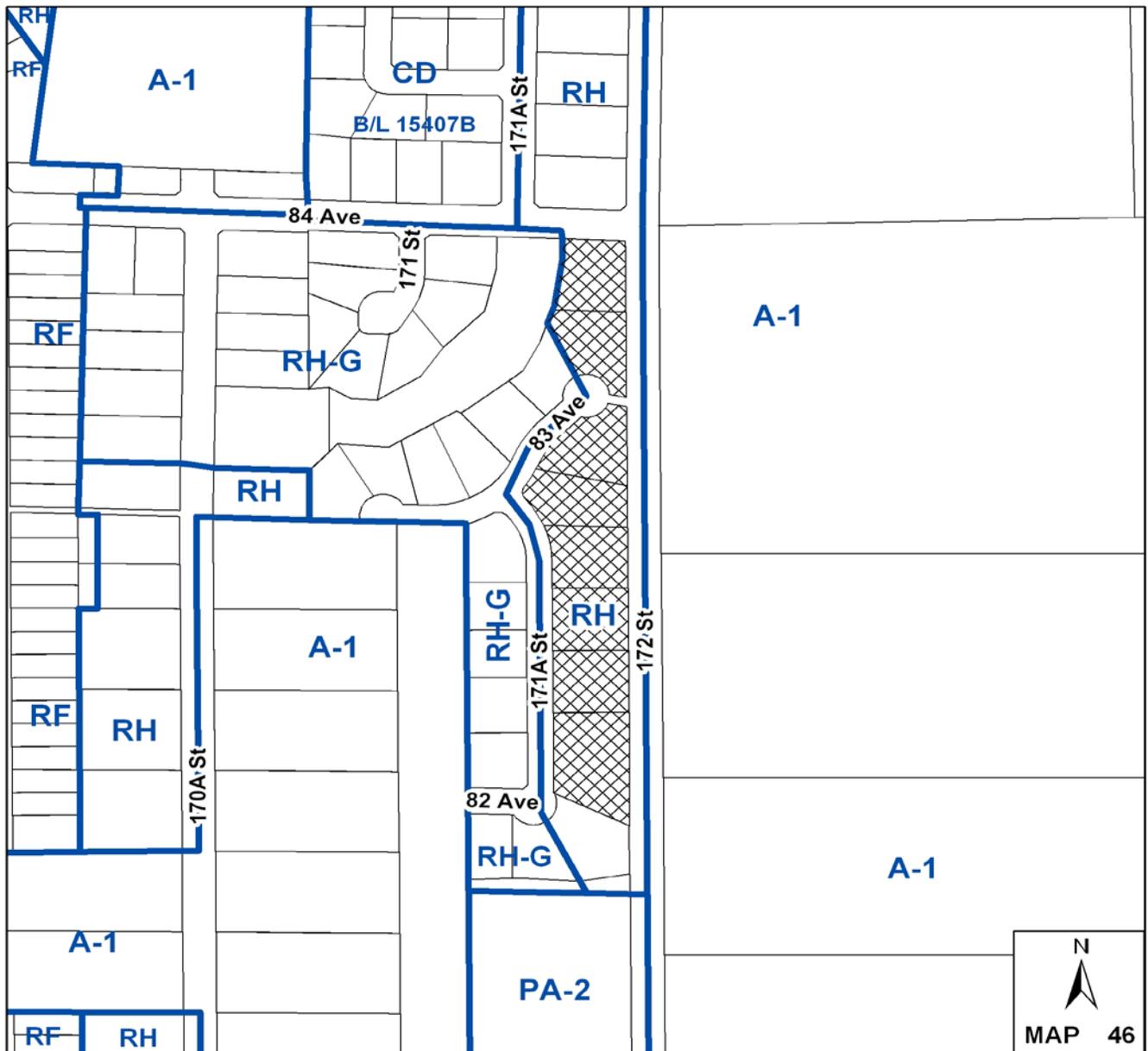


Proposal: A Restrictive Covenant Amendment and Development Permit to permit modifications to the fence type, location and landscape buffer on lots adjacent to the ALR.

