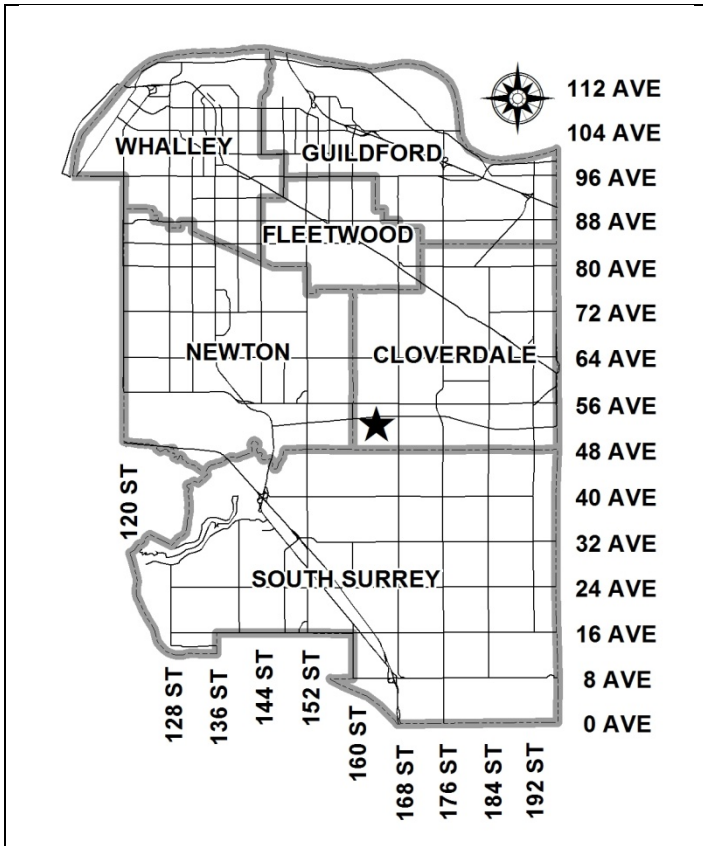


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7909-0161-00

Planning Report Date: April 8, 2013



**PROPOSAL:**

- **ALR Exclusion** under Section 30 of the ALC Act.

**LOCATION:**

Portion of 16724 - 57A Avenue;  
 16425, 16441, 16531, 16530 Old  
 McLellan Road;  
 5695 - 168 Street; and  
 16732 - 57 Avenue

**OWNER:**

Kan Lin Chou et al

**ZONING:**

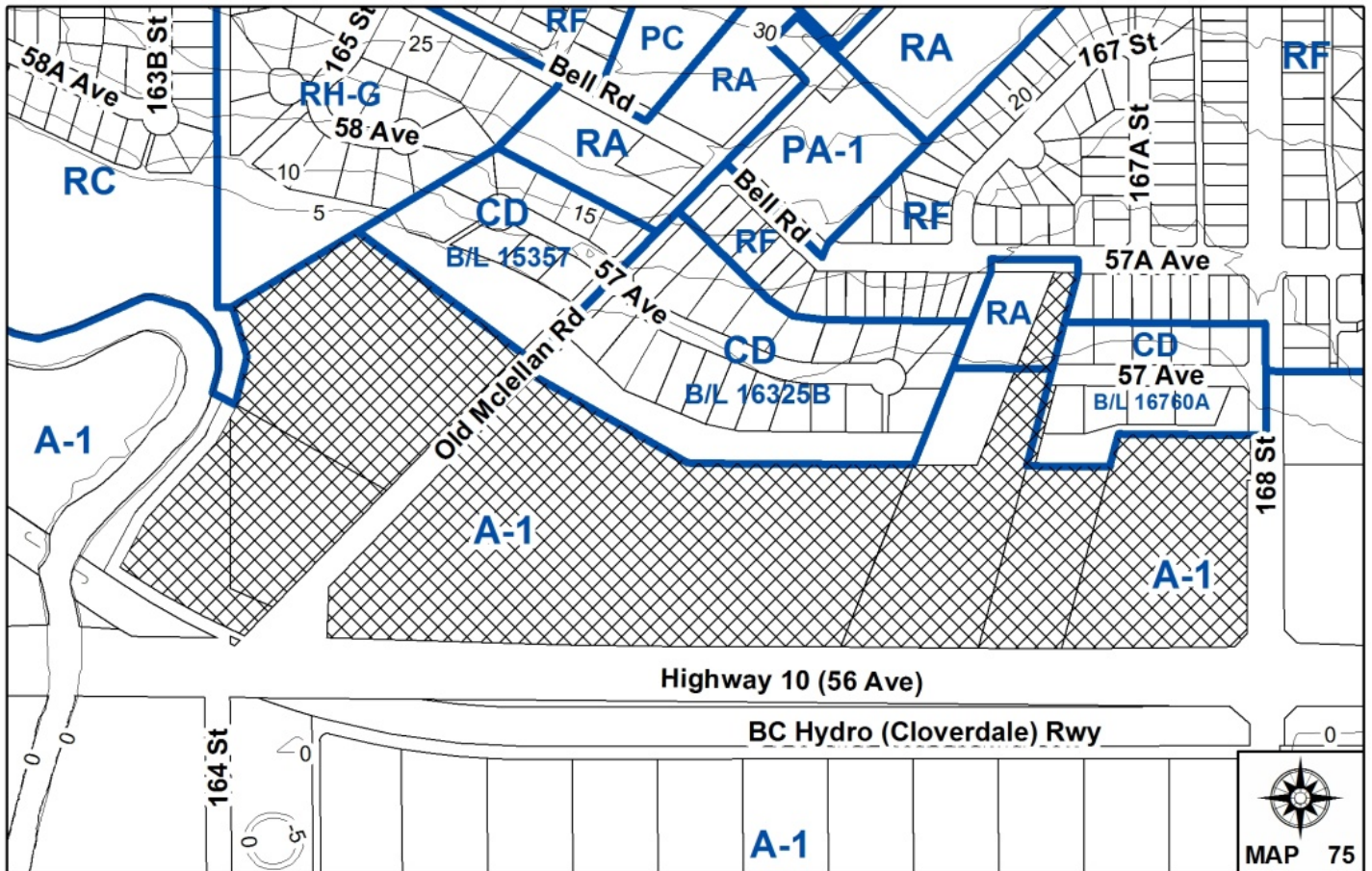
A-1

**OCP DESIGNATION:**

Agricultural

**NCP DESIGNATION:**

ALR



### RECOMMENDATION SUMMARY

- In accordance with AFSAC's recommendation, refer the application to the Agricultural Land Commission.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Proposal is not in compliance with OCP policies to maintain the integrity of the ALR and its existing boundaries, nor is it in compliance with several aspects of Council Policy No. O-51 ("Policy for Considering Applications for Exclusion of Land from the Agricultural Land Reserve").

### RATIONALE OF RECOMMENDATION

- The *Agricultural Land Commission Act* allows for any owner of land within the ALR to apply to the Agricultural Land Commission (ALC), through local government, to have their land excluded from the ALR.
- The applicant, supported by two agrologists' reports, contends that the subject site is not suitable for or capable of supporting agriculture.
- Although the application is not in compliance with OCP policies to maintain the integrity of the ALR and its existing boundaries, nor is it in compliance with several aspects of Council Policy No. O-51 ("Policy for Considering Applications for Exclusion of Land from the Agricultural Land Reserve"), the Agriculture and Food Security Advisory Committee (AFSAC) recommends that Council consider forwarding the application to the ALC.

RECOMMENDATION

The Planning & Development Department recommends that Council authorize referral of the application to the Agricultural Land Commission without comment.

REFERRALS

**Engineering:** No engineering comments are required for the ALR exclusion application. However, the Engineering Department has previously commented on the drainage issues of the site with respect to the Lowland Flood Control Strategy (Appendix F).

**Agriculture and Food Security Advisory Committee (AFSAC):** At its December 6, 2012 meeting, AFSAC recommended that Council forward this application no. 7909-0161-00 to the Agricultural Land Commission for a decision, and to receive as information the Committee's strong recommendation against the exclusion of the subject properties from the ALR.

SITE CHARACTERISTICS

**Existing Land Use:** Fallow agricultural land in the Agricultural Land Reserve (ALR), some vacant and some with existing residences.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Linear Park, Half-Acre residential lots, Acreage residential lot.	Park/Open Space and Half-Acre Cluster in the West Cloverdale South NCP, Suburban in the OCP.	RA, RH-G, CD (Bylaw Nos. 15357, 16325B & 16760A)
East (Across 168 Street):	Agricultural parcel with produce store (Farm Fresh Produce).	Park/Open Space in the West Cloverdale South NCP, Agricultural in the OCP.	A-1
South (Across Hwy No. 10):	BC Hydro Railway right-of-way, Agricultural lots, Metro Vancouver drainage pump facility.	Agricultural in the OCP.	A-1
West:	Park, Serpentine River, City-owned vacant lot (in floodplain), vacant agricultural lot, and BC Hydro Railway right-of-way.	Park/Open Space and ALR in the West Cloverdale South NCP, Suburban and Agricultural in the OCP.	RH-G, RC, A-1

## DEVELOPMENT CONSIDERATIONS

### Background and Site Context

- The subject site consists of seven (7) individually-owned parcels of land totaling 16.3 hectares (40.3 acres), located adjacent to the southeast corner, but outside, of the West Cloverdale South Neighbourhood Concept Plan (NCP) area. Five of the seven properties are less than 2 hectares (5 acres) in area.
- The site is bound by Highway No. 10 to the south, 168 Street to the east, and the Serpentine River to the west. On the uplands to the north are newly constructed single family dwellings on half-acre lots, separated from the subject site by open space including the planned Hook Greenway. Old McLellan Road bisects the western portion of the site generally from north to south.
- The site is located within the Serpentine River floodplain. A number of red-coded (fish-bearing) ditches (Class AO) are found within the site.
- Six of the included parcels are zoned "General Agriculture Zone (A-1)", with one parcel (16724 - 57A Avenue) "split-zoned" "General Agriculture Zone (A-1)" and "One-Acre Residential Zone (RA)".
- The subject site is primarily flat lowland area, with approximately 14.3 hectares (35.7 acres) of the 16.3-hectare (40.3-acre) site within the Agricultural Land Reserve (ALR) (see Appendix B). These 14.3 hectares comprise all of the A-1 zoned lands under this application. A small upland area (zoned RA) is outside the ALR and is therefore not included in the proposed ALR exclusion.
- The applicant is proposing to exclude these 14.3 hectares (35.7 acres) from the ALR (Appendix B), and is therefore requesting that Council refer the application to the Agricultural Land Commission (ALC). The applicant intends to retain the existing A-1 and RA zoning, with no changes proposed to any of the existing zoning at present.
- The lands to the west, south and east are all within the ALR.
- The applicant contends that the subject site is not currently farmable and the costs of improving its agricultural capability would be prohibitively expensive, given the following:
  - the average small size of the individually-owned properties included in the application;
  - the agricultural capability of the land, which has been negatively impacted by soil subsidence (i.e. compaction);
  - the high water table and related drainage problems;
  - the adjoining urban encroachment;
  - the cost of reclamation of the lands for agricultural purposes; and
  - the physical separation of the subject lands from other active local farming operations by a four-lane highway (Highway No. 10).

- The applicant is of the opinion that it is premature to discuss the future land use(s) for this site, should the lands be removed from the ALR, at this point in the application process. The applicant acknowledges that any future rezoning of the subject site would require a comprehensive public consultation process with the property owners and adjacent community residents to determine the most appropriate land use(s). Therefore, at the request of the applicant, yet contrary to past practices, the application for exclusion is being forwarded without any discussion on future land use(s).

### Policy Considerations

- In considering the proposal to remove the subject site from the ALR, there are a number of Provincial, Metro Vancouver and Surrey policies and regulations that are designed to protect the Province's supply of agricultural land. They are briefly described below.

#### *Agricultural Land Commission (ALC) Act*

- As noted above, the subject site is within the ALR.
- The mission of the ALC is to preserve agricultural land and to actively engage farmers and ranchers to collaboratively encourage and enable agricultural businesses throughout British Columbia.
- The ALC has the authority and mandate to review the ALR boundary from time to time to determine whether land is appropriately designated and defensible as ALR lands. Due to budget constraints, the ALC is unable to conduct these reviews on its own but, at present, will respond to applications from individual land owners to adjust the ALR boundaries on their own properties.
- As such, according to Section 30(1) of the *ALC Act*, any owner of land within the ALR may apply to the Commission to have their land excluded from the ALR. The *Act* does not specify any criteria as to under what circumstances these applications should or could occur.
- According to Section 30(4) of the *ALC Act*, a resolution of the local government is required to allow the application to proceed to the ALC for consideration where the land is currently zoned for Agricultural use and/or where an amendment to an official community plan or an official development plan is required. The subject site is zoned A-1 in Surrey Zoning By-law No. 12000 and designated Agricultural in the Official Community Plan (OCP).
- Should an application to exclude land from the ALR be referred to the ALC by local government, the ALC may do one of the following:
  - Refuse permission to have land excluded from the ALR;
  - Grant permission to have land excluded from the ALR; or
  - Permit a non-farm use or subdivision on the land.

*Metro Vancouver*

- The subject site is designated as "Agricultural" in Metro Vancouver's *Regional Growth Strategy* (RGS) and is located outside of the Urban Growth Containment Boundary. The Urban Containment Boundary is intended to establish a stable, long-term regionally defined area for urban development and to reinforce the protection of agricultural areas, among other areas, while the Agricultural designation in the RGS is intended to reinforce provincial and local objectives to protect the agricultural land base of the region.
- Amendments to the Urban Containment Boundary and the Agricultural designation of the RGS must come from the affected municipal government, and require an affirmative two-thirds weighted vote of the Metro Vancouver Board and a regional public hearing. This step would occur subsequent to a Council-authorized referral of the exclusion to ALC, and subsequent to ALC granting permission to exclude the subject site from the ALR.

