

**City of Surrey
PLANNING & DEVELOPMENT REPORT**

Application No.: 7921-0194-00

Planning Report Date: November 8, 2021

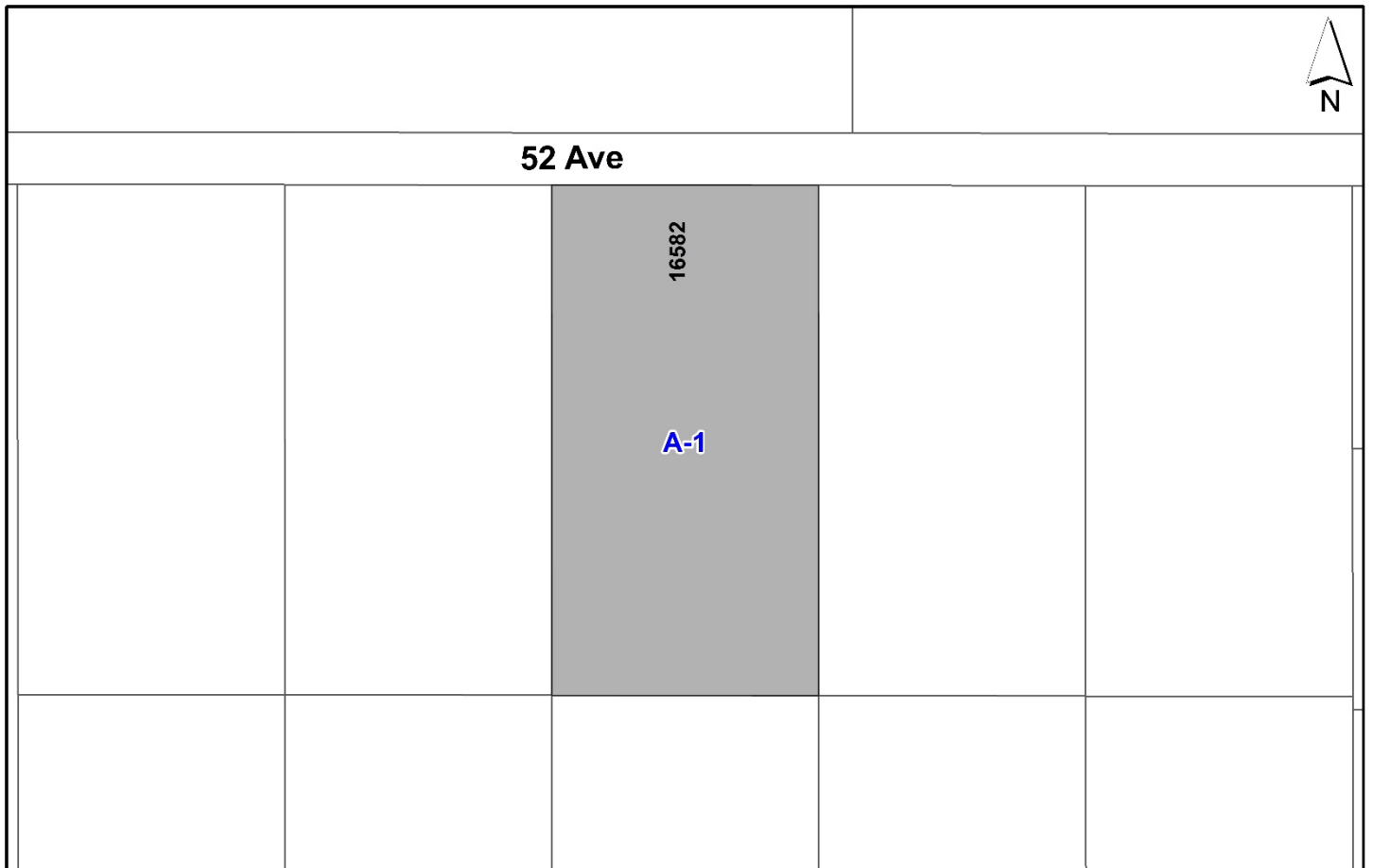
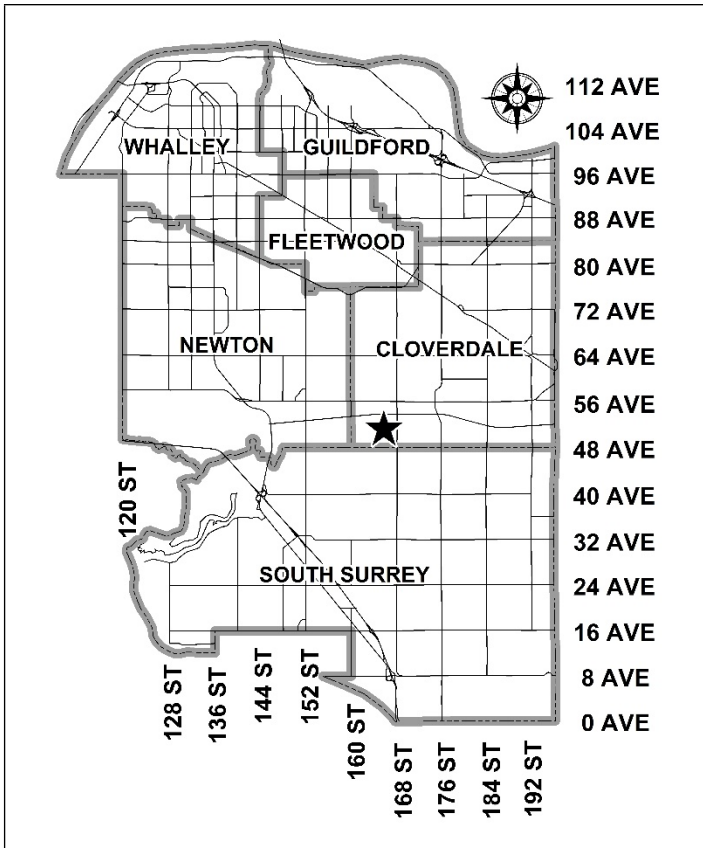
PROPOSAL:

- Non-adhering residential use under Section 20.1 of the ALC Act.
- to allow the development of a single-family dwelling that exceeds 500 square metres in total floor area.

LOCATION: 16582 - 52 Avenue

ZONING: A-1

OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

- Refer the subject non-adhering residential use application to the Agricultural Land Commission (ALC) for consideration of approval.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Proposing to increase the maximum floor area of a principal residence allowed under the *Agricultural Land Commission Act (ALCA)*.

RATIONALE OF RECOMMENDATION

- The Province adopted legislation on February 22, 2019, which introduced a maximum on the floor area of principal dwellings to 500 square metres within the Agricultural Land Reserve (ALR). This legislation is intended to limit the physical and economic impacts of residential uses on agriculturally designated land.
- The *ALCA* authorizes a property owner to apply for a non-adhering residential use under section 20.1(2)(a).
- The proposed residential dwelling complies with the requirements of the "General Agriculture Zone (A-1)".
- The City has only recently started receiving development applications that propose to exceed the maximum floor area that is permitted for a principal dwelling within the ALR. As the proposal complies with the maximum floor area that is permitted under the "General Agriculture Zone (A-1)" and the legislation is relatively new, Staff recommend that the ALC application be forwarded to the ALC for consideration of approval.

RECOMMENDATION

The Planning & Development Department recommends that Council authorize referral of the application to the Agricultural Land Commission for consideration of approval.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Agriculture (ALR)	Agricultural	A-1
North (Across unconstructed 52 Avenue):	Agriculture (ALR)	Agricultural	A-1
East:	Agriculture (ALR)	Agricultural	A-1
South:	Agriculture (ALR)	Agricultural	A-1
West:	Agriculture (ALR)	Agricultural	A-1

Context & Background

- The subject site is located at civic address 16582 – 52 Avenue and is approximately 2.02 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).
- The subject site is currently classified as farmland under the BC Assessment Act, which it has been since the applicant purchased the property in 2007.
- About 1.8 hectares of the property is currently in blueberry production along with approximately 2 hectares on the adjacent site located at 16828 – 52 Avenue. Given that the applicants live offsite and currently travel to the farm to conduct farm duties, they are anticipating further maximization of crop yields on the subject site once they are able to live in the proposed single-family dwelling.
- There are currently no permanent buildings or structures on the property.

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant is applying for a non-adhering residential use under section 20.1 of the *Agricultural Land Commission Act (ALCA)* to allow the construction of an 882.5 square metre dwelling at 16582 – 52 Avenue.

- The proposal complies with the farm residential footprint regulation of the A-1 Zone. The existing farm residential footprint area is 2,000 square metres and was approved in December of 2018, pre-dating ALC legislation requiring a Notice of Intent for removing or placing fill that exceeds 1,000 square metres.
- The property is located within the flood plain, therefore preload will be required to meet the flood construction level.
- The applicant is required to complete offsite works including the construction of 52 Avenue fronting the property, and extension of a watermain from 168 Street. This will be secured by Engineering through a Servicing Agreement, still incomplete, these works are required to be fully complete prior to ultimate Building Permit issuance.

Referrals

Engineering:	The Engineering Department has no objection to the project. Further comments will be provided upon submission of a more detailed site plan and a subsequent Sensitive Ecosystem Development Permit referral to the Engineering Department.
Agriculture, Environment, and Investment Advisory Committee (AEIAC):	At the October 13, 2021 meeting, AEIAC recommended that the proposed Non-Adhering Residential Use be denied by Council. The Committee expressed concerns on the precedent the application would set for an over-sized dwelling in the ALR.

POLICY & BY-LAW CONSIDERATIONS

Agricultural Land Commission Act and Regulations

- Section 20.1(1)(b) of the *ALCA* restricts the maximum total floor area of a principal residence to 500 square metres.
- Section 20.1(2)(a) of the *ALCA* authorizes a property owner to apply to the commission for a non-adhering residential use.
- In their application to the ALC, the applicant confirmed that they are proposing an 882.5 square metre dwelling. A preliminary site plan has been provided, but floor plans have not yet been developed and submitted to the City.
- The Zoning By-law does not restrict the density of single family dwellings on agricultural zoned properties. As the proposal complies with City regulations and policy, Staff recommend that the Non-Adhering Residential Use application be forwarded to the ALC for consideration, given the deviation from the *ALCA*.

Applicant's Rationale

- The applicant provided the following rationale in support of their application:
 - The applicants are currently farming blueberries on 1.8 hectares of the subject site and approximately 2 hectares on the adjacent site located at 16828 – 52 Avenue. Given that the applicants live offsite and currently travel to the farm to conduct farm duties, they are anticipating further maximization of crop yields on the subject site once they are able to live in the proposed single-family dwelling.
 - The applicant is required to undertake offsite work including the construction of 52 Avenue fronting the property, and extension of a watermain from 168 Street. The servicing agreement process has not been finalized and the applicant has indicated that this process delayed the construction of the single-family dwelling prior to adoption of Section 20.1 (1)(b) of the Agricultural Land Commission Act which came into effect on February 22, 2019.
 - The applicant submits that the dwelling will be used as a multi-generational dwelling. The applicant's adult children and their growing families will be living on site and assisting in the farming operations. The applicants would like all members of the family to be able to live on site to grow the farming business.
 - The applicants are planning to use the land for various farming operations. In addition to blueberry farming, livestock such as cows and chickens are anticipated, as well as a fruit stand. The applicant's family, including children, have learned to operate and maintain the crops on the farm with some addition help from temporary/seasonal workers.
 - The applicants need the assistance of their extended family in order to run all of the current and future farm operations proposed on the subject site. The proposed dwelling would allow all generations to live together, with enough space to grow their family while growing their farm operations on the subject site.
 - The applicants prefer to live on the site they are farming as this makes operating their business more efficient and ensures the land is farmed with more oversight.
 - The additional 382.5 square metres of floor area will still meet farm home plate requirements as it will meet the maximum of 2,000 square metres and does not take away viable land for farming. This additional floor area will make it possible for the applicants and their families to continue living and farming together.

Zoning By-law

- The "General Agriculture Zone (A-1)" does not include any restrictions on density or house size. Therefore, a rezoning application is not required in conjunction with the ALC application for non-adhering residential use.
- The A-1 Zone restricts the location and area of residential uses on agricultural properties through the farm residential footprint. The farm residential footprint is restricted to 2,000 square metres in area, the single family dwelling on a lot has a maximum setback of 50 metres from the front lot line and any accessory farm residential facilities may not be located further than 60 metres from the front lot line.

- The proposal complies with the farm residential footprint requirements of the A-1 Zone.

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 an existing Class A (red-coded) ditch which flows along unconstructed 52 Avenue. As such, a Sensitive Ecosystems (Streamside Areas) Development Permit is required prior to building permit issuance, in order to protect aquatic and terrestrial ecosystems associated with streams from the impacts of the subject development.

INFORMATION ATTACHED TO THIS REPORT

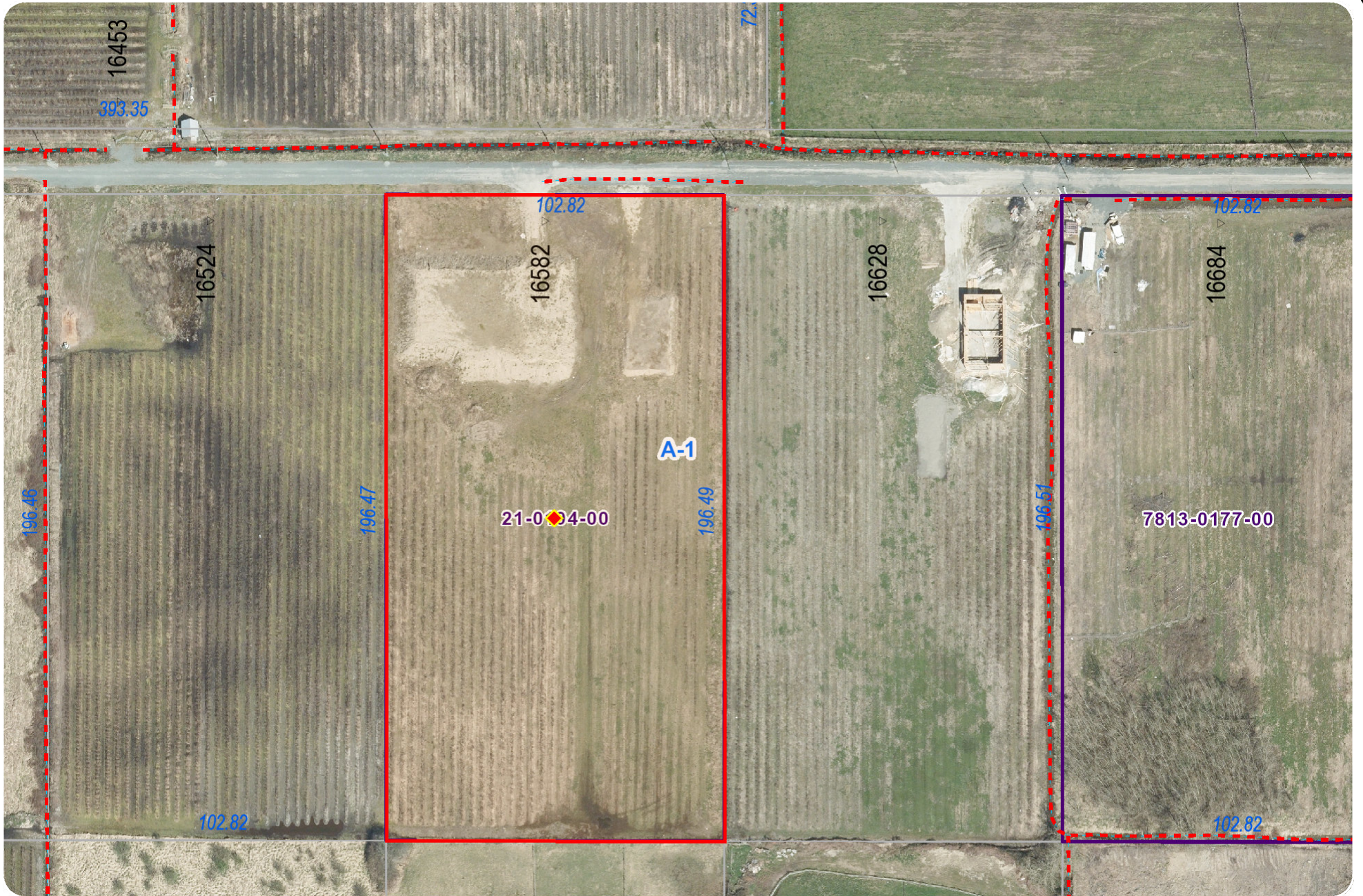
The following information is attached to this Report:

Appendix I.	Aerial Photo
Appendix II.	Preliminary Site Plan
Appendix III.	AEIAC Minutes

approved by Ron Gill

Ron Gill
Acting General Manager
Planning and Development

ELM/cm



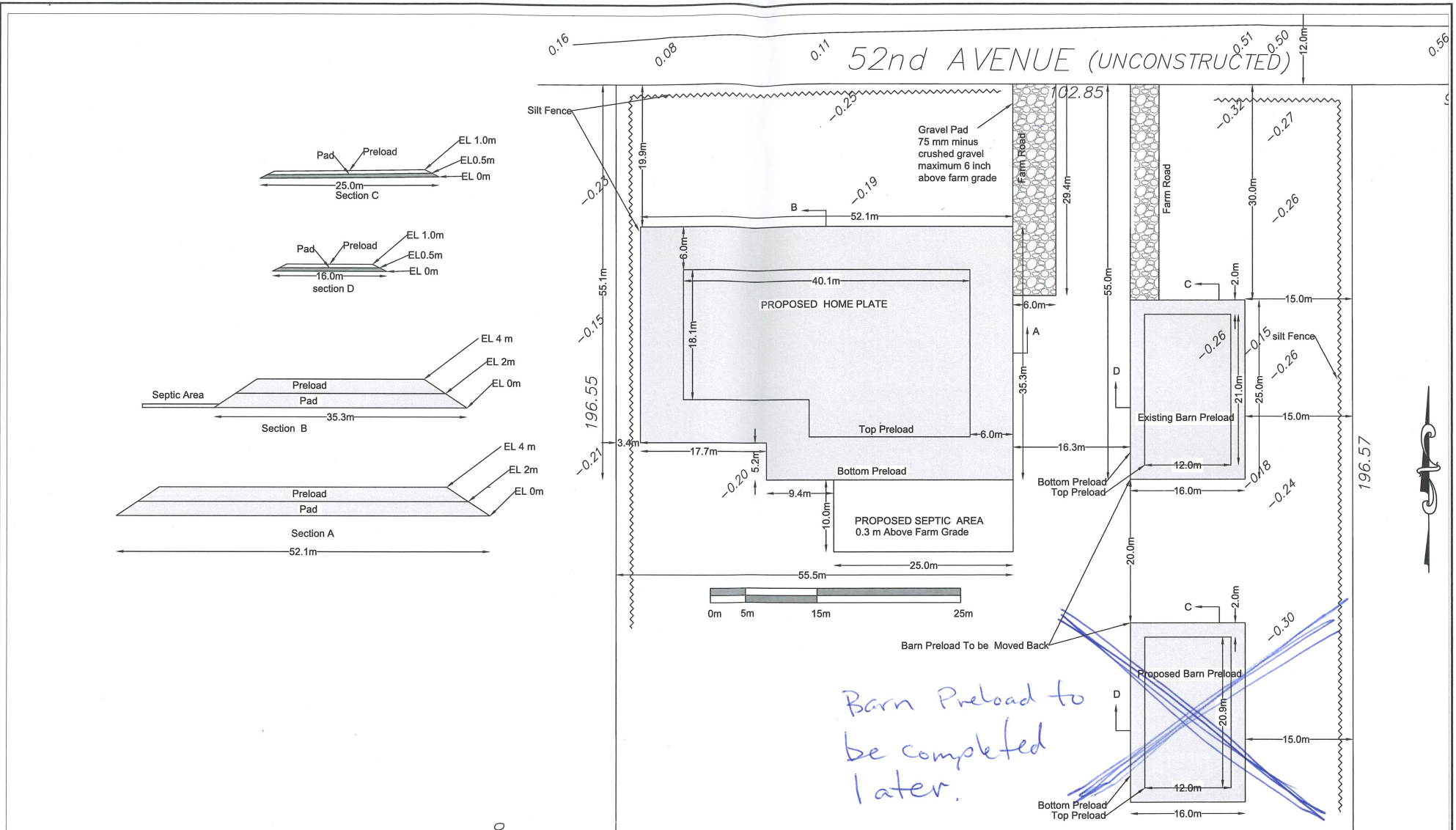
Enter Map Description

Scale: 1:1,587

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: 2021-10-27



ABLE GEOTECHNICAL LTD.
 15580 79A Avenue
 Surrey BC V3S 8R8
 T: 778 995 2404 E: tegbir@ablegeo.com

DATED: October 20, 2018: Home Plate Added

CLIENT:
 TITLE: PRELOAD FILL PLAN
 PROJECT: SINGLE FAMILY DWELLING
 SITE: 16582 52 AVENUE, SURREY

FILE: 652-1
 PAGE 1 OF 2
 NOVEMBER 10, 2017



DRAFT Agriculture, Environment, and Investment Advisory Committee Minutes

Location: Virtual
Wednesday, October 13, 2021
Time: 6:03 p.m.

