



REPORT

To: Chair and Directors

Report Number: DS-BRD-222

From: Kathy Suggitt, RPP, General Manager of Development Services

Date: April 21, 2022

Subject: Zoning Amendment Bylaw No. 2472, 2022, PRRD File No. 22-001 ZN

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board give Zoning Amendment Bylaw No. 2472, 2022 to rezone a ± 4.8 ha portion of the subject property identified as PID 014-665-786 from Large Agricultural Holdings (A-2) Zone to Residential 2 (R-2) Zone and Public Use (P) Zone to facilitate a future subdivision, first and second readings; and further

That a public hearing be waived pursuant to Section 464 (2) of the *Local Government Act* and that public notification be authorized pursuant to Section 467 of the *Local Government Act*.

BACKGROUND/RATIONALE:

Proposal

The applicant is proposing to rezone a ± 4.8 ha portion of the subject property from a Large Agricultural Holdings (A-2) Zone to a Residential 2 (R-2) Zone and Public Use (P) Zone to facilitate a future subdivision. The Proposed Lot 1 (Residential Lot) will be ± 4.1 ha and Proposed Lot 2 (Public Use Lot) will be ± 0.7 ha.

The applicant is proposing to amalgamate the proposed Public Use Lot with two adjacent lots owned by Cecil Lake Recreation Commission, one of which does not meet the minimum parcel size requirement of 1.8 ha. The amalgamation will bring the non-compliant property into compliance within the OCP and Zoning bylaws.

The proposed subdivision is outside the ALR and is consistent with the OCP. Therefore, staff are in support of this application.

File Details

Owner:	Transpine Farms Ltd.
Agent:	Fred Lehmann
Area:	Electoral Area B
Location:	Cecil Lake
Legal:	The South East $\frac{1}{4}$ of Section 26 Township 84 Range 17 W6M PRD, Except Parcel A (92116M) and Plans 6229 18176 and 16752
PID:	014-665-786
Civic Address:	4896 Cecil Lake Rd
Lot Size:	± 60.9 ha (± 150.5 ac)

Site Context

The property is located in the Cecil Lake area, and has direct access from Cecil Lake Rd in the south and Siphon Creek Rd in the east. It is surrounded by Agricultural-Rural designated land in the west, north and east, and Rural Community designated land in the south.

Site FeaturesLand

Based on the aerial imagery, the majority of the subject property is partially cleared and actively used for agriculture, with some trees on the east and south-west portion of the lot. The south-west ±4.8 ha portion of the subject property is proposed to be rezoned and the remainder will stay in the Large Agricultural Holdings Zone.

Structures

There is currently a residential dwelling, barn, shop and farm yard on the subject property.

Access

The proposed new lots will be accessed via Cecil Lake Rd, and the remainder lot can be accessed via Siphon Creek Rd and Cecil Lake Rd.

Canada Land Inventory Soil Rating

According to the Canada Land Inventory, soils on the subject property are classified as 3⁶x2⁴c.

Soils in class 3 have moderately severe limitations that restrict the range of crops or require special conservation practices. Subclass 6 indicates soils are capable only of producing perennial forage crops, and improvement practices are not feasible and subclass X denotes soils having a limitation resulting from the cumulative effect of two or more adverse characteristics.

Soils in class 2 have moderate limitations that restrict the range of crops or require moderate conservation practices. Subclass 4 soils have severe limitations that restrict the range of crops or require special conservation practices and subclass "C" indicates adverse climate.

Comments & ObservationsApplicant

The applicant is seeking to rezone a ±4.8 ha portion of the subject property to facilitate a future subdivision. The applicant intends to amalgamate (donate) the proposed Public Use Lot with the lots owned by the Cecil Lake Recreation Commission.

Agricultural Land Reserve (ALR)

The subject property is partially within the Agricultural Land Reserve. However, the proposed subdivision is outside the ALR, therefore, the provisions of the *Agricultural Land Commission Act* will not apply.

Official Community Plan (OCP)

Pursuant to PRRD Rural Official Community Plan Bylaw No. 1940, 2011, a large portion of subject property is designated Agriculture-Rural (Ag-Rural) and the remainder is designated Rural Community (RC). Section 6, Policy 3 states that within the RC designation, the principal use of land, subject to zoning regulations, will

generally be agricultural-rural, residential, civic, assembly, institutional, etc. Section 6, Policy 5 states that the minimum parcel size of the land within a RC designation is 1.6 ha. Section 7, Policy 2 states that the principal land use of the land designated Ag-Rural will generally be limited to uses required for operating a farm, residential use, etc. Section 7, Policy 3 states that within the Ag-Rural designation the minimum parcel size will not be less than 63 ha.

The Proposed Lots 1 and 2 are within the RC designation. The size of Proposed Lot 2 (± 0.7 ha) does not meet the minimum parcel size requirement set out in the RC designation (1.6 ha). However, the Proposed Lot 2 is intended to be amalgamated with the two lots in the south owned by Cecil Lake Recreation Commission and they all are designated RC. After amalgamation, the Proposed Lot 2 will meet the minimum parcel size requirement set out in the RC designation.

Therefore, the proposed parcel sizes and uses are consistent with the OCP.

Land Use Zoning

Pursuant to PRRD Zoning Bylaw No. 1000, 1996, the subject property is zoned Large Agricultural Holdings (A-2) Zone. Section 36.1 states that agriculture, oil and gas activities, etc. are permitted uses within the A-2 Zone. Section 36.2 (a) states that the minimum parcel size is 63 ha in the A-2 Zone.

Proposed Lot 1 (± 4.1 ha) is intended to be rezoned to R-2 (Residential 2 Zone) and Proposed Lot 2 (± 0.7 ha) is intended to be rezoned to P (Public Use Zone), respectively, to facilitate a future subdivision.

