



REPORT

To: Chair and Directors

Report Number: DS-BRD-069

From: Shawn Dahlen, Chief Administrative Officer

Date: August 25, 2020

Subject: ALR Exclusion - PRRD File No. 20-004 ALREx, ALC ID 56120

OPTIONS: [Corporate Unweighted]

1. That the Regional Board support ALR Exclusion application 20-004-ALREx (ALC ID 56120), to exclude the properties identified as PID 024-932-744 and PID 024-932-680 from the ALR, and authorize the application to proceed to the Agricultural Land Commission.
2. That the Regional Board respectfully refuse authorization for ALR Exclusion application 20-004-ALREx (ALC ID 56120), to exclude the properties identified as PID 024-932-744 and PID 024-932-680 from the ALR, to proceed to the Agricultural Land Commission.

BACKGROUND/RATIONALE:

Proposal

At its July 9, 2020 meeting, the Regional Board passed the following resolution that required the property owner to apply for exclusion of his properties from the ALR by no later than August 14, 2020, and only after such application was completed (and other conditions met) would the Regional Board consider third reading of Zoning Amendment Bylaw No. 2296, 2019:

MOVED, SECONDED, and CARRIED

That the Regional Board, prior to consideration of third reading of Zoning Amendment Bylaw No. 2296, 2019, to rezone the properties identified as PIDs: 024-932-680 & 024-932-744 from A-2 (Large Agricultural Holdings Zone), and R-4 (Residential 4 Zone) to I-1 (Light Industrial Zone), require that the applicant must complete the following by August 14, 2020:

- 1) For both properties:
 - a. **submit an application to the Agricultural Land Commission; and**
 - b. complete the requirements associated with the water and sewer systems identified by Northern Health.
- 2) For the property identified as PID 024-932-680:
 - a. construct a fence on the legal property lines of the east and south boundaries of the property to prevent encroachment on neighbouring properties.
 - b. remove the ATCO trailer that contains dwellings from the property and remove the sea cans from the neighbouring parcel to the east.

- 3) For the property identified as PID 024-932-744:
 - a. construct a fence on the legal property line of the east boundary of the property to prevent encroachment on neighbouring properties; and
 - b. remove the sea cans from the neighbouring parcel to the east and remove the ATCO trailer with attached sea cans from the west and south mandatory parcel line setbacks and remove the dwelling within the welding shop to bring the property into compliance with the maximum number of dwellings and to remove the structures encroaching into setback areas.”

This ALR application to exclude the subject properties from the ALR, which have been developed as a welding and fabricating business, was submitted by the property owner in response to the above-noted Board resolution.

File/Site Details

Owner: Darryl Haney
Area: Electoral Area D
Location: Kilkerran

Lot 1

Legal: Lot 1 Section 26 Township 78 Range 15 W6M Peace River Plan PGP46412
PID: 024-932-680
Civic Address: 8340 Micro Subdivision
Lot Size: 0.80 ha (1.97 ac)

Lot 2

Legal: Lot 2 Section 26 Township 78 Range 15 W6M Peace River PL PGP46412
PID: 024-932-744
Civic Address: 8306 Micro Subdivision
Lot Size: 0.81 ha (2 ac)

Bylaw Enforcement

There is an existing bylaw enforcement file for the properties (File No. 16/097). The enforcement file was opened on May 9, 2016 but is currently on hold pending the outcome of Zoning Amendment Bylaw No. 2296, 2019, PRRD File No. 17-059.

Official Community Plan (OCP)

Pursuant to PRRD South Peace Fringe Area Official Community Plan Bylaw No. 2048, 2012, the properties are designated 'LI' (Light Industrial). Section 8.2.1 of the OCP states the principal uses of land in the Light Industrial designation should generally be but are not limited to trucking, logging, construction trade, automotive, machinery or equipment servicing uses. Policy 8.1.1 (b) states that industrial development is encouraged to take initiatives to mitigate conflict with adjoining land. The minimum parcel size for land designated as Light Industrial are as follows:

- Minimum parcel size of 1.6 ha (4 acres) if not connected to a community sewage system;

- Minimum parcel size of at least 0.4 ha (1 acre) if connected to a community sewage system; or
- Minimum parcel size of at least 0.8 ha (2 acres) if soil conditions are suitable for on-site sewage disposal and a system authorized by the agency having jurisdiction regarding sewage disposal.

At the time of writing this report, staff had received confirmation from both the property owner and Northern Health that complete applications had been submitted for drinking water and wastewater systems on the properties. Northern Health will process the applications as time permits.

Therefore, the proposal is consistent with the uses of the OCP, but, until confirmation from Northern Health is received, appears inconsistent with the minimum parcel sizes of this land use designation.

Land Use Zoning

Pursuant to PRRD Zoning Bylaw No. 1343, 2001, the properties are split-zoned 'A-2' (Large Agricultural Holdings Zone) and 'R-4' (Residential 4 Zone). The eastern halves of the properties are zoned A-2 and the western halves of the properties, fronting the road, are zoned R-4.

In the A-2 Zone, the principle uses should be but are not limited to agriculture and associated uses, oil and gas wells, wood harvesting and forestry, asphalt plant, noncommercial land treatment facility, production facilities, and equestrian facility. The minimum parcel size is 63 ha (155 ac).

In the R-4 Zone, the principle uses are dwelling unit, two family dwelling, market garden, and agriculture. Although a home based business is a permitted accessory use, the existing welding business does not qualify as a home based business as defined in the Bylaw, as the owner does not reside on the property (which is required). Looking at the aerial imagery, the buildings located on the north and east end of Lot 1 are within the setback area. The minimum parcel size is 1.8 ha (4.5 ac).

Therefore, the existing uses do not comply with the Zoning Bylaw regulations, nor do the subject properties comply with the minimum parcel size of the A-2 zone or the R-4 zone. A zoning amendment (Zoning Amendment Bylaw No. 2296, PRRD File No. 17-059) is currently being considered by the Regional Board and has had first and second reading.

Fire Protection Area

The properties are within the Dawson Creek Rural Fire Protection Area.

Mandatory Building Permit Area

The properties are within the Mandatory Building Permit Area.

Development Permit Areas

The properties are outside all Development Permit Areas.

Development Cost Charge Area

The properties are outside the Development Cost Charge Area.

ALTERNATIVE OPTIONS:

1. That the Regional Board support ALR Exclusion application 20-004-ALREx (ALC ID 56120), to exclude the properties identified as PID 024-932-744 and PID 024-932-680 from the ALR, and authorize the application to proceed to the Agricultural Land Commission with recommended conditions of approval.
2. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- ☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

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

OTHER CONSIDERATION(S):

None at this time.

Attachments:

1. Maps
2. ALC Application (ALC ID 56120)
3. Comments from Electoral Area Director