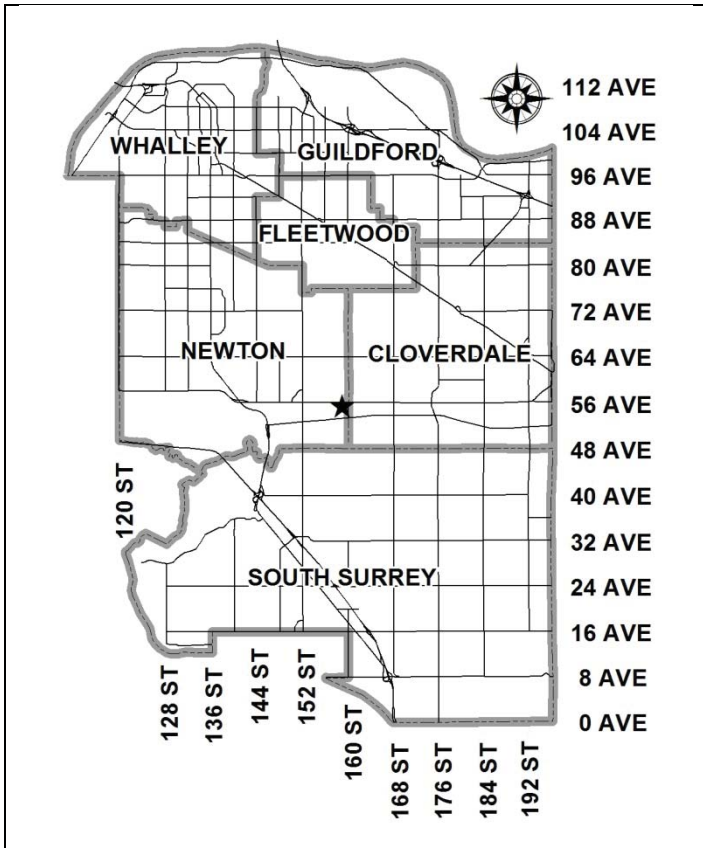


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0316-00

Planning Report Date: November 20, 2017



PROPOSAL:

- **ALR exclusion** under Section 30(1) of the *ALC Act*.

LOCATION:

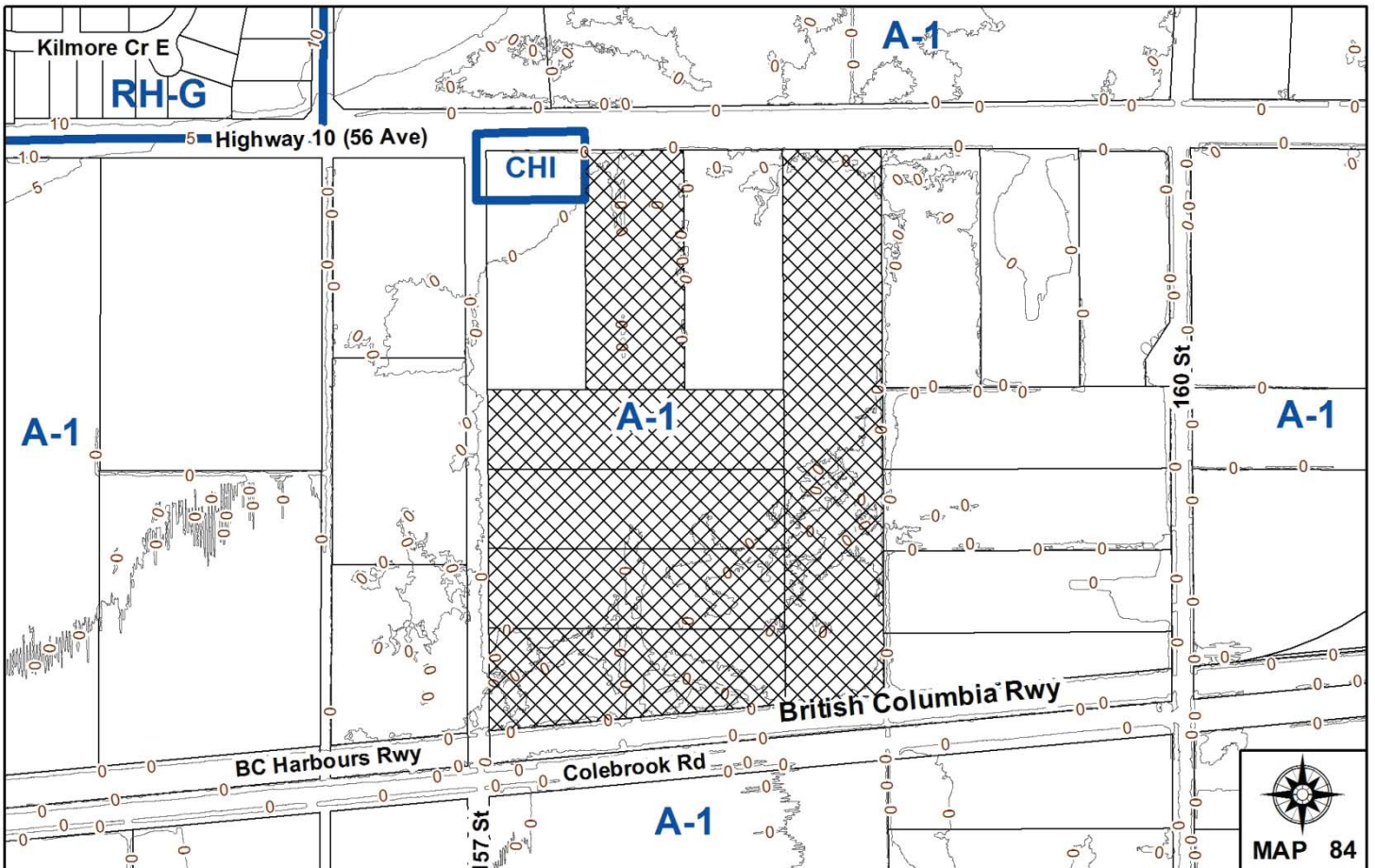
- 15744 - No. 10 (56 Ave) Highway
- 15836 - No. 10 (56 Ave) Highway
- 5360 - 157 Street
- 5398 - 157 Street
- 5438 - 157 Street
- 5464 - 157 Street

ZONING:

A-1

OCP DESIGNATION:

Agricultural



RECOMMENDATION SUMMARY

- The Planning and Development Department recommends that Development Application No. 7917-0316-00, which proposes to exclude land from the Agricultural Land Reserve (ALR), be denied.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposal for exclusion is a significant departure from the City's existing policies and plans for agricultural land in the ALR.

RATIONALE OF RECOMMENDATION

- The City has identified maintaining the integrity of the ALR and the protection of agricultural lands for agricultural purposes as an objective of the OCP.
- The applicant has not proposed an alternative land use for the site. In the absence of a specific land use proposal, the merits of excluding these parcels from the ALR at this time are not supported within the City's policy framework for the development of agricultural lands.
- Denying the application would be consistent with the City's policies relative to the protection of farmland as a resource for agriculture. Council recently denied referring an exclusion application to the ALC that did not accompany a proposal to change the existing land use designation from agriculture (Development Application No. 7917-0027-00).
- The site is surrounded on all sides by the ALR. Removing the subject properties from the ALR would create an isolated pocket of non-ALR land within the larger reserve area.
- The entire site is located within the 200 year floodplain, and therefore, is not appropriate for any more intensive land uses beyond what is currently permitted under the current agricultural designation.
- The proposed ALR exclusion is not supported by the City's Agricultural and Food Security Advisory Committee.
- In addition to the City's policies on agriculture, the proposed exclusion is contrary to the site's "Agricultural" designation under Metro Vancouver's Regional Growth Strategy (RGS). If supported, the exclusion of these lands would require an amendment to the RGS's Urban Containment Boundary.

RECOMMENDATION

The Planning & Development Department recommends that Development Application No. 7917-0316-00, for a proposed Agricultural Land Reserve (ALR) exclusion, be denied.

REFERRALS

Engineering: The Engineering Department does not support the proposed ALR exclusion as the subject lands are within the 200-year floodplain and any intensification of land uses in the area would be contrary Council endorsed policies of minimizing development within the flood plain. Furthermore, servicing strategies for this area are based solely on agricultural uses in accordance with the Official Community Plan and Regional Growth Strategy.

