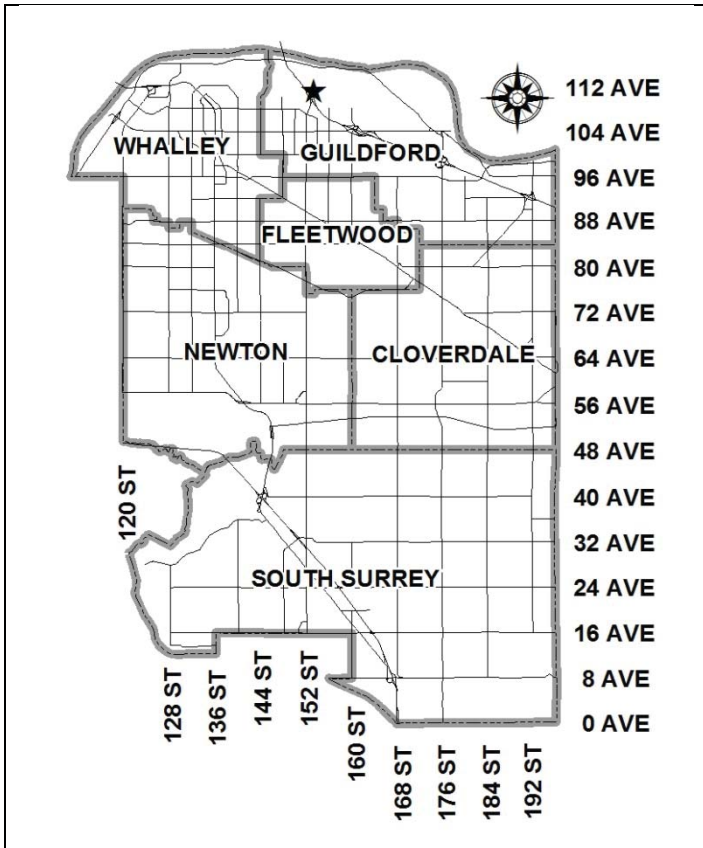


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7914-0232-01

Planning Report Date: October 24, 2016



PROPOSAL:

- **Development Variance Permit**

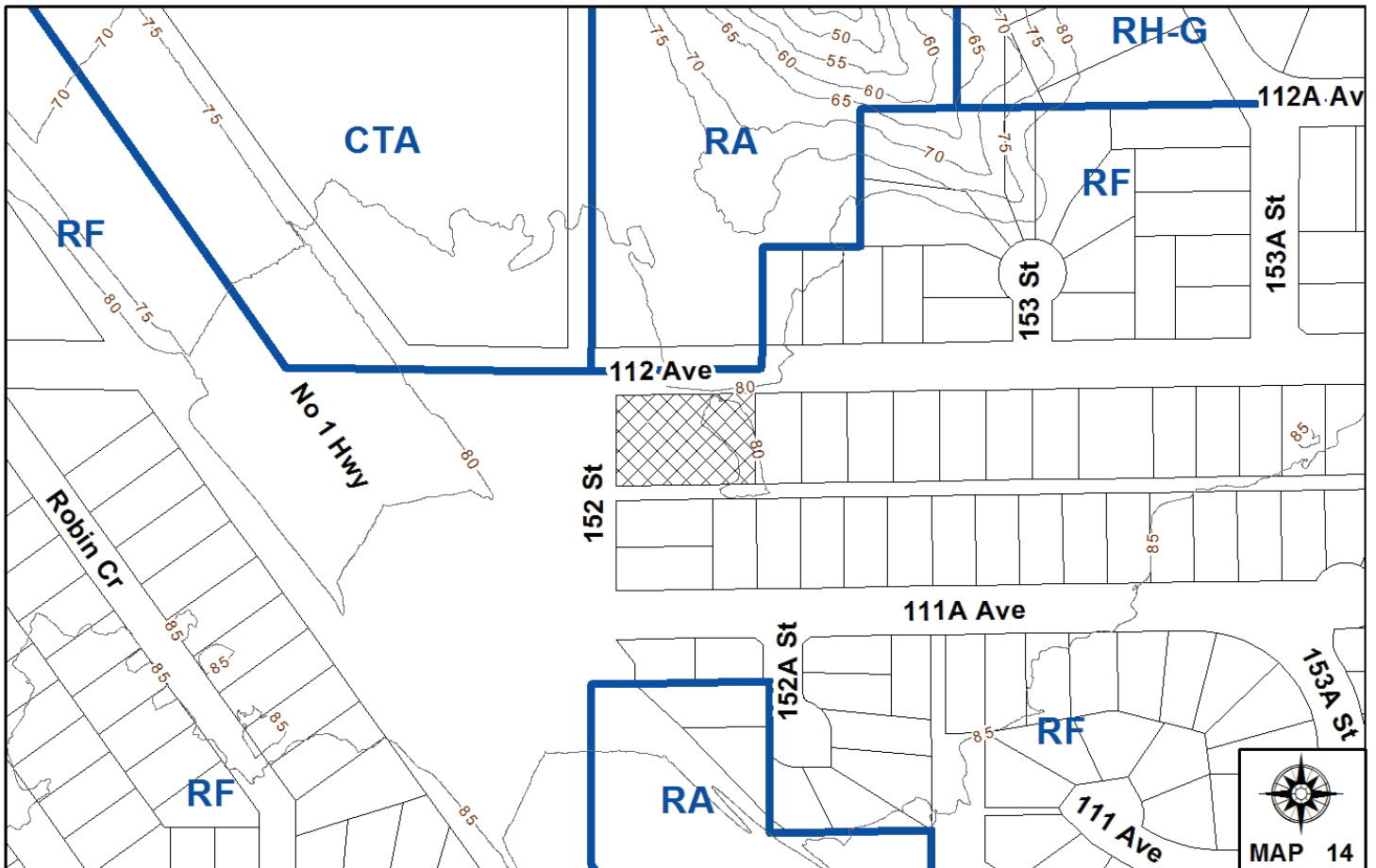
to vary the minimum required streamside protection setback to allow subdivision into two (2) single family lots.

LOCATION: 15212 – 112 Avenue

OWNER: Gurjit S. Sangha

ZONING: RF

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking to vary the minimum distance (setback) from top-of-bank of a “Class B Ditch” in Part 7A of the Zoning By-law, from 7.0 metres (23 ft.) to a minimum of 3.34 metres (11 ft.).

RATIONALE OF RECOMMENDATION

- Under the associated subdivision application (File No. 7914-0232-00), the applicant submitted a Riparian Areas Regulation (RAR) assessment report prepared by a Registered Professional Biologist regarding the on-site Class B watercourse (ditch), which supports a minimum 3.34 metre (11 ft.) riparian area setback from the top-of-bank. The RAR assessment report was peer reviewed, and the proposed 3.34-metre (11-ft.) riparian area setback was found to be acceptable.
- The eastern-most portion of the site, which is approximately 767 square metres (8,255 sq.ft.) in size and includes the ditch, will be conveyed to the City as Lot 3 to protect the riparian area.
- The applicant has also agreed to enter into a P-15 agreement with the City to ensure the completion and maintenance of the riparian enhancement works on the dedicated lands.
- On September 12, 2016, Council granted Final Adoption to Text Amendment By-law No. 18809, which incorporates streamside protection regulations as Part 7A in the Zoning By-law.
- The development application was in process and the Preliminary Layout Approval (PLA) had been issued, prior to the adoption of the Streamside Protection requirements in the Zoning By-law.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7914-0232-01 (Appendix II) to reduce the minimum setback distance from the top-of-bank of a "Ditch Class B Stream", in Part 7A of Zoning By-law No. 12000, from 7.0 metres (23 ft.) to a minimum of 3.34 metres (11 ft.), to proceed to Public Notification.

REFERRALS

Engineering: The Engineering Department supports the issuance of the DVP since the PLA was issued, prior to the adoption of the Streamside Protection requirements in the Zoning By-law.

