



PEACE RIVER REGIONAL DISTRICT
PUBLIC HEARING – AGENDA

Proposed OCP & Zoning Amendment Bylaw No. 2297 & 2298 (Rat Race Contracting), 2018

May 16, 2018 @ 7:00 p.m.

Chetwynd and District Rec. Centre, 4552 North Access Road, Chetwynd, B.C

1. CALL TO ORDER
2. STATEMENT OF PUBLIC HEARING (Chair)

This public hearing is convened pursuant to Section 465 of the *Local Government Act* to allow the public to make representations to the Board respecting matters contained in proposed Official Community Plan Amendment Bylaw No. 2297 and Zoning Amendment Bylaw No. 2298, 2018.

Every one of you present who believes that your interest is affected by the proposed bylaw shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaw. None of you will be discouraged or prevented from making your views known. However, it is important that you restrict your remarks to matters contained in the proposed bylaw.

When speaking please commence your remarks by clearly stating your name and address.

Members of the Board may, if they so wish, ask questions of you following your presentation. However, the function of the Board at this public hearing is to listen to you rather than to debate the merits of the proposed bylaw.

After this public hearing has concluded, the Board may, without further notice, give whatever effect the Board believes proper to the representations made at this hearing.

3. INTRODUCTION TO PROPOSAL

LANDOWNER:	Rat Race Contracting Ltd., Inc. No. BC0938777
AGENT:	Skye Blue Solutions Inc.
LEGAL DESC:	Block A, District Lot 1561, PRD
PROPOSAL:	To amend the permitted land use on a 16 ha (39.5 ac) portion of the subject property by amending the OCP designation from 'Resource-Agriculture' to 'Industrial', and by amending the zoning from A-2 (Large Agricultural Holdings Zone) to I-1 (Light Industrial Zone).

4. SUMMARY OF APPLICATION PROCEDURE

May. 23, 2017	→ PRRD receives application
December 8, 2017	→ ALC approves ALC Exclusion application.
February 5, 2018	→ Application and proposed bylaw referred to municipalities and provincial agencies
March 22, 2018	→ PRRD Board gives zoning amendment bylaw 1 st & 2 nd Reading and authorizes a public Hearing meeting to be held,
April 26, 2018	→ Public Hearing notification mailed to landowners

May 3 & 10, 2018	→ Public notification advertised in <i>The Mirror</i>
May 2 to May 17, 2018	→ Public notification advertised in <i>Energetic City</i>
May 11, 2018	→ Public notification advertised in the <i>Northern Horizon</i>
May 16, 2018	→ Public hearing meeting takes place at the Chetwynd & District Rec. Centre, BC

5. COMMENTS FROM AGENCIES AND MUNICIPALITIES RECEIVED

CITY OF DAWSON CREEK:	Interests unaffected by bylaw.
CITY OF FORT. ST. JOHN:	Interests unaffected by bylaw.
DISTRICT OF TAYLOR:	There are no comments from the District of Taylor.
OIL & GAS COMMISSION	There appears to be an abandoned well on or near to the subject property's northwest corner (difficult to determine exact location), but this will have no impact from the proposed amendment. No further activities are located within 1.5 km of the subject property. Interests unaffected by bylaw.
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE:	Section 52 of the Transportation Act applies and therefore, requires a signature from the Ministry of Transportation and Infrastructure. The Ministry of Transportation and Infrastructure (MoTI) has concerns over the access location and requires a Traffic Impact Study (TIS) to be conducted prior to final sign off. The TIS is to assess and identify any localized improvements required to the Highway corridor driven by the potential development of BK A DL 1561 PEACE RIVER. Please contact the Development Approvals team to set up a scope development meeting to establish the Terms of Reference for the TIS at your earliest convenience. It should also be noted that no storm drainage shall be directed towards Hudson the John Hart Highway (Rte 97 NB) for all proposed developments. This would include, but is not limited to collection/run-off of the internal road system or development run-off. All surface and subsurface drainage/storm water from the development is to be dealt with on site. Once we have received the information noted above, we will be able to review the bylaw for approval signature.
NORTHERN HEALTH:	Approval recommended subject to conditions below: All activities conducted on this lot must be done in accordance with the provisions of: • Public Health Act [SBC 2008] Ch. 28 and all Regulations made under it including but not limited to: - o Sewerage System Regulation B.C. Reg. 209/2010; • Drinking Water Protection Act [SBC 2001] Ch. 9; and • Drinking Water Protection Regulation B.C. Reg. 200/2003; Please also review the following comments from Northern Health Resource Development: Ideally, Northern Health would like to see industrial areas separated from residential and other sensitive land uses. Bylaws that mitigate for dust, light, noise, odour, industrial waste disposal, etc., will help address eventual conflicts when they arise. Please also see Develop with Care 2014 Section 2.6 (Guidelines for Air Quality) for more information and setback suggestions. It is our experience that dust (from road dust, industry, etc) can pose a large challenge for maintaining good air quality in our northeast communities. For

more information on the health effects of dust and wood smoke please visit [Particulate Matter and Outdoor Air Pollution](#).

6. WRITTEN COMMENTS RECEIVED FROM PUBLIC
7. COMMENTS FROM APPLICANT
8. COMMENTS FROM PUBLIC
9. FINAL COMMENTS FROM APPLICANT
10. TERMINATION OF PUBLIC HEARING

List of Attachments:

- A. Proposed OCP & Zoning Amendment Bylaws No. 2297 & 2298 (Rat Race Contracting), 2018
- B. Public Notification for PRRD OCP & Zoning Amendment Bylaws No. 2297 & 2298 (Rat Race Contracting), 2018
- C. B-2 a) Report: PRRD OCP & Zoning Amendment Bylaws No. 2297 & 2298 (Rat Race Contracting), 2018

Attachment A: PRRD Official Community Plan and Zoning Amendment Bylaws No.
2297 & 2298 (Rat Race Contracting), 2018

PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2297, 2018

A bylaw to amend the "West Peace Official
Community Plan Bylaw 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 Bylaw No. 1086, 1997;

AND WHEREAS, an application has been made to amend "West Peace Official Community Plan No. 1086, 1997" to facilitate an associated rezoning affecting a 16 ha. (39.5 acre) portion of Block A, District Lot 1561, PRD;

NOW THEREFORE, the Regional Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as "West Peace Community Plan Amendment Bylaw No. 2297 (Rat Race Contracting), 2018."
2. Map 7 of "West Peace Official Community Plan Bylaw No. 1086, 1997" is hereby amended by redesignating a 16 ha. (39.5 acre) portion of Block A, District Lot 1561, PRD, from R-A "Resource-Agriculture" to I "Industrial", as shown on Schedule 'A' which is attached to and forms part of this bylaw.

READ A FIRST TIME THIS _____ day of _____, 2018.

READ A SECOND TIME THIS _____ day of _____, 2018.

Public Hearing held on the _____ day of _____, 2018.

Notification mailed on the _____ day of _____, 2018.

READ A THIRD TIME THIS _____ day of _____, 2018.

ADOPTED THIS _____ day of _____, 2018.

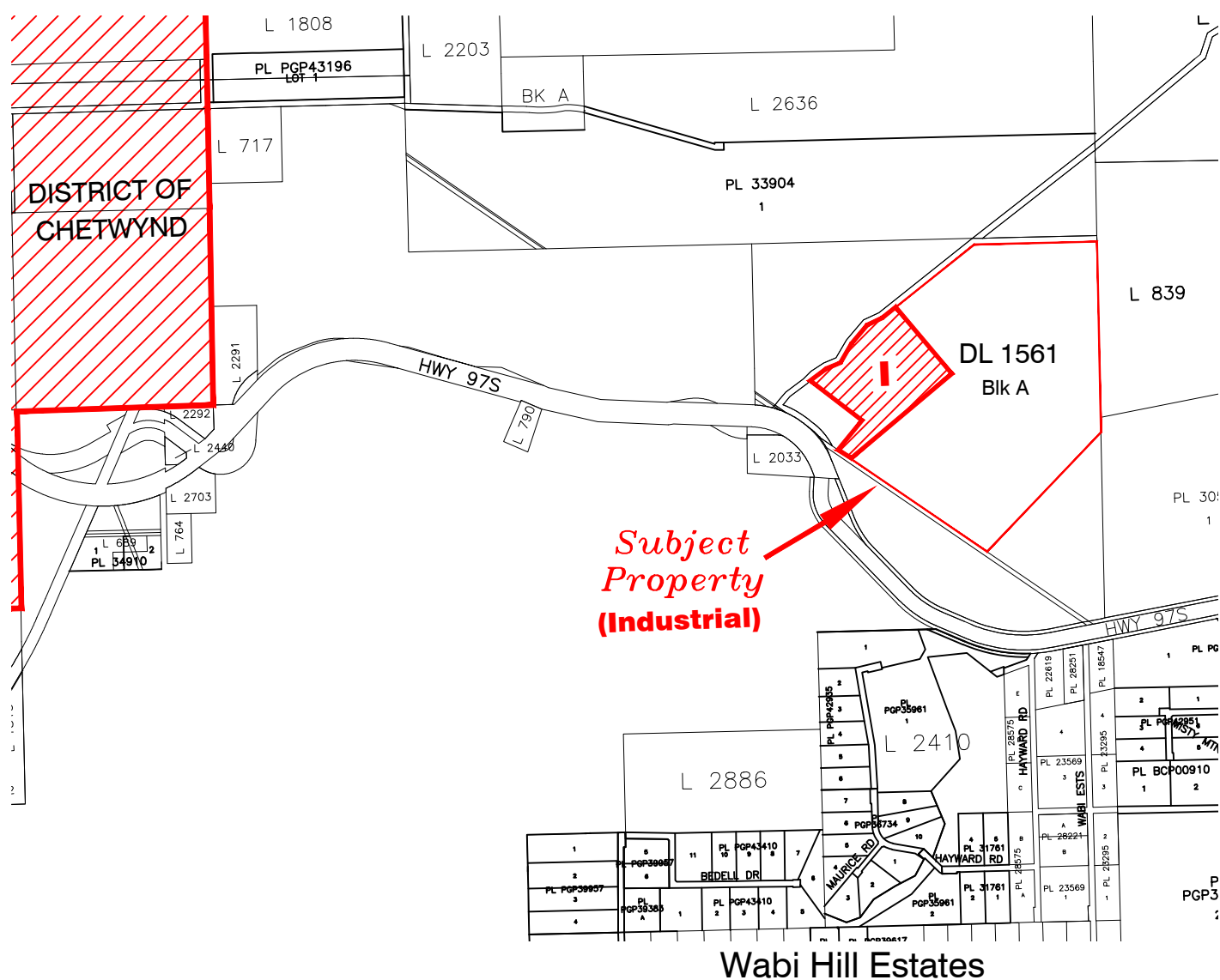
Chair

(Corporate Seal has been
affixed to the original bylaw)

Corporate Officer

I hereby certify this to be a true and correct copy of Bylaw
No. 2297 (Rat Race Contracting), 2018", as adopted by the
Peace River Regional District Board
on _____, 20__.

Corporate Officer



PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2298, 2018

A bylaw to amend Peace River Regional
District Zoning Bylaw 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 "Peace River Regional District Zoning Bylaw 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 Bylaw No. 2298 (Rat Race Contracting), 2018."
2. Schedule C – Map 7 "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by rezoning a 16 ha. (39.5 acre) portion of Block A, District Lot 1561, PRD, from A-2 "Large Agricultural Holdings Zone" to I-1 "Light Industrial Zone", as shown on Schedule 'A' which is attached to and forms part of this bylaw.

READ A FIRST TIME THIS	_____	day of _____	, 2018.
READ A SECOND TIME THIS	_____	day of _____	, 2018.
Public Hearing held on the	_____	day of _____	, 2018.
Notification mailed on the	_____	Day of _____	
Ministry of Transportation			
Approval received this	_____	day of _____	, 2018.
READ A THIRD TIME THIS	_____	day of _____	, 2018.
ADOPTED THIS	_____	day of _____	, 2018.

Chair

(Corporate Seal has been
affixed to the original bylaw)

Corporate Officer

I hereby certify this to be a true and correct copy of "PRRD
Zoning Amendment Bylaw No. 2298 (Rat Race Contracting), 2018,
as adopted by the Peace River Regional District
Board on _____, 20____.

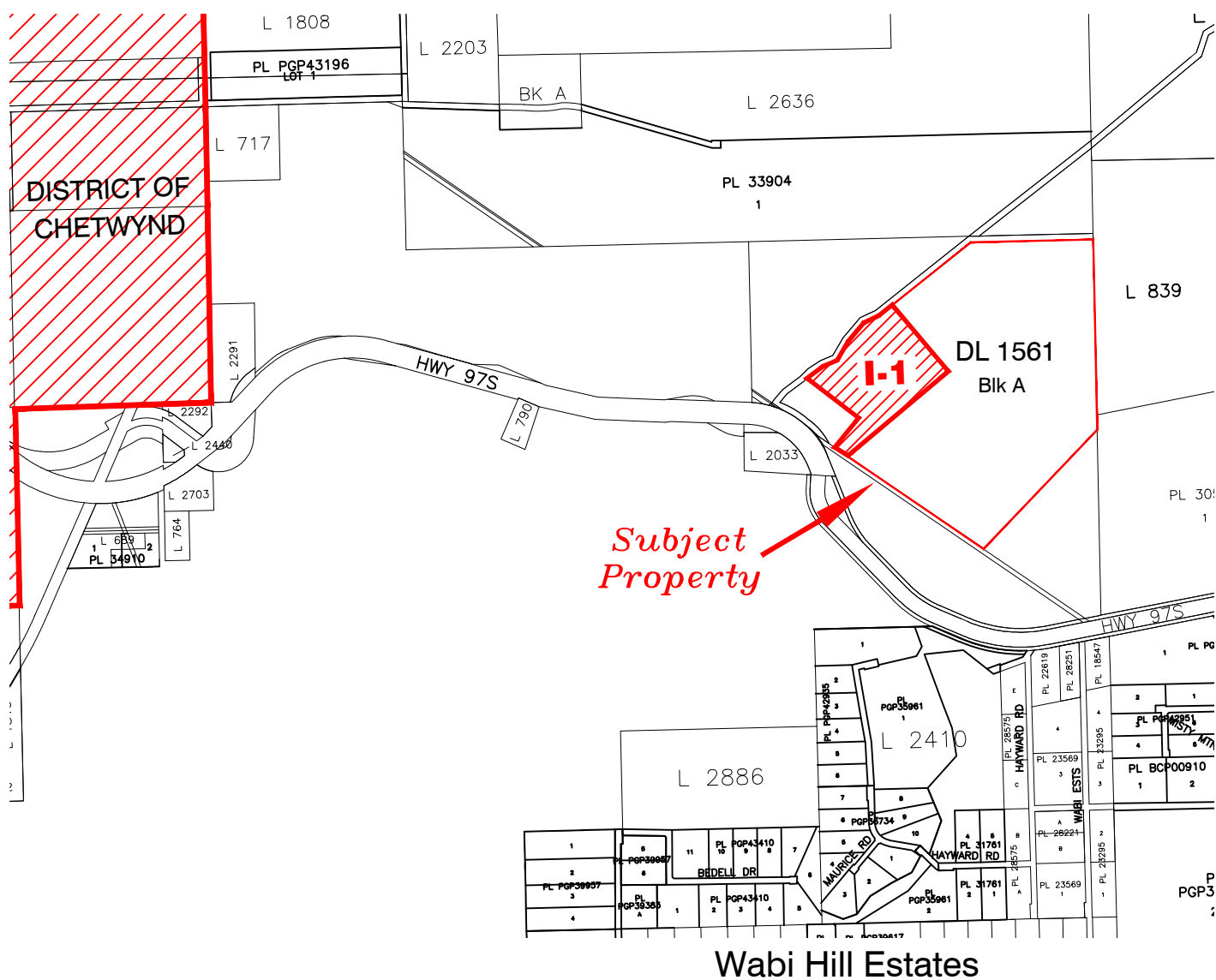
Corporate Officer

Peace River Regional District
By-law No. 2298, 2018

SCHEDULE "A"



Map No. 7 - Schedule C of "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by rezoning a 16 ha (39.5 acres) portion of Block A, District Lot 1561, PRD **from** A-2 "Large Agricultural Holdings Zone" **to** I-1 "Light Industrial Zone" as shown shaded on the drawing below:

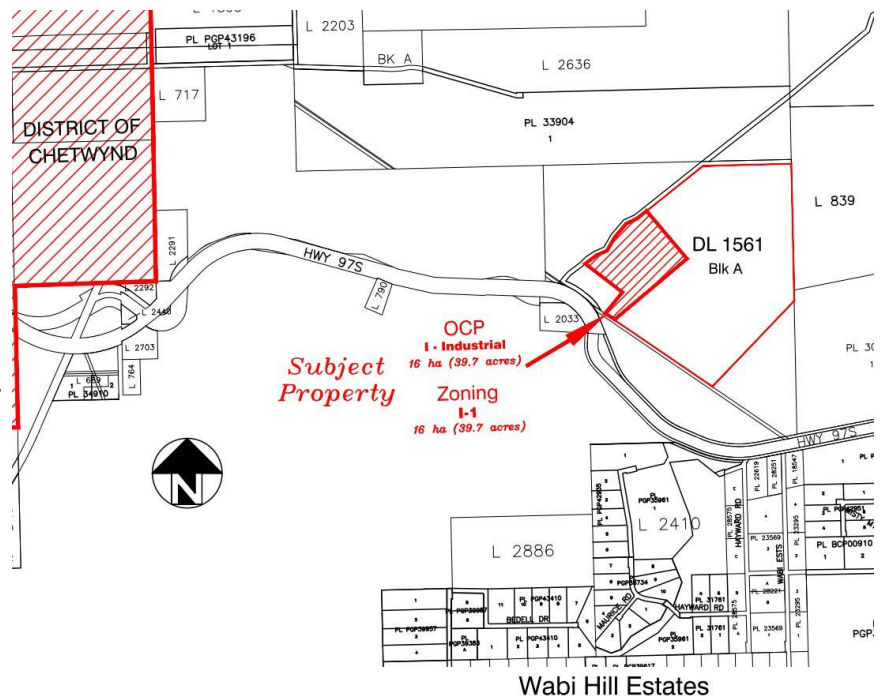


Attachment B: Public Notification for PRRD Official Community Plan and Zoning
Amendment Bylaws No. 2297 & 2298 (Rat Race Contracting), 2018



Block A, District Lot 1561, PRD
Wabi Hill, east of the District of Chetwynd

Proposal: To amend the permitted land use on a 16 ha (39.5 ac) portion of the subject property by amending the OCP designation from 'Resource-Agriculture' to 'Industrial', and by amending the zoning from A-2 (Large Agricultural Holdings Zone) to I-1 (Light Industrial Zone).



Chris Cvik, Chief Administrative Officer

Chetwynd and District Rec. Centre
4552 North Access Road, Chetwynd, BC



www.prrd.bc.ca

Email: prrd.dc@prrd.bc.ca

diverse. vast. abundant.

Attachment C: B-2 a) PRRD OCP & Zoning Amendment Bylaws No. 2297 & 2298
(Rat Race Contracting), 2018 Report dated February 26, 2018



PEACE RIVER REGIONAL DISTRICT
DEVELOPMENT SERVICES
OCP & ZONING AMENDMENT REPORT
BYLAW No. 2297 & 2298, 2018 (RAT RACE CONTRACTING)
1st & 2nd Reading

B-2 a)

OWNER: Rat Race Contracting Ltd., Inc. No. BC0938777
AGENT: Skye Blue Solutions Inc.
AREA: Electoral Area E
LEGAL: Block A, District Lot 1561, PRD
LOT SIZE: 101.7 ha (251 ac)
LOCATION: East Chetwynd area

DATE: February 26, 2018
FILE No. 103/2017

PROPOSAL:

To amend the permitted land use on a 16 ha (39.5 ac) portion of the subject property by amending the OCP designation from 'Resource-Agriculture' to 'Industrial', and by amending the zoning from A-2 (Large Agricultural Holdings Zone) to I-1 (Light Industrial Zone).

RECOMMENDATION:

1. THAT the Regional Board has considered the requirements of s. 475 of the *Local Government Act*, and has provided opportunity for early and ongoing consultation with those persons, organizations and authorities the Board considers will be affected as summarized in the Development Services report dated February 26, 2018.
2. THAT the Regional Board read OCP Amendment Bylaw No.2297, 2018 (Rat Race Contracting) for a First and Second time.
3. THAT the Regional Board read Zoning Amendment Bylaw No.2298, 2018 (Rat Race Contracting) for a First and Second time.
4. THAT a Public Hearing be held pursuant to the *Local Government Act*.
5. THAT the holding of the Public Hearing be delegated to the Director of Electoral Area "E".
6. THAT final approval be subject to registration of a restrictive covenant on title for landscaping along the south property line providing mitigation measures for sound, dust, and visual impacts, and landscape maintenance.

ALTERNATIVE OPTIONS

1. THAT the Regional Board refuse the application as submitted.

SITE CONTEXT

The subject property is located east of the District of Chetwynd, along the Hart Highway (97S). The subject property is located at the crest of the Wabi Hill. A truck pull out is located adjacent to the property along the Hart Highway (97S).

SITE FEATURES

LAND:	Based on aerial photograph interpretation and a site inspection, the property is mainly forested with a small area (4 ha) along the Hart Highway (97 S) for industrial use and gravel storage.
STRUCTURES:	From aerial photography and from site inspection, there is a power shed and an industrial shop on the subject property.
ACCESS:	Property is accessed from the Hart Highway (97S).
CLI SOIL RATING:	Class 4 ⁶ _{tp} 5 ⁴ _{tp} . Class 4 soils have severe limitations that restrict the range of crops or require special conservation practices. Class 5 soils have severe limitations that restrict their capability in producing perennial forage crops, and improvement practices are feasible. Subclass t denotes topography. Subclass p denotes stoniness
FIRE:	Within the Chetwynd Rural Fire Protection Area
BUILDING INSPECTION AREA:	Within the Mandatory Building Permit area.

COMMENTS AND OBSERVATIONS

APPLICANT: The applicant is proposing to facilitate the future development of 16 ha (39.5 ac) of the subject property for light industrial and commercial use, as an industrial subdivision.

The proposed industrial park would have direct economic benefits to the industrial and commercial operations in and around the community of Chetwynd, including agricultural operations in the area. The park would address limitations of available industrial properties in the area, and centralize the expansion of industrial activities in and around Chetwynd (thereby avoiding disturbance to other outlying lands).

Following exclusion from the ALR, the lot would be levelled, using imported fill and re-sloping of existing ground, to enable access and property development. Engineering assessments and design will be integrated as necessary to manage drainage. Best Management Practices will be at the forefront of the design process, to ensure that runoff and drainage waters are managed onsite, with no adverse impacts to surrounding ALR properties.

(see additional information within the Application on proposal)

ALR: The subject property is within the ALR. The ALC approved the ALR Exclusion with conditions *(see attached ALC letter)* application on December 8, 2017, Resolution #351/2017.

OCP: West Peace Official Community Plan Bylaw No. 1086, 1997

The subject property is mostly designated 'Resource-Agricultural' within the West Peace OCP Bylaw No. 1086, 1997. The policies within this designation state that the predominant land use is for resource extraction on Crown lands or some sort of commercial agricultural pursuits on fee simple land.

Therefore the portion of the property that is designated 'Resource-Agricultural' will require an Official Community Plan amendment.

4 hectares is also designated 'Industrial' within the West Peace OCP Bylaw No. 1086, 1997. The policies within this designation state that the predominant land use is for industrial purposes.

March 22, 2018

Development Policies for this designation are as follows:

1. Good access to a primary or secondary highway is essential OR access to a railway system is required
2. Adequate on-site parking is required
3. Adequate on-site loading and unloading space is required
4. The development should be on land with grades in the 0° to 5° range.
5. The site must be able to carry heavy loads and in areas that are well drained. The preferred soil type is well graded, well compacted clayey- sands or gravel.

B-2 a)

Therefore this portion of the property that is designated 'Industrial' will not require an Official Community Plan amendment.

ZONING: Peace River Regional District Zoning Bylaw No. 1343, 2001

The subject property is partially zoned A-2 (Large Agricultural Holdings Zone) pursuant to Zoning Bylaw No. 1343, 2001. Industrial or commercial use is not permitted within this zone, and therefore would require a zoning amendment.

4 hectares of the subject property is also zoned I-1 (Light Industrial Zone) pursuant to Zoning Bylaw No. 1343, 2001. This zone supports the use of light industrial within this area, therefore will not require a zoning amendment.

WATER & SEWER: The new owners of the proposed lots would be responsible for determining appropriate sewage and water supply. The application states that it is anticipated that septic tanks and cisterns would likely be the preferred options.

IMPACT ANALYSIS

AGRICULTURE: The proposal may have minor impacts to agriculture, by reducing the future possibility of agricultural output of the subject property.

CONTEXT:

- Close proximity to the District of Chetwynd. The application is supported by the District of Chetwynd.
- The subject property is surrounded by undeveloped crown land.
- Three nearby parcels have existing residential uses, with the nearest house located approximately 0.5 km (as the crow flies) from the subject parcel.
- Access to the subject property is approximately 1.5 km from the access to the Wabi Estates subdivision.
- The industrial and commercial use will increase noise and light pollution, and may decrease the visual aesthetics of the area, however the applicant has mentioned mitigations to alleviate those impacts. (See Page 5 of the Application for Development attached to this report)
- The subject property is along Highway 97S which could support an industrial/commercial park access. However, as the access would be along the crest of Wabi Hill, transportation safety measures are a concern. MoTI requires that a Traffic Impact Study be completed prior to the rezoning/OCP amendment approval "to assess and identify any localized improvements required to the Highway corridor driven by the potential development".
- Some of the subject property is currently being used for industrial use.

POPULATION & TRAFFIC The proposal is not foreseen to permanently increase the local population as no residences are proposed; however local temporary population numbers may fluctuate depending on the scale of the proposed construction and operation of the proposal.

March 22, 2018

- There are sixty-two 911 addresses within a 1.5 km radius from the subject property.

Traffic will significantly increase as the proposal is associated with transportation use. The subject property is directly adjacent to a major highway corridor. The Ministry of Transportation and Infrastructure will be directly involved in the development of this proposal.

B-2 a)

COMMENTS RECEIVED FROM MUNICIPALITIES AND PROVINCIAL AGENCIES

CITY OF DAWSON CREEK: Interests unaffected by bylaw.

CITY OF FORT. ST. JOHN: Interests unaffected by bylaw.

OIL & GAS COMMISSION There appears to be an abandoned well on or near to the subject property's northwest corner (difficult to determine exact location), but this will have no impact from the proposed amendment. No further activities are located within 1.5 km of the subject property. Interests unaffected by bylaw.

DISTRICT OF TAYLOR: There are no comments from the District of Taylor.

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: Thank you for your application dated February 5, 2018 to re-designate and rezone a 16 ha (39.5 ac) portion of the subject property from 'Resource-Agriculture' to 'Industrial', and A-2 (Large Agricultural Holdings Zone) to I-1 (Light Industrial Zone) within BK A DL 1561 PEACE RIVER.

Section 52 of the Transportation Act applies and therefore, requires a signature from the Ministry of Transportation and Infrastructure.

The Ministry of Transportation and Infrastructure (MoTI) has concerns over the access location and requires a Traffic Impact Study (TIS) to be conducted prior to final sign off. The TIS is to assess and identify any localized improvements required to the Highway corridor driven by the potential development of BK A DL 1561 PEACE RIVER. Please contact the Development Approvals team to set up a scope development meeting to establish the Terms of Reference for the TIS at your earliest convenience.

It should also be noted that no storm drainage shall be directed towards Hudson the John Hart Highway (Rte 97 NB) for all proposed developments. This would include, but is not limited to collection/run-off of the internal road system or development run-off. All surface and subsurface drainage/storm water from the development is to be dealt with on site.

Once we have received the information noted above, we will be able to review the bylaw for approval signature.

NORTHERN HEALTH: Approval recommended subject to conditions below:

1. All activities conducted on this lot must be done in accordance with the provisions of:
 - Public Health Act [SBC 2008] Ch. 28 and all Regulations made under it including but not limited to:
 - Sewerage System Regulation B.C. Reg. 209/2010;
 - Drinking Water Act [SBC 2001] Ch. 9; and

- Drinking Water Protection Regulation B.C. Reg. 200/2003;

Please also review the following comments from Northern Health Resource Development: **B-2 a)**

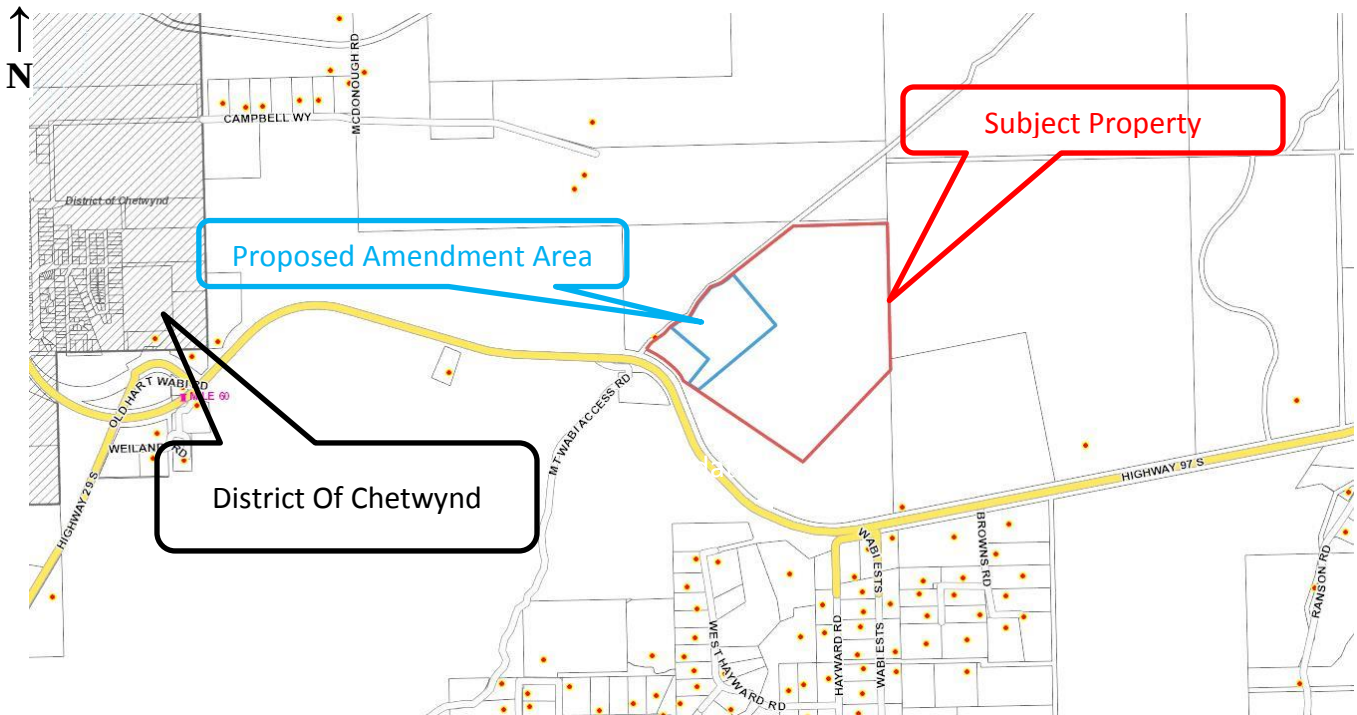
Ideally, Northern Health would like to see industrial areas separated from residential and other sensitive land uses. Bylaws that mitigate for dust, light, noise, odour, industrial waste disposal, etc., will help address eventual conflicts when they arise. Please also see [Develop with Care 2014 Section 2.6 \(Guidelines for Air Quality\)](#) for more information and setback suggestions. It is our experience that dust (from road dust, industry, etc) can pose a large challenge for maintaining good air quality in our northeast communities. For more information on the health effects of dust and wood smoke please visit [Particulate Matter and Outdoor Air Pollution](#).

If you have any questions or concerns please contact the undersigned.

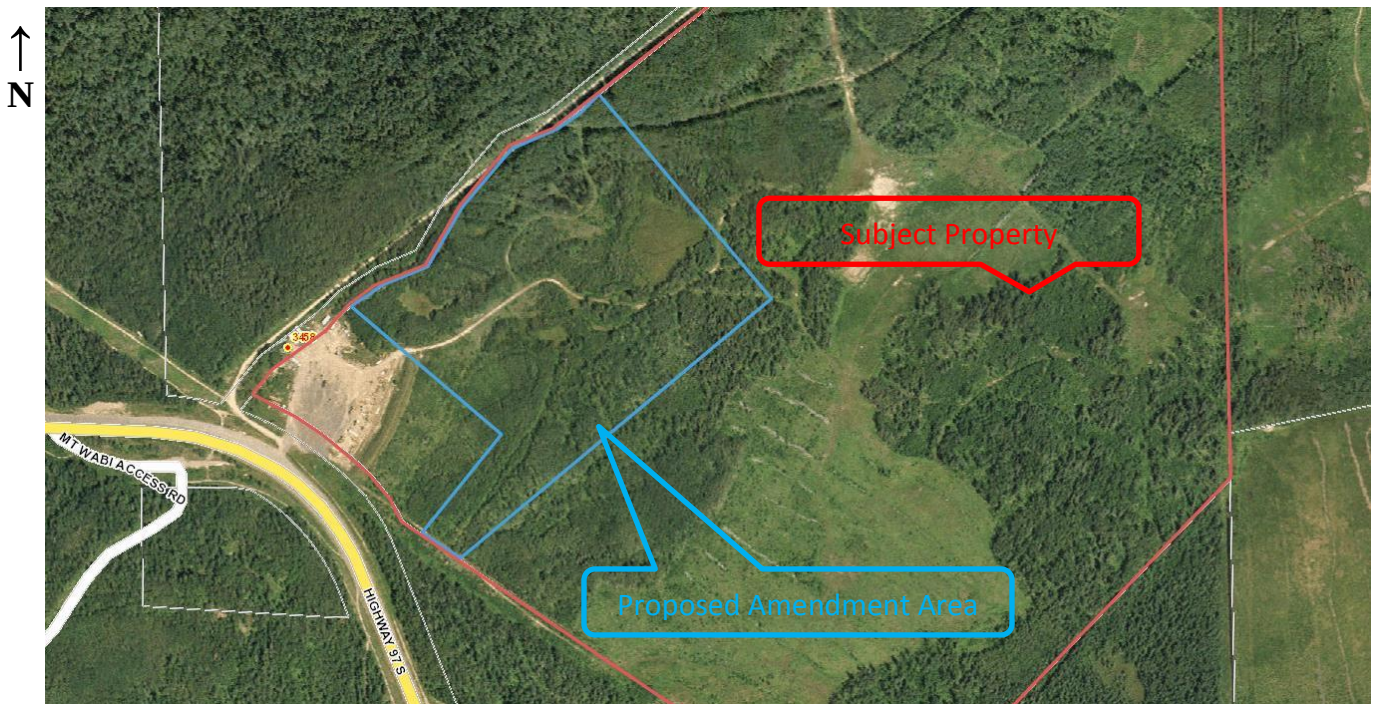
March 22, 2018



Context Photo

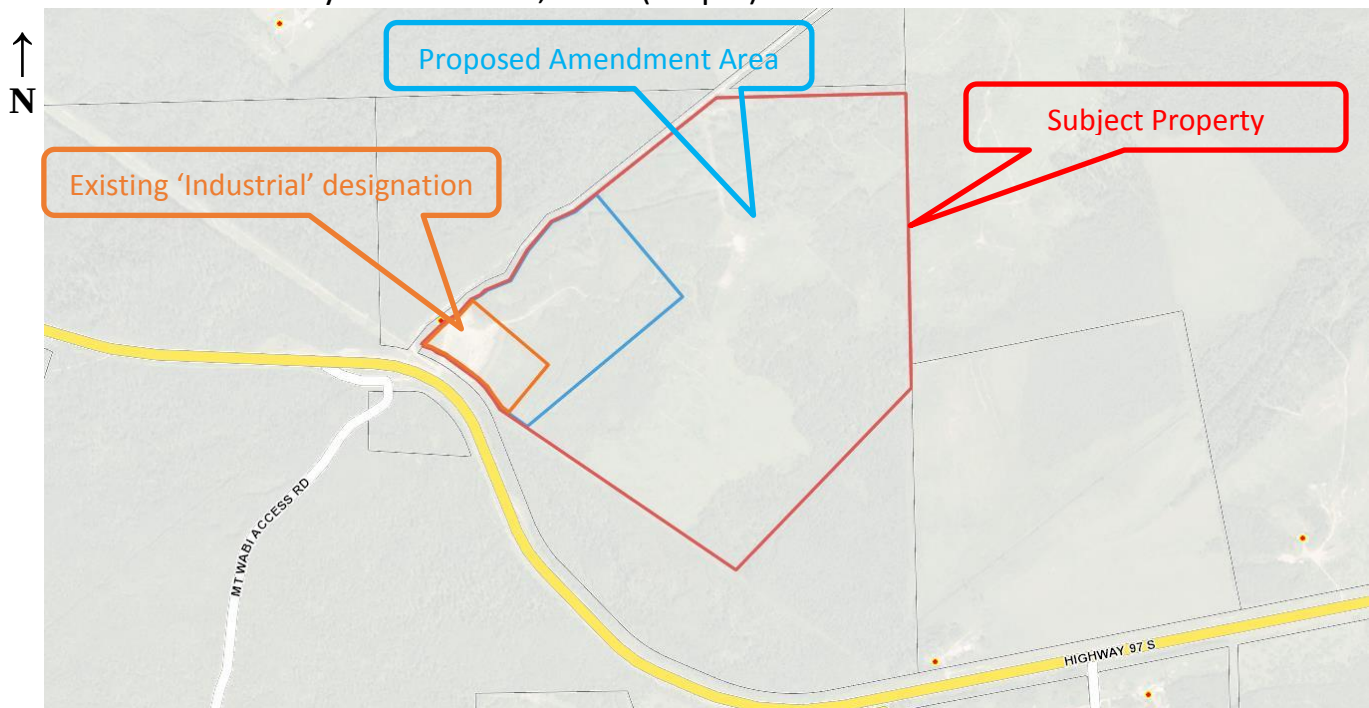


Air Photo

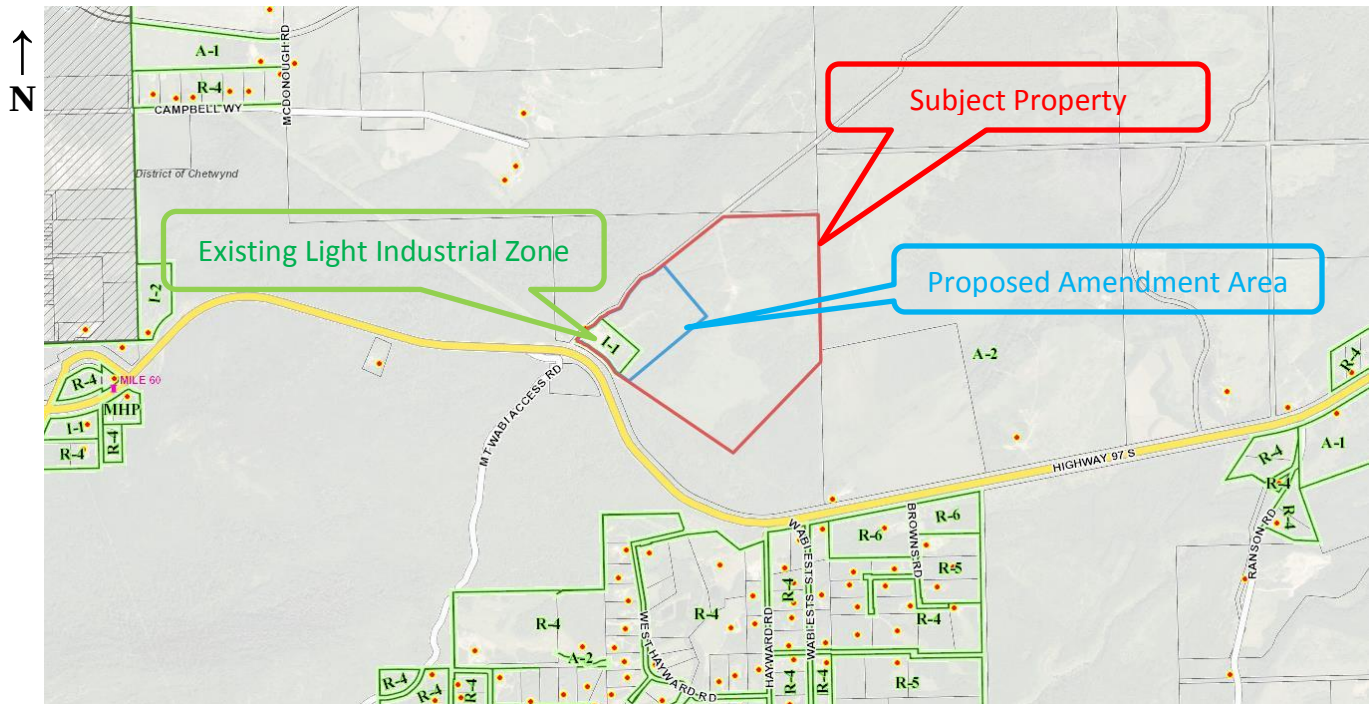


March 22, 2018

West Peace OCP Bylaw No. 1086, 1997 (Map 7)



