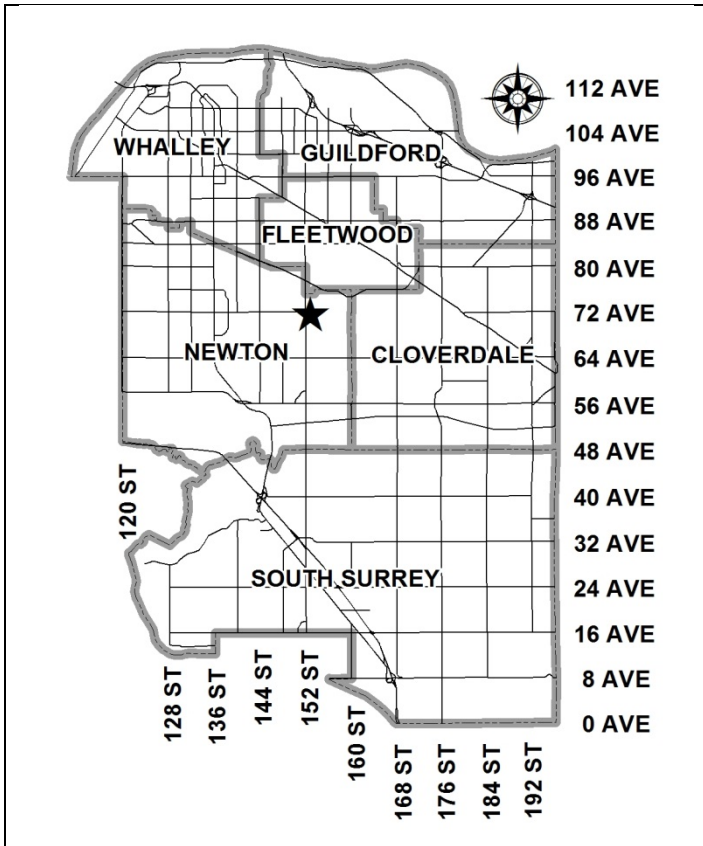


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7913-0143-00

Planning Report Date: September 23, 2013



**PROPOSAL:**

- **Development Variance Permit**  
 in order to permit construction of a single family dwelling.

