



**PEACE RIVER REGIONAL DISTRICT**

**PUBLIC HEARING – AGENDA**

**Proposed OCP & Zoning Amendment Bylaw No. 2323, 2018**

November 21, 2018 @ 7:00 p.m.

**Kiwanis Performing Arts Centre (Calvin Kruk Centre for the Arts)**

**10401 – 10th Street, Meeting Room #3, Dawson Creek, BC**

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 **Zoning Amendment Bylaw No. 2323, 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: Brothers Industrial Services Ltd.

Legal Description: Lot 5, Section 28, Township 78, Range 15, W6M, PRD Plan PGP9915

Proposal: To amend the zoning by adding a text amendment to Lot 5, Section 28, Township 78, Range 15, W6M, PRD, Plan 9915 to allow a TANK FARM of not more than one tank, to which is not more than 3.5 metres above grade and where the volume in the tank is not greater than 30m<sup>3</sup> of Liquid CO<sub>2</sub>.

#### 4. SUMMARY OF APPLICATION PROCEDURE

|                                                                                                                                                                                                                                                                                                                                                                                                                |                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Application received.                                                                                                                                                                                                                                                                                                                                                                                          | February 21, 2018  |
| Application and draft bylaws circulated to municipalities and provincial agencies.                                                                                                                                                                                                                                                                                                                             | June 15, 2018      |
| PRRD Board gives bylaw 1 <sup>st</sup> & 2 <sup>nd</sup> Reading and authorizes Public Hearing.                                                                                                                                                                                                                                                                                                                | September 27, 2018 |
| Public Hearing Notification published as follows: <ul style="list-style-type: none"><li>• Posted to the PRRD website (November 5)</li><li>• Mailed to landowners within notification area (November 7)</li><li>• Advertised in the Mirror (November 8 &amp; 15)</li><li>• Advertised in the Northern Horizon newspaper (November 9)</li><li>• Advertised on Energetic City website (November 9 – 21)</li></ul> | November 2018      |
| Public Hearing takes place at the Kiwanis Performing Arts Centre(Calvin Kruk Centre for the Arts), Dawson Creek, B.C                                                                                                                                                                                                                                                                                           | November 21, 2018  |

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

**City of Fort St. John:**

Interests unaffected by bylaw.

**District of Taylor:**

Interests unaffected by bylaw.

**City of Dawson Creek:**

Interests unaffected by bylaw.

**Dawson Creek Fire Department:**

Mostly looks good, the only thing that I do not see on the plans is tank protection, from vehicle damage. This would be a requirement.

**Ministry of Transportation and Infrastructure:**

The Ministry of Transportation and Infrastructure has received and reviewed your referral of June 15, 2018 to amend the zoning by adding a text amendment to Lot 5, Section 28, Township 78, Range 15, W6M, PRD, Plan 9915 to allow a TANK FARM of not more than one tank, to which is not more than 3.5 metres above grade and where the volume in the tank is not greater than 30m<sup>3</sup> of Liquid CO<sub>2</sub>. The Ministry of Transportation and Infrastructure has no concerns with the proposal.

The Ministry has no objections to the development permit.

**Ministry of Forests, Lands, Natural Resource Operations, And Rural Development**

*See attached letter within Attachment A*

**Northern Health:**

This letter is in regards to the Bylaw Amendment Application located at the above noted location in Dawson Creek. The intent of the application is to amend the zoning by adding a text amendment to Lot 5, Section 28, Township 78, Range 15, W6M, PRD, Plan 9915 to allow a TANK FARM of not more than one tank, to which is not more than 3.5 metres above grade and where the volume in the tank is

not greater than 30m<sup>3</sup> of Liquid CO<sub>2</sub>.

Based on the intended use of the Bylaw Amendment Application, **Northern Health has no objections** to the bylaw amendment subject to the conditions below:

- As per the Public Health Act [SBC 2008] Ch. 28, the property owner must not create a health hazard.
- As per the Public Health Act [SBC 2008] Ch. 28, if the operator is required by regulation to have a licence or permit to engage in a regulated activity, the operator must obtain such licence or permit by submitting the appropriate application to the health officer prior to construction or operation of the regulated activity.
- As per the Public Health Act [SBC 2008] Ch. 28, an operator who engages in a regulated activity must comply with any requirement or duty set out in a regulation respecting the regulated activity.
- As per the Drinking Water Protection Act [SBC 2001] Ch. 9, the owner must not cause or allow contamination of a drinking water source, a well recharge zone, or an area adjacent to a drinking water source.

If you have any additional questions regarding this matter please contact me at 250719-6500.

6. WRITTEN COMMENTS RECEIVED FROM PUBLIC

None.

7. COMMENTS FROM APPLICANT

8. COMMENTS FROM PUBLIC

9. FINAL COMMENTS FROM APPLICANT

10. TERMINATION OF PUBLIC HEARING

**List of Attachments:**

- A. PRRD Report: PRRD OCP & Zoning Amendment Bylaw No. 2323, 2018
  - 1. Report
  - 2. Maps
  - 3. Application
  - 4. FLNRORD referral letter
  - 5. Director response
  - 6. Bylaw
- B. Public Notification for PRRD OCP & Zoning Amendment Bylaw No. 2323, 2018
- C. Proposed OCP & Zoning Amendment Bylaw No. 2323, 2018 (*Updated*)

**Attachment A: PRRD Report: PRRD OCP & Zoning Amendment Bylaw No. 2323, 2018**



PEACE RIVER REGIONAL DISTRICT  
DEVELOPMENT SERVICES  
**ZONING AMENDMENT REPORT**  
BYLAW No. 2323, 2018  
1<sup>st</sup> & 2<sup>nd</sup> Reading

B-1 a)

**OWNER:** Brothers Industrial Services Ltd.

**DATE:** July 18, 2018

**FILE No.** 18/077

**AREA:** Electoral Area D

**LEGAL:** Lot 5, Section 28, Township 78, Range 15, W6M, PRD Plan PGP9915

**LOT SIZE:** 0.54 ha (1.4 ac)

**LOCATION:** Dawson Creek Area

**PROPOSAL:**

To amend the zoning by adding a text amendment to Lot 5, Section 28, Township 78, Range 15, W6M, PRD, Plan 9915 to allow a TANK FARM of not more than one tank, to which is not more than 3.5 metres above grade and where the volume in the tank is not greater than 30m<sup>3</sup> of Liquid CO<sub>2</sub>.

