



REPORT

To: Chair and Directors

Report Number: DS-BRD-300

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

Date: March 30, 2023

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

RECOMMENDATION: [Corporate Unweighted – excluding Pouce Coupe]

That the Regional Board give Zoning Amendment Bylaw No. 2517, 2023, to permit a freight facility on the subject property identified as PID: 004-464-028, first reading.

BACKGROUND/RATIONALE:

Proposal

The applicant is seeking to develop a high-throughput rail-to-truck transloading facility (freight facility) on the subject property, which will serve the current and growing proppant (i.e., silica sand or “frac” sand) needs of the Northeast British Columbia (NEBC) Montney Region oil and gas producers. The proposed freight facility is intended to store proppant arriving in inbound railcars from the applicant’s silica sand mine in northern Saskatchewan and then load it onto outbound trucks.

The applicant has indicated that they have begun working with the Ministry of Transportation and Infrastructure (MoTI), to determine if a new highway access via an extension of the 238 Road, as shown on the attached mapping, which is north of the current Hwy 97 intersection of Tod Road, would be appropriate to accommodate traffic generated from the site.

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)

Rationale

Staff are recommending that first reading only be given at this time. Staff are actively engaging with MoTI to determine potential options for site access from Highway 97 N. As well, the ALC has yet to make a decision on the Non-Farm Use application which the Board authorized to proceed to the ALC in June of 2022 ([PRRD File No. 22-002 ALR NFU](#)).

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, MoTI approval with respect to the necessary highway intersection improvements, and a restrictive covenant being placed on title to ensure adequate buffering between adjacent agricultural parcels as the subject property is not within a Development Permit Area.

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.

Site Context

The subject property is located north of Taylor, west of the Alaska Highway, and is surrounded by agricultural properties.

Site Features

Land

Based on the aerial imagery and site visit, the subject property is mainly treed and has few pockets of pasture lands.

Structures

There is currently a residence and associated accessory buildings on the site, with the CN rail track running from the south-west corner to the east side of the subject property.

Access

The subject property is accessed via Tod Road.

Canada Land Inventory Soil Rating

According to Canada Land Inventory, soils on the subject property are classified as 3_W, 3⁶_T2⁴_C & 6⁶_T7⁴_{TR}. Class 3 soils have moderately severe limitations that restrict range of crops or require special conservative practices. Class 2 have moderate limitations that restrict the range of crops or require moderate conservation practices. Class 6 soils are capable of producing perennial forage crops and improvement practices are not feasible. Class 7 soils have no capability for arable culture or permanent pastures.

Subclass W denotes soils where excess water other than brought about by inundation is a limitation to agricultural uses. Subclass T denotes soils where topography is a limitation. Subclass C denotes adverse climate. Subclass R includes soils where the presence of bedrock near the surface restricts their agricultural use.

The applicant has provided an agricultural capability assessment report in support of the ALR NFU application. The ag capability assessment report is accessible via the link to the [June 9, 2022 ALR NFU report](#).

Comments & Observations

Applicant

The applicant is seeking to construct a complex of rail facilities including a dual rail loop track and associated truck loading infrastructure (freight facility), adjacent to an existing railway track on a portion of the subject property to meet the current and growing proppant (i.e. silica sand) needs of the Northeast British Columbia Montney Region oil and gas producers. No processing will occur on site.

The applicant has shown initial commitment to address the concerns related to the proposed development. The applicant has stated that they have been in consultation efforts with the potentially impacted neighbouring residents since 2018, and are proposing trees and berms on the subject property to mitigate the noise pollution as well as a dust control system, as described in their application. They have further agreed to address issues that were raised during the public information meeting in May 2022 regarding fencing, garbage control and the new intersection upgrades at 238 Road.

Agricultural Land Reserve (ALR)

The subject property is within the Agricultural Land Reserve, and therefore the provisions of the *Agricultural Land Commission Act* apply.

The applicant has applied for a Non-Farm Use as per PPRD File No. 22-002 ALR NFU, which is currently under review by the ALC.

Official Community Plan (OCP)

Pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 2460, 2022, the subject property is designated Agricultural. Land within this designation should be used for agriculture and uses which are compatible or complementary to agriculture.

The proposed use of freight facility is only permitted within the Heavy Industrial land use designation. While there are a few parcels designated Heavy Industrial within the North Peace Fringe Area (NPFA) OCP bylaw No. 2460, 2022, they are all either occupied or do not have rail access and are therefore not suitable for this proposal.

Staff are currently working on an OCP amendment which would exempt landowners of property on which the ALC has approved a Non-Farm Use from obtaining an OCP amendment. The ALC have indicated their support of that amendment, as it keeps the lands in the Agricultural designation and consistent with the ALC Act. Should that amendment be adopted, an OCP amendment for this proposal will not be required.

Should the proposed OCP amendment not be adopted, an OCP amendment will be required prior to adoption of this zoning amendment, in order for this proposal to proceed.

Land Use Zoning

Pursuant to PRRD Zoning Bylaw No 1343, 2001, the subject property is zoned Large Agricultural Holdings (A-2) Zone. Section 33, Policy 1 states that agriculture, limited agriculture, etc. are permitted uses within A-2 Zone. Section 36, Policy 2 (a) states that the minimum parcel size is 63 ha (155 ac).

The proposed freight facility is industrial in nature and currently only permitted within the I-2 (General Industrial) zone, pursuant to PRRD Zoning Bylaw No. 1343, 2001. Therefore this proposal is not consistent and this zoning amendment is required.

A review of industrial land availability has determined that there is only one parcel of land zoned I-2 in Electoral Area C and it is currently occupied.

Fire Protection Area

The subject property is within the Taylor 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 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 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 Analysis

Context

The subject property is zoned Large Agricultural Holdings (A-2) zone wherein the proposed freight facility is not a permitted use. The proposed non-agricultural use, if approved, will allow industrial use on the subject property which will not be compatible with the surrounding land uses which are primarily agricultural in nature.

Population & Traffic

If approved, the proposed non-agricultural use would result in a significant increase in traffic to and from the site, however it will also reduce the total number of trucks bringing frac sand to the region from northern Saskatchewan through the Grande Prairie area.

The applicant expects the demand for proppant to grow significantly in the future with the completion of LNG Canada's facility near Kitimat in 2025. Therefore, the applicant has designed the facility to be capable of loading approximately 65 heavy trucks per day on a 365 day basis average. 8-axle super-b configuration trucks and a few tridem trucks will be the primary vehicles accessing the site. The direction of travel is anticipated approximately 50 percent northbound and 50 percent southbound. However, in the future, the applicant forecasts that oil and gas activity and traffic will shift more to the north side of the Peace River.

The proposal was referred to the MoTI for their review and comment due to intensity of the proposed use and their comments have been included in this report and are attached for reference.

The applicant previously provided a Northeast British Columbia Proppant Market and Logistic study and Rural Roads in the North Peace report, which were attached to the initial ALR NFU report. That ALR NFU report is linked at the end of this report.

No population increase is anticipated as the proposed use is industrial.

Sewage & Water

The subject property has a cistern and lagoon.

Comments Received from Municipalities & Provincial Agencies

ALC

The PRRD should not consider bylaw adoption prior to the Commission releasing a decision on ALC Non-Farm Use Application 59064. See attached letter.

BC Energy Regulator

This rezoning project is located in proximity to three well sites:

WA 00034 is an abandoned well and the Commission is in the process of restoring the site. Continued access will be required to this well pad as restoration work is planned under the orphan program.

WA 00215 is an old predator well that has been restored. Future access may be required.

WA 22729 is a Crew Energy suspended well. Access will be required for future decommissioning and restoration work.

BC Hydro

BC Hydro requires a right of way for the existing works. BC Hydro has asked to have the owners contact their property representative.

Ministry of Agriculture

See attached letter.

Ministry of Transportation

Ministry has concerns that the intersection of Tod Road with the Alaska Highway may not have sufficient capacity or be constructed in a manner to accommodate the proposed development traffic. A traffic impact study would be beneficial. See attached letter.

PRRD Bylaw Enforcement

The PRRD does not have an active bylaw enforcement file on this property.

PRRD Building Inspector

Interest unaffected.

PRRD GIS

No concerns.

ALTERNATIVE OPTIONS:

1. That the Regional Board give Zoning Amendment Bylaw No. 2517, 2023, to permit a freight facility on the subject property identified as PID: 004-464-028, first reading; further, that consideration of second reading be subject to receipt of ALC NFU approval.
2. That the Regional Board respectfully refuse Zoning Amendment Bylaw No. 2517, 2023, to permit a freight facility on the subject property identified as PID: 004-464-028, as the proposed use is not consistent with the agricultural intent of the area.
3. 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):

The property is currently accessed via Tod Road. The existing Tod Road access onto Highway 97 N has the potential to create significant traffic concerns due to the lack of lighting or turning lanes and because it is on a hill. The applicant has begun discussions with MoTI to determine appropriate highway access, subject to the completion of a Traffic Impact Study and approved engineering designs. The proposal is just outside of the controlled access intersection area; therefore, MoTI does not have signing authority on this bylaw; however, staff intends to work with them through this process to ensure all of their requirements are met as it is in the public's best interest for safe travel along the highway.

Comments received from the public during the NFU application open house indicated a strong desire for buffering between adjacent agricultural uses. Staff is therefore recommending that a restrictive

covenant be placed on title, which will ensure the applicant adheres to the Ministry of Agriculture's *Guide to Edge Planning*.

If the ALC does not permit the Non-Farm Use, staff will recommend that the first reading of the bylaw be rescinded and the bylaw classified as abandoned/never used.

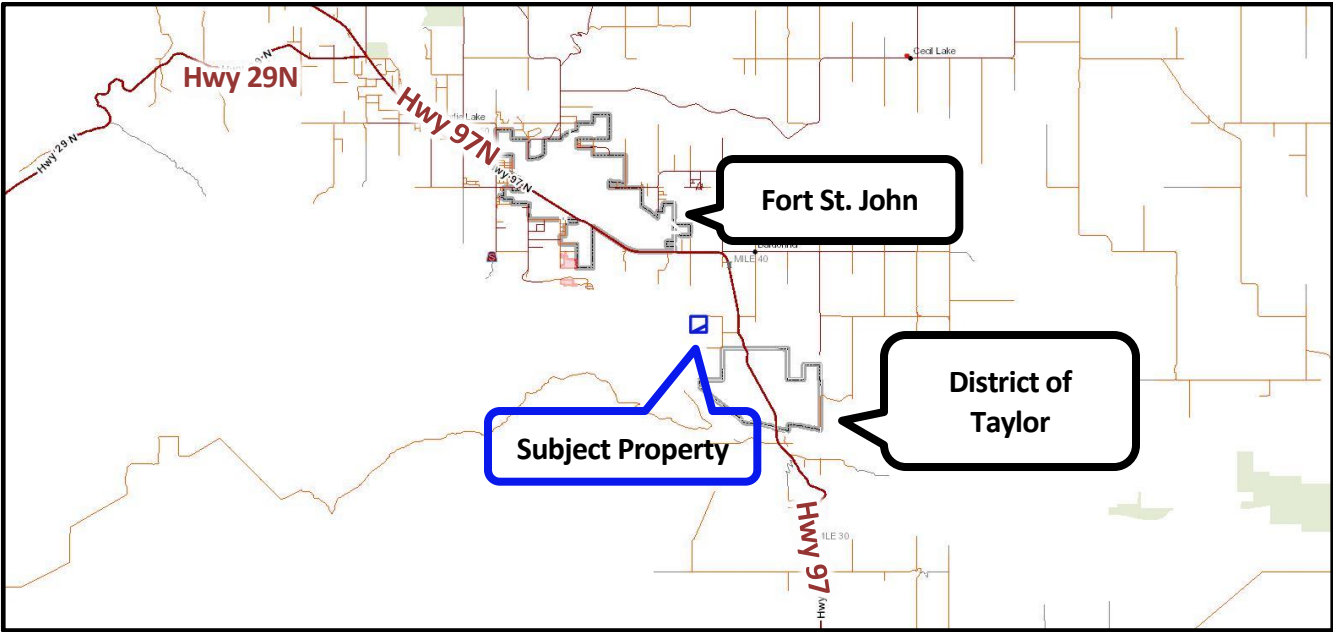
Attachments:

1. Maps, PRRD File No. 23-003 ZN
2. Draft Zoning Bylaw No. 2517, 2023
3. Application, PRRD File No. 23-003 ZN(R)
4. Comments Received from Municipalities & Provincial Agencies

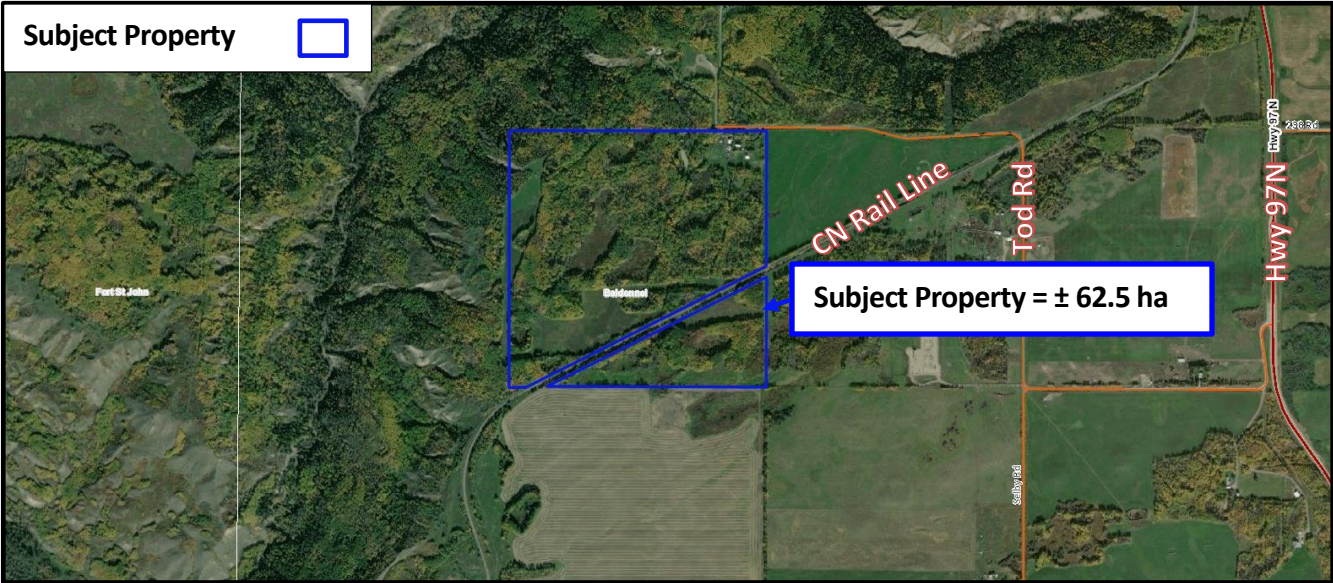
External Links:

1. [Non-Farm Use within ALR, PRRD File No. 22-002 ALR NFU, DS-BRD-223](#) – See Item 9.11
2. [Non-Farm Use within ALR, Report No. 2, PRRD File No. 22-002 ALR NFU, DS-BRD-240](#) – See Item 9.5

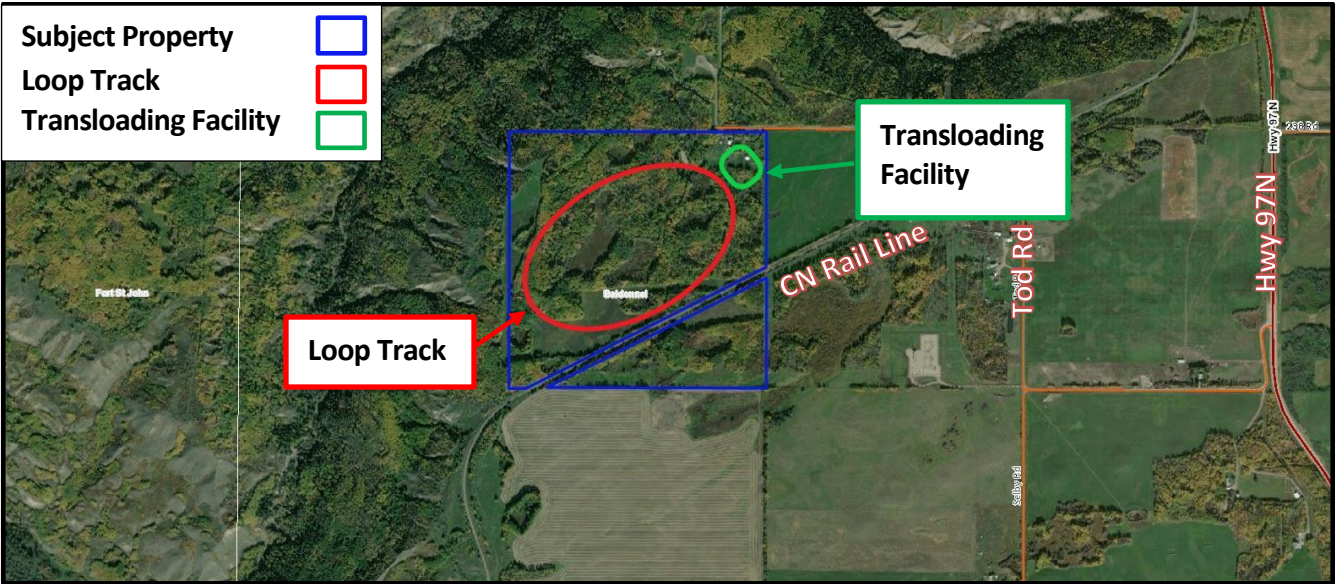
Location: Baldonnel



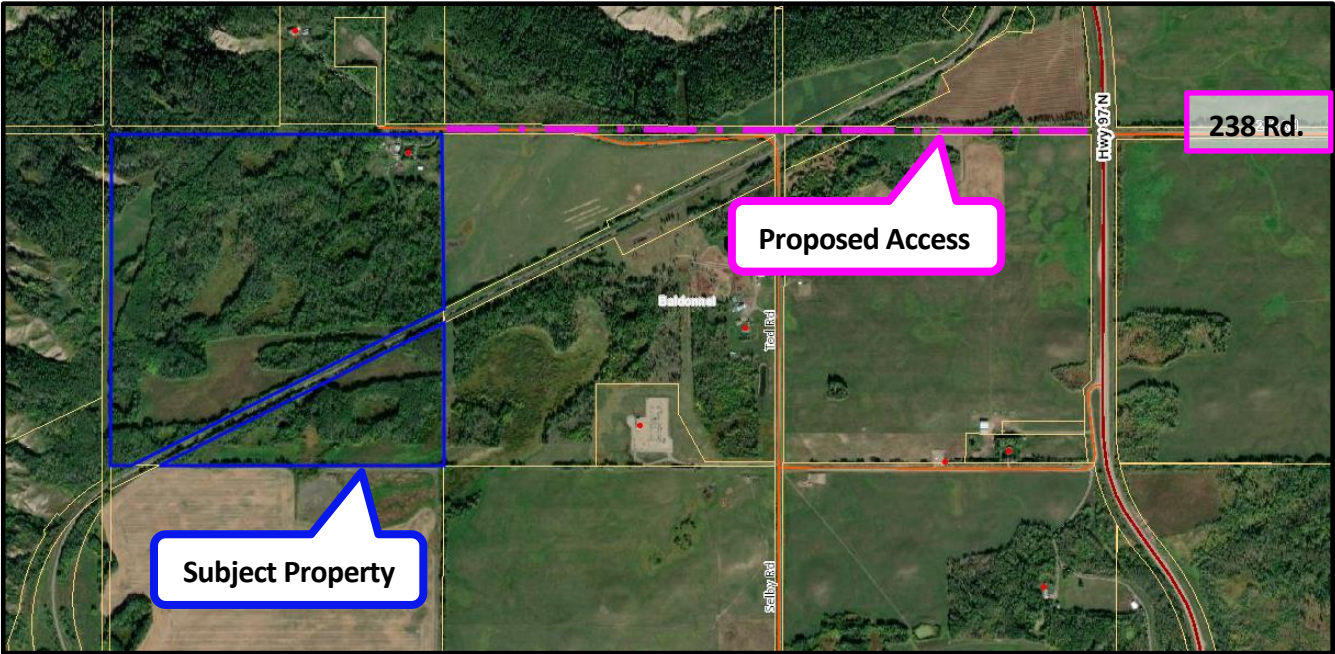
Aerial imagery



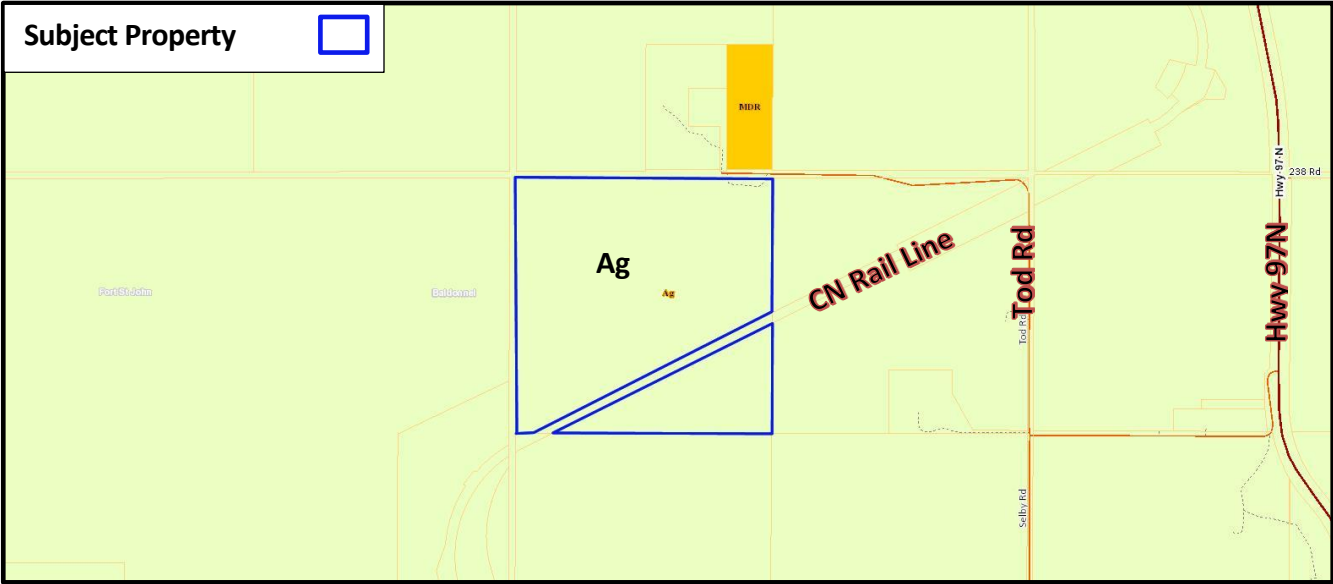
Proposal