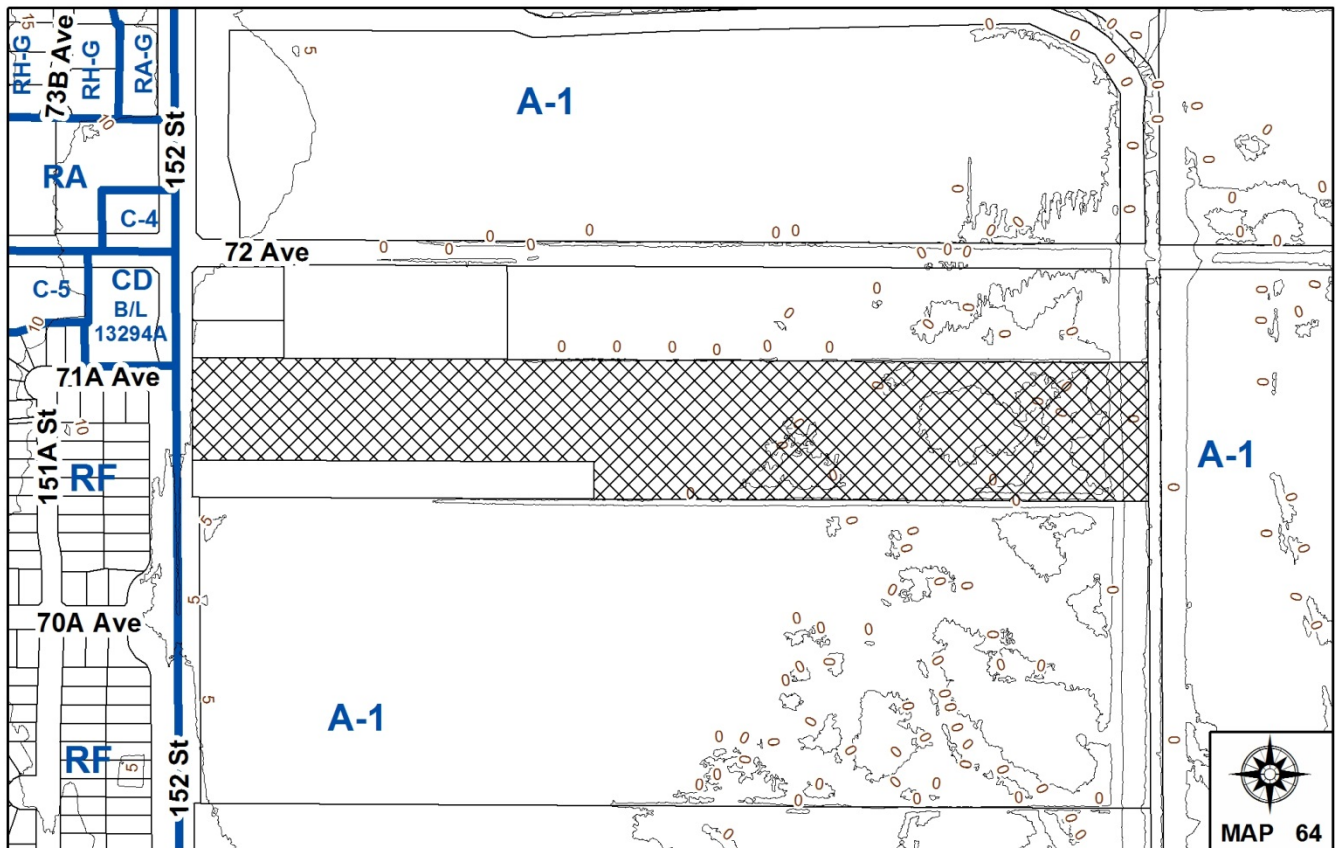
**LOCATION:** 7130 - 152 Street

**OWNER:** Sukhminder Gill  
 Malvinder Gill

**ZONING:** A-1

**OCP DESIGNATION:** Agricultural

**LAP DESIGNATION:** n/a



### RECOMMENDATION SUMMARY

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

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Requires a Development Variance Permit to the A-1 Zone maximum setbacks and the maximum depth of the farm residential footprint from the front lot line in order to permit construction of a new single family dwelling.

### RATIONALE OF RECOMMENDATION

- The proposal will not increase the size of the farm residential footprint
- The proposed location of the single family dwelling is clustered with existing residential structures on adjacent lots, including another single family dwelling.
- The applicants have commenced clearing and plowing of the land to prepare it for agricultural production.
- The proposal will help facilitate bringing the subject property into agricultural production therefore presenting a benefit to agriculture within the City of Surrey.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7913-0143-00 (Appendix V) varying the following, to proceed to Public Notification:
  - (a) to increase the maximum setback of the "General Agriculture Zone (A-1)" for a single family dwelling from 50 metres (164 ft.) to 125 metres (410 ft.); and
  - (b) to increase the maximum depth of the farm residential footprint from the front lot line from 60 metres (197 ft.) to 130 metres (426 ft.).
2. Council instruct staff to resolve the following issues prior to approval:
  - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
  - (b) submission of a site plan showing a revised driveway location and location of the proposed house to the satisfaction of the Planning and Development Department;
  - (c) registration of a Section 219 Restrictive Covenant for driveway location;
  - (d) demolition of existing buildings and structures to the satisfaction of the Planning and Development Department;
  - (e) removal of all debris to the satisfaction of the Planning and Development Department; and
  - (f) completion of the Soil Permit application process to the satisfaction of the Engineering Department.

REFERRALS

Engineering:	The Engineering Department has no objection to the project (Appendix III).
Agriculture and Food Security Advisory Committee	Support, with conditions (see below).

SITE CHARACTERISTICS

Existing Land Use: Uninhabited Single Family Dwelling, several outbuildings, vehicle storage, fallow farmland.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Single Family Residential & Agriculture	Agricultural	A-1
East:	Agriculture	Agricultural	A-1
South:	Single Family Residential & Agriculture	Agricultural	A-1
West (Across 152 St.):	Single Family Residential	Urban/Urban Single Family Residential & Local Commercial	RF & CD (By-law 13294A)

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is a 7.9 hectare (19.6 acre) parcel with 83 metres (272 ft.) of road frontage, located on the east side of 152<sup>nd</sup> Street just south of 72<sup>nd</sup> Avenue. The property is designated "Agricultural" in the Official Community Plan (OCP), is zoned "General Agriculture Zone (A-1)", and is within the Agricultural Land Reserve (ALR).
- The property is currently uninhabited. It contains a single family dwelling, a quonset structure, several smaller derelict structures and various scattered vehicles and debris. All existing structures and debris are located within 100 metres (330 ft.) of the front property line.
- The applicants have held legal title of the property since 1997. However, a financing arrangement was made – the applicants were holding the property "in trust" for a relative. Other than holding legal title to the property, the applicants had no financial ties to it – all maintenance, fiscal, and tenant responsibilities were undertaken by the trustee. In October 2012, this arrangement ended. The applicants took full possession of the property and assumed all financial interest in it. Prior to this time, the applicants had never physically occupied nor inhabited the property.
- Between the fall of 2003 and the spring of 2004, under the responsibility of the previous occupant, a large volume of gravel and inorganic fill material was placed on the property. The dimensions of the fill site are approximately 30 metres (100 ft.) by 40 metres (130 ft.) and 3 metres (3 ft.) deep, occupying approximately 1200m<sup>2</sup> (0.3 acre) of the site. The fill varies in depth from 1.0 metre (3.0 ft.) – 1.2 metre (4.0 ft.). It is located near the north property line and approximately 90 - 130 metres (300 - 400 ft.) from the front property line.
- The fill was placed illegally without permit from the City. The volume of fill is below the threshold (0.2 hectare/0.5 acre) for which Agricultural Land Commission approval is required.

### Proposal

- The applicants propose to construct a new single family dwelling on the location of the fill site. A development variance permit is required to increase the *maximum setback* of the "General Agriculture Zone (A-1)", and to increase the maximum depth of the *farm residential footprint* from the front property line.
- The applicants intend to bring the property into agricultural production. A crop type has not yet been selected, however clearing and plowing of the land has already commenced.
- The proposed increased setbacks will allow for direct farm marketing to be conducted at the front of the property.

### Agriculture and Food Security Advisory Committee (AFSAC):

- The proposal was presented to the Agricultural and Food Security Advisory Committee at their March 14, 2013 meeting. The Committee's comments were as follows:
  - The purpose of the farm home plate policy is to protect the long term agricultural potential of the property and neighbouring properties;
  - The applicants are not just building a house, they are trying to bring the entire property into agricultural production;
  - The proposal presents a net benefit to agriculture;
  - Relocation of the existing driveway to the northern portion of the site frees up the southern portion of the property for farm purposes; and
  - The application can be supported subject to the following conditions:
    - Demolition of all structures with the exception of the Quonset;
    - Relocation of the existing driveway to the north boundary of the property; and
    - Restrict the farm residential footprint to 2,000m<sup>2</sup>.

The minutes of the AFSAC meeting are contained in Appendix IV of this report.

### BY-LAW VARIANCE AND JUSTIFICATION

#### (a) Requested Variance:

- to increase the maximum setback of the A-1 Zone for a single family dwelling from 50 metres (164 ft.) to 125 metres (410 ft.);
- to increase the maximum depth of the farm residential footprint from the front lot line from 60 metres (197 ft.) to 130 metres (426 ft.).

Applicant's Reasons:

- The location of the existing fill provides a suitable site for a residence.
- The cost of removing the fill can alternatively be directed into land improvements on the property.

Staff Comments:

- The applicants have sufficiently demonstrated that the property was not under their control prior to October of 2012.
- The proposed variance will not increase the maximum permitted size (2000m<sup>2</sup>) of the farm residential footprint. Clustering of residential facilities will still be required in accordance with the Zoning By-law provisions of the *farm residential footprint* of the A-1 Zone.
- In the event that the property is granted Farm Status (by BC Assessment), the owners will be permitted to construct a second residence for farm help and increase the size of the farm residential footprint by an additional 1000m<sup>2</sup> for a total of 3000m<sup>2</sup>.
- The proposed location of the dwelling is clustered with the location of structures on adjacent properties to the north, including an existing single family dwelling.
- The location of the proposed structure will not negatively affect the agricultural production of the adjacent properties; in practicality there is land available for farming on these adjacent properties.
- The applicants will be required to complete a soil permit application with the Engineering Department to assure the structural stability of the fill site.
- The applicants are currently clearing the land and making improvements to prepare it for agricultural production. A site visit by staff on September 18<sup>th</sup> 2013 confirmed this.
- The proposal will help facilitate bringing the subject property into agricultural production therefore presenting a benefit to agriculture within the City of Surrey.
- An agrologist report has been submitted by the applicants. It confirms that the fill site is inappropriate for agricultural production. It also confirms that the remaining soils on the subject site are of high organic content and appropriate for crop cultivation.
- As with other Development Variance Permit applications, support is contingent on site specific factors. Future applications for variances to the Farm Residential Footprint, whether on this or other sites, will be evaluated based on the site specifics, the merits of the application, and the potential implications on agricultural viability, whether negative or positive.
- 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
Appendix II.	Site Plan (Existing)
Appendix III	Engineering Comments
Appendix IV	Agriculture and Food Security Advisory Committee Minutes
Appendix V	Development Variance Permit No. 7913-0143-00

INFORMATION AVAILABLE ON FILE

- Agrolgist's Report Prepared by Dave Melnychuk, P.Ag Dated June 15<sup>th</sup>, 2013

*original signed by Nicholas Lai*

Jean Lamontagne  
General Manager  
Planning and Development

DS/da

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DRV 9/19/13 1:56 PM

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent:      Name:                      Sukhminder (Sue) Gill  
  
   Address:                      21989 - Acadia Street  
   Maple Ridge, BC V2X 3LR  
  
   Tel:                              604-518-1400 - Primary
  
2.            Properties involved in the Application
  - (a)      Civic Address:                      7130 - 152 Street
  
  - (b)      Civic Address:                      7130 152 St  
   Owner:                              Malvinder Gill  
   Sukhminder Gill  
   PID:                                      010-967-206  
   Lot 1 Except: Firstly: Parcel "D" (Explanatory Plan 11080) Secondly: The North 3.83 Chains  
   Thirdly: Parcel "B" (Bylaw Plan 62484); Section 14 Township 2 New Westminster District  
   Plan 3636
  
3.            Summary of Actions for City Clerk's Office
  - (a)      Proceed with Public Notification for Development Variance Permit No. 7913-0143-00 and  
   bring the Development Variance Permit forward for an indication of support by Council. If  
   supported, the Development Variance permit will be brought forward for issuance and  
   execution by the Mayor and City Clerk once all outstanding conditions are satisfied.



