

Rezoning Information Package

File Number: 3360-20/20190015

Subject: Cariboo Regional District South Cariboo Area Amendment Bylaw No. 5207, 2019

Electoral Area: L

Date of Referral: April 17, 2019

Date of Application: April 11, 2019

Property Owner's Name(s): Wayne and Rhonda Buchanan

Applicant's Name: Nigel Hemingway c/o Cariboo Geographic Systems

SECTION 1: Property Summary

Legal Description(s): Lot 4, District Lot 4049, Lillooet District, Plan 22538

Property Size: 4.04 ha (10 ac)

Area of Application: 4.04 ha (10 ac)

Location: 6205 & 6209 Garrett Road

Current Designation:

Rural Residential

Min. Lot Size Permitted:

2 ha (4.94 ac)

Proposed Designation:

N/A

Min. Lot Size Permitted:

N/A

Current Zoning:

Rural 1 (RR 1)

Min. Lot Size Permitted:

4 ha (9.88 ac)

Proposed Zoning:

Rural 2 (RR 2)

Min. Lot Size Permitted:

2 ha (4.94 ac)

Proposed Use: To subdivide the lot into two to reflect the existing dwellings.

No. and size of Proposed Lots: 2 lots 2.02 ha (4.99 ac)

Name and type of existing road system: Garrett Rd

Services Available: Hydro, Telephone, Sewage Disposal System, Well

Within the influence of a Controlled Access Highway: No

Within the confines of the Agricultural Land Reserve: Partially

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

Yes, with respect to sewage disposal and riparian protection of an unnamed stream.

Required to comply with other Development Permit Areas: No

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

	Actual Use Code:	Lot Sizes:
(a)	180 Mixed	4.04 ha (10 ac)
North	060 2 Acres Or More (Single Family Dwelling, Duplex)	4.04 ha (10 ac)
(b)	060 2 Acres Or More (Single Family Dwelling, Duplex)	4.04 ha (10 ac)
South		
(c)	060 2 Acres Or More (Single Family Dwelling, Duplex)	4.36 ha (10.78 ac)
East		
(d)	061 2 Acres Or More (Vacant)	4.04 ha (10 ac)
West		

SECTION 2: Planning Report**Background:**

It is proposed to rezone a 4.04 ha (10 ac) rural residential property to subdivide into two separate residential lots. The subject property is currently zoned as Rural 1 (RR 1) in the South Cariboo Area Zoning Bylaw No. 3501, 1999 and is designated as Rural Residential in the South Cariboo Area OCP Bylaw No. 5171, 2018.

The proposed lot sizes do not comply with the permitted lot size provisions under the current zoning of RR 1. Therefore, the applicant proposes to rezone the subject property from RR 1 zone to Rural 2 (RR 2) in order to subdivide the property into two 2.02 ha (4.99 ac) sized lots to legalize the existing legal non-confirming dwellings. The proposal is shown in Appendix C.

Location & Surroundings:

The subject property is located on Garrett Road with Horse Lake to the extreme north of the property as shown in Appendix B. Currently, there are two residential structures, a garage, shed and a shop existing on the property with single well and sewage lagoon serving both the dwellings. It is surrounded by single-family dwellings to the north, south, east, and a vacant land to the west of the subject property.

Past Relevant Applications:

There are several similar Zoning Amendment applications in proximity of the subject property that were approved over the past decade. All those applications were required to rezone the lands from Rural 1 (RR 1) zone to Rural 2 (RR 2) zone for the purpose of subdividing the properties into two lots.

CRD Regulations and Policies:

3501- South Cariboo Area Zoning Bylaw, 1999

5.19 RURAL 2 (RR 2) ZONE

5.19.2 ZONE PROVISIONS

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

5171- South Cariboo Area OCP Bylaw, 2018

8.0 RURAL RESIDENTIAL

8.3 POLICIES

- UPLAND AND RURAL RESIDENTIAL

Upland single family, two family or non-residential use = Minimum lot area of 2.0 ha (4.94 ac)

- RESIDENTIAL GROWTH

8.3.3 Direct higher density (smaller lot) residential subdivisions to occur within and immediately adjacent to existing built-up areas, and where road access and services already exist.

Rationale for Recommendations:

Being surrounded by properties with similar land-use and vacant land, the proposal has minimal impact on adjacent properties. Further, the proposed subdivision does not affect the character of the neighborhood by not adding any new development. Therefore, planning staff recommends approval of this application.

