



# REPORT

To: Chair and Directors

Report Number: DS-BRD-165

From: Kathy Suggitt, General Manager of Development Services

Date: June 24, 2021

**Subject: Zoning Amendment Bylaw No. 2296, 2019; PRRD File No. 17-059 ZN**

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

That the Regional Board defer third reading of Zoning Amendment Bylaw No. 2296, 2019, to rezone the properties with the PIDs 024-932-680 and 024-932-744 from A-2 (Large Agricultural Holdings Zone) and R-4 (Residential 4 Zone) to I-1 (Light Industrial Zone), pending:

1. Either approval of a Development Variance Permit to address the front and interior side parcel line setback infringements, or compliance with the mandatory parcel line setbacks; and
2. Confirmation from the Agricultural Land Commission that the requirements of ALC Resolution #27/2021, or any amendment thereto, have been met; and
3. Submission of Northern Health operating permit(s) for the water supply system(s) and sewage system(s) for both properties, to the PRRD by the applicant.

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

That the Regional Board require the applicant to submit any request, if applicable, for reconsideration of fencing requirements imposed by ALC Resolution # 27/2021 to the Agricultural Land Commission by July 15, 2021.

## **RECOMMENDATION #3: [Corporate Unweighted]**

That the Regional Board require the applicant to complete all requirements of ALC Resolution #27/2021, or any amendment thereto, by December 1, 2021.

## **RECOMMENDATION #4: [Corporate Unweighted]**

That the Regional Board accept the survey provided by the applicant to satisfy the condition imposed on December 11, 2020 as part of RD/20/12/43 requiring the applicant to submit a new and accurate legal survey of both properties, including dimensions of all existing buildings on the properties, and inform the applicant that the submitted survey has been accepted.

## **BACKGROUND/RATIONALE:**

At the December 11, 2020 Regional Board Meeting, the Board passed resolution RD/20/12/43:

*MOVED, SECONDED, and CARRIED*

That the Regional Board require that third reading of Zoning Amendment Bylaw No. 2296, 2019, to rezone the properties with the PIDs 024-932-680 and 024-932-744 from A-2 (Large Agricultural Holdings Zone) and R-4 (Residential 4 Zone) to I-1 (Light Industrial Zone), be deferred pending:

1. Submission of Northern Health operating permit(s) for the water supply system(s) and sewage system(s) for both properties, to the PRRD by the applicant;

2. Provision of a new and accurate legal survey of both properties, including dimensions of all existing buildings on the properties, to facilitate processing of the Development Variance Permit previously submitted in conjunction with this Zoning Amendment Bylaw application;
3. Removal of the ATCO trailer that contains dwellings from the property identified as PID 024-932-680;
4. Removal of the ATCO trailer with attached sea cans from the west parcel line mandatory setback on the property identified as PID 024-932-744; and
5. Submission of a building permit application to the PRRD prior to any buildings being moved from the properties to any property within the PRRD Mandatory Building Permit Area; and finally,

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

### **Northern Health**

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.

### **Agricultural Land Commission**

On January 25, 2021 the Agricultural Land Commission (ALC) released their decision on the ALR Exclusion application and refused the exclusion. However, the ALC did approve a Non-Farm Use subject to the construction of a fence on the eastern, northern, and southern property lines for the purpose of preventing encroachment onto surrounding parcels. The fence construction requirements were described in the decision. The ALC requires photographic evidence that the fence has been constructed, as required, in advance of approval of the rezoning of the properties.

The ALC requires that any request for reconsideration of their decision be made within 1 year of the date of the decision and they note that they release reconsideration decisions in a timely manner. On May 11, 2021 and again on June 2, 2021, the applicant indicated to PRRD staff that they intend to request a reconsideration of the fencing requirements and indicated they had until January 25, 2022 to submit the request. The PRRD has a re-zoning application that is dependent upon satisfying the ALC's conditions as well as a bylaw enforcement file that is dependent upon either a successful re-zoning to I-1 or compliance with the current zoning. There is no reason for the applicant to delay the request for reconsideration simply because there is an opportunity for delay. It is reasonable for the PRRD to require that the request for reconsideration is to be submitted to the ALC by July 15, 2021 so that the fencing requirement can be completed before winter 2021 should the ALC deny or alter the request.

### **Legal Survey**

A site plan was submitted on November 12, 2020. At the time, this site plan was determined to be inaccurate and incomplete. The Regional Board required that this survey confirm the dimensions of all buildings and that the required structures had been removed from the setbacks.

