

Rezoning Information Package

File Number: 3360-20/20180037

Subject: Cariboo Regional District North Cariboo Area Rural Land Use Amendment Bylaw No. 5178, 2018

Electoral Area: B

Date of Referral: September 7, 2018

Date of Application: August 9, 2018

Property Owner's Name(s): Jami Dillabough-Cruz, Julia Dillabough, Ellen Dillabough

Applicant's Name: Jami Dillabough-Cruz, Julia Dillabough, Ellen Dillabough

SECTION 1: Property Summary

Legal Description(s): District Lot 3306, Cariboo District

Property Size: 43.3 ha (107 ac)

Area of Application: 1.36 ha (3.36 ac)

Location: Cariboo Highway 97 North

Current Designation:

N/A

Min. Lot Size Permitted:

N/A

Proposed Designation:

N/A

Min. Lot Size Permitted:

N/A

Current Zoning:

Resource/Agricultural (R/A)

Min. Lot Size Permitted:

32 ha (79.07 ac)

Proposed Zoning:

Rural 2 (RR 2)

Min. Lot Size Permitted:

2 ha (4.94 ac)

Proposed Use: The proposed 1.36 ha RR 2 lot will be amalgamated with District Lot 692 to create a 4.42 ha lot for residential use, and to expand an existing Christmas tree farm.

No. and size of Proposed Lots: Two lots proposed. One 4.42 ha (10.92 ac) lot and a 41 ha (101.31 ac) lot.

Name and type of existing road system: Cariboo Highway 97 North (paved, highway)

Services Available: Hydro, telephone, sewage disposal, well

Within the influence of a Controlled Access Highway: Yes

Within the confines of the Agricultural Land Reserve: Yes

Required to comply with the Shoreland Management Policy or Development Permit Areas:

Yes, with respect to sewage disposal and riparian protection

Name of Lake/Contributing River and Lake Classification: Unnamed creek off of Ahbau Creek

Required to comply with other Development Permit Areas: No

Name of Development Permit: N/A

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

	Actual Use Code:	Lot Sizes:
(a)	060 – 2 Acres or More – Single Family Dwelling, Duplex	250.9 ha (620.21 ac)
North	061 – 2 Acres or More – Vacant	4.68 ha (11.58 ac) – 5.57 ha (13.77 ac)
(b)	061 – 2 Acres or More – Vacant	176.24 ha (435.5 ac)
South		
(c)	061 - 2 Acres or More – Vacant	36.16 ha (89.37 ac)
East	070 – 2 Acres or More - Outbuilding	43.30 ha (107 ac)
(d)	060 - 2 Acres or More – Single Family Dwelling, Duplex	1.29 ha (3.19 ac) – 12.14 ha (30 ac)
West	061 – 2 Acres or More – Vacant	5.57 ha (13.77 ac)

SECTION 2: Planning Report

Background:

It is proposed to rezone 1.36 ha (3.36 ac) within 43.3 ha (107 ac) subject property from Resource/Agricultural (R/A) to Rural 2 (RR 2). The applicants have requested to subdivide the subject property into two lots-one 4.42 ha (10.92 ac) lot and a 41 ha (101.31 ac) lot. The proposed 1.36 ha (3.36 ac) RR 2 lot will be amalgamated with District Lot 692 to create a 4.42 ha (10.92 ac) lot for residential use, and to expand an existing Christmas tree farm. The proposal is shown in Appendix C.

Location & Surroundings:

The subject property is located adjacent to the Cariboo highway 97 with Hush Lake to the south of the property and an unnamed creek off of Ahbau Creek that runs through the property as shown in Appendix B. Currently, the proposed area is a vacant land covered in pasture with dense tree coverage. There is no access available for the owners to enter the proposed piece of property. The subject property is surrounded by residential buildings to the north and west with vacant land to the south and east of the subject property.

CRD Regulations and Policies:

3505- North Cariboo Area Rural Land Use Bylaw, 1999

8.12 RURAL 2 (RR 2) ZONE

8.12.2 ZONE PROVISIONS

(a) LOT AREA (minimum) = 2 hectares (4.94 acres)

Rationale for Recommendations:

Being surrounded by properties with similar land-use and vacant land, the proposal has minimal impact on adjacent properties. Therefore, planning staff recommends approval of this application.