However, the applicant must comply with the CRD Shoreland Management Policy with respect to onsite sewage disposal and riparian protection due to the presence of an unnamed stream on the subject property that directly connects with highly sensitive Horse Lake.

Recommendation:

1. That the South Cariboo Area Zoning Amendment Bylaw No. 5207, 2019 to rezone Lot 4, District Lot 4049, Lillooet District, Plan 22538 from Rural 1 (RR 1) zone to Rural 2 (RR 2) be approved, subject to the following condition:
 - 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 applicant.

SECTION 3: Referral Comments

Health Authority: - April 25, 2019

See comments attached.

Ministry of Transportation and Infrastructure: - April 17, 2019

The Ministry of Transportation and Infrastructure has no objection in principle to the proposed Bylaw 5207. Please be advised that this in no way constitutes subdivision approval.

Advisory Planning Commission:

Ministry of Environment: -

Agricultural Land Commission: - May 9, 2019 and May 22, 2019

See comments attached.

SECTION 4: Board Action

Date of Meeting: June 7, 2019

That Cariboo Regional District South Cariboo Area Amendment Bylaw No. 5207, 2019 be read a first and second time this 7th day of June, 2019. 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 applicant.

ATTACHMENTS

Appendix A: Bylaw No. 5207

Appendix B: General Map

Appendix C: Specific Map

Appendix D: Orthographic Map

Other: Applicant's supporting documentation

Interior Health Comments

Agricultural Land Commission Comments

Ministry of Agriculture Comments

Results of Public Hearing



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5207

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. 5207, 2019".

2. AMENDMENT

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

- i) rezoning Lot 4, District Lot 4049, Lillooet District, Plan 22538 from Rural 1 (RR 1) zone to Rural 2 (RR 2) zone; and
- ii) amending Schedule "C" accordingly.

READ A FIRST TIME THIS 7th DAY OF June, 2019.

READ A SECOND TIME THIS 7th DAY OF June, 2019.

A PUBLIC HEARING WAS HELD ON THE 8th DAY OF July, 2019.

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

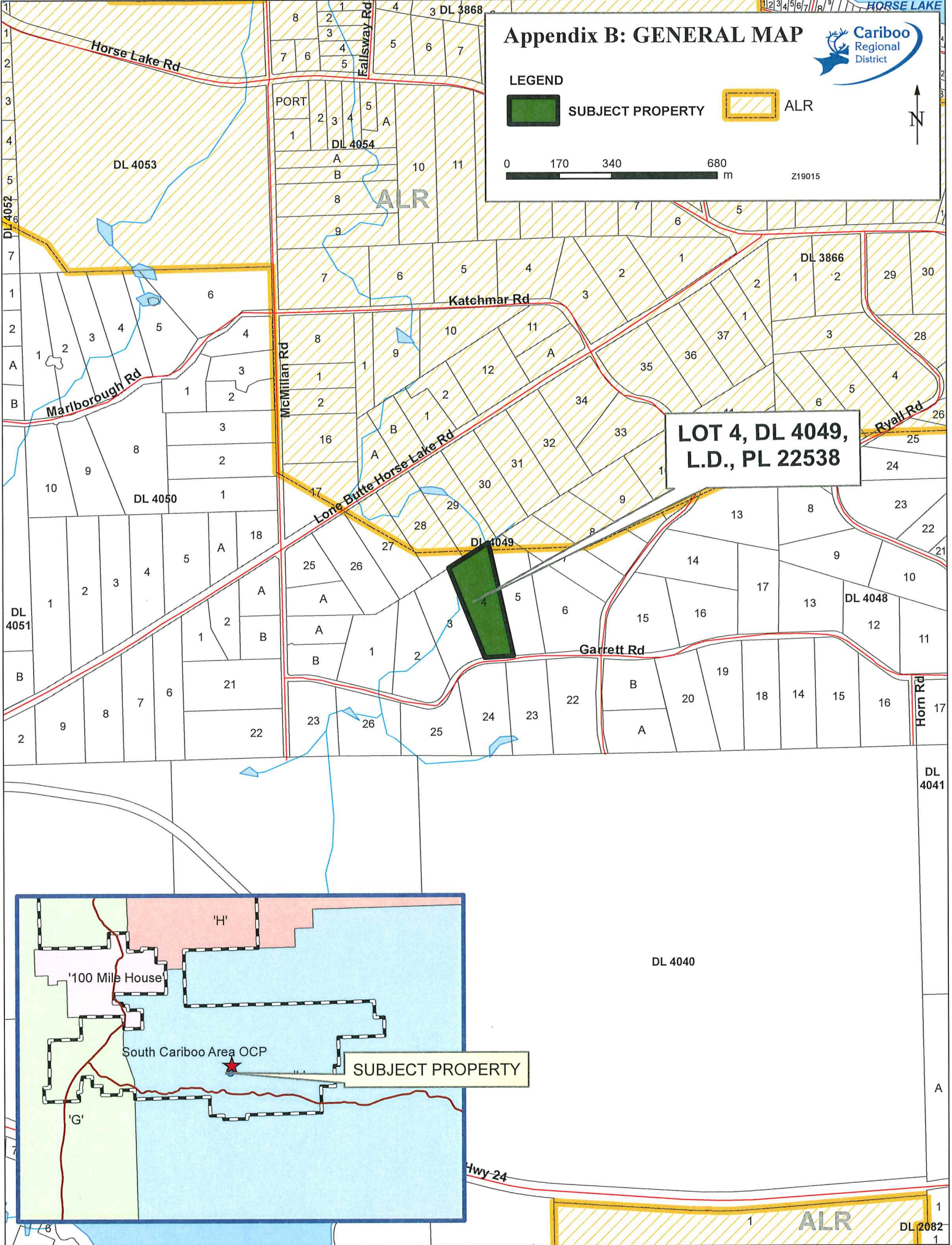
ADOPTED THIS ____ DAY OF _____, 2019.

