



Planning Application Information Sheet

Application Type: Rezoning

File Number: 3360-20/20210042

Bylaw(s): Central Cariboo Area Rural Land Use Amendment Bylaw No. 5338, 2021

Electoral Area: D

Date of Referral: August 18, 2021

Date of Application: July 27, 2021

Property Owner's Name(s): DAVID KAUFMAN
DUNLEVY RANCH LTD

Applicant's Name: EXTON & DODGE LAND SURVEYING INC

SECTION 1: Property Summary

Legal Description(s): District Lot 1931, Cariboo District, Except Plans H406, 13384, 13419, 19648, 22654 and 24686

Property Size(s): 43 ha (106.25 ac.)

Area of Application: 9.5 ha (23.48 ac.)

Location: 5131 Cariboo Highway 97

Current Designation:
N/A

Min. Lot Size Permitted:

Current Zoning:
Resource / Agricultural (R/A)

Min. Lot Size Permitted:
32 ha (79.07 ac.)

Proposed Zoning:
Rural 1 (RR 1)

Min. Lot Size Permitted:
4 ha (9.88 ac.)

Proposal: To rezone the property to allow a lot line adjustment.

No. and size of Proposed Lots: No new lots; 9.5 ha (23.48 ac.) and 61.4 ha (151.72)

Existing Buildings: Shop, Storage, Barn, House

Proposed Buildings: No proposed buildings

Road Name: Cariboo Highway 97

Road Type: Paved

Within the influence of a Controlled Access Highway: Cariboo HWY 97

Services Available: Hydro, Telephone, Sewerage Disposal System, Well

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

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

Name of Lake/Contributing River: Lyne Creek

Lake Classification: High

Within Development Permit Area: No

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

	Land Use:	Lot Sizes:
(a) North	060 2 Acres Or More (Single Family Dwelling, Duplex)	2.92 ha (7.21 ac.)
	070 2 Acres Or More (Outbuilding)	1.47 ha (3.65 ac.)
(b) South	110 Grain & Forage	59.48 ha (146.98 ac.)
(c) East	060 2 Acres Or More (Single Family Dwelling, Duplex)	2.10 ha (5.2 ac.) - 13.46 ha (33.72 ac.)
	061 2 Acres Or More (Vacant)	84.29 ha (208.29 ac.)
	642 Cemeteries (Includes Public Or Private).	0.11 ha (0.28 ac.)
(d) West	151 Beef (Vacant)	32.24 ha (79.69 ac.)

PLANNING COMMENTS

Background:

It is proposed to rezone a portion of a 43 ha (106.25 ac.) property at 5131 Cariboo Highway 97 from Resource/Agricultural (R/A) to Rural 1 (RR 1) to facilitate a proposed lot line adjustment. The property, as well as the neighbouring District Lot 6158, Cariboo District, Except Plan H406 and 24686 are each zoned Resource/Agricultural (R/A) in the Central Cariboo Area Rural Land Use Bylaw No. 3503, 1999.

The proposal would permit for the lot line to be shifted to create a smaller RR 1 property that is 9.5 ha (23.48 ac.) while the remainder of the now-combined lots would be 61.4 ha (151.72 ac.) in size. The properties are located within the Agricultural Land Reserve.

Location and Surrounding:

The subject property is located on the west side of Cariboo Highway 97 N, directly across from Lynes Creek Road. Lynes Creek and another unnamed creek flow through the subject property before entering Hawks Creek immediately south of the property line. Hawks Creek continues to flow roughly towards the north-west and bisects the adjacent property. The property is mostly hayfield, with some treed areas near the watercourses. The Yukon Telegraph Trail and Cariboo Wagon Road both cross near or over the property. An archaeological study by Sugar Cane Archaeology was included in the application. Currently a dwelling and four ancillary structures for farm and personal use are located on proposed Lot B.

