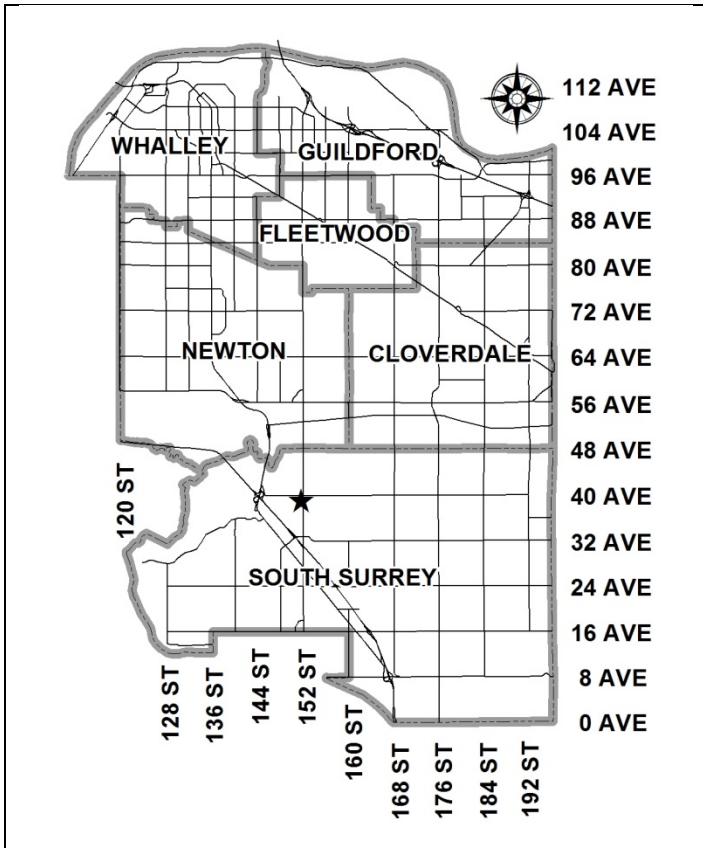


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7918-0078-00

Planning Report Date: June 25, 2018



PROPOSAL:

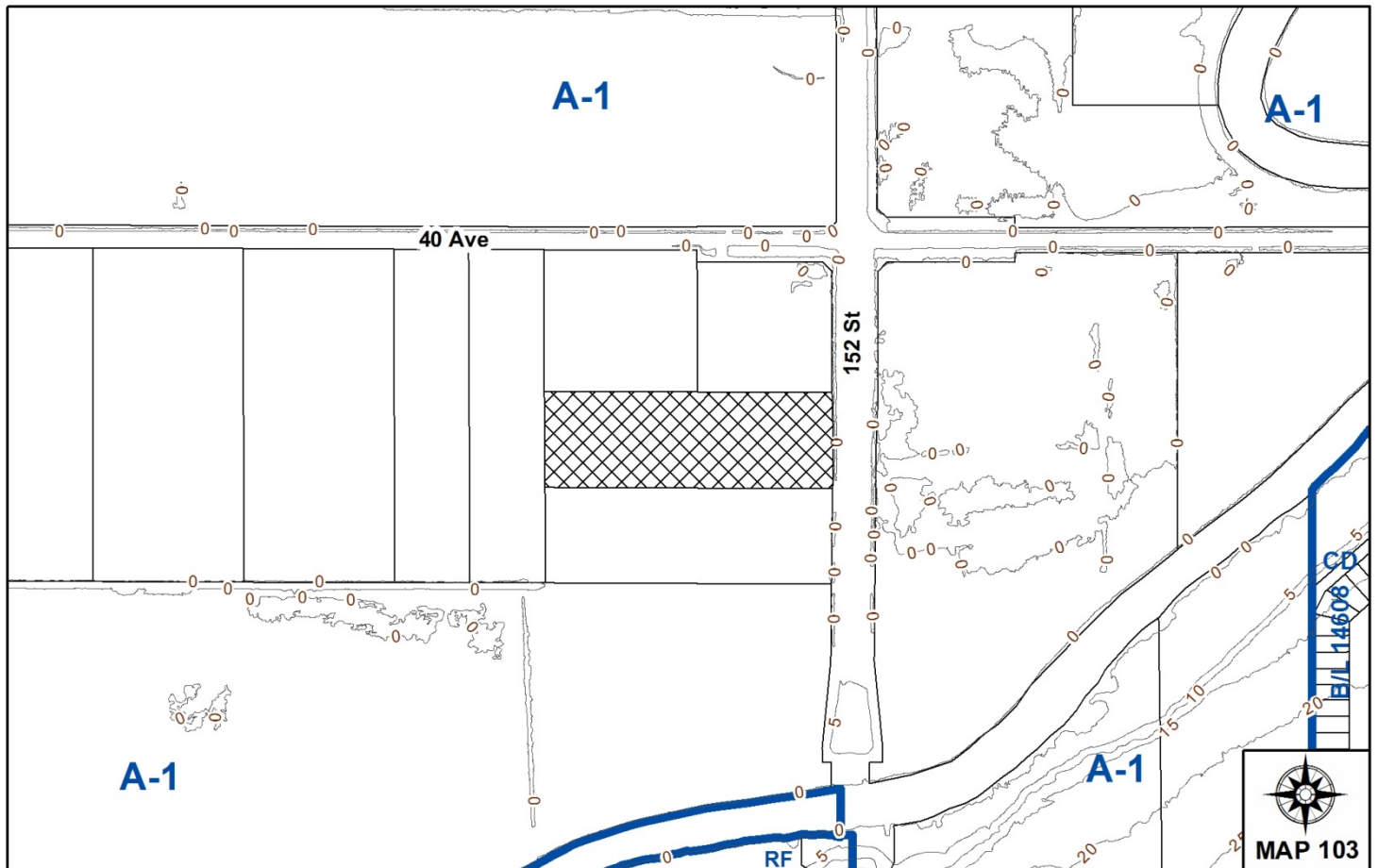
- **Rezoning** from A-1 to CD
- **Non-farm use** under Section 20(3) of the *ALC Act*.

