



REPORT

To: Chair and Directors

Report Number: DS-BRD-398

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

Date: April 18, 2024

Subject: Zoning Amendment Bylaw No. 2547, 2024, PRRD File No. 24-002 ZN

RECOMMENDATION #1: [Corporate Unweighted]

That the Regional Board give Peace River Regional District Zoning Amendment Bylaw No. 2547, 2024 to rezone the property identified as PID 030-945-461 from A-2 Zone (Large Agricultural Holdings Zone) to C-F (Communal Farm 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 B, and that public notification be authorized pursuant to Section 466 of the *Local Government Act*.

RECOMMENDATION #2: [Corporate Unweighted]

That the Regional Board authorize the Corporate Officer to remove the Restrictive Covenant from Title which:

- a. Restricts further subdivision of the lands; and
- b. Restricts further development on the lands.

BACKGROUND/RATIONALE:

Proposal

The applicant is looking to rezone their property from the A-2 Zone (Large Agricultural Holdings Zone) to C-F Zone (Communal Farm Zone) to bring the property into compliance.

Rationale

Support is being recommended for the rezoning from the A-2 Zone to the C-F Zone since the rezoning is consistent with the OCP designation of Ag-Rural which states that land within this designation should be used for agriculture, uses permitted for operating a farm, and communal farm.

Support is being recommended for the lifting of the covenant as if the Board authorizes the zoning amendment, further development of the property would be restricted by the covenant. Additionally, the applicant is seeking to subdivide off a portion of the land to create a cemetery as authorized by the Regional Board (see File No. 22-009 ALR NFU), therefore this covenant must be removed to enable that process to occur.

File Details

Owner: Samuel Ranch Ltd.
Agent: Doug Marquart

Area: Electoral Area B
Location: Pineview
Legal: LOT A ST. JOHN INDIAN RESERVE NO. 172 TOWNSHIP 85 RANGE 18 WEST OF THE 6TH MERIDIAN PEACE RIVER DISTRICT PLAN EPP95788
PID: 030-945-461
Civic Address: 13801 Rose Prairie Road
Lot Size: 373.2 ha (922.2 ac)

Property History

October 27, 2010: The PRRD Received a Zoning Amendment Application No. 10-153 ZN (Zoning Amendment Bylaw No. 1924, 2011) and the corresponding ALR Non-Farm Use Application No. 10-154 ALR NFU to rezone the subject property to allow three dwelling units.

February 10, 2011: The Regional Board authorized ALR Non-Farm Use application No. 10-154 ALR NFU to proceed to the ALC.

February 24, 2011: The Regional Board moved that consideration of 1st and 2nd Readings of Zoning Amendment Bylaw No. 1924, 2011, be deferred to a future meeting pending a response from the ALC on ALR Non-Farm Use application No. 10-154 ALR NFU.

April 21, 2011: The ALC approved ALR Non-Farm Use application No. 10-154 ALR NFU pursuant to ALC Resolution No. 162/ 2011 to permit three dwelling units based on the following conditions:
1. The subject property be consolidated with the property to the north; and
2. That the consolidation be completed no later than 2013.

June 23, 2011: The Regional Board gave Zoning Amendment Bylaw No. 1924, 2011 1st reading and authorized public notification.

October 27, 2011: The Regional Board gave 2nd and 3rd Readings to Zoning Amendment Bylaw No. 1924, 2011. To receive final adoption, the following conditions were to be completed within six months:
1. Consolidation of the subject properties pursuant to the ALC resolution referenced above; and
2. Registration of a restrictive covenant that restricts any future subdivision or development on the subject property.

November 12, 2020: The Regional Board gave Zoning Amendment Bylaw No. 1924, 2011, 3rd reading and adoption to permit the three dwelling units.

December 15, 2020: The applicant submitted Non-Farm Use application No. 20-016 ALR NFU to allow for a family cemetery on the property.

January 28, 2021: The Regional Board authorized ALR Non-Farm Use application No. 20-016 ALR NFU to proceed to the ALC.