Present:

Councillor Patton, Chair
Councillor Elford
M. Lamont
S. Rai
S. Van Keulen

Regrets:

Councillor Nagra
Shannon Lambie, Agriculture Land
Commission
Mikayla Roberts, Ministry of
Agriculture

Staff Present:

N. Aven, Manager of Parks
Y. Yohannes, Manager, Utilities
L. Anderson, Administrative Assistant

C. NEW BUSINESS

2. **Development Application 7921-0194-00**

Evan March, Planning Technician
Address: 16582 – 52 Avenue

The proposal is for Non-Adhering Residential Use in the ALR, to construct a principal residence with a total floor area that exceeds 500 square metres.

The following comments were made:

- The subject site is approximately 2.2 hectares in area, designated "Agricultural" in the Official Community Plan, zoned "General Agricultural Zone (A-1)" and located within the Agricultural Land Reserve (ALR). The subject site is classified as farmland under the *BC Assessment Act*
- The applicants have applied under section 20.1(2) of the *Agricultural Land Commission Act (ALCA)* to allow the construction of an 882.5 square metre dwelling. About 1.8 hectares of the property is currently in blueberry production and the remaining area is not currently in agricultural production. The farm operation extends onto the adjacent property, 16828 - 52 Avenue, which has approximately 2.0 hectares of additional blueberry crops. There are currently no permanent buildings or structures on the property.
- There is a Class A red-coded watercourse fronting the subject site that will require a Sensitive Ecosystem Development Permit to be issued prior to Building Permit issuance.
- In December 2018, approval for 2,000 square meters of fill on the site for the proposed farm and residential uses was approved, predating the current ALC legislation. Delay in construction of the residential dwelling resulted from the required offsite works to facilitate construction of 52 Avenue fronting the property, and extension of a watermain from 168 Street, anticipated to be completed soon.
- As the applicants live offsite and travel to the farmlands to conduct farm duties, they anticipate further maximization of crop yields on the subject site once they can live in the proposed single-family dwelling. They also anticipate a future farm building adjacent to the house for future livestock.

The Committee provided the following comments:

- The Committee expressed concerns on the precedent the application would set in having an over-sized dwelling on small agricultural acreage (proposed 9,500 sq. ft. residential dwelling), noting it would be beneficial to know the ratio of agricultural land parcels, small (<10 acres) to the largest (>40 acres). Similarly, to know how many small (5-10 acre) agricultural properties have sought approval from the ALC for residential dwellings greater than the maximum permitted, and the outcome of those applications. Staff confirmed they would reach out to the ALC for clarification (greater understanding) with respect to the determination of agricultural land size relative to the maximum residential dwelling size permitted.
- It was reported that there has been a considerable increase (upwards of 250%) in blueberry crops since 2006, noting that with the landscape level changes that have occurred in Surrey and Delta in regards to berry crops, it is difficult to see how current status quo will be sustainable.
- The Committee agreed that support of the application would be setting a precedent of having a large footprint for such a small agricultural parcel and that it may be better to have a policy or something based on the size of the property, which would also provide clarity for Council when considering similar applications.
- Staff advised that the farm home plate will be reviewed by staff once house plans and a site plan are submitted.
- The new road and road allowance, and if the class of ditch fits within the road allowance, will also need clarification (e.g., where is the setback taken from and will that conform?) before the Committee can make an informed decision.
- Staff advised that the site plan submitted at the time of the fill approval in 2018 did not have any building plans. Going forward, the watercourse and additional setbacks and planting requirements associated with that, will also need to be taken into consideration.
- Staff further reported that any additional consideration with respect to the 32 Avenue widening project as it relates to facilitating the waterworks and any impact on the subject site, is being dealt with through Engineering and is something that will need to have been addressed. Currently the only information available is the fill plate and proposed house size. DFO is already involved.
- The Committee sought information regarding the funding for the road, if the road will go past the subject property, and if there is any hardship caused to the applicants resulting from the delay of the completion of the road construction in advance of the new ALC provisions.

The Committee, in general, expressed non-support for the application as presented.

It was

Moved by S. Van Keulen

Seconded by Councillor Elford

That the Agriculture, Environment, and

Investment Advisory Committee recommend to the General Manager of Planning and Development that development application 7921-0194-00 be referred back to staff to address concerns expressed by the Committee.

Carried