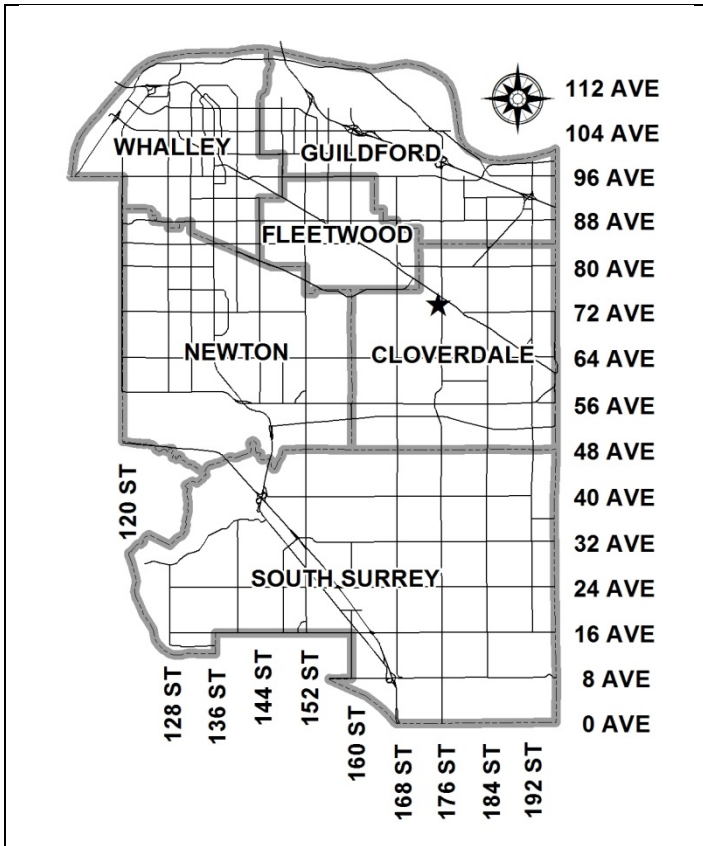


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7915-0086-00

Planning Report Date: May 25, 2015



PROPOSAL:

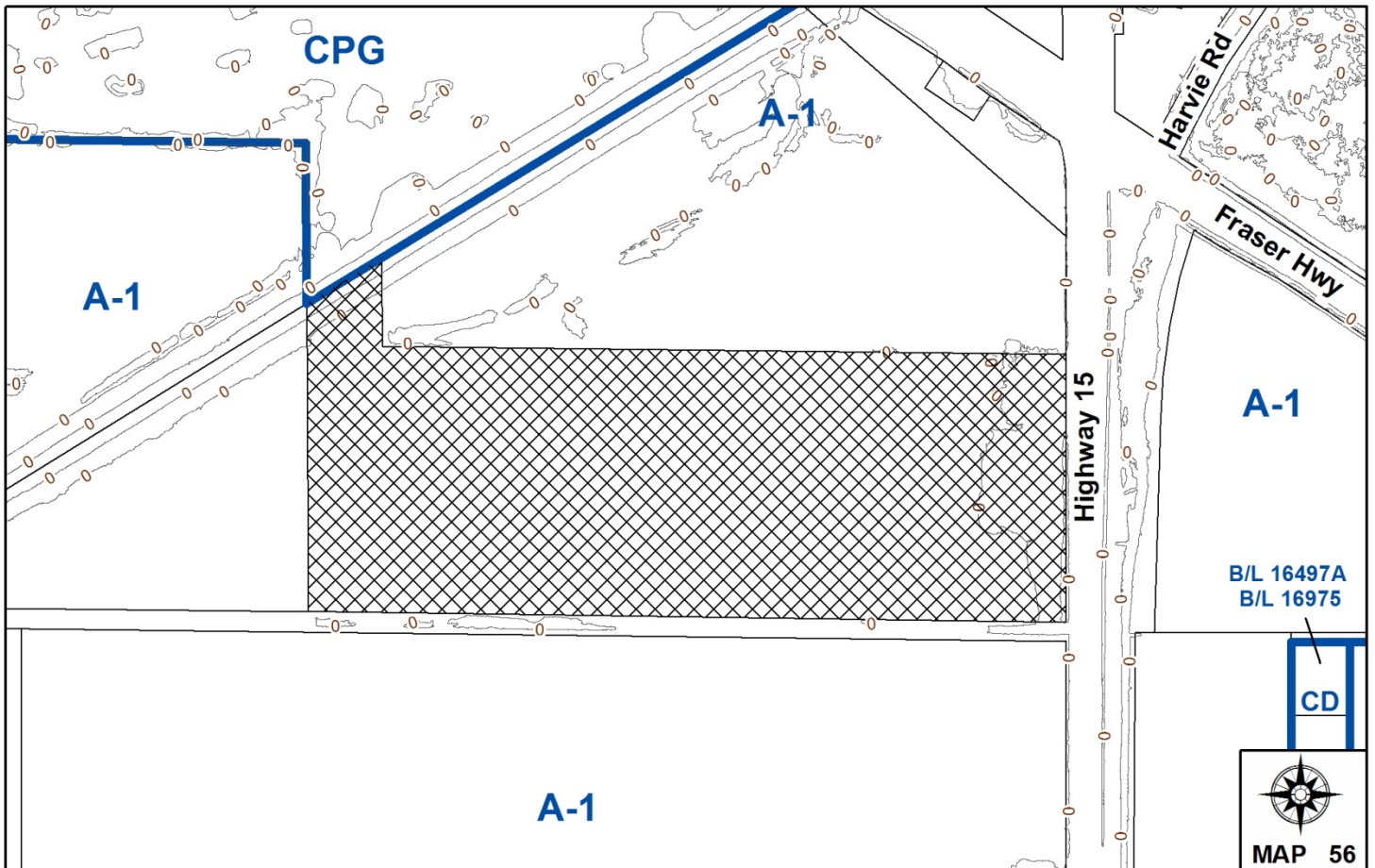
- **Non-farm use** under Section 20(3) of the ALC Act to permit the construction of a duplex on a farm site within the ALR.

LOCATION: 7337 - 176 Street

OWNERS: Navdeep S. Kajla
Sundeep S. Kajla

ZONING: A-1

OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

- Refer the non-farm use application to the Agricultural Land Commission (ALC).

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None

RATIONALE OF RECOMMENDATION

- The subject lot is 22.5 hectares (56 acres) in size, is actively farmed for blueberries, hay and corn, is within the Agricultural Land Reserve (ALR) and is classified as a farm under the BC Assessment Act.
- The applicant proposes to construct a duplex on this farm site. A duplex is considered a non-farm use in the Agricultural Land Commission Act ("ALC Act").
- Under Section 20(3) of the ALC Act an owner of agricultural land may apply to the Commission through the host local government, for permission for a non-farm use of agricultural land.
- The applicant intends to expand on-site farming operations and will need to house additional farm workers. A duplex instead of a single family dwelling with a secondary suite will better fit the needs of the applicant, as immediate family (who assist with operating the farm) and farm workers are intended to occupy separate sides of the duplex.
- A duplex is a permitted use in the A-1 Zone as a second dwelling for lots that are classified as a farm operation and are 4 hectares (10 acres) or larger. However, under the ALC Act, duplexes are not permitted on land within the Agricultural Land Reserve (ALR) without ALC approval.
- The application received support from the City's Agriculture and Food Security Advisory Committee, at its May 14, 2015 meeting.

RECOMMENDATION

The Planning & Development Department recommends that Council refer the non-farm use application to the Agricultural Land Commission (ALC).

REFERRALS

Engineering: The Engineering Department has no objection to the project.

Agriculture and Food Security Advisory Committee (AFSAC): The project was reviewed at the May 14, 2015 AFSAC meeting wherein AFSAC supported the proposed duplex.

