



REPORT

To: Chair and Directors

Report Number: DS-BRD-202

From: Kathy Suggitt, RPP, General Manager of Development Services

Date: January 13, 2022

Subject: Zoning Amendment Bylaw No. 2468, 2022, PRRD File No. 21-012 ZN

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board give Zoning Amendment Bylaw No. 2468, 2022, to provide a site-specific amendment in the Light Industrial (I-1) zone of Zoning Bylaw No. 1343, 2001, to permit the use “manufacturing, fabricating and processing facility” and the associated accessory use “storage of wood shavings not to exceed an area greater than 10% of the parcel area”, for the purposes of manufacturing wood pellets, on a ±5.03 ha subject property identified as PID: 024-372-587, first and second readings; and further

That the Regional Board authorize a public hearing to be held pursuant to *Local Government Act* Section 464(1), delegated to the Director of Electoral Area C and that public notification be authorized pursuant to *Local Government Act* Section 466.

BACKGROUND/RATIONALE:

Proposal

The applicant is seeking a site-specific amendment in the Light Industrial (I-1) zone of Zoning Bylaw No. 1343, 2001 that would permit the manufacturing of wood pellets (manufacturing, fabricating and processing facility) and the associated accessory storage of wood shavings on the ±5.03 ha subject property.

Background

Staff note that wood pellets were manufactured on the subject property before 2011 without required permits. In January 2011, the Peace River Regional District (PRRD) staff issued a stop work notice to the landowner following a Fort St. John Fire Department complaint of a potential fire event at the site. In February 2011, the PRRD received a letter regarding noise generated by an activity on the subject property. Following the discussion with staff, in March 2011, the applicant first applied for an OCP/ZN amendment and a development permit with the PRRD to allow a wood pellet manufacturing plant as a principal use on the subject property. However, the Board resolved in July 2011 to refuse the OCP/ZN amendment proposal and gave the owner one year to find an alternate, appropriately zoned heavy industrial location and regulated the operation of the business within that one year to one 8 hour shift, on weekdays only. As such, the associated development permit application could not proceed.

Later, in November 2012, the applicant applied for a Temporary Use Permit (TUP) to permit the development and operation of a mill to compress planer shaving into pellets and the storage of shavings on site, which included the placement of two coverall buildings and sea cans for the storage of pellets and the mill on the subject property. The TUP was issued by the Regional District in March 2013 for three years and expired in 2016. Bylaw Enforcement received a complaint in 2021 regarding shavings blowing onto a neighbouring residential property and upon investigation found the subject property to be in non-compliance with the

current zoning regulations. The applicant's agent has stated that the owner halted all manufacturing and processing operations after the TUP expired in 2016.

In October, 2021, to resume the manufacturing of wood pellets and storage of wood shaving on the subject property, the applicant has applied for a zoning amendment. The applicant has also applied for a development permit to bring the Quonset buildings, which are existing on the subject property, into compliance with the PRRD Zoning Bylaw No. 1343, 2001.

Rationale

Through discussions with staff, a site-specific amendment is being recommended as an appropriate option. In this regard, the current zoning of the subject property will remain as Light Industrial (I-1), and the amendment would allow the manufacturing of wood pellets (i.e., manufacturing, fabricating, and processing facility) and storage of shavings on the subject property only, as additional permitted uses, as these are not allowed in the Light Industrial (I-1) Zone. Staff believes that the manufacturing of wood pellets would fall under the use of "manufacturing, fabricating and processing facility," which is only permitted in the General Industrial (I-2) Zone. Staff note that rezoning the subject property to General Industrial (I-2) Zone could permit more noxious uses to occur on the subject property, which would not be appropriate in the context of the area.

The applicant has also applied for a development permit to bring the existing structures on the property in compliance with the Zoning Bylaw to facilitate the manufacturing of wood pellets on the subject property. Staff notes that there are some concerns related to the nature of operations on the subject property. Therefore, staff intends to address those concerns through the development permit process and to ensure that the applicant mitigates the impacts of the proposed use on the nearby residential and agricultural properties. The applicant has submitted a site plan which displays existing berms on the east and south-east boundary. Staff is working with the applicant through the development permit process to require that these berms be finished and hydro-seeded and a vegetative buffer be installed on the southern parcel line.

This site specific amendment and subsequent development permit requirements are intended to permit the proposed use within reason and address the concerns of the neighbouring residential property. It is noted that during the term of the Temporary Use Permit issued in 2013, no complaints regarding the property or the use occurring were received. Therefore, staff is in support of this amendment.

Staff are also recommending that this application receive a public hearing, so that any additional concerns from neighbouring properties may be considered in the review of this amendment application and associated development permit.

File Details

Owner: Shane Rogers
Agent: Mcelhanney Associates Land Surveys Ltd.
Area: Electoral Area C
Location: Fort St. John
Legal: Lot 1 Except: Part Subdivided by Plan BCP20054, Section 4 Township 84 Range 18 W6M
PRD Plan PGP43544
PID: 024-372-587
Civic Address: 6414 Airport Road
Lot Size: ±5.03 ha (±4.45 ac)

Site Context

The subject property is located to the east of the City of Fort St. John, near the airport, and is bordered by Airport Road to the north. The property is surrounded by industrial uses in the west and south, agricultural in the north, airport in the east and by residential uses in the south-east.

Site FeaturesLand

Based on the aerial imagery, and confirmed by way of a site visit, the subject property is partially cleared and treed on the east, south-east and south-west boundary of the lot.

Structures

The subject property has a residential dwelling, shed and two non-complying Quonset buildings. The applicant has applied for a development permit to bring the Quonset buildings in compliance with the Zoning Bylaw.

Access

The subject property is accessed via Airport Road.

Canada Land Inventory Soil Rating

The soil on the property is classified as 2c. Class 2 soils “have very moderate limitations that restrict the range of crops or require moderate conservative policies. Subclass C denotes a significant adverse climate for crop production.

Comments & ObservationsApplicant

The applicant is seeking a zoning amendment, to allow specific use of manufacturing wood pellets and storage of shavings on the subject property.

Agricultural Land Reserve (ALR)

The subject property is outside the Agricultural Land Reserve.

Official Community Plan (OCP)

Pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009, the subject property is designated Light/Service Industrial (LSI). Section 8.3.1, Policy 4 states that the principal use of land within this designation will be for industrial uses, including but not limited to trucking and

construction trade contractors, etc., subject to zoning regulations. Policy 5 states that all Light/Service Industrial designated lands are subject to Industrial Development Permit Area No. 2 guidelines as described within Section 13.5 of the OCP.

Therefore, the proposal is consistent with the OCP, and if approved, two non-compliant Quonset buildings and any new development on the subject property will require a Development Permit.

Land Use Zoning

Pursuant to the PRRD Zoning Bylaw No. 1343, 2001, the subject property is zoned I-1 (Light Industrial Zone). Section 45.1 states that the restaurant, automotive service station, etc. are permitted uses within I-1 zone. However, manufacturing, storage and processing facilities are not permitted uses within the I-1 Zone.

Therefore, a site specific zoning amendment will be required to allow the applicant to begin the manufacturing of wood pellets (manufacturing, fabricating and processing facility) and the associated accessory storage of wood shavings on the subject property.

The subject property has existing berms to mitigate the impacts of the proposed use, however, staff are working with the applicant through the development permit process to require that these berms be finished and hydro-seeded and that a vegetative buffer be installed on the southern parcel line. Staff is working with the applicant to make sure that all the concerns are addressed through the development permit application process.

Fire Protection Area

The subject property is within the Fort St John Rural Fire Protection Area.

Mandatory Building Permit Area

The subject property is within the Mandatory Building Permit Area.

Development Permit Area

The subject property is within the Industrial Development Permit Area No.2 pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009. A Development Permit will be required to bring two Quonset buildings in compliance with the Zoning Bylaw or prior to any new construction.

The applicant has submitted a Development Permit application to bring the existing structures on the subject property in compliance with the Zoning Bylaw to facilitate the manufacturing of wood pellets on the subject property. Staff are working separately on the development permit application and addressing the potential impacts of the proposed use on the adjacent properties.

Development Cost Charge Area

The subject property is outside of all the Development Cost Charge Area.

School District 60 School Site Acquisition Charge Area

The subject property is within the School District 60 School Site Acquisition Charge Area. However, the charge is not applicable at this time because no new residential lots are proposed.

Impact AnalysisContext

The subject property is zoned Light Industrial (I-1) and is compatible with industrial use in the west and south. There is agricultural land to the north and residential to the south-east. The proposed zoning amendment will allow manufacturing of wood pellets and storage of shavings (manufacturing, fabricating and processing facility) on the subject property which are consistent with the permitted use in the I-1 Zone. Staff notes that there were complaints before related to activities on subject property, and if approved, there could be potential conflict arising from activities on the subject property.

The applicant has applied for a development permit to bring the two Quonset buildings in compliance with the Zoning Bylaw and the potential conflict arising from the proposed use will be addressed through the development application process separately.

Population & Traffic

The property is currently owned and operated by a trucking company, so increase to the intensity of traffic is anticipated to be marginal. No population increase is anticipated as the proposed use is industrial.

Sewage & Water

There is an existing residential water and sewer system on site. No additional water or sewer is required to facilitate the proposed use at this time. Prior to any further development on the subject property the applicant will be required to seek appropriate approvals from Northern Health.

Comments Received from various PRRD Departments, Municipalities & Provincial AgenciesBC Hydro

No Objections.

PRRD Building Inspection

Interests unaffected.

PRRD GIS

No concerns.

North Peace Airport Services LTD.

No objections with the condition that this property is height restricted by federal airport zoning regulations to 724 m ASL and no structure on this property may be above this height. North Peace Airport Services LTD. has requested to be further consulted on any development plans on the subject property.

Ministry of Agriculture

Please see the attached letter.

Bylaw Enforcement Officer

This property applied for a text amendment in 2011 for this exact same activity and was refused by the Regional Board in 2011. The shavings need substantial mitigation to prevent them from leaving the subject property. A complaint was received which included photos of shavings covering vehicles, etc. within the

home. If the text amendment is refused, the shavings must be removed from the property. If possible, the outcome of the text amendment should be prior to finalization of Development Permit.

ALTERNATIVE OPTIONS:

1. That the Regional Board respectfully refuse to give Zoning Amendment Bylaw No. 2468, 2022, to provide a site-specific amendment in the Light Industrial (I-1) zone of Zoning Bylaw No. 1343, 2001, to permit the use “manufacturing, fabricating and processing facility” and the storage of wood shavings not to exceed an area great than 10% of the parcel area, on a ±5.03 ha subject property identified as PID: 024-372-587 only, first and second readings.
2. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- ☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

The Regional Board’s decision will be communicated to the applicant.

Staff are recommending that a Public Hearing be held for this application to ensure all neighbouring property owners have a chance to provide comments on the application, as there is an active bylaw enforcement file relating to the proposed use.

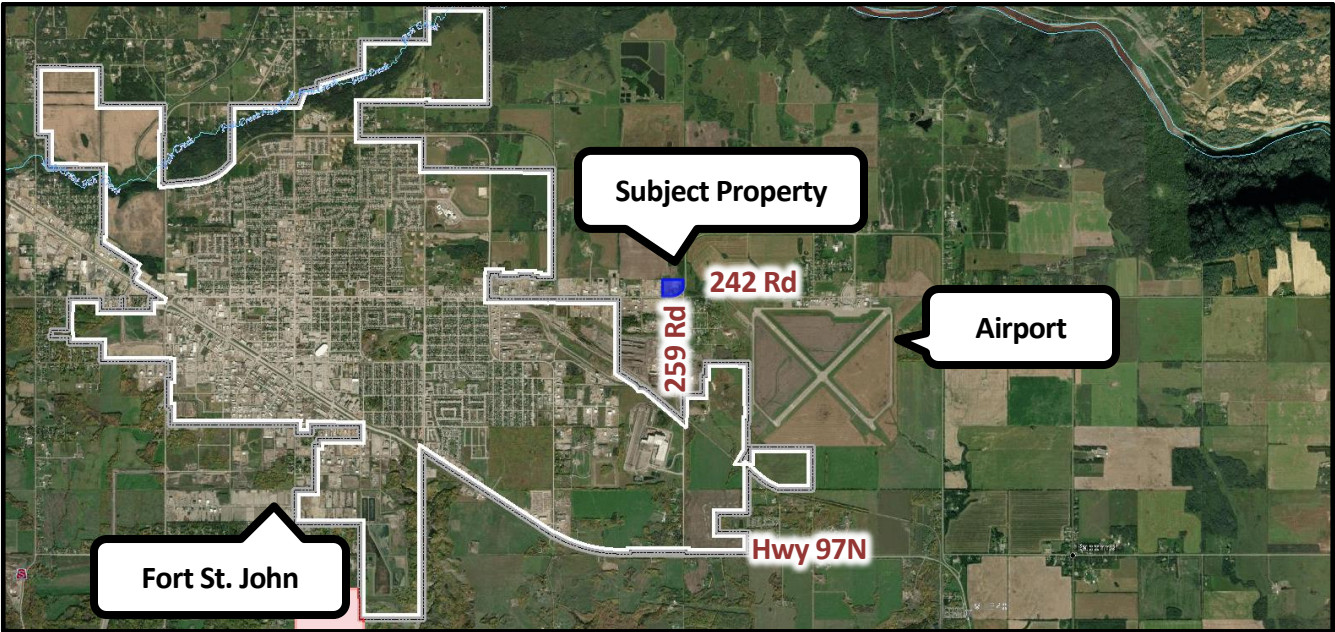
OTHER CONSIDERATION(S):

None at this time.

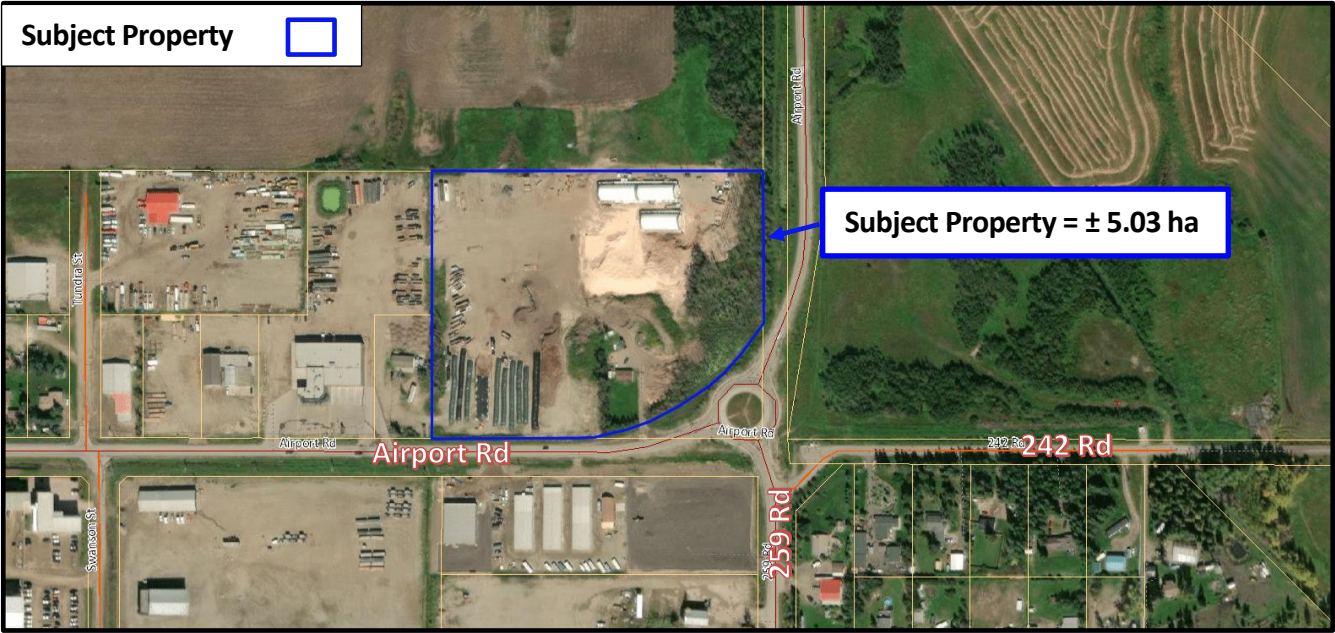
Attachments:

1. Application (PRRD File No. 21-012 ZN)
2. Maps (PRRD File No. 21-012 ZN)
3. Comments Received from Ministry of Agriculture (PRRD File No. 21-012 ZN)
4. Zoning Amendment Bylaw No. 2468, 2022

Location: Fort St. John



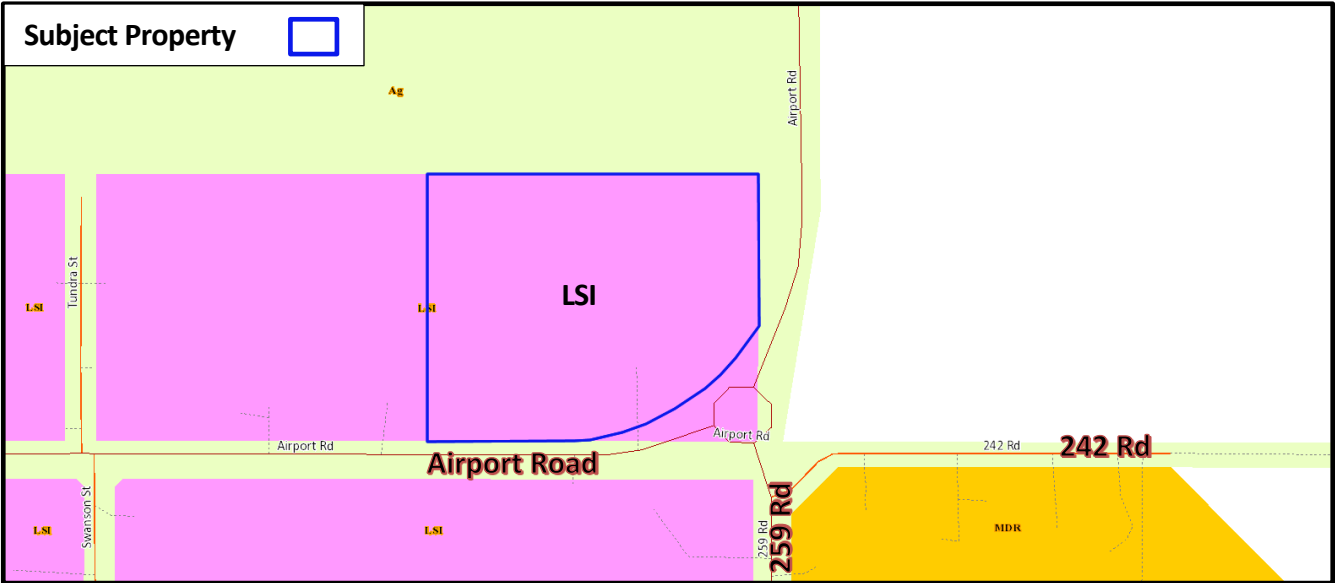
Aerial imagery



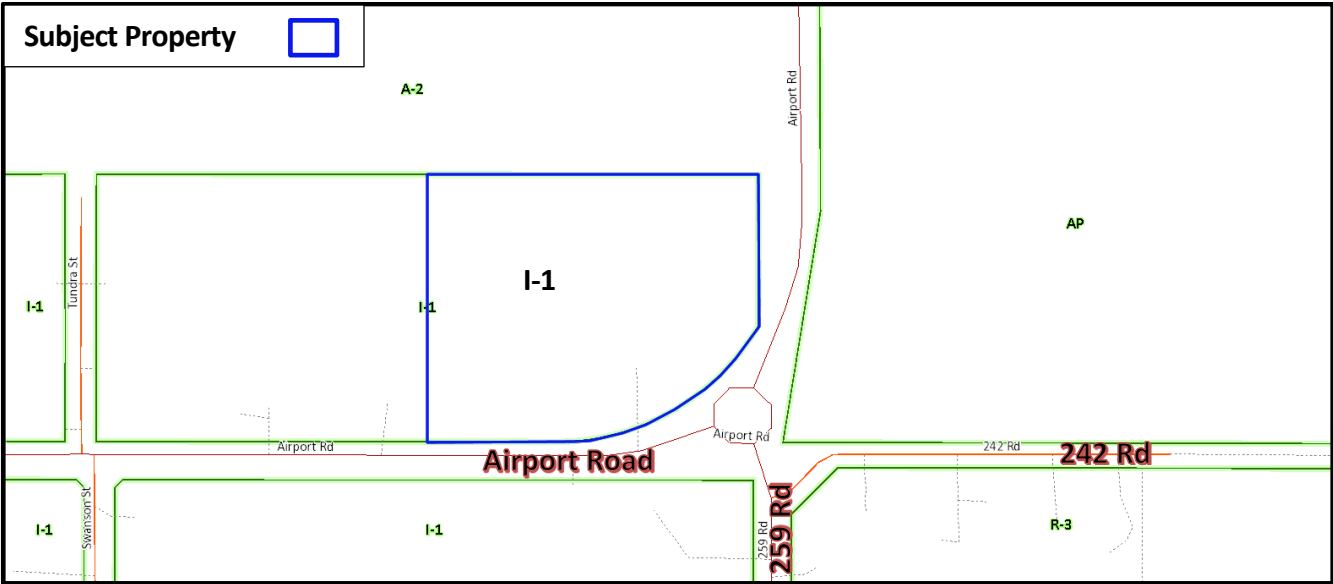
Proposal



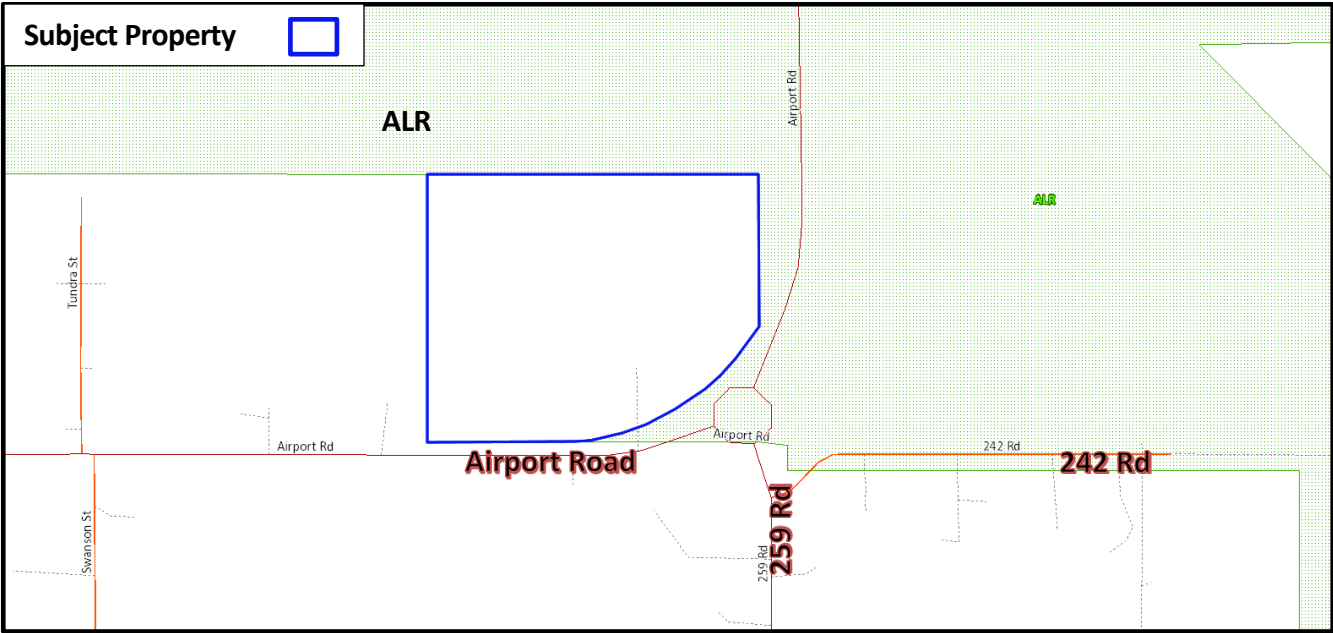
North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009: Light/Service Industrial (LSI)



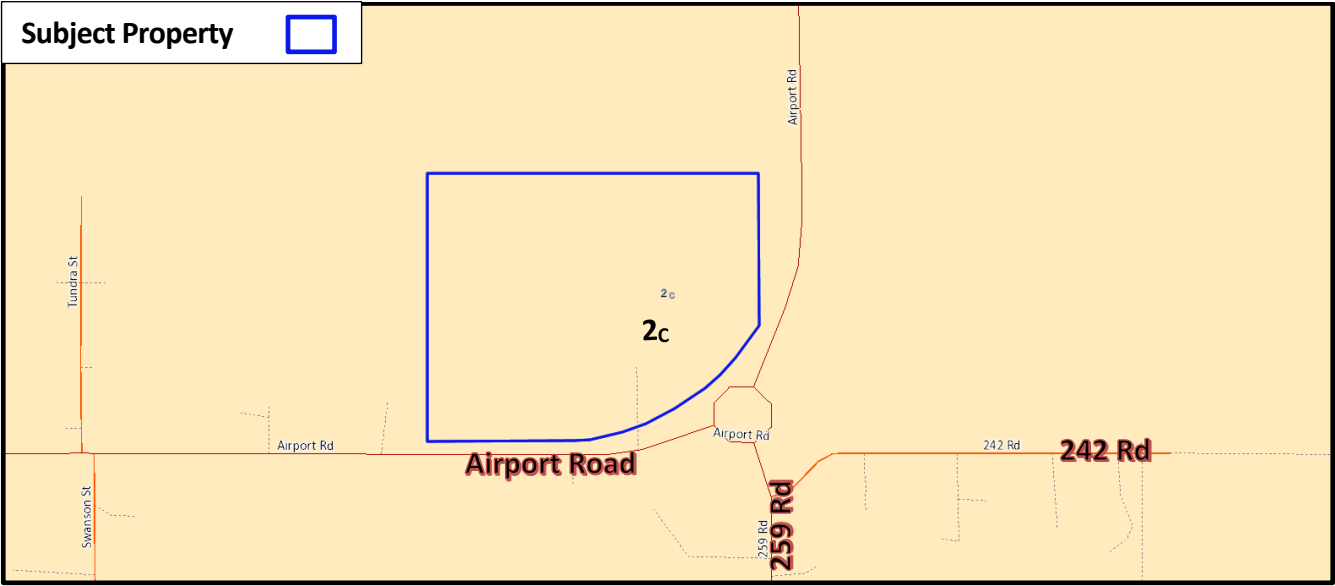
PRRD Zoning Bylaw No. 1343, 2001: Light Industrial Zone (I-1)



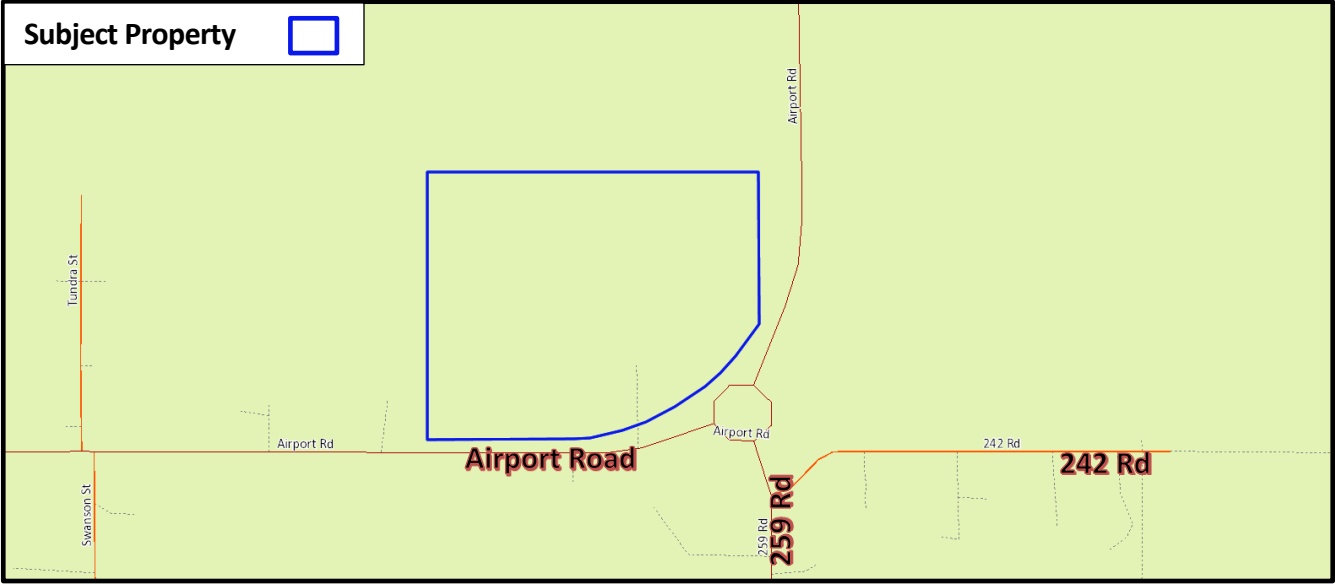
Agricultural Land Reserve: Outside



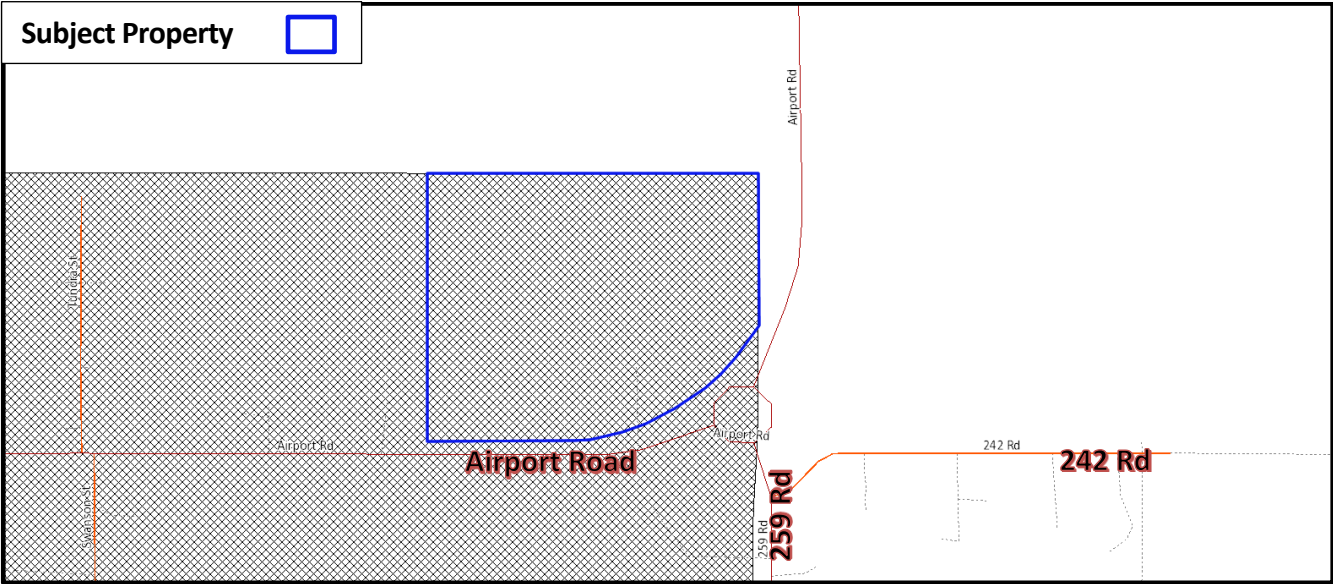
Canada Land Inventory Soil Classification: 2c



Mandatory Building Permit Area: Within



Development Permit Area: Within





PEACE RIVER REGIONAL DISTRICT

Dawson Creek | Box 810, 1981 Alaska Avenue BC, V1G 4H8
(T): (250) 784-3200 prrd.dc@prrd.bc.ca

Fort St. John | 9505 100 Street BC, V1J 4N4
(T): (250) 785-8084 prrd.fs@prrd.bc.ca

For Office Use:

Receipt # 8468

Date Received Oct. 15 '24

File No. 21-012 ZN

Sign Issued: Yes ☒ No ☐ N/A ☐

Application for Development

1. TYPE OF APPLICATION

☐ Official Community Plan Bylaw Amendment*	FEE
☒ Zoning Bylaw Amendment* #	\$ 1,150.00
☐ Official Community Plan / Zoning Bylaw Amendment combined* #	\$ 800.00
☐ Temporary Use Permit*	\$ 1,200.00
☐ Temporary Use Permit Renewal	\$ 500.00
☒ Development Permit #	\$ 350.00
☐ Development Variance Permit	\$ 165.00
	\$ 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 SHANE ROGERS	Authorized Agent of Owner (if applicable) Mcelhanney Associates Land Surveys Ltd (Evan Hsiao)
Address of Owner [REDACTED]	Address of Agent [REDACTED]
City/Town/Village: [REDACTED]	City/Town/Village: [REDACTED]
Postal Code: [REDACTED]	Postal Code: [REDACTED]
Telephone Number: [REDACTED]	Telephone Number: [REDACTED]
E-mail: [REDACTED]	E-mail: [REDACTED]

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
LOT 1 EXCEPT PART SUBDIVIDED BY PLAN BCP20054, SEC4 TP 84 R18 W6M PLAN PGP43544	12.43 AC ha./acres
	ha./acres
	ha./acres
	TOTAL AREA 12.43 AC ha./acres

4. Civic Address or location of property: 6414 Airport Road

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: to allow specific use of manufacturing wood pellets and storing shaving on the property.

☐ Development Variance Permit – describe proposed variance request:

☐ Temporary Use Permit – describe proposed use:

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

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

Operation: Mill to compress planer shaving into pellets

buildings on site: Two covered buildings with sea can base, a house and a shed, see building location certificate.

added to separate application 01/

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

- (a) North Farm land (A2)
- (b) East empty land airport industrial (AP)
- (c) South Uhaul yard Industrial use (I-1)
- (d) West Rogers trucking Industrial use (I-1)

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

the temporary use permit 233/2012 has expired and the owner wish to continue the operation.

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

see attached.

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

N/A

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

N/A

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

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 <u>Shane Rogers</u> and <u>Curtis Rogers</u> hereby authorize	
(name of landowner) (name of landowner)	
McElhanney Associates land Surveying Ltd (Evan Hsiao)	
(name of agent) to act on my/our behalf regarding this application.	
Signature of Owner	Date: <u>OCT 12 2021</u>
Signature of Owner:	Date: <u>OCT 12 /21</u>



CONTAMINATED SITE DECLARATION FORM

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

Legal Description(s):

~~Lot 1 EXCEPT: PART SUBDIVIDED BY PLAN BCP20054 SEC 4 TP 84 RGE 18 W6M~~
~~PEACE RIVER DISTRICT PLAN PGP43544~~

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

____/____/_____
dd mm yyyy

Owner/Agent

12/10/2021
dd mm yyyy

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

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

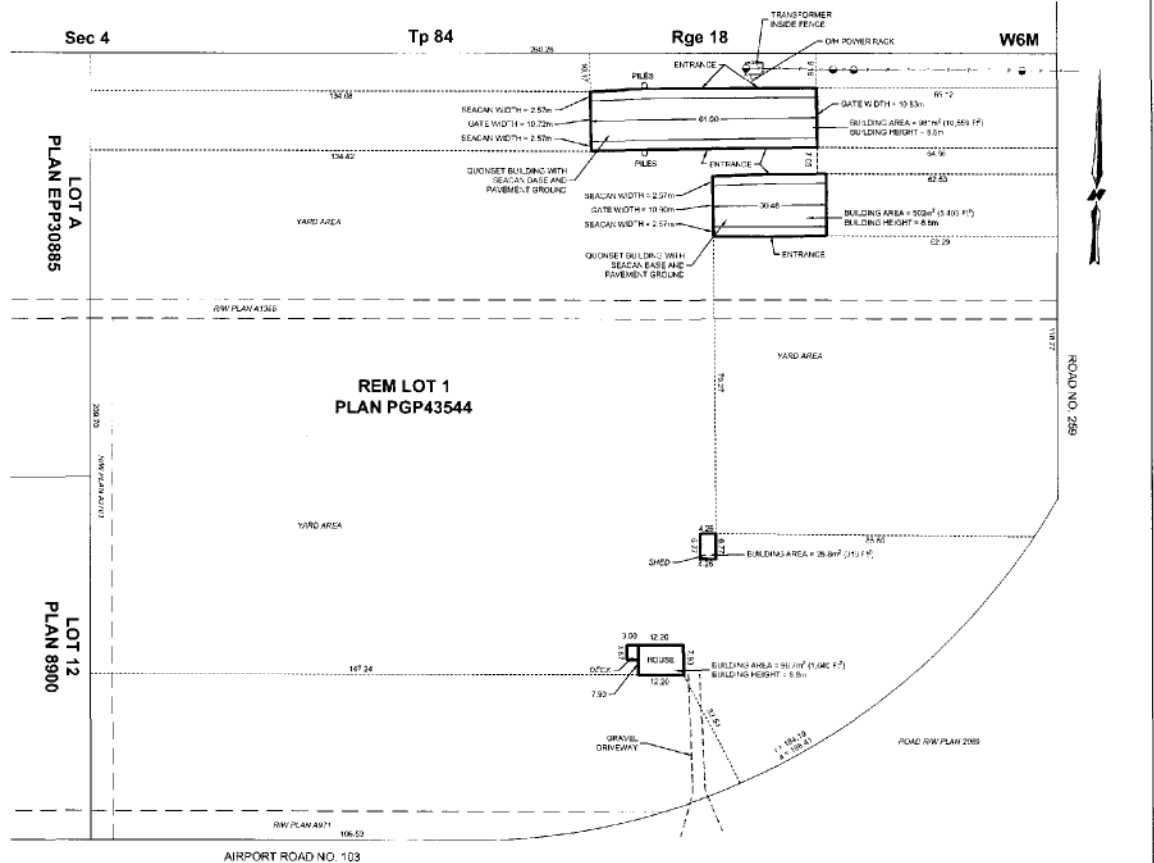
Pellets provides clean biomass energy to customers around the peace river region and can be used in many different areas. It is an essential product for some residence to keep their house warm and can be used for stoves, furnaces, boilers in a residential area and can also be used for horses and animals bedding

