



PEACE RIVER REGIONAL DISTRICT
DEVELOPMENT SERVICES
ZONING AMENDMENT REPORT
BY-LAW NO. 2085 & 2086, 2013
1st and 2nd Reading

B-2a
Part 26 Participants. Includes
all except District of Tumbler
Ridge.

OWNER: Dale Benke
AREA: Electoral Area E
LEGAL: Lot 1 Plan BCP 21212 DL 2639 and DL 4112
LOT SIZE: 183.79 ha (454.13 acres)
LOCATION: Chetwynd

DATE: August 12th, 2013

PROPOSAL

To rezone a portion of the subject property to Residential 5 Zone to accommodate the proposed 5 x 10 acre lot subdivision of the parcel.

RECOMMENDATION: OPTION 1

THAT the Regional Board read Zoning Amendment By-law No. 2086, 2013 for a First and Second time which rezones a portion of Lot 1 Plan BCP 21212 DL 2639 and DL 4112, from A-2 "Large Agricultural Holdings Zone" to R-5 "Residential 5 Zone" within the Peace River Regional District Zoning By-law No. 1343, 2001.

THAT the Regional Board read OCP Amendment By-law No. 2085, 2013 for a First and Second time which redesignates a portion of Lot 1 Plan BCP 21212 DL 2639 and DL 4112, from "Resource-Agriculture" to "Residential" within the West Peace OCP By-law No. 1086, 1997

THAT a public hearing be held pursuant to the *Local Government Act*.

THAT the holding of the public hearing be delegated to Director Schembri.

OPTIONS

OPTION 1: THAT the Regional Board read Zoning Amendment By-law No. 2086, 2013 for a First and Second time which rezones a portion of Lot 1 Plan BCP 21212 DL 2639 and DL 4112, from A-2 "Large Agricultural Holdings Zone" to R-5 "Residential 5 Zone" within the Peace River Regional District Zoning By-law No. 1343, 2001.

THAT the Regional Board read OCP Amendment By-law No. 2085, 2013 for a First and Second time which redesignates a portion of Lot 1 Plan BCP 21212 DL 2639 and DL 4112, from "Resource-Agriculture" to "Residential" within the West Peace OCP By-law No. 1086, 1997

THAT a public hearing be held pursuant to the *Local Government Act*.

THAT the holding of the public hearing be delegated to Director Shembri.

OPTION 2 THAT the Regional Board refuse the application as submitted.

SITE CONTEXT

The subject property is located within an area characterized by mainly large district lots with very occasional clusters of rural residential lots which have developed over the years along the Highway 29S corridor south of the District of

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Report prepared by: Ken Kalirai, Asst. Manager of Development Services

Department Head

CAO

August 22, 2013

Chetwynd. The wider area comprises a considerable amount of forested land on the east side of the Pine River, with some locations where land has been cleared for pasture and hay.

B-2a**SITE FEATURES**

- LAND:** The subject property is heavily forested although there is a cleared area in the central-east portion which may have been used for grazing/hay.
- STRUCTURES:** There is a residence, with a few outbuildings on this property.
- ACCESS:** The subject property is currently accessed from Highway 29S
- CLI SOIL RATING:** Class 3x and 7t. Class 3 soils have moderately severe limitations that restrict the range of crops or require special conservation practices. Subclass x denotes soils having a limitation resulting from the cumulative effect of two or more adverse characteristics. Soils in Class 7 have no capability for arable culture or permanent pasture. Subclass t denotes adverse topography.
- FIRE:** The subject property is within the Chetwynd Rural area fire protection zone.

