



# REPORT

To: Chair and Directors

Report Number: DS-BRD-212

From: Ashley Murphey, RPP, MCIP, Planning Services Manager

Date: February 24, 2022

**Subject: OCP & Zoning Amendment Bylaws No. 2264 & 2265, 2022, PRRD File No. 16-110 OCP ZN**

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## **RECOMMENDATION: [Corporate Unweighted]**

That the Regional Board respectfully refuse the proposal to amend the designation and zoning of the property (PID 025-133-110) to allow for the sale of manufactured homes from the parcel; further, that first and second readings given to Bylaws 2464 and 2265 on July 18, 2018 be rescinded and the bylaw marked as never used/abandoned, as the proposal is not consistent with the Official Community Plan or the residential and agricultural context of the area.

## **BACKGROUND/RATIONALE:**

On January 13, 2022, staff presented a [report](#) recommending refusal of the proposed bylaws for the Board's consideration. The Board passed the following alternative recommendation:

*MOVED, SECONDED, and CARRIED*

That the Regional Board authorize staff to prepare a new report for the Board's consideration which seeks to address the public's concerns identified during the Public Hearing for Official Community Plan Amendment Bylaw No. 2264, 2018 and Zoning Amendment Bylaw No. 2265, 2018, held on November 24, 2021.

Accordingly, staff prepared this report, and revised the bylaws to abandon the idea of re-designating and rezoning the property to an industrial designation and zoning. Instead this report includes an alternative recommendation, returning to the original proposal to re-designate and rezone the residential properties to commercial status, with a spot zone to permit manufactured home sales in a commercial zone on this parcel only. The commercial designation and zoning partially addresses the public concerns regarding a wide range of potential industrial uses that are not welcomed by the residential neighbours. However, as this approach only partially addresses the concerns with the proposal, staff do not recommend approval of the revised bylaws as the proposal is still not consistent with the Official Community Plan or area context. Ministry of Transportation and Infrastructure (MoTI) approval is also required, as per the conditions noted later in this report and detailed in the referral response letter from MoTI dated February 14, 2022, found in the attachments to the report.

## **Proposal**

The applicant is seeking permission to sell manufactured homes from the subject property (PID: 025-133-110). The original application was made in 2016 and the background to this file is outlined below.

## **Background**

In May of 2016, the applicant submitted an application to the Peace River Regional District (PRRD) to amend the OCP designation of the subject property from MDR (Medium Density Residential) to HC (Highway Commercial) within the North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009, and to rezone the subject property from R-4 (Residential 4 Zone) to C-2 (General Commercial Zone) within Zoning Bylaw No. 1343, 2001, and seeking a text amendment to the zoning bylaw to add the sale of manufactured homes as a permitted use in the C-2 Commercial Zone for this property only.

In October of 2017, the application was amended to seek re-designation of the subject property to LSI (Light Service Industrial) and rezoning of the subject property to I-1 (Light Industrial), given manufactured home sales are currently only permitted within the I-1 (Light Industrial) Zone.

On July 26, 2018, a report was prepared for the Board's consideration which recommended that the application be refused based on incompatibility with the surrounding residential uses and it being contrary to the NPFA OCP. The Board chose to give OCP and Zoning Amendment Bylaws No. 2264 & 2265, 2018 first and second readings and authorized a public hearing to be held.

On August 16, 2018, the applicant requested that the application be put on hold pending completion of the North Peace Fringe Area OCP update.

On June 22, 2021, the applicant requested that the file be reactivated and a public hearing scheduled. The frequently changing COVID regulations delayed the scheduling of a public hearing, however, a virtual public hearing was held on November 24, 2021 pursuant to Section 464 of the *Local Government Act*.

## **Rationale**

Previously, the applicant sought to re-designate and rezone the subject property to Light Industrial. Numerous public members submitted comments in opposition to the proposed change to Light Industrial, as summarized in the Public Hearing minutes and report that was presented to the Board on January 13, 2022, links to which are included in this report. In that same report, staff recommended the refusal of the proposed OCP and Zoning amendments. The Board opted to authorize staff to prepare revised amendments; therefore, this report has been drafted according to that direction.

Staff has prepared the OCP and Zoning amendments based on a proposed Highway Commercial (HC) designation and General Commercial (C-2) Zone with an additional permitted use as a way of trying to address the public opposition of industrial uses at this location. However, at this time, staff are still recommending refusal of the proposed amending bylaws for the reasons outlined below.

