



REGIONAL DISTRICT of Fraser-Fort George

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REPORT FOR CONSIDERATION

TO: Chair and Directors

File No.: 2721/26794/D

FROM: Justin Kim, Planner I

DATE: August 28, 2025

SUBJECT Proposed Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3399, 2025

SUMMARY: Purpose: Consider Application
 Location: 10525 Lakeside Place – Electoral Area A
 Owner: Dolores and Peter Mummery

Attachments:

1. Backgrounder
2. Applicant Site Plan
3. Proposed Amendment Bylaw No. 3399, 2025

Previous Reports: None

RECOMMENDATION(S):

1. THAT the report dated August 28, 2025, regarding “Proposed Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3399, 2025” be received for information.
2. THAT Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3399, 2025, be now introduced and read a first time.
3. THAT Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3399, 2025, be given second and third readings.
4. THAT Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3399, 2025 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	$\frac{2}{3}$ Majority

SUMMARY OF APPLICATION:

Location:	10525 Lakeside Place – Electoral Area A
Legal Description and PID:	Lot D District Lot 2721 Cariboo District Plan 26794 – 6.46ha – 006872638
Applicant(s):	Dolores and Peter Mummery
Existing Uses:	The subject property has two residences and 9 accessory buildings.
Proposal:	The applicant proposes to amend Zoning Bylaw No. 2892, 2014 to permit a residential subdivision of the property into three total lots. The proposed lot sizes are 1.59ha, 1.52ha, and the remainder lot of 3.35ha. The site plans are attached to this report.
Application Type:	Zoning Bylaw Amendment
Regulation Changes/ Content of Permit:	Amend Zoning Bylaw No. 2892, 2014 by rezoning a portion of the property from Small Holding (SH) to the Rural Residential 1 (RR1) zone.

BOARD CONSIDERATION:

Board is being asked to consider giving first, second, and third readings, and adopting proposed Amendment Bylaw No. 3399, 2025.

Other options available to the Board as detailed in Other Options include:

1. Postponing consideration of the application for further information – Other Decision Options A;
2. Not proceeding with 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>consistent</u> with the Salmon River-Lakes Official Community Plan (OCP) Bylaw No. 1587, 1996 and an amendment is <u>not required</u> . The property is within the Ness Lake Development Permit Area (DPA), designated by the OCP on lands within 300m from the natural boundary of Ness Lake. An approved Development Permit is <u>required</u> for land alteration, land clearing, and construction, which includes subdivision.
Zoning Bylaw:	The proposal is <u>inconsistent</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 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>Local Government Act:</i>	Outlines requirements for consideration of amendments to a Zoning Bylaw. Local government must not hold a public hearing on a proposed zoning bylaw for residential development when the proposal is supported by the Official Community Plan. Requires that public notice be given prior to first consideration of the amendment Bylaw.

STRATEGIC PRIORITIES ALIGNMENT:

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Indigenous and Intergovernmental Partnerships | <input type="checkbox"/> Organizational Strength and Adaptability | <input type="checkbox"/> Quality Community Services | <input type="checkbox"/> Environmental Stewardship and Climate Action |
| <input checked="" type="checkbox"/> Awareness and Engagement | <input type="checkbox"/> 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):

Administration has completed the statutory public notice requirements. Both the *Local Government Act* and the *Development Applications Procedures Bylaw 3268, 2022* do not permit a public hearing.

The Regional District of Fraser-Fort George completed its Housing Needs Report (HNR), which was required by the province to analyze current and anticipated housing needs in BC communities, in November 2019. The HNR reported that nearly two thirds of all homes in rural RDFFG were built before 1990; in Electoral Area A, 32% of its dwellings were built during the 1990s. Electoral Area A also experienced the second highest rate of population growth within the electoral areas, at 8%.

DECISION OPTIONS:

1. Approve recommendations
 - Proposed Amendment Bylaw No. 3399, 2025 will be given first, second, and third reading, and be adopted.

