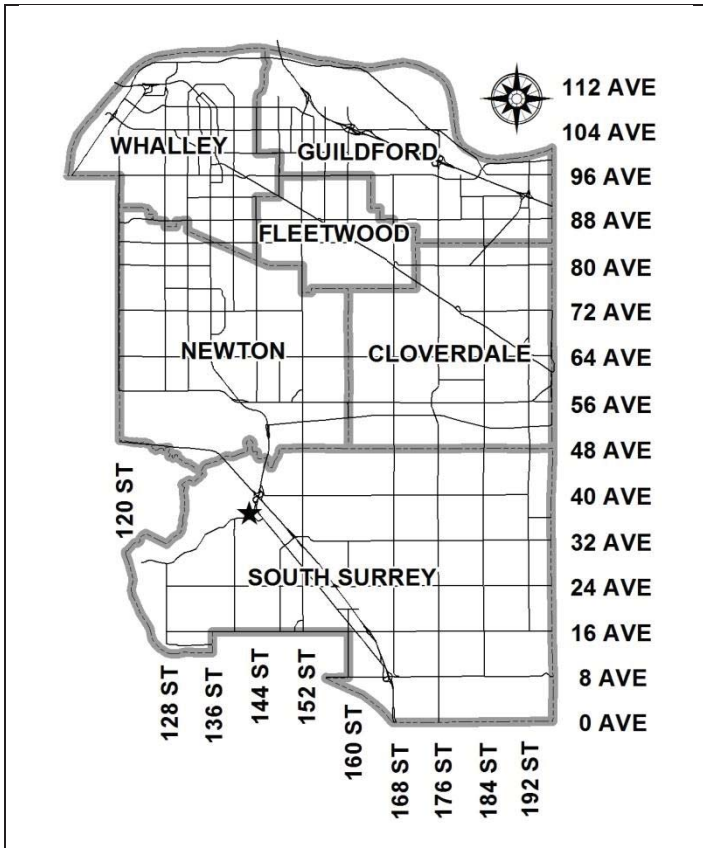


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7916-0691-00

Planning Report Date: May 8, 2017



PROPOSAL:

- Development Permit
- Development Variance Permit

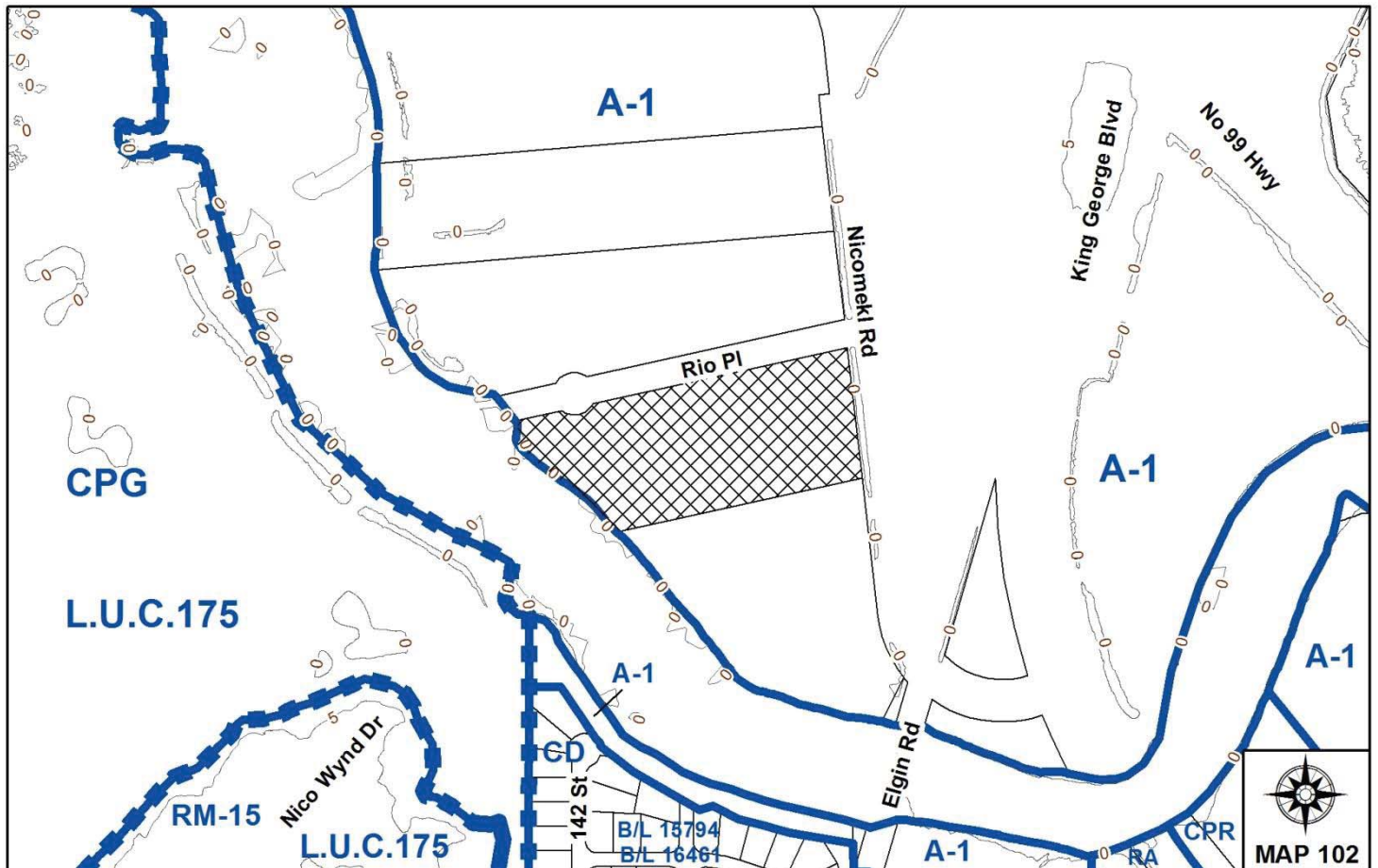
to permit the construction of a single family dwelling and accessory building.

