



# City of Port Moody

## Report/Recommendation to Council

Date: February 19, 2020  
Submitted by: Planning and Development Department – Policy Planning Division  
Subject: Termination of Land Use Contracts at Easthill, Highland Park, Eagle Point, Inlet View, and Sentinel Hill, and Rezoning to RM3

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### Purpose

To present Bylaw No. 3239 and Bylaw No. 3240 for consideration of first and second readings to repeal the Land Use Contracts (LUC) at Easthill, Highland Park, Eagle Point, Inlet View, and Sentinel Hill, and to rezone these LUC areas to RM3.

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### Recommended Resolutions

**THAT City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 32, 2020, No. 3239 (RM3 LUC Termination) and City of Port Moody Land Use Contract Termination Bylaw, 2020, No. 3240 (RM3) be read a first and second time as recommended in the report dated February 19, 2020 from the Planning and Development Department – Policy Planning Division regarding Termination of Land Use Contracts at Easthill, Highland Park, Eagle Point, Inlet View, and Sentinel Hill, and Rezoning to RM3;**

**AND THAT Bylaw No. 3239 and Bylaw No. 3240 be referred to a Public Hearing;**

**AND THAT the requirement to notify tenants and property owners within 140 metres of the perimeter boundary of the parcel associated with the LUC areas per Development Approval Procedure Bylaw, No. 2918 be waived.**

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### Background

A land use contract (LUC) is a legislative tool that was used in the 70s that encompass a wide range of land uses and development components, until it was repealed in 1978.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.

In the City of Port Moody there are 21 groups of areas with LUCs affecting approximately 2,230 fee simple and strata properties. In some cases, the underlying zoning does not suit the existing use that was permitted by the LUC. 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:

1. Properties with suitable underlying zoning left to expire, and;
2. other properties to be rezoned (beginning 2020).

For the properties with suitable underlying zoning, staff held an information meeting on October 23, 2019 to notify approximately 587 tenants and property owners about the LUC on their property and to advise that staff will take no action regarding the LUC, which will expire on the June 30, 2024 deadline. The remaining LUCs will be brought forward to Council for consideration of rezoning according to their zone and complexity. On February 5, 2020, staff held an information meeting for property owners and tenants for the LUC properties to be rezoned to RM3.

## Discussion

There are five areas with land use contracts in the City of Port Moody in which the existing use as permitted by the land use contract does not match the current underlying zoning and which are more suited to the RM3 zone:

### 1. Easthill

The LUC at Easthill is associated with 252 two- to three-storey townhomes with carports and a private recreation building. The RM3 zone is suitable for this LUC area as it allows for two-storey, ground-oriented, low-density townhouse development. RM3 also allows for the floor below the first storey to be exposed on one side of the building where it is located on a sloping lot, which is consistent with this LUC area. While the drawings referenced in the Land Use Contract are not available, the existing condition of the site provides insight into siting and sizing of the buildings permitted by the land use contract, which are generally consistent with the provisions of the RM3 zone. In addition, there is a recreation building permitted by the LUC, which is not permitted in the RM3 zone. To address this, a recreation facility will be included as a site-specific RM3 amendment for this property. A summary of the land use contract and affected properties is outlined in **Table 1**. The location map and Land Use Contract for Easthill is included as **Attachment 1**. **Attachment 2** compares the provisions of the land use contract to the proposed RM3 zone.

**Table 1: Summary of East Hill LUC**

<b>Development Name</b>	Easthill
<b>Number of Properties</b>	252
<b>Address</b>	185-236, 301-316, 401-444, 501-528 Cardiff Way 201-244, 301-311, 401-440, 501-507 Cambridge Way 172-236, 302-320 Cornell Way
<b>Current Use</b>	Multi-Residential – Townhouse, Recreation building
<b>OCP Designation</b>	Multi-Family Residential
<b>Underlying Zoning</b>	RM2
<b>Proposed New Zoning</b>	RM3
<b>LUC Intent</b>	<i>45 principal buildings as shown on drawing No. E-1 for residential use and one recreation facility, as shown on Drawing No. E-8.</i> (Drawings not attached to registered LUC documents)

