



REPORT

To: Chair and Directors

Report Number: DS-BRD-123

From: Shawn Dahlen, Chief Administrative Officer

Date: February 25, 2021

Subject: Temporary Use Permit 20-004 TUP

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board authorize issuance of Temporary Use Permit No. 20-004, to authorize temporary use of a ± 4.8 hectare portion of the property identified as PID 028-817-125 for the purpose of a parking lot and light industrial storage and laydown area, expiring February 25, 2024 upon receipt the following:

1. A commercial access permit issued by the Ministry of Transportation and Infrastructure for all connections to 53rd Ave NE and to Old Hart Wabi Road;
2. A road works permit issued by the Ministry of Transportation and Infrastructure for the graveled portion of 53rd Ave NE;
3. A signed copy of the lease agreement between the landowner and the lessee, such lease agreement to contain language identifying minimum standards for the repair and maintenance of the area for the duration of the temporary use permit and the remediation of the property prior to expiry of the permit;
4. Financial security in the amount of \$41,500 to secure landscaping and fencing obligations stated in the permit.

BACKGROUND/RATIONALE:

To establish a parking lot and laydown area for light industrial storage, on a ± 4.8 ha portion of the subject property for a period of three years.

On January 14, 2021, the Regional Board passed the following resolution:

MOVED, SECONDED and CARRIED

That the Regional Board defer consideration of Temporary Use Permit 20-004 to its February 11, 2021 meeting.

Based on revisions to the Ministry of Transportation and Infrastructure's original requirements, the submission of this report was delayed to the February 25, 2021 meeting.

File Details

Owner: Patrick and Diane Gayse
Area: Electoral Area E
Location: Chetwynd
Legal: District Lot 4227 Peace River District as shown on Plan EPP19152
PID: 028-817-125
Lot Size: 10.1 ha (25.0 ac)

Bylaw Enforcement

There is an existing bylaw enforcement file for this property (PRRD File No. 20-223). The enforcement file was opened on July 3, 2020 but is currently on hold pending the outcome of this application. Investigation at that time revealed that the storage of compressed gases such as propane, oxygen, acetylene, etc. is not a permitted use and thus contrary to the C-2 (General Commercial Zone) in PRRD Zoning Bylaw No. 1343, 2001.

This temporary use permit application had been submitted in relation to the portion of the land zoned R-4 (Residential 4). As a result of the bylaw enforcement, the landowner amended the temporary use permit application to relocate the storage of compressed gases to the portion of the parcel zoned C-2.

Site Context

The subject property is split into three portions that are divided by the Old Hart Wabi Road and an unnamed right-of-way. The subject property is located immediately southeast of the District of Chetwynd, with a residential subdivision to the north and west and agricultural land to the south and east. Chetwynd Airport is located ± 2.5 km west from the subject property.

Site FeaturesLand

The southern portion of the subject property intended for the temporary use permit is cleared of vegetation. The northern portion of the temporary use permit is predominantly levelled and graveled with an uphill slope that extends northeast.

Structures

The portion of the subject property intended for use under the temporary use permit has no existing structures. There are two structures on the western portion of the subject property.

Access

The portion of the subject property for the temporary use permit is accessed from the Old Hart Wabi Road and 53rd Avenue NE.

Canada Land Inventory Soil Rating

Soils on the proposed temporary use permit area have a CLI designation of 4⁵_{TP} 5⁴_{TP}.

Class 4 soils have severe limitations that restrict the range of crops or require special conservation practices. Class 5 soils have very severe limitations that restrict their capability in producing perennial forage crops, and improvement practices are feasible. The subclass of 'T' represents topography and 'P' represents stoniness.

Comments & ObservationsApplicant

Within the PRRD, the northwest portion of the subject property was subject to Zoning Bylaw Amendment No. 2245, 2016; this amendment rezoned a portion of the subject property from A-2 (Large Agricultural Holdings Zone) to C-2 (General Commercial Zone) and I-1 (Light Industrial Zone), with the remainder of the subject property zoned R-4 (Residential 4 Zone). This temporary use permit

application impacts a portion of the property that is zoned C-2 and R-4 in the PRRD Zoning Bylaw No. 1343, 2001.

Agricultural Land Commission

The subject property is located outside the Agricultural Land Reserve.

Official Community Plan (OCP)

Pursuant to PRRD West Peace Official Community Plan No. 2312, 2018, the subject property is designated Settlement. Section 3.2.5 Policy 1 states that industrial uses may be permitted that are service in nature, are conducted primarily indoors, and do not require outdoor storage. Section 3.2.2 Policy 2 states temporary use permits may be considered throughout the Settlement designation.

Therefore, a Temporary Use Permit is required as the proposed activity requires outdoor storage.

Land Use Zoning

Pursuant to PRRD Zoning Bylaw No. 1343, 2001, the subject property is zoned C-2 (General Commercial Zone), I-1 (Light Industrial Zone) and R-4 (Residential 4 Zone). Pursuant to the temporary use permit, the northern portion of the subject property identified for the temporary use is zoned C-2 and the southern portion of the land to be used for the temporary use permit is zoned R-4. Neither the C-2 nor R-4 zone permits the storage of light industrial material.

Therefore, a temporary use permit is required as the proposed activity contemplates the storage of light industrial materials.

Fire Protection Area

The subject property is inside the Chetwynd Rural Fire Protection area.

Mandatory Building Permit Area

The subject property is inside the Mandatory Building Permit Area. However, the temporary use permit does not require the construction of any structures, therefore, a building permit is not required.

Development Permit Area

The subject property is outside the Development Permit Areas.

Impact Analysis

Context

The use of a parking lot and laydown area for light industrial storage is not consistent with the residential subdivision to the north and west, and the agriculture land to the south and east of the subject property.

Population & Traffic

McElhanney Consulting Services Ltd. produced a traffic impact study in 2018 for Zoning Amendment Bylaw No. 2245, 2016. Section 8 of the traffic impact study recommends the implementation of a restrictive covenant to be registered on title to limit the uses of the C-2 zoned land to only be a gas station/convenience store. McElhanney Consulting Services Ltd. recommended a restrictive covenant

to be registered on title since the maximum development potential of the C-2 zone would warrant intersection improvements for the Highway 97 / 53rd Avenue intersection and Highway 97 / Highway 29 intersection.

A restrictive covenant has been registered on title by the Ministry of Transportation & Infrastructure to limit the C-2 zoned lands to only serve as a gas station/convenience store.

Sewage & Water

Sewage and water will not be required for the uses outlined in the proposed temporary use permit.

Waiver/Security

The temporary use permit does not require any structures on the subject property, therefore a waiver/security was not deemed appropriate for the proposed temporary use permit.

However, based on potential adverse environmental impacts of the proposed parking lot and laydown area for light industrial storage, the PRRD is requesting the submission of a copy of the lease agreement between the land owner and the future lessee of the subject property. The lease agreement must contain language pertaining to how any potential remediation, repair and maintenance of the area for the temporary use permit will be conducted.

Comments Received from Municipalities & Provincial Agencies

District of Chetwynd

That Council authorize Administration to advise the PRRD that it has no objections to PRRD Temporary Use Permit 20-004 subject to the following conditions:

- a) That an effective dust abatement program be implemented on the property;
- b) That 10 foot high fencing or substantial landscaping be placed along the length of the applicants' property of 53rd Avenue to act as a buffer for neighbouring properties to offset noise, dust and light pollution;
- c) That lights on the subject property be directed away from residences;
- d) That an effective erosion and sediment control plan be implemented on the subject property; and,
- e) That the Ministry of Transportation and Infrastructure be advised that the intersection of Highways 97 and 29 South is already very busy, and vehicle conflicts and near misses are regularly observed by passersby in that area.

Ministry Transportation and Infrastructure (MoTI)

On December 17, 2020, MoTI indicated that if the landowner wishes to utilize the property for compressed gas storage or parking lot and laydown yard for light industrial storage, intersection improvements are required as identified in the Traffic Impact Study dated July 2018.

On February 4, 2021, MoTI revised their stance on the proposed temporary use permit and listed the following conditions to be satisfied prior to final approval of the temporary use permit:

1. The landowner is to apply online for an 'Access, Commercial' permit to MoTI for all connections to 53rd Ave NE and to Old Hart Wabi Road prior to final approval of the temporary use permit.

2. The landowner is to apply online for a 'Works: Road Works' permit to MoTI for the graveled portion of 53rd Ave NE prior to final approval of the temporary use permit.

MoTI will not support the extension of a temporary use permit on the subject lands unless the landowner prepares a Traffic Impact Study to address access issues to and from the site at the intersections of 53rd Ave NE and Old Hart Wabi Road with John Hart Highway 97N.

Agricultural Land Commission

No comment.

Comments Received from the Public

Public notification was issued in accordance with the *Local Government Act*. At the time of preparing this report, six comments from the public have been received. The PRRD re-issued a public notification in the February 19, 2021 issue of Coffee Talk Express Newspaper due to the deferral of the permit at the January 14, 2021 meeting, to allow for additional comments to be received after the initially advertised deadline of January 13th.

The six public comments received offer no support for the proposed temporary use permit. Themes of the public comments pertain to issues regarding traffic volume, traffic safety, dust volume, noise levels, lighting, and future land use. It should be noted that many of the issues detailed in the public comments are currently existing on the subject lands and are not applicable to the future temporary use permit itself.

The comments received from the public are attached herein to this report. Should any additional comments be submitted prior to the February 25, 2021 Board meeting, they will be reported verbally and attached as late items to the report as an addendum to the agenda.

Summary of Procedure

In preparation for consideration of Temporary Use Permit No. 20-004, the following activities were conducted in accordance with the *Local Government Act*,

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|---------------------|---|
| • December 23, 2020 | Public notification mailed to landowners within the notification area |
| • January 8, 2021 | Notice of Intent to consider advertised in Coffee Talk News |
| • February 19, 2021 | Notice of Intent to consider re-advertised in Coffee Talk News |

STRATEGIC PLAN RELEVANCE:

- ☒ Not applicable to the Strategic Plan

ALTERNATIVE OPTIONS:

1. That the Regional respectfully refuse issuance of Temporary Use Permit No. 20-004, to authorize temporary use of a ±4.8 ha portion of the property identified as PID 028-817-125 as a parking lot and light industrial storage and laydown area.
2. That the Regional Board provide further direction.

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 attached permit specifies the conditions imposed by the permit that the applicant must adhere to, including limits as to where on the property the temporary use shall occur and further limits where on the property that compressed gas may be stored, and the landscaping and vegetation buffers that must be installed and maintained.

Attachments:

1. Maps
2. Application
3. Comments Received from Municipalities & Provincial Agencies
4. Comments Received from Electoral Area Director
5. Comments Received from the Public
6. Public Notification for Temporary Use Permit 20-004
7. Draft Temporary Use Permit No. 20-004