



REPORT

To: Chair and Directors

Report Number: DS-BRD-229

From: Ashley Murphey, RPP, MCIP, Planning Services Manager

Date: May 26, 2022

Subject: Zoning Amendment Bylaw No. 2448, 2022, PRRD File No. 21-008 ZN

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board give Zoning Amendment Bylaw No. 2448, 2022 to rezone a ±28 hectare portion of the property identified as PID: 004-012-046, from A-2 “Large Agricultural Zone” to R-2 “Residential 2 Zone”, first and second reading; and further

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

BACKGROUND/RATIONALE:

File Details

Owner: Gordon and Verna Wiebe
 Area: Electoral Area B
 Location: Prespatou
 Legal: District Lot 2516 Peace River District, Except Plans 21383, 21704, 24605 and PGP44332
 PID: 004-012-046
 Civic Address: 22096 Triad Road
 Lot Size: 92.63 ha (228.23 acres)

Proposal

The applicant is proposing to rezone a ±28 ha portion of the subject property from A-2 “Large Agricultural Holdings Zone” to R-2 “Residential-2 Zone” to facilitate a 13 lot residential subdivision. The subject property is designated RC “Rural Community” pursuant to Peace River Regional District Rural Official Community Plan (OCP) Bylaw No. 1940, 2011. The minimum parcel size for parcel’s designated RC is 1.6 ha, therefore the proposal is consistent with the OCP.

The subject property is almost entirely within the ALR, except for a small portion along Prespatou Road and the applicant has received conditional subdivision approval from the ALC, pursuant to Resolution No. 19/2021.

As the proposal is consistent with the intent of the OCP and has received conditional approval from the ALC, staff are in support of this application.

Site Context

The subject property is located within the rural community of Prespatou, approximately 75 km northwest of Fort St. John. The area consists of a mixture of residential, commercial, public and agriculture zoned lands.

Site FeaturesLand

The subject property is mainly cleared and is actively used as pasture for cattle.

Structures

There is currently a residential dwelling and accessory agricultural structures on the subject property.

Access

The proposed new lots will be accessed via Store Avenue or Prespatou Road, as shown on the attached proposed subdivision sketch plan.

Canada Land Inventory Soil Rating

According to the Canada Land Inventory, soils on the subject property are classified as 4⁸x5²w. Class 4 soils have severe limitations that restrict the range of crops or require special conservation practices, and class 5 soils have very severe limitations that restrict their capability in producing perennial forage crops, and improvement practices are feasible. Subclass x denotes soils which have a limitation resulting from the cumulative effect of two or more adverse characteristics, whereas subclass w denotes soils wherein excess water is a concern.

Comments & ObservationsApplicant

The applicant is seeking to create 13 residential parcels to support population growth within the area. The applicant has stated that there is a need for affordable residential parcels to provide housing for young couples who wish to remain in the community of Prespatou.

Agricultural Land Reserve (ALR)

The subject property is almost entirely within the ALR, except for a small portion at the corner of Prespatou Road and Triad Road, therefore the provisions of the *Agricultural Land Commission Act* apply.

This application has received conditional subdivision approval from the ALC, pursuant to Resolution No. 19/2021.

Official Community Plan (OCP)

The subject property is designated RC “Rural Community” pursuant to Peace River Regional District Rural Official Community Plan Bylaw No. 1940, 2011. The objective of the Rural Community designation is “to provide areas for population growth that can enhance volunteer groups, support civic facilities, and to provide suitable areas where rural businesses can locate.”

Within the Rural Community designation, Residential is a permitted use, provided that the minimum parcel size is 1.6 ha (4 acres) for lands not connected to a community sewage system. Therefore this proposal is consistent with the OCP.

Land Use Zoning

Pursuant to Zoning Bylaw No. 1000, 1996, the subject property is zoned A-2 “Large Agricultural Holdings Zone”. Land within this zone may be used for agriculture, guest ranch, equestrian centre etc. The minimum parcel size is 63 ha (155 ac). The proposed residential use and 2 ha parcel size of the proposed newly created residential lots does not comply with the zoning bylaw.

Therefore, a zoning amendment to R-2 “Residential 2 Zone” is required. Land within the R-2 zone may be used for dwelling unit, accessory buildings etc. 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 of 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 of 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 Analysis

Context

The proposed residential lots are consistent with the existing rural residential parcels in the area.

