



City of Port Moody

Report/Recommendation to Council

Date: May 7, 2021
Submitted by: Community Development Department – Development Planning Division
Subject: Development Approval Procedures Bylaw Update

Purpose

To present updates to the Development Approval Procedure Bylaw to allow for developer presentations at consideration of first reading. The Bylaw also includes housekeeping amendments and is accompanied by a Fees Bylaw amendment. (File: 13-6630-05)

Recommended Resolution(s)

THAT City of Port Moody Development Approval Procedures Bylaw, 2021, No. 3312 be read a first, second, and third time as recommended in the report dated May 7, 2021 from the Community Development Department – Development Planning Division regarding Development Approval Procedures Bylaw Update;

AND THAT City of Port Moody Fees Bylaw, 2020, No. 3278, Amendment Bylaw No. 3, 2021, No. 3313 be read a first, second, and third time.

Background

At the February 9, 2021 Council meeting, Council passed the following resolution:

RC21/076

THAT staff be directed to amend the Development Approval Procedures Bylaw to allow applicant presentations at consideration of first reading.

Recent early input options were added to the development review process. This includes a presentation by the applicant early in the process when the application is presented to Council. Presentations by applicants later in the process have been limited to a presentation given at the time of the Public Hearing. Occasionally, Council has requested clarifications from applicants by entering into a Committee of the Whole meeting during other Council meetings.

Discussion

In addressing Council's direction, staff considered multiple options that would allow for developer presentations during Bylaw readings. After a careful review, staff recommend that developer presentation be allowed at Regular or Special Council meetings for first or second reading of a Bylaw. Applicants are already able to present at Public Hearings, after which third reading of a Bylaw is considered. This would simply add the option of a presentation to any Council meeting where first or second reading is being considered. This approach may lengthen Council meetings, but these presentations are best suited to meetings where first reading of a Bylaw is being considered.

Staff also recommend that, where a development permit, development variance permit, or temporary use permit does not accompany a Zoning or Official Community Plan (OCP) application, the applicant be able to make a presentation in support of their application.

The attached Draft Development Approval Procedure Bylaw (**Attachment 1**) includes provisions for receiving developer presentations at Regular or Special Council meetings during consideration of first or second reading of an OCP or Zoning Amendment Bylaw. The proposed Bylaw includes the provision for developer presentations in sections 7.7, 8.4, 9.4, and 10.4. Moreover, given Council suggestions regarding having the option to require additional public input, section 7.13 was added to provide Council with the option to request an additional information meeting from an applicant.

Housekeeping Amendments

As amendments to the Development Application Procedures Bylaw are being considered, staff recommend that the following housekeeping amendments also be considered:

- A. The Bylaw is proposed to be replaced in its entirety. This way, an overly complicated amendment Bylaw that would identify all editorial and minor changes could be avoided.
- B. Section 11.1 regarding inactive applications was updated and expanded to provide clearer direction for applicants and staff. It requires (as before) that applicants maintain the application active by not allowing the file to go dormant for more than a year. The added language more clearly states that all outstanding application materials must be submitted within an 18-month period. This section pertains specifically to applications before or at first or second reading of a Bylaw. Sections 11.2 through to 11.5 add provisions for applications that received third reading but have not successfully met all the requirements to move forward to Bylaw adoption. The added sections provide up to three years to address requirements for Council consideration of Bylaw adoption if all possible extensions are requested.
- C. Section 13 regarding restrictions on extensions or re-application was expanded to provide greater clarity for cases where a Bylaw is denied a reading. In addition to the existing section 13.1, which requires closing of the file, sections 13.2 and 13.3 now provide guidance for the cases where Council waived the six-month waiting period. Section 13.2 allows for an extension of the application if first or second reading was denied and Council waived the waiting period. Section 13.3 clarifies that if a Bylaw reading is denied third reading or adoption with the waiting period waived, the file will be closed but a new application may be submitted at any time.

Other Option(s)

Council may provide alternative direction to amend the current proposed Bylaws.

Financial Implications

The accompanying Fees Bylaw amendment was updated by including an Extension Fee of 50% of the regular application fee. This new fee is identified in section 13.2 of the proposed Development Application Procedures Bylaw.

Communications and Civic Engagement Initiatives

Once adopted, staff would update website and brochure information to communicate the changes to applicants and interested members of the public.

Council Strategic Plan Objectives

The Bylaw updates and clarifications support the strategic priority of Exceptional Service. It is hoped that the changes will clarify the City's process throughout the development application review, and would reduce uncertainty for situations where Bylaw readings are not successful. Encouraging applications to remain active and complete outstanding requirements within a reasonable but limited time frame would help avoid extra cost and time for applicants and for the City related to overly long and inconclusive application processes.

Attachment(s)

1. City of Port Moody Development Approval Procedures Bylaw, 2021, No. 3312.
2. City of Port Moody Fees Bylaw, 2020, No. 3278, Amendment Bylaw No. 3, 2021, No. 3313.

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Report Approval Details

Document Title:	Development Approval Procedures Bylaw Update.docx
Attachments:	- Attachment 1 - City of Port Moody Development Approval Procedure Bylaw No. 3312.pdf - Attachment 2 - City of Port Moody Fees Bylaw, 2020, No. 3278, Amendment Bylaw No. 3, 2021, No. 3313.pdf
Final Approval Date:	May 17, 2021

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

Kate Zanon, General Manager of Community Development - May 13, 2021 - 8:36 AM

Dorothy Shermer, Corporate Officer - May 13, 2021 - 12:39 PM

Rosemary Lodge, Manager of Communications and Engagement - May 13, 2021 - 3:54 PM

Paul Rockwood, General Manager of Finance and Technology - May 16, 2021 - 7:37 PM

Tim Savoie, City Manager - May 17, 2021 - 10:59 AM