

City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7921-0103-00

Planning Report Date: December 6, 2021

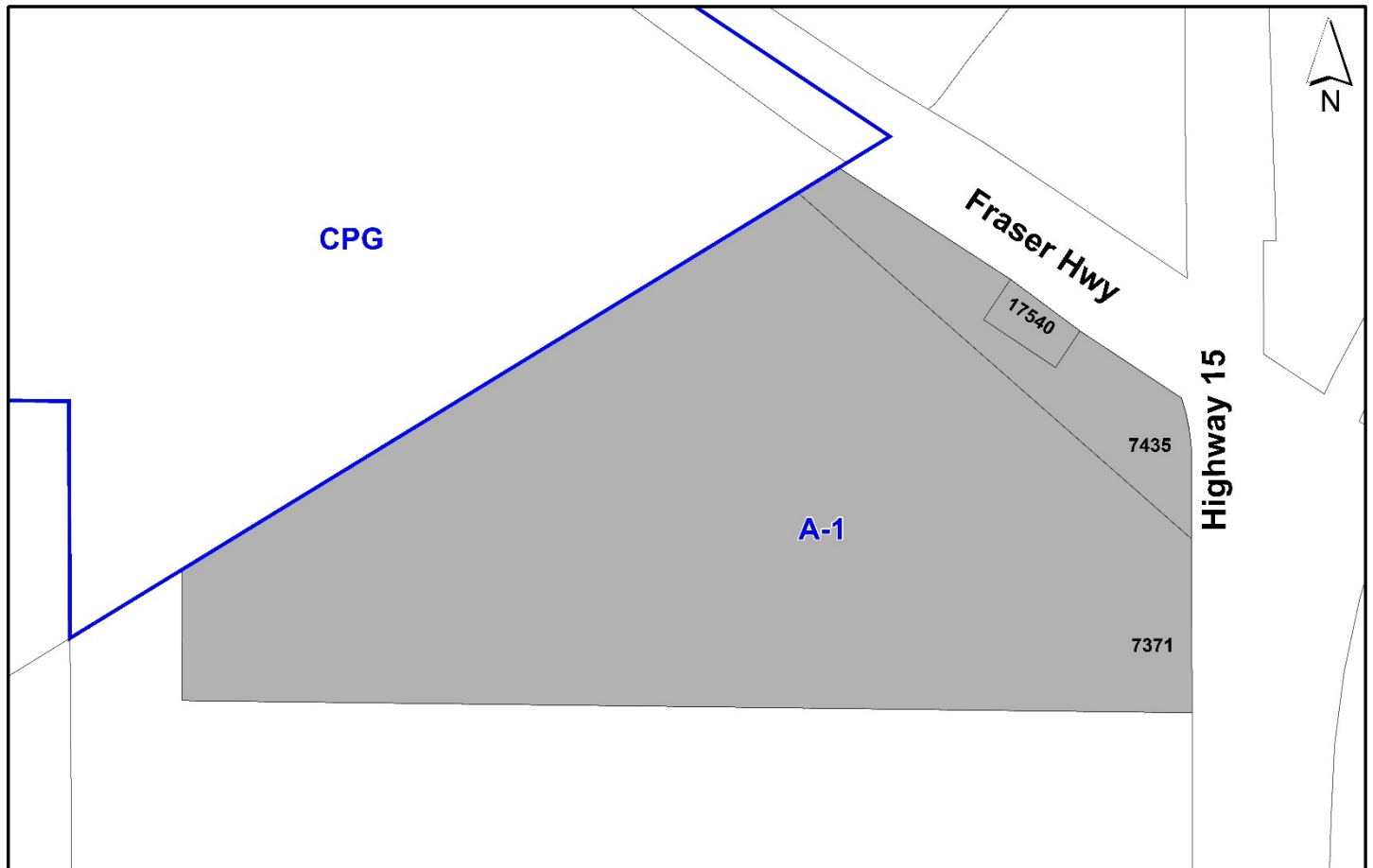
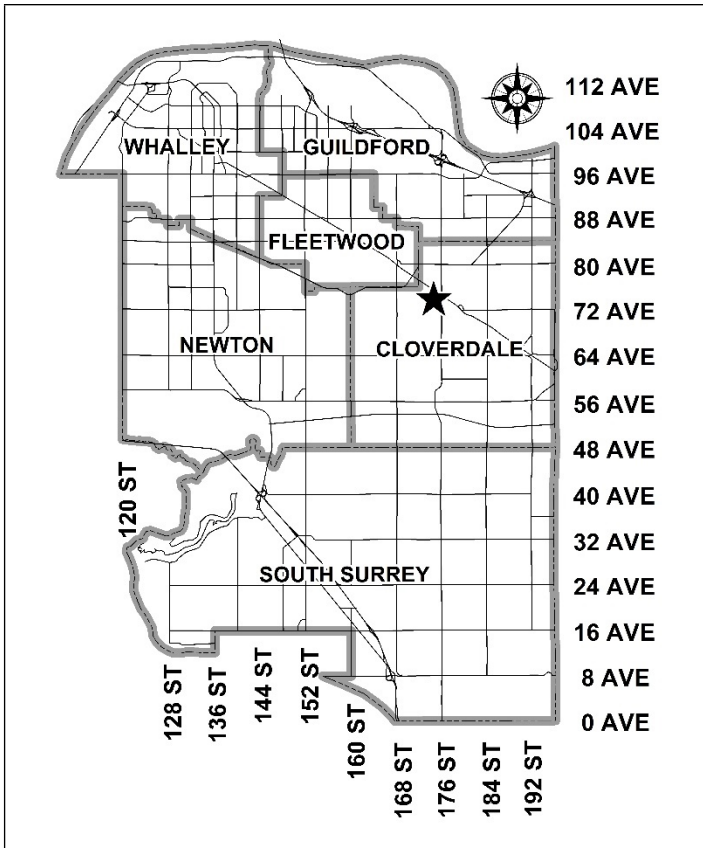
PROPOSAL:

- **Subdivision within ALR** under Section 21(2) of the *ALC Act*.
- **Development Variance Permit** to permit a lot line adjustment to reconfigure three (3) lots under A-1 Zoning within the ALR.

LOCATION: 7435 - 176 Street
 17540 - Fraser Highway
 7371 - 176 Street

ZONING: A-1

OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

- Refer the subject application to the Agricultural Land Commission (ALC) for consideration of approval.
- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- In accordance with Section 21(2) of the Agricultural Land Commission Act, an owner of agricultural land is permitted to apply to the Commission to subdivide agricultural land.
- In accordance with Section 10(1)(c) of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* a lot line adjustment subdivision within the ALR where any of the subject lots are a minimum of than 1 hectare, requires approval of the Agricultural Land Commission.
- Proposing to reduce the minimum lot width of the A-1 Zone from not less than 1/10 of the total lot perimeter to 91.8 metres for proposed Lot 2 and 86.3 metres for proposed Lot 3.

RATIONALE OF RECOMMENDATION

- The proposal complies with the Agricultural designation in the Official Community Plan (OCP).
- The proposal complies with the Agricultural designation in the Metro Vancouver Regional Growth Strategy (RGS).
- Proposed Lots 1 to 3 comply with the minimum lot area requirement of the "General Agriculture Zone (A-1)" of Zoning By-law 12000, requiring a minimum lot size of 4 ha for lots created through subdivision for land within the ALR.
- No exclusion of land from the ALR is proposed.
- The application is supported by the Agricultural, Environment & Investment Advisory Committee.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize referral of Development Application No. 7921-0103-00 for subdivision in the ALR to the Agricultural Land Commission for consideration of approval.
2. Council approve Development Variance Permit No. 7921-0103-00 (Appendix V) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum lot width of the A-1 Zone from not less than 1/10 of total lot perimeter to 91.8 metres for proposed Lot 2;
 - (b) to reduce the minimum lot width of the A-1 Zone from not less than 1/10 of total lot perimeter to 86.3 metres for proposed Lot 3.
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) submission of a subdivision layout to the satisfaction of the Approving Officer; and
 - (c) Approval from the Ministry of Transportation & Infrastructure.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Agriculture (ALR)	Agricultural	A-1
North (Across Fraser Hwy):	Agriculture (ALR)	Agricultural	A-1
East (Across Hwy 15):	Agriculture (ALR)	Agricultural	A-1
South:	Agriculture (ALR)	Agricultural	A-1
West:	Serpentine River & Golf Course (ALR)	Agricultural	CPG

Context & Background

- The subject site includes 7371 – 176 Street, 7435 - 176 Street and 17540 Fraser Hwy and is approximately 18.5 hectares in area.
- The property is designated Agricultural in the Official Community Plan (OCP), zoned "General Agricultural Zone (A-1)" and located within the Agricultural Land Reserve (ALR).

