

City of Surrey
ADDITIONAL PLANNING COMMENTS

File: 7907-0399-00

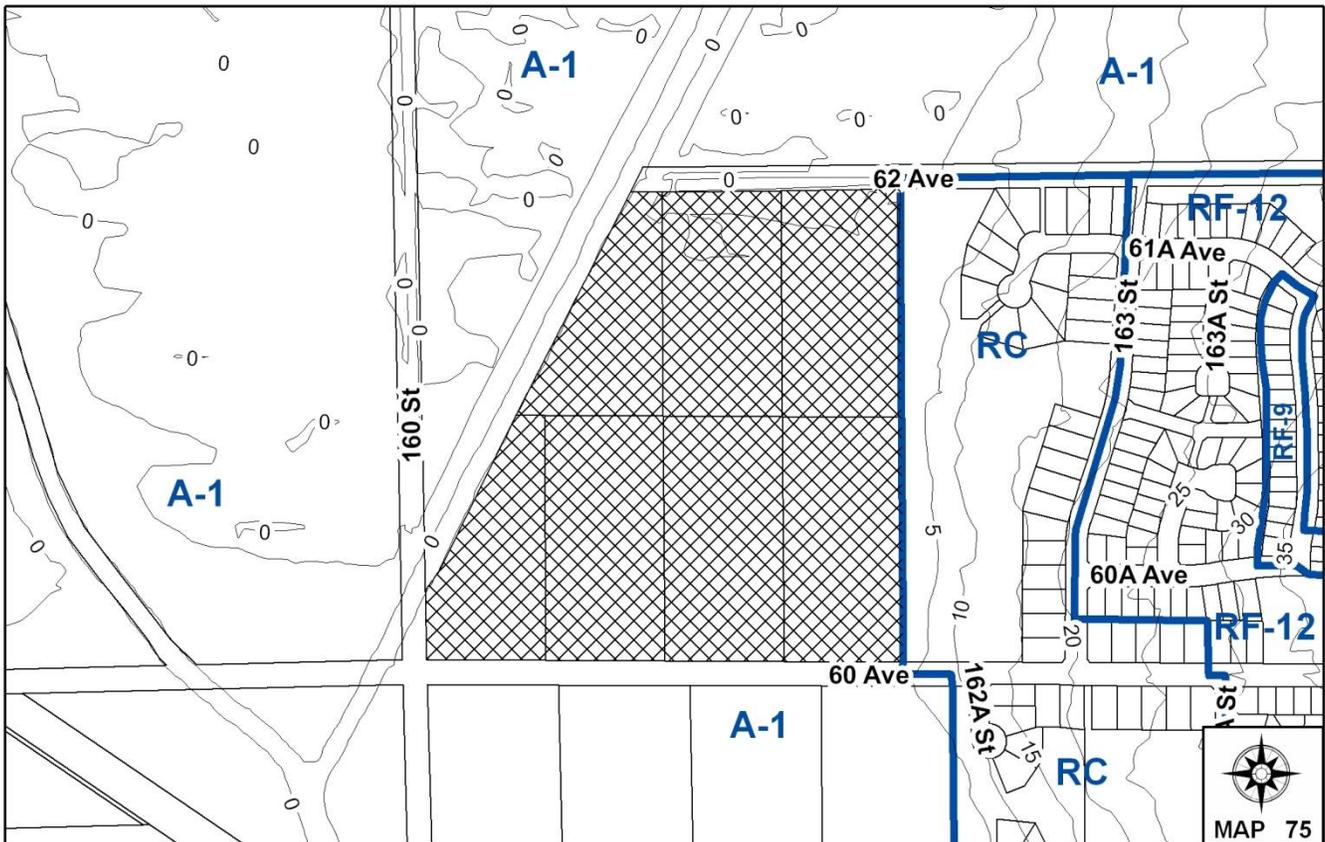
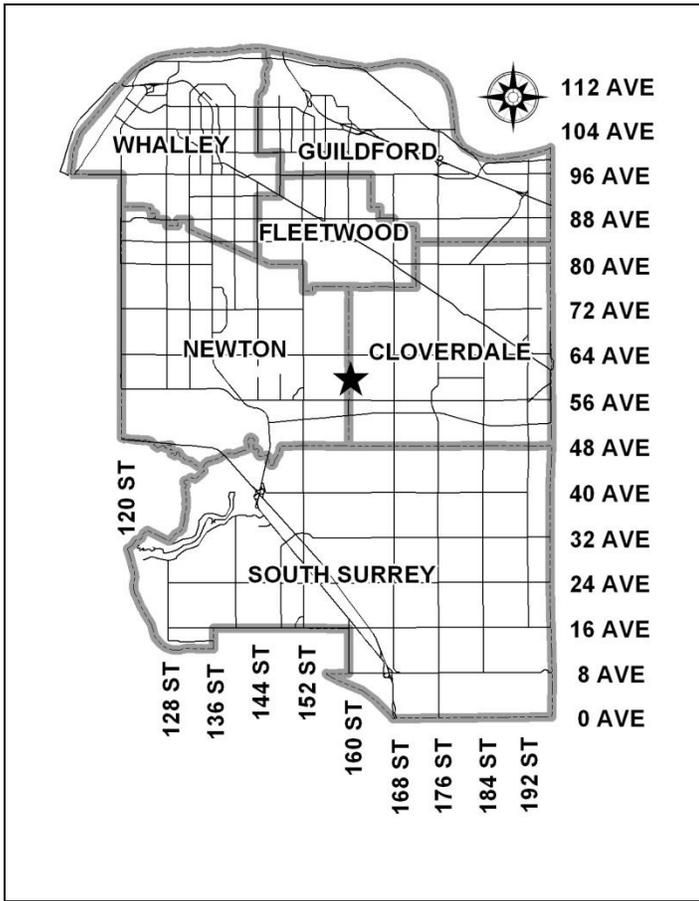
Planning Report Date: September 13, 2010

