



REGIONAL DISTRICT OF BULKLEY-NECHAKO

Planning Department Referral Report

File No. TUP B-01-24

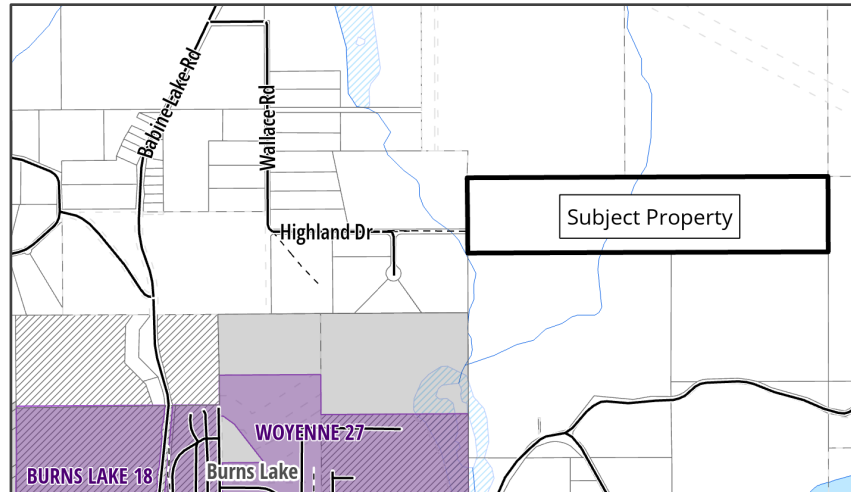
Written by Danielle Patterson, Senior Planner

APPLICATION SUMMARY

Name of Owner/Agent:	Burns Lake Community Forest Ltd. (Comfor) Frank Varga, General Manager, Comfor
Electoral Area:	B (Burns Lake Rural)
Subject Property:	400 Highland Drive, legally described as the Fractional South ½ of District Lot 4173, Range 5, Coast District (PID 012-594-202).
OCP Designation:	Resource (RE) in the Burns Lake Rural and Francois Lake (North Shore) Official Community Plan, Bylaw No. 1785, 2017 (the OCP)
Zoning:	Large Holdings Zone (H2) and Small Holdings Zone (H1) in the Regional District of Bulkley-Nechako Zoning Bylaw No. 1800, 2020 (the Zoning Bylaw). <i>[Proposed TUP area is entirely within the H1 Zone.]</i>
ALR Status:	Not located within the ALR.
Existing Land Use:	Recreation / Forested
Fire Protection Area:	Burns Lake Fire Protection
Building Inspection:	Within Building Inspection
Location:	Approximately 250 metres northeast of the Village of Burns Lake and approximately 625 metres northeast of Woyenne 27 Reserve. A recreation trail traverses through the subject property, approximately 250 metres east of the proposed TUP area.
Property Size:	Approximately 42.27 ha (~104.45 ac)
Temporary Use Area:	± 9.6 ha (23.7 ac)

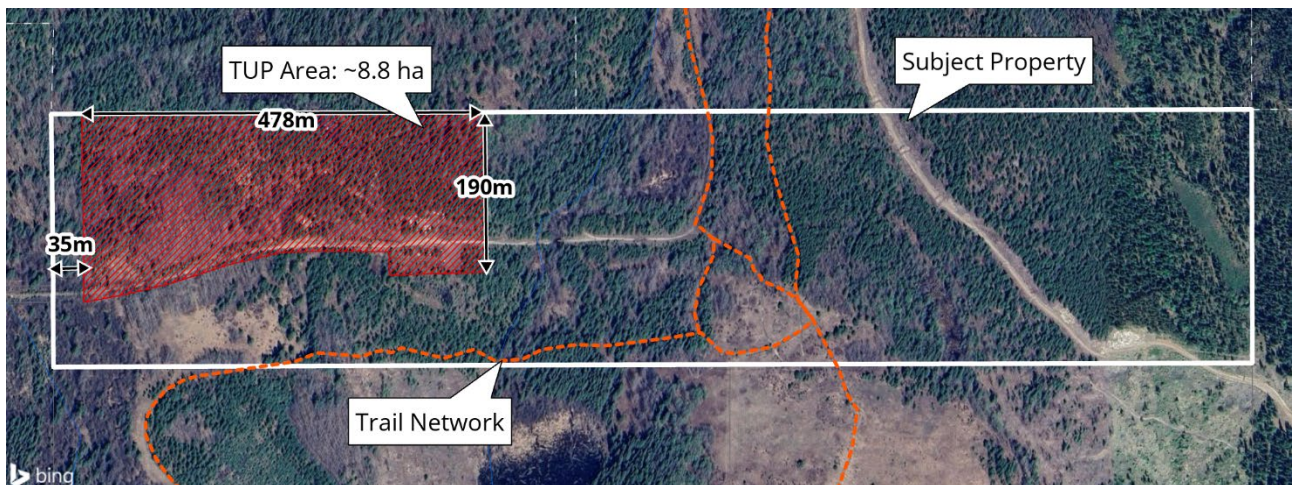
Proposal:

Comfor is requesting a three-year Temporary Use Permit (TUP) to allow an Airsoft Park on an approximately 9.6 ha portion of the subject property, shown below in the TUP Area map. The TUP application proposes that the Airsoft Park would be operated by the Burns Lake Airsoft Association (Burns Lake Airsoft), has a Licence of Occupation (LoO) agreement with Comfor.



There has been a minor use of a portion of the subject property for airsoft gameplay, and previously paintball by Burns Lake Airsoft since 2018. Planning staff determined the informal use at a limited scale was accommodated by existing zoning; however, the future plans for Burns Lake Airsoft's use as outlined in the Recreation Contribution Grant application include a frequency and scale of use that constitutes a principal use of the property. The lands are zoned Small Holdings Zone (H1), which does not permit the operation of an Airsoft Park; therefore, a TUP is required.

TUP Area Map



Burns Lake Airsoft requests the following as part of their Airsoft Park operations:

- up to forty game days per year between the months of April and November, including related functions, such as tournaments (typically two to three per year);
- a 100-person limit for game play, excluding referees;
- rental and storage (potentially) of gameplay equipment;

- club barbeques and firepits as part of special functions;
- mostly Saturday and Sunday operations but would like the option to have weekday gameplay, particularly in the summer;
- would like to remove an existing structure that does not have building permits used as a staging area safe from gameplay (referred to as a “MASH” by Burns Lake Airsoft) or replace this structure with an Open Air Shelter;
- would like to have the option of longer hours in the summer for evening gameplay and for functions such as tournaments but would typically want to have gameplay between 10:00 am and 3:00 pm;
- driveway use and a parking area for players (no off-site parking is proposed).

DISCUSSION

Property details

The existing airsoft playfield is accessed through an unpaved portion of the Highland Drive Right of Way (RoW), and a long dirt driveway. There is an unpaved parking area within the TUP area, which Burns Lake Airsoft states allows the group to meet the Airsoft Park game and special function/tournament parking needs, without the need for overflow parking onto Highland Drive.

A recreation trail traverses through the subject property, approximately 250 metres east of the proposed TUP area. Changes in ground elevation between the gameplay area and the trail act as a natural buffer between the uses. The property contains a driveway, a parking area, a MASH Open Air Structure, a backup MASH area; an outhouse, and a variety of built gameplay props (six main build and various small build).

The backup MASH area is an abandoned camper on the property. According to the Burns Lake Airsoft, this camper was used by the defunct Burns Lake Paintball Association (no affiliation with Burns Lake Airsoft). According to the applicant, the defunct Burns Lake Paintball Association built most of the site props between roughly 2013 and 2015.

The closest residence to the proposed Temporary Use area is approximately 300 metres away. Approximately 75 residences are within 1 km of the proposed TUP area.

Licence of Occupation

The subject property is owned by Comfor which has a five-year LoC agreement with Burns Lake Airsoft for Burns Lake Airsoft to operate the subject property as an “Airsoft Park”. A highlight of the LoC terms is as follows.

- A 35-metre buffer is required between the Airsoft Park and lands outside of District Lot 4173. This requirement only affects the west parcel line of the subject property and is reflected in the requested TUP area.
- Burns Lake Airsoft is required to install a locked gate.

- Burns Lake Airsoft may charge Airsoft Park usage/rental fees to recoup costs.
- Burns Lake Airsoft must maintain \$2,000,000 insurance to the benefit of Comfor and \$1,000,000 wildfire insurance.
- Burns Lake Airsoft must maintain its good standing as an incorporated Society.
- Burns Lake Airsoft must annually provide Comfor statistics on property use.

Temporary Use Permits Explained

A TUP allows a use not permitted by zoning to occur for up to three years, with the option for the applicant to request that the Board consider renewing the TUP for a maximum of three additional years. After the renewed TUP expires, the applicant can submit a new application to allow the use to continue.

The TUP must be in accordance with the policies identified in the OCP, which allows for the issuance of a Temporary Use Permit in the following circumstances:

“(a) the proposed temporary use will not create an amount of traffic that will adversely affect the natural environment, or rural character of the area;

(b) the environment would not be negatively affected by the proposed temporary use;

(c) the proposed temporary use will not have adverse effects on neighbouring land uses or property owners;

(d) the applicant has provided, for consideration as part of the application process, a decommissioning and reclamation plan, if the temporary use requires a significant amount of capital investment in a particular location, or otherwise results in the need for site reclamation.

(e) the need for security in the form of an irrevocable letter of credit with an automatic extension clause has been considered to ensure that required decommissioning and reclamation is completed.

(f) the proposed temporary use has the support of the Agricultural Land Commission if the land is within the Agricultural Land Reserve (ALR).”

Planning Department Comments

Building Inspection and Bylaw Enforcement

This application was referred to the RDBN's Senior Building Inspector, who also attended the site visit for the subject property and reviewed the structures on site. Based on that evaluation, only the main MASH is considered a Structure. The other builds on the property are “props”, akin to “props” for mountain biking and similar activities.

The MASH structure requires a building permit and alterations and/or replacement to meet building standards. The Senior Building Inspector stated Burns Lake Airsoft has discussed building permit application requirements. An application has not been received to date.

The RDBN's Bylaw Enforcement Officer confirmed there are no records of complaints or issues with the subject property.

Recreation Contribution Grant Program application

During the 2024 Recreation Contribution Grant Program intake, Burns Lake Airsoft requested \$12,850 for play field upgrades and insurance costs. During the grant application review process, it was discovered that Burns Lake Airsoft's use of the subject property was not in compliance with land use regulations. Given this, on July 18, 2024 the Board passed a resolution that the Burns Lake Airsoft funding agreement not be entered into until the zoning bylaw compliance issues were resolved to the Board's satisfaction. As Comfor does not wish to change the zone of the property, they have applied for a Temporary Use Permit to bring the Airsoft Park use into compliance.

Referral and Approval Process

This application is being referred to Lake Babine Nation, the Village of Burns Lake, and the Electoral Area B Advisory Planning Commission (APC).

Notice of this application will be published in the Lakes District News informing the public of the time and location of the Board's consideration of the application, and their ability to provide input to the Board in writing. Property owners and tenants within 100 metres of the subject property will be sent a similar notice. A sign must be placed on the subject property at least 10 days before the Board considers the permit. Comments received from the public or referral agencies will be presented to the Board for consideration.

ATTACHMENTS

- Applicant submitted site plan
- Site visit photos



Roads Trails Parking area Field Fortifications Safety Area Play field

Site Visit Photos

400 Highland Drive proposed Temporary Use Area for TUP B-01-24 (October 24, 2024)

Photo #1: MASH structure – built without building permits – front



Photo #2: MASH structure – built without building permits – rear



Photo #3: Sample of a site prop for playing airsoft – blockade



Photo #4: Sample of a site prop for playing airsoft – shaped like a small tank



Photo #5: View of access road from parking area



Photo #6: parking in forefront with parking in the background

