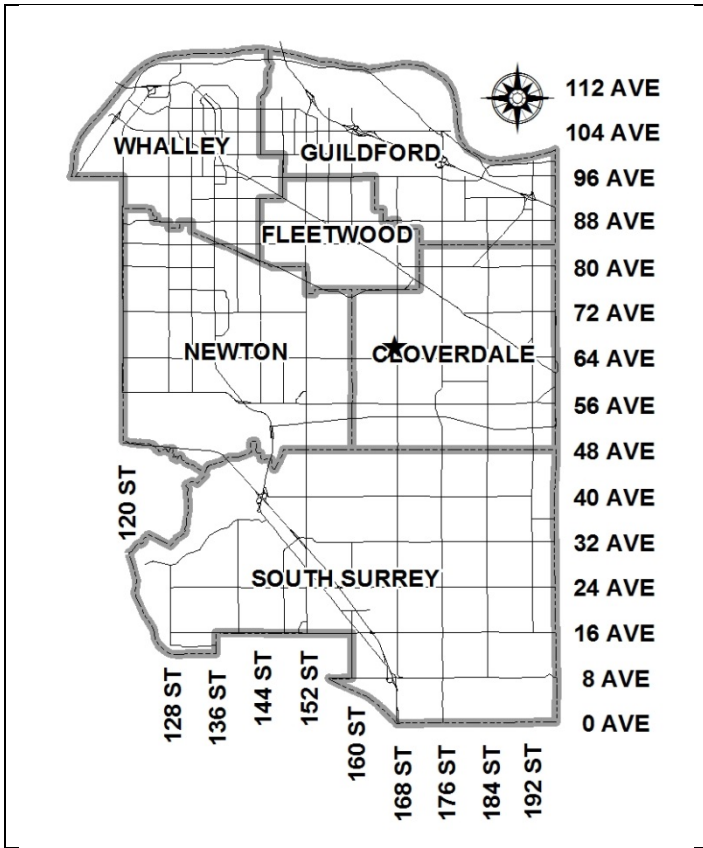


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7914-0240-00

Planning Report Date: July 13, 2015



PROPOSAL:

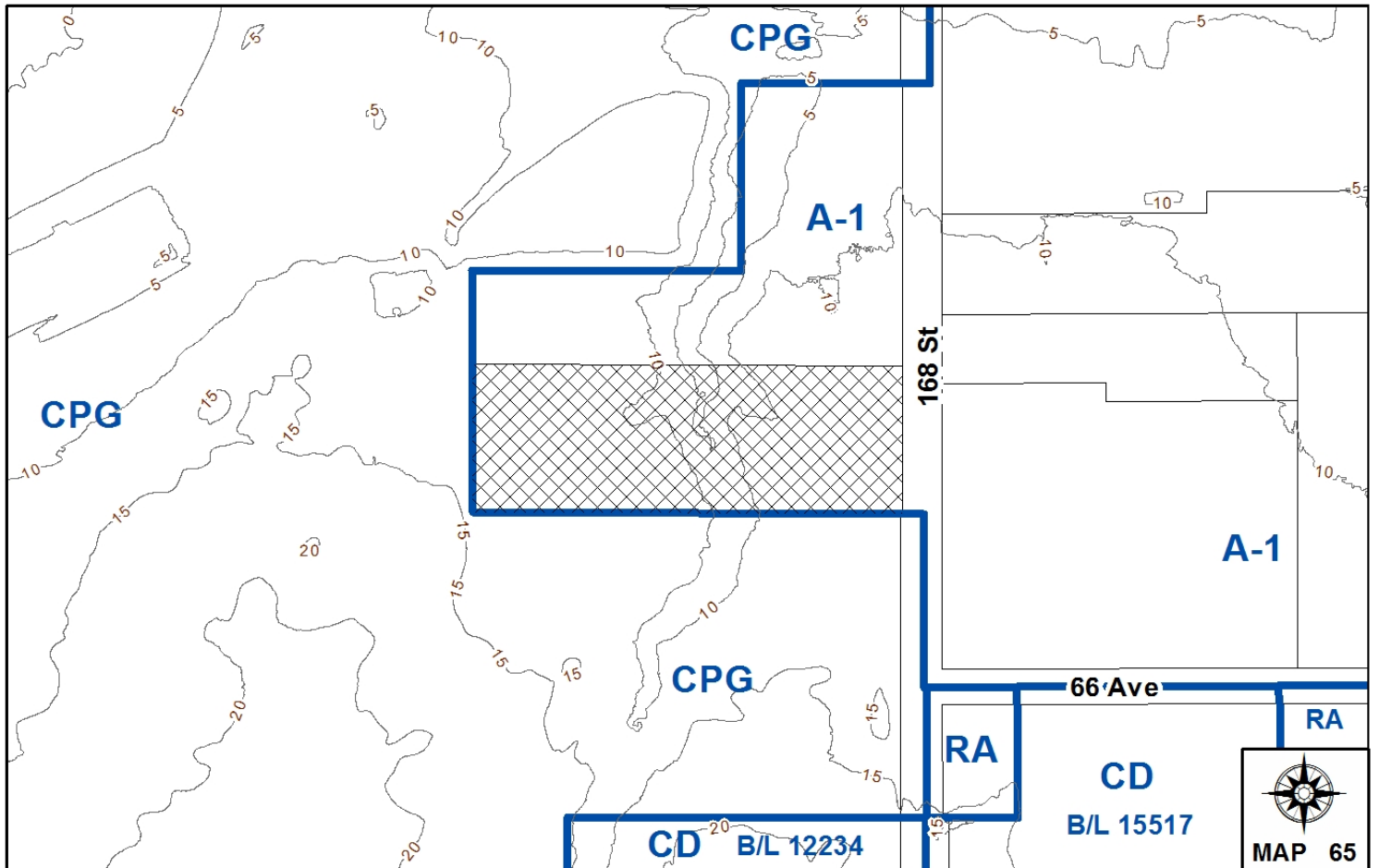
- **Development Variance Permit**
 to vary the farm residential footprint and setbacks of the A-1 Zone in order to construct a single family dwelling on the western portion of the lot.