Agricultural and Food Security Advisory Committee (AFSAC): At AFSAC's October 5, 2017 meeting, the Committee recommended that Development Application 7917-316-00 not be referred to the Agricultural Land Commission for exclusion (Appendix III).

SITE CHARACTERISTICSExisting Land Use:Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across Highway 10):	Agricultural land in the ALR.	Agricultural	A-1
East:	Agricultural land in the ALR.	Agricultural	A-1
South:	BC Harbours Railway.	Agricultural	A-1
West:	Unauthorized truck parking and agricultural land in the ALR.	Agricultural	CHI and A-1

APPLICANT'S RATIONAL FOR EXCLUSION

- The applicant has provided the following rationale for their exclusion proposal:
 - The proposed exclusion would not impact the agricultural infrastructure of Surrey and would have a negligible impact on the agricultural land base.
 - The agricultural capability of the subject lands are marginal due to:

- small parcel sizes and relative to high land values, which are not conducive with viable commercial agriculture or hobby farm operations;
 - significant drainage issues and a high water table, which are a result of shallow topsoil of organic peat soil overlaying compact heavy clay soil;
 - a soil composition that is unable to accommodate field cropping, tilling, or the maintenance of livestock year round;
 - the general operation costs to farm the land, such as implementing adequate drainage and obtaining the necessary farming equipment and crop insurance, is prohibitive for the small farming operations that could be accommodated on this site; and
 - four of the subject properties are "landlocked" with no access to Highway No. 10 (56 Avenue) or Colebrook Road.
- Given the limitations on agriculture and the site's context in Surrey, the highest and best use of the land at some point in the future would be Business Park or Light Industrial.
 - The exclusion of the subject lands in the short term is site specific, defensible, and will not unduly affect the balance of the ALR in the area. It would serve to benefit, rather than unfairly penalize, the subject property owners that have been incrementally impacted by urban encroachment to the north-west. Further, the exclusion could create the potential for substantial increase in the tax base for the City by creating jobs close to developing residential neighbourhoods.

DEVELOPMENT CONSIDERATIONS

Background

- The subject properties are located at 15744 and 15836 – 56 Avenue, and 5360, 5398, 5438, and 5464 – 157 Street, each of which is owned by a different owner. Taken together the subject site has an approximate area of 14.9 hectares (37 ac.).
- The properties are designated "Agricultural" in the Official Community Plan (OCP), zoned "General Agricultural Zone (A-1)" and located within the Agricultural Land Reserve (ALR). The site is also within Hazardous Lands Development Permit Area as it is located within the 200-year floodplain.
- The subject sites are not classified as farmland under the *Assessment Act*.
- The subject lots are a contiguous section of land within the ALR, that are located between 156 Street and 160 Street, and Highway 10 (56 Avenue) and Colebrook Road. The property is bounded on all sides by agricultural land in the ALR.

- Two of the properties have potential access from Highway No. 10 (56 Avenue), four of the properties about an unconstructed City road allowance (157 Street) which runs north-south between Highway No. 10 (56 Avenue) and Colebrook Road.
- The applicant indicates that there has been a history of farming on the subject properties, most recently in the form of hay crop. However, commercial agriculture activities have ceased due to significant agricultural limitations on the subject sites.
- The applicant indicates that the land on the site is comprised of a shallow topsoil of highly organic peat soil overlaying compact heavy clay soil. This soil condition results in a perched water table limiting the agricultural capability of the land.

Current Proposal

- The applicant is proposing to remove the six subject properties from the ALR through an ALR exclusion application.
- The applicant has not proposed an alternative land use for these properties. Their stated intention is to leave the site's current OCP "Agricultural" land use designation and A-1 Zone in place at this time.
- Inclusion of land to offset the exclusion of the subject parcels is not being proposed with this application.
- A summary of the applicant's rationale in support of the proposal is discussed on page 3 and 4 of this report.

Policy Considerations

- There are a number of policies and regulations that protect the supply of agricultural land in Surrey that need to be considered with a proposal to remove land from the ALR. These policies and regulations are described below.

