



City of Port Moody

Report/Recommendation to Council

Date: July 11, 2023

Submitted by: Community Development Department – Development Planning Division

Subject: Updated Development Approval Procedures Bylaw

Purpose

A bylaw to replace the existing Development Approval Procedures Bylaw based on recent legislative changes and general input and to make more efficient and effective the City's development application processes while ensuring that an open, publicly accessible system is maintained.

Recommended Resolution(s)

THAT City of Port Moody Development Approval Procedures Bylaw, 2023, No. 3417 be read a first, second, and third time as recommended in the report dated July 11, 2023, from the Community Development Department – Development Planning Division regarding Updated Development Approval Procedures Bylaw.

Background

Provincial legislation stipulates that where a municipality has adopted an Official Community Plan (OCP) or Zoning Bylaw, it must by bylaw define the procedures for applications that propose to amend the OCP or Zoning Bylaw or are seeking a planning and development related permit to be issued. Although Port Moody's Development Approval Procedures (DAP) Bylaw 2021, No. 3312 was last updated in 2021, it is timely to revisit this bylaw based on recent legislative changes with the aim to achieve greater processing efficiency in light of the large volume and increasingly sizeable and complex development applications being submitted to the City. In undertaking this work and preparing the updated Development Approvals Procedure (DAP) Bylaw, 2023, No. 3417 for Council's consideration, staff have also drawn on some of the early outputs from the two-year Development Approval Process review that started in 2021. At the same time, the opportunities for public information and engagement around the development application process that are a key part of the existing bylaw have been carried forward into the new, recommended DAP Bylaw, 2023, No. 3417. These starting points provided the objectives and direction for this bylaw review and overhaul.

The updated DAP Bylaw, 2023, No. 3417, pending Council's adoption, would rescind and replace the current DAP Bylaw, 2021, No. 3312, along with Port Moody Development Permit Delegation Bylaw, 2015, No. 3032.

Discussion

Several factors were considered in the review and updating of the DAP Bylaw, starting with recent amendments to the *Local Government Act (LGA)* that enable municipal Councils to expand the range of delegated authority to staff in terms of issuing development permits (DP) and development variance permits (DVP). Delegating clearly defined decision making to staff is intended to streamline and reduce process steps and thereby improve application timelines. The extent of this delegated authority, the conditions around it and the option for the applicant to appeal to Council are called for in the *LGA* and are clearly set out in the new, recommended bylaw. Essentially, minor, and more straightforward DP and DVP applications are proposed to be delegated to staff, while major, significant applications will continue to be advanced to Council for consideration of issuance. It should also be noted that under the proposed Bylaw staff are delegated the authority to process RS1-S and similar ground-oriented housing applications, as per previous Council direction, without holding a Public Hearing.

Other inputs that have shaped this work include:

- Earlier this year at the Council orientation, staff provided a brief overview about this bylaw review and the feedback from that session has helped guide the update.
- Comments from staff active in the development planning area regarding the effectiveness and degree of success with current processes and procedures. This input assisted in identifying difficulties or “pinch points” in current processes to be addressed while noting, retaining, and enhancing well-functioning procedures.
- Best practices from other municipalities were also drawn on in updating the DAP Bylaw.
- Lastly, legal guidance was sought to ensure that the updated bylaw was consistent with legislative parameters, framed to be reasonable and fair and not creating potential legal liability for the City.

While the new, recommended DAP Bylaw is largely based on the content and structure of the existing DAP Bylaw, 2021, No. 3312, there are several revisions and refinements incorporated into the update as summarized below:

- Based on the City Solicitor’s review and recognizing the slightly broader scope of the bylaw, additional definitions are included in the “Interpretation” section.
- The “Pre-application Reviews” section has been re-written to provide for a more streamlined, staff focused review. It was also clarified that that a pre-application is an optional step. Also aimed at improving processing timelines and mindful of Council meeting agendas, only those Pre-applications that fit within the “Major Development Application” (i.e., 2ha/5ac or larger sites) policy definition may be referred to Council.
- Consistent with previous Council direction, the new bylaw continues to provide for RS1-S and similar ground-oriented infill residential (i.e., duplex, triplex, and quadruplex) rezoning applications to not be referred to Council for early input nor as noted above, are Public Hearings to be held for these housing types.
- Reflecting practices in other municipalities and with the objective of helping Council meeting efficiency, DAP Bylaw, 2023, No. 3417 limits applicant presentations to Council at early input and First or Second Readings to only if staff are recommending against the rezoning or permit application. Application presentations to Council are slated for the Public Hearing when a wider audience is present.

- With advances in information technology and as enabled under the LGA, the “Public Notice Requirements” section has been updated to provide for a variety of electronic notification channels. However, applications requiring a Public Hearing, notification of when a Public Hearing will not be held, or notices for Development Variance Permits and Temporary Use Permits will continue to be mailed out to surrounding area property owners and residents/tenants. To manage mailing costs and given increasing housing densities within a prescribed area, it is recommended in the updated bylaw to move from the current 140-metre notification distance to 100 metres. A 100-metre notification radius is the same as Coquitlam and exceeds both Burnaby (30 metres) and New Westminster.
- Building upon the Development Permit (DP) issuance authorities conferred by bylaw in 2015, and further enabled by recent legislative amendments, the new DAP Bylaw, 2023, No. 3417 delegates to the General Manager of Community Development the ability to issue and amend certain DPs along with minor DVPs. In accordance with the *LGA* and as noted above, the bylaw sets limitations on the extent of this delegated authority and provides an avenue of appeal of a decision to Council for re-consideration. As these various delegated authorities are now consolidated in the Procedures Bylaw, the earlier Development Permit Delegation Bylaw, is proposed to be repealed.
- DAP Bylaw, 2023, No. 3417 also clarifies the approach for either closing or extending inactive applications at the Third Reading stage via a stepped process, first through staff and then to Council. These provisions are dependent on the applicant requesting an extension, demonstrating progress on their application, and submitting the appropriate fee.

The recommended bylaw sets in place updated procedures for the efficient and effective processing of a range of applications at a time when the City is receiving an increasing number and more complex development proposals, while still maintaining significant opportunities for early review, and public information and input. Proposed DAP Bylaw, 2023, No. 3417 has also been synced with the amended Fees Bylaw, which is being brought forward concurrently for Council’s consideration, to ensure that the necessary fees at the appropriate levels will be received to support the processing of development applications.

Other Option(s)

Council may choose to refer proposed Development Approval Procedures Bylaw, 2023, No. 3417 back to staff to make further changes.

Financial Implications

There are not direct financial implications. The Fees Bylaw update also on the July 11, 2023, Council agenda addresses any fee references in DAP Bylaw, 2023, No. 3417.

Communications and Civic Engagement Initiatives

Should Council adopt DAP Bylaw, 2023, No.3417, staff would update website and other information sources to communicate regarding the procedures bylaw to applicants and interested members of the public.

Council Strategic Plan Objectives

The updated procedures bylaw aligns with several of the Council Strategic Plan 2023-2026 objectives, including enhancing customer service and maintaining and improving the efficiency of City processes.

Attachment(s)

1. Draft City of Port Moody Development Approval Procedures Bylaw, 2023, No. 3417.

Report Author

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Report Approval Details

Document Title:	Updated Development Approval Procedures Bylaw.docx
Attachments:	- Attachment 1 - Draft City of Port Moody Development Approval Procedures Bylaw, 2023, No. 3417.pdf
Final Approval Date:	Jul 4, 2023

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

Kate Zanon, General Manager of Finance and Technology - Jun 29, 2023 - 5:52 PM

Tracey Takahashi, Deputy Corporate Officer, for Stephanie Lam, City Clerk and Manager of Legislative Services - Jun 29, 2023 - 6:04 PM

Natasha Vander Wal for Lindsay Todd, Manager of Communications and Engagement - Jun 30, 2023 - 10:14 AM

Paul Rockwood, General Manager of Finance and Technology - Jul 1, 2023 - 1:12 PM

Anna Mathewson, General Manager of Community Services, for Tim Savoie, City Manager - Jul 4, 2023 - 11:01 AM