

Rezoning Information Package

File Number: 3360-20/20170020

Subject: Cariboo Regional District South Cariboo Area Zoning Amendment Bylaw No. 5111, 2017

Electoral Area: H

Date of Referral: August 17, 2017

Date of Application: June 14, 2017

Property Owner's Name(s): John Van Osch and Elaine Wanner-Van Osch

Applicant's Name: Michael Kidston Land Surveying Ltd.

SECTION 1: Property Summary

Legal Description(s): Parcel A (DD 257224F) of District Lot 4836, Lillooet District

Area of Application: 31.4 ha (77.59 ac) *as determined by BCLS*

Location: 7070 Ehret Road

Current Designation:

N/A

Min. Lot Size Permitted:

N/A

Proposed Designation:

N/A

Min. Lot Size Permitted:

N/A

Current Zoning:

Resource/Agricultural (RA 1)

Min. Lot Size Permitted:

32 ha (79.07 ac)

Proposed Zoning:

Rural 2 (RR 2)

Min. Lot Size Permitted:

2ha (4.94 ac)

Acreage Reserve (RA 2)

4 ha (9.88 ac)

Proposed Use: To subdivide the land into a 2.3 ha lakefront portion as severed by the road, and keep the 29.1 ha agricultural remainder.

No. and size of Proposed Lots: One 2.3 ha (5.68 ac) parcel and a 29.1 ha (71.9 ac) remainder parcel.

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

Services Available: Hydro, Telephone, Sewage disposal, well.

Within the influence of a Controlled Access Highway: No

Within the confines of the Agricultural Land Reserve: Yes, Approved by ALC Resolution #137/2017

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

Yes, with respect to on-site sewerage and riparian protection

Name of Lake/Contributing River and Lake Classification: Hawkins Lake and Bradley Creek

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

	Land Use:	Lot Sizes:
(a) North	150 - Beef	25.69 ha (63.48 ac)
(b) South	Unsurveyed Crown Land	
(c) East	Hawkins Lake Unsurveyed Crown Land	
(d) West	110 – Grain and Forage	75.86 ha (187.47 ac)

SECTION 2: Planning Report

Planning Staff recommends approval of South Cariboo Area Zoning Amendment Bylaw No. 5111, 2017.

Background:

It is proposed to rezone a 31.4 ha (77.59 ac) property to create a 2.3 ha (5.68 ac) lakefront parcel, as severed by Ehret Road and Hawkins Lake. The proposed parcel contains the dwelling and other residential improvements. The proposal is shown in Appendix C. The owners intention is to move onto their neighboring cattle ranch on District Lot 4837, and use the income generated from the sale of the residence on the subject property to assist with the ranch mortgage.

The 2.3 ha lakefront portion is proposed to be rezone to the Rural 2 (RR 2) zone. The 29.1 ha remainder portion is proposed to be rezone to the Acreage Reserve (RA 2) zone, as the size of the agricultural remainder is below the 32 ha minimum lot size requirement for the Resource/Agricultural (RA 1) zone.

Location and Surroundings:

The proposal is located on Ehret Road which connects to Eagle Creek Road, as shown in Appendix B. Appendix D shows that the portion of the property between Hawkins Lake and Ehret Road, corresponding to the proposed lakeshore lot, is mostly forested except for the residential improvements, as opposed to the proposed remainder which has been partially cleared for the hay fields. Bradley Creek forms the northern boundary of the property. Staff notes that the size of the property (i.e. 31.4 ha) was confirmed by the agent which is a registered land surveyor in the Province of British Columbia. Since Bradley Creek forms the boundary, the size from the original survey can differ over time as the natural boundary of streams tend to fluctuate based on various factors, such as temperature and flow level.

