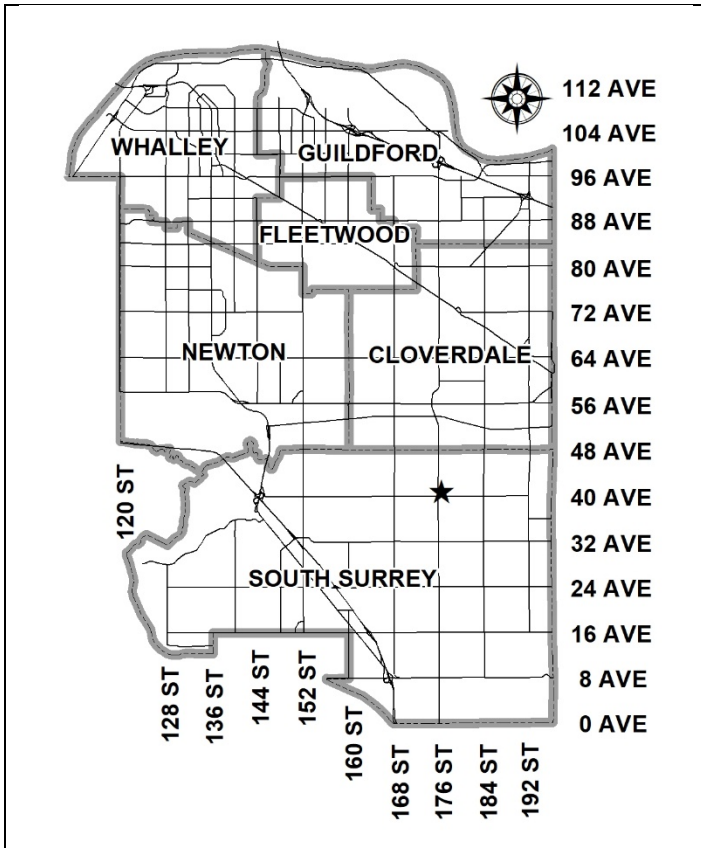


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7918-0090-00

Planning Report Date: April 1, 2019



PROPOSAL:

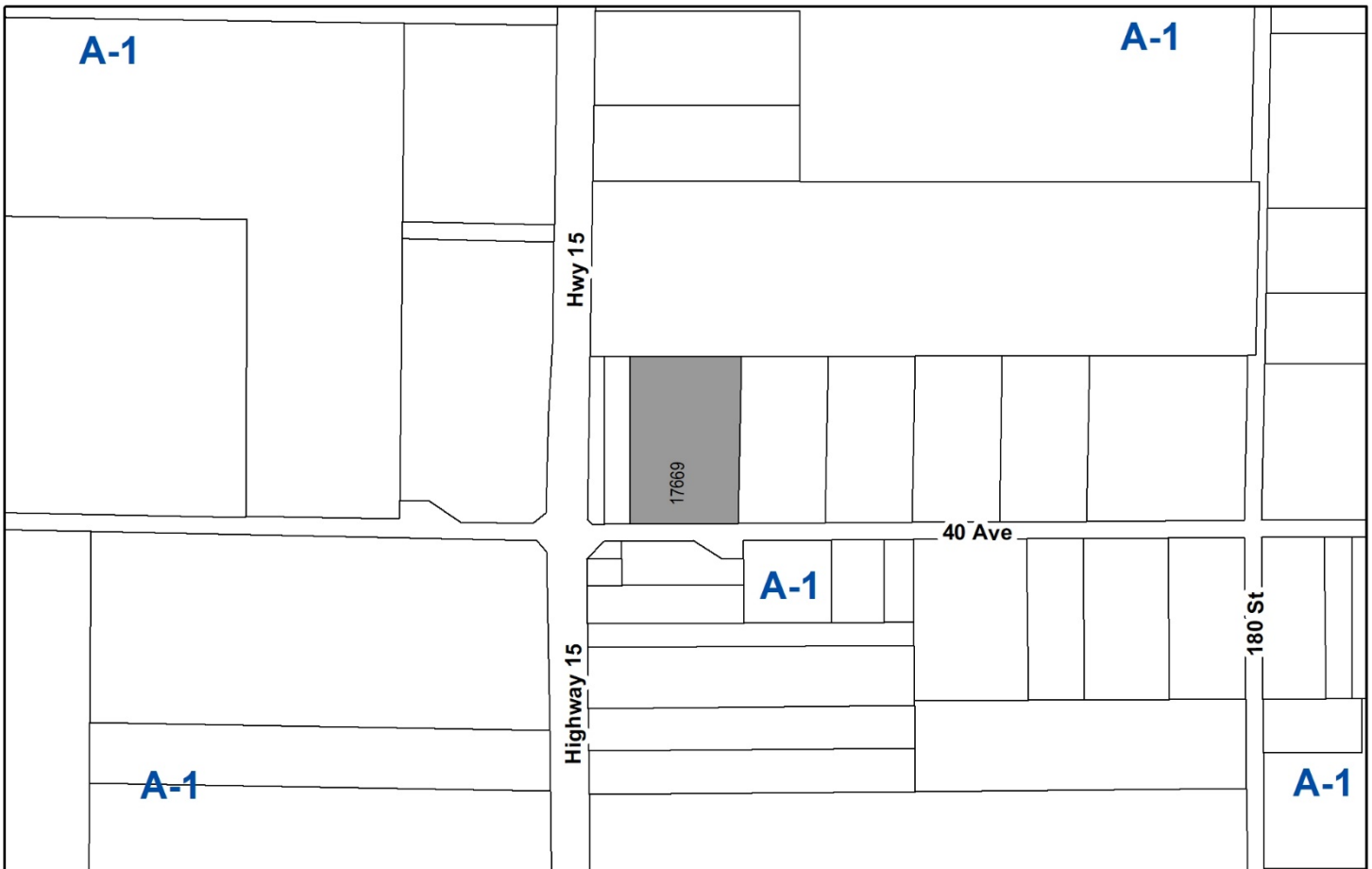
- **Development Permit**
- **Development Variance Permit**

to increase the maximum depth of the farm residential footprint and maximum building setback to allow construction of a single family dwelling.

LOCATION: 17669 - 40 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 depth of 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 an existing preload fill area that was placed in accordance with a soil permit issued by the City in June 2012, a few months prior to the City approved changes to the Zoning bylaw regulating farm residential footprints.
- In situations where soil deposit permits for accommodating single family dwellings were approved by the City, prior to the farm residential footprints being adopted, the City’s practice has been to support variances to the regulations.
- The applicant has submitted an Ecosystem Development Plan which demonstrates that the proposed single family dwelling will have little impact on the streamside protection area.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7918-0090-00 (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 74 metres (243 ft.); and
 - (b) To increase the maximum depth of the farm residential footprint in the A-1 Zone from 60 metres (197 ft.) to 80 metres (262 ft.).
2. Council authorize staff to draft Development Permit No. 7918-0090-00 for Sensitive Ecosystems, generally in accordance with the Ecosystem Development Plan prepared by Aquaterra Environmental Ltd. and dated November 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, subject to the completion of Engineering servicing requirements as outlined in Appendix II.

Agricultural and Food Policy Advisory Committee (AFPAC): At the March 12, 2019 meeting, AFPAC did not support the proposed variances to increase the maximum setback of the single family dwelling and farm residential footprint.

The draft minutes from the March 12, 2019 meeting are included in Appendix III.

SITE CHARACTERISTICS

Existing Land Use: The site is currently vacant with an existing preload fill area.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Farmland	Agricultural	A-1
East:	Farmland	Agricultural	A-1
South (Across 40 Avenue):	Residential	Agricultural	A-1
West:	Residential	Agricultural	A-1

DEVELOPMENT CONSIDERATIONSBackground

- The site is approximately 2.56 hectares (6.3 acres) in size and located within the Agricultural Land Reserve (ALR) and the 200-year floodplain area. It is designated “Agricultural” in the Official Community Plan (OCP), zoned “General Agricultural (A-1) Zone”, and is not classified as farmland under the Assessment Act.
- The site is currently vacant and contains an existing preload fill area. The soil permit to place this fill was issued by the City in June 2012, a few months before the City of Surrey approved changes to the Zoning By-law to regulate the maximum farm residential setback and farm residential footprint.

