



NOTICE OF A SPECIAL MEETING

AGENDA for the Special Meeting to be held on Tuesday, February 1, 2022 electronically and in the Council Chambers of the Municipal Office, 1 Mackenzie Boulevard, Mackenzie, BC.

CALLED TO ORDER 12:00 PM

We would like to begin by acknowledging the land on which we gather is within the traditional territory of the Tse'khene People of the McLeod Lake Indian Band.

A Council resolution is required under Section 92 of the Community Charter that a Special Closed meeting will be deferred until after the regular meeting and will be closed to the public.

The basis of the Special Closed Meeting relates to Section 90(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

1. **ADOPTION OF MINUTES**
2. **INTRODUCTION OF LATE ITEMS**
3. **ADOPTION OF AGENDA**

4. PUBLIC COMMENT AND QUESTIONS

Please note that all comments and questions must pertain to items listed on the agenda.

Are there any members of the public in attendance this evening who wish to comment on the agenda?

Administration are there any members of the public attending through Zoom or Phone that wish to comment on the agenda?

5. PETITIONS AND DELEGATIONS

6. CORRESPONDENCE

7. ADMINISTRATION REPORTS

- a) Development Variance Permit # 3090-20-22-01 4 - 10
Final Consideration

THAT Council authorizes approval of a Development Variance Permit Application # 3090-20-22-01 for the property legally described as Lot 11 District Lot 12479 Cariboo District Plan EPP35189, 4900 Coquiwaldie RD, Mackenzie, BC.

8. COUNCIL REPORTS

9. UNFINISHED BUSINESS

10. NEW BUSINESS

11. BYLAWS

12. NOTICE OF MOTION

13. COMING EVENTS

14. INQUIRIES

- In-person
- Online (Zoom)/phone
- Written comments received

15. ADJOURNMENT

COUNCIL REPORT

To: Mayor and Council
From: Administration
Date: January 28, 2022
Subject: Development Variance Permit # 3090-20-22-01 Final Consideration

RECOMMENDATION:

THAT Council authorizes approval of a Development Variance Permit Application # 3090-20-22-01 for the property legally described as Lot 11 District Lot 12479 Cariboo District Plan EPP35189, 4900 Coquiwaldie RD, Mackenzie, BC

ALTERNATIVE OPTIONS:

1. Deny the Development Variance Permit as presented
2. Amend and issue the Development Variance Permit
3. Table consideration of the application so additional information can be provided

BACKGROUND:

At the Regular Council Meeting on January 10th, 2022, Administration presented an application for a Development Variance Permit from IE CA Development Holdings 2 Ltd. commonly known as Iris Energy to vary setback regulations in section 10.1 of Zoning Bylaw No.1368, 2017.

Administration commenced the Development Variance Permit process as outlined in the District of Mackenzie's Development Procedures. Staff conducted the following:

1. Technical and Policy Review
2. Technical Agency Referral
3. Notification of neighbouring properties within a 100-meter radius of the proposed development

Technical and Policy Review

Administration has conducted a thorough technical review as per the District of Mackenzie Development Procedures manual and included a review of:

- Applicable District of Mackenzie Bylaws
- Extent of the variance
- Possible precedents being set
- Rationale for the variance
- Safety and risk issues
- Urban design and aesthetic issues

A copy of the technical review is attached to this report.

Technical Agency Referral

Agency Name	Response
BC Hydro	Was involved with the placement of the substation.
District of Mackenzie – Operations – Public Works	“They will need to be willing to install screening along Airport Rd.”
District of Mackenzie - Fire Department	“No concerns from the Fire Department”
District of Mackenzie – Building Inspection	“No concerns from the building department. ”

If Council decides that screening is mandatory, then an additional clause in the Development Variance Permit will be appended as such:

- The substation must be visually screened from the Airport Road sightline.

Notification Neighbouring Properties

Properties within a 100-meter buffer of 4900 Coquiwaldie were delivered a notice, indicating the purpose of the permit, lands subject to permit, and the time and date the permit is to be considered by Council. Administration has not received any comments or responses from neighbouring properties within a 100-meter radius of the proposed development. This report has been published prior to the deadline of January 28, 2022 at 4:30 pm and any additional feedback brought before this will be attached and brought to the special meeting of February 1, 2022.

