



**REGIONAL DISTRICT OF BULKLEY-NECHAKO**  
**STAFF REPORT**

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**TO:** Chair Thiessen and Board of Directors  
**FROM:** Danielle Patterson, Planner  
**DATE:** November 18, 2021  
**SUBJECT:** Rezoning Application RZ A-08-21  
1<sup>st</sup> and 2<sup>nd</sup> Reading for Rezoning Bylaw 1965, 2021

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**RECOMMENDATION**

1. That “Regional District of Bulkley-Nechako Rezoning Bylaw No. 1965, 2021” be given 1<sup>st</sup> and 2<sup>nd</sup> reading and subsequently be taken to Public Hearing.
2. That the Public Hearing for “Regional District of Bulkley-Nechako Rezoning Bylaw No. 1965, 2021” be delegated to the Director or Alternate Director for Electoral Area A.

**VOTING**

All / Directors / Majority

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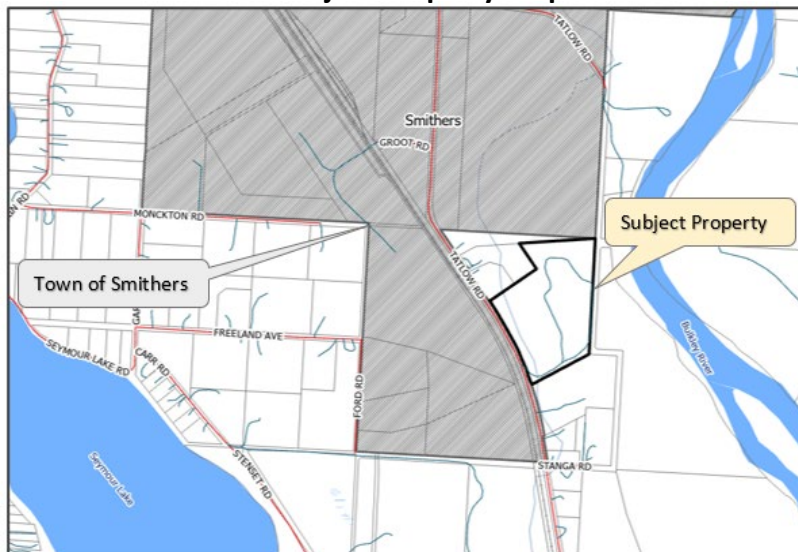
**EXECUTIVE SUMMARY**

The proposed rezoning of the property from the Agricultural (Ag1) and Small Holdings (H1) Zones to the Light Industrial (M1) Zone will allow the property to be used for any of the uses permitted in the M1 Zone. The applicant indicates that their plan is to construct a heavy equipment storage building and bring the equipment storage and aggregate processing uses into compliance with the zoning. Staff recommend that Rezoning Bylaw No. 1965, 2021 be given 1<sup>st</sup> and 2<sup>nd</sup> Reading.

## APPLICATION SUMMARY

<b>Name of Agent/Owner:</b>	Murray Vetsch, Westwind Enterprises Ltd./ Jadie's Contracting
<b>Electoral Area:</b>	A
<b>Subject Property:</b>	Lot 1, Section 18, Township 4, Range 5, Coast District, Plan 4997 Except Plans 5915 and 7409
<b>Property Size:</b>	12.42 ha (30.69 ac)
<b>OCP Designation:</b>	Industrial (I) in "Smithers Telkwa Rural Official Community Plan Bylaw No. 1704, 2014"
<b>Zoning:</b>	Portions of the property are zoned Agricultural (AG1) and portions are zoned Small Holdings (H1) in RDBN Zoning Bylaw No. 1800, 2020 (the Zoning Bylaw)
<b>ALR Status:</b>	Not in the ALR
<b>Existing Land Use:</b>	Aggregate extraction and processing/Heavy Equipment Storage
<b>Location:</b>	The subject property is on Tatlow Road, abutting the southern boundary of the Town of Smithers, near the CN Rail line (see Subject Property Map)

**Subject Property Map**



## Proposed Rezoning

The application is to rezone the subject property from the Agricultural (AG1) and Small Holdings (H1) Zones to the Light Industrial (M1) Zone to allow the property to be used for any of the uses permitted in the M1 Zone. The subject property is used for unenclosed heavy equipment storage

and aggregate extraction and processing. The proposed rezoning to the M1 Zone would permit heavy equipment storage and aggregate processing. The only structure on the property is a 7.4 m<sup>2</sup> (80 ft<sup>2</sup>) power shed to supply power to the property.

