

## Application No.:

Planning Report Date: January 31, 2022

## PROPOSAL:

- Development Permit
- Development Variance Permit
to vary the maximum height of a proposed single family dwelling in the Serpentine River floodplain and the ALR.

LOCATION: 17071-88 Avenue
ZONING:
A-1
OCP DESIGNATION: Agricultural
LAP DESIGNATION: Agricultural


## RECOMMENDATION SUMMARY

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


## DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is proposing to vary the maximum height of a proposed single family dwelling in the A-1 Zone from 9.0 metres to 9.98 metres.


## RATIONALE OF RECOMMENDATION

- The subject property is within the 200-year Serpentine River floodplain. Fill is required to raise the proposed single family dwelling above the flood construction level (FCL) of 2.3 metres.
- The applicant worked with staff to try to design the house to meet the maximum height allowable. With the extent of fill required, it was not architecturally viable to meet the requirement.
- The proposed increase in height of about one metre will have a negligible impact on the surrounding properties. The proposed single family dwelling west of the subject site ( $17023-88$ Avenue) will be set back 105 metres (instead of 50 metres) from the front property line when built, as was approved under Development Variance Permit 7917-0527-00.
- The Serpentine River lies east on City-owned property (17119 88 Avenue) and traverses directly north of the subject site which renders that area of 9002168 Street as undevelopable. No single family dwellings can be built on these two areas (Appendix III).
- The Charles Richardson Nature Reserve is directly across the property south of 88 Avenue. It is an ecological habitat for the protection of fish, birds, and small mammal species. No development can take place in this area (Appendix III).


## RECOMMENDATION

The Planning \& Development Department recommends that:

1. Council authorize staff to draft Development Permit No. 7921-0165-oo for Hazard Lands (Flood Prone) and Sensitive Ecosystems (Streamside Areas and Green Infrastructure Areas) generally in accordance with the finalized Ecosystem Development Plan and geotechnical report.
2. Council approve Development Variance Permit No. 7921-0165-oo (Appendix IV) varying the following, to proceed to Public Notification:
(a) to vary the maximum height of a proposed single family dwelling in the A-ı Zone from 9.0 metres to 9.98 metres.
3. Council instruct staff to resolve the following issues prior to final 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 finalized Ecosystem Development Plan and Impact Mitigation Plan to the satisfaction of City staff;
(c) submission of a finalized Geotechnical Report to the satisfaction of City staff;
(d) registration of a combined Statutory Right-of-Way / Section 219 Restrictive Covenant over the watercourse on the north side of 88 Avenue Streamside Protection Area for both "No Build" and conveyance access;
(e) registration of a Section 219 Environmental Restrictive Covenant along the western boundary of the property's Streamside Protection Area;
(f) registration of a Section 219 Restrictive Covenant to restrict habitable floor area below the Flood Construction Level (FCL) and to inform current and future owners that the subject property is located within a floodplain area and that any buildings or structures constructed upon the lot may be damaged by flooding or erosion.

## SITE CONTEXT \& BACKGROUND

| Direction | Existing Use | OCP Designation | Existing Zone |
| :--- | :--- | :--- | :--- |
| Subject Site | Vacant, unfarmed | Agricultural | A-1 |
| North: | Inactive farmland <br> in the ALR | Agricultural | A-1 |


| Direction | Existing Use | OCP Designation | Existing Zone |
| :--- | :--- | :--- | :--- |
| East: | City property; <br> vacant | Agricultural | A-1 |
| South (Across 88 Avenue): | Charles Richardson <br> Nature Reserve | Agricultural | A-1 |
| West: | Active cedar farm <br> in the ALR | Agricultural | A-1 |

