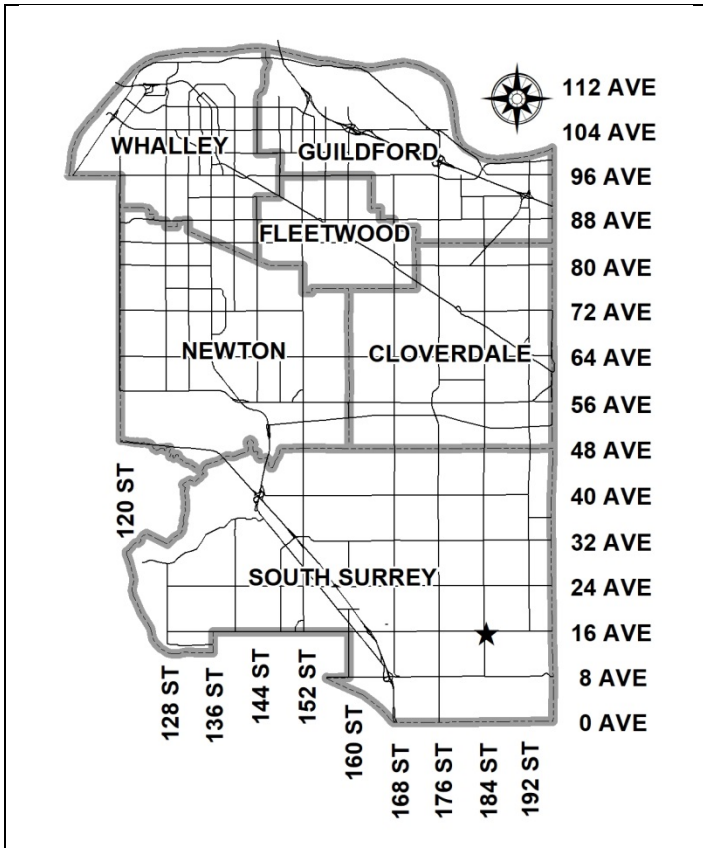


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7918-0014-00

Planning Report Date: July 23, 2018



PROPOSAL:

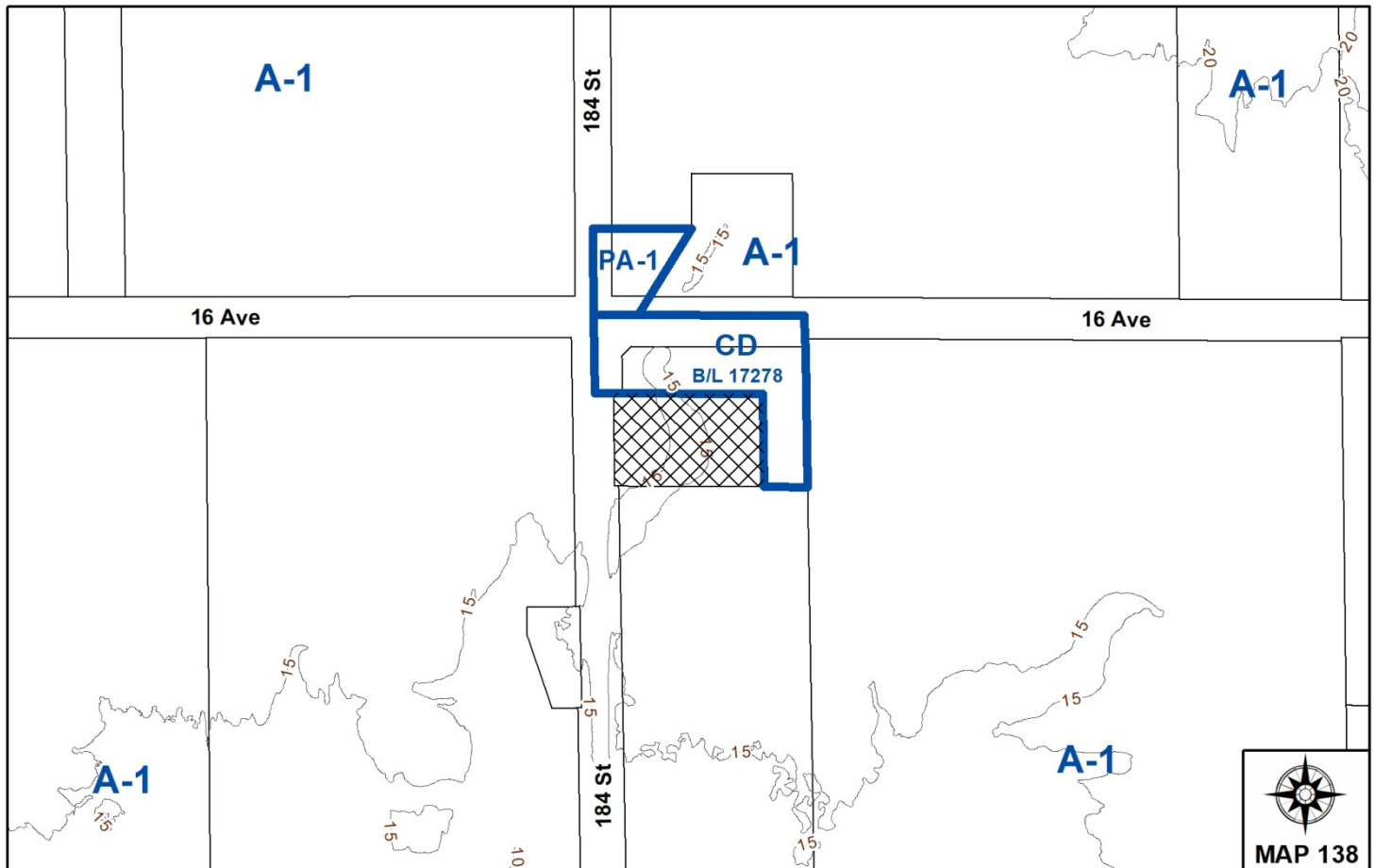
- Development Permit
- Development Variance Permit

to reduce the minimum streamside setback from a Class A watercourse to facilitate the construction of an accessory building.

LOCATION: 1566 – 184 Street

ZONING: A-1

OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

- Refer the application back to Staff to work with the applicant on alternative options for the siting of the proposed accessory building.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is proposing to reduce the minimum setback from the top of bank of a "Class A" watercourse.

RATIONALE OF RECOMMENDATION

- The applicant is proposing to vary the required streamside setback for a "Natural Class A Stream" from 15 metres (50 ft.) to 5.3 metres (17.3 ft.) from top-of-bank, in order to construct an accessory structure (workshop) at the rear of the property.
- The applicant's main reason to site the workshop within the required setback area is to block the view of the neighbouring gas station to the north. Issues include excessive noise from the gas station and 16 Avenue traffic, light pollution, and privacy from gas station customers.
- Staff are of the view that there are alternative options to increase privacy from the impact of the gas station, without the need to vary the streamside setbacks of the Zoning By-law.

RECOMMENDATION

The Planning & Development Department recommends that Council refer the application back to staff to work with the applicant on alternative options for the siting of the proposed accessory building.

REFERRALS

Engineering: The Engineering Department has no objection to the variance, but requests that a combination Restrictive Covenant / Statutory Right-of-Way be secured on the property to allow for City access.

Parks, Recreation & Culture: Parks recommends construction of the proposed accessory building in a way that does not encroach into the riparian area.

SITE CHARACTERISTICS

Existing Land Use: Single Family Dwelling

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Gas Station	Agricultural	CD Zone (By-law No. 17278)
East:	Gas Station	Agricultural	CD Zone (By-law No. 17278)
South:	Agricultural	Agricultural	A-1
West (Across 184 Street):	Agricultural	Agricultural	A-1

DEVELOPMENT CONSIDERATIONSBackground and Proposal

- The subject property, located at 1566 – 184 Street, is designated "Agricultural" in the Official Community Plan and zoned "General Agricultural Zone (A-1)".
- The applicant is proposing to vary the required streamside setback for a "Natural Class A Stream" from 15 metres (50 ft.) to 5.3 metres (17.3 ft.) from top-of-bank, in order to construct an accessory structure (workshop) at the rear of the property.