PROPOSAL:

- **Rezoning** from A-1 to CD (based on A-1)
- **Subdivision within ALR** under Section 21 of the ALC Act
- **Development Variance Permit**

in order to allow subdivision from 7 existing lots into 5 one-acre residential lots, one 25-acre farm parcel and parkland.

LOCATION: 16100 Block of 60 Avenue and 62 Avenue
OWNER: Harpal Sooch et al
ZONING: A-1
OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

- By-law introduction and set a date for Public Hearing for Rezoning.
- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking relaxation of the minimum lot size for lots permitted septic systems, from 0.81 ha. (2 acres) to 0.50 ha (1 ac.).

RATIONALE OF RECOMMENDATION

- The clustering of the residential use and the preservation of the largest area possible for farming provides a benefit to agriculture.
- The applicant is providing drainage improvements that are consistent with the Engineering Department's long-term drainage plan for this area.
- The applicant has provided documentation to confirm all 6 proposed lots can satisfy septic requirements.
- The Agricultural Land Commission (ALC) supports the proposal, with conditions.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject site from "General Agricultural Zone (A-1)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council approve Development Variance Permit No. 7907-0399-00 (Appendix VI) varying the following to proceed to Public Notification:
 - (a) relax the requirement of the Subdivision & Development By-law, No. 8830, 1986, as amended to reduce the minimum lot size for lots permitted septic systems from 0.81 ha (2 acres) to 0.40 ha (1 acre), for proposed Lots 1 to 5 inclusive.
3. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) submission of a subdivision layout to the satisfaction of the Approving Officer;
 - (c) that the applicant address fire flow requirements to the satisfaction of the General Manager, Planning and Development and the Fire Chief;
 - (d) final approval of the proposed culvert and related works to the satisfaction of the Department of Fisheries and Oceans, the General Manager, Engineering and the General Manager, Parks, Recreation and Culture;
 - (e) the registration of a Building Scheme on all proposed lots;
 - (f) the registration of a Section 219 Restrictive Covenant to address construction noise control during eagle nesting season;
 - (g) the applicant address the concern that the project will place additional pressure on existing park facilities in the area to the satisfaction of the General Manager, Parks, Recreation & Culture;
 - (h) the registration of a Section 219 Restrictive Covenant for floodproofing of habitable buildings to the satisfaction of the General Manager, Planning & Development;
 - (i) the applicant address the conditions required by the Agricultural Land Commission (ALC) as specified in their letters dated July 26, 2010 (attached) and April 19, 2010 (attached);
 - (j) the registration of a Section 219 Restrictive Covenant for the location of the engineered mound on proposed Lots 1 to 6.

