



## REGIONAL DISTRICT OF BULKLEY-NECHAKO

### Planning Department Referral Report

FILE No. RZ A-01-25

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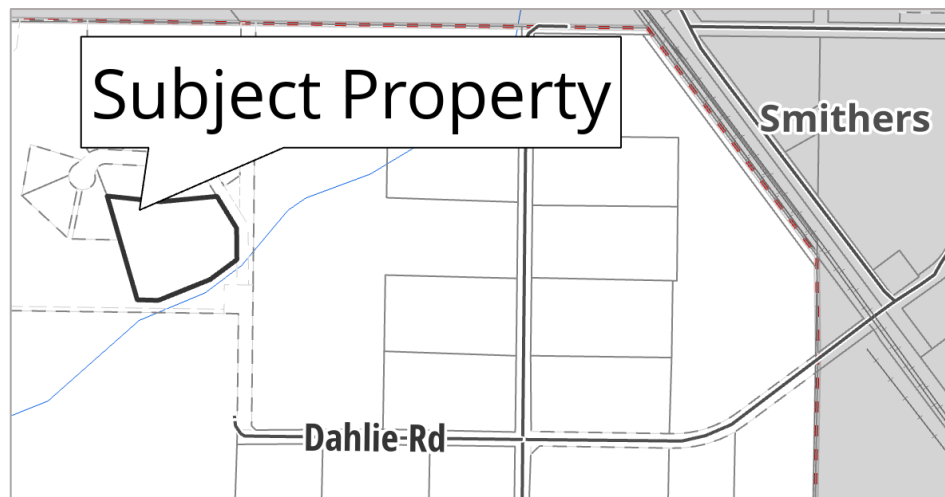
#### APPLICATION SUMMARY

- Name of Agent / Owner:** Teresa Bradley (owner)
- Electoral Area:** Electoral Area A (Smithers/Telkwa Rural)
- Subject Properties:** 2803 Dahlie Road, legally described as Lot A, District Lot 4267, Range 5, Coast District, Plan EPP54442 (PID 029-883-237)
- Property Size:** Approximately 1.91 ha (~4.72 ac)
- OCP Designation:** Rural Residential (RR) pursuant to “Smithers Telkwa Rural Official Community Plan, Bylaw No. 1704, 2014” (the OCP)
- Zoning:** Rural Residential Zone (R6) pursuant to “Regional District of Bulkley-Nechako Zoning Bylaw No. 1800, 2020” (the Zoning Bylaw)
- Existing Land Uses:** Single Family Dwelling
- Location:** Approximately 240 metres southwest of the Town of Smithers. The subject property abuts a nine lot residential strata subdivision.

#### Location Map:

##### Proposal:

The applicant is requesting to rezone the subject property from the Rural Residential Zone (R6) to the Small Holdings Zone (H1) to allow a second Single Family Dwelling (SFD). They want a second SFD for use by themselves or a relative, while maintaining agriculture as a permitted use.



#### DISCUSSION:

There is an approximately 176 m<sup>2</sup> (~1,895 ft<sup>2</sup>) Single Family Dwelling and two-vehicle garage located on the subject property. There is no Secondary Suite within the Single Family

Dwelling. There is an access easement through the subject property for a neighbouring nine-lot bare land strata development.

The applicant has the ability, via a Right-of-Way (RoW) on title (RoW CA5557648) to connect to the sewerage and water systems of the abutting strata development.

### **Official Community Plan (OCP)**

This property is designated Rural Residential (RR) pursuant to the OCP. The intent of the RR designation is to provide opportunities for people to live in a rural setting while protecting and preserving the rural character of the area. Properties requiring a higher level of community services, such as water and sewer systems (not including bare land strata developments) will be directed into the Town of Smithers and the Village of Telkwa.



Section 3.4.2 of the OCP contains the following RR designation policies that relate to this proposal:

*“(1) Residential (fee simple and bare land strata) subdivisions, agriculture, recreational and other unobtrusive uses may be permitted in the Rural Residential designation.”*

*“(3) The Regional District will not take responsibility for the operation, maintenance or funding of any water or sewer system associated with residential development.*

*“(4) Rezoning applications to allow a subdivision that relies on privately operated community sewer or water systems shall not be supported.”*

Section 4.6 of the OCP contains Environmental Hazards and Protection policies that relate to this proposal:

*“(6) When rezoning to allow subdivision and/or development in areas that are known to have potential hazards, the proper scientific assessments are to be required at the rezoning or subdivision stage to ensure the area is appropriate for development and to mitigate safety concerns and the potential for damage to property.*

