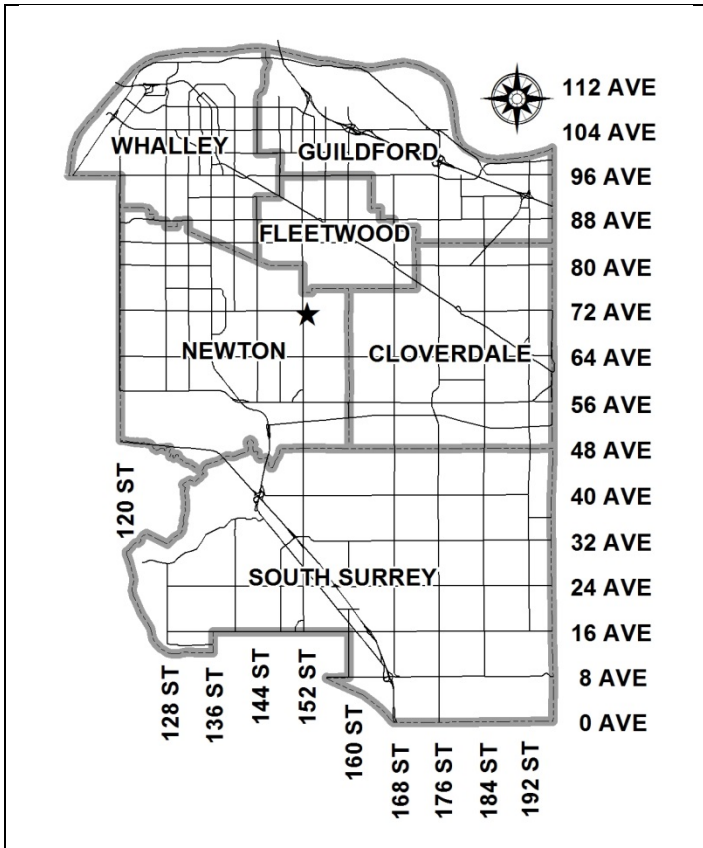


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7918-0100-00

Planning Report Date: June 11, 2018



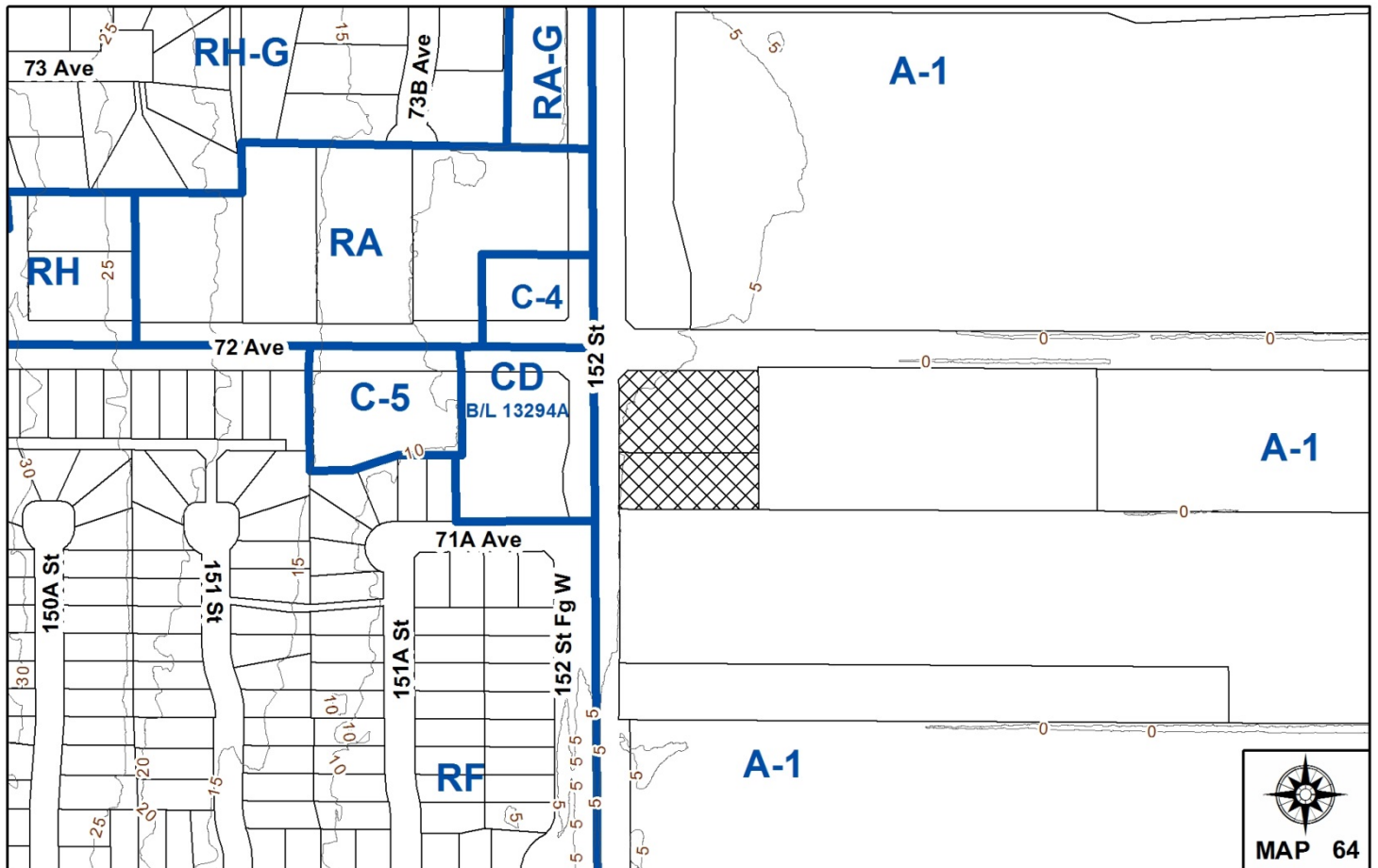
PROPOSAL:

- **OCP Amendment** from "Agricultural" to "Commercial"
 - **Rezoning** from A-1 to CD
 - **ALR exclusion** under Section 30(1) of the ALC Act.
- to permit the development of commercial uses.

LOCATION: 7180 152 Street
 7160 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 and growth management as outlined in the City's Official Community Plan (OCP) and Metro Vancouver's Regional Growth Strategy (RGS).
- The proposed use does not complement or seek to serve the agricultural community in Surrey. Further, the proposed retail grocery use could be adequately located elsewhere on non-ALR lands within the City.

RECOMMENDATION

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

If, however, Council is supportive of the application, Council may pass a resolution authorizing the referral of the application to the Agricultural Land Commission for their consideration of the exclusion request and direct staff to work with the applicant to review the details (ie. site plan, density, massing, height, architecture, uses, etc.) of the land use proposal and, once all issues are resolved, bring the project back to Council for Council's consideration.

REFERRALS

Engineering: There are no engineering requirements relative to the ALR exclusion, however, should the proposal for exclusion be successful, a more detailed Engineering review will be provided based on a detailed plan for the proposal (Appendix III).

Agricultural and Food Security Advisory Committee (AFSAC): At AFSAC's May 3, 2018 meeting, the Committee recommended that Development Application 7918-0100-00 not be forwarded to the Agricultural Land Commission for exclusion and the land use proposal be denied (Appendix IV).

