



REPORT

To: Chair and Directors

Report Number: DS-BRD-148

From: Kathy Suggitt, General Manager of Development Services

Date: April 29, 2021

Subject: Zoning Amendment Bylaw No. 2446, 2021, PRRD File No. 21-006 ZN

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board give Zoning Amendment Bylaw No. 2446, 2021, to rezone a 1.6 hectare (3.95 acre) portion of the subject property identified as PID 013-687-310 from C-2 (General Commercial Zone) to R-2 (Residential 2 Zone), first and second readings; further,

That a public hearing be waived pursuant to the *Local Government Act* Section 464 (2) and public notification be authorized pursuant to the *Local Government Act* Section 467.

BACKGROUND/RATIONALE:

Proposal

The applicant would like to rezone a 1.6 ha (3.95 ac) portion of the subject property from C-2 (General Commercial Zone) to R-2 (Residential 2 Zone) within PRRD Zoning Bylaw No. 1343, 2001.

File Details

Owner: James N Kosick and Gretchen M Letkeman
Area: Electoral Area C
Location: Charlie Lake
Legal: Lot 3 Section 17 Township 84 Range 19 W6M Peace River District Plan 4750
Except Plan 6133
PID: 013-687-310
Civic Address: 12762 Old Hope Rd
Lot Size: 16.07 ha (39.72 ac)

Site Context

The subject property is located in the community of Charlie Lake, approximately 8 km north of the City of Fort St. John. The triangular subject property is surrounded by a mix of commercial and residential uses to the south and west and is bordered by Highway 97N to the east.

Site Features

Land

The western portion of the property is partially treed. Most of the eastern portion is cleared, where the residence, shop, and accessory structures are located.

Structures

There is one residence, one shop (for agricultural use) and six storage sheds on the subject property.

Access

The subject property is accessed via Old Hope Rd.

Comments & ObservationsApplicant

The applicant's residence, a portion of the agriculture shop, and residential accessory structures are situated on the C-2 zoned portion of the subject property. The existing use in the C-2 zone is considered existing non-conforming.

- The Building Permit for the residence was issued pursuant to PRRD Zoning Bylaw No. 1000, 1996, and the current C-2 zoned portion of the subject property was zoned Highway Commercial (HC), in which a dwelling unit is a permitted principal use.
- PRRD Zoning Bylaw No. 1343, 2001 replaced portions of Bylaw No. 1000, 1996, and the HC portion of the property is now zoned C-2. A dwelling unit and agriculture are not permitted principal uses in the C-2 zone.

Therefore, the structures are currently not in contravention of the zoning bylaw as they are considered legal non-conforming. However, if the owner wished to replace the existing home or the residential accessory structures or to build a new residential structure, in the C-2 zone of the subject property, construction or replacement would not be permissible as residential is not a permitted principal use, and would be in contravention of the PRRD Zoning Bylaw No. 1343, 2001.

Agricultural Land Reserve (ALR)

The subject property is outside of the Agricultural Land Reserve.

Official Community Plan (OCP)

Pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009, the subject property is designated Settlement Centre (SC). Section 5 Policy 1 states that agriculture and residential use are principal uses of land permitted within this designation, subject to residential land use designations specified in Section 3.2.2 and Section 4 of the OCP, respectively. The proposal meets the criteria specified in Section 3.2.2 and Section 4.

Therefore, the proposed rezoning is consistent with the Official Community Plan.

Land Use Zoning

Pursuant to PRRD Zoning Bylaw No. 1343, 2001, approximately 11.5 ha of the subject property is zoned R-2 (Residential-2 Zone) and the remaining ± 4.5 ha portion is zoned C-2 (General Commercial Zone). As per Section 42, residential and agricultural land use is not a permitted principal use within the C-2 zone.

Of the structures on the subject property, the residence, three residential accessory structures, and approximately half of the agricultural shop are located in the C-2 zone.

Therefore, a zoning amendment for a 1.6 ha portion of the subject property (where the residence, shop and accessory structures are located) to R-2 (Residential 2 Zone) is required. Section 35 states that dwelling units and agriculture are permitted principal uses and accessory buildings and accessory structures are permitted accessory uses. Section 13 states that for a parcel size of 4 ha, the floor area

of accessory buildings should not exceed 300 m². The minimum parcel size is 0.4 ha when the parcel is connected to a community sewage system.

The proposed rezoning would make all the structures present in the subject property compliant with the applicable zoning bylaw.

Hence, the proposal is consistent with the proposed zone.

Fire Protection Area

The subject property is within the Charlie Lake Fire Protection Area.

Mandatory Building Permit Area

The subject property is within the Mandatory Building Permit Area.

Development Permit Area

The subject property is within the Commercial Development Permit Area pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009. A Development Permit is not required for the construction, addition, or alteration of a single family dwelling and any residential accessory uses. Interior alterations are also exempt.

Development Cost Charge Area

The subject property is within the Development Cost Charge Area. However, the charge is not applicable at this time because no subdivision or building construction is proposed.

School District 60 School Site Acquisition Charge Area

The subject property is within the School District 60 School Site Acquisition Charge Area. However, the charge is not applicable at this time because no new residential lots are proposed.

Impact Analysis

Context

The proposed zoning will be consistent with the surrounding uses as there are multiple other residential properties to the west of the subject property.

Population & Traffic

No change in population or traffic is anticipated.

Sewage & Water

The subject property is connected to the Charlie Lake sewer system. Water is delivered to the property.

Comments Received from Municipalities & Provincial Agencies

Ministry of Transportation and Infrastructure

The following conditions must be met prior to final approval and signature:

Provision of a suitably worded covenant to restrict direct access to Alaska Highway 97N from the commercially zoned area only, registerable under Section 219 of the *Land Title Act*. (Detailed response is attached to the report.)

Agricultural Land Commission

No objections.

Charlie Lake Fire Department

No concerns.

City of Fort St. John

No comments.

ALTERNATIVE OPTIONS:

1. That the Regional Board give Zoning Amendment Bylaw No. 2446, 2021, to rezone a 1.6 ha (3.95 ac) portion of the subject property identified as PID 013-687-310 from C-2 (General Commercial Zone) to R-2 (Residential 2 Zone), first and second readings; further,

That a public hearing be held pursuant to *Local Government Act* Section 464 (1), delegated to the Director of Electoral Area C and public notification be authorized pursuant to *Local Government Act* Section 466.

2. That the Regional Board refuse to give Zoning Amendment Bylaw No. 2446, 2021, to rezone a 1.6 ha (3.95 ac) portion of the subject property identified as PID 013-687-310 from C-2 (General Commercial Zone) to R-2 (Residential 2 Zone), first and second readings.
3. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- ☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

The Regional Board's decision will be communicated to the applicant.

OTHER CONSIDERATION(S):

There is an existing OCP and zoning amendment file currently on hold for the subject property, pending the North Peace Fringe Area OCP (PRRD File no. 16-140 OCP ZN). As part of that application, the Ministry of Transportation and Infrastructure had required that the applicant submit a Traffic Impact Study. The proposed rezoning amendment in this current application (PRRD File no. 21-006 ZN) is not related to the older file on hold and would not be impacted by the delay in the NPFA OCP.

Attachments:

1. Maps
2. Application
3. Comments Received from Municipalities & Provincial Agencies
4. Comments Received from Electoral Area Director
5. Section 35 of PRRD Zoning Bylaw No. 1343, 2001
6. Draft Zoning Bylaw No. 2446, 2021