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling which will be retained on proposed Lot 1. The eastern portion of the subject property is encumbered by a yellow-coded watercourse (ditch).

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 112 Avenue):	City-owned greenbelt.	Urban and Suburban	RA
East:	Single family dwellings.	Urban	RF
South (Across unopened lane):	Single family dwellings.	Urban	RF
West (Across Highway No. 1):	Single family dwellings.	Urban	RF

Background and Context

- The subject property is located at 15212 – 112 Avenue in Fraser Heights and is approximately 2,128 square metres (0.5 acre) in size. The property is designated Urban in the Official Community Plan (OCP) and is zoned "Single Family Residential Zone (RF)".
- The western portion of the property is occupied by a single family dwelling, while the eastern portion of the property is encumbered by a yellow-coded watercourse (ditch).
- The applicant has an in-stream development application (File No. 7914-0232-00) proposing to subdivide the property into two (2) single family lots and one (1) open space lot under the existing RF Zone.

- The existing single family dwelling will be retained on proposed Lot 1, and the riparian area (Lot 3) will be conveyed to the City.
- On April 13, 2015, Council approved Development Variance Permit No. 7911-0120-00 to reduce the front yard and east side yard setbacks on proposed Lots 1 and 2, and to reduce the minimum lot width for proposed Lot 2.
- The Preliminary Layout Approval (PLA) for the subdivision was issued on April 30, 2015.
- The applicant has indicated that they are currently working to complete all of the outstanding requirements of the proposed subdivision (File No. 7914-0232-00).

Streamside Protection

- In July 2014, Council endorsed the Biodiversity Conservation Strategy (BCS). The BCS included implementation measures to protect Surrey's streamside areas, natural habitats and sensitive ecosystems. This document identifies the use of a Development Permit Area (DPA) as an effective means to protect Surrey's natural environmental assets.
- On September 12, 2016, Council approved amendments to the Official Community Plan (OCP) and Zoning By-law No. 12000 to implement a Sensitive Ecosystem DPA and Streamside Protection Measures, collectively known as Surrey's Ecosystem Protection Measures, for the protection of the natural environment, including riparian areas. These changes were detailed in Corporate Report No. R188, which was approved by Council on July 25, 2016. The by-law amendments received final adoption on September 12, 2016
- The OCP is used to identify the specific types of ecosystems that are intended to be protected including Class A, A/O or B streams, and the Zoning Bylaw (Part 7A Streamside Protection) is used to identify the specific protection areas that are required to be established for Streamside Setback Areas.
- Part 7A Streamside Protection of the Zoning By-law states that the minimum required setback from the top-of-bank of a yellow-coded (Class 'B') watercourse (ditch) is 7.0 metres (23 ft.). The watercourse that runs along the east side of the subject site is a yellow-coded (Class 'B') ditch.
- During the drafting of the Streamside Protection Measures, staff were aware that its implementation would result in a number of non-conforming sites throughout the City of Surrey. As such, it was anticipated that Development Variance Permit (DVP) applications could be considered in specific extenuating circumstances.
- The applicant is seeking a variance to reduce the minimum required streamside setback from 7.0 metres (23 ft.) to a minimum of 3.34 metres (11 ft.).
- Although the subject site is located within a newly-established Sensitive Ecosystem DPA, a Sensitive Ecosystem Development Permit and an accompanying Ecosystem Development Plan have not been required for the subject application for the following reasons:
 - The applicant submitted a Riparian Areas Regulation (RAR) assessment report, prepared by a Registered Professional Biologist, for the on-site Class B watercourse

- (ditch), which was peer reviewed and supported by an independent Registered Professional Biologist;
- Upon approval of the associated subdivision, the applicant will dedicate approximately 36% of the gross site area to the City to protect the riparian area; and
 - Prior to subdivision approval, the applicant will complete a P-15 agreement for the monitoring and maintenance of replantings within the riparian area.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary Part 7A Streamside Protection of the Zoning By-law to reduce the minimum required streamside setback area for a Class B ditch, measured from the top-of-bank, from 7.0 metres (23 ft.) to a minimum of 3.34 metres (11 ft.).

