



Staff Report to Council

Community Services

FILE: 3360-30/3

DATE: February 19, 2019 **Date of Meeting –** March 5, 2019
TO: Mayor and Council
FROM: Colin O'Byrne, Development Services Technician
SUBJECT: 19696 Hammond Road Land Use Contract No. 3 Discharge – Fourth Reading of Bylaw No. 2795, 2018

RECOMMENDATION(S): THAT Council:

- A. Adopt Bylaw No. 2795, 2018 to discharge Land Use Contract No. 3 for 19696 Hammond Road ; OR
- B. Other.

CHIEF ADMINISTRATIVE OFFICER COMMENT/RECOMMENDATION:

PURPOSE

The purpose of this report is to:

1. Provide a summary of the application process thus far to discharge Land Use Contract No. 3 for 19696 Hammond Road; and,
2. Seek Council’s decision on adopting Bylaw No. 2795, 2018 to discharge Land Use Contract No. 3.

Information Report Direction Report Decision Report

DISCUSSION

Background:

The City has received an application to terminate Land Use Contract No. 3, which was drafted in 1976 to set the terms for a multi-family townhouse development at 19696 Hammond Road. As per the *Local Government Act* (Div. 16), termination of a land use contract requires Council's adoption of a bylaw to discharge the land use contract and a public hearing.

This report summarizes the application process, approval conditions, and the context of Land Use Contract No. 3.

Application process summary

- First Reading of Bylaw No. 2795, 2018 to discharge Land Use Contract No. 3 was granted by Council on April 10, 2018.
- Second Reading was granted by Council on April 24, 2018.
- A public hearing was held on May 8, 2018.
- Third Reading was granted by Council on June 5, 2018.

The previous staff reports to Council, addressing first, second, and third reading for Bylaw No. 2795, 2018 are attached to this report.

Additionally, the applicant has applied for a Development Permit to allow redevelopment of the site. This separate application is described in the report entitled *Development Permit Application for 19696 Hammond Road*, File No. 3060-20-2018-03. The development permit application, addressing the form and character of the proposed redevelopment, has been reviewed internally and by the City's Advisory Design Panel and will be presented separately for Council's consideration.

Approval conditions identified by Council at Third Reading

Third Reading was granted by Council June 5, 2018 with the condition that the following plans and agreements were to be submitted to the City for staff review and acceptance:

- Erosion and sedimentation plan,
- Storm water management plan,
- Servicing agreement,
- Registration of a tree protection covenant,
- Submission of community amenity contribution, consistent with Council Policy C09 and as offered by the applicant.

Third reading provided an approval-in-principle for the proposal, allowing the applicant some comfort in registering legal documents and agreements on the property title for the proposed project while giving the municipality the discretionary power to require the tree protection covenant as part of the application process. The applicant has recently fulfilled the above conditions to the satisfaction of staff and wishes to complete the discharge process for Land Use Contract No. 3 for 19696 Hammond Rd.

Other received technical reports

To address concerns raised internally and by members of the public, City staff have also requested and received the following technical reports:

- Tree preservation plan and biophysical assessment that provided a visual tree health and risk assessment of all large trees on the property.
- Geotechnical report consisting of a description of the soil stratigraphy, seismic class, slope stability; and, recommendations for site preparation, excavations, foundations, floor slabs, and drainage. Another geotechnical report will be required prior to issuing the building permit.
- Traffic assessment of vehicle loads on surrounding roads and intersections, plus options for improving site access. According to the report by R.F. Binnie & Associates, the increased traffic volumes will be within the designed Level of Service (LOS) for affected intersections.
- Terrestrial habitat assessment report to assess use of the site by nesting birds.
- Construction environmental management plan identifying how the developer will proactively address potential adverse effects of construction activities.

Public hearing summary

The City received two written submissions, one expressing comments and concerns and the other expressing opposition. At the public hearing, one person spoke in opposition to the proposed project.

The concerns expressed by the public included:

- Loss of privacy for neighbours,
- Loss of mature trees,
- Stability of slopes surrounding the site,
- Possible conflict with high water table and underground streams,
- Increased water run-off due to more impervious surfacing,
- Higher local traffic volumes.

Explanation of Land Use Contracts (LUC)

A land use contract (LUC) is a contract between a property owner and a local government that specifies the permitted use and development of an individual property.

LUCs were a popular form of development control throughout British Columbia in the 1970's. While the provincial legislation enabling Land Use Contracts was only in effect for a short period of time, LUC's entered into during that time are still registered on affected property titles and supersede a property's zoning designation. In 2014, the Provincial government amended the *Local Government Act* to provide that all LUCs will expire on June 30, 2024 and to require municipalities to establish underlying zoning for LUC properties by June 30, 2022. Additionally, the new legislation also establishes a process that enables municipalities to undertake the optional early termination of LUCs prior to 2024.

A total of 12 LUC's regulate the use and development of 203 properties in Pitt Meadows. All of these properties also have an "underlying zone", which is a zoning designation that has no effect on the land uses, density or development while the land use contract remains registered on the title.

Development restrictions on 19696 Hammond Road set by Land Use Contract No. 3

Land Use Contract No. 3 specifies:

- The use of the property at 19696 Hammond Road is restricted to: "36 single-family units, being 12 two bedroom units and 24 three bedroom units."
- Any "building, structure, or improvement shall not be constructed, reconstructed, altered, moved or extended upon the land except in compliance with the plans and specifications...."

The development form permitted under Land Use Contract No. 3 results in a density of 18 units per hectare, which is lower than the surrounding density of the single-family neighbourhood.

Description of the site

19696 Hammond Road is located close to the intersection of Hammond Road and Bonson Road (see Attachment A). The surrounding neighbourhood consists of single-family homes backing onto the site, with a small commercial building on the corner of Hammond and Bonson Roads, and the Meadow Highlands mobile homes park across Hammond Road. Although the site fronts Hammond Road, the only current vehicle access to the development is via a driveway off of North Wildwood Crescent.

The two hectare site is characterized by steep slopes that form a kind of amphitheatre that is open to the east. The generously treed slopes visually and physically separate the property from Hammond Road and properties to the south and west. Similarly, properties to the east are visually separated from the existing buildings by a forested edge and by trees on the subject property.

Built in 1976, Cedar Hollows consisted of 36 two-storey units. The units required extensive repair, particularly to the building envelope. Rather than renovate the structures, the strata collectively sought a developer to purchase the property. The strata accepted an offer from the applicant in November 2017 to purchase the property and on December 15th, 2017 voted unanimously to wind up their corporation.

Underlying Multi-Family Residential (RM-1) Zone

The underlying zone for 19696 Hammond Rd. is Multi-family Residential (RM-1).

The intent of the RM-1 zone is to designate land suitable for comprehensively planning moderate density housing developments which incorporate a high level of design. Townhouses are the only principal use permitted in this zone. The following table summarizes the requirements of the zone:

Requirement	Dimension
Permitted density / maximum floor area ratio	0.55
Maximum lot coverage	40%
Maximum Building Height	10 metres (three storeys)
Principal building siting:	
• Front and rear lot lines	7.5 metres
• Interior side lot lines	1.5 metres
• Exterior side lot lines	4.5 metres

Redevelopment proposal

The applicant has submitted a development permit application to redevelop the property in compliance with the underlying RM-1 Zone and the Official Community Plan designation. This proposal will include 95 townhomes, open space, and retaining the existing mature trees on the slopes and along the property boundaries. More details of the development proposal can be found in a separate report regarding the development permit application for this property (entitled *Development Permit Application for 19696 Hammond Road, File No. 3060-20-2018-03*).

Relevant Policy, Bylaw or Legislation:

Legislation: *Local Government Act*, Division 16, Discharge and Termination of Land Use Contracts

Policy: City of Pitt Meadows Official Community Plan. The OCP land use designation for the subject property is Residential – Medium Density, which is defined as townhouses and low rise apartment buildings at a density of 31 to 100 units per net hectare. Additionally, the property is located within Development Permit Area No. 9, Multi-Family Development.

The following Official Community Plan policies would apply to this application:

4.6.1 Concentrating Residential Development

- a) Multi-family housing is particularly encouraged within the central part of the urban area, including medium to high density multi-family housing located on major roads and within the Town Centre;

- b) Preference will be given to areas close to public transit routes or stations for higher-density residential developments;

Analysis:

The site is well suited to redevelopment because:

- The former strata corporation found it was not financially viable to renovate or refurbish the existing multi-family housing on the property.
- The topography of the site, as described above, will reduce the impact of re-development on many of the neighbouring properties.
- Hammond Road a frequent transit corridor which supports higher density land uses because it reduces reliance on private automobiles. This is particularly helpful for seniors, youth, and low-income households.
- Several amenities and services are located within walking distance, including parks, public open space, schools, the Westcoast Express Station, and shops.

