

**1. Tree Cutting on Agricultural Land**

That Council direct staff to review *Surrey Tree Protection Bylaw, 2006, No. 16100* with consideration for increasing the Restrictive Covenant period outlined in Part 7, Section 29(f) from 10 years to 25 years as endorsed by Environment and Climate Change Committee on October 11, 2023 and to prevent the use of *Surrey Tree Protection Bylaw, 2006, No. 16100* to circumvent the Green City Fund without being restrictive to farmers and negatively impacting agriculture.



# *Agricultural and Food Policy Committee Minutes*

Meeting Room 125A and 125B  
Surrey Operations Centre  
(Works Yard)  
6651 - 148 Street  
Surrey, B.C.  
TUESDAY, NOVEMBER 7, 2023  
Time: 6:05 p.m.

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**Present:**

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

**Absent:**

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

**Staff Present:**

S. Allen, Planner  
N. Aven, Manager of Parks  
J. Kew, Planner  
M. Kischnick, Senior Planner  
M. Sjoquist, Landscape Architect  
S. Meng, Administrative Assistant

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**A. ADOPTIONS****1. Adoption of the Agenda**

It was

Moved by P. Harrison  
Seconded by H. Dhillon  
That the agenda of the Agricultural and Food  
Policy Committee meeting of November 7, 2023, be adopted.  
Carried

**2. Adoption of the Minutes – October 3, 2023**

It was

Moved by H. Dhillon  
Seconded by R. Sihota  
That the minutes of the Agricultural and  
Food Policy Committee meeting held October 3, 2023, be adopted.  
Carried

R. Vanderende joined the meeting at 6:09 p.m.

R. Tamis joined the meeting at 6:11 p.m.

**B. DELEGATION****1. Tree Cutting on Agricultural Land**

Myles Lamont, TerraFauna Wildlife Consulting

Myles Lamont, TerraFauna Wildlife Consulting provided a presentation regarding tree cutting on agricultural land and highlighted the following information:

- In December 2022, a tree removal permit to remove 645 trees was issued for 19350 and 19310 8 Avenue for agricultural purposes. Both properties are in the Agricultural Land Reserve (ALR). The natural topography of the site and soil studies indicate that the site is not conducive to farming. Neither properties were included in the ALR. Both properties are zoned A-1, but do not currently have farmland classification from BC Assessment. Both sites are sloped and would likely be difficult for farm equipment to traverse.
- One of the issues that the Agricultural Land Commission (ALC) determined was the properties were not suitable for agricultural purposes and was purposely left out of the ALR. The natural topography of the area is not conducive to farming. The escarpment is very steep and used to be an old gravel pit in the area.
- The farm development permit area is meant to be triggered when there is a subdivision of land however it does not appear to be any requirement to abide by or implement the buffers because most trees are not standing within the buffers. This makes space for the creation of wildlife management and habitat protection. These areas provide critical movement corridors and habitat for wildlife on agricultural lands.
- There should have been a Geotech report. There is now massive land disturbance and soil disturbance. Residents are now quite concerned for the potential for land movement and the huge amount of runoff they're likely to be experienced as there is no tree structure left to slow that down.
- A concern that was brought up by the local community was whether this application was truly land clearing for agricultural intent, or if this was simply timber harvest given the size of the trees and the scale of the clearing that occurred.
- The amount of tree removal from the sites could be considered timber harvesting instead of tree clearing. The value of the tree removal permit was \$6,388 while the estimated market value of the red cedar trees removed is \$150,000 – 200,000. The estimate does not include the Douglas fir trees also removed from the site.
- There is a nesting birds survey requirement for any tree clearing during the nesting season. As the City issued the permit in December last year, there was no obligation for the City to withhold the permit until the nesting bird survey was completed as that will start on March 1st. The result was 13 acres of trees came down with no nesting birds in them and the landowner was able to proceed with the removal of trees without abiding by the regulation or the City's best practice.
- Last month, the Environment and Climate Change Committee passed a motion to endorse a review of *Surrey Tree Protection Bylaw, 2006, No. 16100* by the Agriculture and Food Policy Committee, with consideration for increasing the Restrictive Covenant period outlined in Part 7, Section 29(f) from 10 years to 25 years.

- Applications for tree removal permitted based on agricultural intent should be vetted and questioned more closely, especially if the land had previously not been deemed suitable for agriculture. Section 29(f) of the Tree Bylaw should be reviewed to ensure the clause is used only in appropriate situations and close any potential loopholes related to tree removal.

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

- There are other applications outside the ALR in future planning areas that have used the same tree cutting and restrictive covenant clause under agriculture zones. There has been a 10 year clause for no development applications outside the ALR for tree clearing with a Restrictive Covenant. If you are in the ALR, it is five years therefore, the owner is acting within the bylaw if he clears lands for agricultural purposes and does not apply for a development application.
- General canopy loss occurs more in South Surrey due to the substantial amount of development pressure in the last 10 years, and more greenfield areas.
- It was recommended by one of the committee members that perhaps the applications come forward to the committee to be peer reviewed for agricultural allowance purposes, as staff do not have the necessary capacity to question someone's intent for a farm plan. The bylaw was written to allow for agriculture and farming but may be taken advantage of by applicants in the future development areas to clear land.
- There was ALR exemption mentioned for development permit areas related to farm uses.
- In Surrey, there is about 1700 lots in the A1 zone where some are agriculturally zoned and are outside the ALR. There are significantly less agricultural A-1 and A-2 zoned lots in Urban or Urban Suburban Reserve lands.

The Committee provided the following comments:

- The non development is a restrictive covenant.
- City of Surrey will issue a permit to clear land within 30 meters over top of the bank and ditches.
- A committee member expressed that there may be some mal intent from the applicant but is common on parcels across the lower mainland where people find loopholes for farming.
- Applicant does not need to show farm status. It is suggested a farm plan is needed to show the development of the farm over the next few years.
- When developing GIN networks, the City looks at them differently than farmland. Applicants are allowed to clear the GIN networks because of farming. If the City takes a position that this land is not to be farmed, then the City wants the GIN networks to be naturalized. If GIN networks are treated differently on A1 parcels versus ALR parcels, the 15 meters or 30 meters of the lot will need to stay naturalized.
- A committee member expressed the possibility to review the tree cutting bylaw regulations for clearing in areas that are already slated for suburban development because there are parcels in A1 zoning where people do hobby farming.

- A committee member expressed there is a need to ensure applicants who are using the agriculture exemption use it correctly, and recommending considering applicants be required to submit a farm plan to show how they plan to grow their farm over 5 to 10 years. This will show the City the applicant is abiding by the intent of the bylaw to remove trees for farming purposes rather than evading future payments to the City for future development.

It was

Moved by M. Schutzbank

Seconded by P. Harrison

That the Agricultural and Food Policy

Committee recommend that Council direct staff to review *Surrey Tree Protection Bylaw, 2006, No. 16100* with consideration for increasing the Restrictive Covenant period outlined in Part 7, Section 29(f) from 10 years to 25 years as endorsed by Environment and Climate Change Committee on October 11, 2023 and to prevent the use of *Surrey Tree Protection Bylaw, 2006, No. 16100* to circumvent the Green City Fund without being restrictive to farmers and negatively impacting agriculture.

Carried

## C. STAFF PRESENTATIONS

### 1. Nicomekl Riverfront Park

Mickella Sjoquist, Landscape Architect and Neal Aven, Manager of Parks

Landscape Architect provided a brief overview of Nicomekl Riverfront Park Phase 1 Hadden Mill and Oxbow Zones Final Concept Plan. The following information was highlighted:

- Nicomekl Riverfront Park is on the unceded traditional territories of the Coast Salish Peoples, including Katzie, Kwantlen and Semiahmoo First Nations. The park is also on the traditional territory of the Snokomish Peoples. The park will be 3 kilometers long on the south side of the Nicomekl River and extends from Elgin Road on the west to 40th Ave. It is 80 acres in size which is about 14 times larger than Crescent Beach Park.
- In 2020, a park management plan was completed which divides the phases of development of the park and given the size and the complexity of the project, the plan was split into 3 phases. Staff is currently working on phase one, which is 24 acres between Elgin and Highway 99 and King George Boulevard. Following the design completion of phase one, the designing of phase two will commence. Afterwards, phase three has some land that hasn't been dedicated yet that will be through development riparian area and timeline of the project is estimated to be at 60% of the of the design. Technical analysis has been done in regard to environmental and hydrological. The first assessments towards several concepts and then now have a final concept plan as of September. Next steps for the project is the construction drawings and blueprints and then permits and then start construction mid next year.
- The final concept plan design is at 50% completion. The plan describes the division for phase one. On either side of King George Boulevard. Staff is treating the site as a sensitive and lush environment. The Oxbow zone which is east of King George. Boulevard. Staff is focusing on ecological

preservation and hydrology and designing it to accommodate flooding from the river. The other zone called Hadden Mill Zone is west of King George Boulevard. This zone is focused on ecology and social spaces.

- Staff is proposing a few different gathering spaces such as the playground in the Hadden Mill Zone and some picnicking areas to allow patrons to spend time outside. There will also be a primary trail along the river.
- Through the oxbow zone there will be a boardwalk system to allow pedestrians to access the area all year round and there will be small little trails that connect to the neighborhood. One of the big goals of the park is to provide water recreation on the river thus staff is proposing kayak or canoe docks on either side of the sea dam.
- Staff is currently working with the Ministry of Transportation on the park's main parking lot. The parking lot is being proposed on the north side of the river where currently it is a stockpile site for the bridge project.
- Oxbow zone is being designed to flood and currently there is a nonstandard regulated dyke. The park will remain open with the occurrence of flooding. Pedestrians will be able to walk on the boardwalks and be above the water.
- The Oxbow zone is in the ALR whereas the rest of the park is not. Thus, staff will be applying to ALC with the notice of intent and sharing the drawings. There is no traditional agriculture proposed for the park but staff are working with the First Nations on planting traditional medicinal indigenous plants for harvesting.
- Staff conducted an engagement campaign with the public, First Nations, Urban Indigenous Peoples and stakeholder groups. This past summer staff received 86% support of the concept plan with a total of 2700 responses from the public.
- Staff is working with National Research Council Canada who are conducting in-kind hydrodynamic modelling to vet the design for flooding and fish channels.
- Staff has hired three Indigenous artists to join the park design team and will be developing a cultural ribbon to integrate Indigenous culture, values, and history throughout the park.

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

- West of King George Boulevard are a few open spaces where the social gathering areas open up to grasslands and by the Heritage House there are also open grassland there with more lush vegetation. East of King George Boulevard is the former riverside golf driving range.
- There are utilities going through the new dam. Department of Engineering could provide answers regarding the timeline of the closing and removal of the existing dam.
- Near the primary parking lot there is an 8 foot fence and future signage nearby which would prevent pedestrians from trespassing.
- The pathway connection from the new King George Boulevard bridge to the Parn and Ride is being built as part of the bridge project and department of Engineering is installing the fence on the dyke to prevent pedestrians from going east of there.

- The King Goerge Boulevard bridge is brand new therefore, no statistics at this time on how many times the path underneath will flood. Staff are aware the new path will flood therefore a catch basin was constructed. The park path will be asphalt at that low point rather than gravel to prevent erosion.
- Currently staff are preparing to send the grading plan to the hydrodynamic engineers through their partnership opportunity. The engineers are from National Research Council Canada and their expertise is conducting digital modeling to assess how high the water will go so staff can adjust the design if needed. This work will be occurring over the next 3 months.
- The diagram of the canoe dock is representational. Staff is working with various personnel to design the docks to rise and fall with river water levels and to prevent disturbance and allow accessibility.
- There is a small trail loop at 40th Avenue and the parking lot has 16 stalls.
- Phase one is projected to start next year, construction to commence mid-2024 and this phase is projected to open in 2025.
- Permits are obtained through provincial and federal governments.
- The City does not prohibit e-bikes. Staff are proposing a gravel trail for walking and casual cycling and to display signage accordingly. The current bylaw has a speed limit.
- The standard gravel is nine millimeters crush.
- If there were railings on the boardwalk it would limit cyclists. The boardwalk has not been designed yet.