Agricultural Land Commission (ALC)

- The mandate of the ALC is to preserve agricultural land and to actively engage farmers and ranchers to collaboratively encourage and enable agricultural businesses throughout the province.
- The ALC has the authority over the boundary of the ALR and the discretion to determine whether land currently in the ALR is appropriately designated and defensible as ALR Lands.
- Under Section 30(1) of the *Agricultural Land Commission Act (ALCA)* an owner of land may apply to the ALC to have their land excluded from the ALR. The *ALCA* does not specify criteria under what circumstances these applications should or could occur.
- However, under Section 30(4)(a) of the *ALCA*, if the land subject to the exclusion application is zoned to permit agricultural or farm uses, an application to the ALC may not proceed unless authorized by resolution from a local government.

- As the subject properties are zoned for agricultural and farm uses, the decision to refer the subject exclusion application to the ALC is the prerogative of City Council.
- Under Section 30(2) of the ALC, if Council passes a resolution to refer the application to the ALC, the Commission may:
 - refuse permission to have land excluded from an agricultural land reserve;
 - grant permission to have land excluded from an agricultural land reserve; or
 - permit a non-farm use or subdivision of the land.

Metro Vancouver

- The proposed exclusion parcels are designated "Agricultural" in Metro Vancouver's *Regional Growth Strategy (RGS)* and are located outside of the Urban Growth Containment Boundary. The Urban Containment Boundary is intended to establish a stable, long-term regional defined area for urban development and to reinforce the protection of agricultural areas. The "Agricultural" designation in the RGS is intended to reinforce provincial and local objectives for the protection of agricultural land base of the region.
- While the applicant has not given specifics of the alternate land uses that would be pursued if the ALR exclusion is supported, an RGS amendment would be necessary to accommodate a land use other than what is permitted under the current Agricultural designation.
- Amendments to the Urban Containment Boundary and the "Agricultural" designation of the RGS must come from the affected municipal government, and require an affirmative two-thirds weighted vote of the Metro Vancouver Board and a regional public hearing. This step would occur subsequent to a Council-authorized referral of the exclusion to ALC, and subsequent to ALC granting permission to exclude the subject site from the ALR.

Surrey's Official Community Plan (OCP)

- Surrey's OCP outlines various policies to be considered with the respect to agricultural lands inside and outside the ALR. Relevant policies for lands within the ALR include:
 - Maintain the integrity of the ALR and its existing boundaries;
 - Protect and support the continued designation and use of agricultural land for agricultural purposes regardless of soil types and capabilities;
 - Encourage locating non-soil based agricultural structures on less productive soils, where feasible, in order to fully utilize prime soil resources; and
 - Require 2 hectares (5 acres) of land, within Surrey, of equivalent or better soil capacity, to be included into the ALR for each 1 hectare (2.5 acres) of land excluded from the ALR with the submission of an Agricultural Impact Assessment detailing how this conversion provides a net benefit to agriculture in Surrey.

Policy for Considering Applications for Exclusion of Land from the Agricultural Land Reserve (O-51)

- On May 17, 2004, City Council adopted Resolution R04-1316, supporting the policy for the establishment of criteria to be used in the evaluation of applications for exclusion of land from the Agricultural Land Reserve (ALR).
- The intention of the policy is not directed at lending support to or encouraging ALR exclusions. The policy focuses on maintaining the City's longstanding practice of protecting agricultural lands for agricultural purposes consistent with the OCP.
- The subject application does not fall within the criteria of Section 3 of this policy which outlines the basis for evaluating minor boundary adjustments, exclusions to accommodate government facilities, and private sector developments that must be located on land currently in the ALR.
- As a result, the application should be evaluated under Section 4 of this policy. This section identifies seven criteria for exclusion considerations, with staff comments provided in italics to demonstrate how the proposal responds to Policy O-51.
 1. Soil Capability
 - If the land proposed for exclusion has a Soil Capability Rating of Class 1, 2, 3, or 4, the exclusion application will generally not be supported.
 - If the land has a Soil Capability Rating of Class 4 to 7, it still may lend itself to non-soil bound agriculture, especially if it is surrounded by other agricultural uses, and the exclusion application will generally not be supported.

(The applicant has not provided an Agrologist Report identifying the Soil Capability Rating of the subject sites.

The applicant's agent, who is an Articling Agrologist, conducted a field review on September 9, 2016 and determined that the soil is comprised of a topsoil of highly organic peat to a depth of 45 centimetres overlaying compact heavy clay. The agent indicates that these soil conditions reduce the ability to adequately till the land and result in a perched water table leading to excessive wetness on the site. These conditions create limitations to the agricultural capacity of the subject farmland.)

