City of Surrey PLANNING & DEVELOPMENT REPORT Application No.: 7918-0436-00

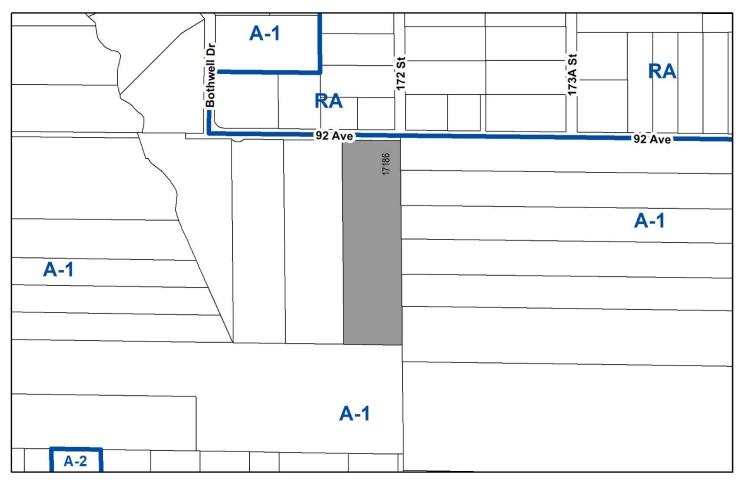
Planning Report Date: April 6, 2020

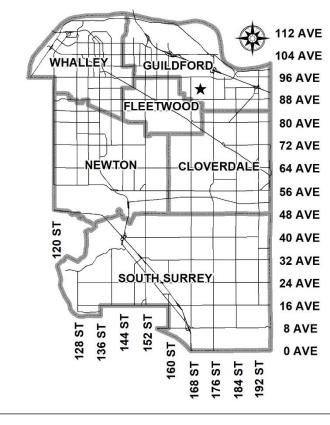
PROPOSAL:

- **Development Permit** for Sensitive Ecosystems (Streamside and Green Infrastructure Areas)
- Non-adhering residential use under Section 20.1 of the ALC Act

to permit the construction of a single family dwelling (principal residence) greater than 500 square metres in size in the Agricultural Land Reserve (ALR).

LOCATION:	17186 - 92 Avenue
ZONING:	A-1
OCP DESIGNATION:	Agricultural
LAP DESIGNATION:	Agricultural





RECOMMENDATION SUMMARY

- Approval to draft Development Permit for Sensitive Ecosystems.
- That Council refer the non-adhering residential use application to the Agricultural Land Commission (ALC) without comment.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

• Proposing to increase the maximum allowable floor area of a principal residence in the Agricultural Land Reserve (ALR) to larger than 500 square metres.

RATIONALE OF RECOMMENDATION

- The applicant is proposing to construct a new 922 square metre single family dwelling (principal residence) on the subject lot.
- The proposed single family dwelling complies with the General Agriculture Zone (A-1), which does not include any restrictions on density or house size, but does limit the area of the farm residential footprint to a maximum of 2,000 square metres, as well as the location of the farm residential footprint on the lot. No rezoning or variances are requested.
- The proposal complies with the Development Permit requirements in the OCP for Sensitive Ecosystems (Streamside and Green Infrastructure Areas).
- On February 22, 2019, the Agricultural Land Reserve Use Regulation (ALR Use Regulation) was approved by B.C.'s Lieutenant Governor in Council, bringing into force changes to the *Agricultural Land Commission Act* (ALCA) under Bill 52 2018, *Agricultural Land Commission Act* (ALCA) under Bill 52 2018, *Agricultural Land Commission Amendment Act*, 2019.
- One of the key changes of Bill 52 2018 was providing the ALC with new oversight over residential uses and structures on ALR Land, including limiting the maximum floor area of a principal dwelling and generally limiting a property in the ALR to one dwelling.
- The applicant submitted the subject Development Permit application (for Sensitive Ecosystems) on November 28, 2018, prior to the enactment of Bill 52 2018. However, the applicant did not submit a building permit application and did not include any house plans with the original Development Permit application.
- Since no building permit was issued for the proposed single-family dwelling and no foundation substantially initiated, the proposed single-family dwelling (principal residence) cannot be considered an "unfinished pre-existing residence", which are grandparented under the new legislation.
- The applicant therefore amended the application to include an application for a Non-Adhering Residential Use under Section 20.1 (2)(a) of the Agricultural Land Commission Act to permit non-adhering residential use for a principal residence that exceeds 500 square metres in total floor area.

