

STAFF REPORT TO COUNCIL

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DATE: January 18, 2022

TO: MAYOR AND COUNCIL

NAME AND TITLE: Deanna Wasnik, Director of Planning and Development

SUBJECT: Land Use Contract Discharge Application No. LU000050 (Bylaw No. 9244)

APPLICANT: Ray Olson for Dale and Georgina Olson

LOCATION: 1312 Blackburn Road

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9244
Exhibit "A" to LU000050
Land Use Contract Bylaw No. 3109, 1977 (Land Title Office Document No. N29251)

RECOMMENDATION(S):

THAT Council:

1. GIVES FIRST AND SECOND READING to "City of Prince George Authorization Issuance Land Use Contract No. LU 53-77, Bylaw No. 3109, 1977, Discharge Bylaw No. 9244, 2021" to discharge Land Use Contract Bylaw No. 3109, 1977, registered as Land Title Document No. N29251, as shown on Appendix "A" to Bylaw No. 9244, 2021 from the legal title of Lot 4, District Lot 633, Cariboo District, Plan 8698; and
2. EXPANDS, the notification distance required in "City of Prince George Development Procedures Bylaw No. 7635, 2005", from 30 metres to the area shown on Exhibit "A" to LU000050 for the mailing of notice of the public hearing for "City of Prince George Authorization Issuance Land Use Contract No. LU 53-77, Bylaw No. 3109, 1977, Discharge Bylaw No. 9244, 2021"

PURPOSE:

The applicant has applied to discharge the Land Use Contract Bylaw No. 3109, 1977 (Land title Office Document No. N29251) from 1312 Blackburn Road (subject property), as shown on Appendix "A" to Bylaw No. 9244. Currently, the Land Use Contract restricts the land use on the subject property to single family lots, future park, school site and residential as indicated in the attached Land Use Contract No. N29251. The subject property is currently being used for residential purpose and undeveloped agricultural lands. The applicant has applied to discharge the Land Use Contract, thereby allowing the subject area to be regulated under the City of Prince George Zoning Bylaw No. 7850, 2007.

The Land Use Contract is located on six (6) separate properties as shown on Appendix "A" to Bylaw No. 9244. The land use contract discharge is only for the subject property, as shown on Appendix "A" to Bylaw No. 9244.

Background

Site Characteristics

Location	1312 Blackburn Road
Legal Description	Lot 4, District Lot 633, Cariboo District, Plan 8698
Current Use	Residential and agriculture
Site Area	4.0 ha
Growth Management Class	Infill (0.46 ha) and Rural Areas (3.53 ha)
Future Land Use	Neighbourhood Residential (0.46 ha) and Rural B (3.53 ha)

Zoning (see Appendix “A” to Bylaw No. 9244, 2021)

Current Zoning	RS2m: Single Residential (0.35 ha) and AF: Agriculture and Forestry (3.65 ha)
Land Use Contract Bylaw No. 3109, 1977 (LTO document No. N29251)	Single family lots, future park, future school site and residential

Surrounding Land Use Table

North	Residential and agriculture
South	Residential and agriculture
East	Undeveloped greenbelt
West	Blackburn Road; residential and rural residential

POLICY / REGULATORY ANALYSIS:

Land Use Contracts

Land use contracts were created in BC throughout the 1970's as a form of site specific land use regulation between local governments and landowners. The terms and conditions of Land Use Contracts may impact the land uses permitted. The presence of a Land Use Contract on a property title requires that any regulations within the contract take precedent over local government land use regulations on that land.

Pursuant to Section 546 of the *Local Government Act*, a Land Use Contract that is registered in a land title office may be amendment, modified, varied or discharged with the agreement of the local government, and the other of any parcel that is described in the bylaw as being covered by the amendment. As per Section 547 of the *Local Government Act*, all Land Use Contracts will be terminated as of June 30, 2024, unless discharged prior to June 30, 2022.

Land Use Contract Land Title Document No. N29251

City Council adopted the Land Use Contract (LTO Document No. N29251) under Bylaw No. 3109, 1977 on December 12, 1978. This Land Use Contract restricts the use on the subject property to single residential with future development of park, school site and residential dwellings. This contract also had additional development regulations pertaining to utilities, subdivision and other development infrastructure. Please see the attached Land Use Contract for schedules and additional information.

The applicant has applied to discharge the Land Use Contract to allow the subject property to be regulated under the regulations of the City of Prince George Zoning Bylaw No. 7850, 2007. Administration is supportive of this application, as it is consistent with the surrounding land use, the future land use policy direction outlined in the Official Community Plan, and the regulations of the Zoning Bylaw.

Official Community Plan

Future Land Use

The subject property is designated as Neighbourhood Residential (0.46 ha) and Rural B (3.53 ha) in Schedule B-6: Future Land Use of the Official Community Plan. The Neighbourhood Residential designation is intended to be neighbourhoods that are primarily residential in nature, with associated schools and parks in the neighbourhood. They are typically small-scale, dominated by single family and similar sized buildings. The City should support infill and redevelopment in existing neighbourhoods (Policy 8.3.45) and maintain a similar scale of housing to that typical to existing neighbourhoods (Policy 8.3.58).

