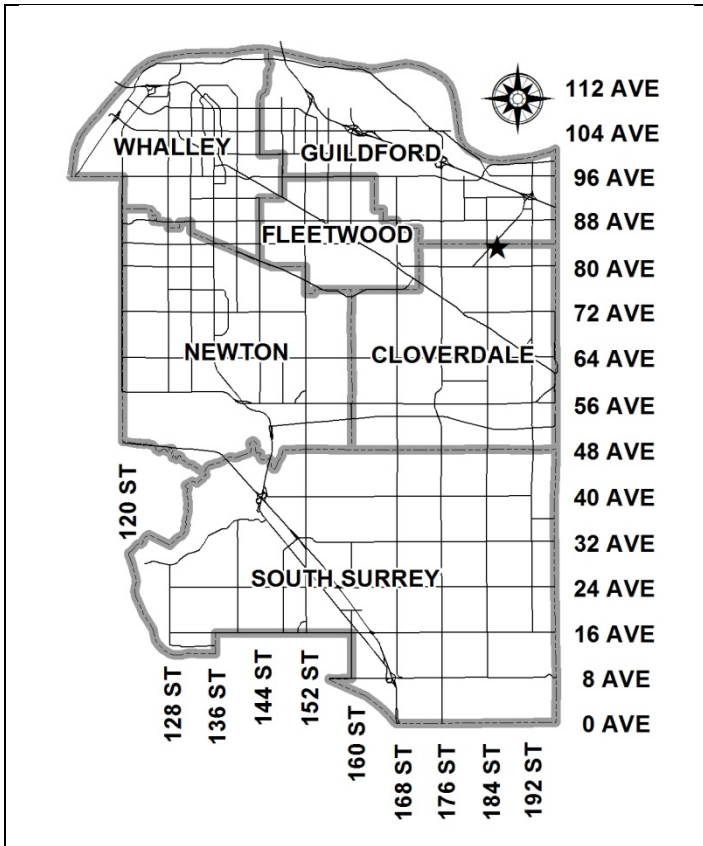


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7915-0081-00

Planning Report Date: June 15, 2015



PROPOSAL:

- **Development Variance Permit**

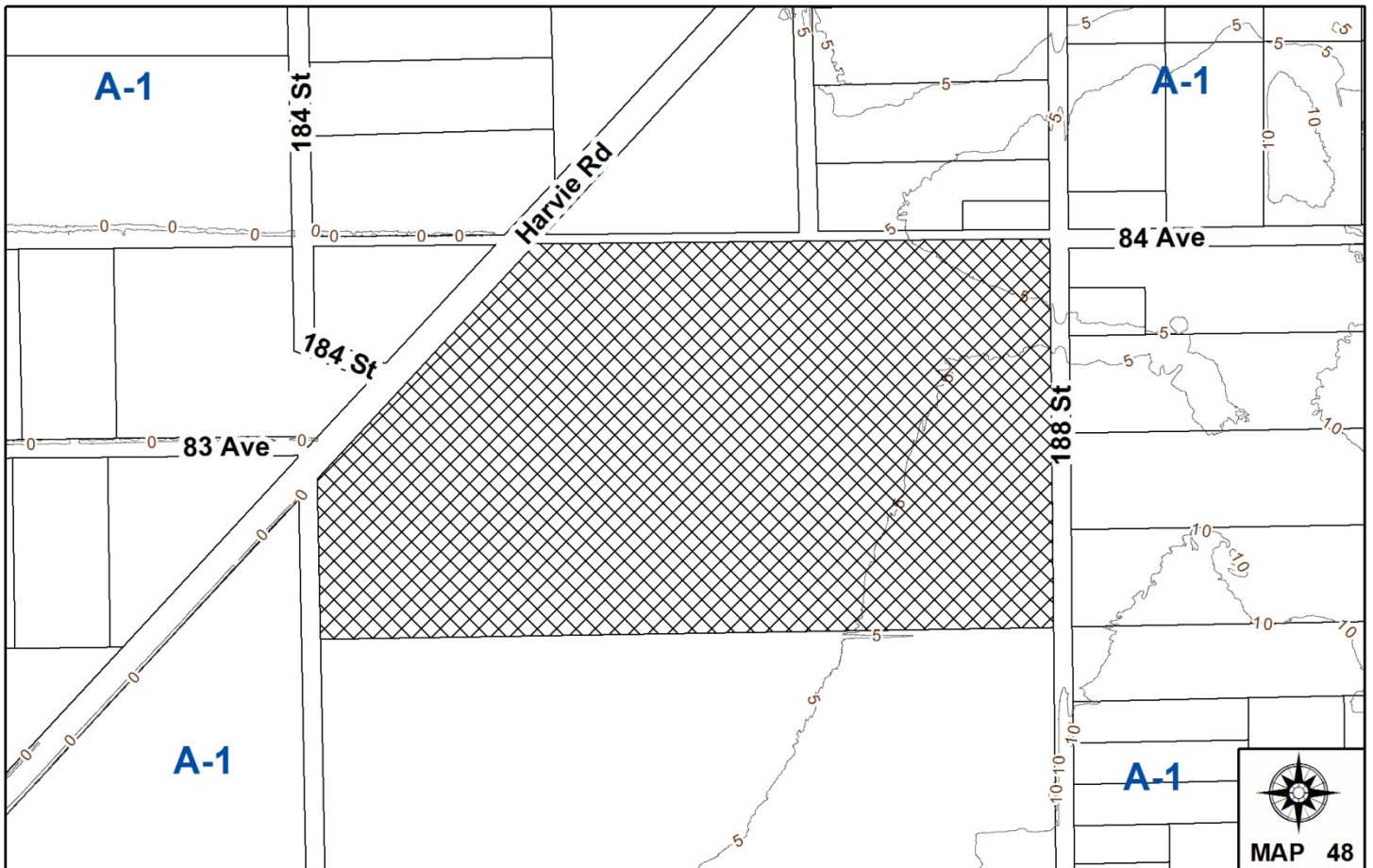
to vary the farm residential footprint and setbacks of the A-1 Zone in order to construct a new single family dwelling and to bring an existing single family dwelling into compliance with the A-1 Zone.

LOCATION: 8307 - 188 Street

OWNERS: Cornelis Kools
Shirley Kools

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 size of the farm residential footprint from 3,000 square metres (0.75 ac.) to 4,250 square metres (1.05 ac.);
 - increase the maximum setback of a single family dwelling from the front lot line, from 50 metres (164 ft.) to 115 metres (377 ft.); and
 - increase the maximum depth of the farm residential footprint from 60 metres (197 ft.) to 134 metres (440 ft.).

RATIONALE OF RECOMMENDATION

- Two of the three requested variances are to bring an existing single family dwelling into compliance with the setback requirements of the A-1 Zone. The existing single family dwelling was constructed prior to the farm residential footprint requirements coming into effect.
- The applicants proposed new home will not encroach into existing farmland.
- The proposed new home will be sited in the location of an existing home, which will be demolished.
- The proposed new home will comply with the maximum setback requirements of the A-1 Zone.
- The subject site is actively farmed.
- The applicant's modified proposal complies with the recommendations of the Agricultural and Food Security Advisory Committee (AFSAC).

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7915-0081-00 (Appendix IV) varying the following, to proceed to Public Notification:

- (a) to increase the maximum size of the farm residential footprint from 3,000 square metres (0.75 ac.) to 4,250 square metres (1.05 ac.);
- (b) to increase the maximum setback of a single family dwelling from the front lot line, from 50 metres (164 ft.) to 115 metres (377 ft.); and
- (c) to increase the maximum depth of the farm residential footprint from 60 metres (197 ft.) to 134 metres (440 ft.).

REFERRALS

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

Agricultural and Food Security Advisory Committee (AFSAC): The project was reviewed at the May 14, 2015 AFSAC meeting wherein AFSAC recommended that the applicant remove the existing house in the southeast corner of the site, and construct the proposed house in its place, in compliance with the setback requirements of the A-1 Zone (Appendix III).

