



REPORT

To: Chair and Directors

Report Number: DS-BRD-062

From: Shawn Dahlen, Chief Administrative Officer

Date: August 27, 2020

Subject: OCP & Zoning Amendment Bylaw No 2411 & 2412, 2020, PRRD File No 20-009-OCPZN

RECOMMENDATION: [Corporate Unweighted]

That whereas the Regional Board has considered the requirements of *Local Government Act* section 475, and has provided opportunity for early and ongoing consultation with those persons, organizations and authorities the Board considers will be affected as summarized in the staff report dated August 27, 2020,

That the Regional Board give Official Community Plan Amendment Bylaw No. 2411, 2020, to amend the designation of a ± 4.1 ha portion of the property identified as PID 013-507-311 from 'Ag' (Agriculture) to 'LC' (Local Commercial), first and second readings; further,

That the Regional Board give Zoning Amendment Bylaw No. 2412, 2020, to rezone the same ± 4.1 ha portion of the property from 'A-2' (Large Agricultural Holdings Zone) to 'C-2' (General Commercial Zone), and rezone the remaining ± 60.6 ha of the property from 'A-2' (Large Agricultural Holdings Zone) to 'A-1' (Small Agricultural Holdings Zone), first and second readings; and finally,

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

BACKGROUND/RATIONALE:

Proposal

To re-designate a ± 4.1 ha (10.1 ac) portion of the subject property from 'Ag' (Agriculture) to 'LC' (Local Commercial), pursuant to *PRRD North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009*. Further, to rezone the same ± 4.1 ha (10.1 ac) portion from 'A-2' (Large Agricultural Holdings Zone) to 'C-2' (General Commercial Zone), and the remaining ± 60.6 ha (149.7 ac) from 'A-2' (Large Agricultural Holdings Zone) to 'A-1' (Small Agricultural Holdings Zone), pursuant to *PRRD Zoning Bylaw No. 1343, 2001*.

In May 2020, the applicants applied to exclude the ± 4.1 ha (10.1 ac) area from the Agricultural Land Reserve to facilitate the subdivision of the property into one ± 4.1 ha (10.1 ac) lot and one ± 60.6 ha (149.7 ac) lot. The ± 4.1 ha (10.1 ac) lot would continue to be used as a private rural water station and the ± 60.6 ha (149.7 ac) would continue to be used for residential and agricultural purposes. To date, no decision has been made by the ALC regarding the exclusion.

File Details

Owner: Thomas & Tanza Stahl
Area: Electoral Area B
Location: Montney area
Legal: SW ¼ of Section 22 Township 85 Range 20 W6M Peace River District
PID: 013-507-311
Civic Address: 14472 & 14414 Stoddart Creek Road
Lot Size: 64.7 ha (159.8 ac)

Site Context

The property is approximately 19 kilometers northwest of Fort St. John, east of Highway 97N and west of Charlie Lake. Nearby properties are generally quarter sections used for agriculture. There is some residential development to the east, along Charlie Lake's shoreline.

Site FeaturesLand

The property is partially cleared of trees and slopes down to the east. Coffee Creek runs through the northeast corner of the property.

Structures

There is one residence, three accessory buildings, and one water station building on the property.

Access

The property is accessed from Stoddart Creek Road, which intersects with Highway 97N near Mile 58.

Canada Land Inventory Soil Rating

According to the Canada Land Inventory, soils on the subject property are classified as 5⁶T4⁴_W and 5_C. Class 4 soils have severe limitations that restrict the range of crops or require special conservation practices. Class 5 soils have very severe limitations that restrict their capability in 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 T denotes topography, Subclass W denotes excess water, and Subclass C denotes adverse climate.

Comments & ObservationsApplicant

The existing water treatment plant and dispensing station in the southwest corner of the property provides water to rural residents and businesses. The applicants wish to subdivide the property in order to separate their personal assets from their business assets. If approved, the rural water station would continue to operate on the ± 4.1 ha (10.1 ac) lot, but land ownership would be transferred to the corporation.

Agricultural Land Reserve (ALR)

The subject property is within the Agricultural Land Reserve, and therefore the provisions of the *Agricultural Land Commission Act* apply. The landowners were granted a non-transferrable Non-Farm Use by the Agricultural Land Commission to operate the water station in June 2018, and applied to exclude the ± 4.1 ha (10.1 ac) area around the water station in May 2020. The Regional Board authorized the application to proceed to the ALC at its June 25, 2020 meeting. No decision had been made on the exclusion application at the time this report was finalized.

Official Community Plan (OCP)

Pursuant to PRRD North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009, the property is designated Agriculture. Section 3.2.2 of the OCP states the principal uses of land in the Agriculture designation should generally be agricultural, compatible with agriculture, and/or businesses complementary to agriculture. Non-agricultural uses should be directed away from agricultural areas to land with the appropriate designation. Section 11.1 states that the PRRD's goal is to ensure that infrastructure, services, and utilities meet the needs of residents. Section 11.3 states that the Regional Board may work cooperatively with residents to consider the feasibility of new water systems.

