

STAFF REPORT TO COUNCIL

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DATE: January 12, 2022

TO: MAYOR AND COUNCIL

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

SUBJECT: Land Use Contract Discharge Application No. LU000048 (Bylaw No. 9225)

APPLICANT: L&M Engineering Ltd. for 101178167 Saskatchewan Ltd. and 101100639 Saskatchewan Ltd.

LOCATION: Western Road (PID: 011-520-949)

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9225
Exhibit "A" to LU000048
Exhibit "A" to SD100635
Land Use Contract Bylaw No. 2910, 1976 (M12699)
Supporting Document(s)

RECOMMENDATION(S):

THAT Council:

1. GIVES FIRST AND SECOND READING to "City of Prince George Authorization Issuance Land Use Contract No. LU 28-76, Bylaw No. 2910, 1976, Discharge Bylaw No. 9225, 2021" to discharge Land Use Contract No. M12699, from the following legal title, as shown on Appendix "A" to Bylaw No. 9225, 2021.
 - South West $\frac{1}{4}$ of District Lot 625, Cariboo District, Except Plans H705, 13483, 13646, 14296, 18560, 25988, 25989 and 33086.
2. EXPANDS, from 30 metres to the notification area identified on Exhibit "A" to LU000048, as required in "City of Prince George Development Procedures Bylaw No. 7635, 2005", for the mailing of notice of the Public Hearing for "City of Prince George Land Use Contract Bylaw No. 2910, 1976, Discharge Bylaw No. 9225, 2021".

PURPOSE:

The applicant has applied to discharge Land Use Contract Bylaw No. 2910, 1976 (M12699) from the subject property located on Western Road (PID: 011-520-949), as shown on Appendix "A" to Bylaw No. 9225. Currently Land Use Contract Bylaw No. 2910, 1976, restricts land use, development regulations, infrastructure and future subdivision of the subject property. The applicant has applied to discharge the Land Use Contract thereby allowing the subject property be regulated by City of Prince George Zoning Bylaw No. 7850, 2007.

The applicant also hosted a public open house on November 30, 2021, to gather feedback from the surrounding Western Acres community on the revised application. Please see the applicant's consultation summary enclosed as a supporting document.

Site Characteristics

Location	Western Road (PID: 011-520-949)
Legal Description	South West ¼, District Lot 625, Cariboo District, Except Plans H705, 13483, 13646, 14296, 18560, 25988, 25989 and 33086
Site Area	24 ha (59 acres)
Future Land Use	Rural C and Rural Resource
Growth Management Class	Rural Area and Rural Resource
Servicing	City Services Available

Zoning Bylaw No. 7850, 2007

Current Use	Vacant, undeveloped lands
Current Zoning	AR3: Rural Residential (15.5 ha); and AF: Agriculture & Forestry (8.5 ha)

Land Use Contract (see Appendix “A” to Bylaw No. 9225)

Bylaw No. 9225	Unsubdivided Remainder
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Surrounding Land Use Table

North	Beaverly Elementary School
South	Western Acres Subdivision
East	Vacant, undeveloped lands
West	Western Acres Subdivision; Hartman Road

Relevant Applications

Subdivision Application No. SD100635: The applicant has submitted a subdivision application for the South West ¼ of District Lot 625, to create 10 additional lots, as shown on Exhibit “A” to SD100635. Through the referral process, Planning and Development noted Land Use Contract Bylaw No. 2910, 1976 (M12699) on the property. The Land Use Contract discharge is required to facilitate the proposed subdivision application.

Riparian Protection Development Permit No. DP100739: A Riparian Protection Development Permit was issued in compliance with the Riparian Protection Development Permit Area Guidelines identified by Zoning Bylaw No. 7850, 2007. This Development Permit includes a professional watercourse assessment including recommendations for a reduced riparian leave strip and map depicting the buildable area within the proposed subdivision layout.

Land Use Contract Discharge Application No. LU000046: The applicant previously applied to discharge Land Use Contract Bylaw No. 2910, 1976 (M12699) from 21 properties within the Land Use Contract area. On July 26, 2021, Council denied Third Reading of Discharge Bylaw No. 9136, 2020. As such, the applicant has reapplied to discharge the Land Use Contract from a reduced area for the subject property only.

Property Title

Land Use Contract M12699: Registered to title on May 6, 1977, the land use contract acts as site-specific land use regulation restricting land use, development regulations, infrastructure and subdivision development. Land Use Contract Bylaw No. 2910, 1976 (M12699) is attached to this report for reference.

BACKGROUND:

The applicant previously applied to discharge Land Use Contract Bylaw No. 2910, 1976 (M12699) from 21 properties within the Land Use Contract area. On July 26, 2021, Council denied Third Reading of Discharge Bylaw No. 9136, 2020. As such, the applicant has reapplied to discharge the Land Use Contract from a reduced area, the subject property only.

