



**PEACE RIVER REGIONAL DISTRICT
DEVELOPMENT SERVICES
OCP/Zoning Amendment Report
By-law No. 1875 & 1876
Final Reading
FILE NO. 002/2010**

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

OWNER: Loiselle Investments Ltd. **DATE:** May 27, 2010
AGENT: Gary Loiselle
AREA: Electoral Area E
LEGAL: Blocks A & B of District Lots 381, 382, 383 & 384
LOT SIZE: Total area of land of all Blocks combined equals ±218ha
LOCATION: Along Hwy 97S west of the District of Chetwynd, east of Mt. Lamoray

PROPOSAL

To amend the West Peace OCP by re-designating Blocks A & B of District Lots 381, 382, 383 & 384 from Agriculture – Rural Resource to Industrial and;
To rezone Blocks A & B of District Lots 381, 382, 383 & 384 from A-2 (Large Agricultural Holdings) to M2 (General Industrial)

RECOMMENDATION: OPTION 1

THAT the Regional Board consider Official Community Plan Amendment By-law No.1875, 2010, and Zoning Amendment Bylaw No. 1876, 2010, for Final Reading.

OPTIONS

OPTION 1: **THAT** the Regional Board consider Official Community Plan Amendment By-law No.1875, 2010, and Zoning Amendment Bylaw No. 1876, 2010, for Final Reading.

OPTION 2: **THAT** the Regional Board refuse the application

BACKGROUND

SUMMARY OF PROCEDURE

December 8, 2009	~	Subject properties have been granted conditional exclusion by the Agricultural Land Commission
December 21, 2008	~	OCP and Zoning Amendment Application received
January 5, 2010	~	OCP and Zoning Amendment Application referred to Government agencies and municipalities
January 12, 2010	~	OCP and Zoning Amendment Application referred to First Nations listed below: West Moberly First Nations

Saulteau First Nations
 McLeod Lake Indian Band
 Halfway River First Nation
 Treaty 8 Tribal Association

January 28, 2010	~	Regional Board considered OCP/Zoning Amendment proposal for 1 st & 2 nd Reading
February 1, 2010	~	Public Hearing Notification Faxed to First Nations
February 3 & 4, 2010	~	Public Notification for the Public Hearing advertised in the <i>Dawson Creek Daily News</i>
February 3, 2010	~	Public Notification for the Public Hearing advertised in the <i>Coffee Talk Express</i>
February 5, 2010	~	Public Notification for the Public Hearing advertised in the <i>Chetwynd Echo</i>
February 9, 2010	~	PRRD receives letter from Saulteau First Nations requesting that the February 12, 2010 Public Hearing be rescheduled to accommodate a meeting between PRRD and Saulteau Chief and Council
February 11, 2010	~	Peace River Regional District denied postponement of Public Hearing to accommodate meeting with Saulteau First Nations Chief and Council
February 12, 2010	~	Public hearing held at Chetwynd & District Recreation Centre at 10:00 a.m. (minutes attached to this report)
March 11, 2010	~	Regional Board considered OCP & Zoning Amendment By-laws for 3 rd Reading

SITE CONTEXT

The subject property is located ~ 60 km west of the district of Chetwynd on Highway 97 and is adjacent to the undeveloped Western Coal Load out Facility. The subject properties are accessed from Highway 97S to the north and un-named logging and mining roads to the south while the CN Rail line runs diagonally through the properties. This is a non-farming area of predominantly large scale District Lots with some smaller parcels nearby. It should be noted that the parcels also run adjacent to the Pine River and in order to access any of the Blocks from the highway, one needs to cross the Pine.

SITE FEATURES

- LAND:** Although a site inspection has not been conducted, it appears through the use of aerial photographs that small portions of the subject properties near the rail line have been cleared in the past but the majority of the properties remain untouched.
- STRUCTURES:** There currently is an unused 100 man camp on a portion of DL 384 as indicated on the attached map entitled Schedule A Temporary Industrial Use Permit # 123/2008 on page 12 of this report, but there are no buildings on any of the other lots.
- ACCESS:** According to the application, access will be gained by way of an un-named forestry road to the

southwest of DL 383

CLI SOIL RATING: Predominantly Class 7TP - Soils in this class have no capacity for arable culture or permanent pasture, there is a small portion of Class 5PT. Class 5 soils have very severe limitations that restrict their capability in producing perennial forage crops, and improvement practices are feasible. Subclass T indicates soils having topographical constraints, while sub-class P indicates stoniness. There is also a small portion of Class 7T.

