



Planning Application Information Sheet

Application Type: Rezoning/OCP Amendment

File Number: 3360-20/20230031

Bylaw(s): South Cariboo Area Official Community Plan Amendment Bylaw No. 5438, 2023 and South Cariboo Area Zoning Amendment Bylaw No. 5439, 2023

Electoral Area: L

Date of Referral: June 28, 2023

Date of Application: June 19, 2023

Property Owner's Name(s): BRIAN M HENDERSON
TAMARA L HENDERSON

Applicant's Name: Cariboo Geographic Systems

SECTION 1: Property Summary

Legal Description(s): Lot A, District Lot 4254, Lillooet District, Plan EPP6014

Property Size(s): 7.53 ha (18.6 ac.)

Area of Application: 7.53 ha (18.6 ac.)

Location: Horse Lake 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:
Rural 1 (RR 1)

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

Proposed Zoning:
Rural 2 (RR 2)

Min. Lot Size Permitted:
2 ha (4.94 ac.)

Proposal: To subdivide the property into 2 rural residential lots of 3.8 ha (9.39 ac.).

No. and size of Proposed Lots: 2 lots - 3.8 ha (9.39 ac.)

Existing Buildings: None

Proposed Buildings: None at present.

Road Name: Horse Lake Road

Road Type: Paved

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

Services Available: Currently Existing - Hydro, Telephone, Natural Gas.
Readily Available - Sewage Disposal System, Well.

Within the confines of the Agricultural Land Reserve: No

Required to comply with the Shoreland Management Policy: N/A

Name of Lake/Contributing River:

Lake Classification: N/A

Within Development Permit Area: No

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

	Land Use:	Lot Sizes:
(a) North	180 , Mixed	10.15 ha (25.08 ac.)
(b) South	060 , 2 Acres Or More (Single Family Dwelling, Duplex)	4.96 ha (12.25 ac.)
(c) East	110 , Grain & Forage	2.25 ha (5.56 ac.)
	060 , 2 Acres Or More (Single Family Dwelling, Duplex)	3.43 ha (8.48 ac.)
	063 , 2 Acres Or More (Manufactured Home)	2.85 ha (7.03 ac.)
(d) West	060 , 2 Acres Or More (Single Family Dwelling, Duplex)	4.05 ha (10 ac.)
	062 , 2 Acres Or More (Seasonal Dwelling)	4.05 ha (10 ac.)

PLANNING COMMENTS

Background:

It is proposed to rezone a 7.53 ha (18.6 ac.) subject property to allow for a two-lot subdivision. The subject property is currently zoned as Rural 1 (RR 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 as shown in Appendix B.

The applicant has requested to rezone the subject property from Rural 1 (RR 1) zone to Rural 2 (RR 2) zone. To be consistent with the proposed zoning, the property is also proposed to be redesignated from Agricultural designation to Rural Residential designation. The proposal includes two 3.8 ha (9.39 ac.) rural residential lots as shown in Appendix C.

Location & Surroundings:

The subject property is an unaddressed parcel located at the intersection of Foothills Rd. and Horse Lake Road and approximately 680 m (0.42 Mi.) south of Horse Lake as shown in Appendix B. The property is currently treed but has been historically logged and has recently been selectively logged. The lot is vacant with no buildings.

The property is mostly surrounded by single-family dwellings and has ALR to the north and east of the property.

CRD Regulations and Policies:

3501- South Cariboo Area Zoning Bylaw, 1999

5.19 RURAL 2 (RR 2) ZONE

5.19.2 ZONE PROVISIONS

- (a) LOT AREA (minimum) = 2 hectare (4.94 acre)

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.

RURAL RESIDENTIAL

- Parcels shall have a minimum site area of 2 ha (4.94 ac.).

Rationale for Recommendations:

Planning staff are supportive of the proposed rezoning and Official Community Plan amendment application. The proposal would allow for the future subdivision of the subject property into two lots, both would be 3.8 ha (9.39 ac.). The proposal is in compliance with the goals of the South Cariboo Area Official Community Plan (OCP) Bylaw by preserving the rural character of the neighbourhood while creating a range in lot sizes encouraged in section 8.2 of the OCP bylaw.

