

# STAFF REPORT TO COUNCIL

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**DATE:** July 22, 2022

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** 2022\_CP100188\_(Bylaw\_No\_\_9323)\_and\_RZ100752\_(Bylaw\_No\_\_9324)\_Report\_To\_Council.docx

**APPLICANT:** Lawrence Rosenberg on behalf of Inland Kenworth Ltd., Inc. No. 1135895

**LOCATION:** 7370 Boundary Avenue and 919 Talchako Road

**ATTACHMENT(S):** Location and Existing Zoning Map  
Appendix “A” to Bylaw No. 9323  
Appendix “A” to Bylaw No. 9324  
Exhibit “A” to CP100188

## RECOMMENDATION(S):

THAT Council:

1. GIVES First Reading to “City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9323, 2022.”
2. CONSIDERS “City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9323, 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. 9323, 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. 9323, 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. 9323, 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 identified on Exhibit “A” to CP100188.

7. EXPANDS, the notification distance required in "City of Prince George Development Procedures Bylaw No. 7635, 2005", from 30 metres to the area shown on Exhibit "A" to CP100188, for the mailing of notice of the public hearing for the "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9323, 2022" and "City of Prince George Zoning Bylaw No. 7580, 2007, Amendment Bylaw No. 9324, 2022."
8. GIVES First and Second Reading to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9324, 2022."
9. PERMITS that consideration of Final Reading of proposed Bylaw No. 9324, 2022 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
  - a. Receipt of Servicing Brief

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 a warehousing development at 7370 Boundary Avenue and 919 Talchako Road (subject area).

In order to facilitate the proposed development, the applicant has applied to amend the OCP designation from Service Commercial to Light Industrial, as shown on Appendix "A" to Bylaw No. 9323. This application also proposes to rezone the subject area from Z10: Inland Plaza to M1: Light Industrial, as shown on Appendix "A" to Bylaw No. 9324, 2022.

Site Characteristics

Location	7370 Boundary Avenue	919 Talchako Road
Legal Description	Lot 2, District Lot 748, Cariboo District, Plan EPP67262	Lot 1, District Lot 748, Cariboo District, Plan EPP67262
Current Use	Vacant land	Vacant land
Site Area	1.2 ha (2.9 acres)	1.4 ha (3.4 acres)
Growth Management Class	Phase 1	Phase 1
Servicing	City Services Available	City Services Available

Official Community Plan – Future Land Use (see Appendix "A" to Bylaw No. 9323)

Current Future Land Use	Service Commercial
Proposed Future Land Use	Light Industrial

Zoning (see Appendix "A" to Bylaw No. 9324)

Current Zoning	Z10: Inland Plaza
Proposed Zoning	M1: Light Industrial

Surrounding Land Use Table

North	Talchako Road; Undeveloped Industrial Land
South	Boundary Avenue; Undeveloped Commercial Land
East	Boundary Road; Undeveloped Industrial Land
West	Boundary Avenue; Inland Kenworth

### Related Applications

**Official Community Plan Amendment Application No. CP100100 (Bylaw No. 8610) and Rezoning Application No. RZ100475 (Bylaw No. 8611):** On November 30, 2015, Council approved an OCP Amendment and rezoning to facilitate an expansion of light industrial and commercial uses near the Highway 97 and Boundary Road intersection. The purpose of this application was to offer a mix of commercial uses for truck operators and the travelling public.

### **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 area is designated as Service Commercial in Schedule B-6: Future Land Use of the OCP. The Service Commercial designation is intended to offer commercial uses in highly accessible locations, including tourist-oriented uses and retailers that are accessed primarily by vehicle. The OCP encourages uses that include tourist accommodations and ancillary uses as well as retailers that are accessed primarily by vehicle, such as lumber yards, service stations, smaller warehouse-style stores, and vehicle dealerships (OCP Policy 8.3.73).

In order to facilitate the proposed warehousing development, the applicant has applied to amend the OCP from Service Commercial to Light Industrial. 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 predominantly light industrial with service commercial uses fronting Highway 97 S and Boundary Road. The OCP encourages industrial growth within the urban area, encouraging intensification of light industrial lands with existing services and development with full City water and sanitary sewer service (Policy 8.3.92 and Policy 8.3.94). Furthermore, the proposed warehousing development is consistent with the uses of 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 area is designated as Phase 1 in Schedule B-4: Growth Management of the OCP. The intent of this designation is to guide gradual expansion adjacent to existing urban areas based on required servicing (OCP Policy 8.1.13). The infrastructure required to support development in Phase 1 areas should be funded in full by the developer (Policy 8.1.15).