- May 11, 2021: The ALC approved 20-016 ALR NFU based on the following conditions:
1. No subdivision is required for the cemetery;
 2. The cemetery is only for family members of the farm;
 3. The cemetery may be no greater than 0.1 ha in size; and
 4. The cemetery must be sited in accordance with Schedule A of their resolution.
- November 18, 2022: The landowner submitted 22-009 ALR NFU to bring the property into compliance with the ALC Act and Regulations.

Site Context

The subject property is located in Pineview, approximately 8 km north of the City of Fort St. John. The property is mostly surrounded by agricultural lands. The CN railway runs north-west along the adjacent parcel to the west.

Site Features

Land

The subject property has ±336 ha of active farmland. Along the west side of the property are gullies and ravines leading to the Montney Creek that runs north-south. The south-east corner has a total of ±20.23 ha dedicated towards non-farm uses.

Structures

The following structures exist on the property within the ±20.23 ha dedicated towards non-farm uses.

- Three dwelling units;
- Three accessory residential structures confirmed during staff's site visit;
- A fourth residential structure, specifically referenced in this application, used for the storage of children's play equipment and for a workout facility;
- A playground created with rubber matting;
- A ±2,111 m² shop (Shop 1) used for schooling, religious services, and the repair of personal farm equipment;
- ±1,149 m² shop (Shop 2) used for agriculture; and
- ±330 m² Quonset previously used for commercial sandblasting during the summer, which the applicant has stated will no longer be occurring.

Access

The property is accessed by Rose Prairie Road.

Canada Land Inventory Soil Rating

According to the Canada Land Inventory, soils on the west side of the subject property along the Montney Creek are classified as 6⁶_T7⁴_{TR}, the soils on the center are classified as 3_c and 2⁸_c3²_T, and the soils on the east side are classified as 3⁷_c4³_x.

Class 6 soils are capable only of producing perennial forage crops, and improvement practices are not feasible. Class 7 soils have no capacity for arable culture or permanent pasture. Class 3 soils have moderately severe limitations that restrict the range of crops or require special conservation practices.

Class 2 soils have moderate limitations that restrict the range of crops or require moderate conservation practices, and Class 4 soils have severe limitations that restrict the range of crops or require special conservation practices.

Subclass c denotes adverse climate. Subclass T denotes topography. Subclass R denotes consolidated bedrock. Subclass x denotes of soils having a limitation resulting from the cumulative effect of two or more adverse characteristics.

Comments & Observations

Applicant

It is the intention of the owner to re-zone to the C-F (Communal Farm Zone) to allow for the current use which is several families all working towards the common goal of financial and religious independence and the freedom to use the parcel best suited to achieving this goal.

Agricultural Land Reserve (ALR)

The subject property is within the Agricultural Land Reserve, and therefore the provisions of the *Agricultural Land Commission Act* apply.

Official Community Plan (OCP)

Pursuant to the *Rural Official Community Plan Bylaw No. 1940, 2011*, the subject property is designated Agriculture-Rural (Ag-Rural). Section 7.2 states that land within the Ag-Rural designation should be used for agriculture, uses required for operating a farm, communal farm, residential use, home-based businesses, etc. Section 7.3 states the minimum parcel size should be 63 ha (155 ac).

The subject property has ± 336.5 ha of active farmland and ± 20.23 ha of non-farm uses consisting of a ± 6.25 ha residential area, a ± 2.5 ha yard, and ± 11.48 ha used for the roadway and open space.

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

Land Use Zoning

Pursuant to Zoning Bylaw No. 1000, 1996, the subject property is zoned A-2 (Large Agricultural Holdings Zone). Land within this zone may be used for agriculture and dwelling units. The minimum parcel size is 63 ha (156 ac). The proposed use does not comply with the Zoning Bylaw because the applicant wants to construct an educational facility as well as a religious centre on the subject property which are not permitted uses within the A-2 zone.

Therefore, a Zoning Amendment to C-F Zone is required. Land within the C-F Zone may be used for agriculture, religious centres, and educational facilities. The minimum parcel size is 63 ha (156 ac). The proposal is consistent with the regulations of the proposed zone.

