



REPORT

To: Chair and Directors

Report Number: DS-BRD-134

From: Kathy Suggitt, General Manager of Development Services

Date: March 25, 2021

Subject: Zoning Amendment Bylaw No. 2435, 2021 PRRD File No. 21-004 ZN

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board give Zoning Amendment Bylaw No. 2435, 2021 to rezone the subject property identified as PID 011-552-018 from C-2 (General Commercial Zone) to R-2 (Residential 2 Zone), first and second readings; further,

That a public hearing, delegated to the Electoral Area C Director, be held pursuant to the *Local Government Act* Section 464(1) and public notification be authorized pursuant to the *Local Government Act* Section 467.

BACKGROUND/RATIONALE:

Proposal

To rezone the subject property from C-2 (General Commercial Zone) to R-2 (Residential 2 Zone) within PRRD Zoning Bylaw 1343, 2001.

File Details

Owner: Suzanne McKenzie and Michelle Hockney
Area: Electoral Area C
Location: Charlie Lake
Legal: Lot 1 Section 8 Township 84 Range 19 W6M Peace River District Plan 17183
PID: 011-552-018
Civic Address: 12733 Charlie L Hall Ave
Lot Size: 0.4 ha (0.99 ac)

Background

An investigation into the subject property's records revealed that the existing residential use on the property, without the presence of any commercial uses, is considered existing non-conforming.

- At the time the manufactured home and the shed were put up, PRRD Zoning Bylaw No. 1000, 1996 was in effect for the subject property
- Pursuant to PRRD Zoning Bylaw No. 1000, 1996 the subject property was zoned Highway Commercial (HC).
- In the HC zone, a dwelling unit is a permitted principal use.

Therefore, the structures, currently, are not in contravention of the zoning bylaw. However, the manufactured home and shed cannot be replaced and no new residential structures can be constructed, otherwise it would be in contravention of the PRRD Zoning Bylaw No. 1343, 2001.

Site Context

The subject property is located in the community of Charlie Lake, to the west of Highway 97N. The subject property is surrounded by residential use in the south and commercial uses in the north, west and east.

Site FeaturesLand

Based on the aerial imagery, the subject property is treed except the north-east quadrant of the lot which is cleared and has a manufactured home.

Structures

Currently, there is one residence and one temporary shed on the subject property.

Access

The subject property is accessed by Charlie L. Hall Ave.

Comments & ObservationsApplicant

The subject property has always been used for residential purposes. The applicants now intend to sell the subject property, however, the purchaser is unable to obtain proper financing because the property is zoned commercial. Hence, the applicants would like to rezone the subject property to recognize the existing residential use of the property.

Agricultural Land Reserve (ALR)

The subject property is outside 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 residential use is one of the principal uses of land within this designation, subject to residential land use designations specified in Section 4 of the OCP.

Therefore, the proposal is consistent with the Official Community Plan.

Land Use Zoning

Pursuant to Zoning Bylaw No. 1343, 2001, the subject property is zoned C-2 (General Commercial Zone). Section 42 states residential land use is not a permitted principal use within this zone.

Therefore, a zoning amendment to R-2 (Residential 2 Zone) is required for the subject property.

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 No. 1 pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009. A Development Permit will be required prior to building construction.

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 subdivision or residential development is proposed.

Impact Analysis**Context**

The proposed R-2 (Residential 2 Zone) is consistent with the surrounding context as the area is a mix of commercial and residential zones. There are many residential lots to the west of the subject property. The rezoning is required to recognize the existing residential use.

Population & Traffic

No change in population or traffic is expected.

Sewage & Water

The subject property is currently connected to the Charlie Lake Sewer System, which will be the source of sewage disposal in future too. The subject property currently has a cistern where the water is hauled-in and will remain the same for future water supply to the subject property.

Comments Received from Municipalities & Provincial Agencies**Ministry of Transportation and Infrastructure**

In support of the proposal. If the proposed rezoning is not successful, the owner is required to apply online for a commercial access permit.

Agricultural Land Commission

No objections.

Charlie Lake Fire Department

Interests unaffected.

City of Fort St. John

No concerns.

ALTERNATIVE OPTIONS:

1. That the Regional Board give Zoning Amendment Bylaw No. 2435, 2021, to rezone the subject property identified as PID 011-552-018 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.

2. That the Regional Board refuse to give Zoning Amendment Bylaw No. 2435, 2021, to rezone the subject property identified as PID 011-552-018 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.

