



**PEACE RIVER REGIONAL DISTRICT
DEVELOPMENT SERVICES
OCP & ZONING AMENDMENT REPORT
BYLAW No. 2328 & 2329, 2018 (GRAHAM)
3rd Reading & Adoption**

OWNER:	Ronald, Nora & Michael Graham	DATE: October 30, 2018
AREA:	Electoral Area D	FILE NO. 18-078
LEGAL:	The Southeast ¼ of Section 28, Township 80, Range 14, W6M, PRD	
LOT SIZE:	62.2 ha (153.6 ac)	
LOCATION:	Doe River	

PROPOSAL:
To amend an approximate 5.1 ha (12.6 ac) portion of the subject property from “Agricultural-Rural” to “Residential” within the Peace River Regional District Rural Official Community Plan Bylaw No. 1940, 2011 and to rezone from “A-2” (Large Agricultural Holdings Zone) to “RR-2” (Rural Residential 2 Zone) within Dawson Creek Rural Area Zoning Bylaw No. 479, 1986.

- RECOMMENDATION: [ALL DIRECTORS – CORPORATE UNWEIGHTED]**
1. THAT the Regional Board read OCP Amendment Bylaw No.2328, 2018 for a third time.
 2. THAT the Regional Board adopt OCP Amendment Bylaw No.2328, 2018.
 3. THAT the Regional Board read Zoning Amendment Bylaw No.2329, 2018 for a third time.
 4. THAT the Regional Board adopt Zoning Amendment Bylaw No.2329, 2018.

ALTERNATIVE OPTIONS

1. THAT the Regional Board refuse the application as submitted.

SUMMARY OF APPLICATION PROCEDURE

Application received.	February 22, 2018
Application and draft bylaws circulated to municipalities and provincial agencies.	August 15, 2018
PRRD Board gives bylaw 1 st & 2 nd Reading and authorizes Public Hearing.	September 27, 2018
Public Hearing Notification published as follows: <ul style="list-style-type: none"> • Posted to the new PRRD website (October 5) • Mailed to landowners within notification area (October 5) • Advertised in the Northern Horizon newspaper (October 12) • Advertised in the Mirror (October 11 & October 18) • Posted to the PRRD Facebook page (October 19 & October 22) • Advertised on Energetic City website (October 22 – October 24) 	October 2018
Public Hearing takes place at the Doe River Community Hall, 3816 Rolla Road, Doe River BC	October 23, 2018

Department Head

CAO

PUBLIC HEARING

A Public Hearing was held on October 23, 2018, at the Doe River Community Hall, Doe River, BC. *The minutes of the Public Hearing are attached to this report.*

COMMENTS RECEIVED FROM THE PUBLIC

No comments were received from the public.

LAND USE POLICIES AND REGULATIONS

OFFICIAL COMMUNITY PLAN (OCP):	'Agricultural- Rural', PRRD Rural OCP Bylaw No. 1940, 2011.
ZONING:	A-2 (Large Agricultural Holdings Zone), PRRD Zoning Bylaw No. 1343, 2001.
AGRICULTURAL LAND RESERVE (ALR):	Within
BUILDING INSPECTION AREA:	Outside Mandatory Building Permit Area
FIRE PROTECTION AREA:	Outside all Fire Protection Areas

SITE CONTEXT

The subject property is located North of Rolla and South of the Doe River Community Hall along the Rolla Road. The general area consists mostly of larger agricultural parcels, however there is observations of smaller rural lots. Predominant land uses are agriculture and oil and gas.

SITE FEATURES

LAND:	Based on aerial photograph interpretation, the property is mostly cleared for agricultural use, some forested areas are observed in low lying portions of the property.
STRUCTURES:	The property has two residences, concrete shop, outbuildings.
ACCESS:	The property is accessed from Rolla Road.
CLI SOIL RATING:	Class 2 _c soils. Class 2 soils have moderate limitations that restrict the range of crops or require moderate conservation practices. Subclass c denotes adverse climate.

COMMENTS AND OBSERVATIONS

APPLICANT: It is the intent of the landowners to subdivide the subject property into two lots. The applicants have an agreement of purchase/sale, subject to all the approval and completion of this proposal. The remainder 5.1 ha lot will be easier to sell.

Staff Comment:

A contract of purchase and sale has been provided to PRRD staff documenting the intent of Mattson Farms Ltd. to purchase the proposed 56.6 ha (140 acres) farmland portion and consolidate it with the quarter section to the west, SW ¼ of Section 28 Township 80 Range 14. The document is not attached to the report for confidentiality reasons.

ALR: The subject property is within the ALR. The ALC approved the ALR Subdivision with conditions (*see attached ALC letter*) application on May 10, 2018, Resolution #153/2018.

OCP: PRRD Rural Official Community Plan Bylaw No. 1940, 2011

Section 7.0 Policy 3

Within the Agriculture - Rural designation the minimum parcel size will not be less than 63 ha (155 acres)

Comment:

- *There are no policy exceptions that apply to this proposed subdivision application.*

Based on the stated policies, this proposal is inconsistent with this OCP, which is the reason for this OCP amendment.

ZONING: Dawson Creek Rural Area Zoning Bylaw No. 479, 1986:

The subject property is zoned A-2 (Large Agricultural Holdings Zone). This zone has a minimum parcel size of 63 ha (155 ac).

This proposal is not consistent with Zoning, which is the reason for this zoning amendment.

WATER & SEWER: The applicant has stated that the main residence has a cistern but is also connected to the dugout for an optional water supply, and a septic and lagoon for sewage. The secondary home has a separate cistern and lagoon for services.

IMPACT ANALYSIS

AGRICULTURE: The proposal could impact the agricultural use of both the proposed OCP and zoning amendment area, and the remainder property as it could increase conflict with adjoining agricultural parcels, however not foreseen. The proposal does not dissect any present agricultural fields and grazing of livestock can still be accomplished.

CONTEXT: This area consists mainly of larger rural lots, however there are a few smaller rural lots in the general area of the subject parcel. The proposal may have minimal impact on the agricultural practices surrounding the parcel, however not foreseen. The proposal will not divide any current cleared agricultural lands. It is noted that this parcel is a homestead property of the family since 1945.

POPULATION & TRAFFIC The population could increase by an average of 7.8 people and 6 vehicles in Electoral Area D. This density is calculated by a population average of 2.6 people (based on Stats Can 2016 census estimate) per dwelling in Electoral Area D and about 2 vehicles per dwelling. If the proposed subdivisions are approved the maximum number of additional dwellings that is permitted without an ALR Non-Farm Use application is two residences and one temporary dwelling on the remaining proposed lot. Currently the parcel allows two dwellings and one temporary dwelling.

COMMENTS RECEIVED FROM MUNICIPALITIES AND PROVINCIAL AGENCIES

CITY OF DAWSON CREEK: Our Interests are unaffected

CITY OF FORT. ST. JOHN: Interests unaffected by bylaw. No comments, Thank you for the supplemental information.

OIL & GAS COMMISSION Interests unaffected by bylaw. As no change to existing use is expected, there is no concern of impact to oil & gas activities in proximity to the subject property.

DISTRICT OF TAYLOR: Interests unaffected by bylaw.

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: The Ministry of Transportation and Infrastructure (MoTI) has received and reviewed your referral dated August 15, 2018 to amend an approximate 5.1 ha (12.6 ac) portion of the subject property, located within the SE 1/4 OF SEC 28 TP 80 R 14 W6M PEACE RIVER, from "Agricultural-Rural" to "Residential" within the Peace River Regional District Rural Official Community Plan Bylaw No. 1940, 2011

and to rezone from “A-2” (Large Agricultural Holdings Zone) to “RR-2” (Rural Residential 2 Zone) within Dawson Creek Rural Area Zoning Bylaw No. 479, 1986. The property does not fall within Section 52 of the Transportation Act and will not require Ministry of Transportation and Infrastructure formal approval. The Ministry has no objections to the amendment.

Please note the applicant has applied for a subdivision and the Agricultural Land Commission may have interest in your decision with regards to ALC Resolution #55/2018.

**AGRICULTURAL LAND
COMMISSION:**

Thank you for the bylaw referral noted above pertaining to ALC File #56615

This is to advise that the ALC has no objection to the proposed bylaw amendments on the grounds they are consistent with the ALC’s decision to conditionally allow subdivision of a 5.1 ha lot (by Resolution #55/2018) subject to consolidation of the remainder with the adjoining parcel. That said, endorsing the amended bylaw does not commit the ALC to permit non-farm uses not permitted by the ALC Act and regulation that may be permitted in the amended zone(s), nor does it commit the ALC to permitting any additional subdivision of the subject property, even though additional subdivision may be permitted by the amended zone(s).