FIRE: Outside all rural fire protection areas.

COMMENTS AND OBSERVATIONS

APPLICANT: It is the intent of the landowner to develop a “Coal Load-out Facility” which will operate in conjunction with a mine operated by First Coal south of the proposed load-out site.

ALR: The subject properties have been granted conditional exclusion from the Land Reserve By way of Resolution # 1626/2009 dated December 8, 2009. This rezoning and re-designation are conditions which are required to be satisfied in order to complete the exclusion process.

OCP: Pursuant to the West Peace Community Plan Bylaw No. 1086, 1997, the subject properties are designated “Agriculture – Rural Resource”. This designation does not permit the proposed type of development **Therefore this proposal requires an OCP amendment.**

ZONING: The subject properties are zoned A-2 (Large Agricultural Holdings) pursuant to Chetwynd Rural Area Zoning Bylaw No. 506, 1986 the proposed uses are not permitted in this zone. **Therefore this proposal requires a re-zoning.**

PUBLIC CONSULTATION: The re-zoning and re-designating process requires that the Regional District issue a public notification on the proposed changes to the zoning bylaw and Official Community Plan. This is accomplished by advertising the Public Hearing that can be held at a time and place of the Board’s choosing. The advertisements must reach at least every landowner within 100 meters of the subject property and be published twice in a local newspaper. However, the limits to the notification parameters may be altered if more people or areas are deemed affected by the proposal.

COMMENTS FROM MUNICIPALITIES AND PROVINCIAL AGENCIES	Village of Pouce Coupe Interests unaffected by bylaw
COMMENTS FROM FIRST NATIONS RECEIVED	Saulteau First Nations sent a letter dated February 9, 2010

IMPACT ANALYSIS

AGRICULTURE: The impacts to agriculture will be minimal as the soil quality on the subject properties is very poor, soil ratings of 6 or 7 indicate that at best these properties could be utilized for grazing purposes.

CONTEXT: There is a General industrial development in close proximity that was to be used as a “coal load-out facility” intended for use by Western Coal which has never been developed, because Western Coal bought Pine Valley Coal and is utilizing the load-out facility obtained in the purchase, however the zoning and OCP designation are in place. There will be little impact to

any people as there are no inhabited lots within a 5km radius of the subject properties.

ENVIRONMENTAL: It should be noted that the Development Services Department has been in contact with Gerry Hamblin at the Environmental Assessment Office and through these talks we have learned that the "Load-Out Facility" itself would not require an Environmental Assessment, however First Coal has announced that it has applied for the entire project, the mine, road construction and load-out facility will all undergo the Environmental Assessment procedure. This will allow greater production flexibility in that First Coal has indicated it would be producing 245,000 tons per year but the Environmental Assessment of the project will enable First Coal to produce greater than 250,000 tons per year if demand requires the increased production.

TRAFFIC: As the subject properties are located along the Provincial Highway # 97 and the proposed development includes the construction of a "coal load-out facility" there will certainly be an increase in vehicular activity in the area however in the overall picture it will have very little impact on the area as transporting the coal from the mine to the load-out will all take place on off-highway roads. It is the intention of First Coal to build the 16km long "North Access" road to connect existing forestry roads as shown in the attached Central South Project Site Layout.



PEACE RIVER REGIONAL DISTRICT

Public Hearing Minutes Proposed Official Community Plan and Zoning Amendment By-law No.'s 1875 and 1876, 2010

Date: February 12, 2010

Time: 10:00 a.m.

