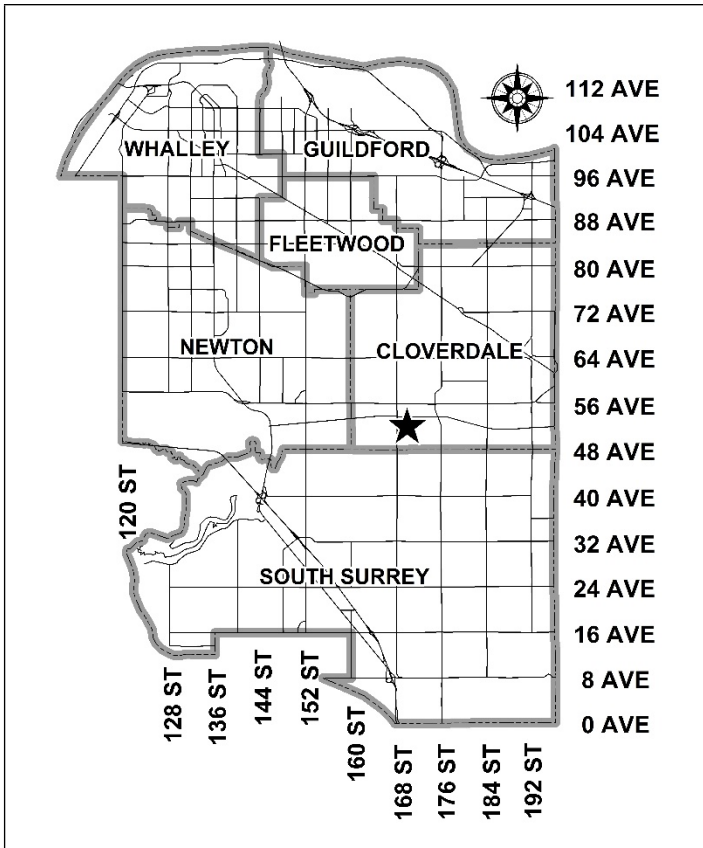


City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7920-0050-00

Planning Report Date: June 15, 2020



PROPOSAL:

- **Subdivision within the ALR** under Section 21(2) of the ALC Act to allow the creation of temporary parcels through a reference plan for lease purposes.

LOCATION:

5202 - 168 Street
5288 - 168 Street

ZONING:

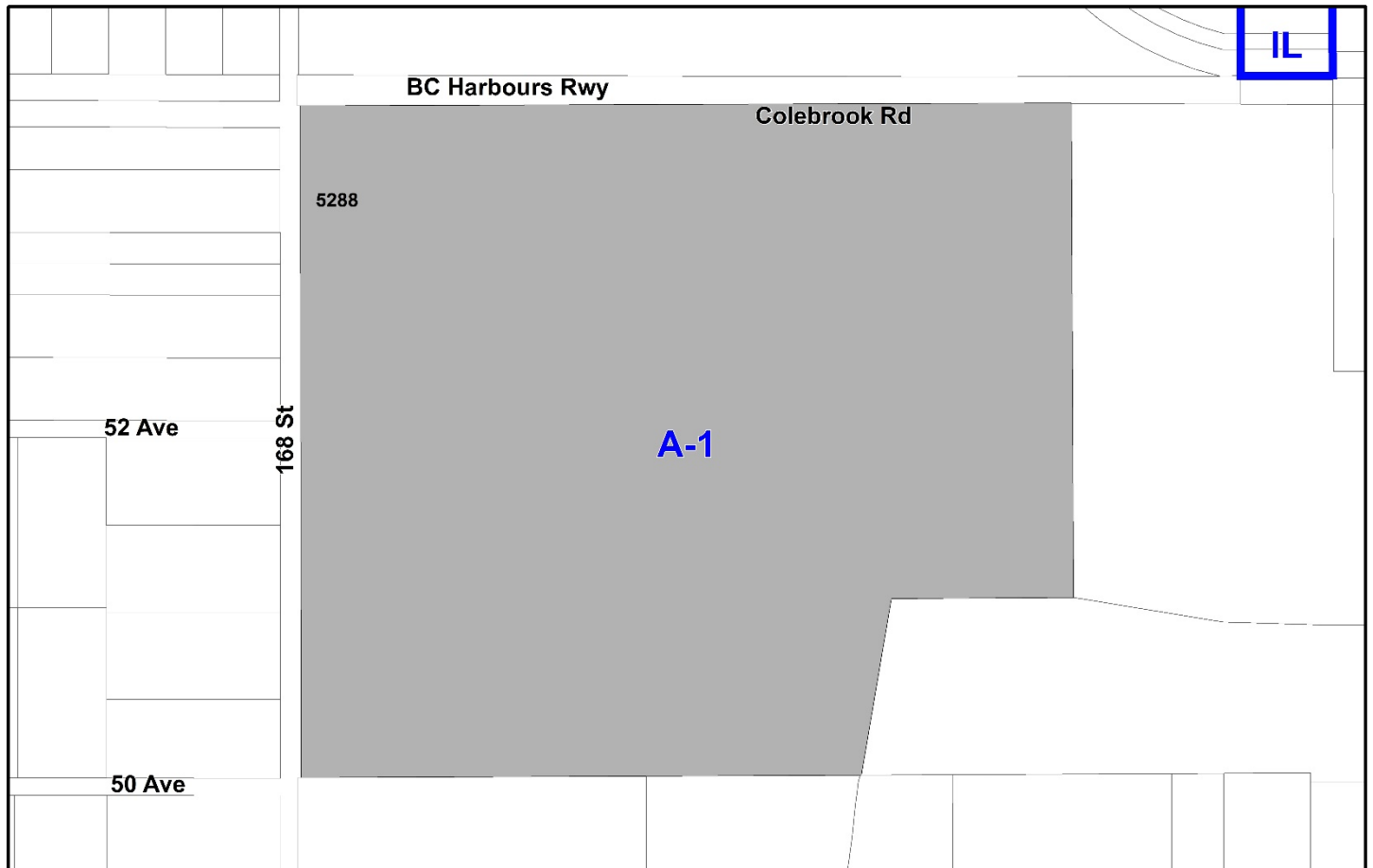
A-1

OCP DESIGNATION:

Agricultural

LAP DESIGNATION:

Not applicable



RECOMMENDATION SUMMARY

- That Council refer the application to the Agricultural Land Commission (ALC) to consider the creation of temporary parcels through a reference plan for lease purposes, with a recommendation of support.

RATIONALE OF RECOMMENDATION

- The City of Surrey owns a 64.58-hectare property in Cloverdale known as Mound Farm Park. (Appendix I) The City is proposing to lease the farmland portion (47.35 ha) of the property by the creation of temporary parcels through a reference plan under Section 99(1)(k) of the Land Title Act. There will be two temporary parcels in the reference plan – one for farmland and the other parkland (Appendix II).
- A lease of a portion of land for a period exceeding 3 years is considered a subdivision under Section 73(1)(b) of the Land Title Act.
- For the past 20 years, the farmland portion of the property had been leased to two farmers. The lease agreement expired on March 31, 2020. On April 6, 2020, Council approved to grant a new lease of the same farmland portion of Mound Farm Park to a new lessee for a period of five years (Corporate Report R058). The new lessee is a privately held fruit and vegetable grower that has been in the industry for 33 years.
- Since the property is located within the Agricultural Land Reserve, the approval of the Agricultural Land Commission (ALC) for the proposed subdivision is required under Section 21(2) of the ALC Act.
- The proposal complies with the Agricultural designation in the Official Community Plan (OCP) and the General Agriculture Zone (A-1).
- The proposal complies with the Agricultural designation in the Metro Vancouver Regional Growth Strategy (RGS).

RECOMMENDATION

The Planning & Development Department recommends that Council authorize referral of the application to the Agricultural Land Commission, to consider the creation of temporary parcels through a reference plan for lease purposes, with a recommendation of support

SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Agricultural/Single Family Dwelling	Agricultural	A-1
North (Across BC Harbours Railway):	Agricultural	Agricultural	A-1
East:	Agricultural	Agricultural	A-1
South:	Agricultural	Agricultural	A-1
West (Across 168 Street):	Agricultural/Single Family Dwelling	Agricultural	A-1

Context & Background

- The 64.58-hectare subject property in Cloverdale known as Mound Farm Park is a single-titled lot with two civic addresses at 5202 and 5288 - 168 Street. 5288 168 Street is the farmland portion, located on the west side of the property, while 5202 168 Street is the parkland portion, located on the east side of the property (Appendix II). The farmland portion of the property has farm status while the parkland portion does not have farm status.
- The property is designated "Agricultural" in the Official Community Plan (OCP) and zoned "General Agriculture Zone (A-1)" in Zoning By-law No. 12000. It is located within the Agricultural Land Reserve (ALR) and it is also in the floodplain.
- The farmland portion of the Mound Farm Park had been leased to two farmers for the past 20 years. The lease agreement expired on March 31, 2020. Prior to that lease expiring, the City advertised the availability for lease of Mound Farm Park to the farming community, in accordance with the notice provisions of the Community Charter, SBC 2003, c.26.
- Three proposals were received to lease the farmland portion of Mound Farm Park. The proposals were evaluated by City staff based on financial information, farming plans, pest management and integration of best practices and approaches to enhance biodiversity objectives as well as to meet the intent of the Mound Farm Park Master Plan that were submitted. The new lessee is a privately held fruit and vegetable grower that has been in the industry for 33 years.