COMMENTS AND OBSERVATIONS

- APPLICANT:** The applicant is looking to create 5 new lots, with the remnant encompassing their home-site that they will keep and the other 5 will be offered for sale to the public.
- ALR:** The eastern portion of the subject property where the subdivision is proposed is situated outside of Agricultural Land Reserve, although the western portion is within it. Therefore, Agricultural Land Commission approval is not required.
- OCP:** Pursuant to the West Peace OCP By-law No. 1086, 1997, the subject property is designated “Resource-Agriculture” and therefore an OCP amendment to “Residential” is required for the proposed subdivision.
- ZONING:** The subject property is zoned A-2 “Large Agricultural Holdings Zone” pursuant to Peace River Regional District Zoning Bylaw No. 1343, 2001, which has a minimum parcel size of 63 ha (155 acres). The applicant is looking to create 5 additional lots and therefore a zoning amendment is required to accommodate the proposed parcel sizes.

IMPACT ANALYSIS

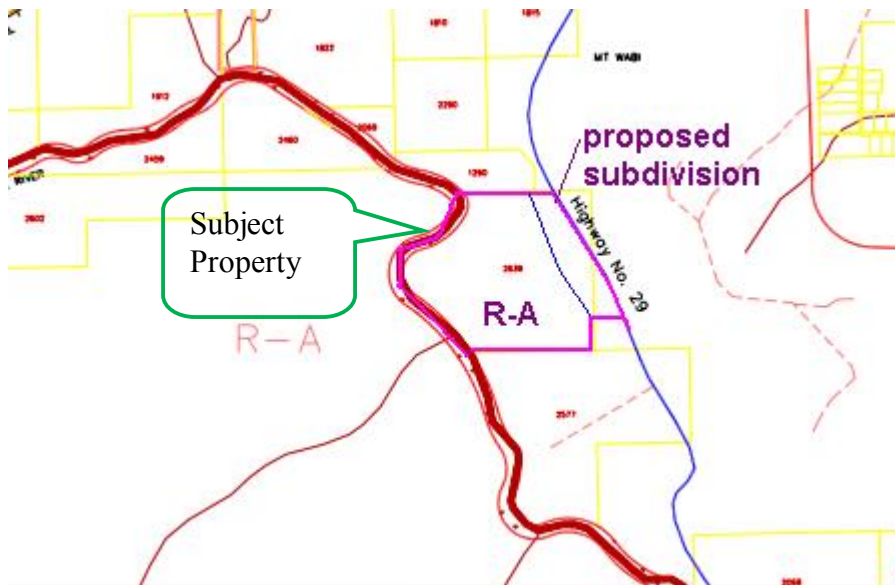
- AGRICULTURE:** The proposal should have minimal effects on agriculture as the subject property is only partially cleared for grazing/hay. However, this subdivision could result in the creation of 5 new “hobby farms” in the area.
- CONTEXT:** This proposal is consistent with surrounding land uses and will have little impact on the area as a whole.
- POPULATION:** The populations could increase by 2.7 people per household
- TRAFFIC:** Traffic could increase by 2 vehicles per lot

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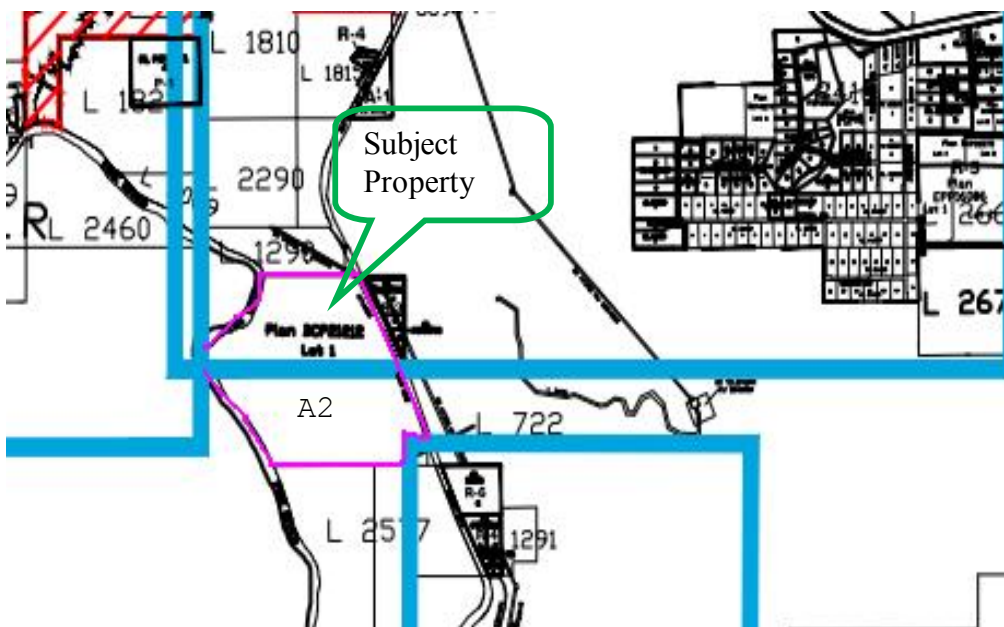


