

City of Surrey  
PLANNING & DEVELOPMENT REPORT

File: 7916-0703-00

Planning Report Date: April 3, 2017

PROPOSAL:

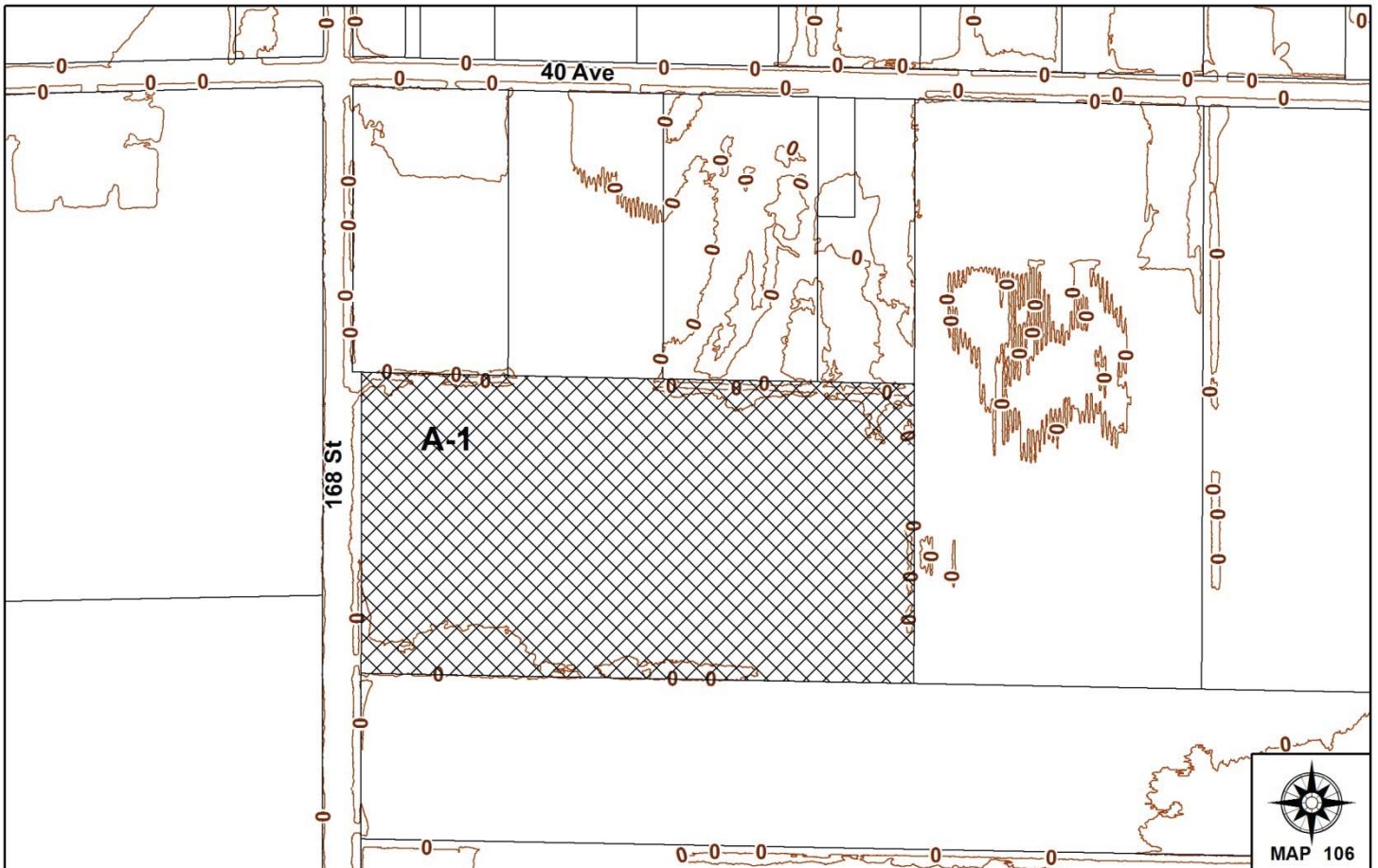
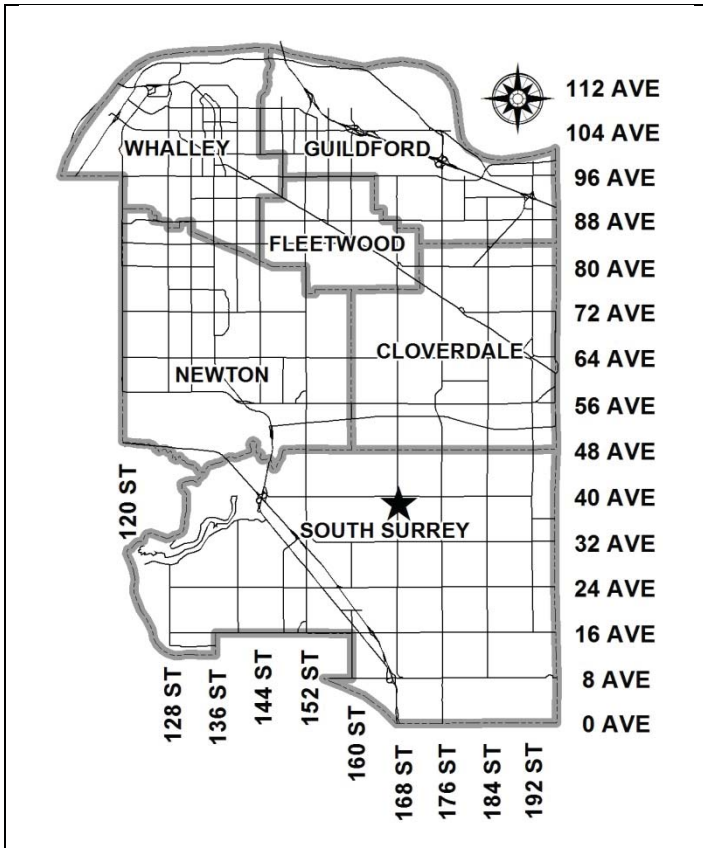
- **Non-farm use** under Section 20(3) of the *ALC Act* to permit the construction of a second dwelling on a farm site within the ALR.