CRD Regulations and Policies:

3503 Central Cariboo Area Rural Land Use Bylaw, 1999

8.11 RURAL 1 (RR 1) ZONE

8.11.2 ZONE PROVISIONS

- (a) LOT AREA (minimum) = 4 hectares (9.88 acres)

8.14 RESOURCE/AGRICULTURAL (R/A) ZONE

8.14.2 ZONE PROVISIONS

- (a) LOT AREA (minimum) = 32.0 hectares (79.07 acres)

Rationale for Recommendations:

The applicant indicates that subdivision will allow for a scaled up agricultural operation on the existing hayfield, which currently straddles the property line. While the ranching operations of the proposed Lot B will be reduced in size, it will still be of a size that can accommodate agricultural operations. Planning staff note that the property currently has farm status with BC Assessment (bona fide agricultural operation). It is also noted that the existing ancillary and agricultural structures exceed the maximum combined ancillary structure size limit of 450 square metres (4,844 square feet). A bona fide agricultural operation is exempt from the combined ancillary structure area requirement. Should the property not retain farm status and agriculture stop being a principal use on this property these structures would be considered lawful non-conforming. Buildings constructed for agricultural purposes on a bona fide agricultural operation may be exempt from building permit requirements. The CRD Building Services department reports that future development not exempt through farm status will require a building permit.

Section 3 (2) (b) of the Agricultural Land Reserve General Regulation (B.C. Reg. 57/2020) allows for an approving officer to approve a subdivision without application to the Agricultural Land Commission where it can be demonstrated that the agricultural land will not be subdivided into more than 4 parcels, each of which is a minimum of 1 ha; where there would not be an increase in the number of parcels; and the subdivision would allow for boundary adjustments that, in the opinion of the approving officer, will enhance farming on the agricultural land or permit better use of the structures used for farming.

In order for the Ministry of Transportation and Infrastructure (MOTI) to approve the proposed subdivision as permitted by the Agricultural Land Reserve General Regulation, the portion of the property making up proposed Lot B must be zoned Rural 1 (RR 1).

The Interior Health Authority has commented and has no objections to the approval of this rezoning. Each of the proposed lots will provide ample room for any future sewerage and drinking water requirements on-site.

The Agricultural Land Commission (ALC) has reviewed the application and suggests the use of a special exception RR 1 zone to ensure future uses permitted in the zone do not run against the restrictions against non-farm uses in the Agricultural Land Reserve (ALR). The Cariboo Regional District notes that while the RR 1 zone permits activities that would contravene the ALC requirement, including future subdivision, the uses are safeguarded by the application process of the land commission. The Cariboo Regional District does not have ALR-specific zoning currently. Should a use be proposed in the future that is not permitted in the ALR, an application will be required.

An archaeological study was provided by Sugar Cane Archaeology and included in the application. The study confirmed the Cariboo Wagon Road, and the Yukon Telegraph Trail crossed the property but did not find any requirement for further archaeological work, provided that development plans are not altered to include unassessed or excluded areas. While no

archaeological resources were identified during the study, should a site be identified, work must stop, and the BC Archaeology Branch must be contacted for further direction.

Recommendation:

1. That Central Cariboo Area Rural Land Use Amendment Bylaw No. 5338, 2021 be read a first and second time. 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 sewage disposal system and riparian protection.

Further, that the cost of registration of the covenant be borne by the applicants.

REFERRAL COMMENTS

Health Authority: August 29, 2021

The IH Healthy Community Development 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: September 7, 2021

EDAS: 2021-04870

The Ministry of Transportation and Infrastructure has no objection in principle to the Zoning Amendment Bylaw No. 5338 package received on August 18/21. Please note that the Ministry currently has a proposed subdivision application for this subject property that is being reviewed under MoTI File 2021-03972 and approval of the rezoning does not constitute subdivision approval.

Advisory Planning Commission: October 20, 2021

See attached.

Agricultural Land Commission: August 27, 2021

See attached.

Ministry of Environment and Climate Change Strategy:

No response.

FLNRO – Range:

No response.