- There are no existing houses or farm buildings on the subject site. The site is currently farmed for corn for dairy feed. The site will be transitioning to ground crops and berries once subdivided.
- There are multiple Class A/o red-coded watercourses on the site as well as the Serpentine River to the west of the site.

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant is proposing a lot line adjustment (subdivision) to reconfigure the three existing lots.
- The existing subject parcels currently vary in area and are approximately 16.7 ha (7371 - 176 Street), 1.6 ha (7435 - 176 Street) and 0.7 ha (17549 Fraser Hwy) respectively.
- The applicant is proposing to alter the existing lot lines to reconfigure the layout of the three existing lots. Proposed Lots 1 – 3 are proposed to be 6.2 ha each in area

	Proposed
Lot Area	
Gross Site Area:	18.5 ha
Number of Lots:	3
Range of Lot Sizes	6.2 ha
Range of Lot Widths	86.3 metres – 332.8 metres
Range of Lot Depths	570.2 metres – 713.3 metres

- Prior to consideration of the subdivision by the City's Approving Officer, ALC approval of the proposed lot line adjustment is required.
- The applicant is also requesting to vary the required minimum lot width in the General Agriculture Zone (A-1), which is 1/10 of the total lot perimeter, for proposed Lots 2 and 3. The lot widths are proposed to be varied as follows:

	Required Lot Width (1/10 of total perimeter)	Proposed Lot Width
Lot 2	1/10 (154.9 metres)	91.8 metres
Lot 3	1/10 (159.9 metres)	86.3 metres

- Proposed Lot 1 is irregular in shape but complies to the required lot width, providing 332.8 metres. The lot width of Lot 1 is measured along the frontage of Fraser Hwy and the curved lot line bending towards 176 Street. This results in a triangular lot with a greater lot width than proposed Lots 2 and 3.
- The applicant retained a Qualified Environmental Professional (QEP) and confirmed the on-site Class A/o red-coded watercourses do not intercept the proposed lot lines.

Transportation Considerations

- Proposed access for Lot 1 will be from the existing access along Fraser Hwy.
- Proposed access for Lot 2 and Lot 3 will be shared from 176 Street. An access easement will be registered on title for the shared access as per requirements laid out by the Ministry of Transportation & Infrastructure (MOTI).
- The site is adjacent to the proposed Surrey-Langley SkyTrain line along Fraser Hwy. The applicant is aware their site will be adjacent to the proposed transit line and accept there will be views restricted along Fraser Hwy for proposed Lot 1.

Referrals

Engineering:	The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix II.
Ministry of Transportation & Infrastructure (MOTI):	MOTI supports the proposed subdivision, with access for Lot 1 off Fraser Hwy and shared access for Lot 2 and Lot 3 from 176 Street (Hwy 15), with registration of a shared access easement.
Agriculture, Environment, and Investment Advisory Committee (AEIAC):	At the July 14, 2021, meeting, AEIAC recommended that the proposed subdivision application be supported by Council. The Committee supported the proposal as it would increase the farmability of the existing lots. (Appendix IV)

POLICY & BY-LAW CONSIDERATIONS

Official Community Plan

Land Use Designation

- The subject site complies with the "Agricultural" designation under the OCP. This designation supports agriculture, complementary land uses and public facilities. This designation includes lands within the Agricultural Land Reserve (ALR) as well as rural lands outside of the ALR that are used for farming.

Themes/Policies

- Surrey's OCP outlines various policies to be considered with respect to agricultural lands inside and outside the ALR. Relevant policies for lands within the ALR include:
 - E3.1 - Maintain the integrity of the ALR and its existing boundaries; and

- E3.5 – Avoid the fragmentation of ALR lands. Limit the subdivision of land within the ALR to greater than 4 hectares (10 ac.). Limit the subdivision of designated agriculture land outside the ALR to greater than 2 hectares (5 ac.). Encourage the amalgamation of lots in agricultural areas.
- Subdivision that creates new lots is discouraged without a demonstrated clear net benefit to agriculture.
- The subject site consists of 2 lots that are currently smaller than 4 hectares, neither of which are in a configuration conducive to farming in isolation. The proposed subdivision (consolidation) results in reconfigured lots that are each more conducive to farming.

