



**PEACE RIVER REGIONAL DISTRICT
DEVELOPMENT SERVICES**

ZONING AMENDMENT REPORT
2nd and 3rd Reading • Bylaw No. 1924, 2011
FILE NO. 153/2010

Part 26 Participants.
Includes all except
District of Tumbler
Ridge.

OWNER: Samuel Ranch Ltd. **DATE:** July 12, 2011
AREA: Electoral Area B
LEGAL: Lot 16, Plan 3986, St. John Indian Reserve #172, Township 85, Range 18, W6M, PRD, except Plans 18648 and Plan EPP713
LOT SIZE: 244.9 ha (605.1 ac)
LOCATION: Rose Prairie Road, ~8 km north of the City of Fort St. John

PROPOSAL

To allow a third single-family dwelling on the subject property, in order to provide a residence for farm help.

RECOMMENDATION: OPTION 1

THAT the Regional Board approve Peace River Regional District Zoning Amendment Bylaw No. 1924, 2011 for 2nd and 3rd Reading;

OPTIONS

OPTION 1: **THAT** the Regional Board approve Peace River Regional District Zoning Amendment Bylaw No. 1924, 2011 for 2nd and 3rd Reading;

OPTION 2: **THAT** the Regional Board refuse the application.

LAND USE POLICIES AND REGULATIONS

OFFICIAL COMMUNITY PLAN (OCP): Rural Resource - Agricultural, Bylaw No. 820, 1993
ZONING: A-2 (Large Agricultural Holdings Zone), Bylaw No. 1000, 1996
AGRICULTURAL LAND RESERVE (ALR): Within
BUILDING INSPECTION AREA: Outside

BACKGROUND INFORMATION

Oct 27, 2010 Zoning Amendment Application received.
Feb 10, 2011 Application referred to government agencies and municipalities
Feb 24, 2011 Regional Board refers 1st & 2nd Reading to a future meeting pending response from the Agricultural Land Commission (ALC).
Apr 14, 2011 ALC allows the three houses subject to the consolidation of the subject property with the adjacent property to the north.
Jun 23, 2011 Regional Board gives proposal 1st Reading.
Jul 11, 2011 Public Notification mailed to affected landowners
Jul 21 & 22, 2011 Public Notification advertised in Alaska Highway News

COMMENTS AND OBSERVATIONS

- PROPOSAL:** The owner proposes to amend the A-2 Zone (Large Agricultural Holdings Zone) to allow a third dwelling on the subject property, in order to provide a residence for farm help. Currently, there are 3 permanent single-family dwellings on the subject property, home to 3 families who plan to farm the subject property and who currently farm other lands in the area owned by Samuel Ranch Ltd. and Maccabee Farms Ltd.
- Note: At the June 23, 2011 Board Meeting, the Regional Board moved that consideration of final reading be subject to the owner registering a restrictive covenant preventing any subdivision of the subject property, including the parcel required to be consolidated by the ALC (i.e. the property adjacent to the north – see below). Preventing subdivision in this way reduces the aggregate number of dwellings allowed on the two properties from 4 dwellings to 3. Therefore, a restrictive covenant reducing the number of dwellings allowed on a third property is no longer part of the proposal.
- ALR:** On April 14, 2011 the ALC refused the owner's proposal for three dwellings as proposed; however, the ALC did allow the three dwellings subject to the consolidation of the subject property with the 372 ha (919 ac) property adjacent to the north — South ½ of Lot 15, Plan 3986, St. John Indian Reserve #172, Township 85, Range 18, W6M, PRD (see attached Resolution #162/2011).
- Note: ALR regulations permit a maximum of two dwellings per parcel – one permanent dwelling and one manufactured home for family use.
- OCP:** The subject property is designated "Rural Resource - Agricultural" within North Peace Official Community Plan Bylaw No. 820, 1993, wherein the number of dwellings allowed per parcel is not specified. However, within the General Policies of Section 2.1.5 of the OCP, Policy 1 (Number of Dwellings) states that a maximum of two dwellings is allowed on parcels 3.6 ha (9 ac) or larger, and Policy 2 states that an additional dwelling per quarter is allowed when necessary for farm help in cases where two or more quarters are owned and operated by the same farming operation. Therefore, an OCP amendment will not be required.
- ZONING:** The subject property is zoned A-2 (Large Agricultural Holdings Zone) within Zoning Bylaw No. 1000, 1996, wherein no more than two single-family dwellings are allowed per parcel. Therefore, this zoning amendment is required.
- OTHER:** Bylaw Enforcement Investigation No. 107/2010 regarding the third dwelling on the subject property was opened in August 5, 2010. To address this issue, the owner has submitted this Zoning Amendment Application.