In order to improve infrastructure capacity, in 2018, the City constructed a new reservoir and a pump station to improve water supply and accommodate the full build out of the Western Acres community. The City's Utilities Division has also recognized the Western Acres lagoons are at the end of their life and is undergoing the detailed design for Western Acres Sanitary Lagoon Re-Routing Project No. 314299. The proposed Western Acres Lagoon Re-Routing Project will result in sewage flows being diverted to the main City of Prince George Landsdowne Road Wastewater Treatment Centre. Until the re-routing project is complete, the Western Acres Sanitary Lagoon has sufficient capacity for the current domestic demand and existing connections including the 10-lot subdivision, as shown on Exhibit "A" to SD100635.

POLICY / REGULATORY ANALYSIS:

Official Community Plan

Future Land Use

The subject property is designated as Rural C and Rural Resource in Schedule B6: Future Land Use of the Official Community Plan (OCP). The Rural C and Rural Resource designations are intended to transition an area of environmental protection or resources such as forests and farms to more intense rural uses like hobby farms and rural residential. OCP Policy suggest that rural designations provide for development that address a desire for a rural lifestyle (Policy 8.3.111).

The OCP designations correspond with the intent of the Land Use Contract and therefore the Land Use Contract is considered redundant. Administration supports this application, as the Land Use Contract is consistent with the policy direction for Rural C and Rural Resource designations of the OCP.

Growth Management

The subject property is designated as Rural Area and Rural Resource in Schedule B-4: Growth Management of the OCP. The Rural Area designation functions as a transition between rural resource lands and urban areas. The Rural Resource designation advocates for agriculture, forestry, and resource extraction activities. Growth Management objectives suggests limited development including low-intensity residential use, hobby farms and similar uses is allowable.

Administration supports discharging the Land Use Contract from the subject property as the proposed land use aligns with the OCP growth management policy direction.

Riparian Protection Development Permit Area

The subject property has been identified within Schedule D-2: Riparian Protection Development Permit (RPDP) area. The RPDP area is intended to protect land and vegetation adjacent to watercourses.

As noted above, Administration has approved an RPDP following the receipt of a professional watercourse assessment which included recommendations for a reduced riparian leave strip and map depicting the buildable area of the subject property and proposed subdivision. Administration has reviewed the RPDP area guidelines and is satisfied that the proposal meets the intent of the guidelines.

Administration supports this application, as it is consistent with the Future Land Use and Growth Management OCP policy direction, and RPDP area guidelines.

Zoning Bylaw

The subject property is currently split zoned AR3: Rural Residential and AF: Agriculture & Forestry. The AR3: Rural Residential zone is intended to foster a suburban lifestyle primarily on properties larger than 0.4 ha. The AF: Agriculture & Forestry 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.

Administration supports the applicant's proposal to remove the Land Use Contract to allow for the permitted land uses of the AR3: Rural Residential and AF: Agriculture & Forestry zones to prevail. Furthermore, the application is consistent with OCP future land use and growth management policy.

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 affect the permitted land uses. 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 amended (modified, varied or discharged), with the agreement of the local government, and the owner 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 Bylaw No. 2910, 1976

City Council adopted Bylaw No. 2910, 1976 (Land Title Office Document No. M12699) in May 1977, to restrict land use, development regulations, infrastructure and future subdivision, as described within Bylaw No. 2910, 1976. The Land Use Contract identifies the subject property as an unsubdivided remainder in regards to an existing drainage channel and swamp features.

The applicant has applied to discharge Land Use Contract Bylaw No. 2910, 1976 thereby allowing the subject property to be regulated under City of Prince George Zoning Bylaw No. 7850, 2007. In order to facilitate consideration of this application, Administration required an RPDP be accompanied by a professional assessment of the drainage channel and riparian features. Administration received a sealed assessment prepared by LTN Environmental Consulting LP dated September 11, 2020, that included an assessment of the subject property and concluded a reduced riparian leave strip is appropriate in respect to the subject property and proposed development.

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. The City's Zoning Bylaw has zoned the subject property corresponding to the surrounding area and is consistent with the surrounding rural residential land uses identified in the Land Use Contract.

Administration supports this application, as it is consistent with surrounding land uses, the OCP's future land use and growth management policy, and the City's Zoning Bylaw regulations.

OTHER CONSIDERATIONS:

Referrals

This application was referred to internal City divisions and external agencies for comments. The following comments were received during the referral process:

Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9225 requires Ministry of Transportation and Infrastructure's approval prior to Final Reading.

Public Open House

On November 30, 2021, the applicant hosted a public Open House at the Bon Voyage Restaurant located at 4222 Highway 16 W. Approximately 136 invitations were mailed by the applicant to residents in the Western Acres neighbourhood. The open house was attended by approximately 30 individuals. The applicant provided a summary report of the meeting which is attached as a supporting document.

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 an increase to the Notice of Public Hearing mail out area that is required as per the "City of Prince George Development Procedures Bylaw No. 7635, 2005" from 30 metres to the notification area identified on Exhibit "A" to LU000048. The expanded notification area has been proposed in order to ensure land owners whom participated in the applicants public open house are encompassed in the City's Notice of Public Hearing process.

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. 9225, 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: Kali Holahan, Planner II

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2021/02/07