

City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7918-0236-00

Planning Report Date: May 10, 2021

PROPOSAL:

- **ALR Exclusion** for a portion of the site under Section 30 of the *ALC Act*.

LOCATION:

6821 - 176 Street
(6835 and 6845 - 176 Street)

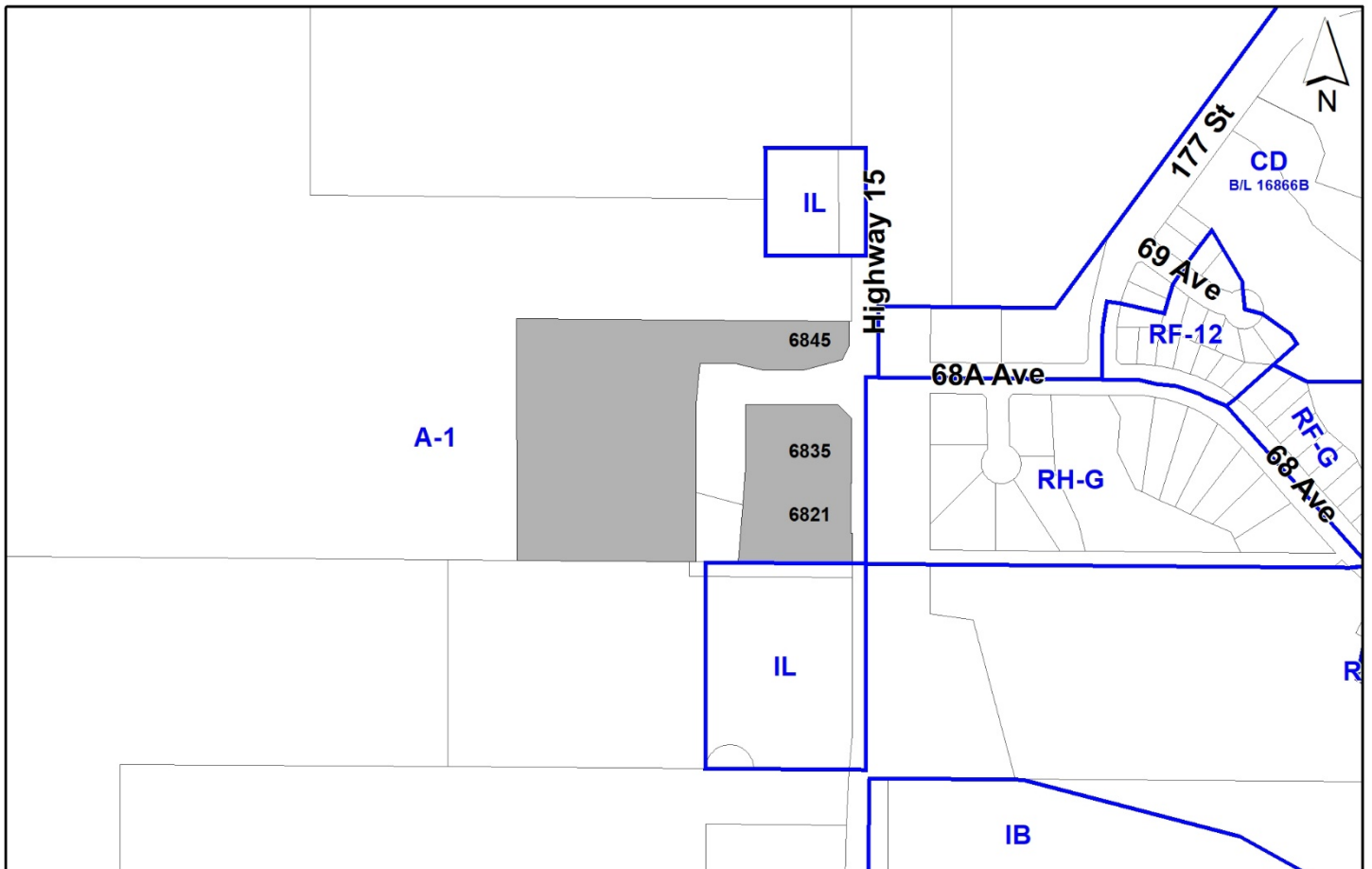
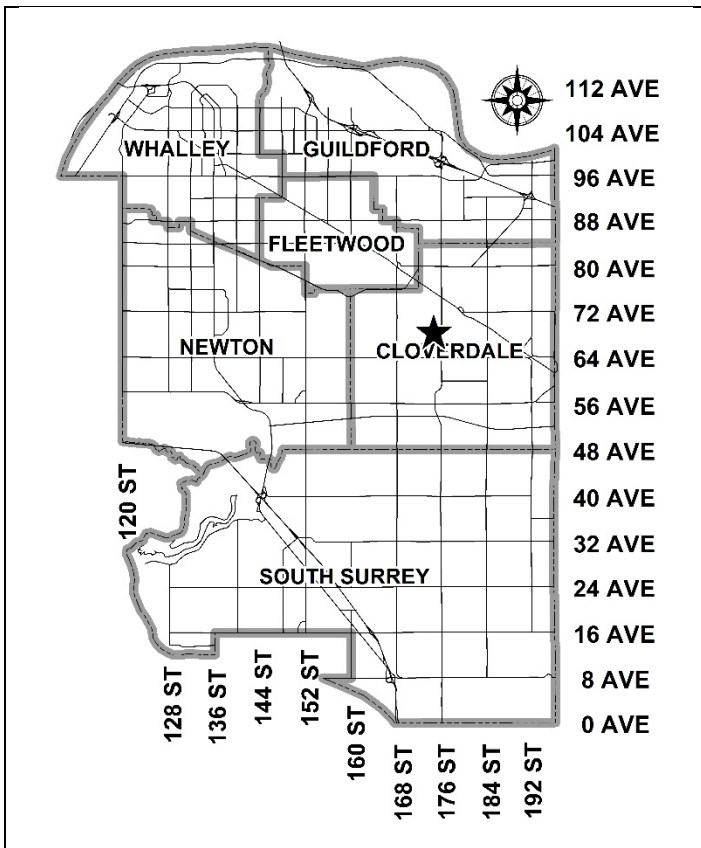
ZONING:

A-1

OCF

Agricultural

DESIGNATION:



RECOMMENDATION SUMMARY

- To refer the application to the Agricultural Land Commission with a recommendation of support.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposal does not fully comply with 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 exclude their land from the ALR.
- The applicant contends that the portion of the subject site proposed for exclusion from the ALR (proposed Lot 2) is not suitable for, or capable of supporting, agricultural practices.
- The proposed partial ALR exclusion has merit given that the portion of the site proposed to be excluded from the ALR has been severed from the parent parcel through road construction. The Ministry of Transportation and Infrastructure (MOTI) expropriated land to create the existing road (175A Street/68A Avenue) that severs the subject site, which is intended to provide alternative access to properties to the south that front Highway 15.
- Allowing the portion of the subject site, separated from the parent parcel by 175A Street/68A Avenue, to be excluded from the ALR is supportable given the roadway acts as a clear and defensible physical boundary between the ALR and non-ALR lands. If excluded, this 0.846 hectare parcel will form a logical extension of the existing non-ALR area, located along the west side of 176 Street, while improving the overall economic viability of the subject site.
- The applicant proposes a corresponding Regional Growth Strategy (RGS) Amendment, Official Community Plan (OCP) Amendment, and Rezoning to accommodate an employment use on the portion of the site proposed to be removed from the ALR. These elements of the application would be presented to Council for consideration should Council choose to refer the application to the ALC and should the ALC subsequently support the proposed ALR exclusion.
- A Heritage Revitalization Agreement to restore, maintain and relocate the heritage buildings to the remainder parcel, which will remain in the ALR, will accompany the rezoning component of the application, should the ALC support the proposed partial ALR exclusion.

RECOMMENDATION

The Planning & Development Department recommends that Council authorize referral of the ALR exclusion application for a portion of the site to the Agricultural Land Commission (ALC) with a recommendation of support.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Agricultural with a manufactured home and heritage dwelling (Livingston House) as well as several accessory buildings in the ALR	Agricultural	A-1
North:	Agricultural, in the ALR	Agricultural	A-1
East (Across 176 Street/ No. 15 Highway):	Single family residential dwellings and sanitary pump station	Suburban	RH-G and CD (Bylaw No. 16866B)
South:	Agricultural and truck parking facility with a portion in the ALR	Agricultural and Mixed Employment	A-1 & IL
West:	Agricultural, in the ALR	Agricultural	A-1

Context & Background

Site Characteristics

- The subject property is approximately 3.36 hectares in total area and located on the west side of 176 Street (Highway No. 15), just south of 68A Avenue. The site is designated "Agricultural" in the Official Community Plan (OCP), located within the Agricultural Land Reserve (ALR) and zoned "General Agricultural Zone (A-1)".
- The southerly portion of the subject site is encumbered by a B.C. Hydro right-of-way.
- The property is currently occupied by a manufactured home and several heritage buildings. The easterly portion of the site, proposed to be excluded from the ALR, includes a heritage dwelling dating from 1929 (Hillside Farms – Livingston House) and accessory building. The northern portion of the subject site, which is proposed to remain within the ALR, includes a heritage barn that dates from 1929 (Hillside Farms – Small Gambrel Barn) as well as small accessory buildings, all of which may have heritage value. The Livingston House and Small Gambrel Barn are on the City's Community Heritage Registry. The Large Gambrel Barn, previously located beside the Small Gambrel Barn, was similarly on the Community Heritage Registry but was demolished with permit in August 2017 given its poor condition and low retention value.

Historical Background

- The subject site was subdivided in November 1993 under the Home and Homesite Severance provisions of the *Agricultural Land Commission Act* (Development Application No. 6093-0221-00). The proposal involved subdividing a 3.36 hectare portion of the original parcel in order to permit the owner to retire and sell the remainder of the dairy farm. The remnant parcel created by the subdivision was subsequently consolidated with the adjacent northerly property to form 6981 – 176 Street. At the time, the Ministry of Transportation and Infrastructure (MOTI) asked the City of Surrey to consider a conceptual road plan to provide alternate access to properties, fronting 176 Street (Highway 15), in the event of future re-development.
- In 2003, the owner of the subject site was approached by MOTI to discuss expropriation in order to construct a north-south road to provide alternate access for properties adjacent to 176 Street, which aligns with 68A Avenue. The north-south road (175A Street) was built by MOTI in 2008 and provides access to the truck park operation on the property to the south at 6739 – 176 Street. As a result of the expropriation, several buildings on the subject site were removed and several exiting buildings no longer comply with the setback requirements of the A-1 Zone.

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant is proposing to exclude a 0.846 hectare portion of the subject site, located on the west side of 176 Street (Highway No. 15) (proposed Lot 2) from the Agricultural Land Reserve (Appendix I).
- The remainder of the parent parcel, currently zoned A-1, will remain within the ALR (proposed Lot 1).
- The applicant contends that the portion of the subject site proposed to be excluded from the Agricultural Land Reserve (ALR) is currently not suitable for or capable of supporting viable agricultural practices for the following reasons:
 - The applicant has indicated the north-south road constructed by MOTI has negatively impacted the livability and agricultural viability of the portion of the subject site that is proposed to be excluded from the ALR. The north-south road has resulted in increased commercial vehicle traffic, exhaust, fumes, debris, dust and trespassing by members of the public, all of which have negative impacts on the well-being of animals raised on the subject site and, therefore, is not conducive to farm practices.
 - The portion of the site to be excluded from the ALR was effectively severed from the parent parcel by the north-south road (175A Street) that was expropriated by MOTI and constructed in 2008.

- The portion of the site to be excluded from the ALR is currently occupied by a heritage dwelling (Livingston House) and several other structures that may be of heritage value. The applicant is willing to enter into a Heritage Revitalization Agreement with the City to restore, maintain and relocate the heritage buildings to the remainder parcel, which will remain in the ALR, should the ALC support the proposed exclusion application.
- The applicant proposes that an employment use, like those found in the Cloverdale Business Park to the southeast of the site, would be a more appropriate use of the portion of the site proposed to be excluded from the ALR. However, the applicant contends that it is premature to discuss the future land-use(s) for this portion of the site in greater detail until such time as the land is successfully removed from the ALR.
- The applicant has submitted the necessary corresponding Official Community Plan (OCP) Amendment and Rezoning applications to pursue an employment use on the portion of land proposed to be excluded from the ALR. The applicant acknowledges that approvals for an employment use are at the discretion of Metro Vancouver and City Council, and that the approval process will require additional public consultation.
- As such, the applicant is requesting that Council refer the exclusion application for the easterly portion of the subject site (proposed Lot 2) to the Agricultural Land Commission (ALC) for consideration.
- Specific details on the development proposal are provided in the table below:

	Proposed ALR Exclusion
Lot Area	
Gross Site Area:	0.846 hectare
Road Dedication:	N/A
Undevelopable Area:	N/A
Net Site Area:	N/A
Number of Lots:	1
Unit Density:	N/A
Range of Lot Sizes	0.846 hectare
Range of Lot Widths	65 metres
Range of Lot Depths	102 metres

Referrals

Engineering:

The Engineering Department is withholding comments pending a decision from the ALC on the proposed partial ALR exclusion. Should the ALC support the subject exclusion application, engineering staff will undertake a detailed review of the proposal and provide further comments outlining the engineering requirements for this project.