## Context \& Background

- The subject property is located at 17071-88 Avenue and is $11,036 \mathrm{sq}$. m. in size. It is located within the Agricultural Land Reserve and the 200-year floodplain of the Serpentine River. It is designated "Agricultural" in the Official Community Plan (OCP) and zoned "General Agriculture Zone (A-1)". It is not classified as farmland under the Assessment Act.
- The applicant is proposing a Development Variance Permit to increase the maximum height of a proposed single family dwelling from 9.0 metres to 9.98 metres (Appendix IV).
- Two Class A/O watercourses (red dashed-coded classified by the City of Surrey mapping system). One watercourse runs east-west, parallel to the south property boundary while the second watercourse runs north-south, adjacent to the west property boundary. The Serpentine River is to the east of the property, classified as Class A (red solid-coded) by the City of Surrey mapping system.
- There are currently no buildings or structures on the property. In September of 2020, the applicant applied for a utility extension permit ( $7820-0205-00$ ) with the City in order to construct a driveway and culvert crossing over the Class A/O watercourse.
- The application was not presented to the Agriculture, Environment, and Investment Advisory Committee (AEIAC) as the building height variance does not affect food security, agricultural viability or climate change.


## DEVELOPMENT PROPOSAL

## Planning Considerations

- On February 22, 2019, the Agricultural Land Reserve Use Regulation (ALR Use Regulation) was approved by B.C.'s Lieutenant Governor in Council, bringing into force changes to the Agricultural Land Commission Act (ALCA) under Bill 52-2018, Agricultural Land Commission Amendment Act, 2019.
- One of the key changes of Bill 52-2018 was providing the ALC with new oversight over residential uses and structures on ALR Land, including limiting the maximum floor area of a principal dwelling to 500 square metres.
- The applicant proposes to construct a 500-square metre, two-storey dwelling with no secondary suite on the subject property in the ALR. It meets the maximum floor area of a principal dwelling allowed in the ALR (Appendix I).
- On November $5^{\text {th }}$, 2012, Council gave final adoption to Text Amendment By-law No. 17771 (Corporate Report No. R207; 2012) which included amendments to the "General Agriculture Zone (A-1)" to regulate the location of residential buildings through maximum single family dwelling and farm residential footprint setbacks.
- Under the "General Agriculture Zone (A-1)" no portion of a single family dwelling shall be located further than 50 metres ( 164 ft .) from the front lot line. Furthermore, no portion of the farm residential footprint or "farm home plate" is to be located further than 60 metres ( 197 ft .) from the front lot line, within which all accessory farm residential buildings and facilities such as residential driveways, tennis courts and swimming pools must be located.
- The applicant will site the proposed principal dwelling in compliance with the 50-metre farm home plate setback. It therefore will meet the requirements of the farm home plate regulation of the "General Agriculture Zone (A-1)" (Appendix I).
- The applicant is proposing a main floor elevation of 3.96 metres geodetic elevation, which is approximately 1.66 metres above the minimum flood plain level. It meets the objectives of City Policy o-55 in mitigating potential impacts of development within the Serpentine and Nicomekl River floodplains (Appendix I).
- The proposed single family dwelling meets the setback requirements of Part 7A Streamside Protection setbacks of the Zoning By-law except for the proposed driveways. The applicant will be required to address the driveway encroachment issue prior to final approval. A Class A or A/O stream requires a minimum setback of 15 metres from top-of-bank (Appendix I).
- The applicant has indicated that there is no intention to farm the property for commercial purposes.


## Referrals

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix II

## Sustainability Considerations

- The applicant has met all of the typical sustainable development criteria, as indicated in the Sustainable Development Checklist.


## Zoning By-law

## Height Variance

- The applicant is requesting the following variance:
- to vary the maximum height of a proposed single family dwelling in the A-1 Zone from 9.0 metres to 9.98 metres.
- The subject site is on the floodplain and the proposed single family dwelling has to be raised above the flood construction level of 2.3 metres. With the extent of fill required, it was not architecturally viable to stay within the maximum allowable building height.
- The impact on the surrounding properties will be negligible. The Serpentine River lies east on City-owned property (17119 88 Avenue) and traverses directly north of the subject site which renders that area of 9002168 Street as undevelopable. The Charles Richardson Nature Reserve is directly across the subject site to the south. No development will take place in this area because it is an important ecological habitat (Appendix III).
- The property west of the subject site will build a new single family dwelling that will be set back 150 metres (instead of 50 metres) from the front property line after the preloading period, the siting of which was approved under Development Variance Permit 7917-0527-oo.
- 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-dashed coded) watercourses adjacent to the west and south property lines and the Class A (solid, red coded) Serpentine River to the east of the property. The Sensitive Ecosystems (Streamside Areas) Development Permit is required to protect aquatic and terrestrial ecosystems associated with streams from the impacts of development.
- An Ecosystem Development Plan (EDP), prepared by Mark Gollner, R.P. Bio., of Marlim Ecological Consulting 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.
- The watercourses west and south of the property were classified as "ditches" in the EDP, prescribing a 5.7-metre Riparian Area Protection Regulation Streamside Protection Enhancement Area (RAPR SPEA) and a 10 -metre Streamside Protection Area (SPA) setback per Part 7A of the City of Surrey Zoning By-law.
- In their review of the EDP, the provincial Riparian Area Protection Regulation Biologist states that "evidence suggests these features are considered to be channelized streams which would receive a 10 metre SPEA from stream boundary under detailed assessment. As the residential development is proposed to respect the 1o-metre from top-of-bank municipal setbacks, this development is considered compliant."
- Staff concur with the "channelized stream" assessment of the province and will require a more significant streamside protection area setback per Part 7A of the City of Surrey Zoning By-law.
- In accordance with Part 7A Streamside Protection setbacks of the Zoning By-law, "Class A or A/O (red-coded) channelized streams" require a minimum streamside setback of 15 metres, as measured from the top of bank.
- The proposed building setbacks comply with the requirements outlined in the Zoning By-law. No construction is proposed within the streamside protection area with the exception of the driveways (Appendix I). The applicant is required to address the encroachment of the driveways into the required setbacks prior to final approval.
- No peer review of the EDP will be required provided the proposed development meets or exceeds the setback requirements of the Zoning By-law.
- The riparian area will be protected through the registration of a combined Restrictive Covenant/Right-of-Way for the watercourse north of 88 Avenue and an Environmental Restrictive Covenant for the watercourse along the west boundary of the property to ensure safeguarding and maintenance of the protection area in perpetuity, in compliance with the OCP. A 1.2 metre-high protective fencing as well as erosion and sediment control measures will be in place before development begins.
- The Class A (red solid coded) Serpentine River is approximately 80 metres east of the property at the southeast corner. The proposed building meets the 30 metre setback required from the natural boundary of the Serpentine River for buildings on the floodplain.


## Sensitive Ecosystems (Green Infrastructure Areas) Development Permit Requirement

- The subject property falls within the Sensitive Ecosystems DPA for Green Infrastructure Areas in the OCP, given the location of a Biodiversity Conservation Strategy (BCS) Green Infrastructure Network (GIN) Corridor located at the northeast corner of the property. The Sensitive Ecosystems (Green Infrastructure Areas) Development Permit is required to protect environmentally sensitive and/or unique natural areas from the impacts of development.
- The City of Surrey Biodiversity Conservation Strategy (BCS) Green Infrastructure Network (GIN) map, adopted by Council on July 21, 2014 (Corporate Report No. R141; 2014), identifies a Local BCS Corridor within the subject site, in the Serpentine/Nicomekl BCS management area, with a Medium ecological value.
- The BCS further identifies the GIN area of the subject site as having a Very High habitat suitability rating, derived from species at risk presence, species accounts and known ecosystem habitat inventories. The BCS recommends a target Corridor width of 60 meters.
- An Ecosystem Development Plan (EDP), prepared by Mark Gollner, R.P. Bio., of Marlim Ecological Consulting 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.
- The proposed single family dwelling and driveways will be constructed beyond the GIN area of the subject site but will be partially within the 50 metre GIN buffer. The EDP confirms that the proposed development will not have a negative impact to the current values and/or condition of the Green Infrastructure Network protection area (Appendix III).


