

City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7922-0023-00

Planning Report Date: July 25, 2022

PROPOSAL:

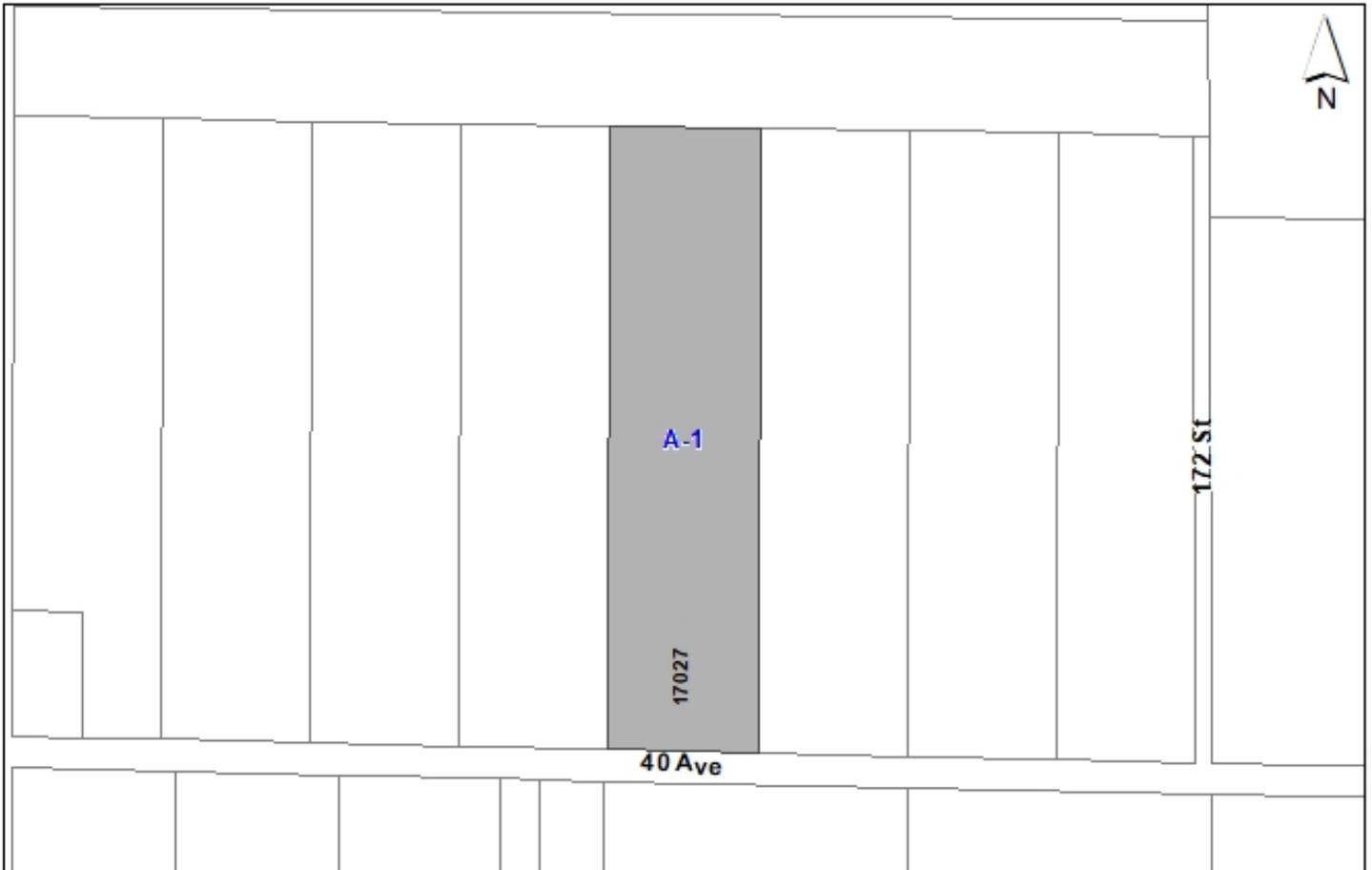
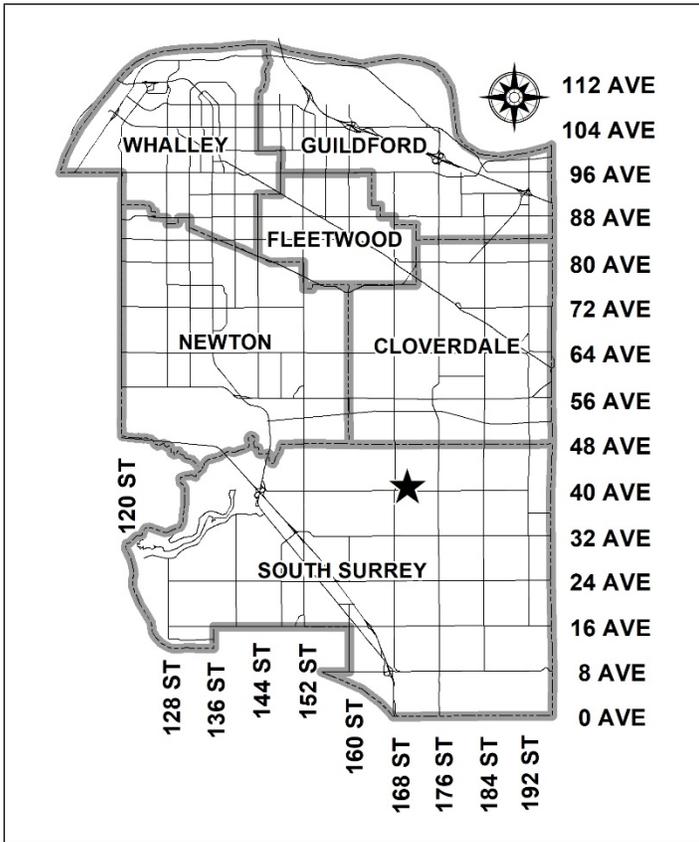
- **Development Permit (Sensitive Ecosystems)**
- **Development Variance Permit**

to permit the development of a new single-family home and to increase the maximum depth of the farm residential home plate.

LOCATION: 17027 - 40 Avenue

ZONING: A-1

OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Proposing to increase the maximum residential home plate and single family dwelling depth of the A-1 Zone.

RATIONALE OF RECOMMENDATION

- The proposal complies with the Development Permit requirements in the OCP for Sensitive Ecosystems (Streamside Areas).
- The 3.8-hectare site is located in the Agricultural Land Reserve (ALR) and is used for the production of blueberries.
- The applicant is seeking to construct a new single family dwelling and barn for the storage of blueberries and farm equipment on the existing fill pad.
- The lot is developed with a long access drive from 40 Avenue that leads approximately 197 metres north to a pre-existing fill pad at the centre of the property. The proposed farm residential home plate would be sited within this fill pad, which is situated farther than the maximum permitted setback of 60 metres from the front lot line (40 Avenue).
- Under the “General Agricultural Zone (A-1)”, the maximum depth permitted for a farm residential building and the residential home plate are intended to maximize retention of agricultural land. Due to the previous development on this site, the centre of the property is already disturbed with compacted soils and septic facilities.
- Without a variance, redevelopment of the farm residence under the A-1 zone would require disturbing the southern portion of the site with another fill pad which is currently used for blueberry crop. This would ultimately result in a net loss of high-quality arable soils across the property.
- The applicant proposes a home with a floor area of 500 square metres and partial remediation of the existing fill-pad to conform to the maximum 1,000 square metres of residential fill permitted by the Agricultural Land Commission. Remediation would be required prior to final issuance of a building permit.
- The application received support from the Agriculture, Environment and Investment Advisory Committee at the July 13, 2022, meeting.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize staff to draft Development Permit No. 7922-0023-00 for Sensitive Ecosystems (Streamside Areas) generally in accordance with the attached drawings (Appendix IV).
2. Council approve Development Variance Permit No. 7922-0023-00 (Appendix II) varying the following, to proceed to Public Notification:
 - (a) to increase the maximum setback of a single family dwelling from the front lot line of the A-1 Zone from 50 metres to 230 metres; and
 - (b) to increase the maximum depth of the farm residential footprint from the front lot line of the A-1 Zone from 60 metres to 240 metres.
3. Council instruct staff to resolve the following issues prior to final approval:
 - (a) Acceptance of the Riparian Areas Regulation Assessment Report (RAPR) by the Ministry of Forests, Lands, Natural Resources Operations and Rural Development (FLNRORD);
 - (b) completion of a Peer Review of the finalized Ecosystem Development Plan to the satisfaction of City staff;
 - (c) submission of the finalized Ecosystem Development Plan, Landscape, Monitoring, and Fencing Security, to the satisfaction of the Planning and Development Department;
 - (d) registration of a Section 219 Restrictive Covenant that requires the owner to develop the site in accordance with the conditions in the Ecosystem Development Plan; and
 - (e) registration of a Section 219 Restrictive Covenant for protection, installation, and maintenance of the sensitive ecosystem permit area.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Active farmland in the Agricultural Land Reserve	Agricultural	A-1
North:	Active farmland in the Agricultural Land Reserve	Agricultural	A-1

Direction	Existing Use	OCP Designation	Existing Zone
East:	Active farmland in the Agricultural Land Reserve	Agricultural	A-1
South (Across 40 Ave.):	Active farmland in the Agricultural Land Reserve	Agricultural	A-1
West :	Active farmland in the Agricultural Land Reserve	Agricultural	A-1

Context & Background

- The subject property is located at civic address 17027 40 Avenue and is approximately 3.82 hectares in area.
- The property is designated Agricultural in the Official Community Plan (OCP), zoned General Agriculture Zone (A-1), and located within the Agricultural Land Reserve (ALR).
- The subject site is classified as farmland under the BC Assessment Act and is currently being farmed with blueberry crops.
- The subject site is currently occupied by two single family dwellings and accessory farm buildings located in the central portion of the property, approximately 200 metres (656 ft.) from the front lot line.
- The existing home plate has a depth of 240 metres from the front lot line. Under the current A-1 zoning provisions, a residential home plate would have a maximum depth of 60 metres and a maximum single family dwelling setback of 50 metres.
- The owner previously applied for a Development Variance Permit (DVP) under Development Application No. 7918-0315-00.
- 7918-0315-00 was submitted for Agriculture and Food Security Advisory Committee review. At the November 1st, 2018, meeting, the Committee voted to not support the application.
- The minutes note that "The Committee expressed concerns on constructing a home in the middle of a 50 acre farm as it can cause operational issues to the surrounding farmland. The Committee would like to see the house located closer to the lot line."
- Development Application No. 7918-0315-00 was closed and filed on February 21, 2020.

Agriculture, Environment, and Investment Advisory Committee (AEIAC):

The AEIAC passed the following resolution at the July 13, 2022, meeting: *“That the Agriculture, Environment, and Investment Advisory Committee recommend that the General Manager of Planning and Development support Development Variance Permit 7922-0023-00 as presented in the staff report dated June 29, 2022.”*

The committee noted that the historic development on the site created a unique context. Based on re-use of the existing fill pad, the subject variances are supportable to minimize disruption of current farm operations and retain more farmland.

The Committee noted that the previous application at this site may have been opposed due to the large size of homes being proposed in the ALR at that time. The Committee would withdraw their support for the subject variances if the applicant was to apply for an increase in the home floor area above 500 square metres.

POLICY & BY-LAW CONSIDERATIONS

Zoning By-law

Lot Setback and Depth Variances

- The applicant is requesting the following variances:
 - to increase the maximum setback of a single family dwelling from the front lot line of the A-1 Zone from 50 metres to 230 metres; and
 - to increase the maximum depth of the farm residential footprint from the front lot line of the A-1 Zone from 60 metres to 240 metres.
- The lot is developed with a long access drive from 40 Avenue that leads approximately 197 metres north to a pre-existing fill pad at the centre of the property. The proposed farm residential home plate would be sited within this fill pad, which is situated farther north than the maximum permitted setback of 60 metres from the front lot line (40 Avenue).
- Under the “General Agricultural Zone (A-1)”, the maximum depth permitted for a farm residential building and the residential home plate are intended to maximize retention of agricultural land. Due to previous development on this site, the centre of the property is already disturbed with compacted soils and septic facilities.
- Without the subject variances, redevelopment of the farm residence under the A-1 zone would require disturbing the southern portion of the site which is currently used for blueberry crop. This would ultimately result in a net loss of high-quality arable soils across the property.
- The variances received support from the Agriculture, Environment, and Investment Advisory Committee at the July 13, 2022, meeting.

- Staff support the requested variances to proceed for consideration.

DEVELOPMENT PERMITS

Sensitive Ecosystems (Streamside Areas) Development Permit Requirement

- The subject property falls within the Sensitive Ecosystems Development Permit Area (DPA) for Streamside Areas in the OCP, given the location of existing Class A/O (red-coded) watercourses impacting the property. The subject watercourses include one fronting on 40 Avenue, one running parallel to the eastern property line approximately 200 metres into the property, and a watercourse running through multiple adjacent lots that terminates close to the subject property's east lot line.
- The Sensitive Ecosystems (Streamside Areas) Development Permit is required to protect aquatic and terrestrial ecosystems associated with watercourses from the impacts of development.
- As agricultural uses are not subject to the Sensitive Ecosystems Development Permit, the Development Permit is administered for portions of the watercourses proximate to the proposed residential home plate.
- In accordance with Part 7A Streamside Protection setbacks of the Zoning By-law, a Class A/O (red-coded) ditch requires a minimum streamside setback of 10 metres, as measured from the top of bank. The closest extent of the proposed residential home plate is approximately 51 metres from the watercourse top of bank, complying with the requirements outlined in the Zoning By-law.
- The riparian area will be protected through the registration of a Restrictive Covenant against the property to ensure safeguarding and maintenance of the Protection Area in perpetuity, in compliance with the OCP.
- An Ecosystem Development Plan, prepared by Libor Michalak, *R.P. Bio.*, of Keystone Environmental Ltd., and dated January 2022 was reviewed by staff and found to be generally acceptable, with some modifications to content and format of the report still required. The finalized report and recommendations will be incorporated into the Development Permit.
- Libor Michalak, *R.P. Bio.*, of Keystone Environmental Ltd. Prepared a Riparian Area Protections Regulations (RAPR) report for the Ministry of Forests, Lands, Natural Resources Operations and Rural Development (FLNRORD). Acceptance of the RAPR has yet to be provided by FLNRORD.
- Completion of a Sensitive Ecosystem Development Permit requires acceptance of the Provincial riparian areas setback and Zoning Bylaw streamside setback through the RAPR process.
- In this case, the subject proposal is located a significant distance from the watercourse. The closest extent of the residential home plate is 51 metres from the watercourse as measured from top of bank.

- The proposed fill area for a new barn building is 15.60 metres from the watercourse as measured from top of bank. Under the Agricultural Land Commission's guidelines for agricultural building setbacks, a 15 metre setback from a natural or channelized stream would be the minimum recommended for an agricultural building that does not house livestock or solid agricultural waste.
- This is a unique case where the extent of the proposed residential and barn fill pads would not encroach into the streamside setback, even if the possible maximum setback of 15 metres is required. As such, there is rationale to proceed with consideration of the proposed variances prior to confirmation of the RAPR or peer review of the EDP.
- The applicant is required to provide RAPR confirmation from FLNRORD and a peer review completed to confirm the findings of the Ecosystem Development Plan as a condition of Final Adoption, should the proposal be supported by Council. Any required changes resulting from this review will be incorporated into the SEDP prior to consideration of Final Adoption.

INFORMATION ATTACHED TO THIS REPORT

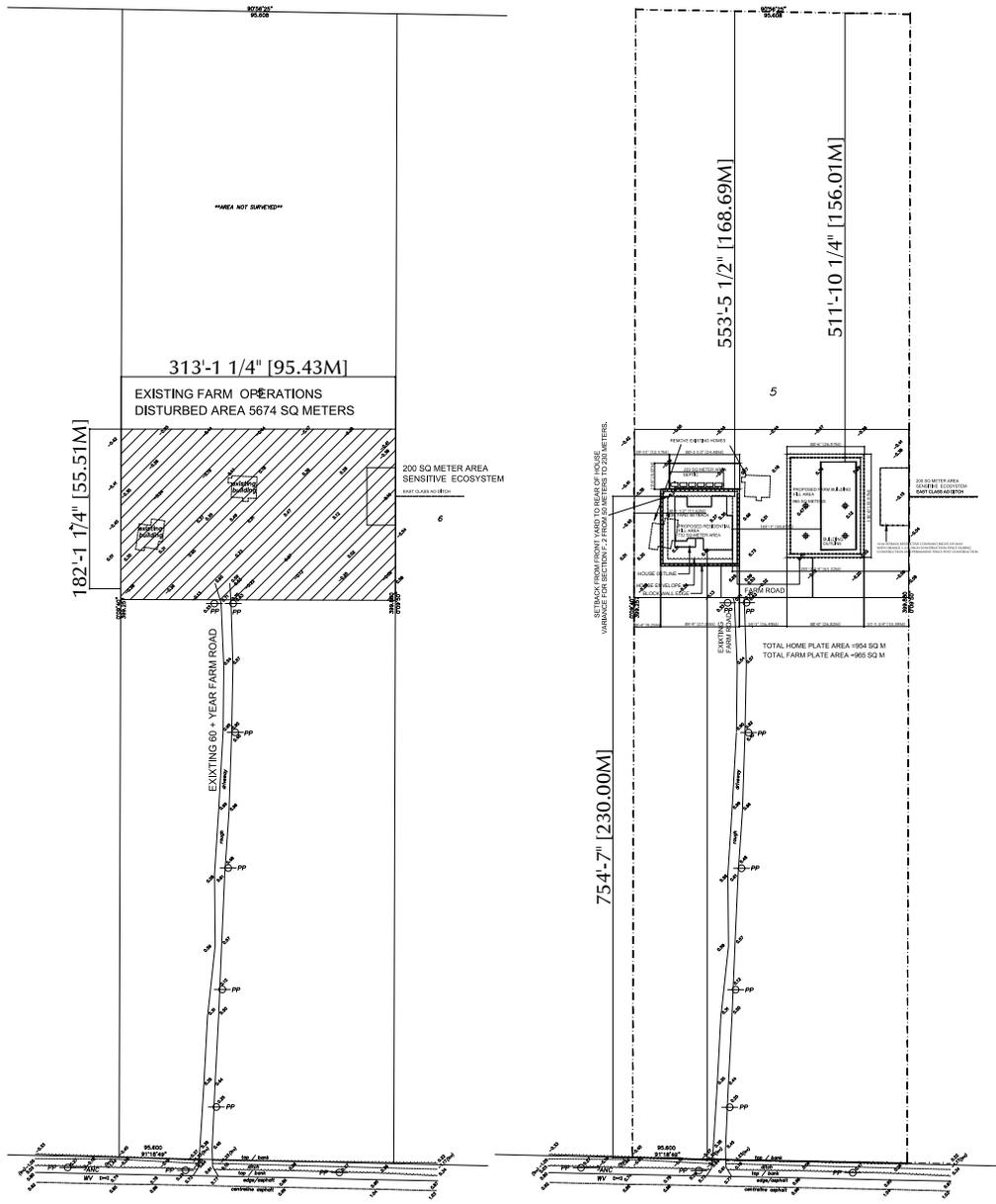
The following information is attached to this Report:

Appendix I.	Site Plan, Floor Plans
Appendix II.	Development Variance Permit No. 7922-0023-00
Appendix III.	Ecosystem Development Plan Drawing

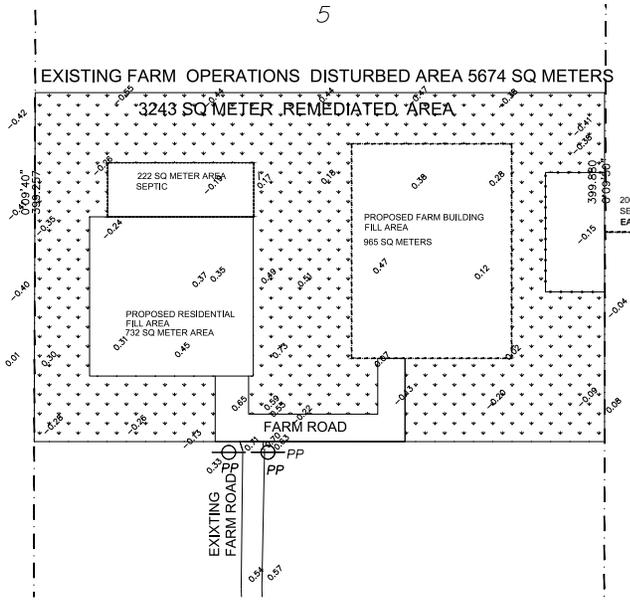
approved by Shawn Low

Jeff Arason
Acting General Manager
Planning and Development

JK/cm



KEY PLAN



SYNOPSIS

CIVIC ADDRESS 17027 - 40TH AVENUE

LEGAL DESCRIPTION PID: 000-612-286
LOT 5 SECTION 31 TOWNSHIP 7
NEW WESTMINSTER DISTRICT PLAN 9996

ZONING Zone A-1 AGRICULTURAL ZONE

SITE AREA 38,202 SQ. METERS (9.44 ACRES)

SETBACKS RESIDENTIAL BUILDING

FRONT SETBACK	208.15 m
WEST YARD	11.62 m
EAST SIDE YARD	61.32 m
REAR YARD	168.69 m

DVP REQUIRED WITHIN THE A-1 GENERAL AGRICULTURAL ZONE
THIS PROPOSAL IS A REQUEST TO RELAX
SECTION F. 2 FROM 50 METERS TO 230 METERS.
AND TO RELAX
SECTION J. 10 (B) FROM 60 METERS TO 240 METERS.

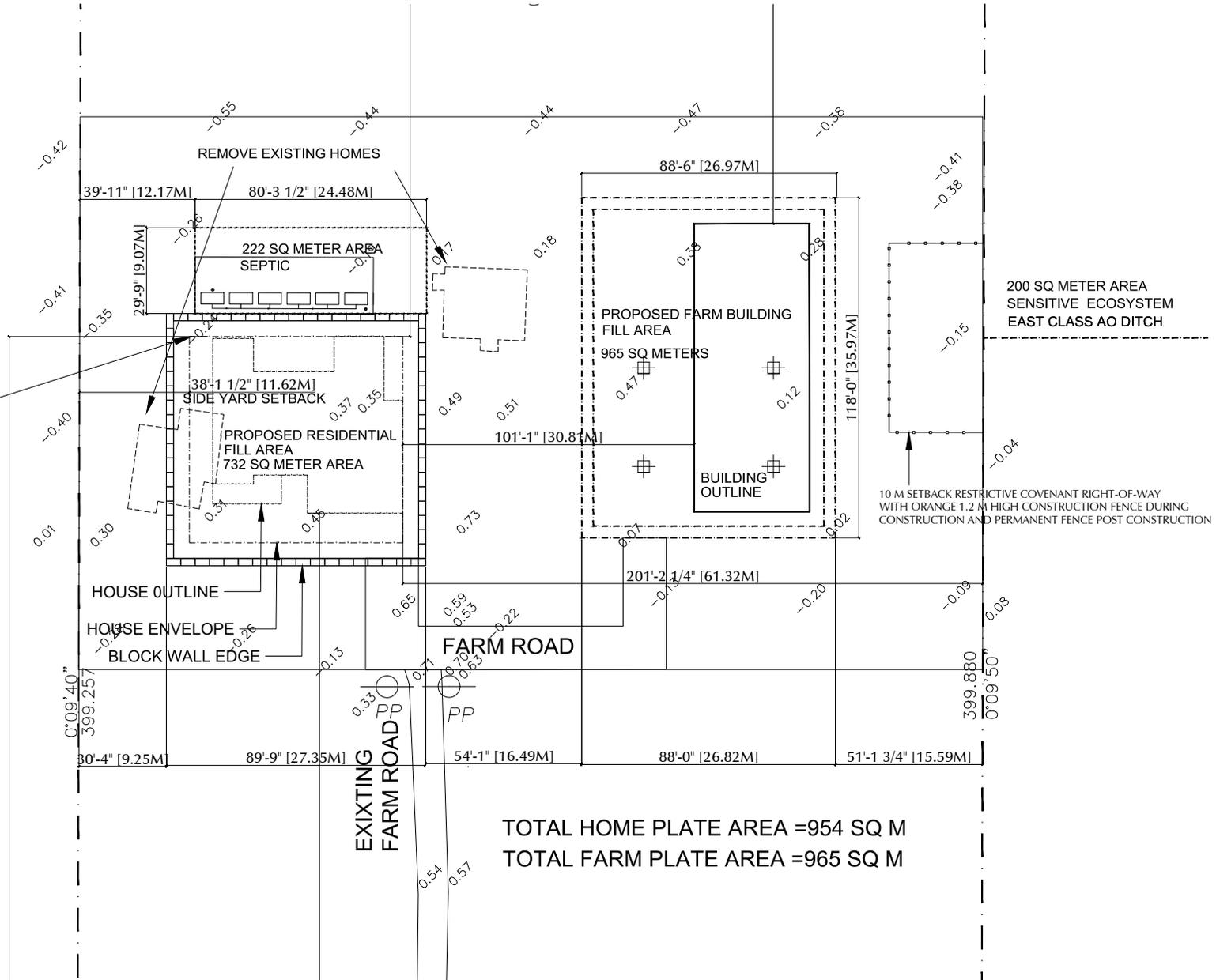
A1-ZONE
PROJECT ADDRESS: 17027 40th ave
SURREY BC



SITE PLAN
SYNOPSIS

THESE PLANS CONFORM TO BC BUILDING CODE 2018 EDITION	
DRAWN BY	G.G.
SCALE:	1/8" = 1'-0"
DATE	JAN 07 2022
REVISIONS	
REVNO	
REVNO	
copyright: all rights reserved reproduction and use in whole or in part is prohibited without the written permission of G. G. design studio	
DWG NO.	22-04
SHEET NO.	

SETBACK FROM FRONT YARD TO REAR OF HOUSE
 VARIANCE FOR SECTION F. 2 FROM 50 METERS TO 230 METERS.



TOTAL HOME PLATE AREA = 954 SQ M
 TOTAL FARM PLATE AREA = 965 SQ M

A1-ZONE
 PROJECT ADDRESS: 17027 40th ave
 SURREY BC

design studio
 604-809-7232
 email: gsd@designlink.ca
 1885 Baker Place SURREY BC V4T 2V8

SITE PLAN

THESE PLANS CONFORM TO
 BC BUILDING CODE 2018
 EDITION

DRAWN BY G.G.
 SCALE: 1/8" = 1'-0"
 DATE JAN 07 2022

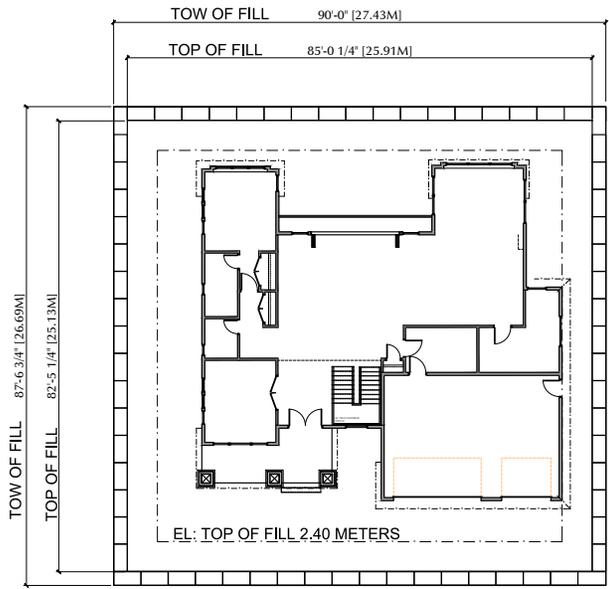
REVISIONS
 REVNO
 REVNO
 REVNO

copyright all rights reserved
 reproduction and use in whole or in
 part is prohibited without the written
 permission of G design studio

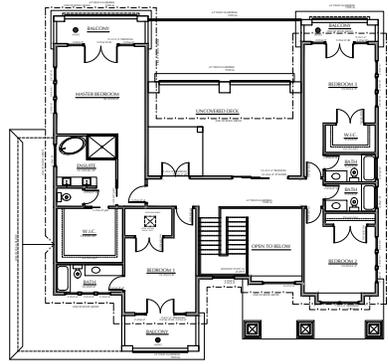
JOB NO.
 22-04

SHEET NO.

A2



732 SQ METER AREA
HOME PLATE



HOUSE FAR MAX 500 SQM.

A1-ZONE
PROJECT ADDRESS: 17027 40th ave
SURREY BC

design studio
604-809-7232
email: gsd@eastlink.ca
1885 Baker Place SURREY BC V4C 2V8

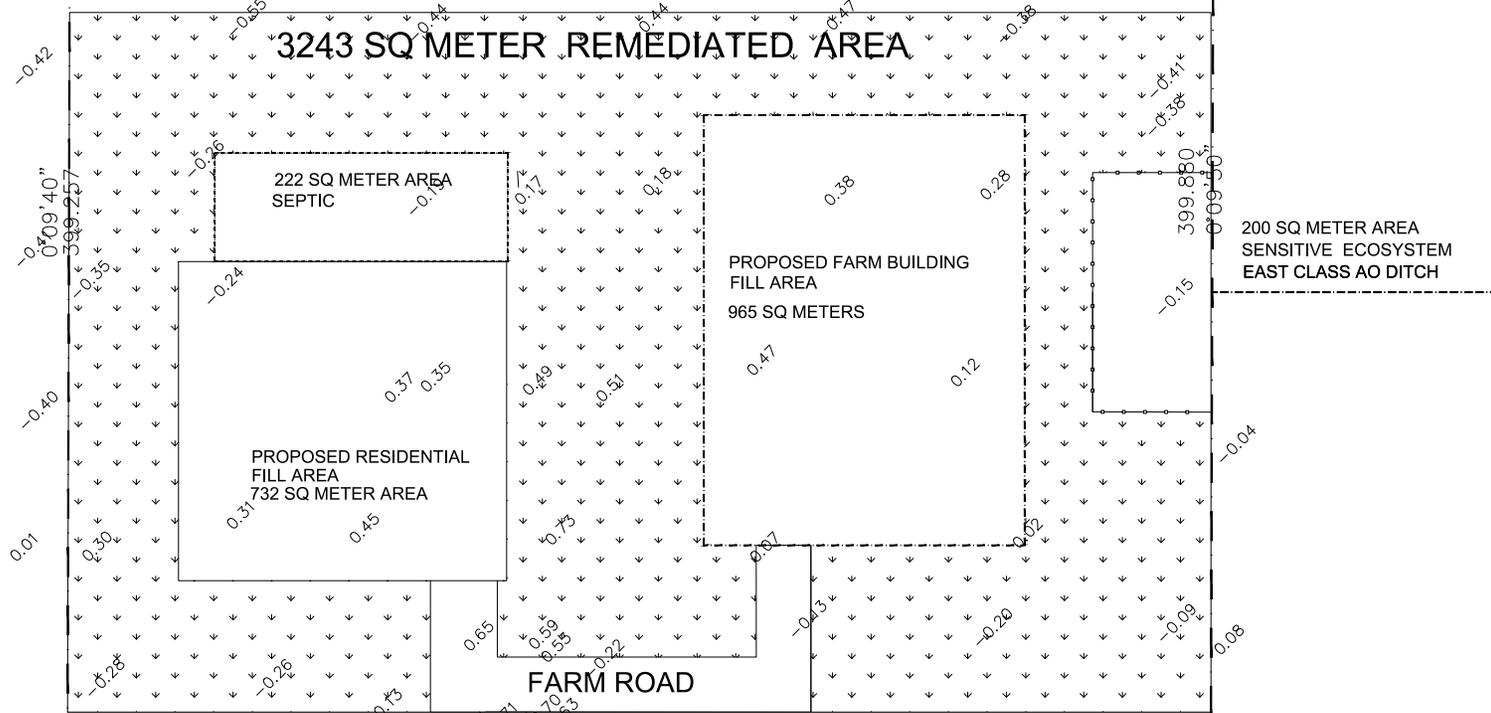
HOUSE PLANS

THESE PLANS CONFORM TO
BC BUILDING CODE 2018
EDITION

DRAWN BY	G.G.
SCALE:	3/32" = 1'-0"
DATE	JAN 07 2022
REVISIONS	
REVNO	
REVNO	
REVNO	
copyright: all rights reserved reproduction and use in whole or in part is prohibited without the written permission of G Square design.	
JOB NO.	22-04
SHEET NO.	A3

EXISTING FARM OPERATIONS DISTURBED AREA 5674 SQ METERS

3243 SQ METER REMEDIATED AREA



A1-ZONE
PROJECT ADDRESS: 17027 40th ave
SURREY BC



FLOOR PLANS
FARM BUILDING

THESE PLANS CONFORM TO BC BUILDING CODE 2018 EDITION	
DRAWN BY	G.G.
SCALE:	3/32" = 1'-0"
DATE	JAN 07 2022
REVISIONS	
REVNO	
REVNO	
copyright: all rights reserved reproduction and use in whole or in part is prohibited without the written permission of G Square design	
JOB NO.	22-04
SHEET NO.	A4

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7922-0023-00

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: 000-612-286
Lot 5 Section 31 Township 7 New Westminster District Plan 9996
17027 - 40 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) to increase the maximum setback of a single family dwelling from the front lot line of the A-1 Zone from 50 metres to 230 metres; and
 - (b) to increase the maximum depth of the farm residential footprint from the front lot line of the A-1 Zone from 60 metres to 240 metres.
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.

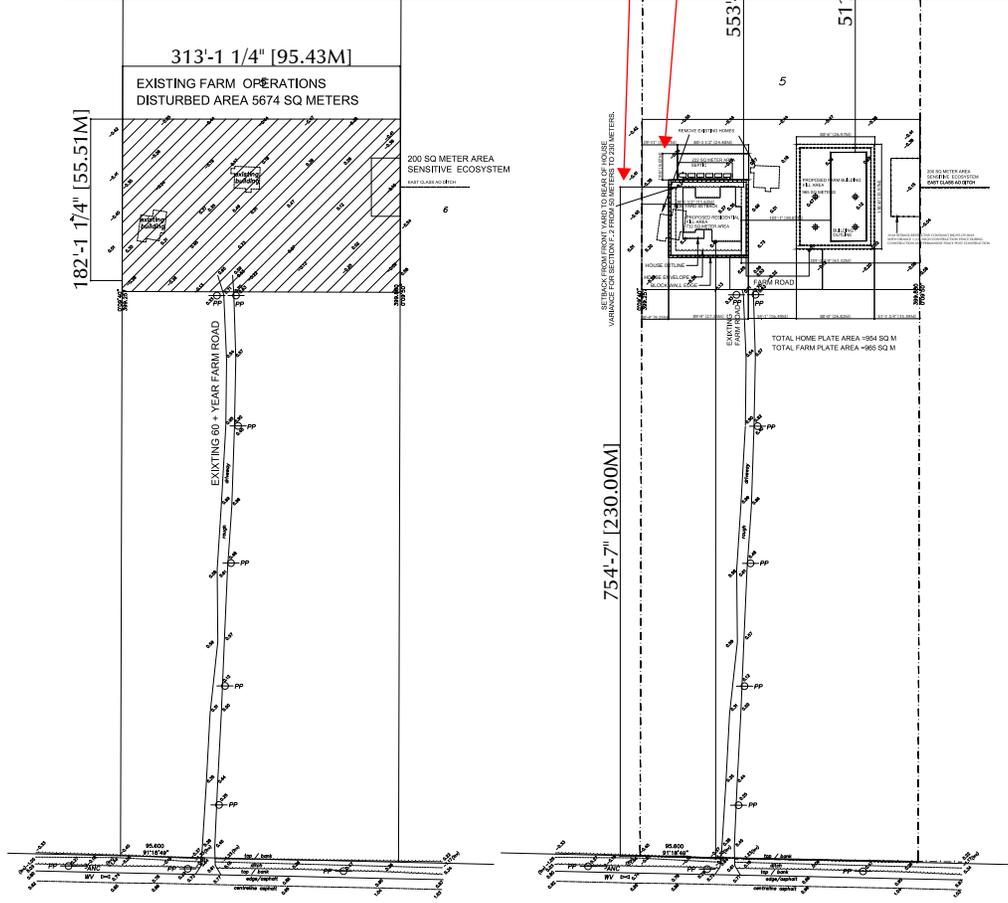
8. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

