



REPORT

To: Chair and Directors

Date: September 18, 2018

From: Claire Negrin, Acting General Manager of Development Services

Subject: **File 14-097 Brewster – Request for Consideration**

RECOMMENDATION: *[All Directors – Corporate Unweighted]*

1. THAT the Regional Board accept the September 12, 2018 request from Cyril and Tarla Brewster to have Application 14-097 (OCP & Zoning Amendment Bylaws No. 2127 & 2128, 2014), considered prior to completion of the West Peace Fringe Area OCP, further, that prior to bringing the application forward, staff be directed to work with the applicant to develop an alternative option for the proposed land use amendment based on staff and public concerns.

BACKGROUND/RATIONALE:

Application 14-097 was submitted in May of 2014. The proposal is to amend the OCP designation from 'Settlement' to 'Resource – Agricultural' and to amend the zoning on the subject property from R-4 Residential to A-2 Large Agricultural Holdings, in order to allow for a permanent gravel extraction and processing operation.

The subject property is located on the Jackfish Lake Road, and is surrounded by existing residential development. As such, the permanent land use change to large holdings agriculture is inappropriate as the zone would permit too many non-compatible uses to the property.

A Public Hearing was held on September 29, 2015. 16 members of the public attended. There was general opposition to the proposal, but also some acceptance that gravel extraction in this area is an established use. The minutes of the Public Hearing are attached in the Board Report dated October 15, 2015.

Following the Public Hearing, at the October 22, 2015 Regular Board meeting, the PRRD Regional Board passed the following resolution:

RD/15/10/03 (22)

That consideration of "Official Community Plan Amendment Bylaw No. 2127 (Brewster), 2014" and "Zoning Amendment Bylaw No. 2128 (Brewster), 2014" be deferred until such time as the West Peace Fringe Area Official Community Plan has been completed.

The request for consideration letter submitted by the applicant is asking that this application be considered prior to the completion of the West Peace Fringe Area OCP. The OCP is nearing completion, and will be brought forward to the Board for first reading in 2018. Following first reading, the document will be sent out to external agencies for referral, then will require its own Public Hearing.

Staff Initials: CDN

Dept. Head:

CAO:

Page 1 of 2

September 27, 2018

ALTERNATIVE OPTIONS:

1. That the Regional Board deny the request from Cyril and Tarla Brewster to have Application No. 14-097 (OCP & Zoning Amendment Bylaws No. 2127 & 2128, 2014), considered before completion of the West Peace Fringe Area OCP.
2. That the Regional Board accept the September 12, 2018 request from Cyril and Tarla Brewster to have Application 14-097 (OCP & Zoning Amendment Bylaws No. 2127 & 2128, 2014), considered prior to completion of the West Peace Fringe Area OCP; further, that the report dated October 15, 2015 re: Bylaws 2127 and 2128, 2014 be received and that Official Community Plan Amendment Bylaw No. 2127, 2018 and Zoning Amendment Bylaw No. 2128, 2018 be given third reading. **[Stakeholder Vote – Unweighted]**
3. That Official Community Plan Amendment Bylaw No. 2127, 2018 and Zoning Amendment Bylaw No. 2128, 2018 be adopted. **[Stakeholder Vote – Unweighted, 2/3 majority required]**

STRATEGIC PLAN RELEVANCE:

- Ensure that the Solid Waste Management Plan is operating on a fiscally defensible basis.
- Ensure effective execution of Public Safety and Emergency Services initiatives.
- Foster Collaboration on services with municipalities and electoral areas.
- Establish a strategy for coordinated advocacy on identified issues.
- Manage parks and trails in the region.
- Support the agricultural industry within the regional district.
- Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):**COMMUNICATIONS CONSIDERATION(S):****OTHER CONSIDERATION(S):**

Attachments:

1. September 12, 2018 letter from Cyril and Tarla Brewster
2. Staff report dated October 15, 2015 (including Bylaws 2127 and 2128)

September 12, 2018

Regional District
Box 810
Dawson Creek, BC

Re: Zoning Amendment of District Lot #2964

Regional District Board Members:

I am writing to you to request that our application be brought forward at the next Regional District Board Meeting on September 27, 2018

We have been patiently waiting for this application to go forward for approximately 3 years. We have been willing to work with staff on any public concerns. We have been operating under temporary permits with no concerns that have ever been brought forward to us on our gravel pit.

Thank you and would gladly meet with the Regional District on any questions or concerns that you might have.

Cyril and Tarla Brewster

██████████

Chetwynd, BC

VOC 1J0

September 27, 2018



**PEACE RIVER REGIONAL DISTRICT
DEVELOPMENT SERVICES
OCP & ZONING AMENDMENT REPORT
BY-LAW No. 2127, 2014 2128, 2014
3rd Reading and Adoption**

OWNER: Tarla R. Brewster **DATE:** Oct. 15th, 2015
AREA: Electoral Area E
LEGAL: District Lot 2964, PRD, Exc. Plan PGP25979 PGP26136 PGP27501 PGP29739 PGP32590 32766
LOT SIZE: 139 ha (343.5 acres)
LOCATION: Chetwynd Area

PROPOSAL

To redesignate the parcel to Resource Agricultural and rezone the parcel to A2 (Large Agricultural Holdings Zone), to support agricultural and resource extraction purposes.

RECOMMENDATION: OPTION 3

1. THAT the Regional Board refuse the application as submitted as it is inconsistent with the Official Community Plan.

OPTIONS

- OPTION 1:**
1. THAT the Regional Board read OCP Amendment Bylaw No.2127 (Brewster), 2014 for a third time.
 2. THAT the Regional Board adopt OCP Amendment Bylaw No.2127 (Brewster), 2014.
 3. THAT the Regional Board read Zoning Amendment Bylaw No.2128 (Brewster), 2014 for a third time.
 4. THAT the Regional Board adopt Zoning Amendment Bylaw No.2128 (Brewster), 2014.
- OPTION 2:**
1. That the Regional Board defer the application until the completion of the West Peace Fringe Area OCP.
- OPTION 3:**
1. THAT the Regional Board refuse the application as submitted as it is inconsistent with the Official Community Plan.