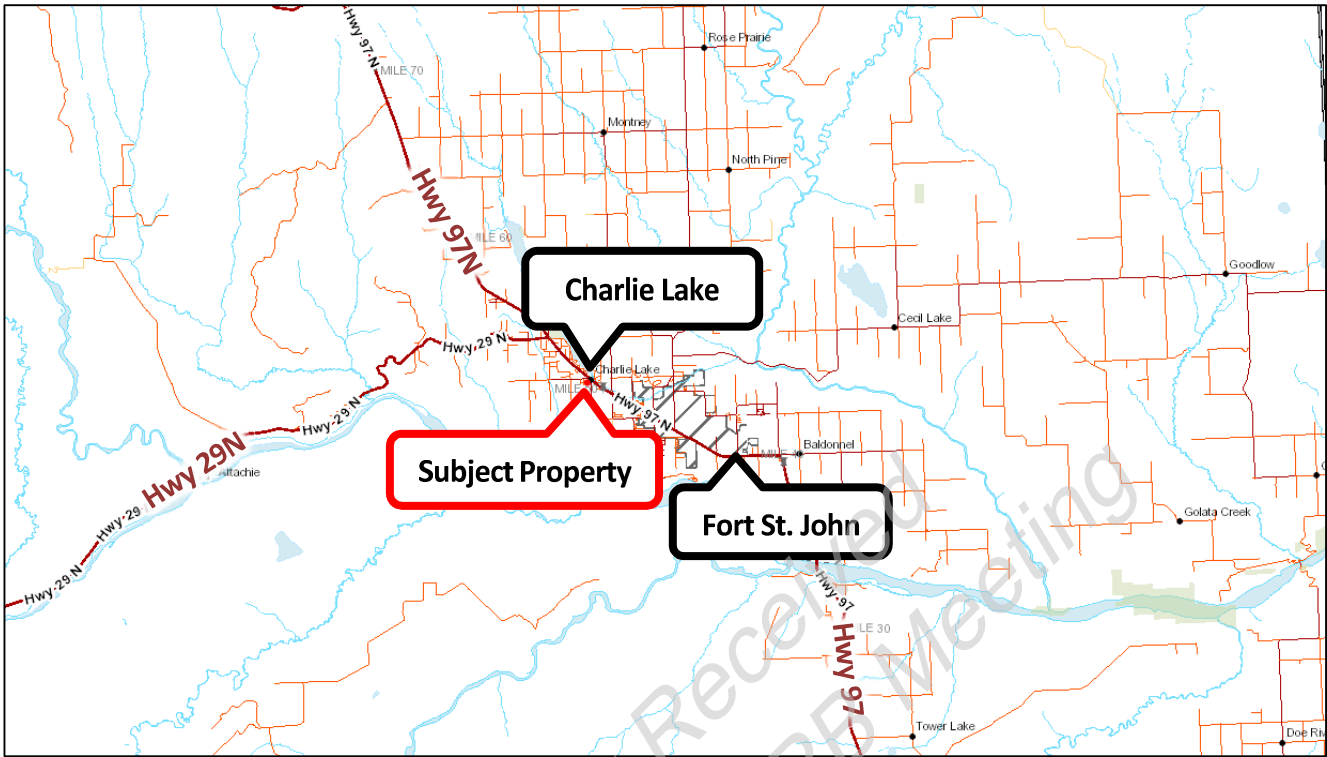
OTHER CONSIDERATION(S):

None at this time.

