

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: Min. Lot Size Permitted:

Agriculture 32 ha (79.07 ac.)

Proposed Designation: Min. Lot Size Permitted

Rural Residential 2 ha (4.94 ac.)

Current Zoning: Min. Lot Size Permitted:

Resource /Agricultural (RA 1) 32 ha (79.07 ac.)

Proposed Zoning: Min. Lot Size Permitted:

Rural 2 (RR 2) 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 2.12 ha (5.23 ac.)

Dwelling, Duplex)

(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 exiting 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

<u>Advisory Planning Commission</u>: November 15, 2022 See attached.

<u>Ministry of Environment and Climate Change Strategy</u>: <u>Terrestrial, Aquatic Habitat and Wildlife</u>: 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.

<u>CRD Chief Building Official:</u> November 24, 2022 No objections or comments.

BOARD ACTION

December 9, 2022:

That Section 4 (f) of the Cariboo Regional District Agricultural Policy 2016-9-9 to permit a minimum lot size of 2 ha (4.94 ac.) adjacent to parcels within the ALR be waived for the proposed rezoning application 3360-20/20220066 regarding the South West 1/4, District Lot 4184, Lillooet District.

That South Cariboo Area Official Community Plan Amendment Bylaw No. 5411, 2022 be read a first and second time, this 9th day of December 2022.

That South Cariboo Area Zoning Amendment Bylaw No. 5412, 2022 be read a first and second time, this 9th day of December 2022. Further, that adoption be subject to:

i. Adoption of 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 the southeast side of the hydro right of way and southern boundary of proposed Lot A (shown on 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.

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

Public Hearing Results



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:

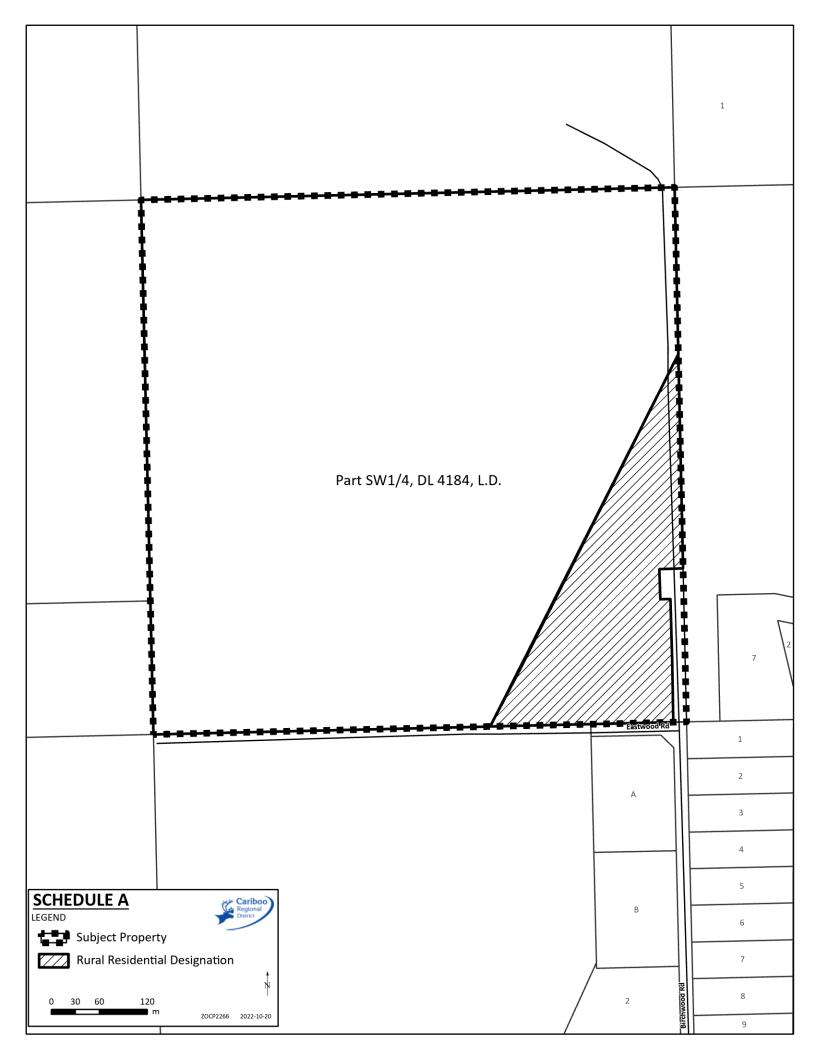
This bylaw may be cited as the "South Cariboo Area Official Community Plan Amendment Bylaw No. 5411, 2022".

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 this9 th dav	y of <u>D</u>	<u>December</u>	, 2022.	
READ A SECO	ND TIME this9 th d	ay of	December	, 2022.	
A PUBLIC HEA	RING WAS HELD ON THE	6 th	DAY OF	February	_ <i>,</i> 2023.
READ A THIRD TIME this day of, 2023.					
ADOPTED this	day of		, 2023.		
			Chair		
			Manager of	Corporate Service	 2S
	I haraby cartify the fore	going to ho	true and corr	act copy of Pylaw	
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 Regional District Board			=	
	Mana	ger of Corno	orate Services		
	IVIGIIC	IECI UI CUIDL	TIGIC JCI VICES		





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

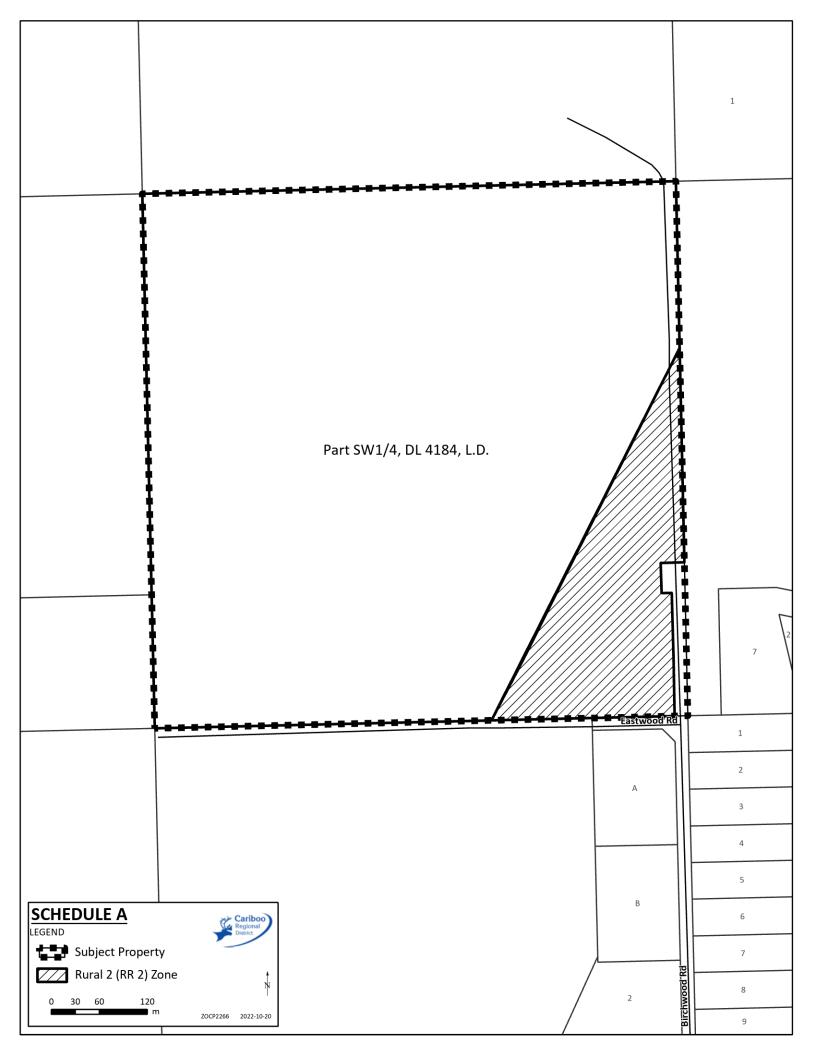
This bylaw may be cited for all purposes as the "South Cariboo Area Zoning Amendment Bylaw No. 5412, 2022".