There was no company producing wood Pellets for residential/industrial use in the peace region prior to the establishment of Canfor pallet plants in 2016. We had the operations since 2012 to serve the communities in this region and we wish to continue the operation to better serve our communities in the peace region by providing environmental friendly and competitive products.

BC LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE

REM SE 1/4

LOT 1 EXCEPT: PART SUBDIVIDED BY PLAN
BCP20054, SECTION 4 TOWNSHIP 84 RANGE 18 W6M
PEACE RIVER DISTRICT PLAN PGP43544





November 1, 2021

Local Government File: 21-014 DP and 21-012-RZ

Abhimanyu Jamwal
Land Use Planner
Peace River Regional District (PRRD)
VIA EMAIL: planning@prrd.bc.ca

Re: Development permit and Rezoning application – Fort St John (PID 024-372-587)

Dear Abhimanyu Jamwal:

Thank you for providing the Ministry of Agriculture, Food and Fisheries (Ministry) staff with the opportunity to comment on the proposed development permit and rezoning application on a parcel adjacent to the Agricultural Land Reserve (ALR). Ministry staff offer the following comments:

- Ministry staff recognize that the proposed project is adjacent to actively farmed agricultural land of high (class 2) agricultural capability rating.
- As the general zoning class (industrial) remains unchanged, there is a minimal likelihood of compatibility concerns and complaints impacting agriculture over the long-term.
- Ministry staff note that existing structures are located immediately adjacent to the subject property without setbacks from the adjacent agricultural lands. Should the development permit be approved, the Regional District may wish to review the Ministry's [Guide to Edge Planning](#) and potential vegetative buffer and building setbacks from property lines for consideration. A 15 metre setback with 8 metre vegetative buffer is recommended from all property lines that are adjacent to the ALR.
- In addition, we note that there is existing vegetation along the eastern property line and it should be a condition of the development permit and/or rezoning that this vegetation be maintained, and that preferably a covenant be registered to ensure that this occurs.

If you have any questions or concerns about our comments, please do not hesitate to contact us.

Sincerely,



Alison Fox, P.Ag.
Land Use Agrologist
Ministry of Agriculture, Food and Fisheries
Phone: (778) 666-0566
Email: Alison.Fox@gov.bc.ca



Nadia Mori, P.Ag.
Regional Agrologist
Ministry of Agriculture, Food and Fisheries
Phone: (778) 576-1196
Email: Nadia.Mori@gov.bc.ca

Email copy: Shannon Lambie, ALC Regional Planner, Shannon.Lambie@gov.bc.ca

PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2468, 2022

A bylaw to amend "Peace River Regional District
Zoning Bylaw No. 1343, 2001"

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia *Local Government Act*, adopt "Peace River Regional District Zoning Bylaw No. 1343, 2001";

NOW THEREFORE the Regional Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as "Peace River Regional District Zoning Amendment Bylaw No. 2468, 2022."
2. "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by adding the following text amendment to Part VI Zones, Section 45 I-1 (Light Industrial Zone - 1.8 ha),

2. Regulations – Additional Uses

- (j) The following use is permitted as an Additional Use on the land legally described as:
Lot 1, Section 4, Township 84, Range 18, W6M, PRD, Plan PGP43544, except
part subdivided by Plan BCP20054:
Manufacturing, fabricating and processing facility for the purposes of manufacturing
wood pellets; storage of wood shavings not to exceed 10% of the parcel area.

READ A FIRST TIME THIS _____ day of _____, 2022.

READ A SECOND TIME THIS _____ day of _____, 2022.

Public Notice mailed on the _____ day of _____, 2022.

Public Notice published on the _____ day of _____, 2022.

Public Hearing held on the _____ day of _____, 2022.

READ A THIRD TIME THIS _____ day of _____, 2022.

ADOPTED THIS _____ day of _____, 2022.

Chair

(Corporate Seal has been affixed to the original
bylaw)

Corporate Officer

I hereby certify this to be a true and correct copy of "PRRD Zoning
Amendment Bylaw No. 2468, 2022, as adopted by the Peace River
Regional District Board on _____, 2022.

Corporate Officer