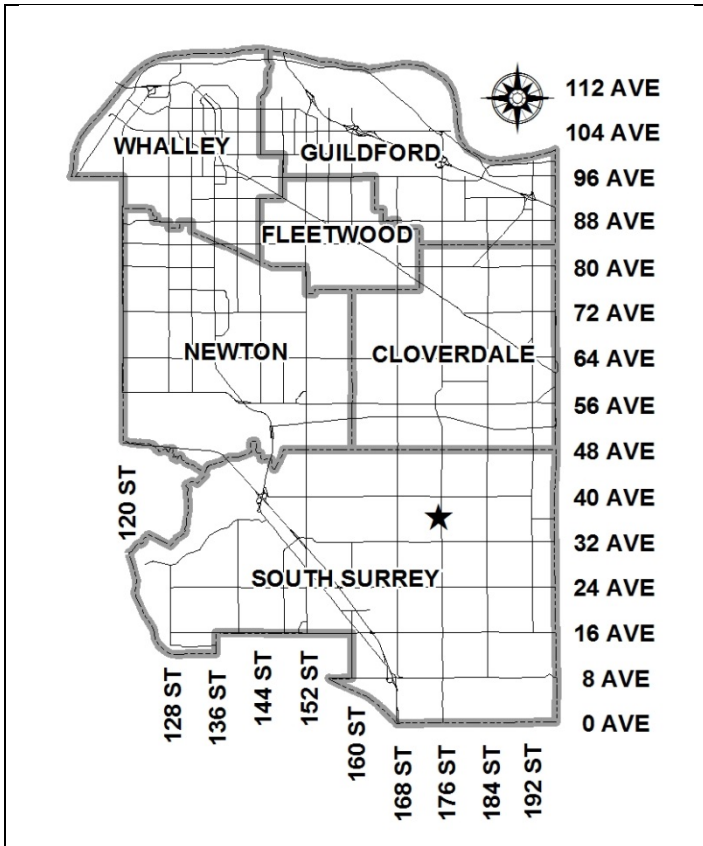


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7913-0247-00

Planning Report Date: April 27, 2015



PROPOSAL:

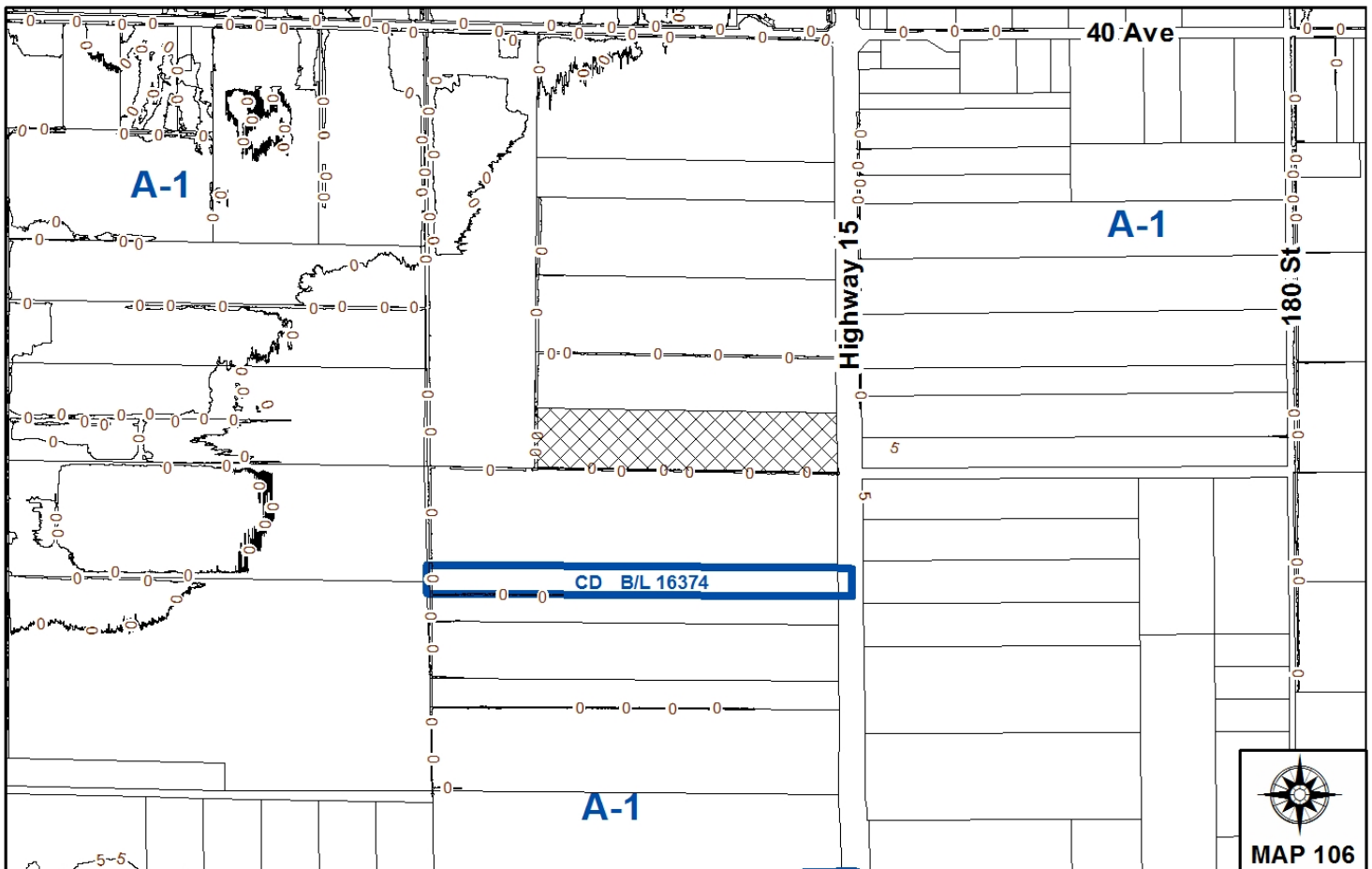
- **Development Variance Permit**
to increase the maximum setback of the *farm residential footprint* in order to permit the construction of an additional single family dwelling.

LOCATION: 3625 - 176 Street

OWNER: Baljinder Buttar
Surinder Buttar

ZONING: A-1

OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Requires a variance to the A-1 Zone to increase the maximum setback for a single family dwelling and to increase the maximum setback of the farm residential footprint.

RATIONALE OF RECOMMENDATION

- The siting of the proposed house is clustered with existing structures, is near the front lot line, and meets the intent of the farm home plate policy.
- The siting of the proposed dwelling minimizes impacts on existing farmland and utilizes land that is not in agricultural production.
- The AFSAC Committee supports the proposal.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7913-0247-00 (Appendix VII) varying the following, to proceed to Public Notification:

- (a) to increase the maximum setback from the front lot line of the A-1 Zone for a single family dwelling from 50 metres (164 ft.) to 67 metres (220 ft.); and
- (b) to increase the maximum depth of the farm residential footprint of the A-1 Zone from 60 metres (197 ft.) to 70 metres (230 ft.)

REFERRALS

Engineering: The Engineering Department has no objection to the project.

Agricultural and Food Security Advisory Committee (AFSAC): Support.

SITE CHARACTERISTICS

Existing Land Use: Single Family Dwelling and farm accessory structures. The property is an active blueberry farm.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single Family Dwelling/Farmland.	Agricultural	A-1
East (Across 176 St.):			
South:			
West:			

DEVELOPMENT CONSIDERATIONS

Site Description:

- The subject property is a 6.1 hectare (15 acre) parcel located on the west side of 176 Street, approximately 850 metres (2800 ft.) north of 32 Avenue. The property is zoned A-1 (General Agriculture Zone), designated Agricultural in the Official Community Plan (OCP) and is located within the Agricultural Land Reserve (ALR).
- The lands are also located within the 200 year floodplain of the Serpentine and Nicomekl Rivers. Class AO (red coded) constructed drainage ditches border all sides of the property.