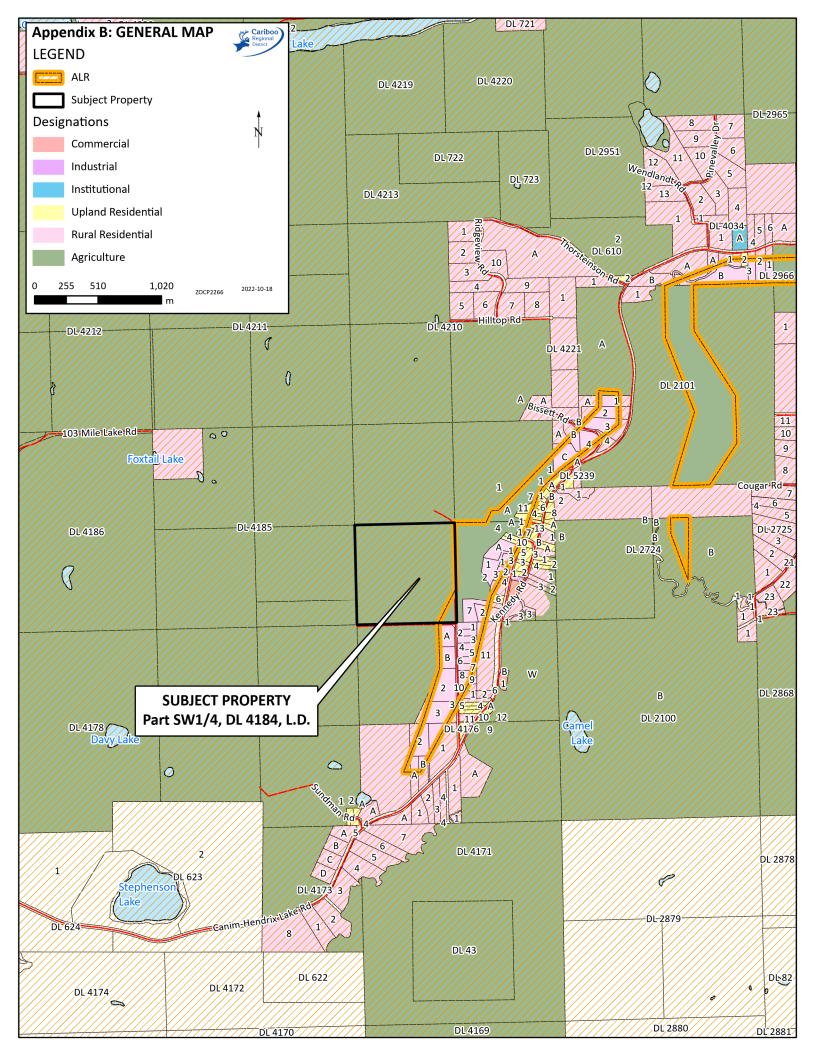
2. AMENDMENT

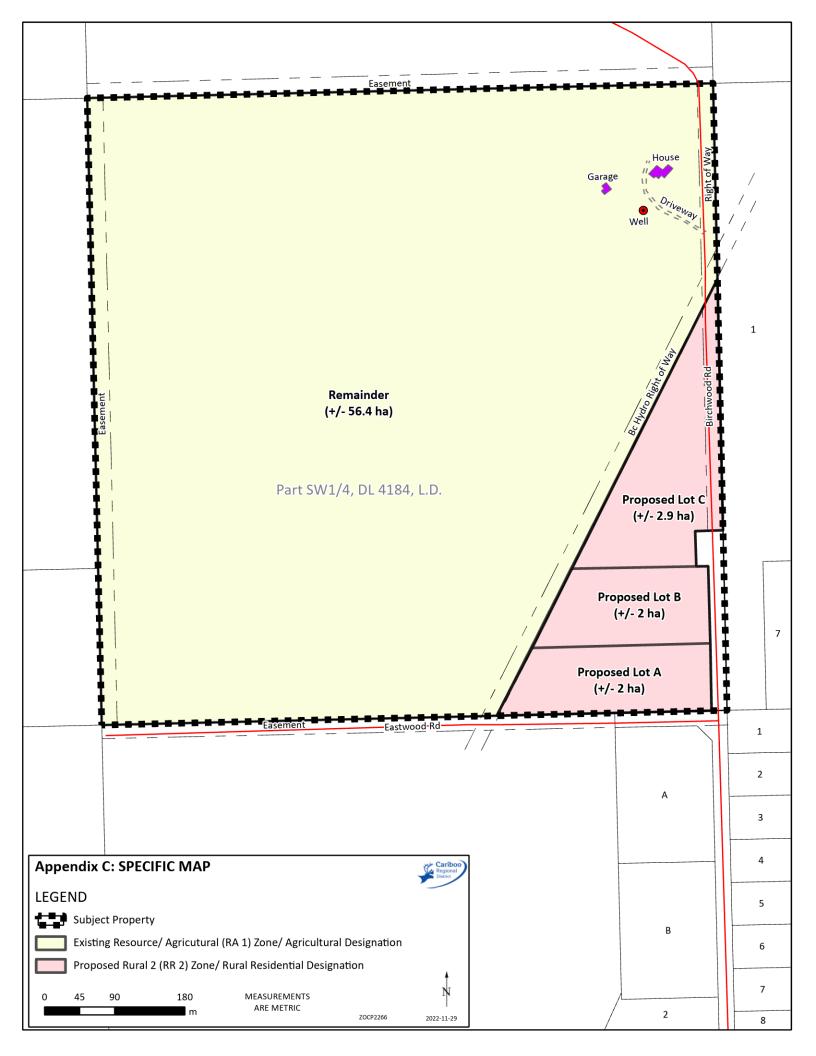
Bylaw No. 3501 of the Cariboo Regional District is amended by:

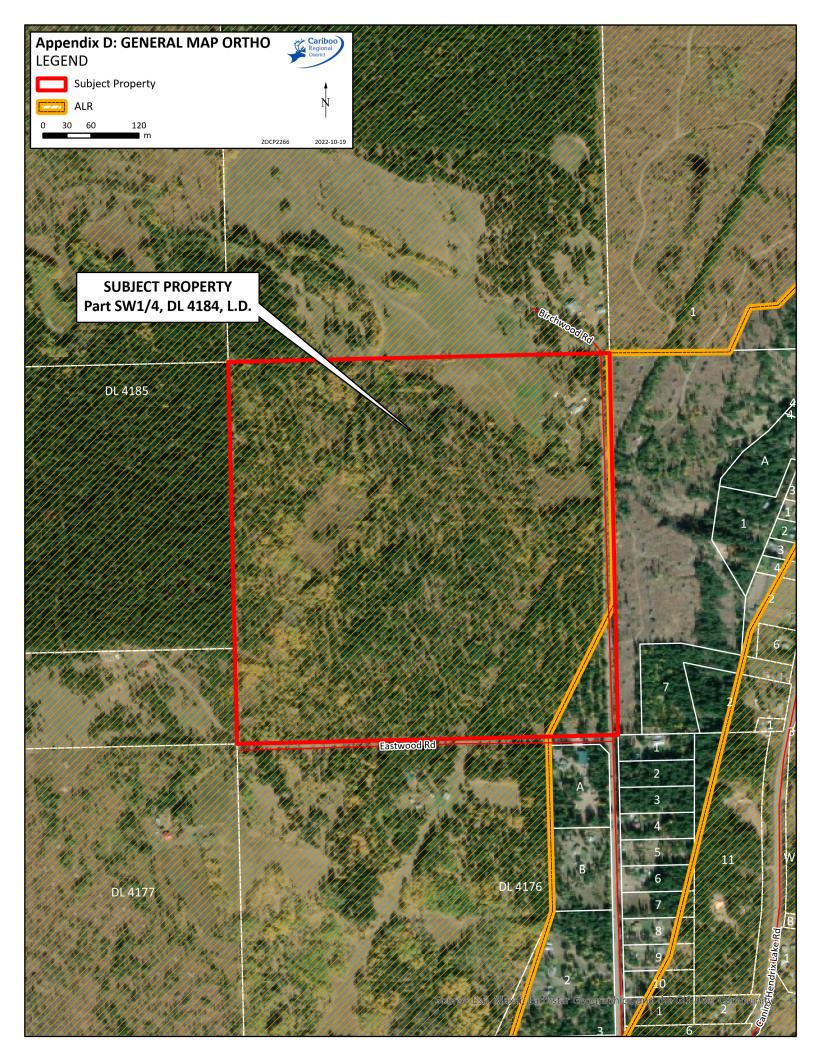
- i) rezoning part of the South West 1/4, District Lot 4184, Lillooet District from Resource/Agricultural (RA 1) zone to Rural 2 (RR 2) zone, as shown on Schedule "A"; and
- ii) amending Schedules "C" and "D" accordingly.

READ A FIRST TIME THIS <u>9th</u> DAY OF <u>December</u> , 2022.
READ A SECOND TIME THIS 9 th DAY OF <u>December</u> , 2022.
A PUBLIC HEARING WAS HELD ON THE 6 th DAY OF February, 2023.
READ A THIRD TIME THIS DAY OF, 2023.
ADOPTED THIS DAY OF, 2023.
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, 2023.
Manager of Corporate Services









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 year	and an buildings.	residence only at present			
- several year	()				
	116	1 - 1 1: 1 1			
Describe the reasons in support for the application	1: ALC approve	d supdivision of portion			
between Hydro R/W and Birch	(wood Fd. in 1	181. This will be a			
logical intill similar to adjoining	g lots. Demana	high for residential	cs		
Provide a general description of vegetation cover (i	i.e. treed, grassland, for	age crop etc.):			
Mostly weed with second grow	wth fir and po	ne. Approx. 15 acres open			
grating land at NE corner are	ound house.	.,			
Provide general geographical information (i.e. exist		ical features etc.): Fairly	1		
flat, gently rolling terrain.					
Services Currently Existing or Readily Available to th	ne Property (check applic	cable area)			
