

City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7919-0303-00

Planning Report Date: May 4, 2020

PROPOSAL:

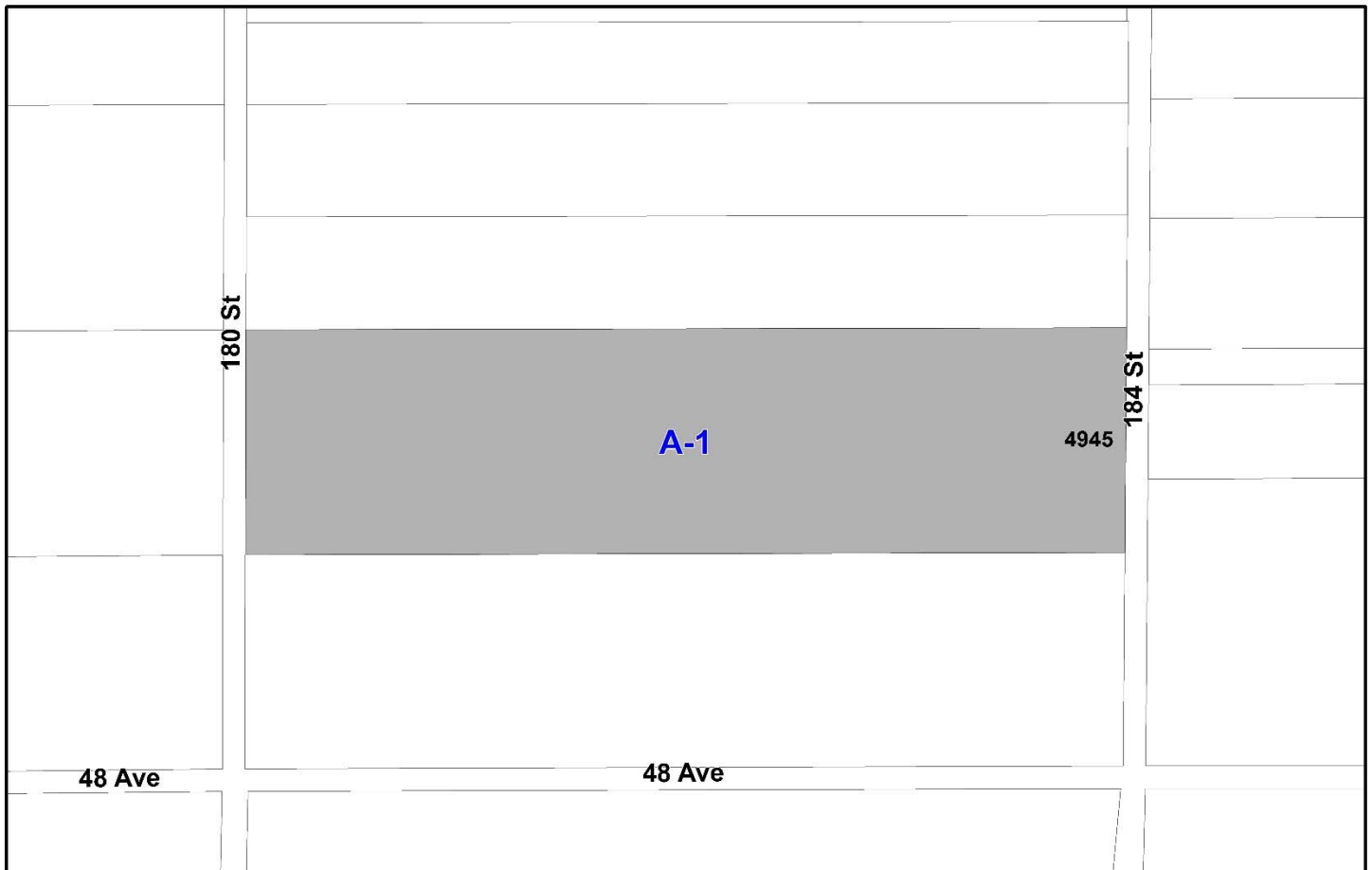
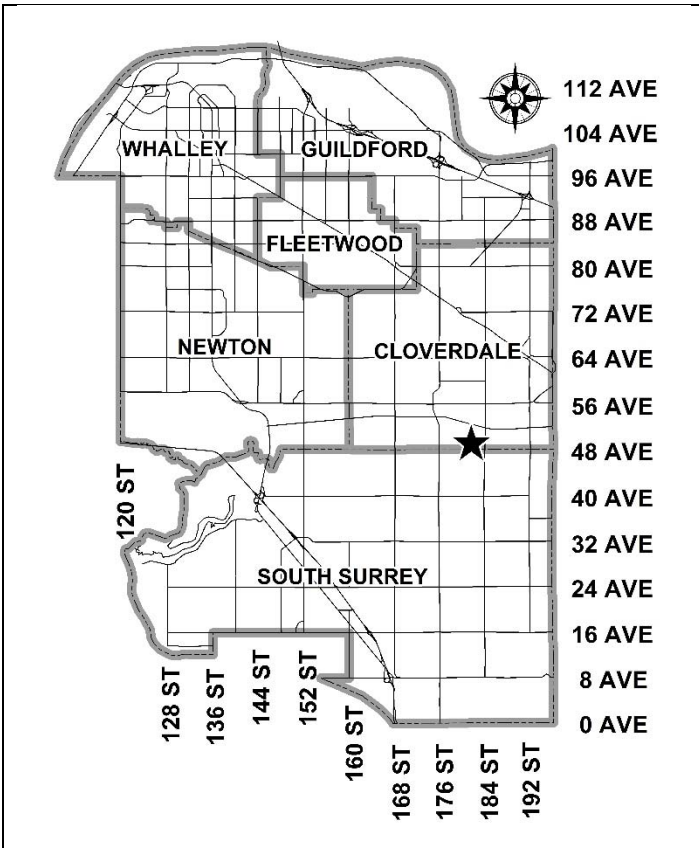
- Temporary Use Permit
- Development Variance Permit

