

Temporary Permit Information Package

File Number: 3070-20/20180014

Electoral Area: L

Date of Referral: April 10, 2018

Date of Application: March 22, 2018

Property Owner's Name(s): Robert Birch

Applicant's Name: Edward Young

SECTION 1: Property Summary

Legal Description(s): Lot 4, District Lot 4050, Lillooet District, Plan 32810

Area of Application: 0.4 ha (1 ac)

Location: 6135 Marlborough Road

Authorization Bylaw:

Official Community Plan/Rural Land Use Bylaw:

South Cariboo Area Official Community Plan Bylaw No. 3100, 1995

Section:

Temporary Permits

Designation: Rural Residential 1

Zoning Bylaw:

South Cariboo Area Zoning Bylaw No. 3501, 1999

Current Zoning:

Rural 1 (RR 1)

Min. Lot Size Permitted:

4 ha (9.88 ac)

Existing Use: Residential

Proposed TP Use: To operate an RV repair business

Name and type of existing road system: Marlborough Rd (gravel, collector)

Services Available: Hydro, telephone, sewage disposal system, well

Within the influence of a Controlled Access Highway: No

Within the confines of the Agricultural Land Reserve: No

Required to comply with a Development Permit Area: Yes No

DP Area: N/A

Adjoining Properties: (Source: B.C.A.A.)

	Land Use:	Lot Sizes:
(a) North		
(b) South	060 – 2 Acres or More – Single Family Dwelling, Duplex	2.01 ha (4.99 ac) – 7.81 ha (19.3 ac)
(c) East	060 – 2 Acres or More – Single Family Dwelling, Duplex	4.07 ha (10.06 ac) – 6.18 ha (15.29 ac)
(d) West	060 – 2 Acres or More – Single Family Dwelling, Duplex	4.05 ha (10.02 ac) – 4.10 ha (10.15 ac)

SECTION 2: Planning Report

Background:

The applicant is seeking a temporary permit to operate an RV repair business in Rural 1 (RR 1) in the South Cariboo Area Zoning Bylaw No. 3501, 1999.

Location:

The property is located at 6135 Marlborough Road, the corner of Lust Rd and Weldon Rd and is mostly surrounded by single family residential dwellings with a large vacant parcel to the north of the subject property.

CRD Regulations and Policies:

Temporary Permits can be used to allow a land use that would not be permitted under a zoning bylaw within a specific zoning district

South Cariboo Area Official Community Plan Bylaw No. 3100, 1995.

Temporary Permits

The Regional District can issue Temporary Use Permits through the authority of the Local Government Act. The temporary use may continue in accordance with the provisions of the permit until it expires, or three years after the permit was issued, whichever occurs first. Permits are renewable once, after which the use must either be permanently designated in the Official Community Plan and Zoning Bylaw to permit the use, or the use must cease.

- The Regional District will consider issuing temporary use permits within all land use designations.

- The Regional District requires an applicant for a temporary use permit to adhere to the following general conditions:
 - a. the use must be clearly temporary or seasonal in nature;
 - b. does not cause undesirable health, safety or environmental impacts;
 - c. does not have a negative impact on adjacent lands;
 - d. has a low demand for water and sewer services;
 - e. does not permanently alter the site upon which it is located, and
 - f. complies with all conditions specified by the Board in the Temporary Use Permit.

Local Government Act

Temporary use permits for designated areas and other areas

- 493** (1) On application by an owner of land, a local government may issue a temporary use permit as follows:
- a) by resolution, in relation to land within an area designated under section 492;
 - b) by bylaw, in relation to land within an area outside a municipality, if there is no official community plan in effect for the area.
- (2) A temporary use permit may do one or more of the following:
- a) allow a use not permitted by a zoning bylaw;
 - b) specify conditions under which the temporary use may be carried on;
 - c) allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.
- (3) If a local government delegates the power to issue a temporary use permit under this section, the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter.

