



# REGIONAL DISTRICT of Fraser-Fort George

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## REPORT FOR CONSIDERATION

TO: Chair and Directors File No.: REZ 1879 N1/2

FROM: Daniel Burke, Planner III

DATE: November 7, 2024

SUBJECT: Proposed Chilako River-Nechako Official Community Plan Bylaw No. 2593, 2010, Amendment Bylaw No. 3321, 2023 and Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3322, 2023

SUMMARY: Purpose: Consider Third Reading and Adoption  
Location: 18706 and 18710 Hughes Road – Electoral Area C  
Owner: Jonathan Viergever

Attachments:

1. Summary of Public Hearing Held on October 24, 2024
2. Proposed Bylaw No. 3321, 2023
3. Proposed Bylaw No. 3322, 2023

Previous Reports: Item No. 6.2, July 2024

### RECOMMENDATION(S):

1. THAT the report dated November 7, 2024, regarding “Proposed Chilako River-Nechako Official Community Plan Bylaw No. 2593, 2010, Amendment Bylaw No. 3321, 2023 and Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3322, 2023” be received for information.

**Declaration by the Public Hearing Chair as to the accuracy and fairness of the summary of the Public Hearing held October 24, 2024, on Chilako River-Nechako Official Community Plan Bylaw No. 2593, 2010, Amendment Bylaw No. 3321, 2023 and Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3322, 2023.**

2. THAT the summary of the Public Hearing held October 24, 2024, on Chilako River-Nechako Official Community Plan Bylaw No. 2593, 2010, Amendment Bylaw No. 3321, 2023 and Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3322, 2023 be received.
3. THAT Chilako River-Nechako Official Community Plan Bylaw No. 2593, 2010, Amendment Bylaw No. 3321, 2023 be given third reading.
4. THAT Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3322, 2023 be given third reading
5. THAT Chilako River-Nechako Official Community Plan Bylaw No. 2593, 2010, Amendment Bylaw No. 3321, 2023 be adopted.
6. THAT Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3322, 2023 be adopted.

ENTITLEMENT	HOW VOTE COUNTED
All 1 Director/1 vote	Majority
All 1 Director/1 vote	Majority
All 1 Director/1 vote	Majority
All 1 Director/1 vote	Majority
All 1 Director/1 vote	2/3 Majority
All 1 Director/1 vote	2/3 Majority

**SUMMARY OF APPLICATION:**

<b>Location:</b>	18706 and 18710 Hughes Road – Electoral Area C
<b>Legal Description and PID:</b>	The North 1/2 Of District Lot 1879 Cariboo District Except Plans 27965 And EPP9249 – 015-038-696 – 52.51 ha
<b>Applicant(s):</b>	Jonathan Viergever
<b>Existing Uses:</b>	Two Residential-Single Family uses (dwelling) are established. Beverly Creek bisects the property. Development of three residences is proposed on an approximate 2.2 ha bench above Beverly Creek and wetland.
<b>Proposal:</b>	An application has been made to allow three residences on the subject property. An amendment to the OCP general Housing Policy is required to increase the maximum potential residential density from two to three based on the lot size. The OCP policy amendment will impact multiple properties within the OCP area. The subject property is proposed to be rezoned to allow three Residential-Single Family uses instead of the current two. The zoning amendment will impact only the subject property.
<b>Application Type:</b>	Combined Official Community Plan and Zoning Bylaw Amendment
<b>Regulation Changes/ Content of Permit:</b>	<ul style="list-style-type: none"> <li>• OCP Amendment Bylaw No. 3321, 2023 proposes to amend the OCP's Housing Policies to permit additional residence on a parcel where the density does not exceed one residence per each 4 ha of the parcel, subject to the ability to accommodate approved sewage disposal.</li> <li>• Zoning Amendment Bylaw No. 3322, 2023 proposes to rezone the property from Small Holding (SH) and Rural 2 (Ru2) to Rural (Ru6) to allow three residences.</li> </ul>

**BOARD CONSIDERATION:**

Board is being asked to consider receiving the summary of the public hearing, giving third reading and adopting proposed Bylaw No. 3321 and Bylaw No. 3322.