IMPACT ANALYSIS

- AGRICULTURE:** On April 14, 2011 the ALC refused the owner's proposal for three dwellings as proposed; however, the ALC did allow the three dwellings subject to the consolidation of the subject property with the 372 ha (919 ac) property adjacent to the north — South ½ of Lot 15, Plan 3986, St. John Indian Reserve #172, Township 85, Range 18, W6M, PRD (see attached Resolution #162/2011).
- CONTEXT:** Consolidation of the subject property with the adjacent property to the north would reduce the aggregate number of dwellings allowed on the two properties from 4 dwellings to 3. Further, preventing any future subdivision of the consolidated parcels would reduce the potential aggregate number of dwellings allowed on the two properties from 10 dwellings to 3.
- Note: The aggregate area of the two properties is 372 ha (919 ac). This is large enough to accommodate the subdivision of 5 parcels with a minimum size of 63 ha (155 ac) as per the A-2 Zone.
- POPULATION:** The proposal would leave the local population unchanged.
- TRAFFIC:** The proposal would leave the number of vehicles in the area unchanged.

COMMENTS RECEIVED FROM MUNICIPALITIES AND PROVINCIAL AGENCIES

| | |
|----------------------------|--|
| City of Fort St. John | Interests unaffected by By-law. |
| District of Hudson's Hope | Interests unaffected by By-law. |
| Ministry of Transportation | The Ministry has no concerns. |
| Ministry of Health | Approval recommended: see attached comments regarding water and sewer. |

PUBLIC NOTIFICATION

Pursuant to s. 893 of the Local Government Act, public notification mailed out on July 12, 2011 and published in the July 21 & 22, 2011 editions of the Alaska Highway News. No public input or correspondence has been received as of the date of this written report.

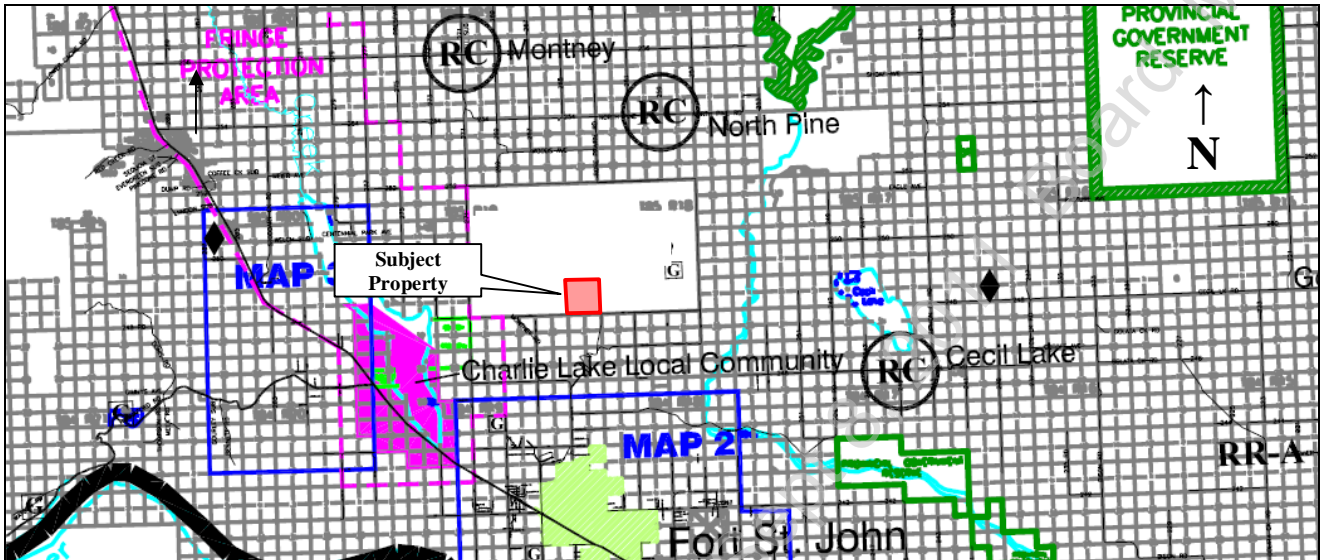


ZONING AMENDMENT REPORT — SAMUEL RANCH LTD.

