

MINUTES

Development Advisory Committee

File: **360-20 (DAC)**
Date: **June 25, 2015**
Time: **2:30 p.m.**
Location: **3W Meeting Room
A, Surrey City Hall**

Members:

Andy Aadmi
Gavin Chenkis
Ted Dawson
Adam Donnelly
Jeff Fisher
Mark Sakai
Jas Sandhu
Dexter Hirabe

City Staff:

Jeff Arason
Stephen Godwin
Nicholas Lai
Jean Lamontagne
Sam Lau
Don Luymes
Mehran Nazeman
Judith Robertson
Fay Keng Wong

Regrets:

Councillor Bruce Hayne

1. Previous Minutes

The notes of the May 28, 2015 meeting were accepted as distributed.

2. Proposed RF-12 Changes (Don Luymes, Manager, Community Planning)

- Don Luymes provided an update on proposed amendments to the RF-12 Zone. A copy of his presentation is attached.
- For Type I and Type II rear yard garage setbacks, there is the issue of lack of parking on lane-served RF-12 lots due to the 1 m garage setback. Cars sometimes park horizontally within the narrow 1 m setback and hang over into the lane.
- For the attached garage on lane-served Type I and Type II interior lots, it is proposed that the minimum rear yard setback of 7.5 m (25 ft) be reduced to 6 m (20 ft) for a 6 m (20 ft) wide attached garage and reduced to 4.5 m (15 ft) at the first floor for 14 sq. m (150 s. ft) uncovered deck and stairs only. For detached garage, there would be no changes.
- For Type I (lane-served interior lot, attached garage), the proposed setbacks will reduce the maximum building envelope from 336.5 sq. m to 315.1 sq. m.
- For Type II (lane-served interior lot, attached garage), the proposed setbacks will reduce the maximum building envelope from 324.6 sq. m to 301.1 sq. m.
- For the Type II rear yard deck setbacks, there is the issue of “Juliet Decks” and unauthorized deck construction on “shallow” (22 m – 24 m) RF-12 lots.
- For Type II (front-loaded interior lot), it is proposed that the minimum rear yard setback of 7.5 m (25 ft) which can be reduced to 6 m (20 ft) for 50% of the building face be further reduced to 4.5 m (15 ft) for a maximum 14 sq. m (150 sq. ft) first floor uncovered deck and stairs.
- For Type II (front-loaded interior lot), the proposed setbacks will include the deck area.
- Don Luymes will be meeting with a focus group of house designers and developers to discuss the proposed changes. If any DAC members are interested in participating in the focus group, contact Don Luymes. The focus group meeting date has not been set, yet, but it may occur at the end of July.

3. Proposed Surrey Riparian Area By-law (Stephen Godwin, Environmental Manager)

- Stephen Godwin provided an update on the proposed Surrey Riparian Area By-law. A copy of his presentation is attached.
- Stephen Godwin distributed copies of the Riparian Areas Bylaw Workshop Questionnaire to the DAC members. Completed questionnaires can be returned to Stephen Godwin.
- Watercourse Fish Classifications include the following:
 - Class A – Red – Fish bearing
 - Class A/O – Red dashed – Fish over-wintering
 - Class B – Yellow – Food / Nutrient
 - Class C – Green - Conveyance
- From 1992, Surrey used the 1992 Fisheries and Oceans Canada (DFO) / Ministry of Environment (MOE) “Land Development Guidelines for the Protection of Aquatic Habitat” to determine stream setbacks, until 2004 when MOE introduced the Riparian Area Regulation (RAR) and local governments were required to adopt RAR procedures (‘meet or beat’) in land-use decisions by March 31, 2006. In 2008, DFO, the Province, and UBCM signed a tri-partite Agreement. In March 2013, DFO withdrew from Surrey’s Environmental Review Committee (ERC). The City is currently following an ‘Interim’ Procedure – RAR based – to demonstrate the ‘meet or beat’ RAR requirement. In Fall 2014, Council directed City staff to develop a Riparian By-law.
- The Interim Process involves a detailed RAR Assessment with Peer Review and a Qualified Environmental Professional (QEP) who must be regulated by an Act (e.g. R.P.Bio, P.Eng, R.P.F., P.Ag, P.Geo, ASTTBC) and measure stream characteristics (assign stream reaches, measure Bank Full Width [average], delineate High Water Mark [1:5 year], and determine stream slope, potential vegetation type, and stream type).
- Challenges that are not being met with the Interim Process include erosion/geotechnical stability, stormwater/flood risk, tree health and hazards, encroachments, and access for watercourse maintenance.
- Changes to Fisheries Act wording have disconnected it from RAR. A recent directive from MOE is that DFO opinions regarding ‘No Serious Harm’ to fish, does not authorize a Harmful Alteration, Disruption or Destruction (HADD) of RAR; therefore, no variances to Streamside Protection and Enhancement Area (SPEA) which has to be protected for perpetuity.
- The Interim Process is not as straightforward as the previous process, so Council authorized City staff to develop a Riparian Area By-law.
- Proposed Riparian Area By-law objectives include meeting or exceeding provincial standards (RAR); preserving the integrity and function of the City’s watercourses and riparian areas; designing local solutions, specific to the ecology and condition in Surrey; establishing simple and effective assessment methods; and providing certainty to the public and development community.
- The proposed Riparian Area By-law setbacks for different types of watercourses are shown in the attached presentation, as well as how Surrey compares with other local municipalities.
- The proposed By-law will not apply to Class C watercourses nor any watercourse in the ALR when activities are related to agriculture.
- There has been general support from the development and environment community for the By-law especially regarding the clarity it will provide. Concerns include not enough

riparian protection, the need for a variance process, the need to define grandfathering, and implementation of schedule concerns.

- Proposed Riparian Area By-law variances would involve re-establishing ERC, requiring a net gain of habitat (2:1 area), and two potential Variance categories – minor variance for less than 5 m which would require ERC approval, and major variance for more than 5 m which would require Council approval (additional studies such as a detailed RAR, wildlife, access, etc., would be required to ensure values and liabilities are managed).
- In July, the City will continue to do consultation including a QEP Workshop and presentations to ESAC, DAC, and AFSAC. It is anticipated that the introduction of the Riparian Area By-law will go to Council in September.
- Erosion. Narrow riparian areas do not allow for natural creek movement – require armouring / fortifying or purchasing liability at great expense, and present a major liability for homeowners as well as the City. Wider riparian areas increase resilience to erosion.
- Beavers – flooding / tree felling. Beaver dams may raise water more than 1 m in 24 hours above the High Water Mark, which may cause flooding to adjacent homes and infrastructure. There is often not enough time for the City to respond to flooding. The beavers also change the water table which affects the trees.
- Hazard Tree Management. Native trees taller than 30 (taller than the width of many riparian areas) may fall across the entire riparian area, targeting both sides of the greenspace. Narrow riparian areas are less resilient to wind-throw.
- Encroachments – clearing / structures / fill. Small lots often encroach on adjacent riparian areas to obtain more usable yard space. Narrow riparian areas are often enveloped within the adjacent private property due to their apparent ‘insignificance’. Encroachments also affect drainage.
- Drainage Access. Access for Conveyance management. Needs to be geotechnically stable and outside SPEA. May overlap park trails.

Comments:

- Adam Donnelly asked why there will be a cap if there is going to be a variance process. Stephen Godwin responded that a minor variance may be reviewed at the ERC/staff level. Where there are major variances, Council approval and additional studies such as a geotechnical report will be required.
- Jas Sandhu asked if the Riparian Area By-law will apply to farming. Stephen Godwin responded that, ultimately, the ALR has the Right to Farm Act but it does not supersede the Federal Fisheries Act, etc. For farm buildings, the Ministry of Agriculture fact sheet is used.
- Adam Donnelly asked what the initial feedback was regarding the proposed setbacks for the Riparian Area By-law. Stephen Godwin responded that the issues of yield (how density will be affected); not enough setbacks; the sentiment that local government should not be so concerned if the Province is downloading the services to local government; grandfathering; and defining a watercourse and its ability to be relocated (there are some private watercourses that the City is not involved in, such as those on private property that do not affect the City’s drainage system, which is under federal jurisdiction), came up.
- Jeff Fisher commented that he agrees with the idea of grandfathering. All affected property owners should be notified before it goes to Council. Landowners will be most affected because developers are able to buy lots that will not be affected by the new By-law.
- Jean Lamontagne commented that there should be some sort of offset for trails.

- Adam Donnelly commented that the proposed Riparian Area By-law variance requirement of a net gain of habitat of 2:1 area would never be accepted if the liability was put to the City. Why is the developer being penalized to develop that area instead of compensating 1:1? Stephen Godwin responded that even without the proposed Riparian Area By-law, the City still has the liability (for improvements that have to be made, etc.). The 2:1 can be changed.
- Andy Aadmi commented that the introduction of the proposed Riparian Area By-law will increase costs, which will be passed onto the buyer. Stephen Godwin responded that because the City has an open drainage policy, which means stuff from private property drains off-site into the City's natural drainage system, the City gets charged as the stuff goes through the pipe, so the City has to charge those who are responsible. The rest of the City, residents, have to pay for this through their taxes, because of these offenders. If we roll it into a By-law, it is articulate and can show people the process, what is developable, etc. Right now, landowners do not know what is developable. This By-law will be a one-stop shop process. If it is a major variance, the applicant would have to apply for a DVP.
- Ted Dawson commented that he thought the stakeholder meeting ran really well. At this point, what is the city thinking of grandfathering for future development, for those applications that are currently in-stream? Stephen Godwin responded that when the Riparian Area By-law is approved, if an application is at a point where a decision is made or could have been made, the application is grandfathered. If not, then the application will not be grandfathered. If you have an application number but have not done the studies, then it will likely not be grandfathered. Stephen Godwin will have to check with the City's legal department. There are also political factors.
- Ted Dawson commented that with RAR, by the time the development permit comes, the plans could change significantly. If people are at third reading, it could be a major problem. Stephen Godwin responded yes, he will have to check with legal.
- Jeff Fisher commented that an audit could be done to reduce liability.
- Ted Dawson asked about the presentation to the DAC in July, which is noted on the timeline. Stephen Godwin responded that he will speak at the next DAC about what will happen with grandfathering.
- Mark Sakai commented that watercourses change. What happens if watercourses change and grandfathering occurs only to a certain time? Stephen Godwin responded that requirements apply as soon as the application is made. The By-law applies when the application is put in, regardless if the watercourse moves.
- Jeff Fisher asked if the land is claimed, will there be no liability? Stephen Godwin responded yes.

4. Comments on the Market (All Members)

- Ted Dawson. This has been one of the best spring markets in some time. The challenge is getting things to the market and getting the inventory. The return on wood frame apartment buildings, per buildable square foot, is about the same as decades ago. Concrete apartment buildings bring a higher return.
- Dexter Hirabe. June and July is the busiest time for their consulting firm, WSP, so things have been steady.

- Mark Sakai. The Getting to Ground Breaking (G2G) Research Project survey is going out to wood frame home builders and municipalities soon and should be received in the next week. If you do not receive it, let Mark Sakai know. The report on the results will go out in November. Registration is now open for the Greater Vancouver Home Builders' Association (GVHBA) Fall Classic Golf Tournament on September 9th.
- Andy Aadmi. Concerned about the unaffordability of the local market for young adults.
- Jas Sandhu. Commercial side. Spending a lot of time looking for deals and product.
- Jeff Fisher. No comments on the market.
- Adam Donnelly. Now represents Beedie Development Group. Industrial. People are looking. Lease rates are low. Tough to make deals happen. Have to be more creative, e.g. strata build to suit.
- Gavin Chenkis. Representative for Porte. Looking at all municipalities. The market is really hot. There is more competition on land acquisition because landowners are expecting a lot more because of media reports. The positive is that people want to move here. Surrey is the place to be.

5. Other Business

- Jeff Fisher suggested having Telus attend a future DAC to discuss the issue of some developments not being serviced by Telus, and to bring in other providers (Shaw, Rogers, etc.). Sam Lau is currently arranging a meeting with Telus.

6. Scheduled Meeting – July 23, 2015

- The meeting adjourned at 4:10 p.m.