The subject property and adjacent properties located to the west and south that are not located within the ALR have Agricultural designation within the OCP. The lots are not currently being farmed however are consistent in size with properties within the immediate vicinity that are being farmed and have farm status or in the ALR. The OCP states that agricultural activity should be protected from adverse non-farm development from impacting agricultural activities. There are properties located within a close proximity that are of a smaller size and do not have an adverse impact on agriculture. Further, the proposed lot sizes are consistent with the smaller lots located to the east creating a reasonable density between the smaller lots to the east and the larger lots to the west. The proposal recognizes the need for additional housing outside of the ALR. This proposal is not anticipated to have negative impacts on the ALR as the ALR lots to the east are generally smaller in size than the proposed lots.

The Ministry of Transportation and Infrastructure (MOTI) has no objections 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, ROW dedication, road construction and paving, archaeology assessment, proof of water, sewage disposal and drainage.

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 Electoral Area 'L' Advisory Planning Commission (APC) has returned comments stating their support of the rezoning application as the proposal conforms to the surrounding property, is of a similar size to what the minimum size that would be permitted without rezoning, and allows for similar uses to what the lot is currently zoned as.

The Ministry of Agriculture and Food (MAF) has provided comments and noted that the subject parcel is surrounded by ALR. The ministry notes that potential development will likely increase the cost of land per hectare and with no proposed agricultural activity it will not benefit long term agricultural activity. The lot is located in a livestock district and fencing may help reduce the potential for conflict.

The Ministry of Water, Land and Resource Stewardship (MWLRS) has provided comments that the parcel is located within critical habitat area for American badger which is listed as an endangered species. Habitat loss due to development is identified as a threat to the species.

Compliance with the CRD Agricultural Policy regarding fencing and buffering will be required due to the presence of ALR adjacent the subject property. This will reduce future risk associated with livestock entering on the proposed residential properties from the north and east. In accordance with the Agricultural Policy, fencing and buffering will be required along the eastern boundary of the proposed Lot 2 as the lot will be adjacent to land within the ALR (shown in Appendix C). Though the proposed lots will come into contact with the ALR on the north and northeastern boundary, the roadway is considered an adequate buffer and will not require additional buffering or fencing.

In summary, planning staff are supportive of the proposed rezoning application. The proposed designation meets the intent of section 8.2 of the South Cariboo Area Official Community Plan and is considered a reasonable proposal given adjacent neighbourhood densities.

Recommendation:

1. That South Cariboo Area Official Community Plan Amendment Bylaw No. 5438, 2023 be given first and second reading.
2. That South Cariboo Area Zoning Amendment Bylaw No. 5439, 2023 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. 5438, 2023.
 - ii. The applicant offering to enter into and entering into a Section 219 covenant in priority over all financial charges to ensure compliance with the provisions of the Agricultural Policy with respect to fencing and buffering of the east property line;

Further, that the cost of registration of the Agricultural Policy covenant be borne by the applicant.

REFERRAL COMMENTS

Health Authority: June 29, 2023

Thank you for the opportunity to provide comments on this referral. I have reviewed and determined that our interests are not affected.

Ministry of Transportation and Infrastructure: July 5, 2023
EDAS: 2023-03139

The Ministry of Transportation and Infrastructure has no objection in principle to the proposed application. Please note this in no way constitutes subdivision approval.

Items to be considered during the subdivision may include but not limited to:

- Access
- Drainage
- Potable Water
- Sewage Disposal
- Right-of-way dedication
- Road Construction
- Archaeological Assessment
- ALR approval prior to application (if applicable)

Advisory Planning Commission: July 27, 2023
See attached.

Ministry of Environment and Climate Change Strategy: Terrestrial, Aquatic Habitat and Wildlife:
July 19, 2023:

The terrestrial ecosystems section has the following comments for this referral. This area of interest overlaps with critical habitat for American badgers. Heavy equipment should be kept to a minimum to protect badger burrows. Here is more information on the species:

The area of interest is within critical habitat for the American badger. The American badger *jeffersonii* subspecies (*Taxidea taxus jeffersonii*) has been assessed by COSEWIC and listed as Endangered under the federal Species at Risk Act. They are provincially Red-listed meaning they are considered at risk of being lost either through extinction or extirpation (BC CDC 1994). American badgers are fossorial (adapted to digging) carnivores that often have large home ranges encompassing open forest, meadows, and wetlands to support sufficient prey populations. Habitat loss due to land development has been identified as a threat to the species in the BC Recovery strategy for the Badger (*jeffersonii* Recovery Team 2008). When inactive, badgers occupy underground burrows. During winter in colder climates some badgers may remain in burrows for extended periods (weeks or months) in a state of torpor. Maternal dens may be occupied by females and young from late winter until early June.

