



# REGIONAL DISTRICT of Fraser-Fort George

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## REPORT FOR CONSIDERATION

TO: Chair and Directors

File No.: TUP 7361/SW1/4/B

FROM: Daniel Burke, Planner II

DATE: April 5, 2022

SUBJECT: Temporary Use Permit No. 252  
 SUMMARY: Purpose: For Consideration  
 Location: 2785 Birch Road – Electoral Area ‘H’  
 Owner: Arnold Merrill

Attachments:

1. Correspondence from the public
2. Temporary Use Permit No. 252

Previous Reports:

Item No. 9.4 August 2020 (see Agenda for link)

### RECOMMENDATION(S):

1. THAT the report and all written comments from persons, organizations and authorities be received.
2. THAT Temporary Use Permit No. 252 be issued to Arnold Merrill to permit Salvage/Wrecking Yard use and Towing Company use on Block B of the South West ¼ Of District Lot 7361 Cariboo District for a three year period.

ENTITLEMENT	HOW VOTE COUNTED
All 1 Director/1 vote	Majority
All 1 Director/1 vote	Majority

### ISSUE(S):

An application has been made for a new Temporary Use Permit (TUP) to continue the operation of a Salvage/Wrecking Yard use and Towing Company use on the subject property for a three-year period.

The Regional District Board is being asked to consider issuance of Temporary Use Permit No. 252.

### RELEVANT POLICIES:

1. Robson Valley – Canoe Upstream Official Community Plan (OCP) Bylaw No. 2290
  - the property is designated Rural Residential (RR)
  - **RR designation does not support the proposed uses**
  - TUPs may be considered throughout the Plan area
2. Zoning Bylaw No. 2892:
  - the property is zoned Rural Residential 1 (RR1)
  - **RR1 zone does not permit the proposed uses**
  - temporary use permit or zoning bylaw amendment is required
3. *Local Government Act:*
  - outlines the regulations for issuance of a temporary use permit
  - requires a notification of Board consideration to be placed in one edition of a local newspaper

## 4. Development Applications Procedures Bylaw No. 2776:

- specifies requirements for a public consultation, public notice mail-out and Notification Application Sign
- delegates approval of notification requirements to the General Manager of Development Services

**STRATEGIC ALIGNMENT:**

- Climate Action       Economic Health       Indigenous Relations       Strong Communities  
 None – Statutory or Routine Business

**SERVICE RELEVANCE:**

Regional District Land Use Services is a region wide service and fulfils the obligations of land use planning under Part 14 of the *Local Government Act*.

**FINANCIAL CONSIDERATION(S):**

N/A

**OTHER CONSIDERATION(S):**

A notice of application sign was installed on the property on April 1, 2022. Notice of proposed Temporary Use Permit No. 252 with a written comment period was published in the local newspaper and mailed to applicable landowners. The Regional District requested written comments by 12:00 pm on April 19, 2022. One submission has been received to date. Any additional correspondence received will be forwarded to Board as additional agenda items.

**DECISION OPTIONS:**

## 1. Approve recommendations.

- issuance of Temporary Use Permit No. 252 will allow Salvage/Wrecking use and Towing Company use for a three-year period

Other Options:

- a. amend the Permit prior to approval
  - permit conditions could be added or amended as Board deems appropriate
- b. postpone consideration of Temporary Use Permit No. 252
  - consideration may be postponed if additional information is required
- c. defeat issuance of Temporary Use Permit No. 252
  - the proposed Salvage/Wrecking use and Towing Company use will not be permitted on the subject property

**COMMENTS:**

The subject property is located on Birch Road in the Cedarside area south of Valemount. The applicant has operated Salvage/Wrecking Yard and Towing Company uses on the property since March 2007 under several previous Temporary Use Permits. The current application is for a new TUP to continue the operation on a smaller scale for a three-year period.

The most recent TUP No. 234 was issued for a one-year term on August 20, 2021. When considering TUP No. 234, Board imposed two additional conditions limiting the number of stored vehicles to 400 and prohibiting vehicle stacking. The Board also noted the history of expanding industrial use on the property and advised that an application for permanent rezoning would be preferable to consecutive temporary use permits if the applicant wanted to continue the business long-term.

