

2019-055-RZ, 11795 and 11839 267 Street, RS-3 to RS-2 Official Community Plan Amending Bylaw No. 7834-2022 Zone Amending Bylaw No. 7539-2019

Recommendations:

THAT *Official Community Plan Amending Bylaw No. 7834-2022* be adopted.

THAT *Zone Amending Bylaw No. 7539-2019* be adopted.

Report Purpose and Summary Statement:

To recommend adoption of *Official Community Plan Amending Bylaw No. 7834-2022* and *Zone Amending Bylaw No. 7539-2019* for 11795 and 11839 267 Street to permit a future subdivision of 15 RS-2 zoned lots.

Previous Council Action:

Official Community Plan Amending Bylaw No. 7834-2022

- First and Second Reading – June 14, 2022
- Public Hearing – July 19, 2022
- Third Reading – July 26, 2022
- Second Reading, as amended – February 27, 2024
- Public Hearing – March 12, 2024
- Third Reading – March 26, 2024

Zone Amending Bylaw No. 7539-2019

- First Reading – April 9, 2019
- Second Reading – June 14, 2022
- Public Hearing – July 19, 2022
- Third Reading – July 26, 2022
- Second Reading, as amended – February 27, 2024
- Public Hearing – March 12, 2024
- Third Reading – March 26, 2024

Proposed Variances:

To reduce the required lot width for:

- Proposed Strata Lot 6 from 36.0 m to 35.0 m, and
- Proposed Strata Lot 11 from 36.0 m to 32.0 m.

To reduce the required lot depth for Strata Lot 6 from 60.0 m to 53.2 m.

Strategic Alignment:

Liveable Community

To: Mayor and Council

File number: 2019-055-RZ

**2019-055-RZ, 11795 and 11839 267 Street, RS-3 to RS-2
Official Community Plan Amending Bylaw No. 7834-2022
Zone Amending Bylaw No. 7539-2019**

BACKGROUND:

Applicant: Aplin Martin

Legal Description: Lot 2 Section 18 Township 15 New Westminster District Plan 7439; and Lot 4 Except: Parcel A (Statutory Right of Way Plan LMP50235) Section 18 Township 15 New Westminster District Plan 5612.

OCP Designation:

Existing: *Suburban Residential*
Proposed: *Suburban Residential, Park*

Within Urban Area Boundary: No
Area Plan: No
OCP Major Corridor: No

Zoning:

Existing: RS-3 (Single Detached Rural Residential)
Proposed: RS-2 (Single Detached Suburban Residential)

Surrounding Uses:

| | | |
|--------|--------------|--|
| North: | Use: | Single Detached Residential |
| | Zone: | RS-3 (Single Detached Rural Residential) |
| | Designation: | <i>Suburban Residential</i> |
| South: | Use: | Single Detached Residential / Kanaka Creek Regional Park |
| | Zone: | RS-3 (Single Detached Rural Residential) |
| | Designation: | <i>Park / Agriculture / Suburban Residential</i> |
| East: | Use: | Single Detached Residential |
| | Zone: | RS-3 (Single Detached Rural Residential) |
| | Designation: | <i>Suburban Residential</i> |
| West: | Use: | Vacant / Single Detached Residential |
| | Zone: | RS-3 (Single Detached Rural Residential) |
| | Designation: | <i>Agricultural / Suburban Residential</i> |

| | |
|---------------------------------|--|
| Existing Use of Property: | Single Detached Residential |
| Proposed Use of Property: | Single Detached Residential |
| Site Area: | 9.0 ha |
| Net Site Area after Dedication: | 6.36 ha |
| Proposed Vehicular Access: | 267 Street and 118 Avenue |
| Servicing Requirement: | Rural Standard |
| Flood Plain: | No |
| Fraser Sewer Area: | No |
| Companion Applications: | 2019-055-VP (Variance Permit); 2019-055-SD (Subdivision); 2021-261-DP (Watercourse Protection Development Permit) |

BACKGROUND:

Project Description:

The subject application proposes to rezone 11795 and 11839 267 Street (Attachments A, B and C) from the RS-3 zone to the RS-2 zone to permit a future subdivision of 15 single-detached residential lots. An amendment to the Official Community Plan is also required to redesignate portions of the properties from *Suburban Residential* to *Park* for Park-Conservation purposes. The proposed development consists of 4 fee-simple lots on the northern portion of the development accessed from 267 Street, and an extension to 118 Avenue and 11 bare land strata lots accessed from a private strata road (Attachment D). All proposed lots are required to have a minimum lot area of 0.4 ha. Both of the subject properties have an existing dwelling which will remain.

The subject properties are located outside of the City's Urban Area Boundary and are currently designated *Suburban Residential*. Pokey Creek, a mainstem watercourse to Kanaka Creek, traverses the eastern edge of 11795 267 Street. It is being recommended that the future subdivision be encumbered by a Tree Protection Covenant, Storm Drainage Statutory Right of Way, and Agricultural Land Reserve Buffer Covenant as shown on the subdivision concept plan (Attachment D).

A 2.12 ha parcel of Park-Conservation lands will be dedicated to the City as a condition of the rezoning application. These lands will provide a Streamside Protection Area for Pokey Creek (in the south and east portions of the subject site) and an environmental protection setback to the adjacent Kanaka Creek Regional Park (to the west).

Council considered this development application at the July 19, 2022, Public Hearing and granted third reading to *Official Community Plan Amending Bylaw No. 7834-2022* and *Zone Amending Bylaw No. 7539-2019* on July 26, 2022. Following third reading of the application, it was noted by staff that the second reading report and associated bylaws did not reflect the required environmental dedication to provide acceptable environmental protection to Pokey Creek and Kanaka Creek Regional Park. Due to this significant change to the *Park-Conservation*

area, which impacts the land use, the Official Community Plan and Zone Amending Bylaws were required to be amended. *Official Community Plan Amending Bylaw No. 7834-2022* as amended (Attachment E) and *Zone Amending Bylaw No. 7539-2019* as amended (Attachment F) returned to Council for consideration of second reading, as amended, on February 27, 2024. Following that, the application was forwarded to a Public Hearing on March 12, 2024, and received third reading on March 26, 2024.

Planning Analysis:

The following terms and conditions were identified in the staff report dated February 27, 2024, and were required to be addressed before consideration of adoption of the Zone Amending Bylaw:

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

Staff comment: The Rezoning Servicing Agreement has been received and is secured for registration at the Land Titles Office by a letter of undertaking. The associated Rezoning Servicing Agreement fees and financial securities have been received.

ii. Road dedication and upgrading to the Rural Local Road standard, on 118 Avenue and 267 Street, as required;

Staff comment: A subdivision plan showing the required road dedication on 118 Avenue and 267 Street has been received and is secured for filing at the Land Title Office by a letter of undertaking. The required road upgrades are captured in the Rezoning Servicing Agreement.

iii. Road dedication and cash-in-lieu of constructing the future road going north-south along the west side of Proposed Fee-Simple Lot 4 (future 266A Street);

Staff comment: The subdivision plan showing the required road dedication for future 266A Street has been received and is secured for filing at the Land Title Office by a letter of undertaking. The cash-in-lieu of construction for future 266A Street has been received.

iv. Park dedication as required, including construction of walkways; and a letter confirming removal of all debris and garbage from park land;

Staff comment: A subdivision plan showing the required Park-Conservation dedication has been received and is secured for filing at the Land Title Office by a letter of undertaking. A letter confirming the removal of all debris from the Park-Conservation lands has been received.

v. Consolidation of the properties;

Staff comment: A subdivision plan showing the required consolidation of the two subject properties has been received and is secured for filing at the Land Title Office by a letter of undertaking.

- vi. Registration of a Restrictive Covenant for the Geotechnical Report, which addresses the suitability of the subject properties for the proposed development;**

Staff comment: A Geotechnical Restrictive Covenant has been received and is secured for registration at the Land Title Office by a letter of undertaking.

- vii. Registration of a Restrictive Covenant for the protection of an Agricultural Landscape Buffer adjacent to Agricultural Land Reserve lands to the west;**

Staff comment: An Agricultural Landscape Buffer Restrictive Covenant has been received and is secured for registration at the Land Title Office by a letter of undertaking. The 10 m wide area along the west side of 11795 267 Street will be secured with a covenant and provide an environmental and wildfire buffer between the proposed residential uses and the adjacent Agricultural Land Reserve lands which are owned by Metro Vancouver as part of the Kanaka Creek Regional Park.

- viii. Registration of a Statutory Right-of-Way plan for a municipal storm sewer;**

Staff comment: A Statutory Right-of-Way plan for a municipal storm sewer has been received and is secured for filing at the Land Title Office by letter of undertaking.

- ix. Registration of a Restrictive Covenant for Tree Protection;**

Staff comment: A Tree Protection Restrictive Covenant has been received and is secured for registration at the Land Title Office by letter of undertaking.

- x. Registration of a Restrictive Covenant for Stormwater Management;**

Staff comment: A Stormwater Management Restrictive Covenant has been received and is secured for registration at the Land Title Office by letter of undertaking.

- xi. Registration with Fraser Health for septic disposal, and registration of a Restrictive Covenant for the protection of the septic field areas;**

Staff comment: Due to the review of the Agricultural Land Reserve Buffer which impacts the siting of the septic field locations, the registration of the septic disposal systems and Septic Restrictive Covenant requirements have been postponed and will be addressed as a condition of the related Subdivision application approval.

- xii. Registration with the Ministry of Environment Water Protection and Sustainability Branch for water wells;**

Staff comment: The two existing water wells have been decommissioned and the relevant paperwork have been submitted to the Ministry of Environment and Parks in accordance with the provisions of the Water Sustainability Act. Both existing homes are currently connected to municipal water services.

- xiii. **A Professional Engineer's certification that adequate water quantity for domestic and fire protection purposes can be provided;**

Staff comment: A letter from the applicant's Design Engineer has confirmed that the City's domestic water and fire flow requirements for the proposed development can be provided.

- xiv. **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 properties. If so, then a Stage 1 Site Investigation Report is required to ensure that the subject properties are not contaminated sites; and**

Staff comment: A Site Disclosure Statement for each property has been provided that indicates there have been no known Schedule 2 uses on the properties. A review of the properties for the presence of underground fuel tanks was completed by a Geotechnical Engineer. No evidence of any underground or above-ground fuel storage tanks was found.

- xv. **That a voluntary contribution be provided, in keeping with the Council Policy 6.31 with regard to Community Amenity Contributions.**

Staff comment: Community Amenity Contributions in the amount of \$119,600.00 (13 new lots x \$9,200.00/lot) have been received.

Park Land 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 23% of the subject property (i.e., 2.12 ha) will be dedicated to the City as Park-Conservation lands. Portions of the Park-Conservation lands are suitable for publicly accessible future trail connections. Therefore, staff are satisfied that the provided Park-Conservation lands meet the 5% park land provision requirement.

Supporting Applications:

Development Variance Permit application 2019-055-VP proposes to reduce the required lot width for Proposed Strata Lots 6 and 11 and to reduce the required lot depth for Proposed Strata Lot 6. The application was provided to Council for consideration at the May 6, 2025, Committee of the Whole Meeting.

A Watercourse Protection Development Permit (WPDP) application is required as the proposed subdivision is within 50 m of a watercourse. The intent of the WPDP is to ensure the preservation, protection, restoration and enhancement of the watercourse and riparian areas on the properties. The WPDP application (2021-261-DP) is currently under review by staff and is

required to be issued prior to subdivision approval. The WPDP will include an Enhancement and Maintenance Agreement for the Park-Conservation lands and the Agricultural Land Reserve buffer.

CONCLUSION:

As the applicant has addressed the terms and conditions outlined in the staff report dated February 27, 2024, staff recommend that *Official Community Plan Amending Bylaw No. 7834-2022 and Zone Amending Bylaw No. 7539-2019* be adopted.

"Erin Mark"

Prepared by: Erin Mark, Planning Technician

Attachments:

- (A) Location Map
- (B) Aerial Photo
- (C) OCP & Zoning Map
- (D) Subdivision Concept Plan
- (E) *Official Community Plan Amending Bylaw No. 7834-2022*
- (F) *Zone Amending Bylaw No. 7539-2019*

Report Approval Details

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|----------------------|--|
| Document Title: | 2019-055-RZ, 11795 and 11839 267 Street, RS-3 to RS-2.docx |
| Attachments: | <ul style="list-style-type: none">- Attachment A - Location Map.pdf- Attachment B - Aerial Photo.pdf- Attachment C - OCP and Zoning Map.pdf- Attachment D - Subdivision Concept Plan.pdf- Attachment E - OCP Amending Bylaw No. 7834-2022.pdf- Attachment F - Zone Amending Bylaw No. 7539-2019.pdf |
| Final Approval Date: | May 1, 2025 |

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

David Purcell-Chung, Manager of Development and Environmental Services

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