



REPORT

To: Chair and Directors

Report Number: DS-BRD-005

From: Tyra Henderson, Corporate Officer

Date: March 31, 2020

Subject: Zoning Amendment Bylaw No. 2387, 2020 – PRRD File 19-189

RECOMMENDATION #1: *[Corporate Unweighted]*

That the Regional Board rescind the requirement for receipt of subdivision approval from the Ministry of Transportation and Infrastructure (MoTI) prior to consideration of adoption of Bylaw 2387, 2020, as imposed by PRRD Board Resolution RD/20/01/32 (as amended) on January 9, 2020, as MoTI is obligated under Section 87 of the *Land Title Act* to reject a subdivision that does not comply with applicable bylaws.

RECOMMENDATION #2: *[Corporate Unweighted]*

That the Regional Board give Zoning Amendment Bylaw No. 2387, 2020, to rezone a 2.4 ha portion of the property identified as PID 011-576-855 from A-2 (Large Agricultural Holdings Zone) to R-3 (Residential 3 Zone), and the remaining 21.7 ha from A-2 (Large Agricultural Holdings Zone) to A-1 (Small Agricultural Holdings Zone), third reading.

RECOMMENDATION #3: *[Corporate Unweighted – 2/3 Majority]*

That the Regional Board adopt Zoning Amendment Bylaw No. 2387, 2020.

BACKGROUND/RATIONALE:

At the January 9, 2020 Board meeting, the Board gave first two readings to Bylaw 2387, 2020 and included as a condition of consideration of third reading, receipt of subdivision approval from the Ministry of Transportation and Infrastructure (MoTI). Upon referral of the Bylaw to MoTI, seeking approval of the proposed subdivision of the property, MoTI advised that they could not approve the subdivision prior to the rezoning being completed, as under the current zoning A-2 the subdivision would be non-compliant with zoning. MoTI requires the Board to complete the rezoning, legalizing the smaller parcel sizes proposed by the subdivision, prior to subdivision approval.

Details of the proposal are provided below for the Board's information.

Proposal

To rezone the subject property to facilitate the subdivision of the existing home site.

File Details

Owner: Brandi Shaman
Area: Electoral Area C
Location: Fort St. John Area
Legal: Lot B Section 35 Township 83 Range 19 W6M Peace River Plan 17032
Civic Address: 8507 269 Road
PID: 011-576-855
Lot Size: 24.1 ha (59.5 ac)

Rationale

The subject property is currently smaller than the minimum parcel size in the A-2 Zone; therefore, a rezoning of both the proposed new lot and the residual property is required prior to subdivision. The landowner's previous application to rezone the property was deferred by the Regional Board, pending completion of the new North Peace Fringe Area Official Community Plan.

Summary of Application Procedure

Zoning Amendment Bylaw No. 2387, 2020 was read for a first and second time on January 9, 2020. The following activities have occurred since then:

February 6, 2020 Notification of the public hearing mailed to landowners in the notification area
February 13 & 20, 2020 Notice of public hearing advertised in the Alaska Highway News
February 25, 2020 Public hearing held in Fort St. John, BC (see attached minutes)

ALTERNATIVE OPTIONS:

1. That the Regional Board respectfully refuse Zoning Amendment Bylaw No. 2387, 2020, to rezone a 2.4 ha portion of the property identified as PID 011-576-855 from A-2 (Large Agricultural Holdings Zone) to R-3 (Residential 3 Zone), and the remaining 21.7 ha from A-2 (Large Agricultural Holdings Zone) to A-1 (Small Agricultural Holdings Zone), as submitted.
2. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S): None.

COMMUNICATIONS CONSIDERATION(S):

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

OTHER CONSIDERATION(S): None.

Attachments:

1. February 25, 2020 Public Hearing Minutes
2. Bylaw 2387, 2020
3. MoTI referral response



PEACE RIVER REGIONAL DISTRICT
PUBLIC HEARING – MINUTES
Proposed Zoning Amendment Bylaw No. 2387, 2020
February 25, 2020 @ 7:00 p.m.
Pomeroy Sport Centre, 9324 96 Street, Fort St. John, BC

ATTENDANCE:

Peace River Regional District: Brad Sperling, Director of Electoral Area C (Chair)
Kevan Sumner, General Manager of Development Services
Michael Blatz, North Peace Land Use Planner (Recorder)

Applicant/Owner: Not present

Public: 8 additional members of the public

1. CALL TO ORDER

The Chair called the meeting to order at 7:02 pm.

2. STATEMENT OF PUBLIC HEARING

The Chair stated the procedural rules in place to govern the conduct of the public hearing as written in the agenda.

3. INTRODUCTION TO PROPOSAL

Staff provided those in attendance with a summary of proposed Zoning Amendment Bylaw No. 2387, 2020 for the property legally described as Lot B Section 35 Township 83 Range 19 W6M Peace River Plan 17032.