LOCATION: 6661 - 168 Street

OWNERS: Zhi W Cao
 Yuan Guo

ZONING: A-1

OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking to vary the A-1 Zone to:
 - increase the maximum setback for a single family dwelling from 50 metres (164 ft.) to 173 metres (567 ft.); and
 - increase the maximum depth of the farm residential footprint from 60 metres (197 ft.) to 183 metres (600 ft.).

RATIONALE OF RECOMMENDATION

- The applicant proposes to bridge the existing watercourse, to access the proposed house location. The applicant advises that the cost of bridging would be prohibitive for farming alone.
- The Agriculture and Food Security Advisory Committee (AFSAC) supports the application in order to increase future farm operation efficiency, and to increase future farm development and access to all portions of the lot, which is currently restricted by a watercourse.
- The proposed farm residential footprint satisfies the maximum 2,000-square metre (0.5 acre) size permitted in the A-1 Zone.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7914-0240-00 (Appendix III) varying the following, to proceed to Public Notification:
 - (a) to increase the maximum setback for a single family dwelling in the A-1 Zone from 50 metres (164 ft.) to 173 metres (567 ft.); and
 - (b) to increase the maximum depth of the farm residential footprint in the A-1 Zone from 60 metres (197 ft.) to 183 metres (600 ft.).
2. Council instruct staff to resolve the following issue prior to approval:
 - (a) registration of a statutory right-of-way for drainage purposes.

REFERRALS

| | |
|--|---|
| Engineering: | The Engineering Department has no objection to the project, provided the applicant register a statutory right-of-way for drainage purposes. |
| Department of Fisheries and Oceans (DFO): | DFO advises that <i>Fisheries Act</i> approval is not required given that serious harm to fish can be avoided by following standard measures. |
| Ministry of Forests, Lands and Natural Resource Operations (MFLNRO): | <i>Water Act</i> notification was submitted by the applicant's environmental consultant, Envirowest Consultants Inc., to the MFLNRO on January 16, 2015 and no response was received within 45 days of the submission, therefore construction may proceed. |
| Agricultural and Food Security Advisory Committee (AFSAC): | At its October 2, 2014 meeting, the AFSAC recommended that Application No. 7914-0240-00 be supported as proposed in order to increase future farm operation efficiency, and to increase future farm development and access to all portions of the lot, currently bisected by a watercourse (Appendix II). |

SITE CHARACTERISTICS

Existing Land Use: Vacant, 2-hectare (5-acre) parcel, not farmed.

