

City of Surrey  
PLANNING & DEVELOPMENT REPORT

Application No.: 7923-0363-00

Planning Report Date: September 9, 2024

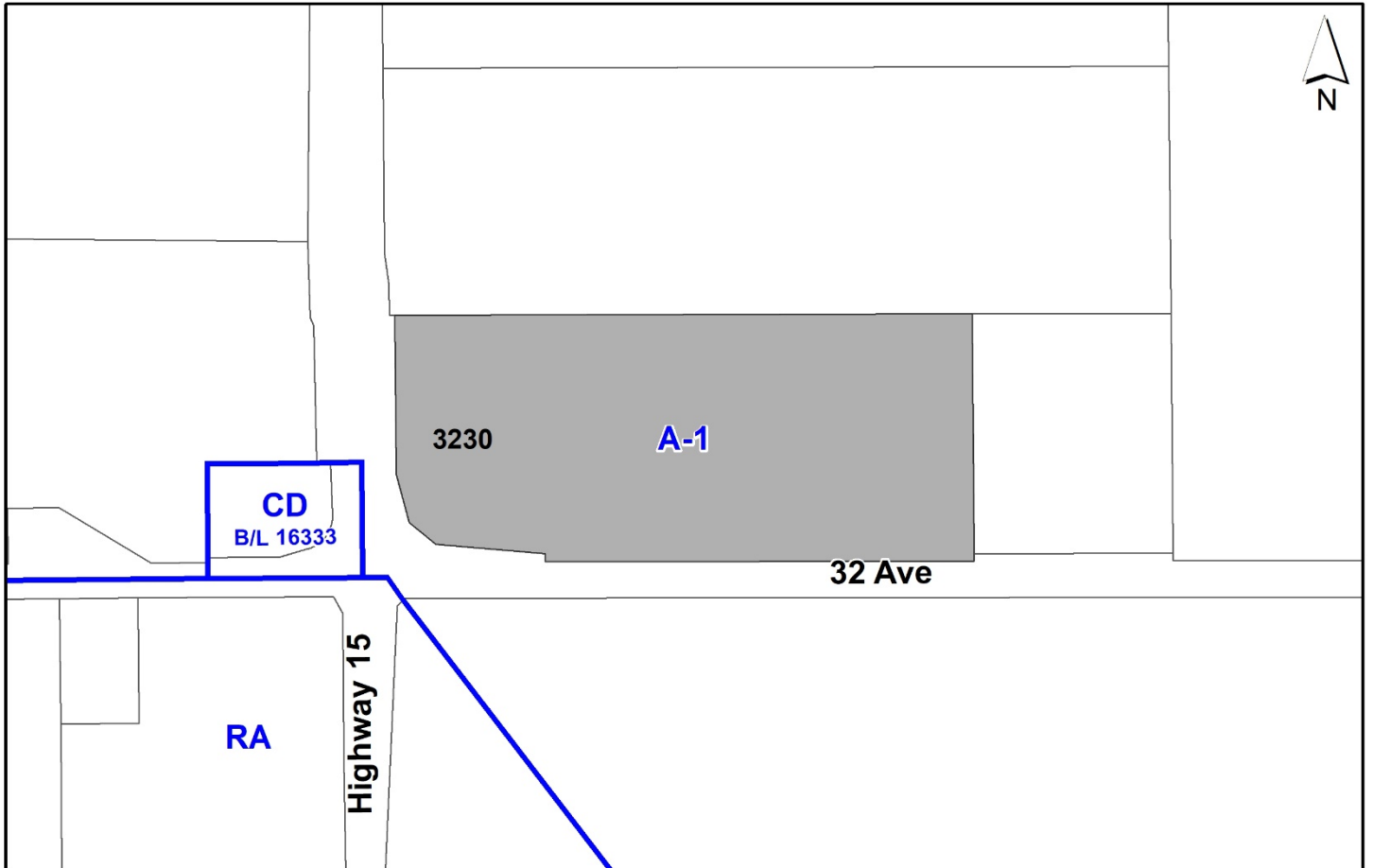
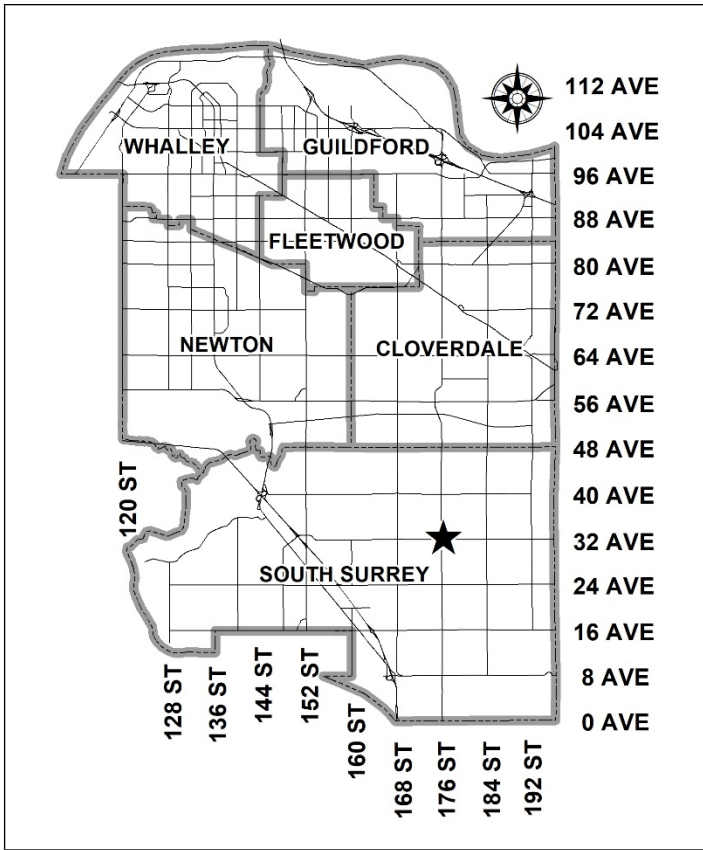
PROPOSAL:

- **Rezoning** from A-1 to CD based on A-1 to permit the development of a farm retail building.

LOCATION: 3230 - 176 Street

ZONING: A-1

OCP DESIGNATION: Agricultural



## RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.

## DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Proposing a farm retail building on a property without a farm residence.
- Proposing to increase the maximum floor area of a farm retail area within a building from 125 square metres to 300 square metres.

## RATIONALE OF RECOMMENDATION

- The proposal complies with the Agricultural designation in the Official Community Plan (OCP).
- The subject site has no single family dwelling. Under the "General Agriculture Zone (A-1)", farm retail use must be accessory to the farm residence and farm operations. The proposed "Comprehensive Development Zone (CD)" Bylaw would remove this accessory use condition to allow the existing farming operation to proceed in constructing a farm retail building without needing to construct a dwelling.
- The proposed CD Bylaw will be mostly identical to the existing "General Agriculture Zone (A-1)". The CD zone will not impose any new restrictions on farming use on the site or allow any unpermitted non-farm uses.
- The proposed farm building is shown to have a first floor farm retail area of 298 square metres. This complies with Agricultural Land Reserve Use Regulations that enforce a maximum farm retail floor area of 300 square metres for businesses where a minimum of 50% of the product is sourced from the same farm operation.
- The proposal will promote Surrey's agricultural sector by allowing farm retail operations on a property with agricultural status.
- The Agricultural and Food Policy Committee (AFPC) reviewed the subject application at their March 12, 2024, meeting, and recommended that the application be supported.
- The Agricultural Land Use Commission (ALC) have accepted a Notice of Intent (NOI) outlining the general fill required to facilitate the overall development. The applicant will need to submit a follow-up Soil Deposit & Removal Permit application to the City to import and modify fill in-correspondence with the ALC approval.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. A By-law be introduced to rezone the subject site from "General Agriculture Zone (A-1)" to "Comprehensive Development Zone (CD)" and a date be set for Public Hearing.
2. Council instruct staff to resolve the following issues prior to final adoption:
  - (a) submission of a road dedication plan for 32 Avenue; and
  - (b) approval from the Ministry of Transportation & Infrastructure.

## SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Agricultural	Agricultural Land Reserve	A-1
North (Abutting):	Agricultural with dwelling	Agricultural Land Reserve	A-1
East (Abutting):	Agricultural	Agricultural Land Reserve	A-1
South (Across 32 Avenue):	Agricultural	Agricultural Land Reserve / Conservation and Recreation / Urban	A-1 / RA
West (Across Highway 15):	Agricultural with dwelling	Agricultural Land Reserve	A-1 / CD By-law No. 16333

### Context & Background

- The subject property is located at civic address 3230 176 Street (Highway 15).
- The property is designated Agricultural in the Official Community Plan (OCP), zoned General Agriculture Zone (A-1), and located within the Agricultural Land Reserve (ALR).
- The subject site is classified as farmland under the BC Assessment Act and is currently being farmed with blueberries and seasonal crops. The property has a small outdoors farm retail operation, with a fruit stand that is operated seasonally.
- The property has been staged for farming over the last several years. A soil permit was issued in 2019 to establish an agricultural building fill-pad and unpaved farm roads.

- The applicants submitted a Notice of Intent (NOI) to the Agricultural Land Commission (ALC) to place fill on September 22, 2023. The NOI outlined plans to establish a new driveway, outdoor greenhouse, delivery space, garden beds, and parking area associated with a future farmers market. The proposed fill placement activities under the notice of intent had an area of 1 hectare, a depth of 30,000 cubic metres, and a maximum depth of 3 metres.
- The NOI was approved by the ALC subject to limits and conditions on December 8, 2023. Issuance of a fill permit application by the City would be needed to permit the groundwork required to establish the farmers market uses.
- The property previously received a permit in 2020 to establish a farm structure fill pad, which is now existing on the site. The alignment of this pad would be shifted under another fill permit application for the proposed development.
- Portions of the property are known to have seasonal water inundation. Before issuance of a new fill or building permit, the owner would need to retain a qualified environmental professional (QEP) to perform an assessment to determine whether any environmental features fall under Water Sustainability Act (WSA) jurisdiction and whether any mitigating steps are required prior to development.

## DEVELOPMENT PROPOSAL

### Planning Considerations

- The applicant proposes rezoning to a "Comprehensive Development Zone (CD)". The CD Zone will be mostly identical to the A-1 Zone, with the exception that farm retail will not need to be accessory to a single family dwelling and that the farm retail floor area may be as high as 300 square metres.
- This rezoning is required to permit the retail portion of a new farm building that is 540 square metres in floor area (enclosing a farm retail footprint of 298 square metres). The building will be sited approximately 40 metres from the west (front) lot line (Highway 15) over portions of the existing fill-pad that are proposed for modification.
- Under the City's Agricultural zones, farm retail uses are restricted to a maximum floor area of 125 square metres. Floor area for products offered for sale and related displays must be an accessory use to a single family dwelling and the farm operations on the lot. The intention of this regulation is to restrict the density of farm retail so that it does not detract from land for farming production.
- The subject property has no single family dwelling and the applicants have indicated that they are not interested in constructing a residence. Because farm retail floor area must be accessory to a single family dwelling under the "General Agriculture Zone (A-1)", a farm retail building cannot be added to the property without rezoning.

- Issuance of a Development Permit (Form and Character) is not required for the proposed commercial (farm retail) building, as the Official Community Plan (OCP) exempts proposals for permitted farm uses in the ALR from this requirement. The applicant has indicated that they seek to establish a high-quality and agriculturally characteristic farmers' market style building on this corner lot.
- The proposal would ultimately require a future application to the City for a fill permit in-correspondence with the accepted ALC NOI. Under this permit review, more information would be required on the extent of gravel fill to establish the farmers market portion of the site and how organics relocated from this area would be redistributed across low-lying portions of the property to confirm no impacts to the agricultural flood plain. A Water Sustainability Act (WSA) assessment will also be required.
- As the property abuts and derives access from a Provincial highway (Highway 15), Ministry of Transportation and Infrastructure (MOTI) approval is required for rezoning.
- MOTI has advised support for the rezoning, subject to removal of the existing temporary access from 176 Street (Highway 15) and reinstatement of the culverted watercourse upon construction of a permanent access from 32 Avenue.

### Referrals

Engineering:	The Engineering Department has no objection to the project subject to dedication along 32 Avenue. No works and services are triggered as a component of this Rezoning application as the proposed "Comprehensive Development Zone (CD)" Bylaw is based on the existing "General Agriculture Zone (A-1)". Servicing requirements will be assessed through a Building Permit application.
Ministry of Transportation & Infrastructure (MOTI):	The Ministry of Transportation and Infrastructure indicate support for the proposal under the condition that the existing access from 176 Street (Highway 15) is removed and the drainage ditch restored upon establishment of access to the Farm Retail use from 32 Avenue.
Agricultural and Food Policy Committee (AFPC)	At the March 12 <sup>th</sup> , 2024, meeting, AFPC unanimously recommended that the rezoning be supported.

