



# REPORT

To: Chair and Directors

Report Number: DS-BRD-166

From: Kathy Suggitt, General Manager of Development Services

Date: June 24, 2021

**Subject: Zoning Amendment Bylaw No. 2295, 2019; PRRD File No. 17-059 ZN**

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## **RECOMMENDATION #1: [Corporate Unweighted]**

That the Regional Board refuse adoption of Zoning Amendment Bylaw No. 2295, 2019.

## **RECOMMENDATION #2: [Corporate Unweighted]**

That the Regional Board require that the owners and occupiers of land legally described as Parcel A (Being a Consolidation of lots 3 and 4, See BB1974913), Section 26, Township 78, Range 15, West of the 6th Meridian, Peace River District, Plan 12184 (the "Land") immediately cease the use of the Land for a campground and/or campground, extended term and/or campground, unlimited term, in contravention of Peace River Regional District Zoning Bylaw No. 1343, 2001; further,

that the Regional Board require that the owners and occupiers of land legally described as Parcel A (Being a Consolidation of lots 3 and 4, See BB1974913), Section 26, Township 78, Range 15, West of the 6th Meridian, Peace River District, Plan 12184 (the "Land") to immediately cease the use of the Land for two single family dwellings in contravention of Peace River Regional District Zoning Bylaw No. 1343, 2001; and further,

that if the above use of the Land does not cease within 30 days of the date of this resolution and notification to the property owner of the requirement to cease the above use of the Land, that the Peace River Regional District's solicitors be instructed to commence legal proceedings in the Supreme Court of British Columbia to enforce Peace River Regional District Zoning Bylaw No. 1343, 2001 on the Land; and finally,

that should legal proceedings be commenced, that the Peace River Regional District seek its costs in the legal proceedings and the Peace River Regional District's solicitors be instructed to register any unpaid costs awarded by the Court against property owned by the debtor.

## **BACKGROUND/RATIONALE:**

At the December 11, 2020 Regional Board Meeting, the Board passed resolution numbers RD/20/12/41 and RD/20/12/42 as shown below:

### *MOVED, SECONDED, and CARRIED*

That the Regional Board give Zoning Amendment Bylaw No. 2295, 2019, to the property identified as PID: 028-642-627, third reading as amended, to allow a maximum of the two existing single family dwellings only, and does not permit any additional enhancement, addition, or replacement of the dwellings, other than routine and regular maintenance of the dwellings permitted only for the lifetime of the existing structures in the current state/size.

*MOVED, SECONDED, and CARRIED*

That the Regional Board require that adoption of Zoning Amendment Bylaw No. 2295, 2019 be deferred pending:

1. The applicant submitting copies of Northern Health operating permit(s) for the water supply system(s) and sewage system(s) on the property; and
2. Approval of a Development Variance Permit to address the front parcel line setback infringement; further,

That the Regional Board receive an additional progress report no later than June 30, 2021.

On September 10, 2020, the Regional Board required that the applicant complete the requirements associated with the water and sewer systems as identified by Northern Health which at that time was the submission of the necessary applications for the permits. On November 16, 2020, Northern Health confirmed they had received complete applications for drinking water and wastewater systems on the property. On December 11, 2020, the Regional Board required that the applicant submit copies of these permits. On June 14, 2021, Northern Health confirmed that although the applications are in the review process, further development on the property may require amendments to the applications.

**Status Update**

On May 11, 2021, PRRD staff conducted a site inspection for PID: 028-642-627 to evaluate progress on the outstanding conditions imposed on December 11, 2020, when third reading of the bylaw was given.

Staff provide the following information regarding the status of the property relative to conditions imposed by the Regional Board:

<b>Requirement from the December 11, 2020 Regional Board meeting.</b>	<b>Property status as of May 11, 2021</b>
The applicant must:	
<p><b>a)</b> submit copies of Northern Health operating permit(s) for the water supply system(s) and sewage system(s) on the property.</p>	<p>On September 1, 2020 Northern Health confirmed they received complete applications for drinking water and wastewater systems on the property but stated they had not processed the applications yet. On November 16, 2020 Northern Health confirmed the applications were still being processed and they were unable to provide a timeline for the issuance of the appropriate permits. On June 14, 2021 Northern Health confirmed that although the applications are in the review process, further development on the property may require amendments to the applications.</p>
<p><b>b)</b> obtain an approved Development Variance Permit to address the front parcel line setback infringement.</p>	<p>A Development Variance Permit application (PRRD File No. 17-057 DVP) was approved by the Board on June 10, 2021.</p>

*Table 1. Detailing the progress the applicant has made to satisfy the noted requirements between the site inspections on November 16, 2020 and June 14, 2021.*

On June 10, 2021, the Regional Board approved DVP No 17-057 which allows for a front parcel line setback reduction from 7m to 5.66m with conditions.

On June 14, 2021, PRRD staff conducted a site inspection for PID: 028-642-627 from the Micro Sub Road and the 210 Road to confirm use of the property prior to the report submission deadline. The site inspection revealed that three recreational vehicle rental pads have been established on the property and two recreational vehicles have been set up, contrary to zoning. A sign advertises the availability of RV rental pads and the Precision Properties website advertises 9 fully serviced RV pads available for rent. A screen shot from the website is attached for reference.

The current zoning of the property does not allow for a campground of any type. When third reading was approved, on December 11, 2020, to provide a text amendment to allow a maximum of the two existing single family dwellings only, and prohibiting any enhancement, addition, or replacement of the dwellings, other than routine and regular maintenance for the lifetime of the existing structures in the current state/size, a campground had not been established on the property.

A campground may only be permitted on property that is zoned C-2 (General Commercial), C-4 (Recreational Commercial) or P-1 (Park and Open Space). A campground, extended term or unlimited term at this location would only be permitted via an additional text amendment, as campground extended term or unlimited term is not a permitted use in any zone.

### **Proposal**

To add a text amendment to the R-4 (Residential 4 Zone) within PRRD Zoning Bylaw No. 1343, 2001, to allow two single family dwellings within PRRD Zoning Bylaw No. 1343, 2001.

Following the public hearing, and in response to feedback received at the public hearing, staff proposed an amendment to clarify that the text amendment is valid only for the life of the existing dwellings to prevent future replacement of the dwellings. Some conditions were required to be completed prior to adoption.

### **File/Site Details**

Owner: Darryl Haney  
Area: Electoral Area D  
Location: Kilkerran  
Legal: Parcel A (being a consolidation of Lots 3 and 4, see BB1974913) of Section 26, Township 78, Range 15, W6M, PRD, PGP12184  
PID: 028-642-627  
Civic Address: 1080 and 1086 210 Road  
Lot Size: 0.81 ha (2 ac)

### **Site Context**

The subject property is approximately 1 km northeast of the City of Dawson Creek along the 210 Road. The area is comprised of a mix of agricultural holdings, a commercial site located west of the subject property (Hillside Gardens), and rural residential homesteads. Land features include cultivated fields, fragmented forested areas, and oil & gas uses.

**Summary of Procedure**

March 28, 2019	Zoning Amendment Bylaw No. 2295, 2019 was read for a first and second time.
February 26, 2020	Public notification mailed to landowners within notification area.
February 27 & March 5, 2020	Notice of public hearing advertised in the Mirror News.
March 12, 2020	Public hearing held in Dawson Creek, BC.
July 9, 2020	Regional Board considered this file and deferred its decision.
July 28, 2020	Applicant met with PRRD staff to discuss the requirements of the Regional Board from the July 9, 2020 Regional Board Meeting.
Sept. 1, 2020	Northern Health confirmed that they have received complete applications for drinking water and wastewater systems on the property. They also confirmed that an operating permit is required for the water supply system for the stick built dwelling and that the applicant may need an operating permit for the modular home if the water supply system is connected to the system for the stick built dwelling. Northern Health also confirmed that they would need to evaluate information submitted by the applicant to determine if the existing lagoon and or holding tanks and sewerage system are constructed and maintained in accordance with Part 2 and Part 3 of the <i>Sewerage System Regulation</i> and that they do not cause a health hazard.
October 23 and Nov. 16, 2020	Site inspections were conducted by the PRRD.
November 16, 2020	Northern Health confirmed that progress on these applications has been stalled due to staff shortages and COVID-19 priorities.
November 26, 2020	Regional Board considered this file and deferred its decision to the December 11, 2020 meeting.
December 11, 2020	Zoning Amendment Bylaw No. 2295, 2019 was read for a third time. Adoption was deferred pending completion of conditions. An update report was required by June 30, 2021. See resolutions RD 20/12/41 and RD 20/12/42 above.
May 11, 2021	A site inspection was conducted by the Peace River Regional District from the Micro Sub Road and the 210 Road.
June 14, 2021	A site inspection was conducted by the Peace River Regional District from the Micro Sub Road and the 210 Road. Between site inspections on May 11, 2021 and June 14, 2021 three RV pads have been established for rent on the property contrary to zoning.

**ALTERNATIVE OPTIONS:**

1. That the Regional Board require that adoption of Zoning Amendment Bylaw No. 2295, 2019 be deferred pending:
  - a. The applicant submitting copies of Northern Health operating permit(s) for the water supply system(s) and sewage system(s) on the property; and
  - b. Removal of the campground from the property; and further

That the Regional Board receive an additional progress report no later than July 22, 2021.

2. That the Regional Board provide further direction.

**STRATEGIC PLAN RELEVANCE:**

- ☒ Not Applicable to Strategic Plan.

**FINANCIAL CONSIDERATION(S):**

None at this time.

**COMMUNICATIONS CONSIDERATION(S):**

The Regional Board's decision will be communicated to the applicant.

**OTHER CONSIDERATION(S):**

None at this time.

Attachments:

1. Precision Properties website screen shot.
2. Zoning Amendment Bylaw No. 2295, 2019.

External Links:

1. [Report- Zoning Amendment Bylaw No. 2295, 2019, PRRD File No. 17-059 ZN- Dec 11, 2020](#)
2. [Report- Zoning Amendment Bylaw No. 2295, 2019, PRRD File No. 17-059 ZN- Nov 26, 2020](#)
3. [Report – Zoning Amendment Bylaw No. 2295, 2019, PRRD File No. 17-059 ZN – Sept 10, 2020](#)
4. [Report- Zoning Amendment Bylaw No. 2295, 2019, PRRD File No. 17-059 ZN- July 9, 2020](#)