



# REPORT

To: Chair and Directors

Report Number: DS-BRD-327

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

Date: August 17, 2023

Subject: OCP & Zoning Amendment Bylaws No. 2527 & 2528, 2023, PRRD File No.23-010 OCPZN

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## **RECOMMENDATION: [Corporate Unweighted – Excluding Pouce Coupe]**

That the Regional Board respectfully refuse to give Peace River Regional District Official Community Plan Amendment Bylaw No. 2527, 2023, to change the designation of the property identified as PID 011-576-855 from Industrial Study Area to Rural Residential, first and second readings, and further;

That the Regional Board respectfully refuse to give Peace River Regional District Zoning Amendment Bylaw No. 2528, 2023, to rezone a ±21.63 ha portion of the property identified as PID 011-576-855 from Small Agricultural Holdings Zone (A-1) to Residential 3 Zone (R-3) first and second readings, as the proposal is not consistent with the OCP.

## **BACKGROUND/RATIONALE:**

### **Proposal**

To change the designation on the subject property from Industrial Study Area (ISA) to Rural Residential (RR) and to further rezone a portion of the property from Small Agricultural Holdings Zone (A-1) to Residential 3 Zone (R-3) in order to facilitate a future subdivision of the property.

### **Rationale**

Staff are recommending refusal based on the intent of the NPFA OCP Industrial Study Area (ISA) land designation, and the lack of adequate access to the property.

Lands were placed in the ISA designation to allow for additional analysis to be undertaken to determine the future land use needs of the area in collaboration with relevant agencies and following the legislated public processes. Pursuant to Section 11 of the NPFA OCP:

“....so long as any parcel continues to be designated in the Plan as part of a Study Area Lands designation, no zoning amendment bylaw should be adopted to change the permitted use of the parcel.”

Staff are anticipating that work on the ISA land use analysis will occur concurrently with the Regional Growth Strategy.

The property is currently accessed via a single lane ±10.1 m wide panhandle driveway, while the standard Ministry of Transportation and Infrastructure (MoTI) road right-of-way width is 25 m. The applicant has indicated that they intend to subdivide the lands, therefore this rezoning could permit the creation of 11 new parcels. Staff note that the transportation network throughout the ISA designation area is inadequate and requires further analysis.

**File Details**

Owner: Brandi Shaman  
Agent: Parker Minard  
Area: Electoral Area C  
Location: Fort St John Rural  
Legal: Lot B Section 35 Township 83 Range 19 West of the 6th Meridian Peace River District Plan 17032  
PID: 011-576-855  
Civic Address: 8507 269 Rd  
Lot Size: 24.08 ha (59.51 ac)

**Site Context**

The subject property is approximately half a kilometer south west from the City of Fort St John boundary in the rural area known as Grandhaven. The area includes small to large residential properties as well as larger agricultural properties. A 36.85 ha agricultural property lies between the subject property and the industrial area to the east.

**Site Features**Land

The property is mainly treed in its natural state with cleared areas near the north east corner, near the centre, and where the home and detached garage sit.

Structures

A home and a detached garage sit near the south west corner of the property within a 2.4 ha area that was re-zoned R-3 in 2019.

Access

The current access to the property is via a  $\pm$  10.1 m wide single lane panhandle driveway. No adequate access has been identified to service any future subdivision of the subject property. While roadways and access do not fall under the jurisdiction of local government, 911 service addressing and emergency vehicle access does. As the proposed OCP and Zoning Amendment would facilitate future subdivision of the lands, staff are not in support due to the lack of adequate access for fire protection and emergency services.

Canada Land Inventory Soil Rating

According to the Canada Land Inventory, soils on the subject property are classified as 2<sub>C</sub>. Class 2 soils have moderate limitations that restrict the range of crops or require moderate conservation practices. Subclass C denotes adverse climate conditions.

**Comments & Observations**Agricultural Land Reserve (ALR)

The subject property is outside the Agricultural Land Reserve.

### Official Community Plan (OCP)

Pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 2460, 2021, the subject property is designated Industrial Study Area (ISA). The purpose of this designation is to allow further analysis of the ultimate land use designations based on land needs and to work with other agencies and the City of Fort St John as appropriate before deciding about future land uses. No such analysis has been undertaken at the time of this application.

Therefore, a proposed change in designation is not consistent with the OCP.

Pursuant to Section 11 of the NPFA OCP:

“...so long as any parcel continues to be designated in the Plan as part of a Study Area Lands designation, no zoning amendment bylaw should be adopted to change the permitted use of the parcel.”

Therefore the proposed zoning amendment is not consistent with the OCP.

### Land Use Zoning

Pursuant to Zoning Bylaw No. 1343, 2001, a ±21.63 ha portion of the subject property is zoned Small Agricultural Holdings Zone (A-1) and the remaining ±2.45 ha area is zoned as Residential 3 Zone (R-3).

Land within this zone A-1 zone may be used primarily for agricultural purposes. The minimum parcel size of an A-1 property is 15 ha (37.07 ac). The applicant intends to subdivide the property into residential lots approximately 1.8 ha in size.

Therefore the proposed size and use do not comply with the current A-1 zoning and a zoning amendment to residential would be required. Land within the proposed R-3 zone may be used for residential purposes. The minimum parcel size is 1.8 ha (4.5 ac).

As noted above, a zoning amendment is not supported by the OCP.

### Fire Protection Area

The subject property is within the Charlie Lake Fire Protection Area.

### Mandatory Building Permit Area

The subject property is within the Mandatory Building Permit Area.

### Development Permit Area

The subject property is outside all Development Permit Areas.

### Development Cost Charge Area

The subject property is outside the Development Cost Charge Area.

