



# Corporate Report

NO: R183

COUNCIL DATE: July 25, 2005

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## REGULAR COUNCIL

TO: Mayor & Council                      DATE: July 18, 2005  
FROM: General Manager, Planning      FILE: 6800-30-037  
and Development  
SUBJECT: Proposed Amendments to Surrey Semiahmoo Trail  
Heritage Designation By law, 2004, No. 15280

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## RECOMMENDATION

It is recommended that Council:

1. Receive this report as information;
2. Approve amendments to Surrey Semiahmoo Trail Heritage Designation By law, 2004, No. 15280 (the "By-law"), as outlined in Appendix I to this report;
3. Authorize the City Clerk to bring forward the necessary amendment by-law for the required readings, to set a date for the related public hearing and to provide the necessary notification of the public hearing, including notification of the affected utility companies, as required under Section 967 of the *Local Government Act*. R.S.B.C. 1996, c. 323, as amended (the "*Local Government Act*"); and
4. At the time of final adoption of the amendment by-law, adopt a resolution to add the sites identified in Appendix II and Appendix III to the Surrey Heritage Register, as part of the Semiahmoo Trail Heritage Site.

## INTENT

The purpose of this report is to seek Council approval to amend the By-law to incorporate additional lands related to the Semiahmoo Trail. The amendments will also incorporate recommendations from the Heritage Advisory Commission (the "HAC"), respecting restricting the construction of any utilities and services within the Semiahmoo Trail.

## BACKGROUND

On March 22, 2004, Council adopted the By-law. This replaced a by-law adopted in 1978 that only designated the part of the Semiahmoo Trail through the forested portion of Sunnyside Cemetery. The purpose of establishing a new By-law was:

- To implement the recommendations of the Surrey Heritage Management Plan to replace by-laws under the former *Heritage Conservation Act*, to take advantage of the expanded provisions available under the *Local Government Act*;
- To expand the properties being protected to include all lands added to Semiahmoo Trail between 1978 and 2004. These lands extend beyond the original Sunnyside site, between 24 and 28 Avenues, north to the Nicomekl River and south to 20 Avenue;

To identify which activities are prohibited, require approval by Council under a Heritage Alteration Permit (a

- "Permit") or are permitted without having a Permit because they primarily involve normal use and maintenance of Semiahmoo Trail and the associated linear park; and
- To map and describe the designated features of each heritage property, subject to the By-law.

The servicing requirements, the construction of a maintenance vehicle access road and creek enhancements associated with a recent townhouse development on 32 Avenue, abutting the Semiahmoo Trail, impacted the heritage value and natural character of the Semiahmoo Trail corridor in the immediate area of the project. Consequently, the HAC, on November 24, 2004, recommended the following to the General Manager, Planning and Development:

*"That a report be brought forward to Council to amend By law 2004, No. 15280 Section 7(h) to ensure an exemption only applies to existing street crossings and that all other locations of the Trail will be subject to a Heritage Alteration Permit prior to any utilities or services being installed".*

On March 30, 2005, the HAC reviewed the recommended revisions to the By-law and recommended that two more properties be added to the Surrey Heritage Register, as well as to the By-law. These properties include a road segment called "Elgin Diversion" which links Elgin Road and Crescent Road and the lands on the north side of 32 Avenue dedicated to the City as part of a townhouse development. These properties are illustrated in Appendices II and III of this report, respectively.

## DISCUSSION

The current By-law contains text and maps related to protection of the Semiahmoo Trail and:

- Declares the lands subject to the By-law as being protected;
- Prohibits certain actions on the protected lands;
- Delegates the responsibility to interpret prohibited actions to the General Managers of Planning and Development and Parks, Recreation and Culture;
- Provides for instances where a Permit is required for actions (including works) taking place on the protected lands;
- Establishes certain exemptions with respect to the need to obtain a Permit;
- Provides a table (Schedule "A" of the By-law) which lists the legal descriptions of the designated properties and the features that are subject to protection for each property; and
- Includes a map (Schedule "B" of the By-law) showing these properties.