## DISCUSSION

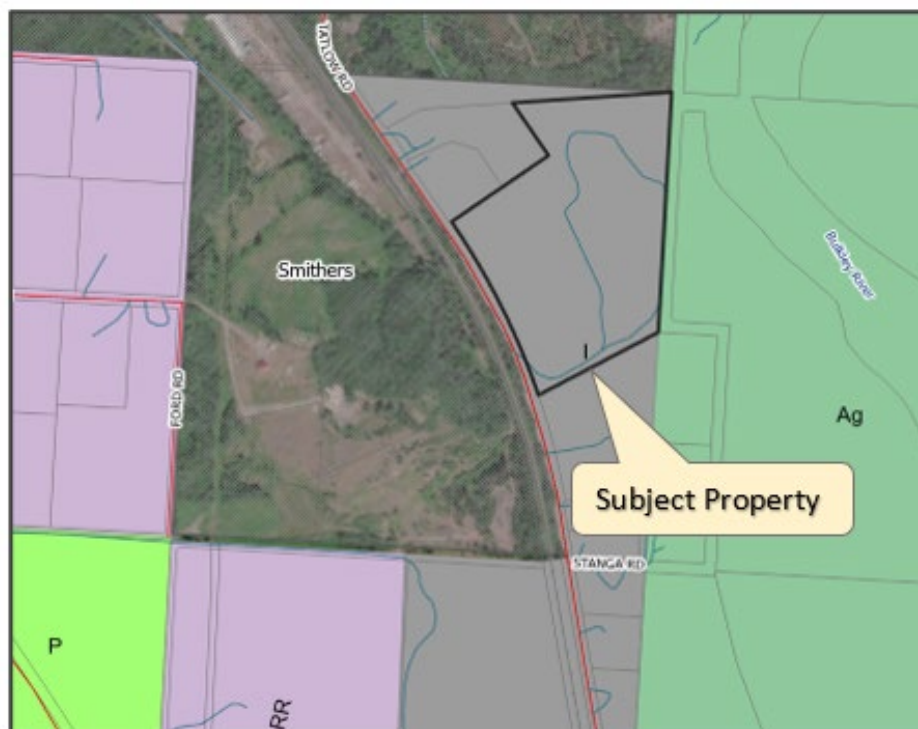
### Official Community Plan and Zoning

The subject property is designated Industrial (I) in the “Smithers Telkwa Rural Official Community Plan Bylaw No. 1704, 2014” (OCP). To the north, west, and south of the subject property are lands designated for future Industrial land use. Both the Regional District and the Town of Smithers have concentrated industrial designations and zoning along Tatlow Road. Only a limited amount of land in the OCP area is designated for industrial development.

OCP Policy 3.3.2(2) states “[n]ew industrial uses will be encouraged to establish within the Industrial (I) designation in the Tatlow Road area”. The proposed zoning amendment aligns with the Industrial land use designation of the subject property.

### OCP Map

Grey = Industrial Designation; Dark Green = Agricultural Designation

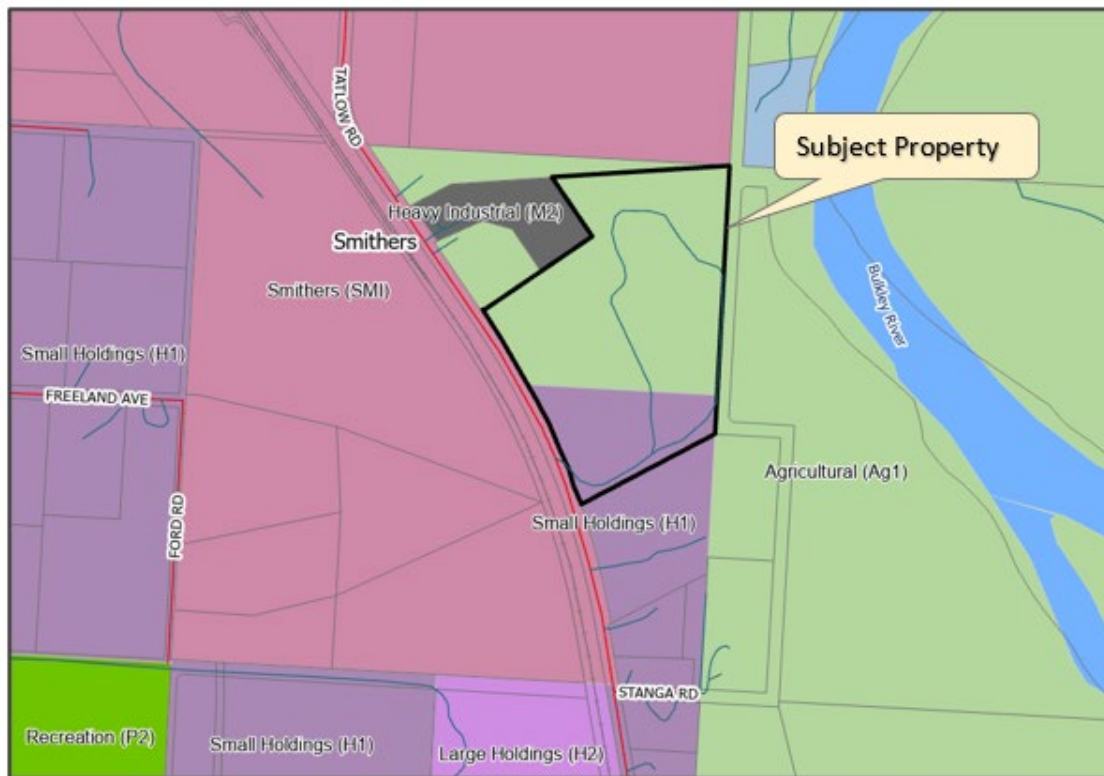


The applicant wants to build a heavy equipment storage space on the subject property, which also has a history of aggregate processing. These are both permitted uses in the Light Industrial (M1) Zone and a property to the north of the proposal area is zoned M2 in the Zoning Bylaw. The full list of permitted principal uses in the M1 Zone are as follows:

Permitted Principal Uses in M1 Zone	
<ul style="list-style-type: none"> <li>• Aggregate Processing</li> <li>• Agriculture</li> <li>• Contracting</li> <li>• Crematorium</li> <li>• Heavy Equipment Repair and Sales</li> <li>• Light Manufacturing</li> <li>• Motor Vehicle Repair</li> <li>• Recreational Vehicle Storage</li> <li>• Transportation Terminal</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Feed Store</li> <li>• Building and Garden Supplies</li> <li>• Light Equipment Repair and Sales</li> <li>• Motor Vehicle Wash</li> <li>• Service Station</li> <li>• Veterinary Clinic</li> <li>• Utility</li> <li>• Warehousing</li> </ul>

### Zoning Map

Green = Agricultural (AG1) Zone; Purple = Small Holdings (H1) Zone

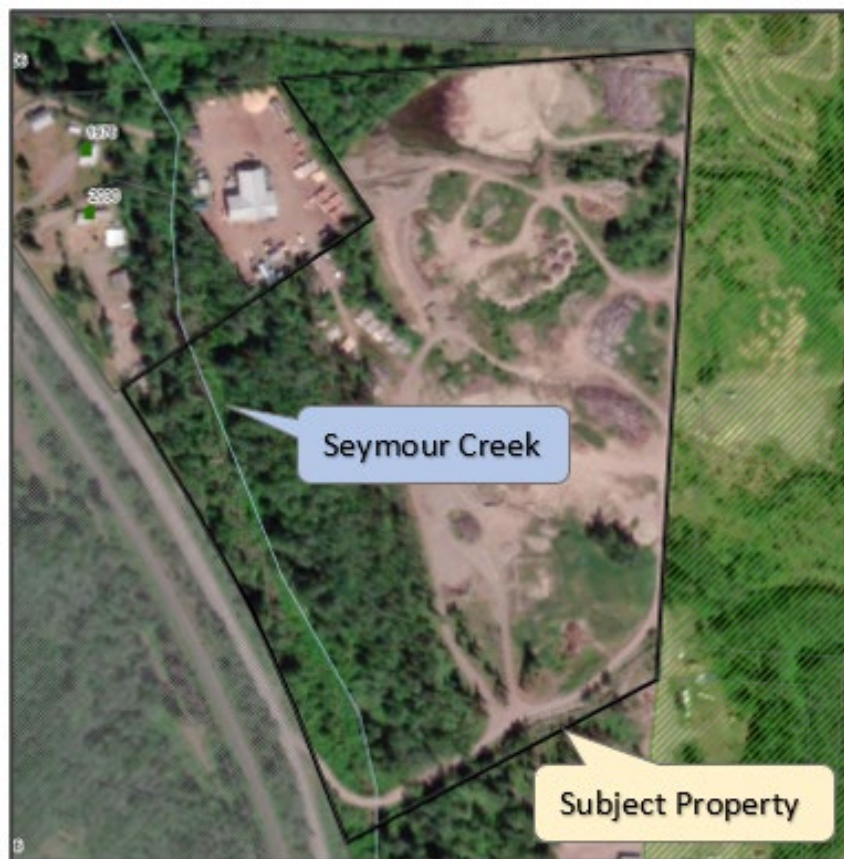


### Seymour Creek

OCP Policy 4.6.2(6) states “[w]hen rezoning to allow [...] development in area known to have potential hazards, the proper scientific assessments are to be required at the rezoning or subdivision stage to ensure the area is appropriate for development and to mitigate safety concerns and the potential damage to property”.

The only known potential hazard on the subject property is Seymour Creek, which runs near the western boundary of the subject property, parallel to Tatlow Road (see map below). Seymour Creek appears to be a minor hazard without a history of flooding. The Zoning Bylaw does not allow the construction of a building or structure within 15 m of Seymour Creek. The Floodplain Bylaw has construction elevation and setback requirements that must be met. In staff's opinion these regulations adequately protect any future development from flood damage.

Staff asked the property owner if they would be interested in offering to register a covenant on title of the subject property restricting vegetation removal adjacent to Seymour Creek. The applicant stated they are familiar with the Ministry of Environment and Climate Change Strategy's regulations and do not want to add a covenant to their title.



### **Land Use Conflict**

Staff note the potential for land use conflict as this area transitions to increased Industrial land uses as directed by the OCP. These impacts could include increased noise levels and traffic, and reduced air quality. These impacts were considered during the OCP review process when the lands received their Industrial Designation in 2012. There are a number of dwellings in the area;

however, a number of these properties contain a variety of home occupations and industrial uses and the proposed industrial activity is not out of character with the area.

### **Referral Comments**

The Electoral Area A Advisory Planning Commission supported the application.

Referral comments from Northern Health; the Town of Smithers; the Ministry of Agriculture, Food and Fisheries, the Agricultural Land Commission; and the Ministry of Transportation and Infrastructure were not received at the time of the writing of this report. Any comments received in time for the Board meeting will be included on the supplementary agenda.

### **ATTACHMENTS**

- Bylaw 1965, 2021
- Applicant Submission



**REGIONAL DISTRICT OF BULKLEY-NECHAKO**  
**BYLAW NO. 1965**

A Bylaw to Amend "Regional District of  
Bulkley-Nechako Zoning Bylaw No. 1800, 2020"

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

That "Regional District of Bulkley-Nechako Zoning Bylaw No. 1800, 2020" be amended such that the following land is rezoned from the "Small Holdings (H1)" Zone and "Agricultural (AG1)" Zone to the "Light Industrial (M1)" Zone.

Lot 1, Section 18, Township 4, Range 5, Coast District, Plan 4997 Except Plans 5915 and 7409 as shown on Schedule "A", 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. 1965, 2021".

READ A FIRST TIME this \_\_\_\_ day of \_\_\_\_

READ A SECOND TIME this \_\_\_\_ day of \_\_\_\_

PUBLIC HEARING HELD this \_\_\_\_ day of \_\_\_\_

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_

I hereby certify that the foregoing is a true and correct copy of "Regional District of Bulkley-Nechako Rezoning Bylaw No. 1965, 2021".

