

Rezoning / OCP Information Package

File Number: 3360-20/20180009

Subject: Cariboo Regional District South Cariboo Area Official Community Plan Amendment Bylaw No. 5142, 2018 and Cariboo Regional District South Cariboo Zoning Amendment Bylaw No. 5143, 2018

Electoral Area: H

Date of Referral: April 17, 2018

Date of Application: February 27, 2018

Property Owner's Name(s): Richard and Janice Elliott

Applicant's Name: Nigel Hemingway c/o Cariboo Geographic Systems

SECTION 1: Property Summary

Legal Description(s): District Lot 7551, Lillooet District

Area of Application: 6.9 ha (17.05 ac)

Common property 2.64 ha (6.52 ac), Strata Lots areas 0.54 ha (1.33 ac), 0.54 ha (1.33 ac), 1.5 ha (3.7 ac), 0.81 ha (2 ac)

Location: 3920 & 3924 Eagle Creek Rd

Common Property:

Current Designation:

Agricultural

Min. Lot Size Permitted:

32 ha (79.07 ac)

Proposed Designation:

Small Holding Residential

Min. Lot Size Permitted:

0.4 ha (0.99 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)

Proposed Strata Lots:

Current Designation:

Agricultural

Min. Lot Size Permitted:

32 ha (79.07 ac)

Proposed Designation:

Small Holding Residential

Min. Lot Size Permitted:

0.4 ha (0.99 ac)

Current Zoning:

Rural 1 (RR 1)

Min. Lot Size Permitted:

4 ha (9.88 ac)

Proposed Zoning:

Lakeshore Residential (RL)

Min. Lot Size Permitted:

0.4 ha (0.99 ac)

(As per Section 4.19 of Zoning Bylaw 3501 Strata development)

*Minimum lot area can be reduced to half the minimum lot size
Requirement if %50 of the property is kept as common property)*

Proposed Use: To create lakefront residential lots for the property owners and their three daughters. The proposed remainder parcel on the southeast portion of the property will be used as a common use area for the family.

No. and size of Proposed Lots: 5 lots, one 1.5 ha (3.7 ac) lot, two 0.54 ha (1.33 ac) lots, one 0.81 ha (2 ac) lot, and a 2.64 ha (6.52 ac) remainder lot

Name and type of existing road system: Eagle Creek Rd

Services Available: Hydro, telephone, sewage disposal system

Within the influence of a Controlled Access Highway: No

Within the confines of the Agricultural Land Reserve: Yes

Required to comply with the Shoreland Management Policy or Development Permit Areas:

Yes, with respect to sewage disposal and riparian protection.

Name of Lake/Contributing River and Lake Classification: Ruth Lake

Required to comply with other Development Permit Area: No

Name of Development Permit: N/A

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

	Land Use:	Lot Sizes:
(a) Ruth Lake North		
(b) Unsurveyed Crown Land South		
(c) Unsurveyed Crown Land East		
(d) 000 – Single Family Dwelling West 062 – 2 Acres or More – Seasonal Dwelling		0.24 ha (0.603 ac) – 0.61 ha (1.529 ac) 1.3 ha (3.22 ac)

SECTION 2: Planning Report

Background:

The application proposal is to create lakefront residential strata lots for the property owners and family. The subject property is proposed to rezone from Rural 1 (RR 1) to Rural 2 (RR 2) and Lakeshore

Residential (RL) in South Cariboo Area Zoning Bylaw and designate from Agricultural to Small Holding Residential in South Cariboo Area Official Community Plan.

Location and Surroundings:

The proposal is located at 3920 & 3924 Eagle Creek Road. There are residential parcels to the west and unsurveyed crown land to the south and east of the subject property with Ruth Lake to the north of the property. The parcel soil rating shows that eighty percent of the land is under class 4 soils with severe limitations on topography and the remaining twenty percent is under class 3 soils with limitations on adverse climate.

Application History / Relevant Applications:

The property was approved by ALC for the exclusion of the parcel from the Agricultural Land Reserve in May 1996.

CRD Regulations and Policies:

South Cariboo Area Official Community Plan

1. AGRICULTURAL

- 1.5 Land designated AGRICULTURAL shall have a minimum parcel size of 32 hectares. The minimum parcel size may be reduced by amending the zoning bylaw to allow an infill subdivision consistent with RURAL RESIDENTIAL parcel sizes. Further, the Cariboo Regional District will support property consolidation to address defensible environmental rationale such as to improve a sewage disposal system.

