Rezoning Information Package

File Number: 3360-20/20180037

Subject: Cariboo Regional District North Cariboo Area Rural Land Use Amendment Bylaw No. 5178,

2018

Electoral Area: B

Date of Referral: September 7, 2018 Date of Application: August 9, 2018

Property Owner's Name(s): Jami Dillabough-Cruz, Julia Dillabough, Ellen Dillabough

Applicant's Name: Jami Dillabough-Cruz, Julia Dillabough, Ellen Dillabough

SECTION 1: Property Summary

Legal Description(s): District Lot 3306, Cariboo District

Property Size: 43.3 ha (107 ac)

Area of Application: 1.36 ha (3.36 ac)

Location: Cariboo Highway 97 North

Current Designation:

N/A

Proposed Designation:

N/A

Current Zoning:

Resource/Agricultural (R/A)

Proposed Zoning:

Rural 2 (RR 2)

Min. Lot Size Permitted:

N/A

Min. Lot Size Permitted:

N/A

Min. Lot Size Permitted:

32 ha (79.07 ac)

Min. Lot Size Permitted:

2 ha (4.94 ac)

Proposed Use: The proposed 1.36 ha RR 2 lot will be amalgamated with District Lot 692 to create a 4.42 ha lot for residential use, and to expand an existing Christmas tree farm.

No. and size of Proposed Lots: Two lots proposed. One 4.42 ha (10.92 ac) lot and a 41 ha (101.31 ac) lot.

Name and type of existing road system: Cariboo Highway 97 North (paved, highway)

Services Available: Hydro, telephone, sewage disposal, well Within the influence of a Controlled Access Highway: Yes Within the confines of the Agricultural Land Reserve: Yes

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

Yes, with respect to sewage disposal and riparian protection

Name of Lake/Contributing River and Lake Classification: Unnamed creek off of Ahbau Creek

Required to comply with other Development Permit Areas: No

Name of Development Permit: N/A

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

Actual Use Code:

Lot Sizes:

| (a) 060 – 2 Acres or More – Single Family | 250.9 ha (620.21 ac) |
|---|----------------------|
|---|----------------------|

North Dwelling, Duplex

061 – 2 Acres or More – Vacant 4.68 ha (11.58 ac) – 5.57 ha (13.77 ac)

(b) 061 – 2 Acres or More – Vacant 176.24 ha (435.5 ac)

South

(c) 061 - 2 Acres or More – Vacant 36.16 ha (89.37 ac) East 070 – 2 Acres or More - Outbuilding 43.30 ha (107 ac)

(d) 060 - 2 Acres or More - Single Family Dwelling, 1.29 ha (3.19 ac) - 12.14 ha (30 ac)

West Duplex

061 – 2 Acres or More – Vacant 5.57 ha (13.77 ac)

SECTION 2: Planning Report

Background:

It is proposed to rezone 1.36 ha (3.36 ac) within 43.3 ha (107 ac) subject property from Resource/Agricultural (R/A) to Rural 2 (RR 2). The applicants have requested to subdivide the subject property into two lots-one 4.42 ha (10.92 ac) lot and a 41 ha (101.31 ac) lot. The proposed 1.36 ha (3.36 ac) RR 2 lot will be amalgamated with District Lot 692 to create a 4.42 ha (10.92 ac) lot for residential use, and to expand an existing Christmas tree farm. The proposal is shown in Appendix C.

Location & Surroundings:

The subject property is located adjacent to the Cariboo highway 97 with Hush Lake to the south of the property and an unnamed creek off of Ahbau Creek that runs through the property as shown in Appendix B. Currently, the proposed area is a vacant land covered in pasture with dense tree coverage. There is no access available for the owners to enter the proposed piece of property. The subject property is surrounded by residential buildings to the north and west with vacant land to the south and east of the subject property.

CRD Regulations and Policies:

3505- North Cariboo Area Rural Land Use Bylaw, 1999

8.12 **RURAL 2 (RR 2) ZONE**

8.12.2 ZONE PROVISIONS

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

Rationale for Recommendations:

Being surrounded by properties with similar land-use and vacant land, the proposal has minimal impact on adjacent properties. Therefore, planning staff recommends approval of this application.

