



Corporate Report

NO: R090

COUNCIL DATE: May 15, 2006

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **May 11, 2006**

FROM: **Acting General Manager, Planning and Development
General Manager, Engineering** FILE: **6520-20 (Port
Kells/Tynehead)**

SUBJECT: **Petition from Tynehead Residents regarding the Preparation of a Neighbourhood
Concept Plan for the Tynehead Area of South Port Kells**

RECOMMENDATION

It is recommended that Council:

1. Receive this report as information;
2. Not proceed with a Neighbourhood Concept Plan ("NCP") process for the Tynehead area at this time; and
3. Instruct the City Clerk to forward a copy of this report and Council's resolution related to this report, to Ms. Rolanda Chen, representative of the Tynehead area residents, who submitted a petition to Council.

INTENT

The purpose of this report is to seek Council direction in relation to responding to a petition received from Tynehead residents, who requested that their area be the next within South Port Kells to proceed through an NCP planning process.

BACKGROUND

On June 13, 2005, Council approved the South Port Kells General Land Use Plan. This land use concept is intended to provide the basis for the preparation of more detailed NCPs for the neighbourhoods of Anniedale, Tynehead and Port Kells Village. Tynehead was identified as the area bounded by 96 Avenue to the north, 92 Avenue to the South, 168 Street to the west and 176 Street (Highway No. 15) to the east, as shown on the map attached as Appendix "A".

On May 2, 2005, Council approved the Terms of Reference for the Anniedale "A" NCP only. This NCP was initiated by a petition submitted in late 2003, by a majority of area residents. Preparation of the Anniedale "A" NCP commenced in the fall of 2005.

At the Regular Council – Land Use Meeting on July 25, 2005, Council received a delegation on behalf of 13 property owners in the Tynehead area. The delegation requested an amendment to the South Port Kells General Land Use Plan to increase the proposed development density on lands along Bothwell Drive and requested that an NCP proceed in the immediate future. Council requested that staff prepare a report on this matter. Accordingly, Corporate Report No. R227 was prepared and received by Council at the October 3, 2005 Regular Council Meeting. A copy of the report is attached as Appendix "D".

Ms. Rolanda Chen, on behalf of a number of Tynehead area residents, submitted a letter to the City, dated November 7, 2005, requesting that Tynehead be designated as the next sub-area in South Port Kells to go through the NCP process. The letter cited a number of reasons to proceed with an NCP in the area, and included a petition signed by 42 area residents representing 30 properties. A copy of the November 7, 2005 letter and a map showing the location of the properties represented by the signatories of the petition are attached as Appendices "B" and "C" respectively.

Prior to Ms. Chen submitting this petition, staff of the Planning and Development Department and the Engineering Department met with area residents on several occasions to discuss the land uses and densities proposed by the General Land Use Plan, as well as the likely timing of servicing and the potential phasing of NCPs.

The preparation of a report to Council on this matter has been held in abeyance, pending the receipt and evaluation of a report commissioned by the City to determine the preferred option for provision of sanitary sewer service to the South Port Kells area. The City has now received a report by Earth Tech (Canada) Inc. entitled "South Port Kells and Big Bend Sanitary Service Concept Study". This study includes the long term servicing options to provide sanitary sewer services to all of the NCP areas within the South Port Kells General Land Use Plan.

DISCUSSION

Several property owners in the Tynehead neighbourhood of South Port Kells have requested that the City undertake an NCP for their area. Reasons cited in their letter include their view that a majority of residents are in favour of further development, that water service is available in the vicinity and that shops and schools are nearby.

Servicing of the South Port Kells Area

The petition from Tynehead residents acknowledges that there are no sanitary sewer services in the area. There is also extensive infrastructure required for water, since the watermains in the vicinity do not have the capacity for the supply of this area. The General Land Use Plan notes that sewer capacity would be unavailable in the South Port Kells area until the GVRD completes its North Surrey Interceptor.

