

City of Surrey
ADDITIONAL PLANNING COMMENTS

File: 7909-0151-00

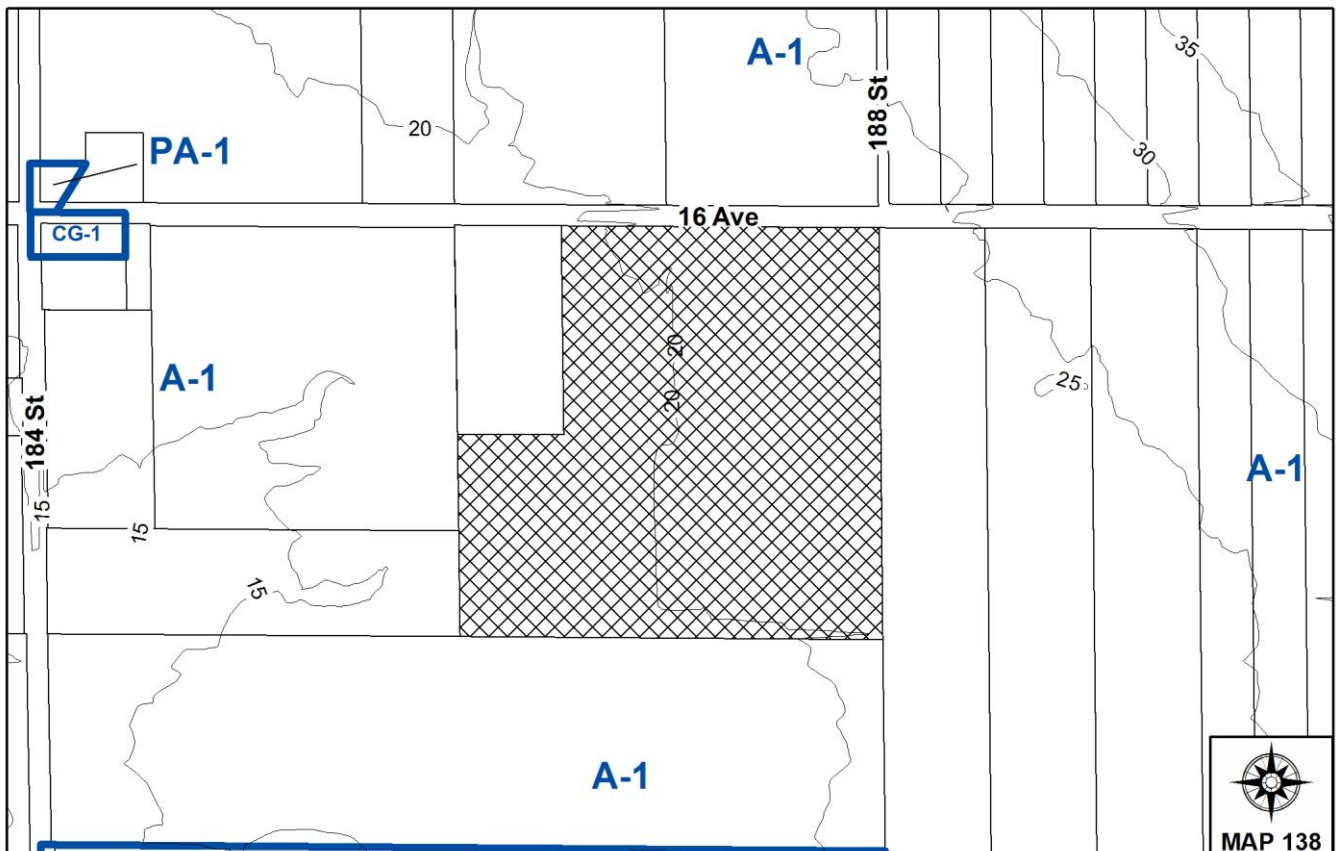
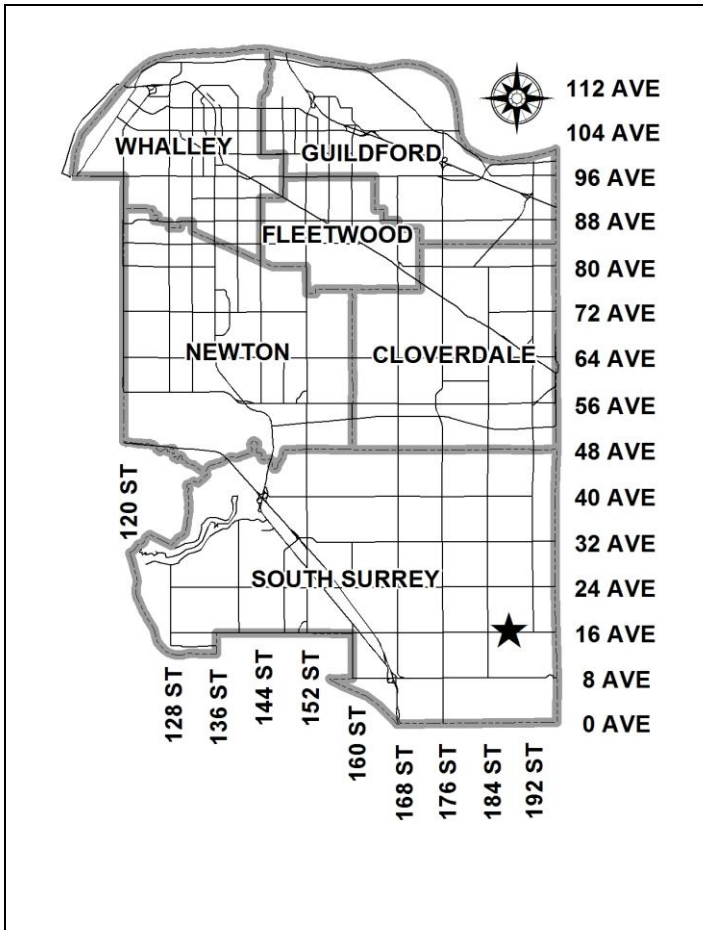
Planning Report Date: October 5, 2009

PROPOSAL:

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

in order to permit the development of a 17-unit farm workers residence on a lot within the ALR.

LOCATION: 18782 – 16 Avenue
OWNER: SMK Investments Inc., Inc. No. BCo64682
ZONING: A-1
OCB DESIGNATION: Agricultural
LAP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

- Council rescind the resolution to schedule the Public Hearing for By-law No. 17016 for October 19, 2009.
- Council rescind the resolution giving second reading to By-law No. 17016
- Council amend By-law No. 17016 as shown in Appendix IV.
- Council give second reading to By-law No. 17016 as amended.
- Council authorize referral of the non-farm use application to the Agricultural Land Commission (ALC).

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The Agricultural Land Commission (ALC) has confirmed that the proposed 17-unit farm workers residence is a non-farm use and as such, an application to the ALC is required.

RATIONALE OF RECOMMENDATION

- The merits of the subject proposal were documented in the initial Planning Report to Council dated September 14, 2009. In that report, staff advised Council that discussions with the Agricultural Land Commission (ALC) were still ongoing with respect to whether the proposed farm research facility and 17-unit farm worker's residence were considered permitted farm uses in the ALR. These discussions have now concluded and the ALC has confirmed that, while the research facility itself is a permitted use, the multi-unit farm worker's residence is not, and as such, a non-farm use application to the ALC is required.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council rescind Resolution R09-1548 to schedule the Public Hearing for By-law No. 17016 for October 19, 2009.
2. Council rescind Resolution R09-1547 giving second reading to By-law No. 17016.
3. Council amend By-law No. 17016 as shown in Appendix IV.
4. Council give second reading to By-law No. 17016 as amended.
5. Council authorize referral of the non-farm use application to the Agricultural Land Commission (ALC).

ADDITIONAL PLANNING COMMENTS

- At the September 14, 2009 Regular Council – Land Use Meeting, Council considered a Planning Report regarding a proposal by SMK Investments Inc. (SMK) to rezone the property at 18782 - 16 Avenue to permit the development of a 17-unit farm workers residence.
- The subject property is a 34-acre parcel of property on the south side of 16 Avenue, just east of 184 Street. The property is zoned General Agriculture (A-1) Zone, is designated 'Agricultural' in the Official Community Plan (OCP), and is in the Agricultural Land Reserve (ALR). SMK would like to develop a farm-based research facility including a 17-unit farm workers residence.
- SMK contends that in order to attract talented researchers and to ensure the proper management of diverse and simultaneous research projects, an on-site living quarters is necessary. In addition, SMK advises that much of the research will be sensitive, requiring constant or near-constant surveillance and the ability to respond to situations or research needs on a 24/7 basis.
- The A-1 Zone permits a maximum of two single family dwellings on the site, and as such a rezoning to a "Comprehensive Development (CD) Zone" is required to accommodate the proposed 17-unit farm worker residence. The proposed CD By-law is identical to the A-1 Zone, including the same permitted uses and provisions, with the exception that a multiple unit residential building, for farm workers and researchers employed on the site only, is added as a permitted use. The multiple unit residential dwellings will be regulated through a Housing Agreement with the City, which will ensure farm worker/researcher occupancy only.
- In the Planning Report, staff indicated that the subject proposal would be presented to the Agricultural Advisory Committee (AAC) for a subsequent review at the October 1st AAC Meeting. In addition staff indicated that discussions with the Agricultural Land Commission (ALC) were ongoing as to whether the proposed agricultural research facility and multiple unit farm workers residence were considered permitted farm uses within the ALR. Staff confirmed that should Council allow the proposed rezoning by-law to proceed, staff would report back to Council on the recommendations of the AAC, and the results of discussions with the ALC, prior to the Public Hearing.