## SUBDIVISION DATA SHEET

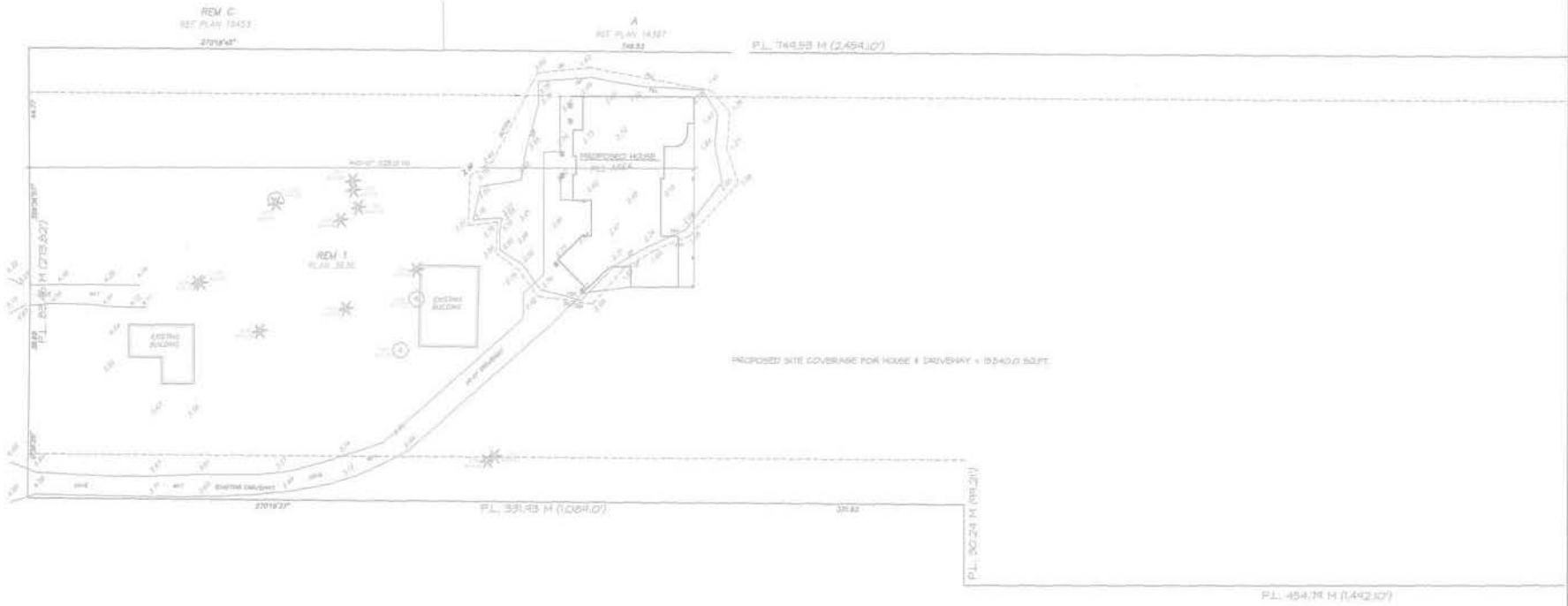
Proposed Zoning: A-1

Requires Project Data	Proposed
<b>GROSS SITE AREA</b>	
Acres	19.5
Hectares	7.9
<b>NUMBER OF LOTS</b>	
Existing	1
Proposed	1
<b>SIZE OF LOTS</b>	
Range of lot widths (metres)	83
Range of lot areas (square metres)	79,238
<b>DENSITY</b>	
Lots/Hectare & Lots/Acre (Gross)	-
Lots/Hectare & Lots/Acre (Net)	-
<b>SITE COVERAGE (in % of gross site area)</b>	
Maximum Coverage of Principal & Accessory Building	2000m <sup>2</sup> (2.5%)
Estimated Road, Lane & Driveway Coverage	< 1%
Total Site Coverage	3.5%
<b>PARKLAND</b>	
Area (square metres)	-
% of Gross Site	-
<b>Required</b>	
<b>PARKLAND</b>	
5% money in lieu	NO
<b>TREE SURVEY/ASSESSMENT</b>	
	NO
<b>MODEL BUILDING SCHEME</b>	
	NO
<b>HERITAGE SITE Retention</b>	
	NO
<b>BOUNDARY HEALTH Approval</b>	
	NO
<b>DEV. VARIANCE PERMIT required</b>	
Road Length/Standards	NO
Works and Services	NO
Building Retention	NO
Others	YES

APPENDIX II



152 STREET



**PARAGON DESIGNS**  
 6848 - 1508 ST., SURREY, B.C. V2S 1W7, EMAIL: PCONTEL@TELUS.NET  
 PHONE: (604) 888-8186, FAX: (604) 888-2286, CELL: (604) 716-6799



THESE PLANS CONFORM  
 TO THE B.C. BUILDING  
 CODE 2012 EDITION

PROPOSED HOUSE FOR  
 MR. MAUMUNDER S. GILL  
 AT 1150 - 152 STREET  
 SURREY, B.C.

DATE: 18/03/2018	TITLE:
DRAWN BY: J.C.	SITE PLAN
CHECKED BY: J.C.	
SCALE: 1/8" = 1'-0"	
PROJECT NO: 18012	

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

FROM: **Development Services Manager, Engineering Department**

DATE: **September 18, 2013** PROJECT FILE: **7813-0143-00**

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RE: **Engineering Requirements  
Location: 7130 152 Street**

**DEVELOPMENT VARIANCE PERMIT**

The following is to be addressed as a condition of issuance of the Development Variance Permit:

***Property and Right-of-Way Requirements***

The following road dedication and statutory rights-of-way (SROW) are requested:

- Varying dedication between 1.500 metre and 2.268 metres for a total of 30.000 metres on 152 Street.
- 3.000 metre wide SROW along 152 Street frontage for future construction of Surrey Lake Greenway.

