

Planning Report – 880 Soda Creek Road – Bylaw Complaint – Storage and Repair of Heavy Equipment

Shivani Sajwan, Planning Officer

File No: CE2018-078

Background:

The subject property is currently zoned Rural 3 (RR 3) in the Williams Lake Fringe and 150 Mile House Area Zoning Bylaw No. 3502, 1999, and has a land use designation of Rural Residential 3 in the Williams Lake Fringe Area Official Community Plan Bylaw No: 4782, 2013. In the past 3 years, there has been several formal complaints claiming that the subject property is being used as a Contractor's Yard which is a non-permitted use under the Rural 3 (RR 3) zone. The complaint details storage and servicing of heavy equipment, and industrial activity including logging trucks and low-bed vehicles arriving on the property carrying heavy equipment.



Figure 1. Subject property showing the non-compliant industrial use on-site.

The subject property was first successfully rezoned from Mobile Home Park (R 4) to Rural 3 (RR 3) zone in 2009 to facilitate the construction of the existing single-family dwelling. This application was approved based on a satisfied condition that includes applicants entering into an official agreement with the CRD indicating their intention to consolidate the northern portion of the subject property as proposed. To this date, there has been no consolidation application made with the Ministry of Transportation and Infrastructure.

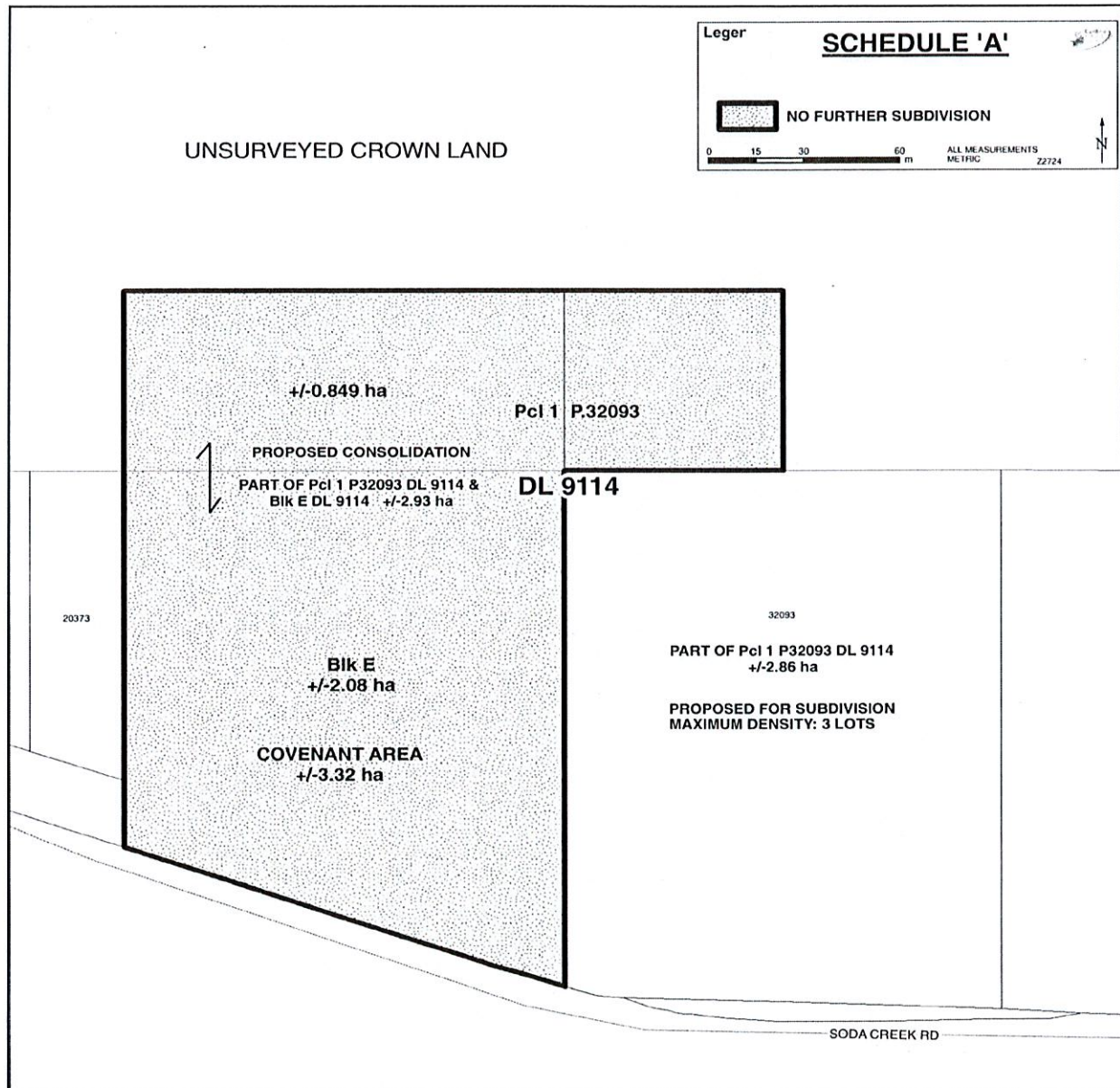


Figure 2. Proposed consolidation as a part of 2009 approved rezoning application.

