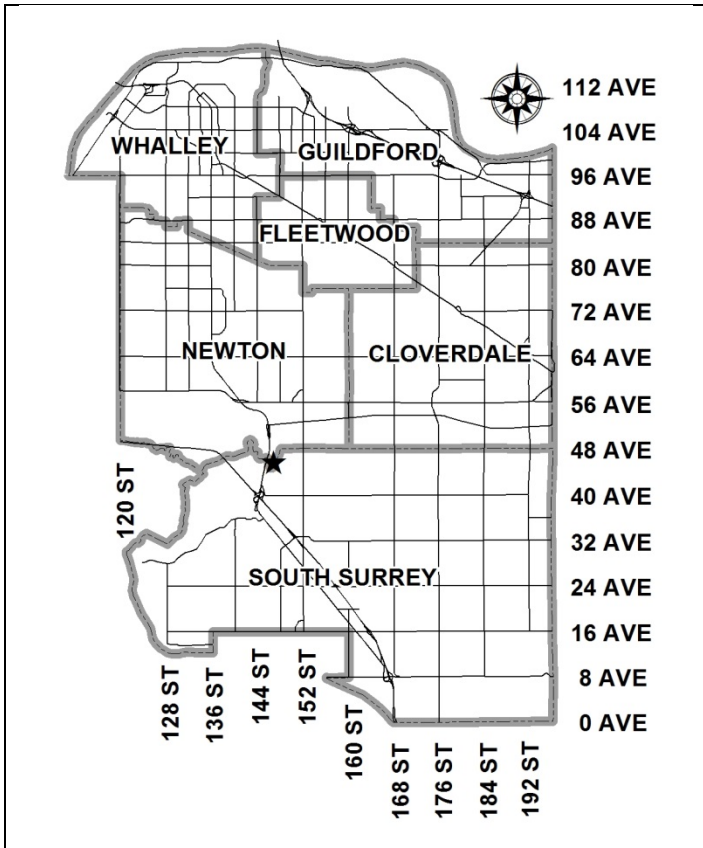


City of Surrey  
PLANNING & DEVELOPMENT REPORT

File: 7917-0395-00

Planning Report Date: June 11, 2018



**PROPOSAL:**

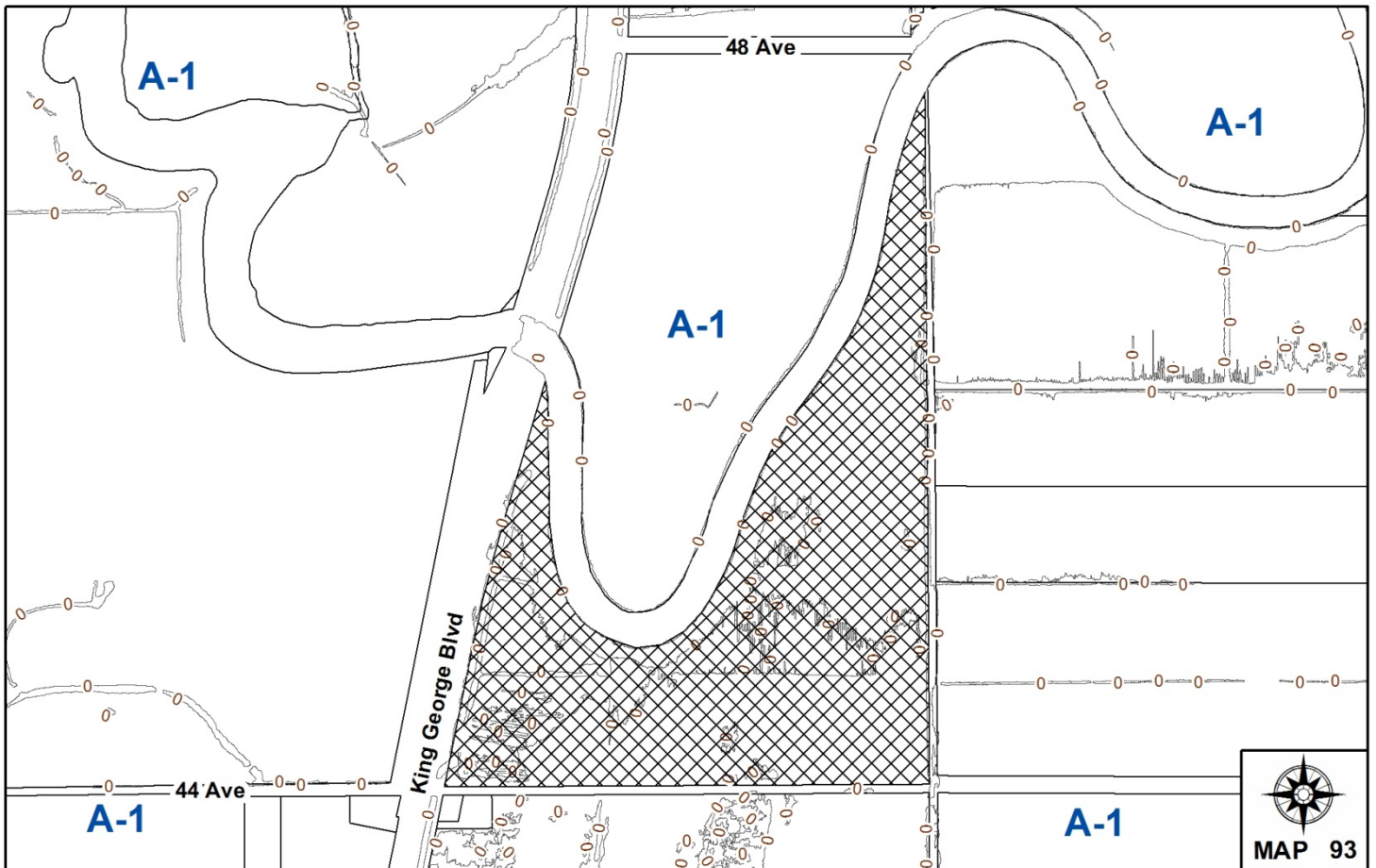
- **Development Permit**
- **Development Variance Permit**