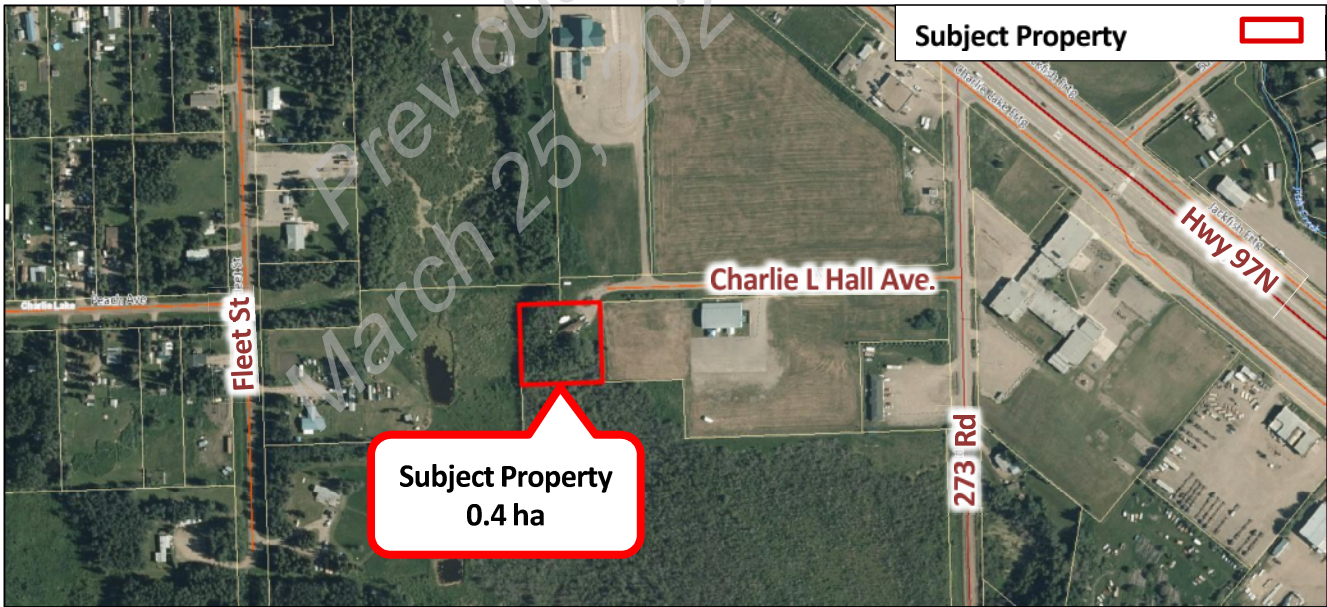
Attachments:

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. 2435, 2021

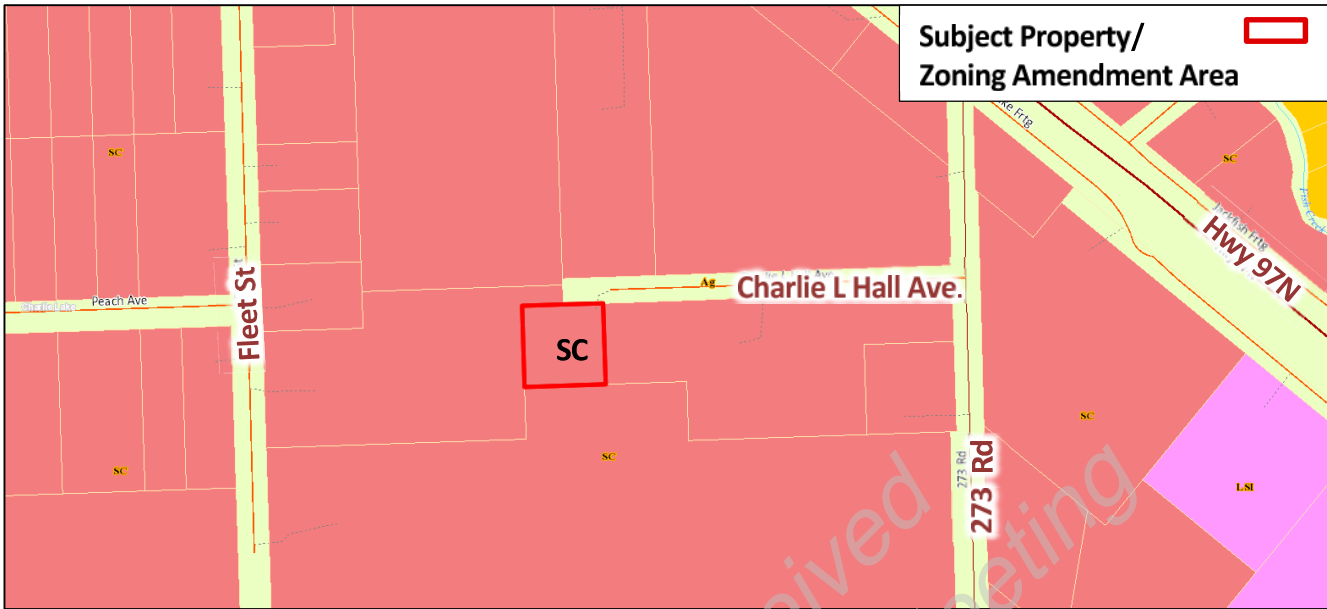
Location: Charlie Lake



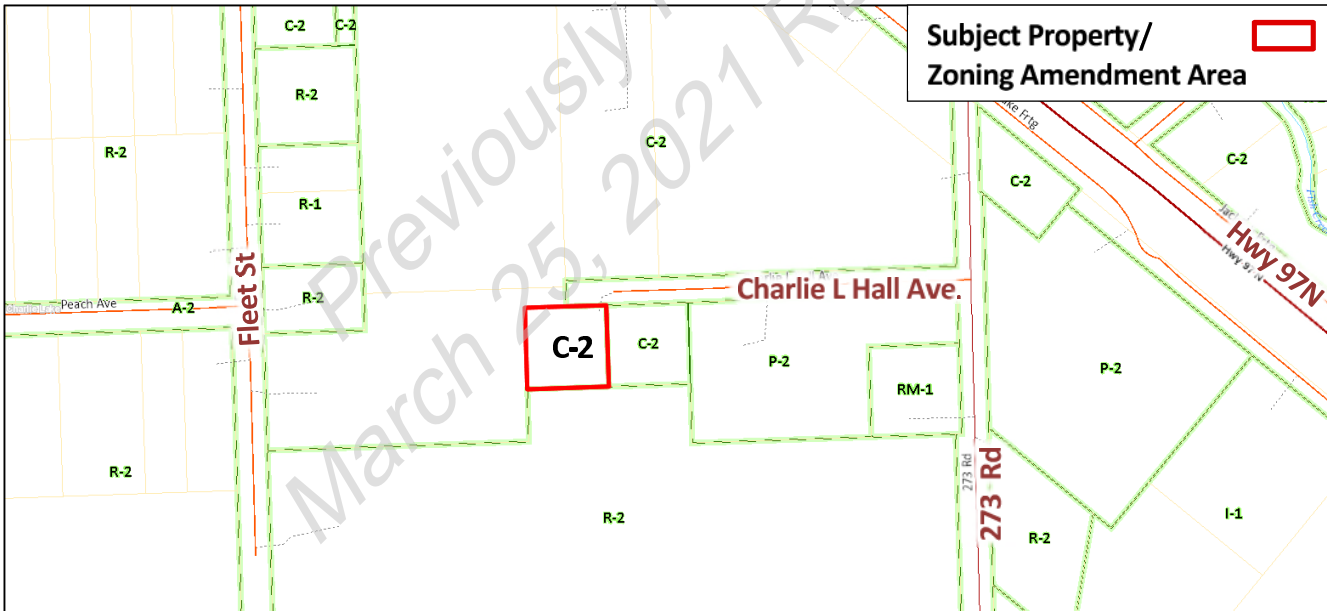
Aerial imagery



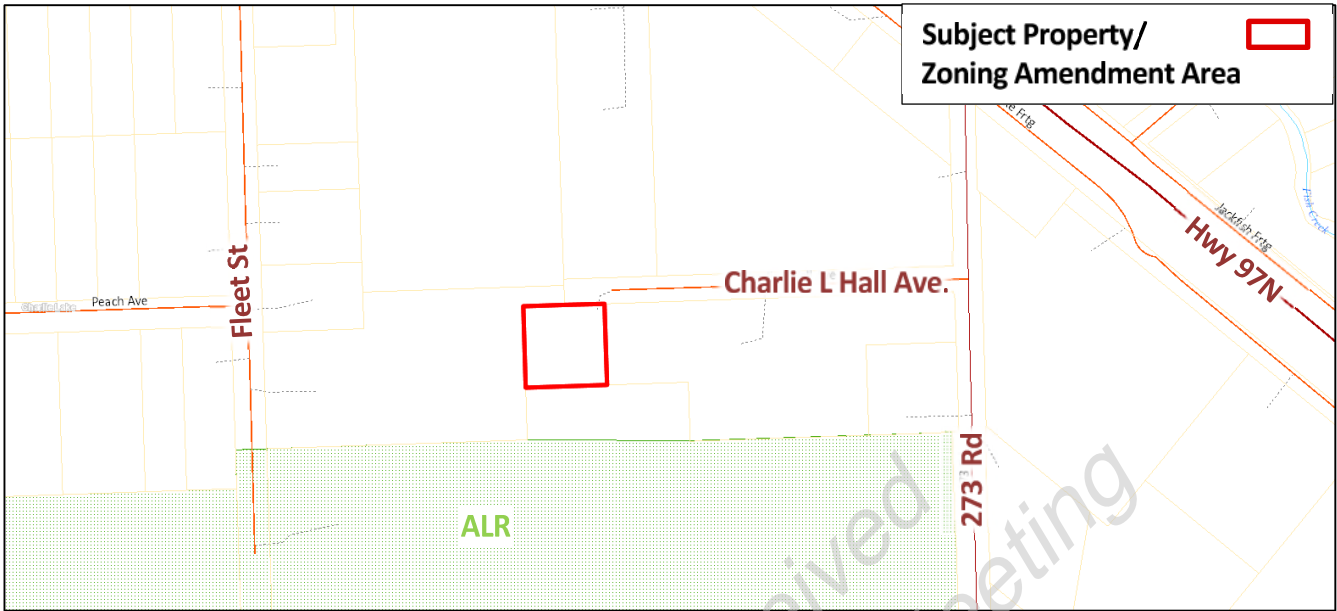
PRRD North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009: Settlement Centre (SC)



