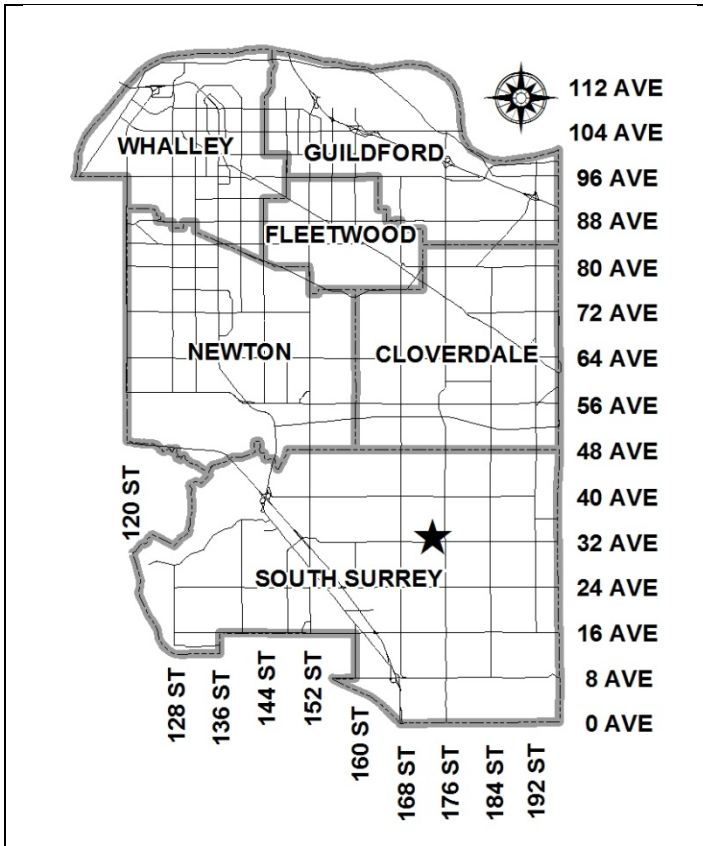


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7912-0094-00

Planning Report Date: September 10, 2012



PROPOSAL:

- **Subdivision within the ALR** under Section 21(2) of the ALC Act in order to create 2 lots.

LOCATION:

3255 - 176 Street

OWNERS:

Donald D Mangat
 Robert J Mangat

ZONING:

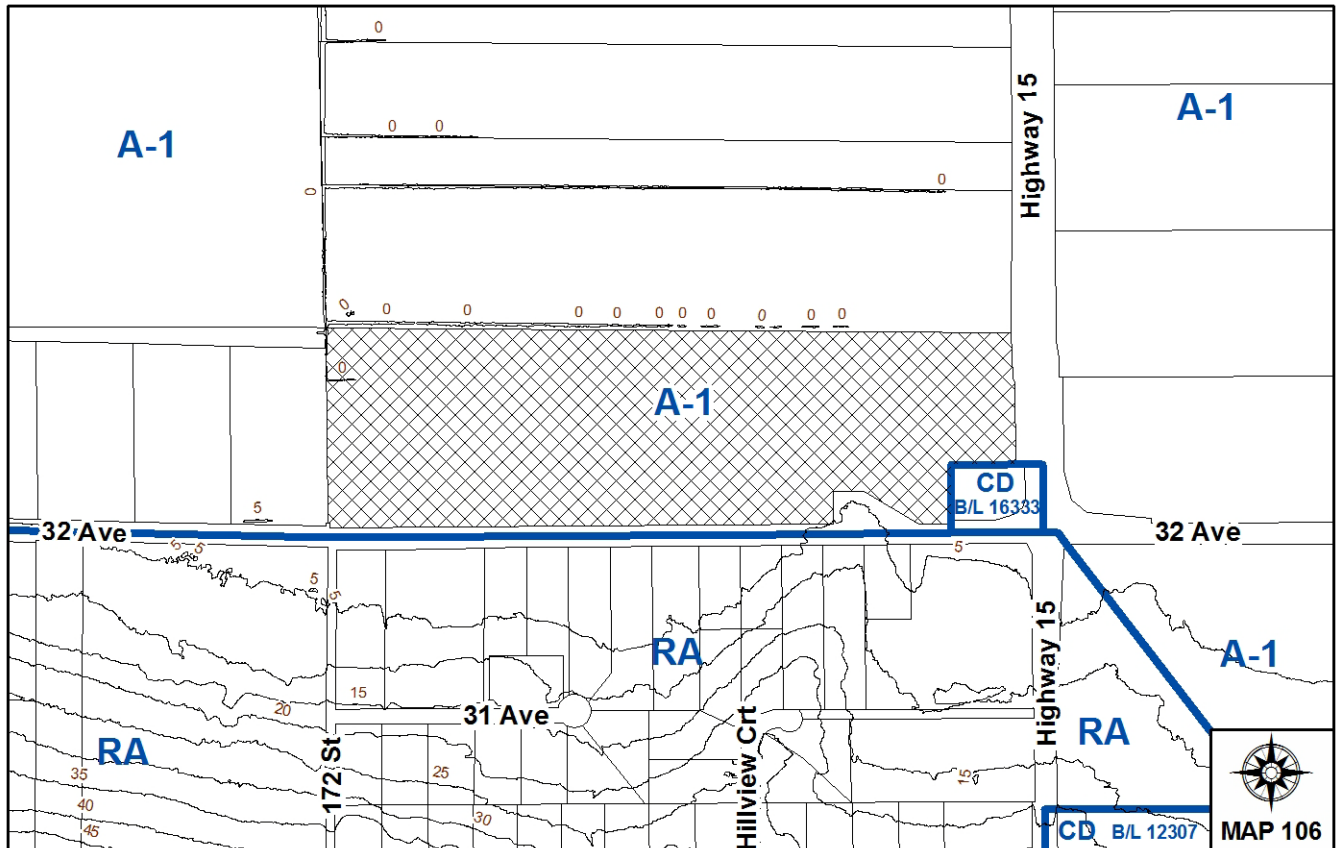
A-1

OCP DESIGNATION:

Agricultural

NCP/LAP DESIGNATION:

Agricultural (1986 Local Area Plan)



RECOMMENDATION SUMMARY

The Planning & Development Department recommends that this application be denied.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

Does not comply with OCP policy to limit the subdivision of agricultural land.

RATIONALE OF RECOMMENDATION

- The proposed subdivision is contrary to the intent of the Official Community Plan policies, recommendations in the Surrey Agricultural Plan, and does not provide a broad benefit to agriculture in Surrey.
- Staff and Council have been consistent in not supporting applications for subdivision that fragment the ALR land base, particularly where broader community and agricultural benefit is not demonstrated.
- A similar application to subdivide the subject property was denied by Council in 1995 under application 7995-0130-00.
- The application is not supported by the Agricultural and Food Security Advisory Committee.
- Should Council determine that there is merit in allowing the proposal to proceed, council should pass a resolution to forward the application to the Agricultural Land Commission with appropriate comments.

RECOMMENDATION

The Planning & Development Department recommends that this application be denied.

Should Council determine that there is merit in allowing the proposal to proceed, Council should pass a resolution to forward the application to the Agricultural Land Commission with appropriate comments.

REFERRALS

Engineering:	The Engineering Department has no objection to the proposal subject to the completion of Engineering servicing requirements as outlined in Appendix III.
Ministry of Transportation & Infrastructure (MOTI):	A controlled access permit will be required for existing Highway 15 access, and no future access to Highway 15 will be permitted. All storm water drainage must be dealt with on site or directed to a municipal system. Should the application receive approval, the subdivision plans are required to be signed by the provincial Approving Officer.
Agricultural and Food Security Advisory Committee (AFSAC):	Non-support (Appendix IV).

SITE CHARACTERISTICS

Existing Land Use: Two (2) single family residences and a commercial blueberry farming operation.

Adjacent Areas:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Farming operation.	Agricultural/Agricultural (1986 Local Area Plan).	A-1 (Agricultural Land Reserve)
East (Across 176 th Street):	Farming operation/forested land.	Agricultural/Agricultural (1986 Local Area Plan).	A-1 (Agricultural Land Reserve)
South (Across 32 nd Avenue):	Single-Family Residential (0.5 – 1 hectare/1 – 2 acre lots).	Suburban/Proposed One-Acre Residential & Existing Half-Acre & Once Acre Lots (North Grandview Heights)	RA

Direction	Existing Use	OCP/NCP Designation	Existing Zone
South: (Corner of 176 th Street & 32 nd Avenue, bounded by subject property).	Gas Station/Convenience store & drive-thru (under construction). (Rezoned under application 7905-0387-00 & Approved for non-farm use by the ALC).	Agricultural/Agricultural (1986 Local Area Plan).	CD (Bylaw No. 16333) (Agricultural Land Reserve).
West:	Single Family Residential (2 hectare/5 acre lots).	Agricultural/Suburban Residential (1986 Local Area Plan).	A-1 (Agricultural Land Reserve)

