

Active Development Permit Applications - Submit a Comment

File No. / Applicant:

24-001 OCP ZN Dale and Barbara Callahan

Comments or Concerns:

The property outside the proposed 20 acre subdivision has experience significant industrial activity over the years and the southwest portion may have been used for contaminated soil deposition. I think the soil originated in Pouce Coupe. There was some reason the soil could not be used for fill in Pouce, and needed to be removed. The actual deposit is situated on the west side of the resource road, a short distance from the west boundary fence.

Name:

Kevin McCleary

Date:

02/03/2024

Address:

[REDACTED]

Pouce Coupe

Email (optional):

Phone Number (optional):

District

File No. 24-001



To whom it may concern

My wife and I are the owners of the quarter section east of the callahans and is the proposed access to this subdivided lot.

As I'm sure you are aware there was a recent civil court ruling on the status of our driveway. Justice Kirchner has ruled [British Columbia v Querin 2023 BCSC 1994] Date 2023 Docket S23692 Registry, Dawson Creek, that an 800 meter length section of our driveway is now a public highway on our property. David Eby {then attorney general of BC. After a letter written by Barb Callahan[paragraph 36 } promised to have his office settle this matter for them. David Eby, now Premier of BC has used the power of the province and the resources of the taxpayers of British Columbia to fulfill this promise to the Callahans.

Justice Kirchner recognized the political interference in this case and put in his ruling certain limitations for the use of this new Public highway across our property. The province's team of attorneys under the direction of their boss David Eby sued Deanne and I for a 25 meter right of way across our property that would have included our power poles, our private power line right of way, the shoulders and ditches on this section of our driveway.

Justice Kirchner in his decision refused to do this. Instead he ruled in favor of David Eby's attorneys but only to the extent of the traveled surface at the time of trial.{paragraph 181} This is vague and open to interpretation on the actual width of this new public highway.

Part of what is now the "new public Highway" are two posts spaced at 123 inches apart. The province's team of attorneys, through threats and intimidation, demanded that these posts be removed. When we refused they again sued us [British Columbia v Querin 2024 BCSC 197] for the provinces cost to in our opinion steal our legally owned property.

Justice Kirchner refused to do this in spite of Barb Callahans Sworn under oath testimony [BCSC 1994 paragraph 38,39,40 } in which she testified that there was no way to get emergency vehicles including ambulances or fire trucks through these posts. As well Barb Callahan testified under oath that due to the posts no services could be delivered to their property including water trucks and propane delivery.

The Callahans have an alternative access from the south west corner of their property. {Callahan Pit Road} This is the access they and their family have used since they obtained this property from Bruce Callahan.

The Callahan's have attempted to get subdivision approval in the past. PLA 2015-04777. Part of the pending approval for that subdivision was they survey a 25 meter roadway along the north side of their quarter, build a highway to moti specs and dedicate it to the province.

Under this proposed subdivision, this access will no longer be available. The potential owners of

this lot will {according to Callahan's sworn testimony} be completely cut off from all emergency vehicles and services.

In Justice Kirchners decision {BCSC 197 paragraph 9} He states the reason he confined the width of the highway to the traveled surface at the time of trial is to prevent the highway from being used for a wider use than is possible within his declaration.

The definition of the traveled surface of a gravel road is the portion usually traveled by the public. As this was a private driveway for the thirty four years I've owned it, there was no public travel. Justice Kirchner viewed the road at the time of trial. Our Attorney and I photographed the entire roadway at the time of trial.

The photos clearly show the highway as a single lane approximately 102 inches wide. This is what Justice Kirchner saw and what his decision orders.

The Callahan subdivision plans were part of the civil trial and the judge was well aware of these plans and that this subdivision was the sole reason for David Eby's lawsuit against us. I believe judge Kirchner made his ruling with the limitations to prevent this subdivision using our driveway as access.

Are individual employees of the south peace regional district planning on ignoring or defying a civil court Ruling?

We will be taking any and all legal actions available to us to prevent trespassing or non authorized use of our property.

If the applicants are now saying that the width of this hiway and the 123 cm width between the posts is now suitable access for emergency and service vehicles, then they lied under oath. I believe that by submitting this application the applicants are admitting to having committed perjury.

Perjury is a serious offense under Canadian law. S.131.1 ss. 3 committing perjury can result in an indictable offense and a potential prison sentence of up to 14 years.

Due to the seriousness of this issue Justice Kirchner. The province's team of lawyers, our lawyer, the RCMP and the Crown Attorney must be made aware of this violation of law.