to permit the continued manufacturing and packaging of potato vegetable chip products for a period not to exceed three (3) years and to reduce the minimum side yard setbacks of the A-1 Zone for two farm buildings on an agricultural property within the Agricultural Land Reserve (ALR).

LOCATION: 4945 - 184 Street

ZONING: A-1

OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

- Approval for Temporary Use Permit to proceed to Public Notification.
- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposed use (potato and vegetable chip manufacturing facility) does not comply with the current zoning of the site ("General Agricultural Zone (A-1)").
- The applicant is requesting to reduce the minimum side yard (south) setback of the A-1 Zone, from 15.0 metres to 10.0 metres, for an existing farm structure (seed storage facility) and 6.0 metres for an existing two-storey addition to a farm building, both of which were constructed without valid permits.

RATIONALE OF RECOMMENDATION

- The proposal complies with the "Agricultural" designation in the Official Community Plan (OCP).
- The proposed use – the continued manufacturing and packaging of potato and vegetable chip products – constitutes a permitted farm use under Section 11(2) of the Provincial Agricultural Land Reserve Use Regulation, B.C. Reg. 30/2019, as amended.
- Although the ALR Use Regulation defines "processing" as the process of adding value to a primary farm commodity or product by physical, biological or other means including, but not limited to, fermentation, cooking, canning, smoking or drying, the Surrey Zoning By-law limits the definition of "primary processing" to the preparation of horticultural products and crops to field processing, cleaning, sorting, packaging and storing. Value-added processes for packaging, manufacturing or processing of vegetables or vegetable products are not a permitted use in the "General Agricultural Zone (A-1)", therefore, a Temporary Use Permit is required for the continuation of the existing potato and vegetable chip operation on the subject site.
- The applicant has confirmed that the three (3) year TUP will provide sufficient time to relocate the existing potato and vegetable chip manufacturing facility to a more suitable industrial-zoned location within Surrey.
- The proposed use is wholly contained within an existing agricultural building and previously disturbed areas of the subject property and does not negatively impact the agricultural potential of the site.
- As a condition of issuance for the subject TUP and DVP the applicant will be required to obtain all necessary Building Permits for all works conducted without valid permits.
- No By-law complaints have been received by the City for either the farm structure or two-storey addition to the existing farm accessory building, which were constructed in 2013 and 2015 respectively. The location of the farm structure and addition within the required south side yard setback has not negatively impacted either on-site or adjacent farm operations.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Temporary Use Permit No. 7919-0303-00 (Appendix III) to proceed to Public Notification.
2. Council approve Development Variance Permit No. 7919-0303-00 (Appendix IV), to reduce the minimum side yard (south) setback of the A-1 Zone, from 15.0 metres to 10.0 metres, for an existing farm structure (seed storage facility) and 6.0 metres for an existing two-storey addition to a farm building, to proceed to Public Notification.
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; and
 - (b) issuance of a Building Permit for the existing, farm structure as well as interior renovations and an addition to an existing farm accessory building associated with the subject potato and vegetable chip manufacturing facility, to the satisfaction of the General Manager, Planning & Development.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Active farmland (potatoes), Heppell Family House (heritage building), farm accessory buildings containing storage and a vegetable chip manufacturing and packaging facility (Hard Bite Chips).	Agricultural	A-1
North:	Active farmland (blueberries) and Tri-Star Nurseries.	Agricultural	A-1
East (Across 184):	Agricultural lots containing active farmland (blueberries, pasture) and single family dwellings.	Agricultural	A-1
South:	Active farmland (silage) and single family dwelling.	Agricultural	A-1
West:	Active farmland (blueberries) and single family dwelling.	Agricultural	A-1

Context & Background

- The subject property is located at 4945 – 184 Street in Cloverdale and is approximately 15.9 hectares in area. It is designated "Agricultural" in the Official Community Plan (OCP) and is zoned "General Agricultural Zone (A-1)".
- The subject property is located within the Agricultural Land Reserve (ALR) as well as within the 200-year flood plain of the Nicomekl River. Several Class A/O watercourses run parallel to the north, east, south and west property lines. An additional Class A/O watercourse bisects the property running north to south.
- The subject property is part of a larger farm operation (Heppell Farms) covering approximately 3,200 hectares (800 acres) throughout Surrey and the Fraser Valley.
- The majority of the site, approximately 11.1 hectares in area, is currently used for the production of potatoes. The remainder of the site consists of several farm accessory buildings, the majority constructed with valid permits between 2006 to 2009, as well as a registered heritage building (Heppell Family House)(see Appendix V, Aerial Photo).
- In 2013, a 635-square metre farm structure was constructed to the west of the southern-most farm building, without a valid Building Permit. The structure is used to store and prepare seed/plant stock in the spring and to prepare harvested vegetables for sorting and packing in the fall.
- In late 2015 interior renovations and a two-storey addition were completed on the southern-most agricultural building, without valid Building Permits, in order to convert the building into a potato and vegetable chip manufacturing facility. The facility space is currently leased to a third-party operator, Naturally Home Grown Foods –to which the property owner is a corporate officer, who is responsible for the day-to-day operations.
- The subject production facility employs approximately 50 people and is the only potato chip manufacturing facility in British Columbia. Naturally Home Grown Foods (under the brand name Hard Bite Chips) distributes products in over 1,000 retail outlets across North America and other export markets.

DEVELOPMENT PROPOSAL

Planning Considerations

- The current zoning of the subject site, "General Agricultural Zone (A-1)", does not permit the operation of a farm product manufacturing facility of this nature. Therefore, the applicant has proposed a Temporary Use Permit (TUP) to allow the continued operation of the facility on the subject site for a period not to exceed three (3) years.
- It is the intention of the applicant that the potato and vegetable chip manufacturing facility will be relocated to a more suitable industrial-zoned lot, by December 2021. There is potential for renewal should the TUP be required beyond that time. A maximum of one renewal period is permitted for an approved TUP and is subject to Council approval.