SITE CHARACTERISTICS

Existing Land Use: Active corn and grass farm with existing single family dwelling and farm buildings.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Active farm and single family dwelling	Agricultural	A-1
East (Across 188 Street):	Active farms and single family dwellings	Agricultural	A-1
South (Across Class A-O watercourse):	Active farm	Agricultural	A-1
West (Across Harvie Road):	Active farms and single family dwelling	Agricultural	A-1

DEVELOPMENT CONSIDERATIONS

Site Description

- The 29-hectare (72 ac.) subject site is located at 8307 – 188 Street in the Agricultural Land Reserve (ALR).
- The site is designated "Agricultural" in the Official Community Plan (OCP) and is zoned "General Agricultural Zone (A-1)".
- The site is classified as farm under the BC Assessment Act and is actively farmed for corn and grass.
- There are currently three houses on the site, labelled House Nos. 1, 2 and 3 on the site plan in Appendix II. The siting of the three houses are considered existing non-conforming.

Proposal

- The applicant proposes to construct a new house on the southeast portion of the subject site, in the location of House No. 3, which will be removed. Existing House No. 1 will also be removed, ultimately resulting in two single family dwellings on the property, which is permitted under the A-1 Zone for a farm operation.
- The proposed new dwelling and the dwelling to be retained (House No. 2) do not comply with the setback and maximum farm residential footprint provisions of the A-1 Zone. Therefore, the applicant is seeking variances (see By-law Variances and Justification section) in order to construct the new home and to bring the existing home into conformity with the A-1 Zone.

Farm Residential Footprint 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). When the property is classified by BC Assessment as having farm status, the footprint may be increased to a maximum of 3,000 square metres (0.75 acre) to accommodate a second residence (permitted in the A-1 Zone under the same circumstance).

- 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.).
- During drafting of the new farm residential footprint regulations, staff were aware that its implementation would create a number of non-conforming sites throughout the City of Surrey. As such, it was anticipated that Development Variance Permit applications could be considered in specific extenuating circumstances.

Agriculture and Food Security Advisory Committee

- The subject proposal was presented to the Agriculture and Food Security Advisory Committee (AFSAC) at their May 14, 2015 meeting. The AFSAC supported the three proposed variances, with the expectation that the owner will demolish the northern-most existing house (House No. 1), and restore the area to farm use.
- Only two dwellings are permitted on the property under the A-1 Zone; therefore the applicant will demolish the northern-most house (House No. 1) and restore the area to farm use.
- At the time the subject application was presented to the AFSAC, the applicant was also seeking additional variances to the A-1 Zone, in order to construct the proposed new house behind (west) of existing House No. 3. The owner intended to live in House No. 3 while the proposed new house was under construction. The AFSAC did not support these additional variances as productive farmland would need to be removed. The applicant agreed to comply with the AFSAC suggestion, and modified the proposal to instead remove House No. 3 and construct the proposed house in its place.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variances:

- To increase the maximum size of the farm residential footprint from 3,000 square metres (0.75 ac.) to 4,250 square metres (1.05 ac.);
- To increase the maximum setback of a single family dwelling from the front lot line, from 50 metres (164 ft.) to 115 metres (377 ft.); and
- To increase the maximum depth of the farm residential footprint from 60 metres (197 ft.) to 134 metres (440 ft.).

Applicant's Reasons:

- The applicant's family is heavily committed to farming and has been actively farming in Surrey since 1963. Inclusive of the subject site, the applicant's family farm is 67 hectares (165 ac.).
- The northern-most house (House No. 1) will be removed upon completion of the proposed house, and that portion of the site will be restored to farm use. It would not be desirable to construct the proposed house in this location, as it is too close to the farming operations, which are quite active.
- The combined farm residential footprint area of existing House Nos. 1, 2 and 3 is 6,550 square metres (1.6 ac.). The proposed farm residential footprint of 4,250 square metres (1.0 ac.), is a net reduction of 2,300 square metres (0.6 ac.) from the existing farm residential footprint of 6,550 square metres (1.6 ac.).
- House No. 3 will be removed, and the proposed house will be constructed in its place, without encroaching into active farmland.
- The 29-hectare (72 ac.) subject site is quite large, and the size of the proposed farm residential footprint is reasonably proportioned to the size of the site. The proposed farm residential footprint will occupy less than 1.5% of the site, which is substantially less than the allowable 7.5% (3,000 square metres / 0.75 ac.) for a 4-hectare (10 ac.) site under the A-1 Zone.

