



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

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**TO:** Chair Thiessen and Board of Directors  
**FROM:** Danielle Patterson, Senior Planner  
**DATE:** December 16, 2021  
**SUBJECT:** Rezoning Application RZ A-08-21  
3<sup>rd</sup> Reading and Adoption for Rezoning Bylaw 1965, 2021

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**RECOMMENDATION**

1. That the Regional District Board receive the Public Hearing Report for “Regional District of Bulkley-Nechako Rezoning Bylaw No. 1965, 2021”.
2. That “Regional District of Bulkley-Nechako Rezoning Bylaw No. 1965, 2021” be given 3<sup>rd</sup> Reading and Adoption.

**VOTING**

All / Directors / Majority

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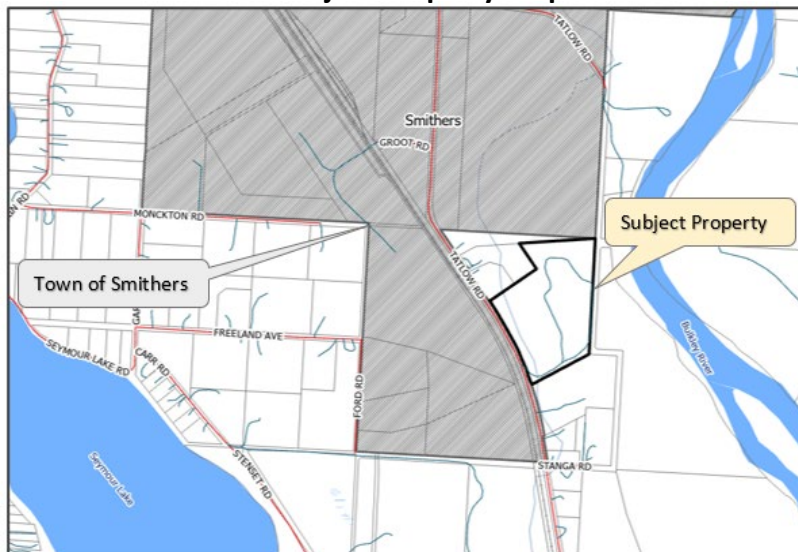
**EXECUTIVE SUMMARY**

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 existing equipment storage and aggregate processing uses into compliance with zoning. Staff recommend that Rezoning Bylaw No. 1965, 2021 be given 3<sup>rd</sup> Reading and Adoption.

## 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 applicant proposes rezoning 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

