



REPORT

To: Chair and Directors

Date: February 13, 2020

From: Kevan Sumner, GM Development Services

Subject: **OCP & Zoning Amendment Bylaw No. 2351 & 2352, 2019, PRRD File No. 18-268**

RECOMMENDATION:

That the Regional Board rescind Resolution RD/19/11/04 (28) from November 28, 2019:

“That adoption of Official Community Plan Amendment Bylaw No. 2351, 2019 and Zoning Amendment Bylaw No. 2352, 2019 be considered upon receipt of Ministry of Transportation and Infrastructure subdivision approval.”; further,

that the Regional Board adopt Official Community Plan Amendment Bylaw No. 2351, 2019; and finally,

that the Regional Board adopt Zoning Amendment Bylaw No. 2352, 2019.

BACKGROUND/RATIONALE:

Information Regarding Subdivision Approval

When these bylaws were brought to the Board for third reading and adoption on November 28th, 2019, the following resolution was passed in regards to the adoption:

RD/19/11/04 (28)

That adoption of Official Community Plan Amendment Bylaw No. 2351, 2019 and Zoning Amendment Bylaw No. 2352, 2019 be considered upon receipt of Ministry of Transportation and Infrastructure subdivision approval.

Following the November 28th meeting, Development Services staff contacted the Ministry of Transportation and Infrastructure (MoTI) to inquire about a process for having the associated subdivision approved prior to adoption of these bylaws, and were referred to the following section of the *Land Title Act*:

Local government matters to be considered by approving officer

87 Without limiting section 35 (3), the approving officer may refuse to approve a subdivision plan if the approving officer considers that the subdivision does not conform to the following:

- (a) all applicable provision of the *Local Government Act*;
- (b) all applicable municipal, regional district, and improvement district bylaws regulating the subdivision of land and zoning;

Until Zoning Amendment Bylaw No. 2352, 2019, is adopted, the proposed subdivision does not conform to the PRRD Zoning Bylaw No. 1343, 2001 and MoTI is unable to approve the subdivision. This leaves the PRRD and MoTI staff in a position where neither the bylaws nor the subdivision can be finalized, as the Board motion requires the subdivision be approved before the bylaws are adopted and the *Land Title Act* requires the zoning bylaw be adopted before the subdivision is approved. Therefore, it is recommended

Staff Initials:

Dept. Head: KS

CAO:

Page 1 of 3

February 27, 2020

that the previous resolution be rescinded and a new resolution be passed without a requirement for receipt of MoTI subdivision approval.

The Provincial Approving Officer has suggested that if the Regional Board has concerns about activity on the site during the period between adoption of the bylaw and approval of the subdivision, a restrictive covenant could be registered restricting use of the area being rezoned until the subdivision is complete.

For reference, the details of the proposed OCP and Zoning amendment are included below.

Proposal

To amend the OCP by re-designating a ± 1.8 ha (± 4.5 ac) portion of the subject property from Agriculture (AG) to Medium Density Rural Residential (MDR) and to amend the Zoning Bylaw by rezoning a ± 1.8 ha (± 4.5 ac) portion of the subject property from A-2 (Large Agricultural Holdings Zone) to R-2 (Residential 2 Zone).

File Details

File No.: 18-268
 Owner: Cherene & Donal Triska
 Agent: Tom Wolsey
 Area: Electoral Area D
 Location: South Taylor
 Legal: The NE $\frac{1}{4}$ of Section 12, Township 82, Range 18, W6M, PRD
 PID: 003-521-575
 Lot Size: 64.8 ha (160 ac)
 Civic address: 5603 232 Road

Site Context

The subject property is approximately 4 km south of Taylor, and approximately 1 km west of the Pingel Creek intersection with the Alaska Highway. The surrounding area is predominantly $\frac{1}{4}$ section parcels with some smaller lot subdivisions around the Pingel Creek Road intersection.

Summary of Application Procedure

September 26, 2018	The PRRD received the application.
November 19, 2018	Application and draft bylaws circulated to municipalities and provincial agencies
September 19, 2019	Bylaws given first two readings, public hearing authorized
October 24, 2019	Notice of public hearing mailed to landowners within notification area.
October 24 & 31, 2019	Notice of public hearing advertised in the Mirror News.
November 7, 2019	Public hearing held in Taylor, BC.
November 28, 2019	Bylaws given third reading, with condition that adoption be considered upon receipt of Ministry of Transportation and Infrastructure subdivision approval.
February 4, 2020	Confirmation received from the Provincial Approving Officer that the subdivision will not be approved prior to the zoning bylaw amendment being adopted, due to requirements of Section 87 of the <i>Land Titles Act</i> .

