



REPORT

To: Chair and Directors

Report Number: DS-BRD-256

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

Date: August 11, 2022

Subject: Zoning Amendment Bylaw No. 2491, 2022, PRRD File No. 22-003 ZN

RECOMMENDATION #1: [Corporate Unweighted]

That the Regional Board give Zoning Amendment Bylaw No. 2491, 2022, to rezone a ± 4.12 hectare portion of the subject property identified as PID 012-906-450 from Large Agricultural Holdings (A-2) Zone to Residential 3 (R-3) Zone to facilitate a subdivision, first and second readings; 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 C and that public notification be authorized pursuant to *Local Government Act* Section 466.

RECOMMENDATION #2: [Corporate Unweighted]

That the Regional Board require the applicant to enter into a restrictive covenant which addresses CN Rail's comments prior to consideration of third reading and Adoption of Zoning Amendment Bylaw No. 2491, 2022.

BACKGROUND/RATIONALE:

Proposal

The applicant is proposing to rezone a ± 4.12 ha portion of the subject property from A-2 (Large Agricultural Holdings) to R-3 (Residential 3 Zone) to facilitate a 3 lot subdivision as shown on the survey plan in the application.

File Details

Owner: Sean Gallagher / Kevin Gallagher
Agent: Brenna Burns Personal Real Estate Corporation
Area: Electoral Area C
Location: Fort St. John
Legal: Lot 6 Section 24 Township 84 Range 19 west of the 6th Meridian Peace River District Plan 9578, Except: Part lying west of Plan 18582; Part on Plan 18582 and Part on Plan BCP21017
PID: 012-906-450
Civic Address: Rose Prairie Rd, North of Fort St John
Lot Size: 6.79 ha (16.77 ac)

Site Context

The property is split zoned A-2 (Large Agricultural Holdings) and R-3 Residential Zone. Based on the aerial imagery, the subject property is vacant, with a residential area (R-5) to the south and agriculture lands (hayfield) around the rest of the periphery. It is situated over 3 kilometres north of Fort St. John.

Site FeaturesAccess

The proposed subdivision includes a 25 meter allotment for an access road. The new lots will be accessed via the new proposed access road off of Rose Prairie Rd.

Canada Land Inventory Soil Rating

According to the Canada Land Inventory, soils on the subject property are classified as 2c.

Class 2 soils have moderate limitations that restrict the range of crops or require moderate conservation practices. Subclass C denotes adverse climate.

Comments & ObservationsApplicant

The applicant is seeking to subdivide the 6.79 hectare subject property into three lots. The property is split zoned A-2 (Large Agricultural Holdings) and R-3 (Residential 3 zone). Lots 1 and 2 (both proposed to be 1.85 hectares in size) are in the A-2 zone. While dwelling units are permitted on properties zoned A-2, the minimum parcel size in the A2 zone is 63 hectares. Lot 3 is proposed to be 1.80 hectares and already located in the R-3 zone, where a dwelling is permitted and the minimum lot size is 1.8 hectares. The proposal is to create more residential lots to satisfy consumer demands for rural residential properties.

Agricultural Land Reserve (ALR)

The ALC granted conditional approval of the proposed subdivision on July 11, 2022 with Resolution #25/2021. The ALC Resolution is attached to this report.

Official Community Plan (OCP)

Pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009, the subject property is designated MDR-Medium Density Rural Residential. Section 4.3.2, Policy 8 states that within the Medium Density Rural Residential designation the principal use of land will generally be limited to; residential and home based business, subject to zoning regulations. Section 4.3.2, Policy 9 b) states that the minimum parcel size should be 1.6 ha (4 acres) for lands not connected to a community sewage system.

Therefore, the proposal is consistent with the Official Community Plan.

Land Use Zoning

Pursuant to Zoning Bylaw No. 1343, 2001, the subject property is zoned Large Agricultural Holdings (A2) Zone. Section 33.1 states that agriculture, dwelling units, etc. are permitted uses within the A-2 zone. Section 33.2 states that the minimum parcel size is 63 ha (155 ac). The proposed lot sizes for the subdivision do not meet the minimum parcel size requirement within the A-2 zone. Therefore, a zoning amendment to Residential (R-3) Zone is required. Land within the Residential (R-3) Zone may be used for dwelling unit(s), agriculture, etc. The minimum parcel size is 1.8 hectares (4.5 acres) where there is no community sewage system. The proposed amendment is consistent with the regulations of the proposed zone.

Fire Protection Area

The subject property is within the Fort St. John Fire Protection Area.

Mandatory Building Permit Area

The subject property is within the Mandatory Building Permit Area.

Development Permit Area

The subject property is outside all Development Permit Areas.

Development Cost Charge Area

The subject property is outside 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 and the charge of \$1,000 must be paid prior to subdivision of the property for each new residential lot created.

Impact Analysis**Context**

The proposed zoning amendment will allow residential use on the subject property. The proposed residential subdivision will be compatible with the Residential 5 Zone lands in the south and south west.

Population & Traffic

This proposal will to some extent increase the population and traffic within the area, as eventually three new residential lots will be created.

Sewage & Water

The proposed subdivided lots will be serviced by lagoons with the proposed water supply via well.

Comments Received from Municipalities & Provincial Agencies**PRRD Bylaw Enforcement**

Interest unaffected.

CN Rail

Thank you for consulting CN on the application mentioned in subject. CN has concerns of developing/densifying residential uses abutting railway right-of-way. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities.

CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

1. Safety setback of principal buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 meters above grade at the property line, with side slopes not steeper than 2.5 to 1.
2. The Owner shall install and maintain a chain link fence of minimum 1.83 meter height along the mutual property line.

3. The implementation of the following mitigation measures in the design and construction of dwellings located within 300m from CN right of way:
 - Forced air ventilation systems with central air conditioning,
 - The exterior wall siding of buildings closest to the railway line to be brick or a masonry equivalent for the exposed facades,
 - Acoustically upgraded windows meeting the minimum requirements of the Building Code and providing a maximum 35 dBA indoor limit for bedrooms and 40 dBA for living rooms,
 - Locating noise sensitive rooms away from the railway side,
 - Noise barrier fence providing a maximum 55 dBA limit for outdoor living areas,
 - Lining the outside of the foundation walls with a resilient layer,
 - Isolating the upper floors from the foundation wall and any internal column supports using rubber pads designed to deflect 5 to 20mm under load.
4. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

CN anticipates the opportunity to review a detailed site plan and proposed N&V measures taking into consideration CN development guidelines.

Agricultural Land Commission

See the attached ALC resolution.

Ministry of Transportation and Infrastructure

The Ministry of Transportation and Infrastructure is currently reviewing the proposed road design as proposed through the related subdivision application (MOTI File 2022-00803). With this in mind, the Ministry has no objections to the proposal as submitted.

Northern Health

Unfortunately we do not have the capacity to review/respond to requests of this nature at this time. Please be aware that a lack of response does not conclude that interests of Northern Health are not affected but instead that we were unable to review to determine potential for impact.

Pacific Northern Gas Ltd

PNG has no concerns that need to be addressed with this application.

Fort St. John Fire Department

Interest unaffected

Fort St. John – City Engineering

As long as the actual construction of the road as the specified radius it will be sufficient.

Ministry of Agriculture and Food

See attached letter.

ALTERNATIVE OPTIONS:

1. That the Regional Board respectfully refuse Zoning Amendment Bylaw No. 2491, 2022 to rezone a ±4.12 hectare portion of the subject property identified as PID 012-906-450 from Large Agricultural Holdings (A-2) Zone to Residential 3 (R-3) Zone to facilitate a subdivision.
2. 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):

None at this time.

Attachments:

1. Application, PRRD File No. 22-003 ZN
2. Maps, PRRD File No. 22-003 ZN
3. ALC Resolution No. 63300, PRRD File No. 22-003 ZN
4. Section 36 (R-3 Zone) of PRRD Zoning Bylaw No. 1343, 2001
5. Draft Zoning Bylaw No. 2491, 2022
6. Ministry of Agriculture and Food Response, PRRD File No. 22-003 ZN

External Links:

1. [Subdivision within the ALR, PRRD File No. 21-006 ALR SUB, DS-BRD-170](#), July 22, 2021 Regional Board Meeting, Agenda Item No. 10.10



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*	FEE \$ 1,150.00
☒ Zoning Bylaw Amendment* #	\$ 800.00
☐ Official Community Plan / Zoning Bylaw Amendment combined* #	\$ 1,200.00
☐ Temporary Use Permit*	\$ 500.00
☐ Temporary Use Permit Renewal	\$ 350.00
☐ Development Permit #	\$ 165.00
☐ Development Variance Permit	\$ 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 \$ 1,500.00
(Applicant responsible for additional costs associated with the advertisements, signage, and facility rental, if applicable)

2. PLEASE PRINT

Property Owner's Name Sean Gallagher // Kevin Gallagher	Authorized Agent of Owner (if applicable) Brenna Burns Personal Real Estate Corporat
Address of Owner [REDACTED]	Address of Agent 9120 100 Ave #101
City/Town/Village: [REDACTED]	City/Town/Village: Fort St John, BC
Postal Code: [REDACTED]	Postal Code: V1J 1X4
Telephone Number: [REDACTED]	Telephone Number: 250-262-6441
E-mail: [REDACTED]	E-mail: brenna@brennaburns.com

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
012-906-450 Lot 6 section 24 township 84 range 19	6.79 ha/16.77 ac ha./acres
west of the 6th meridian	ha./acres
peace river district plan 9578, except: part lying west	ha./acres
of plan 18582; part on plan 18582 and part	ha./acres
on plan BCP21017	TOTAL AREA 6.79 ha/16.7 ha./acres

4. Civic Address or location of property: Rose Prairie Rd, North of Fort St John

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 and R-3

Proposed zone: R-3 - Residential

Text amendment: Property is split zoned, would like to go from A-2 to R-3

☐ 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:

The property is vacant and not in use for any purposes / no buildings

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

(a) North Agriculture/Farm (hayfield)

(b) East Residential - single family home and detached shop

(c) South Residential - single family home

(d) West Residential (vacant)

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

See attached sheet

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:

The proposed sewage disposal is, Private (lagoon) for the properties

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

The proposed water supply is via well

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.

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.

DocuSigned by:  _____ Signature of Owner	5/4/2022 _____ Date signed
DocuSigned by:  _____ Signature of Owner	5/6/2022 _____ Date signed

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.

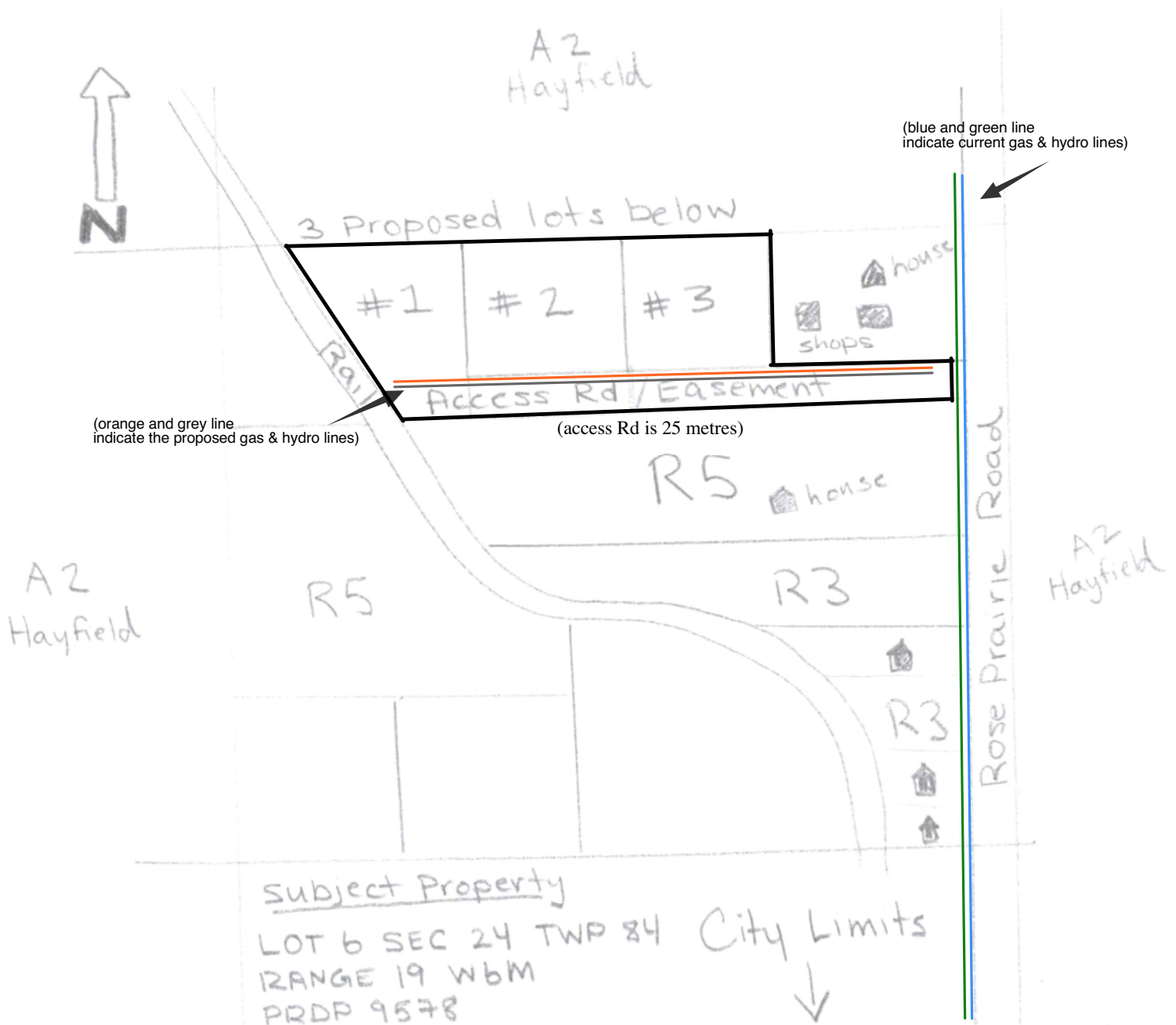
I / We <u>Kevin Gallagher</u> and <u>Sean Gallagher</u> hereby authorize (name of landowner) (name of landowner)	
<u>Brenna Burns PREC*</u> to act on my/our behalf regarding this application. (name of agent)	
Signature of Owner:  DocuSigned by:	Date: 5/4/2022
Signature of Owner:  DocuSigned by:	Date: 5/6/2022

X

Question 8 &9 :

Seeking to subdivide the 6.79 hectare subject property into three lots. The property is split zoned A-2 (Large Agri Holdings) and R-3 (Residential 3 zone). Lots 1 and 2 (both 1.85 hectares ins size) are in the A-2 zone. While dwelling units are permitted on properties zoned A-2, the minimum parcel size is the A2 zone is 63 hectares. Lot 3 is 1.80 and already located in the R-3 zone, where dwelling is permitted and the minimum lot size is 1.8 hectares. The proposal is to create more residential lots to satisfy consumer demands for rural residential properties.

February 11, 2022

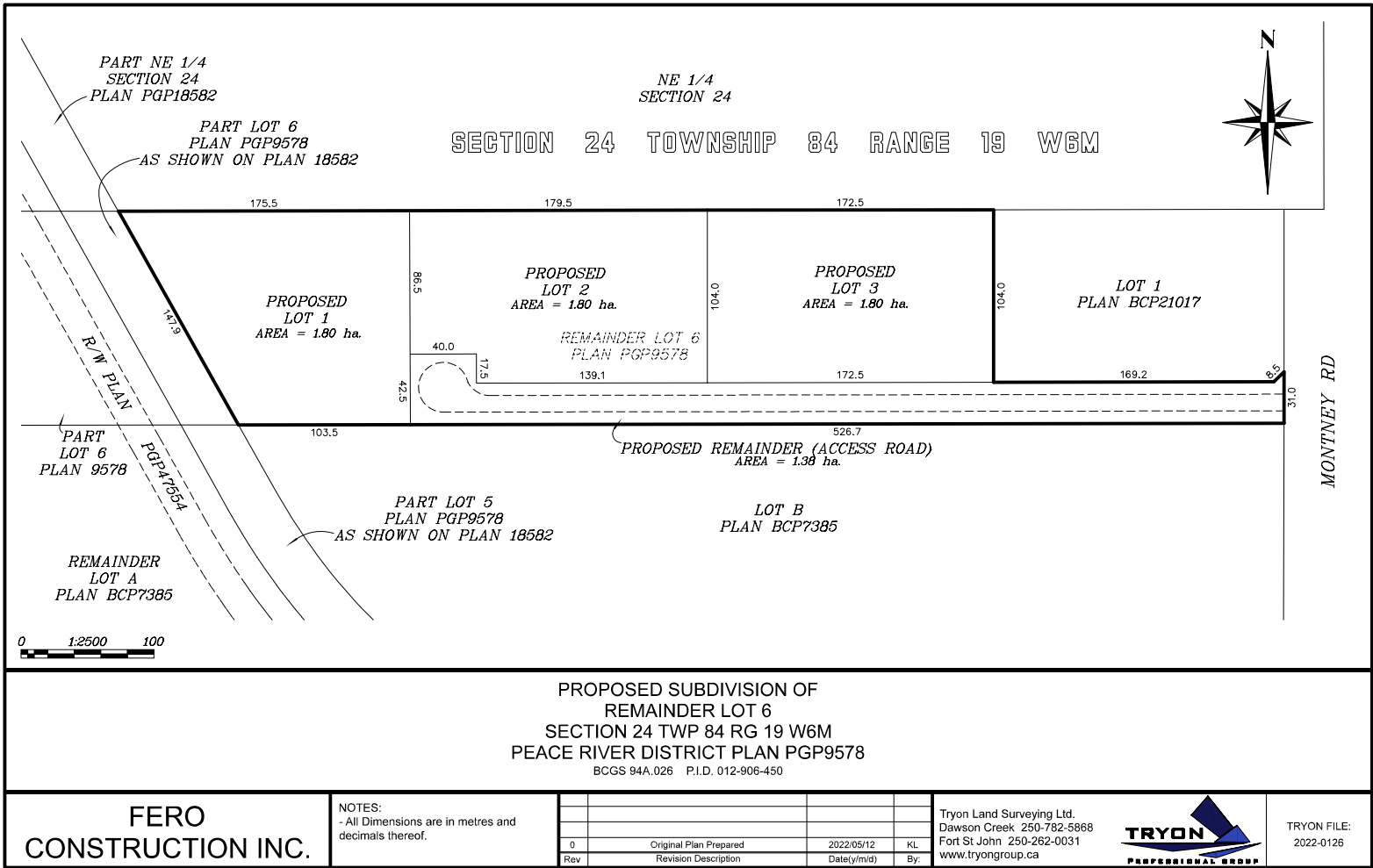
PROPOSED DEVELOPMENT PLAN

Property (south)
 LOT B SEC 24 TWP 84 RNG 19 W6M BCP7385

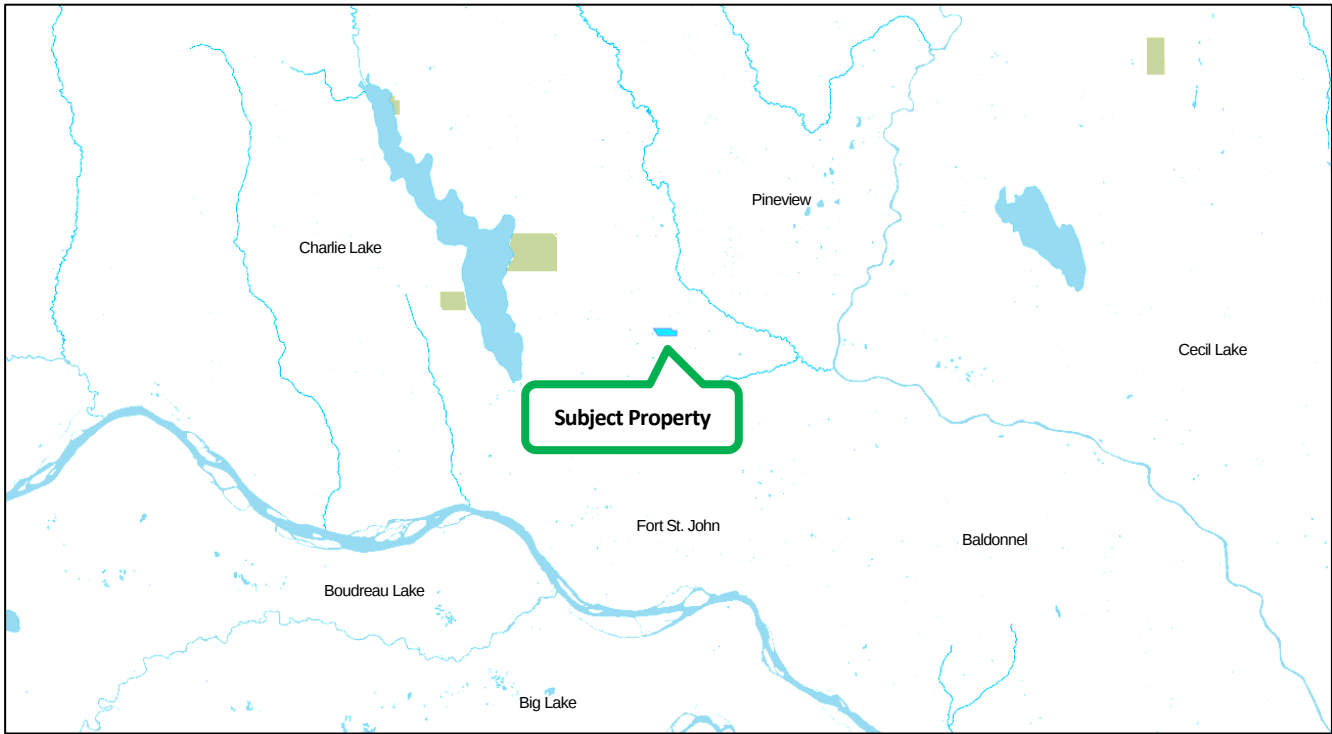
Property (east)
 THE SW 1/4 OF SEC 19, TWP 84 RNG 18, W6M PRD, EXCEPT PL M134

Property (north)
 THE NE 1/4 OF SEC 24 TWP 84 RNG 19 W6M PRD, EXCEPT PLAN 18582 & PRCL A