to increase the maximum setback of the farm residential footprint to allow construction of a dwelling on the existing farm residential homeplate.

**LOCATION:** 14571 - 44 Avenue

**ZONING:** A-1

**OCP DESIGNATION:** Agricultural



### RECOMMENDATION SUMMARY

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

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is proposing to increase the maximum setbacks for a single family dwelling and the farm residential footprint in the “General Agricultural Zone (A-1)”.

### RATIONALE OF RECOMMENDATION

- The proposed variance will allow for the construction of a dwelling on the existing (historical) farm residential homeplate, which is accessed via a private driveway along the unopened 44 Avenue road allowance.
- Allowing the farm residential homeplate to be sited in its current location will not result in further disturbance of agriculturally producing land.
- In the Ministry of Agriculture’s *Regulating the Siting and Size of Residential Uses in the ALR*, September 2011 Discussion Paper, the Ministry provides reasons for which a variance to the farm residential footprint siting may have merit and be considered by municipalities. The Ministry notes that where private roads give access to a property, it should be considered the same as a public road. To this end, the setback measurements to the rear of the proposed single family dwelling and the farm residential footprint can be taken from the edge of the unopened portion of 44 Avenue.
- The applicant has submitted an Ecosystem Development Plan prepared by Enkon Environmental Ltd., which demonstrates that the proposed single family dwelling will have little impact on either the streamside protection area or Green Infrastructure Network (GIN) corridor.

**RECOMMENDATION**

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7917-0395-00 (Appendix IV) varying the following, to proceed to Public Notification:
  - (a) to increase the maximum setback of the single family dwelling in the A-1 Zone from 50 metres (164 ft.) to 143 metres (469 ft.); and
  - (b) to increase the maximum setback of the farm residential footprint in the A-1 Zone from 60 metres (197 ft.) to 153 metres (501 ft.).
  
2. Council authorize staff to draft Development Permit No. 7917-0395-00 for Sensitive Ecosystems, generally in accordance with the Ecosystem Development Plan prepared by Enkon Environmental Ltd., and dated March 7, 2018.
  
3. Council instruct staff to resolve the following issues prior to final approval:
  - (a) submission of a landscaping plan and landscaping cost estimate in accordance with the Ecosystem Development Plan to the specifications and satisfaction of the Planning and Development Department; and
  - (b) Registration of a Section 219 Restrictive Covenant to ensure future house construction and siting is in accordance with the recommendations in the Ecosystem Development Plan.