REZONING REPORT
MAPS
FILE NO. 135/2013

West Peace Official Community Plan By-law No.1086, 1997 (Map 7)



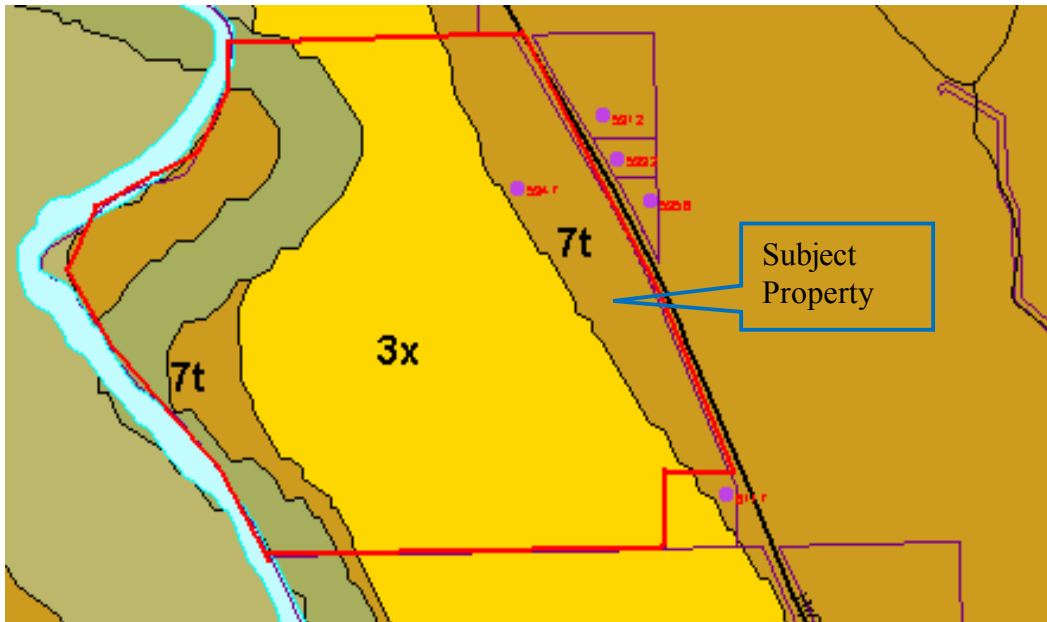
PRRD Zoning Bylaw 1343, 2011(Schedule C Index Map and Map 7)