Recommendation: Approval

Location: 172 Street & 84 Avenue **Zoning:** RH

OCP Designation: Suburban **Owner:** Pritam Singh Sidhu et al



PROJECT TIMELINE

Completed Application Submission Date: March 3, 2006
Application Revision & Re-submission Date: June 9, 2006
Planning Report Date: September 11, 2006

PROPOSAL

The applicant is proposing:

- a Development Permit; and
- a Restrictive Covenant amendment

in order to permit modifications to the fence type, location and landscape buffer on lots adjacent to land within the Agricultural Land Reserve.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the attached Development Permit No. 7906-0089-00 (Appendix VI), authorize the Mayor and Clerk to sign the Development Permit, and authorize the transfer of the Permit to the heirs, administrators, executors, successors and assigns of the title of the land within the terms of the Permit.
2. Council approve the proposed amendments to the Restrictive Covenant for Lots 14 to 20 as follows:
 - (a) to replace the approved 1.8-metre (6 ft.) high solid cedar fence with a 1.2-metre (4 ft.) high black-coloured chain link fence;
 - (b) to relocate the fence from 15 metres (50 ft.) from the east (172 Street) property line to a location 3 metres (9.8 ft.) from the east (172 Street) property line; and
 - (c) to modify the landscape buffer by adding 140 cedars and permitting two 3.5-metre (11.5 ft.) wide openings per lot along the west edge of the buffer.

REFERRALS

Agricultural Advisory committee (AAC):

The proposed Restrictive Covenant amendment (Application No. 7906-0089-00) was forwarded as information to the AAC at the September 7, 2006 meeting. A similar proposal was reviewed by the AAC at the June 9, 2005 meeting, under Application No. 7905-0078-00. At that meeting, the AAC recommended that a physical barrier be constructed to ensure backyards would not encroach into the buffer area over time. The subject proposal complies with the June 9, 2005 AAC recommendation.

SITE CHARACTERISTICS

- **Existing Land Use** Suburban residential lots ranging in size from 1,120 sq.m. to 2,880 sq.m. (12,056 sq.ft. to 31,001 sq.ft.).
- **East:** Across 172 Street, farmland within the ALR, zoned A-1, designated Agricultural.
- **South:** Recently approved large regional church (File No. 7900-0179-00), zoned PA-2, designated Suburban.
- **West:** Across 171A Street, half-acre gross density lots, zoned RH-G, designated Suburban.
- **North:** Across 84 Avenue, half-acre lots, zoned RH, designated Suburban.

DEVELOPMENT CONSIDERATIONS

Background

- The subject properties are located on the eastern edge of the Suburban portion of the Fleetwood Pocket, south of 84 Avenue and west of 172 Street, immediately west of the Agricultural Land Reserve (ALR). The subject site is designated Suburban in the Official Community Plan (OCP) and zoned "Half-Acre Residential Zone (RH)".
- The subject properties were part of Development Application No. 7904-0120-00 to rezone the site from A-1 to RH and RH-G to permit 29 suburban residential lots. This application received final adoption on February 28, 2005.
- A Development Permit to ensure adequate buffering along the ALR boundary proceeded as part of the above-mentioned development application (Development Permit No. 7904-0120-00). This Development Permit regulates the location and type of fencing as well as the planting details for a 15-metre (50 ft.) wide landscape buffer for the lots that are located along the ALR boundary (Appendix III).
- In addition to Development Permit No. 7904-0120-00, a Restrictive Covenant was registered on the lots along the ALR boundary requiring the regular maintenance of the fence and landscaping buffer.

