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
Proposed Designation: N/A

Current Zoning: Resource/Agricultural (R/A)
Proposed Zoning: Rural 2 (RR 2)

Min. Lot Size Permitted: N/A

Min. Lot Size Permitted: 32 ha (79.07 ac)
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.)

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

**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: October 12, 2018

That Cariboo Regional District North Cariboo Area Rural Land Use Amendment Bylaw No. 5178, 2018 be read a first and second time this 12th day of October, 2018. Further, that adoption be subject to the following:

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.
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
   Results of Public Hearing
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 12th DAY OF October, 2018.

READ A SECOND TIME THIS 12th DAY OF October, 2018.

A PUBLIC HEARING WAS HELD ON THE 21st DAY OF November, 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
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 property. A natural ravine separates the property.

Describe the proposed use of the subject property and all buildings: When the land is subdivided and transferred to Ellen Dill Abough, 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 accessible to owners, the land is being used to trade for legal payment 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 - Raine - 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.

<table>
<thead>
<tr>
<th>Services</th>
<th>Currently Existing?</th>
<th>Readily Available?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Hydro</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Water System</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Sewer System</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sewage Disposal System</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Well</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (please specify)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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
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
RE: EDAS FILE 2017-00803


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
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: Rezoning and permission from the ALC


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 c 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,

[Signature]

Francesca Sanna
Planning Officer

hc/cd

c: Cindric Surveying
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:  

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.
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:
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/outrcroppings 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
FILE # 3360-20/20180037

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

Elizabet 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
Elizabet 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, located at Hwy 97, BC, commencing at 4.45 p.m.

PRESENT:
Chair
Desiree Stobbe

Members
Magnus Vinje
Stan Hall
Neil McDougall

Recording Secretary
Elisabeth Montgomery

Owners/Agent, or
☐ Contacted but declined to attend

ABSENT:
Tony McHale
Shant Stobbe
Gwen Giesbrecht

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

Agenda Items

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

"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. 5:19 CARRIED

Time:

Recording Secretary

Chair
RESULTS OF PUBLIC HEARING

File No: 3360-20/20180037
Date: November 21, 2018
Location: Cariboo Regional District Library - Quesnel Branch Program Room
Re: CARIBOO REGIONAL DISTRICT NORTH CARIBOO AREA RURAL LAND USE AMENDMENT BYLAW NO. 5178, 2018.

Persons Present:

☑ Director: John Massier
☑ Owner(s): Jamie & Ellen Dilabough
☐ Agent:
☐ Public: See attached list
☐ Staff:
☑ No public in attendance (excluding owner/agent)

☐ Waited ten (10) minutes and then called the meeting adjourned.

☐ Welcome and introduction by the Area Director/Alternate

☐ The “Purpose of a Public Hearing”, including the rules for the meeting and the specifics of the application were read out and the hearing was called to order at ________.

☐ The Chair read out comments received from the referral process including CRD planning staff’s comments and board actions to date.

☐ The Chair read out the following letters received from the public: (attached)(add additional sheet if required)
   1) Date: Name:
   2) Date: Name:

☐ The following verbal comments and questions were received: (add additional sheet if required)
   Comments in favour:

   Comments of concern/opposition:

☐ Attendees were asked three times for further comments and/or questions.

☐ The Chair called the meeting adjourned at 7:10.

I certify this is a fair and accurate report on the results of the public hearing.

Signature of Chair


Attendance List

Public Hearing For

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jami Dillabough Cruz</td>
<td>44461 Hwy 97 North.</td>
</tr>
<tr>
<td>Ewen Dillabough</td>
<td>44461 Hwy 97 North Quesnel</td>
</tr>
</tbody>
</table>