2. Proposed Use

- 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.

(The applicant is not proposing to change the land use of the subject properties at this time. They intend to retain the existing A-1 Zone and Agricultural land use designation.)

3. Alternative Site for the Proposed Use

- 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 the application will generally not be supported.

(The applicant is not proposing to change the land use at this time.)

4. Location of the Site

- If the land proposed for exclusion does not abut an existing non-agricultural area 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.
- Where an area proposed to be excluded from the ALR is not contained within permanent well defined boundaries (ie. roads, topographic, or other natural features) the application for exclusion will generally not be supported. If a site is isolated or separated from the rest of the ALR by significant developed area or by physical barrier, exclusion may be considered.

(The site is bound on all sides by the Agricultural Land Reserve. Removing these properties from the ALR would create an isolated pocket of non-ALR parcels within the larger reserve area.)

5. Roads and Services

- 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.

(Two of the six parcels have potential access from Highway No. 10 (56 Avenue), while the remaining four parcels abut an unconstructed City road dedication between Highway No. 10 (56 Avenue) and Colebrook Road.)

6. Interface Buffering

- 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.

(The applicants are not proposing to change the OCP land use designation or zoning at this time.)

Upon a land use application proposal, the properties would be subject to a Farm Protection Development Permit. Determining and implementing buffer and landscaping requirements would be within the scope of the Development Permit upon future development.)

7. Impacts on Adjacent Agricultural Activities

- 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 applicants are not proposing to change the land use of the properties at this time. If the land is excluded from the ALR, mitigation of potential impacts will be addressed as part of a Development Application, including rezoning and a Farm Protection Development Permit.)

- Section 5 of Policy O-51 outlines that if the criteria contained in Section 4 of the policy are met, an application for exclusion must also demonstrate that compensation will be provided that is satisfactory to Council and to the ALC. The compensation is intended to ensure that the overall productive capability of Surrey's ALR lands will be retained. Compensation will include, among other things, the inclusion of other land into the ALR to offset the impact of land being removed.

(To date, no compensation has been proposed by the applicants.)

PRE-NOTIFICATION

Pre-notification is not required by the City for ALR exclusion applications.

ALC regulations require the applicant to provide neighbouring property owners with notification of the exclusion application, which was provided through signage, newspaper notices, and mail outs in January 2017. One letter objecting to the exclusion proposal and one phone call seeking more information were received by the City during the pre-notification period.

PROJECT EVALUATION AND DISCUSSION

Land Use

- The applicant is proposing to exclude the six subject properties, totaling 14.9 hectares (37 ac.) of land, from the ALR.
- The applicant has not proposed an alternative land use for the subject sites at the present time. Their declared intention is to retain the sites current OCP land use designation of "Agricultural" and its A-1 Zone.
- If the applicants were to be successful in their exclusion application and wished to pursue a non-agricultural use for the subject properties in the future, they would require the following:
 - An amendment to the Urban Containment Boundary and a change to the subject's sites "Agricultural" designation under Metro Vancouver's Regional Growth Strategy (RGS);
 - An amendment to the City of Surrey's OCP to change the "Agricultural" land use designation;

- Rezoning to an appropriate zone; and
 - A Farm Protection Development Permit to mitigate any impacts the proposed development may have on neighbouring agricultural parcels.
- Without a proposed land use change to accompany the exclusion application, it is difficult to determine the merits of exclusion as the intended future use of the properties is unknown. Staff suggested that a formal submission be provided identifying all the future uses that by be proposed which would help with the review of the proposal. The applicant has declined to provide this information.
 - The subject properties are not located along the border of the ALR, nor are they physically isolated from surrounding farmland by natural or manmade features, which would preclude the logical extension of non-farm based development into these areas. Excluding the parcels would result in an island of non-ALR properties surrounded by lands still in the reserve.

Policies

- It is the position of staff that the current application is unable to satisfy all the criteria outlined in Policy No. O-51 that would support exclusion of the subject parcels from the ALR and that the proposal does not comply with the specific objectives outlined in the OCP for the preservation of farmland.
- When considered at the October 5, 2017 meeting, the Agriculture and Food Security Advisory Committee (AFSAC) recommended the application not be referred to the Agricultural Land Commission.

