



REGIONAL DISTRICT OF BULKLEY-NECHAKO

SPECIAL BOARD MEETING

Thursday, June 9, 2016

CALL TO ORDER

MOTION TO HOLD SPECIAL BOARD MEETING

In accordance with Section 220 of the *Local Government Act*, the Regional District of Bulkley-Nechako Board of Directors calls a Special Board Meeting.

PAGE NO.

ACTION

AGENDA – June 9, 2016

Approve

SUPPLEMENTARY AGENDA

Receive

ELECTORAL AREA PLANNING *(All Directors)*

Bylaw for Second Reading

2-13

**Rezoning and OCP Amendment
File No. A-06-14
Bylaws 1712 & 1768
West-End Ventures Inc. (Bruintjes)
Electoral Area "A"**

**Recommendation
(Page 2)**

SUPPLEMENTARY AGENDA

NEW BUSINESS

ADJOURNMENT



2

MEMORANDUM

To: Chair Miller and the Board of Directors
From: Maria Sandberg, Planner
Date: May 31, 2016
Re: Rezoning Bylaw No. 1712, 2016 (West-End Ventures Inc.)

At the Board meeting held May 26th, 2016 Bylaw 1712, 2016 was considered for third reading. The Board supported a motion to amend Bylaw No. 1712 by changing the definition of "Contracting" to reduce the maximum gross floor area used for sale of products or materials from 25% to 10%. The Board then gave the amended bylaw third reading.

The *Local Government Act* does not allow a zoning amendment bylaw to be amended in this manner following the closure of the Public Hearing, which was held on May 16th, 2016. If the Board wants to proceed with amending Bylaw 1712 in accordance with the motion made on May 26th staff recommend the process outlined below in the recommendations section.

If the Board wants to proceed with approving the bylaw as it was approved at second reading the Board can:

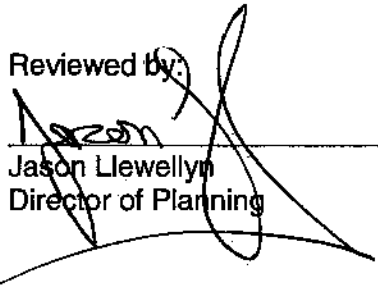
- rescind third reading of Bylaw No. 1712; and,
- hold the Public Hearing (scheduled for June 20th, 2016);
- and reconsider Bylaw 1712 at third reading in an un-amended state as it was at second reading.

Recommendations:

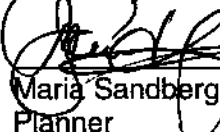
1. That second and third reading for "Regional District of Bulkley-Nechako Rezoning Bylaw No. 1712, 2016" be rescinded.
2. That the amended version of "Regional District of Bulkley-Nechako Rezoning Bylaw No. 1712, 2016" attached to this staff report dated May 31, 2016 from the Director of Planning, be given second reading and subsequently be taken to public hearing.
3. That the Public Hearing for "Regional District of Bulkley-Nechako Rezoning Bylaw No. 1712, 2016" be held and delegated to the Director or Alternate Director for Electoral Area A.

Electoral Area Planning – Participants/Directors/Majority

Reviewed by:


Jason Llewellyn
Director of Planning

Written by:


Maria Sandberg
Planner



3
REGIONAL DISTRICT OF BULKLEY-NECHAKO
BYLAW NO. 1712

A Bylaw to Amend "Regional District of
Bulkley-Nechako Zoning Bylaw No. 700, 1993"

The Board of the Regional District of Bulkley-Nechako in open meeting enacts as follows:

That "Regional District of Bulkley-Nechako Zoning Bylaw No. 700, 1993" be amended such that:

1. The following definitions of Contracting, Motor Vehicle Rentals and Warehousing are added to section 2.02 definitions.

