



# COUNCIL REPORT

## Executive Committee

Report No. PDS 021-2023

Date: January 23, 2023

File No: 3100-05 PRJ21-103

To: Mayor and Council  
From: Nick Crosman, Senior Planner  
Subject: Land Use Contract Discharge application (2943 McBride Street)

---

### RECOMMENDATION

THAT Bylaw No. 3220-2023, "Land Use Contract No. 164, Discharge Bylaw, 2023", be given first and second readings at the next Council Meeting and be advanced to an upcoming Public Hearing.

REPORT CONCURRENCE	
<b>General Manager</b>  The Acting General Manager concurs with the recommendation of this report.	<b>City Manager</b>  The City Manager concurs with the recommendation of this report.

### PURPOSE

To discharge Land Use Contract No. 164 (District of Matsqui) from the title of the subject property to allow the existing underlying Urban Residential Zone (RS3) to regulate development on the property and permit the construction of a new secondary suite within the existing residence.

### SUMMARY OF THE ISSUE

The subject property is currently regulated by Land Use Contract No. 164 (District of Matsqui) which does not permit a secondary suite. The applicant wishes to discharge the Land Use Contract in order to utilize the existing underlying Urban Residential Zone (RS3) to facilitate the construction of a secondary suite within the existing dwelling unit. The application is consistent with the Urban 4 – Detached land use designation in the Official Community Plan (OCP). Staff supports the proposed LUC discharge.

### BACKGROUND

Owners: Daniel and Lois Friesen

Legal Description: Lot 161 Section 23 Township 16 New Westminster District Plan 53555

OCP Designation:	Urban 4 – Detached
Existing Zoning:	Land Use Contract No. 164 (District of Matsqui) (with an underlying zoning of Urban Residential Zone (RS3))
Proposed Zoning:	Urban Residential Zone (RS3)
Site Area:	603.8 m <sup>2</sup> (6,500 ft <sup>2</sup> )
Site Description:	The subject property is located in an established single family residential neighbourhood on the west side of McBride Street south of McKee Road. The property contains a single family house.
Surrounding Uses:	N: Single family residential (regulated by LUC No. 164 (District of Matsqui)) with McKee Road beyond; S: Single family residential (regulated by LUC No. 164); E: McBride Street with single family residential (regulated by LUC No. 164 (District of Matsqui)) beyond; and W: Single family residential (regulated by LUC No. 164 (District of Matsqui)).

## DISCUSSION

### Context

1. The proposed development is located on the west end of McBride Street south of McKee Road. The property is located in an established single family neighbourhood and the surrounding area offers numerous services and amenities that include bus routes, local shopping and restaurants, local parks, elementary, middle and secondary schools and the Discovery Trail (see Figure 2).

### Official Community Plan (OCP)

2. The subject site is designated Urban 4 – Detached in the OCP, the purpose of which is to enable low density single detached housing in neighbourhoods. Single detached dwellings, with some ground oriented duplexes for residential uses with accessory units are permitted in this land use designation. The proposed discharge of Land Use Contract No. 164 (with an underlying zoning of Urban Residential Zone (RS3)) to permit the construction of a new secondary suite within the existing residence conforms to the Urban 4 – Detached designation.
3. The proposed development meets the intent of broader OCP objectives, as follows:
  - Support diverse housing types for a variety of household sizes, incomes, tenures, and preferences (2.1); and
  - Support mixed affordable housing options which can serve as mortgage helpers for owners while providing affordable options for renters or extended family members (2.2).

### Zoning

4. The subject property is 603.8 m<sup>2</sup> with a frontage of 19.8 m. At present, development for the subject site is regulated by Land Use Contract No. 164 (District of Matsqui), which was created in 1977.
5. On May 29<sup>th</sup>, 2014, *Bill 17: Miscellaneous Statutes Amendment Act, 2014*, was passed by the Province of British Columbia. This Bill requires that all LUCs be terminated by June 30, 2024. Therefore, all municipalities that have LUCs within their jurisdiction must have a zoning designation in place for each property regulated by an LUC by that time. This Bill also enables local governments to pursue early termination of LUCs. Discharging LUC 164 is consistent with the mandate of Bill 17.
6. The applicant's proposal to construct a new secondary suite within the existing residence is currently not permitted by LUC 164. Given the context of Bill 17, the applicant has applied to discharge LUC 164 and allow the underlying RS3 Zone to regulate development of the property. The RS3 Zone permits a secondary suite as an accessory use, subject to compliance with the Secondary Suite criteria found in the OCP and Zoning Bylaw, 2014, as described below.