SITE CHARACTERISTICS

Existing Land Use: Single family residential dwellings.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across 72 Avenue):	Vacant agricultural land and Surrey Lake Park in the ALR.	Agricultural	A-1
East:	Agricultural land in the ALR.	Agricultural	A-1
South:	Agricultural land in the ALR.	Agricultural	A-1
West (Across 152 Street):	Gas station and convenience store.	Urban / Neighbourhood/Local Commercial	CD (By-law No. 13294A)

DEVELOPMENT CONSIDERATIONS

Background

- The subject properties are located at 7160 – 152 Street and 7180 – 152 Street and together are approximately 0.56 hectares (1.4 ac.) in size.
- 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 property is also outside the Urban Containment Boundary and is designated "Agricultural" in Metro Vancouver's Regional Growth Strategy (RGS).
- The subject sites are not classified as farmland under the *Assessment Act*.
- The applicant indicates that there is minimal history of farm activity on these lots and they are currently being used for residential purposes.
- The subject lots are part of a contiguous section of the ALR boundary between 69 Avenue and 76 Avenue, along 152 Street. The ALR surrounds the properties to the north, east, and south.
- The areas west of the subject properties, at the intersection of 152 Street and 72 Avenue, have a mixture of small scale commercial uses. Surrounding the commercial lots are single family residential lots.
- While the properties are located within the ALR boundary, they are exempt from the restrictions on uses in the ALR as these properties were lots of record prior to December 21, 1972 and are less than 2 acres in area. The applicant has provided the required documentation, which has been reviewed and accepted by ALC staff, to support their exemption status.
- A previous proposal for ALR exclusion had been received by the City for these properties under Development Application 7917-0027-00. Council considered the application at the May 7, 2017 Regular Council – Land Use meeting and denied passing a resolution to refer the application to the ALC. The file was subsequently closed.

Current Proposal

- The applicant is proposing an OCP amendment from "Agricultural" to "Commercial, a rezoning from "General Agriculture Zone (A-1)" to "Comprehensive Development Zone (CD)", and an ALR exclusion application to permit the future development of a commercial retail use.
- The applicant's stated intention is to develop the site into a small-scale retail grocery use, which would sell fruits, vegetables, dairy products, and provide other complementary uses which are typically permitted under the "Local Commercial Zone (C-4)" and the "Neighbourhood Commercial Zone (C-5)".
- Inclusion of land into the ALR to offset the exclusion of the subject parcels has not been proposed with this application.

- In addition to the proposed OCP amendment, rezoning, and ALR exclusion, the subject proposal will require a Development Permit for "Form and Character" and "Farm Protection" from the City and will require Metro Vancouver's approval of a RGS amendment to the Urban Containment Boundary and the regional land use designation from "Agricultural" to "General Urban".
- However, given the significant departure from the City's and Metro Vancouver's plans and policies posed by the subject application, staff are bringing forward only the OCP amendment, rezoning, and ALR exclusion proposal at this time for Council's direction on proceeding to a more detailed planning stage.
- Should Council deem there is merit to and be supportive of the land use proposal in principle, staff will work with the applicant to develop an appropriate "Comprehensive Development Zone (CD)" for the subject proposal and facilitate the detailed planning and design process indicative of a Development Permit application. In this scenario, the OCP amendment, Rezoning By-law, Development Permit, and request for a resolution to refer the RGS amendment to Metro Vancouver will be brought back to Council for their consideration.

Applicant's Rationale for Proposal

- The applicant has provided the following rationale for their exclusion proposal:
 - Due to the small lot sizes, 0.23 hectares (0.6 ac.) and 0.33 hectares (0.8 ac.) respectively, and the history of non-agricultural uses, the subject lots are not conducive for farming. The properties would be better suited for development similar to the properties across 152 Street at 72 Avenue;
 - Under Section 23(1) of the ALCA, restrictions on the use of agricultural land in the ALR do not apply to lands that, on December 21, 1972, was, by separate certificate of title issued under the Land Registry Act, R.S.B.C. 1960, c. 208, less than 2 acres in area. As per the regulation, the subject properties are exempt from the restrictions on uses in the ALR and should be formally removed from the ALR;
 - The proposed retail use would serve the residential neighbourhoods to the east and commuters along 152 Street which is an arterial road;
 - The development of this site would improve farming activities to the east of the subject sites as a new development would act as a buffer for the farm lands from traffic along 152 Street; and
 - Inclusion offsets for the land being removed from the ALR have not been proposed due to the size of the subject parcels. Previous exclusion applications for much larger parcels have been considered and approved without compensation elsewhere in Surrey.

