



PEACE RIVER REGIONAL DISTRICT

Public Hearing Minutes for Proposed Zoning Amendment Bylaw No. 2110, 2014

January 29, 2019 @ 7:00 p.m.

Charlie Lake Hall, 12717 Charlie Lake Hall Road, Charlie Lake BC

Attendance:

Peace River Regional District:	Brad Sperling, Director of Electoral Area 'C' (Chair) Tyra Henderson, Corporate Officer Michael Blatz, Land Use Planner, Development Services
Applicant/Owner:	Florian Schwarz
Public:	69 Attendees

1. Call to Order

Chair Brad Sperling called the meeting to order at 7:00 pm.

2. Statement of Public Hearing

Chair Brad Sperling stated the procedural rules in place to govern the conduct of the public hearing:

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. 2110, 2014**.

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.

Please be advised that this public hearing is being audio-recorded to ensure accurate record keeping. When speaking please come up to the microphone and commence your remarks by clearly stating your name and address. You will have three minutes to speak. If you wish to speak again, please wait until everyone else has had a chance to speak.

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.

We intend to finish by 9:00pm tonight, though the public hearing may be reconvene on another day if need be. 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

Michael Blatz provided those in attendance with a summary of proposed Zoning Amendment Bylaw No. 2110, 2014 for the property described as Lot 1 Section 17 Township 84 Range 19 W6M Peace River, PL 22972.

Mr. Blatz summarized the proposal to amend the zoning of the subject property under Peace River Regional District *Zoning Bylaw No. 1343, 2001* from R-4 (Residential 4 Zone) to C-2 (General Commercial Zone) and to subdivide the property into three separate lots.

4. Summary of Application Procedure

Michael Blatz summarized the application procedure and timeline for the benefit of those in attendance at the hearing:

- The PRRD received the application on November 26, 2013
- The PRRD Board read the bylaw a 1st & 2nd time and authorized the public hearing on February 13, 2014
- The PRRD mailed notification for the first public hearing to landowners within the notification area on June 19, 2014
- The PRRD referred the application and proposed bylaw to municipalities and provincial agencies on June 26, 2014
- The PRRD advertised the public notification in the Alaska Highway News on June 26 & 27, 2014
- The PRRD held the first public hearing in Charlie Lake, BC on July 3, 2014
- The PRRD Board placed consideration of the application in abeyance until completion of the North Peace Fringe Area Official Community Plan on July 24, 2014
- The applicant submitted a letter to the PRRD requesting their application be reconsidered by the Board on October 15, 2018
- The PRRD Board defeated the motion to hold the application in abeyance on November 8, 2018
- The PRRD Board authorized a second public hearing on November 8, 2018
- The PRRD mailed notification for the second public hearing to landowners within the notification area on January 11, 2019
- The PRRD advertised the public notification in the Alaska Highway News on January 17 & 24, 2019
- The PRRD held the second public hearing in Charlie Lake, BC on January 29, 2019

5. Comments From Agencies And Municipalities Received

Michael Blatz read the comments received from agencies and municipalities for the benefit of those in attendance at the hearing:

Ministry of Transportation and Infrastructure: The Ministry supports the proposed rezoning from Residential to Highway Commercial. We have received an application for subdivision from the land owner.

The Ministry requires the land owner to enter into a no build covenant for the entire property prior to the Ministry approving the proposed rezoning. A sample covenant can be supplied to the owner's lawyer. The owner's agent has been advised of this requirement for rezoning.

6. Written Comments Received From Public

Michael Blatz summarized those written comments which were received prior to or at the first public hearing:

- A letter dated June 25, 2014 from Bruce & Janet Haley generally argued against the rezoning, citing concerns about buffering between commercial and residential uses and traffic safety.
- A letter dated July 3, 2014 from Gary & Shelley Lang generally argued against the rezoning, citing concerns about noise and smell nuisances, increased traffic, and decreased property values.
- A letter received July 3, 2014 from Kelly Clement & Kimberly Wylie generally argued against the rezoning, citing concerns about buffering between commercial and residential uses and traffic safety.
- A petition conducted in 2014 was signed by 40 members of the public opposed to the rezoning.
- A letter dated June 24, 2014 from Robert Myers generally argued in favour of the rezoning, citing demand for commercial services with few parcels available in the area to develop.
- A petition conducted in 2014 was signed by 135 signatures members of the public supporting the rezoning.

Michael Blatz read aloud those written comments which were received after the first public hearing but prior to 4:00 pm on January 29, 2019, which can be found in Attachment 1:

- Email dated January 7, 2019 from Benn Leidloff
- Email dated January 8, 2019 from Art Desfosses
- Email dated January 12, 2019 from Lori Crashley
- Email dated January 12, 2019 from Wendy Whitford, Lacey Swackhammer, and Fred & Elaine Brown
- Email dated January 14, 2019 from Stephanie Seabrook

- Letter dated January 16, 2019 from Bruce Haley
- Email dated January 20, 2019 from D&L Bontron
- Letter received January 28, 2019 from Miles Hogaboam¹

Michael Blatz read aloud an email from BC Assessment submitted by Florian Schwarz, which can be found in Attachment 1.

7. Comments From Applicant

Michael Blatz asked Florian Schwarz if he had any comments regarding his proposal. Mr. Schwarz read aloud the letter found in Attachment 2.

