



REPORT

To: Chair and Directors

Report Number: DS-BRD-037

From: Tyra Henderson, Corporate Officer

Date: June 30, 2020

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

RECOMMENDATION: [Corporate Unweighted]

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 their current state/size.
2. The applicant must, by August 14, 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 neighbouring properties; and
 - c. submit a completed Development Variance Permit application to rectify the parcel line set back infringement.

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 the parcel is over the permitted number of dwellings within the R-4 Zone, within Bylaw No. 1343, 2001; there are two single family dwellings on the parcel, one of which also has a secondary suite, whereas only 1 single family dwelling is permitted.
 - i. Zoning Amendment application (Bylaw No. 2295, 2019) was submitted in an attempt to resolve this non-compliance issue.
2. Parcel A is 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 property. 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 the subject property, 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 setback. The applicant had previously applied for a Development Variance Permit 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. 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.

There are also several concerns over drainage issues and parking in the road right-of-way, which is within the jurisdiction of the Ministry of Transportation and Infrastructure; these concerns have been referred to them.

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, staff propose 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 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
 PIDs: 028-642-627
 Civic Address: 1086 210 Road
 Lot Size: 0.81 ha (2 ac) each

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

Staff 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 the subject property. The applicant had also not submitted any documentation, sought any information requests, or obtained any applicable permits associated with the sewerage system.

ALTERNATIVE OPTIONS:

1. That the Regional Board give Zoning Amendment Bylaw No. 2295, 2019, to rezone the property identified as PID 028-642-627, by adding a text amendment to the R-4 (Residential 4) zone to allow two single family dwellings on the subject property, third reading.
2. That the Regional Board give Zoning Amendment Bylaw No. 2295, 2019, to rezone the property identified as PID 028-642-627, by adding a text amendment to the R-4 (Residential 4) zone to allow two single family dwellings on the subject property, third reading and adoption.
3. That the Regional Board respectfully refuse Zoning Amendment Bylaw No. 2295, 2019, to rezone the property identified as PID: 028-642-627, by adding a text amendment to the R-4 (Residential 4) zone to allow two single family dwellings on the subject property.
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 Nos. 2295, 2019, PRRD File No. 17-059
2. Zoning Amendment Bylaw No. 2295, 2019

External Links:

1. [Report – Zoning Amendment Bylaw No. 2295, 2019, PRRD File No. 17-059 – February 27, 2019](#)
2. [Notice of Public Hearing for Zoning Bylaw No. 2295, 2019](#)
3. [Agenda – Public Hearing for Zoning Amendment Bylaw Nos. 2295, 2019, PRRD File No. 17-059](#)



PEACE RIVER REGIONAL DISTRICT
PUBLIC HEARING – MINUTES
Proposed Zoning Amendment Bylaw No. 2295, 2019

March 12, 2020 @ 7:00 p.m.

Peace River Regional District Dawson Creek Office, 1981 Alaska Avenue,
Dawson Creek, BC

ATTENDANCE:

Peace River Regional District: Leonard Hiebert, Director of Electoral Area D (Chair)
Tyra Henderson, Corporate Officer
Kole Casey, South Peace Land Use Planner
Erin Price, Bylaw Enforcement Officer

Applicant/Owner: Darryl Haney

Public: 8 members of the public

1. CALL TO ORDER

The Chair called the meeting to order at 7:01 pm.

2. STATEMENT OF PUBLIC HEARING

The Chair stated the procedural rules in place to govern the conduct of the public hearing as written in the agenda.

3. INTRODUCTION TO PROPOSAL

Staff provided those in attendance with a summary of proposed Zoning Amendment Bylaw No. 2295, 2019 for the property legally described as Parcel A (being a consolidation of lots 3 and 4, see BB1974913) of Section 26, Township 78, Range 15, W6M, PRD, PGP12184.

Staff summarized the proposal to add a text amendment to the R-4 (Residential 4) zone, to allow two single family dwellings on the subject property.

4. SUMMARY OF APPLICATION PROCEDURE

Staff provided a summary of the application procedures and timeline as outlined in the agenda for those in attendance at the hearing.

5. COMMENTS FROM AGENCIES AND MUNICIPALITIES RECEIVED

Staff read aloud and summarized the comments received from agencies and municipalities as outlined in the agenda.

6. WRITTEN COMMENTS RECEIVED FROM PUBLIC

The Chair called for any written comments from members of the public in attendance. None were offered.

The Chair stated that as of 4:00 pm on March 12, 2020 the Peace River Regional District had not received any written comments from the public.

7. COMMENTS FROM APPLICANT(S)

The Chair asked the applicant if he would like to make any comments related to the proposed bylaw.

- The applicant presented the following information: The home and one-bedroom mobile trailer were placed on the parcel by Mr. Sumner in 1975 and have been there ever since.
- From the applicant's knowledge there have been no inquiries by the PRRD about this second residence.
- The property was purchase by the applicant in 2014, at which time the applicant did exterior renovations. The electrical, plumbing and structure have had no upgrades.
- The yard was cleaned up and landscaped, and the dilapidated structures were removed.
- The applicant would like to have the text amendment added to this parcel to allow a second home in order to bring the property into compliance. Thank you.

8. COMMENTS FROM PUBLIC

The Chair asked the members of the public in attendance if they had any comments related to the proposed bylaw. The following questions were asked by the attendees:

Member of the public

- Inquired as to what the application is regarding, and if this is about the applicant wanting to maintain the trailer on this property?

Staff responded that the proposal was to allow a second single family dwelling on Parcel A, and the intent is to allow the applicant to leave the trailer there, however if approved the applicant could remove the trailer and place on another dwelling.

- The member of the public had no problems with the trailer being there but disagreed that the applicant now would have the opportunity to build two houses on the property. They stated that they own land to the west and would love to build two houses on their property but noted it is difficult to get that approved. They also stated that the housing rental market is down 80%, and does not think we need more houses.

The Chair asked again if there any further comments from the public.

Member of the public

- A member of the public asked if anything has been permitted on these residences? Has Northern Health approved any of the sewage and water works on the property?

Staff stated that the applicant made a request to Northern Health for information on sewerage systems permits applied on the property. Northern Health responded that no permits have yet been taken out on that property. No building permits were also issued on that property.

- The member of the public asked if it was legal to apply for something even if there was nothing permitted under this condition.

The Chair responded that this Public Hearing is looking into any specifics with respect to the zoning amendment application and that permitting is a bylaw issue and would be dealt through bylaw enforcement.

- The member of the public asked if this property can be rezoned without proper building permits on the property.

The Chair stated that once this application comes to the Regional Board, the Board makes the ultimate decision, and will receive all of this information. The Chair cannot speak on behalf of the Regional Board, however the PRRD has systems and processes in place and if they are not being followed then this would have to be rectified before we move forward. If there are no permits that something that is under bylaw enforcement however the PRRD can still move forward with this zoning amendment application.

Staff commented that there are no building permits on the property, so one of the tools for local governments is to put notices on title, which was approved at the February 13th 2020 Regional Board meeting. Staff discussed details regarding how a notice on title works and its uses.

- The member of the public sought confirmation that the Regional Board can rezone the property without having any permits or anything removed.

The Chair confirmed that this can occur.

Member of the public

- The member of the public sought clarification that the sewer infrastructure is up to code, and was curious if this had anything to do with this application?

The Chair stated that sewer falls under Northern Health's jurisdiction, and that Northern Health responded to this application with the information provided.

- The member of the public asked if the PRRD could rezone it without any of that going through?

The Chair stated that they can rezone it but the permitted infrastructure for sewer and water is up to Northern Health. The PRRD does not have the authority.

The Chair called for comments from the public for a final time.

9. FINAL COMMENTS FROM APPLICANT(S)

The Chair asked the applicant if he would like to make any final comments related to the proposed bylaw.

The applicant stated that as far as permits go, there were no real structural changes to the house or the trailer, as improvements were only exterior siding and landscaping. The applicant didn't understand the worry about the building permits as there was only siding, paint and updated windows.

Member of the public 2

- The applicant does not speak the truth and only for his best interests and not for anybody else's best interests.

The Chair stated that any future discussions or clarification can be addressed to the planning department and not to the Directors of the Board, as now new information can now not be received.

10. TERMINATION OF PUBLIC HEARING

The Chair terminated the Public Hearing at 7:21pm.

Certified to be a fair and accurate summary of the nature of the representations respecting proposed Zoning Amendment Bylaw No. 2295, 2019, held on Thursday, March 12, 2020.

Original signed by:

Tyra Henderson, Recorder

Original signed by:

Director Leonard Hiebert, Chair

**PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2295, 2019**

A bylaw to amend Peace River Regional District
Zoning Bylaw No. 1343, 2001."

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia *Local Government Act*, adopt "Peace River Regional District Zoning Bylaw No. 1343, 2001";

NOW THEREFORE the Regional Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

1. This by-law may be cited for all purposes as "Peace River Regional District Zoning Amendment Bylaw No. 2295, 2019."
2. The "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended in the following manner:
 - a) By adding the following additional use to Part VI Zones, Section 37 "R-4 Residential 4 Zone:

(i) Additional Uses

The following additional uses are permitted on lands legally described as:

Parcel A (being a consolidation of Lots 3 and 4, see BB1974913) of Section 26, Township 78, Range 15, W6M, PRD, Plan PGP12184

ii) Two SINGLE FAMILY DWELLINGS

READ A FIRST TIME THIS	<u>28th</u>	day of	<u>March</u>	, 2019.
READ A SECOND TIME THIS	<u>28th</u>	day of	<u>March</u>	, 2019.
Notification mailed on the	<u>26th</u>	day of	<u>February</u>	, 2020.
Notification published on the	<u>27th</u>	day of	<u>February</u>	, 2020.
Notification published on the	<u>5th</u>	day of	<u>March</u>	, 2020.
Public Hearing held on the	<u>12th</u>	day of	<u>March</u>	, 2020.
READ A THIRD TIME THIS	<u> </u>	day of	<u> </u>	, 2020.
ADOPTED THIS	<u> </u>	day of	<u> </u>	, 2020.

(Corporate Seal has been
affixed to the original bylaw)

Chair

Corporate Officer

I hereby certify this to be a true and correct copy of "PRRD
Zoning Amendment Bylaw No. 2295, 2019,
as adopted by the Peace River Regional District
Board on _____, 20____.

Corporate Officer