### Transportation Considerations

- Access to the site is currently derived from an access off Highway 15 under a Ministry of Transportation temporary use permit. The permit indicates that the access is intended for agricultural use and construction of a barn. Closure of the access is required upon construction of permanent access off 32 Avenue.
- The owners of the subject property have been in-discussion with the City on staging of a permanent access from 32 Avenue, as the timing of this access is contingent on an active road widening project on this highway.

- As part of the subject proposal, the applicant is required to provide dedication along 32 Avenue to the City's arterial road standard.

## **POLICY & BY-LAW CONSIDERATIONS**

### **CD By-law**

- The applicant is proposing a "Comprehensive Development Zone (CD)" to accommodate a proposed farm building with a farm retail use on the subject site. The proposed CD By-law for the development site identifies the uses, densities and setbacks proposed. The CD By-law will have provisions based on the "General Agriculture Zone (A-1)".
- The CD By-law will only include a few deviations from the A-1 Zone that pertain to building height, permitted accessory uses and floor area restrictions. A comparison of the proposed building height and uses between the A-1 Zone and the CD-Bylaw is illustrated in the following table. The revised provisions are subsections (c) and (e).

Zoning	A-1 Zone (Part 10)	Proposed CD Zone
<p><b>Special Regulations:</b></p>	<ul style="list-style-type: none"> <li>• Display and Retail Sales of Products:                             <ul style="list-style-type: none"> <li>(a) All of the products offered for sale shall be produced by the <i>farm operation</i> or at least 50% of the floor area for product sales and display shall be limited to product produced by the <i>farm operation</i>;</li> <li>(b) Products offered for sale shall be limited to <i>agriculture</i> and/or <i>horticulture</i> products and shall exclude dressed fowl or poultry, butchered meat and/or Preserved food unless dressed, butchered or preserved off-site;</li> <li>(c) The cumulative maximum floor area for the display and sale of products shall not exceed 125 sq. m;</li> <li>(d) All products offered for sale and related displays shall be located entirely within a <i>building</i>; and</li> <li>(e) Products offered for sale and related displays shall be an <i>accessory use</i> to a <i>single family dwelling</i> and the <i>agriculture</i> and/or <i>horticulture</i> use of the lot.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Display and Retail Sales of Products:                             <ul style="list-style-type: none"> <li>(a) All of the products offered for sale shall be produced by the <i>farm operation</i> or at least 50% of the floor area for product sales and display shall be limited to product produced by the <i>farm operation</i>;</li> <li>(b) Products offered for sale shall be limited to <i>agriculture</i> and/or <i>horticulture</i> products and shall exclude dressed fowl or poultry, butchered meat and/or Preserved food unless dressed, butchered or preserved off-site;</li> <li>(c) The cumulative maximum floor area for the display and sale of products shall not exceed 300 sq. m;</li> <li>(d) All products offered for sale and related displays shall be located entirely within a <i>building</i>; and</li> <li>(e) Products offered for sale and related displays shall be an <i>accessory use</i> to the <i>agriculture</i> and/or <i>horticulture</i> use of the lot.</li> </ul> </li> </ul>

- The A-1 Zone only permits display and retail sales of products as an accessory use to both the property’s residential and agricultural/horticultural uses. As the subject site has no residence, the CD Bylaw instead requires that the farm retail use be accessory to only the agricultural/horticultural uses on the site.
- The A-1 Zone only permits display and retail sales of products occupy a maximum 125 square metres of floor area. The CD Bylaw will permit a higher farm retail footprint up to 300 square metres, in-correspondence with the maximum area permitted under the Agricultural Land Reserve Use Regulations. The applicant’s plans show a farm retail floor area of 298 square metres, which would be enclosed within a general farm operation building.

## PUBLIC ENGAGEMENT

- Pre-notification letters were sent on February 21, 2024, and the Development Proposal Signs were installed on March 22, 2024. Staff received one response indicating a need for more information on the proposal.
  - The respondent noted the removal of a significant number of trees from the property, which has removed a noise buffer from Highway 15 and 32 Avenue and significantly impacted the environmental value and groundwater drainage capacity across the lot. More information was requested on proposed access to the site, proposed planting, and other details of the project.

