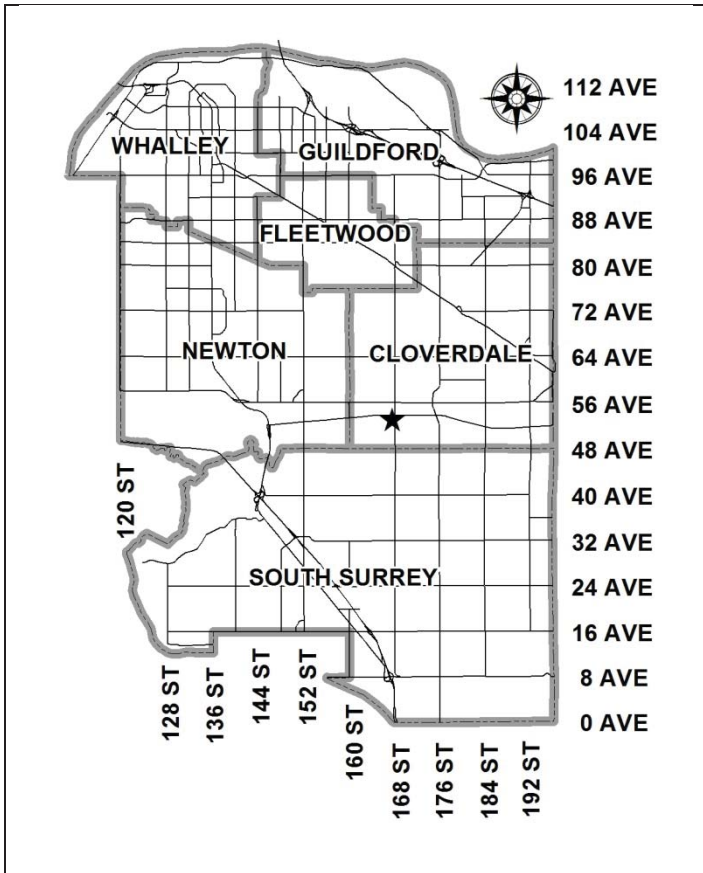


Planning Report Date: November 7, 2016



**PROPOSAL:**

- **Development Variance Permit**

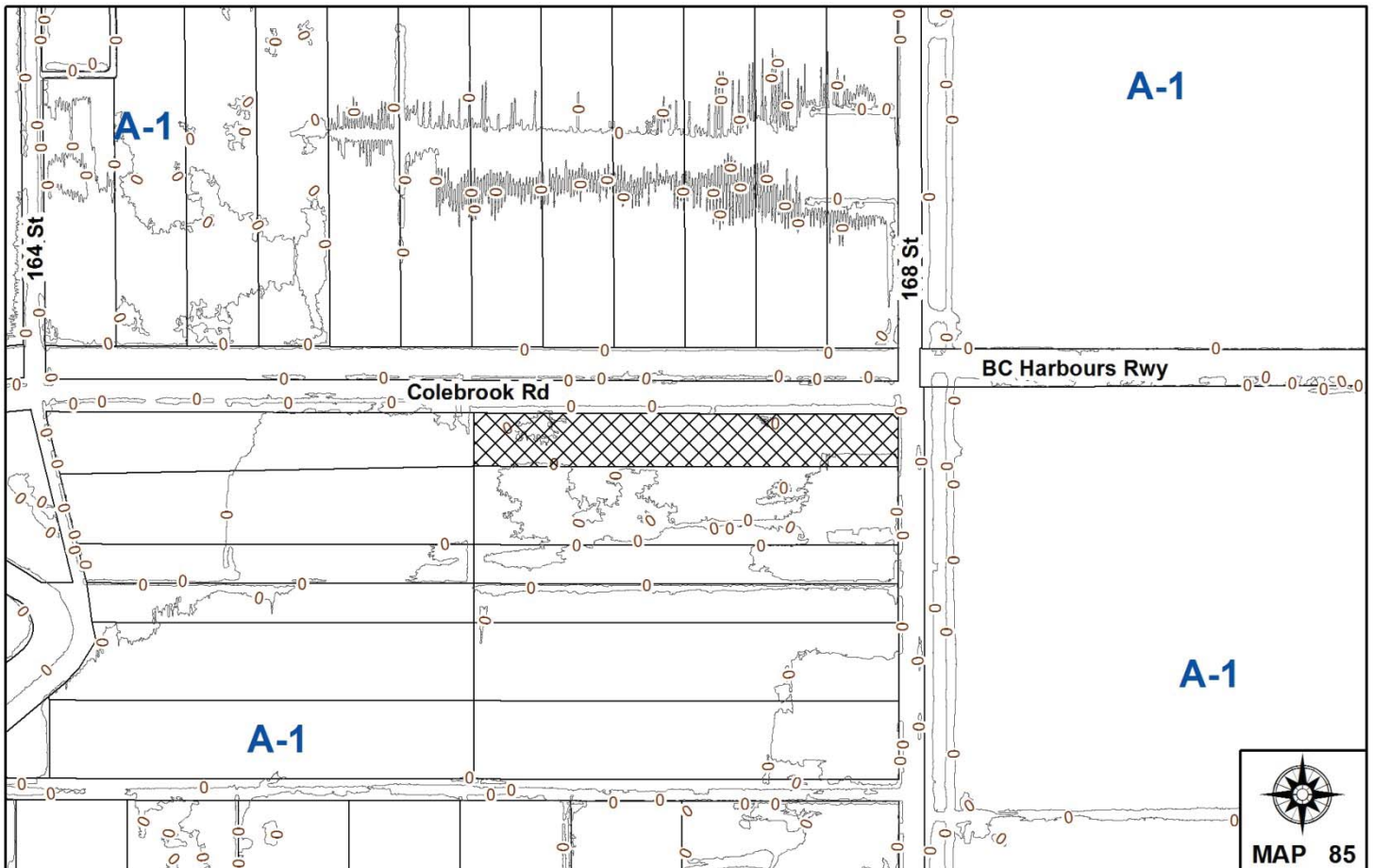
to reduce the minimum south side yard setback and the minimum north side yard on a flanking street setback to permit the construction of a new farm building (storage barn).

**LOCATION:** 5355 - 168 Street

**OWNERS:** Kuldeep Singh Brar  
 Gunpreet K Brar

**ZONING:** A-1

**OCP DESIGNATION:** Agricultural



### RECOMMENDATION SUMMARY

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

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- To permit the construction of a farm building, the applicant is seeking to vary the minimum setbacks in the A-1 Zone as follows:
  - the south side yard setback from 15 metres (50 ft.) to 4.87 metres (15.75 ft.); and
  - the north side yard on a flanking street setback from 30 metres (100 ft.) to 26 metres (85 ft.).

### RATIONALE OF RECOMMENDATION

- The 1.9-hectare (4.8-acre) site is located in the Agricultural Land Reserve (ALR) and is used for the production of blueberries.
- The applicant is seeking to construct a farm building (storage barn) for the storage of blueberries and farm equipment.
- The location of the proposed farm building is not currently being used for agricultural production.
- The proposal limits the overall impact on farmable land by clustering both farm and residential buildings in a contiguous area.
- The proposed location of the farm building is more in keeping with the intent of the BC Ministry of Agriculture's "Guide for Bylaw Development in Farming Areas" (2015) with respect to both exterior and interior side yard requirements.
- The Agriculture and Food Security Advisory Committee (AFSAC) supports the proposal with one (1) condition that the proposed storage barn be located a maximum of 30 metres (100 ft.) from the residential dwelling on the lot as measured from adjacent exterior building faces, which the applicant has met.
- The requested setback variances would allow the proposed farm building to be sited in a location with the least disturbance to both the existing blueberry farm operation and the ultimate road edge of Colebrook Road.

**RECOMMENDATION**

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7916-0444-00 (Appendix V) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum south side yard setback of the A-1 Zone from 15 metres (50 ft.) to 4.87 metres (15.5 ft.) for a farm building; and
  - (b) to reduce the minimum north side yard setback on a flanking street of the A-1 Zone from 30 metres (100 ft.) to 26 metres (85 ft.) for a farm building.
  