Place: Chetwynd and District Recreation Centre, Chetwynd, BC

Present:	<u>Director:</u>	Tim Caton	Director of Electoral Area "E"
	<u>Staff:</u>	Bruce Simard	General Manager of Development Services
		Owen Bloor	Land Use Planner
	<u>Applicant:</u>	Gary Loiselle	2962 Highway 97S, Dawson Creek, BC
	<u>Public:</u>	Andre Roofthoot	Willow Flats, BC

1. CALL TO ORDER – The meeting was called to order at 10:04 p.m.
2. STATEMENT OF PUBLIC HEARING – Tim Caton, read the statement of "Public Hearing".
3. INTRODUCTION TO PROPOSAL – The proposal was reviewed by Director Caton and the OCP and Zoning Amendment process were reviewed by Owen Bloor.
4. SUMMARY OF APPLICATION PROCEDURE
 - December 8, 2009** ~ Subject properties have been granted conditional exclusion by the Agricultural Land Commission
 - December 21, 2008** ~ OCP and Zoning Amendment Application received
 - January 5, 2010** ~ OCP and Zoning Amendment Application referred to Government agencies and municipalities
 - January 12, 2010** ~ OCP and Zoning Amendment Application referred to First Nations
 - January 28, 2010** ~ Regional Board considered OCP/Zoning Amendment proposal for 1st & 2nd Reading
 - February 1, 2010** ~ Public Hearing Notification Faxed to First Nations
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 - February 5, 2010** ~ Public Notification for the Public Hearing advertised in the *Chetwynd Echo*
 - February 9, 2010** ~ PRRD receives letter from Saulteau First Nations requesting that the February 12, 2010 Public Hearing be rescheduled to accommodate a meeting between PRRD and Saulteau Chief and Council
 - February 11, 2010** ~ Peace River Regional District denied postponement of Public Hearing to accommodate meeting with Saulteau First Nations Chief and Council

February 12, 2010

Public hearing held at Chetwynd & District
Recreation Centre at 10:00 a.m.

5. COMMENTS FROM AGENCIES AND MUNICIPALITIES RECEIVED

Village of Pouce Coupe

Interests unaffected by bylaw

6. COMMENTS FROM FIRST NATIONS RECEIVED

Saulteau First Nations sent a letter dated February 9, 2010

7. WRITTEN COMMENTS RECEIVED FROM PUBLIC

None

8. COMMENTS FROM APPLICANT

Gary Loiselle – proposal speaks for itself, it is taking place on land which is private title and it has already been through the Agricultural Land Commission process. Gary also noted that the only neighbor is Andre Roofthoof who lives 2 to 3 kilometers away as the crow flies.

9. COMMENTS FROM PUBLIC

Andre Roofthoof – Inquired about existing coal load out already in the area and why First Coal is not utilizing that instead?

Tim Caton – Replied that it belongs to a different company and is not available for use by First Coal.

Andre Roofthoof – Voiced his concern that there will be twice the dust at his property if this second load out is allowed and wonders what will be done to address that issue. He also expressed concern regarding the wildlife in the area and reiterated that he was 100% against another load out facility being developed.

Tim Caton – inquired of Gary Loiselle as to why Western Canadian Coal (WCC) did not develop the second load out in the area?

Gary Loiselle – responded that the basic reason was because WCC had purchased Pine Valley Coal and its assets and part of that was the existing Pine Valley load out facility. So

WCC invested in upgrading the existing Pine Valley load out to bring it up to the capacity and standards required to handle the WCC mine output. Gary also indicated that companies do not utilize other companies assets and he likened it to 2 farms sharing the same grain bin, what grain came from what farmer? Too difficult to figure out and coal is no different. Gary also indicated that there are 3 grades of coal produced in this area and they can not be mixed together.

Gary then went on to explain the process being utilized at the First Coal mine and the difference between this mine and others:

First Coal will use a deep trench mine system with on site processing rather than at the load out, also of note is that each load will be sprayed with a dust suppressing agent prior to transporting it to the load out.

Andre Roofthoof – stated that First Coal needs to consult with him as this mine is being situated right in the middle of his existing trap line

Gary Loiselle – replied that he too is a licensed trapper and when the wind turbines went in near Dawson Creek, which are in the middle of his trap line he was not consulted either and agrees with Andre that First Coal needs to talk to Andre.

Tim Caton – Advised Andre that First Coal has now decided to enter into an Environmental Assessment Review

Andre Roofthoof – reiterates that he is still opposed to the load out as it interferes with his trap line and claims that he found anti-freeze (glycol) jugs near holes cut in the ice for use by First Coal and that this substance has had a direct impact on the wildlife in the area. He also complained about the distance from Willow Flats to Chetwynd as it is close to 100 kilometers.

Gary Loiselle – agrees with Andre about the travel however he feels it is the price you pay if you want your voice heard in the process.