NORTHERN HEALTH:

Based on the intended use of the Application, **Northern Health has no objections to approval**, subject to the conditions listed below.

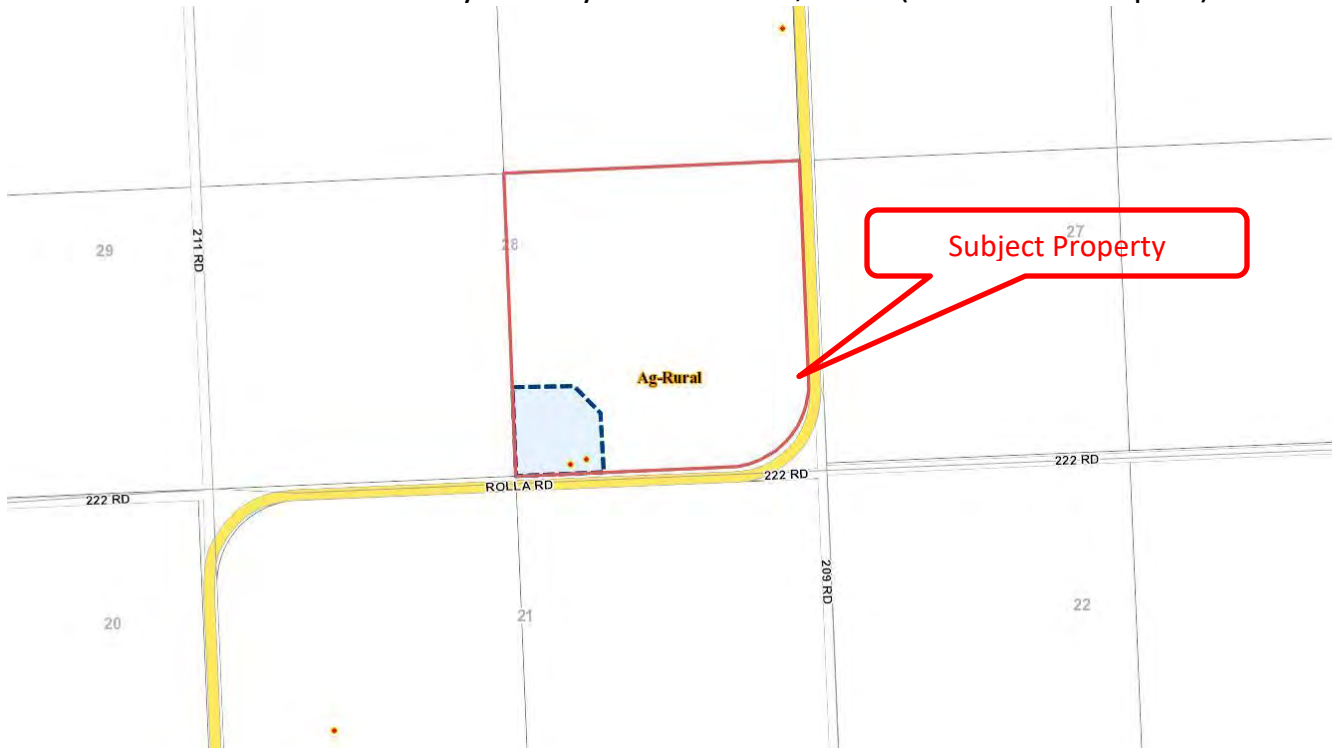
- Must adhere the BC Public Health Act and all regulations under the BC Public Health act that may apply. As per the BC Public Health Act, the operator must not create a health hazard.
- As per the BC Public Health Act, If the operator is required by regulation to have a license or permit to engage in a regulated activity, such as the installation of a sewerage system, holding tank, drinking water system or construction/ operation of a food establishment, the operator must obtain such licence or permit by submitting the appropriate application to the health officer prior to construction or operation of the regulated activity.
- As per the BC Public Health Act, an operator who engages in a regulated activity must comply with any requirement or duty set out in a regulation respecting the regulated activity. In addition, the operator must ensure that employees are adequately trained and sufficiently equipped to recognize, prevent and respond to health hazards that may arise when engaging in a regulated activity.
- As per the Drinking Water Protection Act, the operator must ensure that any wetlands, stream or drinking water wells that may be located in the area are protected from all possible sources of contamination during construction and operation.

ATTACHMENTS:

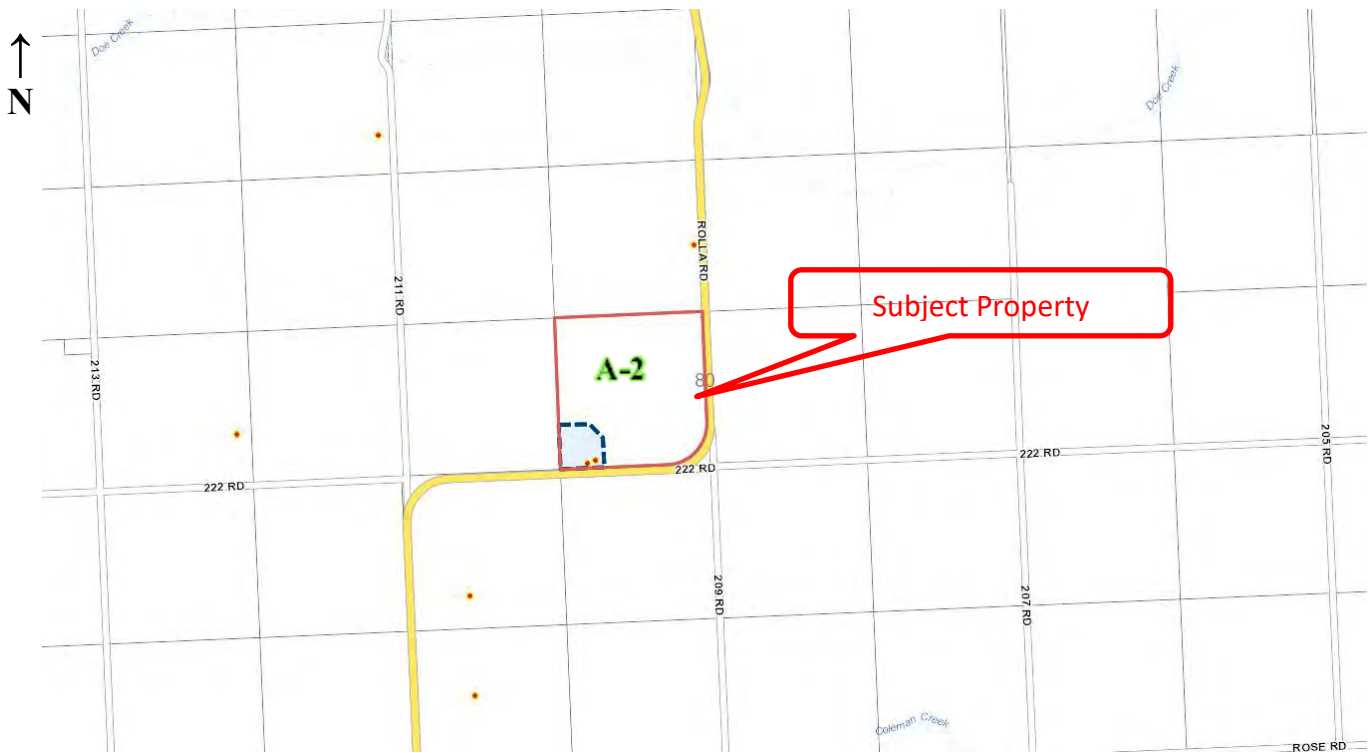
1. Maps
2. OCP & Zoning Application
3. The ALC letter(s) and Resolution
4. Director Comments
5. Public Hearing Notice
6. Public Hearing Minutes
7. Bylaws



PRRD Rural Official Community Plan Bylaw No. 1940, 2011 (Schedule B Map 20)



Dawson Creek Rural Area Zoning Bylaw No. 479, 1986 (Schedule B Map 1-A)