Bruce Simard

Department Head

Ch. Birk

CAO

SUMMARY OF APPLICATION PROCEDURE

- May 9, 2014 → PRRD receives application
- June 13, 2014 → Application and proposed bylaw referred to municipalities and provincial agencies
- July 10, 2014 → PRRD Board states by resolution; that a qualified professional be engaged by the applicant to research and give recommendations for environmental protection or buffering between the lake and proposed gravel operations, and that the application be tabled until such time as the District of Chetwynd has had the opportunity to comment.
- July 15, 2014 → PRRD receives comment from the District of Chetwynd
- July 24, 2014 → PRRD Board gives zoning amendment bylaw 1st & 2nd Reading and authorizes a public hearing to take place pursuant to s. 890(4) of the *Local Government Act*, and that public notice be issued after the applicant and the Peace River Regional District discuss options for a 100 metre Preservation Buffer along Half- Moon Lake within District Lot 2964 and the buffer plan is approved by the General Manager of Development Services.
- February 4, 2015 → PRRD receives a Section 219 Covenant for 100 metre Preservation Buffer along Half- Moon Lake within District Lot 2964 and approved by the General Manager of Development Services.
- September 16, 2015 → Public hearing notification mailed to landowners
- September 17 & 24, 2015 → Public notification advertised in *Northeast News*
- September 29, 2015 → Public hearing takes place in Jackfish Lake Community Hall

COMMENTS AND OBSERVATIONS

- APPLICANT:** It is the intent of the landowners to redesignate the property to Resource-Agricultural and rezone the property to Large Agricultural Holdings Zone for reasons to discontinue the resubmitting of a Temporary Use application for the current gravel pit within the subject property. The applicant has no desire to subdivide the property into 5 acre lots as it was initially proposed. The applicant may wish to subdivide one parcel out for their child in the future, which is allowable within 29an A-2 zoning.
- ALR:** The subject property lies outside the Agricultural Land Reserve and therefore is not subject to the Regulations of the *Agricultural Land Commission Act*; **Therefore, this proposal does not require the approval of the Agricultural Land Commission.**
- OCP:** The subject property is designated "Settlement" within the West Peace Official Community Plan Bylaw No. 1096, 1997. The Preferred use for this designation is medium density clustered growth and does not state any use for resource extraction and agricultural use within this designation. For this reason an OCP amendment is warranted
- ZONING:** The subject property is zoned as R-4 (Residential 4 Zone) within the PRRD Zoning Bylaw No. 1343, 2001. The current zoning does not permit Mining, including gravel extraction and processing and minimal agricultural use, which is the reason for this zoning amendment

TEMPORARY USE PERMITS: Temporary Use Permit renewal 197/2013 was issued for the Operation of a gravel processing site with crushing hours limited to 7 am to 10pm within the subject property on November 14th, 2013 and expires November 14th, 2016.

A Previous Temporary Use Permit 115-2010 was issues with the subject property on October 14th, 2010 with an expiry of October 14th 2013. Two letters of objection was received by the PRRD concerning this TUP permit.

No complaints since the original permit issued has been received by the PRRD.

IMPACT ANALYSIS

AGRICULTURE: The proposal could have an impact on the agricultural use of the land if the applicant decides to expand the gravel extraction operation or create a new pit; however the expansion or creation of a new pit would require permitting with the Ministry of Mines and requirements from other provincial agencies. The Rezoning of the subject parcel could limit future residential development on the land and agriculture use overall could increase

CONTEXT: This area consists essentially of small rural lots that surround the subject property along the north. Halfmoon Lake is situated directly north to the subject property which could be affected if any development is increased in the area. A Rezoning to A-2 of the subject property can protect Halfmoon lake from possible residential development. A draft covenant has been drawn up to create a 'no development buffer zone' around Halfmoon lake within the surround private property. The property has low feasibility for most agricultural uses. Previous development does show high potential for gravel extraction.

Concerns were raised at the public hearing about a lack of management of gravel pits in the area. Concerns with noise & dust pollution, operation hours, a level playing field for all gravel pits in the area, gravel pit access, remediation practices and safety.

These concerns may suggest that a more proactive management approach is warranted. If proactive management is not applied, possible detrimental effects to the area residents is foreseen.

Note: Gravel extraction is still allowed on the subject property, despite zoning regulations. The Local Government Act prevents the restriction of gravel extraction by Local Governments. However Local Governments can create a soil removal bylaw with approval from the Province.

Current processing of that aggregate would still require a Temporary Use Permit.

For these reasons a recommendation for refusal is given.

POPULATION: No increase in local population is foreseen unless another gravel pit is allowed, then transient population may increase.

TRAFFIC: No increase in traffic is foreseen unless another gravel extraction site is allowed.

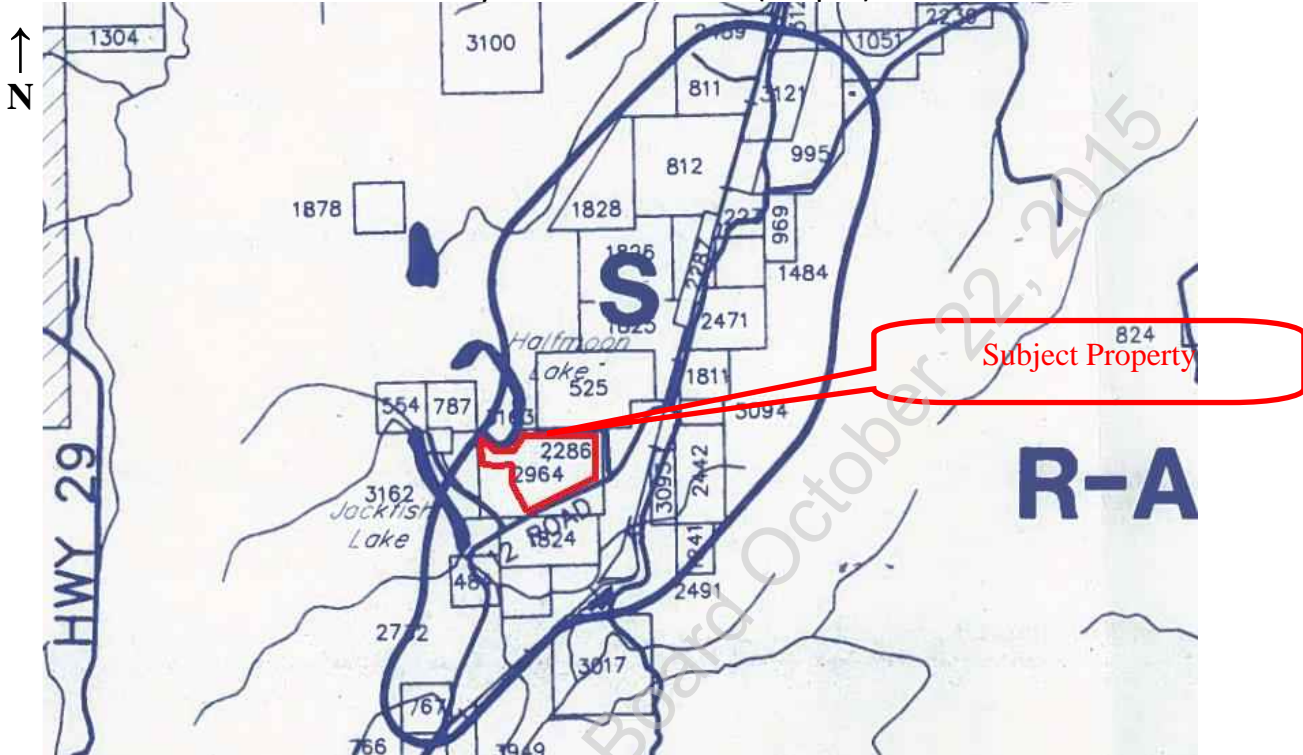
PUBLIC HEARING

Pursuant to the *Local Government Act* a public hearing notification was mailed on Sept. 16th, 2015 and published in the *Northeast News* on Sept. 17th and Sept. 24th, 2015. Minutes of the Public Hearing are attached