The Sanitary Sewer servicing study, prepared by Earth Tech (Canada) Inc, and received by the City March 2006, identifies long term servicing option(s) to provide sanitary service to South Port Kells to reflect the projected populations for the area, and includes an ultimate servicing strategy and cost estimate for the Big Bend and South Port Kells Neighbourhoods.

Based on the findings of the Earth Tech Study, the Tynehead NCP area could be serviced by a pump station in the vicinity of 176 Street, south of 92 Avenue, with a forcemain extending to the required trunk sewer line on 173 Street, which is an extension of the GVRD Trunk Sewer located north of the freeway (see map attached as Appendix "E"). The GVRD Trunk Sewer extension is expected to be completed to 103 Avenue and 173 Street by late 2007 or 2008. While the completion of the GVRD Trunk Sewer will provide more flexibility in the phasing of the extension of sanitary sewer service to the South Port Kells area, there would be substantial expense associated with installing this necessary infrastructure. It is highly unlikely that the Tynehead NCP area could proceed, due to financial constraints, before upstream NCP areas are opened and developers construct the upstream part of the system. As a minimum, due to the high servicing costs, the Tynehead area would require substantial land assembly to support the implementation of the necessary engineering infrastructure

Official Community Plan Policies for the Initiation of NCPs

In order to initiate an NCP process, Surrey's Official Community Plan ("OCP") states that support from a majority of property owners within the plan area is required. "Majority" is defined generally as 51% or more of landowners, or owners of 70% or more of the land in the area. A total of 30 Tynehead petition forms were submitted. Upon reviewing the City's ownership records, it has been determined that, as shown in Appendix "C", the petition has been signed by owners of 26 properties. This number represents 23% of the 112 properties included within the Tynehead NCP area, or 29% of the total land area. These numbers do not satisfy the OCP's policies in relation to the City initiating an NCP process at this time.

CONCLUSION

The petition, submitted on behalf of Tynehead area residents, represents an interest on the part of a group of property owners to proceed with an NCP for Tynehead. The expected timing of installation and cost of engineering infrastructure, indicate that the initiation of an NCP in Tynehead is premature at this time. Tynehead residents will be able to participate in the ongoing planning for the area through the Anniedale "A" NCP as well as other relevant studies that are in progress. Staff will also keep residents apprised of any specific developments that may affect the Tynehead area. It is also noted that the

number of property owners who signed the petition in support of proceeding with an NCP is insufficient to initiate an NCP under the policies of the City's OCP.

It is recommended that Council not proceed with the initiation of an NCP process for the Tynehead area at this time and that Council instruct the City Clerk to forward a copy of this report and Council's resolution related to this report to Rolanda Chen, representative of the Tynehead residents who advanced this petition.

