ALR Information Package

File Number: 3015-20/D20200029			
Subdivision 21(2)Non-Farm Use 20(2)Exclusion 30(1)Inclusion 17(3)Non-Adhering Residential Use 20.1(2)Soil or Fill Use 20.3(5)Electoral Area: DDate of Referral: August 4, 2020Date of Application: July 29, 2020Property Owner's Name(s): Ben Croswell and Chelsey WhittinghamApplicant's Name: Same as above			
SECTION 1: Property Summary			
Legal Description(s): Lot A, District Lot 8861, Cariboo District, Plan 30633			
Area of Application: 6.8 ha (16.9 ac)			
Location: 1675 Hilltop Road			
Current Designation: Williams Lake Fringe Area OCP Bylaw 4872, 2012 - Rural Residential 1 Current Zoning: Williams Lake Fringe and 150 Mile House Area Zoning Bylaw 3502, 1999 - Rural 1 (RR 1)			
Current Land Use: BC Assessment - 070 – 2 Acres or More (Outbuilding)			
Agricultural Capability Classification: Canada Land Inventory: Class 1 = Best, Class 7 = Worst			
% of parcelUnimproved ratingImproved rating50%50% Class 4 - Stoniness40% Class 3 - Cumulative Minor Adverse Conditions30% Class 5 - Stoniness, Topography40% Class 4 - Stoniness			
20% Class 6 – Topography, Stoniness 20% Class 6 – Topography, Stoniness			
50% 70% Class 7 – Topography, Stoniness			
30% Class 6 - Topography			
The agricultural capability classification of the property ranges from Classes 4 to 7. The limiting factors are noted as Stoniness and Topography. Class 4 soils have limitations that require special management practices or severely restrict the range			

Class 4 soils have limitations that require special management practices or severely restrict the range of crops, or both. Soil and/or climate limitations make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practices are required. The limitations may seriously affect one or

more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation.

Class 5 soils have limitations that restrict its capability to producing perennial forage crops or other specially adapted crops. Soil and climate conditions limit cultivation to Land in Class 5 is generally limited to the production of perennial crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 lands can be cultivated, and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated field crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions. Note that in areas which are climatically suitable for growing tree fruits and grapes the limitations of stoniness and/or topography on some Class 5 lands are not significant limitations to these crops.

Class 6 soils are nonarable but are capable of producing native and/or uncultivated perennial forage crops. Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for cultivation or use of farm machinery, or the soils do not respond to intensive improvement practises. Some unimproved Class 6 lands can be improved by draining and/or diking.

Class 7 soils have no capability for arable or sustained natural grazing. All classified areas not included in Classes 1 to 6 inclusive are placed in this class. Class 7 land may have limitations equivalent to Class 6 land, but they do not provide natural sustained grazing by domestic livestock due to climate and resulting unsuitable natural vegetation. Also included are rock land, other non-soil areas, and small water-bodies not shown on maps. Some unimproved Class 7 land can be improved by draining or diking.

The improved rating is from Class 3 to Class 6. The limiting factors are Cumulative Minor Adverse Conditions, Stoniness, and Topography. Class 3 soils have limitations that require moderately intensive management practices or moderately restrict the range of crops, or both. The limitations are more severe than for Class 2 land and management practices are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation.

Minor restrictions of soil and climate may reduce capability but pose no major difficulties in management.

note: the information above is an interpretation of Agricultural Capability from the Canada Land Inventory mapsheet #93B/16 (scale 1:50,000). An on-site visit of the property has not been conducted.

Proposed Use: Residential (Over 500 sq. m.)