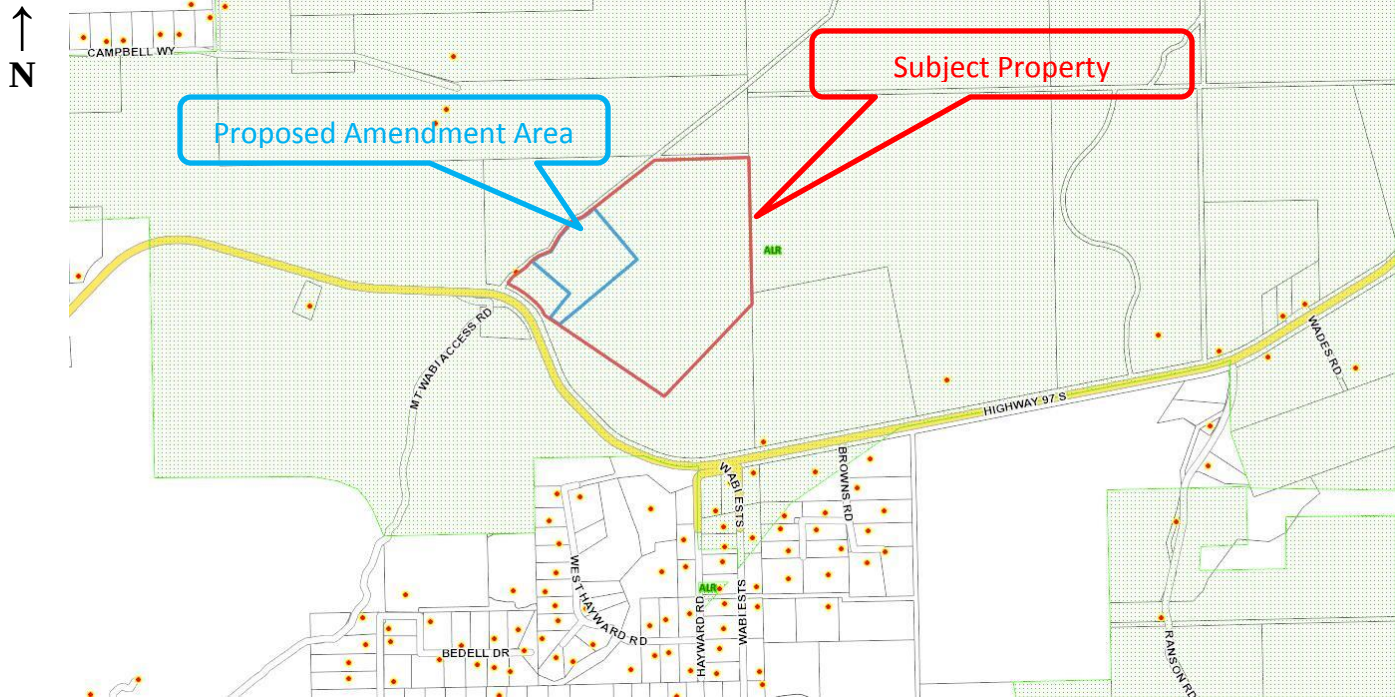
PRRD Zoning Bylaw No. 1343, 2001 (Schedule C Map 7)



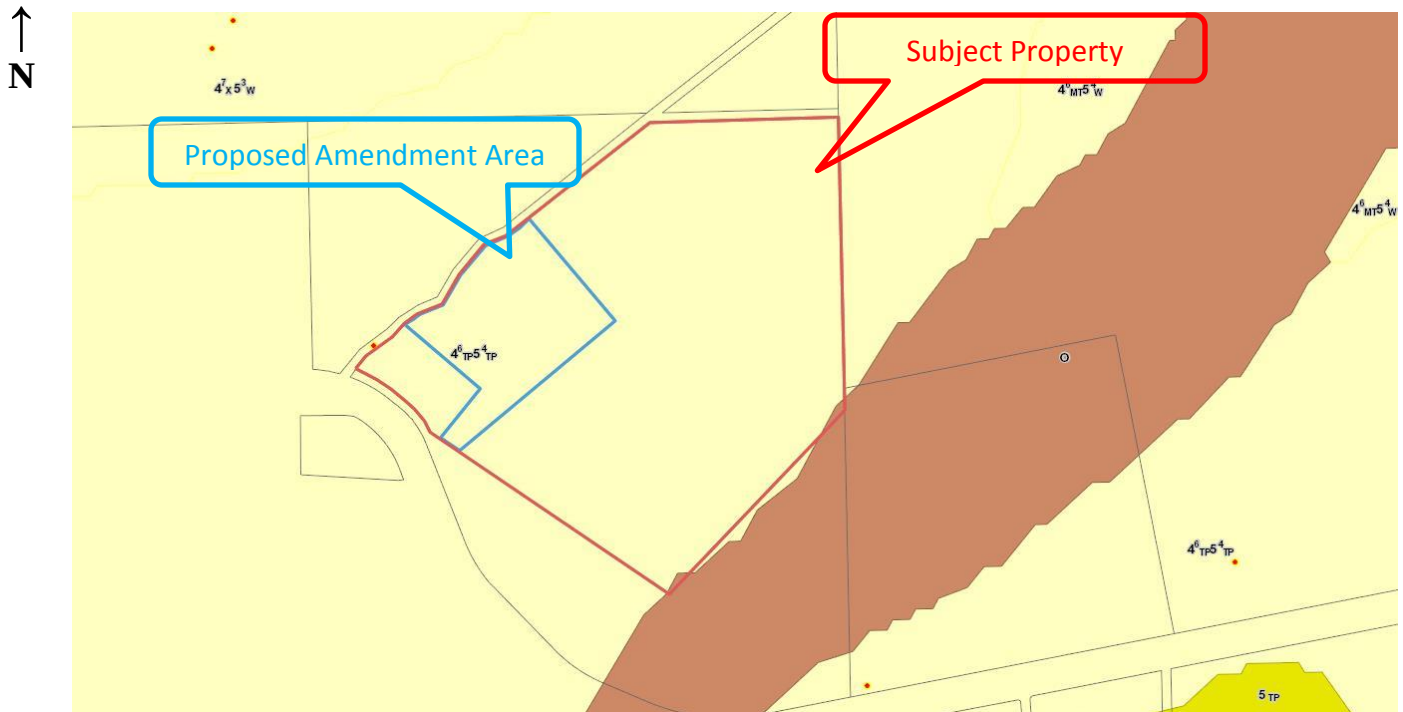
March 22, 2018



Agricultural Land Reserve (093P.063)



Soil Classification (Map 093P/12)



March 22, 2018



Photos



Fig#1: Access looking southeast along Hart Highway (97S) towards Dawson Creek



Fig#2: Access looking west along Hart Highway (97S) towards Chetwynd



Fig#3: access of subject property looking northeast



Fig#4: Crown access road along west side parcel line of subject property



Fig#5: Representation of flora of parcel, looking east



Fig#6: Representation of flora of parcel, looking west

March 22, 2018

**Peace River Regional District
Memorandum**

To: Dan Rose, Director of Electoral Area 'E'

From: Kole Casey, South Peace Land Use Planner

Date: 

RE: OCP & Zoning Amendment Bylaw No.2297 & 2298, 2017 (Rat Race Contracting)

Pursuant to the following resolution:

RD/15/04/26 (23)

That a two-week period be added to the development application review process to allow time for the appropriate Electoral Area Director to review applications prior to them going to the Regional Board for consideration.

The attached application and report are provided for your review.

Please return this form with your comments by or before March 14, 2018.

Please contact me if you have any questions.

Thank you.

COMMENTS:

circle if
No Comment

I have no issues with this application

Date: Mar.1, 2018

March 22, 2018

Initial: Dan Rose



PEACE RIVER REGIONAL DISTRICT

B-2 a)

DAWSON CREEK 1981 Alaska Avenue (Box 810), Dawson Creek, BC (T) 250-784-3200..(F) 250-784-3201
FORT ST. JOHN 9505 100TH Street, Fort St. John, BC V1J 4N4 (T) 250-785-8084 (F) 250-785-1125
[Toll Free: 1-800-670-7773]

Receipt # _____

Application for Development

1. TYPE OF APPLICATION

	FEE
☐ Official Community Plan Bylaw Amendment	\$ 1,000.00
☐ Zoning Bylaw Amendment	650.00
☒ Official Community Plan / Zoning Bylaw Amendment	1,050.00
combined ☐ Temporary Use Permit	350.00
☐ Development Permit	165.00
☐ Development Variance Permit	165.00
☒ Sign requirement	150.00

In regard to applications for:

- i) an official community plan and/or zoning bylaw amendment;
- ii) temporary use permit;

Sign provided by the PRRD and sign posted pursuant to Section 8 of Bylaw No. 2165, 2016, **attached**.

2. PLEASE PRINT

Property Owner's Name RAT RACE CONTRACTING LTD.,	Authorized Agent of Owner (if applicable) Skye Blue Solutions Inc.
Address of Owner BOX 204,	Address of Agent Box 2446
City/Town/Village Chetwynd, BC	City/Town/Village Chetwynd, BC V0C 1J0
Postal Code V0C 1J0	Postal Code V0C 1J0
Telephone Number: 250-788-6925	Telephone Number: 250-556-5639
Fax Number:	Fax Number:
E-mail: ratrace@eastlink.ca	E-mail: jody@skyblue.ca

3. PROPERTY DESCRIPTION

Full legal description of each property under application	Area of each lot
BLOCK A DISTRICT LOT 1561 PEACE RIVER DISTRICT	20 ha ha./acres
	ha./acres
	ha./acres
	TOTAL AREA 20 ha ha./acres

Notice of collection of personal information:

Personal information on this form is collected for the purpose of processing this application. The personal information is collected under the authority of the *Local Government Act* and the bylaws of the PRRD. Documentation/Information submitted in support of this application can be made available for inspection pursuant to the *Freedom of Information and Protection of Privacy Act*.

B-2 a)

4. Civic Address or location of property: 3458 HWY 97 SOUTH

5. PARTICULARS OF PROPOSED AMENDMENT

Please check the box(es) that apply to your proposal:

☒ Official Community Plan (OCP) Bylaw amendment:

Existing OCP designation: Resource - Agricultural

Proposed OCP designation: Industrial

Text amendment: _____

☒ Zoning Bylaw amendment:

Existing zone: A-2

Proposed zone: I-1

Text amendment: _____

☐ Development Variance Permit – describe proposed variance request:

☐ Temporary Use Permit – describe proposed use:

☐ Development Permit: Bylaw No. _____ Section No. _____

6. Describe the existing use and buildings on the subject property:

Existing 4ha portion of lot already zoned as I-1 (2004), with shop and laydown area. Proposal to
extend industrial zoning to 20 ha (excluded from ALR).

7. Describe the existing land use and buildings on all lots adjacent to and surrounding the subject property:

(a) North Forested

(b) East Forested, some farmland

(c) South Forested strip of Crown Land, Highway 97, Wabi/Hayward Sub (residential) to far south

(d) West Forested

8. Describe the proposed development of the subject property. Attach a separate sheet if necessary:

Proposal is to create an industrial area, subdivided into 2 ha lots (aka Wabi Heights). See attached.

wabiheights.ca

9. Reasons and comments in support of the application. Attach a separate sheet if necessary: Strong public support of project to date, ALC has excluded 20 ha area

Chetwynd and PRRD have voiced support of the development, to alleviate current shortage of industrial
areas and encourage economic development. See attached.

March 22, 2018

B-2 a)

10. Describe the means of sewage disposal for the development:

Lot would be subdivided, and new owners would be responsible for determining appropriate sewage disposal.
Septic tanks anticipated to be preferred option for most, due to nature of business likely to be interested in purchase.

11. Describe the means of water supply for the development:

Lots would be subdivided, and new owners would be responsible for determining
appropriate water supply. Cisterns anticipated to be the preferred option for most, due to nature
of business likely to be interested in purchase.

THE FOLLOWING INFORMATION IS REQUIRED. FAILURE TO PROVIDE MAY DELAY YOUR APPLICATION.