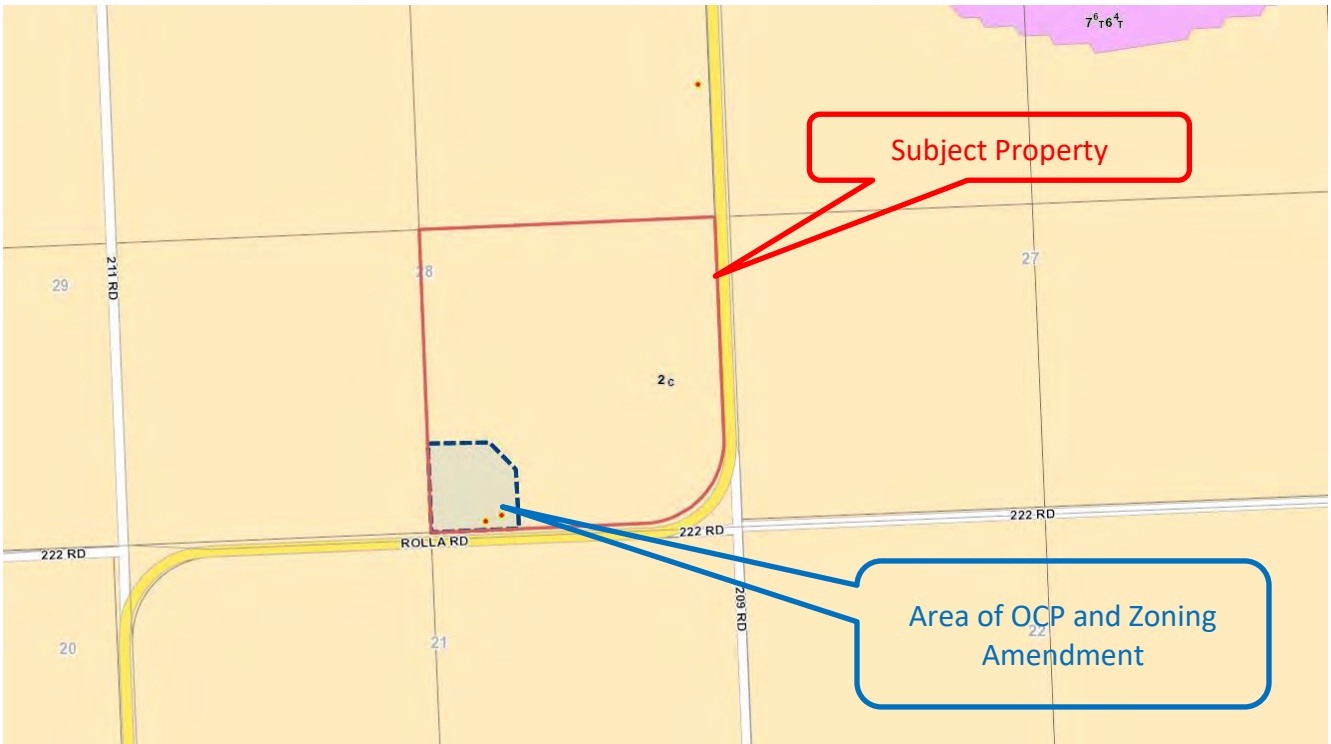




Agricultural Land Reserve



Soil Classification





PEACE RIVER REGIONAL DISTRICT

DAWSON CREEK 1981 Alaska Avenue (Box 810), Dawson Creek, BC (T) 250-784-3200..(F) 250-784-3201
 FORT ST. JOHN 9505 100TH Street, Fort St. John, BC V1J 4N4 (T) 250-785-8084 (F) 250-785-1125
 [Toll Free: 1-800-670-7773]

Receipt # _____

Application for Development

1. TYPE OF APPLICATION

	FEE
<input type="checkbox"/> Official Community Plan Bylaw Amendment	\$ 1,000.00
<input type="checkbox"/> Zoning Bylaw Amendment	650.00
<input checked="" type="checkbox"/> Official Community Plan / Zoning Bylaw Amendment combined	1,050.00
<input type="checkbox"/> Temporary Use Permit	350.00
<input type="checkbox"/> Development Permit	165.00
<input type="checkbox"/> Development Variance Permit	165.00
<input checked="" type="checkbox"/> Sign requirement	150.00

In regard to applications for:

- i) an official community plan and/or zoning bylaw amendment;
- ii) temporary use permit;

Sign provided by the PRRD and sign posted pursuant to Section 8 of Bylaw No. 2165, 2016, **attached**.

2. PLEASE PRINT

Property Owner's Name <i>RONALD & NORA LYNN GRAHAM MICHAEL GRAHAM</i>	Authorized Agent of Owner (if applicable) <i>RONALD GRAHAM</i>
Address of Owner <i>10763 EASTGLEN CLOSE</i>	Address of Agent <i>10763 EASTGLEN CLOSE</i>
City/Town/Village <i>SURREY, BC</i>	City/Town/Village <i>SURREY, BC</i>
Postal Code <i>V4N 4S2</i>	Postal Code <i>V4N 4S2</i>
Telephone Number [redacted]	Telephone Number [redacted]
Fax Number: [redacted]	Fax Number: [redacted]
E-mail: [redacted]	E-mail: [redacted]

3. PROPERTY DESCRIPTION

Full legal description of each property under application	Area of each lot	ha./acres
<i>SE 28 80 14 W 6 (LOT A)</i>	<i>± 5.1 ha</i>	
		ha./acres
		ha./acres
	TOTAL AREA	ha./acres

Notice of collection of personal information:

Personal information on this form is collected for the purpose of processing this application. The personal information is collected under the authority of the Local Government Act and the bylaws of the PRRD. Documentation/Information submitted in support of this application can be made available for public inspection pursuant to the Freedom of Information and Protection of Privacy Act.

4. Civic Address or location of property: 4395 ROLLA RD., ROLLA, BC

5. PARTICULARS OF PROPOSED AMENDMENT

Please check the box(es) that apply to your proposal:

Official Community Plan (OCP) Bylaw amendment:

Existing OCP designation: AGRICULTURE - RURAL

Proposed OCP designation: RESIDENTIAL

Text amendment: _____

Zoning Bylaw amendment:

Existing zone: AGRICULTURE - 2

Proposed zone: RURAL RESIDENTIAL

Text amendment: _____

Development Variance Permit – describe proposed variance request:

N/A.

Temporary Use Permit – describe proposed use:

N/A.

Development Permit: N/A. Bylaw No. _____ Section No. _____

6. Describe the existing use and buildings on the subject property:

TWO HOUSES, BOTH RENTED TO TENANTS. LARGE SHOP USED BY TENANTS. VARIOUS OUTBUILDINGS NOT CURRENTLY USED.

7. Describe the existing land use and buildings on all lots adjacent to and surrounding the subject property:

(a) North AGRICULTURE AND RESIDENCE

(b) East AGRICULTURE ONLY

(c) South AGRICULTURE ONLY

(d) West AGRICULTURE ONLY

8. Describe the proposed development of the subject property. Attach a separate sheet if necessary:

TO CONTINUE TO BE USED AS RESIDENTIAL.

9. Reasons and comments in support of the application. Attach a separate sheet if necessary:

AS WE NO LONGER LIVE IN THE AREA, WE WANT TO SUB-DIVIDE OF THE FARM LAND (57.1 ha) AND SELL IT TO MATSON FARMS LTD. WE CURRENTLY HAVE AN AGREEMENT OF PURCHASE/SALE, SUBJECT TO ALL APPROVAL/COMPLETION. THE REMAINING 5.1^{ha} ACREAGE WILL BE EASIER TO SELL.

10. Describe the means of sewage disposal for the development:

THIS IS NOT A NEW DEVELOPMENT. CURRENTLY BOTH HOUSES HAVE SEPARATE SEWAGE DISPOSAL. THE MAIN HOUSE HAS A SEPTIC TANK & LAGOON. THE SMALLER HOUSE HAS IT'S OWN LAGOON.

11. Describe the means of water supply for the development:

BOTH HOUSES HAVE THEIR OWN CISTERNS. THE MAIN HOUSE IS ALSO CONNECTED TO THE LARGE DUG-OUT FOR AN OPTIONAL WATER SUPPLY.


THE FOLLOWING INFORMATION IS REQUIRED. FAILURE TO PROVIDE MAY DELAY YOUR APPLICATION.

- 12. Proof of ownership of the subject property or properties. (For example: Certificate of State of Title, BC Land Title Office Property Title Search or recent Property Tax Notice.)
- 13. A Sketch Plan of the subject property or properties, showing:
 - (a) the legal boundaries and dimensions of the subject property;
 - (b) boundaries, dimensions and area of any proposed lots (if subdivision is being proposed);
 - (c) the location of existing buildings and structures on the subject property, with distances to property lines;
 - (d) the location of any proposed buildings, structures, or additions thereto, with distances to property lines; *N/A NONE PROPOSED*
 - (e) the location of any existing sewage disposal systems;
 - (f) the location of any existing or proposed water source.