**RECOMMENDATION:**

1. THAT Peace River Regional District Zoning Amendment Bylaw No. 2323, 2018 be read for a First and Second time.
2. THAT the holding of a Public Hearing be waived pursuant to s. 464(2) of the Local Government Act, and authorize public notification pursuant to s. 467 of the Local Government Act.

**ALTERNATIVE OPTIONS**

1. 1. THAT Peace River Regional District Zoning Amendment Bylaw No. 2323, 2018 be read for a First and Second time.  
2. THAT a Public Hearing be held pursuant to the *Local Government Act*; and  
THAT holding of the Public Hearing be delegated to the Director of Electoral Area 'D'.
2. THAT the Regional Board refuse the application as submitted.

**SITE CONTEXT**

The subject property is located west of the City of Dawson Creek, along Haddow Subdivision just off the Alaska Highway (97 N). The subject property is located east of the Louisiana Pacific plant.

**SITE FEATURES**

**LAND:** The property is industrial developed land.

**STRUCTURES:** There is an 1850 sq.ft. and a 240 sq.ft temporary shelter.

**ACCESS:** Property is accessed from Haddow Subdivision.

**CLI SOIL RATING:** Class 2<sub>c</sub> soils. Class 2 soils have moderate limitations that restrict the range of crops or require moderate conservation practices. Subclass t denotes adverse climate.

**FIRE:** Within the Dawson Creek Fire Protection Area

**BUILDING INSPECTION AREA:** Within the Mandatory Building Permit area.

#### COMMENTS AND OBSERVATIONS

**APPLICANT:** The applicant is wanting to install the CO<sup>2</sup> tank to create dry ice for their clearing servicing business. The applicant provided the following rationale to support the proposal:

- *Allows the company to be more successful in Dawson Creek, which in turn supports Dawson Creek.*
- *Reduces the risk of dry ice transportation from outside sources.*
- *Allows the company to be more cost effective and provide better service to the area.*
- *Increases the company's capabilities.*
- *The tank will be neatly tucked away between two buildings which will be out of sight.*

**ALR:** The subject property is outside the ALR.

**OCP: South Peace Fringe Area Official Community Plan Bylaw No. 2048, 2012**

The subject property is designated as 'Industrial' within the South Peace Fringe Area OCP Bylaw No. 2048, 2012. The policies within this designation state that the predominant land use is for industrial uses including but not limited to: trucking, logging, construction trade, or oil and gas field service contractors; automotive, recreation vehicle, machinery or equipment servicing, repair and sales; fuel retail sales; manufactured home sales; recycling centre; building material or gardening supplies outlet; wholesale or warehousing establishments, subject to zoning regulations.

Parcels within the Industrial designation should have a minimum parcel size of 1.6 ha (4 acres) unless:

- i. the lands are connected to a community sewage system in which case the parcel should be at least 0.4 ha (1 acre); or
- ii. soil conditions are suitable for on-site sewage disposal and a system authorized by the agency having jurisdiction regarding sewage disposal, in which case the parcel should be at least 0.8 ha (2 acres).

*This property was created in 1958 so it is currently an existing non-conforming lot.*

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 I-1 (Light Industrial Zone) pursuant to Zoning Bylaw No. 1343, 2001.

A tank farm or chemical storage is not a permitted use within this zone:

**Definition of a tank farm within the PRRD zoning bylaw No. 1343, 2001:**

*Means a facility housing a container or containers that extend more than 2m above grade and where the volume in all of the tanks are greater than 10m<sup>3</sup>, used for storage and distribution of products that contain petroleum or other organic gases or materials;*

As this proposal is over the above grade and the tank is larger than 10m<sup>3</sup>, a zoning amendment is required.

**WATER & SEWER:** The application states that the lot currently houses a holding septic tanks and cistern.

**IMPACT ANALYSIS**

**AGRICULTURE:** The proposal may have minor impacts to agriculture, as the property is adjacent to an agricultural field.

**CONTEXT:**

- Close proximity to the City of Dawson Creek.
- The subject property is in proximity to a few residential properties and agricultural parcels.
- The property is also adjacent to similar Industrial lots.
- No major increase to Industrial traffic is foreseen in result to the proposal.
- The property is currently being used as an 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.

There may be a minor increase to traffic as the proposal is associated with transportation of the CO<sup>2</sup> use. The subject property is closely adjacent to a major highway corridor.

**COMMENTS RECEIVED FROM MUNICIPALITIES AND PROVINCIAL AGENCIES**

**CITY OF DAWSON CREEK:** Interests unaffected by bylaw.

**DAWSON CREEK FIRE DEPARTMENT:** Mostly looks good, the only thing that I do not see on the plans is tank protection, from vehicle damage. This would be a requirement.

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

**DISTRICT OF TAYLOR:** Interests unaffected by bylaw.

**MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE:** The Ministry of Transportation and Infrastructure has received and reviewed your referral of June 15, 2018 to amend the zoning by adding a text amendment to Lot 5, Section 28, Township 78, Range 15, W6M, PRD, Plan 9915 to allow a TANK FARM of not more than one tank, to which is not more than 3.5 metres above grade and where the volume in the tank is not greater than 30m<sup>3</sup> of Liquid CO<sub>2</sub>. The Ministry of Transportation and Infrastructure has no concerns with the proposal.

The Ministry has no objections to the development permit.

MINISTRY OF FORESTS,  
LANDS, NATURAL  
RESOURCE OPERATIONS,  
AND RURAL  
DEVELOPMENT  
NORTHERN HEALTH:

See attached letter

This letter is in regards to the Bylaw Amendment Application located at the above noted location in Dawson Creek. The intent of the application is to amend the zoning by adding a text amendment to Lot 5, Section 28, Township 78, Range 15, W6M, PRD, Plan 9915 to allow a TANK FARM of not more than one tank, to which is not more than 3.5 metres above grade and where the volume in the tank is not greater than 30m<sup>3</sup> of Liquid CO<sub>2</sub>.

Based on the intended use of the Bylaw Amendment Application, **Northern Health has no objections** to the bylaw amendment subject to the conditions below:

- As per the Public Health Act [SBC 2008] Ch. 28, the property owner must not create a health hazard.
- As per the Public Health Act [SBC 2008] Ch. 28, if the operator is required by regulation to have a licence or permit to engage in a regulated activity, the operator must obtain such licence or permit by submitting the appropriate application to the health officer prior to construction or operation of the regulated activity.
- As per the Public Health Act [SBC 2008] Ch. 28, an operator who engages in a regulated activity must comply with any requirement or duty set out in a regulation respecting the regulated activity.
- As per the Drinking Water Protection Act [SBC 2001] Ch. 9, the owner must not cause or allow contamination of a drinking water source, a well recharge zone, or an area adjacent to a drinking water source.