The subject property is currently designated MDR (Medium Density Residential) and is surrounded by other residential and agricultural uses. The intent of the residential land use designations within the OCP is "to support a variety of housing types and densities for a diverse population within the NPFA and to accommodate the different needs of individuals and families of varying income levels and age groups. Within the Medium Density Rural Residential designation, the principal use of land will generally be limited to residential and home based business, subject to zoning regulations." Therefore, this proposal to re-designate to Highway Commercial is not consistent with the intent of the OCP.

The proposed C-2 (General Commercial) Zoning is not compatible with the predominantly residential and agricultural context of the area either. Numerous other parcels within the vicinity could accommodate the proposed use and are already designated and zoned Light Industrial, which is currently the only zone permitting manufactured homes. The list of permitted uses within the C-2 Zone includes automotive service station, gas bar, building material supply facility, recycle centre, etc. Uses such as gas bar and service stations are not compatible uses with the directly adjacent residential parcels.

Although the staff recommendation is still a refusal of this application, staff have prepared an amended version of the bylaws for the Board's consideration and provided Alternative Recommendation #1 below as a means to allow the Board to consider the commercial designation and zoning for the property, and to hold a public hearing to determine if commercial zoning in place of industrial zoning is acceptable to the public. This alternative recommendation would rescind the 2nd Reading of the previous bylaws and proceed with 2nd Reading of the bylaws as amended, and attached to this report. Based on public comments received, there was concern regarding the potential extent of uses permitted on a Light Industrial property. The proposed Commercial Zoning allows less intensive uses; however, some of the permitted uses are still deemed to be non-compatible with the surrounding residential and agricultural land uses.

Should the Board authorize the alternative recommendation, a new public hearing must be held.

#### **File Details**

Owner: Melvin and Ethelann Stewart  
Area: Electoral Area 'C'  
Location: Baldonnel  
Legal: Lot 2 Section 24 Township 83 Range 18 W6M Peace River District Plan Pgp47112  
PID: 025-133-110  
Lot Size: 2.19 ha (5.41 ac)

#### **Site Context**

The subject property is located south of the City of Fort St. John, along the Alaska Highway. The subject property is located within a Medium Density Residential subdivision at Mile 40 of the Alaska Highway.

#### **Summary of Procedure**

OCP & Zoning Amendment Bylaw Nos. 2264 & 2265 were read for a first and second time on July 16, 2018. The following activities have occurred since then:

|                        |   |
|------------------------|---|
| November 3, 2021       | Public notification mailed to landowners within notification area   |
| November 10 & 17, 2021 | Notice of public hearing advertised in the Alaska Highway News  |
| November 24, 2021      | Public hearing held via Zoom  |
| January 13, 2022       | Board authorized the alternative recommendation to allow staff to prepare revised bylaws for their consideration. |

#### **Comments Received from the Public**

A public hearing was held on November 24, 2021 in accordance with the *Local Government Act*. Several persons were in attendance for the Public Hearing and expressed opposition to the proposed OCP and Zoning Amendments. The Minutes are attached to this report as an external link.

Comments were previously received prior to first and second reading and are attached to the report dated July 26, 2018 in External Links.

### **Comments Received from Provincial Agencies and Municipalities**

Ministry of Transportation and Infrastructure:

MoTI does not support the proposal at this time. No direct access to Highway 97 will be permitted, the existing access permit must be revised and a Traffic Impact Study is required, as per their letter dated February 14, 2022, attached.

City of Fort St. John:

The City's concerns for this parcel remain the same. This area is not intended for Commercial land use. Has that been addressed or changed through the updated NPFA OCP?

Has consideration been given that amending both the OCP and the Zoning Designation does not limit it to the use presented, but will open this land to several land uses that could have a negative impact on the surrounding residential and agricultural lands?

### **ALTERNATIVE OPTIONS:**

1. That the Regional Board rescind second reading of Official Community Plan and Zoning Amendment Bylaws No. 2264 and 2265, 2018 given July 26, 2018 to re-designate the property identified as PID: 025-133-110, from MDI-Medium Density Rural Residential to LSI Light Service Industrial and rezone the same parcel from R-4 Residential 4 Zone to I-1 Light Industrial Zone; further, that the Regional Board provide second reading of North Peace Fringe Area Official Community Plan Bylaw No. 2264, 2018 as amended, to specify re-designation of the property from MDI-Medium Density Rural Residential to HC – Highway Commercial, and provide second reading of Zoning Amendment Bylaw No. 2265, 2018 as amended to specify the rezoning of the property from R-4 Residential 4 Zone to C-2 General Commercial, and to add a text amendment to allow manufactured home sales as a permitted use in the C-2 General Commercial Zone for this parcel only; and finally,

