



# REPORT

To: Chair and Directors

Report Number: DS-BRD-253

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

Date: July 14, 2022

**Subject: Zoning Amendment Bylaw No. 2481, 2022, 3rd Reading, PRRD File No. 22-002 ZN**

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

That the Regional Board respectfully refuse 3<sup>rd</sup> Reading of Zoning Amendment Bylaw No. 2481, 2022; further;  
that the first two readings of Bylaw No. 2481, 2022 be rescinded and that Bylaw No. 2481, 2022 be abandoned and marked as never used.

## **BACKGROUND/RATIONALE:**

### **Proposal**

The applicant is proposing to rezone a ±30.8 ha portion of the subject property from Large Agricultural Holdings (A-2) Zone to Residential 5 (R-5) Zone and the remainder to Small Agricultural Holdings (A-1) Zone to facilitate a subdivision. Proposed Lot 1 will be ±6.8 ha, proposed Lots 2, 3, 4, 5, 6 and 7 will be ±4.0 ha each and the remainder will be ±31.9 ha.

### **File Details**

Owner: Marguerite Gladysz  
Area: Electoral Area C  
Location: Charlie Lake  
Legal: The South East 1/4 of Section 11 Township 84 Range 20 W6M PRD Except Parcel A (F2774)  
PID: 014-792-192  
Civic Address: 13392 Old Hope Road  
Lot Size: ±62.7 ha (154.9ac)

### **Rationale**

At the Public Hearing held on May 24, 2022, several members of the public were in attendance and spoke in opposition of the proposed zoning amendment, as noted in the attached Public Hearing Minutes. Other written comments were also received which were also in opposition to the proposal.

The Protective Services Department indicated a need for on-site fire suppression through the referral process, such as a water tank, to service the proposed 7 lots. The applicant has submitted correspondence indicating that they do not wish to provide fire suppression services for the proposed new lots, which is not consistent with the direction Area C is taking pursuant to the new Subdivision and Development Servicing Bylaw.

The applicant has indicated that they are not willing to construct an on-site fire suppression system for the proposed subdivision. They have requested that should the Regional Board not support the

proposed rezoning without the on-site fire suppression requirement, that the Board instead consider supporting the rezoning of proposed Lot 1 only, to allow for the creation of a home site for the owner. Staff have provided an alternative recommendation for the Board's consideration to that effect. It should be noted, however, that there is already an existing home site parcel that was previously subdivided from the remainder and has not yet been developed.

Staff are recommending refusal of the proposed application, as it is not supportive of the long-term sustainability of infrastructure for this area.

### **Background**

The applicant submitted an application for rezoning in February 2022. Staff sent out referrals to both external agencies and internal departments. The Protective Services Department responded and noted a need for on-site fire suppression services to support the proposed 7 new residential lots. This information was communicated to the applicant prior to the bylaw receiving first and second readings.

The Zoning Amendment Bylaw received 1<sup>st</sup> and 2<sup>nd</sup> Readings on March 31, 2022 and was authorized to proceed to public hearing. During this time staff have attempted to work with the applicant to enter into a suitably worded covenant which would restrict subdivision and development of the property until they satisfied the conditions, however it would have allowed the zoning to be finalized. This approach was proposed to give the applicants more time to design the on-site fire suppression system by deferring the requirement until time of subdivision or development of the lands. The applicant has submitted correspondence stating that they are not willing to provide on-site fire suppression services for the proposed development.

The requirement for on-site fire suppression is further supported by Subdivision and Development Servicing Bylaw No. 2474, 2022, which came into force on June 9, 2022. This bylaw now requires that all new development within Electoral Areas C and D ensure sufficient fire suppression services are available to service any new development.

As the actual subdivision application was submitted to the Ministry of Transportation and Infrastructure prior to the Subdivision and Development Servicing Bylaw being in effect, staff have been working with the applicant through the zoning amendment process to secure this requirement, knowing this was the direction the new bylaw was taking.

### **Site Context**

The property is located in the Charlie Lake area, and has direct access from the Old Hope Road in the east. It is surrounded by Agricultural designated land in the west and south and Low Density Rural Residential in the north and east.

### **Summary of Procedure**

Zoning Amendment Bylaw No. 2481, 2022 was read for a first and second time on March 31, 2022. The following activities have occurred since then:

May 5, 2022	Public notification mailed to landowners within notification area.
May 12 & 19, 2022	Notice of public hearing advertised in the Alaska Highway News.
May 24, 2022	Public hearing held in Fort St. John.

**Comments Received from the Public**

A public hearing was held on May 24, 2022 in accordance with the *Local Government Act*. The Minutes are attached to this report.

**ALTERNATIVE OPTIONS:**

1. That the Regional Board give Zoning Amendment Bylaw No. 2481, 2022, as amended, 3<sup>rd</sup> Reading, to rezone proposed Lot 1 only, from Large Agricultural Holdings (A-2) Zone, to Residential 5 (R-5) Zone and amend the Large Agricultural Holdings (A-2) Zone, by adding the remainder parcel as a permitted undersized parcel within the A-2 Zone.
2. That the Regional Board give Zoning Amendment Bylaw No. 2481, 2022, 3<sup>rd</sup> Reading; further

That final adoption be withheld until such time as the applicant has entered into a suitably worded covenant to provide on-site fire suppression services for the proposed development.

3. That the Regional Board provide further direction.

**STRATEGIC PLAN RELEVANCE:**

☒ Not Applicable to Strategic Plan.

**FINANCIAL CONSIDERATION(S):**

Should the development be allowed to proceed without providing on-site fire suppression services, the cost of future fire suppression services to support the proposed development and others in the area would be borne by all tax payers within the Area C fire protection area.

**COMMUNICATIONS CONSIDERATION(S):**

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

**OTHER CONSIDERATION(S):**

None at this time.

**Attachments:**

1. Email from Applicant Re: Fire Suppression Requirements
2. Proposed Lots, PRRD File No. 22-002 ZN
3. Public Notice, PRRD File No. 22-002 ZN
4. Public Comments, PRRD File No. 22-002 ZN
5. Public Hearing Minutes, May 24, 2022, PRRD File No. 22-002 ZN
6. Zoning Amendment Bylaw No. 2481, 2022

**External Links:**

1. [Report –Zoning Amendment Bylaw No. 2481, 2022, PRRD File No. 22-002 ZN – March 31, 2022](#), see item 10.5
2. [Public Hearing Agenda – Zoning Amendment Bylaw No. 2481, 2022, PRRD File No. 22-002 ZN Minutes – May 24, 2022](#),