



# Corporate Report

NO: R029

COUNCIL DATE: February 25, 2008

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## REGULAR COUNCIL

TO: Mayor & Council DATE: February 25, 2008  
FROM: General Manager, Planning and Development FILE: 0540-20 AAC  
SUBJECT: Proposed Amendments to  
Surrey Zoning By-law, 1993, No. 12000 Related to Regulating the Size and  
Location of Buildings on Farm Lots

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## RECOMMENDATION:

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Authorize staff to hold a public open house in order to seek feedback on proposed amendments to Surrey Zoning By-law, 1993, No. 12000 (the "Zoning By-law"), which will affect the regulations dealing with the size, foot print and location of residential uses on land within the Agricultural Land Reserve (the "ALR"), as described in this report and summarized in Appendix I;
3. Instruct the City Clerk to forward a copy of this report to the Agricultural Advisory Committee (the "AAC"); and
4. Request that staff provide a further report to Council, complete with recommendations, following the public open house.

## INTENT

The purpose of this report is to:

- Advise Council of proposed amendments to the Zoning By-law focused on minimizing the loss of productive farmland to residential uses by limiting the footprint and location of dwellings and accessory residential uses on land in the ALR; and

- Obtain Council's authorization to proceed to a public open house to provide information to interested members of the public about the proposed amendments and solicit feedback, prior to staff forwarding final recommendations to Council for consideration.

## **BACKGROUND**

The AAC has expressed concern that the development of large homes on land within the ALR can and has negatively impacted farming and agricultural potential in Surrey. The location of large, estate-sized homes, associated residential-accessory structures and buildings, and the required fill for site preparation, reduces the farmable area of the lot on which such buildings/uses are located, impacting the efficiency of the farm operation and making it less likely that the property will be farmed at all.

In order to minimize the loss of productive farmland to residential uses, the AAC passed the following motion at their October 5, 2006 meeting:

*"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".*

At the Regular Council Meeting on October 16, 2006, Council received the AAC's recommendation (RES.R06-2345). On February 1, 2007, staff presented an overview of draft farm home plate provisions to the AAC. Since that time, the AAC has appointed a sub-committee, which has met on several occasions with staff to review these issues. The AAC provided further comments in support of the proposed amendments, which are discussed in detail below:

## **DISCUSSION**

Approximately one-third of Surrey's land-base is included in the ALR. Properties within the ALR are zoned "General Agriculture Zone (A-1)", "Intensive Agriculture Zone (A-2)", "One-Acre Residential Zone (RA)" and "Comprehensive Development (CD)". Within these zones, residential uses are subject to building height and setback provisions. Only the RA Zone has lot coverage restrictions with respect to the construction of buildings, but these restrictions do not specifically apply to farmhouses.

An analysis of residential building permits issued for lots within the ALR (Appendix II) indicates that since 1997, the average size of houses built on these lots has increased from 252 square metres (2,713 square feet) in 1997, to 582 square metres (6,262 square feet) in 2007. In addition, since 2001, 13 building permits have been issued for dwellings greater than 650 square metres (7,000 square feet) in area.

The lack of building area, footprint and coverage regulations in agricultural zones has contributed to situations where:

- houses have been sited in a manner which occupies an excessive area of the farm, especially on smaller lots;
- dwellings, driveways and accessory residential uses require excessive fill due to their size or siting; and
- large estate homes have been constructed with little or no agricultural use taking place on the same lot.

This has raised concern that residential development is negatively affecting the efficiency of farm operations (e.g., smaller parcels, which could have been used as "starter farms" converting to residential uses, and the value of the farm operation due to a large residence being constructed, increasing the difficulty for farmers to acquire land).

The issue of farmhouse size was discussed at a February 2007 Agricultural Advisory Workshop, hosted by the BC Ministry of Agriculture and Lands. Several local governments, notably Abbotsford and Delta, have or are developing farmhouse regulations.

### **Proposed Farm Home Plate Provisions**

Proposed Zoning By-law amendments have been developed by staff and reviewed with the AAC. The following amendments to the A-1, A-2 and RA zones for land in the ALR are considered to be practical and are proposed to be presented to the public for discussion and input:

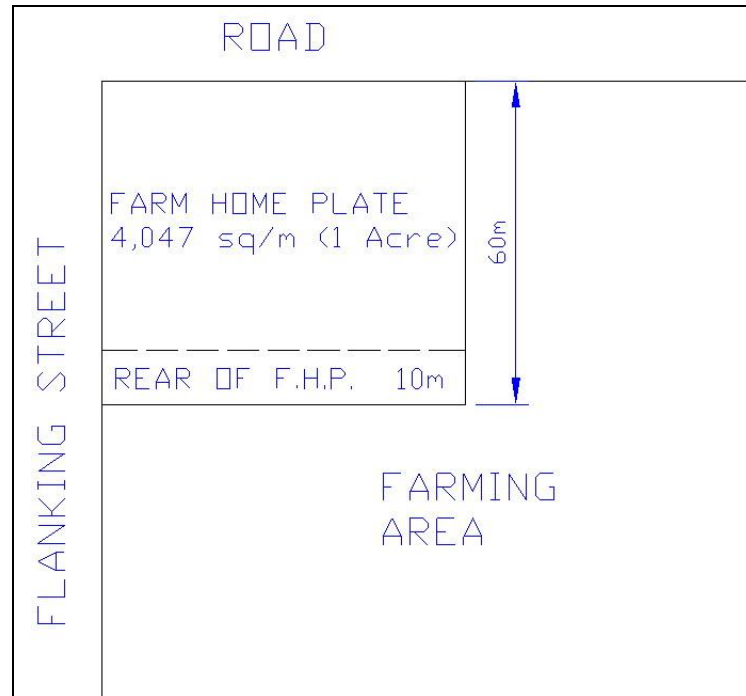
1. **Include provisions in relation to specifying a "Farm Home Plate", as follows:**

A "Farm Home Plate" means the area on the farm property where the dwelling, a second dwelling where permitted, and accessory residential uses must be located. The proposed maximum size of a Farm Home Plate is 0.4 hectares (1 acre). For parcels less than 4 hectares (10 acres) the maximum size of the Farm Home Plate would be .2 hectares (21,500 square feet). One side of the Farm Home Plate would have to be located along a dedicated road. Only one Farm Home Plate would be permitted on any lot.

The purpose of the Farm Home Plate is to provide an area of the property where all residential and related buildings, structures and activities are clustered, leaving the balance of the property for agricultural use. Agricultural uses are also permitted on the Farm Home Plate.

The Farm Home Plate would be up to a maximum of 60 metres (196 feet) in depth measured from the front property line along a legally opened road, as shown on the following sketch. The specific location of the Farm Home Plate along the lot's frontage would be determined by the landowner, in keeping with good agricultural practices.

*Example of a Farm Home Plate on a Parcel Larger than 4 hectares (10 acres)*



**2. Include a definition of "Accessory Farm Residential Facilities"**

Accessory Farm Residential Facilities would be generally defined as buildings, structures or improvements associated with a dwelling on a farm. These would include:

- (a) attached or detached garages or carports;
- (b) decorative landscaping;
- (c) attached or detached household greenhouse or sunroom;
- (d) residential-related workshop, tool, and storage shed;
- (e) artificial ponds not serving farm drainage or irrigation needs;
- (f) septic tanks and other related facilities, excluding sewerage disposal fields; and
- (g) residential-related recreation areas such as, but not limited to art installations, swimming pools and tennis courts.

These uses would all have to be located on the "Farm Home Plate".