ADDITIONAL OR MORE DETAILED INFORMATION MAY BE REQUESTED BY THE PEACE RIVER REGIONAL DISTRICT FOLLOWING REVIEW OF YOUR APPLICATION.

If it is necessary for the property boundaries and the location of buildings and structures to be more accurately defined, a plan prepared by a British Columbia Land Surveyor may be required.


- 15. I / We the undersigned hereby declare that the information provided in this application is complete and is, to the best of my / our knowledge, a true statement of the facts related to this application.



Signature of Owner

Feb 21, 2018

Date signed



Signature of Owner

Feb 21, 2018


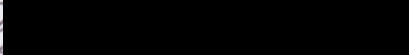
Date signed



Feb 21, 2018

16. **AGENT'S AUTHORIZATION**

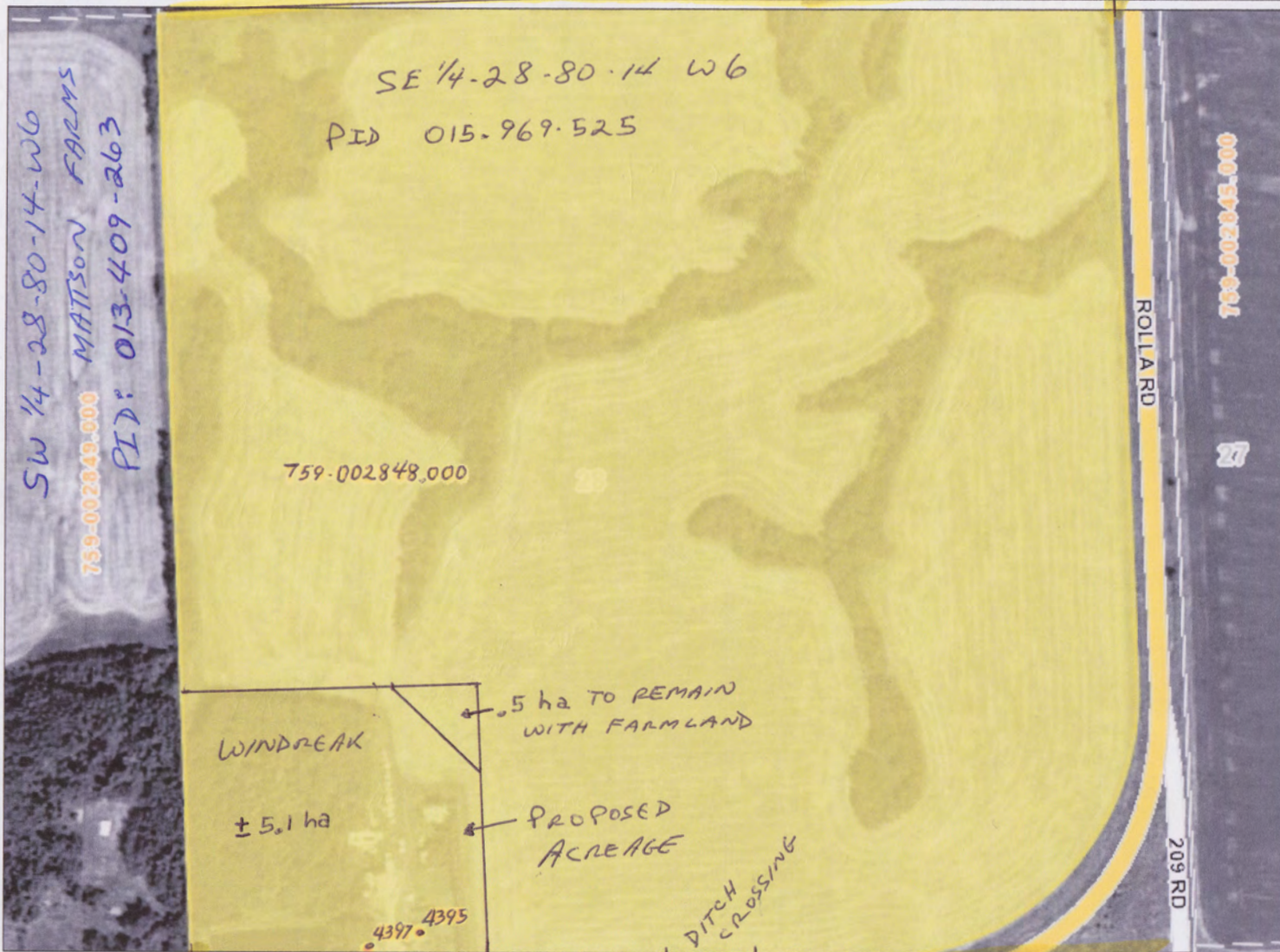
If you have an agent act on your behalf in submission of this application, the following authorization **MUST** be signed by **ALL** property owners.

I / We <u>NORA LYNN GRAHAM</u> and <u>MICHAEL GRAHAM</u> hereby authorize		
(name) <u>RONALD GRAHAM</u> to act on my/our behalf regarding this application.		
Agent address: <u>10763 EAST GLEN CLOSE, SURREY, BC V4N 4S2</u>		
Telephone: <u>[redacted]</u>	Fax: <u>[redacted]</u>	Email: <u>[redacted]</u>
Signature of Owner: 	Date: <u>Feb 21 / 2018</u>	
Signature of Owner: 	Date: <u>Feb 21 / 2018</u>	

Feb 21, 2018



Peace River Regional District



- Legend**
- Highway Mile Marker
 - Rural Community
 - 911 Civic Address
 - Sections
 - Main Roads (> 1:10000)
 - Minor Roads (> 1:10000)
 - Water Course
 - Parcels
 - Regional District Boundary
 - Municipal Boundaries

1: 5,000

254.0 0 127.00 254.0 Meters

NAD_1983_UTM_Zone_10N
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

B-2 a)



November 8, 2018



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

May 10, 2018

ALC File: 56615

Ronald Graham
DELIVERED ELECTRONICALLY

Dear Mr. Graham:

Re: Application 56615 to subdivide land in the Agricultural Land Reserve

Please find attached the Reasons for Decision of the Executive Committee for the above noted application (Resolution #153/2018). As agent, it is your responsibility to notify the applicant accordingly.

Request for Reconsideration of a Decision

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

Please direct further correspondence with respect to this application to Marli Bodhi at Marli.Bodhi@gov.bc.ca.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink that reads 'M. Bodhi' in a cursive style.

Marli Bodhi, Land Use Planner

Enclosures: Reasons for Decision (Resolution #153/2018)
Schedule A: Reasons for decision of the North Panel, Resolution #55/2018
Schedule B: March 8, 2018 Chair Referral of Resolution #55/2018 to the Executive Committee

cc: Peace River Regional District (File: 130/2017)

November 8, 2018



AGRICULTURAL LAND COMMISSION FILE 56615
RECONSIDERATION OF ORIGINAL APPLICATION
REASONS FOR DECISION OF THE EXECUTIVE COMMITTEE

Subdivision application submitted under s. 21(2) of the *Agricultural Land Commission Act*

Applicants: Ronald Graham
Nora Graham
Michael Graham

Agent: Ronald Graham

Property Parcel Identifier: 015-969-525
Legal Description: The South East ¼ Of Section
28, Township 80, Range 14, West Of The Sixth
Meridian, Peace River District
Civic: 4395 Rolla Road, Rolla, BC
Area: 62.2 ha

Executive Committee: Frank Leonard, Chair
Richard Mumford, Interior Panel
Linda Michaluk, Island Panel
Dave Merz, North Panel
Gerald Zimmerman, Okanagan Panel



OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA). The Property is located within Zone 2 as defined in s. 4.2 of the ALCA.
- [2] Pursuant to **s. 21(2)** of the ALCA, the Applicants are applying to the Agricultural Land Commission (the "Commission") to subdivide the Property into one 5.6 ha lot ("Proposed Lot A") and one 56.6 ha lot ("Proposed Lot B") (the "Proposal").
- [3] By Resolution #55/2018, dated February 13, 2018, the North Panel approved the Proposal (the Original Decision).
- [4] On March 8, 2018, Resolution #55/2018 was referred by the Chair to the Executive Committee of the Commission under s. 33.1 of the ALCA.
- [5] The Proposal was considered in the context of s. 4.3 of the ALCA, which states:

When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:

- (a) The purposes of the commission set out in section 6;*
- (b) Economic, cultural and social values;*
- (c) Regional and community planning objectives;*
- (d) Other prescribed considerations*

The purposes of the Commission set out in s. 6 of the ALCA are:

- (a) To preserve agricultural land;*
- (b) To encourage farming on agricultural land in collaboration with other communities of interest; and,*



Reasons for Decision of the Executive Committee
Reconsideration of Resolution #55/2018, Application 56615

- (c) *To encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.*

EVIDENTIARY RECORD BEFORE THE EXECUTIVE COMMITTEE

[6] The Executive Committee considered the following evidence:

1. The Proposal along with related documentation from the Applicants, Agent, local government, and Commission, collectively referred to as the "Application";
2. Reasons for decision of the North Panel, Resolution #55/2018; and
3. The Chair Referral of Resolution #55/2018 to the Executive Committee, dated March 8, 2018.

