



REPORT

To: Chair and Directors

Report Number: DS-BRD-306

From: Kathy Suggitt, RPP, MCIP, General Manager of Development Services Date: May 4, 2023

Subject: Non-Farm Use within the ALR, PRRD File No. 22-009 ALR NFU, ALC ID 62326

RECOMMENDATION: [Corporate Unweighted – excluding Pouce Coupe]

That the Regional Board support ALR Non-Farm Use application 22-009 ALR NFU (ALC ID 62326) to bring the property into compliance with the *Agricultural Land Commission Act* and Regulations on the property identified as PID: 030-945-461, and authorize the application to proceed to the Agricultural Land Commission.

BACKGROUND/RATIONALE:**Proposal**

The applicant wants to bring the property into compliance with the ALC Act and Regulations in regards to the following structures and activities:

- The playground constructed with rubber matting;
- The ± 6520 m² of fill required to construct the paved portion of the roadway;
- The $\pm 2,111$ m² shop;
- The 4th residential structure used for storage of children's play equipment and workout facility; and,
- The ± 330 m² quonset previously used for commercial sandblasting.

Background

This non-farm use application was triggered after ALC Enforcement conducted a site inspection on September 8, 2022.

Rationale

Staff are recommending support of this application as the applicant is attempting to bring the subject property into compliance with the ALC Act and Regulations. The PRRD does not regulate the placement of fill, nor the maximum accessory building floor area for agricultural parcels larger than 8 ha.

The subject property resembles a communal farming lifestyle that is beneficial to agricultural activities by effectively managing large areas of agricultural land and using a small footprint of the property for the family members' personal usage. The three residential dwellings are existing and were previously approved by the PRRD through a zoning amendment, as well as by the ALC through a Non-Farm Use application as detailed below in the property history.

File Details

Owner: Samuel Ranch Ltd
Agent: Doug Marquardt
Area: Electoral Area B
Location: Pineview
Legal: Lot A St. John Indian Reserve No. 172 Township 85 Range 18 West Of The 6th Meridian
Peace River District Plan EPP95788
PID: 030-945-461
Civic Address: 13801 Rose Prairie Road and 13805 Rose Prairie Road
Lot Size: 373.09 ha (921.93 ac)

Property History

October 27, 2010: The PRRD received zoning amendment application No. *10-153 ZN (Zoning Amendment Bylaw No. 1924, 2011)* and the corresponding ALR Non-Farm Use application No. *10-154 ALR NFU* to rezone the subject property to allow for three dwelling units.

February 10, 2011: The Regional Board authorized ALR Non-Farm Use application No. *10-154 ALR NFU* to proceed to the ALC.

February 24, 2011: The Regional Board moved that consideration of 1st and 2nd Readings of Zoning Amendment Bylaw No. 1924, 2011, be referred to a future meeting pending a response from the ALC on ALR Non-Farm Use application No. *10-154 ALR NFU*.

April 21, 2011: The ALC approved ALR Non-Farm Use application No. *10-154 ALR NFU* pursuant to ALC Resolution No. 162/2011 to permit three dwelling units based on the following conditions:

1. The subject property be consolidated with the property to the north; and
2. That the subdivision be completed no later than 2013.

June 23, 2011: The Regional Board gave Zoning Amendment Bylaw No. 1924, 2011 1st Reading and authorized public notification.

October 27, 2011: The Regional Board gave 2nd and 3rd Readings to *Zoning Amendment Bylaw No. 1924, 2011*. To receive final adoption, the following conditions were to be completed within six months:

1. Consolidation of the subject properties pursuant to the ALC resolution referenced above; and
2. Registration of a restrictive covenant that restricts any future subdivision or development on the subject property.

June 11, 2018: ALC Enforcement sent a Notice of Contravention to the landowner stating the conditional approval of ALR Non-Farm Use application No. *10-154 ALR NFU* had expired and that the third dwelling unit was non-compliant. ALC C&E File No. 61557.

