

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0389-00

Planning Report Date: September 11, 2017

PROPOSAL:

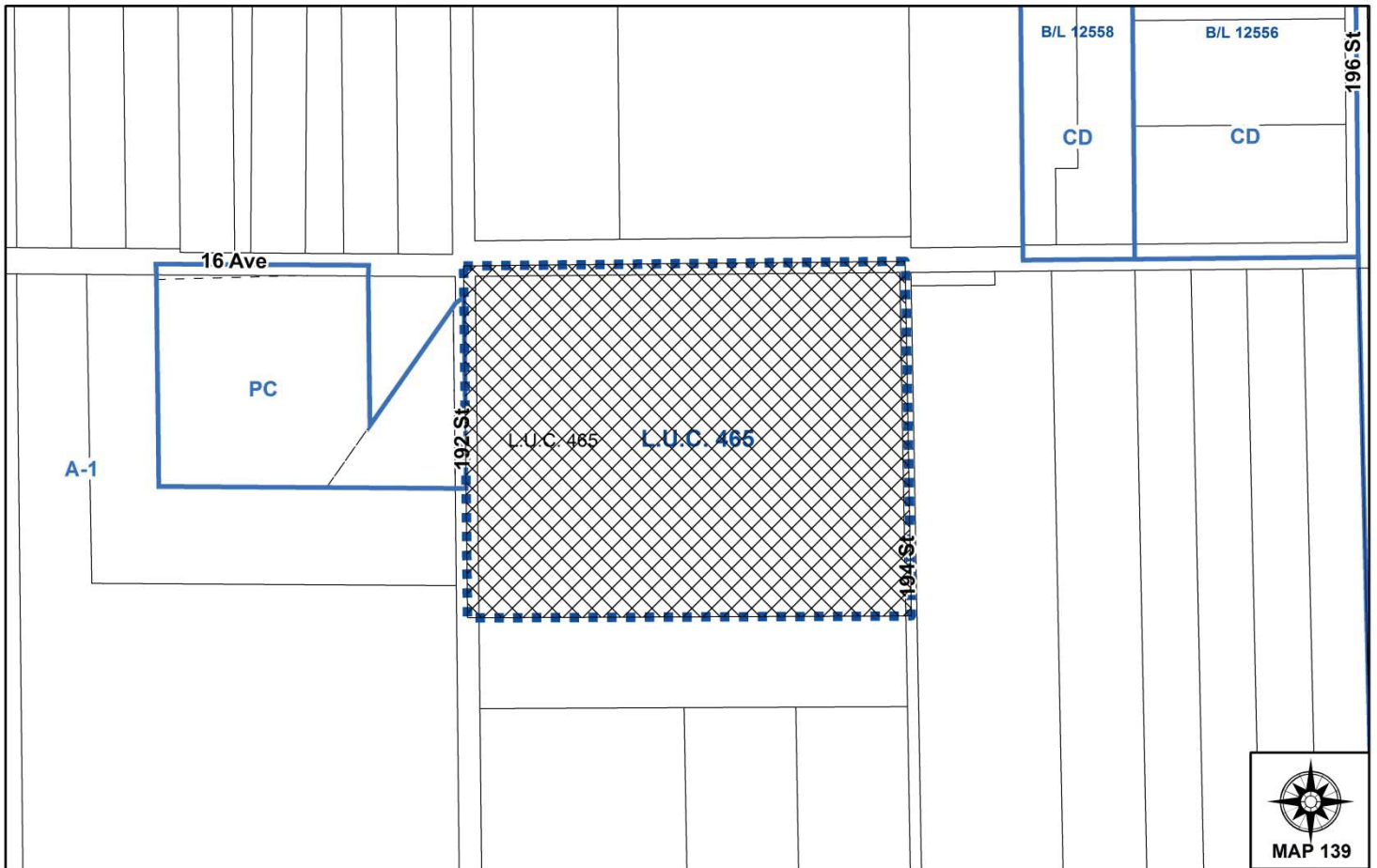
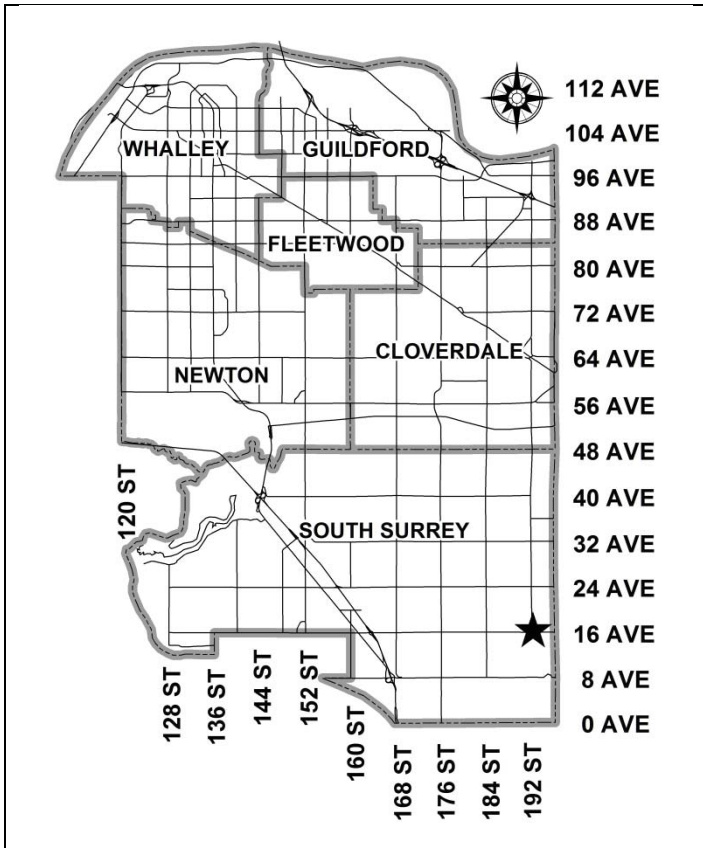
- **Terminate Land Use Contract No. 465**