If you have any additional questions regarding this matter please contact me at 250719-6500.

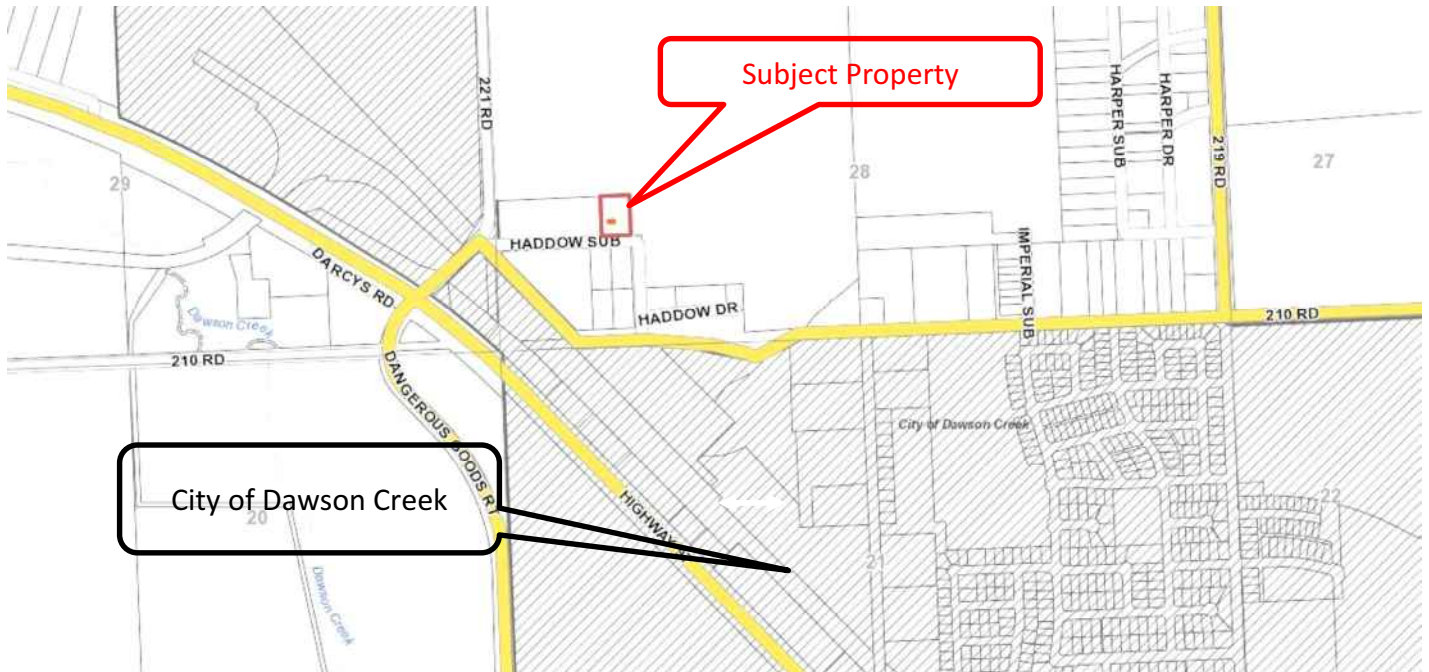
#### ATTACHMENTS:

1. Maps
2. Zoning Application
3. Ministry of Forests, Land, Natural Resource operations, and Rural Development Referral letter, Date: June 21, 2018
4. Director Referral Comments
5. Bylaw





