



REPORT

To: Chair and Directors

Report Number: DS-BRD-090

From: Shawn Dahlen, Chief Administrative Officer

Date: November 16, 2020

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

RECOMMENDATION #1: [Corporate Unweighted]

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.

RECOMMENDATION #2: [Corporate Unweighted]

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.

BACKGROUND/RATIONALE:

At the September 10, 2020 Regional Board Meeting, the Board passed the following resolution:

MOVED, SECONDED, and CARRIED

That the Regional Board, prior to consideration of third reading of Zoning Amendment Bylaw No. 2295, 2019, which adds a text amendment to the R-4 (Residential 4) zone, to allow two single family dwellings on the property identified as PID: 028-642-627, require that the following conditions must be met:

1. The bylaw is amended to state that the amendment is applicable to 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; ie: two dwellings are permitted only for the lifetime of the existing structures in the current state/size.
2. The applicant must by October 30, 2020:
 - a. Complete the requirements associated with the water and sewer systems as identified by Northern Health;

- b. Construct a fence on the legal property lines of the east and west parcel lines of the subject property to prevent encroachment on neighbourhood properties; and
- c. Submit a completed Development Variance Permit application to rectify the parcel line set back infringement.

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 ALC. On November 16, 2020, PRRD staff conducted a site inspection for PID: 028-642-627 to evaluate progress on imposed condition. It was determined that the applicant has made progress on all conditions. The following has been observed:

CONDITION	STATUS AS OF NOVEMBER 16, 2020
1) The bylaw is amended to state that the amendment is applicable to 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; i.e.: two dwellings are permitted only for the lifetime of the <u>existing</u> structures in the current state/size.	Completed by PRRD staff; third reading as amended is presented to the Regional Board for consideration on November 26, 2020.
2) The applicant must by October 30, 2020:	
a) Complete the requirements associated with the water and sewer systems identified by Northern Health.	Northern Health has received complete applications for drinking water and wastewater systems on the property. Applications are still being processed by Northern Health and no timeline was provided on the decision of the applications.
b) Construct a fence on the legal property lines of the east and west parcel lines of the subject property to prevent encroachment on neighbourhood properties.	1 row of trees has been planted along the west property line in lieu of a fence as required by RB resolution No. RD/20/07/19. The trees are in a straight line, are visually pleasing and meet the same intent as the fence. The fence along the east property line consists of black metal vertical posts with a yellow rope running horizontally at an approx. height of +/-1m.
c) Submit a completed Development Variance Permit application to rectify the parcel line set back infringement.	A complete and updated Development Variance Permit application (PRRD File No. 17-057 DVP) was received by PRRD staff on September 21, 2020, and is currently out for agency referral.

Table 1. Detailing the progress the applicant has made to satisfy the noted requirements between July 9 and November 16, 2020.

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 on the subject property.

Following the public hearing, in response to feedback received at the public hearing, staff proposed that the amendment be clarified to apply only for the life of the existing dwellings to prevent future replacement of the dwellings, and to require the conditions stipulated above 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: 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 use.

Summary of Procedure

Zoning Amendment Bylaw No. 2295, 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.
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
November 16, 2020

Site inspections were conducted by the PRRD.
Northern Health confirmed that progress on these applications has been stalled due to staff shortages and COVID-19 priorities.

ALTERNATIVE OPTIONS:

1. 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, and does not permit any enhancement, addition, or replacement of either dwelling, other than required routine and regular maintenance; further,

That the Regional Board adopt Zoning Amendment Bylaw No. 2295, 2019. (2/3 majority required).

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. Zoning Amendment Bylaw No. 2295, 2019

External Links:

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