Staff Comments:

- The A-1 Zone permits a maximum of two dwellings on properties that are a farm operation and are a minimum of 4 hectares (10 ac.) in size. The subject site is 72 acres in size, is actively farmed and has farm status under the BC Assessment Act, therefore, two dwellings are permitted.
- The proposed new home will comply with the maximum setback requirements of the A-1 Zone.
- Two of the three requested variances (increased maximum setback and increased depth of farm residential footprint) are to bring the existing single family dwelling (House No. 2) into compliance with the setback requirements of the A-1 Zone. The existing single family dwelling was constructed prior to the farm residential footprint requirements coming into effect.
- In instances where two dwellings are permitted, it is intended for them to be constructed nearby each other within one cohesive farm residential footprint. On the subject site, given the existing homes were constructed prior to the farm residential footprint requirements coming into effect, and, productive farmland would need to be removed to construct the proposed new house within the vicinity of the existing house to be retained (House No. 2), the separation between House No. 2 and the proposed new house is acceptable.
- The applicant's modified proposal complies with the recommendations of the AFSAC.

- 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.	Aerial Image with House No.'s
Appendix III.	Draft Agriculture and Food Security Advisory Committee Minutes
Appendix IV.	Development Variance Permit No. 7915-0081-00

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

JD/da

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DRV 6/11/15 10:05 AM

Information for City Clerk

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

1. (a) Agent: Name: Dave Melnychuk

 Address: 19915 - 37A Avenue
 Langley, BC V3A 2S8

 Tel: 604-812-3276

2. Properties involved in the Application
 - (a) Civic Address: 8307 - 188 Street

 - (b) Civic Address: 8307 - 188 Street
 Owners: Shirley Kools
 Cornelis Kools
 PID: 002-059-789
 The North Half Of The South West Quarter Of Section 28 Township 8 Except Firstly:
 Parcel "A" (Reference Plan 4469); Secondly: The East 16.5 Feet (Reference Plan 5307)'
 Thirdly: Parcel "B" (Reference Plan 34777); Fourthly: Part Subdivided By Plan 39123;
 Fifthly: Parcel "D" (Bylaw Plan 40118; New Westminster District

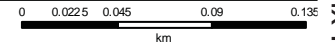
3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7915-0081-00 and
 bring the Development Variance Permit forward for issuance and execution by the Mayor
 and City Clerk.



Enter Map Description

Scale: 1:3,602

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: 21/04/201

Discussion

- There is a restricted covenant in place which prohibits the subject property from being used for any purpose other than a golf course, subject to terms and conditions set out by the ALC. Nothing has changed since the last time this application was brought forward.
- Under Surrey's current no net loss (Policy O-51) in the ALR, the applicant is not offering any compensation. The Compensation Policy for a 2:1 compensation for ALR lands has now been embedded into the OCP/ bylaw as a requirement for considering ALR exclusion applications.
- The comment was made that a business park would not likely be any more successful than the current operation due to transportation in and out.

M. Hilmer left the meeting at 10:30 a.m.

- Given that there is a restrictive covenant in place and the fact that nothing has changed since the previous application, it was felt that any further discussion was unnecessary.