*The proposed Rezoning is intended to align the floor area permitted for a farm retail use under the City's "General Agriculture Zone (A-1)" with the area permitted under the Agricultural Land Reserve (ALR) Use Regulation. The applicant proposes a combination of farming activities, including cultivation of blueberry and vegetable crops (e.g. leaf green, cilantro, onions, leeks, etc), and operation of a farmers market.*

*Drainage improvements are anticipated for the property, but do not fall under the scope of this application (works & services are not tied to the proposed Rezoning based on the minor degree of changes proposed under the CD By-law). The applicant notes that they will be cover cropping farmable portions of the property to address soil retention and improve drainage. An environmental assessment of the property under the Water Sustainability Act (WSA) is required prior to issuance of any fill or building permit.*

## INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Context Plan
Appendix II.	Site Plan
Appendix III.	March 12, 2024, AFPC Committee Meetings – Excerpt

*approved by Shawn Low*

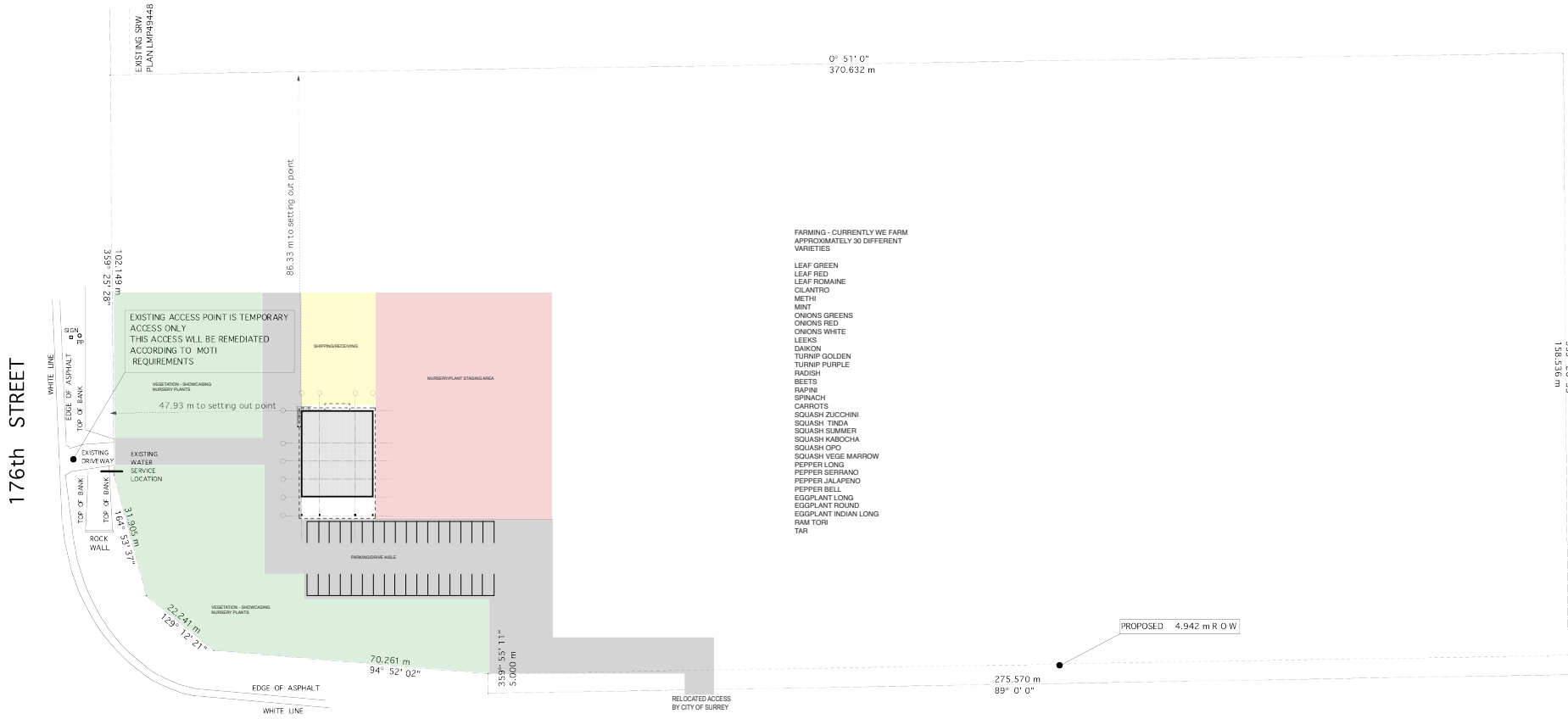
Ron Gill  
Acting General Manager  
Planning and Development

