



# REPORT

To: Chair and Directors

Report Number: DS-BRD-458

From: Development Services

Date: February 20, 2025

**Subject: Zoning Amendment Bylaw No. 2570, 2025, PRRD File No. 24-006**

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## **RECOMMENDATION #1: [Corporate Unweighted]**

That the Regional Board give Peace River Regional District Zoning Bylaw No. 2570, 2025 which rezones the property identified as PID 005-606-331 from R-4 Zone (Residential 4 Zone) to R-3 Zone (Residential 3 Zone), first, second, and third readings.

## **RECOMMENDATION #2: [Corporate Unweighted]**

That the Regional Board withhold adoption of Peace River Regional District Zoning Bylaw No. 2570, 2025, which rezones the property identified as PID 005-606-331 from R-4 Zone (Residential 4 Zone) to R-3 Zone (Residential 3 Zone), until such time as the owners of the property identified as PID 005-606-331 have entered into a suitably worded covenant to restrict development of those portions of the proposed lots that are within a floodplain.

## **BACKGROUND/RATIONALE:**

### **Proposal**

The applicant is looking to rezone their property from the R-4 Zone (Residential 4 Zone) to the R-3 Zone (Residential 3 Zone) to accommodate a four (4) lot subdivision.

### **Rationale**

Support is recommended, contingent on the registration of a restrictive covenant, as while this proposal is consistent with the Official Community Plan the southern portion of the property lies within the Moberly Lake floodplain.

Pursuant to provincial legislation, a public hearing must not be held for zoning amendments which are consistent with the Official Community Plan and for the primary purpose of residential development. As this proposal meets those criteria, notifications were mailed to adjacent property owners and notices were posted on the PRRD's website and Facebook page in accordance with provincial legislation, Development Application Procedures, Fees and Delegation Bylaw No. 2558, 2024 and Board Public Notice Bylaw No. 2539, 2023.

### **File Details**

Owners: Deanna Steward, John Steward, Kevin Steward, Jacqueline Henderson, Katelan McBrearty  
Area: Electoral Area E  
Location: Moberly Lake  
Legal: DL 1889 PRD Except Plan PGP 17392

PID: 005-606-331  
Civic Address: 5889 E Centennial Rd  
Lot Size: 4.57 ha (11.29 ac)

### **Site Context**

The property is on the north side of Moberly Lake along the lakeshore in between West Moberly First Nations and Sauteau First Nations.

### **Site Features**

#### Land

The property is treed with some cleared spaces. The property is bisected by Highway 29.

#### Structures

The land is currently vacant.

#### Access

The property is accessed off Highway 29.

### **Comments & Observations**

#### Applicant

The applicant states that they want to subdivide the property as part of estate planning. They would like to distribute the property for family members or sell it to third parties. Furthermore, the applicant wants it to be known that the final locations and designs for the proposed septic systems will comply with Northern Health regulations. L&M Engineering performed a multitude of percolation test holes on the property with opportunity for several locations.

#### Agricultural Land Reserve (ALR)

The subject property is outside the Agricultural Land Reserve.

#### Official Community Plan (OCP)

Pursuant to the West Peace Area Official Community Plan Bylaw No. 2312, 2018, the subject property is designated Moberly Lake Settlement (MLS). Land within this designation should be used for residential, commercial, institutional, and parks and recreation. 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 Residential 4 (R-4 Zone). Land within this zone may be used for dwelling units, market garden, and agriculture. The minimum parcel size is 1.8 ha (4.5 ac). The proposed subdivision does not comply with the Zoning Bylaw as the proposed lots are less than 1.8 ha, therefore this zoning amendment is required.

The applicants are proposing to rezone the property to Residential 3 (R-3). Land within the R-3 zone may be used for dwelling units, market garden, and agriculture. The minimum parcel size is 0.9 ha (2.2 ac) in the area covered by the West Peace Area OCP. The proposal is consistent with the regulations of the proposed zone.

Fire Protection Area

The subject property is within the Moberly 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 outside all Development Permit Areas.

Development Cost Charge Area

The subject property is outside the Development Cost Charge Area.

School District 60 School Site Acquisition Charge Area

The subject property is outside the School District 60 School Site Acquisition Charge Area.

**Impact Analysis**Context

The proposed land use is consistent with the surrounding land uses. There are many smaller lots along the lakeshore that are zoned Residential 3. The concern regarding this proposal is that the property is within a floodplain. As per Northern Health guidelines, proposed sewage disposal systems must be located above the 200 year floodplain.

Population & Traffic

The rezoning is to facilitate a subdivision. Therefore, if the subdivision is approved, both population and traffic will increase.

Sewage & Water

The property is outside of all sewer and water service areas. The applicant hired L&M engineering to provide a sewage suitability assessment which showed that the 4 proposed lots can support a type 1 sewage system. If the subdivision is approved, purchases/ owners will determine their means of water supply. Areas for wells have been outlined in the Sewage Suitability assessment. This assessment does not comply with Northern Health requirements for floodplains and will need to be revised.

**Comments Received from Municipalities & Provincial Agencies**PRRD Bylaw Enforcement

There is no current Bylaw Enforcement File on this property. New parcel lines must not create contraventions for setbacks, total accessory building size, number and size of dwellings, home based businesses and must not separate current principal and accessory uses.

PRRD GIS

No concerns.

Northern Health

1. As per the *Public Health Act* [SBC 2008] Ch. 28, the property owner must not create a health hazard.

2. As per the *Drinking Water Protection Act* [SBC 2001] Ch. 9, the owner must not cause or allow contamination of a drinking water source, a well recharge zone, or an area adjacent to a drinking water source.
3. As per the *Public Health Act* [SBC 2008] Ch. 28, an operator who engages in a regulated activity must comply with any requirement or duty set out in a regulation respecting the regulated activity.

Please note that Northern Health's recommendation for the approval of the above Zoning Bylaw Amendment does not guarantee approval at the time of subdivision. Northern Health assesses all subdivision applications referred in writing by an Approving Officer on the basis of current provincial health legislation and Northern Health policies and guidelines.

### **ALTERNATIVE OPTIONS:**

1. That the Regional Board provide further direction.

### **COMMUNICATIONS CONSIDERATION(S):**

January 31, 2025	Public Notification was mailed to landowners within the notification area.
February 3, 2025	Public Notice was posted on the PRRD's Website.
February 13 & 19, 2025	Public Notice was posted on the PRRD's Facebook page.

### **OTHER CONSIDERATION(S):**

Staff recommends that the applicant be required to enter into a suitably worded covenant to restrict development of those portions of the proposed lots which are within a floodplain, as outlined in the PRRD Floodplain Mapping Report received by the Emergency Executive Committee on December 14, 2021.

#### Attachments:

1. Zoning Amendment Bylaw No. 2570, 2025
2. Maps, PRRD File No. 24-006 ZN
3. Application, PRRD File No. 24-006 ZN

#### External Links:

1. [PRRD Floodplain Mapping, CS-EEC-011](#) – See Item No. 9.1 on the Emergency Management Executive Committee Agenda dated December 14, 2021