SITE CHARACTERISTICS

Existing Land Use: Active blueberry, hay and corn farm and single family dwelling to be removed.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Dairy farm within ALR	Agricultural	A-1
East (Across Highway No. 15 / 176 Street):	Vacant land within ALR	Agricultural	A-1
South:	Dairy farm within ALR	Agricultural	A-1
West:	Blueberry farm within ALR	Agricultural	A-1

DEVELOPMENT CONSIDERATIONS

- The 22.5-hectare (56 ac.) subject site is located at 7337 – 176 Street (Highway No. 15) and is within the Agricultural Land Reserve (ALR).
- The site is designated Agricultural in the Official Community Plan (OCP) and is zoned "General Agricultural Zone (A-1)".
- The subject site is actively farmed for blueberries, hay and corn, and is classified as a farm under the BC Assessment Act.
- The applicant intends to expand on-site farming operations and requires an additional residence to house farm workers.
- Therefore, the applicant proposes to construct a duplex on the subject site.

- Duplexes are permitted in the A-1 Zone for lands within the ALR, subject to Agricultural Land Commission (ALC) approval.
- Part 2 – Permitted Uses 3(b)(i) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation of the ALC Act, permits a secondary suite within a single family dwelling, but not a duplex. Recently, ALC staff informed City staff of this provision.
- Therefore, approval for a non-farm use from the ALC is required in order to construct a duplex on the subject site.
- If approval for the duplex is granted by the ALC, the duplex will comply with the A-1 Zone, and the subject site will not need to be rezoned.
- Section 18 of the ALC Act allows for additional residences only if the additional residences are necessary for farm use. The ALC Act defines farm use as:
 - an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*.
- The applicant indicated that the proposed duplex will house farm workers for the expanding farming operations, thus, complying with Section 18 of the ALC Act.
- The proposed duplex will be located in conformance with the 3,000-square metre (0.75 ac.) maximum area requirement of the farm residential footprint of the A-1 Zone, for lots that are larger than 4 hectares (10 ac.) in size.
- The applicant requested and received approval (Appeal No. 14-06) from the Board of Variance (BOV) on February 12, 2014 to slightly increase the maximum setback of the A-1 Zone from 50 metres (164 ft.) to 64 metres (210 ft.) for a single family dwelling and a duplex, and to increase the maximum depth of the farm residential footprint from 60 metres (197 ft.) to 72 metres (236 ft.). The applicant had pre-loaded the site with fill prior to the farm residential footprint requirements coming into effect. The applicant intends to construct both dwellings on the existing fill pad which extends slightly beyond the maximum setback requirements of the A-1 Zone.
- A duplex instead of a single family dwelling with a secondary suite will better fit the needs of the applicant, as immediate family (who assist with operating the farm) and farm workers intend to occupy each half of the duplex.
- There is an existing single family dwelling in the northeast corner of the property that will be demolished. The applicant intends to construct a new single family dwelling near the proposed duplex.
- The application received support from the Agriculture and Food Security Advisory Committee (AFSAC) at its May 14, 2015 meeting.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

