



REPORT

To: Chair and Directors

Report Number: DS-BRD-267

From: Ashley Murphey, RPP, MCIP, Planning Services Manager

Date: December 9, 2022

Subject: Temporary Use Permit Renewal, PRRD File No. 19-204 TUP REW

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board authorize the renewal of Temporary Use Permit No. 19-204 for the purpose of operating a temporary pipe laydown yard on a 31.6 ha portion of the property identified as PID 007-301-154, for a period of three years starting January 23, 2023.

BACKGROUND/RATIONALE:

Proposal

The applicant is seeking to renew Temporary Use Permit No. 19-204 that is valid up to and including January 23, 2023. The use remains unchanged and is for the purpose of operating a temporary pipe laydown yard.

File Details

Owner: Tarla Brewster
Area: Electoral Area E
Location: Jackfish Lake
Legal: District Lot 2964 Peace River District Except Plans 25979 26136 27501 29739 32590 And 32766.
PID: 007-301-154
Civic Address: 2887 Jackfish Lake Road
Lot Size: 138.77 ha (342.9 ac)

Background

August 10, 2010: PRRD received an application for TUP No. 10-115 for a temporary gravel processing site.

October 14, 2010: PRRD approved TUP No. 10-115 to permit a temporary gravel processing site on a 2 ha portion of the subject property for a term of three years up to and including October 14, 2013.

May 9, 2014: PRRD received OCP and Zoning Amendment application No. 14-097 to re-designate the subject property from Settlement (S) to Agriculture Resource (AgR) and rezone from Residential 4 Zone (R-4) to Small Agricultural Holdings (A-1) to permanently permit a gravel processing site.

October 22, 2015: The board resolved to defer OCP and Zoning Amendment application No. 14-097 until such time as the West Peace Fringe Area Official Community Plan (WPFA OCP) had been completed.

July 11, 2016: PRRD received TUP No. 161/2016 to permit the temporary use of a gravel processing site and a laydown yard for a period of 3 years on the subject property.

September 22, 2016: The PRRD Regional Board approved TUP No. 161/2016, for a period of three years, up to and including September 22, 2019.

September 12, 2018: The applicant requested that the PRRD Regional Board consider OCP and Zoning Amendment application No. 14-097 prior to the completion of the WPFA OCP bylaw.

July 25, 2019: The PRRD Regional Board adopted the OCP Amendment Bylaw No. 2127, 2014 and Zoning Amendment Bylaw No. 2128, 2014. This allowed for the gravel processing site to become a permitted use and continue its operation past the September 22, 2019, expiration date of Temporary Use Permit No. 161/2016.

November 2019: PRRD received TUP application No. 19-204 to permit a temporary laydown yard on the subject property for a period of 3 years.

January 27, 2020: The PRRD Regional Board approved TUP No. 19-204 for a period of three years, up to and including January 23, 2023.

October 7, 2022: PRRD received TUP Renewal application No. 19-204 to renew the Temporary Use Permit to continue allowing the operation of a laydown yard for a period of 3 years.

Rationale

Staff recommends support of this application as it is a renewal of the existing TUP No. 19-204.

Should the applicant wish to continue the use on the subject property after January 23, 2026, they will be required to apply for a zoning amendment as no further renewals are possible, as per Section 497 of the *Local Government Act*.

Site Context

The subject property is adjacent to Halfmoon Lake, it is ±8 km north of the District of Chetwynd, and it is ±8 km east of the Saulteau First Nation. The property is bordered to the north by treed agricultural land, to the east by residential lots, and to the south and west by industrial and residential lots. The neighboring industrial lots are used for gravel extraction activities. The south side of the subject property is adjacent to the Jackfish Lake Road.

Site Features

Land

The south-west corner of the subject property has been partially cleared and used for a gravel processing site and for a temporary pipe laydown yard.

Structures

There is a ±130 m² modular residence and a ±160 m² shop on the residential zoned portion of the subject property.

Access

The proposed laydown yard will be accessed by Jackfish Lake Road.

Canada Land Inventory Soil Rating

According to the Canada Land Inventory, the soils on the portion of the subject property where the temporary use is occurring are classified Class 5 TP. Class 5 soils have very severe limitations that restrict their capability to producing perennial forage crops, and improvement practices are feasible. Subclass T denotes topographical limitations and subclass P denotes stoniness.

Comments & Observations**Agricultural Land Reserve (ALR)**

The subject property is outside the Agricultural Land Reserve.

Official Community Plan (OCP)

Pursuant to PRRD WPFA Official Community Plan Bylaw No. 2312, 2018, the subject property is designated Agriculture Resource (AgR) and Settlement (S). The proposed temporary use is located entirely within the AgR designation.

