

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7915-0071-00

Planning Report Date: April 27, 2015

PROPOSAL:

- **Development Variance Permit**

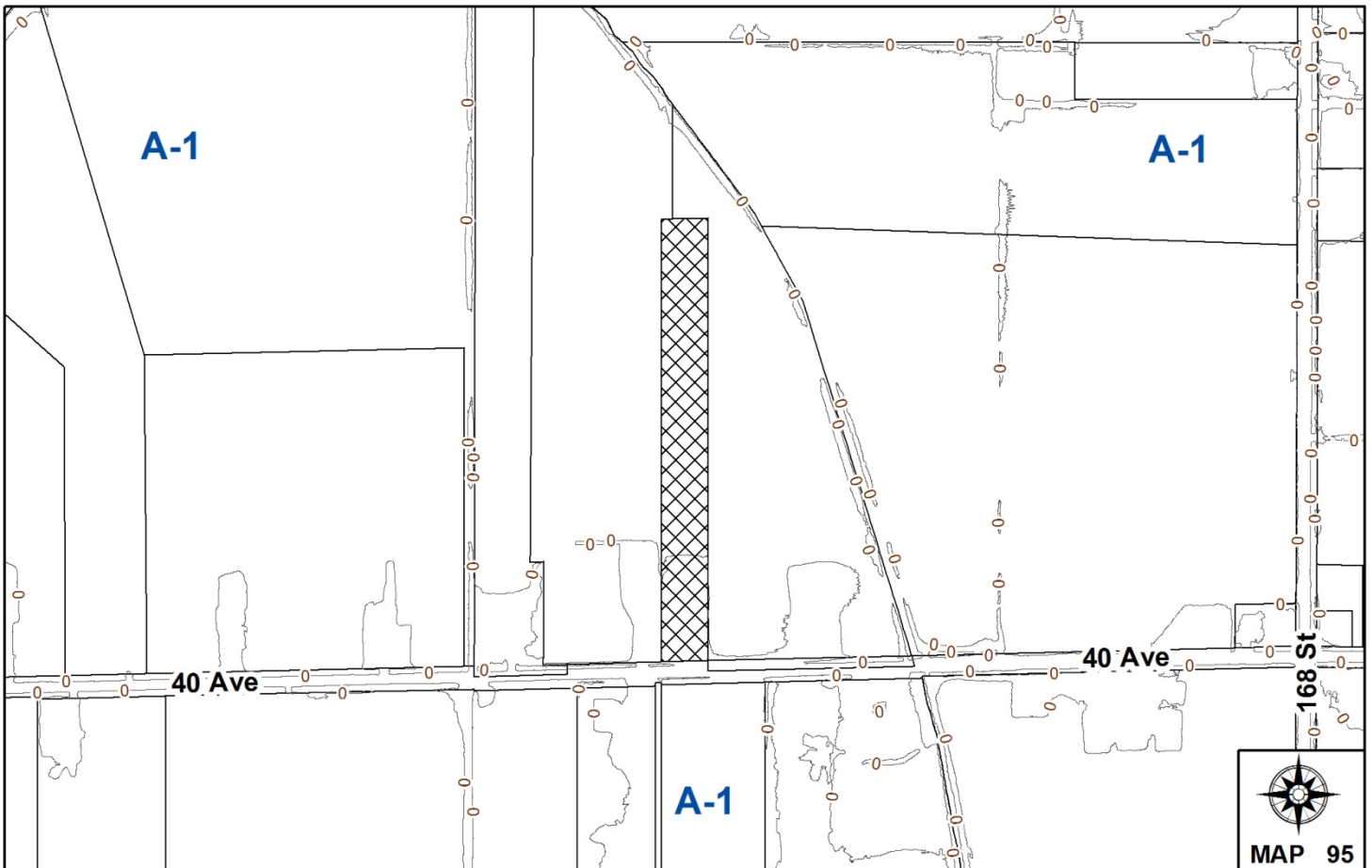
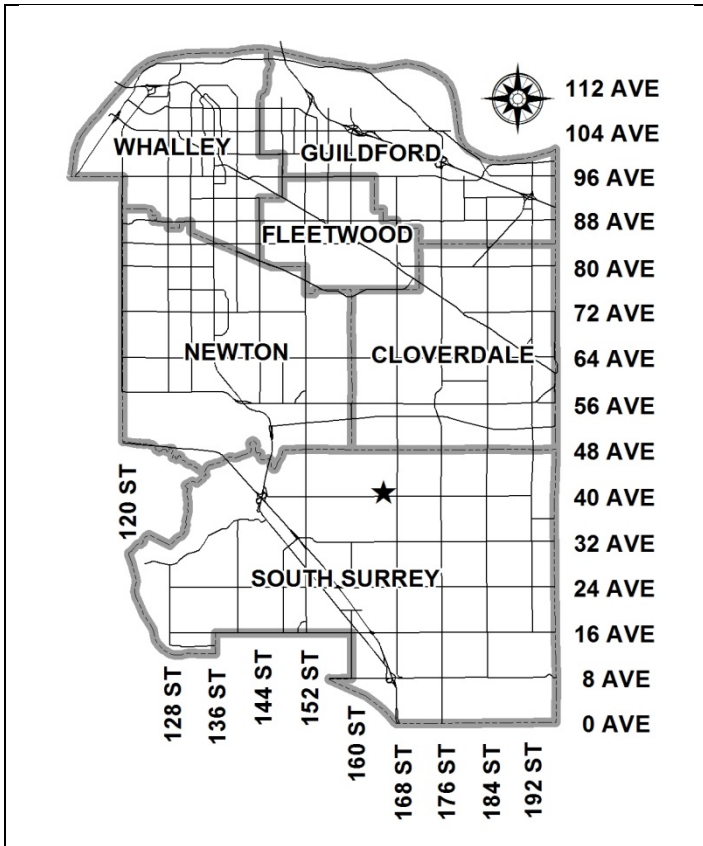
To vary the maximum setback of a *single family dwelling* and the maximum depth of the *farm residential footprint* in the "General Agriculture (A-1) Zone".

