



REGIONAL DISTRICT of Fraser-Fort George

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REPORT FOR CONSIDERATION

TO: Chair and Directors

File No.: REZ 5164

FROM: Daniel Burke, Planner III

DATE: July 29, 2024

SUBJECT Proposed Crooked River-Parsnip Official Community Plan Bylaw No. 2425, 2007, Amendment Bylaw No. 3359, 2024 and Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3360, 2024

SUMMARY: Purpose: Consider Second Reading and Authorize Public Hearing

Location: Davie Lake – Electoral Area G

Owner: Jedwin Developments LTD., INC. No. BC257573

GH Equipment LTD., INC. No. BC0861285

Agent: McWalter Consulting Ltd.

Attachments:

1. Consultation Responses
 2. Proposed Bylaw No. 3359, 2024
 3. Proposed Bylaw No. 3360, 2024
- Previous Reports: Item No. 6.6, June 2024

RECOMMENDATION(S):

1. THAT the report dated July 29, 2024, regarding “Proposed Crooked River-Parsnip Official Community Plan Bylaw No. 2425, 2007, Amendment Bylaw No. 3359, 2024 and Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3360, 2024” be received for information.
2. THAT pursuant to Section 477 of the *Local Government Act*, Crooked River-Parsnip Official Community Plan Bylaw No. 2425, 2007, Amendment Bylaw No. 3359, 2024 has been considered in conjunction with the current Financial Plan and the current Regional Solid Waste Management Plan.
3. THAT Crooked River-Parsnip Official Community Plan Bylaw No. 2425, 2007, Amendment Bylaw No. 3359, 2024 be given second reading.
4. THAT Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3360, 2024 be given second reading.
5. THAT a public hearing on Crooked River-Parsnip Official Community Plan Bylaw No. 2425, 2007, Amendment Bylaw No. 3359, 2024 and Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3360, 2024 be held with the chairing of the hearing to the Electoral Area Director, or their Alternate, or any other Director as delegate of the Board.

ENTITLEMENT	HOW VOTE COUNTED
All 1 Director/1 vote	Majority

SUMMARY OF APPLICATION:

Location:	Davie Lake – Electoral Area G
Legal Description and PID:	District Lot 5164 Cariboo District – 015-130-088 – 31.4 ha
Applicant(s):	Jedwin Developments LTD., INC. No. BC257573 GH Equipment LTD., INC. No. BC0861285

Agent:	McWalter Consulting Ltd.
Existing Uses:	Two recreation cabins are established.
Proposal:	An application has been made for a combined Official Community Plan (OCP) and Zoning Bylaw amendment to permit the subdivision of the property into two approximately 15.7 ha lots. If the subdivision is successful, the owners propose to construct dwellings on each of the proposed lot.
Application Type:	Combined Official Community Plan and Zoning Bylaw Amendment
Regulation Changes/ Content of Permit:	<ul style="list-style-type: none"> OCP Amendment Bylaw No. 3359, 2024 proposes to redesignate the property from Agriculture/Resource (AG/RES) to Rural Holdings (RH) to support the zoning amendment. Zoning Amendment Bylaw No. 3360, 2024 proposes to rezone the property from Rural 3 (Ru3) to Residential/Seasonal 2 (R/S2). Further, the amendment proposes on a site-specific basis to increase the minimum area of a lot to be created by subdivision from 6.0 ha to 15.0 ha.

BOARD CONSIDERATION:

The Board gave first reading to each bylaw and authorized a consultation plan for proposed Bylaw No. 3359, 2024 at their June 2024 meeting. Administration has carried out the work described in the consultation plan.

The Board is being asked to consider authorizing second reading of the bylaws and the holding of a public hearing.

