



REPORT

To: Chair and Directors

Report Number: DS-BRD-188

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

Date: September 9, 2021

Subject: OCP /Zoning Amendment Bylaw Nos. 2454 and 2457, PRRD File 20-010 OCP ZN

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board respectfully refuse to give OCP Amendment No. 2454, 2021 & Zoning Bylaw Amendment No. 2457, 2021, to re-designate and rezone a ± 3.9 ha portion of the subject property identified as PID 010-020-012 from Agriculture (Ag) to Medium Density Residential (MDR) and from Large Agricultural Holdings Zone (A-2) to Residential 4 Zone (R-4), first and second readings, as the proposal is not consistent with the intent of the bylaws or the context of the area.

BACKGROUND/RATIONALE:

Proposal

The applicant is seeking to re-designate a ± 3.9 ha portion of the ± 64.5 ha subject property from Agriculture to Medium Density Residential in the South Peace Fringe Area Official Community Plan Bylaw No. 2048, 2012, and to rezone the same portion from Large Agricultural Holdings Zone (A-2) to Residential 4 Zone (R-4) in the PRRD Zoning Bylaw No. 1343, 2001, to facilitate a future residential subdivision.

This proposal does not meet the intent of either the OCP or Zoning Bylaw and therefore staff are recommending that the Board respectfully refuse this application. A summary of the OCP policies that refute this proposal can be found under the Comments and Observations section of this report.

Pursuant to the OCP designation of Agriculture (Ag) and the provisions of the Large Agricultural Holdings (A-2) zone, the minimum parcel size is 63 ha. The intent of the Agricultural designation is to recognize agriculture as a primary industry and a major contributor to the local economy and the policies therein highlight the need to direct subdivisions and non-agricultural uses to appropriate areas. The applicant has indicated that the proposed subdivision is not intended for the purposes of providing a residence for the landowner or a family member. The subject property does not currently have a dwelling on it and one could be constructed without the need for a subdivision of land. As such it does not meet the OCP policy for a subdivision exception.

File Details

Owner: Terratek Geo Testing LTD.
Area: Electoral Area D
Location: Pouce Coupe
Legal: The North West $\frac{1}{4}$ of Section 24 Township 77 Range 14 W6M PRRD
PID: 010-020-012
Lot Size: ± 64.5 ha (± 159.4 ac)

Site Context

The property is located in the Pouce Coupe area and has direct access to Riverside Road. It is surrounded by Agriculture and Medium Residential designated lands in the North-East, treed land designated Agriculture in the north and west, and Agriculture designated land in the east and south.

Site Features

Land

The subject property is currently treed/forested and is vacant of any structures.

Structures

There are currently no structures on the subject property.

Access

The subject property is accessed via Riverside Road.

Canada Land Inventory Soil Rating

According to the Canada Land Inventory, soils on the subject property are classified as 3_X & 5⁷_{T6³TP}. Class 3 soils have moderately severe limitations that restrict the range of crops or require special conservation practices. Class 5 soils have very severe limitations that restrict their capability to producing perennial forage crops, and improvement practices are feasible. Class 6 soils are capable only of producing perennial forage crops, and improvement practices are not feasible.

Subclass X denotes soils having a limitation resulting from the cumulative effect of two or more adverse characteristics, Subclass T denotes soils where topography is a limitation, and Subclass P denotes soils which are sufficiently stoney to hinder tillage, planting and harvesting operations.

Comments & Observations

Applicant

The applicant intends to subdivide the subject property to create a parcel for a future residence. The proposed parcel is not intended to provide a residence for the applicant or a family member. The applicant has owned the property since June 2020 and there are currently no agricultural activities occurring or planned to occur on the parcel.

Agricultural Land Reserve

The subject property is partially within the Agricultural Land Reserve. However, the proposed newly created parcel is outside of the ALR, and therefore, the provisions of the *Agricultural Land Commission Act* do not apply to that portion.

Official Community Plan

Pursuant to the South Peace Fringe Area Official Community Plan Bylaw No. 2048, 2012, the subject property is designated Agriculture (AG).

Section 5.1.1 (b) states that the objective of this designation is to maintain agriculture in the SPFA as a primary economic resource activity and to direct subdivision and non-farm uses not complementary to agriculture away from agricultural areas where negative impact to agricultural land will be minimized.

