

Rezoning Information Package

File Number: 3360-20/20190059

Subject: Cariboo Regional District South Cariboo Area Zoning Amendment Bylaw No. 5249, 2019

Electoral Area: G

Date of Referral: December 2, 2019

Date of Application: November 14, 2019

Property Owner's Name(s): DBW Investments Ltd. (Doug Witty)

Applicant's Name: Doug Dodge – Exton and Dodge Land Surveying Inc.

SECTION 1: Property Summary

Legal Description(s): The South 1/2 of the North West 1/4, Section 8, Township 30, Lillooet District, Except Plan 33708 and The North 1/2 of the South West 1/4, Section 8, Township 30, Lillooet District, Except Plan 33708

Area of Application: 55.2 ha (136.39 ac)

Location: 3711 Whitehorse Lake Road

Current Designation:

Not in Official Community Plan Area

Min. Lot Size Permitted:

N/A

Proposed Designation:

Not in Official Community Plan Area

Min. Lot Size Permitted:

N/A

Current Split Zoning:

Resource/Agricultural (RA 1)

Tourist Commercial (C 2)

Min. Lot Size Permitted:

32 ha (79.07 ac)

0.4 ha (0.99 ac)

Proposed Split Zoning:

Resource/Agricultural (RA 1)

Special Exception Resource/Agricultural (RA 1-1)

Tourist Commercial (C 2)

Min. Lot Size Permitted:

32 ha (79.07 ac)

16 ha (39.535 ac)

0.4 ha (0.99 ac)

Proposed Use: Current titles are spread across Whitehorse Lake Road. A boundary lot adjustment to create one proposed lot north of Whitehorse Lake Road and another to the south allows for better utilization of the lands.

No. and size of Proposed Lots: 2 (no new lots): Proposed Lot 1 36.6 ha (90.43 ac)
Proposed Lot 2 18.6 ha (45.95 ac)

Name and type of existing road system: Whitehorse Lake Road, Roadway

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: Yes

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

Yes

Name of Lake/Contributing River and Lake Classification: Unnamed Creeks and Wetlands between Whitehorse Lake and Sherman Lake; High Sensitivity Critical Fish Habitat

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

	Land Use:	Lot Sizes:
(a) North	Crown Lands	30 ha (74 ac)
(b) South	Crown Lands	27 ha (66 ac)
(c) East	Crown Lands	65 ha (160 ac)
(d) West	061 2 Acres or More (Vacant) Crown Lands	6.75 ha (16.68 ac) 35 ha (86 ac) – 6 ha (15 ac)

SECTION 2: Planning ReportBackground:

It is proposed to make a boundary lot adjustment between the existing two titles to create one proposed lot to the north of Whitehorse Lake Road and another to the south that allows for better utilization of the lands. This is pursuant to Section 10 of the Agricultural Land Reserve, Subdivision and Procedure Regulation. The subject property is currently split zoned as Resource/Agricultural (RA 1) and Tourist Commercial (C 2) in the South Cariboo Area Zoning Bylaw No. 3501, 1999.

The lot size of the proposed Lot 2 does not comply with the permitted lot size provisions under the current zoning of RA 1. Therefore, the applicant has requested to rezone Lot 2 situated south of the Whitehorse Lake Road from Resource/Agricultural (RA 1) zone to Special Exception Resource/Agricultural (RA 1-1) zone with the existing Tourist Commercial (C2) split zone intact.

Further, the proposed Lot 1 will combine the respective two titles existing to the north of the Whitehorse Lake Road into one RA 1 zone, and the proposed Lot 2 will combine the respective two titles existing to the south of the Whitehorse Lake Road into one RA 1-1 zone. The proposal includes a 36.6 ha (90.43 ac) RA 1 lot and 18.6 ha (45.95 ac) RA 1-1 lot with an existing 1.45 ha (3.58 ac) C 2 split zone. The proposal is shown in Appendix C.

The South Cariboo Area Zoning Bylaw No. 3501, 1999 is proposed to amend by including Section 5.21.3.1 as follows:

5.21.3.1 Special Exception RA 1-1 Zone (3360-20/20190059)

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

- i) Lot Area (minimum) = 16 hectares (39.54 acres)

All other provisions of the RA 1 zone shall apply.

Location & Surroundings:

The subject property is located at Whitehorse Lake Road with Whitehorse Lake to the south-west and Sherman Lake to the east of the property as shown in Appendix B. There are a few wetlands and unnamed creeks present on the property which are highly sensitive in nature with Critical Fish Habitat.

Currently, there are a few sheds, a single-family dwelling, greenhouse, chicken coop, a shop, and a septic field existing on the RA 1 lot to the north of Whitehorse Lake Road along with a few cabins on the existing C 2 split zone. The subject property is mostly surrounded by crown lands.

CRD Regulations and Policies:

3501- South Cariboo Area Zoning Bylaw, 1999

5.21 RESOURCE/AGRICULTURAL (RA 1) ZONE

5.21.2 ZONE PROVISIONS

- (a) LOT AREA (minimum) = 32 hectares (79.07 acres)

5.2 TOURIST COMMERCIAL (C 2) ZONE

5.2.2 ZONE PROVISIONS

- (a) LOT AREA (minimum) = 0.4 hectares (0.99 acres)

Rationale for Recommendations:

As the existing Whitehorse Lake Road passes through the subject property that physically splits the property into two separate lots, the proposal has minimal impact on adjacent properties with no additional lots being created. Further, the boundary adjustment by consolidating the existing two titles to the north and south of Whitehorse Lake Road respectively allows for better utilization of the property. 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 highly sensitive streams on site, Whitehorse Lake adjacent to the subject property and Sherman Lake in proximity.

Recommendation:

1. That the South Cariboo Area Zoning Amendment Bylaw No. 5249, 2019 to rezone the South ½ of the North West ¼, Section 8, Township 30, Lillooet District, Except Plan 33708 and the North ½ of the South West ¼, Section 8, Township 30, Lillooet District, Except Plan 33708 from Resource/Agricultural (RA 1) and Tourist Commercial (C 2) zones to Special Exception Resource/Agricultural (RA 1-1), Resource/Agricultural (RA 1) and Tourist Commercial (C 2) zones 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: -

Ministry of Transportation and Infrastructure: - December 11, 2019

The Ministry of Transportation and Infrastructure has no objection in principle to the proposed rezoning application. Please note this in no way constitutes subdivision approval.

Advisory Planning Commission: January 6, 2020

See attached.

Ministry of Environment: -

Ministry of Agriculture: December 17, 2019

See attached

Agricultural Land Commission: December 30, 2019

See attached.

SECTION 4: Board Action

Date of Meeting: January 17, 2020

That Cariboo Regional District South Cariboo Area Zoning Amendment Bylaw No. 5249, 2019 be read a first and second time this 17th day of January, 2020. 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. 5249

Appendix B: General Map

Appendix C: Specific Map

Appendix D: Orthographic Map

Other: Applicant's supporting documentation
Advisory Planning Commission comments
Ministry of Agriculture comments
Agricultural Land Commission comments



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5249

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. 5249, 2019".

2. AMENDMENT

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

- i) Including Section 5.21.3.1 into Schedule "A" as follows:

- 5.21.3.1 Special Exception RA 1-1 zone (3360-20/20190059)
Notwithstanding any other provisions of this bylaw to the contrary, on lands zoned RA 1-1:
- i) Lot Area (minimum) = 16 hectares (39.54 acres)

All other provisions of the RA 1 zone shall apply

- ii) rezoning The South 1/2 of the North West 1/4, Section 8, Township 30, Lillooet District, Except Plan 33708 and the North 1/2 of the South West 1/4, Section 8, Township 30, Lillooet District, Except Plan 33708 from Resource/Agricultural (RA 1) and Tourist Commercial (C 2) zones to Special Exception Resource/Agricultural (RA 1-1), Resource/Agricultural (RA 1) and Tourist Commercial (C 2) zones, as shown on attached Schedule "A"; and
- iii) amending Schedules "B" and "C" accordingly.

READ A FIRST TIME THIS 17th DAY OF January, 2020.

READ A SECOND TIME THIS 17th DAY OF January, 2020.

A PUBLIC HEARING WAS HELD ON THE 3rd DAY OF March, 2020.

READ A THIRD TIME THIS _____ DAY OF _____, 2020.

ADOPTED THIS ____ DAY OF _____, 2020.

Chair

Manager of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5249, cited as the "Cariboo Regional District South Cariboo Area Zoning Amendment Bylaw No. 5249, 2020", as adopted by the Cariboo Regional District Board on the ____ day of _____, 2020.

Manager of Corporate Services

SCHEDULE A



Subject Property



Existing Tourist Commercial (C 2) Zone



Proposed Special Exception
Resource/Agricultural (RA 1-1) Zone



Proposed Resource/Agricultural (RA 1) Zone

100 50 0 100 m

MEASUREMENTS
ARE METRIC

Z19059



N1/2 OF NW1/4
SEC 8 TP 30

NE1/4
SEC 8 TP 30

REM OF
NE1/4
SEC 7 TP 30

S1/2 OF, NW1/4
SEC 8 TP 30
EXC PL 33708

SEC 8 TP 30

SEC 7
TP 30

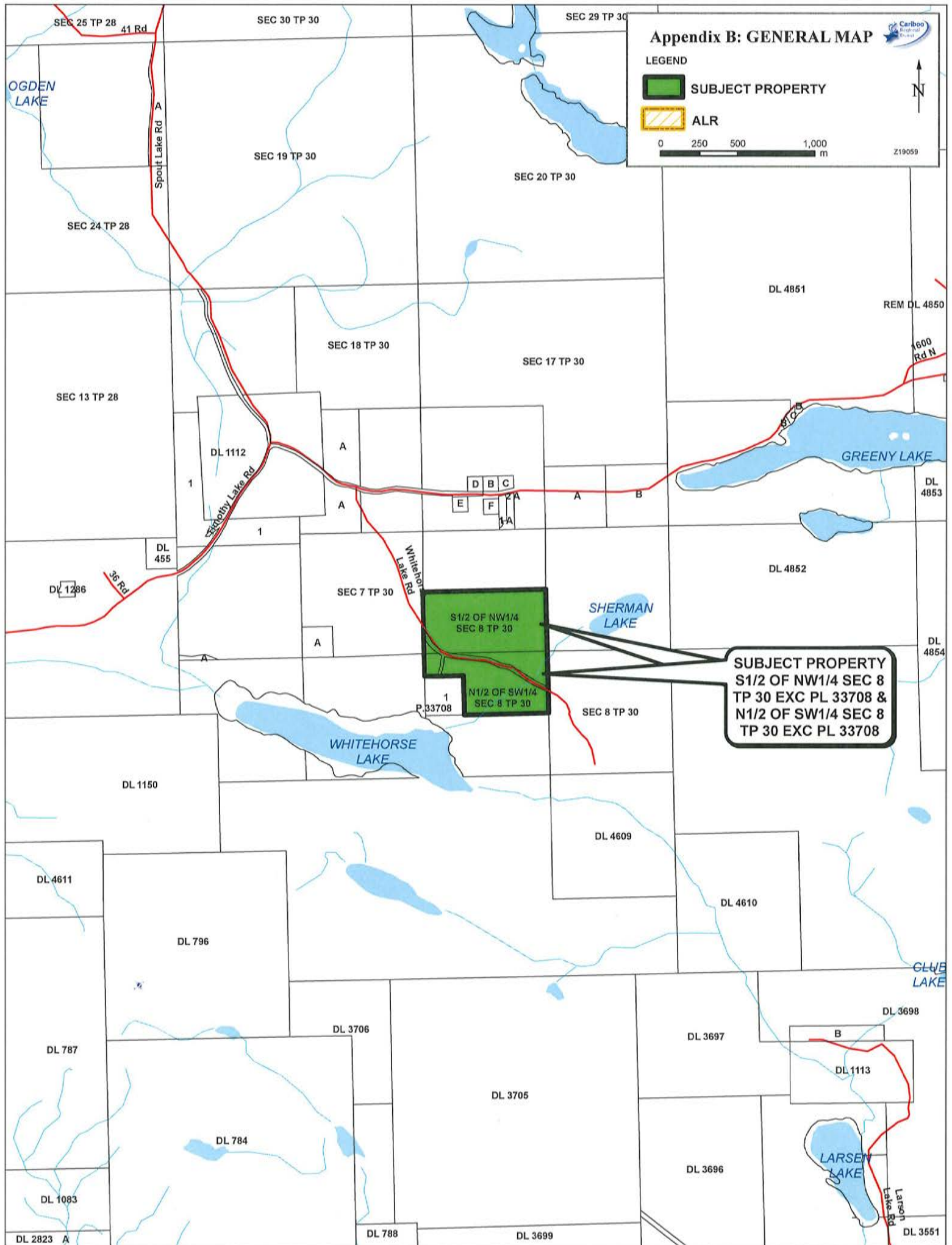
SE1/4
SEC 8 TP 30

L 1
PL 33708

SE1/4
SEC 7 TP 30

S1/2 OF SW1/4
SEC 8 TP 30

WHITEHORSE LAKE



Appendix C: SPECIFIC MAP



Subject Property



Existing Tourist Commercial (C 2) Zone

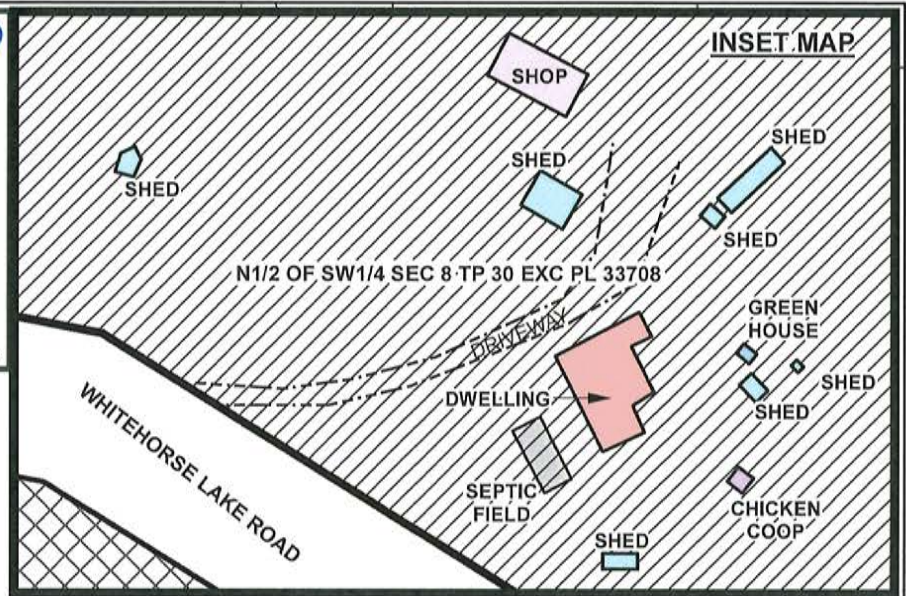


Proposed Special Exception Resource/Agricultural (RA 1-1) Zone



Proposed Resource/Agricultural (RA 1) Zone

100 50 0 100 m MEASUREMENTS ARE METRIC Z19059



N1/2 OF NW1/4
SEC 8 TP 30

REM OF
NE1/4
SEC 7 TP 30

SEC 7
TP 30

SEC 8 TP 30

S1/2 OF NW1/4
SEC 8 TP 30
EXC PL 33708

NE1/4
SEC 8 TP 30

PROPOSED
LOT 1
+/- 36.6 ha

SEE INSET MAP

WHITEHORSE LAKE ROAD

PUMP
HOUSE

CABINS

DRIVEWAY

N1/2 OF SW1/4
SEC 8 TP 30
EXC PL 33708

PROPOSED
LOT 2
+/- 18.6 ha

L 1
PL 33708

SE1/4
SEC 7 TP 30

SE1/4
SEC 8 TP 30

WHITEHORSE LAKE

S1/2 OF SW1/4
SEC 8 TP 30

Appendix D: ORTHOGRAPHIC MAP

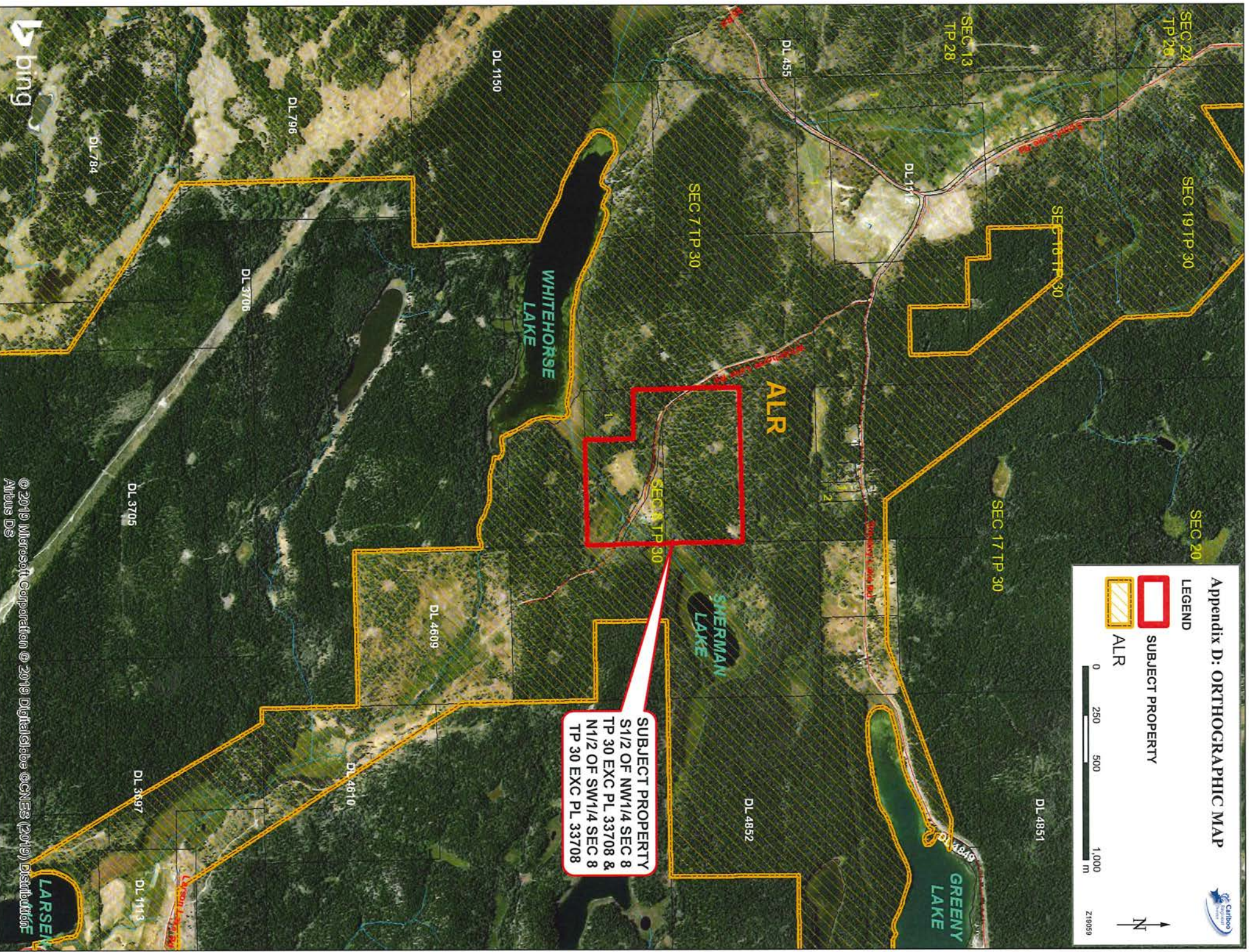
LEGEND

 SUBJECT PROPERTY

 ALR

0 250 500 1,000
m

219059



Reason for support

1. Mr. Witty wishes to do a boundary adjustment between the existing two titles to create one title north of Whitehorse Lake Road and one title south of Whitehorse Lake Road. No additional lots are being created. This is to be done pursuant to Section 10 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.
2. Currently, Mr. Witty has several horses which are fenced in and grazed on that portion of the S ½ of the NW ¼, Sec 8 north of Whitehorse Lake Road and working corrals and buildings on that portion of the N ½ of the SW ¼ north of Whitehorse Lake Road. Proposed Lot 1 will consolidate the horse operation with the building and corrals and allow for better utilization with the creation of one title north of the road.
3. Initially, under Bylaw 1000, the minimum lot size allowed for both these properties was 4ha. Lot 1, Plan 33708 (6.75ha) was created when Bylaw 1000 was still in force.
4. Bylaw 3601 placed the RA1 zone (minimum size 32ha) on both of these properties. However the N ½ of the SW ¼ Sec 8 was only 23.4ha and does not conform to Bylaw 3601. Now, for the sake of what seemed like a simple boundary adjustment, we are required to rezone to allow its smaller size.

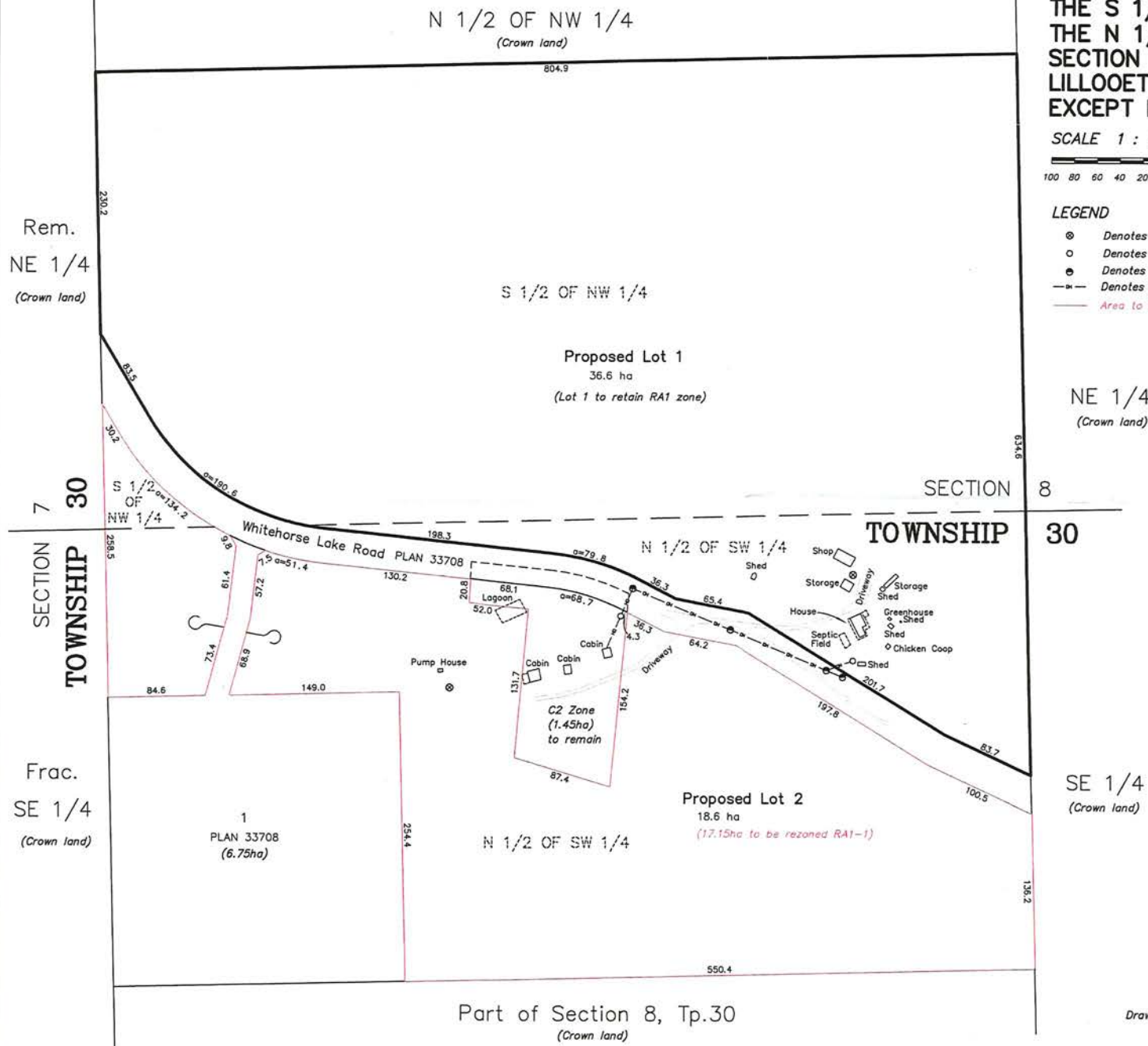
**PLAN OF PROPOSED SUBDIVISION OF
THE S 1/2 OF THE NW 1/4 AND
THE N 1/2 OF THE SW 1/4,
SECTION 8, TOWNSHIP 30,
LILLOOET DISTRICT,
EXCEPT PLAN 33708.**

