

# Temporary Permit Information Package

**File Number:** 3070-20/20180051

**Electoral Area:** H

**Date of Referral:** December 12, 2018

**Date of Application:** December 7, 2018

**Property Owner's Name(s):** David Davies and Leanna Davies

**Applicant's Name:** David Davies and Leanna Davies

## SECTION 1: Property Summary

**Legal Description(s):** District Lot 8333, Lillooet District

**Area of Application:** 18 ha (44.47 ac)

**Location:** 2750 Bradley Creek Road

**Authorization Bylaw:**

Cariboo Regional District Temporary Use Permit Bylaw No. 5230, 2019

**Zoning Bylaw:**

South Cariboo Area Zoning Bylaw No. 3501, 1999

**Current Zoning:**

Resource/Agricultural (RA 1)

**Min. Lot Size Permitted:**

32 ha (79.07 ac)

**Existing Use:** bare land

**Proposed TP Use:** The applicants would like to use the property for recreational use, a seasonal campground and to host mud racing events with the NWMRA (sanctioned event), which is a non-profit association. They would also like to host other outdoor recreational events or fundraising events for the community and trails for riding.

**Name and type of existing road system:** Bradley Creek Rd

**Services Available:** None

**Within the influence of a Controlled Access Highway:** No

**Within the confines of the Agricultural Land Reserve:** No

**Is this a permitted use (Farm use or Non-Farm Use):**  Yes  No

**Section or ALR Resolution:** N/A

**Required to comply with a Development Permit Area:**  Yes  No

**DP Area:** N/A

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

Land Use:

Lot Sizes:

Actual Use Code:

- |     |                                |                   |
|-----|--------------------------------|-------------------|
| (a) | Unsurveyed Crown Land<br>North |                   |
| (b) | 150 – Beef<br>South            | 64.74 ha (160 ac) |
| (c) | Unsurveyed Crown Land<br>East  |                   |

## SECTION 2: Planning Report

### Background:

The applicants are seeking a temporary permit to host mud racing events with the NWMRA (sanctioned event), which is a non-profit association, and to use the property as a seasonal campground for recreational use. They would also like to host other outdoor recreational events or fundraising events for the community and trails for riding.

The proposed area of application is 18 ha (44.47 ac) as shown in Appendix B and is currently zoned Resource/Agricultural (RA 1) in the South Cariboo Area Zoning Bylaw No. 3501, 1999.

### Location & Surroundings:

The subject property is located on Bradley Creek Road with Bradley Creek that runs approximately through the middle of the property from North to South as shown in Appendix A. Currently, it is a vacant land with dense tree coverage. The property is mostly surrounded by unsurveyed Crown Land with a logging business to the south of the subject property.

### Application History:

The applicants had previously requested to rezone the property to Tourist Commercial (C 2) zone. However, after careful consideration about nuisance concerns from the neighboring properties and water sensitivity on site, CRD decided to issue Temporary Use Permit instead of rezoning the property.

### CRD Regulations and Policies:

Temporary Permits can be issued for up to 3 years to allow a land use that would not be permitted under the existing zoning bylaw.

As the subject property lies outside of an Official Community Plan (OCP) area, it requires a bylaw to allow Temporary Use and therefore follows the similar procedure of Zoning bylaw Amendment process.

### Local Government Act

### **Temporary use permits for designated areas and other areas 493**

- (1) On application by an owner of land, a local government may issue a temporary use permit as follows:
  - a) by resolution, in relation to land within an area designated under section 492;
  - b) by bylaw, in relation to land within an area outside a municipality, if there is no official community plan in effect for the area.
- (2) A temporary use permit may do one or more of the following:
  - a) allow a use not permitted by a zoning bylaw;
  - b) specify conditions under which the temporary use may be carried on;
  - c) allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.
- (3) If a local government delegates the power to issue a temporary use permit under this section, the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter.

Rationale for Recommendations:

As there is a demand for this type of social activity of mud racing events in the area promoting local community engagement and being the proposal is temporary in nature, planning staff supports this application.

However, the area of application is adjacent to highly sensitive Bradley Creek and other irrigation channels with low relief terrain which may pose a risk that the mud bogging area could flood during high flow events. Further, there is a potential risk for release of sediments or contaminated water from the mud bogging area directly into the Bradley Creek and other irrigation channels present on site during high runoff and stream flow periods.

Therefore, it is recommended to develop and implement a sediment containment plan to prevent the release of sediment, debris, refuse, contaminants or other substances into Bradley Creek, tributaries and irrigation channels which may cause a significant adverse impact to the stream channel or aquatic ecosystem of the stream during the operation of the mud bogging events.

Recommendations:

That the application for a bylaw to allow Temporary Use pertaining to District Lot 8333, Lillooet District be approved, subject to the following conditions:

- a. Development and implementation of a sediment containment plan by a registered professional biologist experienced with sediments containment plans and instream works.
- b. The recreational vehicles must be parked only within the proposed area for temporary use permit.
- c. No recreational vehicles can be parked on public streets including # 313 Bradley Creek Road.
- d. No mud racing on # 313 Bradley Creek Road.
- e. No tracking of mud or debris on to # 313 Bradley Creek Road.
- f. No signage within Ministry of Transportation and Infrastructure right-of-way.

Further, the cost of developing and implementing a sediment containment plan by a qualified registered professional be borne by the applicants.

### **SECTION 3: Referral Comments**

**Health Authority:** - January 3, 2019

See attached.

**Ministry of Transportation and Infrastructure:** - December 18, 2018

The Ministry of Transportation and Infrastructure has no objection in principle to the proposed temporary permit subject to the following conditions:

- No parking on # 313 Bradley Creek Road
- No mud racing on # 313 Bradley Creek Road
- No tracking of mud or debris on to # 313 Bradley Creek Road
- No signing within Ministry of Transportation and Infrastructure right-of-way

**Advisory Planning Commission:** January 29, 2019

Supported. See attached.

**Ministry of Environment:** - May 16, 2019

See comments attached.

**CRD Environmental Services Department:** - December 13, 2018

CRD Environmental Services interests are unaffected by the Temporary Permit application.

### **SECTION 4: Board Action**

Date of Meeting: August 23, 2019

That Cariboo Regional District Temporary Use Permit Bylaw No. 5230, 2019 be read a first and second time this 23rd day of August, 2019 subject to the following conditions:

- a. Development and implementation of a sediment containment plan by a registered professional biologist experienced with sediments containment plans and instream works.
- b. The recreational vehicles must be parked only within the proposed area for temporary use permit.
- c. No recreational vehicles can be parked on public streets including # 313 Bradley Creek Road.
- d. No mud racing on # 313 Bradley Creek Road.
- e. No tracking of mud or debris on to # 313 Bradley Creek Road.
- f. No signage within Ministry of Transportation and Infrastructure rightof-way.

Further, the cost of developing and implementing a sediment containment plan by a qualified registered professional be borne by the applicants.

Date of Meeting: December 6, 2019

That Cariboo Regional District Temporary Use Permit Bylaw No. 5230, 2019 be read a third time this 6<sup>th</sup> day of December, 2019.

Date of Meeting: May 29, 2020

That Cariboo Regional District Temporary Use Permit Bylaw No. 5230, 2019 be adopted this 29<sup>th</sup> day of May 2020.

Further that the applicants be advised that should they try to hold an event prior to completion of the sediment control measures that they have undertaken to complete as soon as weather and ground conditions allow, that the Board will immediately proceed with the steps necessary to rescind this approval.

## **ATTACHMENTS**

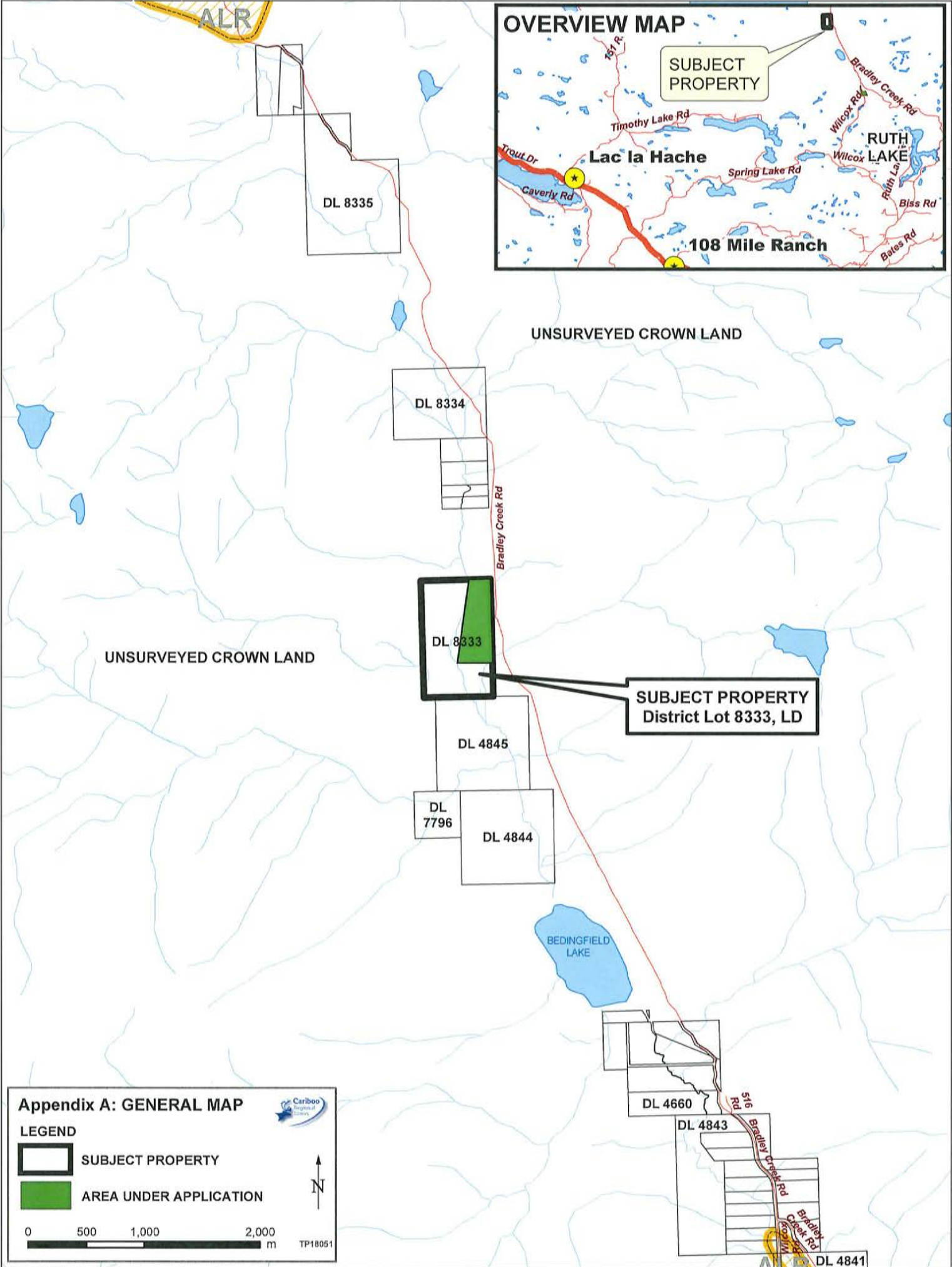
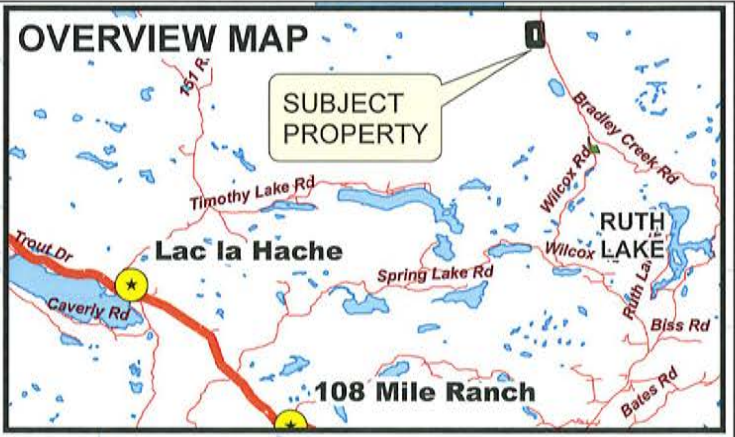
Appendix A: General Map

Appendix B: Specific Map

Appendix C: Orthographic Map

Appendix D: Site Plan

Other: Interior Health comments  
APC Response Form  
Comments from Ministry of Environment  
Cariboo Regional District Temporary Use Permit Bylaw No. 5230, 2019  
Results of Public Hearing



**Appendix A: GENERAL MAP**

**LEGEND**

- SUBJECT PROPERTY
- AREA UNDER APPLICATION

0 500 1,000 2,000 m

TP18051

Cariboo Regional District




# Appendix B: SPECIFIC MAP



## LEGEND

 SUBJECT PROPERTY

 PROPOSED AREA FOR TEMPORARY USE PERMIT



TP18051

UNSURVEYED

CROWN LAND

+/-417.57

+/-185.93

PROPOSED AREA FOR TEMPORARY USE PERMIT TO USE THE THE PROPERTY FOR RECREATIONAL USE +/- 18 ha

UNSURVEYED CROWN LAND

WETLAND

AREA UNDER APPLICATION (+/- 18 ha)

DL 833

District Lot 8333, LD (+/-60.7 ha)

DRIVEWAY

724.2

Bradley Creek Rd

+/-1005.84

+/-304.8

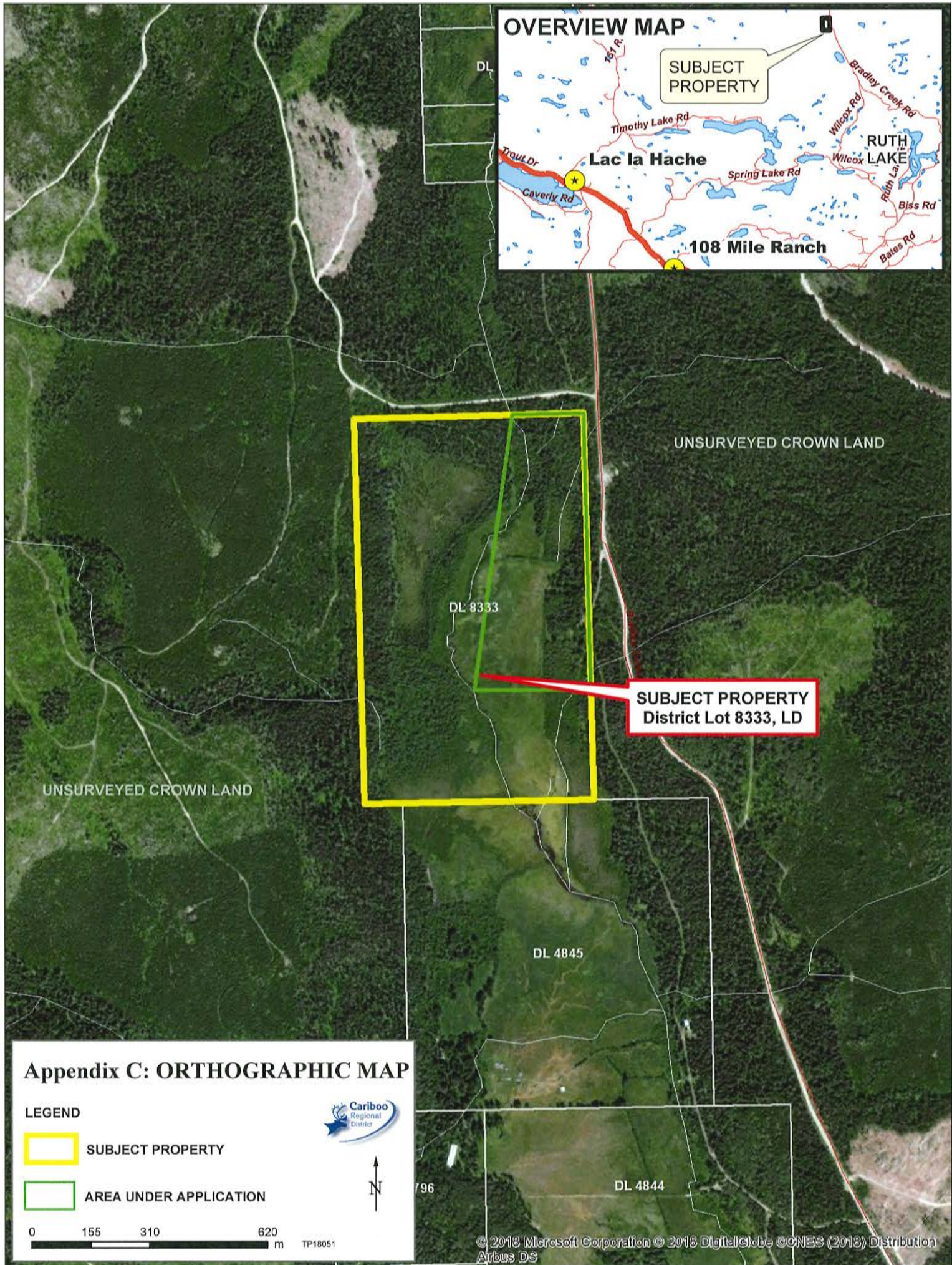
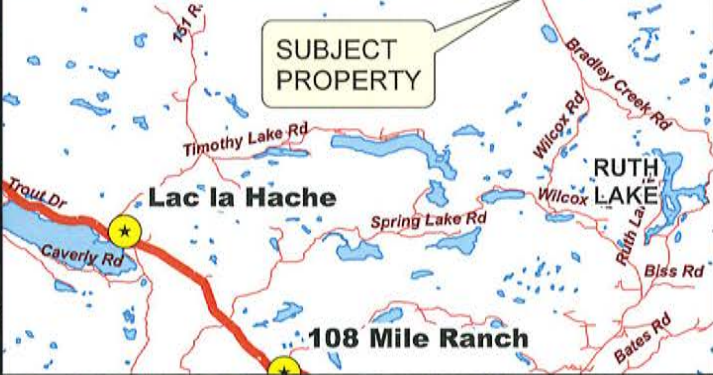
+/-286.3

+/-603.53

DL 4845



### OVERVIEW MAP

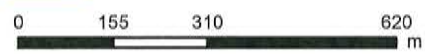


### Appendix C: ORTHOGRAPHIC MAP

#### LEGEND

 SUBJECT PROPERTY

 AREA UNDER APPLICATION



TP18051



# Appendix D: SITE PLAN



## LEGEND



SUBJECT PROPERTY



PROPOSED AREA FOR TEMPORARY USE PERMIT



TP18051

UNSURVEYED

CROWN LAND

+/-417.57

+/-185.93

PROPOSED AREA FOR TEMPORARY USE PERMIT TO USE THE THE PROPERTY FOR RECREATIONAL USE +/- 18 ha

UNSURVEYED CROWN LAND

WETLAND

AREA UNDER APPLICATION (+/- 18 ha)

DL 833

District Lot 8333, LD (+/-60.7 ha)

DRIVEWAY

Bradley Creek Rd

+/-1005.84

+/-969.74

724.2

+/-304.8

+/-286.3

+/-603.53

DL 4845

## RESPONSE SUMMARY

- |  |   |
|--|---|
| <input type="checkbox"/> Approval Recommended for Reasons Outlined Below           | <input type="checkbox"/> Interests Unaffected by Bylaw                          |
| <input type="checkbox"/> Approval Recommended Subject to Conditions Outlined Below | <input type="checkbox"/> Approval Not Recommended Due to Reasons Outlined Below |

Thank you for the opportunity to comment on the Application for a Temporary Permit for a recreational venue and a seasonal campground.

The seasonal campground would require an approved drinking water supply system and a sustainable onsite sewerage treatment system to accommodate the proposed recreation use and campground.

The parcel appears to have a large portion of the land within a wetland. Interior Health has concerns with proposed development within a wetland area.

Prior to any land use change Interior Health would recommend that the owner demonstrate that the proposal is environmentally sound within a wetland area and that the campground can be services in accordance with required legislation.

We recommend that the owner should contact the Environmental Health office in Williams Lake to obtain additional details on drinking water supply systems or review the necessary details on our website:

<https://www.interiorhealth.ca/YourEnvironment/DrinkingWater/Pages/Permits.aspx>

Onsite sewerage systems information can be obtain on our website:

<https://www.interiorhealth.ca/YourEnvironment/HBE/Pages/Onsite-Sewerage-Systems.asp>

If you have any questions, please contact me at 250-851-7347 or via e-mail at [HBE@interiorhealth.ca](mailto:HBE@interiorhealth.ca)

Signed By:  Title: Environmental Health Officer

Date: December 28, 2018 Agency: Interior Health Authority



ADVISORY PLANNING COMMISSION RESPONSE FORM

Minutes of the meeting of the Electoral Area 'H' advisory planning commission held on Jan 28, 2019 in the Community Hall, located at Forest Grove, BC, commencing at 7:00 PM

**PRESENT:**

Chair	PETER SANDERS
Members	LOUIS JOOSON LORE FRAME ELISA MAROCCHI Will VanOsch KEN BOURNE
Recording Secretary	SHELLY MORTON
Owners/Agent, or <input type="checkbox"/> Contacted but declined to attend	DAVID DAVIES LEANNE DAVIES MIKE IRWIN JP MALBET

**ABSENT:** TOM PRICE

**ALSO PRESENT:** Electoral Area Director MARGO WAGNER  
Staff support (if present)

Agenda Items

**TEMPORARY PERMIT APPLICATION – 3070-20/20180051 (District Lot 8333, Lillooet District)**

KEN BOURNE / ELISA MAROCCHI : "THAT the application for a temporary permit at 2750 BRADLEY CREEK ROAD be supported/rejected for the following reasons:

- i) The Area "H" APC discussed the application, reviewing the past & current discussions, and all agreed that the project will be highly beneficial to both the immediate & surrounding area.
- ii)

For: 6 Against: 0 **CARRIED/DEFEATED**

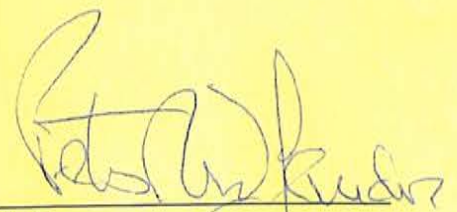
Termination

KEN BOURNE / ELISA MAROCCHI : That the meeting terminate.

**CARRIED**

Time: 7:30 PM

  
\_\_\_\_\_  
Recording Secretary

  
\_\_\_\_\_  
Chair



**CRD Referral: Zoning Amendment Bylaw No. 5157**  
**File number: 3360-20/200180030**  
**District Lot 8333, Bradley Creek**

**Habitat Section Comments**  
**Lynn Avis, Habitat Biologist, FLNRORD**  
**May 16<sup>th</sup>, 2019**

The following document outlines recommendations from the Habitat section based on a desktop review, data collected during site inspections on August 21<sup>st</sup> 2018, November 14<sup>th</sup> 2018, April 18<sup>th</sup> 2019 and information provided by the landowners who attended the site visit on November 14<sup>th</sup> 2018.

## **1. Environmental Values**

### **1.1 Identified Streams**

Three unmapped streams on the property were identified during the field visits (Figure 1, blue lines). One of these streams was diverted out of its natural stream channel. This stream currently flows through the property in a south west direction in a constructed channel (Figure 1, orange line) before dissipating into the forest on the east side of the eastern irrigation channel. The natural path of the stream channel is indicated by the purple line (Figure 1). The natural path of the stream subsequently enters the eastern irrigation channel. The three streams enter the irrigation channels at a 90 degree angles.

The property has historically established irrigation channels (Figure 1 yellow lines). The western irrigation channel connects directly to Bradley creek and fish were observed in the irrigation channel during the site visit on August 21<sup>st</sup> 2018. As the irrigation channels directly connect to Bradley Creek and are fed by natural streams, they meet the definition of a stream under the Water Sustainability Act.

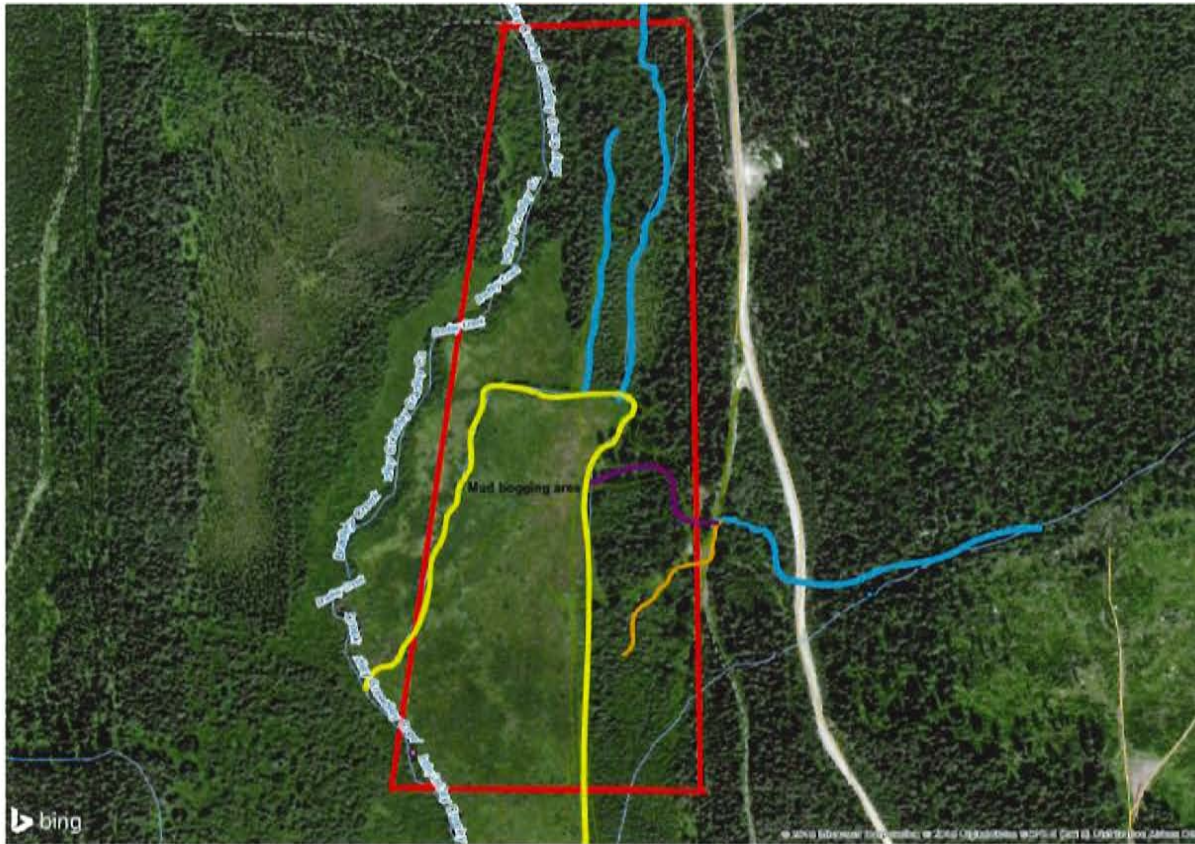


Figure 1. Approximate locations of streams identified within the area of application. Blue lines= unmapped streams that have not been modified recently, orange line= current path of diverted stream, purple line = natural path of the stream prior to diversion, yellow lines = irrigation channels

## 1.2 Fisheries Values

Bradley Creek is a moderately sized stream, with channel widths ranging from 6.4-8.7m. Fish species in Bradley creek include rainbow trout, mountain whitefish, burbot, longnose sucker, largescale sucker, northern pikeminnow, redbreast sunfish, peamouth chub and prickly sculpin. Several lakes in the watershed, including Hawkins, Beddingfield, Ruth and Greenlee lakes, support sport fisheries. Previous studies in the watershed have identified significant habitat values in large wetlands associated with fish bearing lakes. Beddingfield lake and its associated wetlands, located approximately 2kms downstream from district lot 8333, are an example of these key habitat attributes (Figure 2). These valuable habitat areas should be maintained (Whelen 1999).





Figure 2. Application area in relation to important fish habitat in Bedingfield Lake and associated wetlands. Application area = red outlined area, wetlands = green and orange polygons with blue outlines.

### 1.3 Potential Wetland Habitat

Portions of property within the application area that are currently undeveloped appear to display attributes associated with wetland habitat. Wetlands are defined as a stream under the Water Sustainability Act and therefore any works in or about a wetland constitute works in and about a stream. Any instream works must be authorized under the Water Sustainability Act.



## 2. Environmental Considerations

The proposed mud bogging area is located in a low lying area adjacent to Bradley creek. The elevation differentiation between Bradley creek and the mud bogging area is minimal, and water was documented overflowing from Bradley creek into the western irrigation channel on April 18<sup>th</sup>, 2019 (Figure 3).



Figure 3. Water flowing from Bradley creek through a wetland and draining into the western irrigation channel. Photo taken due west.

The release of sediment into fish streams can result in a variety of adverse effects. Lowered light filtration due to suspended sediment decreases primary productivity which translates up the food chain and can decrease productivity for fish. Heightened sediment levels in a stream can increase scour and sediments settling in spawning gravels decreases oxygen infiltration. There is a direct correlation between fine sediment levels and embryo survival and fry emergence. High levels of sediments in fish stream can also result in lethal and sub-lethal effects on juveniles and adults such as gill abrasions and clogging, increased stress, lowered disease resistance, decreased growth, interference with migration and loss of foraging opportunities.

Under Section 46 of the *Water Sustainability Act*, a person must not introduce or allow the introduction of debris, refuse, contaminants or other substances into a stream which may cause a significant adverse impact to the stream channel or aquatic ecosystem of the stream.

### 3. Recommendations

The mud bogging area is adjacent to Bradley creek in a low lying area and the irrigation channels surrounding the mud bogging area receive flow from three different streams. The proximity of the mud bogging area to multiple waterbodies and the very low relief terrain poses a risk that the mud bogging area could flood during high flow events. The 90 degree confluence of the streams with the irrigation channels also increases the potential for increased scour and resulting sediment release at these locations.

There is also potential for the release of sediment laden or contaminated water from the mud bogging area directly into Bradley creek, and into irrigation channels which drain into Bradley creek during high runoff and stream flow periods.

It's recommended that a condition of the CRD permitting is the development and implementation of a sediment containment plan by a registered professional biologist experienced with sediment containment plans and instream works that addresses the following:

1. A sediment containment plan that will prevent the release of sediment, debris, refuse, contaminants or other substances into Bradley creek, tributaries and irrigation channels which may cause a significant adverse impact to the stream channel or aquatic ecosystem of the stream during the operation of the mud bogging operations.
2. A sediment containment plan that will prevent, during peak spring water levels (i.e. freshet), the introduction of debris, refuse, contaminants or other substances into into Bradley creek, tributaries and irrigation channels which which may cause a significant adverse impact to the stream channel or aquatic ecosystem from the mud bogging areas, or the adjacent irrigation channels.

#### References:

Whelen, M. 1999. Bradley Creek Reconnaissance (1:20,00) Fish and Fish Habitat Inventory.  
[http://a100.gov.bc.ca/appsdata/acat/documents/r52272/Report\\_1489993168164\\_999250548.pdf](http://a100.gov.bc.ca/appsdata/acat/documents/r52272/Report_1489993168164_999250548.pdf)



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5230

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to authorize the issuance of a temporary use permit.

WHEREAS the *Local Government Act* authorizes a local government to issue a temporary use permit, by bylaw, in relation to land within an area outside a municipality, if there is no official community plan in effect for the area;

AND WHEREAS an application has been received by the Cariboo Regional District to issue a temporary use permit for lands within an area outside a municipality where there is no official community plan in place.

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 Temporary Use Permit Bylaw No. 5230, 2019".

2. TEMPORARY USE PERMIT

A temporary use at the property with Legal Description as: District Lot 8333, Lillooet District, located at 2750 Bradley Creek Road, shall be permitted in accordance with the terms and conditions set forth in the attached Schedule "A" (Temporary Use Permit) and Schedule "B" (Map), which is incorporated into and forms part of this bylaw.



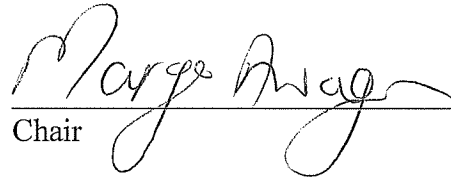
READ A FIRST TIME THIS 23 DAY OF August, 2019.

READ A SECOND TIME THIS 23 DAY OF August, 2019.

A PUBLIC HEARING WAS HELD ON THIS 16<sup>th</sup> DAY OF October, 2019.

READ A THIRD TIME THIS 6<sup>th</sup> DAY OF December, 2019.

ADOPTED THIS 29<sup>th</sup> DAY OF May, 2020.

  
Chair

  
Manager of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5230, cited as the "Cariboo Regional District Temporary Use Permit Bylaw No. 5230, 2019", as adopted by the Cariboo Regional District Board on the 29<sup>th</sup> day of May, 2020.

  
Manager of Corporate Services

## Schedule "A" – Temporary Use Permit



### CARIBOO REGIONAL DISTRICT

#### TEMPORARY USE PERMIT NO. 20180051

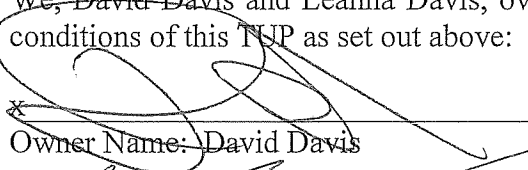
Permittees: David and Leanna Davis

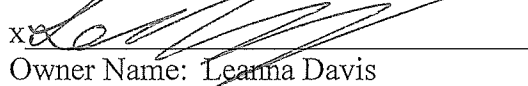
Address: 2750 Bradley Creek Road

1. This Temporary Use Permit ("TUP") is issued subject to compliance with all applicable bylaws of the Cariboo Regional District ("CRD"), except as specifically varied or supplemented by this TUP.
2. This TUP shall automatically expire three (3) years from the date of adoption of the bylaw by the Board of Directors of the CRD, which bylaw authorizes the issuance of this TUP.
3. This TUP is limited to the land, premises and structures located at: 2750 Bradley Creek Road, and legally described as District Lot 8333, Lillooet District(the "Land").
4. In addition to those uses of the Land permitted under CRD's South Cariboo Area Zoning Bylaw No. 3501, 1999 (the "Zoning Bylaw"), until the expiry or any prior cancellation of this TUP, the following additional use(s) are permitted upon the Land in accordance with the terms and conditions of this TUP:
  - a. The applicants are seeking a temporary permit to host mud racing events with the NWMRA (sanctioned event), which is a non-profit association, and to use the property as a seasonal campground for recreational use. They would also like to host other outdoor recreational events or fundraising events for the community and trails for riding.
5. This TUP, and the uses of the Land permitted under this TUP, are subject to the following:
  - a. Development and implementation of a sediment containment plan by a registered professional biologist experienced with sediments containment plans and instream works.
  - b. The recreational vehicles must be parked only within the proposed area for temporary use permit.
  - c. No recreational vehicles can be parked on public streets including # 313 Bradley Creek Road.
  - d. No mud racing on # 313 Bradley Creek Road.
  - e. No tracking of mud or debris on to # 313 Bradley Creek Road.

- f. No signage within Ministry of Transportation and Infrastructure right-of-way.
  - g. Further, the cost of developing and implementing a sediment containment plan by a qualified registered professional be borne by the applicants.
  - h. upon TUP expiry, the additional uses listed in clause 4 shall cease and, thereafter, the permitted uses of the Land shall revert and be limited to those allowed by the Zoning Bylaw.
- 6. Should the Permittee fail to abide by the terms and conditions set out in this TUP, upon written notice to the Permittee this TUP shall be canceled by CRD; and thereafter, the permitted uses of the Land shall be limited to those uses permitted under the Zoning Bylaw, if and as amended.
  - 7. The Land shall be used strictly in accordance with the bylaws of the CRD and with the terms, conditions and provisions of this TUP.
  - 8. Any application to amend this TUP shall be considered as a new application.
  - 9. This TUP is not a building permit and does not allow for construction of any buildings, structures or improvements.

We, ~~David Davis~~ and Leanna Davis, owners of the Land, agree to comply with the terms and conditions of this TUP as set out above:

  
\* \_\_\_\_\_  
Owner Name: ~~David Davis~~

  
x \_\_\_\_\_  
Owner Name: Leanna Davis



### Schedule "B" – Map