Staff summarized the proposal to rezone a 2.4 ha portion of the property from A-2 (Large Agricultural Holdings Zone) to R-3 (Residential 3 Zone) and to rezone the remaining 21.7 ha from A-2 (Large Agricultural Holdings Zone) to A-1 (Small Agricultural Holdings Zone) to facilitate the subdivision of the existing home site.

4. SUMMARY OF APPLICATION PROCEDURE

Staff provided a summary of the application procedures and timeline as outlined in the agenda for those in attendance at the hearing.

5. COMMENTS FROM AGENCIES AND MUNICIPALITIES RECEIVED

Staff read aloud and summarized the comments received from agencies and municipalities as outlined in the agenda.

6. WRITTEN COMMENTS RECEIVED FROM PUBLIC

Staff called for any written comments from members of the public in attendance. None were offered.

Staff stated that as of 4:00 pm on February 25, 2020 the Peace River Regional District had not received any written comments from the public.

Staff called a second time for written comments from members of the public in attendance. None were offered.

Staff called a final time for written comments from members of the public in attendance. None were offered.

7. COMMENTS FROM APPLICANT(S)

The Chair asked the landowner if she was present to make any comments related to the proposed bylaws. The Chair noted the landowner was not in attendance.

8. COMMENTS FROM PUBLIC

The Chair asked the members of the public in attendance if they had any comments related to the proposed bylaws.

One member of the public expressed concern that if the applicant was ever to sell the property, there would be no access to the remainder, except through hers. Planning staff explained that MoTI is the approving authority and would not approve the subdivision if it created a land-locked parcel. Staff speculated that the remainder could potentially be accessed via the existing driveway or the undeveloped right-of-way on the east side of the subject property. The member of the public stated that she did not think either of those were viable options.

A second member of the public asked how the properties would be accessed if subdivision were approved. She wanted the landowner to explain their intentions. Chair Sperling said that the intention is to subdivide the home site off from the rest of the property.

A third member of the public asked for clarification on the proposed A-1 (Small Agricultural Holdings) Zone and whether that portion of the property could be subdivided into acreages. Planning staff clarified that the proposed parcel size of the remainder does not meet the minimum parcel size in the A-2 Zone. As such, the property must be rezoned and the minimum parcel size in the A-1 zone is 15 hectares or 37 acres. Chair Sperling clarified that the current proposal is only to subdivide the existing home site and the previous application to establish acreages was not approved.

The Chair called a second time for comments from members of the public in attendance.

A fourth member of the public asked if the landowner intended to build a home on the remainder. Chair Sperling responded saying that her previous application was to develop the whole property, but this application is just to subdivide the existing home site. He did not want to speculate on what her intention is with the rest of the property.

The Chair called a final time for comments from members of the public in attendance.

The third member of the public to speak asked if the proposed home site was in compliance with relevant public health rules. Chair Sperling stated that public health is governed by Northern Health, not the Peace River Regional District.

General discussion ensued about when the previous application was submitted.

9. FINAL COMMENTS FROM APPLICANT(S)

The Chair noted the landowner was not in attendance and could not make any final comments.

10. TERMINATION OF PUBLIC HEARING

The Chair terminated the Public Hearing at 7:20pm.

Certified to be a fair and accurate summary of the nature of the representations respecting proposed Zoning Amendment Bylaw No. 2387, 2020, held on Tuesday, February 25, 2020.



Michael Blatz, Recorder



Director Brad Sperling, Chair

PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2387, 2020

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. 2387, 2020."
2. Schedule A – Map 10 of "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by rezoning Lot B, Section 35, Township 83, Range 19, W6M, PRD, Plan 17032, from A-2 "Large Agricultural Holdings Zone" to A-1 "Small Agricultural Holdings Zone" and R-3 "Residential 3 Zone", as shown on Schedule 'A' which is attached to and forms part of this bylaw.

READ A FIRST TIME THIS	<u>9th</u>	day of	<u>January</u>	, 2020.
READ A SECOND TIME THIS	<u>9th</u>	day of	<u>January</u>	, 2020.
Public Notification mailed on	<u>6th</u>	day of	<u>February</u>	, 2020.
Public Notification published on the	<u>13th and 20th</u>	day of	<u>February</u>	, 2020.
Public Hearing held on the	<u>25th</u>	day of	<u>February</u>	, 2020.
READ A THIRD TIME THIS	<u> </u>	day of	<u> </u>	, 2020
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. 2387, 2020,
as adopted by the Peace River Regional District
Board on _____, 20____.

Corporate Officer



Peace River Regional District
Bylaw No. 2387, 2019
SCHEDULE "A"



1:12,500

Schedule A - Map 10 of "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by rezoning Lot B, Section 35, Township 83, Range 19, W6M, PRD, Plan 17032 **from** A-2 "Large Agricultural Holdings Zone" **to** A-1 "Small Agricultural Holdings Zone" and "R-3 "Residential 3 Zone" as shown shaded on the drawing below:

