

City of Surrey  
**ADDITIONAL PLANNING COMMENTS**

File: 7909-0250-00

Planning Report Date: May 3, 2010

**PROPOSAL:**

- **Rezoning** from A-1 to CD (based on A-1 and IA)
- **Non-farm use** under Section 25 of the ALC Act

in order to permit the development of a commercial composting facility in the ALR.

**LOCATION:**

17690 and 17720 – 12 Avenue

**OWNERS:**

Robert Gordon Baldwin and  
 William Herbert Baldwin

**ZONING:**

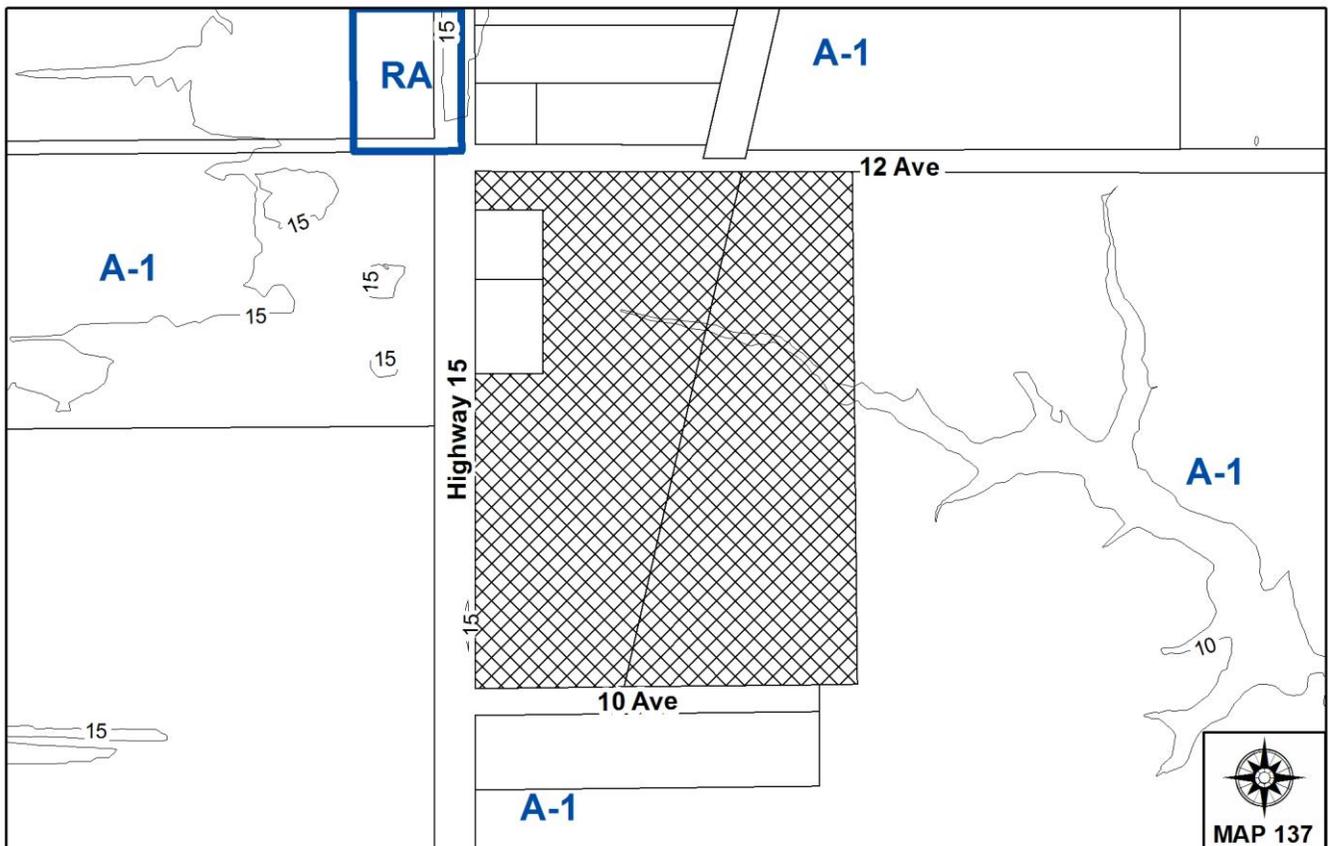
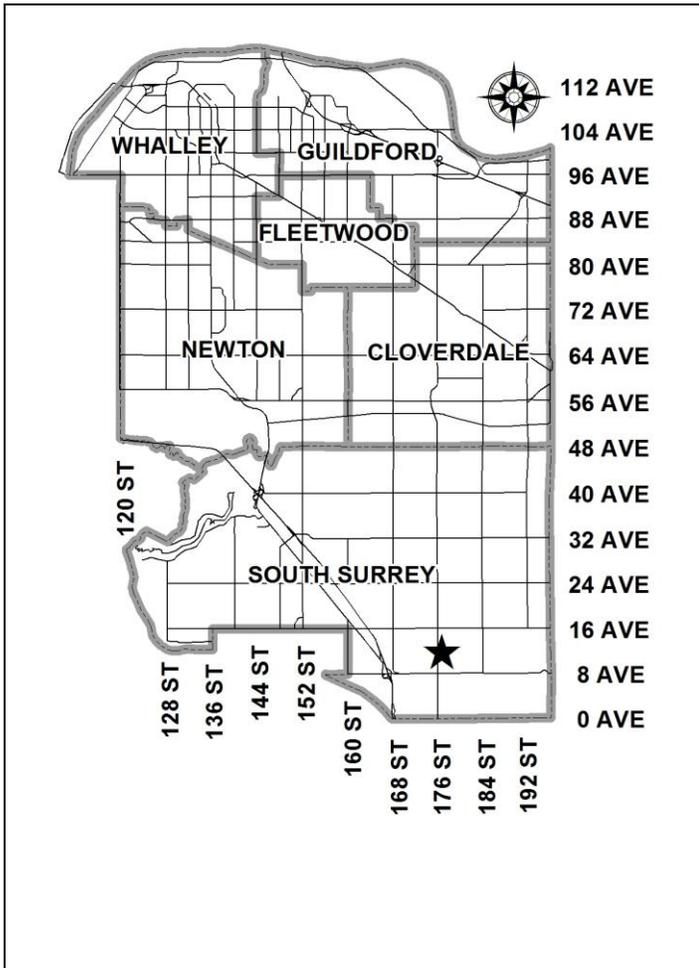
A-1