Agricultural, Environment and Investment Advisory Committee (AEIAC):

At the March 20, 2021 meeting, the AEIAC recommended that the proposed ALR exclusion application be referred back to staff and requested further clarification on the nature of the proposal from the applicant (see discussion below).

POLICY & BY-LAW CONSIDERATIONS

Regional Growth Strategy

- The subject property is designated "Agricultural" in the Regional Growth Strategy (RGS).
- If the exclusion application is supported by the Agricultural Land Commission (ALC), the applicant will pursue an employment use that will require an RGS Amendment to redesignate the portion of the subject site proposed to be excluded from the ALR to an employment land-use designation.

Official Community Plan

Land Use Designation

- The subject property is designated "Agricultural" in the Official Community Plan (OCP).
- If the exclusion application is supported by the Agricultural Land Commission (ALC), the applicant will pursue an employment use that will require an OCP Amendment to redesignate the portion of the subject site proposed to be excluded from the ALR to an employment land-use designation.

Policy Considerations

- When considering a proposal to remove agricultural land from the ALR, there are a number of policies and/or regulations at the regional, provincial, and municipal level that are specifically designed to protect the supply of agricultural land. These are discussed briefly below:

Agricultural Land Commission (ALC) Act

- As noted above, the subject property is located within the Agricultural Land Reserve (ALR).
- The mission of the Agricultural Land Commission (ALC) is to preserve agricultural land as well as actively engage farmers and ranchers to collaboratively encourage and support the long-term viability of agricultural businesses throughout British Columbia.
- The ALC has the authority and mandate to review the ALR boundary, from time to time, in order to determine whether land is appropriately designated and defensible as ALR lands. As a result of budgetary constraints, the ALC is unable to conduct these reviews on its own but 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 ALC 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*, the local government is required to provide a resolution in order to allow the application to proceed to the ALC for consideration if the land is currently zoned for "Agricultural" use and/or where an amendment to an Official Community Plan or official development plan is required. The subject property is zoned A-1 under Zoning By-law No. 12000 and designated "Agricultural" in the OCP.
- Should an application to exclude land from the ALR be referred to the ALC for consideration by a 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 "Agricultural" in the Metro Vancouver *Regional Growth Strategy* (RGS) and is located outside of the Urban Containment Boundary. The purpose for the Urban Containment Boundary is to establish a stable, long-term regionally defined area where urban development can take place and strengthen the protection of agricultural lands, among other areas. The "Agricultural" designation in the RGS is intended to help reinforce provincial and/or local government objectives to protect the agricultural land base within the region.
- Amendments to the Urban Containment Boundary and the "Agricultural" designation of the RGS must come from the affected municipal government and will require an affirmative two-thirds weighted vote of the Metro Vancouver Board as well as a regional public hearing. As a result, this step would only occur after a Council-authorized referral of the subject exclusion application is made to the ALC and only after the ALC has granted the applicant's request to exclude a portion of the subject site from the ALR.

City Policy No. O-51

- In support of the proposed ALR exclusion application, the applicant has provided a written response which outlines how the applicant believes the proposed exclusion application complies with the criteria identified in City Policy No. O-51 ("Policy for Considering Applications for Exclusion of Land from the Agricultural Land Reserve"). A summary of the applicant's rationale is provided in the table below (followed by staff's comments in *italics*):

Section 3.0 of City 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"> • The land proposed to be excluded abuts an existing non-agricultural area and is a "sliver" of land as opposed to an entire parcel. 	<p>Applicant's rationale:</p> <p>The applicant contends that the proposed ALR exclusion application constitutes a minor boundary adjustment given the following:</p> <ul style="list-style-type: none"> • The portion of the subject site proposed to be excluded from the ALR currently abuts a non-agricultural area;

<ul style="list-style-type: none"> • 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. • 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. • 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. • Compensation may be required in accordance with Section 5 of Policy No. O-51. 	<ul style="list-style-type: none"> • The portion of the subject site proposed to be excluded from the ALR will form a logical extension of the existing non-agricultural area on the west side of 176 Street (No. 15 Highway), south of 68A Avenue; • If excluded from the ALR, this portion of the subject site would help create a new, clear, and defensible boundary based on its separation from agricultural areas by physical features that include existing roadways (175A Street); and • A substantial buffer is created by 175A Street between the portion of the site proposed to be excluded from the ALR and the remainder of the parent parcel which will remain within the ALR boundary. <p>The applicant further notes that the <i>ALR & 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 areas.</p> <p>In addition, the applicant contends that the subject site comprises a small portion of the approximately 4.7 million hectares of the Provincial ALR lands.</p> <p><i>City staff agree the portion of the subject site to be excluded from the ALR would help to create a clearly defined physical boundary between the ALR and non-ALR lands, along the west side of 176 Street, which would be separated by the existing north-south road (175A Street). The portion of the site that is proposed for exclusion represents a logical extension of the existing non-agricultural area on the west side of 176 Street and can, therefore, be considered to have merit as a boundary adjustment.</i></p>
<p>Section 4.0 of City Policy No. O-51</p>	
<p>Policy Statement</p>	<p>Comments and Review</p>
<p>4.1 Soil Capability</p> <ul style="list-style-type: none"> • If the land proposed for exclusion has a Soil Capability Rating of or is improvable 	<p>Applicant's Rationale:</p> <p>The portion of the subject site proposed to be excluded from the ALR is currently occupied</p>