- Mound Farm Park is owned by the City of Surrey. It is bounded on all sides by agriculture-designated properties in the OCP. The parkland portion of Mound Farm Park has two heritage homes that are in the City Community Heritage Register and they are currently being rented out. Mound Farm Park is listed in the Canada Register of Historic Places.

DEVELOPMENT PROPOSAL

Planning Considerations

- The City is proposing to lease the farmland portion (47.35 ha) of Mound Farm Park by the creation of temporary parcels through a reference plan under Section 99(1)(k) of the Land Title Act.
- On April 6, 2020, Council approved to grant a new lease of the same farmland portion of Mound Farm Park to a new lessee for a period of five years.
- A lease of a portion of land for a period exceeding 3 years is considered a subdivision (to create temporary parcels for lease purposes) under Section 73(1)(b) of the Land Title Act.

Referrals

Engineering	The Engineering Department has no objection to the project.
Agricultural and Food Policy Advisory Committee (AFPAC):	At the May 5, 2020 meeting, a memo was provided to AFPAC for information, prior to seeking Council approval to refer the application to the Agricultural Land Commission. (Appendix III)

POLICY & BY-LAW CONSIDERATIONS

Regional Growth Strategy

- The property is designated "Agricultural" under the Regional Growth Strategy and the proposal complies with this designation.

Official Community Plan

Land Use Designation

- The property is designated "Agricultural" under the OCP and the proposal complies with this designation.

City of Surrey Sustainability Charter

A Master Plan is in place for Mound Farm Park. The Master Plan provides for a "well-integrated park, in an agricultural setting, that allows both active and passive activities consistent with the recreational, agricultural, social and community needs of Surrey". The City recognizes the importance of preserving Mound Farm Park as a valued ecological and heritage resource.

The proposed lease of the farmland portion of Mound Farm Park supports the City's Sustainability Charter 2.0. In particular, the proposal relates to the Economic Prosperity and Livelihoods theme of the Sustainability Charter. The leasing of farmland supports the following Strategic Directions (SD) of the Economic Prosperity and Livelihoods theme:

- Economy SD7: Support and expand the use and availability of agricultural land and food processing facilities, while enhancing the ability of agricultural enterprises to directly access the local market.
- Economy SD8: Support farmers to adapt their businesses to impacts from climate change.

The leasing of farmland also supports the following Desired Outcomes (DO) of the Economic Prosperity and Livelihoods theme:

- Economy DO4: Surrey's economy is diversified with a mix of service, industrial, agricultural, and innovation-based businesses.
- Economy DO5: Locally owned companies are thriving, creating a robust local economy, and retaining wealth and jobs in the community.
- Economy DO10: The Agricultural Land Reserve is maintained, agricultural practices are sustainable, and food production and processing are enhanced. •
- Economy DO11: Food production and food enterprises of all scales are an integral part of the local economy

City of Surrey Biodiversity Conservation Strategy

- The Biodiversity Conservation Strategy (BCS) identifies Mound Farm Park as a protected biodiversity hub in the Serpentine Nicomekl BCS area. It is classified as low risk for development and is of moderate ecological value. This park includes a patch of forest with high ecological value and trees of significant size. It is one of the few protected areas within the ALR.

Zoning Bylaw:

- The General Agriculture Zone (A-1) is intended to accommodate agricultural uses and to protect agricultural land from the intrusion of uses not compatible with farm operations. The proposed continued lease of the farmland portion of Mound Farm Park for agricultural purposes complies with the uses under the A-1 Zone.

Land Title Act:

- Under Section 99(1)(k) of the Land Title Act, to determine whether the description of the land is acceptable, the Registrar may accept a reference plan if a new (temporary) parcel is being created for a lease.

Agricultural Land Commission Act:

- The property is located within the Agricultural Land Reserve. The approval of the Agricultural Land Commission (ALC) is therefore required for the proposed subdivision under Section 21(2) of the ALC Act. The ALC granted approval to the prior lease subdivision that ended March 31, 2020.