- The parcel contains a single family dwelling and several farm accessory structures. A septic field is located to the rear of the existing dwelling. Two wells are located near the front lot of the property, currently used for irrigation purposes. The subject property is an active blueberry farm with approximately 12 acres currently in production. A site plan showing existing structures and facilities is contained in Appendix II.

Proposal

- The applicants propose to vary the setbacks of the A-1 Zone as follows:
 - To increase the maximum setback (for a dwelling) from 50 metres (164 ft.) to 67 metres (220 ft.); and
 - To increase the maximum setback of the Farm Residential Footprint from 60 metres (197 ft.) to 70 metres (230 ft.) in order to facilitate construction of a new single family dwelling.
- The proposed new dwelling will have a building footprint of approximately 500m², including garage space for farm vehicles. A detailed floor plan for this dwelling has not yet been prepared. The property owner will proceed pursuant to the completion of this application process.
- The existing dwelling is proposed to be retained and used as a residence for farm workers.
- The size of the proposed Farm Residential Footprint resulting from the proposed new dwelling is to be approximately 1500m² (0.37 acre) including both the existing and proposed dwellings.
- The proposed site plan is contained in Appendix III

Agriculture and Food Security Advisory Committee (AFSAC)

- The proposal was reviewed by AFSAC at their April 2, 2015 meeting. The committee recommended support of the proposal with the following comments (Appendix V):
 - The proposal meets the A-1 Zone requirements in terms of the minimum parcel size for a second dwelling (4 hectares/10 acres and a farm operation);
 - The committee expressed concern over retention of the second dwelling; however it was noted by committee members that a blueberry farm the size of the subject site could require year-round labour assistance; and
 - The committee requested that staff confirm the requirements and limitations for second dwellings with the Agricultural Land Commission (ALC).

DISCUSSION

- The maximum setback for a single family dwelling in the A-1 Zone, measured to the rear wall of the structure, is 50 metres (164 ft.).

- The A-1 Zone also limits the maximum setback of the Farm Residential Footprint (including the dwelling and any other residential accessory structures) to 60 metres (197 ft.).
- The maximum permitted size of the farm residential footprint is 2,000m² (1/2 acre). This may be increased to 3,000m² (3/4 acre) when the property is at least 4 hectares (10 acres) and has been granted Farm Status by BC Assessment.
- The A-1 Zone permits a second dwelling if the parcel is larger than 4 hectares (10 acres) and is classified with 'farm status' by BC Assessment. The subject site currently has farm status, and has consistently had farm status for the past 13 years (older records are not readily available).
- The existing single family dwelling on the subject property is approximately 30 years old and is 350m² (3,770 sq.ft.) in floor area. It is located approximately 60 metres (197 ft.) from the front property line (measured to the rear wall) and is non-conforming with respect to the maximum setback.
- The applicant will be required to engage the services of a Qualified Environmental Professional in order to assess any impacts on the Class AO constructed channels located on the north and south sides of the property.
- The applicants will be required to apply for a fill permit to pre-load any future building site on the property, regardless of its location. The maximum permitted coverage of fill for residential uses is 2000m², plus an additional 2% of the property area for farm uses.
- Any amount of fill over this amount will require an application to the Agricultural Land Commission. Preliminary drawings indicate that the applicant will require approximately 2000m² of fill to accommodate the pre-loading requirements (within the floodplain) for the proposed dwelling. Staff will work with the applicants through the building permit process to ensure that this amount remains below the threshold for ALC referral.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To increase the maximum setback for a dwelling, in Section F.1.(b) of the A-1 Zone of the City of Surrey Zoning By-law, No. 12000, from 50 metres (164 ft.) to 67 metres (220 ft.).
- To increase the maximum depth (setback) of the farm residential footprint, in Section J.2. of the A-1 Zone from 60 metres (197 ft.) to 70 metres (230 ft.).

Applicant's Reasons:

- The proposed location of the new dwelling is preferred as they do not want to take the portion of land adjacent to 176th Street (in front of the existing dwelling) out of agricultural production.
- There is an existing well located within this area that is used for irrigation and will be retained.

