

STAFF REPORT TO COUNCIL

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DATE: October 26, 2022

TO: MAYOR AND COUNCIL

NAME AND TITLE: Deanna Wasnik, Director of Planning and Development

SUBJECT: Official Community Plan Amendment No. CP100191 (Bylaw No. 9330) and Rezoning Amendment No. RZ100757 (Bylaw No. 9331)

APPLICANT: Western Star Ventures Ltd. on behalf of Canada Recycle Corp., Inc. No. BC0419032

LOCATION: 6172 Otway Road

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9330
Appendix "A" to Bylaw No. 9331
Exhibit "A" to RZ100757
Supporting Document

RECOMMENDATION(S):

THAT Council:

1. GIVES First Reading to "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9330, 2022."
2. CONSIDERS "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9330, 2022", in conjunction with the current [Financial Plan](#) and confirm there are no issues.
3. CONSIDERS "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9330, 2022", in conjunction with the current [Regional District Solid Waste Management Plan](#); and confirm there are no issues.
4. CONSIDERS "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9330, 2022", in conjunction with the City of Prince George [Strategic Framework for a Sustainable Prince George](#) and confirm there are no issues.
5. GIVES Second Reading to "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9330, 2022".
6. APPROVES the following public consultation process to fulfill the requirements of Section 475 of the *Local Government Act*:
 - a. Request for written comment from properties located within 30 m of the subject property.

7. GIVES First and Second Reading to “City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9331, 2022.”
8. PERMITS that consideration of Final Reading of proposed Bylaw No. 9331, 2022 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
 - a. Registration of a Section 219 Covenant that restricts building or disturbance within the AG: Greenbelt zone; and
 - b. Registration of a Section 219 Covenant that restricts uses of the subject area to “self-storage facility” and “residential security-operator unit” only.

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

PURPOSE:

The applicant is proposing to amend the Official Community Plan (OCP) and Zoning Bylaw to facilitate the construction of an open sided structure for RV storage on a 1.7 ha portion (subject area) of 6172 Otway Road (subject property). The remaining 9.4 ha portion of the subject property is not included in the proposed rezoning and will remain AG: Greenbelt.

To facilitate the proposed development, the applicant has applied to amend the OCP designation from Rural Resource to Light Industrial, as shown on Appendix “A” to Bylaw No. 9330, and to rezone the subject area from AG: Greenbelt to M1: Light Industrial, as shown on Appendix “A” to Bylaw No. 9331.

This application also includes a text amendment to the definition of self-storage facility to allow a self-storage building that is an open sided structure in industrial zones only.

Site Characteristics

Location	6172 Otway Road
Legal Description	Lot 1, District Lot 1531, Cariboo District, Plan PGP46444
Current Use	Vacant land
Subject Property Size	11.1 ha (27.4 acres)
Subject Area	1.7 ha (4.3 acres)
Growth Management Class	Rural Resource
Servicing	Privately Serviced

Official Community Plan – Future Land Use (see Appendix “A” to Bylaw No. 9330)

Current Future Land Use	Rural Resource
Proposed Future Land Use	Light Industrial

Zoning (see Appendix “A” to Bylaw No. 9331)

Current Zoning	AG: Greenbelt
Proposed Zoning	M1: Light Industrial

Surrounding Land Use Table

North	Nechako River
South	Otway Road; Industrial Land
East	Nechako River
West	Heavy Industrial Land

Related Applications

Development Permit No. DP100826: The subject property is designated in Schedule D-2: Riparian Protection Development Permit Area due to the proximity to the Nechako River. As such, the applicant has submitted a Development Permit application and a Riparian Assessment prepared by Triton Environmental Consultants Ltd., dated October 11, 2022, which is attached to this report as a supporting document. The Riparian Assessment identified the top of bank and recommended a 30.0 m setback from the top of bank which has informed the proposed zone boundary. To ensure that there is no clearing or disturbance within the 30.0 m setback, the applicant has agreed to register a no build and no disturb covenant for the AG: Greenbelt zoned area on the legal title of the subject property. A physical feature (i.e., fence, berm, boulders) will be required to delineate the AG zone boundary and safeguard from potential encroachments. The Development Permit approval is pending the proposed OCP amendment and rezoning application.

POLICY / REGULATORY ANALYSIS:

Intent of the Official Community Plan

As identified in Section 1.2 of the OCP (Intent, Application, and Interpretation): The *Local Government Act* explains 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 Rural Resource in Schedule B-6: Future Land Use of the OCP. The Rural Resource designation is intended to preserve natural open spaces, environmentally sensitive areas, and natural hazard areas in which development is restricted or prohibited. In order to facilitate the proposed self-storage facility, the applicant has applied to amend the OCP designation of the 1.7 ha subject area from Rural Resource to Light Industrial, as shown on Appendix "A" to Bylaw No. 9330. The remaining 9.4 ha portion of the subject property is not included in the proposed OCP amendment and will remain designated Rural Resource to protect the riparian area noted above.