LOCATION: 16507 - 40 Avenue

OWNER: Charnjit Grewal

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; and
 - increase the maximum depth of the farm residential footprint;in order to permit construction of a new single family dwelling.

RATIONALE OF RECOMMENDATION

- The proposal will not vary the maximum size of the farm residential footprint prescribed in the A-1 Zone.
- The proposed farm home plate location was cleared by a previous owner and is not used for agricultural production.
- There are existing farm storage buildings located within the allowable residential setback area that are used for current farming operations. The owner wishes to retain the existing farm storage buildings and has indicated that it would be a financial hardship to remove and replace the buildings with new equivalent structures.
- The proposal meets the intent of the farm home plate policy in that it limits the impact of buildings on the farmable land and clusters buildings (including farm buildings) in a contiguous area located close to the fronting roadway.
- The proposed siting of the house aligns with other residences on the neighbouring properties to the east and west on 40 Avenue.
- The Agricultural and Food Security Advisory Committee supports the proposal.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7915-0071-00 (Appendix V) varying the following, to proceed to Public Notification:

- (a) to increase the maximum setback of all portions of a single family dwelling from the front lot line in the A-1 Zone from 50 metres (164 ft.) to 90 metres (295 ft.); and
- (b) to increase the maximum depth of the farm residential footprint from the front lot line in the A-1 Zone from 60 metres (197 ft.) to 100 metres (328 ft.).

REFERRALS

Engineering: The Engineering Department has no objection to the variance; however, soil deposition issues must be resolved through any subsequent building or soil deposition process. (Appendix III).

Agricultural and Food Security Advisory Committee (AFSAC): The project was reviewed at the April 2, 2015 AFSAC meeting wherein the committee made a recommendation of support (Appendix IV).