Recommendation

As a result of the technical agency and public reviews of this permit application, Administration is recommending its approval. A copy of the proposed Development Variance Permit has been attached for Council consideration.

COUNCIL PRIORITIES:

ECONOMIC VITALITY

- The District is a leader on efforts aimed at diversifying the community's economy, supporting local businesses, and attracting new investment to the community. Diversification, a strong business sector and new investment are key to our economic vitality

Respectfully Submitted,



Luke Thorne
Land & Environmental Coordinator



Approved for Submission to Council

To: Council
From: Administration
Date: January 28, 2022
Subject: **Technical Review – Development Variance Permit Iris Energy**

Applicant IE CA Development Holdings 2 Ltd.

Owner IE CA Development Holdings 2 Ltd.

Location 4900 Coquiwaldie RD, Mackenzie, BC

OCP/Zoning M1 – Light Industrial

Proposal Overview The applicant is seeking to reduce the front setback of an accessory building from the front parcel line from 12.2 metres to 6.56 metres to permit a substation.

The accessory structure is a 183ft by 63ft substation that has been built on concrete pads along the front parcel line by the applicant for the purposes of supplying power for general operations.

Rationale for the variance Due to the odd nature of the site (see attached map) the Zoning Bylaw No. 1368, 2017 and its definitions were misinterpreted. Specifically, the front parcel line definition:

FRONT PARCEL LINE means any parcel line common to a parcel and a highway other than a lane or walkway. Where the parcel line is contiguous to the intersection of two highways, the front parcel line is the shortest parcel line contiguous to a highway other than a lane or walkway.

Following this definition, the front parcel line would be along Airport Road and the parcel line adjacent to Coquiwaldie Road would be considered as exterior side parcel line.

Variance Extent The extent of the variance being requested is a reduction of 12 metres to 6.56 metres.

**Possible
Precedents**

Possible precedents that may be set:

- The construction of structures within setbacks
- Due diligence

**Safety Issues
& Risks**

Staff sent a list of questions to the applicant to clarify the safety of the location of the substations. The applicant and their associated firms answered all and assured that there are no safety concerns with having the substation within the specified vicinity of the road.

**Urban Design
and Aesthetic
Issues**

The property owner has made it clear that any screening needed, designed or not, will be provided as per the District's request. Iris has shared plans of planting flora around the screening for aesthetics as well as dust control.

**Alternative
Siting
Placement**

Due to the misinterpretation of Zoning Bylaw No.1368, 2017, the applicant has begun construction and change in design, site placement, or functionality would incur significant setbacks and monetary loss. BC Hydro has stated that the site placement, while not mandatory, was practical due to the placement of the incoming power line to the substation.

**Applicable DOM
Bylaws &
Relevant
Legislation**

Section 10.1 of Zoning Bylaw No. 1368, 2017
Building Bylaw No. 1066, 2000

THE DISTRICT OF MACKENZIE
DEVELOPMENT VARIANCE PERMIT

NO. 3090-20-22-01

Issued to: IE CA Development Holdings 2 Ltd.
(Owner as defined in the Local Government Act,
hereinafter referred to as the Permittee)

- 1) This Development Variance Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied by this Permit.
- 2) This Development Variance Permit applies to and only to those lands within the Municipality described below, and any and all buildings, structures and other development thereon:

Address:	4900 Coquiwaldie
Legal Description:	LOT 11 DISTRICT LOT 12479 CARIBOO DISTRICT PLAN EPP35189
P.I.D.:	029-238-871

- 3) "Zoning Bylaw No. 1368, 2017" is varied in accordance with the following:
 - a. Reducing the minimum permitted distance of an accessory building from the front parcel line from 12.2 metres to 6.56 metres.
- 4) The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this permit and any plans and specifications attached to this permit, which shall form a part hereof.
- 5) This permit shall lapse if the Permittee does not substantially commence the construction permitted by this permit within two years of the (issuance) date of this permit.
- 6) The terms of this permit or any amendment to it, are binding on all persons who acquire an interest in the land affected by this permit.
- 7) This permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE MAYOR AND COUNCIL ON THE ____ DAY
OF _____, 2022.

ISSUED THIS THE ____ DAY OF _____, 2022.

Chief Administrative Officer

I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THE TERMS AND
CONDITIONS UPON WHICH THIS PERMIT IS ISSUED.

Applicant (or Authorized Agent or
Representative of Applicant)

DRAFT