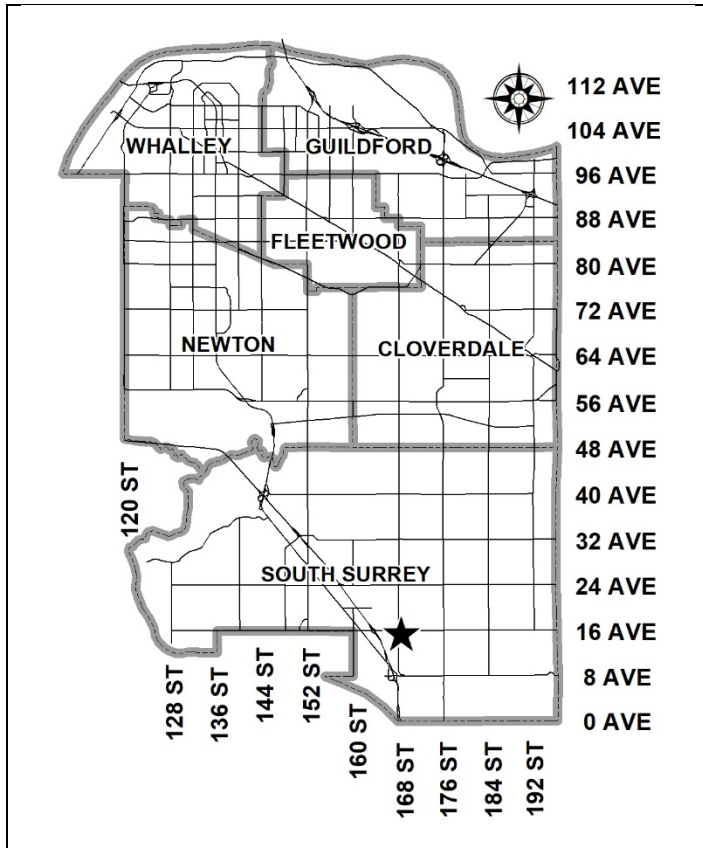


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

Application No.: 7923-0343-00

Planning Report Date: April 8, 2024



**PROPOSAL:**

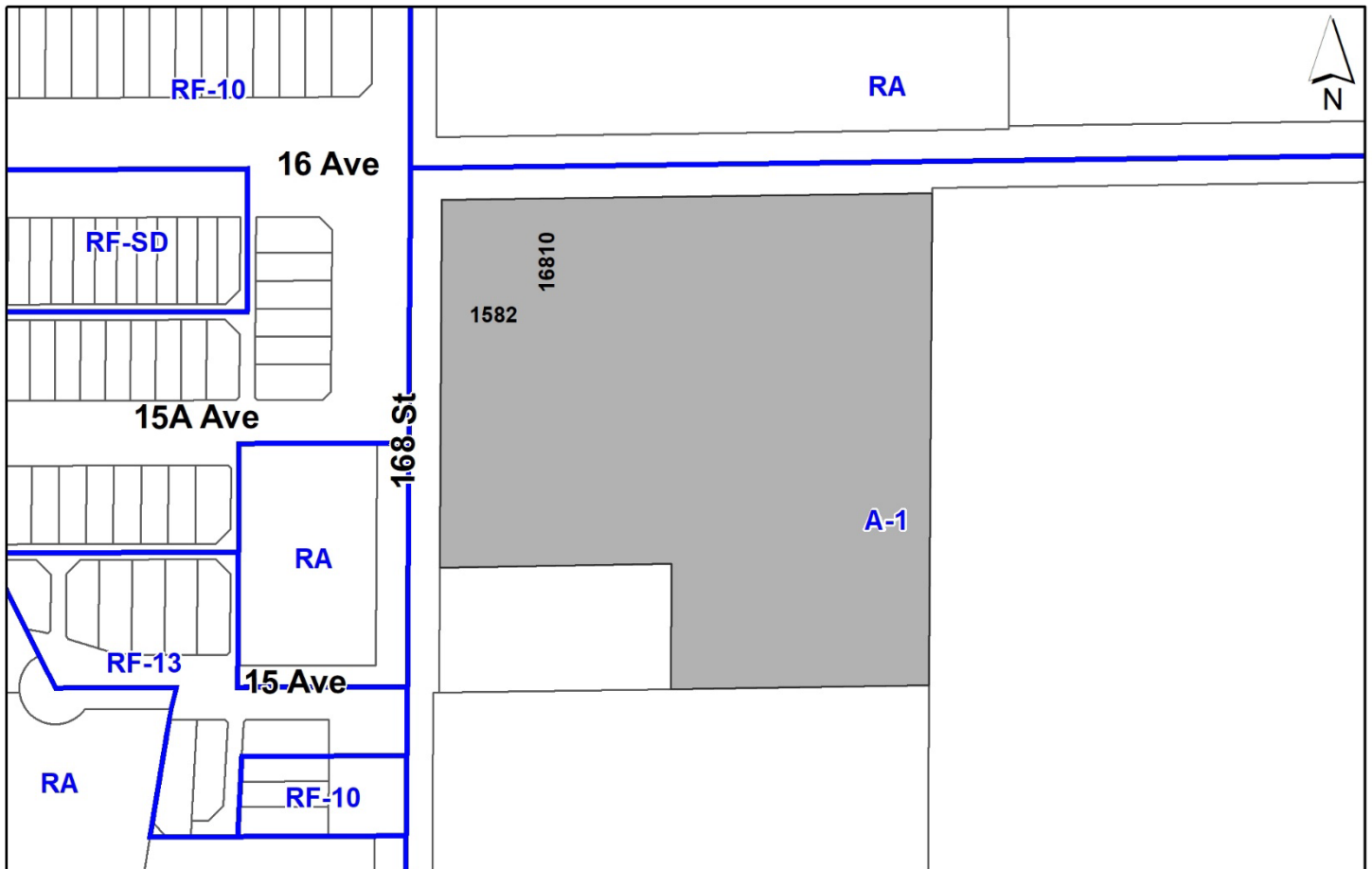
- **Non-farm use for Placement of Fill** under Section 20(2) of the *ALC Act*.

to permit the establishment of a garden/nursery centre and relocation of on-site arable soils.

