



REPORT

To: Chair and Directors

Report Number: DS-BRD-092

From: Shawn Dahlen, Chief Administrative Officer

Date: November 17, 2020

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

RECOMMENDATION: [Corporate Unweighted]

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.

BACKGROUND/RATIONALE:

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

MOVED, SECONDED, and CARRIED

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.

Since that time, PRRD staff have been in communication with the applicant multiple times. On November 16, 2020, PRRD staff conducted a site inspection for PID: 024-932-680 and 024-932-744 to

evaluate progress on the conditions imposed on the property owner prior to the Regional Board's consideration of third reading of the bylaw. It was determined that the applicant has made progress on a number of conditions; however not all conditions were met. The following has been observed:

| CONDITION | STATUS AS OF NOVEMBER 16, 2020 |
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| 1) For both properties: | |
| a) submit an application to the ALC ; and | ALR Exclusion application for PIDs 024-932-744 (Lot 2) and 024-932-680 (Lot 1) was submitted to the ALC in September. Pre-panel meeting with the ALC occurred on November 10 th via teleconference. Panel hearing is tentatively scheduled for December 8, 2020. |
| b) complete the requirements associated with the water and sewer systems identified by Northern Health. | <p>On November 16, 2020 Northern Health confirmed that upon review of applications received, they had not yet received a sewage application for the property identified as PID 024-932-744 (Lot 2). Northern Health has received complete applications for drinking water on both properties and for a sewage system on the property identified as PID 024-932-680 (Lot 1).</p> <p>Applications are still being processed by Northern Health and they confirmed that no progress has been made at their end on any of the applications due to staff shortages and COVID-19.</p> |
| c) submit an updated survey of the properties verifying the completion of the conditions not later than October 30, 2020. | <p>A site plan was submitted on November 12, 2020. This site plan was determined to be inaccurate as the ATCO trailer, which was required to be removed from the property was not shown on the site plan. A site inspection on November 16, 2020 confirmed that this structure was indeed still on the property.</p> <p>On Nov. 16, 2020, the applicant stated to the Building Inspector that this structure will be moved off the property.</p> |
| 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 | A site inspection on November 16, 2020 confirmed that a fence along the east property line has been |

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| the property to prevent encroachment on neighbouring properties. | installed and consists of black metal vertical posts with a yellow rope running horizontally at an approx. height of +/- 1 m. |
| 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 has been removed from within the setback but is still on the property. Sea cans were moved west into the subject property and off of the neighbouring property. |
| 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 site inspection on November 16, 2020 confirmed that a fence along the east property line has been installed and consists of black metal vertical posts with a yellow rope running horizontally at an approx. height of +/- 1 m. |
| 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. | Sea cans were moved west into the subject property and off the neighbouring property. An attached sea can was removed from the west side of ATCO trailer. However, the ATCO trailer remains in the mandatory 7 m front setback and is situated 1.28 m from the front legal parcel line. An inspection of the shop confirmed that the cooking facilities, bedroom and bathroom have been removed from the area that was used as a dwelling. |

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

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/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 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:

| | |
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| 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 (see External Link #1). |
| 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. Northern Health 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 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. |
| Oct. 23 and Nov. 16, 2020 | A site inspection was 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. |

ALTERNATIVE OPTIONS:

1. 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. Site Plan showing November 16, 2020 site visit and building inspection observations
2. Zoning Amendment Bylaw No. 2296, 2019

External Links:

1. [Report – Zoning Amendment Bylaw No. 2296, 2019, PRRD File No. 17-059 ZN – Sept 10, 2020](#)
2. [Report – Zoning Amendment Bylaw No. 2296, 2019, PRRD File No. 17-059 ZN – July 9, 2020](#)