**OCP DESIGNATION:**

Agricultural

**LAP DESIGNATION:**

Agricultural and Open Space  
 (South East Surrey Plan)



### RECOMMENDATION SUMMARY

It is recommended that Council:

- Receive this report as information; and
- Instruct staff to ensure the following procedural requirements are fulfilled prior to introducing a rezoning by-law for Council's consideration for the proposed composting facility use:
  - Completion of independent peer review of the proposed commercial composting facility to fully evaluate the proposal and provide an assessment on the viability of the operation and technology proposed, a risk and impact assessment on the proposed operation/technology, and recommendations as to how nuisance impacts can be avoided or appropriately mitigated;
  - The applicant to hold a second Public Information meeting to respond to community concerns raised at the first Public Information meeting and throughout the public consultation process; and
  - Obtain a decision from the Agricultural Land Commission (ALC) on the non-farm use application.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

### RATIONALE OF RECOMMENDATION

- Given the magnitude of the outstanding issues, staff recommends that by-law introduction be held in abeyance in order to allow adequate opportunity to evaluate the details of the project, complete the technical/peer review, hold a second public information meeting, and receive a decision from the ALC. This recommended process will ensure that the proposed CD Zone will not need to be substantially amended at a later date to include appropriate standards, requirements, and restrictions on the composting use, and gives Council certainty on the ALC decision on the non-farm use application prior to by-law introduction.
- It should be noted that the applicant requested that the rezoning by-law be introduced as soon as possible in advance of the completion of the technical/peer review, the second public information meeting and the review of the application by the Agricultural Land Commission. The applicants' request is discussed and an alternative (Option 2) approach is included in the report.

## RECOMMENDATION

The Planning & Development Department recommends that:

It is recommended that Council:

1. Receive this report as information.
2. Instruct staff to ensure the following procedural requirements are fulfilled prior to introducing a rezoning by-law for Council's consideration for the proposed composting facility use:
  - (a) Completion of independent peer review of the proposed commercial composting facility to fully evaluate the proposal and provide an assessment on the viability of the operation and technology proposed, a risk and impact assessment on the proposed operation/technology, and recommendations as to how nuisance impacts can be avoided or appropriately mitigated;
  - (b) The applicant to hold a second Public Information meeting to respond to community concerns raised at the first Public Information meeting and throughout the public consultation process; and
  - (c) Obtain a decision from the Agricultural Land Commission (ALC) on the non-farm use application.

## ADDITIONAL PLANNING COMMENTS

### **Background**

- At the January 25, 2010, Regular Council – Land Use meeting, Council considered a development application (No. 7909-0250-00) by Pilot Grove Developments Ltd. is to develop a commercial composting facility at 17690 and 17720 – 12 Avenue. The proposed commercial composting facility is intended to compost green waste, food waste and agricultural waste into Class A compost, with a potential of 20,000 tonnes of compost being produced annually. The applicant intends to sell the majority (95%) of the compost off site. The applicant is also proposing additional agricultural uses, including traditional farming areas, community garden plots and experimental garden plots. This growing area occupies approximately 35% of the site.
- The proposal does not comply with permitted farm uses in the ALR, according to the Agricultural Land Commission (ALC). Therefore, approval for a non-farm use in the ALR is required. Furthermore, City staff determined that given the scale of the proposed composting operation, and the proposed sale of the majority of the product off site, the proposal does not meet the permitted uses of the A-1 Zone in the City's Zoning By-law. Therefore, rezoning to a Comprehensive Development (CD) Zone was also required.