Staff Report to Council

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• At the March 9, 2020 Regular Council – Land Use Meeting, Council moved to refer to the ALC without comment a similar non-adhering residential use application. Development Application No. 7918-0010-00 includes the construction of a principal residence over 500 square metres in the ALR.

RECOMMENDATION

The Planning & Development Department recommends that:

- 1. Council authorize staff to draft Development Permit No. 7918-0436-00 for Sensitive Ecosystems (Streamside and Green Infrastructure Areas) generally in accordance with the finalized Ecosystem Development Plan prepared by Envirowest Consultants Inc.
- 2. Council authorize referral of the application to the Agricultural Land Commission without comment.
- 3. Council instruct staff to resolve the following issues prior to final approval:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) approval from the Agricultural Land Commission;
 - (c) submission of a finalized Ecosystem Development Plan to the satisfaction of City staff; and
 - (d) registration of a combined statutory right-of-way/restrictive covenant (SRW/RC) for environmental protection.

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Vacant	Agricultural	A-1
North (Across 92 Avenue):	Single Family Dwelling	Urban	RA
East:	Single Family Dwelling, Agriculture	Agricultural	A-1
South:	Agriculture	Agricultural	A-1
West:	Vacant	Agricultural	A-1

SITE CONTEXT & BACKGROUND

Context & Background

- The 40,617 square metre subject property is located at 17186 92 Avenue, just south of Anniedale-Tynehead. It is designated "Agricultural" in the Official Community Plan (OCP) and is zoned General Agriculture Zone (A-1). It is located within the Agricultural Land Reserve (ALR).
- The property does not have farm status under the BC Assessment Act.

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- Class A or Class A(O) perimeter drainages were identified along the north, east and south sides of the property, signifying that salmonids are seasonally present. While all perimeter drainages are manmade, they have been classified to be streams as they originate from headwater streams and include groundwater seepages.
- Green Infrastructure Network (GIN) Corridor No. 119 extends along the north side of the property. The Biodiversity Conservation Strategy (BCS) identifies GIN Corridor No. 119 as having moderate ecological value and is proposed to serve as an ALR edge buffer connecting proposed Hub A to Tynehead Regional Park.
- The applicant purchased the subject property in 2016 to farm organic blueberries and build a multi-generational house. The site has been cleared and drainage improvements have been made to prepare the land for farming.
- The applicant is proposing to construct a 922 square metre single family dwelling (principal residence) on a proposed sand and topsoil fill pad (farm residential footprint) that is less than 2,000 square metres in area.
- The proposed residence would be located at the north end of the property adjacent to 92 Avenue.

DEVELOPMENT PROPOSAL

Planning Considerations

• The applicant is applying for a Development Permit for Sensitive Ecosystems (Streamside and Green Infrastructure Areas) as well as for a Non-Adhering Residential Use to permit the construction of a single family dwelling (principal residence) over 500 square metres in size in the Agricultural Land Reserve (ALR).

Referrals

Engineering:	The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix II.
Agriculture and Food Policy	At the February 4, 2020 meeting, the AFPAC recommended that
Advisory Committee	the proposed the non-adhering residential use application <u>not</u> be
(AFPAC):	supported (Appendix III)

POLICY & BYLAW CONSIDERATIONS

Zoning Bylaw

• The General Agriculture Zone (A-1) does not include any restrictions on density or house size but does limit the area of the farm residential footprint to a maximum of 2,000 square metres, as well as the location of the farm residential footprint on the lot. The maximum depth of the farm residential footprint from the front lot line is 60 metres and the maximum setback of a single family dwelling from the front lot line is 60 metres. The proposed new single family dwelling complies with these zoning requirements and as such no rezoning or variances are required.