The Committee provided the following comments:

- Nicomeckl Riverfront Park was presented to the committee in 2020.
- A committee member made a comment advising there are services that goes through the dam which is wide enough to be a road.
- The fence goes to the high watermark and people tend to go over the 8 foot gates. A committee member expressed their concern from King George Boulevard that opens up the north dyke to potential public access.
- 40th Avenue is the most concerned for violation by trespassers.
- A committee member expressed concerns about planting various types within the blueberry family for fear of transferring diseases. When planting in an uncultivated setting next to active farming, there should be assurance that there is no endangerment to the economic viability of farmlands nearby.
- A committee member expressed concerns regarding receiving request from a blueberry farmer to create a footbridge across Nicomeckl River. The other concern is on 40th Avenue where pedestrians are trespassing on the agriculture land.
- A committee member expressed their concern on the challenges of getting a trail on the last kilometer because of the topography from Elgin on the south side to Crescent beach.
- A committee member expressed a safety issue with older visitors and the impact on trails.

It was Moved by R. Sihota  
Seconded by H. Dhillon  
That the Agricultural and Food Policy  
Committee receive the report dated November 1, 2023 for information.  
Carried

It was Moved by H. Dhillon  
Seconded by S. Rai  
That the Agricultural and Food Policy  
Committee endorse the Nicomekl Riverfront Park Phase 1 Hadden Mill and Oxbow  
Zones Final Concept Plan attached as Appendix "I" to the report.  
Carried

**2. Development Application 7923-0281-00**

Jonathan Kew, Planner  
Address: 1122 – 184 Street

The Planner summarized the report dated October 27, 2023, regarding Development Application No. 7923-0281-00 which proposes Development Variance Permit (DVP) for setback variances for a solar panel system. The following information was highlighted:

- The property is designated Agricultural in the Official Community Plan (OCP), zoned "General Agriculture Zone (A-1)" and located within the ALR.
- The subject site is currently occupied by a residence approximately 400 metres into the lot from the frontage (184 Street).
- The property has farm assessment status.
- In 2022, a building permit application was submitted for a grid tile solar panel system with a concrete base. The application was placed on-hold, as it was determined that the solar panels conflict with the A-1 zone's minimum setback and depth requirements.
- The applicant has submitted a DVP application to reduce the maximum setback for an Agriculture and Horticulture accessory structure in the "General Agricultural (A-1) Zone" from 15 metres to 10.5 metres.
- During review of the application, City staff assessed whether a solar panel system in the ALR should be considered a residential accessory structure or a farm accessory structure.
- Prior to the meeting, City staff received an update from ALC staff indicating that the solar panel system should not be considered accessory to the farm operations. The structure and siting are not proposed to change, but the final language of the variance may differ if the structure is confirmed to be a residential accessory use.

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

- If the owner connects back into the grid, they could receive credits and excess energy.
- Size of solar panel is 185 square meters in area.
- Intent for the solar panel is utilized for residential house.



- Property would be subject to a 2000 square metre plate if the solar panels is compliant.
- There are two regulations of the farm home plate which include the zoning bylaw provisions for a 2000 square metres area for farm residential facilities and residential uses, and the provincial ALC 1000 square metre fill maximum regulations for residential uses.

The Committee provided the following comments:

- A committee member expressed the solar panels should be considered an accessory use to the residents and be independent of a farm structure.
- A committee member stated the zoning bylaw allows 2000 square meters and within it an allowance of 1000 square meters of fill as per ALC. The septic field falls within the 1000 square meter fill limit.

It was

Moved by S. Rai

Seconded by M. Schutzbank

That the Agricultural and Food Policy

Committee recommend that the General Manager of Planning and Development support the Development Variance Permit (DVP) for setback variances for a solar panel system under Development Application 7923-0281-00.