### **Secondary Suites Policy**

7. As identified in Section 140.3.8.b of Zoning Bylaw, 2014, secondary suites are supported in single detached dwellings, subject to the following criteria:
  - be limited to one such Use per Lot and to a maximum floor area of 100 m<sup>2</sup>;
  - be located on a Lot, other than a Panhandle Lot, with a minimum Front Lot Line length of 12.0 m;
  - be located on a Lot with a minimum Lot size of 400 m<sup>2</sup>;
  - be located on a Collector Road or Local Road;
  - not be located on a Lot on a cul-de-sac bulb;
  - not be located on a Lot in a bare land strata (except where road infrastructure meets City bylaw standards); and
  - not be operated where there is a Residential Care, Boarding House, Supported Housing, Home Child Care (Major or Minor), Coach House, Garden Suite, or Bed and Breakfast on the Lot.

The proposal is consistent with the above criteria. Should this LUC discharge be successful, the subject property would be permitted to establish a secondary suite.

### **Affordable Housing Strategy**

8. On May 25, 2020 the City adopted an updated Affordable Housing Strategy (AHS). This strategy contains two overarching policy topics; Housing Supply and Partnerships and Coordination. Under the category of Housing Supply, similar to the OCP objectives and policies, the AHS encourages the development of diverse housing options for all stages of life across the housing continuum. The applicant's proposal is consistent with this policy objective.

### **Driveway and Parking Requirements**

9. The proposed development will be required to comply with the Zoning Bylaw, 2014 and the Development Bylaw, 2011 when constructing a driveway. The Zoning Bylaw requires a minimum of two (2) parking spaces for a single family house and if a secondary suite is

constructed an additional parking space is required. As per the Development Bylaw, 2022, the maximum driveway width is 6.0 m and the minimum is 2.7 m. In accordance with the Zoning Bylaw, the minimum parking stall width is 2.7 m and the minimum length is 5.5 m. The applicant will be required to demonstrate an ability to achieve the required parking onsite in conjunction with their associated Building Permit.

### Site Development Considerations

10. In addition to the above comments, the developer is responsible to adhere to all other legislation, which may apply to the land, including:

- a) complying with all applicable City bylaws, such as Official Community Plan, 2016, Development Bylaw, 2011, Tree Protection Bylaw, 2010, Building Bylaw, 2016, Sign Bylaw, 2001, Erosion and Sediment Control Bylaw, 2010, and Development Cost Charges Imposition Bylaw, 2010 administered by the City; and
- b) obtaining all other necessary approvals and permits on such terms as they may be issued, including but not limited to a development permit, tree removal permit, subdivision approval, building permit, soil removal/deposit permit, Ministry of Health permit, Ministry of Transportation and Infrastructure approval and Ministry of Environment approval.

### Communication Plan

If Bylaw No. 3220-2023, "Land Use Contract No. 164 Discharge Bylaw, 2023" is supported by Council, Bylaw No. 3220-2023 will proceed to an upcoming Regular Meeting of Council, where it will be considered for first and second readings. If first and second readings are given, the bylaws will be forwarded to an up-coming Public Hearing. Two advertisements for the Public Hearing will be published in the City Page of the local newspaper. The City will notify in writing the owners and occupiers of land within a 100 meter radius of the property and provide Council with copies of any feedback that is received.

The City received confirmation on December 30, 2022, that the applicant installed the required Development Notification Sign in accordance with the Development Application Procedures Bylaw, which requires the sign to be installed a minimum of 3 weeks in advance of Council's consideration of the application.

### FINANCIAL PLAN IMPLICATION

No financial plan implications are anticipated. Any capital works implications arising from this application have been addressed through the rezoning process.

*Komal Basatia*

Komal Basatia  
General Manager, Finance and Procurement Services  
Signed 1/18/2023 9:09 AM

### IMPACTS ON COUNCIL POLICIES, STRATEGIC PLAN AND/OR COUNCIL DIRECTION

The proposal meets the goals and objectives identified in the 2016 Official Community Plan, the Affordable Housing Strategy, and Council's 2019-2022 Strategic Plan which identifies four

cornerstones: vibrant economy, complete community, fiscal discipline and organizational alignment. The proposal is consistent with the four cornerstones of Council's Strategic Plan

## **SUBSTANTIATION OF RECOMMENDATION**

Staff supports the proposed discharge of Land Use Contract No. 164 (District of Matsqui) to allow the existing underlying Urban Residential Zone (RS3) to regulate development on the property and permit the construction of a new secondary suite within the existing residence, as the proposal is in keeping with the broad objectives of the OCP and guidelines of the Urban 4 - detached land use designation.