**LOCATION:** 16810 16 Avenue (1582 16 Avenue)

**ZONING:** A-1

**OCP DESIGNATION:** Agricultural



## RECOMMENDATION SUMMARY

- Council authorize referral of the application to the Agricultural Land Commission (ALC) for consideration of a Non-farm use for the Placement of Fill under Section 20(2) of the ALC Act.

## DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Proposal to allow and relocate existing, unpermitted imported fill.

## RATIONALE OF RECOMMENDATION

- The subject application is for Non-farm Use for Placement of Fill to the Agricultural Land Commission (ALC). The intention is to formalize gravel fill that was previously imported onto the site without permit, and to relocate topsoil towards the eastern portion of the site for the purposes of establishing a garden/nursery centre and enhancing crop production.
- The Agricultural Land Commission Act allows any owner of land within the ALR to apply to the ALC, through the local government, for non-farm use (such as historic placement of fill). The ALC may conduct a detailed review and refuse permission, grant permission (with or without limits or conditions), or grant permission for an alternative use (with or without conditions).
- The City's Agriculture & Food Policy Advisory Committee (AFPC) reviewed the subject application on March 12<sup>th</sup>, 2024. Committee members indicated some concerns but endorsed having the application proceed, subject to clarification regarding the quantity/quality of fill that has already been imported onto the site, confirmation that changes in grade will not exceed 0.5 metres on the south property line, and confirmation that a stormwater management plan will be required for the proposed building.
- Council may decide to make a referral now as the ALC will have the discretion to conduct its own review and determine whether an agronomist report is required. The ALC may set firm limits on the amount of fill that the City may authorize under a soil deposit & removal permit. No building permit or nursery business license may be issued for the site until the fill rehabilitation is confirmed through a subsequent permit application to the City for soil removal and deposit.
- The garden centre proposal complies with the Agricultural designation in the Official Community Plan (OCP).
- The garden centre proposal and proposed farm retail building complies with the requirements of the "General Agriculture Zone (A-1)."

## RECOMMENDATION

1. Council authorize referral of the application to the Agricultural Land Commission for consideration of a Non-farm use for the Placement of Fill under Section 20(2) of the ALC Act.

## SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Agricultural (ALR)	Agricultural	A-1
North (Across 16 Avenue):	Darts Hill Garden Park	Conservation and Recreation	RA
East (Abutting):	Agricultural (ALR)	Agricultural	A-1
South (Abutting):	Agricultural (ALR)	Agricultural	A-1
West (Across 168 Street):	Single Family Dwellings	Urban / Suburban	RF-SD / RA

### Context & Background

- The subject property is located at civic address 16810 16 Avenue (1582 16 Avenue) and is approximately 3.1 hectares in area.
- 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 actively classified as farmland under the BC Assessment Act. Based on the applicant's plans, approximately 1.37 hectares of the lot is used for hay crop production. The northwestern portion of the site is developed with a single family residence.
- The subject site sits on an edge corner of the Agricultural Land Reserve (ALR). The property is elevated relative to lots deeper within the ALR towards the southeast, and the property slopes downhill towards the southeast corner. The lot falls outside the 200 Year Flood Plain.
- The applicant indicates that approximately 0.65 hectares of land, including the central portion of the site, is fallow (limited for crop production). The topsoil on the site is comprised of soils with a Canadian Land Inventory (CLI) Class 4 and 5 statuses.
- CLI Class 4 soils have severe limitations that restrict the range of crop production. Class 5 soils have very severe limitations that restrict perennial forage production, but for which improvement is feasible.

- Based on review conducted in 2023, gravel fill has been imported onto the site without permit to establish a vehicular access and seedling concrete bin storage area on the western frontage of the site. This gravel fill area is currently being used for the growing of approximately 20,000 mixed plant seedlings.
- Topsoil from the western frontage is being stored on the central portion of the property.
- The filled western portion of the property is currently being used for storage of seedlings in concrete bins. The gravel area, including previously permitted driveway access, comprises approximately 0.32 hectares of the parcel.
- There are two existing vehicular access points to the property from 168 Street which are to remain. The residence is accessed through a driveway at the northwest corner of the parcel. The second driveway is at the southwest corner which will provide access to the parking lot of the proposed garden centre.