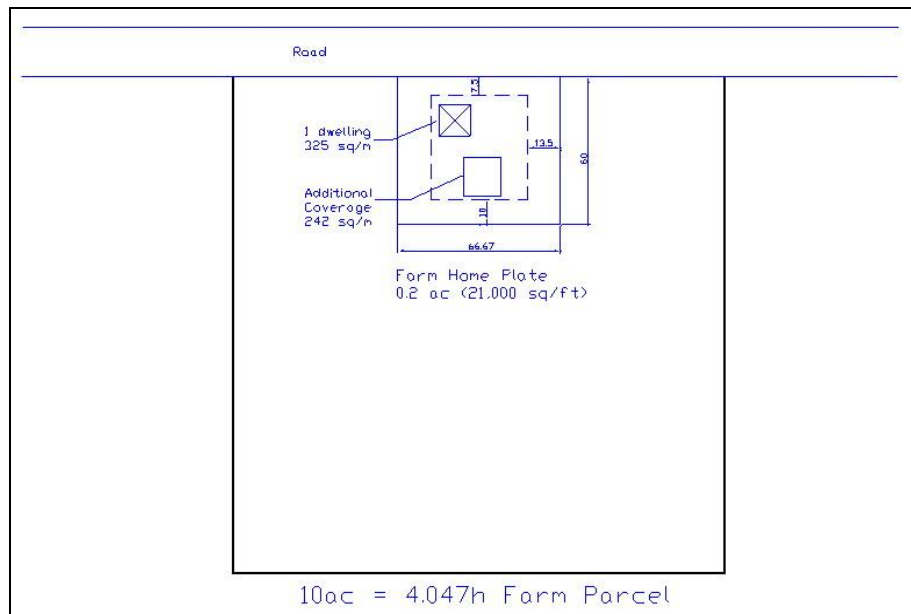
**3. Add regulations regarding maximum house size and setback**

The A1 and A2 zones currently provide for one single family dwelling, and an additional single family dwelling or duplex where the lot is a farm operation with an area 4 hectares (10 acres) or more in the ALR. While the total area of the entire farm lot covered by buildings and structures cannot exceed 10 % of the lot, there are no current restrictions with regard to the size of the house. The proposed by-law amendments, as recommended by the AAC sub-committee, would provide for a maximum floor area for any single family dwelling on a lot in such zones that would be related to lot size, as follows:

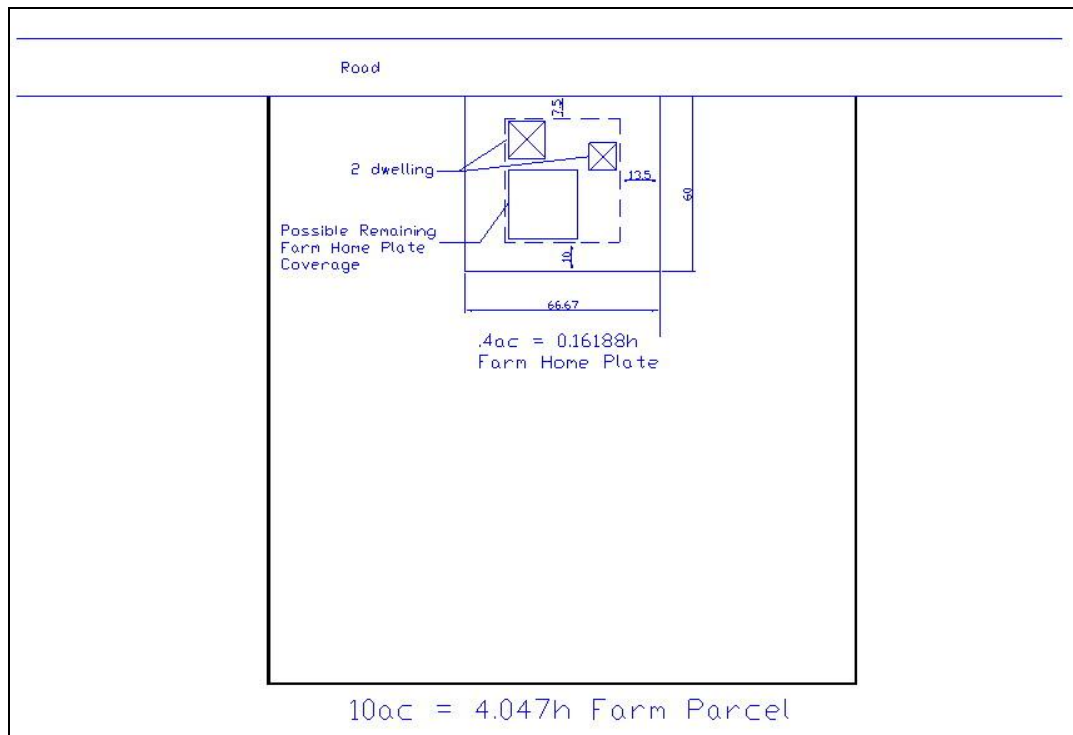
LOT SIZE	PROPOSED MAXIMUM HOUSE SIZE
4 hectares (10 acres) or less	One dwelling up to 325 m <sup>2</sup> (3,498 ft <sup>2</sup> )
4 hectares to 8 hectares (20 acres)	One dwelling up to 465 m <sup>2</sup> (5,005 ft <sup>2</sup> ) or Two dwellings, one up to 325 m <sup>2</sup> (3,498 ft <sup>2</sup> ) and the other up to 177 m <sup>2</sup> (1,905 ft <sup>2</sup> )
8 hectares or more	One dwelling up to 650 m <sup>2</sup> (6,996 ft <sup>2</sup> ) or One dwelling to 465 m <sup>2</sup> (5,005 ft <sup>2</sup> ) and the other up to 232 m <sup>2</sup> (2,497 ft <sup>2</sup> ).

