



PEACE RIVER REGIONAL DISTRICT
DEVELOPMENT SERVICES
OCP AND ZONING AMENDMENT REPORT
3rd Reading
FILE NO. 126/2008

Part 26 Participants.
Includes all except
Districts of Tumbler
Ridge and Taylor.

B-1a

OWNER: K&C Oilfield Hauling Ltd. **DATE:** November 16, 2009
AREA: Electoral Area D
LEGAL: Lot B Plan 13332, Section 17, Township 78, Range 15, W6M, PRD, except Plan 19541
LOT SIZE: 14.5 ha (36 acres)
LOCATION: 2962 Highway 97S, Friesen Subdivision, west of Dawson Creek

PROPOSAL

To re-designate that portion of the subject property currently designated “Agriculture - Rural Resource” **to** “Industrial”; and to rezone the same **from** A-2 “Large Agricultural Holdings” Zone **to** I-1 “Light Industrial” Zone, in order to accommodate a light industrial business

RECOMMENDATION: OPTION 1

1. **THAT** the Regional Board approve Official Community Plan Amendment By-law No. 1821, 2008 and Zoning Amendment By-law No. 1822, 2008 for **Third Reading** to re-designate and rezone Lot B Plan 13332, Section 17, Township 78, Range 15, W6M, PRD, except Plan 19541; and

THAT prior to consideration of final reading the applicant prepare and register a restrictive covenant on the property that requires installation of buffering according to the approved plan and that two uses, asphalt plants and gravel crushing plants, not be allowed on this property in the I-1 zone.

OPTIONS

OPTION 1: **THAT** the Regional Board approve Official Community Plan Amendment By-law No. 1821, 2008 and Zoning Amendment By-law No. 1822, 2008 for **Third Reading** to re-designate and rezone Lot B Plan 13332, Section 17, Township 78, Range 15, W6M, PRD, except Plan 19541; and

THAT prior to consideration of final reading the applicant prepare and register a restrictive covenant on the property that requires installation of buffering according to the approved plan and that two uses, asphalt plants and gravel crushing plants, not be allowed on this property in the I-1 zone.

OPTION 2: Refuse the application.

LAND USE POLICIES AND REGULATIONS

OFFICIAL COMMUNITY PLAN (OCP): Agriculture – Rural Resource, Bylaw No.477, 1986
ZONING: A-2 (Large Agricultural Holdings), Bylaw No. 1343, 2001
AGRICULTURAL LAND RESERVE (ALR): Exclusion granted subject to re-designation and re-zoning as per resolution #46/2007
BUILDING INSPECTION AREA: Within

Page 1 of 3

Printed on:

Department Head

CAO

Report prepared by: Owen Bloor, Land Use Planner

Nov 26 2009

SITE CONTEXT

The subject property is located in the Friesen subdivision about 3 km (1.7 mile) west of the City of Dawson Creek, along the Highway 97S. The subdivision, which is surrounded by quarter-section parcels within the Agricultural Land Reserve, has industrial (currently H.F. Nodes Construction and Borek Construction) and commercial (currently Northern Lights RV Park) uses along the highway, and a residential subdivision along the eastern side. The city's drinking water treatment plant is located in the south-eastern corner of the subdivided quarter.

SITE FEATURES

- LAND:** The northern 4 ha (10 acres) is used for light industry. The remainder of the lot is either treed or cleared and in cultivation. Hydro, telephone, community sewage, and natural gas are available to the subject property.
- STRUCTURES:** Improvements on the property include offices and a two-bay 8000 ft² light industrial building.
- ACCESS:** The subject property has road access from Highway 97S. There is an unconstructed road right-of-way through residential lots that can provide access to the middle of the subject property.
- CLI SOIL RATING:** The CLI Soil Classification is 100% Class 2C soils, which have moderate limitations, due to an adverse climate, that restrict the range of crops or require moderate conservation practices.
- FIRE:** The subject property is within the Dawson Creek Rural Fire Protection Area.

COMMENTS AND OBSERVATIONS

- APPLICANT:** It is the intention of the applicants to operate their trucking business from the subject property.
- ALR:** The western half of the subject property is within the Agricultural Land Reserve and is therefore subject to the provisions of the *Agricultural Land Commission Act*. The eastern half is outside of the ALR. The applicants have been given approval for exclusion subject to re-zoning and re-designation as per resolution # 46/2007.
- OCP:** Pursuant to the Dawson Creek Rural Area Official Community Plan By-law No. 477, 1986, the subject property is designated "*Agriculture – Rural Resource*" therefore this amendment to the OCP is required.
- ZONING:** Pursuant to the Dawson Creek Rural Area Zoning By-law No. 1343, 2001, the subject property is currently zoned A-2 (Large Agricultural Holdings Zone). This zone does not list "Trucking Contractor" as a permitted use. Therefore, this re-zoning is required.