CONTRACTING means the use of land and structures as a base of operation for a business providing any one or more of the following services or activities on another location: engineering; land surveying; construction; building; building or property maintenance; logging; silviculture; excavation; drilling; carpentry; plumbing; electrical or other similar service of a construction nature. This use may include any one or more of the following incidental and subordinate uses provided that these uses do not occupy in total an area in excess of forty percent of the Gross Floor Area of the structure(s) used for Contracting: assembly of products or materials associated with the Contracting service being provided from the same site provided that this use does not occupy in total an area in excess of twenty-five percent of the Gross Floor Area of the Structure(s) used for Contracting; sale of products or materials associated with the Contracting service being provided from the same site provided that this use does not occupy in total an area in excess of ten percent of the Gross Floor Area of the Structure(s) used for Contracting.

MOTOR VEHICLE RENTALS means the use of land and structures for the rental or lease of new or used vehicles, and may include as an incidental and subordinate use the service and repair of only those vehicles being rented or leased provided that the service and repair of vehicles occurs inside of a building. This use does not include Service Station.

WAREHOUSING means the use of lands or structures for the storage and distribution of goods, wares, merchandise, substances, articles, or other things, including the storage of goods in separately occupied, secured storage areas and lockers. This use does not include storage of goods for retail sales, wrecking and salvage or a waste disposal site.

2. The "Light Industrial – Contracting Service Zone (M1B)", as shown on Schedule "A", which is incorporated in and forms part of this bylaw, be added as section 20.2.
3. The "warehousing including cold storage plants, frozen food and lockers and feed and seed storage and distribution" use be removed from section 20.01 (1).
4. The Contracting, Motor Vehicle Rentals, and Warehousing uses be added to section 20.01 (1) as permitted uses in the "Light Industrial Zone (M1)".

5. The following land is rezoned from the "General Commercial Zone (C1)" to "Light Industrial – Contracting Service Zone (M1B)".

Lot 3, Section 2, Township 1A Range 5, Coast District Plan 4733, shown on Schedule "B", which is incorporated in and forms part of this bylaw.

This bylaw may be cited as the "Regional District of Bulkley-Nechako Rezoning Bylaw No. 1712, 2016".

READ A FIRST TIME this 28th day of April, 2016

READ A SECOND TIME this 28th day of April, 2016

PUBLIC HEARING HELD this 16th day of May, 2016

READ A THIRD TIME this 26th day of May, 2016

SECOND AND THIRD READING RESCINDED this day of , 2016

READ A SECOND TIME AS AMENDED this day of , 2016

PUBLIC HEARING HELD this day of , 2016

READ A THIRD TIME AS AMENDED this day of , 2016

I hereby certify that the foregoing is a true and correct copy of "Regional District of Bulkley-Nechako Rezoning Bylaw No. 1712, 2016"

DATED AT BURNS LAKE this day of

Corporate Administrator

APPROVED UNDER SECTION 52(3)(a) OF THE *TRANSPORTATION ACT*
this day of

Ministry of Transportation and Infrastructure

ADOPTED this day of

Chairperson

Corporate Administrator

SCHEDULE "A" BYLAW NO.1712**SECTION 20.2 –LIGHT INDUSTRIAL – CONTRACTING ZONE (M1B)****20.2.01 Permitted Uses**

- (1) In the Light Industrial - Contracting Zone the following uses of land, buildings or structures, and no other uses, are permitted:
 - (a) contracting;
 - (b) motor vehicle rentals;
 - (c) warehousing;

- (2) If a principal use of land has been established in the Light Industrial - Contracting Zone, the following secondary uses of land, buildings or structures are permitted:
 - (a) office;
 - (b) one dwelling unit per parcel
 - (c) buildings and structures accessory to the permitted principal uses.

20.2.02 Parcel Area

The minimum parcel area required in the Light Industrial - Contracting Zone is 1 hectare (2.47 acres).

20.2.03 Setback

In the Light Industrial - Contracting Zone no building or structure or part thereof, except a fence, shall be located within:

- (i) 7.5 metres of any parcel line which does not abut a residential zone; or
- (ii) 15 metres of any parcel line which abuts a residential zone.