Chair

Manager of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5207, cited as the "Cariboo Regional District South Cariboo Area Zoning Amendment Bylaw No. 5207, 2019", as adopted by the Cariboo Regional District Board on the _____ day of _____, 2019.

Manager of Corporate Services



Appendix B: GENERAL MAP



LEGEND



SUBJECT PROPERTY



ALR

0 170 340 680 m

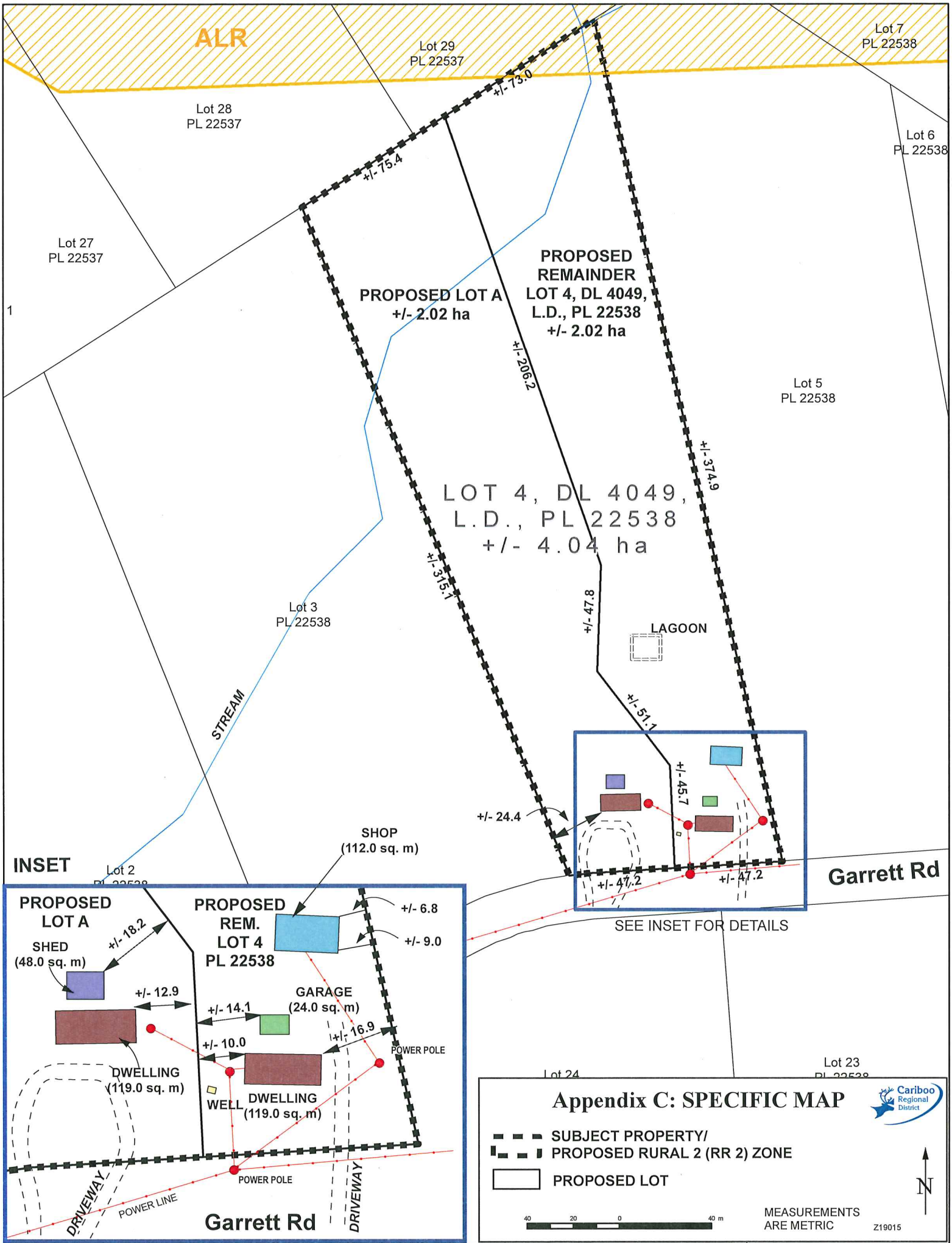
Z19015

LOT 4, DL 4049,
L.D., PL 22538

SUBJECT PROPERTY

ALR

DL 2082



Appendix D: ORTHOGRAPHIC MAP



LEGEND



SUBJECT PROPERTY

0 25 50 100 m Z19015



SUBJECT PROPERTY
LOT 4, DL 4049,
L.D., PL 22538

DL 4049

Garrett Rd

Describe the existing use of the subject property and all buildings: The property contains two residences and is used for residential and hobby farm purposes.

Describe the proposed use of the subject property and all buildings: The use of the property will not change. The application is being made to put each residence on a separate lot

Describe the reasons in support for the application: See attached sheet

Provide a general description of vegetation cover (i.e. treed, grassland, forage crop etc.): The property has landscaped lawn from the road to the residences behind that is a combination of cleared pasture and wooded areas.

Provide general geographical information (i.e. existing lakes, streams, physical features etc.): The property slopes down from the road, then has a gentle slope down to the north. There is a small seasonal drainage channel in a small depression near the northerly end. It is seasonal drainage only.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Telephone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Well	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

This application is requesting a rezoning of Lot 4, District Lot 4049, Lillooet District, Plan 22538. Located on Garrett Road the property is 4.04 hectares in size, is zoned Rural 1 and is designated Rural Residential in the Official Community Plan. We are requesting the zone be changed to the Rural 2 zone to allow the property to be divided into two lots, both over 2.0 hectares in size. This change is accommodated in the current Community Plan designation.

The property is located in a large residential neighbourhood on the south side of Horse Lake. The Horse Lake area is the second largest neighbourhood within the Community Plan Area. The plan recognizes the potential for additional residential development in the Horse Lake Area. This proposal meets all applicable objectives for residential development outlined in the Community Plan. This specific neighbourhood was originally established as 4.0 hectares sized lots because that size was the default zone back then. Since then several properties in relatively close proximity to the land under application have been rezoned and subdivided into similar sized properties as what this application is proposing.

Lot 4 is an interior lot within the Garrett Road subdivision. There are two single family residences on it and the Regional Districts house numbering has given 6205 to one home and 6209 to the other. Each home has it's own driveway and utility servicing. At this time both homes are serviced by a single well and sewage lagoon. A new well and sewage system will be installed to accommodate the subdivision process.

There is a very small part of this property located within the Agricultural Land Reserve. The Official Community Plan has recommended exclusion of this part and the Land Commission has endorsed the recommendation. We assume it will be done by a Local Government application some time in the future. Until then the proposal as designed does not affect the part of the land in the reserve and will be acceptable to the Commission because it conforms to their act.

The division of Lot 4 as proposed does not change the character of the neighbourhood because the proposal takes two existing legally non- conforming residences and puts them on separate properties. It continues a trend over the last several years of infilling in this neighbourhood by dividing 4-hectare properties. The proposal conforms to the residential objectives of the new community plan for the Horse Lake area and is creating lots which are large and still considered Rural Residential.



Interior Health
Every person matters

April 25, 2019

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

Dear Nyree Alexander:

RE: File #: 3360-20/20190015
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



Agricultural Land Commission

201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000 | Fax: 604 660-7033
www.alc.gov.bc.ca

May 9, 2019

Reply to the attention of Sara Huber
ALC Issue: 51402
Local Government File: 3360-20/20190015

Nyree Alexander
Development Services Clerk V
Cariboo Regional District
Delivered Electronically

Re: CRD South Cariboo Area Amendment Bylaw No. 5207, 2019

Thank you for forwarding a draft copy of Cariboo Regional District (CRD) South Cariboo Amendment Bylaw No. 5207, 2019 (the "Bylaw") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Bylaw is consistent with the purposes of the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve regulations (the "Regulations"), and any decisions of the ALC.

The purpose of the Bylaw is to enable the property identified as PID: 006-812-295 (the "Property") to be subdivided into two lots of 2.02 ha each to reflect the existing dwellings. Currently, the minimum lot size permitted under the Rural 1 (RR1) zone is 4 ha. The Bylaw proposes to rezone to a Rural 2 (RR2) zone which supports a 2 ha minimum lot size.

The Property contains a small portion of ALR on the northeast corner. As a result of the subdivision, the ALR portion of the Property would be confined to the remainder lot, thus it would not further fragment agricultural land. All of the existing infrastructure and accesses on the Property are located on the southern boundary.

Based on this information, the ALC has no objection to the proposed Bylaw and associated subdivision.

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 Regulations, or any Orders of the Commission.

If you have any questions about the above comments, please contact the undersigned at 604-660-7019 or by e-mail (Sara.Huber@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'Sara Huber', with a stylized, cursive script.

Sara Huber, Land Use Planner

Enclosure: Referral – Zoning Amendment Bylaw 5207

CC: Ministry of Agriculture – Attention: Greg Bartle

51401m1



File:

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

Via email: nalexander@cariboord.bc.ca

Date: April 21, 2019

Dear Nyree Alexander,

Re: Zoning Bylaw No. 5207 – 6205 & 6209 Garrett 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.5207 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:

- While it is noted that these residential units are sited outside of the Agricultural Land Reserve (ALR), please consider that accumulative residential uses on the 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 residences 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](#).

If you have any questions please contact me directly at Nicole.Pressey@gov.bc.ca or 236 713-2223.

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: Sara Huber, ALC Regional Planner, Sara.Huber@Victoria1.gov.bc.ca

RESULTS OF PUBLIC HEARING

File No: 3360-20/20190015

Date: July 8, 2019

Location: Lone Butte Community Hall

Re: **CARIBOO REGIONAL DISTRICT SOUTH CARIBOO AREA ZONING AMENDMENT
BYLAW NO. 5207, 2019**

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 7:00
 - ☐ 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: None 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 7:22

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

Signature of Chair

Rosemary

7000

Concerned at subdividing

- road traffic / density is too high.
- Speeds in excess
- ~~road~~ the density will challenge the road / serves in area.
- Moved here with 10 Acre lot.
- wanted space to live, if you wanted smaller lots
- small farm area not 10A lots
- wanted - too many people on the parcel.
- No Neighbours on top of each. other

Mr Schuman.

Property Adjacent / Looks fine.

- no concerns @ splitting the parcel

- done properly

- things can be done to mitigate road speeds

- Neighbours ~~seem~~ seem

Angie (10 Acres) on parcel will change

No Problem.

R

NB: R1 → R2 Farm / Agriculture.
Setbacks are the same.
Peterson Highway.

Attendance List

Public Hearing For

Cariboo Regional District South Cariboo Area Amendment Bylaw No. 5207, 2019

Name
(Please Print)

Address
(Please Print)

Rosemary Morris
BUD DICKSON

NIGEL HODGINSWAT

DAVID BUCHANAN

Rhonda Buchanan

Ange Hooper

John Schuurman

6728 KATCHMAR RD
LOT 7 Katchmar

4920 ULTPAD LAKE ROAD

6209 GARRETT ROAD

6209 GARRETT ROAD

6205 Garrett Road

4725 Shillney Place
108 Mile Ranch B.C.