Population & Traffic

This proposal will increase the population and traffic within the area, as 13 new residential lots will be created as a result of this zoning amendment.

Sewage & Water

The proposed parcels will be individually serviced with on-site water and sewer. No community sewer system is proposed at this time.

Comments Received from Municipalities & Provincial Agencies

Agricultural Land Commission

Concerned that the proposed R-2 zone appears to restrict agricultural uses.

Ministry of Agriculture

- The Regional District may wish to consider a 15 metre vegetative buffer and 30 metre building setback requirements, as described in the Ministry’s Guide to Edge Planning.

- In addition, if approved, the Regional District may also wish to require a disclosure statement in the form of a restrictive covenant under section 219 of the *Land Title Act* be placed on title of the newly created lots, specifying that the lot is located near a farming area, and that noise, odour, and dust associated with farming practices may be expected, and that development along the agricultural edge be restricted. More guidance is available in the Ministry’s Guide to Edge Planning.
- See attached letter.

BC Hydro

- BC Hydro has a registered right of way on the property.
- Please submit a copy of civil plans for the proposed road dedication for further review.
- Applicant must obtain written approval from BC Hydro for any intended use or development on the right of way before construction takes place.
- No building encroachment is permitted within the right of way.

PRRD Bylaw Enforcement

Potential for conflict between agricultural land and residential development. A buffer is recommended between these uses.

PRRD GIS

No concerns.

ALTERNATIVE OPTIONS:

1. That the Regional Board respectfully refuse to give Zoning Amendment Bylaw No. 2448, 2022 to rezone a ±28 hectare portion of the property identified as PID: 004-012-046, from A-2 “Large Agricultural Zone” to R-2 “Residential 2 Zone”, first and second reading.
2. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

None.

COMMUNICATIONS CONSIDERATION(S):

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

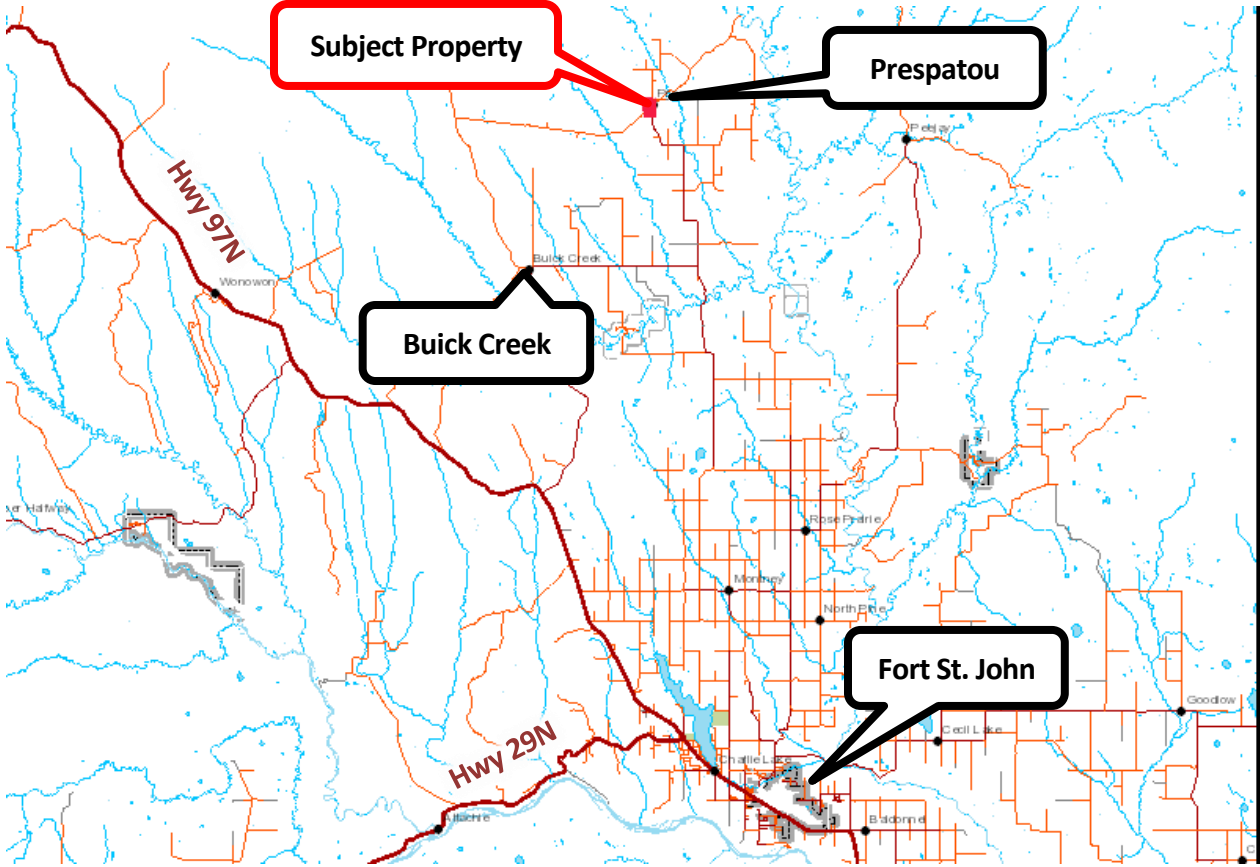
OTHER CONSIDERATION(S):