Other Options:

DIRECTION	ACTIONS THAT WILL BE TAKEN	MOTIONS REQUIRED
A. Postpone consideration of proposed Amendment Bylaw No. 3399, 2025 pending the receipt of additional information.	The Bylaw will return for consideration when the additional information requested by the Board is available.	1. <i>THAT Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3399, 2025, be now introduced and read a first time.</i> 2. <i>THAT further consideration of Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3399, 2025 be postponed pending receipt of [insert requirement].</i>
B. Not proceed with the application, which will require first reading of the proposed bylaw to be defeated.	<ul style="list-style-type: none"> • Under Regional Board Procedure Bylaw No. 3267, 2022, the motion for first reading shall be decided upon without amendment or debate. • The Bylaw cannot be considered further if motion to give first reading is defeated. 	The Regional District Board <u>defeats</u> the following: <i>THAT Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3399, 2025 be now introduced and read a first time.</i>

SUMMARY COMMENTS:

The subject property is located at 10525 Lakeside Place and is 6.46ha in size. There is currently a covenant registered on the property that prohibits the establishment of a secondary Residential-Single Family use on any part of the subject property other than on the second floor of the existing Accessory Building.

The applicant is proposing to rezone a portion of the property to allow a residential subdivision for their two children; a total of three lots will be created. The proposed rezoning will decrease the minimum area of a lot to be created from subdivision from 6ha to 1.4ha. Both existing residences will be on the remainder lot.

Section 5.2 of the Salmon River-Lakes Official Community Plan sets out a list of factors that is considered by the Regional District Board when evaluating a zoning amendment. Information to inform consideration on each factor is obtained through the application process, including agency referral. 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 this Plan;*
 - a. The property is designated Lakeshore Settlement (LS) by the Official Community Plan. In this designation, the maximum density for the creation of new parcels is based on a minimum parcel size of 0.8ha. The smallest parcel size the applicants are proposing is 1.52ha.
 - b. The Regional District Boards’ Lakeshore Guidelines classify Ness Lake at maximum shoreline development.

- i. This proposal will not create any new parcels on the shoreline and is consistent with the Guidelines.
- II- *Consistency with the provisions or orders of the Agricultural Land Commission for lands within the Agricultural Land Reserve;*
- a. The property is not within the Agricultural Land Reserve (ALR).
- III- *The extent of agricultural development and potential for impact upon neighbouring agricultural use;*
- a. The property does not directly neighbor any parcels that are in the Agricultural Land Reserve; the closest property that is within the ALR is 550m south of the property.
 - b. From the Administration's review of aerial imagery, there is no notable agricultural activity that would be impacted by this application.
- IV- *The level of potential land use impact on the subject property and potential conflict with uses in the immediate proximity;*
- a. The proposed zoning amendment from Small Holding (SH) to a site-specific Rural Residential 1 (RR1) zone decreases the number of permitted uses on the property.
 - b. The proposed zoning amendment will increase the density of housing within the area.
 - i. The proposed lot sizes are consistent with the lot sizes of the surrounding area.
- V- *Public opinion as received through the public information and hearing requirements of the Local Government Act;*
- a. The Regional District cannot hold a public hearing for residential development applications when the proposal meets all criteria of Section 464(3) of the *Local Government Act*.
- 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;*
- a. Referral comments raised no concerns. The existing residences and lots in the surrounding area use septic fields rather than lagoons for onsite sewage disposal
 - b. Full referral comments can be found in the Backgrounder document.
- VII- *Impact on the transportation network;*
- a. The existing residences are currently accessed through Lakeside Place; the proposed lots will be accessed from Lakeside Drive.
 - b. The Ministry of Transportation and Transit (MoTT) noted the proposed layout is not guaranteed as it is dependent on the approval by the Provincial Approving Officer during the subdivision process.
- VIII- *Environmental impact and potential for hazardous conditions;*
- a. The property is not within a mapped BC Floodplain, within the extent of any natural hazard studies commissioned by the Regional District.
- IX- *Any other issue that may be relevant to a specific proposal.*
- a. No additional issues were identified.

It may be reasonable for the Board to consider issuance of proposed Amendment Bylaw No. 3399, as it is supported by the Official Community Plan and the proposed lots are not on the lakeshore of Ness Lake. Should this rezoning be approved, both a Development Permit to approve subdivision, as well as Board authorization to discharge Covenant No. BB1267807 from the proposed 1.5ha lots, will be required.