COMMENTS FROM MUNICIPALITIES AND PROVINCIAL AGENCIES *City of Dawson Creek*

– This property is adjacent to the City of Dawson Creek water treatment plant. My concerns for the property are as follows:

1. No mention that the property is adjacent to the water treatment plant
2. Subject property should not become visible from view of surrounding area
3. City water line runs through south east corner of subject property
4. The City of Dawson Creek would like to share a cost share on the construction of a chain link fence between the subject property and the water treatment property, this will ensure adequate security.

*District of Hudson's Hope
Village of Pouce Coupe
District of Chetwynd
City of Fort St John
Northern Health Authority
Ministry of Transportation
and Infrastructure*

- Interests unaffected by Bylaw.
- Interests unaffected by Bylaw.
- Interests unaffected by Bylaw.
- Interests unaffected by Bylaw.
- Interests unaffected by Bylaw.
- Interests unaffected by Bylaw.

IMPACT ANALYSIS

- AGRICULTURE:** This proposal will have some negative effects on agriculture as the property is presently being utilized for the storage of equipment.
- CONTEXT:** There are other "Light Industrial" parcels adjacent to the subject property, Borek Construction to the west and Nodes Construction to the east.
- POPULATION:** This proposal should not have any impact on population however traffic levels will increase as this is a trucking business so traffic is an inherent factor in the proposal.
- PROPERTY VALUE:** Because there are also residential parcels abutting the "light Industrial" use, there is a definite possibility of property values in the area decrease. The re-zoning of the subject property however would increase the value of the subject property as it can now be utilized for the use intended by the owners when they developed the buildings on site.



PEACE RIVER REGIONAL DISTRICT

**Public Hearing Minutes
Proposed Official Community Plan and Zoning
Amendment By-law No.'s 1821 and 1822, 2008**

Date: November 9, 2009 Time: 7:00 p.m.
Place: Peace River Regional District Offices, Dawson Creek, BC

Present: Director: Wayne Hiebert Director of Electoral Area "D"
Staff: Debbie Kunz Assistant Manager of Development Services
Owen Bloor Land Use Planner
Applicant: Carrie Hammes 2962 Highway 97S, Dawson Creek, BC
Patty Kimber 2962 Highway 97S, Dawson Creek, BC
Public: Ray Bohn Box 296, Dawson Creek, BC
Stan Carlson Box 833, Dawson Creek, BC
Shane Fickle Box 2458, Dawson Creek, BC
Susie Fickle Box 2458, Dawson Creek, BC

- 1. CALL TO ORDER – The meeting was called to order at 7:02 p.m.
- 2. STATEMENT OF PUBLIC HEARING – Wayne Hiebert, read the statement of “Public Hearing”.
- 3. INTRODUCTION TO PROPOSAL – The proposal and the OCP and Zoning Amendment process were reviewed by Debbie Kunz.
- 4. SUMMARY OF APPLICATION PROCEDURE

March 1, 2007 ~ ALC approves exclusion subject to re-designating & re-zoning
July 16, 2007 ~ PRRD sends fax to K & C to remind them of conditions of exclusion approval
June 26, 2008 ~ K & C applies for rezoning and re-designation
July 10, 2008 ~ OCP and Zoning Amendment Application referred to government agencies and municipalities
July 24, 2008 ~ Regional Board considered OCP/Zoning Amendment proposal for 1st & 2nd Reading
August 5, 2009 ~ Public Information Meeting hosted by K & C
Oilfield Hauling held at PRRD offices in Dawson Creek, BC (notes attached)
October 14, 2009 ~ K & C Oilfield Hauling Submits Buffering Plan to PRRD for Public Hearing
October 28, 2009 ~ Public Hearing Notification mailed to adjacent land owners
October 30, 2009 ~ Public Hearing Notification published in Dawson Creek Daily News
November 2, 2009 ~ Public Hearing Notification published in Dawson

Creek Daily News

November 9, 2009

Public Hearing at the PRRD office in Dawson Creek

5. **COMMENTS FROM AGENCIES AND MUNICIPALITIES RECEIVED**

City of Dawson Creek

This property is adjacent to the City of Dawson Creek’s water treatment plant. My concerns for the property are as follows:

1. No mention that the property is adjacent to water treatment plant
2. Subject property should not become unsightly from view
3. City water line runs through south east corner of subject property
4. The City of Dawson Creek would like to see a cost share on the construction of a chain link fence between the subject property and the water treatment property, this will ensure adequate security.