## DEVELOPMENT PROPOSAL

### Planning Considerations

- The applicant has applied to the ALC for a Non-Farm Use (Placement of Fill) to permit the gravel fill that has been imported onto the site, to distribute fill across the western and central portions of the site, and to relocate topsoil onto the eastern portions of the site.
- The fill import and relocation are intended to permit a garden/nursery centre and enhancement of crop production across the site.
- The plans indicate that the existing concrete planter bins will be shifted eastwards and that a three-metre landscape buffer will be established along the west property line. The storage bins are intended to store topsoil, mulch, and planting materials.
- The existing gravel area on the west portion of the site will be utilized for parking, vehicles, and delivery circulation.
- A farm retail / greenhouse building is proposed to the southeast of the gravel lot.
- The garden centre is proposed to occupy 0.92 hectares or approximately 30% of the lot. Access will be provided by the established gravel driveway at the south-west end of the lot on 168 Street.
- A container growing / display area for the centre (i.e. container garden) is proposed to occupy 0.58 hectares of the site. This area would be regraded, with 870 cubic metres of topsoil removed and replaced by 550 cubic metres of gravel.
- Topsoil from the portions of the site that are intended for the nursery operations is proposed for rehabilitation and relocation to the eastern and northern portions of the site, which are currently used for hay crop production. The rehabilitation will consist of removal of stones and is intended to upgrade the CLI classifications to Class 3 and 4, which will permit less restrictive crop production and enhanced cultivation.

- The applicant has not retained an agronomist or agrologist to evaluate the proposal. The ALC may request that an agronomist/agrologist report is prepared for evaluation as part of their review.
- The western portion of the lot falls under the City's Green Infrastructure Network (GIN). A Sensitive Ecosystem Development Plan (SEDP) is not required for the subject application currently, as permitted farm uses in the ALR are exempt. However, should the ALC accept the proposal but deem the use as non-farm in character, an SEDP would be required.

## Referrals

### Engineering:

The Engineering Department has no comments on the ALC referral.

### Agricultural and Food Policy Committee (AFPC)

Committee members raised concerns about the proposal but supported having the application proceed to ALC review. Concerns included the potential for significant water runoff from the proposed farm building, that the seedlings / trees the nursery will grow are not beneficial to local agriculture, and that the application is proceeding in-advance of clarification of rehabilitation requirements associated with the unpermitted fill import and stockpiling. Some committee members expressed support for the proposal as the applicant is seeking to retain topsoil and enhance a farm property with low-quality soils with ALR Use Regulation permitted operations.

The committee's support was based on confirmation regarding the quantity and quality of fill that has already been imported to the site, confirmation that grade changes in-excess of 0.5 metres are not anticipated for the southern portion of the site, and confirmation that a stormwater management plan is in place for the proposed farm retail structure.

The applicant has provided the following information.

- The owner has provided a breakdown of the fill material that was previously imported on-site. This fill is comprised of dry gravel in two sizes: 3 inch minus and  $\frac{3}{4}$  inch minus road mulch. The 3 inch minus gravel import is 745 metric tons in weight and a volume of 446 cubic metres. The  $\frac{3}{4}$  inch minus road mulch import has a weight of 14 metric tons and a volume of 9 cubic metres. Most of this fill has been distributed over the proposed nursery plant growing / display area and entrance area, with approximately 120 metric tons stockpiled to complete grading of the nursery and entrance area. The owner indicates that under this proposal, 287 cubic metres of fill will be distributed for the nursery area and 159 cubic metres will be under the entrance area.

- The applicant has submitted a preliminary cross-section / gravel fill elevation plan. The plan reflects gravel fill that has been deposited and indicates that none of the grade changes across the proposed nursery plant growing / display area will exceed 0.5 metres. The applicant notes that in the southern portion of the lot, the maximum grade changes are in the range of +0.15 to 0.25 metres, below the specified 0.5 metres. The existing overall grade across the nursery plant growing / display area is 7.5% and the proposed final grade will be 7.35%.
- The applicant indicates that drainage from the building and nursery plant growing / display area will be directed to the existing drainage channel running within and along the southern property boundary. Additional details, including a stormwater management plan, would be submitted with the proposed building permit application that is pending ALC approval of the subject application.

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

### **Agricultural Land Commission Act and Regulations**

- *The Agricultural Land Commission Act* allows any owner of land within the ALR to apply to the ALC, through the local government, for a Non-Farm Use (for placement of fill or consideration of the proposed uses). The Act does not specify criteria as to under what circumstances these applications should or could occur.
- According to Section 25(3) of the *ALC Act*, a resolution of the local government is required to allow the applicant to proceed to the ALC for consideration.
- Should the subject application be referred to the ALC by Council, the ALC may do one of the following:
  - refuse permission for the used applied for;
  - grant permission, with or without limits or conditions, for the use applied for; or
  - grant permission for an alternative use, with or without conditions, as applicable.

**TREES**

- Terry Thrale, ISA Certified Arborist of Woodridge Tree Consulting Arborists Ltd. prepared an Arborist Assessment for the subject property. The table below provides a summary of the proposed tree retention and removal by tree species:

**Table 1: Summary of Proposed Tree Preservation by Tree Species:**

<b>Tree Species</b>	<b>Existing</b>	<b>Remove</b>	<b>Retain</b>
<b>Alder and Cottonwood Trees</b>			
Alder	3	0	3
Cottonwood	2	0	2
<b>Deciduous Trees (excluding Alder and Cottonwood Trees)</b>			
Big Leaf Maple	1	0	1
Birch	1	0	1
<b>Coniferous Trees</b>			
Douglas Fir	15	0	15
Western Red Cedar	7	1	6
<b>Total (excluding Alder and Cottonwood Trees)</b>	<b>24</b>	<b>1</b>	<b>23</b>
<b>Total Replacement Trees Proposed (excluding Boulevard Street Trees)</b>		<b>2</b>	
<b>Total Retained and Replacement Trees Proposed</b>		<b>30</b>	
<b>Estimated Contribution to the Green City Program</b>		<b>N/A</b>	

- The Arborist Assessment states that there are a total of **24** mature trees on the site, excluding Alder and Cottonwood trees. Three of the trees on site are Alder trees, and two are Cottonwood trees.
- The applicant proposes to retain **28** trees as part of this development proposal. No tree removal has been identified for works to relocate fill and establish the nursery and overall fill import and relocation proposal. One (1) Western Red Cedar tree adjacent to the residence is proposed for removal based on crown dieback, meaning the death of branches and leaf surface area. Crown dieback in-excess of 50% indicates that the tree is in severe decline.
- For those trees that cannot be retained, the applicant will be required to plant trees on a 2 to 1 replacement ratio. This will require a proposed total of **2** replacement trees on the site. The applicant is proposing **2** replacement trees, meeting City requirements.
- In summary, a total of **30** trees are proposed to be retained or replaced on the site.

**INFORMATION ATTACHED TO THIS REPORT**

The following information is attached to this Report:

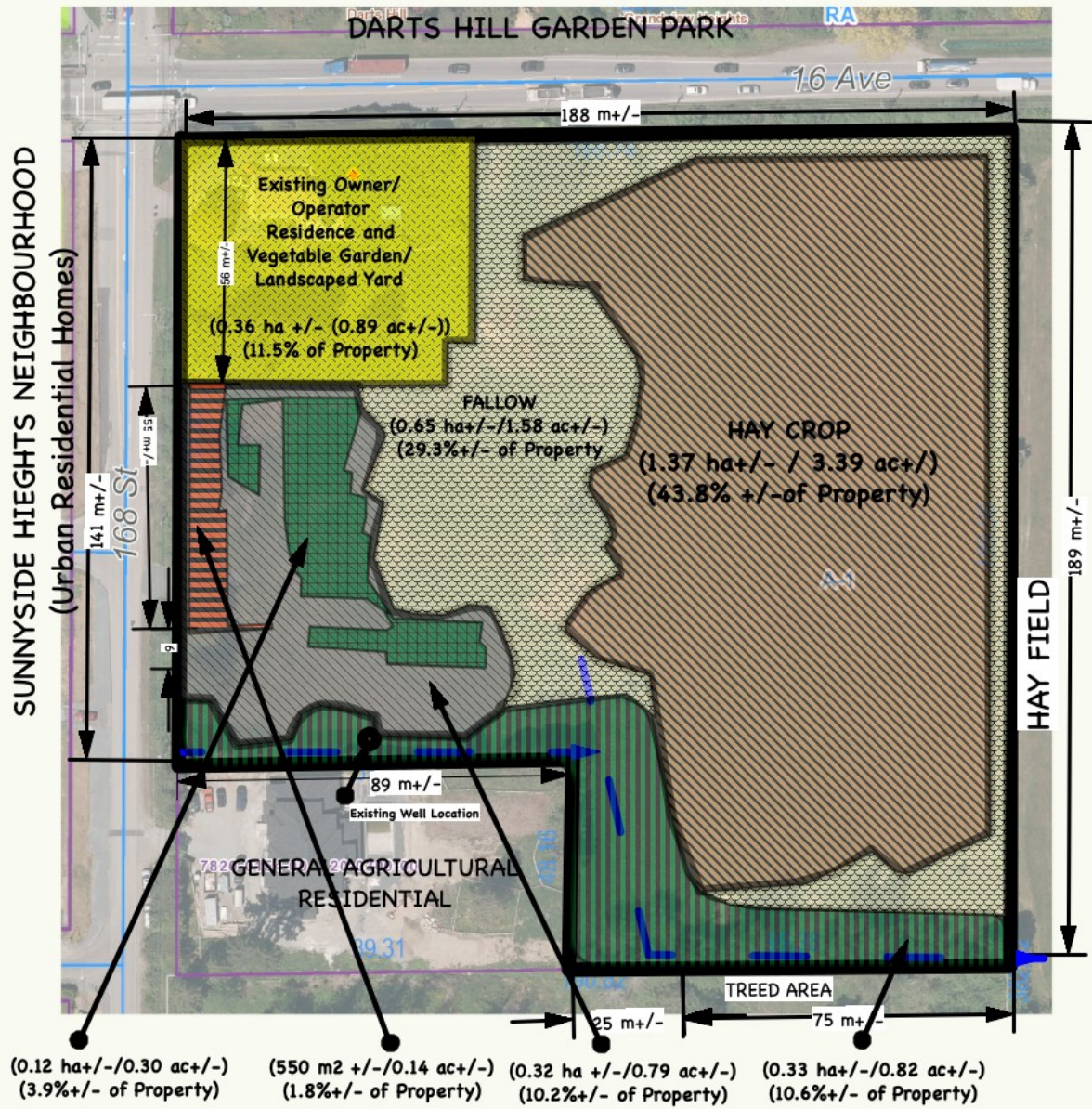
Appendix I.	Generalized Existing Land Use
Appendix II	Nursery & Garden Centre Concept
Appendix III.	Garden Centre Concept
Appendix IV.	Summary of Tree Survey, Tree Preservation and Tree Plans
Appendix V.	Draft Agricultural and Food Policy Committee Minutes

*approved by Shawn Low*

Don Luymes  
General Manager  
Planning and Development

JK/ar





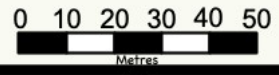
**LEGEND**

<b>PROPERTY BOUNDARY</b> 3.13 ha+ / (7.74 ac +/-)	<b>HAY CROP</b>	<b>MIXED PLANT SEEDLING (Pots) GROWING AREA</b>	<b>STORAGE BINS</b>	<b>FALLOW LAND</b>	<b>DRAINAGE CHANNEL &amp; SURROUNDING AREA</b>	<b>VEHICLE ACCESS, DELIVERY &amp; CIRCULATION</b>	<b>OWNER/OPERATOR RESIDENCE &amp; YARD</b>

