



City of Port Moody

Report/Recommendation to Council

Date: August 17, 2021
Submitted by: Community Development Department – Development Planning Division
Subject: Rezoning (RS1) 622 Foresthill Place – Extension Request

Purpose

To present for Council consideration an extension request for a project that has been in process since 2012 for the proposed development of seven Single Detached Residential (RS1) lots at 622 Foresthill Place, combined with dedication of 75% of the site to park and a pending road sale/exchange (file number 6700-20-103).

Recommended Resolution(s)

THAT a one-year extension be approved pursuant to section 11.4 of City of Port Moody Development Approval Procedures Bylaw, 2021, No. 3312 for development applications at 622 Foresthill Place (files: 6700-20-103, 6720-20-77, 3060-20-100, and 3090-20-100) as recommended in the report dated August 17, 2021 from the Community Development Department – Development Planning Division regarding Rezoning (RS1) 622 Foresthill Place – Extension Request.

Background

Since 2012, the applicant for development at 622 Foresthill Place has incrementally worked towards the technical requirements for a proposed single-family subdivision. However, to date, the application has not fully satisfied conditions set for the two related Zoning Bylaw amendment processes dating back to 2014 and 2016.

The current Development Procedure Bylaw requires that Zoning Bylaw amendment applications be completed within three years of receiving third reading unless otherwise directed by Council. This report provides the background from previous reports, a status update and the applicant's request for a timeline extension.

Site Location and Land Use

622 Foresthill Place is 2.19ha (5.41ac) in size and is currently an undeveloped site. The property is an L-shaped lot that has frontages extending to Dowding Road, loco Road, and Foresthill Place. The property is located on the north side of loco Road, bounded by parkland to its north, and has two watercourses traversing the site, namely Wilkes Creek and Bentley Creek. An additional watercourse, Jacobs Creek, crosses the existing undeveloped

road allowance of Foresthill Place. A location map, Official Community Plan (OCP) map, zoning map, and project fact sheet are included as **Attachments 1 to 4**.

Development Proposal

The application for the development of 622 Foresthill Place proposes a Single-Family Low-Density development with residential subdivisions into seven (7) lots, and parkland dedication of 4.07ac or 75% of the total lot area.

In addition to the 2012 Zoning Bylaw amendment, there is a 2014 Zoning Bylaw amendment related to a road closure and exchange. The final subdivision would result in land for one of the seven lots on the western edge of the closed road portion. The rest of the closed road portion would be part of the park dedication to be consolidated with the proposed park dedication of 75% of the lot area of 622 Foresthill Place.

The proposed subdivision concept plan is included in **Attachment 5**. The Zoning Bylaw amendment from 2012 applies to lots #1 through #5 off a new access route from a cul-de-sac that will be constructed off the east end of Foresthill Place. Lot #6 is located on the closed road lands. Lot #7 would be accessed from Dowding Road via a private driveway (**Attachment 6**).

Previous Council Direction

The application remains active with two Zoning Bylaw amendment bylaws at third reading. Consideration of adoption is subject to:

- completing a Development Permit for Environmentally Sensitive Areas (DPA 4);
- completing a Development Permit for the Protection of Development from Hazardous Conditions (DPA 5); and
- Council approval of a Development Variance Permit to:
 - reduce the required width of three of the proposed residential lots from 15m to 10.4m, 11.6m, and 11.7m; and
 - reduce the required width of the riparian area setback for two lots from 30m to 15m from top of bank.

The zoning amendment report dated April 30, 2014, which was considered at the May 13, 2014 Council meeting is included as **Attachment 7**. Other related information from 2014 and 2016, is attached as follows:

- minutes of the Public Hearing held on May 27, 2014 for Bylaw No. 2976 (**Attachment 8**);
- report considered at the September 13, 2016 Council meeting for Bylaw No. 3056 and Bylaw No. 3057 (**Attachment 9**); and
- minutes of the Public Hearing held on October 11, 2016 for Bylaw No. 3057 (**Attachment 10**).

Bylaws Timeline Summary

	No. 2976 (Zoning Amendment) A2 and A3 to RS1	No. 3056 (Road Closure) A portion of Foresthill Place to be closed	No. 3057 (Zoning Amendment) Closed Road portion to RS1
First Reading	May 13, 2014	Sept. 13, 2016	Sept. 13, 2016
Second Reading	May 13, 2014	Sept. 13, 2016	Sept. 13, 2016
Public Hearing	May 27, 2014	N/A	Oct. 11, 2016
Third Reading	May 27, 2014	Sept. 13, 2016	Oct. 11, 2016
Adoption	TBD	Oct. 11, 2016	TBD

Discussion

Application Approval Requirements

Typically, applications are completed relatively soon after the third reading is given to rezoning bylaws. Under the previous Development Application Procedures Bylaw (Bylaw No. 2918), tentative provisions allowed staff and Council to limit the time between third reading and adoption to up to three years. This provision was generally applied if an application is inactive. As this application has remained active, staff have effectively been able to authorize extensions for this application.