Recommendations:

That Cariboo Regional District North Cariboo Area Rural Land Use Amendment Bylaw No. 5178, 2018 to rezone Part of District Lot 3306, Cariboo District from Resource/ Agricultural (R/ A) zone to Rural 2 (RR 2) zone be approved, subject to the following condition(s):

1. 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 applicants.

SECTION 3: Referral Comments

<u>Health Authority</u>: - September 18, 2018 See attached.

<u>Ministry of Transportation and Infrastructure</u>: - September 20, 2018 See attached.

<u>Advisory Planning Commission</u>: October 1, 2018 See attached.

Ministry of Environment: -

Agricultural Land Commission (Ministry of Agriculture): - September 25, 2018 See attached.

SECTION 4: Board Action

Date of Meeting: October 12, 2018

That Cariboo Regional District North Cariboo Area Rural Land Use Amendment Bylaw No. 5178, 2018 be read a first and second time this 12th day of October, 2018. 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 applicants.

Date of Meeting: December 7, 2018

That Cariboo Regional District North Cariboo Area Rural Land Use Amendment Bylaw No. 5178, 2018 be read a third time, this 7th day of December, 2018.

ATTACHMENTS

Appendix A: Bylaw No. 5178

Appendix B: General Map

Appendix C: Specific Map

Appendix D: Orthographic Map

Other: Applicant's supporting documentation

Interior Health Comments

Ministry of Transportation and Infrastructure Comments

Ministry of Agriculture Comments

APC Comments

Results of Public Hearing



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5178

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to amend Bylaw No.3505, being the "North Cariboo Area Rural Land Use Bylaw No. 3505, 1999".

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a Rural Land Use 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:

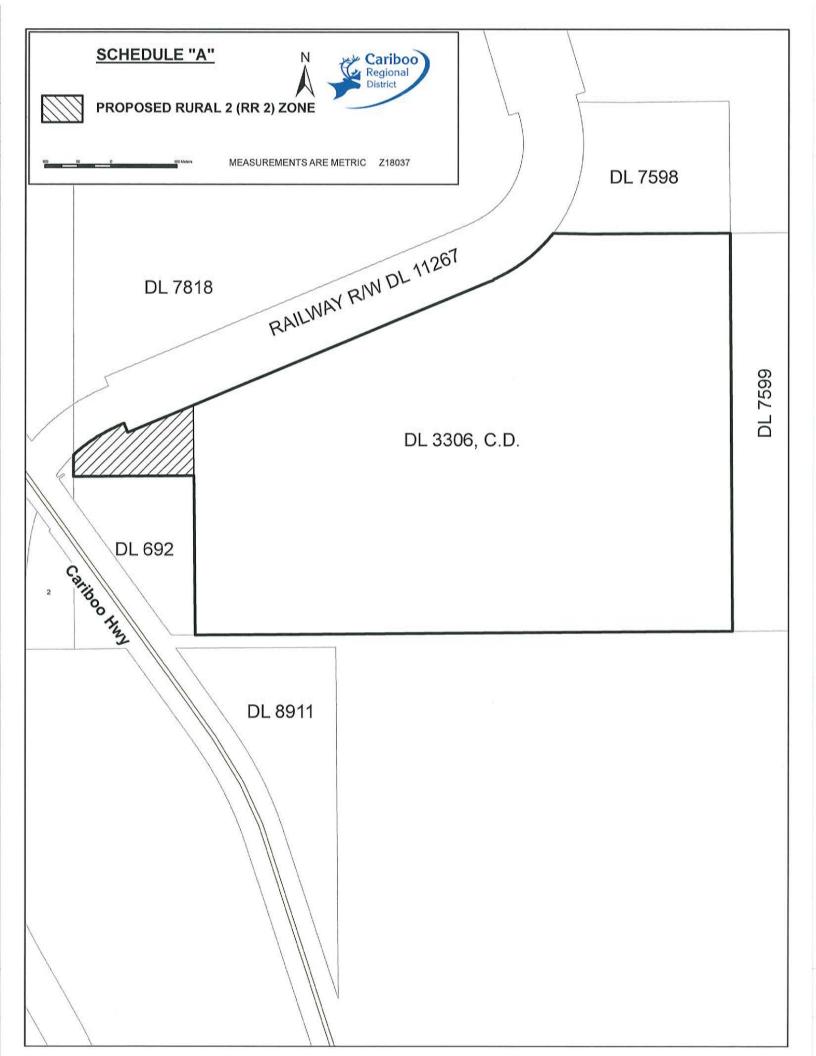
This bylaw may be cited for all purposes as the "Cariboo Regional District North Cariboo Area Rural Land Use Amendment Bylaw No. 5178, 2018".

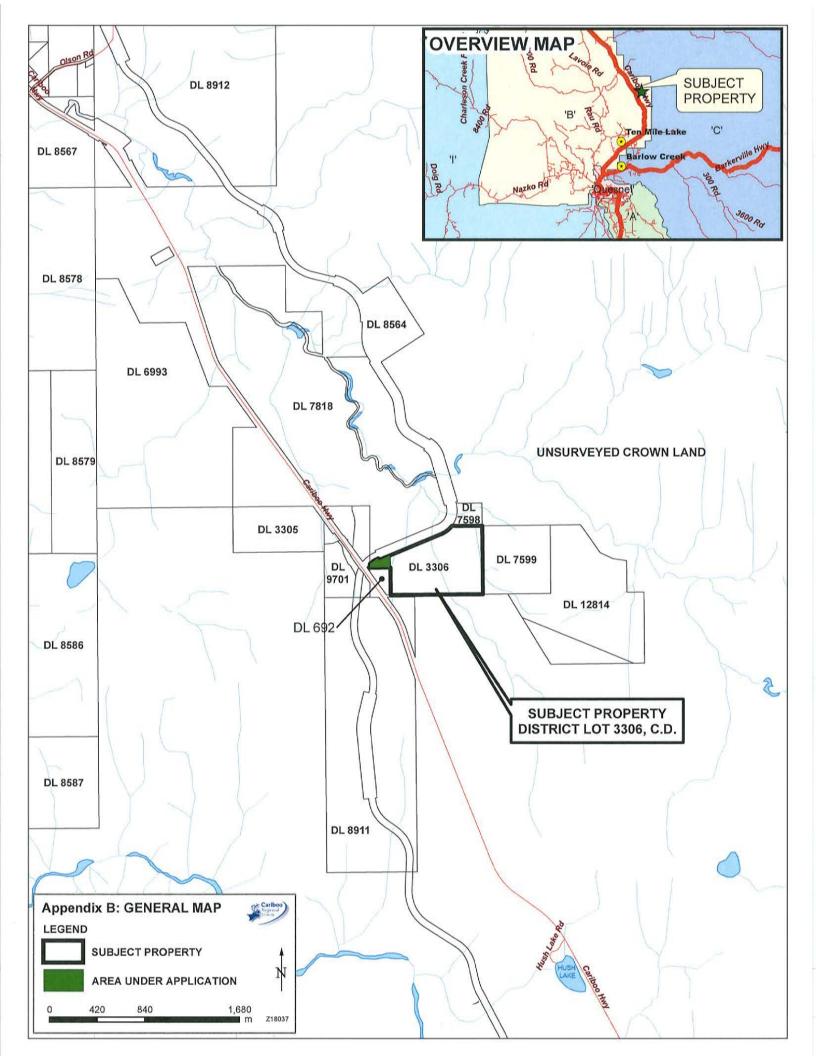
2. AMENDMENT

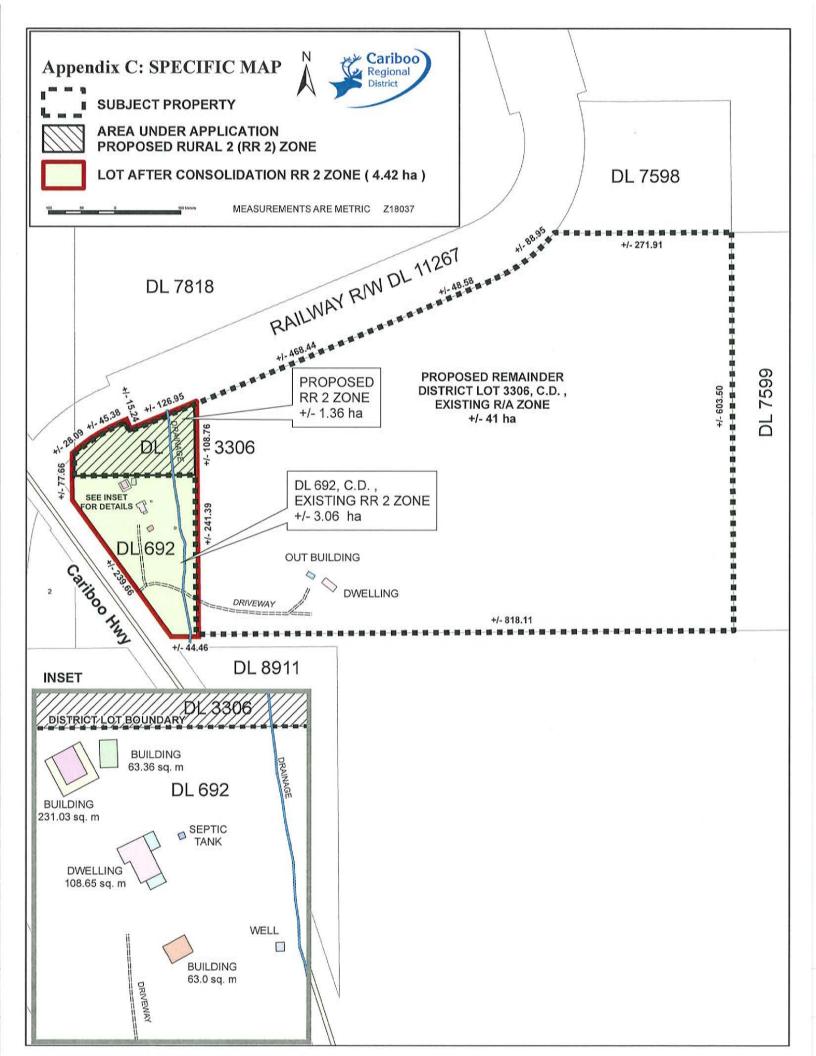
Bylaw No. 3505 of the Cariboo Regional District is amended by:

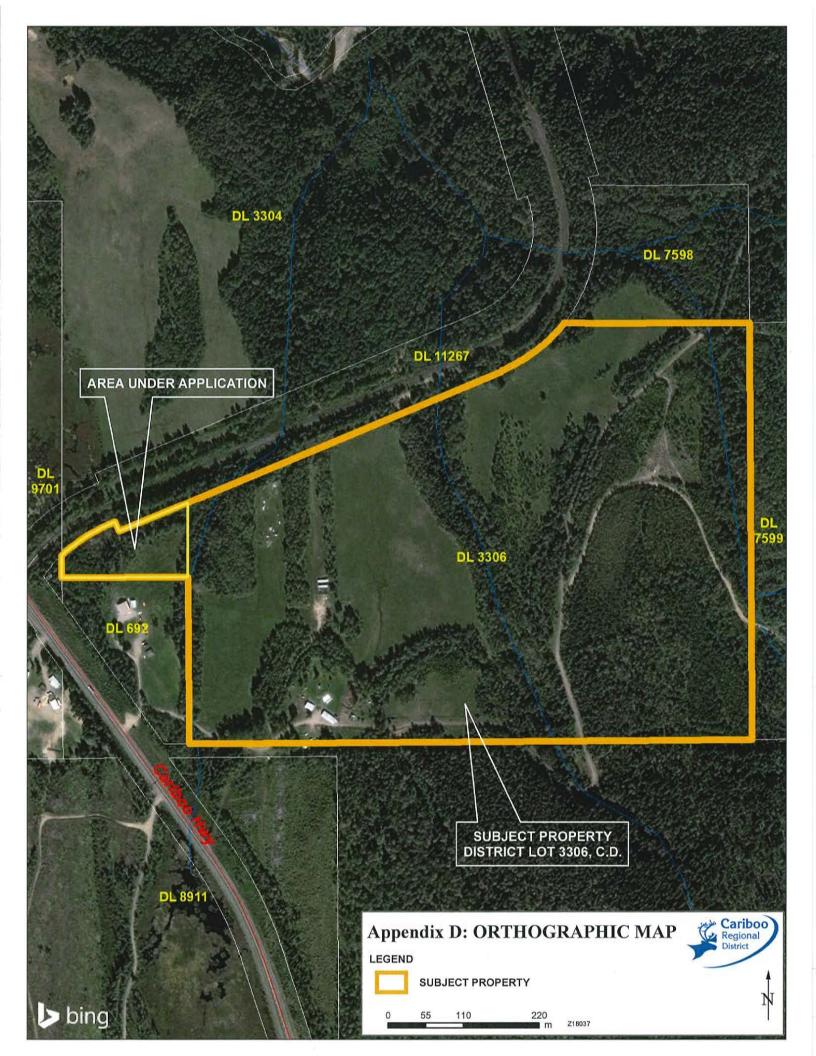
- i) rezoning Part of District Lot 3306, Cariboo District from Resource/Agricultural (R/A) zone to Rural 2 (RR 2) zone as shown on Schedule "A"; and
- ii) amending Schedule "C" and "D" accordingly.

| READ A FIRST TIME THIS 12 th DAY OF October, 2018. |
|--|
| READ A SECOND TIME THIS 12 th DAY OF October, 2018. |
| A PUBLIC HEARING WAS HELD ON THE 21st DAY OF November, 2018. |
| READ A THIRD TIME this _7 th _ day of _December, 2018. |
| APPROVED UNDER THE "TRANSPORTATION ACT" THIS |
| ADOPTED this day of, 2018. Transportation |
| Chair |
| Corporate Officer |
| I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5178 cited as the "Cariboo Regional District North Cariboo Area Rural Land Use Amendment Bylaw No. 5178, 2018", as adopted by the Cariboo Regional District Board on the day of, 2018. |
| Corporate Officer |









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| * Readily Availabl | e means existing services can be easily ext | ended | to the subject property. | | |
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| | Community Sewer System Sewage Disposal System | | | | |
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September 18, 2018

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

Dear Nyree Alexander:

RE: File #: 3360-20/20180037

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 I-855-744-6328 then choose HBE option.

Sincerely,

Mike Adams, CPHI(C)

Team Leader, Healthy Communities Interior Health Authority

Bus: 1-855-744-6328, Option 4 Email: hbe@interiorhealth.ca Web: interiorhealth.ca Kamloops Health Unit 519 Columbia Street Kamloops, BC V2C2T8 From:

MacPhail, Carol A N TRAN:EX

To:

Nyree Alexander

Cc:

Holtom, Wendy E TRAN: EX

Subject:

RE: Referral - Rezoning Amendment Bylaw 5178

Date:

September-19-18 4:52:27 PM

Attachments:

image001.png

PLRS - Dillabough Subdivision EDAS # 2017-00803.msg

EDAS FILE 2018-05322

RE: Rezoning Amendment Bylaw 5178

The Ministry of Transportation and Infrastructure has no objection in principle to the proposed rezoning amendment bylaw 5178 application but provides the following comments:

The application is subject to approval pursuant to Section 52 of the Transportation Act.

This in no way relieves the owner or occupier of the responsibility of adhering to all other relevant legislation.

This in no way constitutes subdivision approval.

Please be aware that the Ministry has NOT approved the subdivision of this property at the preliminary stage and that an easement was NOT accepted as access for DL3306. Although the applicant states on the rezoning application that "the land is being used to trade for legal easement for owners to access the rest of the property – already approved by M of Transportation", this is not the case.

Please refer to the email (attached) dated June 6, 2017 with the Proposed Subdivision Review Status Report which outlines the additional information that is required before the preliminary review can be completed and a PLA or PLNA Report is issued. A subdivision is not completed until all conditions of the PLA/PLNA have been met and the final plans have been filed with Land Title Survey Authority.

If you have any questions, please contact me directly at 250-983-7208.

Carol MacPhail, Development Approvals Technician Ministry of Transportation & Infrastructure

Phone: 250 983-7208 Fax: 250 992-7223

Carol.MacPhail@gov.bc.ca

Nyree Alexander

From:

MacPhail, Carol A N TRAN:EX <Carol.MacPhail@gov.bc.ca>

Sent: To: June-06-17 9:12 AM cindricsurv@shaw.ca

Cc:

Francesca Sanna; 'Karen Moores'; Brenda Ethier; Konig, Cheryl FLNR:EX; Holtom, Wendy

E TRAN: EX

Subject:

PLRS - Dillabough Subdivision EDAS # 2017-00803

Attachments:

2017-02-28 CRD Ref Resp -- rezoning ALC App.pdf; PLRS -- Dillabough.pdf

RE: EDAS FILE 2017-00803

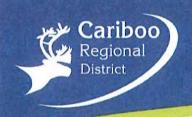
Attached please find the PLRS – Proposed Subdivision Review Status Report and letter from the Cariboo Regional District dated February 28, 2017.

Please contact me at 250-983-7208 if you have any questions.

Carol MacPhail, Development Approvals Technician Ministry of Transportation & Infrastructure
Suite 501, 410 Kinchant Street Quesnel, BC V2J 7J5
Phone: 250 983-7208 Fax: 250 992-7223

Carol.MacPhail@gov.bc.ca

Websites: MoTI Home, Permits, Subdivisions



File: 2017-00803

03220-20-C-00692

February 28, 2017

VIA EMAIL: Carol.MacPhail@gov.bc.ca

Ministry of Transportation & Infrastructure c/o 501-410 Kinchant Street Quesnel, BC V2J 7J5

Dear Ms. MacPhail:

Proposed Subdivision – District Lot 692 Cariboo District Re:

The subject property is zoned Rural 2 (RR 2) under the Cariboo Regional District North Cariboo Area Rural Land Use Zoning Bylaw No. 3505, 1999.

Minimum Lot Size:

2 hectares

Water or Sewer Specified Area:

Not within water or sewer specified area.

Agricultural Land Reserve:

In Agricultural Land Reserve

Recommendation:

Re zoning and permission from the ALC

Comments: in Agricultural Land Reserve - requires permission of the Agricultural Land Commission. Rezoning required.

Planning Department Comments:

The property with PID 018-099-718 will require re-zoning as it is zoned Resource/Agricultural.

The applicant has not given any rationales how they meet Section 10 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation. There is no encroachment of the property and no justification of how the boundary adjustment would benefit the farm. Further, the parcel does not have farm status. The application should be referred to the ALC.

Respectfully,

Francesca Sanna

Planning Officer

hc/cd

c:

Cindric Surveying

building communities together

PROPOSED SUBDIVISION REVIEW STATUS

Your File #:

eDAS File #: 2017-00803

Date: June 5, 2017

Ellen, Jami, & Julia Dillabough; c/o Cindric Surveying Box 4165 Quesnel, British Columbia V2J 3J9 Canada

Attention: Richard Cindric, BCLS

Re: Proposed Subdivision / Lot-Line Adjustment of

Legal Description(s): DL 692, Cariboo District - PID: 013-951-637; and

DL 3306, Cariboo District – PID: 018-099-718

Your proposal for a **2 lot subdivision under Section 10 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation** is in the review process however additional information is required before the preliminary review can be completed and a Preliminary Layout Approval (PLA) or Preliminary Layout Not Approved (PLNA) issued. The following items require additional information:

A. The Ministry of Transportation and Infrastructure acknowledges that an email was sent by the agent concerning Section 10 consideration. However, a more detailed rationale is required, delivered to the Ministry and Cariboo Regional District of how the application meets the Legislated qualifications of Section 10 of Part 5 - Permitted Subdivisions, of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation - see link: http://www.bclaws.ca/civix/document/id/complete/statreg/171 2002

Please confirm to the Ministry whether both parcels have or have not been granted "farm status" through BC Assessment Authority currently.

B. Please provide written confirmation from the Cariboo Regional District (CRD) stating the requirements of their letter dated February 28th, 2017 have been satisfied. CRD comments are: the property with PID 018-099-718 will require rezoning as it is zoned Resource/Agricultural. See attached CRD letter for further information.

Local District Address

Quesnel Area Office 501-410 Kinchant Street Quesnel, British Columbia V2J 7J5 Canada

Phone: (250) 983-7210 Fax: (250) 992-7223

- C. Please revise proposed plan to provide public road access to all proposed lots and to the lands beyond. A 20m wide road right-of-way shall be deemed as constructible and dedicated. The 20 metres 'Road' shall be outlined in bold and marked road on the Final Survey Plan this is pursuant to Section 75(1)(a) & (b) of the Land Title Act.
- D. Please provide written confirmation from the Agricultural Land Commission (ALC) of acceptance of revised final plan.
- E. Please provide a design drawing of all buildings(via satellite photo/desktop orientation) of all proposed lots and mark via scenery text of any building setbacks that are not meeting or non-compliance of the CRD zoning setbacks

Further review of your application will not occur until we receive the above noted information. If the requested information is not received within one year, a new application and new fees may be required.

If you have any questions please feel free to call Carol MacPhail at (250) 983-7208. Please quote file number 2017-00803.

Yours truly,

Carol MacPhail

AM EPhail

Development Approval Technician

Attachment:



File:

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

Via email: nalexander@cariboord.ca

Date: September 25, 2018

Dear: Nyree Alexander, Development Services Clerk

Re: Rural Land Use Amendment Bylaw No. 5178, 2018

Thank you for providing the BC Ministry of Agriculture the opportunity to comment on the above noted amendment bylaw referral. The Ministry has not conducted an on-site visit of the property, and would like to provide the following comments:

- The proposal is to rezone 1.36 ha from DL 3306 (ALR, R/A zoning) to RR2, and consolidate with District lot 692 (non-ALR) to create a 4.42 ha lot for residential use and to expand an existing Christmas tree farm.
- Ministry staff are encouraged to read the intent to expand an existing Christmas tree farm. The intent of land within the Agricultural Land Use Reserve (ALR) is for farming purposes, and non-farm use is restricted. If approved, any subdivision should in no way be construed as support for any future non-farm use or subdivision on the resulting parcels within the ALR. Subdivision and the creation of smaller lots can erode long term agricultural and economic potential of some parcels, increase land cost per acre which limits farm business opportunities, and in some cases have been shown to increase conflict between adjacent land uses.
- The Ministry's Bylaw Guide recommends that local governments identify a single agricultural zone for all ALR land in order to provide consistency for industry and to reflect an understanding that agriculture is the priority use for these parcels.
- The site has been viewed by staff in BC SIFT and Google Earth Pro. As you are aware, the soil class is 6 and 5 with topography, stoniness, and some shallow soil over bedrock/outcroppings as standard identified limitations. Given the existing Christmas tree farm, the soil is useable, although it is not currently being used for agriculture.

Please continue to inform me on the development of this proposed bylaw amendment. If you have any questions about our comments, please feel free to contact me.

Sincerely,

Nicole Pressey, P. Ag. Regional Agrologist Cariboo Chilcotin Coast

pc: ALC Regional Planner, ALC.Interior@gov.bc.ca

| File No. |
|--------------|
| OCT 0 1 2018 |
| Referred To |

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Cariboo Regional District

FILE # 3360-20/20180037

AREA B, ADVISORY PLANNING COMMISSION Sept 27, 2018

Cariboo Regional Board Suite D, 180 N Third Avenue Williams Lake, BC V2G 2A4

ATTENTION:

SHIVANI SAJWAN. MCP, B. Arch Planning Officer

RE: Application for Rezoning - District Lot 3306, Cariboo District

A meeting of the Advisory Planning Commission for Area B was held on Sept 27, 2018 as it relates to the request <u>Application for Rezoning - District Lot 3306</u>, <u>Cariboo District</u>. We examined the application for submission to rezone a portion of the lot 3306 (1.36 ha), to RR2 and amalgamated to the lot 692 giving the requirement of a minimum 4 ha (4.42 ha) next to Resource/Agriculture zone. We are forwarding our decision by which the Advisory Planning Commission **APPROVES** for the following reason;

CRD Agriculture Policy 2015 5.4.2 Policy

a) To Protect agricultural lands, a minimum lot size of 4.0 ha (9.88) will be required for property being rezoned to facilitate a submission next to land associated with active agricultural operations, or for subdivisions that are adding the Agricultural Land Reserve's boundary.

After reviewing the material provided, the Advisory Planning Commission approves this application. If you have any questions and or concerns, please do not hesitate to contact me at 250.249.0102 or email me @ lizdan1985@gmail.com

Respectfully

Elizebeth Montgomery

Area B Secretary

Advisory Planning Commission

Desiree Stobbe - concurs with the decision

Sybille Muschik - concurs with the decision

Magnus Vinje - concurs with the decision

Elizebeth Montgomery - concurs with the decision

Neil McDougall - concurs with the decision

Stan Hall - concurs with the decision

Tony McHale - Absent

Lowen Giesbrecht - Absent

Jim Muschik - Absent

Shane Stobbe - Absent

File No: 3360-20/20180037

ADVISORY PLANNING COMMISSION RESPONSE FORM

| Minutes of the meeting of the Electoral Area 'B' advisory planning commission held on Sept 2018 in the Camboo District, located at Hwy97, BC, commencing at 4,45 p |
|---|
| PRESENT: -Chair Desiree Stobbe - SYBILLE MUSC |
| Members Magnus Vinie. |
| Members Magnus Vinje. Stan Hall N.EIL DOUGAL |
| Recording Secretary ELIZEBETH MONTGOMERY |
| Owners/Agent, or Dillabough Contacted but declined to attend |
| ABSENT: TONY MCHALE OWEN GIRSbrecht. SHANT STOBBE |
| ALSO PRESENT: Electoral Area Director Staff support (if present) |
| Agenda Items |
| REZONING APPLICATION – 3360-20/20180037 (District Lot 3306, Cariboo District) 57 AN HALL /NE/L MODOLE, "THAT the application to rezone property at CARIBOO HIGHWAY 97 NORTH, be supported/rejected for the following reasons: i) |
| ii) |
| For: 6 Against: 6 CARRIED/DEFEATED |
| Termination |
| Termination MAGNUS VINJE DESIFEE: That the meeting terminate. STORBES CARRIED |
| Time: |
| Recording Secretary Chair Chair |
| |

| C | aribo | o Re | giona | l Distr | ict |
|------|-------|------|---------|---------|-----|
| File | No. | | ******* | | |

NOV 2 6 2018

RESULTS OF PUBLIC HEARING

File No: 3360-20/20180037 Referred To Date: November 21, 2018 Location: Cariboo Regional District Library - Quesnel Branch Program Room Re: CARIBOO REGIONAL DISTRICT NORTH CARIBOO AREA RURAL LAND USE AMENDMENT BYLAW NO. 5178, 2018. **Persons Present:** Director: John Massier Owner(s): Jami & Ellen Dillabough. W Agent: Public: See attached list Staff: V No public in attendance (excluding owner/agent) W Waited ten (10) minutes and then called the meeting adjourned. Welcome and introduction by the Area Director/Alternate The "Purpose of a Public Hearing", including the rules for the meeting and the specifics of the application were read out and the hearing was called to order at ... The Chair read out comments received from the referral process including CRD planning staff's comments and board actions to date. The Chair read out the following letters received from the public: (attached)(add additional sheet if required) 1) Date: Name: 2) Date: Name: The following verbal comments and questions were received: (add additional sheet if required) Comments in favour: Comments of concern/opposition: Attendees were asked three times for further comments and/or questions. The Chair called the meeting adjourned at 7:10. 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 North Cariboo Area Rural Land Use Zoning Amendment Bylaw No. 5178, 2018

| Name (Please Print) | Address (Please Print) |
|---|---|
| Jami Dillabough Cruz ELEN DILLABOUGH | 44461 Hwy 97 NORTH. 44461 Hwy 97 NORTH, QUESNE |
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