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 amend the OCP designation, rezoning, and ALR exclusion on these subject properties. 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 *ALCA*, 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.
- While the properties are located within the ALR boundary, under Section 23(1) of the *ALCA*, they are exempt from the restrictions on uses as these properties were lots of record prior to December 21, 1972 and are less than 2 acres in area. The applicant has provided the required documentation, which has been reviewed and accepted by ALC staff, to support their exemption status. As a result, the subject properties need not be excluded from the ALR in order for the City to approve a rezoning for uses that are typically not permitted under the *ALCA*.

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.
- The subject application will require an RGS amendment to the Urban Containment Boundary and the regional land use designation of "Agricultural" to "General Urban".
- To have the proposal reviewed by Metro Vancouver, the local government must pass a resolution to refer the RGS amendment to the regional body. If referred to Metro Vancouver, the RGS amendment requires an affirmative two-thirds weighted vote of the Metro Vancouver Board and a regional public hearing. The resolution for referring the amendment to Metro Vancouver would occur subsequent to Council holding a Public Hearing and granting Third Reading to a rezoning bylaw for the subject site.

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.
- The OCP also outlines general policies for the management and prioritization of growth throughout the City. Relevant policies for the subject properties include:
 - Support compact and efficient land development that is consistent with the Metro Vancouver *Regional Growth Strategy* (RGS);
 - Ensure that urban development occurs within the Urban Containment Boundary; and
 - Strongly discourage applications for urban expansion into the ALR.

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 application is evaluated under Section 4 of this policy. This section identifies seven criteria for exclusion consideration:
 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 algologists report identifying the Soil Capability Rating of the subject sites. The applicant states that the small size and the history of non-agricultural activities indicate the lack of agricultural capacity of the site.

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 notes that under Section 23(1) of the ALCA that the restrictions on use of agricultural land in the ALR do not apply to their properties as these are lots of record prior to December 21, 1972 and are less than 2 acres in area. The applicant has provided the required documentation, which has been reviewed and accepted by ALC staff, to support their exemption status. However, the use of the land is still regulated by Surrey's "General Agriculture Zone (A-1)".

In conjunction with the exclusion proposal, the applicants are proposing an Official Community Plan (OCP) amendment to change the land use designation from "Agricultural" to "Commercial" and to rezone from "General Agriculture Zone (A-1)" to a "Comprehensive Development Zone (CD)" (based on C-4 and C-5) in order to permit a small scale retail development to sell groceries.

Staff notes that the subject property is outside Metro Vancouver's Urban Containment Boundary and is designated "Agricultural" in the Regional Growth Strategy (RGS).

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 proposed commercial use could be accommodated on non-ALR land within the City.

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 applicant feels that the small size of the lots and their location along 152 Street are impediments to farming this land. They also note that properties are located across the street from an urban area, which includes some commercial properties. Further, the applicants indicate that by excluding the two lots from the ALR the "future development of the lots will provide physical barrier, isolation, screen and security needed from 152 Street to the adjacent agriculture lot immediately east of the properties".

Staff notes that between 69 Avenue and 76 Avenue, 152 Street acts as a clear demarcation between the developed areas to the west of and the agricultural areas to the east of this arterial road. As such, the subject properties contribute to the contiguous north-south ALR boundary along the east side of 152 Street. Additionally, the proposed commercial use at this location would result in a significant increase in day-to-day, non-agricultural activity occurring within the traditional boundary of the ALR in this 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.

The applicant notes that the subject site fronts 152 Street, which is an arterial road, and access can be obtained from 72 Avenue, which the northern property of the site also has frontage on.

The subject site is noted to be outside of the Metro Fraser Containment Sewer Area. As such, the proposal will require Metro Vancouver's approval of an amendment to this sewer boundary to include the subject site.

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 have indicated that they will work with City Staff to meet any screening and buffering requirements through the development application process.