How Yin Leung
Acting General Manager
Planning and Development

Paul Ham
General Manager, Engineering

TA/kms/saw

Attachments

Appendix "A" - South Port Kells Neighbourhood Boundaries

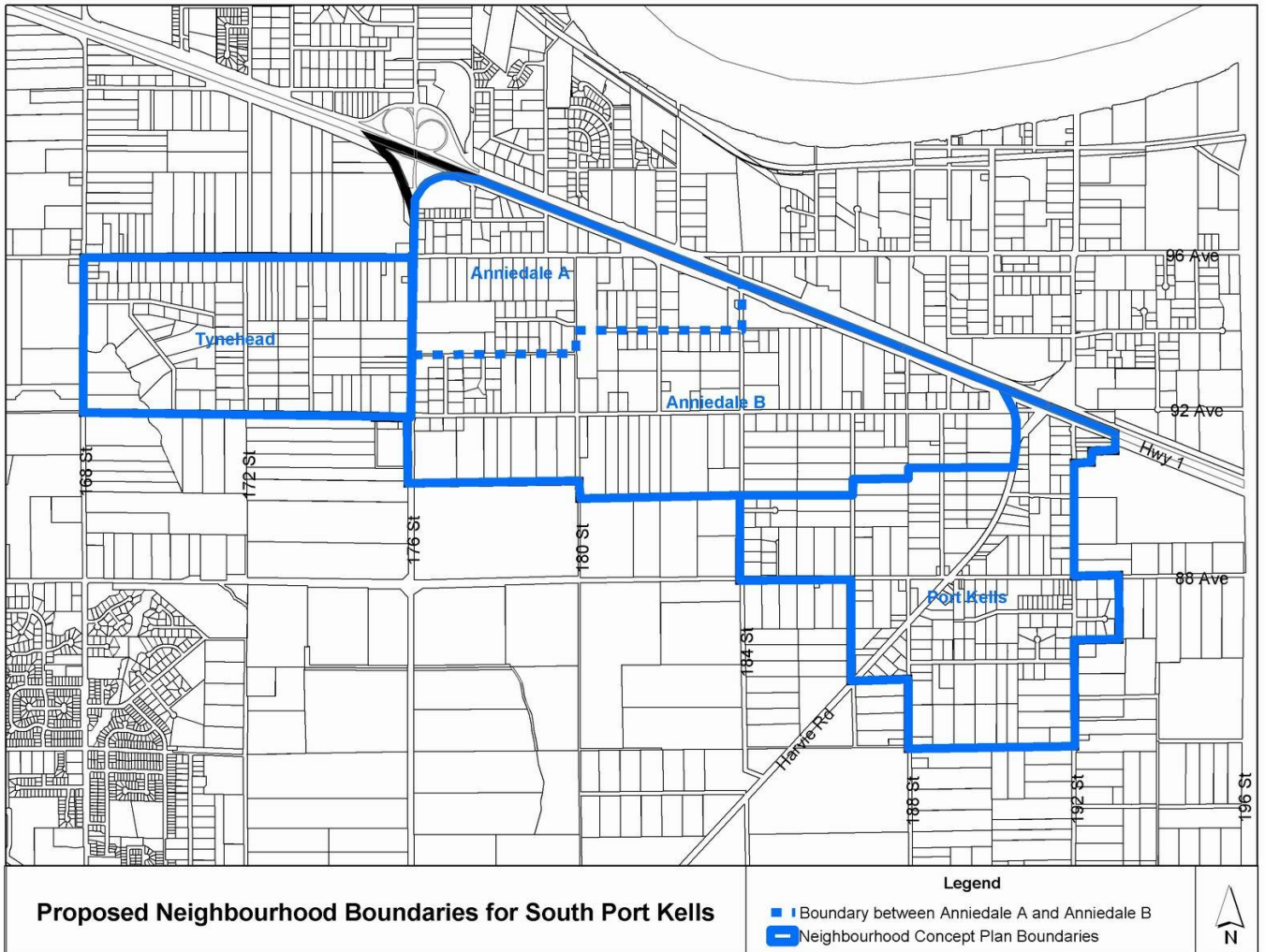
Appendix "B" – Letter dated November 7, 2005

Appendix "C" – Map showing the location of the properties represented by the signatories of the petition

Appendix "D" - Corporate Report No. R227 (without appendices)

Appendix "E" – Preliminary Servicing Map

South Port Kells Neighbourhood Boundaries



November 7, 2005

Judy McLeod
Manager, Long Term Planning and Policy Development
City of Surrey
14245 – 56th Avenue
Surrey, BC V3X 3A2

Dear Ms. McLeod,

The residents in the South Port Kells Tynehead area request that our area be designated as the next sub area to go through the NCP process. There are many compelling reasons for the City to proceed with drawing up an NCP for Tynehead, many of which have been listed below:

1. Majority of residents are in favour of further development

The majority of residents living in Tynehead are in support of further development of the area. Many residents are eagerly awaiting the opportunity and/or the potential to further develop their properties. This is not the case in the Port Kells sub area, where there is a relatively equal division between residents who support development, and those who would like the area to remain as is.