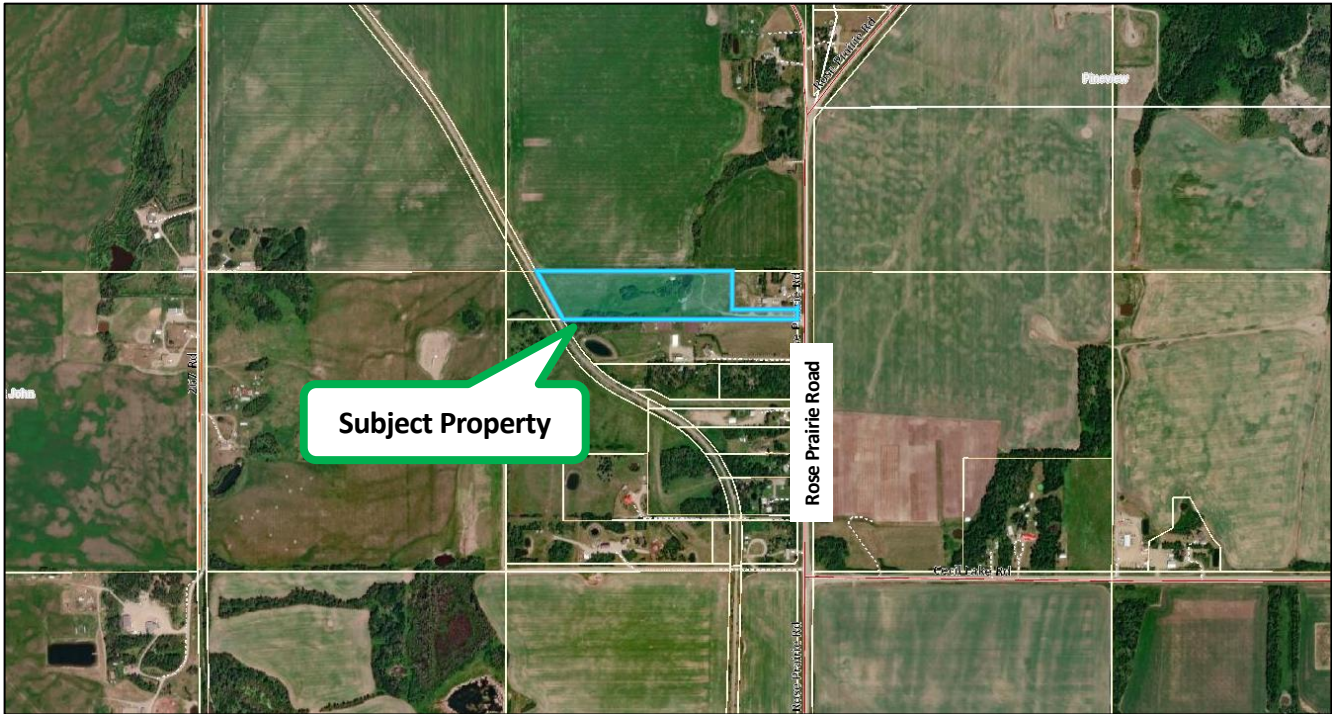
Property (west)
 THE SW 1/4 OF SEC 24 TWP 84 RNG 19 W6M PRD



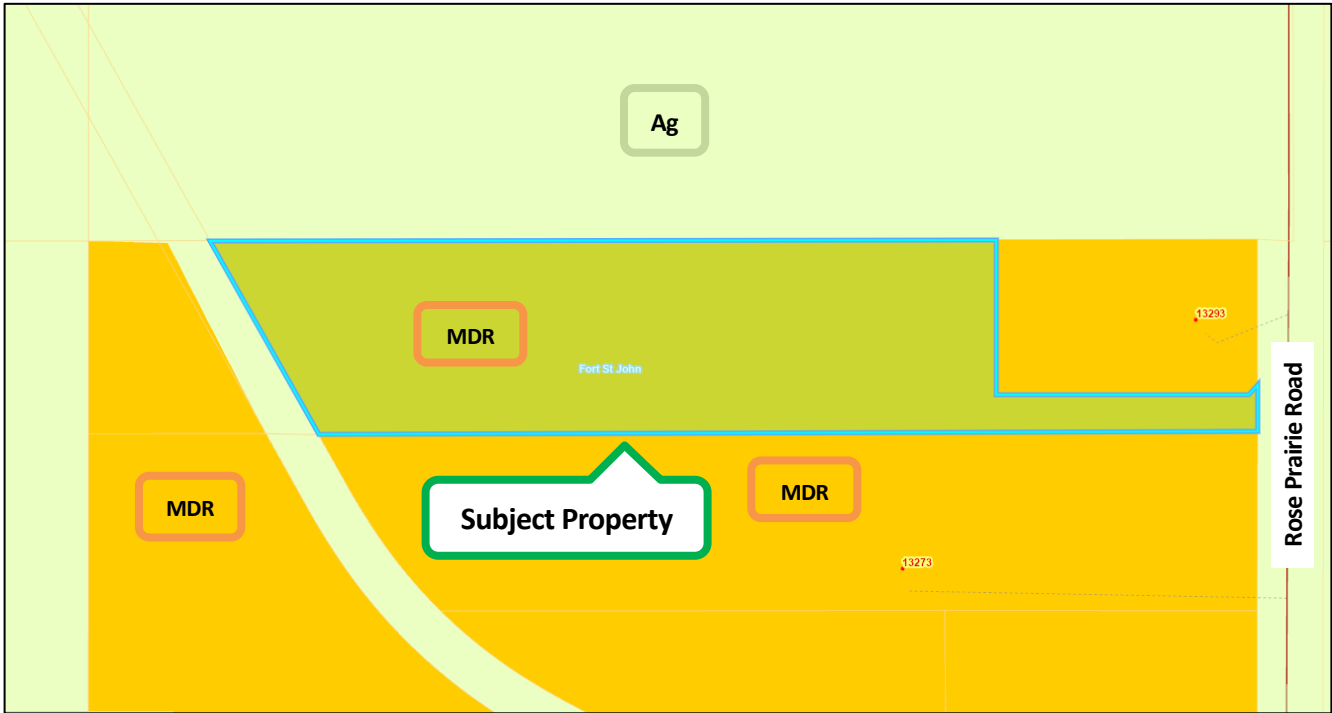
Location: Fort St. John area



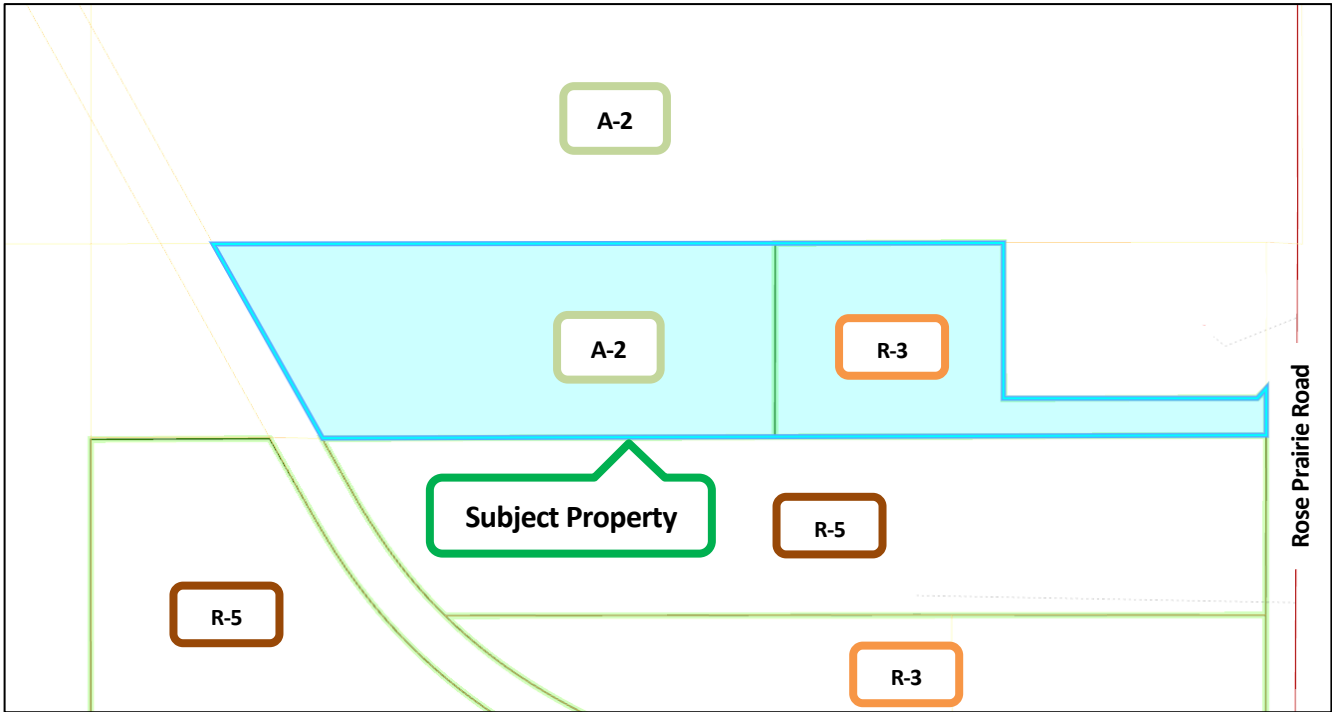
Aerial imagery



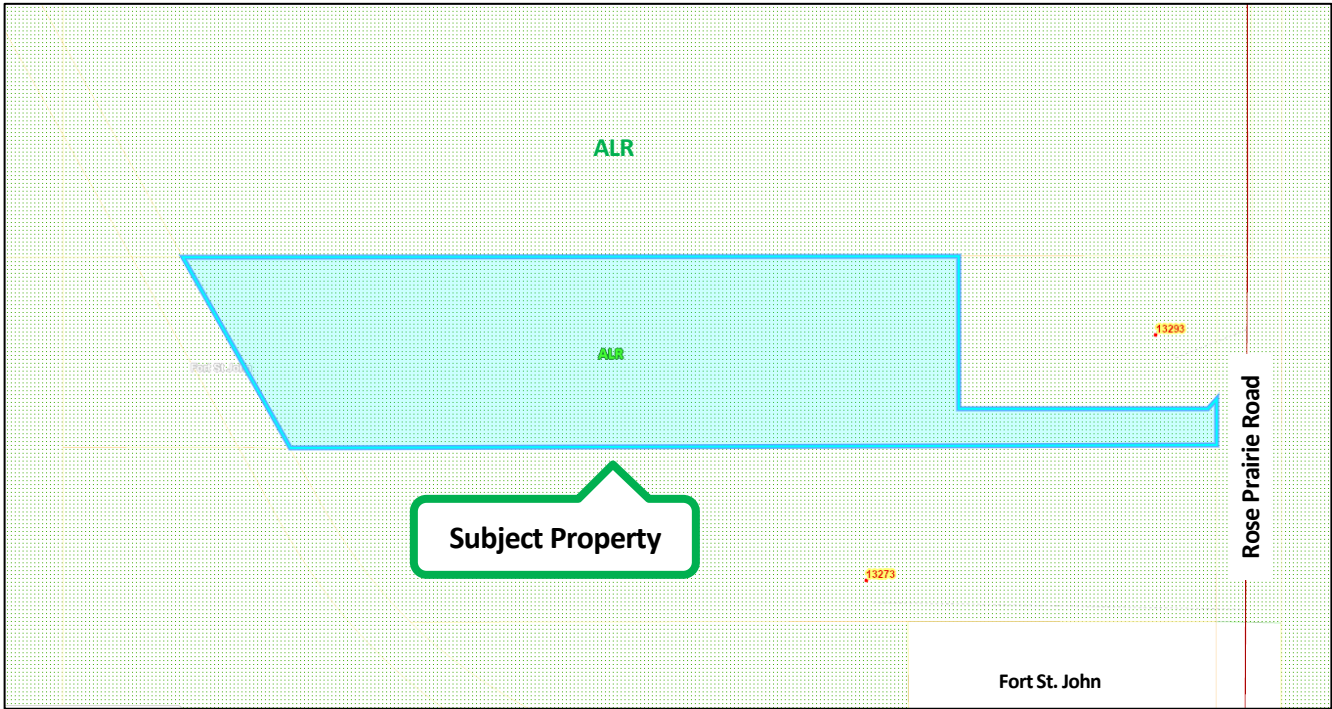
PRRD North Peace Fringe Area OCP Bylaw No. 1870, 2009: Medium Density Rural Residential (MDR)



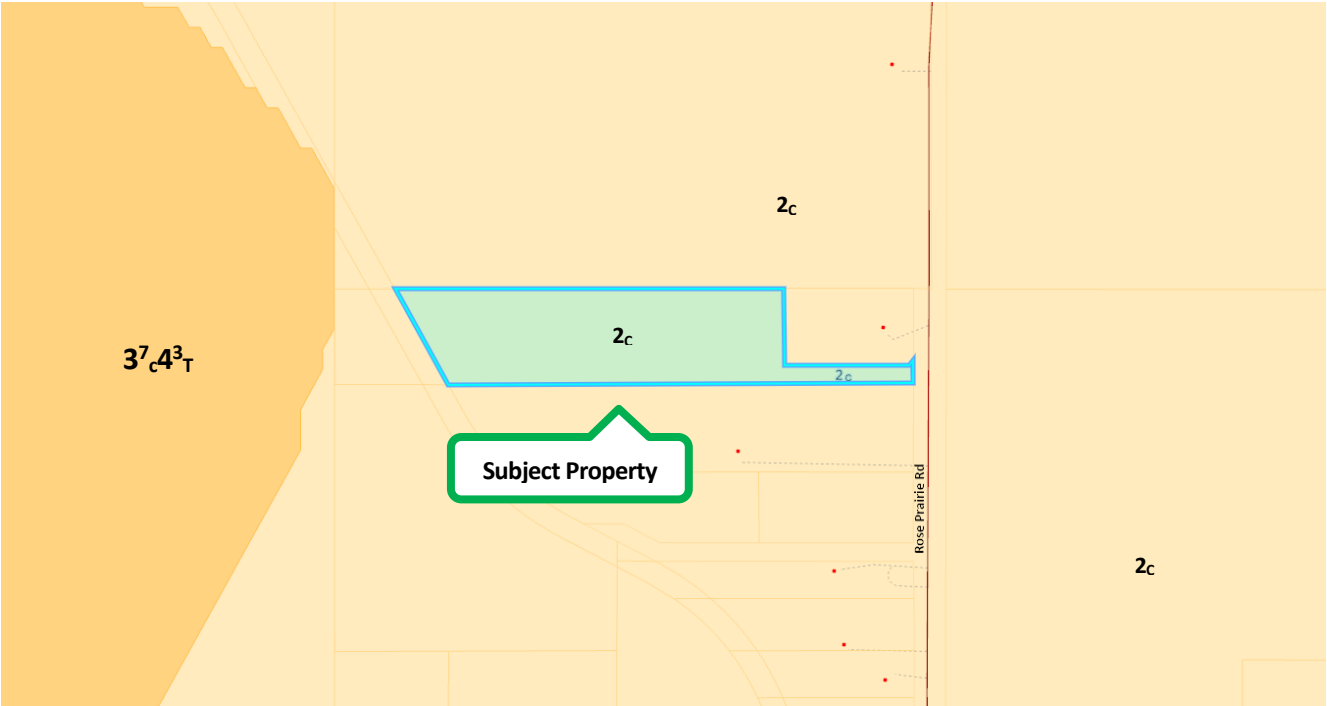
PRRD Zoning Bylaw No. 1343, 2001: Large Agricultural Holdings Zone (A-2)



Agricultural Land Reserve: Within



CLI Soil Classification: 2_c





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

January 19, 2022

ALC File: 63300

Brenna Burns
Century 21 Energy Realty
DELIVERED ELECTRONICALLY

Dear Brenna Burns:

Re: Reasons for Decision - ALC Application 63300

Please find attached the Reasons for Decision for the above noted application (Resolution #25/2021). As agent, it is your responsibility to notify the applicant accordingly.

Please note that the submission of a \$150 administrative fee may be required for the administration, processing, preparation, review, execution, filing or registration of documents required as a condition of the attached Decision in accordance with s. 11(2)(b) of the ALR General Regulation.

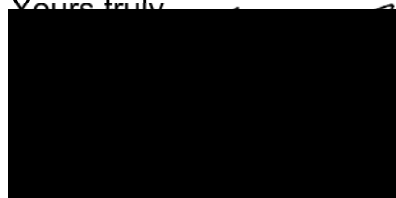
Under section 33 of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. A request to reconsider must now meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides either:
 - Evidence that was not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
 - Evidence that all or part of the original decision was based on evidence that was in error or was false.

The time limit for requesting reconsideration of a decision is one year from the date of the decision's release, as per [ALC Policy P-08: Request for Reconsideration](#).

Please refer to the ALC's [Information Bulletin 08 – Request for Reconsideration](#) for more information. Please direct further correspondence with respect to this application to ALC.North@gov.bc.ca.

