



REPORT

To: Chair and Directors

Report Number: DS-BRD-038

From: Shawn Dahlen, Chief Administrative Officer

Date: June 30, 2020

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

RECOMMENDATION: *[Corporate Unweighted]*

That the Regional Board, prior to consideration of third reading of Zoning Amendment Bylaw No. 2296, 2019, to rezone the properties identified as PIDs: 024-932-680 & 024-932-744 from A-2 (Large Agricultural Holdings Zone), and R-4 (Residential 4 Zone) to I-1 (Light Industrial Zone), require that the applicant must complete the following by August 14, 2020:

1. For both properties:
 - a. submit an application to the Agricultural Land Commission; and
 - b. complete the requirements associated with the water and sewer systems identified by Northern Health.
2. For the property identified as PID 024-932-680:
 - a. construct a fence on the legal property lines of the east and south boundaries of the property to prevent encroachment on neighbouring properties.
3. For the property identified as PID 024-932-744:
 - a. construct a fence on the legal property line of the west boundary of the property to prevent encroachment on neighbouring properties; and
 - b. remove the sea cans, ATCO trailers, and dwelling within the welding shop from the property to bring the property into compliance with the maximum number of dwellings, the maximum accessory building square footage, and remove structures encroaching into setback areas.

BACKGROUND/RATIONALE:

Bylaw Enforcement

There is an existing bylaw enforcement file for the property (File No. 16/097). The enforcement file was opened on May 9, 2016 but is currently on hold pending the outcome of this application. Upon investigation, the following two infractions have been observed on the subject property:

1. Land use that is contrary to PRRD Zoning Bylaw No. 1343, 2001
 - a. The number of dwellings on both properties is over the permitted number of dwellings within the R-4 Zone within Bylaw No. 1343, 2001. Lot 1 has one single family dwelling unit with a secondary suite, and one ATCO trailer divided into 2 units. Lot 2 has one single family dwelling unit with 1 or 2 secondary suites, and the welding shop has 1 dwelling unit, whereas only 1 single family dwelling is permitted. It is suggested by the Bylaw Enforcement Officer that some of the structures such as the Sea-can and ATCO trailer be removed to move toward compliance with the maximum number of dwellings.
 - i. A zoning amendment application (Bylaw No. 2295, 2019) was submitted in an attempt to resolve this non-compliance issue.

- b. Principle uses are contrary to permitted uses in the zone, as well as the number of allowed dwelling units, setback requirements, and excess accessory building floor area on both properties.
2. Both parcels are in contravention of PRRD Building Permit Bylaw No. 2131, 2014, as there were no building permits sought for the structures or renovations on the subject properties. At the February 13, 2020 Board meeting, the Regional Board authorized placement of a Section 57 Notice on Title to address the failure to obtain building permits for the structures on both subject properties, and this was completed on March 10, 2020.

Using a combination of a survey, site visit and aerial photography, there appear to be additional accessory structures located within the parcel line setbacks. The applicant had previously applied for Development Variance Permits to address these issues; however, at the time of writing this report, the applicant had not yet submitted the necessary documentation required to proceed with the Development Variance Permit application, such as a detailed map (site plan) and explanation of the setback variances that are required. Previous conversations with the applicant also had suggested moving the accessory structures out of the parcel line setback. A legal survey dated January 31, 2020 was received by the PRRD that shows the current number and location of the buildings and structures on the properties.

Should the zoning amendment be approved, updated Development Variance Permit applications may be required to identify and consider the number and siting of principle and accessory buildings on the properties that are permitted within a I-1 zone.

Proposal

To rezone Lot 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 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
PID:	024-932-680 & 024-932-744
Civic Address:	8340 & 8306 Micro Subdivision
Lot Size:	0.81 ha (2 ac) each

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 use.

Summary of Procedure

Zoning Amendment Bylaw No. 2296, 2019 was read for a first and second time on March 28, 2019. The following activities have occurred since then:

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 th ; as of June 29 th , the applicant had not yet applied to the ALC

Staff have reached out to Northern Health but have not heard back, and at the time of writing this report, the applicant had not yet applied for an operating permit from Northern Health for any drinking water system(s) on Lot 1. The applicant has also not submitted any documentation, sought any information requests, or obtained any applicable permits associated with the sewerage system for either PID 024-932-680 (Lot 1) or PID 024-932-744 (Lot 2).

In addition, it was noted that the applicant should have applied to the Agricultural Land Commission prior to this zoning amendment bylaw coming before the Regional Board, as the eastern portions of both properties are within the Agricultural Land Reserve.

ALTERNATIVE OPTIONS:

1. That the Regional Board give Zoning Amendment Bylaw No. 2296, 2019, to rezone the properties identified as PIDs: 024-932-680 & 024-932-744 from A-2 (Large Agricultural Holdings Zone) and R-4 (Residential 4 Zone) to I-1 (Light Industrial Zone), third reading.
2. That the Regional Board give Zoning Amendment Bylaw No. 2296, 2019, to rezone the properties identified as PIDs: 024-932-680 & 024-932-744 from A-2 (Large Agricultural Holdings Zone) and R-4 (Residential 4 Zone) to I-1 (Light Industrial Zone), third reading and adoption.
3. That the Regional Board respectfully refuse Zoning Amendment Bylaw No. 2296, 2019, to rezone the property identified as PIDs: 024-932-680 & 024-932-744 from A-2 (Large Agricultural Holdings Zone) and R-4 (Residential 4 Zone) to I-1 (Light Industrial Zone), as submitted.
4. 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. Minutes – Public Hearing for Zoning Amendment Bylaw No. 2296, 2019, PRRD File No. 17-059
2. Zoning Amendment Bylaw No. 2296, 2019

External Links:

3. [Report – Zoning Amendment Bylaw No. 2296, 2019, PRRD File No. 17-059 – February 15, 2019](#)
4. [Notice of Public Hearing for Zoning Bylaw No. 2296, 2019](#)
5. [Agenda – Public Hearing for Zoning Amendment Bylaw No. 2296, 2019, PRRD File No. 17-059](#)