Pursuant to Section 6.1, Temporary Use Permits allow for flexibility and diversity in employment and economic opportunities. Temporary use permits will be considered throughout the area covered by the PRRD WPFA OCP Bylaw No. 2312, 2018. Temporary use permits may be renewed only once and should be discouraged from re-application in favor of the use being considered through a re-zoning amendment process.

Pursuant to Section 3.1, the predominant use of Agriculture Resource (AgR) is agricultural or resource extraction.

Land Use Zoning

Pursuant to *Zoning Bylaw No. 1343, 2001*, the subject property is zoned R-4 (Residential 4 Zone) and A-1 (Small Agricultural Holdings Zone). Land within the R-4 zone may be used for dwelling unit(s), agriculture, and a market garden. The minimum parcel size is 1.8 ha (4.5 ac).

Land within the A-1 zone may be used for agriculture, mining, including gravel extraction and processing, kennel, equestrian facility, dwelling units, etc. The minimum parcel size is 15 ha (37 ac).

The proposed temporary use area is located entirely within the A-1 zone. The proposal does not comply with the zoning bylaw because a laydown yard is not a permitted use within the A-1 zone. Therefore, this Temporary Use Permit is required.

Prior to expiry of this Temporary Use Permit renewal, should the applicant wish to continue the use on the subject property, they will be required to apply for a zoning amendment, as no further renewals are permitted as per Section 497 of the *Local Government Act*.

Fire Protection Area

The subject property is outside all fire protection areas.

Mandatory Building Permit Area

The subject property is outside the Mandatory Building Permit Area, however Building Permits are still available on a voluntary basis.

Development Permit Area

The subject property is outside all Development Permit Areas.

Development Cost Charge Area

The subject property is outside the Development Cost Charge Area.

School District 60 School Site Acquisition Charge Area

The subject property is outside the School District 60 School Site Acquisition Charge Area.

Impact AnalysisContext

There are multiple rural residential lots within the vicinity of the proposal, therefore the potential exists for conflict with adjoining parcels.

Population & Traffic

No change is anticipated, as the use is already occurring on the subject property.

Sewage & Water

If required, portable toilets will be placed. No water supply is required for the proposed project.

Comments Received from Municipalities & Provincial AgenciesMinistry of Transportation and Infrastructure

Their staff have no objections to the proposal. They require the applicant to apply for an "Access: Resource and Industrial" permit for the use of the existing industrial access to the property.

BC Hydro

The applicant is required to contact their Property Representative.

ALTERNATIVE OPTIONS:

1. That the Regional Board respectfully refuse the renewal of Temporary Use Permit No. 19-204 for the purpose of operating a temporary pipe laydown yard on a 31.6 ha portion of the property identified as PID 007-301-154, for a period of three years starting January 23, 2023.
2. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

Board Resolution required a security deposit for the existing Temporary Use Permit, to guarantee site remediation and/or the completion of any terms and conditions. A security letter has been received from the bank stating the applicant is in good standing.

COMMUNICATIONS CONSIDERATION(S):

As this is a renewal of an existing permit, notifications were not required to be sent out to the public. The Regional Board's decision will be communicated to the applicant.

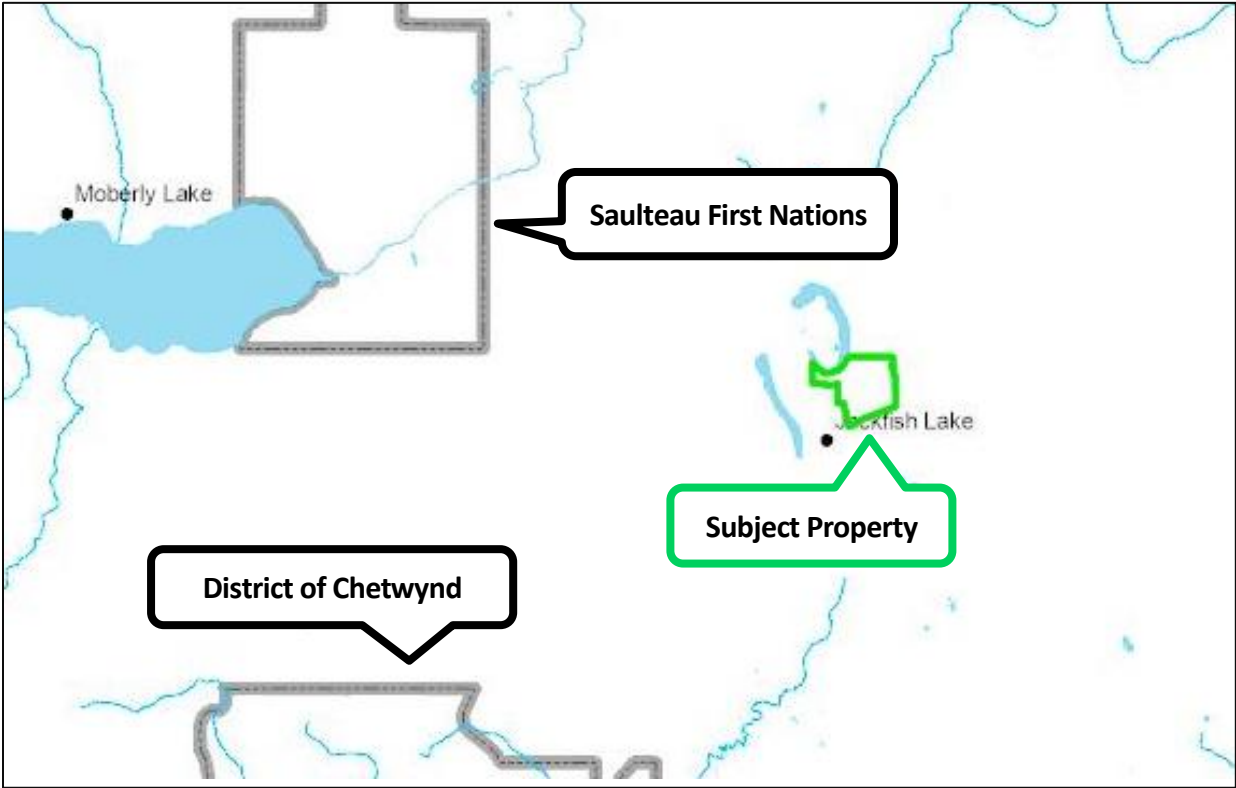
OTHER CONSIDERATION(S):

