



REGIONAL DISTRICT of Fraser-Fort George

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REPORT FOR CONSIDERATION

TO: Chair and Directors

File No.: REZ 9377

FROM: Daniel Burke, Planner III

DATE: July 29, 2024

SUBJECT Proposed Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3364, 2024

SUMMARY: Purpose: Consider Application
 Location: 47267 and 47283 Hart Highway – Electoral Area G
 Owner: Property 1 – Todd Steele
 Property 2 – Cheryl Steele
 Applicant: Regional District of Fraser-Fort George
Attachments:
 1. Backgrounder
 2. Proposed Bylaw No. 3364, 2024
Previous Reports: None

RECOMMENDATION(S):

THAT the report dated July 29, 2024, regarding “Proposed Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3364, 2024” be received for information.

ENTITLEMENT	HOW VOTE COUNTED
All 1 Director/1 vote	Majority

SUMMARY OF APPLICATION:

Location:	47267 & 47283 Hart Highway - Electoral Area G
Legal Description and PID:	Property 1 - District Lot 9377 Cariboo District Except Plans H212, 28193, and PGP43102 – 015-536-327 – 1.43 ha. Property 2 - Lot A District Lot 9377 Cariboo District Plan PGP43102 - 024-295-078 – 0.82 ha.
Owner(s):	Property 1 – Todd Steele Property 2 – Cheryl Steele
Applicant:	Regional District of Fraser-Fort George
Existing Uses:	Property 1: Campground operation. Property 2: Residence and commercial kitchen under construction.
Proposal:	The Regional District proposes to rezone the subject properties from Commercial 1 (C1) to Commercial 2 (C2) within Zoning Bylaw No. 2892, 2014. This rezoning is to correct an error made when the McLeod Lake-Azu Rural Land Use Bylaw was replaced with Zoning Bylaw No. 833 in 2008. In 2008, the property was rezoned to C1 which did not include Tourist Accommodation or Campground as permitted uses which was previously allowed. When Zoning Bylaw No. 833 was repealed and replaced with Zoning Bylaw No. 2892 in 2014, the C1 zone was carried over without correcting the error. This amendment is proposed to correct this error.
Application Type:	Zoning Bylaw Amendment
Regulation Changes:	Bylaw No. 3364, 2024 proposes to rezone the subject properties from Commercial 1 (C1) to Commercial 2 (C2).

BOARD CONSIDERATION:

The Board is being asked to consider:

1. Authorizing the application to proceed without a public hearing - Other Decision Options A;
2. Authorizing a public hearing - Other Decision Options B;
3. Postponing consideration of the application for further information – Other Decision Options C; or
4. Not proceeding with the application – Other Decision Options D.

Full options and corresponding motions are detailed under the Decision Options section of the report.

RELEVANT POLICIES:

Official Community Plan:	The proposed zoning bylaw is <u>consistent</u> with Crooked River-Parsnip Official Community Plan (OCP) Bylaw No. 2425, 2007 and an amendment is not required.
Zoning Bylaw:	The proposal is <u>not consistent</u> with current Zoning Bylaw No. 2892, 2014 and an amendment is required.
Applications Procedures:	Development Applications Procedures Bylaw No. 3268, 2022 outlines requirements for processing Zoning Bylaw amendment applications.
Public Notice:	Public Notice Bylaw No. 3316, 2023 provides alternative means of publishing statutory public notices using the Regional District bulletin board, website and Facebook page. Public Notice Additional Methods of Publication Policy RD-24-23 provides supplementary notification with a newspaper advertisement.
<i>Local Government Act:</i>	Outlines requirements for consideration of amendments to a zoning bylaw.
<i>Transportation Act, Section 52</i>	Proposed zoning bylaw amendments affecting land within 800 meters of a controlled access highway require approval from the Ministry of Transportation and Infrastructure prior to being considered for adoption.

