

Rezoning Information Package

File Number: 3360-20/20200040

Subject: South Cariboo Area Zoning Amendment Bylaw No. 5288, 2020

Electoral Area: G

Date of Referral: October 1, 2020

Date of Application: September 18, 2020

Property Owner's Name(s): Gerlinde and Siegfried Kietaibl

Applicant's Name: Wade Balbirnie

SECTION 1: Property Summary

Legal Description(s): Lot 6, District Lot 4, Lillooet District, Plan 4773, Except Plan KAP55674

Area of Application: 0.37 ha (0.92 ac)

Location: 4016 Cariboo Hwy 97 S

Current Designation:

Commercial

Min. Lot Size Permitted:

N/A

Current Zoning:

General Commercial (C 1)

Min. Lot Size Permitted:

649 sq. m (6,986 sq. ft.)

Proposed Zoning:

Special Exception (C 1-4)

Min. Lot Size Permitted:

649 sq. m (6,986 sq. ft.)

Proposed Use: To open a mobile home dealership by converting the restaurant into office space for sales and replacing existing mobile home with a show home.

No. and size of Proposed Lots: 1 lot (0.37 ha)

Name and type of existing road system: Cariboo Hwy 97 S, paved

Services Available: Hydro, Telephone, Community Water System, Community Sewer System

Within the influence of a Controlled Access Highway: Cariboo Hwy 97 S

Within the confines of the Agricultural Land Reserve: No

Required to comply with the Shoreland Management Policy: Yes, Riparian and Septic

Name of Lake/Contributing River and Lake Classification: Lac La Hache, High

Within a Development Permit Area: Yes

Development Permit Area Name: Commercial Development Permit Area, Aquatic Habitat Development Permit Area

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

	Land Use:	Lot Sizes:
(a) North	228 Automobile Paint Shop, Garages, Etc.	0.64 ha (1.57 ac)
	038 Manufactured Home (Not in Manufactured Home Park)	0.11 ha (0.26 ac)
	000 Single Family Dwelling	0.35 ha (0.862 ac)
	202 Store(S) and Living Quarters	0.65 ha (1.65 ac)
(b) South	Lac La Hache	---
(c) East	201 Vacant IC&I	0.16 ha (0.4 ac)
	232 Motel and Auto Court	0.59 ha (1.47 ac)
(d) West	000 Single Family Dwelling	0.24 ha (0.6 ac)
	208 Office Building (Primary Use)	0.13 ha (0.33 ac)
	032 Residential Dwelling with Suite	0.15 ha (0.37 ac)
	001 Vacant Residential Less Than 2 Acres	0.15 ha (0.37 ac)

SECTION 2: Planning Report

Background:

It is proposed to rezone a 0.37 ha (0.92 ac) subject property to allow for a mobile home dealership by converting the existing restaurant building into an office space for sales and replacing the existing mobile home with a show home. The subject property is currently zoned as General Commercial (C 1) in the South Cariboo Area Zoning Bylaw No. 3501, 1999 and is designated as Commercial in the Lac La Hache Area OCP Bylaw No. 5170, 2018.

The proposed business of mobile home sales does not comply with the permitted land use provisions under the current zoning of C 1. Therefore, the applicant has requested to rezone the subject property from General Commercial (C 1) zone to Special Exception (C 1-4) zone. This will allow the existing restaurant building to be used for mobile home sales and utilize the existing mobile home location for benefit of the proposed business by replacing it with a new show home.

South Cariboo Area Zoning Bylaw No. 3501, 1999 is amended by including the following section:

5.1.3.4 Special Exception C 1-4 Zone (3360-20/20200040)

Notwithstanding any other provisions of this bylaw to the contrary, on lands zoned C 1-4, permitted non-residential uses shall be limited to:

- i) mobile home and trailer sales;
- ii) general store, convenience store, grocery store;
- iii) retail sale of household and personal goods;
- iv) business or professional office;
- v) restaurant, bakery, delicatessen;
- vi) personal service shop;

- vii) merchandise service shop;
- viii) postal outlet;
- ix) banks or financial institution;
- x) liquor store, neighbourhood public house, hotel, motel;
- xi) dry cleaners, laundromat;
- xii) community hall or auditorium, recreational facility;
- xiii) museum, historic site or cemetery;
- xiv) commercial club, fraternal club or organization;
- xv) public use, library, community care facility;
- xvi) ancillary buildings.

All other provisions of the C 1 zone shall apply.