None at this time.

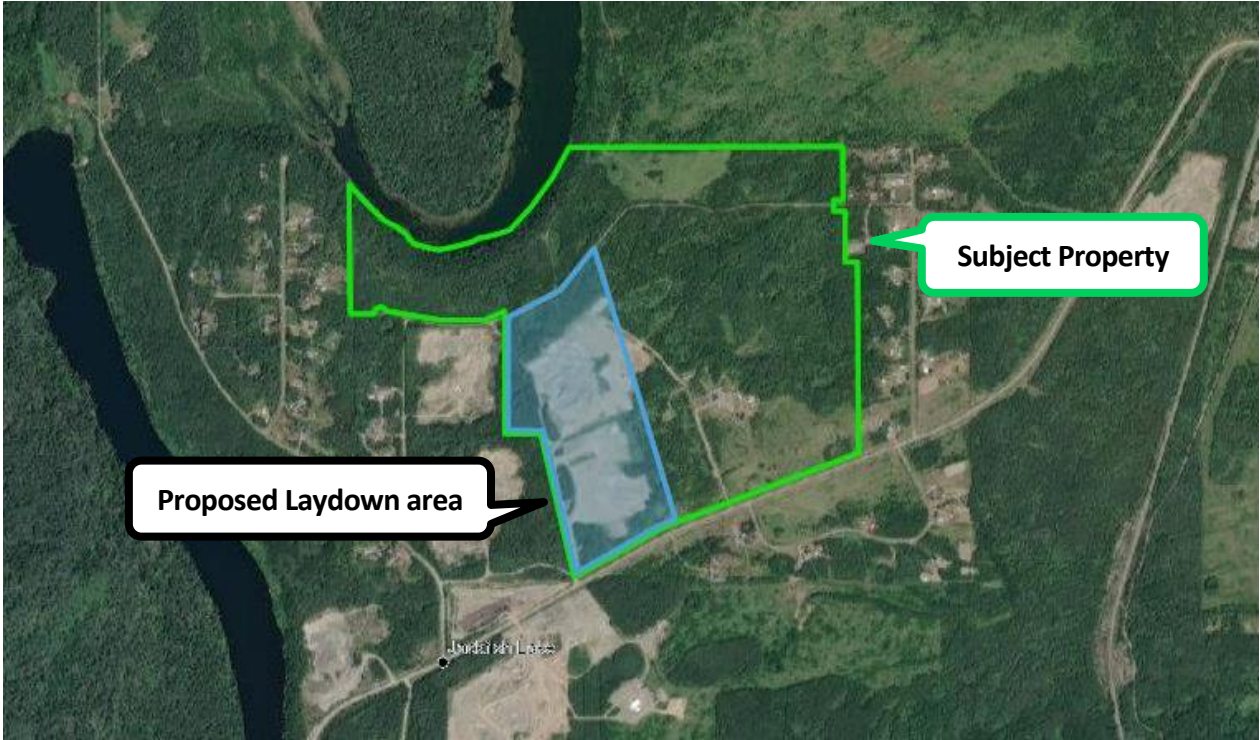
Attachments:

1. Application, PRRD File No. 19-204 TUP REW
2. Maps, PRRD File No. 19-204 TUP REW
3. Comments Received from Provincial Agencies
4. Temporary Use Permit Renewal No. 19-204