CONCLUSION

- While it is ultimately the authority of the ALC to grant exclusions from the ALR, the City has identified maintaining the integrity of the ALR and the protection of agricultural lands for agricultural purposes as an objective of the OCP.
- Denying the application would be consistent with the City's policies relative to the protection of farmland as a resource for agriculture. Council has recently denied referring an exclusion application to the ALC that did not accompany a proposal to change the existing land use designation from agriculture (Development Application No. 7917-0027-00).
- Approving the application to be referred to the ALC has the potential of setting a precedent that would generate future applications to exclude land from the ALR.
- Given the preceding, staff recommend that Council deny Development Application No. 7917-0316-00 which propose the exclusion of land from the Agricultural Land Reserve.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary (Confidential)
- Appendix II. Site Plan and ALR Map
- Appendix III. Agricultural and Food Security Advisory Committee Minutes (October 5, 2017)

original signed by Ron Hintsche

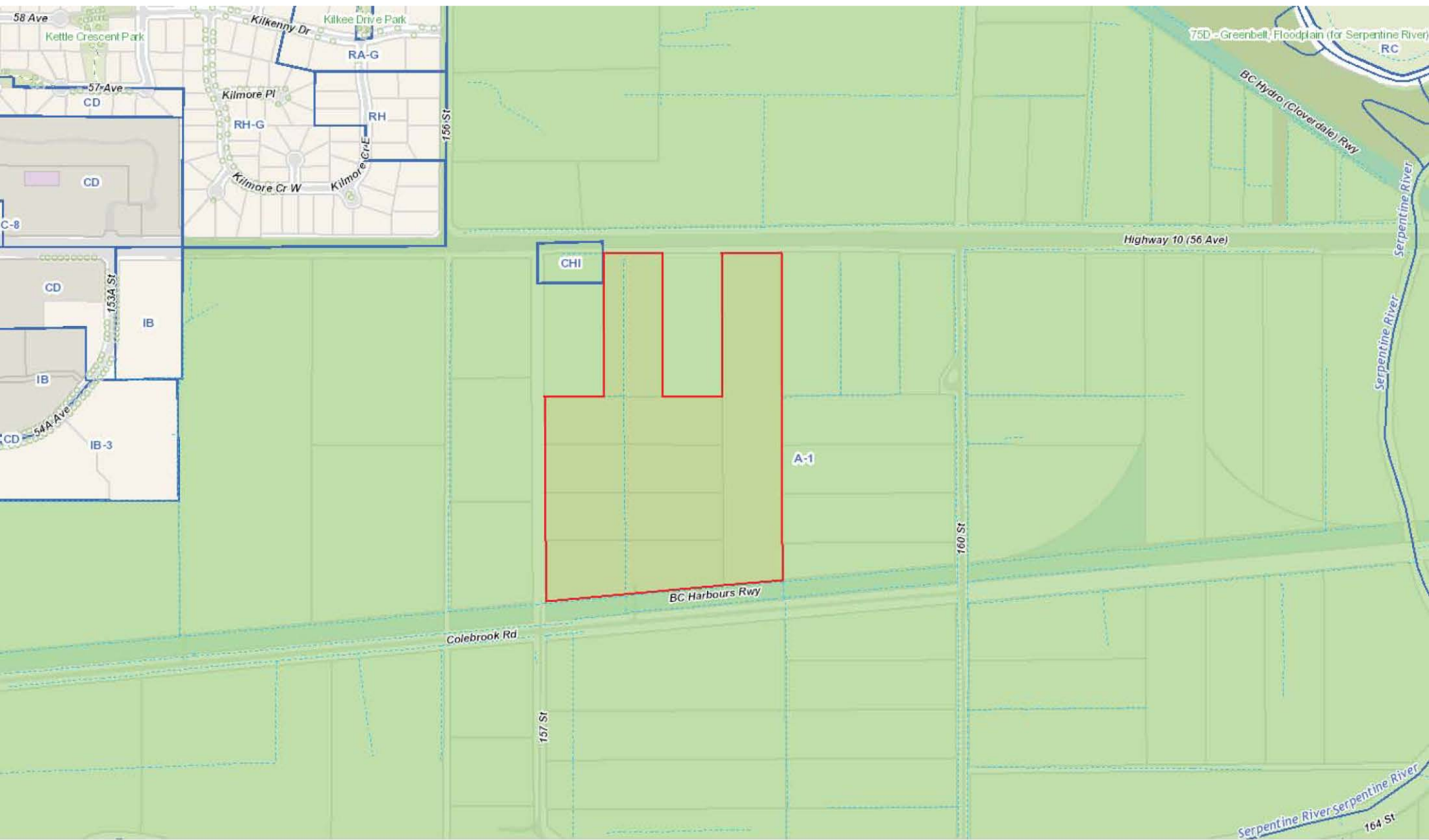
Jean Lamontagne
General Manager
Planning and Development

