

2022-024-RZ, 24266 110 Avenue
Official Community Plan Amending Bylaw No. 8035-2025
Zone Amending Bylaw No. 7880-2022

Recommendation:

THAT *Official Community Plan Amending Bylaw No. 8035-2025* be given first reading.

THAT in accordance with Sections 475 and 476 of the Local Government Act, Council direct staff to proceed with the consultation strategy as outlined in the Staff report dated April 1, 2025.

THAT an opportunity for early and ongoing consultation be provided by way of posting Official Community Plan Amending Bylaw No. 8035-2025 on the City's website, and Council considers the holding of a Public Hearing on the bylaw to be sufficient consultation.

THAT in accordance with Section 477 of the *Local Government Act*, Council considers the *Official Community Plan Amending Bylaw No. 8035-2025* consistent with the City's Capital Expenditure Plan and Waste Management Plan.

THAT *Official Community Plan Amending Bylaw No. 8035-2025* be given second reading and forwarded to Public Hearing.

THAT *Zone Amending Bylaw No. 7880-2022*, as amended, be given second reading and forwarded to Public Hearing.

THAT staff be directed to work with the applicant to address the outstanding terms and conditions as outlined in the Staff Report dated April 1, 2025, and any other as identified by Council, prior to recommending bylaw adoption.

**Report Purpose and
Summary Statement:**

To present for Council's consideration of first and second readings of an Official Community Plan Amending Bylaw to redesignate portions of 24266 110 Avenue to *Low Density Residential* and *Conservation*, and consideration of second reading of a Zone Amending Bylaw to rezone from RS-3 to RS-1d utilizing the Albion Density Bonus provision to allow a future nine lot subdivision of RS-1b sized lots on the lands.

Previous Council Action:

Zone Amending Bylaw No. 7880-2022

First Reading – September 27, 2022

Proposed Variance:	Reduced lot width from 15.0 m to 12.33 m for proposed Lot 7
Strategic Alignment:	Liveable Community
Communications:	Public Hearing Notice and Mailouts

To: Mayor and Council

File number: 2022-024-RZ

2022-024-RZ, 24266 110 Avenue
Official Community Plan Amending Bylaw No. 8035-2025
Zone Amending Bylaw No. 7880-2022

Applicant: Don Bowins

Legal Description: Lot 46 Section 10 Township 12 New Westminster District Plan 67469

OCP Designation:
Existing: *Low Density Residential, Park, Conservation*
Proposed: *Low Density Residential, Park, Conservation*

Within Urban Area Boundary: Yes

Area Plan: Albion

OCP Major Corridor: No

Zoning:
Existing: RS-3 (Single Detached Rural Residential)
Proposed: RS-1d (Single Detached (Half Acre) Residential) with Albion Density Bonus provision to RS-1b (Single Detached (Medium Density) Residential) sized lots

Surrounding Uses:

North:	Use:	Single Detached Residential
	Zone:	RS-3 (Single Detached Rural Residential)
	Designation:	<i>Low Density Residential, Conservation</i>
South:	Use:	Kanaka Creek Regional Park
	Zone:	RS-3 (Single Detached Rural Residential)
	Designation:	<i>Park</i>
East:	Use:	Single Detached Residential
	Zone:	RS-3 (Single Detached Rural Residential)
	Designation:	<i>Low Density Residential, Conservation; Park</i>
West:	Use:	Single Detached Residential/ Kanaka Creek Regional Park
	Zone:	RS-3 (Single Detached Rural Residential)/RS-3 (Single Detached Rural Residential)

Designation: *Low Density Residential, Conservation/Park*

Existing Use of Property: Single Detached Residential
Proposed Use of Property: Single Detached Residential

Site Area: 1.39 ha (3.4 ac)
Net Site Area after
dedication: 0.67 ha (1.67 ac)
Proposed Vehicular Access: 110 Avenue
Servicing Requirement: Urban Standard
Flood Plain: Yes
Fraser Sewer Area: Yes

ANALYSIS:

Site Characteristics:

The subject property, located at 24266 110 Avenue, is located within the Albion Area Plan and is approximately 1.39 ha (3.43 acres) in lot area (Attachment A). Currently, the property includes a single detached home and barn and is predominantly characterized by open field and old pasture (Attachment B). Adjacent to the southern portion of the property is Metro Vancouver's Kanaka Creek Regional Park, and to the north, east and west are existing single detached houses. Several surrounding properties along 110 Avenue have completed recent subdivisions to similar RS-1b zone developments.