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

1. 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. Revised North Peace Fringe Area Official Community Plan Amendment Bylaw No. 2264, 2018
2. Revised Zoning Amendment Bylaw No. 2265, 2018
3. Ministry of Transportation and Infrastructure Referral Response, February 14, 2022, PRRD File No. 16-110 OCP ZN

**External Links:**

1. [Report – OCP & Zoning Amendment Bylaw Nos. 2264 & 2265, 2018, PRRD File No. 16-110 OCP ZN – July 26, 2018](#)
2. [Agenda – Public Hearing for OCP & Zoning Amendment Bylaw Nos. 2264 & 2265, 2018, PRRD File No. 16-110 OCP ZN – November 24, 2021](#)
3. [Minutes – Public Hearing for OCP & Zoning Amendment Bylaw Nos. 2264 & 2265, 2018, PRRD File No. 16-110 OCP ZN – November 24, 2021](#)
4. [OCP & Zoning Amendment Bylaws No. 2264 & 2265, 2018, PRRD File No. 16-110 OCPZN, \(consideration of third reading\) – January 13, 2022 – See Item No. 10.3](#)

**PEACE RIVER REGIONAL DISTRICT**  
**Bylaw No. 2264, 2018**

A bylaw to amend "North Peace Fringe Area  
Official Community Plan Bylaw No. 1870, 2009."

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia *Local Government Act*, adopt the "North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009";

AND WHEREAS, an application has been made to amend "North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009" to facilitate an associated zoning affecting Lot 2, Section 24, Township 83, Range 18, W6M, PRD, Plan PGP47112;

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 "North Peace Fringe Area Official Community Plan Amendment Bylaw No. 2264, 2018."
2. Schedule B – Map 6 of "North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009" is hereby amended by re-designating Lot 2, Section 24, Township 83, Range 18, W6M, PRD, Plan PGP47112, from MDI "Medium Density Rural Residential" to HC "Highway Commercial" as shown on Schedule "A" which is attached to and forms part of this bylaw.

|                                  |                             |        |                             |         |
|----------------------------------|-----------------------------|--------|-----------------------------|---------|
| READ A FIRST TIME THIS           | <u>26<sup>th</sup></u>      | day of | <u>July</u>                 | , 2018. |
| READ A SECOND TIME THIS          | <u>26<sup>th</sup></u>      | day of | <u>July</u>                 | , 2018. |
| Public Hearing held on the       | <u>24<sup>th</sup></u>      | day of | <u>November</u>             | , 2021. |
| SECOND READING RESCINDED THIS    | <u>                    </u> | day of | <u>                    </u> | , 2022. |
| RE-READ A SECOND TIME AS AMENDED | <u>                    </u> | day of | <u>                    </u> | , 2022. |
| Public Hearing held on the       | <u>                    </u> | day of | <u>                    </u> | , 2022. |
| READ A THIRD TIME THIS           | <u>                    </u> | day of | <u>                    </u> | , 2022. |
| ADOPTED THIS                     | <u>                    </u> | day of | <u>                    </u> | , 2022. |

\_\_\_\_\_  
Chair

(Corporate Seal has been affixed to the original bylaw)

