

NO: R030

COUNCIL DATE: February 19, 2018

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **February 14, 2018**

FROM: **General Manager, Engineering** FILE: **0910-30/118**
General Manager, Parks, Recreation & Culture

SUBJECT: **Closure of Road Allowance Adjacent to 14225 – 33 Avenue, 14131 – 34A Avenue, 3399 – 144 Street and 14390 Crescent Road (Elgin Estates Park)**

RECOMMENDATION

The Engineering Department and the Parks, Recreation & Culture Department recommend that Council authorize the City Clerk to bring forward a Bylaw to close and remove the dedication as highway of the following two areas of road allowance for addition to Elgin Estates Park:

1. A 986 m² (10,613 ft.²) unconstructed portion of 34 Avenue road allowance located east of 141 Street, between the Park properties at 14225 – 33 Avenue and 14131 – 34A Avenue; and
2. A 3,598 m² (38,728 ft.²) unconstructed portion of 34 Avenue road allowance located west of 144 Street, adjacent to the Park properties located at 3399 – 144 Street and 14390 Crescent Road;

both as generally illustrated in Appendix “I” attached to this report, and subject to compliance with the notice provisions of the *Community Charter*, SBC 2003, C. 26.

BACKGROUND

Property Description

The 986 m² road closure area (“Road Closure Area 1”) and the 3,598 m² road closure area (“Road Closure Area 2”) are respectively 10 metre wide and 20 metre wide rectangular strips of lands that were dedicated as road in 1910. The two Road Closure Areas are in native vegetation, improved with walking trails and pathways. Most of Road Closure Area 1 is designated as Green Infrastructure Network Corridor. Elgin Creek, a Class “A” watercourse, traverses Road Closure Area 2 and there is a Green Infrastructure Network Corridor designation to the lands alongside Elgin Creek.

Zoning, Plan Designations and Land Uses

Road Closure Area 1 is zoned Comprehensive Development (CD) Zone (By-law No. 14428), having single family use on small suburban lots with substantial open spaces as its intended use. Road Closure Area 2 has split zones of Acreage Residential Gross Density (RA-G) Zone and Comprehensive (CD) Zone (Bylaw No. 14474A) with single family dwellings as the underlying use. The Road Closure Areas are designated “Suburban” in the Official Community Plan.

DISCUSSION

Purpose of Road Closure

In 2001, as part of the development application process for an Elgin Estates Park subdivision, Council approved a recommendation (Corporate Report No. R045; 2001 attached as Appendix "II") that "34 Avenue not be a through road from 140 to 144 Street" with the intent to minimize development impact on existing trees and Elgin Creek. City staff deferred closing the Road Closure Areas until such time when the north adjacent properties were developed. A development application covering the two former north adjacent properties was finalized in 2016 through which the current adjacent property at 14131 – 34A Avenue was granted to the City as dedicated parkland. It is now appropriate to proceed with a City-initiated closure of the surplus road areas.

The Road Closure Areas are intended to be added to Parks' inventory of parklands for the expansion of the Elgin Estates Park. Elgin Estates Park is a large linear park comprised of dedicated parklands and titled parcels. Most of Elgin Estates Park lands are in a natural state with some parts developed with walking trails, notably Elgin Greenway. A trail access is located in Road Closure Area 1 and a prominent trail head is located in Road Closure Area 2 in close proximity to Elgin Creek. The transfer of the two Road Closure Areas to Parks' inventory of lands will assist in the preservation of the natural characteristics and features of the Road Closure Areas.

The proposed road closures have been circulated to all potentially concerned City Departments for review and all are supportive of the proposal. A City sanitary main and a drainage main crossing through Road Closure Area 2 will be protected by the registration of statutory rights-of-way.

As required under Section 40 (4) of the *Community Charter*, all utility companies potentially affected by the proposed road closures have been consulted and none have expressed any objections.

SUSTAINABILITY CONSIDERATIONS

The proposed road closures and their addition to Parks' land inventory supports the City's Sustainability Charter. In particular, the closure and transfer of the two portions of road allowance relates to the Sustainability Charter theme of Built Environment and Neighbourhoods and Ecosystems. Specifically, these road closures support the following Desired Outcomes:

- Neighbourhoods and Urban Design DO4: Surrey's neighbourhoods are safe, accessible, well-connected, walkable and bike friendly;
- Neighbourhoods and Urban Design DO5: Trees, green spaces and natural areas are integrated into all neighbourhoods;
- Natural Areas, Biodiversity and Urban Forest DO2: Surrey actively protects, enhances and restores its natural environment and habitats; and
- Natural Areas, Biodiversity and Urban Forest DO5: Surrey takes pride in its rich biodiversity, including fish bearing streams, marine habitat and natural areas such as forests, meadows and wetlands.

