

Agriculture and Food Security Advisory Committee Minutes

Present:

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

Agency Representative:

D. Geesing

Staff Present:

A. Rossi, Planning & Development
C. Lumsden, Planning & Development
C. Stewart, Planning & Development
M. Kischnick, Planning & Development
R. Dube, Engineering
L. Anderson, Legislative Services

A. ADOPTION OF MINUTES

1. The committee is requested to pass a motion adopting the minutes of December 1, 2016.

It was

Moved by M. Bose

Seconded by P. Harrison

That the minutes of the Agriculture and Food Security Advisory Committee meeting held December 1, 2016 be adopted as presented.

Carried

2. **Amendment to November 3, 2016 Minutes**

A request was made to amend the Agriculture and Food Security Advisory Committee minutes of the meeting held on November 3, 2016 as follows:

Item D.2: Remove and replace the third bullet with *"Staff clarified the applicant will build the facility and a government organization will operate it."*

It was

Moved by M. Bose

Seconded by P. Harrison

That the minutes of the Agriculture and Food Security Advisory Committee meeting held on November 3, 2016, be amended as requested.

Carried

B. DELEGATIONS**C. OUTSTANDING BUSINESS****D. NEW BUSINESS****1. Non-Farm Use Application – Second Dwelling in ALR**

Adam Rossi, Planning Technician

File: 7916-0604-00

The following comments were made:

- The subject property is approximately 4.6 hectares (11.4 acres) in size and located within the Agricultural Land Reserve (ALR). It is designated Agricultural in the Official Community Plan (OCP), zoned General Agriculture Zone (A-1), and is classified as farmland under the *Assessment Act*, currently producing blueberries.
- The property contains a single family residence sited on a non-conforming residential farm home plate that is located in the south-east corner of the site. In addition, there is one tractor barn and one farm office located on approximately 0.44 hectares (1.1 acre) of fill in the north-east corner of the site. The applicants have indicated that this area is used for farm equipment storage; however the current amount of fill exceeds the Agricultural Land Commission (ALC) permitted 2% of the parcel that may be filled for farm related activities.
- The applicant is requesting a second dwelling in the south-west corner of the subject site. The dwelling will create a second residential farm home plate of approximately 0.1 hectares. The proposal increases the total farm home footprint on the lot to approximately 0.51 hectares (1.2 acres) over two non-contiguous areas.
- The subject application is proposed to be referred to the ALC to determine if there is merit in approving a second dwelling on the site. If the ALC determines there is merit, a rezoning application from A-1 to Comprehensive Development Zone (CD) (based on A-1) to permit a second dwelling for farm help would be required.
- A Development Permit for flood prone hazard lands would also be required as part of this application.

- The applicant advised there are currently three full-time and six part-time farm workers living in the existing dwelling. The second dwelling is required to accommodate other existing family members, who have other occupations, to reside at the farm and continue to contribute to and grow the farming operation in the evening and weekends. Furthermore, farming leases with the properties to the south and west have been established, for which the second dwelling will enhance the ability to farm the leased areas.

Staff reported that on November 7, 2016, Council adopted By-law No. 18874 which removed the provision for a second single family dwelling as a permitted use in Surrey's agricultural zones. The intention of the Zoning By-law amendment was to better align the permitted uses of the City's agricultural zones with the intended provision for second dwellings in the ALR as outlined in Section 18 of the *Agricultural Land Commission Act (ALC Act)*. Under Section 18 of the *ALC Act* a local government may not:

- (i) permit non-farm use of agricultural land or permit a building to be erected on the land except for farm use, or
- (ii) approve more than one residence on a parcel of land unless the additional residences are necessary for farm use.

ALC Policy #9 "Additional Residences for Farm Use" provides further interpretation of Section 18 by outlining that a local government must be provided with evidence that there is a legitimate need for an additional residence for farm help accommodation. Local government by-laws should not necessarily be the basis for making a determination about the necessity for farm help accommodation. By-laws that automatically permit a second residence on a specified size of parcel in the ALR is not an appropriate determination under the *ALC Act*. To help determine the need and evaluate the size and type of farm operation, the local government may wish to obtain advice and direction from staff of the Ministry of Agriculture and the Agricultural Land Commission. If there is any doubt with respect to need, an application under Section 20(3) of the *ALC Act* for permission for a non-farm use is required.