Recent legislative changes to the *Local Government Act* have occurred which necessitate a change in the process for how public hearings are waived for bylaw amendments. At this time the PRRD does not have a process that aligns with the current legislation and until such time as one is implemented, waiving of public hearings is not supported.

Attachments:

1. Maps
2. Application
3. Ministry of Agriculture Comments
4. Section 39 of PRRD Zoning Bylaw No. 1000, 1996
5. Zoning Amendment Bylaw No. 2448, 2022

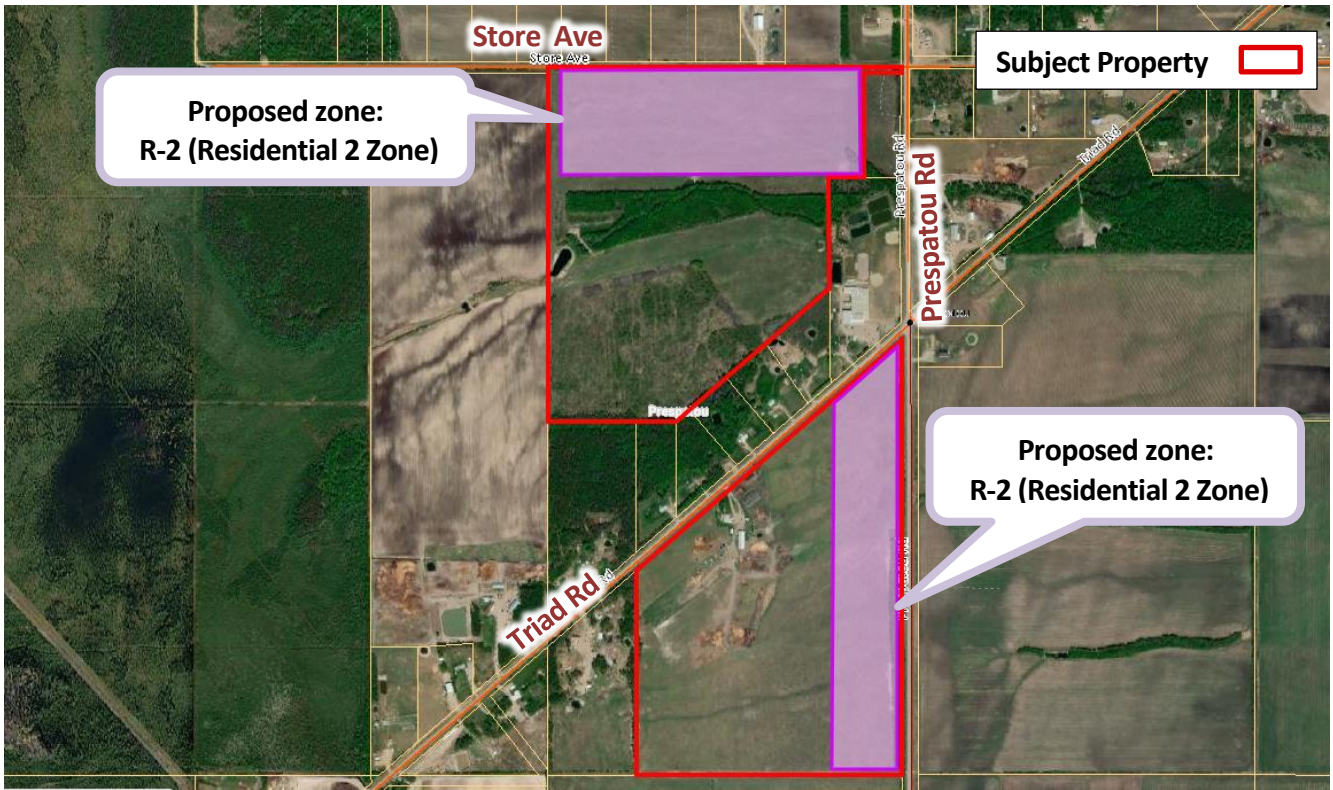