ADDITIONAL REFERRALS

Agricultural Land Commission (ALC):

The proposal for subdivision within the ALR was considered at the March 25, 2010 meeting of the ALC (Appendix IX). The ALC was supportive of the proposed development, subject to a number of conditions.

On May 10, 2010, the applicant submitted a revised subdivision proposal to the ALC for consideration, which reflected subdivision of the 7 existing lots into 3 10-acre lots, with two dwelling units on each lot (Appendix X).

The Planning and Development Department and Engineering Department had concerns about some of the ALC's conditions for approval. On July 6, 2010, City staff responded to the ALC with a letter outlining how the City could address the ALC's conditions.

Agricultural Land Commission (ALC): (Continued)

The submissions from the City and the applicant's engineering consultant, HY Engineering, were subsequently reviewed by the ALC at its July 7, 2010 meeting. The ALC considered the supplemental information from City staff but did not consider the applicant's revised subdivision proposal. The ALC maintained its March 25, 2010 decision to support the application, subject to conditions described later in this Report.

DEVELOPMENT CONSIDERATIONS

Background

- The subject property comprises 7 existing lots with a total site area of 12.5 hectares (31 acres). It is located on the east side of the Serpentine Canal, just west of the West Cloverdale North NCP area, and north of 60th Avenue. The land is located within the Agricultural Land Reserve (ALR) and within the 200-year floodplain.
- The subject site is designated Agricultural in the Official Community Plan and zoned General Agriculture (A-1). The land use surrounding the subject site to the north, west and south is Agricultural. The land use to the east of the subject site is Open Space and the Hook Greenway.
- The proposal is for the following:
 - A rezoning from General Agriculture (A-1) to Comprehensive Development Zone (CD) to permit consolidation and subdivision of the 7 existing parcels into 6 new parcels. One of the proposed parcels is approximately 10.4 hectares (25.6 acres) in area, with the other five at approximately 0.4 hectare (1 acre) in area. Parkland dedication in the amount of 1,350 sq.m. (14,532 sq.ft) is also proposed adjacent to proposed Lot 1 (Appendix II).
 - The construction and extension of 60 Avenue into the ALR. All 6 lots are proposed to front 60 Avenue. The associated drainage servicing works are consistent with Surrey's Lowland Flood Control Strategy.

- To relax the requirement of the Subdivision and Development By-law with a Development Variance Permit to reduce the minimum lot size of lots with septic systems from 0.81 hectares (2 acre) to 0.4 hectares (1 acre) for proposed Lots 1 to 5 inclusive.
- At the September 14, 2009 Regular Council – Land Use meeting, Council considered a Planning Report on this application and denied staff's recommendation that the proposed non-farm use and subdivision within the ALR be referred to the ALC for their consideration (Appendix XII).
- At the October 5, 2009 Regular Council – Public Hearing meeting Council agreed to a Notice of Motion to reconsider Res. R09-1491 and bring back Application No. 7907-0399-00 for consideration at the October 19, 2009 Regular Council – Land Use meeting.
- At the October 19, 2009 Regular Council – Land Use meeting, Council reconsidered the Planning Report on this application and approved staff's recommendation that the proposed non-farm use and subdivision within the ALR be referred to the ALC for their consideration.
- The ALC has now considered this application as documented in the following section of this report.

