

NO: L002

COUNCIL DATE: **FEBRUARY 24, 2014**

REGULAR COUNCIL – LAND USE

TO: **Mayor & Council** DATE: **February 17, 2014**
FROM: **Acting General Manager, Engineering** FILE: **7809-0253-00**
SUBJECT: **Opportunities to Provide Sanitary Sewer Servicing for the Lands Covered by Application no. 7809-0253-00 at 13377 – 56 Avenue**

RECOMMENDATION

The Engineering Department recommends that Council:

1. Receive this report as information;
2. Approve the course of action identified as Option 1 in this report, which is to advise the LAS proponent that their petition does not satisfy the criteria outlined in Council Policy No. R-6, a copy of which is attached to this report as Appendix III.

INTENT

The purpose of this report is to provide an update of staff's further review of the opportunities to provide sanitary sewer servicing for the lands covered by application no. 7809-0253-00 at 13377 – 56 Avenue (the "Property").

BACKGROUND

Application no. 7809-0253-00 at 13377 - 56 Avenue is for a subdivision of a lot into 2 lots. A map illustrating the location of the Property is attached as Appendix I.

For the property to be serviced with sanitary sewer, the existing system needs to be extended. The applicant has the opportunity to extend the existing system from the west or from the east. Each extension option is illustrated on the map attached to this report as Appendix II. Although the length of the sewer required for the extension to the west is greater than the length of the sewer required for the extension to the east, the option to extend the sewer to the west provides a greater potential for cost recovery from benefiting properties should they elect to connect to the system through the latecomer process.

During the application process, the applicant was advised that they may be able to petition the City for sanitary sewer service as a Local Area Service (LAS). Local Area Services are governed by Division 7 of Part 5 of the *Community Charter* supplemented by the guidelines contained in the City's Local Area Service Policy (the "Policy"), a copy of which is attached as Appendix III. The Policy sets out the requirements for a preliminary petition of the benefiting property owners and

the methodology of apportioning the costs among the benefitting property owners within the local service area (LSA).

Following submission of an LAS preliminary petition by the applicant and subsequent review of the preliminary petition by staff, the applicant was advised that the petition did not satisfy the requirements of the Policy, and that the applicant will need to provide sanitary sewer service to their project by extending the existing system from the west or from the east, similar to the requirements of all development applications.

At its Regular Council Land Use meeting on January 13, 2014, Council adopted Resolution no. R14-30 which instructs staff to provide a report with recommendations regarding permanent sewer system servicing for Council's consideration at a future meeting.

DISCUSSION

The City's LAS Policy states that *"... an LAS will only be considered and implemented if at least 50% of the total area of the parcels within the LSA has been subdivided to minimum-sized lots in conformity with the description in the Official Community Plan and with any applicable Neighbourhood Concept Plan or Local Area Plan, and at least 60% of the parcels within the LSA have a dwelling unit or other buildings on the parcel."* This criterion was included into the Policy to ensure the LAS process was not used to provide services normally provided by the development process and thereby passing on some of the costs normally financed by development to residents within the benefitting area.

The latecomer process is the cost recovery process normally utilized by developers that front-end system extensions that benefit other lands.

Appendix IV illustrates the proposed LSA and the parcels within the benefitting area that have yet to be subdivided to the minimum size. Staff have reviewed the subdivision potential within the LSA, and have found that at least 60% of the total area has subdivision potential under the existing RH zoning, subject to further review through the subdivision application process.

As discussed above, without this criterion in place, the costs to provide sanitary sewer servicing to support this application will be funded by each property in the LSA, regardless if each owner supports the LAS petition or not or if the property has development potential or not. The estimated LAS costs for each property in the LSA are provided in Appendix V.

The Policy also spells out exemption provisions that address health concern and other existing servicing constraints. The exemption indicates that an LAS may still be considered *"... where in the opinion of the General Manager, Engineering, the LAS would benefit the City's servicing strategy or would positively address other existing servicing constraints or health concern related to the use of the properties in the LAS"*.