BOARD ACTION

October 1, 2021:

That consideration of Central Cariboo Area Rural Land Use Amendment Bylaw No. 5338, 2021 be deferred for up to 60 days to allow the Advisory Planning Commission to review the application.

November 19, 2021:

That Central Cariboo Area Rural Land Use Amendment Bylaw No. 5338, 2021 be read a first and second time this 19th day of November, 2021. 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 sewage disposal system and riparian protection.

Further, that the cost of registration of the covenant be borne by the applicants.

ATTACHMENTS

Appendix A: Bylaw 5338
Appendix B: General Map
Appendix C: Specific Map
Appendix D: Orthographic Map
Appendix E: Specific Map Structures
Other: Applicants Supporting Documentation
Agricultural Land Commission Comments
Advisory Planning Commission Comments
Public Hearing Results



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5338

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to amend Bylaw No. 3503, being the "Central Cariboo Area Rural Land Use Bylaw No. 3503, 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, hereby enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as the "Central Cariboo Area Rural Land Use Amendment Bylaw No. 5338, 2021".

2. AMENDMENT

Bylaw No. 3503 of the Cariboo Regional District is amended by:

- i) rezoning a portion of District Lot 1931, Cariboo District, Except Plans H406, 13384, 13419 19648 22654 and 24686 from Resource/Agricultural (R/A) zone to Rural 1 (RR 1) zone, as shown on attached Schedule "A"; and
- ii) amending Schedules "C" and "D" accordingly.

READ A FIRST TIME THIS 19th DAY OF November, 2021.

READ A SECOND TIME THIS 19th DAY OF November, 2021.

A PUBLIC HEARING WAS HELD ON THE 18 DAY OF January, 2022.

READ A THIRD TIME THIS _____ DAY OF _____, 2022.

APPROVED UNDER THE "TRANSPORTATION ACT" THIS _____ DAY OF _____, 2022.

ADOPTED THIS _____ DAY OF _____, 2022 .

Chair

Manager of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5338 cited as the "Central Cariboo Area Rural Land Use Amendment Bylaw No. 5338, 2021", as adopted by the Cariboo Regional District Board on the _____ day of _____, 2022.

