



# REPORT

To: Chair and Directors

Report Number: DS-BRD-028

From: Tyra Henderson, Corporate Officer

Date: July 31, 2020

**Subject: Zoning Amendment Bylaw No. 2403, 2020, PRRD File No. 20-002-ZN**

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

That the Regional Board give Zoning Amendment Bylaw No. 2403, 2020, to rezone the property identified as PID 004-194-713 from R-4 (Residential 4 Zone) to C-2 (General Commercial Zone), first and second readings; further,

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

## **BACKGROUND/RATIONALE:**

### **Proposal**

To rezone the subject property from R-4 (Residential 4 Zone) to C-2 (General Commercial Zone).

### **File Details**

Owner: Peace Way Trucking Ltd.  
Agent: Arsen Hocha  
Area: Electoral Area C  
Location: Charlie Lake  
Legal: Lot 1 Section 19 Township 84 Range 19 W6M Peace River District Plan 16717  
PID: 004-194-713  
Civic Address: 8912 Highway 97N  
Lot Size: 0.41 ha (1.00 ac)

### **Site Context**

The property is in Charlie Lake, approximately 9 kilometres northwest of Fort St. John. The property is on the southwest side of Highway 97N and is surrounded by residential land uses, though there are industrial land uses 300m northwest and 800m southeast.

### **Site Features**

#### Land

The property is mostly clear of trees and slopes down to the east.

#### Structures

There is a vacant manufactured home on the property.

### Access

The property is accessed from Highway 97N. The Ministry of Transportation and Infrastructure will require upgrades to the access, as described in their letter dated February 14, 2020. PRRD staff, Ministry staff, and the applicant discussed access options, and “right-in-right-out” paved southbound deceleration and acceleration lanes were agreed upon. Northbound traffic on Highway 97N would not be able to turn left onto the property, nor would traffic leaving the property be able to turn left to go north on Highway 97N; there are other properties along Highway 97N where the ‘right-in-right-out’ access is used.

### Canada Land Inventory Soil Rating

According to the Canada Land Inventory, soils on the subject property are classified as 5<sup>6</sup>-4<sup>4</sup><sub>X</sub>. Class 4 soils have severe limitations that restrict the range of crops or require special conservation practices. Class 5 soils have very severe limitations that restrict their capability in producing perennial forage crops, and improvement practices are feasible. Class 6 soils are capable only of producing perennial forage crops, and improvement practices are not feasible. Subclass T denotes topography and Subclass X denotes two or more adverse characteristics.

### **Comments & Observations**

#### Applicant

The applicant intends to remove the existing building and construct a new commercial building. They state the property’s location along Highway 97N is a good location for commercial development.

#### Agricultural Land Reserve (ALR)

The subject property is within the Agricultural Land Reserve, and therefore the provisions of the *Agricultural Land Commission Act* apply.

#### Official Community Plan (OCP)

Pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009, the subject property is designated Highway Commercial. Land within this designation should be used for commercial purposes. The minimum parcel size should be 0.4 ha (1.0 ac) for land connected to a community sewage system, which the applicant intends to do.

Section 7.3 Policy 2(a) states commercial land use proposals should be compatible with surrounding land uses. Policy 3 states that commercial development should be directed to areas within the community sewer service area to encourage compact development.

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 R-4 (Residential 4 Zone). Land within this zone may be used for residential purposes. The minimum parcel size is 1.8 ha (4.5 ac). The proposed commercial use does not comply with the zoning bylaw.

Therefore, a zoning amendment to C-2 (General Commercial Zone) is proposed. Land within the C-2 Zone may be used for commercial purposes. The list of permitted uses within the C-2 zone is attached to the report for information. The minimum parcel size is 0.4 ha (1.0 ac) for land connected to a community sewage system, which the applicant intends to do.

Therefore, the proposal is consistent with the regulations of 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 will be required prior to building construction.

#### Development Cost Charge Area

The subject property is within the Development Cost Charge Area. The fee of \$30.53 per m<sup>2</sup> of new gross floor area must be paid prior to building permit issuance.

#### 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

Commercial development along the highway is generally appropriate; however, the proposed rezoning from residential to commercial could result in land use conflicts with the surrounding residential area. Such conflicts should be minimized through the Development Permit process. This property abuts one larger residential property currently still within the ALR.

#### Population & Traffic

No increase in population is anticipated. An increase in traffic is anticipated.

#### Sewage & Water

The applicant intends to connect to the Charlie Lake Sewer System and drill a well for water.

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

#### Agricultural Land Commission

ALC staff have no objection to the proposal because the property has been designated for non-agricultural use since 1994, which has been supported by the ALC. The ALC has endorsed the property for non-agricultural use and ALC staff have no objections to the rezoning; however, a Non-Farm Use application is required prior to using the property for commercial purposes.

#### Charlie Lake Fire Department.

CLFD has no concerns with the rezoning, but requests more information about the nature of the business before it is operational.

Ministry of Transportation & Infrastructure

The Ministry is not in support of the proposal until access infrastructure upgrades are completed to ensure safety of the travelling public. The Bylaw will require formal Ministry approval, pursuant to Section 52 of the *Transportation Act*.

Northern Health

The development must not cause a health hazard, and must follow the *Public Health Act*, *Drinking Water Act*, and Sewerage System Regulations.

**ALTERNATIVE OPTIONS:**

1. That the Regional Board give Zoning Amendment Bylaw No. 2403, 2020, to rezone the property identified as PID 004-194-713 from R-4 (Residential 4 Zone) to C-2 (General Commercial Zone), first and second readings; further, that notification be issued for a public hearing, delegated to the Director of Electoral Area C.
2. That the Regional Board respectfully refuse Zoning Amendment Bylaw No. 2403, 2020, to rezone the property identified as PID 004-194-713 from R-4 (Residential 4 Zone) to C-2 (General Commercial Zone).
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. Draft Zoning Bylaw No. 2403, 2020
2. Maps
3. Application
4. Comments Received from Municipalities & Provincial Agencies
5. Comments Received from Electoral Area Director
6. Section 42 of PRRD Zoning Bylaw No. 1343, 2001