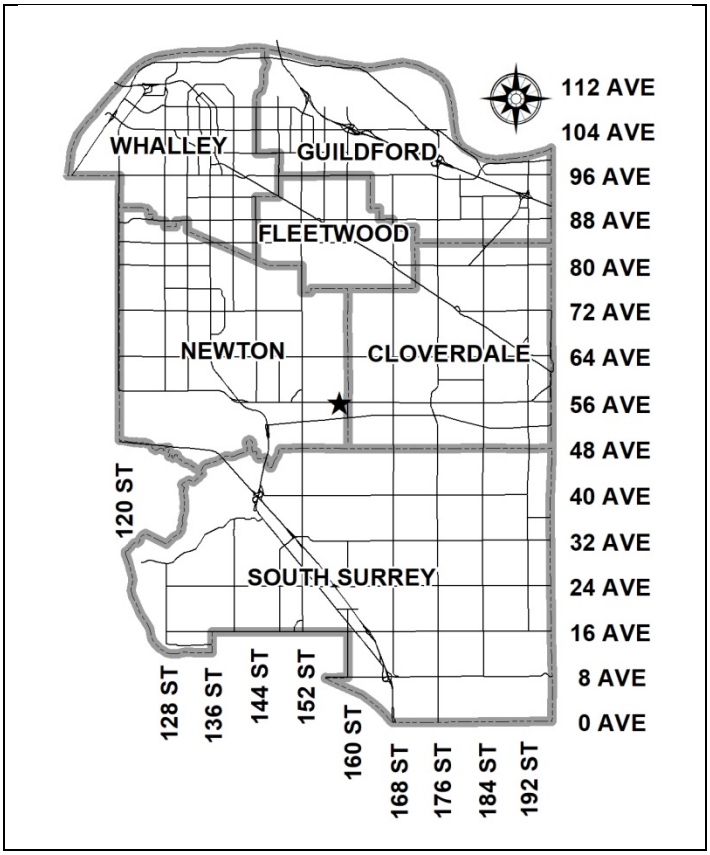


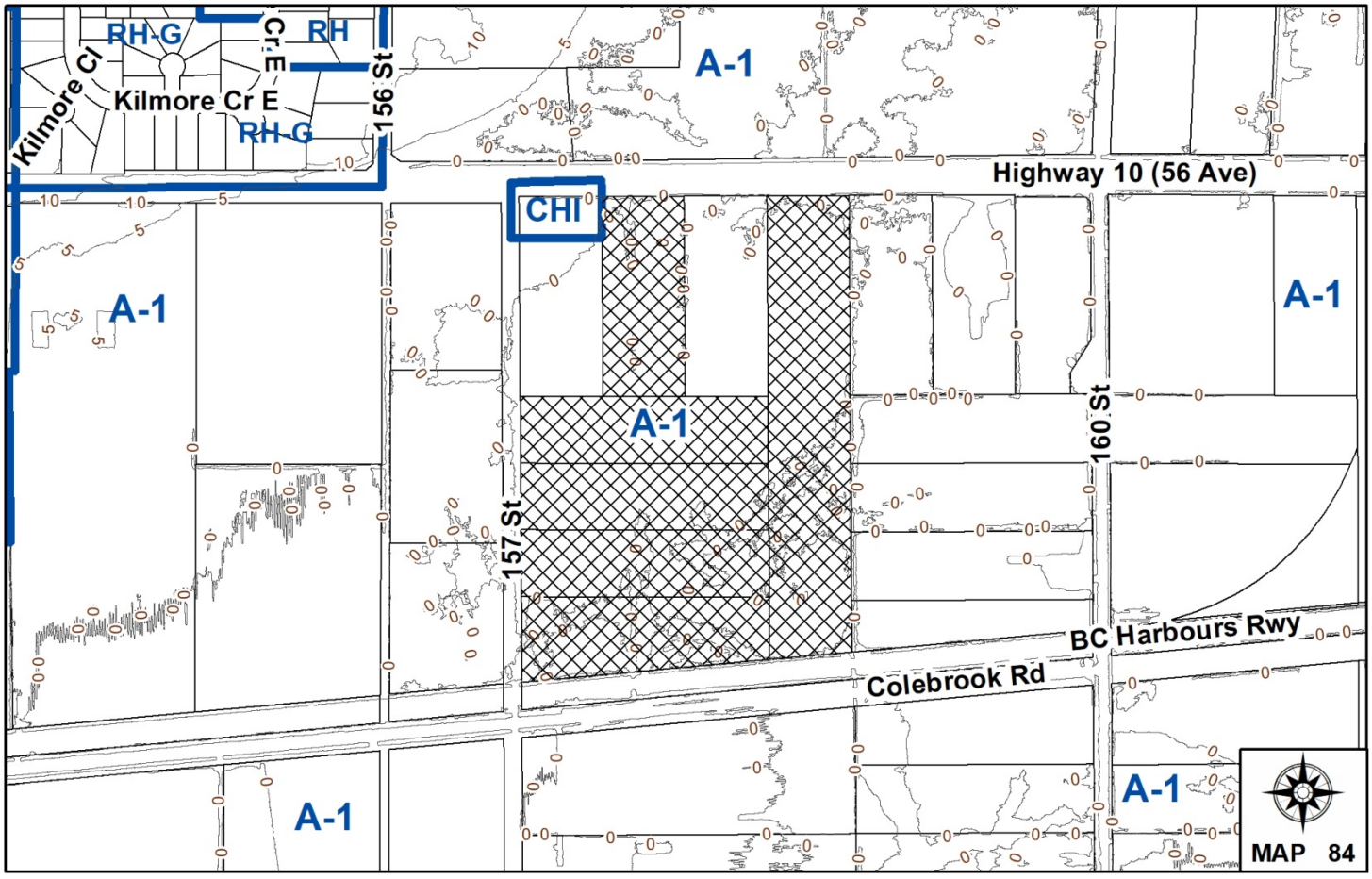
City of Surrey
PLANNING & DEVELOPMENT REPORT
File: 7918-0191-00

Planning Report Date: July 23, 2018

PROPOSAL:

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

LOCATION:	15744 - No 10 (56 Avenue) Highway 15836 - No 10 (56 Avenue) 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. 7918-0191-00, 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 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 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.

- 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 within the 200 year floodplain and, is therefore, not an appropriate location for the consideration of land uses that would be more intensive than what is permitted under the current agricultural designation.

- The proposed ALR exclusion is not supported by the City's Agricultural and Food Security Advisory Committee.

RECOMMENDATION

The Planning & Development Department recommends that Development Application No. 7918-0191-00, 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 to Council endorsed policies of minimizing non-agricultural development within the floodplain. Furthermore, servicing strategies for this area are based solely on agricultural uses in accordance with the Official Community Plan (OCP) and Metro Vancouver's Regional Growth Strategy (RGS).
Agricultural and Food Security Advisory Committee (AFSAC):	At the June 7, 2018 meeting, the Agriculture and Food Security Advisory Committee (AFSAC) recommended the application not be referred to the Agricultural Land Commission (ALC).

SITE CHARACTERISTICS

Existing Land Use: Vacant agricultural land.

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 under application for exclusion (No. 7918-0184-00)	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

DEVELOPMENT CONSIDERATIONS

Background

- The subject properties are located at 15744 and 15836 – 56 Avenue (Highway 10), 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. The neighbouring property to the east at civic address 15884 Highway 10 (56 Avenue) is also under application for ALR exclusion (Development Application No. 7918-0184-00). Development Application No. 7918-0191-00 is also being presented for Council's consideration on the July 23, 2018 Regular Council – Land Use meeting.

- Two of the subject properties have potential access from Highway No. 10 (56 Avenue), four properties abut an unconstructed City road allowance 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.

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.

