



# STAFF REPORT TO COUNCIL

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**DATE:** September 23, 2020

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** Rezoning Amendment Application No. RZ100659 (Bylaw No. 9123)

Applicant: L&M Engineering Ltd. for Rock 'N' Roll Aggregates Ltd., Inc. No. 0406286  
and T.R. Projects Ltd., Inc. No. BC0729296  
Location: 5001 North Nechako Road, 2599 North Nechako Road, and 4439 Craig Drive

**ATTACHMENT(S):** Location and Existing Zoning Map  
Appendix "A" to Bylaw No. 9123  
Supporting Document - Figure F5: NNNP Land Use Plan

## RECOMMENDATION(S):

THAT Council:

1. GIVES First and Second Reading to “City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9123, 2020;
2. Council WAIVES the requirements for a public hearing for proposed “Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9123, 2020”, pursuant to Section 464(2) of the *Local Government Act*;
3. PERMITS that consideration of Final Reading of proposed Bylaw No. 9123, 2020 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
  - a. Registration of a Section 219 Covenant that prohibits “housing, apartment” as a principal use, and restricts symmetrical facades for the “housing, two-unit” use on the following lands:
    - Lot 1, District Lot 4050, Cariboo District, Plan 25854, Except Plan EPP89775;
    - District Lot 4051, Cariboo District, Except: Firstly; Plan B3724, Secondly; Plan 22731, Thirdly; Plan BCP4770, Fourthly; Plan BCP4772, Fifthly; Plan BCP20972; and,
    - Block A (Plan B3724), District Lot 4051, Cariboo District, Except Plan 22731.and,
  - b. Registration of a Section 219 Covenant that prohibits development within the proposed AG: Greenbelt zoned area, as shown on Appendix “A” to Bylaw No. 9123, 2020 on the following lands:
    - District Lot 4051, Cariboo District, Except: Firstly; Plan B3724, Secondly; Plan 22731, Thirdly; Plan BCP4770, Fourthly; Plan BCP4772, Fifthly; Plan BCP20972; and,
    - Block A (Plan B3724), District Lot 4051, Cariboo District, Except Plan 22731.

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

## PURPOSE:

The applicant is requesting to rezone 5001 North Nechako Road, 2599 North Nechako Road, and 4439 Craig Drive (subject properties), as shown on Appendix “A” to Bylaw No. 9123. This rezoning application will facilitate a future subdivision to create a residential neighbourhood with a mix of housing forms and a neighbourhood commercial area. This application also makes allowances for parkland dedication and a greenbelt area to protect the environmentally sensitive lands along the Nechako River.

Council previously approved the necessary amendments to the Official Community Plan (OCP Amendment Bylaw No. 9070, see Relevant Applications section) required to facilitate this rezoning application at the October 23, 2019 Council meeting. These amendments coincided with the approval of the North Nechako Neighbourhood Plan, which included the subject properties. Please see the Relevant Applications section for more details.

### Site Characteristics

Location	5001 North Nechako Road	2599 North Nechako Road	4439 Craig Drive
Legal Description	Lot 1, District Lot 4050, Cariboo District, Plan 25854, Except Plan EPP89775	District Lot 4051, Cariboo District, Except: Firstly; Plan B3724, Secondly; Plan 22731, Thirdly; Plan BCP4770, Fourthly; Plan BCP4772, Fifthly; Plan BCP20972	Block A (Plan B3724), District Lot 4051, Cariboo District, Except Plan 22731
Current Use	Gravel Extraction, Vacant Land	Gravel Extraction, Vacant Land	Vacant Land
Site Area	15.8 ha	52.4 ha	4.8 ha

### Zoning (see Appendix "A" to Bylaw No. 9123)

Location	5001 North Nechako Road	2599 North Nechako Road	4439 Craig Drive
Current Zoning	AF: Agriculture and Forestry (14.5 ha) U1: Minor Utility (1.3 ha)	AF: Agriculture & Forestry (43.26 ha) AG: Greenbelt (6.43 ha) P1: Parks and Recreation (1.02 ha) U1: Minor Utility (1.74 ha)	AF: Agriculture & Forestry (1.53 ha) AG: Greenbelt (3.31 ha)
Proposed Zoning	AG: Greenbelt (0.46 ha) C3: Neighbourhood Commercial (2.47 ha) RM3: Multiple Residential (5.46 ha) RS2: Single Residential (7.4 ha)	AG: Greenbelt (5.48 ha) P1: Parks and Recreation (2.71 ha) RM1: Multiple Residential (2.12 ha) RS2: Single Residential (41.04 ha) RT1: Two-Unit Residential (1.1 ha)	AG: Greenbelt (1.45 ha) RM1: Multiple Residential (1.68 ha) RS2: Single Residential (1.71 ha)