Context Photo



Air Photo

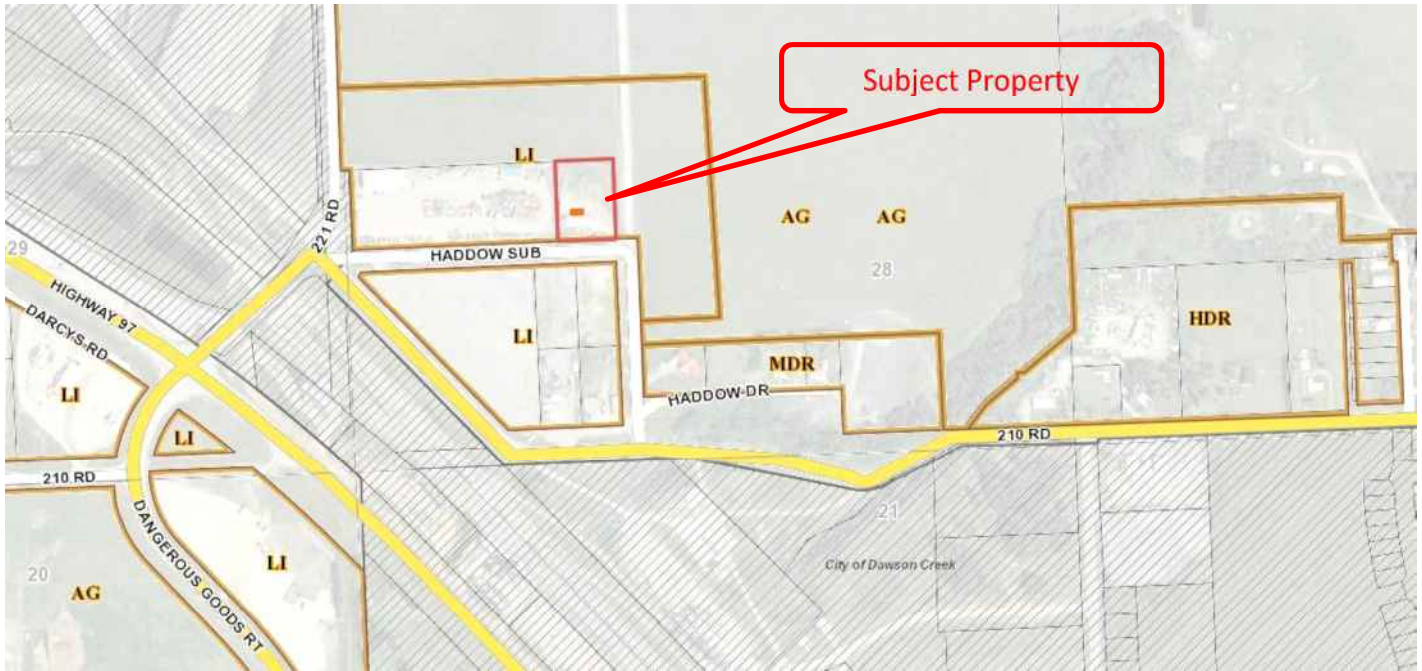




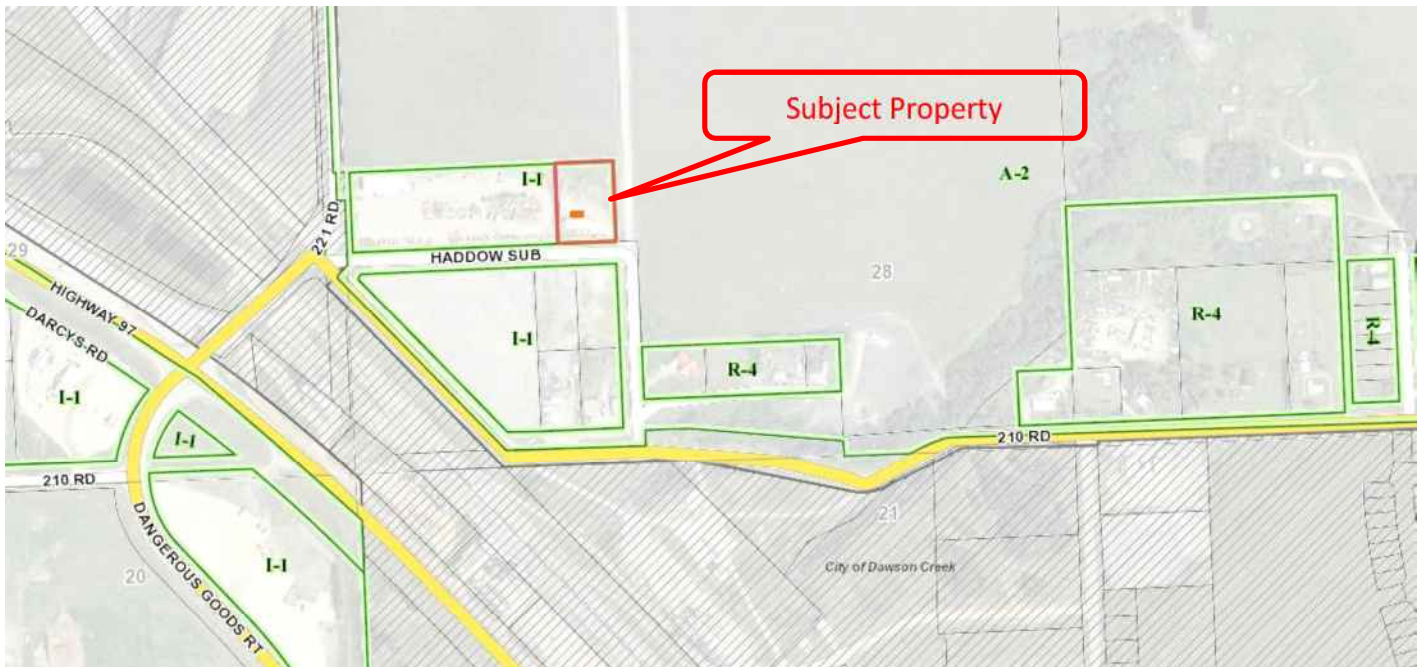
MAPS

FILE No. 18/077 (Brothers Industrial Ltd.)

South Peace OCP Bylaw No. 2048, 2012 (Schedule B Map 2)



PRRD Zoning Bylaw No. 1343, 2001 (Schedule B Map 3)







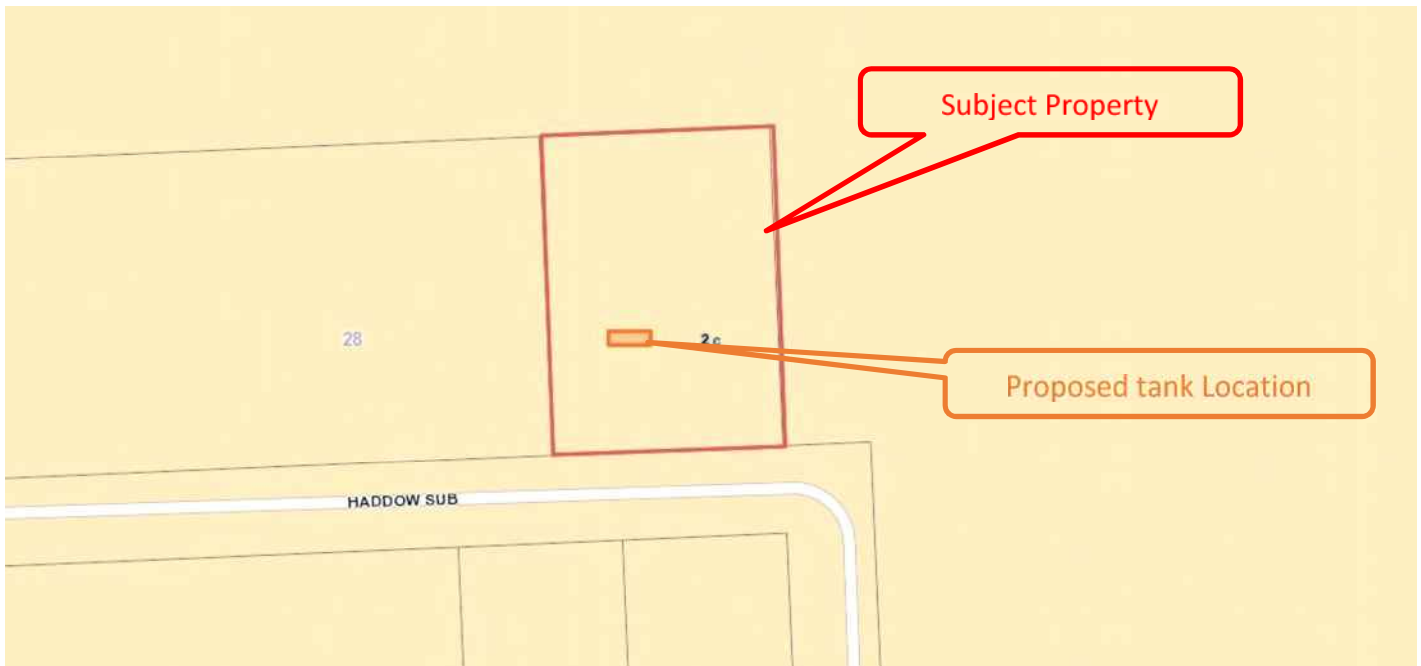
MAPS

FILE NO. 18/077 (Brothers Industrial Ltd.)