JK/cm





3230 176 Street  
(Highway 15)  
2023 COSMOS  
Aerial Image



FARMING - CURRENTLY WE FARM APPROXIMATELY 30 DIFFERENT VARIETIES

- LEAF GREEN
- LEAF RED
- LEAF ROMAINE
- CILANTRO
- METHI
- MINT
- ONIONS GREENS
- ONIONS RED
- ONIONS WHITE
- LEEKS
- DAIKON
- TURNP GOLDEN
- TURNP PURPLE
- RADISH
- BEEETS
- RAPISE
- SPINACH
- CARROTS
- SQUASH ZUCCHINI
- SQUASH TINDA
- SQUASH SUMMER
- SQUASH KABOCHA
- SQUASH OPO
- SQUASH VEGE MARROW
- PEPPER LONG
- PEPPER SERRANO
- PEPPER JALAPENO
- PEPPER BELL
- EGGPLANT LONG
- EGGPLANT ROUND
- EGGPLANT INDIAN LONG
- RAM TORI
- TAR


1	08.16.2024	Co-ordination / Review
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PROJECT  
**AGRBUSINESS**  
**3230 176th Street**  
**Surrey, B C**

DRAWING TITLE  
**Site Plan**

JOB NO	24-01
DRAWN	DM
DATE	July 01, 2024
SCALE	As Noted
CHECKED	DM
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DRAWING NO	



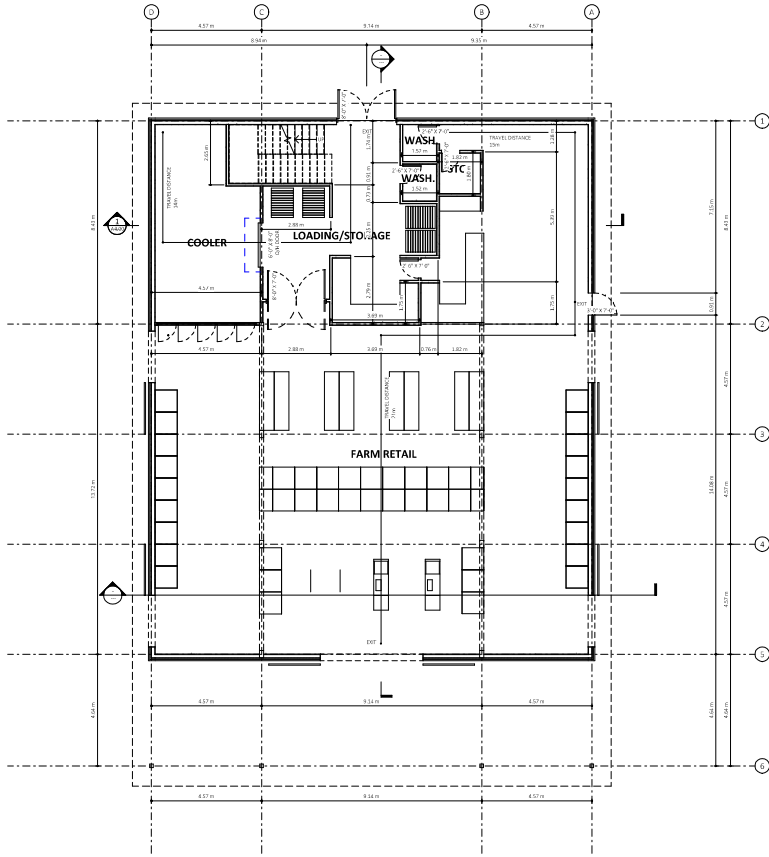
176th STREET

32nd AVENUE

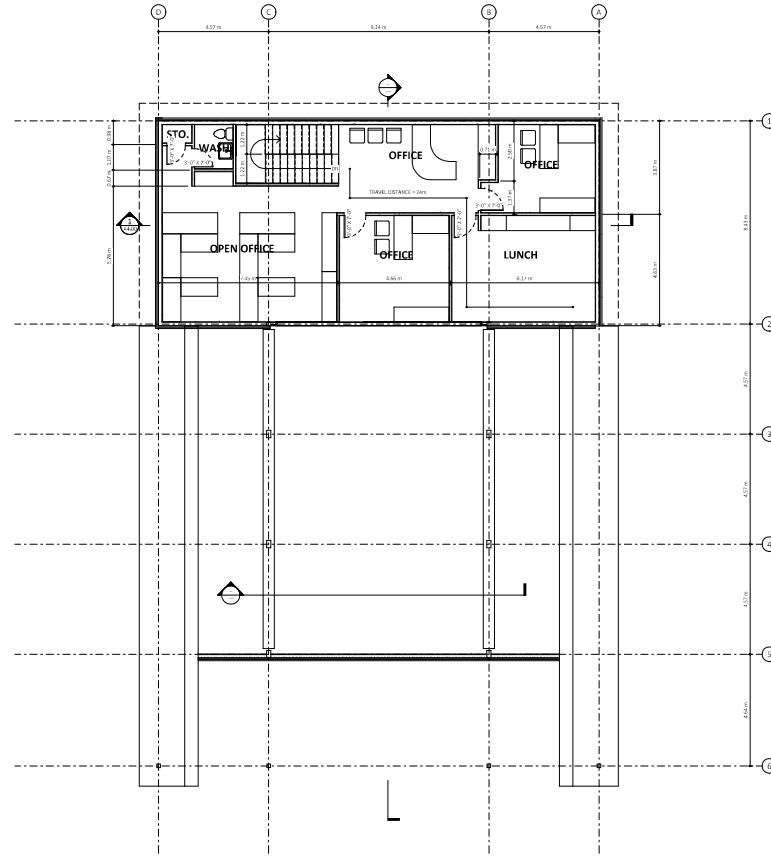
PROPOSED RETAIL SPACE 298 SQM

According to the bylaws for A1 zone "the cumulative maximum floor area for the display and sale of products shall not exceed 325 square metres."

"Under the ALR Use Regulations, the maximum indoor/outdoor area for retail sales cannot exceed 300 square metres."



1 MAIN FLOOR  
1/8" = 1'-0"  
AREA = 826.07



2 SECOND FLOOR  
1/8" = 1'-0"  
AREA = 297.07



SEWA FARMING	FARMER'S MARKET	PLANS	Project number	2301	Drawn by	RS	A2.00
			Date	02/14/2024	Checked by	RS	Scale 1/8" = 1'-0"

2. **Development Application 7923-0363-00**

Jonathan Kew, Planner

Address: 3230 176 Street (Highway 15) Surrey BC

The Planner summarized the report dated March 1, 2024, regarding Development Application No. 7923-0363-00 which proposes rezoning from “General Agriculture Zone (A-1)” to “Comprehensive Development Zone (CD)” based on A-1.

In response to questions from the Committee, the Planner and Senior Planner provided the following information:

- Retail footprint of 298 square metres is requested which exceeds current Zoning Bylaw allowance of 125 square meters.
- Applicant received Notice of Intent approval from the ALC but has not applied for a new fill permit (the site has fill from a previous permit issued in 2020).
- Senior Planner stated City of Surrey bylaw is different from ALC regulations – which is reason for application. Applicant is proposing to match ALC regulations of up to 300 square metres of commercial space. CD zoning of the property is required based on current City of Surrey A-1 zoning bylaw regulations that regulate less retail area than ALC regulations allow.
- Applicant is not proposing a single family dwelling or requesting that the proposed farm building have internal habitable area.
- Senior Planner stated the property is rezoning A-1 caveat of farm retail use from 125 square metres to 300 square metres.
- Senior Planner indicated that a stand alone Retail building could be considered by a CD Bylaw, but only accessory Agricultural office and retail use would be permitted and no residential on the top floor.

The Committee provided the following comments:

- A committee member expressed concerns regarding soil erosion and to ensure the top soil is preserved.
- A committee member expressed the applicant is very passionate about farming.
- Multiple committee members expressed support to this application.
- A committee member stated that the top floor unit looks like it may be intended for residential use instead of office space, which would not be permitted under the A-1 Zone.
- A committee member expressed concerns regarding that the new CD bylaw should not take any provisions under A-1 zoning permissible uses.

M. Schutzbank joined the meeting at 6:37 p.m.

It was

Moved by R. Brar

Seconded by H. Dhillon

That the Agricultural and Food Policy

Committee recommend that the General Manager of Planning and Development support Development Application 7923-0363-00 and its CD Zone.

Carried