Other options include:

1. Postponing consideration of the application for further information – Other Decision Options A; or
2. Defeating the application – Other Decision Options B.

Full options and corresponding motions are detailed under the Decision Options section of the report.

**RELEVANT POLICIES:**

Official Community Plan:	The proposal is <u>not consistent</u> with the Housing Policy of the Chilako River-Nechako Official Community Plan Bylaw No. 2593, 2010 and an amendment is required.
Zoning Bylaw:	The proposal is <u>not consistent</u> with current Zoning Bylaw No. 2892, 2014 and an amendment is required.
Applications Procedures:	Development Applications Procedures Bylaw No. 3268, 2022 outlines requirements for processing OCP and zoning bylaw amendment applications.
Local Government Act:	Outlines requirements for consideration of amendments to OCP and zoning bylaws and public hearing procedure.

# STRATEGIC PRIORITIES ALIGNMENT:

- ☐ Indigenous and Intergovernmental Partnerships
 ☐ Organizational Strength and Adaptability
 ☐ Quality Community Services
 ☐ Environmental Stewardship and Climate Action
- ☒ Awareness and Engagement
 ☐ Statutory or Routine Business

# SERVICE RELEVANCE:

Regional District Land Use Planning Services is a region wide service and fulfils the obligations of land use planning under Part 14 of the *Local Government Act*.

# FINANCIAL CONSIDERATION(S):

N/A

# OTHER CONSIDERATION(S):

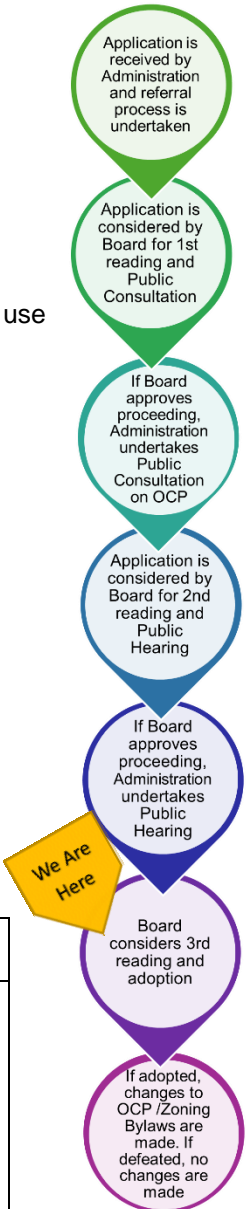
Combined OCP/Zoning Bylaw Amendment Process Overview ➡

# DECISION OPTIONS:

- Approve recommendations:
  - the report and summary of the public hearing will be received
  - proposed Bylaw No. 3321 and Bylaw No. 3322 will be given third reading and adopted

# Other Options:

DIRECTION	ACTIONS THAT WILL BE TAKEN	MOTIONS REQUIRED
A. Postpone consideration of proposed Bylaw No. 3321 and Bylaw No. 3322 pending the receipt of additional information.	<ul style="list-style-type: none"> <li>The bylaws will return for consideration when the additional information requested by the Board is available.</li> <li>Consideration of holding another public hearing may be required.</li> </ul>	<i>THAT further consideration of Chilako River-Nechako Official Community Plan Bylaw No. 2593, 2010, Amendment Bylaw No. 3321, 2023 and Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3322, 2023 be postponed pending receipt of [insert requirement].</i>
B. Not proceed with the application which will require third reading of the proposed bylaws to be defeated.	<ul style="list-style-type: none"> <li>Bylaws cannot be considered further if motion to give third reading <b>is defeated</b>.</li> </ul>	<ol style="list-style-type: none"> <li><i>THAT Chilako River-Nechako Official Community Plan Bylaw No. 2593, 2010, Amendment Bylaw No. 3321, 2023 be given third reading.</i></li> <li><i>THAT Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3322, 2023 be given third reading.</i></li> </ol>



## SUMMARY COMMENTS:

Although the proposal is inconsistent with the OCP's Housing Policy, OCP's subdivision and rezoning evaluation factors can be of assistance to the Board in the evaluation of the zoning bylaw.