While the purpose of the exemption for health concerns is not stipulated in the Policy, the exemption was intended for an LAS for water service to address poor well water quality. Staff have consulted with the Environmental Health Office at the Fraser Health Authority on the condition of the septic fields in the proposed LAS area to determine if the existing condition of the septic fields in this area represents a health concern. The Fraser Health Authority has conducted five tests, and found three systems are operating normally and two have failed. One of

the failed systems has since been repaired, and the Fraser Health Authority is working with the owners of the other failed system on a replacement system. This failed septic system has been temporarily rectified while the owner is waiting for the house to be rebuilt. Based on their investigations, the Fraser Health Authority confirmed that there is no health concern.

Although the Fraser Health Authority has confirmed that there is no health concern at this time, one could possibly develop from the failure of one or more of the existing septic systems in the area. In the 1970's the area of lands known as Aloha Estates was serviced by septic systems which subsequently began to fail and had the potential to negatively impact local groundwater sources which supplied a number of drinking water wells that were in close proximity. In response, the City with the Fraser Health Authority bore the cost of extending sanitary sewer service to the area. However, unlike Aloha Estates, the soil in and around the Property is more favorable to accommodate septic field systems and there are no known drinking water wells within at least 300m of the LAS area.

Alternative Courses of Action

Option 1 Advise the LAS proponent that their petition does not satisfy the criteria outlined in Council Policy No. R-6.

As the application does not meet the Policy criteria, the applicant should seek to extend the existing sanitary sewer system to service their development, and seek to recover some of their costs through the latecomer process as is the common practice.

Option 2 Instruct staff to:

- a) prepare a formal LAS petition; and
- b) should the formal petition be "sufficient" in accordance with the requirements of the *Community Charter*, bring forward a Corporate Report recommending that Council approve the establishment of an LAS to allow a sanitary sewer extension along 56 Avenue to service Application no. 7809-0253-00 at 13377 - 56 Avenue.

Under this course of action, staff will undertake a formal petition in accordance with the requirements of the *Community Charter*. Should the formal petition be "sufficient", staff will bring forward a Corporate Report recommending that Council approve the establishment of an LAS to allow a sanitary sewer extension along 56 Avenue to service Application no. 7809-0253-00 at 13377 - 56 Avenue.

Should Council subsequently approve the establishment of the LAS, the costs will be fully recovered by LAS charges and will be apportioned based on final costs to the benefiting properties on a frontage basis all in accordance with City policy. The final LAS cost for each benefiting property will be charged regardless if the property supported the LAS petition or not. Based on the results of the preliminary petition, two properties do not support the LAS petition and they would each be charged approximately \$25,000 with establishment of the LAS.

Summary of Evaluation:

Staff is satisfied that the course of action identified under Option 1 is reasonable and on this basis is recommending that Council adopt this course of action.

Should Council proceed with the course of action identified in Option 2, staff recommends that Council resolve to complete a formal petition, and should the formal petition be “sufficient”, approve the establishment of an LAS to allow a sanitary sewer extension along 56 Avenue to service Application no. 7809-0253-00 at 13377 – 56 Avenue.

