



## REGIONAL DISTRICT OF BULKLEY-NECHAKO

### Planning Department Referral Report

FILE No. RZ D-01-24

Written By: Danielle Patterson, Senior Planner

#### APPLICATION SUMMARY

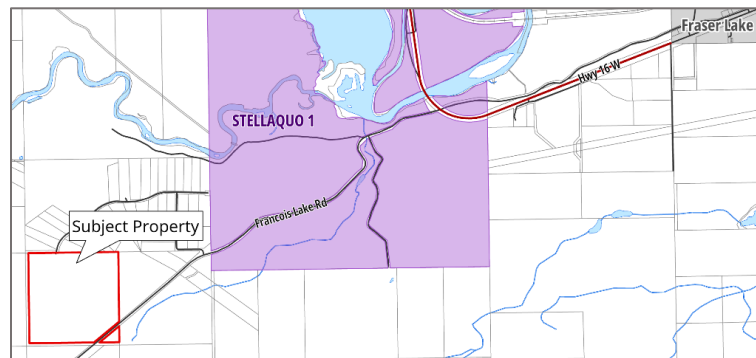
<b>Name of Agent / Owner:</b>	Dylan Desousa (agent) / Desousa Holdings Ltd. (owner)
<b>Electoral Area:</b>	Electoral Area D (Fraser Lake Rural)
<b>Subject Property:</b>	352 Francois Lake Road, legally described as the Southwest 1/4 of District Lot 2555, Range 5, Coast District, Except Thereout Strips of Land Being the Most Southerly and the Most Westerly 25 Metres in Parallel Width Thereof, and Except Plan PRP13909 (PID 015-134-211)
<b>Property Size:</b>	Approximately 59.98 ha (144.22 ac)
<b>OCP Designation:</b>	<b>North side of Francois Lake Road:</b> Resource (RE) pursuant to "Endako, Fraser Lake and Fort Fraser Rural Official Community Plan, Bylaw No. 1865, 2019" (the OCP) <b>South side of Francois Lake Road (~1 ha):</b> Agriculture (AG) in the OCP
<b>Zoning:</b>	Rural Resource Zone (RR1) in Zoning Bylaw No. 1800, 2020 (the Zoning Bylaw)
<b>Building Inspection:</b>	Outside Building Inspection Area
<b>Fire Protection:</b>	Outside Fire Protection Area
<b>Existing Land Use:</b>	Abandoned house / partially cleared land / treed
<b>Location:</b>	Approximately 800 m west-southwest of Stellaquo 1 Reserve and approximately 4.4 km west of the Village of Fraser Lake.

#### Location Map:

#### Proposal:

The proponent submitted a combined Official Community Plan / Rezoning application to facilitate a 15-lot subdivision of the subject property (14 parcels and a Remainder). The 14

proposed parcels have areas varying from 2 to 3.43 hectares and the proposed Remainder is approximately 28 hectares. The basic layout is shown below (see Attachments for a



detailed layout). The subject property is designated Agriculture (AG) and Resource (RE) in the OCP. The AG and RE designations require a minimum parcel area at subdivision of 16 hectares and 8 hectares, respectively. The subject property is zoned Rural Resource Zone (RR1), which has a 28-hectare minimum parcel area at subdivision.

Given that 14 of the 15 parcels do not meet the minimum OCP and Zoning Bylaw parcel area requirements, the applicant requests to redesignate and rezone the southern half of the property to Rural Residential (RR) and Small Holdings Zone (H1), respectively.

### Basic Subdivision Layout



### Official Community Plan (OCP)

#### Existing OCP Designation

The 59.98-hectare parcel is designated Resource (RE) except for approximately 2 per cent (approximately 1.20 hectares) which is designated Agriculture (AG), as shown in the OCP designation map on the following page.

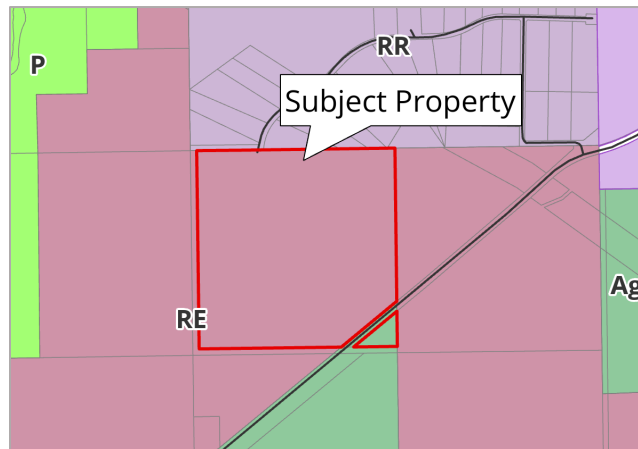
The Resource area is characterized by a lack of settlement and by extensive resource management potential. It is the intent of this designation to protect the resource values of the designated area and to minimize resource conflicts among recreation, grazing, mining and wildlife by discouraging settlement on Resource designated lands. The Agriculture (AG) designation applies to those areas that are most suitable to agricultural activities. It is the intent of this designation to preserve these lands for the purposes of farming and other related activities.

#### Agricultural Land Commission (ALC) Records Impact on Existing AG Designation

Based on ALC mapping data, a 1.2-hectare portion of the property is designated AG was also identified as being in the Province's Agricultural Land Reserve (ALR). During application review, planning staff discovered the Crown Grant for the subject property explicitly stated the property was outside of the ALR. The ALC confirmed that they made an error in their

mapping and have corrected their records. In general, the AG designation follows the boundaries of the ALR. Given this, 1.20 hectares may have been designated may AG based on the ALC's records error.

### Subject Property OCP Map



### Proposed OCP Designation

The applicant requests a designation change to only the Rural Residential (RR) designation for the southern half of the property to accommodate the 14 of the 15 proposed lots. The RR designation is intended to provide opportunities for people to live in a rural setting while protecting and preserving the rural character of the area. RR Policy 3.4.2 (10) states applications to permit parcels as small as 2 hectares may be considered where:

- "(a) it has been demonstrated that the proposed lots can accommodate an on-site water supply and sewage disposal system;*
- (b) the development is compatible with adjacent land uses and maintains the rural character of the area;*
- (c) parcels are not located within a floodplain or on other hazard lands; and,*
- (d) the development adequately addresses wildlife and ecological values."*

The applicant has not provided on-site water and water supply sewage disposal system details to date. The lands are not within any known floodplain or hazard areas and are listed as "Settlement/Agriculture" lands in the Provincial Land Resource Management Plan. The subject property abuts the 31-lot Ely subdivision created in the 1970s with parcel areas ranging from 2.02 to 6.47 hectares, as shown on the next page.

### Parkland Dedication Policies and Fire Smart Policies

As presented, the proposal would require park land dedication pursuant to Section 512 of the *Local Government Act*, which triggers the consideration of park land dedication when three or more new parcels are created and any of those parcels are 2.0 hectares or smaller. Most of the proposed parcels are exactly 2.0 hectares. The applicant was informed of park

land requirement and said they will modify the layout to avoid the parkland dedication requirement. If the applicant did not modify their plan, parkland dedication would be considered under Section 6.8 – Parkland Dedication of the OCP (see Attachments for policies).

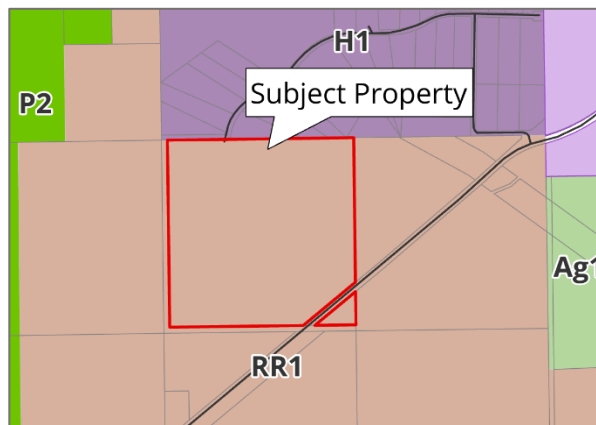
The OCP also includes Fire Smart policies, which include encouraging the use of non-combustible materials and adequate emergency vehicle access for escape routes (see Attachments for policies). The proposal includes a single public road extended off Francois Lake Road. The proposed road would not be a through road connecting to existing undeveloped road right-of-way; instead, it is proposed to end as a cul-de-sac.

### Existing and Proposed Zoning

The table below compares the existing RR1 Zone and the H1 Zone, which is proposed for the southern half of the property. No change to the northern half is proposed.

Zoning Bylaw Element	Existing Zone (RR1)	Proposed Zone (H1)
Min. Parcel Area at Subdivision	28 hectares	2 hectares
Principal Uses	Agriculture, Single Family Dwelling, Two Family Dwelling, Cabin, Farmers' Market, Large Kennel, Portal Sawmill, Rural Retreat, Primitive Campground, Veterinary Clinic, Intensive Agriculture	Agriculture, Single Family Dwelling, Two Family Dwelling
Secondary Uses	Guest Ranch with Agriculture or Intensive Agriculture	Kennel on parcels greater than 2 ha
Density / Total Floor Area	Combination of 4 dwelling units/cabins. 10 camping sites per ha for primitive campground.	2-3 dwelling units with limitations. Maximum combined 600 m <sup>2</sup> TFA.
Setbacks	7.5 m 60 m for Intensive Agriculture	Varies from 5 m to 7.5 m

Surrounding Area Zoning Map



## Staff Comments

### Parcel Frontage Requirements

Pursuant to Section 512 of the *Local Government Act*, when a parcel being created by subdivision fronts onto a highway, the minimum frontage on the highway must be at least 10 per cent of the perimeter of the lot that fronts the highway. "Highway" includes public roads operated by Ministry of Transportation and Transit (MoTT), including those that are built and those shown as a right-of-way on survey plans. The applicant's proposal meets the 10 per cent requirement.

### Ministry of Transportation and Transit (MoTT)

The MoTT Subdivision Approving Officer is responsible for subdivision approvals in the RDBN. An application to MoTT would be required to move the subdivision proposal forward.

## Related Applications

In 2024, the RDBN received Notice of Work Referral from the Province (No. 2000419) under the *Mines Act* for the development of a rock quarry on 2 hectares of the subject property (See Attachments for staff report). At the time of the writing of this report, the status of this permit application is unknown.

## Referrals

The RDBN is referring this application to MoTT, Stelat'en First Nation, Nadleh Whut'en First Nation, the Village of Fraser Lake, School District No. 91 (Nechako Lakes), the Electoral Area D Advisory Planning Commission, and RDBN Protective Services.

## ATTACHMENTS:

- H1 and RR1 Zone Excerpts from Zoning Bylaw ([link](#))
- Parkland Dedication and Fire Smart Excerpts from OCP ([link](#))
- Applicant's proposed subdivision documents ([link](#))
- May 23, 2024 Boad Report for Notice of Work Referral No. 2000419 ([link](#))