Discussion ensued with respect to the non-farm use application and the ALC's regulation process for secondary dwellings, noting that the ALC process was the same prior to the City's November By-law amendment as it is currently. Previously By-law No. 18874 did not draw attention to ALC requirements for second dwellings, which may have caused confusion and created miscommunication. Additional comments were as follows:

- The current zoning allows for one dwelling. Rezoning is required to allow non-farm use or residences for families that don't comply with the *ALC Act*, which the applicant has submitted.

- Farm labour requirements vary depending on the type of farm operation. It benefits some farms to have someone on site to address any emergencies as necessary. It was stated that there are family members in the first home that farm the lands. In this particular case, the request for the second dwelling is for family members who have other occupations who will be there.
- The question is whether there is a legitimate need for the second permanent dwelling to manage the existing farm operation; is there an immediate need for the farm operations that requires an additional on-site residence, or is the farm in an area where appropriate living accommodations are not available, or where a temporary mobile structure for farm help for family members is not sufficient.
- The ALC allows for certain housing for immediate family members for nine months a year. As there are already family members in the first home, they can be available throughout the winter months when the majority of farm workers are not there. The *ALC Act* is very clear what the regulations are.
- The Ministry of Agriculture Representative noted that Abbotsford requires a minimum of 16 acres of blueberry production before a second dwelling would be considered.
- To be clear, the November 7, 2016 By-law amendment permits one dwelling, however the ALC legislation does permit a mobile home for family member use that applies to the agricultural lands as well. This means a single family primary dwelling and a mobile home, or some non-permanent structure that can be moved off the site. In this case the second dwelling is being requested for family use and is not a temporary structure, it is a permanent house. In addition, the farm home plate would be larger than what is permitted.
- The type of crop may change over time, but the house will be permanent. The ALC will review the AFSAC comments when considering the ALC application. If there is justification for the farm labour, the need for a permanent structure on 11 acres has to be established.
- The amount of fill on the site should be addressed. The area filled is greater than the 2000 square meters (0.5 acre) permitted for non-farm (residential) uses and 2% of farm parcel for farm uses permitted by the City without application to the ALC. It is assumed the applicant knew about the excess fill when the land was purchased as they knew that part of the proposal was to remediate the fill at the northwest corner of the property.
- The application is to permit a non-farm use (Additional Single Family Dwelling) and to rezone the property to allow the additional permanent dwelling. There is already a house on the property, there doesn't appear to be any justification to have a second permanent dwelling. Furthermore, if the second structure was permitted, it should be placed on one farm plate rather than a separate farm residential footprint.

- In this case the applicant is applying to permit a non-farm use under the *ALC Act*, for additional family members in an additional permanent dwelling. The application will be forwarded to the ALC and if the ALC Board feels that it is necessary for farm use, and if it is justified, the City would then, and only then, consider processing a rezoning for the property.
- Staff clarified the existing principal residence is a permitted non-farm use under the *ALC Act* and under current zoning regulations. A second permanent dwelling for family members is not a permitted farm use under the ALR regulations, and would therefore require a non-farm use application and a subsequent rezoning to permit the use.
- Current ALR regulations regarding residential uses allow for:
 - One principal single family dwelling with a secondary suite, if permitted by the City zoning standards; and
 - One manufactured home, for use by a member of the owner's immediate family.
- An additional permanent or temporary residential dwelling for farm help is only to be considered if necessary for full-time, bona fide farm operations, if permitted by local government bylaws.

It was

Moved by M. Hilmer

Seconded by D. Arnold

That the Agriculture and Food Security

Advisory Committee recommends that the General Manager of Planning and Development bring forward Non-Farm Use Application No. 7916-0604-00 to Council for their consideration, in order to forward the Application to the Agricultural Land Commission (ALC) with the understanding that a non-permanent temporary or modular second dwelling only be considered in the ALR if it is in keeping with all Provincial, ALR Use, Subdivision and Procedure Regulations, ALC Policy, and Ministry of Agriculture standards for residential uses in the ALR.

Carried

with M. Bose and H. Dhillon opposed.

2. Development Permit / Development Variance Permit

Christopher Lumsden, Planning Technician

File: 7916-0607-00

Seeking AFSAC comments and input with respect to the Farm Protection Development Permit (FPDP).

The following comments were made:

- The subject property is 0.5116 hectares (1.26 acres) in size, designated Suburban-Urban Reserve in the Official Community Plan (OCP), zoned One-Acre Residential (RA), and located outside the Agricultural Land Reserve (ALR).
- The property to the east is designated Agricultural and located within the ALR, and the adjacent property currently operates as a large-scale, commercial plant nursery.
- A Class A (red-coded) stream runs through the southern and southwestern portion of the lot and the property is also encumbered by steep slopes along the southern portion adjacent to the watercourse and is located in the Hazard Land Development Permit Area (DPA) for steep slopes.
- The applicant is requesting to vary the minimum required streamside protection setback from 15 m to 5 m to allow for construction of a new single family dwelling on the property.
- A Streamside Protection Area would be established on the property for the protection of the fisheries habitat and adjacent riparian area.
- A detailed Impact Mitigation Plan and a Comprehensive Geotechnical Report demonstrated that the proposed setback reduction will not produce any significant, negative impact on the streamside protection area, or pose any significant issues with regards to slope stability on the subject property.
- As the subject property is a new single family development within 50 m of the ALR boundary, it is within the FPDP area, which requires a minimum building setback of 37.5 m from the ALR.
- As part of the FPDP process, a combined Restrictive Covenant and Right-of-Way will be registered on title requiring the installation and maintenance of an undulating or straight vegetated buffer and a 1.2 m (4 ft.) high chain link fence (with appropriate signage), to ensure that the 'no-disturbance' area is protected from access.
- Fencing is required to be installed prior to the issuance of the single family dwelling building permit, and securities will be taken and held for a minimum of five years until the buffer has been completed and trees and shrubs have taken hold and growing naturally.

- Replacement trees required on the site will be placed within the vegetative farm protection buffer, along with infill planting of small to medium size plant species to create a fuller buffer zone, to be consistent with Surrey's Farm Protection Development Permit Guidelines, and Ministry of Agriculture Tree Specimen Standards in the Development Permit, within an undulating 7.5 m to 12 m buffer that will be equivalent to a net 10 m wide buffer.
- There was discussion regarding tree and species selection in the buffer areas, to avoid any pest management issues with future agricultural crops. It was suggested that Planning staff could be provided appropriate species list by the Ministry of Agriculture, as existing species list may be out of date.
- Staff noted the road has been identified as a future arterial road. Road dedication requirements for an arterial road are 15 m from each side of the road (30 m). Currently there is 12.5 m each side (25 m), a shortage of 2.5 m each side (5 m). It should be understood that there will be a reduction of 2.5 m of the buffer if/when the arterial road is built.

It was

Moved by M. Bose

Seconded by M. Hilmer

That the Agriculture and Food Security

Advisory Committee recommend to the General Manager, Planning and Development, to support the proposed Development Permit / Development Variance Permit Application No. 7916-0607-00 with comments as noted.

Carried

3. Development Permit

Christopher Lumsden, Planning Technician

File: 7917-0007-00

Seeking AFSAC comments and input with respect to the landscape buffer and minimum building setback from the ALR boundary.

The following comments were made:

- The subject property is 0.4045 hectares (1.00 acre) in size, designated Suburban-Urban Reserve in the Official Community Plan (OCP), zoned One-Acre Residential (RA), and located outside the Agricultural Land Reserve (ALR).
- The property to the east is designated Agricultural, located within the ALR, and the properties to the north, south and west are designated Suburban-Urban Reserve and located outside the ALR.

- As the subject property is a new single family development within 50 m of the ALR boundary, it is within the Farm Protection Development Permit (FPDP) area, which requires a minimum building setback of 37.5 m from the ALR. The proposed set back is approximately 35.8 m, 1.7 m less than the required 37.5 m setback, however the proposed dwelling is located approximately 13.816 m from the eastern side lot line, which will accommodate a minimum 10 m wide vegetated buffer without negatively affecting circulation between the front and rear yards.
- Although the concept plan for the landscape buffer is not provided at this time, the applicant has been requested to place the replacement trees within the vegetative buffer, along with infill planting of appropriate native small and medium size plant species, to create a fuller/stronger buffer zone.
- The previous plan proposed the septic system in the southeast corner of the property. The applicant has been asked to relocate the proposed on-site septic system away from the landscaping buffer (eastern side lot line) and closer to the proposed driveway so that if there is any future maintenance or servicing issues related to the septic system (excavation) the landscape buffer will not be damaged or altered and required to be replaced.
- As part of the FPDP process, a Restrictive Covenant will be registered on title requiring the installation and maintenance of an undulating or straight vegetative buffer to ensure buffering of future farm noise, odours and chemical sprays.
- The vegetative buffer is required to be installed prior to the issuance of the single family dwelling building permit, and securities will be taken and held for a minimum of five years provided that the landscaped buffer has been satisfactorily completed and trees and shrubs established in a 'free-growing' stage.
- It was suggested that the guidelines for the interface for residential and agricultural landscaping may need to be updated; recent research indicates there are new hosts that have been identified over the last couple of years. The Committee queried if there was any protocol that tests the choice of landscape species compatible to farming; e.g. if there is a future change of the crop, that the new crop does not become a host for the plants selected. Staff noted the information and will recommend that the landscape architect for the project review the species selected with this in mind.
- Given the absence of a landscaping plan, the Committee expressed concern with respect to consistency regarding landscaping and buffering, noting in the case of undulating, that the total footage is the same. It was further noted that it is important to consistently state the identity of the species planted as well as those particular invasive species that will not be planted, i.e. blackberries, hawthorns, etc.

It was Moved by S. VanKeulen
Seconded by P. Harrison
That the Agriculture and Food Security
Advisory Committee recommend to the General Manager, Planning and
Development, to support the proposed Development Permit Application
No. 7917-0007-00 with comments as noted.
Carried

E. ITEMS REFERRED BY COUNCIL

F. CORRESPONDENCE

G. INFORMATION ITEMS

1. Environmental Sustainability Advisory Committee (ESAC) Update

An update from the February 1, 2017 ESAC meeting was provided, noting there were two presentations: District Energy; and Sustainability Implementation. It was further reported that representative(s) from Kinder Morgan have accepted an invitation to present to ESAC on February 22, 2017, everyone is welcome.

H. INTEGRITY OF THE AGRICULTURE LAND

- As a point of interest, it was reported that in Chilliwack there are a lot of hops being put in. Unfortunately, hops become invasive and some farms are experiencing pests from the hops invading corn hobs and spoiling crops.
- Discussion ensued with respect to the process and signage for ALR Notice of Exclusion Applications. Staff was requested to follow-up with the ALC to identify any changes to the application process and/or signage requirements and report back to the Committee in due course.

I. OTHER BUSINESS

1. 2017 Work Plan

This item was deferred to the March 2, 2017 meeting.

2. Verbal Updates

- **Post-Farm Food Safety & Traceability Program** – Information and eligibility requirements pertaining to the BC Food Safety Funding was circulated.
- **Keeping Your Flocks Healthy** (Saturday, February 18, 2017) - Information regarding this upcoming free course, for owners of small flocks of sheep or herds of goats, was circulated.
- Discussion ensued regarding the City's application process, timing and costs incurred to build additional farm production buildings. An example from past experience was given and staff reported that concerns are being addressed.
- The Chair expressed appreciation for the work that staff and the Committee are doing with respect to protecting productive farmlands, noting a rise in agricultural production from a number of years ago is indicating an upward trend.
- It was suggested that it would be ideal to have a tool developed to demonstrate the economic gross domestic product (GDP) of the agricultural industry in Surrey.

J. NEXT MEETING

The next meeting of the Agriculture and Food Security Advisory Committee will be held on Thursday, March 2, 2017, at 9:00 a.m. in 2E Community Room B.

K. ADJOURNMENT

It was

Moved by M. Bose


Seconded by M. Hilmer

That the Agriculture and Food Security

Advisory Committee meeting do now adjourn.

Carried

The Agriculture and Food Security Advisory Committee adjourned at 10:40 am.



Jane Sullivan, City Clerk



Councilor Mike Starchuk, Chair