



Planning Application Information Sheet

Application Type: Rezoning/OCP Amendment

File Number: 3360-20/20220066

Bylaw(s): South Cariboo Area Official Community Plan Amendment Bylaw No. 5411, 2022 and South Cariboo Area Zoning Amendment Bylaw No. 5412, 2022

Electoral Area: H

Date of Referral: October 25, 2022

Date of Application: October 07, 2022

Property Owner's Name(s): JAY H CONNELL
RHONDA L SLOBODIN

Applicant's Name: Michael Kidston Land Surveying

SECTION 1: Property Summary

Legal Description(s): The South West 1/4, District Lot 4184, Lillooet District

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

Area of Application: 64.75 ha (160 ac.)

Location: 5536 Birchwood Road

Current Designation:

Agriculture

Min. Lot Size Permitted:

32 ha (79.07 ac.)

Proposed Designation:

Rural Residential

Min. Lot Size Permitted

2 ha (4.94 ac.)

Current Zoning:

Resource /Agricultural (RA 1)

Min. Lot Size Permitted:

32 ha (79.07 ac.)

Proposed Zoning:

Rural 2 (RR 2)

Min. Lot Size Permitted:

2 ha (4.94 ac.)

Proposal: To subdivide the property into 3 rural residential lots and 1 remainder lot. The ALC approved this proposed subdivision located to the southeast of the hydro right of way in 1981 (Resolution #2056/81).

No. and size of Proposed Lots: Lot A - 2 ha (4.94 ac.)

Lot B - 2 ha (4.94 ac.)

Lot C - 2.9 ha (7.17 ac.)

Remainder Lot – 56.4 ha (139.37 ac.)

Existing Buildings: Residential Dwelling, garage and sheds.

Proposed Buildings: No new buildings proposed at present.

Road Name: Birchwood Road

Road Type: Gravel/Dirt Road

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 - partially within

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

Name of Lake/Contributing River: Unnamed Stream

Lake Classification: High

Within Development Permit Area: No

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

	Land Use:	Lot Sizes:
(a) North	180 - Mixed	64.75 ha (160 ac.)
(b) South	180 - Mixed	49.29 ha (121.81 ac.)
	060 - 2 Acres Or More (Single Family Dwelling, Duplex)	2.12 ha (5.23 ac.)
(c) East	061 - 2 Acres Or More (Vacant)	77.69 ha (192 ac.)
	070 - 2 Acres Or More (Outbuilding)	3.11 ha (7.68 ac.)

(d) West	150 - Beef	16.19 ha (40 ac.)
	151 - Beef (Vacant)	48.56 ha (120 ac.)

PLANNING COMMENTS

Background:

It is proposed to rezone a portion of a 64.75 ha (160 ac.) subject property to allow for a four-lot subdivision. The property is currently zoned as Resource/Agricultural (RA 1) in the South Cariboo Area Zoning Bylaw No. 3501, 1999 and is designated as Agricultural in the South Cariboo Area Official Community Plan Bylaw No. 5171, 2018.

The applicants have requested to rezone a portion of the subject property from Resource/Agricultural (RA 1) zone to Rural 2 (RR 2) zone to facilitate three-lot subdivision and a remainder lot. To be consistent with the proposed zoning, the respective portion of the subject property is also proposed to be redesignated from Agricultural designation to Rural Residential designation. The proposal includes three rural residential lots ranging from 2 ha (4.94 ac.) to 2.9 ha (7.17 ac.) and the remainder lot of 56.4 ha (139.37 ac.) in size as shown in Appendix C.

The proposal is partially within the Agricultural Land Reserve (ALR). Previously, an ALR exclusion application made in 1981 for the same proposal was rejected by the Agricultural Land Commission (ALC). However, the ALC approved the proposed subdivision allowing three lots of +/- 2 ha (4.94 ac.) each located to the southeast of the hydro right of way in 1981 (Resolution #2056/81). The ALC has recently confirmed that the subdivision approval granted in 1981 remains valid to this day.

Location & Surroundings:

The subject property is located at 5536 Birchwood Road, in the Gateway/Buffalo Creek neighbourhood as shown in Appendix B. A majority of the property is within the Agricultural Land Reserve (ALR). It is a gently sloped property, mostly covered in trees and open grazing land and is completely within the environmentally sensitive area for Mule Deer Winter Range. There is an existing residential dwelling, garage, and sheds on the proposed remainder portion of the property. It is mostly surrounded by large resource/agricultural properties with some smaller residential lots to the east and south of the subject property.

CRD Regulations and Policies:

5171 – South Cariboo Area Official Community Plan Bylaw, 2018

8.2 OBJECTIVES

8.2.1 Maintain the varied character of the area, by permitting a range of lot sizes.

Residential Growth

8.3.3 Direct higher density (smaller lot) residential subdivisions to occur within and immediately adjacent to existing built-up areas, and where road access and services already exists.

3501- South Cariboo Area Zoning Bylaw, 1999

5.19 Rural 2 (RR 2) ZONE

5.19.2 ZONE PROVISIONS

(a) LOT AREA (minimum) = 2 ha (4.94 ac.)

5.21 RESOURCE/AGRICULTURAL (RA 1) ZONE

5.21.2 ZONE PROVISIONS

(a) LOT AREA (minimum) = 32 ha (79.07 ac.)

Rationale for Recommendations:

Planning staff are supportive of the proposed zoning amendment application as the proposal is consistent with the general rural residential character of the Gateway/Buffalo Creek neighbourhood. The proposal is also in compliance with Section 8.2.1 and 8.3.3 of the South Cariboo Area Official Community Plan (OCP) by permitting a range of lot sizes and allowing smaller lot residential subdivisions adjacent to the existing developed areas with proper road access. Surrounded by similar land uses, the proposed subdivision is anticipated to have minimal impact on the neighbourhood.

The proposed subdivision is partially within the ALR which was approved by the ALC in 1981 (Resolution #2056/81). It was noted that the proposed lot development area had topographical limitations to agricultural use. As such, the ALC believes that the proposal effectively separates the viable portion of the property from the area of limited agricultural use.

The Ministry of Transportation and Infrastructure (MOTI) has no objection in principle to the proposed rezoning, but there are several development criteria that will be considered at the subdivision approval stage including but not limited to access, road construction and/or road dedication, archaeology assessment, sewage disposal, proof of water, geotechnical review, drainage, and driveway access.

The Interior Health Authority (IHA) has responded that their interests are unaffected by the rezoning application as no health impacts associated with the proposal have been identified at this initial review.

The subject property is located within the CRD Building Inspection Service Area. The CRD Chief Building Official (CBO) has no objections to this proposal. A building permit will be required for any future development on the property.

The Electoral Area 'H' Advisory Planning Commission (APC) has returned comments stating their support of the rezoning application as the proposal fits well with the neighbouring land uses.

The applicants must comply with the CRD Shoreland Management Policy with respect to sewage disposal and riparian protection due to the presence of highly sensitive stream on the subject property. This will further ensure the ability of the proposed new lots to accommodate sustainable sewerage disposal systems for any future development.

In addition, compliance with the CRD Agricultural Policy regarding fencing and buffering will be required due to the presence of ALR on and around the subject property. This will reduce future risk associated with livestock entering on the proposed residential properties. In accordance with the Agricultural Policy, fencing and buffering will be required along southeast side of the hydro right of way and southern boundary of the proposed Lot A (shown in Appendix C).

To protect agricultural lands, Section 4 (f) of the Agricultural Policy requires a minimum lot size of 4.0 ha (9.88 ac.) for property being rezoned to facilitate a subdivision that are adjoining the ALR boundary. The proposed subdivision is clearly not in compliance, but staff recommend the Board of Directors consider waiving this policy statement as the proposed lots are in keeping with the character of the neighbourhood and previously approved by the ALC.

Recommendation:

1. That Section 4 (f) of the Agricultural Policy 2016-9-9 be waived to permit a minimum lot size of 2 ha (4.94 ac.) adjacent to parcels within the ALR.
2. That the South Cariboo Area Official Community Plan Amendment Bylaw No. 5411, 2022 be given first and second reading.
3. That the South Cariboo Area Zoning Amendment Bylaw No. 5412, 2022 be given first and second reading, and that adoption be subject to the following conditions:
 - i. Adoption of the South Cariboo Area Official Community Plan Amendment Bylaw No. 5411, 2022.

- ii. The applicant offering to enter into and entering into a Section 219 covenant to ensure compliance with the CRD Shoreland Management Policy with respect to sewerage disposal and riparian protection.
- iii. The applicant offering to enter into and entering into a covenant to ensure compliance with the provisions of the CRD Agricultural Policy with respect to fencing and buffering along southeast side of the hydro right of way and southern boundary of the proposed Lot A (shown in Appendix C).

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

And further, that the cost of preparation and registration of the Agricultural Policy covenant be borne by the applicants.

REFERRAL COMMENTS

Health Authority: October 28, 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.

Please note that this response does not automatically confer Interior Health support for onsite services (e.g. sewerage disposal) if applicable. Additional information will be required by the applicant during the Ministry of Transportation and Infrastructure subdivision process if the rezoning application is approved and proceeds. More information can be found on our public website at Sewerage, Subdivisions & Healthier Industries | IH (interiorhealth.ca). I've also attached our subdivision criteria for the applicant's awareness / reference.

Ministry of Transportation and Infrastructure: October 27, 2022

EDAS #2022-05490

The Ministry of Transportation has no objection in principle to the proposed rezoning. Please be advised this in no way constitutes subdivision approval and requirements may include the items below but are not limited to:

- o Access
- o Road Construction and/ or Dedication

- o Archaeology Assessment
- o Sewage Disposal
- o Proof of Water
- o Geotech
- o Drainage
- o Driveway Access

Advisory Planning Commission: November 15, 2022

See attached.

Ministry of Environment and Climate Change Strategy: Terrestrial, Aquatic Habitat and Wildlife:
November 22, 2022:

The terrestrial habitat section does not have any comments or concerns with this referral. However, there are overlaps with important habitats/ecosystems that the proponent can be made aware of:

- American badger habitat
- Mule Deer Winter Range Moderate

But because the area of interest is private property, we cannot provide recommendations for the overlaps above. Let me know if you have any questions on this.

CRD Chief Building Official: November 24, 2022

No objections or comments.

ATTACHMENTS

- Appendix A: Bylaw 5411 and 5412
- Appendix B: General Map
- Appendix C: Specific Map
- Appendix D: Orthographic Map
- Other: Applicants Supporting Documentation
Advisory Planning Commission Comments



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5411

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to amend Bylaw No. 5171, being the "South Cariboo Area Official Community Plan Bylaw No. 5171, 2018".

WHEREAS the Regional Board may, amend by bylaw an official community plan; and

WHEREAS the Regional Board has in its consideration of this bylaw had due regard to the consideration and requirements of the *Local Government Act*;

NOW, THEREFORE, the Board of Directors of the Cariboo Regional District, duly assembled, enacts as follows:

1. CITATION:

This bylaw may be cited as the "South Cariboo Area Official Community Plan Amendment Bylaw No. 5411, 2022".

2. AMENDMENT

Schedule "D" of Bylaw No. 5171 of the Cariboo Regional District is amended by:

Redesignating part of the South West 1/4, District Lot 4184, Lillooet District from Agriculture designation to Rural Residential designation, as shown on Schedule "A".

READ A FIRST TIME this _____ day of _____, 2022.

READ A SECOND TIME this _____ day of _____, 2022.

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

READ A THIRD TIME 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. 5411, cited as the "South Cariboo Area Official Community Plan Amendment Bylaw No. 5411, 2022", as adopted by the Cariboo Regional District Board on the _____ day of _____, 2022.

Manager of Corporate Services

1

Part SW1/4, DL 4184, L.D.

7

2

Eastwood Rd

1

2

3

4

5

6

7

8

9

A

B


2

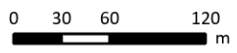
Birchwood Rd

SCHEDULE A

LEGEND

 Subject Property

 Rural Residential Designation



ZOCP2266 2022-10-20



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5412

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to amend Bylaw No. 3501, being the "South Cariboo Area Zoning Bylaw No. 3501, 1999".

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a Zoning bylaw after a public hearing and upon the affirmative vote of the Directors.

WHEREAS an application has been received to rezone property.

NOW, THEREFORE, the Board of Directors of the Cariboo Regional District, duly assembled, enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as the "South Cariboo Area Zoning Amendment Bylaw No. 5412, 2022".

2. AMENDMENT

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

- i) rezoning part of the South West 1/4, District Lot 4184, Lillooet District from Resource/Agricultural (RA 1) zone to Rural 2 (RR 2) zone, as shown on Schedule "A"; and
- ii) amending Schedules "C" and "D" accordingly.

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

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

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

READ A THIRD TIME 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. 5412, cited as the "South Cariboo Area Zoning Amendment Bylaw No. 5412, 2022", as adopted by the Cariboo Regional District Board on the _____ day of _____, 2022.

Manager of Corporate Services

1

Part SW1/4, DL 4184, L.D.

7

1

2

3

4

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6

7

8

9

Eastwood Rd

Birchwood Rd

A


B

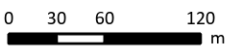
2

SCHEDULE A

LEGEND

 Subject Property

 Rural 2 (RR 2) Zone



ZOCP2266 2022-10-20



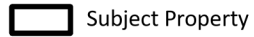
Appendix B: GENERAL MAP



LEGEND



ALR

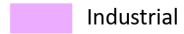


Subject Property

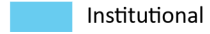
Designations



Commercial



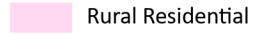
Industrial



Institutional



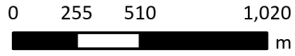
Upland Residential



Rural Residential

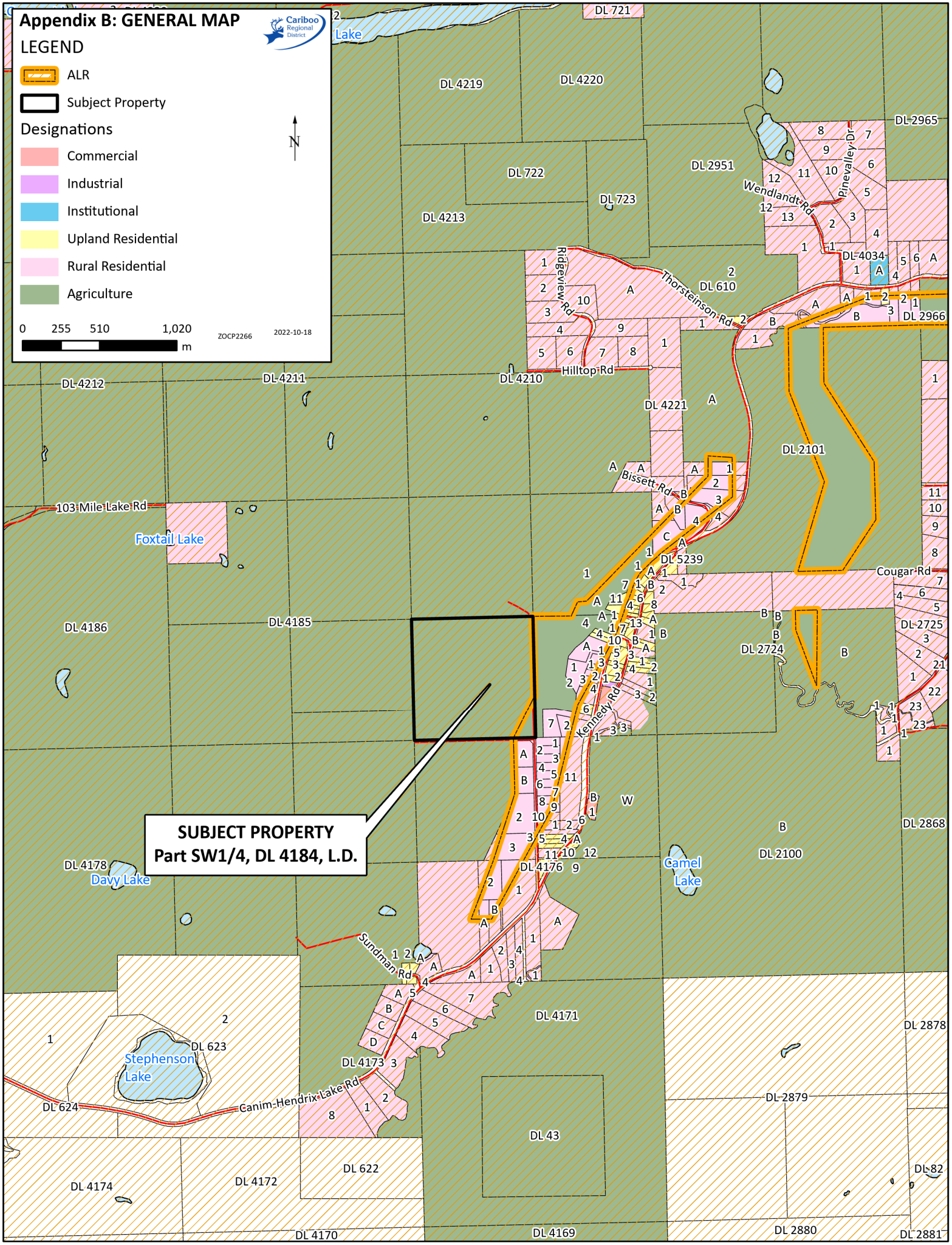


Agriculture

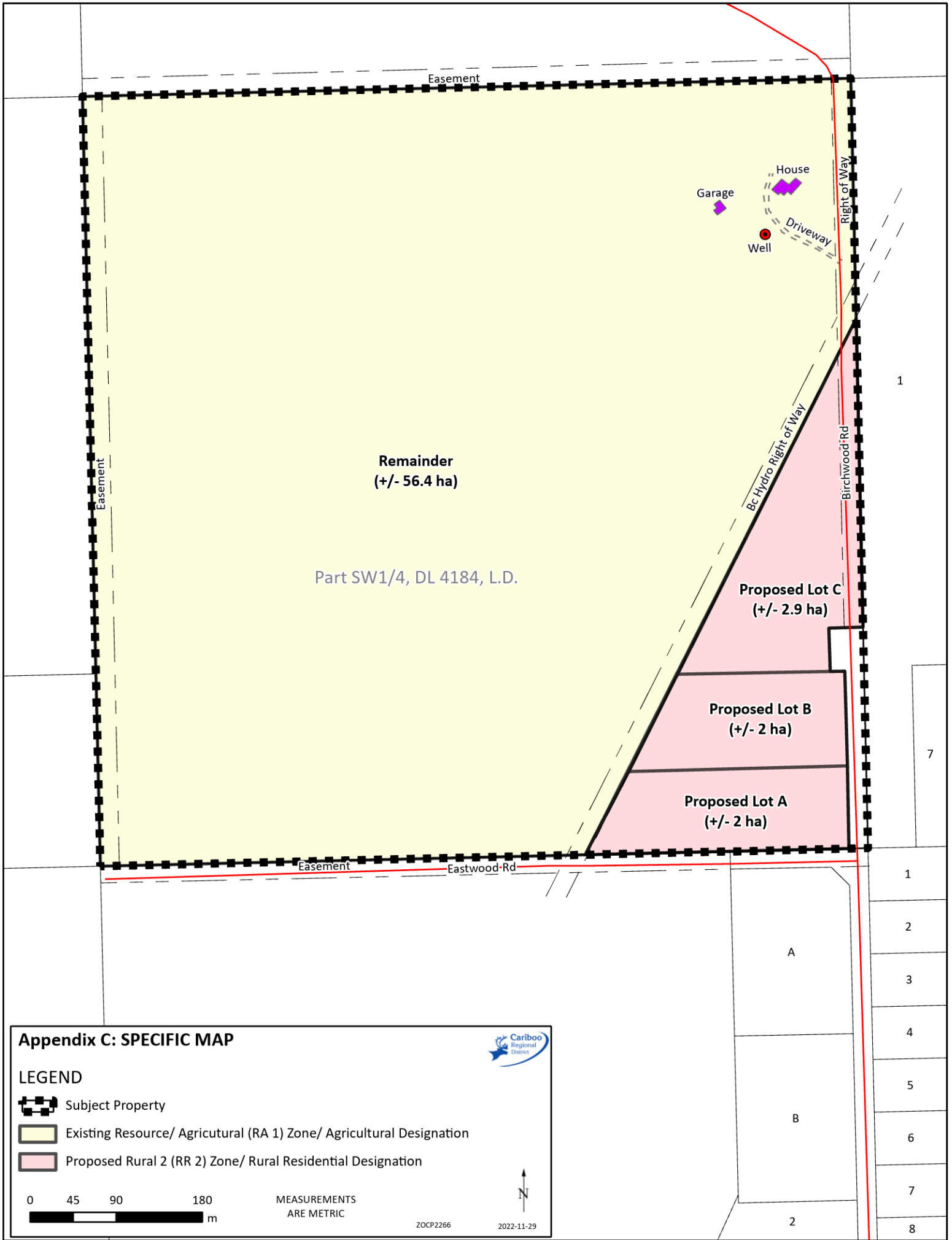


ZOCP2266

2022-10-18



SUBJECT PROPERTY
Part SW1/4, DL 4184, L.D.



Appendix D: GENERAL MAP ORTHO
LEGEND

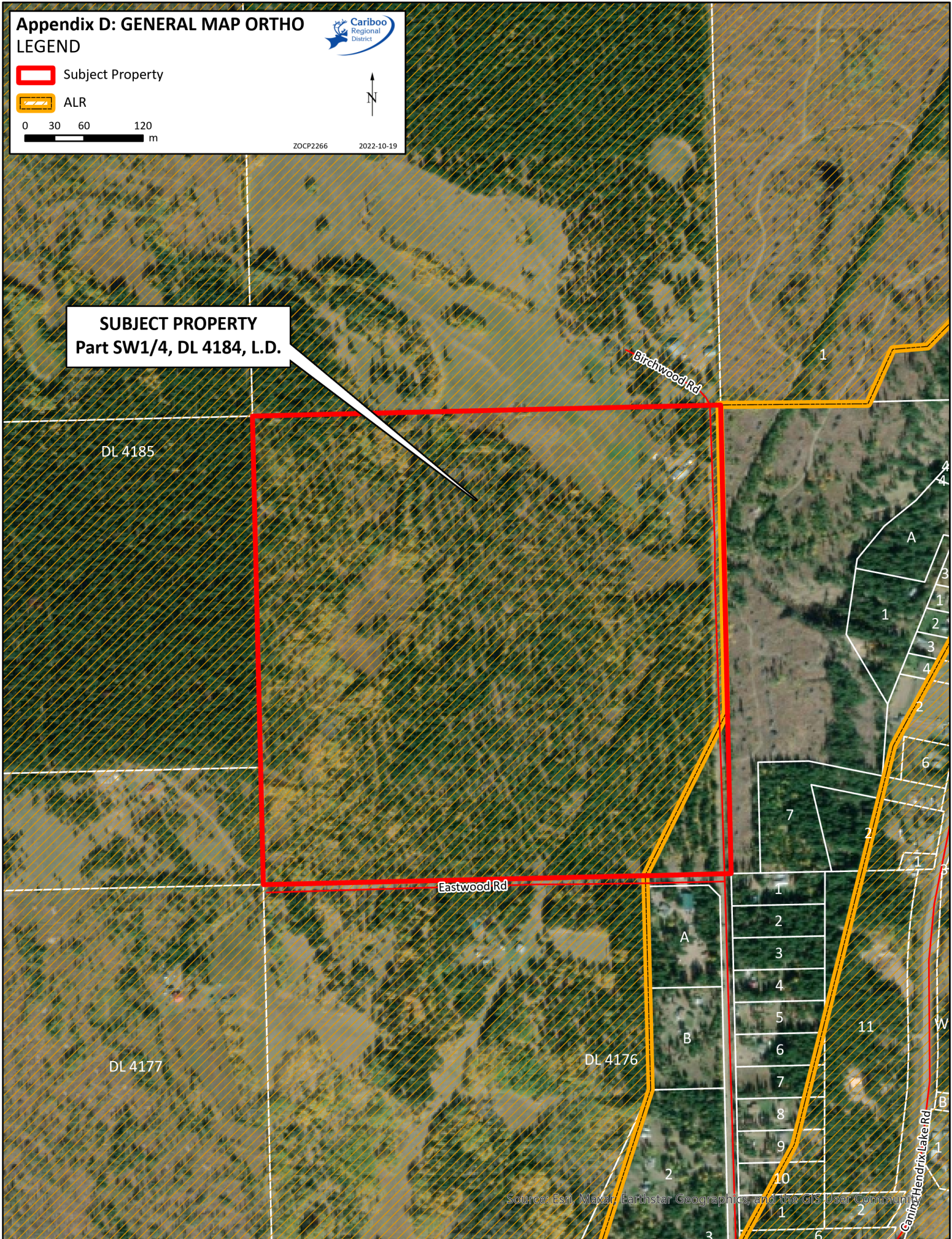


- Subject Property
 - ALR
- 0 30 60 120
m



ZOCP2266 2022-10-19

SUBJECT PROPERTY
Part SW1/4, DL 4184, L.D.



Describe the existing use of the subject property and all buildings: Father was living on this land until his death. Executors' cousin is now living in the house pending settlement of estate.

Describe the proposed use of the subject property and all buildings: Residence only at present and for past several years.

Describe the reasons in support for the application: ALC approved subdivision of portion between Hydro R/W and Birchwood Rd. in 1981. This will be a logical infill similar to adjoining lots. Demand high for residential properties.

Provide a general description of vegetation cover (i.e. treed, grassland, forage crop etc.): Mostly treed with second growth fir and pine. Approx. 15 acres open grazing land at NE corner around house.

Provide general geographical information (i.e. existing lakes, streams, physical features etc.): Fairly flat, gently rolling terrain.

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 checked="" type="checkbox"/>
Community Sewer System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Nov 15, 2022
in the AREA H, located at FOREST GROVE, BC, commencing at 7:00 pm
HALL

PRESENT:

Chair PETER SANDERS

Members KAREN SMITH WRI FRANK
WILL VAN OSCH
JACK DAFOE

Recording Secretary WENDY PHILIP

Owners/Agent, or

Contacted but declined to attend

ABSENT:

TOM PRICE
ELISA MAROCCI
HELEN KELLINGTON

ALSO PRESENT: Electoral Area Director

Staff support (if present)

MARGO WAGNER

Agenda Items

REZONING/OCIP APPLICATION – 3360-20/20220066 (THE SOUTH WEST 1/4, DISTRICT LOT 4184, LILLOOET DISTRICT)

JACK DAFOE / WILL VAN OSCH : "THAT the application to rezone/redesignate property at 5536 BIRCHWOOD ROAD, be supported/rejected for the following reasons:

- i) MATCHES LAND HOLDINGS IN AREA
- ii) SUITABLE, NO OLD GROWTH TO PROTECT

For: 6 Against: 0

CARRIED/DEFEATED

Termination

WILL VAN OSCH JACK DAFOE : That the meeting terminate.

CARRIED

Time: 7:48 pm

WENDY PHILIP
Recording Secretary

Peter Sanders
Chair