2. Water service is already in the vicinity

City water is already available along 96th Avenue, up to 168th Street, and residents have been told by the City's Engineering department that it would not be a challenge, from an infrastructure point of view, to provide water services to the Tynehead area. According to the City's maps, water mains have been constructed all along 96th Avenue, east to 176th Street and some areas within Tynehead are already receiving City water. According to the maps, there is less infrastructure for water services in Port Kells than Tynehead.

3. Accessibility

Tynehead is a very accessible area, with easy access to Highways 1 and 15, and the Translink bus line that runs along 160th Street. Elementary schools and high schools already exist in the area. There is easy access to shopping in nearby Fleetwood and Guildford. Much of the infrastructure for a successful community already exists within easy distance of Tynehead.

4. Natural progression of development from existing areas

There is obvious interest by homeowners to live in the Tynehead area. Subdivisions adjacent to the Tynehead NCP area have had no problems in attracting homebuyers to the area. New housing developments surround the areas directly west and south of Tynehead. Developers like BFW have already shown interest in developing Tynehead.

5. Returns to the local community

Shopping areas and other infrastructure has not been developed in the Port Kells area. Most residents living in that area are more than likely to shop for their day to day needs in Langley, whereas most residents in Tynehead will shop in nearby Fleetwood or Guildford, which will generate revenue for Surrey-based businesses.

All of the factors listed above exist today within the Tynehead area. The only thing missing is sanity sewer servicing. The City's plan to build a gravity line that runs east from 176th to Port Kells and then west back to Tynehead does not make sense. There are so many compelling reasons to develop Tynehead today, and they all point to completing the NCP sooner than later. The homeowners in Tynehead would like to request that the City schedule our area as the next area to go through the NCP process, and work with residents to uncover Tynehead's development potential, sooner than later. Please find attached a petition from homeowners in the area.

Please contact me if you have any questions or concerns regarding our letter.

Sincerely,



Rolanda Chen

cc: City Clerk, City Council

October 25, 2005

Dear Tynehead-area Neighbours,

Thank you, in advance, for taking the time to read this letter. As many of you know, the City has approved a General Land Use Plan for our area. This Plan outlines the City's long term strategy for land usage, land densities, major roadways, and servicing for water and sanitary sewer, among other things.

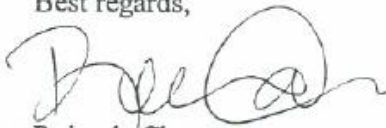
Part of our ability to develop our properties rests on the City's plan to build a gravity sewer system that runs from the east to the west, leaving Tynehead to be the last area to be serviced by this system. Another factor that impacts our ability to develop is the creation of a Neighbourhood Concept Plan (NCP) for our area. Where the General Land Use Plan is a very general schematic that provides an overall feel of the South Port Kells Community, the NCP is a detailed plan of what our neighbourhood will look like, including detailed plans for sanitary services, mapping of side streets, further details on land use, etc. Depending on who you speak to at the City, Tynehead's NCP will be drawn up sometime in the next five to 15 years.

Some of you may have already signed a letter of intent with BFW as they may be a resource to assist in getting to the NCP stage. At the same time, there is no harm in trying the old fashioned, cost-free way of petitioning the Planning Department and City Council to consider our area as the next for NCP. There is no harm and no cost in trying, and the potential pay-off is huge. Now may be an opportune time to send our petition, as candidates for the municipal election may be more willing to lend their support.

