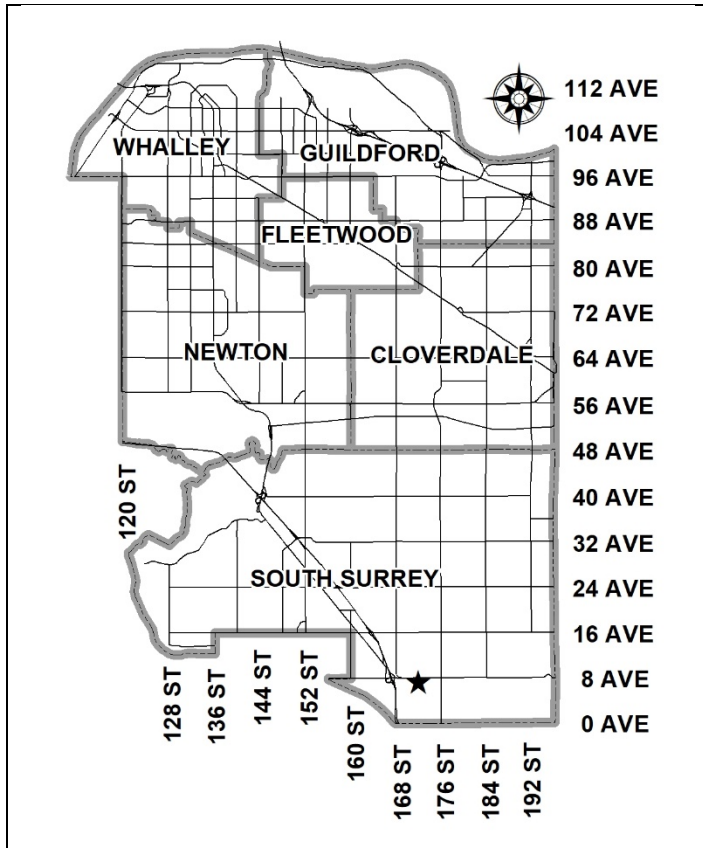


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7918-0259-00

Planning Report Date: May 27, 2019



PROPOSAL:

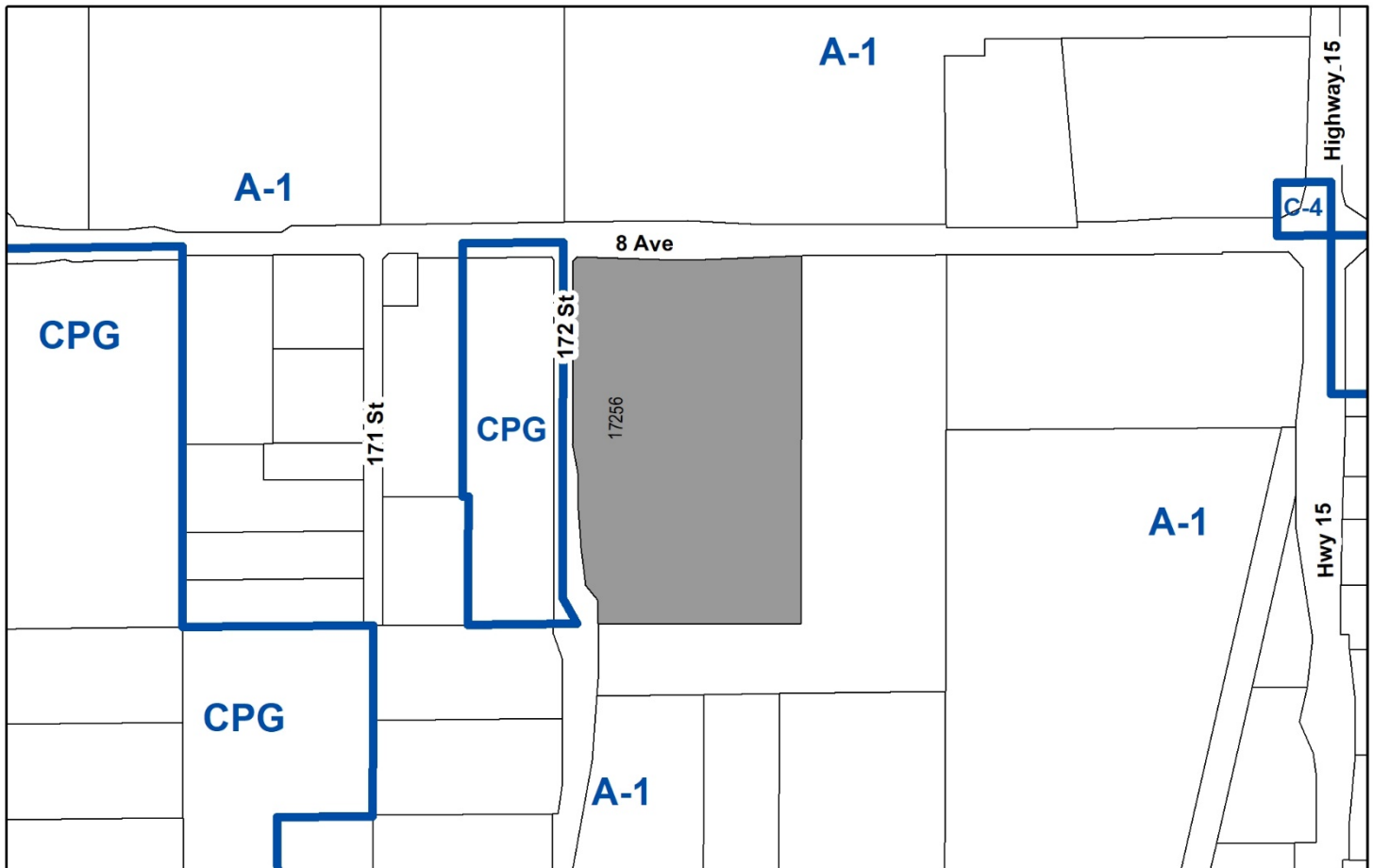
- **Rezoning** from A-1 to CD
- **Non-farm use** under Section 20(3) of the *ALC Act*.

to permit the operation of a vacuum truck separation facility.

LOCATION: 17256 - 8 Avenue

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 as outlined in the City's Official Community Plan (OCP).
- The proposed hydrovac separation facility is considered an industrial use, which would be better suited in an area designated "Industrial" or "Mixed Employment" under the OCP and is better aligned with one of the City's industrial zones (e.g. "Light Impact Industrial Zone (IL)").
- The hydrovac separation facility, as an industrial use, could be adequately located elsewhere in the City. Formalizing this industrial use in the City's agricultural lands contravenes the City's policies for industrial and agricultural land use designations and does not align with best planning practices.
- The City's Agriculture and Food Policy Advisory Committee noted that there is no agricultural component to the application and recommended that the application not be supported.
- The proposed vacuum truck receiving station (VTRS) is not a permitted farm use within the Agricultural Land Reserve (ALR) under the *Agricultural Land Commission Act (ALCA)*.
- The proposal has received a high level of opposition from neighbouring residents as a result of the pre-notification process.

RECOMMENDATION

The Planning & Development Department recommends that this application be denied and that Council direct staff to close the application.

REFERRALS

Agricultural and Food Policy Advisory Committee (AFPAC): At AFPAC's March 12, 2019 meeting, the Committee recommended that Development Application 7918-0259-00 not be supported (Appendix II).

SITE CHARACTERISTICS

Existing Land Use: Cattle operation.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 8 Avenue):	Agricultural property.	Agricultural	A-1
East:	Agricultural property.	Agricultural	A-1
South:	Natural area on private property.	Agricultural	A-1
West (Across 172 Street):	Golf driving range.	Agricultural	CPG

DEVELOPMENT CONSIDERATIONSSite Description

- The subject property is located at civic address 17256 – 8 Avenue and is approximately 9.1 hectares (23 acres) in area.
- The property is designated Agricultural in the Official Community Plan (OCP), zoned "General Agricultural Zone (A-1)", and is located in the Agricultural Land Reserve (ALR).
- The property contains a total of eight (8) structures, which include four (4) barns, three (3) storage buildings, and one (1) residence. Two (2) barns are used for raising cattle and hay storage. The other barns and storage buildings are used for hay and silage (fodder fed to cattle) storage, undercover manure storage, and storage of old equipment.
- The eastern portion of the property contains two topsoil storage piles, a manure pile, a lagoon, and an area previously used as an unloading area for the discontinued, unauthorized hydrovac truck receiving operation.

