

PEACE RIVER REGIONAL DISTRICT

Committee of the Whole - Planning

MA-1

MEETING NOTES

DATE: April 30, 2009

TIME: 10 a.m.

PLACE: Lower Level Meeting Room, Peace River Regional District Office, Dawson Creek, BC

PRESENT: Directors
Director Goodings, Chair
Director Hiebert
Director Clark
Director Bernier
Director White
Director Caton
Director Ackerman

Alternate Directors
Alternate Director Johnson
Alternate Director Christensen

Absent
Director Hadland
Director Anderson
Director Saugstad
Director Jarvis
Director Lantz

Staff

Fred Banham, Chief Administrative Officer
Bruce Simard, General Manager of Developmental Services
Debbie Kunz, Assistant Manager of Developmental Services
Jodi MacLean, South Peace Land Use Planner
Tim Donegan, North Peace Land Use Planner
Sheila DeCosta, Secretary - Legislative Services, Recorder

1) Call to Order The Chair called the meeting to order at 10 a.m.

DIRECTORS NOTICE OF NEW BUSINESS:

None

ADOPTION OF AGENDA:

2) Adoption of Agenda CW/09/04/01
MOVED by Director Caton, SECONDED by Director Hiebert,
that the Peace River Regional District agenda for the April 30, 2009 Committee of the
Whole - Planning meeting be adopted:

Call to Order:

Adoption of Agenda:

Minutes:

M-1 Committee of the Whole - Energy Meeting Minutes of June 9, 2008.

Reports:

R-1 PRRD Planning / Natural Resources / ALR Workshop

Resolution from February 12, 2009

RD/09/02/06

MOVED by Director Saugstad, SECONDED by Director Hiebert,
that staff prepare an agenda and set a date for a Special Committee of the Whole
Meeting to discuss land use planning.

Adjournment:

May 14 2009

CARRIED.

MINUTES:

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3) M-1
Regional Board
Committee of the Whole
- Energy Meeting
Minutes of June 9,
2008

CW/09/04/02
MOVED by Director Clark, SECONDED by Director Bernier,
that the Regional Board Regional Board Committee of the Whole - Energy Meeting
Minutes of June 9, 2008 be adopted with the following amendment on page four:
- correct the name "Shirley Vickers" to "Cheryl Vickers".

CARRIED.

Business Arising

Director White inquired if and whether it is the will of the Board to take a formal position
on the development of Site C hydro electric dam.

Page 10 - 12
regarding Site C

Discussion:

- Chair Goodings - You could bring it forward as a motion.
- Director Ackerman - No, what is the sense, since we are not the decision makers and we can't negotiate if we take a formal position.
- Director Bernier - I kind of agree, but we still need to stay on top of this as the process evolves, we don't want to miss the boat on any legacies.
- Director Caton - I don't think we should take a position because it limits our negotiability. A lot people out there are looking at employment activities, others are looking at the environment. It seems to be about 50/50 out there.

The Chair turned the meeting over to Fred Banham, Chief Administrative Officer at 10:10 a.m.

REPORTS:

4) R-1
PRRD Planning / Natural
Resources / ALR
Workshop
- Power Point
Presentation

Fred Banham, Chief Administrative Officer explained the purpose of the working committee meeting, and that staff were looking for interactive discussion with the directors. He said that if topics come up that are off base, they would be entered onto flip charts, and addressed later on. He introduced Tim Donegan and Jodi McLean, Land Use Planners as the front counter people, who answer the public's questions. He went on to say that the Board is the decision maker, and there are others beyond our decision making who are also involved. We are presenting information on what the Board's authority is in planning, and how it relates to provincial and federal jurisdictions.

Appendix A
PRRD PLANNING
NATURAL RESOURCES
ALR

Bruce Simard, General Manager of Development Services explained that at the February 12, 2009 meeting the board gave direction to have a workshop to discuss planning. Being that planning is such a huge topic today's workshop has been narrowed down to discussions on the process at it relates to the Agricultural Land Reserve. Four hours is not enough to deal with everything.

He facilitated the workshop with a power point presentation which is attached to these minutes as Appendix A. The discussion which occurred is recorded under the related heading from the power point presentation.

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Discussion:

AGENDA

PRRD Planning Policy

- ✓ South Peace OCP (Bylaw No. 477, 1986) Objectives/ Use Policy
 - Chair Goodings - is this where allowable uses come in?
 - Bruce Simard - Yes
 - Director White - objective 2 says to assist with the preservation of land. Perhaps you need to change the word "preservation"
 - Bruce Simard - there in lies the problem, you want to preserve agriculture, you also want to have the economic benefit.
 - Director Caton - other than mining, everything else has to be returned back to agricultural land at sometime in the future. Mining takes it totally away.
 - Director White - if you rezone it, how do you get it back into the ALR?
 - Bruce Simard - in many cases, the land commission is giving permission for non farm use.
 - Chair Goodings - I don't believe many of those will be returned
 - Fred Banham - many of those applications are based on that sometime in the future, it will be returned back to agricultural land
 - Bruce Simard - keep this idea as one of the challenges
 - Fred Banham - this is where we are trying to go with this and glean out these kinds of things. I am happy to see that we are doing this already.
 - Debbie Kunz - I believe Chair Gooding's concern is regarding the loss of productivity while oil and gas is on the land.