Land Use Contract No. 3 heavily restricts how the site can be redeveloped and its discharge will permit re-development of the property in accordance with the underlying Multi-Family Residential 1 (RM-1) zone. If discharged, redevelopment will require Council's approval of a development permit addressing the form and character of the development.

Conditions of approval

The applicant has supplied the following materials, to the satisfaction of City staff, in response to the conditions required by Council at Third Reading:

- Erosion and Sedimentation Plan articulating measures that will be used during demolition and construction to prevent soil erosion and sediment deposits in local water channels.
- Storm water Management Plan identifying how the proposed development will handle storm water so the post-development run-off is equal to or less than the existing development state.
- Servicing Agreement.
- Signed Restrictive Tree Protection Covenant based on the tree preservation plan and biophysical assessment prepared by a certified arborist.
- Community Amenity Contribution.

The developer has also supplied additional reports requested by staff (identified above, under *Other received technical reports*) and worked with staff in the Development Permit design review process to address concerns raised internally and by members of the public. Staff, therefore, recommend Council adopt Bylaw 2795-2018 to discharge Land Use Contract No. 3.

Alternatives

While third reading provided an approval-in-principle for the proposal, if Land Use Contract No. 3 is not discharged the property owner’s options are to:

1. Rebuild according to the original 1976 development plans;
2. Wait for Land Use Contract No. 3 to expire in June 2024 and apply for a development permit and building permits that comply with the underlying RM-1 zoning; or,
3. Apply to amend Land Use Contract No. 3.

COUNCIL STRATEGIC PLAN ALIGNMENT

- Corporate Excellence Economic Prosperity Community Livability
- Transportation & Infrastructure Not Applicable

Encourage diversity in the range and mix of housing types

FINANCIAL IMPLICATIONS

- None Budget Previously Approved
- Other Referral to Business Planning

The applicant has paid \$380 000 into the Community Amenity Reserve Fund contributions as per Council Policy C091.

PUBLIC PARTICIPATION

- Inform Consult Involve Collaborate Empower

Comment(s):

This Land Use Contract Discharge application was presented at three regular Council meetings and was the subject of a public hearing. Notification for Council’s consideration of Fourth Reading follows the notification process for regular Council meeting agendas.

KATZIE FIRST NATION CONSIDERATIONS

Referral Yes No

No impacts have been identified.

SIGN-OFFS

Written by:

Reviewed by:

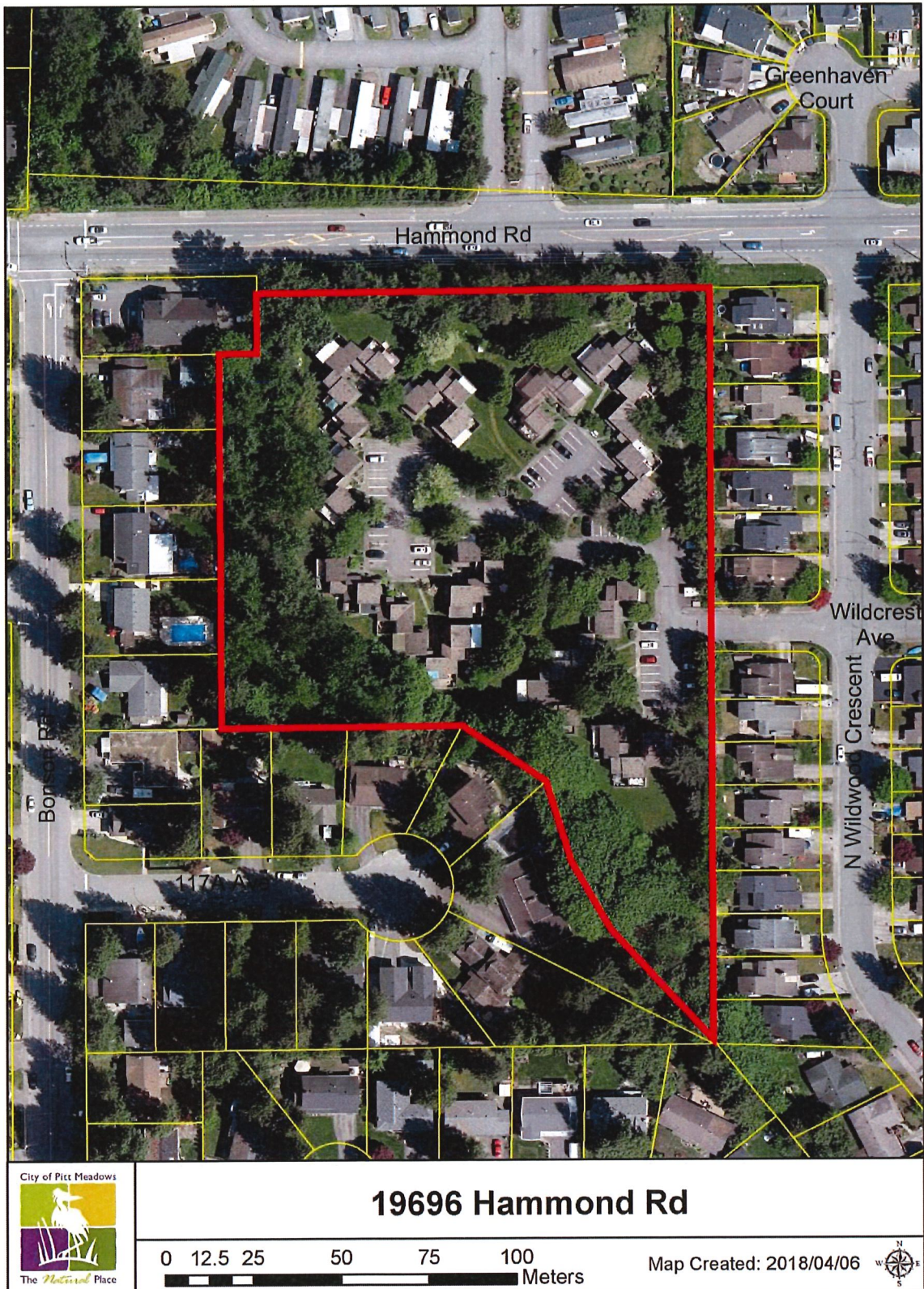
Colin O'Byrne, Development Services Technician

Alex Wallace, Manager of Community
Development

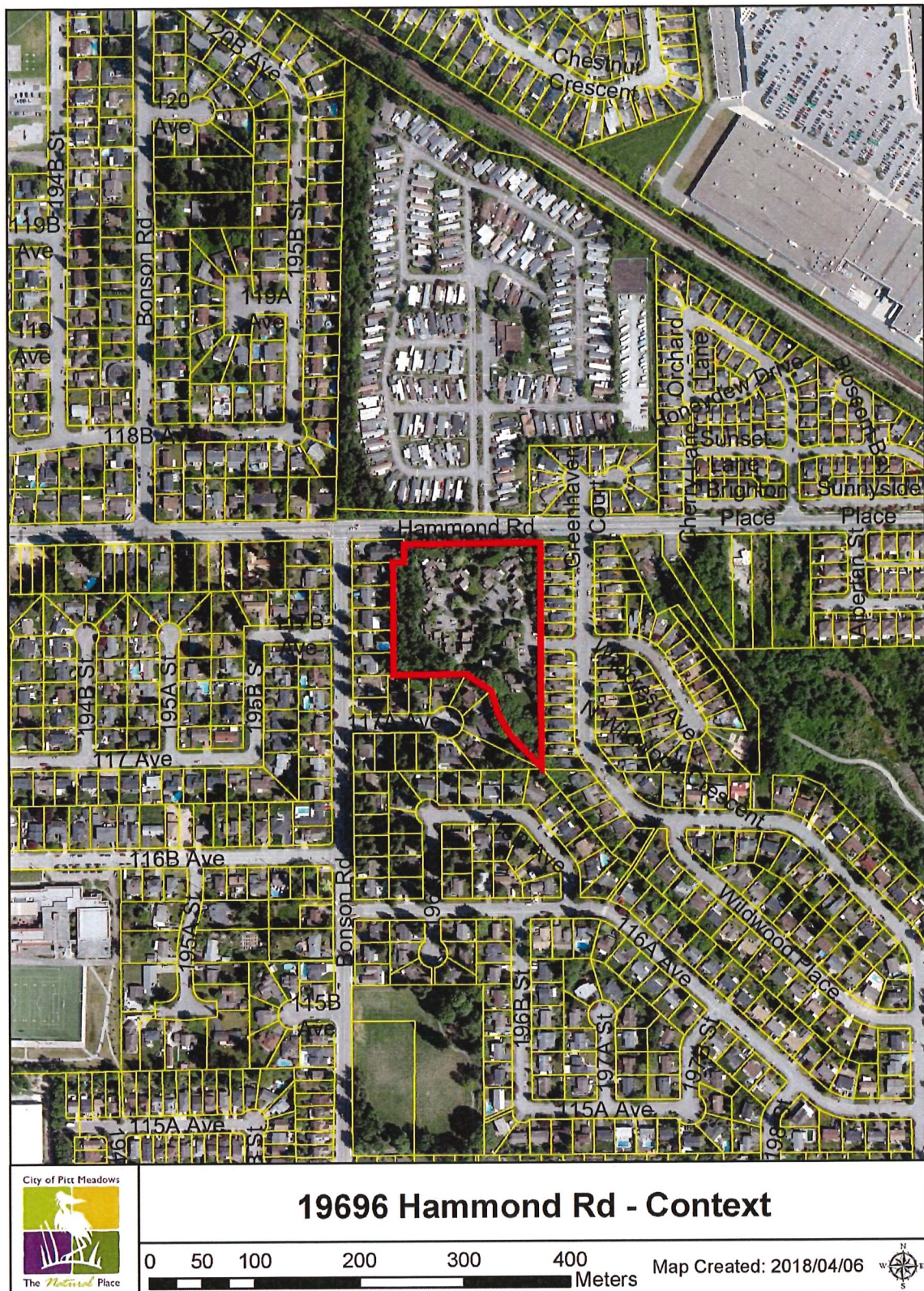
ATTACHMENT(S):

