



**PEACE RIVER REGIONAL DISTRICT
DEVELOPMENT SERVICES
OCP/ZONING AMENDMENT REPORT
Third Reading • Bylaw No.'s 1864 and 1865, 2009
FILE NO. 119/2009**

Part 26 Participants.
Includes all except
Districts of Tumbler
Ridge and Taylor.

B-3a

OWNER: Waldemar and Olga Schaefer **DATE:** Sept 30, 2009
AGENT: n/a
AREA: Electoral Area C
LEGAL: Lot C (being the consolidation of Lots 8 and 9 see Ba265068), Plan 11282, Section 20, Township 84, Range 19, W6M, PRD
LOT SIZE: 0.31 ha (0.77 ac)
LOCATION: Charlie Lake

PROPOSAL

To amend Charlie Lake OCP By-law No. 907, 1994, to allow for the subdivision of Lot C (being the consolidation of lots 8 & 9 see BA265068) of Sec. 20, Twp. 84, Rge. 19, Plan 11282, W6M, PRD, into 2 lots – one of 0.137 ha (0.34 acres) and one of 0.174 ha (0.43 acres) – with a minimum of 23 metres (75 feet) frontage; and to rezone the property from R-2 (Residential 2) to R-1 (Residential 1) zone within the PRRD Zoning By-law 1343, 2001.

RECOMMENDATION: OPTION 1

THAT the Regional Board refuse the proposal on the basis that it does not conform to the OCP or the PRRD Lakeshore Development Guidelines.

OPTIONS

- OPTION 1: THAT the Regional Board refuse the proposal on the basis that it does not conform to the OCP or the PRRD Lakeshore Development Guidelines.
- OPTION 2: THAT the Regional Board approve Official Community Plan Amendment By-law No. 1864, 2009 and Zoning Amendment By-law No. 1865, 2009 for Third Reading.

LAND USE POLICIES AND REGULATIONS

OFFICIAL COMMUNITY PLAN (OCP): Residential - Bylaw No. 907, 1994
ZONING: R-2 (Residential 2 Zone), Bylaw No. 1343, 2001
AGRICULTURAL LAND RESERVE (ALR): Outside
BUILDING INSPECTION AREA: Within
COMPREHENSIVE DEVELOPMENT PLAN: Not within a designated area

BACKGROUND INFORMATION

Aug 24, 2009 OCP/Zoning amendment application received
 Aug 25, 2009 Application referred to government agencies and municipalities
 Sep 10, 2009 Regional Board considered proposal for 1st & 2nd Reading
 Sep 11, 2009 Notification for the Public Hearing mailed to affected landowners
 Sep 22 & 23, 2009 Notification for the Public Hearing advertised in Alaska Highway News
 Sep 29, 2009 Public Hearing at Charlie Lake Community Church (minutes attached)

Bruce Simard

Department Head

Shirley Eden

CAO

COMMENTS AND OBSERVATIONS

- APPLICANT:** In March 2006, a previous owner consolidated the subject property from two lots to its current state of one lot. The applicants state they wish to return the property back to two lots.
- ALR:** The subject property is not with the ALR.
- OCP:** The subject property is designated “Residential” within Charlie Lake OCP By-law No. 907, 1994, wherein the minimum lot size is 0.4 ha (1 acre). Further, Policy 8, Sec. 4.3 – Charlie Lake Shoreland Management Area states that “...a maximum of 2.5 dwellings per ha are permitted, provide the parcels are served by a community sewage system”. In addition, the minimum lake frontage of a Residential parcel on the lake is 55 metres. Therefore, the proposed subdivision of 2 lots – one of 0.137 ha (0.34 acres) and one of 0.174 ha (0.43 acres) – with a minimum of 23 metres (75 feet) frontage, does not conform to these OCP requirements and this amendment application is required.
- Note:** North Peace Fringe Area OCP By-law No. 1870, 2009 (at 1st reading) designates the subject property as High Density Residential. Within Sec. 4.3 and Policy 2 of this by-law it states that “for residential designated parcels fronting on Charlie Lake the minimum parcel size will not be less than 0.4 ha (1 ac) and the parcel will have a minimum lake frontage of 55 metres (180 feet). Therefore the proposed subdivision would not be supported by this Fringe Area OCP, were it in effect.”
- ZONING:** The subject property is currently zoned R-2 (Residential 2 Zone) within PRRD Zoning By-law No.1343, 2001, wherein the minimum lots size is **0.4 ha** (1 ac) where parcels are connected to a community sewage system. The proposed subdivision does not meet this minimum; therefore, this Zoning amendment is required.
- LAKESHORE:** In the *Peace River Regional District Lakeshore Development Guidelines* Charlie Lake is designated as a “Special Case Lake”. Section 14.3 (Specific Development Guidelines) states:
- “The maximum perimeter development for a Special Case lake should not exceed 50%”
 - “Any development proposal must at a minimum meet the official community plan policies and zoning requirements for the parcel of land, and should meet the General Development and Subdivision Guidelines of **Section 8.**”
- Section 8** recommends a “55 metre minimum parcel frontage for newly created lots located adjacent to the high water mark of the lake.” Therefore, the proposed subdivision is not consistent with the guideline recommendation.

IMPACT ANALYSIS

- LAKESHORE:** The proposal may negatively affect the lake by increasing point-source water pollution and reducing lakeshore habitat.
- CONTEXT:** The proposed lots would be consistent in size and use with neighbouring residential parcels.
- POPULATION:** The proposal may potentially increase the local population by 3 persons (BC Stats, 2006).
- TRAFFIC:** The proposal may potentially increase the number of vehicles in the area by 2 (BC Stat, 1996).

COMMENTS RECEIVED FROM MUNICIPALITIES AND PROVINCIAL AGENCIES

District of Hudson's Hope	Interests unaffected by By-law
Village of Pouce Coupe	Interests unaffected by By-law
City of Fort St. John	Interests unaffected by By-law
City of Dawson Creek	Interests unaffected by By-law
Northern Health Authority	Proposed lots must be able to connect to Charlie Lake Sewer. Ensure the following is complied with: Subdivision Regulations under Local Service Act, Sewerage System Regulations under the Health Act, and the Drinking Water Protection Act.
Ministry of Transportation	Conditions of subdivision approval include OCP & Zoning amendment, Charlie Lake Sewer System written approval, and covenant for flooding setback.

PUBLIC HEARING

A public hearing was held pursuant to the Local Government Act on September 29, 2009. Notification was published in the September 22 & 23, 2009 editions of the Alaska Highway News and mailed to residents on September 11, 2009. The minutes are attached.



Public Hearing Minutes

Proposed Zoning Amendment By-law No.'s 1864 and 1865, 2009

Date: September 29, 2009
Time: 7:00 pm
Place: Charlie Lake Community Church, Charlie Lake

Director:
Arthur Hadland (Meeting Chair), Director of Electoral Area "C"

Staff:
Timothy Donegan, Planner

Public:
Waldemar Schaefer (co-applicant), Charlie Lake
Olga Schaefer (co-applicant), Charlie Lake
Bill Rombough, Charlie Lake
Wendy Rombough, Charlie Lake
Duane Salmond, Charlie Lake

1. CALL TO ORDER
- The Chair called the meeting to order at 7:00 P.M.
2. STATEMENT OF PUBLIC HEARING
- The Chair called the meeting to order at 7:00 P.M.
3. INTRODUCTION TO PROPOSAL
- Timothy Donegan (TD) briefly described the proposal as follows:

OWNER: Waldemar and Olga Schaefer

LEGAL: Lot C (being the consolidation of Lots 8 and 9 see BA265068), Plan 11282, Section 20, Township 84, Range 19, W6M, PRD

PROPOSAL: To amend Charlie Lake OCP By-law No. 907, 1994, to allow for the subdivision of Lot C (being the consolidation of lots 8 & 9 see BA265068) of Sec. 20, Twp. 84, Rge. 19, Plan 11282, W6M, PRD, into 2 lots – one of 0.137 ha (0.34 acres) and one of 0.174 ha (0.43 acres) – with a minimum of 23 metres (75 feet) frontage; and to rezone the property from R-2 (Residential 2) to R-1 (Residential 1) zone within the PRRD Zoning By-law 1343, 2001.

4. SUMMARY OF APPLICATION PROCEDURE
- TD briefly described the OCP and Zoning Amendment process to date:

Aug 24, 2009	OCP/Zoning Amendment Application received
Aug 25, 2009	Application referred to government agencies and municipalities
Sep 10, 2009	Regional Board considered OCP/Zoning Amendment proposal for 1 st & 2 nd Reading
Sep 11, 2009	Public Notification for the Public Hearing mailed to affected landowners
Sep 22 & 23, 2009	Public Hearing Notification advertised in Alaska Highway News

5. COMMENTS FROM AGENCIES AND MUNICIPALITIES RECEIVED

- TD read the comments from the various agencies as follows:

District of Hudson's Hope	Interests unaffected by By-law
City of Dawson Creek	Interests unaffected by By-law
Village of Pouce Coupe	Interests unaffected by By-law
City of Fort St. John	Interests unaffected by By-law
Ministry of Transportation	Conditions of subdivision approval include OCP & Zoning amendment, Charlie Lake Sewer System written approval, covenant for flooding setback
Ministry of Health	Proposed lots must be able to connect to Charlie Lake Sewer. Proposal must abide by Subdivision Regulations under Local Service Act, Sewerage System Regulations under the Health Act, and Drinking Water Protection Act and Regulations.

6. WRITTEN COMMENTS RECEIVED FROM PUBLIC

- TD indicated that no written comments from the public had been received.
- The Chair asked if there were any written comments to be submitted by the public.
- No written comments were received.

7. COMMENTS FROM APPLICANT

- The Chair asked if there were any comments from the applicants.
- **Waldemar Schaefer:** Mr. Schaefer briefly explained that the subject property was consolidated by the previous owner from two lots to one. Mr. Schaefer stated that he is seeking to return the subject property back to two lots, exactly as it was before.
- **Olga Schaefer:** Mrs. Schaefer reiterated what her husband said. She added that the purpose for creating two lots is that she would like to keep one lot and sell the other. She explained that there were not many lots available on the lake shore, so subdividing actually puts one extra lot on the market. She said that she planned on building a small house, not a big one. She concluded saying that there are already two sewer and power hook-ups on the property.

8. COMMENTS FROM PUBLIC

- **Duane Salmond:** Mr. Salmond suspected that the property had been consolidated in the past to allow for a sewer easement along the south end of the property. He was concerned that it is a double-standard to allow the applicants to subdivide two lots when he and many other property owners were required to consolidate their lots to accommodate the initial installation of the Charlie Lake sewer system. Mr. Salmond then expressed his concern that the subject property is too small for two dwellings. He expressed concern that with two lots there would be two driveways, which he says are very treacherous in winter. He was concerned that vehicles would park on the road because they would be unable to use the driveways in winter. This has happened a lot in the past, he said. With two lots, there would be twice the number of vehicles parking on the road.
- **Duane Salmond:** Mr. Salmond then expressed concern for flooding. He stated that the existing sewer pipe on the property is used by all the properties in the subdivision above Lake Shore Drive. He said he was worried that the property and its neighbour would be flooded out. He stated that there is a sewer easement along the south end of the property. Mr. Salmond also wanted to know if the property lines of the subject property extended into the lake past the high-water mark. TD said he would look into this for him.
- **Wendy Rombough:** Mrs. Rombough asked if there would be any changes to the setbacks of the property should the proposed bylaw be approved.
- TD responded that there would be no change.
- **Bill Rombough:** Mr. Rombough had been concerned about the sewer setup but stated he had no concerns upon learning there would be appropriate sewer access. He also asked if the proposed bylaw would change the minimum lake frontage requirements.
- TD responded that the minimum lake frontage would be reduced from 55 metres to 23 metres to accommodate the

subdivision.

9. COMMENTS FROM APPLICANT

- The Chair asked if there were any final comments from the applicants.
- **Olga Schaefer:** Mr. Schaefer said that she is not wanting to change anything – she just wants the property to be as it was before, which is two separate lots with the same lots lines as before. Regarding parking, she said they were planning to build suitable driveways which were not steep so that vehicles could easily enter and exit the property, which would not require any vehicles to park on Lake Shore Drive.
- **Waldemar Schaefer:** Mr. Schaefer stated that he has observed the property and the sewer pipe on the property over the winter and has not observed any flooding or problems. He stated he has also talked to the neighbour to the south and he has never had any problems with flooding or broken pipes. Mr. Schaefer added that there is a ditch along the south property line and that any excess water would be diverted to the ditch.

10. TERMINATION OF PUBLIC INFORMATION MEETING

- The meeting adjourned at 7:41 P.M.



Timothy Donegan, Recorder

Arthur Hadland Goodings, Meeting Chair

**PEACE RIVER REGIONAL DISTRICT
By-law No. 1864, 2009**

A by-law to amend the "Charlie Lake Official
Community Plan By-law No. 907, 1994."

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia Local Government Act, adopt the "Charlie Lake Official Community Plan By-law No. 907, 1994";

AND WHEREAS an application has been made to amend the "Charlie Lake Official Community Plan By-law No. 907, 1994" to facilitate an associated rezoning use affecting Lot C, (being the consolidation of Lots 8 and 9, see BA265068), Section 20, Township 84, Range 19, Plan 11282, W6M, PRD;

NOW THEREFORE the Regional Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

1. This By-law may be cited for all purposes as the "Charlie Lake Official Community Plan By-law Amendment By-law No. 1864, 2009."
2. The "Charlie Lake Official Community Plan By-law No. 907, 1994" is hereby amended in the following manner:
 - a) By adding the following to Section 3.1, (Policy 2):
"except for;
ii) Lot C, (being the consolidation of Lots 8 and 9, see BA265068), Section 20, Township 84, Range 19, Plan 11282, W6M, PRD, for which the minimum parcel size may be 0.137 ha. (0.34 ac)"; and
 - b) By adding the following to Section 3.1, (Policy 4):
"except for;
ii) Lot C, (being the consolidation of Lots 8 and 9, see BA265068), Section 20, Township 84, Range 19, Plan 11282, W6M, for which the minimum lake frontage may be 23m (75 ft.)"; and
 - c) By adding the following to Section 4.3, (Policy 8):
"except for;
ii) Lot C, (being the consolidation of Lots 8 and 9, see BA265068), Section 20, Township 84, Range 19, Plan 11282, W6M, for which the maximum number of dwellings is 6.4 dwellings per hectare (1 dwelling per 0.4 ac), and the minimum lake frontage may be 23m (75 ft.)".

READ A FIRST TIME this 10th day of September, 2009.

READ A SECOND TIME this 10th day of September, 2009.

Public Hearing held on the 29th day of September, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

CERTIFIED a true and correct copy
of "Charlie Lake Official Community Plan
Amendment By-law No. 1864, 2009."

THE CORPORATE SEAL of the Peace
River Regional District was hereto affixed in
the presence of:

Fred Banham,
Chief Administrative Officer

Karen Goodings, Chair

Fred Banham, Chief Administrative Officer

**PEACE RIVER REGIONAL DISTRICT
By-Law No. 1865, 2009**

A by-law to amend the "Peace River Regional
District Zoning By-Law No. 1343, 2001."

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia *Local Government Act*, adopt the "Peace River Regional District Zoning By-Law No. 1343, 2001";

NOW THEREFORE the Regional Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

1. This by-law may be cited for all purposes as "Peace River Regional District Zoning Amendment By-Law No. 1865, 2009."
2. The "Peace River Regional District Zoning By-Law No. 1343, 2001" is hereby amended in the following manner:
 - i) Schedule 'A' – Map 7 is hereby amended by rezoning Lot C, (being the consolidation of Lots 8 and 9, see BC265068), Section 20, Township 84, Range 19, Plan 11282, W6M, PRD from R-2 "Residential 2 Zone" to R-1 "Residential 1 Zone", as shown shaded grey on Schedule "A" which is attached to and forms part of this by-law.

READ a FIRST TIME this 10th day of September, 2009.

READ a SECOND TIME this 10th day of September, 2009.

Public Hearing held on the 29th day of September, 2009.

READ a THIRD TIME this _____ day of _____, 2009.

APPROVED by the Ministry of Transportation this _____ day of _____, 2009.

District Highways Manager

ADOPTED this _____ day of _____, 2009.

CERTIFIED a true and correct copy
of "Peace River Regional District Zoning
Amendment By-law No. 1865, 2009."

THE CORPORATE SEAL of the Peace
River Regional District was hereto affixed in
the presence of:

Fred Banham
Chief Administrative Officer

Karen Goodings, Chair

Fred Banham
Chief Administrative Officer

I HEREBY CERTIFY the foregoing to be a true and correct copy of "Peace River Regional District Zoning Amendment By-law No. 1865, 2009" as read a third time by the Regional Board of the Peace River Regional District on this _____ day of _____, 2009. Dated at Dawson Creek, B.C. this day of _____, 2009.

Fred Banham, Chief Administrative Officer