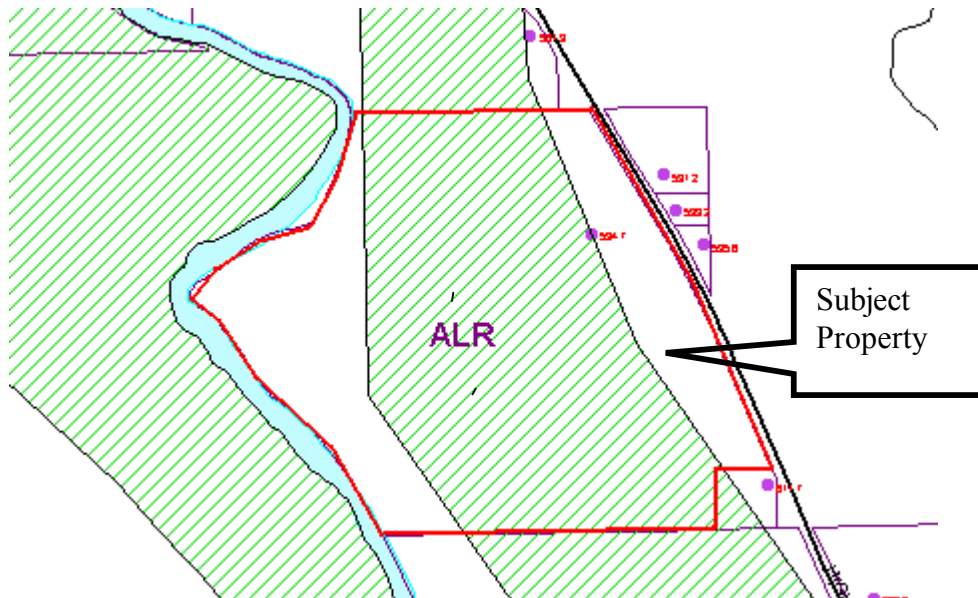
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CLI-Soil Classification (Map #93-P-12)



Agricultural Land Reserve (Map #93-P-062)



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REZONING REPORT
MAPS
FILE NO. 135/2013

B-2a

Air Photo



August 22, 2013



Box 810, 1981 Alaska Avenue, Dawson Creek, BC V1G 4H8 Telephone: (250) 784.3200 Fax: (250) 784.3201	9505 - 100 th 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 type="checkbox"/>	Zoning Amendment	\$ 650.00
<input checked="" 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 Owners Name <i>Dale Dwayne Benke</i>	Authorized Agent of Owner (if applicable):
Address of Owner <i>Box 2355</i>	Address of Agent
City / Town / Village <i>Chetwynd, BC</i>	City / Town / Village
Postal Code <i>V0C 1J0</i>	Postal Code
Telephone Number: <i>250-788-1806</i> Fax Number: <i>250-788-1824</i>	Telephone Number: Fax Number:
e-mail address: <i>nfri77@gmail.com</i>	e-mail address:

3. Full legal description of each property under application	Area of each lot
PID 026-510-740 Lot 1, DL 2639+4112, Peace River, Plan BCP21212	460 ha. <u>acres</u>
	ha. / acres
	ha. / acres
	Total area 460 ha. <u>acres</u>

4. Civic address or location of property: #5947, Km 3 Hwy 29 S

5. Particulars of proposed amendment
Please check the box(es) that apply(ies) to your proposal.

Official Community Plan (OCP) amendment:
Existing OCP designation: "Resource-Agriculture"
Proposed OCP designation "Residential"
Text amendment: _____

For a Zoning amendment:
Existing zone: A-2
Proposed zone Lots 1-5: "R-5"
Text amendment: _____

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:
Majority of land is bush, one small field cleared (partially regrown),
one house with residential use.

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

- a) North 1 house with shop on agriculture land.
- b) East 3 Residential lots + Crown land. (3 houses)
- c) South 10 acre Residential lot and an agricultural farm with house and shop.
- d) West Pine River with Crown land beyond.

8. Describe the proposed development of the subject property, attach a separate sheet if necessary:
Subdivide 5 ten acre lots with a 410 acre
lot as the remainder.