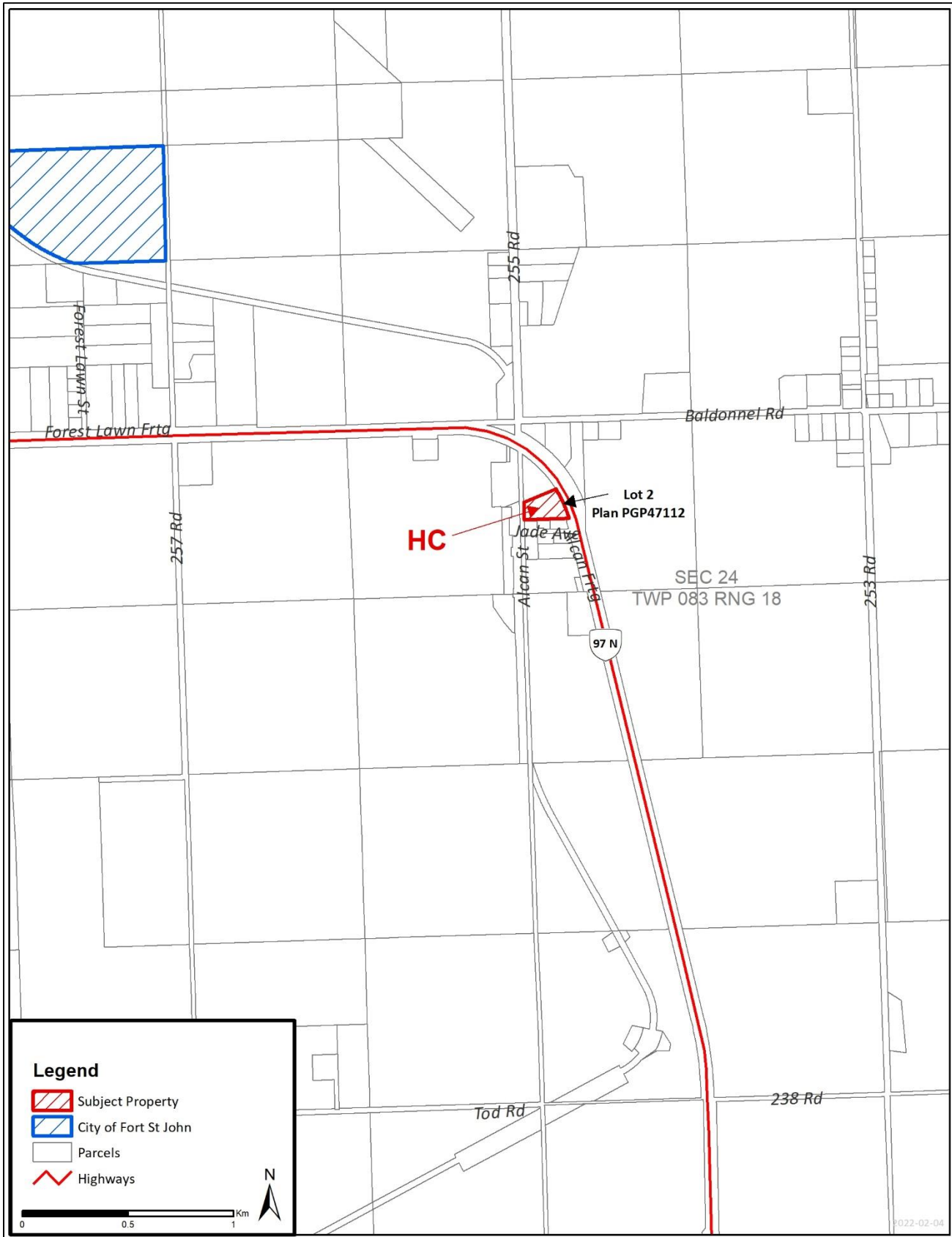
\_\_\_\_\_  
Corporate Officer

I hereby certify this to be a true and correct copy of Bylaw No. 2264, 2018", as adopted by the Peace River Regional District Board on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Corporate Officer

**SCHEDULE A**

Schedule B – Map 6 of “North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009” is hereby amended by re-designating Lot 2, Section 24, Township 83, Range 18, W6M, PRD, Plan PGP47112, from MDI “Medium Density Rural Residential” to HC “Highway Commercial” as illustrated below:



**PEACE RIVER REGIONAL DISTRICT**  
**Bylaw No. 2265, 2018**

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 by-law may be cited for all purposes as "Peace River Regional District Zoning Amendment Bylaw No. 2265, 2018."
2. Schedule A – Map 15 of "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by rezoning Lot 2, Section 24, Township 83, Range 18, W6M, PRD Plan PGP47112, from R-4 "Residential 4 Zone" to C-2 "General Commercial Zone", as shown on Schedule 'A' which is attached to and forms part of this bylaw.
3. "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by adding the following text amendment at the end of 'Part VI Zones, Section 42 C-2 (General Commercial Zone), 2. Regulations – Additional Uses, g) The following additional uses are permitted on lands legally described as:'