- July 12, 2019: The landowner requested an extension from the ALC for ALR Non-Farm Use application No. *10-154 ALR NFU* to complete the consolidation. The landowner's current agent explained that the previous agent for the file did not communicate to the landowner that consolidation was required.
- July 23, 2019: The ALC approved the time extension request for ALR Non-Farm Use application No. *10-154 ALR NFU* to July 23, 2020.
- September 16, 2019: ALC staff authorized registration of Plan EPP95788 which consolidated the two properties, fulfilling the ALC's conditions for ALR Non-Farm Use application No. *10-154 ALR NFU*.
- September 17, 2020: The covenant required by the Regional Board was registered on title, restricting the following:
1. Restriction on Subdivision
 2. Restriction on Development – Except for the three residential buildings on the Land, the owner shall not excavate, construct, build or undertake development of any kind on any part of the Land, except as permitted in the *Agricultural Land Commission Act*, its regulations, and any orders of the Agricultural Land Commission.
- November 12, 2020: The Regional Board gave Zoning Amendment Bylaw No. 1924, 2011, 3rd Reading and Adoption to permit the three dwelling units.
- December 15, 2020: The applicant submitted *20-016 ALR NFU* to allow for a family cemetery on the subject property.
- January 28, 2021: The Regional Board authorized ALR Non-Farm Use application No. *20-016 ALR NFU* to proceed to the ALC.
- May 11, 2021: The ALC approved *20-016 ALR NFU* based on the following conditions:
1. No subdivision is required for the cemetery;
 2. The cemetery is only for family members of the farm;
 3. The cemetery may be no greater than 0.1 ha in size; and
 4. The cemetery must be sited in accordance with Schedule A of their resolution.
- September 8, 2022: ALC Enforcement conducted a site inspection and issued a notice of non-compliance with the *ALC Act*.
- November 18, 2022: The landowner submitted *22-009 ALR NFU* to bring the property into compliance with the *ALC Act* and Regulations.
- December 8, 2022: PRRD staff conducted a site visit of the subject property with the agent to better understand the ALR Non-Farm Use application and ensure conformity with PRRD bylaws.
- February 17, 2023: The landowner submitted the revised application for *22-009 ALR NFU* to include all aspects of the *ALC Act* non-compliance.

Site Context

The subject property is located in Pineview, approximately 8 km north of the City of Fort St. John. The property is mostly surrounded by agricultural lands. The CN railway runs north-west along the adjacent parcel to the west.

Site FeaturesLand & Structures

The subject property has ± 336 ha of active farmland. Along the west side of the property are gullies and ravines leading to the Montney Creek that runs north-south.

The south-east corner has a total of ± 20.23 ha dedicated towards non-farm uses, in which the following land uses are occurring (see Attachment – Maps):

- ± 6.25 ha residential area;
- ± 2.5 ha yard; and
- ± 11.48 ha remaining paved roadway and open space.

The ± 6.25 ha residential area has the following structures:

- Three dwelling units;
- Three accessory residential structures confirmed during staff's site visit;
- A fourth residential structure, specifically referenced in this application, used for the storage of children's play equipment and for a workout facility; and
- A playground created with rubber matting.

The ± 2.5 ha yard has the following structures:

- $\pm 2,111\text{m}^2$ shop (Shop 1) used for schooling, religious services, and the repair of personal farm equipment;
- $\pm 1,149\text{m}^2$ shop (Shop 2) used for agriculture; and
- $\pm 330\text{m}^2$ quonset previously used for commercial sandblasting during the summer, which the applicant has stated will no longer be occurring.

The remaining ± 11.48 ha non-farm use area includes the paved portion of the roadway and open space. The roadway was built using $\pm 6520\text{m}^2$ of fill and continues past the ± 20.23 ha non-farm use area to oil and gas well sites on the subject property confirmed during staff's site visit

Access

The property is accessed by Rose Prairie Road.

Canada Land Inventory Soil Rating

According to the Canada Land Inventory, soils on the west side of the subject property along the Montney Creek are classified as $6^6\text{T}7^4\text{TR}$, the soils on the center are classified as 3c and $2^8\text{c}3^2\text{T}$, and the soils on the east side are classified as $3^7\text{c}4^3\text{x}$.

Class 6 soils are capable only of producing perennial forage crops, and improvement practices are not feasible. Class 7 soils have no capacity for arable culture or permanent pasture. Class 3 soils have moderately severe limitations that restrict the range of crops or require special conservation practices. Class 2 soils have moderate limitations that restrict the range of crops or require moderate conservation practices, and Class 4 soils have severe limitations that restrict the range of crops or require special conservation practices.

Subclass c denotes adverse climate. Subclass T denotes topography. Subclass R denotes consolidated bedrock. Subclass x denotes of soils having a limitation resulting from the cumulative effect of two or more adverse characteristics.

Comments & Observations

Applicant

The ±2.5 ha yard was used as a wellsite decades before the current landowner purchased the property. Staff confirmed during the site visit that the wellhead is still located in the center of the yard, and survey plans confirm the existence of an abandoned oil well surface hole in the ±2.5 ha yard.

Shop 1 was constructed by the previous landowner on an existing oil and gas wellsite, as shown on the attached images in the Application package.

Official Community Plan (OCP)

Pursuant to the *Rural Official Community Plan Bylaw No. 1940, 2011*, the subject property is designated Agriculture-Rural (Ag-Rural). Section 7.2 states that land within the Ag-Rural designation should be used for agriculture, uses required for operating a farm, communal farm, residential use, home-based businesses, etc. Section 7.3 states the minimum parcel size should be 63 ha (155 ac).

The subject property has ±336.5 ha of active farmland and ±20.23 ha of non-farm uses consisting of a ±6.25 ha residential area, a ±2.5 ha yard, and ±11.48 ha used for the roadway and open space.

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

Land Use Zoning

Pursuant to *Zoning Bylaw No. 1000, 1996*, the subject property is zoned A-2. Land within this zone may be used for agriculture, two dwelling units, home industry, home occupation, etc. Section 36.2 states the minimum parcel size is 63 ha (155 ac).

The ±6.25 ha residential area has three dwelling units, four accessory residential structures, and a playground. Section 36.2(b)(i) states that the subject property is permitted to have three single detached dwellings. There is no maximum accessory building floor area regulations for A-2 zoned parcels. Section 26(a) states that Public Uses are permitted in all zones, and playground is defined as a Public Use; therefore, the residential area is consistent with zoning.

The ±2.5 ha yard has a ±2,111 m² shop used for repair of personal farm equipment, schooling, and religious services, a ±1,149 m² shop used for farming, and a ±330 m² Quonset previously used for commercial sandblasting.

As there is no maximum floor area requirement for accessory buildings in the A-2 zone, the combined size of all accessory buildings in this area is consistent with zoning.

Agriculture, Home Occupation and Home Industry are permitted uses in the A-2 zone. While school and religious centre are not listed permitted uses in the A-2 zone, they could be considered home occupations as they are for the residents of the parcel only and comply with Section 19 and 20, Home Occupation and Home Industry, of the bylaw. Additionally, educational activities and socio-welfare activities are listed as being Public Uses in the bylaw, and Section 26(a) states that Public Uses are permitted in all zones. Therefore the uses in the shops and Quonset are considered as consistent with zoning.

Section 36.2 Policy c states that no building or structure shall be located within 7m of a front parcel line. Shop 2 appears to be encroaching over the south front parcel line and a variance permit may be required.

Therefore, the proposal is consistent with the Zoning Bylaw.

Comments Received from Internal Departments

Bylaw Enforcement Officer

Interests are unaffected.

GIS Department

The current civic addresses may need to be revised in the future to allow for additional addressing for existing and future buildings on the subject property and the neighboring properties located along the road allowance. The current civic addresses should be in sequence to support emergency responders.

Comments Received from Municipalities & Provincial Agencies

BC Energy Regulator

There are no concerns. The proposal should not prevent the BCER from carrying out its legislated responsibilities and should not prevent the permit holders from carrying out their duties within the permitted activities.

BC Hydro

A right of way is required for the existing works.

Ministry of Food and Agriculture

The ministry is concerned that a significantly large area is currently being used for numerous unapproved non-farm uses. Commercial/industrial businesses, such as the sandblasting, are more suitable located outside of the ALR. An approved non-farm use for this purpose, as well as a host of other non-farm uses may also raise expectations for similar non-farm uses on the ALR.

Constructing new structures on agricultural parcels generally raises the assessed value of the property, making the parcel less appealing and/or more cost prohibitive for prospective buyers that are interested in farming the property in the future.

Ultimately, the proposed non-farm use activities do not appear to provide any short or long-term benefit for agriculture in the area. See attached letter.

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. However, the charge is not applicable at this time because no new residential lots are proposed.

ALTERNATIVE OPTIONS:

1. That the Regional Board refuse authorization of ALR Non-Farm Use application 22-009 ALR NFU (ALC ID 62326) to bring the property in compliance with the ALC Act and Regulations on the property identified as PID: 030-945-461, to proceed to the Agricultural Land Commission.
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. ALC Application (ALC ID 62326)
2. Maps, PRRD File No. 22-009 ALC NFU
3. Comments Received from Agencies and Municipalities, PRRD File No. 22-008 ALR NFU
4. Non-Farm Use within the ALR, PRRD File No. 10-154 ALR NFU, ALC ID 52192 – 52220

External Links:

1. [Report – Zoning Amendment Bylaw No. 1924, 2011, PRRD File No. 10-153; 3rd Reading and Adoption – Item No. 12.1](#)
2. [Non-Farm Use within the ALR, PRRD File No. 20-016 ALR NFU, ALC ID 61995 – Item No. 10.6](#)