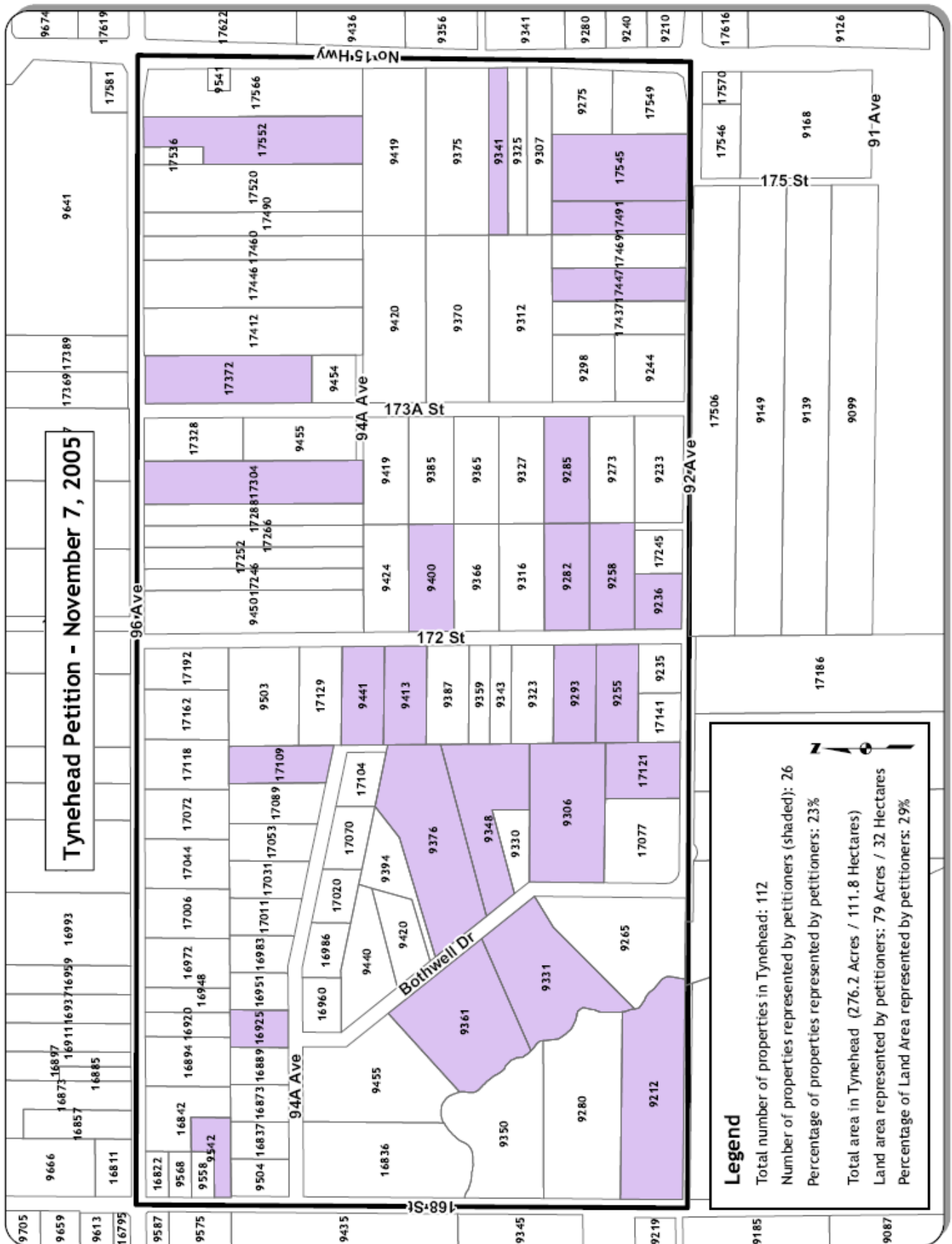
I've attached a letter which I would like to send to the City, outlining some compelling reasons for the City to consider developing an NCP for our area after they complete the NCP for Anniedale. If you are in support of further developing our neighbourhood, I urge you to sign the back of this letter and return it to: 9331 Bothwell Drive, no later than Friday, November 4, 2005, so that a package may be consolidated and delivered to City Hall, the week of November 6th.

Thank you, in advance, for your cooperation and participation.