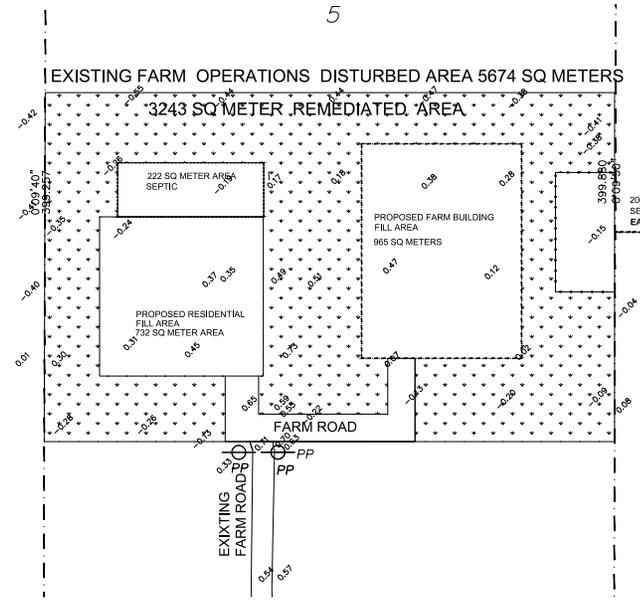
Mayor – Doug McCallum

City Clerk – Jennifer Ficocelli

DVP 7922-0023-00:
 (a) to increase the maximum setback of a single family dwelling from the front lot line of the A-1 Zone from 50 metres to 230 metres; and
 (b) to increase the maximum depth of the farm residential footprint from the front lot line of the A-1 Zone from 60 metres to 240 metres.



KEY PLAN 40th AVENUE



SYNOPSIS

CIVIC ADDRESS 17027 - 40TH AVENUE

LEGAL DESCRIPTION PID: 000-612-286
 LOT 5 SECTION 31 TOWNSHIP 7
 NEW WESTMINSTER DISTRICT PLAN 9996

ZONING Zone A-1 AGRICULTURAL ZONE

SITE AREA 38,202 SQ. METERS (9.44 ACRES)

SETBACKS RESIDENTIAL BUILDING

FRONT SETBACK	208.15 m
WEST YARD	11.62 m
EAST SIDE YARD	61.32 m
REAR YARD	168.69 m

DVP REQUIRED WITHIN THE A-1 GENERAL AGRICULTURAL ZONE
 THIS PROPOSAL IS A REQUEST TO RELAX
 SECTION F. 2 FROM 50 METERS TO 230 METERS.
 AND TO RELAX
 SECTION J. 10 (B) FROM 60 METERS TO 240 METERS.