* Readily Available means existing services can be easily	extended to the subject pro	operty.			
Services	Currently	Readily			
	Existing?	Available?*			
-	Yes No	Yes No			
	103 110	Tes No			
Hydro					
Telephone Community Water System					
Community Sewer System	০, ব				
Sewage Disposal System Well	a 0				
Other (please specify)					
,,,	and the second s	-			

File No: 3360-20/20220066

ADVISORY PLANNING COMMISSION RESPONSE FORM

Minutes of the meeting in the ARCA H	g of the Electoral Area 'H' advisory planning commission held on New 15, 2022 , located at FOREST GROVE, BC, commencing at नः क्ये कार्य संविध
PRESENT:	Chair PETER SANDERS
	Members MAREN SMITH LORI FRAME WILL VAN OSCH JACK DAFOE
	Recording Secretary WENDU PHILIP
	Owners/Agent, or Contacted but declined to attend
ABSENT:	TOMPRICE ELISA MARDECHI HELEN KELLINGTON
ALSO PRESENT: Elector	al Area Director Staff support (if present) MARGO WAGNER
LILLOOET DISTRICT) ので、 NAHOで / い BIRCHWOOD ROAD, be i) MATC	CATION — 3360-20/20220066 (THE SOUTH WEST 1/4, DISTRICT LOT 4184, ILL VAN DSCH: "THAT the application to rezone/redesignate property at 5536 supported/rejected for the following reasons: ACS LAND HOLDINGS IN ANCA BLE, NO OLD BROWTH TO PROTECT
ii) 5 <i>017A</i>	TALE, NO COST, CONT.
For: 6 Agains	t: O CARRIED/DEFEATED
Termination WILL VAN OSCH	JACK DAFOE: That the meeting terminate.
WENDY PHUP Recording Secretary	Chair Janets

