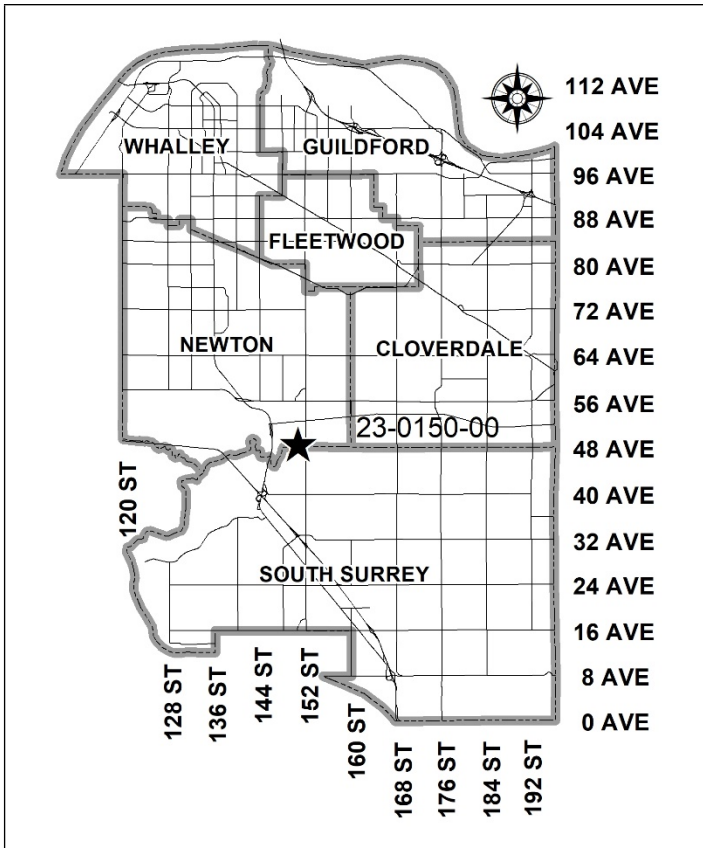


City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7923-0149-00

Planning Report Date: July 24, 2023



PROPOSAL:

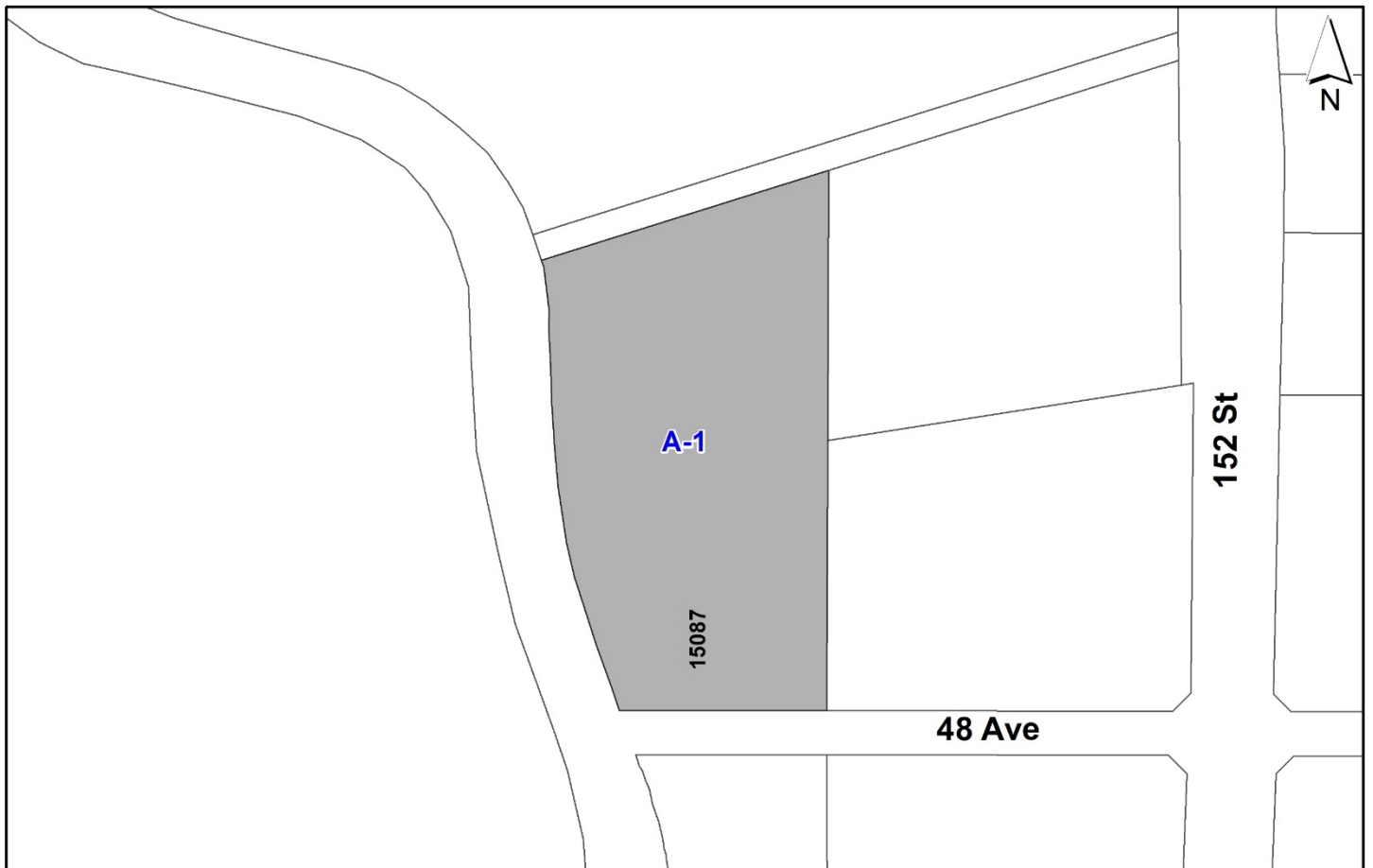
- **Non-farm use for Placement of Fill** under Section 20(2) of the *ALC Act*.

to authorize historic unpermitted fill and to permit the development of greenhouses and a sauce processing building.

LOCATION: 15087 - 48 Avenue

ZONING: A-1

OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

- Refer the application for authorization of unpermitted fill to the Agricultural Land Commission (ALC) for consideration of approval.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Proposal to allow the existing, unpermitted fill to remain on the property, which is in excess of the maximum fill area allowed by the *Agricultural land Reserve (ALR) Use Regulation*.

RATIONALE OF RECOMMENDATION

- The applicant is proposing to construct a sauce processing building and heated greenhouses to grow tomatoes. Due to the presence of unpermitted fill over an on-site area of approximately 2 hectares, imported onto the site by the previous owner (for which a stop work order was issued in 1984), no farm building permits can be issued for the site.
- Section 35(a) of the ALR Use Regulation indicates that the total area from which soil is removed or on which fill is placed must be 1,000 square metres or less. For any development to proceed without total remediation of the property, it would be necessary for the owners to remove the fill and reinstate the property or receive authorization of the historic fill through a Soil or Fill Use application for fill in-excess of 1,000 square metres.
- The applicants have retained a professional agrologist to assess the current state of fill on the property and prepare a report for the site. The agrologist report indicates no detection of the original pre-fill soil type on the site and that the applicant's proposal to construct heated greenhouses is an appropriate alternative use that meets the ALR Regulations.
- *The Agricultural Land Commission Act* allows any owner of land within the ALR to apply to the ALC, through the local government, for a non-farm use (such as historic placement of fill). The ALC may conduct a detailed review and refuse permission for the historic placement, grant permission (with or without limits or conditions), or grant permission for an alternative use (with or without conditions).
- The City's Agriculture & Food Policy Advisory Committee (AFPC) reviewed the subject rezoning application on June 6, 2023, recommended the subject Non-farm Use Application be referred to the Agricultural Land Commission for consideration and expressed support for the sauce processing proposal.
- If the ALC authorizes the fill or provide conditions for authorization, an additional Planning Report would be brought forward for consideration by Council for Rezoning to permit the sauce processing use.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize referral of the application to the Agricultural Land Commission for consideration of a Non-farm use for the Placement of Fill under Section 20(2) of the ALC Act.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Agricultural (ALR)	Agricultural	A-1
North:	Agricultural (ALR)	Agricultural	A-1
East:	Agricultural (ALR)	Agricultural	A-1
South (Across 48 Ave.):	Agricultural (ALR)	Agricultural	A-1
West (Across Serpentine River):	Agricultural (ALR)	Agricultural	A-1