A1-ZONE
 PROJECT ADDRESS: 17027 40th ave
 SURREY BC



SITE PLAN
 SYNOPSIS

THESE PLANS CONFORM TO BC BUILDING CODE 2018 EDITION

DRAWN BY G.G.
 SCALE: 1/8" = 1'-0"
 DATE: JAN 07 2022

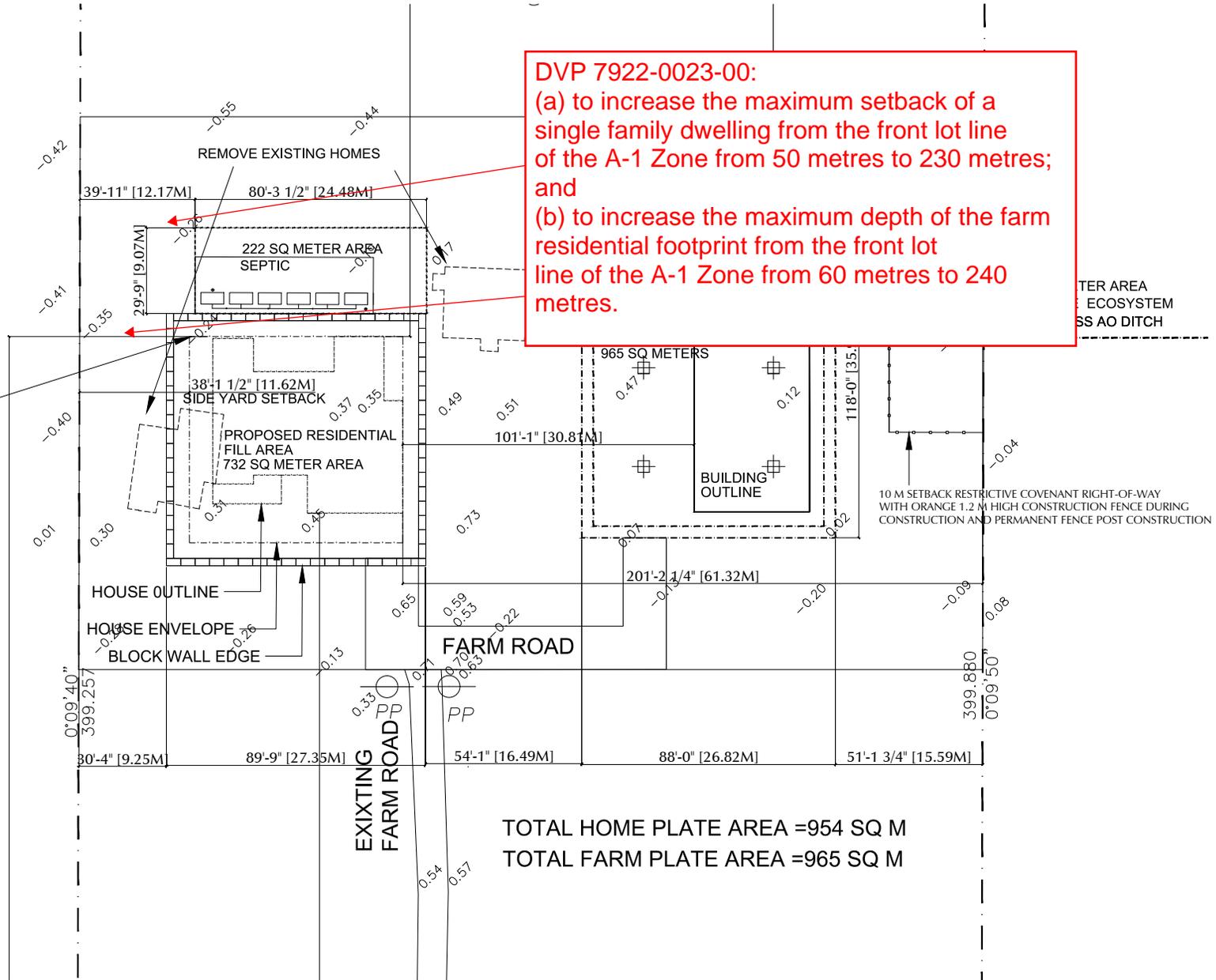
REVISIONS

REVNO	REVNO	REVNO

copyright: all rights reserved
 reproduction and use in whole or in part is prohibited without the written permission of G. G. design studio

DWG NO. 22-04
 SHEET NO.

SETBACK FROM FRONT YARD TO REAR OF HOUSE
 VARIANCE FOR SECTION F. 2 FROM 50 METERS TO 230 METERS.



A1-ZONE
 PROJECT ADDRESS: 17027 40th ave
 SURREY BC



SITE PLAN

THESE PLANS CONFORM TO
 BC BUILDING CODE 2018
 EDITION

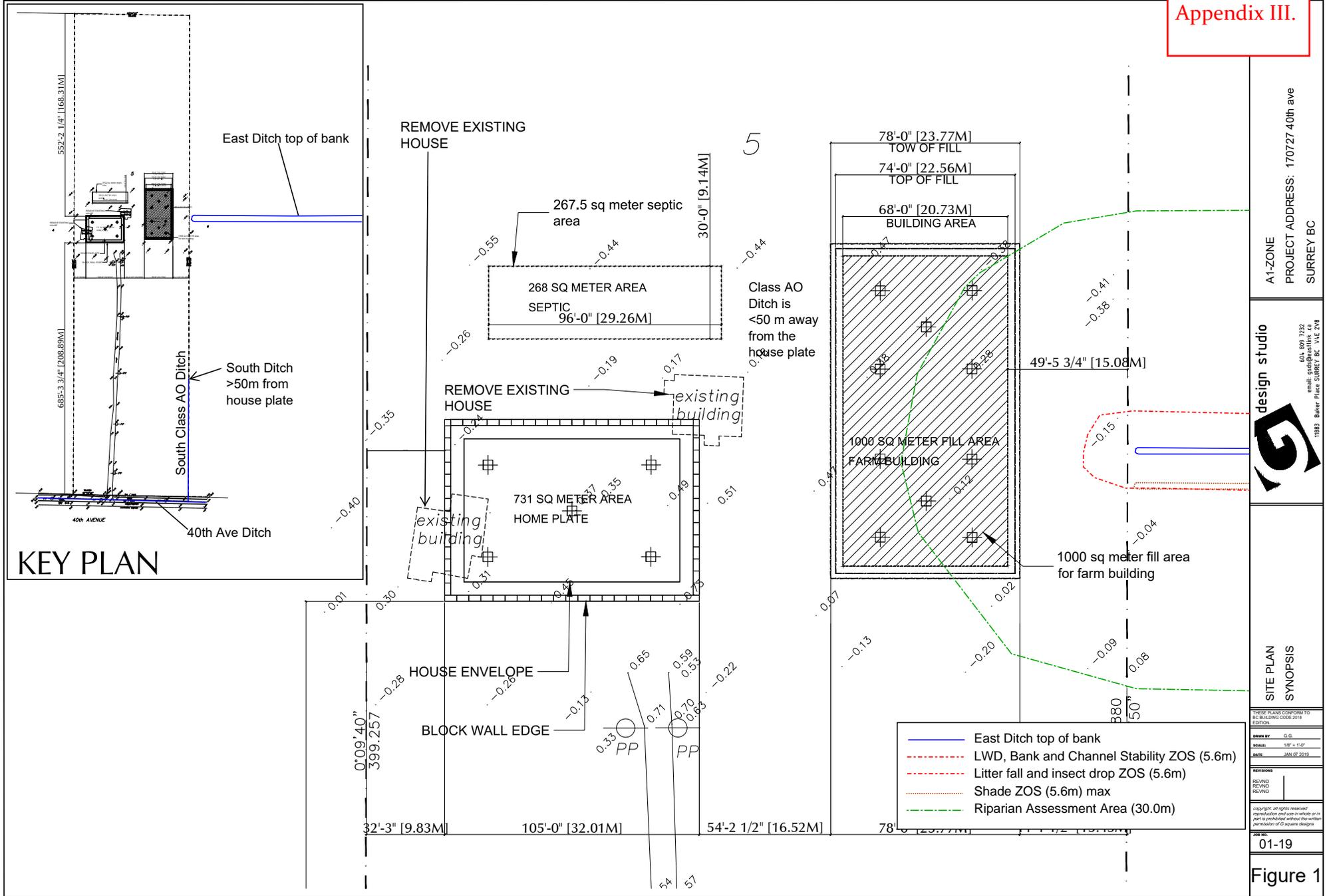
DRAWN BY G.G.
 SCALE: 1/8" = 1'-0"
 DATE JAN 07 2022

REVISIONS

copyright all rights reserved
 reproduction and use in whole or in
 part is prohibited without the written
 permission of G.G. design studio

JOB NO.
 22-04

SHEET NO.



A1-ZONE
PROJECT ADDRESS: 170727 40th ave
SURREY BC

design studio
604.809.7322
enr@designstudio.ca
1883 Baker Place SURREY BC V4E 2V8

SITE PLAN
SYNOPSIS

THESE PLANS CONFORM TO BC BUILDING CODE 2018 EDITION

DATE	03
SCALE	1/8" = 1'-0"
DATE	JAN 07 2019
REVISIONS	
REVNO	
REVNO	

Copyright: all rights reserved. reproduction and use in whole or in part is prohibited without the written permission of G square design.

01-19

Figure 1