The Backgrounder to the report contains information and recent photos from the applicant and historical photos taken by Administration. The applicant has advised that they removed approximately 560 vehicles from the property. They wish to continue the business on a smaller scale by limiting the number of vehicles stored in relation to the Salvage/Wrecking Yard use to 200. Proposed TUP No. 252 will include this condition.

No objections were received during the referral process. All referral comments have been forwarded to the applicant and are available in full in the Backgrounder to the report. One written submission from the public has been received to date and is attached to the report. Any additional correspondence received will be forwarded to Board as additional agenda items.

Salvage/Wrecking use and Towing Company use are industrial uses that are not supported by the RR designation of the OCP. The OCP recognizes the RR designated areas to provide the majority of the residential parcel supply to meet housing needs over the short to medium term. The OCP directs such industrial uses to the southside of Cedarside Road where parcels have been designated Heavy Industrial (H/IND). If an application for combined OCP and zoning amendments was applied for and was successful, the land use change would be permanent and could cause land use conflicts with the surrounding residential parcels into the future.

The applicant has demonstrated an effort to reduce the scale of the existing industrial use and meet the fencing conditions of the previous Temporary Use Permits. The applicant has also expressed uncertainty about how long the business use may continue on the property and has opted not to make an application for permanent industrial zoning at this time. It may be reasonable for the Board to consider issuing TUP No. 252 to allow the applicant to continue operations and determine the future viability of the business. Issuance of a TUP rather than rezoning will allow the property to eventually return to a rural residential use when the current business is discontinued, or the applicant no longer owns the property.

Proposed TUP No. 252 is attached to the report. Should the Permit be issued, the use would be authorized for three-year period. If issuance of the Permit is defeated, the Salvage/Wrecking use and Towing Company use would no longer be permitted on the property.

Respectfully submitted,

"Daniel Burke"