2. Council instruct staff to resolve the following issue prior to approval:
  - (a) ensure that all engineering requirements and issues in regards to the submission and approval of soil deposition permits where necessary, are addressed to the satisfaction of the General Manager, Engineering.

**REFERRALS**

Engineering:	The Engineering Department has no objection to the project (subject to completion of Engineering requirements) as outlined in Appendix IV.
Agriculture and Food Security Advisory Committee (AFSAC):	The project was reviewed at the October 6, 2016 AFSAC meeting wherein the Committee recommended support on the condition that the proposed farm building (storage barn) be sited no further than 30 metres (1000 ft.) from the proposed dwelling on the property. The applicant has met this requirement (Appendix III).

**SITE CHARACTERISTICS**

Existing Land Use: There are currently no existing buildings on the subject lot however a building permit and concurrent soil deposit permit have been issued to allow the construction of a single family dwelling on the lot. The site is currently used for the production of blueberries.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across Colebrook Road and railway line):	Active farmland within the ALR	Agricultural	A-1

Direction	Existing Use	OCP Designation	Existing Zone
East (Across 168 Street):	City-owned park (Mound Farm Park) within the ALR	Agricultural	A-1
South:	Active farmland and proposed single family dwelling (permit stage) within the ALR	Agricultural	A-1
West:	Active farmland and farm building within the ALR	Agricultural	A-1

### DEVELOPMENT CONSIDERATIONS

- The 1.93-hectare (4.78-acre) subject lot is located at 5355 – 168 Street in Cloverdale. The site is approximately 48.79 metres (160 ft.) wide and 393.46 metres (1,291 ft.) deep and fronts 1688 Street (designated arterial road) and flanks Colebrook Road (designated arterial road).
- The lot is designated "Agricultural" in the Official Community Plan (OCP) and is zoned "General Agriculture Zone (A-1)".
- The lot is located within the Agricultural Land Reserve (ALR) as well as within the 200-year flood plain of the Serpentine River.
- The lots to the north, east, south and west of the subject lot are designated "Agricultural" in the Official Community Plan (OCP) and zoned "General Agriculture Zone (A-1)". All adjoining lots are actively farmed, including the City-owned site on the east side of 168 Street (Mound Farm).
- There is an intermittent Class 'A/O' (red-coded) watercourse located to the north of the subject property. Part 7A (Streamside Protection) of the Zoning By-law states that the minimum required setback, as measured from top-of-bank, for an existing lot where zoning allows for single family or duplex uses is 15 metres (50 ft.). As indicated on the site plan, attached as Appendix II, both the proposed farm building and farm road would be located outside of the required 15-metre (50-ft.) setback area, as measured from top-of-bank.
- Colebrook Road, which flanks the north side of the subject lot, is classified as an arterial road. Part 7 Special Building Setbacks of Zoning By-law No. 12000 stipulates that the setback of buildings on a lot abutting an existing or future major road shall be the sum of one-half of the ultimate road allowance shown in the Major Road Allowance Map, measured from the centreline of the ultimate road allowance, plus the required setback set of the zone in which the lot is located.
- Since Colebrook Road is an arterial road, under the revised standards of the Subdivision & Development By-law approved by Council in 2012, the ultimate road width is 40 metres (131 ft.). The existing road allowance for Colebrook Road is 30.48 metres (100 ft.) in width, and therefore requires an additional 9.52 metres (31.23 ft.) of widening.

- The Engineering Department has determined that, for this portion of Colebrook Road, the planned 40 metres (131 ft.) of road allowance will be necessary to ultimately widen Colebrook Road to the City's arterial standard. As this portion of Colebrook Road is flanked to the north by property owned and operated by BC Railways (BC Harbours Railway) the ultimate road allowance requires an offset road centreline. The resultant north side yard on a flanking street setback on the subject property is therefore the full 9.52 metres (31 ft.) of anticipated future road widening for Colebrook Street plus the required setback under the A-1 Zone.
- The owner purchased the property as a single lot, owner-operated farm operation for the production of blueberries. A building permit and concurrent soil permit was issued by the City in 2016 to permit the construction of a single family dwelling on a residential farm homeplate on the eastern edge of the subject property, as illustrated on the site plan attached as Appendix II.
- The applicant is requesting a relaxation of both the south side yard setback and the north side yard on a flanking street setback requirements of the A-1 Zone to allow a new farm building (storage barn) to be located near the south property line. The proposed farm building would be used for storing machinery with a portion, approximately 50 square metres (540 sq.ft.) in size, used for the sale of farm products produced by the farm operation and as a lunchroom/washroom facility for farm workers. There are to be no dwelling units within the proposed farm building.
- The proposed farm building will have four (4) large overhead doors along the north side to allow farming machinery to easily drive in and out of the building.
- Prior to issuance of the Development Variance Permit (DVP) and subsequent building permit the applicant must obtain an approved soil permit for the deposition of soils on the subject property.

#### BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variances:

- To vary the setbacks of the A-1 Zone, for the construction of a farm building, as follows:
  - Reduce the minimum south side yard setback from 15 metres (50 ft.) to 4.87 metres (15.75 ft.); and
  - Reduce the minimum north side yard setback along a flanking street from 30 metres (100 ft.) to 26 metres (85 ft.).

Applicant's Reasons:

- Clustering both the residential and farm buildings on the subject property will allow the owners to operate the farm more cost-effectively and efficiently.

- The proposal will afford the owner better sightlines to the blueberry fields to the west, helping with security on the property.
- The proposed flanking side yard and interior side yard variances, which would permit the farm building to be placed closer to the south property line, would allow for less restricted access to the blueberry fields as well as for the area between the northern property line and the proposed farm building to be used as a work area.

Staff Comments:

- The subject property is relatively narrow compared to other agricultural lands at only 48.49 metres (160 ft.) in width. Applying the full 15-metre (50-ft.) south side yard setback, 30-metre (100-ft.) north side yard on a flanking street setback and the additional 9.52-metre (31 ft.) special building setback of Zoning By-law No. 12000 would render construction of the proposed farm building impossible.
- The proposal limits the overall impact on farmable land within the Agricultural Land Reserve (ALR) by clustering both the residential and farm buildings in a contiguous area.
- The proposed location of the farm building is more in keeping with the intent of the BC Ministry of Agriculture's "Guide for Bylaw Development in Farming Areas" (2015) with respect to both interior and exterior side yard requirements as the report recommends a maximum interior side yard setback of 4.5 metres (15 ft.) and maximum exterior side yard setback of 7.5 metres (25 ft.) for farm storage buildings.
- The proposed variances were reviewed at the October 6, 2016 Agriculture and Food Security Advisory Committee (AFSAC) meeting and AFSAC recommended a motion of support with one (1) condition, which the applicant has fulfilled.
- In reviewing this portion of Colebrook Road in relation to the proposed and existing conditions of the subject lot, the Engineering Department has concluded that a reduction to the flanking side yard (Colebrook Road) is supportable in conjunction with a reduction to the interior side yard. Despite the requested relaxation, the proposed farm building would still be a substantial distance, approximately 26 metres (85 ft.) from the ultimate road edge, when compared to existing farm buildings on adjacent lots flanked by Colebrook Road.

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. Draft Minutes of October 6, 2016 Agriculture and Food Security Advisory Committee (AFSAC) Meeting
- Appendix IV. Engineering Summary
- Appendix V. Development Variance Permit No. 7916-0444-00

*original signed by Judith Robertson*

Jean Lamontagne  
General Manager  
Planning and Development

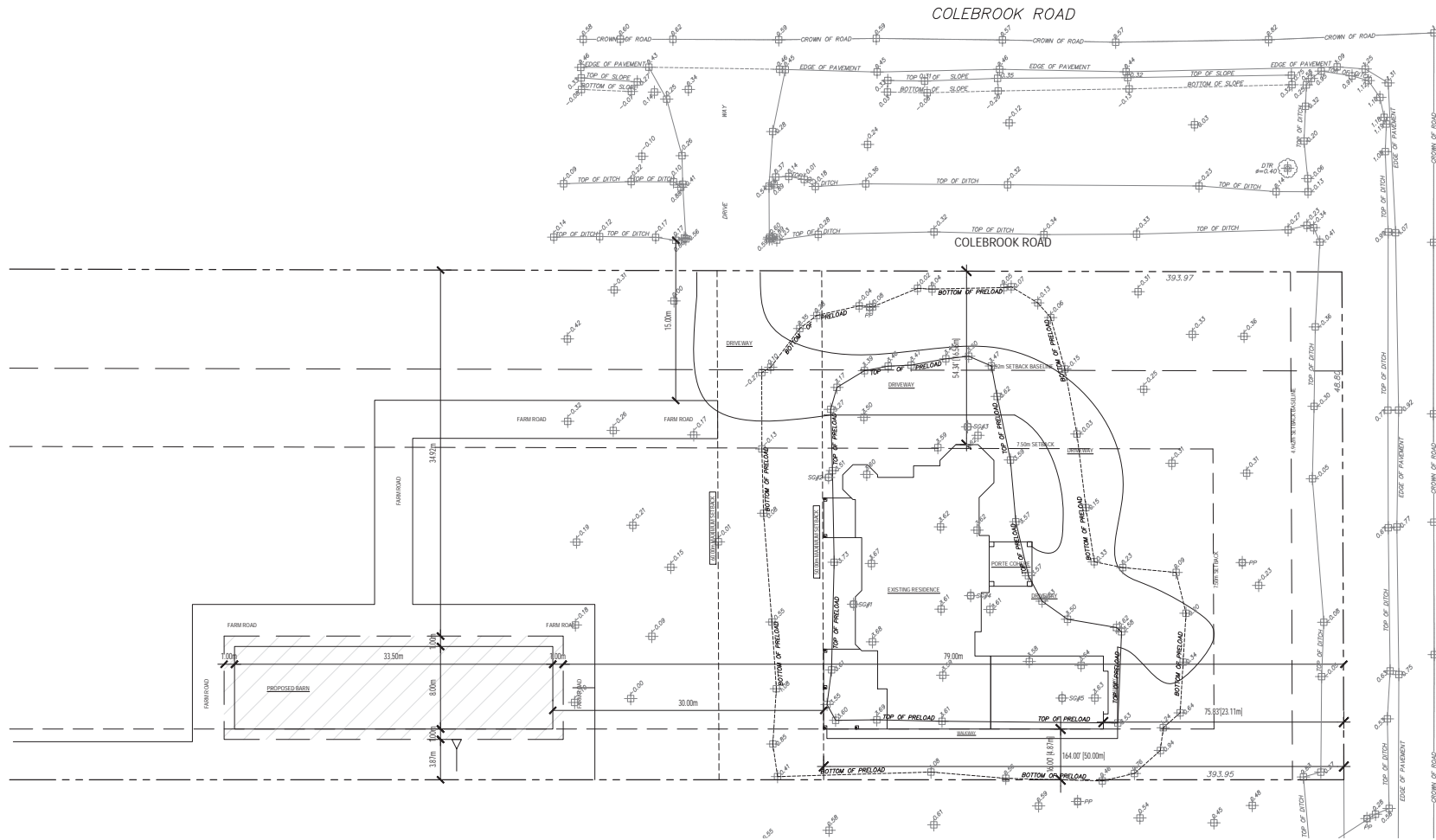
CRL/da

Information for City Clerk

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

1. (a) Agent:      Name:                  Kuldeep Singh Brar  
                         Address:                  17227 - 64 Avenue  
    Surrey, BC V3S 1Y6
  
2.       Properties involved in the Application
  - (a)      Civic Address:                  5355 - 168 Street
  
  - (b)      Civic Address:                  5355 - 168 Street  
            Owners:                          Gunpreet K Brar  
    Kuldeep Singh Brar  
            PID:                                  007-434-596  
            Lot:                                    5, 007-434-596  
            Lot 5 Except Parcel "A" (Reference Plan 35173), North East Quarter Section 1 Township 2  
            New Westminster District Plan 1752
  
3.       Summary of Actions for City Clerk's Office
  - (a)      Proceed with Public Notification for Development Variance Permit No. 7916-0444-00 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 upon the satisfaction of Engineering requirements.





168th STREET



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

AGRICULTURE AND FOOD SECURITY ADVISORY COMMITTEE  
THURSDAY, OCTOBER 6, 2016

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**D. NEW BUSINESS****1. Development Variance Permit 7916-0444-00**

Christopher Lumsden, Planning Technician

File: 6880-75; 7916-0444-00

The following comments were made:

- The subject property is 1.93 hectares (4.78 acres) in size, is designated Agricultural in the Official Community Plan (OCP), zoned General Agriculture Zone (A-1), and is classified as farmland under the *Assessment Act*.
- The City of Surrey issued a permit to construct a residential dwelling on a pre-load pad at the eastern end of the property. The site currently produces blueberries and has no existing house.
- The applicant is requesting to vary the south yard setback requirements permitted under Section B.1 in the General Agriculture Zone (A-1) from 15 metres (50 ft.) to 5.0 metres (16.25 ft.); and vary the north side yard setback from the side street from 30 metres to 25.4 metres to accommodate the construction of a storage barn for the purposes of storing blueberries and farming equipment.
- A permit to allow the construction of a 613.6 square metre (6,605 sq. ft.) single family dwelling was issued upon the application of pre-load soils. The proposed storage barn is located in an area of the property which is not subject to the application of pre-load soils. The applicant will be responsible for obtaining a soil permit for both the proposed storage barn and the connected driveway.

The Committee noted their concerns with how far into the subject property the storage barn is. They would like to see the proposed storage barn closer to the house to allow for maximum agricultural use.

It was

Moved by M. Bose

Seconded by D. Arnold

That the Agriculture and Food Security Advisory Committee recommend to the General Manager of Planning and Development to support the proposed Development Variance Application 7916-0444-00 and request that the setback from the house is no greater than 30 metres from the east side of the barn.

Carried

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

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

DATE: **November 1, 2016** PROJECT FILE: **7816-0444-00**

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RE: **Engineering Requirements  
Location: 5355 168 Street**

#### DEVELOPMENT VARIANCE PERMIT

The following engineering requirements are to be met prior to issuance of the Development Variance Permit;

- The applicant is required to have a fill permit. An application to the ALC will be required for the placement of fill necessary to construct a farm building where the area occupied by the building (building footprint and soils) exceeds 2% of the area of the parcel.

The applicant is advised that:

- The property is located within the floodplain and as such is susceptible to the 200 year flood.
- The property is located within the seismically vulnerable area.
- Any Structures must be located outside the setback area for the Class A/O ditches (Burrows Ditch tributaries) located along the north, east, and west property lines.

The City's Engineering Department will not support the issuance of the Development Variance Permit (or any Building Permit) until the above requirements are addressed.



Rémi Dubé, P.Eng.  
Development Services Manager

CE

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7916-0444-00

Issued To: Kuldeep Singh Brar  
Gunpreet K Brar

("the Owners")

Address of Owners: 17227 - 64 Avenue  
Surrey, BC  
V3S 1Y6

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: 007-434-596

007-434-596

Lot 5 Except Parcel "A" (Reference Plan 35173), North East Quarter Section 1  
Township 2 New Westminster District Plan 1752

5355 - 168 Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:

(a) In Section F of Part 10 General Agriculture Zone (A-1), the minimum side (south) yard setback is reduced from 15 metres (50 ft.) to 4.87 metres (15.75 ft.) for a farm building; and

(b) In Section F of Part 10 General Agriculture Zone (A-1), the minimum side (north) yard on a flanking street setback is reduced from 30 metres (100 ft.) to 26 metres (85 ft.) for a farm building.

4. This development variance permit applies to only that portion of 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, 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   .

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Mayor – Linda Hepner

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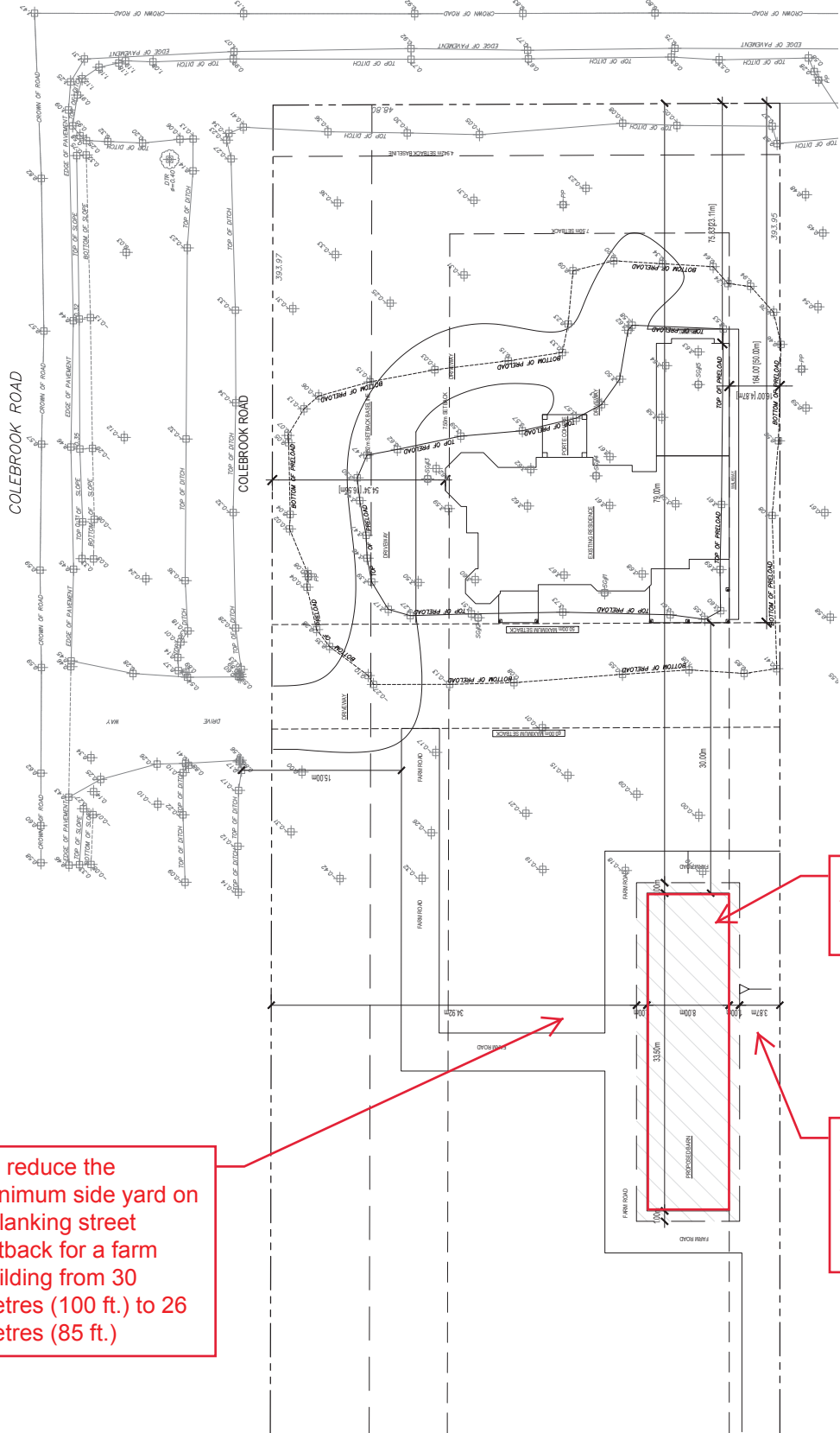
City Clerk – Jane Sullivan

**SCHEDULE A**



**SITE PLAN**  
SCALE: 1/16" = 1'-0"

168th STREET



To reduce the minimum side yard on a flanking street setback for a farm building from 30 metres (100 ft.) to 26 metres (85 ft.)

Proposed location of farm building (storage barn).

To reduce the side yard setback for a farm building from 15 metres (50 ft.) to 4.87 metres (15.75 ft.).