### Surrounding Land Use Table

North	North Nechako Road, Single Residential
South	Nechako River
East	North Nechako Road, Single Residential, Nechako Park
West	Foothills Boulevard, Gravel extraction, Nechako Riverside Park

### Relevant Applications

Application No. CP100157 (Bylaw No. 9070): An amendment to the Official Community Plan was adopted by Council at the October 23, 2019 Council Meeting. Bylaw 9070, 2019 facilitated the approval of the North Nechako Neighbourhood Plan, and the consequential amendments to the OCP.

Application No. SD100647: The applicant has applied to subdivide a portion of the subject area to create two commercial and one Multiple Residential lots. The application is under review by Administration and is subject to the adoption of Bylaw 9123, 2020.

Application No. SD100648: The applicant has applied to subdivide a portion of the subject area to create 49 single residential lots. The application is under review by Administration and is subject to the adoption of Bylaw 9123, 2020.

## **POLICY / REGULATORY ANALYSIS:**

### **Official Community Plan**

#### Future Land Use

The subject properties have a range of designations in Schedule B-6: Future Land Use of the OCP, which provides Administration and Council with policy direction when considering land use changes. For clarity, these designations are detailed below.

#### Neighbourhood Residential

Approximately 70% of the subject area is designated as *Neighbourhood Residential* in Schedule B-6: Future Land Use of the Official Community Plan. This designation is intended to provide for neighbourhoods that are primarily residential in nature, and dominated by single-family residences and similarly sized buildings. The applicant is proposing that these areas will be a mix of single detached dwellings, two-unit (i.e. duplex) and small scale multiple residential (i.e. four-plex, row housing).

This is consistent with OCP Policies to encourage ground oriented multiple residential forms, to permit a wide range of housing forms having a density less than 22 units per hectare, and to support two-unit housing where the number is limited (Policies 8.3.58, 8.3.59, and 8.3.60).

#### Neighbourhood Centre Residential and Neighbourhood Centre Corridor

The North-West portion of the subject area is designated as *Neighbourhood Centre Residential* (8%) and *Neighbourhood Centre Corridor* (2%) in Schedule B-6 of the OCP. Neighbourhood Centres and Corridors are intended to create a focal point within the neighbourhood, which provides local shops, services, and similar amenities with new housing in a mixed-use context. This area is proposed to be zoned for a mix of multiple residential and neighbourhood commercial. The proposal is consistent with OCP Policy to provide a mix of housing forms with a density up to 60 units per hectare, and providing a wide range of commercial uses along corridors (Policies 8.3.34, 8.3.35, and 8.3.42).

#### Parks & Open Space

Portions of the subject area are designated as *Parks & Open Space* (16%) in Schedule B-6 of the OCP. This designation encompasses a broad range of areas that can include public land held for a special use, protected environmental areas and buffer strips (Policy 8.6.12). Proposed land uses within this designation include areas provided for a Neighbourhood Park, a rustic trail, and the greenbelt buffer along the Nechako River. These proposed uses are consistent with the *Parks & Open Space* designation

#### Utility

Approximately 4% of subject area is designated as *Utility* within Schedule B-6 due to the presence of a BC Hydro Transmission line. All works are protected by Right of Ways registered on the Legal title of the subject property.

#### Future Land Use Rationale

Due to the rationale outlined above, Administration recommends approval of Bylaw No. 9123, 2020. The application is consistent with the Future Land Use Policies of the Official Community Plan.

## Growth Management

The subject area is primarily designated as *Infill* in Schedule B-4: Growth Management of the Official Community Plan. The OCP directs growth and redevelopment within *Infill* areas and encourages mixed use development along major roads (Policies 8.1.1 and 8.1.3).

The southern portion of the subject area has a *Rural Resource* designation in Schedule B-4: Growth Management of the OCP. This designation encompasses environmentally sensitive areas, as well as natural hazard areas in which development is restricted or prohibited. Consisting of natural vegetation along the bank of the Nechako River, this area is proposed to be partially zoned AG: Greenbelt, protected by a Section 219 Covenant and is within the Riparian Protection Development Permit Area.

Administration recommends approval of Bylaw No. 9123, 2020, as it is consistent with the Growth Management policies of the Official Community Plan to develop infill areas, encourage mixed-use development, and encompass environmentally sensitive and hazardous areas.

## **North Nechako Neighbourhood Plan**

The OCP states that “neighbourhood and area plans are recognized by the City to provide a more detailed level of objectives and policy direction for land use within those specified plans areas (Policy 10.1.1).

As mentioned previously, the subject area is within the North Nechako Neighbourhood Plan (NNNP) area. The land use policy direction within the NNNP must be used in conjunction with policy direction from the OCP to assess the proposal. The proposed amendments to the Zoning Bylaw closely follows the land use direction found in Figure F5: Proposed Land Use Plan of the NNNP. Please see attached Supporting Document: Figure F5: NNNP Land Use Plan.

Administration recommends approval of Bylaw No. 9123, 2020 as it is consistent with the North Nechako Neighbourhood Plan.

## **Zoning Bylaw**

### Current Zoning

The subject properties are currently comprised of the following zones: AF: Agriculture & Forestry (59.3 ha), AG: Greenbelt (9.4 ha), P1: Parks and Recreation (1.0 ha), and U1: Minor Utility (3.0 ha).

The purpose of the AF: Agriculture and Forestry zone is to manage and conserve agricultural and forestry land on parcels of at least 15.0 ha. This zoning is a reflection of the historical use of this property for gravel extraction. In addition, portions of the subject area are zoned as AG: Greenbelt, which is intended to preserve environmentally sensitive lands, including areas with steep slopes and wildlife habitats. Furthermore, the P1: Parks and Recreation zone is intended to provide and protect open spaces for public use, while the U1: Minor Utility zone is intended to provide for utilities that may only have a minor impact on adjacent uses.

### Proposed Zoning

The applicant has requested amendments to the Zoning Bylaw to conform the land uses with policy direction from the OCP and the NNNP. The subject area will be a mix of AG: Greenbelt (7.4 ha), C3: Neighbourhood Commercial (2.47 ha), P1: Parks and Recreation (2.71 ha), RM1: Multiple Residential (3.8 ha), RM3: Multiple Residential (5.46 ha), RS2: Single Residential (50.2 ha), and RT1: Two-Unit Residential (1.1 ha). Please see below for a detailed description of the proposed zoning changes.

### AG: Greenbelt

As previously stated, the AG: Greenbelt zone is intended to preserve environmentally sensitive lands. In the subject area, the AG zone is proposed to encompass the 30 m leave strip area long the top of bank of the Nechako River in order to protect Riparian habitat and slope stability. This is consistent with NNNP Policy 4.1.9 5. and OCP Policies 6.4.44 and 6.4.55. To further protect this area, the applicant has also volunteered a Section 219 No-Build/No-Disturb Covenant.

### C3: Neighbourhood Commercial

The C3: Neighbourhood Commercial zone is intended to provide for neighbourhood focused commercial areas and complementary residential uses. The zone is proposed to be located at the North-West corner of the subject area in order to provide commercial amenities and services for the surrounding neighbourhoods. OCP Policies 8.3.34 and 8.3.35 encourages mixed-use development that provides a variety of commercial retail and service uses, and a range of building types. The C3 zone is consistent with the OCP future land use designations of *Neighbourhood Centre Residential* and *Neighbourhood Centre Corridor* as well as the NNNP (Section 4.4.2 Commercial Land Use Policy Recommendations).

### P1: Parks and Recreation

The P1: Parks and Recreation zone is proposed to provide a new neighbourhood park adjacent to the existing Edgewood Elementary School, and will also provide access to the Greenbelt along the Nechako River for surrounding residents. This is consistent with NNNP Policy 4.2.6 1. and OCP Policy 8.3.53 to incorporate park uses into residential neighbourhoods.

### RM1: Multiple Residential

The RM1: Multiple Residential zone is primarily for small scale multiple residential housing forms to a maximum density of 30 units per hectare. This zone is proposed for areas North of the Nechako Ball Park, and South of Edgewood Elementary School. Housing forms permitted in this zone include two-unit, four-plex and row housing. While apartment housing is permitted in the RM1 zone, the applicant is volunteering a Section 219 Covenant to exclude apartment housing as a principal use based on feedback from the surrounding neighbourhood during the development of the NNNP. The RM1 zone is consistent with NNNP Policies 4.3.5 3. and 4.3.5 4, and OCP Policy direction that encourages ground oriented multiple residential development to be incorporated into neighbourhoods (OCP Policy 8.3.58).

### RM3: Multiple Residential

The RM3: Multiple Residential zone provides a range of multiple residential housing forms with a maximum density of 60 dwellings per hectare. This zone is proposed for the lands surrounding the *Neighbourhood Centre* designated area in the North-West of the subject properties, which are identified for Medium Density Residential in the NNNP. OCP Policy 8.3.42 encourages multiple residential densities up to 60 units per hectare throughout *Neighbourhood Centres*. The RM3 zone allows for a mix of housing forms, including two-unit, four-plex, row housing, and stacked row housing. While the RM3 zone permits apartment housing, the applicant has volunteered a Section 219 Covenant prohibiting this housing form as a principal use.

### RS2: Single Residential

The RS2: Single Residential zone is intended to foster an urban lifestyle on properties larger than 500 m<sup>2</sup>. The zone primarily provides for single detached housing and compatible uses that maintain the residential character of the area. A majority of the subject area is proposed to be zoned RS2, which is consistent with both the *Neighbourhood Residential* future land use designation in the OCP as well as the Low Density Residential area within the NNNP. OCP Policy 8.3.59 encourages a wide range of housing forms with a maximum density of 22 units per hectare.

### RT1: Two-Unit Residential

The RT1: Two-Unit Residential zone is intended to provide for housing, primarily in buildings with two dwellings. This zone is proposed in two locations along what will become a collector road running through the neighbourhood, located roughly between the Nechako Ball Park and Edgewood Elementary School. OCP Policy 8.3.59 encourages a wide range of housing forms having a maximum density of 22 units per hectare, and Policy 8.3.60 supports two-unit housing to be dispersed within a neighbourhood when designed to be asymmetrical. NNNP Policy supports two-unit housing throughout the Low Density Residential area. To improve consistency with the OCP and NNNP, the applicant has volunteered to register a non-mirror image Section 219 Covenant as part of the rezoning process.

### **OTHER CONSIDERATIONS:**

Pursuant to Section 464(2) of the “Local Government Act”, Staff recommends that Council waive the requirement for a public hearing in relation to proposed Bylaw No. 9123, 2020, as the application is consistent with the City’s Official Community Plan, approval of the rezoning application is supported by Staff; and a public hearing on the application is not expected to generate significant public input.

### **Referrals**

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

### Environment

The Riparian Protection Development Permit Area extends beyond the proposed 30 m leave strip area; therefore, Riparian Protection Development Permits will be required for any future land alternation, development, or subdivision within this area. Additional reporting may be required at the development permit stage.

### Section 219 Covenant (No-Build/No-Disturb)

In order to maintain the integrity of the significant slopes and riparian habitat along the bank of the Nechako River, the applicant has indicated that they will register a Section 219 Covenant on title of the subject properties prior to Final Reading of Bylaw No.9123, 2020. This covenant would restrict development and land alternation within the 30 m leave strip area, as identified in the North Nechako Neighbourhood Plan Appendix C: Geotechnical Overview.

Administration recommends that Final Reading of Bylaw No. 9123, 2020 be withheld until the Section 219 Covenant is submitted to Administration’s satisfaction and is registered on the title of the subject properties.

### Section 219 Covenant (development restrictions)

In order to provide better consistency with the OCP and NNNP, the applicant has indicated that they will register a Section 219 Covenant on title of the subject properties prior to Final Reading of Bylaw No. 9123, 2020. This covenant would restrict “housing, apartment” as a principal use.

Administration recommends that Final Reading of Bylaw No. 9123, 2020 be withheld until the Section 219 Covenant is submitted to Administration’s satisfaction and is registered on the title of the subject properties.

### Section 219 Covenant (asymmetrical)

The applicant has indicated that they will register a Section 219 Covenant on title of the subject property prior to Final Reading of Bylaw No. 9123. This covenant would ensure the construction of any two-unit residence will

be asymmetrical and look like two distinct dwellings (i.e. varying roof lines and using multiple materials for the exterior finish).

Administration recommends that Final Reading of Bylaw No. 9123 be withheld until a Section 219 Covenant that restricts symmetrical facades for two-unit housing is submitted to Administration's satisfaction and is registered on the title of the subject properties.

**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. 9123, 2020 be approved.

**SUMMARY AND CONCLUSION:**

In order to facilitate the development of the North Nechako neighbourhood, the applicant has applied to rezone the subject area to allow for a mix of residential, neighbourhood commercial, park, and greenbelt uses. Administration recommends Bylaw No. 9123, be approved for the reasons outlined in this report.

**RESPECTFULLY SUBMITTED:**

Ian Wells, General Manager of Planning and Development

PREPARED BY: Tristin Deveau, Planner

**APPROVED:**

Walter Babicz, Acting City Manager

Meeting Date: 2020/10/05