All documentation noted herein has been disclosed to the Agent in advance of this decision.

FINDINGS

[7] The Executive Committee confirms the North Panel's finding as outlined in Schedule A and confirms Resolution #55/2018.

DECISION

[8] The Executive Committee confirms Resolution #55/2018 and its conditions outlined Schedule A.

[9] When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the subdivision plan.

[10] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.



Reasons for Decision of the Executive Committee
Reconsideration of Resolution #55/2018, Application 56615

[11] These are the unanimous reasons of the Executive Committee of the Agricultural Land Commission.

[12] A decision of the Executive Committee is a decision of the Commission pursuant to s. 10(3) of the *Agricultural Land Commission Act*.

[13] Resolution #153/2018
Released on May 10, 2018

A handwritten signature in black ink that reads "Frank Leonard".

Frank Leonard, Chair,
On behalf of the Executive Committee



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

February 13, 2018

ALC File: 56615

Ronald Graham
DELIVERED ELECTRONICALLY

Dear Mr. Graham:

Re: Application 56615 to Subdivide Land in the Agricultural Land Reserve

Please find attached the Reasons for Decision of the North Panel for the above noted application (Resolution #55/2018). As agent, it is your responsibility to notify the applicant accordingly.

Review of Decisions by the Chair

Under section 33.1 of the *Agricultural Land Commission Act* (ALCA), the Chair of the Agricultural Land Commission (the Commission) has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

Request for Reconsideration of a Decision

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

Please direct further correspondence with respect to this application to Marli Bodhi at Marli.Bodhi@gov.bc.ca.

Yours truly,

A handwritten signature in black ink that reads 'M. Bodhi'.

Marli Bodhi, Land Use Planner

Enclosures: Reasons for Decision (Resolution #55/2018)
Schedule A: Decision Map

cc: Peace River Regional District (File: 130/2017)



AGRICULTURAL LAND COMMISSION FILE 56615
REASONS FOR DECISION OF THE NORTH PANEL

Subdivision Application Submitted Under s. 21(2) of the *Agricultural Land Commission Act*

Applicants: Ronald Graham
Nora Graham
Michael Graham

Agent: Ronald Graham

Property: Parcel Identifier: 015-969-525
Legal Description: The South East ¼ Of Section
28, Township 80, Range 14, West Of The Sixth
Meridian Peace River District
Civic: 4395 Rolla Road, Rolla, BC
Area: 62.2 ha

Panel: David Merz, North Panel Chair
James Garnet Berge



OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA). The Property is located within Zone 2 as defined in s. 4.2 of the ALCA.
- [2] The Applicants are applying pursuant to s. 21(2) of the ALCA to the Agricultural Land Commission (the "Commission") to subdivide the Property into one 5.6 ha lot ("Proposed Lot A") and one 56.6 ha lot ("Proposed Lot B") (the "Proposal").
- [3] The first issue the Panel considered in the Proposal is whether the proposed subdivision would impact the agricultural use of the Property.
- [4] The second issue the Panel considered in the Proposal is whether there are any economic, social, cultural, or regional and community planning objectives considerations that contribute to the Panel's review of the subdivision taking into account the priority given to agricultural considerations.
- [5] The Proposal was considered in the context of s. 4.3 of the ALCA, which states:

When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:

- (a) The purposes of the commission set out in section 6;*
- (b) Economic, cultural and social values;*
- (c) Regional and community planning objectives;*
- (d) Other prescribed considerations*

The purposes of the Commission set out in s. 6 of the ALCA are:

- (a) To preserve agricultural land;*
- (b) To encourage farming on agricultural land in collaboration with other communities of interest; and,*



- (c) *To encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.*

EVIDENTIARY RECORD

- [6] The Proposal along with related documentation from the Applicants, Agent, local government, and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Agent in advance of this decision.

BACKGROUND

- [7] The Agent's father purchased the Property in 1945.
- [8] Proposed Lot A contains two existing single-family dwellings that were built in 1961 and 1970, a concrete block shop, various outbuildings, dugout, and garden area.
- [9] In 1985, the Agent's father moved into town and Proposed Lot B was leased and farmed by the owner of an existing farm operation, which is located on the western-adjacent parcel of land (PID: 013-409-263). Since 1985, both single family dwellings have been rented to tenants.
- [10] In 2011, the Agent's father passed away and the Property was gifted to the Agent and his brother. The Agent and the Applicants do not live near the Property and would like to sell the Property, but have had trouble selling it as one unit.
- [11] The owner of the western-adjacent parcel (the "Prospective Purchaser") does not want to manage two rental homes and only wishes to purchase Proposed Lot B. The Applicants and Prospective Purchaser have arranged a sales agreement conditional on the approval of the Proposal. In the sales agreement, the Prospective Purchaser has indicated that they would be amenable to consolidation of Proposed Lot B with their western-adjacent ±64.7 ha parcel of land (PID: 013-409-263) (the "Adjacent Lot").



EVIDENCE AND FINDINGS

Issue 1: Whether the proposed subdivision would impact the agricultural use of the Property.

[12] To assess agricultural capability on the Property, the Panel referred to agricultural capability ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The unimproved agricultural capability rating applicable to the Property is Class 2, more specifically 2C.

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

The limiting subclass associated with this parcel of land is C (adverse climate).

[13] Based on the agricultural capability ratings, the Panel finds that the Property has prime agricultural capability.

[14] The Panel considered that the Prospective Purchaser of Proposed Lot B is already utilizing the land in conjunction with the Adjacent Lot. For this reason, the Panel finds that consolidation of Proposed Lot B with the Adjacent Lot would increase the area of arable land permanently available to the adjacent agricultural operation.

[15] The Panel considered that the Proposal would create a 5.6 ha lot encompassing two dwellings and a cultivable area on the northeast corner of Proposed Lot A. The Panel finds that the cultivable area should remain with Proposed Lot B to ensure that the land has the greatest possibility of being farmed as a large contiguous area. For this reason the Panel is amenable to subdividing a ± 5.1 ha lot with the ± 57.1 ha area being consolidated with the Adjacent Lot (the "Alternate Proposal"). By adjusting the boundaries of the proposed lots to maximize the cultivable area consolidated with the Adjacent Lot, the Panel finds that the Alternate Proposal will not diminish the agricultural use of the Property.



Issue 2: Whether there are any economic, social, cultural, or regional and community planning objectives considerations that contribute to the Panel's review of the subdivision taking into account the priority given to agricultural considerations.

[16] The Application submits that the subdivision provides an economic benefit to the Applicant because *'if [they] were able to sell each piece of property separately, [they] should be able to realize full value for each piece of property.'* In addition, the Application states that it is more difficult to sell the Property as one parcel because *'of the difficulty in buyers obtaining a mortgage for farm land.'* While respectful of the personal economic benefit the Proposal provides, the Panel finds that the Proposal does not provide an economic benefit under s. 4.3 (b) of the ALCA.

[17] The Application submits that the subdivision will provide a social benefit under s. 4.3 (b) of the ALCA because it will be easier to sell Proposed Lot B to owners instead of leasing to tenants: *'permanent residents would no doubt contribute to the community spirit of the area. This is particularly important as the rural population is on decline in this area.'* The Panel finds that the Proposal does not contribute to the social value under s. 4.3 (b) of the ALCA.

[18] The Application did not include any evidence or rationale related to the cultural values.

[19] The Panel considered the subdivision within the context of community and regional planning objectives. The Property is currently zoned as Large Agricultural Holdings (A-2) in the Dawson Creek Rural Area Zoning Bylaw No. 479, wherein the minimum parcel size is 63 ha; therefore, the ± 5.1 ha lot would require rezoning. The Property is currently designated as Agriculture-Rural in the Peace River Regional District Rural Official Community Plan and would require an amendment in order to accommodate the ± 5.1 ha lot. Despite not being consistent with regional and community planning objectives, the Panel finds that the Alternate Proposal for subdivision supports an adjacent agricultural operation and the overall farming community.