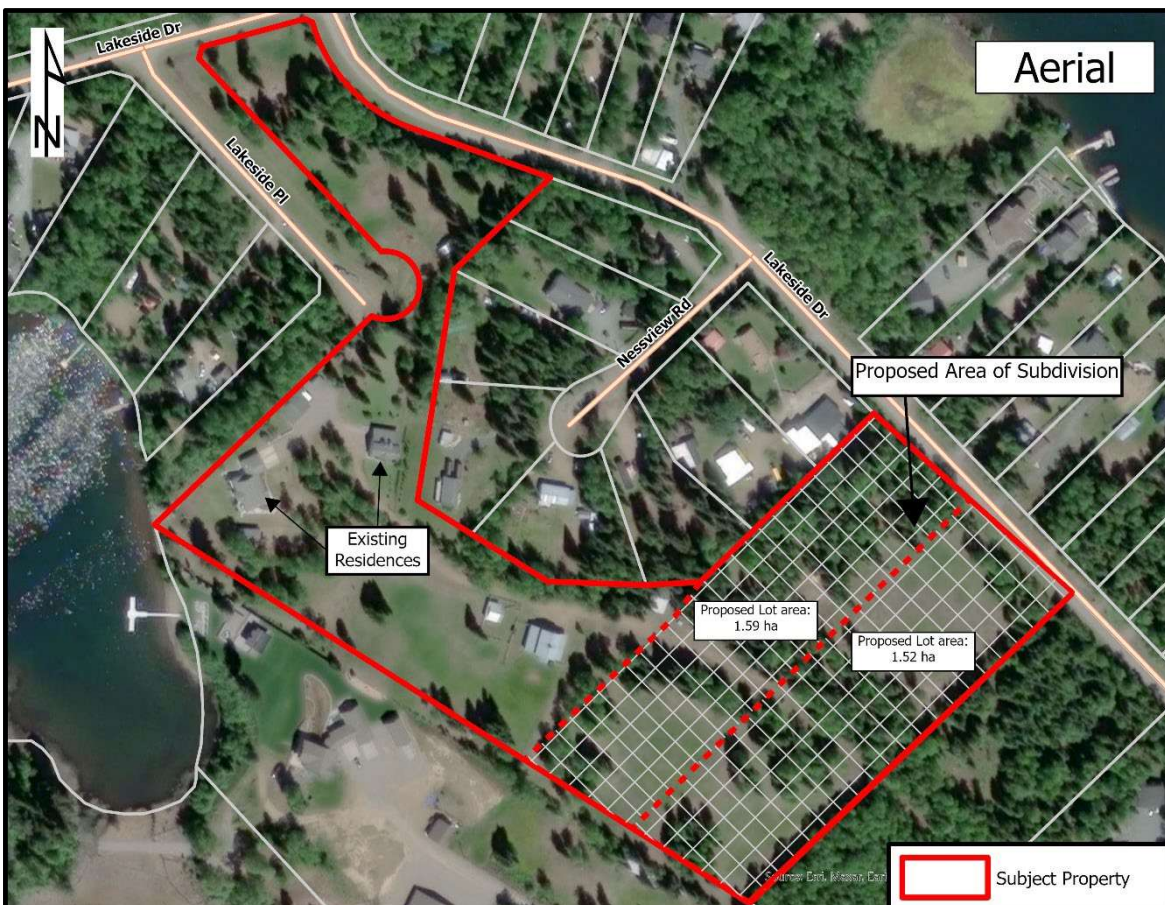
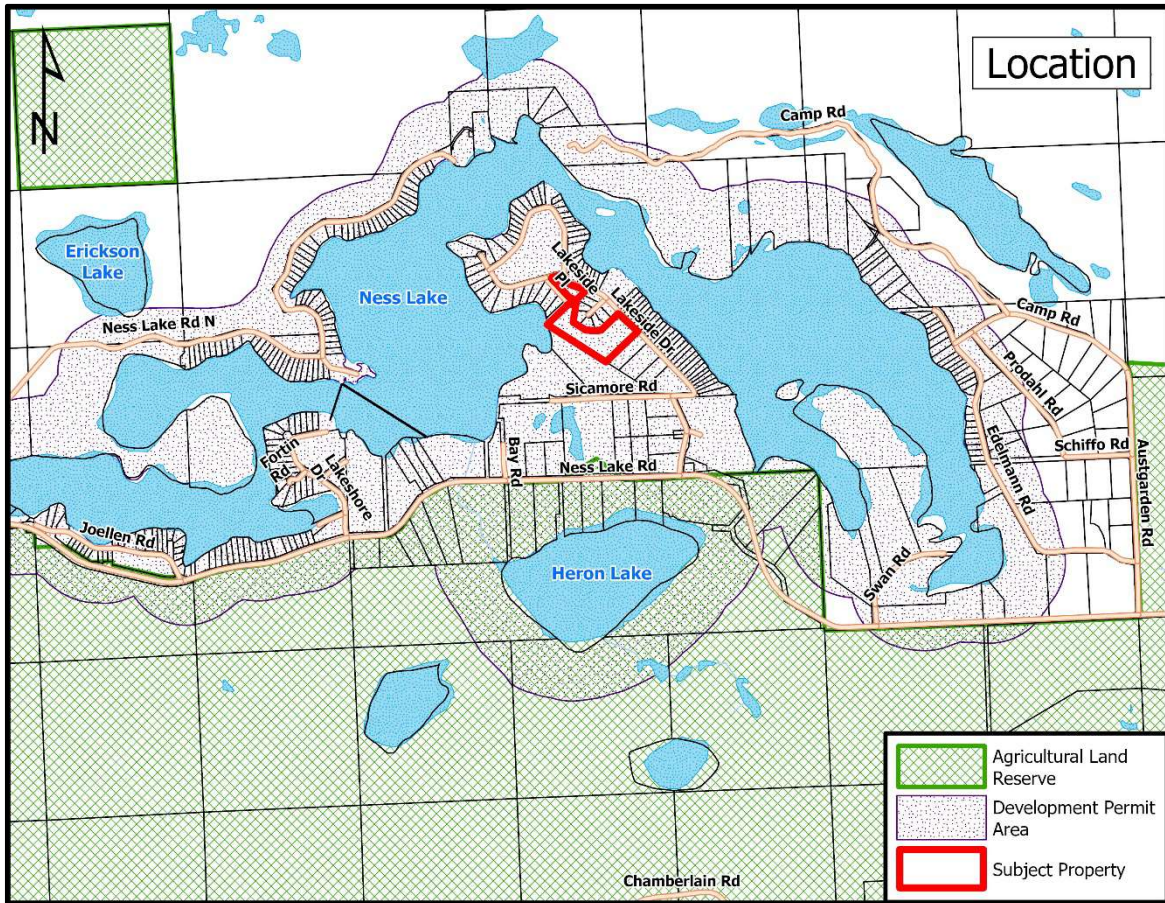
Respectfully submitted,

