

STAFF REPORT TO COUNCIL

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DATE: June 16, 2021

TO: MAYOR AND COUNCIL

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

SUBJECT: Land Use Contract Discharge Application No. LU000046 (Bylaw No. 9136)

APPLICANT: Koehler Land Surveying Inc. for 101178167 Saskatchewan Ltd., Inc. No. A0095152; 101100639 Saskatchewan Ltd., Inc. No. A0095153; and Frejno Holdings Corp., Inc. No. A0098760

LOCATION: Western Acres

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9136
Land Use Contract Bylaw No. 2910, 1976 (Land Title Office Document No. M12699)

RECOMMENDATION(S):

1. That Council GIVES FIRST AND SECOND READING to "Authorization Issuance Land Use Contract No. LU 28-76, Bylaw No. 2910, 1976, Discharge Bylaw No. 9136, 2020" to discharge Land Use Contract Bylaw No. 2910, 1976, registered as Land Title Office Document No. M12699, from the following legal titles, as shown on Appendix "A" to Bylaw No. 9136, 2020:
 - South West ¼, District Lot 625, Cariboo District, Except Plans H705, 13483, 13646, 14296, 18560, 25988, 25989 and 33086; North West ¼, District Lot 625, Cariboo District, Except Plans 18560, 25988, 25989 and 33086;
 - Lots 12 to 17, District Lot 625, Cariboo District, Plan 13646;
 - Lot 1, District Lot 625, Cariboo District, Plan 10485; and
 - Lot 1, District Lot 625, Cariboo District, Plan 9280, Except Plan 21612.

PURPOSE:

The applicant has applied to discharge Land Use Contract Bylaw No. 2910, 1976 (Land Title Office Document No. M12699) from the subject area located in the Western Acres subdivision, as shown on Appendix "A" to Bylaw No. 9136. Currently Land Use Contract Bylaw No. 2910, 1976, restricts land use, development regulations, infrastructure and future subdivision within the subject area. The applicant has applied to discharge the Land Use Contract thereby allowing the subject area to be regulated under City of Prince George Zoning Bylaw No. 7850, 2007.

Site Characteristics

Location	Western Acres Subdivision
Legal Description	South West ¼, District Lot 625, Cariboo District, Except Plans H705, 13483, 13646, 14296, 18560, 25988, 25989 and 33086; North West ¼, DL 625, Cariboo District, Except Plans 18560, 25988, 25989 and 33086; Lots 12-17, District Lot 625, Cariboo District, Plan 13646; Lot 1, District Lot 625, Cariboo District, Plan 10485; and Lot 1, District Lot 625, Cariboo District, Plan 9280 Except Plan 21612.
Site Area	180 ha (444.6 acres)
Future Land Use	Rural Resource, Rural B, Rural C and Service Commercial
Growth Management Class	Rural Resource and Rural Area
Servicing	City services available

Zoning (see Appendix “A” to Bylaw No. 9136)

Current Use	Vacant, undeveloped lands
Current Zoning	AR2: Rural Residential; AR3: Rural Residential; AF: Agriculture & Forestry; C6: Highway Commercial; RS1: Suburban Residential
Land Use Contract	Bylaw No. 2910, 1976 (Land Title Office Document No. M12699)

Surrounding Land Use Table

North	Undeveloped lands; Prince George Rod & Gun Club
South	Residential; Highway 16
East	Undeveloped lands
West	City Boundary

Concurrent Applications

Subdivision Application No. SD100635: The applicant has submitted a subdivision application for the South West ¼ of District Lot 625, to create 10 additional lots. Through the referral process, Planning and Development noted Land Use Contract Bylaw No. 2910, 1976 on the property title has required discharge to facilitate the proposed subdivision application as per Zoning Bylaw No. 7850, 2007.

Riparian Protection Development Permit No. DP100739: A Riparian Protection Development Permit has been required of the applicant in order to facilitate the proposed Land Use Contract discharge since Land Use Contract Bylaw No. 2910, 1976 labelled a number of properties within the subject area as an “unsubdivided remainder” and the Official Community Plan has identified a portion of the subject area within a Riparian Protection Development Permit Area.

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 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. 2910, 1976

City Council adopted Bylaw No. 2910, 1976 (Land Title Office Document No. M12699) in May 1977, to restrict land use, development regulations, infrastructure and future subdivision within the subject area, as described within Bylaw No. 2910, 1976 (Land Title Office Document No. M12699). The applicant has applied to discharge the Land Use Contract thereby allowing the subject area to be regulated under City of Prince George Zoning Bylaw No. 7850, 2007.

Administration supports this application, as it is consistent with surrounding land use, the OCP's Future Land Use policy direction and the City's Zoning Bylaw regulations.

Official Community Plan

Future Land Use

The subject property is designated as Rural Resource, Rural B, Rural C and Service Commercial in Schedule B-6: Future Land Use of the Official Community Plan (OCP). The Rural Resource, Rural B, and Rural C designations are intended to transition an area of environmental protection or resources such as forests and farms to more intense rural uses like hobby farms and rural residential. OCP Policy suggest that rural designations provide for development that addresses a desire for a rural lifestyle (Policy 8.3.111). The Service Commercial designation is intended provide commercial uses that are in highly accessible locations, including tourist-oriented uses and retailers that are accessed primarily by vehicle.

The OCP designations correspond with the intent of the Land Use Contract and therefore the Land Use Contract is considered redundant. Administration supports this application, as the Land Use Contract is consistent with the policy direction for Rural Resource, Rural B, Rural C and Service Commercial designations of the OCP.

Growth Management

The subject property is designated as Rural Resource and Rural Areas in Schedule B-4: Growth Management of the OCP. The Rural Resource designation advocates for agriculture, forestry, and resource extraction activities. The Rural Areas 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.

Administration supports removing the Land Use Contract in order to align the permitted uses with low-intensity residential uses permitted in Rural Resource and Rural Area designations.

Riparian Protection Development Permit Area

The subject property has been identified within Schedule D-2: Riparian Protection Development Permit (RPDP) Area. The RPDP Area is intended to protect land and vegetation adjacent to watercourses.

As noted above, the applicant has concurrently applied for a RPDP. Details such as the active seasonal drainage courses in the area, and the minimum setback from the drainage courses are details provided under a RPDP. Administration has reviewed the RPDP Area guidelines and is satisfied that the proposal meets the intent of the guidelines.

Administration supports this application, as it is consistent with the Future Land Use and Growth Management OCP policy direction.

Zoning Bylaw

The subject area is currently split zoned AR2: Rural Residential; AR3: Rural Residential; AF: Agriculture & Forestry; C6: Highway Commercial; RS1: Suburban Residential, as per City of Prince George Zoning Bylaw No. 7850, 2007, as amended and replaced. The AR2: Rural Residential zone is intended to foster a rural lifestyle on properties larger than 2.0 ha. The AR3: Rural Residential zone is intended to foster a suburban lifestyle primarily on properties larger than 0.4 ha. The AF: Agriculture & Forestry 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 C6: Highway Commercial zone is intended to provide for uses appropriate for some highway locations. The RS1: Suburban Residential to foster a suburban lifestyle on properties larger than 845 m².

Land Use Contract Bylaw No. 2910, 1976, currently restricts land use, development regulations, infrastructure and future subdivision within the subject area. 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 City of Prince George Zoning Bylaw has zoned the subject area corresponding to the surrounding area and is consistent with the land uses identified in the Land Use Contract (residential, rural residential and commercial).

Administration supports the applicant's proposal to remove the Land Use Contract to allow for the permitted land uses of the AR2: Rural Residential; AR3: Rural Residential; AF: Agriculture & Forestry; C6: Highway Commercial; and RS1: Suburban Residential zones to prevail. Furthermore, the application consistent with the OCP.

OTHER CONSIDERATIONS:

Referrals

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

Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9136 requires Ministry of Transportation and Infrastructure's approval prior to Final Reading.

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. 9136, 2020 be approved.

SUMMARY AND CONCLUSION:

The applicant has applied to discharge the Land Use Contract from the subject area in order to allow the subject area to be regulated as per the City's Zoning Bylaw. Administration recommends that Council approve the proposed Land Use Contract discharge for the reasons outlined in this report.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Acting Director of Planning and Development

PREPARED BY: Kali Holahan, Planner

APPROVED:

Walter Babicz, Acting City Manager

Meeting Date: 2021/07/12