ALTERNATIVE OPTIONS:

1. That the Regional Board consider adoption of Official Community Plan Amendment Bylaw No. 2351, 2019 and Zoning Amendment Bylaw No. 2352, 2019 following the registration of a restrictive covenant against the property identified as PID 003-521-575, restricting approval of any new development prior to subdivision approval on the area of the property being rezoned.
2. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- ☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

None.

COMMUNICATIONS CONSIDERATION(S):

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

OTHER CONSIDERATION(S):

Attachments:

1. Email from Provincial Approving Officer
2. Official Community Plan Amendment Draft Bylaw No. 2351, 2019
3. Zoning Amendment Draft Bylaw No. 2352, 2019

External Link:

1. [July 26th, 2019 Staff Report for first and second readings of OCP Amendment Bylaw No. 2351, 2019 and Zoning Amendment Bylaw No. 2352, 2019](#)
2. [November 12th, 2019 Staff Report for third reading and adoption of OCP Amendment Bylaw No. 2351, 2019 and Zoning Amendment Bylaw No. 2352, 2019.](#)

Kevan Sumner

From: Hansen, Nicole TRAN:EX <Nicole.Hansen@gov.bc.ca>
Sent: Tuesday, February 4, 2020 10:29 AM
To: Kevan Sumner
Subject: RE: Rezoning and Subdivision Approval Issue

CAUTION: This email originated from outside of the organization.

Hi Kevan, Thanks for writing in about this matter.

The existing land use bylaw does not allow for the smaller parcel sizes and Section 87 of the *Land Title Act* obligates us to reject a subdivision that does not comply with applicable bylaws. The Act doesn't allow us to speculate on a bylaw that may or may not be adopted by the regional district and approve under the conditions of that bylaw. The subdivision either complies with the current bylaw or it doesn't.

You can't vary the use or density found in the bylaw through a Development Variance Permit so the only option is to enact a bylaw allowing the smaller lot size. Once that is in place, we would be able to proceed with the subdivision.

One option you could consider is requiring the owner to register a covenant prior to adoption of the bylaw restricting use (e.g. no build or no occupancy) of the smaller parcel area until the subdivision is complete. That would allow you to retain control over activities on the lot while the subdivision is being undertaken.

Hope this info helps.

Nicole Hansen | Provincial Approving Officer
300-10003 110 Ave
Fort St. John, BC V1J 6M7
Phone: 250-787-3239
Email: Nicole.Hansen@gov.bc.ca

February 27, 2020

PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2351, 2019

A bylaw to amend the "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 the Northeast ¼ of Section 12, Township 82, Range 18, W6M, PRD;

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. 2351, 2019."
2. Schedule B – Index Map – South Taylor of "North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009" is hereby amended by redesignating ± 1.8 ha. (± 4.5 acre) portion of the Northeast ¼ of Section 12, Township 82, Range 18, W6M, PRD, from AG "Agriculture" to MDR "Medium Density Residential" as shown on Schedule "A" which is attached to and forms part of this bylaw.

READ A FIRST TIME THIS	<u>19th</u>	day of	<u>September</u>	, 2019.
READ A SECOND TIME THIS	<u>19th</u>	day of	<u>September</u>	, 2019.
Notification published on	<u>24th and 31st</u>	day of	<u>October</u>	, 2019.
Public Hearing held on the	<u>7th</u>	day of	<u>November</u>	, 2019
READ A THIRD TIME this	<u>28th</u>	day of	<u>November</u>	, 2019
ADOPTED THIS	_____	day of	_____	, 2020.

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. 2351, 2019", as adopted by the
Peace River Regional District Board
on _____, 20____.

