

PROPOSAL:

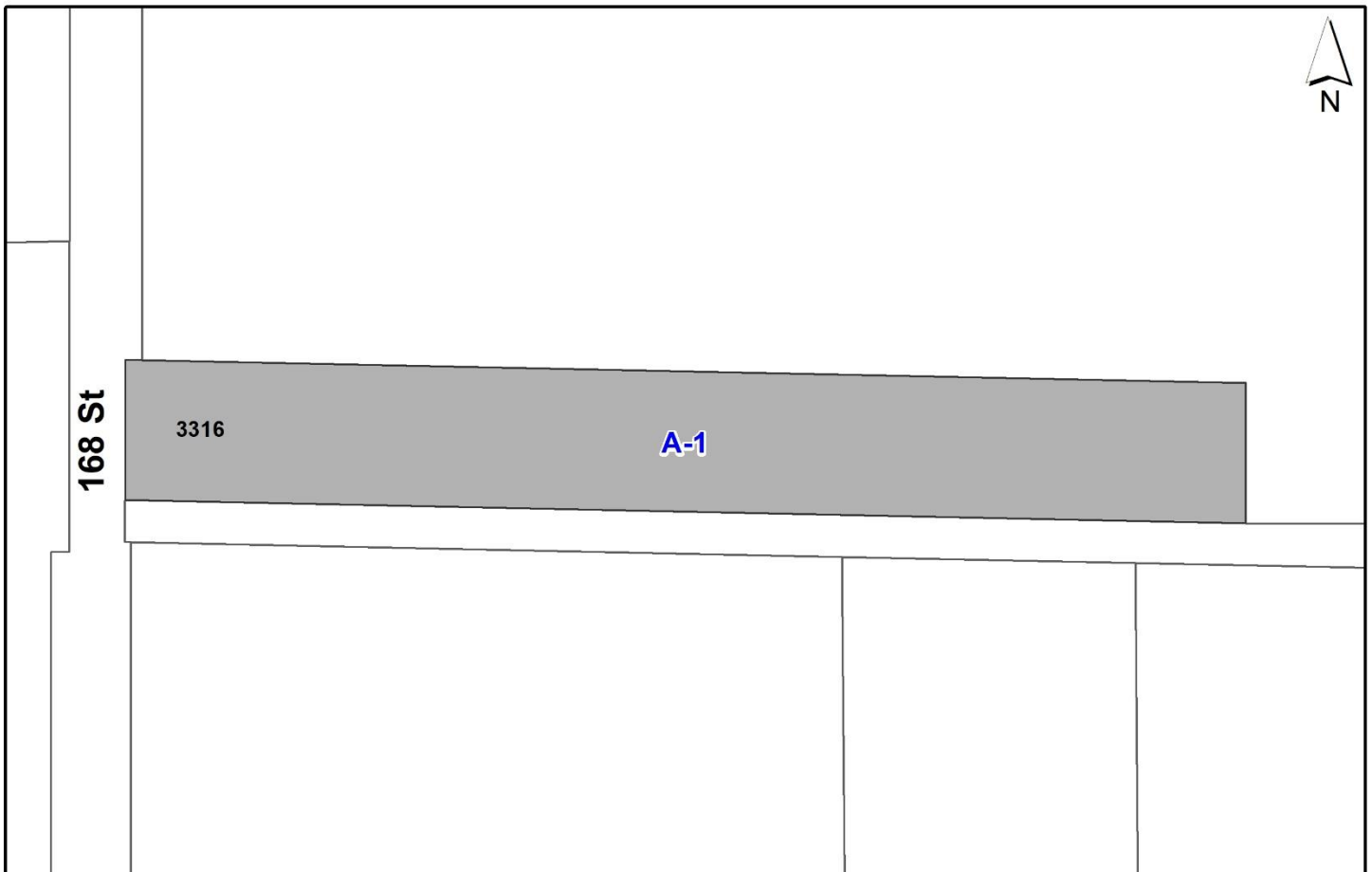
- **Non-adhering residential use** under Section 20.1 of the *ALC Act*.

to temporarily allow the retention of an existing dwelling during the construction of a new single family dwelling.

LOCATION: 3316 168 Street

ZONING: A-1

OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

- Refer the subject non-adhering residential use application to the Agricultural Land Commission (ALC) with a recommendation of support.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is proposing to retain the existing single family dwelling on the lot during construction of the new single family dwelling, which requires approval by the Agricultural Land Commission (ALC).

RATIONALE OF RECOMMENDATION

- The Province adopted legislation on February 22, 2019, which created new restrictions on residential uses in the Agricultural Land Reserve (ALR), among other regulations.
- One of the new restrictions was that only one dwelling could be located on a property located in the ALR without approval of the Agricultural Land Commission through an application.
- In June 2023, the *Agricultural Land Commission Act* (ALCA) permitted a second dwelling to be permitted on agricultural property, provided that it is necessary for farm operations, such as housing for workers. As the intent of the applicant is to demolish the existing home once the proposed home is completed, the temporarily retained home would not be considered a permitted second dwelling.
- The ALCA authorizes a property owner to apply for a non-adhering residential use under section 20.1(2)(a). This clause would allow the existing home to be retained while the new home is constructed on site, if ALC is supportive.
- The Agricultural Food and Policy Commission (AFPC) has reviewed the application at the February 13th meeting and is supportive of the proposal.

RECOMMENDATION

The Planning & Development Department recommends that Council authorize the referral of the application to the Agricultural Land Commission (ALC) for consideration of a non-adhering residential use to temporarily allow the retention of an existing dwelling during the construction of the new single family dwelling.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Agriculture	Agriculture	A-1
North, East, South, West (Across 168 Street):	Agriculture	Agriculture	A-1

Context & Background

- The subject property is located at civic address 4307 – 184 Street and is approximately 2.0 hectares in area.
- The property is designated "Agricultural" in the Official Community Plan (OCP), is zoned "General Agricultural Zone (A-1)" and is located within the Agricultural Land Reserve (ALR).
- Approximately 0.7 hectares of the property fronting 168 Street is located inside the 200-year floodplain, while the remainder of the site, to the east, is located outside the floodplain. The proposed dwelling is located within the 200-year floodplain. The OCP allows for an exemption to allow a house to be built in the flood plain when the Flood Control Level (FC) is met and appropriately addressed with an approved fill permit. The applicant will be required to meet this requirement.
- The applicant operates a dairy farm operated by Nicomekl Farm Ltd. Their current operation consists of approximately 500 dairy cows. The cattle are milked and raised on separate properties in Surrey, which are owned by the applicant.
- The applicant has owned the subject property at 4307 – 184 Street since 1987. Since taking ownership, the site has been continuously cropped, with the 2 hectare parcel producing corn or grass for hay or silage for their cattle. 4307 – 184 Street has farm status under the BC Assessment Act.
- The applicants currently reside on the property.
- The applicant is proposing a separate farm retail store on the property to sell produce grown on site. The use is compliant with the "General Agricultural Zone (A-1)" and ALC guidelines.

- The site was previously visited by City staff to confirm that a variety of produce is being grown.

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant is proposing to construct a new single-family dwelling on the property. The dwelling is compliant with the maximum floor area restrictions of the Agricultural Land Commission (ALC) and is proposed at 499 square metres in area.
- The applicant has proposed to temporarily retain the existing single family dwelling in order to continue living there during approvals and construction of the new dwelling.
- The ALC is required to approve the temporary retention of a single-family dwelling during the construction of a new dwelling through a Non-Adhering Residential Use (NARU) application.
- At this time, the proposal for the new dwelling does not comply with the General Agricultural Zone (A-1) provisions within the Zoning Bylaw. The current siting of the proposed Single Family Dwelling building footprint is setback further than 50 metres from the front property line and exceeds the maximum 60 metres in depth for the farm residential footprint. In the event the ALC is supportive of the NARU application for retaining the existing home during construction of the new dwelling, a Development Variance Permit will be required to vary the applicable setbacks and farm residential footprint requirements within the A-1 Zone.
- The applicant is proposing to construct a farm store at the front of the property and will require a front yard and side yard setback variance to meet the setback requirements in the A-1 zone. The proposal will be considered as part of a subsequent application. This will allow the applicant to proceed with the approvals of their farm store while the ALC reviews their NARU application.
- There is an active violation on the property due to disturbances to the Class A/O watercourse fronting the property. This violation is being addressed through an Impact Mitigation Plan and subsequent securities that form part of the Sensitive Ecosystem Development Permit (SEDP) to ensure the disturbed area is adequately restored.
- A site visit by City staff was conducted in 2022 to confirm that the applicant was growing an assortment of vegetables on site.

Referrals

Engineering: The Engineering Department has no objection to the proposal.

Agricultural and Food Policy Committee (AFPC) The application was reviewed by AFPC at its February 13, 2024, Meeting, where the Committee passed a motion that the General Manager of Planning and Development support the proposal and forward the Non-Adhering Residential Use application to the Agricultural Land Commission.

AFPC requested that staff clarify procedural requirements for the temporary retention of an existing single-family dwelling during the construction of a new dwelling. The procedural requirements are listed below.

Should the ALC approve the subject Non-Adhering Use application, the applicants will be required to:

- Apply for a permit with the Building Division;
- post a \$30,000 bond for future removal of the existing dwelling; and
- register a Restrictive Covenant on Title of the Land requiring the existing dwelling be removed from the property within 30 days after the new dwelling receives final occupancy.

The standard procedure of the Building Division is to ensure the existing dwelling is removed from the property within 30 days after final occupancy of the new dwelling.

POLICY & BY-LAW CONSIDERATIONS

Regional Growth Strategy

- The proposal complies with the site's *Agricultural* Regional Growth Strategy designation.

Agricultural Land Commission Act and Regulations

- Land located within the Agricultural Land Reserve (ALR) may have no more than one residence per parcel, in accordance with section 20.1(1) of the *Agricultural Land Commission Act (ALCA)*.
- Where a landowner seeks to exceed the maximum floor area allotment or retain/construct more than one residence on a property, they must apply to the ALC for a Non-Adhering Residential Use.
- Section 20.1(2)(a) of the ALCA states that an owner can apply to the ALC for permission under Section 25 for a Non-Adhering Residential Use.

- Section 7-A of the ALC Information Bulletin – 05 – Residences in the ALR, states that an application to the ALC is required if an owner wants to reside in the only residence on the property (also known as the “principal residence”) while constructing a new residence to replace the principal residence.
- As part of the application review process by the ALC, comments from the local government are required. A resolution must be passed by Council to refer the application and provide comments to the ALC before the ALC will consider the application.
- Staff deem the proposed temporary retention of the existing dwelling will not have a negative impact on the site’s agricultural utility and recommends that the Non-Adhering Residential Use application be forwarded to the ALC for consideration, with a recommendation of support by Council.
- The applicant has submitted an ALC Non-Adhering Residential Use (NARU) application under Section 20.1(2) of the *ALCA*, which proposes:
 - To occupy an existing residence while constructing a new principal residence.

Applicants Rationale

- The applicant would like to retain the existing house during construction of the new house so that they can continue to live and work on the property while constructing their new home.
- City staff worked with the applicant to reduce the proposed maximum rear setback for the proposed home. Placing the proposed home directly to the north of the existing home would have reduced the required setback from an existing Class A/O watercourse, however, due to the setback, this was determined to not be feasible.

Official Community Plan

- The subject property is designated “Agricultural” under the OCP and within the Agricultural Land Reserve (ALR).
- The “Agricultural” designation does not specifically address house size or residing in an existing residence while constructing a new principal residence.
- The subject property is partially located within the 200-year Flood Plain. Single family dwelling construction within the ALR is exempt from a Hazard Lands (Flood Prone) Development Permit where the Flood Construction Level (FCL) is met and appropriately addressed with an approved Fill Permit. The applicant will be required to meet this requirement.

Zoning By-Law

- The subject property is regulated by the “General Agriculture Zone (A-1)”, which does not include any restrictions on density or house size.

- The A-1 Zone limits residential uses to one *single family dwelling*, which may contain 1 *secondary suite*. However, Part 4, General Provisions, of the Zoning Bylaw includes provisions to facilitate the replacement of a *single family dwelling*, whereby demolition of the existing dwelling is not required prior to constructing the new dwelling.

CONCLUSION

- In accordance with the *ALCA*, a Local Government must review Non-Adhering Residential Use applications, determine whether to authorize the application to proceed to the Agricultural Land Commission (ALC), and may provide comments and recommendations for the ALC's consideration.
- Staff have completed a review of the application and recommend that the application be forwarded to the ALC, based on the following analysis:
 - The proposal complies with the Official Community Plan, which does not contain specific policy or objectives related to the subject application.
 - The Agricultural and Food Policy Committee (AFPC) recommended that the subject application be forwarded to the ALC.
 - The subject application is required given that the proposal does not comply with the *ALCA*.
- If Council supports staff's recommendation, the application will be forwarded to the ALC, where the proposal will be reviewed by the Commission in the context of their mandate.

INFORMATION ATTACHED TO THIS REPORT

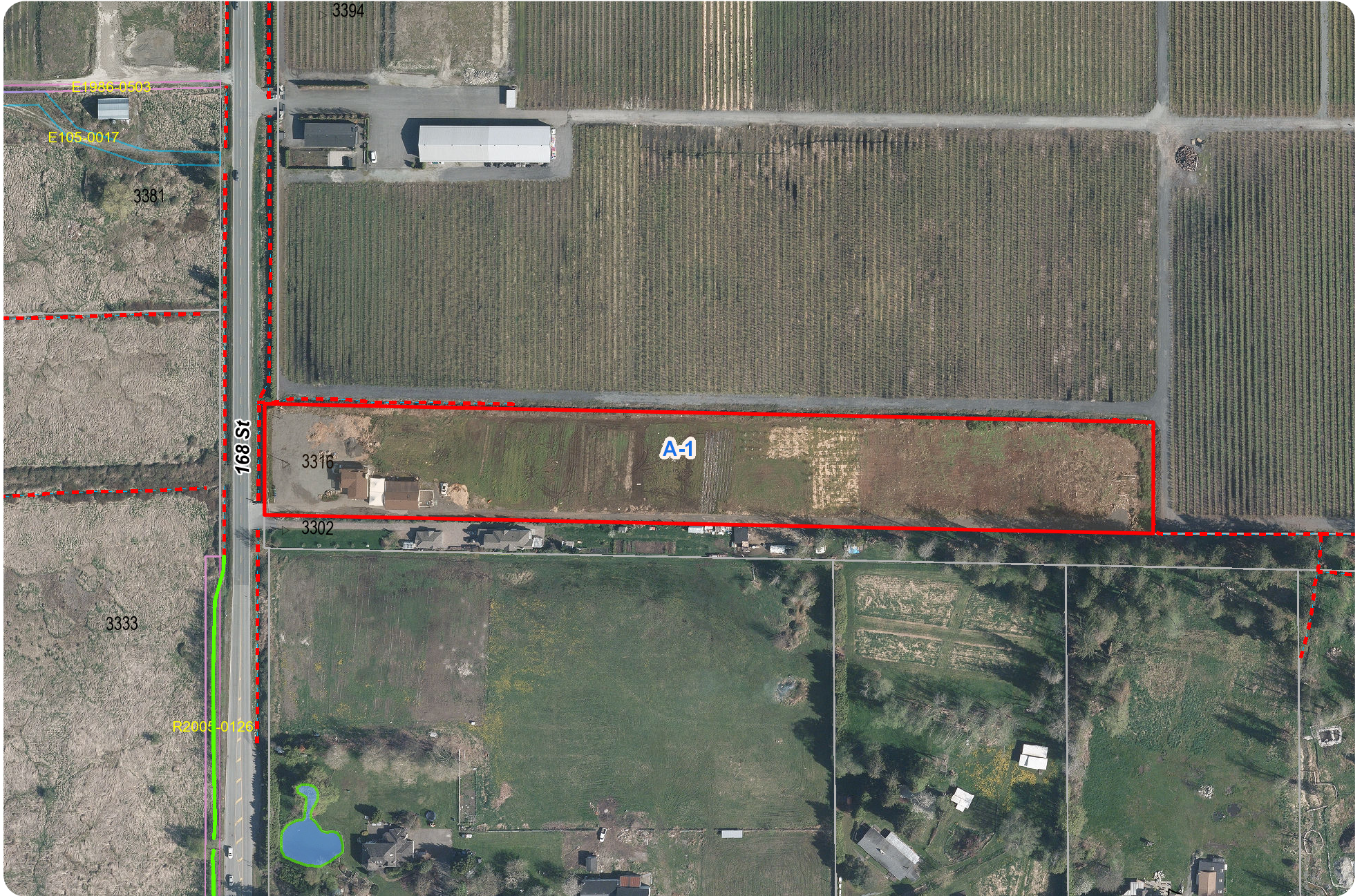
The following information is attached to this Report:

Appendix I.	Aerial Photo and Concept Plan
Appendix II.	Applicant's Site Plan
Appendix III.	Draft Agricultural Food and Policy Committee Minutes

approved by Shawn Low

Don Luymes
General Manager
Planning and Development

TS/ar



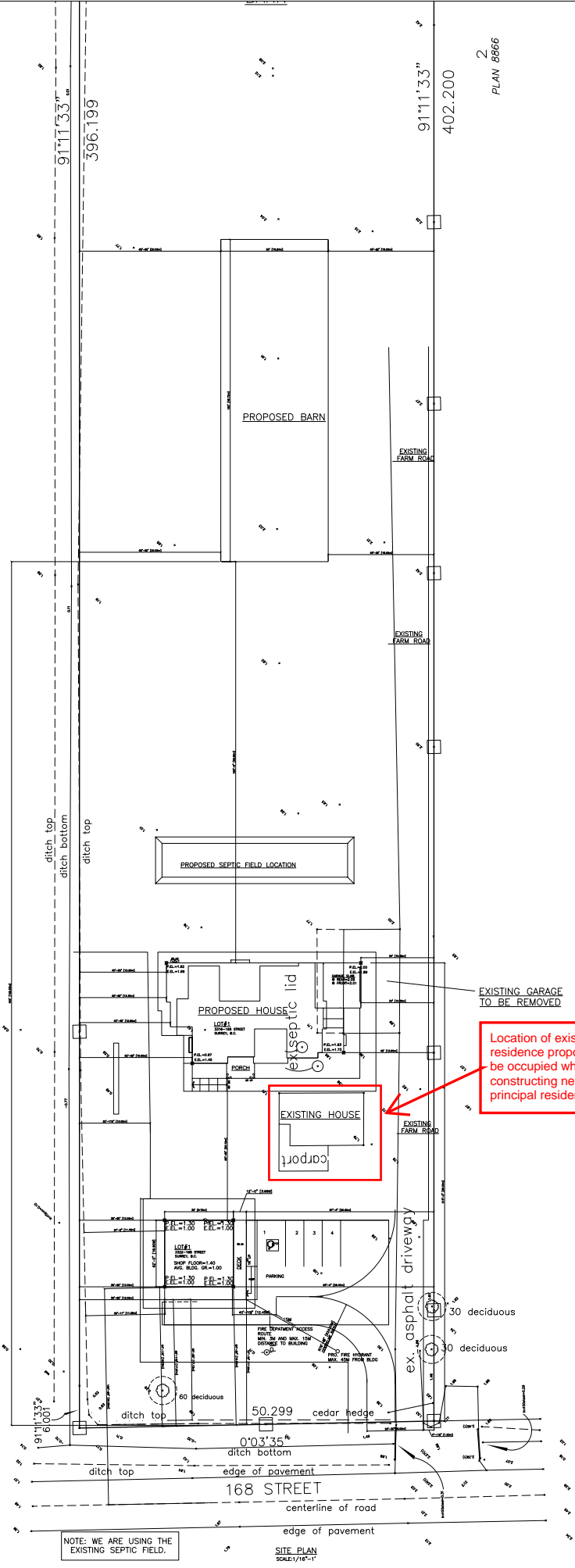
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The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office. Use and distribution of this map is subject to all copyright and disclaimer notices at cosmos.surrey.ca



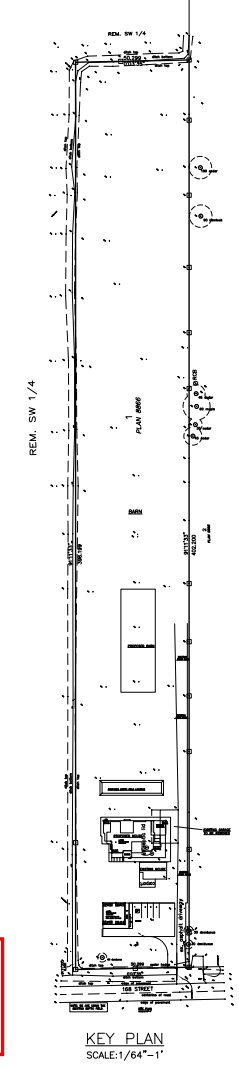
Map created on: 2024-03-27



NOTE: WE ARE USING THE EXISTING SEPTIC FIELD.

SITE PLAN SCALE: 1/8"=1'-0"

LOT CALCULATIONS		SHOP CALCULATIONS	
REG. AREA	1079.00 SQ FT (24.75m ²)	REG. AREA	402.200 SQ FT (37.14m ²)
AREA	1079.00 SQ FT (24.75m ²)	AREA	402.200 SQ FT (37.14m ²)
PERM. AREA	1079.00 SQ FT (24.75m ²)	PERM. AREA	402.200 SQ FT (37.14m ²)



Location of existing residence proposed to be occupied while constructing new principal residence

3.2.5.6. Access Route design

- (1) A portion of a roadway or yard provided as a required access route for fire department use shall,
 - (a) have a clear width not less than 6 m, unless it can be shown that lesser widths are satisfactory,
 - (b) have a centreline radius not less than 12 m,
 - (c) have a change of gradient not more than 1 in 12.5 over a minimum distance of 15 m,
 - (d) be designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions,
 - (e) have turnaround facilities for any dead-end portion of the access route more than 90 m long, and
 - (f) be connected with a public thoroughfare.