Reasons and comments in support of application:

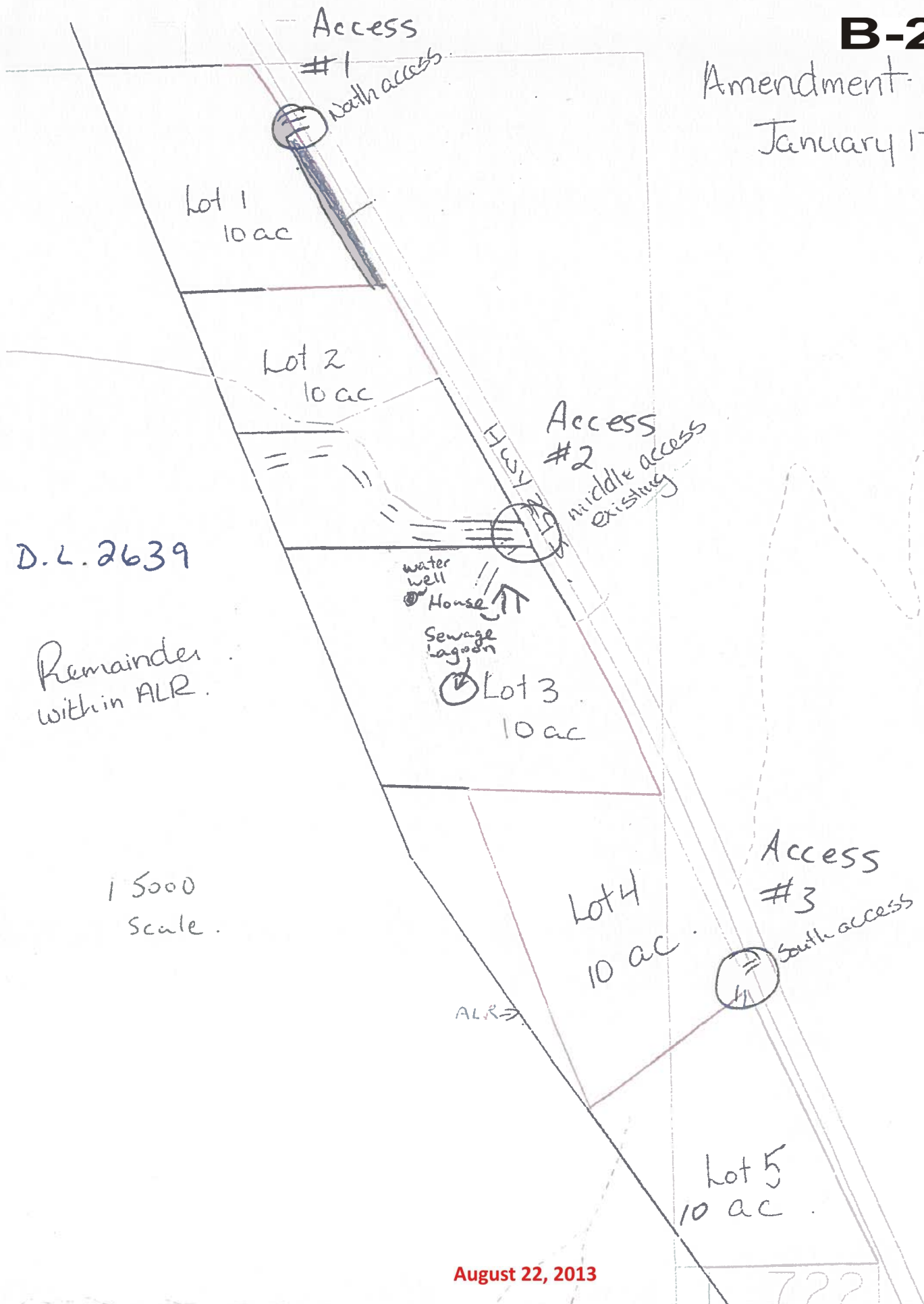
- The proposed subdivision is similar to already existing properties that are immediately adjacent to the east and south. There are three residential lots to the east and one to the south. As well there are a number of additional existing residential lots within one half mile to the south on the east side of the highway.
- The size of the remainder lot (410 acres) in the proposal will still be well in excess of the 155 acre minimum for A-2 zoning. Therefore even though there will be a net loss of area in the A-2 zoning this specific remainder parcel will still remain as a large contiguous tract of A-2 zoned land.
- The proposed area of the subdivision is out of the ALR and does not impact the amount of land in the ALR.
- In the R-5 zoning Agriculture, Agriculture-Domestic, Kennel, and Equestrian are permitted uses therefore the new zoning would not exclude those specific agriculture related uses, which were also permitted uses of the A-2 zoning.
- According to Section 6.2.1 of the Peace River Regional District By-law No. 1086, 1997 the proposed subdivision is supported or has the potential to be supported by 8 out of the 9 development policies. The proposed development; 1. does not impact the farming operations in the area, 2. offers an attractive residential setting, 3. supports clustered development, 4. supports low density clustered growth, 5. is easily adaptable to any physical site constraints, 6. is viable in the reality of current market conditions, 7. will be consistent with the existing adjacent and nearby residential clusters, and 8. the permitted uses allowable in the R-5 zoning, eg. Horse ownership, will complement and enhance the rural residential lifestyle.
- Numerous times in recent years the mayor of Chetwynd has publicly expressed in local papers the need for additional housing in town and the local area. The town has even implemented certain tax incentives to encourage developers in town. This project, although out of town, is very close to town (3km) with excellent access and should help fill the need of additional housing.
- Numerous times over the seventeen years that I have owned this property many different individuals have approached me that were interested in owning a small acreage in this location. All of these people were seeking a rural residential lifestyle and they could see the potential of this location.