*Nick Crosman*

Nick Crosman  
Senior Planner  
Signed 1/3/2023 9:28 AM

*Blake Collins*

Blake Collins  
Director, Development Planning  
Signed 1/17/2023 9:43 PM

*Mark Neill*

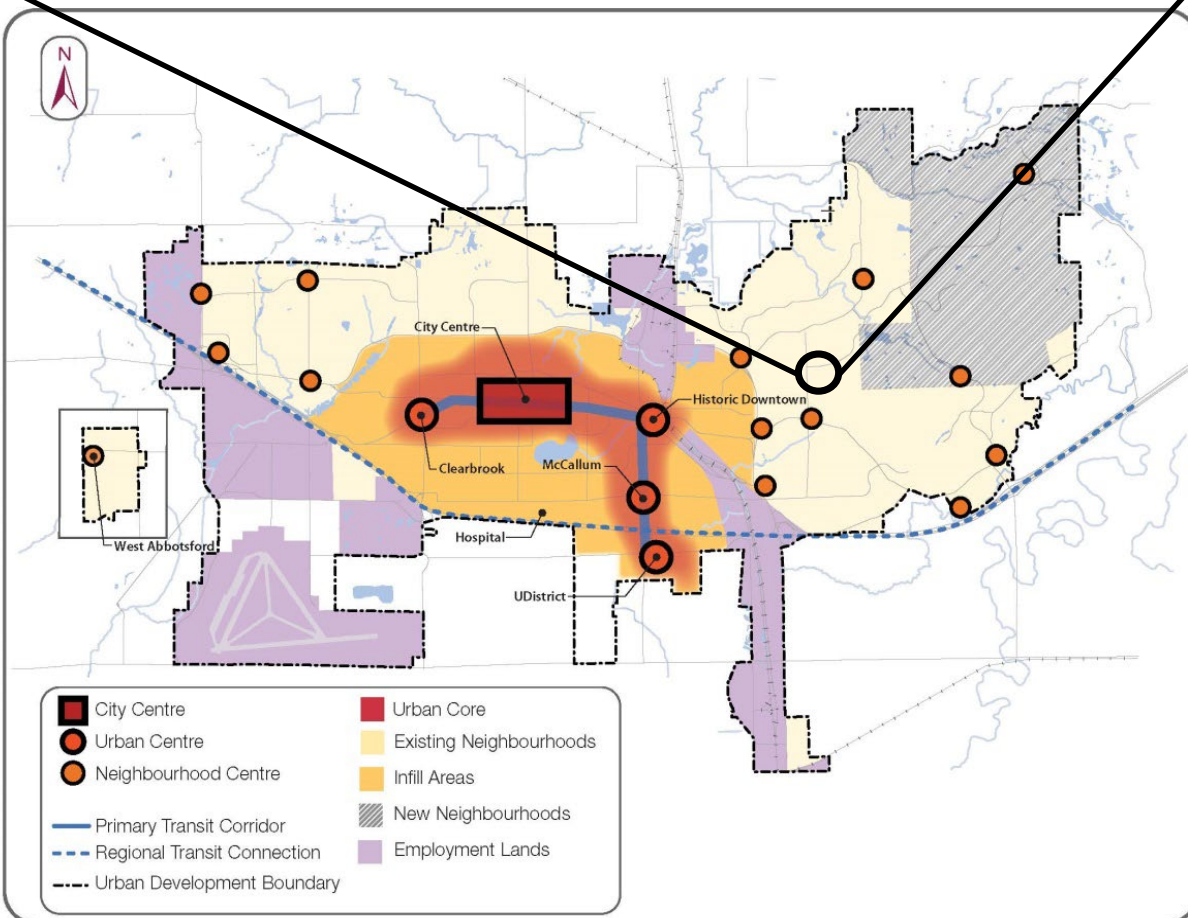
Mark Neill  
General Manager, Planning and Development Services  
Signed 1/20/2023 9:08 AM