Agricultural Land Commission Act and Agricultural Land Reserve Use Regulation

- On February 22, 2019, the Agricultural Land Reserve Use Regulation (ALR Use Regulation) was approved by B.C.'s Lieutenant Governor in Council, bringing into force changes to the *Agricultural Land Commission Act (ALCA)* under Bill 52 2018, *Agricultural Land Commission Act (ALCA)* under Bill 52 2018, *Agricultural Land Commission Amendment Act, 2019*.
- One of the key changes of Bill 52 2018 was providing the ALC with new oversight over residential uses and structures on ALR land, including limiting the maximum floor area of a principal dwelling and generally limiting a property to one dwelling.
- When a landowner seeks to exceed the maximum floor area allotment or construct more than one residence on a property, they must apply to the ALC for a Non-Adhering Residential Use.
- The application procedure functions in a similar manner to other ALC applications, where they are reviewed by the local government before the application is reviewed by the ALC. A resolution must be passed by Council to refer the application to the ALC for review and consideration.
- Bill 52 2018 provided a grandparenting provision that allowed principal dwellings to be considered an "unfinished pre-existing residence" if all local government approvals for construction had been granted before February 22, 2019 and if the construction of the foundation had substantially begun by November 5, 2019.
- The applicant's proposed new single-family dwelling (principal residence) is 922 square metres in total floor area, including the garage and secondary suite, which exceeds the maximum 500 square metre principal residence total floor area under the ALCA.
- The applicant submitted the subject Development Permit application (for Sensitive Ecosystems) on November 28, 2018, prior to the enactment of Bill 52 2018. However, the applicant did not submit a building permit application and did not include any house plans with the original Development Permit application.
- Since no building permit application was issued for the proposed single-family dwelling and no foundation substantially initiated, the proposed single-family dwelling (principal residence) cannot be considered an "unfinished pre-existing residence".

- The applicant therefore amended their application to include an application for a Non-Adhering Residential Use under Section 20.1 (2)(a) of the Agricultural Land Commission Act to request approval of a principal residence that exceeds 500 square metres in total floor area.
- Given that the applicant had an in-stream Development Permit application with the City before the enactment of Bill 52 2018, staff is recommending that the Non-Adhering Residential Use application be forwarded to the ALC for consideration.

Applicant's Rationale:

- The applicant is a farmer who used to own a 30-acre blueberry farm in Abbotsford. He bought the subject 10-acre property in 2016 to farm and live closer to his children, who have moved to Surrey. The applicant has cleared the land and improved the drainage in preparation for farming at considerable expense.
- The multigenerational home will be occupied by the applicant and his wife, their two sons and the sons' respective families. Some members of the family will be working on the farm.
- The high cost to purchase the farmland requires the economic contribution of all members of the family. Proceeds from the sale of the Abbotsford farm will partially pay for the farmland, as well as financial help from the two sons who plan to sell their respective homes when they move in with their parents on the farm.
- Farm business operations will be kept separate from the household. Farm proceeds will not be used to pay for the farm nor for running the household.
- The time frame to derive income from berry farming is between 3-5 years. At that time, the family will be applying for farm status.
- Machinery and equipment from the Abbotsford farm are being kept in storage until farm operations can commence on the subject property. The family proposes to build storage barns when the development permit is issued, to store this machinery and equipment.

DEVELOPMENT PERMITS

Sensitive Ecosystems (Streamside Areas) Development Permit Requirement

- The subject property falls within the Sensitive Ecosystems Development Permit Area (DPA) for Streamside Areas in the OCP, given the location of existing Class A (red-coded) watercourses which flow on the north, east and south sides of the property. The Sensitive Ecosystems (Streamside Areas) Development Permit is required to protect aquatic and terrestrial ecosystems associated with streams from the impacts of development.
- In accordance with Part 7A Streamside Protection setbacks of the Zoning Bylaw, a Class A (red-coded) watercourse requires a minimum streamside setback of 15 metres, as measured from the top of bank. The proposed setbacks comply with the requirements outlined in the Zoning Bylaw.