8. Comments From Public

Chair Brad Sperling asked the members of the public if they had any comment related to the proposed bylaw.

Miles Hogaboam came forward to raise his concerns about the uses permitted in the C-2 zone.²

Roger Myram stated that he is not opposed to C-2 zoning or the uses permitted within the C-2 zone, but still had concerns about the development. He was concerned that the development would bring more traffic to the intersection of Highway 97N and Bens Road near the PNG Frontage Road. He thought there should be some additional controls at the intersection to help with traffic safety. He was concerned with the tactics used by the applicant, citing Mr. Schwarz's letter about establishing a pig farm on the subject property should the rezoning application be refused, calling it a threat. He pointed out that the Traffic Impact Assessment is now several years old and thought it should be redone. Mr. Myram was concerned that the six emails received (starting on page 138 of the agenda package) were forwarded through the applicant's email address and therefore could have been edited. Further, there was no proof where the authors reside. He was concerned that Mr. Haley's second letter, in which he rescinded his opposition to the rezoning due to the perceived threat of a pig farm being established, was due to fearmongering by the applicant. Finally he was concerned that the information about commercial land availability and population projections in the letter from Mr. Myers from 2014 was now out of date.

Arty Mackay came forward to speak after hearing concerns from people who live nearby the subject property. He was in favour of commercial development generally, but noticed in his professional life that commercial development would only be good for the area if local residents were in favour of it. He noted that a line of mature trees had recently been removed from the property, even though they would have made for a good buffer between commercial and residential uses. He spoke about the negative impact a pig farm would have on the recreation, commercial, and residential activities in the Charlie Lake area. He felt that people would be in

¹ Mr. Blatz only read the highlighted portions of the letter; the portions that were not read referred to rescinded or irrelevant bylaws.

² Mr. Hogaboam read from PRRD Zoning Bylaw No. 1000, 1996 and cited amending Bylaws No. 1224 & 1302, none of which apply to the subject property. The property is under the jurisdiction of PRRD Zoning Bylaw No. 1343, 2001.

favour of commercial development in the area, but this particular application should be refused for several reasons. First, he was concerned that the Traffic Impact Assessment was done during a slow season and should be redone at peak times. He felt that the applicant used scare tactics to garner support and thought the PRRD should consider the toll the application has put on the community, as well as the negative precedent it could set. He was concerned that it would lead to more bullying and ultimatums in order to secure development approvals. He also pointed to Mr. Haley's second letter, in which Mr. Haley rescinded his opposition to the rezoning due to the perceived threat of a pig farm being established, which he attributed to abusive tactics.

Kip Letkeman asked if there is a vision and plan for the property. He asked if there is a need for more commercial lots to service the Charlie Lake area because the thought there are already many locations available for sale or lease. He suggested these should be filled up before rezoning land from residential to commercial use. He was concerned that the proposed large parcels would lead to large-format businesses which would only be interested in escaping higher costs in Fort St. John, not in serving the local community. He was concerned about mixed zoning – that is, conflict arising from having residential and commercial uses next to each other. He was concerned that the development would increase traffic congestion at the intersection of Highway 97N and Bens Road near the PNG Frontage Road. He hypothesized that traffic would not be able to turn off the highway when the school bus stopped and traffic would back up on the highway.

Bruce Haley noted the discrepancy between Mr. Hogaboam's remarks about oilfield uses permitted in C-2 and his understanding of the permitted uses in C-2. This was then clarified by Michael Blatz, North Peace Land Use Planner who noted that Mr. Hogaboam referred to Zoning Bylaw No. 1000, 1996 rather than Zoning Bylaw No. 1343, 2001. Zoning Bylaw No. 1000 is not in effect for the subject property. Oilfield uses are not permitted on the subject property, pursuant to Zoning Bylaw No. 1343, 2001.

Roger Myram spoke for a second time and noted that the RD/14/07/28, on page 134 of the agenda, was a motion to refuse the bylaw due potential land use conflicts and neighbours' concerns. He felt this should stand and be approved by the Board. Tyra Henderson, PRRD Corporate Officer, clarified that the resolution was defeated on November 8, 2018 and cannot be approved.

Lastly, Troy Dorie asked when the new North Peace Fringe Area Official Community Plan would be finished. He asked for clarification on OCP amendment, zoning amendment, and subdivision application processes.

9. Final Comments From Applicant

Chair Brad Sperling asked Florian Schwarz if he had any final comments.

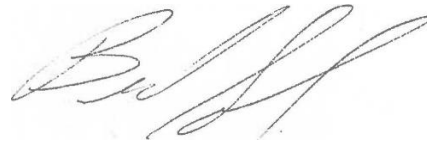
Mr. Schwarz stated that he spoke with Cindy Dettling from School District 60 about the concern about safety near the bus route. She said that the bus route is solely determined by the driver and not regulated in any way by the School District. Mr. Schwarz spoke to the pig farm letter and stated that though he had asked for feedback from his neighbours in the letter, he did not receive any. Mr. Schwarz presented two letters from local real estate agents that spoke to the lack of commercial lots currently available in the area.

10. Termination of Public Hearing

Chair Brad Sperling terminated the public hearing at 8:15 pm.



Michael Blatz, Recorder



Director Brad Sperling, Chair