Andre Roofthoof – States that these meetings are useless as the companies and Governments don't care because he is only one guy living in the area.

Tim Caton – advised all parties that no further comments can be accepted after the close of the Public Hearing

10. FINAL COMMENTS FROM APPLICANT

Gary Loiselle – felt the Regional Board should be made aware of the mining process being utilized by First Coal so they can see the differences between First Coal and WCC and indicated that he thought First Coal should make a presentation to the Board.

11. TERMINATION OF PUBLIC MEETING

Meeting was terminated at 10:27 a.m.

Owen Bloor, Recorder

Tim Caton, Chair

PEACE RIVER REGIONAL DISTRICT
By-Law No. 1875, 2010

A by-law to amend the "West Peace Official
Community Plan By-law 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 By-law No. 1086, 1997";

AND WHEREAS an application has been made to amend the "West Peace Official Community Plan By-law No. 1086, 1997" to facilitate an associated zoning affecting Block A and B, District Lots 381, 382, 383, and 384, 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 "West Peace Official Community Plan Amendment By-law No. 1875, 2010."
2. The West Peace Official Community Plan By-law No. 1086, 1997 is hereby amended in the following manner:

Map No. 2 "Land Use Designations" is hereby amended by redesignating Block A and B, District Lots 381, 382, 383, and 384, PRD from "Agricultural-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 28th day of January, 2010.

READ A SECOND TIME this 28th day of January, 2010.

Public Hearing held on the 12th day of February, 2010.

READ A THIRD TIME this 11th day of March, 2010.

Approved by the Minister of Community Development this 25th day of May, 2010.

ADOPTED this _____ day of _____, 2010.

CERTIFIED a true and correct copy of
"West Peace Official Community Plan
Amendment By-law No. 1875, 2010."

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 "Dawson Creek Rural Official Community Plan Amendment By-law No. 1875, 2010" as read a third time by the Regional Board of the Peace River Regional District on the 11th day of March, 2010.
Dated at Dawson Creek, B.C. this 11th day of MARCH, 2010.

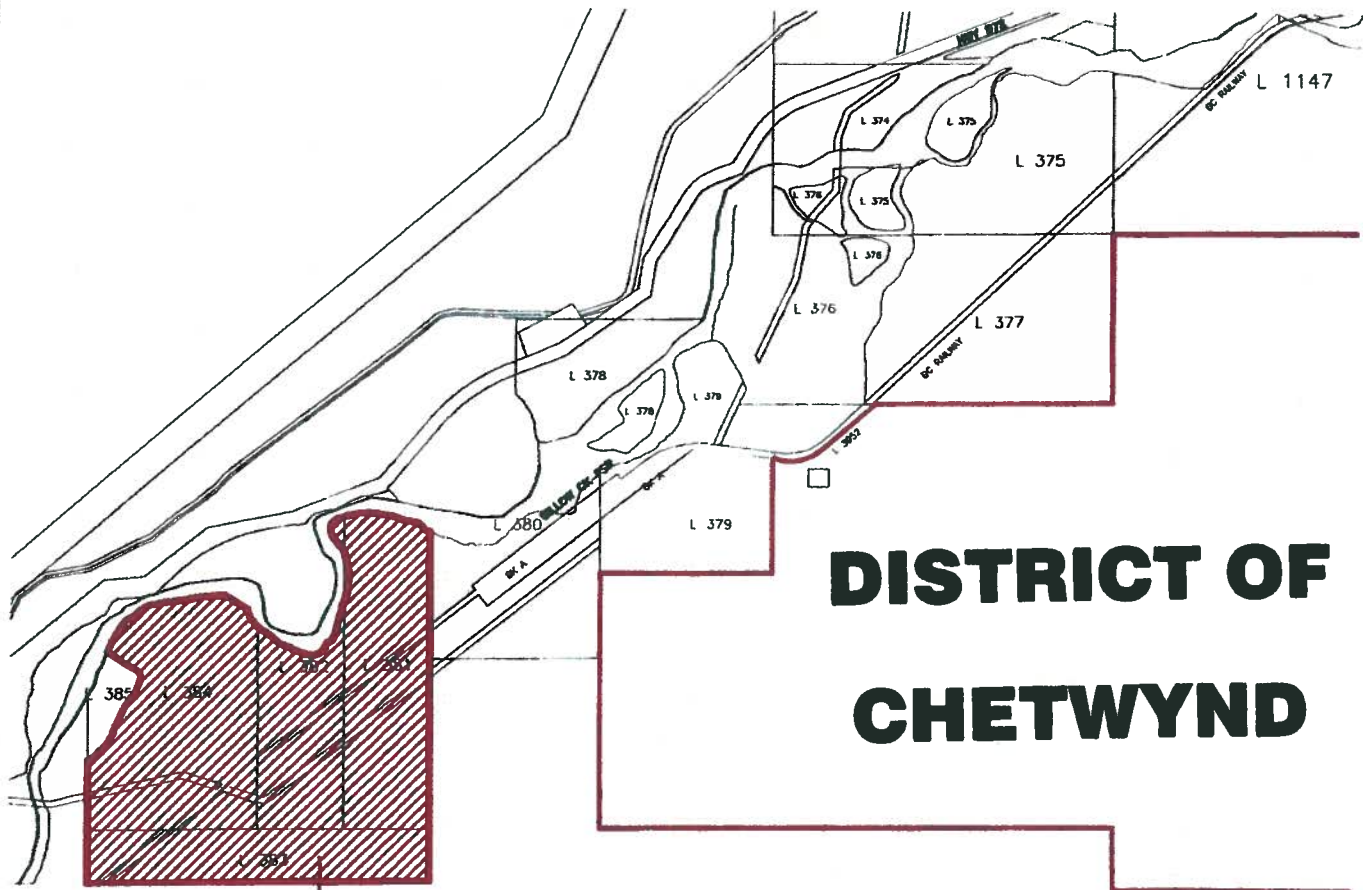
Fred Banham, Chief Administrative Officer