Recommendations:

That Cariboo Regional District North Cariboo Area Rural Land Use Amendment Bylaw No. 5178, 2018 to rezone Part of District Lot 3306, Cariboo District from Resource/ Agricultural (R/ A) zone to Rural 2 (RR 2) zone be approved, subject to the following condition(s):

1. The applicant offering to enter into and entering into a covenant to ensure compliance with the CRD Shoreland Management Policy with respect to sewerage disposal and riparian protection.

Further, that the cost of registration of the covenant be borne by the applicants.

SECTION 3: Referral Comments

Health Authority: - September 18, 2018
See attached.

Ministry of Transportation and Infrastructure: - September 20, 2018
See attached.

Advisory Planning Commission: October 1, 2018
See attached.

Ministry of Environment: -

Agricultural Land Commission (Ministry of Agriculture): - September 25, 2018
See attached.

SECTION 4: Board Action

Date of Meeting:

ATTACHMENTS

Appendix A: Bylaw No. 5178

Appendix B: General Map

Appendix C: Specific Map

Appendix D: Orthographic Map

Other: Applicant's supporting documentation

Interior Health Comments

Ministry of Transportation and Infrastructure Comments

Ministry of Agriculture Comments

APC Comments



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5178

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to amend Bylaw No.3505, being the "North Cariboo Area Rural Land Use Bylaw No. 3505, 1999".

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a Rural Land Use bylaw after a public hearing and upon the affirmative vote of the Directors.

WHEREAS an application has been received to rezone property.

NOW, THEREFORE the Board of Directors of the Cariboo Regional District, duly assembled, enacts as follows:

1. CITATION:

This bylaw may be cited for all purposes as the "Cariboo Regional District North Cariboo Area Rural Land Use Amendment Bylaw No. 5178, 2018".

2. AMENDMENT

Bylaw No. 3505 of the Cariboo Regional District is amended by:

- i) rezoning Part of District Lot 3306, Cariboo District from Resource/Agricultural (R/A) zone to Rural 2 (RR 2) zone as shown on Schedule "A"; and
- ii) amending Schedule "C" and "D" accordingly.

READ A FIRST TIME THIS _____ DAY OF _____, 2018.

READ A SECOND TIME THIS _____ DAY OF _____, 2018.

A PUBLIC HEARING WAS HELD ON THE _____ DAY OF _____, 2018.

READ A THIRD TIME this _____ day of _____, 2018.

APPROVED UNDER THE "TRANSPORTATION ACT" THIS _____ DAY OF _____,
2018.

ADOPTED this _____ day of _____, 2018.

Chair

Corporate Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw
No. 5178 cited as the "Cariboo Regional District North Cariboo
Area Rural Land Use Amendment Bylaw No. 5178, 2018", as
adopted by the Cariboo Regional District Board on the _____ day
of _____, 2018.

Corporate Officer

SCHEDULE "A"



PROPOSED RURAL 2 (RR 2) ZONE



MEASUREMENTS ARE METRIC Z18037

DL 7598

DL 7818

RAILWAY R/W DL 11267

DL 3306, C.D.

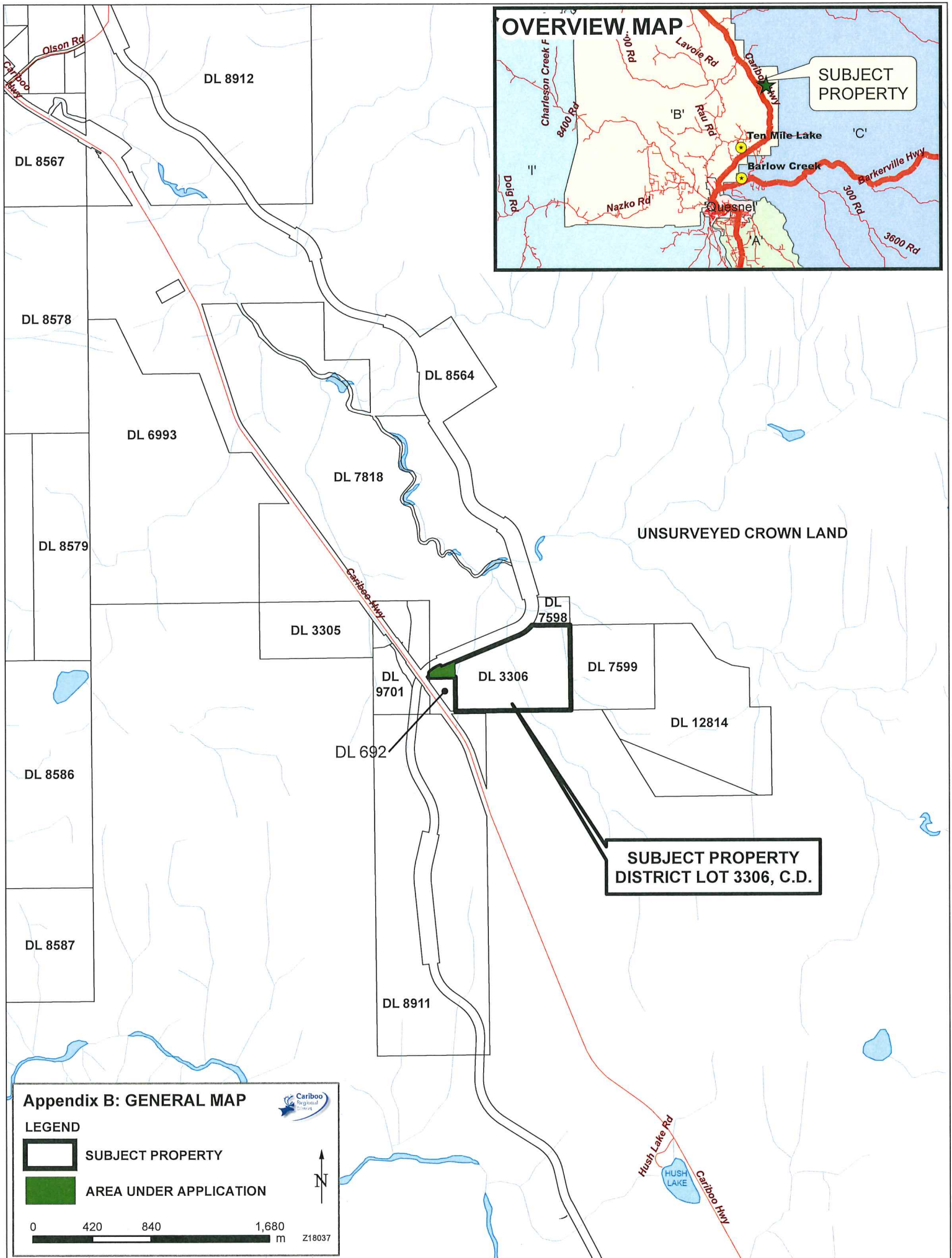
DL 7599

DL 692

2

Cariboo Hwy

DL 8911



Appendix C: SPECIFIC MAP



SUBJECT PROPERTY



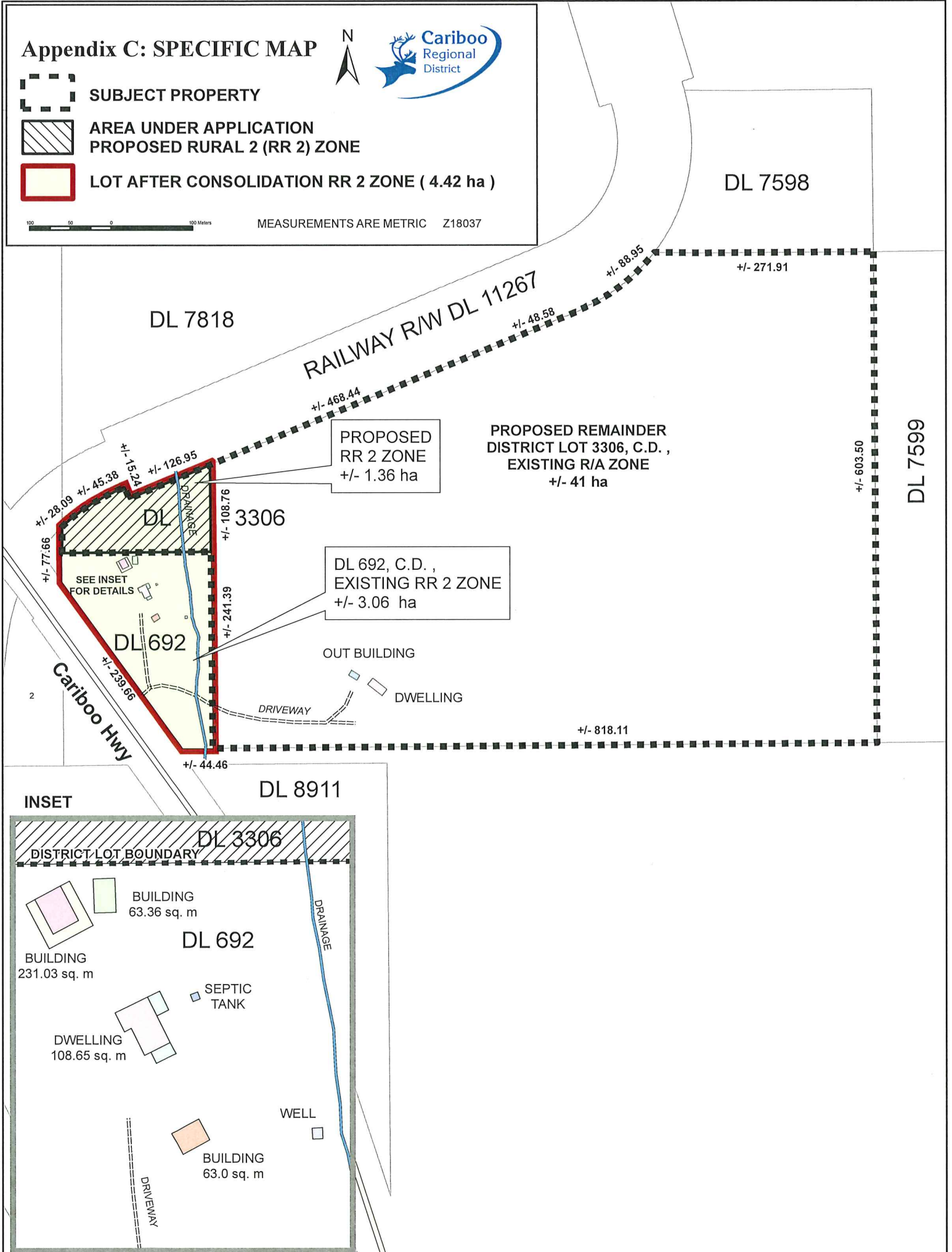
AREA UNDER APPLICATION
PROPOSED RURAL 2 (RR 2) ZONE



LOT AFTER CONSOLIDATION RR 2 ZONE (4.42 ha)



MEASUREMENTS ARE METRIC Z18037

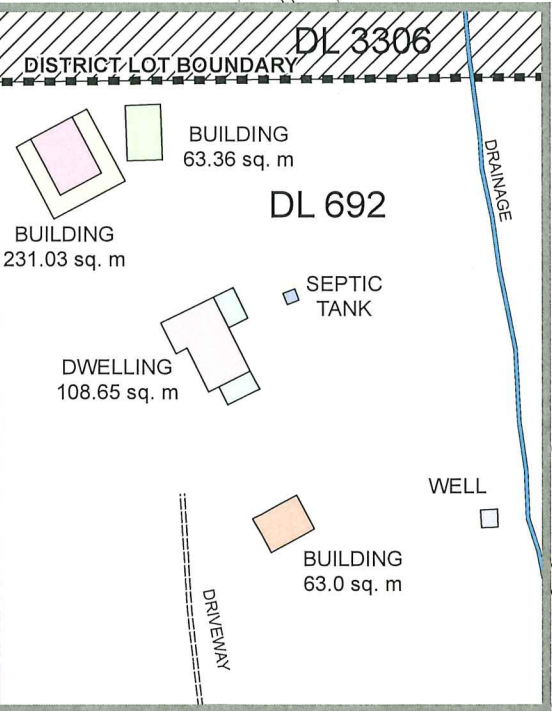


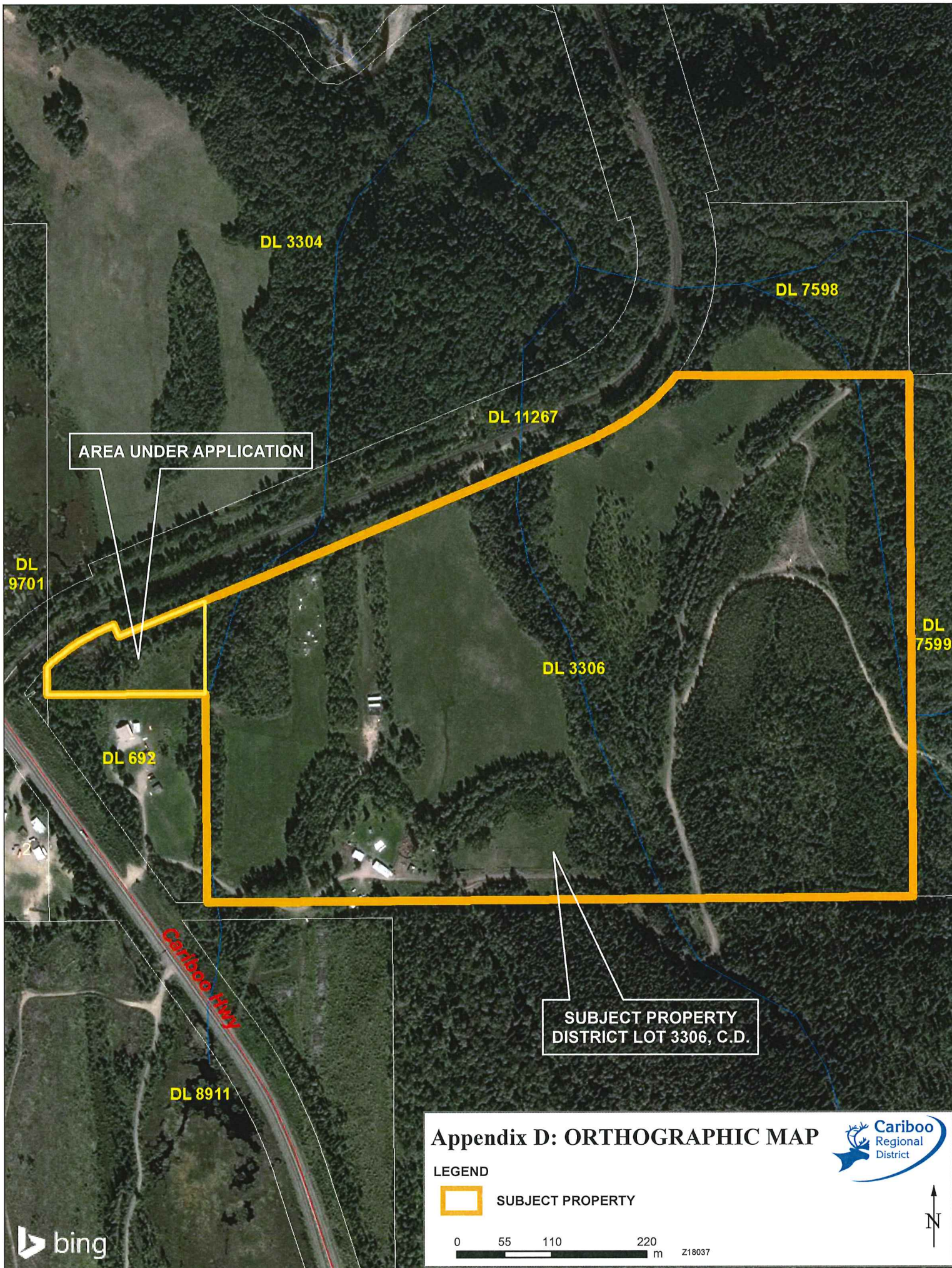
PROPOSED
RR 2 ZONE
+/- 1.36 ha

PROPOSED REMAINDER
DISTRICT LOT 3306, C.D. ,
EXISTING R/A ZONE
+/- 41 ha

DL 692, C.D. ,
EXISTING RR 2 ZONE
+/- 3.06 ha

INSET





AREA UNDER APPLICATION

DL 3304

DL 7598

DL 11267

DL 9701

DL 692

DL 3306

DL 7599

DL 8911

Cariboo Hwy

SUBJECT PROPERTY
DISTRICT LOT 3306, C.D.

Appendix D: ORTHOGRAPHIC MAP



LEGEND

 SUBJECT PROPERTY

0 55 110 220
m Z18037



Describe the existing use of the subject property and all buildings: LAND IS CURRENTLY NOT IN USE.
THERE IS CURRENTLY NO AVAILABLE ACCESS FOR OWNERS TO ENTER THIS ^{PIECE OF} PROPERTY.
A NATURAL RAVINE SEPERATES THE PROPERTY.

Describe the proposed use of the subject property and all buildings: WHEN THE LAND IS SUBDIVIDED
AND TRANSFERRED TO ELLEN DILL ABDOUGH, SHE PLANS TO USE THE LAND
FOR AGRICULTURAL PURPOSES, AND EXPAND HER CHRISTMAS TREE FARM.