UNSURVEYED CROWN LAND

Pumphouse
5
PI 20372
HOUSE
Concrete Watertank

BLK E, DL 9144, C.D.

SHOP
(240.8 sq m)

Water Catchment Tank

DWELLING
(169.55 sq m)

Septic Tank

Parking

Septic field

SODA CREEK ROAD

PCL. 1, DL 9144, C.D.
PI 32093

BLOCK 1
DL 9114

0 15 30 60 m
ALL MEASUREMENTS 7/28/23

Cariboo
Regional
District

Figure 3. Proposed rezoning rejected in 2011.

The applicants then requested an internal OCP amendment in 2015 to redesignate the property from Manufactured Home Park designation to Rural Residential 2 designation in hopes to apply for a Temporary Use Permit allowing the non-conforming industrial use on-site. This application was rejected after the public hearing. Subsequently, an internal OCP amendment changed the designation to Rural Residential 3 to be consistent with the existing Rural 3 (RR 3) zoning.

A Temporary Use Permit may be considered on most properties within the CRD with certain restrictions in some Official Community Plan Areas - Williams Lake Fringe Area OCP being one of them. A Temporary Use Permit is only allowed on properties designated as Agriculture, Resource, Rural Residential 1, Rural Residential 2, Commercial and Industrial within the Williams Lake Fringe Area Official Community Plan. As the subject property is designated as Rural Residential 3, a Temporary Use Permit is not an option.

Upon the receipt of another formal complaint in 2018 claiming the property being continuing to be used as a Contractor's Yard, the applicants were advised to contact our Planning Department about rezoning the property, and the enforcement was put on hold. The applicants did meet with staff on August 16th, 2019 to discuss their available options. They were advised to first go forward with their previously proposed consolidation and then apply for a rezoning to legalize the existing industrial use on-site.

Yet, no further action has taken place to rezone the property. The applicants have made attempts to resolve the issue verbally with the complainant; however, the recent complaints indicate that the non-permitted use is continuing.

Recommendation:

Although, the current Rural 3 (RR 3) zone permits a home industry ancillary to a permitted residential use, the storage and repair of heavy industrial equipment does not comply with the provisions of home industry as defined under the Zoning Bylaw.

As all the possible options to legalize the existing non-conformance use are exhausted, it is recommended to cease the non-permitted industrial use on-site through Bylaw Enforcement process. CRD Bylaw Warning Notice #CRDW-90514 has been issued on June 23rd, 2020 as a final warning notice to stop the non-permitted use. Should another complaint be received after this date, further enforcement and legal action will be taken to enforce the Zoning Bylaw.



BYLAW WARNING NOTICE

building communities together

THE ISSUING OFFICER SAYS YOU ARE IN BREACH OF A
CARIBOO REGIONAL DISTRICT BYLAW AS FOLLOWS

CRDW 90514

ISSUED TO:

A VEHICLE	LICENCE/VIN	PROV	EXPIRY	MAKE/COLOUR
OR A PERSON OR A COMPANY	NAME OF PERSON OR COMPANY			BIRTHDATE
	ADDRESS			
	880 Soda Creek Rd			
	Williams Lake BC			
DATE	TIME	LOCATION		
20/06/23	9:10 AM	880 Soda Creek Rd		
BYLAW NUMBER	SECTION	BYLAW NAME		
3502	5.20	WL Fringe Bylaw.		
DESCRIPTION				

non permitted use

Contractor yard. Service + Storage
commercial equipment

DELIVERED

☒ Personally ☐ Windshield ☐ Mailed

ISSUING OFFICER

[Signature]

THIS IS A **WARNING** NOTICE ONLY. NO PAYMENT IS
NECESSARY. HOWEVER, FURTHER BYLAW
CONTRAVENTIONS MAY RESULT IN A BYLAW
NOTICE BEING ISSUED.

OFFICE COPY

Figure 4. Copy of CRD Bylaw Warning Notice #CRDW-90514 issued on June 23rd, 2020.