



Planning Application Information Sheet

Application Type: Temporary Use Permit

File Number: 3070-20/20220003

Electoral Area: H

Date of Referral: February 02, 2022

Date of Application: January 13, 2022

Property Owner's Name(s): JAYME L DUNCAN
KATHARINE A SCHATZ

SECTION 1: Property Summary

Legal Description(s): The Southwest 1/4 of District Lot 4210, Lillooet District

Property Size(s): 64.75 ha (160 ac.)

Area of Application: 64.75 ha (160 ac.)

Location: 5882 Hilltop Rd.

Current Designation:
Agricultural

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

Current Zoning:
Resource /Agricultural (RA 1)

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

Proposal: Retail sales of agricultural products not produced on the property as a home-based business with a maximum combined floor area of 85 sq. m (914.9 sq. ft.) dedicated to storage, display, and sales.

Existing Buildings: Single Family Dwelling - 131.36 sq. m (1,413.95 sq. ft.)
Woodshop - 186 sq. m (2,002.09 sq. ft.)
Chicken Coop and Shelters - 180 sq. m (1,937.5 sq. ft.)
Shipping Container - 31.59 sq. m (340 sq. ft.)
Garage - 53.51 sq. m (576 sq. ft.) and Lean-to - 12.54 sq. m (135 sq. ft.)
Old Barn - 141.1 sq. m (1,518.78 sq. ft.)

Proposed Buildings: No new buildings proposed.

Road Name: Hilltop Road

Road Type: Gravel/Dirt Road

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

Services Available: Hydro, Telephone, Sewage Disposal System, 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	060 2 Acres Or More (Single Family Dwelling, Duplex)	64.75 ha (160 ac.)
	061 2 Acres Or More (Vacant)	32.37 ha (80 ac.)
(b) South	061 2 Acres Or More (Vacant)	77.69 ha (192 ac.)
	151 Beef (Vacant)	64.75 ha (160 ac.)
	180 Mixed	64.75 ha (160 ac.)
(c) East	060 2 Acres Or More (Single Family Dwelling, Duplex)	4.04 ha (10 ac.) - 60.50 ha (149.51 ac.)
(d) West	061 2 Acres Or More (Vacant)	106.43 ha (263 ac.)

PLANNING COMMENTS

Background:

A temporary use has been proposed on a 64.75 ha (160 ac.) agricultural property at 5882 Hilltop Road between Gateway and Buffalo Creek in Electoral Area H. The applicants propose retail sales of agricultural products as a home-based business. The business, the sale of feed and minerals for goats and other livestock, is currently located within a garage and a shipping container, together having an area of roughly 85 sq. m (915 sq. ft.), and additionally a lean-to of 12.5 sq. m (135 sq. ft.).

The subject property is designated Agricultural in the South Cariboo Area Official Community Plan, 5171, 2018 and Resource/Agricultural (RA 1) in the South Cariboo Area Zoning Bylaw No. 3501, 1999. This zone does permit farm retail sales and home-based businesses; however, the Cariboo Regional District bylaws do not permit for retail sales in home-based businesses and farm retail sales must be limited to products produced on the property. As this use is not permitted on the site, a temporary use permit is required to legalize this use.

Planning staff note that the application is being made retroactively, and that the need for application was brought to the applicant's attention through Cariboo Regional District (CRD) Bylaw Enforcement action. This application is an attempt by the applicants to rectify the situation and create closure for the active Bylaw Enforcement file.

Location and Surrounding:

The subject property is located at 5882 Hilltop Road in the South Cariboo, located north-east of 100 Mile House. The property is largely flat with some dugouts and wet areas. It is primarily grassland but has some treed areas consisting of conifers.

