

# Considered at the September 13, 2016 Council meeting

Council Agenda Information

Regular Council September 13, 2016

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Item 9.3



## City of Port Moody Report/Recommendation to Council

Date: August 10, 2016

File Nos. 6700-20/103 and  
6720-20/77

Submitted by: Development Services Department – Planning Division

Subject: Road Closing Bylaw No. 3056 and Zoning Amendment Bylaw No. 3057 –  
622 Foresthill Place

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### Purpose / Introduction

To present to Council two bylaws – one to close and remove the road dedication from an unopened portion of Foresthill Place, and one to zone the closed portion of that road allowance to facilitate a land exchange between the City of Port Moody and the developer of 622 Foresthill Place, Palacium Development.

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### Recommended Resolutions

**THAT City of Port Moody Foresthill Place Road Closing Bylaw, 2016, No. 3056 be read a first time as recommended in the report dated August 10, 2016 from Development Services Department – Planning Division regarding Road Closing Bylaw No. 3056 and Zoning Amendment Bylaw No. 3057 – 622 Foresthill Place.**

**THAT Bylaw No. 3056 be read a second time.**

**THAT Bylaw No. 3056 be read a third time.**

**THAT City of Port Moody Zoning Bylaw, 1988, No. 1890, Amendment Bylaw No. 233, 2016, No. 3057 be read a first time as recommended in the report dated August 10, 2016 from Development Services Department – Planning Division regarding Road Closing Bylaw No. 3056 and Zoning Amendment Bylaw No. 3057 – 622 Foresthill Place.**

**THAT Bylaw No. 3057 be read a second time and referred to a Public Hearing on October 11, 2016.**

**THAT notice of Council's intention to remove the road dedication from an unopened portion of the Foresthill Place road allowance and to dispose of a portion of the closed road allowance be provided in accordance with Section 94 of the *Community Charter*.**

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### Background

At a Closed Meeting on March 5, 2013, Council supported, in principle, a proposed land exchange in conjunction with the rezoning and subdivision application at 622 Foresthill Place. The current subdivision proposal, illustrated below in Figure 1 – Proposed Subdivision Plan, involves the creation of six single family residential lots accessed off Foresthill Place and one lot



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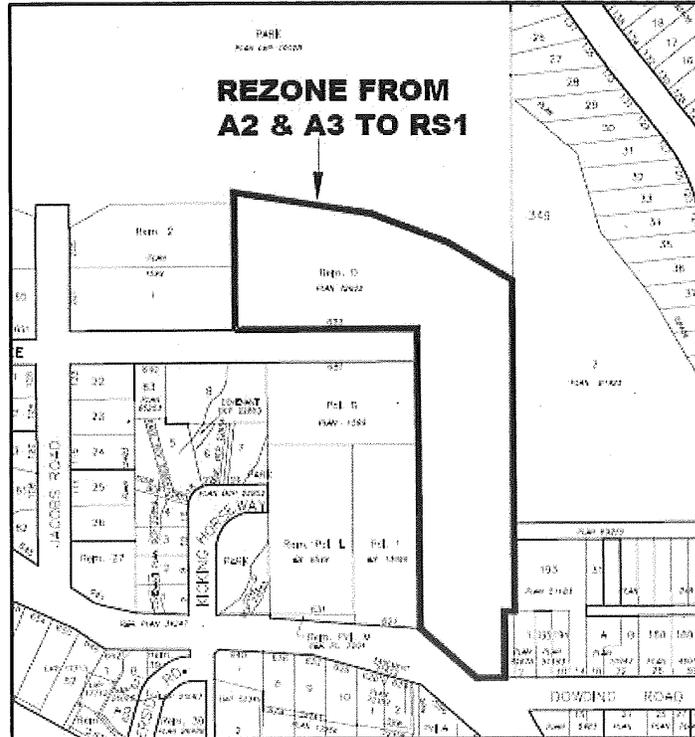


FIGURE 2 – REZONING BYLAW NO. 2976

## Discussion

Under the *Local Government Act*, for subdivisions involving the creation of more than three new lots, an Approving Officer may require that an applicant dedicate up to 5% of the total area being subdivided as park. For this application, that would result in the dedication of about 0.11 hectares (0.27 acres) of land. In this case, the applicant has proposed to dedicate approximately 1.63 hectares (4.02 acres) representing 75% of the subject lands, to the City in exchange for a portion of the unopened Foresthill Place road allowance to enable the creation of an additional lot.

In order to facilitate the land exchange, Council must first consider a Road Closing Bylaw to remove the road dedication of the unopened portion of Foresthill Place, and consider a bylaw to zone that portion of road allowance proposed to be closed, to One Family Residential (RS1) consistent with the rezoning of the private lands. To that end, staff recommend that City of Port Moody Road Closing Bylaw, 2016, No. 3056 (**Attachment 1**) be given first, second, and third readings, and that City of Port Moody Zoning Bylaw, 1988, No. 1890, Amendment Bylaw No. 233, 2016, No. 3057 (**Attachment 2**) be given first and second readings and referred to a Public Hearing on October 11, 2016.