The subject property is generally flat and has a gradual slope from the northwest to southeast towards Dunlop Creek and Kanaka Creek. Along the eastern portion of the property, there are steep slopes (>15%) towards Dunlop Creek which run parallel to the property boundary. Seigel Creek is located southwest of the property and Kanaka Creek is located to the south.

The subject property is encumbered by several covenants and an easement, as shown on the Subdivision Sketch Plan (Attachment C). A restrictive covenant and easement are held by the Greater Vancouver Regional District (Metro Vancouver) and restrict the use of the southern portion of the lands to provide for a no-disturb area where the vegetation, trees, shrubs, bushes and ground cover are left to grow naturally to provide a natural buffer to the neighbouring Kanaka Creek Regional Park.

The eastern portion of the property has an existing floodplain restrictive covenant with the City and the Ministry of Environment that restricts the use and development of the land. An additional restrictive covenant with the City, along the eastern portion of the property, also provides for a no-disturb area where the vegetation, trees, shrubs, bushes and ground cover are left to grow naturally to protect the nearby Dunlop Creek.

Project Description:

This application proposes rezoning the subject property from the current RS-3 zone to the RS-1d zone, utilizing the Albion Density Bonus provision to allow a future subdivision of nine RS-1b sized lots with a minimum lot area of 557 m² (Attachment C). As a condition of the rezoning

application, 51% of the property will be dedicated to the City as Park-Conservation, including the portions of the property which fall within the 30 m environmental setback of the Dunlop Creek and Seigel Creek. The southern portion of the property, abutting the Kanaka Creek Regional Park, which is currently under restrictive covenant/easement, will also be dedicated to the City as Park-Conservation lands.

Any subdivision layout provided is strictly preliminary and is subject to change prior to final review and approval by the Approving Officer.

Planning Analysis:

Official Community Plan:

The subject property is located within the Albion Area Plan and is currently designated Low Density Residential (60%), Park (27%) and Conservation (13%) (Attachment D). The current Low Density Residential designation, which aligns with single detached residential development at a low density urban standard, supports the proposed rezoning to the RS-1d zone. *Official Community Plan Amending Bylaw No. 8035-2025* (Attachment E) proposes to amend the Park and Conservation designation boundaries based on the proposed development and required environmental setbacks.

Official Community Plan Policy 10 – 17 states that: “Council may consider Density Bonuses as part of the development review process for Albion Area Plan amendment applications seeking a land use designation change that would permit a higher density than currently permitted.”

The application of the Albion Area Density Bonus will permit a reduced lot size from the RS-1d minimum required lot area of 2,000 m² to 557 m². An Amenity Contribution of \$5,100 per lot created is required to apply the Albion Density Bonus as set out in Council Policy 6.31.

This application will also be subject to the provisions of the City-wide Community Amenity Contribution Program as set out in Council Policy 6.31.

Zoning Bylaw:

Zone Amending Bylaw No. 7880-2022 (Attachment F) proposes to rezone 24266 110 Avenue from RS-3 to RS-1d utilizing the Albion Density Bonus provision to allow a future nine-lot subdivision of RS-1b sized lots. The map accompanying *Zone Amending Bylaw No. 7880-2022* has been amended since first reading to reflect minor changes to the proposed subdivision plan required due to the determination of the environmental dedication.

The minimum lot area of the RS-1b zone is 557 m², with a minimum lot width of 15 m and a lot depth of 27 m. A minimum building envelope of 12 m x 12 m is required. The future lots may accommodate up to four dwelling units under the Urban Residential Infill Use provisions permitted in the RS-1b zone, which permit a maximum building height for principal buildings of 9.5 m, and a maximum total lot coverage of all buildings and structures of 50%.

All proposed lots meet the RS-1b zone requirements of the Zoning Bylaw except proposed Lot 7, which has a reduced lot width of 12.33 m. The proposed variance is discussed further in the Proposed Variance section of this report.

Proposed Variance:

A Development Variance Permit application has been received for this project and involves the following proposed relaxations:

1. Maple Ridge Zoning Bylaw No. 7600-2019 (Part 6, Section 607.4)

To reduce the minimum required lot width in the RS-1b zone from 15.0 m to 12.33 m for proposed Lot 7.

Staff support the reduced lot width for proposed Lot 7 as it is a pie-shaped lot that meets the building envelope requirement, provides enough frontage to meet the driveway size requirements and is in keeping with the character and scale of the other proposed lots.

The requested variance will be the subject of a future Council report.

Development Permits:

Pursuant to Section 8.9 and Section 8.10 of the Official Community Plan (OCP), a combined Watercourse Protection and Natural Features Development Permit is required for this development. The purpose of the Environmental Development Permit is to ensure the preservation, protection, restoration and enhancement of the natural environment, watercourse and riparian areas. The Environmental Development Permit is required to be approved prior to subdivision approval.

Development Information Meeting:

In accordance with Council Policy 6.20, a Development Information Meeting (DIM) hosted by the applicant was held at Albion Elementary School on Monday, August 19, 2024, and was attended by three people. The attendees of the meeting had questions regarding the proposed lot sizes, whether the lots would accommodate a secondary suite, and regarding the development potential of nearby properties. A summary of the main comments and discussions with the attendees at the DIM was provided by the applicant and is provided as Attachment G.

The notification requirements for the DIM included a mail-out, newspaper advertisements, and notice on the development signs posted on the property that provided the contact information for the developer and information on the development.

Parkland Requirement:

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

A requirement of this rezoning application is that approximately 51% of the subject property (0.714 ha or 1.76 acres) will be dedicated to the City as Park-Conservation as a fee-simple lot. Within the Park-Conservation lands, both the portion along the south property line and a section of the lands along the east property line are suitable for a publicly-accessible park space

such as a trail. A possible future trail has been identified in this area in the OCP. Therefore, staff are satisfied that the provided Park-Conservation lands meet the 5% parkland acquisition requirements.

Environmental Considerations:

The property has proximity to three watercourses (i.e., Dunlop Creek, Kanaka Creek and Seigel Creek) and is adjacent to Metro Vancouver's Kanaka Creek Regional Park. An easement transects the southern portion of the property to form a buffer between the property and Kanaka Creek Regional Park. Siegel Creek is a natural watercourse located within the property to the west that discharges to Kanaka Creek downstream of the property. Dunlop Creek runs parallel to the east property boundary and is also a tributary to Kanaka Creek, which is located within Kanaka Creek Regional Park south of the subject property. All three watercourses are permanent, fish-bearing watercourses.

A 30 m Streamside Protection Regulation (SPR) environmental setback from top-of-bank has been applied to Siegel Creek and Dunlop Creek. A minor encroachment into the SPR of Dunlop Creek is required due to the construction of a retaining wall on the east side of the site road, as required following a geotechnical analysis of the site. Compensation for this encroachment has been provided by the applicant through additional parkland dedication south of proposed Lots 4 and 5 and the removal of invasive species and revegetation in the Dunlop Creek setback area. A stormwater outfall channel is also proposed to convey stormwater runoff flows from the proposed development to Dunlop Creek. Relevant applications will be required to be submitted to the Province in regards to the *Water Sustainability Act* and to the Department of Fisheries and Oceans Canada (DFO) at a later date for these works.

Dedication of the Park-Conservation lands to the City as a fee-simple lot is a requirement of the rezoning application. A restoration plan for the habitat in these lands will form part of the Enhancement and Maintenance Agreement of the required Environmental Development Permit.