Location: Prespatou



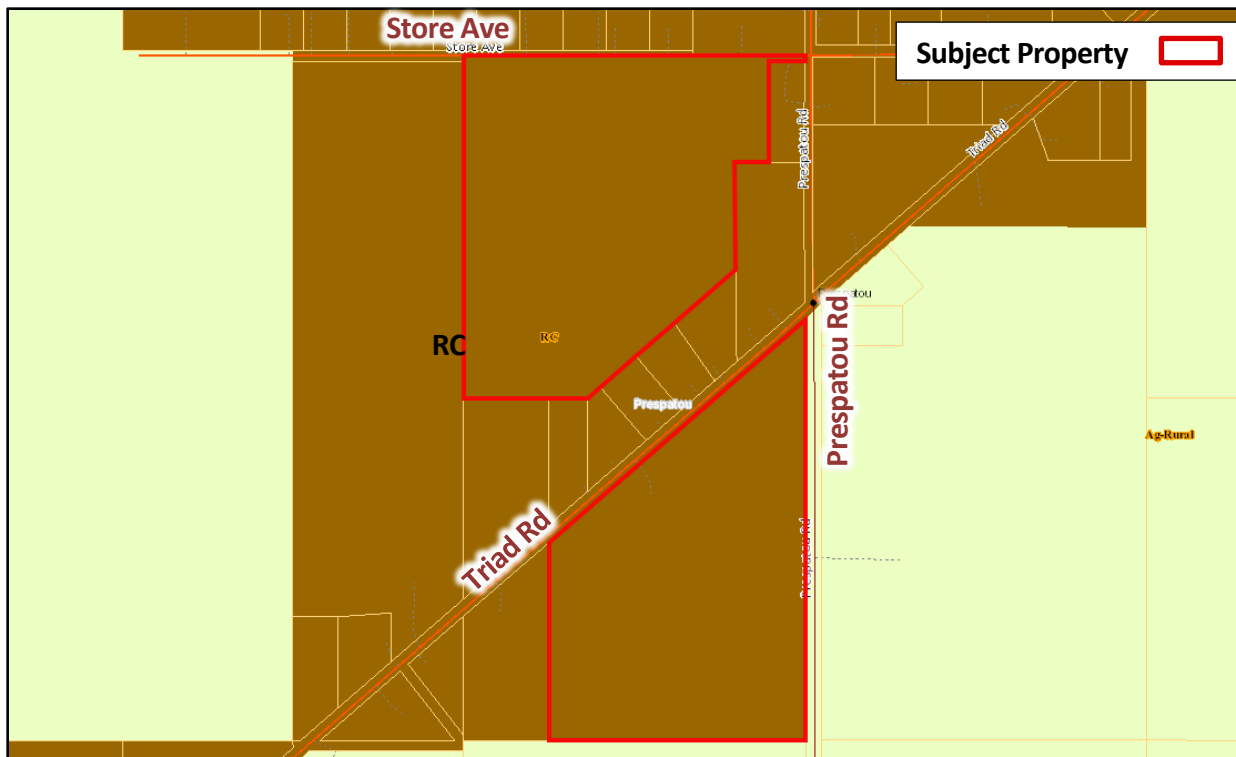
Aerial imagery



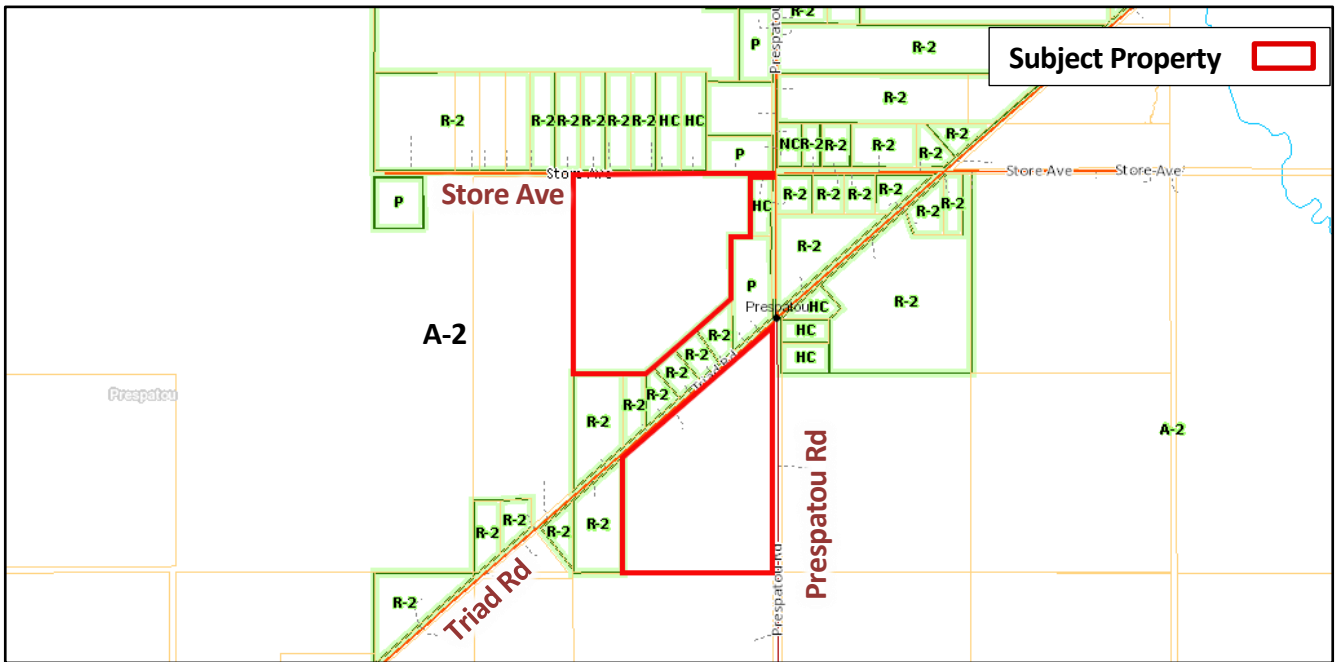
Rezoning Proposal



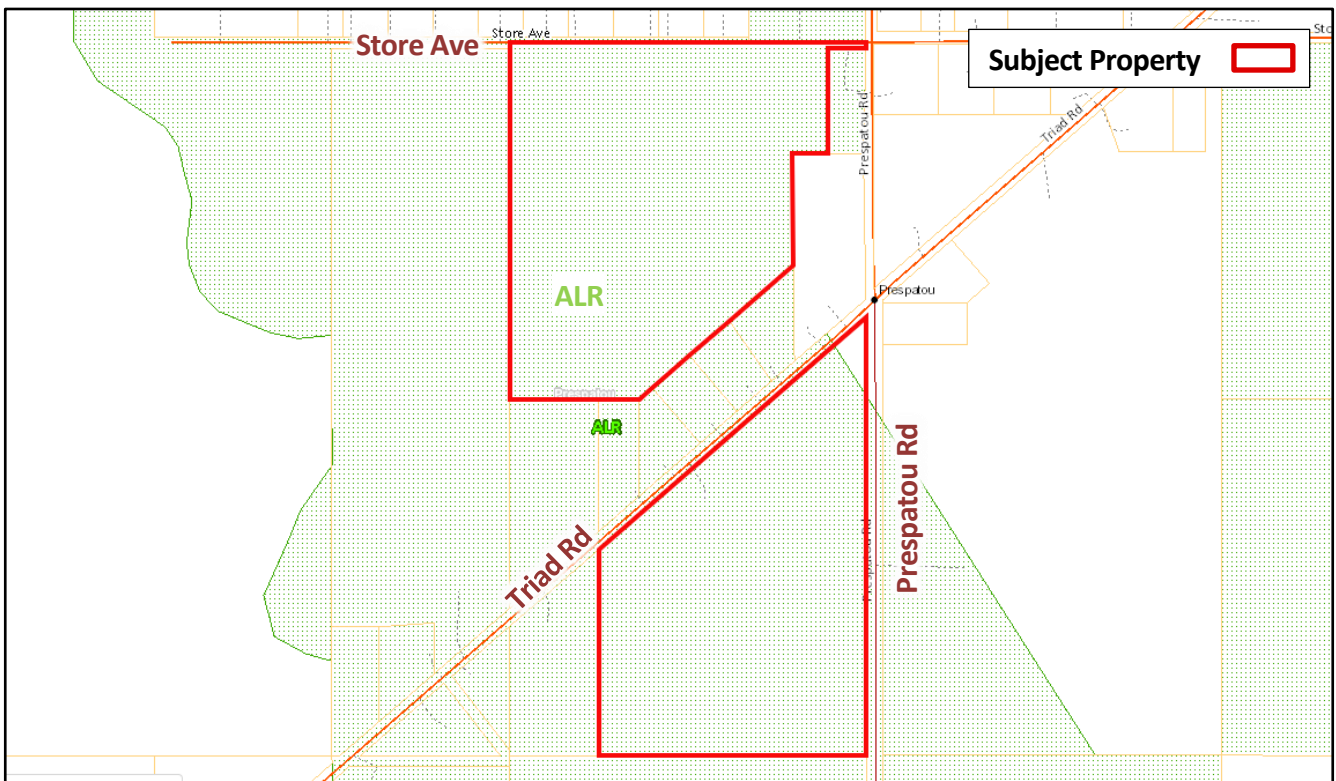
PRRD Rural Official Community Plan Bylaw No. 1940, 2011: Rural Community (RC)