*“(7) Rezoning to allow subdivision and/or development in a known hazard area or down slope from a hazard area, will not be supported if it cannot be demonstrated by a qualified person that measures will be taken to remediate the hazard, make the*

*development capable of withstanding the effects of the hazard in a manner that requires minimal maintenance, and to protect adjacent properties from possible impacts.”*

#### Dahlie Creek - Floodplain Covenant

Pursuant to Section 215 of the *Local Title Act*, a floodplain setback and elevation Covenant TG10571 is registered on the subject property. To summarize, the covenant prohibits:

- the construction of a building within fifteen (15.0) metres of the natural boundary of Dahlie Creek, regardless of natural elevation, and
- the habitation, business use, or storage of goods damageable by floodwaters in a building or structure at an elevation less than 1.5 m (based on the underside of the floor system) above the natural boundary of Dahlie Creek.

#### Geotechnical Hazard Covenant

The subject property was created by the subdivision of a larger property in 2015. As part of the requirements for that subdivision, a geotechnical report was required to review the risks of hazards on the subject property if it were to be subdivided. In the geotechnical report summary, it states, *“it is our professional opinion that all the land contained within the proposed Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and Lot A is geotechnically safe from geohazards”* and assessed the hazards for landslides, avalanche, debris flood, debris flow, and flooding. Planning Staff note that “Lot A” references the subject property being considered for rezoning.

Neither the Province nor the RDBN have a policy related to the acceptable risk thresholds for hazards. At that time of subdivision, the Ministry of Transportation and Transit assessed the geotechnical report and accepted it as meeting subdivision requirements for the subject property, with the same level of permitted Dwelling Unit density that is being proposed in this rezoning proposal. The Covenant also states that the report does not prevent a Building Official from exercising their authority under Section 56 of the *Community Charter* to require a geotechnical report at the construction of a building or other structure.

Section 4.7 of the OCP contains Fire Smart Development Policies and OCP Schedule “C” – Ecological Wildlife Values Map identify the property as having moderate value deer range under the local Land and Resource Management Plan. Given this, staff have shared this information with the applicant and provided the applicant with RDBN’s Sustainable Rural Land Development Checklist.

### **Current & Proposed Zoning**

#### Current Zone

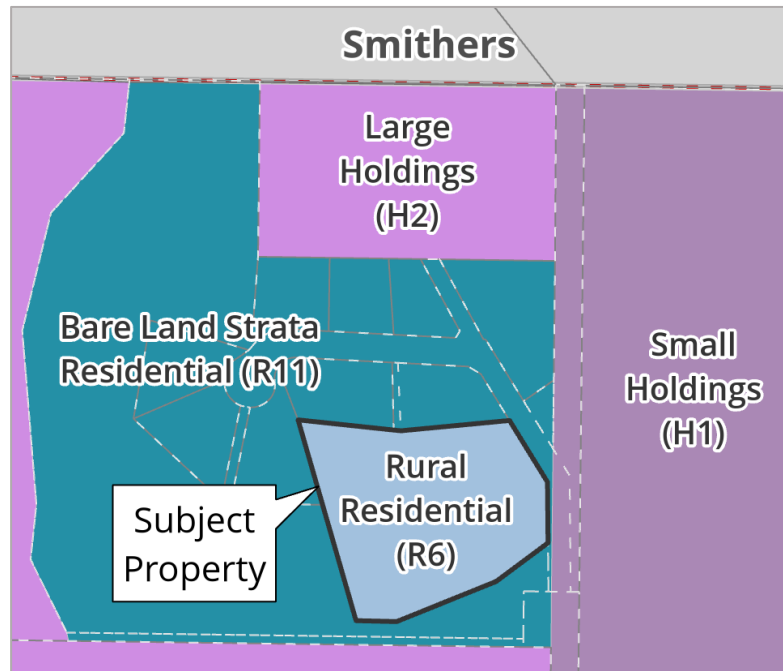
The subject property is zoned R6 in the Zoning Bylaw. This Zone permits a maximum of two Dwelling Units in the following configurations:

- one Single Family Dwelling (SFD) with or without a Secondary Suite, or
- one Two Family Dwelling (for example, a duplex).

Proposed Zone

The applicant is requesting to rezone to H1. For parcels 4 ha (~9.88 ac) or smaller, H1 permits a maximum density of two Dwelling Units. These Dwelling Units may take the following forms:

- one Two Family Dwelling, or
- two SFDs, or
- one SFD with a Secondary Suite.



The combined Total Floor Area of the two dwelling must not exceed 600 m<sup>2</sup> (6,458 ft<sup>2</sup>).