CRD Regulations and Policies:

South Cariboo Area Official Community Plan Bylaw No. 5171, 2018

16.0 TEMPORARY USE PERMITS

16.2 Temporary Use Permits may be issued in all areas in the South Cariboo OCP

16.3.1 The Cariboo Regional District Board:

Will consider an application for a Temporary Use Permit within the South Cariboo OCP Area subject to the following conditions:

- i. The use must be clearly temporary or seasonal in nature;
 - ii. The use must not have the potential to cause undesirable health, safety or environmental impacts;
 - iii. The use must not have a negative impact on adjacent lands;
 - iv. The use will create a low demand for water and sewer services;
 - v. The use will be authorized for the earlier of three years after the permit was issued or such time as specified in the permit; and
 - vi. The use will not result in permanent alteration of the site upon which it is located, and
- 16.3.2 May require as a condition of issuing a Temporary Use Permit that the owner of the land provide security to guarantee the performance of the terms of the permit.
- 16.3.3 May require the owner of the land to give an undertaking to:
- i. Demolish or remove a building or other structure, and
 - ii. Restore land described in the permit to a condition specified in the permit by a date specified in the permit.

South Cariboo Area Zoning Bylaw No. 3501, 1999

4.20 OFF-STREET PARKING AND LOADING SPACE REQUIREMENTS

Commercial (Retail)

- 4.4 per 100 square metres of gross floor area.

Rationale for Recommendations:

Planning staff have no objection to the requested temporary use application. The South Cariboo Area Official Community Plan allows for applicants to apply for a variety of temporary uses except for short-term vacation rentals on any property type. The proposal would allow for retail sales of agricultural products – feed, minerals, and other accessories required for goats and other livestock, from an ancillary structure and shipping container on the site. The South Cariboo Area Zoning Bylaw requires 4.4 parking spaces per 100 sq. m of retail business area. The area of these structures combined, as well as the lean-to would bring the square footage just below 100 sq. m. The applicants indicate there is enough space for seven parking stalls, exceeding the requirements of the parking regulations.

The Ministry of Forests, Lands, Natural Resource Operations (FLNRO) and the Interior Health Authority have replied to the referral stating that they have no concerns with the proposal.

The Ministry of Transportation and Infrastructure (MOTI) has no objections in principle to the temporary use permit but requires the applicants to apply for an access permit off of Hilltop Road.

The property is located within the Agricultural Land Reserve (ALR). The Agricultural Land Commission (ALC) has reviewed the application against Section 24 of the ALR Use Regulation as a home occupation use. The proposal meets the criteria laid out in this section; namely the structure containing the business is accessory to and located on the same parcel as the residence and does not exceed the local government's regulation. The Cariboo Regional District restricts the maximum area of home industry uses on lots greater than 0.4 hectares to a total maximum area of 150 sq. m (1,614 sq. ft.).

The Ministry of Agriculture, Food, and Fisheries (MAFF) has reviewed and provided insights to the application. Notably the Ministry is taking caution regarding the *Weed Control Act*, reminding the applicant that they have an obligation to control noxious weeds on the site. The Ministry requires that weed prevention and control plans are put in place and followed during all phases of operation. The Ministry also notes that the application does not appear to have any negative impact on the agricultural capability of the subject property or surrounding parcels. MAFF notes that the closest livestock feed supplier is located 15 km away in 100 Mile House.

The Electoral Area 'H' Advisory Planning Commission has reviewed the application and supports the proposal, stating that the specialized feed is needed within the area.

Staff note that the proposal is within a building inspection service area. The CRD Chief Building Official reports that a change of occupancy permit may be required for the creation of mercantile occupancy. The applicant is required to apply for a change of occupancy with the CRD Building Services Department.

Planning staff note that the intention not to permit retail sales in home-based business regulations of the CRD is to reduce the impacts of traffic. Should traffic result in further bylaw enforcement investigation throughout the course of the temporary use permit, staff will further evaluate prior to any requested renewal or permanent zoning amendment.

Due to the rural nature of the application, Planning Staff recommend the Board require public notice for this application as an alternative to holding a public meeting.

Recommendation:

1. That the application pertaining to The Southwest 1/4 of District Lot 4210, Lillooet District, requesting the issuance of a Temporary Use Permit to allow the subject land and buildings thereon be used for the retail sales of agricultural products be considered for approval in principle as per Appendix "B", subject to the following:

- i) An approved Commercial Access Permit must be received from the Ministry of Transportation and Infrastructure.
- ii) A Change of Occupancy permit issued by the Building Services Department for the creation of mercantile occupancy.
- iii) Compliance with the Home Industry regulations in section 4.10 of the South Cariboo Area Zoning Bylaw No. 3501, 1999.

Further, that Security Policy 91-4-4 (ss) be waived with respect to a security deposit and undertaking of a rezoning application prior to permit expiry.

Further, that a public notice, advising of the details of the application and requesting written submissions from interested persons, be placed in the local newspaper.

REFERRAL COMMENTS

Health Authority: February 3, 2022

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: February 14, 2022

2022-00598

MOTI have no objection subject to the applicant (Schatz/Duncan) applying to the Ministry for an access permit on Hilltop Rd.

Advisory Planning Commission: February 24, 2022

See attached.

Agricultural Land Commission: February 11, 2022

Thank you for forwarding this Temporary Use Permit to the ALC for review. I understand that the proposal is to store and resell livestock feed in an existing garage and sea can, totalling 85 m². The applicants live on the property and the feed is not produced on the property. It appears to meet the criteria for a home occupation use in the ALR, as set out in [section 24 of the ALR Use Regulation](#):

Home occupation use

24 (1) The use of agricultural land for a commercial or similar use within a structure is permitted, but may be prohibited as described in section 20, if all of the following conditions are met:

- (a) the structure is accessory to and located on the same parcel as a residence;
- (b) the structure occupies an area that does not exceed
 - (i) the limit specified in an applicable local government enactment or first nation government law, or
 - (ii) if subparagraph (i) does not apply, 100 m²

Ministry of Environment and Climate Change Strategy:

No Response.

Ministry of Agriculture, Food and Fisheries: March 4, 2022

See attached.

Ministry of FLNRO - Range: February 3, 2022

No concerns.

CRD Chief Building Official: March 3, 2022

No objections. Change of occupancy permit may be required for the creation of mercantile occupancy. Applicant to contact building department prior to commencement of construction.

BOARD ACTION

March 18, 2022:

That the application pertaining to The Southwest 1/4 of District Lot 4210, Lillooet District, requesting the issuance of a Temporary Use Permit to allow the subject land and buildings thereon to be used for the retail sales of agricultural products, be approved, in principle, as per Appendix "B", subject to the following conditions:

- i. An approved Commercial Access Permit must be received from the Ministry of Transportation and Infrastructure.
- ii. A Change in Occupancy permit issued by the Building Services Department for the creation of mercantile occupancy.
- iii. Compliance with the Home Industry regulations in Section 4.10 of the South Cariboo Area Zoning Bylaw No. 3501, 1999.

Further, that Security Policy 91-4-4 (ss) be waived with respect to a security deposit and undertaking of a rezoning application prior to permit expiry.

Further, that a public notice, advising of the details of the application and requesting written submissions from interested persons, be placed in the local newspaper.