It was

Moved by M. Bose

Seconded by D. Arnold

Advisory Committee support this application

That the Agriculture and Food Security and Development not

DRAFT

5. **Variations to the A-1 Zone to Permit a New Dwelling** (S. Long)

File: 15-0081-00

The following comments were made:

- The subject property is 72 acres in the ALR located at 8307 188 Street. It is designated agriculture in the OCP and zoned A-1. The site is actively farmed.
- The applicant proposes to construct a new dwelling on the southeast portion of the site behind one of the existing dwellings which would be removed following construction. The existing dwelling conforms to the maximum setback requirement of the A-1 Zone but is disconnected from the Farm Residential footprint. The proposed new dwelling does not comply with provisions of the A-1 Zone in terms of maximum setback requirement and because it is not part of a separate farm residential footprint.
- There are currently three houses on the existing site. It is proposed that House #1 be demolished and the land restored to farm use. House #2 would be retained, and the applicant would live in house #3 while the

new dwelling is under construction, after which house #3 would be demolished.

- The variances include:
 - increasing the allowable area of the farm residential footprint from 3,000 square metres to 4,750 square metres; and
 - increasing the maximum setback from 50 meters to 115 meters and the maximum depth of the footprint to 134 meters.

Discussion

- Retaining house #3 while the new dwelling is under construction would increase the footprint for no gain. However, there is some support for variance on house #2 to allow the existing non-conforming siting to be amended to conform.
- It was noted that removal of house #1 would result in a reduction in the farm residential footprint from what exists currently.
- If house #1 is demolished, the applicant would then need to conform to the A-1 zone requirement of only being allowed two dwellings (one for farm help); the applicant would not be permitted to apply for a third dwelling which is existing non-conforming use. If this application is approved, the applicant would vary the bylaw to conform, and be required under the existing bylaw to have only 2,000 square meters of farm residential footprint for one dwelling and an additional 1,000 square meters for the second dwelling.
- Concern was expressed that, according to farming analysis, there would be no benefit to increasing the setback and doing so would set a new precedent to allow setback variances and to allow homes on two separate residential homplates.
- Discussion ensued regarding the feasibility of building in close proximity to house #3 from an engineering perspective, and it was suggested house #1 be retained while the new dwelling is under construction.
- It was noted that second a dwelling in the ALR must only be used for full-time bona-fide farm help, and that rentals for non-farm help is not permitted in the ALR.
- An option was put forth to consider tearing down house #1 and locate the new dwelling at that site, as it would be close to the road and contiguous to the remaining house #2, and the applicant would then remove house #3 as planned and return land to farm potential. With this option there would be no need for a variance.

DRAFT

It was Moved by H. Dhillon
Seconded by P. Harrison
That the Agriculture and Food Security
Committee recommend the GM of Planning and Development:

- 1) Support retention of house #1, and house #2 to remain during construction of additional dwelling at the location of house #3 within current setback limitations of the A-1 Zone, given that house #1 will eventually be torn down but could house the farm workers; and
- 2) House #3 should not be retained during construction as it would require additional farmland to be removed from production.

Carried

6. **Proposed Duplex** ()
File: 15-0086-00

The following comments were made:

- The applicant intends to expand onsite farming operations and proposes to construct a duplex as a second residence for farm workers on the subject site. Duplexes are considered non-farm use under the *ALC Act* and ALR regulations.
- Applicant has indicated that immediate family members would occupy one half of the duplex and farm workers would occupy the second half.
- Although the A-1 zone does not limit the maximum size of dwellings, they must fall within the farm residential footprint. The allowable area of the farm residential footprint for the subject site is 3,000 square metres (2,000 square meters for principle dwelling and a potential additional 1,000 square meters for a second dwelling for farm help).
- The existing single family dwelling will be demolished and the applicant's intent is to construct a new single family dwelling near the proposed duplex.
- The fill permit application pre-dated zoning bylaw changes for the farm residential footprint.

Discussion

- Assurances must be made that applications for a second dwelling would be used for full-time farm workers; and if that is not the case, an ALC application may be in order to get approval.
- One Committee member noted that there is good reason for having workers on site, and more in depth discussion is required around the issue of additional housing.

