



# REPORT

To: Chair and Directors

Report Number: DS-BRD-099

From: Shawn Dahlen, Chief Administrative Officer

Date: December 1, 2020

**Subject: Zoning Amendment Bylaw No. 2416, 2020. PRRD File No. 20-012 ZN**

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## **RECOMMENDATION: [Corporate Unweighted]**

That the Regional Board give Zoning Bylaw Amendment No. 2416, 2020 to rezone property identified as PID 014-775-085 from A-2 (Large Agricultural Holding Zone) to R-5 (Residential 5 Zone) and R-6 (Residential 6 Zone), first and second readings; further

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

## **BACKGROUND/RATIONALE:**

### **Proposal**

To rezone the property identified as PID 014-775-085 from A-2 (Large Agricultural Holding Zone) to R-5 (Residential 5 Zone) and R-6 (Residential 6 Zone) for the final purpose of subdividing the property into two lots. Lot A of the subdivided land will have two existing mobile homes on the subject property and Lot B will have an existing mobile home and an additional modular home brought onto the subject property.

### **File Details**

Owner: Joel Tierney  
Agent: Tryon Surveying Limited (c/o Kathleen Lush)  
Area: Electoral Area E  
Location: Chetwynd  
Legal: District Lot 1291 Peace River District  
PID: 014-775-085  
Civic Address: 4279 Asleson Road  
Lot Size: 13.1 ha (32.4 ac)

### **Site Context**

The subject property is south of the District of Chetwynd. The property has direct access to Asleson Road that connects the property to Highway 29 South. Aside from the three residential properties that back onto the subject property located to the west, the surrounding lands are predominantly forested Crown land.

### **Site Features**

#### Land

The subject property has been cleared around the residence and contains forested portions throughout the property. Based on the PRRD online map, Lot B possesses a  $\pm 12.0\%$  increase in slope towards the northeastern portion of the property.

### Structures

There are currently three mobile homes on the property along with four accessory buildings. Part 2 of Schedule 13 in the West Peace Fringe Area OCP states that a parcel with a parcel size greater than 4 ha (10 acres) can have the maximum accessory building floor area of 300 m<sup>2</sup>. At this time, the accessory building floor area is 258 m<sup>2</sup>, less than the maximum allowed.

### Access

The subject property is accessed via Asleson Road.

### Canada Land Inventory (CLI) Soil Rating

According to the CLI, soils on the subject property are classified as 7<sup>6</sup><sub>TR</sub>6<sup>4</sup><sub>TP</sub>. Class 7 soils have no capability for arable culture of permanent pasture and Class 6 soils ensure forage crops improvement practices are not feasible.

## **Comments & Observations**

### Applicant

The applicant intends to subdivide the property into two lots. Proposed Lot A will be ±4.1 ha and is being rezoned from A-2 (Large Agricultural Holding Zone) to R-5 (Residential 5 Zone); this property will have two existing mobile homes on it. Proposed Lot B will be ±9.0 ha and is being rezoned from A-2 (Large Agricultural Holding Zone) to R-6 (Residential 6 Zone); this property will have one existing mobile home and one modular home, which will be moved to the property.

### Agricultural Land Reserve (ALR)

The subject property is outside the ALR, and therefore the provisions of the *Agricultural Land Commission Act* do not apply.

### Official Community Plan (OCP)

Pursuant to PRRD West Peace Fringe Area Official Community Plan Bylaw No. 2312, 2018, the subject property is designated Settlement (S). Within this designation, section 3.2.1 (a) supports the enhancement and protection of residential areas, which allow residents to use and enjoy property for residential purposes. Residential policy 3.2.3.1 states infilling within existing settlement areas is encouraged.

The subject property is entirely within the Preservation Area. Section 6.2 identified lands that should be preserved in their natural state. The predominant land use should be of a passive pursuit that works with the natural environment, as opposed to dominating or decimating it. Section 6.2.2.1 directs development away from known and verified hazardous areas, or to manage development in a manner that reduces risk to life or damage to property.

Therefore, the proposal is consistent with the OCP.

### Land Use Zoning

Pursuant to PRRD Zoning Bylaw No. 1343, 2001, the subject property is zoned A-2 (Large Agricultural Holdings Zone). Section 33.1 states that dwelling units are a permitted principal use within the A-2 zone and that two single family dwellings or one two-family dwelling are permitted on parcels 3.6 ha or larger. Section 33.2 (a) states the minimum parcel size is 63 ha (155 ac).

Therefore, while the proposed residential uses are consistent with the Zoning Bylaw, the proposed parcel sizes for the two subdivided lots are not. A Zoning Bylaw Amendment is required for the proposed subdivided parcels.

#### Fire Protection Area

The subject property is outside all of the fire protection areas.

#### Mandatory Building Permit Area

The subject property is outside the Mandatory Building Permit Area, however Building Permits are encouraged 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.

### **Impact Analysis**

#### Context

The proposal will not change the permitted uses on the subject property. The change in zoning will only affect the minimal parcel sizes of 4 ha (10 ac) in the R-5 zone and 8 ha (20 ac) in the R-6 zone, as compared to the minimum parcel size of 63 ha (155 ac) in the A-2 zone, respectively. The applicant intends to move a modular home onto Lot B; two single family dwellings are permitted in the R-6 zone. The proposed rezoning and parcel sizes can be considered consistent with the parcels surrounding the subject property. The proposed rezoning is required prior to subdivision approval by the Ministry of Transportation and Infrastructure.

#### Population & Traffic

It is anticipated that there would be only minimal increases to population and traffic in the area, as a result of siting one additional modular home on Lot B.

#### Sewage & Water

The applicant is currently using a lagoon for sewage and a cistern for water services. There is a proposed septic system to be added to Lot B, which will require Northern Health approvals.

### **Comments Received from Municipalities & Provincial Agencies**

#### Fort St. John

Interests unaffected by bylaw.

#### Ministry of Transportation and Infrastructure

The property does fall within Section 52 of the *Transportation Act* and will require Ministry of Transportation and Infrastructure formal bylaw approval. The Ministry has no objections to the proposal as submitted and has no further comments at this time.

#### Agricultural Land Commission

ALC staff raises no objection to the proposal.

**ALTERNATIVE OPTIONS:**

1. That the Regional Board give Zoning Bylaw Amendment No. 2416, 2020, to rezone the property identified as PID 014-775-085 from A-2 (Large Agricultural Holding Zone) to R-5 (Residential 5 Zone) and R-6 (Residential 6 Zone), first and second readings; further,

That the Regional Board considers third reading of Zoning Amendment Bylaw No. 2416, 2020, after the PRRD receives a preliminary geotechnical and hydrogeological report from the applicant prepared by a qualified professional to determine the ability to build on the proposed lots; further,

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

2. That the Regional Board respectfully refuse Zoning Amendment Bylaw No. 2416, 2020 to rezone the property identified as PID 014-775-085 from A-2 (Large Agricultural Holding Zone) to R-5 (Residential 5 Zone) and R-6 (Residential 6 Zone) as submitted.
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. Maps
2. Application
3. Comments Received from Municipalities & Provincial Agencies
4. Comments Received from Electoral Area Director
5. Section 6.2 (Preservation Areas) of the PRRD West Peace Fringe Area Official Community Plan Bylaw No. 2312, 2018
6. Section 38 and 39 of PRRD Zoning Bylaw No. 1343, 2001
7. Draft Zoning Bylaw No. 2416, 2020