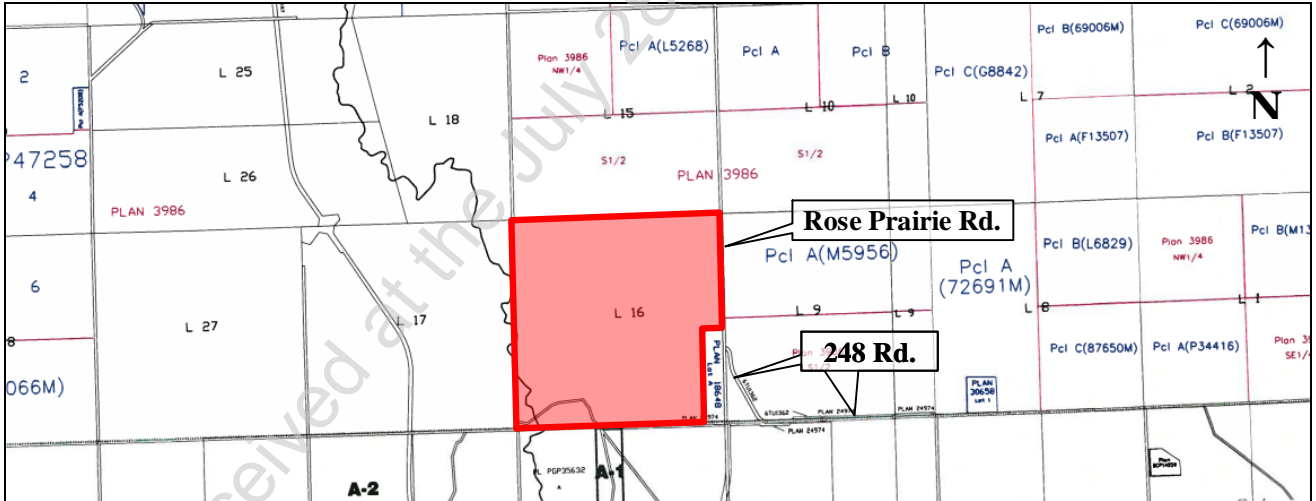
MAPS

FILE NO. 153/2010

North Peace Official Community Plan 820, 1993 (Index Map)



Zoning Bylaw 1000, 1996 (Index Map)



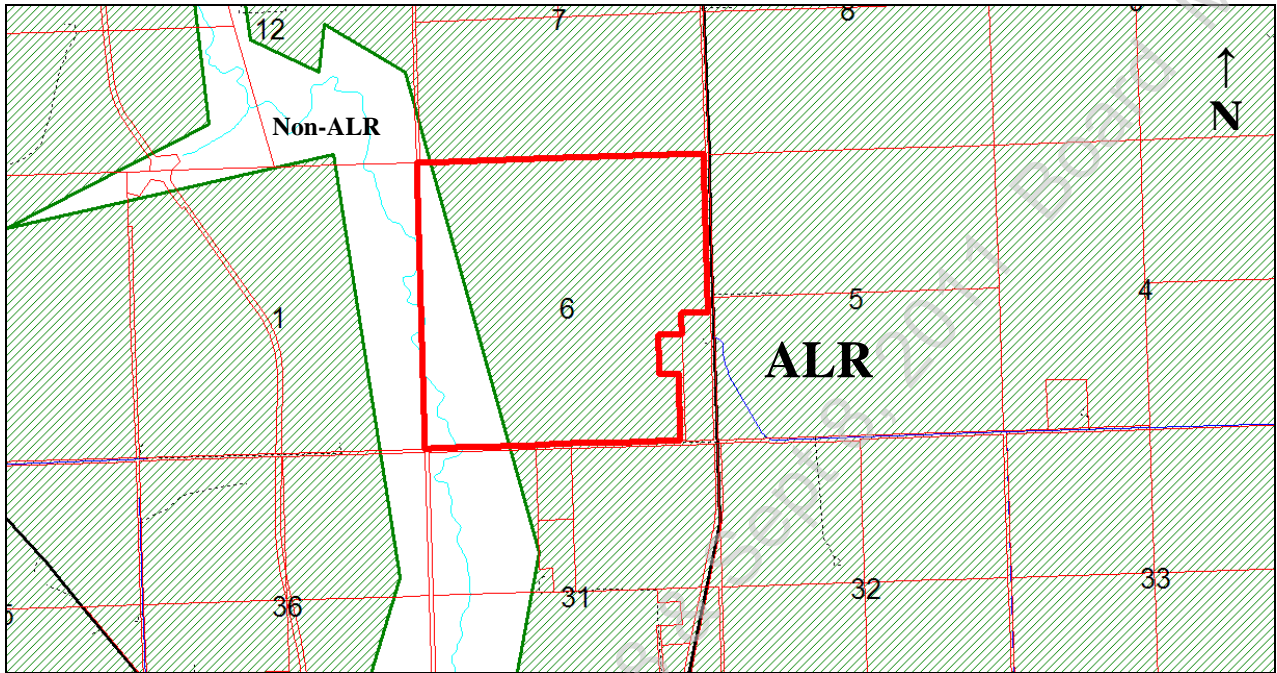


ZONING AMENDMENT REPORT — SAMUEL RANCH LTD.