STRATEGIC ALIGNMENT:

- Climate Action
 Economic Health
 Indigenous Relations
 Strong Communities
 None – Statutory or Routine Business

SERVICE RELEVANCE:

Regional District Land Use Planning Services is a region-wide service and fulfils the obligations of land use planning under Part 14 of the *Local Government Act*.

FINANCIAL CONSIDERATION(S):

N/A

OTHER CONSIDERATION(S):

N/A

DECISION OPTIONS:

1. Approve recommendations
 - the report will be received.

Other Options:

DIRECTION	ACTIONS THAT WILL BE TAKEN	MOTIONS REQUIRED
A. Proceed without a public hearing	<p>Prior to the proposed Bylaw No. 3364, 2024 being considered for the first time, public notice will be given that no public hearing will be held.</p> <p>The bylaw will return for consideration when the public notice requirements are completed.</p>	<p><i>THAT the application for Zoning Bylaw No. 2892, 2014 Amendment Bylaw No. 3364, 2024 proceed without a public hearing.</i></p>
B. Proceed to public hearing	<p>A public hearing will be held prior to proposed Bylaw No. 3364, 2024 returning for consideration of third reading.</p>	<ol style="list-style-type: none"> 1. <i>THAT Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3364, 2024 be now introduced and read a first time.</i> 2. <i>THAT Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3364, 2024 be given second reading.</i> 3. <i>THAT a public hearing on Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3364, 2024 be held with the chairing of the hearing to the Electoral Area Director, or their Alternate, or any other Director as delegate of the Board.</i>
C. Postpone consideration of proposed Bylaw No. 3364, 2024 pending the receipt of additional information	<ul style="list-style-type: none"> • The bylaw will return for consideration when the additional information requested by the Board is available. • Consideration of holding a public hearing will still be required prior to first reading. 	<p><i>THAT Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3364, 2024 be postponed pending receipt of [insert requirement].</i></p>
D. Not proceed with the application which will require first reading of the proposed bylaw to be defeated.	<ul style="list-style-type: none"> • Under the Board’s Procedure Bylaw No. 3267, 2022, the motion for first reading shall be decided upon without amendment or debate. • Bylaw cannot be considered further if motion to give first reading is defeated. 	<p><i>THAT Zoning Bylaw No. 2892, 2014 Amendment Bylaw No. 3364, 2024 be now introduced and read a first time.</i></p>

SUMMARY COMMENTS:

- The subject properties are zoned Commercial 1 (C1) by Zoning Bylaw No. 2892, 2014 and are designated Highway Commercial (HC) through the Crooked River-Parsnip OCP.
- Bylaw No. 3364, 2024 proposes to rezone the subject properties from C1 to Commercial 2 (C2) to regain uses permitted under the previous McLeod Lake-Azu Rural Land Use Bylaw.
 - Administration has allowed the owners of the property to continue operating the campground until such a time the error is corrected.
- The Backgrounder contains comments received to date from referral agencies regarding the proposal.
- If the application proceeds, direction from the Board on the holding of a public hearing is required.
 - A public hearing is not required because the zoning amendment is consistent with the OCP.

It may be reasonable for this application to proceed without a public hearing on the basis that the uses have continued since 2008, the amendment is to correct an Administration error, and the uses in the C2 zone are consistent with the OCP designation (Other Options A).

Further details pertaining to the application can be found in the Backgrounder attachment.

Respectfully submitted,

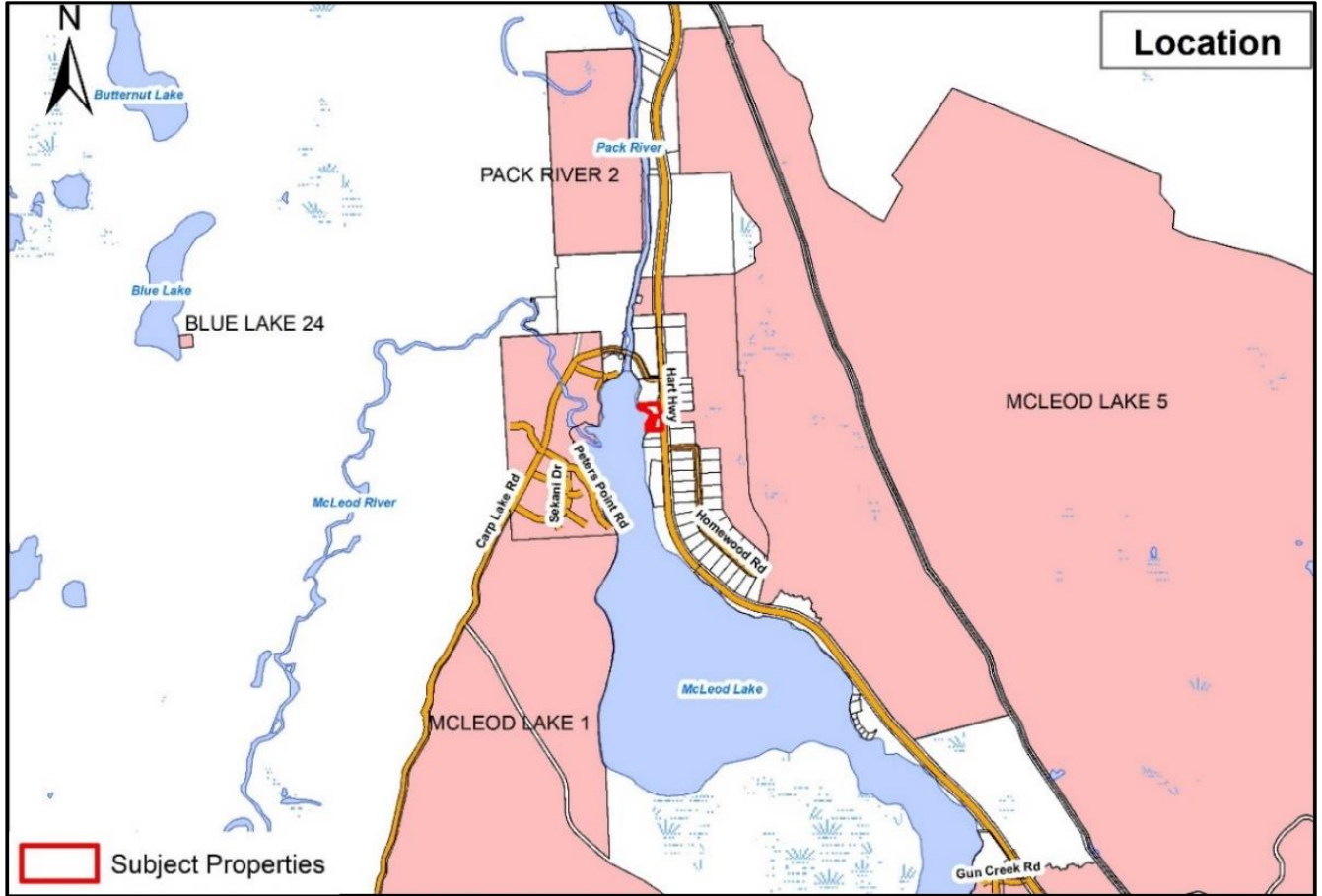