DEVELOPMENT CONSIDERATIONS

Proposal

- This application involves a 15.1 hectare (37.3 acre) property located at the northwest corner of 32nd Avenue and 176th Street (Highway #15). The property contains two separate residences and several accessory structures; each house is occupied by a respective owner and located at opposite ends of the property.
- The subject property is currently being actively farmed and supports a blueberry operation.
- The applicants propose to subdivide the property into 2 parcels, sized approximately 7.7 and 7.1 hectares (19 and 17.5 acres, respectively) after road dedication requirements. One house currently lies on each of the proposed parcels.
- The purpose of the subdivision application is to allow one owner to obtain financing against the value of the property without extending this liability to the second owner. The applicants have stated that the financing will be used to make improvements to the farm and intensify the operation on one of the proposed parcels.

Background

- The subject property is surrounded by ALR land to the west, north, and east. 32nd Avenue, at the southern edge of the subject property, forms the ALR boundary for this area.
- The subject property has been under the ownership of different members of the Mangat family since 1947.
- Under application 7995-0130-00, the owners of the subject property applied to subdivide into two (2) parcels. Besides from ownership changing within the Mangat family, the circumstances of the application are almost identical. Staff recommended denial of the application, supported by Council, for the following reasons:
 - Subdivision would result in the fragmentation of agricultural land;
 - Subdivision would reduce the efficient use of farm land and negatively affect the viability of farming;

- Subdivision would set a precedent for similar ALR subdivision;
 - Subdivision would permit one additional house on each new parcel;
 - It is inadvisable to permit subdivision within the ALR for ownership reasons.
- Under application 7905-0387-00, finalized in 2010, a lot line adjustment was made on the subject property, transferring 1,620 m² (0.4 acres) from the subject property to the existing CD zoned lot at the north-west corner of 176 St. and 32 Ave. This was to facilitate issuance of a development permit and construction of a gas station/convenience store which had historically been located on the CD zoned site from 1972 to 1994. The lot line adjustment was necessary as the smaller parcel was no longer of sufficient size to accommodate an independent septic system as result of significant road dedication requirements from the expansion of 176th Street.

Agricultural and Food Security Advisory Committee (AFSAC):

- The application was reviewed by the AFSAC at the July 12th, 2012 meeting. The committee provided the following comments on the proposal:
 - It is contrary to the OCP and to past practices of not allowing subdivision of ALR land; larger lots are more economical and provide more options for farming.
 - Subdivision elevates the cost of land, making it less affordable for farmers to purchase, creates precedent and expectation from surrounding property owners.
 - This application may be an issue of succession planning, which could be addressed through the Ministry of Agriculture's *Farm Business Development Program*.

Advantages of and justification for the proposal

- The proposed parcels both meet the minimum size requirements for the A-1 zone.
- The applicants have indicated that the subject property is already operating as 2 separate farming entities, that they both have no intentions of selling, and they intend to continue operating their respective farms. They have volunteered to register a Section 219 Covenant on the proposed parcels to limit each to one dwelling.
- Improved financing ability for the owners may improve the viability of the current farming operation by providing options for improvements, including replaced farming inputs, site clean-up, and intensification of production.

Disadvantages of and arguments against the proposal

- The proposed subdivision is contrary to the intent of the Official Community Plan policy to protect agricultural lands and promote the viability of farming, specifically stated in Division A, Section 2.2, Subsection F-1.2, as "limit subdivision of agricultural land and encourage the amalgamation of lots in agricultural areas".
- Staff have concerns that the subdivision of ALR land sets precedent and creates heightened expectations for further subdivision within the ALR, especially from surrounding property owners. Subdivision of land leads to property speculation, regardless of its ALR status, which subsequently can increase the cost of agricultural land and negatively impact the viability of farming.