Agricultural Land Commission Decision

- The proposal for subdivision within the ALR was considered at the March 25, 2010 meeting of the ALC (Appendix IX). The ALC was supportive of the proposed development, subject to conditions summarized below:
 - Close and sell the north portion of 60 Avenue between the cul-de-sac bulb and the Serpentine Channel to the owner of proposed Lot 6 for farming purposes.
 - Place signage which identifies the dyke as not being available for public use.
 - The north boundary of proposed Lots 1-5 must follow a line along the north boundary of the engineered disposal field mounds (i.e. create proposed Lots 1-5 as 2,000 sq.m. (0.5-acre) lots).
 - The north boundary of the park parcel must follow the same alignment of proposed Lots 1-5.
 - The dyke must be fenced, complete with signage which identifies the dyke as not being available for public use.
 - Site preparation of proposed Lot 6, including appropriate surface and sub-surface drainage, must be provided in consultation with a Professional Agrologist consultant with a view to maximizing the agricultural potential of the farm parcel.
- On May 10, 2010, the applicant submitted a revised subdivision proposal to the ALC for consideration, which reflected subdivision of the 7 existing lots into 3 10-acre lots, with two dwelling units on each lot (Appendix X).
- The Planning and Development Department and Engineering Department had concerns about some of ALC's conditions for approval as well as concerns with the applicant's new proposed subdivision, which had not been discussed with City staff. City staff subsequently responded to the ALC outlining how the City could address the ALC's concerns.

- The submissions from the City and the applicant's engineering consultant, HY Engineering, were subsequently reviewed by the ALC at its July 7, 2010 meeting. The ALC considered the supplemental information from City staff but did not consider the applicant's revised subdivision proposal. The ALC did not modify its March 25, 2010 decision to support the proposed subdivision except modified the conditions as summarized below:
 - Proposed Lots 1-5 may be a minimum of 4,050 square metres (0.5 acres) in size.
 - The closure of the west portion of 60 Avenue and the lease of that portion to the owner of proposed Lot 6 for farming purposes is no longer required.
 - The fence and signage may be located at the end of the constructed cul-de-sac (i.e. not within the dyke footprint).

Proposed CD Zone

- The proposed CD Zone is generally based on the General Agriculture Zone (A-1) as the site is within the ALR, with modifications to density, yards and setbacks and lot size regulations.
- The proposed CD Zone identifies two distinct areas, Block A and Block B, where Block A, with a site area of 2.4 hectares (6 acres) is intended for residential use, and Block B, with a site area of 10.5 hectares (26 acres) will be primarily for agricultural or horticultural use.
- The proposed CD Zone in relation to the A-1 Zone is illustrated in the following table:

	Permitted Under A-1 Zone within the ALR	Block A of proposed CD Zone	Block B of proposed CD Zone
Subdivision:			
Lot area	4 hectares [10 ac.]	4,050 sq.m. [1 ac.]	10.5 hectares [26 ac.]
Lot width	1/10 of total lot perimeter	45m [147 ft.]	152 metres [500 ft.]
Density:			
For subdivision purposes	Not applicable	1 u.p.a.	Not applicable
For building construction purposes	Not applicable	Maximum floor area of 557 sq.m. [6,000 sq.ft.] for residential purposes	Maximum floor area of 557 sq.m. [6,000 sq.ft.] for residential purposes
Lot Coverage	Not applicable	20%	Not applicable
Setbacks for Single Family Dwellings and Duplexes:			
Front Yard Setback	12.0 metres [40 ft.]	7.5 metres [25 ft.]	7.5 metres [25 ft.]
Side Yard Setback	Lesser of (a) 13.5m [44 ft.], or (b) 10% of the lot width, but in any event not less than 3.0 metres [10 ft.]	4.5 metres [15 ft.]	4.5 metres [15 ft.]

- All other requirements of the proposed CD Zone comply with the A-1 Zone.

Block A (proposed Lots 1 to 5):

- While the A-1 Zone requires a minimum lot size of 4 hectares (10 acres), the proposed CD Zone requires a minimum lot size of 0.4 hectare (1 acre).
- The proposed CD Zone permits front and side yard setbacks of 7.5 metres (25 ft.) and 4.5 metres (15 ft.), respectively. These setbacks are less than those prescribed in the A-1 Zone (see the Table above). The reduced setbacks are proposed to achieve a sanitary septic system on each lot and to minimize fill.
- In the A-1 Zone there is no maximum house size. The applicant is proposing to limit the house size to a maximum of 557 square metres (6,000 sq.ft). The applicant is also proposing to limit the lot coverage of the lots in Block A to 20%, similar to the lot coverage of the One-Acre Residential (RA) Zone.