The Light Industrial designation is intended to accommodate light industrial uses which have low noise and air emissions based on Provincial Offsetting Guidelines. The surrounding area is a mix of rural resource and light industrial with light industrial uses fronting Otway Road, some of which are non-conforming uses per the *Local Government Act*.

The subject area has previously been cleared and used for outdoor storage. The OCP encourages intensification of light industrial lands within the urban area, complementary to the existing urban fabric and complementary to the surrounding area (OCP Policy 8.3.92 and 8.3.98). The proposed self-storage facility is consistent with uses in the surrounding area and reflects a scale of development supported by the Light Industrial designation.

Administration supports re-designating the subject area to Light Industrial as the proposed development aligns with the policy direction of the OCP.

Growth Management

The subject property is designated as Rural Resource in Schedule B-4: Growth Management of the OCP. The intent of this designation is to provide a transition from protected environmental and resource areas to more intense uses. Growth management policy further encourages redevelopment and infill by removing barriers to growth (OCP Objective 8.1.6) while advocating for an appropriate type and scale of uses to mitigate potential negative environmental impacts (OCP Policy 8.3.91).

As previously mentioned, the subject area was used for outdoor storage. The boundary of the subject area has been determined by a registered professional to ensure environmentally sensitive areas are retained. Administration supports this application, as it is consistent with the Future Land Use and Growth Management policy direction identified by the OCP.

Development Permit

Section 488 of the *Local Government Act* gives municipalities the authority to designate development permit areas for specific purposes including the establishment of objectives for the form and character of industrial developments. Once a development permit area has been designated, a development permit must be obtained prior to development.

The subject property has been identified within Schedule D-2: Riparian Protection Development Permit Area and Schedule D-1: Groundwater Protection Development Permit Area. The Riparian Protection Development Permit Area is intended to protect land and vegetation adjacent to watercourses. The Riparian Protection Development Permit guidelines indicate that the riparian leave strip for industrial development be a minimum of 30 m from the top of bank of the Nechako River. The applicant has provided a Riparian Assessment prepared by Triton Environmental Consultants Ltd., dated October 11, 2022, to facilitate the Development Permit process. The Riparian Assessment identified the top of bank and recommended a 30.0 m setback from the top of bank is maintained. The associated Riparian Protection Development Permit is pending the proposed OCP amendment and rezoning application.

The Groundwater Protection Development Permit Area is intended to protect wellheads and aquifers from incompatible development that may lead to contamination of the City's potable water supply. A Groundwater Protection Development Permit is required for all development and land alteration involving natural waste, waste or effluent as defined under the *Environmental Management Act*, snow storage or wrecking yard. The proposed self-storage facility is exempt from requiring a Groundwater Protection Development Permit, as per the Groundwater Protection Development Permit Area Guidelines.

Zoning Bylaw

The subject property is zoned AG: Greenbelt. The AG zone is intended to preserve sensitive lands in a natural state providing for a limited range of uses with regulations that maintain lot sizes of at least 15.0 ha. This includes lands with steep slopes, poor drainage, flooding or other hazards, unique scenic values, significant vegetation, and wildlife habitat.

The applicant is proposing to rezone the subject area (1.7 ha) from AG to M1: Light Industrial to facilitate a self-storage facility intended for recreational and similar vehicles, as shown on Appendix "A" to Bylaw No. 9331. As previously noted, a Riparian Assessment (attached as a support document) identified a 30.0 m setback from the top of bank of the Nechako River, which has informed the proposed zone boundary. The remaining 9.4 ha portion of the subject property is not included in the proposed rezoning and will remain AG: Greenbelt. In order to ensure continued protection of the AG: Greenbelt zoned portion of the subject property, the applicant has volunteered to restrict building or disturbance within the AG zone using a Section 219 Restrictive Covenant. A physical feature

(i.e., fence, berm, boulders) will be required to delineate the AG zone boundary and safeguard from potential encroachments.

The intent of the proposed M1 zone is to provide a mix of business and light industrial uses. Development along Otway Road is predominately industrial. The surrounding area is a mix of AF: Agriculture and Forestry, M1: Light Industrial, M2: General Industrial, M5: Heavy Industrial and M7: Concrete and Asphalt. The subject area is bound by industrial zoned lands to the south and west (i.e., M1: Light Industrial and M5: Heavy Industrial), and the Nechako River to the north and east.

The applicant is proposing to construct an open sided pole barn structure as a self-storage facility for recreational and similar vehicles. In order to allow the proposed open sided self-storage facility, a text amendment to the definition of self-storage facility in the Zoning Bylaw is required. Exhibit "A" to RZ100757 outlines the proposed amendment to the definition of self-storage facility. The proposed text amendment will apply to industrial zones only.