- As the lot size of agricultural land decreases, the likelihood of it being used for agricultural production also decreases, as does the future potential for more intensive agriculture operations (that require large amounts of land). This is illustrated immediately to the west of the subject site where there are several 2 hectare (5 acre) lots within the ALR that are currently being used as residential estates.
- It is unlikely that the farming operation on the subject property will cease if this application is not approved. Staff have ensured that the applicants are aware of agricultural specific funding/financing opportunities and programs available through sources such as Farm Credit Canada and the provincial Ministry of Agriculture.
- While this subdivision proposal may provide a short-term benefit to the owner's of the subject property, staff do not see a long term and broader benefit to agriculture as result of this proposed subdivision. Further, despite the owners' assurances to not sell the proposed parcels, there is no guarantee that this will be the case once subdivision is approved.
- The City has been consistent in not supporting applications for subdivision that fragment the ALR land base, especially where broader community and agricultural benefit is not presented. Based upon this, the recommendation of the Agriculture and Food Security Advisory Committee, and the reasons presented, the application cannot be supported.
- Should Council determine that there is merit in allowing the proposal to proceed, Council should pass a resolution to forward the application to the Agricultural Land Commission with appropriate comments.

PRE-NOTIFICATION

As per departmental policy on subdivision [only] applications, pre-notification letters were not sent.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Proposed Subdivision Layout
Appendix III.	Engineering Summary
Appendix IV.	Agricultural Advisory Committee Minutes

INFORMATION AVAILABLE ON FILE

Letter of Justification on behalf of owners (submitted by CitiWest Consulting).

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

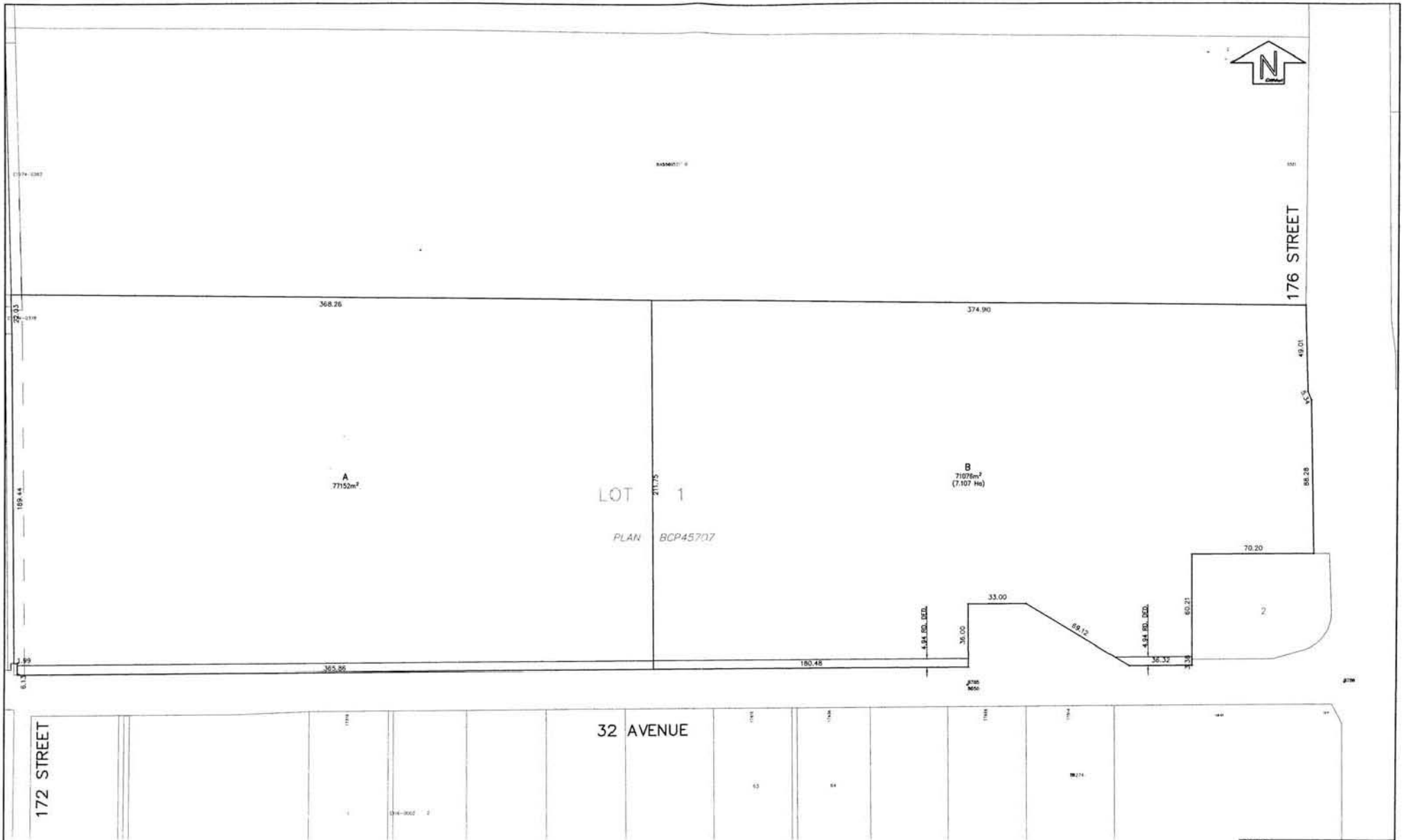
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SUBDIVISION DATA SHEET