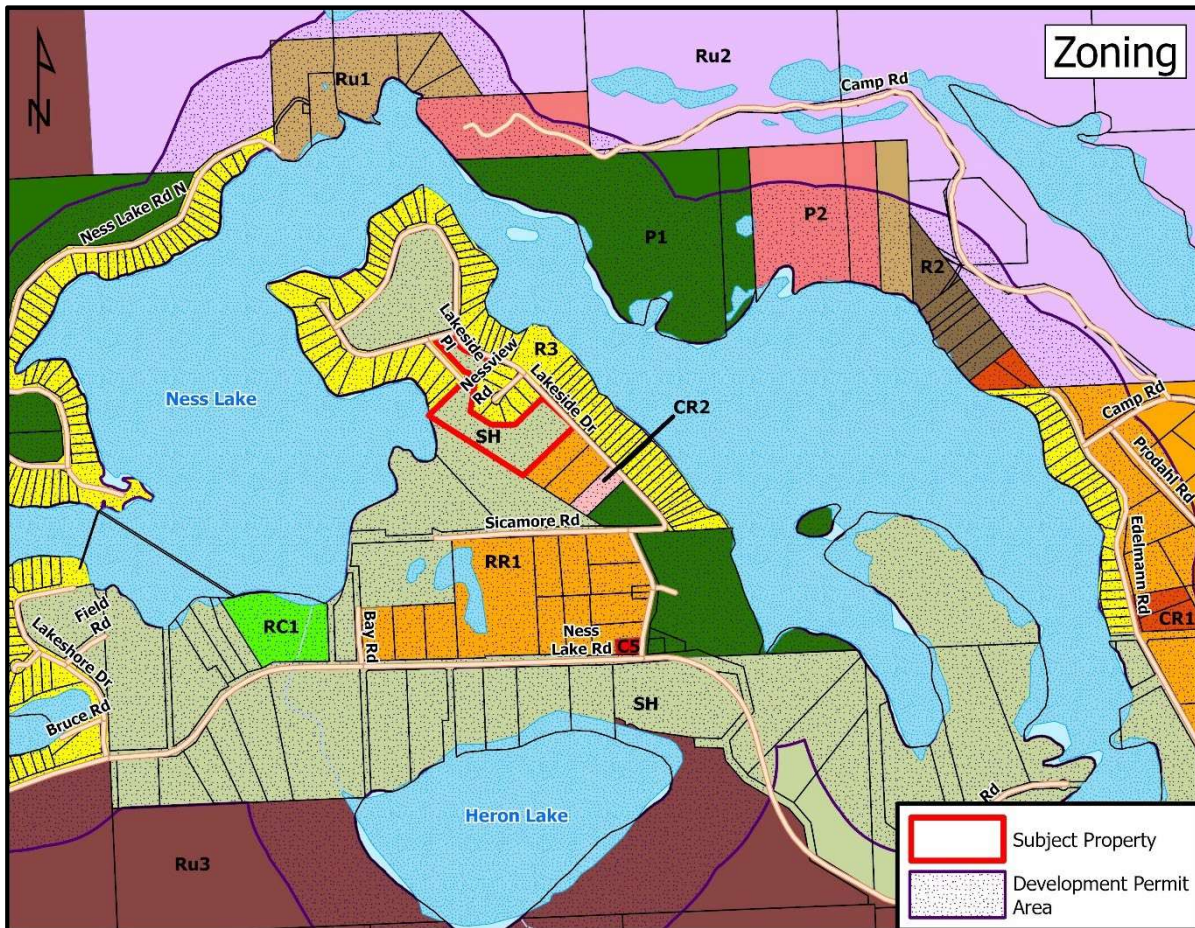
