

STAFF REPORT TO COUNCIL

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DATE: April 20, 2022

TO: MAYOR AND COUNCIL

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

SUBJECT: Land Use Contract Discharge Application No. LU000053 (Bylaw No. 9309)

APPLICANT: Camille Cote

LOCATION: 7468 Giscome Road

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9309
Exhibit "A" to LU000053
Land Use Contract Bylaw No. 2999, 1977 (Land Title Office Document No. M11116)
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 8-77, Bylaw No. 2999, 1977, Discharge Bylaw No. 9309, 2022" to discharge Land Use Contract Bylaw No. 2999, 1977, registered as Land Title Document No. M11116, as shown on Appendix "A" to Bylaw No. 9309, 2022 from the legal title of Lot B, District Lot 635, Cariboo District, Plan 23559.
2. SETS 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 LU000053 for the mailing of notice of the Public Hearing for "City of Prince George Authorization Issuance Land Use Contract No. LU 8-77, Bylaw No. 2999, 1977, Discharge Bylaw No. 9309, 2022".

PURPOSE:

The applicant has applied to discharge the Land Use Contract Bylaw No. 2999, 1977 (Land Title Office Document No. M11116) from 7468 Giscome Road (subject property), as shown on Appendix "A" to Bylaw No. 9309. Land Use Contract Bylaw No. 2999, 1977, restricts land use, development regulations and future subdivision. The Land Use Contract is registered on the legal title of three separate parcels. However, the applicant has only applied to discharge the Land Use Contract from the subject property to allow the subject property to be regulated by City of Prince George Zoning Bylaw No. 7850, 2007.

Background

Site Characteristics

Location	7468 Giscome Road
Legal Description	Lot B, District Lot 635, Cariboo District, Plan 23559
Site Area	1,161 m ² (0.29 acres)
Growth Management Class	Infill
Future Land Use	Neighbourhood Residential

Zoning Bylaw No. 7850, 2007

Current Use	Residential
Current Zoning	RS1m: Suburban Residential

Land Use Contract (see Appendix “A” to Bylaw No. 9309)

Bylaw No. 9309	Restricts land use, development regulations and future subdivision
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Surrounding Land Use Table

North	Residential
South	Giscome Road; Residential
East	Residential
West	McLaren Road; Residential

Relevant Applications

Subdivision Application No. SD100725: The applicant has submitted a concurrent subdivision application, to facilitate a 2-lot subdivision, as depicted on the attached supporting document. Through the referral process, Planning and Development noted Land Use Contract Bylaw No. Bylaw No. 2999, 1977 (M11116) on the subject property. The Land Use Contract discharge is required to facilitate the proposed subdivision application.

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. M11116

City Council adopted the Land Use Contract (M1116) under Bylaw No. 2999, 1977 on April 24, 1977. This Land Use Contract restricts land use, development regulations and regulates future subdivision plans. 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. 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 Bylaw has already zoned the subject property and the corresponding surrounding area. The existing zoning is consistent with the surrounding residential land uses.

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 in Schedule B-6: Future Land Use of the Official Community Plan (OCP). The Neighbourhood Residential designation is intended to facilitate neighbourhoods that are primarily residential in nature, with associated schools and parks in the neighbourhood. They are typically low density, less than 22 units/ha, dominated by single family and similar sized buildings (OCP Policy 8.3.59). The Neighbourhood Residential designation encourages infill and redevelopment in existing neighbourhoods (OCP Policy 8.3.45) and maintain a similar scale of housing to that typical to existing neighbourhoods (OCP Policy 8.3.58).

The Neighbourhood Residential designation is intended to create residential neighbourhoods for single family and infill developments. The proposed 2-lot subdivision will facilitate infill development within the existing single family neighbourhood. Administration supports this application as the Neighbourhood Residential designations aligns with the intent of the Land Use Contract.

Growth Management

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

The applicant's proposal will encourage infill development within an existing underutilized site. Administration supports removing the Land Use Contract in order to better align with the Growth Management policy outlined in the OCP.

Zoning Bylaw

The subject property is currently zoned RS1m: Suburban Residential. The RS1m: Single Residential zone is intended to foster a suburban lifestyle on properties larger than 845 m². This zone also provides for complementary residential related uses that are compatible with the residential character of the area. Areas designated RS1m provide for manufactured housing of CSA A277 or CSA Z240 standards to be placed on the property.

In order to facilitate the proposed 2-lot subdivision, a rezoning application will be required from RS1m to RS2m: Single Residential, to allow for the proposed 580 m² lots. The proposed lot size is consistent with the density supported by the Neighbourhood Residential designation and the surrounding area.

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

OTHER CONSIDERATIONS:

Property Title

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

Referrals

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

Statutory Notification and Public Consultation

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 LU000053. The revised mail out notification area includes all properties that have the Land Use Contract registered on title.

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. 9309, 2022 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, A/Supervisor of Planning

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2022/05/09