Applicant's Reasons:

- A Riparian Areas Regulation (RAR) assessment report, prepared by EnviroWest Consultants Inc. was peer reviewed by Enkon Environmental, and the proposed streamside setbacks were considered acceptable.
- The applicant is working on the final outstanding items of the subdivision proposal. A revision to the proposed subdivision plan at this late stage will create a significant burden on the applicant.

Staff Comments:

- A Class B watercourse (ditch) flows along the eastern portion of the property. In accordance with the newly approved streamside setback areas, the minimum required setback measured from the top-of-bank of the ditch is 7 metres (23 ft.).
- Where a development is proposing to reduce the streamside setback area, a Development Variance Permit (DVP) is required and is to include an Impact Mitigation Plan. This is intended to ensure that the proposed setback reduction does not create a negative impact on the sensitive ecosystem.
- It was determined that an Impact Mitigation Plan is not required, and the requested variance has merit for the following reasons:
 - Under the associated subdivision application (File No. 7914-0232-00), the applicant submitted a Riparian Areas Regulation (RAR) assessment report, prepared by EnviroWest Consultants Inc., regarding the on-site Class B watercourse (ditch), which supports a minimum 3.34-metre (11-ft.) riparian area setback from the top-of-bank. The RAR assessment report was peer reviewed by Enkon Environmental, and the proposed 3.34-metre (11-ft.) riparian area setback was found to be acceptable;

- The proposed riparian area setbacks from top-of-bank of the ditch located on the subject site, range from a pinch point of 3.34 metres (11 ft.) at the southwest corner of proposed Lot 3 to 4.0 metres (13 ft.) along the remaining western edge of proposed Lot 3;
 - The eastern-most portion of the site, which is approximately 767 square metres (8,255 sq.ft.) in size and includes the watercourse (ditch), will remain RF-zoned and will be conveyed to the City as Lot 3 to protect the riparian area;
 - The applicant has agreed to enter into a P-15 agreement with the City to ensure the completion and maintenance of riparian enhancement works on the dedicated lands; and
 - The development application was in process and the Preliminary Layout Approval (PLA) had been issued, prior to the adoption of the Streamside Protection requirements in the Zoning By-law.
- Staff support the requested variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary
Appendix II. Development Variance Permit No. 7914-0232-01

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

DN/da

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7914-0232-01

Issued To: GURJIT S. SANGHA

("the Owner")

Address of Owner: 19289 – 72A Avenue
Surrey, BC V4N 5Y3

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development variance permit.

2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 011-530-707

Lot 1 Section 16 Block 5 North Range 1 West New Westminster District Plan 78356

15212 – 112 Avenue

(the "Land")

3. (a) As the legal description of the Land is to change, the City Clerk is directed to insert the new legal description for the Land once title(s) has/have been issued, as follows:

Parcel Identifier:

(b) If the civic address(es) change(s), the City Clerk is directed to insert the new civic address(es) for the Land, as follows:

4. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:

(a) In the table in Section B.1 of Part 7A Streamside Protection, the minimum required distance from the top-of-bank of a "Ditch Class B Stream" is reduced from 7.0 metres (23 ft.) to a minimum of 3.34 metres (11 ft.).

5. This development variance permit applies to the Land shown on Schedule A, which is attached hereto and forms part of this development variance permit.
6. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
7. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.
8. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
9. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 2016.
ISSUED THIS DAY OF , 2016.