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Figure 3 below, illustrates the portion of the Foresthill Place road allowance proposed to be closed and, within it, the extent of the proposed Lot 6 and the remainder to be dedicated as park.

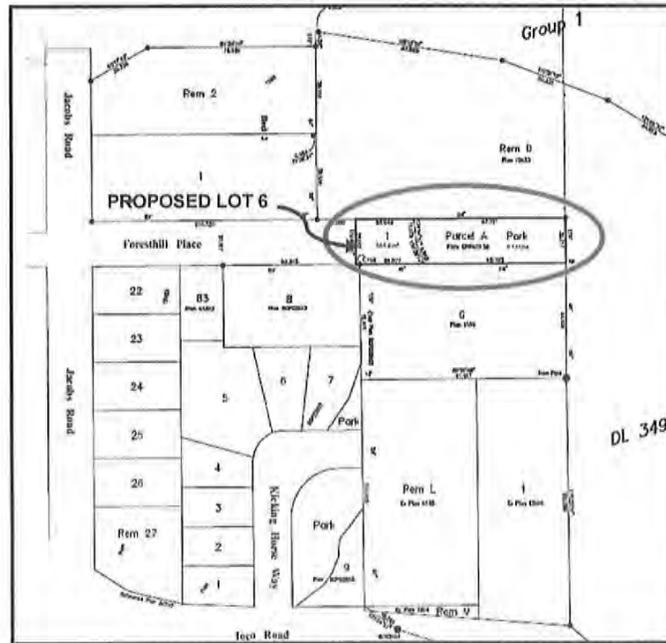


FIGURE 3 – PROPOSED CLOSED ROAD ALLOWANCE

Figure 4 – Proposed Land Exchange, shows the disposition of the exchange lands between the developer and the City.



FIGURE 4 – PROPOSED LAND EXCHANGE

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The privately-owned land and the Foresthill Place road allowance are part of the North Shore Escarpment Forest which has a high environmental sensitivity rating. The proposed land exchange represents an opportunity for the City to acquire a significant amount of privately-owned natural open space within this environmentally sensitive area, expanding the community's forested resource base adjacent to Bert Flinn Park. It also provides the opportunity to protect natural habitat within sections of the Wilkes and Bentley Creeks riparian areas in accordance with the general directions outlined in the Official Community Plan and the City's Environmentally Sensitive Areas Management Strategy. As the existing road allowance terminates east of Wilkes Creek and is not proposed to be extended through private property, the road allowance is considered surplus to engineering and transportation requirements.

## Other Options

THAT City of Port Moody Foresthill Place Road Closing Bylaw, 2016, No. 3056, not be read a first time.

THAT City of Port Moody Zoning Bylaw, 1988, No. 1890, Amendment Bylaw No. 233, 2016, No. 3057, not be read a first time.

If Council chooses not to proceed with the Road Closing Bylaw and the related Zoning Amendment Bylaw, the applicant can still proceed with a subdivision of the subject lands which would result in a total of six, rather than seven lots, subject to the issuance of the required development variance permit and development permit. However, in that case, the Approving Officer could only require the maximum 5% parkland dedication.

## Bylaw Sequencing

The following outlines the required sequencing of bylaws to implement the proposed land exchange and enable the creation of the additional lot within the Foresthill Place road allowance as proposed:

1. Consider first, second and third readings of Road Closing Bylaw No. 3056;
2. Consider first and second readings of Bylaw No. 3057, zoning the proposed closed portion of the Foresthill Place road allowance to RS1;
3. In accordance with the requirements of Section 94 of the *Community Charter*, provide notice of Council's intention to close an unopened portion of the Foresthill Place road allowance and to dispose of the closed portion of the road allowance, providing the public with an opportunity to comment on the proposed closure;
4. Hold a Public Hearing on Bylaw No. 3057;
5. Provide an opportunity for public input on Road Closing Bylaw No. 3056;
6. Consider adoption of Road Closing Bylaw No. 3056;
7. Consider third reading of Bylaw No. 3057;
8. Consider adoption of Bylaw No. 3057 at the same time as Bylaw No. 29, once the outstanding subdivision development issues are addressed;

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9. If the required Bylaws are adopted:
  - a. consider a development variance permit to reduce the required width of three of the proposed residential lots and the required width of the riparian area setback for two lots; and
  - b. consider the issuance of a development permit for development in an Environmentally Sensitive Area (Development Permit Area 4) and in an area for the Protection of Development From Hazardous Conditions (Development Permit Area 5);
10. Complete the land exchange process; and
11. If the Bylaws are adopted and if the development variance and development permits are issued, and if all required legal agreements are registered, the Approving Officer may then consider approval of the subdivision plan, including the proposed Lot 6 and the dedication of park on the private land and within the closed Foresthill Place road allowance.

Following approval of the subdivision, staff will report back to Council with two additional bylaws for the dedicated park lands: i.e. one to amend the Official Community Plan to change the land use designation from *Single Family Low Density* to *Parks and Open Space*, and a bylaw to rezone the dedicated park lands from One Family Residential (RS1) to Public Service (P1).

