



# City of Port Moody

## Report/Recommendation to Council

Date: August 7, 2020  
Submitted by: Planning and Development Department – Policy Planning Division  
Subject: Termination of Land Use Contract at Balmoral Place and Rezoning to RM4

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### Purpose

To present Bylaw No. 3267 and Bylaw No. 3268 for consideration of first and second readings to repeal the Land Use Contract (LUC) at Balmoral Place and to rezone this LUC area to RM4.

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### Recommended Resolutions

**THAT City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 44, 2020, No. 3267 (RM4 LUC Termination) and City of Port Moody Land Use Contract Termination Bylaw, 2020, No. 3268 (RM4) be read a first and second time as recommended in the report dated August 7, 2020 from the Planning and Development Department – Policy Planning Division regarding Termination of Land Use Contracts at Balmoral Place and Rezoning to RM4;**

**AND THAT Bylaw No. 3267 and Bylaw No. 3268 be referred to a Public Hearing;**

**AND THAT the requirement to notify tenants and property owners within 140m of the perimeter boundary of the parcel associated with the LUC area 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tool that was used in the 1970s that encompass a wide range of land uses and development components, until it was repealed in 1978.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.

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).

The existing use permitted by the land use contract governing the properties at Balmoral Place does not match the current underlying zoning of RM1, which is limited to a two-storey townhouse form. As Balmoral Place consists of three-storey townhouses, it is proposed that the properties be rezoned to the RM4 zone, which is a more suitable match.

For Balmoral Place, letters were mailed on June 8, 2020 notifying all property owners and tenants of the land use contract on the property, the proposed rezoning to RM4 and that an information meeting via Zoom was scheduled for June 24, 2020. No property owners or tenants from Balmoral Place attended the information meeting. Notification signs were posted on the property in early August inviting public comments and providing an email contact for inquiries.

## Discussion

A summary of the land use contract and affected properties is outlined in Table 1. The location map and Land Use Contract for Balmoral Place is included as **Attachment 1**. **Attachment 2** compares the provisions of the land use contract to the proposed RM4 zone.

### Balmoral Place

Table 1: Summary of Balmoral Place LUC

Development Name:	Balmoral Place
Number of Properties:	88
Addresses:	201-288 Balmoral Place
Current Use:	Multi-Residential – Townhouse
OCP Designation:	Multi-Family Residential/High Rise Residential
Underlying Zoning:	RM1
Proposed New Zoning:	RM4
LUC Intent:	88 residential dwelling units contained in 88 principal buildings for residential use with accessory off-street parking and one recreation area. (Drawings not attached to registered LUC documents).

### Bylaw No. 3267 and Bylaw No. 3268

To facilitate early termination of the LUC for Balmoral Place and to rezone the property to RM4, draft City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 44, 2020, No. 3267 (RM4 LUC Termination) is included as **Attachment 3** and draft City of Port Moody Land Use Contract Termination Bylaw, 2020, No. 3268 (RM4) is included as **Attachment 4**.

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

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. 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 RM4, the City will follow its established rezoning process as well as provincial LUC termination requirements, which include:

- notification letter to property owners (June 8, 2020);
- information meeting (June 24, 2020);
- Council to consider first and second readings of LUC Termination Bylaw and the related Zoning Bylaw amendment for proposed new zone (September 8, 2020);
- Public Hearing (date TBD);
- 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.

#### Development Approval Procedure Bylaw, No. 2918

Section 11 of the City's Development Approval Procedure Bylaw, No. 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 140m 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 140m-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 \$150.

This approach is consistent with the notification process associated with the June 9, 2020 Public Hearing for the LUC termination and rezoning of Sentinel Hills, Inlet View, Eagle Point, Easthill, and Highland Park.

#### **Other Option**

THAT the Land Use Contract associated with the properties at Balmoral Place be left to expire leaving the existing underlying zoning of RM1 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 funded from the Council Strategic Priorities Reserve.

## Communications and Civic Engagement Initiatives

If Bylaw No. 3267 and Bylaw No. 3268 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 140m 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. Balmoral Place Location Map and Land Use Contract.
2. Comparison of the Balmoral Place LUC and the RM4 zoning designation.
3. Draft City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 44, 2020, No. 3267 (RM4 LUC Termination).
4. Draft City of Port Moody Land Use Contract Termination Bylaw, 2020, No. 3268 (RM4).

## Report Author

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## Report Approval Details

Document Title:	Termination of Land Use Contracts and Rezoning of Properties to RM4.docx
Attachments:	<ul style="list-style-type: none"><li>- Attachment 1 - Balmoral Place LUC and Map.pdf</li><li>- Attachment 2 - Comparison of LUC and RM4 Zoning.pdf</li><li>- Attachment 3 - Bylaw No. 3267.pdf</li><li>- Attachment 4 - Bylaw No. 3268.pdf</li></ul>
Final Approval Date:	Aug 25, 2020

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

Mary De Paoli, Manager of Policy Planning - Aug 20, 2020 - 12:50 PM

Tracey Takahashi for Dorothy Shermer, Corporate Officer - Aug 21, 2020 - 10:23 AM

Natasha Vander Wal for Rosemary Lodge, Manager of Communications and Engagement - Aug 21, 2020 - 11:00 AM

Paul Rockwood, General Manager of Finance and Technology - Aug 21, 2020 - 1:23 PM

Tim Savoie, City Manager - Aug 25, 2020 - 3:39 PM