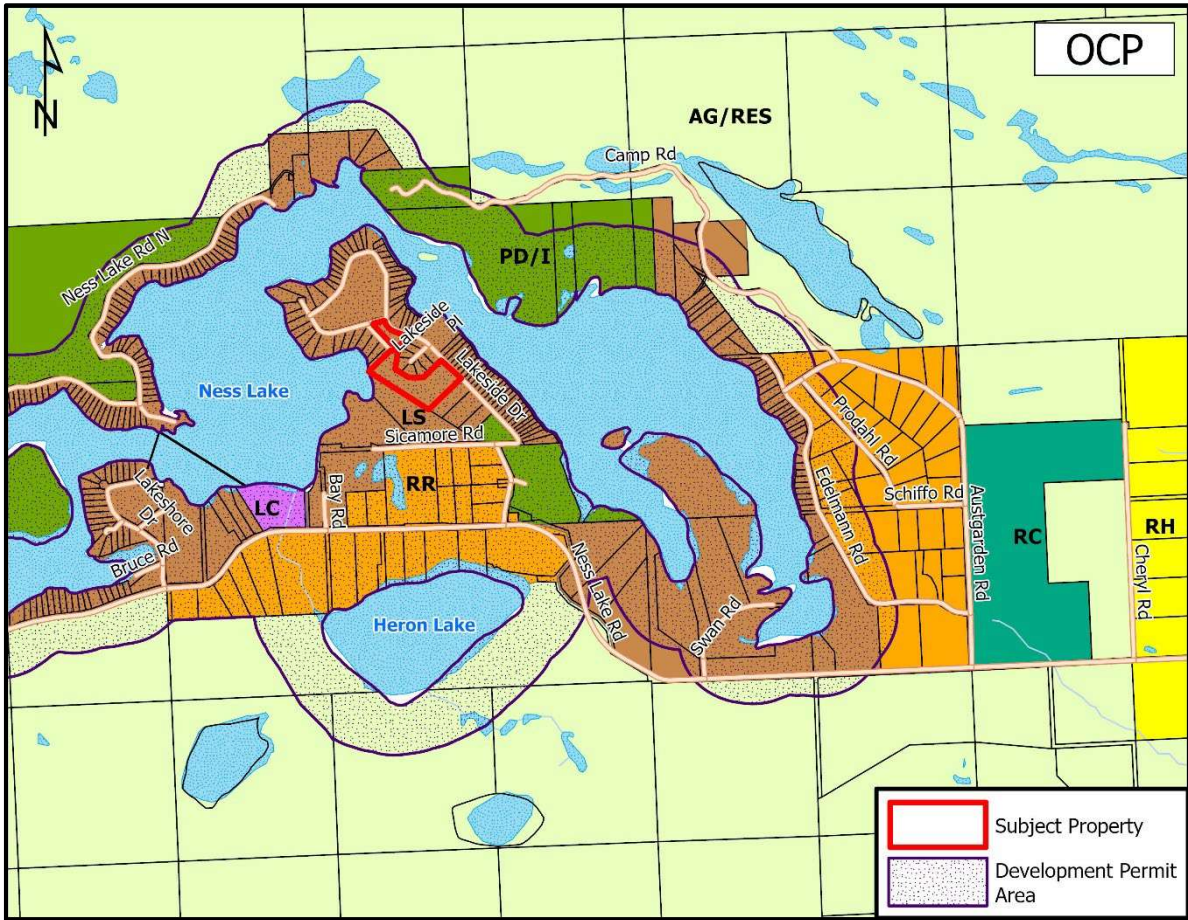
Justin Kim
Planner I