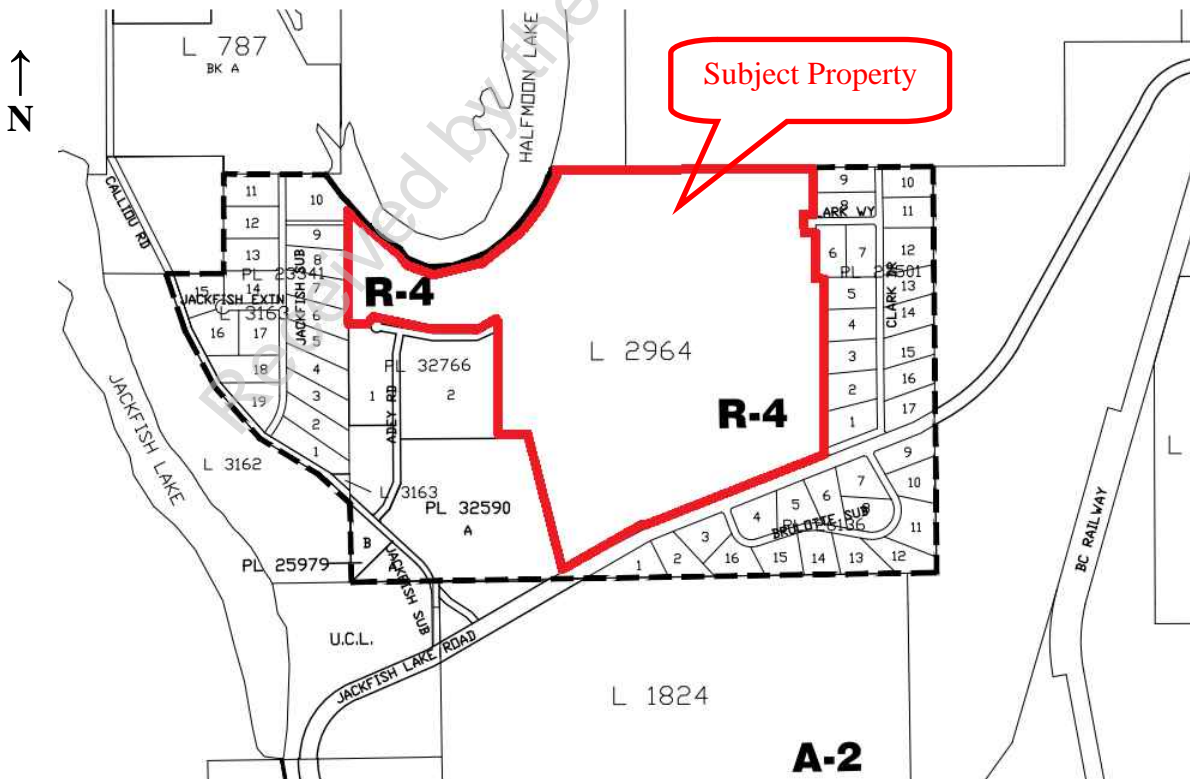


REZONING REPORT
MAPS
FILE NO. 097/2014

West Peace Official Community Plan 1086, 1997 (Map 2)



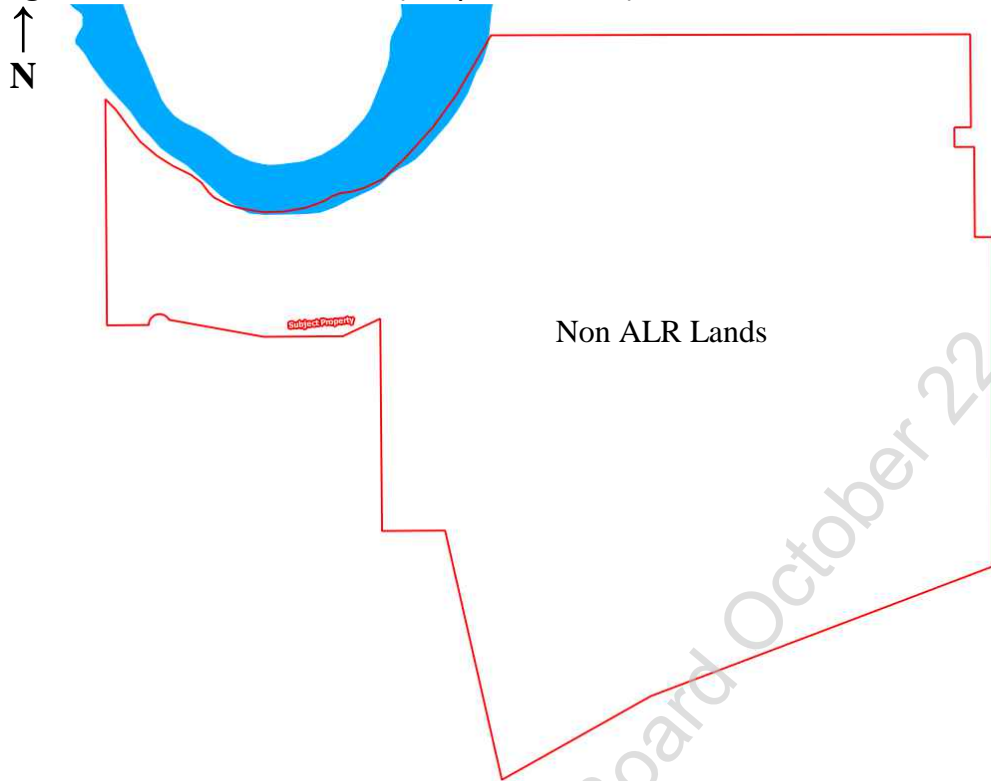
Peace River Regional District Zoning Bylaw 1343, 2001 (Map 4, Schedule C)



