

Planning Application Referral Sheet

Application Type: Rezoning **File Number:** 3360-20210004

Bylaw(s): Williams Lake Fringe and 150 Mile House Area Zoning Amendment Bylaw No. 5304,

2021

Electoral Area: D

Date of Referral: January 19, 2021

Date of Application: January 07, 2021

Property Owner's Name(s): DONALD A GIBSON

SHERRY L GIBSON

Applicant's Name: EXTON AND DODGE LAND SURVEYING INC

SECTION 1: Property Summary

Legal Description(s): Lot 5, District Lot 8853, Cariboo District, Plan BCP8399

Property Size(s): 2.27 ha (5.6 ac.)

Area of Application: 2.27 ha (5.6 ac.)

Location: 2030 168 Mile Road

Current Designation: Min. Lot Size Permitted: Rural Residential 2 Average 2 ha (4.94 ac.)

(Parcels ranging from 1.5 ha to 3.0 ha)

Current Zoning: Min. Lot Size Permitted:

Rural 2 (RR 2) 2 ha (4.94 ac.)

Proposed Zoning: Min. Lot Size Permitted:

Special Exception RR 2-2 Zone 2 ha (4.94 ac.)

Proposal: To allow the placement of a mobile home as secondary dwelling within Agricultural Land Reserve for family.

No. and size of Proposed Lots: No new lots proposed.

Existing Buildings: 1 Residential dwelling and 4 storage sheds.

Proposed Buildings: 1 Secondary Dwelling.

Road Name: Mile 168 Road

Road Type: Paved

Within the influence of a Controlled Access Highway: N/A

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

Within the confines of the Agricultural Land Reserve: Yes - fully within

Required to comply with the Shoreland Management Policy: N/A

Name of Lake/Contributing River: N/A

Within Development Permit Area: No

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

	Land Use:	Lot Sizes:
(a) North	061 2 Acres Or More (Vacant)	28.82 ha (71.207 ac.)
(b) South	060 2 Acres Or More (Single Family Dwelling, Duplex)	0.84 ha (2.08 ac.)
	038 Manufactured Home (Not In Manufactured Home Park)	0.80 ha (1.97 ac.)
	038 Manufactured Home (Not In Manufactured Home Park)	0.801 ha (1.98 ac.)
(c) East	061 2 Acres Or More (Vacant)	28.82 ha (71.207 ac.)
(d) West	063 2 Acres Or More (Manufactured Home)	2.12 ha (5.23 ac.)
	063 2 Acres Or More (Manufactured Home)	2.2 ha (5.36 ac.)

PLANNING COMMENTS

Background:

It is proposed to rezone a 2.27 ha (5.6 ac.) subject property to allow for a mobile home as an additional dwelling within the Agricultural Land Reserve (ALR) for family. There is currently a single-family dwelling existing on the property as a primary residence. The ALR use regulations permit a single-family dwelling and an additional manufactured home for family members without any ALR application required. In addition to the existing residential dwelling, the property has four storage sheds, a well and a septic field currently present on-site. The location of the proposed mobile home is shown in Appendix C.

The subject property is zoned Rural 2 (RR 2) in the Williams Lake Fringe and 150 Mile House Area Zoning Bylaw No. 3502, 1999, and is designated as Rural Residential 2 in the Williams Lake Fringe Area Official Community Plan Bylaw No. 4782, 2013. The proposal of having two residential dwellings on the existing Rural 2 (RR 2) zoned property is not a permitted use. Therefore, the applicant has requested to rezone the subject property from Rural 2 (RR 2) zone to Special Exception RR 2-2 zone by including Section 5.19.3.2 into Schedule "A" of the Williams Lake Fringe and 150 Mile House Area Zoning Bylaw No. 3502, 1999 as follows:

5.19.3.2 Special Exception RR 2-2 Zone (3360-20/20210004)

Notwithstanding any other provisions of this bylaw to the contrary, on lands zoned RR 2-2:

i) Permitted residential uses shall include one (1) secondary dwelling and must be subordinate to a single-family residential dwelling.

All other provisions of the RR 2 zone shall apply.

