

# STAFF REPORT TO COUNCIL

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**DATE:** August 3, 2022

**TO:** MAYOR AND COUNCIL

**NAME AND TITLE:** Deanna Wasnik, Director of Planning & Development

**SUBJECT:** Temporary Use Permit Application No. TU000074

**APPLICANT:** PG Rock and Gravel Ltd., Inc. No. BC1204621

**LOCATION:** 5027 Sandberg Road

**ATTACHMENT(S):** Location and Existing Zoning Map  
Temporary Use Permit No. TU000074

## RECOMMENDATION(S):

THAT Council APPROVES Temporary Use Permit No. TU000074 for the property legally described as Lot A, District Lot 4054, Cariboo District, Plan 15023.

## PURPOSE:

The applicant has applied to extend a Temporary Use Permit allowing “fleet service”, “equipment, major” and “contractor service, major” uses at 5027 Sandberg Road (subject property). These uses are required to facilitate the ongoing gravel and aggregate extraction occurring on the subject property. The applicant was previously approved in 2019 under Temporary Use Permit No. TU000051 which will expire on October 8, 2022. As such, the applicant has applied to extend the Temporary Use Permit for an additional three years.

## Background

### Site Characteristics

Location	5027 Sandberg Road
Current Use	Gravel and Aggregate Extraction
Site Area	2.0 ha (4.96 acres)
Zoning	AG: Greenbelt and AF: Agriculture and Forestry

### Official Community Plan

Future Land Use	Rural, Rural Resource
Growth Management Class	Rural Resource

### Surrounding Land Use

North	Light Industrial (Timber West Construction Ltd. and CIF Construction Ltd.); Otway Road
South	Gravel Extraction
East	Heavy Industrial uses (Asphalt Plant) and Otway Road
West	Gravel Extraction

### Relevant Applications:

**Temporary Use Permit No. TU000051:** On October 7, 2019, Council approved Temporary Use Permit No. TU000051 allowing “fleet service”, “equipment, major” and “contractor service, major” for three (3) years. This Permit will expire on October 8, 2022.

## **POLICY/REGULATORY ANALYSIS:**

A Temporary Use Permit (TUP) is a tool to allow a short-term use that does not comply with the Zoning Bylaw. As per the *Local Government Act*, a TUP may be issued for a maximum of three years and may only be renewed once for an additional three years. Following the expiration of the proposed TUP, the applicant must apply for a Zoning Bylaw amendment, cease the use, or relocate to a property that supports the proposed uses.

### **Zoning Bylaw**

The subject property is currently zoned AG: Greenbelt and AF: Agriculture and Forestry. The intent of the AG: Greenbelt zone is primarily to preserve sensitive lands in a natural state. This includes lands with characteristics such as steep slopes, poor drainage, flooding or other hazards, unique scenic values, significant vegetation, and wildlife habitat by providing for a limited range of uses with regulations that maintain lot sizes of at least 15.0 ha within rural areas.

The AF: Agriculture and Forestry zone is intended to conserve and manage agricultural and forestry land by providing for a compatible range of uses with regulations that maintain parcels of at least 15.0 ha. The applicant is currently operating under a Temporary Use Permit allowing “fleet service”, “equipment, major” and “contractor service, major”. This application will facilitate these uses for an additional three years on the subject property which are not permitted within the AG and AF zones.

### **Official Community Plan**

The subject property is designated as Rural Resource on Schedule B-6: Future Land Use and Aggregate Resource on Schedule B-7: Aggregate Resources as per the Official Community Plan (OCP). The Rural Resource designation includes areas used for agriculture, forestry and resource extraction activities that are important in the long-term health of the regional economy. The Aggregate Resource designation indicates the approximate location and area of aggregate deposits that are suitable for removal. The applicant’s proposal will facilitate the ongoing gravel and aggregate extraction on the subject property.

Section 9.2 of the OCP outlines a number of considerations to avoid conflicts between different types of uses when considering a TUP.

#### Temporary Nature of Use

The applicant has applied to extend their TUP allowing “fleet service”, “equipment, major” and “contractor service, major” uses to facilitate gravel and aggregate extraction on the subject property. These uses are temporary in nature as resources are depleted through extraction.