INFORMATION ATTACHED TO THIS REPORT

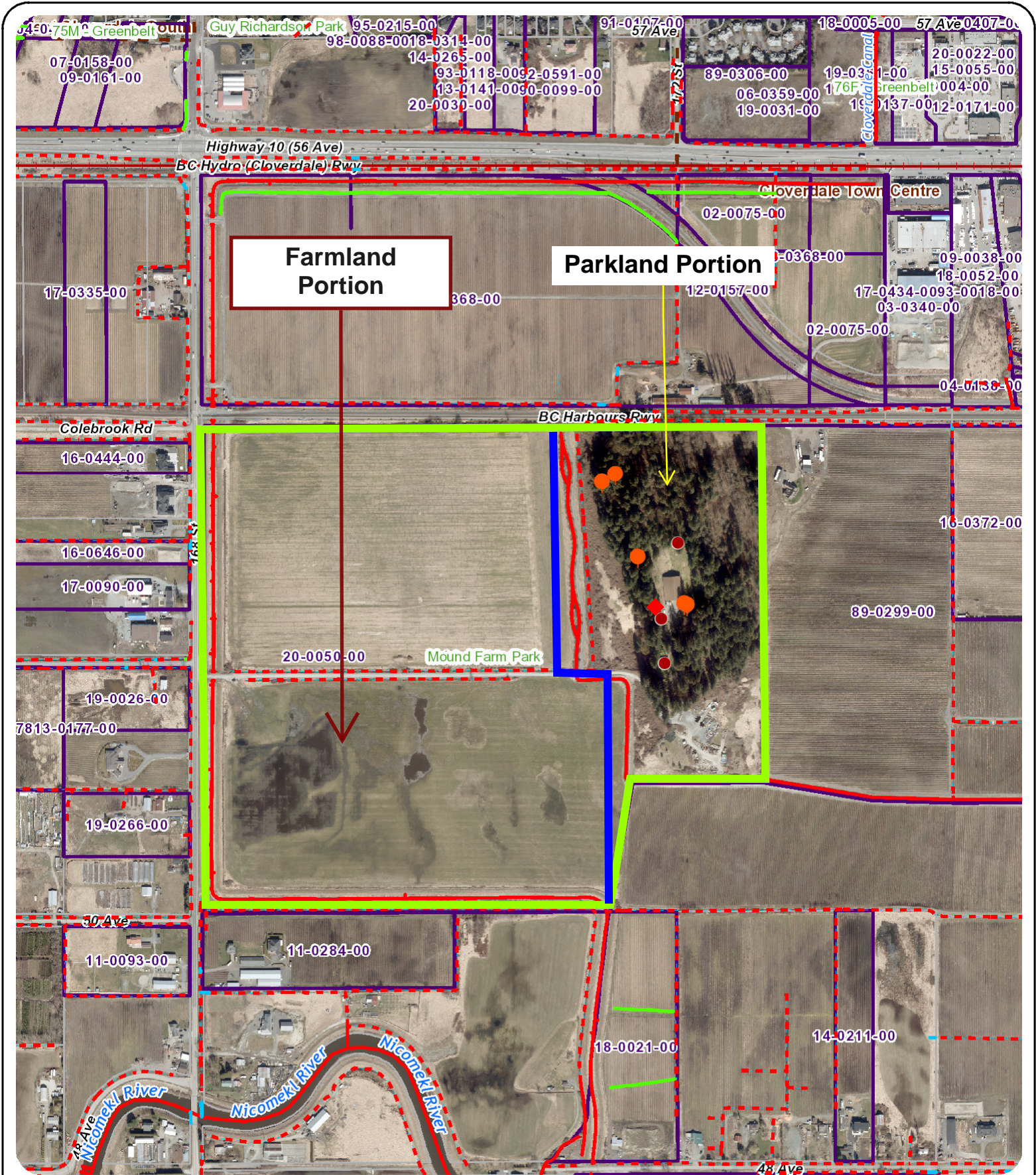
The following information is attached to this Report:

- Appendix I. Aerial Photo
- Appendix II. Preliminary Reference Plan
- Appendix III. Agricultural and Food Security Advisory Committee Minutes

approved by Ron Gill

Jean Lamontagne
General Manager
Planning and Development

DQ/cm



Enter Map Description

Scale: 1:8,000

The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office. Use and distribution of this map is subject to all copyright and disclaimer notices at cosmos.surrey.ca



REFERENCE PLAN OF TO ACCOMPANY LEASE OF PART OF DISTRICT LOT 361 GROUP 2 EXCEPT:
 FIRSTLY: PART (PLAN WITH FEE DEPOSITED 14310F) SECONDLY: PARCEL "D" (REFERENCE PLAN 8285)
 THIRDLY: PART ON PLAN LMP38765 NEW WESTMINSTER DISTRICT FOR LEASEHOLD PURPOSES;
 LEASE AND APPROVAL OF THE APPROVING OFFICER AND PROVINCIAL AGRICULTURAL LAND COMMISSION
 TO EXPIRE XXXXXXXXXXXXXXXXXXXXXXXX.

