

DATE: January 17, 2023

TO: MAYOR AND COUNCIL

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

SUBJECT: Official Community Plan Amendment No. CP100193 (Bylaw No. 9356) and Rezoning Application No. RZ100769 (Bylaw No. 9357)

APPLICANT: City of Prince George
LOCATION: 2021 Foothills Boulevard

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9356
Appendix "A" to Bylaw No. 9357
Exhibit "A" to CP100193

RECOMMENDATION(S):

THAT Council:

1. GIVES First Reading to "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9356, 2022."
2. CONSIDERS "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9356, 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. 9356, 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. 9356, 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. 9356, 2022".
6. APPROVES the following public consultation process to fulfill the requirements of Section 475 of the *Local Government Act*:

Request for written comment from properties identified on Exhibit "A" to CP100193.
7. GIVES First and Second Reading to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9357, 2022".

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

PURPOSE:

As directed by Council at the Regular Council Meeting on October 3, 2022, Administration is proposing to amend the Future Land Use designation of the Official Community Plan (OCP) and rezone the City-owned property at 2021 Foothills Boulevard (subject property).

The proposed OCP amendment will redesignate the subject property from Rural Resource and Neighbourhood Residential to Parks and Open Space, as shown on Appendix “A” to Bylaw No. 9356, and rezone the subject property from AG: Greenbelt and AF: Agriculture and Forestry to P1: Parks and Recreation, as shown on Appendix “A” to Bylaw No. 9357.

Site Characteristics

Location	2021 Foothills Boulevard
Legal Description	Lot A, District Lots 4050 and 4052, Cariboo District, Plan EPP72369
Current Use	Greenbelt
Site Area	18.9 ha (46.8 acres)
Growth Management Class	Future Urban and Rural Resource
Servicing	City Water Available

Official Community Plan – Future Land Use (see Appendix “A” to Bylaw No. 9356)

Current Future Land Use	Rural Resource and Neighbourhood Residential
Proposed Future Land Use	Parks and Open Space

Zoning (see Appendix “A” to Bylaw No. 9357)

Current Zoning	AG: Greenbelt (12.4 ha) AF: Agriculture and Forestry (6.5 ha)
Proposed Zoning	P1: Parks and Recreation

Surrounding Land Use Table

North	Gravel Pit
South	Nechako River
East	Foothills Boulevard; Nechako Riverside Park
West	Rural Residential

Background and Relevant Applications

Soil Removal and Deposit Designation Application No. SR000017 (Bylaw No. 8784):

On December 19, 2016, Council adopted Soil Removal and Deposit Bylaw No. 7022, 1999, Amendment Bylaw No. 8784 to adjust the soil removal and deposit area designation boundaries at 2233 Foothills Boulevard including the exclusion of an approximately 5.82 ha portion of land from the soil removal and deposit area. This exclusion was a result of public consultation to maintain a greenbelt, riverfront trails and wildlife habitat. Further to this, the applicant sold the City an 18.9 ha area of land for parkland.

Subdivision Application No. SD100544:

Following approval of the above noted Soil Removal and Deposit Bylaw No. 7022, 1999, Amendment Bylaw No. 8784, a subdivision application was submitted to create the 18.9 ha parcel to be sold to the City. The subdivision was approved as Plan EPP72369. The sale of the land was completed, and the land was transferred to the City on October 10, 2017.

October 3, 2022, Regular Meeting of Council:

The North Nechako Residents Group presented to Council as a delegation. Following the presentation, Council resolved for, "Administration to prepare an application on behalf of the City of Prince George for Council's consideration to redesignate the subject property known as 'Birdsong Park' as Parks and Open Space in the "City of Prince George Official Community Plan Bylaw No. 8383, 2011" and as P1: Parks and Recreation in the "City of Prince George Zoning Bylaw No. 7850, 2007."

POLICY / REGULATORY ANALYSIS:

Intent of the Official Community Plan

As identified in Section 1.2 of the Official Community Plan (Intent, Application, and Interpretation): The *Local Government Act* explains that all bylaws enacted or works undertaken by Council after adoption of the Official Community Plan must be consistent. An Official Community Plan, 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 Official Community Plan 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 and Neighbourhood Residential 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. The Neighbourhood Residential designation is intended to maintain a similar scale of housing to that typical to existing neighbourhoods, by limiting the size of new buildings, encouraging ground oriented multiple residential forms, and a density of less than 22 units per hectare.