Context & Background

- The subject property is located at civic address 15087 48 Avenue and is approximately 2.6 hectares in area.
- 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 site is currently classified as farmland under the BC Assessment Act and has been partially farmed with some garlic cultivation.
- The property has two single family dwellings, a barn, a shed, planters, and a gazebo located on it.
- In 1984, the City submitted a notice to the previous property owners noting that fill material was being imported to the subject property without a valid permit. This fill placement area is approximately 2 hectares, which comprises almost the entire non-residential rear portion of the site. The fill has an approximate depth of 1 metre. Because of the age and severity of the unauthorized fill, the precise amount of fill import and displacement is unknown.
- The current owner has retained Dave Melnychuk, P. Ag, EFP Planning Advisor as the project's qualified environmental professional (QEP) and agrologist. The QEP has prepared an Agrologist Report (December 16, 2019) and a Riparian Area Assessment remediation report (February 18, 2022).

- The agrologist's soil survey and soil analysis indicate that the majority of the property has been impacted by this imported fill, consisting of inferior agricultural mineral soils with stones and low fertility. The area is also heavily compacted. The original soil type was not encountered on the site.
- Because of the age of the import and soil disturbance violations and the agrologist's report, the City may not require removal of the fill and reinstatement of the original soil type if the ALC authorizes the historic fill placement. The ALC would need to confirm that they do not require the fill to be removed and the area reinstated to pre-filling conditions prior to any Building Permit issuance.
- The property abuts the Serpentine River and Class AO watercourses along the north and west property lines. The portion of the property abutting the Serpentine River falls under a Statutory Right-of-Way associated with a dyke improvement project.
- Encroachment of unauthorized fill into the riparian area and channel associated with the Class AO watercourses has been identified.
- Due to historic unpermitted re-grading, elevated portions of the site are high relative to neighbouring parcels, resulting in drainage issues. Remediation of riparian fill encroachments and resolution of drainage issues across the site would need to be confirmed by Engineering as a condition of approval of the Rezoning portion of this application, should the application be supported by Council.

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant operates a catering company that seeks to develop the property with heated greenhouses and a processing facility. The heated greenhouses are proposed for tomato production. The processing facility is proposed for sauce preparation, processing, and canning using the garlic and tomatoes grown on-site.
- Any fill removal or import in-excess of 1,000 square metres requires ALC authorization through a Soil and Fill application. Because the historic unpermitted fill was never permitted and the violation area comprises the majority of the property, development cannot proceed without ALC authorization of the historic fill.
- Because the proposed development cannot proceed without ALC authorization, a Planning Report for Rezoning would be forwarded for Council's consideration should the ALC provide support for the subject proposal. This will entail a detailed review of a servicing concept and preparation of an additional Planning Report for introduction of a Rezoning By-law.
- The QEP's riparian remediation report recommends removal of fill material encroaching into the riparian zones, removal of invasive species (primarily Himalayan Blackberry plants), and remediation planting. This remediation proposal has been preliminarily reviewed by City staff. Final acceptance of the report and bonding for the remediation works would be required as a condition of approval of the Rezoning portion of this application, should the application be supported by Council.

- The Agrologist Report indicates that a future reclamation plan may be used to expand the garlic crop cultivation currently conducted on the property.
- The Agrologist Report indicates that based on the costs and impracticality of fill removal, the proposed heated greenhouses would be a productive agricultural use.

Referrals

Engineering:	The Engineering Department has no comments on the ALC Referral stage of the application. Engineering comments will be provided subject to review of a Rezoning proposal after the ALC has provided comment.
Agricultural & Food Policy Committee (AFPC):	<p>At the June 6, 2023 meeting, AFPC voted unanimously to recommend that the proposed Non-Farm Use for Placement of Fill Application be supported and forwarded to the ALC for consideration.</p> <p>The committee also noted support for the tomato sauce processing concept. The committee were shown a plan with three (3) greenhouses and advised that more greenhouses would be required for sufficient crop yield to meet the Zoning By-law and ALR Regulations requirement that 50% of products being processed must be sourced from the same farm operation.</p>

POLICY & BY-LAW CONSIDERATIONS

Agricultural Land Commission Act and Regulations

- The Agricultural Land Commission Act allows any owner of land within the ALR to apply to the ALC, through the local government, for non-farm use (such as authorization of historic unpermitted fill). The Act does not specify any criteria as to under what circumstances these applications should or could occur.
- According to Section 25(3) of the ALC Act, a resolution of the local government is required to allow the applicant to proceed to the ALC for consideration.
- Should the subject application be referred to the ALC by a local government, the ALC may do one of the following:
 - refuse permission for the use applied for;
 - grant permission, with or without limits or conditions, for the use applied for; or
 - grant permission for an alternative use, with or without conditions, as applicable.

Zoning By-law

- The “General Agriculture Zone (A-1)” permits “primary processing” as a use. Under the Surrey Zoning By-law, primary processing is defined as “the preparation for shipment of horticulture

products and crops by field processing, cleansing, sorting, packaging and storing.” This definition excludes cooking, which is required to render the tomatoes and garlic grown on-site into the sauce product.

- A rezoning to a “Comprehensive Development Zone” (CD) that specifically permits cooking and rendering as a type of processing would be required for development of the proposed processing facility.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- | | |
|--------------|---|
| Appendix I. | Preliminary Site Plan |
| Appendix II. | Draft Agricultural and Food Policy Committee Minutes – June 6, 2023 |

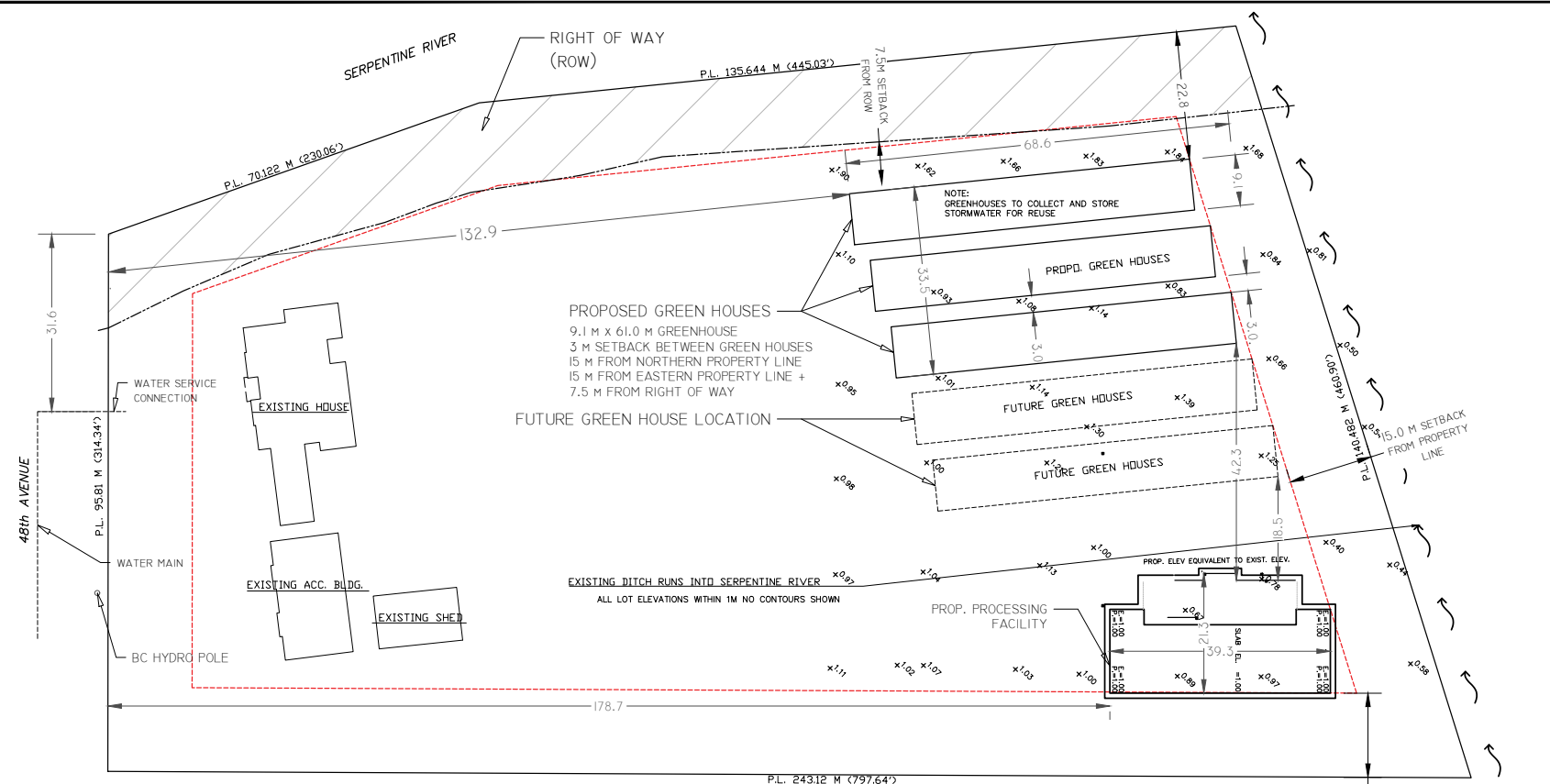
approved by Shawn Low

Don Luymes
General Manager
Planning and Development

JK/ar

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CIVIC ADDRESS: 15087 - 48 AVENUE, SURREY, B.C.
 LEGAL DESCRIPTION: LOT #2, SECTION 3, TOWNSHIP 2, N.W.D. PLAN 5697

15 M SETBACK LINE



THIS DRAWING MAY HAVE BEEN REDUCED OR ENLARGED. ALL FRACTIONAL SCALE NOTATIONS INDICATED ARE BASED ON ORIGINAL FORMAT DRAWINGS.

ALL MEASUREMENTS ARE IN METERS (M)

5	Bldg Set back 1.5m from P.L.	Jun/18/23
4	Greenhouse & Process. Bldg	Jun/28/23
3	LOCATION OF PROCESS. BUILDING	DEC/14/21
2	LOCATION OF PROP. BUILDINGS	DEC/09/21
1	ELEV. OF PROP. BUILDING	DEC/04/21
REV.	DESCRIPTION:	BY: DATE:
STATUS: -		

inform

INFORM
 12294 272 Street
 Maple Ridge, BC
 604-376-4843
 dramsay@shaw.ca

ARCHITECT: ALPHA DRAFTING INC.
 9489 164 ST SURREY
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ALPHA DRAFTING

SITE: 15087 48TH AVENUE SURREY, BC

TITLE: SITE PLAN & STORMWATER MANAGEMENT

SCALE AT 11x17:	DATE:	DRAWN:	CHECKED:
1:800	SEP/22/21	RAJA	-
PROJECT NO:	DRAWING NO:	REVISION:	
21-102	A-024-2021-02	5	



DRAFT Agricultural and Food Policy Committee Minutes

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

Present:

Councillor Bose, Chair
D. Bondar
H. Dhillon
B. Favaro
P. Harrison
S. Keulen
W. Kim
M. Schutzbank
R. Sihota
R. Vanderende

Absent:

Councillor Bains, Vice Chair
R. Brar
S. Rai
R. Tamis

Staff Present:

M. Kischnick, Senior Planner
J. Kew, Planner
R. Ordelheide, Planner
D. Quesada, Planner
S. Ward, Drainage Manager
P. Zevit, Biodiversity Conservation Planner
S. Meng, Administrative Assistant

C. STAFF PRESENTATIONS

5. Development Application 7923-0149-00

Jonathan Kew, Planner
Address: 15087 – 48 Avenue

The Planner summarized the report dated May 30, 2023, regarding Development Application No. 7923-0149-00 which proposes for a referral to the ALC to authorize historic fill placed on the site prior to 1987 and to rezone to a “Comprehensive Development Zone (CD)”. Authorization of this historic fill is required to permit the construction of three heated greenhouses and to consider rezoning to permit a food processing building involving cooking of tomatoes grown by the greenhouse operation. The following information was highlighted:

- Applicant is requesting for a referral to the ALC to authorize historic fill placed on the site prior to 1987 and to rezone to a “Comprehensive Development Zone (CD)”. Authorization of this historic fill is required to permit the construction of three heated greenhouses and to consider rezoning to permit a food processing building involving cooking of tomatoes grown by the greenhouse operation.
- In 1984, the City submitted a notice to the property owners noting that fill material was being imported to the subject property without a valid permit. This fill placement area is approximately 2 hectares. The fill has an approximate depth of 1 metre.
- A soil survey and soil analysis conducted in 2019 indicates that the majority of the property has been impacted by this imported fill, consisting of inferior agricultural mineral soils with stones and low fertility. The area is also heavily compacted. The original soil type was not encountered on the site.

- The applicant seeks new building permits for three heated greenhouses and a two-storey processing facility to be located in the north portion of the property. The approximate floor areas include 1,658 square metres for the greenhouses and 591 square metres for the processing facility.
- The project's qualified environmental professional (QEP) has prepared an Agrologist Report and a Riparian Area Assessment remediation report. The QEP indicates that based on the costs and impracticality of fill removal, the proposed heated greenhouses would be a productive agricultural use.
- The heated greenhouses are proposed for tomato production. The processing facility is proposed for the processing and canning of the tomatoes grown in the greenhouses. Under the ALR regulations, at least 50% of the product being processed on an agricultural lot must be produced by the same farm operation or be feed required for the farm operation.
- The applicants note that the historic fill was imported onto the property by the previous owner and done approximately four decades ago. Also they note that they intend to pursue a reclamation plan to expand the garlic cultivation on-site in-addition to adding the greenhouse use.

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

- Based on 2019 Agrologist Report, applicant went 1.2 to 1.8 metres in depth and never found native soils.
- Should look at agricultural land reserve regulations and A-1 Zone and check to see if a CD zone is required with legal department in order to allow cooking of tomatoes as part of food processing in the ALR.
- Size of property is 2.6 hectares (over 5 acres).

The Committee provided the following comments:

- Ensure to define the property as a farm building on site plan. Per zoning bylaw, an accessory building has a different definition than farm building. Accessory building means accessory to the residential use, such as a detached theatre.
- Property seems to have small greenhouses to grow tomatoes.
- Applicant owns a catering company and purchased this property with the intention of making sauce on property with locally grown garlic and tomatoes. They found the property was filled and destroyed.
- 50% of the products being produced must be from the same farm operation or property to go through food processing.
- Love the farm to table aspect.
- Owner is very consistent of their purpose regards to cooking.

It was

Moved by R. Sihota

Seconded by P. Harrison

That the Agricultural and Food Policy

Committee recommend that the General Manager of Planning and Development support reclamation of fill, construction of greenhouses, and farm building for processing tomato sauce subject to the processing building being called a farm building for Development Application 7923-0149-00.

Carried

DRAFT