CONCLUSION

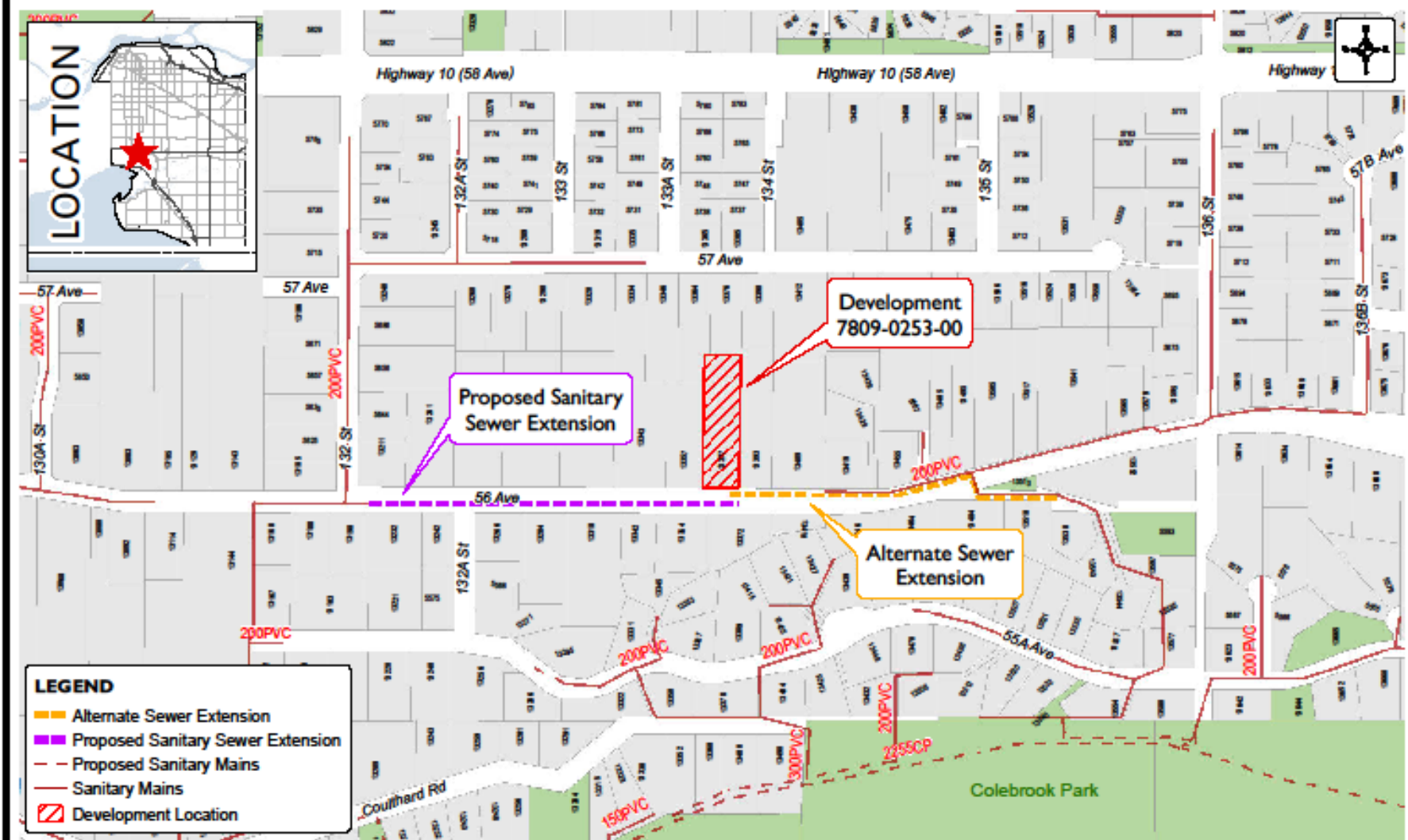
Based on the above discussion, it is recommended that Council approve the course of action identified as Option 1 in this report, which is to advise the LAS proponent that their petition does not satisfy the criteria outlined in Council Policy No. R-6, a copy of which is attached to this report as Appendix III.

Gerry McKinnon
Acting General Manager, Engineering

JA/RL/brb

- Appendix I - Location of Application no. 7809-0253-00
- Appendix II - Sanitary Sewer Opportunities to Service Application no. 7809-0253-00
- Appendix III - City Policy No. R-6 – Local Area Service Policy.
- Appendix IV - Preliminary Petition Local Service Area
- Appendix V - Cost Share for Each Benefitting Property Owners in the Preliminary Petition Local Service Area

APPENDIX II



Produced by GIS Section: 04-Feb-2014, AW8



SANITARY SEWER OPPORTUNITIES TO SERVICE APPLICATION 7809-0253-00

ENGINEERING
DEPARTMENT

The data provided is compiled from various sources and IS NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office.

Source: G:\MAPPING\GIS\Map\Corporate\file\Utility\AW-Sewer Opp Application 7809-0253-A.mxd

REFERENCE:	APPROVED BY:	CITY COUNCIL
REGULAR COUNCIL MINUTES 9 JANUARY 1978 PAGE 34	DATE:	13 June 2011 (RES.R11-1006)
	HISTORY:	2 May 2005 (RES.R05-1038) 9 JAN 1978