Location and Surrounding:

The subject property is located at 2030 Mile 168 Road with Cariboo Highway 97 N to the far south of the property as shown in Appendix B. Completely within the Agricultural Land Reserve (ALR), the property is partially treed with a slope grid throughout ranging from 0%-20% and is also completely within the environmentally sensitive area for Mule Deer Winter Range. There are mostly single-family dwellings surrounding the property to the south and west along with large vacant agricultural/rural residential lots to the north and east of the subject property.

CRD Regulations and Policies:

3502-Williams Lake Fringe and 150 Mile House Area Zoning Bylaw, 1999

5.19 RURAL 2 (RR 2) ZONE

5.19.2 ZONE PROVISIONS

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

Rationale for Recommendations:

Planning staff are supportive of the requested zoning amendment application. The proposal of having a manufactured/mobile home as an additional residence for family members on an ALR property complies with the Agricultural Land Reserve (ALR) use regulations.

However, there are certain requirements for a manufactured home outlined in ALC Policy L-25 for it to be considered in compliance with the ALR use regulations. As per ALC Policy L-25, the proposed modular home must be a single storey dwelling with a maximum of 9 m (29.53 ft.) in width and 22.86 m (75 ft.) in length for family members, provided that it is installed prior to July 31, 2021. The proposed modular home must also comply with either the Canadian Standards Association (CSA) Z-240 series standards, or the CSA A-277 series standards and be constructed on a steel frame. The acceptable types of foundation systems include concrete pile, surface pile or concrete slab. The Agricultural Land Commission (ALC) will require a non-adhering residential use application if the proposed mobile home does not conform with these ALC Policy L-25 requirements.

The Ministry of Transportation and Infrastructure (MOTI) has no concerns regarding the proposed additional residence. The Ministry will require an access permit to create or change driveway access for anything other than a single-family residential driveway. The Interior Health Authority (IHA) also has no objections to the proposal provided the property can accommodate a safe supply of drinking water and a sustainable sewerage disposal system in accordance with the Sewerage Disposal Regulation.

With adequate vegetative buffer around the proposed mobile home and the property being surrounded by large parcels, the proposal is anticipated to have minimal impact on neighboring properties. Further, the subject property is currently in compliance with the Agricultural Policy by having fencing and buffering on the northern boundary of the property due to the presence of an adjacent agricultural parcel. This will ensure in reducing future risk associated with livestock entering on residential property. Therefore, planning staff recommends approval of this rezoning application.

The Ministry of Agriculture has expressed concerns regarding the location of the second dwelling negatively impacting the future agricultural use of the property. The Board may wish to consider requiring a restrictive covenant restricting the location of the proposed second dwelling.

Recommendation:

1. That the Williams Lake Fringe and 150 Mile House Area Zoning Amendment Bylaw No. 5304, 2021 to rezone Lot 5, District Lot 8853, Cariboo District, Plan BCP8399 from Rural 2 (RR 2) zone to Special Exception RR 2-2 zone be approved.

REFERRAL COMMENTS

Health Authority: January 29, 2021

Healthy Communities thank you for the opportunity to review and provide comment on this proposal, which will allow a second residence on this parcel for a family member.

Healthy Communities has no objection to the proposal provided the parcel can accommodate a safe potable and reliable source and supply of drinking water and a sustainable sewerage disposal system in accordance with the Sewerage Disposal Regulation. Healthy Communities does not have further comments since this would not become housing option for the general population.

<u>Ministry of Transportation and Infrastructure</u>: January 20, 2021 Approval recommended for reasons outlined below:

MoTI has no objections and recommends approval of the proposed rezoning for the subject property. It should be noted that residential and agricultural property owners must apply for a highway use permit to create or change driveway access for anything other than a single family residential driveway access off a provincially maintained road.

<u>Advisory Planning Commission</u>: February 23, 2021 See attached.

<u>Agricultural Land Commission:</u> February 2, 2021 See attached.

<u>Ministry of Environment and Climate Change Strategy</u>: No response.

Ministry of Agriculture, Food and Fisheries: February 19, 2021 See attached.