The initial proposal was to rezone the property to a Service Commercial (C 4) zone which permits mobile home and trailer sales along with various other land uses that the Advisory Planning Committee (APC) was not supportive of. As per APC, land uses such as motor vehicle fuel station, motor vehicle service station; parking lot for the commercial storage of vehicles; and animal hospital or veterinary clinic are not appropriate for the location of subject property. Planning staff agrees with that reasoning as certain other land uses permitted under the C 4 zone are not suitable for the subject property adjacent to a highway with restricted topography. Therefore, the staff recommended to change the proposed zone to a Special Exception (C 1-4) zone with limited land uses. This Special Exception (C 1-4) zone was created by replacing motor vehicle fuel station, motor vehicle service station land use permitted under the current C 1 zone with mobile home and trailer sales to accommodate applicant's proposal.

Location & Surroundings:

The subject property is located at 4016 Cariboo Highway 97 S, adjacent to Lac La Hache as shown in Appendix B. The property is mostly covered in grass with some small trees located throughout. There is a steep down hill at the rear end of the property which resulted in all the existing structures being placed at approximately 20 m (65.62 ft.) elevation from the natural boundary of the lake. It is mostly surrounded by commercial lots to the east, general commercial and industrial lots to the north, a residential parcel to the west, and Lac La Hache to the south of the subject property.

CRD Regulations and Policies:

3501- South Cariboo Area Zoning Bylaw, 1999

5.1 GENERAL COMMERCIAL (C 1) ZONE

5.1.2 ZONE PROVISIONS

- (a) LOT AREA (minimum) = 649 square metres (6,986 square feet)
(For combined residential and non-residential use - Serviced by community water and community sewer)

9.0 COMMERCIAL

9.2 Objectives

9.2.2 Promote commercial activities which have low water usage requirements, low air emissions, as well as low or recyclable solid and liquid waste disposal.

9.2.3 Ensure that commercial activities are compatible with the character of the Lac La Hache OCP Area and complement residential areas.

Rationale for Recommendations:

Planning staff are supportive of the proposed zoning amendment application. The intended mobile home dealership business complies with objectives contained within the Lac La Hache Area OCP with minimal impacts concerning intensive air emissions, excessive water usage and waste disposal. The proposal is compatible with neighboring commercial land uses along with minimum disruption to the adjacent residential areas.

The proposal includes exterior façade improvements by using hardie-board siding, replacing facia, trim and adding windows. There will also be minor interior renovations including flooring, paint and trim upgrades to convert the restaurant setup into a showroom office. A Development Permit will be required for any further external modifications including structural changes, exterior landscaping or peripheral fencing as the property is located within the Lac La Hache Commercial Development Permit (DP) Area under Section 488.1 (f) of the *Local Government Act* which regulates the form and character of commercial, multi-family and industrial developments along the highway.

Further, the subject property is located within the Aquatic Habitat Development Permit (DP) Area as designated under Section 488 (1) (a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity. As per Section 5.4.2 and 5.4.3 (i), (ii) of the Lac La Hache Area OCP Bylaw, a Development Permit will be required for any building construction, removal or destruction of vegetation within 15 m (49.2 ft.) from the natural boundary of the lake.

The current buildings on-site do not meet the required front yard setback regulations as their location is restricted due to the presence of steep slope at the rear end of the property. While the restaurant building cannot be moved, it is intended to maintain the setback requirements for the new show home.

The applicant has indicated that the existing restaurant is currently out of business and has not been operated in two years. It is anticipated that the proposal will help in revitalizing the highway frontage property both visually and economically. Therefore, planning staff recommends approval of this application.

However, the applicant must comply with the CRD Shoreland Management Policy with respect to sewage disposal and riparian protection due to the presence of highly sensitive Lac La Hache adjacent to the subject property.

Further, the proposed zoning bylaw amendment requires approval and signature by the Ministry of Transportation and Infrastructure (MOTI) prior to adoption as the subject property is within 800 metres of Controlled Access Highway. Prior to MOTI approval, the applicant will be required to submit an access permit application to the Ministry with detailed site plan including commercial access points, parking area for employees and customers, building location and drainage plan.

Recommendation:

That the South Cariboo Area Zoning Amendment Bylaw No. 5288, 2020 to rezone Lot 6, District Lot 4, Lillooet District, Plan 4773, Except Plan KAP55674 from General Commercial (C 1) zone to Special Exception (C 1-4) zone 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: - October 8, 2020

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.

Ministry of Transportation and Infrastructure: - October 23, 2020

The Ministry of Transportation and Infrastructure has no objection in principle to the proposed rezoning.

Prior to final approval and sign off by the Ministry the owner will be required to provide an access application (attached) and detailed site plan to the Ministry for review.

The plan must show:

- Access Point(s) (9-10 metre commercial access)
- Parking Area for employees and customers
- Building Location including showhomes, office etc.
- Drainage Plan (where will site drainage be directed? Can not be directed in to Ministry ditches)

The Ministry may require more information once a site plan is submitted.

Advisory Planning Commission: October 19, 2020

See attached

Ministry of Environment: -

No comments provided

Ministry of FLNRORD – Central Review: -

No comments provided

CRD Environmental Services Department: - October 6, 2020

Interests unaffected by bylaw.

SECTION 4: Board Action

Date of Meeting:

ATTACHMENTS

Appendix A: Bylaw No. 5288

Appendix B: General Map

Appendix C: Specific Map

Appendix D: Orthographic Map

Other: Applicant's supporting documentation
Advisory Planning Commission Comments



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5288

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 "South Cariboo Area Zoning Amendment Bylaw No. 5288, 2020".

2. AMENDMENT

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

i) Including Section 5.1.3.4 into Schedule "A" as follows:

5.1.3.4 Special Exception C 1-4 Zone (3360-20/20200040)

Notwithstanding any other provisions of this bylaw to the contrary, on lands zoned C 1-4, permitted non-residential uses shall be limited to:

- i) mobile home and trailer sales;
- ii) general store, convenience store, grocery store;
- iii) retail sale of household and personal goods;
- iv) business or professional office;
- v) restaurant, bakery, delicatessen;
- vi) personal service shop;
- vii) merchandise service shop;
- viii) postal outlet;

- ix) banks or financial institution;
- x) liquor store, neighbourhood public house, hotel, motel;
- xi) dry cleaners, laundromat;
- xii) community hall or auditorium, recreational facility;
- xiii) museum, historic site or cemetery;
- xiv) commercial club, fraternal club or organization;
- xv) public use, library, community care facility;
- xvi) ancillary buildings.

All other provisions of the C 1 zone shall apply.

- ii) rezoning Lot 6, District Lot 4, Lillooet District, Plan 4773, Except Plan KAP55674, from General Commercial (C 1) zone to Special Exception (C 1-4) zone; and
- ii) amending Schedule "C" accordingly.

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

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

A PUBLIC HEARING WAS HELD ON THE _____ DAY OF _____, 2020.

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

APPROVED UNDER THE "TRANSPORTATION ACT" THIS _____ DAY OF _____, 2020.

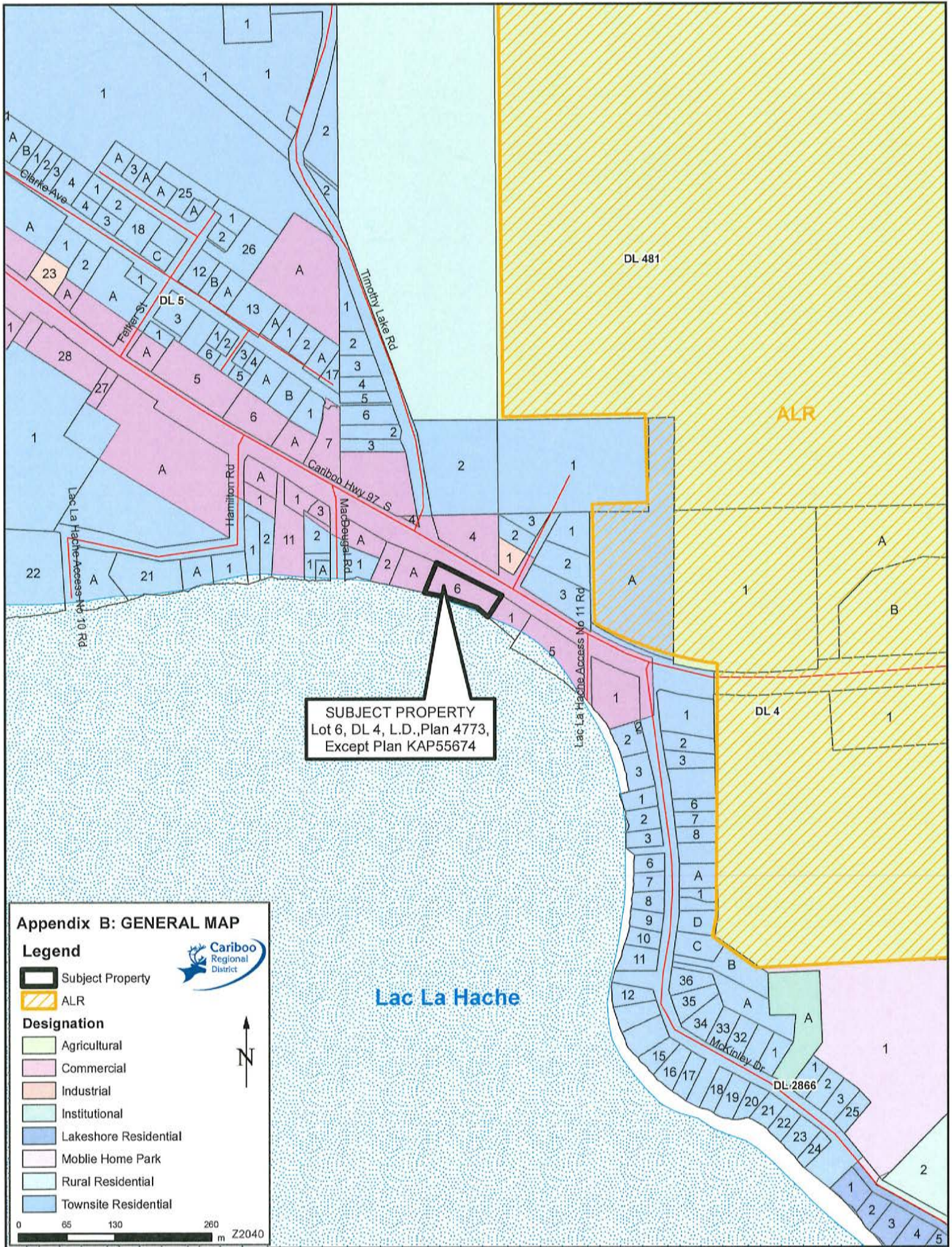
ADOPTED THIS _____ DAY OF _____, 2020.

Chair

Manager of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5288, cited as the "South Cariboo Area Zoning Amendment Bylaw No. 5288, 2020", as adopted by the Cariboo Regional District Board on the day of _____, 2020.

Manager of Corporate Services



SUBJECT PROPERTY
 Lot 6, DL 4, L.D., Plan 4773,
 Except Plan KAP55674

Appendix B: GENERAL MAP

Legend

Subject Property

ALR

Designation

Agricultural

Commercial

Industrial

Institutional

Lakeshore Residential

Mobile Home Park

Rural Residential

Townsite Residential



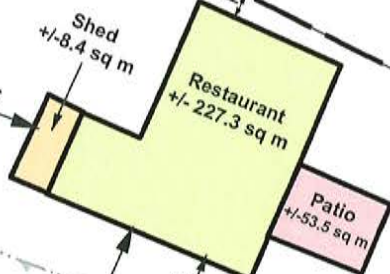
0 65 130 260
 m Z2040

Lot 4
PI 4773

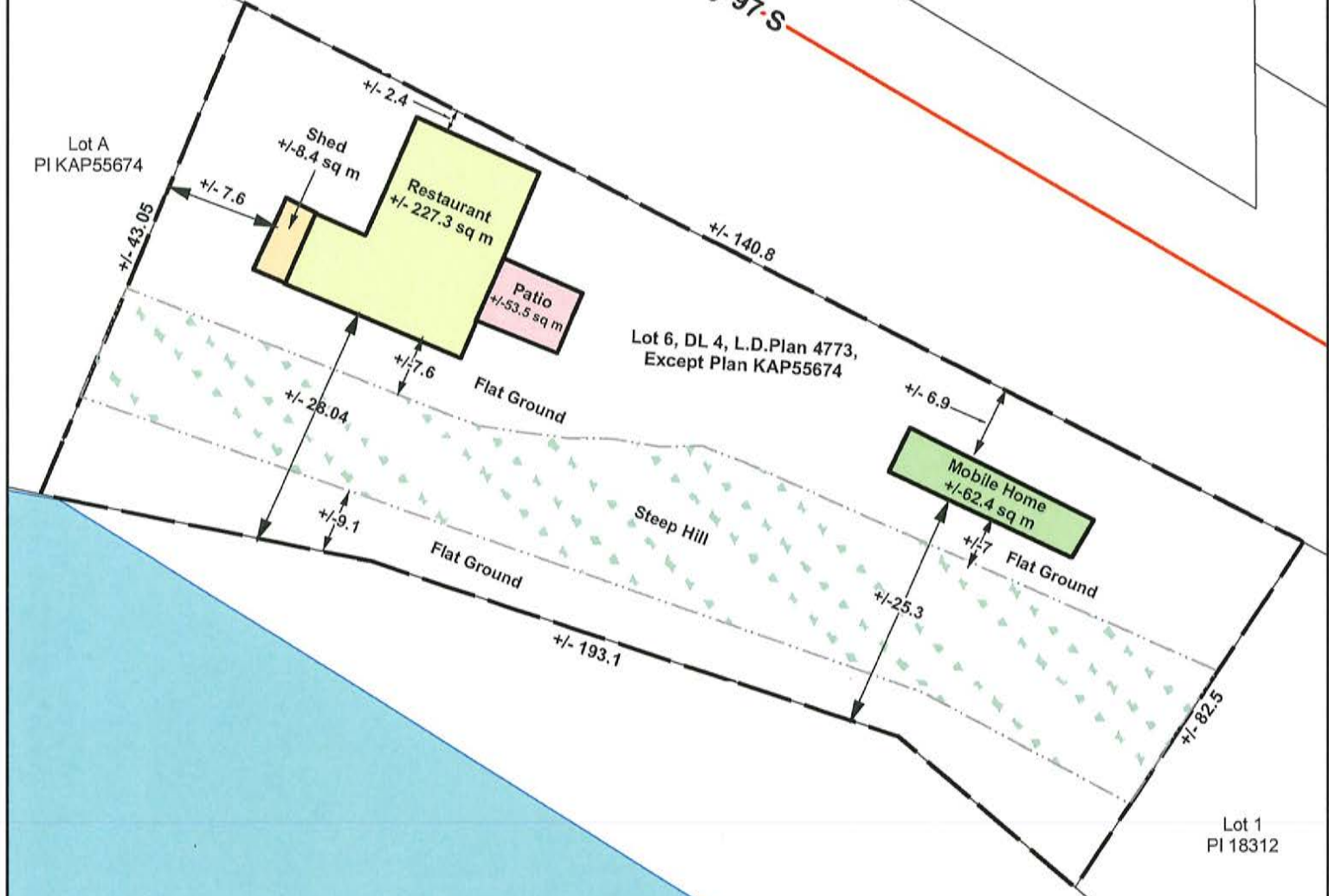
Lot 1
PI 11293

Cariboo Hwy 97-S

Lot A
PI KAP55674



Lot 6, DL 4, L.D. Plan 4773,
Except Plan KAP55674



Lot 1
PI 18312

Lac La Hache

Appendix C: SPECIFIC MAP



LEGEND

SUBJECT PROPERTY



MEASUREMENTS
ARE METRIC

Z2040

Disclaimer: Structure size and location is a graphical representation of information provided by the applicant and may not necessarily be drawn to scale



ALR

MacDougal Rd

Timothy Lake Rd

Cariboo Hwy #7 S

O'Brien Rd



Lac La Hache

SUBJECT PROPERTY
Lot 6, DL 4, L.D., Plan 4773,
Except Plan KAP55674

Appendix D: ORTHOGRAPHIC MAP

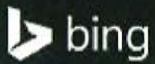


LEGEND

-  SUBJECT PROPERTY
-  ALR



Z2040



Describe the existing use of the subject property and all buildings: Currently is a restaurant that wasn't operated in 2 years

Describe the proposed use of the subject property and all buildings: Open a mobile home dealership by converting the restaurant into office space for sales.

Describe the reasons in support for the application: We are hoping to employ 2 local people & increase the curb appeal of the building & highway frontage.

Provide a general description of vegetation cover (i.e. treed, grassland, forage crop etc.): Property is mostly grass with some smaller trees located throughout.

Provide general geographical information (i.e. existing lakes, streams, physical features etc.): Property abuts Lac La Hache. Building are approximately 20 meters elevation higher than the lake.

Services Currently Existing or Readily Available to the Property (check applicable area)

* Readily Available means existing services can be easily extended to the subject property.

Services	Currently Existing?		Readily Available?*	
	Yes	No	Yes	No
Hydro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Telephone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Water System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Sewer System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewage Disposal System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Well	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4016 Hwy 97 South Supporting Information

About Us:

We are Wade and Denise Balbirnie. We have lived in the 100 Mile House area for the past 13 years. We have 4 kids and currently own and operate 2 businesses in the 100 Mile/Lac La Hache area. We currently have a firm offer on 4016 Hwy 97 South with the deal closing on October 31st to give the current owner time to transition into her new location. The current owners have agreed to allow us to begin the rezoning process now as it is a timely process. Once the deal completes, we will update the file with the new title documents. The property is being purchased by our company 2&2 Holdings Ltd.

One of our business' is WD Properties Ltd. This business is a real estate holding company that we started to purchase 88 Cecil Place located in 100 Mile. This property, known as the Emissaries, used to be owned by the Emissaries of the Devine Light until we purchased it in 2009. It is located behind the Red Coach in and adjacent to Martin Exeter Hall in 100 Mile. It consists of approximately 40 rental units located on 12.5 acres of land.

Our second business is 2&2 Holdings Ltd. It is also a real estate holding company. Its current asset list includes a mobile home park (Cariboo Country Estates) located at 4072 Lac La Hache Station Road. We purchased this property in 2016 and have been developing it over the last few years. The property was originally known as Station Crossing Country Estates and went into receivership in approximately 2002.

We are currently mobile home dealers with SRI homes for our own park (i.e. we can't sell outside of our park). Over the last 4 years we have been slowly building the park up. In 2018, we installed phase 2 and now have 33 serviced sites on the park and by the end of this calendar year we will have filled 14 sites on the park. It should be noted at of the 14 homes on the park, 3 have been locals relocating while 11 have relocated here from out of the area. Our age demographic on the park to date is primarily seniors either already retired or retiring in the next 5 years.

Seeing our approach to doing business, SRI homes approached us last year about opening a dealership store front so that we could sell homes to places other than our park. This is our reason for purchasing this property and applying to have it rezoned. Given that it's located close to our park (about 1km away) and its great highway frontage make it the ideal location in our opinion to set up a new business. It allows us to advertise both the mobile home sales business as well as the mobile home park in a relax country lakeside setting. We also feel that a mobile home dealership in the area will help with providing much needed affordable housing throughout the area.

Building Plans:

Currently on the property there is an old mobile home as well as the restaurant building. The property is multi-tiered with a flat area up at the buildings then a steep decline down to a developed waterfront area.

The restaurant building will receive a facelift of the outside. Our plan is to re-side the building with hardi-board siding as well as replace the fascia, trim and possibly a few windows. We will also be doing some minor renovations inside to convert the restaurant into a showroom/sales office. These renovations will likely include some flooring, paint and trim upgrades as well as disposing of the restaurant equipment in the main dining area.

The Mobile will be dismantled and removed this fall. Upon the completion of the rezoning, we will install a new show home at its approximate location.

Building Locations:

Neither building located on the site meets current setback regulations for either the current zoning (C1) or the proposed zoning (C4). While we can't move the restaurant building, we do plan on removing the existing mobile. Our plan is to set up a new home close to the current mobile's location but set back enough to meet the current setback requirements. The map provided shows a significant area of flat ground on the lake side of the mobile that makes this possible.

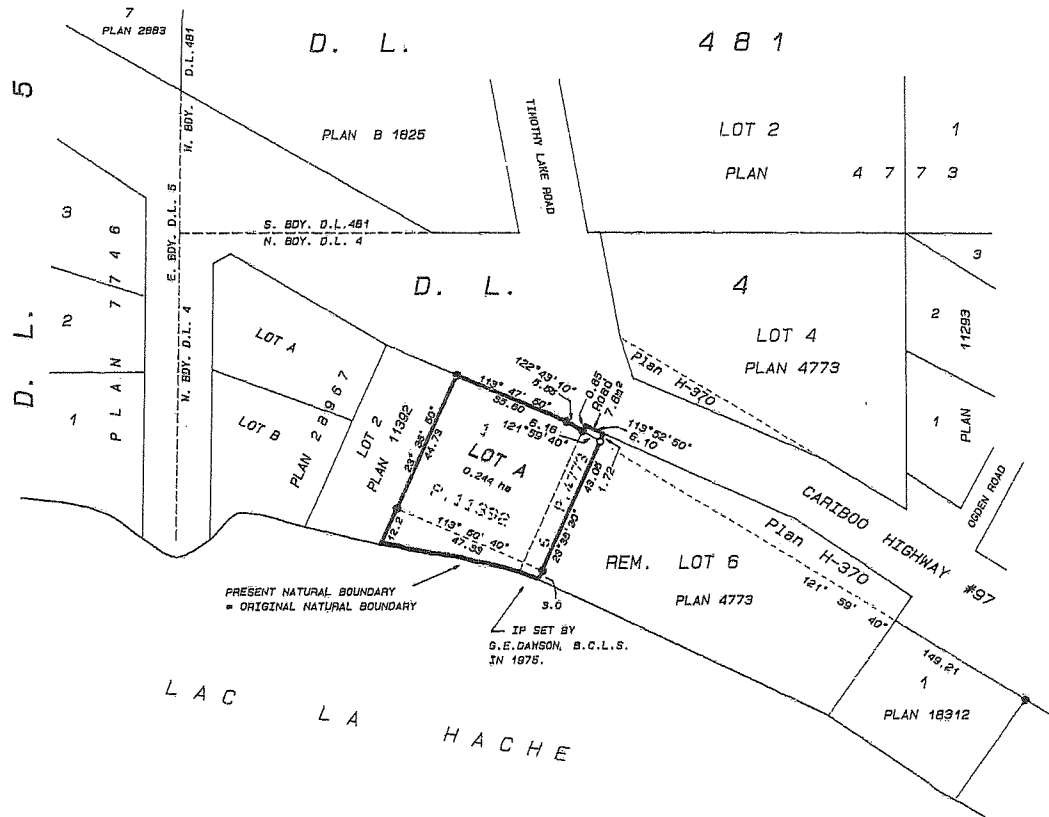
Please note, this new mobile home will not be a permanent installation and our plan is to replace it each year with a new one. Thus, we will prepare a pad location that facilitates this plan.

24-727

PLAN KAP 55674

DEPOSITED IN THE LAND TITLE OFFICE AT KAMLOOPS, B.C.
THIS 5 DAY OF OCT 1995

Jan C.B. Smith
REGISTRAR.
R. Young
KT 81403



SUBDIVISION PLAN OF LOT 1, PLAN 11392,
AND PART OF LOT 6, PLAN 4773, BOTH OF
DISTRICT LOT 4, LILLOOET DISTRICT.

B.C.G.S. 92P . 083
SCALE 1 : 1000

0 10 20 30 40 50 60 70 80 90 100 METRES

LEGEND:

BEARINGS ARE ASTROMDIX AND DERIVED FROM PLAN H-370.

- DENOTES STANDARD IRON POST FOUND.
- DENOTES STANDARD IRON POST PLACED.

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.

THIS PLAN LIES WITHIN THE CARIBOO REGIONAL DISTRICT.

APPROVED UNDER THE LAND TITLE ACT
THIS 26 DAY OF September 1995.

APPROVING OFFICER - MINISTRY OF TRANSPORTATION AND HIGHWAYS

OWNER OF LOT 1 WITNESS: ADDRESS AND OCCUPATION:

Norman Daniel Ewart J.M.W.
NORMAN DANIEL EWART

Jessie Rose Elizabeth Ewart J.M.W.
JESSIE ROSE ELIZABETH EWART

OWNER OF LOT 6 WITNESS: ADDRESS AND OCCUPATION:

Melissa Debor J.M.W.
MELISSA DEBOR

I, MICHAEL KIDSTON, A BRITISH COLUMBIA LAND SURVEYOR, OF THE VILLAGE OF 100 MILE HOUSE, IN BRITISH COLUMBIA, CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY REPRESENTED BY THIS PLAN AND THAT THE SURVEY AND PLAN ARE CORRECT. THE SURVEY WAS COMPLETED ON THE 30th DAY OF JUNE 1995.

Michael Kidston
B.C.L.S.

THE REGISTERED OWNERS DESIGNATED HEREON HEREBY ACKNOWLEDGE THAT THE LAND AFFECTED BY THIS PLAN MAY BE SUBJECT TO FLOODING AND DECLARE THAT THEY HAVE ENTERED INTO A COVENANT IN FAVOUR OF HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA AS REPRESENTED BY THE MINISTER OF ENVIRONMENT, LANDS AND PARKS AND THE CARIBOO REGIONAL DISTRICT UNDER SECTION 218 OF THE LAND TITLE ACT.

Norman Daniel Ewart
NORMAN DANIEL EWART

Jessie Rose Elizabeth Ewart
JESSIE ROSE ELIZABETH EWART

Melissa Debor
MELISSA DEBOR

OWNER OF CHARGE W22631 WITNESS: ADDRESS AND OCCUPATION:

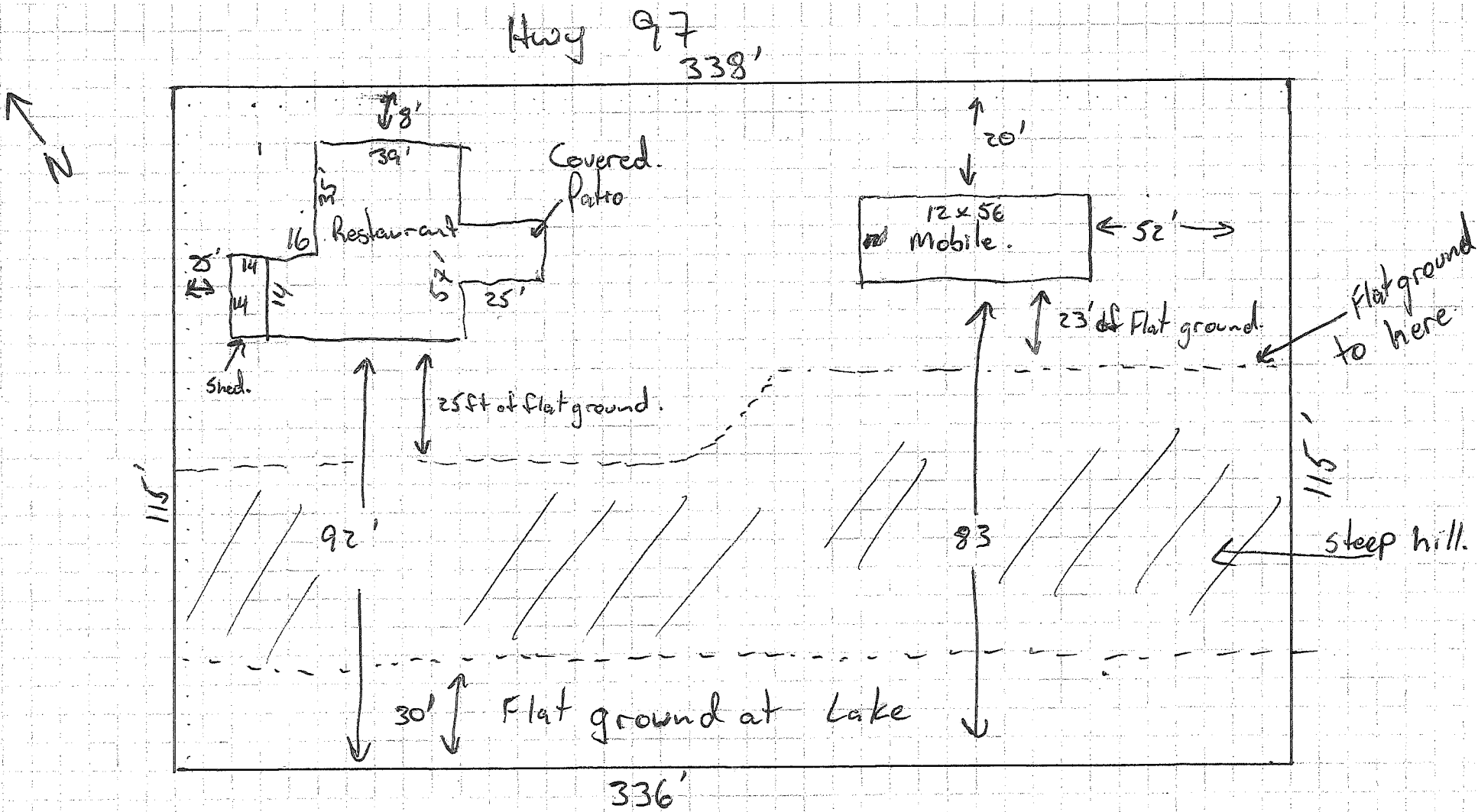
Frances Catharine Sinclair

OWNER OF CHARGE X227402 WITNESS: ADDRESS AND OCCUPATION:

Pearl Bryant Robert Valjeak
PEARL BRYANT ROBERT VALJEAK
#202 - 6501 WINGEMAN
BURNABY BC V5H 2G3
LAWYER

KIDSTON AND HEMINGWAY
B.C. LAND SURVEYORS
100 MILE HOUSE, B.C.
FILE: 611

HEBE-910-20



Lac La Hache Lake.

Area G APC Response Form.

FILE NO: 3360-20/20200040

Date: 19 October 2020 conference call meeting.

Cariboo Regional District

Applicant/ Agent: WAOE BALDIRNIE ✓

File No.

OCT 20 2020

Area G Director: Al Richmond ✓

Referred To

Members: ~~Ron Seeder~~ Diane Wood. ✓ Graham Leslie. ✓ ~~Nicola Maughan~~

Marvin Monical. ✓ ~~Marilyn Niemeo~~ Robin Edwards ✓

Location of Application: 4016 CARIBOO HWY 97 S LAC LA HACHE

Agenda Item: Rezoning Amendment

Moved by: Marvin / Robin

Area G APC has no issue with the application as presented. However, the APC would not support the following uses in the C4 zoning: #1, #V1 & #XX.

Moved by Robin

That the meeting be adjourned at 7:30 PM

Diane Wood
Recording Secretary.

Chair