**REFERRALS**

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

Agricultural and Food Security Advisory Committee (AFSAC): At the May 3, 2018 meeting, AFSAC supported the proposed variances to increase the maximum setback of the single family dwelling and farm residential footprint (draft Minutes - Appendix III).

**SITE CHARACTERISTICS**

Existing Land Use: Blueberry farm and recently demolished dwelling.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across Serpentine River):	Active farmland within ALR.	Agricultural	A-1

Direction	Existing Use	OCP Designation	Existing Zone
East:	Active farmland within ALR.	Agricultural	A-1
South:	44 Avenue road allowance (unopened); Single family dwellings and active farmland within ALR.	Agricultural	A-1
West (Across King George Boulevard):	Serpentine Wildlife Management Area.	Agricultural	A-1

## DEVELOPMENT CONSIDERATIONS

### Background

- The subject property is approximately 19.7 hectares (48.6 acres) in size and located within the Agricultural Land Reserve (ALR) and the 200 year floodplain. It is designated “Agricultural” in the Official Community Plan (OCP), zoned “General Agricultural Zone (A-1)” and is not classified as farmland under the Assessment Act.
- The subject site is currently a blueberry farm with a recently demolished dwelling and farm building located at the southwest portion of the site.

### Current Proposal

- The applicant proposes to construct a dwelling that is approximately 1,009 square metres (10,871 sq. ft.) in floor area.
- The “General Agricultural Zone (A-1)” regulates the siting of all residential buildings. No portion of a single family dwelling shall be located farther than 50 metres (164 ft.) from the front lot line. Furthermore, the farm residential footprint is to be located within 60 metres (197 ft.) from the front lot line, within which all accessory farm residential buildings and facilities such as residential driveways, tennis courts, and swimming pools must be located. The proposed location of the single family dwelling and farm residential footprint does not comply with the maximum setbacks for single family dwellings and the farm residential footprint in the A-1 Zone.
- The applicant proposes to increase the maximum setback for a single family dwelling in the “General Agricultural Zone (A-1)” from 50 metres (165 ft.) to 143 metres (469 ft.) and to increase the maximum depth of the farm residential footprint from 60 metres (197 ft.) to 153 metres (501 ft.).
- The applicant is not proposing to vary the maximum size of the farm residential footprint of 2,000 square metres (0.5 acres).

- The Zoning By-law requires that the maximum setbacks for a single family dwelling and farm residential footprint in the A-1 Zone be measured from either 44 Avenue or King George Boulevard. 44 Avenue is approximately 13 metres long, as measured from King George Boulevard, with the remaining portion extending east toward the existing farm homeplate as unopened road allowance. The City has no plans to construct 44 Avenue along the portion fronting the subject property.
- By definition in the Zoning By-law, 44 Avenue is not considered to be a flanking street since it is an unopened road allowance for the portion of 44 Avenue that is adjacent to the existing farm residential homeplate. Therefore, the site is not considered to have frontage on 44 Avenue for this portion.
- The proposed single family dwelling cannot take frontage off the unopened road allowance. Furthermore, no driveway or road can be constructed on the approximately 8 metre-wide Right of Way (E2006 0343) that is located adjacent to King George Boulevard and runs along the eastern bank of the Class A/O watercourse. Therefore, a driveway cannot be constructed from King George Boulevard over the Right-of-Way to service a farm homeplate fronting King George Boulevard. To this end, the applicant has two options to take legal frontage while maintaining the existing location of the farm homeplate:
  1. The applicant may apply to construct 44 Avenue to municipal standard as far east as the proposed farm homeplate, which will require ALC approval and a servicing agreement with the City; or
  2. Apply for a Development Variance Permit to vary the maximum setback of a single family dwelling and farm residential footprint from King George Boulevard, where King George Boulevard would become the property line from which the maximum single family dwelling and farm residential footprint setbacks are measured from. Legal access would be maintained onto 44 Avenue.
- The applicant has chosen to apply for a Development Variance Permit to vary the maximum setback of a single family dwelling and farm residential footprint.