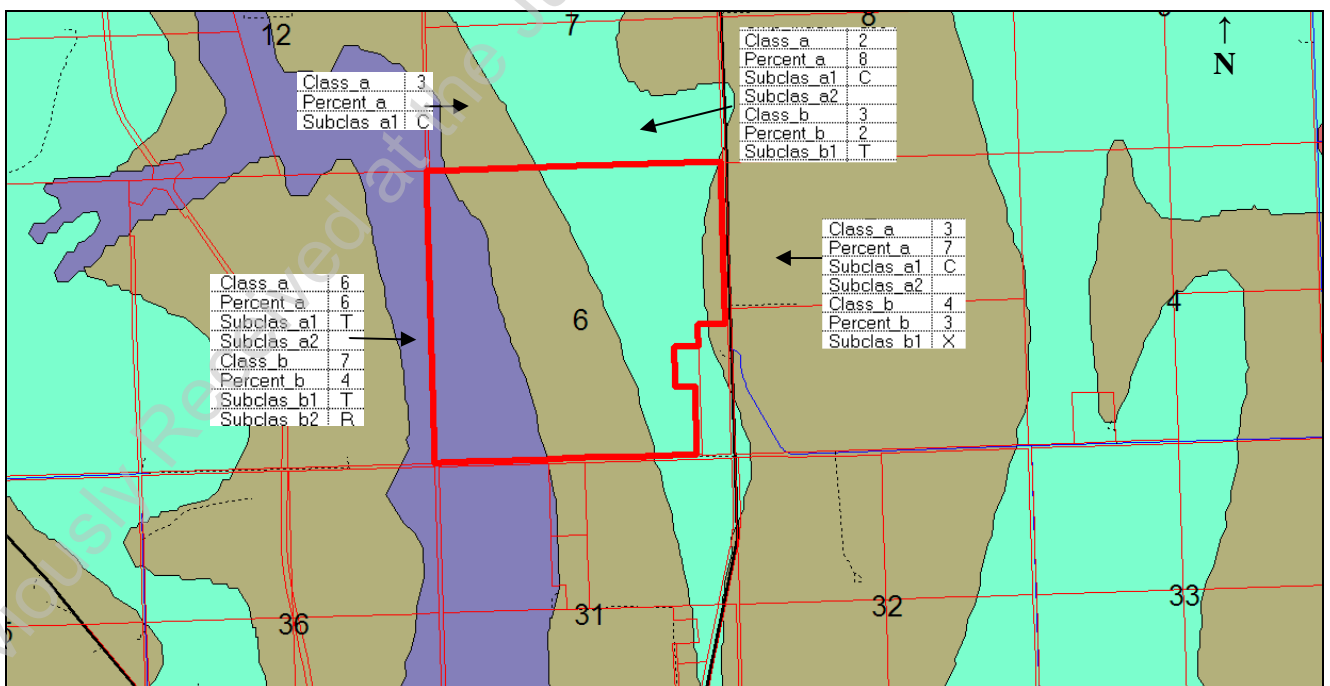
MAPS

FILE NO. 153/2010

Agricultural Land Reserve (Maps #94A.036)



CLI-Soil Classification (Maps #94-A-7)