CRD Chief Building Official: January 29, 2021

No objections to proposal. Building permit will be required as the proposal is within building inspection service area.

BOARD ACTION

March 5, 2021

That Williams Lake Fringe and 150 Mile House Area Zoning Amendment Bylaw No. 5304, 2021 be read a first and second time this 5th day of March, 2021.

ATTACHMENTS

Appendix A: Bylaw No. 5304
Appendix B: General Map
Appendix C: Specific Map
Appendix D: Orthographic Map

Other: Applicant's supporting documentation

Advisory Planning Commission Comments Agricultural Land Commission Comments

Ministry of Agriculture, Food and Fisheries Comments

Public Hearing Results



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5304

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to amend Bylaw No. 3502, being the "Williams Lake Fringe and 150 Mile House Area Zoning Bylaw No. 3502, 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 "Williams Lake Fringe and 150 Mile House Area Zoning Amendment Bylaw No. 5304, 2021".

2. AMENDMENT

Bylaw No. 3502 of the Cariboo Regional District is amended by:

- i) Including Section 5.19.3.2 into Schedule "A" as follows:
 - 5.19.3.2 <u>Special Exception RR 2-2 Zone (3360-20/20210004)</u>

 Notwithstanding any other provisions of this bylaw to the contrary, on lands zoned RR 2-2:
 - Permitted residential uses shall include one (1) secondary dwelling and must be subordinate to a single-family residential dwelling.

All other provisions of the RR 2 zone shall apply.

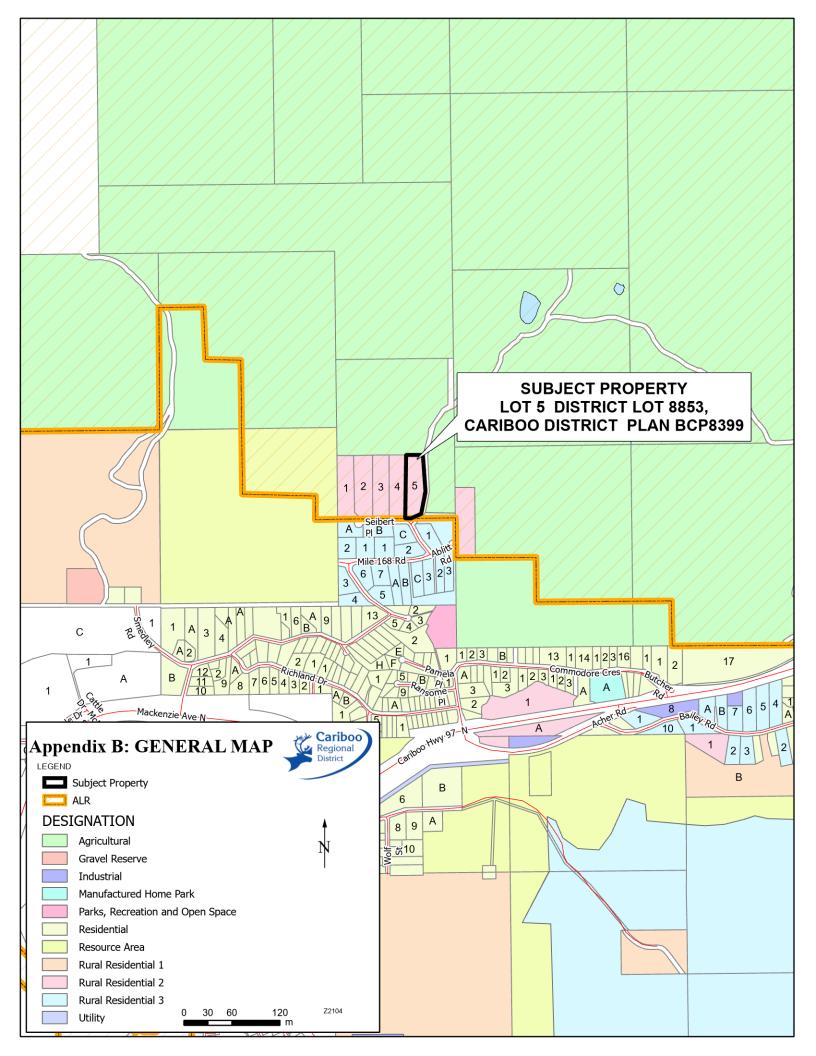
iii) amending Schedule "C" accordingly.
READ A FIRST TIME THIS <u>5th</u> DAY OF <u>March</u> , 2021.
READ A SECOND TIME THIS 5 th DAY OF March, 2021.
A PUBLIC HEARING WAS HELD ON THE <u>3rd</u> DAY OF <u>May</u> , 2021.
READ A THIRD TIME THIS DAY OF, 2021.
ADOPTED THIS DAY OF, 2021.
Chair
Manager of Corporate Services
I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5304, cited as the "Williams Lake Fringe and 150 Mile House Area Zoning Amendment Bylaw No. 5304, 2021", as adopted by the Cariboo Regional District Board on the day of, 2021.

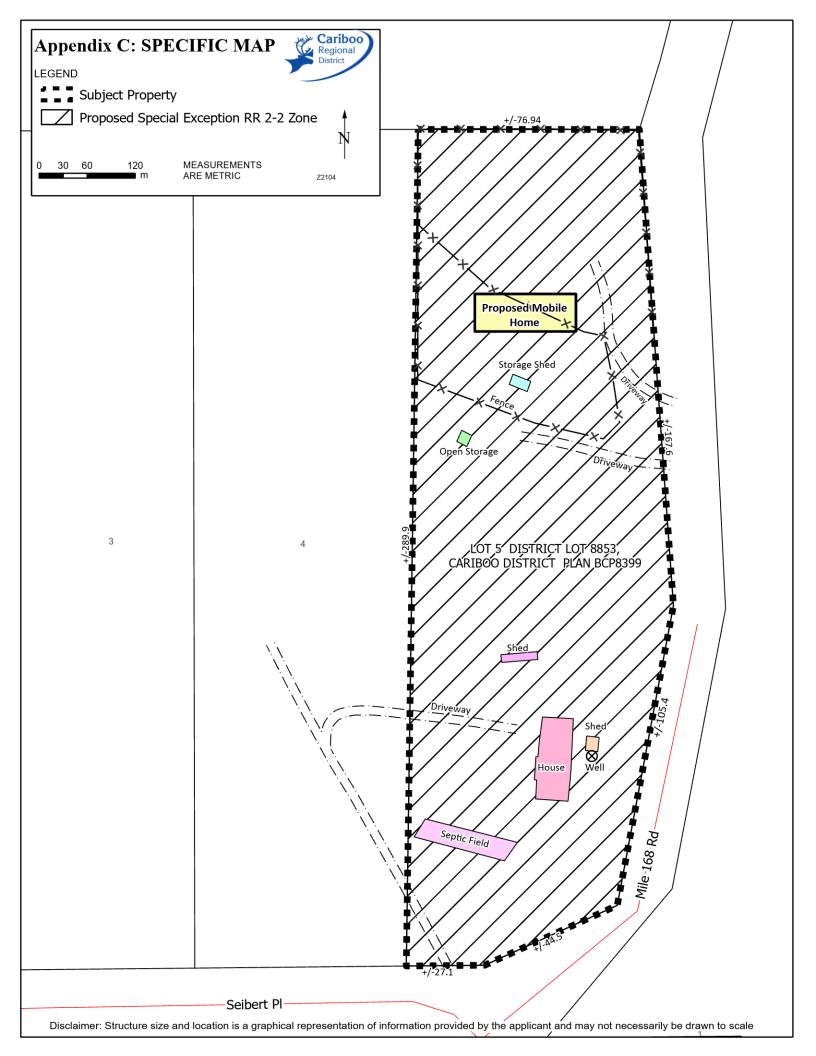
Manager of Corporate Services

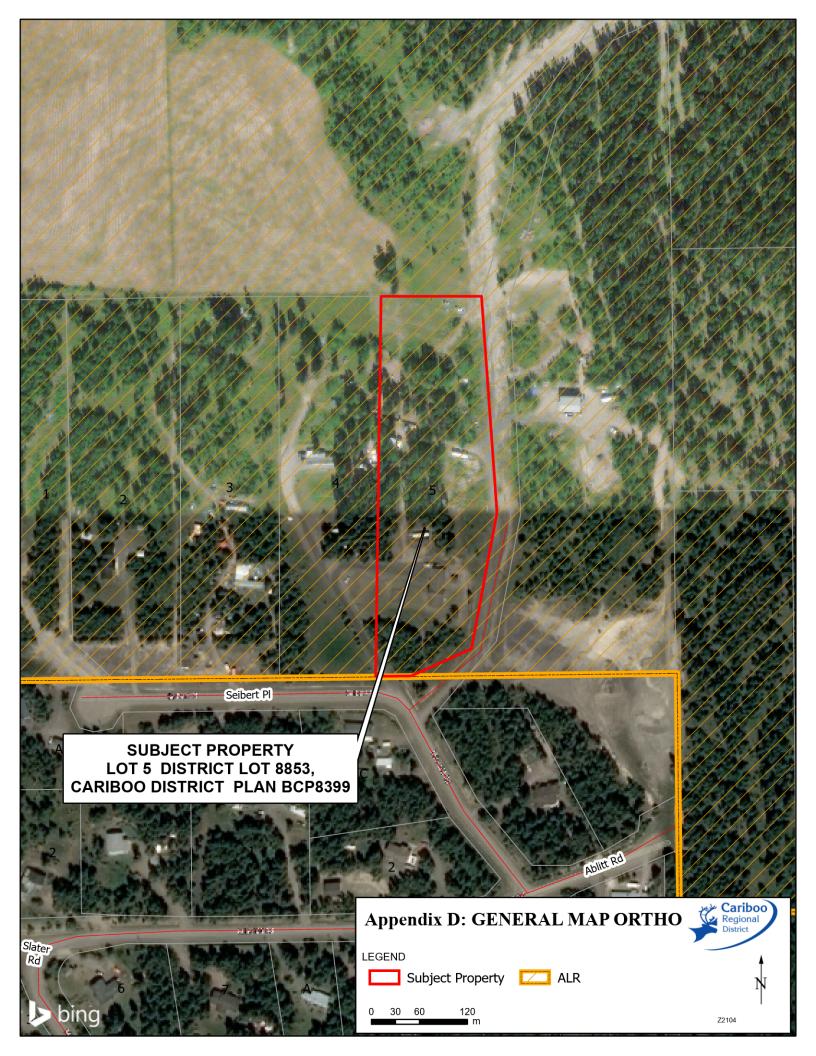
rezoning Lot 5, District Lot 8853, Cariboo District, Plan BCP8399 from

Rural 2 (RR 2) zone to Special Exception RR 2-2 zone; and

ii)







Describe the e	existing use of the subject property	and all buildings: <u>Resid</u>	ential		
Describe the p	proposed use of the subject propert	y and all buildings: <u>Re</u>	sidential		
	easons in support for the applicatio		provide second residence for fami		
Provide a gene	eral description of vegetation cover		age crop etc.):		
Provide genera Nothing of Sig	al geographical information (i.e. exignificance	sting lakes, streams, physi			
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 Telephone Community Water System Community Sewer System Sewage Disposal System Well Other (please specify)				