## 2. Highland Park

The LUC is associated with 150 units in 25 two- to three-storey townhomes with a private recreation building. The RM3 zone is suitable for this LUC area as it allows for two-storey, ground-oriented, low-density townhouse development. RM3 also allows for the floor below the first storey to be exposed on one side of the building where it is located on a sloping lot, which is consistent with this LUC area. While the drawings referenced in the Land Use Contract are not available, the existing condition of the site provides insight into siting and sizing of the buildings permitted by the land use contract, which are generally consistent with the provisions of the RM3 zone. In addition, there is a recreation building permitted by the LUC, which is not permitted in the RM3 zone. To address this, a recreation facility will be included as a site-specific RM3 amendment for this property. A summary of the land use contract and affected properties is outlined in **Table 2**. A location map and summary of the Land Use Contract for Highland Park are included as **Attachment 3**. **Attachment 4** compares the provisions of the land use contract to the proposed RM3 zone.

**Table 2: Summary of Highland Park LUC**

<b>Development Name</b>	Highland Park
<b>Number of Properties</b>	150
<b>Address</b>	303-309, 310-316 Highland Way 302-304, 301-311 Afton Lane
<b>Current Use</b>	Multi-Residential – Townhouse (clustered), Recreation building
<b>OCP Designation</b>	Multi-Family Residential
<b>Underlying Zoning</b>	RM1
<b>Proposed New Zoning</b>	RM3
<b>LUC Intent</b>	<i>One hundred and fifty residential dwelling units contained in twenty-five principal buildings, as shown on Drawing No. P-1 for residential use, with accessory off-street parking use. One recreation complex as shown on Drawing Nos. P-27, P-28, and P-29.</i> (Drawings not attached to registered LUC documents).

### 3. Eagle Point

The LUC at Eagle Point is associated with 158 two- to three-storey townhomes with a private recreation building. Some of these townhomes have yards and others have detached garages which are at grade level. The RM3 zone is suitable for this LUC area as it allows for two-storey, ground-oriented, low-density townhouse development. RM3 also allows for the floor below the first storey to be exposed on one side of the building where it is located on a sloping lot, which is consistent with this LUC area. While the drawings referenced in the Land Use Contract are not available, the existing condition of the site provides insight into siting and sizing of the buildings permitted by the land use contract, which are generally consistent with the provisions of the RM3 zone. In addition, there is a recreation building permitted by the LUC, which is not permitted in the RM3 zone. To address this, a recreation facility will be included as a site-specific RM3 amendment for this property. A summary of the land use contract and affected properties is outlined in **Table 3**. A location map and the Land Use Contract for Eagle Point are included as **Attachment 5**. **Attachment 6** compares the provisions of the land use contract to the proposed RM3 zone.

**Table 3:** Summary of Eagle Point LUC

<b>Development Name</b>	Eagle Point
<b>Number of Properties</b>	158
<b>Address</b>	403-527 Lehman Place 401- 599 Carlsen Place.
<b>Current Use</b>	Multi-Residential – Townhouse Recreation building
<b>OCP Designation</b>	Multi-Family Residential
<b>Underlying Zoning</b>	RM1
<b>Proposed New Zoning</b>	RM3
<b>LUC Intent</b>	<i>To permit 158 residential dwelling units contained in twenty-four principal buildings, as shown on Drawing on Drawing Nos. S – 01 and L - 01 for residential use, with accessory off-street parking use. One recreation complex as shown on Drawing Nos. S-01 and L – 01 (Drawings not attached to registered LUC documents).</i>

### 4. Inlet View

The Inlet View LUC is associated with the townhomes at 2611-2621 Jane Street, which consist of six units in one building, five of which are three-storeys and one of which is a four-storey building. The RM3 zone is suitable for this LUC area as it allows for two-storey, ground-oriented, low-density townhouse development. RM3 also allows for the floor below the first storey to be exposed on one side of the building where it is located on a sloping lot, which is consistent with this LUC area. While the drawings referenced in the Land Use Contract are not available, the existing condition of the site provides insight into siting and sizing of the buildings permitted by the land use contract, which are generally consistent with the provisions of the RM3 zone. A summary of the land use contract and affected properties is outlined in **Table 4**. A location map and the Land Use Contract for 2611-2621 Jane Street are included as **Attachment 7**. **Attachment 8** compares the provisions of the land use contract to the proposed RM3 zone.

**Table 4:** Summary of Inlet View LUC

<b>Development Name</b>	Inlet View
<b>Number of Properties</b>	6
<b>Address</b>	2611-2621 Jane Street
<b>Current Use</b>	Multi-Residential – Townhouse
<b>OCP Designation</b>	Multi-Family Residential
<b>Underlying Zoning</b>	RM2
<b>Proposed New Zoning</b>	RM3
<b>LUC Intent</b>	<i>One principal building, as shown on Drawing No. A-I &amp; A-IO for residential use with accessory off-street parking uses; as shown on Drawing No. A-1. (Drawings not attached to registered LUC documents).</i>

### 5. Sentinel Hill

The LUC at Sentinel Hill is associated with 30 townhome units and a dedicated park. The townhomes at 15-25 Mercier Road are two-storey with a partial third storey on the slope while the properties at 525-571 Ioco Road are predominantly three-storey. Sentinel Hill Park is included in this LUC area and has an underlying P1 zoning which is appropriate for a park use. However, the existing townhouse use is not consistent with the underlying RS1 Single Detached Residential Zoning. The townhomes are more suited to RM3 zoning, which allows a maximum of two-storey townhomes except that the floor below the first storey may be exposed on one side of the building where it is located on a sloping lot, which is consistent with this LUC area. A summary of the land use contract and affected properties is outlined in **Table 5**. A location map and the Land Use Contract for Sentinel Hills is included as **Attachment 9**. **Attachment 10** compares the provisions of the land use contract to the proposed RM3 zone.

**Table 5:** Summary of Sentinel Hill LUC and Associated Properties

<b>Development Name</b>	Sentinel Hill
<b>Number of Properties</b>	30
<b>Address</b>	303-309, 310-316 Highland Way 302-304, 301-311 Afton Lane
<b>Current Use</b>	Multi-Residential – Townhouse Sentinel Hill Park
<b>OCP Designation</b>	Multi-Family Residential Parks and Open Space
<b>Underlying Zoning</b>	RS1 P1 (Sentinel Hill Park)
<b>Proposed New Zoning</b>	RM3 (P1 remains)
<b>LUC Intent</b>	<i>Six principal buildings, as shown on Drawing No. G - 1, for residential use, with accessory off-street parking use as normally permitted in the low-density apartment residential zone (RM-1) of the City of Port Moody. (Drawings not attached to registered LUC documents).</i>

### Bylaw No. 3239 and Bylaw No. 3240

To facilitate early termination of the LUCs and to rezone the properties to RM3, City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 32, 2020, No. 3239 (RM3 LUC Termination) is included as **Attachment 11**. City of Port Moody Land Use Contract Termination Bylaw, 2020, No. 3240 (RM3) is included as **Attachment 12**. For Sentinel Hill, the Zoning Amendment Bylaw No. 3239 rezones only the RS1 portion of the LUC to RM3. The P1 zoning associated with the park would remain as it is an appropriate zone for Sentinel Hill Park. The rezoning maps associated with Easthill, Highland Park, Eagle Point, Inlet View, and Sentinel Hill are included as **Attachments 13, 14, 15, 16, and 17** respectively.

### Board of Variance - Section 533 of the *Local Government Act*

If a property owner feels 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. 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 the LUC termination bylaw proceed, a letter will be sent to each affected property owner advising them of this provision and the associated timelines.

### Timeline and Next Steps

To rezone the properties to RM3, the City will follow its established rezoning process as well as provincial LUC termination requirements which include:

- notification letter to property owners (January 3, 2020)
- information meeting (February 5, 2020)
- Council to consider first and second readings of LUC Termination Bylaw and the related Zoning Bylaw amendment for proposed new zone (March 10, 2020)
- Public Hearing (tbd)
- Council to consider third reading zoning and adoption of the bylaws (tbd)
- notification of outcome to property owners (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
- LUC notation is removed from property owner's Certificate of Title

### Development Approval Procedure Bylaw No. 2918

Section 11 of the City's Development Approval Procedure Bylaw 2918 requires notification of a proposed rezoning to all owners and tenants in occupation of each parcel of land which is the subject of the proposed bylaw and to all registered owners of property and tenants in occupation of property within one hundred and forty (140) metres of the perimeter boundary of the parcel. Given that the rezoning of the LUC affected properties does not involve any new development on the site, staff propose that the notification requirement for properties within a 140-metre radius of the rezoning site be waived. Notification to the owners and tenants of the LUC properties would continue. Overall, this would reduce costs for the land use termination project by approximately \$750.00 (\$150.00 x 5 LUC areas to be rezoned).

## Other Option

1. THAT the Land Use Contract associated with the properties at Easthill, Highland Park, Eagle Point, Inlet View, and Sentinel Hill be left to expire leaving the existing underlying zoning in place.

## Financial Implications

The costs associated with the Public Hearing notifications and the discharge of the Land Use Contract at the Land Title and Survey Authority will be covered by the land use contract termination operating budget, which is to be funded from the Council Strategic Priorities Reserve.

## Communications and Civic Engagement Initiatives

If Bylaw No. 3240 and Bylaw No. 3239 proceed to a Public Hearing, notification will occur in accordance with the requirements set out in the City's Development Approval Procedures Bylaw No. 2918 and the *Local Government Act*, with the exception of the notice to surrounding areas within 140 metres of the perimeter boundary of the rezoning site, should this requirement be waived.

## 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.

## Attachments

1. Easthill Location Map and Land Use Contract.
2. Comparison of Easthill LUC and the RM3 zoning designation.
3. Highland Park Location Map and Land Use Contract.
4. Comparison of Highland Park LUC and the RM3 zoning designation.
5. Eagle Point Location Map and Land Use Contract.
6. Comparison of Eagle Point LUC and the RM3 zoning designation.
7. Inlet View Location Map and Land Use Contract.
8. Comparison of Inlet View LUC and the RM3 zoning designation.
9. Sentinel Hills Location Map and Land Use Contract.
10. Comparison of Sentinel Hills LUC and the RM3 zoning designation.
11. City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 32, 2020, No. 3239 (RM3 LUC Termination).
12. City of Port Moody Land Use Contract Termination Bylaw, 2020, No. 3240 (RM3).

## Report Author

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## Report Approval Details

Document Title:	Termination of Land Use Contracts and Rezoning of Properties to RM3.docx
Attachments:	<ul style="list-style-type: none"><li>- Attachment 1 - Easthill Map and Land Use Contract.pdf</li><li>- Attachment 2 - Comparison of East Hill LUC and RM3 Zoning Designation.pdf</li><li>- Attachment 3 - Highland Park Map and LUC.pdf</li><li>- Attachment 4 - Comparison of Highland Park LUC and the RM3 zoning designation.pdf</li><li>- Attachment 5 - Eagle Point Map and LUC.pdf</li><li>- Attachment 6 - Comparison of Eaglepoint LUC and the RM3 zoning designation.pdf</li><li>- Attachment 7 - Inlet View Map and Land Use Contract.pdf</li><li>- Attachment 8 - Comparison of Inlet View LUC and the proposed RM3 zone designation.pdf</li><li>- Attachment 9 - Sentinel Hills Map and Land Use Contract.pdf</li><li>- Attachment 10 - Comparison of Sentinel Hill LUC and the RM3 zoning designation.pdf</li><li>- Attachment 11 - City of Port Moody Zoning Bylaw Amendment Bylaw No. 3239.pdf</li><li>- Attachment 12 - City of Port Moody Land Use Contract Termination Bylaw No. 3240.pdf</li></ul>
Final Approval Date:	Mar 3, 2020

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

Dorothy Shermer, Corporate Officer - Feb 27, 2020 - 11:05 PM

Natasha Vander Wal for Rosemary Lodge, Manager of Communications and Engagement –  
Feb 28, 2020 - 4:14 PM

Paul Rockwood, General Manager of Finance and Technology - Feb 28, 2020 - 4:17 PM

André Boel, General Manager of Planning and Development - Feb 28, 2020 - 4:34 PM

Tim Savoie, City Manager - Mar 3, 2020 - 9:56 AM