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7915-0081-00

Issued To: CORNELIS KOOLS
SHIRLEY KOOLS

("the Owner")

Address of Owner: 18030 - 88 Avenue
Surrey, BC V4N 6E8

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: 002-059-789

The North Half Of The South West Quarter Of Section 28 Township 8 Except Firstly: Parcel "A" (Reference Plan 4469); Secondly: The East 16.5 Feet (Reference Plan 5307); Thirdly: Parcel "B" (Reference Plan 34777); Fourthly: Part Subdivided By Plan 39123; Fifthly: Parcel "D" (Bylaw Plan 40118; New Westminster District

8307 - 188 Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Sub-Section J.2(b) of Part 10 – General Agriculture Zone (A-1), the maximum size of the farm residential footprint is increased from 3,000 square metres (0.75 ac.) to 4,250 square metres (1.05 ac.);
 - (b) For the existing house to be retained, in Sub-Section F.1(b) of Part 10 – General Agriculture Zone (A-1), the maximum setback of a single family dwelling from the front lot line is increased from 50 metres (164 ft.) to 115 metres (377 ft.); and
 - (c) For the existing house to be retained, in Sub-Section J.2 of Part 10 – General Agriculture Zone (A-1), the maximum depth of the farm residential footprint is increased from 60 metres (197 ft.) to 134 metres (440 ft.).

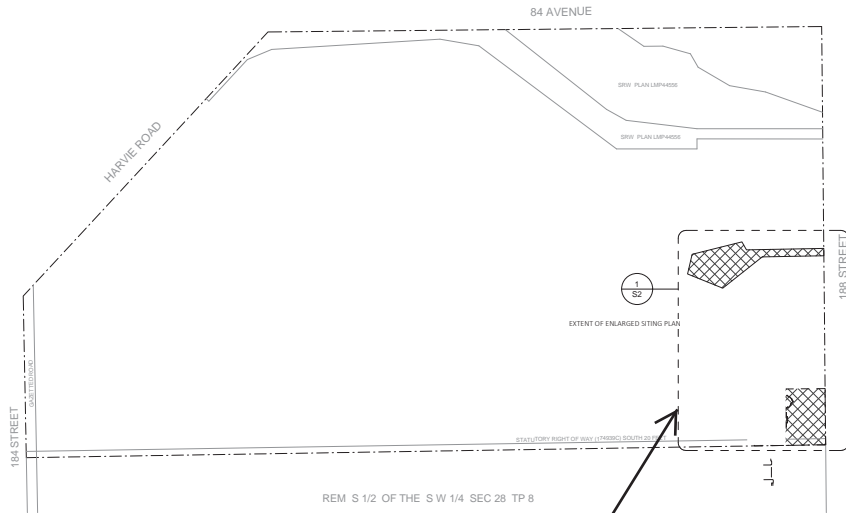
4. This development variance permit applies to only the portion of the Land and to the buildings and structures on the Land shown on Schedule A which is attached hereto and forms part of this development variance permit. This development variance permit does not apply to additions to, or replacement of (with the exception of a new house to be constructed in place of an existing house in the southeast corner of the site as shown on Schedule A), any of the existing buildings shown on attached Schedule A, which is attached hereto and forms 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