**NOTES:**

This plan is conceptual only and subject to:

- Review and approval by appropriate , municipal , regional , provincial and federal governments , outside agencies and other approving bodies
- Environmental , geotechnical and soil assessments
- Legal , topographical and tree survey
- Existing house locations are approximate based upon aerial photo and will be confirmed at detailed site survey and adjusted accordingly
- All dimensions are approximate and subject to detailed site survey



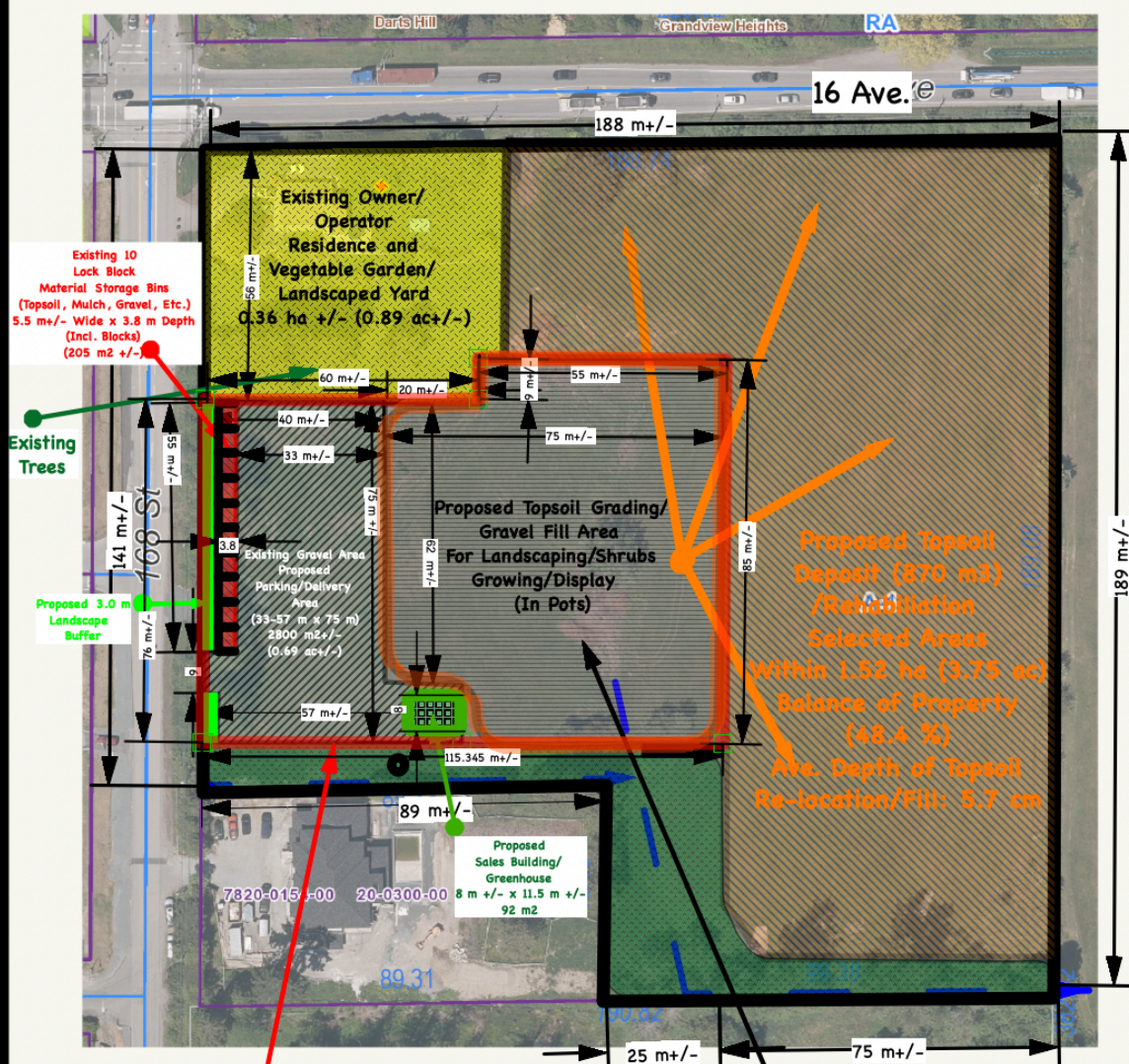
Drawn by:	
Checked by:	
Project No:	2207
Date:	10/10/23

**Hardeep & Harwinder Sahota**  
 16810 16 Avenue  
 Surrey, BC, V3Z 9M5

**PROPOSED FILL PERMIT APPLICATION FOR NURSERY/GARDEN CENTRE**  
 October, 2023

**SANDERSON + WELSH PLANNING**  
 Land Use and Development Services  
 135 - 970 Burrard Street, Vancouver, BC, V6Z 2R4  
 p: 604.613.7345 e: sanderson@sandersonwelshplanning.com

**GENERALIZED EXISTING LAND USE (2023)**



Existing 10 Lock Block Material Storage Bins (Topsoil, Mulch, Gravel, Etc.) 5.5 m +/- Wide x 3.8 m Depth (Incl. Blocks) (205 m<sup>2</sup> +/-)

Existing Trees

Proposed 3.0 m Landscape Buffer

0.92 ha / 2.3 ac +/- 29.7% of Property

(55-75 m x 62-85 m) 5775 m<sup>2</sup> +/- (1.43 ac +/-) (Approx. 15 cm Ave. Depth (870 m<sup>3</sup>) of Topsoil Removed)

