



REGIONAL DISTRICT OF BULKLEY-NECHAKO

Planning Department Referral Report

FILE No. RZ G-01-25

Written By: Danielle Patterson, Senior Planner

APPLICATION SUMMARY

Name of Agent / Owner: Glen Kelly, Agent, Topley Fire Protection Society (DBA Topley Volunteer Fire Department) / Province of BC (owner)

Electoral Area: Electoral Area G (Houston/Granisle Rural)

Subject Properties: **14523 & 14587 Sunset Lake Road**, legally described as Lot 7, District Lot 2623, Range 5, Coast District, Plan 4857 Except Plans 5222 and 8353 (PID 004-678-524).

Property Size: Approximately 3.15 ha (7.78 ac)

OCP Designation: **14523 Sunset Lake Road:** Civic/Institutional (CI) pursuant to "Houston, Topley, Granisle Rural Official Community Plan, Bylaw No. 1622, 2011" (the OCP).
All other lands on parcel: Commercial (C) in the OCP.

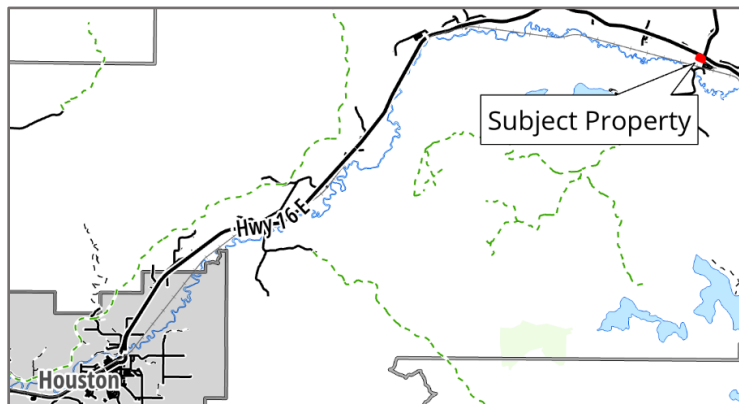
Zoning: **14523 Sunset Lake Road:** Civic/Institutional (P1) pursuant to "Regional District of Bulkley-Nechako Zoning Bylaw No. 1800, 2020" (the Zoning Bylaw).
14587 Sunset Lake Road: General Commercial (C1) Zone.

All other lands on parcel: Tourist Commercial (C3) Zone.

Existing Land Uses: Fire equipment storage (14523 Sunset Lake Road only)

Location: Approximately 30 km northwest of the District of Houston, in the community of Topley. The subject property is at the intersection of Sunset Lake Road and Hwy 16 across from the existing TVFD building.

Maps:



Proposal:

The Topley Volunteer Fire Department (TVFD) has a 20 year lease with the Province to use the subject property for TVRD equipment storage and training exercises. The RDBN Zoning Bylaw defines these uses as Emergency and Health Service Use.

The subject property currently has three zones: the General Commercial (C1) Zone (shown in yellow), the Tourist Commercial (C3) Zone (shown in orange), and the Civic/Insttutional (P1) Zone (shown in dark green). Given that these three zones do not permit Emergency and Health Service Use, the TVFD is submitting a rezoning application, requesting the following amendments to the Zoning Bylaw to permit propsoed TVRD uses:

1. Remove the C1 Zone from the subject property and replace it with the C3 Zone, to simplify overall zoning.
2. Add text amendments to the C3 and P1 zones to permit Emergency and Health Service use on the subject property.

DISCUSSION:

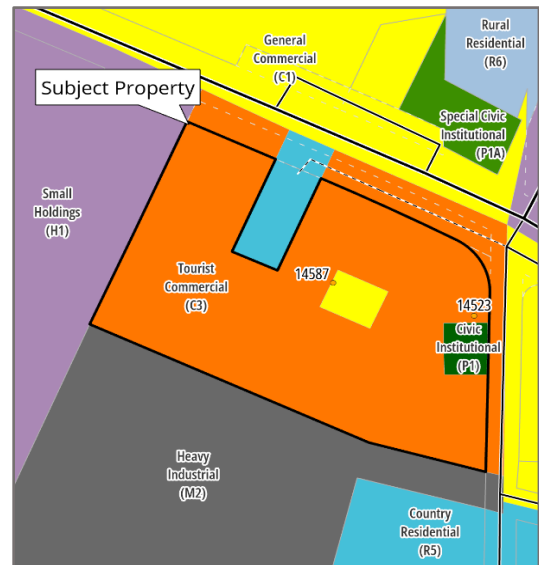
The existing Topley Fire Hall is located at 21628 Topley Post Office Road, directly across the highway from the subject property. According to the applicant, the existing Topley Fire Hall has size limitations, resulting in a need for additional storage and training space.

A site visit was performed for the subject property (see Attachments for photos). The old Topley Fire Hall building on the subject property was built in 1995 and TVFD is using it for storage. There is a 297.3 m² Quonset hut built in 1975 the TVFD would like to use for storage as well as a large open parking area. The TVFD's lease agreement with the Province does not allow the TVFD to build new structures.