JK:cc

BACKGROUNDER – Zoning Bylaw No. 2892, 2014, Amendment Bylaw No. 3399, 2025

PARCEL MAPS





LAND USE PLANNING INFORMATION

ALR: The subject property is not within the Agricultural Land Reserve (ALR).

Bill 44- Housing Statutes (Residential Development) Amendment Act, 2023 A public hearing cannot be held for this application. Amended Section 464 of the Local Government Act prohibits a local government from holding a public hearing on a proposed zoning bylaw if:

- a) An official community plan is in effect for the area that is the subject of the zoning bylaw
- b) The bylaw is consistent with the official community plan
- c) The sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development, and
- d) The residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.

OCP: The Salmon River and Lakes Official Community Plan (OCP) designates the property as Lakeshore Settlement (LS). The OCP also designates a Development Permit Area on lands within 300m from the natural boundary of Ness Lake.

Within the LS designation the maximum density for creation of new parcels is based on a minimum parcel size of 0.8ha, subject to the “Lakeshore Guidelines” of the Regional District Board. The smallest of the proposed lots is 1.52ha and an OCP amendment is not required.

Development Permit: Development Permits are required for any development, land clearing, earthworks, demolition, construction, and subdivision within 300m from the lakeshore. Development Permit Areas protect the natural environment and biological diversity of lake resources within 300m from the natural boundary of a lake. If the rezoning application is successful, an approved Development Permit will be required to permit residential subdivision.

Lakeshore Guidelines: Per Appendix 2- Lake Classifications of the Lakeshore Guidelines, Ness Lake is at maximum shoreline subdivision development; however, this proposal will not create any new parcels along the shoreline. The application is consistent with the Lakeshore Guidelines.

Covenant: In 2010, a covenant (No. BB1267807) was registered on the property with the Regional District. The covenant prohibits the establishment of a secondary Residential-Single Family use on any part of the subject property other than on the second floor of the existing Accessory Building. The applicant proposes that the covenant will only be relevant to the proposed remainder lot with the existing houses. Board authorization is needed for the covenant to be discharged from the proposed lots. The covenant would be discharged at the final subdivision stage.

Zoning: The property is currently Small Holding (SH) by Zoning Bylaw No. 2892, 2014. The minimum area of a lot to be created by subdivision in the SH zone is 6.0ha. The lot is 6.46ha.

The proposed site-specific zoning bylaw amendment will rezone a portion of the property from SH to Rural Residential 1 (RR1). The RR1 zone has less permitted uses than the SH zone but permits a smaller minimum area of a lot to be created by subdivision.

Current Small Holding (SH) Zone	Proposed Rural Residential 1 (RR1) Zone
<p><u>Permitted Uses:</u></p> <ul style="list-style-type: none"> • Agriculture • Forestry • Intensive Agriculture • Kennel • Cannabis Production • Nursery • Open Space Recreation • Residential-Single Family • Riding Stable • Veterinary Clinic • General Permitted Uses • Buildings and structures accessory to the permitted uses 	<p><u>Permitted Uses:</u></p> <ul style="list-style-type: none"> • Agriculture • Open Space Recreation • Residential-Single Family • General Permitted Uses • Buildings and structures accessory to the permitted uses.

Current Small Holding (SH) Zone	Proposed Rural Residential 1 (RR1) Zone
Secondary Uses provided Residential-Single Family use is established: <ul style="list-style-type: none"> • Homecraft • Home Occupation and • Secondary Suite 	Secondary Uses provided Residential-Single Family use is established: <ul style="list-style-type: none"> • Homecraft • Home Occupation and • Secondary Suite

The proposed site-specific zoning amendment will reduce the minimum lot area from 1.6ha to 1.4ha to facilitate the 1.52ha lot size. There is no other proposed site-specific amendment.

RR1 zone	Proposed Site-Specific Amendment to the Rural Residential 1 (RR1) zone.
<u>Subdivision Regulations:</u> <ul style="list-style-type: none"> • The minimum area lot to be created by subdivision is 1.6ha. 	<u>Subdivision Regulations:</u> <ul style="list-style-type: none"> • The minimum area of a lot to be created by subdivision is 1.4ha.

Other: The property is accessed from Lakeside Place. The proposed lots will be accessed from Lakeside Drive.

The properties are in the following RDFFG service areas:

- Ness Lake Fire

APPLICATION PROCESS INFORMATION

Application Process Overview:



Future RDFFG Applications: An RDFFG Development Permit approved by the Regional District Board will be required to permit the proposed subdivision. Board authorization to discharge Covenant No. BB1267807 from the newly proposed lots will be required during the subdivision process. All new structures over 10m² require a Building Permit.

Public Notice Bylaw No. 3316 and Policy No. RD-24-23: Outlines the requirements for Public Notice to be published.

- Posting the public notice on the Public Notice board, the Regional District’s website and Facebook page.
- Must be published at least seven (7) days before the date of the matter for which the Public Notice is required.
- A Public Notice will also be published in a newspaper applicable Electoral Area(s), or a portion thereof as applicable in accordance with Appendix “A” of the Policy.

REFERRAL COMMENTS

RDFFG Building Inspections:

Building Inspection does not have concerns with the proposal. Building Permits will be required prior to any construction.

Blaine Harasimiuk

Manager of Inspection Services and Sustainability Practices

Fortis BC:

No concerns.

Brian Valana

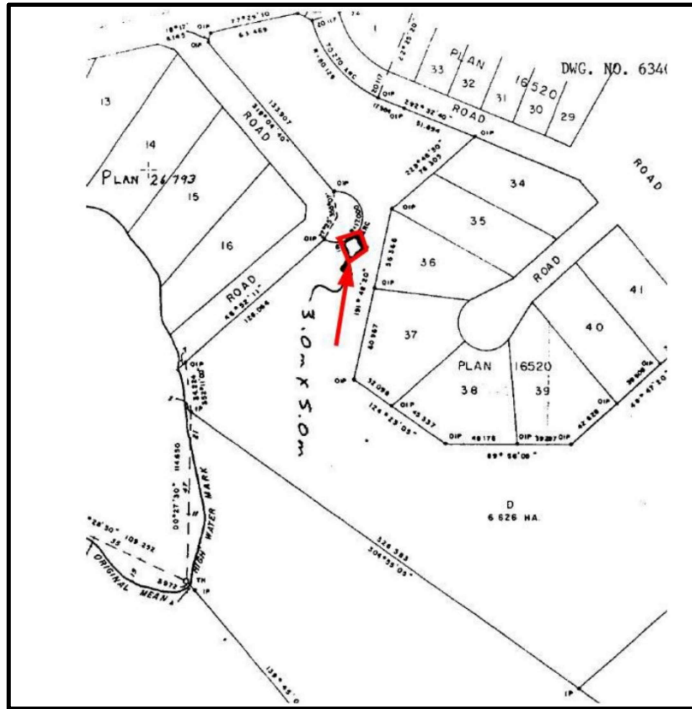
Planning and Design Work leader

BC Hydro:

BC Hydro has no objection in principle to the proposed subdivision as there appears to be no road dedication, return to crown or park dedication involved affecting BC Hydro's rights.