Ministry of Agriculture and Food: July 27, 2023
See attached.

CRD Chief Building Official: July 31, 2023
No comments.

BOARD ACTION

September 8, 2023:

That South Cariboo Area Official Community Plan Amendment Bylaw No. 5438, 2023 be read a first and second time, this 8th day of September 2023.

That South Cariboo Area Zoning Amendment Bylaw No. 5439, 2023 be read a first and second time, this 8th day of September 2023. Further, that adoption be subject to the following:

- i. Adoption of South Cariboo Area Official Community Plan Amendment Bylaw No. 5438, 2023.
- ii. The applicant offering to enter into and entering into a Section 219 covenant in priority over all financial charges to ensure compliance with the provisions of the Agricultural Policy with respect to fencing and buffering of the east property line;

Further, that the cost of registration of the Agricultural Policy covenant be borne by the applicant.

February 9, 2024:

That South Cariboo Area Official Community Plan Amendment Bylaw No. 5438, 2023 and South Cariboo Area Zoning Amendment Bylaw No. 5439, 2023 be read a third time, this 9th day of February 2024.

ATTACHMENTS

Appendix A: Bylaw 5438 and 5439
Appendix B: General Map
Appendix C: Specific Map
Appendix D: Orthographic Map
Other: Applicant's Supporting Documentation
Ministry of Agriculture and Food Comments
Advisory Planning Commission Comments
Public Hearing Results – January 8, 2024



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5438

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. 5438, 2023".

2. AMENDMENT

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

Redesignating Lot A, District Lot 4254, Lillooet District, Plan EPP6014 from Agriculture designation to Rural Residential designation.

READ A FIRST TIME this 8th day of September, 2023.

READ A SECOND TIME this 8th day of September, 2023.

A PUBLIC HEARING WAS HELD ON THE 8th DAY OF January, 2024.

READ A THIRD TIME this 9th day of February, 2024.

ADOPTED this _____ day of _____, 2024.

Chair

Manager of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5438, cited as the "South Cariboo Area Official Community Plan Amendment Bylaw No. 5438, 2023", as adopted by the Cariboo Regional District Board on the _____ day of _____, 2024.

Manager of Corporate Services



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5439

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. 5439, 2023".

2. AMENDMENT

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

- i) rezoning Lot A, District Lot 4254, Lillooet District, Plan EPP6014 from Rural 1 (RR 1) zone to Rural 2 (RR 2) zone; and
- ii) amending Schedule "C" accordingly.

READ A FIRST TIME THIS 8th DAY OF September, 2023.

READ A SECOND TIME THIS 8th DAY OF September, 2023.

A PUBLIC HEARING WAS HELD ON THE 8th DAY OF January, 2024.

READ A THIRD TIME THIS 9th DAY OF February, 2024.