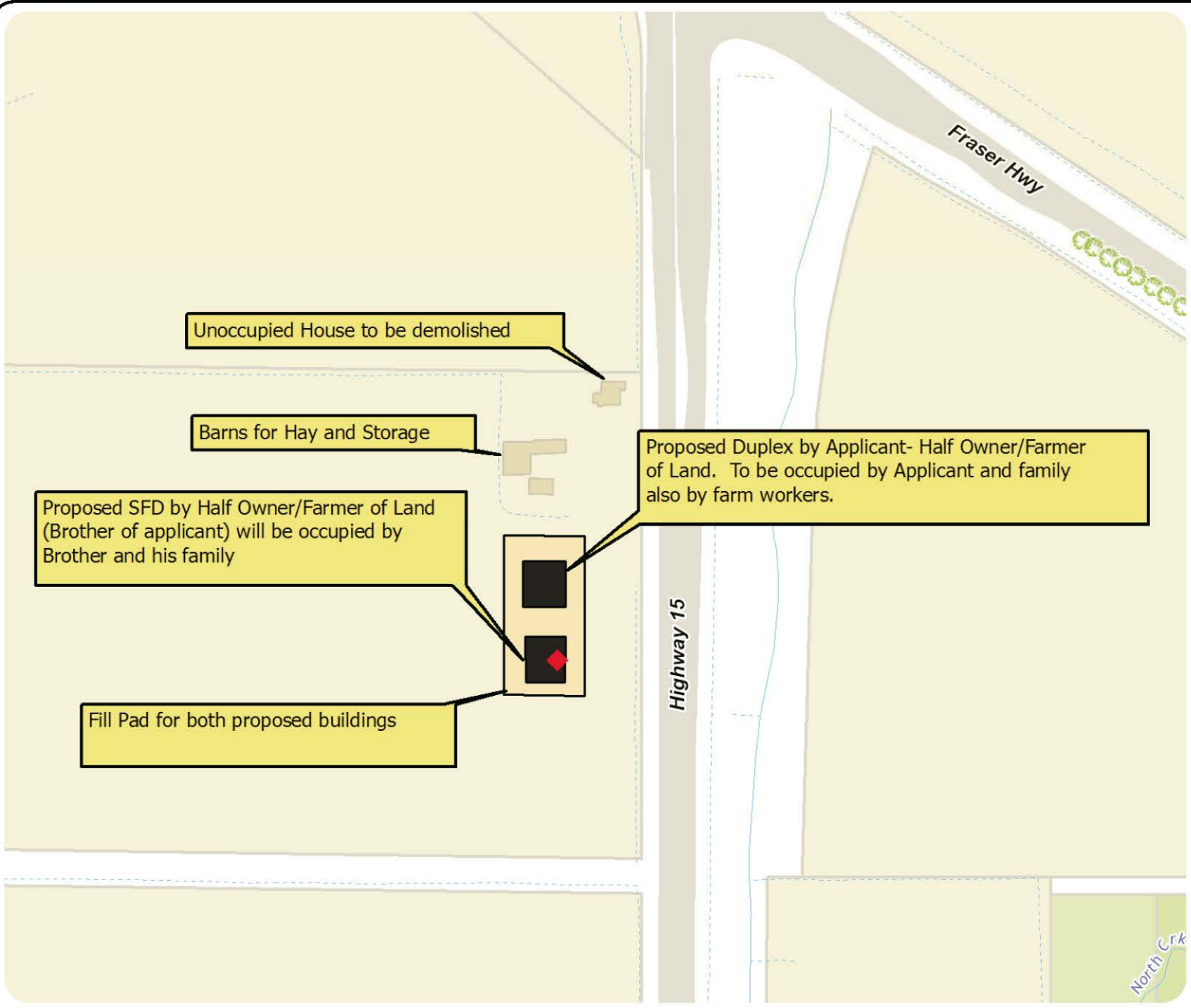
Appendix I. Lot Owners and Action Summary
Appendix II. Proposed Site Plan
Appendix III. Aerial Image

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

JD/da

\\file-server1\net-data\csdc\generate\areaproduct\save\11444213052.doc
KD 5/21/15 10:51 AM



- Legend**
- Park Specimen Trees2000_4000
 - Trails and Paths
 - River
 - Creek
 - Ditch
 - Unknown
 - Hospital
 - Church
 - Shopping Centre
 - Other
 - Attraction
 - Fire
 - RCMP
 - Justice
 - Municipal
 - Park
 - School
 - Library
 - Recreation Centre
 - Community Centre
 - Building Shadow
 - Sports Fields
 - Diamonds

Scale: 1:3,305

The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office. Use and distribution of this map is subject to all copyright and disclaimer notices at cosmos.surrey.ca



Map created on: 10/03/2015



Subject site

A-1

15-0086-00

15-0086-00

Proposed duplex location

11-0060-00

11-0170-00
11-0170-00

CPG
06-0317-00

00-0117-00
99-0068-00

Serpentine River

Harvie Rd

Fraser Hwy

Highway 15

07-0159-00
08-0296-00
07-0090-00
North Creek Park

North Cloverdale West

Scale: 1:4,844

The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office. Use and distribution of this map is subject to all copyright and disclaimer notices at cosmos.surrey.ca