LOCATION: 14230 - Rio Place

OWNER: Ke Y. Chen

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 seeking a Development Variance Permit to increase the maximum setback from the side lot line on a flanking street for a single family dwelling of the "General Agriculture Zone (A-1)" from 50 metres (164 ft.) to 60 metres (197 ft.).
- The applicant is also seeking a variance to increase the maximum farm residential footprint of the "General Agriculture Zone (A-1)" from 2,000 square metres (0.5 ac.) to 2,607 square metres (0.64 ac.) to build a single family dwelling.

RATIONALE OF RECOMMENDATION

- The subject property contains an existing, non-conforming farm residential footprint that exceeds the requirements of the A-1 Zone. Through this application, the extent of the non-conforming footprint will be reduced by removing patios and walkways that are outside the requested 2,607 square metre (0.64 ac.) farm residential footprint.
- The property does not have a history of farm activity and has been primarily used for residential purposes.
- Through the Sensitive Ecosystem Development Permit, the applicant will enhance the riparian areas on their property through landscape treatment.
- The Agriculture and Food Security Advisory Committee (AFSAC) supports the requested variances.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7916-0691-00 (Appendix IV) varying the following, to proceed to Public Notification:
 - (a) to increase the maximum setback for a single family dwelling from the side lot line on a flanking street of the "General Agriculture Zone (A-1)" from 50 metres (164 ft.) to 60 metres (197 ft.); and
 - (b) to vary the maximum farm residential footprint of the "General Agriculture Zone (A-1)" from 2,000 square metres (0.5 ac.) to 2,607 square metres (0.64 ac.).
2. Council authorize staff to draft Development Permit No. 7916-0691-00 for Sensitive Ecosystems and Hazard Land, generally in accordance with the geotechnical study prepared by Earthtec Geotechnical Consulting and the environmental report prepared by Madrone Environmental Services Ltd.
3. Council instruct staff to resolve the following issues prior to approval:
 - (a) Registration of a Section 219 Restrictive Covenant to ensure future house construction is in accordance with the recommendations in the approved Geotechnical Report;
 - (b) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect; and
 - (c) 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.

REFERRALS

Engineering:	The Engineering Department has no objection to the project.
Agriculture and Food Security Advisory Committee (AFSAC):	At the April 6, 2017 meeting, AFSAC supported the proposed variances to increase the farm residential footprint (Appendix III).