Daniel Burke  
Planner II

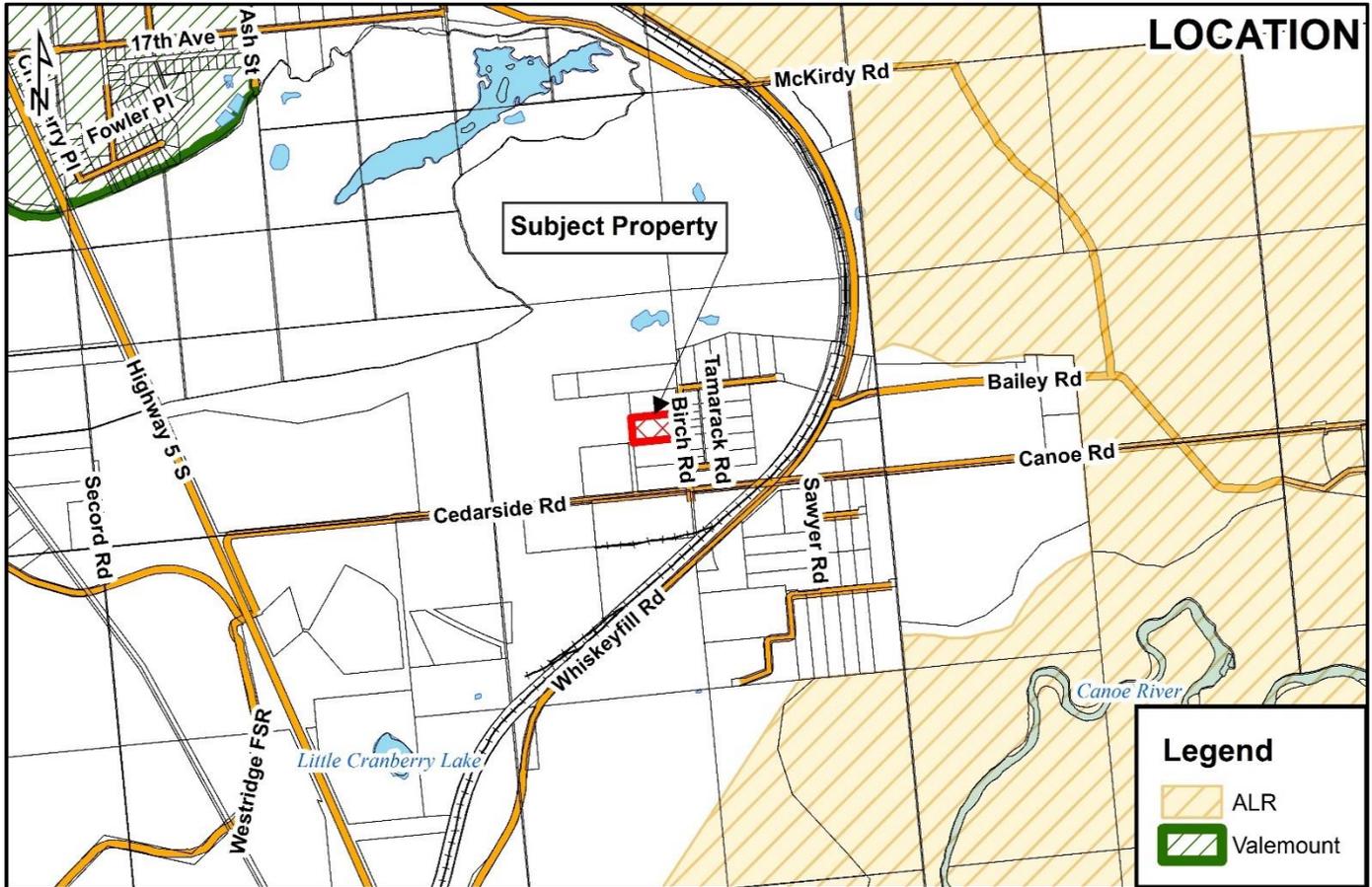
DB:dk

**BACKGROUND**

Owner: Arnold Merrill

Location: 2785 Birch Road – Electoral Area ‘H’

Legal Description: Block B of The South West ¼ of District Lot 7361 Cariboo District – 2.03 hectares (5.0 acres)



**Proposal:** The applicant has applied for a new Temporary Use Permit (TUP) to continue the operation of a Salvage/Wrecking Yard use and Towing Company use with accessory Storage/Warehouse Facility use on the subject property for a three-year period.

Proposed TUP No. 252 will limit the number of vehicles to 200 in relation to the Salvage/Wrecking Yard use. The applicant has stated they have removed approx. 560 vehicles from the property since the previous TUP No. 234 was issued.

**Information from Applicant:** On January 7, 2022, Administration contacted the applicant (Arnold Merrill) over the phone to obtain further information related to his application for a Temporary Use Permit (TUP) to allow a Salvage/Wrecking Yard use and Towing Company use with accessory Storage/Warehouse Facility use on the subject property. The responses below are not verbatim, and a copy of this text has been forwarded to the applicant to confirm accuracy.

The information provided by the applicant has not been verified by the Regional District.

**Administration (A):** How many vehicles do you have on the property related to the salvage/wrecking use currently?

**Applicant (M):** *Approx. 40 vehicles remain and may be removed. This doesn't include personal vehicles.*

A: How many vehicles were removed from the property in the past year?

M: *Approx. 560 vehicles have been crushed and are removed or in the process of being removed. The extreme cold and snow have paused the completion of the removals.*

A: Are you proposing to impound vehicles for ICBC again?

M: *Yes, if ICBC will take on my services.*

A: Are you able to obtain and retain a 5.0 m (16 ft) clearance between the property lines and the vehicles?

M: *Yes, I will be able to retain the clearance.*

A: Are any of the vehicles stacked anymore?

M: *No stacking is happening, and no stacking of vehicles is required with a 200-vehicle maximum limit proposed.*

A: Is the fence completed?

M: *The fence is completed; however, the rear portion was taken down to assist in the removal of vehicles. It will be re-established if the Permit is approved.*

A: If you are successful at obtaining a new TUP, what is the plan after the permit expires?