- The riparian area will be protected through the registration of a combined Restrictive Covenant/Right-of-Way against the property to ensure safeguarding and maintenance of the Protection Area in perpetuity, in compliance with the OCP.
- An Ecosystem Development Plan, prepared by Ian Whyte, R.P. Bio., of Envirowest Consultants Inc. and dated April 17, 2019 was reviewed by staff and found to be generally acceptable. The finalized report and recommendations will be incorporated into the Development Permit.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

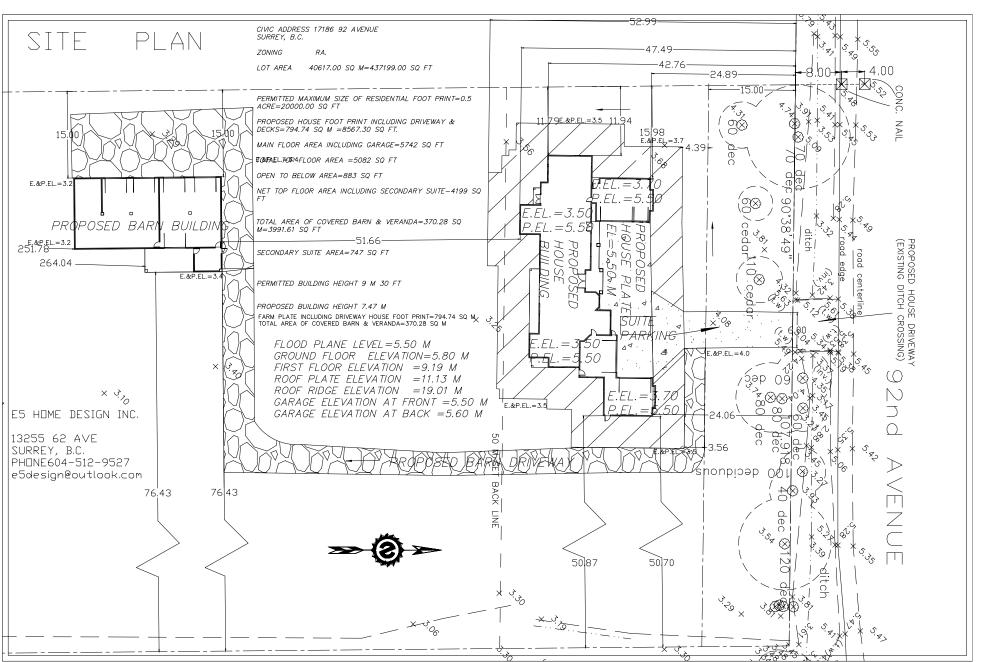
Appendix I.	Site Plan, Building Plans
Appendix II.	Engineering Summary
Appendix III.	Agriculture and Food Policy Advisory Committee Minutes