Best regards,



Rolanda Chen
9331 Bothwell Drive
Surrey, BC V4N 3G3





Corporate Report

NO: R227

COUNCIL DATE: October 3, 2005

REGULAR COUNCIL

TO: Mayor & Council DATE: September 26, 2005
FROM: General Manager, Planning and Development FILE: 6520-20 (South Port Kells)
SUBJECT: South Port Kells General Land Use Plan – Bothwell Drive Neighbourhood
Delegation to Council from Ms. Jennifer Chen

RECOMMENDATION

It is recommended that Council:

1. Receive this report as information; and
2. Instruct the City Clerk to forward a copy of this report and Council's resolution, related to this report, to Ms. Jennifer Chen, representative of residents in the Bothwell Drive area of South Port Kells.

INTENT

The purpose of this report is to respond to questions raised at the July 25, 2005, Council-in-Committee meeting by Ms. Jennifer Chen, on behalf of residents of Bothwell Drive, regarding the provisions of the South Port Kells General Land Use Plan related to the properties in the vicinity of Bothwell Drive.

BACKGROUND

On June 13, 2005, Council ratified the May 30, 2005 Council-in-Committee decision to approve the South Port Kells General Land Use Plan (attached as Appendix I to this report) as the basis for preparing Neighbourhood Concept Plans ("NCP"s) for the community of South Port Kells. The General Land Use Plan identifies three major neighbourhood areas, Anniedale, Tynehead and Port Kells, for the purpose of preparing detailed NCPs.

On July 25, 2005, Council received a delegation from Ms. Jennifer Chen, on behalf of 13 properties in the west Tynehead area. The delegation requested an amendment to the General Land Use Plan to increase the density proposed for lands along Bothwell Drive and to request that the Tynehead area proceed to the NCP planning stage in the immediate future.

Prior to the July 25, 2005 appearance before Council-in-Committee, the delegation had submitted a series of letters to the Planning and Development Department, requesting an expedited NCP process for the Tynehead area, higher density land use designations for their neighbourhood, a reduction in the width of the Agricultural Land Reserve ("ALR") buffer in Tynehead, engineering servicing options, the validity of watercourse classifications and the classification of environmentally sensitive areas. The specific area to which the delegation's requests relate, is shown on the map attached as Appendix II to this report. Staff responded in writing to each of the letters (attached as Appendix III to this report) and held meetings with the group on three occasions (May 28, 2004, September 23, 2004 and June 1, 2005) to discuss the group's concerns, issues and inquiries, and to explain the environmental, servicing and development constraints in Tynehead, which limit the potential density of development and the timing of an NCP process for the area.

DISCUSSION

At the July 25, 2005 presentation to Council, the delegation provided a handout (attached as Appendix IV to this report), outlining three issues of concern in relation to the densities in the subject area: waterways, the ALR buffer and setbacks. Council requested that staff use the handout as the basis for preparing a report back to Council.

Watercourses

The delegation advised Council that watercourse sensitivity in the Tynehead area has not been confirmed by a physical assessment of all watercourses in the area. The delegation advised that the presence of watercourses was based on aerial photographs and that all potential watercourses should be ground-truthed by the City of Surrey to confirm their sensitivity. The delegation further requested that if the potential watercourses are found to be less sensitive than originally evaluated, the South Port Kells General Land Use Plan should be amended to provide for a higher density designation.

A complete ground inspection of all watercourses is not performed in preparing a General Land Use Plan, such as the one recently completed for South Port Kells. The process of a more detailed investigation (ground-truthing) of all watercourses in the Tynehead area will be performed at the NCP planning stage and an even more detailed review will be undertaken at the time of development application review on a site-by-site basis. This is the process that the City has followed for communities throughout the City over the last several years.