SITE CHARACTERISTICS

Existing Land Use: Agricultural – commercial blueberry farm

Adjacent Area:

Direction	Existing Use	OCP	Existing Zone
North, East, South and West:	Agricultural	Agricultural	A-1

DEVELOPMENT CONSIDERATIONSSite Description

- The 2-hectare (5 acre) subject site is located at 16507 - 40 Avenue.
- The site is located in the Agricultural Land Reserve (ALR), is designated Agricultural in the Official Community Plan (OCP) and is zoned "General Agriculture Zone (A-1)".
- There are currently no residential buildings on the property (one single family dwelling is permitted under the A-1 Zone).
- The site operates as a commercial blueberry farm.

- The proposed farm home plate location was cleared by a previous owner and is not used for agricultural production. In the past the area was used for equipment storage and vehicle parking.
- Existing structures including a large farm storage building and a shed containing a diesel tank occupy a large portion of the area within the allowable setbacks for the farm residential footprint.
- This site is located within the 200 year floodplain and will require the deposition of fill to raise the existing grade (0.4 m elevation) to the minimum building elevation (MBE) of 2.5 m (geodetic) in accordance with the flood construction level for this area. A geotechnical site assessment prepared by Western Geotechnical Consultants Ltd. dated November 18, 2014 has been submitted as part of this application.

Proposal

- The applicant proposes to construct a new single family dwelling with a footprint of approximately 316 m² (3,400 sq. ft.) including the garage, as shown on the site plan attached as Appendix II.
- The applicant has proposed a fill area of 1,256 m² (0.3 acre) for construction of the house.

Trees

- No trees will be affected by the proposed construction. An arborist report was not required.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variances:

- To increase the maximum setback of all portions of a single family dwelling in the A-1 Zone from 50 metres (164 ft.) to 90 metres (295 ft.) from the front lot line; and
- To increase the maximum depth of the farm residential footprint of the A-1 Zone from 60 metres (197 ft.) to 100 metres (328 ft.).

Applicant's Reasons:

- The lot is too narrow to build a house of reasonable size within the remaining allowable setback area. There are existing farm storage buildings within the allowable setbacks for the farm residential footprint.
- The applicant wishes to retain the existing buildings including a large farm storage building and a shed containing a diesel tank that are used for the current farming operations on the property. The applicant has indicated that it would be a financial hardship to remove and replace these buildings with new equivalent structures.
- The proposed siting aligns with other residences on the neighbouring properties to the east and west on 40 Avenue.

Staff Comments:

- The property does not currently contain a single family dwelling. In order to comply with the farm home plate provisions of the A-1 Zone, the owner would need to remove the existing farm storage buildings that are located within the 50 metre setback from the front property line.
- The proposal meets the intent of the farm home plate policy in that it limits the impact of buildings on the farmable land and clusters buildings (including farm buildings) in a contiguous area located close to the fronting roadway.
- The proposal will not vary the maximum size of the farm residential footprint prescribed in the A-1 Zone.
- 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.	Site Plan
Appendix III.	Engineering Summary
Appendix IV.	Agricultural and Food Security Advisory Committee Minutes (DRAFT)
Appendix V.	Development Variance Permit No. 7915-0071-00

INFORMATION AVAILABLE ON FILE

- Geotechnical Site Assessment prepared by Western Geotechnical Consultants Ltd. dated November 18, 2014.
- Letter of justification submitted by Charnjit (CJ) Grewal, dated March 17, 2015.