Peace River Regional District
By-law No. 1875, 2010

SCHEDULE "A"



Map No. 2 - Schedule A of "West Peace Official Community Plan Bylaw No. 1086, 1997" is hereby amended by re-designating Blocks A & B of District Lots 381, 382, 383 and 384, PRD from "Agriculture - Rural Resource" to "Industrial" as shown shaded on the drawing below:



DISTRICT OF CHETWYND

Subject Properties
Industrial

CERTIFIED a true and correct copy of
Schedule "A" to "Peace River Regional
District Official Community Plan Amendment
By-law No. 1875, 2010."

Fred Banham, CAO



No. 2010041

Statutory Approval

Under the provisions of section 882

of the Local Government Act

I hereby approve Bylaw No. 1875

Peace River Regional District,

a copy of which is attached hereto.

Dated this 25th day
of May, 2010

Bill Bennett
Minister of Community and Rural
Development

**PEACE RIVER REGIONAL DISTRICT
By-Law No. 1876, 2010**

A by-law to amend the "Chetwynd Rural Area
Zoning By-law No. 506, 1986"

WHEREAS the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia Local Government Act, adopt the "Chetwynd Rural Area Zoning By-law No. 506, 1986";

NOW THEREFORE the Regional Board of the Peace River Regional District is 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. 1876, 2010."
2. Schedule 'B' – Map No. 1 – in the "Chetwynd Rural Area Zoning By-law No. 506, 1986" is hereby amended by rezoning Block A and B, District Lots 381, 382, 383 and 384, PRD, from A-2 "Large Agricultural Holdings Zone" to M-2 "General 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 28th day of January, 2010.

READ A SECOND TIME this 28th day of January, 2010.

Public Hearing on the 12th day of February, 2010.

READ FOR A THIRD TIME this 11th day of March, 2010.

APPROVED by the Ministry of Transportation this 17 day of March, 2010.

District Highways Manager

ADOPTED this _____ day of _____, 2010.

CERTIFIED a true and correct copy of "Peace River Regional District Zoning Amendment By-law No. 1876, 2010."

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. 1876, 2010" as read a third time by the Regional Board of the Peace River Regional District on this 11th day of March, 2010. Dated at Dawson Creek, B.C. this 11th day of MARCH, 2010.