to permit the existing underlying A-1 Zone to come into effect.

LOCATION: 19356 - 16 Avenue

LUC AND UNDERLYING ZONING: LUC No. 465
(A-1 Zone underlying)

OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 465.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None

RATIONALE OF RECOMMENDATION

- In 2014, the Provincial Government adopted changes to the *Local Government Act* that terminate all Land Use Contracts (LUCs) in the Province on June 30, 2024. However, the legislation also permits municipalities to undertake early termination of LUCs in advance of 2024.
- On June 15, 2015, City Council endorsed the recommendations in Corporate Report No. R122, which outlined a process with respect to the early termination of LUCs in Surrey.
- LUC No. 465 was adopted by Authorization By-law No. 5473 on May 29, 1978.
- LUC No. 465 permits agriculture and horticulture, single family dwelling, single family dwelling for employees of the farm, temporary processing of natural agricultural products, and kennels.
- In accordance with the legislation, the LUC Termination By-law must include an effective date that is no less than one year from adoption of the by-law, resulting in a grace period.
- Once LUC No. 465 is terminated and the one-year grace period ends, the current underlying "General Agriculture Zone (A-1)" will automatically come into effect and will regulate the subject lot.
- The "General Agriculture Zone (A-1)" permits agriculture and horticulture, one single family dwelling which may contain one secondary suite, farm-based winery, forestry, hobby kennel, agri-tourism, and horse riding, training, and boarding.
- If the land owner feels that the termination of the LUC will cause undue hardship, the property owner has the right to appeal to the City's Board of Variance (BOV). The application to the BOV must be received by the BOV within 6 months after the LUC Termination By-law has been adopted by City Council.

RECOMMENDATION

The Planning & Development Department recommends that a By-law be introduced to terminate Land Use Contract No. 465 and a date be set for Public Hearing.