Block B (proposed Lot 6):

- The front and side yard setbacks are proposed to be reduced from those specified in the A-1 Zone for a single family dwelling.
- In the A-1 Zone, there is no maximum house size. The applicant is proposing to limit the house size for this Block (i.e. for proposed Lot 6) to a maximum of 557 square metres (6,000 sq.ft).
- Block B is proposed to have a minimum lot area of 10.0 hectares (25 acres) to ensure that the maximum area possible is available for farm use. The A-1 Zone requires a minimum lot size of 4 hectares (10 acres) within the ALR.

Other Issues

- Fire protection is not provided to ALR parcels. However, given the rural residential component of this development proposal, the applicant must address fire protection concerns to the satisfaction of the General Manager, Planning and Development and the Fire Chief.

BY-LAW VARIANCE AND JUSTIFICATION**(a) Requested Variance:**

- To reduce the minimum lot size requirement of the Subdivision and Development By-law for lots requiring a septic sanitary system, from 0.81 hectares (2 acres) to 0.40 hectares (1 acre), for proposed Lots 1 to 5.

Applicants' Reasons:

- The proposed 1-acre lots on septic will allow for a 10.1-hectare (25-acre) lot for agriculture.
- The applicants have retained a qualified professional, Active Earth Engineering Ltd., who has confirmed that a septic sanitary system plus backup system can be achieved on the 5 proposed 1-acre lots.

Staff Comments:

- The subject site is located outside of the Greater Vancouver Sewerage and Drainage District and cannot be connected to the sanitary mains located to the east of the subject site.
- The Subdivision and Development By-law requires a minimum 0.81-hectare (2 acre) parcel size in order to qualify for a sewage disposal (septic) system. This minimum lot size was established so that there would be sufficient space for a septic system plus an additional system, should the primary septic system fail.
- Due to the benefits to agriculture from this application and the information provided by the applicants' qualified professional, the Engineering Department can support the request to permit lot sizes of 1 acre with septic sanitary systems.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Proposed Subdivision Layout
Appendix III.	Engineering Summary
Appendix IV.	Agricultural Advisory Committee Minutes (November 6, 2008, April 2, 2009 and July 9, 2009)
Appendix V.	Building Design Guidelines Summary
Appendix VI.	Development Variance Permit No. 7907-0399-00
Appendix VII.	Proposed CD By-law
Appendix VIII.	Eagle Nest Buffers
Appendix IX.	ALC Minutes dated March 25, 2010
Appendix X.	Revised proposed subdivision from H.Y. Engineering Ltd. to ALC dated May 10, 2010
Appendix XI.	ALC Minutes dated July 7, 2010
Appendix XII.	Initial Planning Report dated September 14, 2009 (with no attachments)

Jean Lamontagne
General Manager
Planning and Development

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3. Summary of Actions for City Clerk's Office

- (a) Introduce a By-law to rezone the property.
- (b) Proceed with Public Notification for Development Variance Permit No. 7907-0399-00.

SUBDIVISION DATA SHEET

Proposed Zoning: CD (based on A-1)

Requires Project Data	Proposed	
GROSS SITE AREA	Block A	Block B
Acres	5	25.5
Hectares	2.1	10.1
NUMBER OF LOTS		
Existing	7	
Proposed	5	1
SIZE OF LOTS		
Range of lot widths (metres)	45 m	165 m
Range of lot areas (square metres)	1 ac.	25.0 ac.
DENSITY		
Lots/Hectare & Lots/Acre (Gross)	1 upa/.405 uph	.04 upa/0.10 uph
Lots/Hectare & Lots/Acre (Net)	1 upa/.405 uph	.04 upa/0.10 uph
SITE COVERAGE (in % of gross site area)		
Maximum Coverage of Principal & Accessory Building	20%	4%
Estimated Road, Lane & Driveway Coverage		0.5%
Total Site Coverage		4.5%
PARKLAND		
Area (square metres)	1,350 m ²	
% of Gross Site	19	
Required		
PARKLAND		
5% money in lieu	NO	
TREE SURVEY/ASSESSMENT	NO	
MODEL BUILDING SCHEME	YES	
HERITAGE SITE Retention	NO	
BOUNDARY HEALTH Approval	NO	
DEV. VARIANCE PERMIT required		
Road Length/Standards	NO	
Works and Services	YES	
Building Retention	NO	
Others	NO	