- After considering the Planning Report, Council granted first and second reading to the proposed Rezoning By-law (No. 17016) and scheduled a Public Hearing for October 19, 2009.

Results of further discussions with AAC and ALC

- Staff have concluded discussions with the ALC regarding whether the proposed agricultural research facility and multiple unit farm workers residence are considered permitted farm uses within the ALR. The discussions have included an in depth analysis of the Agricultural Land Commission (ALC) Act and associated Regulations.
- Under the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, there are two types of permitted uses in the ALR. Activities designated as farm uses are listed in Part 2 Section 2 and must not be prohibited by local government on land within the ALR. Other permitted land uses in the ALR are listed in Part 2 Section 3 and are permitted within the ALR but can be prohibited by local government by-law.
- Education and research (except schools under the School Act) are listed under Part 2 Section 3 as permitted land uses within the ALR so as long as the area occupied by any buildings or structures necessary for the education or research does not exceed 100 square metres (1,076 sq.ft.) for each parcel. As such, provided that the area proposed for research use does not exceed 100 square metres (1,076 sq.ft), the use is permitted and an application to the ALC is not required. SMK has confirmed that there is no laboratory proposed on site and if laboratory tests are required they will be performed off-site. Space in the greenhouses will be allocated for future computer and meeting rooms but the total combined floor area will be less than 100 square metres (1,076 sq.ft.).
- Paragraph 18(a)(ii) of the Agricultural Land Commission Act states a local government may not approve more than one residence on a parcel of land within the ALR unless the additional residences are necessary for farm use. Since a research facility is listed among the permitted land uses of Part 2 Section 3, not under the permitted farm uses of Part 2 Section 2, the proposed multi-unit residence cannot qualify as residences necessary for farm use. As such, an application to the ALC for the proposed multi-unit residential building is required.
- Based on these clarifications from the ALC, SMK has submitted the required non-farm use application for the 17-unit farm workers residence to the City. In addition, the proposed CD By-law has been amended by adding "farm research, provided that the area occupied by buildings and structures to be used or intended to be used for research does not exceed 100 square metres (1,076 sq.ft.)", as an additional permitted use.
- In order to accommodate the required non-farm use referral to the ALC and the necessary amendment to the CD By-law, staff recommend that Council take the following actions:
 - Rescind the previous Council resolutions which granted first and second reading to the Rezoning By-law and scheduling the public hearing for October 19, 2009;
 - Authorize staff to forward the non-farm use application to the Agricultural Land Commission (ALC); and
 - Grant first and second reading to the amended CD By-law but postpone the Public Hearing until such time as approval of the non-farm use from the ALC is obtained.

- Due to a scheduling conflict, the AAC meeting previously scheduled for October 1, 2009 has been rescheduled to October 8, 2009. As such, further commentary from the AAC is not available at this time. Staff are preparing an updated information package for presentation to the AAC at that October 8th meeting and will report back to Council on comments received from the AAC prior to the Public Hearing being rescheduled.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Proposed Site Plan, Floor Plans and Building Elevations
Appendix III.	Original Planning Report Text (No Appendices)
Appendix IV.	Amended CD By-law No. 17016

Jean Lamontagne
General Manager
Planning and Development

RG/kms

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Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: Clarence Arychuk, Hunter Laird Engineering Ltd.
 Address: #300 – 65 Richmond Street
 New Westminster, BC
 V3L 5P5
 Tel: 604-525-4651

2. Properties involved in the Application

(a) Civic Address: 18782 – 16 Avenue

(b) Civic Address: 18782 – 16 Avenue
 Owner: SMK Investments Inc., Inc. No. BC0646482
 PID: 001-362-861
 Lot 2 Section 9 Township 7 New Westminster District Plan 6763

3. Summary of Actions for City Clerk's Office

DEVELOPMENT DATA SHEET

Proposed: CD

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		34 ac (13.7 ha)
Road Widening area		
Undevelopable area		
Net Total		
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front	12.0 m	
Rear	12.0 m	
Side #1 (East)	13.5 m	
Side #2 (West)	13.5 m	
BUILDING HEIGHT (in metres/storeys)		
Principal	9.0 m	
Accessory	12.0 m	
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		

** If the development site consists of more than one lot, lot dimensions pertain to the entire site.*