- The proposed location minimizes impacts on existing crops.

Staff Comments:

- The siting of the proposed house is clustered with existing structures near the front lot line and meets the intent of the farm home plate policy.
- The siting of the proposed dwelling minimizes impacts on farmland and utilizes land that is not in production.
- The applicant has cooperated with staff requests and reduced the proposed variance (from the initial application) to minimize the impact on farmland.
- ALC staff have confirmed that a second dwelling is a permitted use.
- Given the support of the AFSAC Committee, the cooperation of the applicant to reduce the proposed setback, and the clustering of all structures near the front lot line, staff support the proposed variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Proposed Site Plan
Appendix III	Context Plan
Appendix IV.	Engineering Summary
Appendix V	Agricultural and Food Security Advisory Committee Minutes
Appendix VI	Aerial Photograph
Appendix VII	Development Variance Permit No. 7913-0247-00

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

DS/da

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DRV 4/23/15 9:43 AM

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: Kevin (Kuljinder) Buttar

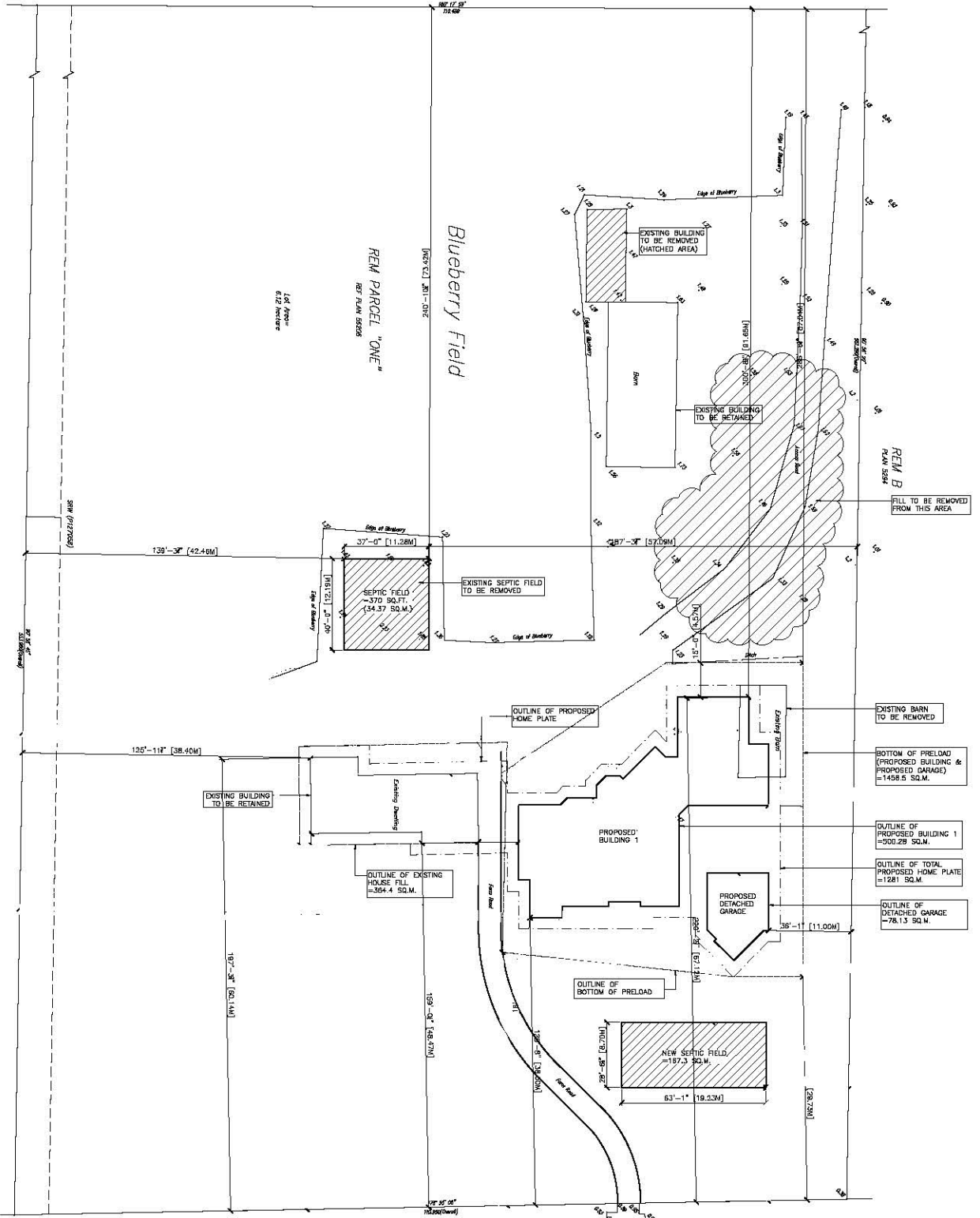
 Address: 3625 - 176 Street
 Surrey, BC

 Tel: 604-722-1346

2. Properties involved in the Application
 - (a) Civic Address: 3625 - 176 Street

 - (b) Civic Address: 3625 - 176 Street
 Owner: Surinder K Buttar
 Baljinder S Buttar
 PID: 003-263-070
 Parcel "One", Except: Part On Plan BCP24181 Section 30 Township 7 New Westminster
 District Reference Plan 56206

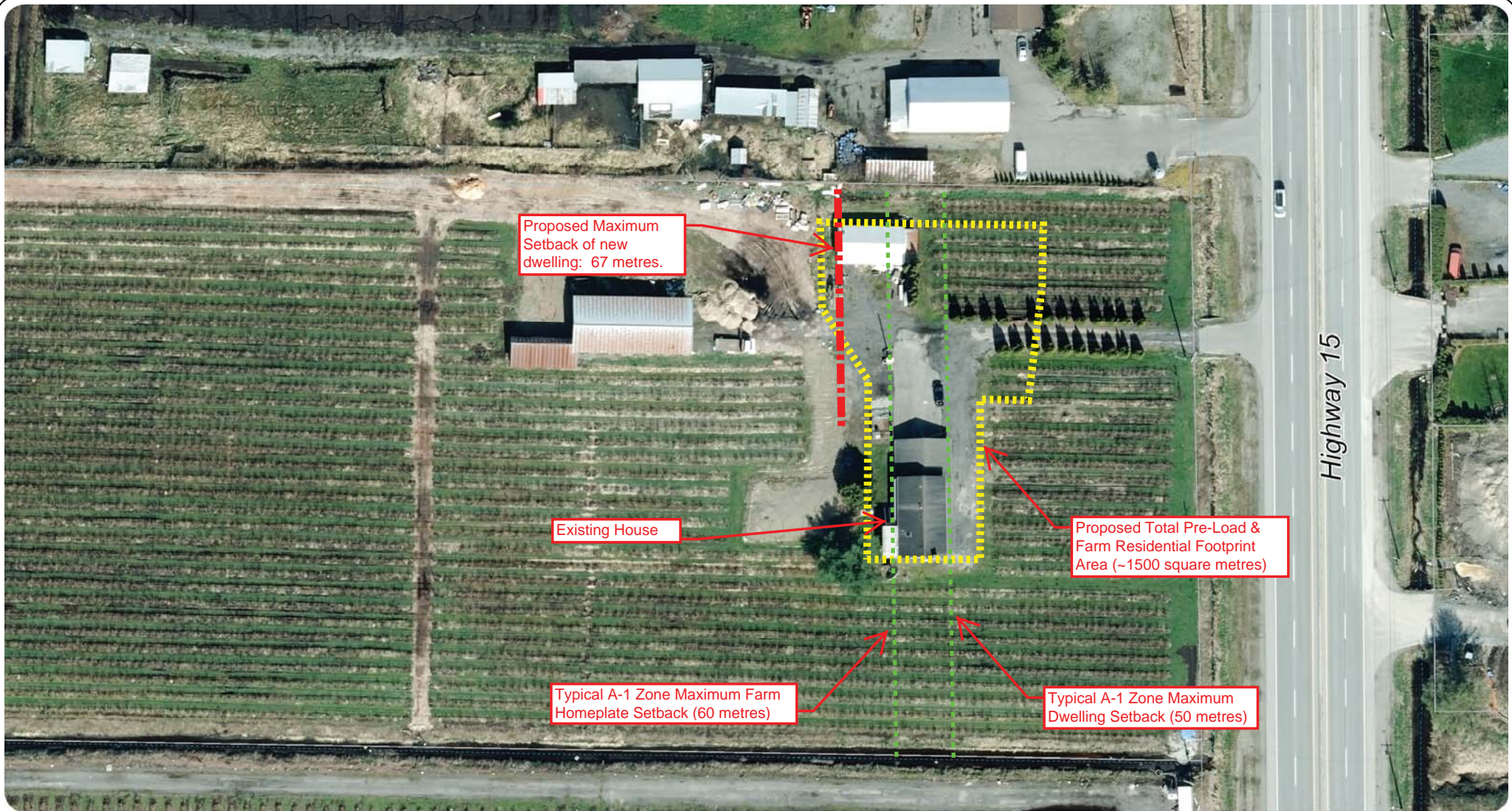
3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7913-0247-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.