August 22, 2013

B-2a

Amendment

January 17/13



D.L. 2639

Remainder within ALR.

15000 Scale.

August 22, 2013

7??



SECTION 38 R-5 (Residential 5 Zone - 4 ha)

1. Permitted Uses

The following **PRINCIPAL USES** and no others are permitted in a R-5 zone subject to Part IV of this by-law and subject to Sub-Section 2 of this Section 38;

- (a) DWELLING UNIT(S);
- (b) Market garden;
- (c) AGRICULTURE;
- (d) KENNEL;
- (e) EQUESTRIAN FACILITY;

The following **ACCESSORY** uses and no others are permitted in a R-5 zone, subject to Part IV of this by-law and Sub-Section 2 of this Section 38:

- (f) ACCESSORY buildings and ACCESSORY structure;
- (g) AGRICULTURE-DOMESTIC;
- (h) BED AND BREAKFAST accommodation;
- (i) HOME BASED BUSINESS; and
- (j) SECONDARY SUITE;
- (k) TEMPORARY ADDITIONAL DWELLING.

2. Regulations

Minimum Parcel Size

- (a) The minimum parcel size is 4.0 hectares (10 acres).

Number and type of DWELLING UNIT(S)

- (b) One SINGLE FAMILY DWELLING is permitted on a parcel less than 3.6 hectares (9 acres) in size;
- (c) Two SINGLE FAMILY DWELLINGS or a TWO FAMILY DWELLING is permitted on a parcel 3.6 hectares (9 acres) or larger, but not both;
- (d) One TEMPORARY ADDITIONAL DWELLING, is permitted on a parcel 0.9 hectares (2.2 acres) and larger.

Height

- (e) No building or structure shall exceed 10 metres (32.8 ft) in HEIGHT.

Setbacks

- (f) Except as otherwise permitted in this by-law, no building or structure shall be located within:
 - (i) 7 metres (23 ft) of a FRONT PARCEL LINE;
 - (ii) 3 metres (10 ft) of an INTERIOR SIDE PARCEL LINE;
 - (iii) 5 metres (17 ft) of an EXTERIOR SIDE PARCEL LINE; or
 - (iv) 5 metres (17 ft) of a REAR PARCEL LINE.



