

## 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

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**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)

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**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	0.24 ha (0.603 ac) – 0.61 ha (1.529 ac)
	West 062 – 2 Acres or More – Seasonal Dwelling	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:** - June 29, 2018

See attached.

**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 agrologist 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: May 25, 2018

That the Cariboo Regional District South Cariboo Area Official Community Plan (OCP) Amendment Bylaw No. 5142, 2018 be read a first and second time this 25th day of May, 2018.

That the South Cariboo Area Zoning Amendment Bylaw No. 5143, 2018 be read a first and second time this 25th day of May, 2018. Further, that adoption be subject to the following condition:

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.

#### **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

Interior Health Comments

Results of Public Hearing



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 25<sup>th</sup> day of May, 2018.

READ A SECOND TIME this 25<sup>th</sup> day of May, 2018.

A PUBLIC HEARING WAS HELD ON THE 19<sup>th</sup> DAY OF July, 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



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 25<sup>th</sup> DAY OF May, 2018.

READ A SECOND TIME THIS 25<sup>th</sup> DAY OF May, 2018.

A PUBLIC HEARING WAS HELD ON THE 19<sup>th</sup> DAY OF July, 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

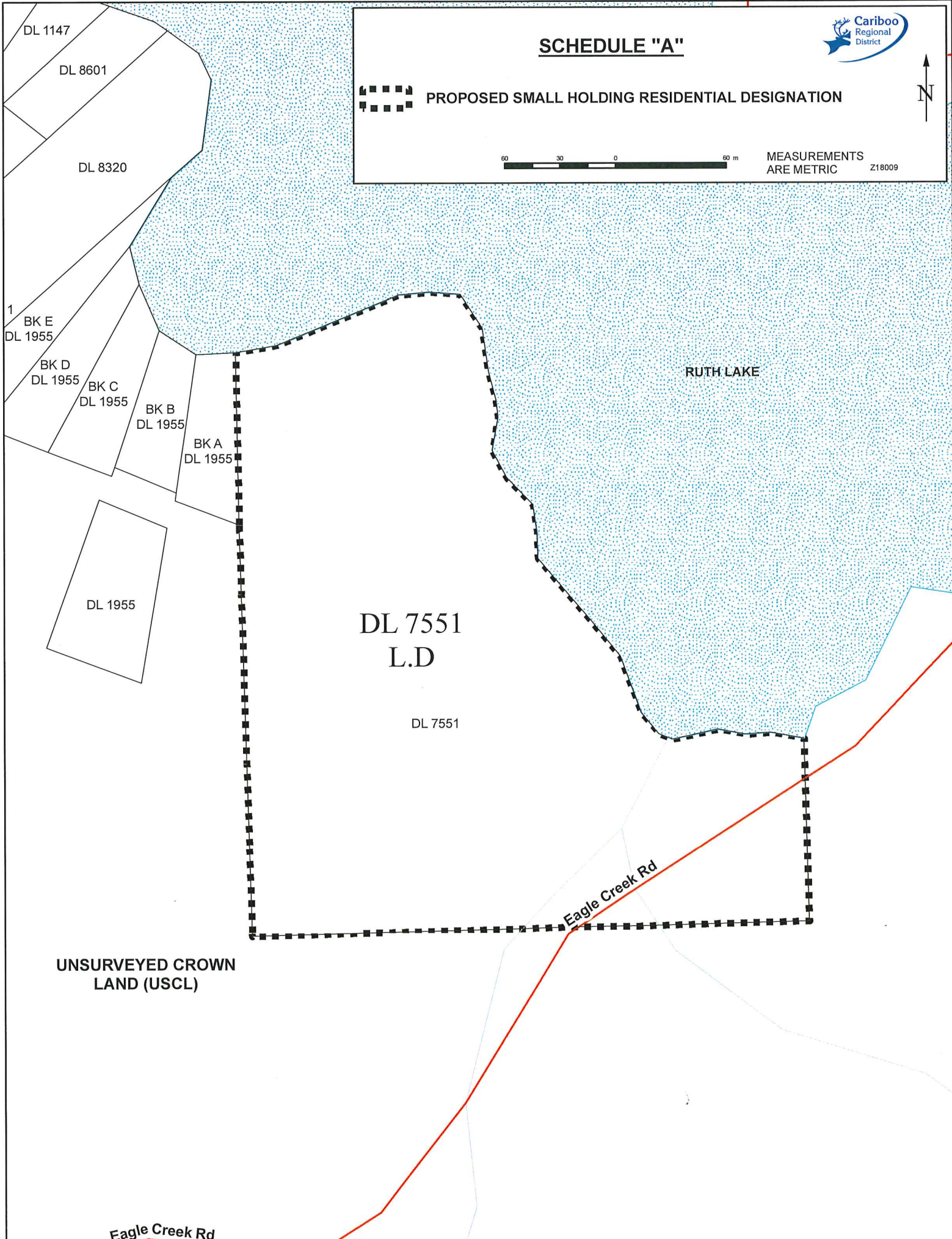
# SCHEDULE "A"



PROPOSED SMALL HOLDING RESIDENTIAL DESIGNATION



MEASUREMENTS  
ARE METRIC Z18009



DL 7551  
L.D

DL 7551

RUTH LAKE

UNSURVEYED CROWN  
LAND (USCL)

Eagle Creek Rd

Eagle Creek Rd



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5143

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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

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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 25<sup>th</sup> DAY OF May, 2018.