Daniel Burke

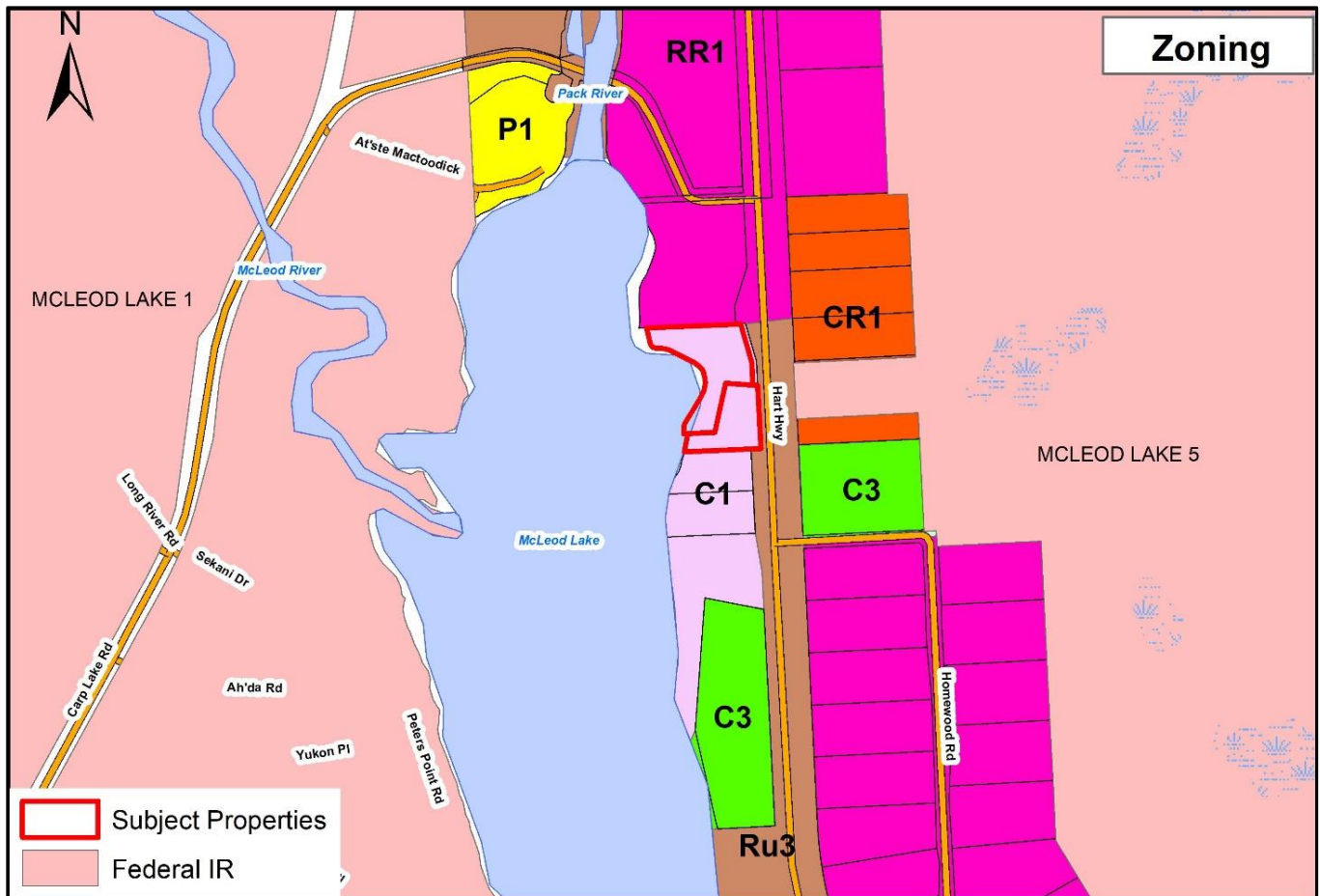
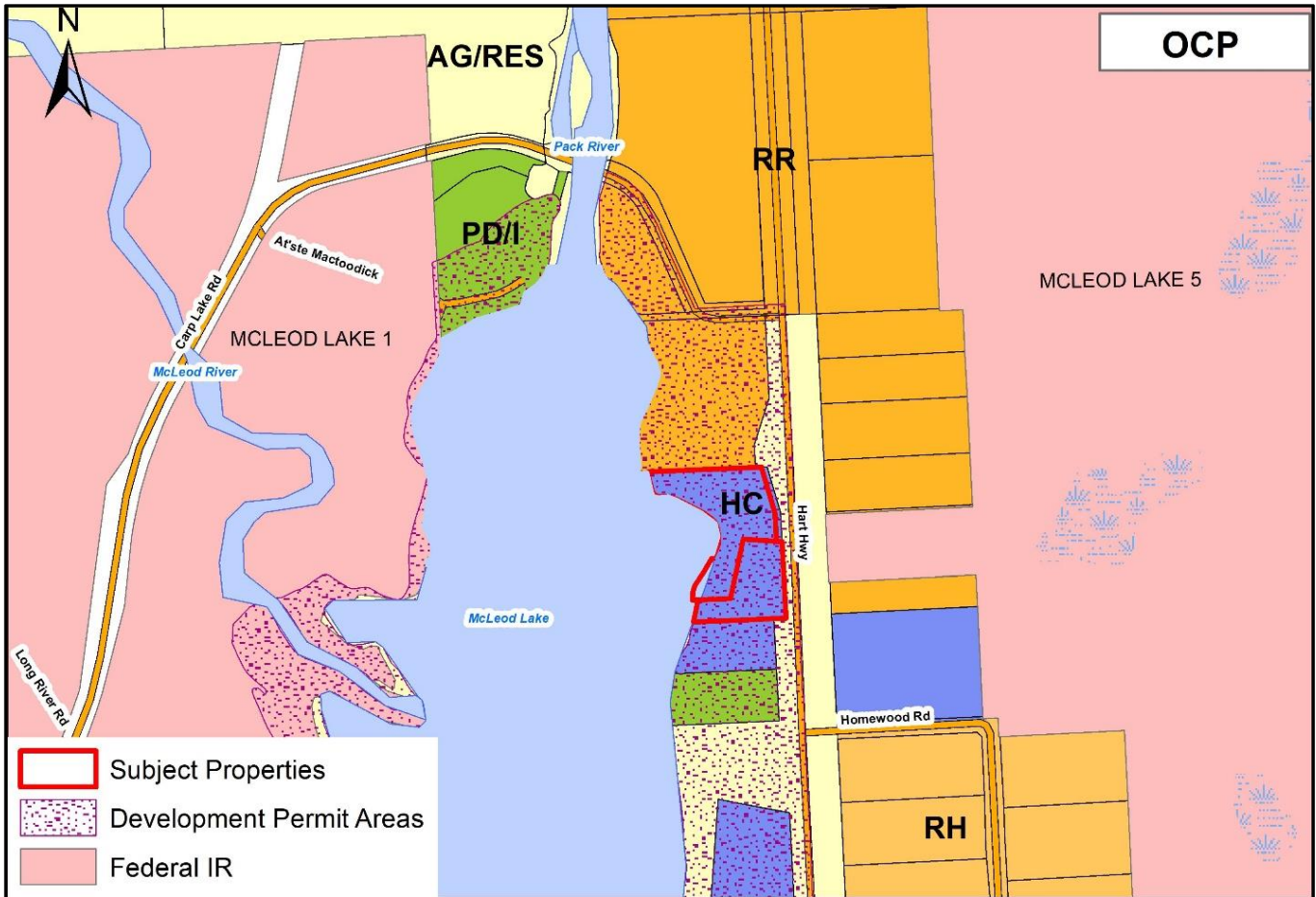
Daniel Burke
Planner III