- A. Subject Property Map
- B. Neighbourhood Context Map
- C. Neighbourhood Official Community Plan Map
- D. Neighbourhood Zoning Map
- E. Bylaw No. 2795-2018
- F. Staff Report to Council, dated March 22, 2018 (First Reading)
- G. Staff Report to Council, dated April 16, 2018 (Second Reading)
- H. Staff Report to Council, dated May 25, 2018 (Third Reading)

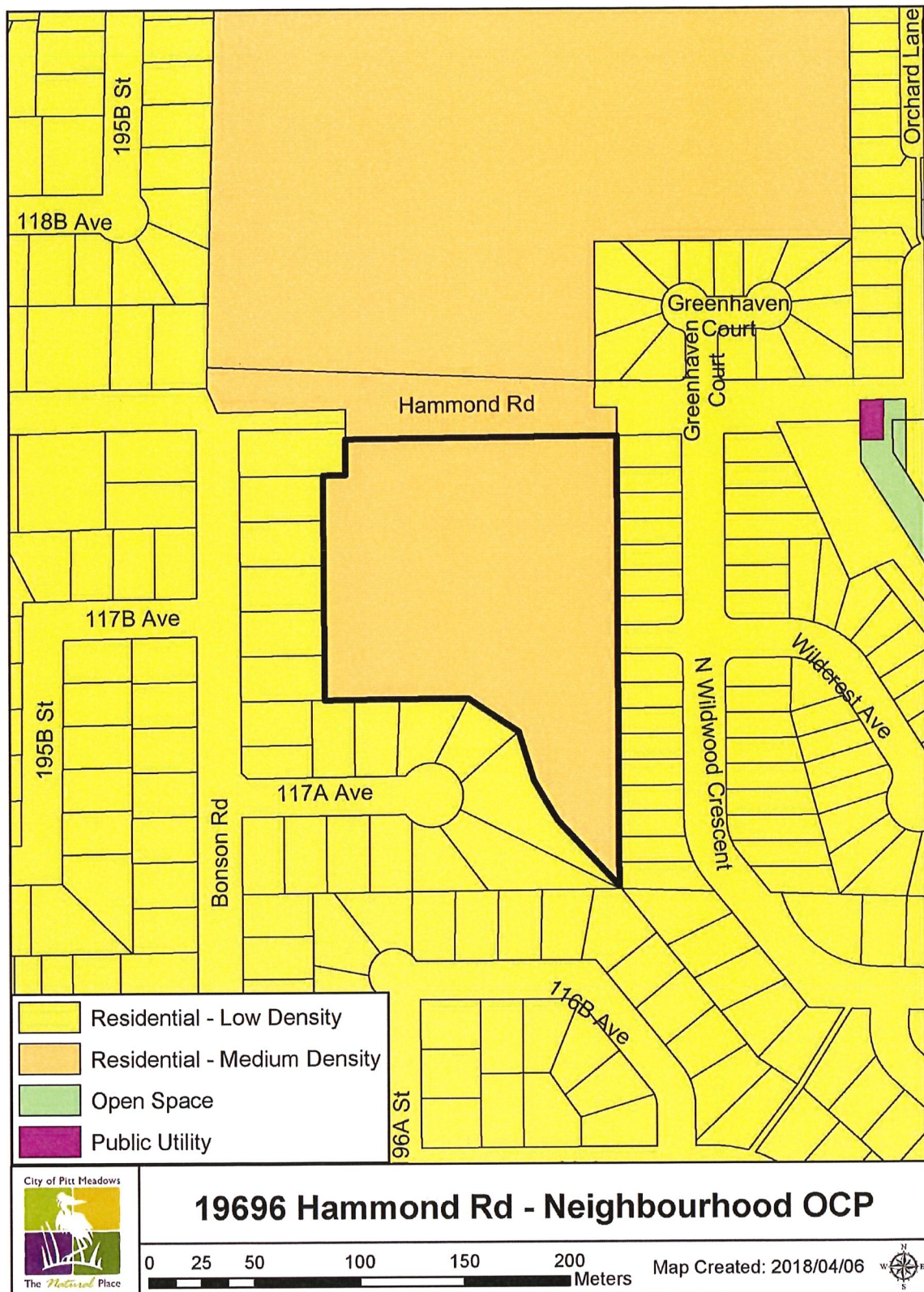
Attachment A: Subject Property Map



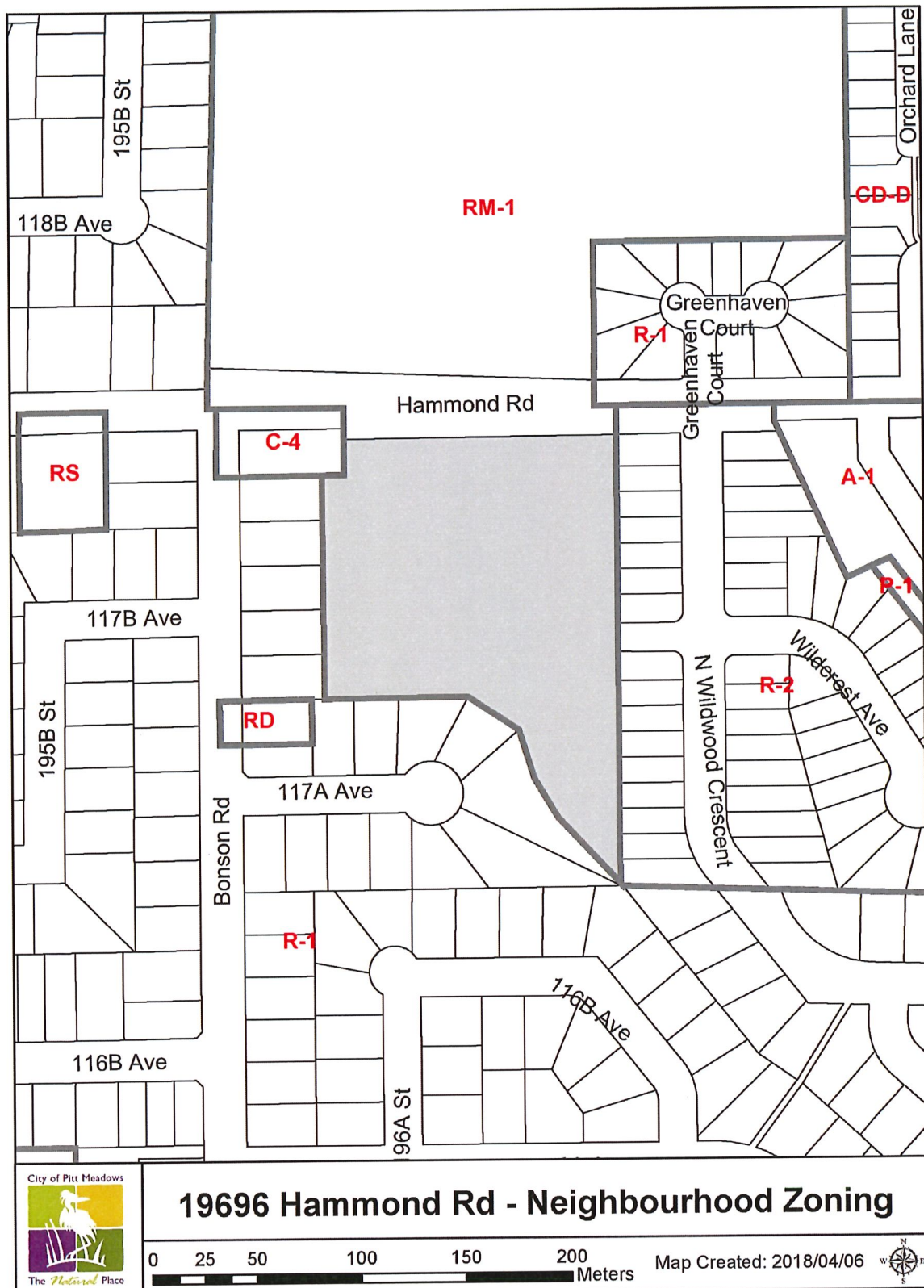
Attachment B: Neighbourhood Context Map



Attachment C: Neighbourhood Official Community Plan Map



Attachment D: Neighbourhood Zoning Map



**CITY OF PITT MEADOWS
BYLAW NO. 2795, 2018**

A Bylaw to Discharge City of Pitt Meadows Bylaw 684 (Land Use Contract No. 3)

