

Rezoning Information Package

File Number: 3360-20/20180049

Subject: Cariboo Regional District Central Cariboo Area Rural Land Use Amendment Bylaw No. 5182

Electoral Area: E

Date of Referral: October 25, 2018

Date of Application: September 26, 2018

Property Owner's Name(s): Jo Anne Fosbery and Jeffrey Austin

Applicant's Name: Jo Anne Fosbery and Jeffrey Austin

SECTION 1: Property Summary

Legal Description(s): Lot 1, District Lots 3225, 8685 and 8686, Lillooet District, Plan KAP45337

Property Size: 74.84 ha (184.93 ac)

Area of Application: 10.77 ha (26.61 ac)

Location: 3281 English Road

Current Zoning:
Resource/Agricultural

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

Proposed Zoning:
Special Exception Rural 1

Min. Lot Size Permitted:
10.0 ha (24.71 ha)

Proposed Use: To create a 10.77 ha lot for the property owners son. The remaining 64.07 ha lot will remain R/A zone.

No. and size of Proposed Lots: 1 lot proposed. One 10.77 ha lot and a 64.07 ha remainder lot

Name and type of existing road system: English Road (collector)

Services Available: Hydro, telephone, well, sewage disposal

Within the influence of a Controlled Access Highway: No

Within the confines of the Agricultural Land Reserve: The property is partially located within the ALR. The 10.77 ha portion of the property is not within the ALR

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

Name of Lake/Contributing River and Lake Classification: Unknown Streams

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)	181 – Mixed Vacant	51.3 ha (126.88 ac)
North		
(b)	150 – Beef	18 ha (44.5 ac)
South	151 – Beef – Vacant	15.1 ha (37.3 ac)
	181 – Mixed Vacant	16.87 ha (41.7 ac)
(c)	180 - Mixed	16.1 ha (40 ac)
East		
(d)	Fraser River	
West		

SECTION 2: Planning Report

Background:

It is proposed to rezone 10.77 ha (26.61 ac) within 74.84 ha (184.93 ac) subject property from Resource/Agricultural (R/A) to Special Exception Rural 1 (RR 1-4) zone. The subject property is used for livestock grazing occasionally with a house being the primary residence, shop for repairs, barn for hay and livestock stalls and supplies, calving shed and shelter, tack shed, tool shed for storage, and detached garage. The area under application will continue to be used for grazing and residence for owner's son. The proposal is shown in Appendix C.

The applicants have requested that the Central Cariboo Area Rural Land Use Bylaw No. 3503, 1999 is amended by including Section 8.11.3.4 as follows:

8.11.3.4 Special Exception RR 1-4 Zone (3360-20/20180049)

Notwithstanding any other provisions of this bylaw to the contrary, on lands zoned RR 1-4:

- (i) LOT AREA (minimum) = 10 ha (24.71 ac)

All other provisions of the RR 1 zone shall apply.

Location & Surroundings:

The subject property is located at 3281 English Road with Fraser River to the west of the property as shown in Appendix B. The property mostly lies within Agricultural Land Reserve (ALR) except the proposed 10.77 ha (26.61 ac) area under application. There are two unnamed streams that converges in the proposed new lot. Currently, the area under application is a vacant land covered in grassland with partial tree coverage. It is surrounded by unsurveyed crown land to the north, vacant land to the east and some rural residential development to the south of the subject property.

CRD Regulations and Policies:

3503- Central Cariboo Area Rural Land Use Bylaw, 1999

8.11 RURAL 1 (RR 1) ZONE

8.11.1 USES PERMITTED

No person shall, within any RR 1 zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RR 1 uses, namely:

- (a) RESIDENTIAL USES:
 - i) a single-family residential dwelling;
- (b) NON-RESIDENTIAL USES:
 - xv) agricultural operations, including horticulture, silviculture, livestock, intensive livestock operation, stockyard, beekeeping and aquaculture;

Rationale for Recommendations:

Being surrounded by properties with similar land-use and unsurveyed crown land, the proposal has minimal impact on adjacent properties. Therefore, planning staff recommends approval of this application. Since, the area under application will continue to be used for similar land use as that of subject property, the provision of buffering and fencing around the proposed lot is not required.