DB:CC

BACKGROUND – Zoning Bylaw Amendment

PARCEL MAPS





LAND USE PLANNING INFORMATION

Official Community Plan and Development Permit Area The properties are designated Highway Commercial (HC) through Crooked River-Parsnip Official Community Plan Bylaw No. 2425, 2007 and entirely within the McLeod Lake Development Permit Area. Within the HC designation, uses permitted in Local Commercial and Recreation Commercial and other commercial uses catering to the travelling public, including but not limited to, restaurant and overnight tourist accommodation are supported. **An OCP amendment is not required.**

The objectives of the McLeod Lake Development Permit Area are to protect the natural environment, which includes the protection of riparian habitats and water quality.

Zoning: The properties are zoned Commercial 1 (C1) by Zoning Bylaw No. 2892, 2014. To regain uses permitted uses under the previous McLeod Lake-Azu Rural Land Use Bylaw, the Regional District is proposing to rezone the subject to Commercial 2 (C2). **A zoning bylaw amendment is required.**

Current C1 Zone	Proposed C2 Zone
<p><u>Permitted Uses:</u></p> <ul style="list-style-type: none"> • Crafts and Gifts Store; • Gasoline Service Station; • General Store; • Laundromat; • Liquor Store; • Post Office; • Residential-Single Family; • General Permitted Uses [See s. 5.0]; and • Buildings and structures accessory to the permitted uses. <p><u>Secondary Uses:</u></p> <ul style="list-style-type: none"> • Home Occupation [See s. 8.0]; • Homecraft [See s. 9.0]; and • Secondary Suite. 	<p><u>Permitted Uses:</u></p> <ul style="list-style-type: none"> • Campground; • Convenience Grocery/Gifts Store; • Gasoline Service Station; • Open Space Recreation/Recreation Facilities [See s. 10.0]; • Residential-Single Family; • Restaurant/Take-Out Food Outlet; • Tourist Accommodation; • General Permitted Uses [See s. 5.0]; and • Buildings and structures accessory to the permitted uses. <p><u>Secondary Uses:</u></p> <ul style="list-style-type: none"> • Home Occupation [See s. 8.0]; and • Homecraft [See s. 9.0].
<p>Subdivision Regulations</p> <ul style="list-style-type: none"> • The minimum area of a lot to be created by subdivision is 0.8 ha 	<p>Subdivision Regulations</p> <ul style="list-style-type: none"> • The minimum area of a lot to be created by subdivision is 2.0 ha.

OCP's Subdivision and Rezoning Evaluation Section 9.0 of the OCP sets out a list of factors to be considered by the Regional District Board where a proposed use may be permitted by the Crooked River-Parsnip OCP's policies or land use designation but is subject to evaluation through a rezoning process. Information to inform consideration on each factor is obtained through the application process including agency referral and public processes when applicable. The evaluation factors include, but are not limited to, the following:

- I. consistency with the objectives, policies and land use designations of this Plan;
- II. consistency with the provisions or polices of the Agricultural Land Commission for lands within the Agricultural Land Reserve;
- III. the extent of agricultural development and potential for impact upon neighbouring agricultural use;
- IV. the level of potential land use impact on the subject property and potential conflict with uses in the immediate proximity;
- V. public opinion as received through the public information and hearing requirements of the Local Government Act;
- VI. the availability of existing services to the site, including but not limited to, fire protection, roads, potable and sufficient water supply, electricity, sewage disposal, or the ability to provide the services to the site;

- VII. impact on the transportation network;
- VIII. environmental impact and potential for hazardous conditions;
- IX. any proposed parcels that are to be less than 4 ha (10 acres) in size are encouraged to provide or have proven access to a sufficient domestic water supply;
- X. any other issue that may be relevant to a specific proposal

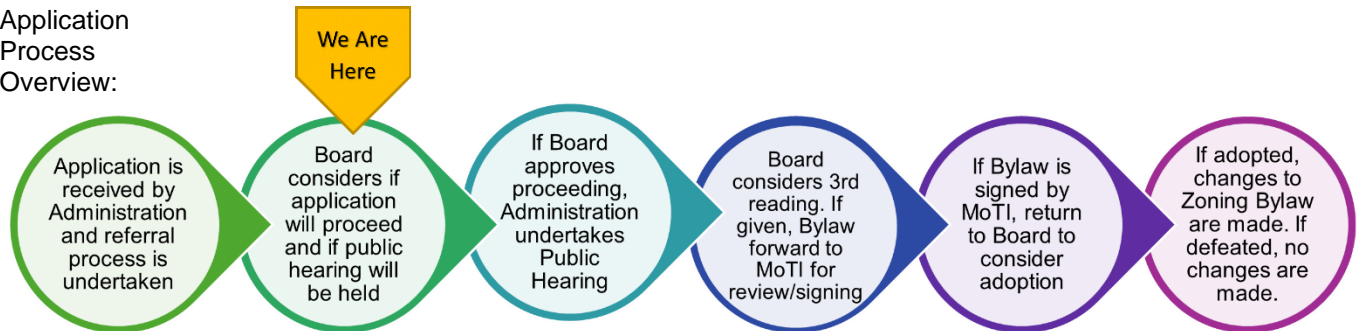
Other: The properties are in the following RDFFG service areas:

- McLeod Lake Street Lighting

The properties are accessed from the Hart Highway.
The subject property is not within the Agricultural Land Reserve (ALR).

APPLICATION PROCESS INFORMATION

Application Process Overview:



Local Government Act:

The *Local Government Act* outlines requirements for consideration of amendments to a zoning bylaw and public hearing procedure, including:

- A public hearing is not required as the proposed zoning amendment bylaw is consistent with the OCP.
- If a public hearing is not held, notice must be given prior to first reading.
- If a public hearing is held it must be after first reading and before third reading.

Development Application Procedures Bylaw No. 3268, 2022:

The following will occur should the Board decide to consider this application further by either holding a public hearing or not hold a public hearing:

- The notice of a public hearing or waiving thereof is to be sent to owners of land within 200 metres of the subject property.
- Details requirements for a Notification of Application Sign, alternative form of notification or waiving of notification requirements.
- Delegates approval of notification requirements to the General Manager of Development Services.
- Further notification beyond these requirements of the Development Services Applications Procedures Bylaw requires a Board resolution.

Community Charter Act, Section 49:

Outlines requirements to publish public notice and allows a local government to adopt a bylaw to publish public notice by alternative means.

- The Regional District has adopted the Public Notice Bylaw No. 3316, 2023.

Public Notice Bylaw No. 3316, 2023, and Policy No.: RD-24-23

Outlines requirements for publishing statutory public notices:

- Bylaw requires public notices to be posted on the Public Notice board, the Regional District’s website, and Facebook page at least (7) days before the date of the matter for which public notice is required.
- Policy requires a public notice to also be published in a newspaper applicable to the Electoral Area(s), or a portion thereof.

Future RDDFG Applications: No further Regional District land use applications will be required if the zoning bylaw amendment is approved. All structures over 10m² would require an RDDFG building permit.

REFERRAL COMMENTS

Northern Health

I have reviewed the proposal and no concerns on our end.

Michael Truong

Public Health Protection

Regional District Building Inspection

No concerns.

Dana Ferguson

Senior Building Inspector

Ministry of Water, Lands and Resource Stewardship – Water Stewardship

Since the application for zoning bylaw amendment doesn't appear to involve the use of water or changes in and about a stream, or other activities that would fall under the jurisdiction of the *Water Sustainability Act*, I have no comments.

Sarah Racicot, P.Ag.

Licensed Authorizations Officer – Water

Ministry of Water, Lands and Resource Stewardship – Landbase Stewardship

I have reviewed the referral information for the proposed Zoning Amendment at 47267 and 47283 Hart Highway, McLeod Lake, and do not have any concerns or comments to provide.

Sherri Elwell M.Sc. R.P.Bio.