BCCS 92G.007 & 92G.017

PURSUANT TO SECTION 99(1)(e) OF THE LAND TITLE ACT
 PURSUANT TO SECTION 99(1)(k) OF THE LAND TITLE ACT

LEGEND

- ⊙ DENOTES CONTROL MONUMENT FOUND
- ⊙ DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST SET
- () DENOTES CALCULATED

THE LOCATIONS OF SOME POSTS HAVE BEEN EXAGGERATED FOR CLARITY.



ALL DISTANCES ARE IN METRES

THE INTENDED PLOT SIZE OF THIS PLAN IS 864mm IN WIDTH BY 560mm IN HEIGHT (D SIZE SHEET) WHEN PLOTTED AT A SCALE OF 1:2000.

GRID BEARINGS ARE DERIVED FROM DUAL FREQUENCY RTK OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 10.

THE UTM COORDINATES AND ESTIMATED ABSOLUTE ACCURACY ACHIEVED ARE DERIVED FROM INDEPENDENT DUAL FREQUENCY RTK GNSS TIES TO ACTIVE CONTROL POINT "BCSF" (CGM 898734).

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES, UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY THE COMBINED FACTOR OF 0.9998089 WHICH HAS BEEN DERIVED FROM GEODETIC CONTROL MONUMENT SITES.