"Section 24, Township 83, Range 18, W6M, PRD Plan PGP47112:  
vi) manufactured home sales"

|  |                             |        |                             |         |
|--|-----------------------------|--------|-----------------------------|---------|
| READ A FIRST TIME THIS                       | <u>26<sup>th</sup></u>      | day of | <u>July</u>                 | , 2018. |
| READ A SECOND TIME THIS                      | <u>26<sup>th</sup></u>      | day of | <u>July</u>                 | , 2018. |
| Public Hearing held on the                   | <u>24<sup>th</sup></u>      | day of | <u>November</u>             | , 2021. |
| SECOND READING RESCINDED THIS                | <u>                    </u> | day of | <u>                    </u> | , 2022. |
| RE-READ A SECOND TIME AS AMENDED             | <u>                    </u> | day of | <u>                    </u> | , 2022. |
| Public Hearing held on the                   | <u>                    </u> | day of | <u>                    </u> | , 2022. |
| Ministry of Transportation approval received | <u>                    </u> | day of | <u>                    </u> | , 2022. |
| READ A THIRD TIME THIS                       | <u>                    </u> | day of | <u>                    </u> | , 2022. |
| ADOPTED THIS                                 | <u>                    </u> | day of | <u>                    </u> | , 2022. |

\_\_\_\_\_  
Chair

(Corporate Seal has been affixed to the original bylaw)

\_\_\_\_\_  
Corporate Officer

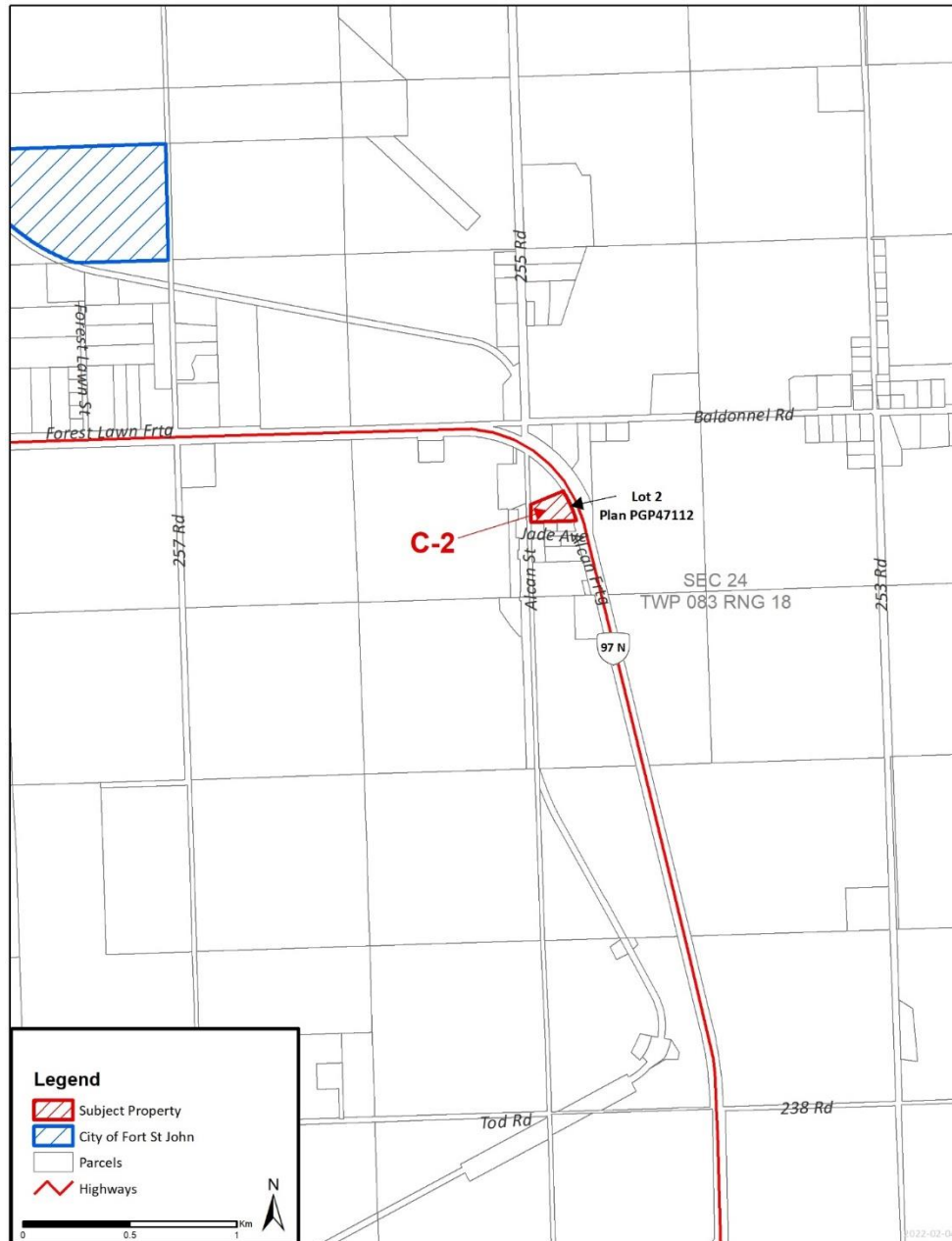


I hereby certify this to be a true and correct copy of "PRRD Zoning Amendment Bylaw No. 2265, 2018, as adopted by the Peace River Regional District Board on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Corporate Officer

## SCHEDULE A

Schedule A – Map 15 of "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by rezoning Lot 2, Section 24, Township 83, Range 18, W6M, PRD Plan PGP47112, shown outlined in a heavy red line, from R-4 "Residential 4 Zone" to C-2 "General Commercial Zone", as illustrated below:





Peace River Regional District  
PO Box 810  
1981 Alaska Avenue  
Dawson Creek, BC V1G 4H8

Attention: Planning Department

The Ministry of Transportation and Infrastructure (MoTI) has received and reviewed your referral dated January 31, 2022 to amend the OCP from MDR "Medium Density Residential" to HC "Highway Commercial" and to amend the Zoning Bylaw from R-4 "Residential - 4 Zone" to C-2 "General Commercial Zone" and include a site-specific text amendment that permits "manufactured home sales" on the subject property only. The subject property is Lot 2 Section 24 Township 83 Range 18 W6M PRD Plan PGP47112. The proposal falls within Section 52 of the Transportation Act and will require formal MoTI approval and signature. MoTI is not in support of the proposal at this time and has the following requirements that must be satisfied prior to final approval and signature by MoTI.

1. MoTI requires a Traffic Impact Study (TIS) prepared by a qualified engineer registered to conduct business in BC. Prior to consideration of approval of the proposed rezoning amendments, MoTI must review and accept the TIS. As a result of the TIS recommendations, any of the offsite improvements that are deemed necessary by MoTI must be designed and constructed to MoTI specification. The applicant is encouraged to contact MoTI at their earliest convenience to set up a Scope Development Meeting to determine the Terms of Reference for the TIS. A follow up response to the PRRD from MoTI will be sent after the TIS is accepted by MoTI. It will outline any outstanding and/or new conditions that must be met as a result of the TIS including, but not limited to, design and construction of highway improvements, plans, legal documents etc.
2. The subject lot fronts on a Controlled Access (CA) Highway. For protection of the highway corridor and the safety of the travelling public, private accesses are permitted only at the discretion of MoTI. CA Highways carry stringent requirements for access, with a preference for alternate access.



No direct access to Alaska Highway 97N is supported from the subject lot. All access is to be via the side street network.

The Ministry requires the landowner to enter into a suitably worded covenant, restricting direct access to the Alaska Highway 97N from the subject property. The covenant is to be registered under Section 219 of the Land Title Act in favour of Her Majesty The Queen in right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure, Parliament Buildings, Victoria, BC, V8V 1X4, Canada. The covenant to be registered with priority over any financial charges. It is recommended a draft version of the document be submitted to MoTI before obtaining signatures from landowners and affected charge holders to ensure suitability of the documents.

3. Owner to request a revision to existing access permit number 2013-02502 from MoTI. Please contact Development Services at [devapps.fs@gov.bc.ca](mailto:devapps.fs@gov.bc.ca)

No storm drainage shall be directed toward any MoTI road dedications. This would include but is not limited to collection/run-off of the internal road system or development run-off. All storm water detention must be dealt with onsite. There will be no discharge into MoTI ditches.

Buildings or structures adjacent to Alcan Street (619B) and Alaska Highway 97N are to be set back from the property line, a minimum of 4.5 meters.

Care should be taken in the lighting design on the site to avoid excessive glare which could cause safety concerns for motorists traveling on Alaska Highway 97N.

The applicant should be aware there is a chance the area may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. Please contact the Archaeology Branch immediately at (250) 953-3334 if archaeological site deposits are encountered on the subject property.



Ministry of  
Transportation  
and Infrastructure

Our file: 2016-04473  
Your file: 16-110 OCP/ZN  
Previously: 110-2016\_Stewart  
Date: February 14, 2022

Thank you for the opportunity to comment early in the process. If you or the applicant has any questions, please contact me at (778) 576-1184 or by email at [Erlina.pieper@gov.bc.ca](mailto:Erlina.pieper@gov.bc.ca)

Sincerely,

Erlina Pieper, Development Officer