- Following the approval of Development Application No. 7904-0120-00, the applicant proposed a Restrictive Covenant Amendment and Development Permit in order to permit modifications to the fence type, location and landscape buffer on the lots adjacent to the ALR (Application No. 7905-0263-00). This application was closed by the applicant prior to proceeding to Council.
- The subject application is identical to the closed Application No. 7905-0263-00 which is similar to the Restrictive Covenant Amendment and Development Permit No. 7905-0078-00 for the properties located to the north of the subject site, approved at the July 25, 2005 Regular Council - Land Use meeting.
- Application No. 7905-0078-00, for the properties north of the subject site, was presented to the Agricultural Advisory Committee (AAC) at their June 9, 2005 meeting. The proposal included the relocation of the fence from the westerly edge of the landscape buffer to the easterly edge of the buffer, sited 1.2 metres (4 ft.) from the east property line along 172 Street. The fence type proposed included a 1.2-metre (4 ft.) high black-coated chain link fence.
- The applicant incorporated the AAC's recommendation that a physical barrier be incorporated along the eastern edge of the buffer to ensure that back yards do not encroach into the buffer area. This barrier included 210 western red cedars to be planted within the landscape buffer along the eastern edge of the buffer along 172 Street. Two access points were proposed along each lot to allow for regular maintenance of the buffer.

Current Proposal

- The applicant is proposing an amendment to the Restrictive Covenant and a Development Permit to change the location and style of fence, and to facilitate an adjustment to the approved landscape buffer along 172 Street.
- More specifically, the applicant proposes to relocate the fence from 15 metres (50 ft.) from the east (172 Street) property line to a location 3 metres (9.8 ft.) from the east property line. The proposal also includes replacing the approved 1.8 metre (6 ft.) high solid cedar fence with a 1.2-metre (4 ft.) high black-coated chain link fence.
- In terms of the landscape buffer, the applicant proposes to modify this buffer by adding 140 western red cedars and having two, 3.5-metre (11.5 ft.) wide openings per lot at the west edge of the buffer. This addresses AAC's recommendations from a similar application (File No. 7905-0078-00) that a physical barrier be included to ensure backyards do not encroach into the buffer area.
- The applicant's rationale for these changes are:
 - The landscaped buffer, while clearly delineated, will be integrated more into the lot itself and as a result, much greater onus will be placed on the owners to maintain the buffer;
 - With the proposed relocation of the fence, owners will be the only ones to have use and access to the buffer, as opposed to the broader public. Owners will have a recognition of much greater responsibility for maintenance and care of the buffer areas;

- The proposed arrangement creates easier access for owners for maintenance purposes and at the same time avoids litter and misuse from an open ended public use; and
- If the fence is required to be constructed on the west side of the landscape buffer, there is a very strong likelihood, particularly with subsequent future land owners, to demand that the City maintain the land located behind the fence as they will be seen to be public lands, even with the presence of the Restrictive Covenant, which is difficult to enforce.
- The only difference between the current proposal and that approved for the lots to the north of the subject site under Application No. 7905-0078-00 is that for the subject proposal, a 1.2-metre (4-ft.) high black chain link fence is proposed to be located approximately 3 metres (9.8 ft.) from the east property line instead of 1.2 metres (4 ft.) from the east property line in order to preserve a row of existing cedar trees along the east property line of the subject lots.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Contour Map
Appendix III.	Approved Landscape Buffer and Fencing
Appendix IV.	Proposed Landscape Buffer and Fencing
Appendix V.	Agricultural Advisory Committee Minutes, Thursday, June 9, 2005
Appendix VI.	Development Permit No. 7906-0089-00

How Yin Leung
Acting General Manager
Planning and Development

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(h) Civic Address: 8288 - 171A Street
Owner: Shabri Rajesh Roberson and Michael Les Roberson
PID: 026-315-050
Lot 18 District Lot 30 Township 8 New Westminster District Plan BCP17832

(i) Civic Address: 8243 - 172 Street
Owners: Luey S. Hayashi and Nancy Y. Hayashi
PID: 026-315-106
Lot 21 Section 30 Township 8 New Westminster District Plan BCP17832

3. Summary

CONTOUR MAP FOR SUBJECT SITE