Current Proposal

- The applicant proposes to construct a dwelling that is approximately 839 square metres (9,030 sq.ft.) in size upon the existing fill area.
- 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 existing fill area does not comply with the maximum depth of the farm residential footprint of 60 metres (197 ft.) that is permitted under the A-1 Zone. The owners are requesting a Development Variance Permit to increase the maximum depth from 60 metres (197 ft.) to 80 metres (262 ft.) from the existing front property line, and 75 metres (246 ft.) from the ultimate front property line.
- The proposed farm residential footprint is 1,400 square metres, which complies with the maximum 2,000 square metres (0.5 acres) footprint permitted under the A-1 Zone.

Development Permit

- A Development Permit for Sensitive Ecosystems (Streamside Areas) is also required as part of this application. The applicant has submitted an Ecosystem Development Plan prepared by Aquaterra Environmental Ltd. that demonstrates that the proposed single family dwelling will not produce any impact on the streamside protection area.

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 74 metres (243 ft.).
- To increase the maximum depth of the farm residential footprint in the “General Agricultural (A-1) Zone” from 60 metres (197 ft.) to 80 metres (262 ft.).

Applicant's Reasons:

- The current property owner purchased the property with the existing preload fill area in place. There was an existing house on the site prior to the fill being put in place, and the fill was placed behind the house. However, the current owner is uncertain if the existing house at the time influence the location of the preload fill area.
- The current property owner has not undertaken construction due to uncertainty of whether the existing fill would be required to be relocated.
- The fill for the preload was approved and in place prior to the farm residential footprint regulations coming into effect, and the property was purchased on the basis that there was an existing fill area ready for construction of a dwelling.
- Relocating the fill area would damage farmable land and may cause financial hardship for the owner.

Staff Comments:

- The location of the proposed farm homeplate and building setback is a result of the existing preload fill area, which was placed in accordance with the soil permit granted by the City in June 2012.
- The City is no longer approving preloading on farm lands if the location of the preload fill does not conform with the farm residential footprint provisions of the Zoning By-law. However, in situations where soil permits were approved by the City prior to the new regulations being adopted, the City's practice has been to support variances.
- For this reason, staff support this proposed Development Variance Permit application.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary (Confidential) and Project Data Sheets
- Appendix II. Engineering Summary
- Appendix III. Agricultural and Food Policy Advisory Committee Draft Minutes
- Appendix IV. Development Variance Permit No. 7918-0090-00

INFORMATION AVAILABLE ON FILE

- Ecosystem Development Plan Prepared by Aquaterra Environmental Ltd, dated February 2018.

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

CL/cm

APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION

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

FROM: Development Engineer, Engineering Department

DATE: July 19, 2018 **PROJECT FILE: 7818-0090-00**

**RE: Engineering Requirements
Location: 17669 40 Ave**

DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT

The following issues are to be addressed as a condition of issuance of a Development Permit for Sensitive Ecosystem and the Development Variance Permit to increase maximum allowable setbacks:

- Register a combo statutory right-of-way & restrictive covenant for the fronting watercourse (15m along residential home plate and 5m along remaining farm area);
- Register restrictive covenant for on-site stormwater mitigation features (No increase in runoff permitted from the site, all runoff from the new house and impervious areas must drain onto the surrounding pervious areas);
- Confirm design elevations meet the provincial flood construction level as this lot is located within the 200 year floodplain;
- Install backflow preventer if additional water service connections are made; and
- Submit sanitary applications to the Fraser Health board and Metro Vancouver as this lot is located outside of the Urban and Fraser Health Sanitary Containment area.