Corporate Officer

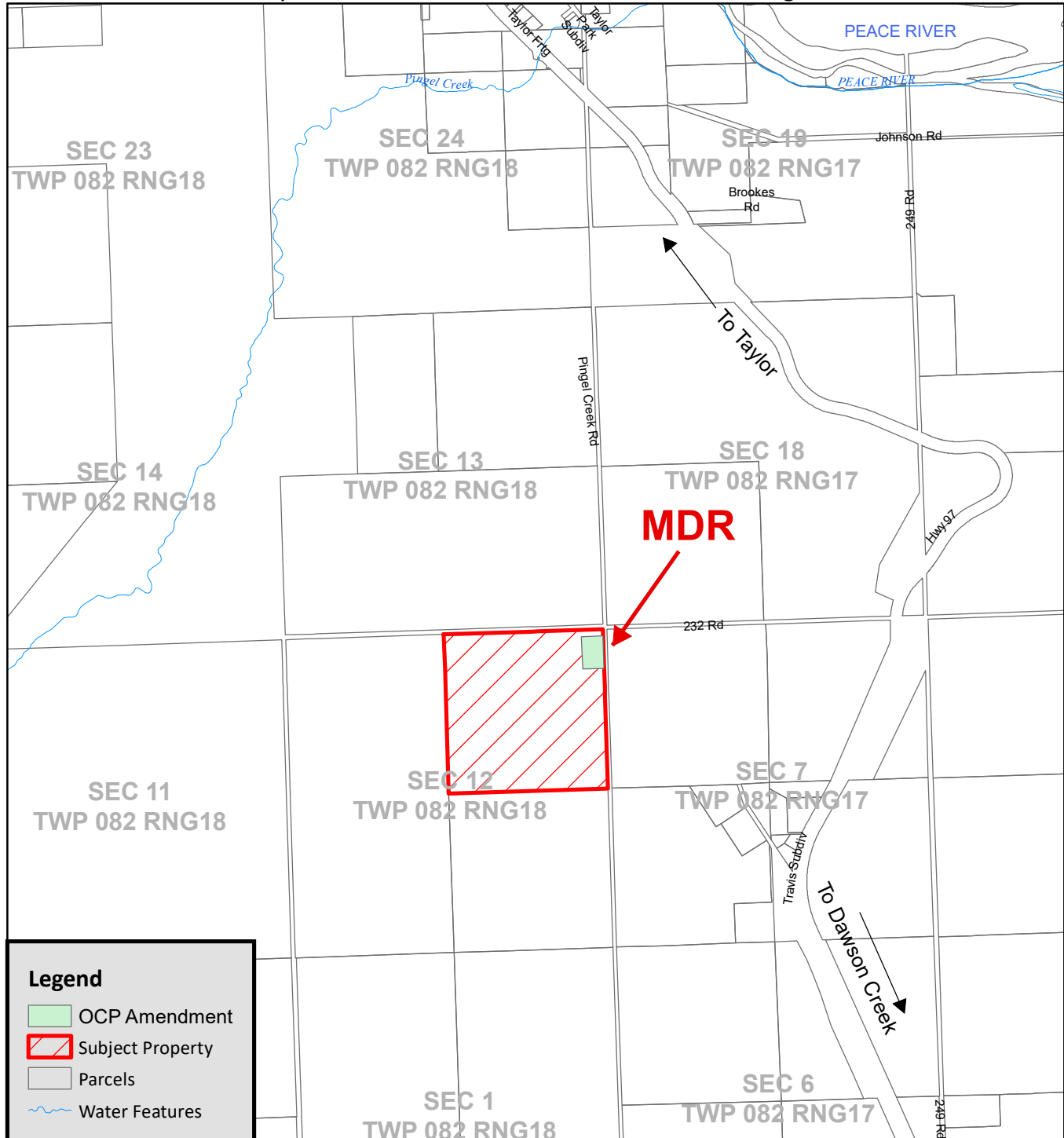
February 27, 2020



Peace River Regional District
Bylaw No. 2351, 2019
SCHEDULE "A"



Index Map - Schedule B - South Taylor of "North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009" is hereby amended by redesignating +/- 1.8 ha (+/- 4.5 acres) portion of the Northeast 1/4 of Section 12, Township 82, Range 18, W6M, PRD **from** AG "Agriculture" **to** MDR "Medium Density Residential" as shown shaded on the drawing below:



Legend

- OCP Amendment
- Subject Property
- Parcels
- Water Features

PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2352, 2019

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. 2352, 2019."
2. Schedule A – Map 17 – South Taylor of "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by rezoning ± 1.8 ha. (± 4.5 acre) portion of the Northeast $\frac{1}{4}$ of Section 12, Township 82, Range 18, W6M, PRD, from A-2 "Large Agricultural Holdings 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	<u>19th</u>	day of	<u>September</u>	, 2019.
READ A SECOND TIME THIS	<u>19th</u>	day of	<u>September</u>	, 2019.
Notification published on	<u>24th and 31st</u>	day of	<u>October</u>	, 2019.
Public Hearing held on the	<u>7th</u>	day of	<u>November</u>	, 2019.
READ A THIRD TIME THIS	<u>28th</u>	day of	<u>November</u>	, 2019.
ADOPTED THIS	<u> </u>	day of	<u> </u>	, 2020.

