

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7908-0024-00

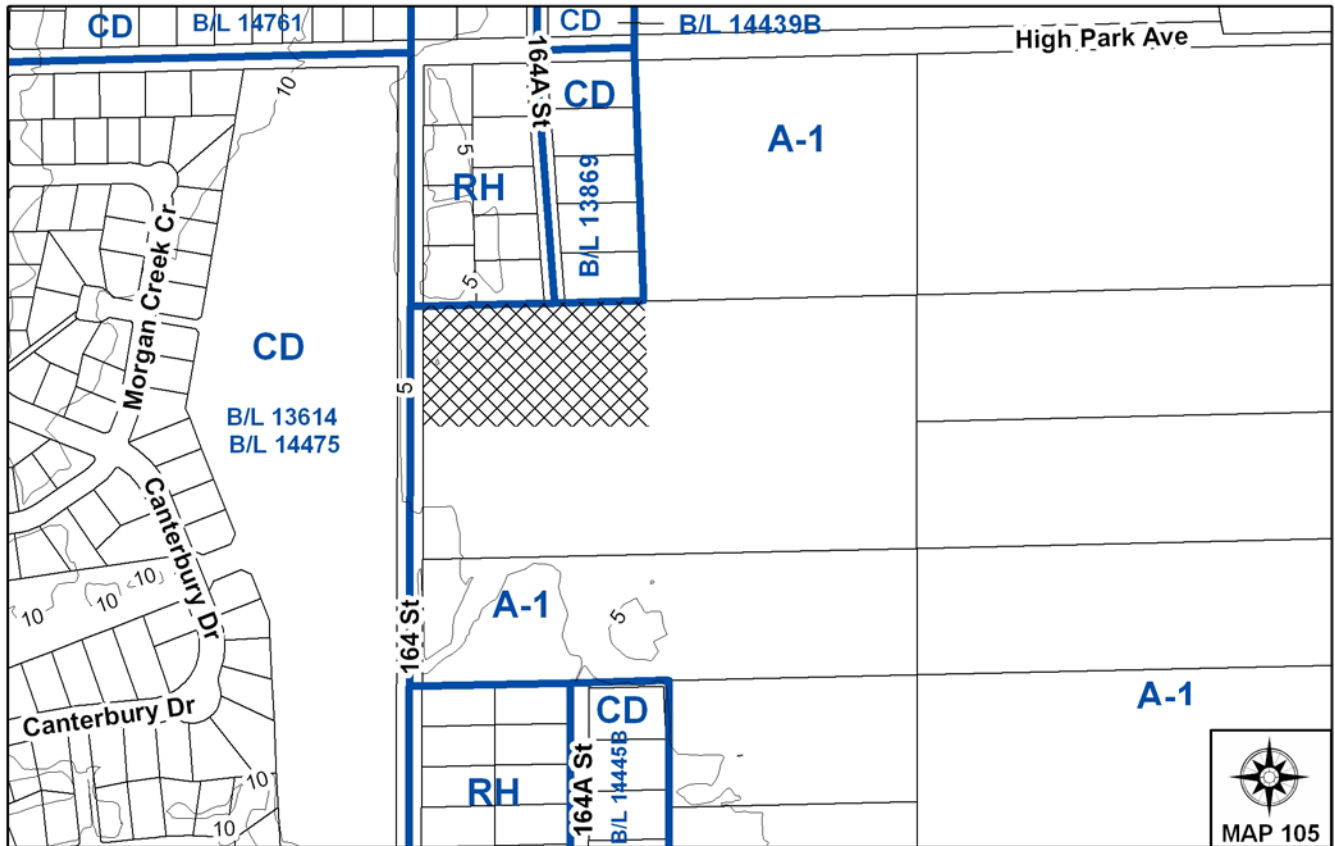
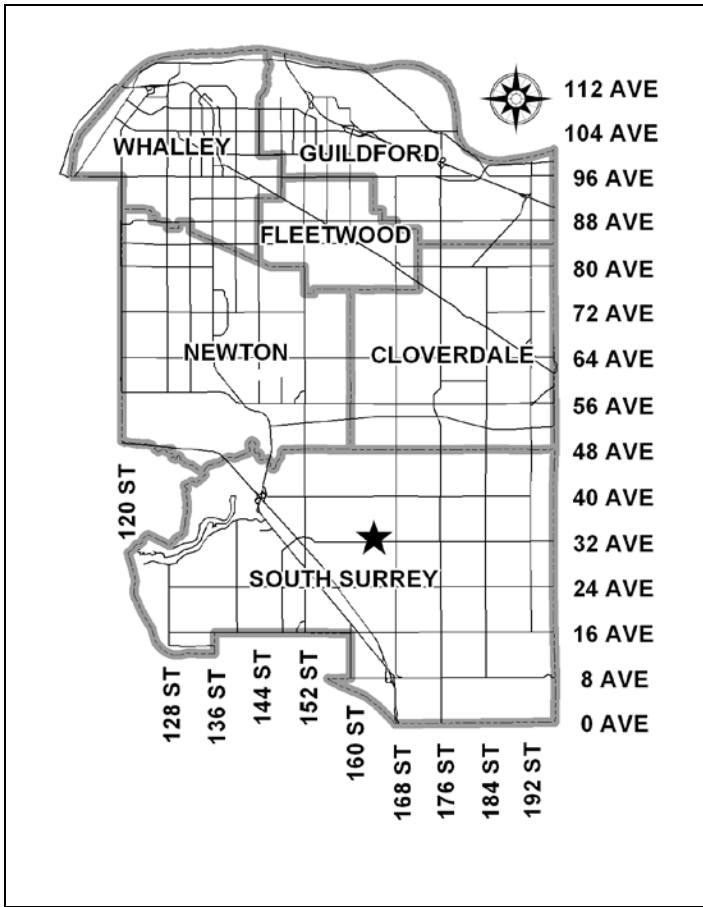
Planning Report Date: June 16, 2008