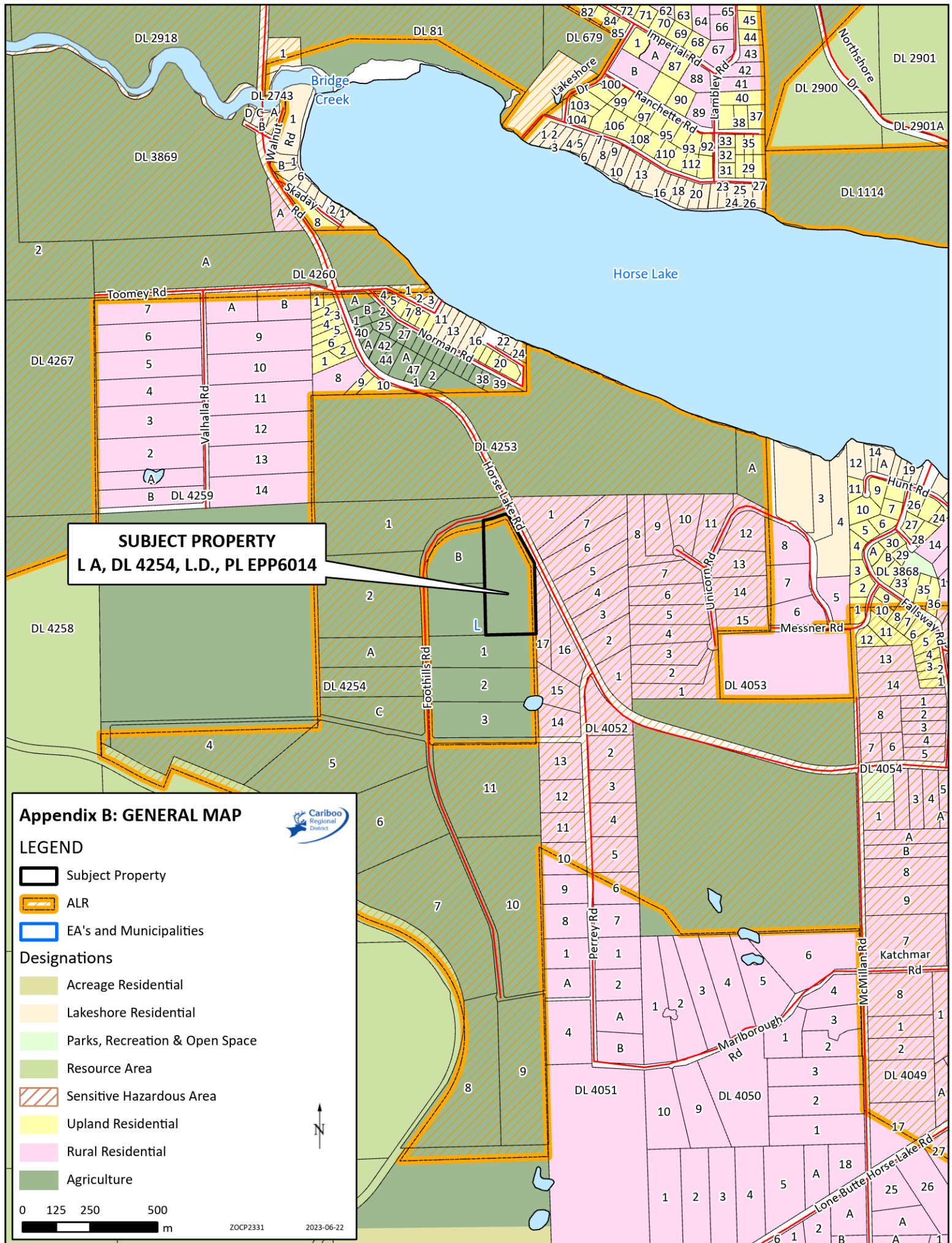
ADOPTED THIS _____ DAY OF _____, 2024.

