



REPORT

To: Chair and Directors

Report Number: DS-BRD-068

From: Shawn Dahlen, Chief Administrative Officer

Date: August 31, 2020

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

RECOMMENDATION: *[Corporate Unweighted]*

That whereas the owner of PIDs 024-932-680 and 024-932-744 has made progress toward completion of the conditions, imposed by the Regional Board on July 9, 2020, to bring the properties closer to compliance with zoning regulations prior to Regional Board consideration of Bylaw 2296;

That the Regional Board extend the deadline for completion of all conditions from August 14, 2020 to October 30, 2020, to allow the property owner additional time to complete outstanding required actions; further, that the owner be required to submit an updated survey of the properties verifying the completion of the conditions not later than October 30, 2020.

BACKGROUND/RATIONALE:

At the July 9, 2020 Regional Board Meeting, the following resolution passed (referenced in the above recommendation):

MOVED, SECONDED, and CARRIED

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.
 - b. remove the ATCO trailer that contains dwellings from the property and remove the sea cans from the neighbouring parcel to the east.
3. For the property identified as PID 024-932-744:
 - a. construct a fence on the legal property line of the east boundary of the property to prevent encroachment on neighbouring properties; and

- b. remove the sea cans from the neighbouring parcel to the east and remove the ATCO trailer with attached sea cans from the west and south mandatory parcel line setbacks and remove the dwelling within the welding shop to bring the property into compliance with the maximum number of dwellings and to remove the structures encroaching into setback areas.

Since that time, PRRD staff have been in communication with the applicant multiple times, and the applicant has been in contact with Northern Health and the Agricultural Land Commission. On August 28, 2020, PRRD staff conducted a site inspection for PIDs: 024-932-680 and 024-932-744 to evaluate progress on the above noted conditions, and it was determined that the applicant has made progress on a number of conditions. The following was observed:

CONDITION	STATUS AS OF AUGUST 28, 2020
1) For both properties:	
a) submit an application to the Agricultural Land Commission; and	PRRD received an ALR Exclusion application for PIDs 024-932-744 and 024-932-680 on August 6, 2020. This ALC application will be brought before the Regional Board at its September 10, 2020 Regional Board meeting.
b) complete the requirements associated with the water and sewer systems identified by Northern Health.	As of September 1, 2020, Northern Health has received a number of water and sewer system applications; the applications will be processed as soon as possible.
2) For the property identified as PID 024-932-680 (Lot 1):	
a) construct a fence on the legal property lines of the east and south boundaries of the property to prevent encroachment on neighbouring properties.	A fence has not been constructed.
b) remove the ATCO trailer that contains dwellings from the property and remove the sea cans from the neighbouring parcel to the east.	The ATCO trailer containing the dwellings has not been removed. Sea cans were moved west into the property and out of the setback area.
3) For the property identified as PID 024-932-744 (Lot 2):	
a) construct a fence on the legal property line of the east boundary of the property to prevent encroachment on neighbouring properties; and	A fence has not been constructed.

<p>a) remove the sea cans from the neighbouring parcel to the east and remove the ATCO trailer with attached sea cans from the west and south mandatory parcel line setbacks and remove the dwelling within the welding shop to bring the property into compliance with the maximum number of dwellings and to remove the structures encroaching into setback areas.</p>	<p>Sea cans were moved west into the property and out of the setback area.</p> <p>Deck/attached sea can was removed from the west side of ATCO trailer, which remains in the setback area; this could be resolved with a development variance permit.</p> <p>No inspection of the dwelling in the shop was done. The applicant advised the PRRD that the tenant has been notified to move no later than August 31, 2020.</p>
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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 no building permits were 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. 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. This survey (required to be updated by October 30, 2020)

will be used to inform any Development Variance application that may still be required following completion of the conditions.

Should the zoning amendment be adopted, 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 an 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
PIDs: 024-932-680 and 024-932-744
Civic Address: 8340 & 8306 Micro Subdivision
Lot Size: 0.80 ha (1.97 ac) and 0.81 (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 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, 2020; as of June 29, 2020, the applicant had not yet applied to the ALC
July 9, 2020	Regional Board considered this file and carried the recommendation presented

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

At the time of writing this report, staff had received confirmation from both the property owner and Northern Health that complete applications had been submitted for drinking water and wastewater systems on the property. The applications will be processed as soon as possible by Northern Health.

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; further, that the Regional Board recommence bylaw enforcement action on the properties as follows:
 - a. require the owner(s) of the properties identified as PIDs: 024-932-680 and 024-932-744 to immediately remove:
 - i. The industrial welding business and storage from the properties;
 - ii. All dwellings in excess of the one permitted single family dwelling, which may contain one secondary suite, from the properties;
 - iii. All metal storage containers (commonly called sea cans) from the properties; and
 - iv. All modular structures (such as ATCO trailers and moveable sheds) from the properties; further

That if the requirements described above are not completed within 30 days of September 10, 2020, that the Regional Board authorize the solicitors from the Peace River Regional District to commence legal proceedings in the Supreme Court of British Columbia to enforce PRRD Zoning Bylaw 1343, 2001 on the properties, seek PRRD costs in the legal proceedings, and register any unpaid costs awarded by the Court against these properties.

2. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- ☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

Should the Regional Board consider legal action, legal fees may not be awarded by the Court or recovered by registering against the title of land owned by this landowner.

COMMUNICATIONS CONSIDERATION(S):

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

OTHER CONSIDERATION(S):

None at this time.

Attachments:

1. Survey Plan showing August 28, 2020 site visit observations
2. Zoning Amendment Bylaw No. 2296, 2019

External Link:

1. [Report- Zoning Amendment Bylaw No. 2296, 2019, PRRD File No. 17-059- July 9, 2020](#)