Agricultural Land Commission Act and Regulations

- In accordance with Section 10(1)(c) of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* a lot line adjustment subdivision within the ALR where any of the subject lots are a minimum of than 1 hectare, requires approval of the Agricultural Land Commission.
- Under Section 21(1) of the *Agricultural Land Commission Act* (ALCA), a person must not subdivide agricultural land unless permitted under the ALCA or Agricultural Land Reserve Regulation.
- Under Section 21(2) of the ALCA, an owner of agricultural land may apply to the commission for permission under section 25 to subdivide agricultural land.
- However, under Section 25(3) of the ALCA, if the land subject to an application to the Agricultural Land Commission (ALC) is zoned to permit agricultural or farm uses, an application to the ALC may not proceed unless authorized by resolution from a local government.
- As the subject properties are zoned for agricultural and farm uses, the decision to refer the subject subdivision application to the ALC is the prerogative of City Council.
- If Council passes a resolution to refer the application to the ALC, the ALC will conduct an independent review of the application to evaluate if the proposal aligns with their policies, goals, and mandate. Under Section 25(1) of the *ALCA*, the Commission may:
 - refuse permission for the subdivision;
 - grant permission for the subdivision; or
 - grant permission for an alternative subdivision.

Zoning By-law

Lot Width Variances

- The applicant is requesting the following variances:

- to reduce the minimum lot width of the A-1 Zone from not less than 1/10 of total lot perimeter to 91.8 metres for proposed Lot 2;
 - to reduce the minimum lot width of the A-1 Zone from not less than 1/10 of total lot perimeter to 86.3 metres for proposed Lot 3.
- Staff recommended that a more supportable option would be to include some form of amalgamation in the proposal such as from 3 lots into 2. Partial amalgamation would be consistent with OCP policy and could also eliminate the need for a lot width variance, which is considered significant as currently proposed.
- Staff note that the proposed lot configuration will result in parcels that could accommodate three new residential dwellings, with corresponding farm residential footprints, decreasing the farmable area of these lots.
- The applicant was not agreeable to a land assembly and believes the proposed lot configuration will enhance the farmability of these sites by creating 3 equal parcels that can be farmed by 3 different owners.
- The proposal complies with the standards for subdivision in the "General Agriculture Zone (A-1)" of Zoning By-law 12000, requiring a minimum lot size of 4 ha (10 acres) for lots created through subdivision. The existing lot configuration does not meet this minimum requirement.
- The proposal increases the area of the existing lot at 17340 – Fraser Hwy from 0.7 ha to 6.2 ha and 7435 – 176 Street from 1.6 ha to 6.2 ha, improving the agricultural potential of these parcels.
- No exclusion of land from the ALR is proposed.
- The application is supported by the Agricultural, Environment & Investment Advisory Committee.
- Access for proposed Lot 2 and 3 from 176 Street will need to be reviewed and supported by the Ministry of Transportation & Infrastructure (MOTI). Access from Fraser Hwy is preferred for all lots, however the lots are not proposed to be oriented in a manner to permit such access.
- MOTI has indicated support for a proposed shared access from 176 Street for proposed Lots 2 and 3.
- Staff contend that although no amalgamation is proposed, there are merits to the application proceeding to the ALC for consideration. Staff also support the requested variances to proceed for consideration.

PUBLIC ENGAGEMENT

- The Development Proposal Signs were installed on August 8, 2021. Staff received no response from neighbouring residents or property owners.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Proposed Subdivision Layout
- Appendix II. Engineering Summary
- Appendix III. Aerial Photo
- Appendix IV. AEIAC Meeting Minutes
- Appendix V. Development Variance Permit No. 7921-0103-00

approved by Ron Gill

Ron Gill
Acting General Manager
Planning and Development

SJ/cm

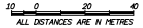
PROPOSED SUBDIVISION PLAN OF:

**LOT 3;
 LOT 1 EXCEPT: FIRSTLY; PART NOW HIGHWAY SRW PLAN 46358
 SECONDLY; PART DEDICATED ROAD ON PLAN BCP21780
 THIRDLY; PART DEDICATED ROAD ON PLAN BCP23048;
 LOT 2 EXCEPT: FIRSTLY; PART NOW HIGHWAY SRW PLAN 46358 SECONDLY; PART DEDICATED ROAD ON PLAN BCP21780;
 ALL OF SECTION 19 TOWNSHIP 8 NEW WESTMINSTER DISTRICT PLAN 21391**