Adjacent Area:

| Direction | Existing Use | OCP Designation | Existing Zone |
|---------------------------|---|-----------------|---------------|
| North: | Single family dwelling on 5.7-acre agricultural land, unfarmed. | Agricultural | A-1 |
| East (Across 168 Street): | Poultry farm | Agricultural | A-1 |
| South: | Northview Golf & Country Club | Agricultural | CPG |
| West: | Northview Golf & Country Club | Agricultural | CPG |

DEVELOPMENT CONSIDERATIONSSite Description

- The 2-hectare (5-acre) subject site is located along 168 Street, just north of 66 Avenue. The site is zoned in "General Agriculture Zone (A-1)" and is within the Agricultural Land Reserve (ALR).
- The subject site is bounded by Northview Golf and Country Club to the west and south, an unfarmed parcel with a single family dwelling to the north, and 168 Street to the east.
- A Class A (red-coded) watercourse runs through the centre of the subject site, bisecting it into an east portion fronting 168 Street, which is approximately 0.7 hectare (1.6 acres), and a west portion, which is approximately 0.9 hectare (2 acres).
- The western portion of the site is currently inaccessible due to the location of the watercourse and the lack of alternative road frontages or access arrangements. A watercourse crossing is required to access this portion of the site.
- The site is currently not being farmed and a previous house and shed were demolished in 2008.

Current Proposal

- The owner would like to build a house on the western portion of the lot, on the west side of the watercourse, and is requesting a variance to the setback provisions in the A-1 Zone to increase the maximum allowable setback between a single family dwelling and the front lot line from 50 metres (164 ft.) to 173 metres (567 ft.), and to vary the maximum depth of the farm residential footprint from the front lot line from 60 metres (197 ft.) to 183 metres (600 ft.). The driveway area is proposed to be included in the farm residential footprint calculation of a maximum of 2,000 sq.m. (0.5 acre).

- The site grades in the vicinity of the watercourse are greater than 15% slope, therefore the site is subject to a Development Permit for Hazard Lands in order to ensure that the proposed new house and watercourse driveway crossing respect the vegetation, drainage courses and constraints relating to the steeply sloped environment of the site.

Farm Home Plate By-law Considerations

- On November 5, 2012, Council approved changes to the Zoning By-law to include requirements relating to the definition, location and size of a farm residential footprint in both the "General Agriculture Zone (A-1)" and the "Intensive Agriculture Zone (A-2)". These changes were detailed in Corporate Report No. R207, dated September 10, 2012.
- The intent of these new regulations is to cluster the siting of residential buildings on agricultural properties close to the adjoining road frontage, in order to preserve farmland at the rear of parcels and, in turn, to discourage agricultural zoned properties from being used exclusively for sprawling residential estates. The policy is also intended to reduce increased valuation of agricultural properties as a result of property speculation and construction of large scale estate residences.
- The A-1 Zone permits a maximum farm residential footprint of 2,000 square metres (0.50 acre).
- In addition to the maximum farm residential footprint, the following maximum setbacks apply in the A-1 Zone:
 - Dwellings must be located no further than 50 metres (164 ft.) from the front lot line (measured to the back wall of the structure); and
 - The farm residential footprint is to extend from the front property line no further than 60 metres (197 ft.).

Agriculture and Food Security Advisory Committee

- The proposal was presented to the Agriculture and Food Security Advisory Committee (AFSAC) at their October 2, 2014 meeting. AFSAC supported the variances as proposed in order to increase future farm operation efficiency, and to increase future farm development and access to all portions of the lot across the parcel splitting watercourse.

Environmental Considerations

- The applicant is proposing a driveway crossing over the red-coded watercourse in order to locate the house on the west side of the watercourse. As such, the applicant is required to obtain *Fisheries Act* and *Water Act* approval. The Department of Fisheries and Oceans (DFO) and the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) have not expressed concern with respect to the proposed driveway crossing.