#### BIODIVERSITY CONSERVATION STRATEGY

- The City of Surrey Biodiversity Conservation Strategy (BCS) Green Infrastructure Network (GIN) map, adopted by Council on July 21, 2014 (Corporate Report No. R141; 2014), identifies a Regional BCS Corridor within the subject site, in the Serpentine/Nicomekl BCS management area, with a High ecological value.
- The BCS further identifies the GIN area of the subject site as having a Moderate habitat suitability rating, derived from species at risk presence, species accounts and known ecosystem habitat inventories. The BCS recommends a target Corridor width of 60 meters (197 ft.) which represents 17 % of the subject property.
- Protecting green infrastructure Hubs (large habitat areas) and Sites (smaller habitat areas) are critical to preserving natural habitat refuges and a diversity of habitat features while maintaining/enhancing Corridors ensures connectivity between fragmented hubs for genetic variation throughout the City. The closest Biodiversity Hub connection in the GIN to the

subject site is Hub Serpentine Fen, and is located approximately 50 metres to the west of the subject site, across King George Boulevard.

- The development proposal is not expected to affect the Serpentine Fen Hub since it is located across King George Boulevard.

#### DEVELOPMENT PERMIT

- A Development Permit for Sensitive Ecosystems (Streamside Areas) is also required as part of this application. In this regard, the applicant has submitted a detailed Ecosystem Development Plan prepared by Enkon Environmental Ltd., dated March 7, 2018 that demonstrates that the proposed single family dwelling will not produce any significant, negative impact on either the streamside protection area or Green Infrastructure Network (GIN) corridor.

#### BY-LAW VARIANCE AND JUSTIFICATION

a) Requested Variance:

- To increase the maximum setback for a single family dwelling in the “General Agricultural Zone (A-1)” from 50 metres (164 ft.) to 143 metres (469 ft.); and
- To increase the maximum depth for the farm residential footprint in the “General Agricultural Zone (A-1)” from 60 metres (197 ft.) to 153 metres (501 ft.).

Applicant's Reasons:

- The applicant would like to site the dwelling on the existing (historical) farm residential homeplate. A dwelling previously occupied a farm residential homeplate in the same location the applicant proposes to construct the new dwelling.
- The applicant states that siting the house within the required farm residential footprint setbacks, as measured from King George Boulevard would negatively impact area that is to be farmed.

Staff Comments:

- The proposed location of the farm homeplate and dwelling is the same location of the existing (historical) farm homeplate. A private road extends east-west adjacent to the unopened 44 Avenue road allowance.
- If the applicant is required to comply with the maximum single family dwelling and farm residential footprint setbacks, the location of the farm homeplate would further negatively impact land that is to be farmed.
- If 44 Avenue was opened for public use, the current location of the farm homeplate and the proposed dwelling would comply with the maximum 50 metre (164 ft.) setback

for a single family dwelling and the maximum 60 metre (197 ft.) setback for the farm residential footprint.

- In the Ministry of Agriculture's *Regulating the Siting and Size of Residential Uses in the ALR*, September 2011 Discussion Paper, the Ministry provides reasons for which a variance to the farm residential footprint siting may have merit and be considered by municipalities. Under Appendix A, Section A(6), where private roads give access to a property, it should be considered the same as a public road. To this end, the setback measurements to the rear of the proposed single family dwelling and the farm residential footprint can be taken from the edge of the unopened portion of 44 Avenue.

#### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary (Confidential)
Appendix II.	Site Plan
Appendix III.	Agricultural and Food Security Advisory Committee Minutes
Appendix IV.	Development Variance Permit No. 7917-0395-00.

#### INFORMATION AVAILABLE ON FILE

- Ecosystem Development Plan Prepared by Enkon Environmental Limited Dated March 7, 2018.

*original signed by Ron Hintsche*

Jean Lamontagne  
General Manager  
Planning and Development

KS/cm

APPENDIX I HAS BEEN  
REMOVED AS IT CONTAINS  
CONFIDENTIAL INFORMATION



**ZONING CALCULATIONS:**  
Address, City - Zone

Lot Area = SQFT  
Allowed Lot Coverage = SQFT  
Allowed FAR = N/A  
Proposed Lot Coverage = SQFT  
Proposed FAR = 10871.32 SQFT

MAIN FLOOR AREA: 4840.40 SQFT  
GARAGE-1: 631.07 SQFT  
GARAGE-2: 626.85 SQFT  
TOTAL: 6098.32 SQFT

UPPER FLOOR AREA: 5103.87 SQFT  
OPEN TO BELOW + STAIRS: 330.87 SQFT  
NET UPPER FLOOR: 4773 SQFT

PORCH: 104.50 SQFT  
UNCOVERED DECK-1 @ UPPER FLOOR: 556.51 SQFT  
UNCOVERED DECK-2 @ UPPER FLOOR: 170.81 SQFT

MAIN FLOOR: 6098.32 SQFT (INCL GARAGE SQFT)  
UPPER FLOOR: 4773 SQFT  
TOTAL: 10871.32 SQFT

ENERGY EFFICIENCY REQUIREMENTS (PART 9 BLDG):