**LEGEND**

PROPERTY BOUNDARY 3.13 ha +/- (7.74 ac +/-)	PROPOSED NURSERY & GARDEN CENTRE (BOUNDARY)	PROPOSED TOPOSOIL GRADING/ GRAVEL FILL AREA	PROPOSED TOPOSOIL Deposit Rehabilitation Area	PROPOSED SALES BUILDING & GREENHOUSE	EXISTING GRAVEL AREA (Proposed Delivery Vehicle Access, Customer Parking)	EXISTING LOCK BLOCK MATERIAL STORAGE BINS (To Remain)

- NOTES:
- This plan is conceptually and subject to:
  - Review and approval by appropriate, municipal, regional, provincial and federal governments, outside agencies and other approving bodies
  - Environmental geotechnical and soil assessments
  - Legal, topographical and tree survey
  - Existing house locations are approximate based upon aerial photo and will be confirmed at detailed site survey and adjusted accordingly
  - All dimensions are approximate and subject to detailed site survey

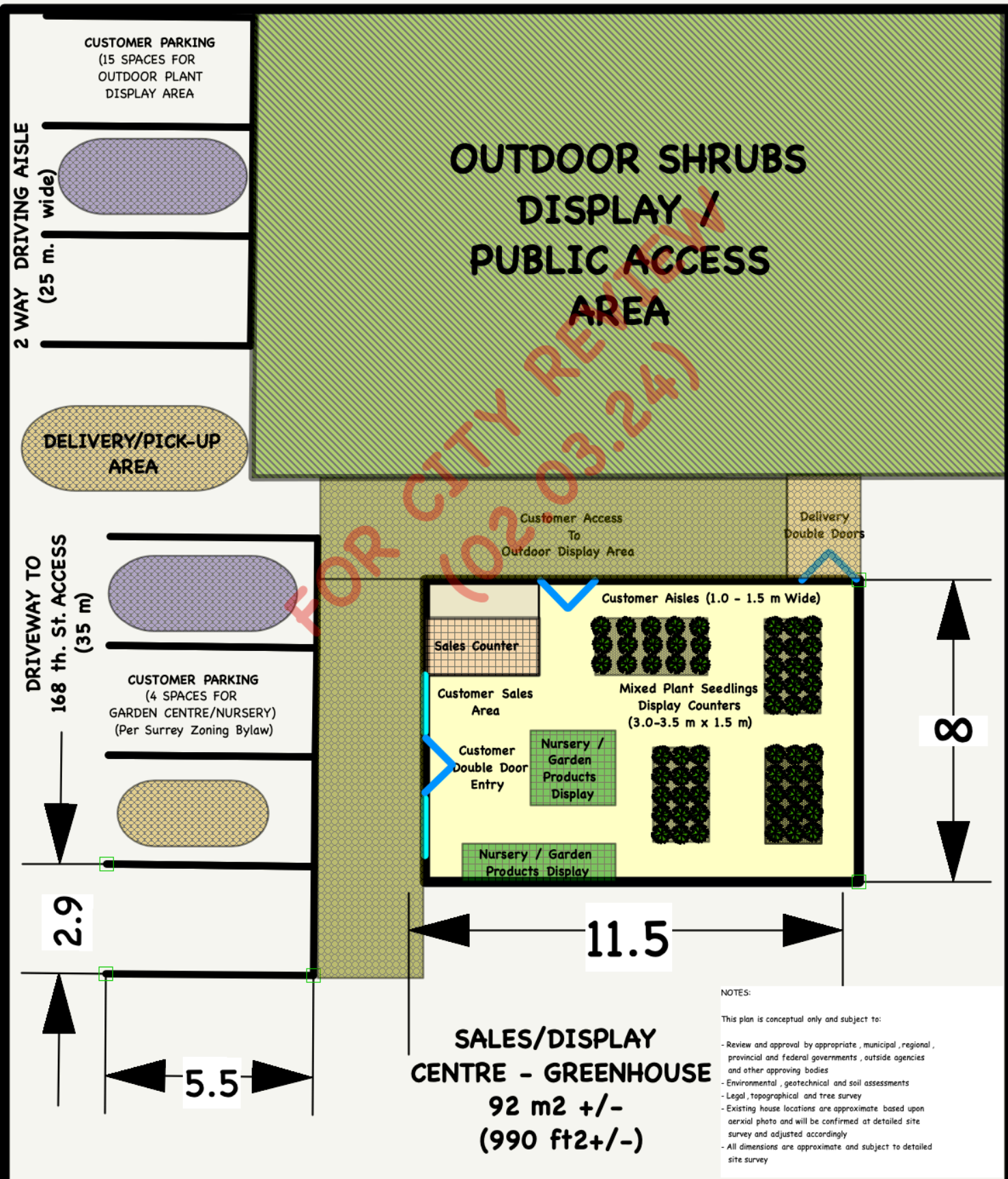


No.	Date	Revision

PROPOSED FILL PERMIT APPLICATION FOR NURSERY/GARDEN CENTRE October, 2023

**SANDERSON + WELSH PLANNING**  
Land Use and Development Services  
135 - 970 Burrard Street, Vancouver, BC, V6Z 2R4  
p: 604.613.7345 e: sanderson@sandersonwelshplanning.com

