



City of Port Moody

Report/Recommendation to Council

Date: January 17, 2022
Submitted by: Community Development Department – Policy Planning Division
Subject: Single-Family Land Use Contracts

Purpose

To report back on recommended priorities for single family land use contract terminations and rezonings and to seek Council direction on next steps.

Recommended Resolution

THAT staff be directed to proceed with the termination of the Land Use Contracts and rezoning of the properties at Walton Way/Benson Drive, Angela Drive, and Appleyard Court as outlined in the report dated January 17, 2022 from the Community Development Department – Policy Planning Division regarding Single-Family Land Use Contracts.

Background

At the October 13, 2020 Special Council meeting, the following resolution was passed:

RC20/363

THAT staff be directed to reorder the Land Use Contract Terminations process to prioritize single-family lots, and areas of town that have experienced zoning issues (large homes, view corridors, etc.) in the recent past;

AND THAT this reordering be referred to the House Size and Siting Task Force for comment prior to returning to Council.

Land Use Contract Terminations – Approach and Status

A Land Use Contract (LUC) is a legislative tool used in the 1970s that encompasses a wide range of land uses and development components, until it was repealed in 1978. LUCs are site-specific contracts between the City and the property owner that are registered on title and operate as the governing land use tool for affected properties.

In May 2014, the *Local Government Act* was amended by Bill 17 to:

- automatically terminate all Land Use Contracts (LUCs) in BC on June 30, 2024;
- require municipalities to zone all lands subject to an LUC by June 30, 2022; and

- outline a process for local governments to undertake early termination of LUCs to ensure appropriate zoning is in place.

The new provincial legislation provides a process for the City to undertake early termination of LUCs to ensure that appropriate zoning is in place before the provincially-mandated deadline.

On March 12, 2019, Council endorsed an approach for the termination of Land Use Contracts to minimize anticipated costs through a hybrid approach. This approach involves the following:

- properties with suitable underlying zoning left to expire; and
- other properties to be rezoned (beginning 2020).

Below is a summary of the status of this approach:

Table 1: Status of Council endorsed approach for LUC Terminations and Rezoning

<u>LUC Area</u>	<u>Action Taken</u>	<u>Status</u>
LUC Areas consistent with underlying zoning	Notification sent to property owners regarding LUC expiration on June 30, 2022	Completed in September 2019
Easthill, Highland Park, Eagle Point, Inlet View, and Sentinel Hill	Rezoned to RM3	Completed in June 2020
Balmoral Place	Rezoned to RM4	Completed in October 2020
San Remo Drive	To be rezoned to a CD Zone	Upcoming (by June 30, 2022)
Suter Brook Village	To be rezoned to a CD Zone	Upcoming (by June 30, 2022)

Discussion

Staff analyzed the remaining five single-family LUC areas in Port Moody to determine a proposed approach and schedule (**Attachment 1**). As directed by Council, the related findings and recommendations were presented at a meeting of the House Size and Siting Task Force, which took place on January 20, 2022.

Following is a summary of the situation and priority level for each of the five-remaining single-family LUCs:

1. 2-57 Walton Way
2-22 Benson Drive

The 33 properties located at 2-57 Walton Way and 2-22 Benson Drive are the highest priority for rezoning since the existing LUC allows for larger homes (more density and more site coverage) than is allowed under the RS1 zone, as evidenced by new construction in this area. After comparing the existing provisions in the LUC and the provisions in RS1, staff recommend rezoning these properties to RS1 immediately.

Underlying Zone: Single Family RS1

Recommendation: Rezone immediately to RS1.

2. 701-784 Appleyard Court

The 50 properties located at 701-784 Appleyard Court are considered the second highest priority for rezoning. It is recommended to rezone the properties to RS3 since the LUC provisions are most closely aligned with lot sizes, setbacks, height, and density provisions in the RS3 zone.

Underlying Zone: Single Family RS1

Recommendation: Rezone to RS3 before the June 30, 2022 early termination deadline.

3. 205-261 Angela Drive

The 15 properties located at 205-261 Angela Drive are considered third priority for rezoning. It is recommended to rezone the properties to RS1-S, which is more consistent with the LUC provisions related to house size, lot size and dimensions, and setbacks.

Underlying Zone: Single Family RS1

Recommendation: Rezone to RS1-S before the June 30, 2022 early termination deadline.