For the removal of the covenant, on any standard lot size of 63 ha, pursuant to Section 36.2.b, *Number and Type of Dwelling Units*, two single detached family dwellings or a semi-detached dwelling shall be permitted, but not both. The property is 373.2 ha of land (equivalent to more than 5 quarter sections) which would allow a total of ten (10) single detached dwellings on the land (2 per quarter). To lift this covenant and allow for further development on the lands, it would allow for the applicant to limit the damage to agricultural lands by further developing in the ± 20.23 ha area dedicated to non-farm uses

and continuing to farm the remaining ±336 ha of the property. Removal of the covenant will also facilitate the development of a family cemetery, which the Board authorized pursuant to ALR NFU 20-016 (ALC ID 61995).

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 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. However, the charge is not applicable at this time because no new residential lots are proposed.

Impact Analysis

Context

The proposed land use is not changing, and the property is still going to be primarily used for agricultural purposes. This is consistent with the surrounding uses as they are all agriculture as well.

Population & Traffic

No population or traffic change is anticipated.

Sewage & Water

Current sewage disposal is done through a lagoon. A cistern is used for water supply.

Comments Received from Municipalities & Provincial Agencies

PRRD Bylaw Enforcement

Interests unaffected.

PRRD GIS

No concerns.

Ministry of Transportation & Infrastructure

See attached.

Agricultural Land Commission

The Communal Farm Zoning allows some uses that are not permitted in the ALR, such as religious centres and educational facilities. As such, it would be inconsistent with the *ALC Act*. However, the landowners have submitted an ALC Application (Application #62326) seeking to permit these uses on

the property. The outcome of that application may change the ALC's response to this proposed rezoning.

Ministry of Agriculture

See attached.

BC Hydro

1. BC Hydro has a registered right of way on the property. Please be guided by the Right of Way Agreement.
2. Should the development require distribution service, changes to the property's service or the relocation of distribution lines, please contact BC Hydro's Electrical Service Coordination Centre (ESCC) at 1-877-520-1355.
3. If there is a subdivision plan of this property and the final version of this plan includes a road dedication, please submit a copy to our office. BC Hydro will reserve comments following a further review of the final subdivision plan when submitted. BC Hydro's signature is required before the plan can be registered. Please be advised that there is a \$315.00 fee (\$300+tax) for signing Applications to Deposits.
4. Obtain separate written approval from this office for any intended use or development on the Right of Way before construction takes place. Submit applications to properties.helpdesk@bchydro.com.
5. No building encroachment is permitted within the Right of Way.
6. Open space/parks must be assigned a lot number so that BC Hydro's rights are retained.
7. For new construction, BC Hydro wishes to ensure that building permits do not get issued that allow for encroachment of buildings into the safety clearance zones required around existing bare utility conductors, including those utility works installed within road allowance adjacent to the property.
8. It is the responsibility of the Architect and Electrical Engineer of Record (EEOR) to ensure compliance with the Canadian Electrical Code (CEC), Canadian Safety Association (CSA) and WorkSafeBC (WSBC). The CEC, CSA and WSBC stipulate minimum clearances of powerlines and equipment from buildings for safety and safe working clearances (Limits of Approach).

ALTERNATIVE OPTIONS:

1. That the Regional Board respectfully refuse to give Peace River Regional District Zoning Amendment Bylaw No. 2547, 2024 to rezone the subject property identified as PID 030-945-461 from A-2 Zone (Large Agricultural Holdings Zone) to C-F (Communal Farm Zone) first and second readings.
2. That the Regional Board respectfully refuse to authorize the Corporate Office to remove the Restrictive Covenant from Title which:
 - a. Restricts further subdivision of the lands; and
 - b. Restricts further development on the lands.
3. 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. 2547, 2024
2. Maps, PRRD File No. 24-002 ZN
3. Application, PRRD File No. 24-002 ZN
4. Comments Received from Municipalities & Provincial Agencies, PRRD File No. 24-002 ZN

External Links:

1. [Non-Farm Use in the ALR, PRRD File No. 20-006 ALR NFU](#) – See Item No. 10.6;
2. [Non-Farm Use within the ALR, PRRD File No. 22-009 ALR NFU](#) – See Item No. 8.14