**WEIGHING THE FACTORS IN PRIORITY**

[20] While the Alternate Proposal is not consistent with the regional and community planning objectives, the Panel considered that the Alternate Proposal would allow for the continued cultivation of arable land on ± 57.1 ha. In addition, the Panel considered that the Prospective Purchaser has been utilizing ± 57.1 ha in conjunction with the Adjacent Lot, and finds that the use of the ± 57.1 ha would increase the area of arable land permanently available to the adjacent agricultural operation. For these reasons, the Panel made its decision based on agricultural considerations alone.

DECISION

[21] For the reasons given above, the Panel refuses the Proposal to subdivide the Property into a 5.6 ha lot and a 56.6 ha lot.

[22] The Panel approves the Alternate Proposal to create a ± 5.1 ha lot (Approved Lot A) and consolidate the ± 57.1 ha remainder area with the Adjacent Lot (PID: 013-409-263) subject to the following conditions:

- a. the submission of a subdivision plan delineating the area to be subdivided;
- b. the subdivision plan to be in substantial compliance with Schedule A of this decision;
- c. that the rezoning and OCP amendment be forwarded to the ALC for review and comment before first reading; and,
- d. the subdivision plan be completed within three (3) years from the date of release of this decision.

[23] When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the subdivision plan.

[24] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.



[25] These are the unanimous reasons of the Panel.

[26] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.

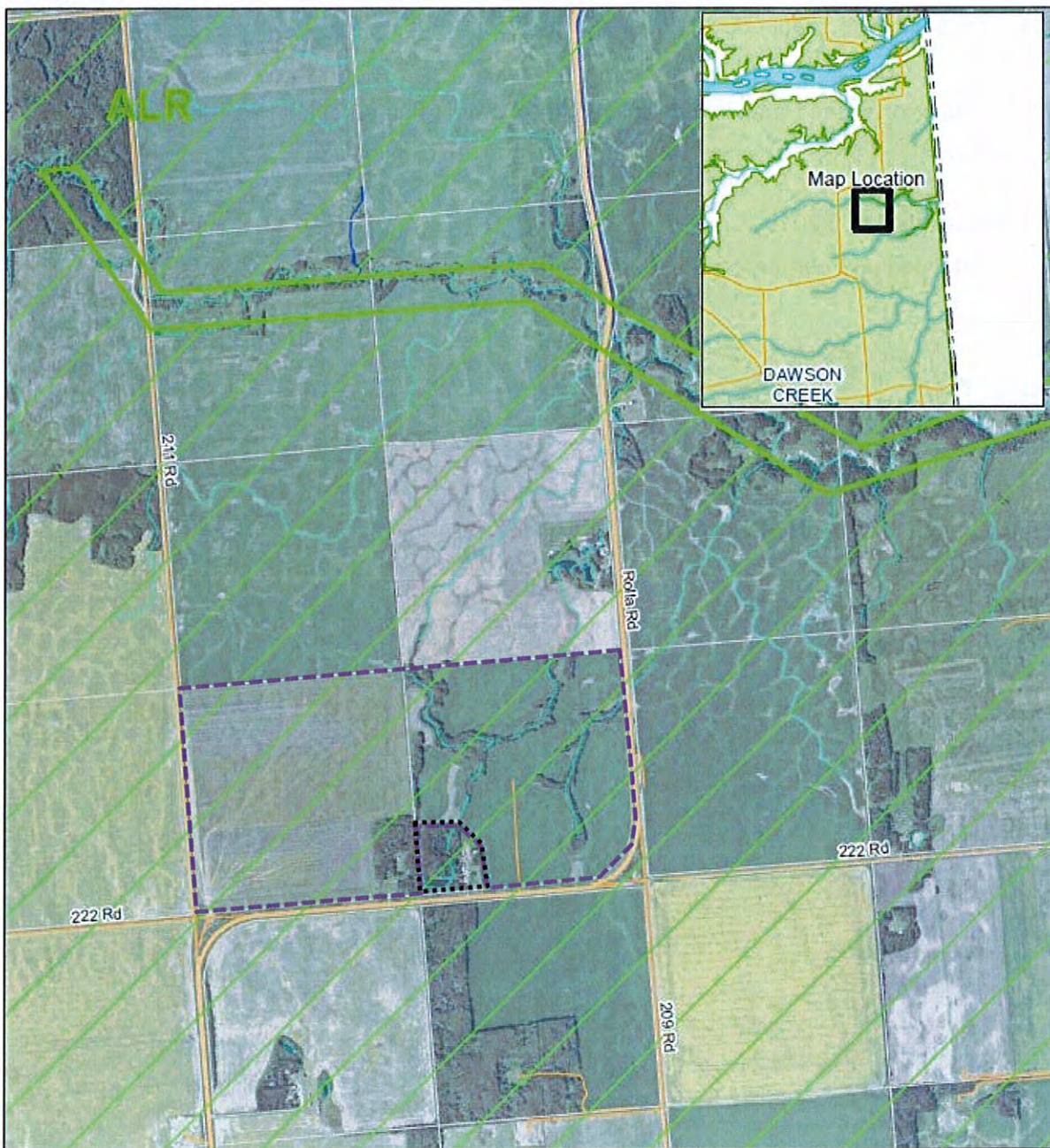
[27] Resolution #55/2018
Released on February 13, 2018

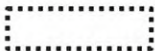

A handwritten signature in black ink, appearing to read "D. Merz", is positioned above the printed name.

David Merz, Panel Chair
On behalf of the North Panel



Schedule A: Agricultural Land Commission Decision Map
ALC File 56615 (Graham)
Conditionally Approved Subdivision and Consolidation
ALC Resolution #55/2018



-  Conditionally Approved Lot A (±5.1 ha)
-  Conditionally Approved Consolidation of ±57.1 ha and ±64.7 ha Adjacent Lot (total ± 121.8 ha)


Agricultural Land Commission

133 – 4940 Canada Way
 Burnaby, British Columbia V5G 4K6
 Tel: 604 660-7000
 Fax: 604 660-7033
 www.alc.gov.bc.ca

March 8, 2018

ALC File: 56615

To: Executive Committee Members
 Provincial Agricultural Land Commission

Whereas:

1. I, Frank Leonard, Chair of the Provincial Agricultural Land Commission (the "Commission") have reviewed the *Reasons for Decision of the North Panel*, recorded as Resolution #55/2018 and released on February 13, 2018 ("the Decision"). A copy of the Decision is attached.
2. Section 33.1 of the *Agricultural Land Commission Act* (the "ALCA") states:

Reconsideration of decisions of panel

- 33.1(1) The chair of the commission may, in writing, direct the executive committee to reconsider a decision made by a panel established under section 11(1) respecting an application or other matter allocated to the panel by the chair of the commission, including a panel's reconsideration of a decision under section 33 (1), if
- (a) the chair considers that the decision
 - (i) may not fulfill the purposes of the commission as set out in section 6, or
 - (ii) does not adequately take into consideration the considerations set out in section 4.3, if applicable, and
 - (b) the chair makes the direction to the executive committee within 60 days of the decision being made.
- (2) If the chair of the commission directs the executive committee to reconsider a decision under subsection (1), the chair must give notice of the reconsideration to any person that the chair considers is affected by the reconsideration.
 - (3) If the chair of the commission directs the executive committee to reconsider a decision under subsection (1), the executive committee must confirm, reverse or vary the decision.
 - (4) For the purposes of subsection (3), the executive committee has all the powers, duties and functions of the commission.
 - (5) A decision by the executive committee under subsection (3) is for all purposes a decision of the commission.

Reconsideration to Executive Committee
Re: ALC File: 56615

3. I consider that the Decision may not properly fulfill the purposes of the Commission in section 6 and does not adequately take into consideration the considerations in section 4.3, which factors apply in Zone 2; and
4. This referral to the Executive Committee under s. 33.1(1) does not represent my final conclusion on the proper outcome of the reconsideration, and determines only that this Decision is appropriate for referral to and independent consideration by the Executive Committee, with each Executive Committee member being responsible for exercising their independent judgment as part of the Executive Committee as a decision-making body after deliberation, discussion and consideration of all the information, evidence and submissions.

Therefore I direct as follows:

1. That the Decision is referred to the Executive Committee for reconsideration.
2. That I do consider Ronald Graham, Nora Graham, and Michael Graham ("the Applicants") to be persons entitled to notice under s. 33.1(2), and therefore direct staff to notify the Applicants of the reconsideration.
3. That staff arrange a meeting of the Executive Committee to consider the reconsideration at the first available meeting opportunity following the close of submissions.