<p>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.</p> <ul style="list-style-type: none"> • 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. 	<p>by a single family dwelling (Livingston House) and several accessory buildings.</p> <p>Prior to MOTI expropriating a portion of the site to construct the north-south road (175A Street), the easterly portion of the subject site was the location of the original farmstead.</p> <p><i>No information was provided by the applicant with respect to the Soil Capability Rating for staff review or comment.</i></p>
<p>4.2 Proposed Use</p> <ul style="list-style-type: none"> • If an application for ALR exclusion is intended for uses that will result in a departure from the sustainable development principles in the OCP and will encourage speculative pressures on ALR lands, such an application will generally not be supported. 	<p>Applicant's Rationale:</p> <p>The applicant states that the ability to farm the portion of the subject site proposed to be excluded from the ALR has become more and more difficult over time, especially following the construction of 175A Street.</p> <p>According to the applicant, the construction of 175A Street has resulted in the following constraints to the suitability of this portion of the subject site for agricultural practices:</p> <ul style="list-style-type: none"> • Creating dust and noise which negatively impacts agricultural activities; • Trespass and liability issues; and • Increased truck traffic on 175A Street. <p>These constraints have created a functionally isolated parcel of ALR land that is exceptional and, therefore, not likely to result in increased speculative activity.</p> <p><i>Although the lands to the north and west are located within the ALR, the north-south road (175A Street) constitutes a physical barrier to further expansion of the non-agricultural area to the south. As such, staff do not anticipate that this exclusion application will result in increased pressure on surrounding ALR lands or set any precedent for additional exclusion applications on the west side of 176 Street (No. 15 Highway).</i></p>

<p>4.3 Alternative Site for the Proposed Use</p> <ul style="list-style-type: none"> • 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. 	<p><i>At the request of the applicant, the ALR exclusion is proceeding in advance of the accompanying 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.</i></p>
<p>4.4 Location of the Site</p> <ul style="list-style-type: none"> • 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. • 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. • If the 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. • 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. 	<p>Applicant's Rationale:</p> <p>The portion of the subject site proposed for exclusion from the ALR directly abuts a non-agricultural area as well as provides a logical and continuous extension of the pattern of development witnessed on the adjacent non-ALR lands.</p> <p>The expropriation of a portion of the subject site by MOTI to construct 175A Street forms a permanent and well-defined boundary that separates the ALR and non-ALR areas. This road has effectively severed and isolated the portion of the site to be excluded from the ALR and serves as a physical barrier that has made it no longer viable to pursue agricultural practices on the excluded portion of the site.</p> <p><i>Staff agree that construction of 175A Street has effectively severed the portion of the site to be excluded from the ALR from the remainder of the parent parcel and that, should the exclusion application be supported by the ALC, the easterly portion of the subject site will form a logical and continuous extension of the existing non-ALR lands on the west side of 176 Street (No. 15 Highway).</i></p>

<p>4.5 Roads and Services</p> <ul style="list-style-type: none"> 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 within agricultural areas often result in conflicts with farm vehicles. 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 services on a local agricultural road, the application will generally not be supported. 	<p>Applicant's rationale:</p> <p>The applicant maintains that the ability to farm the portion of the subject site to be excluded from the ALR has become more difficult over time due to the truck park facility on the southerly property at 6739 - 176 Street which creates dust and noise.</p> <p>According to the applicant, the truck park facility has negatively impacted the overall viability of the easterly portion of the site as productive farmland. In particular, the truck park facility has resulted in:</p> <ul style="list-style-type: none"> Greater dust and noise which negatively impacts agricultural practices; Trespass and liability issues; and Increased truck traffic on 175A Street. <p>In addition, MOTI's decision to expropriate a portion of the subject site to construct 175A Street, in order to provide alternate access to 6739 - 176 Street, has resulted in the easterly portion of the subject property becoming a functionally isolated parcel, Nonetheless, the portion of the site proposed to be excluded will have direct vehicle access to an existing local road (175A Street) that, although may require upgrades, does not need to be further extended through existing ALR land.</p> <p><i>It is unlikely that MOTI will approve any further vehicle access from the subject site directly onto 176 Street (No. 15 Highway) in order to reduce conflicts with vehicle traffic. However, the portion of the site to be excluded from the ALR will benefit from the existing local road (175A Street) which will provide full-movement access given the intersection at 68A Avenue and 175A Street is already signalized.</i></p>
<p>4.6 Interface Buffering</p> <ul style="list-style-type: none"> The OCP requires landscaping buffers along the boundary between the ALR and adjacent non-agricultural land-uses. 	<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 the existing north-south road (175A Street).</p>

<ul style="list-style-type: none"> 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. 	<p><i>Should the proposed ALR exclusion application be supported by Council and the ALC, suitable landscape buffering adjacent the ALR boundary would be considered as part of a future Detailed Development Permit application on the subject site.</i></p>
<p>4.7 Impacts on Adjacent Agricultural Activities</p> <ul style="list-style-type: none"> Agricultural areas within the City can be physically impacted by boundary changes and encroachment of urban development. The impact can go beyond the immediate abutting lands that remain within the ALR. Measures to mitigate impact 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. 	<p>Applicant's Rationale:</p> <p>The applicant notes that City Policy No. O-51 and current ALC guidelines recognize there are certain physical features (e.g. roadways, major highways, railroads, greenways, etc.) that could represent "clearly defined physical boundaries" which help to mitigate the impact on adjacent agricultural lands.</p> <p>The portion of the subject site proposed to be excluded from the ALR represents a logical extension of the existing non-ALR area on the west side of 176 Street (Highway No. 15) and, with the construction of 175A Street, will not negatively impact either the parent parcel or abutting agricultural lands within the ALR.</p> <p><i>Staff note that, should the ALC approve the ALR exclusion application, the portion of the subject site to be excluded from the ALR will still need to go through a detailed planning and review process. As part of any Development Permit application on the excluded portion of the subject site, the applicant will be required to provide a suitable agricultural buffer which would include significant on-site landscaping, per the OCP Guidelines, in order to further mitigate any impacts on the remainder parent parcel and abutting agricultural lands.</i></p>

- As outlined in City Policy No. O-51, subject to satisfying the criteria in Section 4.0 (as noted above), an application to exclude land from the ALR must also demonstrate that appropriate compensation will be provided that is satisfactory to Council and the ALC. The compensation to be provided is intended to ensure the overall productive capability of ALR lands in Surrey will be retained long-term. A summary of the compensation requirements under City Policy No. O-51 are identified in the following table with the applicant's response as well as staff's comments (in *italics*).

Section 5.0 of City Policy No. O-51 (Compensation)	
Policy Statement	Comments and Review
<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> <ul style="list-style-type: none"> 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. <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> <ul style="list-style-type: none"> 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. improvement to farm access. 	<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.</i></p> <p>Applicant's Rationale:</p> <p>The applicant has indicated that, although no compensation for the lands excluded from the ALR is proposed, the applicant may be willing to undertake improvements based upon input from City staff and/or the ALC (e.g. drainage improvements).</p> <p><i>As noted in Section 5.3(a), improvements to drainage patterns may be acceptable as partial compensation, provided compensation is still provided at a minimum ratio of 1:1. As such, the subject application is not in compliance with the compensation sections of Policy No. O-51.</i></p> <p><i>The ALC may consider drainage improvements as a condition of approval for an ALR exclusion application.</i></p>

PUBLIC ENGAGEMENT

- Pre-notification is not required by the City for ALR exclusion applications. ALC regulations require the applicant to provide adjacent property owners with notification of the exclusion application, which was provided through signage and newspaper notices. Over the course of the pre-notification period required by the ALC, City staff received the following comments regarding the exclusion application:
 - One resident expressed opposition to the proposed ALR exclusion application.
 - One of the neighbouring property owners expressed opposition to the ALR exclusion application and indicated it would not make a positive contribution to agriculture, is unwarranted and contrary to the purpose of maintaining the ALR boundary. Further, the property owner argued it would set a dangerous precedent by allowing an owner to subdivide under the Home and Homesite Severance provisions of the *Agricultural Land Commission Act* as a means of moving toward formally excluding land from the ALR. This property owner believes that a profitable farm operation is possible on the easterly portion of the subject site and could benefit the surrounding area given that the site is located directly adjacent a Provincial highway (No. 15 Highway/176 Street) and in close proximity to a large urban population which makes it ideally suited for "locally farm grown direct to consumer" marketing opportunities.
 - One of the neighbouring property owners expressed no opinion on the proposed ALR exclusion application but indicated that, should the easterly portion of the subject site be excluded from the ALR, the neighbouring property owner would similarly apply to the ALC to exclude their agricultural property from the ALR in order to expand on the number of truck parking facilities operating in the local area.

Agricultural Advisory Committees

- The proposed ALR exclusion application proceeded to the former Agriculture and Food Policy Advisory Committee (AFPAC) on November 5, 2019. At the AFPAC meeting, committee members provided the following comments:
 - The applicant should consider an appropriate non-farm use or agri-tourism use (e.g. similar to the Honeybee Centre on Fraser Highway) for the easterly portion of the site;
 - Any proposed land-use on the easterly portion of the subject site should benefit and/or enhance agricultural practices within the surrounding area;
 - The subject site currently provides a suitable buffer to existing non-agricultural areas, especially the "Mixed Employment" designated lands on the west side of 176 Street. If the easterly portion of the subject site is excluded from the ALR, this could negatively impact the long-term viability of existing agricultural land and make it more difficult to pursue farming practices on adjacent properties and in the surrounding area;
 - The applicant has not fully complied with City Policy No. O-51 ("Policy for Considering Applications for the Exclusion of Land from the Agricultural Land Reserve"), especially with respect to providing compensation.

- The existing heritage dwelling (Livingston House) should be preserved in its current location; and
- The proposed exclusion application lacks sufficient detail, especially in terms of the proposed land-use on the easterly portion of the subject site. As such, the Committee asked the applicant to provide more details on the nature of the proposal, specifically as it relates to any future proposed rezoning.
- The proposed ALR exclusion application subsequently proceeded to the Agriculture, Economic and Investment Advisory Committee (AEIAC) on March 10, 2021. A summary of the comments provided by committee members can be found below:
 - The proposed exclusion application would set a dangerous precedent for similar properties that border the ALR and put additional pressure on the existing ALR boundary;
 - There is sufficient non-agricultural lands available within the City of Surrey to accommodate future (re-)development;
 - The applicant should work within the existing A-1 Zone towards an acceptable land-use and/or consider an agri-tourism use (e.g. the Honeybee Centre or a winery);
 - Any proposed land-use on the easterly portion of the subject site should be low-impact and include land-uses that preserve and/or enhance agricultural practices;
 - The north-south road (175A Street) should be extended southward and completed through development applications to alleviate the pressure it places on agricultural land;
 - The existing heritage dwelling (Livingston House) should be preserved in its current location;
 - A Development Permit should be included as part of any proposed rezoning application on the easterly portion of the subject site;
 - An appropriate landscape buffer is required on-site, should the easterly portion of the subject site be excluded from the ALR; and
 - The proposed exclusion application lacks sufficient detail, especially in terms of the proposed land-use on the easterly portion of the subject site. As such, the committee asked the applicant to provide more details on the nature of the proposal, specifically as it relates to any future proposed rezoning.

The AFPAC and AEIAC committee members strongly opposed the ALR exclusion application and indicated the application should be referred back to staff to work with the applicant to identify an appropriate land-use within the existing "Agricultural" designation and A-1 Zone or work with the applicant towards an agri-tourism use for the subject site.

In response to the Committee's comments, the applicant advised staff that a proposed agri-tourism operation would not be feasible on the portion of the subject site proposed to be excluded from the ALR given that agri-tourism businesses, such as the Honeybee Centre, often have to expand the scope of their business (e.g. introducing a restaurant that operates 7 days a week) to remain competitive. However, it is increasingly difficult to operate a successful agri-tourism business, in light of Covid restrictions, due to the loss of customers. In addition, the owner would be required to front end the costs to bring all the required services to accommodate an agri-tourism business (e.g. a winery) on the subject site which is a challenge when the owner has no guarantee if he/she will receive a return on their investment.

PROJECT EVALUATION AND DISCUSSION

- As noted previously, the applicant is seeking to exclude 0.846 hectare, along the west side of 176 Street (No. 15 Highway) from the ALR (proposed Lot 2) and is, therefore, requesting that Council refer the application to the Agricultural Land Commission (ALC).
- Similar to the ALC, the City of Surrey recognizes the value of preserving agricultural lands. The Official Community Plan (OCP) contains policies to protect farmland as a resource for agriculture, a source of heritage and distinct landscape that defines communities. The OCP policies also seek to maintain the integrity of the ALR and its existing boundaries as well as enhance the viability of agriculture as a component of the City of Surrey's economy.
- Council has adopted City Policy No. O-51 ("Policy for Considering Applications for Exclusion of Land from the Agricultural Land Reserve") which provides criteria to evaluate applications that propose to exclude land from the ALR.
- Although the development application does not satisfy all of the criteria outlined in City Policy No. O-51, the applicant maintains that the subject site is neither suitable nor capable of being actively farmed. As previously noted, the applicant contends the subject site is not capable of being farmed for the following reasons:
 - The portion of the subject site proposed for exclusion is physically separated from the remainder of the subject site and other active local farming operations by the existing north-south road (175A Street).
 - The adjacent truck park facility has negatively impacted the overall viability of the easterly portion of the subject site as productive pastureland and, therefore, the site has become less conducive to supporting agricultural practices. The adjacent truck park facility has resulted in greater noise and dust, increased truck traffic as well as trespass and liability concerns.
- The applicant's position is that the characteristics of the subject site offer a clear rationale for supporting the exclusion application, due to the eastern portion of the subject site being separated from surrounding ALR lands, the adjacent non-agricultural area to the south of the subject site, which includes a truck park facility and the introduction of a north-south road (175A Street) which has negatively impacted farming practices in the local area.

- These conditions, according to the applicant, have created a functionally isolated parcel of ALR land that is exceptional and, therefore, not likely to place additional pressure on ALR lands in other areas of the City or result in increased speculative activity.
- 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.
- Staff concur that the expropriation and subsequent construction of 175A Street has severed and isolated the easterly portion of the site from the remaining agricultural land, and on this basis, there is merit to consideration by the ALC for exclusion of this portion of land from the ALR.

CONCLUSION

- The Planning & Development Department recommends that Council authorize referral of the ALR exclusion application to the Agricultural Land Commission (ALC) with a recommendation of support.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Proposed Subdivision Layout
Appendix II.	Agricultural and Food Policy Advisory Committee Minutes
Appendix III.	Agriculture, Environment and Investment Advisory Committee Minutes
Appendix IV.	City Policy No. O-51 ("Policy for Considering Applications for Exclusion of Land from the Agricultural Land Reserve")

approved by Ron Gill

Jean Lamontagne
General Manager
Planning and Development

MRJ/cm

PROPOSED SUBDIVISION PLAN OF LOT 1, EXCEPT:

- 1) PART DEDICATED ARTERIAL HIGHWAY ON PLAN EPP13496
- 2) PART DEDICATED ROAD ON PLAN EPP13497 AND EPP48750
- 3) PART RIGHT-OF-WAY ON EPP48750 (NOW ROAD)

SECTION 18, TOWNSHIP 8, NEW WESTMINSTER DISTRICT, PLAN LMP13791

PLAN EPP

Appendix I

0 10 20 30 40 50m



SCALE 1 : 1000

All distances are in metres

LEGEND:

- ⊙ Denotes control monument found
- Denotes lead plug found
- Denotes standard iron post found
- Denotes lead plug set
- △ Denotes survey control point (concrete nail)
- ha Denotes hectares
- Wt Denotes witness



Rem 2
Plan LMP13791

SECTION 18

PROPOSED LOT 1
2.512 ha.

Part Rem 1
Plan LMP13791

ROAD
DEDICATED BY
PLAN EPP13497

PROPOSED LOT 2
0.846 ha.

Part Rem 1
Plan LMP13791

ARTERIAL HIGHWAY
DEDICATED BY PLAN EPP13496

176th STREET
HIGHWAY 15

ARTERIAL HIGHWAY
DEDICATED BY PLAN EPP13496

B.C. Hydro & Power Authority SRW Plan 12717

ROAD
PLAN EPP48750

SRW Plan 81715

SRW Ex
Plan LMP33492

TOWNSHIP 8

68th AVENUE

Rem 10

Cameron Land Surveying Ltd.
B.C. Land Surveyors
Unit 206, 16055 Fraser Highway
Surrey, B.C. V4N 0G2
Phone: 604-597-3777
File: 4907-Sketch1

This plan lies within the Metro Vancouver Regional District

June 4, 2019.
Kenneth W. Schuurman, BCLS (800)

Agriculture and Food Policy Advisory Committee Minutes

Present:

Councillor Hundial, Chair
M. Bose, Vice-Chair
B. Sandhu
J. Werring
M. Hilmer
P. Harrison
S. Rai

Agency Representative:

Nadia Mori, Ministry of Agriculture

Regrets:

J. Gibeau
S. VanKeulen
D. Arnold
R. Brar

Staff Present:

C. Baron, Drainage Manager
C. Lumsden, Planner
C. Stewart, Senior Planner
D. Merry, Parks & Recreation Planner
Y. Yohannes, Manager, Utilities
M. Jorgensen, Planner
M. Kischnick, Planner
M. Petretta, Engineer
W. Siegner, Planning Technician
C. Eagles, Administrative Assistant

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

It was Moved by P. Harrison
Seconded by M. Hilmer
That the Agriculture and Food Policy
Advisory Committee adopt the agenda.
Carried

2. Adoption of the Minutes

It was Moved by B. Sandhu
Seconded by J. Werring
That the Agriculture and Food Policy
Advisory Committee adopt the September 10, 2019 AFPAC minutes.
Carried

B. STAFF PRESENTATIONS**1. Nicomekl Riverfront Park**

Doug Merry, Parks & Recreation Planner, Parks, Recreation and Culture

Staff provided a presentation on the Nicomekl Riverfront Park and highlighted the following information:

- Nicomekl Park is located within the green infrastructure network and is the gateway to the south-west area of Surrey and is critical to habitat diversity. The goal for the park is to have a place of beauty, recreation, ecological abundance and climate resilience.
- The park has existing land uses, runs adjacent to the existing Semiahmoo Heritage Trail, has class A fish bearing creeks draining into the Nicomekl River, has multiple First Nations histories, a history of logging and farming, and will incorporate public art.

- The vision for the park includes an increased tree canopy, biodiversity and resilience of each park zone, plans to protect, restore and enhance ecological corridors and patches, address sea level rise and create engaging opportunities for all ages and abilities.

The Committee suggested having signage along or across ALR lands to describe the what is taking place on the agriculture lands.

2. **Darts Hills NCP: Sanitary Sewer Servicing**

May Petretta, Engineer, Engineering Department

Staff provided a presentation on the Darts Hill New Concept Plan: Sanitary Sewer Servicing and highlighted the following information:

- The Darts Hill forms part of Grandview Heights NCP and includes a sanitary catchment area to convey sewage to the new Fergus Sanitary Pump Station.
- There are 2 Options for the Sanitary Sewer Servicing:
 - Options 1 is an alignment through the ALR with low impacts to farming, requires ALC approval and Statutory Right of Way (SRW) land negotiations, it the greenest option, and has a construction cost of 3.1 Million. This option is based on functionality, capital cost and triple bottom line analysis. Approximately 900 metres would cut through the ALR. No odor issues are anticipated.
 - The SRW is about 6.5 metres and the farmers would be able to continue farming the lands through the SRW areas except for planting large trees as the roots can cause damage to the pipes. The depth of sewer ranges from 1.5 to 4 metres. The SRW is about 6.5 metres and far.
 - Option 2 is a pump station with no ALC approvals, is likely to cause odors, has a longer construction duration, has potential sanitary sewer overflow and a higher construction cost of 4.1 Million. Chemical dosing system required to mitigate dosing issues.

