

# STAFF REPORT TO COUNCIL

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**DATE:** August 7, 2019

**TO:** **MAYOR AND COUNCIL**

**NAME AND TITLE:** Ian Wells, General Manager of Planning and Development

**SUBJECT:** Official Community Plan Amendment Application No. CP100151 (Bylaw No. 9022) and Rezoning Amendment Application No. RZ100624 (Bylaw No. 9023)

Applicant: PRP Holdings Ltd., Inc. No. BC0951609  
Location: 2150 Queensway

**ATTACHMENT(S):**

- Location and Existing Zoning Map
- Appendix "A" to Bylaw No. 9022
- Appendix "A" to Bylaw No. 9023
- Exhibit "A" to Application No. CP100151
- Supporting Document(s)

## RECOMMENDATION(S):

THAT Council:

1. DENY First and Second Reading to "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9022, 2019."
2. DENY First and Second Reading to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9023, 2019."
3. Should Council approve "City of Prince George Official Community Plan Bylaw No. 8383, 2011 Amendment Bylaw No. 9022, 2019" and "City of Prince George Zoning Bylaw No. 7850, 2007 Amendment Bylaw No. 9023, 2019" the recommendations itemized in the "Alternatives" Section of this report BE APPLIED.

## PURPOSE:

The applicant is proposing to amend the Official Community Plan (OCP) and Zoning Bylaw to facilitate a multi-family housing development with a maximum density of 90 dwellings/ha on the subject property. In order to facilitate the proposed land use, the applicant has applied to amend the OCP from Parks and Open Space to Neighbourhood Residential Corridor; and rezone the subject property from P1: Parks and Recreation to RM4: Multiple Residential. The applicant has provided a rationale letter to outline the proposal. Administration does not support the applicant's proposed OCP amendment and rezoning.

## Site Characteristics

Location	2150 Queensway
Legal Description	Lot 2, District Lot 417, Cariboo District, Plan 31937
Current Use	Vacant Land
Site Area	0.22 ha (0.55 acres)
Future Land Use	Parks and Open Space
Growth Management Class	Infill
Servicing	City services available

Official Community Plan (see Appendix “A” to Bylaw No. 9022, 2019)

Current Future Land Use	Parks and Open Space
Proposed Future Land Use	Neighbourhood Residential Corridor

Zoning (see Appendix “A” to Bylaw No. 9023, 2019)

Current Zoning	P1: Parks and Recreation
Proposed Zoning	RM4: Multiple Residential

Surrounding Land Use Table

North	Vacant Land; Multiple Residential
South	Lheidli T'enneh Memorial Park; Hudson's Bay Slough; Wetland Nature Park & Trails
East	Lheidli T'enneh Memorial Park; Hudson's Bay Slough; Wetland Nature Park & Trails
West	Queensway; Hudson's Bay Wetland Nature Park & Trails

**POLICY/REGULATORY ANALYSIS:**

**Intent of the Official Community Plan**

As identified in Section 1.2: Intent, Application, and Interpretation of the OCP, the *Local Government Act* establishes that all bylaws enacted or works undertaken by Council after adoption of the OCP must be consistent. An OCP, however, is not intended to be a static document, but should adapt to new trends within society and respond to changing circumstances. As such, following appropriate public consultation and careful consideration by Council, policies and land use designations in an OCP may be revised by an amending bylaw pursuant to provisions outlined within the *Local Government Act*.

**Official Community Plan**

Future Land Use

The subject property is designated as Parks and Open Space on Schedule B-6: Future Land Use of the OCP. The intent of the Parks and Open Space designation is to offer refuge and access to nature. The Parks and Open Space designation is intended to provide access to the riverfront and major creek systems, and should be maintained in a naturalized state to support natural habitat values (Policy 8.6.3).

OCP Policy also supports the conservation or protection of areas having significant natural habitat value (Policy 6.4.34).

In order to facilitate the proposed multi-family housing development, the applicant has applied to amend the Parks and Open Space designation to Neighbourhood Residential Corridor. The intent of the Neighbourhood Residential Corridor is to primarily provide residential uses, typically single-family and similar sized buildings. Higher densities may be appropriate along collector and arterial streets.

As the subject property is located adjacent to, and provides access to a major creek system (i.e. slough to Fraser River), and the subject property is currently in its natural state, Administration does not support the proposed amendments to the OCP to facilitate a housing development.

Growth Management

The subject property is designated as Infill in *Schedule B-4: Growth Management* of the OCP. The intent of this designation is to prioritize infill development and encourage utilization of vacant sites (Policy 8.1.1). OCP Policy encourages the incorporation of preventative measures in new development plans that consider the natural environment (Policy 6.4.5).

OCP Policy suggests that lands designated Parks and Open Space be preserved to offset increasing densities in growth management areas (Policy 11.4.6). The applicant has not indicated that preventative measures have been considered for the proposed development adjacent to significant natural habitat identified to the east and south of the subject property. As such, Administration does not support the proposed OCP amendment.

## **Development Permit Areas**

Section 488 of the *Local Government Act* gives municipalities the authority to designate development permit areas for specific purposes including the protection of the natural environment and protection of development from hazardous conditions. Once a development permit area has been designated, a development permit must be obtained prior to development.