The City of Prince George is proposing to amend the designation from Rural Resource and Neighbourhood Residential to Parks and Open Space, as shown on Appendix "A" to Bylaw No. 9356.

Parks and Open Space areas are intended to offer refuge and direct access to nature which includes public access to the riverfront through corridors and trails (OCP Objective 8.6.3). Open space typically encompasses a broad range of areas including publicly owned spaces such as those held for environmental protection and buffer strips. The OCP encourages Parks and Open Spaces to be maintained in a naturalized state to support natural habitat values and reduce operational budgets (OCP Policy 8.6.3).

The subject property has also been identified on Schedule B-9: Parks and Trails of the OCP as a proposed park area.

Administration supports re-designating the subject property to Parks and Open Space as this application aligns with the policy direction of the OCP.

Growth Management

The subject property is designated as Future Urban and Rural Resource in Schedule B-4: Growth Management of the Official Community Plan. The Future Urban designation is intended to provide for the gradual expansion of the City's urban area by phasing and guiding growth based on proximity to Neighborhood Centres (OCP Policy 8.1.13). The Rural Resource designation is intended to provide a transition from protected environmental and resource areas to more intense uses. OCP Policy encourages agriculture, forestry, parks and utilities within the rural resource designation (OCP Policy 8.3.112).

The proposed amendment to the OCP is consistent with the Future Land Use and Growth Management policy direction.

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 is required, except where the leave strip area is devoid of trees and there is evidence of active bank erosion a minimum of 50.0 m leave strip from the top of bank is required. Riparian Protection Development Permit Areas are also protected per Tree Protection Bylaw No. 6343, 1995. No development or tree cutting is permitted without a permit.

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 OCP amendment and rezoning will not require a Development Permit.

Zoning Bylaw

The subject property is zoned as AG: Greenbelt and AF: Agriculture and Forestry. 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 AF zone is intended to conserve and manage agricultural and forestry land by providing for a compatible range of uses with regulations that maintain lot sizes of at least 15.0 ha.

The City of Prince George is proposing to rezone the subject property from AG and AF to P1: Parks and Recreation. The proposed P1 zone is intended to preserve and enhance open space while supporting limited, complementary secondary uses.

The subject property is bound by Foothills Boulevard and Nechako Riverside Park to the east, residential uses to the west, a gravel pit to the north, and the Nechako River to the south. The surrounding area is a mix of AF, AG, and AR3: Rural Residential zoning. The subject property provides access to trails, riverfront, and connections to Nechako Riverside Park. Nechako Riverside Park offers a paved surface parking lot, picnic tables, formal trail to the riverfront, canoe launch and an outhouse facility.

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 215 Covenant No. PE37776: Registered on title on December 6, 1991, the Ministry of Environment and Climate Change Strategy is named on a flood protection covenant requiring development to maintain a 40.0 m setback from the natural boundary of the Nechako River and a flood construction level 4.0 m above the nearest point on the natural boundary of the Nechako River. This covenant does not impact the proposed OCP amendment and rezoning.

Parks & Solid Waste Division

The City of Prince George has 246 undeveloped park and open spaces (totaling 702 ha), these areas are maintained in a naturalized state. Whereas the City's 124 developed park spaces (totaling 1,270 ha), are classified and maintained at varying service levels.

Per OCP Policy, the subject property will be maintained in a naturalized state to support natural habitat values and reduce operational budgets (OCP Policy 8.6.3). Any alteration or addition of park amenities (formal trails, parking, benches, tables, signage, garbage receptible, outhouses, etc.) would have a financial implication and may need to be considered through future capital projects.

Access

There is currently no direct access to the subject property from Bench Drive, Rosia Drive or Riverview Road. Access is via informal trails below the Foothills Blvd. bridge, leading from the adjacent Nechako Riverside Park to the subject property. The Nechako Riverside Park also offers ample off-street parking and amenities for park users.

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 identified on Exhibit “A” to CP100193

This consultation would occur after First and Second Reading to Bylaw No.'s 9356 and 9357, 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 9356 and 9357, 2022 be approved.

SUMMARY AND CONCLUSION:

At the request of City Council, Administration is proposing to amend the OCP from Rural Resource and Neighbourhood Residential to Parks and Open Space and rezone the subject property from AG: Greenbelt and AF: Agriculture and Forestry to P1: Parks and Recreation. Administration is supportive of this application for the reasons outlined in this report.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Bryce Deveau, Planner I

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2023/02/06