



Peace River Regional District
Development Services
Zoning Amendment Report – 3rd and Final Reading
By-law No. 1833, 2008

Part 26 Participants.
All, except the District of
Tumbler Ridge and Taylor.

B-1a

File No.: 148/2008 **Date:** September 28, 2008
Land Owner: Darrel & Dorothy Klemmer
Agents: EnCana Corporation & SHARP Environmental (2000) Ltd.
Electoral Area: D
Legal Description: SW¼ Section 21, Township 25, PRD, except Parcel A(17352M) and Plan H661
Location: 14813 Little Tomslake Road
Lot size: 55 ha (137 acres)

PROPOSAL: To rezone a 5.3 ha (13 acres) portion of the subject property from A-2 (*Large Agricultural Holdings*) to I-4 (*Oil/Gas Production*) zone, in order to operate a compressor station and a well-site whose total building floor area exceeds 450 m².

RECOMMENDATION

1. a) THAT the Regional Board approve Zoning Bylaw Amendment By-law No. 1833, 2008, for 3rd and Final reading;

LAND USE POLICIES AND REGULATIONS

Dawson Creek Rural Area Official Community Plan Bylaw No. 477, 1986	⇒ <i>Agriculture - Rural Resource</i>
Peace River Regional District Zoning Bylaw No. 1343, 2001	⇒ <i>A-2 (Large Agricultural Holdings)</i>
Agricultural Land Reserve	⇒ <i>Within</i>
Mandatory Building Inspection Area	⇒ <i>Within</i>

BACKGROUND INFORMATION

August 6, 2008: Applicant submits zoning application to PRRD.
September 11, 2008: Regional Board refers application to future board meeting so that staff can investigate the idea of attaching a covenant to the title to require the lands be returned to agricultural use after the oil and gas use finishes.
October 9, 2008: A potential meeting between the Regional Board and the Agricultural Land Commission was discussed, but no resolution passed in regards to these discussions and the application was again referred to a future board meeting (November 9, 2008) however the application was never brought forward.
February 9, 2009: Proposed zoning bylaw referred to government agencies and municipalities.
September 10, 2009: By-law brought forward for 1st and 2nd Reading at the Peace River Regional District office in Dawson Creek, BC.
September 17, 2009: Public notification mailed to adjacent landowners and posted at the Peace River Regional District Office in Dawson Creek
September 30 & October 1, 2009: Public notification advertised in *Dawson Creek Daily News*

 _____ Department Head	 _____ CAO
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OBSERVATIONS AND COMMENTS

1. As this land is within the Agricultural Land Reserve, it is subject to the provisions of the *Agricultural Land Commission Act* and the OGC-ALC Delegation Agreement. The proposal for disturbed land over 7 ha or compressor stations (and associated buildings) with a floor area over 450 m² requires an ALR Non-farm use application.
2. In accordance with PRRD Resolution RD/07/03/09 & 10, the ALR non-farm use application was forwarded to Director Hiebert to review. He had comments regarding the application so the Electoral Area Directors Committee reviewed the application. On April 16, 2008, EADC forwarded the application to the Regional Board with the recommendation that the Board table it pending the submission of an amended application. At the May 22, 2008, Board meeting the Regional Board tabled the ALR non-farm use application. An amended ALR application (File No. 40/2008) has been submitted and is contained within this agenda.
3. The subject property is designated “Agriculture - Rural Resource” within the Dawson Creek Rural Area Official Community Plan Bylaw No. 477, 1986. Policy 2.4 of this designation states that “Agriculture – Rural Resource may be used for resource harvesting and extraction...” Therefore the proposal is consistent with the OCP.
4. The subject property is zoned A-2 (Large Agricultural Holdings) pursuant to Peace River Regional District Zoning Bylaw No. 1343, 2001. This zone specifically excludes “battery sites and compressor stations which cover an aggregate building and/or structure floor area of greater than 450 sq. metres (4850 sq. ft).” Since this proposed use covers an area over 450 sq. metres, a rezoning to the I-4 (Oil/Gas Production Zone), which permits this, is required.
5. This proposed rezoning covers a 5.3 ha (13 acre) area which includes the compressor station, riser site, and 2 well-sites.

IMPACT ANALYSIS

- This proposal constitutes incremental development of the property with oil and gas uses.
- The proposed non-farm use is close to the highway, and may be visible from it.
- A drainage ditch runs on the east side of the subject area on the property, between the proposed drilling site and the highway. Effluent from the drilling activities that enter the waterway could drain into Tate Creek in Tomslake.
- There could be a significant amount of activity during the drilling phase, and less during the operational phase.
- There are many similar wells in the area.

PUBLIC NOTIFICATION

A public notification was sent via registered mail to the nearby landowners on September 17, 2008, pursuant to the *Local Government Act*.

No public correspondences have been received as of the date of this report.

COMMENTS RECEIVED FROM MUNICIPALITIES AND PROVINCIAL AGENCIES

Village of Pouce Coupe	– Interests unaffected
City of Dawson Creek	– Interests unaffected
City of Fort St John	– Interests unaffected
District of Hudson’s Hope	– Interests unaffected
Northern Health Authority	– No objections to the proposed re-zoning as long as it does not create or contribute to a health hazard.
Ministry of Transportation	– Ministry of Transportation requires has no concerns regarding the proposed rezoning.

B-1a

OPTIONS

1. THAT the Regional Board approve Zoning Bylaw Amendment By-law No. 1833, 2008, for 3rd and Final reading;
2. THAT the Regional Board refuse the application as submitted.

PEACE RIVER REGIONAL DISTRICT
By-Law No. 1833, 2008

B-1b

A by-law to amend the "Peace River Regional
District Zoning By-Law 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 By-Law 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 By-Law No. 1833, 2008."
2. The "Peace River Regional District Zoning By-Law No. 1343, 2001" is hereby amended in the following manner:
 - i) Schedule 'B' – Map 17 is hereby amended by rezoning a 7.16 ha. (17.69 acre) portion of the Southwest ¼, Section 21, Township 25, PRD, except Parcel A(17352M) and Plan H661, from A-2 "Large Agriculture Holding Zone" to I-4 "Oil/Gas Production Zone", as shown shaded grey on Schedule "A" which is attached to and forms part of this by-law.

READ A FIRST TIME this 1st day of September, 2009.

READ A SECOND TIME this 1st day of September, 2009.

Public Notification held on the 30th day of September; the 1st day of October, 2009.

READ FOR A THIRD TIME this _____ day of _____, 2009.

APPROVED by the Ministry of Transportation this _____ day of _____, 2009.

District Highways Manager

ADOPTED this _____ day of _____, 2009.

CERTIFIED a true and correct copy of "Peace River Regional District Zoning Amendment By-law No. 1833, 2008."

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

Fred Banham,
Chief Administrative Officer

Karen Goodings, Chair

Fred Banham, Chief Administrative Officer

I HEREBY CERTIFY the foregoing to be a true and correct copy of "Peace River Regional District Zoning Amendment By-law No. 1833, 2008" as read a third time by the Regional Board of the Peace River Regional District on this _____ day of _____, 2009. Dated at Dawson Creek, B.C. this _____ day of _____, 2009.

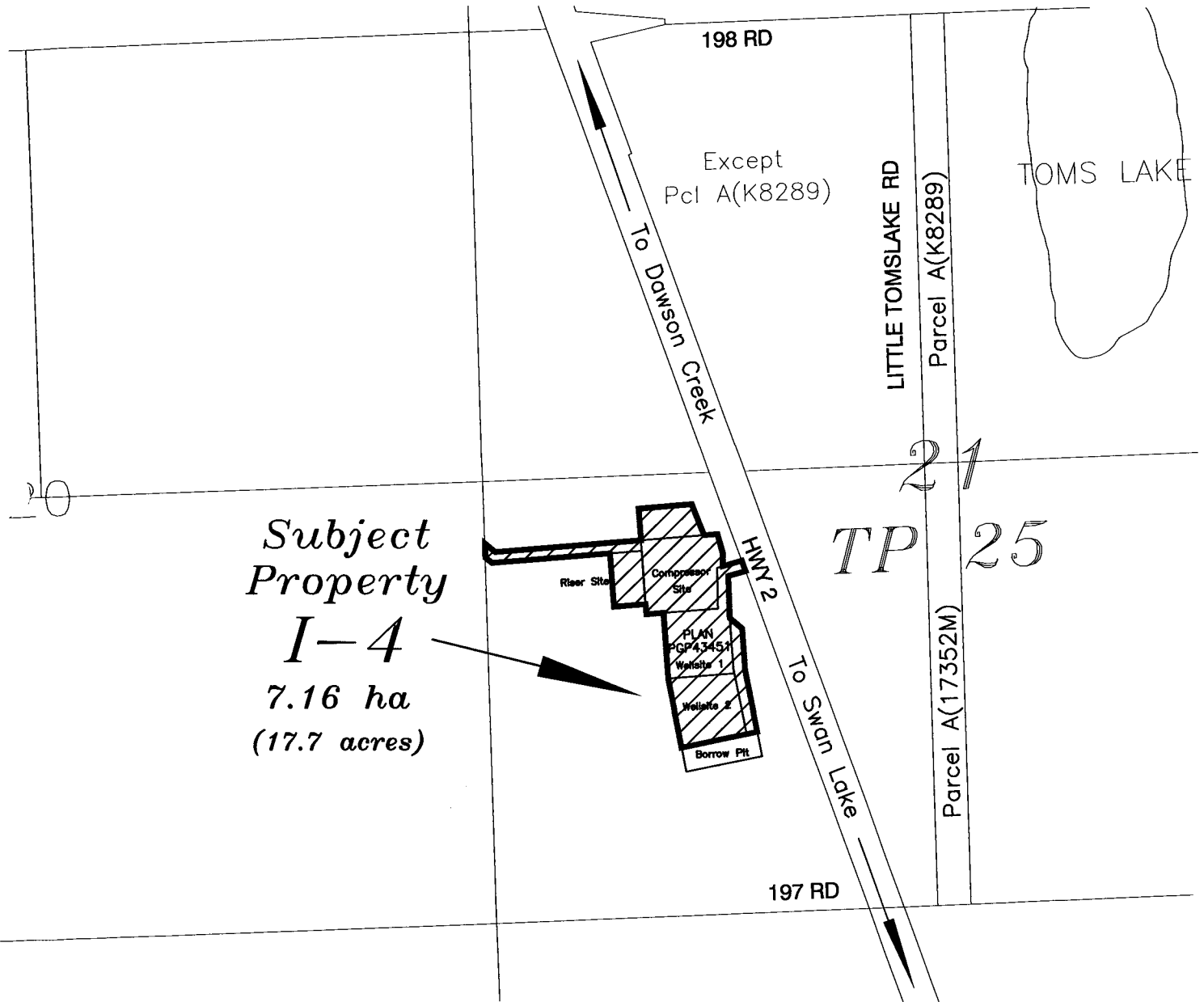
Fred Banham, Chief Administrative Officer

Oct 8 2009

Peace River Regional District
By-law No. 1833, 2008
SCHEDULE "A"



Map 17 - Schedule B of "Peace River Regional District Zoning By-Law No. 1343, 2001" is hereby amended by rezoning a 7.16 ha (17.7 acres) portion of the Southwest ¼ Section 21, Township 25, PRD, except Parcel A(17352M) and plan H661, from A-2 "Large Agriculture Holding Zone" to I-4 "Oil/Gas Production Zone" as shown shaded on the drawing below:



CERTIFIED a true and correct copy of
Schedule "A" to "Peace River Regional
District Zoning Amendment By-law
No. 1833, 2008."

Fred Banham, CAO

Oct 8 2009