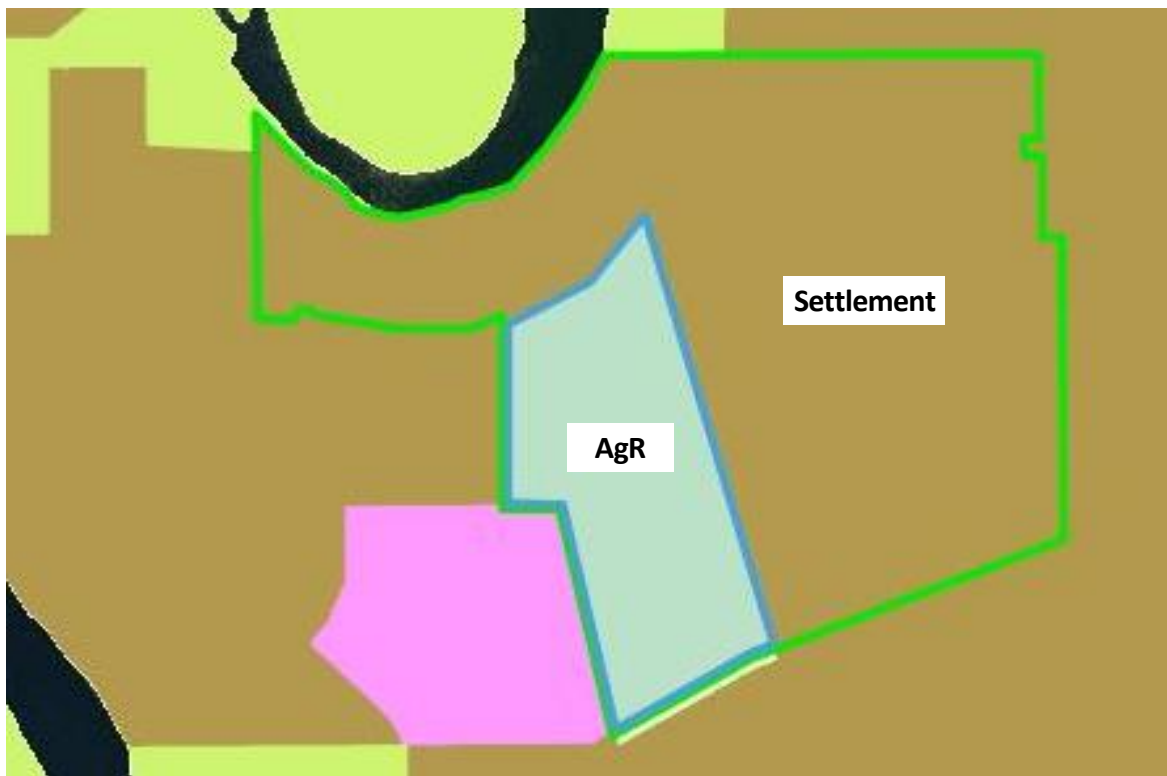
Location: Jackfish Lake area



Aerial imagery



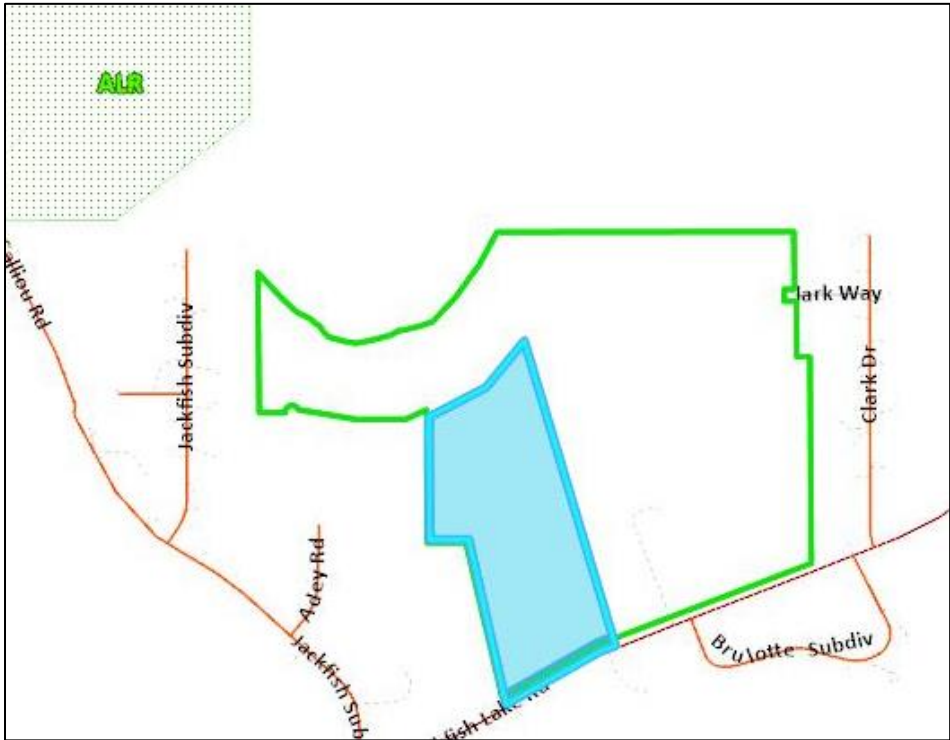
PRRD West Peace Fringe Area Official Community Plan Bylaw No. 2312, 2018: Agriculture Resource (AgR) and Settlement (S)



PRRD Zoning Bylaw No. 1343, 2001: Small Agricultural Holdings (A-1) and Residential 4 Zone (R-4)



Agricultural Land Reserve: Outside



CLI Soil Classification: 5 TP, 5 PM, and O.





For Office Use:

Receipt # _____

Date Received _____

File No. _____

Sign Issued: Yes ☐ No ☐ N/A ☐

Application for Development

1. TYPE OF APPLICATION

- | | FEE |
|---|-------------|
| ☐ Official Community Plan Bylaw Amendment* | \$ 1,150.00 |
| ☐ Zoning Bylaw Amendment* # | \$ 800.00 |
| ☐ Official Community Plan / Zoning Bylaw Amendment combined* # | \$ 1,200.00 |
| ☐ Temporary Use Permit* | \$ 500.00 |
| ☒ Temporary Use Permit Renewal | \$ 350.00 |
| ☐ Development Permit # | \$ 165.00 |
| ☐ Development Variance Permit | \$ 165.00 |

* Sign is required for this application type.

Sign provided by the PRRD and posted pursuant to Section 6 of Bylaw No. 2449, 2021, attached.

Contaminated Site Declaration Form required for this application type.

- | | |
|--|-------------|
| ☐ Exclusion from the Agricultural Land Reserve | \$ 1,500.00 |
| (Applicant responsible for additional costs associated with the advertisements, signage, and facility rental, if applicable) | |

2. PLEASE PRINT

Property Owner's Name Tarla Brewster	Authorized Agent of Owner (if applicable)
Address of Owner [REDACTED]	Address of Agent
City/Town/Village: [REDACTED]	City/Town/Village:
Postal Code: [REDACTED]	Postal Code:
Telephone Number: [REDACTED]	Telephone Number:
E-mail: [REDACTED]	E-mail:

Notice of collection of personal information:

Personal information on this form is collected for the purpose of processing this application. The personal information is collected under the authority of the *Local Government Act* and the bylaws of the PRRD. Documentation/Information submitted in support of this application can be made available for public inspection pursuant to the *Freedom of Information and Protection of Privacy Act*.

3. PROPERTY DESCRIPTION

Full legal description and PID of each property under application	Area of each lot	
District Lot 2964	78.1	ha./acres
Excluding PGP25979, PGP26136, PGP27501		ha./acres
PGP29739, PGP32590, 32766		ha./acres
2887 Jackfish Lake Road	TOTAL AREA	ha./acres

4. Civic Address or location of property: _____

5. PARTICULARS OF PROPOSED AMENDMENT

Please check the box(es) that apply to your application type:

☐ Official Community Plan (OCP) Bylaw amendment:

Existing OCP designation: _____

Proposed OCP designation: _____

Text amendment: _____

☐ Zoning Bylaw amendment:

Existing zone: _____

Proposed zone: _____

Text amendment: _____

☐ Development Variance Permit – describe proposed variance request:

☒ Temporary Use Permit – describe proposed use:

Laydown Area

☐ Development Permit: Bylaw No. _____ Section No. _____

6. Describe the existing use and buildings on the subject property:

Residence Modular 20x70
Shop 48x36

7. Describe the existing land use and buildings on all lots adjacent to and surrounding the subject property:

(a) North Rawland
(b) East Residence and Shop Fenced area for horses
(c) South Gravel Pits
(d) West Gravel Pits

8. Describe your proposal. Attach a separate sheet if necessary:

Existing Gravel Pit

Laydown area for future use

9. Reasons and comments in support of the application. Attach a separate sheet if necessary:

10. Describe the proposed and/or existing means of sewage disposal for the property:

Portable Toilets if required

11. Describe the proposed and/or existing means of water supply for the property:

No water supply needed

THE FOLLOWING INFORMATION IS REQUIRED DEPENDING ON THE PROPOSAL/APPLICATION:

12. Proof of ownership of the subject property or properties. (For example: Certificate of State of Title, BC Land Title Office Property Title Search or recent Property Tax Notice.)

13. A Sketch Plan of the subject property or properties, showing the following:

- (a) the legal boundaries and dimensions of the subject property;
- (b) boundaries, dimensions and area of any proposed lots (if subdivision is being proposed);
- (c) the location and size of existing buildings and structures on the subject property, with distances to property lines;
- (d) the location and size of any proposed buildings, structures, or additions thereto, with distances to property lines;
- (e) the location of any existing sewage disposal systems;
- (f) the location of any existing or proposed water source.

ADDITIONAL OR MORE DETAILED INFORMATION MAY BE REQUESTED BY THE PEACE RIVER REGIONAL DISTRICT FOLLOWING REVIEW OF YOUR APPLICATION.

If it is necessary for the property boundaries and the location of buildings and structures to be more accurately defined, a survey plan prepared by a British Columbia Land Surveyor may be required.

15. I / We the undersigned hereby declare that the information provided in this application is complete and is, to the best of my / our knowledge, a true statement of the facts related to this application.


Signature of Owner

October 21/22
Date signed

Signature of Owner

Date signed

16. **AGENT'S AUTHORIZATION**

If you have an agent act on your behalf in submission of this application, the following authorization **MUST** be signed by **ALL** property owners.

I / We _____ and _____ hereby authorize (name of landowner) (name of landowner)	
_____ to act on my/our behalf regarding this application. (name of agent)	
Signature of Owner:	Date:
Signature of Owner:	Date:



CONTAMINATED SITE DECLARATION FORM

I, Tarla Brewster, hereby acknowledge that the
Environmental Management Act, 2003, as amended, is effective as of February 1, 2021.

Legal Description(s):

District Lot 2964. Excluding plans
25979, 26136, 27501, 29739, 32590, 32766

Please check only one:

☒ I have read Schedule 2 and based on my personal knowledge of the property in question, I do not believe that it is or has been used for any of the industrial or commercial purposes and activities specified in Schedule 2 of the regulations. Accordingly, I elect not to complete and submit a 'site disclosure statement', as outlined in Section 40.(1) of the Act.

☐ I have read Schedule 2 and one or more of the identified purposes or activities is or has occurred on the land(s) legally described above.

*Please contact staff to submit a "site disclosure statement" at planning@prrd.bc.ca

I further acknowledge that this declaration does not remove any liability, which may otherwise be applicable under the legislation.

Owner/Agent

28/10/2022
dd mm yyyy

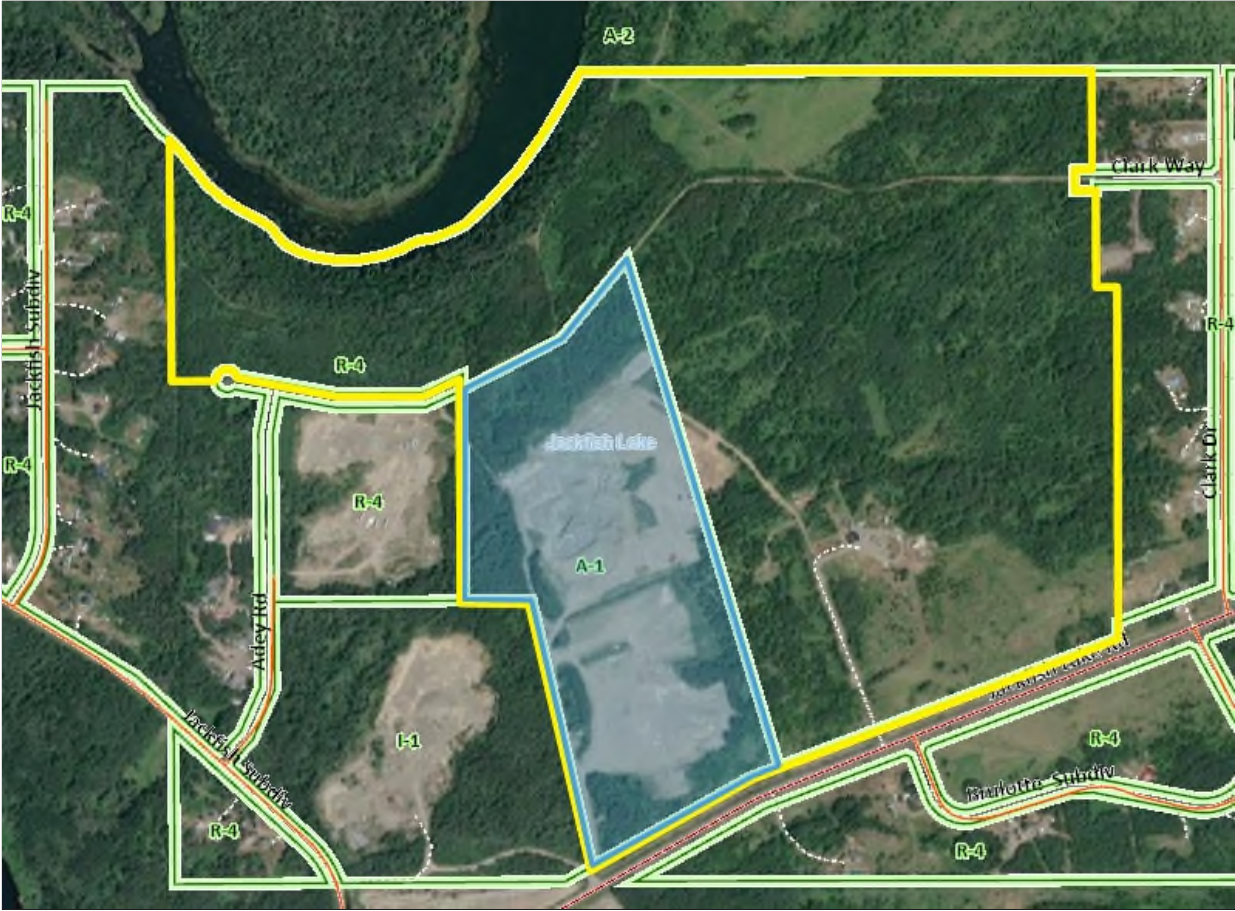
Owner/Agent

 / /
dd mm yyyy

For more information, please visit the ministry's Identification of Contaminated Sites webpage or e-mail SiteID@gov.bc.ca



Peace River Regional District



- Legend**
- Highway
 - Driveway
 - Zoning Bylaw 1343, 2001
 - Subject Property
 - Laydown Area

1: 18,056



917.2 0 458.62 917.2 Meters

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Notes



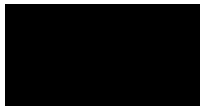
Peace River Regional District
1981 Alaska Avenue, Box 810,
Dawson Creek, BC
V1G 4H8

Attn: Planning Department

The Ministry of Transportation and Infrastructure (MoTI) has received and reviewed your referral dated October 18, 2022, to renew a Temporary Use Permit to allow for construction and operation of a temporary pipe laydown yard within DL 2964 PEACE RIVER EXC PLS 25979 26136 27501 29739 32590 & 32766. The Ministry of Transportation and Infrastructure has no objections to the proposal and has the following requirement:

The proponent is to apply online for an "Access: Resource and Industrial" permit for the use of the existing industrial access to the property. Please note, the Ministry has requested the proponent to apply for an access permit several times through the referral process and we have not yet received an application. We strongly encourage the proponent to apply online at their earliest convenience to get the permit process started. The permit can be applied for online here: [Highway Use Permits - Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/transport/infrastructure/highways/permits/)

Thanks again for allowing us the opportunity to comment early in the proposal. If you have any questions, please call me at 250-645-9575.



Kelsi Windhorst, Development Officer



PEACE RIVER REGIONAL DISTRICT

SCHEDULE "A"

Temporary Use Permit Renewal

No. 19-204

diverse. vast. abundant.



PEACE RIVER REGIONAL DISTRICT

TEMPORARY USE PERMIT NO. 19-204 RENEWAL

ISSUED TO: Tarla Brewster
2887 Jackfish Lake Road
Trbrewster58@gmail.com

1. Property affected: 2887 Jackfish Lake Road
Legal Description: DISTRICT LOT 2964 PEACE RIVER DISTRICT EXCEPT PLANS 25979 26136 27501 29739 32590 AND 32766
PID: 007-301-154
2. Official Community Plan: West Peace Fringe Area OCP Bylaw No. 2312, 2018
Designation: AgR - Agriculture Resource and S - Settlement
3. Zoning Bylaw: 1343, 2001
Zone: A-1 - Small Agricultural Holdings and R-4 - Residential 4 Zone
4. This Temporary Use Permit is issued subject to compliance with all of the bylaws of the Peace River Regional District applicable thereto, except as specifically varied or supplemented by this Permit. The provisions of this Temporary Use Permit shall prevail over any other provisions of Peace River Regional District bylaws in the event of a conflict.
5. This Temporary Use Permit is required by Section 6.1 of the PRRD WPFA OCP Bylaw No. 2312, 2018.
6. This Temporary Use Permit is valid up to and including January 23, 2026, at which time it shall expire and the property affected by this permit will be subject to the applicable zoning regulations.
7. This Temporary Use Permit is for a laydown yard on a 31.6 ha portion of the subject property, as shown on Schedule A, which is attached to and forms part of this permit.
8. The conditions of this Permit are as follows:
 - a. The Permit is to be posted on site for its duration.
 - b. The temporary use may occur on the noted area of the property as shown on Schedule A, which is attached to and forms a part of this permit.
 - c. The applicant must ensure compliance with all provincial legislation throughout the duration of the Temporary Use Permit.
 - d. Upon expiration of this Temporary Use Permit, the site must be restored to conditions compliant with the applicable zoning in the PRRD Zoning Bylaw No. 1343, 2001, and cleared of materials used during the Temporary Use Permit.

9. All terms and specifications referred to above are subject to any changes required by the Building Inspector or other officials of the Peace River Regional District where such terms and specifications do not comply with any duly enacted law or bylaw and such non-compliance is not specifically permitted by this Temporary Use Permit.
10. This Permit is **NOT** a building permit.

ISSUED THIS 23rd, day of January 2023.

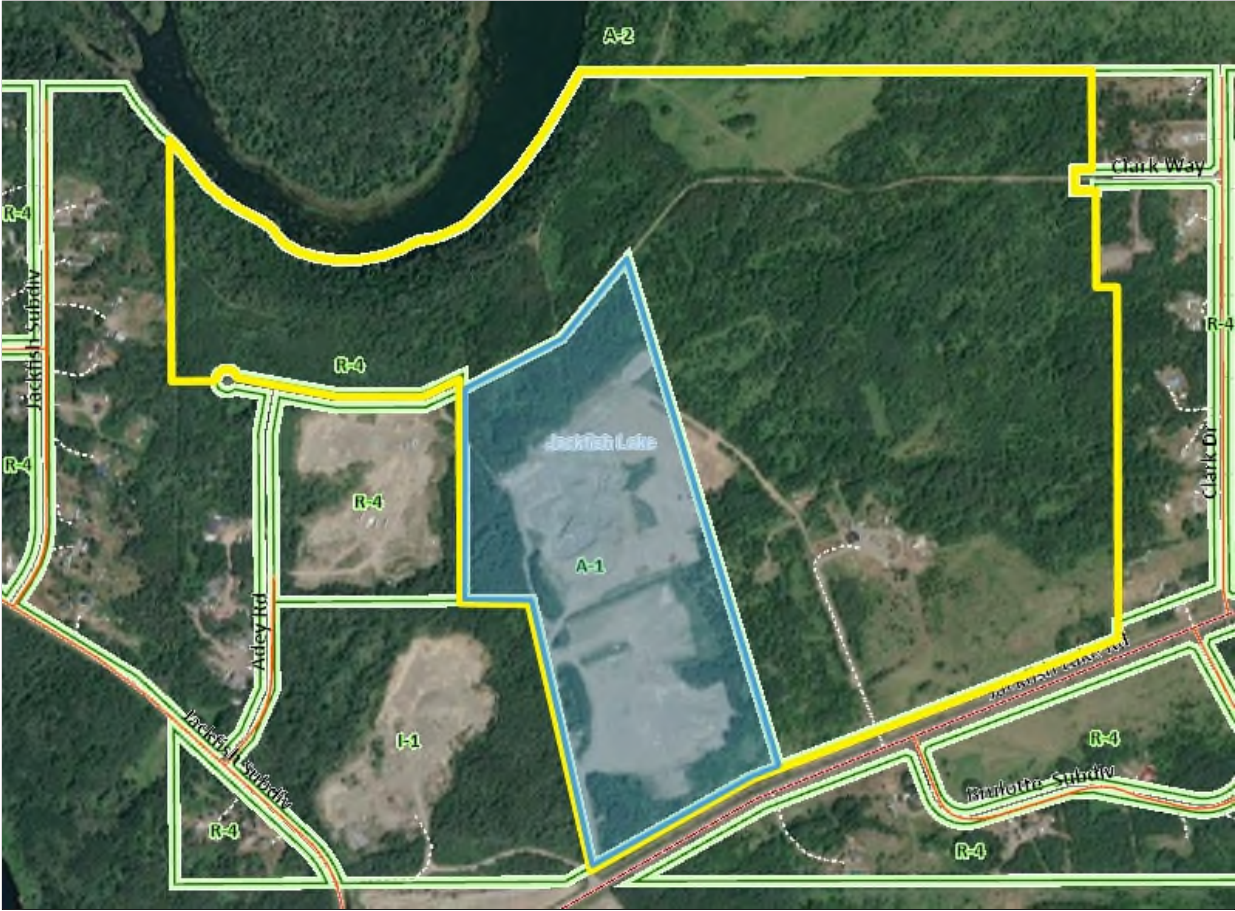
This permit is authorized by Peace River Regional District Board Resolution No. RDXXXXXX passed on the 9th of December, 2022.

Authorized Signatory

Schedules A is attached to, and form part of, this permit.



Peace River Regional District



- Legend**
- Highway
 - Driveway
 - Zoning Bylaw 1343, 2001
 - Subject Property
 - Laydown Area

1: 18,056



917.2 0 458.62 917.2 Meters

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