WHEREAS, Land Use Contract No. 3, having Charge Number N6003A, including all amendments, modifications and extensions to Charge Number N6003A;

WHEREAS, "Land Use Contract No. 3" was entered into with the City of Pitt Meadows as a party and filed in the Land Title Office on January 21, 1977, New Westminster, British Columbia for lands herein described;

WHEREAS, the owners of said land which is subject to "Land Use Contract No. 3" have applied to the City for permission to discharge the Land Use Contract;

WHEREAS, the Council deems it expedient that the rights and obligations created and to be performed under the said Land Use Contract should terminate and be no longer of force or effect;

AND WHEREAS Section 546 of the Local Government Act, R.S.B.C. 2015, C.1 provides that a Land Use Contract may only be terminated by bylaw and only after Public Hearing

NOW THEREFORE, the Council of The Corporation of the City of Pitt Meadows in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "**City of Pitt Meadows Land Use Contract Discharge Bylaw No, 2795, 2018**".

2. To discharge "Land Use Contract No. 3" (Attachment A), registered against the following properties:

Lots 1 – 36, District Lot 280 Group 1 New Westminster District Strata Plan NW927

To permit the underlying Multi-Family Residential 1 (RM-1) Zone to come in to force and effect;

3. Pitt Meadows Bylaw No. 684 (Land Use Contract No. 3) is hereby discharged.

READ a FIRST time the 10th day of April, 2018.

READ a SECOND time the 24th day of April, 2018.

PUBLIC HEARING held on the 8th day of May, 2018.

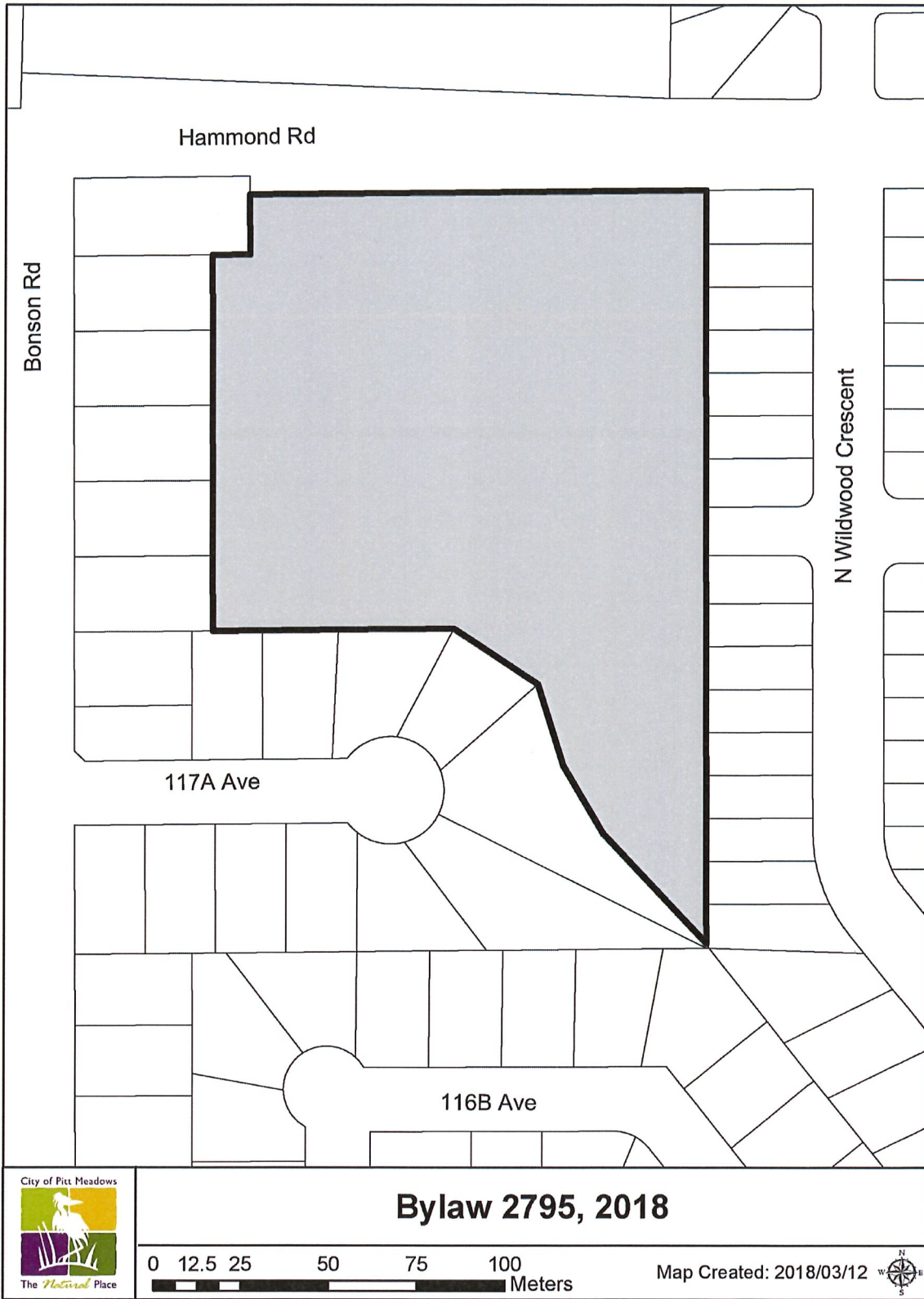
READ a THIRD time the 5th day of June, 2018.

ADOPTED the day of , 2018.

Mayor

Corporate Officer

ATTACHMENT "A"



#142524v1



CITY OF
Pitt Meadows
The *Natural* Place

Staff Report to Council

Department of Community Services

FILE: 3360-30/3

DATE: March 22, 2018
TO: Mayor and Council
FROM: Dana Parr, Planner II
SUBJECT: Cedar Hollows Land Use Contract No. 3

Date of Meeting – April 10th, 2018

RECOMMENDATION(S): THAT Council:

1. Grant First Reading to Bylaw No. 2795,2018 to Discharge Land Use Contract No. 3 for 19696 Hammond Road ; OR
2. Other

CHIEF ADMINISTRATIVE OFFICER COMMENT/RECOMMENDATION:

F. Smith FOR MARK ROBERTS

PURPOSE

The purpose of this report is to present to Council a land use termination application for First and Second Reading to Council for Cedar Hollows at 19696 Hammond Road in order to develop the property in the future for a townhouse project.

- Information Report Direction Report Decision Report

DISCUSSION

Background:

The City has received an application to terminate Land Use Contract No. 3. This land use contract set out the original terms for the development of Cedar Hollows at 19696 Hammond Road. Termination of a land use contract requires Council’s consent and a public hearing.

A land use contract (LUC) is a contract between a property owner and a local government that governs the use and development of the property such as land use, building siting and density and was a popular form of development control throughout British Columbia in the 1970’s. While the provincial legislation

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enabling Land Use Contracts was in effect for a short period of time, LUC's entered into during that time are still registered on property title and remain in effect. In 2014, the Provincial government amended the Local Government Act to provide that all LUCs will expire on June 30, 2024 and to require municipalities to establish underlying zoning for LUC properties by June 30, 2022. Additionally, the new legislation also establishes a process that enables municipalities to undertake the optional early termination of LUCs prior to 2024.

LUC's apply to many properties in Pitt Meadows. There are a total of 19 land use contracts in Pitt Meadows, regulating land use for 203 properties. The map below shows properties affected by land use contracts in the urban area. The Esso gas station on the Lougheed Highway just before the Pitt River Bridge is also subject to a Land Use Contract. All properties under a land use contract in Pitt Meadows already have an underlying zone.

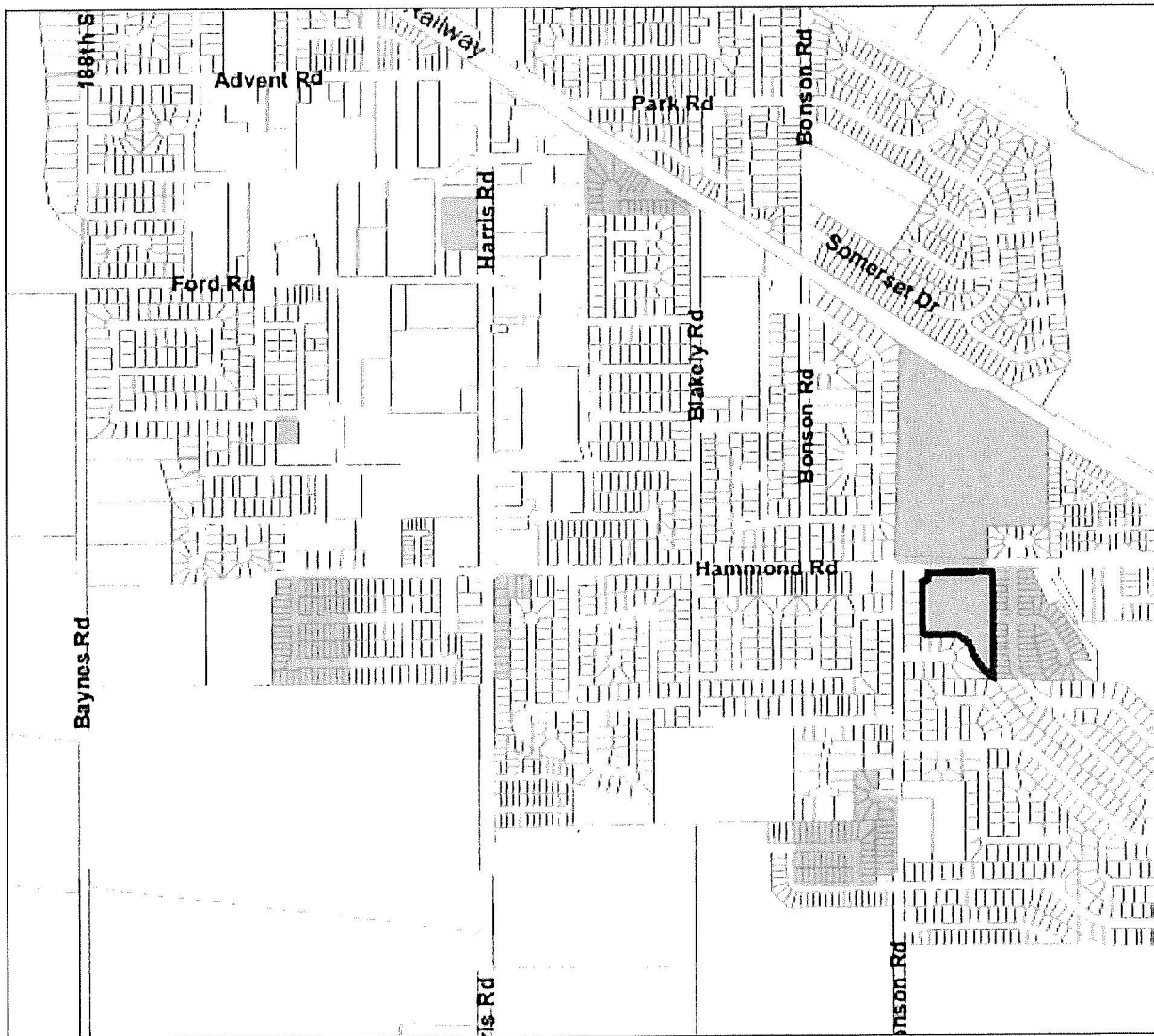


Figure 1: City of Pitt Meadows Urban Land Use Contracts (subject property outlined in red)

If a property lies within the boundaries of an LUC, all land use regulations are prescribed in the LUC. Nevertheless, all properties in Pitt Meadows are assigned a zoning designation, including those properties that are governed by LUCs. The zone assigned to a property that is regulated by an LUC is referred to as an

"underlying zone". Although all properties regulated by LUCs have underlying zoning, the underlying zone currently has no effect on the land uses, density or building siting while the land use contract remains registered on the title.

Relevant Policy, Bylaw or Legislation:

Policy: City of Pitt Meadows Official Community Plan. The OCP land use designation for the subject property is Residential – Medium Density, which is defined as townhouses and low rise apartment buildings at a density of 31 to 100 units per net hectare. Additionally, the property is located within Development Permit Area No. 9, Multi-Family Development.

The following Official Community Plan policies would apply to this application:

4.6.1 Concentrating Residential Development

- a) Multi-family housing is particularly encouraged within the central part of the urban area, including medium to high density multi-family housing located on major roads and within the Town Centre;
- b) Preference will be given to areas close to public transit routes or stations for higher-density residential developments;

Bylaw: Zoning Bylaw No. 2505. Discussion on zoning is below, under analysis.

Legislation: Local Government Act, Division 16, Discharge and Termination of Land Use Contracts

Analysis:

Termination of the Cedar Hollows Land Use Contract would potentially permit development of the land in accordance with the underlying Multi-Family Residential 1 (RM-1) zone, which allows for townhouses with a maximum floor area ratio of 0.55. No plans have been submitted with the application; however, the applicant has indicated their wish to develop the site within the existing land use regulations. Should the termination of the land use contract be approved by Council, the City will have a chance to review the site plan and building plans as part of the development permit application, which would require Advisory Design Panel Review and Council approval. It should be noted however, that the City has limited discretionary power with a development permit application. It is the applicant's intention to develop the property to accommodate a townhouse development, which based on preliminary discussions, could include up to 100 units, depending on the size of the units. Primary road access to the site would be off of North Wildwood Crescent. Another emergency / limited access route from Hammond Road may also be considered.

The redevelopment of this site represents an important opportunity to provide new housing units on a parcel with an already established multi-family development, directly on a frequent transit corridor and close to amenities.

Cedar Hollows, 19696 Hammond Road

Neighbourhood Context

Cedar Hollows is located at 19696 Hammond Road, close to the intersection of Hammond Road and Bonson Road. The immediate neighbourhood consists primarily of single-family homes, with a small commercial building on the corner of Hammond and Bonson Roads and the Meadow Highlands mobile homes park.

PITT MEADOWS

Although the site fronts Hammond Road, the only access to the development is via a driveway off of North Wildwood Crescent.

The two hectare site is characterized by steep slopes from Hammond Road and the properties immediately to the north, forming a kind of amphitheatre that is open to the south, but separated from the northern and western neighbourhood by the steep slopes. The site, and particularly the slopes, is generously treed.

Built in 1976, Cedar Hollows consists of 36 two-storey units. The units require extensive repair, particularly to the building envelope. Rather than renovate the structures, the strata collectively sought a developer to purchase the property. The strata accepted an offer from the applicant in November 2017 to purchase the property and on December 15th, voted unanimously to wind up their corporation.

Land Use Contract No. 3

Land Use Contract No. 3 specifies that any “building, structure, or improvement shall be constructed, reconstructed, altered, moved or extended upon the land except in compliance with the plans and specifications....”

The use of the land is restricted to: “36 single-family units, being 12 two bedroom units and 24 three bedroom units.” At a density 18 units per hectare, it is currently less dense than the single-family neighbourhoods surrounding the development.

City of Pitt Meadows Official Community Plan

The OCP land use designation for the subject property is Residential – Medium Density, which is defined as townhouses and low rise apartment buildings at a density of 31 to 100 units per net hectare.

Relevant Policies:

4.6.2 Housing Choices

- h) Review opportunities for infill and redevelopment of underused / low density sites and consider partnership demonstration projects of good quality medium high density development.

Multi-Family Residential (RM-1) Zone

According to the Zoning Bylaw, the intent of the Multi-Family Residential 1 Zone is to designate land suitable for comprehensively planning moderate density housing developments which incorporate a high level of design.

Townhouses are the only principal use permitted in this zone. The following table summarizes the requirements of the zone:

Requirement	Dimension
Permitted density / maximum floor area ratio	0.55
Maximum lot coverage	40%
Maximum Building Height	10 metres (three storeys)
Principal building siting:	

PITT MEADOWS

<ul style="list-style-type: none"> • Front and rear lot lines • Interior side lot lines • Exterior side lot lines 	<p>7.5 metres</p> <p>1.5 metres</p> <p>4.5 metres</p>
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The RM-1 applies to ten properties in Pitt Meadows. The map below highlights those properties. These properties all have townhouse developments except for the mobile home park on Hammond Road, Meadow Highlands and a strata-home development at 122A and 193rd.