Section 5.1.2 (a) states that this designation is to be used for agriculture, and uses which are compatible or complimentary to agriculture, such as residential, agri-tourism, home based business, and business directly complementary to the agriculture industry. The primary intended use for the parcel to be subdivided is residential and not agriculture, whereas a residence can be constructed on the existing parcel under the existing designation without subdivision being required.

Section 5.1.2 (b) states that the intent of this designation is to direct non-agricultural uses to appropriate designated areas and away from existing or potential agricultural areas. The creation of a 3.9 ha residential parcel is not supportive of agriculture and pursuant to this policy, such development should be directed to an area designated for residential development per other OCP designations. The area consists predominantly of large agricultural parcels, therefore this proposal is not consistent with this policy.

Section 5.1.2 (c) states that parcels within the agriculture designation should have a minimum parcel size of 63 ha (155 ac). The proposal does not meet any of the exceptions listed under this section wherein a subdivision could otherwise be supported. The redesignation of the proposed parcel to facilitate a subdivision for a residential use is therefore not supported by this policy.

The applicant is proposing to redesignate the lands to Medium Density Residential. Within that designation the principal uses of the land will generally be residential and home based business, subject to zoning regulations. This designation permits parcel sizes as small as 0.8 ha (2 acres), which is not consistent with the large parcel size and agricultural nature of the area.

From an OCP perspective, the proposal is not consistent with the intent of the OCP policies, therefore this amendment is not supported.

Land Use Zoning

Pursuant to Zoning Bylaw No. 1343, 2001, the subject property is zoned A-2 (Large Agriculture Holdings Zone). Section 33.1 states that permitted uses are agriculture, forestry, work camps for 30 people or less, occupied for less than six months, and dwelling unit(s). Section 33.2(a) states that the minimum parcel size for the lands in the A-2 zone is 63 ha (155 ac). The exceptions to minimum parcel size listed under Section 33.2(b) are not applicable to this proposal, therefore it is not supported by the Zoning Bylaw and a zoning amendment is required to facilitate the subdivision.

The proposed zoning amendment to rezone the subject property to the R-4 zone is only necessary to facilitate the size and use of the proposed subdivision. Land within the Residential 4 zone may be used for dwelling unit(s), two family dwellings and one temporary additional dwelling. The minimum parcel size for this zone is 1.8 ha (4.5 ac). The applicant is proposing to create a 3.9 ha parcel, which pursuant to Section 37.2 of Zoning Bylaw 1343, could permit the development of up to three dwelling units on the proposed parcel, two being permanent and one being a temporary additional dwelling. The potential additional residential density is not consistent with the large agricultural parcels surrounding the subject property and is therefore not consistent with the intent of the OCP or Zoning Bylaws. For these reasons this amendment is not supported.

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 and encouraged on a voluntary basis.

Development Permit Area

The subject property is outside all Development Permit Areas.

Impact Analysis

Context

The proposed rezoning and redesignation will permit up to three dwelling units on the proposed subdivided lot. The local area consists primarily of large agricultural parcels. It is recognized that there are 8 parcels nearby to the northeast along Riverside Road that are zoned R-4. Staff have considered these when undertaking the analysis of the current proposal, however, staff have determined that the majority of those lots were created in the 1970's under a very different policy and planning framework which should not dictate how to assess the current proposal.

The OCP clearly indicates that a key objective of the SPFA is to maintain agriculture and direct subdivision and non-farm uses away from agricultural areas, therefore staff are recommending that this proposal should not be supported.

Population & Traffic

The proposed R-4 zone could permit up to three dwelling units on the subject parcel; therefore, an increase in population and traffic is to be expected if this proceeds.

Sewage & Water

Currently, the subject property is not connected with any sewage or water systems due to absence of any buildings or structures.

Comments Received from Municipalities & Provincial Agencies

City of Dawson Creek

Interests are unaffected

City of Fort St. John

Interests are unaffected

Agricultural Land Commission

Staff recommend a 30 m residential building setback and 15 m vegetated buffer to reduce the potential for urban/agricultural conflicts.