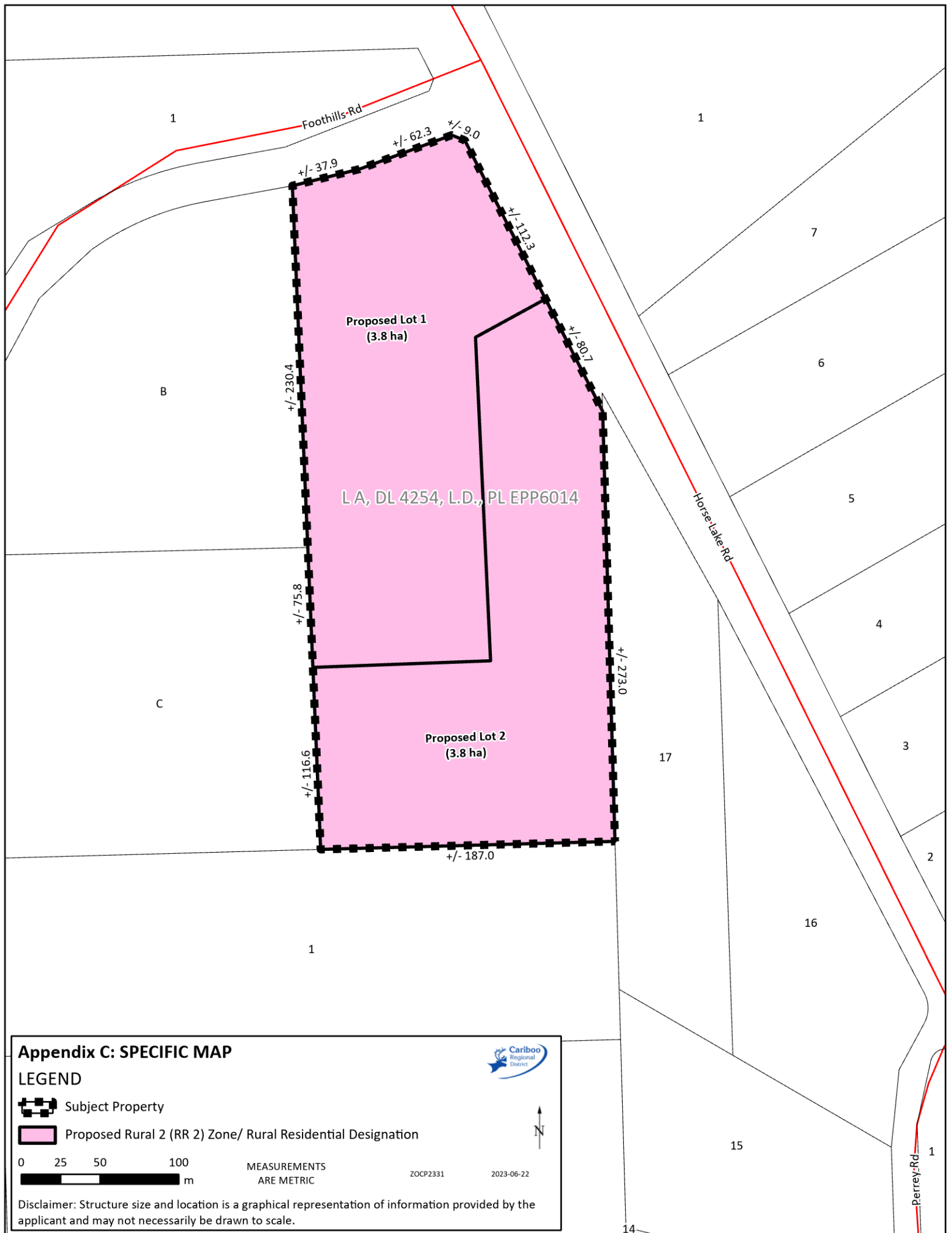
Chair

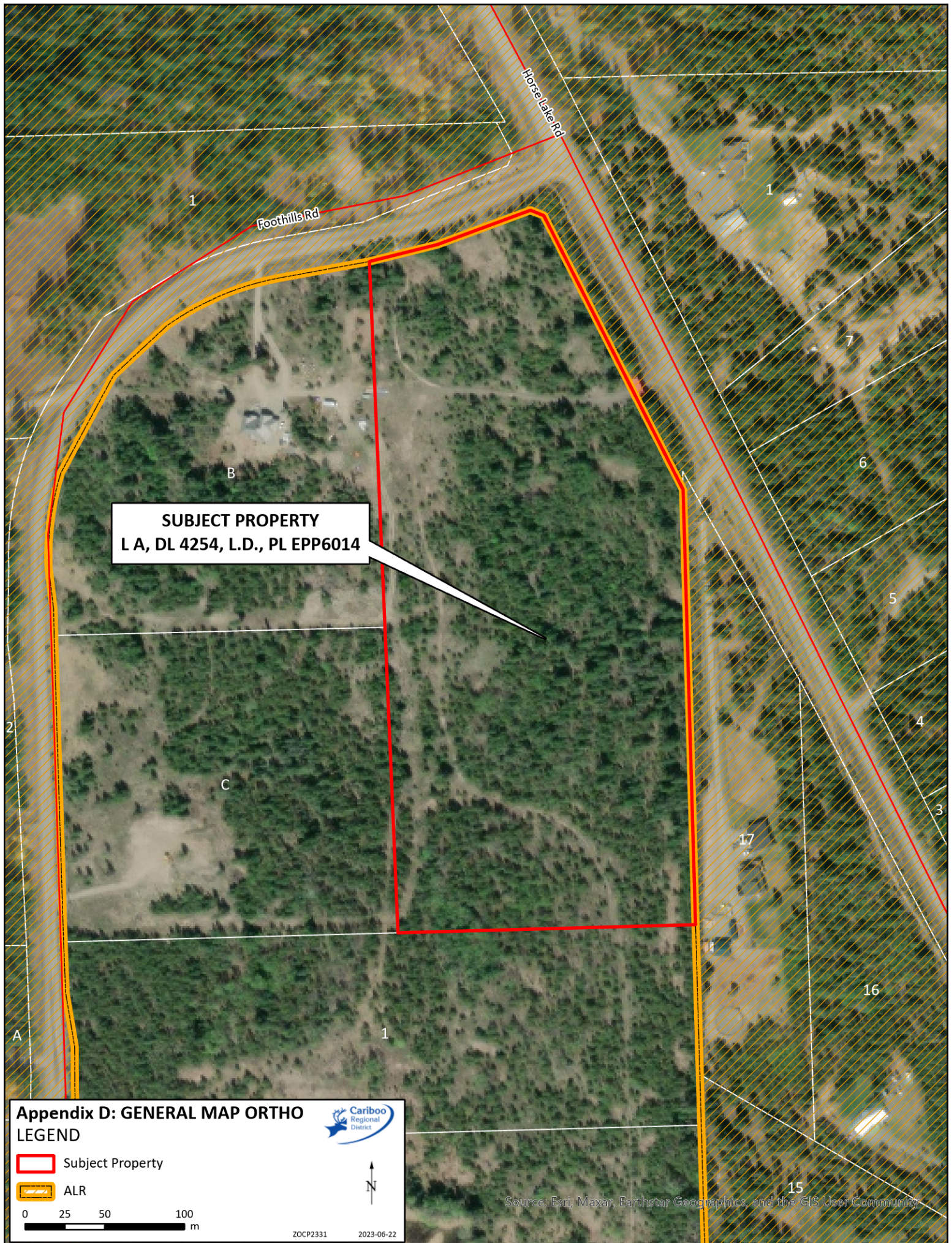
Manager of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5439, cited as the "South Cariboo Area Zoning Amendment Bylaw No. 5439, 2023", as adopted by the Cariboo Regional District Board on the _____ day of _____, 2024.

Manager of Corporate Services







Reasons of Support

This application is requesting that Lot A, District Lot 4254, Lillooet District, Plan EPP6014 be rezoned. The property is 7.53 hectares in size and is located at the intersection of Horse Lake Road, which is paved and Foothills Road, which is gravel.

The property is presently zoned Rural 1 (RR1) in the South Cariboo Area Zoning Bylaw No. 3501. It is designated Agricultural in the South Cariboo Area Official Community Plan. We believe that the designation is a result of the land originally being in the Agricultural Land Reserve. The Agricultural Land Commission under file D-38312, Resolution #584/2008 removed this and an adjacent property from the Land Reserve. Both properties were subsequently subdivided and the property under application was created by one of those subdivisions. There are no agricultural uses on this land.

The proposal is to rezone the land to the Rural 2 (RR2) Zone to allow the creation of two properties over 2.0 hectares in size. The parcel is 0.47 hectares (1.1 acres) short of being able to propose a subdivision with the current zoning. The road frontage prohibits more than two lots being created, so the owners are proposing two lots of approximately 3.8 hectares in size. This is 0.2 hectares (0.5 acres) less than what the current zone allows.

This land is located about a 12 minute drive southeast of 100 Mile House in the Horse Lake neighbourhood. Horse Lake is the second largest residential neighbourhood within the South Cariboo Area OCP. The land under application is an upland property with frontage on the main collector road for the Horse Lake area. The lands to the west of this land are approximately 4 hectares in size and the lands to the east and southeast are approximately 2 hectares in size. There is no hazardous terrain or environmentally sensitive areas on the land. One proposed lot will be accessed by an existing driveway from Horse Lake Road and the other will access from Foothills Road.

The South Cariboo Area OCP has several Objectives for residential development in section 8.2. We believe that this proposal complies with the following:

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

This objective is met by proposing lot sizes that are a similar size to others in the Horse Lake neighbourhood and larger than many others.

- *8.2.2. Ensure the availability of sufficient land for residential development for a minimum of ten years*

This objective is met because there presently is a shortage of vacant properties in the South Cariboo Area. The recently completed South Cariboo Housing Needs Assessment identified problems meeting resident needs and recommended looking for ways to increase density.

- *8.2.3. Provide a range of lot sizes that reflect the goal of maintaining a rural character.*

This objective is met by proposing lot sizes that are close to the size of the properties to the west and larger than the properties to the east and southeast.

- *8.2.6. Recognize the importance of protecting the environment and minimizing environmental impacts with new residential developments.*

This objective is met because there are no environmentally sensitive areas on the land. It is not waterfront and there are no watercourses.

- *8.2.7. Direct development to areas without geotechnical or environmental hazards and, where present, ensure mitigation measures are in place to reduce such hazards to acceptable levels.*

This objective is met because no geotechnical or environmental hazardous areas exist on the land.

The residential section of the OCP also has policies specific to the Horse Lake area which we believe are met with this proposal.

- *8.3.22(i). Demonstrated demand.*

This policy is met because of the current shortage of vacant properties available in the South Cariboo.

- *8.3.22(ii). Adequate water supply from a community water system or on-site well.*

This policy will be met by on site-wells. As a condition of subdivision sufficient water quantity and quality will need to be proven.

- *8.3.22(iii). Well and moderately drained soils suitable for on-site wastewater disposal.*

This policy is met because there are no known ground problems for the installation of wastewater disposal in this area of the Horse Lake neighbourhood. The proposed lot sizes are large enough to allow for sewage lagoons if inground disposal fields are not acceptable.

- *8.3.22(iv). Good access to the major road network.*

This policy is met because the land is located at the intersection of Horse Lake Road and Foothills Road.

- *8.3.22(v) Slopes under 30%.*

This policy is met because there are no slopes anywhere close to this on the land. There are steeper slopes at the northeast end, but these are within the road dedication and are not 30%.

- *8.3.22(vii) Avoidance of flood and geotechnical hazards.*

This policy is met because the land is not waterfront, has no watercourses and no geotechnical hazardous areas.

- *8.3.22(vii) Avoidance of environmentally sensitive areas.*

This policy is met because none exist on the land.

- *8.3.22(viii). Land outside the ALR.*

This policy is met because the land is not in the ALR and was previously excluded by the Agricultural Land Commission.

- *8.3.22(ix) Land not in a Provincial Forest.*

This policy is met because the land is not within a Provincial Forest.

This application is being made to change the zone of a property in the second largest residential neighbourhood within the South Cariboo OCP area. It is a proposal that conforms to the existing neighbourhood maintaining the character. It is land that meets all policies for residential development in the Horse Lake area, is on the main road to 100 Mile House and ideally suited for an infilling proposal. There are no on-site constraints for residential use and the size of the proposed lots will allow for all residential infrastructure while not affecting any of the adjacent properties. The proposed lots are only 0.2 hectares smaller than what the current zone allows.



Local government file: 3360-20/20230031

July 27, 2023

Genny Hilliard
Development Services Clerk V
Cariboo Regional District
Suite D, 180 North 3rd Avenue
Williams Lake, BC V2G 2A4

VIA EMAIL: planning@cariboord.ca

Re: ZOCP Bylaws 5438, 2023 and 5439, 2023 – Horse Lake Road (PID: 028-179-099)

Dear Genny Hilliard,

Thank you for providing Ministry of Agriculture and Food (Ministry) staff with the opportunity to comment on the proposed zoning and Official Community Plan (OCP) bylaw amendments to facilitate a two-lot subdivision of the subject 7.53-hectare parcel located outside of the Agricultural Land Reserve (ALR).