Rationale for Recommendations:

As there is a demand for this type of business in the area and being the proposal is temporary in nature, planning staff recommend that the application for a Temporary Use Permit pertaining to Lot 4, District Lot 4050, Lillooet District, Plan 32810 be approved in principle, as per Schedule "A" subject to the following conditions:

- a. The recreational vehicles should be parked only within the proposed area for temporary use permit as shown in Schedule A.
- b. No recreational vehicles should be parked on public streets.
- c. The boundaries of the proposed area for temporary use permit in the parcel should be provided with a screening fence.

REVISED Conditions (June 28, 2018):

As there is a demand for this type of business in the area and being the proposal is temporary in nature, planning staff recommend that the application for a Temporary Use Permit pertaining to Lot 4, District Lot 4050, Lillooet District, Plan 32810 be approved in principle, as per Appendix "D" subject to the following conditions:

- a. The recreational vehicles must be parked only within the proposed area for temporary use permit as shown in Appendix D.
- b. No recreational vehicles can be parked on public streets.

- c. The southern and eastern boundaries of the proposed area for temporary use permit in the parcel must be provided with a screening fence.
- d. The business operation must be between 9:00 AM to 5:00 PM

SECTION 3: Referral Comments

Health Authority: - April 12, 2018

See attached.

Ministry of Transportation and Infrastructure: -

Advisory Planning Commission: April 24, 2018

See attached.

Ministry of Environment: -

CRD Environmental Services Department: - May 10, 2018

Interests unaffected.

SECTION 4: Board Action

Date of Meeting: May 25, 2018

That the application pertaining to Lot 4, District Lot 4050, Lillooet District, Plan 32810 requesting the issuance of a Temporary Permit to allow the subject land and buildings thereon to be used to operate an RV repair business, be approved, in principle, as per Schedule "A" - Site Plan, subject to the following conditions:

- a. The recreational vehicles should be parked only within the proposed area for temporary use permit as shown in Schedule A.
- b. No recreational vehicles should be parked on public streets.
- c. The boundaries of the proposed area for temporary use permit in the parcel should be provided with a screening fence.

That the references to "should" in conditions a and c of Board Resolution No. 2018-5B-20 be reworded to say "must" and condition b be reworded to "can".

That the application pertaining to Lot 4, District Lot 4050, Lillooet District, Plan 32810 requesting the issuance of a Temporary Permit to allow the subject land and buildings thereon to be used to operate an RV repair business, be deferred for up to 60 days.

