

# PUBLIC NOTICE



## Zoning Bylaw Amendment

### NOTICE OF PUBLIC HEARING: AMENDMENT BYLAW 1738

**Date & Time:** October 28, 2024 at 7:00 pm

**Location:** 7170 Cheam Avenue, Agassiz, BC  
or [kentbc.ca](http://kentbc.ca) (registration for live-stream required)

Council of the District of Kent will be holding a Public Hearing for District of Kent Zoning Map Amendment Bylaw No. 1738.

If adopted, Bylaw 1738 would add a Bulk Fuel Sales and Storage Use to the Light Industrial (M1 zone) as a Secondary Use.

#### Bylaw 1738: Subject Land 1764 Industrial Way



#### For More Information

Contact Lisa Beaulieu, Director of Development Services  
Phone: (604) 796-2235 | Email: [mlbeaulieu@kentbc.ca](mailto:mlbeaulieu@kentbc.ca)

#### View Draft Bylaw

Copies of the draft bylaw and all background materials will be available for viewing on-line at [kentbc.ca](http://kentbc.ca) and in the front foyer at Municipal Hall, 7170 Cheam Avenue, from October 11 to 28, 2024 during regular office hours of 8:30 am to 4:30 pm excluding holidays.

#### Send Your Comments

**Email:** [mlbeaulieu@kentbc.ca](mailto:mlbeaulieu@kentbc.ca)

**Mail:** Director of Development Services

District of Kent  
PO Box 70  
Agassiz, BC V0M 1A0

All comments will be distributed to Council. Comments must be received by 12:30 pm, October 28, 2024.

#### Attend and Speak

Anyone is welcome to attend the Public Hearing. At the meeting, you will be given the opportunity to present your views on the proposed bylaws directly to Council.

In addition to attending in-person, the Public Hearing will be streamed via Microsoft Teams. Registration for the live-stream is available on [kentbc.ca](http://kentbc.ca).



Site Description: The subject property is a paved mostly triangular lot featuring numerous propane storage tanks as well as areas for the storage of tanker vehicles.

Surrounding Uses: North: J. Luteyn Transport (zoned M1)  
South: District property (zoned Service Commercial)  
East: Haig Highway  
West: Agassiz Community Gardens (zoned Agricultural)

Neighbourhood  
Character:

The surrounding area mostly consists of light industrial and institutional (fire hall and search and rescue) uses. The Haig Highway intersection is directly east of the subject property allowing for easy access to the highway.

### **DISCUSSION:**

The applicants are proposing to establish a cardlock facility in the northwest portion of the subject property as shown on the attached site plan (Appendix C).

As the M1 zoning of the subject property currently does not permit a cardlock facility, staff reviewed the proposal and have prepared Zoning Bylaw amendments that would facilitate the proposal. Details of these amendments are below.

#### **Add a Bulk Fuel Sales and Storage Definition to the Zoning Bylaw**

Currently, the propane storage and distribution activities occurring on the subject property are covered under the industrial and tank vehicle storage uses however, these uses do not include a cardlock facility.

Further, other definitions within the Zoning Bylaw cover sales of gasoline (but not diesel), and retail sales (but not bulk or cardlock sales).

In light of this and following review of other municipalities definitions for cardlock facility uses, staff is recommending inclusion of the following definition for bulk fuel sales and storage within the Zoning Bylaw:

*Bulk fuel sales and storage use means the sale of petroleum products or electricity for use in aircraft, helicopters and transport vehicles at a facility, including but not limited to a commercial card lock facility, airport fueling station or fuel dispensing or charging station, but does not include fueling stations.*

This definition is intended to allow for commercial fuel sales for a variety of fuel types while excluding the fueling station use that is intended for more retail, personal vehicle-oriented services that are not compatible with the intent of the Industrial – Light OCP designation.

OCP land use policies guiding this definition are as follows:

- Industrial – Light Policy 1 – Industrial – Light areas shall be used for light industrial uses, storage and handling and public uses.

### **Add a Secondary Use Definition to the Zoning Bylaw**

The District's Zoning Bylaw currently has two major types of uses permitted in each zone:

- Principal Uses which mean the main purpose for which the land, buildings and structures within a single lot are normally used.
- Auxiliary uses which mean a use which is incidental to the permitted principal use of the land, building or structure located on a particular lot.

An example of how these definitions work would be the relationship between a principal agricultural use like a pasture and an accessory building used for storage of agricultural machinery. The accessory building's use is related to the principal use of the pasture.

You could not however have a principal agricultural use on the land and then claim that an accessory building to store mining equipment is auxiliary to the agricultural use. This auxiliary use is not incidental to the principal use.

However, on occasions there may be uses that are compatible with principal uses on a property but not auxiliary and also not necessarily something we want to permit in a zone without regulations.

To account for this, staff are proposing the addition of the following definition for secondary uses in the Zoning Bylaw:

*Secondary Use means a use that is only permitted on a subject property when a permitted principal use is also present on the subject property and cannot exceed 35% site coverage or building floor area.*

This definition requires the presence of a principal use on a lot but does not require it to be incidental to that use. It also regulates the size of the use by limiting it to a maximum of 35% of the site.