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across Rio Place):	Single family dwelling.	Agricultural	A-1
East (Across Nicomekl Road):	King George Boulevard Interchanges.	Agricultural	A-1
South:	Single family dwelling.	Agricultural	A-1
West (Across Nicomekl River):	Golf course.	Agricultural	LUC No. 175 (CPG Zone underlying)

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is located at 14230 - Rio Place and is approximately 2 hectares (5 ac.) in size.
- The property is designated "Agricultural" in the Official Community Plan (OCP), zoned "General Agricultural Zone (A-1)" and located within the Agricultural Land Reserve (ALR).
- The subject site is not classified as farmland under the *Assessment Act*.
- The applicant indicates that there has been no history of farm activity on this lot and that it has been used primarily for residential purposes. Aerial images confirm no significant farming has occurred on the subject site in the last 20 years.
- To the north and south of the subject property are similar estate-type properties which are zoned A-1 and located within the ALR. To the east are interchanges for King George Boulevard, and to the west is the Nicomekl River, which is Class A watercourse.
- The west portion of the property has been filled for flood proofing purposes, and contains a single family dwelling with an outdoor pool and extensive landscaping. In the eastern portion of the site is a man-made pond. All of these features were built by a previous owner.
- The property contains a non-conforming farm residential footprint of approximately 5,413 square metres (1.34 ac.) which includes a single family dwelling, accessory buildings, an outdoor pool, landscaping, and driveways and walkways. The maximum farm residential footprint under the A-1 Zone is 2,000 square metres (0.5 acres).
- The building permit application for the existing dwelling was approved in July of 1976. An unidentified amount of fill was used to construct a residential building footprint.

- In January 1991, applications by a previous property owner were made to the City of Surrey and the ALC to permit the placement of fill in the north and south side yards and to infill a ditch at the base of the dyke to the west of the house. The total lot coverage in the fill placement request was approximately 3,716 square metres (0.92 ac.). On March 25, 1991, Council passed Resolution 91-1307 permitting the infilling of the ditch. On July 29, 1991, the ALC issued a letter to the City of Surrey stating that the Commission, by Resolution #579/91, approved the placement of fill as requested by the property owner.
- The man-made pond was created at an unknown period of time by a previous owner. The current applicants have obtained a report from a Qualified Environmental Professional stating that the pond provides important wetland habitat and sufficient wetland function to be considered a naturalized Class A pond, and should be retained on this property.

Current Proposal

- The applicant is requesting a Development Variance Permit to increase the residential farm home plate of the A-1 Zone from 2,000 square metres (0.5 ac.) to 2,607 square metres (0.64 ac.) and to increase the maximum setback for a single family dwelling of the "General Agriculture Zone (A-1)" from 50 metres (164 ft.) to 60 metres (197 ft.) in order to construct a new single family dwelling and accessory building.
- The proposed lot coverage for the principle building is 1,094 square metres (11,772 sq. ft.) and 76 square metres (818 sq. ft.) for the accessory building.
- The applicant is proposing to construct the new buildings over the area where the current dwelling and driveways are located. The applicants have indicated that they will use a piling foundation to bring the proposed house to the required flood control level for this area.

Farm Residential Footprint in the A-1 Zone

- The A-1 Zone does not have lot coverage or Floor Area Ratio requirements for the regulation of building size on a given property. However, the A-1 Zone restricts the principle single family dwelling and accessory farm residential facilities to a 2,000 square metre (0.5 ac.) farm residential footprint.
- Under the Zoning By-law, accessory farm residential facilities are defined as accessory buildings, structures, or improvements associated with a principal single family dwelling on a lot, including driveways to a residential building, household greenhouse, artificial ponds, pools, residential-related workshop, tool, and storage sheds.

Hazard Lands Development Permit (Flood Plain)

- The property is located within the 200-year floodplain of the Nicomekl River and is subject to a Hazard Land Development Permit.
- The flood control level for this property is an elevation of 3.4 metres (11 ft.) based on the Geodetic Survey of Canada datum.

- A preliminary geotechnical site assessment report prepared by Earthtec Geotechnical Consulting on June 10, 2016 indicates that the elevation of the existing house floor and surrounding yards to be approximately 3.3 metres and falling to 1.5 metres (5 ft.) and 2.7 (9 ft.) along the north and south property lines respectively.
- The applicant is proposing to bring the house to the required flood control level with a piling foundation. A report outlining how the piling foundation will meet the geotechnical requirements of the site is forthcoming. The applicant has indicated that they will not require new fill to achieve the required flood control level for the proposed house. The findings of this report will be confirmed through a peer review.