- The proposed use – the continued manufacturing and packaging of potato and vegetable chip products – constitutes a permitted farm use under Section 11(2) of the Provincial Agricultural Land Reserve Use Regulation, B.C. Reg. 30/2019, as amended.
- Although the ALR Use Regulation defines "processing" as the process of adding value to a primary farm commodity or product by physical, biological or other means including, but not limited to, fermentation, cooking, canning, smoking or drying the Surrey Zoning By-law limits the definition of "primary processing" to the preparation of horticultural products and crops to field processing, cleaning, sorting, packaging and storing. Value-added processes for packaging, manufacturing or processing of vegetables or vegetable products are not a permitted use in the "General Agricultural Zone (A-1)", therefore, a Temporary Use Permit is required.
- The potato and vegetable chip manufacturing facility consists of approximately 4,800 square metres of frying, packaging, warehouse, cold storage, and shipping/receiving space in addition to ancillary offices, break rooms and washroom facilities.
- The existing driveway access to 184 Street will be maintained, as well as the existing gravel parking lot with space for approximately 42 vehicles, which is located to the east of the southern-most farm building (see Appendix I). The subject property contains a sufficient number of parking spaces to accommodate all existing and proposed uses, as per Surrey Zoning By-law requirements.
- The proposed use is wholly contained within an existing agricultural building and previously disturbed areas of the subject property and does not negatively impact the agricultural potential of the site.
- As the proposed use constitutes a permitted farm use under ALR Use Regulation and is wholly contained within an existing building and previously disturbed portions of the agricultural lot, a Sensitive Ecosystem Development Permit for Streamside Areas will not be required as part of the subject application.
- A Watercourse Assessment, completed by a Qualified Environmental Professional (QEP), was submitted by the applicant to confirm that all buildings and structures comply with the Ministry of Agriculture's "Agricultural Building Setbacks from Watercourses in Farming Areas" guidelines.
- In addition to the subject TUP, the applicant is requesting a Development Variance Permit (DVP) to reduce the side yard (south) setback of the A-1 Zone from 15.0 metres to 10.0 metres for an existing farm structure (seed storage barn) and 6.0 metres for an existing two-storey addition to a farm building (see Appendix I). Following the conclusion of the subject TUP the farm building to which the addition is attached will remain on the subject site and be converted back to a farm product (potato and squash) storage facility.
- No By-law & Licensing Services complaints have been received by the City since the two-storey addition to the existing farm accessory building was constructed in late 2015 to early 2016 and the location of the addition within the required south side yard setback has not negatively impacted on-site or adjacent farm operations.

Referrals

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix II.

Agricultural and Food Policy Advisory Committee (AFPAC): As the proposed use constitutes a permitted farm use under the ALC Act/Orders/Regs no referral to the City's Agricultural and Food Policy Advisory Committee (AFPAC) was undertaken.

POLICY & BY-LAW CONSIDERATIONS

Regional Growth Strategy

- The existing and proposed uses on the subject site are consistent with the "Agricultural" designation under the Metro Vancouver Regional Growth Strategy.

Official Community Plan

Land Use Designation

- The existing and proposed uses on the subject site are consistent with the "Agricultural" designation under the City's Official Community Plan (OCP) as follows:

Themes/Policies

- Policy E3.2 – Ensure all land uses within the Agricultural Land Reserve confirm to the policies and regulations of the *Agricultural Land Commission Act* and *Farm Practices Protection Act* (as amended).
- Policy E3.8 – Maximize the productive utilization of agricultural land through such means as amending by-laws, policies and other regulations, as appropriate, to support agricultural production and innovation.
- Policy E3.10 – Encourage the diversification of agricultural operations and the production of new crops and commodities, particularly high-value crops and those serving new markets with growth potential.

PUBLIC ENGAGEMENT

- Pre-notification letters were sent on April 16, 2020 and a Development Proposal Sign was installed on April 20, 2020. Staff have received no responses to date.

INFORMATION ATTACHED TO THIS REPORT

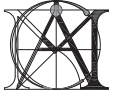
The following information is attached to this Report:

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|---------------|--|
| Appendix I. | Site Plan |
| Appendix II. | Engineering Summary |
| Appendix III. | Temporary Use Permit No. 7919-0303-00 |
| Appendix IV. | Development Variance Permit No. 7919-0303-00 |
| Appendix V. | Aerial Photo (COSMOS, March 2019) |

approved by Ron Gill

Jean Lamontagne
General Manager
Planning and Development

CRL/cm



MATTHEW CHENG ARCHITECT INC.