RELEVANT POLICIES:

Official Community Plan:	The proposed new parcel size is <u>not consistent</u> with the Agriculture/Resource (AG/RES) designation of the Crooked River-Parsnip Official Community Plan Bylaw No. 2425, 2007 and an amendment is required.
Zoning Bylaw:	The proposed new parcel size 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.
Public Notice:	Public Notice Bylaw No. 3316, 2023 provides for alternative means of publishing statutory public notices using the Regional District bulletin board, website, and Facebook page. Public Notice Additional Methods of Publication Policy RD-24-23 provides supplementary notification with a newspaper advertisement.
<i>Community Charter:</i>	Outlines requirements to publish public notice and allows a local government to adopt a bylaw to publish public notice by alternative means.
<i>Local Government Act:</i>	Outlines requirements for consideration of amendments to OCP and zoning bylaws and public hearing procedure.

STRATEGIC ALIGNMENT:

- Climate Action
 Economic Health
 Indigenous Relations
 Strong Communities
 None – Statutory or Routine Business

SERVICE RELEVANCE:

Regional District Land Use 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):

N/A

DECISION OPTIONS:

1. Approve recommendations
 - the application will proceed to public hearing

Other Options:

DIRECTION	ACTIONS THAT WILL BE TAKEN	MOTIONS REQUIRED
A. Postpone consideration of Proposed Bylaw No. 3359 and Proposed Bylaw No. 3360 pending the receipt of additional information	<ul style="list-style-type: none"> • The proposed bylaws will return for consideration when the additional information requested by the Board is available • Consideration of holding a public hearing will still be required 	<i>THAT consideration of Crooked River-Parsnip Official Community Plan Bylaw No. 2425, 2007, Amendment Bylaw No. 3359, 2024 and Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3360, 2024 be postponed pending receipt of [insert requirement].</i>
B. Not proceed with the application which will require second reading of the proposed bylaws to be defeated.	<ul style="list-style-type: none"> • Proposed bylaws cannot be considered further if motion to give second reading is defeated 	<ol style="list-style-type: none"> 1. <i>THAT Crooked River-Parsnip Official Community Plan Bylaw No. 2425, 2007, Amendment Bylaw No. 3359, 2024 be given second reading.</i> 2. <i>THAT Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3360, 2024 be given second reading.</i>

SUMMARY COMMENTS:

- Under the *Local Government Act*, the proposed OCP and zoning bylaw amendments were forwarded to the Regional District’s Environmental Services and Financial Services departments for comment.
 - Financial Services and Environmental Services Administration do not have any concerns about the OCP amendment in relation to their respective plans.
- Notice of public consultation was published in the local newspaper and mailed to applicable landowners. The Regional District requested written comments by 12:00 p.m. on August 12, 2023.
 - One public submission has been received as of the date of this report. Any additional correspondence received will be forwarded to the Board as additional agenda items.
- The Ministry of Transportation and Infrastructure Provincial Approving Officer has provided a general overview when archaeological sites are identified on property applying for subdivision.
 - Their response is located within the consultation responses attachment.
- Additional request for comment were sent to McLeod Lake Indian Band and West Moberly First Nations.
 - No response has been received to date.
- If additional information or amendments are desired, the bylaw may be held at second reading (Other Decision Options A.).
- If the application is unsuccessful, subdivision will not be permitted.
- It may be reasonable for the Board to consider authorizing second reading of the bylaws and holding a public hearing to obtain additional public input before making a final decision.
 - Further notification beyond the Development Services Applications Procedures Bylaw requirements requires a Board resolution.

Further details pertaining to the application can be found in the Backgrounder attachment to the previous report.

Respectfully submitted,

“Daniel Burke”

Daniel Burke
Planner III

DB: CC

APPLICATION PROCESS INFORMATION

Application Process Overview for OCP and Zoning Bylaw amendments

<p>Crooked River-Parsnip Official Community Plan Bylaw No. 2425, 2007</p>	<p>Statement of objectives and policies to guide decisions on planning and land use management.</p> <ul style="list-style-type: none"> • amendment proposes to redesignate the property from Agriculture/Resource (AG/RES) to Rural Holdings (RH). more details found in the previous report
<p>Zoning Bylaw No. 2892, 2014:</p>	<p>Regulates how land, buildings and other structures may be used.</p> <ul style="list-style-type: none"> • amendment proposes to rezone the property from Rural 3 (Ru3) to Residential/Seasonal 2 (R/S2). more details found in the previous report
<p>Development Applications Procedures Bylaw No. 3268, 2022:</p>	<p>Outlines requirements for processing OCP and Zoning Bylaw amendment applications.</p> <ul style="list-style-type: none"> • notice of a public hearing is to be sent to owners of land within 200 m of the subject property. • details the requirements for Notification of Application Sign, alternative form of notification or waiving of notification requirements prior to a public hearing. • delegates approval of notification requirements to the General Manager of Development Services. <p>Further notification beyond these requirements of the Development Services Applications Procedures Bylaw requires a Board resolution.</p>
<p>Public Notice Bylaw No. 3316, 2023 and Policy No.: RD-24-23</p>	<p>Outlines requirements for publishing statutory public notices:</p> <ul style="list-style-type: none"> • A bylaw requires public notices to be posted on the Public Notice board, the Regional District’s website and Facebook page at least (7) days before the date of the matter for which the public notice is required. • Policy requires a public notice to also be published in a newspaper applicable to the Electoral Area(s), or a portion thereof.
<p><i>Community Charter Act, Section 49:</i></p>	<p>Outlines requirements to publish public notice and allows a local government to adopt a bylaw to publish public notice by alternative means.</p> <ul style="list-style-type: none"> • the Regional District has adopted the Public Notice Bylaw No. 3316, 2023.
<p><i>Local Government Act:</i></p>	<p>Outlines requirements for consideration of amendments to OCP and zoning bylaws and public hearing procedure.</p>



COMMENTS

RDFFG Financial Services

I have no concerns with the OCP amendment related to the Financial Plan.
 Sarah White, CPA, CA
 General Manager of Financial Services

RDFFG Environmental Services

Environmental Services has reviewed this amendment and there are no concerns regarding the OCP amendment in relation to the Solid Waste Management Plan.
 Laura Zapotichny
 General Manager of Environmental Services

Ministry Of Transportation and Infrastructure

While each subdivision is unique and subject to the discretion of the Approving Officer on file, and we don’t have a formal process to follow, we do follow the same general process and have similar considerations when there are known arch sites on a property that is proposed to be subdivided.

If the preliminary subdivision review identifies known arch sites on the property that could be disturbed as a result of the proposed subdivision/development of the property, the applicant is generally required to retain a qualified archaeologist to determine the need for an Arch Impact Assessment (AIA). The below condition is usually found in the PLR letters:

Provincial records indicate that development associated with this application may be in conflict with archaeological sites protected under the Heritage Conservation Act. It should be noted that there is a site identified as Borden Number: _____ on or near the proposed development.

Therefore, the Provincial Approving Officer requires that as a condition of PLR, the applicant hire a qualified archaeologist to determine the need for an archaeological impact assessment of the subject property. The purpose of the archaeological impact assessment would be to accurately identify the location(s) of the known archaeological site(s), to record any additional sites that may be present, and to recommend any action that may be needed to manage archaeological values in conflict with future development. This might include the placement of covenants to ensure that such sites are not disturbed without proper authorization from the Archaeology Branch.

If the archaeologist determines that an archaeological impact assessment is not required, the archaeologist must forward a written statement to this office and copy to the Archaeology Branch containing the reasons for eliminating this requirement.

If an archaeological impact assessment is required, you should be aware that applications for Heritage Conservation Act permits take in the order of 6 to 9 months to process. This includes allowance for a 30 day comment period from local First Nation(s). Processing time can be shortened accordingly if, at the time of application, supporting letter(s) are received from local First Nations.

Information on archaeological consultants may be obtained by calling the B.C. Association of Professional Archaeologists at 604 265-1494, or by email at admin@bcapa.ca, or by checking their web site (<https://protect.checkpoint.com/v2/r03/> <http://www.bcapa.ca/> .YzFjOnJkZmZnOmM6bzowMWEzOWRiMzY1ZmEyNGQ1ZmVkZDYxN2VjOGVhYmQyZjo3OjM3YTg6Njl4OGJjOGExNTUwNDZhZmYzMGi2Nml10TFiYzBjNGlyNzIIMjBjZGZIMDY4MGM4ZmRINDBjMmM2ZjYyYjgzOTp0OIQ6Tq). Archaeological consultants are also listed in the Yellow Pages.

After a preliminary letter(PLR or PLRS) is issued to the applicant, the file progress is primarily driven by the applicant and their willingness/ability to address the PLR conditions. This, combined with the unique nature of each file, can result in the next steps for addressing the arch condition varying for each file. For example:

- Consultation with Indigenous communities may have been initiated during the preliminary review, and responses may result in additional conditions of subdivision.
- The above condition doesn't specifically speak to Arch Overview Assessment (AOA) or Preliminary Field Reconnaissance (PFR), but both of those are options for the applicant to consider and discuss with the qualified archaeologist in order to determine whether or not an AIA is required.
- The scope of an AOA, PFR, or AIA can vary depending on the proposal and the applicant's development plans.
- If the AOA or PFR (or however the qualified archaeologist presents their preliminary findings) determines that an AIA is not required, the archaeologist must provide a statement to the PAO and the Arch Branch with their reasoning.
- If an AOA or PFR was submitted with the subdivision application, the PAO may consult with the Arch Branch to assist with reviewing the arch work completed to date and determine if an AIA is required as a condition of subdivision.
- Sometimes (file and location dependent) the PAO will specifically require the AIA rather than have an archaeologist complete a PFR or AOA first. This would be in efforts to save the applicant's time and money if the PAO feels that the AOA or PFR will undoubtedly identify the need for an AIA.
- The applicant may wish to explore registering a Notice of Heritage Status (NoHS) on title. This may eliminate the need for further arch work, but would require coordination with the Arch Branch for having the notice registered on title concurrently with the subdivision. This may also require the boundaries of the known arch sites to be confirmed.

Similarly, the applicant may wish to explore registering a restrictive covenant on title instead of (or in conjunction with) an AOA, PFR, or AIA.

*Katie Ireland
Provincial Approving Offer
Northern Region*

Daniel Burke

From: Jeff Parish [REDACTED]
Sent: July 13, 2024 9:37 PM
To: Development Services
Subject: Amendment bylaw 3359, 2024

Follow Up Flag: Follow up
Flag Status: Flagged

[You don't often get email from [REDACTED] Learn why this is important at [**RDFFG**](https://can01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fprotect.checkpoint.com%2Fv2%2F__https%3A%2F%2Faka.ms%2FLearnAboutSenderIdentification___.YzFjOnJkZmZnOmM6bzowMGU5MGEzZWViYjZmMmU4OGM5ODkzMjBhMjcwYTUxZjo2OmRkYjQ6M2ZhZjFmMGQzODYyZTVjYjZkNmYwNWE2NGY2OTRkOGYyYjJmNTc3OWE1MjFiZGEwNzBhMTkwMGZhMmMxYzdlODpwOIQ6Tg&data=05%7C02%7Cdevelopmentsservices%40rdffg.bc.ca%7C8e1b0b54c89641505f4308dca3be9715%7C6d67e4d7d4a44bdf92e2d67d9eaaaf5%7C0%7C0%7C638565286199900101%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQljojV2luMzliLCJBTiI6Ik1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=VylMuAxI9Q5uhETBM9FTZHMDLGI1pbiA689bSfl9pOI%3D&reserved=0]</p></div>
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I own a property/cabin on Davie lake since 2009 and support the division of this property "in half" that is owned by Jerwin Developments ltd and GH Equipment ltd. I have talked to the owners of this property and what their plan is for their recreational property. I respect how they follow the legal process to subdivide their property. That they have reached out to the residence of Davie Lake for this to happen and not just do what they want. Which is happening all over the West side of Davie lake and the same for Summit lake and is not being stopped by RDFFG. All these people that are leasing these illegal lots at Davie Lake and Summit lake, developing them illegally, building structures/septic, running equipment in the lake, dumping sand/dirt into the lake should all be personally fined or taken to court for not following the legal process, if they can't fine the owners of these parcels of land for some unknown reason?

Jerwin Developments and GH Equipment ltd are following the right process to subdivide their parcel, which should be supported by RDFFG and let them subdivide "in half".

Thanks

Sent from my iPhone



**REGIONAL DISTRICT
of Fraser-Fort George**

BYLAW NO. 3359

A BYLAW TO AMEND CROOKED RIVER-PARSNIP OFFICIAL COMMUNITY PLAN BYLAW NO. 2425, 2007

WHEREAS pursuant to the *Local Government Act*, the Regional Board of the Regional District of Fraser-Fort George has, by Bylaw No. 2425, 2007 dated October 16, 2008 adopted the Crooked River-Parsnip Official Community Plan;

AND WHEREAS the Regional Board intends to amend aforesaid Bylaw No. 2425 by passage of this bylaw, pursuant to the requirements of the *Local Government Act*;

NOW THEREFORE the Board of Directors of the Regional District of Fraser-Fort George, in open meeting assembled, enacts as follows:

1. Crooked River-Parsnip Official Community Plan Bylaw No. 2425, 2007 is hereby amended at Schedule 'B' – Maps 7 and 9 by amending the designation of District Lot 5164 Cariboo District from Agriculture/Resource (AG/RES) to Rural Holdings (RH).
2. This bylaw may be cited for all purposes as “Crooked River-Parsnip Official Community Plan Bylaw No. 2425, 2007, Amendment Bylaw No. 3359, 2024”.

READ A FIRST TIME ON THE 20TH DAY OF JUNE, 2024

PUBLIC CONSULTATION IN RESPECT OF THIS BYLAW WAS STARTED ON THE 2ND DAY OF JULY, 2024

READ A SECOND TIME ON THE DAY OF , 2024

A PUBLIC HEARING IN RESPECT OF THIS BYLAW WAS HELD ON THE DAY OF , 2024

READ A THIRD TIME ON THE DAY OF , 2024

ADOPTED THIS DAY OF , 2024

Chair

General Manager of Legislative and
Corporate Services



**REGIONAL DISTRICT
of Fraser-Fort George**

BYLAW NO. 3360

**A BYLAW TO AMEND REGIONAL DISTRICT OF FRASER-FORT GEORGE ZONING BYLAW
NO. 2892, 2014**

WHEREAS the Regional Board of the Regional District of Fraser-Fort George has adopted Regional District of Fraser-Fort George Zoning Bylaw No. 2892, 2014;

AND WHEREAS the Regional Board intends to amend aforesaid Bylaw No. 2892 by passage of this bylaw, pursuant to the requirements of the *Local Government Act*;

NOW THEREFORE the Board of Directors of the Regional District of Fraser-Fort George, in open meeting assembled, enacts as follows:

1. Regional District of Fraser-Fort George Zoning Bylaw No. 2892, 2014 is hereby amended at Schedule 'A' - Section 37.0 with the addition of the following:
 - (9) Site Specific
 - (a) Notwithstanding ss. 37.0(4)(a), the minimum area of a lot to be created by subdivision is 12.0 ha within District Lot 5164 Cariboo District.
2. Regional District of Fraser-Fort George Zoning Bylaw No. 2892, 2014 is further amended at Schedule 'B' – Map 28 by rezoning District Lot 5164 Cariboo District from Rural 3 (Ru3) to Residential/Seasonal 2 (R/S2).
3. This bylaw may be cited for all purposes as “Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3360, 2024”.

READ A FIRST TIME ON THE 20TH DAY OF JUNE, 2024

READ A SECOND TIME ON THE DAY OF , 2024

A PUBLIC HEARING ON THIS BYLAW WAS HELD ON THE DAY OF , 2024

READ A THIRD TIME ON THE DAY OF , 2024

ADOPTED THIS DAY OF , 2024

Chair

General Manager of Legislative and
Corporate Services