

# STAFF REPORT TO COUNCIL

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**DATE:** April 11, 2022

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** Tamarack/Spruce Street Road Closure Bylaw No. 9308, 2022

APPLICANT	LOCATION
Minh Lam & Zhijian He	Adjacent to 2126 Tamarack Street
Northernview Custom Homes Ltd.	Adjacent to 2121 Spruce Street

**DEDICATED ON ROAD PLAN:** 5566

**ATTACHMENT(S):** Appendix “A” – Proposed Road Closure Plan  
Exhibit “A” – Location Map  
Exhibit “B” – Proposed Consolidation  
Exhibit “C” – Site Map

**RECOMMENDATION(S):**

That Council GIVES FIRST AND SECOND READING to “City of Prince George Tamarack/Spruce Street Road Closure Bylaw No. 9308, 2022”.

**PURPOSE:**

The purpose of this report is to repeal City of Prince George Tamarack/Spruce Street Road Closure Bylaw No. 9241, 2021 (“Bylaw 9241”) and replace it with City of Prince George Tamarack/Spruce Street Road Closure Bylaw No. 9308, 2022 (“Bylaw 9308”).

Bylaw 9308 proposes the exact same road closure as Bylaw No. 9241. Due to an administrative error in Bylaw 9241 respecting the addressing and plan number that was noted, Bylaw 9241 needs to be repealed and replaced with Bylaw 9308.

Administration, therefore, is proposing to repeal City of Prince George Tamarack/Spruce Street Road Closure Bylaw No. 9241, 2021, and replace it with City of Prince George Tamarack/Spruce Street Road Closure Bylaw No. 9308, 2022.

### Surrounding Land Use Table

North	Residential
South	Residential
East	Residential
West	Residential

#### **DISCUSSION:**

Bylaw 9308, like Bylaw 9241 proposes to permanently close a 415.4m<sup>2</sup> portion of road dedicated on Plan 5566, adjacent to the properties located at 2126 Tamarack Street (Lot B, District Lot 777 Cariboo District Plan 8433) and 2121 Spruce Street (Lot A, District Lot 777, Cariboo District, Plan 25301) and to remove its road dedication for future disposal of the lands. The proposed closure and sale provide the adjacent owners with the ability to consolidate the road area (laneway) with their properties. This will allow a fence to be erected thereby mitigating nuisance activities to the properties at the locations identified on Exhibit "A".

#### **POLICY/REGULATORY ANALYSIS:**

Sections 40, 41 and 94 of the *Community Charter* provide for the municipal authority and notification process for road closures.

Under the "City of Prince George Officer Positions and Delegation of Authority Bylaw No. 8340, 2011" Administration has approved the sale of the dedicated road areas of 207.70m<sup>2</sup> and 207.70 m<sup>2</sup> (total 415.4 m<sup>2</sup>) shown on Appendix "A" for purchase by the adjacent landowners.

The purchase price for the subject road area is a total of \$12,700.00 plus GST. Administration considers this price to be fair market value for this area.

Proposed Bylaw 9308 authorizes the City to close that area of road dedicated on Plan 5566, as shown on Appendix "A" and remove its road dedication thereby allowing for consolidation of the 415.4m<sup>2</sup> road area with the adjacent lands being 2126 Tamarack Street (Lot B, District Lot 777 Cariboo District Plan 8433) and 2121 Spruce Street (Lot A, District Lot 777, Cariboo District, Plan 25301 as shown by the heavily outlined area on the Proposed Consolidation attached hereto as Exhibit "B".

If approved, the bylaw and consolidation plan will be deposited at the Land Title Office to consolidate the road area with the adjacent Lot as shown on Exhibit "B" Proposed Consolidation.

#### **OTHER CONSIDERATIONS:**

##### **Statutory Notification**

As per the requirements set out in Section 40(3) and 94 of the *Community Charter*, the City of Prince George will give notice of Council's intention to adopt the proposed bylaw and provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council via written comments. Written submissions received in response to the public notice for this application will be provided to Council for their consideration at the time third reading of the bylaw is proposed to be considered. Submissions received after the council meeting agenda has been published will be provided to Council as a handout on the day of the council meeting for their consideration during deliberations on the application.

## Referrals

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

### Ministry of Transportation and Infrastructure

As per Section 41(3) of the *Community Charter*, Bylaw No. 9308, 2022 requires approval from the Ministry of Transportation and Infrastructure prior to Final Reading.

### Private Utilities

BC Hydro, Shaw Cable and Telus Communications will require a statutory right of way. Fortis BC does not have any concerns with this closure.

### RCMP

The RCMP supports this road closure. They advise that there has been a high number of criminal and nuisance activities in the immediate area and closing the road would likely mitigate some of that undesirable activity. Closure of the road does not appear to significantly restrict pedestrian access to the area and would result in the elimination of a somewhat secluded public area that undoubtedly provides an opportunity for the previously mentioned "undesirable activities" to occur.

## ALTERNATIVES:

1. Approve the bylaw; or
2. Direct Administration to provide further information.

Administration recommends that Bylaw No. 9308, 2022 be approved.

## SUMMARY AND CONCLUSION:

Administration recommends that City of Prince George Tamarack/Spruce Street Road Closure Bylaw No. 9241, 2021 be repealed and replaced with City of Prince George Tamarack/Spruce Street Road Closure Bylaw No. 9308, 2022 to facilitate the sale, and closure, of the 415.4m<sup>2</sup> area of road shown on Appendix "A" to Bylaw No. 9308, 2022.

Should this road closure be approved, the portion of the closed road will be consolidated with the properties located north of the road closure area, and Bylaw No. 9308, 2022 and the consolidation plans will be deposited at the Land Title Office.

## RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Brenda Sieben

## APPROVED:

Walter Babicz, City Manager

Meeting Date: 5/30/2022