*Surrey Policies on Protection of Agriculture and Agricultural Areas*

- The protection of agriculture and agricultural areas is a key objective of the City of Surrey. Surrey's Official Community Plan (OCP) contains policies that are designed "to protect farmland as a resource for agriculture, a source of heritage and as a reflection of a distinct landscape defining communities". These policies seek to maintain the integrity of the ALR and its existing boundaries. They also seek to enhance the viability of agriculture as a component of the City of Surrey's economy.
- The position of the City has, to date, been that the lands outside the ALR are sufficient to accommodate population and employment growth in the City beyond 2021.
- In addition, Council has endorsed policies regarding agricultural land uses that are to be considered in the evaluation of applications to exclude land from the ALR, including Policy No. O-51 ("Policy for Considering Applications for Exclusion of Land from the Agricultural Land Reserve") attached as Appendix H.

Review of Relevant Exclusion Criteria Identified in Policy No. O-51

- The relevant criteria as outlined in Policy No. O-51 that would support exclusion of lands from the ALR are presented in this section of the report.
- The City of Surrey recognizes that some ALR exclusion applications may be related to minor boundary adjustments that are supportable on the basis that there is a clear need to fine-tune or strengthen the ALR boundary to provide a better interface between agricultural and non-agricultural uses. Outlined below, Section 3.1 of Policy No. O-51 defines the criteria that are used as the basis for evaluating minor boundary adjustments.
- The applicant's rationale as to why this exclusion application has merit is included in each table, followed by staff's comments, which are provided in italics.

<b>Section 3.0 of Policy No. O-51</b>	
<b>Policy Statement</b>	<b>Comments and Review</b>
3.1 Minor Boundary Adjustments	Applicant's rationale:

<b>Section 3.0 of Policy No. O-51</b>	
<b>Policy Statement</b>	<b>Comments and Review</b>
<p>Minor adjustments to the boundary of the ALR will generally be supported if they satisfy all of the following criteria.</p> <ul style="list-style-type: none"> <li>• The land proposed to be excluded abuts an existing non-agricultural area and is a "sliver" of land as opposed to an entire parcel;</li> <li>• The land proposed to be excluded forms a logical extension to the existing non-agricultural area and does not constitute an intrusion into the ALR;</li> <li>• The proposed ALR boundary is clearly defined by physical or other clear features such as major roadways or topographical or other natural features so that it will not act as a precedent for the exclusion of other or adjoining parcels in the ALR;</li> <li>• Landscaping and buffering is provided along the proposed ALR boundary within the land being excluded from the ALR with sufficient dimensions to clearly separate and minimize the impacts between the adjacent agricultural and non-agricultural uses; and</li> <li>• Compensation may be required in accordance with Section 5 of Policy No. O-51.</li> </ul>	<p>The applicant suggests that the subject proposal be considered a minor boundary adjustment, as they contend that a decision to adjust the ALR boundary would be in accordance with the following criteria:</p> <ul style="list-style-type: none"> <li>• The lands to be excluded abut existing non-agricultural areas.</li> <li>• The exclusion would not substantially increase the length of the ALR boundary.</li> <li>• It would create a new, clear and defensible boundary based on major physical features, including the Serpentine River, Highway No. 10, and 168 Street.</li> <li>• These physical features create a substantial buffer between the subject lands and ALR lands beyond.</li> </ul> <p>The applicant notes that the <i>ALR &amp; Community Planning Guidelines</i> accepts roads, railroads, storm-water management facilities and other "constructed buffers" as effective in protecting agriculture and mitigating conflict with urban uses.</p> <p>In addition, the applicant argues that the subject site comprises a small portion of the approx. 4.7M hectares of the Provincial ALR lands – this application consists of 14.3 ha of ALR land, approximately 0.00005% of the Provincial total.</p> <p><i>Planning staff concur that an exclusion would create clearly defined physical boundaries as per Policy No. O-51. However, staff have determined that the exclusion would disrupt an existing, contiguous ALR boundary if it were removed from the ALR and does not meet the City's criteria of a logical extension to the existing non-agricultural area.</i></p> <p><i>Furthermore, exclusion of the 7 parcels (14.3 ha) that comprise the subject site are a significant component of Surrey's supply of ALR land and could set an undesirable precedent for other ALR lands</i></p> <p><i>Therefore, staff do not consider the proposed exclusion a minor boundary adjustment. It should be noted that staff requested that all 7 properties be included in a single application for exclusion.</i></p>

- According to Policy No. O-51, should an application for exclusion from the ALR not meet the criteria in Section 3.0 for a minor boundary adjustment, Section 4.0 outlines the criteria to be used as the basis for evaluating applications for exclusion of land from the ALR.
- The relevant criteria are provided in the following table, with rationale from the applicant (comments from staff are provided in italics).

<b>Section 4.0 of Policy No. O-51</b>	
<b>Policy Statement</b>	<b>Comments and Review</b>
<p>4.1 Soil Capability</p> <ul style="list-style-type: none"> <li>• If the land proposed for exclusion has a Soil Capability Rating of or is improvable to a Soil Capability Rating of Class 1, 2 or 3, or, in the case of farms providing for grazing, to Class 4, the exclusion application will not generally be supported.</li> <li>• A site with a Soil Capability Rating of Class 4 to 7 and which is not suitable to support the growing of crops or use by farm animals for grazing, may still lend itself to non-soil bound agricultural use, especially if it is surrounded by other agricultural uses. In such instances, exclusion will generally not be supported.</li> </ul>	<p>Applicant's rationale:</p> <p>According to the <i>Soil Survey and Agricultural Assessment</i> prepared by EvEco Consultants Ltd. (the applicant's consulting agrologist), the existing, unimproved agricultural capability rating for the site is Class 4 (Ø<sub>4</sub>WL) for 20% of the site, and Class 5 (Ø<sub>5</sub>WL) for 80% of the site, limited primarily by a high water table, acidity and the presence of well-decomposed organic surficial material that is subject to subsidence, infertility and poor perviousness.</p> <p><i>Both Class 4 and Class 5 soils have limitations that may restrict suitability for some crops (see Appendix E). For reference, Class 1 soils have the highest agricultural capability while Class 7 soils have the lowest agricultural capability.</i></p> <p>EvEco Consultants noted that improvements can increase the site's agricultural capability by one classification to Class 3 for 20% of the subject site and to Class 4 for 80%, if the ditch system is maintained and soil management techniques are utilized (e.g. the introduction of fertilizers, lime and organic-matter).</p> <p>The consultants found that the majority of the site would be suitable for soil bound agricultural production should these improvements be made. Risk of crop failure may be moderate to high, however, and the site is not considered suitable for most perennials, year-round pasture, or non-soil bound agriculture (e.g. greenhouses).</p> <p>A second consulting agrologist (From the Ground Up) has noted that soil subsidence (i.e. the compaction of land) on this site is to such an extent as to negatively impact its agricultural capability. The consultant suggests that the surface of the site may have dropped greater than 2 metres (6.5 ft.).</p> <p>Further improvement is possible only if the freeboard to the existing ground water table can be increased, which can be achieved with installation of a pump station or fill placement.</p> <p>The applicant's consulting drainage engineer (GeoCivic Consulting Ltd.) has reported that a year round high water table exists on the site and fails to meet Agri-food Regional Development Subsidiary Agreement (ARDSA) criteria for drainage, which is defined as the level of drainage required to allow for good on-farm drainage. In order to meet ARDSA criteria, GeoCivic found that it would be necessary to place a significant amount of fill over the entire site (up to 0.6 m / 2 ft.) at a significant cost.</p>



Section 4.0 of Policy No. O-51	
Policy Statement	Comments and Review
	<p><i>Staff concur that the site does not currently meet ARDSA criteria. Further to substantial drainage analysis and in conformance with the Serpentine/ Nicomekl flood control strategy, the Engineering Department recommends fill placement as the most cost-effective solution for increasing the depth between the surface and the ground table to meet ARDSA criteria. Engineering estimates nearly 170,000 m<sup>3</sup> of fill would be required to raise the site.</i></p>
<p>4.2 Proposed Use</p> <ul style="list-style-type: none"> <li>If an application for ALR exclusion is intended for uses that will result in a departure from the sustainable development principles of the OCP and will encourage speculative pressures on ALR lands, such an application will generally not be supported.</li> </ul>	<p>Applicant's rationale:</p> <p>The applicant states that the ability to farm the subject lands has become increasingly difficult over time, due to increased water table height, subsidence and the urbanization of the upland area. According to the applicant, these changes have resulted in the following constraints to the suitability of the subject site as farmland:</p> <ul style="list-style-type: none"> <li>Challenges for moving farm equipment on and around the subject site;</li> <li>Vandalism and damage to farm infrastructure;</li> <li>Damage to crops (through vandalism and flooding);</li> <li>Trespass and liability issues; and</li> <li>Complaints and conflicts concerning farm equipment noise and operation.</li> </ul> <p>These constraints have, according to the applicant, created a functionally isolated block of ALR land that is exceptional and therefore not likely to create a spike in speculative activity.</p> <p><i>The lands to the west, east and south are within the ALR. Staff have expressed concern that the exclusion of the subject site could set a precedent for additional exclusion applications on the north side of Highway No. 10.</i></p> <p><i>Members of AFSAC noted that the arguments raised by the applicant, as noted above, are not unique to this site. Many farmers successfully deal with these issues.</i></p> <p><i>Contrary to past practices and at the request of the applicant, only the application for exclusion is being presented at this time. Any future proposed zoning changes to the subject site would require a comprehensive public consultation process with the property owners and adjacent community residents to determine the most appropriate land use(s).</i></p> <p><i>Staff also note that the subject site is within the Serpentine River floodplain. The City typically does</i></p>

<b>Section 4.0 of Policy No. O-51</b>	
<b>Policy Statement</b>	<b>Comments and Review</b>
	<i>not support development of non-farm uses within the floodplain, as noted in Surrey’s Policy No. O-55 (“Policy to Regulate Development Within the Serpentine and Nicomekl River Floodplains”)</i>
<p>4.3 Alternative Site for the Proposed Use</p> <ul style="list-style-type: none"> <li>If the land proposed for exclusion from the ALR is to be zoned for a use that can be accommodated on alternative sites in the City that are not in the ALR, whether serviced or not serviced, and that are designated or potentially can be designated for the proposed use or uses, the application will generally not be supported.</li> </ul>	<p><i>At the request of the applicant, the subject application is for ALR exclusion only, with no companion rezoning application.</i></p> <p><i>The OCP states that the lands outside the ALR are sufficient to accommodate population and employment growth in the City beyond 2021.</i></p>
<p>4.4 Location of the Site</p> <ul style="list-style-type: none"> <li>If the land proposed for exclusion does not abut an existing non-agricultural area (e.g. Suburban, Urban, Commercial, Industrial or Business Park designation) and does not provide a logical and continuous extension of the existing development pattern of the adjacent non-ALR area, the application will generally not be supported.</li> <li>Where an area proposed to be excluded from the ALR is not contained within permanent well-defined boundaries (i.e., roads, topographic or other natural features, etc.) the application for exclusion will generally not be supported.</li> <li>If a site is isolated or separated from the rest of the ALR by a significant developed area or by a physical barrier and such isolation is detrimental to the economic viability of the agricultural pocket, exclusion may be considered.</li> <li>If the cost to connect the isolated pocket with the rest of the ALR, or if the cost to overcome the barrier (e.g. transportation infrastructure) is minor in comparison to the potential gain in the productivity of the lands in the agricultural pocket, then the application will generally not be supported.</li> </ul>	<p>Applicant’s rationale:</p> <p>The lands proposed for exclusion abut non-agricultural areas (parkland and residential land uses) to the north. The applicant notes, in reference to work performed for the applicant by GeoCivic Consultants and EvEco Consultants, that seasonal surface drainage and flooding from these non-agricultural lands to the north have had a detrimental impact on the subject site coupled with inadequate drainage infrastructure.</p> <p>In addition, the area proposed to be excluded is clearly defined, and separated from surrounding ALR lands, by the following features, which would make it, in the applicant’s view, a logical parcel to be excluded from the ALR:</p> <ul style="list-style-type: none"> <li>North: Escarpment/parkland/single family residential;</li> <li>East: 168 Street;</li> <li>South: Highway No. 10; and</li> <li>West: Serpentine River and parkland.</li> </ul> <p><i>Staff concur that an exclusion would create clearly defined physical boundaries. However, the exclusion would disrupt an existing, contiguous ALR boundary and does not meet the City’s criteria of a logical extension to the existing non-agricultural area.</i></p> <p><i>No adjacent ALR lands would be isolated from the rest of the ALR should the subject site be excluded.</i></p> <p>The applicant states that the site also has significant transportation barriers. Access to the lands from Highway No. 10 is restricted by the Ministry of Transportation and Infrastructure (MOTI). Individual access from Highway No. 10 to the existing, privately owned parcels will not be permitted.</p>

<b>Section 4.0 of Policy No. O-51</b>	
<b>Policy Statement</b>	<b>Comments and Review</b>
	<p>Presently, access for portions of the site is via Old McLellan Road, through the adjacent residential neighbourhood. While a detailed design has not been completed, access to the remaining subject properties would likely come from 168 Street. Access, however, proves challenging unless the parcels are consolidated or access easements are in place. The costs that would be borne by the land owners to satisfy this requirement, as for the other requirements, are manageable only if these lands are excluded from the ALR.</p> <p><i>Staff concur that access proves challenging at present. However, the applicant rightly points out that access could be improved dramatically if the parcels were to be consolidated as one agricultural parcel, or access easements were in place.</i></p> <p><i>Staff also note that other ALR parcels are currently farmed throughout the City that have limited highway access.</i></p>
<p>4.5 Roads and Services</p> <ul style="list-style-type: none"> <li>If the area proposed for exclusion from the ALR does not have primary vehicular access from an abutting arterial street or provincial road or requires the extension of engineering services on a local agricultural road, the application will generally not be supported.</li> </ul>	<p>Applicant's rationale:</p> <p>The subject site abuts both Highway No. 10 (limited access arterial) and 168 Street (arterial). The applicant states that, through preliminary discussions with MOTI, limited access may be acceptable in the future to a single, consolidated parcel. The applicant advises that the subject site is fully serviced.</p> <p><i>Access to the subject site is available from 168 Street. However, the parcels are individually owned, and would therefore require consolidation or access easements.</i></p> <p><i>Staff note that the site is not serviced by a sanitary sewer system and is outside of the Greater Vancouver Sewerage &amp; Drainage District Metro Fraser Sewer Area. Approval for inclusion in the GVS &amp; DD would be required from Metro Vancouver to extend services to this area. A pumped sewer connection would be required at this location.</i></p>
<p>4.6 Interface Buffering</p> <ul style="list-style-type: none"> <li>The OCP requires landscaping buffers along the boundary between the ALR and adjacent non-agricultural land uses.</li> <li>Landscaping along the proposed ALR boundary on the land proposed to be excluded is to be provided with sufficient dimensions to clearly</li> </ul>	<p>Applicant's rationale:</p> <p>The applicant states that the subject lands, should they be excluded from the ALR, will be buffered from the adjacent ALR lands by Highway No. 10 to the south, the Serpentine River to the west, and 168 Street to the east.</p> <p><i>Buffering requirements would be considered at a future stage, should Council refer the application to the ALC, and should the ALC allow the subject site to be excluded from the ALR.</i></p>