Sensitive Ecosystem Development Permit

- The subject property is also subject to a Sensitive Ecosystem Development as the lot is bordered by the Nicomekl River to the west and Class A-O ditches to the north and east.
- An Environmental Development Plan (EDP) has been prepared Madrone Environmental Services Ltd. on April 20, 2017. The EDP identifies the man-made pond on the property as a Class A wetland.
- The EDP confirms that the proposed house is located outside the minimum streamside setback areas of 15 metres (50 ft.) for the Class A Nicomekl River and the wetland and 10 metres (33 ft.) for the Class A/O ditches as required under Part 7A of the Zoning By-law.
- The plan states that no new development is allowed or proposed in the streamside protection areas.
- The EDP recommends removing invasive species and planting of native species within the streamside protection areas. Planning has requested the applicants provide a Landscape Plan and Cost Estimate for these planting works, in addition to the removal of existing concrete patios and walkways outside the proposed farm residential footprint.

TREES

- Jeff Ross, ISA Certified Arborist of Mike Fadum and Associates Ltd., prepared an Arborist Assessment for the subject property. The table below provides a summary of the tree retention and removal by tree species:

Table 1: Summary of Tree Preservation by Tree Species:

Tree Species	Existing	Remove	Retain
Alder and Cottonwood Trees			
Alder/Cottonwood	3	0	3

Tree Species	Existing	Remove	Retain
Deciduous Trees (excluding Alder and Cottonwood Trees)			
Cherry	2	1	1
Paper Birch	1	0	1
Western Catalpa	4	2	2
Hawthorne	2	0	2
Red Horse Chestnut	1	0	1
London Plane	2	0	2
English Oak	3	2	1
Red Oak	2	0	2
Oak	4	3	1
Lombardy Poplar	2	0	2
Willow	1	0	1
Weeping Willow	2	0	2
Coniferous Trees			
Pyramidal Cedar	1	1	0
Western Red Cedar	2	0	2
Douglas Fir	2	0	2
Falsecypress	11	4	7
Pine	1	0	1
Scots Pine	3	0	3
Total (including Alder and Cottonwood Trees)	49	13	36
Total Replacement Trees Proposed		To be determined in Landscape Plan	
Total Retained and Replacement Trees		To be determined in Landscape Plan	

- The Arborist Assessment states that there are a total of 49 protected trees on the site, including Alder and Cottonwood trees. Three (3) existing trees, approximately 6 % of the total trees on the site, are Alder and Cottonwood trees. It was determined that 36 trees can be retained as part of this development proposal. The proposed tree retention was assessed taking into consideration the location of services, building footprints, road dedication and proposed lot grading.
- For those trees that cannot be retained, the applicant will be required to plant trees on a 1 to 1 replacement ratio for Alder and Cottonwood trees, and a 2 to 1 replacement ratio for all other trees. This will require a total of 26 replacement trees on the site. Currently, no trees have been proposed for replacement; however, the applicant is required to provide a Landscaping Plan which may include replacement trees. If it is determined through the review of the Landscaping Plan that 26 replacement trees cannot be accommodated on this lot, the deficit number of replacement trees will require a \$400 per tree cash-in-lieu payment to the Green City Fund, in accordance with the City's Tree Protection By-law. The applicant would be required to resolve this deficiency prior to finalization of the subject application, should this be supported by Council.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- Increase the maximum setback for a single family dwelling from the side lot line on a flanking street of the "General Agriculture Zone (A-1)" from 50 metres (164 ft.) to 60 metres (197 ft.); and
- Increase the maximum farm residential footprint of the "General Agriculture Zone (A-1)" from 2,000 square metres (0.5 ac.) to 2,607 square metres (0.64 ac.).

Applicant's Reasons:

- The site has not been used for farming in the past and has minimal agricultural capacity.
- The proposed house will be located within the existing, non-conforming farm residential footprint, and will not disturb any new areas on the lot.
- The existing concrete walkways and patios outside of the proposed residential footprint will be removed; ultimately reducing the residential footprint from its current size of 5,413 square metres (1.34 ac.) to 2,607 square metres (0.64 ac.).