Land within the R-2 zone may be used for dwelling unit, day care centres, etc. The minimum parcel size is 1.8 ha for the lands not connected with community sewage system.

Land within the Public Use zone may be used for things such as community centre or community halls, recreation facilities, public uses, open green spaces, etc. The minimum parcel size is 1.8 ha for the lands in the Public Use Zone, not connected to a community sewage system. Staff notes that the proposed parcel size of Lot 2 does not meet the minimum parcel size requirement (1.8 ha) however, Section 22 (a) states that there shall be no minimum parcel size requirements for public uses and utilities, and as intended through the future subdivision and amalgamation of that lot with the other lots owned by Cecil Lake Recreation Commission, the minimum lot size will be achieved. Currently the subject property is undersized according to the Zoning Bylaw requirement of 63 ha. With the proposed subdivision, the remaining portion of the lot which will remain as Large Agricultural Holdings Zone portion will be under the minimum size and so this is proposed to be reflected in the zoning amendment bylaw as an exception to the minimum parcel size.

Therefore, the proposed parcel sizes and uses are consistent with the Zoning Bylaw.

Fire Protection Area

The subject property is outside of all fire protection areas.

Mandatory Building Permit Area

The subject property is outside of the Mandatory Building Permit Area, however Building Permits are still available on a voluntary basis.

Development Permit Area

The subject property is outside of all Development Permit Areas.

Development Cost Charge Area

The subject property is outside of the Development Cost Charge Area.

School District 60 School Site Acquisition Charge Area

The subject property is within the School District 60 School Site Acquisition Charge Area, however the fee is not applicable as the zoning amendment is not creating any new residential parcels. Rather the fee will be applicable at the time of subdivision.

Impact AnalysisContext

The subject property is zoned Large Agricultural Holdings (A-2) zone and is compatible with the agricultural use in the west, north and east. The proposed zoning amendment will allow residential and public uses on the southern portion of the subject property which will be compatible with the adjacent public use and residential lots. The proposed subdivision could generate land use conflicts between agricultural and proposed residential uses, although a dwelling unit already exists. These conflicts can result from complaints about farm noise and smell stemming from agricultural uses. However, these conflicts could be mitigated by ensuring that an appropriate vegetative buffer is provided on the proposed residential and public lands adjacent to the existing agricultural lands.

Population & Traffic

The proposed Lot 1 already has a dwelling unit and proposed Lot 2 is intended to accommodate additional parking for the community hall use. Therefore, if approved, proposed Lot 1 will have no impact on population and traffic, however, the proposed Lot 2 can cause a slight increase in traffic due to the additional parking area being available for use by the community hall visitors.

Sewage & Water

Currently, the subject property has a septic tank, shallow and deep well.

Comments Received from PRRD Departments, Municipalities & Provincial AgenciesAgricultural Land Commission

- Please see the attached letter.

Note: The mapping originally created by staff for the referral showed a slight overlay of proposed Lot 1 into ALR lands, which the ALC has based their comments on. Staff have corrected the mapping for this report and note that it is the applicant's intent to subdivide along the ALR boundary, which will be reflected upon submission of a subdivision application to the Ministry of Transportation.

Ministry of Agriculture:

- Please see the attached letter.

BC Hydro

- BC Hydro has a registered right of way on the property. If the final version of the plan includes a road dedication, the applicant should submit a copy to BC Hydro office. BC Hydro will reserve comments following a further review of the final subdivision plan when submitted. Review can take 6-8 weeks and has a fee of \$315. BC Hydro's signature is required before the plan can be registered. The applicant should obtain a separate approval from the office for any intended use or development on the right of way before construction takes place. No building encroachment is permitted within the right of way. Open space/parks must be assigned a lot number so that Hydro's right are retained.

Ministry of Transportation and Infrastructure

- The Ministry has received a conventional subdivision application from the owner to subdivide the subject lot. The proposed subdivision lot layout is not guaranteed as it depends on the review and approval by the Provincial Approving Officer. Conditions of subdivision have not been determined.

Fort St. John RCMP

- No concerns.

PRRD Bylaw Enforcement

- No concerns.

PRRD GIS

- No concerns.

PRRD Building Inspection

- Interests are unaffected.

City of Fort St. John

- Interests are unaffected.

Pacific Northern Gas Ltd.

- No concerns

ALTERNATIVE OPTIONS:

1. That the Regional Board respectfully refuse to give Zoning Amendment Bylaw No. 2472, 2022 to rezone a ±4.8 ha portion of the subject property identified as PID 014-665-786 from Large Agricultural Holdings (A-2) Zone to Residential 2 (R-2) Zone and Public Use (P) Zone to facilitate a future subdivision, first and second readings.
2. That the Regional Board give Zoning Amendment Bylaw No. 2472, 2022 to rezone a ±4.8 ha portion of the subject property identified as PID 014-665-786 from Large Agricultural Holdings (A-2) Zone to Residential 2 (R-2) Zone and Public Use (P) Zone to facilitate a future subdivision, first and second readings; and further

That the Regional Board authorize a public hearing to be held pursuant to *Local Government Act* Section 464(1), delegated to the Director of Electoral Area B and that public notification be authorized pursuant to *Local Government Act* Section 466.

3. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

The Regional Board's decision will be communicated to the applicant.