M: *Not sure. I may wind down the operation and just fix up my personal vehicle or see if there is a need for my services in the region.*



Applicant photo April 2022 - facing southwest lot line:



Applicant photo April 2022 - facing west lot line:



Applicant photo April 2022 - facing northwest corner of lot:



Administration photo November 2021 - facing southwest lot line:



Administration photo November 2021 - facing west lot line:

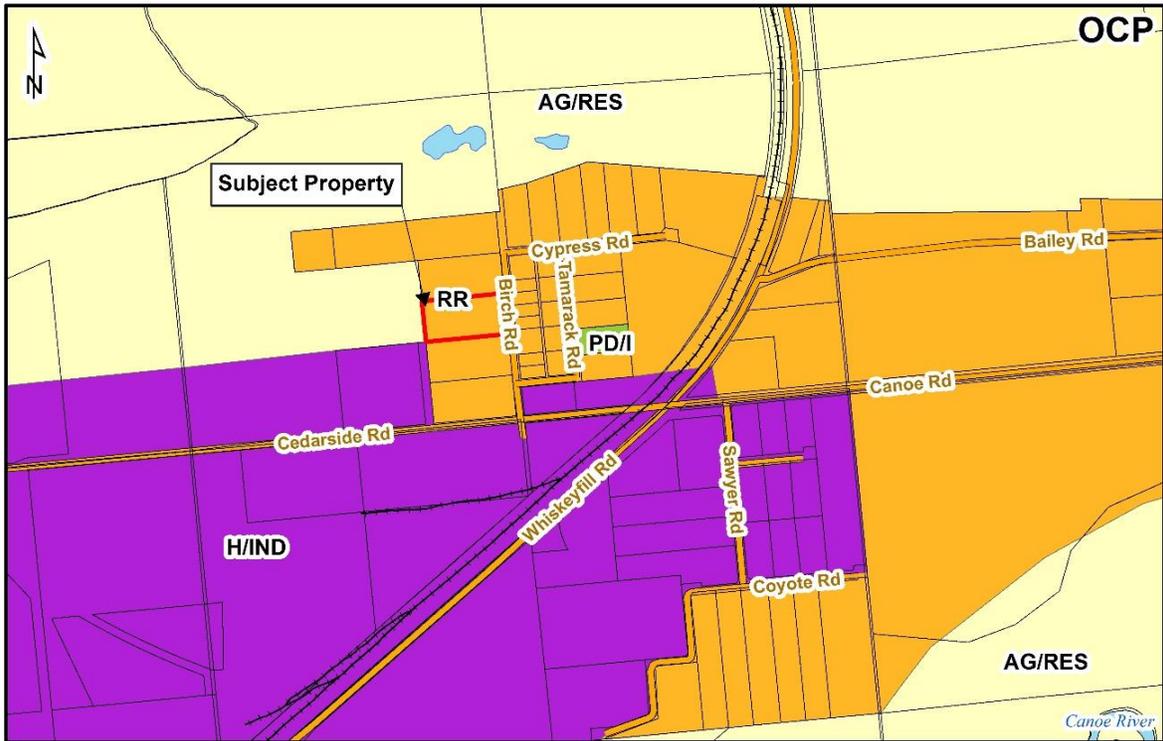


Administration photo November 2021 - facing northwest corner of lot:

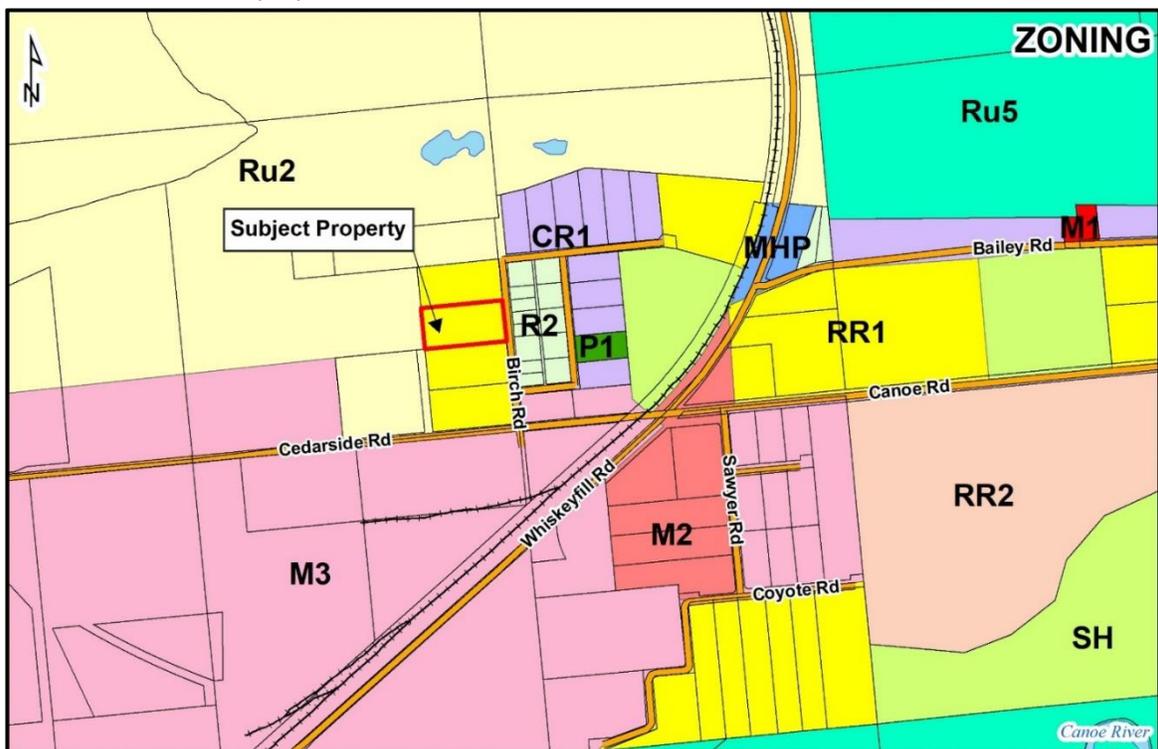


**Agricultural Land Reserve (ALR):** The subject property is not within the Agricultural Land Reserve (ALR).

**Official Community Plan (OCP):** The Robson Valley-Canoe Upstream Official Community Plan designates the subject property as Rural Residential (RR). The existing RR designation does not permit the proposed uses; however, the OCP supports the issuance of a TUP throughout the Plan area. Should the applicant wish to operate permanently, an OCP amendment would be required.



**Zoning Bylaw:** Pursuant to Zoning Bylaw No. 2892, the subject property is currently zoned Rural Residential 1 (RR1). The RR1 zone does not permit the proposed uses, therefore, a TUP is required to allow the proposed uses to continue.



Fire Protection: The subject property is within a volunteer fire protection zone.

History of the Subject Property: The applicant has been operating a salvage/wrecking/sales/storage business since March 2007 under previously issued TUP No. 117, TUP No. 130, TUP No. 150, TUP No. 174, TUP No. 203 and TUP No. 234. TUP No. 234 was issued for a one-year term in August 20, 2021.

Temporary Use Permit: The proposed TUP would allow the proposed uses on the subject property for up to a three-year period. Hours of operations, number of employees, etc. can be regulated by a TUP. Upon expiry of the TUP, the applicant may apply for another TUP, apply for a zoning bylaw amendment, or discontinue the use.

Future Applications: If a Temporary Use Permit is issued, no further land use application will be required to establish this use.

Referral Agency Comments: **Regional District Building Inspection**  
Building Inspection has no concerns.

*Dana Ferguson*  
*Senior Building Inspector*

**Regional District Bylaw Enforcement**

In October 2021, the Bylaw Enforcement Officer was referred a file from Planning Services regarding the property at 2785 Birch Road. Planning Services advised that the Temporary Use Permit authorizing a tow truck business to operate on the property had expired in August 2021 but there was still a large accumulation of vehicles on the property.

In November 2021, the Bylaw Enforcement Officer attended to speak with the owner and inspect the property. At this time, it was confirmed there were several hundred vehicles on the property and the Bylaw Enforcement Officer determined storing an accumulation of this size was a contravention of the Zoning Bylaw. It was also determined to be a contravention of the Unsightly Premises Regulation Bylaw because many of the vehicles were derelict and damaged, and they were clearly visible to surrounding properties as there was no vision-obstructing fence. The landowner advised the Bylaw Enforcement Officer that he was in the process of disposing of some of the vehicles, but the landowner also indicated that a number were going to remain, and he did not give a precise number on how many that would be. The Bylaw Enforcement Officer advised the landowner that he had three options to avoid possible enforcement actions for these bylaw contraventions: 1) reducing the number of vehicles to an acceptable level (not more than 10 vehicles in total on the property and not more than 2 of them to be derelict); 2) applying for a Temporary Use Permit to allow the vehicle accumulation to remain; or 3) apply for a Zoning Bylaw amendment to allow the vehicle accumulation to remain.

Records indicate that, since 2012, there have been complaints made by several different persons against the property at 2785 Birch Road. These have primarily been to do with unsightly conditions and breaches of Temporary Use Permit conditions, such as allowing vehicles to be stored in areas where they are not permitted and failing to construct a vision-obstructing fence. The last formal complaint received was in December 2018.

*Michael Tillmann*  
*Bylaw Enforcement Officer*

**BC Hydro**

After reviewing our records regarding this application for the property located as noted above, BC Hydro has no objection to this proposal at this time.

**Telus**

I have reviewed the attached file and determined that TELUS has no objection to this proposal. Please feel free to contact us for any questions or if you require additional information.

*Wayne Hornak A.Sc.T.*  
*TELUS – Outside Plant Engineering*



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**TEMPORARY USE PERMIT No. 252**

ISSUED TO: Arnold Merrill

WITH RESPECT TO THE FOLLOWING LAND:

Block B Of The South West ¼ Of District Lot 7361 Cariboo District  
PID: 015-200-761

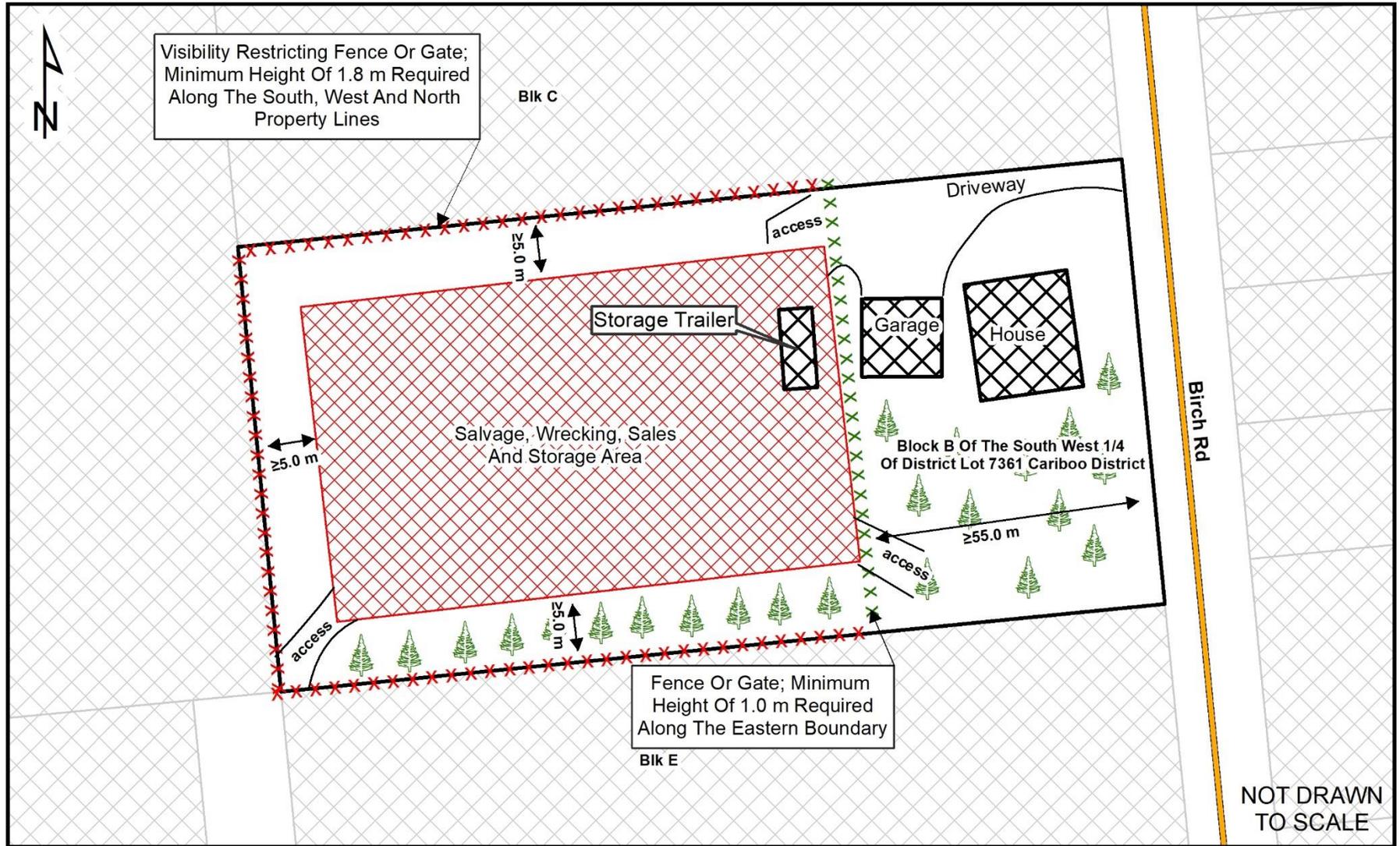
1. This Temporary Use Permit is issued pursuant to the *Local Government Act*.
2. The general purpose of this Permit is to allow automotive Salvage/Wrecking Yard and Towing Company uses with associated Storage/Warehouse Facility use, for a three (3) year period.
3. Notwithstanding that Zoning Bylaw No. 2892 does not allow for an industrial use on the subject parcel, this Temporary Use Permit specifically allows the following use on Block B of the South West ¼ of District Lot 7361 Cariboo District, as shown on Appendix 'A':
  - Salvage/Wrecking Yard use involving the storage and the disassembly of vehicles, sale of parts, and vehicle sales with up to five vehicles for sale at any one time (hereafter referred to as "Salvage/Wrecking Yard use")
  - Towing Company use including an office, vehicle maintenance, employee parking, and accessory Storage/Warehouse Facility use for storage of fleet and impounded/towed vehicles (hereafter referred to as "Towing Company use")

Subject to the following:

- a) Operation of the Salvage/Wrecking Yard use including sales shall be between 7:00 a.m. to 7:00 p.m., 7 days a week.
- b) Towing Company use and towing of vehicles onto the subject property is permitted 24 hrs a day, 7 days a week.
- c) A maximum of 200 vehicles are permitted on the subject property related to the Salvage/Wrecking Yard and Towing Company uses.
- d) In addition to the owner, one additional employee is permitted.
- e) All parking is to be on the subject property.
- f) All Salvage/Wrecking Yard use and Storage/Warehouse Facility use accessory to Towing Company use is to be fully contained within the salvage, wrecking, sales, and storage area per Appendix 'A'.
- g) A visibility restricting fence or gates (minimum of 1.8 m in height) are required to be established and maintained along the south, west and north property lines of the salvage, wrecking, sales and storage area per Appendix 'A'. All fencing requirements are to be completed within 6 months of the issuance of this Permit.
- h) A fence or gates (minimum of 1.0 m in height) are required to be established and maintained along the eastern boundary of the salvage, wrecking and storage area per Appendix 'A'. All fencing requirements are to be completed within 6 months of the issuance of this Permit.



APPENDIX 'A' ATTACHED TO TEMPORARY USE PERMIT NO. 252



APPENDIX 'A' ATTACHED TO AND FORMING PART OF TEMPORARY USE PERMIT NO. 252

K. JENSEN, GENERAL MANAGER OF LEGISLATIVE AND CORPORATE SERVICES

## Daniel Burke

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**From:** Mel Torgerson <[REDACTED]>  
**Sent:** Tuesday, March 29, 2022 16:03  
**To:** Development Services  
**Subject:** TUP No. 252 app

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Daniel

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

To whom it may concern,

This letter is in regards to Temporary Use Permit No. 252, by owner Arnold Merrill, for the purpose to allow for a Salvage/Wrecking use and Towing Company for a three-year period. The subject property is legally described of Block B of The South West 1/4 of District Lot 7361 Cariboo District and is located at 2785 Birch Road.

My wife and I live in the vicinity and have witnessed tremendous effort by Mr. Merrill's clean-up / crushing and subsequent removal of an abundance of derelict vehicles, as well as the construction of fencing along the southern property line to restrict views. We are satisfied with the terms and conditions within the TUP and support Mr. Merrill's operation for a three-year period.

Thank you for the opportunity to submit this written commentary.

Sincerely,

Mel and Christine Torgerson

Valemount, BC