SECTION 38 R-5 (Residential 5 Zone - 4 ha) continued

Agriculture

- (g) AGRICULTURE, use is permitted on parcels 4 hectares (10 acres) and larger;
- (h) AGRICULTURE DOMESTIC, is permitted on parcels 0.4 hectares (1 acre) and larger;

Where AGRICULTURE, or AGRICULTURE-DOMESTIC are permitted the following regulations shall apply;

- (i) Maximum LOT COVERAGE for each commodity group is limited to the following:

COMMODITY GROUPS			
Apiculture (bees)	Greenhouse, Nursery, Speciality wood & Turf Crops	Livestock,* Poultry, Game and Fur	Mushroom growing facility
20%	Greenhouse: 75% Nurseries, Speciality Wood Crops & Turf Farms: 35%	35%	35%

* CONFINED LIVESTOCK AREAS are included in the LOT COVERAGE restriction.

The following structures do not fall under the LOT COVERAGE restrictions:

- detention ponds
- support structures used for shading, frost and wind protection of plants and animals.

**PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2085, 2013**

B-2b

A bylaw to amend the "West Peace Official
Community Plan Bylaw No. 1086, 1997."

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia Local Government Act, adopt the "West Peace Official Community Plan Bylaw No. 1086, 1997;

AND WHEREAS an application has been made to amend the "West Peace Official Community Plan Bylaw No. 1086, 1997" to facilitate an associated rezoning affecting Lot 1, District Lot 2639 and District Lot 4112, PRD, Plan BCP 21212;

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

1. This bylaw may be cited for all purposes as the "West Peace Official Community Plan Amendment Bylaw No. 2085, 2013."
2. The "West Peace Official Community Plan Bylaw No. 1086, 1997" is hereby amended in the following manner:

Map No. 7 is hereby amended by redesignating a portion of Lot 1, District Lot 2639 and District Lot 4112, PRD, Plan BCP21212 from "Resource Agriculture" to "Residential" as shown shaded on Schedule "A" which is attached to and forms part of this By-law.

READ a FIRST TIME this ____ day of _____, 2013.

READ a SECOND TIME this ____ day of _____, 2013.

Public Hearing held on the ____ day of _____, 2013.

READ a THIRD TIME this ____ day of _____, 2013.

ADOPTED this ____ day of _____, 2013.

(seal)

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

Karen Goodings, Chair

Fred Banham, Chief Administrative Officer

August 22, 2013

**PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2086, 2013**

B-2c

A bylaw to amend the "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 the "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 by-law may be cited for all purposes as "Peace River Regional District Zoning Amendment Bylaw No. 2086, 2013."
2. The "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended in the following manner:
 - i) Schedule 'C' – Map 7 is hereby amended by rezoning a portion of Lot 1, District Lot 2639 and District Lot 4112, PRD, Plan BCP 21212, from A-2 "Large Agriculture Zone" to R-5 "Residential 5 Zone" as shown shaded on Schedule "A" which is attached to and forms part of this by-law.

READ A FIRST TIME this ____ day of _____, 2013.

READ A SECOND TIME this ____ day of _____, 2013.

Public Hearing held on the ____ day of _____, 2013.

READ FOR A THIRD TIME this ____ day of _____, 2013.

APPROVED by the Ministry of Transportation this ____ day of _____ 2013.

District Highways Manager

ADOPTED this _____ day of _____, 2013.

(seal)