NURSERY & GARDEN CENTRE CONCEPT  
Figure 2  
2 of 3



No.	Date
1	2024-03-24

CONCEPTUAL LAYOUT FOR NURSERY/GARDEN CENTRE SALES BUILDING-GREENHOUSE

**SANDERSON + WELSH PLANNING**  
 Land Use and Development Services  
 135 - 970 Burrard Street, Vancouver, BC, V6Z 2R4  
 p: 604.613.7345 e: sanderson@sandersonwelshplanning.com

**NURSERY & GARDEN CENTRE CONCEPT**

## Tree Preservation Summary

Surrey Project No:

Address:

Registered Arborist: Woodridge Tree Consulting Arborists Ltd., Terry Thrale- PN6766A

On-Site Trees	Number of Trees	Off-Site Trees	Number of Trees
Protected Trees Identified *	29	Protected Trees Identified	6
Protected Trees to be Removed	1	Protected Trees to be Removed	0
Protected Trees to be Retained (excluding trees within proposed open space or riparian areas)	28	Protected Trees to be Retained	6
<b>Total Replacement Trees Required:</b>		<b>Total Replacement Trees Required:</b>	
- Alder & Cottonwoods to be removed (1:1) 0 X one (1) = 0	2	- Alder & Cottonwoods to be removed (1:1) 0 X one (1) = 0	0
- All other species to be removed (2:1) 1 X two (2) = 2		- All other species to be removed (2:1) 0 X two (2) = 0	
Replacement Trees Proposed	2	Replacement Trees Proposed	-
Replacement Trees in Deficit	0	Replacement Trees in Deficit	-
Protected Trees to be Retained in Proposed Open Space or Riparian Areas	0		
*on-site and shared trees, including trees within boulevards and proposed streets and lanes, but excluding trees in proposed open space or riparian areas			

Summary, report and plan prepared and submitted by:



(Signature of Arborist)

February 28, 2024

Date



**Arborist Report for 16810 16 Ave, Surrey**

**February 28, 2024**

**Notes:**

Tree 237 is declined beyond expectation of recovery.

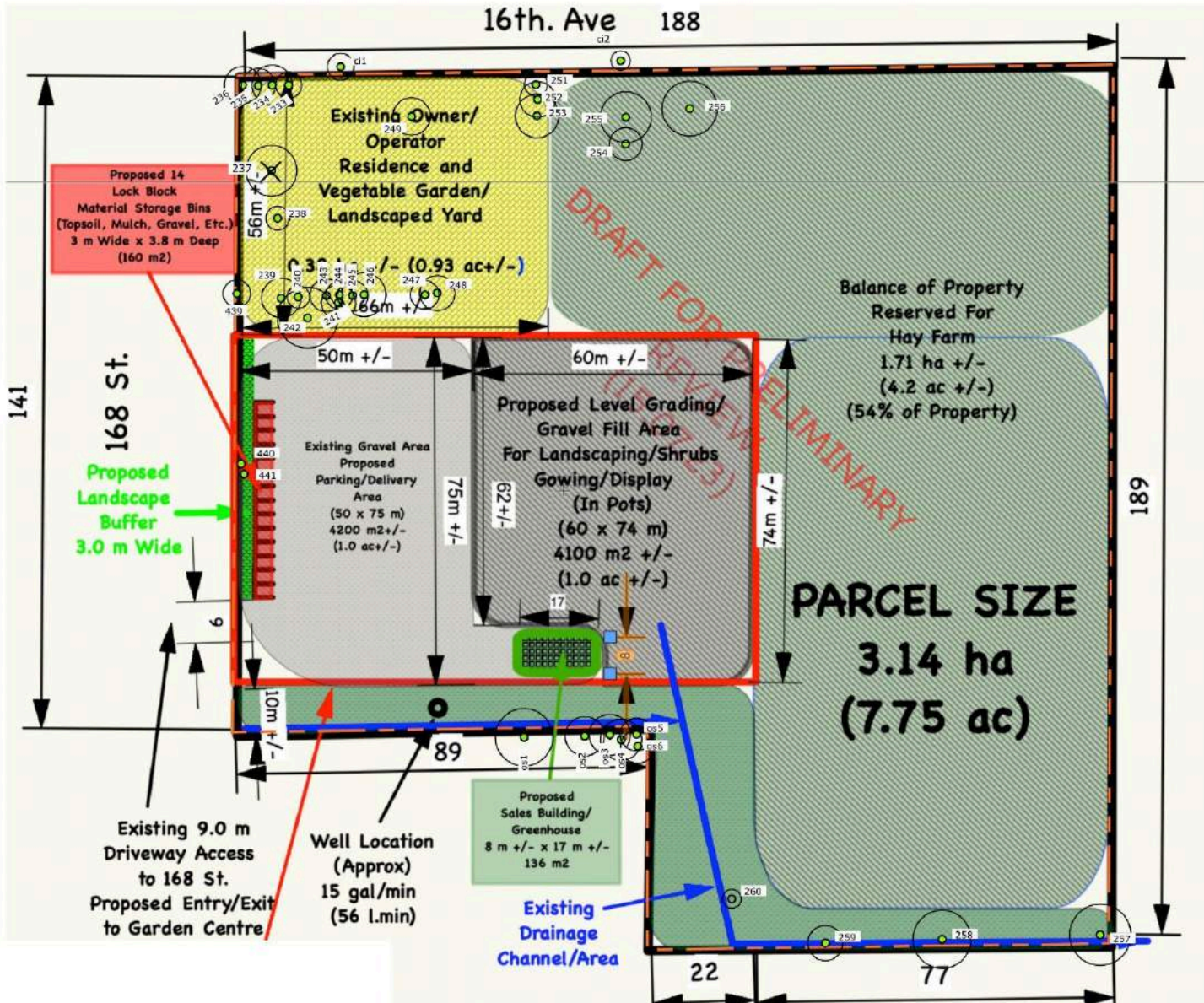
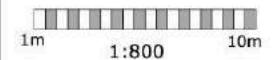
Trees 440 and 441 are not present.