PROVINCIAL AGRICULTURAL LAND COMMISSION



Frank Leonard, Chair
Provincial Agricultural Land Commission

March 8, 2018

Date

56615m1

**Peace River Regional District
Memorandum**

To: Leonard Hiebert, Director of Electoral Area 'D'
From: Kole Casey, South Peace Land Use Planner
Date: September 14, 2018
RE: OCP & ZONING AMENDMENT REPORT BYLAW NO. 2328, & 2329, 2018 (Graham)

Pursuant to the following resolution:

RD/15/04/26 (23)

That a two-week period be added to the development application review process to allow time for the appropriate Electoral Area Director to review applications prior to them going to the Regional Board for consideration.

The attached application and report are provided for your review.

Please return this form with your comments by or before September 28, 2018.

Please contact me if you have any questions.

Thank you.

COMMENTS:

circle if
No Comment

Hi Kole,
I have no concerns or questions about this applications as all parties involved are in agreement.

I thought this was already dealt with and was going to the board already.

Date: September 20/18

Initial: LH



PEACE RIVER REGIONAL DISTRICT

Notice of Public Hearing

OCP & Zoning Amendment Bylaw No. 2328 & 2329, 2018

When:

Tuesday, October 23,
2018 | 7:00 pm

Where:

Doe River Community
Hall, 3816 Rolla Road, Doe
River B.C

For More Information:

Contact:

Development Services

Tel: 250-784-3200

Toll Free: 1-800-670-7773

Email: prrd.dc@prrd.bc.ca



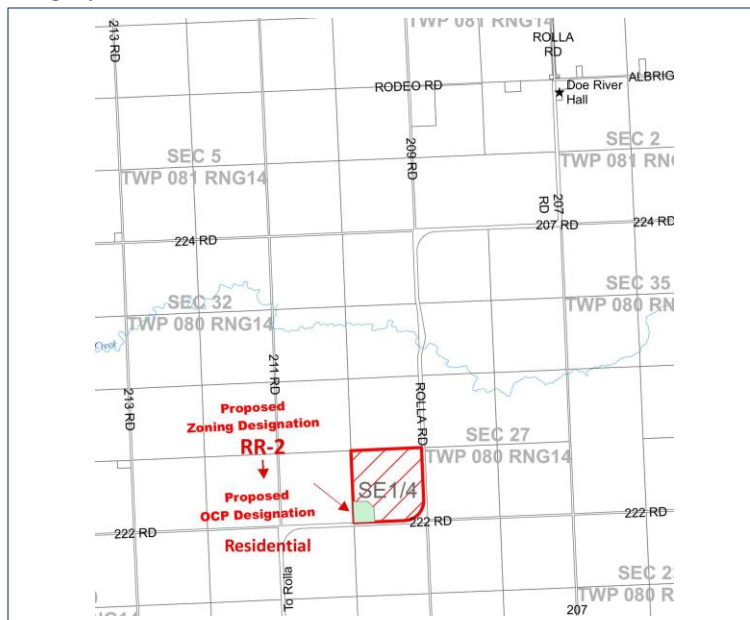
prrd.bc.ca |

Doe River Area

The Southeast ¼ of Section 28, Township 80, Range 14, W6M, PRD

The Peace River Regional District is hosting a meeting to discuss the proposed Zoning Amendment.

Proposal: To amend an approximate 5.1 ha (12.6 ac) portion of the subject property from “Agricultural-Rural” to “Residential” and to rezone from “A-2” (Large Agricultural Holdings Zone) to “RR-2” (Rural Residential 2 Zone) within the associated Official Community Plan and Zoning Bylaw



This notice is in general form only. Relevant background documents may be inspected from Monday through Friday, excluding holidays, between the hours of 8:30am – 4:30pm at the PRRD Dawson Creek office (1981 Alaska Avenue, Dawson Creek, BC) or 8:30am – Noon and 1:00pm – 4:30pm at the PRRD Fort St. John office (9505-100th Street, Fort St. John, BC). Written comments or concerns accepted.

Shawn Dahl, Acting Chief Administrative Officer

diverse. vast. abundant.

November 8, 2018



PEACE RIVER REGIONAL DISTRICT

PUBLIC HEARING – MINUTES

RE: Official Community Plan Bylaw No. 2328, 2018

& Zoning Amendment Bylaw No. 2329, 2018

October 23, 2018 at 7:00 pm

Doe River Community Hall, 3816 Rolla Road, Doe River BC

ATTENDANCE:

Peace River Regional District: Leonard Hiebert, Director of Electoral Area 'D' (Chair)
Danielle Patterson, Planning Intern, Development Services

Applicant/Owner: David Graham (applicants' son) on behalf of applicant

Public: 4 members of the public

1. CALL TO ORDER

Director Leonard Hiebert called the meeting to order at 7:00 pm.

2. STATEMENT OF PUBLIC HEARING

Director Hiebert stated the procedural rules in place to govern the conduct of the public hearing.

3. INTRODUCTION TO PROPOSAL

Danielle Patterson provided those in attendance with a summary of proposed Official Community Plan Bylaw No. 2328, 2018 and Zoning Amendment Bylaw No. 2329, 2018 for the property described as the Southeast ¼ of Section 28, Township 80, Range 14, W6M, PRD; PID: 015-969-525.

Ms. Patterson summarized the proposal to amend an approximate 5.1 ha (12.6 ac) portion of the subject property from "Agricultural-Rural" to "Residential" within the Peace River Regional District Rural Official Community Plan Bylaw No. 1940, 2011 and to rezone the same portion from "A-2" (Large Agricultural Holdings Zone) to "RR-2" (Rural Residential 2 Zone) within Dawson Creek Rural Area Zoning Bylaw No. 479, 1986.

Ms. Patterson provided a summary of the application procedure and timeline for the benefit of those in attendance at the hearing.

4. COMMENTS FROM AGENCIES AND MUNICIPALITIES RECEIVED

Danielle Patterson read aloud comments received from the following agencies and municipalities:

City of Fort St. John:

Interests unaffected by bylaw. No comments, thank you for the supplemental information.

District of Taylor: Interests unaffected by bylaw.

City of Dawson Creek: Our Interests are unaffected.

Ministry of Transportation and Infrastructure: The Ministry of Transportation and Infrastructure (MoTI) has received and reviewed your referral dated August 15, 2018 for to amend an approximate 5.1 ha (12.6 ac) portion of the subject property, located within the SE 1/4 OF SEC 28 TP 80 R 14 W6M PEACE RIVER, from "Agricultural-Rural" to "Residential" within the Peace River Regional District Rural Official Community Plan Bylaw No. 1940, 2011 and to rezone from "A-2" (Large Agricultural Holdings Zone) to "RR-2" (Rural Residential 2 Zone) within Dawson Creek Rural Area Zoning Bylaw No. 479, 1986. The property does not fall within Section 52 of the Transportation Act and will not require MoTI formal approval. The Ministry has no objections to the amendment.

Please note the applicant has applied for a subdivision and the Agricultural Land Commission may have interest in your decision with regards to ALC Resolution #55/201

Northern Health: This letter is in regards to the above proposed application submitted. The intent of the application is to:

- To amend an approximate 5.1 ha portion of the subject property from "Agriculture-Rural" to "Residential" within the Peace River Regional District Official Community Plan Bylaw No. 1940, 2011 and to rezone from "A-2" to "RR-2" within Dawson Creek Rural Area Zoning Bylaw No. 479, 1986.

Based on the intended use of the Application, Northern Health has no objections to approval, subject to the conditions listed below.

- Must adhere the BC Public Health Act and all regulations under the BC Public Health act that may apply. As per the BC Public Health Act, the operator must not create a health hazard.
- As per the BC Public Health Act, If the operator is required by regulation to have a license or permit to engage in a regulated activity, such as the installation of a sewerage system, holding tank, drinking water system or construction/operation of a food establishment, the operator must obtain such licence or permit by submitting the appropriate application to the health officer prior to construction or operation of the regulated activity.
- As per the BC Public Health Act, an operator who engages in a regulated activity must comply with any requirement or duty set out in a regulation respecting the regulated activity. In addition, the operator must ensure that employees are adequately trained and sufficiently equipped to recognize, prevent and respond to health hazards that may arise when engaging in a regulated activity.
- As per the Drinking Water Protection Act, the operator must ensure that any wetlands, stream or drinking water wells that may be located in the area are protected from all possible sources of contamination during construction and operation.

November 8, 2018

BC Oil & Gas Commission: Interests unaffected by bylaw. As no change to existing use is expected, there is no concern of impact to oil & gas activities in proximity to the subject property.

5. WRITTEN COMMENTS RECEIVED FROM PUBLIC

Danielle Patterson stated that as of 4:00 pm on October 23, 2018 the Peace River Regional District did not receive any written comments from the public.