The Rural B designation is intended to function as a transition between rural resource lands and urban areas, providing for rural residential and more active small-scale agriculture. Rural B designation allow for moderate intensity rural residential use with a minimum lot size of one (1) lot per 2 ha (Policy 8.3.110).

The above referenced OCP designations identified on the subject property align with the intent of the Land Use Contract.

Growth Management

The subject property is designated as Infill (0.46 ha) and Rural Areas (3.53 ha) in Schedule B-4: Growth Management of the Official Community Plan. The infill designation is intended to encourage growth within the infill and growth priority areas (Policy 8.1.1). The City should encourage infill and redevelopment of existing vacant and underused sites (Policy 8.3.31).

The Rural Areas designation functions as a transition between rural resource lands and urban areas. Growth management objectives suggests limited development including low density residential uses, hobby farms and similar uses.

Administration supports removing the Land Use Contract in order to align the permitted uses with the residential and low intensity residential uses permitted in the Growth Management Designations.

Riparian Protection Development Permit Area

The subject property has been identified within Schedule D-2: Riparian Protection Development Permit (RPDP) area due to an unnamed tributary that traverses the property. The RPDP areas consist of land and vegetation adjacent to watercourses that provides a range of important functions, including fish and wildlife habitat, erosion and sediment control, flood protection and overall bank stability.

Under Section 8.9.2 of the Zoning Bylaw No. 7850, 2007, a minimum of a 15.0 m leave strip is required to be maintained from top of bank for agriculture and low density (<18 dwellings/ ha) residential developments. Leave strips within Riparian Protection Development Permit areas must remain free of development to ensure that natural features and function of the watercourse are preserved and protected to ensure they continue to support fish and wildlife habitat.

A Riparian Protection Development is not required for the Land Use Contract Discharge application; however, a RPDP would be required for any future subdivision, land alteration and/or development within the riparian area on the subject property.

Zoning Bylaw

The subject property is currently split zoned AF: Agriculture & Forestry (3.65 ha) and RS2m: Single Residential (0.35 ha). The AF: Agriculture & Forestry zone is intended to conserve and manage agricultural and forestry land by providing for a compatible range of uses with regulations that maintain parcels of at least 15.0 ha.

The RS2m: Single Residential zone is intended to foster an urban lifestyle on properties larger than 500 m². This zone also provides for complementary residential related uses that are compatible with the residential character of the area. Areas designated RS2m provide for manufactured housing of CSA A277 or CSA Z240 standards to be placed on the property.

Administration is supportive of the Land Use Contract discharge to allow for the subject property to be regulated under the regulations of the Zoning Bylaw. The current zoning is consistent with the form and character of the area and the future land use and growth management designations of the OCP.

OTHER CONSIDERATIONS:

Charges on Title:

Right of Way under charge No. L31175: The Right of Way document pertains to the City of Prince George sanitary right of way that crosses the subject property. Administration has reviewed the right of way and it is not anticipated that the Land Use Contract discharge will impact the right of way registered on title. The right of way would be considered at the time development is proposed for the property.

Referrals

This application was referred to internal City divisions and external agencies for comments. Administration did not receive any additional comments from internal and external agencies for the application.

Council Procedures and Statutory Notification

As per the requirements set out in the *Local Government Act* and “City of Prince George Development Procedures Bylaw No. 7635, 2005”, the City of Prince George will mail or otherwise deliver a notice to adjacent property owners and tenants whose interests may be affected by these applications.

Administration is recommending that the Notice of Public Hearing mail out area that is required as per the “City of Prince George Development Procedures Bylaw No. 7635, 2005” is increased from 30 meters to the properties shown on Exhibit “A” to LU000050. The increase in the mail out notification is to include the additional five (5) properties that have the Land Use Contract registered on title as well as to capture properties that may be impacted by the proposal.

Members of the public may provide comment by written submission, telephone or in person. Written submissions received in response to the public notice for these applications will be provided to Council for their consideration during the public hearing and prior to third reading of the proposed bylaws. Residents who wish to speak in person can do so during the Public Hearing in Council Chambers. Additional information on methods to provide comments to Council can be found on the [City's website](#).

ALTERNATIVES:

1. Approve the bylaw
2. Approve the bylaw as amended
3. Refuse the bylaw
4. Defer or otherwise deal with the bylaw

Administration recommends that Bylaw No. 9244, 2021 be approved.

SUMMARY AND CONCLUSION:

The applicant has applied to discharge the Land Use Contract from the subject property in order to allow the land to be regulated by the City of Prince George Zoning Bylaw. Administration recommends that Council approve the proposed Land Use Contract discharge for the reasons outlined in this report.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: **Melissa Nitz, Planner**

APPROVED:

Walter Babicz, City Manager
Meeting Date: 2022/02/28