



# REPORT

To: Chair and Directors

Report Number: DS-BRD-024

From: Tyra Henderson, Corporate Officer

Date: April 29, 2020

**Subject: Temporary Use Permit, PRRD File No. 20-001 TUP**

---

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

That the Regional Board authorize the issuance of Temporary Use Permit No. 20-001, for the property identified as PID 010-822-135, for a period of three years for the purpose of storing construction materials, on up to 10% of the parcel area (to a maximum of 100m<sup>2</sup>) upon receipt of the following:

1. Issuance of a Building Permit for a residence on the property.
2. Proof of an 'Access, Resource and Industrial' permit from the Ministry of Transportation and Infrastructure.

## **BACKGROUND/RATIONALE:**

### **Bylaw Enforcement**

There is an existing bylaw enforcement file for the property (File No. 19-325). The enforcement file was opened on November 21, 2019 and is currently on hold pending the outcome of this application. Upon investigation, the complaint regarding storage of construction materials was deemed to be valid, as the following two infractions have been observed on the subject property:

1. Land use that is contrary to PRRD Zoning Bylaw No. 1343, 2001.
2. Industrial use on a residential property that the operator does not reside on.

Staff is working with the applicant to rectify the infractions; this application for a temporary use permit is to legalize the current storage of construction materials that cannot be characterized as an accessory use/home based business as there is no habitable residence currently on the property. The applicant has been advised that the property is within the mandatory building permit area and that they must also obtain a building permit.

### **Proposal**

To permit the storage of trade contractor construction materials, consisting of wood, materials for concrete formwork, scaffolding, bracing, two tool trailers, a flat deck truck and trailer, and a skid steer, while the applicants renovate the existing house on the subject property.

### **File Details**

Owner: Karleigh and Jonathan Nickel  
Area: Electoral Area D  
Location: Kilkerran  
Legal: Lot 1 Section 28 Township 78 Range 15 W6M PRD Plan 18881  
PID: 010-822-135  
Civic Address: 2258 Haddow Drive  
Lot Size: 0.6 ha (1.6 ac)

**Site Context**

The subject property is approximately 70 metres north of the City of Dawson Creek municipal boundary that runs along the 210 Road, and approximately 500 metres east of the Louisiana Pacific facility.

**Site Features**Land

The subject property is zoned R-4 and intended for residential use. There currently is a non-livable residence located on the eastern portion of the property surrounded by a treed wind break. The western portion of the property is cleared land.

Structures

There is one non-livable residence on the subject property. The applicants state their intention to renovate the structure for their use as a home.

Access

The property is accessed from Haddow Drive.

Canada Land Inventory Soil Rating

According to the Canada Land Inventory, soils on the subject property are classified as 2c. Class C soils have moderate limitations that restrict the range of crops or require moderate conservation practices. Subclass c denotes adverse climate.

**Comments & Observations**Applicant

The applicants intend to renovate the existing residential structure and move onto the subject property. The applicants state that they require three years to be able to build a residence on the property and wish to continue to operate their small business (concrete/construction) from the property while they do so.

Agricultural Land Reserve (ALR)

The subject property is outside the Agricultural Land Reserve.

Official Community Plan (OCP)

Pursuant to the South Peace Fringe Area Official Community Plan Bylaw No. 2048, 2012, the subject property is designated Medium Density Residential. Land within this designation should be used for residential and home-based business uses. The minimum parcel size should be 1.6 ha (4 ac). The proposed storage of trade contractor construction materials is not consistent with this designation because this use is considered a light industrial use or limited home based business. However, at this time there are no operators of the home-based business residing on the property.

Therefore, this Temporary Use Permit application is anticipated to bring the property into compliance with the Official Community Plan.

Land Use Zoning

Pursuant to PRRD Zoning Bylaw No. 1343, 2001, the subject property is zoned R-4 (Residential 4) Zone. Land within this zone may be used for principal and accessory residential uses. The minimum parcel size is 1.8 ha (4.5 ac). The proposed storage of construction materials does not comply with the

zoning bylaw because storage of trade contractor construction materials is not a permitted use in the R-4 zone (trade contractor construction material storage is listed as a permitted use in the Light Industrial zone). Home based business is a permitted use in R-4, however, as the operator of the business does not currently reside on the subject property this proposal cannot be considered a home based business.

Therefore, this Temporary Use Permit application, if approved, will bring the property into compliance with the Zoning Bylaw for the term of the permit, at the conclusion of which, if a residence is constructed and the business operators are residing on the property, the uses will be compliant with the zoning bylaw.

#### Fire Protection Area

The subject property is within the Dawson Creek Rural Fire Protection Area.

#### Mandatory Building Permit Area

The subject property is within the Mandatory Building Permit Area.

#### Development Permit Area

The subject property is outside all Development Permit Areas.

### **Impact Analysis**

#### Context

The surrounding area is a mix of residential and industrial use. If the applicant or operator of the business resides on the property this use could be considered as a home based business within PRRD Zoning Bylaw No. 1343, 2001; as long as the business does not exceed more than two business related vehicles, a maximum of two employees, and the outside storage of the construction materials does not exceed 10% of the parcel area - to a maximum of 100 m<sup>2</sup>.

#### Population & Traffic

There will be no population increase due to this proposal. Traffic will be associated to the storage of construction material.

#### Sewage & Water

The property currently has a lagoon for septic and a cistern for water.

### **Comments Received from Municipalities & Provincial Agencies**

#### Fort St. John

Interests unaffected

#### Northern Health

Has no objections to the Temporary Use Permit subject to the applicants following the associated *Public Health Act* and *Drinking Water Protection Act*.

#### Ministry of Transportation and Infrastructure

In support of the proposal with a condition that the applicant apply for an 'Access, Resource and Industrial' permit prior to final TUP approval.

**ALTERNATIVE OPTIONS:**

1. That the Regional Board respectfully refuse issuance of Temporary Use Permit No. 20-001 TUP for the property identified as PID 010-822-135, as submitted.
2. That the Regional Board authorize issuance of Temporary Use Permit No. 20-001 TUP, for the property identified as PID 010-822-135, for a period of three years for the purpose of storage of trade contractor construction materials.
3. 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):**

Neither a security nor a waiver is applicable to this application. Provision of security was discussed with the applicant, as the file was received prior to the suspension of the requirement for security and use of a waiver, however, the temporary use does not include any significant changes to the property (storage of construction equipment on the land, no excavation/gravel/paving, or shelter is proposed) and there are no obligations contained in the permit that could be satisfied through use of a security. "Site restoration" would be removal of equipment and nothing more, and the PRRD would not remove personal belongings from a private property without additional court action. The Ministry of Environment and Climate Change Strategy has advised staff that concrete is not an environmental contaminant so no environmental damage to the property requiring site restoration is anticipated.

A waiver is not applicable to this scenario, as the applicant does not have the ability to waive the requirement to return the property to a state suitable for residential use at the conclusion of the TUP; without the TUP in place, the storage of equipment is not a permitted use in the R-4 zone. The waiver can only be used if the applicant wishes to retain the structures or improvements installed to facilitate the temporary use, and those improvements or structures comply with zoning regulations.

**Attachments:**

1. Maps
2. Application
3. Section 13 of PRRD SPFA OCP Bylaw No. 2048, 2012 (Temporary Use Permits)
4. Comments Received from Municipalities and Provincial Agencies
5. Comments Received from Electoral Area Director
6. TUP Public Notification
7. Draft Temporary Use Permit No. 20-001 TUP