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

EM/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: Charnjit Grewal

 Address: 16505 - 40 Avenue
 Surrey, BC V3Z 1E5

 Tel: 604-220-1425

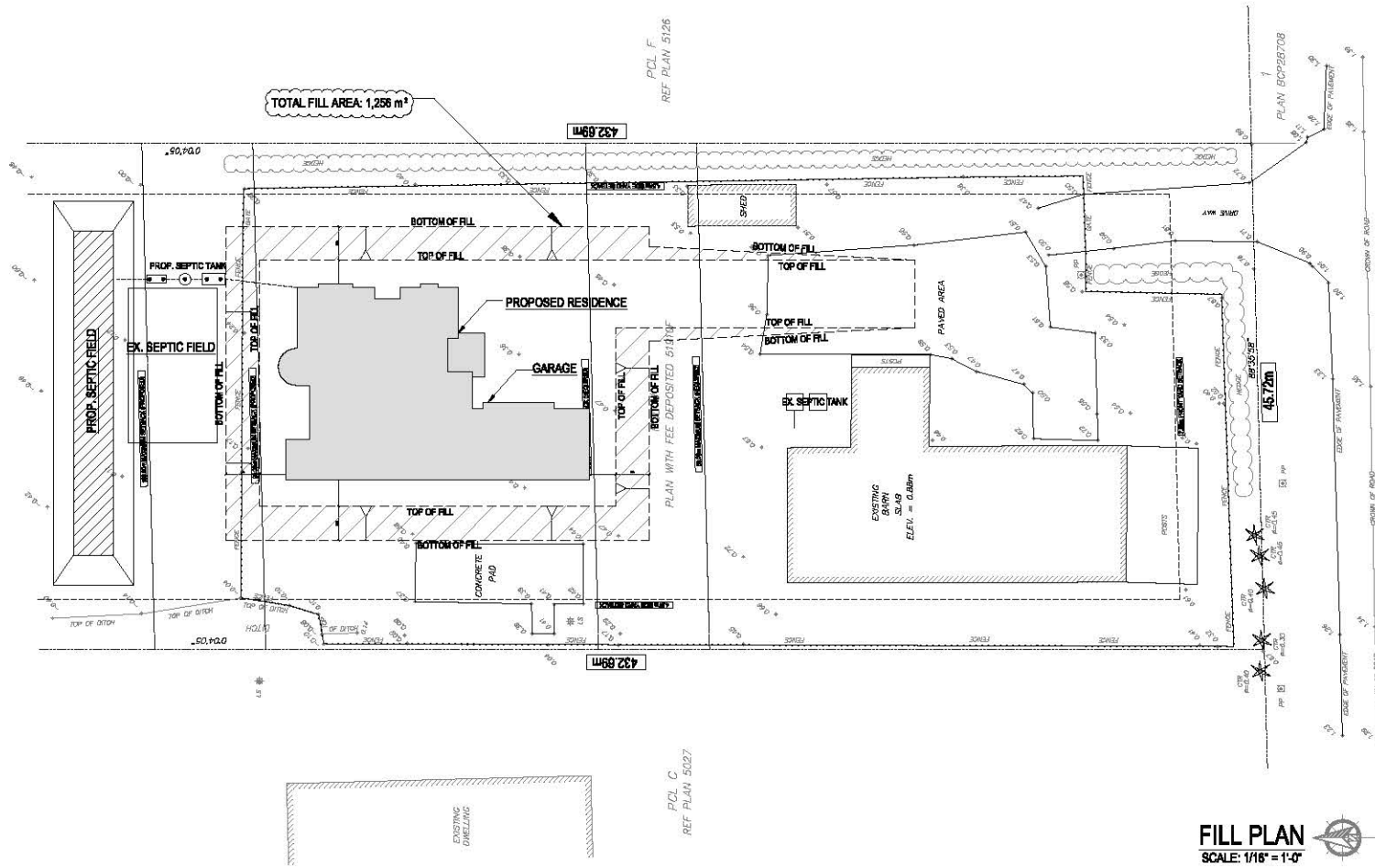
2. Properties involved in the Application

- (a) Civic Address: 16507 - 40 Avenue

- (b) Civic Address: 16507 - 40 Avenue
 Owner: Charnjit Grewal
 PID: 013-218-786
 Parcel "J" (Plan With Fee Deposited 51910F) South East Quarter Section 36 Township 1
 New Westminster District

3. Summary of Actions for City Clerk's Office

- (a) Proceed with Public Notification for Development Variance Permit No. 7915-0071-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.



14658 - 84 AVENUE
SURREY, BC
V3S 9K7
t: 6045971838
f: 6045971350
demand@telus.net
www.demanddesign.com

THESE PLANS CONFORM TO BCBC 2012
CONSTRUCTION SHALL COMPLY WITH
THESE PLANS AND LOCAL BUILDING
BY-LAWS.
CONTRACTOR SHALL CONFIRM ALL
DIMENSIONS PRIOR TO START OF
CONSTRUCTION.
THE DESIGNER ASSUMES NO LIABILITY
FOR ANY ERRORS OR OMISSIONS IN
THESE PLANS. IT IS THE BUILDER/OWNER
RESPONSIBILITY TO REVIEW AND VERIFY
ALL LEVELS, DIMENSIONS AND
STRUCTURAL DETAILS PRIOR TO
CONSTRUCTION.
DO NOT SCALE DRAWINGS

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DATE: [] / [] / []
JOB DESCRIPTION:
FILL PLAN
SHEET NAME:

ADDRESS:
**16507 - 40 AVE
SURREY, BC**
LEGAL DESCRIPTION:

CLIENT:
**C.J. GREWAL
(604) 220-1425**

DATE: [] / [] / []
SCALE:
1/4" = 1'-0" (UND)
DRAWN: D.M. | CHECKED: D.M.

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OF 1

FILL PLAN
SCALE: 1/16" = 1'-0"



PCL F
REF PLAN 5126

PCL C
REF PLAN 5027

16507 - 40 AVENUE



INTER-OFFICE MEMO

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

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

DATE: **April 22, 2015** PROJECT FILE: **7815-0071-00**

RE: **Engineering Requirements (Commercial/Industrial)
Location: 16507 40 Ave**

DEVELOPMENT VARIANCE PERMIT

The City's Engineering Department can support this request for the proposed maximum home plate set back variance; however a number of soil deposition issues must be resolved through any subsequent building or soil deposition process.

Any soil deposition related to the project must be carried out in accordance with the City's Soil Removal and Deposition by-law and any associated policies. Historical deposition of soils on the site must also be evaluated for conformance with current by-laws and ALC regulations. Should the Variance be supported, the applicant should contact the City's Engineering Department for details regarding the Soil Removal and Deposition by-law and associated policies.

Rémi Dubé, P.Eng.
Development Services Manager

RD



Agriculture and Food Security Advisory Committee Minutes

2E - Community Room A
City Hall
13450 - 104 Avenue
Surrey, B.C.
THURSDAY, APRIL 2, 2015
Time: 9:00 a.m.
File: 0540-20

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

Appointment of representative to the Environmental Sustainability Advisory Committee for the 2015 year.

It was Moved by M. Bose
Seconded by P. Harrison
That the Agriculture and Food Security
Advisory Committee appoint Stan Van Keulen as the Agriculture and Food
Security Representative to the Environmental Sustainability Advisory Committee
for the 2015 calendar year.

Carried

2. Southwest BC Bio-Region Food System Design Project

The Committee discussed the Southwest BC Bio-Region Food System Design Project, as presented by K. Mullinix of KPU, at the meeting of March 5, 2015.

The following comments were made:

- The Committee commented that the project should include agricultural commodities and groups. For the study to have a meaningful result, it should involve as wide a stakeholder group as possible. Disappointment was expressed that the project seemed so limited.
- Most of the communities involved in the project are non-agricultural communities. The Committee feels that the City of Surrey should not support the project as they had no input thus far and will not have input on the final report. Concern was expressed over the number of errors in previous reports and that it would not be in the City's best interests to endorse the project.
- It was noted by a Committee member that KPU has brought this project before the Committee in the past, at which time KPU indicated that the City would not have input into the findings of the final report.
- D. Geesing noted that the methodology used by KPU's Food Systems facility has been critiqued in the past, and the Ministry of Agriculture has concerns, especially in terms of stakeholder involvement. The input of a large part of the agricultural community and local governments in the Fraser Valley is not there which casts doubt on the project. The Ministry of Agriculture does acknowledge the work but will not say they endorse the project.