Appendix I to this report identifies the amendments to the By-law that are recommended to address HAC concerns about disruption and loss of heritage value to the Semiahmoo Trail, resulting from construction of utilities and services. These changes are summarized below:

### By-law Amendments

- "Whereas" section (see Appendix I – number 1)

The "Whereas" section of the By-law is proposed to be amended to state that utilities and services may only be installed in those locations where the Semiahmoo Trail is crossed by paved roads or where no alternative is available, if an assessment is made identifying potential impacts and suitable mitigation measures are implemented as part of a Permit, subject to HAC review and Council approval.

- Section 6 - Prohibitions (see Appendix I – number 2)

This Section prohibits any person from undertaking any listed uses or actions that will affect the designated properties forming part of the Semiahmoo Trail without first obtaining a Permit. The prohibition of utilities and services in Section 8(e) is proposed to be amended to clearly refer to these as being prohibited unless covered by a Permit.

- Section 7 - Exceptions (see Appendix I – numbers 3 and 4)

This Section identifies uses and actions that are allowed to take place on designated properties forming part of the Semiahmoo Trail without the need for a Permit. Most of the exemptions are related to maintaining the path, fences, pedestrian amenities, vegetation and trees in Semiahmoo Trail.

Section 7(h) currently allows utilities and services to be constructed in the Semiahmoo Trail, on the condition that the character of Semiahmoo Trail is not disturbed. It is proposed that this exemption only apply to those utilities and services constructed in the streets that cross Semiahmoo Trail, namely 24 Avenue, 32 Avenue, 34 Avenue and 28 Avenue/148 Street. In all other locations, including the portions of Crescent and Elgin Road where Semiahmoo Trail shares space with vehicular traffic and the local residential street, "Semiahmoo Trail" from 32 Avenue to 28 Avenue, a Permit would need to be issued by Council. This would require an analysis to determine that there are no other servicing alternatives. The Permit would set the conditions, including landscaping and other measures to act to mitigate any impacts on Semiahmoo Trail, resulting from construction.

- Amendments to Schedules "A" and "B" (see Appendix I – numbers 5 and 6)

Amendments are proposed to the Schedules attached to the Bylaw. Appendix "A", the table of description in the By-law, is proposed to be amended to add two additional sites consisting of four lots and road rights-of-way, as identified on the maps attached as Appendices II and III, respectively. These lands consist of:

- Lands shown in Appendix II

These lands were dedicated to the City by the developer of a townhouse development on the north side of 32 Avenue to the east of the Semiahmoo Trail.

- Lands shown in Appendix III

"Elgin Diversion," which is a City street that branches off of Elgin Road, just south of the Nicomekl River bridge, to provide for a connection west to Crescent Road. It was not included in the original By-law, but has heritage character and heritage value. As this portion of the historic road is being considered as part of the pedestrian route for Semiahmoo Trail, as well as leading to one of the optional locations for a safe pedestrian crossing of Crescent Road, the HAC supports amending the By-law to add this road section.

To improve the readability of Schedule "B" of the By-law, the existing map is proposed to be replaced by eight separate maps illustrating sections of Semiahmoo Trail.

- Surrey Heritage Register

On March 30, 2005, the Commission recommended that Council pass a resolution to add the sites shown in Appendix II and III to the Semiahmoo Trail component of the Surrey Heritage Register that will act to bring consistency between the Heritage Register and the By-law.

At the time Council considers final adoption of the proposed amendments to the By law, it is recommended that Council adopt a resolution to add the sites identified in Appendices II and III to the Surrey Heritage Register.

## Approval Process

Section 968 of the *Local Government Act* requires that a public hearing be held in relation to a heritage designation by-law, before it is adopted, similar to a public hearing process for each rezoning by-law. This also applies to by-law amendments. Notice of the public hearing must be given to all persons having a registered interest in real property that would be designated by the by-law or amendments, as well as occupiers of real property that would be designated. As all the subject lands are roads, land or parks vested in the City, the notification is mainly necessary to inform utility companies with services under or crossing the property that is proposed to be designated by the by-law.

After adoption of a heritage designation by-law or amendment to such a by-law, the *Local Government Act* requires notice be forwarded to the Land Title Office and the Minister responsible for heritage. The notice, in this instance, is to identify the additional lands being designated.

## CONCLUSION

Based on the above discussion, it is recommended that Council:

- Approve amendments to the By-law, as outlined in Appendix I to this report;
- Authorize the City Clerk to bring forward the necessary amendment by-law for the required readings, to set a date for the related public hearing and to provide the necessary notification of the public hearing, including notification of the affected utility companies, as required under Section 967 of the *Local Government Act*; and
- At the time of final adoption of the amendment by-law, adopt a resolution to add the sites identified in Appendix II and Appendix III to the Surrey Heritage Register as part of the Semiahmoo Trail Heritage Site.

Murray Dinwoodie  
General Manager  
Planning and Development

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### Attachments:

- Appendix I Proposed Amendments to Surrey Semiahmoo Trail Heritage Designation By-law  
Appendix II Map Showing Site being Added as Designated Property in the Schedule "A" and "B" of the Surrey Semiahmoo Trail Heritage Designation By-law  
Appendix III Map Showing Site being Added as Designated Property in the Schedule "A" and "B" of the Surrey Semiahmoo Trail Heritage Designation By-law

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Appendix I

### **Proposed Amendments to Surrey Semiahmoo Trail Heritage Designation By-law, 2004, No. 15280**

The following amendments are proposed to Surrey Semiahmoo Trail Heritage Designation By law, 2004, No. 15280:

1. In the "WHEREAS" section of the By-law, insert the following clause as "E" and renumber the remaining clauses in this section accordingly:  
  
"E. The natural and heritage character of Semiahmoo Trail is best preserved by allowing utilities and services to be located only in, on or over the paved portions of Semiahmoo Trail;"
2. In Section 6 – "Prohibitions", delete subsection (e) and replace it with the following:  
  
"(e) alter, excavate or build anywhere on the Property, including alter, excavate or build utilities and services in the ground, on the surface or above the surface."
3. In Section 7 – "Exemptions from Approval for Alterations", correct a typographical error in the sequential numbering of the subsections by changing the numbering of the last subsection from (h) to (i).
4. In Section 7 - "Exemptions from Approval for Alterations", delete subsection (h) and replace it with the following:

- "(h) construction and maintenance of utilities located within the road rights-of-way crossing the Property limited to 24 Avenue, 32 Avenue, 34 Avenue and 148 Street, provided any disturbance to Semiahmoo Trail, including but not limited to any special pedestrian crossing treatment, amenities or landscaping, is mitigated to the satisfaction of the City; and"

5. In Schedule "A" – "Part One: Real Property with Heritage Value or Heritage Character", add the following additional sites:

<b><u>LEGAL DESCRIPTION</u></b>	<b><u>DESIGNATED FEATURE</u></b>
<p><u>27</u> That portion of Lot 2 District Lots 155 and 165 Group 2 New Westminster District Plan BCP13127, which is described as follows:</p> <p>Commencing at the north easterly corner of Lot 3 District Lot 155 Group 2 New Westminster District Plan BCP13127, the said point of commencement also being the most westerly corner of the said Lot 2,</p> <p>Thence southerly and following in the westerly limit of said Lot 2 on a bearing of 167°39'44" for a distance of 43.556 metres,</p> <p>Thence continuing in the said westerly limit on a bearing of 155°47'22" for a distance of 76.452 metres;</p> <p>Thence north easterly and following in the southerly limit of said Lot 2 on a bearing of 45°31'09" for a distance of 13.009 metres,</p> <p>Thence northerly and following in the easterly limit of said Lot 2 on a bearing of 340°06'27" for a distance of 49.786 metres,</p> <p>Thence northerly and continuing in the said easterly limit on a bearing of 333°16'02" for a distance of 22.644 metres,</p> <p>Thence northerly and continuing in the said easterly limit on a bearing of 341°49'42" for a distance of 11.087 metres,</p> <p>Thence northerly and continuing in the said easterly limit on a bearing of 346 46'31" for a distance of 10.739</p>	<ul style="list-style-type: none"> <li>• The land and the features associated with Semiahmoo Trail, including the pedestrian trail, whether paved or naturally surfaced, and the landscaping, trees, trail signage, pedestrian amenities, pedestrian bridges and fences.</li> </ul>