### Riparian Protection Development Permit Area

The subject property is identified on Schedule D-2: Riparian Protection Development Permit Areas. The Riparian Protection Development Permit Area is intended to provide protection to areas of land and vegetation adjacent to watercourses that provide a range of important functions, including fish and wildlife habitat, erosion and sediment control, flood protection, and overall stream bank stability.

The Riparian Protection Development Permit guidelines indicate that the riparian leave strip for residential developments (greater than 18 units/ha) should be a minimum of 30 m from the top of bank. The Zoning Bylaw states that a lesser leave strip shall be considered where the setback is determined on the basis of an assessment report provided by a qualified professional in respect of a development proposal. The City requires information to determine if there is any special wildlife or species at risk (including their habitat) prior to development and infrastructure planning. OCP Policy states that development is to be directed away from these areas (Policy 6.4.41).

The applicant has not provided information to Administration indicating whether the proposed development is possible on the subject property given the known environmental constraints. Administration does not support the proposed application as development is to be directed away from environmentally sensitive areas (Policy 6.4.41) and Parks and Open Space are encouraged to be maintained in a naturalized state to support natural habitat values (Policy 8.6.3).

### Flood Hazard Development Permit Area

The subject property is identified on Schedule D-4: Flood Hazard Development Permit Areas as it is located within the 200-year floodplain. The Flood Hazard Development Permit Area is intended to promote settlement patterns that minimize the risk associated with hazardous conditions to: protect against injury, suffering and the loss of life, and minimize loss of use, and property damage by prohibiting or regulating development on lands subject to hazardous conditions; identify and alleviate hazardous conditions which restrict the use of land or pose a risk of injury or damage; protect public infrastructure from hazardous conditions; reduce or prevent negative impacts to air, soil, and water quality, the natural environment, its ecosystems and biological diversity that may result from hazardous conditions; inform hazard mitigation and emergency preparedness efforts; and improve public awareness of hazardous conditions.

OCP Policy acknowledges that Parks and Open Spaces are an appropriate land use for flood hazard areas as the threat to life and property is low. Other uses may be considered within a designated flood hazard area subject to Provincial Regulations and Guidelines, Flood Plain Regulation Bylaw, any plan or program the City has developed, and any hazard assessment undertaken for that development (Policy 6.4.52). OCP Policy suggests that vulnerable development should be prohibited from hazardous condition areas, unless the applicable hazard can be practically alleviated, and until adequate risk reduction measures are in place (Policy 6.4.45).

As the subject property may be exposed to flooding hazards, the Flood Plain Bylaw No. 8285, 2010, recommends that areas used for habitation, business, or storage of goods damageable by floodwaters should be constructed within any building at an elevation such that the underside of the floor system thereof is no less than the Flood Construction Level. The applicant has not provided any geotechnical reporting to Administration for the subject property indicating whether the proposed development can be constructed in accordance with the Flood Plain Bylaw.

The applicant has not provided information to Administration indicating whether the proposed development is feasible on the subject property given the known environmental constraints. Administration does not support this application for the following reasons:

- Parks and Open Spaces should be maintained in a naturalized state to support natural habitat values (Policy 8.6.3).
- The subject property is identified within a Riparian Protection and Flood Hazard Development Permit Area. The applicant has not provided sufficient information as to whether these environmental concerns can be practically alleviated (Policy 6.4.45).
- Development should be directed away from environmentally sensitive areas (Policy 6.4.41 and 6.4.45).
- The proposed residential density is inconsistent with surrounding land uses due to the proximity to the Hudson's Bay Wetland Natural Park and salmon habitat as identified by Fisheries and Oceans Canada.

- No professional reporting regarding the riparian or flood hazard areas has been provided for the subject property. The impacts of the proposed development are unknown at this time.
- OCP Policy supports the conservation or protection of areas having significant natural habitat value (Policy 6.4.34).
- Parks and Open Spaces be preserved to offset increasing densities in growth management areas (Policy 11.4.6).

Administration does not support this application due to the Riparian Protection and Flood Hazard concerns, and OCP Policy outlined above and throughout this report.

### **Zoning Bylaw**

The subject property is currently zoned P1: Parks and Recreation. The P1 zone is intended to preserve and enhance open space. The applicant is proposing to rezone the subject property to RM4: Multiple Residential. The RM4 zone is intended to provide multifamily housing to a maximum density of 90 dwellings/ha. The proposed RM4 zone permits a scale of development inappropriate for the subject property as per OCP policy outline and environmental concerns outlined above.

Although adjacent properties to the north are zoned RS1: Suburban Residential and RM6: Multiple Residential, Administration does not support this application given the known environmental constraints and OCP Policy outlined throughout this report. OCP Policy supports the preservation of Parks and Open Space to offset increasing densities in growth management areas (Policy 11.4.6). Additionally, the size of the lot may present development constraints with regards to Zoning Bylaw regulations for site coverage, parking, landscaping and screening.

