

# *Agriculture and Food Security Advisory Committee Minutes*

2E - Community Room A  
City Hall  
13450 - 104 Avenue  
Surrey, B.C.  
THURSDAY, JUNE 4, 2015  
Time: 9:07 a.m.  
File: 0540-20

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**Present:**

Councillor Starchuk - Chair  
M. Bose - Vice-Chair  
D. Arnold  
H. Dhillon  
G. Hahn  
P. Harrison  
B. Sandhu  
S. VanKeulen

**Agency Representative:**

D. Geesing

**Regrets:**

B. Seed  
M. Hilmer  
J. Sandhar

**Staff Present:**

M. Kischnick, Planning & Development  
C. Stewart, Planning & Development  
R. Dubé, Engineering  
C. Bejtovic, Legislative Services

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**A. ADOPTION OF MINUTES**

1. The committee will be requested to pass a motion adopting the minutes of May 14, 2015.

It was

Moved by M. Bose

Seconded by G. Hahn

That the minutes of the Agriculture and Food Security Advisory Committee meeting held May 14, 2015 be adopted.

Carried

**B. DELEGATIONS**

1. **Stephen Godwin, Environmental Coordinator, City of Surrey Engineering Department**  
In attendance before the Committee to provide an update on the development of a Riparian Area Bylaw.  
File: 3900-01

The following comments were made:

- Watercourse Fish Classifications are broken down as follows:
  - Class A = Red - Fish bearing
  - Class A/O = Red dashed - Fish over-wintering
  - Class B = Yellow - Food/Nutrient
  - Class C = Green - Conveyance
- In 2004 the Ministry of Environment (MOE) replaced the Streamside Protection Regulation (SPR) with the Riparian Area Regulation (RAR). Local governments were required to adopt RAR procedures in land use decisions by March 31, 2006. In 2008 the UBCM, the Province and the Department of Fisheries (DFO) signed an agreement on how the regulations process would work between the *Federal Fisheries Act* and the *Provincial Fisheries Act*.

- Based on the Land Development Guidelines (LDG), the setback is from the top of the ravine bank. Any application that requested a variance from this had to go through the Environmental Review Committee to ensure the variance would comply with the *Fisheries Act*. In 2013 the DFO withdrew from the Environmental Review Committee.
- The City of Surrey is now following an interim process that requires a detailed RAR assessment. A Qualified Environmental Professional (QEP) measures stream characteristics including:
  - Bank full width
  - Delineate high water mark (1:5 year)
  - Determine stream slope
  - Determine potential vegetation type
  - Determine stream type
- The QEP must address eight measures and provide a post-development report evaluating measures and impacts to Streamside Protection and Enhancement Area (SPEA). The measures are:
  - Hazard trees
  - Wind-throw
  - Slope stability
  - Protection of trees within SPEA
  - Preventing encroachment into SPEA
  - Erosion and sediment control
  - Stormwater management
  - Floodplain concerns
- In the past, variances to the RAR setback required approval from the DFO to allow development in the setback area. Changes to the *Fisheries Act* wording have disconnected it from the RAR. Essentially no variances are allowed, and any flexibility is gone. The Province will only consider assisting variances due to "hardship".
- RAR is designed to protect fish habitat only, and fails to take in other riparian and liability considerations, such as:
  - Slope stability and erosion control
  - Floodplain / flood risk management
  - Drainage access
  - Parks and trails - public amenities
  - Hazard tree management
  - Beaver management
  - Wildlife corridors / species at risk
- Narrow riparian areas are less resilient and do not allow for natural creek movement, while wider riparian areas increase resilience to erosion. Narrow riparian areas are more susceptible to invasive species and are quickly degraded.

- Beaver dams are an issue as they can potentially raise water levels by one meter overnight, causing flooding to adjacent homes and infrastructure. Raising the water table also increases tree root-plate failures.
- In terms of wildlife movement, narrow riparian areas do not allow for interior forest habitat; the wider the wildlife corridor is, the more functional and resilient it is.
- Trails and public access are not permitted within RAR Streamside Protection and Enhancement Areas.
- RAR clearly does not manage for values and liabilities that the community needs. The City of Surrey is proposing a Riparian Area Bylaw to establish a setback methodology to allow developers to evaluate lands to determine site potential. Most other local governments in the Lower Mainland have stream setbacks that meet or exceed RAR.
- The variance process would be used only to evaluate modest realignment of setback with "net gain".
- RAR does not apply to ALR lands; ALR activities must be managed to be conducive with the *Federal Fisheries Act*. The language in the bylaw will be such that if there are changes at the Provincial level, recommendations would be to follow best management practises and guidelines. Generally, residential ALR lands are managed differently than farm ALR lands. Residential portions would require that the applicant hire a qualified environmental professional to perform an environmental assessment. Farming portions utilize the Ministry of Agriculture Fact Sheet. The water course and type of building determines what the setback will be.
- A staff steering committee was established and a consultant hired to review other local government setback policies and bylaws. The City will invite community input through a two-hour workshop on June 16 with key stakeholders from the environmental aspect as well as key developers in Surrey. One or two members from different City of Surrey committees (Agriculture and Food Security Advisory Committee, Environmental Sustainability Advisory Committee, Development Advisory Committee) will be invited to attend as well.
- Staff are hoping to present the draft Riparian Area Bylaw to Council in the Summer of 2015.

### Discussion

- Agricultural land ditches are classified as A (red) or A/O (over-winter). There is some information on roadside ditches and drainage right-of-ways; City operations would know what sensitivities to apply.

- It was noted that setbacks would apply to the home plate footprint. However, if hardship is created by the requirement to place the structure correctly, the bylaw can be modified; the variance process would be on the zoning bylaw.
- The Committee requested clarification on variances no longer being permitted in riparian areas and questioned whether that could result in sacrificing ALR land; the design of the home plate should not be sacrificed. Staff confirmed that the Province is willing to look at a variance if the existing zoning causes hardship.
- The Committee questioned whether there is a penalty system in place to deal with encroachments. Staff stated that encroachments are usually discovered through service requests. When development determines what the setback needs to be, generally lands are conveyed and become city parkland. The City has conducted audits and is dealing with each situation individually as it arises.

## C. OUTSTANDING BUSINESS

### 1. Work Plan

Each Committee member was asked to select the top three issues from the Work Plan they consider priority. Currently, the issues are:

- Review of opportunities for Incubator Farm
- Permanent Farmers Market
- Elimination of unauthorized non-farm uses within the ALR
- Increase farming of unused farm land
- Review of illegal fill deposition requirements and regulations
- Truck parking
- Regulations for accessory and seasonal farm workers' housing in the ALR
- Flavours of Surrey/Surrey Farm Tours

## D. NEW BUSINESS

### 1. Application for Boundary Adjustment to the ALR

(Daniel Sturgeon)

File: 15-0093-00

The following comments were made:

- The application is for two separate parcels of land under one owner. The proposal is to exclude and include equal amounts of land.
- Parcel #1 is zoned A-1 and is located entirely within the ALR. The site is currently being farmed for hay and forage crops and does not contain any structures. An access easement is registered over Parcel #1 to avoid direct access to 176 Street.

- Parcel #2 is south of and partially contiguous to Parcel #1. The site is zoned CD (Comprehensive Development). The eastern portion of the property within the ALR is designated agricultural; the western portion of the property is designated Suburban-Urban Reserve and is currently occupied by a privately owned and operated institutional facility. East of the creek, which divides the parcel, the property is currently farmed for hay. A single family dwelling is currently being constructed within this ALR portion, adjacent to the riparian area.
- Should this proposal be successful, the applicant intends to explore future development potential for the portion of land proposed to be excluded. Future land use is not being considered as part of this exclusion application.
- The applicant provided an agricultural impact assessment and agrologist report which concluded that the portion of land proposed to be included in the ALR is more viable for and presents a benefit to agriculture.
- The property owners are looking for additional privacy and are not supportive of future development in the lower section. They are looking at future development opportunities in the triangle to the north.

#### Discussion

- With the existence of two red-listed streams, concern was expressed about the owner's intention to develop the parcel proposing to be excluded. Staff advised that development would be dealt with through a later application.
- It was noted that Surrey's policy for exclusion is a 2 for 1 trade. This application does not meet that requirement, and that fact would be identified in the report to Council.
- The Burlington Northern Railroad (BNR) right-of-way is a defensible boundary. If AFSAC was to support this application, there could potentially be development on the parcel which is proposed to be excluded.
- The Committee stated that ownership of the properties is key. In the past, property line adjustments have been allowed in situations where there is one owner, if there is benefit to agriculture. If there is no benefit to agriculture, it does not fall within policy guidelines. Inclusion of land in the ALR is welcome anytime; exclusion of another parcel is not required.
- Densification of property could be acceptable providing there is a significant setback. Staff noted that the requirement for buffer would not change. There is not much room for development in that area and so densification would go further back; cluster housing. Staff noted that currently, the NCP calls for 4-10 units per acre (UPA).

- The Committee noted that farming a triangle is difficult and, from an agricultural point of view, there is a benefit to having a rectangular parcel. If the buffers remain exactly as they are, or the alignment doesn't have any effect on the buffers, argument is negated.
- With the ALR boundary and the 40 metre buffer, the swap is no longer the same if the neighbour loses land. When called upon for clarification, the applicant confirmed that the buffer does affect the neighbour to the south. The applicant is in discussions with the neighbour and notes that the buffer would be in non-ALR land.
- Staff noted that NCP designation is intended for single family type of development. New DP guidelines for farm protection do support increasing densities adjacent to the ALR but would require wider buffers.
- It was suggested that moving the diagonal red line (on the COSMOS) west of the streams would create the 2 for 1 compliance. Concern was expressed that the land proposed to be excluded is superior farming land than that proposed to be included. Staff requested these minutes stipulate that the 2 for 1 policy is not being proposed by the applicant in this case, as this is a 1 for 1 swap proposal.
- A member of the Committee suggested that a boundary alignment and consolidation of both lots would create a strong benefit to agriculture and may gain more to support.

It was

Moved by S. VanKeulen

Seconded by D. Arnold

That the Agriculture and Food Security

Advisory Committee recommend that the GM of Planning and Development not support application 15-0093-00, based on the 2 for 1 exclusion policy.

Carried

2. **Application to Subdivide Land within the ALR (for Biodiversity Conservation Purposes)**

(Chris Atkins)

File: 14-0011-00

The following comments were made:

- The applicant is proposing subdivision of land within the ALR to create a city-owned park for the purpose of biodiversity conservation, specifically riparian area protection.
- The area under consideration is approximately .26 hectare. The site is forested and comprises a portion of the riparian setback along a Class A watercourse.

- The site will be consolidated with adjacent park dedication areas and conveyed to the City. It will be rezoned from Golf Course Zone (CPG) to General Agriculture Zone (A-1) and will remain in the ALR.
- The City would prefer riparian protection areas to be in City ownership so as to maintain and protect these areas.

Discussion

- The Committee noted that, because of the existing red-coded stream, City ownership would be the best way to protect this land.
- Under the original proposal, there was a buffer for protection of the stream but a gap existed between that and where the creek actually is. This could be protected by maximizing how much is secured from the golf course.
- Although this sub-division would create City-owned parkland in the ALR, concern was expressed that potential would exist for the land to be sold in the future, and new owners could apply for lot line adjustment between this parcel and the golf course parcel.
- Staff advised that with the Class A red-coded creek classification, legislation would prevent any other development in this area, and that this sub/division would occur specifically under ALC regulations for biodiversity purposes.

It was Moved by S. VanKeulen  
Seconded by M. Bose  
That the Agriculture and Food Security  
 Advisory Committee recommend that the GM of Planning and Development support application 14-0011-00 to subdivide land within the ALR to create a city-owned park for the purpose of biodiversity conservation, specifically riparian area protection.

Carried

**E. ITEMS REFERRED BY COUNCIL**

**F. CORRESPONDENCE**

**G. INFORMATION ITEMS**

**H. INTEGRITY OF THE AGRICULTURE LAND**

1. The property at (location provided to staff) recently changed hands and the new owners have installed signage welcoming trucks to park on the property. This property is not on a truck route.

2. The Committee inquired as to recent activity by the SPCA at (location provided to staff). AFSAC previously was not in support of an application by the SPCA to operate from this facility; however, the application may still have been approved by Council. Staff will explore further. It was also noted that very bright lights shine from this property into the neighbour's property.
3. A Committee member notified the Bylaw Department of illegal fill being deposited at a particular property. A Bylaw Enforcement Officer attended the site and advised the operator that this activity must stop.

Discussion followed regarding who should be held accountable. Staff advised that the owners are responsible and they can be fined; the driver of the truck delivering the fill as well as the renter of the property can also be fined. In the past, court orders have been applied for removal of materials.

## I. OTHER BUSINESS

1. **AFSAC Work Plan**
  - The AFSAC Work Plan will become a standing topic on the AFSAC agenda under "Outstanding Business". C. Bejtovic will email the Work Plan to the Committee.
2. **New Coast Realty - Published Article (Attached as Appendix I)**
  - D. Geesing brought forward an article that was published by a real estate agent with "New Coast Realty" stating that agriculture land is available for development, and once administrative hurdles are overcome, there are tax benefits available and anything can be built on agriculture land.
  - D. Geesing found the article in social media and advised that the ALC has written a letter to the author of the article.
  - The Committee commented that there needs to be education around the ALC regulations, and feels that this is a misleading document with statements that should be retracted.

It was Moved by M. Bose  
 Seconded by D. Arnold  
 That the Agriculture and Food Security  
 Advisory Committee receive this article for information, with displeasure at the  
 misrepresentation of the City of Surrey, its Council, and its agriculture.

Carried

- Councillor Starchuk will discuss with the City Solicitor and possibly notify the Real Estate Board of this article.



3. **Duplexes in the ALR**

- Staff advised that a brochure/guide is currently being developed outlining the regulations pertaining to duplexes in the ALR.

4. **Environmental Sustainability Advisory Committee**

- S. VanKeulen advised that there have been two presentations to the Environmental Sustainability Advisory Committee (ESAC) by the owners/ applicants of a galvanizing plant. Motivated citizens have now taken up the cause to stop the galvanizing plant.
- There is an issue with inadequate fencing along wildlife corridors. When applications are received, it is imperative to ensure adequate fencing along agriculture property to ensure wildlife cannot access vegetable gardens.

J. **NEXT MEETING**

The next meeting of the Agriculture and Food Security Advisory Committee is scheduled for Thursday, **July 2, 2015 at 9:00 a.m. in 2E Community Room A.**

K. **ADJOURNMENT**


It was

Moved by M. Bose  
Seconded by P. Harrison  
That the Agriculture and Food Security

Advisory Committee meeting now adjourn.

Carried

The Agriculture and Food Security Advisory Committee adjourned at 11:03 a.m.

  
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Jane Sullivan, City Clerk

  
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Councillor Mike Starchuk, Chair