

Rezoning Information Package

File Number: 3360-20/20180047

Subject: Cariboo Regional District South Cariboo Area Zoning Amendment Bylaw No. 5180, 2018

Electoral Area: H

Date of Referral: February 1, 2019

Date of Application: September 13, 2018

Property Owner's Name(s): Duane and Andrea Collinson

Applicant's Name: Duane and Andrea Collinson

SECTION 1: Property Summary

Legal Description(s): Lot 1, District Lot 4184, Lillooet District, Plan 18358

Property Size: 0.36 ha (0.89 ac)

Area of Application: 0.36 ha (0.89 ac)

Location: 5498 Kennedy Road

Current Designation:

Country Residential

Min. Lot Size Permitted:

0.8 ha (1.98 ac)

Current Zoning:

Residential 2 (R 2)

Min. Lot Size Permitted:

0.4 ha (0.99 ac)

Proposed Zoning:

Special Exception R 3-1

Min. Lot Size Permitted:

0.35 ha (0.86 ac)

Proposed Use: Multifamily Residential – legalize two existing duplexes

No. and size of Proposed Lots: No new lots proposed.

Name and type of existing road system: Kennedy Rd, Canim–Hendrix Lake Rd.

Services Available: Hydro, Telephone, Sewage Disposal, Well, Community Water System (not connected).

Within the influence of a Controlled Access Highway: No

Within the confines of the Agricultural Land Reserve: Yes

Required to comply with the Shoreland Management Policy or Development Permit Areas:
No

Name of Lake/Contributing River and Lake Classification: N/A

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)	000 (Single Family Dwelling)	0.69 ha (1.72 ac)
North		
(b)	000 (Single Family Dwelling)	0.32 ha (0.79 ac)
South		
(c)	Kennedy Rd	
East	060 2 Acres Or More (Single Family Dwelling, Duplex)	0.87 ha (2.15 ac)
(d)	Canim-Hendrix Lake Rd	
West	000 (Single Family Dwelling)	0.40 ha (1 ac)

SECTION 2: Planning Report

Background:

It is proposed to rezone a 0.36 ha (0.89 ac) residential property to legalize two existing duplexes. The subject property is currently zoned as Residential 2 (R 2) in the South Cariboo Area Zoning Bylaw No. 3501, 1999.

The two existing duplexes are legal non-conforming in nature under the current zoning of R 2. Therefore, the applicants have proposed that the subject property be rezoned to a Special Exception Multi-Family Residential (R 3-1) Zone for adequate insurance coverage. The proposal is shown in Appendix C.

The proposed Special Exception Multi-Family Residential Zone includes:

5.14.3.1 Special Exception R 3-1 Zone (3360-20-20180047)

Notwithstanding any other provisions of this bylaw to the contrary, on lands zoned R 3-1:

- i) a maximum of two two-family dwellings / duplexes shall be permitted.
- ii) Lot Area (minimum) = 0.35 hectares (0.86 acres).

All other provisions of the R 3 zone shall apply.

Location & Surroundings:

The subject property is located on Kennedy Road with Canim-Hendrix Lake Road to the west of the property as shown in Appendix B. It also lies within the confines of the Agricultural Land Reserve (ALR). Currently, there are two duplexes present on the property with levelled grassland and few trees along the sides of the property. It is mostly surrounded by residential dwellings to the north, east and west with one industrial lot to the south of the subject property.

Application History:

A zoning amendment to rezone the subject property from Residential 1 (R 1) zone to Residential 2 (R 2) zone was approved by the Cariboo Regional District in March 2007 (File No. 4600-20-2572) to allow for the subdivision of the property into two lots in order to legalize the existing non-conforming use. However, it is noted that the previous owners did not follow through the subdivision process as the application made for subdivision was never completed.

Further, the rezoning application was accompanied by the Official Community Plan (OCP) text amendment (File No. 5105-20-047) to accommodate a legal non-conforming use in the Gateway area.

CRD Regulations and Policies:

3501- South Cariboo Area Zoning Bylaw, 1999

5.14 MULTI-FAMILY RESIDENTIAL (R 3) ZONE

5.14.2 ZONE PROVISIONS

- (a) LOT AREA (minimum) = 4000 square metres (43,057 square feet)
(Note: Per Two-Family Dwelling Unit, and unserviced lot).

Rationale for Recommendations:

The total combined floor area of the two existing duplexes does not exceed the maximum limit of 500 sq. m on a principle dwelling size on ALR property as per the provincial government's recent Bill 52.

Further, the proposed bylaw amendment on a 0.36 ha (0.89 ac) subject property is consistent with the Agricultural Land Commission Act's Section 23. Based on the ALC Policy L-08, the lots which were less than 2 acres and on their own title as of Dec. 21st, 1972 are not subject to the restrictions of the ALR Regulations. These parcels are still considered within the ALR, but can be rezoned or conduct uses that are not permitted by the ALC. Moreover, the proposal does not affect the residential character of the neighborhood. Therefore, planning staff recommends approval of this application.

Recommendation:

1. That the South Cariboo Area Zoning Bylaw No. 3501, 1999 be amended by including Section 5.14.3.1 as follows:

5.14.3.1 Special Exception R 3-1 Zone (3360-20-20180047)

Notwithstanding any other provisions of this bylaw to the contrary, on lands zoned R 3-1:

- i) a maximum of two two-family dwellings / duplexes shall be permitted.
- ii) Lot Area (minimum) = 0.35 hectares (0.86 acres).

All other provisions of the R 3 zone shall apply.

2. That the South Cariboo Area Zoning Amendment Bylaw No. 5180, 2018 to rezone Lot 1, District Lot 4184, Lillooet District, Plan 18358 from Residential 2 (R 2) zone to Special exception R 3-1 zone be approved, subject to the following condition(s):

- i) Off-street parking for two vehicles per duplex unit must be provided.
- ii) The applicants must undertake site assessment by a qualified professional to ensure sustainable onsite sewage system and safe, potable drinking water for the existing two duplexes prior to rezoning adoption.

Further, that the cost of site assessment be borne by the applicants.

SECTION 3: Referral Comments

Health Authority: - March 1, 2019

See comments attached.

Ministry of Transportation and Infrastructure: - February 4, 2019

The Ministry of Transportation and Infrastructure has no objections in principle to the proposed Zoning Amendment Bylaw No. 5180. Each duplex unit is required to provide off street parking for two (2) vehicles.

Advisory Planning Commission: February 28, 2019

Supported. See comments attached.

Ministry of Environment: -

CRD Environmental Services Department: - February 1, 2019

Interests Unaffected by Bylaw

Agricultural Land Commission: - February 26, 2019

See comments attached.

SECTION 4: Board Action

Date of Meeting: March 22, 2019

That Cariboo Regional District South Cariboo Area Zoning Amendment Bylaw No. 5180, 2018 be read a first and second time this 22nd day of March, 2019. Further that adoption be subject to the following:

1. Off-street parking for two vehicles per duplex unit must be provided.
2. The applicants must undertake site assessment by a qualified professional to ensure sustainable onsite sewage system and safe, potable drinking water for the existing two duplexes prior to rezoning adoption.

Further, that the cost of the site assessment be borne by the applicants.

ATTACHMENTS

Appendix A: Bylaw No. 5180

Appendix B: General Map

Appendix C: Specific Map

Appendix D: Orthographic Map

Other: Applicant's supporting documentation

- Agricultural Land Commission comments

- Advisory Planning Commission Response Form

- Heath Authority Comments

- Results of Public Hearing



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5180

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to amend Bylaw No. 3501, being the "South Cariboo Area Zoning Bylaw No. 3501, 1999".

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a Zoning 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 South Cariboo Area Zoning Amendment Bylaw No. 5180, 2018".

2. AMENDMENT

Bylaw No. 3501 of the Cariboo Regional District is amended by:

- a) including Section 5.14.3.1 as follows:

5.14.3.1 Special Exception R 3-1 Zone (3360-20-20180047)

Notwithstanding any other provisions of this bylaw to the contrary, on lands zoned R 3-1:

- i) a maximum of two two-family dwellings / duplexes shall be permitted.
- ii) Lot Area (minimum) = 0.35 hectares (0.86 acres).

All other provisions of the R 3 zone shall apply

- b) rezoning Lot 1, District Lot 4184, Lillooet District, Plan 18358 from Residential 2 (R 2) zone Special Exception R 3-1;
- c) and amending Schedules "A" and "C" accordingly.

READ A FIRST TIME THIS 22nd DAY OF March, 2019.

READ A SECOND TIME THIS 22nd DAY OF March, 2019.

A PUBLIC HEARING WAS HELD ON THE 25th DAY OF April, 2019.

READ A THIRD TIME THIS _____ DAY OF _____, 2019.

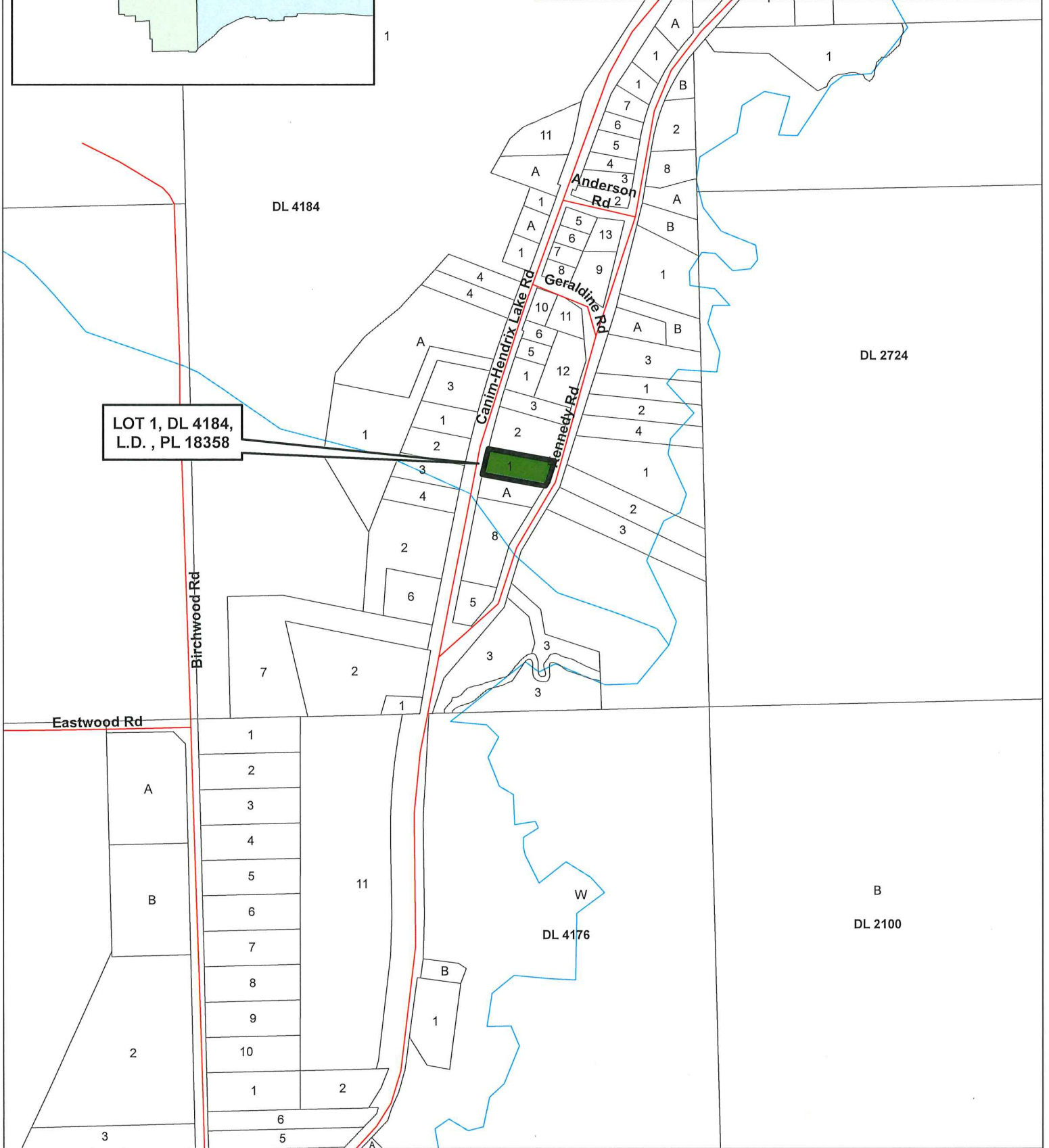
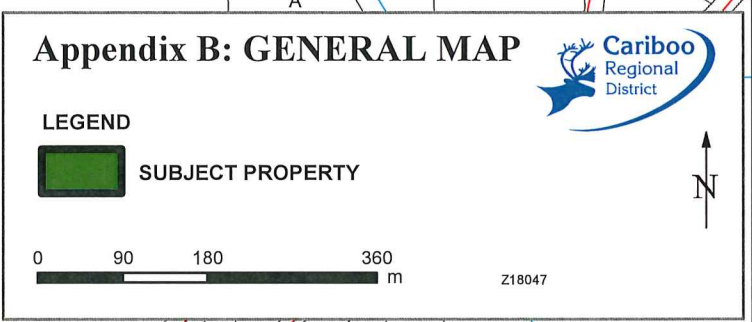
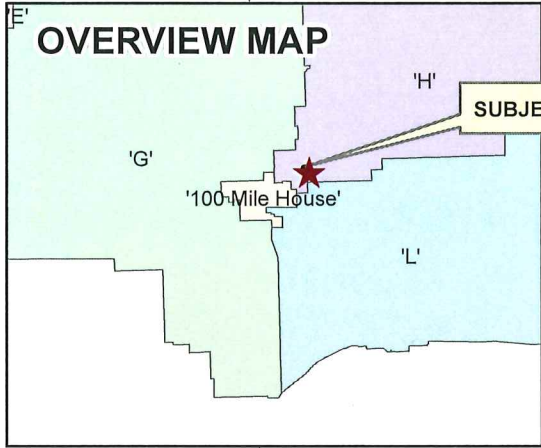
ADOPTED THIS ____ DAY OF _____, 2019.

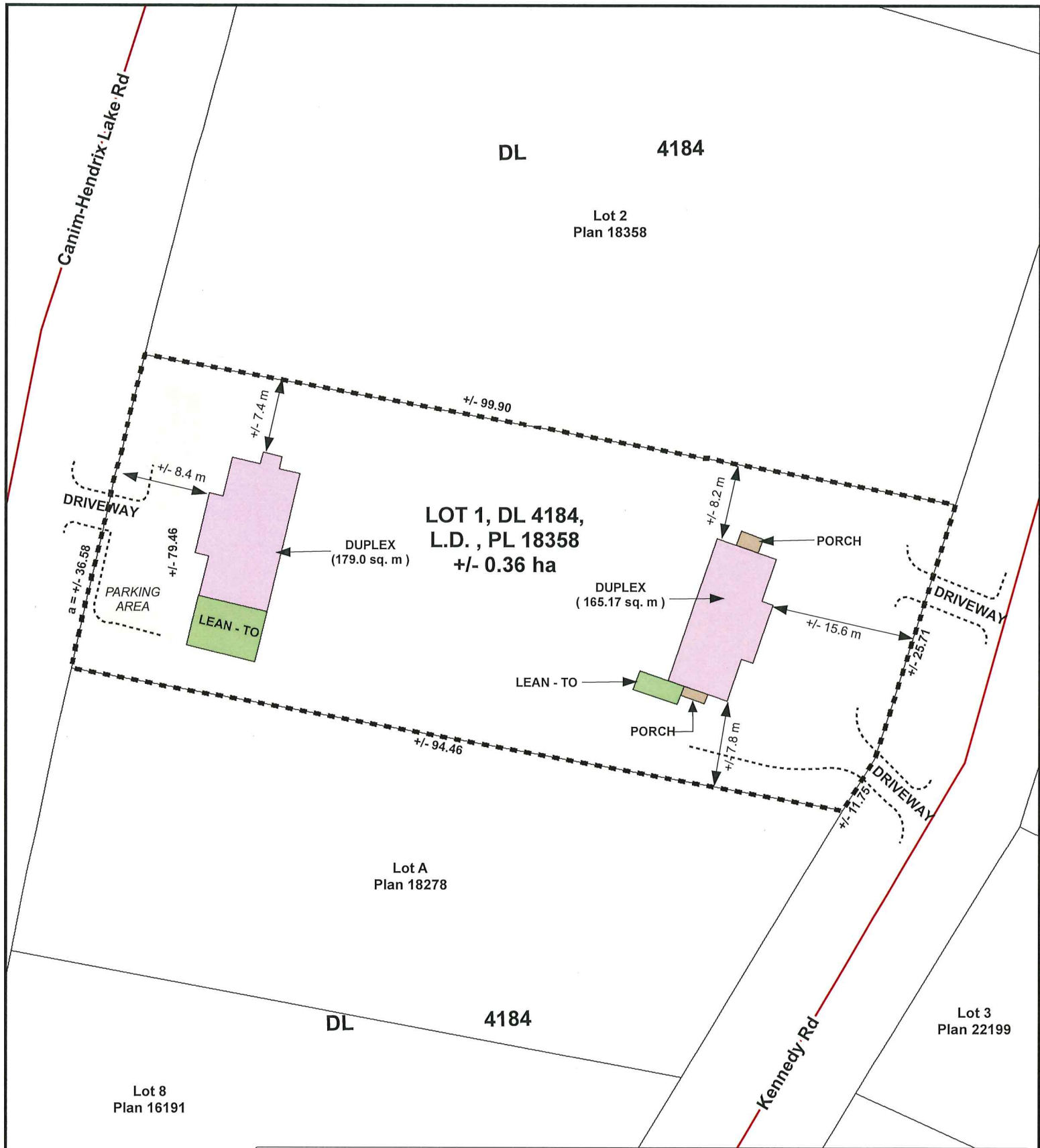
Chair

Manager of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5180, cited as the "Cariboo Regional District South Cariboo Area Zoning Amendment Bylaw No. 5180, 2018", as adopted by the Cariboo Regional District Board on the _____ day of _____, 2019.

Manager of Corporate Services





Appendix C: SPECIFIC MAP

Legend



SUBJECT PROPERTY / PROPOSED SPECIAL EXCEPTION R 3-1 ZONE



MEASUREMENTS
ARE METRIC

Z18047



Appendix D: ORTHOGRAPHIC MAP



LEGEND



SUBJECT PROPERTY



ALR

0 12.5 25 50 m Z18047



Describe the existing use of the subject property and all buildings: Currently there are 2 separate buildings
Each one is a duplex.

Describe the proposed use of the subject property and all buildings: 2 Duplexes

Describe the reasons in support for the application: To create legal, updated and safe living quarters
for tenants.

Provide a general description of vegetation cover (i.e. treed, grassland, forage crop etc.): grassland

Provide general geographical information (i.e. existing lakes, streams, physical features etc.): Fairly level grass
land, with a few trees and shrubs along the sides.

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	☒	☐	☐	☐
Telephone	☐	☒	☒	☐
Community Water System	☐	☒	☐	☐
Community Sewer System	☐	☐	☐	☒
Sewage Disposal System	☒	☐	☐	☐
Well	☒	☐	☐	☐
Other (please specify)	☐	☐	☐	☐



File:

Nigel Whitehead
Senior Planner
Cariboo Regional District
Suite D, 180 North 3rd Avenue
Williams Lake, BC V2G 2A4

Via email: nwhitehead@cariboord.bc.ca

Date: February 25, 2019

Dear Nigel Whitehead,

Re: Zoning Bylaw No. 5180 – 5498 Kennedy Road

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the amendment to the zoning designation in Zoning Bylaw No.5180 to allow two (2) existing duplexes on this specific parcel. I have reviewed the documents you have provided. From a Ministry perspective I can provide the following comments for your consideration:

- Accumulative residential uses on the Agricultural Land Reserve (ALR) and other farmland may potentially restrict agricultural activity or impact farm practices and farming potential. Minimizing the impact of residential uses to reduce the loss or fragmentation of farmland in the ALR plays a role in supporting agriculture. Permitting multiple duplexes on the ALR and local government agricultural zones may increase the principal dwelling's total floor area or its farm residential footprint (home plate).
- The provincial government's recent Bill 52 received Royal Assent November 27, 2018 has now come into force (February 22, 2019). These [new provincial rules](#) place a limit on house sizes on the ALR in which the total floor area of a principal residence must be no more than 500 m2.
- Further to this provincial regulation, the Cariboo Regional District may wish to consider other local government regulatory options to limit the impact of residential uses on the ALR, such maximum farm residential footprint sizes and siting requirements as described in the Ministry's [Guide to Bylaw Development in Farming Areas](#).
- The proposed bylaw amendments appear to be consistent with the Agricultural Land Commission Act's Section 23. Please refer to ALC Policy L-08 which includes specific information on the 2 acres exception in the ALR.

If you have any questions please contact me directly at nicole.pressey@gov.bc.ca or 250-861-7201.

Sincerely,

Nicole Pressey, P. Ag.,
Regional Agrologist
Ministry of Agriculture – Cariboo Chilcotin Coast
Office: 250-861-7201
E-mail: nicole.pressey@gov.bc.ca
Email copy: ALC Regional Planner, ALCBurnaby@Victoria1.gov.bc.ca

ADVISORY PLANNING COMMISSION RESPONSE FORM

Minutes of the meeting of the Electoral Area 'H' advisory planning commission held on February 27, 2019 in the Forest Grove Community Hall, located at Forest Grove, BC, commencing at 7:00 PM

PRESENT: Chair Peter Saunders

Members Shelly Morton Lori Frame
Will Van Osch Louis Judson
~~Peter Bodine~~

Recording Secretary Shelly Morton

Owners/Agent, or

☒ Contacted but declined to attend

Cariboo Regional District
File No.

FEB 28 2019

Referred To

ABSENT: Tom Price
Elisha Marrochi

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

Agenda Items

REZONING APPLICATION – 3360-20/20180047 (Lot 1, District Lot 4184, Lillooet District, Plan 18358)

Will Van Osch / Lori Frame : "THAT the application to rezone property at 5498 KENNEDY ROAD, be supported/rejected for the following reasons:

- i) See attached. 
- ii)

For: 5 Against: 0

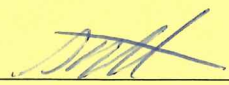
CARRIED/DEFEATED

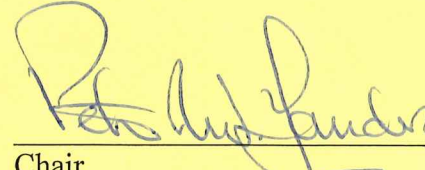
Termination

Will Van Osch / LORI FRAME : That the meeting terminate.

CARRIED

Time: 8:00 PM


Recording Secretary


Chair



building communities together

Tel: 250 392 3351

TF: 1 800 665 1636

Fax: 250 392 2812

Suite D, 180 North Third Avenue

Williams Lake, BC V2G 2A4

www.cariboord.ca

In view of the property having two
duplex in place (& have been for some time),
it is recommended to change the zoning
to R 3-1.

However, in the event of a catastrophic
loss of one building, it is further
recommended that the property is
returned to Residential 3 and the
damaged building not be replaced.

Cariboo Regional District

File No.

FEB 28 2019

Referred To

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 comment on the proposed legalization of a multifamily residential parcel located at 5498 Kennedy Road for two existing duplexes.

Healthy Community Development recommends healthy housing options to ensure residents are protected from health hazards inside and near their homes.

This parcel will need to provide sustainable onsite sewerage along with safe, potable drinking water.

The community water system should be connected to these residential dwellings and the wells decommissioned to protect the groundwater source.

The parcel size is restrictive. Interior Health recommends that an assessment by a qualified individual be provided to demonstrate whether the two existing duplexes are sustainable prior to rezoning.

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

Signed By:  Title: Environmental Health Officer

Date: March 1, 2019 Agency: Interior Health Authority

RESULTS OF PUBLIC HEARING

File No: 3360-20/2019

Date: April 25, 2019

Location: South Cariboo Recreation Centre, Meeting Room

Re: **CARIBOO REGIONAL DISTRICT SOUTH CARIBOO AREA ZONING AMENDMENT
BYLAW NO. 5180, 2018**

Persons Present:

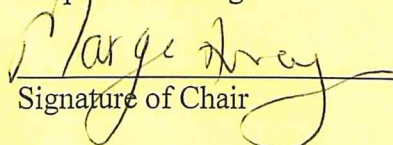
- ☐ Director:
- ☐ Owner(s):
- ☐ Agent:
- ☐ Public: See attached list
- ☐ Staff:
- ☒ **No public in attendance** (excluding owner/agent)

-
- ☐ **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 7.12.pm

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


Signature of Chair