Staff Comments:

- The A-1 Zone does not have lot coverage or Floor Area Ratio requirements for regulating building size. The farm residential footprint is the only means of restricting the non-farm related buildings and uses on a given A-1 zoned property.
- The proposed dwelling has an approximate lot coverage of 1,093 square metres (11,772 sq. ft.) and a total floor area of 1,671 square metres (17,989 sq. ft.). The proposed accessory building has approximate lot coverage of 75 square metres (817 sq. ft.).
- Through the Sensitive Ecosystem Development Permit, the applicant will be required to provide a Landscaping Plan for the enhancement of the riparian areas on the subject site and the removal of the concrete patios and walkways outside the requested residential footprint. In doing so, the applicant will improve the non-conforming residential footprint that currently exists on the site.
- The on-site pond is man-made and typically would be considered an accessory farm residential facility and part of the farm residential footprint. However, the applicant's Qualified Environmental Professional has verified that the pond is a naturalized feature and is classified as a Class A wetland. Therefore, the pond is proposed to be retained but will not be included in the farm residential footprint calculation.
- On April 6, 2017, the Agriculture and Food Security Advisory Committee supported the proposed variances to increase the farm residential footprint.

- Staff supports the application to proceed to Public Notification. However, should Council have concerns with the variance requests they may choose to refer the application back to Staff to reduce the farm residential footprint to comply with the provisions identified in the Zoning By-law.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Site Plan and Aerial Photograph Showing Context
Appendix III.	Agriculture and Food Security Advisory Committee Minutes dated April 6, 2017
Appendix IV.	Development Variance Permit No. 7916-0691-00

INFORMATION AVAILABLE ON FILE

- Geotechnical Study Prepared by Earthtec Geotechnical Consulting dated June 10, 2016
- Environmental Report Prepared by Madrone Environmental Services Ltd. dated April 20, 2017

Original Signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

ARR/da



14185

Rio Pl

Nicomack Rd

A-1

13-3691-00

13-0691-00

14200

King George Corridor

CPG LINC 173
10-0029-00

Nicomack River

Elgin Rd

2. Proposed Increase in Farm Residential Footprint

Adam Rossi, Planning Technician

File: 6880-75; 7916-0691-00

Staff provided the following comments:

- The subject property is located at 14230 Rio Place and is approximately 2 hectares (5 acres) in size. The property is designated "Agricultural" in the Official Community Plan (OCP), zoned "General Agricultural Zone (A-1)" and located within the Agricultural Land Reserve (ALR). The subject site is not classified as farmland under the *Assessment Act* and is located within the Flood Prone Hazard Land Development Permit Area and the Sensitive Ecosystem Development Permit Area.
- The applicant is requesting a Development Variance Permit to increase the residential farm home plate of the A-1 Zone from 0.2 hectares (0.5 acres) to 0.26 hectares (0.64 acres) in order to construct a new single family dwelling and an accessory building. The proposed lot coverage for the principle building is 1,094 square metres (11,772 square feet) and 76 square metres (818 square feet) for the accessory building.
- The applicant indicates that there has been no history of farm activities on this lot in the past and that the site has been used primarily for residential purposes. The property contains a non-conforming farm residential footprint of approximately 5,413 square metres (1.34 acres) which includes a single family dwelling, an outdoor pool, landscaping, and driveways and walkways.
- Staff noted that the Applicants are looking to extend the farm home plate and to construct new buildings over the area where the current dwelling and driveways are located.
- When the house was originally built, the west was built for flood proofing purposes. A man made pond was dredged; there is a non-conforming residential footprint of approximately 5,413 square metres (1.34 acres).
- In July 1976 a building permit was issued for the structure and an unidentified amount of fill was used to construct a residential building footprint.
- In January 1991, applications by a previous property owner were made to the City and the ALC to permit the placement of fill in the north and south side yards and to infill a ditch at the base of the dyke to the west of the house. The total lot coverage in the fill placement request was 3,716 square metres (0.92 acres). On March 25 1991, Council granted approval (Res. 91-1307) for fill placement.
- Staff noted that the current Applicants are looking to build a new single family dwelling and that they will remediate the site to remove landscaping features; however, there is still the historical, unidentified fill located directly underneath the subject site.

