

STAFF REPORT TO COUNCIL

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DATE: March 16, 2022

TO: MAYOR AND COUNCIL

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

SUBJECT: Land Use Contract Discharge Application No. LU000049 (Bylaw No. 9227)

APPLICANT: Bragg Construction Ltd. for Elizabeth and Jonathan Lawrence

LOCATION: 6526 Monterey Road

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9227
Exhibit "A" to LU000049
Land Use Contract Bylaw No. 3095, 1977 (N17871)
Letters of Support

RECOMMENDATION(S):

THAT Council:

1. GIVES FIRST AND SECOND READING to "City of Prince George Authorization Issuance Land Use Contract Bylaw No. 3095, 1977, Discharge Bylaw No. 9227, 2021" to discharge Land Use Contract Bylaw No. 3095, 1977, registered as Land Title Document No. N17871, as shown on Appendix "A" to Bylaw No. 9227, 2021, from the property legally described as Lot 75, District Lot 4028, Cariboo District, Plan 24401.
2. EXPANDS, the notification area from 30 metres to the area identified on Exhibit "A" to LU000049, 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 Authorization Issuance Land Use Contract Bylaw No. 3095, 1977, Discharge Bylaw No. 9227, 2021".

PURPOSE:

The applicant has applied to discharge the Land Use Contract Bylaw No. 3095, 1977 (Land Title Document No. N17871) from 6526 Monterey Road (subject property), as shown on Appendix "A" to Bylaw No. 9227. Currently, the Land Use Contract restricts land use throughout the Valleyview neighbourhood. The Land Use Contract restricts the subject property to not more than one building containing one dwelling unit plus accessory buildings.

The applicant has applied to discharge the Land Use Contract to facilitate a secondary dwelling (carriage house), thereby allowing the subject property to be regulated under the City of Prince George Zoning Bylaw No. 7850, 2007.

Background

Site Characteristics

Location	6526 Monterey Road
Legal Description	Lot 75, District Lot 4028, Cariboo District, Plan 24401
Site Area	0.5 ha (1.3 acres)
Growth Management Class	Rural Areas
Future Land Use	Rural C
Servicing	City water available

Zoning Bylaw No. 7850, 2007

Current Use	Rural Residential
Current Zoning	AR3: Rural Residential

Land Use Contract (see Appendix “A” to Bylaw No. 9227)

Bylaw No. 9227	Lot 75
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Surrounding Land Use Table

North	Rural Residential
South	Rural Residential
East	Undeveloped Greenbelt; Significant Slopes
West	Monterey Road; Rural Residential

Relevant Applications

Intensive Residential Development Permit Application No. DP100790 : The applicant has applied for an Intensive Residential Development Permit to construct a secondary dwelling (carriage house) on the subject property. A Development Permit is required prior to issuance of a Building Permit. Approval of the Development Permit is subject to Council approval of Bylaw 9227, 2021.

POLICY / REGULATORY ANALYSIS:

Official Community Plan

Future Land Use

The subject property is designated as Rural C in Schedule B-6: Future Land Use of the Official Community Plan (OCP). The Rural C designation is intended to act as a transition between rural resource lands and urban areas. OCP Policy suggest that rural designations provide for development that address a desire for a rural lifestyle (Policy 8.3.111). Furthermore, OCP Policy encourages a diverse housing stock that includes carriage housing (Policy 7.5.13).

Administration supports this application, as the Land Use Contract is consistent with the policy direction for the Rural C designation of the OCP.

Growth Management

The subject property is designated as Rural Area in Schedule B-4: Growth Management of the OCP. The Rural Area designation functions as a transition between rural resource lands and urban areas. 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.

Intensive Residential Form and Character Development Permit

Section 9.1 of the OCP designates any narrow lot development (parcel equal to or less than 11 m in width) and secondary dwellings development within an Intensive Residential Form and Character Development Permit area.

The proposed development will be required to meet the Intensive Residential Form and Character Development Permit Area Guidelines outlined in Section 8 of the Zoning Bylaw. A Development Permit is not required for the Land Use Contract Discharge application; however, a Development Permit is required prior to issuance of a Building Permit.

Zoning Bylaw

The subject property is zoned AR3: Rural Residential. The purpose of the AR3 zone is to foster a suburban lifestyle and complementary residential related uses that are compatible with the residential character of the area. The AR3 zone permits a secondary dwelling (carriage house) as a secondary use to a principal single detached dwelling.

The proposed secondary dwelling is expected to conform to the AR3 zoning and secondary dwelling regulations for size, height, setbacks and site coverage.

Administration supports the applicant's proposal to remove the Land Use Contract to allow for the permitted land uses of the AR3: Rural Residential zone 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. 3095, 1977

City Council adopted Bylaw No. 3095, 1977 (Land Title Document No. N17871) in May 1978, to restrict land use, development regulations, infrastructure, and subdivision, as described in Bylaw No 3095, 1977. The Land Use Contract restricts the subject property to not more than one building containing one dwelling unit plus accessory buildings; thus not permitting the proposed secondary dwelling.

The applicant has applied to discharge Land Use Contract Bylaw No. 3095, 1977 thereby allowing 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 zoning of the subject property corresponds 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 with no outstanding concerns.

Property Title

A review of the legal title of the subject property indicated no encumbrances or restrictions that would affect this application.

Council Procedures during COVID-19 Pandemic

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. 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.

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. 9227, 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 Services

PREPARED BY: Kali Holahan, Acting Supervisor of Planning

APPROVED:

Adam Davey, Acting City Manager

Meeting Date: 2022/04/11