Manager of Corporate Services

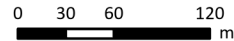
SCHEDULE A



LEGEND



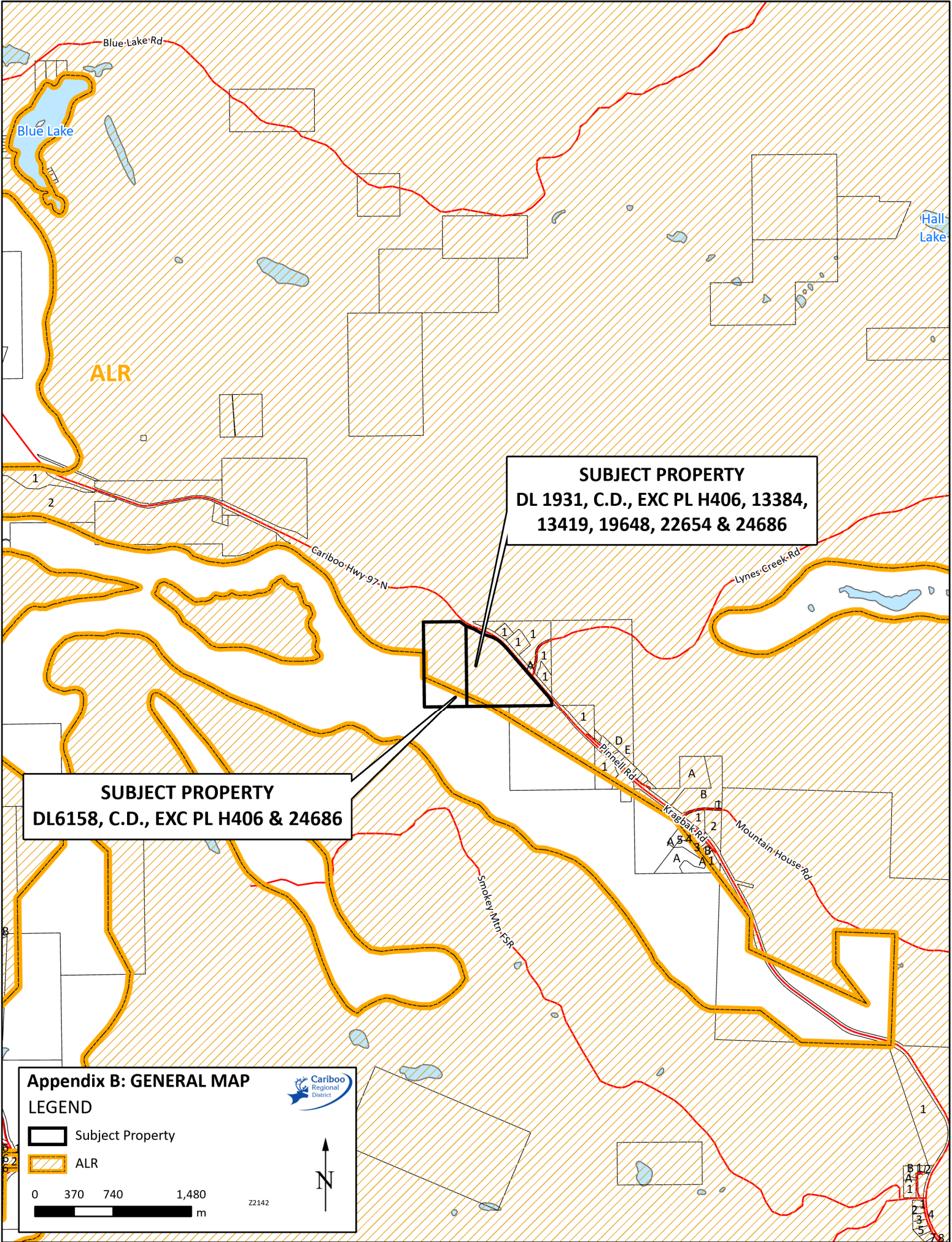
Proposed Rural 1 (RR 1) Zone



Z2142



DL 1931, C.D., EXC PL
H406, 13384, 13419,
19648, 22654 &
24686





SUBJECT PROPERTY
DL 1931, C.D., EXC PL H406, 13384,
13419, 19648, 22654 & 24686

SUBJECT PROPERTY
DL6158, C.D., EXC PL H406 & 24686

Appendix B: GENERAL MAP

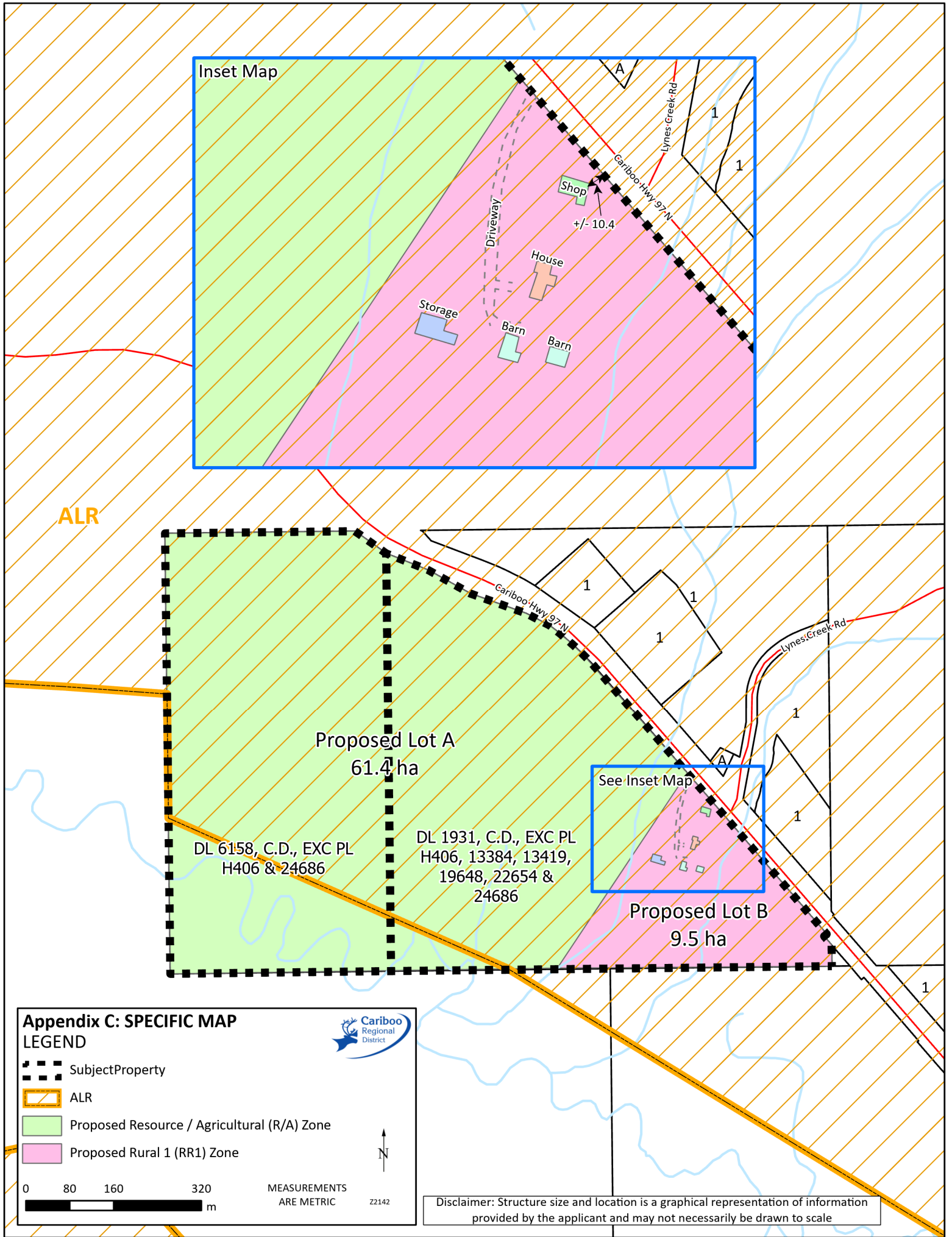
LEGEND

-  Subject Property
-  ALR

0 370 740 1,480
m

22142