Section 18.0 of the OCP sets out a list of factors to be considered by the Regional District Board where a proposed use or subdivision may be permitted by the Chilako River-Nechako OCP's policies or land use designation but is subject to evaluation through a rezoning process. Information to inform consideration on each factor is obtained through the application process including referral and public processes when applicable. Administration has provided a brief response to each of the factors. The evaluation factors include, but are not limited to, the following:

- I. Consistency with the objectives, policies and land use designations of the OCP;
  - The OCP housing policies do not currently support more than two residences on land outside the ALR. The policies are proposed to be amended to allow consideration of additional residences on land outside the ALR based on a maximum density of one residence per 4 ha of the parcel, provided the property has the capacity for on-site sewage disposal.
  - This change will be consistent with the housing policies in most of the other Electoral Area OCPs (Area D, Area F, Area G, Area H). The policy change will increase the potential residential density of properties that are 12 ha or larger within all of Electoral Area C.
- II. Consistency with the provisions or orders of the Agricultural Land Commission (ALC) for lands within the Agricultural Land Reserve (ALR);
  - The property is not within the ALR.
- III. The extent of agricultural development and potential for impact upon neighbouring agricultural use;
  - The property is located within an existing rural subdivision and no agricultural activities are located nearby based on aerial imagery review.
- IV. The level of potential land use impact on the subject property and potential conflict with uses in the immediate proximity;
  - The property is located within an existing rural subdivision and potential land use conflict would be low.
- V. Public opinion as received through the public information and hearing requirements of the *Local Government Act* (LGA);
  - A public hearing into Bylaw No. 3321 and Bylaw No. 3322 was held on October 24, 2024. The applicant and ten members of the public attended in person.
  - The summary of that meeting is attached to the Report.
- VI. The availability of existing services to the site, including but not limited to, fire protection, roads, potable and sufficient water supply, electricity, sewage disposal, or the ability to provide the services to the site;
  - The applicant has provided a lagoon system design letter from a Registered Onsite Wastewater Practitioner (ROWP) advising that the existing sewage disposal system has enough capacity for a third residence with a maximum of two bedrooms.
  - The property is within a volunteer fire department area.
- VII. Impact on the transportation network;
  - The driveway is established off of Hughes Road.
  - The Ministry of Transportation and Infrastructure did not provide any comment related to concerns about impacts on the transportation network from the proposal.
- VIII. Environmental impact and potential for hazardous conditions; and
  - The property is not within a mapped BC Floodplain within the extent of any natural hazard studies commissioned by the Regional District.
  - Ministry of Land, Water and Resource Stewardship – Landbase advised much of this 52.5 ha property (approximately 40 ha) is classed as wetland. The subject property also overlaps Beaverley Creek, which is a fish-bearing stream. The proposed residential development area is on approximately 2.2 ha above a sloping hill that leads down to Beaverley Creek. While a modest increase in the density of housing may not typically be problematic, with this application there is potential for a third dwelling within the small proposed

2.2 ha development area to impact the adjacent wetland and Beaverley Creek if vegetated setbacks are not maintained, and erosion of exposed soils are not appropriately mitigated. It is important that the slope within the proposed development area is able to support the proposed load of the additional residence and associated development and that mitigation measures required to prevent sloughing or erosion from the development are in place to prevent impacts on downslope wetland habitat.

IX. Any other issue that may be relevant to a specific proposal.

- No additional issues were identified.

If the Board provides third reading and adopts Bylaws No. 3321 and 3322, 2023 it will:

- Amend the Chilako River-Nechako OCP's Housing Policy to allow the consideration of additional residences on land outside the ALR based on a maximum density of one residence per 4 ha of the parcel, provided the property has the capacity for on-site sewage disposal.
  - A zoning amendment application would be required to be submitted and approved by the Board to permit three dwellings on additional properties.
  - The *Local Government Act* prohibits a local government from holding a public hearing for rezoning concerning residential developments that are supported by the OCP.
- Amend the Zoning Bylaw to allow three dwellings and one secondary suite on the subject property.

The Board may consider third reading and adoption of the proposed bylaws.

Respectfully submitted,

Daniel Burke

Daniel Burke  
Planner III

DB:CC