



REPORT

To: Chair and Directors

Report Number: DS-BRD-359

From: Ashley Murphey, RPP, MCIP, GM of Development Services

Date: December 8, 2023

Subject: OCP & Zoning Amendment Bylaw Nos. 2534 & 2535, 2023, PRRD File No. 23-013 OCP ZN

RECOMMENDATION: [Corporate Unweighted – Pouce Coupe Excluded]

That the Regional Board respectfully refuse to give Rural Official Community Plan Amendment Bylaw No. 2534, 2023, to amend the designation of a ± 1.8 ha portion of the property identified as PID 014-969-041 from Agriculture Rural (Ag-Rural) to Civic, Assembly, and Institutional (Civic) first and second readings; further

That the Regional Board respectfully refuse to give Peace River Regional District Zoning Amendment Bylaw No. 2535, 2023, to rezone the same property from Agriculture Rural (Ag-Rural) to Public (P) first and second readings as the proposal is not consistent with the OCP or zoning bylaws.

BACKGROUND/RATIONALE:

Proposal

The applicant is seeking to establish a private family cemetery on a 1.8 ha portion of the property identified as PID 014-969-041, as shown on the attached maps. The proposal has received approval from the Agricultural Land Commission (ALC ID 66939) and is pending approval from the Ministry of Transportation and Infrastructure. The Ministry of Transportation and Infrastructure cannot approve the subdivision unless it is in compliance with the OCP and Zoning Bylaws, therefore this application is required.

Rationale

Refusal for this application is being recommended as the proposal to establish a private family cemetery on a 1.8 ha portion of the subject property is not a permitted use with the A-2 zone and is not consistent with the OCP designation of "Agriculture – Rural".

File Details

Owner: Joseph Walter
Agent: Joseph Travis Walter
Area: Electoral Area B
Location: Doig
Legal: District Lot 3029 Peace River District
PID: 014-969-041
Civic Address: 4940 PDR 216
Lot Size: 249.88 ha (617.4 ac)

Background

March 9, 2023: The Regional Board received [Subdivision with the ALR, PRRD File No. 22-011 ALR SUB, DS-BRD-289](#) and authorized the application to subdivide a ±1.8 ha parcel of the subject property for the purpose of establishing a family cemetery to proceed to the Agricultural Land Commission (ALC).

July 27, 2023: The ALC approved a ±1.8 ha parcel subdivision for the purpose of establishing a private cemetery.

August 22, 2023: The PRRD received an OCP and Zoning Amendment application to redesignate and rezone the property to allow the development of a private cemetery on the property (File No. 23-013 OCP ZN).

Site Context

The subject property is located in the Doig area, approximately 50 km north of the City of Fort St John. All surrounding lands are zoned A-2 (Large Agricultural Holdings) with a mixture of cultivated fields, treed areas, and existing oil and gas development. The applicant has stated that the subject 1.8 ha portion of the property is unable to be farmed due to the limited access for farm equipment to cultivate or seed.

Site Features

Land

The subject parcel is intersected diagonally by the PDR 216 road. Approximately 1/3 of the west side of the property is treed and the other 2/3 is cleared land. The property has oil and gas activity and agricultural operations.

Structures

The applicant has stated that there are no buildings on the proposed 1.8 ha subdivision, however there is an old, abandoned barn approximately 250 m east of the proposed parcel.

Access

The proposed parcel is accessed from PDR 216 road, which connects to PDR MC15 road.

Canada Land Inventory Soil Rating

According to the Canada Land Inventory, soils on the subject property and proposed subdivision are classified as O and 4⁷x5³w.

Class 4 soils have severe limitations that restrict the range of crops or require special conservation practices, or both. Subclass X is comprised of soils having a limitation resulting from the cumulative effect of two or more adverse characteristics. Class 5 soils have very severe limitations that restrict their capability to producing perennial forage crops, and improvement practices are feasible. Subclass W denotes excess water.

Comments & ObservationsApplicant

The Applicant states that it is their wish to be able to have their final resting place be in a family cemetery on their own land where they were born and raised.

Agricultural Land Reserve (ALR)

The subject property is within the Agricultural Land Reserve, and therefore the provisions of the *Agricultural Land Commission Act* apply. The ALC approved the subdivision pursuant to ALC Resolution #364/2023, see Attachment #6.

Official Community Plan (OCP)

Pursuant to the Rural Official Community Plan Bylaw No. 1940, 2011 the subject property is designated Agriculture Rural (Ag-Rural). Land within this designation should be primarily used for agriculture. The minimum parcel size should be 63 ha (155.6 ac). The proposal is not consistent with this designation because a private cemetery is not a permitted use.

Therefore, an OCP amendment to Civic, Assembly, and Institutional is required. Land within the Civic, Assembly, and Institutional should be used for community halls, agriculture, and cemeteries, among other uses. The proposal is consistent with the policies of the proposed designation.

Land Use Zoning

Pursuant to Zoning Bylaw No. 1000, 1996, the subject property is zoned Large Agricultural Holdings (A-2). Land within this zone may be used for agriculture, oil and gas activities, and gravel extraction and processing, among other uses. The minimum parcel size is 63 ha (155 ac). The proposal does not comply with the zoning bylaw because it is not a permitted use or parcel size.

Therefore, a zoning amendment to Public Use (P) is required. Land within the Public Use zone may be used for libraries, museums, or cemeteries, among other uses. The minimum parcel size is 1.8 ha (4.5 ac). The proposal is consistent with the regulations of the proposed zone.

Fire Protection Area

The subject property is outside all fire protection areas.

Mandatory Building Permit Area

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

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 must be paid prior to subdivision of the property.

Impact AnalysisContext

No disruptive change to the surrounding land uses is anticipated.

Population & Traffic

No change to traffic is anticipated.

Sewage & Water

No sewage or water system is proposed.

Comments Received from Municipalities & Provincial AgenciesPRRD Bylaw

No concerns.

PRRD GIS

No concerns.

PRRD Building

No concerns.

BC Energy Regulator

The BCER has reviewed this application, including associated documents, and has no concerns at this time to establish a family cemetery on a 1.8 ha parcel within the subject property, and to amend the designation and zoning in order for the proposal to be in conformance with relevant bylaws. Since the proposed activities is located near Suspended Compressor Dehydrator, the BCER would advise the applicant to contact the permit holders of this site so that the permit holder can review and revise their emergency plans to that timely steps can be taken in the event of an emergency.

Ministry of Agriculture and Food

See attachment for further details.

ALTERNATIVE OPTIONS:

1. That the Regional Board give North Peace Fringe Area Official Community Plan Amendment Bylaw No. 2534, 2023 to amend the designation of a 1.8 ha portion of the property identified as PID 014-969-041 from Agriculture Rural (Ag-Rural) to Public Use (P) first and second readings; further,

That the Regional Board give Peace River Regional District Zoning Amendment Bylaw No. 2535, 2023, to rezone the same 1.8 ha portion of the property identified as PID 014-969-041 from Agriculture Rural (Ag-Rural) to Civic, Assembly and Institutional first and second readings; and further,

That a public hearing be held pursuant to Section 464 of the *Local Government Act*, delegated to the Director of Electoral Area B, and that public notification be authorized pursuant to Section 466

of the *Local Government Act* once the Peace River Regional District has adopted a Public Notice Bylaw.

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):

There are at least 31 rural cemeteries within the PRRD, as noted in a 2020 report provided to the Electoral Area Directors Committee Meeting 'Grounds Maintenance of Cemeteries within the Peace River Regional District, CS-EAD-001' (linked below). The report was requested by EADC to explore options and costs associated with the PRRD taking over operations and maintenance of rural cemeteries. Based on that report there would be a need to develop new service function(s), hire additional staff, and an overall increased cost to the Regional District to overtake operations and maintenance of existing cemeteries in the region. While this cemetery is proposed to be private at this time, there is a risk that at some point in the future there could be a request for the Regional District to overtake the operations and maintenance of the cemetery.

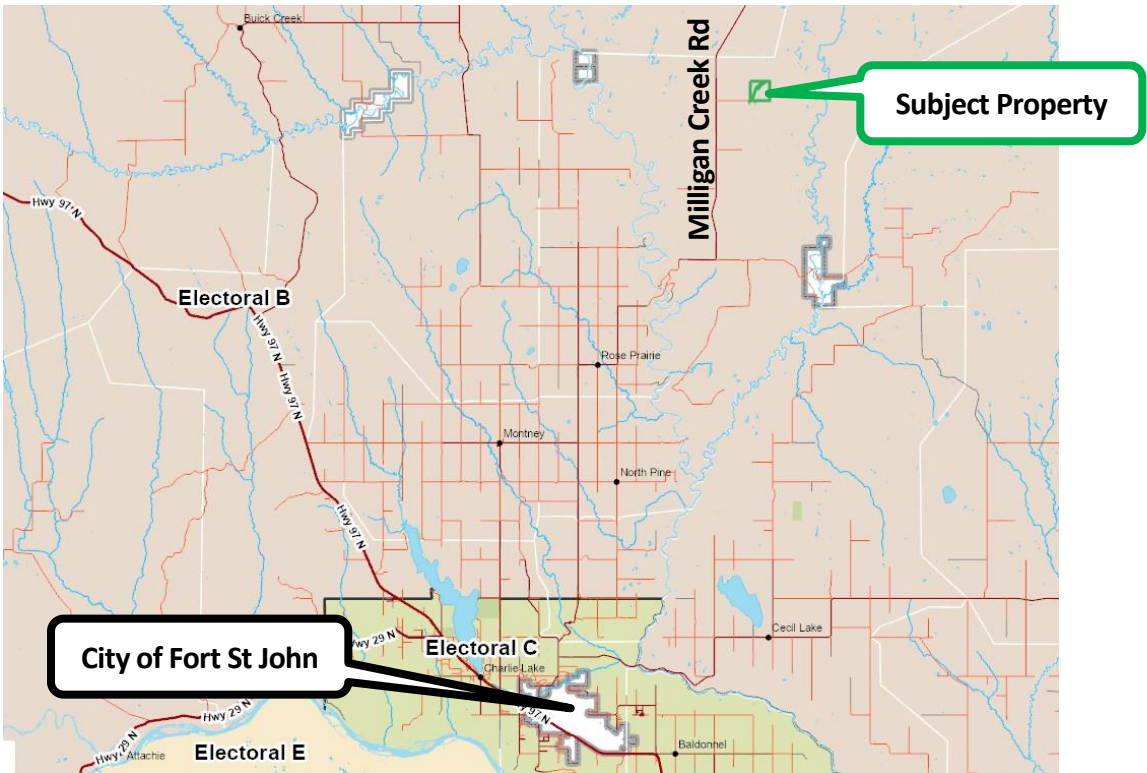
Attachments:

1. Official Community Plan Amendment Bylaw No. 2534, 2023
2. Zoning Amendment Bylaw No. 2535, 2023
3. Maps, PRRD File No. 23-013 OCP ZN
4. Application, PRRD File No. 23-013 OCP ZN
5. Comments Received from Municipalities & Provincial Agencies, PRRD File No. 23-013 OCP ZN
6. ALC Subdivision Approval Letter, PRRD File No. 22-011 ALR SUB

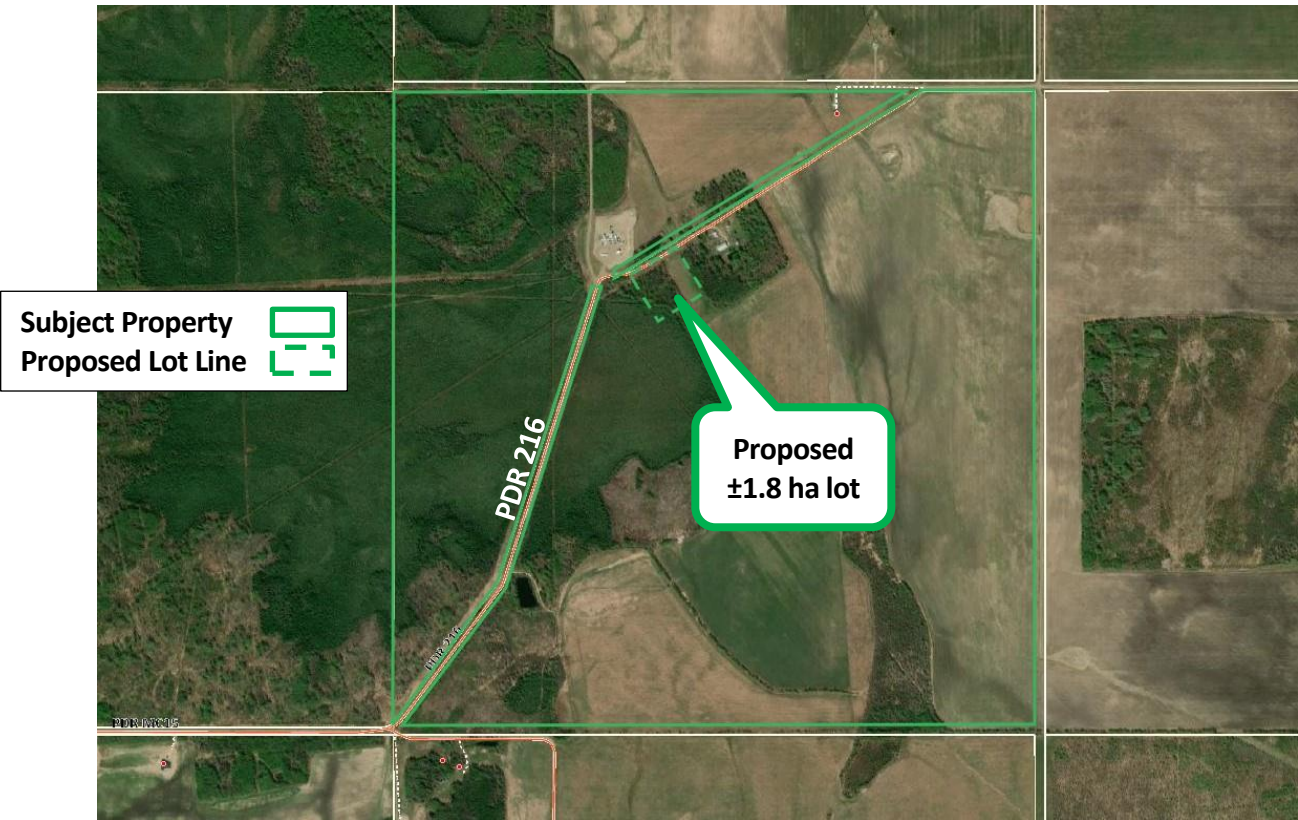
External Links:

1. [Subdivision with the ALR, PRRD File No. 22-011 ALR SUB, DS-BRD-289](#)
(March 9, 2023 Regional Board Meeting, Agenda Item 8.12)
2. [Grounds Maintenance of Cemeteries within the Peace River Regional District, CS-EADC-001](#) –
(June 18, 2020 Electoral Area Directors Meeting, Agenda Item 9.5)

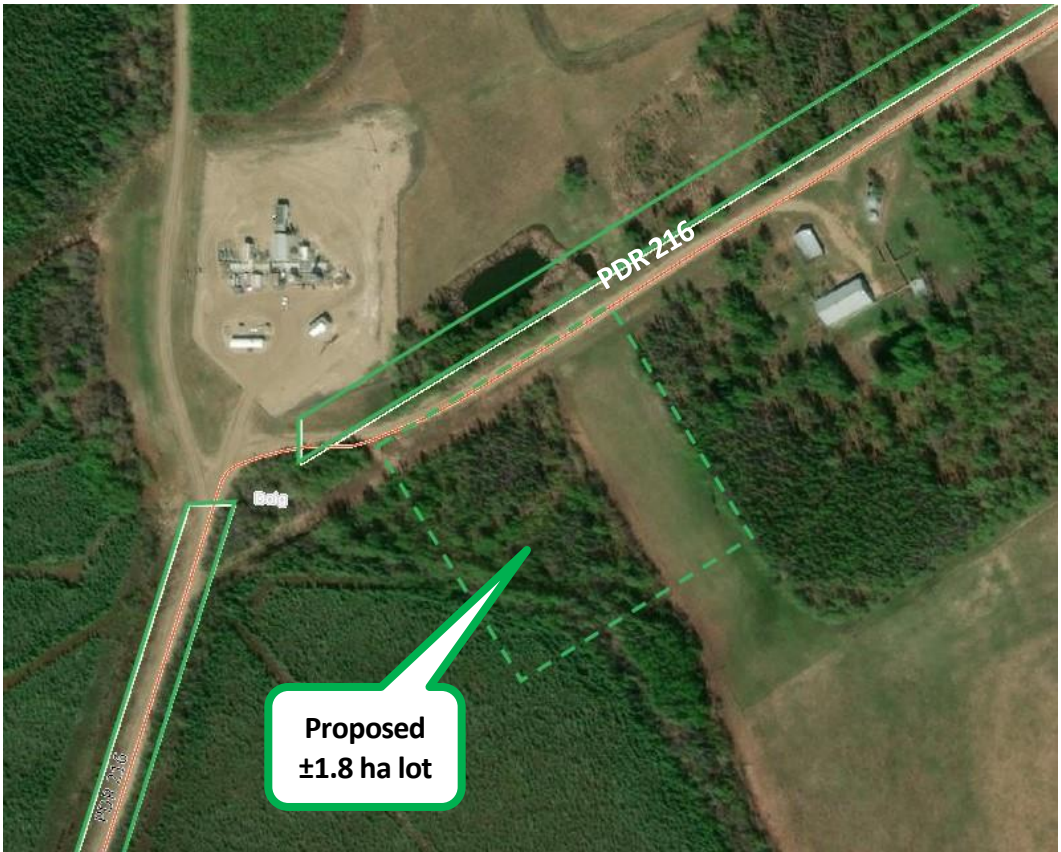
Location: Doig area



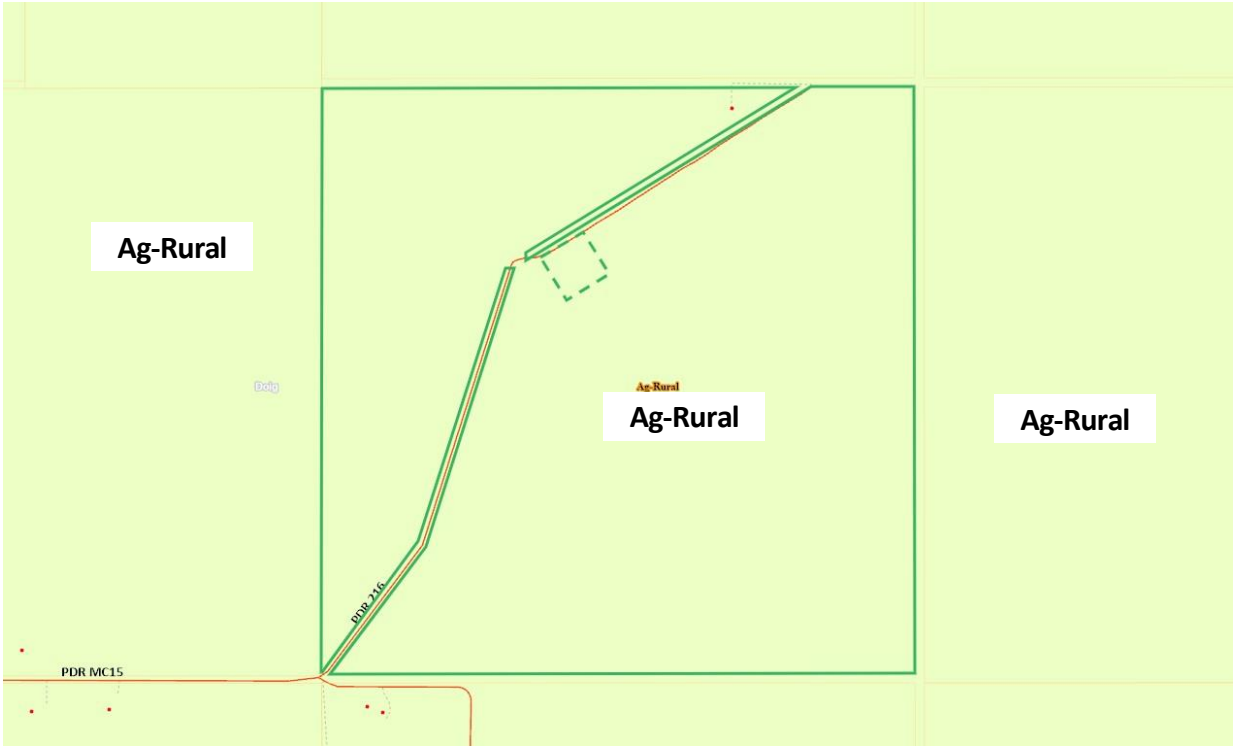
Aerial imagery



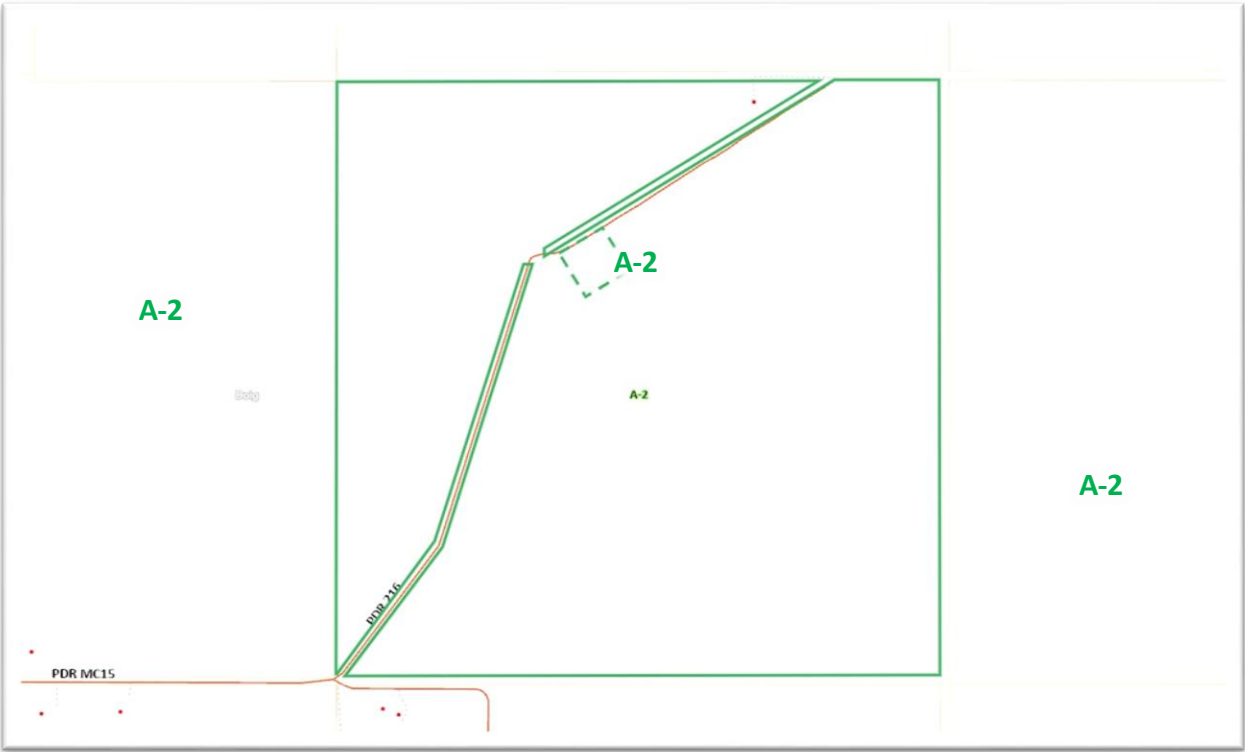
Detailed Location Map



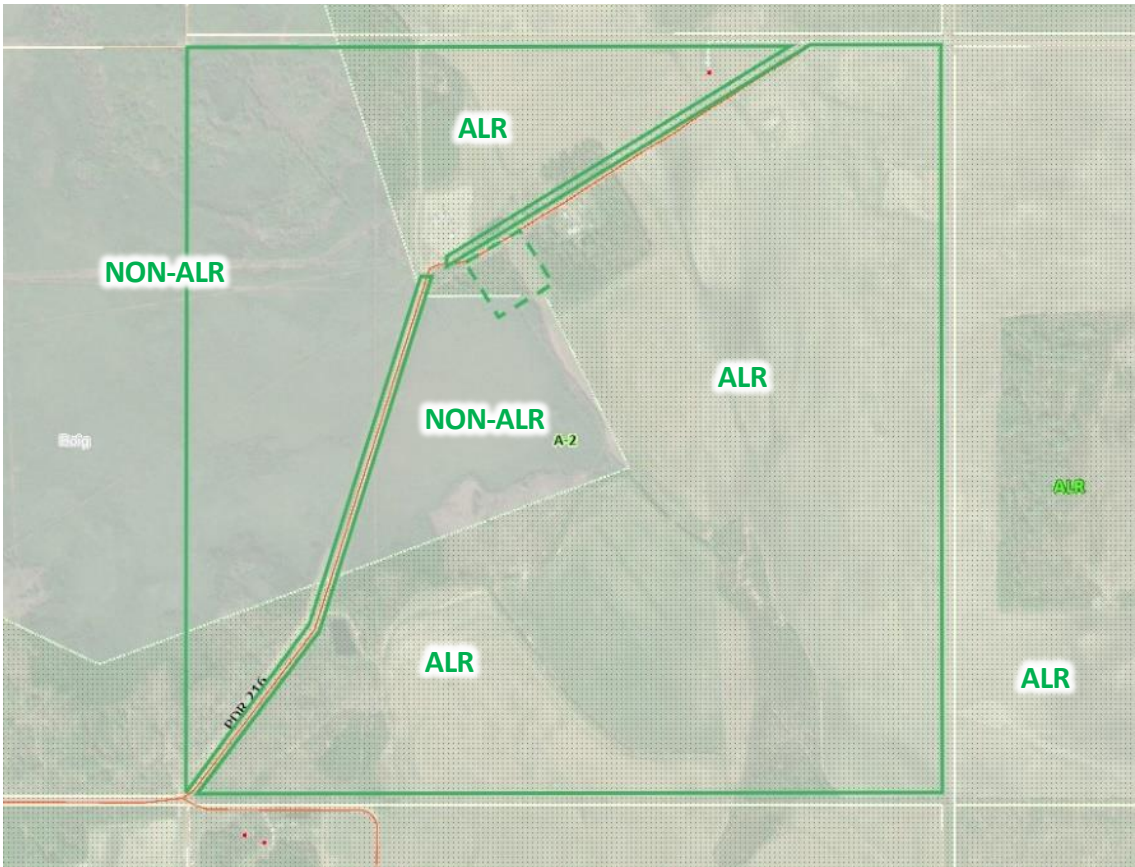
PRRD Rural Official Community Plan Bylaw No. 1940, 2011: Agriculture-Rural



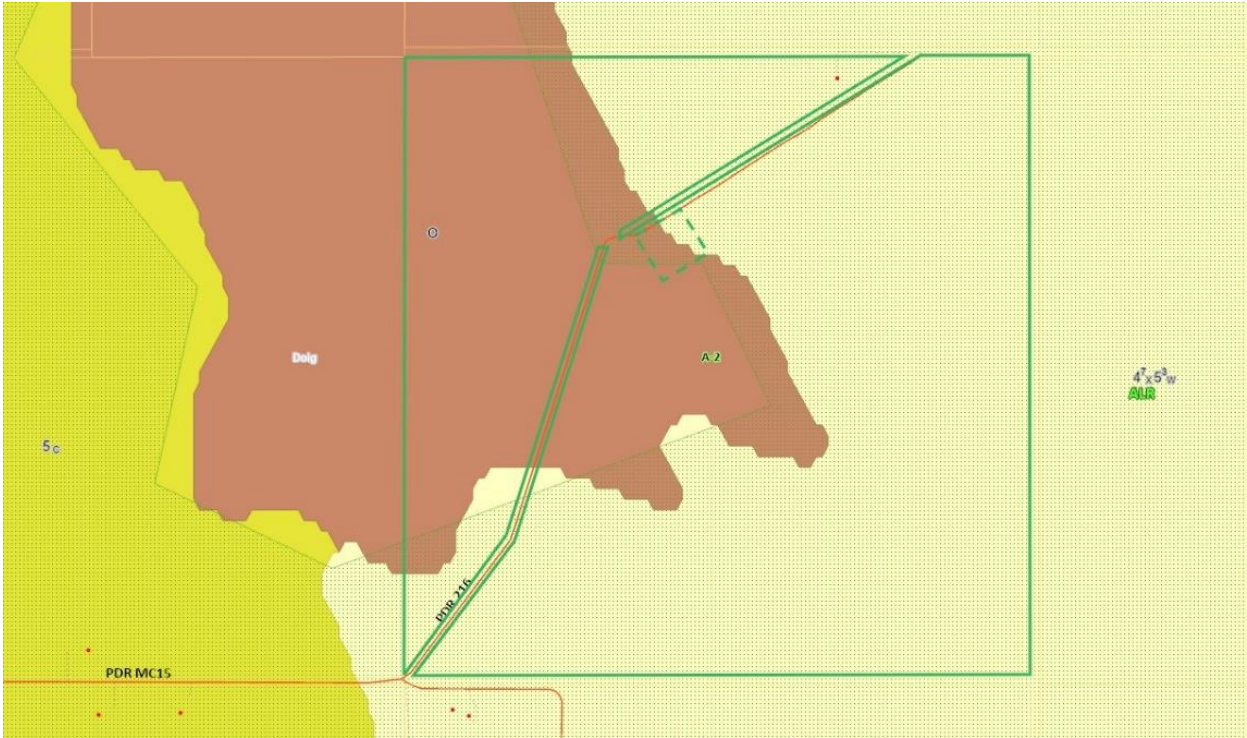
PRRD Zoning Bylaw No. 1000, 1996: Large Agricultural Holdings Zone (A-2)



Agricultural Land Reserve: Within



CLI Soil Classification: O and 4⁷x5³_W





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.fs@prrd.bc.ca

For Office Use:

Receipt # _____

Date Received _____

File No. _____

Sign Issued: Yes ☐ No ☐ N/A ☐

Application for Development

1. TYPE OF APPLICATION

	FEE
☐ Official Community Plan Bylaw Amendment*	\$ 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 Joseph Walter	Authorized Agent of Owner (if applicable) Joseph Travis Walter

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 014-969-041	ha./acres
District Lot 3029 PRD	ha./acres
The proposed parcel under review to subdivide for	ha./acres
the sole purpose of a family cemetery is 1.8 ha	TOTAL AREA 249.95 ha./acres

4. Civic Address or location of property: _____

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: Ag - Rural

Proposed OCP designation: _____

Text amendment: _____

☐ Zoning Bylaw amendment:

Existing zone: A -Z (large agricultural holdings)

Proposed zone: _____

Text amendment: _____

☐ 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 parcel under review 1.8 ha piece does NOT have any buildings on it, But just east of the proposed parcel for the Family Cemetery is a old abandoned barn, roughly 250 meters east. That will in the future be demolished

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

(a) North There is currently a shutdown compressor station that is being dismantled by the oil company,

(b) East Property in use currently for fescue farming to the east

(c) South property in use for Hay & pasture land to the south

(d) West Non (Farming) ALR use land to the west, parcel is full of trees.

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

We are seeking this proposal for the sole purpose to have our own Family Cemetery on our own Family run Farm.

Due to us being born & raised in the country, it is our wish and desire to be able to be laid to rest in our own

family cemetery when that time shall come. As this proposal has ALREADY BEEN APPROVED BY THE ALC.

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

Like we have stated above, we have already so far been approved by the ALC to have a Family Cemetery

On my farm property, And we would like to proceed to the next steps that are required

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

No sewage currently nor will be in the future on this proposed property

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

No current water supply nor will there be in the future on this proposed property

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.

Signature of Owner

August 14, 2023
Date signed

Signature of Owner

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>Joe Walter</u> and _____ hereby authorize (name of landowner) (name of landowner)	
<u>Joseph Walter</u> to act on my/our behalf regarding this application. (name of agent)	
Signature of Owner: _____	Date: <u>August 14, 2023</u>
Signature of Owner: _____	Date: _____



PEACE RIVER REGIONAL DISTRICT

CONTAMINATED SITE DECLARATION FORM

I, Joe Walter, hereby acknowledge that the *Environmental Management Act*, 2003, as amended, is effective as of February 1, 2021.

Legal Description(s):

PID: 014-969-041 District Lot 3029 Peace River District

Please check only one:

☒ I have read [Schedule 2](#) and based on my personal knowledge of the property in question, I do not believe that it is or has been used for any of the industrial or commercial purposes and activities specified in [Schedule 2](#) of the regulations. Accordingly, I elect not to complete and submit a 'site disclosure statement', as outlined in Section 40.(1) of the Act.

☐ I have read [Schedule 2](#) and one or more of the identified purposes or activities is or has occurred on the land(s) legally described above.

*Please contact staff to submit a "site disclosure statement" at planning@prrd.bc.ca

I further acknowledge that this declaration does not remove any liability, which may otherwise be applicable under the legislation.

Owner/Agent

____/____/____
dd mm yyyy

On

____/08/22/2023____
dd mm yyyy

For more information, please visit the ministry's *Identification of Contaminated Sites* webpage or e-mail SiteID@gov.bc.ca

Section 6 – Public Notice Sign Requirements

1. A development application sign shall be posted on the subject property for any parcel that is that are subject to an application for:
 - a) Amendment to an Official Community Plan and / or Zoning bylaw; or
 - b) Temporary Use Permit.
2. The Peace River Regional District shall provide the applicant with a development application sign which shall be posted by the applicant on the subject property as outlined below:
 - a) The sign must be placed at the driveway entrance or midpoint of the property fronting the main service road, providing the most effective legibility and visibility for passersby from the road;
 - b) The sign shall be erected on the property at a minimum of fourteen (14) days prior to the Regional Board considering the application, and the applicant must submit to the Regional District a photograph clearly showing the sign posted on the property;
 - c) The sign shall be placed in a manner that does not interfere with pedestrian or vehicle traffic flow, or create a potential hazard by obstructing visibility from a highway, road or lane;
 - d) The sign shall be installed in a safe, sturdy manner, capable of withstanding typical wind and other weather conditions;
 - e) The sign shall remain in place continuously until the conclusion of the Public Hearing or issuance of the permit, as the case may be, and shall be removed within fourteen (14) days after the decision(s) of the Regional Board on the said application. Applicants are encouraged to dispose of the signs by recycling them.
 - f) Failure to post and keep the sign in accordance with this bylaw may result in a delay or postponement of the Public Hearing and / or Board decision process;
 - g) Any additional notification costs incurred by the Regional District as a result of the applicant failing to post the required sign shall be payable by the applicant prior to advertising of the Public Hearing or delivering public notification;
 - h) Where a sign required by this bylaw is removed, destroyed or altered due to vandalism or the actions of unknown persons, the validity of any bylaw that is the subject of the relevant application and Public Hearing shall not be impacted;
 - i) If a land owner receives any written comments regarding the land use application, those comments must be delivered to the Peace River Regional District office as soon as they are received so that this information may be considered with the subject application.



Peace River Regional District

09/22/2023



Legend

Evacuation Orders Currently Is

- Alert
- Order
- Regional District Boundary
- Hwy Mile Marker
- Rural Community
- 911 Civic Address Rural
- 911 Civic Address Municipal
- Parcels
- PRRD Electrical Utility
- PRRD Sewer Utility
- Sewer Line
- Storm Water Drainage
- PRRD Water Utility
- Highway
- Municipal Road
- Hard Surface
- Gravel
- Rural Road > 1:250k
- Hard Surface
- Gravel
- Seasonal
- Driveway
- Rivers/Creeks
- Regional Park
- Locality
- Other Jurisdictional Boundary
- Municipal
- First Nation

1:18,056



Notes

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

917.2 0 458.62 917.2 Meters

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Peace River Regional District



Legend

- Evacuation Orders Currently Is
- Alert
 - Order
 - Regional District Boundary
 - Hwy Mile Marker
 - Rural Community
 - 911 Civic Address Rural
 - 911 Civic Address Municipal
 - Parcels
 - PRRD Electrical Utility
 - PRRD Sewer Utility
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 - Storm Water Drainage
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Notes



July 27, 2023

ALC File: 66939

Joseph Walter
DELIVERED ELECTRONICALLY

Dear Joseph Walter:

Re: Reasons for Decision - ALC Application 66939

Please find attached the Reasons for Decision of the North Panel for the above noted application (Resolution #364/2023).

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 33.1 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.

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

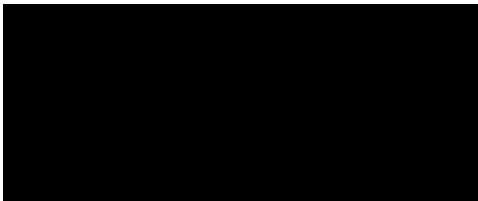
- Evidence that all or part of the original decision was based on evidence that was in error or was false.

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,



Connor Newcombe, Land Use Planner

Enclosures: Reasons for Decision (Resolution #364/2023)
Schedule A: Decision Map

cc: Peace River Regional District (File: 22-011 ALR SUB). Attention: Ashley Murphey

66939d1



AGRICULTURAL LAND COMMISSION FILE 66939

REASONS FOR DECISION OF THE North Panel

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

Applicant: Jospeh Walter

Property: Parcel Identifier: 014-969-041
Legal Description: District Lot 3029 Peace
River District
Civic: ~54 km North of Fort St. John, BC
Area: 249.95 ha (182.26 ha within the ALR)

Panel: Janice Tapp, North Panel Chair
Andrew Adams
Karen McKean

OVERVIEW

- [1] The Property is located partially within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] The Applicant is applying to the Agricultural Land Commission (the “Commission” or “ALC”) under s. 21(2) of the ALCA to subdivide ~1.8 ha (Proposed 1.8 ha Lot) from the ~250 ha Property for the purpose of establishing a family cemetery (the “Proposal”). Of the proposed 1.8 ha subdivision, approximately 1.3 ha is within the ALR.
- [3] The *Cemetery and Funeral Services Act* regulates uses that can occur on a property with a cemetery. Restrictions related to the Cemetery and Funeral Services Act will apply to the entire parcel, hindering the Applicant’s ability to continue their ongoing agricultural operation. Subdivision of the cemetery from the remainder of the Property would alleviate these restrictions.
- [4] The issue the Panel considered is what impact the Proposal would have on the agricultural productivity of the Property.
- [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.

EVIDENTIARY RECORD

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

BACKGROUND

[7] Peace River Regional District (PRRD) staff state that the Property is designated as Agricultural-Rural in the PRRD Rural Official Community Plan

(OCP) Bylaw No. 1940, 2011. PRRD staff explain that Section 7, Policy 3 states that the minimum parcel size for Agricultural-Rural properties is 63 ha. PRRD staff also state that the Property is zoned Large Agricultural Holdings, and the minimum parcel size is 63 ha. Therefore, PRRD staff explain, a zoning and OCP amendment would be required.

ANALYSIS AND FINDINGS

Issue: What impact the Proposal would have on the agricultural productivity of the Property

- [8] The Property currently contains a residential homesite, a Telus cell tower near the Property's northern boundary, an abandoned farm building, and a compressor site that is being reclaimed. PDR 216 Road runs diagonally through the Property. The Applicant states that approximately 105 ha (259 acres) of the Property are being used to grow fescue.
- [9] 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 agricultural capability rating applicable to the Property are Class 4, Class 5, and Class 7, more specifically 70% Class 4X and 30% of Class 5W, as well as Class O7CW. The portion of the Property within the ALR is 70% Class 4X and 30% of Class 5W.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 7 - land has no capability for soil bound agriculture.

Organic soils (O) are grouped into seven classes, designated as O1 to O7. The organic soil class definitions are equivalent in relative capabilities and limitations for agricultural use to those defined for mineral soils.

The limiting subclasses associated with this parcel of land are C (adverse climate), W (excess water), and X (a combination of soil factors).

Based on the agricultural capability ratings, the Panel finds that the Property has secondary agricultural capability.

- [10] As part of the Application file material, the Applicant provided a site plan for the proposed subdivision and cemetery. The Applicant submits that this portion of the Property is unable to be farmed due to the area being between bushlines, and too small to access with farm equipment to effectively cultivate or seed. The Panel reviewed photographs provided by the Applicant along with satellite imagery (Google Earth) and notes the

proposed location along a road, between the homesite and compressor station, and along PDR 216 Road.

- [11] The Panel inquired with the Applicant around moving the Proposal to the west, so that the Proposed 1.8 ha Lot would be located on the non-ALR portion of the Property. The Applicant explained that the portion of non-ALR on the west of the Property is swampy land, and would therefore be unsuitable for cemetery purposes.
- [12] The Panel considered the impacts of the proposed subdivision and non-farm use of 1.8 ha on the long-term agricultural potential of the Property, and on the continuity and size of the ALR. The Panel, in consideration of the small size and location of the cemetery lot and its use relative to the size and configuration of the Property, finds that the subdivision Proposal and cemetery use would have very limited effects on the agricultural potential of the Property, and would be unlikely to have any negative effects on the agricultural use of the Property or on adjoining and nearby ALR land.
- [13] The Panel considered The *Cemetery and Funeral Services Act* regulations and the impact of the cemetery on the ability to continue to farm on the rest of the property and finds that a subdivision of the proposed 1.8 ha from the remainder of the Property would alleviate these restrictions.

DECISION

- [14] For the reasons given above, the Panel approves the Proposal to subdivide ~1.8 ha (Proposed 1.8 ha Lot) from the ~250 ha Property for the purpose of establishing a family cemetery subject to the following conditions:
- (a) the submission of a surveyed subdivision plan to the Commission, within three years of the date of the release of this decision, that is in compliance with Schedule A of this decision.
- [15] 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.
- [16] Should the above conditions of approval not be completed to the satisfaction of the ALC within the timeframe(s) specified, the approval will expire and a new application may be required.
- [17] 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.
- [18] These are the unanimous reasons of the Panel.

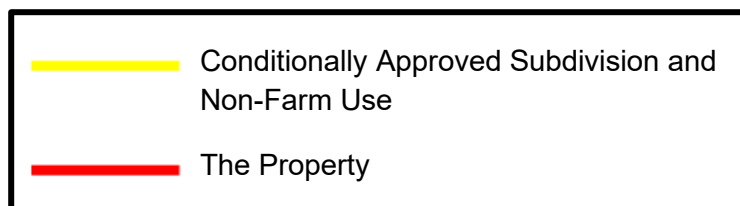
[19] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.

[20] Resolution #364/2023
Released on July 27, 2023



Janice Tapp, Panel Chair

On behalf of the North Panel



PEACE RIVER REGIONAL DISTRICT

Bylaw No. 2534, 2023

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*, adopt "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. 2534, 2023."
2. Schedule B – Map 6 of "Peace River Regional District Rural Official Community Plan Bylaw No. 1940, 2011" is hereby amended by redesignating +/- 1.8 ha (4.44 acre) portion of District Lot 3029, PRD from "Agriculture Rural" to "Civic, Assembly, and Institutional" as shown shaded on Schedule "A" which is attached to and forms part of this bylaw.

READ A FIRST TIME THIS _____ day of _____, 2023.

READ A SECOND TIME THIS _____ day of _____, 2023.

Public Notification on the _____ day of _____, 2023.

READ A THIRD TIME THIS _____ day of _____, 2023.

ADOPTED THIS _____ day of _____, 2023.

Chair

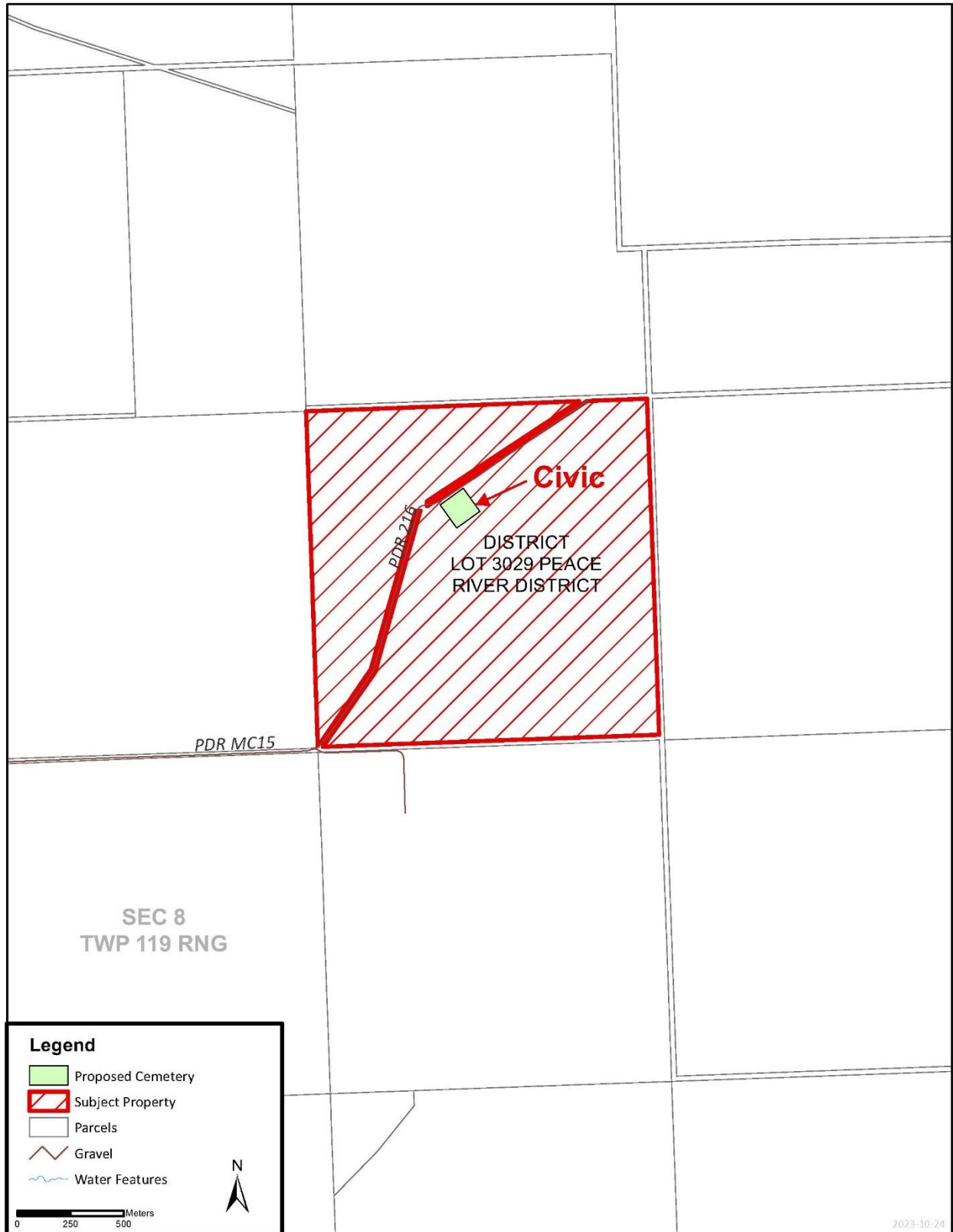
(Corporate Seal has been affixed to the
original bylaw)

Corporate Officer

I hereby certify this to be a true and correct copy
of "PRRD Rural Official Community Plan Amendment
Bylaw No. 2534, 2023", as adopted by the Peace River
Regional District Board on _____, 2023.

Corporate Officer

Schedule A



PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2535, 2023

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. 2535, 2023."
2. Schedule A – Map 13 of "Peace River Regional District Zoning Bylaw No. 1000, 1996" is hereby amended by rezoning +/- 1.8 ha (4.44 acre) portion District Lot 3029, PRD from A-2 "Large Agricultural Holdings Zone" to P "Public Use", as shown on Schedule 'A' attached to and forming part of this bylaw.

READ A FIRST TIME THIS _____ day of _____, 2023.

READ A SECOND TIME THIS _____ day of _____, 2023.

Public Notice mailed on the _____ day of _____, 2023.

READ A THIRD TIME THIS _____ day of _____, 2023.

ADOPTED THIS _____ day of _____, 2023.

Chair

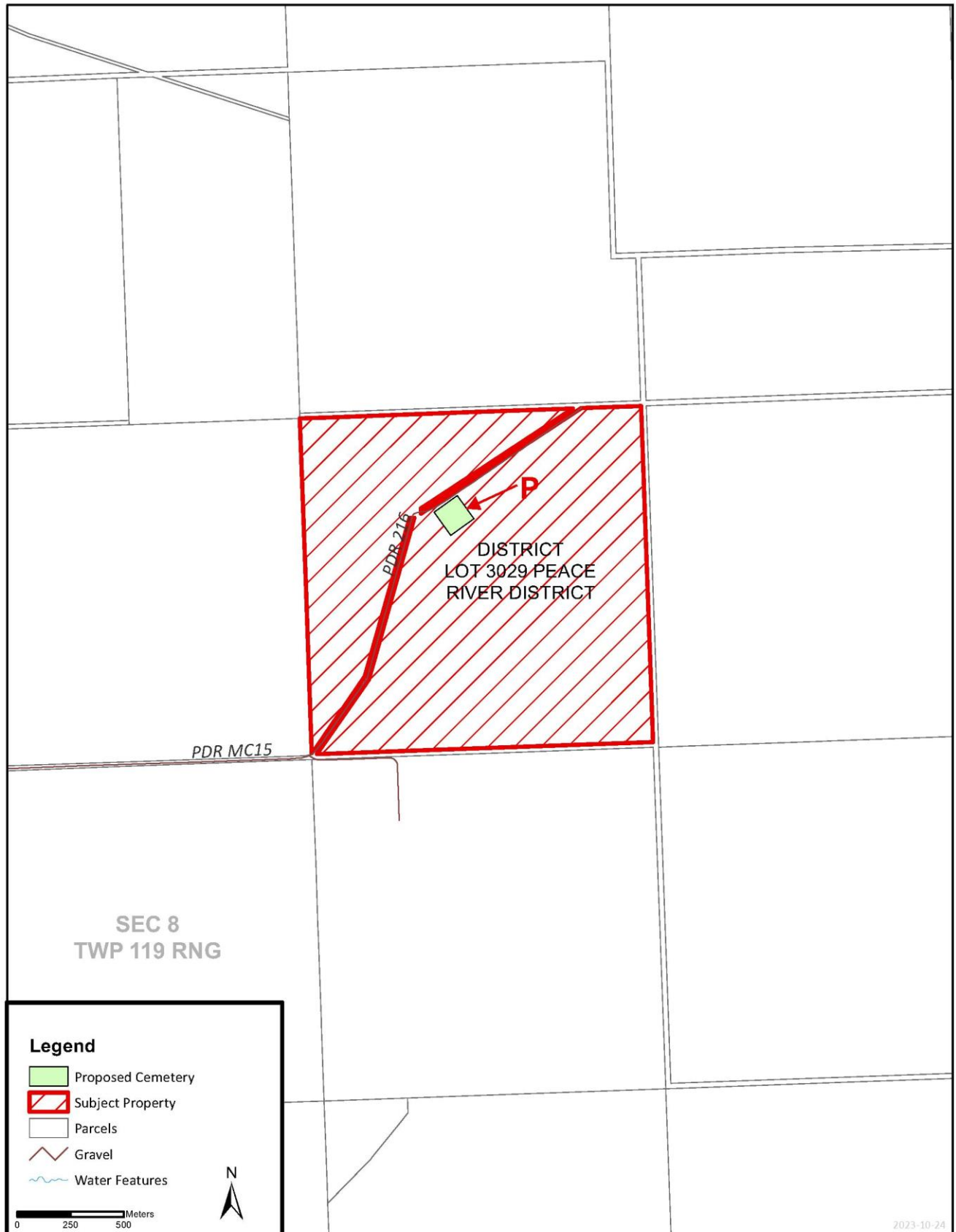
(Corporate Seal has been affixed to the original
bylaw)

Corporate Officer

I hereby certify this to be a true and correct copy of
"PRRD Zoning Amendment Bylaw No. 2535, 2023,
as adopted by the Peace River Regional District
Board on _____, 2023.

Corporate Officer

Schedule A





Ministry of
Transportation
and Infrastructure

Our file: 2023-04248
Your file: 23-013 OCP ZN
Date: September 25, 2023

Peace River Regional District
PO Box 810
1981 Alaska Avenue
Dawson Creek, BC V1G 4H8

Attention: Planning Services

The Ministry of Transportation and Infrastructure (Ministry) has received and reviewed your referral dated September 8, 2023, for an application to amend OCP Bylaw 1940, 2011, and Zoning Bylaw 1000, 1996, for properties legally described as District Lot 3029, PRD (PID 014 969 041).

The Ministry is in support of the proposal, however, an application for subdivision from the owner, to subdivide the subject lot as proposed, must be submitted to our ministry for review by the Provincial Approving Officer.

The owner should be aware that the subject lands are not currently accessed by a public maintained highway. All lots being created must meet the requirements of Section 75 of the Land Title Act, with respect to access.

The proposed subdivision lot layout as proposed, is not guaranteed as it is dependent on review and approval by the Provincial Approving Officer- conditions of subdivision have not been determined.

Thank you for the opportunity to comment. If you or the proponent has any questions, please contact DevApps.FSJ@gov.bc.ca.

Sincerely,

Peace District Development Services