Carried

### 3. **Development Application 7923-0087-00**

Stephanie Allen, Planner

Address: 4373 – 152 Street (4355, 4373, 4375 – 152 Street)

The Planner summarized the report dated October 30, 2023, regarding Development Application No. 7923-0087-00 which proposes ALC Non-Adhering Residential Use to permit a new principal residence larger than 500 square metres, and to construct the new principal residence while occupying the existing on-site residence. The following information was highlighted:

- Request the committee to comment on constructing a new principal residence that is larger than 500 square meters and to occupy the existing residence while construction is occurring.
- The subject property is under 24 hectares.
- The property is designated "Agricultural" in the OCP, zoned A-1 and located within the ALR.
- The site currently contains a single family dwelling and accessory buildings which include a detached garage, storage, farm office, and greenhouses. Approximately 20 acres of the property is utilized for field grown blueberries and mixed vegetables.
- The applicant request approval to occupy the existing home while constructing a new 1000 square meter residence where the existing detached garage is currently located, sited within 50 meters of the east lot line.
- Once the new residence is constructed, the existing dwelling would be demolished. The applicant has provided rationale to support the proposal and will accommodate the diverse needs of their multi generational family,

six of whom work full time on the farm. Occupying the existing residential construction will allow the family to continue with their farm operations which are labor intensive and can require attention at a range of hours.

- The application will be presented at an upcoming Council meeting where Council will consider whether to forward the application to the ALC for review.

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

- ALC have a suggested general time frame for processing applications but it can vary.

The Committee provided the following comments:

- A committee member stated they don't have an issue with the proposal, particularly if six family members work full time on the farm, and supports the application.

It was

Moved by M. Schutzbank

Seconded by R. Sihota

That the Agricultural and Food Policy

Committee recommend that the General Manager of Planning and Development support the forwarding of the Non-Adhering Residential Use application to the ALC to permit a new principal residence larger than 500 square metres under Development Application 7923-0087-00.

Carried

## **D. INFORMATION ITEMS**

### **1. Avian Influenza Prevention**

Markus Kischnick, Senior Planner, City of Surrey

Senior Planner provided a brief overview of Avian Influenza Prevention.

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

- This information item came from the Fire Chief as there was an influenza outbreak in Chilliwack. This is the updated avian influenza guidelines from the province and the British Columbia Premises Identification Program.
- The City has policies regarding backyard flocks and poultry operations.

The Committee provided the following comments:

- A committee member expressed their concern on developing the backyard chicken bylaw and mentioned certain backyard flock owners within the ALR never applied for property identification where it is was a requirement.
- A committee member mentioned the avian influenza is hard to control and takes out vast amount of geese and duck per year which is billions of dollars' worth of activity lost annually in the province.

- A committee member mentioned last summer and fall in the United States of America and Canada, about 80% of the properties with backyard flocks tested positive for avian influenza.
- The solution to prevent avian influenza is to have every backyard flock acquire a property identification number before they can be registered with the City and part of the Surrey Backyard Chicken Program.
- The Ministry of Agriculture needs to be proactive and start mandating all communities in British Columbia who have backyard flocks to apply and acquire property identification similar to the City and provide information to backyard flock owners.
- A committee member mentioned most farmers are averaging more than 10% mortality rate in their flock mill and is dependent on the quality of the birds.

It was

Moved by P. Harrison

Seconded by H. Dhillon

That the Agricultural and Food Policy

Committee receive the document regarding Avian Influenza Prevention for information and look at ways to further protect the industry through BC Premise Identification.

Carried

## 2. **2024 Committee Meeting Schedule**

The Committee was requested to receive the proposed 2024 meeting schedule for information. Meetings are proposed to be held in person on the second Tuesday of each month at 6:00 p.m. No meetings are scheduled for August and December.

It was

Moved by H. Dhillon

Seconded by S. Rai

That the Agricultural and Food Policy

Committee receive the 2024 meeting schedule for information.

Carried

## E. **INTEGRITY OF THE AGRICULTURAL LAND**

- This section had no items to discuss.

## F. **NEXT MEETING**

The meeting schedule for 2024 was received for information therefore, the next meeting of the Agricultural and Food Policy Committee is scheduled for Tuesday, January 9, 2024 in Meeting Room 125 A and B at Surrey Operations Centre.

## G. **ADJOURNMENT**

The Agricultural and Food Policy Committee adjourned at 8:13 p.m.

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Jennifer Ficocelli, City Clerk

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Councillor Bose, Chairperson