(Corporate Seal has been
affixed to the original bylaw)

Chair

Corporate Officer

I hereby certify this to be a true and correct copy of "PRRD
Zoning Amendment Bylaw No. 2352, 2019, as
adopted by the Peace River Regional District
Board on _____, 20____.

Corporate Officer

February 27, 2020

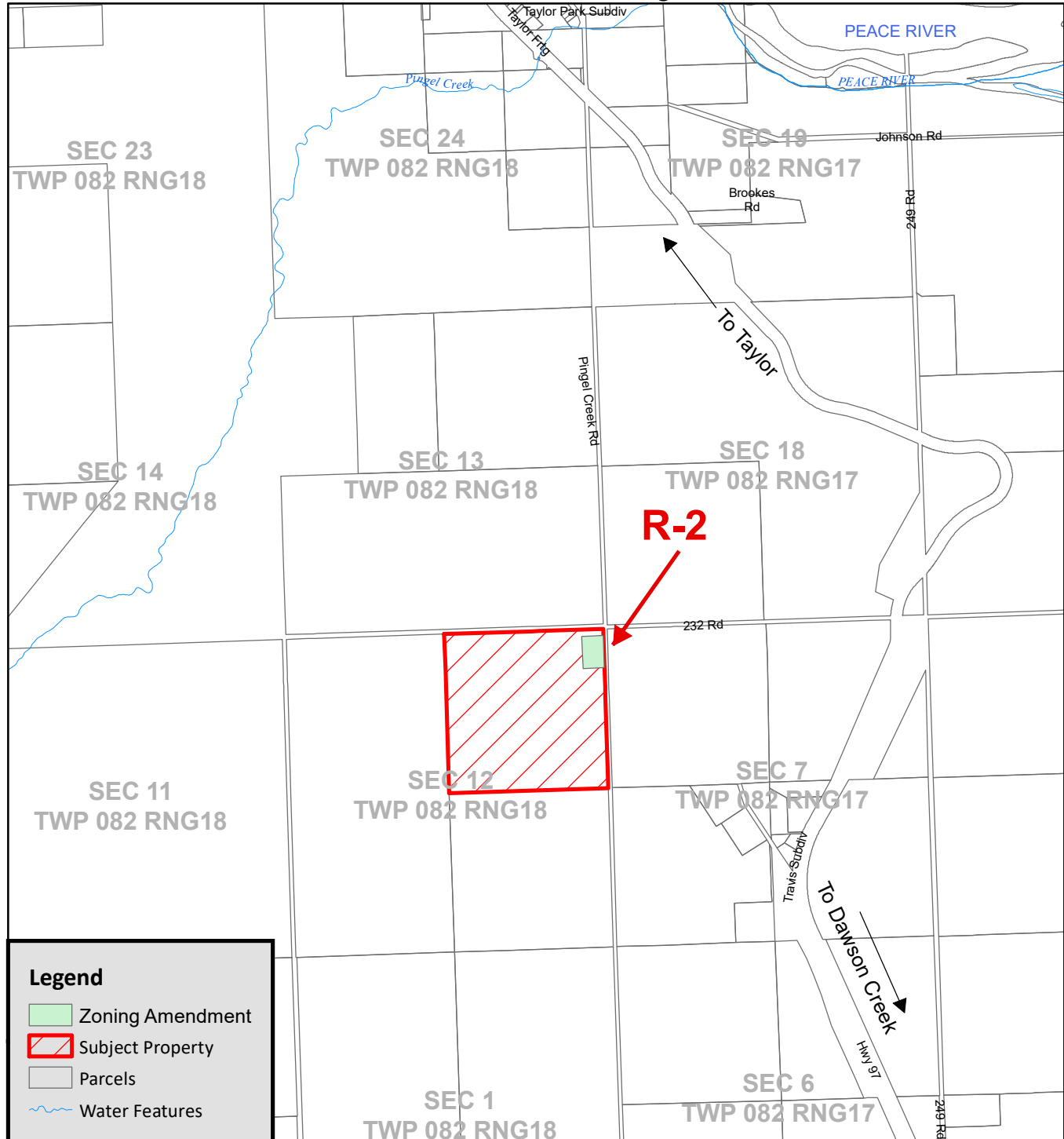


Peace River Regional District
Bylaw No. 2352, 2019
SCHEDULE "A"



1:30,000

Map No 17 - Schedule A of "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by rezoning +/- 1.8 ha (+/- 4.5 acres) portion of the Northeast 1/4 of Section 12, Township 82, Range 18, W6M, PRD **from** A-2 "Large Agricultural Holdings Zone" **to** R-2 "Residential 2 Zone" as shown shaded on the drawing below:



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February 27, 2020

6/25/2019