DATED AT BURNS LAKE this \_\_\_\_ day of \_\_\_\_

\_\_\_\_\_  
Corporate Administrator

ADOPTED this \_\_\_\_ day of \_\_\_\_

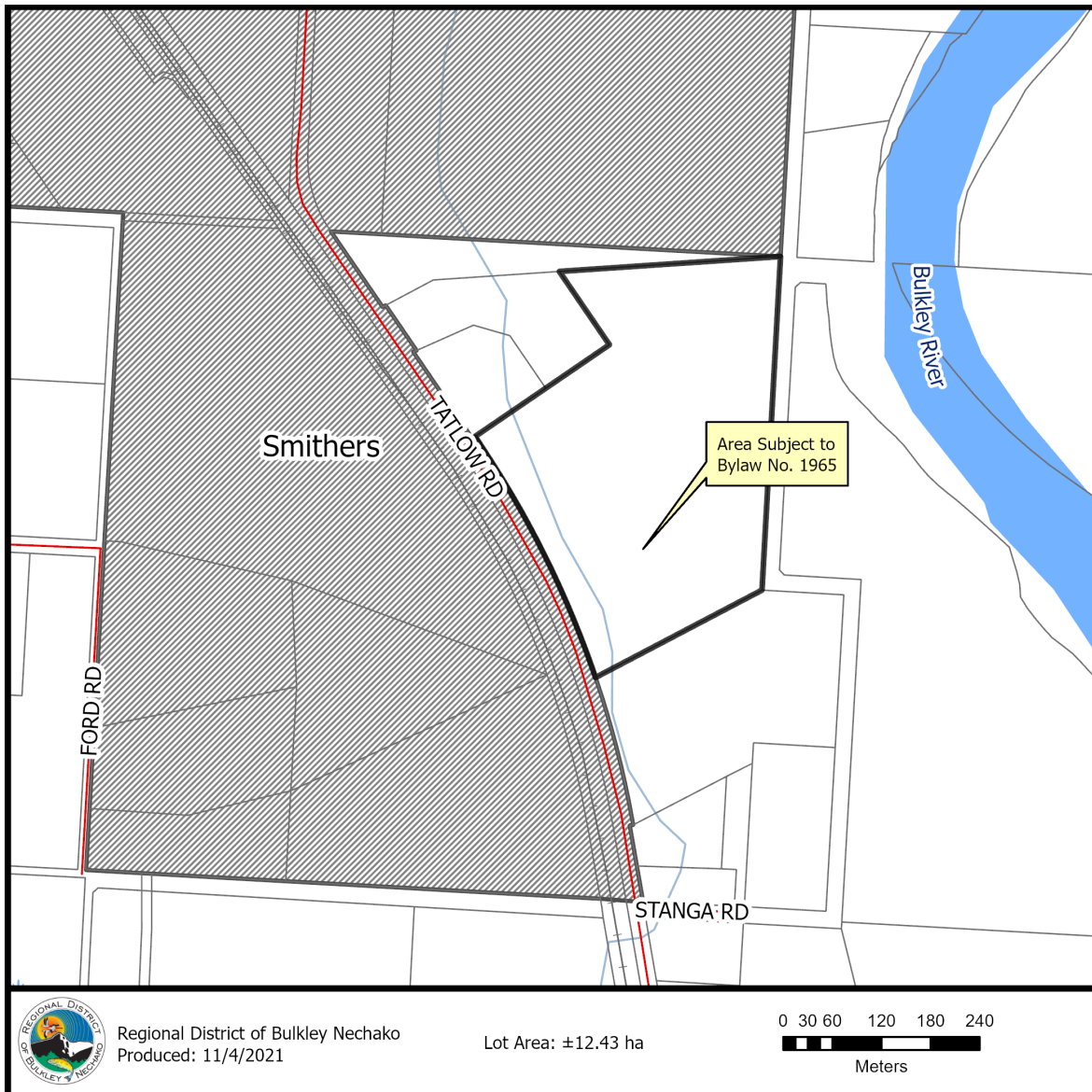
\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Administrator



## **SCHEDULE "A" BYLAW NO. 1965**

Lot 1, Section 18, Township 4, Range 5, Coast District, Plan 4997 Except Plans 5915 and 7409', comprising  $\pm 12.4$  ha, rezoned from the "Small Holdings (H1)" Zone and the "Agricultural (AG1)" Zone to the "Light Industrial (M1)" Zone.



hereby certify that this is Schedule "A" of Bylaw No. 1965, 2021.

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Corporate Administrator

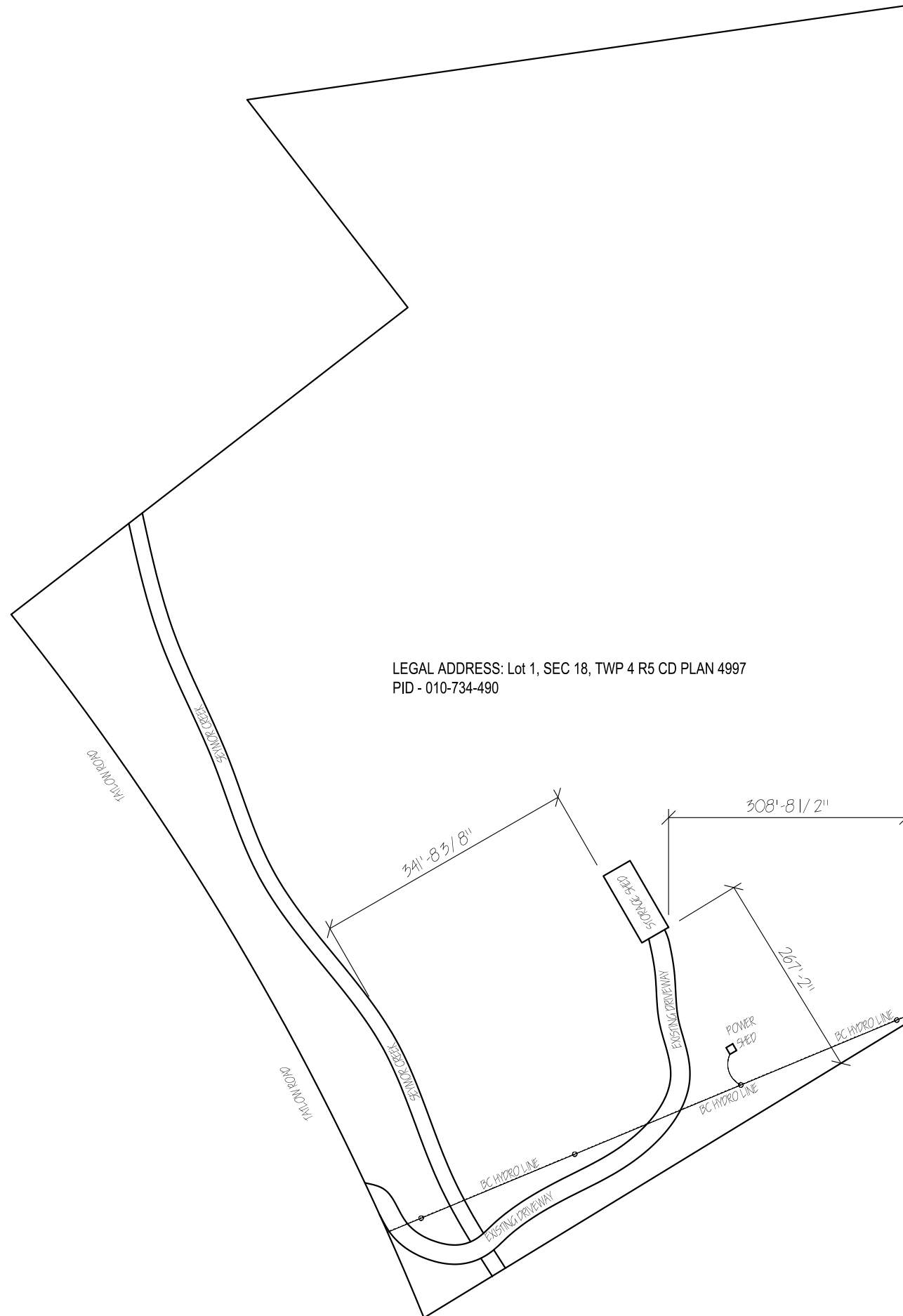
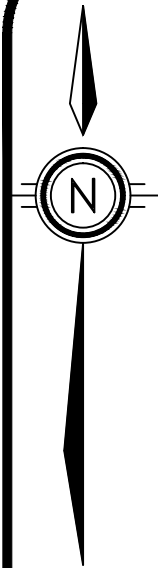


September 12, 2021

To Whom It May Concern,

The following are the rational/reasons why we would like to have the subject property rezoned from AG1 and H1 to M2

- 1) The land owner would like to build an equipment storage building to be able to store his heavy equipment and supplies throughout the year
- 2) The parcel to the north of the subject parcel is already zoned M2
- 3) This parcel is situated on a gravel deposit and has been used for gravel extraction in the past. The parcel is not well suited to typical agriculture as it has limited topsoils required for grazing or cropping
- 4) The subject parcel has traditionally been used for aggregate extraction and processing even though the zoning did not allow it. This application would bring the parcel into compliance with the zoning bylaw.
- 5) Other neighbouring parcels are currently being used for industrial activities so this application is in line with adjacent properties and will have minimal impact on them.
- 6) The current OCP designation for this area is Industrial (I) so this brings the zoning inline with the OCP



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General Notes

Endorsements

No.	Revision/ Issue	Date



250-643-0534  
Telkwa, BC  
westwind.murray@gmail.com

Jadies Storage Shed  
Tatlow Road, Smithers

Drawn Site Plan	Sheet 1/1
Date October 22, 2021	
Scale N.T.S.	