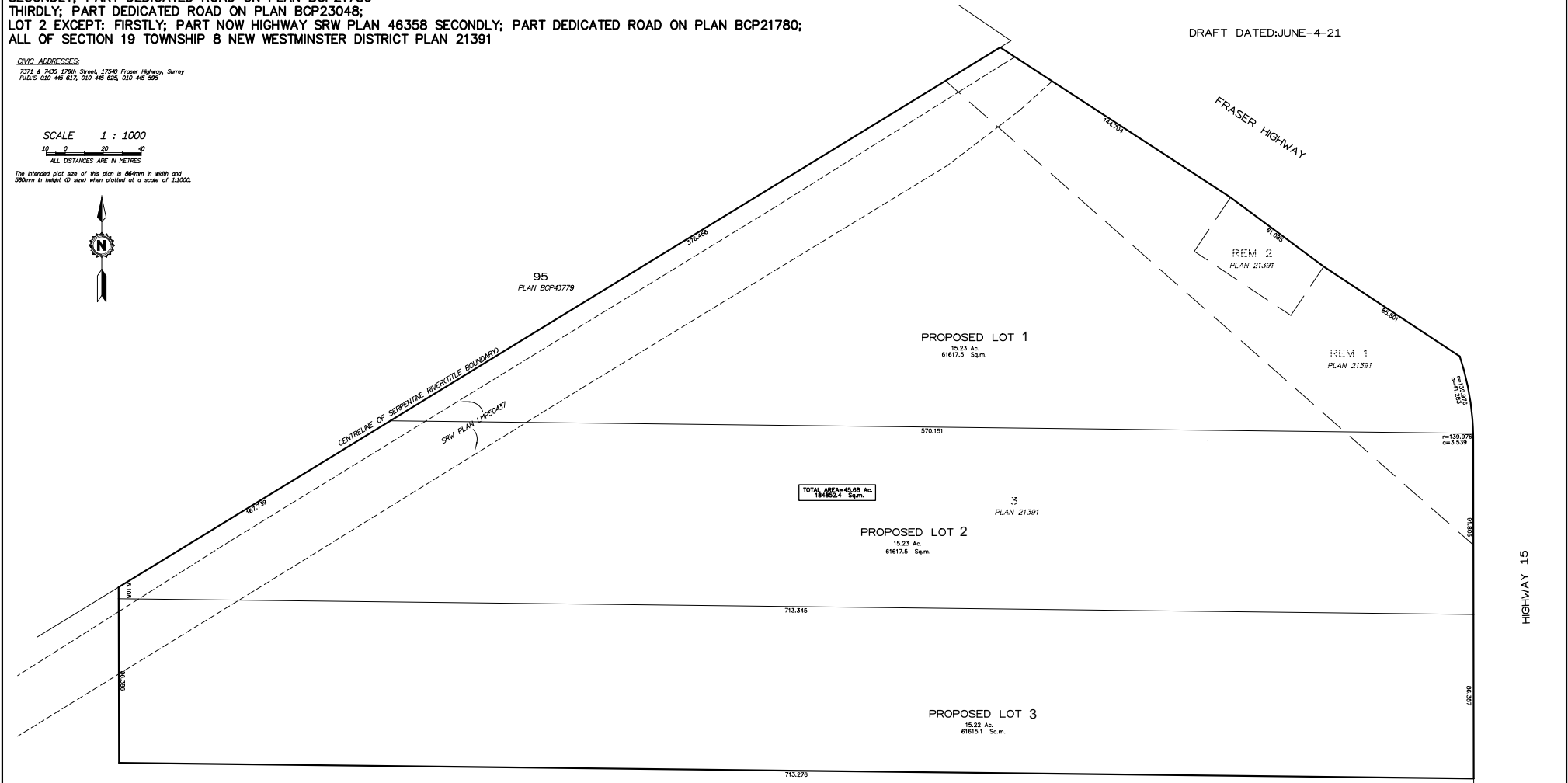
DRAFT DATED: JUNE-4-21

QMC ADDRESSES:
 7371 & 7435 176th Street, 17540 Fraser Highway, Surrey
 P.L.D.'S 010-465-817, 010-465-823, 010-465-595

SCALE 1 : 1000



The intended plot size of this plan is 860mm in width and 560mm in height (D size) when plotted at a scale of 1:1000.