NOTE: we are using existing farm road only. The new shed is to be used for farm vehicles and equipments, for the use tractors and other machinery we do not need any road, it can be rolled over the natural vegetation.

DRAWING NO.		TITLE		DATE		BY		REVISION		NO.		REFERENCE		DRAWING NO.	
DD21-8511-(B) P1		PROPOSED HOUSE FOR RAJ TIWANA LOT#1, 3316 - 168 STREET, SURREY, B.C.		NOV. 12. 2021										DD21-8511-(B) P1	
OWNER: S.P.		SCALE: AS SHOWN		DATE: NOV. 12. 2021										DRAWING NO. DD21-8511-(B) P1	
DRAWN BY: S.P.		DATE: NOV. 12. 2021		NOV. 12. 2021										DRAWING NO. DD21-8511-(B) P1	
CHECKED BY: S.P.		DATE: NOV. 12. 2021		NOV. 12. 2021										DRAWING NO. DD21-8511-(B) P1	
DATE: NOV. 12. 2021		NOV. 12. 2021		NOV. 12. 2021										DRAWING NO. DD21-8511-(B) P1	
PHONE: 778-865-7172		NOV. 12. 2021		NOV. 12. 2021										DRAWING NO. DD21-8511-(B) P1	



THESE PLANS CONFORM TO REQUIREMENTS IN THE 1995 NATIONAL FARM CODE OF CANADA

UNITED STATES OF AMERICA
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 SURREY, B.C. V3R 4M6
 TEL: (604) 595-2878
 EMAIL: info@bhillon.com



DRAFT Agricultural and Food Policy Committee Minutes

Meeting Room 125A and 125B
Surrey Operations Centre
(Works Yard)
6651 - 148 Street
Surrey, B.C.
TUESDAY, FEBRUARY 13, 2024
Time: 6:02 p.m.

Present:

Councillor Bose, Chair
D. Bondar
H. Dhillon
P. Harrison
S. Keulen
S. Rai
M. Schutzbank
R. Tamis
R. Vanderende

Absent:

Councillor Bains, Vice Chair
R. Brar
B. Favaro
W. Kim
R. Sihota

Staff Present:

M. Kischnick, Senior Planner
T. Sandstrom, Planner
V. Jhingan, Director Project Delivery
S. Meng, Administrative Assistant

3. Development Application 7922-0291-00
Tanner Sandstrom, Planner
Address: 3316 - 168 Street

The Planner summarized the report dated February 5, 2024, regarding Development Application No. 7922-0291-00 which proposes Farm Store and Non Adhering Residential Use Application for a Residential Home. The following information was highlighted:

- The applicant is also proposing a Non-Adhering Residential Use (NARU) application with the Agricultural Land Commission (ALC) to temporarily retain the existing dwelling during construction of the new dwelling. The existing dwelling would be demolished following completion of the new single-family dwelling.
- The applicant is proposing a Development Variance Permit (DVP) to increase the maximum setback of a single-family dwelling in the A-1 Zone from 50 metres to 65 metres and the maximum depth of the farm residential footprint (homeplate) from 60 metres to 70 metres.

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

- Existing driveway will remain towards the house and the owner plans to farm the area and have it fenced off with proposed houses behind it.
- The existing driveway is believed to remain. The reason the owner could not have it north of the existing house to stay within the residential footprint is because of the prescribed 10 meters set back for Part 7A stream side. There are two watercourses adjacent to the frontage and the northern side lot line thus the reason for the increase to the residential footprint.
- Staff visited the site and confirmed a variety of crops and produce were being grown onsite.

The Committee provided the following comments:

- The Chair noted he will not accept this application without a covenant of the existing house being removed.
- A committee member stated the right-away on 168 Street is 10 metres, if the house is being pushed back only 5 metres, this will ensure the existing house gets torn down.
- The Chair raised a problem with the existing driveway staying as it makes the footprint larger.

It was

Moved by S. Keulen

Seconded by H. Dhillon

That the Agricultural and Food Policy

Committee recommend that the General Manager of Planning and Development support Development Application 7922-0291-00 with the bonding of the existing house to be demolished.

Carried