- ✓ North Peace OCP (Bylaw No. 820, 1993) Objectives/ Permitted Uses
 - Director Caton - We are only one little group here in a big kettle of fish, the school boards, being another player consolidated grade 1 - 9 classrooms, and centralized them to the bigger communities. That was one of the worst decisions in regard to maintaining rural communities.
 - Bruce Simard - We are getting a depopulation out there, farmers are not coming back, we are getting federal and provincial policies that don't really help that.
 - Fred Banham - economy/environment/society are the three legs of the sustainability stool
 - Chair Goodings - young people are coming back to ¼ sections because of the lifestyle, but not to live on viable farms. How do we address that challenge as a local government? You sustain the school because of the local population, but you don't sustain the environment.
 - Bruce Simard - easier transportation is a transition that is occurring affecting just that.
 - Director Caton - rather that sitting at the Regional District and having a ½ hour discussion on approvals, maybe we should just take for granted that that will happen.
 - Fred Banham - e.g. Prespatou School - those types of applications within 10 KM should just be permitted.

Discussion - continued

- ✓ West Peace OCP (Bylaw No. 1086, 1997) Objectives
 - Bruce Simard - referred to the maps of each OCP, showing the 25 thousand sq. km. of 119 thousand sq. km. where planning is occurring
 - Director Caton - the North Peace OCP supersedes the present Charlie Lake OCP?
 - Bruce Simard - Yes, there is no reference to resource extraction in the Charlie Lake OCP.
 - Bruce Simard - the completed North Peace OCP will take in the Charlie Lake OCP, there will be some changes. The objective is to go to four OCPs, recognizing the primary developed areas; with 4 different economic bases. In 2001 we created a regional zoning by-law to give basic rules and regulations to where people live. The board has asked that we give more resources to rural community planning this year. There are 25 - 30 scattered communities we need to support in that area.
 - Chair Goodings - the government policy states we are the one who are supposed to be doing this on behalf of these people, but yet we run smack into oil and gas issues. That is why we are having presentations from people telling us to get on with our authority.
 - Bruce Simard - write this down as one of our challenges
 - Fred Banham - the siting of industry's wells and pipelines is beyond our authority, what we have control over is not the problem.

- ✓ Regional Zoning (Bylaw No. 1343, 2001) Permitted Uses
 - Alternate Director Darryl Johnson - asked for the definition of home occupation?
 - Bruce Simard - explained it is written into the by-law, it is any occupation or profession that you do within your home or accessory building, defined as "home based business"

- ✓ North Peace Zoning(Bylaw No. 1000, 1996) Permitted Uses
 - Director Caton - why would we be getting into trapping, hunting, guiding, and outfitting establishments?
 - Bruce Simard - that is a good question, is that something we want to be involved in?
 - Chair Goodings - the 450 sq. m. was put in so that we would have an opportunity to refuse it, by having that in there, we had the opportunity to say no to uncontrolled Oil and Gas activity
 - Bruce Simard - it was the threshold where the intensity of development really became a concern
 - Director Caton - by establishing the 450 sq. m threshold, have we inadvertently controlled more processing plants going into our area, versus shipping everything out (including jobs) eg: Alliance Pipeline
 - Director White - there is just not the volume to warrant a facility here.
 - Director Caton - Why are we getting the TransCanadas and humongous pipelines here to take it out - are we contributing to the problem?
 - Bruce Simard - Write this down.

Discussion - continued

- ✓ Chetwynd Rural Area Zoning (Bylaw No. 506, 1996) Permitted Uses
 - Bruce Simard - note that "processing" is not permitted in this by-law.

CONSTITUTIONAL DIVISION OF POWERS

1. Federal

- Bruce Simard - we can't venture into their authority, not allowed any overlap on federal activity, eg: airports (owned by the federal government), harbours, first nations, federal law
- Director Caton - if first nations buy lands, through the reserve funds and apply to the federal government for that to become reserve lands, does that supersede our jurisdiction?
- Fred Banham - yes, if it becomes part of the reserve
- Bruce Simard - the by-laws of local government are subordinate to federal laws ie: we don't have the authority to write air emissions, sewage disposal schemes. We can only act and do things as enabled by statute