This use will allow for land use flexibility for when compatible uses are identified but we do not want to necessarily open the use up fully in a zone.

**Add a Bulk Fuel Sales and Storage Use to the Light Industrial (M1 zone) as a Secondary Use**

- \* To facilitate the proposed cardlock development at 1764 Industrial Way, staff are proposing to add the new bulk fuel sales and storage use to the M1 zone as a secondary use.

The bulk fuel sales and storage use will permit the cardlock facility while not negatively impacting the existing permitted uses on the site. In addition, the proposed use is compatible with the existing land uses on site.

In addition, by adding it as a secondary use, we limit the extent of potential future cardlock facilities in M1 zoned land to ensure that higher intensity and employment related operations remain the principal uses present in the zone.

This amendment is supported by the following OCP policies:

1. General Industrial Policy 2 – Encourage industrial uses that will achieve higher employment densities.

By placing regulations on the extent and use of M1 zoned lands for bulk fuel sales and storage, we will maintain this high value land for higher employment industries.

2. General Industrial Policy 3 – Concentrate industries of similar types, service needs and characteristics within select areas of the community.

This proposal concentrates fuel related services on a lot highly accessible via the Haig Highway. In addition, the subject property can be accessed without driving through a residential area minimizing truck noise and traffic.

3. Industrial – Light Policy 1 – Industrial – Light areas shall be used for light industrial uses, storage and handling and public uses.

The proposed bulk fuel sales and storage is both a storage and public use.

**ENVIRONMENTAL CONSIDERATIONS:**

No environmental impacts are anticipated as a result of this amendment.

**BUDGETARY CONSIDERATIONS:**

The applicant has paid the \$2,000 zoning text amendment application fee.

**POLICY CONSIDERATIONS:**

Zoning Bylaw amendments will be conducted in accordance with Section 464 of the *Local Government Act* and *District of Kent Development Procedures Bylaw No. 1194, 2001*.

Notices will be mailed to property owners within 100 m of the property no later than 10 days prior to the date of public hearing.

**ALTERNATIVES/OPTIONS:**

1. Staff's recommendation.
2. Do not support recommendation.
3. Request further information.

**ATTACHMENTS:**

1. Appendix A: Location Map
2. Appendix B: Aerial Photo
3. Appendix C: Site Plan
4. Appendix D: District of Kent Zoning Bylaw, Amendment Bylaw No. 1738, 2024

Respectfully submitted for your  
consideration

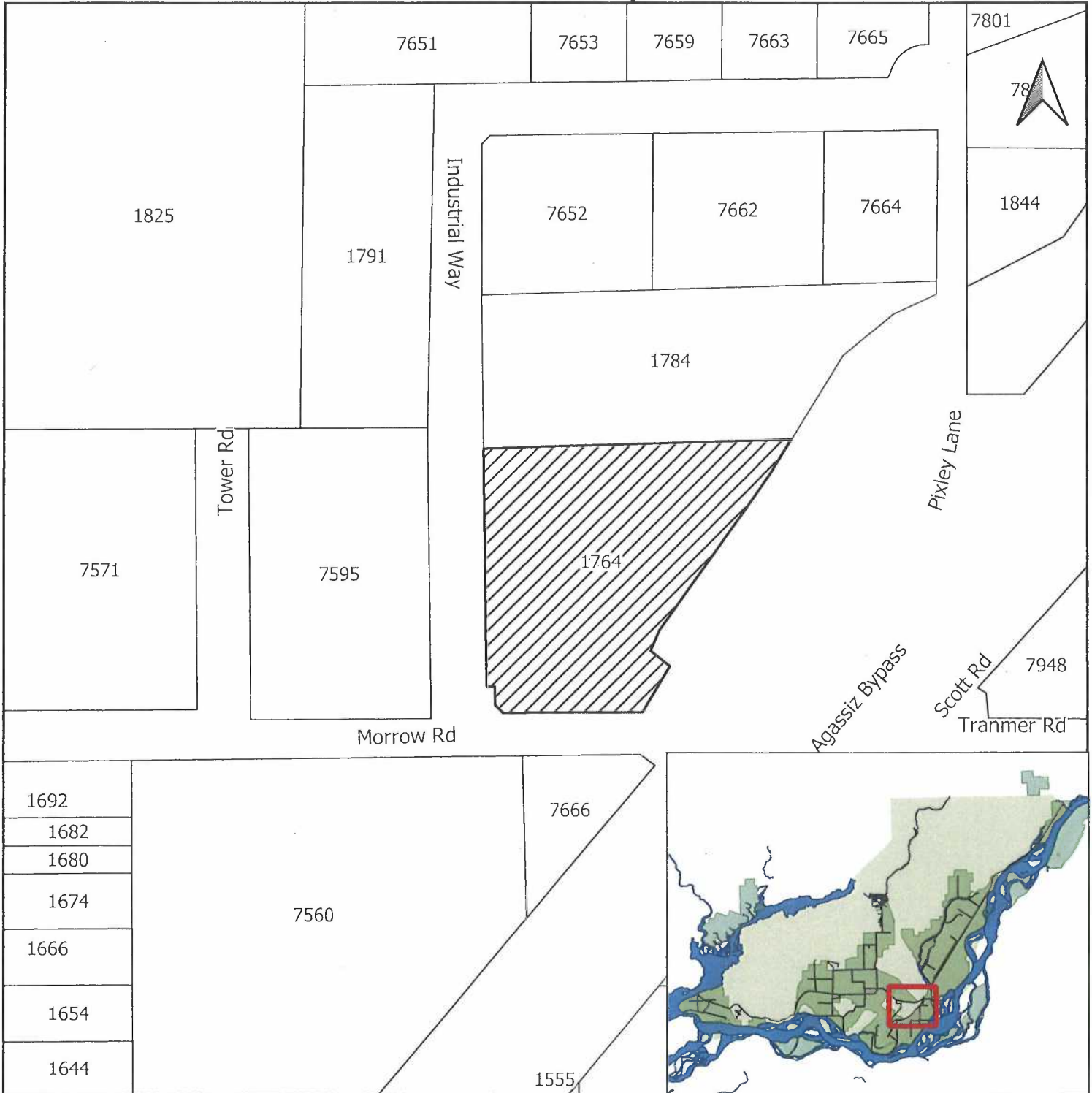
Approved for submission by

M. Lisa Beaulieu  
A. Director, Development Services

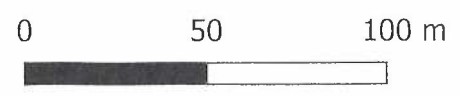
Wallace Mah,  
Chief Administrative Officer



Location Map



 Subject Property

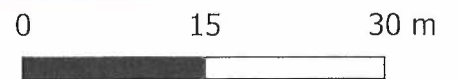




2023 Aerial Photo



 Subject Property









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THE CORPORATION OF THE DISTRICT OF KENT

BYLAW NO. 1738

*“A bylaw to amend the District of Kent Zoning Bylaw 1219, 2001.”*

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**WHEREAS** the Council of the Corporation of the District of Kent has deemed it advisable to further amend Zoning Bylaw No. 1219, 2001;

**NOW THEREFORE** the Council of the Corporation of the District of Kent, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as “District of Kent Zoning Bylaw 1219, Amendment Bylaw No. 1738, 2024”.

2. **TEXT AMENDMENT**

1. To add the following definition under Part 3, Definitions:

- i. Bulk Fuel Sales and Storage use means the sale of petroleum products or electricity for use in aircraft, helicopters and transport vehicles at a facility, including but not limited to a commercial card lock facility, airport fueling station or fuel dispensing or charging station, but does not include fueling stations.
- ii. Secondary Use means a use that is only permitted on a subject property when a permitted principle use is also present on the subject property and cannot exceed 35% site coverage or building floor area.

2. To add the following use under Part 9.8.1 Light Industrial Zone (M1) and renumber accordingly.

- i. The following **secondary uses** shall be permitted in an M1 zone:

.15 **bulk fuel sales and storage use**

If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this bylaw.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

A PUBLIC HEARING WAS HELD this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

MINISTRY OF TRANSPORTATION APPROVAL this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

FINALLY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**CERTIFIED CORRECT:**

\_\_\_\_\_  
Sylvia Pranger, Mayor

\_\_\_\_\_  
Wallace Mah, Chief Administrative Officer

**CERTIFIED A TRUE & CORRECT COPY**  
of "District of Kent Zoning Bylaw 1219,  
Amendment Bylaw No.1738, 2024"  
adopted on this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Clair Lee, Director of Corporate Services



**DISTRICT OF KENT**

BYLAW NO. 1738  
 DATE: \_\_\_\_\_  
 FILE NO. \_\_\_\_\_

INITIALS  
 REQUIRED

INITIALS  
 REQUIRED  
 (CLERICAL STAFF)

ORIGINATOR	CORP ADMIN	ACTION TO BE TAKEN	DONE	DATE
<i>um</i>	<i>GS</i>	<b>FIRST READING</b>		
<i>um</i>		<b>SECOND READING</b>		
		Rescind Second Reading		
		Amend Bylaw and Re-read Second		
		Approval of Reg. Dist. (borrowing bylaws)		
		Approval of Inspector of Municipalities		
		Approval of Ministry of Municipal Affairs		
<i>um</i>	<i>GS</i>	Advertise bylaw (or Waiving of bylaw)		
<i>um</i>		Public Hearing		
<i>um</i>		<b>THIRD READING</b>		
		Rescind Third Reading		
		Amend Bylaw and Re-Read Third		
<i>um</i>	<i>GS</i>	Approval of Inspector of Municipalities		
		Approval of Ministry of Transportation		
		Alternate Approval Process		
		Advertise Bylaw		
		Opportunity for Public Input		
	<i>GS</i>	Quashing Period		
		<b>ADOPTION</b>		
		Quashing Period		
		File with Inspector of Municipalities		

**THIS MUST BE COMPLETED BY ORIGINATOR**

LEGAL AUTHORITIES Local Gov't Act  
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MISCELLANEOUS  
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