To address languishing applications that in some circumstances do not meet current requirements, the timeline provisions under Development Applications Procedures Bylaw, 2021, No. 3312 stipulate that applications that do not complete adoption of the bylaws within three years are routinely closed. However, section 11.4 of the Bylaw allows Council to provide an extension of one year to meet adoption requirements. Requiring approval of the Development Permit before the adoption of rezoning is a standard requirement for most applications.

A Public Hearing for the application was held in 2014. A second Public Hearing was held in 2016 related to new zoning for the closed road. Any substantial changes to the current proposal or conditions for approval should be combined with a new Public Hearing for both rezoning files.

Applicant Follow-up Since 2016

From 2016 to today, the applicant has been working on the road design and driveway (adjacent property) with Engineering staff, while trying to address environmental requirements related to a creek and geotechnical challenges due to the very steep terrain on the property. The process to receive provincial approval for stream alteration and draft design guidelines for future development were reviewed.

The applicant approached the City for a further extension in summer 2021, with a formal written request submitted November 8, 2021. The extension request letter is included as **Attachment 11**. The letter requests one more year to complete the outstanding items. All staff authorized extensions have been exercised and this additional extension requires Council approval.

In summary, the following is the status of the applicant's work on the project:

- the road design is confirmed and deemed acceptable by City staff. Through the future subdivision process, the City may explore requiring this road to become a private road;

- the road design requires changes to a creek that requires provincial approval. This approval is not in place and could take another one to two years to conclude. This approval is needed prior to the City issuing the environmental Development Permit. This condition of rezoning remains pending;
- the Land Sale and Purchase Agreement for the closed road have not been completed;
- the geotechnical report for Development Permit Area #5 has been reviewed, including a peer review. It may need to be updated once other projects details have been confirmed; and
- the environmental report for Development Permit Area #4 and Development Variance Permits have not been completed.

Other Option(s)

THAT the request for a one-year extension for the development applications at 622 Foresthill Place (files: 6700-20-103, 6720-20-77, 3060-20-100, and 3090-20-100) be denied.

Financial Implications

There are no direct financial implications associated with the recommendations in this report.

Communications and Civic Engagement Initiatives

Public Hearings for both Zoning Amendment bylaws were held in 2014 and 2016 respectively and the minutes are attached to this report. Given that Council cannot consider substantial new information between the Public Hearing and consideration of adoption of the bylaws, no other public engagement initiatives are scheduled.

Council Strategic Plan Objectives

This development proposal, specifically the proposed extensive park dedication of the site, aligns with the 2019-2022 Council Strategic Plan objective of maintaining and enhancing Port Moody's natural and built assets while reducing the impact on our planet.

Attachment(s)

1. Location Map – 622 Foresthill Place.
2. OCP Map – 622 Foresthill Place.
3. Zoning Map – 622 Foresthill Place.
4. Project Fact Sheet 2021 – 622 Foresthill Place.
5. Proposed Subdivision – 622 Foresthill Place.
6. Access to Lot #7 from Dowding Road – 622 Foresthill Place.
7. Report considered at the May 13, 2014 Council meeting.
8. Minutes of the Public Hearing held on May 27, 2014.
9. Report considered at the September 13, 2016 Council meeting.
10. Minutes of the Public Hearing held on October 11, 2016.
11. Extension Request Letter – 622 Foresthill Place

Report Author

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Report Approval Details

Document Title:	Rezoning (RS1) 622 Foresthill Place – Extension Request.docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 - Location Map - 622 Foresthill Place.pdf- Attachment 2 - OCP Map - 622 Foresthill Place.pdf- Attachment 3 - Zoning Map - 622 Foresthill Place.pdf- Attachment 4 - Project Fact Sheet 2021 - 622 Foresthill Place.pdf- Attachment 5 - Proposed Subdivision - 622 Foresthill Place.pdf- Attachment 6 - Access to Lot 7 from Dowding Road - 622 Foresthill Place.pdf- Attachment 7 - Report considered at the May 13, 2014 Council meeting.pdf- Attachment 8 - Minutes of the Public Hearing held on May 27, 2014.PDF- Attachment 9 - Report considered at the September 13, 2016 Council meeting.pdf- Attachment 10 - Minutes of the Public Hearing held on October 11, 2016.PDF- Attachment 11 - Extension Request Letter - 622 Foresthill Place.pdf
Final Approval Date:	Nov 14, 2021

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

André Boel, City Planner - Nov 8, 2021 - 3:31 PM

Kate Zanon, General Manager of Community Development - Nov 9, 2021 - 8:57 AM

Tracey Takahashi for Dorothy Shermer, Corporate Officer - Nov 9, 2021 - 1:31 PM

Rosemary Lodge, Manager of Communications and Engagement - Nov 9, 2021 - 2:34 PM

Paul Rockwood, General Manager of Finance and Technology - Nov 9, 2021 - 4:26 PM

Tim Savoie, City Manager - Nov 14, 2021 - 10:30 AM