***Works and Services***

- Construct driveway letdown having maximum width of 11.0 metres. Relocating the driveway at/near north property line as proposed, will have conflict with existing advanced signal, street light and boulevard trees. This must be addressed through the Building Permit Review process
- Remove existing driveways and reinstate curb and boulevard.
- Existing water service connection is to be renewed. New house to have a metered water service connection.
- Locate on-site septic field and rock pit outside of the flood plain.

**A Servicing Agreement is not required for the proposed Development Variance Permit.** The driveway crossing can be constructed subject to issuance of a City Road and Right-of-Way Permit obtainable as part of the Building Permit review and processing by Engineering which includes payment of securities and permit fees. The City crews will do the installation of the water service once payment has been made and a work order has been issued.



Rémi Dubé, P.Eng.  
Development Services Manager

HB

- It is anticipated that the Draft Climate Adaptation and Mitigation Plans will be provided for review by Council at the September 9, 2013 meeting, followed by the Final Plans for Council approval on October 7, 2013.

## C. OUTSTANDING BUSINESS

## D. NEW BUSINESS

### 1. Proposed Development Variance Permit (DVP)

7130 – 152 Street

File No.: 7913-0143-00

D. Sturgeon, Planning Technician, was in attendance to review the memo from R. Hintsche, Current Planning Manager – South, dated June 25, 2013, regarding the above subject line. Comments were as follows:

- The subject property, located on the east side of 152 Street just south of 72 Avenue, is currently designated “Agricultural” in the OCP and is zoned “General Agriculture (A-1)”.
- The property is within the ALR and is approximately 19.6 acres (7.9 ha) in size.
- The site is currently occupied by a single (uninhabited) family dwelling, a Quonset structure, several smaller derelict structures, and various scattered vehicles and debris.
- A large volume of fill material has been placed on the site by a previous owner in an area located on the northern portion of the property, approximately 125m from the front (west) property line. The dimensions of the fill site are approximately 40m by 30m and the fill is approximately 0.9 m to 1.2m in depth.
- Prior to the fill being in place there was a stand of deciduous trees. The fill was placed on the property beginning sometime between April 2003 and April 2004, without a fill permit from the City (an aerial photo illustrating the location of the existing fill was shown).
- The current owners took possession of the property in the fall of 2012 and are seeking a DVP to vary the farm residential footprint requirements of the A-1 Zone to permit construction of a new single family dwelling on the existing fill site for the foundation.
- The cost to remove or relocate the existing fill would be significant, and the owner would prefer to utilize these funds for other purposes, including establishing an agriculture use on the property.
- Since the fill site is approximately 125m from the front lot line, the dwelling would not comply with the maximum 50m farm residential footprint setback requirement of the A-1 Zone. In addition, the total area of the farm residential footprint is likely to exceed the maximum 3,000 m<sup>2</sup> area requirement of the A-1 Zone when the existing dwelling and access driveway are included.

The Committee commented as follows:

- The purpose of the homeplate and house size limits in Surrey's Zoning Bylaw is to protect the long term agricultural potential of the property in question as well as that of neighbouring properties.
- In terms of the City's general process on variance permits, since there has been farm homeplate changes in the A-1 Zoning Bylaw, if there was a fill permit approved it could be brought to the Board of Variance, however, in this case, the fill was not approved.
- Right now this property does not have farm status; can only deal with one house on the property at this time, which has to fit within the farm footprint.
- If the application proceeds as planned, the total allowed homeplate area of 3,000 m<sup>2</sup> would also be exceeded because of the existing dwelling and driveway access.
- The applicant's letter states they are planning to operate a Christmas tree farm. This is a very seasonal business that is only open to the public for three to four weeks a year. This does not require a great deal of area for a public sales and no buildings.
- Whichever type of crop is chosen, the farm plan is dependent on a water source, with reliable quantity and quality. It would have been useful to have the information on well water availability before the DVP application was submitted, since the farm plan is used as a rationale for the new residential area.
- If the existing homeplate was utilized (e.g. the existing uninhabited house was torn down and that part of the property used for a new home), there could be a future non-soil-base used for the area covered 1,200 m<sup>2</sup> of fill. That way the existing driveway could be utilized as well, and a new driveway would not need to be created.

The Chair allowed Dave Melnychuck, P.Ag (author of the Agrologist Report to the application) to comment. He noted that of the 19.5 acres, there is approximately 17 acres of good farming possible for the property. The soils are basically heavier mineral clay soils then there is a transition to the good organics. The front piece of property (also covered with fill) can be reclaimed and could be a good place for starter plants for sales (the challenge is how well this portion of the property could be rehabilitated). Full production is envisioned, with direct market and a sales area access to the property (shown on map). From a farm development point of view, it makes sense the way discussed.

Comments continued:

- There is concern with respect to the precedent this may set. This is essentially making right an illegal fill that should have been dealt with eight years ago.
- The driveway isolates the front portion of the property. If it was developed into an agricultural operation, then another building would have to be behind the site, taking up more space. If the driveway was on the other side it would maintain the link with the old house that could be used.
- There are good arguments for the driveway being on the north side.

- Not very keen on how far of a setback is requested, but for a one off, and if the fill pile is tidied up, remediate the front acre and try to get it as close to 2,000 m<sup>2</sup>, remove the buildings and this could be a lovely piece of property.

It was

Moved by B. Stewart

Seconded J. Sandhar

That the Agriculture and Food Security Advisory Committee recommends to the G.M. Planning and Development that, in as much as Application No. 7913-0143-00 has potential to benefit agriculture, the application be supported subject to:

1. Demolition of all structures with the exception of the Quonset;
2. Relocating the driveway to the north boundary of the property; and
3. Restricting the farm residential footprint to 2,000 m<sup>2</sup>.

Carried

Comments continued:

- If the amount of fill on the property is greater than 2000 m<sup>2</sup> then the ALC needs to approve (unchanged since 2004).
- The applicants are not just building a house, they are trying to bring this entire property into agriculture.
- This application does not set a precedent. It is one decision on one site, which will be reviewed by to Council in due course. We have looked at this application, given the scope and the site, and feel it is reasonable.
- The net benefit to this application exceeds the loss of farmland. However, the recommendations set out above, will ensure there will still be a benefit to agriculture.

#### **E. ITEMS REFERRED BY COUNCIL**

#### **F. CORRESPONDENCE**

The correspondence to Mayor Watts from Kent Mullinix, PhD., Director, Sustainable Agriculture, Kwantlen Polytechnic University, dated May 27, 2013, regarding revisions to the study he conducted *Surrey's Underutilized ALR Lands: An Analysis of their Economic, Job Creation, and Food Production Potential in Direct market Agriculture*, was received.

#### **G. INFORMATION ITEMS**

##### **1. Environmental Sustainability Advisory Committee (ESAC) Update**

An update from the ESAC meeting of June 26, 2013, was not available at this time.

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7913-0143-00

Issued To: SUKHMINDER GILL  
MALVINDER GILL

("the Owner")

Address of Owner: 21989 - Acadia Street  
Maple Ridge, BC V2X 3LR

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: 010-067-206

Lot 1 Except: Firstly: Parcel "D" (Explanatory Plan 11080) Secondly: The North 3.83 Chains  
Thirdly: Parcel "B" (Bylaw Plan 62484); Section 14 Township 2 New Westminster District  
Plan 3636

7130 - 152 Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:  
  
In Section F.1.(b) of Part 10 "General Agriculture Zone" the maximum setback of a *Single Family Dwelling* from the *front lot line* is increased from 50 metres (164 ft.) to 125 metres (410 ft.).  
  
In Section J.2.(b) of Part 10 "General Agriculture Zone" the maximum depth of the *farm residential footprint* from the *front lot line* is increased from 60 metres (197 ft.) to 130 metres (426 ft.).
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.

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 – Dianne L. Watts

---

City Clerk – Jane Sullivan



**71A Ave**

**152 St**

DRIVEWAY

Fill

**BUILDING  
FOOTPRINT  
LOCATION**

House Footprint

Maximum Setback (125m)

Maximum Depth of Farm Residential Footprint (130m)

**7913-0143-00 SCHEDULE A**