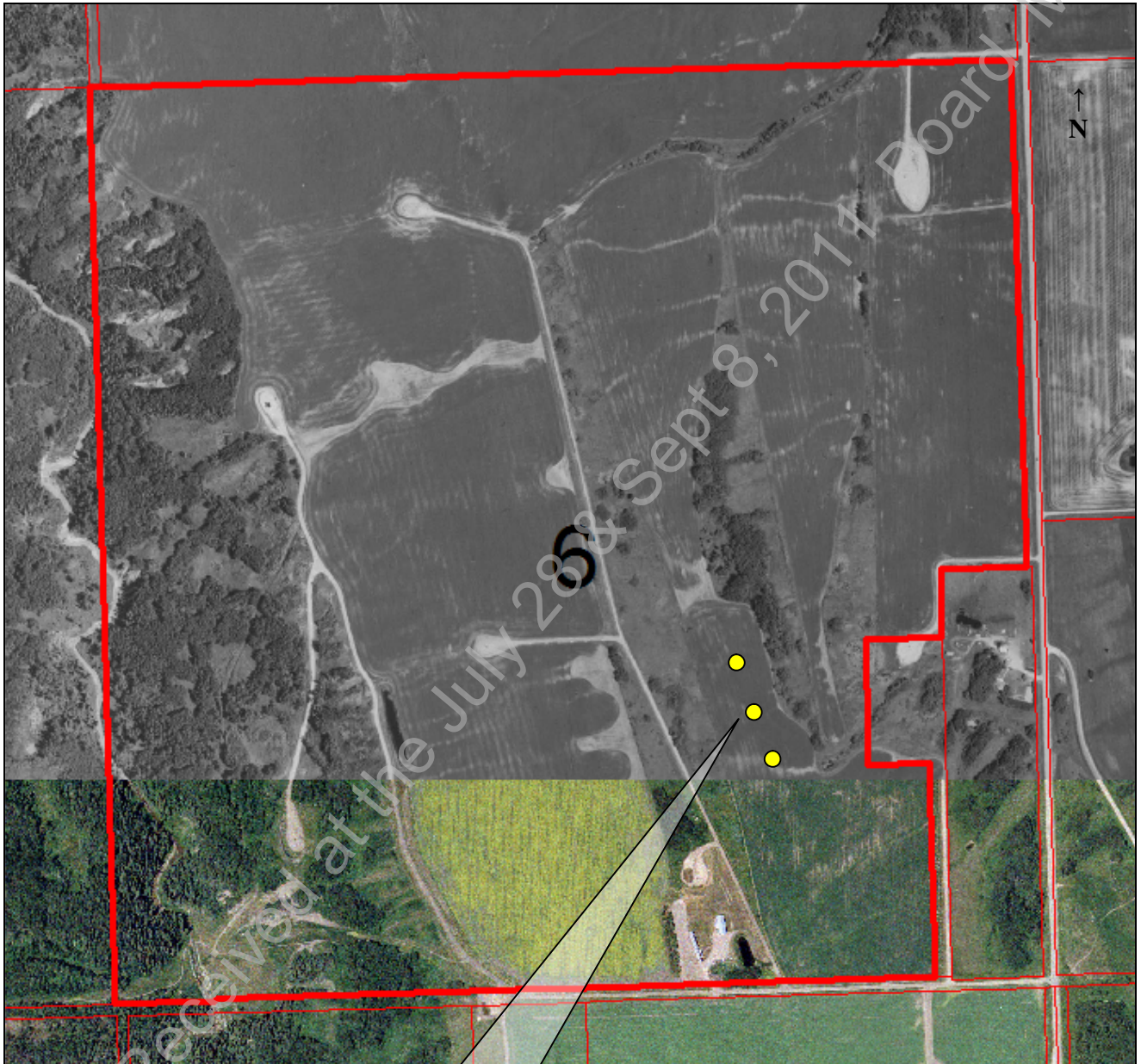


ZONING AMENDMENT REPORT — SAMUEL RANCH LTD.

MAPS

FILE NO. 153/2010

Air Photo #94A.036



● Approximate location of
each existing 3 houses



BY-LAW REFERRAL FORM

Peace River Regional District
9505 - 100th Avenue,
Fort St. John, B.C. V1J 4N4
Telephone: (250) 785-8084
Fax: (250) 785-1125

Applicant: **Samuel Ranch Ltd.**

| | | |
|-------------------------------|-----------------------|-------------------------|
| Peace River Regional District | By-law No. 1924, 2010 | Date: February 10, 2011 |
|-------------------------------|-----------------------|-------------------------|

RESPONSE SUMMARY

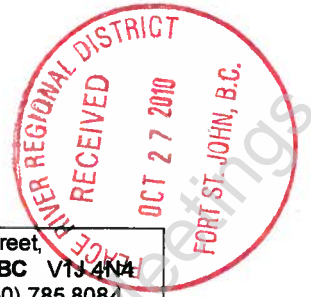
| | |
|---|---|
| <input checked="" type="checkbox"/> Approval recommended for reasons outlined below | <input type="checkbox"/> Interests unaffected by By-law |
| <input type="checkbox"/> Approval recommended subject to conditions below | <input type="checkbox"/> Approval NOT recommended due to reasons outlined below |

- * A water supply system that will serve anything other than one single-family residence must meet the requirements of the Drinking Water Protection Act and the Drinking Water Protection Regulation.
- * There needs to be sufficient area, with suitable site conditions, to accommodate an on-site sewage disposal system that meets the requirements of the BC Sewerage System Regulation.
- * Subject property needs to be in compliance with the Public Health Act and pursuant Regulations.

| | |
|-----------------------|--------------------------------------|
| Signed: _____ | Title: Environmental Health officer. |
| Date: Feb. 28 / 2011. | Agency: Northern Health |



PEACE RIVER REGIONAL DISTRICT



Box 810, 1981 Alaska Avenue,
Dawson Creek, BC V1G 4H8
Telephone: (250) 784.3200
Fax: (250) 784.3201

9505 – 100th Street,
Fort St. John, BC V1J 4N4
Telephone: (250) 785.8084
Fax: (250) 785.1125

Toll Free: 1.800.670.7773

Receipt # _____

Application for Development

1.