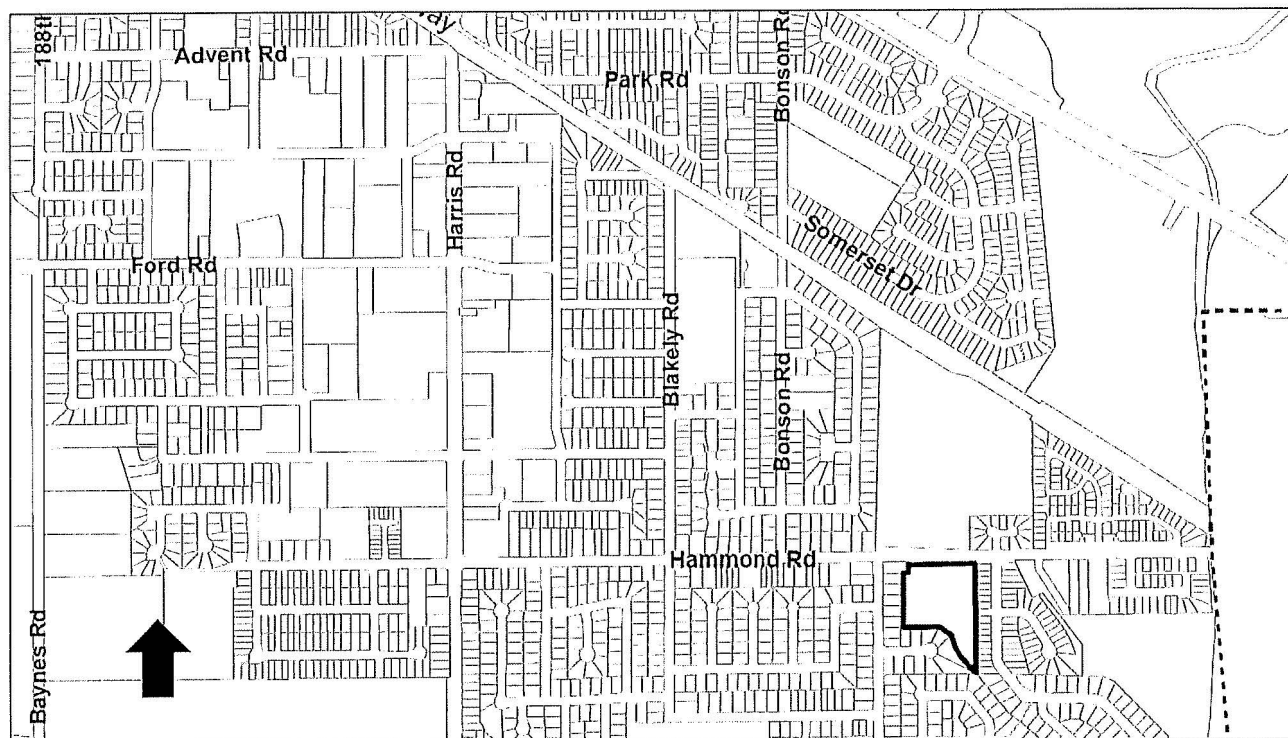


Figure 2: RM-1 Zoned Properties (subject property outlined in red)

Relationship between the OCP and Zoning Bylaw:

The Official Community Plan serves as the basis for and guides the zoning of a property. In this case, the Multi-Family Residential Zone is consistent with the underlying OCP land use designation of Residential – Medium Density.

It should be noted that under the OCP, the 2 hectare subject property is contemplated as having between 62 and 200 units. Under the RM-1 zone, there is potential for approximately one hundred 1,200 square foot townhouse units, which would set the development of the property in the lower - middle of the OCP's density range. The current density of 36 units over two hectares (or 18 units per hectare) is far below the OCP's density range for this property.

The site is well suited to redevelopment. The topography of the site, as described above, will reduce the impact of re-development on many of the neighbouring properties. It is located on a frequent transit corridor and is within close proximity to amenities and services. There are few sites in the City that have the opportunity to provide density in such a location.

Recommended Conditions of Approval

Should the application be scheduled for Public Hearing and Third Reading consideration, staff recommend the conditions of approval as listed below, to be completed before the bylaw is adopted.

The recommended conditions fall into three broad categories:

1. Registration of covenants
2. Technical reports and assessments
3. Community Amenity Contributions

Registration of Covenants:

Often the registration of covenants is required after third reading. Third reading provides an approval-in-principle for the proposal, allowing the applicant some comfort in registering legal documents and agreements on the property title for the proposed project while giving the municipality the discretionary power to require the covenants as part of the rezoning process. Staff will not recommend a bylaw for adoption unless all covenants have been registered.

For this application, the following covenants are recommended to be registered on title prior to final adoption of the bylaw:

1. Tree preservation covenant.

Technical Reports and Assessments:

For this application, the following technical reports and assessments are recommended to be submitted to the City prior to public hearing:

1. Tree preservation plan and biophysical assessment (the covenant, above, would be based on this plan)
2. Geotechnical report
3. Traffic Assessment

The following technical reports and assessments are recommended to be submitted to the City for staff review and acceptance prior to final reading of the bylaw:

1. An erosion and sedimentation plan
2. A stormwater management plan
3. Servicing Agreement

Community Amenity Contributions:

Although this application does not fall under the traditional rezoning application that the City's Residential Community Amenity Policy addresses, since approval of a bylaw is required after a public hearing, it is clear that the legislation acknowledges that the discharge of the contract requires Council discretionary decision making powers, similar to a rezoning application.

COUNCIL STRATEGIC PLAN ALIGNMENT

- Corporate Excellence Economic Prosperity Community Livability
- Transportation & Infrastructure Not Applicable

Encourage diversity in the range and mix of housing types

FINANCIAL IMPLICATIONS

- None Budget Previously Approved
- Other Referral to Business Planning

More residential units (and more households) could be located on this property, potentially increasing the amount of property taxes received from the property, but also resulting in more residents who require more City services. The applicant is proposing to contribute \$256,000 to the Community Amenity Reserve Fund.

PUBLIC PARTICIPATION

- Inform Consult Involve Collaborate Empower

Consult = To obtain feedback on analysis, issues, alternatives, and decisions.

Comment(s):

The purpose of a Public Hearing is to provide Council with feedback regarding the application to inform their decision.

KATZIE FIRST NATION CONSIDERATIONS

Referral Yes No

None identified.

SIGN-OFFS

Written by:

Reviewed by:

Dana Parr, Planner II

Lisa Grant, Manager of Community Development

ATTACHMENT(S):

- A. Bylaw No. 2795-2018

**CITY OF PITT MEADOWS
BYLAW NO. 2795, 2018**

A Bylaw to Discharge City of Pitt Meadows Bylaw 684 (Land Use Contract No. 3)

WHEREAS, Land Use Contract No. 3, having Charge Number N6003A, including all amendments, modifications and extensions to Charge Number N6003A;

WHEREAS, "Land Use Contract No. 3" was entered into with the City of Pitt Meadows as a party and filed in the Land Title Office on January 21, 1977, New Westminister, British Columbia for lands herein described;

WHEREAS, the owners of said land which is subject to "Land Use Contract No. 3" have applied to the City for permission to discharge the Land Use Contract;

WHEREAS, the Council deems it expedient that the rights and obligations created and to be performed under the said Land Use Contract should terminate and be no longer of force or effect;

AND WHEREAS Section 546 of the Local Government Act, R.S.B.C. 2015, C.1 provides that a Land Use Contract may only be terminated by bylaw and only after Public Hearing

NOW THEREFORE, the Council of The Corporation of the City of Pitt Meadows in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "**City of Pitt Meadows Land Use Contract Discharge Bylaw No, 2795, 2018**".

2. To discharge "Land Use Contract No. 3" (Attachment A), registered against the following properties:

Lots 1 – 36, District Lot 280 Group 1 New Westminister District Strata Plan NW927

To permit the underlying Multi-Family Residential 1 (RM-1) Zone to come in to force and effect;

3. Pitt Meadows Bylaw No. 684 (Land Use Contract No. 3) is hereby discharged.

READ a FIRST and SECOND time the day of , 2018.

PUBLIC HEARING held on the day of , 2018.

READ a THIRD time the day of , 2018.

ADOPTED the day of , 2018.

Mayor

Corporate Officer

ATTACHMENT "A"



#142524v1



CITY OF
Pitt Meadows
The *Natural* Place

Staff Report to Council

Community Services

FILE: 3360-30/3

DATE: April 16, 2018
TO: Mayor and Council
FROM: Dana Parr, Planner
SUBJECT: Cedar Hollows Land Use Contract No. 3

Date of Meeting – April 27, 2018

RECOMMENDATION(S): THAT Council:

1. Grant Second Reading to Bylaw No. 2795,2018 to Discharge Land Use Contract No. 3 for 19696 Hammond Road; AND
2. Schedule a Public Hearing for the May 8th Regular Council Meeting; OR
3. Other.

CHIEF ADMINISTRATIVE OFFICER COMMENT/RECOMMENDATION:

F. Smith FOR M. ROBERTS

PURPOSE

The purpose of this report is to present to Council the requested reports for a land use termination application for Cedar Hollows at 19696 Hammond Road in order to develop the property in the future for a townhouse project and to recommend second reading of the bylaw and scheduling of a Public Hearing for May 8th 2018.