## **ATTACHMENTS:**

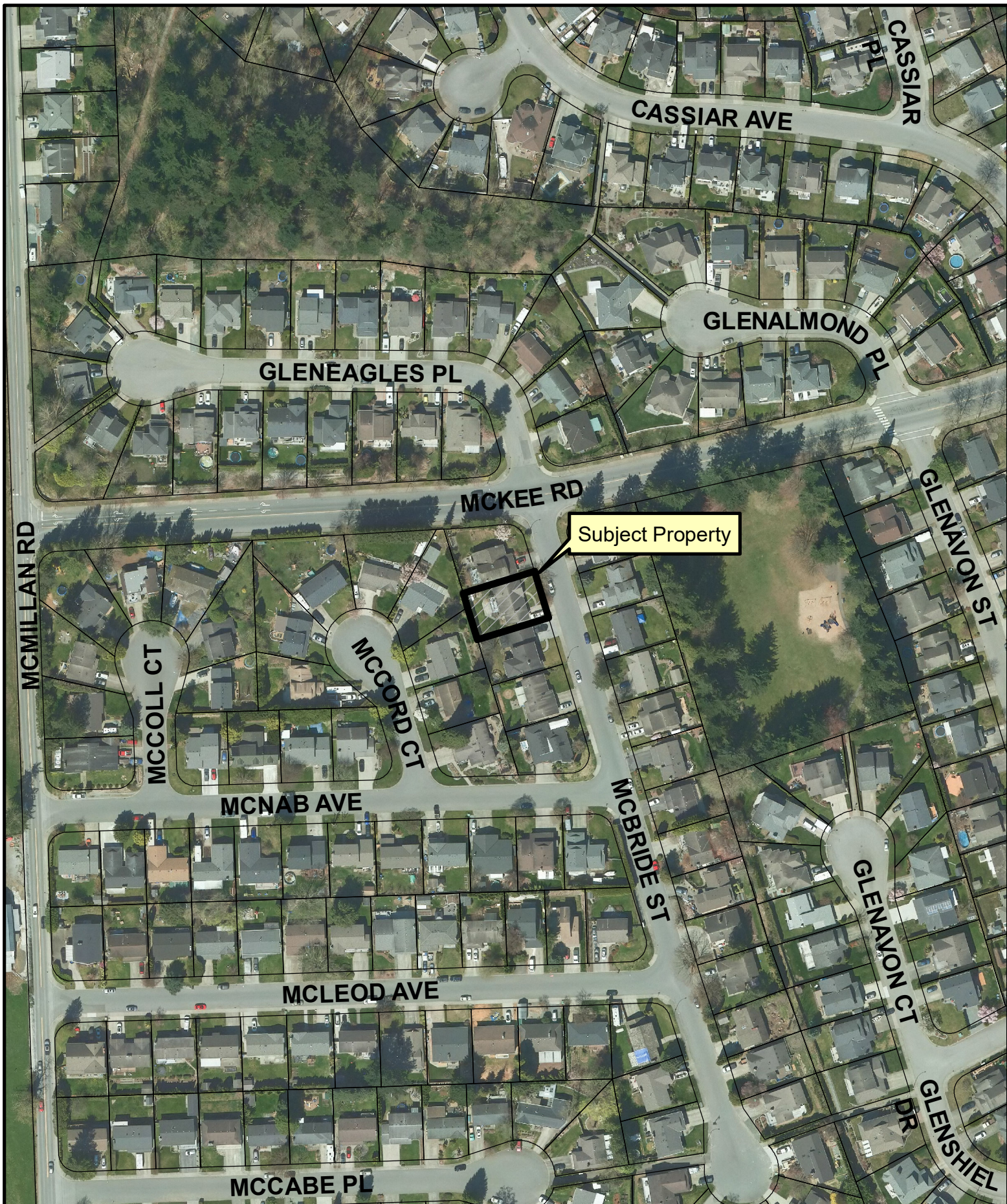
### **Council Figures 0-5**

**Attachment A - Draft Bylaw No. 3220-2023 Land Use