



REPORT

To: Chair and Directors

Report Number: DS-BRD-075

From: Shawn Dahlen, Chief Administrative Officer

Date: September 21, 2020

Subject: Zoning Amendment Bylaw No. 1924, 2011, PRRD File No. 10-153

RECOMMENDATION #1: [Corporate Unweighted]

That the Regional Board rescind second and third readings of Zoning Amendment Bylaw No. 1924, 2011 given October 27, 2011.

RECOMMENDATION #2: [Corporate Unweighted]

That the Regional Board give Zoning Amendment Bylaw No. 1924, 2011 second reading **as amended** to correctly reflect the property's new legal description, to allow three dwellings on the property identified as PID 030-945-461; and further,

That the public hearing be waived pursuant to *Local Government Act* Section 464(2) and that public notification be authorized pursuant to *Local Government Act* Section 467.

BACKGROUND/RATIONALE:

Proposal

To allow three dwellings on the subject property by adding a site-specific text amendment within Section 36 (A-2 – Large Agricultural Holdings Zone) of PRRD Zoning Bylaw No. 1000, 1996.

File Details

Owner: Samuel Ranch Ltd.
Agent: Doug Marquardt
Area: Electoral Area B
Location: Pineview area
Legal: Lot A St. John Indian Reserve No. 172 Township 85 Range 18 W6M Peace River District
Plan EPP95788
PID: 030-945-461
Civic Address: 13801 & 13805 Rose Prairie Road
Lot Size: 373.1 ha (921.9 ac)

Site Context

The property is approximately 8.5 km north of Fort St. John, along Rose Prairie Road. The property is surrounded by agricultural uses.

File History

In 2010, the PRRD received a Bylaw Enforcement complaint for the subject property, indicating that there were more dwellings than the 2 permitted by the Zoning Bylaw in the A-2 Zone. As a result, on October 27, 2010, the landowner applied to the PRRD for a site-specific text amendment to enable the existing third home to remain. At that time, the landowner also applied to the Agricultural Land Commission (ALC) with the same proposal. On April 21, 2011, the ALC released their decision, which stated that three dwellings would be allowed only if the property was consolidated with the adjoining property to the north.

On June 23, 2011, the PRRD Board gave Zoning Amendment Bylaw No. 1924, 2011 first reading, but stipulated that consideration of adoption be conditional on two elements: the landowner must meet the ALC's condition of consolidating the property with the adjoining property to the north, as well as register a restrictive covenant preventing subdivision of the property in the future.

In July, 2011, the PRRD issued public notification for the bylaw and did not receive any comments from the public. On October 27, 2011, the Board gave the bylaw second and third readings. The Board gave the landowner a six month deadline to complete the consolidation and covenant conditions.

The landowner did not complete the consolidation or the covenant by the six month deadline. From 2014-2016, the landowner proposed alternatives to the PRRD on multiple occasions, all of which were denied. In 2019, ALC staff followed up with the landowner regarding the incomplete consolidation requirement. In his response, the landowner's agent indicated that the landowner is not fluent in English and had hired an agent to handle the application on their behalf. The previous agent had advised the family that the approval was complete without following through on the conditions of approval. The family did not discover the error until receiving the letter from ALC Compliance and Enforcement.

The consolidation was finally completed in December 2019, at which point PRRD staff resumed work on the restrictive covenant. The covenant was drafted by Young Anderson in early 2020 and referred to the ALC for approval in February 2020. The ALC requested minor revisions in March 2020 which were integrated into the covenant. The covenant was registered on September 17, 2020.

Adoption Procedure

With the consolidation and covenant conditions met, the PRRD can now move Zoning Amendment Bylaw No. 1924, 2011 forward toward adoption. In order to do so, the bylaw must first be amended with the property's new post-consolidation legal description, which means second and third readings must be rescinded, and then the bylaw re-read as amended.

If the PRRD Board proceeds with the recommendations above, the next steps will be:

- Re-issuance of public notification
- Consideration of third reading and adoption

ALTERNATIVE OPTIONS:

1. That the Regional Board respectfully refuse Zoning Amendment Bylaw No. 1924, 2011, to allow three dwellings on the property identified as PID 030-945-461.
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. Zoning Amendment Bylaw No. 1924, 2011
2. Report –Zoning Amendment Bylaw No. 1924, 2011, PRRD File No. 153/2010 – June 14, 2011
3. Report –Zoning Amendment Bylaw No. 1924, 2011, PRRD File No. 153/2010 – July 12, 2011
4. ALC Resolution 162/2011
5. Section 219 Restrictive Covenant