Information Report

Direction Report

Decision Report

DISCUSSION

Background:

Council considered this application at their April 10 Regular Council Meeting and granted the bylaw to terminate the land use contract First Reading. Staff recommended the following reports be completed prior to the scheduling of a public hearing:

1. Tree report and biophysical assessment
2. Geotechnical report
3. Traffic Assessment

The reports have been submitted and are included as attachments to this Council report.

Analysis:

Geotechnical Report

Valley Geotechnical completed a preliminary geotechnical investigation in late 2017. The report consists of the following:

Site description - including soil stratigraphy, seismic class, slope stability

Recommendations – for site preparation, excavations, foundations, floor slabs, drainage

The report concludes that development of the site is feasible from a geotechnical standpoint, provided that the recommendations of the report are implemented during the design process. As the development site plan is unknown at this point, another geotechnical study will be required as a condition of building permit issuance.

Traffic Report / Development Access Review Memorandum

R.F. Binnie & Associates performed an access review analysis for the potential redevelopment of the Cedar Hollows late in 2017. The report assumes that up to 95 units can be constructed on the site under the existing underlying RM-1 Zone and its analysis is based upon this assumption.

Based on rates published in the Institute of Transportation Engineers *Trip Generation*, a 95-unit townhouse development will add 26 new vehicle trips to the surrounding road network in the AM peak hour with four vehicles entering the site and 22 vehicles leaving the site. In the evening, an additional 32 vehicles will leave and enter the subject site.

The study examined existing traffic operations at Hammond Road and Ponderosa Boulevard intersection, Hammond Road and Wildwood Crescent intersection, and Wildcrest Avenue and Wildwood Crescent intersection and, based on the above increase in traffic, how each intersection will be impacted.

According to the report, despite the increase in traffic volumes as outlined in the report, the Level of Service for nearby intersections, will remain the same. LOS is a grading system on intersection operation based on the calculated delay. The following existing intersections were included in the study:

- Hammond Road and Ponderosa Blvd
- Hammond Road and Wildwood Crescent
- Wildwood Crescent and Wildcrest Avenue

Additionally, two potential development access options on Hammond Road were evaluated: a right-in / right-out only access on the eastern frontage of the proposed site, and tie-in as a south approach at the intersection of Ponderosa Boulevard and Hammond Road, which would be a full movement intersection.

According to the consultant's report, the location of a new intersection between the Bonson Road intersection with Hammond and the Wildwood Crescent North intersection with Hammond could be

potentially problematic in that it may lead to driver confusion when multiple turning movements are occurring simultaneously. If this option is chosen, it is recommended that it is constructed with a right-in / right-out configuration.

The consultant recommended the second location - the tie-in at the intersection of Ponderosa Boulevard and Hammond Road - as a possible second access to the site.

It should be noted that at this point, a site plan or a development plan has not been submitted to the City and no decisions have been made regarding the access point on Hammond Road. Access to the site will be determined as part of the servicing agreement and the Development Permit approval process.

Arborist Report for Basic Tree Risk Assessment

In early 2016, Laura Ralph, certified arborist, prepared a report regarding the trees on site at Cedar Hollows. The purpose of this report was to provide a visual tree risk assessment for the property. The report concluded that ten trees on the property were "extreme high risk" or "high risk". According to the report, "high" and "extreme high" risk trees are either likely or very likely to fail and fall, and the severity of the associated consequences to be "significant" or "severe." Subsequently, several "high risk" trees were removed from the site by the strata, as recommended in the report.

The arborist report identifies all of the larger trees on site. Of primary concern to the City are the trees that are located on the steep slopes of the property. These trees serve several purposes from the City's standpoint:

- They stabilize the slopes
- They provide privacy to the neighbouring properties, thereby lessening the impact of the development of the site
- They provide habitat for birds and animals

At this time, staff is recommending that a covenant be registered on title prior to adoption of the bylaw terminating the Land Use Contract to protect the trees on the slopes of the property.

The developer will be required to apply for a Development Permit prior to receiving a building permit for the construction of the project. Any other existing trees and new trees proposed to be planted will be protected under the development permit.

Terrestrial Habitat Assessment Report

Finally, the applicant has submitted a terrestrial habitat assessment report of the property. Five nest trees were found; four of the nests are located around the perimeter of the site. No nests that are protected year-round (belonging to Bald Eagles, Peregrine Falcons, Gyrfalcon, Osprey, Heron or Burrowing Owl) were identified on-site.

Development Sign

The Development Sign was placed on the property along Hammond Road on March 6, 2018, in accordance with the City's Development Procedures Bylaw which requires the posting of the sign twenty-one days before First Reading of the bylaw. A photograph of the sign is included with this report as Attachment G.

COUNCIL STRATEGIC PLAN ALIGNMENT

- Corporate Excellence Economic Prosperity Community Livability
 Transportation & Infrastructure Not Applicable

Encourage diversity in the range and mix of housing types.

FINANCIAL IMPLICATIONS

- None Budget Previously Approved
 Other Referral to Business Planning

There are no financial implications associated with this report.

PUBLIC PARTICIPATION

- Inform Consult Involve Collaborate Empower

Comment(s):

A Public Hearing is required under the Local Government Act as part of the Land Use Contract termination process.

KATZIE FIRST NATION CONSIDERATIONS

Referral Yes No

No impacts identified.

SIGN-OFFS

Written by:

Reviewed by: (

Dana Parr, Planner II

Lisa Grant, Manager of Community Development

ATTACHMENT(S):

- A. Bylaw No. 2795-2018
- B. Staff Report to Council, Cedar Hollows Land Use Contract No. 3, dated March 22, 2018
- C. *Preliminary Geotechnical Investigation and Report for Proposed Subdivision at 19696 Hammond Road* by Valley Geotechnical Engineering Services Ltd, dated November 27, 2017
- D. *19696 Hammond Road Development Access Review Memorandum* by R.F. Binnie and Associates Ltd, dated December 1, 2017
- E. *Arborist Report for Basic Tree Risk Assessment* by Laura Ralph, Certified Arborist, dated January 15, 2016
- F. *Terrestrial Habitat Assessment Report*, Prepared by Aquaterra, dated November 2017
- G. Development proposal sign photograph.



CITY OF
Pitt Meadows
The *Natural* Place

Staff Report to Council

Community Services

FILE: 3360-30/3-2018

DATE: May 25, 2018
TO: Mayor and Council
FROM: Dana Parr, Planner II
SUBJECT: Cedar Hollows Land Use Contract No. 3 – Third Reading

Date of Meeting – June 5, 2018

RECOMMENDATION(S): THAT Council:

- A. Grant Third Reading to Bylaw No. 2795, 2018 to discharge Land Use Contract No. 3 for 19696 Hammond Road with the following conditions:
 - A.1 The following plans and agreements to be submitted to the City for staff review and acceptance:
 - I. An erosion and sedimentation plan
 - II. A stormwater management plan
 - III. Servicing agreement; and
 - A.2 Registration of a tree protection covenant; and
 - A.3 Submission of community amenity contribution, consistent with Council Policy C09 and as offered by the applicant; OR
- B. Other.

CHIEF ADMINISTRATIVE OFFICER COMMENT/RECOMMENDATION:

PURPOSE

The purpose of this report is to provide a summary of the application process and public hearing for the discharge of Land Use Contract No. 3 for 19696 Hammond Road (Cedar Hollows) thus far, and to re-introduce to Council the recommended conditions for Fourth Reading / adoption of Bylaw No. 2795, 2018.

- Information Report Direction Report Decision Report

DISCUSSION

Background:

Council considered this application at their April 10, 2018 Regular Council Meeting and granted first reading to terminate the land use contract. Council gave Second Reading at their meeting on April 24, 2018 and a public hearing was held on May 8th, 2018.

The City received two written submissions, one expressing comments and concerns and the other expressing opposition. One person spoke in opposition to the proposed project.

The concerns expressed by the public included the following issues:

- Loss of privacy
- Tree removal
- Slope stability
- Possible water table and underground stream issues
- Water run-off
- Traffic and speeding

Relevant Policy, Bylaw or Legislation:

Policy: City of Pitt Meadows Official Community Plan. The OCP land use designation for the subject property is Residential – Medium Density, which is defined as townhouses and low rise apartment buildings at a density of 31 to 100 units per net hectare. Additionally, the property is located within Development Permit Area No. 9, Multi-Family Development.