Section 4.0 of Policy No. O-51	
Policy Statement	Comments and Review
<p>separate and minimize impacts between agricultural and non-agricultural uses.</p> <ul style="list-style-type: none"> <li>In general, applications for exclusion will not be supported unless the landscaping and other buffering features fully meet or exceed the buffering requirements set out in the OCP.</li> </ul>	
<p>4.7 Impacts on Adjacent Agricultural Activities</p> <ul style="list-style-type: none"> <li>Unless the impact upon the areas adjacent to the lands proposed to be excluded is fully mitigated, the application will generally not be supported.</li> </ul>	<p>Applicant's rationale:</p> <p>The applicant notes that Policy No. O-51 and current ALC guidelines recognize that "clearly defined physical boundaries" of the type that would be created at this location through exclusion should mitigate any impact on adjacent agricultural lands. These include a greenway, major highway, arterial roadway, railroad, stormwater management facilities and the Serpentine River. See Appendix G for an excerpt from <i>ALR &amp; Community Planning Guidelines</i>.</p> <p>The applicant has received letters of support from all farm landowners adjacent to the site, and acknowledgement of the net benefit to them (due to the related drainage improvements) if the site was allowed to be excluded from the ALR and site improvements that would benefit a non-farm use were allowed to proceed. These improvements would include the placement of fill and the construction of a pumping station to reduce the severity of periodic flood events (according to Kerr Wood Leidel, consultant for the applicant) and reduce the impact of these events on properties south of Highway No. 10.</p> <p><i>See the table referencing Section 5.0 below regarding the issue of compensation for lands excluded from the ALR. Any further mitigation measures would be considered at a future stage, should Council refer the application to the ALC, and should the ALC allow the subject site to be excluded from the ALR. The Engineering Department has reviewed a drainage study provided by the applicant but has requested further analysis to properly evaluate the benefits and impacts of the proposed mitigation measures. Additional drainage analysis will be required through a rezoning process.</i></p>

- As outlined in Policy No. O-51, subject to satisfying the criteria contained in Section 4.0 above, an application for exclusion of land from the ALR must also demonstrate that compensation will be provided that is satisfactory to Council and to the ALC. The compensation to be provided is intended to ensure that the overall productive capability of Surrey’s ALR lands will be retained. The compensation requirements are detailed in the following table, with comments from the applicant and staff.

<b>Section 5.0 of Policy No. O-51- Compensation</b>	
<b>Policy Statement</b>	<b>Comments and Review</b>
<p>5.1 The inclusion of land into the ALR at no cost to the City and coincidentally with the exclusion from the ALR, with an area that is at least twice as large as the area of land being excluded.</p> <p>5.2 The lands being included in the ALR must:</p> <ol style="list-style-type: none"> <li>be within the City of Surrey;</li> <li>be designated Agricultural or Suburban in the OCP;</li> <li>abut the existing ALR boundary;</li> <li>provide a logical extension to the ALR;</li> <li>be zoned or supportable to be rezoned to an appropriate Agricultural Zone as specified in the Surrey Zoning By-law;</li> <li>either be consolidated with existing lots in the ALR or form new lots within the ALR, provided that the new or consolidated lots have a minimum area of 5 hectares (12.4 acres); and</li> <li>be rated with a Soil Capability Rating equal to or exceeding that of the improvable soil capability rating of the site proposed for exclusion.</li> </ol> <p>5.3 Where a 2 to 1 ratio is not achievable, the inclusion of non-ALR land in the ALR may be reduced to as low as a 1 to 1 ratio if the land included in the ALR is supplemented by other means to mitigate the impact of the exclusion and to increase the agricultural capability of land remaining within the ALR. These means may include, but are not limited to:</p> <ol style="list-style-type: none"> <li>infrastructure works to improve drainage and irrigation;</li> <li>consolidation of parcels and the creation of more rationally sized and configured farm parcels or units;</li> <li>increased utilization of land through cancellation of rights-of-way, utility corridors or home sites;</li> </ol>	<p><i>At present, the applicant has indicated that they are not proposing to provide any land as compensation for the lands proposed to be excluded from the ALR. The applicant is proposing that the downstream drainage improvements that would result from placing fill and constructing a pump station on the subject site is sufficient and adequate compensation.</i></p> <p>Applicant’s rationale:</p> <p>Consulting engineering firm Kerr Wood Leidal (KWL) completed the Storm Drainage Master Plan for the City, prepared a net-benefit analysis for the applicant, and calculated that the drainage improvements that would be completed as part of any major land use and development plan would benefit drainage for approximately 170 hectares (420 acres) of adjacent farmland south of Highway No. 10, and would also benefit an additional 26.4 hectares (65 acres) of the adjacent upland residential and parkland areas.</p> <p>The applicant argues that these improvements meet the spirit and intent of compensation for land. The applicant has also indicated that they are willing to enter into discussions with the City to identify appropriate land compensation, if necessary.</p> <p>Based on an assessment prepared by KWL, the applicant proposes site improvements for an unspecified non-farm use that would include the placement of fill and the construction of a pumping station to divert water from the Highway No. 10 north ditch to the Serpentine River to reduce the severity of periodic flood events and their impact south on properties south of Highway No. 10.</p> <p><i>Policy No. O-51 clearly states that land is to be provided for compensation for lands excluded from the ALR. The objective is to achieve compensation at a ratio of 2:1, however exceptions apply. As noted in Section 5.3(a), improved drainage is acceptable as partial compensation, provided compensation with land is provided at a minimum ratio of 1:1. As land is currently not proposed as part of any compensation, the subject application is not in compliance with Policy No. O-51.</i></p>

Section 5.0 of Policy No. O-51- Compensation	
Policy Statement	Comments and Review
d. improvements to utilities such as potable water supply, etc.; and e. improvement to farm access.  5.4 ALC's agreement with the exclusion and proposed compensation calculations.	<i>The ALC must also accept any proposed compensation. The Engineering Department has reviewed a drainage study provided by the applicant but has requested further analysis to properly evaluate the benefits and impacts of the proposed mitigation measures.</i>

### PRE-NOTIFICATION

Pre-notification is not required by the City for ALR exclusion applications. ALC regulations require the applicant to provide neighbouring property owners with notification of the exclusion application, which was provided through signage and newspaper notices in 2007 and 2008. During that pre-notification period required by ALC, staff received one written comment and one phone call, both against the exclusion application.

Over the course of the application, Planning staff have received significant correspondence from the community with respect to this application, including a petition. The overwhelming majority of this response has been opposed to the proposal and request that the subject lands remain in the ALR. It should be noted that the application at one time included an ALR exclusion and rezoning to Business Park Zone (IB). However subsequently, the applicant decided not to proceed with the rezoning portion of the application and to proceed with the ALR exclusion application only.

To date, on the combined ALR and Rezoning application, staff have received the following:

- Two (2) petitions:
  - One (1) petition in opposition, representing approximately eighty-six (86) households; and
  - One (1) petition in support, representing six (6) individuals, who collectively own twelve (12) properties in the area.
- Twenty-nine (29) phone calls:
  - Twenty-three (22) were opposed outright;
  - Two (2) supportive;
  - One (1) supportive, if the local road network was improved; and
  - Three (3) requesting information.
- Thirty-one (31) letters and e-mails:
  - Thirty (30) opposed; and
  - One (1) in support.

Again, the comments above were in response to the combined ALR exclusion and Rezoning application, while the current application is now considering only the ALR exclusion.

## PROJECT EVALUATION AND DISCUSSION

- As noted previously, the applicant is seeking to exclude 14.3 hectares (35.7 acres) from the ALR, and is therefore requesting that Council refer the application to the Agricultural Land Commission (ALC). The applicant intends to retain the existing A-1 and RA zoning for the present time.
- Similar to the ALC, the City of Surrey recognizes the value of preserving agricultural lands. Surrey's Official Community Plan (OCP) contains policies to protect farmland as a resource for agriculture, a source of heritage and distinct landscape defining communities. These policies seek to maintain the integrity of the ALR and its existing boundaries. They also seek to enhance the viability of agriculture as a component of the City of Surrey's economy.
- Council has adopted Policy No. O-51 ("Policy for Considering Applications for Exclusion of Land from the Agricultural Land Reserve"), which provides criteria by which to evaluate applications to exclude land from the ALR.
- It is the position of staff that the current application is unable to satisfy all of the criteria as outlined in Policy No. O-51 that would support exclusion of the subject site from the ALR. The proposal also does not comply with the specific objectives outlined in the OCP for the preservation of farmland.
- The applicant's position, supported by their agrologists reports, is that the subject site is neither suitable nor capable of being farmed. As previously noted, the applicant contends that the subject site is not currently farmable for the following reasons:
  - the average small size of the properties included in the application;
  - the agricultural capability of the land, which has been negatively impacted by soil subsidence (i.e., compaction);
  - the high water table and related drainage problems;
  - the adjoining urban encroachment;
  - the cost of reclamation of the lands for agricultural purposes; and
  - the physical separation of the subject lands from other active local farming operations by a four-lane highway (Highway No. 10).
- As a result, the applicant's position is that the costs of improving the agricultural capability of the subject land would be prohibitively expensive, and that it is unrealistic to expect that this land can and will be farmed in the future. In its present state, it is acknowledged that the subject site has significant challenges that need to be overcome in order to accommodate farming.
- Without a discussion regarding the potential future land use of the subject site, it is impossible to discuss the relative merits of the exclusion with respect to the City's objectives for economic development. Amending the designation of the subject lands to allow for a different land use than currently permitted under the OCP is a major policy issue that requires significant public consultation.

- Staff have previously noted concerns with respect to the setting of a precedent with the exclusion from the ALR of the subject site. The City has many kilometres of interface between agricultural and non-agricultural uses, and the concern is that it may be difficult to prevent the submission of further applications to exclude lands from the ALR if the applicant is successful in this exclusion application.
- From the perspective of the applicant, however, the characteristics of the subject site offer a clear rationale for supporting the exclusion application, due to its separation from surrounding ALR lands, the high water table, subsidence (compaction) of the land and the development of the adjacent upland area. These conditions, according to the applicant, have created a functionally isolated block of ALR land that is exceptional and therefore not likely to create a significant precedent or spike in speculative activity in other areas of the City.
- The applicant argues that the ALC is structured and best-suited to accurately and objectively assess the merits of exclusion applications, with staff trained to determine the suitability and capability of lands for agricultural purposes.
- The applicant has expressed concern that this application has not been forwarded to the ALC for review in a timely manner, and without sufficient regard for due process under the *ALC Act*. City staff became aware in December of 2012 that under Section 21(2) of the *ALC Act*, an exclusion application is to be forwarded to the ALC within sixty (60) days of the receipt of the application, should Council authorize the referral. This concern was reiterated by the ALC representative to the Agriculture and Food Security Advisory Committee (AFSAC). The Ministry of Agriculture representative to AFSAC also indicated support for forwarding the application to the ALC in a timely manner as per the requirements of the *ALC Act*. Staff acknowledge that this application, due to the complexity of issues surrounding it, has progressed slowly through the review process.
- When considered at the December 6, 2012 meeting, the Agriculture and Food Security Advisory Committee (AFSAC), although strongly opposed to the proposed exclusion, recommended the application be forwarded to the Agricultural Land Commission.
- It appears that the reason that the owners of the subject land are seeking to exclude the lands from the ALR is to increase the value of the land for development purposes as a means to justify the expense that will need to be incurred in filling the land to allow for its development. Such filling is not justifiable based on the returns that the land would generate if it were to be used for agricultural purposes. However, if the objective is to develop the land, a land use planning process would need to be undertaken, including significant public consultation. The owners of the residences immediately to the north of the land in the West Cloverdale NCP area bought their properties on the understanding that the subject land would be farmland indefinitely and would likely have concerns with any proposed change in the use of the land. No land use planning process has been undertaken to date nor has any public consultation been undertaken related to the current ALR exclusion application.



### OPTIONAL COURSES OF ACTION

The following is a summary of the optional courses of action for consideration, and the benefits and concerns of each approach.

#### Option A: Refer the Application to the Agricultural Land Commission Without Comment

*Pros:*

- The ALC is tasked with upholding the integrity of the provincial agricultural land base, has the expertise to assess the merits of exclusion applications, and determine the suitability and capability of lands for agricultural purposes.
- There are extenuating circumstances, related to the supposed costs of rehabilitating the site for agriculture that, according to the applicant, make this a unique type of exclusion application. City staff do not have the expertise to determine the agricultural suitability and capability of land.

*Cons*

- There is the potential of setting a precedent that would generate future applications to exclude land from the ALR.

#### Option B: Deny the Application

*Pros:*

- Denying the application would be consistent with the City's policies relative to the protection of farmland as a resource for agriculture, a source of heritage and distinct landscape defining communities.

*Cons*

- The status of the subject site would not change, which for the foreseeable future is not farmable without significant investment. The owners of the subject site would continue to have limited options for using the land.