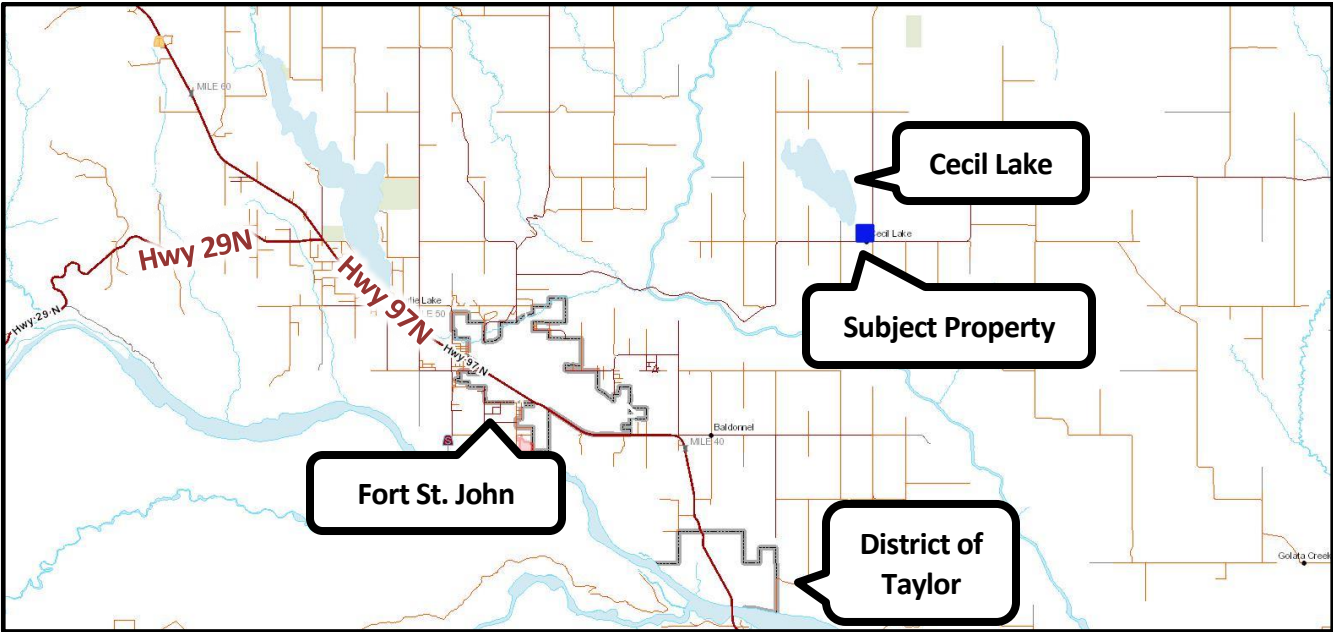
OTHER CONSIDERATION(S):

Staff will work with MoTI prior to subdivision approval to confirm that the proposed subdivision meets the requirements of the OCP and Zoning Bylaws.

Attachments:

1. Draft Zoning Bylaw No. 2472, 2022
2. Maps, PRRD File No. 22-001 ZN
3. Application, PRRD File No. 22-001 ZN
4. Agricultural Land Commission Comments, PRRD File No. 22-001 ZN
5. Ministry of Agriculture Comments, PRRD File No. 22-001 ZN
6. Section 39 of PRRD Zoning Bylaw No. 1000, 1996
7. Section 50 of PRRD Zoning Bylaw No.1000, 1996