- City of Fort St. John**
- District of Hudson’s Hope**
- Village of Pouce Coupe**
- District of Chetwynd**
- Northern Health Authority**
- Ministry of Transportation and Infrastructure**

Interests unaffected by bylaw
 Interests unaffected by bylaw
 Interests unaffected by bylaw
 Interests unaffected by bylaw
 The Northern Health Authority has no objections
 Ministry of Transportation has no objections

6. **COMMENTS BY APPLICANT**

Carrie Hammes - opened by apologizing for the length of time that it has taken to get to this point of the process and the limited action taken by K & C, she then stated that in their defense K & C had gone to the PRRD prior to the purchase of the property to ensure there would be no issues with the subject property in regards to her company moving on to the site and running their business from there.

Carrie also wanted to make it known that there was in fact a great deal of equipment on the property by the previous land owner prior to K & C purchasing the lot and that when they originally viewed the lot prior to purchase she noted that industrial activity was already ongoing on the site.

Carrie also stated that they hve started to 6implement the buffer plan already as they have placed privacy slats in the existing chainlink fence and moved the lighting unit to help alleviate some of the sight issues.

7. **CORRESPONDENCE AND PUBLIC COMMENT**

Ray Bohn - opened by stating that they are still not completely satisfied with what is

taking place on the subject property but has resigned himself to accept what K & C is offering because he realizes that it is better than nothing at all.

Carrie Hammes – replied that it was uncertainty in the rezoning process in British Columbia on K & C’s behalf that brought about the lack of action to this point.

Wayne Hiebert – inquired of Carrie what are K & C’s future plans, as that is what he is more concerned about, what action they will take on a “go forward” basis.

Carrie Hammes – replied that they had installed the privacy slats, they have ordered their trees for spring planting and that they bring a complete willingness to move forward to the table at this meeting. She also pointed out that they had doubled the volume of trees from the original proposal.

Shane Fickle – wanted to point out that as a resident who lives directly adjacent to the subject property, he has not noticed any change in the six years he had lived in Friesen Sub, from the previous owner to the present one. Prior to K & C purchasing the property it was the home of a consignment yard and much of the equipment presently on site was there when he moved in so he was curious why the land –use proposal should make a difference to some of the land owners now when it didn’t before.

Carrie Hammes – restated that much of the equipment was there when K & C purchased the lot.

Shane Fickle – indicated that he hears more noise coming from the day to day operations of Borek Construction on the lot to the west of K & C then he does from K & C itself.

Stan Carlson – stated that he doesn’t really have as big of an issue with the development as perhaps Mr. Bohn but that is because the previous owner of the subject property had planted buffer trees between Mr. Carlson’s lot and the subject property many years ago and he admits that trees without the earth berm seem to act as a buffer very well.

Carrie Hammes – replies that she can certainly see the need for a buffer and added that they may add more trees to the plan than are presently indicated, it all depends upon cost and what type of a winter her company has.

Stan Carlson – asks if it K & C is trying to get away from building the earth berm?

Carrie Hammes – states that yes they are proceeding without the development of the berm as they have talked with several landscapers who have all stated that regardless of what type of tree you try to grow they just don’t do well when planted into a berm. Carrie also indicated that they had a contractor come in and look at creating the berm and it was determined at that time that it would require K & C to haul in upwards of 250 loads of topsoil.

Stan Carlson – stated that he feels there would be enough soil for the purpose of a berm on the subject property if K & C were to strip the entire lot.

Carrie Hammes – replied that the same contractor had indicated that even if the entire yard was stripped, the volume would not be there as it is topsoil that is required for the construction of the berm, not just dirt. If they stripped the subject property down to a level that would provide sufficient volume to create the berm, there would be too much clay content for the trees to grow in. Carrie also pointed out that they do not want to promise something they can't financially deliver and that obtaining this rezoning is critical to her company's existence in the Dawson Creek area.

Shane Fickle – stated that he would be against the creation of the berm as it will divert the natural flow of run-off away from his property and that he utilizes said run-off for use at his place.