- Staff clarified that the Agriculture Land Commission (ALC) policy on fill has been resolved, they issued a permit, the fill is in place; however, by varying the zoning bylaw farm residential footprint requirements, it will impact neighbouring properties as the lands develop.
- Staff clarified that the existing house will be demolished and that the Applicant proposes to construct the new buildings over the area where the current dwelling and driveways are located on existing areas of approved fill. Therefore, a non-farm use application for the placement of fill is not required from the ALC.
- In locations where the land is below flood construction level, the applicants have indicated that they will use Styrofoam blocks and relocated soil from the existing home plate.
- The foundations will be on piles and anywhere needed to rise will be on Styrofoam block. No new fill will be brought to site.
- It was noted that the application before the Committee has no connection or benefit to agriculture.

The Committee provided the following comments:

- The Vice-Chair asked the Applicant (who was in attendance) for clarification regarding the water use for irrigation, and the Applicant noted that they are using City potable water for irrigation of landscaping on the site.
- In response to a question from the Committee, staff clarified the Applicants have hired an architectural firm for the project and that the firm has engaged a qualified environmental professional to review the pond located on the site and prepare a report. The report noted that the existing pond provides important wetland habitat and should be retained on the property.
- The Committee asked for clarification regarding how the house will be raised above flood plain and how the fill will be compensated. Staff noted that they do not have the final geo technical report at this time, and will require a Hazard Land Development Permit for Flood Protection as part of development.
- The Committee noted that the geodetic height of the site is important and should be carefully considered. Engineering staff clarified that they would not permit any more fill on the site in terms of extending the farm home plate which is why Styrofoam blocks have been proposed; the existing grade of the lot is at 3 metres.
- The Committee expressed concern in terms of flooding and whether or not flood protection measures have been taken into consideration; staff noted that they only base permits on current construction level and existing provincial guidelines.

- The Vice-Chair noted that the decision is problematic. It is pre-existing under permits, has been done by the book, have changed the zoning regulations, and now it is pre-existing non-conforming use.
- The Committee noted that work conducted on the site has been done in accordance with past policy and that although the pond does not fit the new farm residential footprint regulations staff was asked to work with the Applicant and stipulate that no additional fill can be used and that the general side grades not be increased anywhere.
- The Committee requested clarification on the zoning requirements for farm residential footprint and staff noted that the existing house is 8,000 square feet including the basement and the proposal is for double the size, and in order to be constructed, requires a variance to the Zoning Bylaw standards for Farm Residential footprint to ensure artificial pond and driveways are accounted for.

It was

Moved by H. Dhillon

Seconded by B. Sandhu

That the Agriculture and Food Security

Advisory Committee recommends that the General Manager of Planning and Development support the proposed Development Variance Permit Application No. 7916-0691-00 to increase in Farm Residential Footprint; under the caveat that no additional fill be brought in; and that the new building footprint does not exceed the existing approved fill plate.

Carried

3. **Development Permit for Farm Protection**

Heather Kamitakahara, Planner

File: 6880-75; 7915-0352-00

Staff provided the following comments:

- The subject property is a 22.6 hectares (55.8 acre) parcel located at 17190 - 32 Avenue in North Grandview Heights. The site is designated "Suburban" in the Official Community Plan (OCP) and "Proposed One Acre Residential Gross Density (RA-G)" in the North Grandview Heights Neighbourhood Concept Plan (NCP).
- The Applicant is proposing an amendment to the North Grandview Heights NCP to amend the land use designation from "Proposed One Acre Residential Gross Density (RA-G)" to "Single Detached"; rezoning from RA to CD; a subdivision to create 126 suburban single family residential lots; a Hazard Lands Development Permit for steep slopes; a Sensitive Ecosystems Development Permit for streamside and green infrastructure area protection; and a Farm Protection Development Permit.

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7916-0691-00

Issued To: KE Y CHEN

(the "Owner")

Address of Owner: 14230 - Rio Place
Surrey, BC V3Z 1G5

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: 006-390-684

Lot 4 District Lot 159 Group 2 New Westminster District Plan 42089

14230 - Rio Place

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section F. Yards and Setbacks of Part 10 "General Agriculture Zone (A-1)" the maximum setback for a single family dwelling from the side lot line on a flanking street is increased from 50 metres (164 ft.) to 60 metres (197 ft.); and
 - (b) In Section J. Special Regulations of Part 10 "General Agriculture Zone (A-1)" the maximum farm residential footprint is increased from 2000 square metres (0.5 acres) to 2,607 square metres (0.64 acres).
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