## Hazard Lands (Flood Prone) Development Permit Requirement

- The subject property falls within the Hazard Lands (Flood Prone) DPA in the OCP, given that the site is within the 200-year floodplain of the Serpentine River. The Hazard Land (Flood Prone) Development Permit is required to protect developments from hazardous conditions.
- The subject site is vacant and covered by grass.
- A geotechnical assessment, prepared by Larry Deng, P. Eng., of Evertek Engineering Ltd. and dated August 2021, was reviewed by staff and found to be address the Development Permit guidelines in the Official Community Plan (OCP).
- The study investigated issues related to flooding to determine the feasibility of development of the site and proposing recommendations to mitigate potential hazards. Peat was encountered at ground surface and clay below the peat. The study finds that soft ground treatments such as preloading and piles are not required for the proposed single family structure. Structural fill materials will be used in order to raise the proposed building area to the design subgrade elevation. The fill will be reviewed and approved by a geotechnical engineer prior to use.
- A minimum flood plain elevation of approximately 2.3 metres geodetic is required. The applicant is proposing a main floor elevation of 3.96 metres geodetic elevation, which is approximately 1.66 metres above the minimum flood plain level (Appendix I).
- The consultant has determined that the development is feasible provided that the recommendations in their report are incorporated into the overall design of the site.
- Registration of a Section 219 Restrictive Covenant to restrict habitable floor area below the Flood Construction Level (FCL) and to inform current and future owners that the subject property is located within a floodplain area and that any buildings or structures constructed upon the lot may be damaged by flooding or erosion is required as a condition of final adoption.


## TREES

- There are no existing mature trees on the subject property.


## INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Site Plan, Floor Plan and Building Elevations
Appendix II. Engineering Summary
Appendix III. Aerial Photos
Appendix IV. Development Variance Permit No. 7921-0165-00

INFORMATION AVAILABLE ON FILE:

- Ecosystem Development Plan prepared by Marlim Ecological Consulting Ltd. (2022)
approved by Ron Gill

Ron Gill
Acting General Manager
Planning and Development
DQ/cm


Appendix I





Exterior Elevation Right
$1 / 6 \mathrm{in}=1 \mathrm{ft}$


Exterior Elevation Left
$1 / 6 \mathrm{in}=1 \mathrm{ft}$





TO: Manager, Area Planning \& Development

- North Surrey Division

Planning and Development Department
FROM: Development Services Manager, Engineering Department
DATE: January 25, $2022 \quad$ PROJECT FILE: 7821-0165-oo
RE: Engineering Requirements
Location: 1707188 Ave

## DEVELOPMENT PERMIT/BUILDING PERMIT

The following are to be addressed as conditions of the issuance of the subsequent Single Family Building Permit associated with the Sensitive Ecosystems (Streamside) Development Permit:

- Register a combined statutory right-of-way/restrictive covenant (SRW/RC) for the Unnamed class "B" watercourse on the north side of 88 Avenue (south side of the property). The SRW/RC is to be registered over the Part 7A setback from the top of bank.
- Register an Environmental Restrictive Covenant for riparian protection along the watercourse along the west boundary of the property. This is a private watercourse where Engineering does not require a Combo RC/SRW at this time.
- Any proposed on-site septic sewer system to be designed and installed in accordance with the requirements of the Fraser Health Authority. Register Restrictive Covenant for the protection and maintenance of the onsite septic system, along with requirement to decommission the septic tank once sanitary frontage is available. A new sanitary connection to the sanitary main will be required, and any latecomer charges, LAS or DCC fees will be applicable at time of connection.

A Servicing Agreement is not required. An Administrative Processing Fee is required to administer the legal documents above.

## DEVELOPMENT VARIANCE PERMIT

Engineering has no requirements associated to the proposed Development Variance Permit to permit a building height of 9.98 m .

## CIS City of Surrey Mapping Online System



## DEVELOPMENT VARIANCE PERMIT

NO.: 7921-0165-oo
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: oo1-341-111
Lot 3, Except Part in Plan LMP48313 Section 31 Township 8 New Westminster District Plan 7546
17071-88 Avenue
(the "Land")
3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:

Surrey Subdivision and Development By-law, 1986, No. 8830, as amended is varied as follows:
(a) In Section G.2. Height of Buildings in Part 10" General Agriculture Zone (A-1)", the maximum building height for a single family dwelling is increased from 9 metres to 9.98 metres.
4. This development variance permit applies to only that portion of the principal building 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