Yours truly,



Planner

Enclosures: Reasons for Decision (Resolution #25/2021)
 Schedule A: Decision Map

cc: Peace River Regional District (File 21-006 ALR SUB) Attention: Kathy Suggitt

63300d1



AGRICULTURAL LAND COMMISSION FILE 63300
REASONS FOR DECISION OF THE CHIEF EXECUTIVE OFFICER

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

Applicant:	Sean Gallagher Kevin Gallagher
Agent:	Brenna Burns, Century 21 Energy Realty
Property:	Parcel Identifier: 012-906-450 Legal Description: Lot 6, Section 24, Township 84, Range 19, West of the 6 th Meridian, Peace River District Plan 9578, Except Part lying West of Plan 18582, Part on Plan 18582 and Part on Plan BCP21017 Civic: 13293 Rose Prairie Road, Fort St. John, BC Area: 6.8 ha (entirely within the ALR)
Chief Executive Officer:	Kim Grout (the "CEO")

OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] Pursuant to s. 21(2) of the ALCA, the Applicant is applying to the Agricultural Land Commission (the “Commission”) to subdivide the Property into three ~1.8 ha residential lots and a 1.3 ha area used for an easement or access road for the proposed parcels (the “Proposal”).
- [3] The Proposal along with related documentation from the Applicant, Agent, local government, third parties, and Commission is collectively referred to as the “Application”. All documentation in the Application was available on the ALC Application Portal to the Agent in advance of this decision.
- [4] Under Section 27 of the ALCA the Commission, by resolution, may establish criteria under which the CEO may approve applications for exclusion, subdivision, non-farm use, non-adhering residential use, and soil or fill use applications. By resolution, the Commission as specified that the following applications may be decided by the CEO:
 - 2. Subdivision, non-farm use, non-adhering residential use, and soil or fill use, and exclusion applications that are consistent with a specific planning decision of the Commission made by resolution (e.g.: Peace River- Fort St. John Comprehensive Development Plan). In the case of exclusion applications, the CEO may only consider applications submitted to the local government before midnight on September 29, 2020.

Clarification: This criterion for decision-making does not include general

comments or endorsement of the Commission regarding Official Community Plans, Zoning Bylaws or their respective amendments.

[5] The Proposal was considered in the context of the purposes and priorities of the Commission set out in s. 6 of the ALCA:

6 (1) The following are the purposes of the commission:

- (a) to preserve the agricultural land reserve;
- (b) to encourage farming of land within the agricultural land reserve 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 land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

(2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:

- (a) the size, integrity and continuity of the land base of the agricultural land reserve;
- (b) the use of the agricultural land reserve for farm use.

BACKGROUND

[6] The Peace River Regional District staff note that the Property is designated as Medium Density Rural Residential pursuant to PRRD North Peace Fringe Area Official Community Plan (OCP) Bylaw No. 1870, 2009 and the Proposal is consistent with the OCP as the minimum parcel size is 1.6 hectares. The

Regional Board supports the Proposal and authorized the application to be proceed to the Commission.

- [7] Gregory Bartle and Nadia Mori (P.Ag) submitted comments on behalf of the Ministry of Agriculture, Food and Fisheries (the “MAFF”) discussing the Proposal. They noted that the proposed residential lots are located immediately south of actively farmed annual crop land and as proposed the residential subdivision does not include any buffering considerations and recommended that if the subdivision be approved, to reduce potential conflicts resulting from normal agricultural activities (such as dust, odour, and noise), the requirement of a 15 m vegetative buffer and 30m building setbacks from property lines, as described in the Ministry’s Guide to Edge Planning.
- [8] The Commission, by Resolution #1105/2009, endorsed the North Peace Fringe Area OCP and the designation of the Property as “Medium Density Residential” which allows subdivision down to 1.6 ha.
- [9] The ALC endorsed the North Peace Fringe OCP in 2009 for the following reasons:
- The North Peace Fringe Area OCP consolidated previous planning documents from the late 1970’s through to the early 2000’s, including the North Peace OCP and the Charlie Lake OCP that predated the ALC Act requirement for local government bylaws to be consistent

with the ALC Act, and the 2002 Fort St John and Area Comprehensive Development Plan (the “CDP”);

- The North Peace Fringe OCP identified ~5,500 ha of ALR for non-agricultural development; rural residential; commercial and industrial.
- Much of the non-agricultural designated ALR (~3,000 ha) lies within Tea Creek watershed and Sandstone Ridge Area –, which has Class 5 CLI capability ratings with limitations of rough topography and severe climate; was largely undeveloped for agriculture; and already partially subdivided for rural residential uses.
- The ALC participated in the development of 2002 Fort St John and Area CDP which identified lands to accommodate 20 years of anticipated regional population growth and industrial land use demand.
- The Commission considered in its discussions on the 2002 Fort St John and Area CDP that Fort St John is entirely surrounded by the ALR, and that accommodating regional growth would, of necessity, affect the ALR. The Commission’s goal in its discussions and decisions, was to protect the actively used, highest capability, farmland, and to direct residential development to poorer capability (CLI Class 5) lands, and industrial development to urban adjacent ALR areas, subject to phasing to ensure minimal negative impacts on the ALR.

FINDINGS

- [10] The Commission finds that the Proposal meets the requirements for “Medium Density Residential” in the North Peace Fringe Area OCP which the Commission endorsed by Resolution #1105/2009.
- [11] The Commission notes that the land directly north of the Property was not endorsed for future subdivision, has good agricultural capability, and is actively farmed and agrees with MAFF staff that a vegetative buffer could reduce potential conflicts resulting from agricultural activities (such as dust, odour, and noise). The Commission also finds that fencing along the northern boundary of the Property and a covenant to ensure the continued maintenance of the fencing and buffer would be helpful in reducing the adverse impacts of residential development adjacent to agricultural operations.

DECISION

- [12] After reviewing the Application, I am satisfied that the Proposal is consistent with Criterion #2 and approve the Proposal subject to the following conditions:
- a. The planting of a 15 m vegetative buffer in accordance with the Commission’s Landscape Buffer Specifications and the Ministry of Agriculture’s Edge Planning Guidelines for the purpose of minimizing any

- future noise, dust, or odour issues between the agricultural use and the neighbouring property;
- b. The construction of a fence along the northern boundary of the Property for the purpose of preventing trespass on the adjacent farm land; and
 - c. The registration of a covenant to ensure the maintenance of the fence/vegetative buffer required in Conditions (a and b), along the northern property boundary; and
 - d. the submission of a surveyed subdivision plan to the Commission for endorsement, within three years of the date of the release of this decision, that is in compliance with Schedule A of this decision.

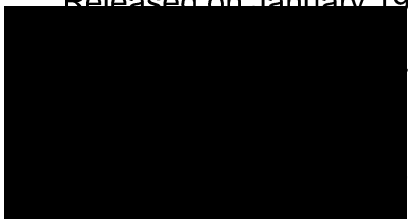
[13] When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the subdivision plan.

[14] 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.

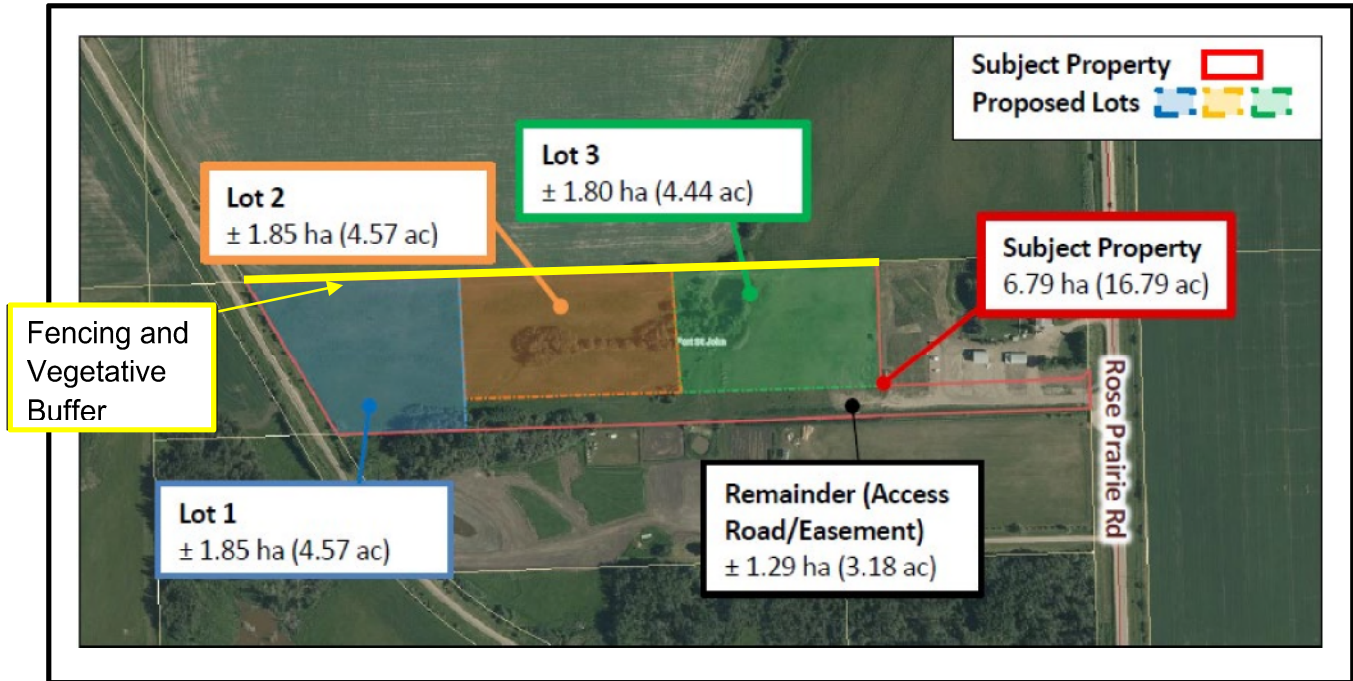
[15] A decision of the CEO is a decision of the Commission pursuant to s. 27(5) of the ALCA.

[16] Resolution #25/2021

Released on January 19, 2022



Executive Officer





PEACE RIVER REGIONAL DISTRICT Zoning Bylaw No. 1343, 2001

SECTION 36 R-3 (Residential 3 Zone - 0.9 ha / 1.8 ha)

1. Permitted Uses

The following [PRINCIPAL USES](#) and no others are permitted in a R-3 zone subject to Part IV of this bylaw and subject to Sub-Section 2 of this Section 36;

- (a) [DWELLING UNIT](#);
- (b) Market garden;
- (c) [AGRICULTURE](#);

The following [ACCESSORY](#) uses and no others are permitted in a R-3 zone, subject to Part IV of this bylaw and Sub-Section 2 of this Section 36:

- (d) ACCESSORY building and ACCESSORY structure; (See [Section 13](#))
- (e) [AGRICULTURE-DOMESTIC](#);
- (f) [BED AND BREAKFAST](#) accommodation; (See [Section 16](#))
- (g) [HOME BASED BUSINESS](#); (See [Section 19](#))
- (h) [SECONDARY SUITE](#); (See [Section 25](#))
- (i) [TEMPORARY ADDITIONAL DWELLING](#). (See [Section 29](#))

2. Regulations

Minimum Parcel Size

- (a) The minimum parcel size is 0.9 hectares (2.2 acres) in the area covered by West Peace Official Community Plan Bylaw;
- (b) The minimum parcel size is 0.9 hectares (2.2 acres) when the parcel is connected to a [COMMUNITY SEWAGE SYSTEM](#) in the area covered by North Peace Official Community Plan Bylaw (Electoral Areas B, D and E only);
[Bylaw No. 2249, 2016]
- (bb) The minimum parcel size is 0.9 hectares (2.2 acres) when the parcel is connected to a [COMMUNITY SEWER](#) in the area covered by North Peace Official Community Plan Bylaw (Electoral Area C only);
[Bylaw No. 2249, 2016]
- (c) The minimum parcel size is 1.8 hectares (4.5 acres) where there is no COMMUNITY SEWAGE SYSTEM in the area covered by North Peace Official Community Plan Bylaw (Electoral Areas B, D and E only);
- (cc) The minimum parcel size is 1.8 hectares (4.5 acres) where there is no COMMUNITY SEWER in the area covered by North Peace Official Community Plan Bylaw (Electoral Area C only);
[Bylaw No. 2249, 2016]



PEACE RIVER REGIONAL DISTRICT
Zoning Bylaw No. 1343, 2001

SECTION 36 R-3 (Residential 3 Zone - 0.9 ha / 1.8 ha) Continued

Except for:

- i) Lot 3, Sections 25, Township 84, Range 20, W6M, PRD, Plan BCP39102, for which the minimum parcel size may be 0.9 ha (2.2 acres) when the parcel has a sewage system approved by the agency having jurisdiction regarding sewage disposal." [Bylaw No.1805, 2008]
- ii) Lot 1, Section 12, Township 84, Range 19, W6M, PRD, Plan EPP5285, for which the minimum parcel size may be 0.9 ha (2.2 acres) when the parcel has a sewage system approved by the agency having jurisdiction regarding sewage disposal." [Bylaw No. 1869, 2009]

Number and type of DWELLING UNIT(S)

- (d) One [SINGLE FAMILY DWELLING](#) is permitted on a parcel
- (e) One [TEMPORARY ADDITIONAL DWELLING](#), is permitted on a parcel 0.9 hectares (2.2 acres) and larger.

Height

- (f) No building or structure shall exceed 10 metres (32.8 ft.) in [HEIGHT](#).

Setbacks

- (g) Except as otherwise permitted in this bylaw, no [PRINCIPAL](#) 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](#);
 - (iv) 5 metres (17 ft.) of a [REAR PARCEL LINE](#).
- (h) Except as otherwise permitted in this bylaw, no [ACCESSORY](#) building or structure shall be located within:
 - (i) 7 metres (23 ft.) of a FRONT PARCEL LINE;
 - (ii) 1.5 metres (5 ft.) of an INTERIOR SIDE PARCEL LINE;
 - (iii) 5 metres (17 ft.) of an EXTERIOR SIDE PARCEL LINE;
 - (iv) 3 metres (10 ft.) of a REAR PARCEL LINE.

Agriculture

- (i) [AGRICULTURE](#), use is permitted on parcels 4 hectares (10 acres) and larger;
- (j) [AGRICULTURE DOMESTIC](#), is permitted on parcels 0.4 hectares (1 acre) and larger; -



PEACE RIVER REGIONAL DISTRICT
Zoning Bylaw No. 1343, 2001

SECTION 36 R-3 (Residential 3 Zone - 0.9 ha / 1.8 ha) Continued

Where [AGRICULTURE](#) or [AGRICULTURE-DOMESTIC](#) are permitted the following regulations shall apply;

- (k) Maximum [LOT COVERAGE](#) for each commodity group is limited to the following:

COMMODITY GROUPS			
Apiculture (bees)	Greenhouse, Nursery, Speciality wood & Turf Crops	Livestock,* Poultry, Game and Fur	Mushroom growing facility
20%	Greenhouse: 75% Nurseries, Speciality Wood Crops & Turf	35%	35%

*[CONFINED LIVESTOCK AREAS](#) are included in the LOT COVERAGE restriction.

The following structures do not fall under the LOT COVERAGE restrictions:

- detention ponds
- support structures used for shading, frost and wind protection of plants and animals.

Additional Uses

- (l) The following additional uses are permitted on lands legally described as:
Lot D, Plan PGP46346, Section 5, Township 84, Range 18, PRD
- i) Equestrian facility, limited to a maximum of 18 stalls.

[Bylaw No. 1456, 2003]

PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2491, 2022

A bylaw to amend "Peace River Regional District
Zoning Bylaw No. 1343, 2001."

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

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. 2491, 2022."
2. Schedule A – Map 9 of "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by rezoning a $\pm$ 4.12 ha. (10.18 ac) portion of Lot 6, Section 24, Township 84, Range 19, W6M, PRD, Plan 9578, except part lying west of Plan 18582; Part of Plan 18582 and Part on Plan BCP21017, from A-2 "Large Agricultural Holdings Zone" to R-3 "Residential 3 Zone", as shown on Schedule 'A' which is attached to and forms part of this bylaw.

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

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

Public Notice mailed on the _____ day of _____, 2022.

Public Notice published on the _____ day of _____, 2022.

Public Hearing held on the _____ day of _____, 2022.

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

ADOPTED THIS _____ day of _____, 2022.