Applicants Rational for Exclusion

- The applicant's agent, who is an Articling Agrologist, has included a background report with their application submission. The report outlines the property characteristics, an analysis of the soil capability of the land, and a discussion on land uses in the area in order to demonstrate that the properties have low agricultural utility and, therefore, is a candidate for exclusion.

- The following is a summary of the background report provided with the application:

  Soil Capability for Agriculture

  - The applicant's agent indicates that the subject properties are primarily flat with significant areas at or below zero metres sea level elevation and are characterized by a high yearly water table located at or near the surface of the land.

  - The agent conducted a field review of the site on September 9, 2016. The site was divided into six sections and a 0.61 metre (61 cm /2 ft.) test pit dug was dug in each location. The test pits revealed a topsoil horizon comprised of highly organic peat soil to a depth of approximately 0.45 metres (45 cm / 1 ft.) with a subsoil horizon that comprised of compact heavy clay. Due to the greyed colour of the clay layer, the agent expects that subsoil horizon has established a perched water table.

  - The agent states that peat soils require careful management and drainage practices for sustainable utilization. Due to the shallow topsoil layer and the relatively small parcel size, the soil and drainage improvements required for this property would be cost prohibitive and have marginal results for improved farming capability.

  - The applicant has not provided an Agrologist Report identifying the specific Soil Capability Rating of the subject sites. However, the agent's report indicates that previous onsite assessments of similar lands in the general area were found to have an unimproved agricultural capability rating of Class 5WL for 80 percent of the property with some areas as low as Class 6WL.

  General Limitations to Agricultural Production

  - The agent states that the soil composition and high water table are a clear impediment to agricultural utility of the properties. The required upgrades to the existing soils and drainage conditions would be cost prohibitive for the development of a commercial or hobby farm operation.

  - The agent identifies the following issues as additional encumbrances to agricultural viability:
    - The properties have no physical access.
    - The properties are too small to adequately bear the costs of hiring a custom applicator required to seed and spray the field.
    - The properties are not suitable for livestock year-round due to the high water table and the given property size.
    - The land cost is too high for the sale of the property for agricultural purposes.
    - Obtaining crop insurance for the subject properties would be difficult to obtain.
    - Weed problems emanate from adjacent, unfarmed properties that do not practice proper weed control management.
    - The parcel size is insufficient for the purposes of non-soil bound agriculture such as commercial green housing.
    - Subsidence limits the ability to till the soil.
    - Crop options are very limited due to the general conditions of the land.

- The agent states that the specific technical and general encumbrances detailed above are central to determining the appropriateness of the ALR designation of the given site and that the ALC does not support lands being within the ALR where such lands have no agricultural utility.

- The agent states that the land use designation of "Agricultural" for the subject properties is generic and does not accurately reflect the specific opportunities and constraints that should necessarily inform land use within this subject area.

- The agent states that based on past land use, transportation planning decisions and growth trends in Surrey, there is no reasonable argument for maintaining the subject property in the Agricultural Land Reserve. Maintaining the property within the ALR based only on a generic policy position is unduly punitive to property owners given the fact that the land has low agricultural utility.

POLICY CONTEXT

- 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 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 form 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.

- In the event that a new non-agricultural land use is proposed in the future, the subject application will require RGS amendments to the Urban Containment Boundary and the regional land use designation of "Agricultural".

- 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.

City Policy 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. However, the agent's report indicates that previous onsite assessments of similar lands in the general area were found to have an unimproved agricultural capability rating of Class 5WL for 80 percent of the property with some areas as low as Class 6WL.

            The agent conducted a field review of the site on September 9, 2017. The property was divided into six sections and a 0.61 metres (61 cm) test pit dug was dug in each location. The test pits revealed a topsoil horizon comprised of highly organic peat soil to a depth of approximately 0.45 metres (45 cm) with a subsoil horizon that comprised of compact heavy clay. Due to the greyed colour of the clay layer, the agent expects that subsoil horizon has established a perched water table. The agent states that peat soils require careful management and drainage practices for sustainable utilization. However, due to the shallow topsoil layer and the relatively small parcel size, the soil and drainage improvements required for this property would be cost prohibitive and have marginal results for improved farming capability)

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 (i.e. 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 subject properties are bound on all sides by the Agricultural Land Reserve. Removing these properties from the ALR would create an "island" of non-ALR parcels inside 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.

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 this time. Their declared intention is to retain the sites current OCP land use designation of "Agricultural" and A-1 zoning.

- 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 Development Permit for farm protection to mitigate any impacts the proposed development may have on neighbouring agricultural parcels and for hazard lands in order to undertake development within the 200 year floodplain.

- 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. If, as the property owners have stated, the intention is to retain the OCP designation of "Agricultural" and A-1 zoning at this time, the policies and regulations of these designations support the ongoing protection and integrity of the ALR land base.

- 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 support 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 in Surrey.

- While a new land use is not proposed under the current application, the entire site is within the 200 year floodplain and, is therefore, not an appropriate location for the consideration of land uses that would be more intensive than what is permitted under the current agricultural designation. As such, upholding the OCP policies that support the maintenance of the ALR land base aligns with the City's policies of not supporting intensive development in the 200 year floodplain.

- When considered at the June 7, 2018 meeting, the Agriculture and Food Security Advisory Committee (AFSAC) recommended the application not be referred to the Agricultural Land Commission (ALC).

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, while adhering to the objectives of the Hazard land Development Permit guidelines for flood prone areas, which are to protect people, property, and the natural environment from the consequences of natural hazards.

- Given the preceding, staff recommend that Council deny Development Application No. 7918-0191-00, which proposes 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) and Project Data Sheets
Appendix II.	Site Plan
Appendix III.	Agricultural and Food Security Advisory Committee Minutes – June 7, 2018

INFORMATION AVAILABLE ON FILE

- Background Report prepared by Four Corners Urban Design & Town Planning dated March 2017

original signed by Ron Hintsche

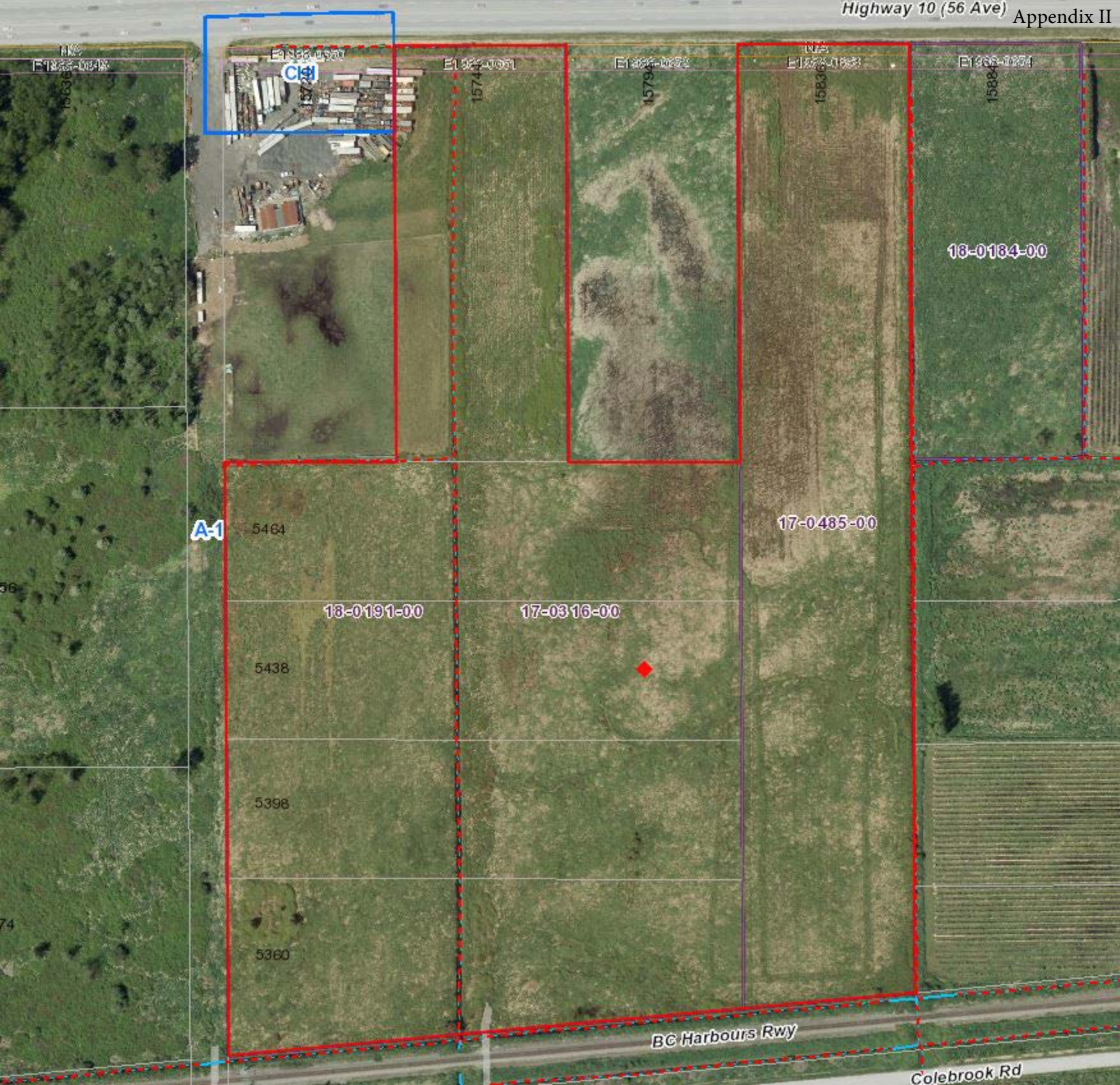
Jean Lamontagne
General Manager
Planning and Development