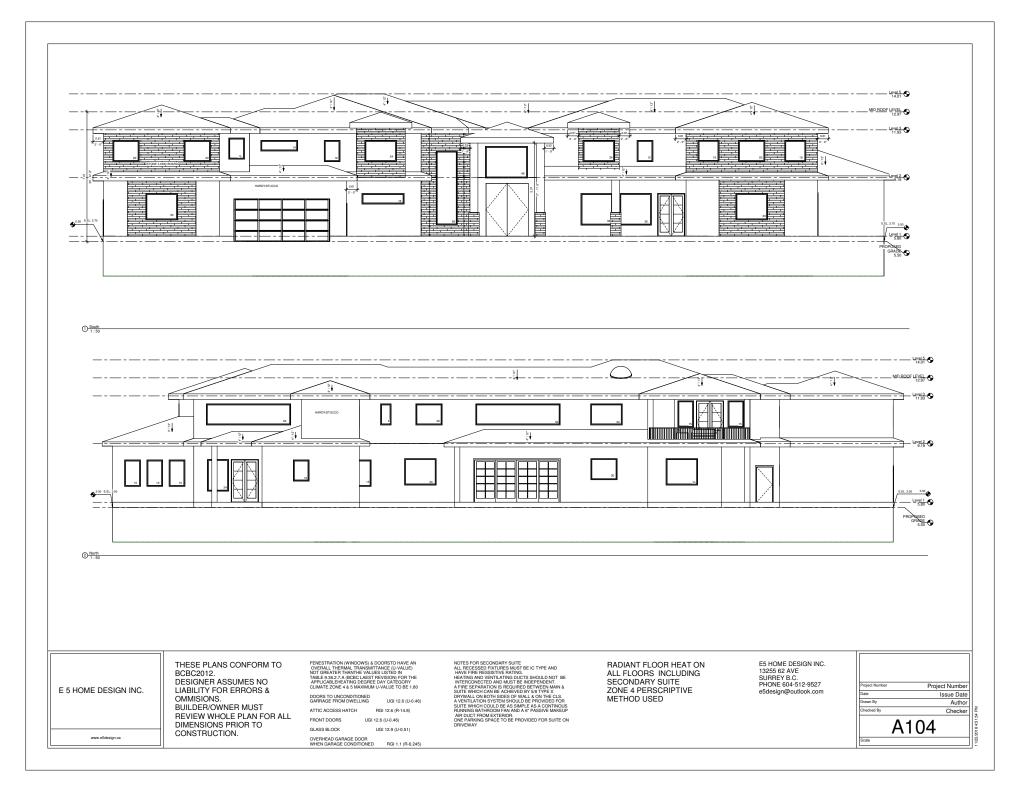
approved by Ron Gill

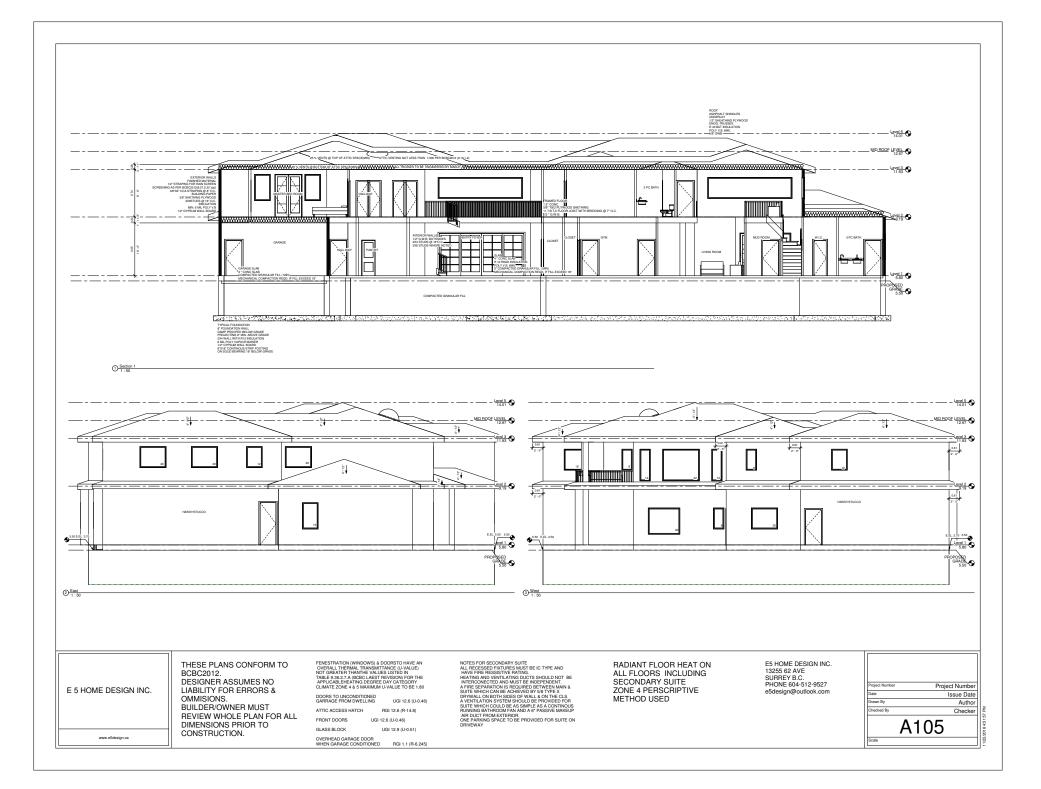
Jean Lamontagne General Manager Planning and Development

DQ/cm

Appendix I









INTER-OFFICE MEMO

TO:	Manager, Area Planning & Deve - North Surrey Division Planning and Development Dep			
FROM:	Development Engineer, Engineering Department			
DATE:	Feb 04, 2019	PROJECT FILE:	7818-0436-00	
RE:	Engineering Requirements Location: 17186 92 Avenue			

DEVELOPMENT PERMIT - ALR

The following issues are to be addressed as a condition of issuance of the Development Permit for Sensitive Ecosystems (Streamside) associated with the proposed construction of a new single family dwelling on the A-1 property:

• The applicant will be required to provide a combined statutory right-of-way/restrictive covenant (SRW/RC) for the class "A and A/O" watercourse located within the property which conveys flows from 92 Avenue to the Serpentine River. The SRW/RC is to be registered over the 10.0 m setback from the top of bank.

