

STAFF REPORT TO COUNCIL

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DATE: April 6, 2022

TO: MAYOR AND COUNCIL

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

SUBJECT: Land Use Contract Discharge Application No. LU000051 (Bylaw No. 9300)

APPLICANT: L&M Engineering Ltd. on behalf of Darcy Porsnuk and Densie Dykes

LOCATION: 2016 Blackburn Road

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9300
Land Use Contract Bylaw No. 3074, 1977 (Land Title Office Document No.M39581)

RECOMMENDATION(S):

THAT Council:

1. GIVES FIRST AND SECOND READING to "City of Prince George Authorization Issuance Land Use Contract No. LU 37-77, Bylaw No. 3074, 1977, Discharge Bylaw No. 9300, 2022" to discharge Land Use Contract Bylaw No. 3074, 1977, registered as Land Title Document No. M39581, as shown on Appendix "A" to Bylaw No. 9300, 2022 from the legal title of Lot 4, District Lot 633, Cariboo District, Plan 9298.

PURPOSE:

The applicant has applied to discharge Land Use Contract Bylaw No. 3074, 1977 (Land Title Office Document No. M39581) from 2016 Blackburn Road (subject property), as shown on Appendix "A" to Bylaw No. 9300 to facilitate a three (3) lot subdivision application. The Land Use Contract is specific to the subject property and regulates land use, setbacks and subdivision regulations. It is important to note that there are no other properties that are impacted by Land Use Contract (M39581). Should Council support discharging this Land Use Contract, the subject property will be regulated under City bylaw applicable to development (i.e. City of Prince George Zoning Bylaw and City of Prince George Subdivision Development Servicing Bylaw).

Background

Site Characteristics

Location	2016 Blackburn Road
Legal Description	Lot 4, District Lot 633, Cariboo District, Plan 9298
Site Area	0.4 ha (1.00 acres)
Growth Management Class	Infill
Future Land Use	Neighbourhood Residential

Zoning Bylaw No. 7850, 2007

Current Use	Residential
Current Zoning	RS2m: Single Residential

Land Use Contract (see Appendix “A” to Bylaw No. 9300)

Bylaw No. <u>9300</u>	Restricts land use, setbacks and subdivision layout to 2-lots
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Surrounding Land Use Table

North	Residential
South	Residential
East	Residential; Bittner Road West
West	Blackburn Road; Residential; Agriculture land

Relevant Applications

Subdivision Application No. SD100689: The applicant applied for a 3-lot subdivision application. It was during the referral process that the Land Use Contract was reviewed, and it was determined that the proposed three (3) lot subdivision was not permitted based on the subdivision plan attached to this contract. The contract indicated the subdivision of the subject property into only two (2) lots.

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. M39581

City Council adopted the Land Use Contract (M39581) under Bylaw No. 3074, 1977 on June 27, 1977. This Land Use Contract restricts land use, setbacks and the number of lots permitted to two (2) lots.

The applicant has applied to discharge the Land Use Contract to allow the subject property to be regulated under City of Prince George Zoning Bylaw No. 7850, 2007. 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 subject property is zoned RS2m: Single Residential which is consistent with the surrounding residential land uses.

Administration supports this application, as it is consistent with the surrounding land uses, 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 in Schedule B-6: Future Land Use of the Official Community Plan (OCP). The Neighbourhood Residential designation is intended for neighbourhoods that are primarily residential in nature, with associated schools and parks with close proximity. The OCP also indicates that 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).

Discharging the LUC will enable the existing zoning regulations to prevail, which is consistent with the Neighbourhood Residential Designation. The proposed subdivision meets the lot density provisions of the designation, will encourage residential housing and support infill and redevelopment in an existing neighbourhood. Administration is supportive of the Land Use Contract discharge as the neighbourhood residential designation aligns with the proposed subdivision proposal.

Growth Management

The subject property is designated as Infill 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).

Discharging the LUC will not affect the Growth Management designation and will further enhance the policy of infill of existing vacant and underused sites. Administration supports discharging the Land Use Contract in order to align the permitted uses with the residential uses permitted in the Growth Management Designations.

Zoning Bylaw

The subject property is currently zoned RS2m: Single Residential. 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.

The subdivision regulations of the RS2m zone permits a minimum lot width of 15.0 m, minimum lot area of 500 m² and a maximum lot area of 0.2 ha.

As indicated previously, the applicant is proposing a 3-lot subdivision consisting of lots between 19.0 m to 23.0 m in width, and lot areas between 0.12 ha to 0.16 ha. The proposed subdivision is consistent with the RS2m subdivision regulations.

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

OTHER CONSIDERATIONS:

Property Title

Administration reviewed the title and there were no additional covenants or charges on title that would impact the proposed development on 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.

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. 9300, 2022 be approved.

SUMMARY AND CONCLUSION:

The applicant has applied to discharge a Land Use Contract from the property located at 2016 Blackburn Road. This application would facilitate a subdivision application to divide the subject property into three (3) lots. Should Council approve this application, any land use activities and development would be regulated by applicable City bylaws (i.e. City of Prince George Zoning Bylaw and City of Prince George Subdivision Development Servicing 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:

Adam Davey, Acting City Manager

Meeting Date: 2022/04/25