Agricultural Land Reserve



Soil Classification





## PEACE RIVER REGIONAL DISTRICT

DAWSON CREEK 1981 Alaska Avenue (Box 810), Dawson Creek, BC (T) 250-784-3200..(F) 250-784-3201  
 FORT ST. JOHN 9505 100<sup>TH</sup> 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**

|                                                                                    | <b>FEE</b>  |
|------------------------------------------------------------------------------------|-------------|
| <input type="checkbox"/> Official Community Plan Bylaw Amendment                   | \$ 1,000.00 |
| <input checked="" type="checkbox"/> Zoning Bylaw Amendment                         | 650.00      |
| <input type="checkbox"/> Official Community Plan / Zoning Bylaw Amendment combined | 1,050.00    |
| <input type="checkbox"/> Temporary Use Permit                                      | 350.00      |
| <input type="checkbox"/> Development Permit                                        | 165.00      |
| <input type="checkbox"/> Development Variance Permit                               | 165.00      |
| <input checked="" type="checkbox"/> 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             | Authorized Agent of Owner (if applicable) |
| BROTHERS INDUSTRIAL SERVICES LTD. | N/A                                       |
| Address of Owner                  | Address of Agent                          |
| P.O. BOX 4364                     | N/A                                       |
| City/Town/Village                 | City/Town/Village                         |
| POJOKA, ALBERTA                   | N/A                                       |
| Postal Code                       | Postal Code                               |
| T4J 1R7                           | N/A                                       |
| Telephone Number: 403-598-1918    | Telephone Number:                         |
|                                   | N/A                                       |
| Fax Number: N/A                   | Fax Number: N/A                           |
| E-mail:                           | E-mail:                                   |
| darcy@brothersindustrial.com      | N/A                                       |

**3. PROPERTY DESCRIPTION**

| Full legal description of each property under application | Area of each lot |
|-----------------------------------------------------------|------------------|
| 2456 - HADDOW DRIVE, RURAL DAWSON CREEK, BC               | 1.405 ha./acres  |
| LOT 5, PLAN PCP9915, SECTION 28, TWP 78, RG 15, W6M       | ha./acres        |
|                                                           | ha./acres        |
|                                                           | TOTAL AREA       |
|                                                           | 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 public inspection pursuant to the *Freedom of Information and Protection of Privacy Act*.



Bylaw No. 2165, 2016  
Schedule A – Application for Development

4. Civic Address or location of property: 2456 HADDON DRIVE, RURAL DAWSON CREEK, BC

**5. PARTICULARS OF PROPOSED AMENDMENT**

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

☐ Official Community Plan (OCP) Bylaw amendment:

Existing OCP designation: \_\_\_\_\_

Proposed OCP designation: \_\_\_\_\_

Text amendment: \_\_\_\_\_

☒ Zoning Bylaw amendment:

Existing zone: \_\_\_\_\_

Proposed zone: \_\_\_\_\_

Text amendment: PLEASE SEE ATTACHMENT 1

☐ 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:**

PROPERTY CONSISTS OF A 1850 SQUARE FOOT SHOP + 240 SQUARE FOOT TEMP SHELTER.  
OUR COMPANY OPERATES A SMALL OILFIELD SERVICE COMPANY FROM THE SHOP. ALL SERVICES  
ARE PROVIDED IN THE FIELD WITH VERY LITTLE ACTIVITY IN SHOP/YARD. SERVES  
MORE OF A HOME BASE TO STORE TRUCKS & EQUIPMENT.

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

- (a) North FARMERS FIELD  
(b) East FARMERS FIELD  
(c) South VACANT LOT WITH SOME JUNK CARS ON IT  
(d) West EARTHMOVING CONSTRUCTION COMPANY

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

JUST NEED TO BE ABLE TO HAVE A CO<sub>2</sub> STORAGE TANK ON-SITE  
SO WE CAN MAKE DRY ICE IN THE SHOP TO USE FOR OUR CLEANING  
SERVICES - DRY ICE CURRENTLY COMES FROM CENTRAL ALBERTA.

**9. Reasons and comments in support of the application. Attach a separate sheet if necessary:**

- ALLOWS US TO BE MORE SUCCESSFUL IN DAWSON, MAKING DAWSON MORE SUCCESSFUL
- REDUCES RISK / IMPROVED SAFETY NOT HAVING PEOPLE TRAVELLING TO GET DRY ICE.
- ALLOWS US TO BE MORE COST EFFECTIVE - BETTER SERVICING THE AREA
- INCREASES OUR CAPABILITIES NOT WAITING ON DRY ICE FROM ALBERTA.
- VESSEL WILL BE NEATLY TUCKED IN-BETWEEN SHOP & TEMP SHOP MOSTLY HIDDEN FROM SIGHT



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

HOLDING TANK

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

CISTERN

**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.

Schedule A – Application for Development

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

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    | 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:                                  |

**ATTACHMENT 1;**

Current bylaw verbiage regarding permitted uses

(aa) Oil and Gas Field Services contractor, except tank farm and chemical storage, steamer wash bay facility, or storage of well servicing, cementing, stimulation, or scrubber systems equipment. [Bylaw No. 1921, 2011]

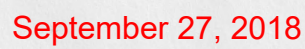
TANK FARM [Bylaw No. 1921, 2011] means a facility housing a container or containers that extend more than 2m above grade and where the volume in all of the tanks are greater than 10m<sup>3</sup>, used for storage and distribution of products that contain petroleum or other organic gases or materials;

**Bylaw Text Amendment**

We will only have one vessel in the yard containing liquid CO<sub>2</sub>, which has no potential to spill (instantly sublimates if it gets out of the tank). The vessel will be approximately 3 Meters in diameter and 11 meters long elevated approximately 0.5 Meters off ground on screw piles for safety and support. The vessel will hold approximately 30M<sup>3</sup> of liquid CO<sub>2</sub>.

I would not consider us a tank farm, but if we would be labeled as a tank farm I'd like the amendment to accommodate that size of tank.