ATTACHMENTS

Appendix A: General Map

Appendix B: Specific Map

Appendix C: Orthographic Map

Appendix D: Site Plan

Other: Health Authority Comments received April 12, 2018

APC Comments

Letter from the public dated May 7, 2018

Letter from the public dated May 21, 2018

Appendix A: GENERAL MAP



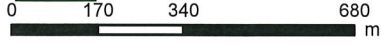
LEGEND



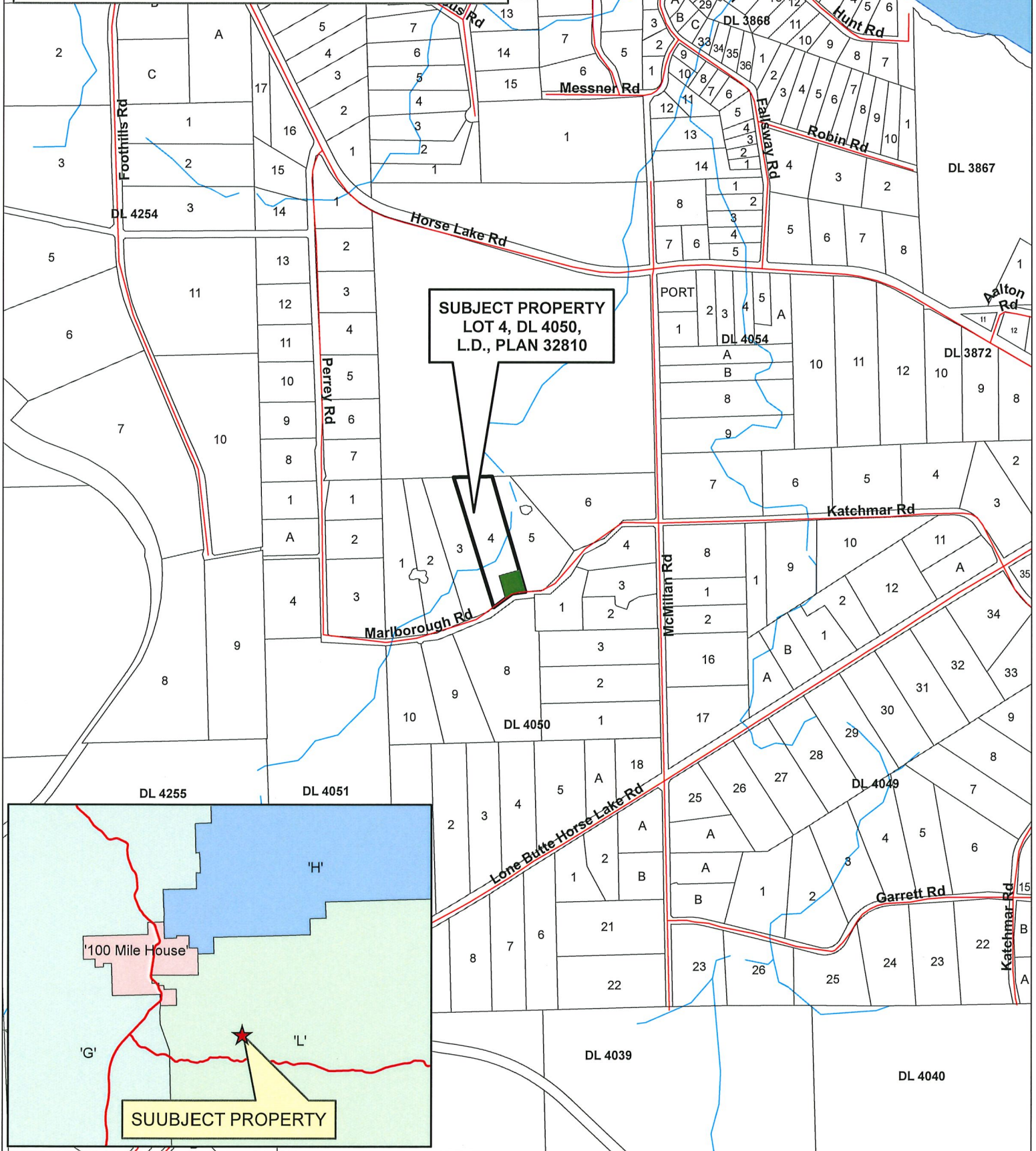
SUBJECT PROPERTY



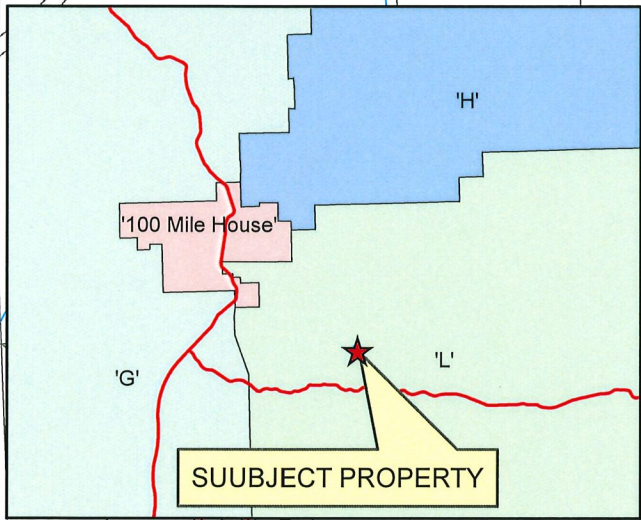
AREA UNDER APPLICATION



TP18014



SUBJECT PROPERTY
LOT 4, DL 4050,
L.D., PLAN 32810



SUUBJECT PROPERTY

Appendix B: SPECIFIC MAP



LEGEND



SUBJECT PROPERTY



PROPOSED AREA FOR TEMPORARY USE PERMIT



MEASUREMENTS ARE METRIC

TP18014



TREED AREA

Lot 4, DL 4050,
L.I.D., PL 32810,
+/- 4.07 ha

NINETYTHREE MILE CREEK

WETLAND

Lot 5
PI 32810

PROPOSED AREA
FOR TEMPORARY USE PERMIT
TO OPERATE A RV REPAIR
BUSINESS
+/- 0.4 ha

Lot 3
PI 32810

NINETYTHREE MILE CREEK

Lot 2
PI 32810

TREED AREA

Marlborough Rd

Lot 8
PI 32810

Lot 1
PI KAP69167

Appendix C: ORTHOGRAPHIC MAP



LEGEND



SUBJECT PROPERTY



AREA UNDER APPLICATION



TP18014



SUBJECT PROPERTY
LOT 4, DL 4050,
L.D., PLAN 32810

DL 4050

NINETYTHREE MILE CREEK

Cariboo Hwy Rd

Appendix D: SITE PLAN



LEGEND



SUBJECT PROPERTY



PROPOSED AREA FOR TEMPORARY USE PERMIT



MEASUREMENTS ARE METRIC

TP18014

TREED AREA

Lot 4, DL 4050,
L.D., PL 32810,
+/- 4.07 ha

WETLAND

WINETYTHREE MILE CREEK

Lot 5
PI 32810

ATV
SHED
31.22 sq. m

MOBILE HOME
Civic # 6135
88.44 sq. m

GARDEN
SHED
10.22 sq. m

LAWN

LAGOON

WOOD
SHED
17.84 sq. m

DRIVEWAY

SHOP
142.70 sq. m

Lot 3
PI 32810

TREED AREA

Marlborough Rd

Lot 8
PI 32810

PROPOSED AREA
FOR TEMPORARY USE PERMIT
TO OPERATE A RV REPAIR
BUSINESS
+/- 0.4 ha



Interior Health

Every person matters

April 12, 2018

Havan Surat
Cariboo Regional District
Suite D, 180 North 3rd Ave
Williams Lake, BC V2G 2A4
<mailto:nalexander@cariboord.bc.ca>

Cariboo Regional District
File No.
APR 12 2018
Referred To

Dear Havan Surat:

RE: File #: 3070-20/20180014
Our interests are unaffected