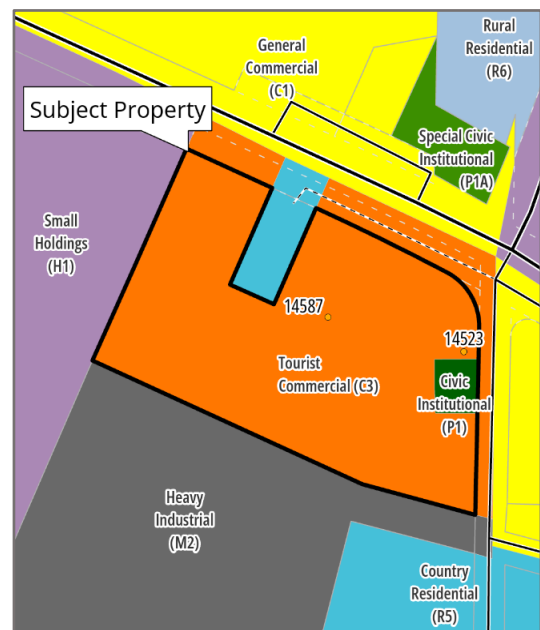
Official Community Plan (OCP)

Approximately 97 per cent of the subject property is designated Commercial (C) Under the OCP, and approximately three per cent (the old Topley Fire Hall site) is designated Civic/Institutional (CI). While fire halls are considered a civic/institutional use, OCP Policy

Existing Zoning



Requested Zoning



3.6.2 states, “[r]ural fire halls are acceptable in any designation, subject to zoning”. Given this, an OCP is not required.

Section 2.3.1 of the OCP also contains the following Topley-specific goals.

“Topley has the following goals that are in addition to the general plan goals.

(1) To provide appropriate opportunities for local employment within the community.

(2) To encourage the establishment of local service businesses in the community.

(3) To improve the aesthetic appearance of the community.”

Existing & Proposed Zoning

Currently the subject property has three zones, described as follows (see Attachments for Zone text).

- Approximately 94 per cent of the property is zoned Tourist Commercial (C3).
- Approximately three per cent of the property is zoned Civic/ Institutional (P1) (the old fire hall site at 14523 Sunset Lake Rd).
- Approximately three per cent of the property is zoned General Commercial (C1) (the Quonset hut site at 14587 Sunset Lake Rd).

The applicant is requesting to remove the C1 zone that covers three per cent of the parcel and replace it with the C3 Zone, so the property would have two zones instead of three. Additionally, the applicant is requesting a text be added to the C3 and P1 Zones stating Emergency and Health Service use is permitted specifically on the subject property.

Historic Zoning and Land Uses

When the old Topley Fire Hall was built in 1995, the subject property was zoned Light Industrial (M1). In 1996 it was rezoned to its current C1, C3, and P1 zoning configuration for a proposed campground, thrift store and the old fire hall. At that time, the P1 Zone permitted fire halls pursuant to repealed Zoning Bylaw No. 700, 1993.

When Zoning Bylaw No. 700 was replaced with Zoning Bylaw No. 1800 in 2020, fire halls were removed from the P1 Zone.

Staff comments

Site Cleanup and Contamination

The subject property has a history of bylaw compliance issues as it was previously used as an illegal automotive salvage and wreckage site. The RDBN's Bylaw Enforcement Officer engaged with the property owners (the Province) who ensured the illegal use, and the derelict vehicles were removed from the subject property. Minor amounts of debris remain on the property, but the Province has stated the TVRD as committed to cleaning up this debris as part of their lease.

Under the *Environmental Management Act's Contaminated Sites Regulation* automotive salvage and wreckage uses are listed as Schedule 2 uses (contaminated sites). Pursuant to the *Contaminated Site Regulation*, the Province requires the submission of a Site Disclosure Statement, outlining all former and current Schedule 2 uses. Further, the RDBN cannot approve rezoning of the subject property until any Provincial restrictions that are determined to exist are removed via a certification document or a release notice.

Ministry of Transportation and Transit (MoTT)

Pursuant to Section 52(3)(a) of the *Transportation Act*, a bylaw to rezone this property requires approval from MoTT after third reading and prior to adoption as the property is within 800 metres of an intersection on Highway 16.

MoTT has confirmed that the proposed use requires the TVFD to apply for a highway access permit.

Rezoning Proposal Rationale

Originally the applicant proposed rezoning the entire property to the Civil/Institutional (P1A) Zone. A rezone of the entire parcel to P1A could have long-term effects on the form, character, and future development of Topley. While this would permit fire hall use on the entire property, it would have resulted in the long-term removal of a large commercially zoned and designated parcel from the community of Topley, which would not align with the Topley-specific OCP policies. The P1A Zone would also add Crematorium and Agriculture as permitted uses in the townsite. Given this, planning staff worked with the applicant to amend their application to a proposal for fire hall storage and training uses without limiting future commercial uses and civic uses on this Topley townsite parcel.