Sensitive Ecosystem Development Permit

- The subject site falls within a Sensitive Ecosystem Development Permit Area due to the "Class A" watercourse (Twin Creeks) that runs through the middle of the property.
- A Riparian Area Regulation (RAR) Assessment Report, prepared by Aquaterra Environmental Ltd, was submitted by the applicant. The RAR Assessment Report recommended a Streamside Protection and Enhancement Area (SPEA) based on the distance the RAR SPEA extends into the eastern portion of the property – a distance of 10 metres (32.8 ft.) from the watercourse High Water Mark (HWM).
- Provincial regulation for riparian areas consider protected areas based on the watercourse HWM. The City's Zoning By-law for Streamside Protection bases setbacks in relation to the watercourse top-of-bank. In most cases the City's Zoning By-law requirement exceeds RAR requirements.
- In addition to the RAR Assessment Report, the applicant has also submitted an Ecosystem Development Plan (EDP) prepared by AquaTerra Environmental Ltd., dated December 2017. The EDP proposes a streamside setback of 5.3 metres (17.3 ft.) from the watercourse top-of-bank, where the proposed workshop will be located.
- In order to offset the encroachment into the 15 metre SPEA for the proposed workshop, the applicant is proposing the removal of invasive species and replacement planting along the south western side of Twin Creeks, between the watercourse HWM and top-of-bank. The proposed re-planting area occupies an area of 200 square metres (2,152 sq. ft.). The applicant has provided a landscape plan and cost estimate that will be reviewed in more detail if Council supports the proposal moving forward.
- The applicant has agreed to register a combination Restrictive Covenant and Statutory Right-of-Way on the property title to ensure safeguarding and maintenance of the riparian area in perpetuity, should Council support the applicant's proposal.

BY-LAW VARIANCE & JUSTIFICATION

- The applicant is proposing to reduce the minimum setback from the top-of-bank for a "Class A" Watercourse (Twin Creeks) from 15 metres (50 ft.) to 5.3 metres (17.3 ft.).

Applicant's Reasons:

- A reduction of the required SEPA setback is to block the view of the neighbouring gas station to the north. Issues include excessive noise from the gas station and 16 Avenue traffic, light pollution, and privacy from gas station customers.
- An Impact Mitigation Strategy has been proposed to offset the encroachment into the SPEA by the proposed workshop. This includes the removal of invasive species and planting of native species along the south western bank of Twin Creeks, an area of approximately 200 square metres (2,152 sq. ft.).

Staff Comments:

- Following an internal review of the proposed variance, Staff indicated that the proposed workshop should adhere to the minimum SPEA setback requirements in the Zoning By-law, and the applicants find an alternative location for the new workshop.
- Alternative options to increase privacy from the gas station should be explored, such as upsized landscaping and screening along the north property line of the subject site.
- Alternative siting options for the proposed workshop are also possible, such as in the northeast corner of the property. Siting at this location would avoid a variance to the streamside setback, but would require variances for rear and side yard setbacks which staff would be more supportive in considering.

RECOMMENDATION

- Given the above, staff recommend that Council refer the application back to staff to find alternative options for increasing privacy on the property and siting of the proposed workshop.
- If, however, Council is supportive of the application, Council should refer the application back to Staff to resolve any outstanding requirements including an approved Ecosystem Development Plan and associated Landscape Plan, and bring the application for Council's subsequent consideration of support.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary (Confidential)
Appendix II. Site Plan

INFORMATION AVAILABLE ON FILE

- Ecosystem Development Plan prepared by AquaTerra Environmental Ltd., dated December 2017.
- RAR Assessment Report prepared by AquaTerra Environmental Ltd., dated September 8, 2017.

original signed by Ron Hintsche

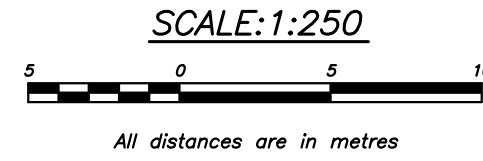
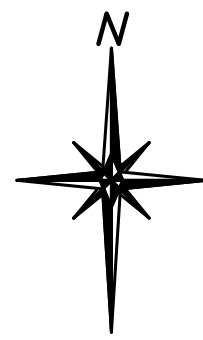
Jean Lamontagne
General Manager
Planning and Development

DZ/cm

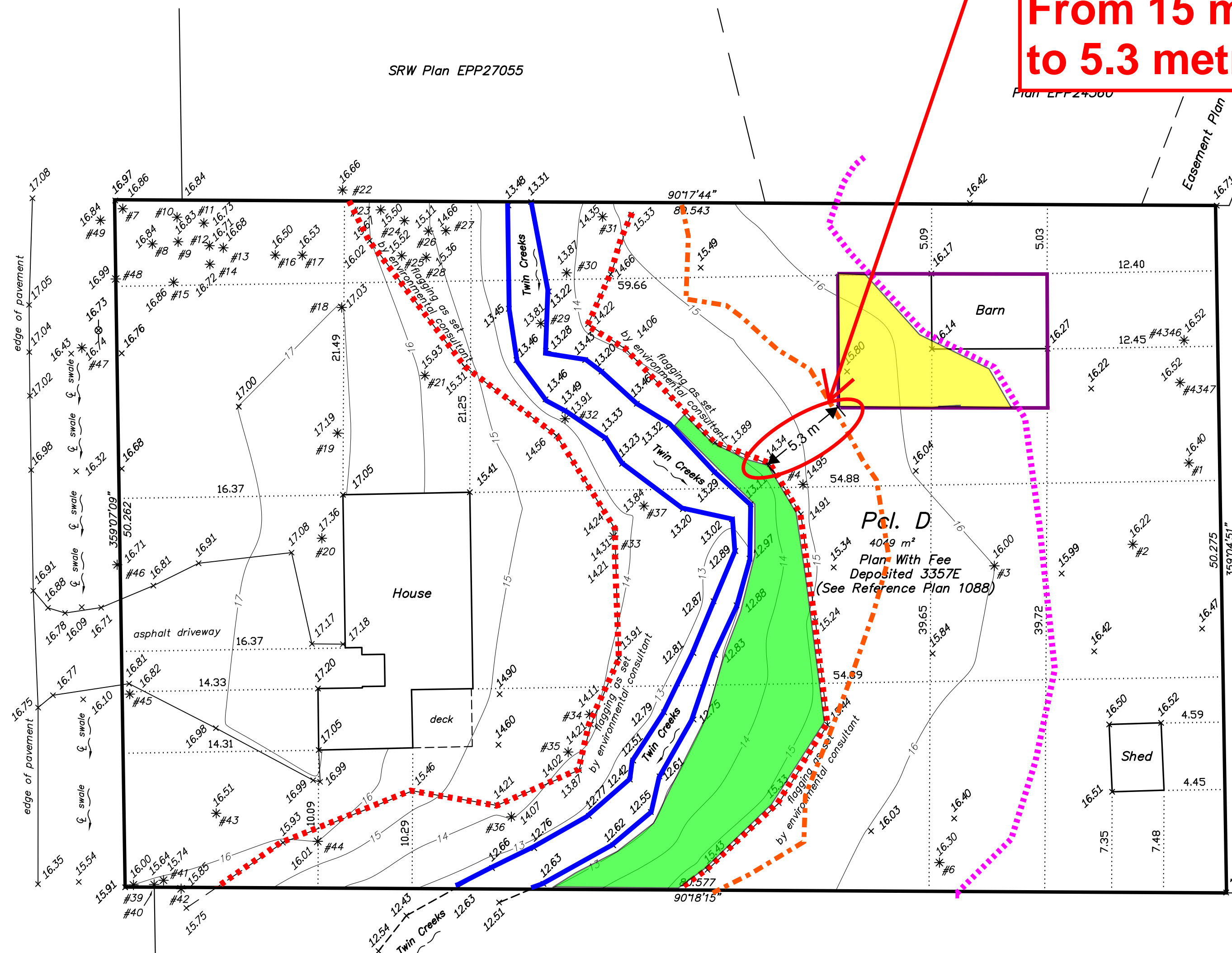
APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION

FIGURE 7: Encroachment into Default 15 m Setback Area and Proposed Habitat Mitigation Planting Area.

Proposed Streamside Setback Variance: From 15 metres (50 ft.) to 5.3 metres (17.3 ft.)



184 STREET



LEGEND

- Proposed Development
- Encroachment
- Prescribed Mitigation Planting Area
- SPEA setback (15 m) from TOB
- Default RAR setback (10 m) from HWM
- Top of Bank
- Twin Creeks

*** Planting Area Note**
 The encroachment area measures approximately 70 m². The proposed mitigation planting area comprises an area of 200 m² - a >2:1 (Gain:Loss) ratio.

- LEGEND**
- x 16.40 Spot Elevation
 - * #37 Tree with Tag (Typical)
 - ⊖ Power Pole

Elevations are Geodetic, shown in metres, derived from Control Monument 84H0564
 Elevation = 17.471 metres
 Datum: CVD28GVRD, 2005.

Lot dimensions are based on Posting Plan BCP48719.

Offsets shown are not to be used to define property lines. This plan was prepared for a specific purpose and is for the exclusive use of our client. We assume no responsibility for the unauthorized use of this plan.

CERTIFIED CORRECT
 this 26th day of October, 2017.

3
 Plan 37830