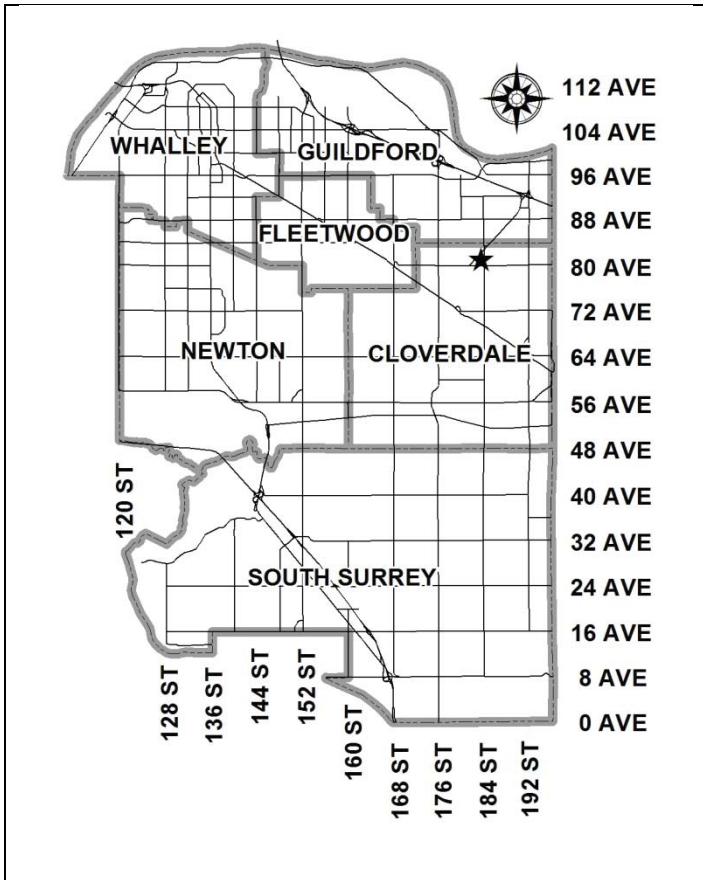


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0112-00

Planning Report Date: September 11, 2017



PROPOSAL:

- **Rezoning from A-1 to CD** (based on A-1)
- **Non-farm use** under Section 20(3) of the *ALC Act*.
- **Development Permit**

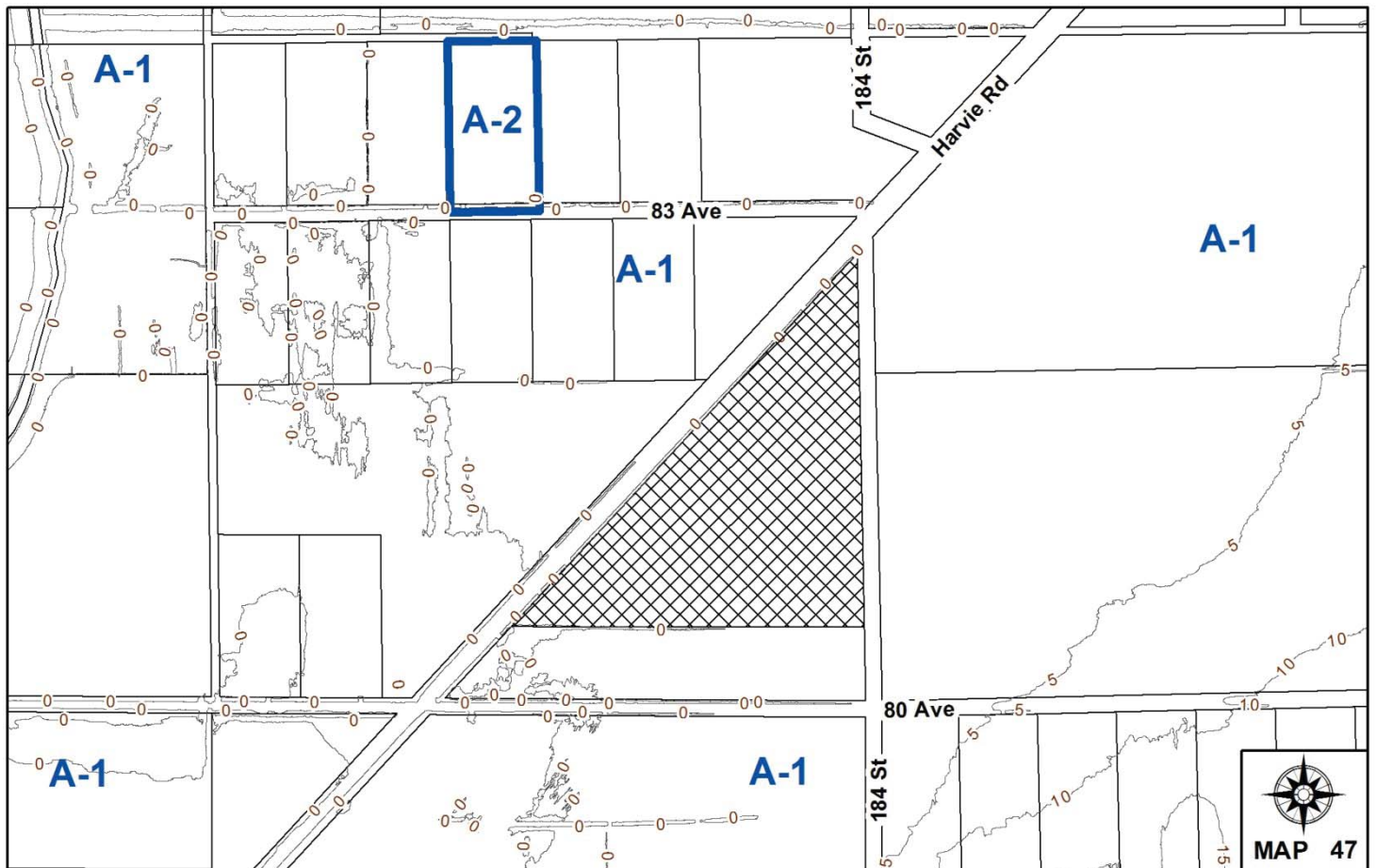
to permit construction of a second dwelling on an agricultural property within the ALR.

LOCATION: 8050 - Harvie Road

OWNER: Baldev S. Bath
 Resham K. Bath
 Amrit S. Bath

ZONING: A-1

OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

- By-law Introduction for Rezoning (without scheduling a Public Hearing).
- Refer the application to the Agricultural Land Commission (ALC) for non-farm use.
- Approval to draft Development Permit.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking to construct a second dwelling, on an existing pre-load pad, on the subject farm property which is not permitted under the A-1 Zone of Surrey By-law, 1993, No. 12000, as amended.
- The applicant is proposing approximately 0.22 hectares (0.55 acres) of structural fill for all residential related uses, which is greater than the 0.2-hectare (0.5-acre) allowable under the municipality's permitting authority for structural fill within the Agricultural Land Reserve (ALR).

RATIONALE OF RECOMMENDATION

- Under Sub-Section 18(a)(ii) 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 residence is necessary for farm use. If there is any doubt with respect to the necessity of the second dwelling, an application under Section 20(3) of the *ALC Act* for permission for a non-farm use is required. As the City does not employ any staff with the expertise to adequately evaluate if a given farm operation requires additional residences for farm help the City requests that a Non-Farm Use Application to the ALC, as stipulated under Section 20(3) of the *ALC Act*, be undertaken to help determine if there is legitimate need.
- The City's Agriculture and Food Security Advisory Committee (AFSAC) reviewed the subject rezoning and non-farm use application on July 6, 2017, recommending a motion of support, and that the application be brought forward for Council's consideration in order to forward the application to the ALC for comment.
- The subject property is encumbered by three (3) Class A/O (intermittent red-coded) ditches that run adjacent to the northeast and eastern, as well as along the south lot property line. In accordance with Part 7A Streamside Protection of the Surrey Zoning By-law No. 12000, Class A/O ditches require a minimum streamside setback, as measured from top-of-bank, of 10 metres (33 ft.).
- The applicant has demonstrated, by means of an Ecosystem Development Plan, prepared by Pacific Land Group and dated August 4, 2017, that the proposed development will not produce any negative impacts on existing, adjacent riparian areas. The proposed streamside protection area, approximately 0.8 hectares (1.97 acres) in area, will be protected via the registration of a combination Statutory Right-of-Way/Restrictive Covenant, to ensure safeguarding and maintenance in perpetuity as well as the installation of 327 linear metres (1,072 linear feet) of 1.8-metre (6-foot) high riparian protection fencing adjacent to the existing and proposed residential uses on the property.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council refer the non-farm use application to the Agricultural Land Commission (ALC) to allow for:
 - (a) the construction of a second dwelling on the subject site; and
 - (b) the placement of fill in excess of 2,000 square metres (0.5 acres) in area.
2. a By-law be introduced to rezone the subject site from "General Agricultural Zone (A-1)" to "Comprehensive Development Zone (CD)". The applicant is required to obtain approval from the ALC for the proposed non-farm use prior to a Public Hearing being scheduled.
3. Council authorize staff to draft Development Permit No. 7917-0112-00 for Sensitive Ecosystems (Streamside Areas).
4. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) approval from the ALC for the non-farm use;
 - (c) removal of the existing manufactured home, to the satisfaction of the Building Division;
 - (d) registration of a Section 219 Restrictive Covenant ensuring that the additional single family dwelling is to be used exclusively as a farm worker dwelling for full-time farm workers;
 - (e) registration of a combined Restrictive Covenant/Statutory Right-of-way over the designated riparian area to ensure safeguarding and maintenance of the environmental features; and
 - (f) submission of a finalized Nest Management Plan, prepared by a Registered Professional Biologist with respect to the adjacent Bald Eagle nest, outlining mitigation measures to ensure adequate habitat protection.

REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering requirements as outlined in Appendix III.

Parks, Recreation & Culture: No objections.

Agricultural and Food Security Advisory Committee (AFSAC): The project was reviewed at the July 6, 2017 meeting of the Agriculture and Food Security Advisory Committee (AFSAC) where the Committee recommended a motion of support, on the condition that the requirement for a combined SRW/RC and riparian fencing be waived for the subject application. (Appendix IV)

SITE CHARACTERISTICS

Existing Land Use: A newly constructed single family dwelling and four (4) existing farm accessory buildings (storage barn and sheds) clustered in the southwest corner of the subject property, which are to remain.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across Harvie Road):	Active farmland within the ALR	Agricultural	A-1
East (Across unopened 184 Street road allowance):	Active farmland within the ALR	Agricultural	A-1
South:	Active farmland within the ALR	Agricultural	A-1
West (Across Harvie Road):	Active farmland within the ALR	Agricultural	A-1

DEVELOPMENT CONSIDERATIONS

Background

- The 10.08-hectare (24.9 acre) subject property is located at 8050 - Harvie Road in Cloverdale.
- 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 site is within both the Hazard Lands (Flood Prone Hazards) Development Permit Area and Sensitive Ecosystems (Streamside) Development Permit Area as it is within the 200-year flood plain of the Serpentine River and encumbered by three (3) Class A/O watercourses (ditches) that run adjacent to the northeast and east, as well as along the south property line.
- The subject site is classified as farmland under the *Assessment Act*.

- The north corner of the property contains a 1,200 square metre (12,915 sq.ft.) pre-load pad, approximately 3 metres (10 ft.) in depth, which was approved in April 2007. In addition, a culvert and driveway crossing on Harvie Road, adjacent to the pre-load pad, were also approved and constructed in mid-2007.
- The property previously contained a single family dwelling, located adjacent to the existing farm buildings and structures and manufactured home at the southwest corner of the site, which was destroyed by fire in January 2011.
- The property owners have informed staff that they have been farming the property since mid-2012, and have added an additional 5.5 hectares (13.5 acres) of blueberry fields, an expanded drip-irrigation system and a 671-square metre (0.7-hectare) test orchard in addition to the 3.4 hectares (8.5 acres) of blueberries grown by the previous property owner. That portion of the subject property currently producing blueberries is leased to a farm management company (Sanghera Farm Ltd.), who oversees the temporary and full-time farm workers.
- In an average year, the farm produces approximately 176 tonnes of blueberries (an average yield of 8 tonnes per acre). The farm operation currently employs 4-5 permanent farm workers, who reside in the manufactured home adjacent to the existing farm buildings. During the harvest, an additional 40 temporary workers, who do not reside on the subject property, are hired to undertake additional labour requirements.
- In August 2016, a 400-square metre (4,300 sq.ft.) residential building was constructed, with valid permits, on an approved 930 square metre (10,010 sq.ft.) residential farm footprint, consisting of a structural fill pad and adjacent driveway. The property owners have advised staff that the intended use of this southern single family dwelling was for farm help accommodation.
- In addition to the existing single family dwelling and manufactured home, the southwest corner of the property contains four (4) farm buildings, including a horse barn used by the previous farm operation, two (2) storage barns and a covered area for vehicles. This 0.44-hectare (1.08-acre) area accounts for approximately 4.3% of the total parcel.

Changes to the City of Surrey's Agricultural Zones

- 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 zoning amendment By-law No. 18874.
- The intention of the amendment to the Surrey Zoning By-law 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 Agricultural Land Commission (ALC) Policy #18 "*Activities Designated as Permitted Non-Farm Use: Residential Uses in the ALR – Zone 2*".

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 Help Accommodation*" provides further interpretation of Section 18 by outlining that a local government must be provided with 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 sized of parcel in the ALR are not considered an appropriate determination under the ALC Act. 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 that 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 to establish the legitimacy of the request.
- Should the ALC determine that there is merit in considering the second dwelling for farm help, the applicant is 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.

Proposal and Rationale

- The property owners are proposing a rezoning from "General Agricultural Zone (A-1)" to "Comprehensive Development Zone (CD)" (based on A-1) in order to retain the existing single family dwelling at the southwest corner of the property for farm help accommodation and permit construction of a second dwelling in the north corner of the subject property, to be used as the primary residence of the property owners.
- In accordance with the A-1 Zone, the maximum allowable size of the farm residential footprint is 2,000 square metres (0.5 acres) with no portion of the single family dwelling located farther than 50 metres (164 ft.) and no portion of the farm residential footprint located farther than 60 metres (197 ft.) from the front lot line, or side lot line on a flanking street if the property is a corner lot.

- The applicant is proposing to relocate a portion of the existing north pre-load pad to ensure that the resulting dwelling and farm residential footprint comply with the maximum setbacks of the proposed CD By-law, which is to be based on the A-1 Zone. If the second dwelling were to be approved, the resulting farm residential footprint would be approximately 0.22 hectares (0.55 acres) in area. This farm residential footprint would be comprised of both the 1,313 square metre (14,133 sq.ft.) northern and 930 square metre (10,010 sq.ft.) southern farm residential footprints.
- As the proposed 0.22 hectares (0.55 acres) exceeds the municipality's permitting authority for structural fill within the ALR, as per ALC Policy #15 "Placement of Fill or Removal of Soil: Construction of a Single Family Residence", the subject Non-Farm Use Application will include a request to permit fill in excess of 0.2 hectares (0.5 acres) for all residential related uses on the subject property.
- The farm operation, overseen by a farm management company (Sanghera Farm Ltd.) employs 4 to 5 full-time farm workers and approximately 40 seasonal workers. The farm workers typically work 65-hour weeks and are responsible for the following tasks:
 - Maintenance of the blueberry fields (i.e., planting, pruning, spraying, fertilizing);
 - Weed control;
 - Maintenance and repair of existing farm buildings and farm machinery;
 - Inspection and repair of the irrigation system; and
 - Harvest (i.e., picking and packaging of the farm product).