6. COMMENTS FROM APPLICANT(S)

Danielle Patterson asked Mr. David Graham if he had any comments on behalf of the applicants. Mr. Graham stated he had no comments and was available to answer questions from the public.

7. COMMENTS FROM PUBLIC

Danielle Patterson asked the members of the public in attendance if they had any comment related to the proposed bylaws and if so, to state their first and last name before speaking. There were no comments from the public.

8. FINAL COMMENTS FROM APPLICANT(S)

Danielle Patterson asked Mr. David Graham if he had any final comments on behalf of the applicant. Mr. Graham declined to comment.

9. TERMINATION OF PUBLIC HEARING

Director Hiebert terminated the Public Hearing at 7:09 pm.



Danielle Patterson, Recorder



Director Leonard Hiebert, Chair

**PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2328, 2018**

A bylaw to amend the "Peace River Regional District Rural Official Community Plan Bylaw No. 1940, 2011"

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia *Local Government Act*, RSBC 1996, c. 323, adopt the "Peace River Regional District Rural Official Community Plan Bylaw No. 1940, 2011";

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

1. This Bylaw may be cited for all purposes as the "Peace River Regional District Rural Official Community Plan Amendment Bylaw No. 2328, 2018."
2. Schedule B – Map 20 of "Peace River Regional District Rural Official Community Plan Bylaw No. 1940, 2011" is hereby amended by redesignating a ± 5.1 ha (± 12.6 acre) portion of the Southeast ¼ of Section 28, Township 80, Range 14, W6M, PRD from "Agriculture Rural" to "Residential" as shown shaded on Schedule "A" which is attached to and forms part of this bylaw.

READ A FIRST TIME THIS 27th day of September , 2018.

READ A SECOND TIME THIS 27th day of September , 2018.

Notification mailed on the 5th day of October , 2018.

Public Hearing held on the 23rd day of October , 2018.

READ A THIRD TIME THIS _____ day of _____ , 2018.

ADOPTED THIS _____ day of _____ , 2018.

Chair

(Corporate Seal has been affixed to the original bylaw)

Corporate Officer

I hereby certify this to be a true and correct copy of "PRRD Rural Official Community Plan Amendment Bylaw No. 2328, 2018", as adopted by the Peace River Regional District Board on _____, 2018.

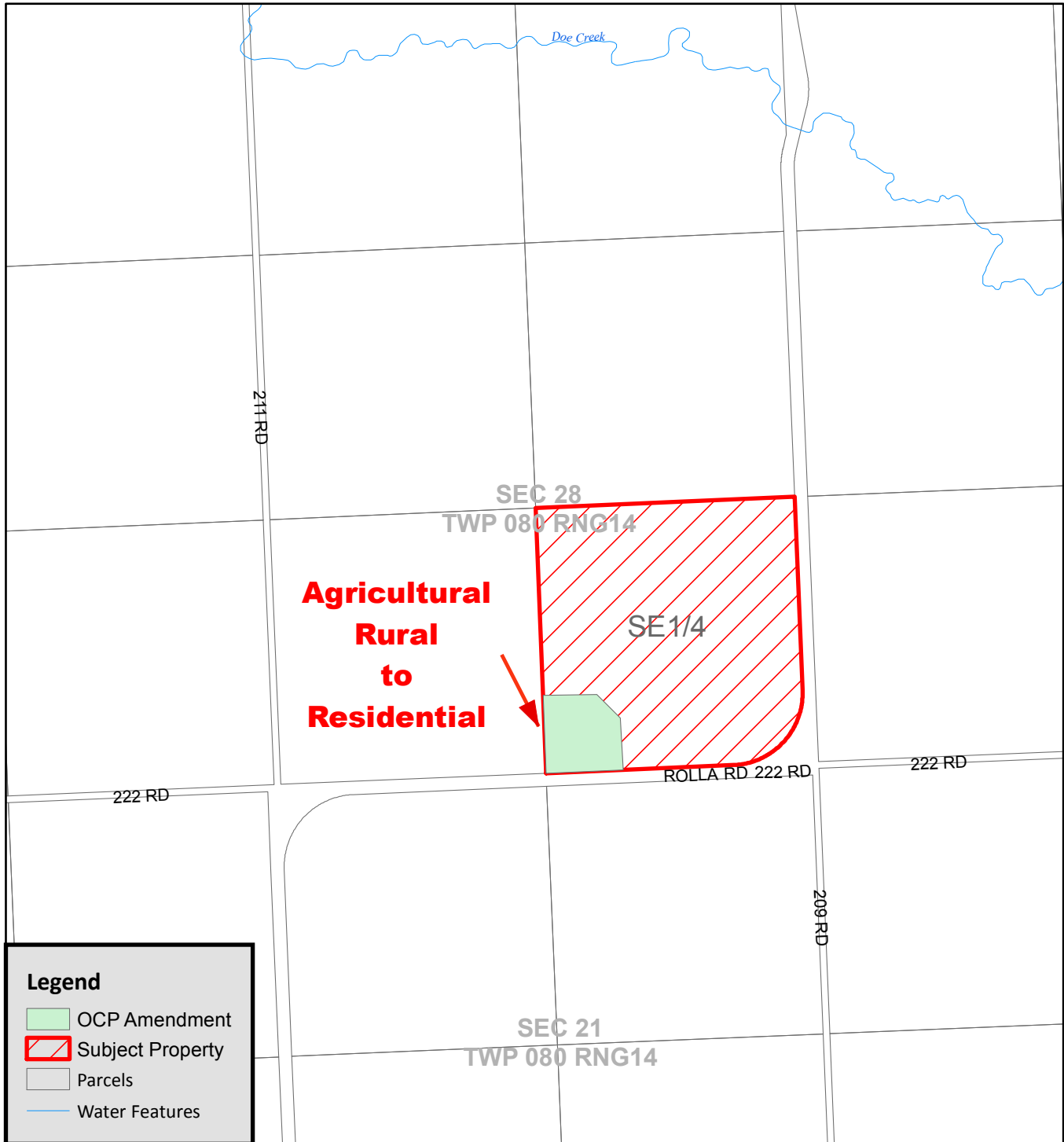
Corporate Officer



Peace River Regional District
Bylaw No. 2328, 2018
SCHEDULE "A"



Map No. 20 - Schedule B of "Peace River Regional District Rural Official Community Plan Bylaw No. 1940, 2011" is hereby amended by redesignating a +/-5.1 ha (+/-12.6 acres) portion of the SE1/4 Section 28, Township 80, Range 14, W6M, PRD **from "Agricultural Rural" to "Residential"** as shown shaded on the drawing below:



PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2329, 2018

A bylaw to amend the "Peace River-Liard Regional
District Zoning Bylaw No. 479, 1986"

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-Liard Regional District Zoning Bylaw No. 479, 1986";

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

1. This Bylaw may be cited for all purposes as the "Peace River Regional District Zoning Amendment Bylaw No. 2329, 2018."
2. Schedule B – Map #1A of "Peace River-Liard Regional District Zoning Bylaw No. 479, 1986" is hereby amended by rezoning a ± 5.1 ha (± 12.6 acre) portion of the Southeast ¼ of Section 28, Township 80, Range 14, W6M, PRD from A-2 "Large Agricultural Holdings Zone" to RR-2 "Rural Residential 2 Zone" as shown shaded on Schedule "A" which is attached to and forms part of this bylaw.

READ A FIRST TIME THIS 27th day of September , 2018.

READ A SECOND TIME THIS 27th day of September , 2018.

Notification mailed on the 5th day of October , 2018.

Public Hearing held on the 23rd day of October , 2018.

READ A THIRD TIME THIS _____ day of _____ , 2018.

ADOPTED THIS _____ day of _____ , 2018.

Chair

(Corporate Seal has been affixed
to the original bylaw)

Corporate Officer

I hereby certify this to be a true and correct copy of
"PRRD Zoning Amendment Bylaw No. 2329, 2018", as
adopted by the Peace River Regional District Board on
_____, 2018.

Corporate Officer



Peace River Regional District
Bylaw No. 2329, 2018
SCHEDULE "A"



Map No. 1A - Schedule B of "Peace River-Liard Regional District Zoning Bylaw No. 479, 1986" is hereby amended by rezoning a +/-5.1 ha (+/-12.6 acres) portion of the SE1/4 Section 28, Township 80, Range 14, W6M, PRD **from** A-2 "Large Agricultural Holdings Zone" **to** RR-2 "Rural Residential 2 Zone" as shown shaded on the drawing below:

