

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7918-0314-00

Planning Report Date: September 17, 2018

PROPOSAL:

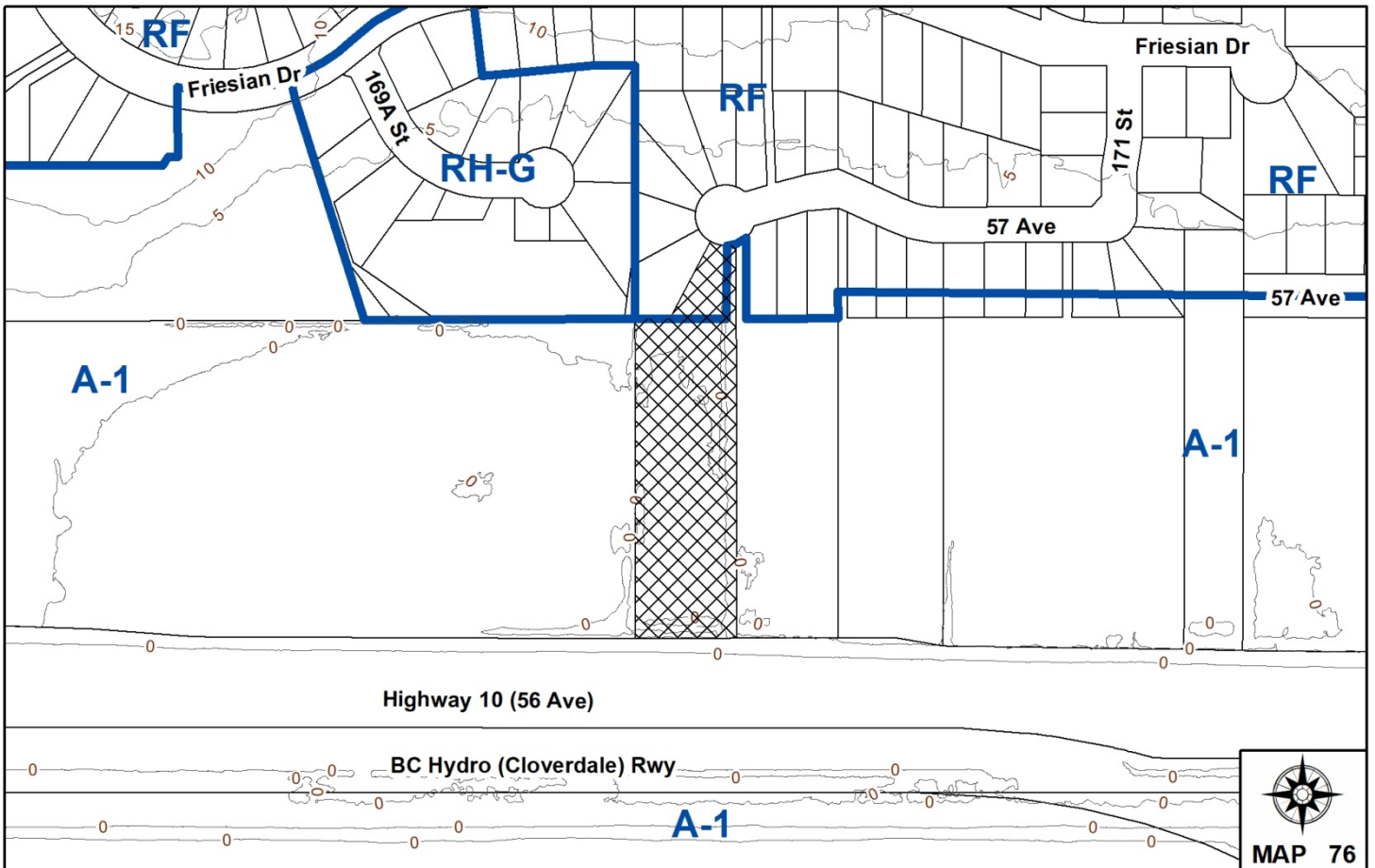
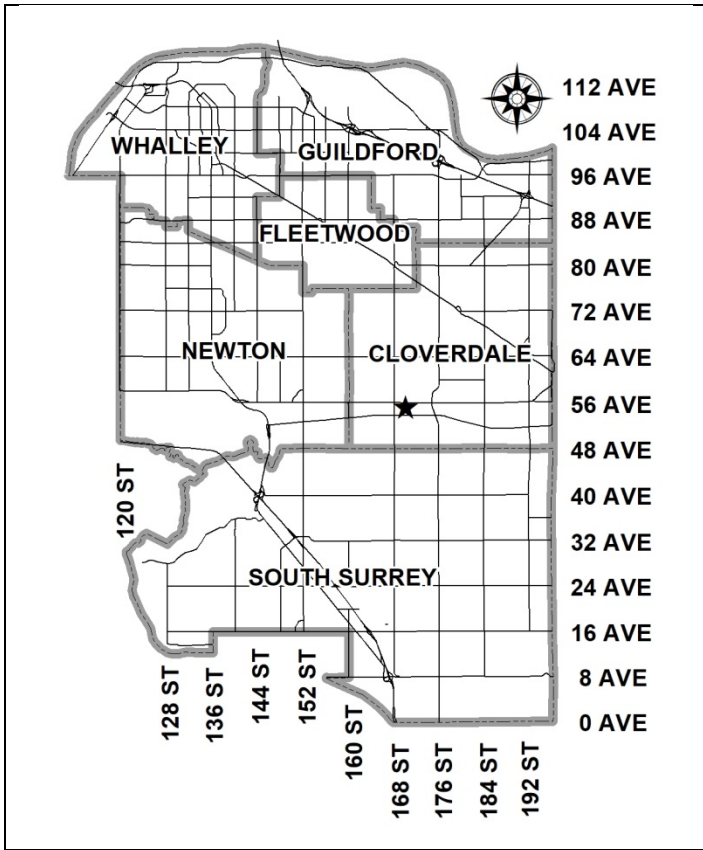
- **Development Variance Permit**

to reduce the minimum streamside setback from a Class A/O Ditch, as measured from top-of-bank, in order to construct a home on the RF-zoned portion of the lot.

LOCATION: 17018 - 57 Avenue

ZONING: RF and A-1

OCP DESIGNATION: Urban and Agricultural



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking to reduce the minimum streamside setback for a "Class A/O Ditch" from 10 metres (33 ft.) to 5 metres (16.5 ft.), as measured from top-of-bank, on the RF-zone portion of the subject property to allow construction of a new single family dwelling.

RATIONALE OF RECOMMENDATION

- The subject property was created on May 7, 2015 as part of Development Application No. 7914-0265-00, which was granted final adoption by Council on April 13, 2015. The subject property is split-zoned with the RF-zoned northern portion approximately 600 square metres (6,450 sq.ft.) in size and the A-1-zoned southern portion approximately 0.7 hectare (1.8 acres) in size. The A-1-zoned portion is located within the Agricultural Land Reserve (ALR).
- The subject lot was created in advance of the Streamside Protection Measures coming into effect in September 2016.
- An unnamed "Class A/O Ditch" runs north-south along the eastern edge of the property, terminating at the southeast corner of the RF-zoned portion. In accordance with Section B.2 of Part 7A Streamside Protection of the Zoning By-law, the minimum streamside setback for a "Class A/O Ditch" is 10 metres (33 ft.), as measured from top-of-bank.
- Under Development Application No. 7914-0265-00 a Riparian Areas Regulations (RAR) Assessment was submitted by a Qualified Environmental Professional (QEP) that recommended using the RAR Streamside Protection and Enhancement Area (SPEA) setback of 5 metres (16.5 ft.), as measured from top-of-bank. The recommendations were peer-reviewed by an independent, third-party QEP as well as by the City's Drainage and Environmental staff and found to be acceptable.
- In order to protect the full 5-metre (16.5-ft.) wide SPEA on the RF-zoned portion of the subject property a Section 219 "No-Build" Restrictive Covenant was registered on title and a 1.2-metre (4-ft.) high permanent wooden fence was installed along the northern boundary of the SPEA to prevent access.
- The applicant has provided a follow-up Ecosystem Development Plan (EDP) from the same environmental consulting firm responsible for the original RAR Assessment. It states that the riparian protection measures, approved under Development Application No. 7914-0265-00, were correctly implemented following the subdivision of the parent property, and that the proposed streamside setback reduction would not adversely affect the adjacent riparian area.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7918-0314-00 (Appendix IV), to reduce the minimum setback area for a "Class A/O Ditch", as measured from top-of-bank, from 10 metres (33 ft.) to 5 metres (16.5 ft.) on the RF-zone portion of the subject property, to proceed to Public Notification.