Brad Sperling, Chair

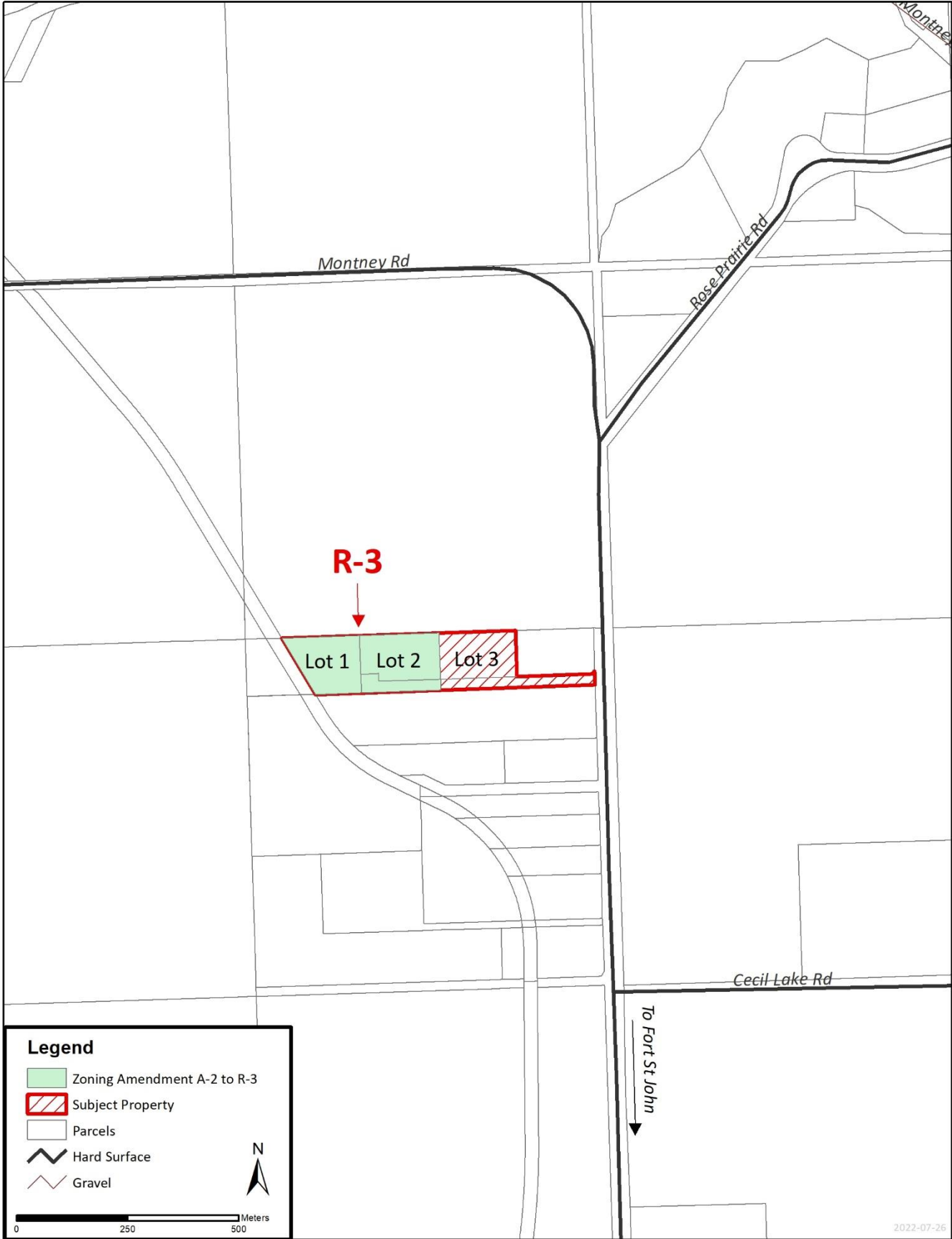
(Corporate Seal has been affixed to the original bylaw)

Tyra Henderson,
Corporate Officer

I hereby certify this to be a true and correct copy of "PRRD
Zoning Amendment Bylaw No. 2491, 2022", as adopted by the
Peace River Regional District Board on _____, 2022.

Tyra Henderson, Corporate Officer

Schedule A





July 28, 2022

Local Government File: 22-003 ZN

Marc Villarosa, Planner 2
Peace River Regional District (PRRD)
VIA EMAIL: planning@prrd.bc.ca

Re: Zoning Bylaw Amendment application – Rose Prairie Road (PID 012-906-405)

Dear Marc Villarosa:

Thank you for providing the Ministry of Agriculture and Food (Ministry) with the opportunity to comment on the proposed rezoning of the subject property located within the Agricultural Land Reserve (ALR) to allow its subdivision into three parcels. Ministry staff can offer the following comments:

- Ministry staff note that the Ministry's July 7, 2021 letter responding to the Regional District's referral request for comment regarding the subject property and associated ALC application #63300, addresses the proposed subdivision. A copy is attached for your convenience.
- Ministry staff further note that notwithstanding the ALC's approval of the proposed subdivision (Resolution # 25/2021) with no objection to the proposed rezoning, the Regional District may wish to further consider this July 7, 2021 letter and associated concerns.

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

Sincerely,

Gregory Bartle
Land Use Planner
Ministry of Agriculture and Food
Phone: (778) 974-3836
Email: Gregory.Bartle@gov.bc.ca

Attached: AF July 7, 2021 letter re: ALC Subdivision application - Rose Prairie Road (PID 012-906-450)



July 7, 2021

Local Government File: 21-006 ALR Sub
ALC ID: 63300

ATTN: Anmol Anand
Junior Planner
Peace River Regional District (PRRD)
VIA EMAIL: planning@prrd.bc.ca

Re: ALC Subdivision application - Rose Prairie Road (PID 012-906-450)

Dear Anmol Anand:

Thank you for providing the Ministry of Agriculture, Food and Fisheries (Ministry) with the opportunity to comment on the proposed Agricultural Land Commission (ALC) application to subdivide a 6.79 hectare parcel into three residential lots for the purpose of meeting consumer demand for rural residential property in the Agricultural Land Reserve (ALR). Ministry staff offer the following comments:

- The proposed project is located on prime agricultural land with an agricultural capability rating of Class 2, which are lands with very high potential for agricultural activities. The dominant soil texture is silty clay with moderately well drained soils. This proposal provides no apparent benefit to agricultural production on the ALR.
 - The proposed residential lots are located immediately south of actively farmed annual crop land. The proposed residential subdivision does not include any buffering considerations. Should this subdivision be approved, to reduce potential conflicts resulting from normal agricultural activities (such as dust, odour, and noise), the PRRD may wish to require a 15 meter vegetative buffer and 30 meter building setbacks from property lines, as described in the Ministry's [Guide to Edge Planning](#).
 - Ministry staff recognize that the proposal for the residential subdivision is close to similar small lot acreages which are wedged between the rail tracks to the west and road to the east. However, subdivision for residential use of Class 2 agricultural land may set precedence for further development and price speculation on adjacent ALR land.
- .../2

- The subdivision of the agricultural parcels can also lead to a reduction of farm production in the long run, particularly when the land is sold in the future. Provincial data shows that smaller parcels are less likely to be farmed, as smaller size reduces the options for farm type.
- The stated reason for why there is currently no agricultural activity taking place on this parcel is because of topography. Ministry staff are available to discuss viable agricultural opportunities with landowners considering pursuing farming activities on ALR land that may have possible limitations due to this reason.

For your information, the Ministry is proposing new rules to provide more flexibility to help farming families thrive and to benefit non-farmers living in the ALR. The new rules will also help small-scale farmers by streamlining approval for a small-farm labourer residence or agri-tourism accommodation. For more information on this topic, please see the Ministry fact sheet on residential flexibility located [here](#).

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

Sincerely,

Gregory Bartle
Land Use Planner
Ministry of Agriculture, Food and Fisheries
Phone: (778) 974-3836
Email: Gregory.Bartle@gov.bc.ca

Nadia Mori, P.Ag
Regional Agrologist
Ministry of Agriculture, Food and Fisheries
Phone: (778) 576-1196
Email: Nadia.Mori@gov.bc.ca

Email copy: ALC Land Use Planner (North), ALC.North@gov.bc.ca