PROPOSAL:

- **Rezoning** of a portion of the site from A-1 to RH and CD (based on RA-G)
- **Development Permit**

in order to allow subdivision into 7 suburban single family residential lots and 1 remainder agricultural lot along the ALR boundary.

LOCATION: 3430 - 164 Street
OWNER: Audrey Ryan
ZONING: A-1
OCP DESIGNATION: Suburban and Agricultural
LAP DESIGNATION: Suburban One-Acre Residential



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.
- Approval to draft Development Permit.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposal partially complies with the Rosemary Heights Local Area Plan (LAP). An amendment is needed to redesignate a portion of the site from "Suburban One-Acre Residential" to "Suburban Half-Acre Residential".
- The proposal partially complies with City Policy O-23 "Residential Buffering Adjacent to the ALR/Agricultural Boundary". City Policy O-23 requires a minimum of one row of one acre lots immediately adjacent to the ALR boundary. The subject application proposes one row of one acre gross density type lots immediately adjacent to the ALR boundary.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- The proposed subdivision pattern complies with the development concept approved by Council for lands adjacent to the ALR in this area and previously implemented on numerous other properties. The proposed RA-G type lots abutting the ALR are consistent in size to the approved lots abutting the ALR within the subdivisions immediately north and south of the subject site, in a manner consistent with the approved development concept.
- The subject proposal adheres to the requirements under Policy O-23 for a minimum building separation and buffering from the ALR.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the portion of the subject site defined as Block B on the survey plan attached in Appendix I from "General Agriculture Zone (A-1)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
2. a By-law be introduced to rezone the portion of the subject site defined as Block A on the survey plan attached in Appendix I from "General Agriculture Zone (A-1)" (By-law No. 12000) to "Half-Acre Residential Zone (RH)" (By-law No. 12000) and a date be set for Public Hearing.
3. Council authorize staff to draft Development Permit No. 7908-0024-00 to establish an agricultural buffer in accordance with the attached drawings (Appendix II).
4. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) submission of a subdivision layout to the satisfaction of the Approving Officer;
 - (c) input and approval from Senior Government Environmental Agencies;
 - (d) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
 - (e) submission of a finalized landscaping plan and landscaping cost estimate, including the agricultural interface and riparian area landscape buffer and fencing plan to the specifications and satisfaction of the City Landscape Architect;
 - (f) registration of a Section 219 Restrictive Covenant to provide notice to future property owners of the adjacent ALR land and potential for nuisance impacts associated with agricultural activities; and
 - (g) registration of a Section 219 Restrictive Covenant for no-build on the remainder lot until it is consolidated with the neighbouring property to the south (3380 - 164 Street) to ensure creation of a larger agricultural remnant parcel to support agriculture, address future access to agricultural properties, and allow coordination of riparian protection issues common to both properties.
5. Council pass a resolution to amend the Rosemary Heights Local Area Plan to redesignate the portion of the land defined as Block A on the survey plan attached in Appendix I from Suburban One-Acre Residential to Suburban Half-Acre Residential when the project is considered for final adoption.