- PRESPECTIVE METHOD USED
- WITH HRV
- VENTILATION METHOD: 9.32.3.4.(4) - Independently distributed HRV

**AIR BARRIER SYSTEM:**

Will consist of flexible sheet materials  
Shall have all joints lap not less than 50mm sealed with a non-hardening type sealant and be structurally supported  
As per 9.36.2.10(5)&(6) of BCBC2012

**THIS HOME IS DESIGNED TO COMPLY WITH SECTION 9.36.2 -9.36.4 OF B.C. BUILDING CODE 2012 ENERGY EFFICIENCY REQUIREMENTS FOR CLIMATE ZONE 4**

- DWELLING TO BE VENTILATED IN COMPLIANCE TO 9.32.3.5 BY INDEPENDENTLY DISTRIBUTED HRV SYSTEM
- BUILDING SPECIFICATIONS:
  - VENTILATION AND DUCTING MUST BE PROVIDED PER B.C.B.C 2012 SECTION 9.32
  - AIR BARRIER TO BE INSTALLED PER B.C.B.C 2012 SECTION 9.36
  - ALL INSULATION TO BE INSTALLED PER B.C.B.C 2012 SECTION 9.36
  - GARAGE DOOR W/ MINIMUM NOMINAL R.S.I. 1.1
  - ALL ACCESS HATCHES TO UNCONDITIONED SPACES: MAX. U-VALUE OF 2.6
  - ALL WINDOWS & DOORS: MAX. U-VALUE OF 1.8 EXCEPT FOR 1 ENTRY UNIT

THESE PLANS CONFORM TO BCBC 2012

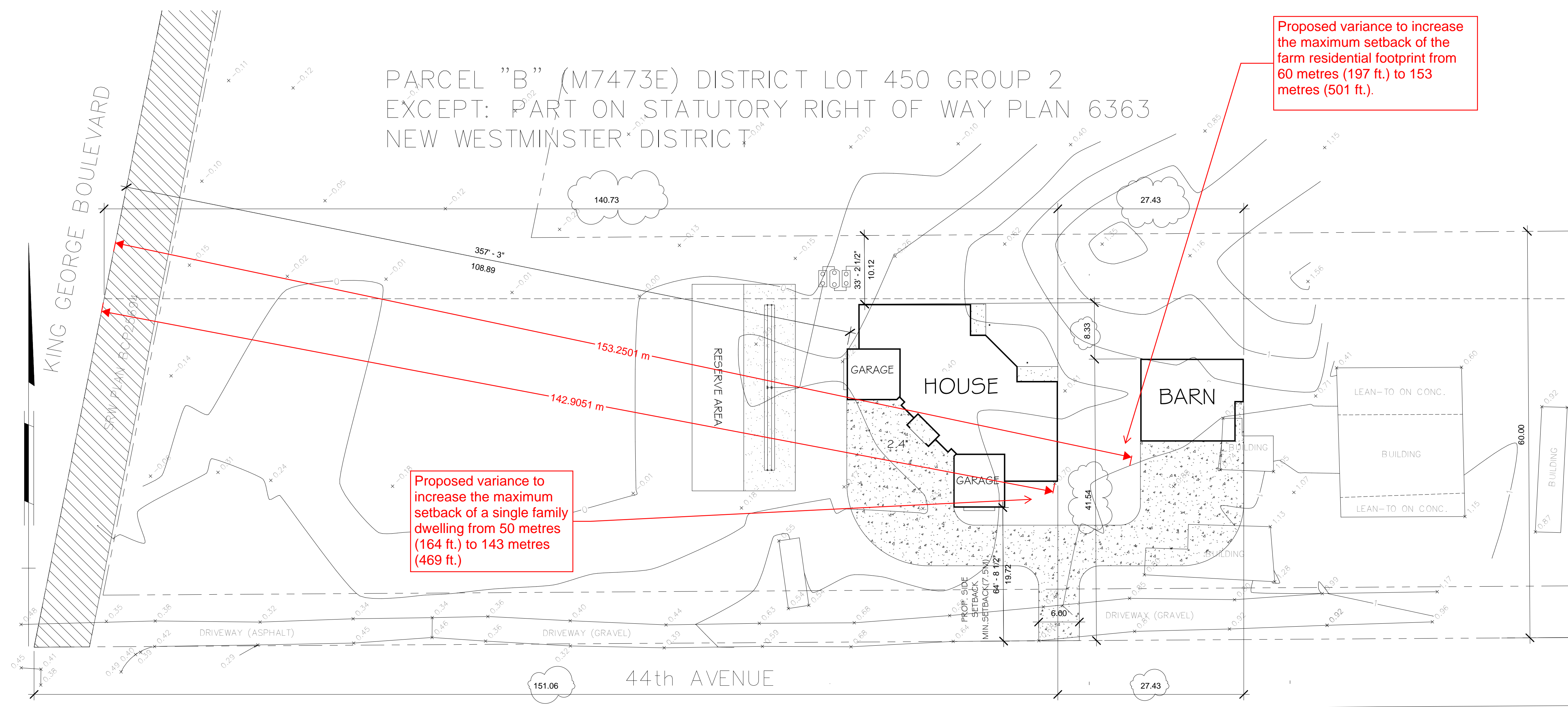
CONSTRUCTION SHALL FOLLOW LOCAL BUILDING BY-LAWS ALONG WITH THESE PLANS.