CONCLUSION

The Road Closure Areas are surplus to the City Transportation's needs. It is recommended that Council authorize staff to bring forward an appropriate Bylaw to close the Road Closure Areas in preparation for their transfer from Engineering to Parks' inventory of parklands.

Fraser Smith, P.Eng., MBA
General Manager
Engineering

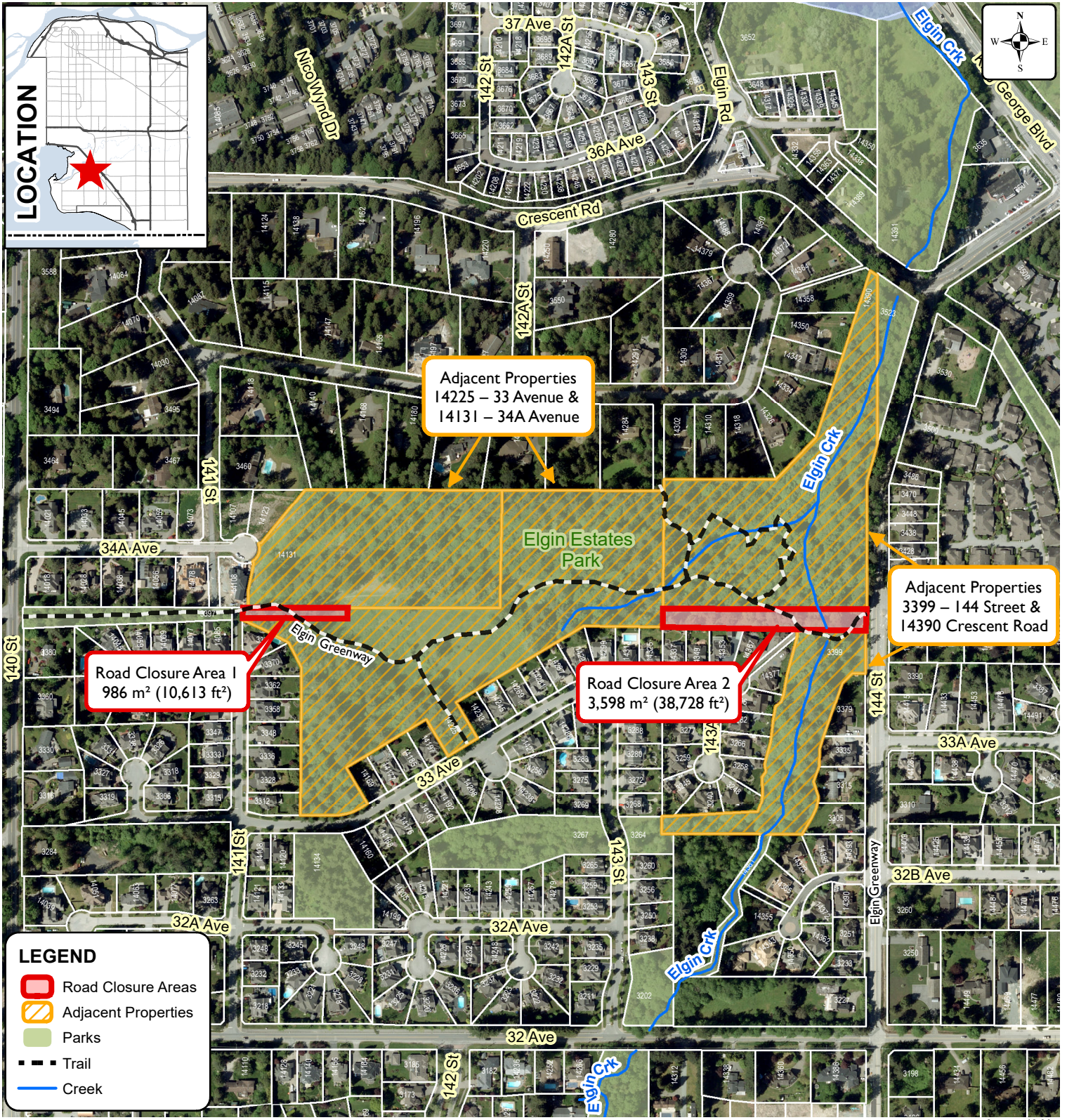
Laurie Cavan
General Manager
Parks, Recreation & Culture