Contract No. 164 Discharge Bylaw 2023**

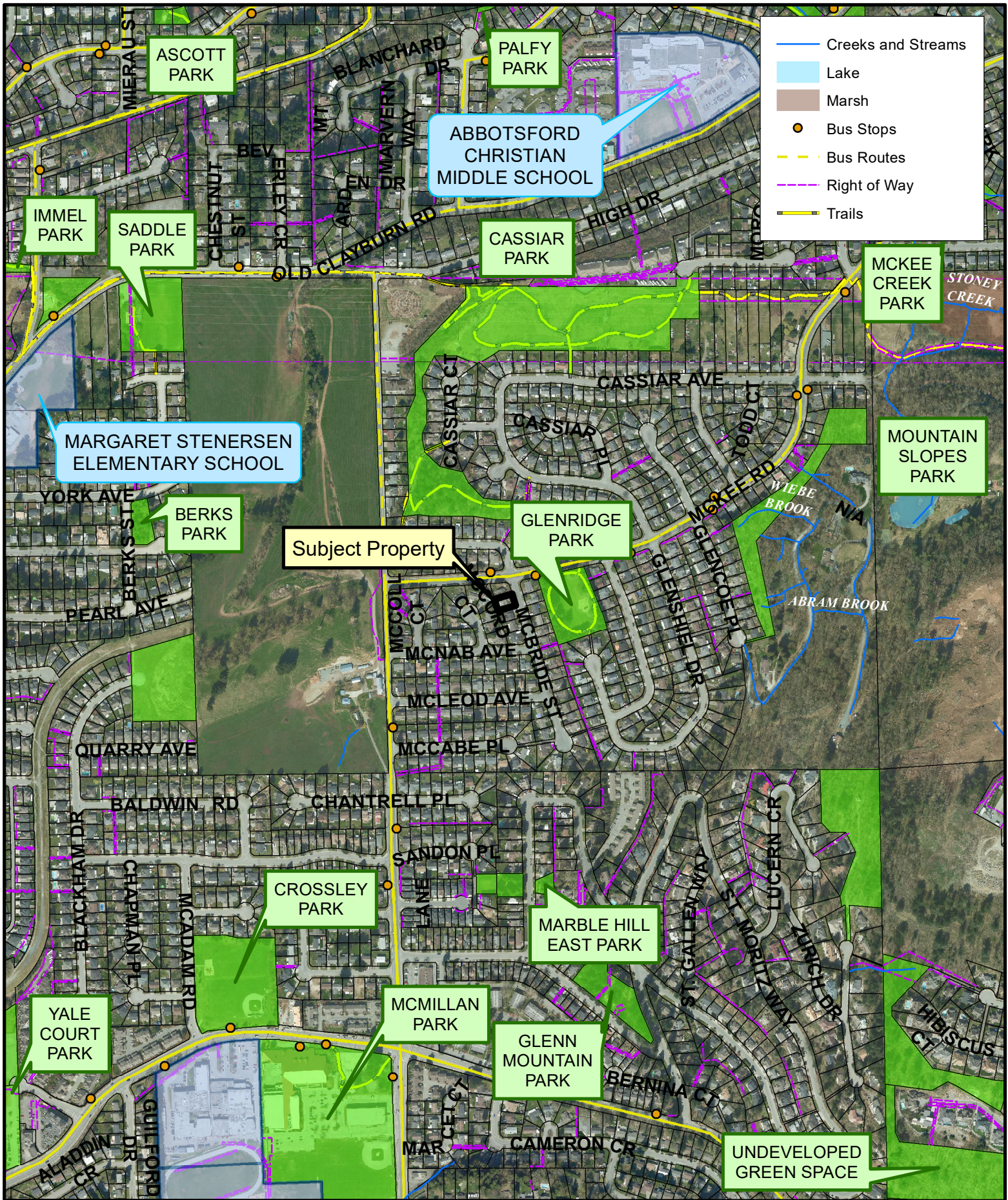
City Context Plan  
File: PRJ21-103 Location: 2943 McBride Street