THIS PLAN LIES WITHIN INTEGRATED SURVEY AREA NO. 1, SURREY, NAD83(CSRS) 4.0.0.BC.LMVD

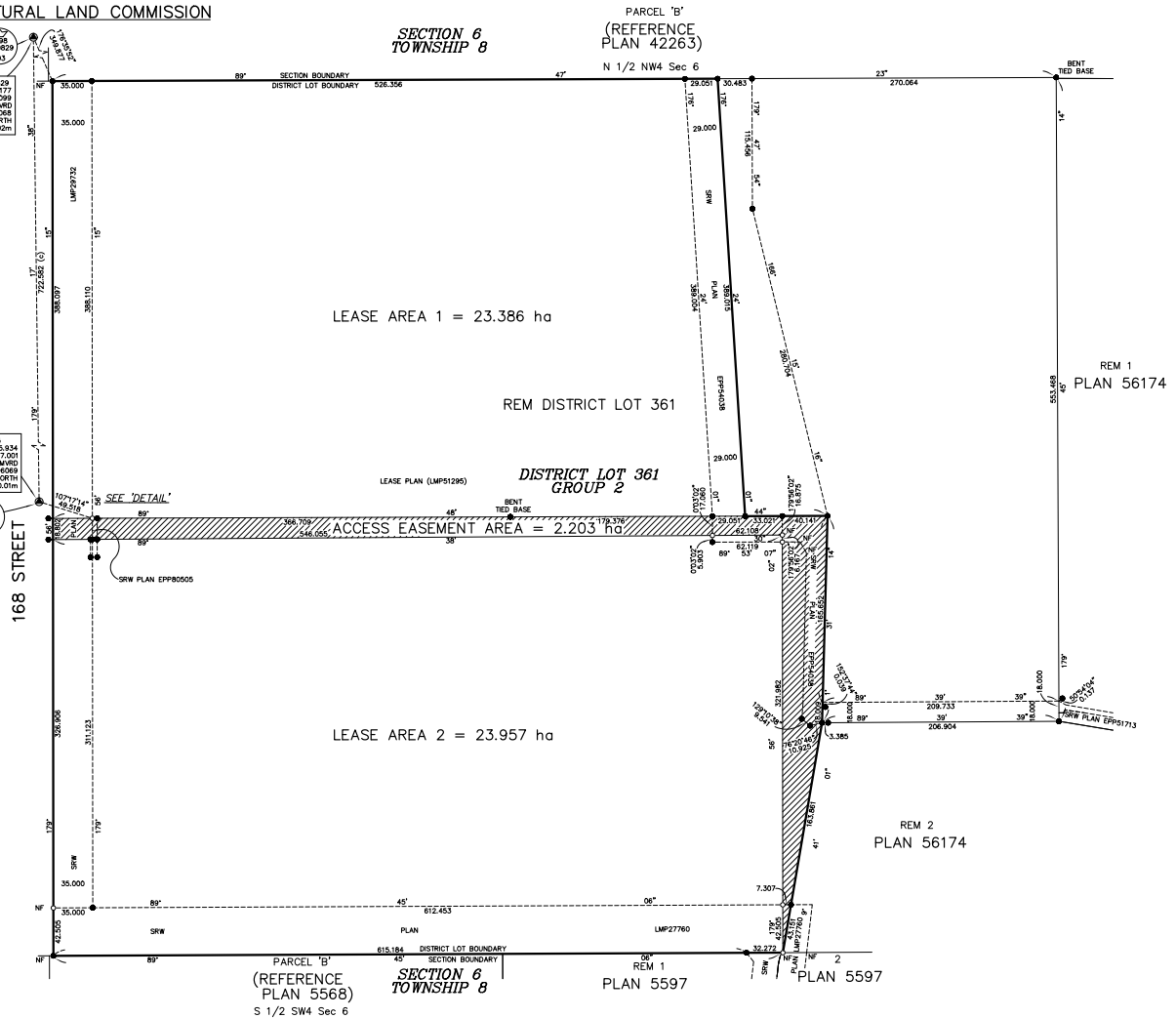
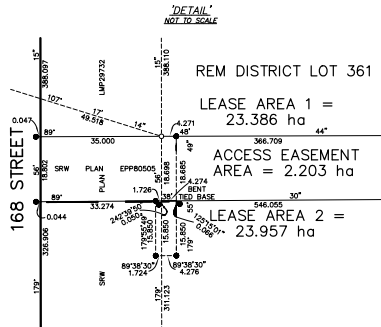
BOOK OF REFERENCE	
DESCRIPTION	AREA
LEASE AREA 1	
PORTION OF DL 361 Gr. 2 EXCEPT: FIRSTLY: PART (PLAN WITH FEE DEPOSITED 14310F)	23.386 ha
SECONDLY: PARCEL "D" (REFERENCE PLAN 8285) THIRDLY: PART ON PLAN LMP38765 NEW WESTMINSTER DISTRICT	
LEASE AREA 2	
PORTION OF DL 361 Gr. 2 EXCEPT: FIRSTLY: PART (PLAN WITH FEE DEPOSITED 14310F)	23.957 ha
SECONDLY: PARCEL "D" (REFERENCE PLAN 8285) THIRDLY: PART ON PLAN LMP38765 NEW WESTMINSTER DISTRICT	
ACCESS EASEMENT (HATCHED)	2.203 ha
PORTION OF DL 361 Gr. 2 EXCEPT: FIRSTLY: PART (PLAN WITH FEE DEPOSITED 14310F)	
SECONDLY: PARCEL "D" (REFERENCE PLAN 8285) THIRDLY: PART ON PLAN LMP38765 NEW WESTMINSTER DISTRICT	2.203 ha

GEODETIC CONTROL MONUMENT 920829
 NORTHING: 5438978.177
 EASTING: 517704.099
 DATUM: NAD83(CSRS) 4.0.0.BC.LMVD
 COMBINED FACTOR: 0.9998089
 UTM ZONE: ZONE 10 NORTH
 ABSOLUTE ACCURACY ACHIEVED: ±0.020m

GEODETIC CONTROL MONUMENT 9185
 NORTHING: 5438255.934
 EASTING: 517793.001
 DATUM: NAD83(CSRS) 4.0.0.BC.LMVD
 COMBINED FACTOR: 0.9998089
 UTM ZONE: ZONE 10 NORTH
 ABSOLUTE ACCURACY ACHIEVED: ±0.010m



PRELIMINARY



Agriculture and Food Policy Advisory Committee Minutes

Location: Virtual
Tuesday, May 5, 2020
Time: 6:00 p.m.

Present:

Councillor Hundial, Chair
M. Bose, Vice-Chair
B. Sandhu
D. Arnold
J. Gibeau
J. Werring
M. Hilmer
P. Harrison
R. Brar
S. VanKeulen
S. Rai

Agency Representative:

N. Mori, Ministry of Agriculture

Staff Present:

C. Baron, Drainage Manager
C. Stewart, Senior Planner
J. Lamontagne, General Manger,
Planning and Development
S. Johal, Planning Technician
W. Siegner, Planning Technician
C. Eagles, Administrative Assistant

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

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

2. Adoption of the Minutes

It was Moved by M. Bose
Seconded by B. Sidhu
That the Agriculture and Food Policy
Advisory Committee adopt the March 3, 2020 AFPAC minutes, as presented.
Carried

