



REPORT

To: Chair and Directors

Report Number: DS-BRD-357

From: Ashley Murphey, RPP, MCIP, GM of Development Services

Date: December 8, 2023

Subject: Zoning Amendment Bylaw No. 2517, 2023, PRRD File No. 23-003 ZN

RECOMMENDATION: *[Corporate Unweighted – Pouce Coupe Excluded]*

That the Regional Board give Peace River Regional District Zoning Amendment Bylaw No. 2517, 2023, to permit a freight facility on the subject property identified as PID 004-464-028 second reading as amended to include a requirement for a minimum 15m setback and 8m landscape buffer around the exterior of the parcel for the duration of the freight facility use; further,

That a public hearing be held pursuant to Section 464 of the *Local Government Act*, delegated to the Director of Electoral Area C, and that public notification be authorized pursuant to Section 466 of the *Local Government Act* once the Peace River Regional District has adopted a Public Notice Bylaw.

BACKGROUND/RATIONALE:

Proposal

The applicant is seeking to develop a rail-to-truck transloading facility (freight facility) on the subject property for the purpose of distributing frac sand to Northeast BC. The facility will be designed to store sand arriving in railcars from the applicant's silica sand mine in northern Saskatchewan and then load it onto outbound trucks for distribution in the Peace.

Ministry of Transportation and Infrastructure and Agricultural Land Commission Information:

The Ministry of Transportation and Infrastructure (MoTI) has indicated support for highway access via the 238 Road, which is north of the current Tod Road access to the subject property. This was noted as a primary concern for both the Board and the public at first reading of the bylaw. The applicant is continuing to work with MoTI to develop a Traffic Impact Study (TIS) and approved designs for the new intersection. Prior to final adoption, formal MoTI approval will be required.

At the time of this report, the Agricultural Land Commission (ALC) has still not decided on the proposed Non-Farm Use application, authorized for submission to the ALC by the Regional Board in June of 2022.

Rationale

The proposed zoning amendment bylaw has been amended to include the requirement of a minimum 15m setback and 8m landscape buffer around the exterior of the parcel for the duration of the freight facility use, in accordance with the Ministry of Agriculture's Guide to Edge Planning Level 2 buffer standards. This means that the requirements will be expressly noted within the zone itself for the subject property. This approach is preferred over the registration of a covenant on title of the lands as it becomes a regulation within the Zoning Bylaw and is therefore enforceable pursuant to our Bylaw Notice Enforcement Bylaw No. 2042, 2012 (BNE Bylaw). Covenants are also enforceable, however that

would entail filing with the Supreme Court of BC and is therefore more costly and time consuming than enforcing through the BNE Bylaw.

While the proposed freight facility is considered to be heavy industrial in nature, a review of industrial land availability has determined that there are only a handful of appropriately designated parcels which could accommodate the proposed use, and they are all either occupied or do not have rail access and are therefore not suitable for this proposal.

Given the lack of available heavy industrial lands within the area, staff are supportive of the proposed zoning amendment subject to ALC approval and MoTI approval with respect to the necessary highway intersection improvements.

File Details

Owner: Terry & Mary Tylosky
Agent: Strong Pine Energy Services Ltd.
Area: Electoral Area C
Location: North Taylor
Legal: The North West ¼ of Section 11 Township 83 Range 18 W6M PRD, Except Plan A1640
PID: 004-464-028
Civic Address: 6109 Tod Road
Lot Size: ±62.5 ha (±154.4 ac)

Background

January 25, 2022: The PRRD received the application for 22-002 ALR NFU;

April 21, 2022: The Regional Board authorized a public information meeting be held to gather feedback on PRRD File No. 22-002 ALR NFU;

May 17, 2022: The required public information meeting was held in Fort St. John. The following comments were received from the public regarding the proposal:

- The existing Tod Road access onto the highway is very dangerous;
- If 238 Road is extended, fencing is desired by landowners on either side of the road right of way;
- Concerns around garbage dumping and trespass;
- One adjacent landowner expressed general opposition to the proposal, citing increased traffic from both the proposed development and the general public, which could lead to an increase in illegal dumping;
- Upon completion of the use, the site should be used for agricultural purposes, such as a grain loading facility.

The applicant indicated willingness to address landowner concerns by fencing, cleaning up garbage, and working with MoTI on the development of a new intersection.

- June 9, 2022: The Regional Board authorized [PRRD File No. 22-002 ALR NFU](#) to proceed to the ALC with a recommended condition that the ALC place a restrictive covenant on the subject property to permit the proposed use for a period of not more than 25 years.
- Feb. 6, 2023: The PRRD received the zoning amendment application.
- Feb. 7, 2023: Referrals were sent to internal departments and external agencies.
- Mar. 30, 2023: The Regional Board authorized 1st Reading of proposed Zoning Amendment Bylaw No. 2517, 2023.

ALTERNATIVE OPTIONS:

1. That the Regional Board respectfully refuse to give Peace River Regional District Zoning Amendment Bylaw No. 2517, 2023 to rezone the subject on the subject property identified as PID 004-464-028 second reading, as amended.
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.