Work permitting, I will be prepared to speak at this public hearing on this and other matters affecting this subdivision plan.

Regards Curtis Querin

[REDACTED]

[REDACTED]

Bc hydro

To whom it may concern

My Name is Curtis Querin. My wife Deanne Querin and I own a quarter section of land in the east Pouce Coupe area, at the end of riverside road. [REDACTED]

[REDACTED]
Parcel identifier 014-253-003

There is a power line that runs well inside the northern border of our property. This power line runs all the way along the north side of our property turns to the south and runs up to our residence. This power line is also used to service our neighbor's Dale and Barb Callahan.

As you may be aware there has been a recent court decision on the status of a section of our driveway(British Columbia v Querin 2023 BCSC 1994, Docket S23692) which runs along the same northern boundary of our property.

Justice Kirchner has ruled that this section of our driveway is now a public highway across our property. His ruling states that the public highway is the traveled surface of the road at the time of trial only.

At the Trial a BC hydro employee, Brian Ward was called by the province to give testimony. Mr. Ward testified to the date on the poles but had no other information on who owns the poles, when they were installed or any easements for the rite away.

These poles run across our property to the Callahan property
PID 001-652-403.

Please supply us with any documents you may have concerning any easement or legal rights BC hydro may have to run a power line across our property to service the Callahan's.

We believe extending the power line to the Callahan's constitutes an, aerial trespass. As such we demand an immediate disconnect.

We appreciate your immediate attention to this matter.

Regards

Curtis Querin
[REDACTED]
[REDACTED]

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Comments or Concerns:

We are opposed to dividing up usable farmland. This also sets a precedence for neighboring quarters to do the same if this is allowed. With the proposed subdivision this land locks the usable land at the bottom of the hill from the east access, yes there is a west access but not ideal to reach useable farm land.

Name:

Duane Halma

Date:

04/16/2024

Address:

[REDACTED]

Email (optional):

Phone Number (optional):

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Comments or Concerns:

The available farm land for sale in the briar ridge area is non existant at this time making farm expansion near impossible. I believe if left as a full quarter, future buyers are left with more options as far as types and numbers of animals to be farmed. A subdivision would increase traffic on riverside rd which already receives minimal maintenance and overall as an adjacent landowner to the Callahans I moved here 16 years ago for the peace and quiet of country life. If they are to ruin the valley with more chopped up acreages then I see no reason why I shouldn't be allowed to pull my land out of the ALR and subdivide it all, turning the valley into a little community for my prosperity. Thus defeating the purpose of agricultural land. Thankyou for your time. Tyson Ruscheinski

Name:

Tyson

Date:

04/24/2024

Address:

[REDACTED]

Email (optional):

[REDACTED]

Phone Number (optional):

[REDACTED]

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Comments or Concerns:

I grew up in an agricultural community very similar to the Peace River area. Agricultural land deserves protection whenever possible. The 1/4 section affected by this proposal has alternate sites upon which rezoning could be accomplished. The alternate sites are all outside the ALR. In particular, the entire west boundary of this quarter section could be considered as there is a public access right-of-way along the entire western border. I am against the rezoning proposal. Thank you.

Name:

Beverley McCleary

Date:

04/24/2024

Address:

██████████ Pouce Coupe

Email (optional):

Phone Number (optional):

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Comments or Concerns:

I own land just down the road. I have lived out here for approx 10 years. I moved out here for peace and quiet. I farm part time. If they are approved to subdivide from the ALR then all neighbours should have the same right. There is already a lack of farmable land in this area and by reducing the ALR land in question will reduce this even further. The access road is poorly maintained as is and we do not need more traffic

Name:

Mark Ruscheinski

Date:

04/24/2024

Address:

[REDACTED]

Email (optional):

Phone Number (optional):

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24-001 OCP ZN Dale and Barbara Callahan

Comments or Concerns:

To whom it may concern.

My name is Curtis Querin

As you know I dropped off a letter at your office. My work circumstances will not permit me to attend tonight's meeting.

I trust that the issue I brought up in my letter will be addressed at this public meeting.

I have instructed out attorney to send a letter describing this situation to Justice Kirchner and the attorney general's office.

Regards

Curtis Querin

Name:

Curtis Querin

Date:

04/24/2024

Address:

██████████ Pouce Coupe BC
V0C 2C0

████████████████████.

Email (optional):

████████████████████

Phone Number (optional):

██████████