B. STAFF PRESENTATIONS**House Size in the Agriculture Land Reserve**

Jean Lamontagne, General Manger, Planning and Development

Staff provided a Power-Point presentation on housing sizes in the Agricultural Land Reserve and highlighted the following information:

- The City of Surrey is 1/3 Agricultural and home to over 500 farms. The Provincial Agricultural Land Commission (ALC) is an independent administrative tribunal dedicated to preserving agricultural land and encouraging farming in British Columbia. The ALC implements the ALC Act and ALR Regulation

- Most ALR properties are zoned A₁ which has no limit to house size. The City allowed second dwellings on parcels larger than 10 acres; however, the Province clarified the rules with City staff and second dwelling permits were issued against the ALC rules and regulations. The situation is now rectified and residents must apply for non farm use and rezoning for a second dwelling.
- At the October 5, 2006 Agricultural Advisory Committee meeting (AAC), the AAC passed the following recommendation to Council: That the Agricultural Advisory Committee requests Council to direct the Engineering and Planning and Development Departments to expedite the creation of a by-law regarding the size of the residential dwelling footprint on land within the ALR. Staff were subsequently authorized to hold a public open house to seek feedback on the proposed amendments. The outcome concluded that "General Agriculture Zone (A-1)" and "Intensive Agriculture Zone (A-2)" was amended to regulate the location of residential buildings, including a provision for a maximum Farm Home Plate, as part of Corporate Report No. R207 (September 10, 2012).
- There are limitations on farm residential footprint, which can be varied through the DVP process, which states the maximum size of farm residential footprint shall be 2,000 square metres, that the maximum depth of the farm residential footprint from the front lot line shall be 60 metres, and that no portion of a single family dwelling shall be located farther than 50.0 metres from the front lot line or side lot line on a flanking street.
- Bill 52 created changes to the ALC Act and Regulations and addressed three critical issues impacting the ALR:
 1. Proliferation of large mansions and lifestyle estates in the ALR;
 2. Ending the dumping of illegal fill in the ALR; and
 3. Ending the 'two-zone' artificial separation of the ALR.
- The Local Government has a role to follow when considering applications to the ALC for Non-Adhering Residential Use, and potential avenues include:
 - Option 1: Prepare Planning Reports to Council on an application by application basis that outline the proposal, including the applicant's rationale and any comments from the AFPAC, but recommend to Council to forward the application to the ALC for consideration without comment.
 - Option 2: Prepare Planning Reports to Council on an application by application basis that outline the proposal, including the applicant's rationale and any comments from the AFPAC, but recommend to Council to forward the application to the ALC for consideration with support or without support.

Staff will proceed as per Council's comments, which was to forward applications to the ALR indicating either support or non-support for applications for houses within the ALR that are larger than allowed by ALC regulations.

Members of the Committee support the options but noted that applications not supported but forwarded to the ALC may not be worth while.

C. NEW BUSINESS**1. Development Proposal 7918-0097-00**

William Siegner, Planning Technician

File: 7918-0097-00

The proposal is for a subdivision, Development Variance Permit (DVP), and Development Permit for farm protection, sensitive ecosystems (green infrastructure) and hazard lands (steep slopes) to permit the creation of 4 one-acre residential (RA) zoned lots abutting the Agricultural Land Reserve (ALR).

- A Section 219 Restrictive Covenant is proposed to be registered on the property, which will include language to inform any future purchasers that farm operations take place in the area and that normal farm practices produce noise, odour, and dust that may impact their property.

It was noted that the proposal is consistent with the neighbouring property.

It was

Moved by S. VanKeulen

Seconded by R. Brar

That the Agriculture and Food Policy

Advisory Committee recommend to the General Manager of Planning and Development to support Development Proposal 7918-0097-00.

Carried

2. Development Proposal 7919-0275-00

Sharon Johal, Planning Technician

File: 7919-0275-00

The proposal is for a Development Permit for Farm Protection and Sensitive Ecosystems (Green Infrastructure Network) for a new single family dwelling abutting ALR. An existing single-family dwelling is proposed to be removed.

- The subject property is located outside the Agricultural Land Reserve, is designated Suburban-Urban Reserve in the Official Community Plan (OCP) and zoned Once-Acre Residential Zone (RA).
- The subject development proposal does not comply to all guidelines of the OCP DP4 Farm Protection guidelines due to the lot being highly encumbered and irregularly shaped. The proposed development would provide a minimum of approximately 7.5 metre (25 ft.) separation between the ALR lands to the south and the proposed single-family house on the property. This does not meet the intent of the Farm Protection Development Permit Guidelines.
- Concerns were expressed that the reduced setback does not comply with the OCP's Farm Protection Development Permit Guidelines. Staff clarified that the lot coverage can go less than the 20% total build. It was suggested the owner could alter the placement of the dwelling and that the outdoor pool may have conflicts with the adjacent agricultural uses.