CALCULATIONS:

PROPOSED BUILDING 1 AREA	= 500.28 SQ.M.
PROPOSED DETACHED GARAGE AREA	= 78.13 SQ.M.
PROPOSED FARM PLATE AREA	= 1281 SQ.M.
PROPOSED SEPTIC FIELD AREA	= 187.3 SQ.M.
TOTAL BOTTOM OF PRELOAD	= 1458.5 SQ.M. (PROPOSED BUILDING/GARAGE PRELOAD)
	+ 364.4 SQ.M. (EXISTING HOUSE FILL)
	+ 167.3 SQ.M. (SEPTIC FIELD AREA)
TOTAL FILL	= 1990.2 SQ.M.

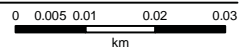
176TH STREET



Context Plan

Scale: 1:700

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: 25/03/2015

Agriculture and Food Security Advisory Committee Minutes

Present:

Councillor Starchuk - Chair
M. Bose - Vice-Chair
H. Dhillon
G. Hahn
P. Harrison
M. Hilmer
J. Sandhar
B. Sandhu
B. Seed

**Environmental Advisory
Committee Representative:**

S. VanKeulen

Agency Representative:

D. Geesing

Regrets:

D. Arnold

Staff Present:

M. Kischnick, Planning & Development
C. Stewart, Planning & Development
R. Dube, Engineering
C. Bejtovic, Legislative Services

Youth Representative:

J. Gosal

A. ADOPTION OF MINUTES

1. The Committee is requested to pass a motion adopting the minutes of March 5, 2015.

It was

Moved by M. Bose

Seconded by P. Harrison

That the minutes of the Agriculture and Food Security Advisory Committee held March 5, 2015 be adopted.

Carried

B. DELEGATIONS**C. OUTSTANDING BUSINESS**

1. **Appointment of Co-Chair to the Agriculture and Food Security Advisory Committee for the 2015 year.**

It was

Moved by P. Harrison

Seconded by B. Sandhu

That the Agriculture and Food Security Advisory Committee appoint Mike Bose as Vice-Chair for the 2015 calendar year.

Carried

- The subject site is located outside of the ALR. The applicant proposes to subdivide the subject property into four lots and a "park" lot under the One-Acre Residential Zone. The proposed lot area will range from 1.3 acres to 1.5 acres.
- A development variance permit will be required to relax the minimum lot size requirement in the Subdivision and Development Procedures Bylaw to support septic disposal systems on each proposed lot less than 2 acres.
- The applicant is providing a 5% park contribution along the south boundary of the site, 10 meters wide, which will supplement and enhance the City's greenbelt.

Discussion

It was noted that additional runoff may impact the ALR and there need to be assurances in place that there will not be substantial additional runoff.