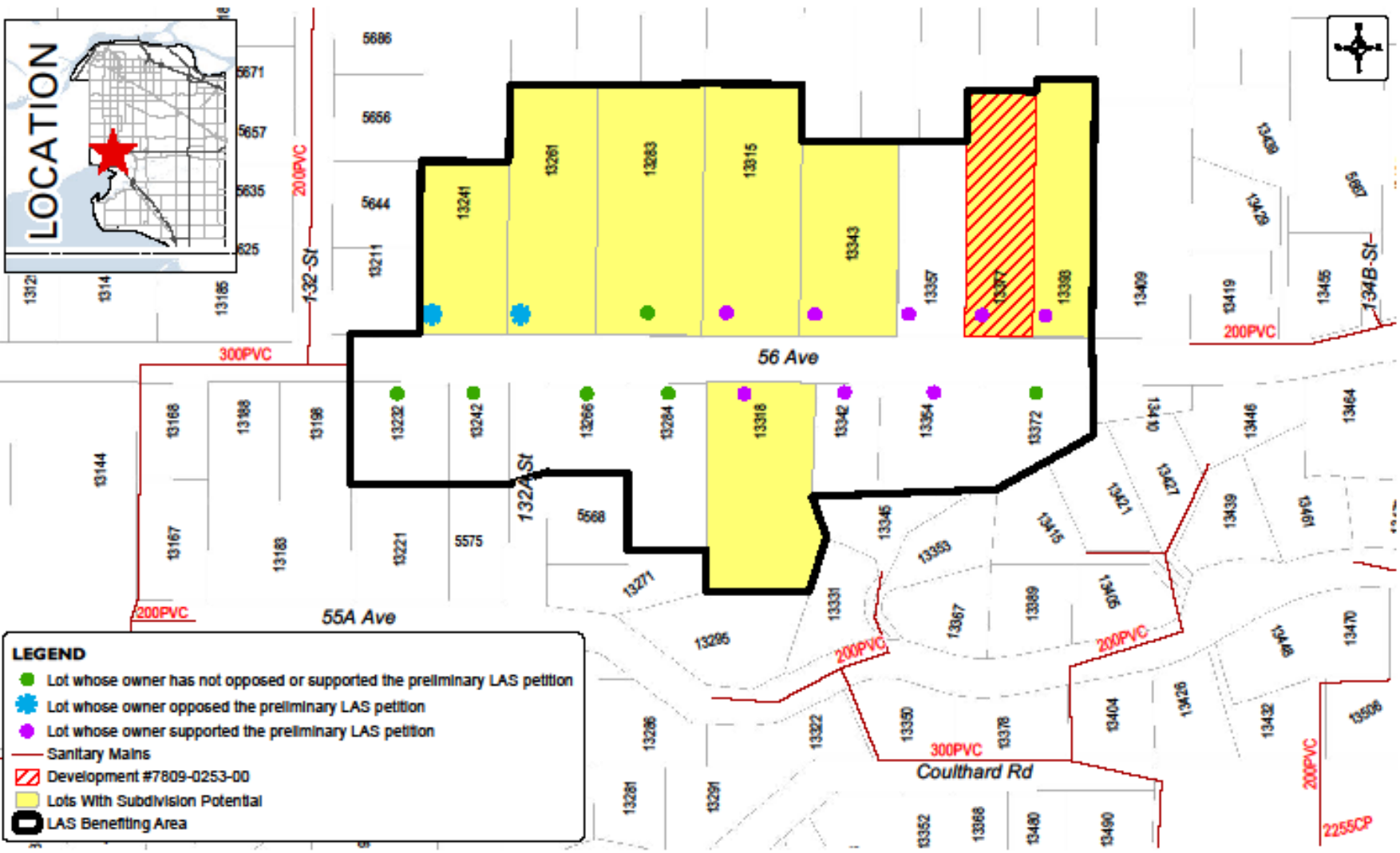
TITLE: LOCAL AREA SERVICES POLICY

1. The cost-share of the Local Area Service (LAS) for each property within the Local Service Area (LSA) will be apportioned by the frontage of each property except where the LAS has no direct road frontage, such as a pump station, a siphon or an off-road trunk sewer or other similar cases. In this case, the apportionment will be by area, property value or any other methods allowed in the Community Charter.
2. The charge shall not include the portion of cost for any upsizing beyond the size of the municipal service needed for the local service area.
3. The cost charge shall be reduced to reflect any Provincial or other third party contribution.
4. The definition of frontage shall be the same as in the Surrey Zoning By-Law. Flankage shall mean any boundary of a property abutting a City road right-of-way other than the lot's frontage.
5. Where both the frontage and flankage of a property will be serviced by the LAS, the share otherwise attributable to the flankage of that property shall be apportioned among all of the properties within the LSA on a frontage basis.
6. For lengths of any LAS works not fronting any lots in the LSA, the costs shall be apportioned among all the properties within the LSA on a frontage basis.
7. Where the frontage length is less than the minimum lot width under the Zoning By-law for the current zoning of the lot, the frontage length used for calculating the charge shall be:
 - (a) The minimum lot width required for the lot under the Zoning By-law based on the lot's current zoning; or

This policy is subject to any specific provisions of the Local Government Act, or other relevant legislation or Union agreement.

- (b) In case of lots zoned A-1 or A-2 under the Zoning By-law, the minimum lot width required under the Zoning By-law or 50m, whichever is greater.
- 8. For a property abutting but not fronting the LAS works, or a property otherwise benefitting from but not fronting the LAS works, the cost apportionment for the property shall be based on the deemed frontage length of the property as specified in Section 7.
- 9. For exceptional lots, General Manager, Engineering will determine the appropriate cost apportionment with methods allowed in the Community Charter.