June 21 2018

Kole A. Casey  
 South Peace Land Use Planner  
 Peace River Regional District  
 Box 810, Dawson Creek BC, V1G 4H8

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**Re: Bylaw Amendment #18/077 (Brothers Industrial Services Ltd.)**

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Dear Kole,

Thank you for the opportunity to provide comment on the above noted referral. The Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Ecosystems Section (MFLNRORD-ES), Northeast Region has reviewed this Bylaw Amendment and has determined that this project poses a low risk to environmental values mainly to rare plant species. These values need to be considered during the application review process. Please note that some direction is meant specifically to pertain to Crown Land rather than private land within the PRRD. Please see the following comments for details.

### **Rare Plants**

#### ***Spike-oat***

The project overlaps with a Conservation Data Centre (CDC) rare plant occurrence record for spike-oat *Avenula hookeri* (Occurrence ID: 3799 and Shape ID: 3836). This vascular plant occurs in the BWBSmw – Boreal White and Black Spruce – Moist Warm Biogeoclimatic Unit in the Peace Region and may exist in the area. The last observation was recorded in 1989. All but one has been reported in the vicinity of the Peace River. More information about this species and the others below can be found on the provincial Conservation Data Centre website<sup>i</sup>

From a conservation status perspective, spike-oat:

- recently changed from provincially blue-listed species to yellow-listed (2018),
- ranked as S3S4 (special concern, vulnerable to extirpation or extinction and apparently secure) by the Conservation Data Centre,

#### ***Prairie Buttercup***



The project overlaps with a Conservation Data Centre (CDC) rare plant occurrence record for prairie buttercup *Ranunculus rhomboideus* (Occurrence ID: 2763 and Shape ID: 2308). This vascular plant occurs in the BWBSmw – Boreal White and Black Spruce – Moist Warm Biogeoclimatic Unit in the Peace Region and may exist in the area. The last observation was recorded in 1932. They have only been reported in the Peace Region of BC.

From a conservation status perspective, prairie buttercup:

- provincially blue-listed species,
- ranked as S2S3 (imperiled and special concern, vulnerable to extirpation or extinction) by the Conservation Data Centre,

### ***Purple Rattlesnake-Root***

The project overlaps with a Conservation Data Centre (CDC) rare plant occurrence record for purple rattlesnake-root *Prenanthes racemosa* (Occurrence ID: 5955 and Shape ID: 1796). This vascular plant occurs in the BWBSmw – Boreal White and Black Spruce – Moist Warm Biogeoclimatic Unit in the Peace Region and may exist in the area. The last observation was recorded in 1946. They have only been reported in this region of BC.

From a conservation status perspective, purple rattlesnake-root:

- provincially red-listed species,
- ranked as SH (historical (species)/possibly extirpated (communities) by the Conservation Data Centre,

### ***Heart-Leaved Buttercup***

The project overlaps with a Conservation Data Centre (CDC) rare plant occurrence record for heart-leaved buttercup *Ranunculus cardiophyllus* (Occurrence ID: 4871 and Shape ID: 2300). This vascular plant occurs in the BWBSmw – Boreal White and Black Spruce – Moist Warm Biogeoclimatic Unit in the Peace Region and may exist in the area. The last observation was recorded in 1938. They have only been reported in this region of BC.

From a conservation status perspective, heart-leaved buttercup:

- provincially red-listed species,
- ranked as S2? (imperiled) by the Conservation Data Centre,

Since this project overlaps with several CDC rare plant occurrence records, the MFLNRORD-ES recommends that the proponent retain a qualified professional with knowledge of, and experience with, rare plant identification, to undertake a field survey, to confirm the species occurrence, abundance and distribution and if necessary, develop relevant mitigation plans to avoid/minimize impacts to the subject plant species. Ideally, this survey and mitigation plan development (if required) should occur prior to construction activities.

### **Timing of Activities**

To reduce the risk of adverse impacts that the proponent's activities may have on fish and wildlife species during sensitive life requisite periods (e.g. breeding bird nesting, fish spawning, caribou calving) and to avoid contraventions under relevant pieces of provincial and/or federal legislation (e.g. provincial *Wildlife and Water Sustainability Act*, federal *Fisheries Act*.), it is advisable that activities occur within the appropriate least risk window. The below mentioned Regional Guideline and BMP web link provides a "Least Risk Windows.pdf" for reference and planning use.

Vegetation removal, if occurring during a critical window can negatively impact a number of fish and wildlife species, in particular, birds species. Birds in Canada are protected under provincial and territorial statute (i.e. *Wildlife Act*), in addition to the federal *Migratory Birds Convention Act (MBCA)* and it's *Migratory Birds Regulations (MBR)*.

Section 34 of the BC *Wildlife Act* stipulates:

**34** *A person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys*

*(a) a bird or its egg,*

*(b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or*

*(c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg.*

The *MBCA* and *MBR* also have *general prohibitions against the disturbance and destruction of nests, eggs and the depositing of harmful substances into areas frequented by migratory birds*. Migratory birds, the nests of migratory birds and/or their eggs can be inadvertently harmed or disturbed (often referred to as incidental take) as a result of many activities – including, but not limited to, clearing trees and other vegetation and draining or flooding land. As such, to minimize the possibility of contravening this federal law, the proponent is advised to exhibit due diligence in regards to the proponent's responsibilities under the *MBCA* and *MBR* and review the direction on the following Environment Canada website: <http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=C51C415F-1>.

In the event that working within a critical window for any species is unavoidable, the proponent should contact an appropriate qualified professional (e.g. Registered Professional Biologist with BC accreditation) to discuss alternatives and develop/implement potential mitigation and monitoring plans as required.

### **Environmental Mitigation Policy**

The Environmental Mitigation Policy for BC is intended to support decision-making in the natural resource sector. The purpose is to provide a consistent approach and guidance for provincial staff, decision-makers and proponents in all areas of the natural resource sector. The policy and associated procedures provide details on the mitigation hierarchy and corresponding types of mitigation measures: all measures should be considered and applied before moving to the next level on the hierarchy. These levels are: 1) Avoid: preferable to avoid any impacts on the ecosystem value; 2) Mitigate: minimize

impacts to value; 3) Restore: restore on-site the values that have been impacted; and 4) Offset: offsetting impacts is a last resort. This component of the mitigation hierarchy is currently being built out. The EMP also provides a standardized approach to assessing impacts to a value. The policy is available at: <http://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/policy-legislation/environmental-mitigation-policy>.