REFERRALS

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

School District: **Projected number of students from this development:**

3 Elementary students at Morgan Elementary School
1 Secondary student at Earl Marriott Secondary School

(Appendix IV)

Parks, Recreation & Culture: The Parks, Recreation and Culture Department requests cash-in-lieu of parkland at this location.

Department of Fisheries and Oceans: The subject development application was presented to the ERC on May 21, 2008. At that time, DFO agreed to the elimination of two tributaries. In return, the loss of habitat will be compensated by enhancement to an existing drainage ditch.

Agricultural Advisory Committee: The subject application was presented to the Agricultural Advisory Committee (AAC) on May 1, 2008. The AAC recommendations are discussed in a later section of this report (Appendix V)

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling and farm-related buildings and structures. There are several watercourses on this site.

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
North:	Single family dwellings and agricultural land.	Suburban and Agricultural/ Suburban Half-Acre Residential and Agricultural	RH, CD and A-1
East:	Agricultural land in the ALR.	Agricultural	A-1
South:	Single family dwelling and farm-related buildings and structures.	Suburban and Agricultural/ Suburban ½-Acre Residential and Agricultural	A-1
West (Across 164 Street):	Morgan Creek Golf Course.	Suburban/Golf Course	CD

JUSTIFICATION FOR PLAN AMENDMENT

- The subject property is located on the east side of 164 Street, north of 32 Avenue, directly across from the 5th hole fairway of the Morgan Creek golf course. The property is bisected by the Agricultural Land Reserve (ALR) boundary. The eastern portion of the site is designated "Agricultural" in the Official Community Plan (OCP) and is within the Agricultural Land Reserve (ALR). The western portion of the site is designated "Suburban" in the OCP and is outside the ALR. The western portion of the site, outside the ALR, is designated "Suburban One-Acre Residential" in the Rosemary Heights Local Area Plan approved by Council in 1994.
- The applicant is proposing to rezone the northwest portion of the site, which is under the Suburban OCP designation, to create five (5) Half-Acre (RH) lots and two (2) Comprehensive Development (CD) lots based on the Acreage Residential Gross Density Zone (RA-G). The proposed RH lots require a Local Area Plan amendment from "Suburban One-Acre Residential" to "Suburban Half-Acre Residential".
- The proposal to create RA-G type and RH lots is consistent in the development concept plan approved by Council in 1999 for the properties adjacent to the ALR on the east side of 164 Street and south side of High Park Avenue (Appendix VIII). The development concept plan proposes larger lots (based on the RA-G Zone) immediately adjacent to the ALR. These RA-G type lots then transition to RH lots to provide an appropriate interface to the existing Morgan Creek golf course and subdivision.
- The applicant's proposal is also consistent with neighbouring subdivisions to the north and south of the subject site along 164 Street. These subdivisions also feature RA-G type lots abutting the ALR, transitioning to RH lots towards 164 Street. These neighbouring subdivisions were approved by Council in 2000 and 2001. On this basis, the proposal can be supported.

DEVELOPMENT CONSIDERATIONS

- As mentioned above, the applicant proposes to rezone a portion of the site (approximately 4.3 acres/1.7 hectares) from General Agriculture Zone (A-1) to Half-Acre Residential Zone (RH) and Comprehensive Development Zone (CD), based on the Acreage Gross Density (RA-G) Zone, to allow the creation of 7 suburban single family lots.
- The remainder of the site (approximately 15.2 acres/6.2 hectares) will remain as a large L-shaped agricultural (A-1) zoned lot. The southwestern portion of this remainder lot will have future subdivision potential under the Suburban Residential OCP and LAP designations. The eastern portion of the remainder lot is in the Agricultural Land Reserve (ALR) and is intended for agricultural use.

Agricultural Interface Considerations

- The proposal partially complies with City Policy O-23, which is the policy that establishes residential buffering requirements for proposed lots adjacent to the ALR/Agricultural boundary (Appendix IX). Policy O-23 states that half acre subdivisions are permitted within 200 metres of

the ALR boundary provided that at least one row of one acre lots is created immediately adjacent the ALR boundary. The proposed subdivision partially complies with this requirement by providing one row of one-acre gross density type lots immediately adjacent the ALR Boundary. While these lots are not a full acre in size, they are consistent with the sizes of the lots abutting the ALR within the approved subdivisions north and south of the subject site, and are consistent with the development concept approved by Council for this area, which preceded Policy O-23. All other requirements specified under Policy O-23, including minimum building separation and buffering requirements, are met by the subject proposal, as described later in this report.

Proposed CD By-law

- The proposed CD Zone for the lots immediately adjacent to the ALR boundary is based on the RA-G Zone with some variations as described below.
- Some uses permitted under the RA-G zone have been deleted in the CD Zone, namely bed and breakfast, keeping of boarders and lodgers, and recreational uses such as equestrian facilities, tennis courts, and baseball diamonds. Removing these uses ensures consistency with the CD By-laws governing Morgan Creek and the existing subdivisions to the north and south of the subject site along 164 Street, which also exclude these uses.
- The proposed CD by-law does not require 15% parkland dedication as required under the RA-G Zone. The applicant has volunteered 15% cash-in-lieu of parkland to achieve these lot sizes. The Parks, Recreation and Culture Department advises that additional parkland is not needed at this location and will accept the 15% cash-in-lieu of parkland offered by the applicant for these lots.
- The minimum rear yard setback for principal building under the proposed CD Zone is 37.5 metres (125 ft.), which is significantly larger than the 7.5 metre (25 ft.) rear yard setback required under the RA-G Zone. The purpose of the larger setback requirement is to ensure that buildings are constructed a minimum of 37.5 metres (125 ft.) from the ALR boundary as required under City Policy O-23 (Residential Buffering Adjacent to the ALR/ Agricultural Boundary).
- The minimum lot size proposed under the CD Zone is 3,100 sq.m. [33,000 sq.ft.] to accommodate the lot sizes proposed. This is larger than the minimum lot size of 2,800 sq.m [30,000 sq.ft.] permitted under the RA-G Zone.

Protected Watercourses

- The City's watercourse classification map identifies three (3) watercourse segments on or at the boundary of the subject site. The first is a Class A (red-coded) watercourse (Wills Brook), running in a northeast direction from the southwest corner of the site towards Lot 7 of the subject subdivision proposal. The second is a Class A (red-coded) tributary, flowing eastward along the south boundary of proposed lots 3 and 4 of the subject subdivision proposal. The third is a Class A (red coded) tributary flowing along the west property boundary within the roadside ditch on 164 Street.
- The applicant retained an environmental consultant (ECL Envirowest Consultants Limited) to assess these watercourses and to prepare a proposal to the Environmental Review Committee (ERC) for watercourse/ habitat area protection.

- The proposal will ensure that Wills Brook is protected through the establishment of a 15.0 metre wide riparian setback measured from the top of bank. The proposal also includes elimination of the Class A watercourse within the roadside ditch on 164 Street and the Class A tributary flowing eastward along the south boundary of proposed lots 3 and 4, compensated through enhancement of an existing Class C drainage ditch located along the ALR boundary at the rear of proposed lots 6 and 7. This enhanced riparian area will be protected within a 15.0 metre wide landscape buffer area along the rear property line of proposed lots 3 and 4 abutting the ALR. This proposal was accepted by the ERC at the May 21, 2008 ERC meeting.
- To protect the riparian areas, a restrictive covenant (in favour of the Department of Fisheries and Oceans) will be required to be registered against the titles of the properties that include watercourse/habitat areas prior to final adoption of the Rezoning By-law.
- The alignment of Wills Brook will have an impact on the future development pattern of the western portion of the remnant agricultural parcel and the neighbouring property to the south (3380 - 164 Street). Both property owners will need to work together to deal with common riparian issues when future redevelopment is proposed. This may include a watercourse realignment.