A servicing agreement is not required for this application; however, a processing fee of \$1,580.25 (GST included) is required to administer the legal document requirements.



Tommy Buchmann, P.Eng.
Development Engineer

R29

AGRICULTURE AND FOOD POLICY ADVISORY COMMITTEE

TUESDAY, MARCH 12, 2019

For the purposes of information only, minutes are subject to change.**E. NEW BUSINESS****3. Proposed Reduction of the Maximum Depth of the Farm Residential Footprint and Maximum Building Setbacks**

Charlene Liew, Planner

File: 7918-0090-00

The following comments were made:

- The subject property is 2.56 hectares in size, located within the ALR and the 200-year floodplain area. The site is designated Agricultural in the OCP, zoned General Agricultural (A-1) Zone and is not classified as farmland under the Assessment Act.
- The applicant is proposing a Development Variance Permit (DVP) to increase the maximum depth of the farm residential footprint in the General Agricultural (A-1) Zone from 60 metres to 80 metres and increase the maximum building setback permitted in the A-1 Zone from 50 metres to 74 metres.
- The Committee expressed concerns that the subject application had fill placed in a wrong location on the property and support the road widening.

Staff provided clarification that in early 2012 the city issued a soil permit for fill in accordance with setback standards of the day. Current A-1 Zoning maximum setbacks for dwellings came into effect after the 2012 soil deposition. The Committee expressed concerns that having a house set back on a small property would not enhance agriculture.

It was

Advisory Committee recommend to the General Manager of Planning and Development to not support Development Application 7918-0090-00.

Moved by Councillor Hundial

Seconded by M. Hilmer

That the Agriculture and Food Policy

Carried

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7918-0090-00

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: 006-949-878
Lot 4 Section 32 Township 7 New Westminster District Plan 33680
17669 40 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 74 metres (243 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 80 metres (262 ft.).

4. This development variance permit applies to only the portion of 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 – Doug McCallum

City Clerk – Jennifer Ficocelli

Proposed variance to increase the maximum depth of the farm residential footprint from 60 metres (197 ft.) to 80 metres (262 ft.)

Proposed variance to increase the maximum setback of a single family dwelling from 50 metres (164 ft.) to 74 metres (243 ft.)

CIVIC ADDRESS:
17669 - 40 Avenue Surrey, B.C.