CONTRACTOR MUST CONFIRM ALL DIMENSIONS PRIOR TO START OF CONSTRUCTION.

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DO NOT SCALE DRAWINGS.

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Proposed variance to increase the maximum setback of the farm residential footprint from 60 metres (197 ft.) to 153 metres (501 ft.).

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MUST MAINTAIN EXISTING GRADES  
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NOTE: CHECK ALIGNMENT OF DRIVEWAY LET-DOWN PRIOR TO

PROP. FRONT SETBACK  
PROP. REAR SETBACK  
PROP. SIDE SETBACK  
MIN. SETBACK (1.8M)

1 Site Plan Copy 1  
1" = 30'-0"



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Ph. 604-593-7070  
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www.villadesigns.ca

**Bhupinder Dubb**

PH.-

No.	Description	Date
1	Revision 1	Date 1

14571 44 Ave  
Surrey, B.C.

**SITE PLAN**

Project number PVDL-16-1123-BD  
Date 5 DEC 2017  
Drawn by HB  
Checked by GS

**A1a**

Scale 1" = 30'-0"

**5. Proposed Variance to Farm Residential Footprint**

Kevin Shackles, Planning Technician

File: 7817-0395-00; 6880-75

- The subject property is approximately 19.7 hectares (4.86 acres) in size, located within the Agricultural Land Reserve and the 200 year floodplain, designated Agricultural in the Official Community Plan, zoned General Agriculture (A-1) Zone, and is not classified as farmland under the *Assessment Act*.
- The applicant has submitted a Development Variance Permit (DVP) application to: increase the maximum setback for a single family dwelling in the General Agricultural (A-1) Zone from 50 metres to 142 metres; and increase the maximum depth for the farm residential footprint in the General Agricultural Zone from 60 metres to 152 metres.
- The subject site is currently a blueberry farm with a recently demolished dwelling and farm building. The applicant is proposing to construct a house approximately 929 square metres (10,000 sq. ft.) in size and no variance to the farm residential footprint of 2,000 square metres.
- In response to questions from the Committee, staff clarified that no driveway can be constructed on the existing Right of Way or across King George Boulevard.

The Committee supports the idea of using the unopened road (driveway) as the location for measuring the maximum farm residential setback and noted that the roadway has been used as a driveway to access to existing dwelling for a long time. The Committee would however like to see the house built closer to 44 Avenue and see the maximum residential zoning setbacks adhered to.

It was

Moved by S. VanKeulen

Seconded by R. Brar

That the Agriculture and Food Security

Advisory Committee recommend to the General Manager of Planning and Development to support Development Application 7817-0395-00 but that the maximum residential setback of 50 metres and 60 meters for the farm residential footprint be adhered to; and the trailer and any structures obstructing the existing city road right of way be removed by the applicant.

Carried

(the "City")

**DEVELOPMENT VARIANCE PERMIT**

NO.: 7917-0395-00

Issued To:

(the "Owner")

Address of Owner:

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: 010-312-382

Parcel "B" (M7473E) District Lot 450 Group 2 Except: Part on Statutory Right of Way Plan 6363, New Westminster District

14571 - 44 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) Section F.1(b) of Part 10 "General Agriculture Zone (A-1)", the maximum setback for a single family dwelling is increased from 50 metres (164 ft.) to 143 metres (469 ft.); and
  - (b) Section J.2 of Part 10 "General Agriculture Zone (A-1)", the maximum setback of the farm residential footprint is increased from 60 metres (197 ft.) to 153 metres (501 ft.).
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 .

---

Mayor – Linda Hepner

---

City Clerk – Jane Sullivan

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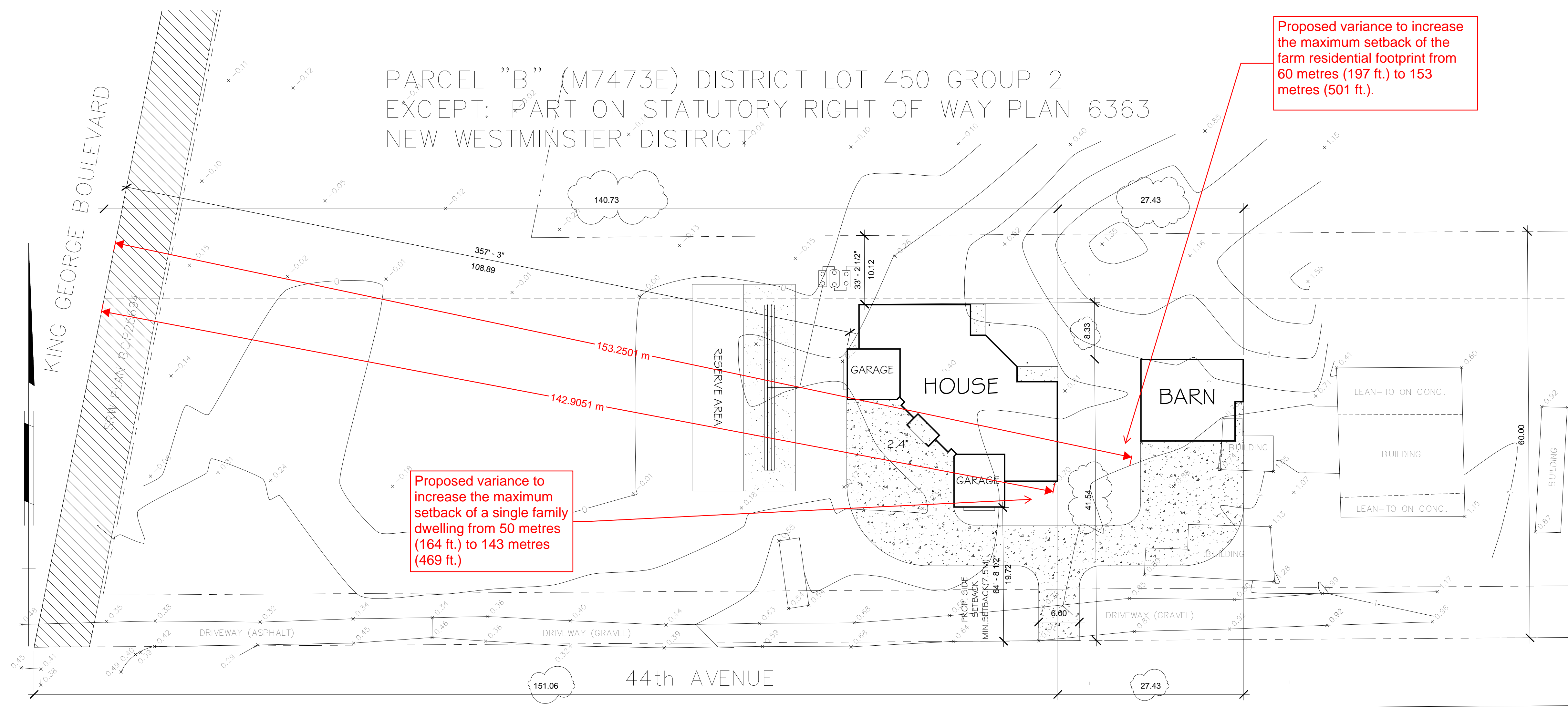
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