## Financial Implications

The City will incur some legal costs associated with the documentation of the land exchange as proposed, which will be covered by the applicant.

## Communications / Civic Engagement

In accordance with section 40(3) of the *Community Charter*, Council must give notice of its intention to close a portion of Foresthill Place and to dispose of a portion of the closed road to Palacium Development to provide the opportunity for public input before considering adoption of Road Closing Bylaw No. 3056.

Should Bylaw No. 3056 receive first three readings and should Bylaw No. 3057 be referred to a Public Hearing, notification will be mailed to properties within an expanded notification area and advertisements will be placed in the local newspaper inviting public input. As directed by Council at the time the land exchange was supported in principle, the notification area will be expanded to 300m and the notification period will be extended to 15 days.

It should be noted that Council may not receive additional input on Zoning Amendment Bylaw No. 2976 for 622 Foresthill Place as it is the subject of a closed Public Hearing.

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## **Council Strategic Plan Objectives**

As the proposal seeks to dedicate a significant portion of land as park, it is consistent with the Council Strategic Plan Priority of *Preserving the Environment* through stewardship actions to protect, conserve, and enhance the natural environment.

## **Attachments:**

1. City of Port Moody Foresthill Place Road Closing Bylaw, 2016, No. 3056.
2. City of Port Moody Zoning Bylaw, 1988, No. 1890, Amendment Bylaw No. 233, 2016, No. 3057.

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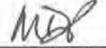
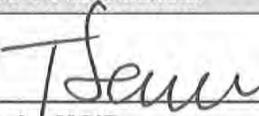
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<p><b>Prepared by:</b></p>  <hr/> <p>Doug Allan, MCIP, RPP Planner</p>	<p><b>Reviewed by:</b></p>  <hr/> <p>Supervisor (<i>initials</i>): Mary De Paoli, MCIP, RPP Manager of Planning</p>  <hr/> <p>Department Head (<i>initials</i>): James Stiver, MCIP, RPP General Manager, Development Services</p>
<p><b>Reviewed for Form and Content / Approved for Submission to Council:</b></p>	
<p><i>City Manager's Comment</i></p> <div style="text-align: right;">    <hr/> <p>Tim Savoie, MCIP City Manager</p> </div>	
<p><b>Corporate Review</b></p>	
<p>Engineering and Parks Services (Engineering, Parks, Operations)</p>	<p><b>Initials</b></p> 
<p>Financial Services</p>	

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Attachment 1



## City of Port Moody

### Bylaw No. 3056

A bylaw to close a portion of Foresthill Place.

**WHEREAS** pursuant to s. 40 of the *Community Charter*, Council may adopt a bylaw to close a portion of a highway to traffic and remove its dedication as highway;

**AND WHEREAS** notice of adoption of this Bylaw has been published in a newspaper for two consecutive weeks prior to adoption and Council has provided an opportunity for persons who consider they are affected to make presentations to Council;

**NOW THEREFORE**, the Council of the City of Port Moody enacts as follows:

#### 1. Citation

1.1 This Bylaw may be cited as "City of Port Moody Foresthill Place Road Closing Bylaw, 2016, No. 3056".

#### 2. Legal Description

2.1 That the 0.188ha area shown in heavy black outline on Reference Plan EPP dedicated as road on Plan 1599, District Lot 350, New Westminster District, a copy of which is attached hereto as Schedule A and forms a part of this Bylaw, is hereby stopped up and closed to traffic of all kinds and the dedication as road is removed.

#### 3. Authorization

3.1 The Mayor and Corporate Officer are hereby authorized to execute all documentation necessary to give effect to the provisions of this Bylaw, including the plan attached hereto.

#### 4. Severability

4.1 If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect.

**Read a first time** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**Read a second time** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**Read a third time** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**Adopted** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Attachment 1

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M.E. Clay  
Mayor

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D. Shermer  
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3056 of the City of Port Moody.

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D. Shermer  
Corporate Officer





# City of Port Moody

## Bylaw No. 3057

A Bylaw to amend City of Port Moody Zoning Bylaw, 1988, No. 1890.

The Council of the City of Port Moody enacts as follows:

### 1. Citation

1.1 This Bylaw may be cited as “City of Port Moody Zoning Bylaw 1988, No. 1890, Amendment Bylaw No. 233, 2016, No. 3057 (Foresthill Place) (Road Dedication to RS1)”.

### 2. Amendment

City of Port Moody Zoning Bylaw, 1988, Bylaw No. 1890, is amended:

2.1 By zoning those un-zoned portions of the closed Foresthill Place road allowance as shown on the attached plan to One Family Residential (RS1).

### 3. Attachments and Schedules

3.1 Location Map.

### 4. Severability

4.1 If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect.

**Read a first time** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**Read a second time** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**Public Hearing** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**Read a third time** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**Adopted** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
M.E. Clay  
Mayor

\_\_\_\_\_  
D. Shermer  
Corporate Officer

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I hereby certify that the above is a true copy of Bylaw No. 3057 of the City of Port Moody.

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Dorothy Shermer  
Corporate Officer

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