



REPORT

To: Chair and Directors

Report Number: DS-BRD-326

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

Date: August 17, 2023

Subject: Zoning Amendment Bylaw No. 2529, 2023, PRRD File No. 23-009 ZN

RECOMMENDATION #1: [Corporate Unweighted]

That the Regional Board give Peace River Regional District Zoning Amendment Bylaw No. 2529, 2023, to rezone the properties identified as PID: 027-452-956 and PID: 027-452-964 from Residential 5 Zone to Residential 4 Zone, first and second readings; and further

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

RECOMMENDATION #2: [Corporate Unweighted]

That the Regional Board withhold consideration of adoption of Peace River Regional District Zoning Amendment Bylaw No. 2529, 2023 until such time as the Agricultural Land Commission authorizes the proposed 4 lot subdivision.

BACKGROUND/RATIONALE:

Proposal

To rezone two properties from Residential 5 Zone (R-5) to Residential 4 Zone (R-4). The property owner wishes to subdivide the two 4.06 ha lots (Lots 1 and 2) into four 2.02 ha lots (Lots A, B, C, and D).

File Details

Owner: JAKK Enterprises Ltd.

Agent: John Koop

Area: Electoral Area C

Location: Charlie Lake

Lot 1:

Legal: Lot 3 Section 24 Township 84 Range 20 West of the Sixth Meridian Peace River District Plan BCP35632

PID: 027-452-956

Lot Size: 4.06 ha (10.04 ac)

Lot 2:

Legal: Lot 4 Section 24 Township 84 Range 20 West of the Sixth Meridian Peace River District Plan BCP35632

PID: 027-452-964

Lot Size: 4.06 ha (10.04 ac)

Background

This file is associated with ALR subdivision File No. 23-003 ALR SUB to subdivide the two 4.06 ha (10.04 acre) properties into four ± 2.03 ha (5.02 acre) parcels which is also before the Regional Board for consideration.

Rationale

Staff support for this proposal is based on the Official Community Plan Rural Residential designation which supports large residential lots in the North Peace Fringe Area and the location of the subject properties being in proximity to other similar sized properties.

Site Context

The subject properties are located approximately 2.5 kms west of Highway 97 North in the Charlie Lake area. All adjacent parcels are used as residential properties with the exception of a large R-5 parcel to the west which has not yet been developed but is excluded from the ALR.

Site FeaturesLand

The properties are mostly cleared of trees and a portion of each property is in active agricultural production.

Structures

There are no existing structures on the properties.

Access

Proposed Lot A can be accessed via the 279 Rd (adjacent the western property line) or Koop Rd (adjacent the southern property line). Proposed Lots B, C, and D can be accessed via Koop Rd which is adjacent the southern property line of each proposed lot.

Canada Land Inventory Soil Rating

According to the Canada Land Inventory, soils on the subject property are classified as 5⁶-T4^x. Class 5 soils have very severe limitations that restrict their capability in producing perennial forage crops, and improvement practices are feasible. Class 4 soils have severe limitations that restrict the range of crops or require special conservation practices. Subclass "T" denotes Topography concerns. Subclass "X" is comprised of soils having a limitation resulting from the cumulative effect of two or more adverse characteristics.

Comments & ObservationsApplicant

The applicant states that 2 ha (5 acre) lots are better suited for this rural residential area rather than the existing long narrow 4 ha (10 acre) residential lots.

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 property owner has applied for an ALR Subdivision which is also before the board for consideration.

Official Community Plan (OCP)

Pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 2460, 2021, the subject property is designated Rural Residential (RR). Land within this designation should be used for large residential parcels.

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

Land Use Zoning

Pursuant to Peace River Regional District Zoning Bylaw No. 1343, 2001 the subject properties are zoned Residential 5 Zone (R-5). Land within this zone may be used for residential purposes. The minimum parcel size is 4.0 ha (10.0 ac). The proposed parcel size of ±2.03 ha per parcel does not comply with the zoning bylaw because this would create undersized lots.

Therefore, a zoning amendment to Residential 4 Zone R-4) is required. Land within the R-4 zone may be used for residential purposes. The minimum parcel size is 1.8 ha (4.45 ac).

The proposal is consistent with the regulations of the proposed zone.

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.

Impact Analysis

Context

Properties in the area include large residential properties from 4.5 acres to 10+ acres. The proposal is consistent with the area and makes good use of residentially designated land while still providing adequate space for individual sewer and water systems.

Population & Traffic

The proposal increases the density by two residential lots which will minimally increase the population and traffic in the area.

Sewage & Water

The properties are outside the Charlie Lake Sewer Catchment area. Water and sanitation systems are the responsibility of the landowner and must adhere to Northern Health Authority regulations.

Comments Received from Municipalities & Provincial Agencies

PRRD GIS

No concerns.

Charlie Lake Fire Department

Interests unaffected.

Ministry of Agriculture and Food

See attached letter.

Ministry of Transportation and Infrastructure

Interests unaffected.

BC Hydro

BC Hydro has no objection in principle to the proposed development.

Pacific Northern Gas

No concerns.

Agricultural Land Commission

ALC staff reviewed the 2021 OCP and commented, in a letter dated September 8, 2021, that “The Rural Residential designation, as previously mentioned, has been amended from High, Medium and Low Density to Rural Residential and Community Residential. Generally, ALC staff have no objection to this recognizing that the Commission previously supported residential development/subdivision of such lands.” ALC staff didn’t object to the designation change from LDR to RR because it didn’t contradict what was endorsed in 2009 (ie. it didn’t set a lot size that was smaller than what was endorsed).

Subdividing these properties would require an application to the ALC. If a subdivision application is submitted, it may be that the Panel decides that it is amenable to lot sizes smaller than 4 ha, but there is no guarantee that they will, as 4 ha is what was endorsed. I expect that the Panel would consider whether reducing from the current 4 ha to 2 ha would affect the feasibility and likelihood that the properties will be farmed.

ALTERNATIVE OPTIONS:

1. That the Regional Board respectfully refuse to give Peace River Regional District Zoning Amendment Bylaw No. 2529, 2023, to rezone the properties identified as PID: 027-452-956 and PID: 027-452-964 from Residential 5 Zone to Residential 4 Zone, first and second readings.
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. Peace River Regional District Zoning Bylaw No. 2529, 2023
2. Maps, PRRD File No. 23-009 ZN
3. Application, PRRD File No. 23-009 ZN

Location: Charlie Lake area



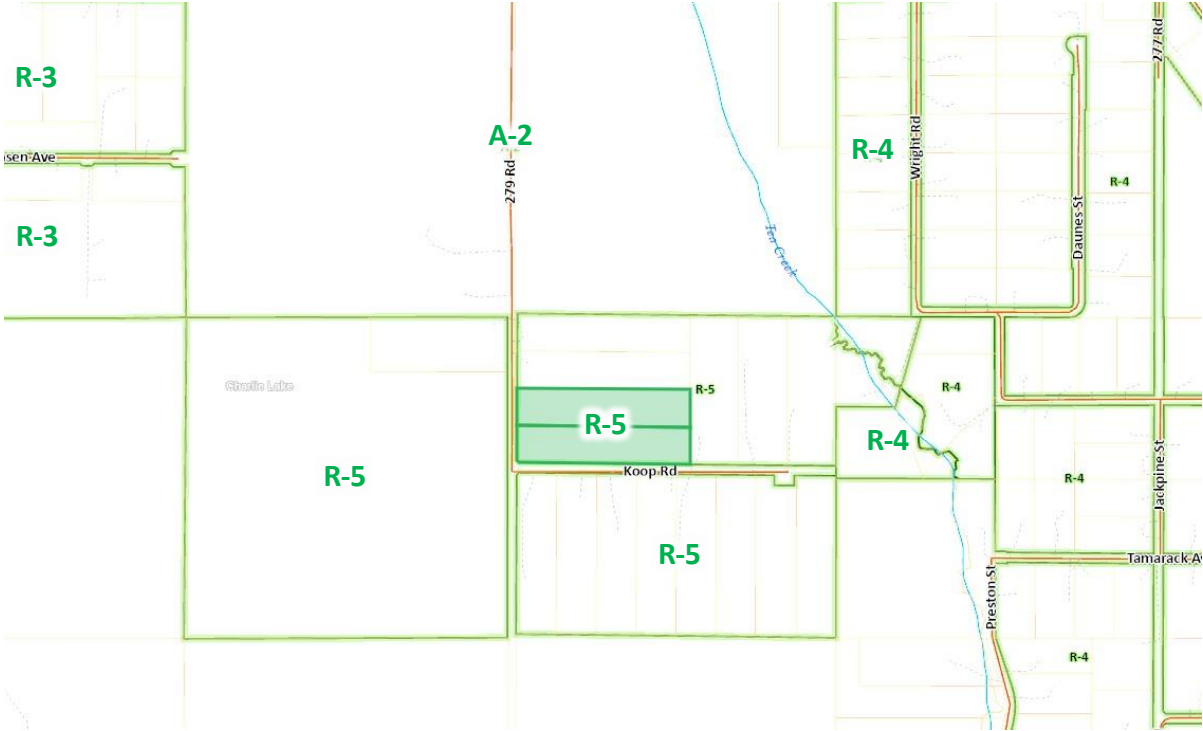
Aerial imagery



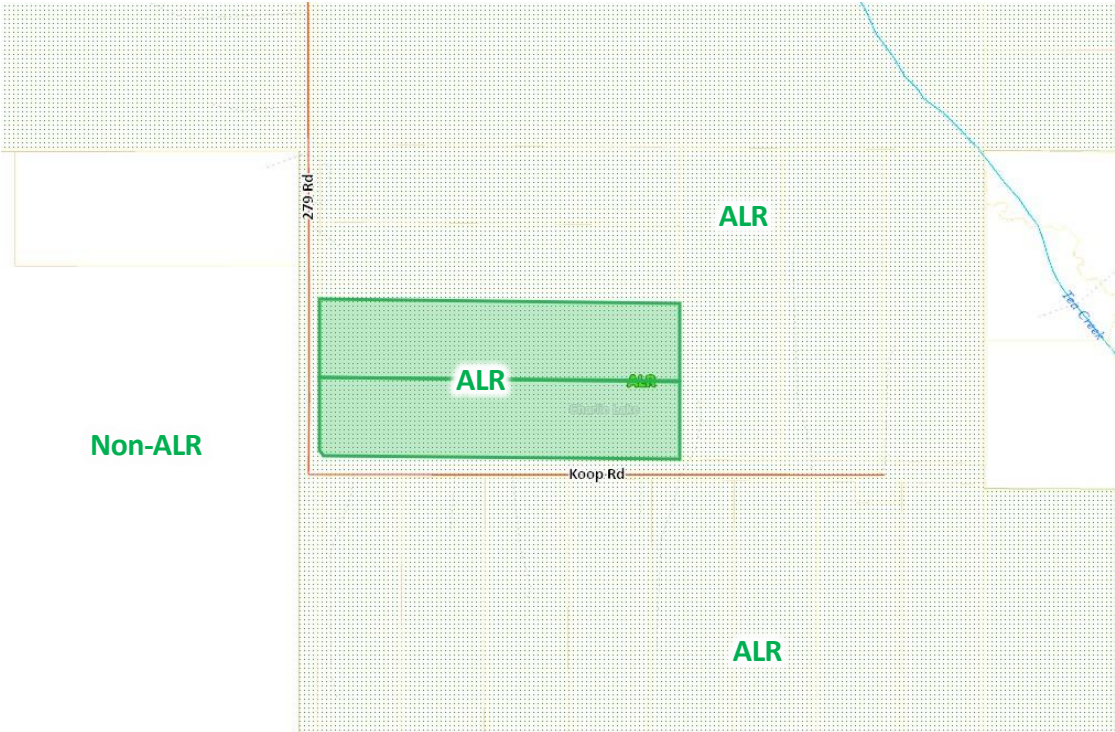
PRRD NPFA Official Community Plan Bylaw No. 2460, 2021: Rural Residential



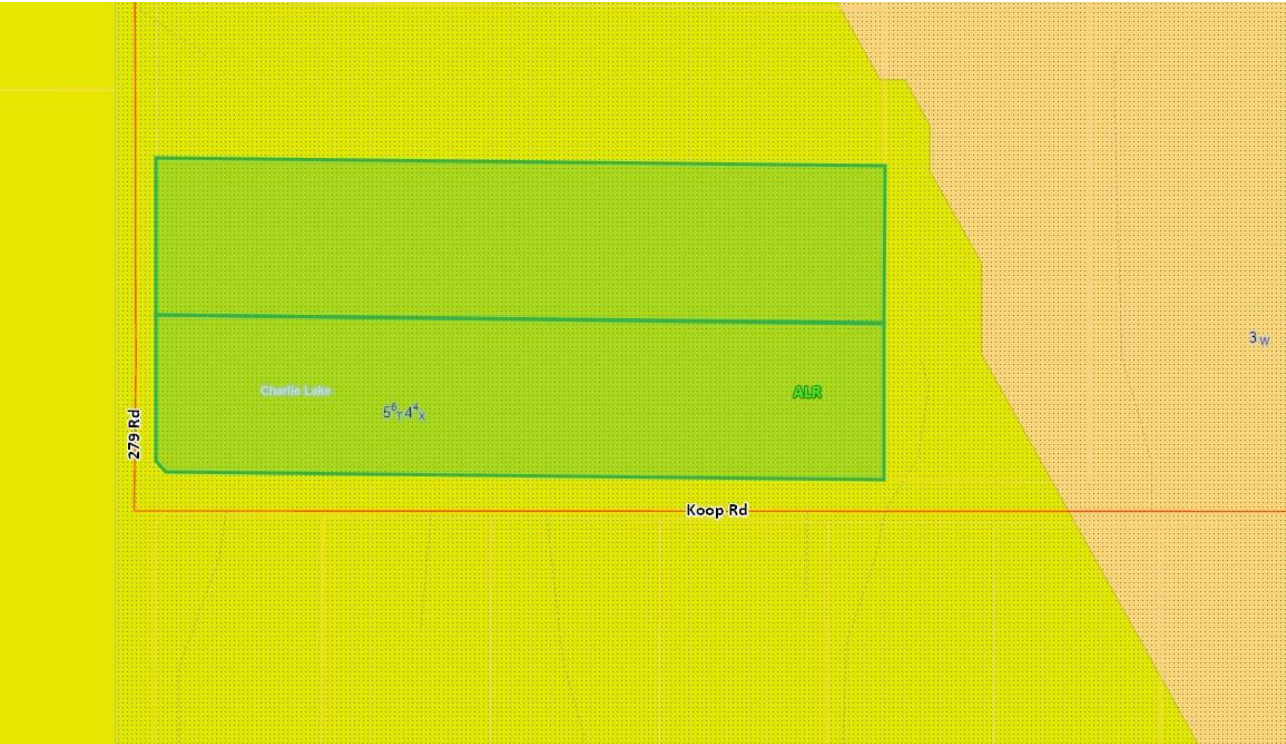
PRRD Zoning Bylaw No. 1343, 2001: Residential 5 Zone (R-5)



Agricultural Land Reserve: Within



CLI Soil Classification: 5⁶T4⁴X





For Office Use:

Receipt # _____

Date Received June 21, 2023

File No. 23-009 ZN

Sign Issued: Yes No N/A

Application for Development

1. TYPE OF APPLICATION

- | | | |
|---|-----|-------------|
| <input type="checkbox"/> Official Community Plan Bylaw Amendment* | FEE | \$ 1,150.00 |
| <input checked="" type="checkbox"/> Zoning Bylaw Amendment* # | | \$ 800.00 |
| <input 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) | FEE | \$ 1,500.00 |
|---|-----|-------------|

2. PLEASE PRINT

Property Owner's Name <u>J.A.K.K. Enterprises Ltd</u>	Authorized Agent of Owner (if applicable) <u>John Koop.</u>
Address of Owner [REDACTED]	Address of Agent [REDACTED]
City/Town/Village: [REDACTED]	City/Town/Village: [REDACTED]
Postal Code: [REDACTED]	Postal Code: [REDACTED]
Telephone Number: [REDACTED]	Telephone Number: [REDACTED]
E-mail: [REDACTED]	E-mail: [REDACTED]

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 3 Sec 24 TWP 84 Rg 20 W6M PID 027-452-956	4.04 ha ha./acres
Lot 4 Sec 24 TWP 84 Rg 20 W6M PID 027-452-964	4.04 ha. ha./acres
	ha./acres
	TOTAL AREA 8.08 ha./acres

4. Civic Address or location of property: 13289-279 Rd. Charlie Lake B.C.

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: _____

Proposed OCP designation: _____

Text amendment: _____

Zoning Bylaw amendment:

Existing zone: R-5

Proposed zone: R-4

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:

Currently used partially as hay land

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

(a) North Residential Home + Hobby Farm

(b) East Residential Home + Shop

(c) South Residential Home + Shop.

(d) West No use. Treed land.

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

Subdivide the long narrow^{lots} Lots 3 and 4 along 279 Rd
into 4^{5 acre} rectangular lots along Koop Road.

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

Lots better suited for Rural Residential Property

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

Proposed means of sewage disposal is by means of sewage
lagoons. at Test holes have been dug and ~~per~~ perk test have
been done and ~~shown~~ approved by Anthony Martin Excavating

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

Water Supply will be by cistern or water well
Good water wells have been found on adjacent properties.

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.

[Redacted Signature]

June 20 '2023

Date signed

[Redacted Signature]

June 20, 2023

Date signed

Signature of Owner

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>John Koop</u> and <u>Anna Koop</u> hereby authorize	
(name of landowner) (name of landowner)	
<u>John Koop</u> to act on my/our behalf regarding this application.	
(name of agent)	
Signature of Owner	Date: <u>June 20 '2023</u>
Signature of Owner	Date: <u>June 20, 2023</u>



CONTAMINATED SITE DECLARATION FORM

I, John Koop, hereby acknowledge that the Environmental Management Act, 2003, as amended, is effective as of February 1, 2021.

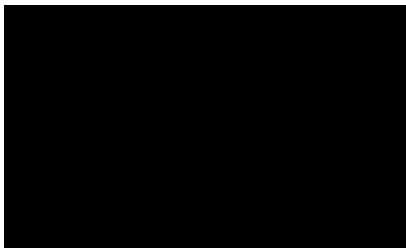
Legal Description(s):

Lot 3, Sec 24, Twp 84, Rg 20 W6M PID 027-452-956
Lot 4, Sec 24, Twp 84, Rg 20 W6M PID 027-452-964

Please check only one:

- 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.

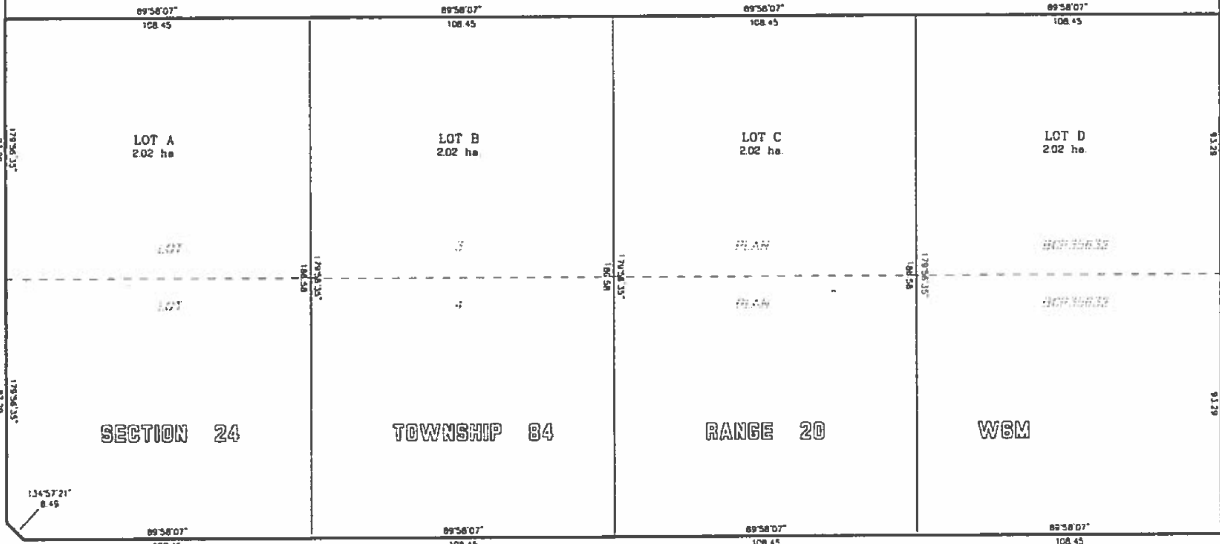


20/06/2021
dd mm yyyy

20/06/2021
dd mm yyyy



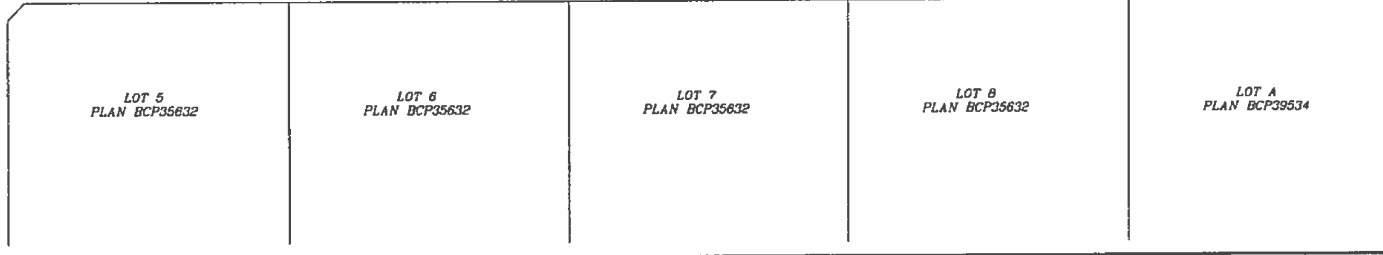
LOT 2
PLAN BCP35632



REMAINDER S.E. 1/4 SECTION 23
TOWNSHIP 84, RANGE 20, W6M

27th ROAD

ROOP ROAD



KOOP



PROPOSED SUBDIVISION OF LOTS 3 & 4
SECTION 24 TOWNSHIP 84 RANGE 20 W6M
PEACE RIVER DISTRICT PLAN BCP35632
BCGS 94A 025

Tryon Land Surveying Ltd
Dawson Creek, 250 782 5868
Fort St John, 250 262 0031
www.tryonltd.ca



TRYON FILE
104



MARTIN EXCAVATING



Backhoe Service, Gravel Hauling
& Snowplowing

Customer John Koop

Soil Investigation Report

Re Proposed subdivision of SW¹/₄ Sec 24 TWP 84 R20 W6M

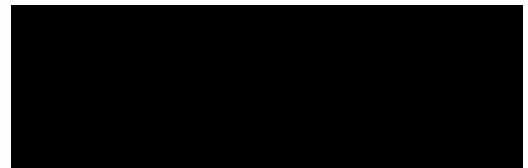
Soil description: Lot 3 Silty clay soil, high silt content
Very low perk in 6'-7' depth range test
No perk in 12'-13' range

Lot 4 clay with silt content
No perk

These sites should work for lagoons. I see no reason why these lots: would be a problem for septic installation.

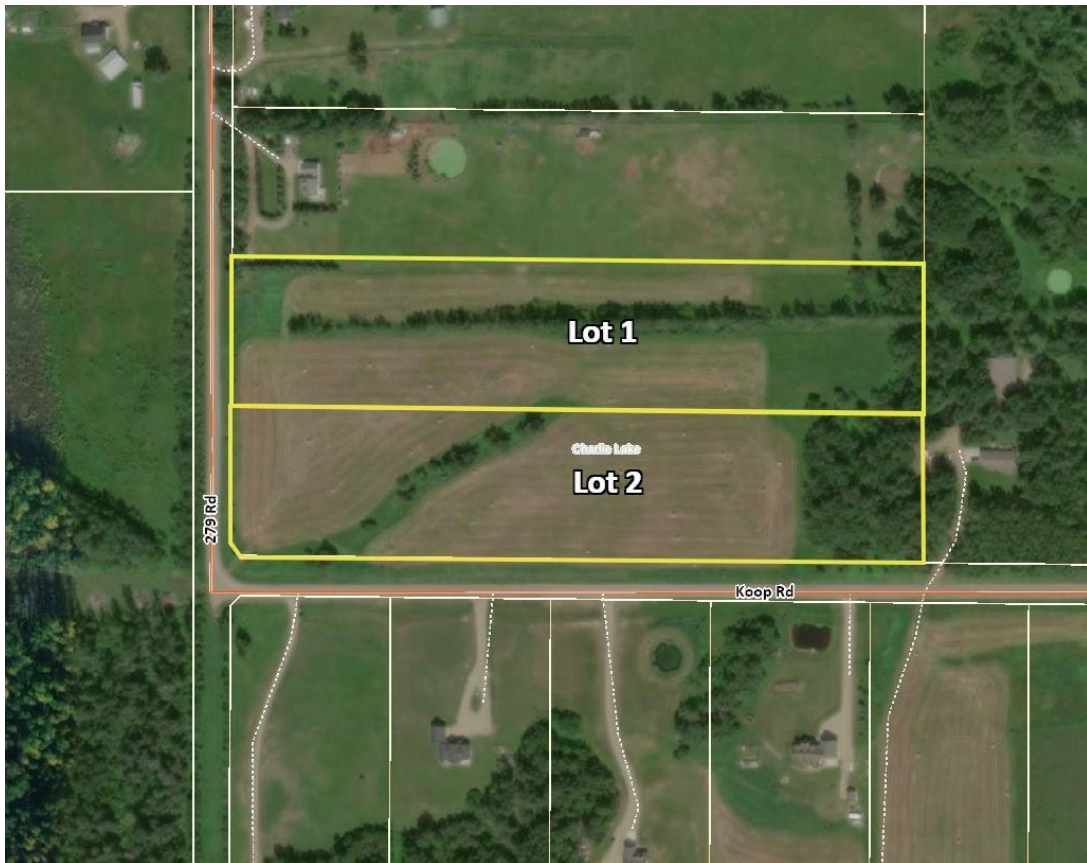


Sorry I forgot to send this with your invoice



Date Sept 6, 2006

Current Map: R-5 zoning



Proposed Map: R-4 zoning



PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2529, 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. 2529, 2023."
2. Schedule A – Map 5 of "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by rezoning Lot 3 and 4, Section 24, Township 84, Range 20, W6M, PRD Plan BCP35632 from R-5 "Residential 5 Zone" to R-4 "Residential 4 Zone", as shown on Schedule 'A' which is attached to and forms part of this bylaw.

READ A FIRST TIME THIS _____ day of _____, 2023.

READ A SECOND TIME THIS _____ day of _____, 2023.

Public Notice mailed on the _____ day of _____, 2023.

Public Notice published on the _____ day of _____, 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. 2529, 2023", as adopted by the Peace River Regional District Board on _____, 2023.

Tyra Henderson, Corporate Officer

Schedule A