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

Karen Goodings, Chair

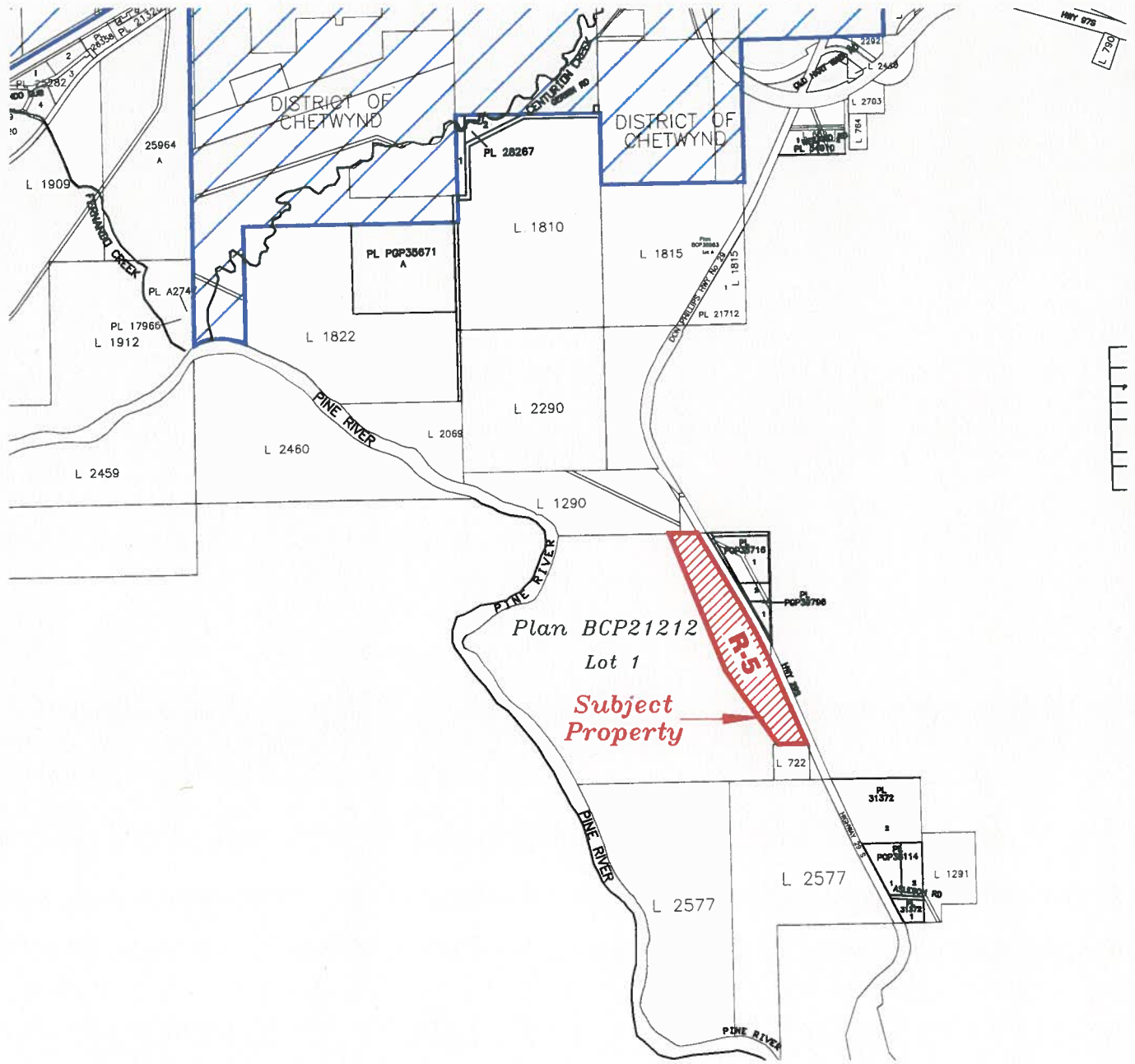
Fred Banham,
Chief Administrative Officer

August 22, 2013

Peace River Regional District
By-law No. 2086, 2013
SCHEDULE "A"



Index Map & Map. No. 7 - Schedule C of "Peace River Regional District Zoning By-law No. 1343, 2001" is hereby amended by rezoning a portion of Lot 1, Plan BCP21212, District Lots 2639 and 4112, PRD from A-2 "Large Agricultural Holdings Zone" to R-5 "Residential 5 Zone" as shown shaded on the drawing below:



August 22, 2013