The subject area is adjacent to existing urban areas and is consistent with the Phase 1 designation. Administration supports this application, as it is consistent with the Future Land Use and Growth Management policy direction identified by the OCP.

### Development Permit

Development of the subject area will trigger an Industrial Form and Character Development Permit. The Industrial Form and Character Development Permit area is intended to foster improved design of industrial buildings, especially where such buildings occur in an urban environment in proximity to commercial uses or visible from major roads and highways; encourage sustainable design, green practices, air quality considerations; and, provide an appropriate degree of landscaping for industrial sites with special attention to the streetscape and adjacent non-industrial uses. Through the Development Permit process, the City will review that the proposed development is designed to reflect local identity, align with design guidelines, and enhance the built environment (OCP Policy 8.2.10).

### **Zoning Bylaw**

The subject area is zoned as Z10: Inland Plaza. The Z10 zone is intended to offer amenities and services, such as overnight accommodations, restaurants, personal services and retail uses catering mainly to travelers, commercial operators and people accessing the adjacent Airport Light Industrial area. The Z10 zone does not permit warehousing as a principal use.

The applicant is proposing to rezone the subject area from Z10 to M1: Light Industrial. The M1 zone is intended to provide a mix of business and light industrial uses. The subject area is bound by industrial zoned lands to the north, west and east of the subject properties (i.e., M1: Light Industrial and M2: General Industrial), and commercial lands to the south.

The proposed warehousing development is not anticipated to generate potential land use impacts or have negative impacts on surrounding uses. The proposed use already occurs east and west of the subject area. As the application is consistent with the policy direction of the OCP and existing surrounding land uses, Administration supports this application.

### **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. CA6539130:** Registered to title on December 29, 2017, this covenant requires a Registered Professional Engineer to certify that compaction and load bearing capacity of fill on the subject area. The terms and conditions of the covenant are reviewed at time of Building Permit submission.

**Section 219 Covenant No. CA6539132:** Registered to title on December 29, 2017, this covenant restricts building or structures from being built, constructed, reconstructed, moved, or located within the part of the lands shown on Reference Plan EPP68114. The terms and conditions of the covenant are reviewed at time of Building Permit submission.

**Section 219 Covenant No. CA6539135:** Registered to title on December 29, 2017, this covenant requires a Registered Professional Engineer to design a storm water detention system to collect and retain surface water runoff and storm water prior to discharge into the municipal drainage system or natural water courses. The terms and conditions of this covenant will be reviewed through the Servicing Brief required prior to Final Reading of Bylaw No.'s 9323 and 9324, 2022.

### Servicing Brief

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

Administration recommends that Final Reading of Bylaw No.'s 9323 and 9324, 2022 be withheld until a Servicing Brief has been prepared and submitted to the satisfaction of Administration.

### Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9324 requires the Ministry of Transportation and Infrastructure's approval prior to Final Reading and adoption.

### **Statutory Notification and Public Consultation**

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.

Administration is recommending that the Notice of Public Hearing and OCP consultation mail out area that is required as per the "City of Prince George Development Procedures Bylaw No. 7635, 2005" is increased from 30 meters to the area shown on Exhibit "A" to CP100188. The notification area has been expanded to incorporate the surrounding area that may be impacted by the proposed land use change.

Members of the public wanting to provide comment on the application may submit written correspondence to Council. 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 public notice to property owners and tenants whose interests may be affected by this application. Written submissions received in response to the public notice for this application will be provided to Council for their consideration at the time the application is being considered. Submissions received after the Council meeting agenda has been published will be provided to Council as a handout on the day of the Council meeting for consideration during deliberations on the application.

### **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 Consultation**

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

- Request for written comment from properties identified on Exhibit “A” to CP100188.

This consultation would occur after First and Second Reading of Bylaw No.'s 9323 and 9324, 2022 and prior to the Public Hearing.

### **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 9323 and 9324 be approved.

### **SUMMARY AND CONCLUSION:**

In order facilitate a warehousing development on the subject area, the applicant has applied to amend the OCP from Service Commercial to Light Industrial and rezone the subject area from Z10 to M1 to facilitate a warehousing development. Administration is supportive of this application for the reasons outlined in this report.

### **RESPECTFULLY SUBMITTED:**

Deanna Wasnik, Director of Planning and Development

**PREPARED BY:** Melissa Nitz, Planner 1

### **APPROVED:**

Walter Babicz, City Manager

Meeting Date: 2022/08/15