Schedule A

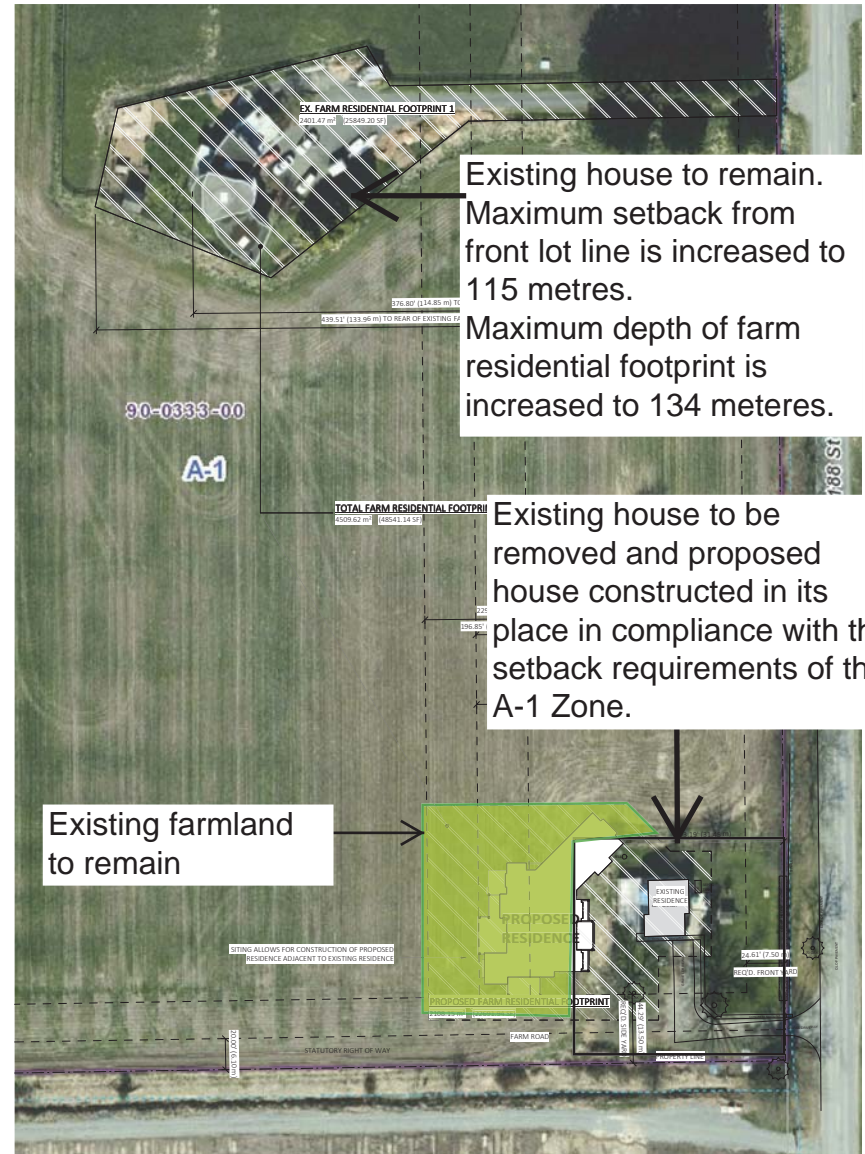


OVERALL SITE PLAN

SCALE: 1" = 200'-0"

Farm residential footprint area not to exceed 4,250 square metres (hatched area).

NOTE:
THIS INFORMATION ON THESE PLANS IS DERIVED FROM A COMBINATION OF S.I.C.L.S. DATA AND GRAPHICAL INFORMATION AVAILABLE ON THE CITY OF SURREY'S ONLINE COSMOS WEBSITE AND IS PROVIDED FOR REFERENCE PURPOSES ONLY.