Appendix D: GENERAL MAP ORTHO

LEGEND

 Subject Property

 ALR

0 185 370 740
m

Z2142



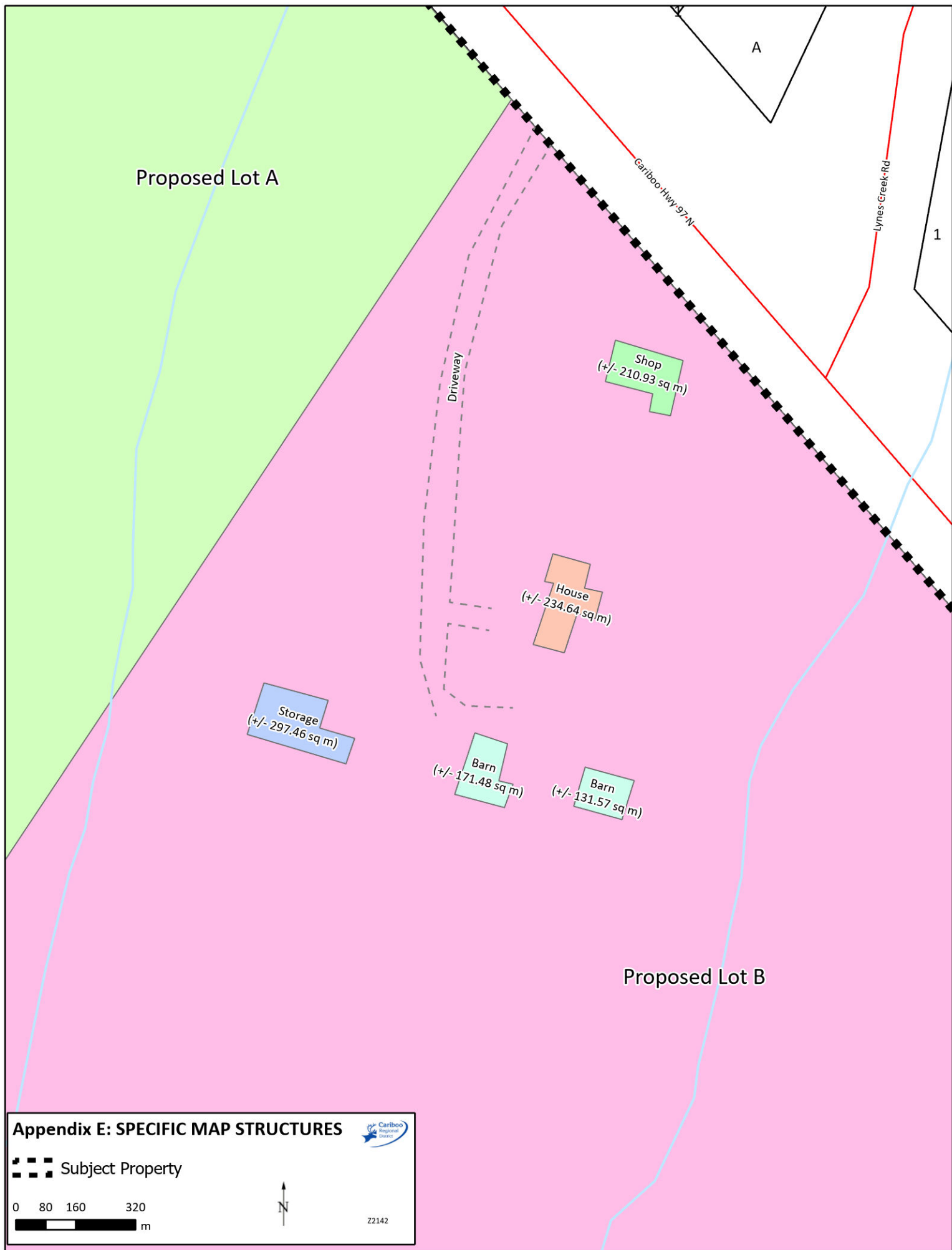
ALR

SUBJECT PROPERTY
DL 1931, C.D., EXC PL H406, 13384,
13419, 19648, 22654 & 24686

SUBJECT PROPERTY
DL6158, C.D., EXC PL H406 & 24686

ALR

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA,
USGS, AeroGRID, IGN, and the GIS User Community



Describe the existing use of the subject property and all buildings: _____

Residential and Hay field

Describe the proposed use of the subject property and all buildings: _____

Residential

Describe the reasons in support for the application: _____

Would like to relocate boundary so the hay field is on one lot and the residence is on its own lot.

Provide a general description of vegetation cover (i.e. treed, grassland, forage crop etc.): _____

Mostly hayfield, but treed near the creek.

Provide general geographical information (i.e. existing lakes, streams, physical features etc.): _____

Lyne Creek runs through proposed Lot B.