Staff has informed the applicants that the properties would be subject to a Farm Protection Development Permit if the proposed rezoning to commercial uses is supported by Council. The Development Permit would outline the buffering and landscaping requirements 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.

If the land is excluded from the ALR and the rezoning is supported by Council, mitigation of potential impacts will be addressed through the Farm Protection Development Permit.

The applicant has been informed that Farm Protection DP Guidelines require a minimum landscape buffer of 15 metres (49 ft.) and a minimum building setback of 30 metres (98 ft.) from the ALR boundary.

- 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 letters were sent to 56 surrounding property owners on April 16, 2018 and a development sign was erected on the properties May 2, 2018.

Staff received one correspondence from a neighbouring property requesting more information on the proposal and if a gas station was being proposed.

PROJECT EVALUATION AND DISCUSSION

- The applicant is proposing an OCP amendment from "Agricultural" to "Commercial, a rezoning from "General Agriculture Zone (A-1)" to "Comprehensive Development Zone (CD)", and an ALR exclusion application to permit the future development of a commercial retail use on the subject properties.

- The proposal does not comply with the specific objectives outlined in the OCP for the preservation of farmland and general growth management. Moreover, the proposal does not satisfy a number of the fundamental criteria outlined in Policy No. O-51 for the consideration of excluding the subject parcels from the ALR.
- When considered at the April 7, 2017 meeting, the Agriculture and Food Security Advisory Committee (AFSAC) recommended the application not be referred to the Agricultural Land Commission.
- Under Section 23(1) of the *Agricultural Land Commission Act* (ALCA), restrictions on use of agricultural land in the ALR do not apply to the subject properties as the properties were lots of record prior to December 21, 1972 and are less than 2 acres in area. However, the property owner's use of the land is still restricted by regional and municipal regulations for agricultural land under the Regional Growth Strategy (RSG), Official Community Plan (OCP), and Zoning By-law.
- In response to the exemptions of restrictions on use in the ALR under Section 23(1) of the ALCA, staff discussed with the applicant changing the land use of the subject properties to a use that would be complementary to the agricultural community in Surrey without removing the parcels from the ALR. Through the application process staff requested the applicant provide a more detailed description of the proposed uses, along with business model and market study, in order to support their proposal. A business model has not been provided and based on the applicants responses, staff is of the view that the current proposal is more indicative of a general commercial use that could be adequately located elsewhere on non-ALR land within the City.

CONCLUSION

- The Planning & Development Department, based on the current policies of the City's Official Community Plan (OCP) and Metro Vancouver's *Regional Growth Strategy* (RGS), recommends that Council deny the proposed land use in principle and do not pass a resolution to refer the Agricultural Land Reserve (ALR) exclusion application to the Agricultural Land Commission (ALC) for consideration.
- Should, however, Council feel there is merit to the application, Council may pass a resolution authorizing the referral of the application to the ALC for their consideration of the exclusion request and direct staff to work with the applicant to review the details (ie. site plan, density, massing, height, architecture, uses, etc.) of the land use proposal and, once all issues are resolved, bring the project back to Council for Council's consideration.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