However, the applicants have to comply with the CRD Shoreland Management Policy with respect to sewage disposal and riparian protection due to the presence of two unnamed streams on the proposed lot.

Recommendation:

1. That the Cariboo Regional District Central Cariboo Area Rural Land Use Amendment Bylaw No. 5182, 2018:
 - (a) to amend the Bylaw No. 3503 of the Cariboo Regional District by including the following section 8.11.3.4:

8.11.3.4 Special Exception RR 1-4 Zone (3360-20/20180049)

Notwithstanding any other provisions of this bylaw to the contrary, on lands zoned RR 1-4:

- (i) LOT AREA (minimum) = 10 ha (24.71 ac)

All other provisions of the RR 1 zone shall apply.

- (b) to rezone Part of Lot 1, District Lot 3225 Cariboo District, Plan KAP45337 from Resource/Agricultural (R/A) zone to Special Exception Rural 1-4 zone be approved, subject to the following condition(s):

- i.) 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: - November 20, 2018

See attached.

Ministry of Transportation and Infrastructure: - November 9, 2018

The Ministry of Transportation and Infrastructure (MoTI) has no objection in principle to the proposed rezoning application (Ministry file 2018-06156). Section 52 of the Transportation Act does not apply to this referral, as the subject parcel is not within 800m of a Controlled Access Highway.

However, MoTI has the following comments regarding the subject parcel:

- To create the parcel, a subdivision application to MoTI will be required.
- Access to the parcel (i.e. road dedication) will have to be researched and addressed at the time of subdivision application. It appears that MoTI's maintenance of English Road ends on the northeast portion of Lot 1, Plan KAP45337 DL 3225, 8685 & 8686. The "road" shown on the maps in the referral package, past the point where it takes a sharp turn and continues south through the lot and passes through the SE corner of proposed Lot 1, does not appear to be an MoTI road.
- Please note that this in no way constitutes subdivision approval and items that may be considered at the subdivision stage may include but are not limited to:
 - Access
 - Right-of-way Dedication
 - Road Construction
 - Lands Beyond
 - Drainage
 - Archaeology
 - First Nations Consultation
 - Proof of Water
 - Sewage Disposal
 - Referrals to affected agencies
 - Geotechnical Assessment

Advisory Planning Commission: November 21, 2018

See attached.

Ministry of Environment: - November 6, 2018

See attached.

Agricultural Land Commission:-

SECTION 4: Board Action

Date of Meeting:

ATTACHMENTS

Appendix A: Bylaw No. 5182

Appendix B: General Map

Appendix C: Specific Map

Appendix D: Orthographic Map

Other: Applicant's supporting documentation
Email from Ministry of Environment
Interior Health Comments
Email with APC Comments



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5182

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to amend Bylaw No. 3503, being the "Central Cariboo Area Rural Land Use Bylaw No. 3503, 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, hereby enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as the "Cariboo Regional District Central Cariboo Area Rural Land Use Amendment Bylaw No. 5182, 2018".

2. AMENDMENT

Bylaw No. 3503 of the Cariboo Regional District is amended by:

i) Including Section 8.11.3.4 as follows:

8.11.3.4 Special Exception RR 1-4 Zone (3360-20/20180049)

on Notwithstanding any other provisions of this bylaw to the contrary,
lands zoned RR 1-4:

(i) Lot area (minimum) = 10 ha (24.71 ac)

All other provisions of the RR 1 zone shall apply

- ii) rezoning Part of Lot 1, District Lot 3225 Cariboo District, Plan KAP45337 from Resource/Agricultural (R/A) zone to Special Exception Rural 1-4 zone; and
- iii) amending Schedule "A" and "C" 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.

ADOPTED THIS ____ DAY OF _____, 2018.

Chair

Manager of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5182 cited as the "Cariboo Regional District Central Cariboo Area Rural Land Use Amendment Bylaw No. 5182, 2018", as adopted by the Cariboo Regional District Board on the _____ day of _____, 2018.

Manager of Protective Services

SCHEDULE "A"



PROPOSED RURAL 1 (RR 1) ZONE



MEASUREMENTS ARE METRIC
Z18049

DL 4862

UNSURVEYED CROWN LAND

DL 8686

Lot 1,
Plan Kap45337
DL 3225, 8685 & 8686

DL 8685

UNSURVEYED CROWN LAND

DL 3225

DL 4860

DL 7634

DL 7549

DL 8486

DL 4861

FRASER RIVER

Appendix C: SPECIFIC MAP



SUBJECT PROPERTY



AREA UNDER APPLICATION
PROPOSED RURAL 1 (RR 1) ZONE

100 50 0 100 m



MEASUREMENTS ARE METRIC

Z18049



UNSURVEYED CROWN LAND

DL 4862

DL 8686

DL 3225

DL 8685

PROPOSED Lot 1
+/- 10.77 ha

UNSURVEYED CROWN LAND

TACK SHED

BARN

GARAGE

CALVING SHED

SHELTER

SHOP

DWELLING

SHED

DRIVEWAY

Proposed
Remainder Lot 1,
Plan KAP45337,
D.L. 3225, 8685 & 8686
+/- 64.07 ha

DL 4860

ENGLISH ROAD

DL 7634

DL 7549

DL 8486

SHEEP CREEK BRIDGE

Appendix D: ORTHOGRAPHIC MAP



LEGEND



SUBJECT PROPERTY



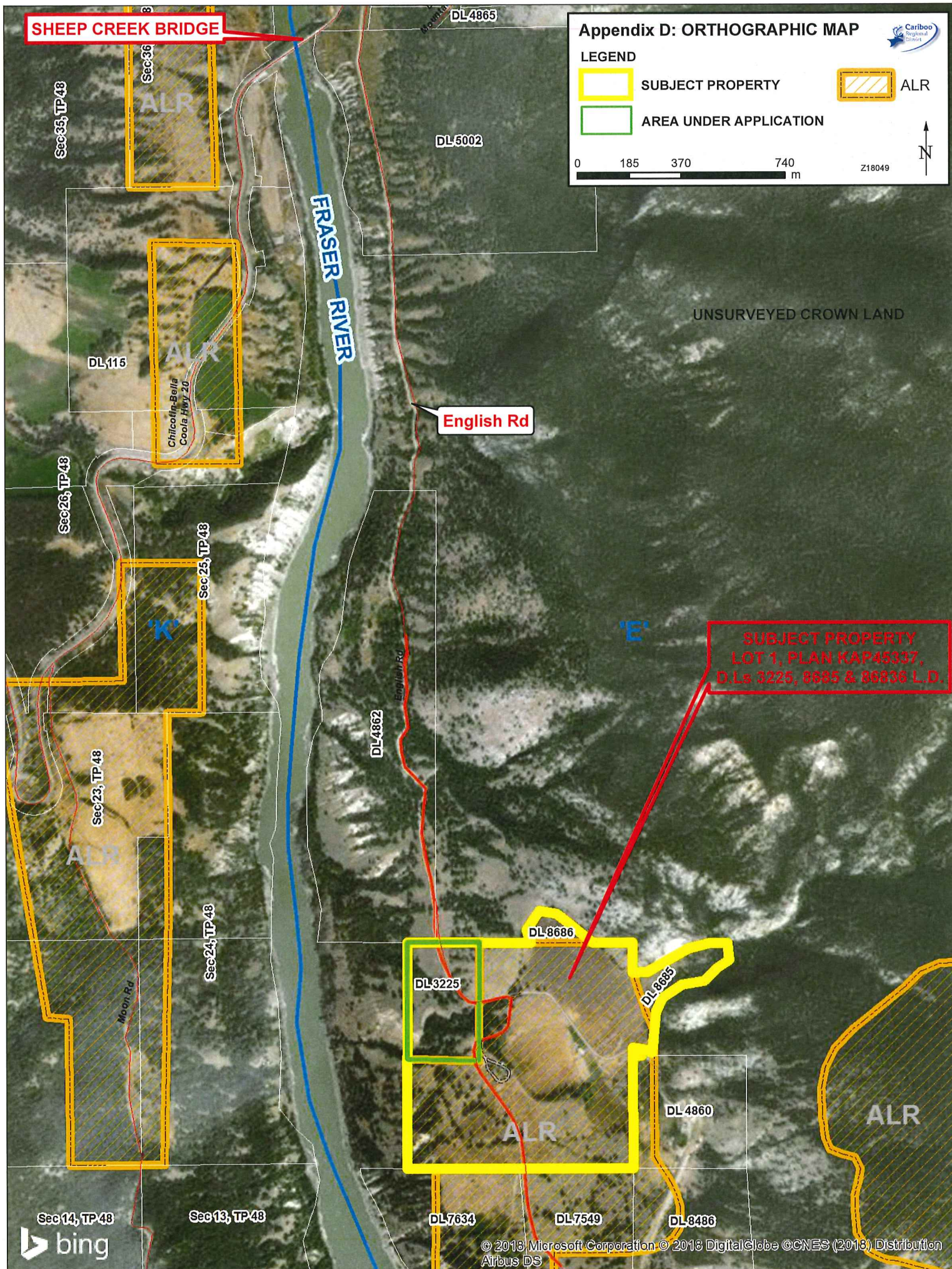
ALR



AREA UNDER APPLICATION

0 185 370 740 m

Z18049



English Rd

**SUBJECT PROPERTY
LOT 1, PLAN R4P45337,
D.L.s 3225, 8685 & 86836 L.D.**