- At the January 25, 2010 Regular Council – Land Use meeting, after considering the Planning report from staff on the proposal, Council endorsed staff's recommendation that the application be referred to the Agricultural Land Commission (ALC) and back to staff to work with appropriate stakeholders to assess the City's current approach to compost facilities and to make recommendations to Council regarding changes to the current approach; particularly, with respect to performance standards, design considerations and locational criteria.

### **Application Process Update**

- Since the application was reviewed by Council on January 25, 2010, staff have been working closely with the applicant to address Council's recommendation, as well as advance the application review process steps and requirements, as follows:

#### Agricultural Land Commission (ALC) Review

- In accordance with Council's direction, the non-farm use application has been forwarded to the ALC and will be considered at an upcoming ALC meeting. In addition, the proposal was presented to the City's Agricultural Advisory Committee (AAC) at the April 1, 2010 AAC meeting so that the AAC could review additional information provided by the applicant that was not available when the proposal was first presented to the AAC at the January 7, 2010 AAC meeting. The AAC did not provide an updated recommendation but the minutes of the April 1, 2010 AAC meeting documenting the discussion will be forwarded to the ALC prior to the ALC considering the non-farm use application. The April 1, 2010 AAC meeting was attended by the consultant representing the applicant. Draft minutes of the AAC meeting is attached in this report (Appendix IV).
- Staff have confirmed with ALC staff that the application will be considered at the upcoming meeting of the Land Commission on June 14 or 15, 2010.

#### Public Information Meeting

- As part of the application pre-notification process, staff received numerous letters and phone calls from surrounding residents raising concerns about the application.
- As a result, the applicant held a Public Information Meeting on March 31, 2010 to present their proposed composting operation to neighbouring property owners. The meeting was attended by approximately 45 to 50 residents, many of whom expressed strong concerns about the proposal. The main concerns include: odours, noise, traffic, impact on land values, and environmental impacts (e.g. groundwater, air quality). Subsequent to the Public Information meeting staff have received a number of phone calls, letters, and email correspondence from neighbouring property owners in objection to the proposed composting use.
- It is expected that the applicant will hold a subsequent public meeting to update the community on the proposal, following completion of the technical review of the composting facility, as noted below.
- Appendix V is a map showing the location of the neighbours who expressed concerns and opposition to the proposal. Staff have also been advised that there is a petition forthcoming which should be delivered next week.

### Technical Peer Review of Technology, Standards, and Impacts

- In response to Council's request that staff review the City's current approach to compost facilities and to make recommendations regarding changes to the current approach; particularly, with respect to performance standards, design considerations and locational criteria, and to respond to concerns raised by neighbouring residents, staff have determined that an independent peer review on the proposed composting facility, and a second public information meeting, is appropriate.
- The applicant has agreed to this approach. The objective of the peer review is to fully evaluate the proposal and provide an assessment based on the following areas:
  - The viability on the operation and technology proposed based on similar operations/technologies of comparable size that are in existence;
  - The zoning of all comparable facilities and their proximity to residential communities;
  - a risk and impact assessment of the proposed operation/technology. The assessment should include (but is not limited to) the following:
    - Odour impacts;
    - Noise impacts;
    - Environmental impacts (land, water, air quality);
    - Potential pest impacts (rodents, insects etc.); and
    - Any other potential community impacts as determined by the Consultant.
- The analysis will include recommendations as to how these impacts can be appropriately mitigated including the appropriateness of the proposed location. The developer has agreed to pay the cost of the peer review; however, the City will manage the process. Terms of Reference for the peer review is being finalized and staff is in the process of selecting a suitable consultant. It is anticipated that the peer review will take approximately one month to complete.
- Upon completion of the peer review, the applicant can consider the recommendations of the peer review, in addition to the comments received from the community, and make appropriate modifications to the proposal to address the issues. The applicant will then host a second public information meeting to present the modified proposal and obtain further input from the community.