- The southern portion of the lot contains segments of the Campbell River within a treed ravine.

Site Operation History

- The property has been in the applicant's family since 1987 and has operated under the company name Baird Cattle Co. Ltd. The property was initially used for raising cattle and selling related manure. A second family company, Border Feedlot Corporation, commenced a soil blending operation on site.
- In 2012, Baird Cattle Co. sold all livestock on the property and the cattle business ceased operation. To compensate for the loss of the cattle business, Border Feedlot Co. expanded their existing soil blending operation to include receiving and mixing mushroom manure with shredded wallboard paper product.
- Starting in 2013, Border Feedlot Co. allowed vacuum trucks to discharge into a rudimentary vacuum truck receiving station (VTRS) at the northern edge of the lagoon on the property. The VTRS was an open discharge facility with the slurry being directed into a bermed channel in order to allow the water to drain from the soil mixture directly into the lagoon. This use and facility are not permitted under the A-1 Zone, as such, no approvals for this activity were granted by the City.
- In 2014, Baird Cattle Co. re-instated the cattle business on the property but to a smaller scale than previously operated.
- Due to complaints of noxious smells from the property related to the topsoil blending operation and environmental issues related to contact water from the topsoil piles entering tributaries to the Little Campbell River, Border Feedlot Co. has halted their topsoil blending operation.
- Additionally, to comply with ALC regulations, the property no longer receives non-farm materials for the manure component of the business and the vacuum truck receiving operation no longer receives hydrovac loads.
- The applicants advise that the tenancy of Border Feedlot Co. has been terminated and the company operators are vacating the site. As such, the operators of Baird Cattle Co. have taken sole control of the property and are in the process of eliminating the remnant features of the topsoil operation. The existing topsoil piles are being removed from the site via sales and will continue until all stored topsoil is gone. The use of the lagoon will be eliminated once the topsoil piles are gone and run-off water from the piles no longer occurs.

Current Proposal

- Baird Cattle Co., as applicants and present operators of the site, have made the following applications in order to allow a vacuum truck receiving station (VTRS) as a permitted use on the property:
 - Non-farm use to operate the VTRS within the Agricultural Land Reserve (ALR);
 - Rezoning from "General Agricultural Zone (A-1)" to "Comprehensive Development Zone (CD)"; and a
 - Sensitive Ecosystem Development Permit for streamside areas.

- Hydrovac trucks utilize pressurized water to excavate and remove soil around underground infrastructure, such as pipes and cables, during construction around these features. The water and soil mixture create a slurry which is then vacuumed in to a hydrovac truck. The slurry is then transported and discharged into a VTRS where the soils and water can be separated.
- The applicants are proposing to convert an existing silage barn on their site into a VTRS. The VTRS will include a covered concrete receiving bay for the discharge of slurries, a water filtration system, and a covered facility for the draining and drying of soils (converted silage barn). Covered areas for the proposed facility, not including driveways and queuing areas, encompass approximately 0.25 hectares (0.6 acres) of the subject property.
- The slurry is unloaded into the receiving bay and left to allow the soil to settle out of the mixture. Settled soils are then wheeled into the drying facility and put into piles to allow further dewatering by gravity. The water in the receiving bay is pumped into the filtration system to have finer sediments removed. Once filtered, the water is returned to the hydrovac trucks as they leave the site for beneficial reuse. No water will be permanently stored on site in the lagoon or discharged to the local storm drainage system or water courses. Dried soils will be hauled to one of many authorized receiving sites in the Lower Mainland, such as the Vancouver land fill. No soils will remain on site.
- The applicants expect five (5) to seven (7) trucks will unload on the property per day. It is estimated that approximately 1520 trucks will be unloaded at the facility per year.
- The capacity of a small truck is approximately 4,000 litres and a large truck is approximately 8,000 litres with each load containing an average of 40% water and 60% soil. The applicants assume the number of small trucks to large trucks coming to the site will be roughly half, as such, the property would receive approximately 9,120,000 litres of slurry a year (approximately 25,000 litres a day).
- The applicants advise that the site will not accept organic, septic, odorous, petroleum or hydrocarbons, or oil and grease waste. Only slurries from pre-screened sites or operators will be accepted in order to avoid bringing contaminated soils to the site. Each truck driver coming to the site must provide an affidavit stating the type and origin of the slurry being unloaded. Facility staff will observe and inspect the material being received on the site; slurries with any sign of non-conforming materials will be immediately pumped back into the unloading truck and directed to a bioremediation facility elsewhere in the Lower Mainland, such as Summit Earth Works, Tervita Corporation, or Quantum Murray.
- The applicants have confirmed that the VTRS, as a separation facility, does not require authorization or permits from the Ministry of Environment and Climate Change Strategy, provided the dried soils do not remain on site but are diverted to a facility authorized to receive waste soils.
- The applicants have also confirmed that no permits or licenses would be required from Metro Vancouver as the facility does not discharge non-domestic waste to the sanitary sewer system and, based on the information provided, the proposed use would not discharge air contaminants.

- Site and soil inspections to ensure operational compliance as proposed in this application will be undertaken by an environmental consulting company staffed with Licenced Professionals.

Applicant's Rationale for Proposal

- The vacuum truck receiving station (VTRS) will financially supplement the cattle business operating onsite and offset the income loss from eliminating the topsoil operation.
- Given the historical use of the property soil bound agriculture would not be feasible on this property. The highest and best use for the property would be to continue with the cattle operation supported by a secondary revenue generating use.
- The VTRS does not emit odors and is a preferential use to the topsoil operation, which has resulted in environmental issues onsite and numerous neighbourhood complaints.
- The added income from the VTRS will allow the property owners to improve the environmental conditions onsite and in nearby watercourses.

Policy Considerations

There are a number of policies and regulations that seek to protect agricultural land in Surrey which are to be considered alongside the non-farm use and rezoning application for this property. These policies and regulations are described below.

Agricultural Land Commission (ALC)

- The mandate of the ALC is to preserve agricultural land for farm purposes and to actively engage farmers and ranchers to collaboratively encourage and enable agricultural businesses throughout the province.
- The proposed vacuum truck receiving station (VTRS) is not a permitted farm use within the Agricultural Land Reserve (ALR) under the *Agricultural Land Commission Act (ALCA)*.
- Under Section 20(3) of the ALCA, an owner of agricultural land may apply to the ALC to seek permission for a non-farm use on an ALR property. However, under Section 25(3) of the ALCA, if the land subject to the non-farm use 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 non-farm use application to the ALC is the prerogative of City Council.
- If Council passes a resolution to refer the application to the ALC, they will conduct an independent review of the application to evaluate if the proposal aligns with their policies, goals, and mandate. Under Section 25(1) of the ALCA, the Commission may:
 - refuse permission for the non-farm use;
 - grant permission for the non-farm use; or
 - grant permission for an alternative non-farm use.

- If Council denies passing a resolution to refer the application to the ALC or, after referral, the ALC does not grant the non-farm use, a rezoning bylaw to permit the requested non-farm use cannot be approved by Council.

Official Community Plan

- Surrey's OCP outlines various policies to be considered with respect to agricultural lands inside and outside the ALR. Relevant policies for agricultural lands include:
 - E1.9 – Consider the importance of agricultural land and environmentally significant features adjacent to industrial areas, in the planning of employment areas to ensure an appropriate interface, sufficient environmental protection and suitable tree protection;
 - E3.1 - Maintain the integrity of the ALR and its existing boundaries;
 - E3.2 - Ensure all land uses within the ALR conform to the policies and regulations of the ALCA and the Farm Practices Protection Act; and
 - E3.3 - 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.