ARR/da

APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION



Appendix II



Agriculture and Food Security Advisory Committee - Minutes

Present:

Councillor Starchuk, Chair
M. Bose, Vice-Chair
B. Sandhu
D. Arnold
G. Hahn
H. Dhillon
J. Sandhar
J. Zelazny
M. Hilmer
P. Harrison
S. VanKeulen

Agency Representative:

D. Geesing

Regrets:

R. Brar

Staff Present:

A. Rossi, Planning & Development
C. Lumsden, Planning & Development
M. Kischnick, Planning & Development
R. Dube, Engineering
S. MacIntyre, Planning & Development
C. Eagles, Legislative Services

A. ADOPTION OF MINUTES

1. The committee was requested to pass a motion adopting the minutes of September 7, 2017.

It was

Moved by M. Bose

Seconded by G. Hahn

That the minutes of the Agriculture and Food Security Advisory Committee meeting held September 7, 2017 be adopted as presented.

Carried

B. DELEGATIONS

C. OUTSTANDING BUSINESS

D. NEW BUSINESS

1. **Proposed Exclusion from the ALR**
Adam Rossi, Associate Planner
File: 6880-75; 7917-0316-00

The following comments were made:

- The subject site consists of six parcels owned by a different owner, totaling approximately 14.9 hectares (37 acres), is designated Agricultural in the Official Community Plan (OCP), zoned General Agricultural Zone (A-1) and located within the Agricultural Land Reserve (ALR). The six contiguous parcels of land that make up the site are within the ALR and are not classified as farmland under the *Assessment Act*. The applicant is requesting to have the six subject parcels excluded from the ALR.

H. Dhillon declared a conflict of interest and left the meeting at 9:10 a.m.

- It was noted that the applicant indicated there is a history of farming on the subject properties for hay crop but commercial agriculture activities have ceased due to significant agricultural limitations. The applicant has not proposed an alternative land use for the subject properties and inclusion of land to offset the ALR exclusion is not being proposed.
- The Committee asked how the parcels would be taxed if excluded from the ALR and staff stated the tax would be based on the proposed use and zoning of the site and indicated that agricultural zoned sites are zoned at an agricultural rate and residential or industrial zoned sites are taxed at their applicable rates. Staff verified that any land owner is able to make an application for exclusion, but each will be weighed on their own merits.
- A Committee member indicated that the land is farmable and had been farmed for vegetable production in the past with the existing soils and conditions to other farms in the area. A committee member indicated that the Class 4 soils could be improved to Class 3 and Class 3 soils could be improved to Class 2.

The Committee stated there is no net benefit to agriculture and the exclusion would significantly increase value and demand for farmland.

The Committee noted the application does not meet the City exclusion criteria or Policy 0-51 for Council considerations of evaluating applications for exclusion of land from the ALR.

It was Moved by M. Bose
 Seconded by D. Arnold
 That the Agriculture and Food Security
 Advisory Committee recommend to the General Manager of Planning and
 Development to not support Development Application 7917-0316-00.
Carried

H. Dhillon returned to the meeting at 9:35 a.m.

2. **Rezoning / Development Permit / Development Variance Permit / Subdivision**

Christopher Lumsden, Associate Planner
 File: 6880-75; 7917-0337-00

The following comments were made:

- The subject property is 0.43 hectares (1.06 acres) in size and designated Suburban in the Official Community Plan (OCP), zoned One-Acre Residential Zone (RA) and located outside of the Agricultural Land Reserve (ALR). The site is not classified as farmland under the *Assessment Act*.