AW/amg/bb/ggg/jma

Appendix "I" – Aerial Photograph of Road Closure Areas

Appendix "II" – Corporate Report No. Ro45; 2001

AERIAL PHOTOGRAPH OF SITE



Produced by GIS Section: 25-Jan-2018, C9W

Date of Aerial Photograph: April 2017

Scale: 1:5,000 0 40 M



**Closure of Road Allowances Adjacent to
14225 – 33 Avenue, 14131 - 34A Avenue,
3399 – 144 Street & 14390 - Crescent Road**

**ENGINEERING
DEPARTMENT**

The data provided is compiled from various sources and IS NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, Legal descriptions and encumbrances must be confirmed at the Land Title Office.



Corporate *NO: R045*

Report *COUNCIL DATE: March 12, 2001*

REGULAR COUNCIL

TO:	Mayor & Council	DATE:	March 8, 2001
FROM:	General Manager, Engineering General Manager, Planning & Development	FILE:	7900-0176 3801-333
SUBJECT:	Proposed Elgin Park Estates Development (Application No. 7900-0176-00)		

RECOMMENDATIONS

1. That 34 Avenue not be a “through road” from 140 to 144 Street.
2. That the City and the developer jointly pursue the necessary environmental investigation of the landfill area north of the alignment of 34 Avenue towards achieving Provincial approval of the environmental components of the development prior to Final Reading.
3. That the Council endorse in principle the proposed public consultation process for amending the development plan for Development Application No. 7900-0176-00.

INTENT

The purpose of this report is to seek Council's direction on options for 34 Avenue, and addressing the landfill issues north of 34 Avenue, and to seek Council's endorsement of a recommended public consultation process.

BACKGROUND

The Public Hearing on the proposed Elgin Park Estates development (Application No. 7900-0176-00), held on February 19 and 20, 2001, resulted in a considerable amount of public concern being raised and questions being voiced. At its Regular meeting on February 26, 2001, Council considered third reading of the related Rezoning By-law No. 14334. Council decided to defer third reading and adopted the following motion:

“That By-law 14224 be referred back to staff to prepare a Corporate Report to Council addressing the issues and concerns raised at the Public Hearing, including, but not limited to a further analysis of the landfill issues, particularly on the northern portion, the development impact on the Elgin Creek, and to discuss the need for 34 Avenue and if needed the alignment options for 34 Avenue west of 140 Street to minimize the impact on tree removal and the creek, and tree retention issues, and that the Developer and his consultants provide the necessary analysis for staff to prepare the above report, that the Community be consulted, and work with staff and the Developer, and that this report be completed in three to four weeks.”

At the same meeting, Council adopted the recommendations of the Environmental Advisory Committee, which are shown in Appendix I.

This report specifically deals with three elements of Council's motions. Council's direction in relation to these three elements will then act as the foundation for completing a redesign of the subdivision proposal that fully responds to the directions contained within Council's February 26, 2001, motion.

The three elements that this report addresses are:

- The need for 34 Avenue between 140 and 144 Streets and feasible alternative alignments for this section of street that would minimize the impact of the construction of the road on existing trees and on Elgin Creek;
- A process which will be followed to complete all necessary investigations related to the landfill site with a view to ensuring that the landfill issues are fully addressed prior to Council approval of the subject application; and
- A public consultation process for obtaining additional public input into the redesign of the proposed development.

Road Issues

The current grid road network is shown on Figure 1. As can be seen from Figure 1, northbound traffic from a large part of the Semiahmoo Peninsula is funnelled through one exit point, namely Crescent Road from 144 Street to King George Highway. To maintain the functionality of the road network into the future and reduce traffic volumes on the heritage-designated Crescent Road, 34 Avenue was proposed to be connected through from King George Highway to 140 Street. In addition to relieving Crescent Road, the proposed section between 140 and 144 Streets would reduce the volume of traffic on 32 Avenue between 140 and 144 Streets. This concept of connecting 34 Avenue through was included in the proposed subdivision layout that was the subject of the recent public hearing and subsequent Council discussion. Following Council's request that 34 Avenue be reconsidered, detailed traffic modelling has been carried out for various road options. The results of this modelling have then been used to evaluate various networks in balance with other important factors involved; namely, impact to the creek and loss of trees. Additionally, the option of relocating 34 Avenue slightly to the south which significantly reduces the number of trees lost and has less impact on the ravine at the creek crossing has been reviewed. The environmental gains with this relocation are offset by additional land costs estimated at approximately \$1 million.

Based on the review of options, the improvement in the functionality of the road network gained by connecting 34 Avenue from 140 to 144 Streets is difficult to justify, compared with the impact of the proposed road on the creek and the existing trees (or the additional land acquisition cost for the southerly realignment). This, together with the considerable adverse public feedback, lead to a conclusion that 34 Avenue is not justified as a through road between 140 and 144 Streets. However, if 34 Avenue is not connected through to 144 Street, there will be additional traffic on 32 Avenue between 144 and 140 Streets and on Crescent Road between 140 Street and King George Highway as continued growth and development takes place in the area.

If Council approves Recommendation 1, then the R91 map will be correspondingly amended.

Landfill Issues

The landfill south of the unopened 34 Avenue alignment has been extensively studied to determine landfill limits and what environmental safeguards are necessary. The landfill north of 34 Avenue has not been investigated in a similar manner. Consequently, such an investigation needs to be pursued by both the developer and the City. This investigation will fully address the recommendations, relating to the landfill, of the Environmental Advisory Committee, as adopted by Council. The north area investigation will not, however, affect any subdivision layouts south of the landfill as the southern boundary of the landfill is accurately determined. However, for final provincial approval of the proposed rezoning and subdivision, the entire landfill will need to be evaluated as a 'whole'. As such, the developer and the City need to be jointly involved in completing the evaluation of the landfill to the north of 34 Avenue. Terms of Reference have been prepared and costs of the study work have been estimated. This study work will proceed in parallel with completion of development layout and the addressing of servicing issues on the proposed development to the south.

A complicating factor on this landfill area north of 34 Avenue is that only one of the three lots containing the landfill is owned by the City. Consequently, permission from the owner of the other two lots will be necessary to carry out soil tests and environmental monitoring on these lots. Should the owner of the lots not wish to provide access for this testing and monitoring, the City will seek alternative approaches such as a provincial order to permit access.

At this time, the nature of the environmental safeguards for the northerly part of the landfill are unknown. Consequently we cannot predict what future arrangements will be required with the private property owner to the north.

The results of the testing and monitoring that are carried out in the northerly landfill area will be submitted, together with the environmental study work on the southerly landfill area, to the Ministry of Environment Lands and Parks for their approval prior to final adoption of the rezoning for the proposed development.

The time frame for this submission to the Ministry is in the range of two to three months. Consequently, should Council grant Third Reading to this development proposal, this work will be completed between Third Reading and Final Adoption of the rezoning by-law. Ministry approval will be necessary before Final Adoption.

Public Consultation Process

The Planning & Development Department has developed a public consultation process for redesigning the proposed development plan. This process will involve the City, the Developer, the Elgin Ratepayers Association, and all other interested residents of the community. A four-member Sub-Committee of the Elgin Ratepayers Association will be formed to work with staff and the Developer in revising the development plan. Once a revised development plan has been designed between the City, the developer, and the Sub-Committee, a Public Information Meeting will be held to inform and obtain input from all interested members of the community on the proposal. Notification of this Public Information meeting will be delivered by letter to those property owners within the normal Public Hearing notification area and to those who spoke at the Public Hearing, and will be advertised in the local newspaper.

The revision to the subdivision layout will focus on addressing concerns specifically identified by Council, including:

- > Landfill contamination ramifications;
- > Impacts on Elgin Creek (i.e., Environmental protection);
- > Tree Retention; and
- > The direction given by Council in relation to 34 Avenue resulting from consideration of this report.

In addition to the issues specifically identified by Council in their direction to staff, representatives from the Elgin Ratepayers Association have advised that they will be seeking a substantial reduction in the density of the development proposal to address their concerns. The Developer, on the other hand, has indicated that a density reduction may not be required, provided the other issues identified by Council are adequately addressed. In the absence of other direction by Council, staff will act to address the other concerns identified by Council while maintaining the overall density as previously proposed by the developer (i.e., 108 building sites). It is anticipated that the public consultation process will take 3 to 4 weeks to complete. It is anticipated that a report can be submitted to Council for consideration by the middle of April. The Developer and Community representatives have agreed in principle to the approach outlined in this proposed consultation process.

Murray D. Dinwoodie Jorgen Johansen, P. Eng.
General Manager General Manager, Engineering
Planning & Development Department

RA/PH/bea/brb
Attachment

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