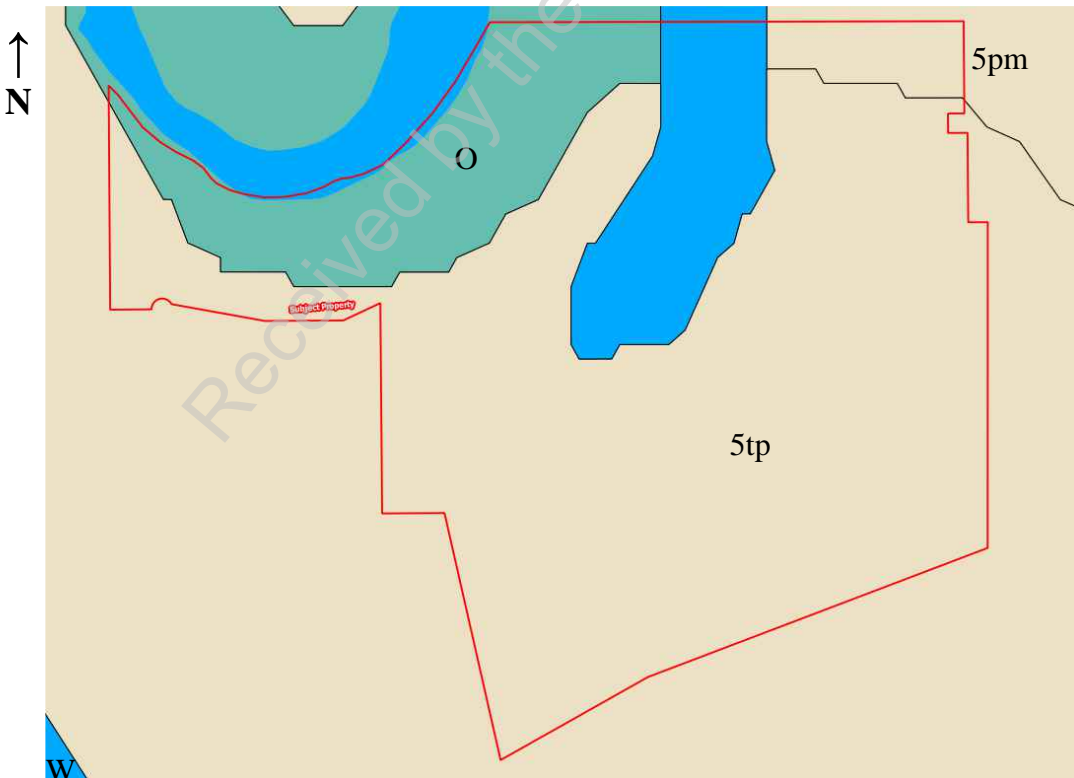


REZONING REPORT
MAPS
FILE NO. 097/2014

Agricultural Land Reserve (Map #93P.083)



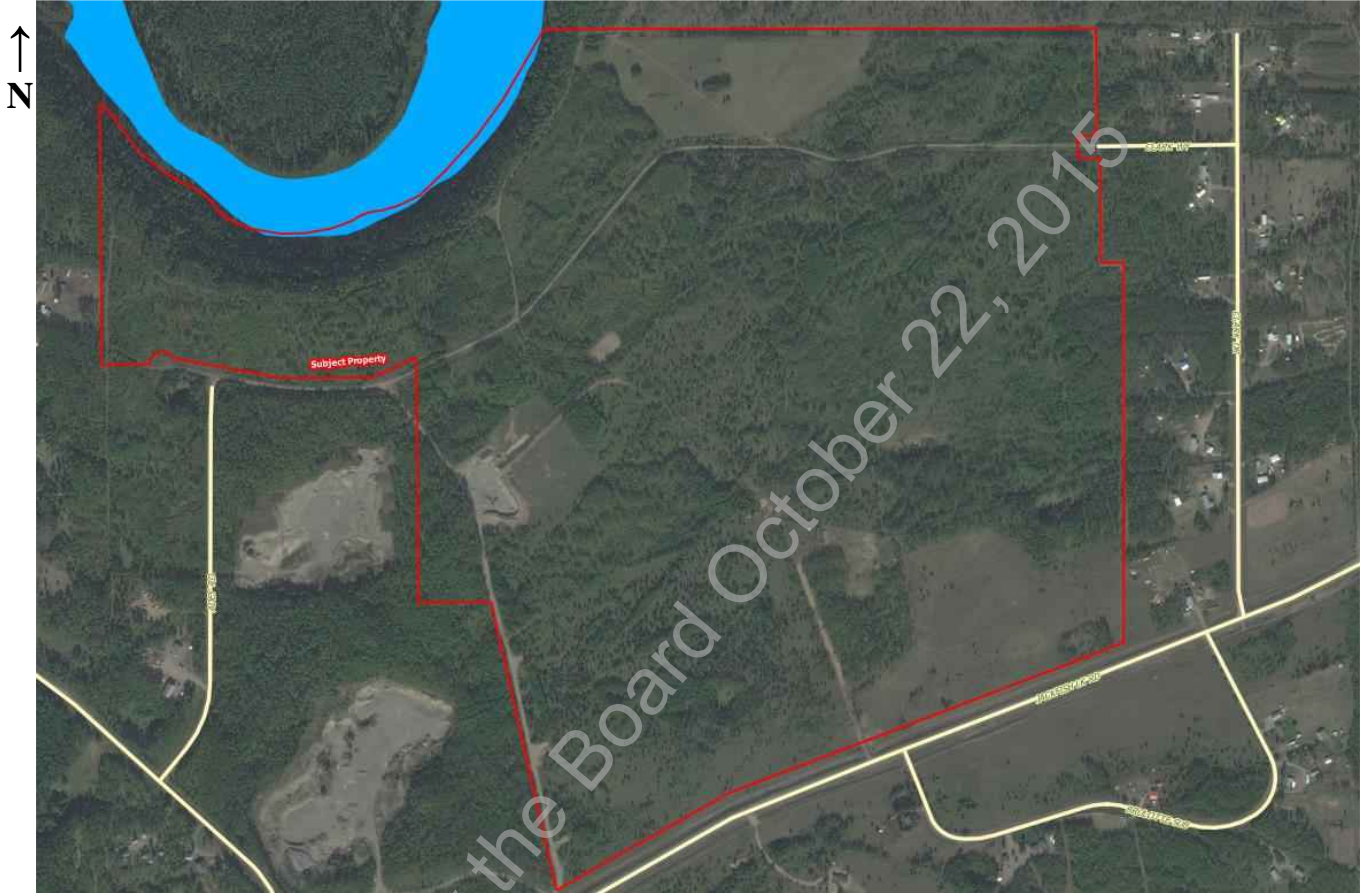
CLI-Soil Classification (Map #93P/14)





REZONING REPORT
MAPS
FILE NO. 097/2014

Air Photo





PEACE RIVER REGIONAL DISTRICT
PUBLIC HEARING – AGENDA

Proposed OCP & Zoning Amendment Bylaw No. 2127 & 2128, 2014

September 29, 2015 @ 7:00 p.m.

Jackfish Lake Community Hall, 1515 Old Jackfish Road

ATTENDANCE:

Peace River Regional District: Dan Rose, Director of Electoral area 'E'
Bruce Simard, General Manager of Development Services
Kole Casey, South Peace Land Use Planner

Applicant: Tarla & Cyril Brewster

Public: Loretta Westover
Marie Nelson
Fred Nelson
Robert Ward
Clark Hazlehurst
Chuck Nichols
Mirko Obradovic
Eric McIlroy
Dennis Madden
Annie Madden
Ed Bagg
Tina Houlston
Jennifer Houlston
Hans Kirschbaum
Anja Hutgens
Stacey Thomas

1. CALL TO ORDER

The Chair called the meeting to order at 7:10 pm.

2. CHAIRMAN READS THE STATEMENT OF PUBLIC HEARING

The Chair reads the Statement of Public Hearing.

3. INTRODUCTION TO PROPOSAL

Kole Casey reads the proposal.

LANDOWNER: **Tarla Breswter**

LEGAL DESC: **District Lot 2964 PRD, Except Plans 25979, 26136, 27501, 29739, 32590 and 32766**

PROPOSAL: To re-designate the parcel from "Settlement" to "Resource Agricultural" within the West Peace OCP Bylaw No. 1086, 1997 and from R-4 (Residential 4 Zone) to A-2 (Large Agricultural Holdings Zone) within PRRD Zoning Bylaw No. 1343, 2001, to support agricultural and resource extraction purposes.

4. SUMMARY OF APPLICATION PROCEDURE

Kole Casey reads the summary procedure.

- May 9, 2014 → PRRD receives application
- June 13, 2014 → Application and proposed bylaw referred to municipalities and provincial agencies
- July 10, 2014 → PRRD Board states by resolution; that a qualified professional be engaged by the applicant to research and give recommendations for environmental protection or buffering between the lake and proposed gravel operations, and that the application be tabled until such time as the District of Chetwynd has had the opportunity to comment.
- July 15, 2014 → PRRD receives comment from the District of Chetwynd
- July 24, 2014 → PRRD Board gives zoning amendment bylaw 1st & 2nd Reading and authorizes a public hearing to take place pursuant to s. 890(4) of the *Local Government Act*, and that public notice be issued after the applicant and the Peace River Regional District discuss options for a 100 metre Preservation Buffer along Half- Moon Lake within District Lot 2964 and the buffer plan is approved by the General Manager of Development Services.
- February 4, 2015 → PRRD receives a Section 219 Covenant for 100 metre Preservation Buffer along Half- Moon Lake within District Lot 2964 and approved by the General Manager of Development Services.
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- September 17 & 24, 2015 → Public notification advertised in *Northeast News*
- September 29, 2015 → Public hearing takes place in Jackfish Lake Community Hall

5. COMMENTS FROM AGENCIES AND MUNICIPALITIES RECEIVED

Kole Casey reads comments from agencies and municipalities.

Bruce Simard reads proposed covenant between the applicant and the PRRD.

City of Fort St John: Interests unaffected by bylaw

Northern Health: Interests unaffected by bylaw:

The proposed zoning amendment on this property would not be affected directly by the Acts and Regulations that Northern Health is guided by. Please note that the property may need to be reviewed for sewage disposal and drinking water source when a subdivision application is made. Further inquiries can be directed to an Environmental Health Officer at the Dawson Creek health Unit (252) 719-6500.

District of Taylor: Interests unaffected by bylaw

District of Chetwynd: Approval recommended for reasons outlined below:

At its Regular Council Meeting held July 14, 2014, council requested that the Peace River Regional District (PRRD) consider negotiations with the proponent to create a 100 meter buffer along the south end on Half Moon Lake and that the PRRD take actions to secure Half Moon Lake as a regional park.

6. WRITTEN COMMENTS RECEIVED FROM PUBLIC

- Letter received by Clark Hazlehurst (see attached letter)
 - *Mr. Hazlehurst read the letter*

7. COMMENTS FROM APPLICANT

- Tarla Brewster
 - *Not at present*

8. COMMENTS FROM PUBLIC

- Tina Houlston:
 - *Would like to see an Environmental study before anything is approved.*
- Eric McIlroy:
 - *Currently noisy.*
 - *Bigger would be noisier.*
 - *Will have allot of dust.*
 - *There are sufficient gravel pits in the area.*
- Chuck Nichols:
 - *What are the intentions?*
- Tarla Brewster:
 - *To enable processing of gravel.*
 - *Haven't used the pit in over a year.*
 - *We need a TUP every three years.*
- Chuck Nichols:
 - *You could sell?*
- Tarla Brewster:
 - *Yes.*
- Ed Bagg:
 - *Been here since 1986.*
 - *9 gravel pits in the area.*
 - *Moved here knowing there are gravel pits.*
 - **Concerns**
 - *A) concern that all pits abide by the same rules*
 - *Operating hours*
 - *Big corporations vs. little private owners*
 - *B) that that jackfish residents should end up with something*
 - *i.e. common shared access for all pits so that land is not lost to the*
 - *2:1 slope and wasting resource between property lines.*
 - *Would also better facilitate remediating and conversion to different use.*
- Cyril Brewster:
 - *Appreciates the comment.*
 - *Has kept their operation out of site and away from houses.*
 - *Has kept their operating times from 7 am-7pm.*
- Eric McIlroy:
 - *Lot 3- that reclamation now being done and is not sufficient, just an big hole left.*

- Mirko Obradovic:
 - *Are there bonds required for reclamation?*
 - *Anyone know the regulations with Ministry of mines concerning reclamation?*
 - **Concern**
 - *Gravel pits are everywhere.*
 - *Lives by the rail tracks.*
 - *Might as well make the whole area one big gravel pit.*
- Jennifer Houlston:
 - *That mining sites can be reclaimed and repurposed successfully if managed/monitored*
 - *Should not fill pits in with waste*
 - *Area is noisy*
 - **Concern**
 - *Children playing in the holes.*
 - *Doesn't want the pits to become public garbage disposal areas.*
 - *Pits can be filled in*
- Marie Nelson:
 - *That application for a pit requires a reclamation plan and must pay a security (\$10,000) for bonding reclamation.*
 - *The Ministry of Mines will use that money to reclaim the pit if you don't do it.*
- Ed Bagg:
 - *As a user of Halfmoon Lake, how would the PRRD get access to the lake if it would be considered a park?*
 - *Thanks Brewsters for understanding of the public use around Halfmoon Lake.*
- Tarla Brewster:
 - *Is opposed to the idea of Halfmoon Lake being a park.*

Discussion about parks continues.

- Mirko Obradovic:
 - *Thinks that once a road is established that it cannot be closed.*
- Bruce Simard:
 - *Jurisdiction lies with Ministry of Transportation or the Ministry of Forest, Lands and Natural Resources.*
- Annie Madden:
 - *That there are many trails across private lands that are used by the public, but it is still private land.*
- Jennifer Houlston:
 - *Is the buffer of 100m wide enough?*
 - *Fish in Lake?*
- Group:
 - *No fish*
- Tarla Brewster:
 - *Was advised that 300 ft. (100 m.) is fairly standard and there is heavy bush and a steep slope.*
 - *Only can get down at the far end where Jack's cows go to.*
- Eric Bagg:
 - *Would rezoning allow the property to be used for gravel pit?*

- Bruce Simard:
 - Yes.
- Ed Bagg:
 - *Opposed to the application and that it should stay residential.*
- Chuck Nichols:
 - *Opposed to having more gravel pits*
 - *Can understand the business end.*
 - *Have two kids.*
- Eric McIlroy:
 - *Want it to stay the same.*
- Ed Bagg:
 - *If the application is denied would a TUP be needed to continue the gravel pit?*
- Kole Casey:
 - *Yes to process the gravel.*
- Loretta West:
 - *How will conversion to gravel pits affect her property?*
 - *What will be the effect be on value of her property?*
- Director Dan Rose:
 - *No idea.*
- Jennifer Houlston:
 - *Why was Chetwynd given a chance to comment?*
- Kole Casey & Bruce Simard:
 - *Explains the referral process.*
- Tina Houlston:
 - *Suggest to develop residential rather than a gravel pit.*
- Director Rose:
 - *Explained that the Regional Board typically abides by the recommendation of the Area Director.*
- Clark Hazlehurst:
 - *When was the last time the OCP was visited?*
- Bruce Simard
 - *1997*
- Chuck Nichols:
 - *Would be okay with small scale as it currently is.*
 - *Is very concerned about potential for big companies turning this into a big operation.*
- Loretta Westover
 - *That this is a private property and they should be permitted to develop as they want.*

FINAL COMMENTS FROM APPLICANT

- Tarla Brewster:
 - *Appreciates comments and is still learning about the gravel business.*

10. TERMINATION OF PUBLIC HEARING

The Chair terminated the meeting to order at 8:05 pm.

rec'd R-12
Public Hearing
Sep 29/15

To: Peace River Regional District

From: Clark Hazlehurst

Subject: Proposed OCP & Zoning Amendment to remainder of District Lot 2964

The proponent of these amendments and I agree that protecting Halfmoon Lake is of vital importance and I also agree with the idea to secure a buffer zone around the lake and designate it as a regional park. But then again, I also believe that all lakes, wetlands and rivers belong in the public domain and deserve the same protection

However I am a little confused with the idea that changing the OCP from "Settlement" to "Resource Agriculture", is in any way a positive solution for the other neighbouring landowners, including me.... or to Halfmoon Lake.