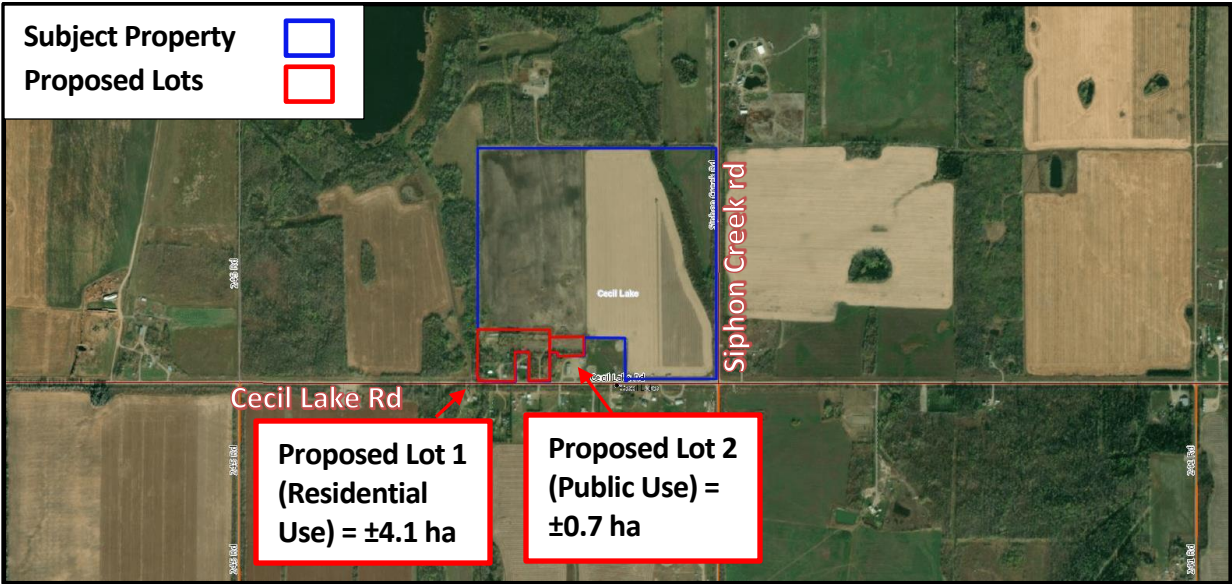
Location: Cecil Lake



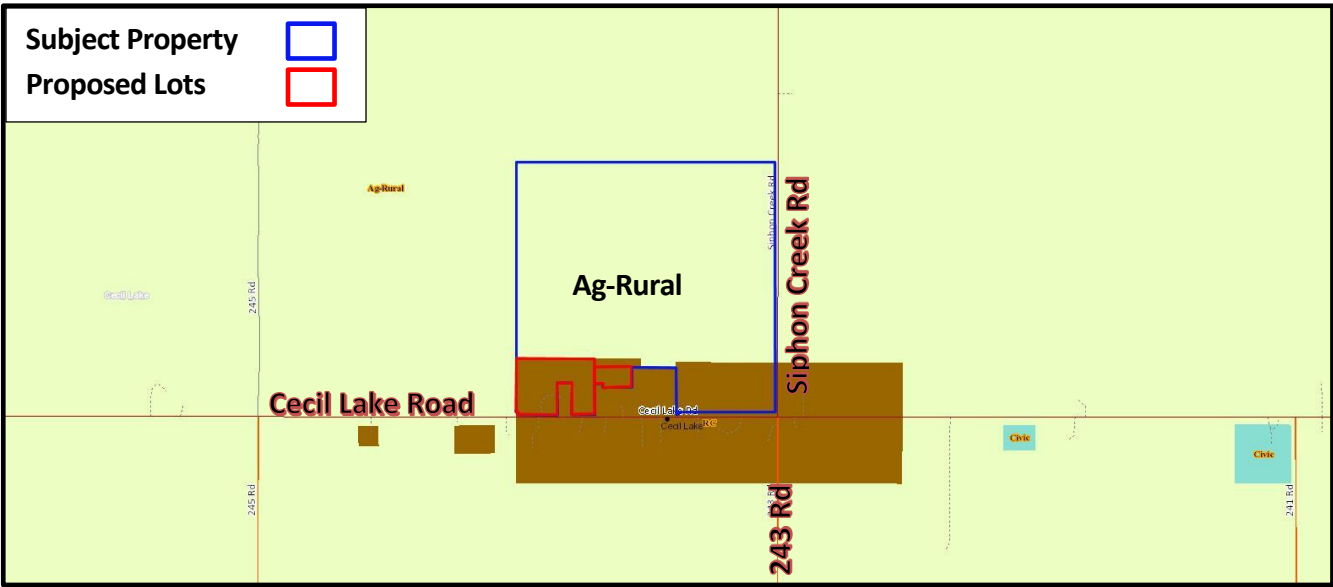
Aerial imagery



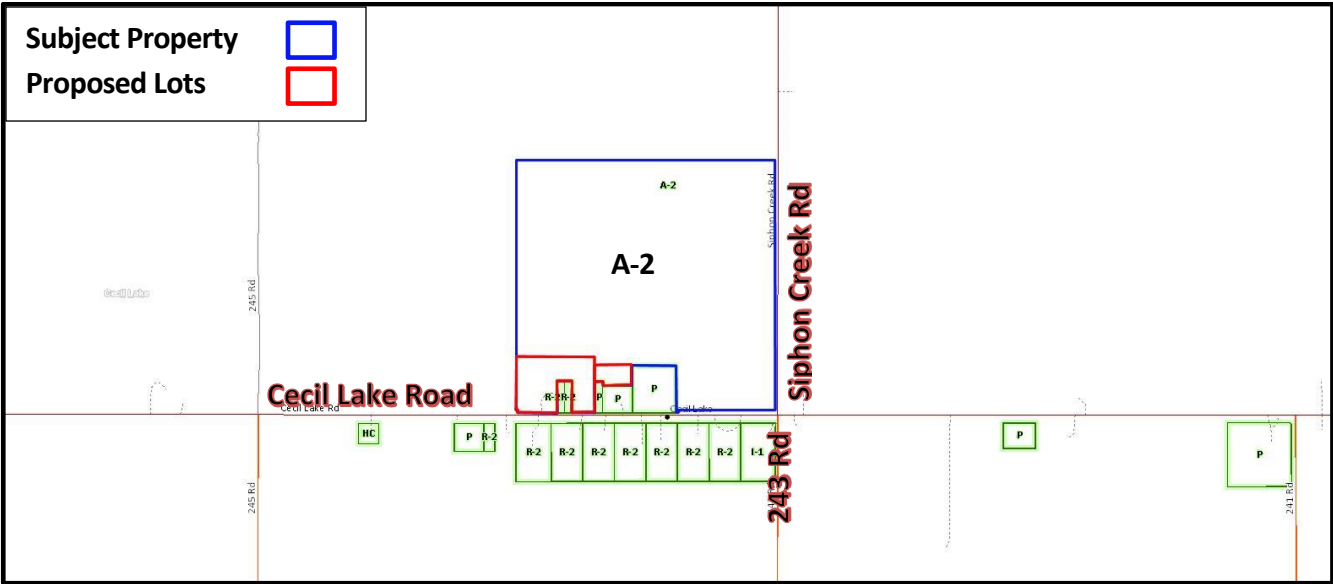
Proposal



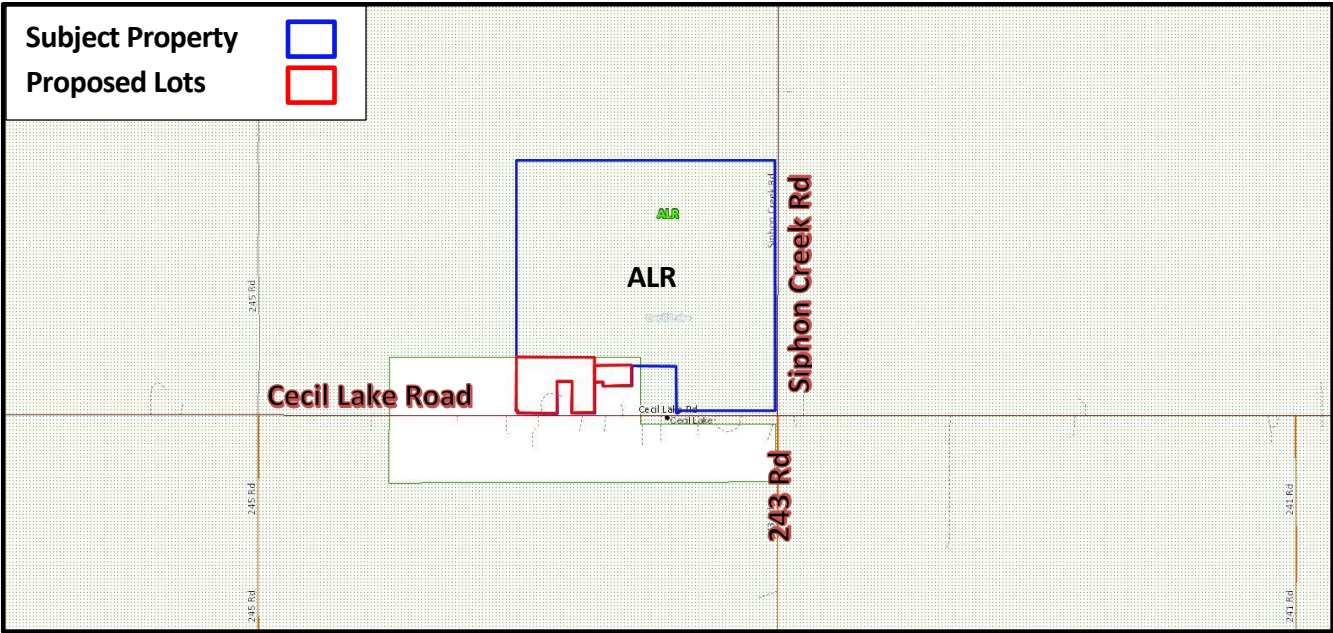
PRRD Rural Official Community Plan Bylaw No. 1940, 2011: Agricultural-Rural (Ag-Rural)



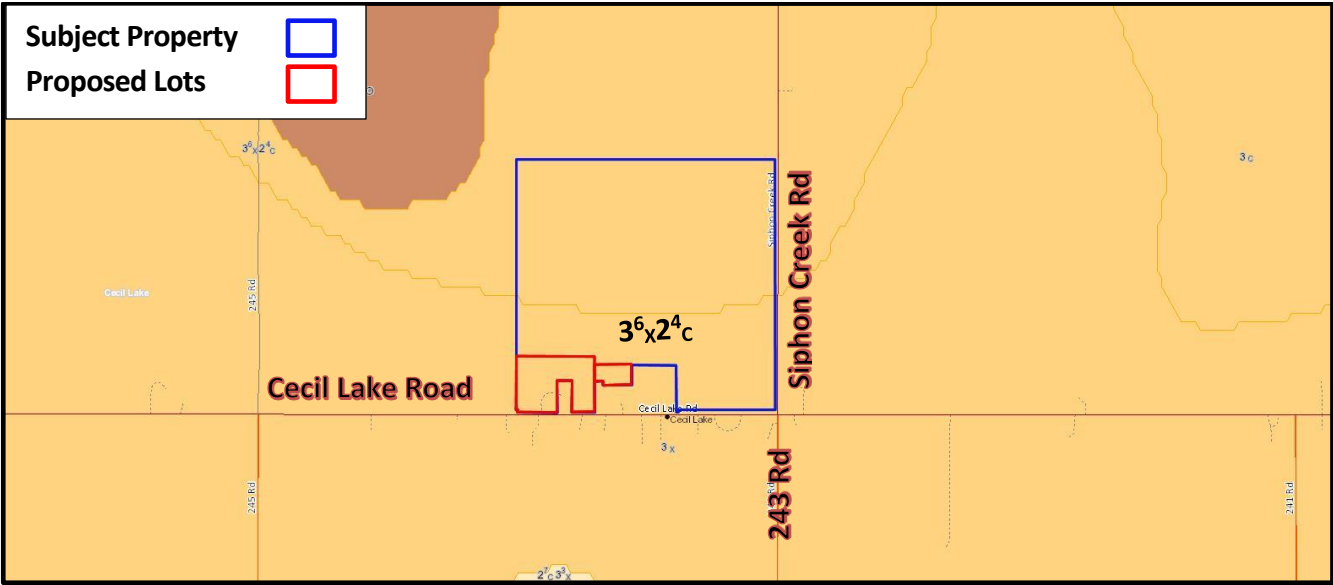
PRRD Zoning Bylaw No. 1000, 1996: Large Agricultural Holdings (A-2) Zone



Agricultural Land Reserve: Partially within



Canada Land Inventory Soil Classification: 3⁶x2⁴c





PEACE RIVER REGIONAL DISTRICT

Dawson Creek | Box 810, 1981 Alaska Avenue BC, V1G 4H8
(T): (250) 784-3200 prrd.dc@prrd.bc.ca

Fort St. John | 9505 100 Street BC, V1J 4N4
(T): (250) 785-8084 prrd.fsj@prrd.bc.ca

For Office Use:

Receipt # _____

Date Received _____

File No. _____

Sign Issued: Yes ☐ No ☐ N/A ☐

Application for Development

1. TYPE OF APPLICATION

- ☐ Official Community Plan Bylaw Amendment*
☒ Zoning Bylaw Amendment* #
☐ Official Community Plan / Zoning Bylaw Amendment combined* #
☐ Temporary Use Permit*
☐ Temporary Use Permit Renewal
☐ Development Permit #
☐ Development Variance Permit

FEE

\$ 1,150.00
\$ 800.00
\$ 1,200.00
\$ 500.00
\$ 350.00
\$ 165.00
\$ 165.00

* Sign is required for this application type.

Sign provided by the PRRD and posted pursuant to Section 6 of Bylaw No. 2449, 2021, attached.

Contaminated Site Declaration Form required for this application type.

- ☐ Exclusion from the Agricultural Land Reserve
(Applicant responsible for additional costs associated with the
advertisements, signage, and facility rental, if applicable)

\$ 1,500.00

2. PLEASE PRINT

Property Owner's Name <i>Transpire Farms Ltd.</i>	Authorized Agent of Owner (if applicable) <i>Fred Lehmann</i>
Address of Owner [REDACTED]	Address of Agent [REDACTED]
City/Town/Village: [REDACTED]	City/Town/Village: [REDACTED]
Postal Code: [REDACTED]	Postal Code: [REDACTED]
Telephone Number: [REDACTED]	Telephone Number: [REDACTED]
E-mail: [REDACTED]	E-mail: [REDACTED]

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*.

3. PROPERTY DESCRIPTION

Full legal description and PID of each property under application	Area of each lot
PID 014 - 665 - 786	60.89 / 150.4 ha./acres
	ha./acres
	ha./acres
	TOTAL AREA
	ha./acres

4. Civic Address or location of property: 4896 Cecil Lake Road.

5. PARTICULARS OF PROPOSED AMENDMENT

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

☐ Official Community Plan (OCP) Bylaw amendment:

Existing OCP designation: _____

Proposed OCP designation: _____

Text amendment: _____

☒ Zoning Bylaw amendment:

Existing zone: A-2

Proposed zone: 2 lots R-2 1 small lot P

Text amendment: Allow minimum A-2 acreage limit down to 125 Acres.

☐ Development Variance Permit – describe proposed variance request:

☐ Temporary Use Permit – describe proposed use:

☐ Development Permit: Bylaw No. _____ Section No. _____

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

House (1947) Bayne (1970) Shop (2005) Farm Yard.
14 Acres, 3' Fields, 50, 60, + 10 Acres respectively.

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

(a) North Grazing

(b) East Crop land, 10 Acres Home site with House + shop.

(c) South Residential Subdivision.

(d) West Crop land.

e) Central on south border: 1 x 1 acre R2 lot with house

7.5 Acres zoned P with community hall and ball diamonds.

8. Describe your proposal. Attach a separate sheet if necessary:

Remove 4.73 Ha within the OCP from PID 014 665 786, and subdivide into 3 lots. See attached sheet for more info.

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

See attached sheet.

10. Describe the proposed and/or existing means of sewage disposal for the property:

Farm Yard at 4896 Cecil Lake Road: Septic Tank. Working with Anthony Martens Excavating to rebuild to appropriate requirements when ground thaws.

11. Describe the proposed and/or existing means of water supply for the property:

Shallow well. Now 20m from house. Deep well 7.5m north of South boundary, 7.5m east of west boundary.

THE FOLLOWING INFORMATION IS REQUIRED DEPENDING ON THE PROPOSAL/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 the following:
- (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 and size of existing buildings and structures on the subject property, with distances to property lines;
 - (d) the location and size of any proposed buildings, structures, or additions thereto, with distances to property lines;
 - (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 survey plan prepared by a British Columbia Land Surveyor may be required.

Webster Subdivision Application for Development

8) Describe your proposal

We are proposing to rezone and subdivide 3 lots along the highway in the southwest corner of PID 014665786.

- a) The far west lot of 2.32 Ha being the farmhouse and yard, to rezone to R-2
- b) The middle lot of 1.72 Ha to be given to family Storey so they would have an appropriately sized lot for a total of 2.12 Ha, and rezoned R-2
- c) The small northeast lot of 0.69 Ha to be donated to the Cecil Lake Rec committee and rezoned P

9) a) Transpine Farms had been leasing the land from the late Lloyd Webster since 2015. We have been actively growing crops on the land. Upon being given the opportunity to buy the estate land, our primary interest was in purchasing the land to acquire more acres for the farm. We have no need for the farmhouse or yard; and were quickly approached about selling it. We have been approached by 3 serious buyers in the last ½ year. There is demand for small lots in Cecil Lake.

b) We were also aware that Chris and Nichole Storey's lot is only 0.4 Ha and has no driveway of it's own. Driveway access would not be safe in front of their lot, because they live in the middle of a short hill. Once given the extra 1.72 acres, their highway frontage will extend to the top of the hill where it is safe to turn, among other benefits of a legal R-2 lot size.

c) The 0.69 Ha north of the community hall is a spot roughly 60m x 115m. This tiny area is difficult to farm with machinery 16m wide! I have also chosen to line up the north boundary with the baseball diamond instead of following the OCP boundary for the same reason. Straight lines are a breath of fresh air with large equipment and GPS lines!

The parking lot is not large enough to hold all the vehicles during an event that fills the building. Until the Covid pandemic closed down public congregating, the hall was booked solid every weekend with events that filled the parking lot and camping to overflowing. The extra acres would give a welcome relief to overcrowded parking.

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.

[Redacted Signature]

20-01-2022

Date signed

[Redacted Signature]

20-01-2022

Date signed

Signature of Owner

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>Fred Lehmann</u> (name of landowner) and <u>Madeleine Lehmann</u> (name of landowner) hereby authorize	
<u>Fred Lehmann</u> (name of agent) to act on my/our behalf regarding this application.	
Signature of Owner: [Redacted]	Date: <u>20-01-22</u>
Signature of Owner: [Redacted]	Date: <u>20-01-22</u>

SECTION 39 R-2 (Residential 2 Zone)

Permitted Uses

1. Subject to Section 26 of this bylaw, the following uses and no others are permitted in an R-2 zone:

- (a) dwelling unit;
- (b) day care centres;
- (c) public parks, playgrounds and tot lots; and
- (d) accessory buildings. (See Section 14) [Bylaw No. 1177, 1998]

Permitted accessory uses on any parcel include the following:

- (e) bed and breakfast accommodation;
- (f) home occupation or home industry; (See Sections 19 and 20)
- (g) limited agriculture.

Regulations

2. On a parcel located in an R-2 zone:

Minimum Parcel Size

- (a) The minimum parcel size is 1.8 hectares (4.5 acres) where there is no community sewage system;
- (b) The minimum parcel size is 0.4 hectare (1 acre) when the parcel or parcels are connected to a community sewage system.

Number and type of Dwelling Units

- (c) A maximum of one single family detached dwelling is permitted.

Height

- (d) No building or structure shall exceed ten (10) metres in height.

Setbacks

- (e) Except as otherwise specifically permitted in this bylaw, no building or structure other than an accessory building or accessory structure shall be located within:
 - (i) 7 metres (23 ft.) of a front parcel line;
 - (ii) 3 metres (10 ft.) of an interior side parcel line;
 - (iii) 5 metres (17 ft.) of an exterior side parcel line; or
 - (iv) 7 metres (23 ft.) of a rear parcel line.
- (f) Except as otherwise specifically permitted in this bylaw, no accessory building or accessory structure shall be located within:
 - (i) 7 metres (23 ft.) of a front parcel line;
 - (ii) 3 metres (10 ft.) of an interior side parcel line;
 - (iii) 5 metres (17 ft.) of an exterior side parcel line; or
 - (iv) 3 metres (10 ft.) of a rear parcel line.

Accessory Buildings

[Bylaw No. 1177, 1998]

See Section 14A of this bylaw for **Accessory Building Floor Area**.

Additional Uses

[Bylaw No. 1874, 2010]

(g) *the following accessory use is permitted on a 0.2 ha (0.5 acre) portion of land legally described as:*

Lot 1, Plan 26536, District Lot 3298, W6M,PRD, as shown shaded grey on Schedule "A" which is attached to and forms part of this bylaw.

i) Abattoir

Additional Requirements

See Sections 13 - 32 of this bylaw.

SECTION 50 P (Public Use Zone)

Permitted Uses

1. Subject to Section 26 of this bylaw, the following uses and no others are permitted in a P zone:
 - (a) library;
 - (b) museum;
 - (c) cemetery;
 - (d) fire hall;
 - (e) hospital, including medical clinic, dental clinic, ambulance station, rest home or private hospital;
 - (f) police station;
 - (g) post office;
 - (h) religious centre;
 - (i) communications equipment and installations;
 - (j) community centre or community halls;
 - (k) institutional camp;
 - (l) recreation facilities;
 - (m) public uses;
 - (n) open space passive recreational areas;
 - (o) open green spaces;
 - (p) municipal or local government buildings;
 - (q) educational facilities;
 - (r) senior citizen complexes;
 - (s) liquor licensed premises;
 - (t) model forests;Permitted accessory uses and buildings on any parcel includes the following:
 - (u) accessory buildings for any of the above.

Regulations

1. On a parcel located in a P zone:

Minimum Parcel Size

- (a) The minimum parcel size is 1.8 hectares (4.5 acres) where there is no community sewage system;
- (b) The minimum parcel size is 1000 sq. metres (0.25 acre) when the parcel or parcels are connected to a community sewage system.

Height

- (c) No building or structure shall exceed twenty (20) metres in height, except firehalls.

SECTION 50 P (Public Use Zone) Continued

Setbacks

- (d) Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:
- (i) 7 metres (23 ft.) of a front parcel line;
 - (ii) 3 metres (10 ft.) of an interior side parcel line;
 - (iii) 5 metres (17 ft.) of an exterior side parcel line; or
 - (iv) 7 metres (23 ft.) of a rear parcel line.

Additional requirements

See Sections 13 - 32 of this bylaw.



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000 | Fax: 604 660-7033

February 11, 2022

Reply to the attention of Michael McBurnie
ALC Issue: 52478
Local Government File: 22-001 ZN

Abhimanyu Jamwal
Land Use Planner, Peace River Regional District
Abhi.Jamwal@prrd.bc.ca

Re: Zoning Amendment 22-001 ZN

Thank you for forwarding a draft copy of Zoning Amendment 22-001 ZN for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the zoning amendment is consistent with the purposes of the *ALC Act*, the Agricultural Land Reserve (ALR) General Regulation, the ALR Use Regulation, and any decisions of the ALC.

The zoning amendment proposes to rezone two portions of the 60-ha property identified as 4896 Cecil Lake Rd; PID: 014-665-786 (the “Property”):

- 4.1 ha to be rezoned from Large Agricultural Holdings (A-2) to Residential 2 (R-2)
- 0.7 ha to be rezoned from Large Agricultural Holdings (A-2) to Public Use (P)

The applicant intends to subdivide the two rezoned areas into three lots:

- ~2.3 ha of the 4.1 ha proposed for Residential zoning will be a residential lot
- ~1.7 ha of the 4.1 ha proposed for Residential zoning will be added to an existing 0.4 ha residential lot, resulting in a ~2.1 ha residential lot.
- The 0.7 ha proposed for Public Use zoning will be a public park

The map on page 5 of the referral package shows the northernmost portion of the proposed 4.1 ha area is within the ALR and the 0.7 ha area is outside of the ALR.

Rezoning

ALC staff note that Large Agricultural Holdings (A-2) is a more appropriate zoning for ALR land than Residential 2 (R-2). R-2 zoning allows only “limited agriculture” which appears to conflict with the ALC Act. Section 46 of the ALC Act requires local governments to ensure consistency with the ALC Act, ALR regulations, and the orders of the Commission. Therefore, ALC staff recommends that ALR land is not rezoned to R-2. ALC staff have no comments on rezoning non-ALR land.

Subdivision

Section 3 of the ALC General Regulation permits subdivision along the boundary of the ALR, but any subdivision within the ALR would require an application to the ALC.

ALC staff note that only a small strip along the northern edge of the proposed 4.1 ha area is within the ALR and that the proposed zoning for this area is residential, not agricultural. This appears to be a residential-primary use adjacent to an agricultural parcel. If a subdivision application is approved by the ALC, ALC Staff recommend following the Ministry of Agriculture's urban-side edge planning practices along the ALR boundary.

Alternately, if the border of the proposed lot is adjusted to match the ALR boundary, ALC staff similarly recommend following the Ministry of Agriculture's urban-side edge planning practices along the ALR boundary.