SCALE 1 : 2500

100 80 60 40 20 0 100 200 Metres

LEGEND

- ⊙ Denotes Well.
- Denotes Utility Pole.
- Denotes Hydro Pole.
- Denotes Hydro Line.
- Area to be rezoned RA1-1.



Note: This plan shows dimensions based on existing land title office records.

EXTON AND DODGE

LAND SURVEYING INC.
133 BORLAND STREET
WILLIAMS LAKE, B.C.
V2G 1R1
(250) 392-7111

FILE No. 18375 Dwg. 2

Drawn November 8, 2019

AREA G ADVISORY PLANNING COMMISSION RESPONSE FORM**FILE NO: 3360-20-20190059****Date: January 6, 2020 3899 Hwy. 97 Lac la Hache BC 7 pm****Applicant/Agent: Agent Doug Dodge present.****Area G director - Al Richmond** *Via phone***APC: Diane Wood, Sec. Graham Leslie Nicola Maughn Marvin Monical**
Marilyn Niemiec ~~Robin Edwards~~ Ron Soeder**Location of Application: 3711 Whitehorse Lake Road****Agenda Item: Application for rezoning from current split zoning RA 1 and tourist commercial C2 to RA 1, Special exception RA 1-1 and Tourist Commercial C2****Moved by:***Graham / Nicola**Area G APC has no objection
to this rezoning application.*

Cariboo Regional District

File No.

JAN 07 2020

Referred To

Moved by: *DIANE***That the meeting be adjourned at 7:30 PM.**
Recording Secretary
Chair



File:

Shivani Sajwan
Planning Officer
Cariboo Regional District
Suite D, 180 North 3rd Avenue
Williams Lake, BC V2G 2A4

Via email: ssajwan@cariboord.bc.ca

Date: December 17, 2019

Dear Shivani Sajwan,

Re: Zoning Bylaw No. 5249 – 3711 Whitehorse Lake Road

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the proposed Zoning Bylaw No. 5249 to rezone the parcel to accommodate a lot line adjustment subdivision and RA zone minimum lot size requirement. I have reviewed the documents you have provided. From a Ministry perspective I can provide the following comments for your consideration:

- Overall, the proposed boundary adjustment appears to increase the operational function of both lots. The proposed bylaw amendment also appears reasonable as it facilitates the better utilization of this agricultural land. Presumably, a future farm operation located on proposed Lot 2 would not have to maneuver machinery and/or livestock across the road. Ministry staff note however that it appears there is little agricultural activity currently occurring on either lot.
- Ministry staff generally have concerns with subdivision where it does not provide a clear advantage or benefit to agricultural use. Staff however also recognize a benefit of subdivision if it has the potential to increase the operational function of a parcel, and if no additional non-farm infrastructure is constructed which may inhibit the agricultural potential of the parcel. The application does not appear to reference if any additional non-farm infrastructure will be developed.
- Any lot line adjustment of this parcel however should in no way be construed as support for any future non-farm use or subdivision on the resulting parcels within the Agricultural Land Reserve and the parcels would continue to be subject to all relevant regulations and policies of the Agricultural Land Commission.