### **Wildlife Habitat Features**

The proponent is advised that there could be wildlife habitat features such as natural mineral licks, bear dens, etc., that from a stewardship perspective, should try to be managed for. If habitat features are encountered, guidance for the features management can be sought from the document entitled 'A Compendium of Wildlife Guidelines for Industrial Development Projects in the North Area, British Columbia - Interim Guidance' available at:

<http://a100.gov.bc.ca/pub/eirs/finishDownloadDocument.do?subdocumentId=9921>

### **Works In and Around Watercourses**

For proposed work in and around watercourses (e.g. wetlands, seasonal or dry creeks, streams, rivers, lakes), the proponent *must* comply with all applicable federal, provincial and municipal enactments (e.g. federal *Fisheries Act*, provincial *Water Sustainability Act* {WSA} etc.).

One of the most important pieces of legislation regarding the conservation and protection of fish and fish habitat in Canada is the federal *Fisheries Act*. The *Fisheries Act* requires that projects avoid causing serious harm to fish unless authorized by the Minister of Fisheries and Oceans Canada. This applies to work being conducted in or near waterbodies that support fish that are part of a commercial, recreational or Aboriginal fishery, or to fish that support such a fishery. Prior to commencing work, it is the proponents responsibility to determine whether or not their project needs to be reviewed by the Department of Fisheries and Oceans Canada. More information about this is matter is available on-line at: <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>.

Information to determine what works require a *Water Sustainability Act* Notification or application for an Approval is available at:

<https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-licences-approvals/apply-for-a-change-approval-or-submit-notification-of-instream-work>

To help inform the proponent of fish and fish habitat values in their project area, they can consult HabitatWizard, which is accessible at: <http://www.env.gov.bc.ca/habwiz/>

### **Rare and Endangered Species**

The distribution of rare and endangered plant and animal species can change over time. To ensure the proponent's activities in the project area do not adversely impact a rare and endangered species, it is advisable that the proponent consult the Conservation Data Centre (<http://www.env.gov.bc.ca/cdc/>) to



determine other occurrences. If the activities are deemed to physically overlap with a rare and endangered species occurrences (other than the ones listed above) or are in close proximity to such an occurrence to have an indirect project effect on the species, it is recommended that a qualified professional undertake appropriate field studies (as required), prior to commencement of on-the-ground activities, to confirm the species occurrence, abundance and distribution and if necessary, develop relevant mitigation plans to avoid/minimize impacts to subject animal or plant species.

#### **Land and Resource Management Plan (LRMP)**

The project falls within the Dawson Creek LRMP area and one Resource Management Zone (RMZ). The LRMP itself outlines a strategic planning framework for resource development while providing for the protection of environmental and recreation resource values through the creation and implementation of objectives and strategies to manage and maintain these values over the planning area. The proponent is advised to review the relevant LRMP and consider that guidance in their planning of activities. It is available at: <https://www.for.gov.bc.ca/tasb/slrp/>

#### **Guidelines and Best Management Practices**

A variety of other wildlife species (e.g. other ungulates, bears) not discussed in this referral potentially use habitat within and/or proximal to the project area. As such, other useful regional and provincial guidelines/BMP documents available at:

Regional Guideline and BMP documents are available at:

<http://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/wildlife/regional-wildlife/northeast>

Provincial Guideline and BMP documents are available at:

<http://www.env.gov.bc.ca/wld/BMP/bmpintro.html>

In addition, a variety of sector specific invasive plant BMP's are available on the Peace River Regional Districts (PRRD) website at: <http://prrd.bc.ca/services/invasive-plants/>.

Please note that these sites are routinely updated. Prior to commencing work, it is recommended that the proponent check the links above to see if relevant Guideline or BMP document(s) have been revised or added.

Environmental protection and stewardship is the responsibility of all British Columbians and utilizing the above noted information will support this undertaking. If you or the proponent has any questions and/or require clarification on any of the points expressed above, please do not hesitate to contact me to discuss.

Sincerely,



Linda Takahashi, M.Sc., R.P.Bio.

Ecosystems Biologist

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Northeast Region (Fort St. John)

Phone: (250) 787-3508

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<sup>i</sup> <http://a100.gov.bc.ca/pub/eswp/>

**Archived:** Thursday, September 6, 2018 3:40:40 PM  
**From:** Kole Casey  
**Sent:** Thursday, September 6, 2018 3:40:00 PM  
**To:** Director Leonard Hiebert  
**Cc:** PRRD\_Internal; Crystal Brown; Shawn Dahlen; 'Carolyn Dunn'  
**Subject:** RE: 18-077 Brothers Indst Rezone\_1st2nd FNL.pdf  
**Sensitivity:** Normal

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Hello Director Hiebert,

In response to your question:

**Question:**  
Since it is only one tank, how come it is being stated as a tank farm?

**Answer:**  
Within The PRRD Zoning Bylaw No. 1343, 2001 the definition for a Tank farm is as follows:

*TANK FARM: [Bylaw No. 1921, 2011] means a facility housing a **container** or containers that extend more than 2m above grade and where the volume in all of the tanks are greater than 10m<sup>3</sup>, used for storage and distribution of products that contain petroleum or other organic gases or materials;*

As this tank is above 2m grade and larger than 10m<sup>3</sup>, This definition above stands. This definition is also within the report under the Zoning section

If you have any additional questions or comments, please let me know. I will be forwarding this report, including your comments and this email to the next available Board meeting.

All the best,

---

**From:** Director Leonard Hiebert  
**Sent:** Thursday, September 6, 2018 1:56 PM  
**To:** Kole Casey <Kole.Casey@prrd.bc.ca>  
**Cc:** Crystal Brown <Crystal.Brown@prrd.bc.ca>; Shawn Dahlen <Shawn.Dahlen@prrd.bc.ca>  
**Subject:** 18-077 Brothers Indst Rezone\_1st2nd FNL.pdf

Hi Kole,  
Here are my comments.

Thanks,

Leonard Hiebert  
Electoral Director Area "D"  
250-219-8098  
[leonard.hiebert@prrd.bc.ca](mailto:leonard.hiebert@prrd.bc.ca)

September 27, 2018

**Peace River Regional District  
Memorandum**

To: Leonard Hiebert, Director of Electoral Area 'D'

From: Kole Casey, South Peace Land Use Planner

Date: September 6, 2018

RE: ZONING AMENDMENT REPORT BYLAW NO. 2323, 2018 (Brothers Industrial)

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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 September 20, 2018.

Please contact me if you have any questions.

Thank you.