Ray Bohn – indicated that he realizes that it is too late in the year to plant trees now, but that he would like to have a deadline set as to when the planting would be complete.

Carrie Hammes – stated that was certainly a possibility and that they were hopeful to have the trees planted by the end of May, or sometime in June 2010 at the latest depending on weather.

Ray Bohn – stated that he would also like to see a maintenance plan written into a covenant to ensure K & C doesn't just plant the trees and then walk away thinking they had met their obligations.

Carrie Hammes – replied that they would absolutely be willing to include a maintenance program, whether it is a soaker hose or a water truck or what ever works best. She also stated that she agrees with the idea of developing a covenant so that possible future owners can not come in and remove what K & C has created. Carrie also stated that K & C would be willing to omit several uses from the I-1 zone for the subject property such as asphalt and gravel crushing plants.

Debbie Kunz – confirmed that the I-1 zone does permit asphalt plants and gravel crushing facilities to operate as an allowed use and therefore it would be required to have these uses specified in the covenant. She then went on to explain how the rezoning process will unfold from this point and that the Regional District will provide some covenant examples to K & C for them to modify and individualize to suit the needs of this particular proposal.

Wayne Hiebert – asked if there were any further comments from the public

Ray Bohn – stated he was disappointed that only H. F. Nodes Construction was listed on

the original Zoning application form and there was no mention of either the residential parcels or the City of Dawson Creek water treatment plant and reservoir being located adjacent to the subject property on its eastern boundary.

6. FINAL COMMENTS

None

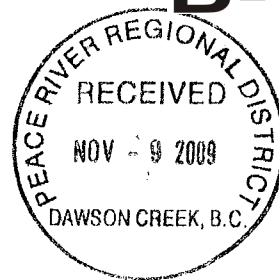
7. TERMINATION – The hearing was terminated at 7:35 pm.

Owen Bloor, Recorder

Wayne Hiebert, Chair

Carol Mamm
Box 925
Dawson Creek, BC
V1G 4H9

B-1a



November 9, 2009

To whom it may concern,

As the current owner of 9823 Friesen Subdivision, an acreage zoned residential, I am opposed to the rezoning of light industrial for the purpose of business other than that for farming, tourism and residential purposes in this wonderful, family-oriented, country atmosphere. I find it unacceptable that our district has not enforced boundaries for business that should have been enforced long ago when others in this area have followed the boundaries set out before them, presented their proposals which have been either accepted or rejected. The same boundaries should apply to all, regardless of business name, nature of business, and financial gain to the community. A negative reflection is formed when I view the Regional District knowing that equal treatment to all has not been applied to those whom boundaries should apply.

I find it rather presumptuous that a barrier is proposed when the property has not even been rezoned or even addressed through a proposal for rezoning, adding to my negative feeling that this system that has a business dictating what it is going to do over that of the Regional District taking initiative and limiting the business's activity until the proper procedures, policies and proposals have been followed and accepted, with the community being allowed the opportunity to accept or reject the proposal, which is just now being addressed after many years of business on the improperly zoned site and the outcome yet to be determined.

I purchased this home knowing Nodes Construction and Northern Lights RV Park were part of the neighborhood. An open, unused field in the background contributed to the appeal of my decision to purchase this country home, having grown up on a farm in this community. Now, I believe, the sale of my home has been affected with a drop in value and appeal due to the presence of this unsightly business in my backyard with its pollution. Any prospective purchaser will be looking at what direction the Regional District will be allowing in this subdivision adding to the negative position in which I find myself exposed to without any positive solutions being implemented on behalf of myself or other residential owners in this subdivision. In my view, we are being "forced" to accept what we may not agree with and there is no noticeable penalty to those who have imposed this upon us without the proper channels being taken or the proper outcome in place. Did the owners of this business grow up in this community? Did they raise a family in this subdivision? Do they or the Regional District value what heritage some of us are trying to maintain and protect as industry is encompassing our entire city, our subdivision and others like it? Is our Regional District interested in those who created a life and atmosphere here that represent a lifetime of work, family and care or is money in the community more important?

In hopes of preserving a heritage of farm and country, community, family and care.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol Mamm", written over a horizontal line.

Carol Mamm

/clm

Nov 26 2009

November 5, 2009

Peace River Regional District
P. O. Box 810
Dawson Creek, B.C.

RE: By-Laws 1821-2008 & 1822-2008

Gentlemen:

At long last something is being done to slightly mitigate the esthetic and financial depreciation of our quiet neighborhood. Since mid 2006, a trucking company has been disturbing the serenity of our subdivision. Despite objections to the Regional District, this has been allowed to persist.