The IH Healthy Built Environment (HBE) Team has received the above captioned referral from your agency. Typically we provide comments regarding potential health impacts of a proposal. More information about our program can be found at [Healthy Built Environment](#).

An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal.

However, should you have further concerns, please return the referral to hbe@interiorhealth.ca with a note explaining your new request, or you are welcome to contact me directly at 1-855-744-6328 then choose HBE option.

Sincerely,

Mike Adams, CPHI(C)
Team Leader, Healthy Communities
Interior Health Authority

ADVISORY PLANNING COMMISSION RESPONSE FORM

Minutes of the meeting of the Electoral Area 'L' advisory planning commission held on **APRIL 23 2018** in the **FIRE HALL**, located at **LONE BUTTE**, BC, commencing at

PRESENT: Chair **RAY CARLSON**
Members **DAVE LEVICK, STEVE BROWN, ALAN BOYD, PETER CRAWSHAY, JUSTIN GUILMOND, ART GUILMOND, HAROLD MCBBS**

Recording Secretary **RAY CARLSON**

Owners/Agent, or **ED YOUNG**
 Contacted but declined to attend

Cariboo Regional District
File No.

APR 24 2018

ABSENT: PETER BONTERS

Referred to

ALSO PRESENT: Electoral Area Director **BRIAN COAKLEY**
Staff support (if present)

Agenda Items

TEMPORARY PERMIT APPLICATION - 3370-20/20180014 (Lot 4, District Lot 4050, Lillooet District, Plan 32810) MOVED BY PETER CRAWSHAY SECONDED BY STEVE BROWN : "THAT the application for a temporary permit at 6135 Malborough Road, be supported/rejected for the following reasons: ~~WE SUPPORT THE SUBJECT~~ ^{BE} **To the i) TEMPORARY PERMIT FOR 3 YEARS To A MAXIMUM OF NO MORE THAN 6 YEARS.**

For: **5** Against: **3**

CARRIED DEFEATED

Termination

MOVED BY ART GUILMOND : That the meeting terminate.
SECONDED JUSTIN GUILMOND
Time: **7:50 PM**

CARRIED

R Carlson
Recording Secretary

R Carlson
Chair

(SEE OVER)

Comments from APC in Support

- 1) There is a need for this type of business.
- 2) Property is 10 acres in size.
- 3) Minimal to no traffic issues
- 4) Noise level is minimal.

MAY 16 2018

Referred To

May 7, 2018

Michael and Patricia Palmer
6134 Marlborough Road
Lone Butte, B.C.
V0K 1X3

Cariboo Regional District
Suite D, 180 North Third Avenue
Williams Lake, B.C.
V2G 2A4

ATTENTION; PLANNING SERVICES DEPARTMENT

Dear Sirs:

Re: Lot 4, D.L. Lot 4050, Lilloet Dist. Pl. 32810, 6135 Marlborough Rd. Lone Butte
Cariboo RV Mobile Parts Service & Repair

We are writing in response to a sign posted on our road for a Development Permit Application for a Recreational Vehicle Repair Business located in our residential neighbourhood.

It was our understanding, when purchasing our home in 2015 that we would be living on a quiet, no-through road with only 6 residences beyond our home. According to the zoning for the area, it is zoned as RR2 Residential. Prior to purchase of our residence we reviewed what was permitted under this zoning. We purchased the property in February 2015 and did not notice an above-average number of vehicles using the road. Later in the year however, it became evident that traffic had dramatically increased. It is not just the noise from the traffic flow that became apparent but the speed, dust and deterioration of our road that seems to be connected with the illegal operation of a recreational vehicle repair business located adjacent to our property on Marlborough Road. There is also noise generated by vehicles being unhooked and placed into position for service and later picked up by the owners.

Our concerns are as follows:

1. As noted above, we have noticed a considerable amount of traffic on our road consisting of trucks, trailers, fifth wheels, motorhomes, etc. coming to the business for repair and general maintenance. (As this is a no-through road, all traffic going to the business goes by our house when it is coming in for repair *and* when it leaves). The traffic does not only disturb us due to its noise but also due to the dust created on the gravel road and the speed at which some vehicles travel. Vehicles seem to come and go at all times of the day, often early in the morning. The person running the business also drives in and out from the business numerous times a day getting parts and materials. I have even noticed vehicles from large commercial RV Rentals/Dealership coming to this business for repair and maintenance. There have also been instances where customers seeking service on their RV's have bothered neighbouring property owners requesting service and parts.

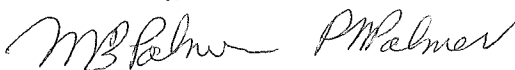
2. The increased traffic, especially the large trailers and motorhomes, are quite detrimental to the surface of the gravel road causing large potholes. I do not believe the road was constructed for this volume of traffic and the surface of the road deteriorates quickly, even after grading.
3. The business is not run by the owner of the property, (Robert Birch), rather, another party rents a structure on the property and is named as the owner of the Business, (Ed Young) and performs the services on the RVs. It would appear from photographs on the RV business advertisement on the internet, that the structure was constructed solely for the use as an RV Repair business as the photograph shows the building under construction. Upon my receipt of the Building Permit from the CRD, it is evident that the permit was not taken out for the purpose that it is being used for. Robert Birch and Ed Young both appear on the completed building permit. It would appear that the true intent of use of the building was not disclosed at the time of construction. I believe that no rezoning application was initially made, which leads me to believe that the owner was aware that this commercial business was not appropriate and intentionally attempted to mislead the CRD. This leads me to worry about what further operations will occur if the approval of a Permit is now granted.
4. The homes on this road are very well maintained and pay significant property taxes. The RV business structure is unsightly, unfinished and is only sheathed having no proper, permanent siding. It devalues the surrounding properties in this neighbourhood as it changes the environment from one of cared-for residential dwellings to that of commercial operations.
5. There is a large Business Sign on the building and another sign that posts the business hours for the public. There is also an Internet advertisement that states the address for the Business is 6135 Marlborough Road with hours 9 a.m. to 5:30 p.m. We have noticed many vehicles coming and going outside of those times.
6. My wife and I are afraid that this business will set a precedent for the area and other businesses may be allowed to operate in what is supposed to be a peaceful, residential neighbourhood.
7. It is our understanding from reading Bylaw 4873, 4.10 Home Industry (d) "there shall be no noise, vibration, dust, smoke, odour, heat or traffic generation other than that normally associated with a dwelling". The RV business contravenes several of these conditions. (The additional traffic was even noted by the Fortis Installation Crew last October when working on Marlborough to install a new gas line. They asked me why there were so many RV's coming up and down our road. It was clearly noticeable to them that it was out-of-the ordinary).

We feel that it is in the neighbourhood's best interest that the application for a Permit be denied as it is not a suitable business for a residential neighbourhood.

Please advise us of your receipt of this letter 250-395-7561 and further provide us with details as to the process of how the application will be reviewed by The Board. Should you require any further information from us or should you require our attendance at a meeting to discuss this matter, we can be reached at 250-395-7561 or by e-mail palmerplace@shaw.ca.

Thank you for your consideration of our concerns.

Yours truly,



Michael and Patricia Palmer

Tom and Christine Gallagher

6141 Marlborough Road
Lone Butte, BC V0K 1X3
250-395-9039
christinegallagher614@gmail.com

May 21, 2018

To: Cariboo Regional District
Suite D, 180 North Third Avenue
Williams Lake, BC V2G 2A4

Attention: Planning Services Department

Re: Lot 4, 6135 Marlborough Road – Cariboo RV Mobile Parts Service and Repair

We are submitting this letter to express our deepest concerns in regards to the above noted Development Permit Application.

When we moved to the Cariboo 9 years ago we looked at many, many properties in the area. The main reason we specifically chose this location on Marlborough Road to build our dream home was because of the fact that it was a quiet residential dead end street. It is extremely important to us that we live in a quiet, private location and a dead end street would mean only vehicles travelling to other residences on the street as opposed to any other through traffic or otherwise, meaning less disturbance and noise. There are only 10 properties on the road which is within the ALR and I understand there to be a clause that the properties cannot be subdivided so there would not be an increase in residences and consequently, vehicle traffic. This gave us the comfort level to purchase the property in this residential, family neighborhood.

In 2011 we noticed an increase in traffic specifically with large trucks, RV trailers and motorhomes. We then noticed a large structure being built on the property directly adjacent to ours. The structure can be seen from our home and certainly does not appear as anything that would be for a residence. At that time the traffic and noise vastly increased and the condition of the road surface worsened.

The large truck, RV trailer and motorhome traffic has continued and increased as well as smaller vehicles going back and forth to the business. The condition of the road is absolutely terrible and degraded with many large potholes and washboarding. We feel that the amount of light traffic there should be on a quiet dead end street of 10 properties would not cause this amount of damage.

Apart from the road condition, the noise and dust the vehicles cause is very disturbing and can start early in the morning through to late in the evening, 7 days a week. Many times we have had these large vehicles which are also towing large RV trailers pull into and up our driveway by mistake. Since we do not have a turnaround large enough for them to navigate once we go and tell them they are at the wrong address, they have to then back down our driveway which is sloped on an incline and curved. It can be quite difficult for them, it takes a while and in their attempts can't always stay on the driveway and drive over the shrubbery to the sides. We have even had people come to the door when we have not seen them pulling in first. We very much value our privacy and this causes us great anguish.

This business has been in full operation for several years with advertisements which include the address and hours (though unfortunately there are many vehicles and customers going to and from the business outside of the posted hours as mentioned above). Why are they only now applying for a Development Permit? Should they not have followed due process and applied before they started operating the business? We consider this a flagrant disregard for not only their neighbors but also the Cariboo Regional District By Laws. Since they have already operated the business in contravention of process we are concerned that should they be granted the permit they will expand upon the business causing our quiet, peaceful way of life and enjoyment of our home and property to be shattered.

The owner of the business does not own the property, but rather is a tenant and does not have a vested interest in the property or the best interests of the neighborhood or a concern for his fellow residents.

I urge you to take this information and our grave concerns into consideration when making a decision and not approve the Development Permit Application for this business.

Thank you for your consideration of our submission and please do not hesitate to contact us should you wish any further information

Sincerely,

Tom and Christine Gallagher