The following comments are for the property owner's information:

1. As you know, BC Hydro has a registered right of way on the property with PID: 006-872-638. Please be guided by the terms of the right of way agreement.
 - a. BC Hydro SRW PN34036– Overhead Distribution Limited by Drawing #6340-722446
 - b. Area of the Works: 5m either side of the centre of the alignment of the works



2. If the final version of this plan includes a Road Dedication, please submit a copy to our office. BC Hydro will reserve comments following a further review of the final subdivision plan when submitted. Reviews can take 4-6 weeks and has a fee of \$315.00 (\$300+tax). BC Hydro's signature is required before the plan can be registered.
3. Obtain separate written approval from this office for any intended use or development on the right of way before construction takes place. Submit applications to this office.
4. No building encroachment is permitted within the right of way.
5. Open space/parks must be assigned a lot number so that Hydro's rights are retained.
6. For new construction, BC Hydro wishes to ensure that building permits do not get issued that allow for encroachment of buildings into the safety clearance zones required around existing bare utility conductors, including those utility works installed within road allowance adjacent to the property.
7. It is the responsibility of the Architect and Electrical Engineer of Record (EEOR) to ensure compliance with the Canadian Electrical Code (CEC), Canadian Safety Association (CSA) and WorkSafeBC (WSBC). The CEC, CSA and WSBC stipulate minimum clearances of powerlines and equipment from buildings for safety and safe working clearances (Limits of Approach). BC Hydro suggests you add an additional 2-3 meters clearance to provide safe working space now and in the future. If you only meet minimum clearances, workers now and going forward will ALWAYS be within Limits of Approach

8. For new construction power connections please contact the BC Hydro Electric Service Coordination Centre at 1-877-520-1355 and/or email expressconnect@bchydro.com.

Julien Jacques

Property Coordinator, Property Rights Services

Ministry of Transportation and Transit (MoTT):

The Ministry of Transportation & Transit (MoTT) has received the above noted referral from the Regional District of Fraser Fort George regarding the proposed rezoning. The Ministry has reviewed the application and has no objections to the proposal as submitted. However, please note the following comments and recommendations:

- It appears this application is outside of the 800-meter radius of a Controlled Access Highway. Should the proposal move forward under a zoning bylaw amendment, Ministry sign off on the bylaw will not be required.
- No storm drainage shall be directed to the MoTT drainage system. This includes, but is not limited to, collection and run-off of the internal road system.
- MoTT setback requirements are to be followed as per Section 12 of the Provincial Undertakings Regulation ([here](#))

Restriction on placement of buildings or other structures

12 An owner, occupier or lessee of land must not, without the consent of the minister, place or cause or allow to be placed any building, trailer, mobile home or other structure within the following distance from the property line fronting on any arterial highway within a municipality or on any highway in unorganized territory:

- a) *if a public lane or alley provides secondary access to the property, 3 m;*
- b) *in any other case, 4.5 m.*

Should the Applicant be granted approval and wish to proceed with subdivision, they must apply to MoTT for subdivision approval by the Provincial Approving Officer appointed under the Land Title Act; o Any future subdivision must meet MoTT subdivision guidelines and/or conditions identified during the subdivision process, and it is the Applicant's responsibility to adhere to all relevant legislation;

- The proposed layout as submitted is not guaranteed as it is dependent on review and approval by the Provincial Approving Officer.
- MoTT received a subdivision application for the subject property in 2020, however the proposed subdivision layout in the rezoning does not match the proposed subdivision layout from 2020. If the applicant wishes to amend their subdivision application, they should contact our office.

If you have any questions please feel free to contact myself at (250) 649-7726, or by email at Leah.Labarrere@gov.bc.ca.

Leah Labarrere

Senior Development Officer

Northern Health:

Thank you for your referral.

No concerns with the amendment. If a soil assessment reveals that a lagoon is most suitable for sewage disposal, there is a recommended lot size of 1.6 hectares.

Michael Truong

Public Health Protection