Proposed Zoning: A-1

Requires Project Data	Proposed
GROSS SITE AREA	
Acres	37.33
Hectares	15.11
NUMBER OF LOTS	
Existing	1
Proposed	2
SIZE OF LOTS	
Range of lot widths (metres)	141.85 – 368.26
Range of lot areas (square metres)	72,150 – 78,898
DENSITY	
Lots/Hectare & Lots/Acre (Gross)	0.134 & 0.053
Lots/Hectare & Lots/Acre (Net)	0.135 & 0.055
SITE COVERAGE (in % of gross site area)	
Maximum Coverage of Principal & Accessory Building	n/a
Estimated Road, Lane & Driveway Coverage	n/a
Total Site Coverage	n/a
PARKLAND	
Area (square metres)	-
% of Gross Site	-
Required	
PARKLAND	
5% money in lieu	NO
TREE SURVEY/ASSESSMENT	
	NO
MODEL BUILDING SCHEME	
	NO
HERITAGE SITE Retention	
	NO
BOUNDARY HEALTH Approval	
	NO
DEV. VARIANCE PERMIT required	
Road Length/Standards	NO
Works and Services	NO
Building Retention	NO
Others	NO



- NOTES:**
1. ALL DIMENSIONS ARE APPROXIMATE ONLY BASED ON MASTER PLANS.
 2. LAYOUT IS PRELIMINARY AND SUBJECT TO APPROVALS AND SURVEYS.
 3. EXISTING HOUSES TO BE RETAINED (LOCATION TO BE CONFIRMED).

No.	Date	Revision	Dr	Ch

CitiWest Consulting Ltd.
 No.101-9030 KING GEORGE BLVD., SURREY, BC, V3V 7Y3
 TELEPHONE 604-591-2213 FAX 604-591-5518
 E-MAIL: office@citiwest.com



ROBERT J.B. MANGAT / DONALD MANGAT
 3255 - 176 STREET, SURREY, BC V3S-0L5 PH:604-574-5896

PRELIMINARY LOT LAYOUT

SUBDIVISION AT 3255-176 ST. AND 17327-32 AVE., SURREY, BC

Scale: 1:1000	Mun. Proj. No.	Dwg. No.
Drawn: JC	Mun. Dwg. No.	A
Designed: GRJ	Job No. 12-2914	Of
P.W. P.U.	Date MAR '12	Revision
Approved:		



LAND DEVELOPMENT ENGINEERING REVIEW

File: 7812-0094-00

Location: 3255 176 St.

Applicant: Citiwest Consulting Ltd.
Address: 9030 King George Blvd Suite 101
Phone: 604-591-2213
Fax: 604-591-5518
Email: rjawanda@citiwest.com
Owner: Donald D. Mangat

- | | | |
|--|--|---|
| <input type="checkbox"/> OCP Amendment | <input type="checkbox"/> NCP Amendment | <input type="checkbox"/> ALR Exclusion |
| <input type="checkbox"/> Rezone | <input type="checkbox"/> LUC Amendment | <input checked="" type="checkbox"/> Subdivision |
| Existing Land Use: A-1 | | Existing Lots: 1 |
| Proposed Land Use: A-1 | | Proposed Lots: 2 |
| <input type="checkbox"/> DP | <input type="checkbox"/> DVP | |

Land Development Engineering Contacts:
 Harvinder Bains, Development Services Project Supervisor
 604-591-4755, HBains@surrey.ca
 Bob Ambardar, P.Eng., Development Project Engineer
 604-598-5893, BAmbardar@surrey.ca

Attachments:
 Project Layout
 Road Right-of-Way Requirements Sketch

Distribution:
 Applicant
 Transportation Planning Manager
 Sewer Engineer
 Water Engineer
 Drainage Planning Manager
 Development Services Project Supervisor

1	August 20, 2012	Original
No.	Date	Revision

LAND DEVELOPMENT ENGINEERING REVIEW

File 7812-0094-00, Map #106

Background

The applicant is proposing to subdivide one (1) A-1 parcel into two (2) A-1 parcels. Currently 2 residential buildings exist on the lot, which are proposed to be retained with each falling on one of the proposed new lots. With previous application 7805-0387-00, the applicant subdivided off a portion of 3255 - 176 Street in order to consolidate with 3233 - 176 Street for a larger commercial lot. The balance of 3255 - 176 Street remained A-1. Please refer to the attached sketch # 12-2914, dated March 2012, prepared by Citiwest Consulting Ltd.