FEES

- | | | |
|-------------------------------------|--|------------|
| <input type="checkbox"/> | Official Community Plan Amendment | \$1,000.00 |
| <input checked="" type="checkbox"/> | Zoning Amendment | \$ 650.00 |
| <input type="checkbox"/> | Official Community Plan and Zoning Amendment combined | \$1,050.00 |
| <input type="checkbox"/> | Temporary Use Permit | \$ 350.00 |
| <input type="checkbox"/> | Development Permit | \$ 165.00 |
| <input type="checkbox"/> | Development Variance Permit | \$ 165.00 |
| <input checked="" type="checkbox"/> | Sign requirement [Amended by By-law No. 1898, 2010] | \$ 150.00 |

The applicant, on those parcel(s) subject to an amendment to:

- i) an official community plan and/or zoning by-law;
- ii) temporary commercial or industrial use permit;

shall post a development application sign on the subject property,
as provided by the Regional District.

A \$150.00 fee will be charged for utilizing the sign and a \$100.00 refund will be issued upon return of the sign to the Regional District.

2. Please print

| | |
|---|--|
| Property Owner-s Name <i>Samuel Ranch</i> | Authorized Agent of Owner (if applicable): <i>Paul Walker</i> |
| Address of Owner | Address of Agent <i>same</i> |
| City / Town / Village <i>Fort St John BC</i> | City / Town / Village |
| Postal Code <i>V1J-4J2</i> | Postal Code |
| Telephone Number: Fax Number: | Telephone Number: <i>250-262-1887</i> Fax Number: <i>250-785-5579</i> |
| e-mail address: <i>paul@maccabeetank.com</i> | e-mail address: <i>same.</i> |

| 3. Full legal description of each property under application | Area of each lot |
|--|------------------------|
| Lot 16, Plan 3986, St. John Indian Reserve #172, Township 85, Range 18, W6M, PRD, except Plans 18648 and Plan EPP713 | 244.9 ha. / acres |
| | ha. / acres |
| | ha. / acres |
| | Total area ha. / acres |

4. Civic address or location of property: 13805 Rose Prairie Rd.

5. **Particulars of proposed amendment**

Please check the box(es) that apply(ies) to your proposal.

☐ Official Community Plan (OCP) amendment:
Existing OCP designation: _____
Proposed OCP designation: _____
Text amendment: _____

☒ For a Zoning amendment:
Existing zone: A-2
Proposed zone: _____
Text amendment: To allow 3 houses on subject property and to restrict another property to just one house. Other property to be decided.

☐ Development Variance Permit: - describe proposed variance request:

☐ Temporary Use Permit (describe proposed use):

☐ For a Development Permit: By-law No. _____ Section: _____

6. **Describe the existing use and buildings on the subject property:**

Agriculture and 3 permanent houses, a shop, and granaries, plus 6 well sites.

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

a) North agriculture
b) East agriculture
c) South agriculture
d) West agriculture

8. **Describe the proposed development of the subject property, attach a separate sheet if necessary:**

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

The following information is required. Failure to provide any of the following may delay the application.

1. A copy of the **proof of ownership**. [For example: Certificate of Title or recent Tax Assessment] for the subject property or properties.
2. A **Sketch Plan** of the subject property, showing:
 - the legal boundaries and dimensions of the subject property;
 - boundaries, dimensions and area of any proposed lots (if subdivision is being proposed);
 - the location of permanent buildings and structures on the subject property, with distances to property lines;
 - the location of any proposed buildings, structures, or additions thereto, with distances to property lines;
 - the location of any existing sewage disposal systems;
 - the location of any existing or proposed water source; and
3. Additional or more detailed information may be requested by the Regional District following review of your application.

If the Regional District believes it to be necessary for the property boundaries and the location of buildings and structures to be more accurately defined, a plan prepared by a British Columbia Land Surveyor may be required.

I / We hereby declare that the information provided in this application is, to the best of my / our knowledge, true and correct in all respects, and I / we enclose the required fee with this application.

| | |
|-----------------------|--|
| Signature of Owner/s: | |
| Signature of Owner/s: | |
| Date: | |

Agents Authorization

Should the property owners elect to have someone act on their behalf in submission of this application, the following must be signed by **all property owners**.

| | | |
|-------------------|---|------------------|
| I / We | and | hereby authorize |
| (name) | to act on my/our behalf in respect of this application. | |
| Address of agent: | | |
| Telephone: | Fax: | Email: |

Signature of Owner/s:

Date

Signature of Owner/s:

Date

Oct 20/2010.