ATTACHMENTS

Appendix A: General Map

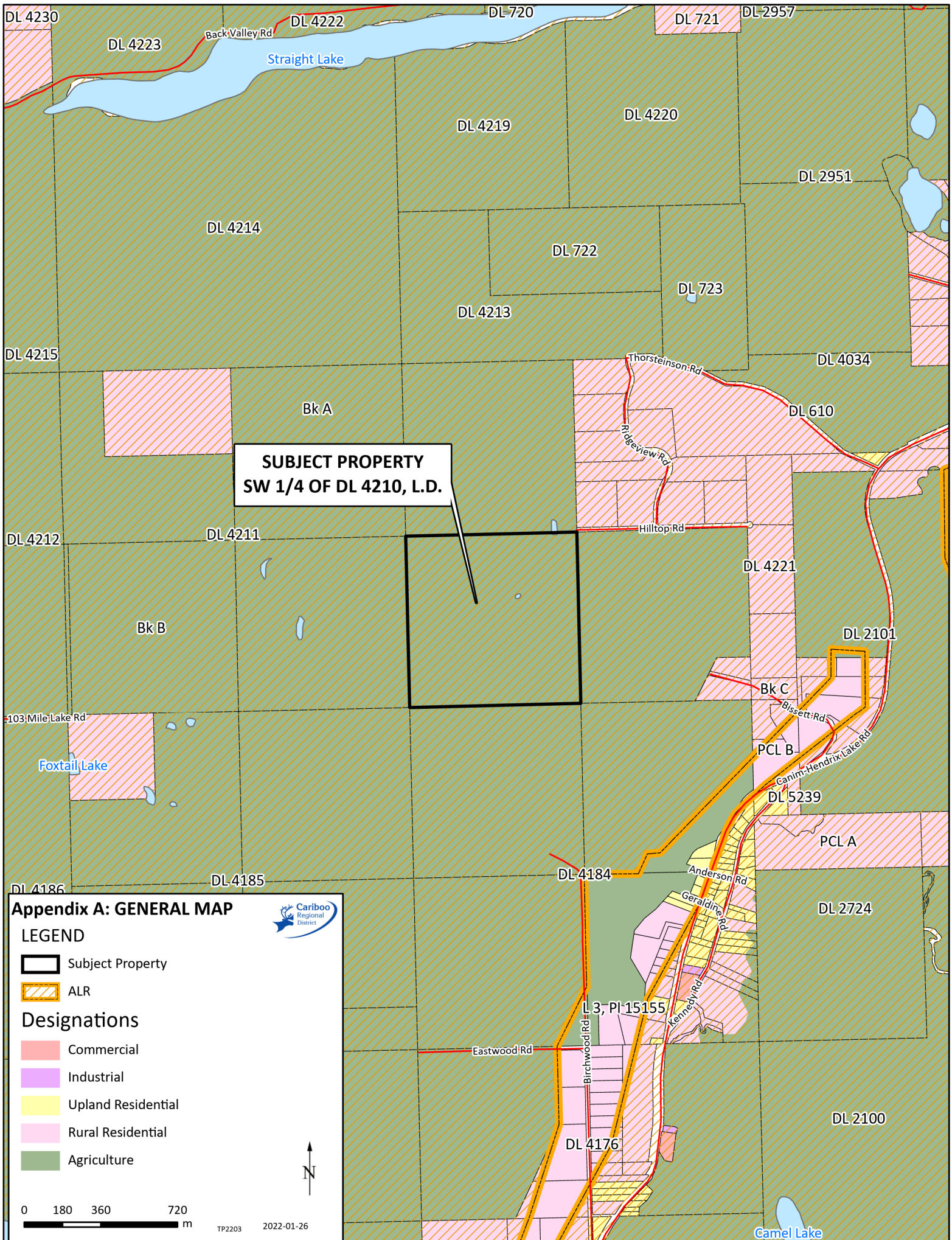
Appendix B: Specific Map

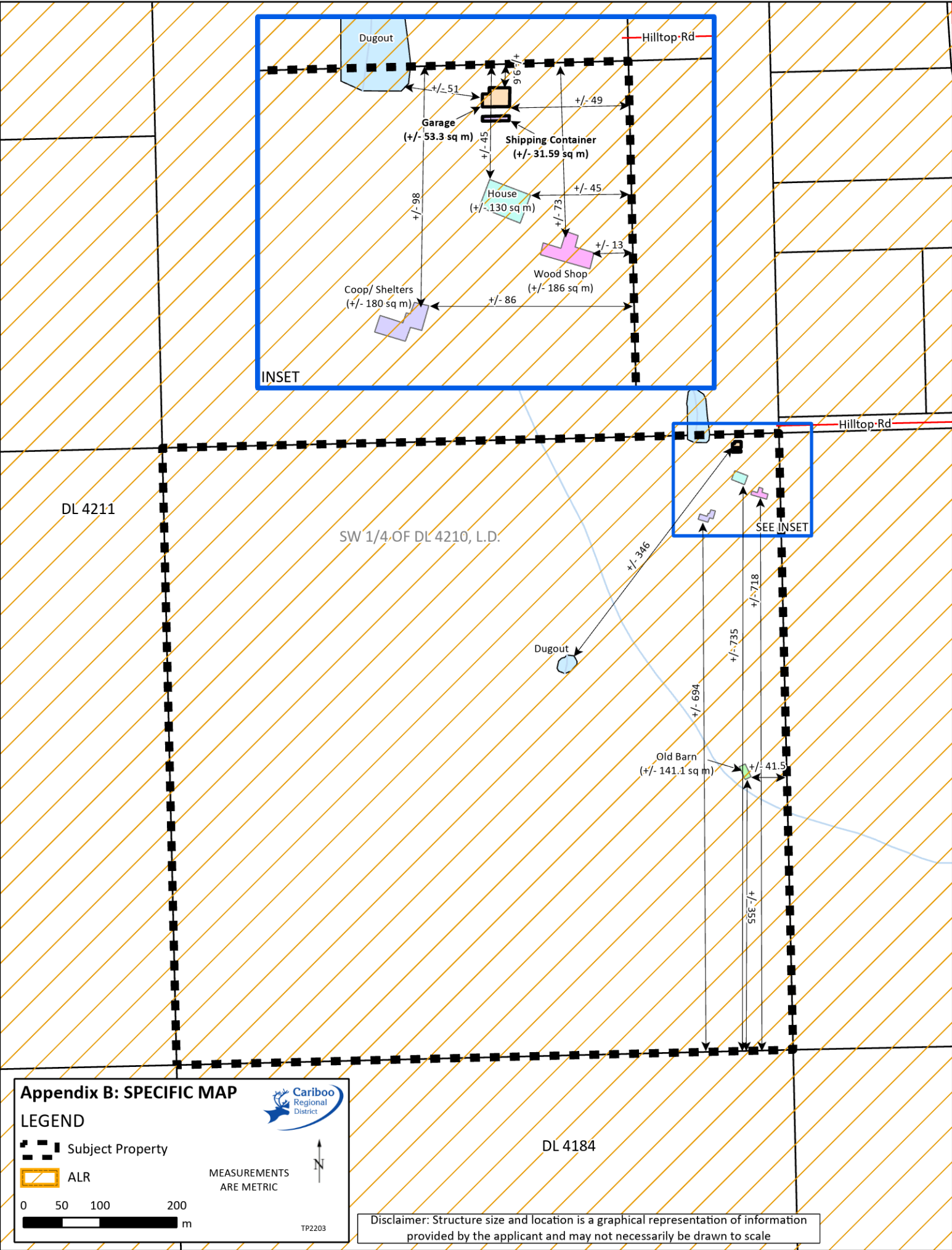
Appendix C: Orthographic Map

Other: Applicant's Supporting Documentation

Advisory Planning Commission Comments

Ministry of Agriculture, Food and Fisheries Comments





Appendix B: SPECIFIC MAP

LEGEND

Subject Property

ALR

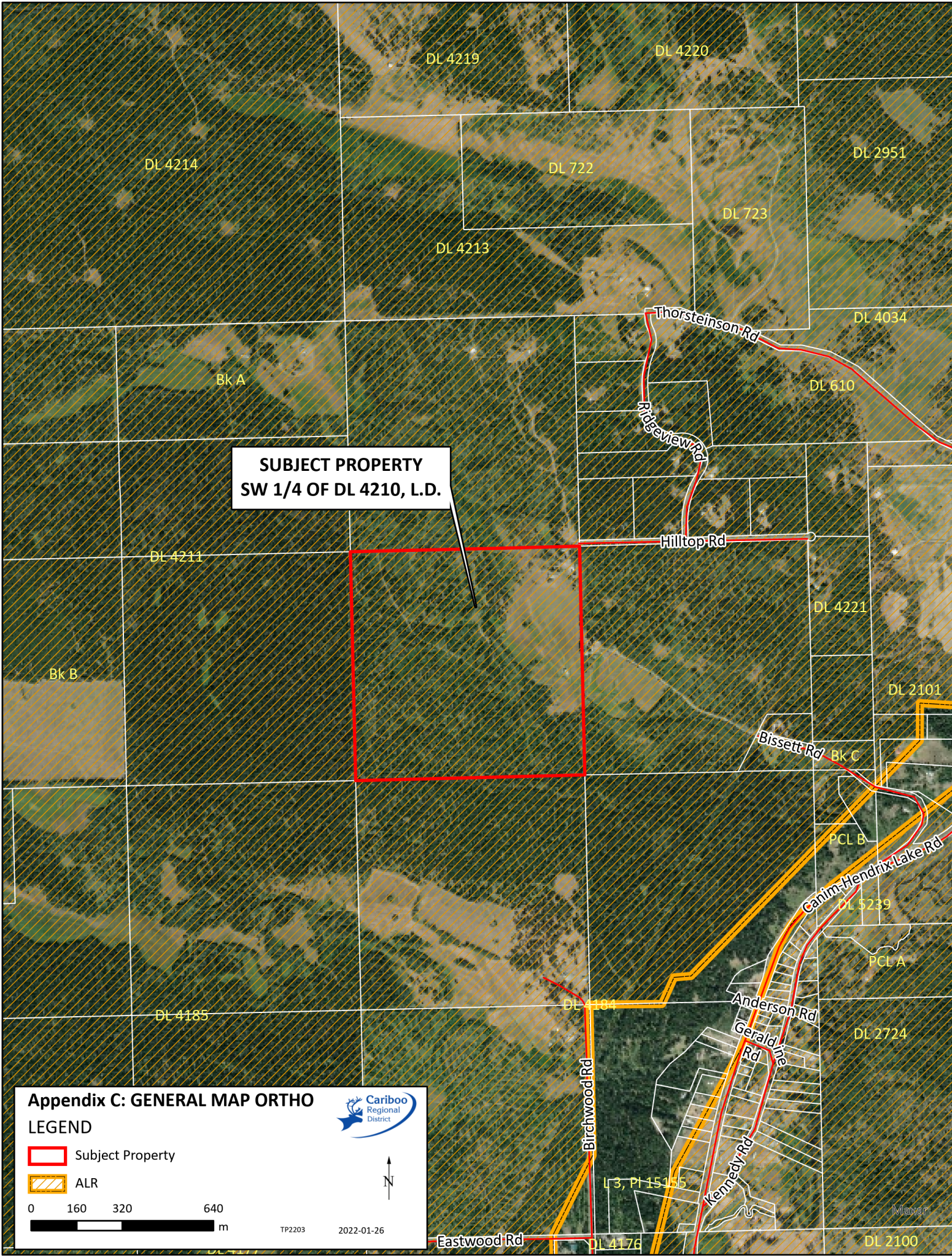
MEASUREMENTS
ARE METRIC

0 50 100 200
m



TP2203

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




SUBJECT PROPERTY
SW 1/4 OF DL 4210, L.D.

Appendix C: GENERAL MAP ORTHO

LEGEND

 Subject Property

 ALR

0 160 320 640
 m

TP2203

2022-01-26



Describe the existing use of the subject property and all buildings: My family and I live here and ranch on the land. Garage is used for feed storage. Sea can is currently empty.

Describe the proposed use of the subject property and all buildings: We would like to use the garage and sea can to store feed and mineral for livestock for retail sales.

Describe the reasons in support for the application: We have a lot of personal need for livestock feeds (especially goat/sheep). It is hard to find feeds for goats and someone knowledgeable, and I want to provide that.

Provide a general description of vegetation cover (i.e. treed, grassland, forage crop etc.): Buildings are in place. Driveway and parking space already exist. Some grass cover and a few coniferous trees.

Provide general geographical information (i.e. existing lakes, streams, physical features etc.): proposed area is fairly flat. there is a natural wet spot that holds runoff approx 180' behind the garage

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Sewer System	<input type="checkbox"/>	<input checked="" 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"/>

ADVISORY PLANNING COMMISSION RESPONSE FORM

Minutes of the meeting of the Electoral Area 'H' advisory planning commission held on Feb 24/22 in the Video Conference call, located at Canim Lake, BC, commencing at 7:02 pm

PRESENT:

Chair

Peter Sanders

Members

Karen Smith, Lori Frame, Tom Price, Elisse Maricchi
Comments submitted from
absent members - Helen Kellington, ~~Elisse Maricchi~~

Recording Secretary

MARGO WAGNER

Owners/Agent, or

Katharine Schatz, Jayme Duncan

☐ Contacted but declined to attend

ABSENT:

Helen Kellington, Will Van Osd, Louis Jackson

ALSO PRESENT: Electoral Area Director

MARGO WAGNER

Staff support (if present)

Agenda Items

TP APPLICATION – 3070-20/20220003 (THE SOUTHWEST 1/4 OF DISTRICT LOT 4210, LILLOOET DISTRICT)

Karen Smith / Tom Price : "THAT the application for a temporary permit for property located at 5882 HILLTOP RD be supported/rejected for the following reasons:

i) Needed for the area

ii) Good idea for a specialized

For:

6

Against:

0

CARRIED/DEFEATED

Termination

Lori Frame / Peter Sanders

: That the meeting terminate.

CARRIED

Time: 7:26 pm

Margo Wagner
Recording Secretary

Chair



March 4, 2022

Jonathan Reitsma
Planning Officer I
Cariboo Regional District
Sent by email jreitsma@cariboord.ca

Dear Jonathan:

Re: File: 3070-20/2022003 – Temporary Use Permit at 5882 Hilltop Road (The SW ¼ of District Lot 4210) – The Subject Property

Thank you for providing the opportunity for the Ministry of Agriculture, Food and Fisheries (Ministry) to comment on File 3070-20/2022003 that proposes a Temporary Use Permit (TUP) to allow retail sale of feed supplies for livestock on the Subject Property. From an agricultural perspective, the Ministry offers the following comments:

- The subject parcel is 64.75 ha and is entirely within the Agricultural Land Reserve (ALR).
- The subject parcel is bordered by very large parcels that are also entirely within the ALR.
- The applicants are the owners of the subject parcel and reside and keep livestock on the property.
- The proposal includes using existing infrastructure on the subject parcel for the farm retail sales and does not propose any new buildings.
- It is noted that increased traffic to the subject parcel may lead to the introduction of invasive species. Under the *Weed Control Act*, the land occupier has a legal obligation to control noxious weeds on the site. Control of both plants and seeds is required as the seeds from invasive plants can lay dormant and viable in the soil for many years and can be a serious long-term problem. Ensuring that weed prevention and control plan is in place and followed during all phases of the operation is critical.
- The proposed TUP to allow retail sale of feed supplies does not appear to have any negative impact on the agricultural capability of the subject parcel or surrounding parcels and may in fact provide a benefit to agriculture in the area as a feed supplier for livestock materials in a rural neighbourhood. The closest livestock feed supplier is located 15 km away in 100 Mile House, which was up for sale recently.

Please contact Ministry staff if you have any questions regarding the above comments.

Sincerely,

Marisa McDonald, P. Ag
Land Use Planner
236-713-2265
Marisa.McDonald@gov.bc.ca

Nicole Pressey, P. Ag
Regional Agrologist
236-713-2223
Nicole.Pressey@gov.bc.ca

Cc: Michael McBurnie, Regional Planner – Agricultural Land Commission