South Cariboo Area Zoning Bylaw

5.16 LAKESHORE RESIDENTIAL (RL) ZONE

5.16.2 ZONE PROVISIONS

No person shall, within any RL zone, use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following provisions:

- (a) LOT AREA (minimum): = 0.4 hectare (0.99 acre)

5.19 RURAL 2 (RR 2) ZONE

5.19.2 ZONE PROVISIONS

No person shall, within any RR 2 zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) LOT AREA (minimum): = 2 hectares (4.94 acres)

Rationale for Recommendations:

Based on low agricultural land capability and limiting number of proposed new structures in the future, the planning staff is supportive of the rezoning proposal. Being adjacent to Ruth Lake, the proposal is required to comply with Shoreland management policy.

Recommendation:

1. That the Cariboo Regional District South Cariboo Area Official Community Plan (OCP) Amendment Bylaw No. 5142, 2018 be approved.

2. That the South Cariboo Area Zoning Amendment Bylaw No. 5143, 2018 be approved subject to the following condition:

1. The applicant offering to enter into and entering into a covenant to ensure compliance with the CRD Shoreland Management Policy with respect to sewage disposal system and riparian protection.

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

SECTION 3: Referral Comments

Health Authority: -

Ministry of Transportation and Infrastructure: - May 7, 2018

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

Access to water
Road Construction/Dedication
Archaeology Assessment
Drainage R/W
Driveway access
Proof of Water
Sewage Disposal

Advisory Planning Commission: May 15, 2018

See attached.

Ministry of Environment: -

Agricultural Land Commission: - April 17, 2018

In its response to the South Cariboo Official Regional Plan, the Agricultural Land Commission and its Executive Committee observed that at Ruth Lake, it was not immediately apparent which lands were

arable and which were not, based on existing Agricultural Capability Mapping which did not appear to be entirely reliable. For that reason the Executive Committee recommended that the Cariboo Regional District be encouraged to engage a professional agronomist qualified in soil mapping, soil survey and agricultural capability assessments to conduct a land use study of the Agricultural Land Reserve lands crosshatched on the attached Map #E. Accordingly, decisions on that part of the Ruth Lake Area have been deferred pending completion of such a land use study.

The Agricultural Land Commission does not intend to support further development in the crosshatched area until such time as a such a study has been endorsed.

BC Parks: -

Provincial Crown: -

Range Officer: -

SECTION 4: Board Action

Date of Meeting:

ATTACHMENTS

Appendix A: Bylaw No. 5142 & 5143

Appendix B: General Map

Appendix C: Specific Map

Appendix D: Orthographic Map

Other: Applicant's supporting documentation
APC Comments



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5142

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to amend Bylaw No. 3100, being the "South Cariboo Area Official Community Plan Bylaw No. 3100, 1995".

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 "Cariboo Regional District South Cariboo Area Official Community Plan Amendment Bylaw No. 5142, 2018".

2. AMENDMENT

Schedule "B" of Bylaw No. 3100 of the Cariboo Regional District is amended by:

Redesignating District Lot 7551, Lillooet District from Agricultural designation to Small Holding Residential designation as shown in Schedule "A".

READ A FIRST TIME this _____ day of _____, 2018.

READ A SECOND TIME this _____ day of _____, 2018.

A PUBLIC HEARING WAS HELD ON THE _____ DAY OF _____, 2018.

READ A THIRD TIME this _____ day of _____, 2018.

ADOPTED this _____ day of _____, 2018.

Chair

Corporate Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5142, cited as the "Cariboo Regional District South Cariboo Area Official Community Plan Amendment Bylaw No. 5142, 2018", as adopted by the Cariboo Regional District Board on the day of _____, 2018.

Corporate Officer

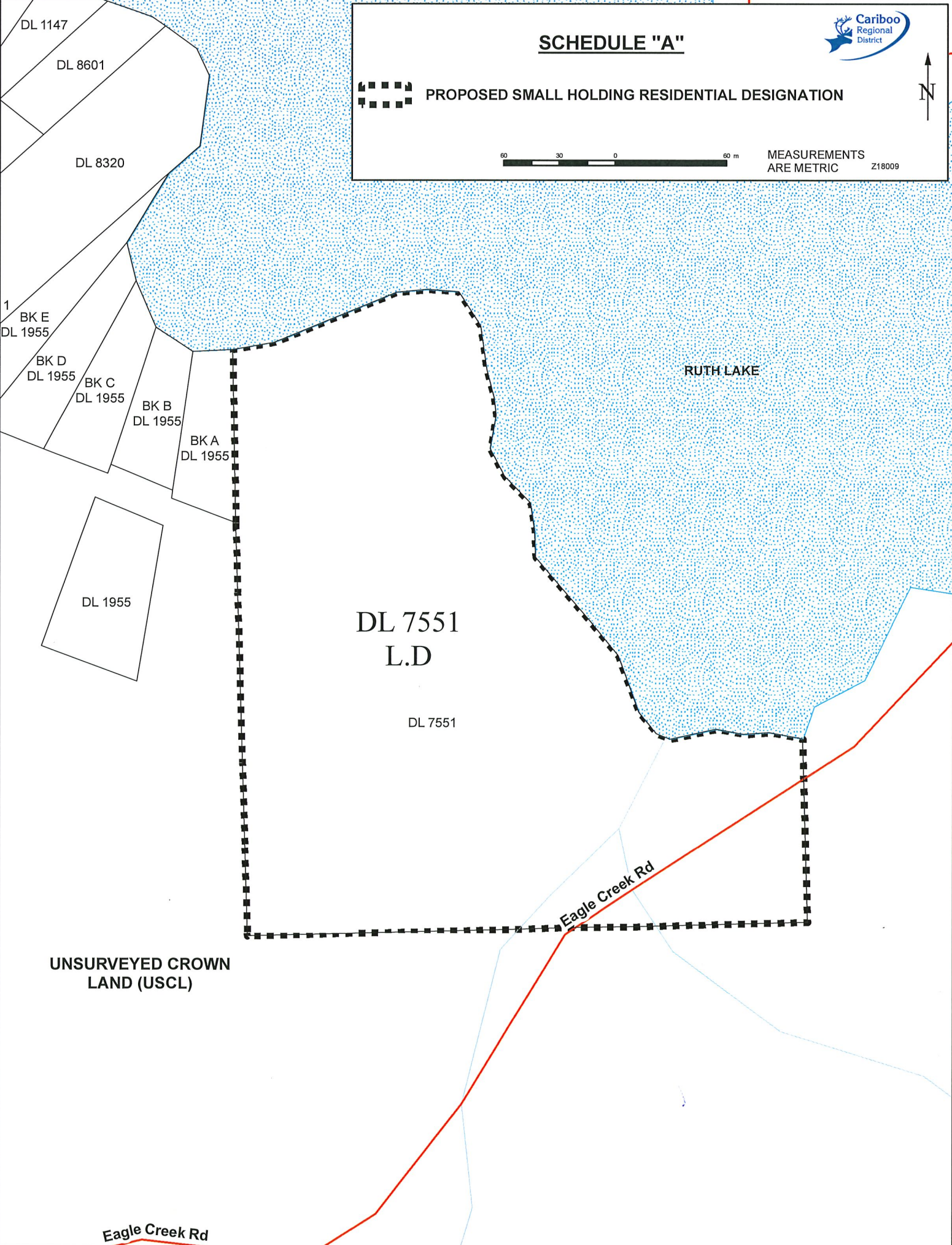
SCHEDULE "A"



PROPOSED SMALL HOLDING RESIDENTIAL DESIGNATION



MEASUREMENTS
ARE METRIC Z18009



DL 1147

DL 8601

DL 8320

1
BK E
DL 1955

BK D
DL 1955

BK C
DL 1955

BK B
DL 1955

BK A
DL 1955

DL 1955

DL 7551
L.D

DL 7551

RUTH LAKE

Eagle Creek Rd

UNSURVEYED CROWN
LAND (USCL)

Eagle Creek Rd



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5143

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 "Cariboo Regional District South Cariboo Area Zoning Amendment Bylaw No. 5143, 2018".

2. AMENDMENT

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

- i) rezoning District Lot 7551, Lillooet District from Rural 1 (RR 1) zone to Lakeshore Residential (RL) zone and Rural 2 (RR 2) zone as shown in Schedule "A"; and
- ii) amending Schedules "C" and "D" accordingly.

READ A FIRST TIME THIS _____ DAY OF _____, 2018.

READ A SECOND TIME THIS _____ DAY OF _____, 2018.

A PUBLIC HEARING WAS HELD ON THE _____ DAY OF _____, 2018.

READ A THIRD TIME THIS _____ DAY OF _____, 2018.

ADOPTED THIS ___ DAY OF _____, 2018.

Chair

Corporate Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5143, cited as the "Cariboo Regional District South Cariboo Area Zoning Amendment Bylaw No. 5143, 2018", as adopted by the Cariboo Regional District Board on the _____ day of _____, 2018.

Corporate Officer

DL 1147
DL 8601

DL 8320

DL 1955
1

BK D
DL 1955

BK C
DL 1955

BK B
DL 1955

BK A
DL 1955

DL 1955

DL 7551
LD

DL 7551

UNSURVEYED CROWN
LAND (USCL)

Eagle Creek Rd

PROPOSED ROAD R/W

SCHEDULE "A"



PROPOSED LAKESHORE RESIDENTIAL (RL) ZONE

PROPOSED RURAL 2 (RR 2) ZONE



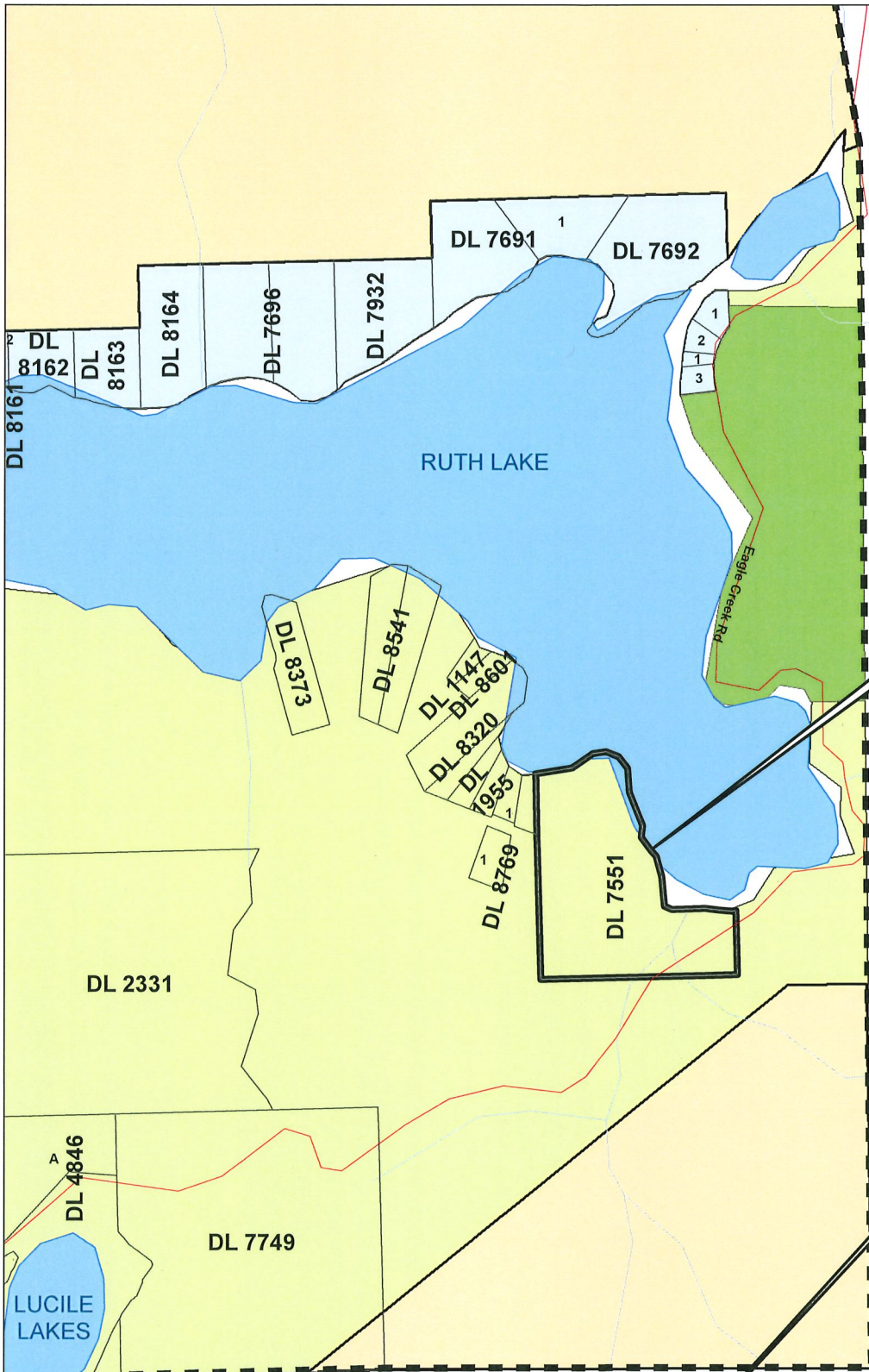
MEASUREMENTS
ARE METRIC
Z18009

RUTH LAKE

SUBJECT PROPERTY

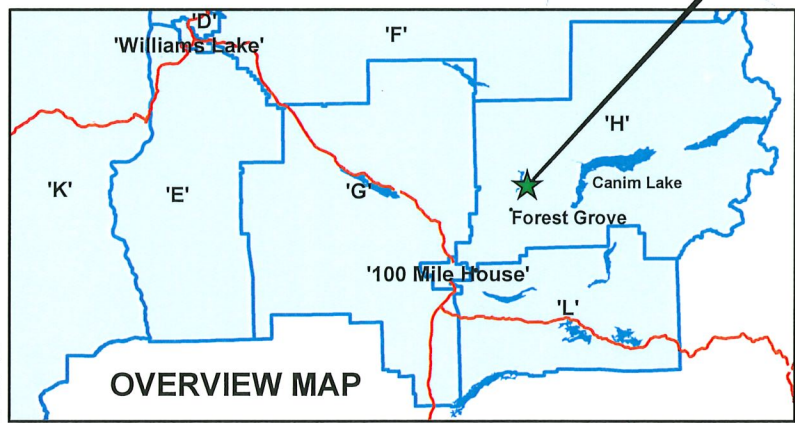
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Z18009



SUBJECT PROPERTY
DL. 7551, L.D.

SUBJECT PROPERTY



- South Cariboo OCP Boundary
- SOUTH CARIBOO DESIGNATIONS**
- AGRICULTURAL
- GENERAL RESIDENTIAL
- PARKS AND RECREATION
- RESOURCE AREA

Appendix C: SPECIFIC MAP

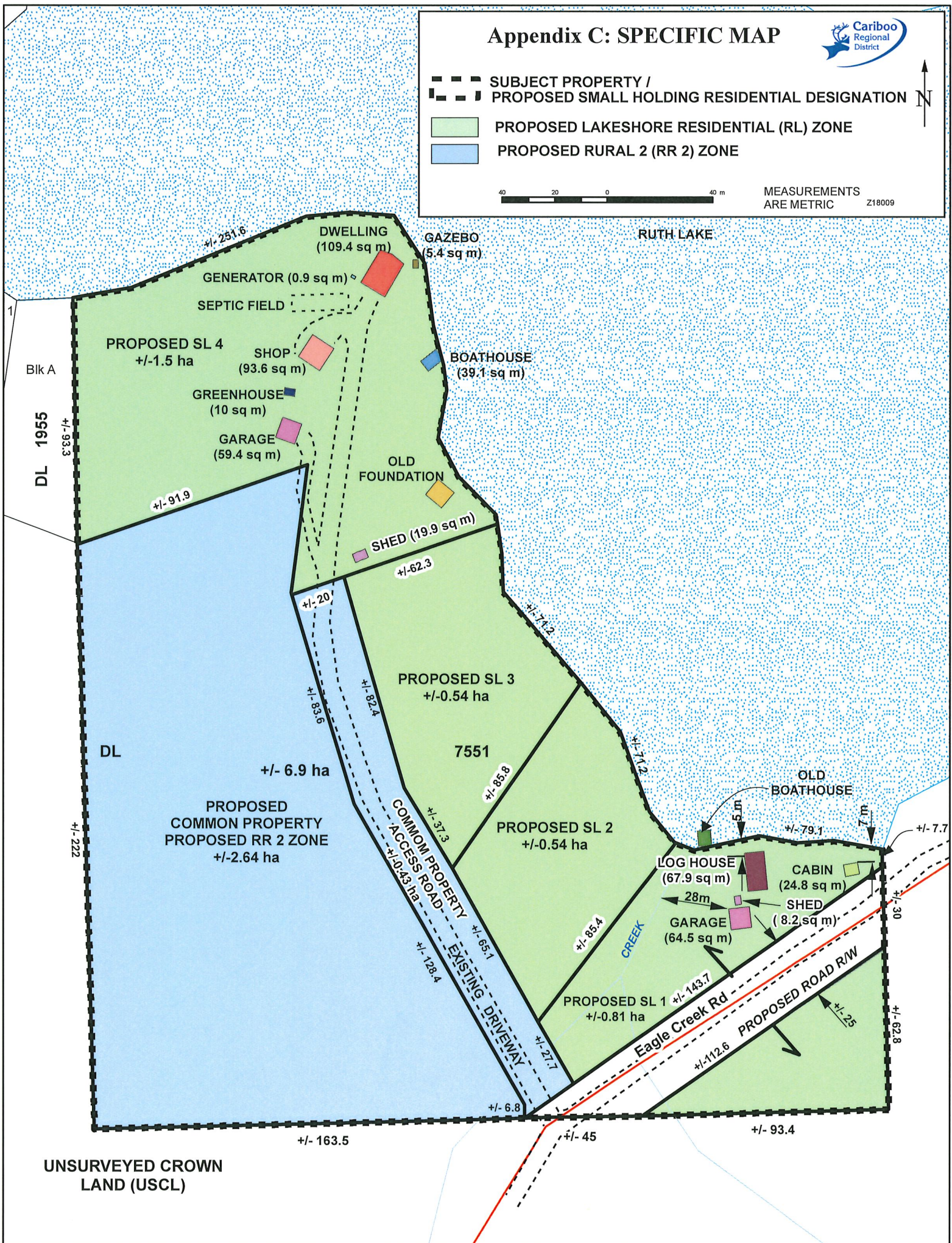


- SUBJECT PROPERTY /
- PROPOSED SMALL HOLDING RESIDENTIAL DESIGNATION

- PROPOSED LAKESHORE RESIDENTIAL (RL) ZONE
- PROPOSED RURAL 2 (RR 2) ZONE



MEASUREMENTS ARE METRIC Z18009



UNSURVEYED CROWN LAND (USCL)

LEGEND

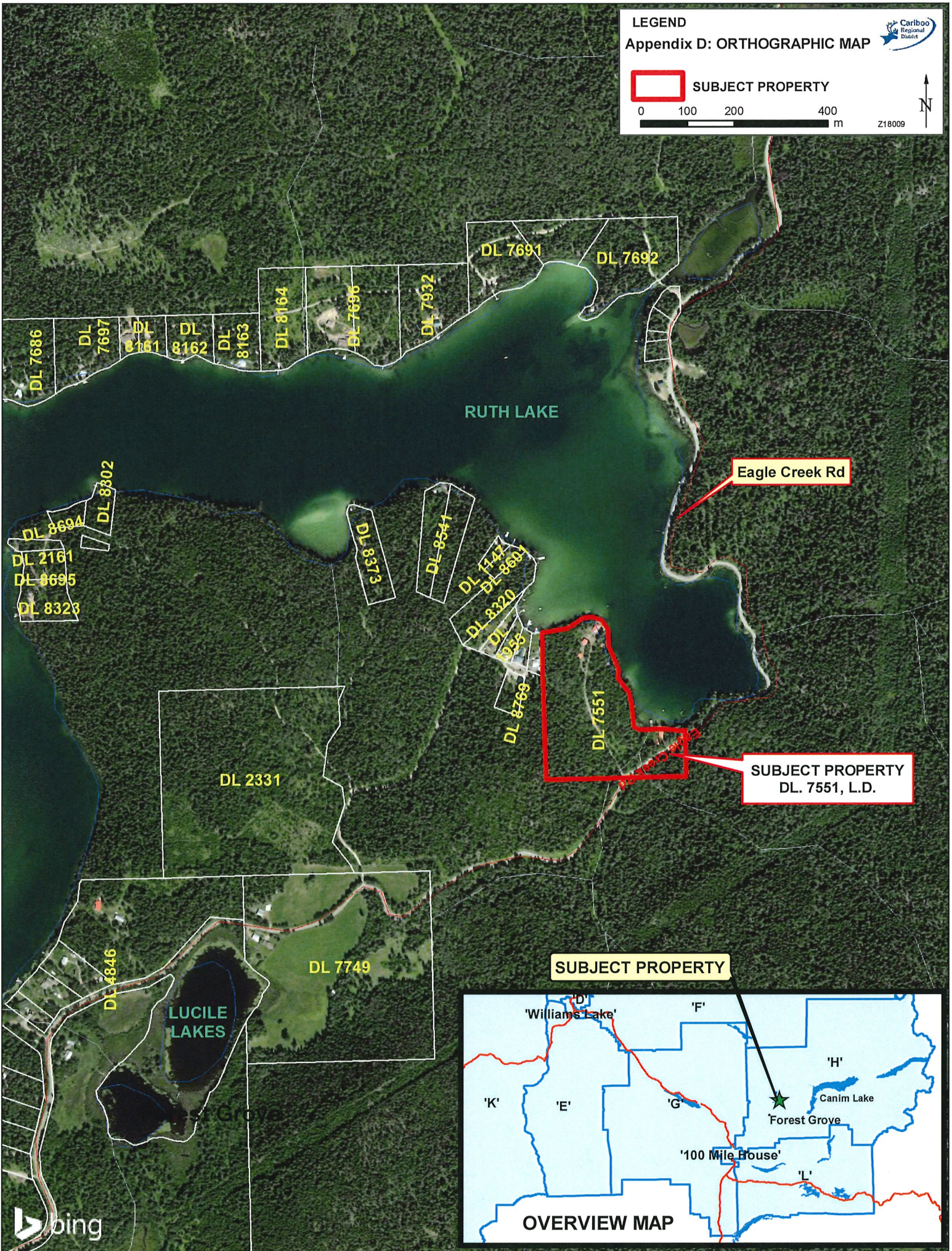
Appendix D: ORTHOGRAPHIC MAP



 SUBJECT PROPERTY

0 100 200 400 m

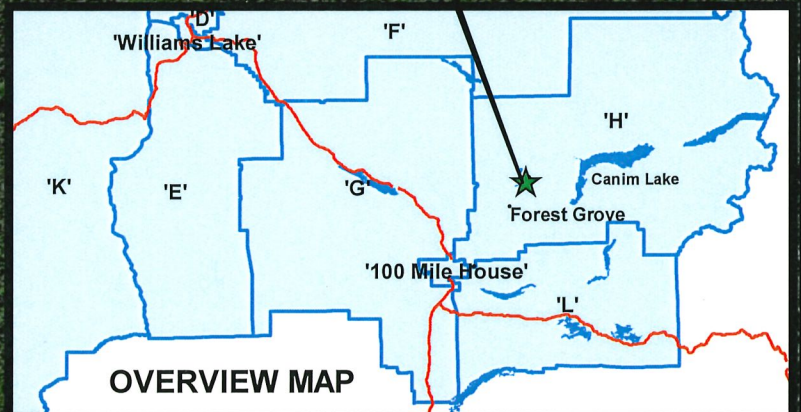
Z18009



Eagle Creek Rd

SUBJECT PROPERTY
DL. 7551, L.D.

SUBJECT PROPERTY



This application requests District Lot 7551, Lillooet District be rezoned to the Lakeshore Residential (RL) Zone and be re-designated in the South Cariboo Official Community Plan to Lakeshore Residential. The property is presently designated Agricultural but has this proposed RL designation in the new Draft Official Community Plan. The application is being made so that the current owners can continue to reside here and give one lot to each of their three daughters.

The property was originally surveyed in 1947 and has been in the same family's ownership since 1958. Jan Elliott is the daughter of Charlie and Blanche Albert, the previous owners. Jan and her husband Ric purchased the property from her mother in order to live here full time when they retired in 2012. Jan grew up on this land and their children have been coming to the property their entire lives to enjoy Ruth Lake and the Cariboo. The land was in the Agricultural Land Reserve but was excluded in 1996 by the Land Commission due to the lack of agricultural potential.