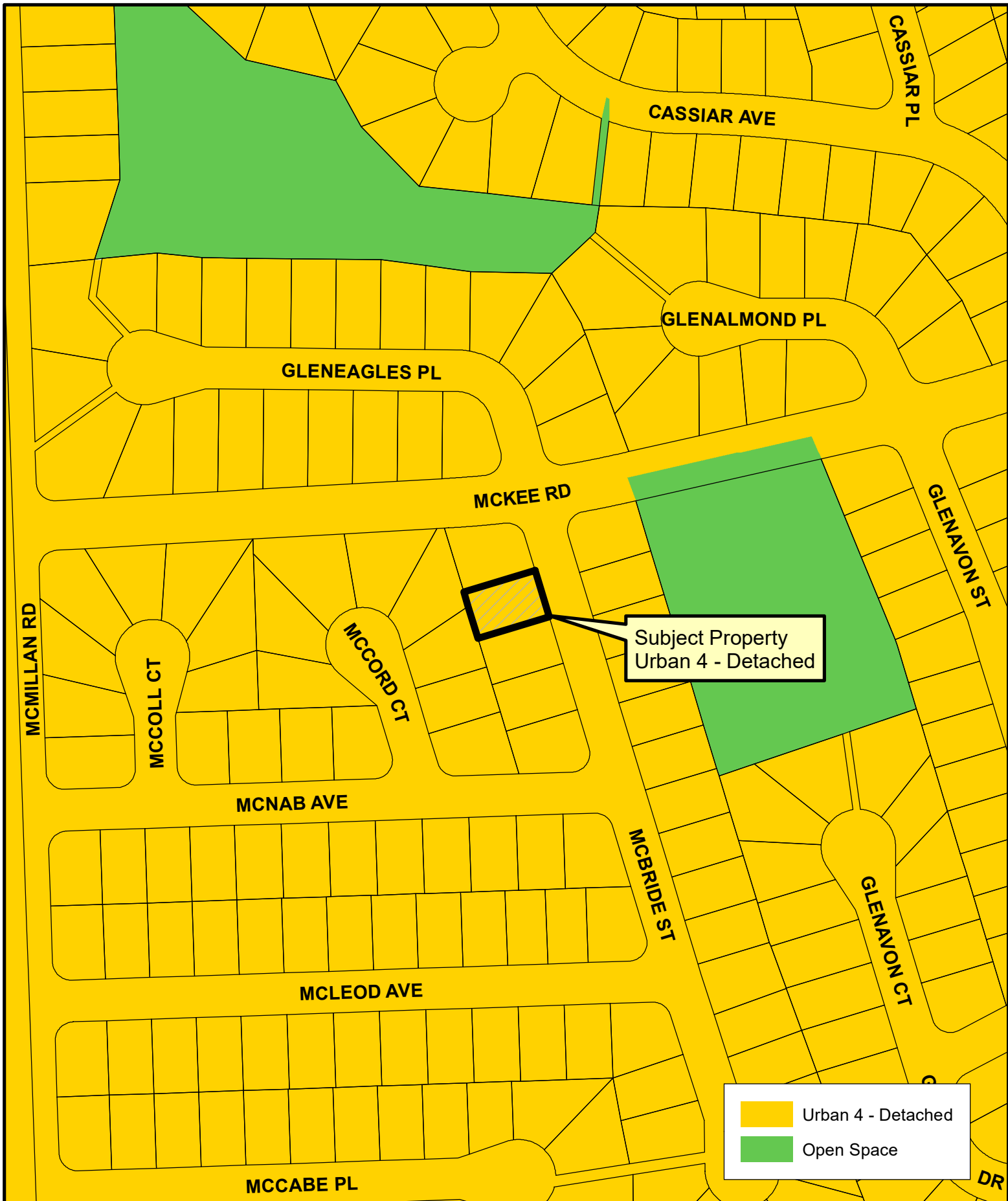


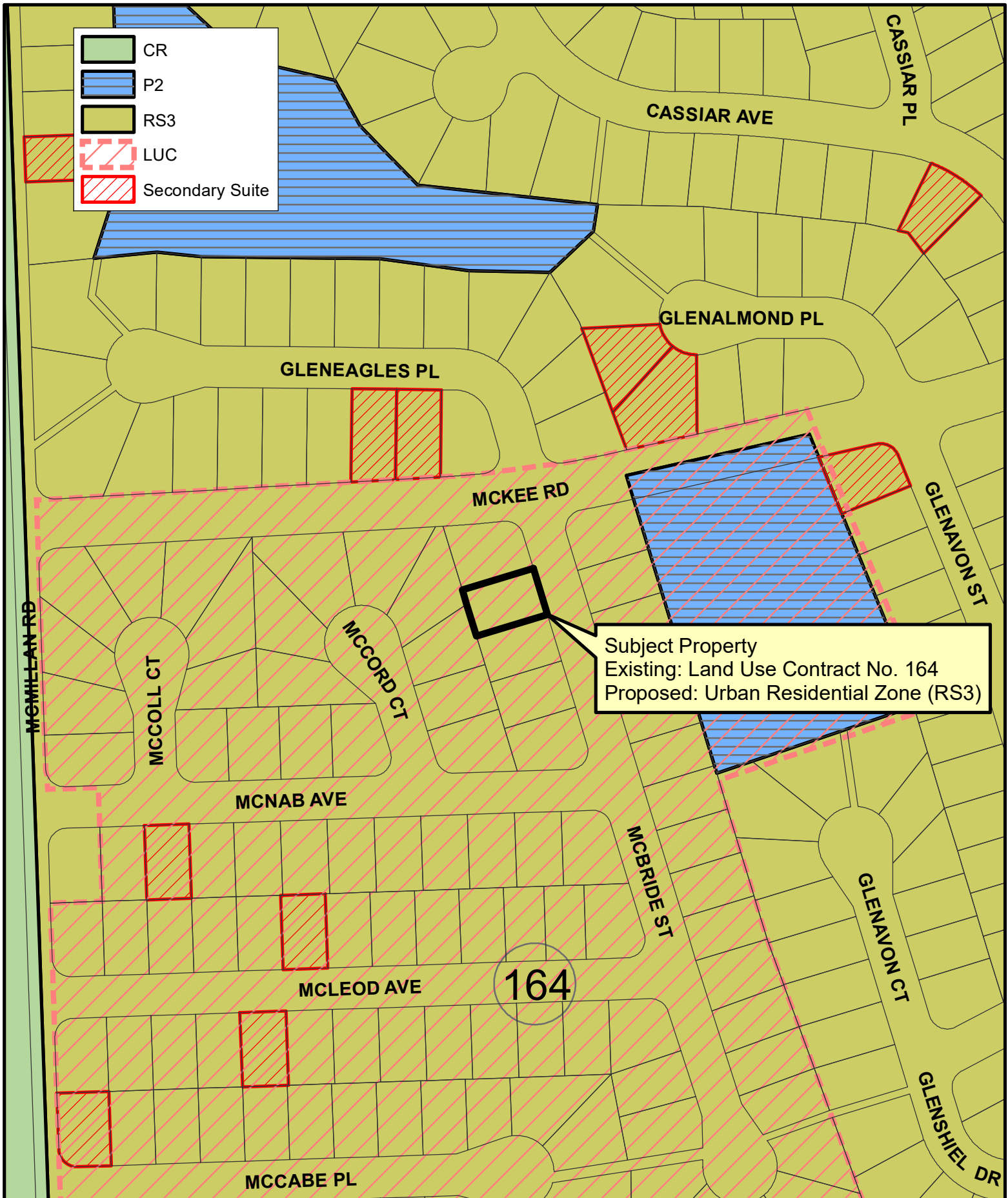




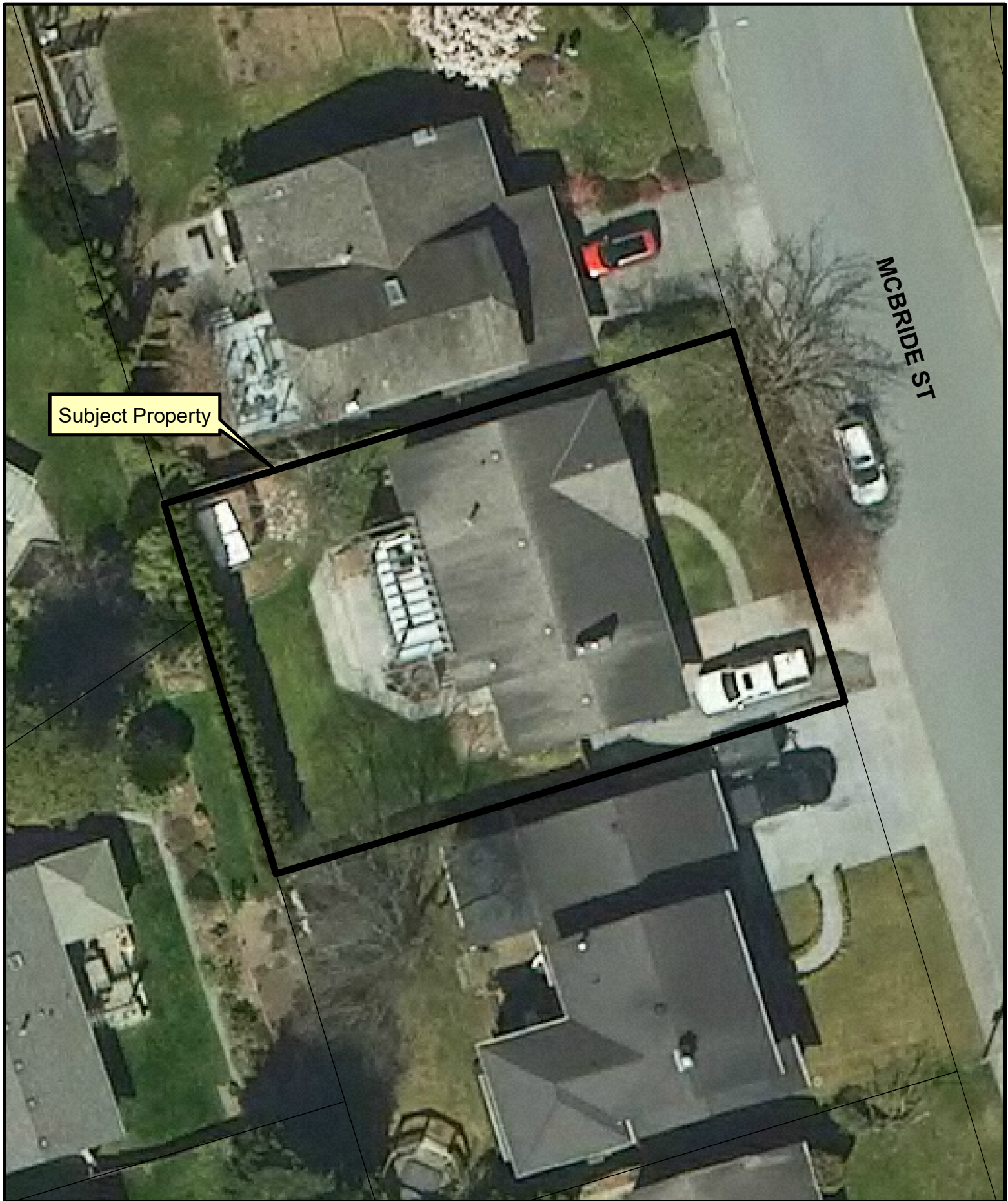












CITY OF ABBOTSFORD

LAND USE CONTRACT NO. 164 DISCHARGE BYLAW, 2023

Bylaw No. 3220-2023

PRJ21-103

---

WHEREAS Land Use Contract No. 164 (the "Land Use Contract"), authorized by Bylaw No. 1546 cited as Land Use Contract Bylaw No. 158 was lawfully entered into by the City;

AND WHEREAS the Land Use Contract was registered in the Land Title Office on October 21, 1977, under Filing Number N109993, and modified by filing numbers BL324369, BM79052 and BN63431;

AND WHEREAS the registered owners of the described property have applied to the City for permission to discharge the Land Use Contract.

The Council of the City of Abbotsford, in open meeting assembled, enacts as follows:

1. CITATION

Bylaw No. 3220-2023 may be cited as "Land Use Contract No. 164 Discharge Bylaw, 2023".

2. APPROVAL OF LAND USE CONTRACT DISCHARGE AGREEMENT

The Discharge Agreement set out in the attached Appendix "A", to discharge Land Use Contract No. 164 registered against the lands as shown on Appendix "B" and located at 2943 McBride Street, is approved.

READ A FIRST TIME this	day of	, 20__
READ A SECOND TIME this	day of	, 20__
PUBLIC HEARING HELD this	day of	, 20__
READ A THIRD TIME this	day of	, 20__
ADOPTED this	day of	, 20__



CITY OF ABBOTSFORD

LAND USE CONTRACT NO. 164 DISCHARGE BYLAW, 2023

Bylaw No. 3220-2023

PRJ21-103

---

APPENDIX "A"

DISCHARGE AGREEMENT - LAND USE CONTRACT NO. 164

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

BETWEEN:

DANIEL RAY FRIESEN  
LOIS MAY FRIESEN  
2943 McBride Street  
Abbotsford, British Columbia  
V3G 1G9

(the "Owners")

AND:

CITY OF ABBOTSFORD  
32315 South Fraser Way  
Abbotsford, British Columbia  
V2T 1W7

(the "City")

WHEREAS:

- (A) The Owners are the legal and beneficial owners of a certain parcel of land more particularly known and civically described as:  
  
2943 McBride Street (the "Lands");
- (B) The City is the registered owner of a certain charge known as Land Use Contract No. 164 pursuant to the *Local Government Act*;
- (C) The Owners wish to discharge Land Use Contract No. 164 registered under Filing Number N109993, and modified by filing numbers BL324369, BM79052 and BN63431; and
- (D) The City adopted Bylaw No. 3220-2023 authorizing the discharge of Land Use Contract No. 164 registered against the Lands.

---

LOIS MAY FRIESEN