BUILDING PERMIT

The following issues are to be addressed as a condition of issuance of Building Permit for construction of the new single family dwelling on an A-1 zoned lot:

- Any proposed onsite septic sewer system to be designed and installed in accordance with the requirements of the Fraser Health Authority;
- Grade all new impervious surfaces towards surrounding pervious areas to provide on-lot infiltration;
- Applicant to ensure that any proposed fill on the property is in conformance with the fill requirements for an agricultural land use; and
- Provide a minimum 4.5 m driveway to access the site with a ditch culvert crossing to City Standards.

A Servicing Agreement is not required for the proposed Development Permit.

A processing fee of \$1,627.50 (GST included) is needed to administer the legal document requirements.

Tommy Buchmann, P.Eng. Acting Development Services Manager



Agriculture and Food **Policy Advisory Committee Minutes**

Appendix III

2E - Community Room B City Hall 13450 - 104 Avenue Surrey, B.C. TUESDAY, FEBRUARY 4, 2020 Time: 6:00 p.m. File: 0540-20

Present:

M. Bose, Vice-Chair B. Sandhu D. Arnold J. Gibeau J. Werring M. Hilmer P. Harrison R. Brar

Agency Representative:

N. Mori, Ministry of Agriculture

Regrets: Councillor Hundial, Chair S. VanKeulen S. Rai

Staff Present:

C. Baron, Drainage Manager D. Quesada, Planning Technician M. Kischnick, Planner B. Daly, Planning Technician C. Eagles, Administrative Assistant

A. **ADOPTIONS**

Adoption of the Agenda 1.

It was

Moved by B. Sandhu Seconded by M. Hilmer That the Agriculture and Food Policy

Advisory Committee adopt the agenda.

Carried

Adoption of the Minutes 2.

It was	Moved by J. Gibeau
	Seconded by M. Hilmer
	That the Agriculture and Food Policy
Advisory Committee adopt the Janua	ary 14, 2020 AFPAC minutes, as presented.
	<u>Carried</u>

Β. DELEGATIONS

Consultation on an Alternative Approach for Regulating Open-Air Burning 1. **Emissions**

Julie Saxton and Grace Cockle, Air Quality and Climate Change, Metro Vancouver

The delegation provided a presentation on an Alternative Approach for Regulating Open-Air Burning Emissions and highlighted the following information:

- Open-air burning can cause short-term spikes of ambient particulate matter and impacts on heath and the environment.
- Residents must seek authorization from Metro Vancouver for open burning. Potential regulations prior to burning include conduct on favourable ventilation conditions, no burning during fire bans, advisories, or bulletins, register the site of open-air burning, ensure material is clean, respect minimum distances from sensitive receptors, and notify neighbours and Metro Vancouver. While burning, Metro Vancouver proposes to burn only during limited times within day, month and year, to attend the fire at

all times, to maintain descriptive records, to not impact visibility or cause a navigation hazard, and to not add materials that would impact people or the environment.

Metro Vancouver asks that written input be submitted to <u>AQBylaw@metrovancouver.org</u>. Phase 2 of the consultation process is expected to start once Phase 1 is complete.

The Committee expressed concerns that the proposed regulations were not feasible, and a 3-day open window is not practical. It was noted that in the event of a disease outbreak the CSIA can order a building to be burned that sometimes must be completed within hours.

C. NEW BUSINESS

1. Agricultural Planning Study

Colin Dring, PhD Candidate, Faculty of Land and Food Systems, The University of British Columbia

The delegation is conducting a research project on agricultural planning in the Lower Mainland and is looking for participants to engage in a 30 to 60 minute interview. Interested members were instructed to contact the delegation directly. The delegation would like to provide his research findings to the Committee once complete.