The Agricultural Land Commission espouses buffering in such cases where light industrial encroaches on residential areas. In its application for re-zoning, the above mentioned trucking company has made less effective and expensive proposals. After three and a half years of esthetic and noise abuse, we have grudgingly accepted these proposals. It seems anything is better than what we have endured. However, due to past performance we would suggest it would be prudent for the District to place a covenant on the re-zoning approval. We should like to see a deadline on the establishment and conditions for maintenance of the vegetation buffer. Also suggested would be to restrict the placement of asphalt plants or gravel processing on the above mentioned property. Although this is not foreseen in the near future, but is a potential if the property is sold at a later date. The precedent for this type covenant was placed in the approval of the Carter re-zoning to the east of our subdivision.

We are also concerned about highway safety when an equipment move is in process. As included in a previous letter to you our concerns is that: Much of their moves involve slow moving oversize loads. These can cause problems with traffic traveling east on the highway. It seems a pull out lane should be considered to enhance the safety of traffic proceeding over a hill at 100 Kph. This is especially significant in bright sunrises, foggy conditions and snow storms.

Again, we are disappointed by the District decision to surround our neighborhood with light industrial designation and by their lethargic initiative in enforcement of regulations to mitigate the adverse effects of the illegal use of land.

Yours truly


Everett Bohn


Barbara Bohn

ERB/bb
cc: Hwys Dept.