Mayor – Linda Hepner

City Clerk – Jane Sullivan

BENCHMARK & CONTROL ALL ELEV. ARE GEODETIC AND REFER TO MON. NO. ELEV. LEGAL DESCRIPTION OF PROPERTY



112 AVENUE

70.39

40.20

15243

40.20

15251

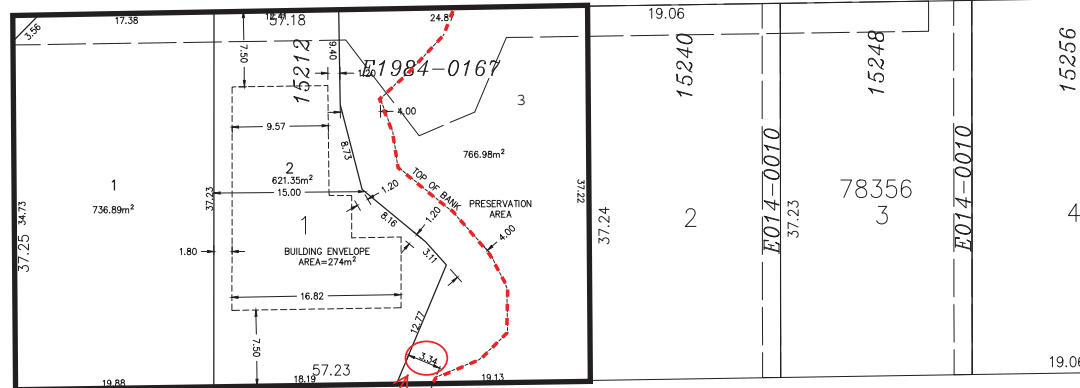
15257

E004-0003

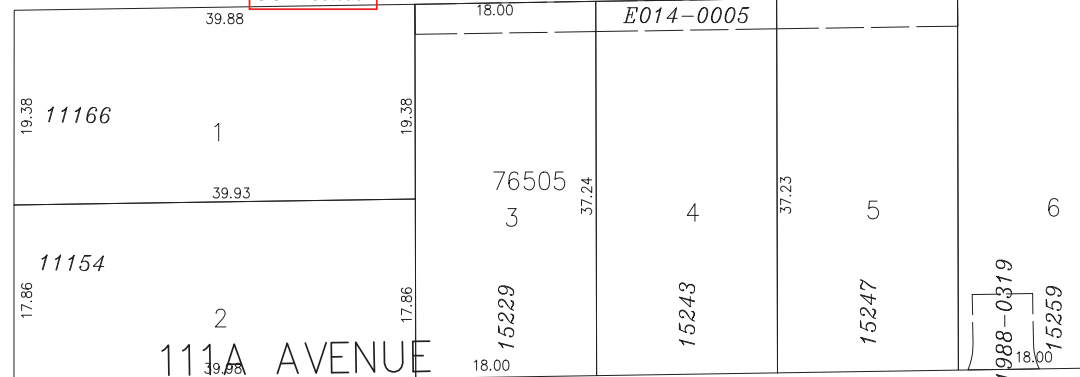


152 STREET

130.04



Pinchpoint:
3.34m setback



Schedule A

NOTES:	
1. ALL DIMENSIONS ARE APPROXIMATE ONLY BASED ON MASTER PLANS.	
2. LAYOUT IS PRELIMINARY AND SUBJECT TO APPROVALS AND SURVEYS.	
3. EXISTING HOUSE TO BE RETAINED (LOCATION TO BE CONFIRMED).	
4. DIP REQUIRED ON LOT 2 TO REDUCE SIDE YARD SETBACK FROM 1.8m TO 1.2m.	

No	Date	Revision	Dr	Ch
2	15/03/10	INCREASED SIDE YARD SETBACK LOT 2	LC	SS
1	14/11/13	INCREASED LOT WIDTH FOR PARK LOT	JW	SS

CitiWest Consulting Ltd.
No.101-9030 KING GEORGE BLVD., SURREY, BC, V3V 7Y3
TELEPHONE 604-591-2213 FAX 604-591-5518
E-MAIL: office@citiwest.com



GURJIT SANGHA
19289 - 72A STREET, SURREY, BC V4N 5Y3 PH 604-990-4800 FAX 604-990-4805
PRELIMINARY LOT LAYOUT
SITE LOCATED AT 15212 - 112 AVENUE, SURREY, BC

Scale: 1:500	Mun. Proj. No. 7914-0232-00	Dwg. No. A
Drawn: TWD/JW	Mun. Dwg. No.	
Designed: SS	Job No. 14-3157	Of
P.W. P.U.	Date SEP /09	Revision 2
Approved:		