The survey showed that structures were still located within the mandatory parcel line setbacks and did not show building dimensions. An ATCO trailer, which was required to be removed from the property

with PID 024-932-680, was not shown on the site plan despite confirmation that it was on the property during a site inspection on November 16, 2020 and should have been shown on the survey.

A site inspection on May 11, 2021 confirmed that the structure in question on November 16, 2020 has now been removed from the property and would not be shown if a new survey was received.

The applicant has submitted a DVP application for a reduction in the front and north interior side parcel line setbacks of the property identified as PID 024-932-744. If the DVP is approved (agenda Item DS-BRD-164), the structures will not need to be moved out of the mandatory parcel line setbacks.

Furthermore, the Light Industrial Zone in PRRD Zoning Bylaw No. 1343, 2001 does not limit the amount of floor area for principal structures. If the re-zoning is approved, there will be no need to determine the size of buildings.

Therefore, if the DVP for the parcel line setbacks is approved by the Regional Board (agenda Item DS-BRD-164), and the property is successfully rezoned to I-1, staff confirm that the survey submitted on November 12, 2020 will be satisfactory.

### **Property Update**

On May 11, 2021, PRRD staff conducted a site inspection for PID: 024-932-680 and 024-932-744 to evaluate the progress on the conditions imposed on the property owner prior to the Regional Board's consideration for third reading of the bylaw.

The following was observed:

<b>Requirement from the December 11, 2020 Regional Board meeting.</b>	<b>Property status as of May 11, 2021</b>
<b>1) For both properties, the applicant must:</b>	
<b>a) Submit copies of Northern Health operating permit(s) for the water supply system(s) and sewage system(s) on the property.</b>	<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.</p> <p>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.</p> <p>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> Submit a new and accurate legal survey of both properties, including dimensions of all existing buildings on the properties to facilitate processing of the Development Variance Permit.</p>	<p>Not complete. See details above under the Legal Survey heading.</p>
<p><b>c)</b> Apply for a building permit prior to moving any building from these properties to any property within the PRRD Mandatory Building Permit Area.</p>	<p>A site inspection on May 11, 2021 confirmed that a building permit was not applied for prior to moving the ATCO trailer that contains dwellings to a property with PID 008-635-862. This property is within the PRRD Mandatory Building Permit Area.</p> <p>Although the ATCO trailer is no longer on the properties subject to this rezoning application, the lack of a valid building permit has created new building bylaw and zoning bylaw contraventions on the property with PID 008-635-862.</p> <p>On May 21, 2021, after the building had been located on a property within the PRRD Mandatory Building Permit Area, the applicant submitted a building permit application. The Building Inspector confirmed the structure is in the setback.</p> <p>A drive past site inspection on June 14, 2021 confirmed that the ATCO trailer has not been moved out of the mandatory front parcel line setback. Furthermore, construction of another structure has commenced on the same property since May 11, 2021.</p>
<p><b>2)</b> For the property identified as PID 024-932-680 (Lot 1), the applicant must:</p>	
<p><b>a)</b> Remove the ATCO trailer that contains dwellings from the property.</p>	<p>The ATCO trailer that contains dwellings has been removed.</p> <p>This condition has been satisfied.</p>
<p><b>3)</b> For the property identified as PID 024-932-744 (Lot 2), the applicant must:</p>	
<p><b>a)</b> Remove the ATCO trailer with attached sea cans from the west parcel line mandatory setback.</p>	<p>One of the attached sea cans was removed from the west side of the ATCO trailer. However, the ATCO trailer remains located within the mandatory front (west) parcel line setback.</p> <p style="text-align: right;">(cont'd on next page)</p>

	The applicant has submitted a Development Variance Permit application (PRRD File No. 17-056 DVP). The DVP application report is on the same agenda as this report (agenda Item DS-BRD-164).
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*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 14, 2021, PRRD staff conducted a site inspection for PID 024-932-680 and PID 024-932-744 from the Micro Sub Road and the 210 Road to confirm use of the property ahead of the deadline for report submission. During the course of trying to meet some of the requirements of the Regional Board, the landowner has created contraventions on the property with PID 008-635-862. Specifically, the ATCO trailer that contains dwellings that was required to be removed from the property was removed but was placed on the property with PID 008-635-862 without the mandatory building permit and was placed within the mandatory front parcel line setback. Furthermore construction of another structure has commenced on this property without an application for a building permit; the owner is aware that the property is within the mandatory building permit area.