- A member noted they would like to see vegetated barriers along the property line. Staff noted the 15 metre vegetation buffer would be half the property and 30 metre would be majority of the property. The applicants are asking for compromise as the buffer would leave the entire property undeveloped.
- It was noted that there is no compelling reason why the minimum building setback and vegetation buffer cannot be met.

It was Moved by M. Bose
Seconded by R. Brar
That the Agriculture and Food Policy
Advisory Committee recommend to the General Manager of Planning
and Development to refer Development Proposal 7919-0275-00 back to staff to
address setbacks, placements, buffer and septic.
Carried

3. COVID-Related Regional Food Security
Carla Stewart, Senior Policy Planner

Staff noted that an ad-hoc group was made up of staff from a variety of City departments to discuss issues on accessing food, before, during and after the pandemic. Upcoming discussions include preparing food processors for the winter months.

It was noted that the national food supply chain is currently stable. Surrey and other Metro municipalities are finding challenges with distribution and access to food for vulnerable groups of people, such as those who use food banks.

Staff illustrated a food map on the screen showing COVID-19 Emergency Food Services. The map offers information to those who are unaware where to find food services. A similar map is being developing to incorporate into COSMOS.

The Committee discussed the announcement by the Federal Government offering a relief package for food industry farmers. It was noted that loose bulk products are on the decline as packaged food is preferred. A consequence to farmers is that they are having to purchase new machinery and labour costs are rising.

4. Trespassing on the Agricultural Land Reserve

The Committee discussed issues with dirt bikes driving on fields and residents walking dogs on farming property. A member stated that residents are under the impression that it is public property. When access to parks is limited to the public, the public find other areas to gather and are using Ag land for recreational purposes. The Committee would like to see notices for where residents can walk be posted to the public, to ensure no trespassing. Fencing could be a good measure to mitigate trespassing.

The Committee requested that an email be drafted on behalf of AFPAC to the General Manager, Corporate Services asking that Bylaw Enforcement look into trespassing on Agricultural Lands.

It was noted that Metro Vancouver could discuss access to outdoors.

D. OUTSTANDING BUSINESS

1. Farm Tour Update

Carla Stewart, Senior Policy Planner

There will be no Farm Tour in 2020 due to the COVID-19 Pandemic.

E. ITEMS REFERRED BY COUNCIL

This section has no items to consider.

F. CORRESPONDENCE

This section has no items to consider.

G. INFORMATION ITEMS

B. Sidhu declared a Conflict of Interest and removed himself from the meeting at 7:22 p.m.

1. Leasehold Application 7920-0050-00

Donna Quesada, Planning Technician

File: 7920-0050-00

The following memorandum is for information only. The proposal is to lease the farmland portion of Mound Farm Park.

Concerns were expressed on when the City sends out requests to lease City farm land that the City should ensure leases are approved for Surrey farmers first over farmers from other jurisdictions.

The Committee requested that an e-mail be forwarded to the Realty Department to provide details on the criteria of leasing City land within the Agricultural Land Reserve.

B. Sidhu rejoined the meeting at 7:39 p.m.

H. INTEGRITY OF THE AGRICULTURE LAND

This section has no items to consider.

M. Bose left the meeting at 7:40 p.m.

I. OTHER BUSINESS

1. Verbal Updates

- It was noted that legal dumping has increased significantly. The City has temporarily limited the volume of curb-side garbage pick up and, combined with people being at home and cleaning out their homes during the pandemic, has contributed to a higher amount of garbage being created by residents and dumped in convenient areas.
- It was reminded to use the Surrey App to report bylaw infractions, for infractions such as illegal dumping.
- The Ministry of Agriculture was reorganized in response to COVID 19 and has formed 10 working groups to respond to issues within agriculture.

J. NEXT MEETING

The next meeting of the Agriculture and Food Policy Advisory Committee will be held on Tuesday, June 2, 2020, at 6:00 p.m.

K. ADJOURNMENT

It was

Moved by S. VanKeulen
Seconded by J. Gibeau
That the Agriculture and Food Policy

Advisory Committee meeting is adjourned.

Carried

The Agriculture and Food Policy Advisory Committee adjourned at 7:50 p.m.

Jennifer Ficocelli, City Clerk

Councillor Jack Hundial, Chair