Ministry staff offer the following comments:

- Positioned within a small pocket of non-ALR land, the subject parcel is surrounded by a larger configuration of ALR land immediately south of Horse Lake. The proposed bylaw amendments will revise the parcel's OCP designation from Agriculture to Rural Residential and its zoning from Rural 1 (RR 1) to Rural 2 (RR 2), allowing the parcel to be potentially subdivided into two 3.8-hectare portions. As noted in the application, the parcel was previously in the ALR prior to 2008 before being excluded following ALC decision #584/2008, ALC ID:38312.
- While acknowledging the ALC's decision to exclude the property, Ministry staff note that the likely increase in residential and accessory structure development on the parcel following subdivision will likely raise its land cost per hectare and impact surrounding farm operations. Given this, along with no stated intentions to pursue agricultural activity in the application, the proposed subdivision does not appear to benefit long-term agricultural use on the parcel or surrounding neighbourhood.

- Ministry staff also note that the subject parcel is located in a provincial [Livestock District](#) where livestock are permitted to be at large. Adjacent private landowners are to share the cost of a legal fence. If subdivision is approved, the fencing of the two new parcels will help reduce conflict. Regional District staff may want to confirm with the applicant their intentions to build any additional fencing.

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

Sincerely,

Gregory Bartle Land Use Planner
B.C. Ministry of Agriculture and Food
Phone: (778) 974-3836
Email: Gregory.Bartle@gov.bc.ca

Nicole Pressey, Regional Agrologist
B.C. Ministry of Agriculture and Food
Phone: (236) 713-2223
Nicole.Pressey@gov.bc.ca

Email copy: Agricultural Land Commission, ALC.Referrals@gov.bc.ca



Planning Application Advisory Planning Commission Comment Form

Date of Meeting: July 27, 2023 (7:33 pm) START:
Location of Meeting: Interlakes (Steve Brown's House)
File Number: 3360-20/20230031
Application Type: Rezoning/OCP Amendment
Electoral Area: L
Legal Description: Lot A, District Lot 4254, Lillooet District, Plan EPP6014
Property Location: Horse Lake Road

ATTENDANCE

Present:

Chair:

Members:

Sharron Woloshyn
Dori Dennison, Glen Clark, Greg Atherton,
Steve Brown, Gordon Ross

Recording Secretary:

Owners/Agent:

☐ Contacted but
declined to attend

Sharron Woloshyn
Nigel Hemmingway

Absent:

Ursula Hart, Barb MatSin, Manuela Betschart

Also Present:

Electoral Area Director:

Staff Support:

Eric deVries

RESOLUTION

Motion made by Glen Clark, seconded by Gordon Ross
THAT application with File Number 3360-20/20230031 be SUPPORTED /
REJECTED for the following reasons:

- 1) Helps conform the property to surrounding properties.
- 2) Rezoning lot size is only slightly smaller than the
lot size allowed in the existing zone, (9.88 ac vs 9.39 ac).
- 3) Use of the land, is a minor reduction with rezoning.
(permitted)

For: 6 Against: 0

CARRIED/DEFEATED

Termination:
That the ^{application review be} meeting terminated.
Moved: Dori Dennison
Seconded: Steve Brown

CARRIED

Time: 7:48

Chair

* The attending APC Members voted
Sharron Woloshyn to be Secretary. *

RESULTS OF PUBLIC HEARING

File No: 3360-20/20230031

Date: January 8, 2024

Location: Lone Butte Community Hall and Via Teleconference

Re: **SOUTH CARIBOO AREA OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. 5438, 2023 AND SOUTH CARIBOO AREA ZONING AMENDMENT BYLAW NO. 5439, 2023**

Persons Present:

- ☒ Director: Eric de Vries
 - ☐ Owner(s): Brian & Tamara Henderson
 - ☒ Agent: Nigel Hemingway - Cariboo Geographic Systems
 - ☒ Public: See attached list
 - ☐ Staff:
 - ☐ No public in attendance (excluding owner/agent)
-

- ☒ Meeting called to order at 7:01.
- ☒ Welcome, introduction and the "Purpose of a Public Hearing", including the rules for the meeting and the specifics of the application were read out.
- ☒ The following verbal comments and questions were received: (add additional sheet if required)
 - Comments in favour:
 - Mary Carter: in favour of creating 5 acre lot sizes
 - Comments of concern/opposition:
- ☒ Attendees were asked three times for further comments and/or questions.
- ☒ The Chair called the meeting adjourned at 7:12. (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.

Signature of Chair

[illegible]