SECTION 2: Planning Report

Background:

The applicants have requested to exempt the 500 sq. m (5381.96 sq. ft.) limit for a primary residence on an ALR property to allow the construction of a new 685.8 sq. m (7381.89 sq. ft.) primary residence replacing the previous dwelling that was destroyed by fire in May 2019. The previously existing residence was built in 1982 with a total floor area of 787.26 sq. m (8474 sq. ft.) along with an exterior

pool and a deck increasing the total footprint to 1019.52 sq. m (10,974 sq. ft.). It is proposed to replace the previous home with a reduced footprint residence that will include 319 sq. m (3433.69 sq. ft.) living space, 142 sq. m (1528.48 sq. ft.) attached garage, 36.8 sq. m (396.11 sq. ft.) patio, and a covered deck pool area of 188 sq. m (2023.62 sq. ft.) totalling the footprint of 685.8 sq. m (7381.89 sq. ft.) as shown in Appendix D.

The subject property is zoned Rural 1 (RR 1) in the Williams Lake Fringe and 150 Mile House Area Zoning Bylaw No. 3502, 1999, and is designated as Rural Residential 1 in the Williams Lake Fringe Area Official Community Plan Bylaw No. 4872, 2012. It currently has an existing 127.9 sq. m (1376.7 sq. ft.) detached shop on site as shown in Appendix D.

ALR use regulations permit a single-family residence with a total floor area of 500 sq. m (5381.96 sq. ft.) or less on an ALR parcel without requiring an application. However, a non-adhering residential use application is required for any principal residence that is proposed to be more than 500 sq. m (5381.96 sq. ft.) which is the case with the proposal in hand.

Location and Surrounding:

The subject property is located on Hilltop Road with Reservoir Lake to the far north-west of the property as shown in Appendix C. There are mostly rural residential farmlands surrounding the property to the north, south, east and crown land to the west of the subject property.

CRD Regulations and Policies:

Williams Lake Fringe and 150 Mile House Area Zoning Bylaw No. 3502, 1999

5.18 RURAL 1 (RR 1) ZONE

5.18.1 USES PERMITTED

- (a) **RESIDENTIAL USES:**
 - a single-family residential dwelling.

Rationale for Recommendations:

i)

Planning staff are supportive of the proposed ALR non-adhering residential use application and understands the uniqueness of the proposal with the insurance company requiring the applicants to replace their lost home with a residence of a similar monetary value.

There are no current agricultural activities on the property. The applicant indicates that they intend to start a long-term family farm once the new residence is constructed. The overall reduced footprint of the new residence would allow for increased agricultural land base.

Further, the proposed residence does not pose additional burden on the infrastructure by being placed at the same location as the previous home, and utilizing the existing driveway, septic system and landscaping.

Being surrounded by large rural residential parcels and crown land, the proposal has minimal impact on the neighboring properties. Therefore, staff recommend the application be forwarded to the ALC for consideration of non-adhering residential use within the ALR.

Recommendation:

1. That the Provincial Agricultural Land Commission application for non-adhering residential use, pertaining to Lot A, District Lot 8861, Cariboo District, Plan 30633 be authorized for submission to the Provincial Agricultural Land Commission.

SECTION 3: Referral Comments

<u>Advisory Planning Commission</u>: August 13, 2020 See attached

SECTION 4: Board Action

Date of Meeting:

ATTACHMENTS

Appendix A: Application

Appendix B: Local Government Report

Appendix C: General Map

Appendix D: Specific Map

Appendix E: Orthographic Map

Other: Advisory Planning Commission Comments

Provincial Agricultural Land Commission -Applicant Submission

Application ID: 61164

Application Status: Under LG Review Applicant: Ben Croswell, Chelsey Whittingham Local Government: Cariboo Regional District

Local Government Date of Receipt: 07/29/2020

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Adhering Residential Use - Principal Residence More than 500m² **Proposal:** The purpose of this proposal is to request an exemption to the 500sq meter limit for a primary residence. We are replacing our previous family home which was lost due to a fire May 31 2019. Our home insurance company requires that we replace our home with a home of the same monetary value.