District Lot 7551 is a small district lot (6.9 ha) at the southeastern end of Ruth Lake. To the east of the property is the Ruth Lake Provincial Park which was established in 1959 just after the Albert family bought their property. South of the property is unsurveyed Crown Land and most of the west side is also unsurveyed Crown Land. There is a dedicated road allowance and one adjacent residential property on the west side of District Lot 7551.

The development of this land is proposed under the Bare Land Strata requirements of the Strata Property Act. This method was chosen by the Elliott's for several reasons:

- 1) They will continue to live in their home on Strata Lot 4 and intend to give each of their daughters and their families one of the other strata lots. This style of ownership is more conducive to the family use of all the land than a normal subdivision under the Land Title Act.
- 2) It allows them to set aside the wooded forest land as common property for the use and enjoyment of all the family. The common property which will remain undisturbed is approximately 2.6 hectares (6.4 acres) in size.
- 3) The shape of the property and limited road frontage means that a subdivision under the Land Title Act would require a public road to be constructed into the land and affects the area view scape. Since the common property access route will be private the construction aspect and clearing will be less. The existing driveway is well built and to bring it up to the strata road standard should just need some minor widening.

This land has a lot of waterfront on Ruth Lake. The development design allows each proposed lot to have significantly more waterfront on the lake than many of the existing lots and more than what the zone requires. There is a small watercourse near the southern end, it does have water flowing in it most of the year but is often not much more than a trickle. The proposed design has this feature in common property and in proposed Strata Lot 1. This was done to help with its protection and accommodates the setback for future buildings. The owners are aware of the shoreland development guidelines of

the Regional District and are happy to comply with them as part of this process. They live on the lake and have been enjoying it for many years and believe in its environmental protection.

There are many buildings on the land now. The buildings on Strata Lot 4 were built over many years by Mrs. Elliott's father and this is the home they now live in. There is an old foundation on this lot but it has been deteriorating for years, cannot be used for building purposes and it would be difficult to remove. The buildings on Strata Lot 1 have also been there for many years. We believe the log house was built around 1930 and it was shown on the 1947 survey. A septic system was installed for it around 1975. The other cabin has no servicing and while occasionally used for an extra sleeping area, is more of a storage structure.

The proposed development of this land will not affect the environment or water quality of Ruth Lake. The testing required as part of this application will ensure that before the zoning change can be adopted. Half of the proposed lots are already developed for residential purposes so only two more homes are possible with this proposal. We have applied for the Lakeshore Residential Zone which only allows single family residences and not duplexes. If the proposed amendment to the bylaw for secondary residences is adopted this zone would only permit a secondary suite in a residence and that would have a maximum size of 90 square metres.

This application is being made so that a property which has been in the same family for 60 years can be divided. Jan & Ric Elliott's daughters have spent their whole lives enjoying this land, the lake and the area. They come to Ruth Lake regularly as often as they can each year. If this proposal is approved it will allow each child and their family to own a Strata Lot within the family property for their traditions to start and continue into the future.









MAY 15 2018

File No: 3360-20/20180009

Referred To

ADVISORY PLANNING COMMISSION RESPONSE FORM

Minutes of the meeting of the Electoral Area 'H' advisory planning commission held on May 14/18 in the Community Hall, located at Forest Grove, BC, commencing at 7:30 p.m.

PRESENT:

Chair Peter Sanders.

Members

Lori Frame, Ken Baume, Louis Judson, Tom Price,

Recording Secretary Margo Wagne.

Owners/Agent, or Nigel Hemmingway, Richard / Janice Elliott.
 Contacted but declined to attend

ABSENT:

JORG HEIZMANN, PAUL LOEPKY, ALISA MARRECCI

ALSO PRESENT:

Electoral Area Director Margo Wagne.
Staff support (if present)

Agenda Items

REZONING/OCP APPLICATION – 3360-20/20180009 (District Lot 7551, Lillooet District)

Lori Frame / Ken Baume : "THAT the application to rezone/redesignate property at 3920 AND 3924 EAGLE CREEK ROAD, be supported/rejected for the following reasons:

- i) The project appears well planned and will accommodate the
- ii) family (long-term residents) planned family long-term use of the property.

For: 5 Against: 0

CARRIED/DEFEATED

Termination

Tom Price / Louis Judson. : That the meeting terminate.

CARRIED

Time: 8:00 p.m.

Margo Wagne
Recording Secretary

Peter Sanders
Chair