### School District 60 School Site Acquisition Charge Area

The subject property is within the School District 60 School Site Acquisition Charge Area and the charge must be paid prior to subdivision of the property.

### Applicant

Currently the property is bounded by R-3 zoning on the North and South and a portion of the property itself is already zoned R-3. The landowner would like to rezone the remaining area to R-3 to allow for future subdivision with parcels being approximately 1.8 ha (4.5 acres) in size. The landowner is aware of the potential access issues and is pursuing options in regard to this.

### **Impact Analysis**

#### Context

The subject property sits adjacent residential subdivisions and larger agricultural parcels.

#### Population & Traffic

The R-3 zone has a minimum parcel size of 1.8 ha (4.5 acres) potentially creating a maximum of 13 residential lots. Each lot would be permitted a maximum of one single family dwelling, one temporary additional dwelling, and one secondary suite which could increase the population and traffic to the area substantially and demonstrates the requirement for adequate road access for residents and emergency vehicles.

#### Sewage & Water

The property is currently serviced with a sewer lagoon and a water cistern.

No community sewer system exists on or near the subject property, therefore all current and future lots are required to construct water and sewer systems in accordance with Northern Health's regulations.

### **Comments Received from Municipalities & Provincial Agencies**

#### PRRD Bylaw Enforcement Officer

Bylaw enforcement relies on applicable zoning. If the uses are consistent with current zoning and then with future zoning, there are no concerns.

#### PRRD GIS

No concerns.

#### PRRD Building Inspection

No concerns.

#### Charlie Lake Fire Department

Charlie Lake Fire Department has no concerns with the rezoning of the property. Depending on the use of the property after rezoning, the fire department will have questions if the property is going to be used as residential.

Information provided indicates that the land may be changed to residential lots. Concerns/items that need to be addressed with the fire department prior the fire department final approval:

1. Roadway assess plan, entrance/exit to and from the property;
2. Secondary entrance/exit;
3. Road(s) - dead end road, turning around points, road width. Roadway use for large fire apparatus;

4. Driveways to each property - construction considerations, entrance width, overhang (trees), power lines;
5. Subdivision - gated, not gated;
6. Fire Water - water system, storage of water - fire suppression (good neighbor).

Further discussion is requested to understand the overall plan for the property.

#### Ministry of Transportation and Infrastructure

The proposal does not fall within Section 52 of the Transportation Act and will not require formal MoTI approval and signature. MoTI is in support of the proposal and has the following comments:

At this time, the Ministry of Transportation and Infrastructure will require PRRD approval prior to a review of a Subdivision application. Once the applicant has received PRRD approval regarding rezoning and the Official Community Plan, please re-apply online at: Highway Use Permits - Province of British Columbia ([gov.bc.ca](http://gov.bc.ca)).

#### Ministry of Agriculture

See attached letter.

### **ALTERNATIVE OPTIONS:**

1. That the Regional Board give Peace River Regional District Official Community Plan Amendment Bylaw No. 2527, 2023, to change the designation the property identified as PID 011-576-855 from Industrial Study Area to Rural Residential, first and second readings, further;

That the Regional Board give Peace River Regional District Zoning Amendment Bylaw No. 2528, 2023, to rezone a 21.7 ha portion of the property identified as PID 011-576-855 from Small Agricultural Holdings Zone (A-1) to Residential 3 Zone (R-3) first and second readings, further;

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

That a restrictive covenant be placed on title to prevent subdivision of the subject parcel until such time as an adequate 25 m wide road access has been secured to each proposed lot including adequate turn around for emergency apparatus.

2. That the Regional Board give Peace River Regional District Official Community Plan Amendment Bylaw No. 2527, 2023, to change the designation the property identified as PID 011-576-855 from Industrial Study Area to Rural Residential, first and second readings, further;

That the Regional Board give Peace River Regional District Zoning Amendment Bylaw No. 2528, 2023, to rezone a 21.7 ha portion of the property identified as PID 011-576-855 from Small Agricultural Holdings Zone (A-1) to Residential 3 Zone (R-3) first and second readings, and further;

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

3. 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. North Peace Fringe Area Official Community Plan Amendment Bylaw No. 2527, 2023
2. Peace River Regional District Zoning Amendment Bylaw No. 2528, 2023
3. Maps, PRRD file No. 23-010 OCP ZN
4. Application, PRRD File No. 23-010 OCP ZN
5. Comments Received from Municipalities and Provincial Agencies

**PEACE RIVER REGIONAL DISTRICT  
Bylaw No. 2527, 2023**

A bylaw to amend the "North Peace Fringe Area Official  
Community Plan Bylaw No. 2460, 2021"

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia *Local Government Act*, adopt the "North Peace Fringe Area Official Community Plan Bylaw No. 2460, 2021";

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 "North Peace Fringe Area Official Community Plan Amendment Bylaw No. 2527, 2023."
2. Schedule B – Map 3 of "North Peace Fringe Area Official Community Plan Bylaw No. 2460, 2021" is hereby amended by re-designating Lot B, Section 35, Township 83, Range 19, W6M, PRD, Plan 17032, from ISA "Industrial Study Area" to RR "Rural Residential" as shown on Schedule "A" which is attached to this bylaw.

READ A FIRST TIME THIS	<u>17<sup>th</sup></u>	day of	<u>August</u>	, 2023.
READ A SECOND TIME THIS	<u>17<sup>th</sup></u>	day of	<u>August</u>	, 2023.
Public Notice mailed on the	<u>25<sup>th</sup></u>	day of	<u>August</u>	, 2023.
Public Notice published on the	<u>31<sup>st</sup></u>	day of	<u>August</u>	, 2023.
Public Notice published on the	<u>7<sup>th</sup></u>	day of	<u>September</u>	, 2023.
Public Hearing held on the	_____	day of	_____	, 2023.
READ A THIRD TIME THIS	_____	day of	_____	, 2023.
ADOPTED THIS	_____	day of	_____	, 2023.