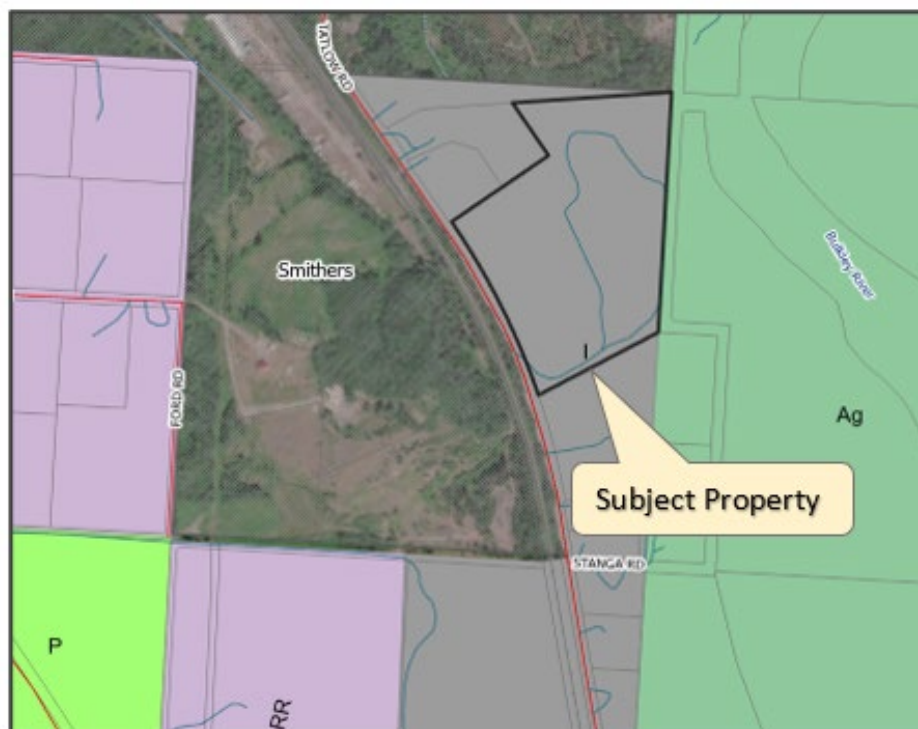
### Official Community Plan and Zoning

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

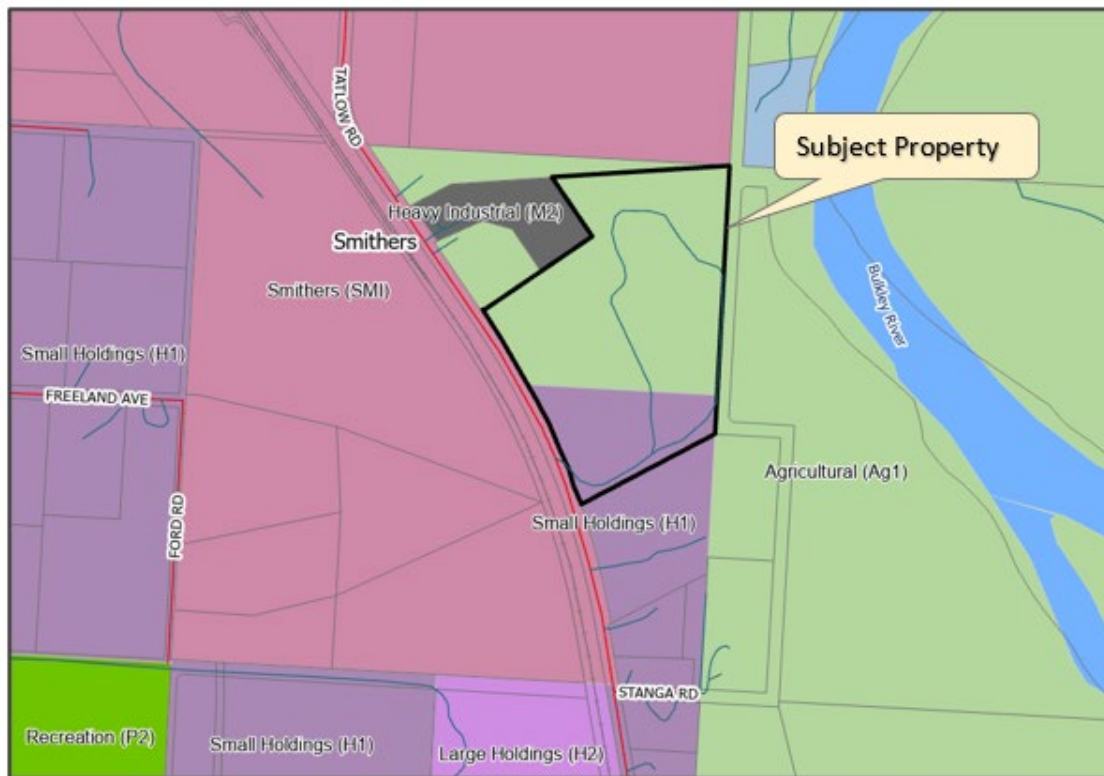


The applicant wants to build a heavy equipment storage space on the subject property, which also has a history of aggregate processing. These are both permitted uses in the Light Industrial (M1) Zone and a property to the north of the proposal area is zoned M2 in the Zoning Bylaw. The full list of permitted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

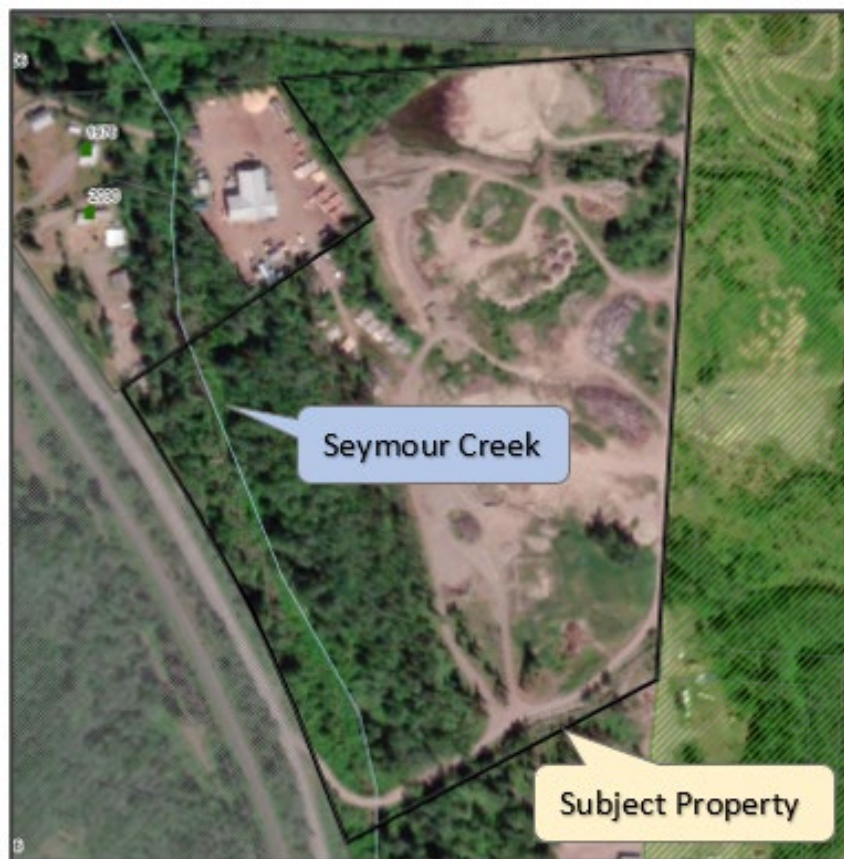


### Seymour Creek

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**

**Electoral Area A Advisory Planning Commission:** supported the application.

**Northern Health:** No comments received as of the writing of this report.

**Town of Smithers:** No comments received as of the writing of this report.

**Ministry of Agriculture, Food and Fisheries:** No comments received as of the writing of this report.

**Agricultural Land Commission (ALC):** recommended considering a setback (15 m) and vegetative buffer (8 m) requirements from the ALR boundary. See attachment for details.

Staff note: the M1 Zone specifies a 15 m setback from residential zones and a 7.5 m setback when abutting all other zone types. Further, the shared property line between the subject property and the neighbouring property in the ALR is an existing gravel extraction, making a vegetative buffer impractical.

**Ministry of Transportation and Infrastructure (MoTI):** *“As per section 52 of the Transportation Act the Ministry has no comments on the proposal as the development is outside of the 800m radius to a controlled access highway intersection that would require Ministry approval. The Ministry will not need to sign the final zoning amendment.”* Staff confirmed that, at this time, the Bulkley-Stikine MoTI office does not want to review RDBN referrals unless the application is within an 800 m radius of a controlled access highway.

## **PUBLIC HEARING**

The Public Hearing for Bylaw 1965, 2021 was held on December 8, 2021. The Public Hearing report will be provided to the Board on the supplementary agenda.

## **ATTACHMENTS**

- Bylaw 1965, 2021
- ALC Referral comment
- 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 18<sup>th</sup> day of November, 2021

READ A SECOND TIME this 18<sup>th</sup> day of November, 2021

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 \_\_\_\_\_

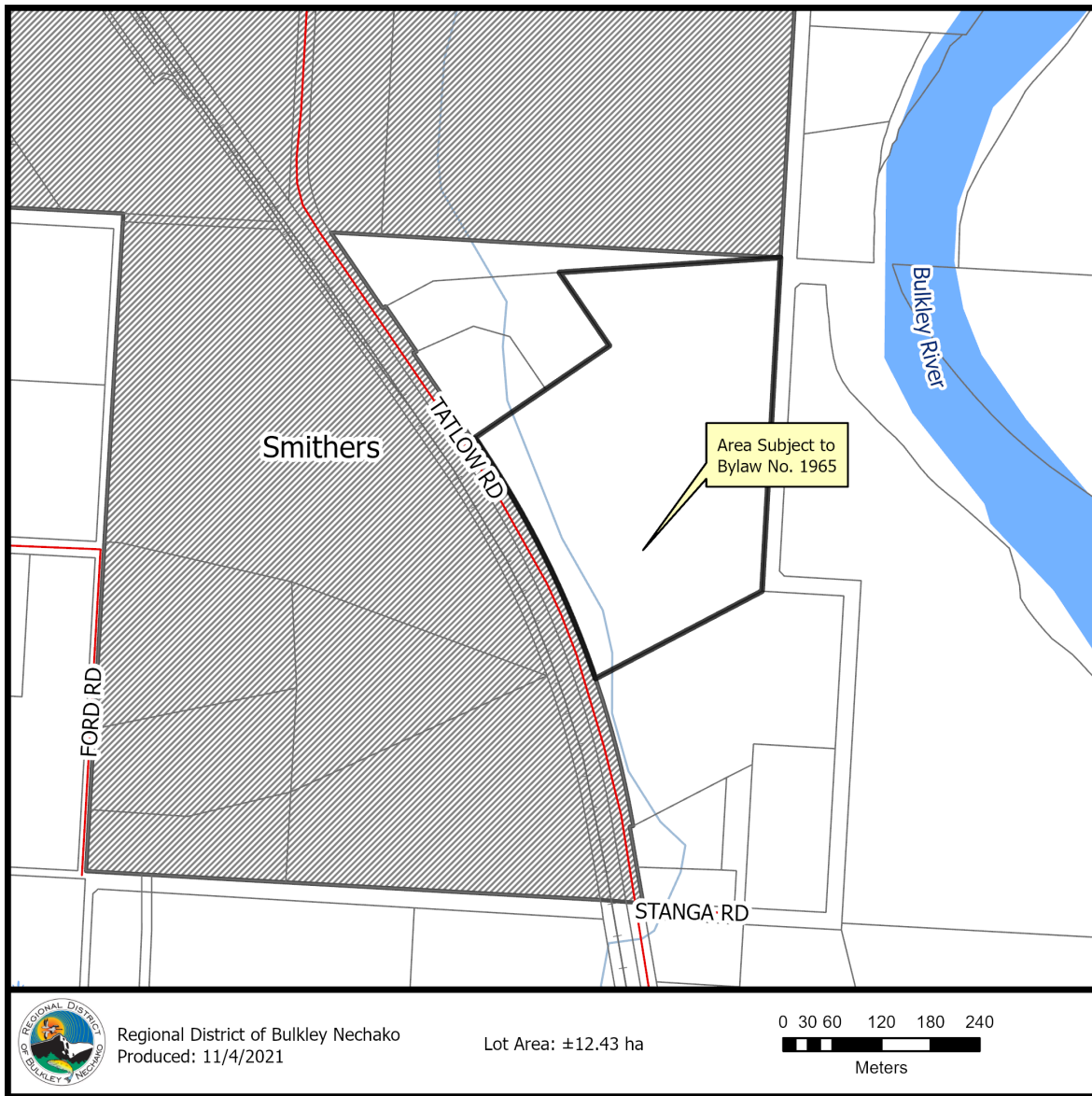
\_\_\_\_\_  
Corporate Administrator

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 ± 12.4 ha, rezoned from the "Small Holdings (H1)" Zone and the "Agricultural (AG1)" Zone to the "Light Industrial (M1)" Zone.

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

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Corporate Administrator





**Agricultural Land Commission**  
201 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000 | Fax: 604 660-7033

November 18, 2021

Reply to the attention of Michael McBurnie  
ALC Issue: 52432  
Local Government File: RZ A-08-21

Danielle Patterson  
Planner, Regional District of Bulkley-Nechako  
danielle.patterson@rdbn.bc.ca

**Re: RDBN Application No: RZ A-08-21**

**Property: Lot 1, Section 18, Township 4, Range 5, Coast District, Plan 4997  
Except Plans 5915 And 7409**

Thank you for forwarding a draft copy of RDBN Application No: RZ A-08-21 for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the bylaw is consistent with the purposes of the *ALC Act*, the Agricultural Land Reserve (ALR) General Regulation, the ALR Use Regulation, and any decisions of the ALC.

Application No: RZ A-08-21 proposes to rezone property from the Agricultural (AG1) and Small Holdings (H1) Zones to the Light Industrial (M1) Zone to allow the construction of a heavy equipment storage building.

The ALC recognizes that the Property is not within the ALR; however, the eastern boundary of the Property is directly adjacent to ALR lands.

Part 3 of the Ministry of Agriculture's [Guide to Edge Planning](#) (2015) describes urban-side edge planning tools to promote urban/rural compatibility. With the construction of a heavy equipment storage building adjacent to the ALR, there may be potential for complaints about farm noise and smells, as well as potential impacts to agriculture, such as dust, trespass, litter, theft, etc.

For this reason, ALC staff recommend considering the setback and buffer requirements outlined in the [Guide to Edge Planning](#), including up to a 15 m industrial building setback from the ALR boundary, and an associated 8 m vegetated buffer to reduce the potential for urban/agricultural conflicts. At minimum, ALC staff recommend fencing along the Property boundary with the ALR, in order to prevent encroachment of industrial uses on to ALR land.

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The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any decisions of the Commission.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned at 236-468-3246 or by e-mail ([michael.mcburnie@gov.bc.ca](mailto:michael.mcburnie@gov.bc.ca)).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'MMcBurnie', written in a cursive style.

Michael McBurnie, Regional Planner

Enclosure: Referral of RDBN Application No: RZ A-08-21

CC: Ministry of Agriculture – Attention: Gregory Bartle ([Gregory.Bartle@gov.bc.ca](mailto:Gregory.Bartle@gov.bc.ca))

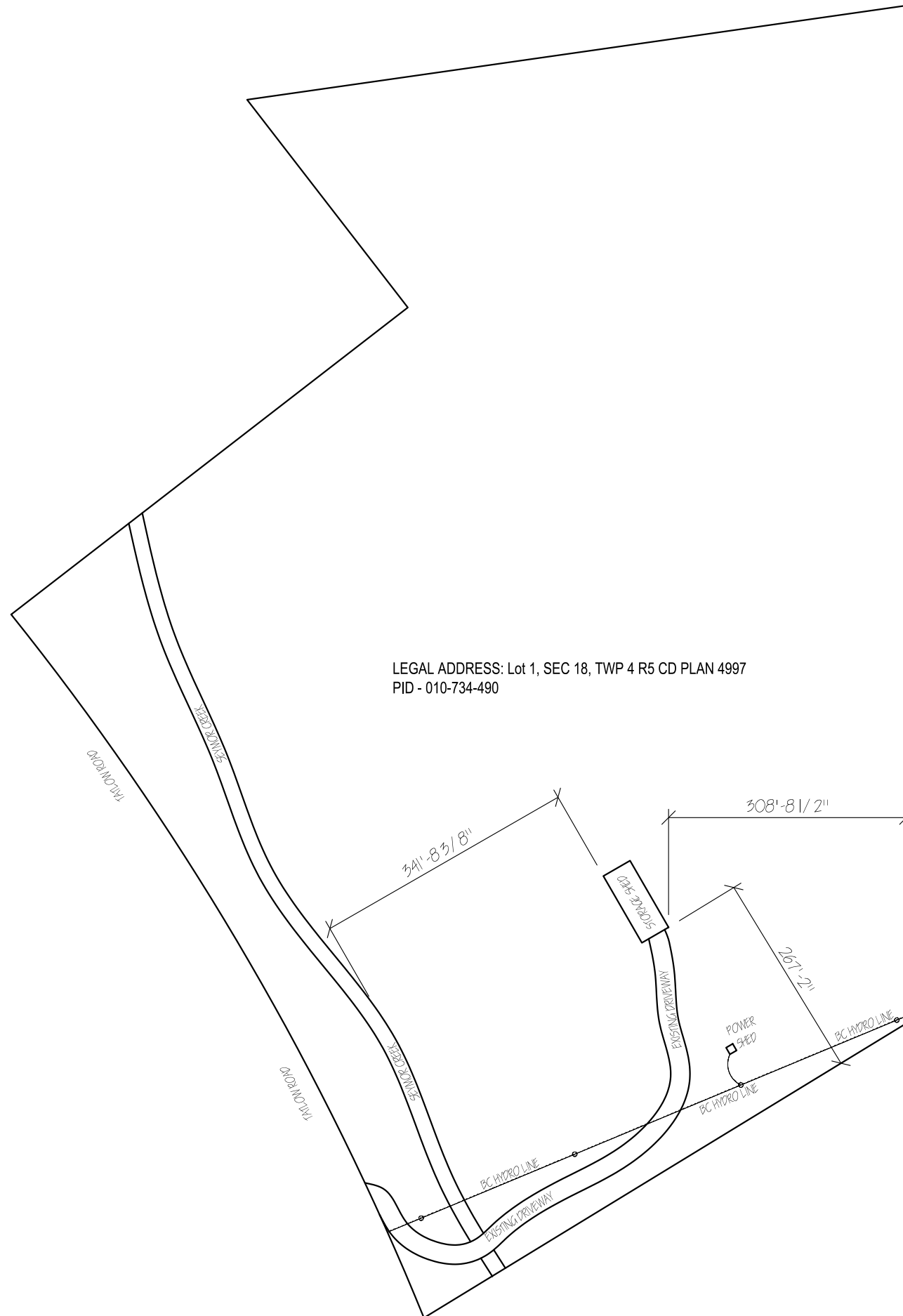
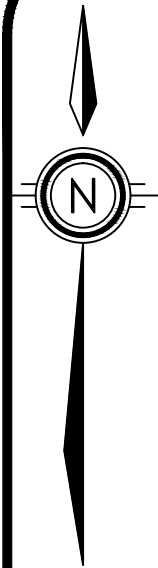
52432m1

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.	