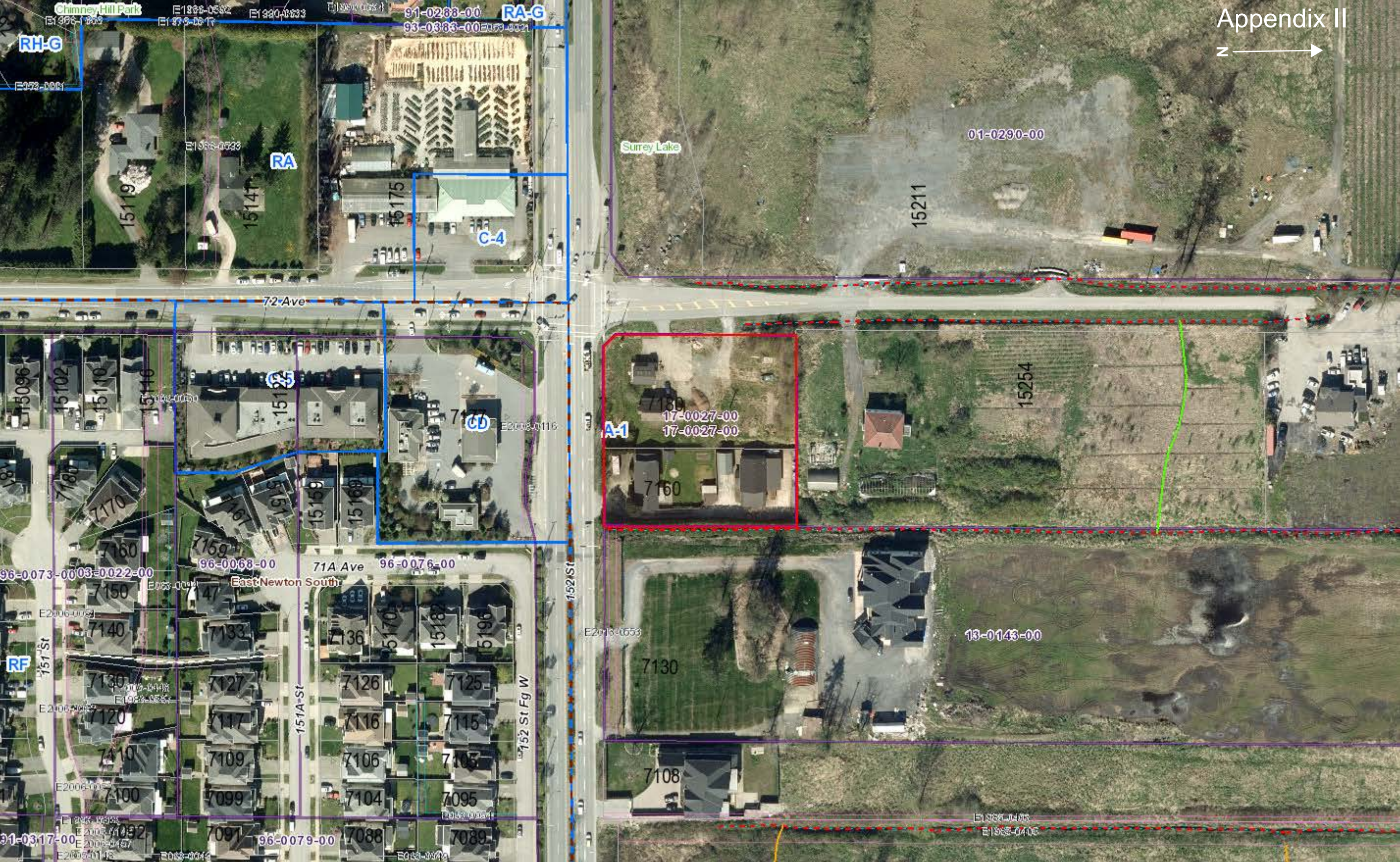
- Appendix I. Lot Owners and Action Summary (Confidential)
- Appendix II. Site Location and ALR Map
- Appendix III. Engineering Summary
- Appendix IV. Agricultural and Food Security Advisory Committee Minutes

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

ARR/dk

APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION



RH-G

RA

C-4

A-1

RF

Surrey Lake

72 Ave

71A Ave

151A St

152 St Fg W

152 St

01-0290-00

15211

15254

17-0027-00
17-0027-00

7160

13-0143-00

7130

7108

Chimney Hill Park
E1366-1233 E1398-0532 E1990-0133 E1991-0531
91-0288-00 93-0383-00 E173-0121