\_\_\_\_\_  
Leonard Hiebert, Chair

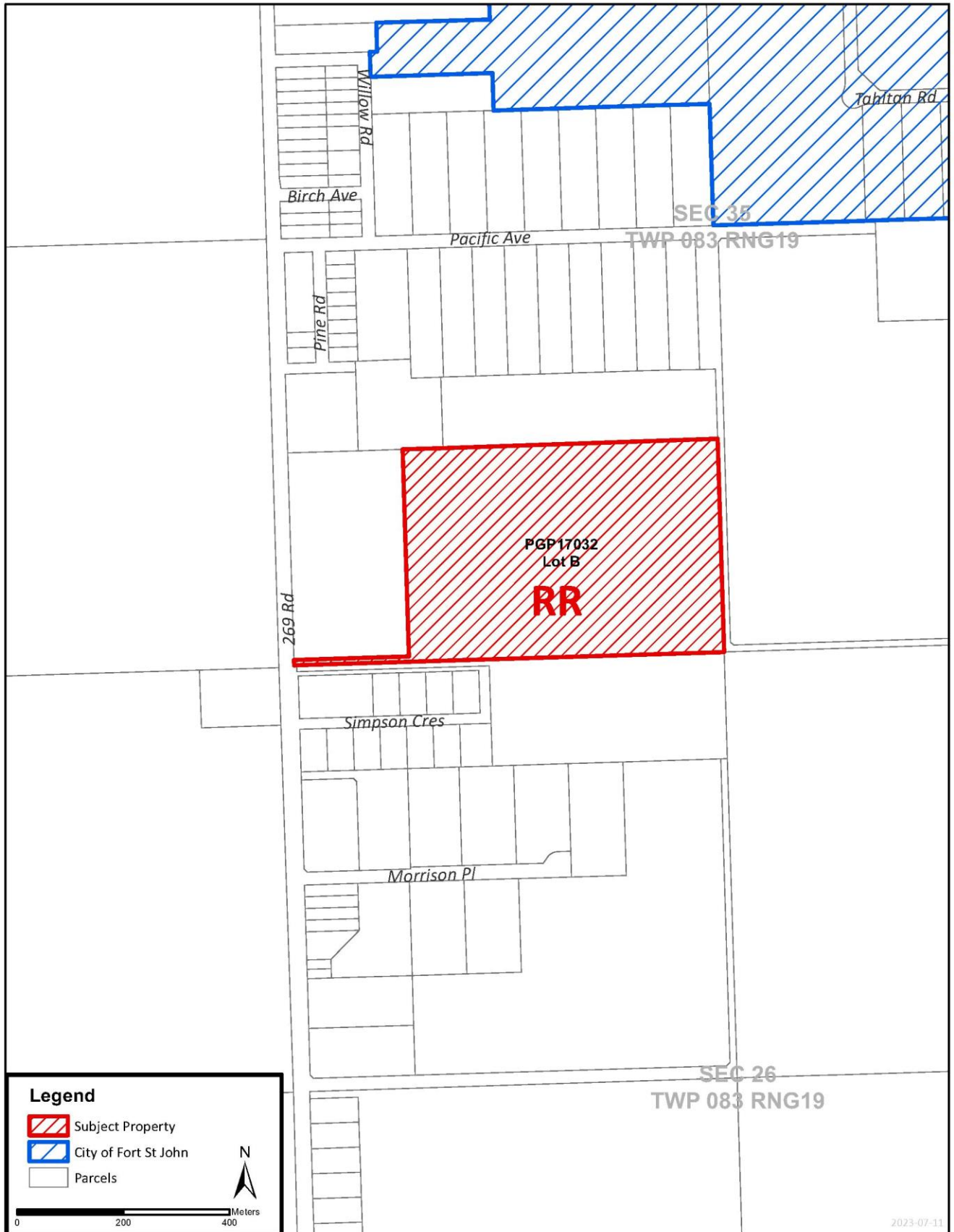
(Corporate Seal has been affixed to the original  
bylaw)

\_\_\_\_\_  
Tyra Henderson,  
Corporate Officer

I hereby certify this to be a true and correct copy of "North Peace Fringe Area Official Community Plan Amendment Bylaw No. 2527, 2023", as adopted by the Peace River Regional District Board on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Tyra Henderson, Corporate Officer

Schedule A





**PEACE RIVER REGIONAL DISTRICT**  
**Bylaw No. 2528, 2023**

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

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

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

1. This bylaw shall be cited for all purposes as "Peace River Regional District Zoning Amendment Bylaw No. 2528, 2023."
2. Schedule C – Map 10 of "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by rezoning Lot B, Section 35, Township 83, Range 19, W6M, PRD Plan 17032 from A-1 "Small Agricultural Holdings Zone" to R-3 "Residential 3 Zone", as shown on Schedule 'A' which is attached to and forms part of this bylaw.
- 3.

READ A FIRST TIME THIS	<u>17<sup>th</sup></u>	day of	<u>August</u>	, 2023.
READ A SECOND TIME THIS	<u>17<sup>th</sup></u>	day of	<u>August</u>	, 2023.
Public Notice mailed on the	<u>25<sup>th</sup></u>	day of	<u>August</u>	, 2023.
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Public Notice published on the	<u>7<sup>th</sup></u>	day of	<u>September</u>	, 2023.
Public Hearing held on the	_____	day of	_____	, 2023.
READ A THIRD TIME THIS	_____	day of	_____	, 2023.
ADOPTED THIS	_____	day of	_____	, 2023.