BACKGROUND

- In the early 1970s the Provincial Government adopted changes to the *Municipal Act* (now called the *Local Government Act*) that allowed local governments to enter into Land Use Contracts (LUCs) with land owners and/or developers that incorporated zoning, development control and servicing issues into one document. As a result, on lands within an LUC, the LUC became the governing land use control and, in some instances, the subdivision and development control as well.
- Although LUCs are an agreement between the City and land owners/and developers, all LUCs were adopted by By-law. The first LUC in Surrey was adopted by City Council by By-law on August 7, 1972.
- In the late 1970s the Provincial Government adopted changes to the *Municipal Act* (now called the *Local Government Act*), eliminating the ability of municipalities to enter into LUCs.
- Approximately 370 LUCs were adopted in Surrey, most of which remain in effect. It should be noted, however, that most of the LUCs in Surrey have had Termination By-laws adopted by Council following a Public Hearing and are within the one-year grace period.
- In 2014, the Provincial Government adopted changes to the *Local Government Act* that terminate all Land Use Contracts (LUCs) in the Province on June 30, 2024. However, the legislation also permits municipalities to undertake early termination of LUCs in advance of 2024, should they choose to do so.
- On June 15, 2015, Council approved the recommendations in Corporate Report No. R122, which outlined a proposed process with respect to the early termination of LUCs in Surrey. Over three-quarters of the LUCs in Surrey have now been presented to Council for early termination.
- As a result, City staff are moving forward with the termination of LUC No. 465 in accordance with the approved process.

PUBLIC NOTIFICATION

Early termination of LUCs is a Council-initiated project that does not require the consent of landowners within the LUC being terminated. A Development Proposal Sign has not been installed and no pre-notification letters have been mailed.

However, the LUC Termination By-law is required to have its own Public Hearing. As a result, the Public Hearing Notice will be delivered to all owners and tenants of properties within LUC No. 465, informing them that Council is considering terminating the LUC. In addition, the Public Hearing notice will be published in two consecutive issues of the Peace Arch News.

SITE CHARACTERISTICS

Existing Land Use: Farm property.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 16 Avenue):	Farmland.	Agricultural	A-1
East (Across 194 Street):	Gravel extraction.	Agricultural	A-1
South:	Farmland.	Agricultural	A-1
West:	Farmland, paint ball facility.	Agricultural	A-1, PC

DISCUSSION

- LUC No. 465 was adopted by Authorization By-law No. 5473 on May 29, 1978.
- LUC No. 465 regulates one (1) agricultural lot. The subject area is located in South Surrey at civic address 19356 – 16 Avenue.
- The subject area is designated Agricultural under the Official Community Plan (OCP) and has an underlying "General Agriculture Zone (A-1)" under Surrey Zoning By-law, 1993, No. 12000, as amended.
- LUC No. 465 permits agriculture and horticulture, single family dwelling, single family dwelling for employees of the farm, temporary processing of natural agricultural products, and kennels.
- In accordance with the legislation, the LUC Termination By-law must include an effective date that is no less than one year from adoption of the by-law, resulting in a grace period. The subject Termination By-law has a one-year grace period.
- Once LUC No. 465 is terminated and the one-year grace period ends, the current underlying "General Agriculture Zone (A-1)" will come into effect and will regulate the use of the land.

- The "General Agriculture Zone (A-1)" permits agriculture and horticulture, one single family dwelling which may contain one secondary suite, farm-based winery, forestry, hobby kennel, agri-tourism, and horse riding, training, and boarding.
- If the land owner feels that the termination of the LUC will cause undue hardship, the property owner has the right to appeal to the City's Board of Variance (BOV). The application to the BOV must be received by the BOV within 6 months after the LUC Termination By-law has been adopted by City Council.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Copy of Part 10 "General Agriculture Zone (A-1)" of Surrey Zoning By-law, 1993, No. 12000, as amended

INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 465.

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

ARR/da



General Agriculture Zone

Part 10

A-1

A. Intent

This Zone is intended to accommodate *agricultural* uses on *lots* of a minimum size of 2 hectares [5 acres] and to protect *agricultural* land from the intrusion of uses not compatible with *farm operations*.

B. Permitted Uses

Amendments: 15056, 06/23/03; 15655, 03/07/05; 17290, 12/13/10; 18212, 05/26/13; 18874, 11/07/16

Land 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 1 *secondary suite*.
3. *Intensive agriculture*, provided that this use shall occur only on land within the *Agricultural Land Reserve (ALR)*.
4. *Farm-based winery* provided that:
 - (a) This use shall occur only on land within the *Agricultural Land Reserve*; and
 - (b) 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*;
 - (e) *Kennels-Commercial*;

- (f) *Kennels-Hobby*; or
 - (g) *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. all 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 an *accessory use* 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*;
 - 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 sq.m. [1,000 sq.ft.].

- (c) *Primary processing* of products provided 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) Private airport, subject to Section B.10, Part 4 General Provisions, of this By-law;
- (e) *Bed and breakfast* use in accordance with Section B.2, Part 4 General Provisions, of this By-law;
- (f) The keeping of *boarders* or *lodgers* in accordance with Section B.2, Part 4 General Provisions of this By-law; and
- (g) *Soil amendment*; and
- (h) *Cogeneration Facility* provided all of the following are satisfied:
 - i. the *Cogeneration Facility* shall be associated with a *greenhouse* on the *lot*;
 - ii. the *lot* is a *farm operation*;
 - iii. the *Combined Heat and Power Engine* capacity must not exceed 1.0 Megawatt of electricity for each hectare of land used for *greenhouses*; and
 - iv. despite Sub-Section B.9(h) iii. the *Combined Heat and Power Engine* capacity may be increased to 1.5 Megawatts of electricity for each hectare of land used for a *greenhouse* if high intensity lighting (greater than 10,000 lux) is used in the *greenhouse*.

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

Amendments: 15056, 06/23/03; 15655, 03/07/05; 17771, 11/05/12; 18212, 05/26/14; 18874, 11/07/16

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

(a) **Minimum setbacks:**

<i>Setback</i> Use	<i>Front</i> <i>Yard</i>	<i>Rear</i> <i>Yard</i>	<i>Side</i> <i>Yard</i>	<i>Side Yard</i> <i>on Flanking</i> <i>Street</i>
<i>Single Family Dwellings, and Accessory Buildings and Structures and All Buildings and Structures Not Stated Below</i>	7.5 m. [25 ft.]	12.0 m. [40 ft.]	Lesser of; (a) 13.5 m. [44 ft.] or (b) 10% of the <i>lot</i> width; but in any event not less than 3.0 metres [10 ft.]	7.5 m. [25 ft.]
<i>Buildings for Uses Permitted Under Sections B.1, B.4, B.5, B.8(c) and B.8(h) of this Zone, 1. including Accessory Buildings and Structures</i>	30.0 m. [100 ft.]	15.0 m.*	15.0 m.*	30.0 m. [100 ft.]
<i>Kennels-Commercial, Kennels-Hobby, Horse-riding training and/or boarding</i>	30.0 m. [100 ft.]	30.0 m.**	30.0 m.**	30.0 m. [100 ft.]
<i>Buildings for Uses Permitted Under Section B.3 of this Zone***</i>	90.0 m. [300 ft.]	15.0 m. [50 ft.]	15.0 m. [50 ft.]	30.0 m. [100 ft.]
<i>Buildings and Structures For Private Airport</i>	30.0 m. [100 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 this By-law.

- * If the *side yard* or *rear yard* abut 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*.

** When the front yard is 90 metres [295 ft.] or more, the rear yard and side yard may be reduced to 15 metres [50 ft.] for uses permitted under Sub-section B.7(e) and B.7(f).