The landowners are applying to re-designate the ± 4.1 ha (10.1 ac) portion of the subject property as Local Commercial. Land within the Local Commercial designation should be used for commercial uses that cater to the local area residents. The minimum parcel size should be 1.6 ha (4.0 ac) for lands not connected to a community sewer system.

Therefore, the proposal is consistent with the policies of the proposed designation.

Land Use Zoning

Pursuant to PRRD Zoning Bylaw No. 1343, 2001, the property is zoned A-2 (Large Agricultural Holdings Zone). The existing residential and agricultural uses are permitted in the A-2 Zone. The water station fits the definition of Public Utility Use, which is permitted in all zones by Section 24 of the Zoning Bylaw. However, the proposed lot sizes of ± 4.1 ha (10.1 ac) and ± 60.6 ha (149.7 ac) do not meet the minimum parcel size of 63 ha (155 ac) stated in Section 33.2 of the Zoning Bylaw.

The landowners are applying to rezone the ± 4.1 ha (10.1 ac) portion of the property from 'A-2' (Large Agricultural Holdings Zone) to 'C-2' (General Commercial Zone), and the remaining ± 60.6 ha (149.7 ac) from 'A-2' (Large Agricultural Holdings Zone) to 'A-1' (Small Agricultural Holdings Zone) to meet the minimum parcel size regulation.

Land within the C-2 Zone may be used for commercial uses, and as stated above, the water station is permitted in all zones. The minimum parcel size is 1.8 ha (4.5 ac). Land within the A-1 Zone may be used for agricultural and residential purposes. The minimum parcel size is 15.0 ha (37.0 ac).

Therefore, the proposal is consistent with the regulations of the proposed zones.

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 currently outside all Development Permit Areas; however, if the Official Community Plan amendment is adopted, the ± 4.1 ha (10.1 ac) portion of the property designated Local Commercial would be included in the Commercial Development Permit Area, pursuant to PRRD North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009, Section 7.3 Policy 1 and Section 13.4. A Development Permit will be required prior to subdivision.

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.

Impact Analysis**Context**

No land use changes are proposed; this application is only necessary to facilitate the property's subdivision. Development Services has not received any complaints about the property in the two years that the water station has been operational.

Population & Traffic

No changes to population or traffic are anticipated.

Sewage & Water

No changes to sewage or water servicing are proposed.

Comments Received from Municipalities & Provincial Agencies**Agricultural Land Commission**

ALC staff have no objection to the proposal should the ALC approve the Exclusion Application.

Fort St. John

No comments.

Ministry of Transportation & Infrastructure

Ministry approval not required. No objections.

Northern Health

Must not cause a health hazard or contaminate water sources. Must follow public health legislation.

ALTERNATIVE OPTIONS:

1. That the Regional Board respectfully refuse Official Community Plan Amendment Bylaw No. 2411, 2020, to amend the designation of a ± 4.1 ha portion of the property identified as PID 013-507-311 from 'Ag' (Agriculture) to 'LC' (Local Commercial), and Zoning Amendment Bylaw No. 2412, 2020, to rezone the same ± 4.1 ha portion of the property from 'A-2' (Large Agricultural Holdings Zone) to 'C-2' (General Commercial Zone), and rezone the remaining ± 60.6 ha of the property from 'A-2' (Large Agricultural Holdings Zone) to 'A-1' (Small Agricultural Holdings Zone).
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):

The Regional Board does not have the option to waive the public hearing on this application. Current direction from the Province under Division 5 of Ministerial Order [M192](#), and subsequently, Bill 19, allows for local governments to conduct public hearings by electronic or other communication facilities, or to hold public hearings electronically, in person, or a combination of both.

To date, Electoral Area Directors have requested that the scheduling of public hearings be deferred until in person public hearings are permitted. In person meetings of up to fifty people are permitted, if proper physical distancing and other safety protocols are in place; however, the public cannot be denied entry to a public hearing and there are few venues available that will accommodate fifty people properly physically distanced. Residents would be encouraged to submit comments in writing and asked to register in advance to attend a public hearing, to allow for advance planning for the anticipated number of guests (attendance at public hearings cannot be staggered in the same way that staff have been managing public attendance at Board meetings, as the intent of a public hearing is to allow all attendees a chance to be heard, and to hear submissions from others). This file would be on hold until either a safety plan allowing an in person or hybrid (i.e.: livestreamed to allow participation in the entire hearing by any interested member of the public, with provision for either audio or video participation electronically) public hearing could be implemented.

Attachments:

1. Maps
2. Application
3. Comments Received from Municipalities & Provincial Agencies
4. Comments Received from Electoral Area Director
5. Section 7.3.1 of PRRD North Peace Fringe Area OCP Bylaw No. 1870, 2009
6. Section 32 of PRRD Zoning Bylaw No. 1343, 2001
7. Section 42 of PRRD Zoning Bylaw No. 1343, 2001
8. Draft Official Community Plan Amendment Bylaw No. 2411, 2020
9. Draft Zoning Bylaw No. 2412, 2020