File

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

April 21, 2011

Reply to the attention of Martin Collins
ALC File: 52220

Paul Walter
Samuel Ranch
PO Box 6802
Fort St John, B.C.
V1J 4J2



Dear Sir:

Re: Application for Additional Dwellings in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #162/2011 and a sketch plan outlining the Commission's decision as it relates to the above noted application.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact the Peace River Regional District.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: Peace River Regional District File # 154/2010 ✓



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on April 14th, 2011 at Fort St John, B.C.

| | | |
|-----------------|-----------------|--------------|
| PRESENT: | Richard Bullock | Chair |
| | Denise Dowswell | Commissioner |
| | Jim Collins | Commissioner |
| | Martin Collins | Staff |

For Consideration

Application: 52192
Applicant: Samuel Ranch
Agent: Paul Walter
Proposal: To permit three permanent dwellings on the 245 ha parcel
Legal: PID 006-853-943 Lot 16, Twp 85, R. 18, W6M, PRD, Plan 3986,
Except Plan 18646 and Plan EPP 713
Location: Former I.R. #172. North of Fort St John.

Site Inspection

The Commissioners and staff noted above met with Paul Walter and Arthur Grass on the property and noted that two of the three dwellings were completed and inhabited, and that a third dwelling was more than half complete. A small greenhouse was also under construction.

The applicants confirmed that they received the staff report and no errors or omissions were noted. No information was provided indicating that three families are necessary to use the farm parcel for agriculture.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system;

The agricultural capability of the soil affected by the dwellings is 50% 3C and 50% 8:2C 2:3T:

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

The limiting subclasses are a severe climate and topography. The subject property has very good capability for agriculture.

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use. Although there are two adjoining rural residential properties to the east of the three homes, parcel sizes are generally large and farm uses predominate.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission noted that the three large houses alienated 3 - 4 ha of arable land that was formerly cultivated. In addition the Commission does not believe that three dwellings are necessary for farm labour. The Commission was concerned about both the alienation of agricultural land, and the use of this active agricultural property for multiple residences which are not directly related to agriculture.

Assessment of Other Factors

The Commission understands that the applicants also own the adjoining ~130 ha farm parcel to the north (S ½ of Lot 15) and that the two properties are cultivated as a single unit. In addition there is no evidence (as per the airphoto) that there is a residence on Lot 15. The Commission believes that consolidating Lot 15 with the subject property represents a benefit for agriculture which balances the erosive impacts of the three dwellings. Consolidation would ensure that additional dwellings could not be constructed on Lot 15, thereby reducing the overall potential density of dwellings as permitted by the zoning bylaw (two per parcel).

Conclusions

1. That the land under application has very good agricultural capability and is appropriately designated as ALR, and is suitable for agricultural use.
2. That the existing three homes are not necessary for agriculture proposes and have potential to negatively impact agricultural activity.
3. That the proposal is not consistent with the goals of the ALC Act.

IT WAS

MOVED BY: Commissioner R. Bullock
SECONDED BY: Commissioner D. Dowswell

THAT the application for three houses be refused as proposed.

However, the Commission has allowed the three homes subject to the following conditions:

- The consolidation of the subject property, by survey, with the adjoining property (S ½ of Lot 15) to the north.
- the application must be concluded within three (3) years from the date of this decision.