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Sewer System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewage Disposal System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Well	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000 | Fax: 604 660-7033

August 27, 2021

Reply to the attention of Sara Huber
ALC Inquiry: 52377
Local Government File: 3360-20/20210042

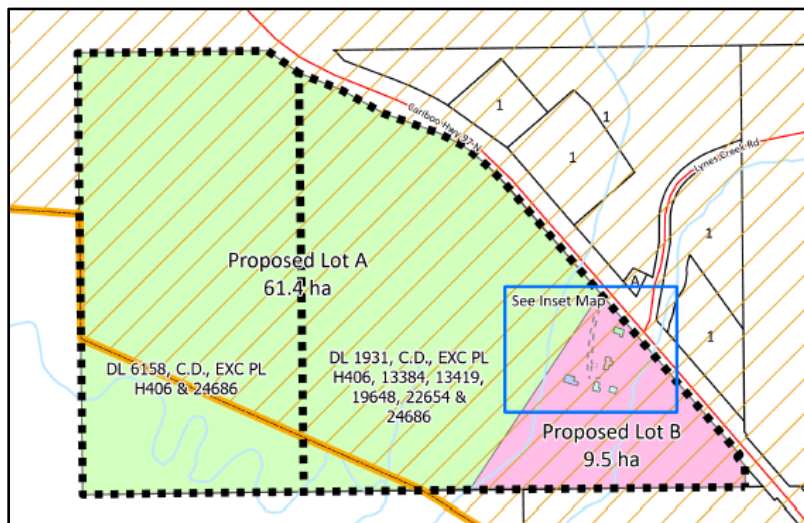
Genny Hilliard
Development Services Clerk V, CRD
gilliard@cariboord.ca

Re: Cariboo Regional District Central Cariboo Area Zoning Amendment Bylaw No. 5339

Thank you for forwarding a draft copy of Cariboo Regional District (CRD) Central Cariboo Area Zoning Amendment Bylaw No. 5339 (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, the ALR Use Regulation, and any decisions of the ALC.

The Amendment Bylaw proposes to rezone a 9.5 ha portion of the 43-ha property identified as 5131 Highway 97; PID: 015-311-708 (the “Property”) from Resource / Agricultural (R/A) to Rural 1 (RR1) in order to facilitate a boundary adjustment between the Property and the adjacent property to the west (PID: 015-311-694). The boundary adjustment proposes to create one 61.4 lot (Proposed Lot A) and one 9.5 ha lot (Proposed Lot B). The 9.5 ha portion of the Property being rezoned is to be contained within Proposed Lot B. Proposed Lot B currently contains a shop, storage, barn, and residence.

Proposal Sketch:



The Property is partially within the ALR. Proposed Lot B would be located entirely within the ALR, while Proposed Lot A would be partially within the ALR.

ALR Context Map:



ALC staff recognize that under s. 3(2)(b) of the ALR General Regulation an Approving Officer may authorize a boundary adjustment within the ALR, if it meets the following conditions:

- the agricultural land to be subdivided involves not more than 4 parcels, each of which is a minimum of 1 ha
- on subdivision, there would be no increase in the number of parcels and no parcel would be less than 1 ha
- the subdivision would allow for boundary adjustments that, in the opinion of the approving officer, will enhance farming on the agricultural land or permit better use of structures used for farming

Should the Approving Officer determine that the boundary adjustment conditions have been met, ALC staff have some concerns about the Amendment Bylaw, specifically, the Rural 1 zone. This zone appears to permit a number of residential (e.g., duplex) and non-residential (e.g., fire hall, refuse disposal) uses that are not permitted within the ALR. ALC staff encourage the CRD to pursue a site-specific zone or an exception to the existing Resource/Agricultural zone. In the case this is not possible, it should be clear that to undertake these uses within the ALR, they must be consistent with the ALC Act, its regulations, or decisions of the Commission.

The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any decisions of the Commission.

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

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'SH' or similar initials, written in a cursive style.

Sara Huber, Regional Planner

Enclosure: Referral of CRD 3360-20/20210042

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

52377m1

PRESENT:

Howie Chamberlin
Claudia Blair
Laila Potvin
Katya Potekhina
Torey Lee
Gord Chipman
Kathy Rourke

ABSENT:

Ron Kaufman – Conflict of Interest
Charlene Hays
Dan Jalbert
Gord Keener

ALSO PRESENT:

Steve Forseth – Electoral Area Director

Meeting called to order at 7:07pm – Thursday, September 9th, 2021 by the Area Director

Election of Acting APC Chair/Secretary:

Director Forseth advised the Commission that Ron Kaufman (APC Chair/Secretary) has declared a conflict of interest on the rezoning application before the Commission and accordingly, the position of Area 'D' APC Chair/Secretary was temporarily vacant and opened the floor for nominations for Acting APC Chair/Secretary for this meeting of the Commission

BY CONSENSUS:

That Howie Chamberlin be elected, by acclamation, as Acting APC Chair/Secretary for this meeting

CARRIED UNANIMOUSLY

H. Chamberlin then took the Chair at 7:08pm

Agenda Item:

Rezoning Application – 5131 Highway 97 North (Applicant: David Kaufman/Dunlevy Ranch Ltd)
Legal Description: District Lot 1931, Cariboo District, Except Plans H406, 13384, 13419,
19648, 22654 and 24686

Discussion ensued thereon by the Commission. After some time, it was:

MOVED – H. Chamberlin;
SECONDED – C. Blair:

"That further consideration of this rezoning application be deferred, pending the presence of the agent for the applicant along with answers to the following questions

- *Total square footage of Ancillary Buildings permitted in the RR1 Zone*
- *Plans for the various buildings (home, barns, etc)"*

CARRIED UNANIMOUSLY

The Commission then recessed at 7:20pm on Thursday, September 9th, 2021 and reconvened at 7:03pm on Wednesday, October 20th, 2021

PRESENT:

Howie Chamberlin, Acting Chair/Secretary
Laila Potvin
Torey Lee
Gord Chipman
Katya Potekhina
Dan Jalbert

ABSENT:

Ron Kaufman – Conflict of Interest
Charlene Hays
Gord Keener
Claudia Blair
Kathy Rourke

ALSO PRESENT:

Steve Forseth – Electoral Area Director
Veronica Meister – Agent for Applicant, David Kaufman
David Kaufman – Applicant

The Commission resumed its' consideration of the rezoning application from the Applicant who then presented his application to the Commission and the Applicant/Agent then responded to questions from the Commission

After some time, it was:

MOVED – H. Chamberlin;
Seconded – D. Jalbert:

"That the rezoning application for property at 5131 Highway 97 North **BE SUPPORTED**"

CARRIED UNANIMOUSLY

Adjournment:

MOVED – H. Chamberlin;

Seconded – T. Lee:

"That this meeting do now adjourn at 7:15pm on Wednesday, October 20th, 2021"

CARRIED UNANIMOUSLY

The Commission then adjourned at 7:15pm on Wednesday, October 20th, 2021

Certified correct:



Howie Chamberlin

Acting Chair/Secretary

Cariboo Regional District Electoral Area "D" Advisory Planning Commission

RESULTS OF PUBLIC HEARING

File No: 3360-20/20210042

Date: Tuesday, January 18, 2022

Location: Via Teleconference

Re: **CENTRAL CARIBOO AREA RURAL LAND USE AMENDMENT BYLAW NO. 5338, 2021**

Persons Present:

- ☒ Director: Steve Forseth
- ☐ Owner(s): David Kaufman/Dunlevy Ranch Ltd.
- ☐ Agent: Exton and Dodge Land Surveying Ltd.
- ☐ Public: See attached list
- ☒ Staff: Shivani Sajwan, Planning Officer II and Jonathan Reitsma, Planning Officer I
- ☒ **No public in attendance**

-
- ☐ **Waited ten (10) minutes and then called the meeting adjourned.**
 - ☐ Roll call conducted by Planning Staff.
 - ☒ 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 7:03 pm.
 - ☐ **Agent/Owner:** Provided summary of proposal.
 - ☐ The Chair read out public comments received since 4:00 pm. ☒ No comments received since 4:00 pm. 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.
 - ☒ 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
Steve Forseth (Jan 19, 2022 12:26 PST)

Signature of Chair