Describe the reasons in support for the application: THE LAND IS NOT ACCESSABLE TO OWNERS,
THE LAND IS BEING USED TO TRADE FOR LEGAL EASEMENT FOR OWNERS
TO ACCESS THE REST OF THE PROPERTY. - ALREADY APPROVED BY MOF TRANSPORTATION.

Provide a general description of vegetation cover (i.e. treed, grassland, forage crop etc.): _____
SWAMP - RAVINE - TREES - SHRUBS - SMALL PASTURE.

Provide general geographical information (i.e. existing lakes, streams, physical features etc.): _____
RUN OFF STREAM + SWAMP.

Services Currently Existing or Readily Available to the Property (check applicable area)

* Readily Available means existing services can be easily extended to the subject property.

Services	Currently Existing?		Readily Available?*	
	Yes	No	Yes	No
Hydro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Telephone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Water System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Sewer System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewage Disposal System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Well	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Interior Health

Every person matters

September 18, 2018

Nyree Alexander
Suite D, 180 North 3rd Ave
Williams Lake, BC V2G 2A4
<mailto:nalexander@cariboord.ca>

Dear Nyree Alexander:

RE: File #: 3360-20/20180037
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

From: [MacPhail, Carol A N TRAN:EX](#)
To: [Nyree Alexander](#)
Cc: [Holtom, Wendy E TRAN:EX](#)
Subject: RE: Referral - Rezoning Amendment Bylaw 5178
Date: September-19-18 4:52:27 PM
Attachments: [image001.png](#)
[PLRS - Dillabough Subdivision EDAS # 2017-00803.msg](#)

EDAS FILE 2018-05322

RE: Rezoning Amendment Bylaw 5178

The Ministry of Transportation and Infrastructure has no objection in principle to the proposed rezoning amendment bylaw 5178 application but provides the following comments:

The application is subject to approval pursuant to Section 52 of the Transportation Act.

This in no way relieves the owner or occupier of the responsibility of adhering to all other relevant legislation.

This in no way constitutes subdivision approval.

Please be aware that the Ministry has NOT approved the subdivision of this property at the preliminary stage and that an easement was NOT accepted as access for DL3306. Although the applicant states on the rezoning application that “the land is being used to trade for legal easement for owners to access the rest of the property – already approved by M of Transportation”, this is not the case.

Please refer to the email (attached) dated June 6, 2017 with the Proposed Subdivision Review Status Report which outlines the additional information that is required before the preliminary review can be completed and a PLA or PLNA Report is issued. A subdivision is not completed until all conditions of the PLA/PLNA have been met and the final plans have been filed with Land Title Survey Authority.

If you have any questions, please contact me directly at 250-983-7208.

Carol MacPhail, Development Approvals Technician

Ministry of Transportation & Infrastructure

Phone: 250 983-7208 Fax: 250 992-7223

Carol.MacPhail@gov.bc.ca

Nyree Alexander

From: MacPhail, Carol A N TRAN:EX <Carol.MacPhail@gov.bc.ca>
Sent: June-06-17 9:12 AM
To: cindricsurv@shaw.ca
Cc: Francesca Sanna; 'Karen Moores'; Brenda Ethier; Konig, Cheryl FLNR:EX; Holtom, Wendy E TRAN:EX
Subject: PLRS - Dillabough Subdivision EDAS # 2017-00803
Attachments: 2017-02-28 CRD Ref Resp -- rezoning ALC App.pdf; PLRS -- Dillabough.pdf

RE: EDAS FILE 2017-00803

Attached please find the PLRS – Proposed Subdivision Review Status Report and letter from the Cariboo Regional District dated February 28, 2017.

Please contact me at 250-983-7208 if you have any questions.

Carol MacPhail, Development Approvals Technician

Ministry of Transportation & Infrastructure

Suite 501, 410 Kinchant Street Quesnel, BC V2J 7J5

Phone: 250 983-7208 Fax: 250 992-7223

Carol.MacPhail@gov.bc.ca

Websites: [MoTI Home](#), [Permits](#), [Subdivisions](#)

File: 2017-00803
03220-20-C-00692

February 28, 2017

VIA EMAIL: Carol.MacPhail@gov.bc.ca

Ministry of Transportation & Infrastructure
c/o 501-410 Kinchant Street
Quesnel, BC V2J 7J5

Dear Ms. MacPhail:

Re: Proposed Subdivision – District Lot 692 Cariboo District

The subject property is zoned Rural 2 (RR 2) under the Cariboo Regional District North Cariboo Area Rural Land Use Zoning Bylaw No. 3505, 1999.

Minimum Lot Size: 2 hectares
Water or Sewer Specified Area: Not within water or sewer specified area.
Agricultural Land Reserve: In Agricultural Land Reserve
Recommendation: Re zoning and permission from the ALC

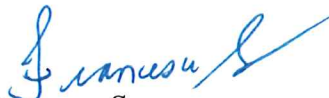
Comments: in Agricultural Land Reserve - requires permission of the Agricultural Land Commission. Rezoning required.

Planning Department Comments:

The property with PID 018-099-718 will require re-zoning as it is zoned Resource/Agricultural.

The applicant has not given any rationales how they meet Section 10 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*. There is no encroachment of the property and no justification of how the boundary adjustment would benefit the farm. Further, the parcel does not have farm status. The application should be referred to the ALC.

Respectfully,



Francesca Sanna
Planning Officer

hc/cd

c: Cindric Surveying

building communities together



Your File #:
eDAS File #: 2017-00803
Date: June 5, 2017

Ellen, Jami, & Julia Dillabough;
c/o Cindric Surveying
Box 4165
Quesnel, British Columbia V2J 3J9
Canada

Attention: Richard Cindric, BCLS

Re: Proposed Subdivision / Lot-Line Adjustment of
Legal Description(s): DL 692, Cariboo District - PID: 013-951-637; and
DL 3306, Cariboo District - PID: 018-099-718

Your proposal for a 2 lot subdivision under Section 10 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation is in the review process however additional information is required before the preliminary review can be completed and a Preliminary Layout Approval (PLA) or Preliminary Layout Not Approved (PLNA) issued. The following items require additional information:

- A. The Ministry of Transportation and Infrastructure acknowledges that an email was sent by the agent concerning Section 10 consideration. However, a more detailed rationale is required, delivered to the Ministry and Cariboo Regional District of how the application meets the Legislated qualifications of Section 10 of Part 5 - Permitted Subdivisions, of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation - see link:
http://www.bclaws.ca/civix/document/id/complete/statreg/171_2002

Please confirm to the Ministry whether both parcels have or have not been granted "farm status" through BC Assessment Authority currently.

- B. Please provide written confirmation from the Cariboo Regional District (CRD) stating the requirements of their letter dated February 28th, 2017 have been satisfied. CRD comments are: the property with PID 018-099-718 will require re-zoning as it is zoned Resource/Agricultural. See attached CRD letter for further information.

Table with 1 column and 2 rows. Row 1: Local District Address. Row 2: Quesnel Area Office, 501-410 Kinchant Street, Quesnel, British Columbia V2J 7J5, Canada, Phone: (250) 983-7210 Fax: (250) 992-7223

- C. Please revise proposed plan to provide public road access to all proposed lots and to the lands beyond. A 20m wide road right-of-way shall be deemed as constructible and dedicated. The 20 metres 'Road' shall be outlined in bold and marked road on the Final Survey Plan this is pursuant to Section 75(1)(a) & (b) of the Land Title Act.
- D. Please provide written confirmation from the Agricultural Land Commission (ALC) of acceptance of revised final plan.
- E. Please provide a design drawing of all buildings(via satellite photo/desktop orientation) of all proposed lots and mark via scenery text of any building setbacks that are not meeting or non-compliance of the CRD zoning setbacks

Further review of your application will not occur until we receive the above noted information. If the requested information is not received within one year, a new application and new fees may be required.

If you have any questions please feel free to call Carol MacPhail at (250) 983-7208. Please quote file number 2017-00803.

Yours truly,



Carol MacPhail
Development Approval Technician

Attachment:



File:

Nyree Alexander
Development Services Clerk
Cariboo Regional District
Suite D, 180 North 3rd Avenue
Williams Lake, BC V2G 2A4

Via email: nalexander@cariboord.ca

Date: September 25, 2018

Dear: Nyree Alexander, Development Services Clerk

Re: Rural Land Use Amendment Bylaw No. 5178, 2018

Thank you for providing the BC Ministry of Agriculture the opportunity to comment on the above noted amendment bylaw referral. The Ministry has not conducted an on-site visit of the property, and would like to provide the following comments:

- The proposal is to rezone 1.36 ha from DL 3306 (ALR, R/A zoning) to RR2, and consolidate with District lot 692 (non-ALR) to create a 4.42 ha lot for residential use and to expand an existing Christmas tree farm.
- Ministry staff are encouraged to read the intent to expand an existing Christmas tree farm. The intent of land within the Agricultural Land Use Reserve (ALR) is for farming purposes, and non-farm use is restricted. If approved, any subdivision should in no way be construed as support for any future non-farm use or subdivision on the resulting parcels within the ALR. Subdivision and the creation of smaller lots can erode long term agricultural and economic potential of some parcels, increase land cost per acre which limits farm business opportunities, and in some cases have been shown to increase conflict between adjacent land uses.
- The Ministry's Bylaw Guide recommends that local governments identify a single agricultural zone for all ALR land in order to provide consistency for industry and to reflect an understanding that agriculture is the priority use for these parcels.
- The site has been viewed by staff in BC SIFT and Google Earth Pro. As you are aware, the soil class is 6 and 5 with topography, stoniness, and some shallow soil over bedrock/outcroppings as standard identified limitations. Given the existing Christmas tree farm, the soil is useable, although it is not currently being used for agriculture.

Please continue to inform me on the development of this proposed bylaw amendment. If you have any questions about our comments, please feel free to contact me.

Sincerely,

Nicole Pressey, P. Ag.
Regional Agrologist
Cariboo Chilcotin Coast

pc: ALC Regional Planner, ALC.Interior@gov.bc.ca

OCT 01 2018

FILE #
3360-20/20180037

Referred To

AREA B, ADVISORY PLANNING COMMISSION
Sept 27, 2018

Cariboo Regional Board
Suite D, 180 N Third Avenue
Williams Lake, BC
V2G 2A4

ATTENTION:

SHIVANI SAJWAN. MCP, B. Arch
Planning Officer

RE: Application for Rezoning - District Lot 3306, Cariboo District

A meeting of the Advisory Planning Commission for Area B was held on Sept 27, 2018 as it relates to the request Application for Rezoning - District Lot 3306, Cariboo District. We examined the application for submission to rezone a portion of the lot 3306 (1.36 ha), to RR2 and amalgamated to the lot 692 giving the requirement of a minimum 4 ha (4.42 ha) next to Resource/Agriculture zone. We are forwarding our decision by which the Advisory Planning Commission **APPROVES** for the following reason;

CRD Agriculture Policy 2015

5.4.2 Policy

- a) ***To Protect agricultural lands, a minimum lot size of 4.0 ha (9.88) will be required for property being rezoned to facilitate a submission next to land associated with active agricultural operations, or for subdivisions that are adding the Agricultural Land Reserve's boundary.***

After reviewing the material provided, the Advisory Planning Commission approves this application. If you have any questions and or concerns, please do not hesitate to contact me at 250.249.0102 or email me @ lizdan1985@gmail.com

Respectfully



Elizebeth Montgomery
Area B Secretary
Advisory Planning Commission

- Desiree Stobbe - concurs with the decision
- Sybille Muschik - concurs with the decision
- Magnus Vinje - concurs with the decision
- Elizebeth Montgomery - concurs with the decision
- Neil McDougall - concurs with the decision
- Stan Hall - concurs with the decision
- Tony McHale - Absent
- Lowen Giesbrecht - Absent
- Jim Muschik - Absent
- Shane Stobbe - Absent

ADVISORY PLANNING COMMISSION RESPONSE FORM

Minutes of the meeting of the Electoral Area 'B' advisory planning commission held on 27 Sept 2018 in the Cariboo District, located at Hwy 97, BC, commencing at 4.45 p

PRESENT:

~~Chair~~ Desiree Stobbe - SYBILLE MUSCHIK
Members Magnus Vinje
Stan Hall
NEIL McDUGAL
Recording Secretary ELIZABETH MONTGOMERY
Owners/Agent, or Jami Dillibough
 Contacted but declined to attend

ABSENT:

TONY MCMALE
SHANE STOBBE
OWEN Giesbrecht

ALSO PRESENT:

Electoral Area Director
Staff support (if present)

Agenda Items

REZONING APPLICATION - 3360-20/20180037 (District Lot 3306, Cariboo District)

STAN HALL INEIL MCDUGAL THAT the application to rezone property at CARIBOO HIGHWAY 97 NORTH, be supported/rejected for the following reasons:

- i)
- ii)

For: 6

Against: 0

CARRIED/DEFEATED

Termination

MAGNUS VINJE DESIREE STOBBE : That the meeting terminate.

5.14

CARRIED

Time:

Recording Secretary

Chair