

2021-315-RZ for 24495 110 AVE
Official Community Plan Amending Bylaw No. 7997-2024
Zone Amending Bylaw No. 7778-2021

Recommendation:

- a) That Official Community Plan Amending Bylaw No. 7997-2024 be given first and second reading and be forwarded to Public Hearing
- b) That Zone Amending Bylaw No. 7778-2021 be given second reading, and be forwarded to Public Hearing.
- c) THAT staff be directed to work with the applicant to address the outstanding terms and conditions as set out in the September 24, 2024 report, and any other as identified by council, prior to recommending bylaw adoption.

Report Purpose and Summary Statement:

Application 2021-315-RZ proposes to rezone the subject property located at 24495 110 AVE from RS-3 (Single Detached Rural Residential) to RS-1d (Single Detached (Half Acre) Residential) zone utilizing the Albion Area Density Bonus option, achieving RS-1b (Single Detached (Medium Density) Residential) sized lots, to permit a future subdivision of approximately five single-family lots of not less than 557m² (5,996ft.²) in size and *Park- Conservation lands* which will be dedicated to the City.

Previous Council Action:

Council granted first reading to Zone Amending Bylaw No. 7778-2021 on September 14, 2021.

Proposed Variance:

The subject application proposes no variances at this stage. If any variances will be proposed will be the subject of a future report to council.

Strategic Alignment:

Liveable Community;

Environmental/Climate Impact:

Not Applicable

Development Requirements Consequences:

Terms and conditions listed in the Council report.

To: Mayor and Council

File number: 2021-315-RZ

2021-315-RZ for 24495 110 AVE
Official Community Plan Amending Bylaw No. 7997-2024
Zone Amending Bylaw No. 7778-2021

DISCUSSION:

Background Context

Applicant:	NOURA HOMES	
Legal Description:	Lot 26 Section 10 Township 12 New Westminster District Plan 55335 Except Plan EPP122487	
Official Community Plan:		
Existing:	<i>LRES (Low Density Residential)</i>	
Proposed:	<i>LRES (Low Density Residential)</i>	
Within Urban Area Boundary:	Yes	
Area Plan:	Albion Area Plan	
OCP Major Corridor:	No	
Zoning:		
Existing:	RS-3 (Single Detached Rural Residential)	
Proposed:	RS-1d (Single Detached (Half Acre) Residential) with a Density Bonus down to the RS-1b (Single Detached (Medium Density) Residential) zone	
Surrounding Uses:		
North:	Use:	Single Family Residential
	Zone:	RS-3 (Single Detached Rural Residential)
		under rezoning application 2017-262-RZ for RS-1d (Single Detached (Half Acre) Residential) with a Density Bonus down to the RS-1b (Single Detached (Medium Density) Residential) zone

	Designation:	Low Density Residential and Conservation
South:	Use:	Kanaka Creek Regional Park
	Zone:	RS-3 (Single Detached Rural Residential)
	Designation:	Park
East:	Use:	Kanaka Creek Regional Park
	Zone:	RS-3 (Single Detached Rural Residential)
	Designation:	Park
West:	Use:	Single-Family Residential
	Zone:	RS-2 (Single Detached Rural Residential)
		under rezoning application 2018-182-RZ for RS-1d (Single Detached (Half Acre) Residential) with a Density Bonus down to the RS-1b (Single Detached (Medium Density) Residential) zone
	Designation:	Low Density Residential coming through 2018-182-RZ
Existing Use of Property:		Single-Family Residential
Proposed Use of Property:		Single-Family Residential
Gross Site Area:		0.71 ha (1.75 acres)
Access:		110 Avenue
Servicing Requirement:		Urban Standard
Flood Plain:		Yes
Fraser Sewer Area:		Yes

Project Description:

The subject property, located at 24495 110 Avenue, is located within the Albion Area Plan and is approximately 0.71 ha (1.75 acres) in area (see Attachments A and B). The subject property fronts 110 Avenue. To the south and east is Kanaka Creek Regional Park; to the west and north are single-family lots.

The property to the west is under a rezoning application, 2018-182-RZ. This application is to rezone the property located at 11040 Cameron Court from RS-3 (Single Detached Rural Residential) to RS-1d (Single Detached (Half Acre) Residential) with a Density Bonus through the Albion Community Amenity Program to achieve RS-1b (Single Detached (Medium Density Residential) sized lots. The property to the north has been rezoned from RS-3 (Single Detached Rural Residential) to RS-1d (Single Detached (Half Acre) Residential) with a Density Bonus through the Albion Community Amenity Program to achieve RS-1b (Single Detached (Medium Density) Residential) sized lots as well.

The subject property has a gentle slope from north-east to south-west with a small bench at the northern portion of the property.