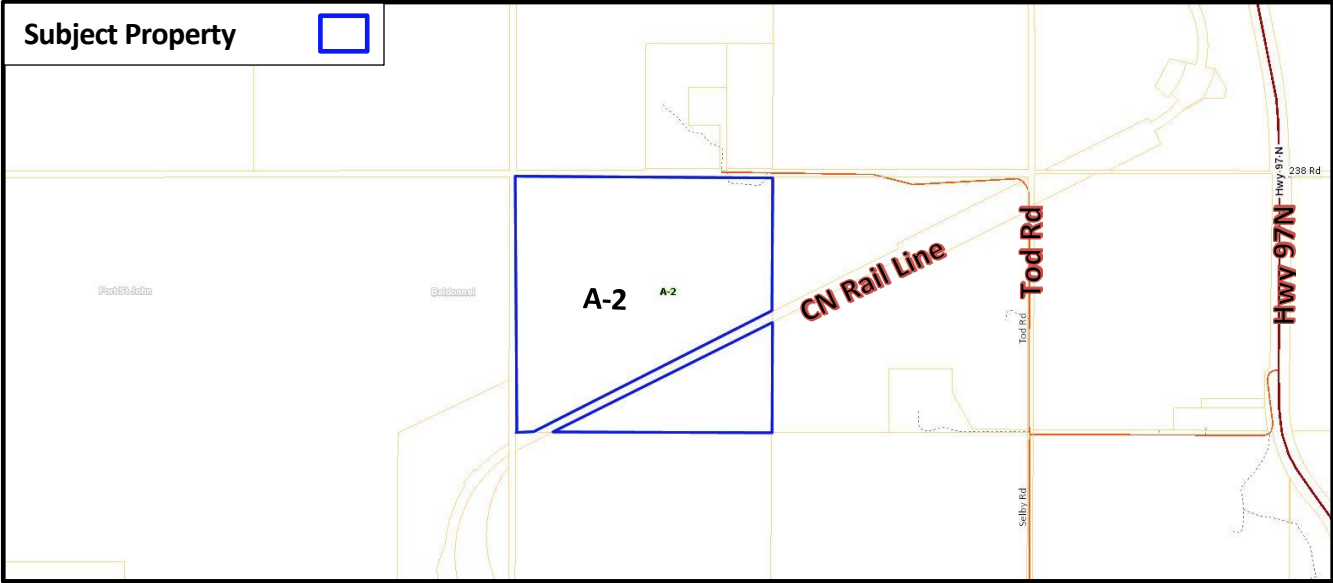
Proposed Highway Access



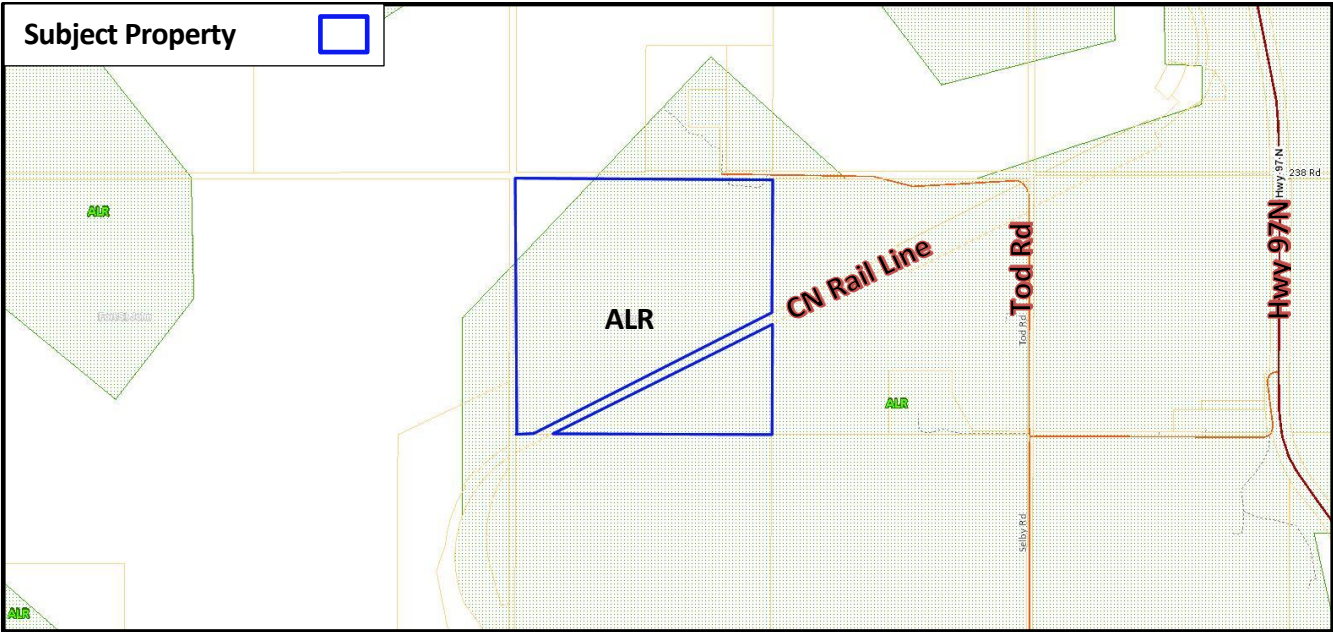
North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009: Agriculture



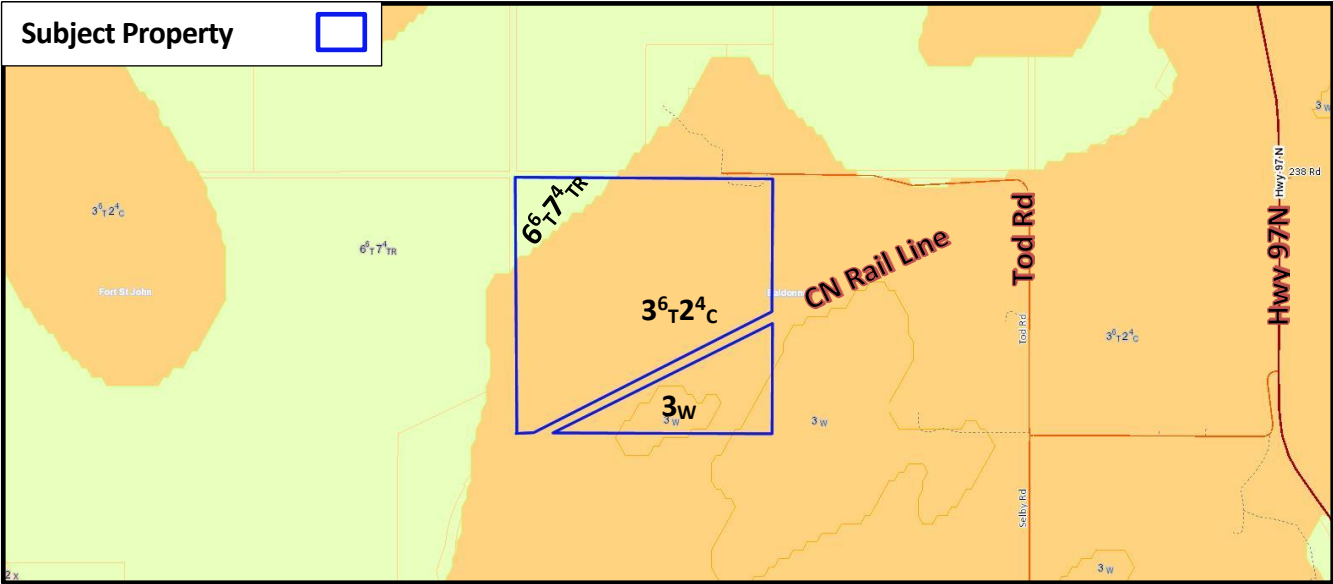
PRRD Zoning Bylaw No. 1343, 2001: Large Agricultural Holdings (A-2) Zone



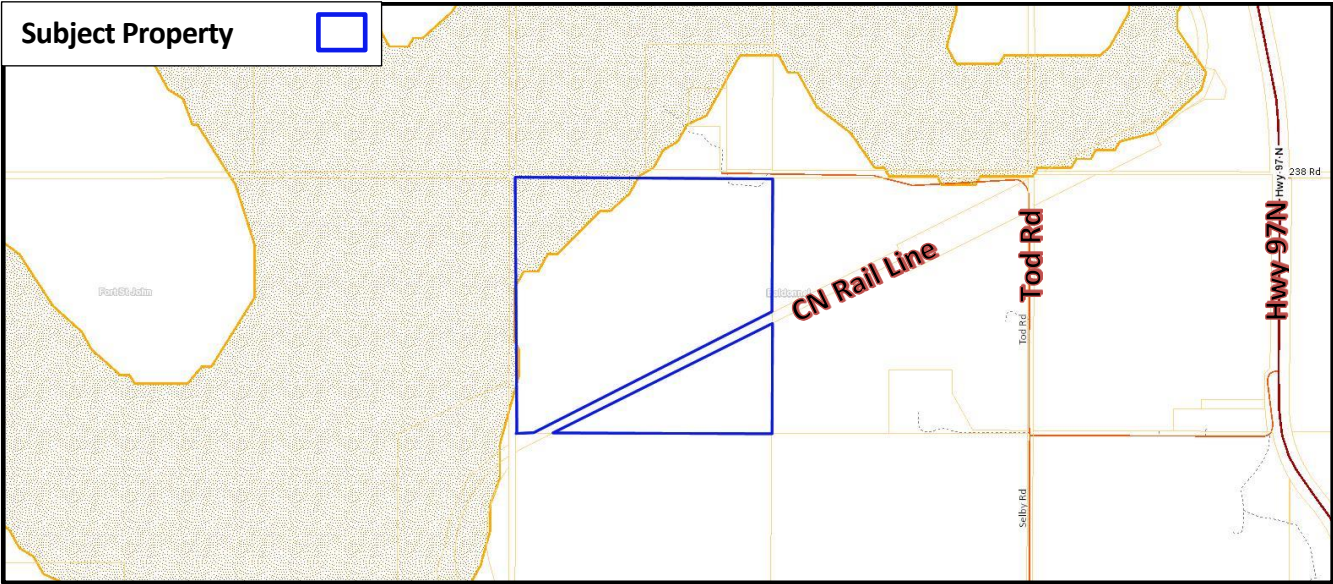
Agricultural Land Reserve: Partially Within



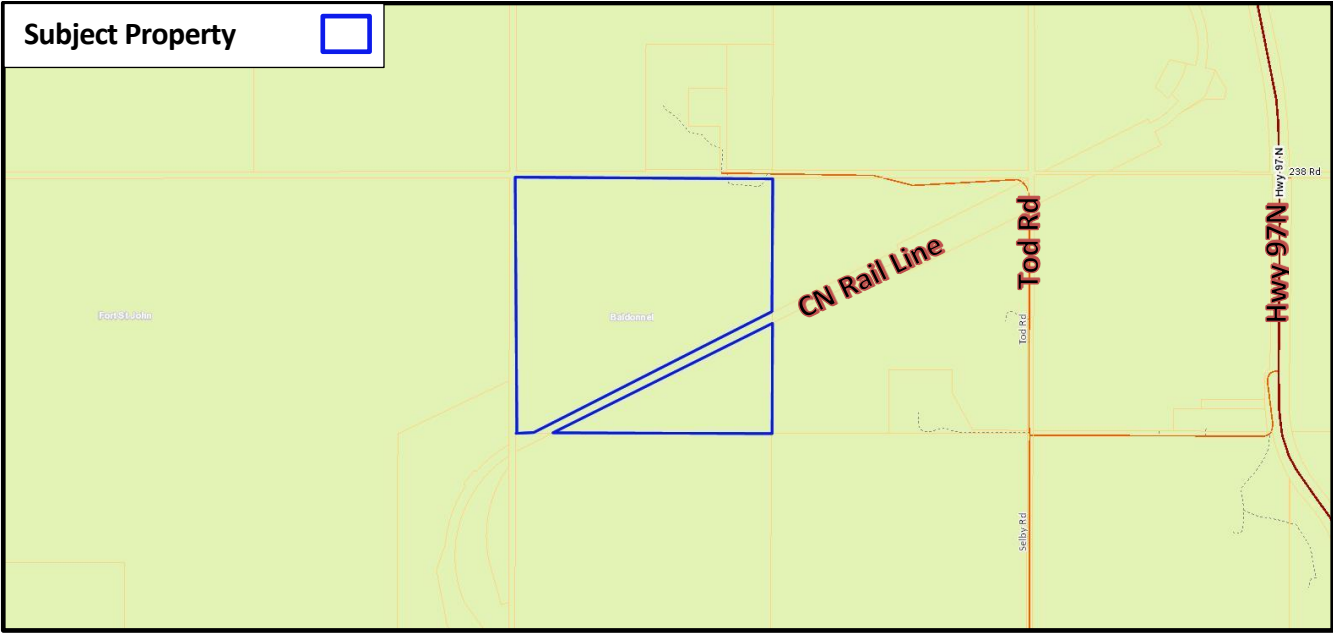
Canada Land Inventory Soil Classification: $3W$, 3^6T^4C & 6^6T^4TR



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



Baldonnel Sand Transload Facility Description:

Strong Pine's proposed Baldonnel Transload consists of the following features:

- a. an entrance road connecting the site to Todd Road;
- b. a rail switch and track connecting the site to Canadian National Railway's Fort St. John subdivision;
- c. a double loop track rail configuration capable of spotting a 100-railcar+ unit train of proppant;
- d. an indoor, enclosed, and high-efficiency railcar unloading pit, conveyor, and bucket elevator transfer system capable of transferring a unit train of proppant into silos in less than 12 hours, with minimal fugitive dust;
- e. six enclosed, gravity-discharged, and drive-through storage silos capable of storing a total of 30,000 tonnes of readily available proppant for the oil and gas industry (with the ability to expand to eight);
- f. three scan-in-scan-out, drive-through, and indoor silo truck lanes that are capable of loading trucks in less than 15 minutes while also eliminating the need for truck drivers to exit their cab;
- g. a technologically advanced and automated transfer system enabling proppant to be unloaded and loaded by employees from a separate control room, resulting in safe working conditions;
- h. a dust control system to reduce any potential and localized dust that may occur at facility transfer points to levels well below WorkSafeBC Standards;
- i. a private crossing for agriculture equipment to enter the interior of the loop track for continued agricultural operations;
- j. a small office site for local logistical administration; and
- k. a berm on the north and east side of the property for noise mitigation purposes.



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

February 22, 2023

ALC File: 59064

Ashley Murphey
Peace River Regional District
ashley.murphey@prrd.bc.ca

Re: Peace River Regional District File 23-003 ZN - Zoning Amendment Referral

Thank you for forwarding the above referral package for review and comment by the Agricultural Land Commission (the “Commission” or “ALC”).

ALC staff understand that the applicant proposes a site-specific text amendment to the Peace River Regional District (PRRD) Zoning Bylaw No. 1343, 2001 to accommodate a “Freight Facility” in the A-2 (Large Agricultural Holdings Zone) on the parcel located at 6109 Todd Road, Baldonnel (the “Property”). The proposed rezoning is associated with PRRD File No. 22-002 ALR NFU (ALC Non-Farm Use Application 59064) which proposes a silica sand transfer facility and rail loop on the portion of the Property within the Agricultural Land Reserve (ALR).

As the above noted Non-Farm Use application is currently under review by the Commission, the ALC's stance on the rezoning of the Property will depend on the outcome of the Commission's deliberations. In order to ensure consistency with the *Agricultural Land Commission Act*, **the PRRD Board should not consider bylaw adoption prior to the Commission releasing a decision on ALC Non-Farm Use Application 59064.** The PRRD will be notified by the ALC when a decision is released.