### CONCLUSION

- The Planning & Development Department recommends Option A, which is to refer the application to the Agricultural Land Commission without comment.
- If Council is of the view that the relative merits of the application are not sufficient to allow the application to proceed, the application should be denied (Option B) and staff will close the application.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix A.	Lot Owners, Action Summary and Project Data Sheets and Survey Plan
Appendix B.	Location Plan, Lands Proposed for Exclusion from ALR
Appendix C.	Agriculture and Food Security Advisory Committee Minutes
Appendix D.	Memo to Agriculture and Food Security Advisory Committee
Appendix E.	Agricultural Capability Descriptions
Appendix F.	Land Development Engineering Summary, Lowland Drainage Study
Appendix G.	ALR & Community Planning Guidelines
Appendix H.	Policy No. O-51 (“Policy for Considering Applications for Exclusion of Land from the Agricultural Land Reserve”)

*original signed by Judith Robertson*

Jean Lamontagne  
General Manager  
Planning and Development

CA/da

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Information for City Clerk

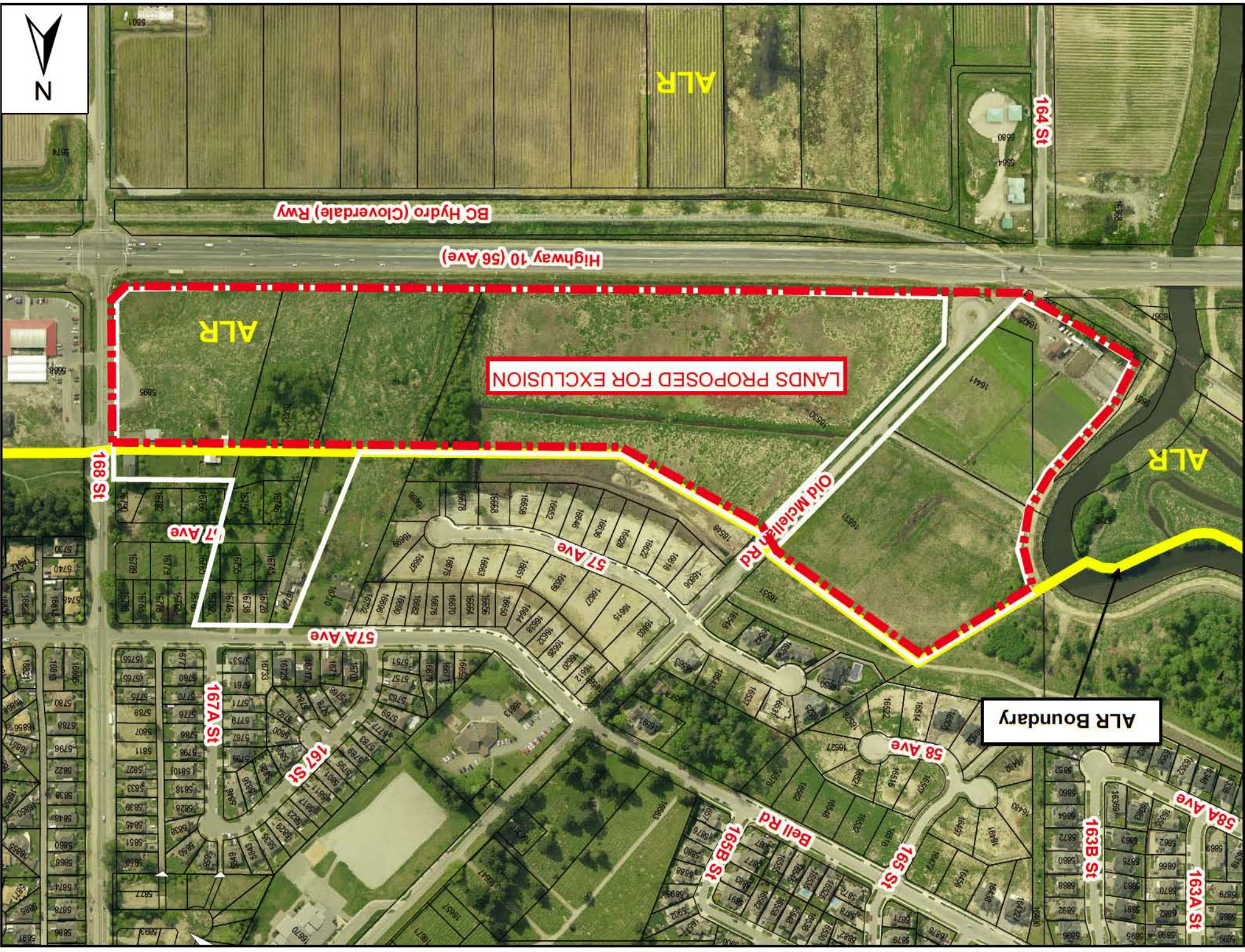
## Legal Description and Owners of all lots that form part of the application:

1. (a) Agent:      Name:                      New East Consulting Services Ltd.  
    Address:                      12877 - 76 Avenue, Suite 203  
    Surrey BC V3W 1E6  
    Tel:                                      604-591-1915
  
2.      Properties involved in the Application
  - (a)      Civic Addresses:                      Portion of 16724 - 57A Ave  
    16425 - Old McLellan Road  
    16441 - Old McLellan Road  
    5695 - 168 Street  
    16531 - Old McLellan Road  
    16530 - Old McLellan Road  
    16732 - 57 Avenue
  
  - (b)      Civic Address:                      Portion of 16724 - 57A Avenue  
    Owner:                                      Christine A Burbank  
    Trent K Burbank  
    PID:    007-435-967  
    Lot 4 Except: Firstly; Parcel "A" (Explanatory Plan 15035), Secondly; Part New Westminster District Plan 1752
  
  - (c)      Civic Address:                      16425 - Old McLellan Road  
    Owner:                                      Oi C Chow  
    Kan L Chou  
    PID:    005-237-823  
    Lot "A" Section 12 Township 2 New Westminster District Plan 72894
  
  - (d)      Civic Address:                      16441 - Old McLellan Road  
    Owner:                                      Oi C Chow  
    Kan L Chou  
    PID:    003-462-676  
    Parcel "AA" (Reference Plan 4459) of that Portion Marked "Reserve" on Plan 1752 South East Quarter Section 12 Township 2 Except: Firstly; Two Parts Shown on Plan with Bylaw Filed 29868, Secondly; Part Subdivided by Plan 72894, New Westminster District
  
  - (e)      Civic Address:                      5695 - 168 Street  
    Owner:                                      Petro Canada  
    PID:    000-651-311  
    Lot D Section 12 Township 2 New Westminster District Plan 19493  
    Except: Firstly; Parcel One (Bylaw Plan 68336)  
    Secondly; Part Dedicated Road on Plan BCP13323  
    Thirdly; Part Dedicated Road on Plan BCP35251

- (f) Civic Address: 16531 - Old McLellan Road  
Owner: Surinder Dhillon  
PID: 026-402-963  
Lot 10 Section 12 Township 2 New Westminster District Plan BCP19521
  
- (g) Civic Address: 16530 - Old McLellan Road  
Owner: 0757591 BC Ltd (Inc No Bco757591)  
Director Information:  
Fred Scales  
  
Officer Information as at May 12, 2012:  
Fred Scales (President, Secretary)  
PID: 026-695-065  
Lot 1 Section 12 Township 2 New Westminster District Plan BCP24152
  
- (h) Civic Address: 16732 - 57 Avenue  
Owner: New Urban Investments Ltd.  
PID: 028-010-574  
Lot 19 Section 12 Township 2 New Westminster District Plan BCP42084

3. Summary of Actions for City Clerk's Office





LANDS PROPOSED FOR EXCLUSION

ALR Boundary

ALR

ALR

ALR

BC Hydro (Cloverdale) Rwy

Highway 10 (56 Ave)

164 St

168 St

167 Ave

57 Ave

Old McEllen Rd

57A Ave

58 Ave

167A St

167 St

165 St

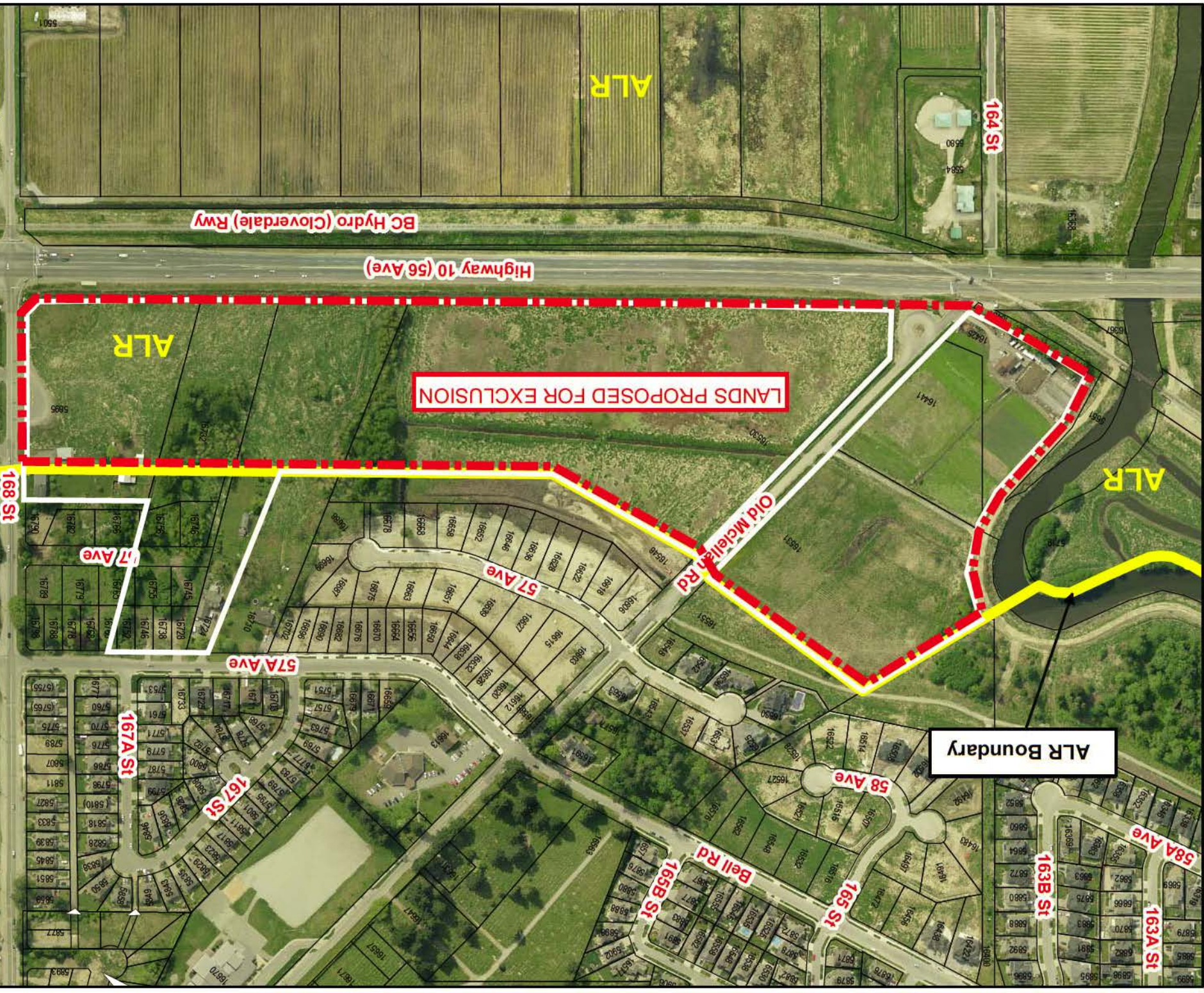
165B St

163B St

163A St

58A Ave

Bell Rd







# Agriculture and Food Security Advisory Committee Minutes

Parks' Boardroom #1  
City Hall  
14245 - 56 Avenue  
Surrey, B.C.  
THURSDAY, DECEMBER 6, 2012  
Time: 9:01 a.m.  
File: 0540-20

**Present:**

Chairperson - Councillor Hepner  
M. Bose – Vice Chair  
D. Arnold  
P. Harrison  
M. Hilmer  
J. Sandhar  
K. Thiara  
S. VanKeulen

**Regrets:**

B. Sandhu

**Guest Observers:**

G. Rice  
F. Scales

**Environmental Advisory****Committee Representative:**

B. Stewart

**Staff Present:**

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

**Agency Representatives:**

K. Zimmerman, Ministry of Agriculture  
T. Pellett, Agricultural Land Commission

## C. OUTSTANDING BUSINESS

1. **Proposal to Exclude Land from the ALR**  
5695 168 Street, 16425, 16441, 16530 and 16531 Old McLellan Road, a portion of 16724 - 57A Avenue and a portion of 16732 - 57 Avenue  
File No.: 7909-0161-00

Christopher Atkins, Planner, was in attendance to review the memo from Judith Robertson, Manager, Area Planning and Development, North Division, dated November 29, 2012, regarding the above subject line. A brief background of the application was provided, the extensive documentation (as provided by the applicant) was noted and additional comments were as follows:

- The application consists of seven individually-owned parcels of land totalling 16.3 hectares (40.3 acres), of which approximately 14.3 hectares (35.7 acres) is within the Agricultural Land Reserve (ALR), and comprises all of the A-1 zoned lands under this application. The applicant is proposing to exclude these 14.3 hectares (35.7 acres) from the ALR. Five of the seven properties are under two hectares (five acres) in size.
- The applicant requests that the Committee consider the merits of this exclusion in isolation of any proposed future land use (which will be dealt with at a later date through the public consultation process).
- The site is proposed to remain zoned A-1 upon the determination of the site's suitability as agricultural lands.
- The applicant, accompanied by professional consultants engaged by the landowners, previously appeared as a delegation before the Committee on March 8, 2011 (copies of the Minutes of that meeting were circulated). At that time, members of the Committee posed a number of questions to staff, particularly regarding the need for a lowland drainage study for the lands under this application. Staff completed this review and issued a letter, prepared by Land Development Engineering, which summarizes the findings of the lowland drainage study (included with the Agenda materials for this item as Appendix III).
- The City's OCP identifies the importance of preserving agricultural lands within the City and discourages their conversion to alternate uses. However, the *ALC Act*



includes a review mechanism to assess land that may not be capable or suitable for agriculture and therefore may be incorrectly designated as ALR land, and is the rationale for the proposed ALR exclusion.

- The intention of the Planning and Development Department is to go forward to Council, likely in January 2013, with a report regarding the subject exclusion application with the option that they refer the exclusion application to the ALC for their consideration. Comments from the Committee to be included in the staff report to Council are being sought.

ALC representative, T. Pellet, noted the following:

- Of concern is the process. This application was submitted roughly four years ago. The *ALC Act* and regulation provides a very limited amount of time to decide to send forward or not. The owners had put signs up, provided the required notification, etc., all of which has long since expired. The ALC accepts that while the Committee is an advisory committee the process may take a little longer, but when it goes beyond one year, the owner has to do all the notification all over again. As for the question of what the land will be used for, if the ALC receives the application (with or without a recommendation from the local government), the ALC will decide whether it belongs in the ALR or not then the local government can look at what the land use could be.
- ALC staff believe this application should go forward to the ALC simply because of the process, with or without a recommendation, although it is the ALC's preference to receive a recommendation from Council and comments from the Committee.