ALR Landscape Buffer

- As referenced above, a 15.0 metre (50 ft.) wide landscape buffer is proposed along the rear property line of proposed lots 3 and 4 abutting the ALR. The buffer will serve dual purposes; as it will house the proposed enhanced watercourse, and will also fulfill the requirement under City Policy O-23 for a 15.0 metre (50 ft.) wide landscape buffer on residential lots abutting the ALR. The applicant has retained a landscape architect (C. Kavolinas & Associates Inc.) to prepare a conceptual plan for this buffer area which includes trees and shrubs in a variety of species, however, the design will need to be reviewed and approved by the Department of Fisheries and Oceans (DFO) prior to final adoption of the Rezoning By-law to ensure the proposed plantings not only provide a visual barrier to adjacent agricultural activities, but are also appropriate from a habitat perspective.
- The subject application includes a Development Permit application to establish this required ALR landscape buffer. The buffer will be protected through the required restrictive covenant with the Department of Fisheries and Oceans (DFO) for habitat protection, but also through a separate covenant with the City, which will be required to be registered prior to final adoption of the Rezoning By-law and will also provide notice to future owners of adjacent ALR properties and potential nuisance impacts (noise, dust, smell, etc.) from agricultural activities.

Agricultural Advisory Committee

- The subject application was presented to the Agricultural Advisory Committee (AAC) on May 1, 2008. After reviewing the proposal, the AAC recommended "denial of any further subdivision along 164 Street until the subject property consolidates with 3380 - 164 Street to create a larger farm parcel and the remainder parcel be zoned CD in order to allow existing buildings to remain on the lot". The AAC also recommended "the use of black chain link be suggested as opposed to any type of wooden fence along the buffer edge and that a walking trail not be permitted in the buffer" (Appendix V).

- To respond to the AAC recommendation, the applicant will be required to register a no-build Restrictive Covenant on the remnant agricultural parcel prior to final adoption of the Rezoning By-law. This no-build RC will allow existing farming and residential uses to continue but will prohibit any further development or subdivision on this remnant lot until such time as it is consolidated with the neighbouring property to the south (3380 – 164 Street). This ensures that the AAC's request to create a larger agricultural parcel on the eastern portion of these properties is met prior to any subsequent phases of development proceeding in order to support agricultural activities. This Restrictive Covenant will also ensure access to agricultural properties in the ALR is addressed in the future subdivision application, and allow coordination of riparian issues common to both lots, which may require relocation of a watercourse.
- Fencing details around the perimeter of the landscaped buffer have not yet been finalized, as the type of fencing still needs to be reviewed and approved by the Department of Fisheries and Oceans (DFO). Currently, a wood rail fence is being proposed, but the applicant's landscape architect has agreed to discuss the possibility of a black chain link fence with DFO as recommended by the AAC.

Building Scheme

- The design of the new homes will be based on a character study of the surrounding subdivisions prepared by Michael E. Tynan (Tynan Consulting Ltd.). A building scheme will be registered on title to ensure a high quality of design with a strong relationship with the neighbouring context homes. This includes similar home types, sizes, massing characteristics, roof types, roof pitch, roofing materials, and siding materials. Vinyl siding and asphalt roof shingles are specifically prohibited in the building scheme (Appendix VI).
- The Building Scheme will prohibit the development of secondary suites and basement-entry homes.

Tree Preservation

- The development site was previously used for farming, and as such the arborist report did not identify any protected trees. The applicant will be planting 35 trees on the newly created lots in addition to the trees proposed to be planted within the landscape buffer adjacent the ALR (Appendix VII).