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

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



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

December 30, 2019

Reply to the attention of Sara Huber
ALC Issue: 51636
Local Government File: Z1959

Genny Hilliard
Development Services Clerk V, Cariboo Regional District
ghilliard@cariboord.ca

Delivered Electronically

Re: Cariboo Regional District Zoning Amendment Bylaw No. 5249, 2019

Thank you for forwarding a draft copy of Cariboo Regional District (CRD) South Cariboo Area Zoning Amendment Bylaw No. 5249, 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 General Regulation, (the "General Regulation"), the Agricultural Land Reserve Use Regulation (the "Use Regulation"), and any decisions of the ALC.

Current Proposal

The Bylaw proposes to amend the zoning designation of the South Cariboo Area Zoning Bylaw No. 3501, 1999, for the properties identified as 3711 Whitehorse Lake Road; PID: 004-676-319 ("Property 1") and PID: 004-676-343 ("Property 2"), collectively referred to as the "Properties", from Resource/Agricultural 1 (RA 1) and Tourist Commercial (C2) to Resource/Agricultural 1 (RA1), Special Exception Resource/Agricultural (RA 1-1) and Tourist Commercial (C2). The Properties are currently ± 31.8 ha and ± 23.4 ha; however, the Bylaw is intended to facilitate a boundary adjustment to create one ± 36.6 lot north of Whitehorse Lake Road ("Proposed Lot 1") and an ± 18.6 lot to the south of Whitehorse Lake Road ("Proposed Lot 2") for better utilization of the lands. The Resource/Agricultural 1 and Tourist Commercial zones have minimum lot sizes of 32 ha and 0.39 ha, respectively. As Proposed Lot 2 is inconsistent with the minimum lot size of the Resource/Agricultural 1 zone, a rezoning is required.

The Resource/Agricultural 1 (RA1) zone is proposed to apply to Proposed Lot 1 and the Special Exception Resource/Agricultural (RA 1-1) and Tourist Commercial (C2) zones are proposed to apply to Proposed Lot 2.

Applicable Legislation

Under Section 10(c) of the Use Regulation, a subdivision by an Approving Officer may be undertaken in the ALR if the subdivision involves no more than four parcels, each of which is a minimum of 1 ha, results in no increase in the number of parcels and no parcel less than 1 ha in size after the subdivision, and that in the opinion of the Approving Officer, the subdivision will allow for the enhancement of farming, or for the better use of structures used for farming.

Application History

In 1987, the Commission approved the use of 1.4 ha of Property 1 for a commercial guest ranch operation (Application 36265; Resolution #10/1987). The area used for the guest ranch corresponds with the area of Property 1 zoned Tourist Commercial.

ALC Staff Comment

Should the boundary adjustment and associated Bylaw be approved/adopted, the ± 36.6 ha Proposed Lot 1 would include the existing dwelling, shop, greenhouse, seven sheds, and a chicken coop, while the ± 18.6 ha Proposed Lot 2 would encompass the commercial guest ranch, including four guest cabins. Based on this, ALC staff recognize that the boundary adjustment and associated Bylaw would not result in non-compliant structures in the ALR (e.g. two dwellings on one lot), as there is only one existing dwelling, and the commercial guest ranch was approved by the Commission in 1987 by Resolution #10/1987.

ALC staff recognizes that the Bylaw would facilitate the boundary adjustment of the Properties to create lots consistent with the Whitehorse Lake Road boundary. ALC staff further recognizes that the proposed lots are both of a suitable size to support agricultural operations. For this reason, if the Approving Officer finds that the subdivision would allow for the enhancement of farming, or for the better use of structures used for farming, ALC staff have no objection to the proposed Bylaw.

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.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

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



Sara Huber, Regional Planner

Enclosure: Referral of CRD Zoning Amendment Bylaw No. 5429

CC: Ministry of Agriculture – Attention: Nicole Pressey

51636m1