



PEACE RIVER REGIONAL DISTRICT
DEVELOPMENT SERVICES
OCP & ZONING AMENDMENT REPORT
BYLAW No. 2244 & 2245, 2016
3rd Reading (file#236/2015)

OWNER: Diane & Patrick Gayse **DATE:** July 20, 2016
AREA: Electoral Area E
LEGAL: District Lot 4227 PRD, as shown on Plan EPP19152
LOT SIZE: 10.2 ha (25.3 acres)
LOCATION: Chetwynd

PROPOSAL

To re-designate 7.1 ha (17.6 acres) portion of the parcel from “Residential” to “Settlement” and rezone a 6.1 ha (15 ac) of the parcel from A-2 (Large Agricultural Holdings Zone), to C-2 (Highway Commercial Zone) for the construction and operation of a truck stop gas bar, convenience store, restaurant, laundry facility, liquor store office space and;

To rezone a 1 ha (2.6 ac) portion to I-1 (Light Industrial Zone) for a heavy equipment rental and sales facility.

RECOMMENDATION: OPTION 2:

1. THAT the Regional Board read OCP Amendment Bylaw No.2244 (Gayse), 2016 for a Third time.
2. THAT the Regional Board read Zoning Amendment Bylaw No.2245 (Gayse), 2016 for a Third time.
3. THAT consideration of adoption of Zoning Amendment Bylaw No.2245 (Gayse), 2016 be subject to the applicant preparing a landscape buffering plan and registering a restrictive covenant on the subject property that requires the installation, and being consistent with the landscape buffering plan, prior to final consideration of adoption.

OPTIONS

- OPTION 1:**
1. THAT the Regional Board read OCP Amendment Bylaw No.2244 (Gayse), 2016 for a Third time.
 2. THAT the Regional Board read Zoning Amendment Bylaw No.2245 (Gayse), 2016 for a Third time.
- OPTION 2:**
1. THAT the Regional Board read OCP Amendment Bylaw No.2244 (Gayse), 2016 for a Third time.
 2. THAT the Regional Board read Zoning Amendment Bylaw No.2245 (Gayse), 2016 for a Third time.
 3. THAT consideration of adoption of Zoning Amendment Bylaw No.2245 (Gayse), 2016 be subject to the applicant preparing a landscape buffering plan and registering a restrictive covenant on the subject property that requires the installation, and being consistent with the landscape buffering plan, prior to final consideration of adoption.
- OPTION 3:** THAT the Regional Board defer the application until the completion of the West Peace Fringe Area OCP.

Department Head

CAO

OPTION 4: THAT the Regional Board refuse the application as submitted as it is inconsistent with the Official Community Plan.

SITE CONTEXT

The subject property is located directly East of the District of Chetwynd, directly across from the junction of Highway 97S and 29S.

SUMMARY OF PROCEDURE

Oct 23, 2015	→ PRRD receives application
March 8, 2016	→ Application and proposed bylaw referred to municipalities and provincial agencies
May 12, 2016	→ PRRD Board gives zoning amendment bylaw 1 st & 2 nd Reading and authorizes a public hearing be held,
June 21, 2016	→ Public hearing notification mailed to landowners
June 30 & July 7, 2016	→ Public notification advertised in <i>The Mirror</i>
July 1, 2016	→ Public notification advertised in <i>Northern Horizon</i>
July 8, 2016	→ Public notification advertised in <i>Coffee Talk Express</i>
July 8, 2016	→ Public notification advertised in <i>Energetic City</i>
July 12, 2016	→ Public hearing takes place at the Chetwynd and District Rec. Centre

PUBLIC HEARING MEETING

A Public Hearing was held July 12th, 2016, at the Chetwynd and District Rec. Centre, Chetwynd, BC. *The minutes of the Public Hearing, and are attached to this report.*

SITE FEATURES

LAND:	The subject property has been recently cleared of all brush. The Old Hart Wabi Road transects the property separating the property into three sections.
STRUCTURES:	Currently no structures on the subject property.
ACCESS:	Highway 97S.
CLI SOIL RATING:	Class 5 _{cw} & class 4 ⁶ _{tp} 5 ⁴ _{tp} soils. Class 4 soils have severe limitations that restrict the range of crops or require special conservation practices. Class 5 soils have very severe limitations that restrict their capability in producing perennial forage crops, and improvement practices are feasible. Subclass c denotes adverse climate. Subclass t denotes topography. Subclass p denotes stoniness. Subclass w denotes excess water.
FIRE:	Within the Chetwynd Rural Fire Protection Area.

COMMENTS AND OBSERVATIONS

APPLICANT:	It is the intent of the applicant to redesignate and rezone the property for the allowance of a truck stop and associated parts. The applicants expressed a need for a truck stop on the East side of Chetwynd and a machinery rental sales yard as it would aid the growth of business east of town. The District of Chetwynd and the Ministry of transportation and Infrastructure has also indicated this as an area of interest for a truck stop.
ALR:	The subject property is outside the ALR.