- 10. "Subject to Section 11, an LAS will only be considered and implemented if at least 50% of the total area of the parcels within the LSA has been subdivided to minimum-sized lots in conformity with the description in the Official Community Plan and with any applicable Neighbourhood Concept Plan or Local Area Plan, and at least 60% of the parcels within the LSA have a dwelling unit or other buildings on the parcel."
- 11. An LAS not meeting the criteria under Section 10 may be considered where in the opinion of the General Manager, Engineering the LAS would benefit the City's servicing strategy or would positively address other existing servicing constraints or health concerns related to the use of the properties in the LSA.

APPENDIX IV



LEGEND

- Lot whose owner has not opposed or supported the preliminary LAS petition
- ✿ Lot whose owner opposed the preliminary LAS petition
- Lot whose owner supported the preliminary LAS petition
- Sanitary Mains
- Development #7809-0253-00
- Lots With Subdivision Potential
- LAS Benefiting Area

Produced by GIS Section: 05-Feb-2014, AWB



PRELIMINARY PETITION LOCAL SERVICE AREA

ENGINEERING DEPARTMENT

The data provided is compiled from various sources and IS NOT warranted as to its accuracy or sufficiency by the City of Surrey.
This information is provided for information and convenience purposes only.
All slabs, legal descriptions and encumbrances must be confirmed at the Land Title Office.

Source: G:\MAPPING\GIS\Map\Corporate\Reg\Utility\W-SanSewer\Est-56-Ave-A.mxd

**COST SHARE FOR EACH BENEFITING PROPERTY OWNERS
IN THE PRELIMINARY PETITION LOCAL AREA SERVICE**

	Lot Address	Lot Size (sq.m.)	Frontage (m)	Cost per linear m	Cost Share Per Lot
1	13232 56 Avenue	2,715	50.98	546.66	27,868.91
2	13242 56 Avenue	1,621	30.48	546.66	16,662.31
3	13266 56 Avenue	1,945	41.63	546.66	22,757.61
4	13284 56 Avenue	3,525	40.61	546.66	22,200.01
5	13318 56 Avenue	6,058	55.90	546.66	30,558.50
6	13342 56 Avenue	1,937	33.54	546.66	18,335.10
7	13354 56 Avenue	2,965	52.15	546.66	28,508.51
8	13372 56 Avenue	2,429	57.33	546.66	31,340.23
9	13241 56 Avenue	4,045	45.36	546.66	24,796.66
10	13261 56 Avenue	5,874	45.71	546.66	24,988.00
11	13283 56 Avenue	7,075	54.90	546.66	30,011.83
12	13315 56 Avenue	6,512	50.30	546.66	27,497.18
13	13343 56 Avenue	5,050	50.29	546.66	27,491.72
14	13357 56 Avenue	3,531	35.05	546.66	19,160.56
15	13377 56 Avenue	4,432	35.05	546.66	19,160.56
16	13393 56 Avenue	4,040	30.48	546.66	16,662.31
	Total	63,754	709.76		388,000.00