In accordance with the restrictive covenants on the property, written approval from senior agencies, including DFO, the Ministry of Environment and Parks, Metro Vancouver, and/or the City may be required prior to any disturbance within the existing covenanted areas.

Wildlife

A barn structure on the subject property currently houses multiple barn swallow (*Hirundo rustica*) nests. Barn swallows and their nest and eggs are afforded protection under the *Federal Migratory Birds Convention Act* and the *Provincial Wildlife Act*. They are also listed as threatened under Schedule 1 of the *Federal Species at Risk Act*. A restoration and enhancement plan to maintain the habitat and/or enhance habitat for the barn swallows is under review and includes a five-year monitoring and maintenance plan by a Qualified Environmental Professional, including a minimum of two habitat assessments per year. The Restoration Plan and Enhancement Plan will form part of the Environmental Development Permit that is required prior to subdivision approval.

Trees

All trees located within the environmental setback areas and the southern portion of the property under restrictive covenant are protected and will be retained. Any trees within the environmental setback with tree protection zones that extend into the proposed development are to be protected by the installation of tree protection fencing until development adjacent to those areas is completed.

The demolition of an existing accessory building, removal of existing vegetation and overgrowth and grading for the proposed subdivision, which encroaches into the tree protection root zones of protected trees, is required to be completed under supervision by an Arborist. A Tree Permit for the removal of trees will be required prior to any construction or clearing on the property.

Conditions to be Met Prior to Adoption:

Staff have advised the applicant that the adoption of the Zone Amending Bylaw will not be recommended unless the following conditions, and any others that Council identifies, are met:

1. Registration of the following:

- a. a Rezoning Servicing Agreement as a Restrictive Covenant and receipt of the security, as outlined in the Agreement;

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*;
- Frontage upgrades to the applicable road standard; and
- Cash in lieu of trail construction.

- b. a restrictive covenant for the Geotechnical Report and Floodplain Report that address the existing Floodplain Covenant (X17985) and the suitability of the subject property for the proposed development; and
- c. a restrictive covenant for stormwater management.

- 2. Park dedication as a fee-simple lot and removal of all debris and garbage from the parkland.
- 3. Removal of the existing buildings in accordance with the practices detailed in the Restrictive Covenants on the property.
- 4. Notification to the Department of Fisheries and Oceans and the Ministry of Environment and Parls for in-stream works on the site.
- 5. In addition to the Ministry of Environment and Parks 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.

6. That a voluntary contribution, for the Albion Area Density Bonus in the amount of \$5,100 per lot for a total of \$45,900, be provided in keeping with Council Policy 6.31 with regards to Density Bonus Contributions.
7. That a voluntary contribution, in the amount of \$9,200 per lot created for a total of \$73,600, or such rate applicable at third reading of this application, be provided in keeping with Council Policy 6.31 with regards to Community Amenity Contributions.

External Referrals:

Official Community Plan Amendment Consultation:

Pursuant to Section 477(3) of the *Local Government Act*, after the first reading of an OCP amending bylaw, a local government must consider whether the bylaw is consistent with its financial plan and waste management plan. The development will pay for and install all required servicing and infrastructure. As such, staff deem it consistent with the City's financial plan and waste management plan.

Pursuant to Section 475 of the *Local Government Act*, Council must also consider whether the opportunities for consultation with First Nations, adjacent municipalities, boards of education, improvement district boards, and federal and provincial agencies are required. Table 1 below reflects the public consultation strategy that meets the intent of the requirements of the *Local Government Act*. Given the size of the development and that the proposed OCP Amendment Bylaw does not propose any substantial changes that would require the need for an inter-agency level, staff recommend that, other than Metro Vancouver Parks and School District No. 42, such consultation is not required.

Table 1. Consultation Strategy

Agency	Engagement Method	Timeline
Indigenous Nations	Referral not recommended due to no substantive policy change.	N/A
School Districts	Referral was sent to School District No. 42. See below.	Complete
Metro Vancouver	Referral was sent to Metro Vancouver Parks. See below.	Complete
Ministry of Transportation and Infrastructure	Not required. Not within 800m of a controlled access highway.	N/A
Other Federal and Provincial agencies	Referral not recommended due to no substantive policy change.	N/A
Neighbouring residents and occupants	Newspaper advertisements and a mailout will be sent prior to the Public Hearing.	Prior to Public Hearing

School District No. 42:

This application was referred to School District No. 42 and a response was received on September 12, 2024. The response stated that the proposed development would impact the catchment areas of Blue Mountain Elementary and Garibaldi School, which were at 100% and 96% utilization for the 2023-24 school year (Attachment H).

Metro Vancouver:

A referral to Metro Vancouver Regional Parks was made to provide an opportunity for Metro Vancouver staff to provide a review and comments regarding the development proposal. The southern portion of the lot, currently under a restrictive covenant and easement, provides a 24.38 m buffer to the adjacent Kanaka Creek Regional Park. As a condition of the rezoning application, that land will be dedicated to the City as a Park-Conservation fee-simple lot, which will serve as a important interface to protect the regional parkland.

A future trail connection along the south boundary of the property is identified in both the City's Official Community Plan and the Kanaka Creek Regional Park Management Plan. At this time, the exact trail location has not been determined, and the trail is not required to be built until additional property rights can be acquired. A cash-in-lieu amount for the future trail construction is required as part of this application's Rezoning Servicing Agreement. The Park-Conservation lands that are to be dedicated to the City as part of this development application will support this future opportunity to establish more connectivity in this area in collaboration with Metro Vancouver Parks.

OPTIONS & CITIZEN IMPLICATIONS:

Pursuant to Section 464 of the *Local Government Act*, a Public Hearing must be held for the proposed development to allow the public to comment on the proposed bylaw and the development. Council granted first reading of *Zone Amending Bylaw No. 7880-2022* on September 27, 2022. As such, this application does not qualify for the Bill 44 exemption, which prohibits Public Hearings for residential developments that are consistent with the Official Community Plan; rezoning applications that received first reading before the date Bill 44 came into force (i.e., November 30, 2023) do not qualify for the exemption. Council has not yet considered *Official Community Plan Amending Bylaw No. 8035-2025*.

CONCLUSION:

The proposed development is consistent with the Albion Area Plan and provides environmental protection to the natural features in the area. It is recommended that first and second readings be given to *Official Community Plan Amending Bylaw No. 8035-2025* and second reading, as amended, be given to *Zone Amending Bylaw No. 7880-2022* and that application 2022-024-RZ be forwarded to Public Hearing for both bylaws.

"Erin Mark"

Prepared by: Erin Mark, Planning Technician

Attachments:

- (A) Location Map
- (B) Aerial Photo
- (C) Preliminary Subdivision Sketch
- (D) OCP and Zoning Map
- (E) *Official Community Plan Amending Bylaw No. 8032-2025*
- (F) *Zone Amending Bylaw No. 7880-2022*
- (G) Development Information Meeting Comments
- (H) School District No. 42 Referral Response

Report Approval Details

Document Title:	2022-024-RZ, 24266 110 Avenue, RS-3 to RS-1d.docx
Attachments:	<ul style="list-style-type: none">- Attachment A - Location Map.pdf- Attachment B - Aerial Photo.pdf- Attachment C - Preliminary Subdivision Sketch.pdf- Attachment D - OCP and Zoning Map.pdf- Attachment E - OCP Amending Bylaw No. 8032-2025.pdf- Attachment F - Zone Amending Bylaw No. 7880-2022.pdf- Attachment G - Development Information Meeting Comments.pdf- Attachment H - School District 42 Referral Response.pdf
Final Approval Date:	Mar 26, 2025

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

Hasib Nadvi, Deputy Director of Planning and Building

James Stiver, Director of Planning and Building

Carolyn Mushata, Director of Legislative Services and Corporate Officer

Scott Hartman, Chief Administrative Officer