12. Proof of ownership of the subject property or properties. (For example: Certificate of State of Title, BC Land Title Office Property Title Search or recent Property Tax Notice.)
13. A Sketch Plan of the subject property or properties, showing:
 - (a) the legal boundaries and dimensions of the subject property;
 - (b) boundaries, dimensions and area of any proposed lots (if subdivision is being proposed);
 - (c) the location of existing buildings and structures on the subject property, with distances to property lines;
 - (d) the location of any proposed buildings, structures, or additions thereto, with distances to property lines;
 - (e) the location of any existing sewage disposal systems;
 - (f) the location of any existing or proposed water source.

ADDITIONAL OR MORE DETAILED INFORMATION MAY BE REQUESTED BY THE PEACE RIVER REGIONAL DISTRICT FOLLOWING REVIEW OF YOUR APPLICATION.

If it is necessary for the property boundaries and the location of buildings and structures to be more accurately defined, a plan prepared by a British Columbia Land Surveyor may be required.

March 22, 2018

B-2 a)

15. I / We the undersigned hereby declare that the information provided in this application is complete and is, to the best of my / our knowledge, a true statement of the facts related to this application.



Signature of Owner ~~Owner~~ Agent

____ Jan 23, 2018

Date signed

Signature of Owner

Date signed

16. **AGENT'S AUTHORIZATION**

If you have an agent act on your behalf in submission of this application, the following authorization **MUST** be signed by **ALL** property owners.

I / We authorize Agent authorization letter, attached and hereby		
(name) to act on my/our behalf regarding this application.		
Agent address:		
Telephone:	Fax:	Email:
Signature of Owner:		Date:
Signature of Owner:		Date:

8. Proposed Development of Subject Property:

The proposed rezoning and OCP amendment of the subject property has been submitted to facilitate the future development of the property for light industrial/commercial use, as an industrial subdivision. An exclusion from the ALR has been obtained to facilitate the development and increase the functionality of the industrial area.

The industrial park would be located within the PRRD, approximately 3km north of Chetwynd at the crest of Wabi Hill, with direct accessibility off of Highway 97. The park would have direct economic benefits to the industrial and commercial operations in and around the community of Chetwynd, including agricultural operations in the area. The park would address limitations of available industrial properties in the area, and centralize the expansion of industrial activities in and around Chetwynd (thereby avoiding disturbance to other outlying lands).

A 20ha section of the lot has been excluded from the ALR (Dec 8, 2017). This section will be levelled, using imported fill and resloping of existing ground, to enable access and property development. Engineering assessments and design will be integrated as necessary to manage drainage. Best Management Practices will be at the forefront of the design process, to ensure that runoff and drainage waters are managed onsite, with no adverse impacts to surrounding ALR properties.

- The subject lot will be subdivided (with relevant permissions from the Ministry and PRRD) into 2 ha lots. Approximately 10 lots are planned for initial development (20 ha). Pending approval from ALC, subsequent development of additional lots may be considered.
- Access off of Highway 97 will be achieved via a right-hand turn from or near the existing pullout (chain-up/brake-check) area at the crest of Wabi Hill, and options for a left-hand turning option will also be explored with the Ministry of Transportation.
- Onsite management of runoff would be incorporated into the detailed design to minimize potential for adverse impacts to adjacent properties
- The majority of the lot development would be below the grade of Highway 97, minimizing the visual impact of the development.
- Strategic use of vegetation and berms for sound and visual barriers would be incorporated to further minimize the project's overall impact.
- The entrance to the development, which would be visible and recognizable as an early 'entrance' to Chetwynd from the east on Highway 97, would be landscaped in a visually appealing manner utilizing topsoil strippings from the cleared lots. Incorporation of low maintenance trees and shrubs, with opportunities for tourist-related signage and other features such as chainsaw carvings.

March 22, 2018

9. Comments in Support of Application:

- Ellen McAvany, Economic Development Officer for the District of Chetwynd, provided a summary of the current lack of availability of industrial lots within the DoC, as well as incoming enquiries for property availability (emphasis added):

*"Attached is an updated assessment of available properties in the Industrial Park. We also at this time had investigate properties within the area (PRRD that could be for sale, which none were listed). The lot sizes are smaller than the ones you have indicated that you would have with Rat Race Construction. Currently we are not developing more lots ourselves. **There are few available and this development will enhance the opportunities outside with options for larger operations.***

*"Currently the global economy in all sectors other than pulp are reasonably stable. In our area we have all sectors of industry, we just recently did an accommodations assessment and found that we are filling and selling up spaces within the residential and commercial , which is sign of all the activity in the region. The pulse with Coal is up and has started to impact the area with more traffic and business opportunities. **Timing for available land options for use for contractors doing work or needing storage is increased with calls of enquires**, but again this changes due to contracts being awarded in each sector. For 2017 planning we know **we have inquires for pipelines, oil and gas turnaround and maintenance increase in coal and increase in rail.** The sawmills are running at full capacity and the pellet plant and bio energy plant are both running as expected, both plants are advertising for trades and workers.*

*"..good luck with your application process **this would be a great addition to the area businesses.**"*

Ellen McAvany, Economic Development Officer, DoC (Jan 25, 2017)

[REFERENCE: Appendix 1](#)

- WabiHeights.ca was launched in June 2017, to provide the public with the opportunity to review additional project information. A form was provided on the site to express comments on the project, as well as phone/email contacts for the PRRD and District of Chetwynd. The website was advertised on social media, local newspapers and radio. After **921 unique visitors over the past 12 months**, there has been no comments received via the website, or (to the best of our knowledge) by the PRRD or DoC. We believe this is an indication of public interest, and that the lack of negative comments could be interpreted as general support.

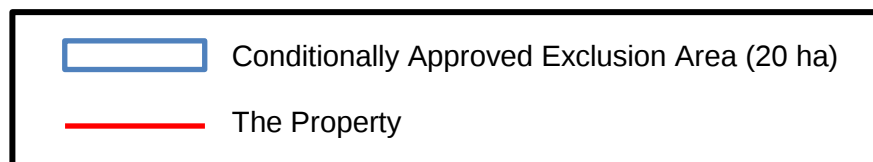
March 22, 2018

APPENDIX 2: MAPS



B-2a)

**Application 55001 (Rat Race
Contracting Ltd.)**
Resolution # 185/2017
Conditionally Approved Exclusion



March 22, 2018

APPENDIX 3: EMAIL FROM ELLEN MCAVANY, ECONOMIC DEVELOPMENT OFFICER, DOC (JAN 25, 2017)

From: Ellen McAvany <EMcAvany@gochetwynd.com>
Sent: January 25, 2017 9:37 AM
To: Jody Watson
Cc: ratrace@eastlink.ca
Subject: RE: Request - Wabi Heights Development (Rat Race Contracting)
Attachments: Chetwynd Industrial Park Available Land.pdf

Follow Up Flag: FollowUp
Due By: January 25, 2017 10:00 AM
Flag Status: Flagged

Attached is an updated assessment of available properties in the Industrial Park. We also at this time had investigate properties within the area (PRRD that could be for sale, which none were listed). The lot sizes are smaller than the ones you have indicated that you would have with Rat Race Construction. Currently we are not developing more lots ourselves. There are few available and this development will enhance the opportunities outside with options for larger operations.

Currently the global economy in all sectors other than pulp are reasonably stable. In our area we have all sectors of industry, we just recently did an accommodations assessment and found that we are filling and selling up spaces within the residential and commercial , which is sign of all the activity in the region. The pulse with Coal is up and has started to impact the area with more traffic and business opportunities. Timing for available land options for use for contractors doing work or needing storage is increased with calls of enquires, but again this changes due to contracts being awarded in each sector. For 2017 planning we know we have inquires for pipelines, oil and gas turnaround and maintenance increase in coal and increase in rail. The sawmills are running at full capacity and the pellet plant and bio energy plant are both running as expected, both plants are advertising for trades and workers.

The option to include that area that Rat Race is developing into municipal boundaries could be a discussion in the future but we do already offer fire protection within close vicinity to the town.

If there is anything else I can assist with please let us know and good luck with your application process this would be a great addition to the area businesses.

Ellen McAvany, Economic Development Officer
District of Chetwynd
250-401-4113 (Direct Line)
250-788-5823 (cell)

From: Jody Watson [mailto:Jody@skyblue.ca]
Sent: January-19-17 2:13 PM
To: Ellen McAvany
Cc: ratrace@eastlink.ca
Subject: Request - Wabi Heights Development (Rat Race Contracting)

Hi Ellen,

March 22, 2018

Further to my call, Rat Race Contracting would like to respectfully request assistance from the District of Chetwynd in compiling information requested from the Agricultural Land Commission (ALC) as was identified during their review of our Wabi Heights Industrial Area exclusion proposal. **B-2 a)**

As a general overview, Wabi Heights Industrial Area will be located at the crest of Wabi Hill (behind the current Rat Race shop) and is anticipated to be developed in up to three phases. During each phase of development, up to ten, 2ha (5acre) lots will be subdivided for sale for industrial/commercial use. We anticipate the lots would be primarily utilized as laydown areas. For more details/maps, please refer to our website wabiheights.ca.

During the review of our application for an Exclusion, the ALC Commission noted that there was insufficient information provided to demonstrate the potential for local economic benefit from the development; ie. that there is limited availability of similar industrial lots within the District of Chetwynd and surrounding area, and the demand for these types of lots is high. While we did receive a 'Letter of Support' from the Chetwynd Council in July 2016, it was very brief and did not include any further details pertaining to the need for this type of development.

We are hopeful that the District may be able to provide further information on:

- the current status of industrial land availability (within and around Chetwynd),
- any other land the District is considering for development as industrial lots (or lack thereof),
- indications of the current or projected demand for these lots based on economic trends/industry requests, and
- any potential for Wabi Heights to be incorporated into the District boundaries in the future.

I have included the request from the ALC, below, for your reference. I sincerely appreciate your time and attention to this request, and appreciate your offer to meet with the ALC Committee when they visit the site in April.

Please let me know if there is anything further I can provide or assist with.

Best regards,
Jody

JODY WATSON, PRINCIPAL

SKYE BLUE SOLUTIONS INC.

JODY@SKYEBLUE.CA | (250) 556-5639

WWW.SKYEBLUE.CA

From: Daniels, Jessica ALC:EX [<mailto:Jessica.Daniels@gov.bc.ca>]

Sent: December 15, 2016 3:20 PM

To: Jody Watson <Jody@skyblue.ca>

Cc: Wallace, Ron ALC:EX <Ron.Wallace@gov.bc.ca>

Subject: Agricultural Land Commission ALC Application 55001 (Rat Race) Scheduling of Site Visit

SCHEDULING OF SITE VISIT

March 22, 2018

Dear Ms. Watson,

Thank you for discussing the Application via teleconference on December 14th 2016. The North Panel has requested further information regarding the exclusion application. Specifically, the Panel requires responses to the following information: **B-2 a)**

- Rationale regarding the community need for the proposed use of the Property
- Information regarding other properties/land currently available in Chetwynd to address the expressed need of the proposed use
- Any potential plans to incorporate the property within the municipal boundaries

You may wish to gather this information in collaboration with your local government.

After discussion, the North Panel has determined that they would like to conduct a site visit of the Property in the Spring of 2017. The date of the site visit will be approximately April 1st, 2017. A staff member will be in touch at a later date to confirm the date and time.

The site visit gives the North Panel an opportunity to view the property and ask you any questions they may have about the Application.

The site visit will be conducted in accordance with the ALC [Policy Regarding Site Visits In Application To The Agricultural Land Commission](#) which includes reference to the ALC's [Policy Statement Concerning The Role Of Elected Officials In Applications to the ALC](#).

Please be advised that all file material is available for review in the [ALC Online Application Portal](#).

Pursuant to Ministerial Order M027, the ALC endeavors to communicate the majority of application decisions within 60 business days of receipt of a complete application. Please note that in accordance with [ALC Application Process Timelines](#), the 60 business day timeline is now "paused" until the day the Panel conducts the site visit.

If you have any comments/questions, **please contact Ron Wallace who will assume the position of Planner of the north region after December 16th, 2016**

Warm regards,

Jess Daniels | Planner | Agricultural Land Commission
133 - 4940 Canada Way, Burnaby, BC, V5G 4K6 | T 604.660.7016 | F 604.660.7033
Jessica.Daniels@gov.bc.ca | www.alc.gov.bc.ca

This message and any accompanying attachments may contain confidential information intended only for the use of the individual(s) named above. Any disclosure, distribution or other use of this information by persons other than the intended recipient(s) is prohibited. If you have received this message in error, please contact the sender and delete all copies immediately. Thank you.

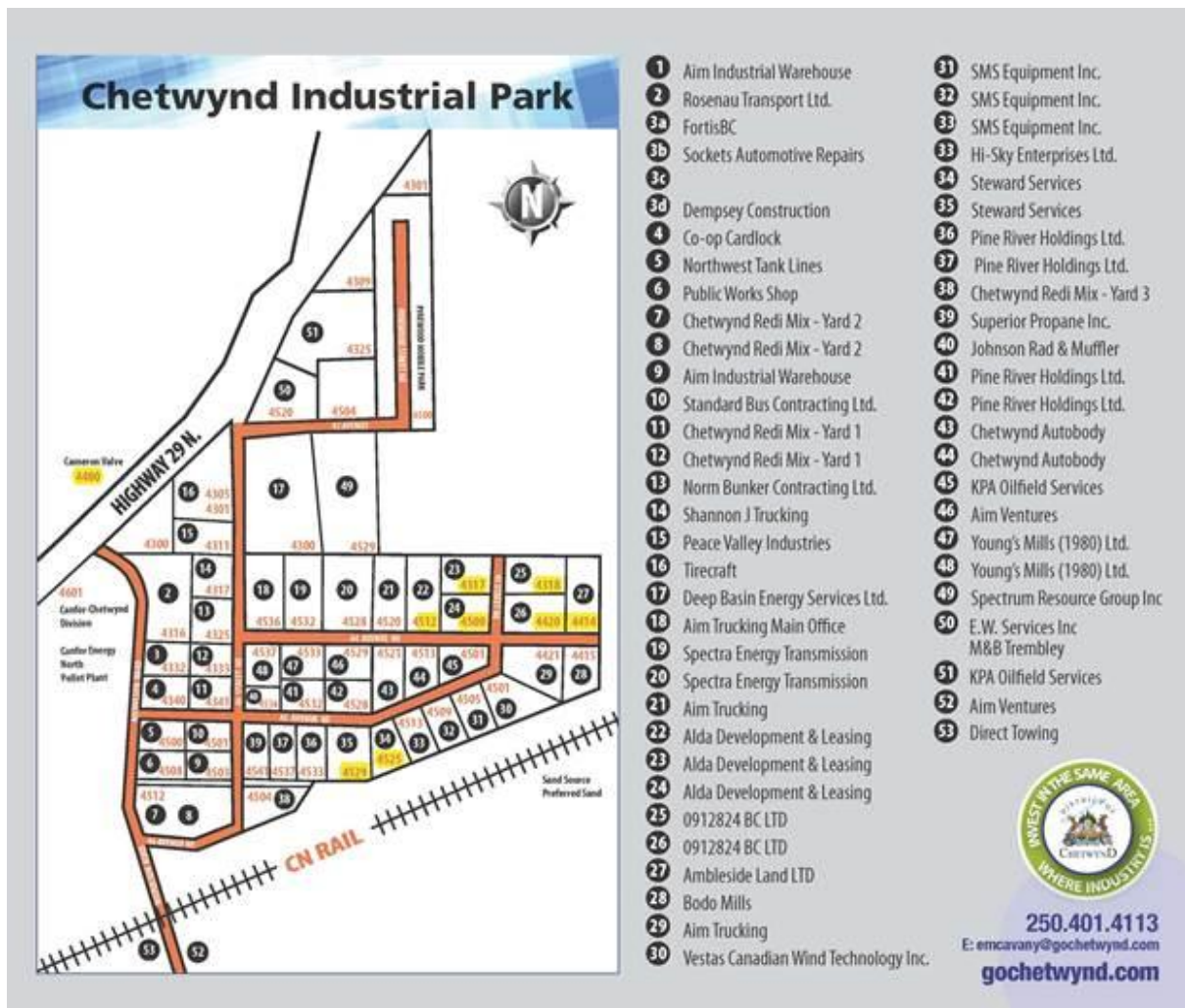
March 22, 2018

B-2 a)

Chetwynd Industrial Park

LAND AVAILABLE FOR LEASE OR SALE

Alda Development & Leasing	#22 #23 #24	Raw Land
0912824 BC Ltd.	#25 #26	Raw Land
Ambleside Land Ltd.	#27	Raw Land
Steward Services	#34 #35	Raw Land



For more information, please contact District of Chetwynd office,
Economic Development Office 250-401-4113

March 22, 2018

APPENDIX 4: AGENT AUTHORIZATION LETTER

B-2 a)

SKYEBLUE

LETTER OF APPOINTMENT

1.0 Appointee

Skye Blue Solutions Inc.
Box 2446, Chetwynd, BC V0C 1J0
(250) 556-5639

2.0 Purpose

Skye Blue Solutions Inc. has been retained to provide consulting services on behalf of the Owner, pertaining to applications, notifications, and other submissions as required to various agencies within the Province of BC.

The agency(s) for correspondence on behalf of the Owner will include (but not be limited to):

- Agricultural Land Commission
- Ministry of Mines
- Ministry of Forests, Lands, and Natural Resource Operations
- Local Government (District of Chetwynd, Peace River Regional District)

3.0 Term

The term of this appointment commenced in February 2016, and shall be considered ongoing until issuance of the document(s) requested from the agency(s) outlined in Section 2.0.

4.0 Owner(s)

Dean Beattie, Manager
Rat Race Contracting Ltd.
Box 204, Chetwynd, BC V0C 1J0
(250) 788-6925


Dean BeattieFeb 2016
Date**March 22, 2018**

APPENDIX 5: ALC EXCLUSION DECISION LETTER 08DEC17



Agricultural Land Commission B-2a)
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

December 8, 2017

ALC File: #55001

Skye Blue Solutions Inc.
Box 2446
Chetwynd, BC V0C 1J0

Attention: Jody Watson

Re: Reconsideration of original application to exclude land from the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Executive Committee (Resolution #351/2017) as it relates to the above noted application. A sketch plan depicting the decision is also attached. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the Agricultural Land Commission Act](#) which provides a person affected the opportunity to submit a request for reconsideration.

33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:

- (a) evidence not available at the time of the original decision has become available,
- (b) all or part of the original decision was based on evidence that was in error or was false.

Further correspondence with respect to this application is to be directed to Ron Wallace at (Ron.Wallace@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Ron Wallace, Land Use Planner

Enclosures: Reasons for Decision (Resolution #351/2017)
Schedule A: Sketch plan
Schedule B: Reasons for decision of the North Panel, Resolution #185/2017
Schedule C: July 31, 2017 Chair Referral of Resolution #185/2017 to the Executive Committee

March 22, 2018

cc: Peace River Regional District (File: 136/2016)

55001d2

March 22, 2018



AGRICULTURAL LAND COMMISSION FILE 55001

**RECONSIDERATION OF ORIGINAL APPLICATION
REASONS FOR DECISION OF THE EXECUTIVE COMMITTEE**

Application was submitted pursuant to s. 30(1) of the Agricultural Land Commission Act

Applicant: Troy McMaster
(the “Applicant”)

Agent: Jody Watson
(the “Agent”)

Application before the Executive Committee: Frank Leonard, Chair
William Zylmans, South Coast Panel
Richard Mumford, Interior Panel
Linda Michaluk, Island Panel
Sharon Mielnichuk, Kootenay Panel
Dave Merz, North Panel
Gerald Zimmermann, Okanagan Panel
(the “Executive Committee”)

March 22, 2018



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 024-908-045

Block A, District lot 1561, Peace River District

(the “Property”)

[2] The Property is generally located east of the District of Chetwynd, along the Hart Highway (Highway 97S).

[3] The Property is 101.8 ha.

[4] The Property is located completely within a designated agricultural land reserve (“ALR”) as defined in section 1 of the *Agricultural Land Commission Act* (the “ALCA”).

[5] The Property is located within Zone 2 as defined in subsection 4.2 of the ALCA.

[6] Pursuant to s. 30(1) of the ALCA, the Applicant applied to exclude the Property from the ALR to facilitate future development of the Property for light industrial and commercial use (the “Proposal”). The Proposal is to proceed with this development in phases one, two and three – with plans to eventually develop the entire Property for these purposes. For Phase 1, approximately 10 lots of 2 ha each are planned for initial development which would be located on the western portion of the Property. The Proposal along with supporting documentation is collectively the “Application”.

[7] By Resolution #185/2017, dated June 29, 2017, the North Panel refused the Proposal to exclude 101.8 ha from the ALR for light industrial and commercial uses. However, the Panel was prepared to exclude 20 ha of the proposed Phase 1 area of the Property to meet the immediate needs of the community for light industrial and commercial uses subject to conditions outlined in Paragraph 23 of Resolution #185/2017 (the “Original Decision”).



- [8] On July 31, 2017, Reasons for Decision recorded as Resolution #185/2017 was referred by the Chair to the Executive Committee of the Agricultural Land Commission (the “Commission”) under s. 33.1 of the ALCA.

RELEVANT STATUTORY PROVISIONS

- [9] Resolution #185/2017 was directed to the Executive Committee pursuant to s. 33.1 of the ALCA which states:

33.1 (1) The chair of the commission may, in writing, direct the executive committee to reconsider a decision made by a panel established under section 11 (1) respecting an application or other matter allocated to the panel by the chair of the commission, including a panel's reconsideration of a decision under section 33 (1), if

(a) the chair considers that the decision

(i) may not fulfill the purposes of the commission as set out in section 6, or

(ii) does not adequately take into consideration the considerations set out in section 4.3, if applicable, and

(b) the chair makes the direction to the executive committee within 60 days of the decision being made.

(2) If the chair of the commission directs the executive committee to reconsider a decision under subsection (1), the chair must give notice of the reconsideration to any person that the chair considers is affected by the reconsideration.

(3) If the chair of the commission directs the executive committee to reconsider a decision under subsection (1), the executive committee must confirm, reverse or vary the decision.

(4) For the purposes of subsection (3), the executive committee has all the powers, duties and functions of the commission.

(5) A decision by the executive committee under subsection (3) is for all purposes a decision of the commission.

March 22, 2018



[10] The Executive Committee considered the Application pursuant to its mandate in s. 4.3 of the *ALCA*:

4.3 When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:

- (a) the purposes of the commission set out in section 6;
- (b) economic, cultural and social values;
- (c) regional and community planning objectives;
- (d) other prescribed considerations.

[11] The purposes of the Commission set out in s. 6 *ALCA* are as follows:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

EVIDENTIARY RECORD BEFORE THE EXECUTIVE COMMITTEE

[12] The Executive Committee considered the following evidence:

1. The Application
2. Local government documents
3. Agricultural capability map, ALR context map, and satellite imagery
4. Reasons for decision of the North Panel, Resolution #185/2017

All documentation noted herein has been disclosed to the Agent in advance of this decision.

March 22, 2018



FINDINGS

Section 4.3 (a) of the ALCA: First Priority to agriculture

[13] The Executive Committee concurs with the Panel's findings as outlined in Paragraphs 17, 18 and 16 of Resolution #185/2017 of Section 4.3 (a) in that the Property with its complex and variable topography (i.e., terrain ranging from level to steep slopes) and extensive coarse fragment contents (i.e. stoniness) provide significant limitations to utilizing the Property for agricultural purposes.

Section 4.3(b) of the ALCA: Second priority to economic, cultural and social values

[14] The Executive Committee acknowledged Paragraph 17 of Resolution #185/2017 of Section 4.3 (b) regarding the correspondence dated January 25, 2017 from Ellen McAvany, Economic Development Officer, District of Chetwynd, indicating that the economy is doing reasonably well and that there has been enquiries (i.e., an increasing need) for local area properties to facilitate future light industrial and commercial uses.

Section 4.3(c) of the ALCA: third priority to regional and community planning objectives

[15] Regarding the third priority to regional and community planning objectives, the Executive Committee concurs with the Panel's findings as outlined in Paragraphs 18 to 21 of Resolution #185/2017 of Section 4.3 (c).

Weighing the factors in priority

[16] Regarding the first priority to agriculture and the second priority to economic, social and cultural values the Executive Committee concurs with the findings of the Panel.

[17] The Executive Committee gave consideration to the third priority to regional and community planning objectives and while it concurs with the Panel's findings it did not

March 22, 2018



concur with the Panel's comment in the last sentence of Paragraph 22 which states: "Upon full utilization of the proposed Phase 1 area for light industrial and commercial uses, the ALC anticipates the submission of a new exclusion application." While the Executive Committee agrees that any further exclusion of the Property would require a new application, it finds this statement to potentially predispose a future ALC Panel towards supporting further exclusion of the Property. As such, the Executive Committee would like to make it clear that any potential further exclusion of the Property would require a new application and that the ALC Panel's review will be based on the merits of the proposal at the time of the application.

[18] Further, under Paragraph 23 of Resolution #185/2017, the Executive Committee would like to include – in addition to the conditions listed – that legal access be provided to the remaining ALR portion of the Property in order to ensure its potential use for agricultural purposes.

DECISION

[19] For the reasons given above, the Executive Committee confirms Resolution #185/2017 and its conditions outlined in Schedule B. In addition to these conditions the Executive Committee includes the following condition of approval.

- That in preparation of a subdivision plan to delineate the area to be excluded per the attached plan in Schedule A, that legal access be provided to the remaining ALR portion of the Property in order to ensure its potential use for agricultural purposes.

[20] When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the subdivision plan and advise that the property has been excluded from the ALR.



Reasons for Decision of the Executive Committee
Reconsideration of Resolution #185/2017, Application 55001

- [21] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.
- [22] These are the unanimous reasons of the Executive Committee of the Agricultural Land Commission.
- [23] A decision of the Executive Committee is a decision of the Commission pursuant to s. 10(3) of the *Agricultural Land Commission Act*.
- [24] This decision is recorded as Resolution #351/2017 and is released on December 8, 2017.

CERTIFICATION OF DECISION

A handwritten signature in black ink that reads 'Frank Leonard'.

Frank Leonard, Chair, on behalf of the Executive Committee

March 22, 2018

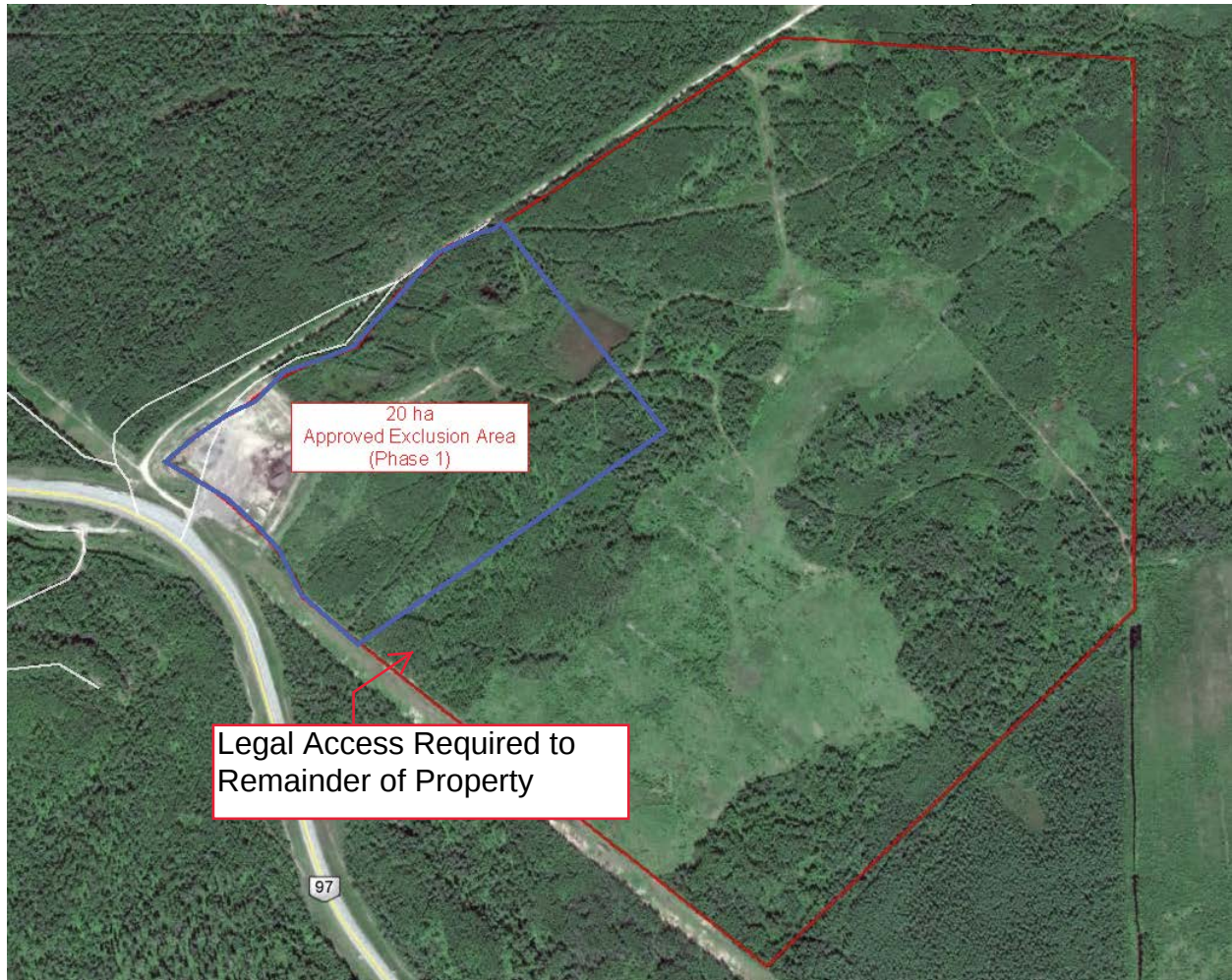


B-2a)

Schedule A

Application 55001 (Rat Race Contracting Ltd.)

Resolution # 351/2017



Conditionally Approved Exclusion Area (20 ha)



The Property

March 22, 2018

Schedule B



Agricultural Land Commission **B-2a)**
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

June 29, 2017

ALC File: 55001

Skye Blue Solutions Inc.
Box 2446
Chetwynd, BC V0C 1J0

Attention: Jody Watson

Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the North Panel (Resolution #185/2017) as it relates to the above noted application. A sketch plan depicting the decision is also attached. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the Agricultural Land Commission Act](#), the Chair may direct the Executive Committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the Agricultural Land Commission Act](#) which provides a person affected the opportunity to submit a request for reconsideration.

33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:

- (a) evidence not available at the time of the original decision has become available,
- (b) all or part of the original decision was based on evidence that was in error or was false.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Noel Allison at (Noel.Allison@gov.bc.ca).

Yours truly,

March 22, 2018

Page 2 of 2

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'Noel Allison', written in a cursive style.

Noel Allison, Land Use Planner

Enclosures: Reasons for Decision (Resolution #XX/2017)
Sketch plan

cc: Peace River Regional District (File: 136/2016)

55001d1

March 22, 2018



AGRICULTURAL LAND COMMISSION FILE 55001

REASONS FOR DECISION OF THE NORTH PANEL

Application submitted pursuant to s. 30 (1) of the *Agricultural Land Commission Act*

Applicant:

**Troy McMaster
(the “Applicant”)**

Agent:

**Jody Watson
(the “Agent”)**

Application before the North Regional Panel:

**Dave Merz, Panel Chair
Ross Ravelli**

March 22, 2018



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 024-908-045

Block A, District Lot 1561, Peace River District

(the “Property”)

[2] The Property is 101.8 ha.

[3] The Property is located east of the District of Chetwynd, along the Hart Highway (97S).

[4] The Property is located within a designated agricultural land reserve (“ALR”) as defined in s. 1 of the *Agricultural Land Commission Act* (the “ALCA”).

[5] The Property is located within Zone 2 as defined in s. 4.2 of the ALCA.

[6] Pursuant to s. 30(1) of the ALCA, the Applicant is applying to exclude the Property from the ALR to facilitate the future development of the Property for light industrial and commercial use (the “Proposal”). The Proposal is to proceed with this development in phases one, two and three – with plans to eventually develop the entire property for these purposes. For Phase 1, approximately 10 lots of 2 ha each are planned for initial development which would be located on the western portion of the Property. The Proposal along with supporting documentation is collectively the application (the “Application”).

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 30(1) of the ALCA:

30 (1) An owner of land may apply to the commission to have their land excluded from an agricultural land reserve.



[8] The Panel considered the Application pursuant to its mandate in s. 4.3 of the *ALCA*:

4.3 When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:

- (a) the purposes of the commission set out in section 6;
- (b) economic, cultural and social values;
- (c) regional and community planning objectives;
- (d) other prescribed considerations.

[9] The purposes of the Agricultural Land Commission (the “Commission”) set out in s. 6 are as follows:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

EVIDENTIARY RECORD BEFORE THE PANEL

[10] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Previous application history
4. Agricultural capability map, ALR context map, and satellite imagery
5. Other (e.g expert reports, etc)

All documentation noted above was disclosed to the Agent in advance of this decision.



[11] At its meeting of October 13, 2016 the Peace River Regional District Board endorsed Resolution Number RD/16/10/32:

“That the Regional Board support ALR Exclusion Application 136/2016 (McMaster) and authorize it to proceed to the ALC on the basis that:

1. The Agricultural Capability Assessment completed by Skye Blue Solutions Inc. indicates that the soils are less suitable for agriculture, and;
2. The proposal is supported by the District of Chetwynd, and;
3. There are very few residences in close proximity (0.5 kilometers or more), and;
4. The proposed industrial use meets the criteria for ‘Industrial’ designation should the OCP and zoning amendment be successful.”

[12] The Panel reviewed previous applications involving the Property:

Application ID: 31229
Legacy File: 11548
(Lands, 1980)

A request from Lands, Parks and Housing for an application to issue a lease for ranch homesite purposes over 16.19 ha of the Property. The request was refused, by Resolution #2274/80, on the grounds that the Property has the capability to support agricultural uses and a 16.19 ha parcel is not sufficient size to support fulltime agricultural uses. However, the Commission would have no objections if the area was bound by restrictive covenant with the adjacent property, or if the area proposed for lease was increased to 64 ha.

Application ID: 29976
Legacy File: 17388
(Gerstel, 1984)

To use approximately 36.5 ha of the 102.3 ha Property for a tourist overnight campground. The applicant believed that the Property is not good feasible farmland and that it would profit better as an overnight campground. The application, by Resolution #1119/84,



was refused as the Property is located in an agricultural area and the Commission felt that the proposed use would be inappropriate in the area.

Application ID: 41029
Legacy File: 35260
(McMaster, 2004)

To use a 4 ha area in the southwestern corner of the Property for heavy equipment storage and a future industrial business site, involving truck and equipment repairs. The application, by Resolution #174/2004, was approved on the grounds that it would have a minimal impact on agriculture.

SITE VISIT

[13] On April 25, 2017, the Panel conducted a walk-around site visit in accordance with the *Policy Regarding Site Visits in Applications* (the “Site Visit”).

[14] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Agent on May 17, 2017 (the “Site Visit Report”).

APPLICANT MEETING

[15] On April 25, 2017, the Panel conducted a meeting with the Applicant (the “Applicant Meeting”) in accordance with s. 22(1) of the Regulation. The Applicant Meeting was held at a meeting room on the Property. Those in attendance were:

Dave Merz	Vice Chair, North Panel
Ross Ravelli	Commissioner, North Panel
Ron Wallace	Land Use Planner, ALC
Noel Allison	Land Use Planner, ALC
Jody Watson	Agent



Dean Beattie	Applicant
Troy McMaster	Applicant
Claire Negrin	Assistant Manager of Development Services, PRRD
Ellen McAvany	Economic Development Officer, District of Chetwynd
Dan Rose	Director for Electoral Area 'E' – PRRD

[16] An Application Meeting Report was prepared and was certified as accurately reflecting the discussions of the meeting by the Agent on May 17, 2017 (the "Application Meeting Report").

FINDINGS

Section 4.3(a) and Section 6 of the ALCA: First priority to agriculture

[17] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The agricultural capability ratings identified on CLI map sheet 93P/12 for the mapping units encompassing the Property are Class 4 and Class 5; more specifically (6:4TP 4:5TP); or 60% of the land being Class 4 and 40% of the land being Class 5.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

The limiting subclasses associated with this parcel of land are P (stoniness) and T (topographic limitations).

[18] In addition, the Panel received a professional agrologist report, prepared by Matthias Loeseken P.Ag., RPBio of Blackbird Environmental Ltd, dated April 6, 2016 (the "Agricultural Capability Report"). The Agricultural Capability Report finds that the agricultural capability

March 22, 2018

ratings are similar to the above CLI ratings except for small pockets of isolated wetlands ranging from 0.2 ha to 0.9 ha in size, and occupy a total of approximately 1.4 ha (just over 1% of the Property). The report concluded the following:

"...Our field assessment did not find any indicators of historic or current agricultural production on the subject parcel of land, but found that complex topography and excessive coarse fragment contents limit its agricultural capability.

The soil, climatic and topographic features of the property subject to this assessment closely resemble the ones of non-ALR land on Wabi Hill to the south of the parcel (e.g. the land containing the residential properties). It does not share many characteristics with agriculturally productive parcels in the general vicinity, which are generally located in the valleys surrounding the creeks and rivers around Chetwynd.

Under consideration of the poorly structured soils, the surrounding land use and the proximity to existing transportation corridors, this area would be reasonable to consider for primary purposes alternative to agriculture. It constitutes an area with lower agricultural suitability than most of the remainder of the ALR in the vicinity, and its non-agricultural use may provide indirect benefits to agriculture that could be used to preserve nearby agricultural land uses."

- [16] The Panel reviewed the CLI ratings and the Agricultural Capability Report and also recalling its Site Visit, find that the Property with its complex and variable topography (i.e. terrain ranging from level to steep slopes) and extensive coarse fragment contents (i.e. stoniness) provide significant limitations to utilizing the Property for agricultural purposes.

Section 4.3(b) of the ALCA: Second priority to economic, cultural and social values

- [17] In correspondence dated January 25, 2017, Ellen McAvany, Economic Development Officer, District of Chetwynd, indicated that the local economy is doing reasonably well and that there have been enquiries (i.e., an increasing need) for local area properties to facilitate future light industrial and commercial uses.



Section 4.3(c) of the ALCA: third priority to regional and community planning objectives

[18] The Property is mostly designated 'Resource-Agricultural' within the West Peace Official Community Plan Bylaw No. 1986, 1997. The policies within this designation state that the predominant land use is for resource extraction on Crown lands and commercial agricultural pursuits on fee simple land. Therefore the portion of the Property that is designated 'Resource-Agricultural' will require an OCP amendment.

The Property is also partially designated 'Industrial' within the West Peace OCP Bylaw No. 1986, 1997. The policies within this designation state that the predominant land use is for industrial purposes; and therefore the portion of the Property that is designated 'Industrial' will not require an OCP amendment.

[19] The Property is partially zoned A-2 (Large Agricultural Holdings Zone) pursuant to Zoning Bylaw No. 1343, 2001. Industrial or commercial use is not permitted within this zone, and therefore would require a zoning amendment. The Property is also partially zoned I-1 (Light Industrial Zone) pursuant to Zoning Bylaw No. 1343, 2001. This zone supports the use of light industrial within this area, therefore will not require a zoning amendment.

[20] Claire Negrin, Assistant Manager of Development Services, PRRD is currently working on updating the West Peace Fringe Area OCP, which covers the rural areas surrounding the District of Chetwynd, including the Property. As the OCP is in draft form, no concrete details are available, but based on discussions with their Community Advisory Committee, there is a desire to encourage economic development within the local area. Given the Property is located in an optimally accessible area next to a major transportation route (Highway 97S) and the District of Chetwynd has indicated that there is a lack of available industrial areas in the immediate area, the proposed exclusion of the Property from the ALR is believed to be consistent with the draft OCP objective to facilitate economic development and growth in the Chetwynd area.



[21] At the request of the ALC Panel, the Agent was asked to provide information regarding other properties/land currently available in and around the District of Chetwynd to address the expressed need of the proposed use. In response, a number of other properties were identified as being available to potentially provide for similar light industrial uses. The list included small residential lots, properties near Moberly Lake and agricultural zoned lots that could be appropriate for industrial use if rezoned. As such, the utilization of other lands is believed to be less suitable than the development of the proposed property as a single industrial park facility.

Weighing the factors in priority

[22] In considering s. 4.3(a) and the first priority to agriculture the Panel finds that the Property has limited agricultural capability as indicated by the CLI ratings and by the Agricultural Capability Report (noted above). Further, the Agricultural Capability Report determined that except for some clearing of the Property in the past, “including a 22.5 ha cut-block as well as several smaller clear cuts distributed over the north and east of the Property” (i.e., for timber harvesting), “no evidence of historic or current agricultural use of the Property was observed during the field assessment.”

In considering s. 4.3(b) and the second priority to economic, social and cultural values the Panel acknowledged the comments provided by Ellen McAvany, Economic Development Officer, District of Chetwynd, that there is an increasing need for local area properties to facilitate future light industrial and commercial uses.

In considering s. 4.3(c) and the third priority to regional and community planning objectives the Panel also acknowledged the current development of an updated West Peace Fringe Area OCP, which as noted covers the rural areas surrounding the District of Chetwynd, including the Property. Based on discussions with their Community Advisory Committee, there is a desire to encourage economic development within the local area.



On balance, the Panel believes that the limited agricultural capability of the Property permits community economic benefits to supercede agricultural considerations in this application. However, the Panel does not believe that there is demand for the entire 101 ha at this time. As such, the Panel is prepared to support (with conditions) the exclusion and development of the 20 ha Phase 1 area of the Property. Upon full utilization of the proposed Phase 1 area for light industrial and commercial uses, the ALC anticipates the submission of a new exclusion application.

DECISION

[23] For the reasons given above, the Panel refuses the Proposal to exclude 101.7 ha from the ALR for light industrial and commercial uses. However, the Panel is prepared to exclude 20 ha of the proposed Phase 1 area of the Property to meet the immediate needs of the community for light industrial and commercial uses, subject to the following conditions:

- a. The rezoning of the 20 ha Phase 1 area for a mix of “commercial” and “industrial” uses. Industrial uses must occupy at least 10 ha (or 50%) of Phase 1;
- b. the preparation of a subdivision plan to delineate the area to be excluded per the attached sketch plan; and the submission of two (2) paper copies or one (1) electronic copy of the final survey plan to the Commission;
- c. the construction of a fence around the perimeter of the 20 ha area approved for exclusion in order to limit trespass from the industrial and commercial development onto adjoining farmland;
- d. the subdivision, zoning, and fencing being completed within three (3) years from the date of release of this decision;
- e. Approval for 20 ha exclusion is granted for the sole benefit of the Applicant and is non-transferable.

[24] The Commission will advise the Registrar of Land Titles that the property has been excluded from the ALR when it has received confirmation that the conditions of approval have been met.



[25] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[26] These are the unanimous reasons of the North Panel of the Agricultural Land Commission.

[27] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[28] This decision is recorded as Resolution #185/2017 and is released on June 29, 2017.

CERTIFICATION OF DECISION

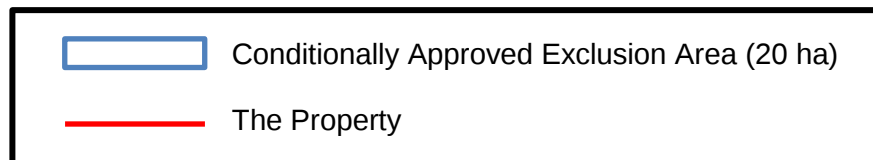
A handwritten signature in black ink, appearing to read 'Dave Merz', is written over a horizontal line.

Dave Merz, Panel Chair, on behalf of the North Panel



B-2 a)

**Application 55001 (Rat Race
Contracting Ltd.)**
Resolution # 185/2017
Conditionally Approved Exclusion



March 22, 2018

Schedule C



Agricultural Land Commission
133 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

B-2 a)

July 31, 2017

ALC File: 55001

To: Executive Committee Members
Provincial Agricultural Land Commission

Whereas:

1. I, Frank Leonard, Chair of the Provincial Agricultural Land Commission (the "Commission") have reviewed the *Reasons for Decision of the North Panel*, recorded as Resolution #185/2017 and released on June 29, 2017 ("the Decision"). A copy of the Decision is attached.
2. Section 33.1 of the *Agricultural Land Commission Act* (the "ALCA") states:

Reconsideration of decisions of panel

33.1(1) The chair of the commission may, in writing, direct the executive committee to reconsider a decision made by a panel established under section 11(1) respecting an application or other matter allocated to the panel by the chair of the commission, including a panel's reconsideration of a decision under section 33 (1), if

(a) the chair considers that the decision

- (i) may not fulfill the purposes of the commission as set out in section 6, or
- (ii) does not adequately take into consideration the considerations set out in section 4.3, if applicable, and

(b) the chair makes the direction to the executive committee within 60 days of the decision being made.

- (2) If the chair of the commission directs the executive committee to reconsider a decision under subsection (1), the chair must give notice of the reconsideration to any person that the chair considers is affected by the reconsideration.
- (3) If the chair of the commission directs the executive committee to reconsider a decision under subsection (1), the executive committee must confirm, reverse or vary the decision.
- (4) For the purposes of subsection (3), the executive committee has all the powers, duties and functions of the commission.
- (5) A decision by the executive committee under subsection (3) is for all purposes a decision of the commission.

March 22, 2018

3. I consider that the Decision may not properly fulfill the purposes of the Commission in section 6 and does not adequately take into consideration the considerations in section 4.3, which factors apply in Zone 2; and
4. This referral to the Executive Committee under s. 33.1(1) does not represent my final conclusion on the proper outcome of the reconsideration, and determines only that this Decision is appropriate for referral to and independent consideration by the Executive Committee, with each Executive Committee member being responsible for exercising their independent judgment as part of the Executive Committee as a decision-making body after deliberation, discussion and consideration of all the information, evidence and submissions.

Therefore I direct as follows:

1. That the Decision is referred to the Executive Committee for reconsideration.
2. That I do consider Troy McMaster ("the Applicant") to be persons entitled to notice under s. 33.1(2), and therefore direct staff to notify the Applicant of the reconsideration.
3. That staff arrange a meeting of the Executive Committee to consider the reconsideration at the first available meeting opportunity following the close of submissions.

PROVINCIAL AGRICULTURAL LAND COMMISSION



Frank Leonard, Chair
Provincial Agricultural Land Commission

July 31, 2017
Date

55001m2

March 22, 2018

PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2297, 2018

B-2 b)

A bylaw to amend the "West Peace Official
Community Plan Bylaw 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 Bylaw No. 1086, 1997;

AND WHEREAS, an application has been made to amend "West Peace Official Community Plan No. 1086, 1997" to facilitate an associated rezoning affecting a 16 ha. (39.5 acre) portion of Block A, District Lot 1561, PRD;

NOW THEREFORE, the Regional Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as "West Peace Community Plan Amendment Bylaw No. 2297 (Rat Race Contracting), 2018."
2. Map 7 of "West Peace Official Community Plan Bylaw No. 1086, 1997" is hereby amended by redesignating a 16 ha. (39.5 acre) portion of Block A, District Lot 1561, PRD, from R-A "Resource-Agriculture" to I "Industrial", as shown on Schedule 'A' which is attached to and forms part of this bylaw.

READ A FIRST TIME THIS _____ day of _____, 2018.

READ A SECOND TIME THIS _____ day of _____, 2018.

Public Hearing held on the _____ day of _____, 2018.

Notification mailed on the _____ day of _____, 2018.

READ A THIRD TIME THIS _____ day of _____, 2018.

ADOPTED THIS _____ day of _____, 2018.

Chair

(Corporate Seal has been
affixed to the original bylaw)

Corporate Officer

I hereby certify this to be a true and correct copy of Bylaw
No. 2297 (Rat Race Contracting), 2018", as adopted by the
Peace River Regional District Board
on _____, 20__.

Corporate Officer

March 22, 2018

SCHEDULE "A"

B-2 b)

March 22, 2018

PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2298, 2018

B-2 c)

A bylaw to amend Peace River Regional
District Zoning Bylaw 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 "Peace River Regional District Zoning Bylaw 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 Bylaw No. 2298 (Rat Race Contracting), 2018."
2. Schedule C – Map 7 "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by rezoning a 16 ha. (39.5 acre) portion of Block A, District Lot 1561, PRD, from A-2 "Large Agricultural Holdings Zone" to I-1 "Light Industrial Zone", as shown on Schedule 'A' which is attached to and forms part of this bylaw.

READ A FIRST TIME THIS	_____ day of _____	, 2018.
READ A SECOND TIME THIS	_____ day of _____	, 2018.
Public Hearing held on the	_____ day of _____	, 2018.
Notification mailed on the	_____ Day of _____	
Ministry of Transportation		
Approval received this	_____ day of _____	, 2018.
READ A THIRD TIME THIS	_____ day of _____	, 2018.
ADOPTED THIS	_____ day of _____	, 2018.

Chair

(Corporate Seal has been
affixed to the original bylaw)

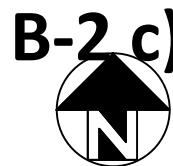
Corporate Officer

I hereby certify this to be a true and correct copy of "PRRD
Zoning Amendment Bylaw No. 2298 (Rat Race Contracting), 2018,
as adopted by the Peace River Regional District
Board on _____, 20____.

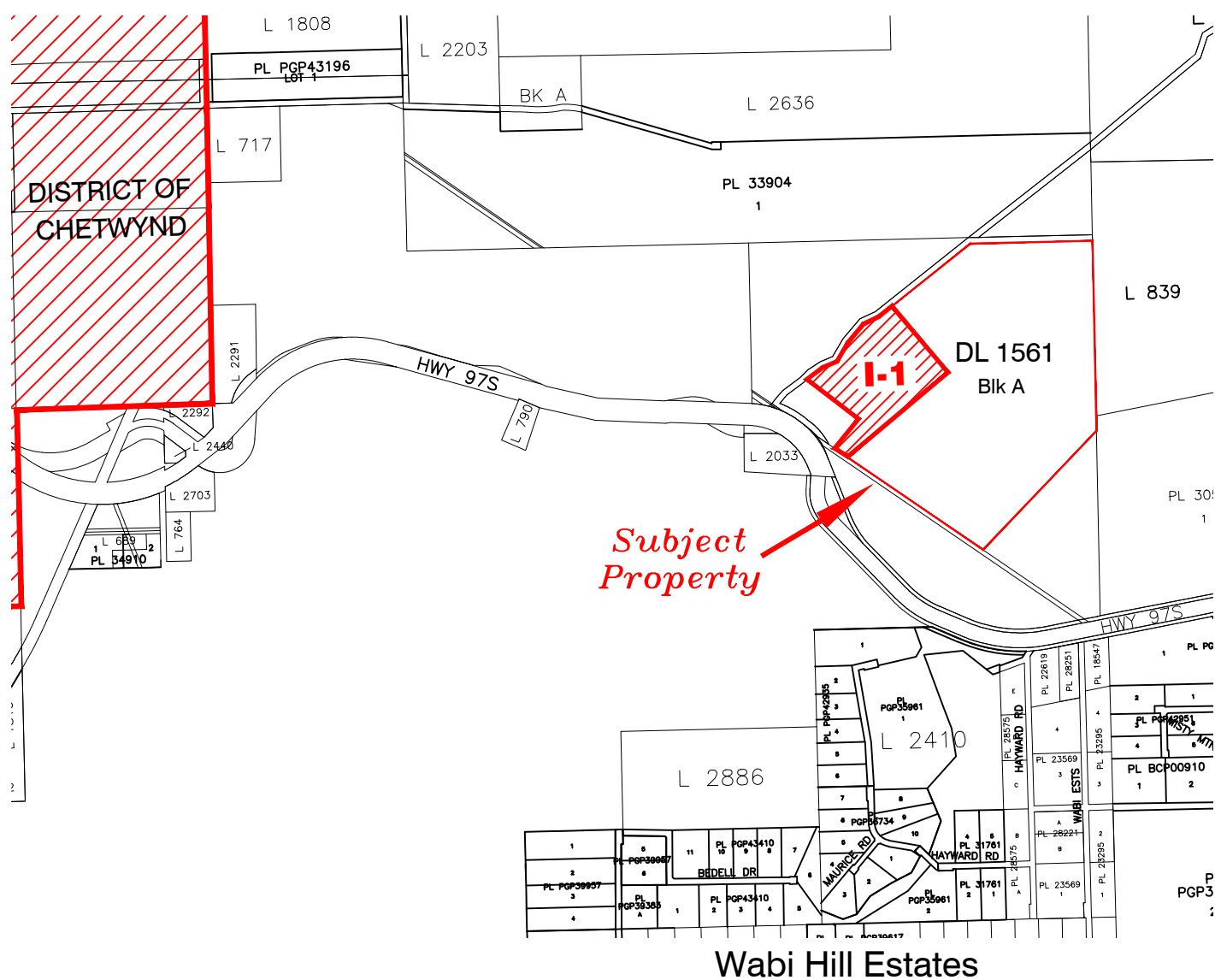
March 22, 2018

Corporate Officer

SCHEDULE "A"



Map No. 7 - Schedule C of "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by rezoning a 16 ha (39.5 acres) portion of Block A, District Lot 1561, PRD **from** A-2 "Large Argicultural Holdings Zone" **to** I-1 "Light Industrial Zone" as shown shaded on the drawing below:



March 22, 2018