Half of Hawkins Lake area is surrounded by unsurveyed crown land, the former schoolhouse property, and by four large agricultural parcels, including the subject property. Development can be found on the

northeast and eastern side of the lake, principally in the form of rural and residential subdivisions. Those subdivisions encompass properties of various sizes and various zoning, including the Residential 1 (R 1), Lakeshore Residential (RL), Rural 1 (RR 1), Rural 2 (RR 2), and Rural 3 (RR 3) zones. Thus, the proposed Rural 2 (RR 2) lot would constitute the only rural residential parcel on the western side of the lake. Since the proposed lot is already developed with residential improvements and is confined to the area between the lake and the road, the impact should be negligible on the surrounding lands and the lake.

Application History / Relevant Applications:

The property has farm status and the remainder portion is being cultivated for hay production in support of the ranch. BC Assessment authority has assessed the property for Grain and Forage. The property was the subject of an Agricultural Land Reserve (ALR) subdivision application. Application 3015-20H-20160057 was approved by the Agricultural Land Commission (ALC) on May 26, 2017 as per ALC Resolution #137/2017. The ALC concluded that the proposed subdivision would not impact the agricultural viability of the remainder agricultural parcel. The commission gave approval subject to numerous conditions, including successfully rezoning the land, construction of a livestock fence along the northern, western and southern boundaries of the proposed lot, and a covenant restricting construction of a residence on the proposed remainder of Parcel A.

CRD Regulations and Policies:

The proposal is not currently located in an Official Community Plan (OCP). However, the Hawkins Lake area has been proposed to be included in the South Cariboo Area Official Community Plan as part of the plan update. CRD 2016 Agricultural Policy Sections 5.1 and 5.2 require buffering and/or livestock fencing of residential properties located adjacent to active agricultural operation, or located adjacent to the ALR boundary. Since the proposed lot is bordered by Hawkins Lake and Ehret Road, there is little need for buffering. Further, since the Agricultural Land Commission's approval is subject to livestock fencing of the proposed lot, planning staff is satisfied that the ALC requirement for fencing meets the intent of the CRD Agricultural Policy.

Planning staff does, however, recommend compliance with the CRD Shoreland Management Policy with respect to riparian protection of Bradley Creek and Hawkins Lake on the proposed lot and proposed remainder, and on-site sewage disposal for the proposed 2.3 ha parcel. Since the ALC imposed restrictions on building a residence on the proposed agricultural remainder, there is no need to evaluate on-site sewage disposal on this portion of the property.

Rationale for Recommendations:

Planning staff is supportive of the rezoning amendment to create the 2.3 ha lakeshore parcel since the proposed lot is already improved and should not result in additional pressure on Hawkins Lake. Further, the proposal received approval of the Agricultural Land Commission subject to fencing of the proposed lakeshore residential lot, subject to restricting residential development on the proposed 29.1 ha agricultural remainder.

Recommendation:

That South Cariboo Area Zoning Bylaw No. 5111, 2017 be considered for approval subject to the following condition:

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

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

SECTION 3: Referral Comments

Health Authority: - October 18, 2017

See attached.

Ministry of Transportation and Infrastructure: - August 18, 2017

The Ministry of Transportation and Infrastructure has no objection in principle to proposed Bylaw # 5111.

Please be advised this in no way constitutes subdivision approval. Items that may be considered at the subdivision stage may include but not limited to:

Access to Water
Archaeology Assessment
Drainage
Road Dedication
Proof of Water
Sewage Disposal

Advisory Planning Commission:

See attached.

Ministry of Environment: -

Agricultural Land Commission: - September 20, 2017

See attached.

SECTION 4: Board Action

Date of Meeting: October 20, 2017

That Cariboo Regional District South Cariboo Area Zoning Amendment Bylaw No. 5111, 2017 be read a first and second time this 20th day of October, 2017. Further, that adoption be subject to the following condition:

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

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

Date of Meeting: January 12, 2018

That Cariboo Regional District South Cariboo Area Zoning Amendment Bylaw No. 5111, 2017 be read a third time, this 12th day of January, 2018.

ATTACHMENTS

Appendix A: Bylaw No. 5111

Appendix B: General Map

Appendix C: Specific Map

Appendix D: Orthographic Map

Other: Applicant's supporting documentation

ALC Comments

APC Comments

Interior Health Authority Comments

Results of Public Hearing

Letter from the public, dated December 9, 2017



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5111

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. 5111, 2017".