It was Moved by M. Bose
Seconded by B. Sandhu
That the Agriculture and Food Security
Advisory Committee recommend to Council that the Southwest BC Bio-Region
Food System Design Project not be endorsed by the City of Surrey.

Carried

D. NEW BUSINESS

1. **Application to vary the maximum allowable building setbacks of the *Farm Residential Footprint* under the General Agriculture (A-1) Zone to accommodate construction of a new single family dwelling for the property located at 16507 40 Avenue.**

File: 15-0071

The following comments were made:

- The subject property is located in the ALR, is 2 hectares in size, and is currently used as a commercial blueberry farm.
- The applicant is asking to vary the maximum residential setback from 50 metres to 90 metres to accommodate the construction of a new single family dwelling; and to vary the maximum allowable depth of the farm residential footprint from 60 metres to 100 metres from the front lot line.
- The proposed location of the house is in an unused area not part of the agricultural land. There is currently no residential dwelling on the property but one is permitted.
- The property is located within the flood plain and will require fill. A geotechnical site assessment has been conducted. The applicant proposes a fill (soil deposition) area of 1,256 square meters, which is within the allowable limit.
- The applicant's rationale for the siting of the house is that the lot is too narrow to build within the remaining allowable setback due to existing farm storage buildings. Removal and replacement of these storage buildings would cause financial hardship. The proposed siting is in line with adjacent residential properties.

It was

Moved by S. Van Keulen

Seconded by M. Hilmer

That the Agriculture and Food Security Advisory Committee recommend that the G.M. of Planning and Development support the application to vary the maximum allowable building setback and increase to the *Farm Residential Footprint* setback under the General Agriculture (A-1) Zone to accommodate construction of a new single family dwelling for the property located at 16507 40 Avenue.

Carried

2. **Application for non-farm use to allow for the redevelopment and expansion of the existing abattoir.**

File: 15-0020-00

The following comments were made:

- This is a provincially licensed abattoir dealing with different kinds of animals. Abattoir services in BC are quite limited.
- The applicant would like to redevelop the abattoir, remove the existing structure, build a larger facility, and get a license for beef only. The building would be within the industrial zoned area. There are existing connections to sewer and water.
- To the north is an industrial area with an arterial road. The barns to the east of the facility will be retained and used for a short term holding area and quarantine of sick animals.

Discussion

D. Geesing advised that the ALC regulations support applications such as this provided that 50% of the animals are raised on the lot. In this case the ALC allowed for a 3,000 square foot expansion of the existing abattoir in 1994, and custom killing beyond 50% of the animals raised on the lot rule, provided that any custom killing beyond the 50% was from neighbours.

The committee discussed the need for the clarification on what defines “neighbours”, and that the applicant should provide an exit or closure plan for clean up in the event the business shuts down.

The Committee agreed that the abattoir would be of great value to the agricultural community as many “neighbouring” dairy farmers have animals that need to be dealt with. It was agreed that there should be an exit strategy, and a plan that if the operation ceases the uses on the lot should then be conformed to those permitted in the ALR, and the leasehold erased.

BC Food Processors Association has worked with the government to upgrade abattoir facilities in BC to Federal from Provincial; this will allow the transport of meat products beyond the Provincial boundaries. Promoting and encouraging processing is part of the Agricultural Plan for the City of Surrey, and would be less of a footprint if not shipping to Alberta.

It was

Moved by M. Bose

Seconded by J. Sandhar

That the Agricultural and Food Security

Advisory Committee recommend that the G.M. of Planning and Development support the application for non-farm use to the ALC to allow for the redevelopment and expansion of the existing abattoir, with a requirement for 50% local animal product.

Carried

3. Subdivision proposal of property located at 18226 20 Avenue. File: 14-0349-00

The following comments were made:

- 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.