\_\_\_\_\_  
Leonard Hiebert, Chair

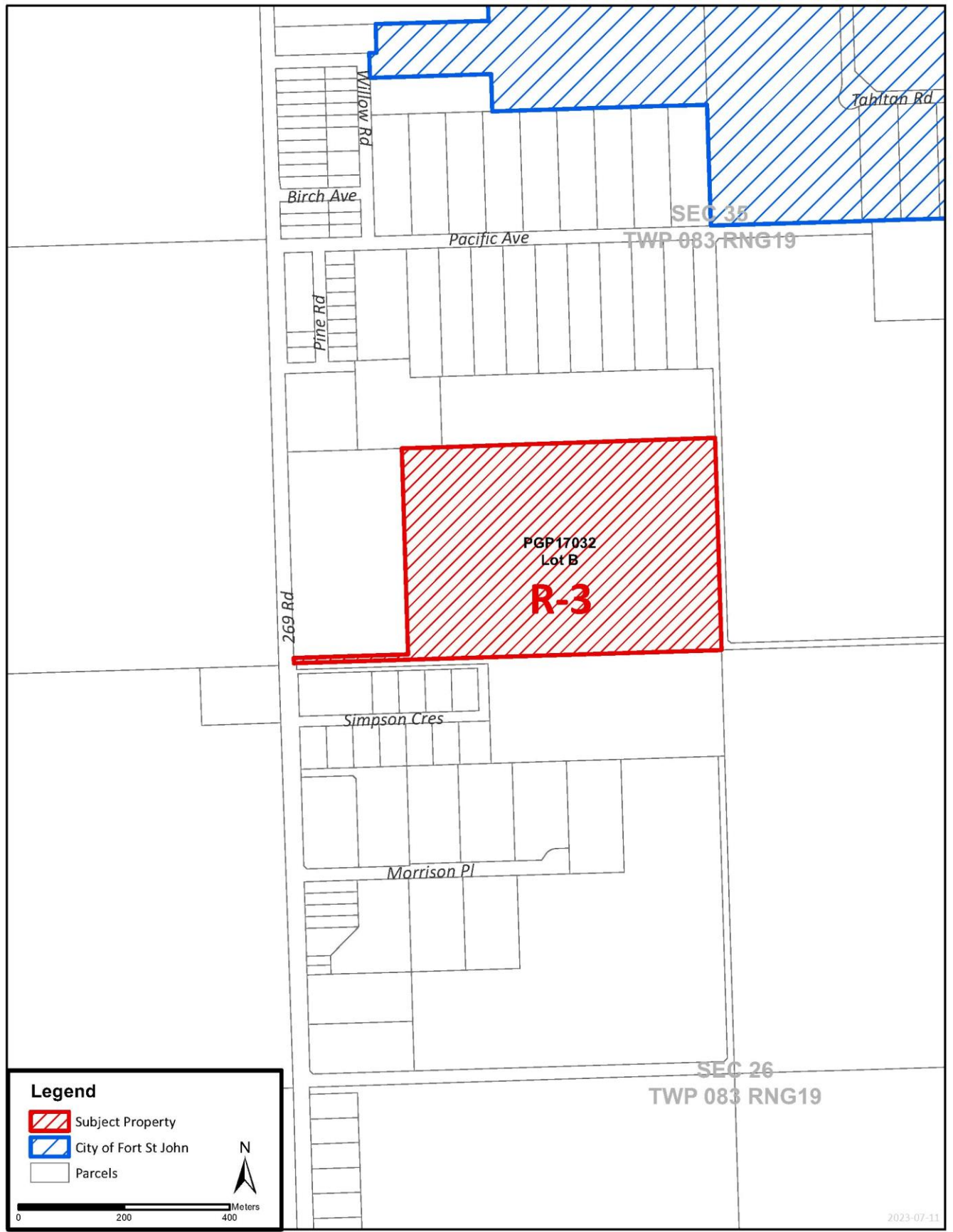
(Corporate Seal has been affixed to the original  
bylaw)

\_\_\_\_\_  
Tyra Henderson,  
Corporate Officer

I hereby certify this to be a true and correct copy of "PRRD  
Zoning Amendment Bylaw No. 2528, 2023", as adopted by the  
Peace River Regional District Board on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Tyra Henderson, Corporate Officer

### Schedule A





For Office Use:
Receipt # _____
Date Received _____
File No. _____
Sign Issued: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

## Application for Development

### 1. TYPE OF APPLICATION

	<b>FEE</b>
<input type="checkbox"/> Official Community Plan Bylaw Amendment*	\$ 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
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### 2. PLEASE PRINT

Property Owner's Name BRANDI COLLEEN SHAMAN	Authorized Agent of Owner (if applicable) PARKER MINARD

#### 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	
LOT B SECTION 35 TOWNSHIP 83 RANGE 19 WEST OF THE 6TH MERIDIAN PEACE RIVER DISTRICT PLAN 17032, PID:011-576-855	24.0 Hectares	ha./acres
		ha./acres
		ha./acres
	TOTAL AREA <b>24.0 Ha</b>	ha./acres

4. Civic Address or location of property: 8507 269 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: ISA - Industrial Study Area

Proposed OCP designation: Rural Residential

Text amendment: \_\_\_\_\_

Zoning Bylaw amendment:

Existing zone: R-3 and A-1

Proposed zone: R3 - Residential

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:

Property includes 1 residence with outbuilding.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

- (a) North R-3
- (b) East A-2
- (c) South R-3
- (d) West A-2

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

See attached

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

See attached

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

Lagoon is currently used

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

Cistern is currently used

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**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

June 22, 2023

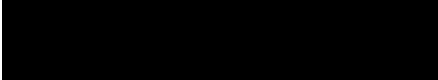
\_\_\_\_\_  
Date signed

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>Brandi Shaman</u> 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: <u>June 22, 2023</u>
Signature of Owner:	Date:



## 8. Proposal

The landowner wishes to have the current OCP designation of Industrial Study Area removed from the property. The landowner further desires to have the portion of the property currently zoned A-1 (16.3 ha approximately) changed to R-3 with the intention to subdivide the property.