Our previous home which was considered granfathered in was built in 1982 and had a total area of 8474 sq ft with an exterior pool and deck adding an additional 2500 sq ft. Total foot print:10,974 sq ft. We are planning to replace this home with a home that has a smaller foot print 6500 sq ft (600m2) with a living space of 3500 sq ft, a 1500 sq ft garage and a 2000 sq ft covered deck pool area. By incorporating the pool with the house we will be reducing the foot print on the property by 4474 sq ft.

Mailing Address:



Parcel Information

Parcel(s) Under Application

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    Ownership Type: Fee Simple
        Parcel Identifier: 005-296-307
        Legal Description: L A DL 8861 CARIBOO PL 30633
        Parcel Area: 6.8 ha
        Civic Address: 1675 Hilltop Rd, Williams Lake, BC V2G 5B7
        Date of Purchase: 03/15/2011
        Farm Classification: No
        Owners

            Name: Ben Croswell
            Address:
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Applicant: Ben Croswell, Chelsey Whittingham

2. Name: Chelsey Whittingham Address:



Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s). *No agriculture*

2. Quantify and describe in detail all agricultural improvements made to the parcel(s). No Agricultural Improvements

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s). *185 square metre detached shop*

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm Specify Activity: Hay Farm

East

Land Use Type: Agricultural/Farm Specify Activity: Hay / Cattle farm

South

Land Use Type: Other Specify Activity: Crown Land

West

Land Use Type: Other Specify Activity: Crown Land

Proposal

1. What is the purpose of the proposal?

The purpose of this proposal is to request an exemption to the 500sq meter limit for a primary residence. We are replacing our previous family home which was lost due to a fire May 31 2019. Our home insurance company requires that we replace our home with a home of the same monetary value.

Our previous home which was considered granfathered in was built in 1982 and had a total area of 8474 sq ft with an exterior pool and deck adding an additional 2500 sq ft. Total foot print: 10,974 sq ft. We are planning to replace this home with a home that has a smaller foot print 6500 sq ft (600m2) with a living

Applicant: Ben Croswell, Chelsey Whittingham

space of 3500 sq ft, a 1500 sq ft garage and a 2000 sq ft covered deck pool area. By incorporating the pool with the house we will be reducing the foot print on the property by 4474 sq ft.

2. What is the total floor area of the proposed principal residence in square metres? $600 m^2$

3. Describe the rationale for the proposed location of the principal residence.

To replace our home that was a total loss by fire, we will build our new house in the exact spot our old house was in.

4. Does the proposal for a principal residence more than 500 m^2 support agriculture in the short or long term? Please explain.

We are married with four children, in the near future we plan on using our property to start a long term family farm. We will raise cattle to be sold as beef and purchase laying hens to sell eggs. Our children will raise a farm animal of their choice on the property to participate in the local 4H club. We also had a large vegetable garden up until the fire loss, that we will replace once we are settled into our new home.

5. Describe the size, type and number, as well as occupancy of all residential structures currently located on the property.

No residential structures on the property due to the house being lost by fire on May, 31, 2019

6. What is the total area of infrastructure necessary to support the proposed residence?

We are building in the exact spot that our previous house was in, so we will use the existing driveway, septic and landscaping.

The infrastructure area used will be much less that it was before, now that the pool and deck is incorporated into the home. We will be reducing the foot print on the property by 4474 sq ft.

7. Do you need to import any fill to construct the principal residence and necessary infrastructure? No

Applicant Attachments

- Agent Agreement Dan Gossen
- Proposal Sketch 61164
- Professional Report BC Assessment form
- Certificate of Title 005-296-307

ALC Attachments

None.

Decisions

None.



LAND TITLE OFFICE STATE OF TITLE CERTIFICATE

Certificate Number: STSR3088501



A copy of this State of Title Certificate held by the land title office can be viewed for a period of one year at <u>https://apps.ltsa.ca/cert</u> (access code 724032).

I certify this to be an accurate reproduction of title number CA2471199 at 09:57 this 28th day of July, 2020.