Ecosystems Biologist

BC Hydro

The following comments are for the property owner's information:

1. For new construction, BC Hydro wishes to ensure that building permits do not get issued that allow for encroachment of buildings into the safety clearance zones required around existing bare utility conductors, including those utility works installed within road allowance adjacent to the property.
2. It is the responsibility of the Architect and Electrical Engineer of Record (EEOR) to ensure compliance with the Canadian Electrical Code (CEC), Canadian Safety Association (CSA) and WorkSafeBC (WSBC). The CEC, CSA and WSBC stipulate minimum clearances of powerlines and equipment from buildings for safety and safe working clearances (Limits of Approach).
3. Should the development require distribution service, changes to the property's service or the relocation of distribution lines, please contact BC Hydro's Electrical Service Coordination Centre (ESCC) at 1-877-520-1355.

Monique Mak

Property Coordinator, Property Rights Services

Ministry of Transportation and Infrastructure

The Ministry of Transportation & Infrastructure (MoTI) has received the above noted referral from the Regional District of Fraser Fort George regarding the proposed rezoning. The application has been reviewed and approved. Please note the following:

- Should the rezoning be approved, the Ministry's signature on the zoning bylaw would be required as this property is within an 800-meter radius of an intersection with a controlled access highway, as per section 52 of the Transportation Act. Please quote file 2024-03274 when providing the bylaw for Ministry approval.
- No storm drainage shall be directed to MoTI drainage system. This includes but is not limited to collection and run-off of the internal road system.
- MoTI setback requirements to be followed as per Section 12 of the Provincial Undertakings Regulation (here)

Restriction on placement of buildings or other structures

12 An owner, occupier or lessee of land must not, without the consent of the minister, place or cause or allow to be placed any building, trailer, mobile home or other structure within the following distance from

the property line fronting on any arterial highway within a municipality or on any highway in unorganized territory:

(a) if a public lane or alley provides secondary access to the property, 3 m;

(b) in any other case, 4.5 m.

- Should the applicant be granted approval they must Apply to MoTI for an Access Permit to a Controlled Access Highway. Applications can be made online, a BCeID is required, which you can register for here and then you can apply for the permit here
 - Upon application the applicant must provide estimations of traffic generation, direction of movements, and timing.
 - The applicant will be responsible for any studies or improvements identified during the Ministry's review, this may include but is not limited to: Traffic Impact Study, vehicle tracking, paved apron, signage and tapering.

*Terrell Balan
Development Officer
Fort George District*



**REGIONAL DISTRICT
of Fraser-Fort George**

BYLAW NO. 3364

**A BYLAW TO AMEND REGIONAL DISTRICT OF FRASER-FORT GEORGE ZONING BYLAW
NO. 2892, 2014**

WHEREAS the Regional Board of the Regional District of Fraser-Fort George has adopted Regional District of Fraser-Fort George Zoning Bylaw No. 2892, 2014;

AND WHEREAS the Regional Board intends to amend aforesaid Bylaw No. 2892, 2014 by passage of this bylaw, pursuant to the requirements of the *Local Government Act*;

NOW THEREFORE the Board of Directors of the Regional District of Fraser-Fort George, in open meeting assembled, enacts as follows:

1. Regional District of Fraser-Fort George Zoning Bylaw No. 2892, 2014 is hereby amended at Schedule 'B' – Map 16 by rezoning Lot A District Lot 9377 Cariboo District Plan PGP43102 and District Lot 9377 Cariboo District Except Plans H212, 28193 AND PGP43102 from Commercial 1 (C1) to Commercial 2 (C2).
2. This bylaw may be cited for all purposes as “Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3364, 2024”.

READ A FIRST TIME ON THE DAY OF , 2024

READ A SECOND TIME ON THE DAY OF , 2024

A PUBLIC HEARING ON THIS BYLAW WAS HELD ON THE DAY OF , 2024

READ A THIRD TIME ON THE DAY OF , 2024

APPROVAL PURSUANT TO THE *TRANSPORTATION ACT* RECEIVED ON THE DAY OF , 2024

ADOPTED THIS DAY OF , 2024

Chair

General Manager of Legislative
and Corporate Services