E172-0001

E1566-0733

15096
15102
15110
15146

96-0073-0003-0022-00

96-0068-00

96-0076-00

E2906-0029

E2906-0027

91-0317-00

E2005-0148

E053-0044

E1983-0243

E2005-0497

E2005-0148

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E1983-0243

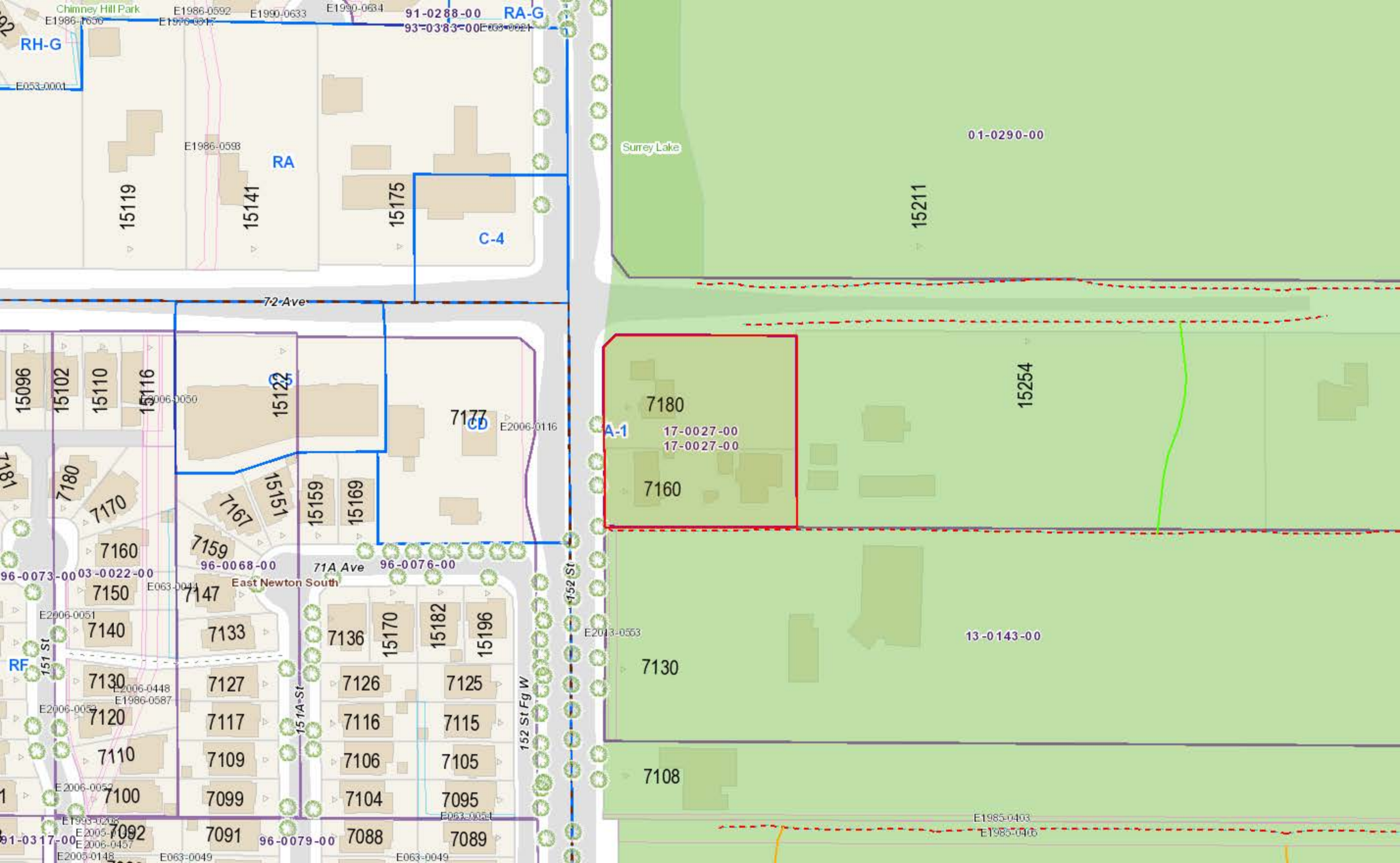
E2005-0497

E2005-0148

E2008-0116

E2913-0553

E1988-0405
E1988-0406



RH-G

RA

C-4

A-1

RF

Surrey Lake

72 Ave

71A Ave
East Newton South

152 St Fg W

151 St

151A St

152 St

01-0290-00

15211

15254

7180

7160

17-0027-00
17-0027-00

13-0143-00

7130

7108

E1985-0403
E1985-0406

E1986-0598

E2006-0050

E2006-0116

E063-0044

96-0068-00

71A Ave

96-0076-00

E2006-0051

7140

7133

7136

15170

15182

15196

E2013-0563

E2006-0053

7120

7117

7116

7115

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7105

E2006-0052

7110

7099

7106

7104

7095

E1993-0206

7092

7091

7088

7089

E063-0054

E063-0049

E063-0049

E1986-1636

E1986-0317

E1990-0633

E1990-0634

91-0288-00

93-0383-00

E063-0021

E053-0001

15096

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96-0073-00

03-0022-00

E063-0044

71A Ave

96-0076-00

E2006-0051

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E2006-0053

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E2006-0052

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E1993-0206

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E2005-0148

E063-0049

E063-0049

96-0079-00

E063-0049

E063-0049

INTER-OFFICE MEMO

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

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

DATE: **June 5, 2018** PROJECT FILE: **7818-0100-00**

RE: **Engineering Requirements (Commercial/Industrial)
Location: 7160 152 St**

ALR EXCLUSION

There are no engineering requirements relative to the ALR Exclusion.

OCP AMENDMENT & REZONE

Should the proposal for exclusion be successful, a more detailed engineering review will be provided based on a detailed plan for the proposal; however, the following are known to be requirements of a Rezone and OCP Amendment at this time:

- Although the subject lot falls beyond current 200 year flood plain levels, site designs must account for potential changes to the flood plain levels as well as provide mitigation measures for increased runoff as necessary.
- Dedication along 152 Street to meet 30.0 m arterial road standards is required:
 - Dedication approximately 1.50 m for 15.0 m road allowance from centre line of 152 Street; and