RESULTS OF PUBLIC HEARING

File No: 3360-20/20220066 Date: February 6, 2023 Persons Present: Owner(s): Jay Connell and Rhonda Slobodin X Public: See attached list Staff:

Location: Lion's Den Conference Room - Canlan Centre

SOUTH CARIBOO AREA OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. 5411, 2022 AND SOUTH

CARIBOO AREA ZONING AMENDMENT BYLAW NO. 5412, 2022

X	Director: Margo Wag	ner	

Agent: Michael Kidston Land Surveying

No public in attendance (excluding owner/agent)

B	Meeting called to order at	7.	05	pm
8	Wiceting canca to order at	-11	9	4.

Welcome, introduction and the "Purpose of a Public Hearing", including the rules for the meeting and the D specifics of the application were read out.

The following verbal comments and questions were received: (add additional sheet if required) B

Comments in favour:
No 1554e From immediate neighbour

Comments of concern/opposition:
Only from letter submitted.

Attendees were asked three times for further comments and/or questions. D

The Chair called the meeting adjourned at \(\frac{1}{2} \frac{1}{2} \frac{1}{2} \). (Waited at least 10 mins from time of Calling to Order)

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

February 3, 2023

ATTN: Cariboo Regional District

To Whom It May Concern,

I am writing regarding the rezoning application for 5536 Birchwood Road.

Our names are Jesse and Emily Warren, and we live at 5846 Eastwood Road, which is located at the end of Eastwood Road, the intersecting road of this subject property. One of the main reasons that we purchased our property was the rural ambience of Eastwood Road, which is a 5 property road, 1 of these properties being 5536 Birchwood Road, that runs along the entire length of Eastwood Road. All of the properties with the exception of 1, are of large acreage, utilizing the land for agricultural purposes. By permitting this rezoning, this will be one less piece of agricultural property in 100 Mile House, and will dramatically change the make up of Eastwood Road.

I (Emily) am a medical practitioner at one of the local clinics in town, and my husband (Jesse) is a rancher. We chose to move to 100 Mile House after an exhaustive multiple year search for the right property that enabled close proximity to town to be able to provide timely care for my patients, land of agricultural use, and a quiet, rural atmosphere. By allowing rezoning and subdividing to residential lots, it sets a dangerous precedent for the future of agricultural land in 100 Mile House.

Agricultural land is endangered by the encroachment of residential properties, and we need to honor and preserve it.

We oppose the proposition of the rezoning and subdivision of 5536 Birchwood Road.

(mily) aron

Sincerely,

Jesse and Emily Warren

tesse Worson

ADDENDUM

The following individuals are in opposition of the rezoning and subdivision proposal for 5536 Birchwood Road:

Donna Christina FORWARD-HOURIET

5845 Eastwood Road

JEAN - MARC HOURIET 5845 Eastwood Road

Public Hearing Attendance

"South Cariboo Area Official Community Plan Amendment Bylaw No. 5411, 2022"

And

"South Cariboo Area Zoning Amendment Bylaw No. 5412, 2022"

Date of Public Hearing: February 6, 2023

Application: 5536 Birchwood Road (3360-20-20220066)

Name	Address
Michael Kidston	5801 Simon Lake Rd.
Michael Kidston TRAUSS MONZERL	5801 Simon Lake Rd.