As a general note, should a Non-Farm Use application be approved by the Commission on a property in the ALR, ALC staff are typically supportive of the local government retaining the property's agricultural zoning and accommodating the Non-Farm Use through a site-specific text amendment, in order to minimize the potential for confusion or speculation about the Property's permitted land uses.

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, its 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 236-468-3276 or by e-mail at ALC.Referrals@gov.bc.ca

Sincerely,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A black rectangular box redacting the signature of Mike Bandy.

Mike Bandy, Regional Planner

CC: Ministry of Agriculture and Food – Attention: Gregory Bartle

59064m1



February 27, 2023

Local Government File: 23-003 ZN

Ashley Murphey, Planning Services Manager
Peace River Regional District (PRRD)
VIA EMAIL: Ashley.Murphey@prrd.bc.ca

Re: Zoning Bylaw Amendment – 6109 Todd Road (Baldonnel Sand Transloading Facility) (PID 004-464-028)

Dear Ashley Murphey,

Thank you for providing Ministry of Agriculture and Food (Ministry) staff with the opportunity to comment on the proposed zoning bylaw amendment to rezone a Large Agricultural Holdings (A-2) 62.35-hectare parcel, partially located in the Agricultural Land Reserve (ALR), to permit Freight Facility use allowing the storing and loading of frac sand. The associated Agricultural Land Commission (ALC) Non-Farm Use application is currently being reviewed by the ALC.

Ministry staff offer the following comments:

- Ministry staff have previously provided feedback to the Regional District on this proposed project's associated ALC Non-Farm Use application in a February 18, 2022 letter (local government file: 22-002 ALR NFU) and continue to support those relevant comments. The letter is attached for the Regional District's reference and convenience.
- Ministry staff recognize the applicant's proposed agricultural improvements as described both in this application, and in the ALC application, as short and long-term benefits for agriculture in the region once completed.
- Nevertheless, Ministry staff highlight the proposal's potential impact to the surrounding agricultural areas, both on the subject and adjacent parcels, due to the following: the potential spread of invasive plant species from increased traffic travelling on and off the parcel, potential soil compaction and erosion due to increased traffic, possible changes to overland water flow patterns due to the

development, and an increase in traffic potentially impacting agricultural vehicles in the area.

- Specifically, Ministry staff note that while the proposal references a dust control system, it is described to only 'reduce' dust, thus implying some dust may still be produced. This may impact agricultural activity in the area by leading to a possible increase in dust/airborne particles due to traffic and/or other activities, and a decrease in visibility, which could lead to an increased potential for farm vehicle/livestock collisions and an increased risk to other modes of transportation in the agricultural area. The Regional District may wish to review these potential impacts with the applicant.

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

Sincerely,

Gregory Bartle
Land Use Planner
Ministry of Agriculture and Food
Phone: (778) 974-3836
Email: Gregory.Bartle@gov.bc.ca

Brenna Schilds, P. Ag
Regional Agrologist- BC Peace
Ministry of Agriculture and Food
Phone: 250-795-4101
Email: Brenna.Schilds@gov.bc.ca



Ministry of
Transportation
and Infrastructure

Our file: 2023-01155
Your file: 23-003 ZN
Date: March 13, 2023

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

Attn: Planning Department

The Ministry of Transportation and Infrastructure (MoTI) has received and reviewed your referral dated March 8, 2023, to amend the A2 Zoning to permit a freight facility on the land legally described as the NW ¼, Section 11, Township 83, Range 18, PRD, except Plan A1640. The proposal does not fall under Section 52 of the Transportation Act; however, we do have the following comments and concerns, for your consideration moving forward in your process.

1. Although the subject lands do not require direct access to the Controlled Access (CA) Highway, namely the Alaska Highway, the proposed access route via Todd Road does. The ministry has concerns that the intersection of Todd Road with the Alaska Highway may not have sufficient capacity or be constructed in a manner to accommodate the proposed development traffic. These concerns were brought forward in previous correspondence with your agency and the landowners, under our ministry file number 2022-00481, and our correspondence dated March 28, 2022.
2. A review of our ministry file 2022-00481 suggests that a traffic impact study would be beneficial in determining the required upgrades, if any, to the intersection of Todd Road and Highway 97N. The ministry is still of the opinion that additional information is required at this time, based on the initial traffic volumes that have been communicated to our office.
3. Applicant will be required to apply online for an "Access-Industrial Use" permit for the construction of the proposed access off of Todd Road. This may include the requirement for an additional road works permit for any improvements required at the intersection with the Alaska Highway. Applicant to apply online here: www.gov.bc.ca/highway-use-permits
4. No storm drainage shall be directed towards Todd Road. This would include, but is not limited to, collection/run-off of any internal road systems or development run-off. All storm water detention must be dealt with onsite. There will be no discharge into Ministry of Transportation and Infrastructure ditches.

Thank you for the opportunity to comment. If you or the applicant have any questions, I encourage you to contact DevApps.FSJ@gov.bc.ca or 250-787-3237

Sincerely,

Peace District Development Services

Ministry of
Transportation and
Infrastructure

Peace District

District Office Address:
300-10003, 110th Avenue
Fort St John, BC V1J 6M7
Telephone: (250) 787-3237
Email: DevApps.FSJ@gov.bc.ca

Area Office Locations:
1201-103 Ave, 3rd floor
Dawson Creek, BC V1G 4J2
4744-52 Street
Chetwynd, BC V0C 1J0

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 may 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:
(i) freight facility

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

READ A SECOND TIME 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