Lot Grading

- The applicant is proposing to create homes with in-ground basements, which will require approximately 1 - 1.5 m (3 - 5 ft.) of fill to be introduced to the site. A lot grading plan was provided showing similar elevations as recent neighbouring developments. The lot grading plan was reviewed by the Building Division and found to be acceptable to proceed.

PRE-NOTIFICATION

Pre-notification letters were sent on February 5, 2008 and February 27, 2008, and staff received the following comments:

- Staff received one phone call from a neighbour who was concerned about the existing 164A Street cul-de-sac being extended to accommodate the proposed development and additional traffic that would result.

(The proposal to extend the 164A Street cul-de-sac to accommodate development on the subject parcel was anticipated as illustrated in a Council approved development concept plan that was prepared for the strip of land adjacent to the ALR and on the east side of 164 Street and south side of High Park Avenue (Appendix VIII). The proposed extension of 164A Street will not connect to any major roads and as such the only additional traffic anticipated is local traffic that will be generated from the 7 new lots being created. This increase in traffic should be minimal.)

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets and Survey Plan
Appendix II.	Proposed Subdivision Layout and Landscape Plans (ALR Buffer)
Appendix III.	Engineering Summary
Appendix IV.	School District Comments
Appendix V.	Agricultural Advisory Committee Minutes
Appendix VI.	Building Design Guidelines Summary
Appendix VII.	Summary of Tree Survey and Tree Preservation
Appendix VIII.	Approved Concept Plan for the Area
Appendix IX.	City Policy O-23
Appendix X.	Proposed CD By-law

INFORMATION AVAILABLE ON FILE

- Environmental Report prepared by ECL Envirowest Consultants Ltd. dated May 7, 2008.
- Complete set of Landscape Plans prepared by C. Kavolinas and Associates Inc. dated April 2008.

Jean Lamontagne
General Manager
Planning and Development

RG/kms

Information for City Clerk

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

1. (a) Agent: Name: Michael Helle, Coastland Engineering & Surveying Ltd.
 Address: #101, 19292 - 60 Avenue
 Surrey, BC
 V3S 3M4
 Tel: 604-532-9700

2. Properties involved in the Application

(a) Civic Address: 3430 - 164 Street

(b) Civic Address: 3430 - 164 Street
 Owner: Audrey **Ryan**
 PID: 011-305-878
 Lot 3 Section 25 Township 1 New Westminster District Plan 8431

3. Summary of Actions for City Clerk's Office

(a) Introduce a By-law to rezone a portion of the property.

SUBDIVISION DATA SHEET

Proposed Zoning: CD and RH

Requires Project Data	Proposed		
GROSS SITE AREA			
Acres	19.50 ac		
Hectares	7.89 ha		
NUMBER OF LOTS	CD	RH	A-1
Existing	1		
Proposed	2	5	1
SIZE OF LOTS			
Range of lot widths (metres)	48.22-49.92 m	31.67-49.54 m	106.01 m
Range of lot areas (square metres)	3,188 sq.m.	1,858-1,905 sq.m.	61,564 sq.m.
DENSITY			
Lots/Hectare & Lots/Acre (Gross)	1.1 upa/2.8 upa	2.0 upa/4.9 uph	0.07 upa/0.18 uph
Lots/Hectare & Lots/Acre (Net)	1.3 upa/3.1 uph	2.2 upa/5.4 uph	0.07 upa/0.18 uph
SITE COVERAGE (in % of gross site area)			
Maximum Coverage of Principal & Accessory Building	18%	23%	n/a
Estimated Road, Lane & Driveway Coverage			
Total Site Coverage			
PARKLAND	n/a		
Area (square metres)			
% of Gross Site			
	Required		
PARKLAND			
5% money in lieu	YES		
TREE SURVEY/ASSESSMENT	YES		
MODEL BUILDING SCHEME	YES		
HERITAGE SITE Retention	NO		
BOUNDARY HEALTH Approval	NO		
DEV. VARIANCE PERMIT required			
Road Length/Standards	NO		
Works and Services	NO		
Building Retention	NO		
Others	NO		