Describe the existing use of the subject property and all buildings: Property is used as livestock grazing occasionally. House is primary residence, shop for repairs, barn for hay? livestock stalls & supplies, calving shed - calving shelter, tack shed for tack, chicken house - personal meat or laying chickens
 Describe the proposed use of the subject property and all buildings: ... No change of use.

The 24 Ha. of area under application will continue to be used for grazing and residence

Describe the reasons in support for the application: We are requesting rezoning to facilitate subdividing an area less than 80 acres. The piece we want to subdivide is not in the ALR - zone

Provide a general description of vegetation cover (i.e. treed, grassland, forage crop etc.): grassland and a few mature interior douglas fir. No crops

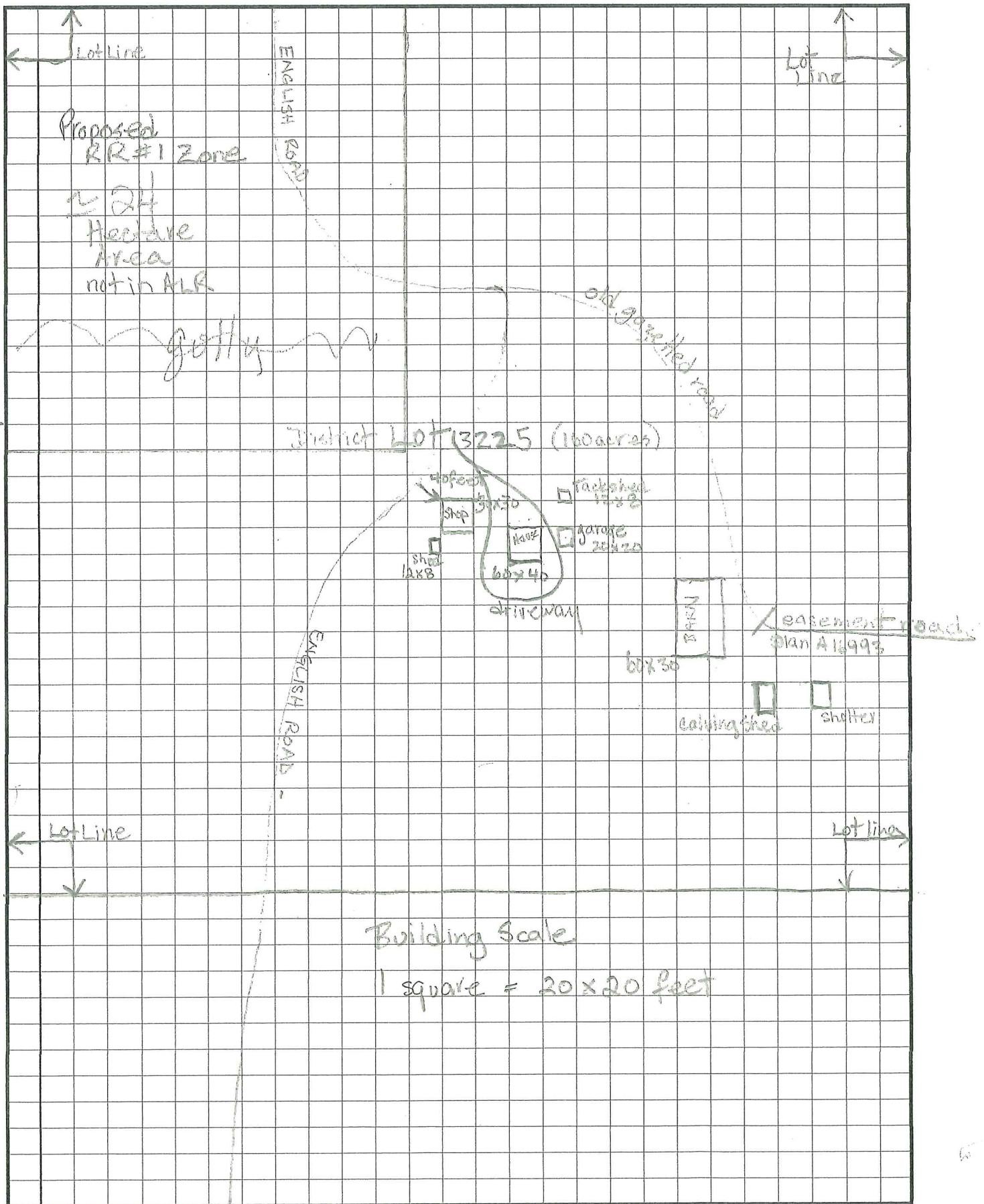
Provide general geographical information (i.e. existing lakes, streams, physical features etc.): No water/stream/lake/pond. Open ^{rolling} grassland. One notable gully might be sub surface water.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Sewer System	<input type="checkbox"/>	<input checked="" 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"/>