2. Proposed Non-Adhering Residential Use

Donna Quesada, Planning Technician File: 7918-0436-00

- The subject property is designated Agricultural in the Official Community Plan, zoned General Agricultural Zone (A-1) and located within the Agricultural Land Reserve. The property is not classified as farmland under the *BC* Assessment Act.
- The applicant is proposing to construct a 921 square metre principal residence which is subject to a Development Permit for Sensitive Ecosystems for streamside and green infrastructure areas in the ALR. The proposed principal residence exceeds the 500 square metre maximum house size allowed by the Agricultural Land Commission (ALC).
- It was noted that the ALC house size limits came into affect while the Development Application was being processed and is now applicable to the Building Permit application.
- Concerns were expressed that a 10-acre property producing blueberries would likely not support the income to run a 10,000 square foot home. The Committee did not believe that the size of the home was necessary to support blueberry production on the farm; and noted the larger home size would impact the agricultural viability of land by increasing its value, and making it more unaffordable.

Moved by D. Arnold It was Seconded by J. Werring That the Agriculture and Food Policy Advisory Committee recommend to the General Manager of Planning and Development to not support Development Application 7918-0436-00. Carried

- Proposed Rezoning and Development Permit to allow a farm market 3. Ben Daly, Planning Technician File: 7919-0172-00
 - The proposal was considered at the January 14, 2020 AFPAC meeting and the Committee had a number of issues about the proposal that could not be addressed. As a result, AFPAC passed a resolution to have the application referred back to staff to address outstanding questions. The proposal is to rezone the property from the General Agriculture Zone (A-1) to a Comprehensive Development Zone (CD) and to consolidate the two sites into a single parcel to develop a farm market.
 - Within the business plan as laid out by the applicant, the applicant believes the proposal is in-fact a farm market rather than a grocery store and will focus on selling locally-produced fruits, vegetables and plants with limited selection of non-perishable products.
 - Staff asked the Committee for comments on whether the proposal is an appropriate land use within the agricultural designation and OCP and if the business plan proposal meets a farm market. Staff clarified that if the application is supported the building and site plans will be further reviewed to ensure that it is designed to limit uses to farm market and agricultural supportive only. Staff noted that the application will return to the Committee during the design review process for further discussion of any subsequent development application.

The Committee noted that the property size may limit viability of agricultural production and that a farm market may be a benefit.

Moved by R. Brar Seconded by D. Arnold That the Agriculture and Food Policy	
ne General Manager of Planning and	
ation of the two parcels. <u>Carried</u>	
Moved by J. Gibeau 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 7919-0172-00.	

- 4. **Proposed Non-Adhering Residential Use** Ben Daly, Planning Technician File: 7919-0312-00
 - The subject property is approximately 20 acres, designated Agricultural in the Official Community Plan, zoned General Agriculture Zone (A-1) and located within the Agricultural Land Reserve. The subject site is classified as farmland under the *BC Assessment Act*. The applicant is applying under section 21.1 (2) of the *Agricultural Land Commission Act* (ALCA) to allow the construction of an 1,836 square metre dwelling.
 - Agricultural uses on the property include a barn which is used for horse breeding and boarding. The land is used for the production of hay, grazing and horse riding. The applicant co-owns three properties immediately to the south and intends to provide seasonal vegetables and blueberries.

The Committee expressed concerns that the farm operation type and size does not justify the proposed housing size.

It was Moved by B. Sandhu Seconded by J. Gibeau That the Agriculture and Food Policy Advisory Committee recommend to the General Manager of Planning and Development to not support Development Application 7919-0312-00. Carried

D. OUTSTANDING BUSINESS

1. Farm Markets

Item D.1 was deferred to the next meeting.

E. ITEMS REFERRED BY COUNCIL

This section had no items to consider.

F. CORRESPONDENCE

This section had no items to consider.

G. INFORMATION ITEMS

1. Environmental Sustainability Advisory Committee (ESAC) Update

At the January 29, 2020 ESAC meeting, staff presented on the Tree Bylaw Update.

2. Metro Vancouver 2020 Agricultural Awareness Grants

H. INTEGRITY OF THE AGRICULTURE LAND

I. OTHER BUSINESS

J. NEXT MEETING

The next meeting of the Agriculture and Food Policy Advisory Committee will be held on Tuesday, March 3, 2020, at 6:00 p.m. in 2E Community Room B.

K. ADJOURNMENT

It was

Moved by A. Arnold Seconded by P. Harrison That the Agriculture and Food Policy

Advisory Committee meeting is adjourned.

Carried

The Agriculture and Food Policy Advisory Committee adjourned at 7:40 p.m.

Jennifer Ficocelli, City Clerk

Mike Bose, Vice-Chair