PRRD Zoning Bylaw No. 1343, 2001: General Commercial Zone (C-2)



Agricultural Land Reserve (ALR): Outside





PEACE RIVER REGIONAL DISTRICT

DAWSON CREEK 1981 Alaska Avenue (Box 810), Dawson Creek, BC (T) 250-784-3200..(F) 250-784-3201
FORT ST. JOHN 9505 100TH Street, Fort St. John, BC V1J 4N4 (T) 250-785-8084 (F) 250-785-1125
[Toll Free: 1-800-670-7773]

Receipt # 8199

Application for Development

1. TYPE OF APPLICATION

	FEE
<input type="checkbox"/> Official Community Plan Bylaw Amendment	\$ 1,000.00
<input checked="" type="checkbox"/> Zoning Bylaw Amendment	650.00
<input type="checkbox"/> Official Community Plan / Zoning Bylaw Amendment combined	1,050.00
<input type="checkbox"/> Temporary Use Permit	350.00
<input type="checkbox"/> Development Permit	165.00
<input type="checkbox"/> Development Variance Permit	165.00
<input checked="" type="checkbox"/> Sign requirement	150.00

In regard to applications for:

- i) an official community plan and/or zoning bylaw amendment;
- ii) temporary use permit;

Sign provided by the PRRD and sign posted pursuant to Section 8 of Bylaw No. 2165, 2016, **attached**.

2. PLEASE PRINT

Property Owner's Name Estate of Barbara Danuta Hockney Address of Owner	Authorized Agent of Owner (if applicable)
C/O Suzanne McKenzie [REDACTED] and Michelle Hockney [REDACTED]	Address of Agent
City/Town/Village [REDACTED]	City/Town/Village
Postal Code [REDACTED]	Postal Code
Telephone Number: [REDACTED]	Telephone Number:
Fax Number:	Fax Number:
E-mail: [REDACTED]	E-mail:

3. PROPERTY DESCRIPTION

Full legal description of each property under application	Area of each lot
Lot 1 Plan PGP 17183, Section 8, Township 84, Range 19, Meridian W6	.4 ha/ .99 acre ha./acres
	ha./acres
	ha./acres
	TOTAL AREA ha./acres

Notice of collection of personal information:

Personal information on this form is collected for the purpose of processing this application. The personal information is collected under the authority of the *Local Government Act* and the bylaws of the PRRD. Documentation/Information submitted in support of this application can be made available for public inspection pursuant to the *Freedom of Information and Protection of Privacy Act*.

4. Civic Address or location of property: 12733 Charlie L Hall Ave

5. PARTICULARS OF PROPOSED AMENDMENT

Please check the box(es) that apply to your proposal:

- ☐ Official Community Plan (OCP) Bylaw amendment:

Existing OCP designation: _____

Proposed OCP designation: _____

Text amendment: _____

- ☒ Zoning Bylaw amendment:

Existing zone: 1343, 2001 Section 42 C-2 General Commercial Zone

Proposed zone: Section 35 R-2 Residential 2 Zone

Text amendment: _____

- ☐ Development Variance Permit – describe proposed variance request:

- ☐ Temporary Use Permit – describe proposed use:

- ☐ Development Permit: Bylaw No. _____ Section No. _____

6. Describe the existing use and buildings on the subject property:

Manufactured Home used for Residential property

7. Describe the existing land use and buildings on all lots adjacent to and surrounding the subject property:

(a) North Residential C2

(b) East Charlie Lake Church C2

(c) South Charlie Lake Community Hall C2

(d) West Residential C2

8. Describe the proposed development of the subject property. Attach a separate sheet if necessary:

Residential property - no development plans.