OTHER CONSIDERATION(S):

None at this time.

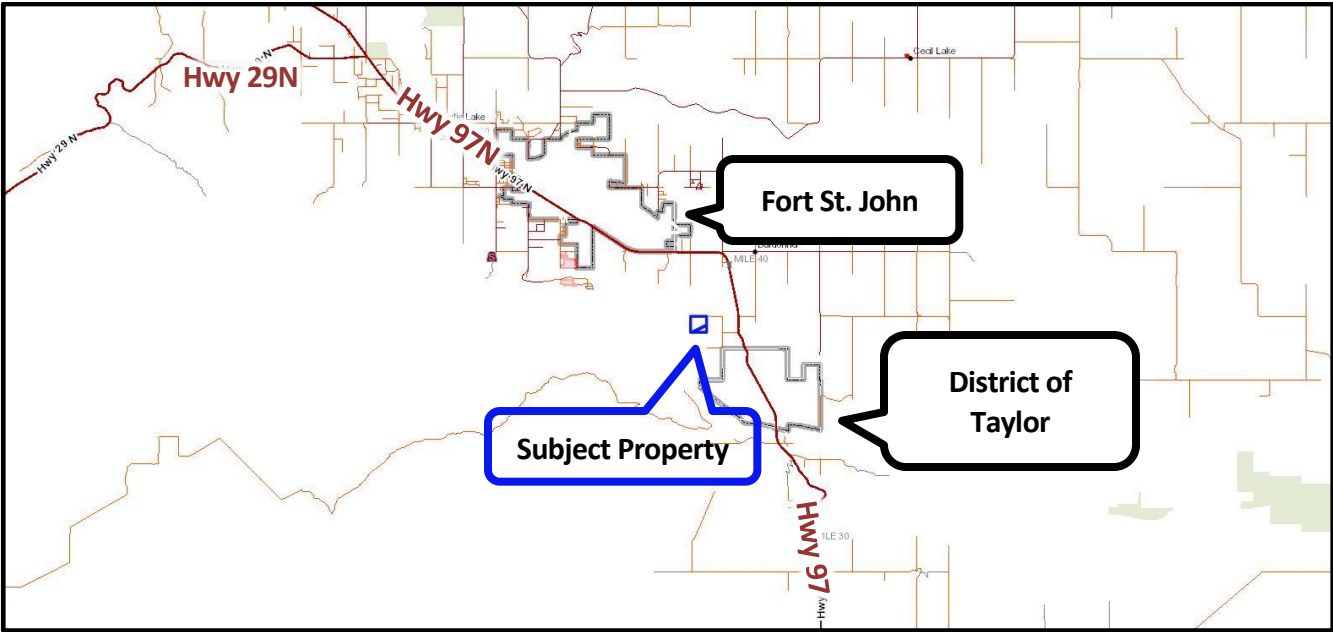
Attachments:

1. Zoning Amendment Bylaw No. 2517, 2023
2. Maps
3. Application

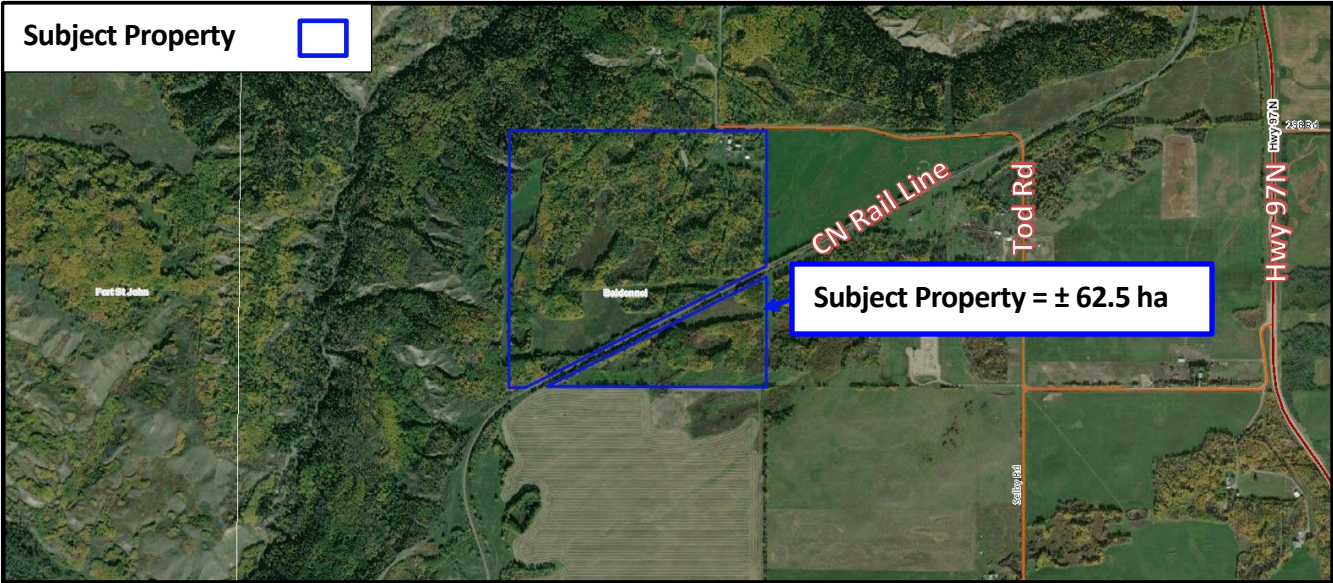
External Links:

1. [Zoning Amendment Bylaw No. 2517, 2023, PRRD File No. 23-003 ZN, First Reading - DS-BRD-300](#)
(March 30, 2023 Regional Board Meeting – Agenda Item 9.5)

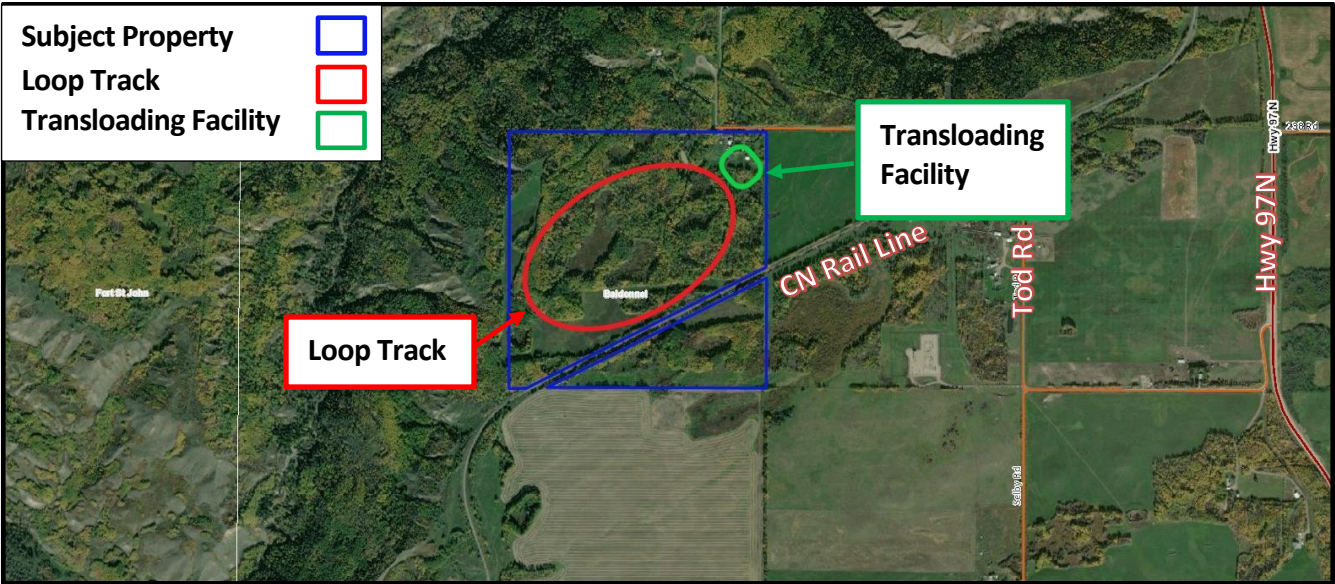
Location: Baldonnel



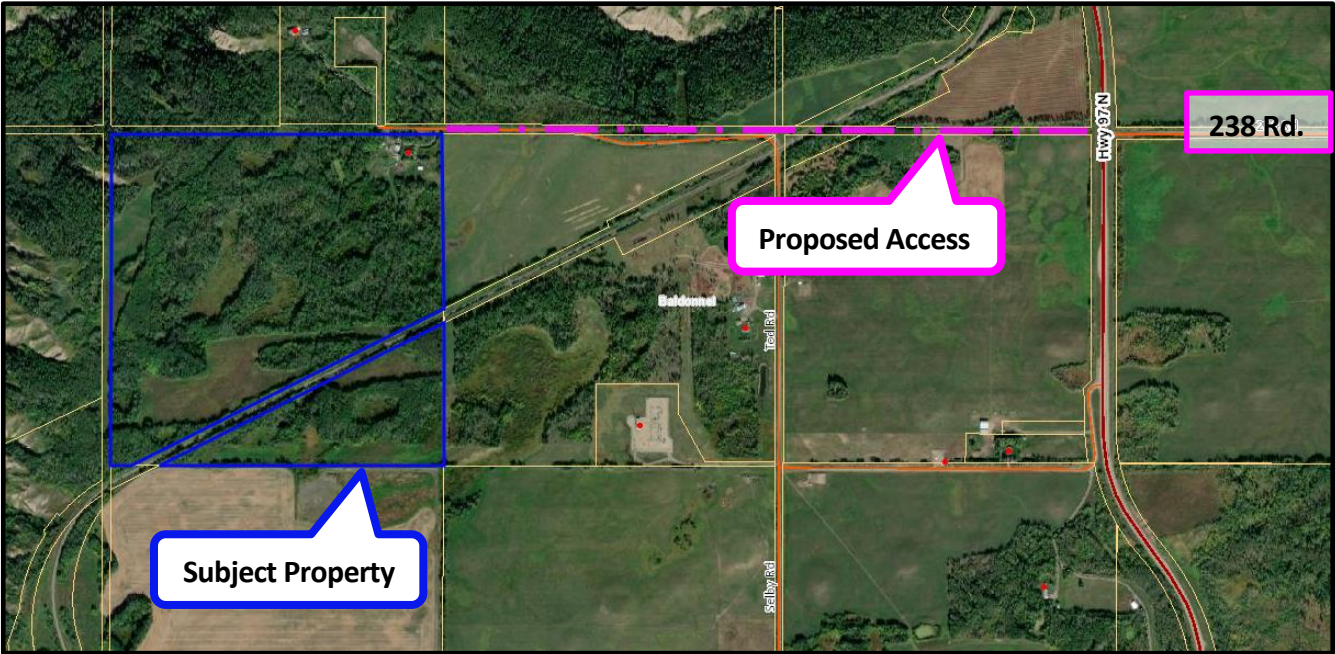
Aerial imagery



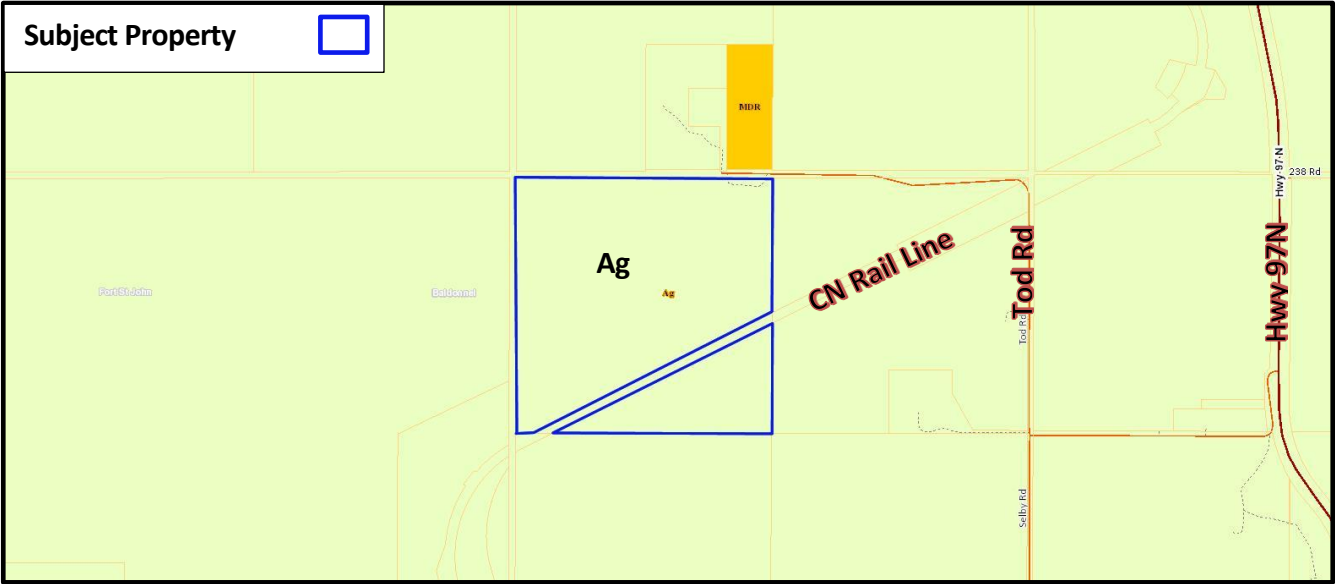
Proposal



