately addressed with an approved Fill Permit.

- The property may be subject to a Development Permit for Sensitive Ecosystems, which are applicable for residential dwellings, as portions of the land are located within the Streamside DP Area. A subsequent Development Application may be required, in accordance with the Implementation Policy within the Official Community Plan.

Zoning By-law

- The subject property is regulated by the “General Agriculture Zone (A-1)”, which does not include any restrictions on density or house size.
- The A-1 Zone limits residential uses to one *single family dwelling*, which may contain 1 *secondary suite*. However, Part 4, General Provisions, of the Zoning Bylaw includes provisions to facilitate the replacement of a *single family dwelling*, whereby demolition of the existing dwelling is not required prior to constructing the new dwelling.
- The applicant has indicated that the proposal will comply with all provisions of the A-1 Zone. A full review will be completed in conjunction with a future Building Permit application.

CONCLUSION

- In accordance with the *ALCA*, a Local Government must review Non-Adhering Residential Use applications, determine whether to authorize the application to proceed to the Agricultural Land Commission (the “Commission”), and may provide comments and recommendations for the Commission’s consideration.
- Staff have completed a review of the application and recommend that the application be forwarded to the Commission, based on the following analysis:
 - The proposal complies with the Zoning By-law, which includes provisions to replace a *single family dwelling* and does not specify a maximum house size.
 - The proposal complies with the Official Community Plan, which does not contain policy or objectives related to the subject application.
 - The Agricultural and Food Policy Committee (AFPC) recommended that the subject application be forwarded to the Commission.
 - The subject application is required given that the proposal does not comply with the *ALCA*.
- If Council supports staff’s recommendation, the application will be forwarded to the ALC, where the proposal will be reviewed by the Commission in the context of their mandate.

INFORMATION ATTACHED TO THIS REPORT

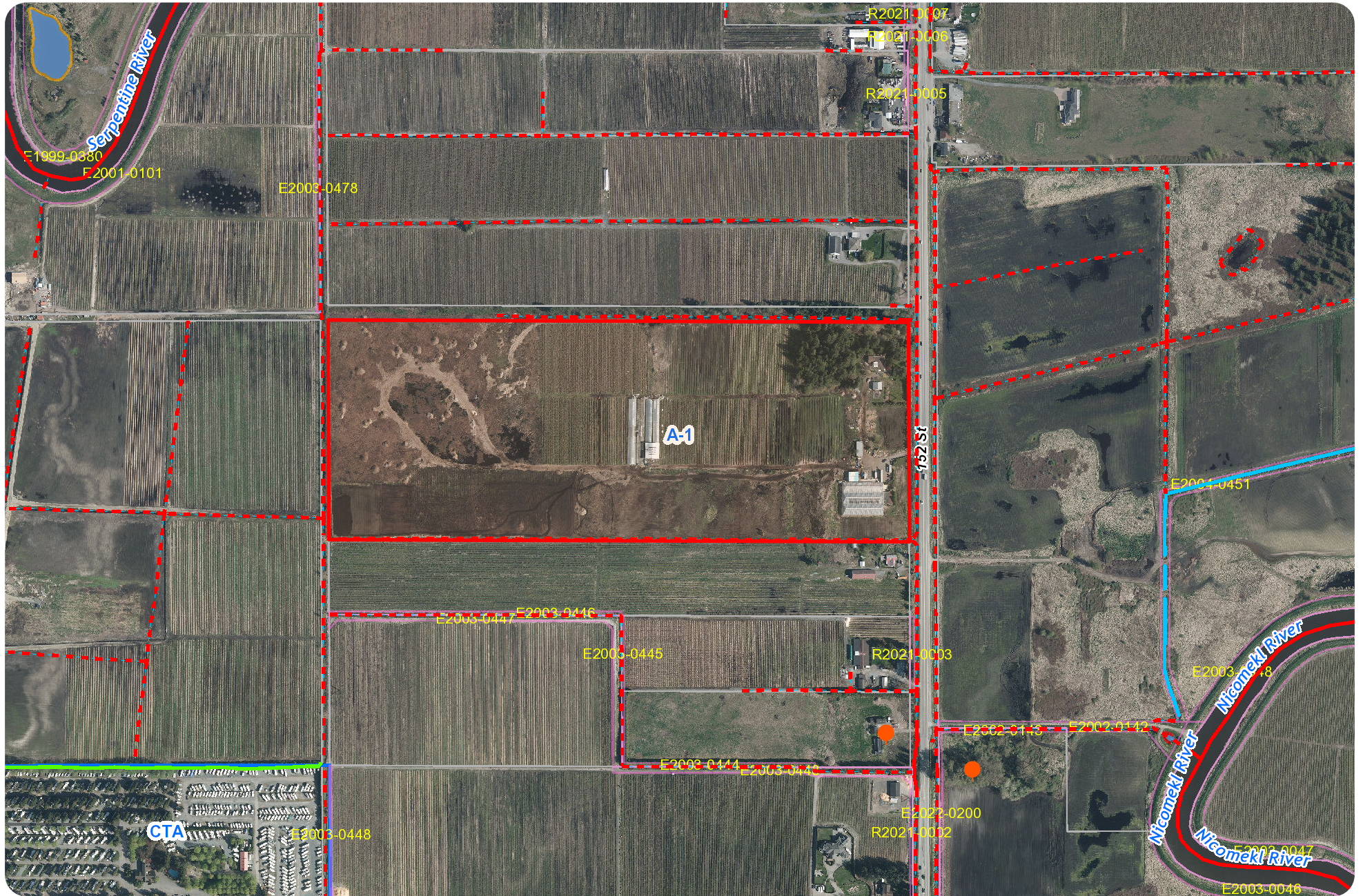
The following information is attached to this Report:

- Appendix I. Aerial Photo and Concept Plan
- Appendix II. Applicant's Site Plan
- Appendix III. DRAFT Agricultural and Food Policy Committee Minutes
(Extract – November 7, 2023)

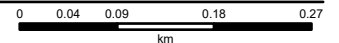
approved by Shawn Low

Don Luymes
General Manager
Planning and Development

SA/ar

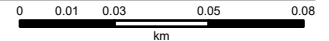


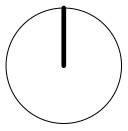
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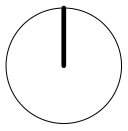


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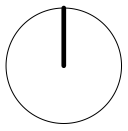




PROJECT TITLE SEWA FARM	SHEET TITLE CONTEXT PLAN	DATE MARCH 14TH, 2023 DRAWN BY RANVEER SINGH	SCALE 1:1000 SHEET NUMBER A1
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<p>PROJECT TITLE</p> <p>SEWA FARM</p>	<p>SHEET TITLE</p> <p>SITE PLAN - EXISTING</p>	<p>DATE</p> <p>MARCH 14TH, 2023</p> <p>DRAWN BY</p> <p>RANVEER SINGH</p>	<p>SCALE</p> <p>1:250</p> <p>SHEET NUMBER</p> <p>A2</p>
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<p>PROJECT TITLE</p> <p>SEWA FARM</p>	<p>SHEET TITLE</p> <p>SITE PLAN - PROPOSED</p>	<p>DATE</p> <p>MARCH 14TH, 2023</p> <p>DRAWN BY</p> <p>RANVEER SINGH</p>	<p>SCALE</p> <p>1:250</p> <p>SHEET NUMBER</p> <p>A3</p>
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DRAFT Agricultural and Food Policy Committee Minutes

Meeting Room 125A and 125B
Surrey Operations Centre
(Works Yard)
6651 148 St
Surrey, B.C.
TUESDAY, NOVEMBER 7, 2023
Time: 6:05 p.m.

Present:

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

Absent:

Councillor Bains, Vice Chair
R. Brar
B. Favaro
S. Keulen
W. Kim s

Staff Present:

S. Allen, Planner
N. Aven, Manager of Parks
J. Kew, Planner
M. Kischnick, Senior Planner
M. Sjoquist, Landscape Architect
S. Meng, Administrative Assistant

C. STAFF PRESENTATIONS

3. Development Application 7923-0087-00

Stephanie Allen, Planner

Address: 4373 – 152 Street (4355, 4373, 4375 – 152 Street)

The Planner summarized the report dated October 30, 2023, regarding Development Application No. 7923-0087-00 which proposes ALC Non-Adhering Residential Use to permit a new principal residence larger than 500 square metres, and to construct the new principal residence while occupying the existing on-site residence. The following information was highlighted:

- Request the committee to comment on constructing a new principal residence that is larger than 500 square meters and to occupy the existing residence while construction is occurring.
- The subject property is under 24 hectares.
- The property is designated "Agricultural" in the OCP, zoned A-1 and located within the ALR.
- The site currently contains a single family dwelling and accessory buildings which include a detached garage, storage, farm office, and greenhouses. Approximately 20 acres of the property is utilized for field grown blueberries and mixed vegetables.
- The applicant request approval to occupy the existing home while constructing a new 1000 square meter residence where the existing detached garage is currently located, sited within 50 meters of the east lot line.
- Once the new residence is constructed, the existing dwelling would be demolished. The applicant has provided rationale to support the proposal and will accommodate the diverse needs of their multi generational family, six of whom work full time on the farm. Occupying the existing residential construction will allow the family to continue with their farm operations which are labor intensive and can require attention at a range of hours.

- The application will be presented at an upcoming Council meeting where Council will consider whether to forward the application to the ALC for review.

In response to questions from the Committee, the Planner provided the following information:

- ALC have a suggested general time frame for processing applications but it can vary.

The Committee provided the following comments:

- A committee member stated they don't have an issue with the proposal, particularly if six family members work full time on the farm, and supports the application.

It was

Moved by M. Schutzbank

Seconded by R. Sihota

That the Agricultural and Food Policy

Committee recommend that the General Manager of Planning and Development support the forwarding of the Non-Adhering Residential Use application to the ALC to permit a new principal residence larger than 500 square metres under Development Application 7923-0087-00.

Carried