9. Reasons and comments in support of the application. Attach a separate sheet if necessary:

We would like to sell this property out of the estate but the purchaser can't get financing due to the zoning of commercial. This property has only ever been used for residential use.

10. Describe the means of sewage disposal for the development:

Charlie Lake Sewer System

11. Describe the means of water supply for the development:

Cistern - Water Hauled in

THE FOLLOWING INFORMATION IS REQUIRED. FAILURE TO PROVIDE MAY DELAY YOUR APPLICATION.

12. Proof of ownership of the subject property or properties. (For example: Certificate of State of Title, BC Land Title Office Property Title Search or recent Property Tax Notice.)
13. A Sketch Plan of the subject property or properties, showing:
- (a) the legal boundaries and dimensions of the subject property;
 - (b) boundaries, dimensions and area of any proposed lots (if subdivision is being proposed);
 - (c) the location of existing buildings and structures on the subject property, with distances to property lines;
 - (d) the location of any proposed buildings, structures, or additions thereto, with distances to property lines;
 - (e) the location of any existing sewage disposal systems;
 - (f) the location of any existing or proposed water source.

ADDITIONAL OR MORE DETAILED INFORMATION MAY BE REQUESTED BY THE PEACE RIVER REGIONAL DISTRICT FOLLOWING REVIEW OF YOUR APPLICATION.

If it is necessary for the property boundaries and the location of buildings and structures to be more accurately defined, a plan prepared by a British Columbia Land Surveyor may be required.

15. I / We the undersigned hereby declare that the information provided in this application is complete and is, to the best of my / our knowledge, a true statement of the facts related to this application.

Signature of Owner

Feb 9/21
Date signed

Signature of Owner

Feb 09/21
Date signed

16. **AGENT'S AUTHORIZATION**

If you have an agent act on your behalf in submission of this application, the following authorization **MUST** be signed by **ALL** property owners.

I / We	and	hereby
authorize		
(name)		to act on my/our behalf regarding this
application.		
Agent address:		
Telephone:	Fax:	Email:
Signature of Owner:		Date:
Signature of Owner:		Date:



CONTAMINATED SITE DECLARATION FORM

I, Suzanne Marie McKenzie and Michelle Dawn Hockney, Executors for the Estate of Barbara Hockney, hereby acknowledge that the *Environmental Management Act*, 2003, as amended, is effective as of February 1, 2021.

Legal Description(s):

LOT 1, PLAN PGP17183, SECTION 8, TOWNSHIP 84, RANGE 19, MERIDIAN W6, PEACE RIVER LAND DISTRICT

☒ I have read [Schedule 2](#) and based on my personal knowledge of the property in question, I do not believe that it is or has been used for any of the industrial or commercial purposes and activities specified in [Schedule 2](#) of the regulations. Accordingly, I elect not to complete and submit a 'site disclosure statement', as outlined in Section 40.(1) of the Act.

☐ I have read [Schedule 2](#) and one or more of the identified purposes or activities is or has occurred on the land(s) legally described above.

*Please contact staff to submit a "site disclosure statement" at planning@prrd.bc.ca

I further acknowledge that this declaration does not remove any liability, which may otherwise be applicable under the legislation.

Owner/Agent

10 / 02 / 2021 /
dd mm yyyy

Owner/Agent

10 / 02 / 2021 /
dd mm yyyy

For more information, please visit the ministry's Identification of Contaminated Sites webpage or e-mail SiteID@gov.bc.ca



12733

Previously Received
March 25, 2021 RB Meeting

Charlie Lake



PEACE RIVER REGIONAL DISTRICT

Memorandum

TO: Brad Sperling, Director of Electoral Area C
FROM: Nikita Kheterpal, North Peace Land Use Planner
DATE: February 25, 2021
RE: **Zoning Amendment Bylaw No. 2435, 2021**
PRRD File No. 21-004-ZN

Pursuant to the following resolution:

RD/15/04/26 (23)

That a two-week period be added to the development application review process to allow time for the appropriate Electoral Area Director to review applications prior to them going to the Regional Board for consideration.