*** The said buildings shall be located not less than 30 metres [100 ft.] from the boundary of any other Zone.

(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

Amendments: 15056, 06/23/03; 15655, 03/07/05; 18874, 11/07/16

Measurements to be determined as per Part 1 Definitions, of this By-law:

1. Single family dwelling 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 and Loading/Unloading

Amendments: 12333, 07/25/94; 13774, 07/26/99; 18414, 03/23/15; 18487, 05/16/16

1. Refer to Table C.1 of Part 5 Off-Street Parking and Loading/Unloading of this By-law.
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 or operated by the owner or occupant of the *lot*; and

- (b) The *vehicles* and associated trailers shall not be parked within the required *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 or operated by the owner or occupant of the *lot*;
 - (c) The *vehicles* and associated trailers are parked within the *farm residential footprint*;
 - (d) The *vehicles* and associated trailers shall not be parked within the required *building setbacks*;
 - (e) Where a *lot* is less than 4 hectares [10 acres], there is a maximum of 2 *vehicles* and 2 associated trailers; and
 - (f) Where a *lot* is 4 hectares [10 acres] or more, there is a maximum of 3 *vehicles* and 3 associated trailers.

I. Landscaping

Not applicable to this Zone.

J. Special Regulations

Amendments: 17290, 12/13/10; 17771, 11/05/12; 18487, 05/16/16; 18874, 11/07/16

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 a *farm residential footprint*:
 - (a) The maximum size of the *farm residential footprint* shall be 2,000 square metres [0.5 acres];

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 a *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 accordance with this Zone shall conform to the following minimum standards:

	<i>Lot Size</i>	<i>Lot Width</i>
Land Within the ALR*	4 hectares [10 acres]	Not less than 1/10 of total <i>lot</i> perimeter
Land Outside the ALR*	2 hectares [5 acres]	Not less than 1/10 of total <i>lot</i> perimeter

Dimensions shall be measured in accordance with Section E.21, Part 4 General Provisions, of this By-law.

* Where ALR is *Agricultural Land Reserve*.

L. Other Regulations

Amendments: 13657, 03/22/99; 13774, 07/26/99; 15056, 06/23/03; 15655, 03/07/05; 17471, 10/03/11; 18212, 05/26/14

In addition, land use regulations including the following are applicable:

1. Prior to any use, lands must be serviced as set out in Part 2 Uses Limited, of this By-law and in accordance with the "Surrey Subdivision and Development By-law".
2. General provisions on use are as set out in Part 4 General Provisions, of this By-law.
3. Additional off-street parking and loading/unloading requirements are as set out in Part 5 Off-Street Parking and Loading/Unloading of this By-law.
4. Subdivisions shall be subject to the "Surrey Development Cost Charge By-law" and the "Tree Preservation By-law".
5. *Building* permits shall be subject to the "Surrey Building By-law".
6. Sign regulations are as provided in Surrey Sign By-law No. 13656.

7. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of this By-law.
8. Kennels-Commercial and Kennels-Hobby shall be subject to the "Surrey Kennel Regulation By-law".
9. Manufactured home siting shall be subject to the "Surrey Mobile Homes and Trailer Regulation and Control By-law".
10. Noise is regulated by the "Surrey Noise Control By-law".
11. Unless prohibited or further regulated in 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/Orders, where applicable.
12. Lands used for an agricultural use are classified as farms under the B.C. Assessment Act, R.S.B.C. 1996.
13. Farm-based winery shall be subject to the Liquor Control and Licensing Act and the Agricultural Land Commission Act/Regs/Orders.
14. Cogeneration Facility shall be regulated by the Agricultural Land Commission Act/Regs/Orders, Clean Energy Act, S.B.C. 2010, c. 22 as amended, the Environmental Management Act, S.B.C. 2003, c. 53 as amended, the "Greater Vancouver Regional District Air Quality Management Bylaw No. 1082, 2008" as amended, and the B.C. Hydro Standing Offer Program as amended.