This Review represents the key issues that the Engineering Department is aware of at this time. The issues listed may not be fully comprehensive and exhaustive and the applicant is required, as part of the planning and design process (including Public Hearing) to identify and resolve all items relating to the proposed land development.

Property and Right-of-Way Requirements

The following road right-of-way dedication, as illustrated on the Road Right-of-Way Requirements sketch attached, is required on existing roads fronting the site:

- 4.942 metres on 32 Avenue for a total of 30.000 metres;
- Dedicate as road (without compensation), gazetted road for the north 10.058 meters of 32 Avenue on a road dedication or subdivision plan.

The following on-site statutory right-of-way (SROW) is required:

- 0.5 metre wide SROW along 32 Avenue from new property line.

NOTES:

1. The applicant is to contact the Ministry of Transportation and Infrastructure with regards to any required widening on Highway 15 and secure their approval.
2. ALC approval process for exclusions above the 24.0m maximum is not yet complete and may require two subdivision plans in the interim.

The applicant should address all road dedication and rights-of-way issues prior to finalizing layout or commencing legal survey or detailed design.

Servicing Requirements

NOTE: A referral and sign-off from the Agricultural Land Commission, the Ministry of Transportation and DFO is required.

These Works are required as a condition of this Subdivision.

Transportation/Traffic Management

No roadworks are required on 32 Avenue as it is classified as arterial road. Any changes to the existing driveway access will require the City review and approval.

The access to 32 Avenue must be restricted to right-in/right-out only. A **restrictive covenant** must be registered on title for this restriction.

Drainage/Environmental

NOTE: The existing and proposed lots are located in ALR and in the Nicomekl River floodplain.

The following City storm drainage facilities are located in the vicinity to the site:

- Open ditch fronts the site on the north side of 32 Avenue;
- 300mm/375mm/450mm/600mm/750mm/900mm storm sewer main fronts the site on the south side of 32 Avenue. The flow goes both in east and west directions;
- Red-coded (A) open ditch (Burrows Ditch) is located and runs along west property line of the site within SROW;
- Red-coded (AO) open ditch exists on the north side of north property line of the site;
- East-west red-coded (AO) open ditch exists near west property line of the site;
- East-west red-coded (AO) open ditch exists near east property line of the site;
- Sections of north-south red-coded (AO) open ditch exists within the site;
- 1200mm provincial storm sewer main partially fronts the site on both east and west sides of 176 Street (Highway 15);
- Red coded ditch (AO) partially fronts the site on both east and west sides of 176 Street (Highway 15).

The following storm drainage facilities are required:

- The applicant is required to provide information on how each lot will be serviced with a drainage connection.

A creek has been identified within/adjacent to this site, which requires protection in accordance with DFO/MWLAP Land Development Guidelines and Best Management Practices.

A sediment control plan must be developed in accordance with DFO/MWLAP Land Development Guidelines and Best Management Practices to manage soil erosion and sedimentation **during the off-site land development servicing**.

Water

The following City water facilities are located in the vicinity to the site:

- 100mm HDPE watermain fronts the site on the east side of 176 Street (Highway 15);
and
- 100mm HDPE watermain is proposed under Surrey project 7805-0387-00 on the north side of 32 Avenue and fronts only property at 3233 – 176 Street (Highway 15).

This existing water system does not have adequate capacity to meet the domestic and fire flow requirements of the proposed development and the following upgrades are required:

- Construct/Extend 100mm HDPE watermain on 32 Avenue along its full frontage.

NOTE: In lieu of construction of watermain, the applicant can also provide proof that adequate drinking water of acceptable quality is available in accordance with City's Design Criteria.

The following water facilities are required:

- A metered service connection must be provided to each lot.

Sanitary Sewer

There is no sanitary sewer main on 32 Avenue between 164 Street and 176 Street and on 176 Street.

As permitted under the zoning and where there is no existing sanitary sewer in the area, the applicant may use an alternate sewage disposal system subject to the approval of the Approving Officer.

Commercial Utilities

The development must be serviced with hydro, gas, telecommunication and cablevision in accordance with utility company requirements and City standards.

Project Management

A Servicing Agreement must be executed before the proposed Subdivision can be completed.

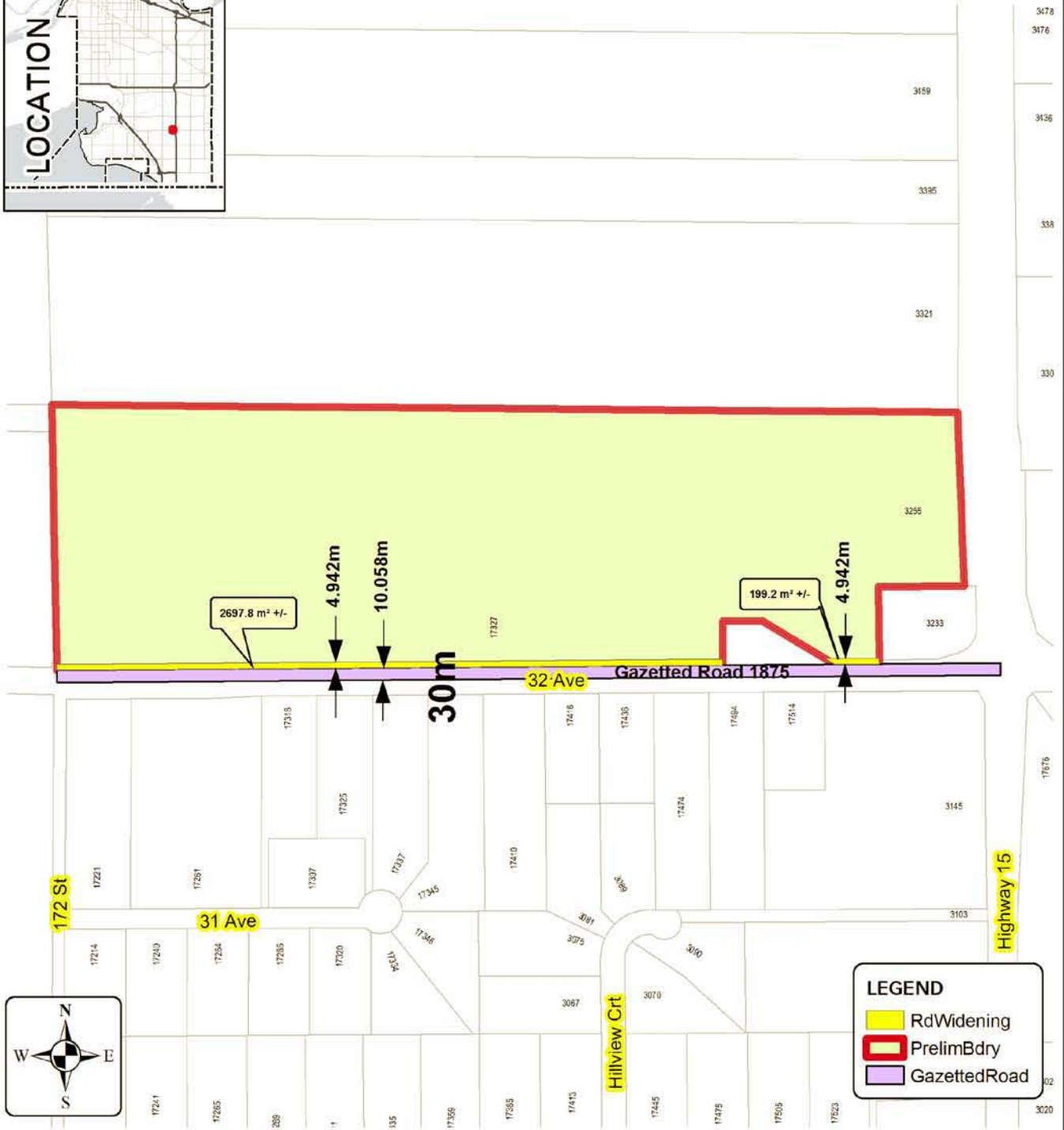
The following legal documents are known at this time to be required for this project:

- Restrictive covenant which indemnify and save the City harmless from any liability from any damage or loss relative to water supply for fire protection.
- Restrictive covenant for right-in/right-out at 32 Avenue.

All Engineering legal documents required for this project must be executed prior to issuance of the Servicing Agreement.

Financial

A processing fee of \$5,779.20 (HST included) is required for the Servicing Agreement. The watermain on 32 Avenue is to be constructed under the servicing agreement.



LEGEND	
	RdWidening
	PrelimBdry
	GazettedRoad

Produced by SURVEY Section: 05-09-2012 Jinder D



SUBJECT PROPERTY
3255 176th Street
PROJECT: 7812-0094-00

ENGINEERING
DEPARTMENT

The data provided is compiled from various sources and IS NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, Legal descriptions and encumbrances must be confirmed at the Land Title Office. G:\Survey\Road Comment PDF\12-0094.tif

Agriculture and Food Security Advisory Committee Minutes

Present:

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

Regrets:

T. Pellett, Agricultural Land
Commission
B. Stewart, Environmental Advisory
Committee Representative

Guest Observers:

S. Sandher, Citiwest Consulting

Staff Present:

R. Dubé, Engineering
D. Hornung, Bylaws
C. MacFarlane, Legal
C. Stewart, Planning & Development
M. Kischnick, Planning & Development
L. Anderson, Legislative Services

Agency Representative:

K. Zimmerman, Ministry of Agriculture

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D. NEW BUSINESS

- 1. Proposed Subdivision within the ALR.
3255 - 176 Street and 17327 - 32 Avenue
File No. 7912-0094-00**

Natalie Androsoff, Planning Technician, was in attendance to review the memo from Daniel Sturgeon, Planning Technician, dated June 27, 2012, regarding the above subject line. Comments were as follows:

- The applicants are proposing to subdivide the subject 37.3 acre property into two parcels (approximately 17.5 acres and 19.0 acres) to accommodate the financing for further farming activities and improvements to one of the proposed lots.
- Although currently one property, the land is farmed individually and independently by the owners. The majority of the property is actively being used to farm blueberries.
- There are two houses located on the subject property, each occupied by a respective owner, as well as two large outbuildings and some areas used for parking/storage. The property has been owned by the same family since 1947. The owners have both stated that they have no intention of further subdivision or selling the property and are willing to register a covenant on each proposed lot in order to restrict them each to only one residence.
- The subject property is surrounded by ALR land to the North, East and West, comprised of predominantly larger A-1 lots ranging from approximately 4 to 25 hectares. Immediately west, bordering 32 Avenue, are several smaller 2 hectare A-1 parcels which are not actively being farmed.
- The proposed lots meet the minimum size prescribed in the A-1 zone, however subdivision is contrary to OCP policy F-1.2.1.
- Several red-listed ditches (aquatic habitat) traverse the property.
- The soil on this site is classified as 5W, with improvement potential to class 2W.

The Committee commented as follows:

- It is contrary to past practices of not allowing the subdivision of land; the smaller the lot is, the more difficult or less options there are for farming.
- ALC Policy suggests that the further parcelization of farmland should be discouraged unless there is clear benefit to agriculture.
- Larger lots are more economical than smaller lots. It has been the policy of the City not to create smaller lots, and only approve minimum lot size subdivision where it is in agriculture's best interest or where impacts on agriculture are minimal.
- The problem with allowing a subdivision within a reasonably sized agricultural lot is that it raises expectations of all those around them to subdivide further. It also opens the door to place a second dwelling, etc.
- It isn't necessarily seen as a loss of land, but it would make smaller parcels of land and those smaller parcels elevate the cost of the land, which makes the land less viable and ultimately less affordable for farmers to buy.
- At end of day it raises expectations and sets a precedent for all the ALR within the City of Surrey. A subdivision on the subject property would have a ripple effect.
- It could be suggested that this is an issue of succession planning. The Ministry of Agriculture addresses this in their Farm Business Development Program, which offers consulting services to assist in providing options for the successful transition of farms.

It was

Moved by M. Bose

Seconded by P. Harrison

That the Agriculture and Food Security Advisory

Committee recommends to the G.M. Planning and Development that Application

No. 7912-0094-00 not be supported or forwarded to the ALC as it:

1. is contrary to the OCP subdivision policy F-1.2.1 to limit subdivision of agricultural land within the City of Surrey;
2. would set a precedent and raise the expectation for further subdivisions within the ALR, causing a ripple effect; and
3. the rationale for the application could be addressed through the Ministry of Agriculture's *Farm Business Development Program*.

Carried

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