Referrals

The RDBN is referring this application to MoTT, Witsset First Nation, Wet'suwet'en First Nation, the Office of the Wet'suwet'en, the District of Houston, and the Village of Granisle, the Electoral Area G Advisory Planning Commission, and the RDBN Regional Fire Chief.

ATTACHMENTS:

- [Site visit photos \(link\)](#)
- C1, C3 and P1 Zones with proposed application zoning amendments

Proposal: to remove this zone from the subject property (covers ~ 3% of the subject property)

SECTION 18.0 - GENERAL COMMERCIAL ZONE (C1)

18.0.1 Permitted Uses

1. Principal Uses
 - a) Agricultural Feed Store
 - b) Clubhouse
 - c) Community Recreation
 - d) Convenience Retail Store
 - e) Farmers' Market
 - f) Hotel
 - g) Licensed Establishment
 - h) Light Equipment Repair and Sales
 - i) Office
 - j) Personal Service
 - k) Restaurant
 - l) Retail Store
 - m) Service Station
 - n) Veterinary Clinic
2. Secondary Uses
 - a. Dwelling Unit in a building containing a Principal Use

18.0.2 Density

1. Not more than one Dwelling Unit shall be located on a Parcel.

18.0.3 Parcel Area

1. The minimum Parcel area that may be created by subdivision is 2,000 square metres (21,529 square feet).

18.0.4 Parcel Coverage

1. Structures shall not cover more than forty percent of the area of a Parcel not served by a Community Sewer System.

18.0.5 Setback

1. No Structure or part thereof, shall be located within the setback prescribed below:
 - a) 6 metres (19.68 feet) from the Rear Parcel Line;
 - b) 3 metres (9.84 feet) from the Parcel Line which abuts a Lane;
 - c) Where there is no developed rear Lane 5 metres (16.4 feet) from one Side Parcel Line;
 - d) where the Parcel abuts a Residential Zone, 6 metres (19.68 feet) from that Parcel Line;
 - e) 4.5 metres (14.76 feet) from any Parcel Line which abuts a Highway.

SECTION 20.0 - TOURIST COMMERCIAL ZONE (C3)

20.0.1 Permitted Uses

1. Principal Uses

- a) Campground
- b) Hotel
- c) Marina
- d) Outdoor Recreation
- e) Primitive Campground
- f) Restaurant
- g) Single Family Dwelling
- h) Proposal to add text stating "Emergency and Health Service Use is permitted on on the Parcel legally described as legally described as Lot 7, District Lot 2623, Range 5, Coast District, Plan 4857 Except Plans 5222 and 8353."

2. Secondary Uses

- a) Convenience Retail Store
- b) Licensed Establishment
- c) Recreational Vehicle Storage

20.0.2 Density

- 1. The combined maximum number of Sleeping Units in a Hotel, and sites for Cabins, Camping Vehicles and tents in a Campground or Primitive Campground is 25 per hectare.
- 2. Not more than one Single Family Dwelling shall be located on a Parcel.

20.0.3 Parcel Area

- 1. The minimum Parcel area that may be created by subdivision is 1 hectare (2.47 acres).

20.0.4 Setback

- 1. No Structure or part thereof, shall be located within 7.5 metres (24.60 feet) of a Parcel Line.

SECTION 25.0 - CIVIC/INSTITUTIONAL ZONE (P1)25.0.1 Permitted Uses

1. Principal Uses
 - a) Clubhouse
 - b) Community Care Facility
 - c) Community Recreation
 - d) Farmers' Market
 - e) Institutional
 - f) Utility
 - g) Proposal to add text stating "Emergency and Health Service Use is permitted on on the Parcel legally described as legally described as Lot 7, District Lot 2623, Range 5, Coast District, Plan 4857 Except Plans 5222 and 8353."
2. Secondary Uses
 - a) Dwelling Unit in a building containing a Principal Use
 - b) Single Family Dwelling
 - c) Primitive Campground only in association with activities or events occurring on a Parcel where Clubhouse or Community Recreation is a Principal Use.

25.0.2 Density

1. Not more than two Dwelling Units shall be located on a Parcel.

25.0.3 Parcel Area

The minimum Parcel area that may be created by subdivision is as follows:

1. 350 square metres (3,767 square feet) if a Community Sewer System serves the Parcel; or
2. 1 hectare (2.47 acres) if the Parcel is not served by a Community Sewer System.

25.0.4 Parcel Coverage

1. Structures shall not cover more than forty percent of the area of a Parcel not served by a Community Sewer System.

25.0.5 Setback

1. No Structure or part thereof, shall be located within:
 - a) 7.5 metres (24.60 feet) of the Front Parcel Line;
 - b) 2 metres (6.56 feet) from any other Parcel Line which does not abut a Highway;
 - c) 4.5 metres (14.76 feet) from any Parcel Line which abuts a Lane or Highway.