While investigating a new contravention on a related property, the Peace River Regional District became aware that the Precision Properties website is advertising a unit for rent (Unit #3) that is believed to be the dwelling unit within the welding shop that was required to be removed by Regional Board Resolution RD/20/07/21 on July 9, 2020. An inspection was completed on November 16, 2020 to confirm its removal, however the website advertisement indicates it may have been renovated and again made available for rent since that inspection. A screen shot from the website has been attached.

### **Proposal**

To rezone Lots 1 & 2 of Section 26, Township 78, Range 15, W6M, PRD Plan PGP46412 from A-2 (Large Agricultural Holdings Zone), and R-4 (Residential 4 Zone) to I-1 (Light Industrial Zone) within PRRD Zoning Bylaw No. 1343, 2001.

### **File/Site Details**

Owner: Darryl Haney  
Area: Electoral Area D  
Location: Kilkerran  
Legal: Lot 1 of Section 26, Township 78, Range 15, W6M, PRD, Plan PGP46412  
Lot 2 of Section 26, Township 78, Range 15, W6M, PRD, Plan PGP46412  
PIDs: 024-932-680 and 024-932-744  
Civic Address 8306 & 8340 Micro Subdivision  
Lot Size 0.80 ha (1.97 ac) and 0.81 ha (2 ac)

### **Site Context**

The subject properties are approximately 1 km northeast of the City of Dawson Creek along the Micro Subdivision 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. 2296, 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.
June 5, 2020	Northern Health has received one application for a water system operating permit for PID 024-932-744 (Lot 2).
June 26, 2020	The ALC stipulated that the applicant was to apply for an ALC application by June 26, 2020.
July 9, 2020	Regional Board considered this file and adopted resolution RD 20/07/19.
July 28, 2020	Applicant met with PRRD staff to discuss the requirements of the Regional Board from the July 9, 2020 Regional Board Meeting.
August 6, 2020	Applicant submitted an ALR Exclusion application (PRRD No. 20-004 ALR Ex).
August 28, 2020	A site inspection was conducted by the PRRD.
September 1, 2020	Northern Health confirmed that they have received complete applications for drinking water and wastewater systems on the property. They also confirmed that the property identified as PID 024-932-680 (Lot 1) requires 1-3 water supply system operating permits. The property identified as PID 024-932-744 (Lot 2) requires 1-4 water supply system operating permits. Northern Health must evaluate information submitted by the applicant for both properties to determine if the existing systems 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.
Oct. 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	Third reading of Zoning Amendment Bylaw No. 2296, 2019 was deferred pending completion of conditions. An update report was required by June 30, 2021. See resolution RD 20/12/43 above.
January 25, 2021	ALC provided their decision to refuse the ALC Exclusion Application (PRRD No. 20-004 ALR Ex.) but the ALC approved a Non-Farm Use with conditions.
January 29, 2021	PRRD staff sent a letter to remind the applicant of the Regional Board and the ALC's conditions and the timeline for staff to prepare the status report before the end of June.
May 11, 2021	A site inspection was conducted by the PRRD from the Micro Sub Road and the 210 Road. A structure was moved from PID 024-932-680 to PID 008-635-862 without the mandatory building permit.
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 construction of another structure on PID 008-635-862 has commenced without the mandatory building permit.

**ALTERNATIVE OPTIONS:**

1. That the Regional Board respectfully refuse Zoning Amendment Bylaw No. 2296, 2019, to rezone the properties identified as PID: 024-932-680 and 024-932-744 from A-2 (Large Agricultural Holdings Zone) and R-4 (Residential 4 Zone) to I-1 (Light Industrial Zone), as submitted.
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 Unit 3 website photos.
2. Zoning Amendment Bylaw No. 2296, 2019.

**External Links:**

1. [Report- Zoning Amendment Bylaw No. 2296, 2019, PRRD File No. 17-059 ZN- Dec 11, 2020](#)
2. [Report- Zoning Amendment Bylaw No. 2296, 2019, PRRD File No. 17-059 ZN- Nov 26, 2020](#)
3. [Report- Zoning Amendment Bylaw No. 2296, 2019, PRRD File No. 17-059 ZN- Sept 10, 2020](#)
4. [Report- Zoning Amendment Bylaw No. 2296, 2019, PRRD File No. 17-059 ZN- July 9, 2020](#)