<p>metres,</p> <p>Thence easterly and following in the southerly limit of said Lot 2 on a bearing 90°25'03" for a distance of 29.488 metres,</p> <p>Thence northerly on a bearing 0°24'13" for a distance of 15.031 metres more or less to the northerly limit of said Lot 2,</p> <p>Thence westerly and following in the northerly limit of said Lot 2 on a bearing of 270°23'37" for a distance of 46.495 metres more or less to the point of commencement,</p> <p>The said portion containing 0.209 hectares more or less.</p>	
<p><u>28</u> Lot 3 District Lot 155 Group 2 New Westminster District Plan BCP 13127</p>	<ul style="list-style-type: none"> <li>• The land and the features associated with Semiahmoo Trail, including the pedestrian trail, whether paved or naturally surfaced, and the landscaping, trees, trail signage, pedestrian amenities, pedestrian bridges and fences.</li> </ul>
<p><u>29</u> All that portion of 32 Avenue lying in District Lot (DL) 155 Group (Gr.) 2 and Section (Sec.) 22 Township (Tp.) 1 New Westminster District (NWD) described as follows: Commencing at the southwest corner of Lot 3 DL 155 Gr. 2 NWD Plan BCP 13127. Thence easterly to the southeast corner of Lot 3 DL 155 Gr. 2 NWD Plan BCP 13127. Thence southeasterly to northwest corner of Lot 21 Except: Firstly: The East 587 Feet, Secondly: Part south and east of Blaine Elgin Road Sec. 22 Tp. 1 NWD Plan 1266. Thence northwesterly to the point of commencement.</p>	<ul style="list-style-type: none"> <li>• The land where the pedestrian trail crosses the travelled portion, whether marked or unmarked, including crosswalk areas, special pavement or pedestrian bridges.</li> </ul>
<p><u>30</u> All that portion of road, otherwise known as Elgin Road Diversion, lying in Timber Lot 18 NE ¼ Section (Sec.) 18 Township (Tp.) 1</p>	<ul style="list-style-type: none"> <li>• The land and the features associated with Semiahmoo Trail, including the pedestrian</li> </ul>

<p>New Westminster District (NWD), shown as Parcel 'A' and Parcel 'B' on Plan With Bylaw Filed 16400.</p>	<p>trail, whether paved or naturally surfaced, and the landscaping, trees, trail signage, pedestrian amenities, pedestrian bridges and fences.</p> <ul style="list-style-type: none"><li>• The requirements contained in the "Surrey Municipal Heritage Site Designation By-law, 1983, No. 7716" as may be amended or replaced from time to time, to preserve the country road character.</li></ul>
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6. Delete Schedule "B" – "Map of Designated Segments of Semiahmoo Trail" and replace it with the following "Maps of the Designated Segments of Semiahmoo Trail":

**Schedule "B"**  
**MAPS OF THE DESIGNATED SEGMENTS OF SEMIAHMOO TRAIL**  
**(Key Map)**

NOTE: Where there is a discrepancy between the maps in this Schedule "B" and the lands described in Schedule "A", the description in Schedule "A" shall apply.

**Schedule "B"**  
**MAPS OF THE DESIGNATED SEGMENTS OF SEMIAHMOO TRAIL**  
**(Section 1: Map 1 of 7 Maps)**





**Schedule "B"**  
**MAPS OF THE DESIGNATED SEGMENTS OF SEMIAHMOO TRAIL**  
**(Section 2: Map 2 of 7 Maps)**



**Schedule "B"**  
**MAPS OF THE DESIGNATED SEGMENTS OF SEMIAHMOO TRAIL**  
**(Section 3: Map 3 of 7 Maps)**



**Schedule "B"**  
**MAPS OF THE DESIGNATED SEGMENTS OF SEMIAHMOO TRAIL**  
**(Section 4: Map 4 of 7 Maps)**



**Schedule "B"**  
**MAPS OF THE DESIGNATED SEGMENTS OF SEMIAHMOO TRAIL**  
**(Section 5: Map 5 of 7 Maps)**



**Schedule "B"**  
**MAPS OF THE DESIGNATED SEGMENTS OF SEMIAHMOO TRAIL**  
**(Section 6: Map 6 of 7 Maps)**



**Schedule "B"**  
**MAPS OF THE DESIGNATED SEGMENTS OF SEMIAHMOO TRAIL**  
**(Section 7: Map 7 of 7 Maps)**



Appendix II

**Map Showing Site being Added as Designated Property in Schedules "A" and "B" of Surrey Semiahmoo Trail  
Heritage Designation By-law, 2004, No. 15280**





Appendix III

**Map Showing Site being Added as Designated Property in Schedules "A" and "B" of the Surrey Semiahmoo Trail Heritage Designation By-law, 2004, No. 15280**







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