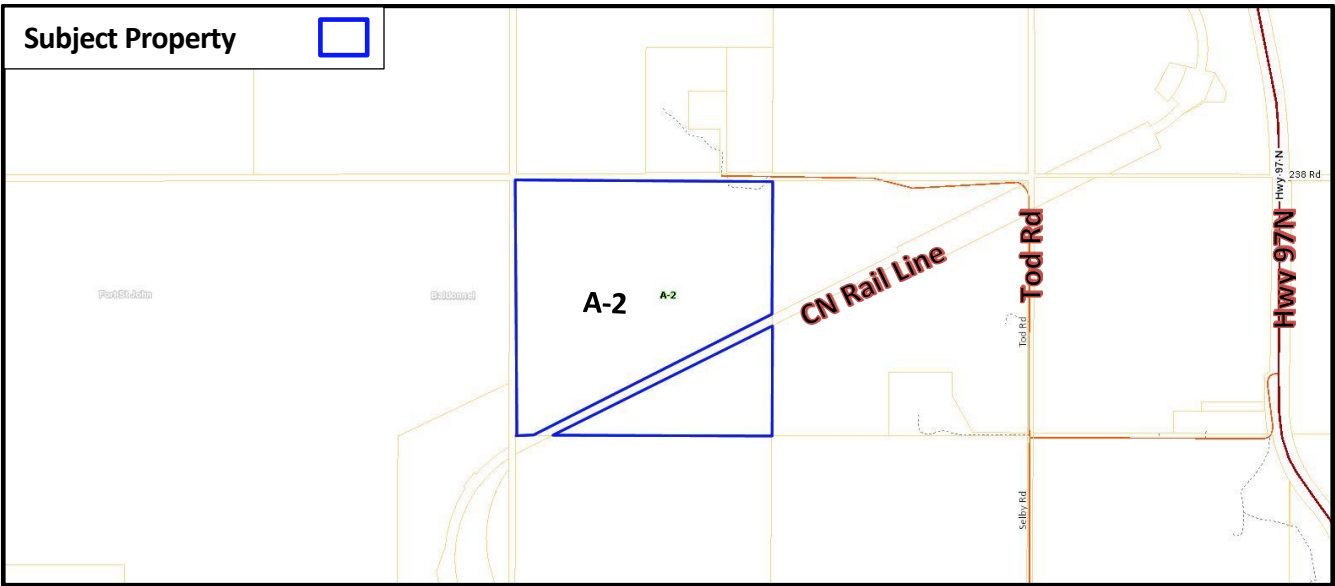
Proposed Highway Access



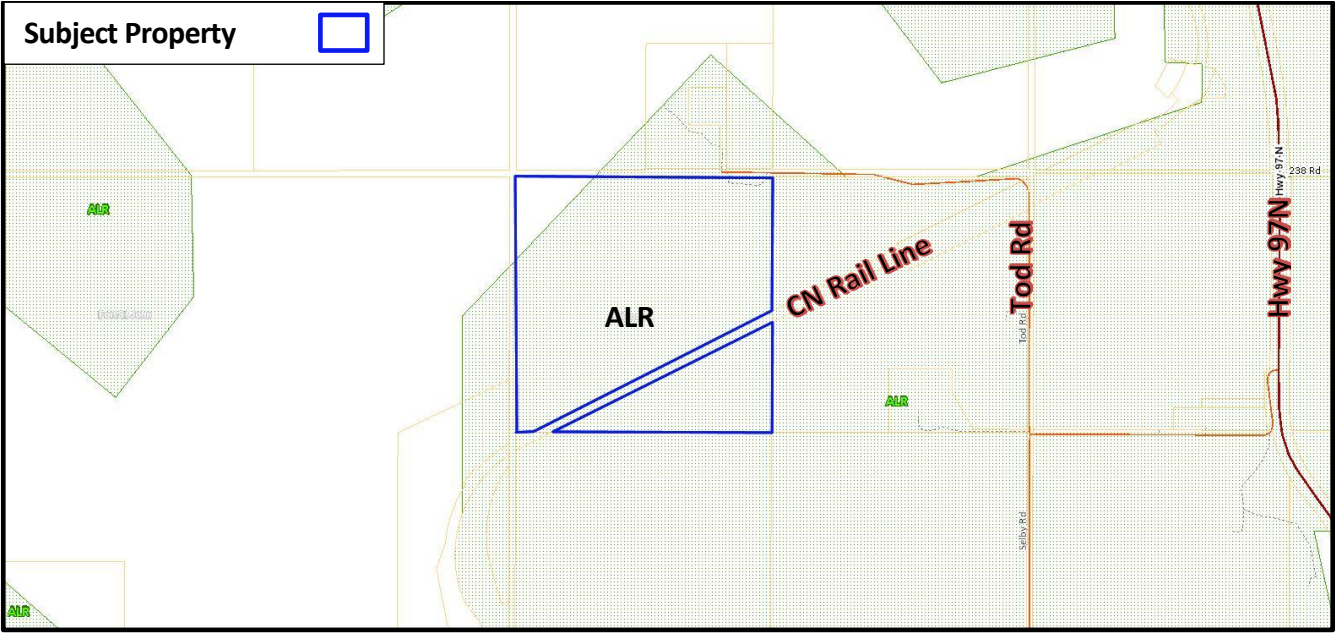
North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009: Agriculture



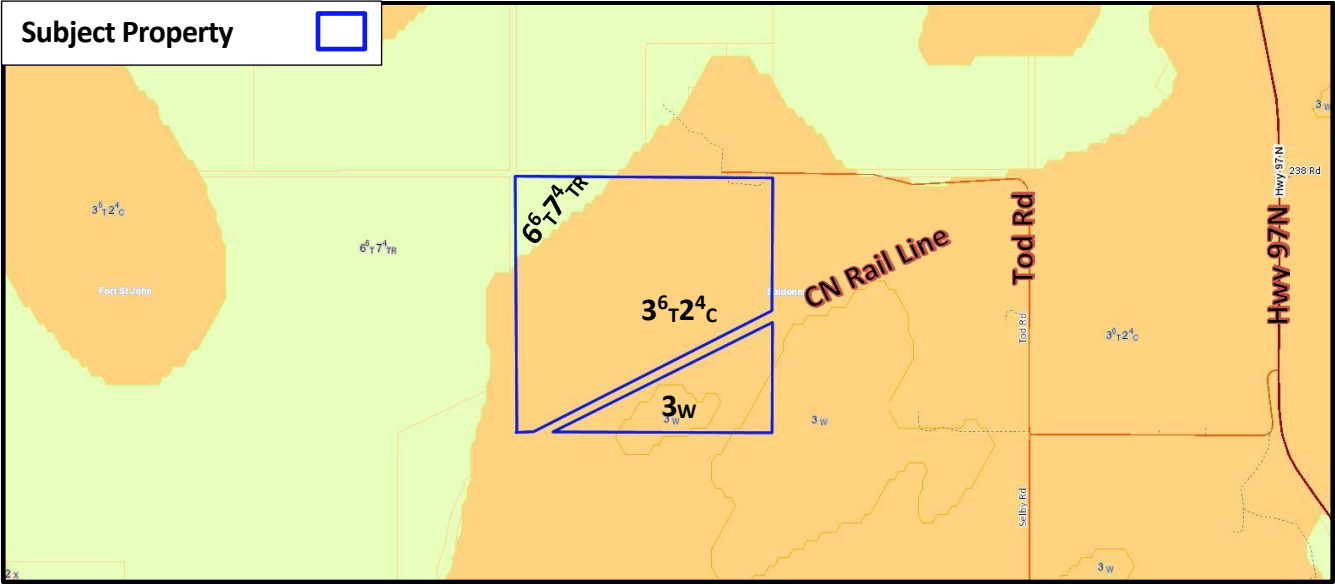
PRRD Zoning Bylaw No. 1343, 2001: Large Agricultural Holdings (A-2) Zone



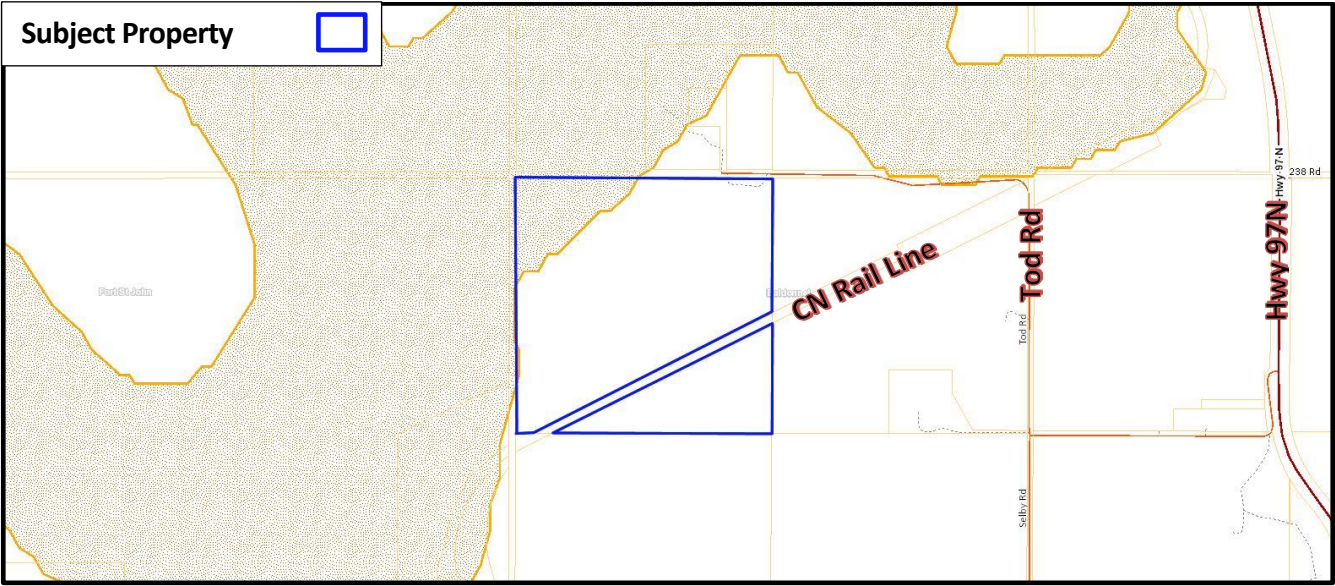
Agricultural Land Reserve: Partially Within



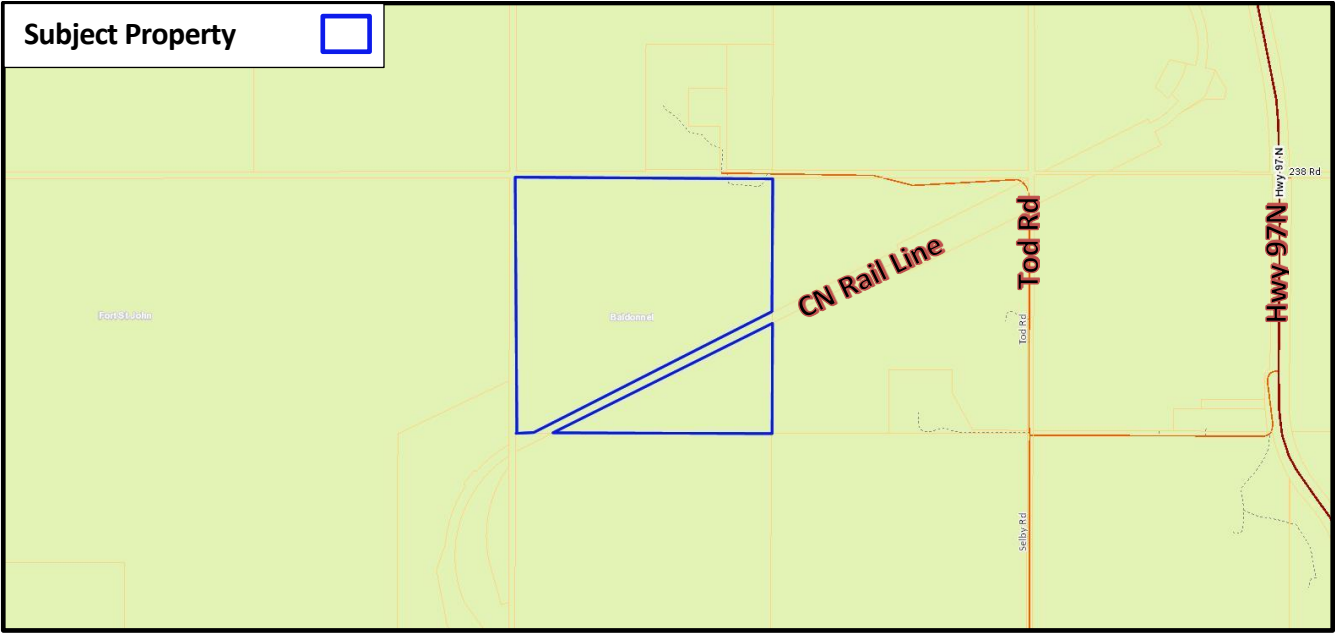
Canada Land Inventory Soil Classification: $3W$, 3^6T^2C & 6^6T^4TR



Rural OCP Preservation Area: Partially Outside



Mandatory Building 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.fsj@prrd.bc.ca

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 Terry and Mary Tylosky	Authorized Agent of Owner (if applicable) Steven Gillen, Strong Pine Energy Services Inc.
Address of Owner [REDACTED]	Address of Agent 505-230 22nd St. E
City/Town/Village: [REDACTED]	City/Town/Village: Saskatoon
Postal Code [REDACTED]	Postal Code: S7K0E9
Telephone Number: [REDACTED]	Telephone Number: 587-894-1258
E-mail: [REDACTED]	E-mail: sgillen@strongpineenergyservices.com

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	
NW 1/4 OF SEC 11 TP 83 R 18 W6M PEACE RIVER EXC PL A1640	62.69	ha./acres
		ha./acres
		ha./acres
	TOTAL AREA 62.69	ha./acres

4. Civic Address or location of property:

6109 Todd Road, Baldonnel, V06 1C3

VOC 1C3

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: Bylaw No. 1343, 2001 (A-2) _____

Proposed zone: _____

Text amendment: Sand Storage and Rail Transload _____

☐ 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:

Rural Residential - the parcel currently has one 1,200 square foot house located in the northeast corner along with a smaller shop/garage and other outbuildings including storage sheds.

There is also a lagoon near the home, and two other man-made water bodies, as well as a small and old barn used to provide shelter for a horse.

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

(a) North Residential - Two residential homes separated by an orphaned oil and gas well site with forested Crown land to the west of these properties.

(b) East Agriculture/Farm - Pastureland, forage cropland, and a cattle farm with forested land and two residential homes along with a B.C. Hydro transmission station.

(c) South Agriculture/Farm - Cropland with a suspended oil and gas well site owned by Crew Energy Inc.

(d) West Unused - Steep hillside and a forested valley.

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

The proposed Baldonnel Sand Transload consists of a dual rail loop track that is designed to receive unit trains of sand, while the silos and conveyance system on the proposed site are designed to transfer sand from railcars into the silos for storage and eventual transfer to trucks to be shipped to oil and gas well sites.

The proposed site is simply a bulk sand storage and rail-to-truck transload facility where no processing will occur on site. See attached documents for further description.

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

The reason for this proposed development is to reduce regional transportation impacts associated with supplying sand to oil and gas producers in northeast British Columbia.

The proposal has support from all residents adjacent to the parcel, where Strong Pine has entered into Agreements of Support with these residents to mitigate, accommodate, and compensate them as it relates to any potential impacts that the proposed development may have on adjacent residents and their property.

The proposed development is expected to substantially reduce overall truck kilometers travelled to service northeast BC oil and gas wells. As well, given the close proximity of the site to the Alaska Highway, the proposed development also seeks to minimize impacts to the region's rural roads.

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

The existing means of sewage disposal for the property is via a lagoon.

The proposed means of sewage disposal for the project is via an on-site sewage disposal system (i.e. septic tank) and will be developed in accordance with the provincial Public Health Act.

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

Since the proposal is simply a sand storage and transload facility, where no processing will be taking place, there is no need for extensive water supply to the proposed site.

The only water planned to be used on site will be for personal drinking consumption (i.e. Culligan Water) and for sewage disposal, where Strong Pine plans to import these water needs to the site.

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 correct to the best of our knowledge, a true statement of the facts related to this application.

[Redacted Signature]

Feb 3, 2023

Date signed

Feb 3, 2023

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>Terry Tylosky</u> and <u>Mary Tylosky</u> hereby authorize	
(name of landowner) (name of landowner)	
<u>Strong Pine Energy Services Inc.</u> to act on my/our behalf regarding this application.	
(name of agent)	
Signature of Owner	Date: Feb 3, 2023
Signature of Owner	Date: Feb 3, 2023



CONTAMINATED SITE DECLARATION FORM

I, Terry Tylosky & Mary Tylosky, hereby acknowledge that the *Environmental Management Act*, 2003, as amended, is effective as of February 1, 2021.

Legal Description(s):

NW 1/4 OF SEC 11 TP 83 R 18 W6M PEACE RIVER EXC PL A 1640

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.

03 / 02 / 2023 /
dd mm yyyy

03 / 02 / 2023 /
dd mm yyyy

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

Section 6 – Public Notice Sign Requirements

1. A development application sign shall be posted on the subject property for any parcel that is that are subject to an application for:
 - a) Amendment to an Official Community Plan and / or Zoning bylaw; or
 - b) Temporary Use Permit.
2. The Peace River Regional District shall provide the applicant with a development application sign which shall be posted by the applicant on the subject property as outlined below:
 - a) The sign must be placed at the driveway entrance or midpoint of the property fronting the main service road, providing the most effective legibility and visibility for passersby from the road;
 - b) The sign shall be erected on the property at a minimum of fourteen (14) days prior to the Regional Board considering the application, and the applicant must submit to the Regional District a photograph clearly showing the sign posted on the property;
 - c) The sign shall be placed in a manner that does not interfere with pedestrian or vehicle traffic flow, or create a potential hazard by obstructing visibility from a highway, road or lane;
 - d) The sign shall be installed in a safe, sturdy manner, capable of withstanding typical wind and other weather conditions;
 - e) The sign shall remain in place continuously until the conclusion of the Public Hearing or issuance of the permit, as the case may be, and shall be removed within fourteen (14) days after the decision(s) of the Regional Board on the said application. Applicants are encouraged to dispose of the signs by recycling them.
 - f) Failure to post and keep the sign in accordance with this bylaw may result in a delay or postponement of the Public Hearing and / or Board decision process;
 - g) Any additional notification costs incurred by the Regional District as a result of the applicant failing to post the required sign shall be payable by the applicant prior to advertising of the Public Hearing or delivering public notification;
 - h) Where a sign required by this bylaw is removed, destroyed or altered due to vandalism or the actions of unknown persons, the validity of any bylaw that is the subject of the relevant application and Public Hearing shall not be impacted;
 - i) If a land owner receives any written comments regarding the land use application, those comments must be delivered to the Peace River Regional District office as soon as they are received so that this information may be considered with the subject application.

PEACE RIVER REGIONAL DISTRICT

Bylaw No. 2517, 2023

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 shall be cited for all purposes as "Peace River Regional District Zoning Amendment Bylaw No. 2517, 2023."
2. "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended as follows:
 - a) that the following be added to Part VI Zones, Section 33 A-2 (Large Agricultural Holdings Zone - 63 ha), following Section 2(h):

Additional Uses

- i) The following additional use is permitted as a Principle Use on lands legally described as: Northwest 1/4, Section 11, Township 83, Range 18, W6M, PRD, except Plan A1640, subject to ALC approval:
 - (i) freight facility

Setbacks

- i) Is hereby amended by adding the following subsection in alphabetical order and renumber all subsequent sections accordingly:
 - i) (f) on lands legally described as Northwest 1/4, Section 11, Township 83, Range 18, W6M, PRD, except Plan A1640, a minimum 15m setback, including a minimum 8m vegetative buffer be maintained around the exterior of the parcel, in accordance with the Ministry of Agriculture's Guide to Edge Planning Level 2 buffer standards for the duration of the freight facility use.

READ A FIRST TIME THIS 30th day of March, 2023.

READ A SECOND TIME, as amended, THIS _____ day of _____, 2023.

Public Notice mailed on the _____ day of _____, 2023.

Public Notice published on the _____ day of _____, 2023.

Public Hearing held on the _____ day of _____, 2023.

READ A THIRD TIME THIS _____ day of _____, 2023.

ADOPTED THIS _____ day of _____, 2023.

(Corporate Seal has been affixed to the original bylaw)

Chair

I hereby certify this to be a true and correct copy of "PRRD Zoning
Amendment Bylaw No. 2517, 2023, as adopted by the Peace River
Regional District Board on _____, 2023.

Corporate Officer

Corporate Officer