The application and report are provided for your review. As instructed at the November 21, 2019 EADC meeting, referrals to Directors will be done earlier in the application review process, at the same time as external agency referrals. As a result, this referral does not include external agency comments or a staff report.

If you have any comments, please submit them by March 11, 2021.

Ok to proceed.

Director Brad Sperling

Date

February 25, 2021

diverse. vast. abundant.

PLEASE REPLY TO:

☐ Box 810, 1981 Alaska Ave, Dawson Creek, BC V1G 4H8 Tel: (250) 784-3200 or (800) 670-7773 Fax: (250) 784-3201 Email: prrd.dc@prrd.bc.ca
☒ 9505 100 St, Fort St. John, BC V1J 4N4 Tel: (250) 785-8084 Fax: (250) 785-1125 Email: prrd.fsj@prrd.bc.ca



PEACE RIVER REGIONAL DISTRICT
Zoning Bylaw No. 1343, 2001

SECTION 35 R-2 (Residential 2 Zone - 0.4ha / 1.8 ha)

1. Permitted Uses

The following PRINCIPAL USES and no others are permitted in a R-2 zone subject to Part IV of this bylaw and subject to Sub-Section 2 of this Section 35;

- a) DWELLING UNIT;
- b) Market garden;
- c) AGRICULTURE;

The following ACCESSORY uses and no others are permitted in a R-2 zone, subject to Part IV of this bylaw and Sub-Section 2 of this Section 35:

- d) ACCESSORY buildings and ACCESSORY structure; (See Section 13)
- e) AGRICULTURE-DOMESTIC;
- f) BED AND BREAKFAST accommodation; (See Section 16)
- g) HOME BASED BUSINESS; (See Section 19)
- h) SECONDARY SUITE; (See Section 25)
- i) TEMPORARY ADDITIONAL DWELLING. (See Section 29)

2. Regulations

Minimum Parcel Size

- (a) The minimum parcel size is 1.8 hectares (4.5 acres) where there is no COMMUNITY SEWAGE SYSTEM (Electoral Areas B, D and E only); [Bylaw No. 2249, 2016]
- (aa) The minimum parcel size is 1.8 hectares (4.5 acres) where there is no COMMUNITY SEWER (Electoral Area C only); [Bylaw No. 2249, 2016]
- (b) The minimum parcel size is 0.4 hectare (1 acre) when the parcel or parcels are connected to a COMMUNITY SEWAGE SYSTEM (Electoral Areas B, D and E only) [Bylaw No. 2249, 2016]
- (bb) The minimum parcel size is 0.4 hectare (1 acre) when the parcel or parcels are connected to a COMMUNITY SEWER (Electoral Area C only); [Bylaw No. 2249, 2016]

Except for:

- i) Lot 3 Section 17 Township 84 Range 19 W6M Peace River District Plan EPP47785, for which the minimum parcel size shall not be less than 0.22 ha (0.563 acres); [Bylaw No. 2088, 2013]
- (ii) a 0.84 ha. portion of District Lot 553, PRD except Plan 17999 and 21352, for which the minimum parcel size shall not be less than 0.84 ha (2.08 acres) where there is no COMMUNITY SEWAGE SYSTEM and has a sewage system approved by the agency having jurisdiction regarding sewage disposal. [Bylaw No. 2321, 2018]



PEACE RIVER REGIONAL DISTRICT
Zoning Bylaw No. 1343, 2001

SECTION 35 R-2 (Residential 2 Zone - 0.4ha / 1.8 ha) continued

Number and type of DWELLING UNIT(S)

- (c) One SINGLE FAMILY DWELLING is permitted on a parcel;
- (d) One TEMPORARY ADDITIONAL DWELLING, is permitted on a parcel 0.9 hectares (2.2 acres) and larger where there is no COMMUNITY SEWAGE SYSTEM (Electoral areas B, D and E only); [Bylaw No. 2249, 2016]
- (dd) One TEMPORARY ADDITIONAL DWELLING, is permitted on a parcel 0.9 hectares (2.2 acres) and larger where there is no COMMUNITY SEWER (Electoral area C only); [Bylaw No. 2249, 2016]
- (e) One TEMPORARY ADDITIONAL DWELLING, is permitted on a parcel 0.4 hectares (1 acre) and larger when the parcel is connected to a COMMUNITY SEWAGE SYSTEM (Electoral Areas B, D and E only); [Bylaw No. 2249, 2016]
- (ee) One TEMPORARY ADDITIONAL DWELLING, is permitted on a parcel 0.4 hectares (1 acre) and larger when the parcel is connected to a COMMUNITY SEWER (Electoral Area C only); [Bylaw No. 2249, 2016]

Height

- (f) No building or structure shall exceed 10 metres (32.8 ft.) in HEIGHT.