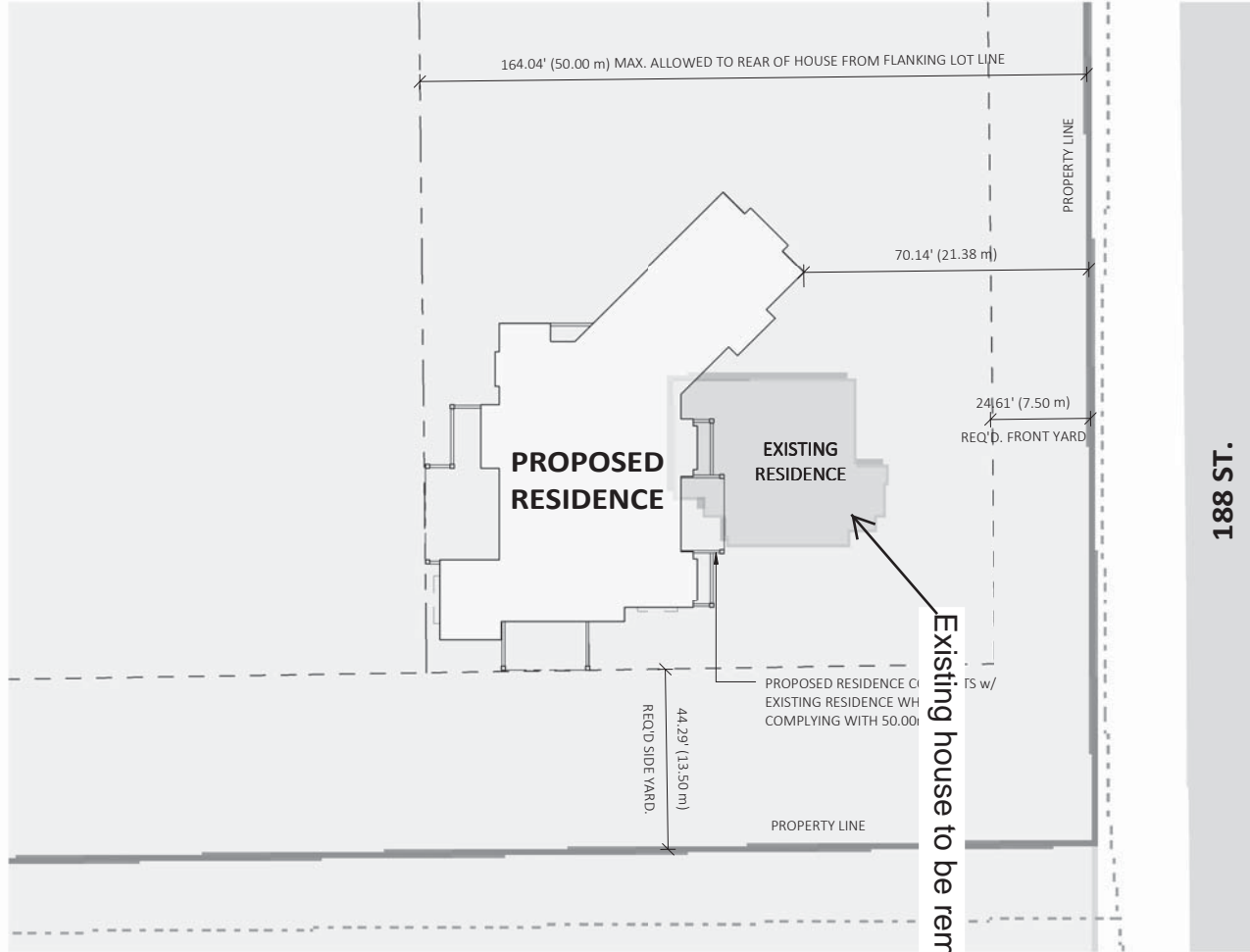
Existing house to remain.
Maximum setback from front lot line is increased to 115 metres.
Maximum depth of farm residential footprint is increased to 134 metres.

Existing house to be removed and proposed house constructed in its place in compliance with the setback requirements of the A-1 Zone.

Existing farmland to remain

PROPOSED SITING, EXISTING & PROPOSED FARM RESIDENTIAL FOOTPRINTS

SCALE: 1" = 40'-0"



SITING - 50.0m RULE

SCALE: 1" = 30'-0"

NOTE:
 THIS SITING PLAN IS DERIVED FROM GRAPHICAL INFORMATION AVAILABLE ON THE CITY OF SURREY'S ONLINE 'COSMOS' WEBMAP AND IS PROVIDED FOR REFERENCE PURPOSES ONLY. ALL INFORMATION TO BE CONFIRMED BY A SURVEYOR LICENSED IN THE PROVINCE OF BRITISH COLUMBIA.

PROPOSED SITING - KOOLS RESIDENCE

PLAN#2GD-6371.73R-117.85x93.05-B

SCALE: 1" = 30'-0"

SHEET: S1

03/03/2015 3:41:37 PM

RAYMOND S. BONTER DESIGNER LTD.

#88 - 1959 152nd STREET
 SOUTH SURREY, B.C. V4A 9E3

PHONE: 604-535-3322
 EMAIL: info@raymondbonterdesigner.ca