to permit the operation of a landscape business.

LOCATION: 3905 - 152 Street

ZONING: A-1

OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

- The Planning & Development Department recommends that the application be denied.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposal does not align with the City of Surrey's existing policies and plans for agricultural land in the Agricultural Land Reserve.

RATIONALE OF RECOMMENDATION

- The proposed application does not comply with the policies for agricultural land as outlined in the City's Official Community Plan (OCP).
- The landscape business would be the principal use of the site and approving the subject application would set a precedent for similar non-farm use proposals in the ALR.
- The Agricultural and Food Security Advisory Committee (AFSAC) does not support the proposed landscape business in the Agricultural Land Reserve (ALR).

RECOMMENDATION

The Planning & Development Department recommends that this application be denied.

REFERRALS

Engineering: Should this application be supported by Council, the Engineering Department has provided a list of requirements that must be fulfilled as a condition of the rezoning.

Agricultural and Food Security Advisory Committee (AFSAC): At the May 3, 2018 Committee meeting, AFSAC recommended that the proposed landscape business not be supported in the Agricultural Land Reserve.

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling and an unauthorized landscape business.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwelling, active farm, and vacant agricultural lot.	Agricultural	A-1
East (Across 152 Street):	Vacant agricultural lot.	Agricultural	A-1
South:	Single family dwelling and active farm.	Agricultural	A-1
West:	Single family dwelling and active farm.	Agricultural	A-1

DEVELOPMENT CONSIDERATIONS

Background

- The subject property is located at 3905 – 152 Street and is approximately 2.1 hectares (5 ac.) in area.
- 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 property is bounded on all sides by agricultural land with the properties to the north, south, and east, being active farm operations.

- The site is classified as farmland under the *Assessment Act* and the applicants advise that a portion of the property is currently producing hay. The property also contains a single family dwelling and an accessory building. Currently, the dwelling is being rented to a tenant.
- Fill has been placed around the accessory building in order to park landscaping trucks and equipment. On September 15, 2017, the City's Engineering Department, through a site inspection, has confirmed that the fill area exceeds 2% of the total site area allowed for farm buildings in the ALR. A 2017 aerial photo shows that approximately 1,700 square metres (0.43 ac.), or 8% of the site, has been filled around the existing accessory building.
- The applicants have provided an Agrologist report which outlines the unimproved and improved capabilities of the soil on the land. Soils are given a class rating between 1 and 7 based on the degree of limitation for agricultural use. Class 1 soils have the lowest limitations on agricultural production to Class 7 which have the highest limitations. A subclass may also be applied to the soil rating to indicate the type of limitation to agricultural use. The soil classifications from the subject property are as follows:
 - 60% of the property contains Class 4W organic soil which is limited by wetness but could be improved to Class 2W soils; and
 - 40% of the property contains Class 4WL organic soil which is limited by wetness and a degree of decomposition-permeability but could be improved to Class 3WL.

Current Proposal

- The property owners are proposing a non-farm use and to rezone the site from "General Agriculture Zone (A-1)" to "Comprehensive Development Zone (CD)" in order to formalize an existing, unauthorized landscaping operation in the Agricultural Land Reserve (ALR).
- The property owners are currently operating without a Business License for a landscaping company from this location and have made the subject application following Bylaw Enforcement action being taken against the owner.
- The filled portion of the site noted in the above section acts as a parking and storage area for work trucks, employees' personal vehicles, landscaping equipment, and an office trailer. Permission for the fill previously brought onto the site for this staging area is to be considered in conjunction with the proposed non-farm use if the application is referred to the ALC by Council.
- The applicants have provided a farm plan for the property and advised that their intention is to develop approximately 1.1 hectare (2.7 acres) of the property into a container nursery for the purposes of growing plants to supply the landscaping company. The applicants advise that nursery product is to be vertically integrated into their existing business and will not be a commercial retail operation.
- The farm plan provided indicates that 0.37 hectares (0.9) would be developed in 2018, 0.43 hectares (1.1 acres) between 2019 and 2020, and 0.3 hectares (0.7 acres) between 2020 and 2022.

- The property owners have advised that since they have taken over the property they have undertaken improvements on the site by unearthing buried garbage and addressing drainage issues around the existing dwelling.

Discussion of Proposed Uses

- As presently operating, the landscaping business is not permitted under the *Agricultural Land Commission Act (ALCA)*, nor under the City's Zoning Bylaw.
- The proposed container nursery is generally a permitted use in the Agricultural Land Reserve and is allowed under the A-1 Zone. Therefore, the operation of a container nursery does not require a non-farm use or rezoning application at this time and is not subject to this application, but is discussed in this report to provide context for the proposed business operation on site.

ALC

- The portion of the lot used for the landscaping business does not currently support the farm uses onsite and is, therefore, considered a non-farm use under the ALCA.
- Once the container nursery is fully operational some of the onsite activities undertaken by the landscaping business would be considered part of the farm operation, such as harvesting and processing plants for transport and installation. However, activities required solely for the continued operation of the landscaping business, such as employees parking personal vehicles on site to take company trucks to job sites and the storage of non-farm related landscaping equipment, would still persist and would require approval as a non-farm use under the ALCA.

A-1 Zone

- The stand-alone landscaping business is not a permitted use under the A-1 Zone in Surrey's Zoning Bylaw.
- The property will need to be rezoned to "Comprehensive Development Zone (CD)" to include the landscape business as a permitted use for the property.
- The scale of the given business does not meet the requirements for a home occupation use, which is permitted in all zones, under the General Provisions of the Zoning Bylaw. Under the home occupation use no person other than a member of the immediate family occupying the dwelling may be employed in the business. The owner of the landscaping business does not currently reside on the property and employees of the company are not immediate family members of the current tenant. Additionally, the storage of vehicles or equipment associated with a home occupation is not permitted on or near the lot.

Policy Considerations

ALC

- Under Section 18 of the *Agricultural Land Commission Act (ALCA)*, a local government may not permit non-farm use of agricultural land or permit a building to be erected on the land except for farm use.
- If a farm owner wishes to use their land for a use that is not permitted under the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulations* they are required to make a non-farm use application to the ALC under Section 20(3) of the ALCA.
- However, under Section 25(3)(a) of the ALCA, if the land subject to the non-farm use application is zoned to permit agricultural or farm uses, the 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 Surrey City Council.
- Under Section 25(1) of the ALCA, if Council passes a resolution to refer the application to the ALC, the Commission may:
 - a) refuse permission;
 - b) grant permission; or
 - c) grant permission for an alternative non-farm use.
- If the ALC grants permission for the proposed non-farm use, the City retains the authority to approve or deny the proposed land use change through the rezoning application.

Official Community Plan

- The property is designated "Agricultural" under the OCP.
- Surrey's OCP outlines policies with respect to land within the ALR, including:
 - 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;
 - Protect farming and agri-food operations from adjacent urban impacts such as traffic, flooding, nuisance complaints, trespassing and noxious substances; and
 - Protect and enhance the interface between urban areas and the ALR by using fencing, landscaping buffers and building separations between urban and agricultural lands.

PRE-NOTIFICATION

Pre-notification letters were sent to 25 surrounding property owners on April 11, 2018 and a development sign was erected on the property on April 4, 2018.

Staff received correspondence from one member of the public who was opposed to the rezoning and non-farm use proposal. They felt that the proposal was not appropriate for A-1 zoned land and approving this application would set a precedent for further speculation in agricultural areas.

PROJECT EVALUATION AND DISCUSSION

- The applicant is proposing a rezoning from "General Agriculture Zone (A-1)" to "Comprehensive Development Zone (CD)" and a non-farm use in the ALR in order to permit the operation of an existing, unauthorized landscape business.
- When considered at the May 3, 2018 meeting, the Agricultural and Food Security Advisory Committee (AFSAC) recommended that the development application not be supported. Specifically, the Committee noted that they do not support non-farm uses on farmland. The Committee also noted that there are too many unauthorized businesses and non-farming operations being conducted on ALR lands.
- While the subject landscaping business may have a farming component in the future, the proposed nursery is not yet fully operational. As a result, the landscape business would be the principal use of the site at this time and approving the subject application would set a precedent for similar non-farm use proposals in the ALR.
- In the past, Council has expressed concerns with landscape businesses operating in conjunction with container nurseries in the ALR. Specifically, under Development Application No. 7911-0213-00, which was considered by Council at the Regular Council – Land Use meeting of May 28, 2012, the applicant proposed a Temporary Use Permit (TUP) to allow a landscape company to operate alongside a container nursery in the ALR until a suitable location for the business was found elsewhere in the City.
- Development Application 7911-0213-00 was referred back to staff by Council for clarification on the business. The application ultimately did not go back to Council for further consideration as the property owners elected to relocate their operation to a more appropriate site outside the ALR.

CONCLUSION

- The Planning & Development Department recommends that Council deny the rezoning application and not pass a resolution to refer the Agricultural Land Reserve (ALR) non-farm use application to the Agricultural Land Commission (ALC) for consideration. Staff note the policies in the Official Community Plan (OCP) for the protection of farmland and that the nursery is not yet operational as justification for this recommendation.
- Should, however, Council support the proposal, Council may refer the application back to staff to prepare an appropriate rezoning bylaw for the proposed use. Once the rezoning bylaw

has been created, staff will bring the application back to Council for their consideration of granting First and Second Readings and to pass a resolution to refer the application to the Agricultural Land Commission (ALC) for their decision on the non-farm use proposal.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- | | |
|---------------|--|
| Appendix I. | Lot Owners and Action Summary (Confidential) and Project Data Sheets |
| Appendix II. | Aerial and Farm Phase Plan |
| Appendix III. | Engineering Summary |
| Appendix IV. | Agricultural and Food Security Advisory Committee Minutes of May 3, 2018 |

INFORMATION AVAILABLE ON FILE

- Soil and Agricultural Land Capability Assessment prepared by McTavish Resource & Management Consultants Ltd. dated February 19, 2018

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

ARR/cm

APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION

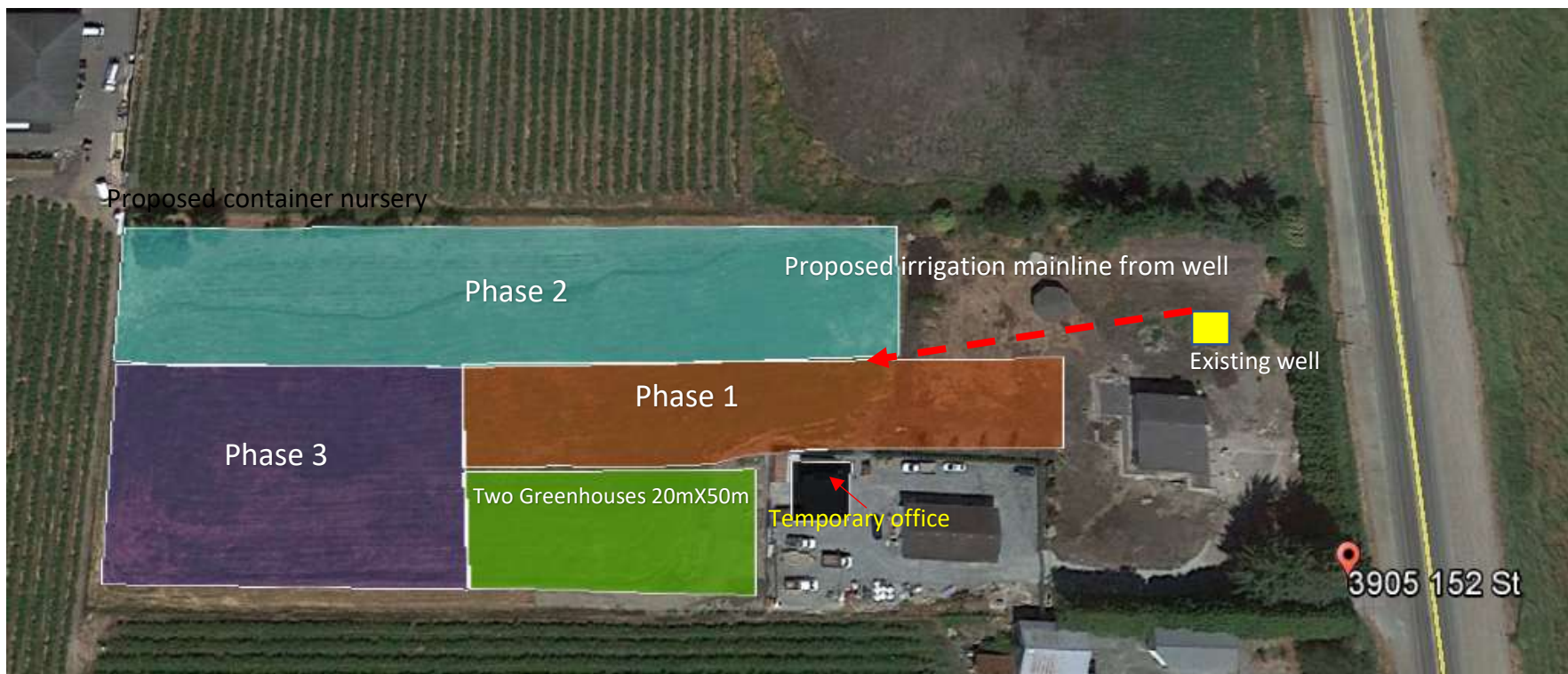


Figure 8 Container nursery site plan



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

FROM: **Development Engineer, Engineering Department**

DATE: **June 08, 2018** PROJECT FILE: **7818-0078-00**

RE: **Engineering Requirements
Location: 3905 152 Street**

REZONE (ALR)

Should this application be approved, the following requirements must be fulfilled as a condition of the Rezone:

Works and Services

- Remove existing driveway access and culvert at south of property line and reinstate the ditch. Construct a 7.3 m wide asphalt driveway access complete with a new culvert and headwall at the north property line. The applicant is required to obtain the necessary environmental permits.
- Extend existing concrete median to restrict the access to right-in/right-out. Register a Restrictive Covenant (RC) for right-in/right-out access to the property.
- An adequately-sized metered service connection must be provided to the lot. Metering features can be located at the property line or within the building (if the service is 75 mm or greater), in accordance with the Water Meter Design Criteria Manual & Supplementary Specifications. Calculations are to be submitted to confirm the size of the metered domestic service connection and the size of the fire service required for the proposed development.
- Demonstrate that the sanitary servicing for the site meets the satisfaction of the Ministry of Health.
- Address concerns outlined in the ***Policy for Development Within the Nicomekl and Serpentine River Floodplains*** prior to Rezone. No additional fill is permitted on this site.
- Register an RC and Statutory Right-of-Way for the Class A/O watercourse on 152 Street.

A Servicing Agreement is not required for the proposed Rezone. The driveway crossing can be constructed subject to issuance of a City Road and Right-of-Way Permit obtainable as part of the Building Permit review and processing by Engineering which includes payment of securities and permit fees.

A processing fee of \$1,580.25 (GST included) is required to administer the stormwater review, and/or legal document requirements.



Tommy Buchmann, P.Eng.
Development Engineer
AY

1. **Road Widening throughout the Agricultural Land Reserve**
Douglas McLeod, Transportation Planning Manager, Engineering

In response to the concerns addressed by the Committee after the Redwood Heights New Concept Plan Presentation at the March 1, 2018, AFSAC meeting, transportation staff provided a presentation on the proposed road widening throughout the Agricultural Land Reserve (ALR).

- Staff noted that key short term corridors will be identified and a plan to develop a long range strategy is underway. Short term improvements are anticipated for 32 Avenue, 64 Avenue, 80 Avenue and 152 Street. Long term improvements will likely include 16 Avenue, 88 Avenue and 184 Street.
- The Committee expressed concerns of road congestion on 184 Street and noted there are active farms in the area who use the streets for equipment. The Committee expressed the need to widen the roads to help with farming operations. The Committee suggested that during the road widening, staff decommission or lower water courses.
- In response to questions from the Committee, staff noted there are a variety of factors when determining which roads are priorities. In discussion with the Ministry of Transportation, the Ministry does not support traffic calming on major corridors or collector roads.
- Staff clarified that they will return to the Committee on specific applications.

The Committee supports the Engineering Departments following recommendations:

- The short-term corridors for road widening in the ALR;
- The development of a City-wide strategy for road widening through the ALR based on traffic model; and
- That the City meet with Agricultural Land Commission (ALC) to discuss a City-wide strategy for ALC road applications in the ALR.

3. **Proposed Non-Farm Use and Rezoning**

Adam Rossi, Associate Planner
File: 7918-0078-00; 6880-75

- The subject property is approximately 2.1 hectares, 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 classified as farmland under the *Assessment Act*.

- The property owners are currently operating a landscaping business without a Business Licence, which is not permitted under the *Agricultural Land Commission Act* or the City's Zoning Bylaw. The subject application was made at the request of Bylaw Enforcement. The property will need to be rezoned Comprehensive Development Zone (CD) to include the landscaping business as a permitted use for the property. The application will be referred to the Agriculture Land Commission for non-farm use.
- Staff noted there is hay being produced on the farm and the application includes a proposed nursery. Existing fill placed on site has exceeded the 2% of total site area allowed for farm buildings. An Agrologist report was provided that outlines unimproved and improved capabilities of the soil.
- The Committee spoke in support of the nursery operation concept but expressed concerns that the fill on site is a hindrance to the remaining farmable area. The Committee expressed concerns on rezoning the subject site to CD as it could one day no longer become a nursery. The Committee noted that nurseries can impact surrounding blueberry farms as the vegetation can carry bugs and diseases.
- The Committee noted it is difficult to support an application that proceeded with unauthorized documentation and permits and the Committee does not support non-farming uses on farmland. The Committee suggested that the nursery operation find land more suitable as opposed to ALR lands with quality farming soil.

In response to questions from the Committee, staff clarified that under a CD Zone, the property owner could apply for a proposal other than a landscaping business. The applicant has made an application to the ALC for non-farm use. Staff clarified that Council will be required to make a resolution if the application is to be referred to the ALC.

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 not support Development Application 7918-0078-00.
Carried

The Committee cautioned staff that there is too much unauthorized business and non-farming operations being conducted on ALR lands.

4. **Proposed Exclusion from the Agricultural Land Reserve**

Adam Rossi, Associate Planner

File: 7918-0100-00; 6880-75

- The subject properties are approximately 0.56 hectares (1.4 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 sites are not classified as farmland under the *Assessment Act*.