4. Heritage Mountain LUC Area

The 178 properties within the Heritage Mountain LUC area are not considered a priority for early termination and rezoning and it is recommended that the underlying RS1 zone come into effect in 2024. While the existing height, density, and lot coverage permitted under the LUC are lower than the same allowances in the RS1 zone, the resulting potential increase is limited by the relatively small size of the existing lots. This limited increase in development potential may also allow for more capacity for secondary suites in this area in the future.

Underlying Zone: Single Family RS1

Recommendation: Allow the LUC for these lots to expire and the underlying RS1 zone to come into effect in 2024.

5. 364 Ioco Drive

The single property at 364 Ioco Drive is not considered a priority for early termination and rezoning; it is recommended that the underlying RS1 zone come into effect in 2024.

Underlying Zone: Single Family RS1

Recommendation: Allow the LUC for this lot to expire and the underlying RS1 zone to come into effect in 2024.

Next Steps

Pending Council direction to rezone the single-family LUC areas as recommended in this report, the City would follow its established rezoning process, as well as provincial LUC termination requirements for each LUC area, including:

- notification letter to property owners;
- information meeting;
- Council to consider first and second readings of the LUC Termination Bylaw and the related Zoning Bylaw amendment;

- Public Hearing;
- Council to consider third reading and adoption of the Zoning and LUC Termination Bylaws (date TBD);
- notification of outcome to property owners (date TBD);
- one-year waiting period (LUC continues to be in effect during this waiting period);
- LUC Termination Bylaw and new zoning comes into effect after the one-year waiting period; and
- LUC notation is removed from property owner's Certificate of Title.

Process to Address a Hardship Concern

If a property owner believes that the timing of the early LUC termination would cause hardship, an application can be made to the Board of Variance for consideration of an exemption under Section 533 of the *Local Government Act*. The Board of Variance may allow provisions of the LUC to continue to apply (no later than June 30, 2024). Application for exemption must be received within six months after the adoption of the LUC Termination Bylaw. Existing buildings and structures which were lawfully built will have legal non-conforming protection under Division 14 of the *Local Government Act*.

Should an LUC Termination Bylaw proceed, a letter is sent to each affected property owner advising them of this provision and the associated timelines.

Other Option

1. THAT the report dated January 17, 2022 from the Community Development Department – Policy Planning Division regarding Single-Family Land Use Contracts be received for information.
2. THAT the Land Use Contract areas prioritized for early termination and rezoning be amended as follows...

Financial Implications

The cost associated with the early LUC termination and rezoning of the recommended additional single-family LUC areas is approximately \$6,625.36. This includes the following:

- LTO Discharge Fee – $\$33.34 \times 4 = \133.36 ;
- 2 newspaper ads – $\$632 \times 6 = \$3,792$; and
- Rezoning signs – $\$450 \times 6 = \$2,700$.

Funding to cover these costs can be covered within the 2021 operating budget approved for this purpose.

Staff time involved to process the recommended additional single family LUC terminations and rezonings can be accommodated within the existing 2022 Community Development departmental work plan.

Communications and Civic Engagement Initiatives

Notification of the LUC termination bylaws and rezoning bylaws would occur in accordance with the requirements set out in the City's Development Approval Procedures Bylaw, No. 2918 and the *Local Government Act*. In addition to these, the City has established additional engagement with affected property owners, including a notification letter at the start of the process, followed by an information meeting with staff prior to Council consideration, and a follow up letter at the end of the process.

Council Strategic Plan Objectives

The information and recommendations contained in this report align with the Council 2019-2022 Strategic Plan Objectives of Exceptional Service and Community Evolution.

Attachment

1. Proposed Single-Family Land Use Contract Rezoning Schedule.

Report Author

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Report Approval Details

Document Title:	Single-Family Land Use Contracts.docx
Attachments:	- Attachment 1 – Proposed Single-Family Land Use Contract Rezoning Schedule.pdf
Final Approval Date:	Feb 7, 2022

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

Mary De Paoli, Manager of Policy Planning - Jan 27, 2022 - 2:57 PM

André Boel for Kate Zanon, General Manager of Community Development - Jan 28, 2022 - 5:26 PM

Tracey Takahashi for Dorothy Shermer, Corporate Officer - Feb 1, 2022 - 8:49 PM

Rosemary Lodge, Manager of Communications and Engagement - Feb 4, 2022 - 12:17 PM

Paul Rockwood, General Manager of Finance and Technology - Feb 4, 2022 - 12:40 PM

Tim Savoie, City Manager - Feb 7, 2022 - 10:54 AM