It was

Moved by M. Hilmer

Seconded by P. Harrison

That the Agriculture and Food Security

Advisory Committee recommend the G.M. of Planning and Development support the application for subdivision and the development variance permit to the minimum lot size requirement for septic systems for the property located at 18226 20 Avenue.

Carried

4. **Application to increase the maximum setback of the A-1 Zone Farm Residential Footprint to permit construction of an additional single family dwelling at 3625 176 St.**

File: 13-0247

The following comments were made:

- An application initially came in December 2013; it was not supported at that time due to the location of the proposed home and the loss of agricultural lands. This is a revised version of the original proposal.
- The applicants now propose to increase the maximum setback of the A-1 Zone from 50 metres to 67 metres and increase the maximum setback of the Farm Residential Footprint from 60 metres to 71 metres in order to facilitate construction of a new single family dwelling.
- The existing dwelling would be retained and used as a farm worker residence. The existing septic field would be decommissioned and replaced by a new septic field.
- The siting of the proposed house removes less of the site in agricultural production. A 1/4 acre blueberry patch would be removed; the area of the

existing septic field will be reclaimed for farming. The existing well currently used for irrigation will be retained.

Discussion

It was noted that a second dwelling may require ALC non-farm use approval if there is any doubt of the need for the dwelling for full-time, bona fide farm operations; however, the proposal does meet Surrey's A-1 Zone requirements for possible second dwelling on lots greater than 10 Acres, and with farm status. It was noted however that the ALC Regulations indicate that local government bylaws should not necessarily be the basis for making a determination about the necessity for farm help.

The Committee discussed the justification for accommodations for farm workers on a blueberry farm of this size. They indicated that a blueberry farm of this size, even in the off season, could necessitate full-time workers, as there are many equipment maintenance requirements. The ALC should be contacted to ascertain if there is specific criteria available for calculating how many employees are required for certain size farms based on the agricultural operation of that farm.

Staff noted that zoning bylaw refers to the size and farm classification when speaking of an additional dwelling; and that a second dwelling must be used for farm use. It was suggested the ALC staff be consulted for clarification regarding non-farm use dwellings.

Concern was expressed about the future potential for the dwelling to be used as rental property, which would contravene the ALC Act Regulations and Policies. Staff suggested that ALC Regulations and Policies be noted on any future building permits to ensure the applicant is aware that the dwelling is necessary for full-time, bona fide farm operations. This would explicitly indicate that any future use of the dwelling must conform to the ALC and ALR regulations.

It was

Moved by M. Bose

Seconded by P. Harrison

That the Agriculture and Food Security

Advisory Committee recommend the G.M. of Planning and Development support this application to increase the maximum setback of the A-1 Zone Farm Residential Footprint to permit construction of an additional single family dwelling; and to get clarification from the ALC on the rules and regulations around second dwellings in the ALR and the requirement to specify it is only for farm workers.

Carried



April 2014

Scale: 1:3,000

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Map created on: 17/04/2015

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7913-0247-00

Issued To: BALJINDER BUTTAR
SURINDER BUTTAR

("the Owner")

Address of Owner: 3625 - 176 Street
Surrey, BC V3S 0L5

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: 003-263-070

Parcel "One", Except: Part On Plan BCP24181 Section 30 Township 7 New Westminster
District Reference Plan 56206

3625 - 176 Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section F.1.(b) of Part 10 (A-1 Zone), the maximum setback of a single family dwelling is increased from 50 metres (164 ft.) to 67 metres (220 ft.); and
 - (b) In Section J.2 of Part 10 (A-1 Zone), the maximum depth of the farm residential footprint from the front lot line is increased from 60 metres (197 ft.) to 70 metres (230 ft.).

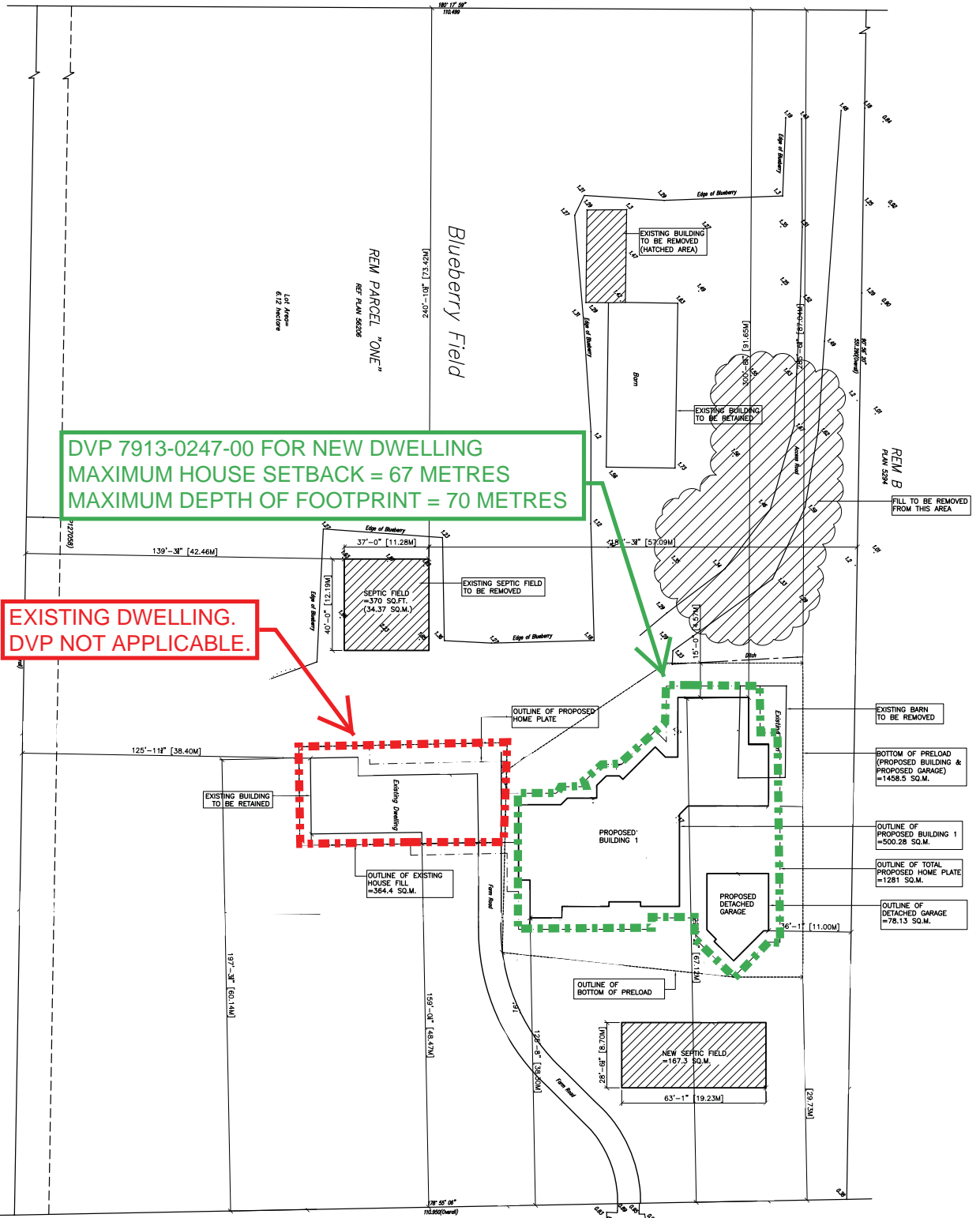
4. The siting of buildings and structures shall be in accordance with Schedule A which are attached hereto and form part of this development variance permit.

5. This development variance permit applies to only the that portion of the buildings and structures on the Land identified 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 Schedule A.
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 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.
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 – Linda Hepner

City Clerk – Jane Sullivan



EXISTING DWELLING.
DVP NOT APPLICABLE.

DVP 7913-0247-00 FOR NEW DWELLING
MAXIMUM HOUSE SETBACK = 67 METRES
MAXIMUM DEPTH OF FOOTPRINT = 70 METRES

CALCULATIONS:

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PROPOSED DETACHED GARAGE AREA	= 78.13 SQ.M.
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176TH STREET