2. Provincial

- Bruce Simard - we are a delegate of the province, they set the rules, give us some discretion, whatever we do is constrained by legislation
- Fred Banham - there are two critical key words in the legislation "you shall" or "you may". Municipalities are described more definitively than regional districts. We are prescribed to have a Solid Waste Management Plan, Emergency Response Plan, Elections, other than that, everything is pretty well "may", even planning. The choices always come back to this board on whether you want to do it in the first place.
- Director Caton - The crux of the problem is that some of the rules and regulations in condensed populations are very good, but out in the hinterland are not appropriate e.g. drilling 3 wells to supply family water - requires that the property owner become a licensed water producer.
- Bruce Simard - There in lies our frustration with provincial regulations, write this down as one of our challenges
- Director Caton - the provincial ruling against pot luck dinners not working in rural communities
- Director Caton - one of the issues today is the movement by people to eat food within 100 miles - yet look at the decline of farmers' markets because the health authority has made it so hard for farmers to bring their produce to markets
- Bruce Simard - we have 30% of the ALR land but yet we bring in 100% of our food. Is this something we want to address, if so write it down
- Alternate Director Johnson - small holdings who produced so much are slowly disappearing
- Bruce Simard - the province has jurisdiction over property and civil rights, matters of a local or private nature, municipal institutions, primary authority over land use.

Discussion regarding
Constitutional Division
of Powers - continued

2. Provincial - continued

- Bruce Simard - Local government "may" regulate processing activity
- Director Caton - local people are not even able to buy locally produced e.g. CANFOR lumber. The big companies are not willing to harvest ie: pine beetle, they have to have x profit in order to run. The small guy could produce just as good a material, even better with less cost.
- Director White - is that the fault of local government or is that just economics?
- Director Ackerman - that is an antiquated view of economics. If you spend your dollars supporting small business, they will then direct the economy. We are allowing the support of the big business.
- Bruce Simard - There in lies our challenge.
- Director Bernier - We can affect that mostly through zoning, e.g. what we allow and what we don't allow.
- Alternate Director Johnson - gave an example of needing provincial stamp to use privately produced lumber product.
- Director Caton - as long it meets the requirements of the local community, why does it need to have an engineered stamp?
- Director White - because of the lobbying of the big companies. How can we affect this.?
- Chair Goodings - maybe we should be taking this to the meeting in Prince George. They are the ones who should take it to the province.
- Bruce Simard - even the province has no say when it comes to inter-provincial pipelines
- Fred Banham - this is where federal government regulations supersede
- Chair Goodings - there has been an Alberta company that has asked that their pipeline fall under the National Energy Board.
- Director Bernier - most pipelines do because they eventually cross borders, most gathering lines are OGC regulated
- Director Caton - the NEB has more stringent rules than the provincial government, pretty powerful
- Bruce Simard - the province may at any time curb local government powers deemed to be interfering with significant provincial interests. We need to know if we are dealing with something we can affect; at least from a regulatory way.
- Director Caton - I find that as a rural director that I have to frequently say to my constituents "that falls under provincial or federal jurisdiction"
- Director Ackerman - could you give us an example
- Bruce Simard - the Northern Dirt Riders proposal to manage the trails at Gundy, Ministry of Forests will issue the tenure to the Ministry of Tourism who will enter into a partnership agreement to manage the trail.
- Chair Goodings - so why did we entertain the application in the first place?
- Fred Banham - because we didn't know that at the time.

Discussion regarding
Constitutional Division
of Powers - continued

2. Provincial - continued

- Bruce Simard - they wanted our support in principal, to get tenure from the province.
- Chair Goodings - we would be better not to put ourselves in the middle in that instance
- Fred Banham - in getting our support, it allowed them to go to the province.
- Bruce Simard - Even if you have no power or authority, you still can influence.
- Director Caton - so we have lost all right to say where those trails go in relations to farmland?
- Bruce Simard - you can make recommendations to the province
- Fred Banham - we can still be in there by making suggestions to protect streams, lands, etc. but we don't have the swinging stick of power
- Bruce Simard - we can ask for buffers etc, but we can't enforce it. Because we don't have the authority to regulate, we can still participate.

Overview:

- Bruce Simard - we have covered off a number of areas, are there some more burning questions?
- Chair Goodings - we have 4 different zoning documents, are we ever going to get to the point where we have one?
- Bruce Simard - That is the plan.
- Debbie Kunz - the regulatory zoning by-law at the end will be the same
- Bruce Simard we can use the zoning by-law to support the differences in the OCPs. still keeping it all in one regulation body
- Chair Goodings - is our most recent (1343) by-law the over riding by-law? eg: it allows for an asphalt plant, but it is not allowed in some of the other by-laws?
- Bruce Simard in the other ones, it includes gravel, mines and processing, - just in different words.
- Chair Goodings - we should add the word "Temporary"
- Fred Banham - that is something we can do. Write it down.
- Bruce Simard - please list what you think are the most challenging aspects in regard to PRRD Planning, Natural Resources, ALR
- Bruce Simard - Local government often finds themselves as the Front Counter - we are the most accessible government agency. How do we support our residents, provide the service and know what our limits are?
- Fred Banham - Put yourself in the position of our receptionist dealing with the public, you as directors face that everyday. We have to get our head around what our challenges are and what our authority is.
- Bruce Simard - invited Directors to continue discussion over lunch and post their challenges on the white board.

Reconvene

The meeting reconvened at 1:00 p.m.

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Challenges:

Forestry/Tourism/Dirt Bikes

- Bruce Simard - we may not have the right to regulate, but we do have the means to collaborate, communicate, make suggestions, educate - two ways, register our concerns for adjacent ALR lands, livestock; and also voice those concerns to the province
- Fred Banham - we fit in in the consultation side of it, and express our concerns to the other partnering tenure holder
- Bruce Simard - do you even want to have that authority to regulate and enforce that authority?
- Fred Banham - as devil's advocate, we are protecting the farmer, but what about the interests of the recreationist?
- Director Caton - the land owner pays the taxes, the recreationist doesn't pay anything!

The challenge is how does the Peace River Regional District mitigate impacts, when we have no regulatory authority.

Goals/Challenges/Visions/Values

- Bruce Simard - do we need a better way to help the decision makers weigh the pros and cons?
- Director White - I have a problem with voting against staff recommendations
- Fred Banham - this is an appeal process by the applicant, because the use is not permitted, then an amendment to that plan could be done, based on past practices. It is a political decision that comes back. There are also applications that come forward that you might adamantly oppose.
- Director Bernier - Council doesn't even see applications that are consistent to the regulations that are set.
- Bruce Simard - there are other ways to measure and balance in order to come to a decision on the appeal
- Director White - I weigh heavily on what staff says
- Director Ackerman - I should have a copy of the OCP and Zoning at home so I could look it up myself.

The challenge is how decisions are made to affect and accept changes to policy?

Rural Communities:

- Director Caton - would Pouce Coupe have been able to keep its school without the support of Area 'D' and its residents? First the school goes, then the post office, then it leads to the loss of the community
- Director Ackerman - the potluck dinners were important to the cohesion of communities

The challenge is how do we support/sustain unincorporated and regional communities?

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Discussion regarding
Challenges - continued

Enforcement:

- Director Bernier - people do things without first getting the proper zoning first, perhaps a board of variance should deal with it to address the issue and rectify it. Municipalities have more teeth, because we have a bylaw officer, is the Regional District too nice in these cases?
- Fred Banham - the application process should be able to deal with it
- Chair Goodings - compared inconsistencies putting some directors in a bad spot
- Director Bernier - education is required, some assume they can do anything on property they own, especially out in the rural areas

Land Use Regulations:

The challenge is that one size does not fit all - what should or should not be included in the ALR

- Director Caton - when the ALR came into being, the opportunity went from the private land owner. The Peace River Regional District was looked at as a place to get more land in the ALR. The convoluted process that we as a Board and the land owners have to go through to get land out of the ALR, probably should never have been there in the first place
- Alternate Director Johnson - some lands that aren't good should have never have been included in the ALR in the first place. The cost to get it out is not worth it, so houses are built on good flat land.
- Director Caton - the provincial rules and regulations have led to doing allowable uses on ALR land rather than using crown land - hence the loss of productive ALR lands.
- Director Bernier - splitting onto two parcels of land is another way to get around it, while still falling under our guidelines
- Chair Goodings - how many acres are already been utilized that way by industry because of our list of allowable uses?
- Fred Banham - the province is the regulatory body, it is going to happen, we have no say
- Chair Goodings - we know they have the ability to directional drill, it is the surface land we are concerned about
- Fred Banham - we can lobby, get in their face and try to convince them to snake their way around it
- Chair Goodings - I want to ask the province why they say we have control then?
- Director Hiebert - It comes back to the "may"
- Bruce Simard - they write with a spin to say we can make plans
- Fred Banham - except we can't enforce that
- Chair Goodings - why don't we just say this falls under the province, why do we even do OCP's etc.
- Bruce Simard - because we can help our communities speak out and say what is best for them

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Discussion regarding
Challenges - continued

Land Use Regulations: - continued

The Challenge is how to affect/influence oil and gas activity?

- Director Caton - gas and oil development is added income to the larger farm, it has a bigger impact to smaller land owners e.g. 10 acres
- Fred Banham - that is what we need to bring to the provinces attention, so they understand
- Bruce Simard - the OCP is the expression of community desire, you keep bringing that to the attention of the province, you don't have the big stick, but you can certainly be an advocate. That is our leverage.
- Fred Banham - we need to plan ahead around development and OCPs now so when they come to us e.g.: Wind Farms, we are ready
- Bruce Simard - Regional Districts have been the pioneers in regulation and industry, by pushing advocacy. Just because you don't have the authority doesn't mean you have no influence. You only get deferrals by letting them know
- Director Ackerman - noise, smell, footprint, reverting back to agricultural land when they are finished. Industry is not using the latest technologies for this. We need to make those demands. Investment in innovation has to be key for industry.

Economic Development

- it is a balancing act to acquire sustainability
- education and leadership are critical, society has to change as a whole but there has to be direction
- there are a lack of workers in the area
- provincial regulations impact the ability for small entrepreneurs to have a niche market e.g. processing lumber on your own property - can't use neighbours saw mill without jumping through a whole bunch of regulations

ALC/ALR Lands

- all applications should be forwarded without comment
- they could just be blanket approved or refused
- It is very similar to our own land use zoning, you have to go through an appeal process to get certain permissions
- Chair Goodings - by simply forwarding with no comment, then they would be the decision maker. Lots of times we know ahead that the application will not fly with the ALC. even though it complies with allowable uses in our OCP
- Debbie Kunz- just forwarding straight down would be a \$300 fee.
- Bruce Simard - the ALC does care if the PRRD supports applications or not. eg: OSB in FSJ it proceeded to the ALC without comment. The commissioner called to ask what the board's position on this was. They wanted feedback locally on how to deal with that application.
- Chair Goodings - the City of Fort St. John went to referendum, but there was no ability for the residents in the rural area to have input

Discussion regarding
Challenges - continued

ALC/ALR Lands - continued

- Director Caton - what is the percentage of return on Yays/Nays?
- Bruce Simard - That information will be coming back again.
- Debbie Kunz - There are a lot more Nays.
- Director Bernier - we don't want to give up our chance to have our voice heard, whether we approve or turn down an application
- Fred Banham - we shouldn't give up our ability to review and make comment
- Director Caton - I do not know how many other proposals have just gone on, what percentage do we really deal with?
- Bruce Simard - some planning policy supports resource extraction in the rural areas. We use our OCP's as a guide to make decisions. If our policy doesn't fit with the application, we recommend refusal
- Chair Goodings - Agriculture is #1, but yet we support subdivision for a relative, but the land commission doesn't support that. We don't track if the land gets sold after 5 years
- Director Hiebert - I believe in supporting agriculture to protect the farmland. The ALC preserves it but they don't protect it. I believe you need the people on the land to protect it.
- Chair Goodings - Often the subdivision becomes a recreational homesite
- Alternate Director Johnson - small subdivisions could be on poor land, but could still meet the needs of those wanting to live in the country
- Bruce Simard - Can we advocate for this kind of thing without taking part in the application process?
- Chair Goodings - should we be advising the applicant when there is a small chance the ALC will approve their application?
- Director Caton - They could then withdraw their application and save \$300.
- Director Bernier - We need to state why we approve, attach reasons maybe?
- Director Caton - Severance is necessary for retirees to still have a place to live.
- Director White - What direction do you want from the board?
- Bruce Simard - in the North Peace it is to support subdivisions on Class 5,6,7, land or physical severance subdivision for a family member with an emphasis on not changing the zoning
- Chair Goodings - clarified that when there is a subdivision on ALR land it just changes it for the assessment (to residential)
- Director Caton - then it is up to the new land owner to prove farm status.

Director Ackerman left the meeting at 2:35 p.m.

Discussion regarding
Challenges - continued

ALR Land Preservation

The Challenge is the provincial influence on lands within the ALR.

- Director Caton - there is a problem with the rigid ruling blanket approach to ALR lands, we need to lobby the province to take an inventory / survey to weed out some of those areas. We are one of the only areas in the province of BC where the percentage of ALR lands has expanded
- Director Bernier - that results from when the province takes out say 7% from the lower mainland, they have to expand it proportionately here to maintain the provincial percentage.

Pipelines

The Challenge is the disturbance.

- you can't build structures over the pipeline as it is a commissioned right of way
- it changes how the field grows because the gas is heated, ripening occurs earlier, better moisture retention occurs after a few years, some pipeline areas even cave in
- the pipeline encumbrance remains on the title forever affecting building in the future. The landowner is only compensated once.
- Director Caton - there should be an annual payment, it would be an incentive to decommission the pipeline when it is no longer being used.
- Fred Banham - when the Minister of Energy, Mines and Petroleum Resources comes in, we can now speak collectively with the knowledge gained today.

Natural Resource

- setbacks, provincial policy affects everything we do
- Director Bernier - the people that are affected are pushing for longer set back distances
- Fred Banham - as technology improves, e.g. directional drilling, the footprint can be reduced
- Bruce Simard - should it be based on a technological number, best practices, or science of the day?
- Director Bernier - I have a problem with that, science changes everyday
- Director Caton - I went to the meeting last night, where Dr. Davies described the blow out, and that there was very little fall out from it, but the closer you got it got worse. His thought was that everything within a 500 m zone is impacted.
- Fred Banham - we are asking for 1.5 km set back distance; three times what is considered safe
- Director White - We would like a no go zone through our aquifers
- Director Caton - rather than a circle radius, maybe we should be considering predominate wind flow and make it an elliptical zone

Discussion regarding
Challenges - continued

Taxation Assessment

- Director Caton - 2nd and 3rd homes are automatically assessed at a residential rate. This has a big impact to the landowner
- Chair Goodings - when the principal farmer passes away, the home gets assessed as rural residential as well, we are trying to get some changes on that
- Director Caton - why do we have a land reserve when huge areas in the United States are being paid to come out of production?

Food

- Bruce Simard - do we want to promote local production / consumption?
- Director Bernier - practically, it is just not reasonable, you can't grow at a competitive cost. This has been discussed endlessly at the Union of BC Municipalities
- Chair Goodings - our predecessors only bought a few staples and grew everything else
- The societal change makes it harder now

Summary

Bruce Simard summarized the day's discussion and highlighted the next steps. He said staff would compile a summary report, either brief or detailed, according to the wishes of those here today. He also said it would be possible to hold another session, with more focused discussions.

Director Bernier stated he would like to see this compiled into a simple report and brought to the board, so that the public can see that the board is looking into the planning issues and working towards finding solutions.

Director Caton asked that the report be broken down into one or two components: one where the board can manage planning under its own jurisdiction; and a second where the board would have to lobby for action.

Bruce Simard closed the meeting by stating integration of today's perspective into the Peace River Regional District strategic plan and planning, needs to be determined by the Board.

5) Adjournment

CW/09/04/03

MOVED by Director Hiebert, SECONDED by Director White,
that the meeting adjourn.

CARRIED.

The meeting adjourned at 3:11 p.m.

Sheila DeCosta, Recording Secretary

Karen Goodings, Chair

CERTIFIED a true and correct copy of the Minutes of the Regional Board Committee of the Whole - Planning meeting of the Peace River Regional District from a meeting held on April 30, 2009 in the lower level meeting room of the Peace Regional District, Dawson Creek, BC.

Fred Banham, Chief Administrative Officer

May 14 2009



PRRD PLANNING NATURAL RESOURCES ALR

April 30, 2009
Regional Board Workshop

AGENDA

- **PURPOSE of WORKSHOP**
- **CURRENT PRRD PLANNING & ZONING POLICY**
- **JURISDICTION & AUTHORITY**
- **CHALLENGES**
 - PRRD PLANNING
 - NATURAL RESOURCES
 - ALR
- **OPTIONS & APPROACHES**
 - PRRD PLANNING
 - NATURAL RESOURCES
 - ALR
- **NEXT STEPS**

PURPOSE of WORKSHOP

1. Review PRRD planning policy respecting resources and agriculture.
2. Review framework of jurisdiction and authority.
3. Identify and define the critical challenges affecting Regional Board decision making regarding planning, resource development and ALR lands.
4. Identify options, alternatives, preferences, ideas, approaches, etc. to address challenges identified.

NOTE:

It is not essential to determine finite solutions, but rather to develop a preferred direction or principles from which alternative strategies can then be explored and evaluated.

Local Government Act (LGA) - Part 26 Planning and Land Use Management

• Part 26 Functions:

- Official Community Plans
- Zoning Bylaws
- Public Hearings & Public Notifications
- Advisory Planning Commission
- Development Approval Procedures
- Board of Variance
- Housing Agreements
- Parking & Loading Regulations
- Run-off Control
- Regulation of Signs
- Screening & Landscaping Regulations
- Flood Plain Regulations
- Farm Bylaws
- Development Permit Areas
- Development Variance Permits
- Temporary Industrial & Commercial Permits
- Tree Cutting Permits
- Application & Inspection Fees
- Development Cost Charges
- Development Works Agreements
- School Site Acquisition Charges
- Subdivision Servicing Regulations
- Site Profile Assessments

PRRD Planning Policy

South Peace OCP (Bylaw No. 477, 1986)

OBJECTIVES

Objective 1.

1. to maintain the predominantly rural and resource orientation of the Rural Area and to enhance the economic viability of the agricultural, forestry, mining, and petroleum resource development sectors;

Objective 2.

2. to assist the Provincial Agricultural Land Commission in the preservation of lands in the Agricultural Land Reserve for agricultural purposes and to examine areas for their agricultural potential;

Objective 3.

3. to recognize and support the policies of the Provincial Agricultural Land Commission and to recommend changes to these policies as they benefit the agricultural community; and

Objective 4.

4. to maintain a sufficiently large population in farm and ranching communities to enhance the continuing viability of community facilities such as public schools, community halls, recreation facilities, churches and rural commercial establishments.

PRRD Planning Policy

South Peace OCP (Bylaw No. 477, 1986)

Policy 2.4

Use Policy

Areas Designated Agriculture - Rural Resource may be used for resource harvesting and extraction including agriculture, forestry, mining, and the preliminary grading, cutting or crushing and storage or transport of primary resource products; they may also be used for recreation, public uses, utilities, environmental protection, airstrips, wildlife and fisheries activities, single family residential and residential uses required for the operation of the rural resource.

Policy 2.5

Primary resource processing industries, transportation and storage facilities for resources and resource products, oil and gas installations, and any other industrial operations that are permitted by virtue of superseding legislation are permitted as a form of development in areas designated Agriculture - Rural Resource.

PRRD Planning Policy

North Peace OCP (Bylaw No. 820, 1993)

2.2 RURAL RESOURCE- AGRICULTURAL

The objectives and policies of the *Regional Board* pertaining to areas designated as *Rural Resource-Agricultural* are as follows:

OBJECTIVES

Objective 1

To encourage agriculture by ensuring the preservation of large agricultural holdings and the promotion of a strong and stable industry, and by emphasizing the continuing economic viability of farming and ranching operations.

Objective 2

To help preserve and enhance the agricultural, forestry, petroleum, mining, and tourism resource bases of the rural area, upon which many residents are dependent for employment, recognizing the need for co-operation among the numerous agencies and individuals involved.

Objective 3

To support efforts which aim to sustain and enhance the land base within the rural area, through such means as sound agricultural and forest management, soil conservation, fish and wildlife habitats, ecological reserves, watershed protection, erosion control, enhancement of grazing lands, reclamation of lands used by the oil, gas and mining industries, and identification and protection of environmentally sensitive areas.

Objective 4

To ensure that the extent and string of corporate compounds, and the provision of services thereto, will be such that the general impact of the *development* on agricultural land and on the environment is reduced to the minimum.

PRRD Planning Policy

West Peace OCP (Bylaw No. 1086, 1997)

5.2 Objectives of this Plan

- A. To protect agricultural land to ensure the continued viability of agriculture.

6.1 Resource-Agricultural (R-A) Policies

6.1.1 Development (R-A) Policies

- 2) Extensive or intensive agricultural uses shall have priority on all fee simple lands with the resource-agricultural designation.
- 5) Economic development activities that serve to complement or enhance the agricultural life style are encouraged. Activities such as, but not limited to the following, may be allowed:
 - a. Eco-tourism Activities
 - b. Farm Bed and Breakfast
 - c. Farm Vacation Sites
 - d. Guest Cabins
 - e. Natural Resource Extraction

PRRD Planning Policy

Charlie Lake OCP (Bylaw No. 907, 1994)

- No reference to resource extraction
- To preserve agricultural land use and activities in the area.
- To avoid environmental Hazards which can harm human activity or settlement.
- To encourage small agricultural holdings.

PRRD Planning Policy

Regional Zoning (Bylaw No. 1343, 2001)

SECTION 33 A-2 (Large Agricultural Holdings Zone - 63 ha)

1. Permitted Uses

The following PRINCIPAL USES and no others are permitted in an A-2 zone subject to Part IV of this by-law and subject to Sub-Section 2 of this Section 33:

- (a) AGRICULTURE;
- (b) AGRICULTURE-INTENSIVE;
- (c) AGRICULTURE-DOMESTIC;
- (d) Wood harvesting and forestry;
- (e) Mining, including gravel extraction and processing;
- (f) Asphalt plant;
- (g) Oil and gas wells, PIPELINES;
- (h) PRODUCTION FACILITIES;
- (i) LAND TREATMENT FACILITY, NON-COMMERCIAL;
- (j) KENNEL;
- (k) EQUESTRIAN FACILITY;
- (l) Work camps occupied for less than six months, with less than 30 people;
- (m) Trapping, hunting, guiding, outfitting establishments;
- (n) Airstrip;
- (o) DWELLING UNITS;

The following ACCESSORY uses and no others are permitted in an A-2 zone, subject to Part IV of this by-law and Sub-Section 2 of this Section 33:

- (p) ACCESSORY buildings and ACCESSORY structure;
- (q) BED AND BREAKFAST accommodation;
- (r) HOME BASED BUSINESS;
- (s) SECONDARY SUITE;
- (t) TEMPORARY ADDITIONAL DWELLING;
- (u) AGRI-TOURISM activity.

PRRD Planning Policy

Dawson Creek Rural Area Zoning (Bylaw No. 477, 1986)

A-2 Large Agricultural Holdings Zone - 63 ha (155 acres)

Permitted Uses

- 6.11 (A) The following uses and no others are permitted in an A-2 zone except as provided for in Part 7 of this By-Law:
- (i) agriculture, including intensive agriculture;
 - (ii) oil or gas production, processing, storage, transmission and exploration;
 - (iii) wood harvesting and forestry;
 - (iv) livestock range;
 - (v) fish and wildlife habitat;
 - (vi) watershed protection and erosion control;
 - (vii) kennel;
 - (viii) public use;
 - (ix) trapping, hunting, guiding, outfitting, guest ranch and ancillary accommodation;
 - (x) airstrip;
 - (xi) mining, including gravel extraction and processing facilities;
 - (xii) two family dwelling;
 - (xiii) farm dwelling;
 - (xiv) single family dwelling;
 - (xv) bed and breakfast accommodations; [721, 1991]
 - (xvi) home occupation;
 - (xvii) home industry including storage yard;
 - (xviii) accessory building.

PRRD Planning Policy

North Peace Zoning (Bylaw No. 1000, 1996)

SECTION 36 A-2 (Large Agricultural Holdings Zone)

Permitted Uses

1. Subject to Section 26 of this by-law, the following uses and no others are permitted in an A-2 zone:
- (a) agriculture;
 - (b) oil and gas activities;
 - (c) temporary worker camps of not more than 30 people;
 - (d) wood harvesting and forestry;
 - (e) trapping, hunting, guiding, outfitting establishments;
 - (f) guest ranch;
 - (g) airstrip;
 - (h) equestrian centre;
 - (i) gymkhana grounds;
 - (j) gravel extraction and processing;
 - (k) kennel;
 - (l) dwelling unit or dwelling units;
 - (m) limited agriculture;
 - (n) intensive agriculture;
 - (o) intensive livestock operations;

Permitted accessory uses and buildings on any parcel include the following:

- (p) bed and breakfast accommodation;
- (q) home occupation or home industry; and
- (r) private aircraft landing strips.

PRRD Planning Policy

Chetwynd Rural Area Zoning (Bylaw No. 506, 1986)

A-2 Large Agricultural Holding Zone - 63 hectares (155 acres)

Permitted Uses

- 6.11 (A) The following uses and no others are permitted in an A-2 zone except as provided for in Part 7 of this By-Law:
- (i) agriculture;
 - (ii) oil or gas production, storage, transmission or exploration;
 - (iii) wood harvesting and forestry;
 - (iv) livestock range;
 - (v) fish and wildlife habitat;
 - (vi) watershed protection and erosion control;
 - (vii) kennel;
 - (viii) public use;
 - (ix) trapping, hunting, guiding, outfitting, guest ranch and ancillary accommodation;
 - (x) airstrip;
 - (xi) mining, including gravel extraction and processing facilities;
 - (xii) two family dwelling;
 - (xiii) single family dwelling;
 - (xiv) bed and breakfast accommodations; (663,1990)
 - (xv) farm dwelling;
 - (xvi) home occupation;
 - (xvii) home industry including storage yard; and
 - (xviii) accessory building.

JURISDICTION & AUTHORITY

CONSTITUTION ACT 1867

1. FEDERAL
2. PROVINCIAL
3. LOCAL (Statutory Paramountcy)

GENERAL PRINCIPLES

- Natural resources belong to the Province
- Ensures opportunity for development of natural resources
- Province has jurisdiction over:
 - Property and civil rights
 - Matters of a local or private nature
 - Municipal institutions
 - Primary authority over land use

GENERAL PRINCIPLES

- LG land use regulation does not include authority to regulate or prohibit extraction of natural resources. I.e mineral, petroleum, gravel, logging, water
 - LG may regulate post extraction processing activities I.e oil & gas processing, gravel processing, lumber processing, pulp & paper manuf.

GENERAL PRINCIPLES

- Pipelines are subject only to the jurisdiction of the Oil & Gas Commission
 - Including facilities required to operate the pipeline. I.e. compressor stns, pump stns, risers, dehydrators, etc.

GENERAL PRINCIPLES

Significant Projects Streamlining Act

- The Province may at any time curb local government powers deemed to be interfering with significant provincial interests

CHALLENGES

What do you feel are the most challenging aspects of:

PRRD PLANNING

NATURAL RESOURCES

ALR

WHY PLAN???

- To mitigate impacts of development
- To use resources efficiently
- To support and protect community values
- To minimize the cost of development
- To identify needs

Local Government Act (LGA) - Part 26 Planning and Land Use Management

• **Part 26 Functions:**

- Official Community Plans
- Zoning Bylaws
- Public Hearings & Public Notifications
- Advisory Planning Commission
- Development Approval Procedures
- Board of Variance
- Housing Agreements
- Parking & Loading Regulations
- Run-off Control
- Regulation of Signs
- Screening & Landscaping Regulations
- Flood Plain Regulations
- Farm Bylaws
- Development Permit Areas
- Development Variance Permits
- Temporary Industrial & Commercial Permits
- Tree Cutting Permits
- Application & Inspection Fees
- Development Cost Charges
- Development Works Agreements
- School Site Acquisition Charges
- Subdivision Servicing Regulations
- Site Profile Assessments

LGA Part 25 – Regional Growth Strategy

Purpose:

"... to promote human settlement that is socially, economically and environmentally healthy and that makes efficient use of public facilities and services, land and other resources."

Content

To the extent that such issues are a regional matter, must include:

- Transportation,
- Regional District Services,
- Parks and Natural Areas, and
- Housing,
- Economic Development.

•May also deal with any other regional matter

Intergovernmental Advisory Committees

Implementation Agreements

OPTIONS & APPROACHES

PRRD PLANNING

NATURAL RESOURCES

ALR

NEXT STEPS

Without Force and Effect

PROVINCIAL PARMOUNTCY

Basic Concept that bylaws of local governments are subordinate to the general laws of the Province

1. Direct conflict with Prov. law
2. No direct conflict, but in context of a comprehensive scheme

Without Force and Effect

LEGISLATIVE LIMITS

1. Province determines Provincial Interest
2. Exercise of powers delegated by the Province
3. Mandatory or Enabling
4. Constrained by legislation

Planning 101: Overview of LGA Part 26 – Planning and Land Use Management

- **Legal Framework**
 1. **Constitutional Powers**
 - s.92 of Constitution Act, 1867
 - The provinces are charged with the power and authority to regulate property and civil rights in their jurisdictions. In general this includes all matters of a merely local or private nature, and the authority over municipal institutions. This power includes the primary authority over land use
 2. **Provincial Legislation**
 1. Local Government Act
 2. Community Charter