The applicant has not provided information to Administration indicating whether the proposed development is feasible on the subject property given the known environmental constraints (*i.e.*, riparian protection, flood hazard, and geotechnical reporting), and uncomplementary OCP Policy. Administration does not support this application as the applicant has not provided sufficient information to determine whether the subject property can be developed to multiple residential standards.

### **STRATEGIC PRIORITIES:**

The proposed amendment to the OCP and Zoning Bylaw is not consistent with Council's strategic priority to advance environmental protection and enhance sensitive environmental areas.

### **OTHER CONSIDERATIONS:**

#### **Land Use Impacts**

OCP Policy allows the City to consider the following criteria to determine proposed land use suitability: lot location and size, access, site coverage, traffic and parking, landscaping and screening, and development size, massing and quality of design (OCP Policy 8.3.7).

The subject property is surrounded by Parks and Open Space, including the Hudson's Bay Wetland Natural Park and Lheidli T'enneh Memorial Park. The immediately adjacent property to the south includes a portion of the Heritage River Trail. The subject property is identified within both the Riparian Protection and Flood Hazard Development Permit Areas.

These development permit areas have been designated to provide protection to areas of land and vegetation adjacent to watercourses that provide a range of important environmental functions, including but not limited to fish and wildlife habitat, and provide protection measures for development from hazardous conditions. Hudson Bay slough has been identified as salmon habitat. OCP Policy supports the conservation and protection of areas having significant natural habitat value in a naturalized state (Policy 6.4.34 and 8.6.3). Development should be directed away from environmentally sensitive areas (Policy 6.4.41 and 6.4.45). The applicant has not provided sufficient information as to whether these environmental concerns can be practically alleviated (Policy 6.4.45).

#### **Referrals**

This application was referred to internal City divisions and external agencies for comments. The following comments were received during the referral process.

### Geotechnical Report

The subject property is located within the 200-year floodplain. As this area may be subject to flooding hazards, the Flood Plain Bylaw No. 8285, 2010, recommends that areas used for habitation, business, or storage of goods damageable by floodwaters should be constructed within any building at an elevation such that the underside of the floor system thereof is no less than the Flood Construction Level.

Should Council support this application, Administration recommends that Bylaw No. 9022, 2019, and Bylaw No. 9023, 2019, be withheld until a Geotechnical Report prepared and sealed by a Geotechnical Engineer registered in the Province of British Columbia has been prepared and submitted to the satisfaction of Administration.

#### Servicing Brief

A Servicing Brief prepared and sealed by a Professional Engineer registered in the Province of British Columbia is required to address technical issues related to water supply, sanitary sewer collection, and storm drainage system designs.

Should Council support this application, Administration recommends that Bylaw No. 9022, 2019, and Bylaw No. 9023, 2019, be withheld until a Servicing Brief has been prepared and submitted to the satisfaction of Administration.

#### Traffic Impact Analysis

The proposed development will be accessed from Queensway. A Traffic Impact Analysis which includes a traffic count and recommendation for any impacts on current and future road configurations is needed for Administration to analyze the proposal.

Should Council support this application, Administration recommends that Bylaw No. 9022, 2019, and Bylaw No. 9023, 2019, be withheld until a Traffic Impact Analysis has been prepared and submitted to the satisfaction of Administration.

#### Fisheries and Oceans Canada

The Salmonid Enhancement Program's Community Advisor for the BC Interior North region has reviewed the proposed OCP amendment and rezoning, and does not support development in this area due to the flood plain and proximity to Hudson's Bay Wetland Natural Park. Hudson Bay slough has been identified as salmon habitat.

#### **ALTERNATIVES:**

1. Approve the bylaw
2. Approve the bylaw as amended
3. Refuse the bylaw
4. Defer or otherwise deal with the bylaw

Administration recommends that Bylaw No. 9022, 2019, and Bylaw No. 9023, 2019 be denied.

#### **Recommendations of Support**

Should Council support this application, the following recommendations are provided:

1. THAT FIRST and SECOND READINGS to "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9022, 2019" and "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9023, 2019" BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
  - a. Receipt of Geotechnical Report;
  - b. Receipt of a Riparian Assessment;
  - c. Receipt of Servicing Brief; and
  - d. Receipt of Traffic Impact Analysis.

In addition, any recommendations presented in the preceding items must be addressed to the satisfaction of the General Manager of Planning and Development.

#### **SUMMARY AND CONCLUSION:**

The applicant has proposed to amend the OCP and Zoning Bylaw to facilitate a multi-family housing development with a maximum density of 90 dwellings/ha on the subject property.

Administration does not support the proposed amendments due to site constraints (*i.e.*, riparian protection, flood hazard, and geotechnical reporting) identified on the subject property and inconsistency with OCP policy. Administration recommends that Council deny the application for the reasons outlined in this report.

**RESPECTFULLY SUBMITTED:**

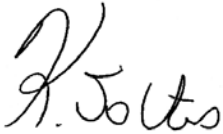


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Ian Wells, General Manager of Planning and Development

**PREPARED BY:** Kali Holahan, Planner

**APPROVED:**



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Kathleen Soltis, City Manager  
Meeting date: September 9, 2019