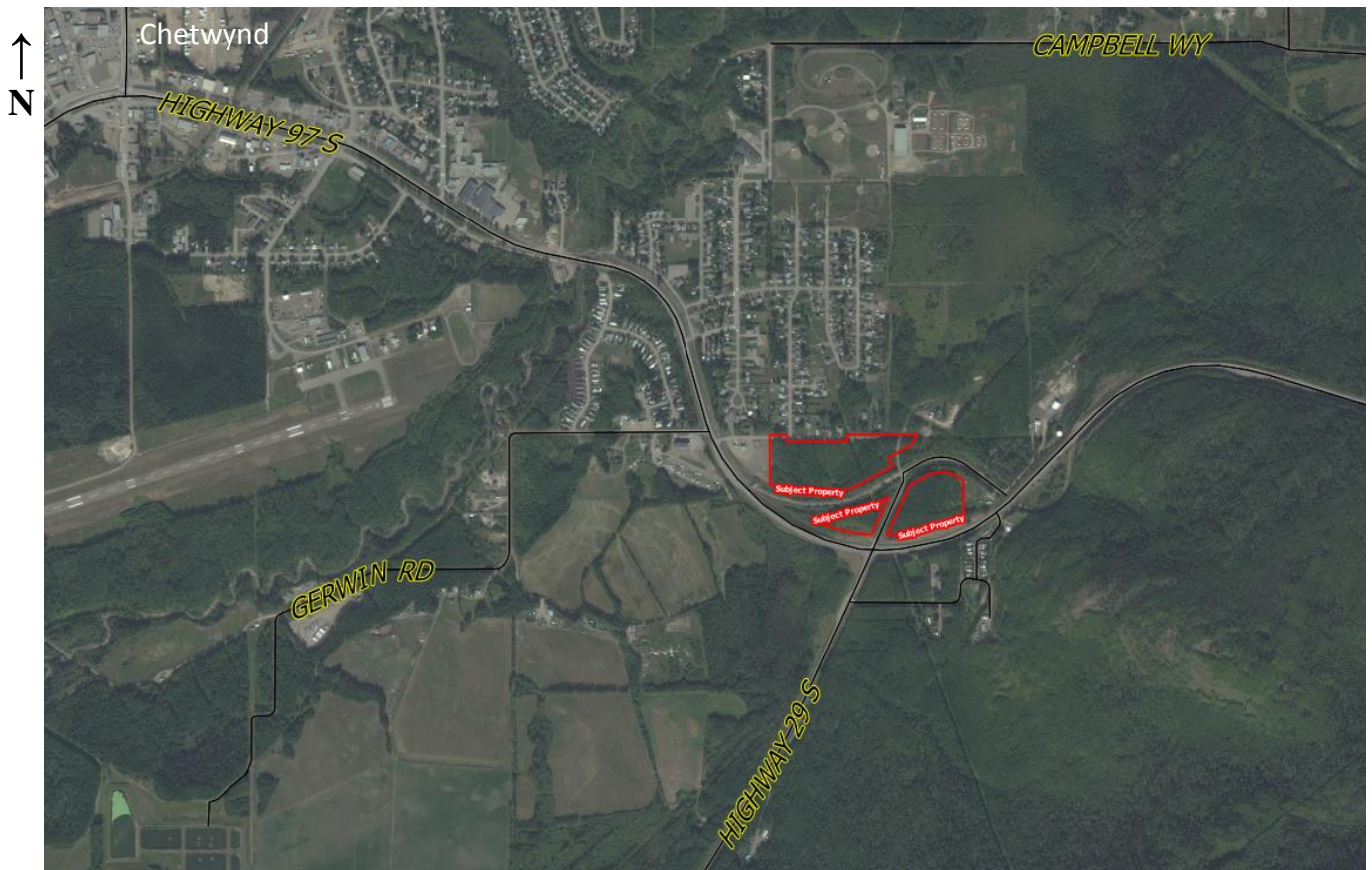
- OCP:** The subject property is designated 'Residential' within the West Peace OCP Bylaw No. 1086, 1997. The policies within this designation states that the predominant land use is for residential use.
- Therefore this application will require an Official Community Plan amendment.
- ZONING:** The subject property is zoned A-2 (Large Agricultural Holdings Zone) within the PRRD Zoning Bylaw No. 1343, 2001. A truck stop, bulk fuel sales and liquor store, office spaces and heavy equipment rental and sales facility is not a permitted use within this bylaw.
- Therefore this application will require a zoning amendment.
- WATER & SEWER** The applicants has requested to the District of Chetwynd that the proposed lots be developed to access municipal water and sewer services.
- The District of Chetwynd is in favour of the Application to amend the PRRD OCP and Zoning Bylaws, with conditions as shown in the *minutes of the Public Hearing, and are attached to this report.*

IMPACT ANALYSIS

- AGRICULTURE:** The proposal is located near some agricultural use to the west and Northeast of the subject property, therefore it could have some potential for conflict with agriculture in the area.
- CONTEXT:** The applicants state that the proposed Truck stop would be like any flying J's, however they would like to make it like the shell station in valley view however smaller. Future discussion on Chetwynds possible boundary expansion to include these lots will have be discussed between the applicant, the District of Chetwynd, PRRD and the Province.
- 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 proposed. Traffic will significantly increase as the proposal is associated with transportation use. The Ministry of Transportation (MOT) is in approval of this application, however before MOT approve the bylaw they will require that a Traffic Impact Study (TIS) be conducted prior to development to assess and identify any localized improvements needed.