Lot dimensions are derived from FIELD SURVEY
 This Plan was prepared for INFORMATIONAL and permit purposes, and is for the exclusive use of our client. The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of reproduction, transmission or alteration to this document without consent of the signatory.

CERTIFIED CORRECT
 DATED THE 9TH DAY OF MARCH, 2021

Frey Philip BOLS





INTER-OFFICE MEMO

TO: **Manager, Area Planning & Development
- North Surrey Division
Planning and Development Department**

FROM: **Acting Development Services Manager, Engineering Department**

DATE: **November 30, 2021** PROJECT FILE: **7821-0103-00**

RE: **Engineering Requirements
Location: 7371 176 St**

SUBDIVISION

The following issues are to be addressed as a condition of the Subdivision:

- Register a restrictive covenant (RC) on Lot 1 for right-in and right-out only to Fraser Hwy.
- Register an access easement on Lot 2 and 3 for access onto Highway 15.

A Servicing Agreement is not required. An Administrative Processing Fee is required to administer the required legal documents.

DEVELOPMENT VARIANCE PERMIT

There are no engineering requirements relative to issuance of the Development Variance Permit.

BUILDING PERMIT

The following issues are to be addressed as a condition of the subsequent Building Permit:

- Provide a water service connection to each lot, by City forces at the applicant's expense.
- Replace existing asphalt driveway letdown on Fraser Hwy with a 6.0 m concrete letdown.
- Secure necessary permits from the Ministry of Transportation and Infrastructure for shared driveway onto Hwy 15.
- Any proposed on-site septic sewer system to be designed and installed in accordance with the requirements of the Fraser Health Authority. Register a RC for the protection and maintenance of the on-site septic system, along with requirement to decommission the septic tank once sanitary frontage is available. A new sanitary connection to the sanitary main will be required, and any latecomer charges, LAS or DCC fees will be applicable at time of connection.

Jeff Pang, P.Eng.
Acting Development Services Manager
DJS

NOTE: Detailed Land Development Engineering Review available on file



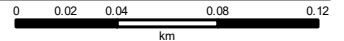
Development Application No. 7921-0103-00 Aerial Photo



17540 - Fraser Hwy, 7435 - 176 Street, 7371 - 176 Street

Scale: 1:3,000

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



Map created on: 2021-08-31

In response, staff reported on the Green City program and also noted they will be looking to find those spaces along the road edges, etc. to replace trees slated for removal as a result of the SkyTrain corridor moving ahead.

In closing, the GM Engineering reported that Engineering will work with Parks to add more trees within Green Timbers to increase the forest – not to be replaced with boulevard trees. Going forward, the cross section of the road will provide many opportunities more street trees.

3. **Development Application 7921-0103-00**

Sharon Johal, Planning Technician

Address: 7435 - 176 Street

17540 - Fraser Highway

7371 - 176 Street

The proposal is for a subdivision lot line adjustment in the ALR.

S. Rai declared a conflict of interest regarding Development Application 7921-0103-00 and left the meeting at 7:16 p.m.

The following comments were made:

- The subject site, approximately 18.5 ha in area within the 200 year floodplain, is designated Agricultural in the Official Community Plan (OCP) and zoned "General Agricultural Zone (A-1)". Surrounding lands to the north, west, east and south are also designated Agricultural in the OCP and located within the ALR.
- There are no existing houses or farm buildings on the subject properties.
- The applicant is proposing a lot line adjustment (subdivision) to reconfigure the three exiting lots that vary in size with one lot that totals 16.7 ha, and the other two that total 1.6 ha and 0.7 ha.
- The applicant is proposing to alter the exiting lot lines to create three different parcels, proposed as Lot A, Lot B and Lot C, providing 6.2 ha for each lot.
- A variance to the required minimum lot width in the A-1 for proposed Lots B and C is also requested; from 10% to 5.96% for proposed Lot B and from 10% to 5.4% for proposed Lot C.
- Proposed access for Lot A will be from the existing access along Fraser Hwy. Proposed access for Lots B and C will be from 176 Street, pending approval from the Ministry of Transportation & Infrastructure (MOTI)
- The applicant believes the proposal will enhance the farmability of the site, however staff noted that although there are three properties, they function as one, and that the proposal is not consistent with OCP policies which encourage amalgamation of the lots in Agricultural areas.
- Staff are working with the applicant and have also suggested consideration of having two parcels facing Fraser Hwy. for lot access, as approval from MOTI is still needed for access off Hwy. 15.