File No: 3360-20/20210004

ADVISORY PLANNING COMMISSION RESPONSE FORM

Minutes of the meeting in the By TELECONFE	g of the Electoral Area 'D' advisory planning commission held on F , located at , BC, commencing at 7	EB 23, 202
PRESENT:	Chair RON KAUFMAN	
	Members TORY LEE KATY POTER KATHY ROURKE LAILA POTUIN CLAUDIA BLAIR	CHINA
	Recording Secretary RON KAUFMAN	
	Owners/Agent, or UERONICA MEISTER Contacted but declined to attend	
HOWIE	- JALBERT CHARLENE MAY. CHAMBERLIN KEENER	S .
ALSO PRESENT: Electora	CHIPHAN	
Agenda Items	N 2260 20/20210004 (Lat E. District Lat 0052, Carilla de District	n angaga)
/	N – 3360-20/20210004 (Lot 5, District Lot 8853, Cariboo District, P : "THAT the application to rezone property at 2030 16	_
1) SUPPORTING	FUTURE AGRICULTURAL CAPABILITIES	1) MAL
ii) WOVLER A	LLOW REASONABLE RESIDENTIAL CAPACI SIZE AND BE COMPATIBLE WITH NE	ity for A
For: 6 Against		IED/DEFEATED
Termination KAU FHAN /	13 LA 1 ? : That the meeting terminate.	CARRIED
Time: 7:21 PM		CARRIED
little L	16 Karel	
Recording Secretary	Chair	



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

February 1, 2021

Reply to the attention of Sara Huber ALC Issue: 52070

Local Government File: 3360-202100004

Genny Hilliard
Development Services Clerk V, CRD
GHilliard@cariboord.ca

Re: <u>Cariboo Regional District Williams Lake Fringe and 150 Mile House Area</u> <u>Zoning Amendment Bylaw No. 5304, 2021</u>

Thank you for forwarding a draft copy of Cariboo Regional District (CRD) Williams Lake Fringe and 150 Mile House Area Zoning Amendment Bylaw No. 5304, 2021 (the "Amendment Bylaw") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Amendment Bylaw is consistent with the purposes of the ALC Act, the Agricultural Land Reserve (ALR) General Regulation, ALR Use Regulation, and any decisions of the ALC.

The Amendment Bylaw proposes a special exception to the Rural Residential 2 (RR-2) zone to allow for the placement of a mobile home as a secondary residence on the property identified as 2030 168 Mile Road; PID: 025-826-778 (the "Property").

Proposal Sketch: 1/78-54 Proposed(Mobile Home A Tolly May 1) Steprage Shed St

ALC File: 52070

The Property currently contains a residence and four storage sheds. The proposed mobile home would be accessed by its own driveway off of 168 Mile Road and would be resided in by a member of the owner's family.

ALC Staff Comments:

In the ALR, there are limitations placed on residential uses. Specifically, s. 20.1(1) of the ALC Act permits a principal residence up to 500 m² with the option for a secondary suite and s. 32(3) of the ALR Use Regulation permits a manufactured home up to 9 m in width for use by an owner or an owner's immediate family until July 31, 2021, as an additional residence. ALC Policy L-25: Manufactured Homes in the ALR provides further guidance on criteria that the ALC would consider a manufactured home to be consistent with s. 32(3) of the ALR Use Regulation, including, but not limited to, if the manufactured home is:

- A single storey, for use by a single family
- A maximum of 22.86 m in length
- Conforms to CSA Z240 or CSA A266 if constructed on a steel frame
- Constructed on a concrete pile, surface pier or concrete slab foundation system.

ALC staff recognize that the Amendment Bylaw is intended to allow a mobile home as an additional residence on a property within the ALR. ALC staff, however, note that the referral does not include information to confirm whether the proposed mobile home meets the ALC's requirements for an additional residence. Specifically, ALC staff are seeking information on the size of the mobile home (length and width), confirmation that the proposed mobile home will be occupied by either the Property owner or the Property owner's immediate family, information on the CSA standard that the home will meet, as well as the proposed foundation system. Once this information has been provided, ALC staff may make a further determination.

ALC staff also note that the Amendment Bylaw specifically states: "[p]ermitted residential uses shall include one (1) secondary dwelling and must be subordinate to a single-family residential dwelling." As mentioned above, only a manufactured home 9 m in width for an immediate family member may be permitted in the ALR as an additional residence at this time, rather than a "secondary dwelling" which may include other forms of housing or other allowances (e.g. non-family occupancy). Recognizing that the Ministry of Agriculture is currently pursuing "residential flexibility" in the ALR, ALC staff do not object to this provision, but note that it may mislead future Property owners about the permissions in the ALR.

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.