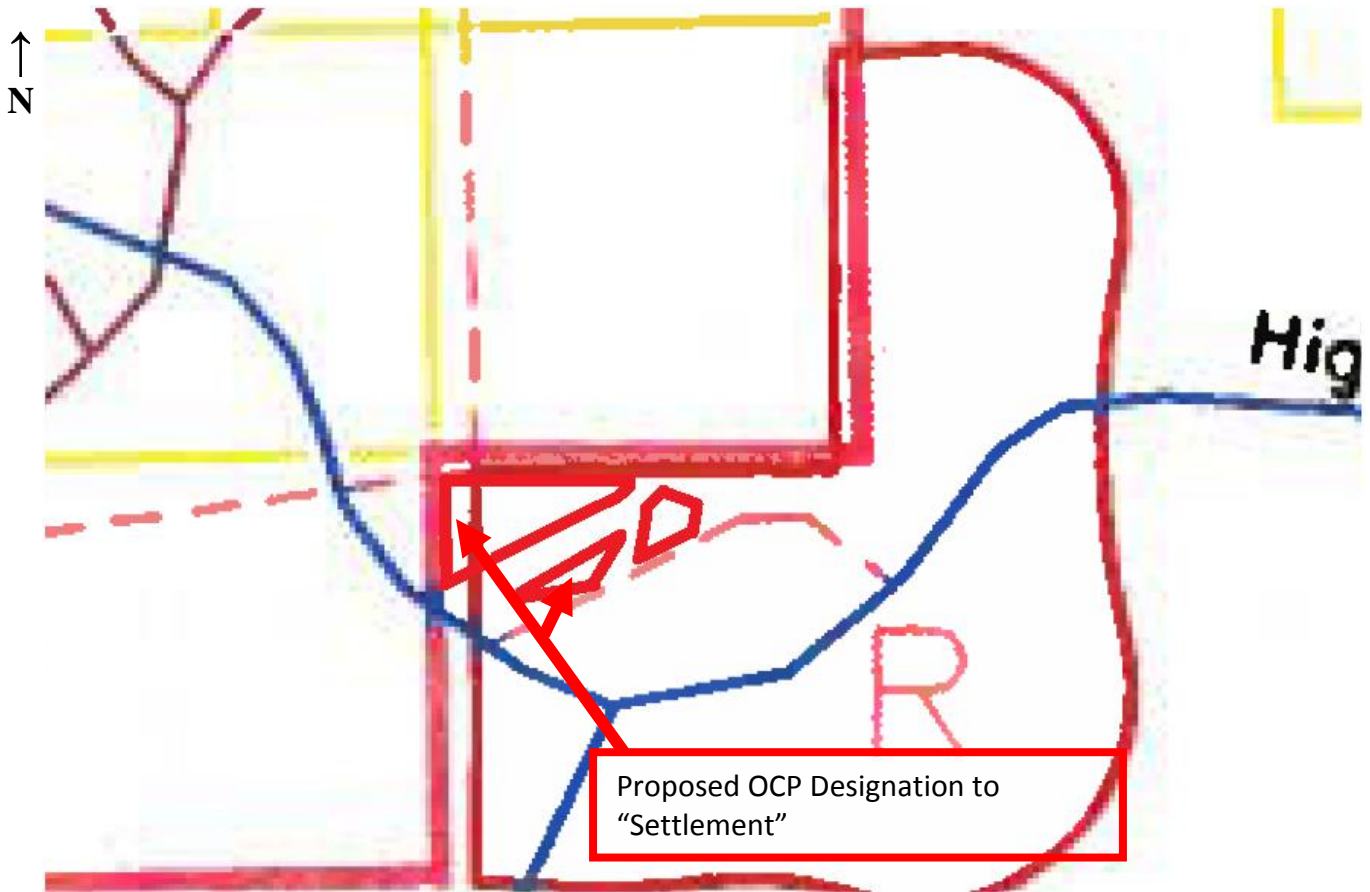


Air Photo

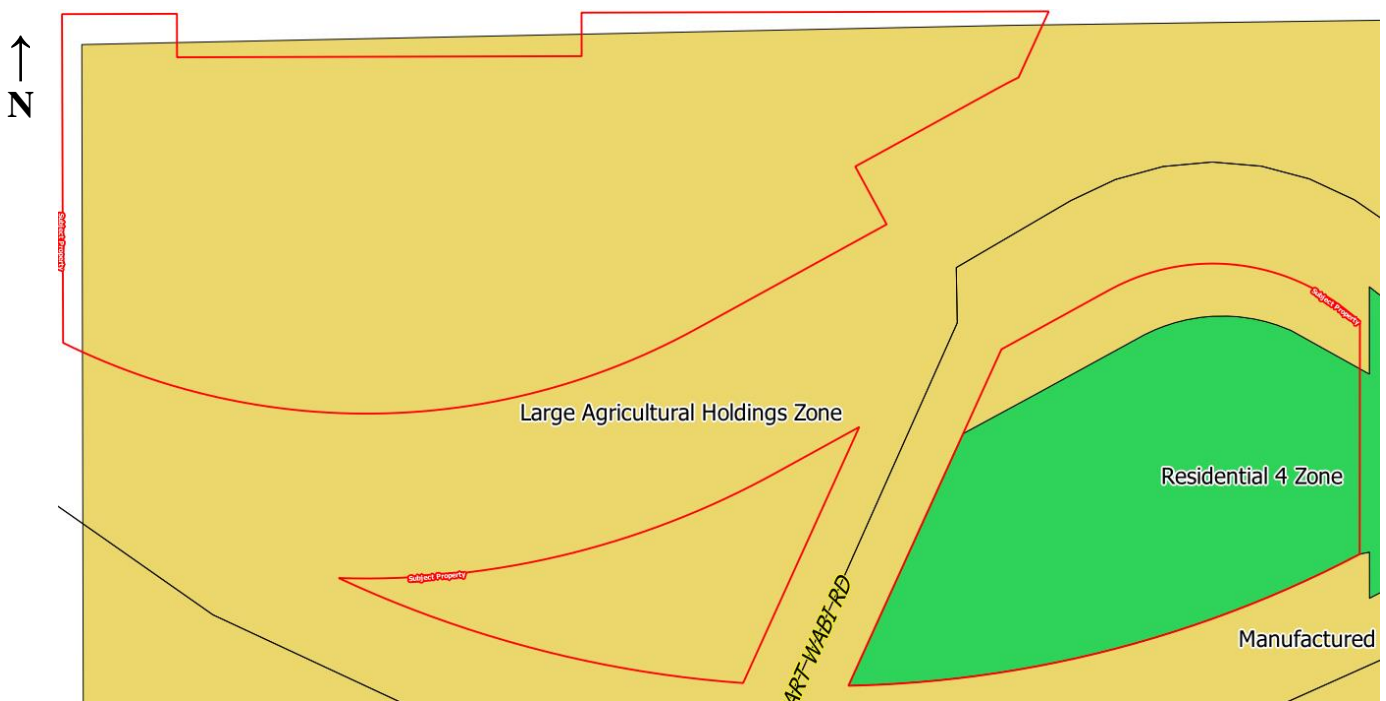




West Peace OCP Bylaw No.1086, 1997 (Map 7)