Setbacks

- (g) Except as otherwise permitted in this bylaw, no PRINCIPAL building or structure shall be located within:
 - (i) 7 metres (23 ft.) of a FRONT PARCEL LINE;
 - (ii) 3 metres (10 ft.) of an INTERIOR SIDE PARCEL LINE;
 - (iii) 5 metres (17 ft.) of an EXTERIOR SIDE PARCEL LINE;
 - (iv) 5 metres (17 ft.) of a REAR PARCEL LINE.
- (h) Except as otherwise specifically permitted in this bylaw, no ACCESSORY building or ACCESSORY structure shall be located within:
 - (i) 7 metres (23 ft.) of a FRONT PARCEL LINE;
 - (ii) 1.5 metres (5 ft.) of an INTERIOR SIDE PARCEL LINE;
 - (iii) 5 metres (17 ft.) of an EXTERIOR SIDE PARCEL LINE;
 - (iv) 3 metres (10 ft.) of a REAR PARCEL LINE.

Agriculture

- (i) AGRICULTURE, use is permitted on parcels 4 hectares (10 acres) and larger;
- (j) AGRICULTURE DOMESTIC, is permitted on parcels 0.4 hectares (1 acre) and larger;



PEACE RIVER REGIONAL DISTRICT
Zoning Bylaw No. 1343, 2001

SECTION 35 R-2 (Residential 2 Zone - 0.4ha / 1.8 ha) continued

Where AGRICULTURE or AGRICULTURE-DOMESTIC are permitted the following regulations shall apply;

- (k) Maximum LOT COVERAGE for each commodity group is limited to the following:

COMMODITY GROUPS			
Apiculture (bees)	Greenhouse, Nursery, Speciality wood & Turf Crops	Livestock,* Poultry, Game and Fur	Mushroom growing facility
20%	Greenhouse: 75% Nurseries, Speciality Wood Crops & Turf Farms: 35%	35%	35%

*CONFINED LIVESTOCK AREAS, are included in the LOT COVERAGE restriction.

The following structures do not fall under the LOT COVERAGE restrictions:

- detention ponds
- support structures used for shading, frost and wind protection of plants and animals.

PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2435, 2021

A bylaw to amend "Peace River Regional District
Zoning Bylaw No. 1343, 2001."

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia *Local Government Act*, adopt "Peace River Regional District Zoning Bylaw No. 1343, 2001";

NOW THEREFORE the Regional Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as "Peace River Regional District Zoning Amendment Bylaw No. 2435, 2021."
2. Schedule A – Map 7 of "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by rezoning Lot 1, Section 8, Township 84, Range 19, W6M, PRD, Plan 17183, from C-2 "General Commercial Zone" to R-2 "Residential 2 Zone", as shown on Schedule 'A' which is attached to and forms part of this bylaw.

READ A FIRST TIME THIS _____ day of _____, 2021.

READ A SECOND TIME THIS _____ day of _____, 2021.

Public Notification on the _____ day of _____, 2021.

Public Hearing held on the _____ day of _____, 2021.

READ A THIRD TIME THIS _____ day of _____, 2021.

Ministry of Transportation
approval received this _____ day of _____, 2021.

ADOPTED THIS _____ day of _____, 2021.

Chair

(Corporate Seal has been affixed to
the original bylaw)

Corporate Officer

I hereby certify this to be a true and correct copy of
"PRRD Zoning Amendment Bylaw No. 2435, 2021,
as adopted by the Peace River Regional District
Board on _____, 20____.

Corporate Officer



Peace River Regional District
Bylaw No. 2435, 2021
SCHEDULE "A"



1:5,500

Schedule A - Map 7 of "Peace River Regional District Zoning Bylaw No.1343, 2001" is hereby amended by rezoning Lot 1, Section 8, Township 84, Range 19, W6M, PRD, Plan 17183, **from** C-2 "General Commercial Zone" **to** R-2 "Residential 2 Zone" as shown on the drawing below