I purchased my property over 20 years ago knowing I had found well drained flat property, in between two beautiful lakes with a good well and surrounded by other like properties in a quiet rural residential area as designated by the PRRD's Official Community Plan.

As I see it, If you develop an Official Community Plan and you don't follow that plan by making arbitrary amendments, then.... **"you don't have an Official Community Plan"**. (at least not a long term one). This would be the case here, where this area was planned, long ago to be rural residential; was developed as such, and is now proposed to have the potential for a very large, heavy industrial open pit mining operation in the backyard of approximately fifty small acreage residences.

It may be that the land in question has poor soil (gravel) and therefore is not suited very well for agriculture, but it is suited very well for it's designated use as settlement, due, exactly to the soil conditions that allow for easy road construction, good drainage, a solid footing for buildings and access to potable water.

According to the information I have, this area has one of the **largest aquifers** in the area that extends up the valley and provides an abundance of safe potable water to whoever wants to drill for it. This is another reason to keep the OCP designation as is. The aquifer is apparently not protected by any impermeable layer to slow or stop contaminants such as diesel fuel from flowing straight through to the water table. Increasing industrial activity over top of this aquifer is obviously not a responsible decision in protecting this valuable resource.

All the best intentions of the proponent cannot counteract all the negative repercussions the future may hold. Eventually the property will change hands as all things do change. If the **PRRD does open the door** and redesignates use of the property to mineral extraction, then **that parcel will have a higher market value**, and I'm sure more than a few companies in that business of aggregate extraction would be in line to lease or purchase a site that is this accessible via a paved road. One has only to look at the small triangular lot on the corner of the Jackfish highway and Jackfish subdivision road to see what the long term end product of gravel extraction results in. Basically a crater that effectively makes the land unproductive for any other use.... probably forever.

In summary, I am definitely opposed to the amendment to redesignate the remainder of parcel, DL 2964 from "Settlement" to "Resource Agricultural" as per the West Peace OCP Bylaw No. 1086,1997. and also from R-4 to A-2 as per Zoning Bylaw No. 1343, 2001.

Regards:

Clark Hazlehurst

Property owner, Jackfish Subdivision

September 27, 2018

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.



1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)
Wynter Giroux
ALLEN & ASSOCIATES (#10847) (250) 782-8155
Suite 2, 933 - 103 Avenue
Dawson Creek BC V1G 2G4

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]
007-301-154 DISTRICT LOT 2964 PEACE RIVER DISTRICT EXCEPT PLANS 25979 26136
27501 29739 32590 AND 32766

STC? YES

3. NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION
Covenant Section 219

4. TERMS: Part 2 of this instrument consists of (select one only)
(a) Filed Standard Charge Terms D.F. No. (b) Express Charge Terms Annexed as Part 2
A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):
PEACE RIVER REGIONAL DISTRICT

6. TRANSFEREE(S): (including postal address(es) and postal code(s))
TARLA RAE BREWSTER, ASSISTANT MANAGER

BOX 1148
CHETWYND BRITISH COLUMBIA
V0C 1J0 CANADA

7. ADDITIONAL OR MODIFIED TERMS:
N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

SHANE ALLEN
BARRISTER & SOLICITOR
STE 2, 933 - 103 AVENUE
DAWSON CREEK, BC
V1G 2G4

Execution Date		
Y	M	D
15	01	19

Transferor(s) Signature(s)

TARLA RAE BREWSTER

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

FORM_D1_V18

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

Y	M	D

Transferor / Borrower / Party Signature(s)

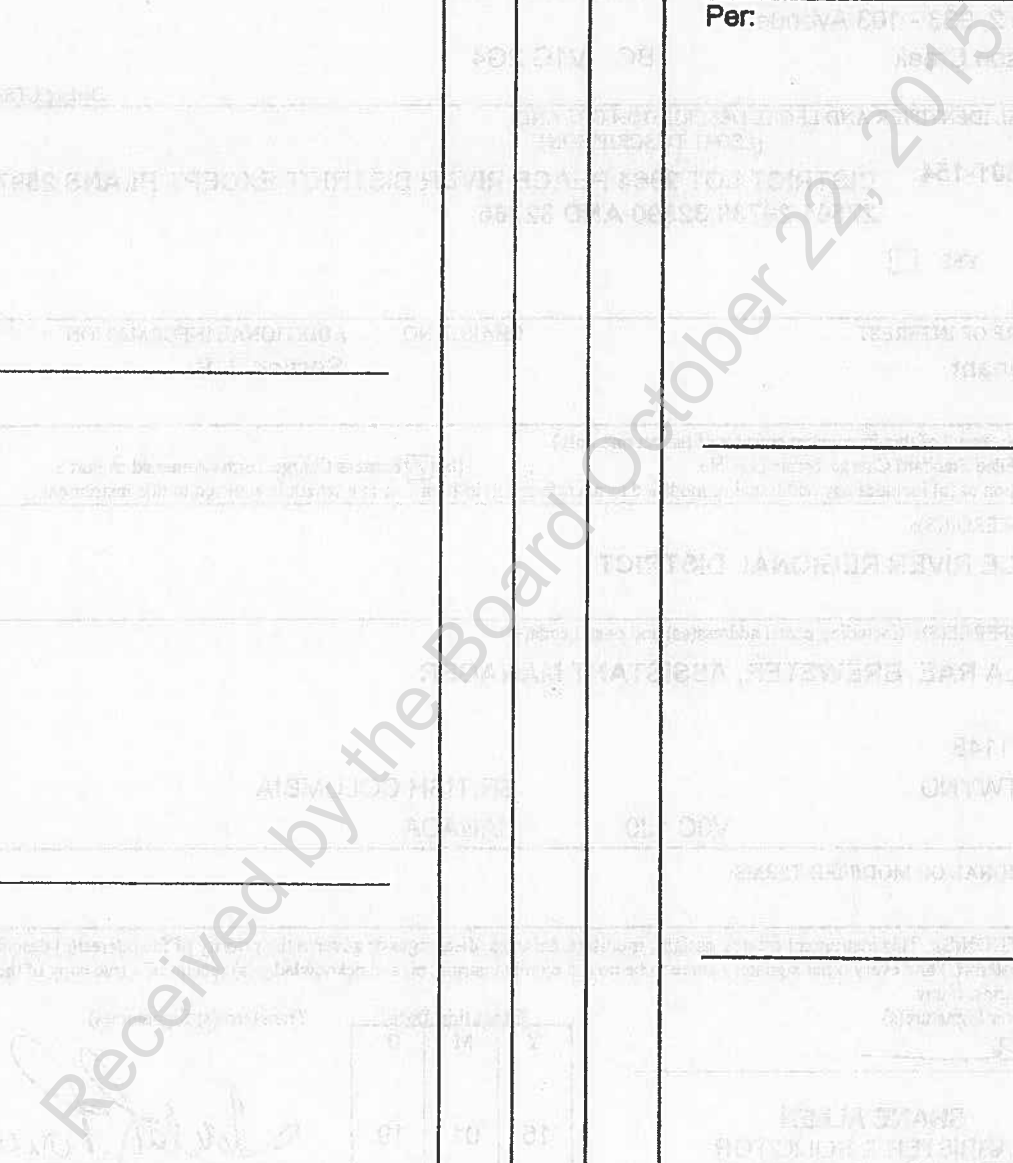
PEACE RIVER REGIONAL DISTRICT
by its authorized signatories

Per: _____

TAMARA BREWSTER
TAMARA BREWSTER, ASSISTANT CLERK
BOX 148
CHETWIND
VIC 10
PEACE RIVER REGIONAL DISTRICT
GOVERNOR

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.



TERMS OF INSTRUMENT - PART 2

SECTION 219 COVENANT

THIS AGREEMENT is dated for reference this 19th day of January, 2015.

BETWEEN:

TARLA RAE BREWSTER
Box 1148
Chetwynd, BC V0C 1J0
(the "Grantor")

AND:

PEACE RIVER REGIONAL DISTRICT
Box 810, 1981 Alaska Avenue
Dawson Creek, BC V1G 4H8
(the "Grantee")

WHEREAS:

A. The Grantor is the registered owner in fee simple of that land in the Province of British Columbia, more particularly known and described as:

PID: 007-301-154 District Lot 2964 Peace River District Except Plans 25979 26136
27501 29739 32590 and 32766

(the "Land");

B. The Grantor has applied for amendment of the Zoning Bylaws of the Grantee in respect to the use of the Lands; and

C. Section 219 of the *Land Title Act* permits the registration against title to land of a covenant, in favour of a regional district, including provisions in respect of the use of the Land; and

D. The Grantee requires and the Grantor has agreed to restrict the use of the Lands by covenant under S.219 of the *Land Title Act* in consideration for the zoning bylaw amendment;

NOW THEREFORE: In consideration of the promises and covenants in this Agreement, the payment of \$1.00 by the Grantee to the Grantor, and other good and valuable consideration, the receipt and sufficiency of which the Grantors hereby acknowledge, the parties covenant and agree pursuant to section 219 of the *Land Title Act* as follows:

Restrictions on the Use of the Land

1. The Grantor shall not construct any improvement or cut any existing vegetation within 100 meters of the high water mark of Half-moon Lake, save and except that the Grantor may cut vegetation and install a trail of not more than 3 meters (10 feet) wide for access to Half-moon Lake.

No Effect on Laws or Powers

2. This Agreement does not:
- a. affect or limit the discretion, rights, duties or powers of the Grantee under any enactment or at common law, including in relation to the use of the Land;
 - b. impose on the Grantee any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement except as expressly set out herein;
 - c. affect or limit any enactment relating to the use of the Land; or
 - d. relieve the Grantor from complying with any enactment, including in relation to the use of Land.

Limits or Obligations

3. The Grantor is only liable for breaches of this Agreement caused or contributed to by the Grantor or which the Grantor permits or allows. The Grantor is liable only for breaches of this Agreement which occur while the Grantor is the registered owner of any interest in the Land and then only to the extent of that interest.

No Liability in Tort

4. Unless it is otherwise expressly provided in this Agreement, the parties agree that this Agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

Covenant Runs with the Lands

5. Every obligation and covenant of the Grantor in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which the Land is subdivided by any means and any parcel into which the Land is consolidated.

Registration

6. The Grantor agrees to do everything necessary at the Grantor's expense to ensure that this Agreement is registered against the title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.

Waiver

7. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

Severance

8. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of the part.

No Other Agreements

9. This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

Binding of Successors

10. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Execution Using Form C

11. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

END OF DOCUMENT

Received July 22, 2014

TO: Peace River Regional District

FROM: Tarla Brewster

Re: Half Moon Lake – Regional Park

I have put a lot of thought into this and have some reservations about doing this. I do have a problem with making it accessible to people with vehicles.

Right now people mostly go to Half Moon lake with ATV through our property. I would hate to open it up to all vehicles. Half Moon lake is a quiet little lake that has swans, many birds, etc that use a lot of the shoreline for nesting. If you make it into a Regional Park, I think you will lose a lot of that. We have had people shoot the swans over there and we are constantly picking up garbage and cans etc. with no access let alone provide access. I would have no problem making it a walking trail into it, but to open it up does not seem necessary at this time. Yes it is a great little place for people to go and see but not for camping and partying. If you go to Jackfish Lake, they have access for people to go and canoe or kayak but it is sometimes undesirable as the garbage and cans that are left there. There is Long Lake down the road where people go camping. People who would access the water for Half Moon would have to go all the way to the far end where you can get down to the lake. This would require a road along the top of the property and would create havoc with the swans as they are very protective over their young ones. At the far end of Half Moon there was a blackbird that was being watched by bird watchers from I think they were from Vancouver or Victoria. They were an older couple who came every summer to watch them. I have not seen them for a couple of years as it was only when I was riding over there that I would talk to them. Why not just leave it as it is and if people who wish to go there, go there. They are usually the people who love nature and sit and just watch the birds, and listen to the noise of the loons and the beavers. It should be left a quiet place for the birds and animals that use. I know in time that it will probably be changed into a recreation area, but for now, it would break my heart watch vehicles driving through there. It's a quiet, surreal place that anyone can go to, why change that. Let nature have a quiet place. For now.

Thanks for your time and thoughts.

I am certainly in agreement of a buffer that we stay away from the lake with our small gravel pit operation. That is already in place with Ministry of Mines. I would love to sit with PRRD and discuss the options of this possible being a preservation plan

Thanks for your consideration and please give me your thoughts. I think we are all on the same page to preserve what quiet places we have left in our area.

Yours truly,

Tarla Brewster

September 27, 2018

**PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2127, 2014**

A bylaw to amend "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*, RSBC 1996, c. 323, adopt "West Peace Official Community Plan Bylaw No. 1086, 1997";

AND WHEREAS an application has been made to amend "West Peace Official Community Plan Bylaw No. 1086, 1997" to facilitate an associated zoning affecting District Lot 2964, W6M, PRD except Plan PGP25979, PGP26136, PGP27501, PGP29739, and PGP32766;

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 the "West Peace Official Community Plan Amendment Bylaw No. 2127 (Brewster), 2014."
2. Map No. 2 of "West Peace Official Community Plan Bylaw No. 1086, 1997" is hereby amended by redesignating District Lot 2964, W6M, PRD except Plan PGP25979, PGP26136, PGP27501, PGP29739, and PGP32766, from "Settlement" designation to "Resource Agricultural" designation as shown shaded on Schedule "A" which is attached to and forms part of this bylaw.

READ a FIRST TIME this 24th day of July, 2014.

READ a SECOND TIME this 24th day of July, 2014.

Public Hearing held on the 29th day of September, 2015 and notification mailed on the 16th day of September, 2015.

READ a THIRD TIME this _____ day of _____, 2015.

ADOPTED this _____ day of _____, 2015.

Lori Ackerman, Chair

Jo-Anne Frank, Corporate Officer

I hereby certify this to be a true and correct copy of Bylaw No. 2127, 2014 titled, "West Peace Official Community Plan Amendment Bylaw No. 2127 (Brewster), 2014", as adopted by the Peace River Regional District Board on _____, 2015.

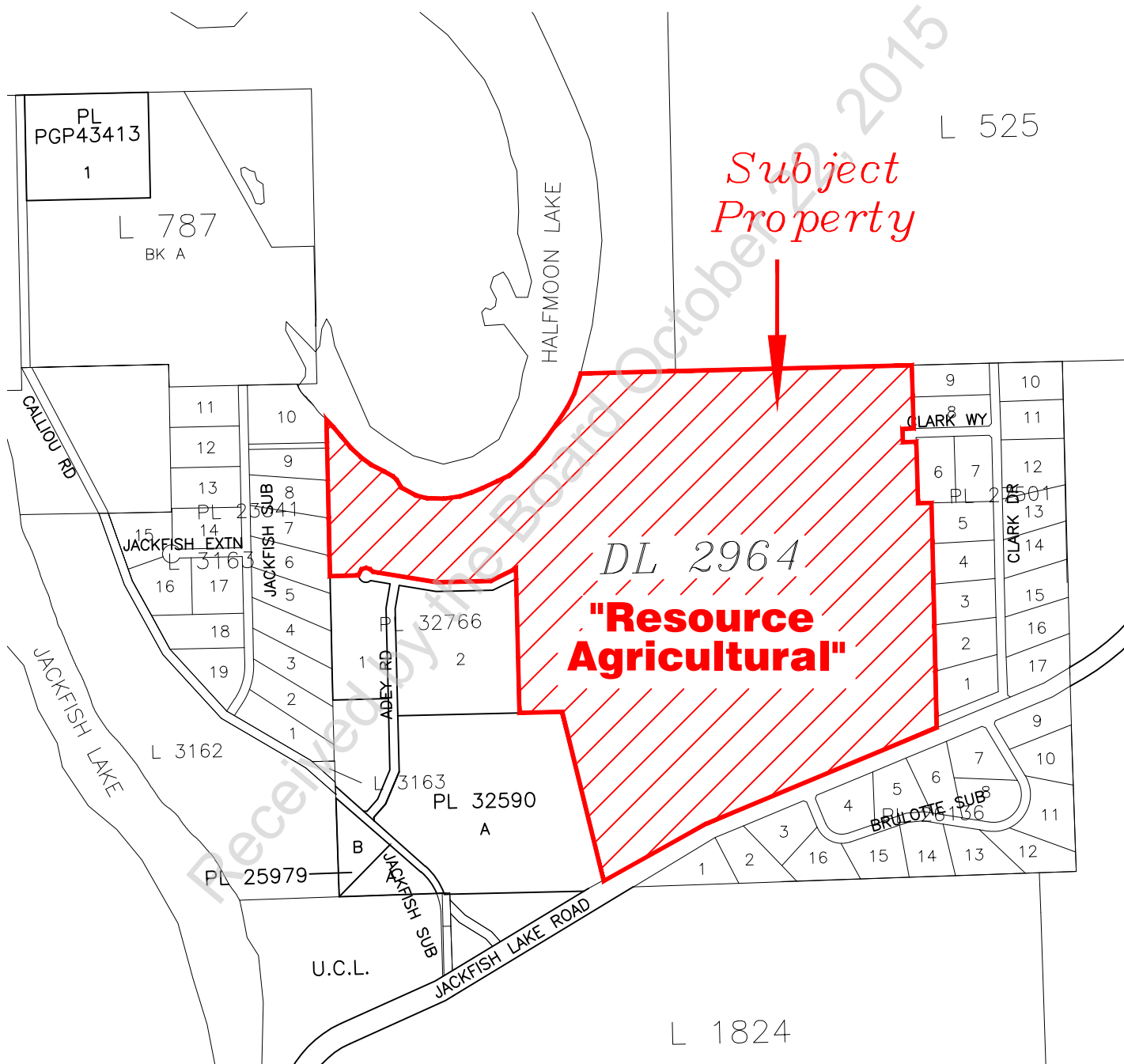
September 27, 2018

Peace River Regional District
By-law No. 2127, 2014

SCHEDULE "A"



Map No. 2 - Schedule A of "West Peace Official Community Plan Bylaw No. 1086, 1997" is hereby amended by redesignating District Lot 2964, W6M, PRD except plan PGP25979, PGP26136, PGP27501 and PGP32766, **from** "Settlement" designation **to** "Resource Agricultural" designation as shown shaded on the drawing below:



**PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2128, 2014**

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 the "Peace River Regional District Zoning Bylaw No. 1343, 2001";

AND WHEREAS an application has been made to amend the "Peace River Regional District Zoning Bylaw No. 1343, 2001" to facilitate a rezoning;

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 the "Peace River Regional District Amendment Zoning Bylaw No. 2128 (Brewster), 2014."
2. Schedule C – Map 4 of "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by rezoning District Lot 2964, W6M, PRD except Plan PGP25979, PGP26136, PGP27501, PGP29739, and PGP32766 from R-4 "Residential 4 Zone" to A-2 "Large Agricultural Holdings Zone" as shown shaded on Schedule "A" which is attached to and forms part of this bylaw.

READ a FIRST TIME this 24th day of July, 2014.

READ a SECOND TIME this 24th day of July, 2014.

Public Hearing held on 29th day of September, 2015 and notification mailed on the 16th day of September, 2015.

READ a THIRD TIME this _____ day of _____, 2015.

ADOPTED this _____ day of _____, 2015.

Lori Ackerman, Chair

Jo-Anne Frank, Corporate Officer

I hereby certify this to be a true and correct copy of Bylaw No. 2128, 2014 titled, "PRRD Zoning Amendment Bylaw No. 2128 (Brewster), 2014", as adopted by the Peace River Regional District Board on _____, 2015.

September 27, 2018

Peace River Regional District
By-law No. 2128, 2014
SCHEDULE "A"



Map. No. 4 - Schedule C of "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by rezoning District Lot 2964, W6M, PRD except plan PGP25979, PGP27501, PGP29739 and PGP32766, **from R-4 "Residential 4 Zone" to A-2 "Large Agricultural Holdings Zone"** as shown shaded on the drawing below:

