



Corporate Report

NO: C011

COUNCIL DATE: November 24,

2003

COUNCIL-IN-COMMITTEE

TO: Mayor & Council DATE: **November
20, 2003**

FROM: **General Manager,
Planning and
Development** FILE: **6880-20-75**

SUBJECT: **Proposed Council Policy for Considering Applications
for Exclusion of Land from the Agricultural Land
Reserve**

RECOMMENDATION

It is recommended that Council:

1. Receive this report as information; and
2. Adopt as Council policy, the document attached as Appendix I to this report entitled " Policy for Considering Applications for Exclusion of Land from the Agricultural Land Reserve".

INTENT

The purpose of this report is to obtain Council approval for a consistent, objective and predictable policy framework for reviewing and making decisions regarding applications to exclude land from the Agricultural Land Reserve (the "ALR"). The criteria contained in the proposed policy are designed to reinforce the existing objectives in the Official Community Plan ("OCP"), targeted at enhancing the viability of agriculture in the City and protecting agricultural land in Surrey. It will be used as the basis for staff evaluation of applications for exclusion of land from the ALR and to formulate recommendations to Council related to such applications.

BACKGROUND

The Surrey OCP contains a number of policies, some of which are focused on the economic development objectives of the City, such as encouraging new business development and the creation of more local jobs, while others are focused on protecting the City's agricultural land base and supporting the agricultural industry. The City has received, over the course of the last couple of years, a number of applications to exclude land from the ALR so that the land could be developed with business uses. Currently, the City has no policy that provides direction with respect to addressing circumstances where trade-offs need to be made between conflicting policies.

To date, applications to exclude land from the ALR have been assessed based on site specific considerations, such as soil capability assessments and other analytical or descriptive information provided by the applicant. There has not been a consistent policy-based approach.

At its Regular Land Use meeting on September 3, 2002, Council considered a Planning Report regarding an ALR exclusion application related to land at 144 and 174 – 176 Street. Council deferred consideration of the application and adopted the following staff recommendation:

"That Council direct staff, in consultation with the Land Reserve Commission (LRC) and the City's Agricultural Advisory Committee (AAC), to formulate a policy framework which includes criteria and guidelines that will form the basis for evaluating land development applications involving a request to exclude land from the Agricultural Land Reserve (ALR)."

Council tabled all in-stream applications involving the exclusion of land from the ALR pending development of the recommended policy framework. Appendix II contains a map showing the location and status of each of these applications.

The policy proposed in this report has been reviewed by Agricultural Land Commission ("ALC") staff, by the Agricultural Advisory Committee ("AAC") and by the Development Advisory Committee ("DAC"). The policy has been generally supported by these entities and modifications have been incorporated in the policy as a result of their input.

DISCUSSION

Proposed Policy Framework

The following is summary of the recommended policy framework, which is attached to this report as Appendix I.

The policy is divided into three parts:

- The first part (Section 3 of the policy) is designed to apply to selected applications that may be supportable because they involve minor boundary adjustments or because they involve government-operated facilities that, due to their function, have no alternative, but to be located in the ALR.
- The second part (Section 4 of the policy) applies to all other ALR exclusion applications.
- The third part (Section 5 of the policy) applies to all proposals that satisfy the criteria for exclusion set out in Sections 3 or 4 and outlines compensation requirements, based on the principle of "no net loss of agricultural land or capability".

Specified (Minor) Exclusion Applications

The following categories of ALR exclusion applications have been identified as being generally supportable:

- Minor boundary adjustments are those that satisfy the following criteria:
 - The area proposed for exclusion must:
 - abut an existing non-agricultural area;
 - involve only a "sliver" of land and not intrude into, but rather be a logical fine tuning of the ALR boundary;
 - be clearly defined by physical or natural features that do not set a precedent for further exclusion applications; and
 - have sufficient landscaping and buffering provided between the non-ALR land and the ALR land.
- Facilities for government operations occasionally must be located in the ALR. Criteria have been developed as the basis for evaluation of ALR exclusion applications related to the establishment of new or the expansion of existing government facilities. These include:

- ensuring that the new boundary of the ALR is clearly defined using natural or physical features;
- the proposal represents a necessary location for such a facility;
- buildings are located so as to reduce their impact on adjacent agricultural lands; and
- landscaping and buffering is provided to physically separate the non-agricultural use from the ALR uses.

Major Exclusion Applications

ALR exclusion applications not included in the categories that are discussed in the immediately preceding section of this report are considered to be major exclusions and are subject to a more detailed and rigorous evaluation. This consists of an assessment against the following criteria:

- *Soil Capability* – The ALC has classified all lands in the ALR. The policy proposed in this report recommends that lands with the better soil capability ratings (improvable to Class 1, 2 or 3) not be supported for exclusion. Lands with a rating from 4 to 7, suitable for non-soil bound agriculture, may also not be suitable for exclusion based on the location of the site, surrounding land uses and other agricultural use options. Further, the policy states that consideration will not be given to applications for exclusion where the soils have been degraded by poor farming practices, illegal fill or dumping, or other wilful despoiling of the soil.
- *Proposed Use* – An ALR exclusion application will not be supported where the proposed uses do not contribute to a sustainable, complete and compact community or where the exclusion, if approved, will result in development speculation on ALR lands.
- *Alternative Sites for the Proposed Use* – Where a proposed use can be accommodated in non-agricultural areas, the proposed ALR exclusion will not be supported.
- *Location of the Site* – A site proposed to be excluded must abut an existing non agricultural area. The proposed new boundary is to incorporate natural features or physical features (such as roads) to create a well-defined edge along the ALR. Agricultural pockets, physically isolated from other agricultural areas, may be considered for exclusion if the physical isolation is detrimental to the economic viability of the pocket for agricultural purposes.
- *Roads and Services* – A site proposed to be excluded must have access from an arterial street or other road that is not primarily serving to provide access to agricultural properties and the uses intended for the excluded site must not require the extension of engineering services on a local road serving to provide access to agricultural lands.
- *Interface Buffer* – Landscaping and other buffering features within a sufficiently wide corridor, as required by the OCP, is to be provided along the non-agricultural side of the ALR boundary to separate agriculture and non-agricultural uses.
- *Impacts on ALR Lands* – The land remaining in the ALR must not be negatively impacted by the proposed exclusion. Mitigation measures, such as farm lot or field re-configuration, drainage improvements, adjustment to the road network, etc. may be required. Where negative impact cannot be mitigated, the application will not be supported.

Compensation Criteria for Major Exclusions

The proposed policy requires that compensation be provided where land is excluded from the ALR under the category of Major Exclusion. Compensation will include the reinstatement in the ALR of two times the amount of land proposed for exclusion. The policy further stipulates that the lands proposed for inclusion in the ALR are to be:

- located in the City of Surrey;
- rezoned to an "Agriculture" zone as contained in the Surrey Zoning By-law;
- a minimum of 5 hectares in size or be consolidated with other ALR land to achieve a minimum parcel area of 5 hectares;
- have an improved soil capability rating equal to or exceeding that of the land being excluded from the ALR; and
- comply with the provisions of the Agricultural Land Commission policy on "Encouraging Agricultural Net

Benefit to Agriculture Framework".

Consultation

In the process of the developing the recommended policy framework, City staff consulted with senior staff of the ALC and with the AAC. A workshop was held with staff of the ALC on December 11, 2002. ALC staff has confirmed that they support the policy framework recommended in this report.

The AAC was also consulted on a regular basis through the process of developing the recommended policy. The AAC provided the following specific recommendations:

- the policy should be focussed on protection of agricultural land rather than facilitating exclusions; and
- where lands are allowed to be excluded, the policy should require that other land within the City of Surrey be included in the ALR to compensate for the exclusion.

At its meetings on September 4, 2003 and October 4, 2003, the AAC indicated its support for the policy recommended in this report.

The DAC reviewed a draft of the policy on September 25, 2003. The DAC supported the proposed policy and stressed that the policy should not open the door for development of ALR lands or undermine the long-standing policy of the City of Surrey to protect agricultural lands. The DAC further advised that the City's policies should continue to reinforce Council's commitment to invest in servicing business and industrial areas in non-ALR areas.

Decision Process

Under the *Agricultural Land Commission Act*, R.S.B.C. 2002, c. 36 the City receives exclusion applications on behalf of the ALC. If Council decides to adopt the policy recommended in this report, City staff will review each application for ALR exclusion within the City, including those that are already in-stream, based on the provisions of this policy and forward for Council consideration an appropriate recommendation as part of a Planning report on each application. If Council chooses not to support an ALR exclusion application, it is not forwarded to the ALC. Alternatively, if after reviewing the proposal and the related Planning report, Council decides to support the exclusion, the application is forwarded to the ALC, with a resolution from Council. Ultimately, the decision regarding the exclusion of land from the ALR is in the hands of the ALC.

CONCLUSION

A proposed policy to provide direction with respect to the evaluation of applications for the exclusion of land from the ALR has been developed by City staff in consultation with staff of the ALC and the AAC. In addition, the Provincial Ministry of Agriculture and Food has provided input through its representative on the AAC.

The criteria contained within the recommended policy is focused on maintaining the City's long standing principle of protecting agricultural land for agricultural purposes.

It is recommended that Council adopt, as policy, the document entitled "Policy for Considering Applications for Exclusion of Land from the Agricultural Land Reserve" that is attached as Appendix I to this report.

Murray Dinwoodie
General Manager
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Appendix I Criteria For Considering Applications for Exclusions from the ALR

Appendix II Map Showing Location and the Status of Current ALR Exclusion Applications

Appendix I



TITLE: POLICY FOR CONSIDERING APPLICATIONS FOR EXCLUSION OF LAND FROM THE AGRICULTURAL LAND RESERVE

1. PURPOSE

The purpose of this policy is to provide the context for and establish criteria that will be used for the evaluation of applications received by the City of Surrey to exclude land from the Agricultural Land Reserve (the "ALR").

2. CONTEXT

The ALR is a Provincially-protected land base focussed on sustaining British Columbia's agricultural potential. About one-third or 100 sq. km. (38.6 sq. mi.) of Surrey's land base is designated for agriculture in the City's Official Community Plan (the "OCP"), of which 95% is in the ALR. Provincial legislation and regulations establish how the ALR is to be managed and the role municipalities may exercise in relation to the ALR.

Surrey's OCP contains policies to protect farmland as a resource for agriculture, a source of heritage and a distinct landscape defining communities. These policies seek to maintain the integrity of the ALR and its existing boundaries and to enhance the viability of agriculture as a component of the City's economy by:

- Promoting compatibility between agricultural and non-agricultural areas through such means as buffering and development permit areas;
- Maintaining viable agriculture by means such as discouraging subdivision, protecting boundaries and supporting Agricultural Land Commission (the "ALC") policies;
- Enhancing farm viability by taking actions to support farming;
- Coordinating farming and environmental protection;
- Managing water and drainage needs; and
- Building awareness about the economic dimensions of farming.

Lands outside of the ALR are sufficient to accommodate population and employment growth in the City to beyond 2021.

The intent of this policy is not to support or encourage ALR exclusions nor is its intent to allow the ALR to be "opened up" for development. This policy is focused on maintaining the City's long-standing practice of protecting agricultural lands for agricultural purposes consistent with the OCP. The policy recognizes that from time to time applications for exclusion of land from the ALR will be received that will need to be evaluated and that such an evaluation should be undertaken within a comprehensive and consistent policy context.

3. ALR EXCLUSION APPLICATIONS INVOLVING BOUNDARY ADJUSTMENTS AND GOVERNMENT OPERATED FACILITIES

Over the last decade, the ALC has approved very few applications for exclusion of land from the ALR. Exclusions that have been approved for land within the City of Surrey have, for the most part, been related to minor boundary adjustments that were identified through the development of Neighbourhood Concept Plans. In each case these exclusions were carefully evaluated by the City and approved by the ALC on the basis that there was a clear need to fine tune or strengthen a boundary to provide a better interface between agricultural and non-agricultural uses, thus creating a more defined edge along the ALR.

The ALC recognizes that certain facilities operated by government or Crown Corporations, due to their function, must be situated in agricultural areas. The provisions of this policy have been structured to accommodate such facilities.

The following list the criteria that will be used as the basis for evaluating applications for:

- Minor boundary adjustments to the ALR; and
- Exclusions of land from the ALR to accommodate government facilities.

3.1 MINOR BOUNDARY ADJUSTMENTS

Minor adjustments to the boundary of the ALR will be generally supported if they meet all of the following criteria:

1. The land proposed for exclusion abuts an existing non-agricultural area and is a "sliver" of land as opposed to an entire parcel;
2. The land proposed to be excluded forms a logical extension to the existing non-agricultural area and does not constitute an intrusion into the ALR (i.e., the ALR boundary will be not significantly lengthened as a result of the exclusion);
3. The proposed ALR boundary is clearly defined by physical or other clear features such as major roadways or topographical or other natural features so that it will not act as a precedent for the exclusion of other or adjoining parcels in the ALR; and
4. Landscaping and buffering is provided long the proposed ALR boundary within the land being excluded from the ALR with sufficient dimensions to clearly separate and minimize the impacts between the adjacent agricultural and non-agricultural uses.

3.2 FACILITIES OPERATED BY GOVERNMENT

A "public facility" for the purpose of this policy is a facility operated by a level of government or a Crown Corporation. Where an application is received to exclude land from the ALR to allow a new public facility to be established within or an existing public facility to be expanded in the ALR, such an exclusion proposal will

generally be supported if all of the following criteria are met:

1. It is clearly demonstrated that locating such new or expanded facility on existing ALR land is necessary and that such facility cannot practically be located on lands not within the ALR;
2. Uses, buildings and structures are located on the land in such a manner so as to minimize the impact on the abutting ALR lands;
3. Landscaping and buffering is provided on the land proposed to be excluded along the proposed ALR boundary with sufficient dimensions to clearly separate and minimize the impacts between the non-agricultural uses and adjacent agricultural uses; and
4. Compensation is provided to ensure a net benefit to agriculture in Surrey. The compensation requirements may be achieved by a combination of inclusion of land into the ALR and/or through the financing or funding of capital works projects such as irrigation or drainage that are designed to increase the productivity of lands in the ALR.

4. ALL OTHER ALR EXCLUSION APPLICATIONS NOT COVERED IN SECTION 3

The following criteria are to be used as the basis for evaluating all applications for exclusion of land from the ALR except for those specifically covered by Section 3 of this policy:

4.1 SOIL CAPABILITY

If the land proposed for exclusion has a Soil Capability Rating of or is improvable to a Soil Capability Rating of Class 1, 2 or 3, or, in the case of farms providing for grazing, to Class 4, the exclusion application will not generally be supported.

A site with a Soil Capability Rating of 4 to 7 and which is not suitable to support the growing of crops or use by farm animals for grazing, may still lend itself to non-soil bound agricultural use, especially if it is surrounded by other agricultural uses. In such instances, exclusion will generally not be supported.

Council will not give favourable consideration to applications for exclusion where soils have become degraded due to poor farming practices, illegal dumping or filling, or wilful despoiling of the soil.

Consideration of each exclusion application will be based on a comprehensive planning exercise to examine the context of the site and the impacts of the proposed exclusion. To assist in making this determination, applicants will be required to retain, at their own expense, a qualified consultant acceptable to the City to undertake an assessment of the existing and potential improvable Soil Capability Rating of any land proposed for exclusion and an assessment of the impacts and potential ramifications of the exclusion from the perspective of the continued viability of agricultural activities in the City of Surrey, particularly in the vicinity of the site.

4.2 PROPOSED USE

The OCP focuses on building a sustainable and complete city, consisting of compact communities with a full range of uses in support of the citizens of the City. Lands have been designated in non-agricultural areas to accommodate both residential and business growth together with supporting institutional uses to accommodate growth in the City for the foreseeable future without the need to exclude land from the ALR for the purposes of accommodating growth.

If an application for ALR exclusion is intended for uses that will result in a departure from the sustainable development principles of the OCP and will encourage speculative pressures on ALR lands, such an application will generally not be supported.

4.3 ALTERNATIVE SITE FOR THE PROPOSED USE

The OCP has designated areas for a full range of uses to support the development of complete communities and to accommodate the anticipated needs of the current and projected future population of the City. The retention of the agricultural land base to produce food needed by the current and future generations is fundamental to sustainability.

Based on the above, if the land proposed for exclusion from the ALR is to be zoned for a use that can be accommodated on alternative sites in the City that are not in the ALR, whether serviced or not serviced and that are designated or potentially can be designated for the proposed use or uses, the application will generally not be supported.

4.4 LOCATION OF THE SITE

The integrity of the agricultural area of the City should be maintained. Intrusion of non-agricultural uses into the established agricultural area will generally act to undermine the viability of agricultural activities.

If the land proposed for exclusion does not abut an existing non-agricultural area (e.g. Suburban, Urban, Commercial, Industrial or Business Park designation) and does not provide a logical and continuous extension of the existing development pattern of the adjacent non-ALR area, the application will generally not be supported.

The OCP policies are intended to maintain the integrity of the ALR lands and their boundary. The ALR boundary is intended to be clearly defined and defensible.

Where an area proposed to be excluded from the ALR is not contained within permanent well-defined boundaries (i.e., roads, topographic or other natural features, etc.) the application for exclusion will generally not be supported. The applicant will be responsible for retaining an appropriately qualified professional to undertake a comprehensive planning exercise to examine the boundary conditions of the proposed exclusion and provide justification with respect to how the proposed boundary satisfies the requirements of this criterion.

If a site is isolated or separated from the rest of the ALR by a significant developed area or by physical barrier and such isolation is detrimental to the economic viability of the agricultural pocket, exclusion may be

considered. If the cost to connect the isolated pocket with the rest of the ALR, or if the cost to overcome the barrier (e.g. transportation infrastructure) is minor in comparison to the potential gain in the productivity of the lands in the agricultural pocket, then the application will generally not be supported.

4.5 ROADS AND SERVICES

Local roads in agricultural areas are not generally intended to accommodate the movement of goods and people to and from non-agricultural areas. Allowing general traffic on local roads in agricultural areas often result in conflicts with farm vehicles. As well, the extension of engineering services through agricultural areas can be disruptive, costly and trigger undesirable development interest.

If the area proposed for exclusion from the ALR does not have primary vehicular access from an abutting arterial street or provincial road or requires the extension of engineering services on a local agricultural road, the application will generally not be supported.

4.6 INTERFACE BUFFERING

The OCP requires landscaping buffers along the boundary between the ALR and adjacent non-agricultural land uses. Landscaping along the proposed ALR boundary on the land proposed to be excluded, is be provided with sufficient dimensions to clearly separate and minimize impacts between agricultural and non-agricultural uses.

In general, applications for exclusion will not be supported unless the landscaping and other buffering features fully meet or exceed the buffering requirements set out in the OCP.

4.7 IMPACTS ON ADJACENT AGRICULTURAL ACTIVITIES

The agricultural areas of the City consist of a number of well-defined rural communities that can be physically impacted by boundary changes and by the encroachment of urban development/uses. The impact may go beyond the immediately abutting lands that remain in the ALR. Measures to mitigate impacts may be necessary and could include farm lot or field reconfiguration, lot consolidation, road closures and exchanges, drainage improvements, landscaping and buffering, etc.

Unless the impact upon the areas adjacent to the lands proposed to be excluded is fully mitigated, the application will generally not be supported. The applicant will be responsible for retaining the services of a qualified professional to assess all potential impacts on the rural community and to recommend all necessary measures to fully mitigate the potential impacts.

5. COMPENSATION

Subject to the satisfaction of the criteria contained in Sections 3 and 4 of this policy, an application for

exclusion of land from the ALR must also provide compensation that is satisfactory to Council and to the ALC. The compensation to be provided is to be based on the principle of "no net loss of agricultural land or capability".

Compensation will include, among other things, the inclusion of other land into the ALR to offset for the impact of the land being removed. The City's compensation criteria are coordinated with those established by the ALC in their policy entitled "Encouraging Agricultural Net Benefit to Agriculture Framework". The compensation criteria contained in this policy supplement and, in some cases, exceed the ALC criteria.

Generally, compensation for land being excluded from the ALR will include:

The inclusion of land into the ALR at no cost to the City and coincidentally with the exclusion from the ALR, with an area that is at least twice as large as the area of land being excluded;

The lands being included in the ALR are:

- (a) to be within the City of Surrey;
- (b) designated Agricultural or Suburban in the OCP;
- (c) abut the existing ALR boundary;
- (d) provide a logical extension to the ALR;
- (e) zoned or supportable to be rezoned to an appropriate Agricultural Zone as specified in the Surrey Zoning By-law;
- (f) either consolidated with existing lots in the ALR or form new lots within the ALR, provided that the new or consolidated lots have a minimum area of 5 hectares (12.4 acres); and
- (g) rated with a Soil Capability Rating equal to or exceeding that of the improvable soil capability rating of the site proposed for exclusion.

The ALC is in agreement with the exclusion and proposed compensation calculations.

6. APPLICATION PROCESSING

- Applications for exclusion of land from the ALR will be received by the Planning and Development Department and will be evaluated by City staff using this policy in conjunction with the other policies and by-laws of the City.
- All applications for exclusion of land from the ALR will be forwarded to the AAC for comments and input.
- The applicant will be responsible for retaining the services of qualified professionals, as necessary, to provide information to staff to demonstrate how the criteria in this policy and other relevant policies and by-laws of the City have been satisfied.
- Upon completion of the evaluation and consultation, a Planning report will be submitted to Council for consideration at a Regular Council – Land Use meeting.

- The report will provide, among other things, a summary of the application, a summary of staff's evaluation of the application against the criteria contained in this policy and a recommendation or set of recommendations for Council's consideration.

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Appendix II



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