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No	Date	Revision
1)	2018 DEC 7TH	BP SUBMISSION

Consultants

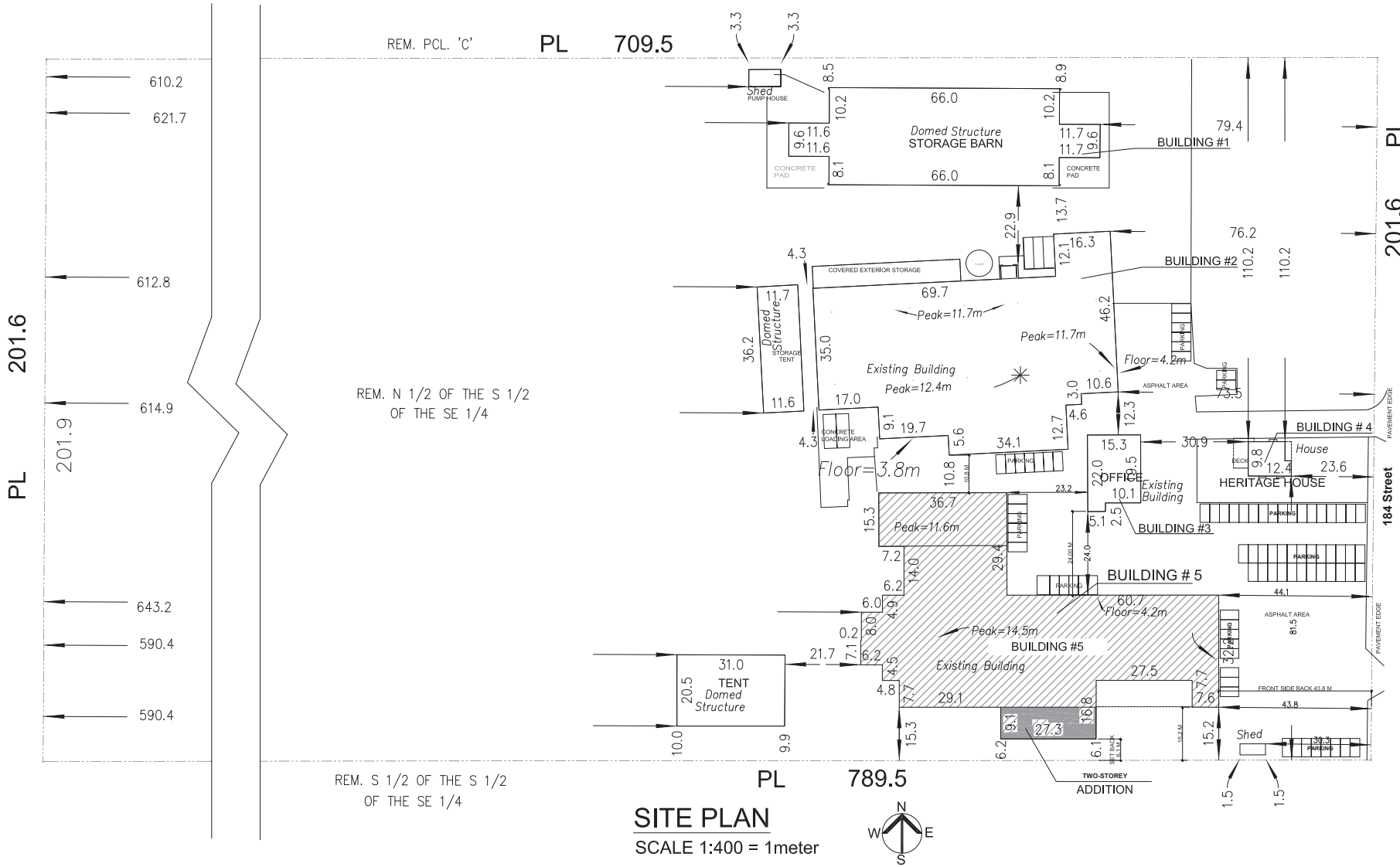
Project Title

4945 184 STREET
SURREY, BC

Sheet Title

SITE PLAN

Drawn:	PW
Checked:	MC
Scale:	1/32" = 1'-0"
Project Number:	17 S TI 04
Revision Date:	Dwg. No.
Print Date:	DEC 6TH, 2018
A01	