REFERRALS

Engineering: The Engineering Department has no objection to the proposed variance.

Parks, Recreation & Culture: No objection.

SITE CHARACTERISTICS

Existing Land Use: Vacant, split-zoned lot created in 2015 under Development Application No. 7914-0265-00.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 57 Avenue):	Single family dwellings on residential lots.	Urban	RF
East:	Vacant, split-zoned lot created under Development Application No. 7913-0141-00.	Urban (north portion) and Agricultural (south portion)	RF (north portion) and A-1 (south portion)
South (Across Highway 10):	Active farmland within the ALR.	Agricultural	A-1
West:	Single family dwelling on residential lot and agricultural lot within the ALR	Urban and Agricultural	RF and A-1

DEVELOPMENT CONSIDERATIONS

Background and Current Proposal

- The subject property is located at 17018 – 57 Avenue in West Cloverdale. The northern 600-square metre (6,450-sq.ft.) portion is designated "Urban" in the Official Community Plan (OCP) and zoned "Single Family Residential Zone (RF)" while the southern 0.7-hectare (1.8-acre) portion is designated "Agricultural" in the OCP, zoned "General Agricultural Zone (A-1)" and located within the Agricultural Land Reserve (ALR).
- The subject property was created under Development Application No. 7914-0265-00 which rezoned a portion of the parent property from "General Agriculture Zone (A-1)" and "One-Acre Residential Zone (RA)" to "Single Family Residential Zone (RF)" in order to allow subdivision into five (5) single family RF lots and one split-zoned RF and A-1 lot. Council granted final adoption to Rezoning By-law No. 18368 on April 13, 2015 and the lots were created on May 7, 2015.
- The subject property includes a 4.5-metre (15-ft.) wide panhandle for vehicle access between 57 Avenue and the A-1-zone portion of the lot, which is protected through a Section 219 Restrictive Covenant.
- On September 12, 2016, Council approved amendments to the Official Community Plan (OCP) and Zoning By-law No. 12000 to implement a Sensitive Ecosystems Development Permit Areas (SEDPA) and Streamside Protection Measures (Corporate Report No. R188; 2016), collectively known as Surrey's Ecosystem Protection Measures, for the protection of natural environments, including riparian areas.
- An unnamed "Class A/O Ditch" runs north-south along the eastern edge of the property, terminating at the southeast corner of the RF-zoned portion of the lot (see Appendix III, Neighbourhood Context Photo). In accordance with Section B.2 of Part 7A Streamside Protection of the Zoning By-law, the minimum streamside setback for a "Class A/O Ditch" is 10 metres (33 ft.), as measured from top-of-bank.
- A second unnamed "Class A/O Ditch" runs north-south along the shared lot line with a neighbouring property to the immediate west (5688 – 168 Street) but does not encumber the RF-zone portion of the subject property and is not included in the subject application.
- A Development Variance Permit (DVP) has been requested to reduce the minimum streamside setback area for the east watercourse from 10 metres (33 ft.) to 5 metres (16.5 ft.) on the RF-zone portion of the subject property to permit the construction of a new house.
- As the southern portion of the subject property is zoned "General Agriculture Zone (A-1)" and is located within the ALR the subject DVP for reduced setbacks only applies to the RF-zone portion of the lot. Farm activity within the ALR is exempt from both the Sensitive Ecosystems Development Permit requirements and Part 7A Streamside Protection setbacks of the Zoning By-law.

Sensitive Ecosystems (Streamside Areas) Development Permit

- The subject property falls within the Sensitive Ecosystems (Streamside Areas) Development Permit Area due to the presence of the unnamed "Class A/O Ditch". However, a Sensitive Ecosystem Development Permit and accompanying Impact Mitigation Plan is not required for the following reasons:
 - A Riparian Areas Regulations (RAR) Assessment was submitted by a Qualified Environmental Professional (QEP) that recommended using the RAR Streamside Protection and Enhancement Area (SPEA) setback of 5 metres (16.5 ft.) from the top-of-bank. The recommendations were peer-reviewed by an independent, third-party environmental professional as well as by the City's Drainage and Environmental staff and found to be acceptable;
 - A 5-metre (16.5-ft.) wide Section 219 "No-Build" Restrictive Covenant that follows the approved SPEA on the RF-zoned portion of the lot was registered on title and a 1.2-metre (4-ft.) high permanent wood fence was installed along the northern boundary of the SPEA to prevent access; and
 - The subject lot was created in advance of the Ecosystem Protection Measures coming into effect.

Farm Protection Development Permit and ALR Landscape Buffer

- The OCP requires that all development sites that directly abut land within the ALR obtain a Farm Protection Development Permit and conform to specific guidelines prior to the development of the land. The Farm Protection Development Permit is required to reduce agricultural-urban conflicts through increased setbacks and vegetated buffers.
- The proposed rear yard setback for the RF-zoned portion of the subject property will be approximately 10.5 metres (34 ft.) with a 3-metre (10-ft.) wide vegetated buffer, securities for which were collected under Development Application No. 7914-0265-00. The buffer will be installed between the RF-zone and A-1-zone portions of the lot. An additional Section 219 Restrictive Covenant was registered on title to ensure that the rear yard setback is measured from the north edge of the landscape buffer.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum streamside setback, as measured from top-of-bank, for a "Class A/O Ditch" from 10 metres (33 ft.) to 5 metres (16.5 ft.) on the RF-zone portion of the subject property to allow construction of a new single family dwelling.

Applicant's Reasons:

- The 10-metre (33 ft.) minimum streamside setback required under the Zoning By-law would hinder the construction of an adequately sized home and leave little useable rear yard space on the RF-zoned portion of the subject property.

Staff Comments:

- Generally, where a Development Variance Permit (DVP) is proposing to reduce the minimum streamside setback area, the submission of an Impact Mitigation Plan is required. This is intended to ensure that the proposed setback reduction does not adversely affect the sensitive ecosystems that are intended to be protected.
- The applicant has provided a follow-up Ecosystem Development Plan (EDP) from the same environmental consulting firm responsible for the original RAR Assessment. It states that the riparian protection measures approved under Development Application No. 7914-0265-00 were correctly implemented following the subdivision of the parent property and that the proposed streamside setback reduction would not adversely affect the adjacent riparian area.
- The subdivision that created the subject lot was completed prior to the streamside protection measures coming into effect.
- Staff support the proposed variance.

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.	Neighbourhood Context Photo (COSMOS, April 2018 aerial)
Appendix IV.	Development Variance Permit No. 7918-0314-00

INFORMATION AVAILABLE ON FILE

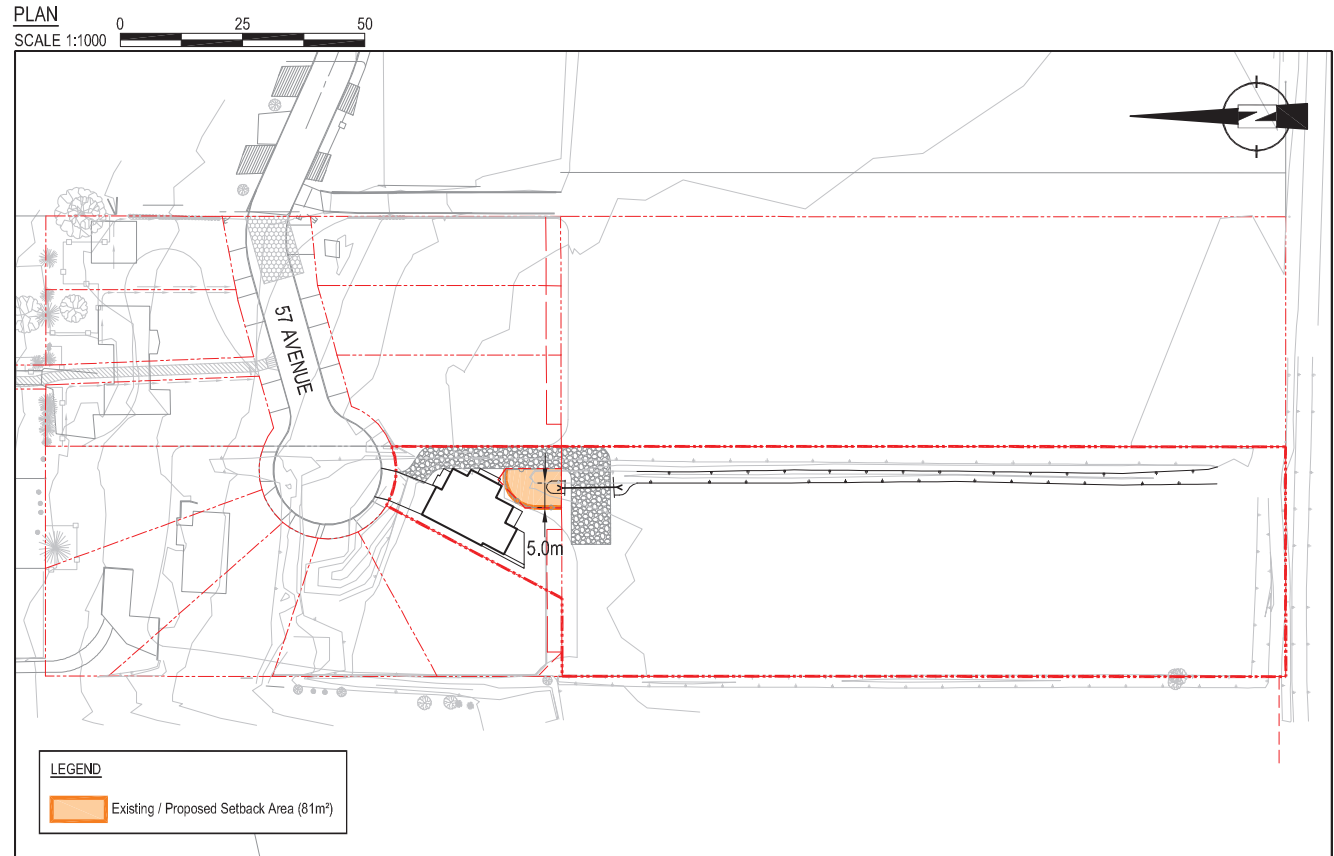
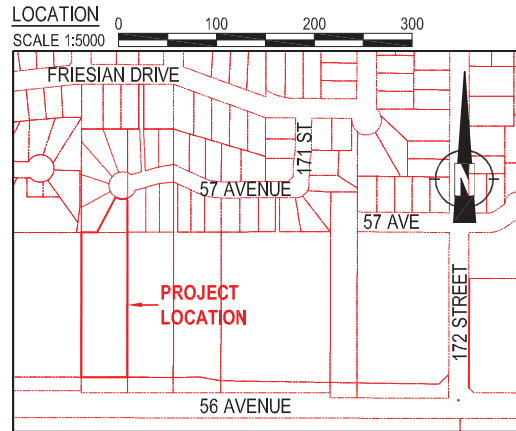
- Environmental Report Prepared by Envirowest Consulting Ltd., dated August 22, 2018.


original signed by Ron Gill

Jean Lamontagne
General Manager
Planning and Development

CRL/cm

APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION



LEGEND
 Existing / Proposed Setback Area (81m²)

DATE: 2018-08-22 - 9:27am
 PATH: I:\ENV\FSR\Alpha\Enfrowest - Files\2018\Surrey-White_Rock\654-34\AutoCAD\Final\654-34-01_02_Editing and Required SPEA.dwg
 LAYOUT: 654-34-01

REFERENCE DRAWINGS

1. Email: LOT 6A LG Certification.dwg, Received July 09, 2018; Clitwest Consulting Ltd.
2. Email: Harvinder Bains.pdf, Page No. P-0, Received August 22, 2018; Green Clover Home Designs.
3. 2017 Legal Base From City of Surrey.

HARVINDER BAINS

17018 57 AVENUE
 Surrey, BC



envirowest consultants inc.

Suite 101 - 1515 Broadway Street
 Port Coquitlam, British Columbia
 Canada V3C 6M2
 office: 604-944-0502
 facsimile: 604-944-0507

www.envirowest.ca

EXISTING / PROPOSED SETBACK

DESIGN: SH	DRAWN: CEV/RK	CHECKED: IWW	REVISION: 00	REVISION DATE:
SCALE: As Shown			DRAWING NUMBER: 654-34-01	
DATE: August 22, 2018				



169 St
169A St
58A Ave

57B Ave
58 Ave
Aberdeen St

57A Ave
Friesian Dr
169A St

170A St

171 St

57 Ave

Highway 10 (56 Ave)

BC Hydro (Cloverdale) Rwy

Angus Pl

Jersey Dr
58 Ave

Friesian Dr

57 Ave

57 Ave

57 Ave

Highway 10 (56 Ave)

BC Hydro (Cloverdale) Rwy



CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7918-0314-00

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: 029-577-055
Lot 6 Section 7 Township 8 New Westminster District Plan EPP494291
17018 - 57 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section B.2 of Part 7A "Streamside Protection", the minimum streamside setback area for a "Class A/O Ditch", as measured from top-of-bank, is reduced from 10 metres (33 ft.) to 5 metres (16.5 ft.) for the RF-zone portion of the subject lot.
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.
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.

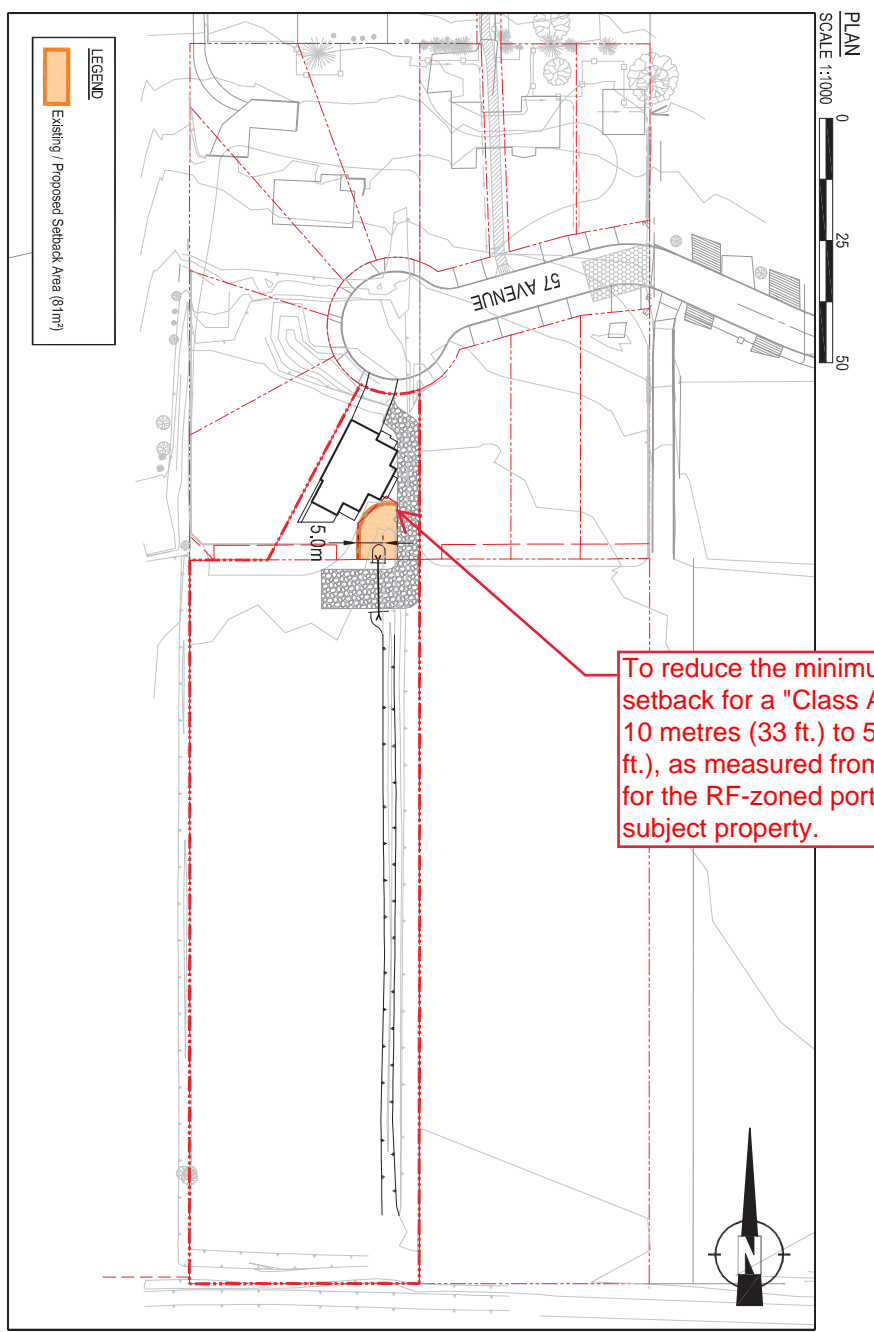
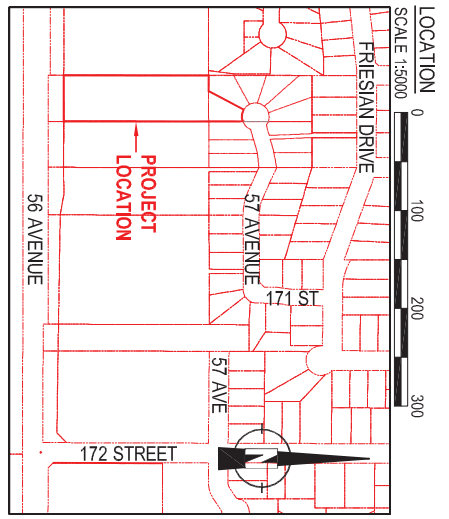
7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

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



To reduce the minimum streamside setback for a "Class A/O Ditch" from 10 metres (33 ft.) to 5 metres (16.5 ft.), as measured from top-of-bank, for the RF-zoned portion of the subject property.

LEGEND

Existing / Proposed Setback Area (81m²)

- REFERENCE DRAWINGS**
1. Email: LOT 6AUG Certification.dwg, Received July 09, 2018; Clivest Consulting Ltd.
 2. Email: Harvinder Bans.pdf; Page No. P-0; Received August 22, 2018; Green Clover Home Designs.
 3. 2017 Legal Base From City of Surrey.

HARVINDER BANS
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 faxline: 604-944-0507
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EXISTING / PROPOSED SETBACK		REVISION 00	RESPONSIBLE
DESIGNER	DRAWN		
SH	CEV/RK	MM	00
SCALE:	AS SHOWN	DRAWING NUMBER:	654-34-01
DATE:	August 22, 2018		