### OPTIONS FOR COUNCIL CONSIDERATION

#### **Option 1 (Staff Recommendation):**

- On the basis, of the outstanding issues noted above, staff recommends that the following resolution (Option 1) be adopted:
  - Council instruct staff to ensure the following procedural requirements are fulfilled prior to introducing a rezoning by-law for Council's consideration for the proposed composting facility use:
    - a. Completion of independent peer review of the proposed commercial composting facility to fully evaluate the proposal and provide an assessment on the viability of the operation and technology proposed, a risk and impact assessment on the proposed

- operation/technology, and recommendations as to how nuisance impacts can be avoided or appropriately mitigated;
- b. The applicant to hold a second Public Information meeting to respond to community concerns raised at the first Public Information meeting and throughout the public consultation process; and
  - c. Obtain a decision from the Agricultural Land Commission (ALC) on the non-farm use application.
- Staff recommends this option for the following reasons:
    - Staff would have the opportunity to consider the recommendations of the peer review and include appropriate standards, requirements, and restrictions on the composting use in the proposed CD Zone before the by-law is introduced;
    - Council would have the benefit of considering the findings and recommendations of the peer review, and the results of the second public information meeting, prior to by-law introduction;
    - Council would have certainty on the ALC decision on the non-farm use application prior to by-law introduction; and
    - Given that the proposed rezoning by-law cannot proceed to a Public Hearing or be considered for 3rd Reading until such time as a decision is rendered by the ALC on the non-farm use application, delaying by-law introduction until after completion of the peer review and second public information meeting will not significantly impact the ultimate project timeline.

### **Option 2 (Applicant's Request)**

- While the applicant is agreeable to the peer review and second public information meeting, he has requested that rezoning by-law be introduced as soon as possible, in advance of the completion of the technical/peer review, the second public information meeting, and the review of the application by the Agricultural Land Commission. His reasons for advancing by-law introduction are outlined in the letter attached in Appendix II.
- Should Council opt to move forward with a rezoning bylaw in advance of the resolution of the outstanding issues, it would be appropriate to adopt the following resolution in place of recommendation 2. in this report:
  - 2. Council instruct staff to prepare a CD Zone for by-law Introduction at the May 17, 2010 Regular Council – Land Use meeting, but withhold 2nd Reading and scheduling of a Public Hearing until such time as the technical/peer review is completed, a second public information meeting held, and a decision from the ALC on the non-farm use application is received.

- The advantage of this option is:
  - Should Council decide to introduce the rezoning by-law, the applicant would have the comfort that Council deems the proposal to have some merits prior to proceeding with the peer review process and second public information meeting.
- The disadvantages of this option are:
  - Council would not have the benefit of considering the findings and recommendations of the peer review, or the results of the second public information meeting, prior to by-law introduction, and it is possible that the proposal may be modified significantly in response to the results of the peer review and feedback from the public information meeting;
  - Upon completion of the peer review, the proposed CD Zone may need to be amended substantially to include the appropriate standards, requirements, and restrictions on the composting use; and
  - Should the ALC not support the non-farm use application the by-law would need to be rescinded.

#### RECOMMENDATION

- Given the magnitude of the outstanding issues, staff recommends that by-law introduction be held in abeyance in order to allow adequate opportunity to evaluate the details of the project, complete the technical/peer review, hold a second public information meeting, and receive a decision from the ALC. This recommended process will ensure that the proposed CD Zone will not need to be substantially amended at a later date to include appropriate standards, requirements, and restrictions on the composting use, and gives Council certainty on the ALC decision on the non-farm use application prior to by-law introduction.
- On this basis staff recommend that Council follow Option 1 and instruct staff to ensure the following procedural requirements are fulfilled prior to introducing a rezoning by-law for Council's consideration for the proposed composting facility use:
  - Completion of independent peer review of the proposed commercial composting facility to fully evaluate the proposal and provide an assessment on the viability of the operation and technology proposed, a risk and impact assessment on the proposed operation/technology, and recommendations as to how nuisance impacts can be avoided or appropriately mitigated;
  - The applicant to hold a second Public Information meeting to respond to community concerns raised at the first Public Information meeting and throughout the public consultation process; and
  - Obtain a decision from the Agricultural Land Commission (ALC) on the non-farm use application.

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
- Appendix III. Letter from Applicant
- Appendix IV. Draft Minutes of the April 1, 2010 AAC Meeting
- Appendix V. Map Showing Location of Concerned Neighbours

Jean Lamontagne  
General Manager  
Planning and Development

RG/kms

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## DEVELOPMENT DATA SHEET

Proposed Zoning: CD

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total		10.1 ha
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	10%	10%
Paved & Hard Surfaced Areas		33%
Total Site Coverage		43%
SETBACKS ( in metres)		
Front	30 m	
Rear	15 m	
Side #1 (North)	15 m	
Side #2 (South)	15 m	
BUILDING HEIGHT (in metres/storeys)		
Principal	12 m	
Accessory	12 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	9,990 m <sup>2</sup>	9,990 m <sup>2</sup>

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

## Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)		
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	5	
Number of disabled stalls		
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	NO
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