2. AMENDMENT

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

- i) rezoning Parcel A (DD 257224F) of District Lot 4836, Lillooet District from Resource/Agricultural (RA 1) zone to Rural 2 (RR 2) and Acreage Reserve (RA 2) zones, as shown on Schedule "A"; and
- ii) amending Schedules "C" and "D" accordingly.

READ A FIRST TIME THIS 20th DAY OF October, 2017.

READ A SECOND TIME THIS 20th DAY OF October, 2017.

A PUBLIC HEARING WAS HELD ON THE 13th DAY OF December, 2017.

READ A THIRD TIME THIS 12th DAY OF January, 2018.

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. 5111, cited as the "Cariboo Regional District South Cariboo Area Zoning Amendment Bylaw No. 5111, 2017", as adopted by the Cariboo Regional District Board on the ____ day of _____, 2019.

Manager of Corporate Services

SCHEDULE "A"

UNSURVEYED CROWN LAND

DL 4836 EXC PCL A (DD 257224F) & PL KAP61154

Bradley Creek

Eagle Creek Rd

DL 4836 EXC PCL A (DD 257224F) & PL KAP61154

HAWKINS
LAKE

DL 4836

PCL A (DD 257224F), DL 4836, L.D.

Ehret Rd

A
DL 2701

UNSURVEYED CROWN LAND

LEGEND



ACREAGE RESERVE (RA 2) ZONE



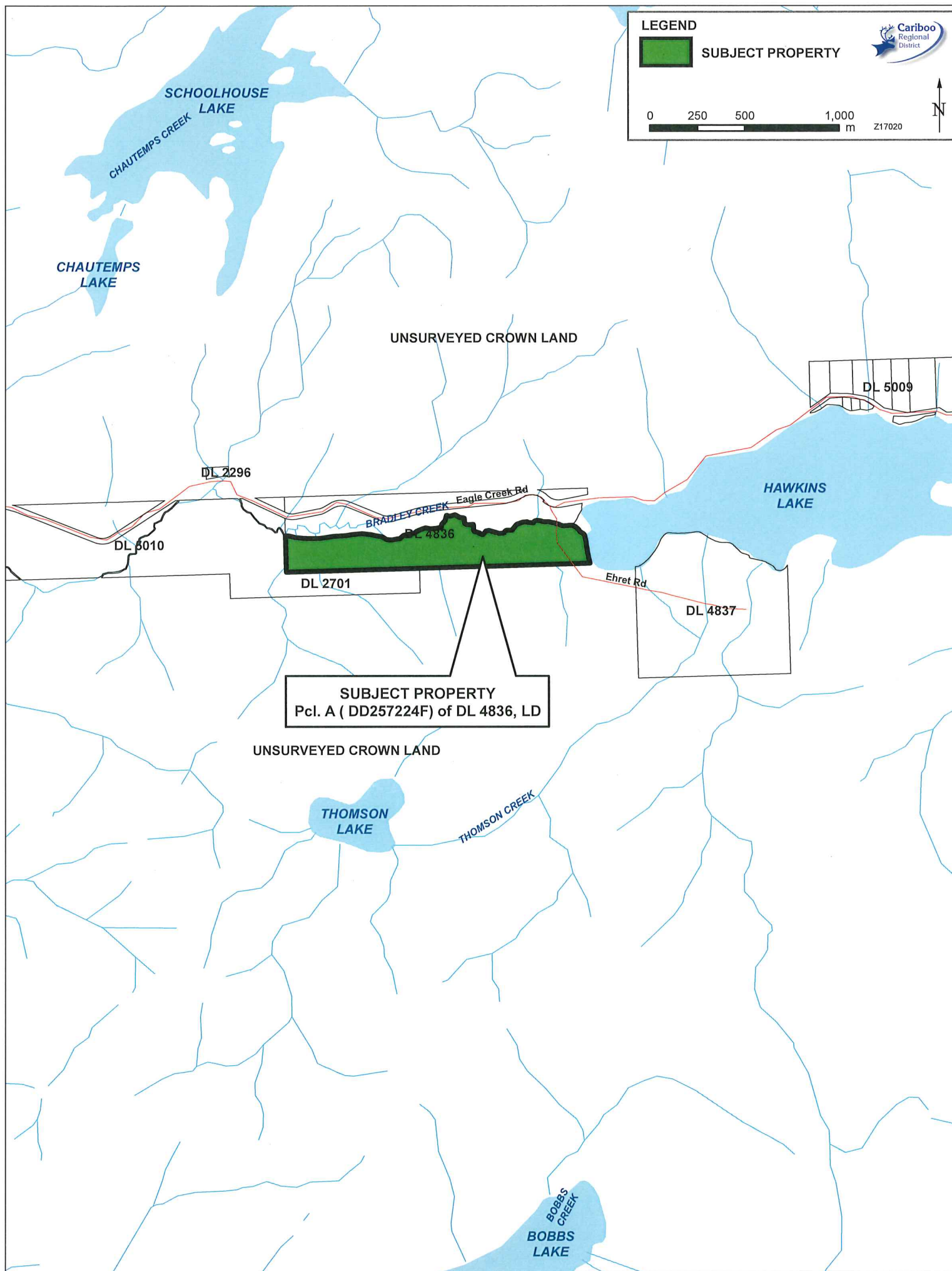
PROPOSED RURAL 2 (RR 2) ZONE

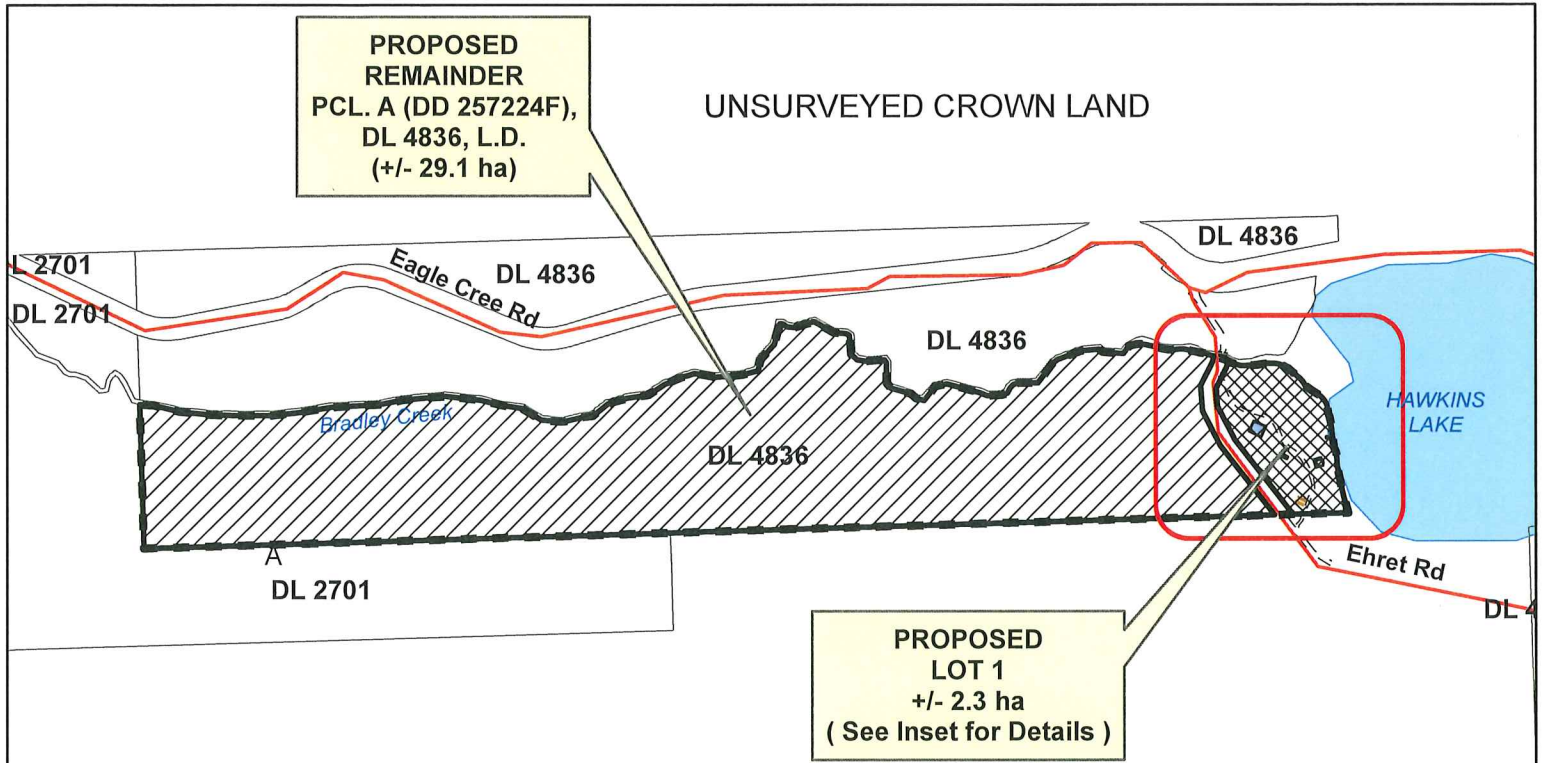
Z17020

0 250 500 m MEASUREMENTS
ARE METRIC

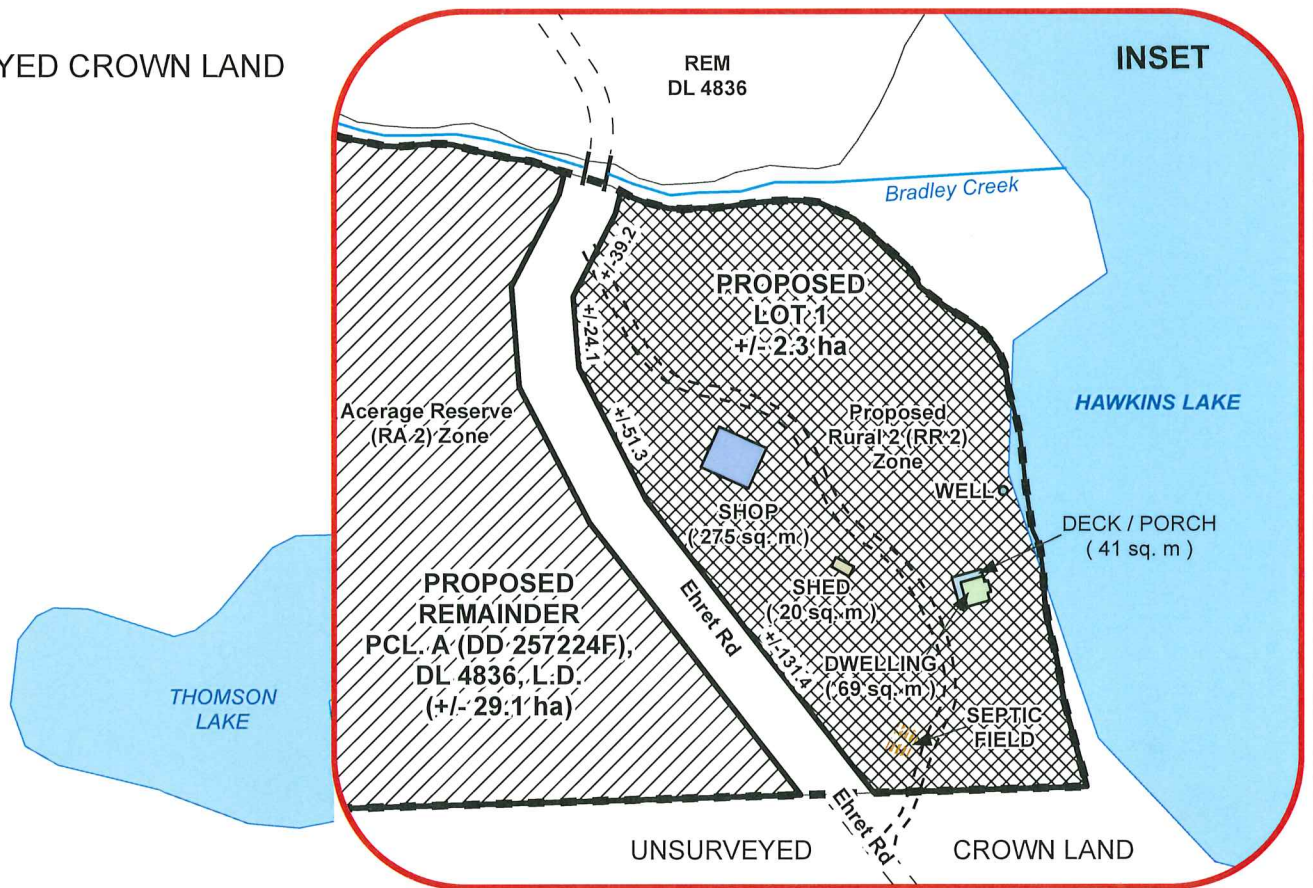


Aug 15/2017





UNSURVEYED CROWN LAND



LEGEND

- SUBJECT PROPERTY
- ACREAGE RESERVE (RA 2) ZONE
- PROPOSED RURAL 2 (RR 2) ZONE



0 250 500 m MEASUREMENTS ARE METRIC Z17020

SCHOOLHOUSE
LAKE

LEGEND



SUBJECT PROPERTY



0 150 300 600 m Z17020



UNSURVEYED CROWN LAND

DL 2296

DL 5010

DL 2701

DL 4836

Eagle Creek Rd
BRADLEY CREEK

HAWKINS
LAKE

Ennet Rd

DL 4837

SUBJECT PROPERTY
Pcl. A (DD257224F) of DL 4836, LD

UNSURVEYED CROWN LAND

THOMSON
LAKE

Describe the existing use of the subject property and all buildings: Proposed Lot 1 used by van Osch family for residence and farm shop. Land west of Ehret Rd. is hay field.

Describe the proposed use of the subject property and all buildings: Sell proposed Lot 1, move family into parents' home on DL 4837 nearby; continue hay cultivation on remainder of Parcel A.

Describe the reasons in support for the application: This is integral to maintaining family ranch; sale of proposed Lot 1 will reduce mortgage on DL 4837. ALC allowance includes covenant of no residence on Rem. Parcel A.

Provide a general description of vegetation cover (i.e. treed, grassland, forage crop etc.): Proposed Lot 1 mostly treed, lawn and garden around house. Rem. Parcel A mostly hay field, timbered along perimeter south.

Provide general geographical information (i.e. existing lakes, streams, physical features etc.): Bradley Creek forms northerly boundary of Parcel A; proposed Lot fronts on Bradley Creek and Hawkins Lake.

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



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

September 20, 2017

Reply to the attention of Celeste Barlow
ALC Application File: 55712
Local Government Bylaw No: 5111

Cariboo Regional District
Suite D, 180 North 3rd Ave
Williams Lake, BC V2G 2A4

Cariboo Regional District

File No.

SEP 20 2017

Attn: Brenda Ethier

Referred To

Re: Bylaw Referral 5111

PID: 013-220-381

Legal Description: Parcel A (DD 257224F) of District Lot 4836, Lillooet District

Thank you for forwarding a copy of Bylaw Referral No. 5111 for review and comment by the Agricultural Land Commission (the "ALC"). The following comments are provided to help ensure that the Referral is consistent with the purposes of the *Agricultural Land Commission Act* (the "ALCA") and Regulation, and any decisions of the ALC.

The ALC finds the rezoning of Parcel Identifier: 013-220-381; Legal Description: Parcel A (DD 257224F) of District Lot 4836, Lillooet District (the "Property") to be premature as the conditions of Resolution #137/2017 have not been fulfilled. You are also advised that, as per condition "f", the subdivision plan must be completed within three (3) years from the date of the decision, at which point the decision will expire and will no longer be valid.

ALC File No. 55712 has the following outstanding conditions:

- a) the construction of a livestock fence along the northern, western and southern boundary of proposed lot 1 (as identified in Resolution #137/2017) for the purpose of ensuring the agricultural activity on the remainder of the Property is not impacted;
- b) the registration of a covenant on the certificate of title of the Property in favour of the ALC, for the purpose of restricting the construction of a residence on the remainder (Parcel A (DD 257224F));
- c) the preparation of a subdivision plan to delineate the area to be subdivided per the drawing submitted with the Application;
- d) the subdivision be in substantial compliance with the plan submitted with the Application;
- e) submission of two (2) paper copies or one (1) electronic copy of the final survey plan to the Commission; and

- f) the subdivision plan being completed within three (3) years from the date of release of this decision.

The ALC does not endorse the re-designation of the Property from the Resource/Agricultural (RA 1) Zone to Rural 2 (RR2) Zone or Acreage Reserve (RA2) Zone until the aforementioned conditions have been fulfilled.

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulation, or any Orders of the Commission.

If you have any questions about the above comments, please contact the undersigned at 604-660-7034 or by e-mail (Celeste.Barlow@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'Celeste', written in a cursive style.

Celeste Barlow, Land Use Planner

Enclosures: Reasons for Decision (Resolution #137/2017)

55712m1

File No.

OCT - 4 2017

Referred To

File No: 3360-20/20170020

ADVISORY PLANNING COMMISSION RESPONSE FORM

Minutes of the meeting of the Electoral Area 'H' advisory planning commission held on
 Oct 3/2017 in the Forest Grove Hall, located at Forest Grove, BC,
 commencing at 7pm

PRESENT: Chair PETER SANDERS.
 Members Jorge Heizmann, KEO BOURNE,
 PAUL LOEPPKY

Recording Secretary WENDY CLARKE

Owners/Agent, or MICHAEL KIDSTON

☐ Contacted but declined to attend

ABSENT: LORI FRAME, TOM PRICE, LOUIS JUDSON.

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

Agenda Items

REZONING APPLICATION - 3360-20/20170020 (Parcel A (DD 257224F) of District Lot 4836, Lillooet District)

Jorge / Ken. : "THAT the application to rezone property at 7070 EHRET ROAD, be supported/rejected for the following reasons:

- i) this application is in keeping with other land parcels in
- ii) this area adjacent to the lake.

For: ALL Against: 0

CARRIED/DEFEATED

Termination

PAUL / KEN

: That the meeting terminate.

CARRIED

Time: 7:30 pm.

W Clarke
 Recording Secretary


 Chair

File No.3360-20/20170020

OCT 18 2017

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 notes that the change in zoning could permit additional reduction in lot size for this parcel. The proposal is removing the agricultural designation for the parcel. Interior Health recommends that land use planning consider the protection and conservation of local food production capacity for the long term sustainability of the local food system.

In review of this proposal, the onsite sewerage system for the residential development has only a filing for a repair to the septic tank with no assessment of the dispersal system. Interior Health recommends sustainable onsite sewerage and onsite drinking water.

If you have any questions, please contact me at 250-851-7347

Signed By:  Title: Environmental Health Officer

Date: October 18, 2017 Agency: Interior Health Authority

RESULTS OF PUBLIC HEARING

File No: 3360-20/20170020

Date: December 13, 2017

Location: Forest Grove Community Hall

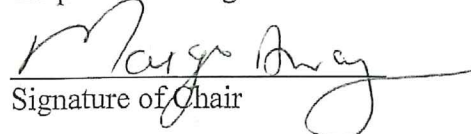
Re: **CARIBOO REGIONAL DISTRICT SOUTH CARIBOO AREA ZONING AMENDMENT
BYLAW NO. 5111, 2017**

Persons Present:

- ☒ Director: Margo Wagner
- ☒ Owner(s): John Van Osch and Elaine Wanner-Van Osch
- ☐ Agent: Michael Kidston
- ☒ 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 7:00 pm.
 - ☒ 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: Dec 11/17 Name: William Van Osch
 - 2) Date: Name:
 - ☒ The following verbal comments and questions were received: (add additional sheet if required)
 - Comments in favour: prepared
feels representation accurate. No intention of further subdivision
families should be able to stay on farm to self support themselves in the Cariboo
 - Comments of concern/opposition:
Keep ARR land intact. Covenant creates intangible situation - future
owners could apply to have covenant lifted to build a house. Not rationale
to separate property for cash gain. No more land speculation.
 - ☒ Attendees were asked three times for further comments and/or questions.
 - ☒ The Chair called the meeting adjourned at 7:40 pm.

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 South Cariboo Area Zoning Amendment Bylaw No. 5111, 2017

Name
(Please Print)

Address
(Please Print)

Lisa DePaoli

4254 Eagle Creek Road
Forest Grove

Rod Macdonald

W Van Osch

Box 225 FOREST GROVE

M Boulter

Box 163

C Jones

"

"

"

DEC 11 2017

December 9, 2017

Referred To
.....

Cariboo Regional District Directors and Staff:

I would like to express my opposition to the proposed rezoning and subdivision of DL 4837. The property in question is a functional ranch and has a lot of agricultural potential. The farm is in a fertile valley and has rich bottom land. The elevation of this property is low for the Cariboo and it is on Hawkins Lake. The proximity of the farm to the lake creates a micro climate that adds to the land's excellent agricultural capacity.

If the farm house and farm ancillary buildings are severed from the hay fields, the ALC has demanded that no residence ever be allowed on the remainder of the ranch. The covenant registered against the title would leave future owners of the property unable to live on the property. When a person purchases a ranch within the ALR they know full well that the land is protected from development. If the proponent is in financial difficulty they can sell without subdividing a perfectly good ranch.

The application contains several inaccuracies. The description of the building site is misleading; the property is not a "rocky knoll". The house, shop, chicken coop and other farm buildings are situated on an elevated part of the property overlooking the lake. There is ample room for gardens fruit trees and berries on this portion of the agricultural land.

The roadway servicing the property would be better described as a driveway. It leads nowhere, is a dead end, and will remain so. Erhert Road is a one lane driveway that happens to be maintained with public money and would never be considered a public road by today's standards.

Interior Health has expressed concern over the lack of documentation pertaining to the septic field on the property. It appears there was no permit for the septic field and verification of its condition is in question.

The number of cattle claimed to have been on the property and the nature of the operation have been greatly exaggerated to give the impression the farming operation is a major part of the applicant's livelihood. There is not enough land to support the claims made in the application.

DL 4837 is tied to the applicant's forest woodlot. Under the BC Forest Act schedule "A" land (private land tied to the woodlot licence), must remain part of the woodlot agreement for at least 10 years. DL 4837 is part of woodlot 1403 owned by the applicant. The Schedule "A" designation has not been disclosed in the application.

In conclusion, I think we can all agree the proposed subdivision of DL 4837 is less than ideal. The ALC is concerned about the loss of valuable agricultural land. The covenant disallowing a residence for the balance of the property is unusual and hinders the future agricultural potential of the remaining land. The ALC has stated that the Regional District can decline the rezoning application, which would render the covenant unnecessary. The Regional District works hard to ensure planning is consistent and in the best interest of the public. This proposal seems to deviate from that goal. The covenant required to be placed on this land will restrict agricultural potential for future generations. Again, the property can be

sold in one piece to alleviate the proponent's stated financial hardship and allow the ranch's agricultural integrity to remain in tact. As the Regional District is aware, allowing speculation on agricultural land, sets a dangerous precedence and should be avoided.

Thank you for the opportunity to address this application. If you have any questions, please contact me at your convenience.

Sincerely,

William Van Osch

willandkerry123@gmailcom

Phone 250 393-2409