Members of the Committee provided the following comments:

- As someone that has spent their entire life in Surrey and knows the landscape, the subject site has never been farmed.
- The proposed lot line adjustment makes sense. Even if the lots were amalgamated into one lot, it would still be almost impossible to farm. It is likely that no owner would amalgamate from three lots to one lot unless there is a benefit. Having three decent size lots is better than where it stands now.
- The proposal is the best option, although it was noted in the staff report that the applicant would prefer to have two lots instead of three, but there is no net benefit for the applicant to go to two lots when he has three lots already.

The Committee was asked if there is any support for two lots instead of three, to access from Fraser Hwy., if MOTI does not support access from Hwy. 15. The Committee did not want there to be any chance of the property being landlocked and stated that there is no net benefit for the applicant to reduce the number of lots to two when there are three lots already.

In general, the Committee supported the three lot proposal noting it is the best proposal for the property and much better than the pre-existing lot lines.

It was Moved by S. Van Keulen
Seconded by Councillor Nagra
That the Agriculture, Environment, and
Investment Advisory Committee recommend to the General Manager of Planning
and Development to support Development Application 7921-0103-00 to move
forward to the Agricultural Land Commission.
Carried

D. OUTSTANDING BUSINESS

1. Verbal Updates

- A member expressed interest in having the Committee request a delegation from staff to present on the level of urban agriculture that is being developed and/or how planners are encouraging developers to include urban agriculture. Staff reported they will follow up with Planning & Development and have them look at the work plan and to maybe contact the Township of Langley as well.
- It was reported that at the recent Farmers' Institute meeting, some farmers noted the loss of animals as result of the extremely hot weather. One farmer had lost three barns of turkeys and unsure of how many thousands of birds. It is certain there were many insurance claims for the loss of animals, especially turkey and chicken.
- In Sumas, some farmers had potatoes turn green and sprouting in the ground because the land was so warm from the unprecedented heat. The Committee was encouraged to help the farmers by purchasing local fruit and produce as much as possible.

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7921-0103-00

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: 010-445-595

Lot 1 Except: Firstly; Part Now Highway SRW Plan 46358 Secondly; Part Dedicated Road on Plan BCP21780 Thirdly; Part Dedicated Road on Plan BCP23048 Section 19 Township 8 New Westminster District Plan 21391

7435 - 176 Street

Parcel Identifier: 010-445-617

Lot 2 Except: Firstly; Part Now Highway SRW Plan 46358 Secondly; Part Dedicated Road on Plan BCP21780 Section 19 Township 8 New Westminster District Plan 21391

17540 - Fraser Highway

Parcel Identifier: 010-445-625

Lot 3 Section 19 Township 8 New Westminster District Plan 21391

7371 - 176 Street

(the "Land")

3. (a) As the legal description of the Land is to change, the City Clerk is directed to insert the new legal description for the Land once title(s) has/have been issued, as follows:

Parcel Identifier:

- (b) If the civic address(es) change(s), the City Clerk is directed to insert the new civic address(es) for the Land, as follows:

4. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:

- (a) In Section K of Part 10 "General Agriculture Zone (A-1)", the minimum lot width for land within the ALR is reduced from not less than 1/10 of total lot perimeter to 91.8 metres for proposed Lot 2.
- (b) In Section K of Part 10 "General Agriculture Zone (A-1)", the minimum lot width for land within the ALR is reduced from not less than 1/10 of total lot perimeter to 86.3 metres for proposed Lot 3.

5. This development variance permit applies to only the Land shown on Schedule A which is attached hereto and forms part of this development variance permit.
6. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
7. This development variance permit shall lapse unless the subdivision, as conceptually shown on Schedule A which is attached hereto and forms part of this development variance permit, is registered in the New Westminster Land Title Office within three (3) years after the date this development variance permit is issued.
8. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

9. 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

City Clerk – Jennifer Ficocelli

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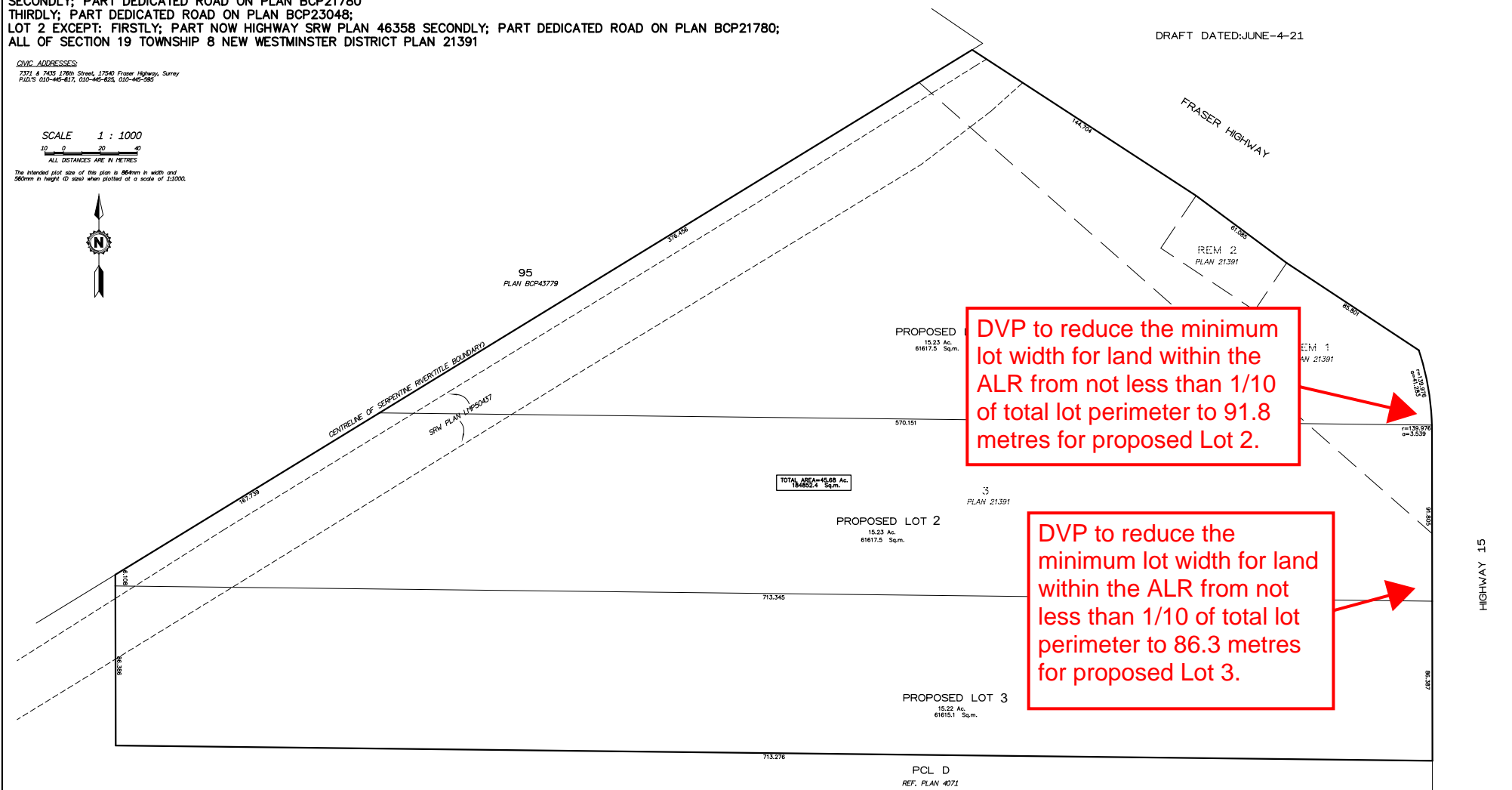
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SCALE 1 : 1000
 10 0 20 40
 ALL DISTANCES ARE IN METRES

The intended plot size of this plan is 889mm in width and 560mm in height (D size) when plotted at a scale of 1:1000.



DRAFT DATED: JUNE-4-21



DVP to reduce the minimum lot width for land within the ALR from not less than 1/10 of total lot perimeter to 91.8 metres for proposed Lot 2.

DVP to reduce the minimum lot width for land within the ALR from not less than 1/10 of total lot perimeter to 86.3 metres for proposed Lot 3.

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