NORTH
↑



Nyree Alexander

From: Lion, Christine FLNR:EX <Christine.Lion@gov.bc.ca>
Sent: November-06-18 10:39 AM
To: Nyree Alexander
Subject: RE: Enquiry 619581 FW: Referral - Zoning Amendment Bylaw 5182

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Nyree,

Our mapping shows that there are two streams that converge in the proposed new lot (green and yellow lines in the figure below) – riparian vegetation should be maintained along these streams, and any works in/about a stream will require approval from us. Otherwise, I have no other comments on this proposal.

Thanks,
Christine



RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Approval Not Recommended Due to Reasons Outlined Below

Interior Health thanks you for the opportunity to provide comments on the proposal to create a 10.77 hectare lot within the Resource/ Agricultural zone.

The Central Cariboo Area Rural Land Use Bylaw discourages the fragmentation of agricultural lands by subdivision, and support the maintenance of generally large minimum lot sizes as well as supporting temporary dwelling units for compassionate or for farm help.

Interior Health encourages the preservation of the agricultural land and would discourage the fragmentation of rural agricultural land into smaller parcels where it can be removed from the agricultural zoning.

The proposed subdivision would probably require residents to become dependent on the use of private vehicles to access amenities due to safety and distance to commute.

Interior Health supports land development in area where access to amenities, work, recreation and daily activities promote healthy lifestyles therefore improving the health and wellbeing of the population.

If you have any questions, please contact me directly at 250-851-7347 or via e-mail at HBE@interiorhealth.ca

Signed By:  Title: Environmental Health Officer

Date: November 19, 2018 Agency: Interior Health Authority

Nyree Alexander

From: Angie Delainey
Sent: November-21-18 10:11 AM
To: Nyree Alexander
Subject: Fwd: APC - Fosbery

Sent from my iPhone

Begin forwarded message:

From: John and Claire Dressler <thedresslers@hotmail.com>
Date: November 16, 2018 at 3:05:54 PM PST
To: Angie Delainey <adelainey@cariboord.bc.ca>
Subject: APC

Hi Angie,

I took the time to drive out to the Fosbery/Austin property that is the subject of the rezoning application.

I can see no reason why it should not be approved. The 10.77 ha lot is clearly not ALR land; it is steeply sloped in part and has a significant ravine. A portion has a suitable building site. It should not in any way provide a source of contention for neighbours. I don't think a meeting with the applicants should be necessary. If I can provide more, please let me know.

Have you had any response from the previous APC members?

John