Ministry of Agriculture

- Staff recommend a 30 m residential building setback and 15 m vegetated buffer to reduce the potential land use conflicts.
- Should subdivision approval be granted a disclosure statement is recommended to be registered on title, specifying that the lot is located near a farming area and that noise, odour and dust may be experienced.

Ministry of Transportation

No objections.

ALTERNATIVE OPTIONS:

1. That the Regional Board give OCP Amendment No. 2454, 2021, to amend the designation of a ±3.9 ha portion of the property identified as PID 010-020-012, from Agriculture to Medium Density Residential in the PRRD South Peace Fringe Area Official Community Plan Bylaw No. 2048, 2012, first and second readings;

further, that the Regional Board give Zoning Amendment Bylaw No. 2457, 2021, to rezone the same ±3.9 ha portion of the property identified as PID 010-020-012, from Large Agriculture Holdings Zone (A-2) to Residential 4 Zone (R-4), and amend the A-2 Zone to recognize the remainder parcel as being undersized in the PRRD Zoning Bylaw No. 1343, 2001, first and second readings;

further, that a Public Hearing be held pursuant to *Local Government Act* Section 464(1) delegated to the Director of Electoral Area D, and public notification be authorized pursuant to *Local Government Act* Section 466.

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.

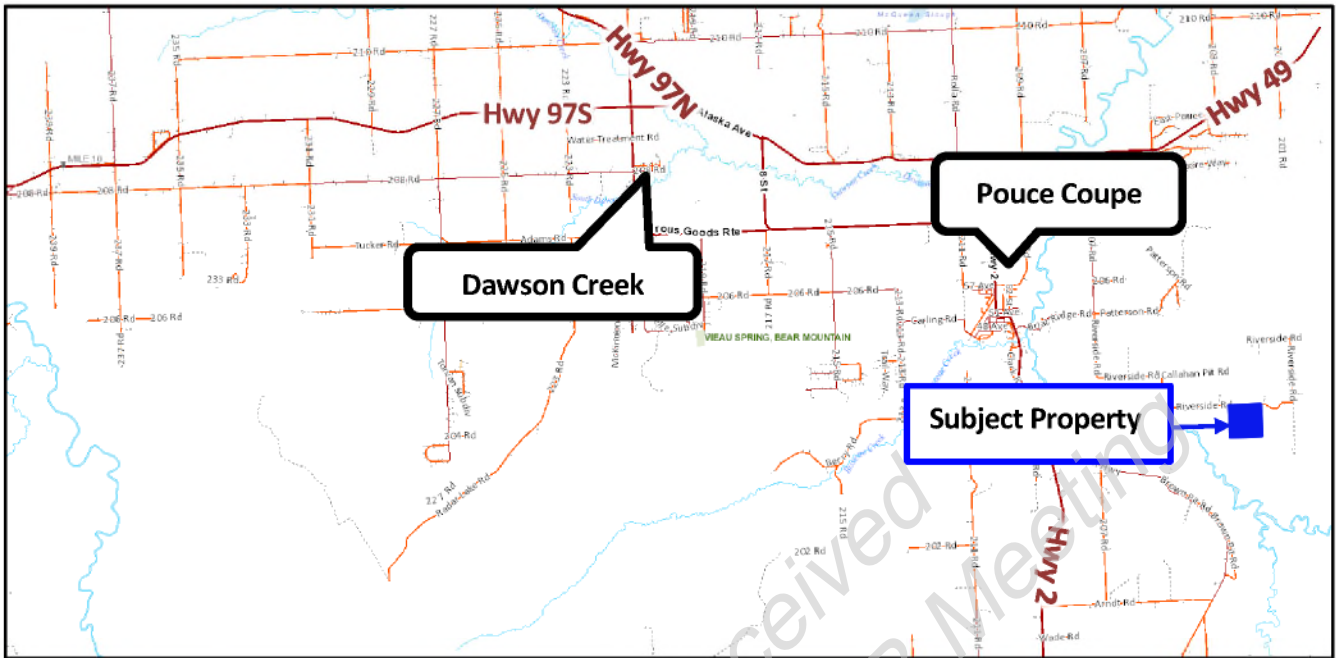
OTHER CONSIDERATION(S):

None at this time.

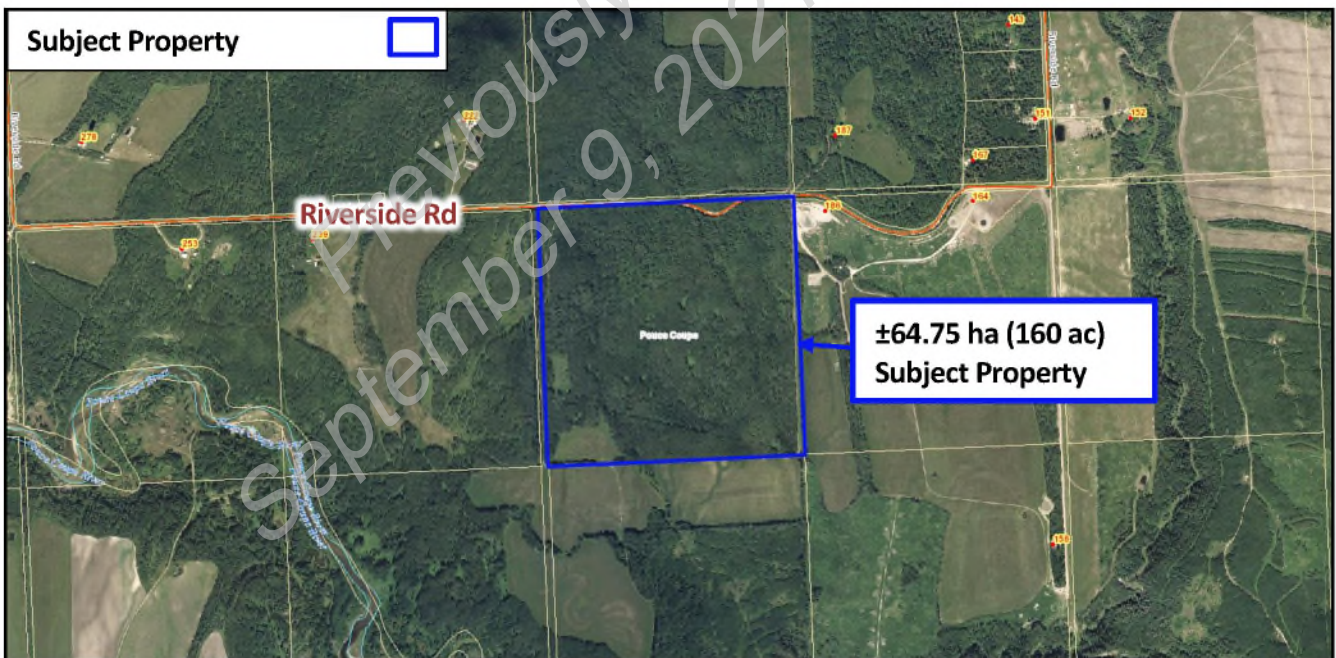
Attachments:

1. Maps (PRRD File No. 21-010 OCP ZN)
2. Application (PRRD File No. 21-010 OCP ZN)

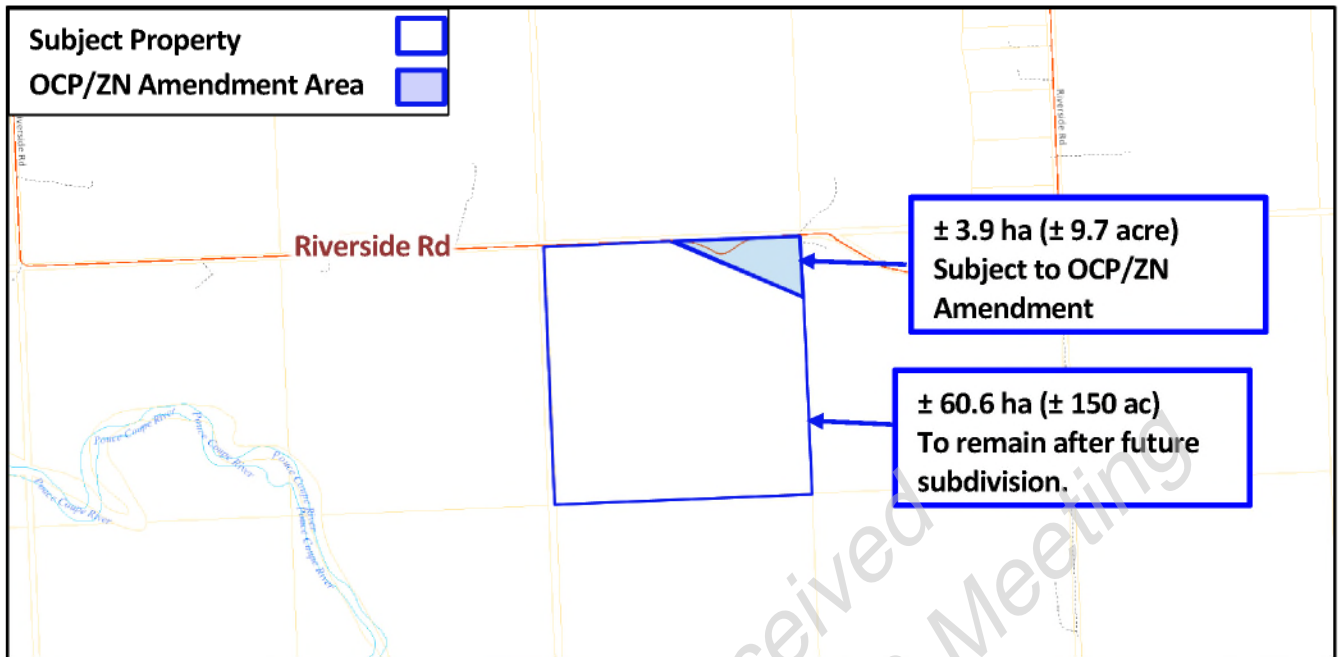
Location: Pouce Coupe



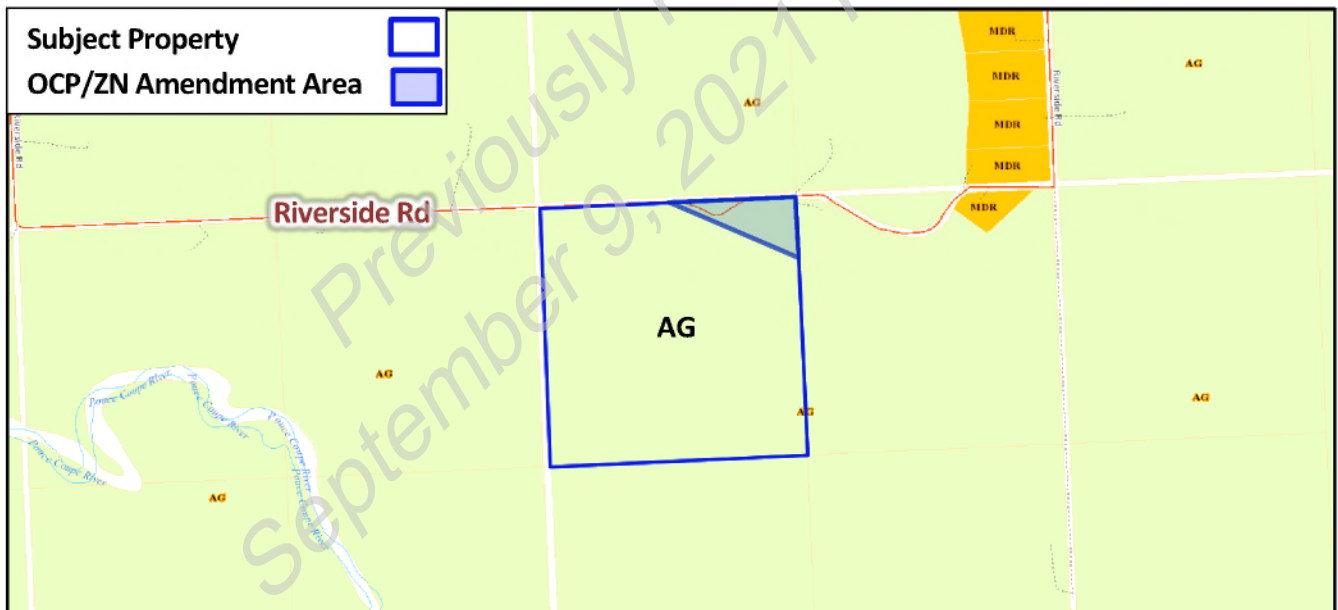
Aerial imagery



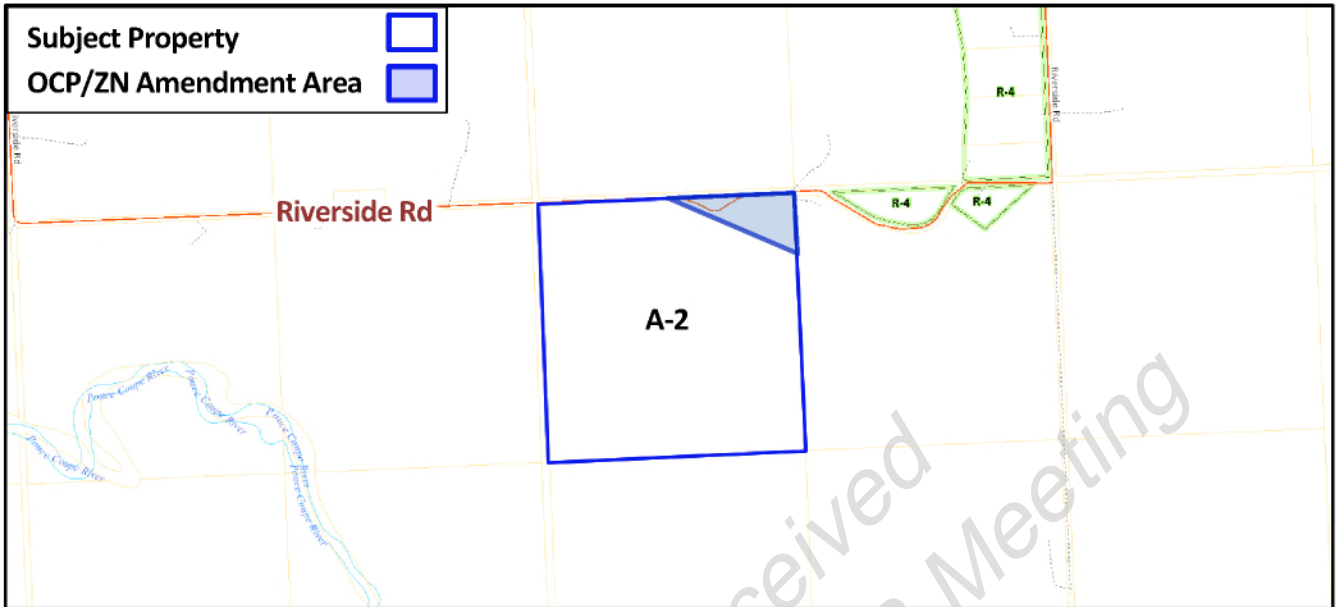
Proposal



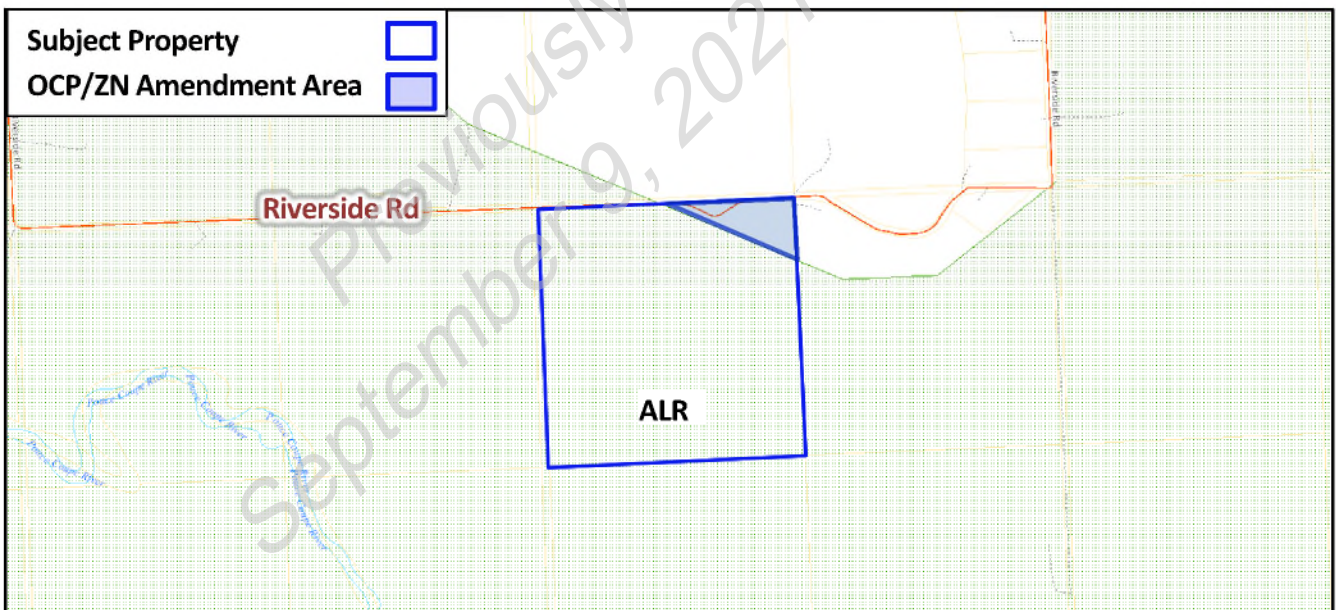
PRRD South Peace Fringe Area Official Community Plan Bylaw No. 2048, 2012: Agriculture (AG)



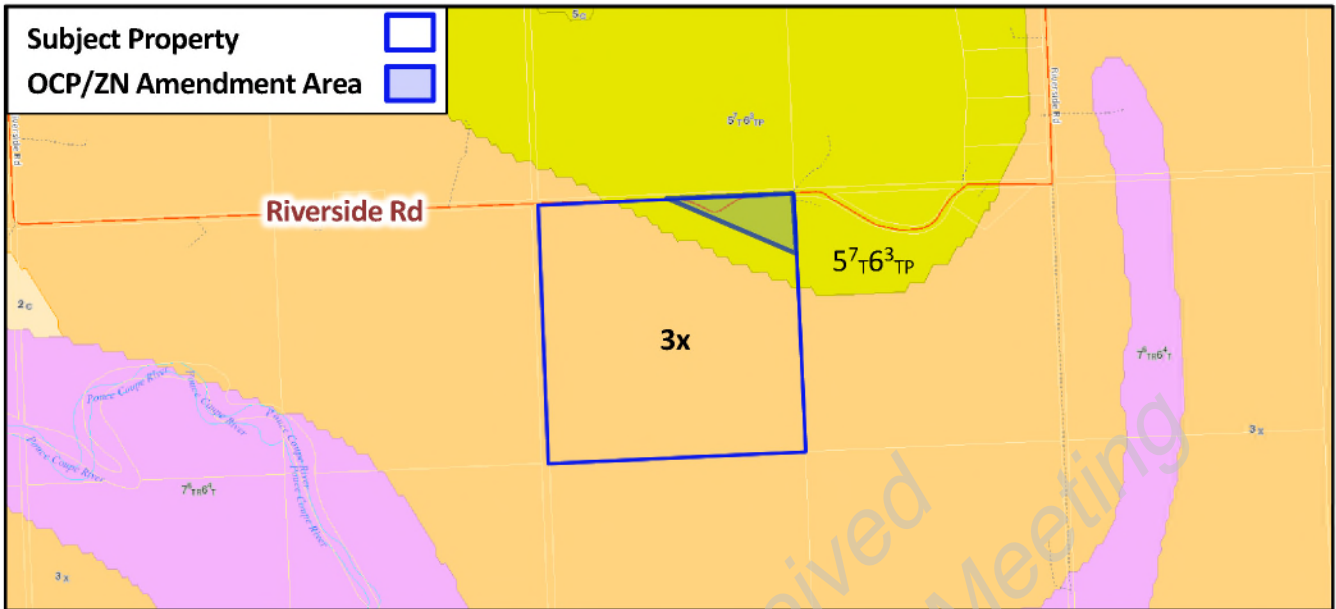
PRRD Zoning Bylaw No. 1343, 2001: Large Agricultural Holdings Zone (A-2)



Agricultural Land Reserve: Partial Within



Canada Land Inventory Soil Classification: 3x & 5⁷T6³TP



Previously Received
September 9, 2021 RB Meeting



For Office Use:
 Receipt # _____
 Date Received _____
 File No. _____
 Sign Issued: Yes No N/A

Application for Development

1. TYPE OF APPLICATION

- | | |
|--|---------------------------|
| <input type="checkbox"/> Official Community Plan Bylaw Amendment* | FEE
\$ 1,150.00 |
| <input type="checkbox"/> Zoning Bylaw Amendment* # | \$ 800.00 |
| <input checked="" type="checkbox"/> Official Community Plan / Zoning Bylaw Amendment combined* # | \$ 1,200.00 |
| <input type="checkbox"/> Temporary Use Permit* | \$ 500.00 |
| <input type="checkbox"/> Temporary Use Permit Renewal | \$ 350.00 |
| <input type="checkbox"/> Development Permit # | \$ 165.00 |
| <input type="checkbox"/> 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.

- | | |
|---|-------------|
| <input type="checkbox"/> 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 TERRATEK GEO TESTING LTD.	Authorized Agent of Owner (if applicable) CODY LAST (OWNER)
Address of Owner [REDACTED]	Address of Agent SAME ADDRESS.
City/Town/Village: [REDACTED]	City/Town/Village:
Postal Code: [REDACTED]	Postal Code:
Telephone Number: [REDACTED]	Telephone Number:
E-mail: [REDACTED]	E-mail:

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
NW 1/4 SECTION 24 TWP 77 R14 W6M	160 ACRES ha./acres
PEACE RIVER LAND DIST. PID 010-020-012	ha./acres
	ha./acres
	TOTAL AREA 160 ACRES ha./acres

4. Civic Address or location of property: RIVER SIDE 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: AG

Proposed OCP designation: MDR

Text amendment: REMAINDER "AG" WILL BE LESS THAN MINIMUM

Zoning Bylaw amendment:

Existing zone: A-2 LARGE AGRICULTURAL

Proposed zone: R-4 AND A-2

Text amendment: REMAINDER A-2 WILL BE LESS THAN MINIMUM.

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:

FORESTED LAND - NOT USED.

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

- (a) North FORESTED HILLSIDE, NOT USED.
- (b) East ACREAGE WITH RESIDENTS, FORESTED AREAS AND PASTURE.
- (c) South HAYLAND AND FORESTED.
- (d) West FORESTED WITH OIL AND GAS ACTIVITY.

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

SUBDIVIDE NORTH EAST CORNER OF NON-ALR PROPERTY
(ESTIMATED 9.7 ACRES) OFF REMAINDER OF QUARTER
SECTION WHICH IS IN ALR.

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

TO DEVELOP AN ACREAGE LOT FOR FUTURE
RESIDENCE.

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

PROPERTY WILL HAVE LAGOON INSTALLED IF
RESIDENCE CONSTRUCTION IS PLANNED.

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

PROPERTY WILL HAVE CISTERN INSTALLED IF RESIDENCE
CONSTRUCTION IS PLANNED.

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

JULY 7/2021

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 _____ and _____ hereby authorize	
(name of landowner)	(name of landowner)
_____ to act on my/our behalf regarding this application.	
(name of agent)	
Signature of Owner:	Date:
Signature of Owner:	Date:

Previously Received
September 9, 2021 RB Meeting



CONTAMINATED SITE DECLARATION FORM

I, CODY LAST (TERRATEK GEO TESTING LTD), hereby acknowledge that the Environmental Management Act, 2003, as amended, is effective as of February 1, 2021.

Legal Description(s):

NW 1/4 SECTION 24 TWP 77 R 14 W6M
PEACE RIVER LAND DIST. PID 010-020-012

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

07/07/2021
dd mm yyyy

Owner/Agent

____/____/____
dd mm yyyy

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



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September 9, 2021 RB Meeting

Property Owner: Terratek Geo Testing Ltd.		
Proposed Layout		
<small> PID 018 088 012 THE NORTH WEST 1/4 OF SECTION 24 TOWNSHIP 77 RANGE 14 WEST OF THE 6TH MERIDIAN PEACE RIVER DISTRICT </small>		
SCALE:	DRAWING NUMBER: 001	REVISED ON:
1 : 4,000	November 5, 2020	00