## 9. OCP

The proposed removal of the lands in question from the Industrial Study Area reflects the landowners desire to not have any industrial use on their lands now or in the future. We believe that this designation was made without consultation and should be removed. The landowner has had discussions around this topic with the PRRD Representative for the area, Brad Sperling, and has received indication that he would support this change to the OCP.

## 9. Zoning Amendment

The proposed zoning amendment aims to address the evolving needs of the community while respecting the unique characteristics of the rural landscape. This proposal seeks to promote responsible development that respects the existing rural character and maintains the quality of life for residents.

Currently the property in question is bounded by R-3 zoning on the North and South and a portion of the property itself is already zoned R-3. The landowner would like to rezone the remaining area to R-3 to allow for future subdivision with parcels being approximately 1.8ha in size. This rezoning is consistent with surrounding lands and as the parcel in question is not within the ALR would not be constrained by the recent ALR directives.

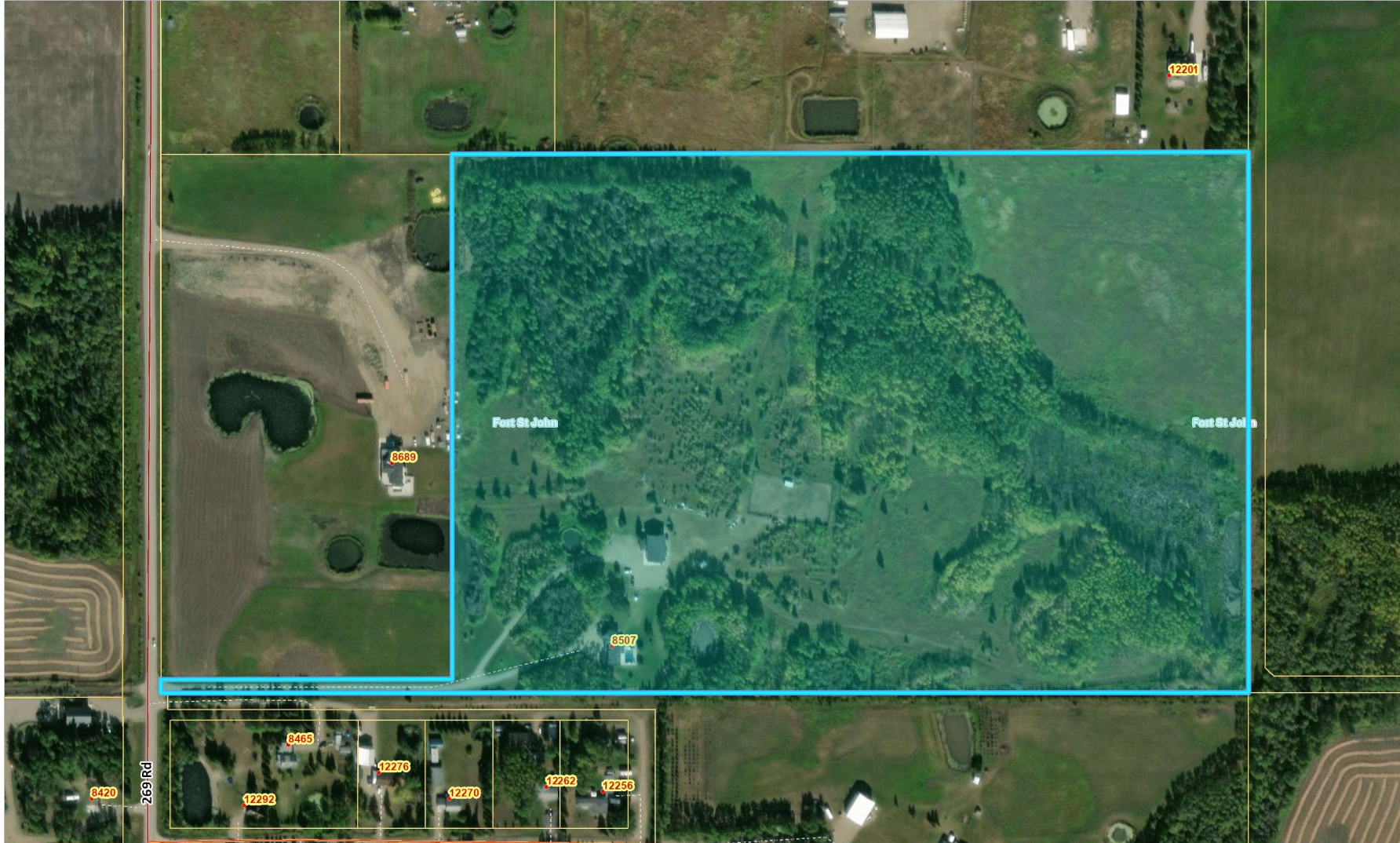
This rezoning has been applied for previously under application “**Proposed OCP and Zoning Amendment Bylaws No.2259 and 2260 (Shaman), 2016**”. The application was rejected due to the new OCP being developed at the time. Please see attached documents for additional information.

The landowner is aware of the potential access issues and is pursuing options in regard to this.





# Shaman Rezoning



### 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
- World Imagery
  - Low Resolution 15m Imagery
  - High Resolution 60cm Imagery
  - High Resolution 30cm Imagery
  - Citations
  - 1.2m Resolution Metadata

1: 5,137



### Notes

261.0 0 130.49 261.0 Meters

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Latitude Geographics Group Ltd.

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



August 4, 2023

Local Government File: 23-010 OCP ZN

Erin Powers, Planner II  
Peace River Regional District (PRRD)  
VIA EMAIL: [planning@prrd.bc.ca](mailto:planning@prrd.bc.ca)

**Re: OCP and Zoning Bylaw Amendment – 8057 269 Road (PID 011-576-855)**

Dear Erin Powers:

Thank you for providing Ministry of Agriculture and Food (Ministry) staff with the opportunity to comment on the proposed zoning and Official Community Plan (OCP) amendments to facilitate a subdivision of the 24.08-hectare subject parcel, located outside of the Agricultural Land Reserve (ALR). Ministry staff offer the following comments:

- The subject parcel is located almost completely within a large region of ALR parcels west of the City of Fort St. John. Based on the previous ALC decision (Order #40/2016, File 54493, see attached) the parcel was excluded in 2016.
- Based on B.C.'s [Soil Information Finder Tool](#) (SIFT) the parcel has an agricultural capability rating of 2C. Lands with capability ratings of 1-2 are considered "prime agricultural lands" and scarce in B.C. with little to no limitations that would require intensive management. The subclass denoted as 'C' indicates that there is an adverse climate (excluding precipitation) that may cause some limitations to cultivation. Based on two additional previous ALC decisions however, (Resolutions #1056/80 and #131/81, see attached) Ministry staff are uncertain regarding any current existence and location of underground radio broadcasting transmitter wires that may impact any potential agricultural activity as described in the attached ALC documentation.
- The applicant states the intention is to amend the subject parcel from Industrial Study Area to Rural Residential within the current OCP. Given the agricultural capability classification of the parcel and the surrounding ALR land, the Regional District may want to consider, rather than a residential designation, the potential for agricultural activity on the parcel and support inclusion in the ALR along with an

OCP's Agriculture (AG) designation. This consideration, however, would necessarily include review and confirmation of the existence of any current underground infrastructure as previously noted.

- Ministry staff also note that the North Peace Fringe Area OCP (Bylaw No. 2460, 2021, adopted October 13, 2022) states that the "Regional District intends to conduct further analysis..." in its Study Area Lands over a 18-24-month period, (PDF page 47) and as such the Regional District may want to consider this broader objective, including potential industrial uses to support the agricultural sector, as part of this site-specific proposal.
- In addition, the proposed R-3 (Residential 3) zoning allows for a smaller minimum lot size (1.8-hectares) compared to the A-1 (Small Agricultural Holdings) (15-hectares) zone. It is important to note that the subdivision of farmland into smaller lots can frequently weaken the long-term agricultural and economic potential of parcels with Class 2 soil and increase the land cost per hectare of each new parcel which may confine farm business opportunities. Vegetative buffering and building setbacks (on the non-farming side) between smaller lot residential uses and ALR land can help reduce the potential risk of boundary disputes between neighbouring land uses and farm practice complaints.
- Based on the information provided and given the nature of the proposal, it does not appear that approval of this application will positively contribute to agricultural production on the parcel, or in the surrounding area.

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

Sincerely,

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

Brenna Schilds, P. Ag  
Regional Agrologist – Peace Region  
Ministry of Agriculture and Food  
Phone: 250-795-4101  
Email: [Brenna.schilds@gov.bc.ca](mailto:Brenna.schilds@gov.bc.ca)

RECONSIDERATION

Resolution #1056/80  
Application #114-W-80-10244

Minutes of the Provincial Agricultural Land Commission

Meeting held at the B.C. Agricultural Land Commission Office, 4333 Ledger Avenue, Burnaby, B.C., on the 12th day of June, 1980.

Present:	M.F. Clarke	Chairman
	A. Claridge	Commissioner
	C.F. Cornwall	Commissioner
	C.E. Framst	Commissioner
	W. Redel	Commissioner
	John Rogers	Commissioner
	Joseph A. Rogers	Commissioner

The Commission received a request from Northern Lights Broadcasting to reconsider an application under Section 20(1) of the Agricultural Land Commission Act for the property described as Lot B, Plan 17032, S.W. 1/4, Section 35, Township 83, Range 19, W6M.

The Commission, by Resolution #682/80, refused permission to subdivide a +2 ha. parcel from the above described 23.8 ha. property on the grounds that the property has high agriculture capability. The applicant is requested that further consideration be given to his request as the area proposed to be subdivided cannot be cultivated due to radio broadcasting transmitter wires which run underground.

IT WAS  
MOVED BY: Commissioner J.A. Rogers

1056/80

THAT the decision to refuse the request be reconfirmed.

The motion was lost for lack of a seconder.

IT WAS  
MOVED BY: Commissioner C.E. Framst  
SECONDED BY: Commissioner A. Claridge

THAT permission to subdivide the subject property be refused but that the applicant be advised that the Commission has no objection to allowing the dwelling to remain on the property.

Carried.

Minutes of the Provincial Agricultural Land Commission

Meeting held at the B.C. Agricultural Land Commission Office, 4940  
Canada Way, Burnaby, B.C. on the 3rd February 1981.

Present:

C. E. Framst	Commissioner
R. Murdoch	Commissioner
Ian D. Paton	Commissioner
John Rogers	Acting Chairman

An application from Frederick Roney for Northern Lights Broadcasting Ltd. under Section 20(1) of the Agricultural Land Commission Act was considered for the property described as Lot B, Plan 17032, Southwest  $\frac{1}{4}$  Section 35, Township 83, Range 19, W6M (more particularly shown on plans submitted to the Commission) with the application requesting permission to subdivide one five acre (2.025 ha) parcel from the 59 acres (23.89 ha) described above. The property is presently used as an A.M. Radio Broadcasting Transmitter Site. The proposed five acre parcel is intended as a homesite for one of Northern Light Broadcasting Ltd. employees. The lot is intended to provide compensation to this employee for services essential to the operation of the radio station.

The subject property is rated by the Canada Land Inventory for agriculture as Class 2C. The surrounding uses include:

- north - agricultural and rural residential
- east - predominantly agricultural and homesites
- south - rural residential and agricultural
- west - predominantly agricultural and homesites.

The subject property, as a result of its use as an AM radio transmitting site has buried in it some 30,000 feet of number ten, copper wire, copper strip, co-axial cables and tower lighting wires, mostly within six inches of the surface. The land is occupied by two 300 foot towers on concrete bases, six concrete guy anchors, two tuning buildings and a cement block transmitter building. Apparently this land cannot be cultivated due to damage which would result to the copper radials.

It was noted that there was a previous application involving this property (#114-W-80-10244). This earlier application also requested subdivision of one 2 ha parcel. The request was refused in April 1980 and the refusal was reconfirmed June 12, 1980. At that time, the Commission indicated that it had no objection to the dwelling remaining on the property.

Continued Resolution #131/81  
Meeting held Feb. 3/81  
Northern Lights Broadcasting Ltd.  
Page 2

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IT WAS

MOVED BY:

Commissioner Framst

SECONDED BY:

Commissioner Paton

131/81

That the application for subdivision be refused. The Canada Land Inventory for agriculture rates this land as Class 2 which indicates that it has good capability for agricultural use. If this land is needed for food production, the underground copper wires and the towers can be removed from the property. The Commission does however reconize that Mr. Roney has money invested in the five acre area. The Commission would be prepared to allow a registered leasehold by explanatory plan for a twenty year term for a maximum area of five acres. There is to be no assignment of the lease or subletting of the property without the Commission's written consent. The Commission would be prepared to consider an option for renewal clause in the lease agreement.

Carried.



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

January 22, 2016

ALC File: 54493

BC Land Title & Survey  
Land Title Division  
Suite 110 - 1321 Blanshard Street  
Victoria, BC V8W 9J3

Kathryn Hannah  
10716 100 Avenue  
Fort St. John, BC V1J 1Z3

Dear Mrs. Hannah:

**Order #40/2016**

**Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)**

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #40/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly. A sketch plan depicting the decision is also attached.

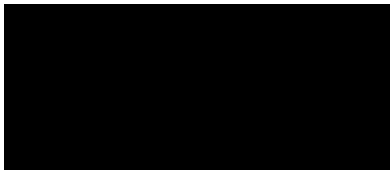
By way of a copy of this letter, the Commission is advising the Registrar of Land Titles of its order and confirming that the ALR notation is to be removed from Certificate of Title #CA1549286.

Further correspondence with respect to this application is to be directed to Jess Daniels at (Jessica.Daniels@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:



Colin J. Fry, Chief Tribunal Officer

Enclosures: Reasons for Decision (Resolution #40/2016)  
Sketch plan

cc: Peace River Regional District (File: 152/15)

54493d1



**AGRICULTURAL LAND COMMISSION FILE 54493**

**REASONS FOR DECISION OF THE CHIEF EXECUTIVE OFFICER**

**Application submitted pursuant to s. 30(1) of the *Agricultural Land Commission Act***

**Applicant:**

**Brandi Colleen Shaman  
(the "Applicant")**

**Agent:**

**Kathryn Hannah  
(the "Agent")**

**Application before the Chief Executive Officer:**

**Kim Grout  
(the "CEO")**





## **THE APPLICATION**

[1] The legal description of the property involved in the application is:

Parcel Identifier: 011-576-855

Lot B, Section 35, Township 83, Range 19, West of the 6<sup>th</sup> Meridian, Peace  
River District, Plan 17032

(the "Property")

[2] The Property is 24.1 ha in area.

[3] The Property is generally located on 269 Road, South of Grandhaven.

[4] Pursuant to s. 30(1) of the *Agricultural Land Commission Act* (the "ALCA" the Applicants are applying to exclude the Property from the ALR with the intent of subdividing a 2 ha homesite from the southwest corner of the parcel (the "Application"). The property is partially designated as Light/Service Industrial and High Density Rural Residential pursuant to the Peace River Regional District North Peace Fringe Area Official Community Plan (OCP), Bylaw No. 1870, 2009. The Commission endorsed the OCP by Resolution #1105/2009.

## **RELEVANT STATUTORY PROVISIONS**

[5] The Application was made pursuant to s. 30(1) of the *ALCA*:

30 (1) An owner of land may apply to the commission to have their land excluded from an agricultural land reserve.

[6] Pursuant to s. 27 of the *Agricultural Land Commission Act* (the "ALCA") the CEO may approve some applications:

27 (1) The commission, by resolution, may establish criteria under which the following may be approved by the chief executive officer:

- (a) specified types of applications for exclusion, subdivision or non-farm use;
- (b) applications with respect to specified regions of British Columbia.

- (2) The commission must put the criteria established under subsection (1) in writing and make them available for inspection during ordinary business hours.
- (3) An application that meets the criteria established under subsection (1) may be approved by the chief executive officer on the terms that the chief executive officer may impose.
- (4) If the chief executive officer considers that the application does not meet the criteria specified under subsection (1) or for any other reason does not wish to approve the application under subsection (3), the application must be referred to the commission for a decision.
- (5) An approval of an application by the chief executive officer under subsection (3) is decision of the commission for the purposes of this Act.
- (6) The chief executive officer may not exercise a power that has been delegated to a local government, a first nation government or an authority by an agreement entered into under section 26.

[7] On June 27, 2011, the Agricultural Land Commission (the "Commission") delegated decision-making to the CEO by Resolution #016N-2011 (File: 140-60/ALC/CEO/APPL). In accordance with section 27 of the ALCA the Commission has specified that the following applications may be decided by the CEO.

Criterion 2

Exclusion, subdivision, non-farm use and inclusion applications that are consistent with a specific planning decision of the Commission made by resolution (e.g.: Peace River- Fort St. John Comprehensive Development Plan);

**DECISION**

[8] After reviewing the entire file material, I am satisfied that the Application is consistent with Criterion # 2 of Resolution #016N/2011 and approve the Application.



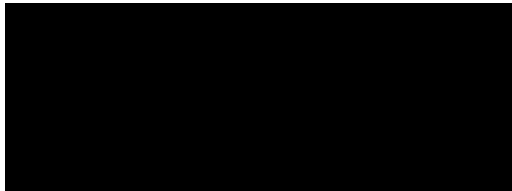
[9] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[10] Decision recorded as Resolution #40/2016.

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

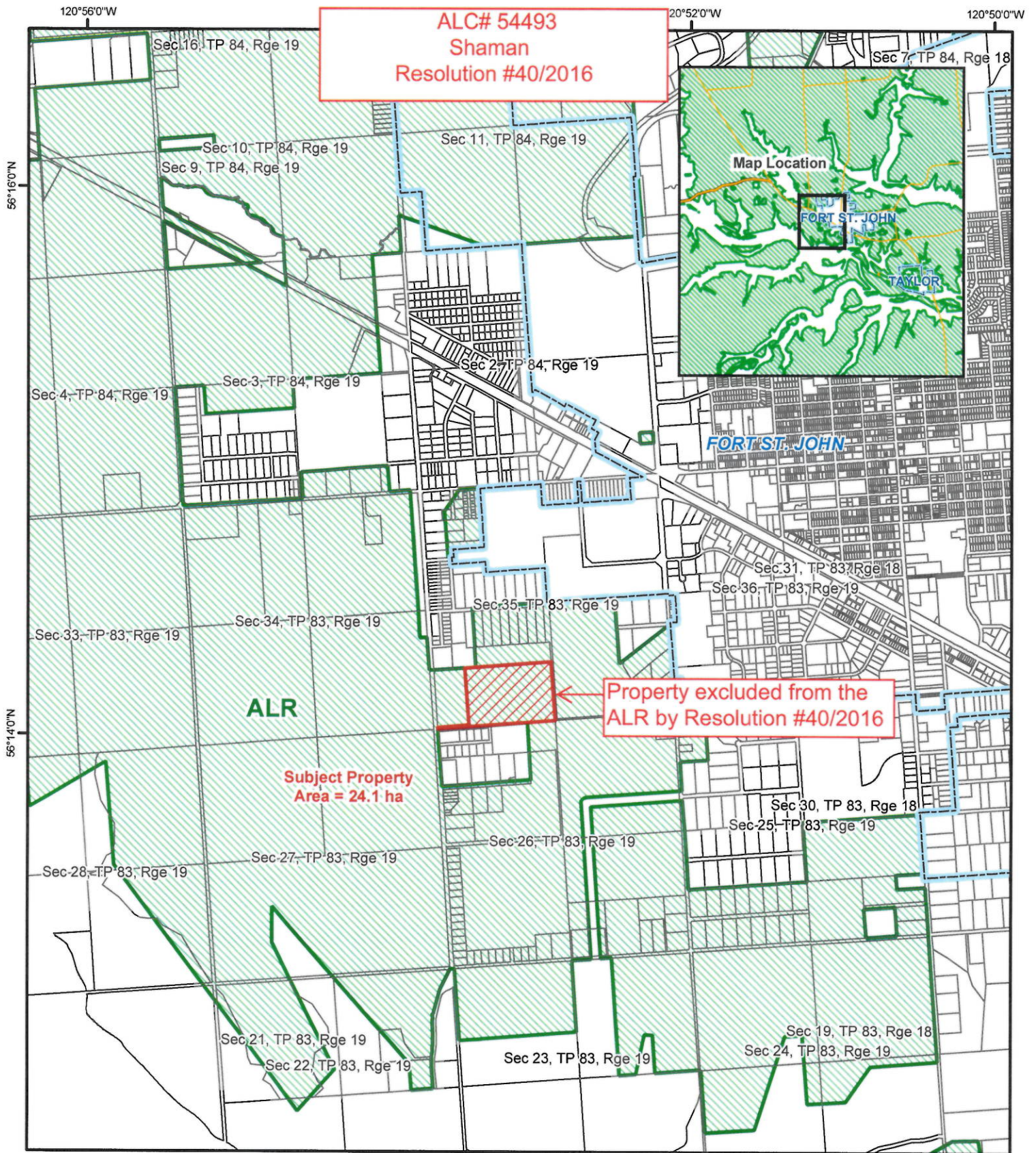
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**I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION**



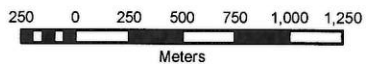
**Kim Grout, Chief Executive Officer**

**January 22, 2016**  
**Date Released**



**ALC Context Map**

Map Scale: 1:35,000



ALC File #:	54493
Mapsheet #:	94A/7
Map Produced:	Jan 11, 2016
Regional District:	Peace River