 - 5.0 x 5.0 m corner cut at 72 Avenue.
- Dedication along 72 Avenue is not required at this time, as there is an existing 20.0 m road allowance. Traffic signal improvements may be required, and will be reviewed through detailed design.
- Driveway access restrictions are required to eliminate access to 152 Street and ensure sufficient distance from the intersection along 72 Avenue.
- Since the lots are less than 2 acres in size, sanitary service connections are required to meet City by-laws. The site is within the Fraser Sewer Area but not within Metro Vancouver's Urban Containment Boundary as defined in the Regional Growth Strategy. Referral to the Metro Vancouver Board for inclusion of the land into the Urban Containment Boundary will be required to allow sanitary sewer servicing.
- Construction of frontage works such as sanitary sewers, water mains, storm sewers, road works and third party utility work will also be required through a Servicing Agreement.



Rémi Dubé, P.Eng.
Development Services Manager
MS

AGRICULTURE AND FOOD SECURITY ADVISORY COMMITTEE
THURSDAY, MAY 3, 2018

For the purposes of information only, minutes are subject to change.

D. NEW BUSINESS**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*.
- The applicant is proposing to exclude the subject properties from the ALR and redevelop them into commercial use for the purposes of retail use. Inclusion of the land to offset the exclusion of the parcels has not been proposed. A previous application to exclude the subject properties from the ALR was submitted but did not include a proposed land use change. The previous application was denied by Council and referred to the ALC, where the file was closed. The applicant did not provide an Agrologist report as they felt the soil capabilities were enough and feel the property would be better suited as commercial properties such as those across the street.
- Staff noted the application is at Stage 1 land use review and will be forwarded to Council for their direction on whether the proposed land use in principle should proceed or not. The applicant has not provided any 2 for 1 land exchange.

The Committee noted that the property is within the ALR and should remain ALR. AFSAC does not support removing the property from the ALR as the current boundary is defensible, and a change would impact surrounding ALR viability.

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 7918-0100-00.

Carried