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



Agricultural Land Reserve (ALR): Within





PEACE RIVER REGIONAL DISTRICT



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

Receipt # 8260

Application for Development

1. TYPE OF APPLICATION

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

In regard to applications for:

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

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

2. PLEASE PRINT

Property Owner's Name <i>Gordon Wiebe & Verna Wiebe</i>	Authorized Agent of Owner (if applicable)
Address of Owner [Redacted]	Address of Agent
City/Town/Village [Redacted]	City/Town/Village
Postal Code [Redacted]	Postal Code
Telephone Number: [Redacted]	Telephone Number:
Fax Number:	Fax Number:
E-mail: [Redacted]	E-mail:

3. PROPERTY DESCRIPTION

Full legal description of each property under application	Area of each lot
<i>District Lot 2516 Peace River District,</i>	<i>92.36 ha (228.23 ac)</i>
<i>Except Plans 21383, 21704, 24605</i>	ha./acres
<i>and PGP 44332</i>	ha./acres
<i>PID: 004-012-046</i>	TOTAL AREA <i>92.36 ha (228.23 ac)</i>

Notice of collection of personal information:

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

4. Civic Address or location of property: 22096 Triad Rd

5. PARTICULARS OF PROPOSED AMENDMENT

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

Official Community Plan (OCP) Bylaw amendment:

Existing OCP designation: _____

Proposed OCP designation: _____

Text amendment: _____

Zoning Bylaw amendment:

Existing zone: 42.36 H (A)

Proposed zone: 2 H lots and 2 64.36 H lot 1/4 (1A)

Text amendment: 28 (R2)

Application Updated
as per revised plan
dated Mar.28/22.

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:

grazing land for cattle

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

(a) North school, residential

(b) East restuarant, farmland - Commercial & retail

(c) South farmland/agricultural

(d) West residential lots

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

residential lots

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

Our community is growing more every year. We usually have 15 young couples getting married each year in this area. These young couples want to stay in this community.

#9 Continued.

These couples are finding it increasingly difficult to find a place to live. Many of these couples end up squatting on their parents' land. They have been asking for small lots that are more affordable for those that are trying to get established.

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

lagoons

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

cisterns or wells


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

12. Proof of ownership of the subject property or properties. (For example: Certificate of State of Title, BC Land Title Office Property Title Search or recent Property Tax Notice.)
13. A Sketch Plan of the subject property or properties, showing:
 - (a) the legal boundaries and dimensions of the subject property;
 - (b) boundaries, dimensions and area of any proposed lots (if subdivision is being proposed);
 - (c) the location of existing buildings and structures on the subject property, with distances to property lines;
 - (d) the location of any proposed buildings, structures, or additions thereto, with distances to property lines;
 - (e) the location of any existing sewage disposal systems;
 - (f) the location of any existing or proposed water source.

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

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

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



 Signature of Owner

March 23, 2021

 Date signed



 Signature of Owner

March 23 2021

 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 authorize	and	hereby
(name) application.		to act on my/our behalf regarding this
Agent address:		
Telephone:	Fax:	Email:
Signature of Owner:		Date:
Signature of Owner:		Date:



CONTAMINATED SITE DECLARATION FORM

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

Legal Description(s):

District Lot 2516 Peace River District,
Except Plans 21383, 21704, 24605,
and PGP 44332
PID: 004-012-046

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.

[Redacted Signature]

23 / 03 / 2021
dd mm yyyy

Owner/Agent

[Redacted Signature]

23 / 03 / 2021
dd mm yyyy

Owner/Agent



April 25, 2022

Local Government File: 22-008 ZN

Ashley Murphey
Planning Services Manager
Peace River Regional District (PRRD)
VIA EMAIL: planning@prrd.bc.ca

Re: Proposed Bylaw Amendment

Dear Ashley Murphey:

Thank you for providing the Ministry of Agriculture and Food (Ministry) with the opportunity to comment on the proposed zoning bylaw amendment to re-designate an approximately 28.1 ha portion of the 92.36 ha subject parcel from Large Agricultural Holdings (A-2) Zone to Residential 2 (R-2) Zone to facilitate a 13 lot subdivision plan. Ministry staff offer the following comments:

- Ministry staff note the proposed plan submitted with the referral is unclear whether there will be 14, 2 ha lots or 13, 2 ha lots, totaling 28 ha.1 ha, with a 64 ha remainder parcel.
- Ministry staff note the subject parcel is not within the Agricultural Land Reserve (ALR).
- The Subject parcel is designated Rural Community (RC) in the Official Community Plan (OCP), therefore, an OCP amendment is not required.
- The subject parcel is currently in agricultural production and is used as grazing land for cattle.
- Ministry staff note the soil classification for the subject parcel is 20 percent Class 5 with limitations of X (mixed limitations) and W (water) and 80 percent Class 4 with a limitation of X.
- In addition to the adjacent land use information provided in the referral, the subject parcel is also bordered by agricultural production to the South, East and West.
- Subdivision and the creation of smaller lots on or adjacent to agricultural land can erode long term agricultural and economic potential of parcels, increase land cost

per acre which can limit farm business opportunities, and in some cases have been shown to increase conflict between adjacent residential land uses.

- Ministry staff also note that the proposed residential lot and residential zone will be immediately adjacent to actively farmed land. To improve land-use compatibility and reduce potential conflict resulting from normal agricultural activities (such as dust, odour, and noise), the Regional District may wish to consider a 15 metre vegetative buffer and 30 metre building setback requirements, as described in the Ministry's [Guide to Edge Planning](#).
- Strong vegetative buffers and thoughtful edge planning between agricultural and non-agricultural properties can help play a valuable role in minimizing potential complaints and/or other issues between land-uses.
- In addition, if approved, the Regional District may also wish to require a disclosure statement in the form of a restrictive covenant under section 219 of the *Land Title Act* be placed on title of the newly created lots, specifying that the lot is located near a farming area, and that noise, odour, and dust associated with farming practices may be expected, and that development along the agricultural edge be restricted. More guidance is available in the Ministry's [Guide to Edge Planning](#).
- Ministry staff note that the demand outlined in section 9 of the application should be confirmed with what is outlined in the Peace River Regional District's Housing Needs Report.

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

Sincerely,

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

Email copy: Agriculture Land Commission, ALC.Referrals@gov.bc.ca

SECTION 39 R-2 (Residential 2 Zone)

Permitted Uses

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

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

Permitted accessory uses on any parcel include the following:

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

Regulations

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

Minimum Parcel Size

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

Number and type of Dwelling Units

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

Height

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

Setbacks

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

Accessory Buildings

[Bylaw No. 1177, 1998]

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

Additional Uses

[Bylaw No. 1874, 2010]

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

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

i) Abattoir

Additional Requirements

See Sections 13 - 32 of this bylaw.

**PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2448, 2022**

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

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

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

1. This bylaw may be cited for all purposes as "Peace River Regional District Zoning Amendment Bylaw No. 2448, 2022."
2. Schedule A – Map 9 - Prespatou of "Peace River Regional District Zoning Bylaw No. 1000, 1996" is hereby amended by rezoning a 28 ha. (69.18 acres) portion from District Lot 2516, PRD, except Plans 21383, 21704, 24605 and PGP44332, from A-2 "Large Agriculture Zone" to R-2 "Residential 2 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 Notification 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.

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. 2448, 2022,
as adopted by the Peace River Regional District
Board on _____, 20__.

Corporate Officer

Schedule A