**Legend**



x = remove tree

[tree barrier]





# ***DRAFT*** Agricultural and Food Policy Committee Minutes

Meeting Room 125A and 125B  
Surrey Operations Centre  
(Works Yard)  
6651 - 148 Street  
Surrey, B.C.  
TUESDAY, MARCH 12, 2024  
Time: 6:00 p.m.

## **Present:**

Councillor Bose, Chair  
Councillor Bains, Vice Chair  
R. Brar  
H. Dhillon  
P. Harrison  
S. Keulen  
M. Schutzbank  
R. Sihota  
R. Vanderende

## **Absent:**

D. Bondar  
B. Favaro  
S. Rai  
R. Tamis  
W. Kim

## **Staff Present:**

M. Kischnick, Senior Planner  
J. Kew, Planner  
S. Meng, Administrative Assistant

## **C. STAFF PRESENTATIONS**

### **1. Development Application 7923-0343-00**

Jonathan Kew, Planner  
Address: 16810 16 Avenue Surrey BC

The Planner summarized the report dated March 1, 2024, regarding Development Application No. 7923-0343-00 which proposes placement of fill to permit a garden sales use and improvement of agricultural soils. The following information was highlighted:

- An application to the Agricultural Land Commission (ALC) for Non-Farm Use (Placement of Fill).
- Subject site is 3.1 hectares within the Agricultural Land Reserve (ALR), zoned General Agriculture Zone (A-1) and the site is classified as farmland.
- Western portion of the site has been cleared for concrete storage bins.
- Applicant is seeking to establish a nursery and garden centre.
- A farm retail / greenhouse building is proposed to the southeast of the gravel lot.
- The purpose of application is to permit the fill that has been brought onto the site and to shift fill from the interior towards the eastern portion of the site to establish a garden centre / nursery.
- The existing gravel area on the west portion of the site will be utilized for parking, vehicles, and delivery circulation.
- The proposed rehabilitation of topsoil on the central portion of the site and subsequent relocation to the eastern portion of the site is intended to improve soil quality and benefit crop production.
- The central portion of the site would be refilled with gravel and established as the growing / display area for the centre (i.e. container garden).

- The existing concrete storage bins would be shifted onto the central portion of the site. The storage bins are intended to store topsoil, mulch, and planting materials.
- The area currently used for the storage bins is proposed to be remediated as a three-metre landscape buffer in alignment with the City's Green Infrastructure Corridor Network.
- The overall garden centre is proposed to occupy 0.92 hectares or approximately 30% of the lot.
- The container garden is proposed to occupy 0.58 hectares of the site. This area would be regraded, with 870 cubic metres of topsoil removed and replaced by 550 cubic metres of gravel.
- The overall proposal requires ALC approval.
- According to Section 25(3) of the ALC Act, a resolution of the local government is required to allow the applicant to proceed to the ALC for consideration.
- Should the subject application be referred to the ALC by Council, the ALC may do one of the following:
  - refuse permission for the use applied for;
  - grant permission, with or without limits or conditions, for the use applied for; or
  - grant permission for an alternative use, with or without conditions, as applicable.

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

- The nursery will include a greenhouse building, proposed to be 92 square metres. A portion of the greenhouse is intended for propagation and retail frontage.
- Nursery area contains storage area, parking, vehicles and delivery circulation. The garden centre is proposed to occupy 0.92 hectares.
- The site plan indicates a total of 19 parking spots.
- ALC indicates the general proposal and use is acceptable by the applicant.
- An Agronomist report to substantiate the soil rehabilitation and relocation proposal could be provided by applicant if requested from ALC.

The Committee provided the following comments:

- A committee member raised concerns about significant runoff of water with the amount of rainfall on the greenhouses.
- Chair stated growing these type of trees is not a benefit to agriculture. However it is an allowable use which makes it an exception.
- Chair noted that the applicant's ALC application states that the south abutting property is residential. However, however that property is part of ALR and farmland.
- Multiple committee members raised a concern regarding the quantity of existing gravel fill unpermitted on the property and indicated that rehabilitation should happen before any fill permit for import is granted.
- A committee member expressed support of the application as the applicant is positively contributing to agriculture in trying to establish the property with a recognized ALR use.

- Chair expressed concerns regarding the allowable use within ALR and a permit to fill gravel. He further states the applicant seems to put less gravel than the soil and that could create a shallow top soil flow.
- A committee member expressed concerns regarding how the gravel resembles a stockpile fill in the center and if rehabilitation takes place, the possibility of damaging the rest of the land.
- A committee member expressed support to this application and suggested for the applicant to confirm the onsite material used and to work with a professional to provide basic grading plan due to the sloping site and to accompany a simple sketch with it.
- A committee member stated the applicant should ensure the grades remain 0.5 metres and the fill application should have a cross section of the fill due to a possibility of larger volume of fill being displaced than the volume of fill coming in.

It was

Moved by R. Sihota

Seconded by R. Brar

That the Agricultural and Food Policy

Committee recommend that the General Manager of Planning and Development support Development Application 7923-0343-00 and confirm the quality of fill visible in the aerial photo, and that any grade changes in excess 0.5 metres are not anticipated on the southern portion and to ensure proper stormwater management plan is in place for runoff from the structure.

Carried