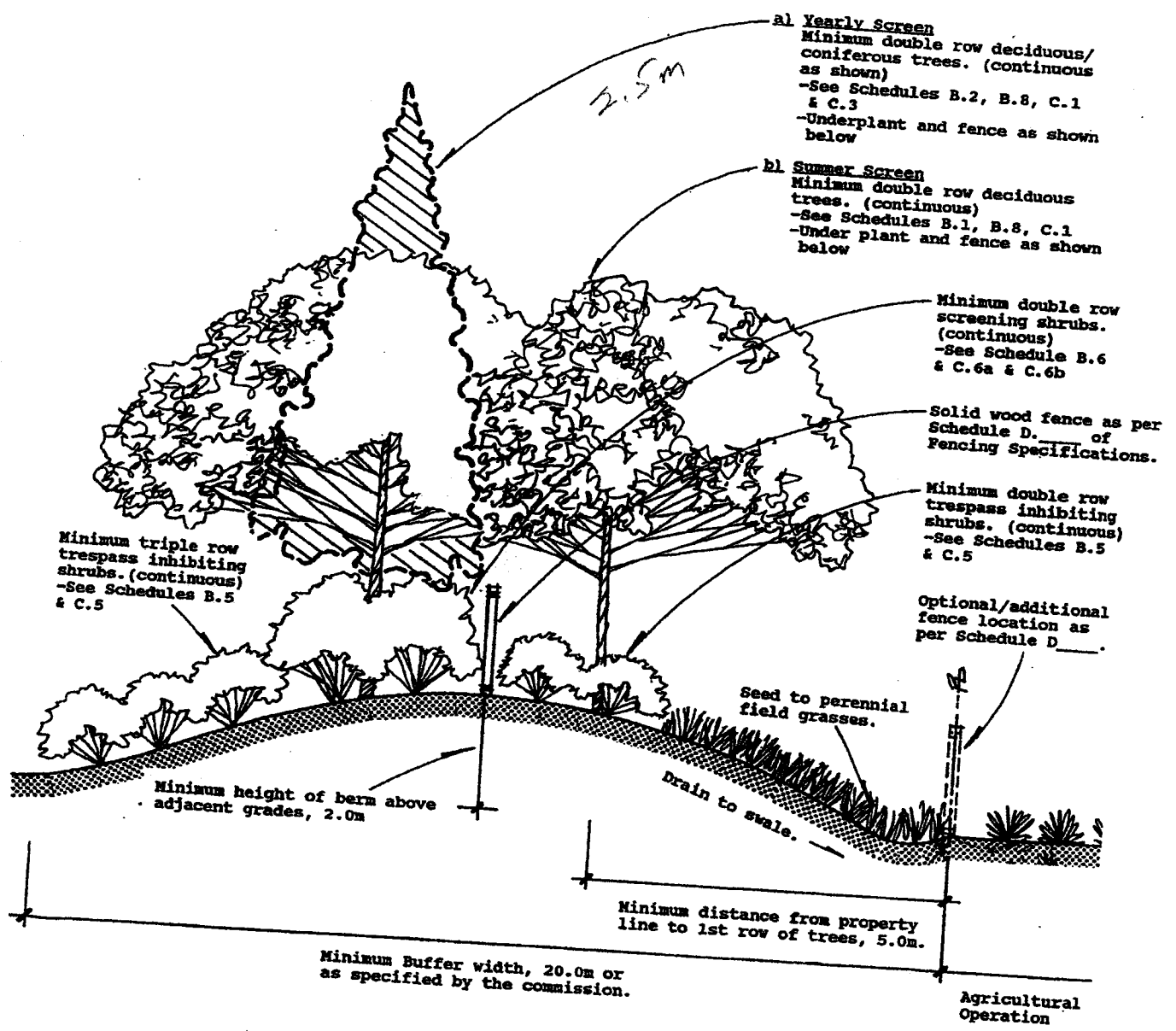
Nov 26 2009

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SCHEDULE A: BUFFER TYPES

- A.4: Noise, Airborne Particle & Visual Screen**
 - a) Yearly Screen
 - b) Summer Screen

To Buffer agricultural land from trespass and vandalism, visually screen incompatible uses, reduce the exchange of particulate matter between adjacent land uses and reduce the transmission of noise. (Note: Coniferous trees should be used in the buffer in situations where visual and particulate screening is required on a year round basis. Solution A.4a)



Not to Scale

**PEACE RIVER REGIONAL DISTRICT
By-law No. 1821, 2008**

A by-law to amend the "Dawson Creek Official
Community Plan By-law No. 477, 1986."

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia Local Government Act, adopt the "Dawson Creek Official Community Plan By-law No. 477, 1986;

AND WHEREAS an application has been made to amend the "Dawson Creek Official Community Plan By-law No. 477, 1986" to facilitate an associated rezoning affecting Lot B, Plan 13332, Section 17, Township 78, Range 15, W6M, PRD;

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 the "Dawson Creek Official Community Plan Amendment By-law No. 1821, 2008."
2. The "Dawson Creek Official Community Plan By-law No. 477, 1986" is hereby amended in the following manner:

Map No. 6 "Dawson Creek – Pouce Coupe Fringe" is hereby amended by redesignating Lot B, Plan 13332, Section 17, Township 78, Range 15, W6M, PRD, from "Agriculture – Rural Resource" to "Industrial" as shown shaded grey on Schedule "A" which is attached to and forms part of this By-law.

READ A FIRST TIME this 24th day of July, 2008.

READ A SECOND TIME this 24th day of July, 2008.

Public Hearing held on the 9th day of November, 2008.

READ A THIRD TIME this _____ day of _____, 2008.

ADOPTED this _____ day of _____, 2008.

CERTIFIED a true and correct copy of
"Dawson Creek Official Community Plan
Amendment By-law No. 1821, 2008."

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

Fred Banham,
Chief Administrative Officer

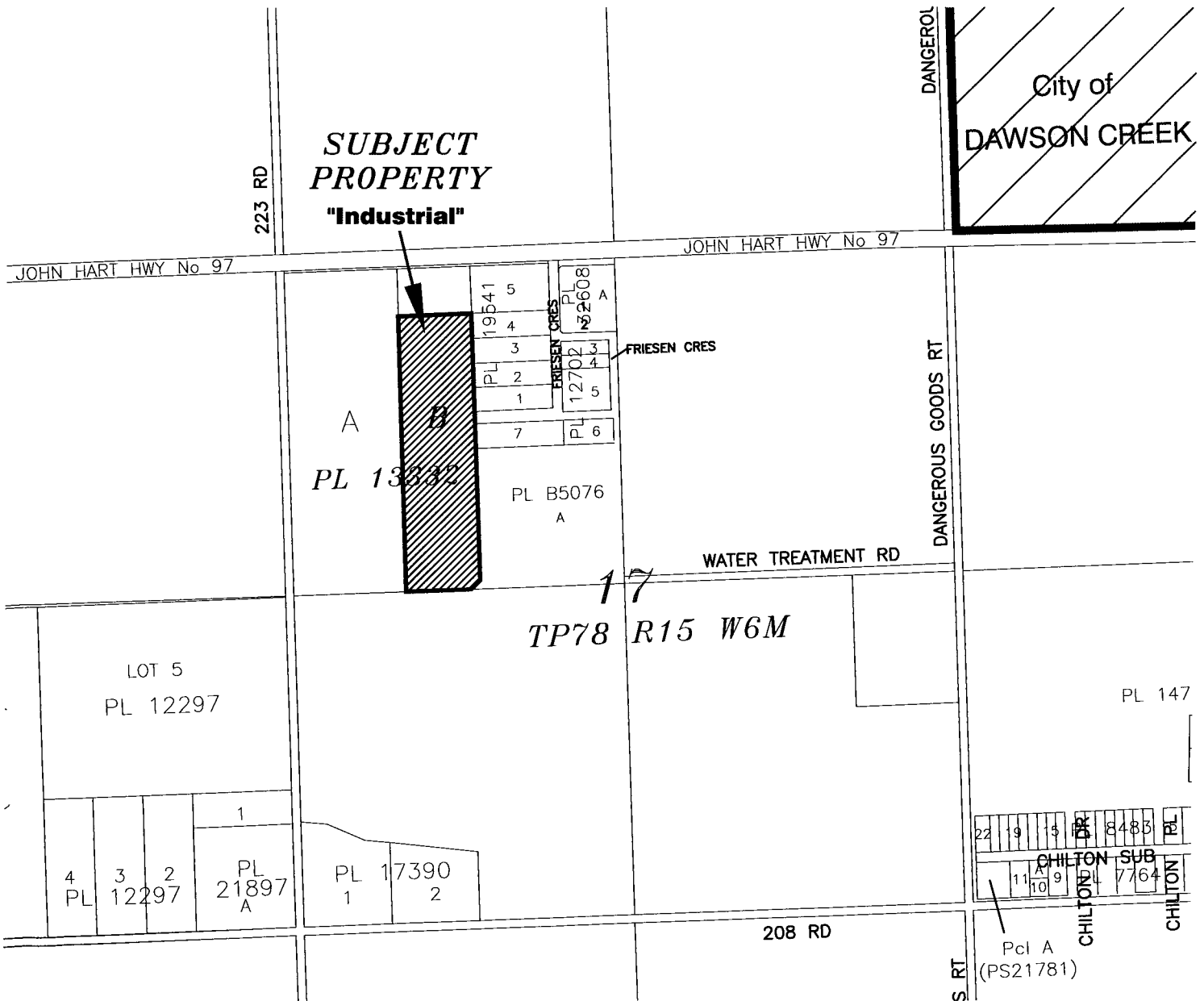
Karen Goodings, Chair

Fred Banham,
Chief Administrative Officer

Peace River Regional District
 By-law No. 1821, 2008
SCHEDULE "A"



Map. No. 6 - Dawson Creek - Pouce Coupe Fringe of "Dawson Creek Official Community Plan By-law No. 477, 1986" is hereby amended by redesignating Lot B, Plan 13332, Section 17, Township 78, Range 15, W6M, PRD from "Agriculture - Rural Resource" to "Industrial" as shown shaded on the drawing below:



CERTIFIED a true and correct copy of
 Schedule "A" to "Dawson Creek
 Official Community Plan Amendment
 By-law No. 1821, 2008".

 Fred Banham, CAO

Nov 26 2009

**PEACE RIVER REGIONAL DISTRICT
By-Law No. 1822, 2008**

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. 1822, 2008."
2. The "Peace River Regional District Zoning By-Law No. 1343, 2001" is hereby amended in the following manner:
 - i) Schedule 'B' – Map 9 is hereby amended by rezoning Lot B, Plan 13332, Section 17, Township 78, Range 15, W6M, PRD, from A-2 "Large Agricultural Holdings Zone" to I-1 "Light Industrial Zone", as shown shaded grey on Schedule "A" which is attached to and forms part of this by-law.

READ A FIRST TIME this 24th day of July, 2008.

READ A SECOND TIME this 24th day of July, 2008.

Public Hearing held on the 9th day of November, 2009.

READ FOR A THIRD TIME this _____ day of _____, 2008.

APPROVED by the Ministry of Transportation this _____ day of _____, 2008.

District Highways Manager

ADOPTED this _____ day of _____, 2008.

CERTIFIED a true and correct copy of "Peace River Regional District Zoning Amendment By-law No. 1822, 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

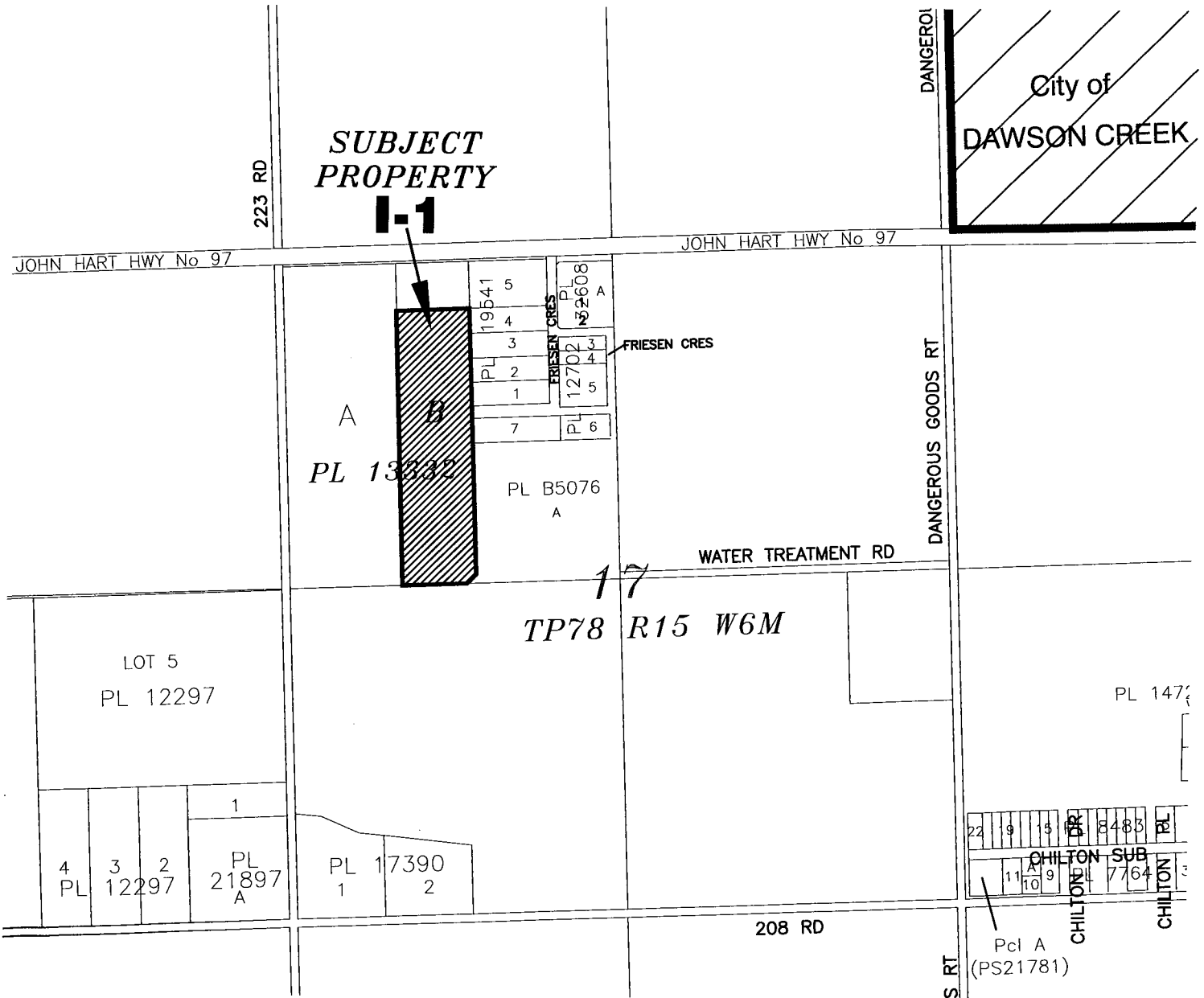
I HEREBY CERTIFY the foregoing to be a true and correct copy of "Peace River Regional District Zoning Amendment By-law No. 1822, 2008" as read a third time by the Regional Board of the Peace River Regional District on this _____ day of _____, 2008. Dated at Dawson Creek, B.C. this day of _____, 2008.

Fred Banham, Chief Administrative Officer

Peace River Regional District
 By-law No. 1822, 2008
SCHEDULE "A"



Map. No. 9 - Schedule 'B' of "Peace River Regional District Zoning By-law No. 1343, 2001" is hereby amended by rezoning Lot B, Plan 13332, Section 17, Township 78, Range 15, W6M, PRD from A-2 "Large Agricultural Holdings Zone" to I-1 "Light Industrial 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. 1822, 2008".

Fred Banham, CAO

Nov 26 2009