SITE PLAN
SCALE 1:400 = 1meter



PL 201.6

- 610.2
- 621.7
- 612.8
- 614.9
- 643.2
- 590.4
- 590.4

REM. PCL. 'C' PL 709.5

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PL 789.5

PL 201.6

184 Street

PAVEMENT EDGE

PAVEMENT EDGE

CITY OF SURREY

(the "City")

TEMPORARY USE PERMIT

NO.: 7919-0303-00

Issued To:

(the "Owner")

Address of Owner:

1. This temporary use permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this temporary use permit.
2. This temporary use permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 013-248-855

North Half of the South Half of the South East Quarter Section 5 Township 8 Except: West 33 Feet
(Reference Plan 32488), New Westminster District

4945 - 184 Street

(the "Land")

3. The authority to issue Temporary Use Permits is granted to municipalities under Sections 492 and 493 of the *Local Government Act* R.S.B.C. 2015, c.1. Pursuant to Implementation, II(c) Implementation Instruments, Temporary Use Permits of Surrey Official Community Plan, 2013, No. 18020, as amended, the entire City of Surrey is designated a Temporary Use Permit area.
4. The temporary use permitted on the Land shall be for:
 - (a) A potato and vegetable chip manufacturing facility wholly contained within an existing farm building.
5. The temporary use permitted on the Land shall be in accordance with:
 - (a) The appearance and location of the buildings, access and parking as shown on Schedule A which is attached hereto and forms part of this permit.

6. The temporary use shall be carried out according to the following conditions:
 - (a) Parking within the employee parking areas is restricted to vehicles less than 5,000 kilograms GVW;
 - (b) The parking surface shall be of a dust-free material such as crushed gravel; and
 - (c) Upon the termination of this Temporary Use Permit, the potato and vegetable chip manufacturing facility shall be removed and the interior of the of the farm building restored to either its original condition or a condition that would facilitate a permitted use under the A-1 Zone, to the satisfaction of the General Manager, Planning and Development.

7. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this temporary use permit. This temporary use permit is not a building permit.

8. An undertaking submitted by the Owner is attached hereto as Appendix I and forms part of this temporary use permit.

9. This temporary use permit is not transferable.

10. This temporary use permit shall lapse on or before three (3) years from date of issuance

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Doug McCallum

City Clerk – Jennifer Ficocelli

IN CONSIDERATION OF COUNCIL'S APPROVAL OF THIS TEMPORARY USE PERMIT AND OTHER GOOD AND VALUABLE CONSIDERATION, I/WE THE UNDERSIGNED AGREED TO THE TERMS AND CONDITIONS OF THIS TEMPORARY USE PERMIT AND ACKNOWLEDGE THAT WE HAVE READ AND UNDERSTOOD IT.

Authorized Agent: Signature

Name (Please Print)

OR

Owner: Signature

Name: (Please Print)

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7919-0303-00

Issued To:

("the Owner")

Address of Owner:

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development variance permit.
2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 013-248-855

North Half of the South Half of the South East Quarter Section 5 Township 8 Except: West 33 Feet
(Reference Plan 32488), New Westminster District

4945 - 184 Street

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3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section F Yards and Setbacks of Part 10 "General Agriculture Zone (A-1)" the minimum side yard (south) setback is reduced from 15.0 metres to 10.0 metres, for an existing farm structure (seed storage facility), and 6.0 metres, for an existing two-storey addition to a farm building.
4. This development variance permit applies to only that portion of the buildings and structures on the Land shown on Schedule A which is attached hereto and forms part of this development variance permit. This development variance permit does not apply to additions to, or replacement of, any of the existing buildings shown on attached Schedule A, which is attached hereto and forms part of this development variance permit.
5. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.

6. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.

7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

8. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Doug McCallum

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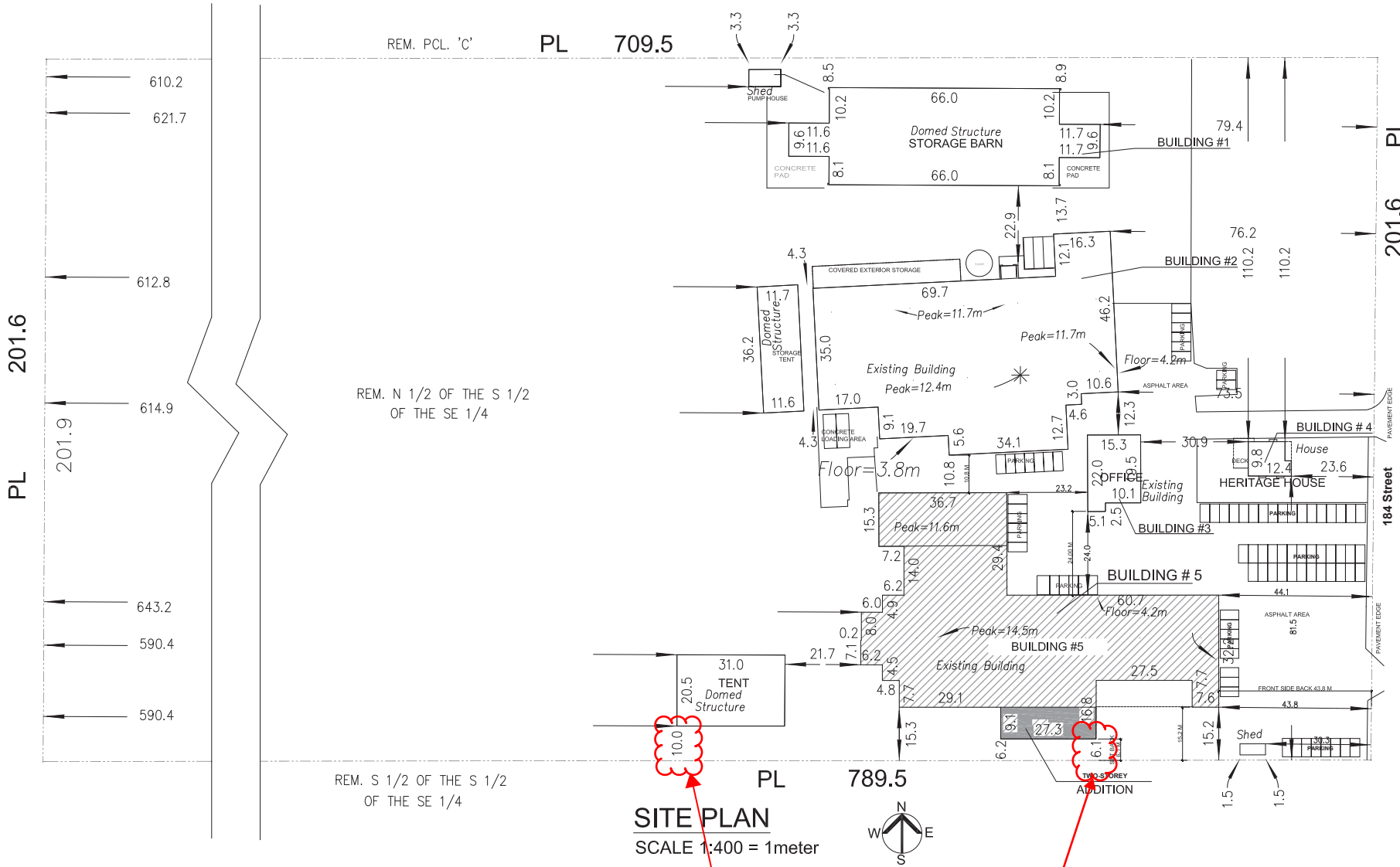
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Revision Date:	Dwg. No.
Print Date:	DEC 6TH, 2018
A01	



SITE PLAN
SCALE 1:400 = 1meter

To reduce the minimum side yard (south) setback of the A-1 Zone from 15.0m to: (i) 10.0m for an existing farm structure (seed storage facility); and (ii) 6.0, for an existing two-storey addition to a farm building.

PL 201.6

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