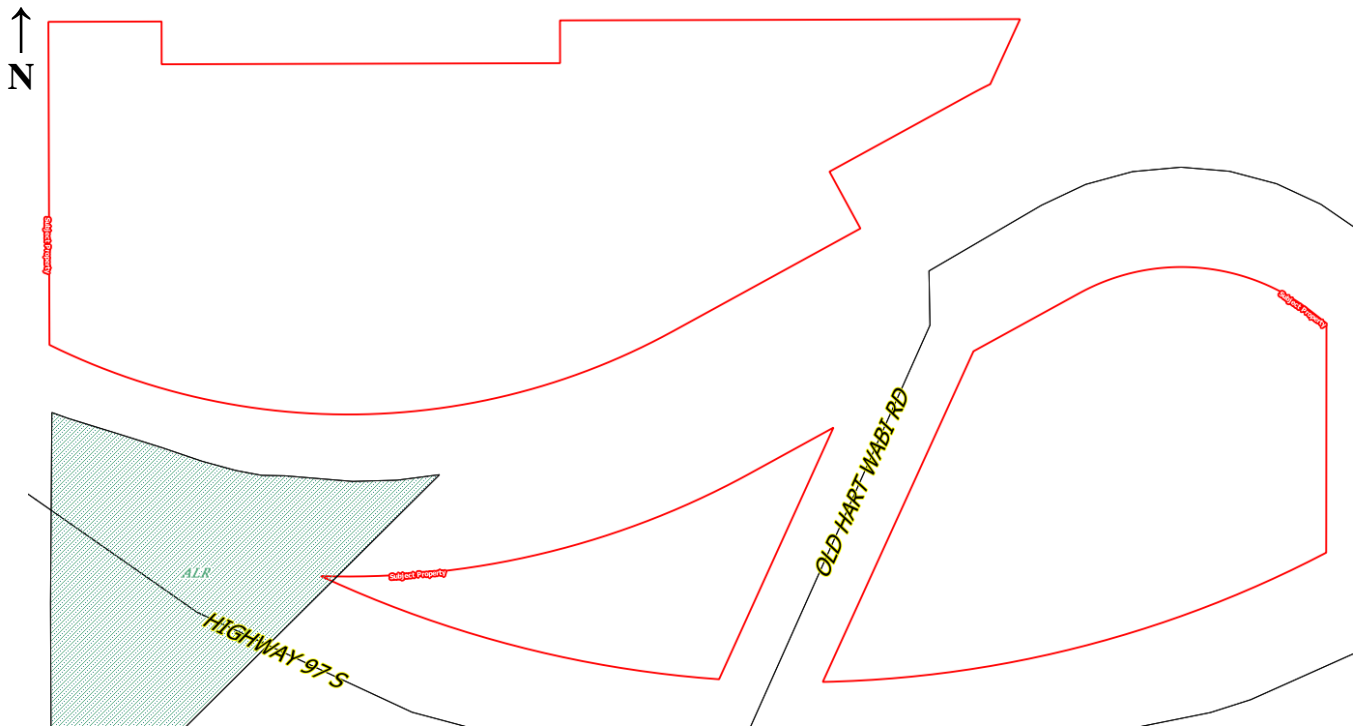


PRRD Zoning bylaw No. 1343, 2001 (Schedule C Map 7)

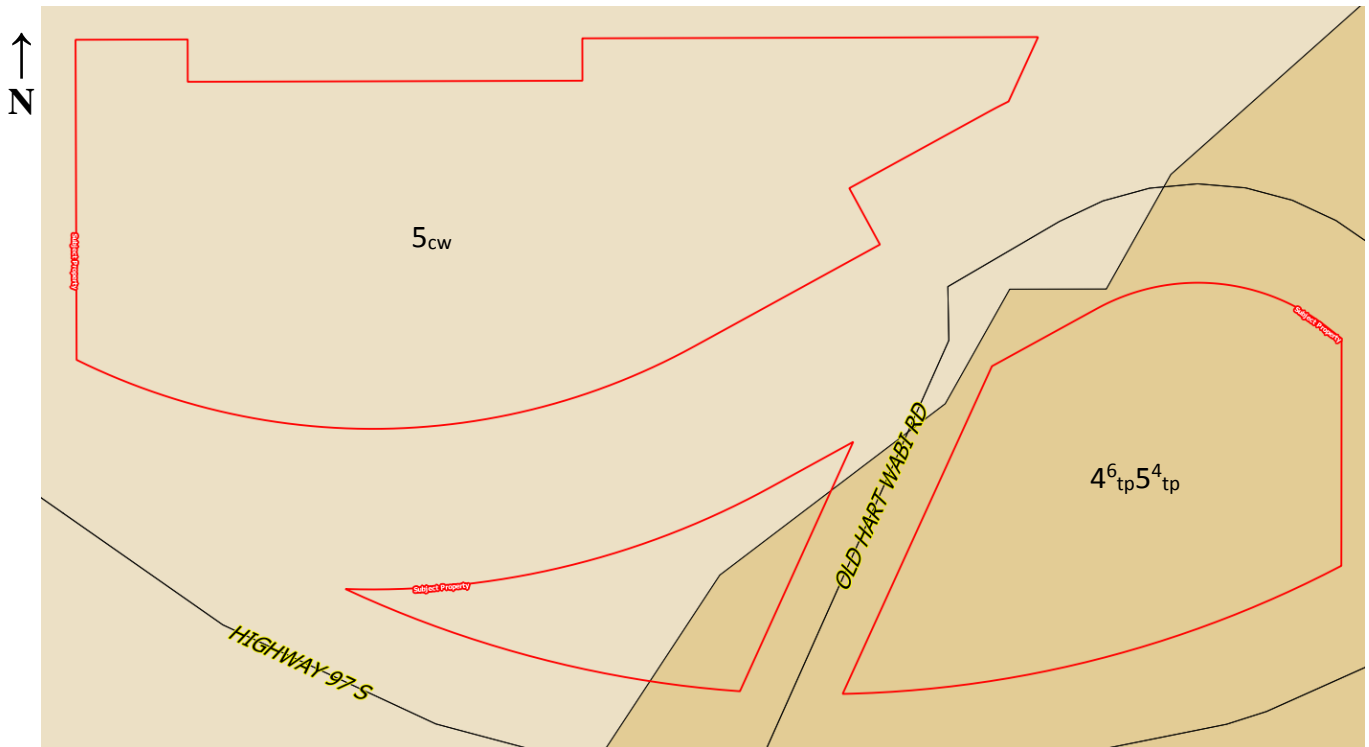




Agricultural Land Reserve (Map 093P.063)



Soil Classification (Map 093P/12)





PEACE RIVER REGIONAL DISTRICT

PUBLIC HEARING– Minutes

Proposed OCP & Zoning Amendment Bylaw No. 2244 & 2245, (Gayse) 2015

July 12th, 2016 @ 7:00 p.m.

Chetwynd and District Rec. Centre

ATTENDANCE:

Peace River Regional District: Dan Rose, Director of Electoral Area 'E' (Chair)
 Claire Negrin, Assistant Manager of Development services
 Kole Casey, South Peace Land Use Planner

Applicant: Diane & Patrick Gayse

Public: Doug Fleming, Chetwynd Don Swanton, Chetwynd
 Darlene Swanton, Chetwynd Daryl Lavallee, Chetwynd
 Ellen Dulke, Chetwynd Karen Buckley, Chetwynd
 Art Buckley, Chetwynd Mat Dulke, Chetwynd

1. CALL TO ORDER

The Chair called the meeting to order at 7:06 pm

2. STATEMENT OF PUBLIC HEARING

The Chair reads the Statement of Public Hearing

3. INTRODUCTION TO PROPOSAL

Kole Casey reads Introduction to proposal.

LANDOWNER: Diane & Patrick Gayse

LEGAL DESC: District Lot 4227 PRD, as shown on Plan EPP19152

PROPOSAL: To re-designate 7.1 ha (17.6 acres) portion of the parcel from "Residential" to "Settlement" and rezone a 6.1 ha (15 ac) the parcel from A-2 (Large Agricultural Holdings Zone), to C-2 (Highway Commercial Zone) for the construction and operation of a truck stop gas bar, convenience store, restaurant, laundry facility, liquor store office space and;
 To rezone a 1 ha (2.6 ac) portion to I-1 (Light Industrial Zone) for a heavy equipment rental and sales facility.

4. SUMMARY OF APPLICATION PROCEDURE

Kole Casey reads Summary of Application Procedure.

Oct 23, 2015	→ PRRD receives application
March 8, 2016	→ Application and proposed bylaw referred to municipalities and provincial agencies
May 12, 2016	→ PRRD Board gives zoning amendment bylaw 1 st & 2 nd Reading and authorizes a public hearing be held,
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5. COMMENTS FROM AGENCIES AND MUNICIPALITIES RECEIVED

Kole Casey reviews Comments from Agencies and Municipalities Received.

City of Dawson Interests Unaffected

Creek

Agricultural Land commission This is to advise that the ALC has no objection to the proposed bylaw amendments are its interests are unaffected. The ALC will also undertake a map amendment to delete the small area of adjacent ALR which underlines the road right of way.

District of Taylor Interests unaffected by Bylaw

District of Chetwynd MOVED/SECONDED/CARRIED

THAT the report dated March 16, 2016 re; Peace River Regional District Rezoning and Official Community Plan (OCP) Re-designation – Gayse prepared by the Engineering and Public works Department, be received; and

THAT Council support the application made to the Peace River Regional District for rezoning and OCP re-designation of District Lot 4227 PRD, as shown on Plan EPP19152 based on the commitment proposed by Patty Gayse in his letter to the District of Chetwynd which was received March 16, 2016 included as Attachment “B” to the report dated March 16, 2016 prepared by the Engineering and Public Works Department). *(See attached Resolution Report and letter)*

Also see below a discussion between District of Chetwynd and the PRRD

PRRD:

Hello Doug and Paul

Further to the conversation between the PRRD and the District of Chetwynd,

Can you provide the PRRD with information regarding The District of Chetwynds requirements and initial agreement with the proponent (Gayse) request and commitment for water and sewer services for District Lot 4227 from the District of Chetwynd.

Thank you,

District of Chetwynd:

Thanks Kole:

In response to your question: In order for the District to consider extending water and sewer services outside of our municipal boundaries, we would require any land Owner to petition us for boundary inclusion prior to us agreeing to do so (our practice is not to extend services beyond our corporate boundary). In the case of Mr. Patty Gayse, he has provided a letter indicating that he requires our services for his proposed Truck Stop, and that he will comply with our requirements, which include the following;

- The Owner would have to agree to pay the established rates for both utilities and to pay, by way of a grant in lieu of taxes, an amount equal to the value of taxation that the property would otherwise pay to the municipality had it been already in the municipality;
- The owner would also pay the full costs for connecting services to his/her property and any road rehabilitation costs incurred if his/her access point were from a paved Street.

In order to assure that all of these commitments are achieved, we would require that the District and the Owner enter into a “binding agreement”, which we would develop and provide to the Owner at our cost, and require the Owner execution. Upon an Agreement being signed, we would petition the Ministry to commence a boundary extension for the subject lands, and naturally seek the Regional District’s support.

City of Fort. St. Interests unaffected by Bylaw

John:

Northern Health This letter is in regards to the Bylaw Amendment Application located at the above noted location in Chetwynd. The intent of the application is to:

- Re-designate a 7.1 ha (17.6 acre) portion of District Lot 4227, PRD, Plan EPP19152 from “Residential” and “Resource Agriculture” to “Settlement” and;
- Rezone a 6.1 ha (15 acre) portion of District Lot 4227, PRD, Plan EPP19152 from A-2 (Large Agricultural Holdings Zone), to C-2 (Highway Commercial Zone) for the construction and operation of a truck stop gas bar, convenience store, restaurant, laundry facility, liquor store office space and;
- To rezone a 1 ha (2.6) portion of District Lot 4227, PRD, Plan EPP19152 from A-2 (Large Agricultural Holdings Zone), to I-1 (Light Industrial Zone) for a heavy equipment rental and sales facility.

Based on the intended use of the Application, **Approval is recommended** subjected to the District of Chetwynd extending services for sewer and water to the subject property. If this condition is unable to be met, Northern Health would want to see a revised application that incorporates a plan on how the applicant tends to address water and sewer issues for the intended uses of the subject property.