REGISTRAR OF LAND TITLES



Land Tit	tle Dis	strict
Land	Title C	Office

From Title Number

Title Number

PRINCE GEORGE PRINCE GEORGE

CA2471199
CA2071079

Application Received 2012-04-03

Application Entered

2012-04-14

Registered Owner in Fee Simple Registered Owner/Mailing Address:

BENJAMIN JAMES CROSWELL, NATURAL GAS OPERATOR CHELSEY EILEEN WHITTINGHAM, SECRETARY

AS JOINT TENANTS

Taxation Authority

Cariboo Assessment Area

LAND TITLE OFFICE STATE OF TITLE CERTIFICATE

Certificate Number: STSR3088501

Description of Land

005-296-307

Parcel Identifier: Legal Description:

LOT A DISTRICT LOT 8861 CARIBOO DISTRICT PLAN 30633

Legal Notations

HERETO IS ANNEXED EASEMENT N27978 OVER PART OF DISTRICT LOT 8862, CARIBOO DISTRICT, ON PLAN 23866

THIS CERTIFICATE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT SEE PLAN #21608

Charges, Liens and Interests	NONE
Duplicate Indefeasible Title	NONE OUTSTANDING
Transfers	NONE

Pending Applications NONE

This certificate is to be read subject to the provisions of section 23(2) of the Land Title Act(R.S.B.C. 1996 Chapter 250) and may be affected by sections 50 and 55-58 of the Land Act (R.S.B.C. 1996 Chapter 245).

Local Government Report under the Agricultural Land Reserve Use, Subdivision and Procedure Regulation

Information supplied by:

Cariboo Regional District

Local Government

In respect of the application of:

<u>Benjamin Croswell & Chelsey Whittingham.</u> Name of Applicant

PLANS and BYLAWS (Attach relevant sections of bylaws)

Zoning Bylaw name and designation: Williams Lake Fringe Area and 150 Mile House Area Zoning Bylaw, 3502, 1999; Rural 1 (RR 1)

Minimum Lot Size: 4 ha (9.88 ac)

Uses permitted: Please see attached Section 5.18 Rural 1 (RR 1) zone.

Official Community Plan Bylaw and current designation: Williams Lake Fringe Area Official Community Plan Bylaw 4872, 2012 Rural Residential 1

Minimum Lot Size: 4 ha (9.88 ac)

Conformance: In conformance with the Official Community Plan

Are amendments to Plans or Bylaws required for the proposal to proceed?

Plan	🗌 Yes	🔀 No	Bylaw	🗌 Yes	🔀 No
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Is authorization under Sec. 25 (3) or 30 (4) of the Agricultural Land	Commission Act required?
Yes (If yes, please attach resolution or documentation)	No No

COMMENTS AND RECOMMENDATIONS (Include copies of resolution)

Board or Council:

Advisory Planning Commission:

Agriculture Advisory Committee:

Planning staff:

Others:

Signature of Responsible Local Government Officer

Date

R.D./Mun. File No. 3015-20/D20200029 Fee Receipt No. B:2020072901 Fee Amount \$1500 ALR Base Map No. 093B020 ALR Constituent Map No. Air Photo No.

5.18 **RURAL 1 (RR 1) ZONE**

5.18.1 <u>USES PERMITTED</u>

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; or
 - ii) a two-family residential dwelling unit / duplex; or
 - iii) One (1) secondary suite and must be subordinate to a single-family residential dwelling, or
 - iv) One (1) carriage house and must be subordinate to a single-family residential dwelling, or
 - v) One (1) secondary dwelling and must be subordinate to a single-family residential dwelling, or
 - vi) a temporary dwelling unit in conjunction with a single-family residential dwelling.
- (b) NON-RESIDENTIAL USES:
 - i) a community facility, including a community hall, fire hall, library, school, church, medical clinic or first aid station, and buildings associated with the operation and maintenance of an airplane landing strip or helicopter pad;
 - ii) airplane landing strip or helicopter pad;
 - iii) a public use, including public utility buildings and structures;
 - iv) parks, playgrounds and outdoor recreation facilities of a non-commercial nature;
 - v) a home occupation or a home industry ancillary to a permitted residential use;
 - vi) bed and breakfast accommodations or rooming and boarding accommodations ancillary to a permitted residential use;
 - vii) museum, historic site, or cemetery;
 - viii) refuse disposal site;
 - ix) kennel or animal hospital;
 - xi) animal incineration; provided the activity is in conformance with applicable provincial and federal legislation, ancillary to a permitted veterinary clinic or animal hospital;
- xii) Farm Retail Sales;
 - xiii) the processing of farm products may take place on the farm property provided that at least 50% of the farm product is produced on that farm;
- xiv) agri-tourism activities, other than accommodation, on land that is classified as a farm under the *Assessment Act*, if the use is temporary and seasonal, and promotes or markets farm products grown, raised or processed on the farm;

BL 4990

B/L 4181

B/L 4181

B/L 4181

B/L 4181

B/L 4181	 xv) a horse boarding center, on land that is classified as a farm under the Assessment Act, provided that the stables do not have more than 40 stalls and the facility does not contain a racetrack licensed by the British Columbia Racing Commission;
	xvi) agricultural operations, including horticulture, silviculture, livestock, intensive livestock operation, stockyard, beekeeping and aquaculture;
B/L 4181	xvii) slaughtering and butchering ancillary to a permitted residential use or agricultural operation, providing such slaughtering and butchering is limited to only those animals produced on the property, or conducted for personal consumption by the owner, provided the activity is in conformance with applicable provincial and federal legislation;
B/L 4181	xviii) growing, tending and harvesting of trees produced on the property;
B/L 4238	xix) portable sawmill, providing such activities are located no closer than 30 metres (98.4 feet) from an existing residential use on an adjacent or nearby property;
B/L 4238	 Small sawmill, providing such activities, including storage areas, are located no closer than 300 metres (984 ft) from an existing residential use on an adjacent or nearby property, or if the sawmill is located in a sound proof building, may be sited so that no noise is detectable at the property boundary above ambient;
	xxi) extraction of raw materials from the land, including crushing and screening activities, but excluding any further processing activities;
	 xxii) temporary construction, exploration or logging camp operated by or on behalf of a government agency or department, or by a registered company, for the temporary living accommodation of its employees, provided the method by which sewage is to be disposed of is satisfactory to the Medical Health Officer. On completion of the project concerned, the camp shall be removed and the site restored to a satisfactory condition; xxiii)trapping and guide camps, except main lodges; xxiv) ancillary buildings.
5.18.	ZONE PROVISIONS

No person shall, within any RR 1 zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	LO	T AREA (minimum):	= 4 hectares (9.88 acres)
(b)	RE(i) ii)	QUIRED YARDS (minimum): Front Yard - Setback Exterior Side Yard - Setback Notwithstanding the above, where a side-yard setback may be reduced to	 = 7.6 metres (24.9 feet) = 7.6 metres (24.9 feet) abutting a lake access road the exterior 4.57 metres (15 feet).

Williams Lake Fringe and 150 Mile House Area Zoning Bylaw

B/L 4181

B/L 4181 B/L 4181 B/L 4238 B/L 4238		iii) iv) (v)	Interior Side Yard - Setback= 7.6 metres (24.9 feet)Rear Yard - Setback= 7.6 metres (24.9 feet)Notwithstanding the above, if rear or side lot line abuts a lake or watercourse, the Lake/Watercourse Setback Provisions shall apply.Notwithstanding the above, on lots where a kennel, boarding facility, animal hospital or veterinary clinic is located the required setbacks shall be as follows:i)Front Yard – Setback= 30 metres (98.4 feet)ii)Exterior Side Yard – Setback= 30 metres (98.4 feet)iii)Interior Side Yard – Setback= 30 metres (98.4 feet)iv)Rear Yard – Setback= 30 metres (98.4 feet)
		(c) LO	T COVERAGE (maximum): $= 15\%$
		No cor	VELLINGS PER LOT (maximum): twithstanding the provisions of section 5.17.1(a) above, additional dwellings in junction with bona fide agricultural operations may be located on a lot provided lot contains a minimum of 4 hectares (9.88 acres) for each additional dwelling.
		(e) HE	IGHT OF BUILDINGS (maximum): = 10.67 metres (35 feet)
		(f) WA	ATER FRONTAGE (minimum): $= 45.5$ metres (149.3 feet)
		Gu veh cal	TEST ACCOMMODATION (maximum): ests or visitors may be accommodated in a maximum of two recreational nicles in conjunction with a residential use during any six month period of a endar year, wherein the recreational vehicles shall not be rented to the guests by owner or occupier of the lot.
			CILLARY USES, PARKING, LOADING, ETC.: accordance with the provisions of Section 4.0 hereof.
	5.18.3	SPECIAL RR 1 ZONES	
		5.18.3.1	 <u>Special Exception RR 1-1 Zone</u> Notwithstanding any other provisions of this bylaw to the contrary, on lands zoned RR 1-1: i) two detached, single-family dwellings shall be permitted. All other provisions of the RR 1 zone shall apply.
		5.18.3.2	Special Exception RR 1-2 Zone (4600-20-2372) Notwithstanding any other provisions of this bylaw to the contrary, on lands zoned RR 1-2:

- i.) Residential Uses may include two (2) temporary dwelling units in conjunction with a single-family residential dwelling; and
- ii.) The Interior Side Yard Setback at the north property line, shall be 4.5 metres (14.76 feet).
- All other provisions of the RR 1 zone shall apply.

5.18.3.3 <u>Special Exception RR 1-3 Zone</u> (4600-20-20120051) Notwithstanding any other provisions of this bylaw to the contrary, on lands zoned RR 1-3:

iv) Lot Area (minimum) = 12 hectares (29.652 acres)

All other provisions of the RR 1 zone shall apply

5.18.3.4 Special Exception RR 1-4 zone (3360-20/20150008)

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

- a) Non-residential uses shall include the following:
 - i) One RV storage building with a maximum of 15 bays and a maximum area of 423 square metres
 - ii) A storage yard with a maximum area of 0.731 ha

The following provision shall also apply:

a) The storage yard will be screened from Highway 97 with a 2 metre (6.56 feet) high berm with vegetative screen or tight board fence, well maintained and not used for advertising, display purposes or the posting of notices.







ADVISORY PLANNING COMMISSION RESPONSE FORM

Minutes of the meeting of the Electoral Area 'D' advisory planning commission held on , AUG いろ, このこい in the MCLEESE LAKE HALL, located at MCLEESE LAKE BC, commencing at 5:30 PM

Chair RONALD KAUFMAN PRESENT:

> Members KATHY O'ROURKE TOREY LEE HOWIE CHAMBERLAIN

Recording Secretary RON KAUFMAN

Owners/Agent, or Contacted but declined to attend

ABSENT: DANIEL JALBERT GORD KEENER PHYLLIS WEBSTAD ALSO PRESENT: Electoral Area Director STEVE FORSETH Staff support (if present)

Agenda Items APPLICATION UNDER THE LAND COMMISION ACT - 3015-20/D20200029 (Lot A, District Lot 8861, Cariboo District, Plan 30633) : "THAT the application for submission to the ALC at 1675 HILLTOP

ROAD be supported rejected for the following reasons: 1) THE FOOTPRINT OF THE PROPOSED STRUCTURE IS LESS THAN THE GRANDFATHERED STRUCTURE, AND!

II) THE SQUARE FOOTAGE OF THE HOUSE WITH GARAGEIS WITHIN THAT ALLOWED FOR A DWELLING AND THE POOL IS ALLOWED UNDER 5.18.1(6) IV For: 4 CARRIED/DEFEATED

Termination

RON / HOWIE

: That the meeting terminate.

CARRIED

Time: 5:25 PM

Recording Secretary

Chair