Furthermore, a TUP may be issued for a maximum of three years and may only be renewed once for an additional three years. This application is proposing an extension for an additional three years. Following the expiration of the proposed TUP, the applicant must either cease the use, apply for a Zoning Bylaw amendment, or relocate to a property that supports the proposed uses.

#### Compatibility of Adjacent Uses

The subject property is surrounded by M1: Light Industrial and M7: Concrete and Asphalt zoned properties along Otway Road. The proposed TUP for “fleet service”, “equipment, major” and “contractor service, major” are permitted in the M1 zone, which is already occurring north of the subject property. Further to this, there are heavier industrial uses (i.e. Asphalt Plant) occurring directly east of the subject property.

As this use is similar to the industrial uses occurring in the area, Administration believes this application will not impact the adjacent properties.

#### Impact on Natural Environment

A small portion (443 m<sup>2</sup>) of the property is located within the Groundwater Protection Development Permit Area. The intent of the Groundwater Protection Area is to protect well heads and aquifers from incompatible development that may lead to contamination of the City’s potable water supply. By regulating development within capture zones, the City may reduce the potential risk of contamination.

A Groundwater Protection Development Permit is required for the construction or development on the subject property for uses involving the manufacture, processing, sale, storage, or distribution of wood waste, agricultural waste, petroleum products, allied petroleum products, and waste or effluent as defined under the *Environmental*

Management Act, or snow storage, waste management, wrecking yard, composting or burial of livestock, poultry or aquaculture products. The proposed gravel and aggregate extraction, “fleet service”, “equipment, major” and “contractor service, major” have not triggered a Groundwater Protection Development Permit.

#### Intensity of Proposed Use

The subject property is currently used for a gravel and aggregate extraction operation. Aggregate removal operations are often associated with negative impacts such as noise and vibration, traffic, air quality, drainage and aesthetics. The proposed “fleet service”, “equipment, major” and “contractor service, major” uses are considered to have less significant impacts than the ongoing aggregate extraction. It is also important to note that Development Services has not received any complaints for this use on the subject property (October 7, 2019 – October 8, 2022).

Administration is supportive of this application as the proposed uses are considered to have less impacts than existing aggregate extraction, and no complaints have been received regarding the proposed uses.

#### Inability to Conduct Proposed Use Elsewhere

Since the applicant is conducting resource extraction activities on the subject property and adjacent lots, the proposed “fleet service”, “equipment, major” and “contractor service, major” uses are critical to the business’ overall operation.

Administration is supportive of this application for the reasons outline above.

#### **OTHER CONSIDERATIONS:**

##### **Statutory Notification and Public Consultation**

Members of the public wanting to provide comment on the application may submit written correspondence to Council. As per the requirements set out in the *Local Government Act* and “City of Prince George Development Procedures Bylaw No. 7635, 2005”, the City of Prince George will mail or otherwise deliver a public notice to property owners and tenants whose interests may be affected by this application. Written submissions received in response to the public notice for this application will be provided to Council for their consideration at the time the application and granting of the permit is being considered. Submissions received after the Council meeting agenda has been published will be provided to Council as a handout on the day of the Council meeting for consideration during deliberations on the application.

##### **Referrals**

This application was referred to internal City divisions and external agencies with no outstanding concerns.

#### **ALTERNATIVES:**

1. Approve the permit
2. Approve the permit as amended
3. Refuse the permit
4. Defer or otherwise deal with the permit

Administration recommends that Temporary Permit No. TU000074 be approved.

#### **SUMMARY AND CONCLUSION:**

Administration recommends that Council approve the applicant’s request for a TUP allowing “fleet service”, “equipment, major” and “contractor service, major” on subject property for an additional three years.

#### **RESPECTFULLY SUBMITTED:**

Deanna Wasnik, Director of Planning and Development

**PREPARED BY:** Melissa Nitz, Planner 1

#### **APPROVED:**

Walter Babicz, City Manager

Meeting Date: 2022/08/29