Proposed CD Zone (Appendix V)

- The proposed "Comprehensive Development Zone (CD)" is based on the "General Agricultural Zone (A-1)" of Surrey Zoning By-law, 1993, No. 12000, as amended. A CD Zone is required to allow a second dwelling as a permitted use on the subject property
- The proposed CD Zone will also allow for a 0.22-hectare (0.55-acre) non-contiguous residential farm footprint, located at the north and southwest corner of the subject property (see Site Plan, Appendix II).

Sensitive Ecosystems (Streamside Areas) Development Permit

- As the subject property is located within the Sensitive Ecosystems (Streamside) Development Permit Area (SEDPA), a Sensitive Ecosystems Development Permit (SEDP) and an accompanying Ecosystem Development Plan are required.
- Section B.2. of Part 7A Streamside Protection of the Surrey Zoning By-law No. 12000 states that for lots that existed prior to September 12, 2016, where zoning allows for single family dwelling and duplex uses, the minimum required setback from the top-of-bank of a Class A/O (intermittent red-coded) ditch is 10 metres (33 ft.). The unnamed watercourse that run adjacent to the northwest and eastern, as well as along the south lot property line are classified as Class A/O ditches.

- The applicant has demonstrated, by means of an Ecosystem Development Plan, prepared by Pacific Land Group and dated August 4, 2017, that the proposed development will not produce any negative impacts on existing, adjacent riparian areas. The proposed streamside protection area, extending the 10 metres (33 ft.) from top-of-bank of the watercourses and approximately 0.8 hectares (1.97 acres) in area, will be protected via the registration of a combination Statutory Right-of-Way/Restrictive Covenant (SRW/RC), to ensure safeguarding and maintenance in perpetuity. Furthermore, approximately 327 linear metres (1,072 linear feet) of 1.8-metre (6-foot) high riparian protection fencing is proposed to be installed adjacent to the existing and proposed residential uses on the property along the interior edge of the 10-metre (33-foot) wide streamside setback area (see Appendix VI).
- The combined SRW/RC will permit the continuation of normal farming practice within that portion of the riparian protection area directly adjacent to agricultural uses while ensuring the installation of riparian protection fencing and no disturbance occurs on that portion of the riparian area adjacent to residential uses on the subject property.
- An active Bald Eagle nest was observed within the unopen road allowance (184 Street) to the immediate east of the subject property. As part of the Ecosystem Development Plan, the Qualified Environmental Professional (QEP) has provided a Nest Management Plan, which outlines a series of best management practices to minimize impacts in compliance with the *BC Wildlife Act*.
- Although the Ministry of Forests, Lands, Natural Resource Operations and Rural Development's (MFLNRO) "Develop with Care Guidelines" best management practices recommend a 100-metre (330-foot) year round and an additional 200-metre (660-foot) breed season buffer the applicant is proposing to retain only a 50-metre (164-foot) year round buffer, with an additional 50-metre (164-foot) buffer during the breeding season. Additional mitigation measures such as advancing or delaying the majority of construction activity to occur outside of the breeding season and ensuring that an appropriately qualified QEP be present for all works occurring within the 100-metre (328-foot) buffer have also been considered.
- The Ministry of Environment's "Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia (2013)" indicate that Bald Eagles possess a moderately high tolerance to activity near the nest site, and that with sufficient mitigation measures in place the risk of nest abandonment will be minimal. Given the location of existing nest within close proximity to Harvie Road and adjacent active farmland the QEP has indicated that the minimal vegetative clearing, construction work and standard noise associated with proposed on-site development is not considered to pose a significant risk to the nest site.
- The proposed Nest Management Plan was reviewed by staff and found to be generally acceptable. A finalized Nest Management Plan will be included in Development Permit No. 7917-0112-00, to be registered on title, in order to provide guidance to staff on any subsequent soil or building permit applications on the subject property.

PRE-NOTIFICATION

A development proposal sign was installed on the subject property, along the Harvie Road frontage, on July 5, 2017. Pre-notification letters were sent out on July 5, 2017, to which staff have received no telephone calls or letters of concern.

TREES

- No existing mature trees are proposed to be removed from the subject property as a result of the proposed development.

SUSTAINABLE DEVELOPMENT CHECKLIST

The applicant prepared and submitted a sustainable development checklist for the subject site on March 10, 2017. The table below summarizes the applicable development features of the proposal based on the seven (7) criteria listed in the Surrey Sustainable Development Checklist.

Sustainability Criteria	Sustainable Development Features Summary
1. Site Context & Location (A1-A2)	<ul style="list-style-type: none"> • The site is located within the Agricultural Land Reserve (ALR).
2. Density & Diversity (B1-B7)	<ul style="list-style-type: none"> • N/A
3. Ecology & Stewardship (C1-C4)	<ul style="list-style-type: none"> • The applicant is proposing to protect approximately 0.8 hectares (1.97 acres) of streamside protection area in perpetuity through the installation of riparian protection fencing and the registration of a combined SRW/RC. •
4. Sustainable Transport & Mobility (D1-D2)	<ul style="list-style-type: none"> • N/A
5. Accessibility & Safety (E1-E3)	<ul style="list-style-type: none"> • N/A
6. Green Certification (F1)	<ul style="list-style-type: none"> • N/A
7. Education & Awareness (G1-G4)	<ul style="list-style-type: none"> • A development proposal sign was installed on-site by the applicant and pre-notification letters were mailed to area residents.

PROJECT EVALUATION

- The location of the proposed dwelling does not result in the removal of mature trees or a reduction to existing farmable land on the property. The northern and southern "corners" of the subject property have considerably lower agricultural potential as they cannot be

efficiently or rationally cultivated with mechanical farming equipment and as such are not intended to be farmed under the current farm operation plan.

- The applicant has provided documentation, in the form of Records of Employment (ROEs) and T-4 slips, demonstrating that the farm operation employs full-time farm workers.
- The City's Agriculture and Food Security Advisory Committee (AFSAC) reviewed the subject rezoning and non-farm use application on July 6, 2017, recommending a motion of support, and that the application be brought forward for Council's consideration in order to forward the application to the ALC for comment.
- As the City does not employ anyone with the expertise to evaluate if the subject farm operation necessitates a second dwelling to accommodate farm help, staff recommends that Council refer this application to the Agricultural Land Commission and introduce a by-law to rezone the site. The Public Hearing could then be scheduled should the applicant obtain approval from the ALC for the proposed non-farm use.
- The proposed non-contiguous farm residential footprint does not result in the loss of any existing arable farmland on the subject property and, due to the inclusion of residential-related driveway areas in the calculation of the farm residential footprint area, is only slightly in excess of the 2,000-square metre (0.5-acre) maximum permitting authority of the City for structural fill within the ALR.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Site Plans
Appendix III.	Engineering Summary
Appendix IV.	Draft Minutes of July 6, 2017 Agriculture and Food Security Advisory Committee (AFSAC) Meeting
Appendix V.	Proposed CD By-law
Appendix VI.	Proposed SRW Plan and Fencing Detail

INFORMATION AVAILABLE ON FILE

- Ecosystem Development Plan Prepared by Pacific Land Group Dated August 4, 2017.
- Nest Management Plan by Pacific Land Group Dated August 4, 2017.

original signed by Ron Gill

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: Oleg Verbenkov
 Pacific Land Group
 Address: 12992 - 76 Avenue, Unit 212
 Surrey, BC V3W 2V6

2. Properties involved in the Application
 - (a) Civic Address: 8050 - Harvie Road

 - (b) Civic Address: 8050 - Harvie Road
 Owner: Amrit S. Bath
 Resham K. Bath
 Baldev S. Bath
 PID: 013-232-061
 Parcel "E" (Reference Plan 3420) South East Quarter Section 29 Township 8 Except Parcel
 "One" (Reference Plan 11758), New Westminster District

3. Summary of Actions for City Clerk's Office
 - (a) Introduce a By-law to rezone the site (without setting Public Hearing).

STATISTICS

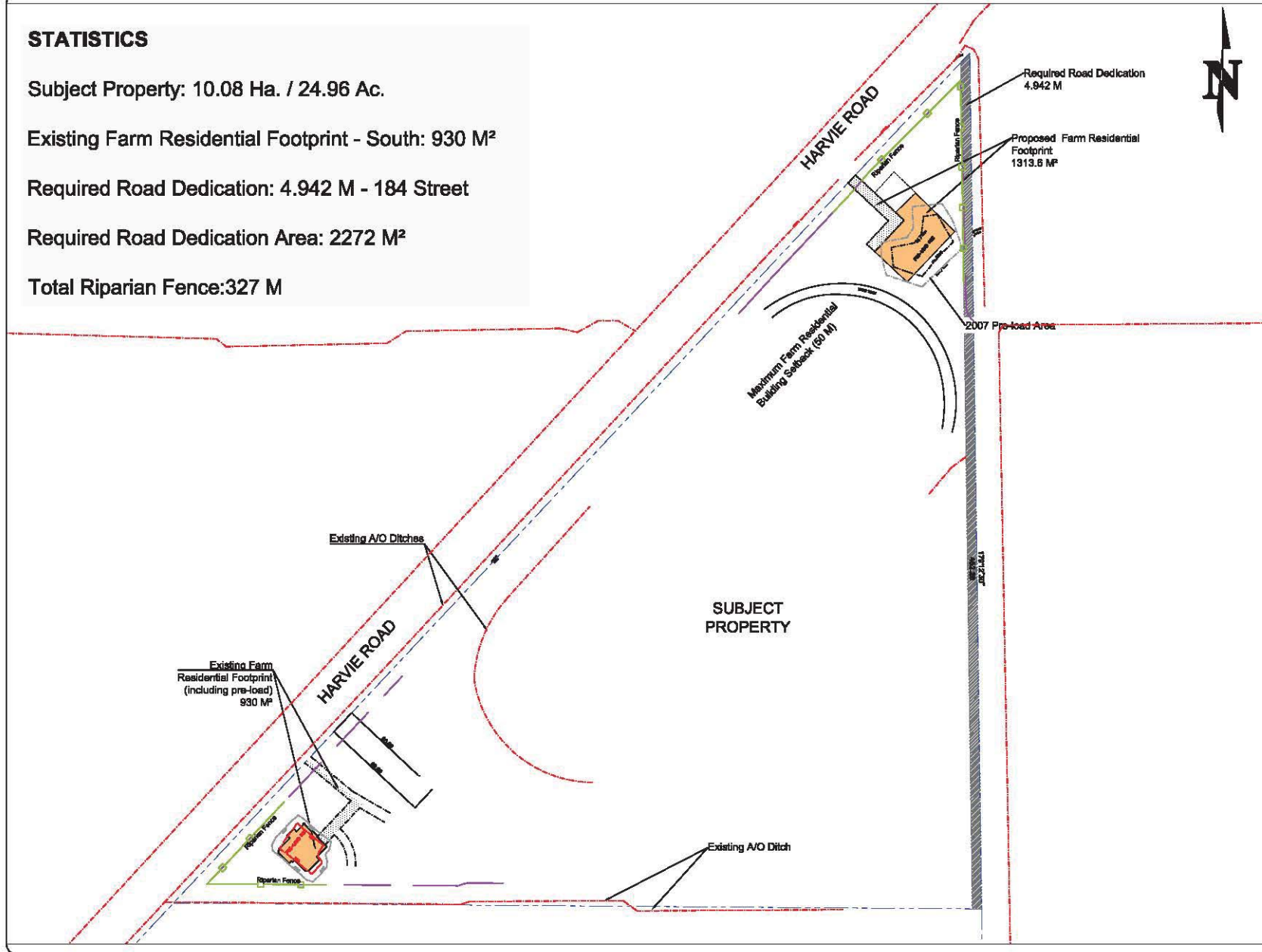
Subject Property: 10.08 Ha. / 24.96 Ac.

Existing Farm Residential Footprint - South: 930 M²

Required Road Dedication: 4.942 M - 184 Street

Required Road Dedication Area: 2272 M²

Total Riparian Fence: 327 M



PACIFIC LAND GROUP
Land Use, Development & Environmental Strategists

Pacific Land Resource Group Inc.

Suite 212 - 12992 76 Avenue
 Surrey, British Columbia
 Canada V3W 2V6

Tel: 604-501-1624
 Fax: 604-501-1625

www.pacificlandgroup.ca
 info@pacificlandgroup.ca

PROJECT:

8050 Harvie Road, Surrey

DRAWING TITLE:

Subject Property

PRELIMINARY PLAN - SUBJECT TO APPROVAL(S) FROM FEDERAL, PROVINCIAL AND LOCAL AUTHORITIES

CLIENT:

Baldev Bath

SCALE:

1:2000

DATE:

August 4, 2017

PROJECT No:

16-1449

DRAWING No:

01

DESIGNED BY:	CHECKED BY:
EW	OV



PACIFIC LAND GROUP
Land Use, Development & Environmental Strategists

Pacific Land Resource Group Inc.

Suite 212 - 12992 76 Avenue
Surrey, British Columbia
Canada V3W 2V6

Tel: 604-501-1624
Fax: 604-501-1625

www.pacificlandgroup.ca
info@pacificlandgroup.ca

PROJECT:

8050 Harvie Road, Surrey

DRAWING TITLE:

Required A/O Ditch ToB Setback Plan and Riparian Fence

PRELIMINARY PLAN - SUBJECT TO APPROVAL(S) FROM FEDERAL, PROVINCIAL AND LOCAL AUTHORITIES

CLIENT:

Baldev Bath

SCALE:

1:750

DATE:

August 4, 2017

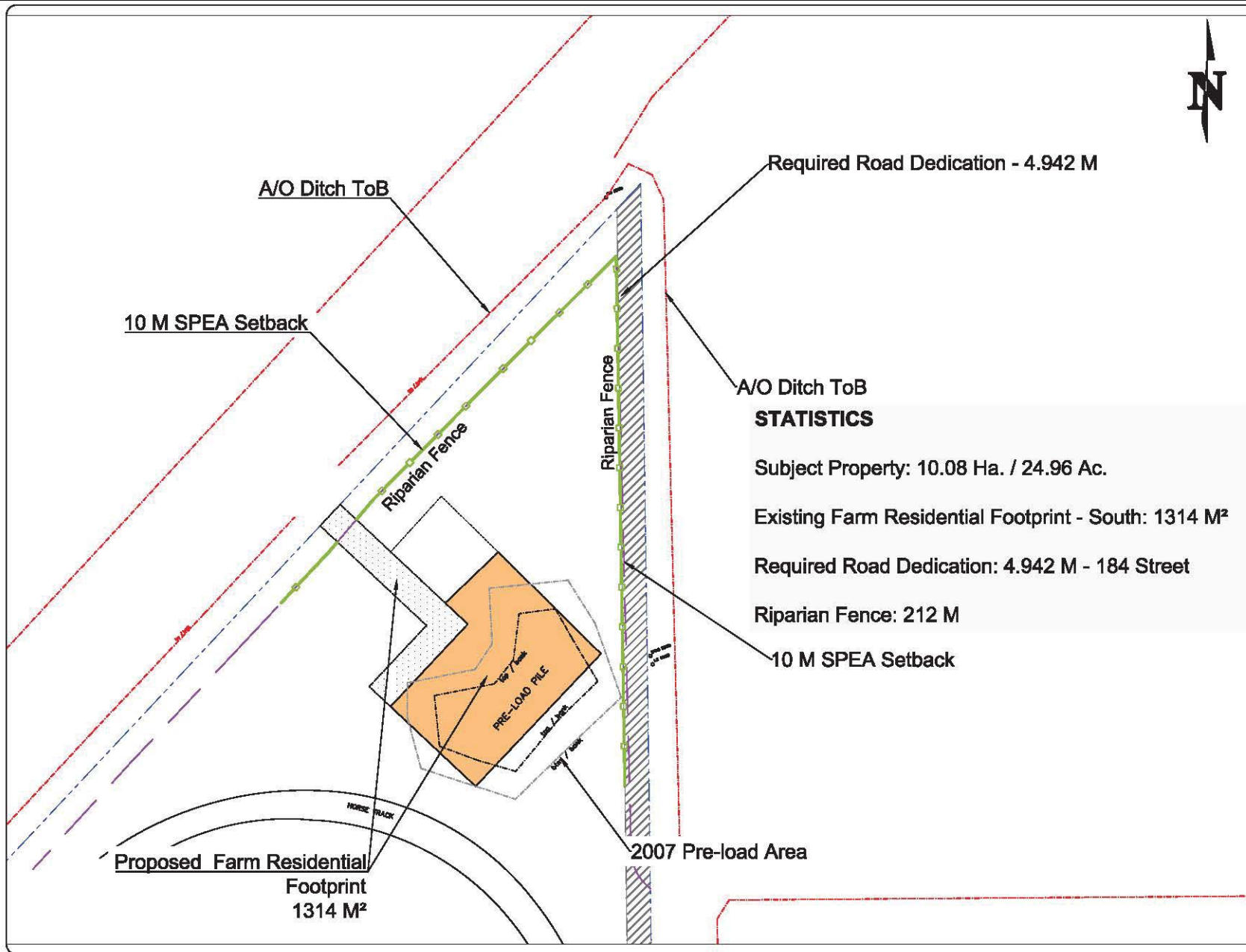
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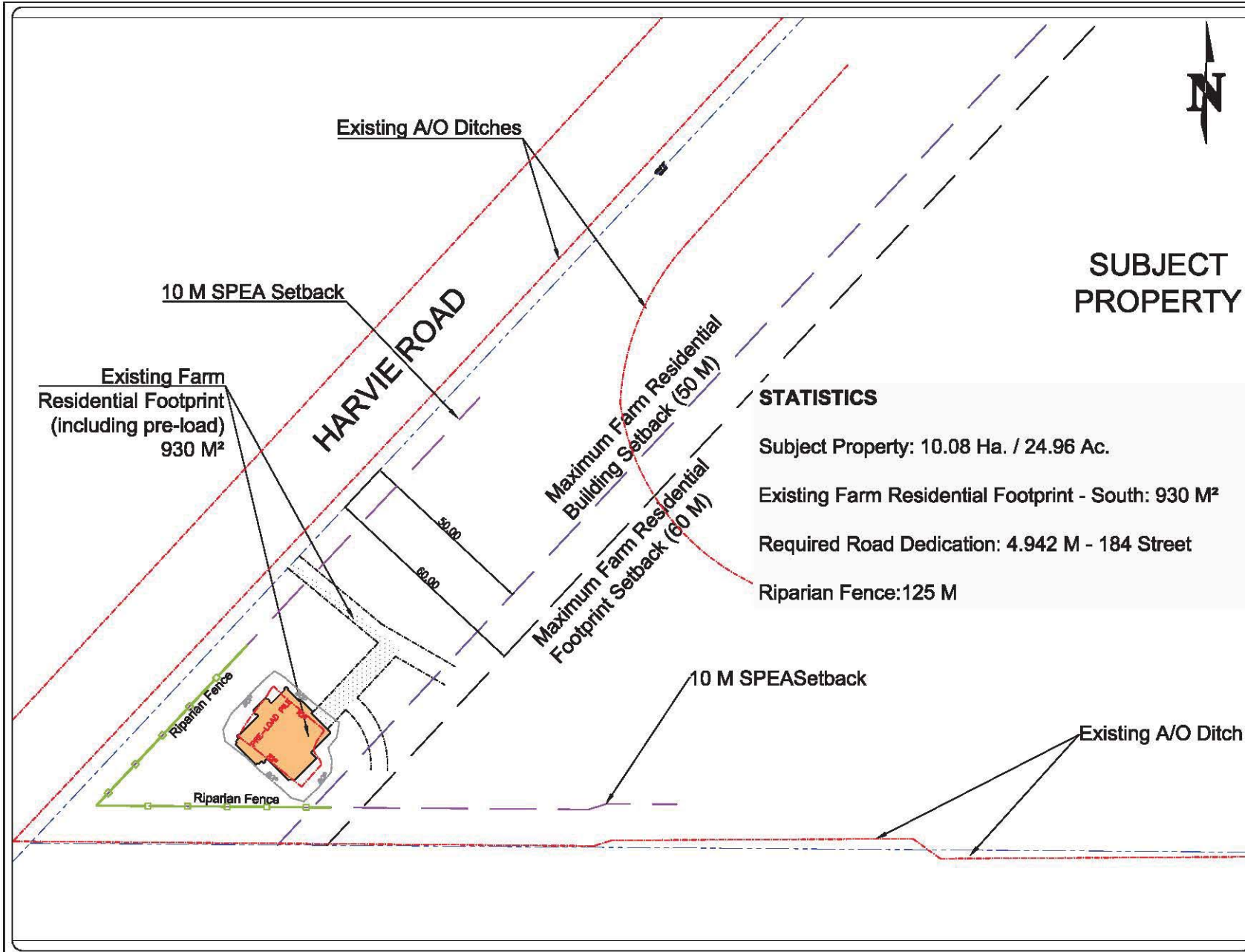
16-1449

DRAWING No:

02

DESIGNED BY: **EW** CHECKED BY: **OV**





SUBJECT PROPERTY

STATISTICS

Subject Property: 10.08 Ha. / 24.96 Ac.
 Existing Farm Residential Footprint - South: 930 M²
 Required Road Dedication: 4.942 M - 184 Street
 Riparian Fence: 125 M

PACIFIC LAND GROUP
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 Tel: 604-501-1624
 Fax: 604-501-1625
 www.pacificlandgroup.ca
 info@pacificlandgroup.ca

PROJECT:
8050 Harvie Road, Surrey

DRAWING TITLE:
Required A/O Ditch ToB Setback Plan and Riparian Fence

PRELIMINARY PLAN - SUBJECT TO APPROVAL(S) FROM FEDERAL, PROVINCIAL AND LOCAL AUTHORITIES

CLIENT:
Baldev Bath

SCALE:
1:1000

DATE:
August 4, 2017

PROJECT No:
16-1449

DRAWING No:
03

DESIGNED BY: EW	CHECKED BY: OV
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INTER-OFFICE MEMO

TO: **Manager, Area Planning & Development
- North Surrey Division
Planning and Development Department**

FROM: **Development Services Manager, Engineering Department**

DATE: **August 4, 2017** PROJECT FILE: **7817-0112-00**

RE: **Engineering Requirements
Location: 8050 Harvie Road**

REZONE***Property and Right-of-Way Requirements***

- dedicate Bylaw Road for Parcel B on Harvie Road
- dedicate gazetted road for the easterly 10.058 meters on 184 Street
- dedicate 4.942 metres for 184 Street
- register 0.5 metre statutory rights-of-way along Harvie Road and 184 Street
- register 5.0 metre statutory right-of-way beyond the RAR and SPEA limits of the Class AO watercourse

Works and Services

- upgrade driveway ditch crossings on Harvie Road

DEVELOPMENT PERMIT

- register 5.0 metre statutory right-of-way beyond the RAR and SPEA limits of the Class AO watercourse

Rémi Dubé, P.Eng.
Development Services Manager

KMH

The Committee would like to see the application limit the non-farm use area.

It was

Moved by M. Bose

Seconded by M. Dhillon

That the Agriculture and Food Security Advisory Committee recommend to the General Manager of Planning and Development that Development Application 7917-0253-00 be referred back to staff to limit the non-farm use area and have the City consider offering parkland to the North for a playing field to reduce the size of the non-farm use footprint.

Carried

G. Hahn opposed

3. Rezoning/ Non-Farm Use/ Development Permit

Christopher Lumsden, Associate Planner

File: 6880-75; 7917-0112-00

The following comments were made:

- The subject property is approximately 10.08 hectares (24.9 acres) in size, 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 located within a Development Permit Area (DPA) for sensitive ecosystems streamside areas and for hazard lands as it falls within the 200-year flood plain of the Serpentine River. It is also classified as farmland under the *Assessment Act*.
- The applicant is proposing to retain an existing dwelling and to construct a second dwelling. The residential fill would increase to 0.203 hectares (0.502 acres). The request for a second dwelling and proposed fill requires the Agricultural Land Commission's approval.
- Staff clarified the subject property is used for blueberry operations which the owners have extended their lease with the farming operations company. Six horses are kept on the property for personal use.

It was noted that staff suggested registering a Statutory Right of Way around the entire property for the purposes of drainage/ditch maintenance but this could be reduced to just the portion by the residential dwelling. The Committee expressed concerns that a rezoning will trigger Statutory Right of Ways for other applications.

It was Moved by S. VanKeulen
 Seconded by M. Bose
 That the Agriculture and Food Security
 Advisory Committee recommend to the General Manager of Planning and
 Development to support Development Application 7914-0112-00 without the
 Statutory Right of Way.

Carried

4. Development Permit for Farm Protection

Keith Broersma, Planner
 File: 6880-75; 7916-0118-00

The following comments were made:

- The subject site is 12.4 hectares (30.6 acres) in area and consists of five parcels. The site is designated Mixed Employment in the Official Community Plan (OCP) and Commercial/ Business Park in the Highway 99 Corridor Local Area Plan (LAP).
- The applicant is proposing to develop a private school on the south portion of the site and townhouses on the northern properties. The applicant is also proposing to convey the Fergus Creek riparian area and a park site to the City as part of the application.

The Committee expressed concerns with pesticides use, as it requires greater setbacks for schools within the ALR. The Committee does not see any issues with the subject application but would prefer to see the development setbacks be consistent with the Development Permit requirements. Without proper setbacks, the Committee recommends that the application not be supported.

It was Moved by S. VanKeulen
 Seconded by D. Arnold
 That the Agriculture and Food Security
 Advisory Committee recommend to the General Manager of Planning and
 Development that Development Permit Application 7916-0118-00 be referred back
 to staff to ensure setbacks are consistent with the Development Permit
 requirements.

Carried

5. Development Application 7915-0020-00

Meadow Valley Meats
 Christopher Wilcott, Planner
 File: 6880-75; 7915-0020-00

The following comments were made:

- The application was previously presented to the Committee on May 5, 2016, and was recommended the application be supported for proposed non-farm use for an abattoir on the Agricultural Land Reserve. The site plan has since been reconfigured to accommodate road dedication for the future Colebrook Road. If a non-farm use application is supported, the application will be forwarded to the Agricultural Land Commission (ALC).

CITY OF SURREY

BYLAW NO. _____

A by-law to amend Surrey Zoning By-law, 1993, No. 12000, as amended
.....

THE CITY COUNCIL of the City of Surrey ENACTS AS FOLLOWS:

- 1. Surrey Zoning By-law, 1993, No. 12000, as amended, is hereby further amended, pursuant to the provisions of Section 479 of the Local Government Act, R.S.B.C. 2015 c. 1, as amended by changing the classification of the following parcels of land, presently shown upon the maps designated as the Zoning Maps and marked as Schedule "A" of Surrey Zoning By-law, 1993, No. 12000, as amended as follows:

FROM: GENERAL AGRICULTURE ZONE (A-1)
 TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 013-232-061
 Parcel "E" (Reference Plan 3420) South East Quarter Section 29 Township 8 Except Parcel "One" (Reference Plan 11758), New Westminster District

8050 - Harvie Road

(hereinafter referred to as the "*Lands*")

- 2. The following regulations shall apply to the *Lands*:

A. Intent

This Comprehensive Development Zone is intended to accommodate *agricultural* and *horticultural* uses, and to protect *agricultural* land from the intrusion of uses not compatible with *farm operations*, and allows for the development of a second *single family dwelling* for accommodation for farm workers on an *agricultural lot*.

B. Permitted Uses

The *Lands* and *structures* shall be used for the following uses only, or for a combination of such uses:

- 1. *Agriculture and horticulture.*

2. One *single family dwelling*, which may contain one secondary suite, and one additional *single family dwelling* to be used exclusively for accommodation for farm workers.
3. *Intensive agriculture*.
4. *Farm-based winery* provided that the use is subject to all conditions in the *Agricultural Land Commission Act/Regs/Orders*.
5. *Forestry*.
6. Provided that the total area covered by buildings and structures shall not exceed 10% of the lot:
 - (a) *Agricultural and horticultural* education;
 - (b) Conservation and nature study;
 - (c) Fish, game and wildlife enhancement;
 - (d) Hunting and wilderness survival training; or
 - (e) *Agri-tourism*.
7. Horse-riding, training and/or boarding facility provided:
 - (a) there are not more than 40 stalls; and/or
 - (b) it does not include a racetrack licensed by the British Columbia Racing Commission.
8. *Accessory uses* limited to the following:
 - (a) Display and retail sale of products provided all of the following are satisfied:
 - i. all of the products offered for sale shall be produced by the *farm operation* or at least 50% of the floor area for product sales and display shall be limited to product produced by the *farm operation*;
 - ii. products offered for sale shall be limited to *agricultural* and/or *horticultural* products and shall exclude dressed fowl or poultry, butchered meat and/or preserved food unless dressed, butchered or preserved off-site;
 - iii. the cumulative maximum floor area for the display and sale of products shall not exceed 93 square metres [1,000 sq.ft.];
 - iv. the products offered for sale and related displays shall be located entirely within a *building*; and

- v. products offered for sale and related displays shall be *accessory uses* to a *single family dwelling* and the *agricultural* and/or *horticultural* use of the *lot*.
- (b)
 - i. Food and beverage service lounge associated with a *farm-based winery* in accordance with the *Agricultural Land Commission Act/Regs/Orders*; and
 - ii. Retail sales associated with a farm-based winery in accordance with the *Agricultural Land Commission Act/Regs/Orders* provided the maximum floor area for retail sales and wine tasting does not exceed 93 square metres [1,000 sq.ft.].
- (c) *Primary processing* of products provided that at least 50% of the product being processed shall be produced by the same *farm operation* or is feed required for the *farm operation*;
- (d) *Bed and breakfast* use in accordance with Section B.2, Part 4 General Provisions, of Surrey Zoning By-law, 1993, No. 12000, as amended;
- (e) The keeping of *boarders* or *lodgers* in accordance with Section B.2, Part 4 General Provisions of Surrey Zoning By-law, 1993, No. 12000, as amended; and
- (f) *Soil amendment*.

C. Lot Area

Not applicable to this Zone.

D. Density

Not applicable to this Zone.

E. Lot Coverage

Not applicable to this Zone.

F. Yards and Setbacks

1. *Buildings and structures* shall be sited in accordance with the following setbacks:

(a) **Minimum setbacks:**

Setback	<i>Front Yard</i>	<i>Rear Yard</i>	<i>Side Yard</i>	<i>Side Yard on Flanking Street</i>
Use				
<i>Single Family Dwellings, and associated Accessory Buildings and Structures</i>	7.5 m. [25 ft.]	12.0 m. [40 ft.]	13.5 m. [44 ft.]	7.5 m. [25 ft.]
<i>Buildings for Uses Permitted Under Sections B.1, B.4, B.5, B.6, and B.7 of this Zone, and associated Accessory Building and Structures</i>	30.0 m [100 ft.]	15.0 m.* [50 ft.]	15.0 m.* [50 ft.]	30.0 m. [100 ft.]
<i>Buildings for Uses Permitted Under Section B.3 of this Zone</i>	90.0 m. [300 ft.]	30.0 m. [100 ft.]	30.0 m. [100 ft.]	30.0 m. [100 ft.]

Measurements to be determined as per Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended.

* If the *side yard* or *rear yard* about a *Residential lot*, any exhaust fans or machinery used in the said *building* shall be located at least 24 metres [80 ft.] from any *lot line* and shall emit a noise level no greater than 60 dB(A) at the perimeter of any *lot line*.

(b) **Maximum setbacks:**

No portion of a *single family dwelling* shall be located farther than 50.0 metres [164 ft.] from the *front lot line* provided that, on a *corner lot*, no portion of a *single family dwelling* shall be located farther than 50.0 metres [164 ft.] from either the *front lot line* or the *side lot line* on a *flanking street*.

G. Height of Buildings

Measurements to be determined as per Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended.

1. Single family dwellings or buildings for uses permitted under Section B.8: The *height* shall not exceed 9 metres [30 ft.].
2. All other buildings and structures: The *height* shall not exceed 12 metres [40 ft.].

H. Off-Street Parking

1. *Parking spaces* shall be provided in accordance with Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.
2. Where *boarders* or *lodgers* or *bed and breakfast* users are accommodated, the following shall be provided:
 - (a) Where 3 patrons or less are accommodated, 1 *parking space* shall be provided; and
 - (b) Where more than 3 patrons are accommodated, 2 *parking spaces* shall be provided.
3. *Vehicles* over 5,000 kilograms [11,023 lbs.] *G.V.W.* and associated trailers, ancillary to the permitted non-residential uses on the *lot* may be parked on the *lot* provided that:
 - (a) The *vehicles* and associated trailers are owned and operated by the owner or occupant of the *lot*; and
 - (b) The *vehicles* and associated trailers shall not be parked within the require *building setbacks*.
4. *Vehicles* over 5,000 kilograms [11,023 lbs.] *G.V.W.* and associated trailers, except those referred to in Section H.3, may be parked on a *lot* provided that:
 - (a) There is a *farm operation* on the *lot*;
 - (b) The *vehicles* and associated trailers are owned and operated by the owner or occupant of the *lot*;
 - (c) The *vehicles* and associated trailers are parked on the *farm residential footprint*;
 - (d) The *vehicles* and associated trailers shall not be parked within the required *building setbacks*; and
 - (e) There is a maximum of 3 *vehicles* and 3 associated trailers.

I. Landscaping

Not applicable to this Zone.

J. Special Regulations

1. A *secondary suite* shall:
 - (a) Not exceed 90 square metres [968 sq.ft.] in floor area; and
 - (b) Occupy less than 40% of the habitable floor area of the *building*.
2. The following provisions shall apply to the *farm residential footprint*:
 - (a) The maximum size of the *farm residential footprint* shall be 2,243 square metres [0.55 acres]; and
 - (b) The maximum depth of the *farm residential footprint* from the *front lot line*, or the *side lot line* on a *flanking street* if it is corner lot, shall be 60 metres [197 ft.].
3. The lot is in compliance with the "Surrey Soil Conservation and Protection By-law."

K. Subdivision

Lots created through subdivision in this Zone shall conform to the following minimum standards:

<i>Lot Size</i>	<i>Lot Width</i>
4 hectares [10 acre]	Not less than 1/10 of total lot perimeter

Dimensions shall be measured in accordance with Section E.21 of Part 4 General Provisions of Surrey Zoning By-law, 1993, No. 12000, as amended.

L. Other Regulations

In addition to all statutes, bylaws, orders, regulations or agreements, the following are applicable, however, in the event that there is a conflict with the provisions in this Comprehensive Development Zone and other provisions in Surrey Zoning By-law, 1993, No. 12000, as amended, the provisions in this Comprehensive Development Zone shall take precedence:

1. Definitions are as set out in Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended.

2. Prior to any use, the *Lands* must be serviced as set out in Part 2 Uses Limited, of Surrey Zoning By-law, 1993, No. 12000, as amended and in accordance with the servicing requirements of the A-1 Zone as set forth in the Surrey Subdivision and Development By-law, 1986, No. 8830, as amended.
3. General provisions are as set out in Part 4 General Provisions of Surrey Zoning By-law, 1993, No. 12000, as amended.
4. Additional off-street parking requirements are as set out in Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.
5. Sign regulations are set out in Surrey Sign By-law, 1999, No. 13656, as amended.
6. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of Surrey Zoning By-law, 1993, No. 12000, as amended.
7. *Building* permits shall be subject to the Surrey Building Bylaw, 2012, No. 17850, as amended.
8. *Building* permits shall be subject to the Surrey Development Cost Charge By-law, 2017, No. 19107, as may be amended or replaced from time to time, and the development cost charges shall be based on the A-1 Zone.
9. Tree regulations are set out in Surrey Tree Protection By-law, 2006, No. 16100, as amended.
10. Development permits may be required in accordance with the Surrey *Official Community Plan* By-law, 2013, No. 18020, as amended.
11. Noise is regulated by the "Surrey Noise Control By-law", 1982, No. 7044, as amended.
12. Unless prohibited or further regulated by this Zone, By-law, or other By-laws, activities and uses on lands located in the Agricultural Land Reserve shall be in accordance with the *Agricultural Land Commission Act/Regs/Order*, where applicable.
13. Land for agricultural use is classified as a *farm operation* under the B.C. Assessment Act, R.S.B.C., 1996.
14. *Farm-based winery* shall be subject to the Liquor Control and Licensing Act, S.B.C. 205, C.19, as amended and the *Agricultural Land Commission Act/Regs/Orders*.

2. This By-law shall be cited for all purposes as "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2017, No. _____."

PASSED FIRST READING on the _____ th day of _____, 20__ .

PASSED SECOND READING on the _____ th day of _____, 20__ .

PUBLIC HEARING HELD thereon on the _____ th day of _____, 20__ .

PASSED THIRD READING on the _____ th day of _____, 20__ .

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the _____ th day of _____, 20__ .




_____ MAYOR

_____ CLERK

STATISTICS

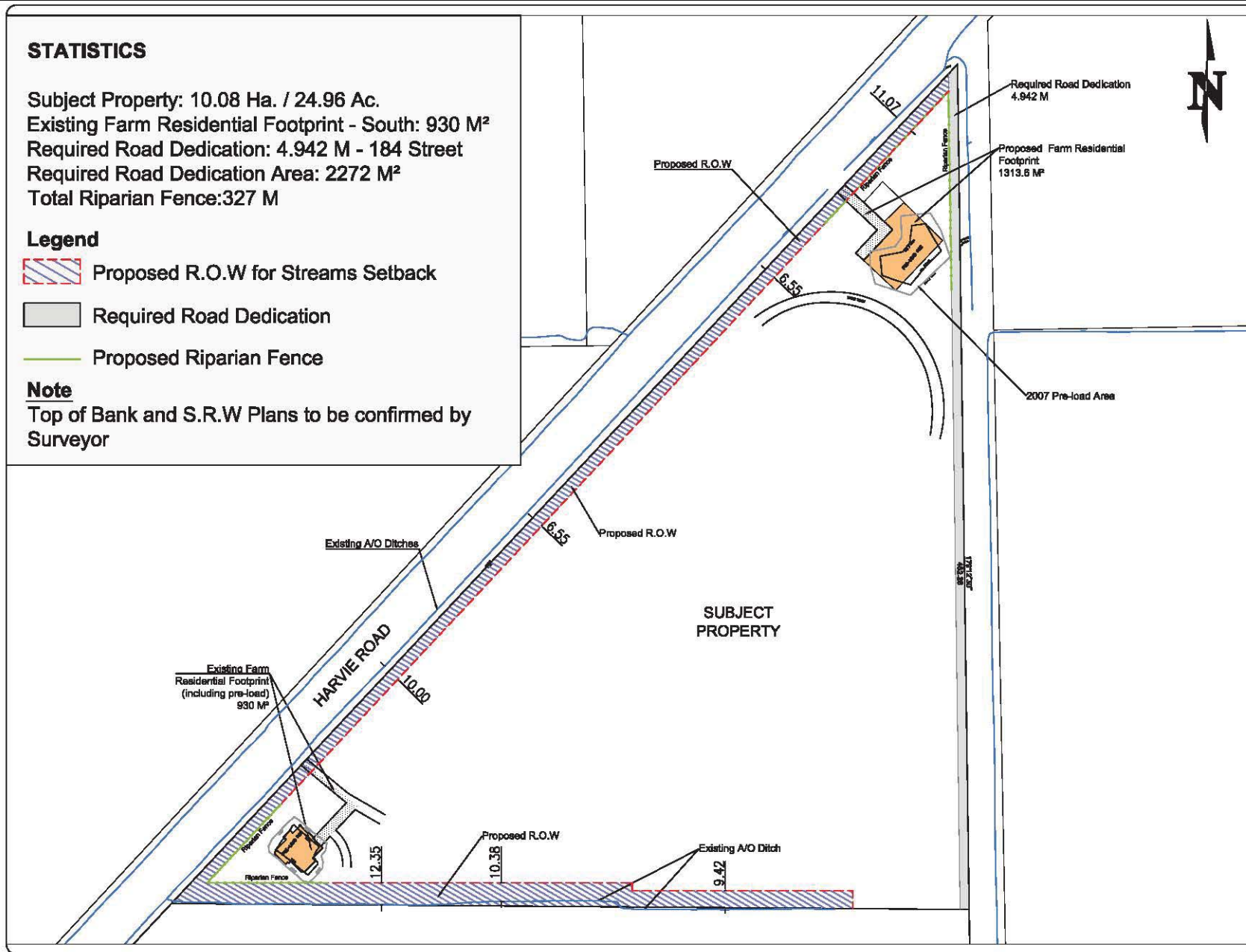
Subject Property: 10.08 Ha. / 24.96 Ac.
 Existing Farm Residential Footprint - South: 930 M²
 Required Road Dedication: 4.942 M - 184 Street
 Required Road Dedication Area: 2272 M²
 Total Riparian Fence: 327 M

Legend

-  Proposed R.O.W for Streams Setback
-  Required Road Dedication
-  Proposed Riparian Fence

Note

Top of Bank and S.R.W Plans to be confirmed by Surveyor



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 Land Use, Development & Environmental Strategists

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 info@pacificlandgroup.ca

PROJECT:
8050 Harvie Road, Surrey

DRAWING TITLE:
Subject Property

PRELIMINARY PLAN - SUBJECT TO APPROVAL(S) FROM FEDERAL, PROVINCIAL AND LOCAL AUTHORITIES

CLIENT:
Baldev Bath

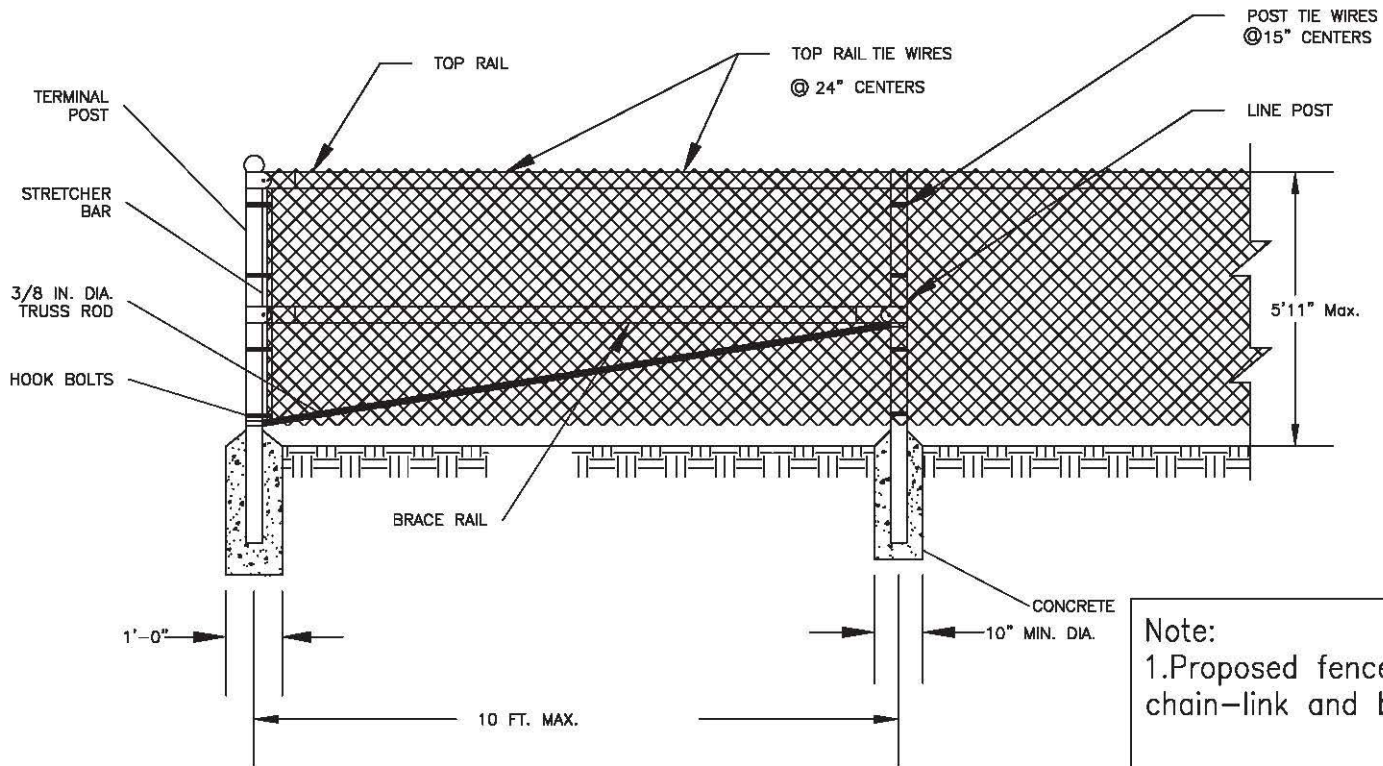
SCALE:
1:2000

DATE:
August 10, 2017

PROJECT No:
16-1449

DRAWING No:
01

DESIGNED BY: EW	CHECKED BY: OV
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FENCE DETAILS (NTS)

Note:
 1. Proposed fence and walk is chain-link and black in colour.

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 www.pacificlandgroup.ca
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PROJECT:
8050 Harvie Road, Surrey

DRAWING TITLE:
Chain-link Fence Detail

PRELIMINARY PLAN - SUBJECT TO APPROVAL(S) FROM FEDERAL, PROVINCIAL AND LOCAL AUTHORITIES

CLIENT:
Baldev Bath

SCALE:
NTS

DATE:
August 10, 2017

PROJECT No:
16-1449

DRAWING No:
02

DESIGNED BY: EW	CHECKED BY: OV
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