Part 3 of the Ministry of Agriculture's [Guide to Edge Planning](#) (2015) describes urban-side edge planning tools to promote urban/rural compatibility. With the creation of two residential lots adjacent to the ALR, there may be potential for complaints about farm noise and smells, as well as potential impacts to agriculture, such as trespass, litter, theft, etc. For this reason, ALC staff recommend considering the setback and buffer requirements outlined in the [Guide to Edge Planning](#), including up to a 30 m residential building setback from the ALR boundary, and an associated 15 m vegetated buffer to reduce the potential for urban/agricultural conflicts.

The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any decisions of the Commission.

This response 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.

If you have any questions about the above comments, please contact the undersigned at 236-468-3246 or by e-mail (michael.mcburnie@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Michael McBurnie, Regional Planner

Enclosure: Referral of Zoning Amendment 22-001 ZN

CC: Ministry of Agriculture – Attention: Marisa McDonald

52478m1



February 18, 2022

Local Government File: 22-001 ZN

Abhimanyu Jamwal
Land Use Planner
Peace River Regional District (PRRD)
VIA EMAIL: planning@prrd.bc.ca

Re: Proposed Bylaw Amendment

Dear Abhimanyu Jamwal:

Thank you for providing the Ministry of Agriculture, Food and Fisheries (Ministry) with the opportunity to comment on the proposed zoning bylaw amendment to re-designate an approximately 4.1 hectare portion of the subject parcel that is not in the Agricultural Land Reserve (ALR) from Large Agricultural Holdings (A-2) Zone to Residential 2 (R-2) Zone to facilitate future subdivision. Additionally, the application also proposes to re-zone an approximately 0.7 hectare portion of the subject parcel that is not within the ALR to Public Use (P) to facilitate parking space for the nearby community hall. The remainder of the 60.9 -hectare parcel appears to reside in the ALR. Ministry staff offer the following comments:

- Subdivision and the creation of smaller lots on or adjacent to agricultural land can erode long term agricultural and economic potential of parcels, increase land cost per acre which can limit farm business opportunities, and in some cases have been shown to increase conflict between adjacent residential land uses.
- Based on the information provided, it appears that the proposed rezoning closely follows the ALR boundary, which intersects the subject parcel through the northern half of the proposed remainder. Ministry staff encourage the Regional District and applicant to confirm with the Agricultural Land Commission (ALC) that the referenced future subdivision is consistent with any relevant ALC regulations and policies (if they have not done so already).
- Ministry staff note that the subject parcel is located on land with agricultural capability ratings of class 3 (60 percent) and class 2 (40 percent), indicating that the

land has excellent potential for agricultural activities, as demonstrated by the fact that the subject parcel is currently being utilized for crop production.

- Ministry staff also note that the proposed residential lot and residential zone will be immediately adjacent to actively farmed land. To improve land-use compatibility and reduce potential conflict resulting from normal agricultural activities (such as dust, odour, and noise), the Regional District may wish to consider a 15 metre vegetative buffer and 30 metre building setback requirements, as described in the Ministry's [Guide to Edge Planning](#).
- Strong vegetative buffers and thoughtful edge planning between agricultural and non-agricultural properties can help play a valuable role in minimizing potential complaints and/or other issues between land-uses. Due to the shape of the subject parcel, Ministry staff recognize this may make portions of the parcel less useable for development.
- In addition, if approved, the Regional District may also wish to require a disclosure statement in the form of a restrictive covenant under section 219 of the *Land Title Act* be placed on title of the newly created lot, specifying that the lot is located near a farming area, and that noise, odour, and dust associated with farming practices may be expected, and that development along the agricultural edge be restricted. More guidance is available in the Ministry's [Guide to Edge Planning](#).

If you have any questions or concerns about our comments, please do not hesitate to contact me.

Sincerely,

Marisa McDonald, P. Ag
Land Use Planner
Ministry of Agriculture, Food and Fisheries
Phone: (236)713-2265
Email: Marisa.McDonald@gov.bc.ca

Email copy: Michael McBurney, Agricultural Land Commission Regional Planner,
Michael.McBurnie@gov.bc.ca

PEACE RIVER REGIONAL DISTRICT

Bylaw No. 2472, 2022

A bylaw to amend "Peace River Regional District
Zoning Bylaw No. 1000, 1996."

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia *Local Government Act*, adopt "Peace River Regional District Zoning Bylaw No. 1000, 1996";

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 "Peace River Regional District Zoning Amendment Bylaw No. 2472, 2022."
2. Schedule A – Map 11 of "Peace River Regional District Zoning Bylaw No. 1000, 1996" is hereby amended by rezoning a ±4.8 ha (11.86 acres) portion of the Southeast ¼ Section 26, Township 84, Range 17, W6M, PRD except Parcel A(92116M); Plans 6229, 18176, and 16752, from A-2 "Large Agriculture Zone" to R-2 "Residential 2 Zone" and P "Public Use Zone", as shown on Schedule 'A' which is attached to and forms part of this bylaw.
3. By adding the following to Part VI – Zones, Section 36 A-2 "Large Agricultural Holdings Zone", following Section 36(2):
Exceptions to the minimum parcel size as follows:
(d) Southeast ¼ of Section 26, Township 84, Range 17, W6M, PRD, except Parcel A(92116M) and Plans 6229, 18176 and 16752, for which the minimum parcel size will be 50 hectares.

READ A FIRST TIME THIS _____ day of _____, 2022.

READ A SECOND TIME THIS _____ day of _____, 2022.

Public Notification on the _____ day of _____, 2022.

READ A THIRD TIME THIS _____ day of _____, 2022.

ADOPTED THIS _____ day of _____, 2022.

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. 2472, 2022,
as adopted by the Peace River Regional District
Board on _____, 2022.

Corporate Officer

SCHEDULE "A"