The Committee commented as follows:

- The applicant can choose to do the notification, regardless of the motion, at the end of the day it is Council that has to refer the application to the ALC.
- It doesn't matter if the application comes before the Committee or not, the applicant can proceed with advertising and the application can be forwarded to Council, however Council prefers to receive comments from the Committee first.
- The four year delay was not the fault of this Committee; the application was on our agenda a number of times and withdrawn by the applicant.
- K. Zimmerman, Ministry of Agriculture, provided the following comments:
  - Given the change in the Committee's membership since the application was first brought forward to the Committee, it is really unusual to not have all of the supporting documentation for review of this application. In particular, the 10 background studies/documents listed on page 30 of the agenda, as provided at the March 8, 2011 meeting (excepting #10, which is a new document that has never been seen before), are not available for this meeting as they were returned to the applicant as requested. As such, any historical discussion is limited to the information that has been provided for this meeting.
  - The applicant makes several references to the potential for conflicts with neighbours due to noise and odour problems as rationales for the application (see page 43 point 5, page 44 first paragraph and page 45 point 6).
    - Those were actually "Ban the Cannons" protests against the blueberry farm to the south of Highway 10 (noise, not odour). The neighbours launched a formal Farm Industry Review Board (FIRB) complaint – the panel concluded that cannons could be used, but the farmer needed to follow a



- bird management plan and have someone monitor bird activities in the field.
- The bottom line is that farm activities must be accommodated adjacent to urban development as long as farmers are following normal farming practice standards and setbacks and vegetative buffering are used on the urban side.
  - o Soil and soil capability (soils map and consultant's report circulated). EvEco – due diligence to explain the results, any assumptions and limitations:
    - First limitation – soil pits dug in November 2008, “following a period of heavy, prolonged rainfall” (page 4).
    - Despite all the impediments, the site is suitable for shallow-rooted annual vegetables, cereals, cole crops and annual forage.
    - Risk of crop failure may be moderate to high – soil pits in November after a heavy rain – not the wording on page 33 “would remain moderate to high” (the agrologist has not seen the land during regular growing season).
    - Non-soil bound agriculture would require fill for construction purposes (like the poultry barns identified on the map circulated).
    - Not the wording on page 33 “the site is deemed unsuitable for ... non-soil bound agriculture”.
    - The adjoining landowners, who signed the petition in support of this application, farm on the same type of soils (red dotted areas noted on the map circulated).
  - o Farming on Old McLellan Road (top of page 45) – compare to COSMOS photos from April 2012 to previous seven years (historical images shown) – according to COSMOS information report, the property is assessed as a farm. The “documentation” referred to was a one page, handwritten note which appears to be dated January 2009. There actually is farming occurring on this property (a fair amount of cultivation over the years, with added farming techniques shown which support looking after farming).
  - o Why were the 1:1 and 2:1 compensation policies left out of the table on page 35?
  - o The applicant talks about the cost of bringing in the fill. The Richmond AAC recently had a fill application to fill 30 acres, with the applicant showing revenue for tipping fees (30 acres, 1 m., yielding \$450,000 revenue). The potential tipping fee revenue opportunity for this application should be noted to offset the costs also reported.
  - o The 4.4 acre bog/swamp in Appendix V (page 49) map doesn't define how the bog/swamp area was surveyed or the methodology used (agrologist not noted). In one area, the bog area is actually a ditch the farmers use to drain the fields.

*Committee comment:* This is an important point because if drainage is an issue the understanding is that the City Engineering Department would deal with this.

*Engineering staff response:* This is one of the last cells to deal with as part of the City's Lowland flood control strategy. This cell is affected by conflicts with the GVS&DD sanitary main south of Highway 10. The City would prefer not installing a siphon under this main therefore the current strategy would be to fill the site to meet ARDSA criteria. The strategy for the lowland project was to pump approximately 95% of the low lands. The cost of pumping the last 5% would be too high mostly due to construction of excessively deep ditches. The



strategy supported by the ALC was that the City would pump as much as possible and fill the small remaining portion to meet ARDSA criteria. The applicant would do it, the City would support. There have been times where ALC have come back and said the land would be better not filled; specifically when soils are peat and currently being farmed successfully.

- Page 34, section 4.4, drainage from northern developments is impacting the site – Engineering staff disagree. . Substantial portion of uplands drainage has been diverted directly to the rivers. Overall the City has spent over \$40 million to improve drainage in the lowlands which are at sea level. Without dykes and pumps these lands would be severely impacted by tidal and rain event floods.
- Page 35, section 4.7 (last bullet) and section 5.3, both referred to a net benefit analysis prepared by an agrologist, of drainage improvements to neighbouring farms versus page 39, letter, dated May 25, 2012, from R. Dube, Development Services Manager, the “KWL technical memorandum are not consistent with Surrey’s Serpentine – Nicomekl strategic plan for lowland flood control.”

*Engineering staff response:* The City did respond that there still needs to be a more detailed analysis done to evaluate the benefits noted and how any proposed strategy meets current guidelines. Again it is a question of asking the applicant to do more work at this stage. These analyses are relatively expensive and the applicant will likely want to know if there is any hope in the project before spending more money.

The Committee’s comments continued:

- The application is not to fill the site, the application is to exclude from the ALR, the questions of benefit and drainage improvements and so on, actually become an issue when the site is looked at for land use.
- The whole area is within the 200 year floodplain which the City does not support development due to the liability of maintaining it.
- One of the comments in the report is how small a percentile this is to the Provincial ALR. The land in Surrey is not the same as Hope, Kamloops, Prince George, etc., it is far more valuable, it is a very large chunk of productive land. Even up to the late 1980’s the farm just east of Old McLellan Road was successfully farmed (change because of seed in ground, transplants, control weeds, etc. was discussed).
- With reference to somehow developing a drainage benefit to surrounding 420 acres, if that is the case, it is a significant amount of land for the City to deal with drainage issues.
- The arguments for taking out are the arguments made for all the ALR. We are all at sea level, same arguments, below sea level, we farm, generally successfully, up against a river, a natural defensible future boundary.
- This is a large chunk of Surrey’s agricultural land and it would make a tremendous difference to farming and farm land in Surrey if it was removed.
- There have been many instances where land has sat idle here for years and then was farmed again.
- In saying all that, the application in its present state, if nothing is done the land will sit there and will become un-farmable in its present condition. If we agree the land stays put, the problem becomes the responsibility of Surrey to drain this land.



- The land, in its present state, is too wet to farm. The cheapest solution would be to give the applicant a fill permit and hope the applicant will farm. The reality is the costs are too high.
- The strategy for this area was originally part of the City's plan to divert. Currently a large portion is diverted (contours and divide shown). So what was left to come to 168 Street, was always intended to drain across Highway 10 to the canal and the pump. The Cloverdale canal drains toward the South Cloverdale Pump station at the Nicomekl River near 168 Street. If the City had been able to create a straight culvert, drainage to ARDSA requirements would have been attainable, however that cannot happen because the land is too low, which is why the conclusion was to fill. Allow the owners to fill rather than to spend the \$1.7 million to drain. The City has spent quite a bit of money improving drainage in farmland, these are tough places to drain. This area is outstanding as is the upper Nicomekl area.
- A portion is the responsibility of the City, having done the analysis and recommending fill, which is the most cost effective measure.
- The question is, does a cost effective measure leave the land open to (a) farming or (b) development? Improved lands have been achieved with fill in some areas, but each site has its own physical limitations and solutions.
- Are there not more conveyance works that need to be done and is there not some onus on the farmers to put in their own drainage and put in their own pump? There are many farmers who had their own pumps for years; don't see how a farmer putting in a pump to drain and farm is a problem.
- The City's lowland strategy was to provide ARDSA criteria to every property. In this case, there are a number of properties facing Highway 10. In theory there would be some kind of conveyance works, secure properties, build ditch, and dispose soil of that ditch.
- Part of the mitigation with the Ministry of Transportation was the drainage, for which there was not a lot of that done, they did some of the work, but not finished.
- That was an issue brought up by the Committee at the time the Ministry of Highways brought forward the road expansion plans. Drainage was clearly noted; everything to the highway was supposed to tie in to the Cloverdale canal.
- The applicant is asking us to consider the merits of the exclusion independent of future land uses and to maintain the agricultural status.
- It should be recommended that Council consider forwarding this application to the ALC for a decision. However, the Committee should strongly recommend against the exclusion of the subject properties from ALR based on the following factors:
  - The applicant's own consultant report(s) indicate that the soil capability rating can be improved by one classification (Class 3 for 20% of the subject site and Class 4 for 80%) if ditch systems are maintained and soil management techniques are utilized;
  - Any proposed non-agricultural use of the land would require extensive improvements to the drainage of the subject properties requiring a cooperative approach with the City, an approach proposed by the City to improve the land for agriculture;
  - City staff do not consider the proposed exclusion a minor boundary adjustment;
  - Land currently included in the ALR is based on the land's capability for agriculture, including both soil bound and non-soil bound uses and not on the property's viability for agriculture;



- The subject properties, while being contiguous to non-agricultural land uses, are also adjacent to active farm operations. A buffer between these properties and urban land to the north has been established on the northern perimeter of the properties by way of the City's Parks, Recreation and Culture Department; and
- The City's two (2) for one (1) inclusion/exclusion policy has been addressed only in terms of "other compensation" a factor that would negate the transference of land use within the city. A prominent factor for which the City has been celebrated for throughout the Province.

### **COMMITTEE RECOMMENDATION:**

It was

Moved by M. Hilmer

Seconded by B. Stewart

That the Agriculture and Food Security Advisory

Committee recommends that Council consider forwarding Application 7909-0161-00 to the Agricultural Land Commission for a decision, and receive for information the Committee's strong recommendation against the exclusion of the subject properties from the ALR.

Carried

- It is suggested that, within the body of the report to Council, the ALC be advised that the works done on Highway 10 by the Ministry of Transportation were not completed. The drainage was not completed, which was the agreement undertaken at the time by the Ministry of Transportation, and because of the further infrastructure projects taking place, if there is going to be some sort of compensation for the work not being done, the Ministry of Transportation should be responsible for that compensation.
- The recommendation from this Committee should be that Council propose that the ALC not support the exclusion application.
- With all the infrastructure work that is currently taking place, the ALC should make a new stipulation that when the Ministry of Transportation does such works, there is a responsibility.

### **K. ADJOURNMENT**

It was

Moved by M. Bose

Seconded by S. VanKeulen

That the Agriculture and Food Security Advisory

Committee do now adjourn.

Carried

The Agriculture and Food Security Advisory Committee adjourned at 11:53 a.m.

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Jane Sullivan, City Clerk

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Councillor Linda Hepner, Chair  
Agriculture and Food Security Advisory Committee



## INTER-OFFICE MEMO

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**TO:** Agriculture and Food Security Advisory Committee

**FROM:** Judith Robertson, Manager, Area Planning and Development, North Division,  
Planning and Development Department

**DATE:** November 29, 2012      **FILE:** 7909-0161-00

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**RE:** Proposal to Exclude Land from the Agricultural Land Reserve

Context

**Location:** 5695 - 168 Street, 16425 /16531/ 16530/ 16441 Old McLellan Road,  
and a portion of 16724 - 57A Avenue and a portion of 16732 57 Avenue.

**OCP:** Agricultural  
**West Cloverdale South NCP:** ALR  
**Existing Zoning:** A-1  
**Existing Land Use:** Agricultural parcels with some houses and buildings. The site is within the Serpentine floodplain.

Site Characteristics

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (outside ALR):	Linear Park, Half-Acre residential lots, Acreage residential lot	Park/Open Space and Half-Acre Cluster in the West Cloverdale South NCP	RA, RH-G, CD (Bylaw Nos. 15357, 16325B & 16760A)
East (across 168 Street, within ALR):	Agricultural parcel with produce store (Farm Fresh Produce)	Park/Open Space in the West Cloverdale South NCP, Agricultural in the OCP	A-1
South (across Hwy No. 10, within ALR):	BC Hydro Railway ROW, Agricultural lots, Metro Vancouver sewage pump facility	Agricultural in the OCP	A-1
West (within ALR):	Park, Serpentine River, City - owned vacant lot for floodplain, Vacant agricultural lot, BC Hydro Railway ROW	Agricultural in the OCP	RH-G, RC, A-1



## Proposal

The application consists of seven (7) individually-owned parcels of land totalling 16.3 hectares (40.3 acres), of which approximately 14.3 hectares (35.7 acres) is within the Agricultural Land Reserve (ALR), and comprises all of the A-1 zoned lands under this application. The applicant is proposing to exclude these 14.3 hectares (35.7 acres) from the ALR. Five of the seven properties are under 2 hectares (5 acres) in size.

The applicant requests that the AFSAC consider the merits of this exclusion in isolation of any proposed land use, as they suggest that the most appropriate land use for the subject site will emerge through a public consultation process with the property owners and adjacent community residents. Any meaningful discussion involving a change in use to the site would require extensive public consultation in addition to a thorough review by staff and Council. Before this discussion can be held, the question of the subject site's suitability as agricultural lands must be determined. The site is therefore proposed to remain zoned A-1 for the present time.

The ALC has a mandate to review the ALR boundary from time to time to determine whether land is appropriately designated and defensible as ALR lands. Due to budget constraints, the ALC is unable to conduct these reviews on its own and therefore relies upon individual land owners to apply to the ALC to adjust the ALR boundaries on their own properties (according to a review of the ALC prepared by Chairman Richard Bullock, entitled "Moving Forward: A Strategic Vision of the Agricultural Land Commission for Future Generations"). In consideration of the above, the applicant requests that the City forward to the ALC the request to exclude the lands from the ALR, with the rationale that the ALC is best suited, with the appropriate resources and expertise, to evaluate whether this land is appropriately preserved as ALR lands.

According to Section 30(4) of the Agricultural Land Commission (ALC) Act, a resolution of the local government is required to allow the application to proceed to the ALC for consideration where the land is currently zoned for Agricultural use and/or where an amendment to an official community plan or an official development plan is required. In the case of the subject site, it is currently zoned and designated for agricultural purposes.

## Background

The applicant, accompanied by professional consultants engaged by the landowners, previously appeared as a delegation before the Agricultural and Food Security Advisory Committee on March 8, 2011. At that time, members of the Committee posed a number of questions to staff, particularly regarding the need for a lowland drainage study for the lands under this application. Staff have completed this review. The attached letter (Appendix III) prepared by Land Development Engineering summarizes the findings of this lowland drainage study. Staff will be present at the October 11, 2012 AFSAC meetings to respond to questions regarding these findings.

At the March 8, 2011 meeting, members of the Committee raised a number of questions regarding the proposed exclusion application. The applicant has prepared a summary report of the questions and comments, with responses, which is attached as Appendix IV.

## Analysis

The City of Surrey's Official Community Plan (OCP) identifies the importance of preserving agricultural lands within the City and discourages their conversion to alternate uses. However,



the ALC Act includes a review mechanism to assess land that may not be capable or suitable for agriculture and therefore may be incorrectly designated as ALR land, and is the rationale for the proposed ALR exclusion.

The City's Policy No. O-51 ('Policy for Considering Applications for Exclusion of Land from the Agricultural Land Reserve') defines the factors that should be considered in the review of applications that propose ALR exclusions. Appendix I provides an analysis and discussion of how the applicant's proposal responds to Policy No. O-51, and includes detailed comments from both City staff and the applicant.

#### Documentation from Applicant in Support of Proposal

The applicant has prepared a series of studies in support of their application, copies of which were provided to AFSAC members by the previous delegation on March 8, 2011 for review. The following studies are available upon request:

1. *Letter from Highway 10 Property Group in support of application* (includes response to City Policy);
2. *Submission Outlining Reasons for Supporting Exclusion*, Pacific Land Group;
3. *Agricultural Capability/Suitability & Drainage Report Review*, Four Corners Urban Design & Town Planning;
4. *Agricultural Capability/Suitability & Net Benefit to Agriculture Assessment*, Four Corners Urban Design and Town Planning;
5. *Background Report*, Four Corners Urban Design and Town Planning;
6. *Soil survey and Agricultural Assessment*, EvEco Consultants Ltd.;
7. *Documentation Summary, Agricultural Capability/Suitability & Net Benefit to Agriculture Assessment*, Four Corners Urban Design and Town Planning;
8. *Summary of Stormwater Analysis & Net Benefit to Farming on 420 Acres of productive farmland south of Highway 10*, Kerr Wood Leidel;
9. *Agrology Report and Agricultural Assessment*, Gary Ralston, P. Ag., From the Ground Up Ltd.
10. *ARDSA Water Elevations, Summary Report, Record of Field Survey Measurements*, prepared by applicant (includes pictures).

The applicant has also submitted a package outlining the ALC's policies and regulations. These are attached as Appendix IV

### Conclusion

The Planning and Development Department will forward the subject exclusion application to Council with the option that they refer the exclusion application to the Agricultural Land Commission for their consideration. Staff kindly request that the Agriculture and Food Safety Advisory Committee provide comments on the proposed ALR exclusion for inclusion in the report to Council.

Judith Robertson  
Manager, Area Planning and Development, North Division  
Planning & Development Department

### Appendices

- Appendix I – Review of Relevant Exclusion Criteria Identified in Policy No. O-51
- Appendix II – Aerial Photo & Location Map
- Appendix III – Land Development Engineering Summary, Lowland Drainage Study
- Appendix IV – Applicant's Submission, Including Response to Questions Posed at March 8, 2011  
AFSAC Meeting and ALC Policies and Guidelines
- Appendix V – Map Indicating Wetland Location



Review of Relevant Exclusion Criteria Identified in Policy No. O-51	
Policy Statement	Comments and Review
<p>3.1 Minor Boundary Adjustments</p> <p>Minor adjustments to the boundary of the ALR will generally be supported if they satisfy all of the following criteria.</p> <ul style="list-style-type: none"> <li>• The land proposed to be excluded abuts an existing non-agricultural area and is a “sliver” of land as opposed to an entire parcel.</li> <li>• The land proposed to be excluded forms a logical extension to the existing non-agricultural area and does not constitute an intrusion into the ALR.</li> <li>• The proposed ALR boundary is clearly defined by physical or other clear features such as major roadways or topographical or other natural features so that it will not act as a precedent for the exclusion of other or adjoining parcels in the ALR.</li> <li>• Landscaping and buffering is provided along the proposed ALR boundary within the land being excluded from the ALR with sufficient dimensions to clearly separate and minimize the impacts between the adjacent agricultural and non-agricultural uses; and</li> <li>• Compensation may be required in accordance with Section 5 of Policy O-51.</li> </ul>	<p>The applicant suggests that the subject proposal be considered a minor boundary adjustment, as they contend that a decision to adjust the ALR boundary would be in accordance with the following criteria:</p> <ul style="list-style-type: none"> <li>• The lands to be excluded abut existing non-agricultural areas.</li> <li>• The exclusion would not substantially increase the length of the ALR boundary.</li> <li>• It would create a new, clear and defensible boundary based on major physical features, including the Serpentine River, Highway No. 10, and 168 Street.</li> <li>• These physical features create a substantial buffer between the subject lands and ALR lands beyond.</li> </ul> <p>The applicant notes that the Agricultural Land Commission’s <i>ALR &amp; Community Planning Guidelines</i> accepts roads, railroads, storm-water management facilities and other “constructed buffers” as effective in protecting agriculture and mitigating conflict with urban uses. See Appendix IV.</p> <p>In addition, the applicant notes that the ALR comprises 4,625,000 ha – this application consists of 7 parcels totalling 14.3 hectares, approximately 0.0005% of the total lands in the ALR.</p> <p>Planning staff concur that an exclusion would create clearly defined physical boundaries as per Policy O-51. However, staff have determined that the exclusion would disrupt an existing, contiguous ALR boundary if it were removed from the ALR and does not meet the City’s criteria of a logical extension to the existing non agricultural area. In addition, The 7 parcels that comprise the subject site are, collectively, a reasonably-sized parcel (14.3 ha).</p> <p>Therefore, staff do not consider the proposed exclusion a <u>minor</u> boundary adjustment.</p>



4.0 According to Policy O-51, should an application for exclusion from the ALR not meet the criteria in Section 3 for a minor boundary adjustment, the following criteria are to be used as the basis for evaluating applications for exclusion of land from the ALR.

4.1 Soil Capability

- If the land proposed for exclusion has a Soil Capability Rating of or is improvable to a Soil Capability Rating of Class 1, 2 or 3, or, in the case of farms providing for grazing, to Class 4, the exclusion application will not generally be supported.
- A site with a Soil Capability Rating of 4 to 7 and which is not suitable to support the growing of crops or use by farm animals for grazing, may still lend itself to non-soil bound agricultural use, especially if it is surrounded by other agricultural uses. In such instances, exclusion will generally not be supported.
- Existing Agricultural capability rating: 20% of the site is rated Class 4 and 80% is rated Class 5, limited primarily by a high water table (O4WL and OW5L).
- The consulting agrologist notes that improvements can increase the site's agricultural capability by one classification (Class 3 for 20% of the subject site and Class 4 for 80%) if the ditch system is maintained and soil management techniques are utilized.
- Further improvement is possible only if the existing ground water table can be lowered, which requires installation of a pump station or extensive fill placement.
- The consulting agrologist finds that the majority of the site is suitable for soil bound agricultural production should these improvements be made. Risk of crop failure would remain moderate to high, and the site is deemed unsuitable for perennials, year-round pasture, or non-soil bound agriculture.
- The consulting drainage engineers find that additional fill to the 0.4m geodetic level is required to meet ARDSA requirements and resolve significant existing drainage constraints for agriculture on the site (water table presently 0.0 -0.3 m geodetic). The cost to do so is estimated at approximately \$4,400,000.
- The applicant states that a subsequent field survey was undertaken including daily water elevation monitoring, revising this estimate to a further 0.6 m of topsoil required increasing the cost to an estimated range of \$6,000,000 to \$8,000,000.
- The applicant also notes that a recent survey of the lands indicates a 4.4-acre bog or swamp bisects the site on an east to west orientation (see attached map, Appendix V), impeding the ability for farm vehicles to traverse the site.

<p>4.4 Location of the Site</p> <ul style="list-style-type: none"><li>• If the land proposed for exclusion does not abut an existing non-agricultural area (e.g. Suburban, Urban, Commercial, Industrial or Business Park designation) and does not provide a logical and continuous extension of the existing development pattern of the adjacent non-ALR area, the application will generally not be supported.</li><li>• Where an area proposed to be excluded from the ALR is not contained within permanent well-defined boundaries (i.e., roads, topographic or other natural features, etc.) the application for exclusion will generally not be supported.</li><li>• If a site is isolated or separated from the rest of the ALR by a significant developed area or by a physical barrier and such isolation is detrimental to the economic viability of the agricultural pocket, exclusion may be considered.</li><li>• If the cost to connect the isolated pocket with the rest of the ALR, or if the cost to overcome the barrier (e.g. transportation infrastructure) is minor in comparison to the potential gain in the productivity of the lands in the agricultural pocket, then the application will generally not be supported.</li></ul>	<ul style="list-style-type: none"><li>• The lands proposed for exclusion abut parkland and residential land uses to the north.</li><li>• The surface drainage patterns from the non-agricultural lands to the north have been noted to have a detrimental impact on the subject site.</li><li>• The area proposed to be excluded is clearly defined by the following features:<ul style="list-style-type: none"><li>○ North: Escarpment/parkland/single family residential</li><li>○ East: 168 Street;</li><li>○ South: Highway No. 10; and</li><li>○ West: Serpentine River and parkland.</li></ul></li><li>• The site is separated from surrounding ALR lands by Highway No. 10, 168 Street, and the Serpentine River.</li><li>• Access to the lands from Highway No. 10 is restricted by MOTI. Individual access from Highway No. 10 to the existing, privately owned parcels will not be permitted.</li><li>• Presently, access for portions of the site is via Old McLellan Road, through the adjacent residential neighbourhood. While a detailed design has not been completed, access to the remaining subject properties would likely come from 168 Street. Access, however, proves challenging unless the parcels are consolidated or access easements are in place.</li><li>• Costs to be borne are related to other issues that are presently impacting the ability to use these lands as agricultural lands:<ul style="list-style-type: none"><li>○ Direct access is presently unavailable to many of the lots (see below). However, indirect access may be possible (i.e. through access easements), or alternately lots could be consolidated.</li><li>○ As noted above, additional fill is required to meet ARDSA requirements and resolve existing drainage constraints, at an estimated cost of approximately \$4,400,000.</li><li>○ Also as noted above, the applicant states that a subsequent field survey was undertaken including daily water elevation monitoring, revising this estimate to a further 0.6 m of topsoil required increasing the cost to an estimated range of \$6,000,000 to \$8,000,000.</li></ul></li></ul>
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<p>4.7 Impacts on Adjacent Agricultural Activities</p> <ul style="list-style-type: none"><li>• Unless the impact upon the areas adjacent to the lands proposed to be excluded is fully mitigated, the application will generally not be supported.</li></ul>	<ul style="list-style-type: none"><li>• The applicant notes that Policy O-51 and current ALC guidelines recognize that “clearly defined physical boundaries” of the type that would be created for at this location through exclusion should mitigate any impact on adjacent agricultural lands. These include a greenway, major highway, arterial roadway, railroad, stormwater management facilities and the Serpentine River. See Appendix IV for ALC guidelines.</li><li>• The applicant has received letters of support from all farm landowners adjacent to the site, and acknowledgement of the net benefit to them (drainage improvements) if the site was developed for other purposes.</li></ul>
<p>5.0 Compensation</p>	
<p>5.3 Where a 2 to 1 ratio is not achievable, the inclusion of non-ALR land in the ALR may be reduced to as low as a 1 to 1 ratio if the land included in the ALR is supplemented by other means to mitigate the impact of the exclusion and to increase the agricultural capability of land remaining within the ALR. These means may include, but are not limited to:</p> <p>(a) infrastructure works to improve drainage and irrigation.</p>	<ul style="list-style-type: none"><li>• The consulting engineering firm (Kerr Wood Leidal) that completed the Storm Drainage Master Plan for the City prepared a net-benefit analysis for the applicant, and calculated that the drainage improvements that would be completed as part of any major land use and development plan would benefit drainage for approximately 170 hectares (420 acres) of adjacent farmland south of Highway No. 10, and would also benefit an additional 26.4 hectares of the adjacent upland residential and parkland area.</li><li>• The applicant has also indicated that they are prepared to enter into discussions with the City to identify appropriate compensation, should the ALR exclusion portion of the application be supported.</li></ul>

[http://www.alc.gov.bc.ca/alr/ag\\_cap\\_details.htm](http://www.alc.gov.bc.ca/alr/ag_cap_details.htm)

## Agriculture Capability Detailed Description

### Explanatory Notes

In this classification, mineral and organic soils are each grouped into seven classes on the basis of soil and climate characteristics according to their potentials and limitations for agricultural use. Lands in Classes 1 to 4 inclusive are considered capable of sustained production of common cultivates field crops. The need for management practises increases, and/or the possible range of crops decreases, from Class 1 to Class 4. Class 5 lands are capable of use only for the producing perennial forage crops or specially adapted crops. Class 6 lands are capable of providing only sustained natural grazing for domestic livestock. Class 7 lands are incapable of use for either arable culture or grazing.

This classification takes into account the relative degree and type of limitation or hazard to agriculture; use and/or the range of possible crops. It also indicates the type and intensity of management practises requires for good management of the soil resource to maintain sustained production. Productivity (i.e. yield per hectare) of any specific crop is not considered.

Important factors on which the classification is based are:

1. The soils will be managed and cropped under a largely mechanised system.
2. This classification provides most lands with two ratings — one under improved conditions and one for improved conditions. Unimproved ratings are based on the conditions that exist at the time of the survey, without irrigation. Improved ratings indicate the capability after existing limitations and/or hazards have been adequately alleviated. Improvements which are to be considered include drainage, irrigation, diking, stone removal, salinity alleviation, subsoiling, and/or the intensive addition of fertilizers or other soil amendments.
3. In determining improved ratings, irrigation water is assumed to be available. Other types of improvement are considered drainage, stone removal, fertilization, diking, salinity alleviation, subsoiling and the addition of soil amendments. The extent to which these improvements can increase the land capability is determined from site specific assessments.
4. The following are not considered in the classification: distance to market, available transportation facilities, location, farm size, type of ownership, cultural patterns, skill or resources of individual operators, and hazard of crop damage by storms.
5. The classification does not include capability of lands for trees, tree fruits, grapes, ornamental plants, recreation, or wildlife.

The agriculture capability classification consists of two main components: (1) the capability class, and (2) the capability subclass. The capability class and subclass together provide information about the degree and kind of limitation for agricultural use. In addition to land capability designation, they are also useful for land use planning and assessing of management needs.

The detailed methodology for determining capability classification outlined here is contained in [MOE Manual 1, 1983](#). Click [here](#) for information on obtaining agriculture capability or soil maps.

### Capability Classes

The capability class, the broadest category in the classification, is a grouping of lands that have the same relative degree of limitation or hazard for agricultural use. The intensity of the limitation or hazard becomes progressively greater from Class 1 to Class 7. The class indicates the general suitability of the land for agricultural use.



Two sets of classes exist, one for mineral soils and one for organic soils. The classes are as follows:

## LAND CAPABILITY CLASSES FOR MINERAL SOILS

The seven land capability classes for mineral soils are defined and described as follows:

**CLASS 1** LAND IN THIS CLASS EITHER HAS NO OR ONLY VERY SLIGHT LIMITATIONS THAT RESTRICT ITS USE FOR THE PRODUCTION OF COMMON AGRICULTURAL CROPS.

Land in Class 1 is level or nearly level. The soils are deep, well to imperfectly drained under natural conditions, or have good artificial water table control, and hold moisture well. They can be managed and cropped without difficulty. Productivity is easily maintained for a wide range of field crops.

**CLASS 2** LAND IN THIS CLASS HAS MINOR LIMITATIONS THAT REQUIRE GOOD ONGOING MANAGEMENT PRACTISES OR SLIGHTLY RESTRICT THE RANGE OF CROPS, OR BOTH.

Land in class 2 has limitations which constitute a continuous minor management problem or may cause lower crop yields compared to Class 1 land but which does not pose a threat of crop loss under good management. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty.

**CLASS 3** LAND IN THIS CLASS HAS LIMITATIONS THAT REQUIRE MODERATELY INTENSIVE MANAGEMENT PRACTISES OR MODERATELY RESTRICT THE RANGE OF CROPS, OR BOTH.

The limitations are more severe than for Class 2 land and management practises are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or affect one or more of the following practises: timing and ease of tillage, planting and harvesting, and methods of soil conservation.

**CLASS 4** LAND IN THIS CLASS HAS LIMITATIONS THAT REQUIRE SPECIAL MANAGEMENT PRACTISES OR SEVERELY RESTRICT THE RANGE OF CROPS, OR BOTH.

Land in Class 4 has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practises are required. The limitations may seriously affect one or more of the following practises: timing and ease of tillage, planting and harvesting, and methods of soil conservation.

**CLASS 5** LAND IN THIS CLASS HAS LIMITATIONS THAT RESTRICT ITS CAPABILITY TO PRODUCING PERENNIAL FORAGE CROPS OR OTHER SPECIALLY ADAPTED CROPS.

Land in Class 5 is generally limited to the production of perennial crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 lands can be cultivated and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated field crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions. Note that in areas which are climatically suitable for growing tree fruits and grapes the limitations of stoniness and/or topography on some Class 5 lands are not significant limitations to these crops.

**CLASS 6** LAND IN THIS CLASS IS NONARABLE BUT IS CAPABLE OF PRODUCING NATIVE AND OR UNCULTIVATED PERENNIAL FORAGE CROPS.

Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for cultivation or use of farm machinery, or the soils do not respond to intensive improvement practises. Some unimproved Class 6 lands can be improved by draining and/or diking.

**CLASS 7** LAND IN THIS CLASS HAS NO CAPABILITY FOR ARABLE OR SUSTAINED

#### NATURAL GRAZING.

All classified areas not included in Classes 1 to 6 inclusive are placed in this class. Class 7 land may have limitations equivalent to Class 6 land but they do not provide natural sustained grazing by domestic livestock due to climate and resulting unsuitable natural vegetation. Also included are rockland, other nonsoil areas, and small water-bodies not shown on maps. Some unimproved Class 7 land can be improved by draining or diking.

#### LAND CAPABILITY FOR ORGANIC SOILS

Organic soils are grouped into seven classes, designated as 01 to 07. The organic soil class definitions are equivalent in terms of their relative capabilities and limitations for agricultural use to those defined for mineral soil.





the future lives here.

May 25, 2012

File: 4520 – 80 (16530- 05820)  
XC: 4809-407  
7809-0161-00

REPLY TO: Land Development Division  
ATTENTION: Rémi Dubé, P.Eng.

Fred Scales  
2051 Indian Fort Drive  
Surrey, BC  
V4A 3L7

Dear Mr. Scales:

**Re: 16530 Old McLellan Road**

Further to your agent's March 8, 2011 delegation attendance at the Agricultural Advisory Committee and associated resolution, this letter summarizes the Engineering Department's findings prior to returning to the Agricultural Advisory Committee (AAC). It includes comments to the KWL report and cover letters of July 13, 2010 as well as Geocivic Consultants Ltd.'s letter of July 13, 2010, strictly in the comments of the issues raised by the AAC. The comments also reflect a number of points highlighted through our various discussions these past months.

The Cloverdale/McLellan Functional Plan confirms that the property at present is not serviced to the established ARDSA criteria. The technical memo prepared by KWL addressed to you describes the amount of fill required to meet an ARDSA level of drainage service. The recommendations are based on modeled results. The required elevation of 0.4m was reduced to 0.3m in the functional plan for both the drainage cell your property falls within and the neighbouring cell to the west. The 10 centimetre reduction reduces the fill required by approximately 5,000 cubic metres. We note that the total amount of effective fill is still significant at 44,000 cubic metres over 11 ha. Geocivic Consultants Ltd. noted in their letter of July 13, 2010 that a compression settlement in the order of 1.3 m can be expected if this approach is taken, increasing the total amount of fill required to nearly 170,000 cubic meters. As well as your property, this volume would be distributed over the following properties:

- 16724 57A Avenue
- 16732 57 Avenue
- 5695 168 Street





- 2) Private pump: Options to reduce costs by installation of private pumps to a lower standard that still meet ARDSA were reviewed. A permanent private self-priming pump mounted on a pad complete with electrical kiosk is estimated to be \$350,000 with site specific engineering. During operation, the pump would discharge 0.2 m<sup>3</sup>/s of flow to the Serpentine River. A temporary modular pump could be installed for significantly less. The larger the investment upfront, the higher pump efficiency and lower operation and maintenance costs can be expected. As such, the private pump would be more expensive to operate and maintain. The same conveyance works required as in the first servicing option, estimated at \$1,231,420, apply. However, excavation spoil from conveyance works done privately are often used on site, at a significant cost saving.
- 3) Improved culvert connection to the Cloverdale Canal: Improving the culvert connection to the Cloverdale Canal will not meet the ARDSA base flow freeboard criteria. This would reduce flood durations slightly; however, ARDSA level of service is not possible.
- 4) Filling the Land: The cost of filling the land to reduce flooding and increase baseflow freeboard is highly variable. The cost or profit from this is dependent on construction market conditions and the schedule constraints. The Agricultural Land Commission (ALC) historically has stipulated two methodologies.
  - a. Preserve the existing topsoil which requires stripping and stockpiling the topsoil, importing material, and grading the preserved topsoil over the imported material. The feedback received from farmers who have done this in the past suggests this to be revenue neutral. This type of earthwork may or may not be possible in a cost neutral fashion on this site given the soil and water table conditions.
  - b. There are times when topsoil is available. It should be noted that to fill for the volumes required, a balance between cost of haul road construction and ability to receive material during wet weather is required. The City is aware of several sites that are currently disposing of large quantities of topsoil. Diligent monitoring of the quality of the topsoil being imported is required to preserve the ability to farm the land. A thorough fill sourcing analysis has not been completed.

In both these scenarios access to the subject lands may be problematic due to the multiple ownership and limited access to Highway 10. Actual construction windows may also be limited due to soil conditions. It should also be noted that in some cases the Agricultural Land Commission has not granted approval for placement of fill as it was felt certain sites did not require fill to be farmed. Fill placement is a non-farm use which required ALC approval.

Ultimately the ALC determines the option based on site specific recommendations from agrologists. Although the cost to the City of the fill option is lowest, it is expected that the heavy truck traffic will generate up to 24,000 truck loads that will necessitate significant repairs to the local roads off designated truck routes and be a nuisance to residents in the area. To successfully execute the fill placement strategy, the work will require either:

- a) Coordination between the seven neighbours within the cell to ensure that flood water is not displaced between properties resulting in negative impact to properties at a lower elevation within the same cell.
- b) Consolidation of the seven parcels of land to minimize the difficulty in staging the placement of the large volume of fill.

### ***Summary***

In summary, there are significant issues associated with servicing the subject property and providing a net benefit to the Serpentine-Nicomekl Lowlands farmland is technically challenging. We are aware of the difficulties the various property owners face in finding a viable use of their land. Overall, the Engineering Department intends to work with the owners to fill these properties to reach an ARDSA level of drainage service.

Yours truly,

Rémi Dubé, P.Eng.  
Development Services Manager

MO/RD:brb

- c.c. - David Zabil, P.Eng., Kerr Wood Leidal Associates Ltd.  
- Chris Atkins, Planning and Development Dept.  
- Drainage & Environment Manager, Engineering Dept.



## Appendix 1: Policy Guidelines

Policy guidelines for community plans to help protect agriculture along the rural-urban interface may have the following features:

### Purpose:

To provide a means to mitigate conflict between agriculture and its urban neighbours through policies. A number of best practices are provided.

### Application:

Guidelines for development should apply to all urban parcels within 300 metres of the ALR edge. These guidelines will be used when an application is made for development. Using the local government's guidelines as a list of best practices, the proponent can work towards a plan for development that will effectively mitigate potential conflict between urban uses and adjacent agricultural uses.

### Guidelines: (as noted by applicant)

1. Where feasible, use constructed buffers and/or compatible uses on the urban side of the ALR boundary - e.g. roads, railroads, hydro rights-of-way, berms, fences, open space and storm-water management facilities.
2. Retain and conserve natural features along the urban side of the ALR boundary – e.g. ravines, woodlots, wetlands and existing vegetation.
3. Where appropriate, and where it is unlikely to create conflicts with farming, consider incorporating passive recreation such as parks into the buffer. With this approach the depth of the buffer should be increased and uses such as trails must be located away from the ALR edge.
4. Subdivision design measures should be implemented to minimize negative impacts from urban uses on adjacent farming areas. Road endings and road frontages next to the ALR should be avoided except as may be needed for access by farm vehicles. Subdivision design and construction should minimize erosion, and ground water quality and levels should be maintained through adequate storm-water management, both during construction and later.
5. Buffer design should minimize the potential for conflict between farm and non-farm uses. The following outlines the best practices for buffering rear lot lines of urban lots adjacent to the ALR.
  - a) Minimum separation distance between residential uses or institutional uses such as schools and churches, and the ALR boundary: 30 m.
  - b) Minimum separation distance between other non-farm uses (industrial, commercial, recreational) and ALR: 15 m.
  - c) Minimum width of buffer: 15 m or greater depending on degree of impact and potential conflict between uses.
  - c) Buffer should include:
    - triple row trespass-inhibiting shrubs
    - minimum double row deciduous/coniferous trees

- minimum double row screening shrubs
- berm with minimum height 2 m above adjacent grades
- 2.4 m minimum height solid wood fence on top of berm
- minimum double row trespass inhibiting shrubs
- additional fence may be located along the ALR boundary
- d) Buffer planting and layout will follow Schedules A of the *MAFF Edge Planning Guide* or the *ALC Landscaped Buffer Specifications*.
  - no gaps in buffer; about 50% of screen is air space
  - fence design will follow Schedule D of the *ALC Landscaped Buffer Specifications*
  - plant materials may be selected from lists in Schedules C of the *MAFF Edge Planning Guide* or *ALC Landscaped Buffer Specifications*.
  - reduce numbers of lots along the ALR boundary
  - establish greater building rear lot line setbacks along the urban side of the ALR boundary.
  - buffer installed prior to commencing building construction.
  - buffer maintenance plan developed and signed off by a registered landscape architect or professional biologist.

**Communications:** Develop subdivision agreements to inform potential home purchasers that farm operations exist in close proximity and that impacts from farm practices such as noise, odour and dust should be expected during certain times of the year as part of acceptable farm practices. This information may be registered on the property title. Following is an example of a clause that could be contained in an agreement as part of a development approval or alternatively a similar statement could be included in the plan policy section: *“The developer agrees to advise the purchaser that noise, dust and odour associated with nearby farm operations may occasionally affect some activities of dwelling occupants.”*

In addition to the above agreement, local governments may consider requiring a subdivision notice/sign that informs prospective purchasers of the proximity of farm operations within the immediate area. The suggested wording of the agreement is:

*“The developer agrees to erect a sign containing the following information:*

- a) identifying residential lots or blocks;
- b) identifying agricultural lands which are actively farmed;
- c) any features which are included in the approved plan of subdivision for the purpose of mitigating rural/urban conflicts (e.g. fencing, berming, vegetation, etc)”

Local governments may also consider requiring or asking developers to provide an information package to homeowners within 300 metres of the ALR boundary. This package could outline: the benefits of and maintenance requirements for the buffer, information on right-to-farm legislation and acceptable farm practices (e.g. MAFF's *The Countryside and You* booklet) and contact numbers for concerns and complaints.





# CITY POLICY

No. O-51

<b>REFERENCE:</b>	<b>APPROVED BY:</b>	<b>CITY COUNCIL</b>
REGULAR COUNCIL MINUTES 01 DECEMBER 2003	<b>DATE:</b>	17 MAY 2004 (RES.R04-1316)
	<b>HISTORY:</b>	01 DEC 2003 (RES.R03-3122)

**TITLE: POLICY FOR CONSIDERING APPLICATIONS FOR EXCLUSION OF LAND FROM THE AGRICULTURAL LAND RESERVE**

## 1. PURPOSE

The purpose of this policy is to provide the context for and establish criteria that will be used for the evaluation of applications received by the City of Surrey to exclude land from the Agricultural Land Reserve (the "ALR").

## 2. CONTEXT

The ALR is a Provincially protected land base focussed on sustaining British Columbia's agricultural potential. About one-third or 100 sq. km. (38.6 sq. mi.) of Surrey's land base is designated for agriculture in the City's Official Community Plan (the "OCP"), of which 95% is in the ALR. Provincial legislation and regulations establish how the ALR is to be managed and the role municipalities may exercise in relation to the ALR.

Surrey's OCP contains policies to protect farmland as a resource for agriculture, a source of heritage and a distinct landscape defining communities. These policies seek to maintain the integrity of the ALR and its existing boundaries and to enhance the viability of agriculture as a component of the City's economy by:

- Promoting compatibility between agricultural and non-agricultural areas through such means as buffering and development permit areas;
- Maintaining viable agriculture by means such as discouraging subdivision, protecting boundaries and supporting Agricultural Land Commission (the "ALC") policies;
- Enhancing farm viability by taking actions to support farming;

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- Coordinating farming and environmental protection;
  - Managing water and drainage needs; and
  - Building awareness about the economic dimensions of farming.

Lands outside of the ALR are sufficient to accommodate population and employment growth in the City to beyond 2021.

The intention of this policy is not directed at lending support to or encouraging ALR exclusions nor is its intention to allow the ALR to be "opened up" for development. This policy is focused on maintaining the City's long-standing practice of protecting agricultural lands for agricultural purposes consistent with the OCP. The policy recognizes that, from time to time, applications for exclusion of land from the ALR will be received that will need to be evaluated and that such a evaluation should be undertaken within a comprehensive and consistent policy context.

A further intention of this policy is to address the issue of compensation in instances where land is removed from the ALR. Compensation is intended to mitigate the impact of the exclusion and to maintain and/or enhance the productive capability of ALR lands in Surrey.

### **3. ALR EXCLUSION APPLICATIONS INVOLVING BOUNDARY ADJUSTMENTS AND GOVERNMENT OPERATED FACILITIES**

Over the last decade, the ALC has approved very few applications for exclusion of land from the ALR. Exclusions that have been approved for land within the City of Surrey have, for the most part, been related to minor boundary adjustments that were identified through the development of Neighbourhood Concept Plans. In each case the exclusion was carefully evaluated by the City and approved by the ALC on the basis that there was a clear need to fine tune or strengthen a boundary to provide a better interface between agricultural and non-agricultural uses, thus creating a more defined edge along the ALR.

The ALC also recognizes that certain facilities operated by governments or Crown Corporations, due to their function or geographical requirements, must be situated in agricultural areas. The provisions of this policy have been structured to accommodate such facilities.

The policy also recognizes that there may be some circumstances where private sector development can only feasibly be located on land that is currently within the ALR. Although such circumstances are expected to be very few, this policy has been structured to recognize this possibility.

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The following sections contain criteria that will be used as the basis for evaluating applications for:

- Minor boundary adjustments to the ALR; and
- Exclusions of land from the ALR to accommodate:
  - government/Crown Corporation facilities; and
  - private sector development that must be located on land that is currently in the ALR.

### **3.1 Minor Boundary Adjustments**

Minor adjustments to the boundary of the ALR will in general be supported if they satisfy all of the following criteria:

1. The land proposed to be excluded abuts an existing non-agricultural area and is a "sliver" of land as opposed to an entire parcel;
2. The land proposed to be excluded forms a logical extension to the existing non-agricultural area and does not constitute an intrusion into the ALR (i.e., the ALR boundary will not be significantly lengthened as a result of the exclusion);
3. The proposed ALR boundary is clearly defined by physical or other clear features such as major roadways or topographical or other natural features so that it will not act as a precedent for the exclusion of other or adjoining parcels in the ALR;
4. Landscaping and buffering is provided along the proposed ALR boundary within the land being excluded from the ALR with sufficient dimensions to clearly separate and minimize the impacts between the adjacent agricultural and non-agricultural uses; and
5. Compensation may be required in accordance with Section 5.

### **3.2 Facilities Operated By Government**

A "public facility" for the purpose of this policy is a facility operated by a level of government or a Crown Corporation. Where an application is received to exclude land from the ALR to allow a new public facility to be established within, or an existing public facility to be expanded within the ALR, such an exclusion proposal will generally be supported if all of the following criteria are met:

1. It is clearly demonstrated that locating such new or expanded facility on existing ALR land is necessary and that such facility cannot practically be located on non-ALR lands;

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2. Uses, buildings and structures are located on the land in such a manner so as to minimize the impact on the abutting ALR lands;
3. Landscaping and buffering is provided along the proposed ALR boundary within the land being excluded from the ALR with sufficient dimensions to clearly separate and minimize the impacts between the adjacent agricultural and non-agricultural uses; and
4. Compensation may be required in accordance with Section 5.

### **3.3 Private Sector Facilities in the ALR**

Although such circumstances are expected to be extremely few in number, there may be circumstances where the only feasible location for certain types of private sector facilities is on land that is currently within the ALR. Such applications will be considered, based on the following criteria:

1. It is clearly demonstrated that locating such new or expanded facility on land currently in the ALR is the only feasible location for such development and that such facility cannot be located on other lands;
2. Uses, buildings and structures are located on the land in such a manner so as to minimize the impact on the abutting ALR lands;
3. Landscaping and buffering is provided along the proposed ALR boundary within the land being excluded from the ALR with sufficient dimensions to clearly separate and minimize the impacts between the adjacent agricultural and non-agricultural uses; and
4. Compensation is provided as outlined in Section 5.

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#### **4. ALL OTHER ALR EXCLUSION APPLICATIONS NOT COVERED IN SECTION 3**

The following criteria are to be used as the basis for evaluating all applications for exclusion of land from the ALR, except for those specifically covered by Section 3:

##### **4.1 Soil Capability**

If the land proposed for exclusion has a Soil Capability Rating of or is improvable to a Soil Capability Rating of Class 1, 2 or 3, or, in the case of farms providing for grazing, to Class 4, the exclusion application will not generally be supported.

A site with a Soil Capability Rating of 4 to 7 and which is not suitable to support the growing of crops or use by farm animals for grazing, may still lend itself to non-soil bound agricultural use, especially if it is surrounded by other agricultural uses. In such instances, exclusion will generally not be supported.

Council will not give favourable consideration to applications for exclusion where soils have become degraded due to poor farming practices, illegal dumping or filling or wilful despoiling of the soil.

Consideration of each exclusion application will be based on a comprehensive planning exercise to examine the context of the site and the impacts of the proposed exclusion. To assist in making this determination, applicants will be required to retain, at their own expense, a qualified consultant acceptable to the City to undertake an assessment of the existing and potential improvable Soil Capability Rating of any land proposed for exclusion and an assessment of the impacts and potential ramifications of the exclusion from the perspective of the continued viability of agricultural activities in the City of Surrey, particularly in the vicinity of the site.

##### **4.2 Proposed Use**

The OCP focuses on building a sustainable and complete city, consisting of compact communities with a full range of uses in support of the citizens of the City. Lands have been designated in non-agricultural areas to accommodate both residential and business growth, together with supporting institutional and recreational uses to accommodate growth in the City for the foreseeable future without the need to exclude land from the ALR for the purposes of accommodating growth.

If an application for ALR exclusion is intended for uses that will result in a departure from the sustainable development principles of the OCP and will encourage speculative pressures on ALR lands, such an application will generally not be supported.

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### **4.3 Alternative Site For The Proposed Use**

The OCP has designated areas for a full range of uses to support the development of complete communities and to accommodate the anticipated needs of the current and projected future population of the City. The retention of the agricultural land base to produce food needed by the current and future generations is fundamental to sustainability.

Based on the above, if the land proposed for exclusion from the ALR is to be zoned for a use that can be accommodated on alternative sites in the City that are not in the ALR, whether serviced or not serviced and that are designated or potentially can be designated for the proposed use or uses, the application will generally not be supported.

### **4.4 Location of the Site**

The integrity of the agricultural area of the City should be maintained. Intrusion of non-agricultural uses into the established agricultural area will generally act to undermine the viability of agricultural activities.

If the land proposed for exclusion does not abut an existing non-agricultural area (e.g. Suburban, Urban, Commercial, Industrial or Business Park designation) and does not provide a logical and continuous extension of the existing development pattern of the adjacent non-ALR area, the application will generally not be supported.

The OCP policies are intended to maintain the integrity of the ALR lands and their boundary. The ALR boundary is intended to be clearly defined and defensible.

Where an area proposed to be excluded from the ALR is not contained within permanent well-defined boundaries (i.e., roads, topographic or other natural features, etc.) the application for exclusion will generally not be supported. The applicant will be responsible for retaining an appropriately qualified professional to undertake a comprehensive planning exercise to examine the boundary conditions of the proposed exclusion and provide justification with respect to how the proposed boundary satisfies the requirements of this criterion.

If a site is isolated or separated from the rest of the ALR by a significant developed area or by physical barrier and such isolation is detrimental to the economic viability of the agricultural pocket, exclusion may be considered. If the cost to connect the isolated pocket with the rest of the ALR, or if the cost to overcome the barrier (e.g. transportation infrastructure) is minor in comparison to the potential gain in the productivity of the lands in the agricultural pocket, then the application will generally not be supported.

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#### **4.5 Roads and Services**

Local roads in agricultural areas are not generally intended to accommodate the movement of goods and people to and from non-agricultural areas. Allowing general traffic on local roads in agricultural areas often result in conflicts with farm vehicles. As well, the extension of engineering services through agricultural areas can be disruptive, costly and trigger undesirable development interest.

If the area proposed for exclusion from the ALR does not have primary vehicular access from an abutting arterial street or provincial road or requires the extension of engineering services on a local agricultural road, the application will generally not be supported.

#### **4.6 Interface Buffering**

The OCP requires landscaping buffers along the boundary between the ALR and adjacent non-agricultural land uses. Landscaping along the proposed ALR boundary on the land proposed to be excluded, is to be provided with sufficient dimensions to clearly separate and minimize impacts between agricultural and non-agricultural uses.

In general, applications for exclusion will not be supported unless the landscaping and other buffering features fully meet or exceed the buffering requirements set out in the OCP.

#### **4.7 Impacts On Adjacent Agricultural Activities**

The agricultural areas of the City consist of a number of well-defined rural communities that can be physically impacted by boundary changes and by the encroachment of urban development/uses. The impact may go beyond the immediately abutting lands that remain in the ALR. Measures to mitigate impacts may be necessary and could include farm lot or field reconfiguration, lot consolidation, road closures and exchanges, drainage improvements, landscaping and buffering, etc.

Unless the impact upon the areas adjacent to the lands proposed to be excluded is fully mitigated, the application will generally not be supported. The applicant will be responsible for retaining the services of a qualified professional to assess all potential impacts on the rural community and to recommend all necessary measures to fully mitigate the potential impacts.

### **5. COMPENSATION**

Subject to satisfying the criteria contained in Section 4 of this policy, an application for exclusion of land from the ALR must also demonstrate that compensation will be provided that is satisfactory to Council and to the ALC. The compensation to be

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provided is intended to ensure that the overall productive capability of Surrey's ALR lands will be retained.

Compensation will include, among other things, the inclusion of other land into the ALR to offset for the impact of the land being removed. The compensation criteria contained in this policy supplement and, in some cases, exceed ALC compensation criteria.

Generally, compensation for land being excluded from the ALR will include:

1. The inclusion of land into the ALR at no cost to the City and coincidentally with the exclusion from the ALR, with an area that is at least twice as large as the area of land being excluded;
2. The lands being included in the ALR must:
  - (a) be within the City of Surrey;
  - (b) be designated Agricultural or Suburban in the OCP;
  - (c) abut the existing ALR boundary;
  - (d) provide a logical extension to the ALR;
  - (e) be zoned or supportable to be rezoned to an appropriate Agricultural Zone as specified in the Surrey Zoning By-law;
  - (f) either be consolidated with existing lots in the ALR or form new lots within the ALR, provided that the new or consolidated lots have a minimum area of 5 hectares (12.4 acres); and
  - (g) be rated with a Soil Capability Rating equal to or exceeding that of the improvable soil capability rating of the site proposed for exclusion;
3. Where a 2 to 1 ratio is not achievable, the inclusion of non-ALR land in the ALR may be reduced to as low as a 1 to 1 ratio if the land included in the ALR is supplemented by other means to mitigate the impact of the exclusion and to increase the agricultural capability of land remaining within the ALR. These means may include, but are not limited to:
  - (a) infrastructure works to improve drainage and irrigation;
  - (b) consolidation of parcels and the creation of more rationally sized and configured farm parcels or units;
  - (c) increased utilization of land through cancellation of rights-of-way, utility corridors or home sites;
  - (d) improvements to utilities such as potable water supply, etc.; and
  - (e) improvements to farm access.

4. The ALC's agreement with the exclusion and proposed compensation calculations.

Where exclusion applications are supported for minor boundary adjustments as set out in Subsection 3.1 or for government-operated facilities as set out in Subsection 3.2 of Section 3 of this policy, compensation may be required. However, such compensation

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will not require the replacement of the excluded land with non-ALR land. Where exclusion applications are supported for private sector facilities that can only be accommodated on ALR land, as set out in Subsection 3.3 of Section 3 of this policy, compensation will be required in accordance with Section 5 except that replacement land may not be required. Compensation requirements for each of these types of applications will be considered on an application-by-application basis.

## **6. APPLICATION PROCESSING**

- Applications for exclusion of land from the ALR will be received by the Planning and Development Department and will be evaluated by City staff using this policy in conjunction with the other policies and by-laws of the City.
- All applications for exclusion of land from the ALR will be forwarded to the AAC for comments and input.
- The applicant will be responsible for retaining the services of qualified professionals, as necessary, to provide information to staff to demonstrate how the criteria in this policy and other relevant policies and by-laws of the City have been or will be satisfied.
- Upon completion of the evaluation and consultation, a Planning report will be submitted to Council for consideration at a Regular Council – Land Use meeting.
- The report will provide, among other things, a summary of the application, a summary of staff's evaluation of the application against the criteria contained in this policy and a recommendation or set of recommendations for Council's consideration.

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