The applicant has applied to rezone the subject property from the RS-3 (Single Detached Rural Residential) zone to the RS-1d (Single Detached (Half Acre) Residential) zone with a Density Bonus. The Albion Area Density Bonus Amenity Contribution program allows for RS-1b (Single Detached (Medium Density) Residential) sized lots to permit the subdivision of approximately five single-family lots, not less than 557m² (5,996ft.²) in size, provided that a density bonus contribution of \$3,100.00 per lot is provided.

A two-lot subdivision shall occur at time of rezoning. Lot 1 dedicated as a fee simple lot to the City for Park and Lot 2 consisting of the northerly portion of the future road dedication and the area of the future 5 residential lots. The southerly portion of 110 Avenue will be dedicated as road at this time to create legal frontage for Lots 1 and 2 (Attachment G).

At time of Subdivision the five RS-1d lots will be created along with the dedication to the City of the northerly portion of 110 Avenue (the cul-de-sac) as road (Attachment H).

Planning Analysis:

Council granted first reading to Zone Amending Bylaw No. 7778-2021 on September 14, 2021. In compliance with Provincial Bill 44 and the Local Government Act, a Public Hearing will be required for this rezoning application as it has received first reading prior to November 30, 2023, and it is subject to OCP amendment.

Official Community Plan

The development site is located within the Albion Area Plan and is currently designated *Low Density Residential*. The property to the east is designated *Conservation*. The *Conservation* designation identifies ecologically sensitive lands that require protection in order to ensure that their health, diversity and integrity are maintained. They are considered to be of high environmental or geological sensitivity. An OCP amendment is required to adjust the *Conservation* boundary. As a result, the east side portion of the subject site is proposed to be redesignated from *Low Density Residential* to *Conservation* to reflect ground-truthing findings. (See Attachments D, and E).

The *Low Density Residential* designation corresponds with a single detached housing form at a low density urban standard with lots sized at 2,000m² (0.5 acre). The application is in compliance with the OCP policies for the Density Bonus, however an OCP amendment is required for the *Conservation* areas, as explained above.

Zoning Bylaw

The current application proposes to rezone the subject property from RS-3 (Single Detached Rural Residential) to RS-1d (Single Detached (Half Acre) Residential) (see Attachment F), with a Density Bonus, to permit future subdivision into approximately five single-family lots (see Attachment H).

The application of the Density Bonus, which is specific to the Albion Area Plan, will permit the applicant to reduce the single-family lot size from the RS-1d (Single Detached (Half Acre) Residential) density of 2,000m² (0.5 acre) to 557m² (5,996ft.²). An Amenity Contribution of \$3,100 per lot for each lot that is less than 2,000m² (0.5 acre) is required. As per Council direction, this application will also be subject to the City-wide Community Amenity Contribution Program.

Off-Street Parking and Loading Bylaw

The proposed application meets the requirements of Off-Street Parking Bylaw No 4350-1990 providing two parking stalls per single detached residential unit.

Proposed Variances

The subject application proposes no variances at this stage. If any variances will be proposed will be the subject of a future report to council.

Development Permits

Pursuant to Section 8.9 of the OCP, a Watercourse Protection Development Permit application is required for all developments and building permits within 50 metres of the top of bank of all watercourses and wetlands. The purpose of the Watercourse Protection Development Permit is to ensure the preservation, protection, restoration and enhancement of watercourse and riparian areas.

Pursuant to Section 8.10 of the OCP, a Natural Features Development Permit application is required for all development and subdivision activity or building permits for:

- All areas designated *Conservation* on Schedule "B" or all areas within 50 metres of an area designated *Conservation* on Schedule "B", or on Figures 2, 3 and 4 in the Silver Valley Area Plan;
- All lands with an average natural slope of greater than 15 percent; and
- All floodplain areas and forest lands identified on Schedule "C"

to ensure the preservation, protection, restoration and enhancement of the natural environment and for development that is protected from hazardous conditions.

Development Information Meeting

A Development Information Meeting hosted by the applicant was held at Albion Community Center on March 13, 2024. According to the Public Information Meeting Sign-In Sheet that the applicant sent to staff on March 18, 2024 only one person attended the meeting with no comments or concerns. The notification requirements for the Development Information Meeting included a mail-out, newspaper advertisements, and notice on the development signs that provided the contact information for the developer and information on the development which were followed by the applicant (see Attachment I).

Advisory Design Panel

This application is not required to go to the Advisory Design Panel.

Parkland Requirement

As there are more than three additional lots proposed to be created, the developer will be required to comply with the park dedication requirements of Section 510 of the *Local Government Act* prior to subdivision approval.

For this project, there is sufficient land that is proposed to be dedicated to the City, approximately 0.1 Hectare, as a fee simple lot on the subject property and this land will be required to be dedicated as a condition of Final Reading.

Conditions Precedent to Adoption:

Staff have advised the applicant that adoption of the zoning amendment bylaw will not be recommended unless the following conditions, and any others that council identifies, are met:

- a) Registration of a Rezoning Servicing Agreement as a Restrictive Covenant and receipt of the deposit of a security, as outlined in the Agreement
- b) Amendment to Official Community Plan Schedule "A", Chapter 10.2 Albion Area Plan, Schedule 1: Albion Area Plan, and Official Community Plan Schedule "C"
- c) An internal road dedication as required
- d) Park dedication as to be provided as a fee simple lot to be transferred to the City under a Subdivision plan
- e) Registration of a Restrictive Covenant for the Geotechnical Report, which addresses the suitability of the subject property for the proposed development
- f) Registration of a Restrictive Covenant for the protection of the Environmentally Sensitive areas on the subject property
- g) Registration of a Restrictive Covenant for Tree Protection
- h) Registration of a Restrictive Covenant for Stormwater Management
- i) Registration of a Restrictive Covenant for Flood Plain
- j) Removal of existing buildings;
- k) If the Director of Waste Management from the Ministry of Environment determines that a site investigation is required based on the submitted Site Disclosure Statement, a rezoning, development, or development variance permit cannot be approved until a release is obtained for the subject property;
- l) In addition to the Ministry of Environment Site Disclosure Statement, a disclosure statement must be submitted by a Professional Engineer advising whether there is any evidence of underground fuel storage tanks on the subject property. If so, a Stage 1 Site Investigation Report is required to ensure that the subject property is not a contaminated site.
- m) That a voluntary contribution, in the amount of \$46,000.00 (\$9,200.00/lot,), or such rate applicable at third reading of this application, be provided in keeping with the Council Policy 6.31 with regard to Community Amenity Contributions.

Interdepartmental Implications:

Engineering Department

The Engineering Department has indicated that the following servicing upgrades will be required through the Rezoning Servicing Agreement:

- Road dedication as required to meet the design criteria of the Subdivision and Development Bylaw No. 4800-1993;
- Utility servicing as required to meet the design criteria of the Subdivision and Development Bylaw No. 4800-1993; and
- Frontage upgrades to the applicable road standard.

External Stakeholders/Referrals:

School District No. 42

Pursuant to Section 476 of the *Local Government Act*, consultation with School District No. 42 is required at the time of preparing or amending the OCP. A referral was sent to School District No. 42 on April 23, 2024 and comments have been attached (see Attachment J). A summary of comments is below:

- The proposed application would affect the student population for the catchment areas currently served by Blue Mountain Elementary and Garibaldi Secondary School.
- Blue Mountain Elementary School has an operating capacity of 314 students. For the 2023-24 school year the student enrolment at Blue Mountain Elementary School is 335 students (107% utilization) including 60 students from out of catchment.
- Garibaldi Secondary School has an operating capacity of 1050 students. For the 2023-24 school year the student enrolment at Garibaldi Secondary is 1006 students (96% utilization) including 267 students from out of catchment.
- Based on the density estimates for the various land uses at build out the following would apply:
- For the construction of 5.0 lots, the estimated number of school age residents 2.

CONCLUSION:

It is recommended that first and second reading be given to Official Community Plan Amending Bylaw No. 7997-2024, that second reading be given to Zone Amending Bylaw No. 7778-2021, and that application 2021-315-RZ be forwarded to Public Hearing to permit a future subdivision of approximately five single-family lots of not less than 557m² (5,996ft.²) in size and *Park- Conservation lands* which will be dedicated to the City.

Prepared by: Maryam Lotfi, Planner 2

Attachments:

- (A) – Subject Map
- (B) – Ortho Map
- (C) – Environmental Concept Map
- (D) – Official Community Plan Map
- (E) – Official Community Plan Amending Bylaw No. 7997-2024
- (F) – Zone Amending Bylaw No. 7778-2021
- (G) – Rezoning Application – Proposed 2 Lot Interim Subdivision
- (H) – Subdivision Application – Proposed 5 New Lots - Subdivision
- (I) – Development Information Meeting Summary Package

(J)– School District 42. Comments

Report Approval Details

Document Title:	2021-315-RZ - Second Reading Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A 2021-315 Subject Map.pdf- Appendix B 2021-315 Ortho Map.pdf- Appendix C Environmental Context Map.pdf- Appendix D - Official Community Plan Map.pdf- Appendix E - OCP Amending Bylaw 7997-2024.pdf- Appendix F -Zone Amending Bylaw No 7778-2021.pdf- Appendix G - Rezoning Application – Proposed 2 Lot Interim Subdivision.pdf- Appendix H - Subdivision Application – Proposed 5 New Lots - Subdivision.pdf- Appendix I - Development Information Meeting Summary Package.pdf- Appendix J - School District.pdf
Final Approval Date:	Sep 13, 2024

This report and all of its attachments were approved and signed as outlined below:

Marlene Best, Interim Director of Planning

Scott Hartman, Chief Administrative Officer