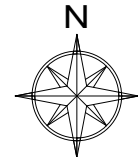
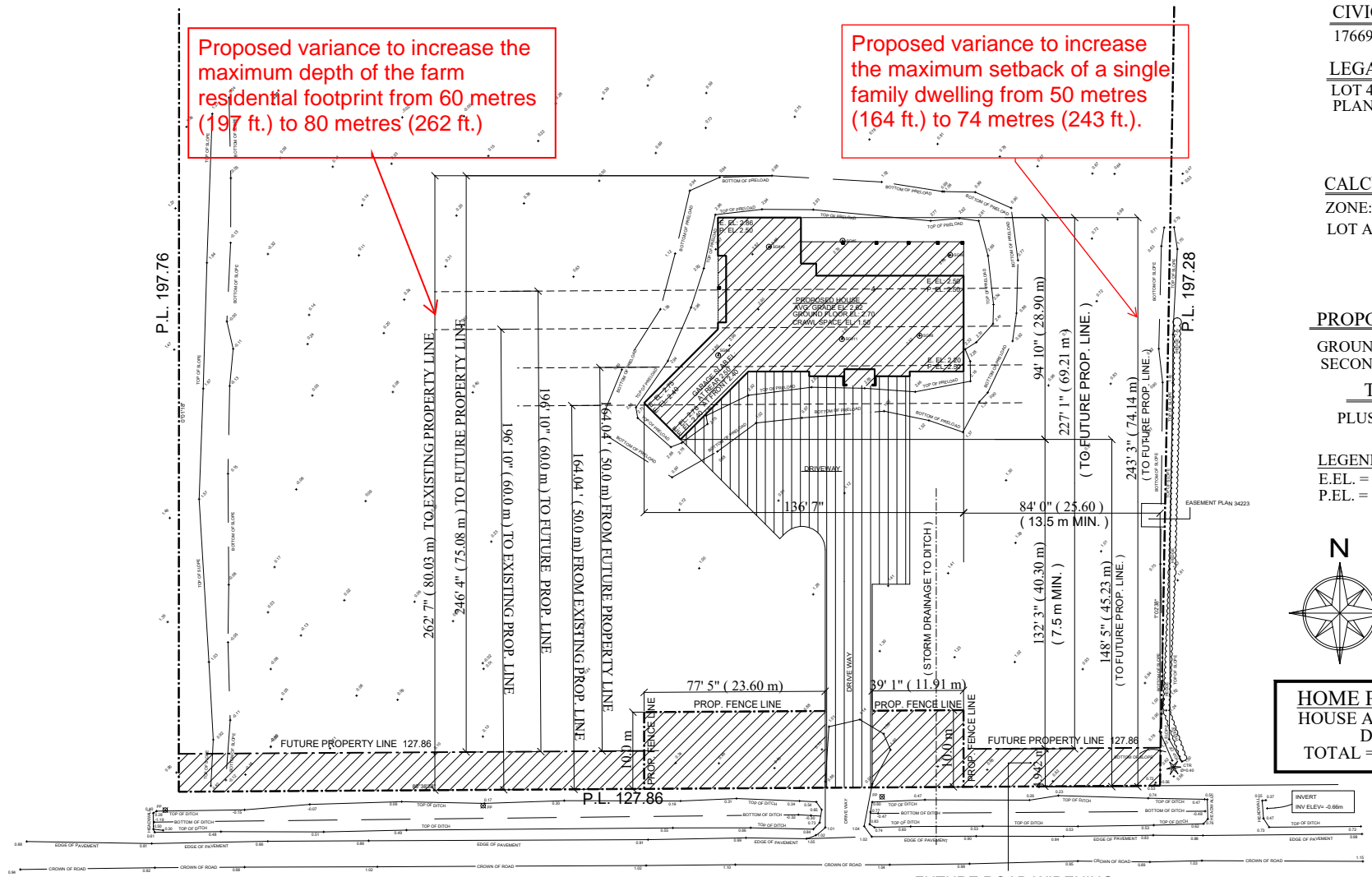
LEGAL DESCRIPTION:
LOT 4 SECTION 32 TOWNSHIP 7
PLAN 33680 NWD

CALCULATIONS:
ZONE: A-1
LOT AREA = 275238.0 S.F.

PROPOSED F.A.R.
GROUND FLOOR AREA = 5188.0 S.F.
SECOND FLOOR AREA = 3850.0 S.F.
TOTAL = 9038.0 S.F.
PLUS 803.0 S.F. OF GARAGE

LEGEND:
E.E.L. = EXISTING ELEVATION
P.E.L. = PROPOSED ELEVATION

HOME PLATE AREA
HOUSE AND PATIO = 7160.0 SF
DRIVEWAY = 7918.0 SF
TOTAL = 15078.0 SF (1400.78 sqm)



SITE PLAN
N.T.S.

Nov 06 2018	DIMENSIONS ADDED TO SUIT CITY COMMENTS	▲
July 12 2018	REVISED TO SUIT CITY COMMENTS	▲
July 03 2018	REVISED TO SUIT CITY COMMENTS	▲
Astonish Design & Detailing Ltd. 19732 - 71B Ave. Langley B.C. PH: 1 604 539 1740 FAX: 1 604 539 1741 CELL: 1 604 728 0389 E-MAIL: navtejdhot@hotmail.com		
TITLE: SITE PLAN		
JOB NO:	17669 - 40 Avenue Surrey, B.C.	

THESE PLANS CONFORM TO B.C.B.C. 2012 EDITION	DESIGN BY: NAVTEJ	CHK. BY: NAVTEJ	SCALE: 3/16" = 1'-0" U.N.	SHEET NO. A-001
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