ALC File: 52070

If you have any questions about the above comments, please contact the undersigned at 236-468-3258 or by e-mail (<u>Sara.Huber@gov.bc.ca</u>).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Sara Huber, Regional Planner

Enclosure: Referral of CRD Z2104

CC: Ministry of Agriculture – Attention: Gregory Bartle (Gregory.Bartle@gov.bc.ca)

52070m1



February 19, 2021

File: 3360-202100004

Shivani Sajwan Planning Officer Cariboo Regional District

VIA EMAIL: SSajwan@cariboord.ca

Re: Zoning Bylaw No. 5304 referral - Mile 168 Road

Dear Shivani Sajwan:

Thank you for providing the B.C. Ministry of Agriculture, Food and Fisheries with the opportunity to comment on the proposed rezoning application to allow for the placement of a mobile home as a secondary dwelling on a parcel located at Mile 168 Road in the Agricultural Land Reserve. Ministry staff have reviewed the provided information and offer the following comments:

- The Agricultural Land Reserve (ALR) is a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are restricted.
- Ministry staff note that the proposed additional home is sited in the centre in the northern portion of the property. Once constructed, this will limit the agricultural viability of the parcel by reducing the area potentially used for agricultural operations.
- Siting of an additional home should be undertaken in a way to preserve the greatest productive agricultural capacity of the parcel. Ministry staff note that this could involve siting the building closer to the parcel's property lines and/or the existing residential footprint. More information is available in the Ministry's <u>Guide for Bylaw Development in Farming Areas</u> Siting and Size of Residential Uses section (pp.14-19).
- The subject parcel's agricultural capability classification is 60 percent Class 5P to 40 percent Class 6TP, where T and P refer to topography and stoniness, with an improvement capability of 60 percent Class 3P to 40 percent Class 6TP. Ministry staff point to the fields to the NW of the parcel and the hayfield SE of the parcel, to illustrate the agricultural ability of the soils.
- It appears there is no farming activity currently being undertaken. The soil for this parcel is generally best for grazing and is reflected in its classification. Ministry staff are available to discuss viable agricultural opportunities with landowners considering pursuing farming activities on ALR land.

.../2

• The Ministry is also currently undertaking a study to consider revising the ALC regulations to potentially increase residential flexibility which may result in greater options for those living in the ALR. More information is available from this September 4, 2020 Information Bulletin here: https://news.gov.bc.ca/releases/2020AGRI0050-001655

If you have any questions or concerns about our comments, please do not hesitate to contact us.

Sincerely,

Gregory Bartle Land Use Planner B.C. Ministry of Agriculture, Food and

Fisheries

Phone: (778) 974-3836

Email: <u>Gregory.Bartle@gov.bc.ca</u>

Nicole Pressey, P.Ag., Regional Agrologist B.C. Ministry of Agriculture, Food and Fisheries – Cariboo Central Coast

Phone: (236) 713-2223

Email: Nicole.Pressey@gov.bc.ca

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

RESULTS OF PUBLIC HEARING

File No: 3360-20/20210004 Date: May 3, 2021 Location: CRD Boardroom Via Conference Call WILLIAMS LAKE FRINGE AND 150 MILE HOUSE AREA ZONING AMENDMENT BYLAW NO. 5304, 2021 **Persons Present:** \boxtimes Director: Steve Forseth Owner(s): Donald and Sherry Gibson \boxtimes Agent: Veronica Meister – Exton and Dodge Land Surveying Inc. Public: See attached list \boxtimes Staff: Shivani Sajwan, Planning Officer II \boxtimes No public in attendance (excluding owner/agent) Waited ten (10) minutes and then called the meeting adjourned. \boxtimes Roll call conducted by Planning Staff. \boxtimes Welcome, introduction and the "Purpose of a Public Hearing", including the rules for the meeting and the specifics of the application were read out by the Chair/Area Director/Alternate. The hearing was called to order at <u>7:03 pm</u>. The Chair read out public comments received within the last 48 hours.

No comments received within the last 48 hours. Previously submitted comments available for viewing on CRD website and in CRD offices. 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.

 \boxtimes

The Chair called the meeting adjourned at 7:10 pm

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

Steve Forseth (May 4, 2021 09:14 PDT)

Signature of Chair