20.2.04 Screening

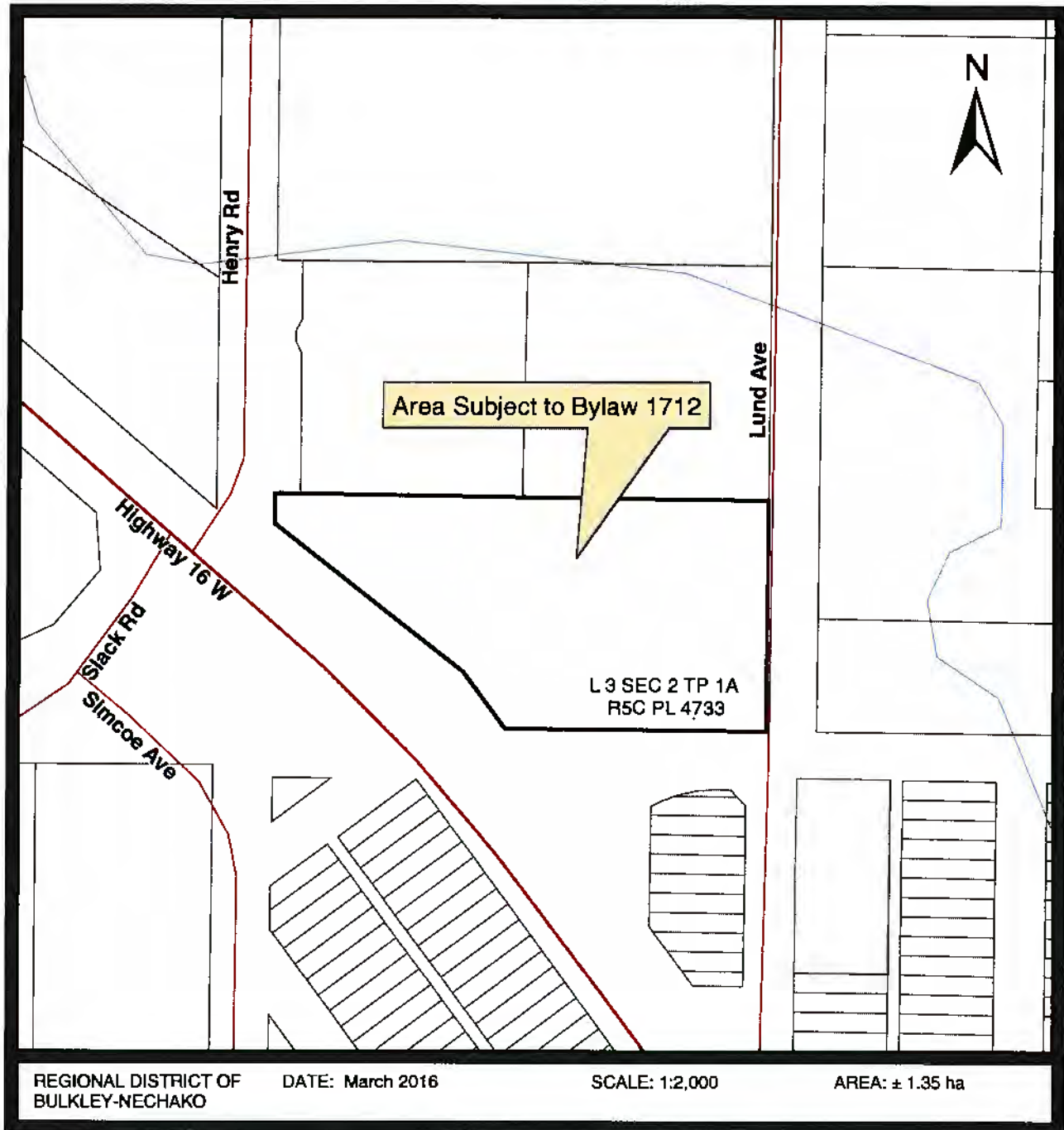
All industrial activity and associated materials shall be enclosed by a landscape screen not less than two metres (6.56 ft.) high.

20.2.05 Parking

Off-street parking space shall be provided in accordance with provisions of Section 27 of this bylaw.

20.2.06 Loading

Off-street loading space shall be provided in accordance with the provisions of Section 27 of this bylaw.



SCHEDULE "B" BYLAW NO. 1712

Lot 3, Section 2, Township 1A Range 5, Coast District Plan 4733, comprising of ±1.35 ha. being rezoned from the "General Commercial Zone (C1)" to "Light Industrial – Contracting Service Zone (M1B), as shown.

I hereby certify that this is Schedule "B" of Bylaw No. 1712, 2016.

Corporate Administrator



Planning Department Report
 OCP Amendment Bylaw 1768
 Rezoning Bylaw No. 1712
 File No. A-06-14, 3rd Reading
 May 17, 2016

APPLICATION SUMMARY

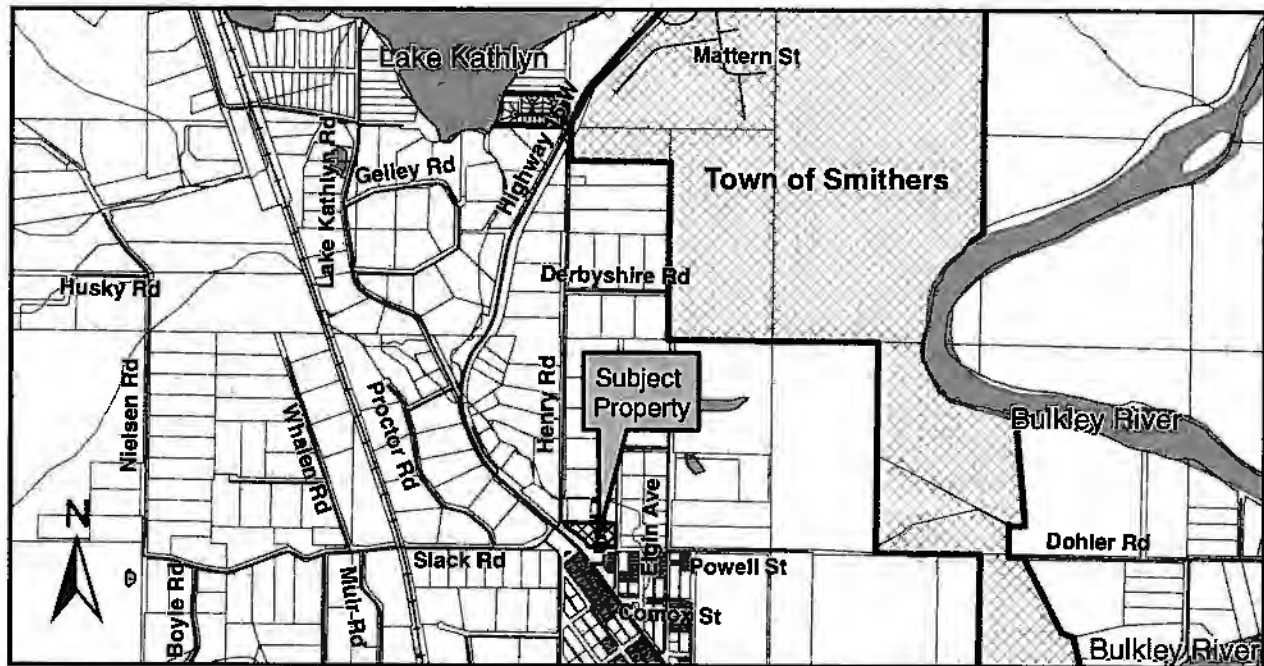
Name of Owner: West-End Ventures Inc.

Name of Agent: Colin Bruintjes

Electoral Area: A

Subject Property: Lot 3, Section 2, Township 1A, Range 5, Coast District, Plan 4733. The property is 1.35 ha (3.34 acres) in size

Location: The subject property is located along Highway 16 at 3844 Henry Rd, approximately 600 metres northwest of the Town of Smithers.



O.C.P. Designation: Commercial (C) in the Smithers Telkwa Rural Official Community Plan Bylaw No. 1704, 2014

Zoning: General Commercial (C1) in the Regional District of Bulkley-Nechako Zoning Bylaw No. 700, 1993

Existing Land Use: Vacant land

ALR Status: Not in the ALR.

Proposed OCP Amendment and Rezoning:

To amend "Smithers Telkwa Rural Official Community Plan Bylaw No. 1704, 2014" by adding a section on Development Permit Areas, and designating the subject property as a Highway Corridor Development Permit Area.

To amend "Regional District of Bulkley-Nechako Zoning Bylaw No. 700, 1993" by rezoning the subject property from the **General Commercial (C1) Zone** to a new zone, named the Light Industrial – Contracting Service Zone (M1B).

The proposed permitted uses are:

- (a) contracting;
- (b) motor vehicle rentals;
- (c) warehousing;

The proposed definitions of the uses are:

CONTRACTING means the use of land and structures as a base of operation for a business providing any one or more of the following services or activities on another location: engineering; land surveying; construction; building; building or property maintenance; logging; silviculture; excavation; drilling; carpentry; plumbing; electrical or other similar service of a construction nature. This use may include any one or more of the following incidental and subordinate uses provided that these uses do not occupy in total an area in excess of forty percent of the Gross Floor Area of the structure(s) used for Contracting: assembly of products or materials associated with the Contracting service being provided from the same site provided that this use does not occupy in total an area in excess of twenty-five percent of the Gross Floor Area of the Structure(s) used for Contracting; sale of products or materials associated with the Contracting service being provided from the same site provided that this use does not occupy in total an area in excess of twenty-five percent of the Gross Floor Area of the Structure(s) used for Contracting.

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REFERRAL COMMENTS

(It is noted that the referral comments apply to the applicant's previous proposal.)

Ministry of Transportation and Infrastructure

"A fence to delineate the property line on the Hwy 16 side will be required. Powell Frontage and Powell Ave. adjacent to the lot are not available for use. Corridor planning through this area identified Powell Avenue intersection to be closed. Powell Frontage is retained for Hwy 16 widening only.

Suggest a 30 m no build area, as shown on attached plan in red, to facilitate future access / intersection upgrade, dependent on future use.

Concern regarding sewage disposal as the willow trailer court was closed due to failing septic disposal."

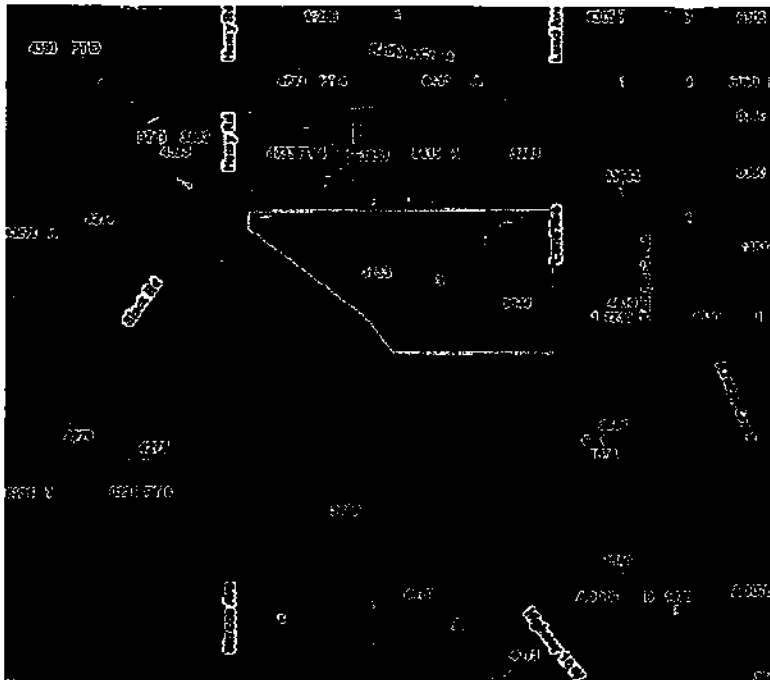
Town of Smithers

See attached letter.

Advisory Planning Commission (APC)

"Resolution: APC supports the application for rezoning to include a) Contracting services b) offices c) motor vehicle rentals d) warehousing

Comments: APC believes that this change is beneficial to the area in that it is a downgrade from the current zoning and therefore the impact in the area would be lower than the current zoning would permit. APC does not feel that change will encourage the creation of more commercial space into the residentially zoned corridor between Henry Rd and the Town of Smithers."



PLANNING DEPARTMENT COMMENTS

The public hearing for Bylaws No. 1712 and 1768 was held on May 16th, 2016. The report of the Public Hearing is attached to this report.

Official Community Plan (OCP) and Development Permit Areas (DPA)

Proposed Bylaw 1768 adds a new section regarding Development Permit Areas to the Smithers Telkwa Rural Official Community Plan, and designates the subject property as a highway corridor development permit area.

Section 488 (1)(a)(d) and (f) of the *Local Government Act* gives a local government the ability to designate land as a development permit area (DPA) in the OCP, for one or more purposes. The OCP must describe the special objectives or conditions that justify the DPA designation and also specify guidelines respecting the manner by which the special conditions or objectives will be addressed. Within a DPA a property owner must obtain a development permit before developing the land.

Bylaw 1768 states that the objectives are:

1. To provide for the appropriate form and character of commercial and industrial development given the high visibility of these areas and their exposure to Highway 16.
2. To facilitate the compatibility of site design and site function with the rural setting and adjacent land uses.
3. To identify and implement the appropriate degree of landscaping and screening with special attention to the impacts on adjacent residential development and Highway 16.
4. To accomplish the above in a manner that protects the natural environment, and retains as much as possible in its natural or existing state, and otherwise enhancing and facilitating natural processes and habitat where possible

The bylaw also outlines the exemptions for when a permit is not needed, such as for subdivision, temporary structures, minor construction or alteration, replacement or development activities that are not related to the commercial or industrial use of the land. The guidelines contain regulations about parking, lighting, landscaping, screening and signage.

Prior to development the property owner would be required must make an application to the RDBN. The application process involves the RDBN reviewing the development plans for conformity to the applicable guidelines. If the development plans do not conform to the guidelines the Board may deny the application and the development can not occur.

Zoning

As can be seen on the map below, there is a mix of zoning adjacent to the subject property. The lands zoned Light Industrial (M1) and Highway Commercial (C2) are

owner by the Province and will likely not be made available for development. The land zoned Agricultural Industry (M3) contains a greenhouse and garden supplies sales business. The majority of developed lands surrounding the subject property are residential. The property north of the subject property is zoned H1B which allows its residential use, as well as use for a commercial workshop.

Zoning Map



The Willow Trailer Court was established on the subject property for many years. The property was rezoned in 1984 from Mobile Home Park (MHP) to Commercial I, for a service station. It appears that the property continued to be used for a mobile home park until 2009, when it was closed to comply with an Order under the *Public Health Act* to stop a Health Hazard. When the existing zoning bylaw was adopted in 1993 the General Commercial (C1) Zone was applied to the property.

The permitted uses in the C1 zoning are:

- (a) *retail store;*
- (b) *business and professional offices;*
- (c) *hotel and motel;*
- (d) *restaurant and licensed establishment pursuant to the Liquor Control and Licensing Act;*
- (e) *personal service establishment;*
- (f) *fraternal lodge, community hall and theatre;*
- (g) *service station.*

The proposed contracting, motor vehicle rentals, and warehousing uses are not allowed in the C1 zone. Therefore, the applicant has applied to amend the zoning bylaw to allow the uses.

The area that can be used for incidental and subordinate uses (including retail and assembly of products) is 40% of the gross floor area. Also, the assembly of products or materials, or retail use may not occupy in total an area in excess of twenty-five percent of the Gross Floor Area of the Structure used for Contracting.

It is noted that the uses have also been added to the Light Industrial (M1) Zone as permitted uses.

Recommendations

In general, the Planning Department does not recommend that small tenancy commercial or light industrial activity be allowed to spread along the highway in rural residential areas. This type of strip development is attractive for business as the land has good exposure, can be inexpensive compared to other lands in commercial areas, and is less expensive to develop because of reduced development standards and regulations in the rural area. Accommodating strip commercial / industrial development along the highway is inefficient and there are notable aesthetic, function, and land use conflict related issues that will inevitably result.

However, the situation is complicated by the fact that the property is currently zoned C1. The property owner is making the argument that the proposed uses represent an improvement over the uses permitted in the C1 zone, and that the proposed uses are suitable for the property. This argument has merit in staff's opinion.

The designation of the property as a development permit area, and the Board's ability to ensure the development meets the guidelines outlined, provides some certainty regarding the manner in which the property may be developed. In staff's opinion this is important given the high visibility of this location, in the middle of a residential neighbourhood.

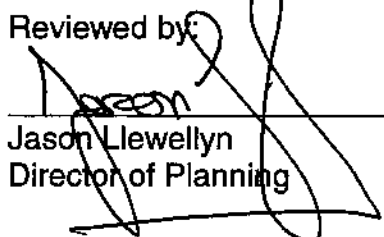
This proposal should not have a notable negative impact on the surrounding area, and be an improvement over the existing C1 zone.

Recommendations

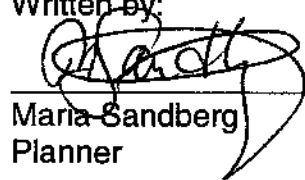
1. That the Regional District Board receive the Report of the Public Hearing for "Smithers Telkwa Rural Official Community Plan Amendment Bylaw No. 1768, 2016", and "Regional District of Bulkley-Nechako Rezoning Bylaw No. 1712, 2016".
2. That "Smithers Telkwa Rural Official Community Plan Amendment Bylaw No. 1768, 2016" and "Regional District of Bulkley-Nechako Rezoning Bylaw No. 1712, 2016" be given third reading.

Electoral Area Planning – All Directors/Majority

Reviewed by:


 Jason Lewellyn
 Director of Planning

Written by:


 Maria Sandberg
 Planner

13
REGIONAL DISTRICT OF BULKLEY-NECHAKO
REPORT OF THE PUBLIC HEARING FOR BYLAWS NO. 1712 and 1768
May 16, 2016

Report of the Public Hearing held at 7:00 p.m., Monday, May 16, 2016 in the West Fraser Room at the Smithers Municipal Office, 1027 Aldous Street, Smithers, B.C. regarding Bylaws No. 1712 and 1768.

Present:

- Mark Fisher, Chair
- Jason Llewellyn, Recording Secretary
- Fred Wilson, Applicant
- Colin Bruintjes, Applicant
- Muriel Bruintjes
- Lexie Wilson
- Walter M. VanGroothest
- Cam Armstrong
- David Bobb
- S. Clausen
- Ron VanGroothest

CALL TO ORDER: The meeting was called to order at 7:00 p.m.

BUSINESS:

Chairperson Fisher Welcomed the persons present and read a statement regarding Bylaws No. 1712 and 1768, noting the location of information packages, and explaining the Public Hearing process.

Chairperson Fisher Called for comments on Bylaw 1712 and 1768.

Fred Wilson Stated that the proposed uses better fit for area.

Colin Bruintjes Said that the development would improve the area. And the site is a good location for the business.

Sharon Clausen, 3730 Lund Ave Asked how high the buildings are proposed to be.

Colin Bruintjes Said that the shop will be 16 feet high and showed the site plan and elevation drawings.

Jason Llewellyn Explained the Development Permit area process and noted that the applicants are not committing to develop according to the site plan provided. If approved the proposed guidelines will guide future site development.

Chairperson Fisher Chairperson Fisher called for comments three times.

Chairperson Fisher Closed the hearing at 7:19 p.m.

Mark Fisher, Chairperson


Jason Llewellyn, Recording Secretary