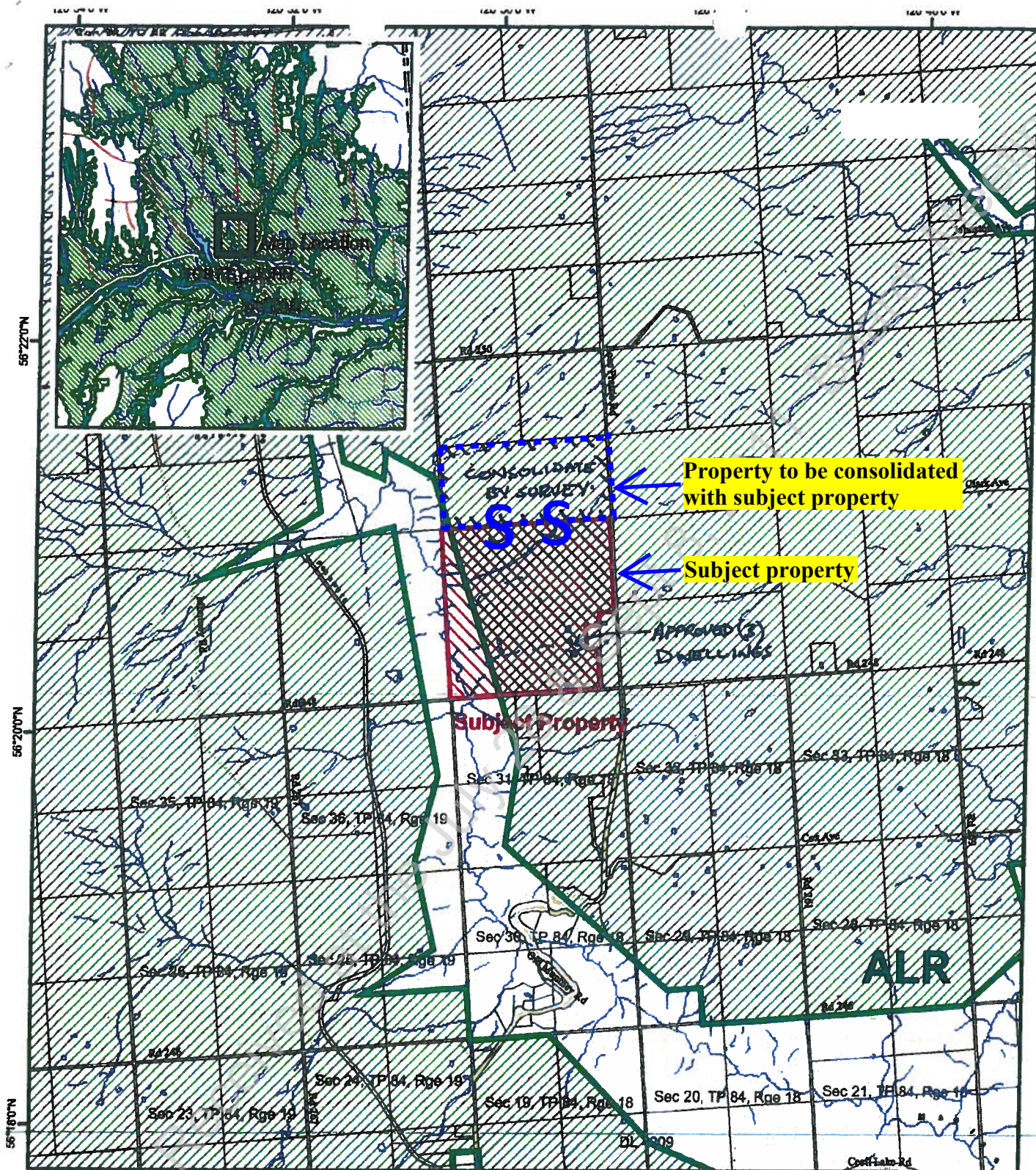
AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
 - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED
Resolution #162/2011



RESOLUTION # 162/2011



ALC Context Map

Map Scale: 1:50,000



| | |
|--------------------|---------------|
| ALC File #: | 52192 |
| Mapsheet #: | 94A.036 |
| Map Produced: | March 7, 2011 |
| Regional District: | Peace River |

**PEACE RIVER REGIONAL DISTRICT
By-Law No. 1924, 2011**

A by-law to amend the "Peace River Regional District
Zoning By-Law No. 1000, 1996."

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia *Local Government Act*, adopt the "Peace River Regional District Zoning By-Law No. 1000, 1996";

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

1. This by-law may be cited for all purposes as "Peace River Regional District Zoning Amendment By-Law No. 1924, 2011."
2. The "Peace River Regional District Zoning By-Law No. 1000, 1996" is hereby amended in the following manner:
 - a) By adding the following to Section 36(2)(b), of the A-2 "Large Agricultural Holdings Zone":

except for;

 - i) Lot 16, Plan 3986, St. John Indian Reserve #172, Township 85, Range 18, W6M, PRD, except Plans 18648 and Plan EPP713, wherein three (3) single detached family dwellings shall be permitted."

READ a FIRST TIME this 23rd day of June, 2011.

READ a SECOND TIME this _____ day of _____, 2011.

Public Notification held on the 21st and 22nd day of July, 2011.

READ FOR a THIRD TIME this _____ day of _____, 2011.

ADOPTED this _____ day of _____, 2011.

CERTIFIED a true and correct copy of "Peace River Regional District Zoning Amendment By-law No. 1924, 2011."

Fred Banham,
Chief Administrative Officer

THE CORPORATE SEAL of the Peace River Regional District was hereto affixed in the presence of:

Karen Goodings, Chair

Fred Banham, Chief Administrative Officer