**Additional changes and clarifications to the regulations that are proposed include the following:**

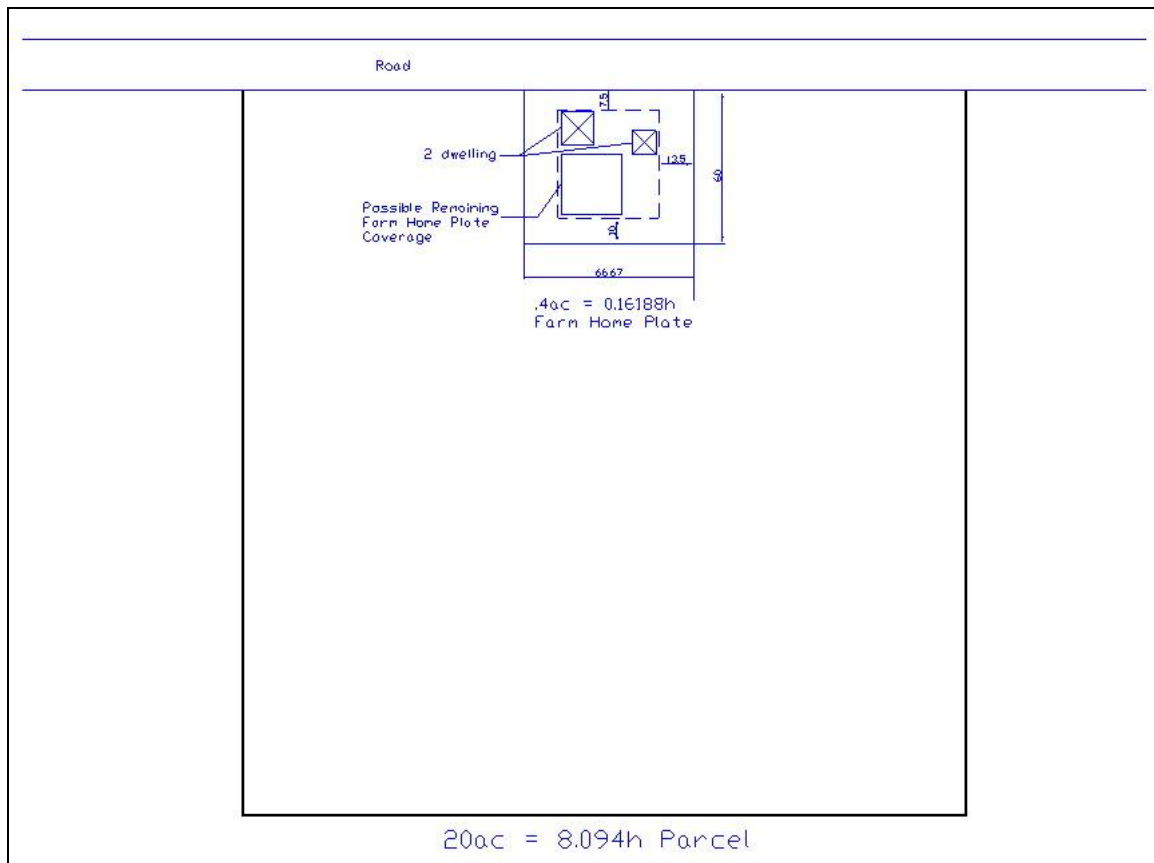
- Garages and carports, if constructed, would be included in the dwelling size.
- The current maximum building height for a single family dwelling or duplex would remain at 9 metres (30 feet).
- The by-law now requires that buildings be set back a minimum of 12 metres (40 feet) from the front lot line. It is recommended that this setback requirement be reduced to 7.5 metres (25 feet), so that houses could be built closer to the front lot line, which would act to minimize the area of the farm impacted by the residential use.
- Dwellings would require a set back of a minimum of 10 metres (33 feet) from the rear boundary of the farm home plate, to reduce the likelihood of accessory residential uses extending into the farm operation.
- The proposed lot coverage for all dwellings and covered, non-agricultural structures is 20%. This would not apply to any agricultural-related buildings and structures, which may be located in the Farm Home Plate.



The preceding drawing shows a .5-acre farm home plate on a parcel smaller than 4 hectares (10 acres). The maximum permitted Farm Home Plate coverage would be 20 % or 405 square metres (4,357 square feet). This includes one permitted single family dwelling of up to 325 square metres (3,500 square feet). Assuming a two-storey house is constructed, the remaining Farm Home Plate coverage would be 242 square metres (2,604 square feet) for accessory residential buildings and facilities and buildings and structures, such as garages, carports, covered swimming pools and tennis courts, hobby-related greenhouses, garden sheds and tool sheds.



Based on the proposals contained within this report, on a parcel of 10 to 20 acres with a Farm Home Plate of 0.4 hectares (1.0 acre), two houses having a combined floor area of 502 square metres (5,400 square feet). If the houses were two storeys in design, they would cover 252 square metres (2,713 square feet) of Farm Home Plate. This would provide for up to an additional 557 square metres (6,000 square feet) of Farm Home Plate coverage to accommodate accessory farm related buildings and structures.



Based on the proposals contained within this report, a 20-acre or larger parcel with a Farm Home Plate of .4 hectares (1 acre) would be allowed two houses having a combined floor area of 697 square metres (7,503 square feet), which if built in a two storey design would have a Farm Home Plate coverage of 349 square metres (3,752 square feet). This would leave 460 square metres (4,952 square feet) of Farm Home Plate coverage for accessory residential buildings, structures and facilities.

#### 4. Clarify Second Single Family Dwelling on Agricultural Properties

The current A1, A2 and RA zones permit, "one additional single family dwelling or a duplex where the lot is over 4 hectares (10 acres) in size". This has been interpreted to mean that three dwelling units are permitted on parcels over 4 hectares (10 acres) in area. The proposed by-law amendments as documented in this report provide for a second single-family dwelling, but would remove the provision for the second dwelling to be a duplex.

It is recognized that larger lots may require an additional dwelling for the use of farm employees and this by-law amendment allows for two smaller dwellings to be constructed, rather than one large dwelling.

**5. Protect the Status of Existing Dwellings**

The proposed by-law amendments would contain provisions to ensure that the location of all existing dwellings and accessory uses would not become legal non-conforming as a result of these amendments.

**6. Use of Development Variance Permits**

A Development Variance Permit (DVP) could be used to relax a number of the above-proposed provisions (if they were to be adopted) related to heights and setbacks, except for regulations related to permitted uses and permitted densities. It is recognized that in the interest of promoting the maximum efficiency of a particular farm operation, some of the Zoning By-law requirements may need to be relaxed to ensure that farm houses are not required to be sited on the most productive area of the farm operation. Another example of an acceptable variance from the locational provisions of the Farm Home Plate is if a second dwelling is needed for security near farm buildings, a DVP may be used to allow a second Farm Home Plate.

At the March 1, 2007, AAC meeting the following motion was passed:

*"That all development variance permits related to proposed farm home plate provisions in the Surrey Zoning By-law be brought to the Committee, prior to Council consideration."*  
(RES.R07-842).

Referral to the AAC will ensure that the farming implications of the requested variance to the Farm Home Plate provision will be fully considered. The AAC comments would be communicated to Council as part of the related Planning report to Council on the DVP application.

**7. Requirements Regarding the Placement of Fill for Residential Uses on ALR Land**

On many ALR parcels, the placement of fill is often needed for pre-load, floodproofing protection and site preparation, prior to construction of a farmhouse.

The *Agricultural Land Commission Act* and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* allow up to 2,000 square metres of fill without the need for a fill permit application to be approved by the Agricultural Land Commission. Section 3(a) of the *Surrey Soil Removal and Deposit Regulation By-law, 1979, No. 5880* currently requires an application under the *Agricultural Land Commission Act* for any soil deposit on agricultural land. Under Surrey's current soil deposition by-law, separate permits are required for the soil deposit for pre-load and site preparation and for the building permit for house construction. In issuing a permit for pre-load for house construction, City staff take into account the estimated footprint of the proposed house, and allow for a maximum of 5 lateral metres of fill outside of the proposed house footprint.



If the building were smaller than estimated, the owner would be required to remove any excess fill. Revisions are currently being considered to the City's soil deposition by-law to more closely link the building permit with the soil deposit permit.

## CONCLUSION

The City and the AAC recognize the importance of agriculture to the local economy. The AAC is concerned that in the absence of regulations, given today's strong housing market, farm land will be severely and negatively affected by unrestricted residential development, some unrelated to any agricultural use on the same lot.

It is recommended that Council:

- Authorize staff to hold a public open house to seek feedback on proposed amendments to the Zoning By-law, which will affect the regulations dealing with the size, foot print and location of residential uses on land within the ALR, as described in this report and summarized in Appendix I;
- Instruct the City Clerk to forward a copy of this report to the AAC; and
- Request that staff provide a further report to Council, complete with recommendations following the public open house.

Jean Lamontagne  
General Manager  
Planning and Development

JM/kms/saw

### Attachments:

Appendix I Summary of Proposed Zoning By-law Changes

Appendix II Number of New Dwelling Units, Average Size, and Size Range By Year Located in the ALR

<b>SUMMARY OF PROPOSED ZONING BY-LAW CHANGES</b>
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**1. Farm Home Plate**

- All residential and accessory residential uses must be located on the farm home plate (FHP). The FHP may be farmed, if desired.
- The maximum size of a FHP is .4 hectare (43,563 square feet/1 acre), except for parcels less than 4 hectares (10 acres) in area, where the maximum size of the FHP is .2 hectares (21,000 square feet/0.5 acre).
- One side of the FHP is to be located along a dedicated road. The FHP will have a maximum depth of 60 metres measured from the front lot line.
- Only one farm home plate will be allowed on any lot.
- Agricultural uses are permitted on the FHP.

**2. Accessory Farm Residential Facilities**

Accessory Farm Residential Facilities would be generally defined as buildings, structures or improvements associated with a dwelling on a farm. These would include:

- (a) attached or detached garages or carports;
- (b) decorative landscaping;
- (c) attached or detached household greenhouse or sunroom;
- (d) residential-related workshop, tool, and storage shed;
- (e) artificial ponds not serving farm drainage or irrigation needs;
- (f) septic tanks and other related facilities, excluding sewerage disposal fields; and
- (g) residential-related recreation areas such as, but not limited to art installations, swimming pools and tennis courts.

These uses would all have to be located on the "Farm Home Plate".

**3. Farm Home Plate Coverage**

Buildings are not permitted to cover more than 20% of the area of the FHP.

**4. Dwelling Size and Setback**

A dwelling is to have a minimum setback of 7.5 metres (25 feet) from the front property line. This has been reduced from a required 12 metre (40 foot) setback. All Buildings must be set back 10 metres (33 feet) from the rear boundary of the FHP.

The following restrictions will also apply:

- for lots less than 4 hectares (10 acres) in area, only one dwelling with a maximum floor area of 325 square metres (3,498 square feet) will be permitted;
- for lots between 4 hectares (10 acres) and 8 hectares (20 acres) in area, one dwelling with a maximum floor area of 465 square metres (5,005 square feet) will be permitted

- or, alternatively, two dwellings will be permitted, one with a maximum floor area of 325 square metres (3,498 square feet) and the other, with a maximum floor area of 177 square metres (1,905 square feet); and
- for lots over 8 hectares (20 acres) in area, one dwelling with a maximum floor area of 650 square metres (6,996 square feet) will be permitted or, alternatively, two dwellings will be permitted, one dwelling with a maximum floor area of 465 square metres (5,005 square feet) and the other, with a maximum floor area of 232 square metres (2,497 square feet).

## **5. Additional Dwelling**

The proposed by-law amendments provide for a second dwelling on all lots greater than 4 hectares (10 acres) within the ALR. The existing zoning by-law permits the second dwelling to be a duplex. The proposed amendments eliminate a duplex as a permitted use. They continue to allow for an additional single family dwelling subject to the other stated provisions of the by-law.

## **6. Existing Dwellings**

In the event that existing dwellings are destroyed, the proposed bylaw amendments allow for their rebuilding, even if they do not meet the size and location requirements for new dwellings. Therefore, existing dwellings will not become "legal non-conforming" if Council ultimately adopts the proposed amendments.

## **7. Development Variance Permits**

A Development Variance Permit (DVP) may be used to relax a number of the above-proposed requirements, except for those specifically related to land-use or density. It is recognized that for protecting the efficiency of a particular farm operation, some of the proposed bylaw requirements may need to be relaxed from time to time by way of a DVP application process. With respect to land use and density relaxations, a full rezoning application process would be required.

**NUMBER OF NEW DWELLING UNITS, AVERAGE SIZE, AND  
SIZE RANGE BY YEAR LOCATED IN THE ALR**

<b>Year</b>	<b>No. of Dwelling units</b>	<b>Average size</b>	<b>Size Range</b>
1997	8	2,713	2,450 - 6,630
1998	4	3,079	1,868-4,290
1999	6	2,826	592-5,630
2000	12	3,194	2,094-6,116
2001	7	3,764	1,650-8,059
2002	9	4,858	1,250-7,425
2003	6	3,578	2,738-5,923
2004	9	6,223	3,450-8,080
2005	11	5,718	1,650-9,209
2006	8	5,298	1,200-8,397
2007	10	6,262	3,550-11,806

Source: City of Surrey Building Permits 1997 to September 2007