The Committee expressed concerns that soil can settle and swale and believe that food should not be produced over sewer lines. Staff noted that it is believed to be hay production on the properties that would be affected.

The Committee noted that there is a direct impact to the farmland and expressed concerns if there is a break or odor issues. There were concerns on soil disturbance and risk of invasive species. The soil can never revert its former state.

M. Bose arrived to the meeting at 6:33 p.m.

C. NEW BUSINESS**1. Development Application 7917-0578-00**

Christopher Lumsden, Planner

File: 7917-0578-00

- The subject property is approximately 0.798 hectares in area, designated Suburban in the Official Community Plan, Single Family Suburban in the Feetwood Town Centre Plan and currently zoned One-Acre Residential Zone. The property is located outside of the ALR and outside of a Development Permit Area for Farm Protection as it is located at a distance greater than 50 metres from the edge of the ALR.
- The applicant is proposing to rezone the property from One-Acre Residential Zone to Quarter Acre Residential Zone in order to allow subdivision into two small suburban lots and one remnant lot with a future consolidation and subdivision potential with the adjacent property to the immediate west.
- Portions of the subject site are both within and beyond 200 metres (656 ft.) of the ALR boundary. OCP Text Amendment By-law No. 18833, approved by Council on April 23, 2018, allows "Suburban" designated lots within portions within and beyond 200 metres (656 ft.) of the ALR boundary to average the allowable density over the entire lot area in situations where it will result in the creation of lots that are consistent with the surrounding neighbourhood context.
- The applicant's proposed gross density, as averaged over the entire site, is 6.0 units per hectare (2.4 units per acre) which complies with the permitted average density provisions of the "Suburban" designation in the OCP. The proposed lot sizes are compatible with existing, adjacent lot sizes.

It was

Moved by M. Bose

Seconded by P. Harrison

That the Agriculture and Food Policy

Advisory Committee recommend to the General Manager of Planning and Development to support Development Application 7917-0578-00.

Carried**2. Development Application 7918-0236-00**

Misty Jorgensen, Planner

File: 7918-0236-00

- The subject property is designated Agricultural in the Official Community Plan and located within the Agricultural Land Reserve boundary. The site is zoned General Agriculture Zone (A-1) and is encumbered by a BC Hydro right of way.

- The Ministry of Transportation and Infrastructure (MOTI) expropriated a portion of the site and as a result, several buildings were removed and several existing buildings no longer comply with the setback requirements of the A-1 Zone. The applicant is proposing to exclude from the ALR the 0.8 hectare portion of the subject site that was created after MOTI expropriated the land to construct a north-south road in 2008.
- If the ALR exclusion application is supported by the ALC, the applicant proposes to amend the OCP from Agriculture to Mixed Employment, rezone from General Agriculture Zone (A-1) to Light Impact Industrial Zone (IL) and subdivide the excluded portion of the site in order to sell the lot for future industrial development. The applicant will enter into a Heritage Revitalization Agreement in order to relocate and retain the existing dwelling.
- The applicant has indicated the north-south road constructed by MOTI has negatively impacted the liveability and agricultural viability of the portion of the site proposed to be excluded from the ALR. It was noted that the applicant does not meet City Policy O-51.

The Committee expressed concerns on not knowing zoning and land use if it is excluded. It was also noted the potential to use the site for ag-tourism as a way to better support agriculture.

It was Moved by P. Harrison
 Seconded by B. Sandhu
 That the Agriculture and Food Policy
 Advisory Committee recommend to the General Manager of Planning and
 Development to refer Development Application 7918-0236-00 back to staff.
Carried
 With M. Bose opposed

D. OUTSTANDING BUSINESS

1. Farm Tour Discussion

A sub-committee will be formed in the new year to work through the logistics for the day.

E. ITEMS REFERRED BY COUNCIL

This section has no items to consider.

F. CORRESPONDENCE**1. 2020 Meeting Schedule**

The Committee was requested to pass a motion adopting the 2020 AFPAC Meeting Schedule as presented.

It was Moved by M Bose
Seconded by B. Sandhu
That the Agriculture and Food Policy
Advisory Committee adopt the 2020 Meeting Schedule as presented.
Carried

2. Telecommunications Tower in the ALR (18-0043)

William Siegner, Planning Technician

The following memorandum is for information.

The memorandum outlined a proposed Development Variance Permit and Sensitive Ecosystems Development Permit to increase the height of a free-standing telecommunications tower from 12 metres to 40 metres.

The Committee expressed concerns on placing telecommunications towers in the ALR and would like to see an alternative to placing them in the ALR. The Committee asked if there was a current inventory of towers in the ALR, what would that look like moving forward, and if there are best practices.

The Committee suggested including telecommunication towers in Surrey's COSMOS mapping software so they can be identified.

G. INFORMATION ITEMS**1. Environmental Sustainability Advisory Committee (ESAC) Update**

An update from the previous ESAC meetings was provided by J. Werring. At the September 25, 2019 ESAC Meeting, the Committee made a recommendation to Council to declare a Climate Emergency, which was supported by Council at the November 4, 2019 RCPH Meeting.

At the October 30, 2019 ESAC meeting, there were presentations on Electric Vehicle Charging, and by Watershed Watch and the Climate Clock and Sustainabilitieens. The ESAC Committee made a motion to ask that staff investigate the feasibility of a National Park in Surrey.

2. UBC Research Project

A letter from the University of British Columbia was circulated asking farmers to participate in a research project regarding agricultural planning. Interested parties are to contact the researchers directly.

H. INTEGRITY OF THE AGRICULTURE LAND

1. Climate Change Impact to Farming

The Committee suggested hearing a presentation on Climate Change and the impacts it has on farming. The Committee expressed concerns that farmland is sinking and that a variety of factors can cause peat to compress.

I. OTHER BUSINESS

J. NEXT MEETING

The next meeting of the Agriculture and Food Policy Advisory Committee will be held on Tuesday, December 3, 2019, at 6:00 p.m. in 2E Community Room B.

K. ADJOURNMENT

It was

Moved by M. Bose
Seconded by S. Sandhu
That the Agriculture and Food Policy

Advisory Committee meeting is adjourned.

Carried

The Agriculture and Food Policy Advisory Committee adjourned at 7:52 p.m.

Jennifer Ficocelli, City Clerk

Councillor Jack Hundial, Chair

Agriculture, Environment, and Investment Advisory Committee Minutes

Present:

Councillor Patton, Chair
Councillor Nagra, Vice-Chair
Councillor Hundial
M. Lamont
S. Rai
S. Van Keulen

Agency Representative:

Nadia Mori, Ministry of Agriculture

Regrets:Staff Present:

S. Neuman, General Manager, Engineering
Y. Yohannes, Manager, Utilities
M. Jorgensen, Planner
C. Eagles, Administrative Assistant

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

It was Moved by Councillor Hundial
Seconded by Councillor Nagra
That the agenda of the Agriculture,
Environment, and Investment Advisory Committee be adopted.
Carried

2. Adoption of the Minutes

It was Moved by S. VanKeulen
Seconded by Councillor Nagra
That the minutes of the Agriculture,
Environment, and Investment Advisory Committee meeting held February 23, 2021
be adopted.
Carried

B. HOUSEKEEPING**1. Terms of Reference**

The Committee is requested to pass a motion to receive the Terms of Reference for information.

It was Moved by Councillor Nagra
Seconded by Councillor Hundial
That the Agriculture, Environment, and
Investment Advisory Committee receive the Terms of Reference as information.
Carried

2. 2021 AEIAC Meeting Schedule

The Committee is requested to pass a motion to receive the 2021 AEIAC Meeting Schedule for information.

It was
Investment Advisory Committee receive the 2021 AEIAC Meeting Schedule as information.

Moved by Councillor Nagra

Seconded by Councillor Hundial

That the Agriculture, Environment, and

Carried

3. 2021-2022 Work Plan

The Committee discussed that the Workplan will be grouped into three compartments. Agriculture and Agricultural Investment, Environment, and Climate.

Staff outlined details within the workplan and the following comments were made:

- The committee expressed concerns on transportation, such as road widening, and the biodiversity corridors for wildlife. In response to a question from the Committee, staff noted there are designs available that can be presented to the Committee for feedback.
- The committee expressed concerns on the protection of the environment and funding opportunities, such as funding for the BCS.
- It was asked if there is an opportunity to buy local. The Committee expressed interest in agenda items such as agritourism, illegal truck parking, and the education or enforcement on using the dykes as walkways throughout agricultural land.
- The Chair requested a quarterly Workplan update.

Staff noted that all ideas, thoughts and initiatives are welcomed by the Committee.

C. NEW BUSINESS**1. Development Application 7918-0236-00**

Misty Jorgensen, Planner

File: 7918-0236-00; 6821 - 176 Street

The proposal is to exclude a 0.8 hectare portion of the site located along 176 Street from the ALR, which was created after MOTI expropriated land to construct a north-south road in 2008. The applicant proposes to rezone the excluded portion to "Light Impact Industrial Zone (IL)" in order to permit future redevelopment for mixed employment uses.

- The property is designated “Agricultural” in the Official Community Plan (OCP), located within the Agricultural Land Reserve (ALR), and zoned “General Agricultural Zone (A-1)”. The southerly portion of the subject site is encumbered by a BC Hydro right of way.
- The applicant will enter into a Heritage Revitalization Agreement (HRA) in order to relocate and retain an existing dwelling.
- The application previously went to AFPAC where there was uncertainty over the proposed land use and zoning of the site.

The following comments were made:

- It was noted that this may be an opportunity for agritourism.
- The Committee expressed concerns on the precedent that would be set should the property be removed from the ALR. The Committee expressed concerns on what the property would become if rezoned and that the Committee would like to see a plan in place if the application is forwarded to the ALC. The Committee would like to see a solution within the land designation.
- It was suggested that the application return to staff to explore less impactful land-uses. It was noted that the existing north-south road created by MOTI requires work to alleviate noise, dust and pollution.
- It was noted that the soil within the property, and in the area, is one of the richest soils within the ALR outside of the Nicomekl. In response to a question from the Committee, staff noted that if the property is excluded, an appropriate landscape buffer would be required on-site as per the Official Community Plan.

The Committee understands the disadvantage the applicant was placed in when a portion of the site was expropriated for the north-south road.

It was Moved by S. VanKeulen
 Seconded by Councillor Nagra
 That the Agriculture, Environment, and
 Investment Advisory Committee recommend to the General Manager of Planning
 and Development to return Development Application 7918-0236-00 back to staff
 for further clarification of the proposal.

Carried

D. OUTSTANDING BUSINESS

1. Verbal Updates

- It was noted that Buy BC applications are now open for local producers to apply for the Buy BC Marketing Plan that would have Buy BC logo on products that they sell.

E. ITEMS REFERRED BY COUNCIL

This section has no items to consider.

F. CORRESPONDENCE

This section has no items to consider.

G. NEXT MEETING

The next meeting of the Agriculture, Environment, and Investment Advisory Committee is scheduled Virtually for Wednesday, April 14 at 6:00 p.m.

H. ADJOURNMENT

It was
Investment Advisory Committee meeting adjourn.
Moved by Councillor Nagra
Seconded by Councillor Hundial
That the Agriculture, Environment, and
Carried

The Agriculture, Environment, and Investment Advisory Committee adjourned at 6:52 p.m.

Jennifer Ficocelli, City Clerk

Councillor Allison Patton, Chair



CITY POLICY

No. O-51

REFERENCE:	APPROVED BY:	CITY COUNCIL
REGULAR COUNCIL MINUTES 01 DECEMBER 2003	DATE:	17 MAY 2004 (RES.R04-1316)
	HISTORY:	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;

This policy is subject to any specific provisions of the Local Government Act, or other relevant legislation or Union agreement.

-
- 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 an 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.

This policy is subject to any specific provisions of the Local Government Act, or other relevant legislation or Union agreement.

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;

This policy is subject to any specific provisions of the Local Government Act, or other relevant legislation or Union agreement.

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.

This policy is subject to any specific provisions of the Local Government Act, or other relevant legislation or Union agreement.

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.

This policy is subject to any specific provisions of the Local Government Act, or other relevant legislation or Union agreement.

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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