

# STAFF REPORT TO COUNCIL

1100 Patricia Blvd. | Prince George, BC, Canada V2L 3V9 | [www.princegeorge.ca](http://www.princegeorge.ca)

**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. LU000052 (Bylaw No. 9306)

**APPLICANT:** L&M Engineering Ltd. on behalf of B.E.K. Leasing Ltd., Inc. No. 122357

**LOCATION:** 1215 Blackburn Road (Lot 9) and PID: 013-995-189 (Lot 10)

**ATTACHMENT(S):** Location and Existing Zoning Map  
Appendix "A" to Bylaw No. 9306  
Exhibit "A" to LU000052  
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. 9306, 2022" to discharge Land Use Contract Bylaw No. 3109, 1977, registered as Land Title Document No. N29251, as shown on Appendix "A" to Bylaw No. 9306, 2022 from the legal title of:
  - Lot 9, District Lot 632, Cariboo District, Plan 1243, Except Plans 24288 and PGP37969; and
  - Lot 10, District Lot 632, Cariboo District, Plan 1243, Except Plan 24288.
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 LU000052 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. 9306, 2022".

## PURPOSE:

The applicant has applied to discharge the Land Use Contract Bylaw No. 3109, 1977 (Land Title Office Document No. N29251) from 1215 Blackburn Road (Lot 9) and PID: 013-995-189 (Lot 10), as shown on Appendix "A" to Bylaw No. 9306. Land Use Contract Bylaw No. 3109, 1977, restricts land use, development regulations, infrastructure and future subdivision. The Land Use Contract is registered on the legal title of six separate parcels. However, the applicant has applied to discharge the Land Use Contract from the subject properties (Lot 9 and Lot 10). This would allow any subdivision and development occurring on the property to be regulated by City of Prince George Zoning Bylaw No. 7850, 2007.

## Background

### Site Characteristics

Location	1215 Blackburn Road (Lot 9)	PID:013-995-189 (Lot 10)
Legal Description	Lot 9, District Lot 632, Cariboo District, Plan 1243, Except Plans 24288 and PGP37969	Lot 10, District Lot 632, Cariboo District, Plan 1243, Except Plan 24288
Site Area	3.1 ha (7.8 acres)	4.0 ha (10.0 acres)
Growth Management Class	Infill and Rural Areas	Rural Areas
Future Land Use	Neighbourhood Residential and Rural B	Rural B

### Zoning Bylaw No. 7850. 2007

Current Use	Undeveloped land	Undeveloped land
Current Zoning	RS2m: Single Residential (0.54 ha) and AF: Agriculture and Forestry (3.1 ha)	AF: Agricultural and Forestry

### Land Use Contract (see Appendix “A” to Bylaw No. 9306)

Bylaw No. 9306	Restricts land use, development regulations, infrastructure and future subdivision
----------------	--

### Surrounding Land Use Table

North	Residential and Agricultural land	Undeveloped Agricultural land
South	Residential and Agricultural land	Undeveloped Agricultural land
East	Blackburn Road North and Residential	Agricultural land and Residential
West	Undeveloped Agricultural land	Undeveloped Agricultural land

## Relevant Applications

**Land Use Contract Discharge Application No. LU000050:** On April 11, 2022, Council will consider Final Reading of “City of Prince George Authorization Issuance Land Use Contract No. LU 53-77, Bylaw No. 3109, 1977, Discharge Bylaw No. 9306, 2022” to discharge Land Use Contract Bylaw No. 3109, 1977, registered as Land Title Document No. N29251.” This discharge application is only for the legal title of 1215 Blackburn Road (Lot 9) and PID: 013-995-189 (Lot 10).

## 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 (N29251) under Bylaw No. 3109, 1977 on December 12, 1978. This Land Use Contract restricts land use to residential dwellings and associated uses. This Land Use Contract also regulates subdivision plans and other infrastructure such as utilities. 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 properties to be regulated under the regulations of the City of Prince George Zoning Bylaw No. 7850, 2007. The existing zoning of the subject area is consistent with the use permitted under the Land Use Contract, and 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 area is designated as Neighbourhood Residential and Rural B in Schedule B-6: Future Land Use of the Official Community Plan (OCP). 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 Neighbourhood Residential designation encourages 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 lot per 2 ha (Policy 8.3.110).

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

#### Growth Management

The subject area are designated as Infill and Rural Areas 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.

### **Zoning Bylaw**

The subject area is currently split zoned AF: Agriculture & Forestry and RS2m: Single Residential. 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 m<sup>2</sup>. 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 the subject area 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:**

##### **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 additional comments from internal and external agencies for the application.

##### Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9306 requires the Ministry of Transportation and Infrastructure's approval prior to Final Reading and adoption.

##### **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 the Notice of Public Hearing mail out area that is required as per the "City of Prince George Development Procedures Bylaw No. 7635, 2005", be increased from 30 meters to the properties shown on Exhibit "A" to LU000052. The increase in the mail out notification area includes the six parcels with Land Title Document No. N29251 registered to the legal title.

#### **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. 9306, 2022 be approved.

#### **SUMMARY AND CONCLUSION:**

The applicant has applied to discharge the Land Use Contract from the subject area 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: 2022/04/25