COMMENTS:

circle if  
No Comment

Hi Kole,  
Since it is only one tank, howcome it is being stated as a tank farm?

As this tank will be holding chemical to make dry ice, I will be asking for a public hearing.

Date: September 6/18

Initial: LH

September 27, 2018



**From:** Kole Casey  
**Sent:** Friday, September 14, 2018 10:40 AM  
**To:** Director Leonard Hiebert <[leonard.hiebert@prrd.bc.ca](mailto:leonard.hiebert@prrd.bc.ca)>  
**Cc:** PRRD\_Internal <[prrd.internal@prrd.bc.ca](mailto:prrd.internal@prrd.bc.ca)>  
**Subject:** RE: 18-077 Brothers Indst Rezone\_1st2nd FNL.pdf

Hello Director Hiebert,

The applicant has stated in the application that this will be for CO2, and the bylaw within the report states the following:

The following additional use is permitted as a **Principle Use** on lands legally described as:

Lot 5, Section 28, Township 78, Range 15, W6M, PRD, Plan PGP9915

ii) A **TANK FARM** of not more than one tank, to which is not more than 3.5 metres above grade and where the volume in the tank is not greater than 30m<sup>3</sup> of Liquid CO<sub>2</sub>.

Hope that answers your question.

Cheers,

**From:** Director Leonard Hiebert  
**Sent:** Friday, September 7, 2018 8:05 AM  
**To:** Kole Casey <[Kole.Casey@prrd.bc.ca](mailto:Kole.Casey@prrd.bc.ca)>  
**Subject:** RE: 18-077 Brothers Indst Rezone\_1st2nd FNL.pdf

Thanks Kole,  
Just confirm that the contents will be used for making dry ice.

Leonard Hiebert  
Electoral Director Area "D"  
250-219-8098  
[leonard.hiebert@prrd.bc.ca](mailto:leonard.hiebert@prrd.bc.ca)

September 27, 2018

## PEACE RIVER REGIONAL DISTRICT

## Bylaw No. 2323, 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. 2323, 2018."
2. "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by adding the following text amendment to Part VI, Section 45 I-1 (Light Industrial Zone) 2. Regulations – Additional Uses:
  - (i) The following additional use is permitted as a **Principle Use** on lands legally described as: Lot 5, Section 28, Township 78, Range 15, W6M, PRD, Plan PGP9915
  - ii) A **TANK FARM** of not more than one tank, to which is not more than 3.5 metres above grade and where the volume in the tank is not greater than 30m<sup>3</sup> of Liquid CO<sub>2</sub>.

|                                  |                    |         |
|----------------------------------|--------------------|---------|
| READ A FIRST TIME THIS           | _____ day of _____ | , 2018. |
| READ A SECOND TIME THIS          | _____ day of _____ | , 2018. |
| Public notification published on | _____ day of _____ | , 2018. |
| Notification mailed on the       | _____              | _____   |
| Ministry of Transportation       | _____              | _____   |
| approval received this           | _____              | _____   |
| 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. 2323, 2018 as adopted  
by the Peace River Regional District Board  
on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Corporate Officer

September 27, 2018

**Attachment B: Public Notification for PRRD OCP & Zoning Amendment Bylaw No. 2323, 2018**



PEACE RIVER REGIONAL DISTRICT

# Notice of Public Hearing

Zoning Amendment Bylaw No. 2323, 2018

## When:

Wednesday, November  
21, 2018 | 7:00 pm

## Where:

Kiwanis Performing Arts  
Centre  
(Calvin Kruk Centre for the Arts)  
10401 – 10th Street,  
Meeting Room #3  
Dawson Creek, BC

## For More Information:

Contact:  
Development Services

Tel: 250-784-3200  
Toll Free: 1-800-670-7773  
Email: prrd.dc@prrd.bc.ca



prrd.bc.ca | f

## Dawson Creek Area

Lot 5, Section 28, Township 78, Range 15, W6M, PRD, Plan PGP9915

The Peace River Regional District is hosting a meeting to discuss the proposed Zoning Amendment.

**Proposal:** To amend the zoning by adding a text amendment to allow a TANK FARM of not more than one tank, to which is not more than 3.5 metres above grade and where the volume in the tank is not greater than 30m<sup>3</sup> of Liquid CO<sub>2</sub>.



This notice is in general form only. Relevant background documents may be inspected from Monday through Friday, excluding holidays, between the hours of 8:30am – 4:30pm at the PRRD Dawson Creek office (1981 Alaska Avenue, Dawson Creek, BC) or 8:30am – Noon and 1:00pm – 4:30pm at the PRRD Fort St. John office (9505-100<sup>th</sup> Street, Fort St. John, BC). Written comments or concerns accepted.

Shawn Dahlen, Acting Chief Administrative Officer

diverse. vast. abundant.



**Attachment C: Proposed Zoning Amendment Bylaw No. 2323, 2018**

**PEACE RIVER REGIONAL DISTRICT**  
**Bylaw No. 2323, 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. 2323, 2018."
2. "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by adding the following text amendment to Part VI, Section 45 I-1 (Light Industrial Zone) 2. Regulations – Additional Uses:
  - (i) The following additional use is permitted as a **Principle Use** on lands legally described as: Lot 5, Section 28, Township 78, Range 15, W6M, PRD, Plan PGP9915
  - ii) A **TANK FARM** of not more than one tank, which is not more than 3.5 metres above grade and where the volume in the tank is not greater than 30m<sup>3</sup> of Liquid CO<sub>2</sub>.

|                                                   |                                |        |                          |
|---------------------------------------------------|--------------------------------|--------|--------------------------|
| READ A FIRST TIME THIS                            | <u>27</u>                      | day of | <u>September</u> , 2018. |
| READ A SECOND TIME THIS                           | <u>27</u>                      | day of | <u>September</u> , 2018. |
| Public notification published on                  | <u>8 &amp; 15<sup>th</sup></u> | day of | <u>November</u> , 2018.  |
| Notification mailed on the                        | <u>7</u>                       |        | <u>November</u> , 2018.  |
| Public Hearing held on the                        | <u>21</u>                      | day of | <u>November</u> , 2018.  |
| Ministry of Transportation approval received this |                                |        | <u></u> , 2018.          |
| READ A THIRD TIME THIS                            |                                | day of | <u></u> , 2018.          |
| ADOPTED THIS                                      |                                | day of | <u></u> , 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. 2323, 2018 as adopted  
by the Peace River Regional District Board  
on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Corporate Officer