LOCATION: 3810 - 168 Street

OWNER: Yu Y Chiu

ZONING: A-1

OCP DESIGNATION: Agricultural



### RECOMMENDATION SUMMARY

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

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking to construct a second dwelling on their farm property which is not permitted under Zoning Bylaw No. 12000.
- The applicant is proposing to place a total of 0.3 hectares (0.75 ac.) of structural fill on their site for residential purposes, which is more than the municipality's permitting authority for structural fill within the Agricultural Land Reserve.

### RATIONALE OF RECOMMENDATION

- The applicant is proposing to construct two dwellings on the subject farm property, one to house the applicant's family and the other to house four year-round farm workers and six seasonal farm workers.
- Under Section 18 of the *Agricultural Land Commission Act* (ALC Act) a local government may not approve more than one residence on a parcel of land unless the additional residences are necessary for farm use. If there is any doubt with respect to the necessity of a second dwelling, an application under Section 20(3) of the ALC Act for permission for a non-farm use is required.
- The City does not employ anyone with the expertise to adequately evaluate if a given farm operation needs additional residence for farm help. Therefore, the City requests applicants seeking a second dwelling on their farm property submit a Non-Farm Use Application to the ALC under Section 20(3) of the ALC Act to help determine if there is a legitimate need.
- The City's Agriculture and Food Security Advisory Committee reviewed the proposal for the second dwelling and recommended the Non-Farm Use Applications for the placement of fill and a second dwelling be referred to the Agricultural Land Commission.

**RECOMMENDATION**

The Planning & Development Department recommends that Council refer the application to the Agricultural Land Commission.

**REFERRALS**

Agricultural and Food Security Advisory Committee (AFSAC): The Committee supports Development Application No. 7916-0703-00 due of the overall size of the farming operation and recommend that the application be referred to the Agricultural Land Commission.

**SITE CHARACTERISTICS**

Existing Land Use: Blueberry farm and pre-loaded with structural fill for a single family dwelling and a barn structure.

Adjacent Area:

<b>Direction</b>	<b>Existing Use</b>	<b>OCP/NCP Designation</b>	<b>Existing Zone</b>
North:	Single family dwelling and farm land within ALR.	Agricultural	A-1
East:	Single family dwelling and farm land within ALR.	Agricultural	A-1
South:	Farm land within ALR.	Agricultural	A-1
West (Across 168 Street):	Farm land within ALR.	Agricultural	A-1

**DEVELOPMENT CONSIDERATIONS**

**Background**

- The subject property is approximately 7.5 hectares (18.3 acres) in size and is located at 3810 - 168 Street.
- The property is designated "Agricultural" and within the Development Permit Area (DPA) for flood prone hazard lands in the Official Community Plan (OCP), zoned "General Agricultural Zone (A-1)", and located within the Agricultural Land Reserve (ALR).
- The subject site is classified as farmland under the *Assessment Act*.

- Prior to 2016, the property was leased for hay production. Since January 2016, the property has been converted for blueberry production. To date, a total of 5.3 hectares (13 acres) of land has been installed with a double drip irrigation system and has been planted with blueberries. There is a remaining 0.8 hectares (2 acres) of farm land which is to be planted with blueberries once the primary dwelling and production facilities have been constructed. This area has the drainage system and irrigation mainline in place.
- Presently, the property does not contain any residential or farm related buildings. However, fill has been placed for a 0.2 hectare (0.5 ac.) residential farm home plate, and a 0.15 hectare (0.37 ac.) barn structure which represents 2% of the total parcel size. The fill was authorized through a City-issued permit in accordance with the municipality's approval authority for fill on ALR lands.

### A-1 Zone

- On October 3, 2016, Council approved the recommendations in Corporate Report No. R220, which included removing the provision of a second single family dwelling as a permitted use in Surrey's agricultural zones. On November 7, 2016, Council adopted the authorizing By-law No. 18874.
- The intention of the Zoning By-law amendment was to better align the permitted uses of the City's agricultural zones with the intended provision for second dwellings in the ALR as outlined in Section 18 of the *Agricultural Land Commission Act* (ALC Act) and the Agricultural Land Commission's (ALC) Policy #9.

### Additional Residences in the ALR

- Under Section 18 of the *Agricultural Land Commission Act* (ALC Act) a local government may not:
  - (i) permit non-farm use of agricultural land or permit a building to be erected on the land except for farm use, or
  - (ii) approve more than one residence on a parcel of land unless the additional residences are necessary for farm use.
- ALC Policy #9 "*Additional Residences for Farm Use*" provides further interpretation of Section 18 by outlining that a local government must be provided with sufficient evidence that there is a legitimate need for an additional residence for farm help accommodation. Local government by-laws should not necessarily be the basis for making a determination about the necessity for farm help accommodation. By-laws that automatically permit a second residence on a specified size of parcel in the ALR are not an appropriate determination under the ALCA. To help determine the need and evaluate the size and type of farm operation, the local government may wish to obtain advice and direction from staff of the Ministry of Agriculture and the Agricultural Land Commission. If there is any doubt with respect to need, an application under Section 20(3) of the ALC Act for permission for a non-farm use is required.

- The City does not employ anyone with the expertise to adequately evaluate if a given farm operation requires an additional residence for farm help. Therefore, the City requests applicants seeking a second dwelling on their farm property submit a Non-Farm Use Application to the ALC under Section 20(3) of the ALC Act to help determine legitimate need.
- Should the ALC determine that there is merit in considering a second dwelling for farm help, the farm owner would be required to proceed with an application to rezone their property from "General Agricultural Zone (A-1)" to "Comprehensive Development Zone (CD)" (based on A-1) to permit the second dwelling.

#### Placement of Fill in the ALR

- ALC Policy #15 "*Placement of Fill or Removal of Soil: Construction of a Single Family Residence*" outlines that the placement of fill for residential related uses in the ALR should not exceed 0.2 hectares (0.5 ac.) of a parcel.
- Municipalities are authorized to issue permits for up to 0.2 hectares (0.5 ac.) of fill for residential footprints without consulting the ALC. If a farm owner wishes to increase the amount of fill beyond 0.2 hectares (0.5 ac.) for residential purposes, they must make an application under Section 20(3) of the ALC Act for permission for a non-farm use.

#### Applicant's Proposal and Rational

- The applicant is proposing to build two residential dwellings on the subject farm property. In doing so, they are also proposing to increase the total allowable fill on site for residential purposes from 0.2 hectares (0.5 ac.) to 0.3 hectares (0.75 acres) to construct the second dwelling for farm workers.
- The applicant's family currently operates 80 hectares (200 ac.) of farmland over ten farm properties in Surrey; producing approximately 1.8 million pounds of blueberries per year. The family owns nine of the ten lots and currently leases the subject property. The family has a lease to purchase option for the property with a completion date occurring no later than September 17, 2018, when the first crop of blueberries will be ready for harvest.
- In addition to blueberry production and residential uses, the applicant is proposing to use a portion of the subject site as the central headquarters for their larger farm business. The intention is to build a processing and packing facility, along with an operations office, on the property to service the wider farm operation.
- In order to facilitate the proposed expansion to the family farm operation, four year-round workers and six seasonal workers will be employed and reside in a second dwelling on the subject farm property. These workers will be involved in farming all the applicant's properties across Surrey, not just the subject site.

- The four year-round workers will be responsible for performing the general farm related duties and activities, including, but not limited to, driving tractors, operating machinery, pest and weed control, inspecting and repairing irrigation systems, wintertime farm drainage control, maintenance and repair of farm buildings, machinery and equipment. Of the seasonal workers, three workers will be responsible for harvest related duties and activities, including, the driving and maintenance of the harvester, and loading berries on to trucks to be delivered to the processing facility. The other three seasonal workers will work in the processing facility scaling, washing, and packaging fruit, as well as maintaining facility equipment to abide by food safety regulations and standards.
- Housing and employing these workers on the subject site will allow the applicant's family to apply more time to farm managerial roles, freeing up resources for the further expansion of the overall farm operation.

### PROJECT EVALUATION

- The two dwellings are proposed to be built on a contiguous residential home plate near the frontage of the property. This will help contain residential uses, which can conflict with or diminish the farmable areas of an agricultural property, to one area of the subject site.
- While the proposal may be sensitive to the overall farmable area of the subject site, a request for a second dwelling on a farm property must resolve a legitimate farm related need for housing farm workers on site. The evaluation of whether a second dwelling is required for farm help should include factors such as the size and type of farm operation. Among these factors, the availability of residential accommodations within a reasonable distance from the farm operation should be considered.
- The City does not employ anyone with the expertise to evaluate if the subject farm operation necessitates a second dwelling to accommodate farm helpers. Therefore, Staff recommends that Council refer this application to the Agricultural Land Commission without comment.

### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Site Plan and Aerial
Appendix III.	March 2, 2017 Agricultural and Food Security Advisory Committee Minutes

*original signed by Ron Hintsche*

Jean Lamontagne  
General Manager  
Planning and Development

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent:     Name:                 Nav Sekhon  
  Himmat Sekhon Blueberry Growers Ltd.  
                  Address:                6328 - 166 Street  
  Surrey, BC V3S 0W4

2.     Properties involved in the Application

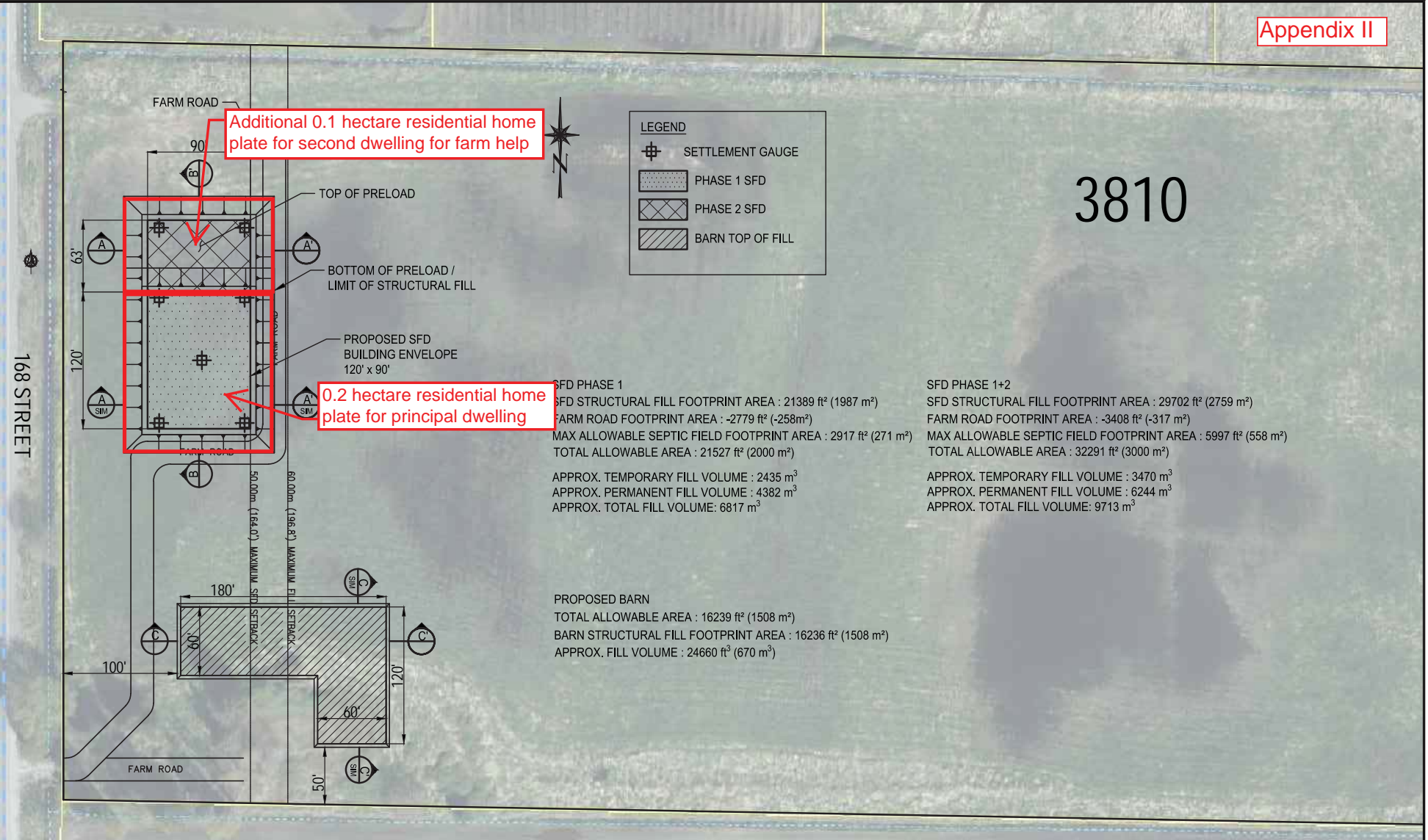
- (a)     Civic Address:                 3810 - 168 Street

- (b)     Civic Address:                 3810 - 168 Street  
          Owner:                        Yu Y Chiu  
          PID:                            013-259-083  
          South Half of the North West Quarter of the North West Quarter Section 30 Township 7  
          Except: Parcel "A" (Bylaw Plan 67257), New Westminster District

3.     Summary of Actions for City Clerk's Office



3810



Additional 0.1 hectare residential home plate for second dwelling for farm help

0.2 hectare residential home plate for principal dwelling

**LEGEND**

- SETTLEMENT GAUGE
- PHASE 1 SFD
- PHASE 2 SFD
- BARN TOP OF FILL

**SFD PHASE 1**  
 SFD STRUCTURAL FILL FOOTPRINT AREA : 21389 ft<sup>2</sup> (1987 m<sup>2</sup>)  
 FARM ROAD FOOTPRINT AREA : -2779 ft<sup>2</sup> (-258m<sup>2</sup>)  
 MAX ALLOWABLE SEPTIC FIELD FOOTPRINT AREA : 2917 ft<sup>2</sup> (271 m<sup>2</sup>)  
 TOTAL ALLOWABLE AREA : 21527 ft<sup>2</sup> (2000 m<sup>2</sup>)  
 APPROX. TEMPORARY FILL VOLUME : 2435 m<sup>3</sup>  
 APPROX. PERMANENT FILL VOLUME : 4382 m<sup>3</sup>  
 APPROX. TOTAL FILL VOLUME: 6817 m<sup>3</sup>

**SFD PHASE 1+2**  
 SFD STRUCTURAL FILL FOOTPRINT AREA : 29702 ft<sup>2</sup> (2759 m<sup>2</sup>)  
 FARM ROAD FOOTPRINT AREA : -3408 ft<sup>2</sup> (-317 m<sup>2</sup>)  
 MAX ALLOWABLE SEPTIC FIELD FOOTPRINT AREA : 5997 ft<sup>2</sup> (558 m<sup>2</sup>)  
 TOTAL ALLOWABLE AREA : 32291 ft<sup>2</sup> (3000 m<sup>2</sup>)  
 APPROX. TEMPORARY FILL VOLUME : 3470 m<sup>3</sup>  
 APPROX. PERMANENT FILL VOLUME : 6244 m<sup>3</sup>  
 APPROX. TOTAL FILL VOLUME: 9713 m<sup>3</sup>

**PROPOSED BARN**  
 TOTAL ALLOWABLE AREA : 16239 ft<sup>2</sup> (1508 m<sup>2</sup>)  
 BARN STRUCTURAL FILL FOOTPRINT AREA : 16236 ft<sup>2</sup> (1508 m<sup>2</sup>)  
 APPROX. FILL VOLUME : 24660 ft<sup>3</sup> (670 m<sup>3</sup>)

BASE PLAN FROM CITY OF SURREY COSMOS



Rev.	Description	Date	Client	Title		
REV 0	ISSUED FOR REVIEW	FEB 22, 2016	O.W.L. CONSTRUCTORS	PRELOAD FILL PLAN		
			Project	Proposed SFD 3810 168 Street, Surrey, BC		
			Project no.	Drawn	Design	Checked
			16-6663	EV	EV	SH
			Date	Scale	Drawing no.	
			February 22, 2016	1" = 80'	16-6663-G2	





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05/14/2016

AGRICULTURE AND FOOD SECURITY ADVISORY  
COMMITTEE THURSDAY, MARCH 2, 2017

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**D. NEW BUSINESS****1. Second Dwelling Referral to the Agricultural Land Commission**

Adam Rossi, Planning Technician

File: 6800-75; 7916-0703-00

The following comments were made:

- The subject property is approximately 7.5 hectares (18.3 acres) in size and is designated “Agricultural” in the Official Community Plan (OCP), zoned “General Agricultural Zone (A-1)” and located within the Agricultural Land Reserve (ALR). The property is located within a Development Permit Area (DPA) for flood prone hazard lands. The site is classified as farmland under the *Assessment Act*.
- The property was leased for hay production prior to 2016 and has now been converted for blueberry production. 5.3 hectares (13 acres) has been installed with a double drip irrigation system and planted with blueberries. The remaining 0.8 hectares (2 acres) of farm land will be planted with blueberries once the primary dwelling and production facilities have been constructed.
- The property does not contain any residential or farm related buildings. A fill permit was issued for a 0.2 hectare (0.5 acres) residential farm home plate.
- The applicant is requesting to increase the total fill on site by an additional 0.1 hectares (0.25 acres) to construct a second dwelling for farm workers. There will be four year round farm workers and six seasonal farm workers. The applicant is proposing to place the requested fill north of the approved residential farm home plate, creating a contiguous 0.3 hectare (0.74 acres) residential farm home plate for both the proposed homes.
- A rezoning application from “General Agriculture Zone (A-1) to “Comprehensive Development Zone (CD)” would be required to permit a second permanent dwelling. A Development Permit for flood prone hazard lands would also be required.
- Members stated that given the history of the applicant who has been farming for many years and has operations on multiple farms, which has been in business before the new regulations have been implemented, has the intention to make the subject property into productive land. Based on these grounds, the Committee sees the opportunity to accept the application to encourage larger farming operations. It was suggested by a member that a caveat or restriction be registered on title for the purposes of not selling the property for a certain amount of time, as the sale does not complete until 2018.

**AGRICULTURE AND FOOD SECURITY ADVISORY  
COMMITTEE THURSDAY, MARCH 2, 2017**

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- Staff clarified that the Planning and Development Department does not have the expertise to evaluate certain farm operations for validity of farm workers based on operational needs. The City therefore, forwards applications for permanent farm worker housing to the Agricultural Land Commission (ALC) to evaluate properties and operations in the Agricultural Land Reserve. The ALC has permitted uses that the City cannot prohibit, but only regulate such as one residential dwelling with a secondary suite and an additional mobile. Staff clarified that the City cannot impose restrictions on the future sale of the property. There is, however, an option to purchase on title, which sets out specific guidelines in the contract and does not allow the agreement to be assigned to a third party.
- A member noted that the size of houses were not listed in the application but an accessory second dwelling for farm help seems justified for farm workers help based on size of total farm operation, with certain criteria. The fill for the barn is a farm use in accordance with the ALC policies.

It was

Moved by M. Bose

Seconded by P. Harrison

That the Agriculture and Food Security Advisory Committee recommend to the General Manager of Planning and Development to:

1. Forward Development Application No. 7916-0703-000 for the Non-Farm Use to Place Fill, to the Agricultural Land Commission with a recommendation that an additional 1,000 square metres of fill be considered if not detrimental to the viability of the farm operation; and
2. Recommend that the proposed second dwelling application be supported, but including certain regulatory criteria derived from the Ministry of Agricultural “*Local Government Bylaw Standards for Temporary Farm Worker Housing*”.

Carried

The Committee supports Development Application No. 7916-0703-00 because of the overall size of useable farming operations and the economic generator of the business.