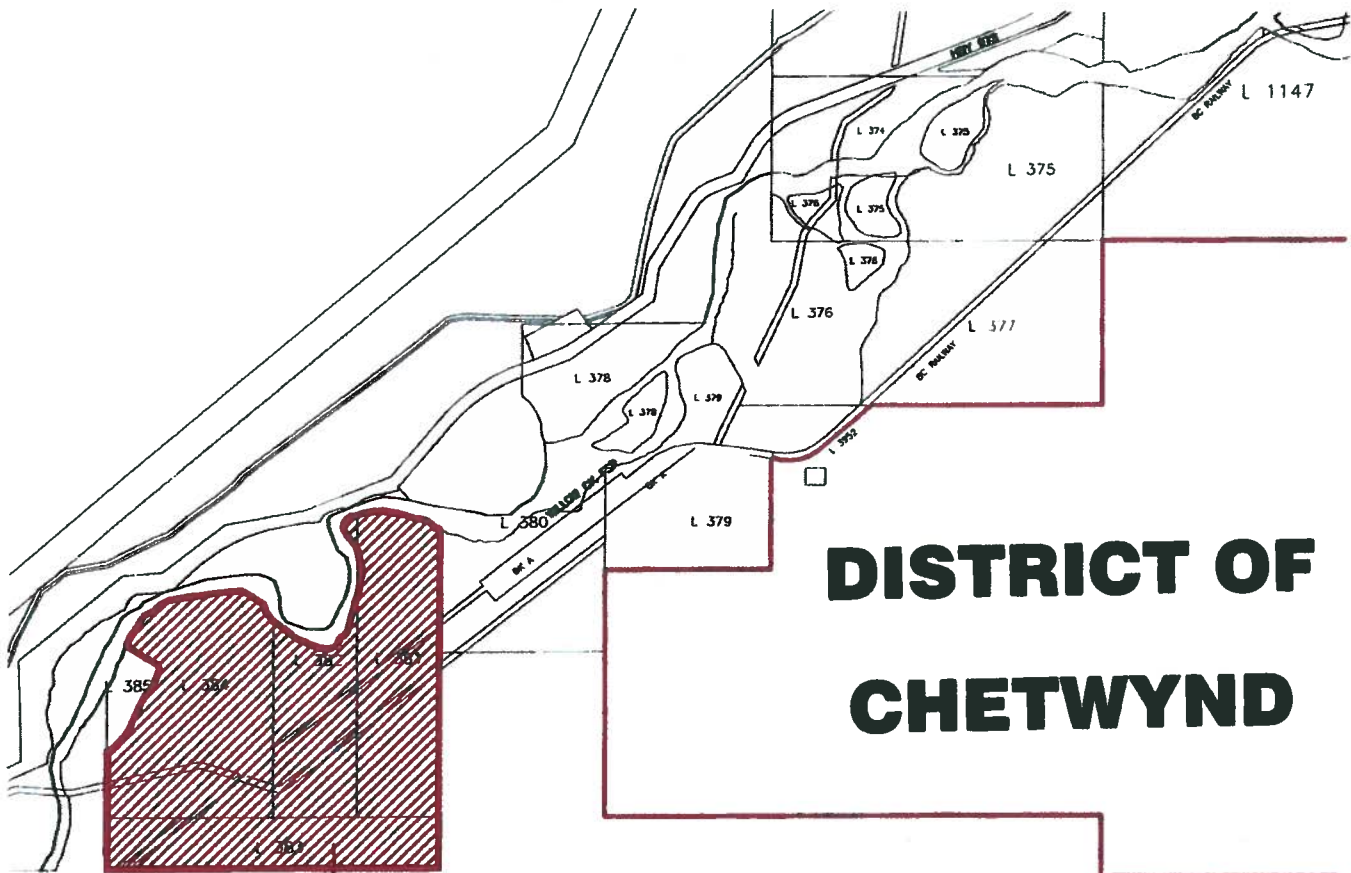
Fred Banham, Chief Administrative Officer

Peace River Regional District
By-law No. 1876, 2010

SCHEDULE "A"



Map. No. 1 - Schedule A of "Chetwynd Rural Area Zoning Bylaw No. 506, 1986" is hereby amended by rezoning Blocks A & B of District Lots 381, 382, 383 and 384, PRD from A-2 "Large Agricultural Zone" to M-2 "General Industrial Zone" as shown shaded on the drawing below:



**DISTRICT OF
CHETWYND**

Subject Properties

M-2

CERTIFIED a true and correct copy of
Schedule "A" to "Peace River Regional
District Zoning Amendment By-law
No. 1876, 2010."

Fred Banham, CAO