ARR/cm

APPENDIX I HAS BEEN

REMOVED AS IT CONTAINS

CONFIDENTIAL INFORMATION


Highway 10 (56 Ave)
CH
A-1
5464
5438
5398
5360
18-0191-00
17-0316-00
17-0485-00
18-0184-00
BC Harbours Rwy
Colebrook Rd

D. NEW BUSINESS

4. Proposed ALR Exclusion

Adam Rossi, Associate Planner
File: 7918-0184-00; 6880-75

The subject property is approximately 2 hectares 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 property is within the City of Surrey's floodplain area and is not classified as farmland under the *Assessment Act*.

Items D.4 and D.5 were discussed jointly.

In response to questions from the Committee, staff verified that the applicant has not proposed a change in the land use designation. The Committee discussed the importance of protecting land within the ALR and noted that there was no rationale or justification in removing the land from the ALR.

The Committee read a letter that was submitted by the representative of the Ministry of Agriculture, and the following points were highlighted:

- There were no details for the future use of the parcels;
- Exclusion of ALR land is not a benefit to agriculture in Surrey;
- High prices of farmland are driven by exclusions or non-farm uses;
- The background report was questionable as the qualifications were unclear and may not be acceptable to the ALC; and
- The ALR is a land reserve for the future.

The Committee expressed concerns that the application does not meet the City's Policy o-51, the Official Community Plan and that the parcel has potential for agricultural use.

It was

Moved by P. Harrison
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 7918-0184-00.

Carried

5. Proposed ALR Exclusion
Adam Rossi, Associate Planner
File: 7918-0191-00; 6880-75

The subject properties are approximately 14.9 hectares is size, designated Agricultural in the Official Community Plan (OCP), zoned General Agricultural Zone (A-1) and located within the Agricultural and Reserve (ALR). The property is within the City of Surrey's floodplain area and is not classified as farmland under the *Assessment Act*.

Items D.4 and D.5 were discussed jointly.

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 7918-0191-00.

Carried