The applicant’s proposed rezoning from R6 to H1 does not increase the total number of proposed Dwelling Units but would add Agriculture as a permitted Principal Use. The applicant noted they have raised livestock and would like to be able to continue this practice in the future.

The H1 Zone has a minimum area requirement for parcels created at subdivision of 2 ha (4.94 ac). While this minimum parcel area is only a requirement at the subdivision stage, appropriateness of parcel area is a typical consideration during the rezoning review process. The subject property is approximately 1.91 ha (~4.72 ac).

**REFERRALS & PUBLIC HEARING REQUIREMENTS**

The RDBN is referring this application to the Town of Smithers, the Electoral Area A Advisory Planning Commission (APC), and the RDBN Building Inspection.

When a Local Government Must Not Hold a Public Hearing

Pursuant to Section 464(3) of the *Local Government Act (LGA)*, “[a] local government must not hold a public hearing on a proposed zoning bylaw if

- (a) an official community plan is in effect for the area that is the subject of the zoning bylaw,
- (b) the bylaw is consistent with the official community plan,

*(c) the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development, and*

*(d) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development."*

The applicant's proposed rezoning meets the requirements of Section 464(3) of the LGA; therefore, a public hearing would not be permitted.

**ATTACHMENT:**

- R6 and H1 Zones

**SECTION 10.0 - RURAL RESIDENTIAL ZONE (R6)**10.0.1 Permitted Uses

1. Principal Uses
  - a) Single Family Dwelling
  - b) Two Family Dwelling
2. Secondary Uses
  - a) Agriculture

10.0.2 Density

1. Not more than one Single Family Dwelling or one Two Family Dwelling shall be located on a Parcel.

10.0.3 Parcel Area

1. The minimum Parcel area that may be created by subdivision is 1 hectare (2.47 acres).

10.0.4 Setback

1. No Structure or part thereof, shall be located within the setback prescribed below:
  - a) 7.5 metres (24.60 feet) from the Front and Rear Parcel Lines;
  - b) 3 metres (9.84 feet) from each Side Parcel Line which does not abut a Highway;
  - c) 4.5 metres (14.76 feet) from any Parcel Line which abuts a Highway.

**SECTION 14.0 - SMALL HOLDINGS ZONE (H1)**14.0.1 Permitted Uses

1. Principal Uses
  - a) Agriculture
  - b) Single Family Dwelling
  - c) Two Family Dwelling
  - d) Recreational Vehicle Storage in a building with a maximum Gross Floor Area of 149 square metres only on the Parcel legally described as District Lot 2022A, Range 5, Coast District, Except Plans 1152, 6141 and 9568.
  - e) Recreational Vehicle Storage in buildings with a total maximum Gross Floor Area of 1,400 square metres only on the Parcel legally described as Lot 2, District Lot 1141, Cariboo District, Plan 25405.
  - f) Veterinary Clinic only on the Parcel legally described as Lot 2, District Lot 2511, Range 5, Coast District, Plan 3885, Except Any Portion of the Right of Way of the Dominion Telegraph Line Having a Width of 100 Feet Which May Lie Within the Boundaries of This Land and Except Plan 8676.
2. Secondary Uses
  - a) Kenel on a Parcel that has an area equal to or greater than 2 hectares (4.94 acres) and a Single Family or Two Family Dwelling is the Principal Use.
  - b) Taxidermy Shop on the Parcel legally described as Lot A, Section 2, Township 1A Range 5, Coast District, Plan PRP43278 provided that a Single Family or Two Family Dwelling is the Principal Use.

14.0.2 Density

1. Not more than two Dwelling Units shall be located on a Parcel which is less than 4 hectares (9.88 acres) in area.
2. Not more than three Dwelling Units shall be located on a Parcel which is 4 hectares (9.88 acres) in area or greater.
3. Not more than two Single Family Dwellings shall be located on a Parcel which is 4 hectares (9.88 acres) in area or greater."

14.0.3 Limitations on Use

1. The maximum combined Total Floor Area permitted for all Dwelling Units on a Parcel is 600 square metres (6,458 square feet).

14.0.4 Parcel Area

1. The minimum Parcel area that may be created by subdivision is 2 hectares (4.94 acres).

14.0.5 Setbacks

1. No Structure or part thereof, shall be located within the setback prescribed below:

- a) 7.5 metres (24.60 feet) from the Front and [Rear Parcel Lines](#);
- b) 5 metres (16.40 feet) from each [Side Parcel Line](#) which does not abut a [Highway](#);
- c) 7.5 metres (24.60 feet) from any [Parcel Line](#) which abuts a [Highway](#).