Please be advised that during construction and operation of services on the subject property, the operator must adhere to the following conditions below:

- As per the BC Public Health Act, the operator must not create a health hazard.
- As per the BC Public Health Act, If the operator is required by regulation to have a license or permit to engage in a regulated activity, such as the installation of a sewerage system, holding tank, drinking water system or construction/operation of a food establishment, 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 BC Public Health Act, an operator who engages in a regulated activity must comply with any requirement or duty set out in a regulation respecting the regulated activity. In addition, the operator must ensure that employees are adequately trained and sufficiently equipped to recognize, prevent and respond to health hazards that may arise when engaging in a regulated activity.
- As per the Drinking Water Protection Act, the operator must ensure that any wetlands, stream or drinking water wells that may be located in the area are protected from all possible sources of contamination during construction and operation.

If you have any additional questions regarding this matter please contact me at 250-719-6500.

Ministry of Transportation

The Ministry of Transportation and Infrastructure has received and reviewed your referral of March 10, 2016 for the rezoning and official community plan (OCP) amendment to re-designate a 7.1 ha (17.6 acre) portion of District Lot 4227, PRD Plan EPP19152 from “residential” and “resource agriculture” to “settlement”, rezone a 6.1 ha (15 acre) portion of District Lot 4227, PRD, Plan EPP 19151 from A-2 (Large Agricultural Holdings Zone) to C-2 (Highway Commercial Zone) for the construction and operation of a truck stop and rezone a 1 ha (2.6 acre) portion of District Lot 4227, PRD, Plan EPP19152 from A-2 (Large Agricultural Holdings Zone) to I-1 (Light Industrial Zone) for heavy equipment rental and sales facility. The proposal falls within Section 52 of the Transportation Act and will require formal bylaw approval from the Ministry of Transportation and Infrastructure. The Ministry recommends approval however the following conditions must be met prior to approval by the Ministry of Transportation and Infrastructure.

The Ministry is requiring that a Traffic Impact Study (TIS) be conducted prior to Development to assess and identify any localized improvements needed. The developer is to contact the Ministry Development Approval group to set up a scope development meeting to determine the scope of the TIS prior to development and construction.

The Ministry will not support or approve a direct access to the John Hart Highway- Rte 97 from any of the proposed developments; all accesses must be from secondary road network.

Permitting and approvals from the Ministry is required for this proposal which can include but is not limited to permanent access to 53rd Ave and/ or Old Hart Wabi Road No. 91 with the installation and construction of a paved apron and throat for the permanent accesses. Additional permitting and approval from the Ministry may be required for any construction and/ or road upgrades within Ministry right of way and road allowances for further permitting and approval information and to submit the application online, please refer to the Ministry’s [website: http://www.th.gov.bc.ca/permits/index.asp](http://www.th.gov.bc.ca/permits/index.asp)

Thank you for the opportunity to comment. If you have any questions or concerns please contact me at (250) 787-3237 or by email at Melissa.Nitz@gov.bc.ca.

6. WRITTEN COMMENTS RECEIVED FROM PUBLIC

The following letters have been received from the public and are attached to this agenda.

- June 14, 2016, Rob Crisfield
- July 12, 2016, Wabi Hill Mobile Home Park (Don Se3anton)

7. COMMENTS FROM APPLICANT

- No Comments

8. COMMENTS FROM PUBLIC

Daryl Lavallee 4100 53rd Ave. Within District of Chetwynd

- Can't blame anybody for development of their property
- No objections but concerns.
 - Home values/ resale of properties.
 - Noise & air quality.
 - Debris and garbage.
 - What % will end up in my yard?
 - Who is responsible to clean it?
 - Traffic
 - Like 7-11 gas station, work pick up spot for people and overnight parking.
 - Access?
 - Increase noise levels.
 - Will the roads be wetted down to control dust?
- Removal of trees have caused higher winds to my backyard and increased noise.
- If Impacts are negative/ what will be the degree and who is responsible?
- Not trying to stop it, just curious on what impacts it will have on the community.

Helen Dalke 4096 53rd Ave, Within District of Chetwynd

- Live on the end of 53rd Rd.
- Not as near as other people to the Impacts.
- Like to see a bit of a border before it was removed.
 - Some sort of tree line 3 to5 metres.
- Agreed to what Darryl had said.
- Decrease in house values but not in taxes.
- 53rd Ave is already a hazard.
 - Would like it to be looked at by MOT.
- Would like to know a bit more about the access.
- This is the best subdivision in the area with kids.
- Has shared concerns with Darryl.

Daryl Lavallee

- Will there be any more burning?
 - Quite unpleasant, air quality.

Patrick Gayse:

- It is now being moved by truck.

Director Rose:

- Done burning?

Patrick Gayse

- Yes.

Don Swanton, Wabi Hill Mobile Home Park

- No retirement home proposed on that site.
- What water system and sewer development will happen on that land?
- Chetwynd residents need to know what is being done.

Kole Casey:

- Discussed PRRD and Chetwynd and Northern Heath, discussions as stated within the Comments from Agencies and Municipalities Received section.

Don Swanton:

- More concerned on where it will go & I know Chetwynd is having trouble with sewer to begin with.

Director Rose:

- Patrick?

Patrick Gayse:

- Yeah, we are in discussion with the District of Chetwynd, for the future works.

Director Rose:

- Doug, got anything to add?

Doug Fleming, District of Chetwynd

- Yes, it is to be expected, this will require a utilities services plan.

Daryl Lavallee:

- Is this in the PRRD?

Director Rose:

- Yes.

Doug Fleming:

- Yeah our discussion with the Gayse is if you want to come into the District of Chetwynd you got to play by our rules.
 - If Patrick and Diane want to join & support the inclusion in Chetwynd, that they will adhere to the amenities & regulations within the District of Chetwynd.

Director Rose:

- Would you support a berm & screen in the Area?

Patrick Gayse:

- Yes we would.

Daryl Lavallee:

- It is a catch 22, still will be an impact, eye sore, & smell.

9. FINAL COMMENTS FROM APPLICANT

- No comment

10. TERMINATION OF PUBLIC HEARING

- PRRD explained process after public meeting.
- The chair terminated the public hearing at 7:35 pm.



Kole Casey, Recorder

Dan Rose, Chair

**PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2244, 2016**

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

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia *Local Government Act*, adopt the "West Peace Official Community Plan Bylaw No. 1086, 1997;

AND WHEREAS, an application has been made to amend "West Peace Official Community Plan No. 1086, 1997" to facilitate an associated rezoning affecting a portion of District Lot 4227, PRD, Plan EPP19152;

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

1. This Bylaw may be cited for all purposes as "West Peace Community Plan Amendment Bylaw No. 2244 (Gayse), 2016."
2. Map 7 of "West Peace Official Community Plan Bylaw No. 1086, 1997" is hereby amended by redesignating a 7.1 ha (17.6 acre) portion of District Lot 4227, PRD, Plan EPP19152, from "Residential" and "Resource Agriculture" to "Settlement", as shown shaded on Schedule 'A' which is attached to and forms part of this bylaw.

READ a FIRST TIME this 12th day of May, 2016.

READ a SECOND TIME this 12th day of May, 2016.

Public Hearing held on the 12th day of July, 2016 and notification mailed on the 21st day of June, 2016.

READ A THIRD TIME this ____ day of _____, 2016.

ADOPTED this ____ day of _____, 2016.

(Corporate Seal has been
affixed to the original bylaw)

(_____
 (Don McPherson, Chair
 (
 (
 (_____
 (Jo-Anne Frank, Corporate Officer

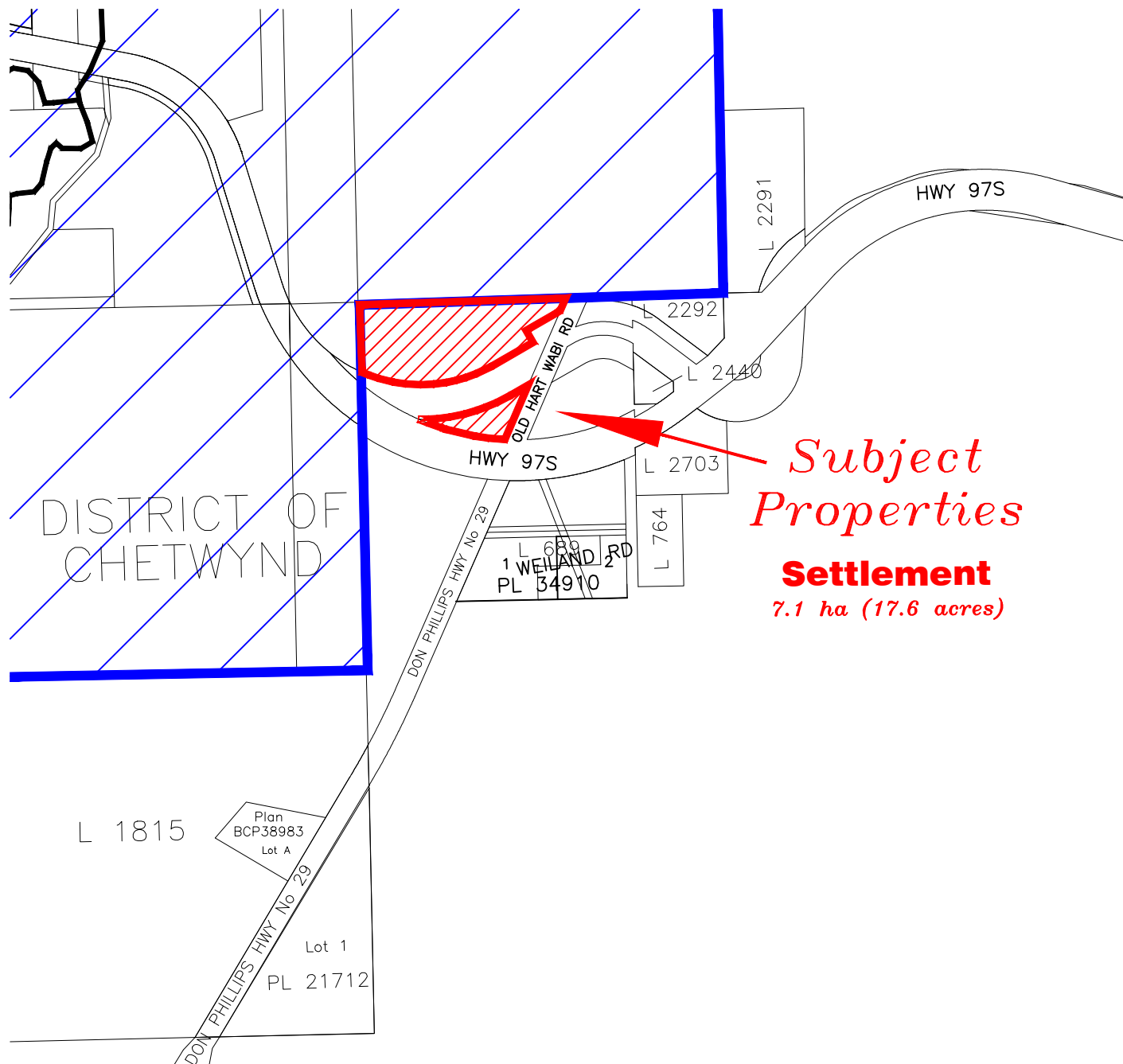
I hereby certify this to be a true and correct copy of
Bylaw No. 2244 (Gayse), 2016", as adopted by the
Peace River Regional District Board
on _____, 2016.