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

E. ITEMS REFERRED BY COUNCIL

F. CORRESPONDENCE

- 1. Letter from Pacific Land Resource Group requesting to appear as a delegation before the Committee to present their application and request support for an exclusion of property at 5228 King George Boulevard.**

Pacific Land Group is requesting to appear as a delegation to present their application rather than having the application presented by a City of Surrey Planner on their behalf.

The Committee noted that applicants have not previously been permitted to appear as delegations on their own behalf and this may undermine City staff whose purpose it is to present the facts of the proposals on behalf of the applicant.

Staff stated that normal practise allows the applicant to be present at the meeting but the Planner presents the development proposal. The applicant's rationale for the application is typically appended to the Planner memo for the Committee. Specific questions may be asked of the owner or their representative, who may attend the AFSAC meetings, regarding the specific rationale, but the applicant never addresses the Committee directly, unless authorized by the AFSAC chair. Allowing the applicant to present their own individual applications would put the Committee in a position to act in a different way than what is mandated, and may bias the facts of the presentation.

Concern was expressed that allowing this type of delegation may set an unwanted precedent. As experts in the field of agriculture, members of this Committee have the knowledge to provide Council with reasonable advice so they can make an informed decision.

It was

Moved by P. Harrison
Seconded by J. Sandhar

That the Agriculture and Food Security
Advisory Committee not support the request by Pacific Land Resource Group to
appear as a delegation before the Committee to present their application.

Carried

G. INFORMATION ITEMS**H. OTHER BUSINESS**

- 1. AFSAC 2015 Work Plan**
Quarterly Committee update and priority review.
 - Discussion was held around the relation of the Agriculture Plan to the regional food system and the potential for a broader framework to look at different aspects. Staff noted that the Work Plan does not stem from the Agriculture Plan but has been derived over time based on specific areas of interest to the Committee. It was indicated that it may be useful to

determine where the gaps are between what Surrey is doing and what the Region is doing.

- It was noted by a Committee member that “food security” is more about the production, growing, processing, finding access to market; it is not so much about the consumer’s side of the issue. The Committee is trying to protect the home plate, protect the land, so we have less of a mandate for urban food security.
- Councillor Starchuk requested members bring their top three items for discussion at the next meeting.
- Concern was expressed about border usage for washing vegetables and the affect this may have on vegetable farming in Surrey. The question arose whether processors/packers are permitted to use the municipal border for that purpose. Unless there is clean water for the farms, farmers are not able to sell to retailers. Staff advised that this practise is permitted; the Plan talks about water use, rules and regulations.
- It was noted that runoff is going into ditches used for irrigation purposes; this affects the food safety aspect of farming. When audited, there are questions pertaining to samples and monitoring.

M. Bose discussed his trip to New Zealand and the similarities in farming practices.

I. NEXT MEETING

The next meeting of the Agriculture and Food Security Advisory Committee is scheduled for Thursday, **May 14, 2015 at 9:00 a.m. in 2E Community Room A.**

J. ADJOURNMENT

It was Moved by P. Harrison
Seconded by M. Bose
That the Agriculture and Food Security
 Advisory Committee meeting do now adjourn.
Carried

The Agriculture and Food Security Advisory Committee adjourned at 11:07 a.m.

Jane Sullivan, City Clerk

Councillor Michael Starchuk, Chair

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7915-0071-00

Issued To: Charnjit Grewal
("the Owner")

Address of Owner: 16505 - 40 Avenue
SURREY, BC V3Z 0L2

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: 013-218-786

Parcel "J" (Plan with fee deposited 51910F)
South East Quarter Section 36 Township 1 New Westminster District

16507 - 40 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Part 10, General Agriculture Zone (A-1), Section F.1.(b), the maximum setback of all portions of a single family dwelling from the front lot line is increased from 50 metres (164 ft.) to 90 metres (295 ft.).
 - (b) In Part 10, General Agriculture Zone (A-1), Section J.2.(b), the maximum depth of the farm residential footprint from the front lot line is increased from 60 metres (197 ft.) to 100 metres (328 ft.).
4. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.

5. 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.

6. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

7. 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