For the purposes of the South Port Kells General Land Use Plan, an environmental assessment of the South Port Kells area was undertaken by a qualified environmental consultant (Phoenix Environmental Services Ltd.). The consultant examined the City's stream (fish) classification maps (which are developed from aerial photographs), contour

mapping interpretation, and some field inspections. The stream classification maps serve as a general guideline/reference tool for determining stream sensitivity. Although watercourses identified from aerial photographs are not absolute, staff has found the photographs to be a reasonable gauge of watercourses throughout the City. The consultant's report identified, in the Tynehead area, the Class "A" Serpentine River creek system between 96 Avenue, 172 Street, 92 Avenue and 168 Street. The City of Surrey's Fisheries Watercourse Classification system, which is used to classify the potential presence of fish and fish nutrients, identifies Class "A" watercourses as watercourses that are inhabited year-round by salmonids (salmon, trout) or have potential to be inhabited year-round by salmonids. In response to this classification for the subject creek, the General Land Use Plan identifies that a lower density form of residential development would be appropriate for this area. This area has been treated in the same manner as the lands surrounding the Latimer Creek headwaters in the eastern section of the South Port Kells General Land Use Plan.

The City will retain a professional environmental consultant to perform a detailed review of the watercourses and other environmental features of the Tynehead area at the NCP planning stage. Staff, however, is relatively confident that the stream classifications in this area are reasonable and a significant change to the classification of the stream is not expected at the NCP planning stage.

ALR Buffer

The delegation noted that the ALR lands adjacent to Tynehead, south of 92 Avenue, between 168 Street and 176 Street, have not been actively farmed in the last 30 years, and that the extent of protection of the ALR should depend on the extent to which the land is being farmed. It was suggested that a physical assessment of the ALR lands south of 92 Avenue be performed to evaluate their agricultural sensitivity and that the size of the ALR land buffer on the General Land Use Plan should change if the lands are found to be less sensitive than previously thought. It was also noted that the ALR buffer for this portion of Tynehead (between 168 Street and 176 Street) appears larger than the ALR buffer between 180 Street and 184 Street in the General Land Use Plan.

Council Policy O-23 stipulates that within the transition area of a minimum of one-quarter mile in depth away from the ALR boundary, development should occur at suburban densities (i.e., a maximum density of two units per acre) and where possible, this transition should be extended to one-half mile. In some areas covered by the South Port Kells General Land Use Plan primarily involving lands on steep slopes with substantial vegetation (e.g. between 180 and 184 Streets), clustered development is proposed within the one-quarter mile buffer area adjacent to the ALR, subject to substantial buffer areas being retained immediately adjacent to the ALR boundary where no development at all will take place. This will provide for a different form of development that respects the overall densities anticipated by Council Policy O-23.

Setbacks

The delegation commented that riparian and ALR setback requirements are restrictive and reduce property values in Tynehead, which may have been increased with a higher density designation. Compensation for property loss resulting from

setback legislation was requested, noting that many residents purchased their properties prior to the establishment of watercourse and agricultural setback legislation. The delegation noted that the properties represent the life savings of many property owners in Tynehead.

Riparian setback requirements exist under Provincial and Federal legislation. Although the Federal *Fisheries Act* was not adopted until 1985, prior to that date Federal Fisheries Officers often recommended setbacks and fish habitat protection in riparian areas. The intent of the Federal *Fisheries Act* is to prohibit the "harmful alteration, disruption, or destruction" of fish habitat. The Land Development Guidelines, developed by the Department of Fisheries and Oceans ("DFO") and used by the City, outline a setback model that, if adhered to, provides reasonable assurance that land development projects comply with the *Fisheries Act*. DFO's fish protection policy led to the creation of the Provincial Streamside Protection Regulation and now to the new Riparian Areas Regulation ("RAR") that has been developed by Provincial and Federal environment officials. Currently, the City uses the Land Development Guidelines, but is exploring use of the new RAR. The RAR would require a 30-metre setback along all vegetated Class A watercourses, which could be reduced on a case-by-case basis, based on the recommendations of a qualified environmental professional. Under the RAR, this evaluation process will take place at the time of consideration of a development application for a site along a Class A watercourse. Riparian area setback designations are the responsibility of the Provincial and Federal governments. Any relaxations or variances must be approved by officials of these senior levels of government.

Lands contained within a riparian area setback within a lot can, in most circumstances, be used in the calculation of overall gross density of development allowed on the lot. "Grandfathering" does not apply to the application of fisheries-related setbacks and other fisheries-related requirements established by the Provincial and Federal governments, regardless of the duration of property ownership.

There is no compensation for the provision of buffers adjacent to the ALR or required riparian setbacks along creeks and streams. It is a goal of the City and the Province to propagate healthy, productive farming activities in the ALR, and to avoid situations where agricultural operations are in risk of being compromised if urban development adjacent to the ALR is not managed properly. The width and design of buffers and riparian setbacks and final density provisions will be determined at the NCP planning stage.

Timing of an NCP for the Tynehead Area

Under "Future Considerations" in the presentation to Council, the delegation requested:

- **Once the main sanitation pump station is built in the Anniedale area, provide a line directly to the Tynehead area, rather than waiting for the line to be built east to west; and**
- **Schedule Tynehead to be the next area to receive an NCP.**

As the approved South Port Kells General Land Use Plan notes, there is currently no sewer capacity available for the South Port Kells area. Urban development cannot occur

until the North Surrey Interceptor is constructed by the Greater Vancouver Sewer and Drainage District, (GVS&DD) generally along the future alignment of the South Fraser Perimeter Road to about 176 Street and 104 Avenue. This interceptor is not expected to be constructed until at least 2007. Once this trunk sewer is extended south across Highway No. 1 into South Port Kells, the trunk sewer mains within South Port Kells, including the Tynehead area, would normally be constructed sequentially to provide for gravity flow as far as possible. At this time, it is anticipated that Anniedale Areas "A" and "B" and the Port Kells areas would be serviced with sanitary sewer first, with the sewer main then looping towards the west to service the Tynehead area (see map attached as Appendix V to this report). This sequence/phasing of sanitary sewer servicing follows the General Land Use Plan's intent of maximizing areas serviced by gravity sewer and minimizing pumping costs.

Based on the normal extension of gravity sewer systems, the Tynehead area would be the last of the South Port Kells neighbourhood areas to receive sanitary sewer servicing. Interim servicing strategies may be considered at the owners'/developers' expense, as long as ultimate servicing is not encumbered or delayed as a result.

NCPs are prepared and development is managed, based on the feasibility of providing engineering servicing, including transportation management, and on the property owners'/developers' ability to demonstrate that the "front-end" costs of development can be managed. Should proponents of development in the Tynehead neighbourhood wish to advance the servicing of the Tynehead community through the construction of a pump station and forcemain, this would need to be undertaken at the cost of the proponents, as this would be an interim servicing scheme.

General Comments Regarding Land Use Designations for the Tynehead Area

The approved South Port Kells General Land Use Plan is intended to act as a guide for the development of neighbourhood specific NCPs in the South Port Kells area. The land use designations, as proposed in the General Land Use Plan, are not "cast in stone". They can be revisited as part of any NCP planning process and changes could be considered at that time, where planning rationale supports such changes. The more detailed information that is compiled through the NCP planning process will assist in establishing whether any changes to the land use designations are appropriate.

Community Involvement in the General Land Use Planning Process

The South Port Kells General Land Use Plan is a culmination of one and one-half years of planning and community consultation process, with 11 Citizens Advisory Committee ("CAC") meetings and four open houses. The General Land Use Plan as approved by Council, including the proposed designation of the Bothwell Drive area, had the overall support of the CAC.

CONCLUSION

It is recommended that Council instruct the City Clerk to forward a copy of this report and Council's resolution, related to this report, to the delegation that appeared before Council on behalf of some residents in the Bothwell Drive area of South Port Kells.

Original signed by

Murray Dinwoodie
General Manager
Planning and Development

FW/kms/saw

Attachments

Appendix I	South Port Kells General Land Use Plan
Appendix II	Map of the Tynhead area of South Port Kells identifying lands represented by the delegation
Appendix III	Correspondence between the delegation and the City
Appendix IV	Submission by the delegation presented at the July 25, 2005 CIC Meeting
Appendix V	Conceptual Servicing Map for South Port Kells