The following Official Community Plan policies would apply to this application:

4.6.1 Concentrating Residential Development

- a) Multi-family housing is particularly encouraged within the central part of the urban area, including medium to high density multi-family housing located on major roads and within the Town Centre;
- b) Preference will be given to areas close to public transit routes or stations for higher-density residential developments;

Legislation: Local Government Act, Division 16, Discharge and Termination of Land Use Contracts

Analysis:

Staff recommend the following conditions of approval to be completed prior to final reading of the discharge bylaw:

1. The following plans and agreements to be submitted to the City for staff review and acceptance:
 - a. An erosion and sedimentation plan
 - b. A stormwater management plan
 - c. Servicing agreement
2. Registration of a tree protection covenant
3. Submission of community amenity contribution, consistent with Council Policy C091 and as offered by the applicant.

COUNCIL STRATEGIC PLAN ALIGNMENT

- Corporate Excellence Economic Prosperity Community Livability
- Transportation & Infrastructure Not Applicable

Encourage diversity in the range and mix of housing types.

FINANCIAL IMPLICATIONS

- None Budget Previously Approved
- Other Referral to Business Planning

The applicant will be required to contribute to the Community Amenity Reserve fund as per Council Policy C091.

PUBLIC PARTICIPATION

- Inform Consult Involve Collaborate Empower

Consult = To obtain feedback on analysis, issues, alternatives, and decisions.

Comment(s):

The purpose of a Public Hearing is to provide Council with feedback regarding the application to inform their decision.

KATZIE FIRST NATION CONSIDERATIONS

Referral Yes No

No impacts have been identified.

SIGN-OFFS

Written by:

Dana Parr, Planner II

Reviewed by:

Lisa Grant, Manager of Community Development

ATTACHMENT(S):

- A. Bylaw No. 2795-2018
- B. Excerpt from Minutes of Public Hearing held on May 8, 2018

**CITY OF PITT MEADOWS
BYLAW NO. 2795, 2018**

A Bylaw to Discharge City of Pitt Meadows Bylaw 684 (Land Use Contract No. 3)

WHEREAS, Land Use Contract No. 3, having Charge Number N6003A, including all amendments, modifications and extensions to Charge Number N6003A;

WHEREAS, "Land Use Contract No. 3" was entered into with the City of Pitt Meadows as a party and filed in the Land Title Office on January 21, 1977, New Westminster, British Columbia for lands herein described;

WHEREAS, the owners of said land which is subject to "Land Use Contract No. 3" have applied to the City for permission to discharge the Land Use Contract;

WHEREAS, the Council deems it expedient that the rights and obligations created and to be performed under the said Land Use Contract should terminate and be no longer of force or effect;

AND WHEREAS Section 546 of the Local Government Act, R.S.B.C. 2015, C.1 provides that a Land Use Contract may only be terminated by bylaw and only after Public Hearing

NOW THEREFORE, the Council of The Corporation of the City of Pitt Meadows in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "**City of Pitt Meadows Land Use Contract Discharge Bylaw No, 2795, 2018**".

2. To discharge "Land Use Contract No. 3" (Attachment A), registered against the following properties:

Lots 1 – 36, District Lot 280 Group 1 New Westminster District Strata Plan NW927

To permit the underlying Multi-Family Residential 1 (RM-1) Zone to come in to force and effect;

3. Pitt Meadows Bylaw No. 684 (Land Use Contract No. 3) is hereby discharged.

READ a FIRST and SECOND time the day of , 2018.

PUBLIC HEARING held on the day of , 2018.

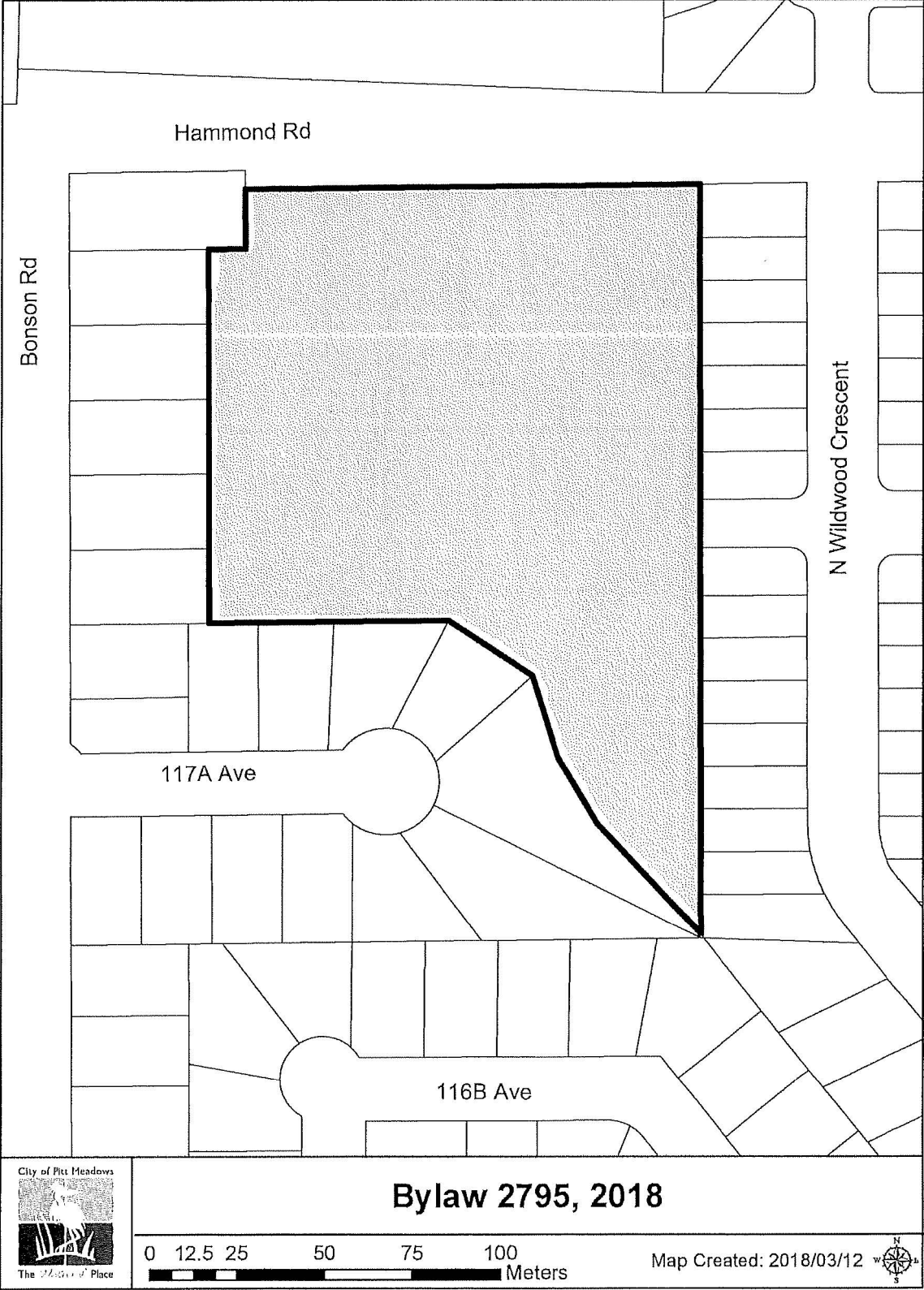
READ a THIRD time the day of , 2018.

ADOPTED the day of , 2018.

Mayor

Corporate Officer

ATTACHMENT "A"



#142524v1

Excerpt from May 8, 2018 Regular Council Minutes

H. PUBLIC HEARING

1. Notice of Public Hearing - Cedar Hollows Land Use Contract No. 3 at 19696 Hammond Road.

Mayor Becker introduced the item.

The Corporate Officer confirmed that notification requirements have been met in accordance with legislation and that disclosure documents and submissions are available for viewing.

Mayor Becker read the public hearing process statement.

Ms. Lisa Grant, Manager of Community Engagement, provided a Powerpoint presentation which is included as Attachment 1 and forms part of the original minutes. Ms. Grant outlined the application to terminate the land use contract in order to develop the property in the future for a townhouse project.

Written Submissions received are included as Attachment 2 and form part of the original minutes:

1. Lee MacKenzie, 11797 Wildwood Crescent, Pitt Meadows providing comments and concerns.
2. Laurie Rodriguez, 11770 Bonson Road, Pitt Meadows indicating opposition.

The Chair called for speakers for the first time:

Raymond Cooper Wildwood Crescent North, Pitt Meadows, indicated his property is located backing onto the subject site, identified concerns with the following:

- loss of privacy,
- displacing of trees,
- weakening of slope,
- water table issues,
- wash away of driveways,
- underground streams in area,
- risk of properties along Wildwood Crescent,
- traffic and speeding

Mr. Cooper is opposed to construction of 95-100 homes abutting his back yard and expressed the privacy was a reason why he moved to Pitt Meadows 15 years ago. Mr. Cooper spoke in opposition to removal of property from Land Use Contract under the proposed bylaw.

The Chair called for speakers for the second, and third and final time and hearing none declared public hearing closed at 7:35 p.m.