Corporate Officer

Peace River Regional District
By-law No. 2244, 2016
SCHEDULE "A"



Map. No. 7 - "West Peace Official Community Plan By-law No. 1086, 1997" is hereby amended by redesignating a 7.1 ha (17.6 acres) portion of District Lot 4227, PRD, Plan EPP19152, **from** "Residential" and "Resource Agriculture" **to** "Settlement" as shown shaded on the drawing below:



**PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2245, 2016**

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. 2245 (Gayse), 2016."
2. Schedule C – Map 7 of "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by rezoning a 6.1 ha. (15 acre) from A-2 "Large Agricultural Holdings Zone" to C-2 "Highway Commercial" and a 1 ha. (2.6 acre) from A-2 "Large Agricultural Holdings Zone" to I-1 "Light Industrial Zone" portions of District Lot 4227, PRD, Plan EPP19152, as shown on Schedule 'A' which is attached to and forms part of this bylaw.

READ a FIRST TIME this 12th day of May, 2016.

READ a SECOND TIME this 12th day of May, 2016.

Public Hearing held on the 12th day of July, 2016 and notification mailed on the 21st day of June, 2016.

READ A THIRD TIME this _____ day of _____, 2016.

APPROVED by the Ministry of Transportation this _____ day of _____ 2015.
(pursuant to Section 52(3)(a) of the Transportation Act)

District Highways Manager

ADOPTED this _____ day of _____, 2016.

(Corporate Seal has been
affixed to the original bylaw)

(_____
 (Don McPherson, Chair
 (
 (
 (_____
 (Jo-Anne Frank, Corporate Officer

I hereby certify this to be a true and correct copy of "PRRD Zoning Amendment Bylaw No. 2245 (Gayse), 2016, as adopted by the Peace River Regional District Board on _____, 2016.

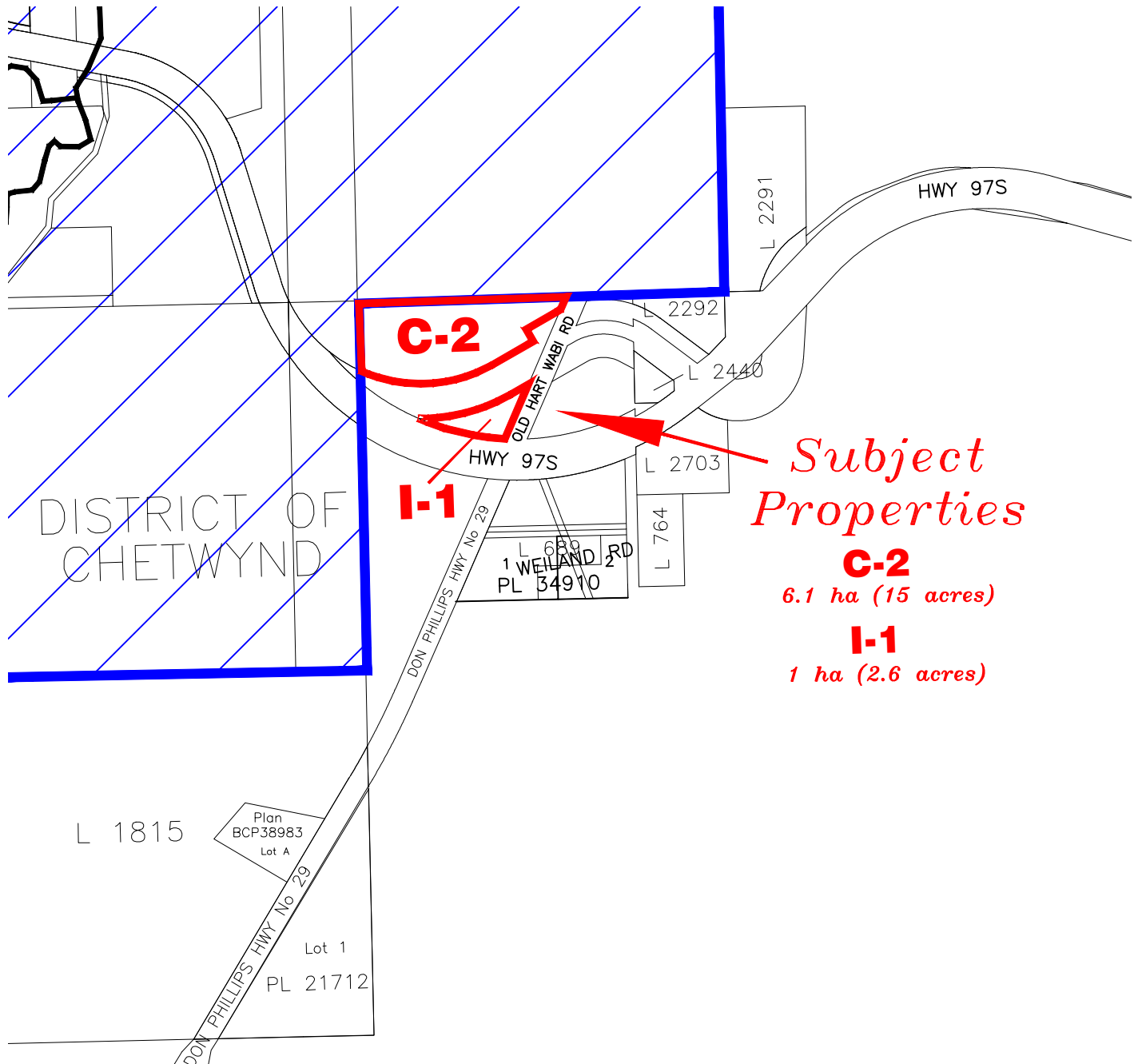
Corporate Officer

July 28, 2016

Peace River Regional District
By-law No. 2245, 2016
SCHEDULE "A"



Map. No. 7 - Schedule C of "Peace River Regional District Zoning By-law No. 1343, 2001" is hereby amended by rezoning a 6.1 ha (15 acres) **from** A-2 "Large Agricultural Holdings Zone" **to** C-2 "Highway Commercial" and a 1 ha (2.6 acres) **from** A-2 "Large Agricultural Holdings Zone" **to** I-1 "Light Industrial Zone" portions of District Lot 4227, PRRD, Plan EPP19152, as shown shaded on the drawing below:



Subject Properties
C-2
6.1 ha (15 acres)
I-1
1 ha (2.6 acres)