Zoning

- The proposed vacuum truck receiving station (VTRS) is not a permitted use under the "General Agricultural Zone (A-1)" and is more reflective of an industrial type use.
- The property will need to be rezoned to "Comprehensive Development Zone (CD)" to allow the VTRS to operate on this property. The regulations of the CD Zone would replicate those already existing under the A-1 Zone but would introduce the vacuum truck receiving station as a permitted use.
- Council cannot finally adopt a rezoning bylaw for the proposed use without the ALC also granting permission for the proposed non-farm use.

Development Permit

- The subject property is within the Sensitive Ecosystem Development Permit Area, and, as a non-farm use is being proposed, a Development Permit would be required. Further staff review of the Ecosystem Development Plan submitted by the applicant is necessary should the application be supported to proceed.

PRE-NOTIFICATION

Pre-notification letters were sent to 137 surrounding property owners on March 22, 2019 and development proposal signs were installed on the property on April 4, 2019. To date, staff have received 95 correspondence, representing 122 residents, and one petition with 614 signatures for this application.

- Of the direct correspondences received, 93 reflected a position of opposition to the proposal with 2 correspondences providing support.
 - Opponents of the proposal expressed the following concerns:
 - Potential risk to the neighbouring Little Campbell River and associated ecosystems should hydrovac materials be purposefully or accidentally discharged into the environment;
 - Public health concerns related to possible contaminant in the slurry being released into the air and water;
 - That the discharged slurries would result in noxious smells;
 - Increased congestion and safety issues related to large hydrovac vehicles using the local road network in this area;
 - Associated noise from the hydrovac trucks when discharging materials on the site;
 - The proponents will not comply or operate the facility as stated due to a history of poor management practices and non-compliance to regulations with previous operations on the site;
 - The proposed use is not compatible with the surrounding agricultural, residential, and park uses;
 - Approving the proposal would set a precedent for future industrial or commercial applications in the area; and
 - The hydrovac facility would reduce property values in the neighbouring residential areas.
 - Supporters of the proposal express the following comments:
 - Support for the proposed rezoning so that the current property owners may hold on to their land and continue to raise cattle; and
 - That Baird Cattle Co. have been making efforts to respond to neighbourhood concerns regarding the smell from the topsoil piles by removing Border Feedlot Co. from the property and working to eliminate the topsoil operation.
- A petition signed by 614 individuals in opposition to the application has also been received. The petition cited the following four (4) main points of opposition to the proposed land use:
 - Concern with water and wildlife protection in this area;
 - That the proposed hydrovac facility could result in further public health issues for the neighbouring residents given their experience with the noxious air from the topsoil blending operation on site;
 - Increased traffic and congestion from hydrovac vehicles entering and exiting the subject site from 172 Street; and
 - Diminished reputation of the neighbourhood and resulting decrease in property values of neighbouring residential areas.
- Little Campbell Watershed Society (LCWS), who has had ongoing dialogs and a recent site visit with the property owners, provided the following comments for the proposal:
 - Concerns that the rezoning will lead to further commercial uses on the property;

- Given the significant amount of ground disturbance and the historical uses of the site, it is difficult to categorically determine the origin of leachate reaching the main stem of the Little Campbell River from this property. Remediating portions of the site used for topsoil blending could be very costly and does not guarantee the pollution issues on this site will be fully solved;
- The site needs significant work to be brought up to best management practices;
- There are doubts that the proposed VTRS can be implemented in the existing silage barn on site and that significant investment would be required to retrofit or rebuild a suitable building for this use;
- Concern that the overall remediation plan for the site are based on best case assumptions that may not meet the reality of the situation; and
- LCWS would like to ask further questions of the applicant and provide further comments to staff should this application proceed.

Staff have not requested the applicant undertake a Public Information Meeting for this specific land use application at this time. However, it is understood that the property owners have engaged with neighbouring residents on their own through various external avenues to discuss the property, the historical operations on site, and the proposed plan. This includes attending open houses of other organizations in the area and making available a four (4) page informational primer for neighbouring residents at these meetings.