- The applicant also submitted a Riparian Area Regulation (RAR) Report prepared by Envirowest Consultants Inc. which indicates that the proposed house and watercourse crossing can be accommodated within the parameters of the regulation. A RAR Peer Review Report prepared by EDI Environmental Dynamics Inc. concurs.
- The applicant has agreed to provide a statutory right-of-way for drainage purposes as requested by the Engineering Department.

Development Permit for Hazard Lands

- The site is subject to a Development Permit for Hazard Lands under the new Official Community Plan (OCP), given there are existing slopes on the property in excess of 15% grade.
- The applicant is required to submit a Development Feasibility Study including a comprehensive geotechnical report providing soil stability analysis in relation to the slope and its ability to accommodate development.
- City staff are currently establishing a process around Hazard Land DPs and expect to have this process in place in the near future. The applicant is aware of the DP requirement, and understands that prior to final building permit approval, the DP requirement must be met and the DP issued.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variances:

- To increase the maximum setback for a single family dwelling in the A-1 Zone from 50 metres (164 ft.) to 173 metres (567 ft.); and
- To increase the maximum depth of the farm residential footprint in the A-1 Zone from 60 metres (197 ft.) to 183 metres (600 ft.).

Applicant's Reasons:

- The watercourse divides the property into two portions, which are only slightly larger than the maximum allowable farm home plate; therefore the farm uses would likely be separated from the residential use, and isolated on either side of the watercourse.
- Should the residential dwelling be placed at the front of the property, farm vehicles seeking access to the rear of the property would require a watercourse crossing. It would not be economically viable and it would be unlikely that a crossing would be constructed solely for farm purposes, thereby precluding farming on the western portion of the property. Due to this unique site condition the farm home plate policy will not increase the amount of farmable land on the subject site.
- Situating the residence at the rear of the property would allow the eastern portion of the property along 168 Street to be farmed. Although the subject site is a small farming parcel, opportunities for coordination of farming activity with the property to the north could be considered.

- The driveway and bridge can be used for farm vehicle access to the west portion of the site as well as residential access.
- The immediate plan of the owners is to create, on the eastern portion, a U-Pick for field fruits such as strawberries, raspberries, etc., with the intention of expanding to fruit trees as well. The plan would also include flower gardens where they would be planting flowers for resale. creating a relationship with an existing farmer that is in need of land.

Staff Comments:

- Prior to 2008, there was a house located on the eastern portion of the subject site which has since been demolished. The driveway access for the previous house was located along the south property line of the subject lot and the applicant proposes to reuse the existing driveway access and alignment.
- The applicant's proposed farm residential footprint will not exceed the maximum 2,000-square metre (0.5-ac.) size permitted in the A-1 Zone.
- The proposal retains a large uninterrupted area at the front of the site for farming and also opens up additional farming area at the rear of the property outside of the proposed residential footprint previously inaccessible due to the lack of a watercourse crossing.
- The AFSAC is supportive of the requested variances.
- Staff support the requested variances.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary
Appendix II. Agricultural and Food Security Advisory Committee Minutes
Appendix III. Development Variance Permit No. 7914-0240-00

INFORMATION AVAILABLE ON FILE

- Geotechnical Study Prepared by GeoPacific Consultants Ltd. Dated March 3, 2015
- Riparian Area Regulation Assessment Report Prepared by Envirowest Consultants Ltd. Dated April 21, 2015
- RAR Peer Review Report Prepared by EDI Environmental Dynamics Inc. Dated April 13, 2015

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

SAL/da

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Information for City Clerk

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

1. (a) Agent: Name: Maggie Koka
 Aplin & Martin Consultants Ltd.
 Address: 13450 - 102 Avenue, 1680
 Surrey, BC V3T 5X3

 Tel: 604-639-3456

2. Properties involved in the Application
 - (a) Civic Address: 6661 - 168 Street

 - (b) Civic Address: 6661 - 168 Street
 Owner: Yuan Guo
 Zhi W Cao
 PID: 009-017-178
 South 275 Feet Lot 1 Section 13 Township 2 New Westminster District Plan 28959

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7914-0240-00 and bring the Development Variance Permit forward for an indication of support by Council. If supported, the Development Variance Permit will be brought forward for issuance and execution by the Mayor and City Clerk once the outstanding condition is satisfied.