The proposed self-storage facility is not anticipated to have negative impacts on surrounding uses. To further reduce potential land use conflicts, the applicant has offered to register a Section 219 Covenant on the legal title of the subject property to limit uses of the subject area to "self-storage facility" and "residential security-operator unit" only.

Administration supports the proposed rezoning as the application is consistent with the policy direction of the OCP and existing surrounding land uses.

OTHER CONSIDERATIONS:

Referrals

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

Property Title:

Section 219 Covenant No. PS3643 and PS3644: Registered on title on February 1, 2001, this covenant requires building be a minimum 18.0 m setback from the natural boundary of the Nechako River.

Statutory Right of Way No. PS3645: Registered on title on February 1, 2001, The City has a blanket statutory right of way over the subject property for the purpose of City Services. The terms and conditions of the covenant are reviewed at time of Building Permit submission.

Section 219 Covenant

In order to ensure continued protection of the AG: Greenbelt zoned portion of the subject property, the applicant has volunteered to restrict building or disturbance within the AG zone using a Section 219 Restrictive Covenant. A physical feature (i.e., fence, berm, boulders) will be required to delineate the AG zone boundary and safeguard from potential encroachments.

Administration recommends that Final Reading of Bylaw No. 9331 be withheld until the Section 219 Covenant has been prepared and submitted to the satisfaction of Administration and registered to the legal title of the subject property.

Section 219 Covenant

To reduce potential land use conflicts that may result from the uses permitted in the M1: Light Industrial zone, the applicant has offered to register a Section 219 Covenant on the legal title of the subject property to limit uses of the subject area to “self-storage facility” and “residential security-operator unit” only.

Administration recommends that Final Reading of Bylaw No. 9331 be withheld until the Section 219 Covenant has been prepared and submitted to the satisfaction of Administration and registered to the legal title of the subject property.

Servicing Brief

City services are not available to the subject property. Through the Building Permit process, a site-specific Servicing Brief prepared and sealed by a Professional Engineer registered in the Province of British Columbia is required to confirm on-site water and sewage in compliance with provincial regulations.

Sequence of Adoption for the Official Community Plan

Pursuant to the *Local Government Act*, City of Prince George Official Community Plan Bylaw No. 8383, 2011 was adopted by considering the Financial Plan, Solid Waste Management Plan and Strategic Framework. Therefore, any amending bylaws to the Official Community Plan must also consider these plans.

Section 477 of the *Local Government Act* identifies the adoption procedures for the development, repeal or amendment to the Official Community Plan bylaw. This sets in motion the following sequence which identifies the *Local Government Act* requirements and the City’s own procedures:

1. After a bylaw has been given first reading the following must occur:
 - a. Consideration of the plan in conjunction with the current Financial Plan;
 - b. Consideration of the plan in conjunction with the current Regional District Solid Waste Management Plan;
 - c. Management Plan;
 - d. Consideration of any other plan and policies that the local government considers relevant (i.e. Strategic Framework for a Sustainable Prince George);
 - e. Referral to the Agricultural Land Commission if the Plan applies to Agricultural Land Reserve land (*not applicable to these applications*);
 - f. Second Reading;
 - g. Public notice of the Public Hearing; and
 - h. Public Hearing.
2. Third Reading of the bylaw
3. Final Reading and Adoption of the bylaw

The *Local Government Act* requires that each reading of the OCP bylaw must receive an affirmative vote of a majority of all Council members. The adoption procedures found in Section 477 of the *Local Government Act* are required, and should any changes occur to the bylaw, the sequence of steps would be repeated.

Statutory Notification and Public Consultation

Administration recommends that Council approve the consultation method outlined in the recommendation section of this Staff Report to Council to:

- Request for written comment from properties located within 30 m of the subject property.

This consultation would occur after First and Second Reading of Bylaw No.'s 9330 and 9331, 2022 and prior to the Public Hearing.

As per the requirements set out in the *Local Government Act* and “City of Prince George Development Procedures Bylaw No. 7635, 2005”, the City of Prince George will mail or otherwise deliver a notice to adjacent property owners and tenants whose interests may be affected by these applications.

Members of the public may provide comment by written submission, telephone or in person. Written submissions received in response to the public notice for these applications will be provided to Council for their consideration during the public hearing and prior to third reading of the proposed bylaws. Residents who wish to speak in person can do so during the Public Hearing in Council Chambers. Additional information on methods to provide comments to Council can be found on the [City's website](#).

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.'s 9330 and 9331 be approved.

SUMMARY AND CONCLUSION:

In order facilitate a self-storage facility on the subject property, the applicant has applied to amend the OCP from Rural Resource to Light Industrial and rezone on the subject area from AG to M1, including a text amendment to the definition of self-storage facility. Administration is supportive of this application for the reasons outlined in this report.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Kali Holahan, Planner II

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2022/11/21