PROPOSAL EVALUATION AND DISCUSSION

- The proposed hydrovac separation facility is considered an industrial use, which would be better suited in an area designated "Industrial" or "Mixed Employment" under the OCP and is better aligned with one of the City's industrial zones (e.g. "Light Impact Industrial Zone (IL)").
- "Industrial" and "Mixed Employment" designated areas in the City are comprehensively planned to ensure that appropriate public infrastructure and onsite design measures are in place to accommodate the range of industrial activities, and their related externalities, occurring on those lands. Likewise, these areas are typically planned for and set aside in defined locations of the City in order to minimize conflicts and issues arising from inappropriate interfacing of non-compatible uses.
- While it is understood that soil bound agriculture may be difficult to implement on this property given the operational history, the City's OCP seeks to protect and support the continued designation and use of "Agricultural" land for agricultural purposes regardless of soil types and capabilities, and encourages locating non-soil based agricultural structures on less productive soils, where feasible, in order to fully utilize prime soil resources. The present condition of the land should not preclude the proponents from pursuing non-soil bound agriculture on this property.
- Staff recognize that the applicant's stated intention is to use the revenue from the hydrovac separation facility to help remediate the site and to support the existing cattle business. However, the hydrovac separation facility, as an industrial use, could be adequately located elsewhere in the City. Further, formalizing this industrial use in the City's agricultural lands contravenes the City's policies for industrial and agricultural land use designations and does not align with best planning practices.

- The introduction of industrial uses to non-industrial designated areas, and in particular areas designated "Agricultural" in the ALR, could set an undesirable precedent for similar applications elsewhere in the City.
- Based on discussions with other government agencies and the applicants, it is staff's understanding that there are no regulatory or licensing requirements for the facility as proposed. Therefore, the operation would be self-regulating with reliance on the operators and their environmental consultants to ensure the slurries brought to the site are void of contaminants and that the facility is operating as proposed.
- Aligning with the above noted policies, the City's Agriculture and Food Policy Advisory Committee noted that there is no agricultural component to the application and recommended that the application not be supported.

CONCLUSION

- The Planning & Development Department, based on the current policies of the City's Official Community Plan (OCP), best planning practices, and responses from surrounding residents, recommends that Council deny the proposed land and direct staff to close the application.
- If, however, Council sees some merit in the application at this time, Council may refer the application back to staff with direction to undertake further detailed review of the proposal with the applicant and neighbouring stakeholders, and bring the project back to Council with a list of conditions for rezoning and associated Development Permit for Council's consideration at a subsequent Regular Council – Land Use meeting.

INFORMATION ATTACHED TO THIS REPORT

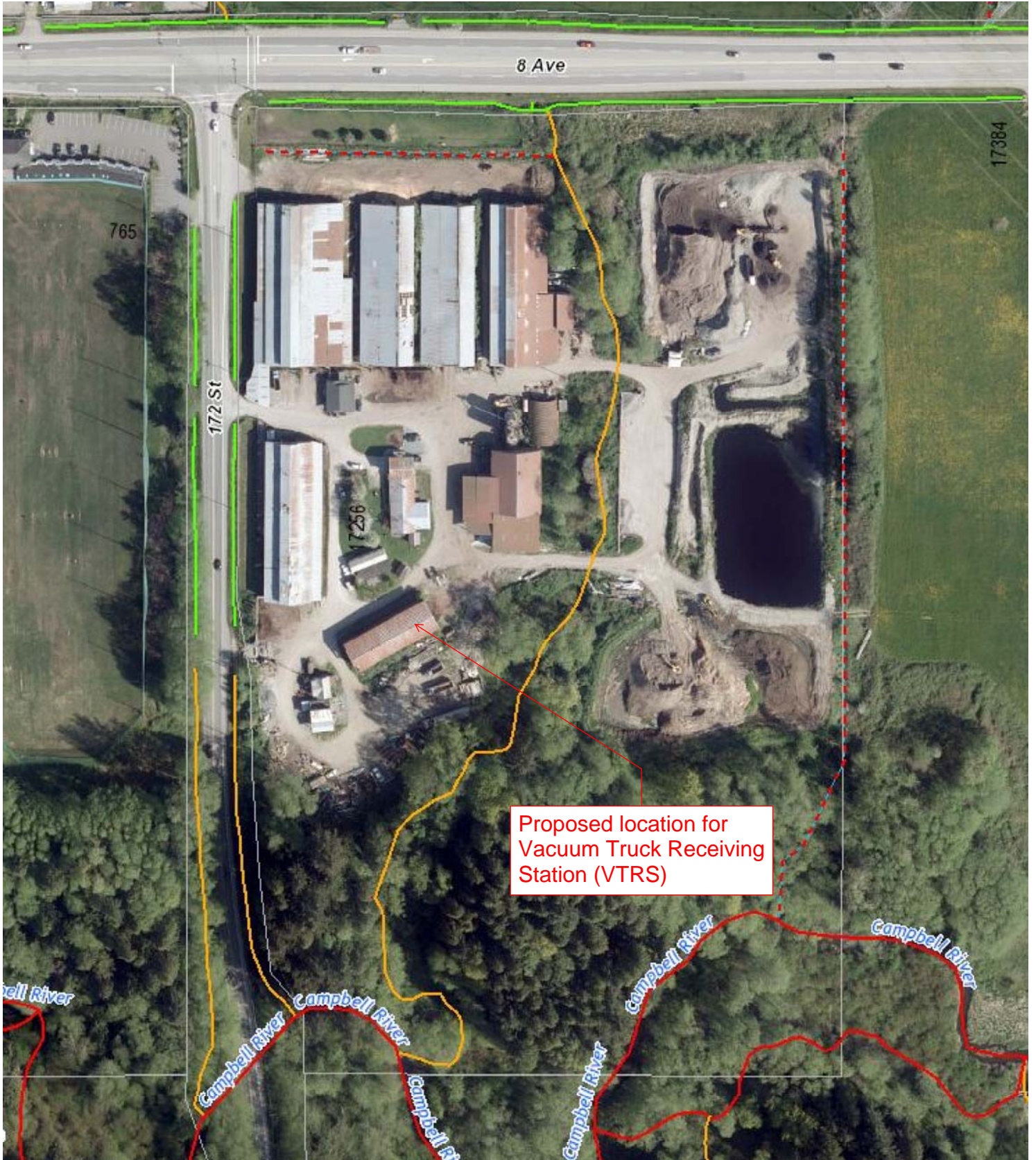
The following information is attached to this Report:

- Appendix I. Site Plan
- Appendix II. Agricultural and Food Policy Advisory Committee Minutes

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

ARR/cm



Proposed location for
Vacuum Truck Receiving
Station (VTRS)

E. NEW BUSINESS**2. Proposed Non-Farm Use and Rezoning for a Vacuum Truck Receiving Station in the Agricultural Land Reserve**

Adam Rossi, Associate Planner

File: 7918-0259-00

The following comments were made:

- The subject property is 9.1 hectares in area, designated Agricultural in the OCP and zoned General Agricultural (A-1) Zone. The site contains four barns, three storage facilities and residences.
- The applicant is proposing a non-farm use and rezoning in order to operate a vacuum truck receiving station (VTRS), which is not a permitted use within the ALR under the *Agricultural Land Commission Act (ALCA)*.
- It was noted that neighbouring properties have submitted complaints regarding leachate going into the creek and that odour is consistent with farming practices in the ALR. It was noted that the soil on the subject site has some challenges and that mixing top soil with old gypsum board would contaminate the soils and leach into the nearby rivers and creeks.

The Committee noted there is no agricultural component to the application and expressed concerns regarding a history of leachate into the creek.

It was

Moved by M. Bose

Seconded by R. Brar

That the Agriculture and Food Policy Advisory Committee recommend to the General Manager of Planning and Development to not support Development Application 7918-0259-00.

Carried