D. NEW BUSINESS**1. Proposed Development Variance Permit (DVP)****6661 - 168 Street**

File No: 7914-0240-00; 6880-75

S. Long, Planner, was in attendance to review the memo from R. Gill, Acting Current Planning Manager - North Division, dated September 18, 2014, regarding the above subject line. The following was noted:

- The Applicant would like to build a house on the west portion of the lot, and is requesting a variance to the setback provisions in the A-1 Zone to increase the maximum setback for a single family dwelling in the General Agriculture (A-1) Zone from 50 metres to 173 metres, as well as increase the maximum depth of the farm residential footprint from 60 metres to 183 metres.
- The unfarmed site is located in the Agricultural Land Reserve (ALR) and is split east and west. The east portion is approximately 1.6 acres, and the west portion is approximately 2 acres.
- The driveway area is proposed to be included in the farm residential footprint calculation of 2,000 sq. metres. The driveway can be used for farm vehicle access to the west portion of the site.
- The western portion is inaccessible via 168 Street, and a watercourse crossing would be required to access this portion of the site. The Applicant will require approval for the proposed watercourse crossing from the Ministry of Forests, Lands and Natural Resource Operations.
- It would be unlikely that a crossing would be constructed solely for farm purposes, thereby precluding farming on the western portion of the property. Due to this unique site condition, the farm home plate policy will not increase the amount of farmable land on the subject site.
- The Applicant is seeking opportunities to partner with farmers and looking for different options for what they can do to bring the land into farming production. The u-pick production would be operated by a second party.

The Committee noted that the resulting farmable area would be significantly reduced. There is already a house site on the property that is further back than the existing bylaw would allow. Relocating the house at the back would make sense relative to farming the front.

It was

Moved by M. Bose

Seconded by B. Stewart

That the Agriculture and Food Security Advisory Committee recommend to the G.M. of Planning and Development that Application No. 7914-0240-00 be supported as proposed in order to increase future farm operation efficiency, and to increase future farm development and access to all portions of the lot across the parcel splitting watercourse.

Carried

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7914-0240-00

Issued To: Zhi W Cao

("the Owner")

Address of Owner: 2768 OLIVER CRES
VANCOUVER BC V6L 1S9

Issued To: Yuan Guo

("the Owner")

Address of Owner: 2768 OLIVER CRES
VANCOUVER BC V6L 1S9

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: 009-017-178
South 275 Feet Lot 1 Section 13 Township 2 New Westminster District Plan 28959

6661 168 Street

(the "Land")
3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Sub-section F.1(b) of Part 10 General Agricultural Zone (A-1) the maximum setback of a single family dwelling from the front lot line is increased from 50 metres (164 ft.) to 173 metres (567 ft.); and
 - (b) In Sub-section J.2(b) of Part 10 General Agricultural Zone (A-1) the maximum depth of the farm residential footprint measured from the front lot line is increased from 60 metres (197 ft.) to 183 metres (600 ft.).

4. The siting of buildings and structures shall be in accordance with the drawing numbered 7914-0240-00 (A) (the "Drawing") which is attached hereto and form part of this development variance permit.
5. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
6. 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.
7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
8. 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

Louise Guo
 Farm Home Plate Variance
 6661 168 Street, Surrey

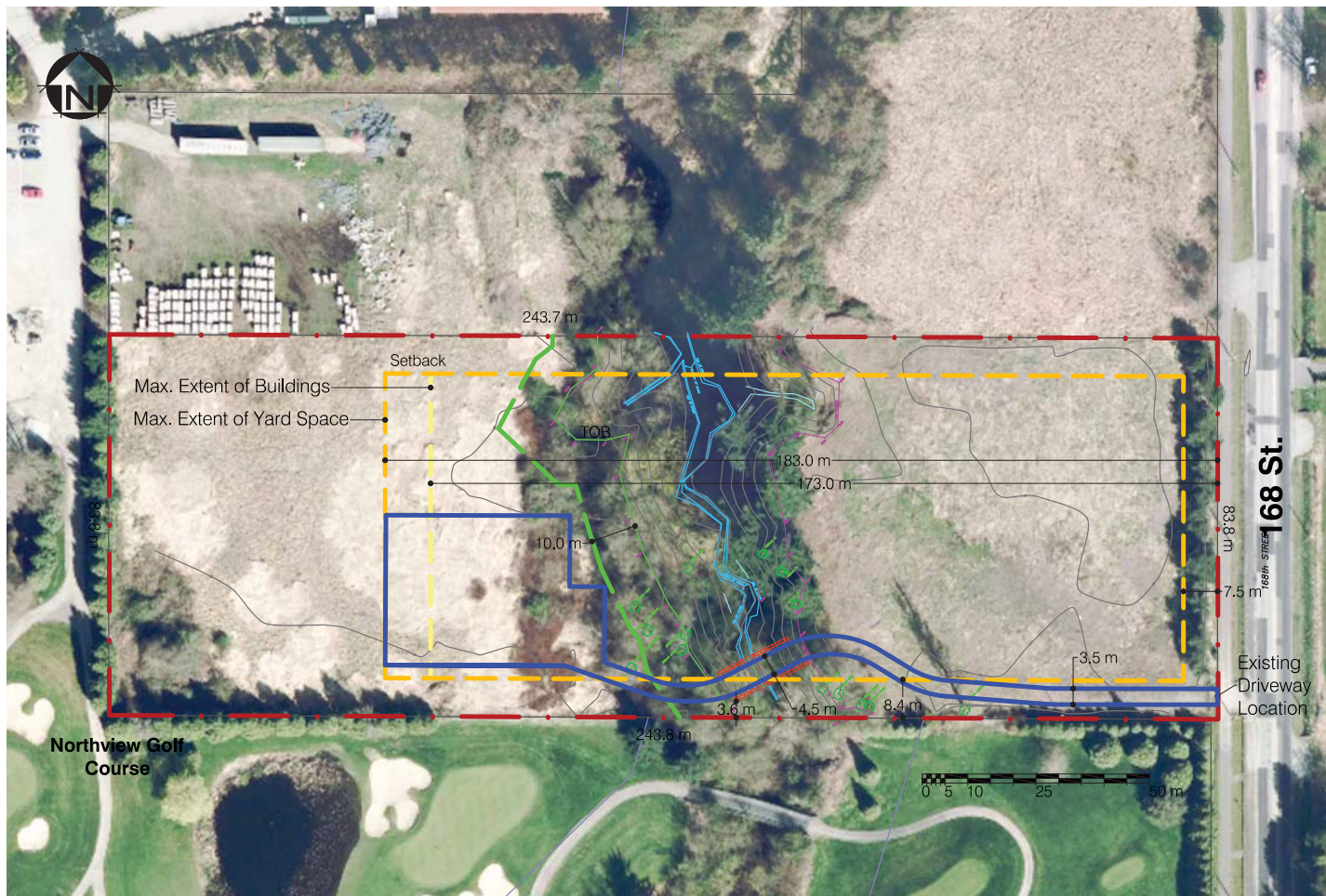
ILLUSTRATIVE CONCEPT

*Concept only, subject to building design.

Variations Requested:

- Reduced side yard setback (south) from 8.4 m to 3.6 m to accommodate the creek crossing wall to be in line with the existing driveway. The side yard boundary is treed and adjacent to existing Golf Course.

- Increased allowable Farm Home Plate depth from 60 m to 183 m to allow homes to be placed at the rear of the property on the west side of the watercourse.



NOTE: Conceptual layout only, subject to change without notice. Property of Aplin & Martin Consultants Ltd. and not to be reproduced or used without written permission by the Company.

LEGAL DESCRIPTION
 S 275 Ft L 1 Sec 13 Tp 2 NWD Pl 28959
 PID: 009 - 017 - 178

GROSS SITE AREA
 2 hectares / 5 acres (approx.)

EXISTING DESIGNATIONS
 Zoning: A-1 (Agriculture)
 OCP: Agriculture
 ALR: Yes

LOT YIELD
 Existing Number of Lots: 1
 Proposed Number of Lots: 1

ZONING REQUIREMENTS
 Max. Farm Home Plate: 2000 m²
 Max. Distance from Frontage: 50 / 60 m

PROPOSED DESIGNATIONS
 Zoning: No Change*
 * Variance Requested

APLIN & MARTIN
 CONSULTANTS LTD
 Project No.: 14-092
 Date: 6 July 2015

Drawing
2