READ A SECOND TIME THIS 25<sup>th</sup> DAY OF May, 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

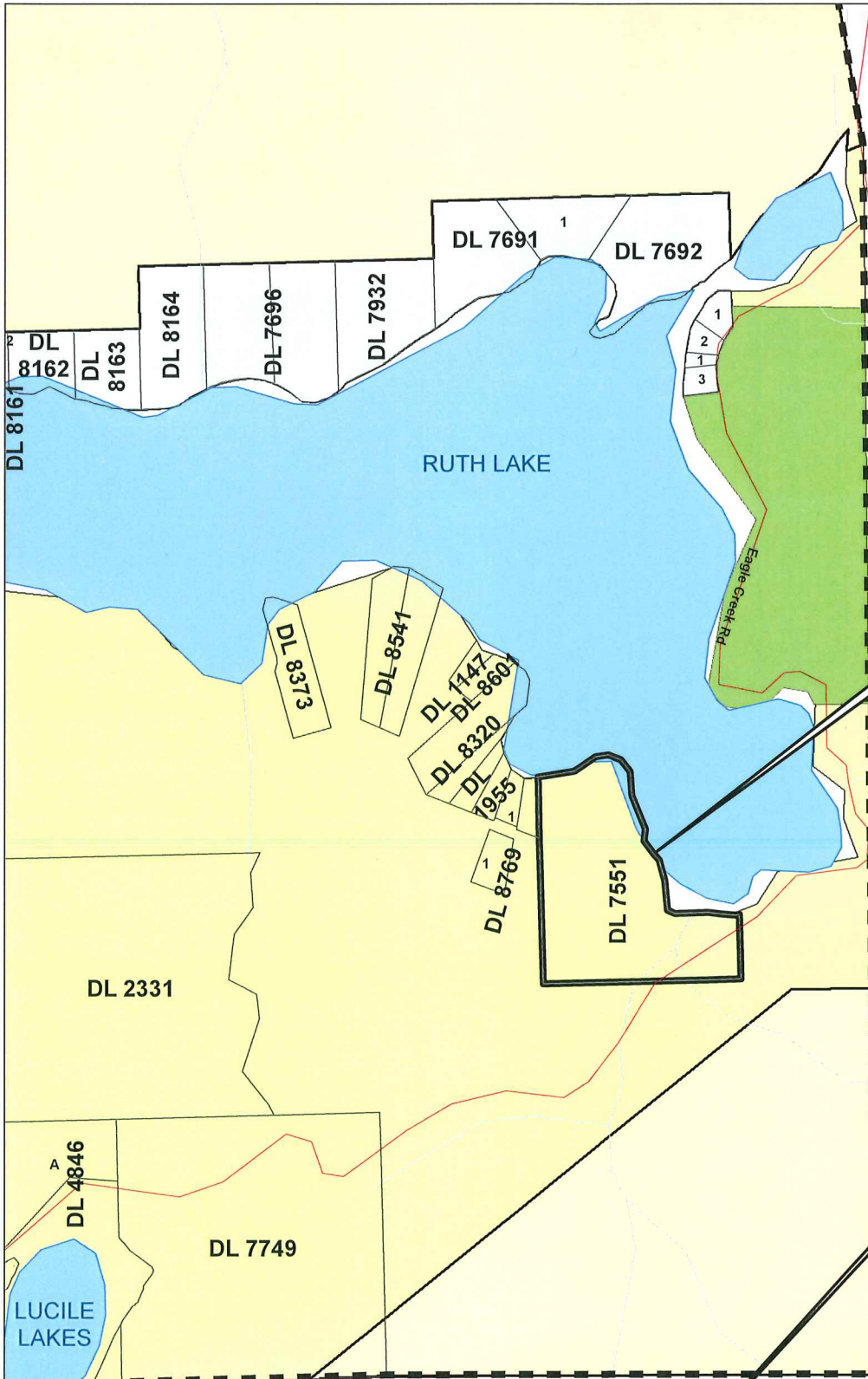
**LEGEND**  
**Appendix B: GENERAL MAP**



SUBJECT PROPERTY

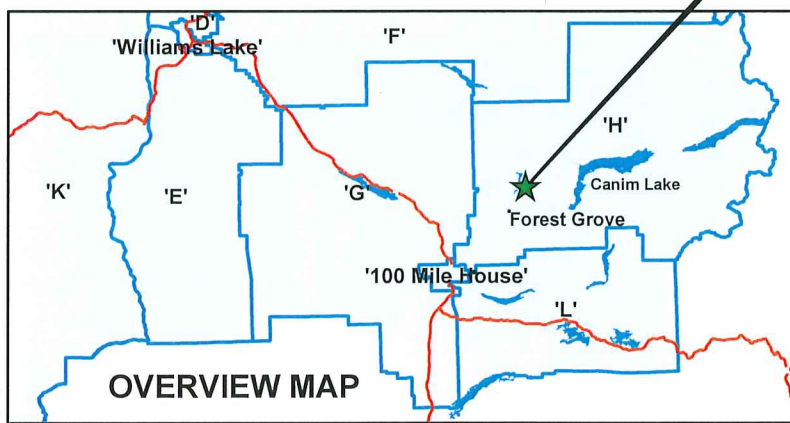


Z18009



**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

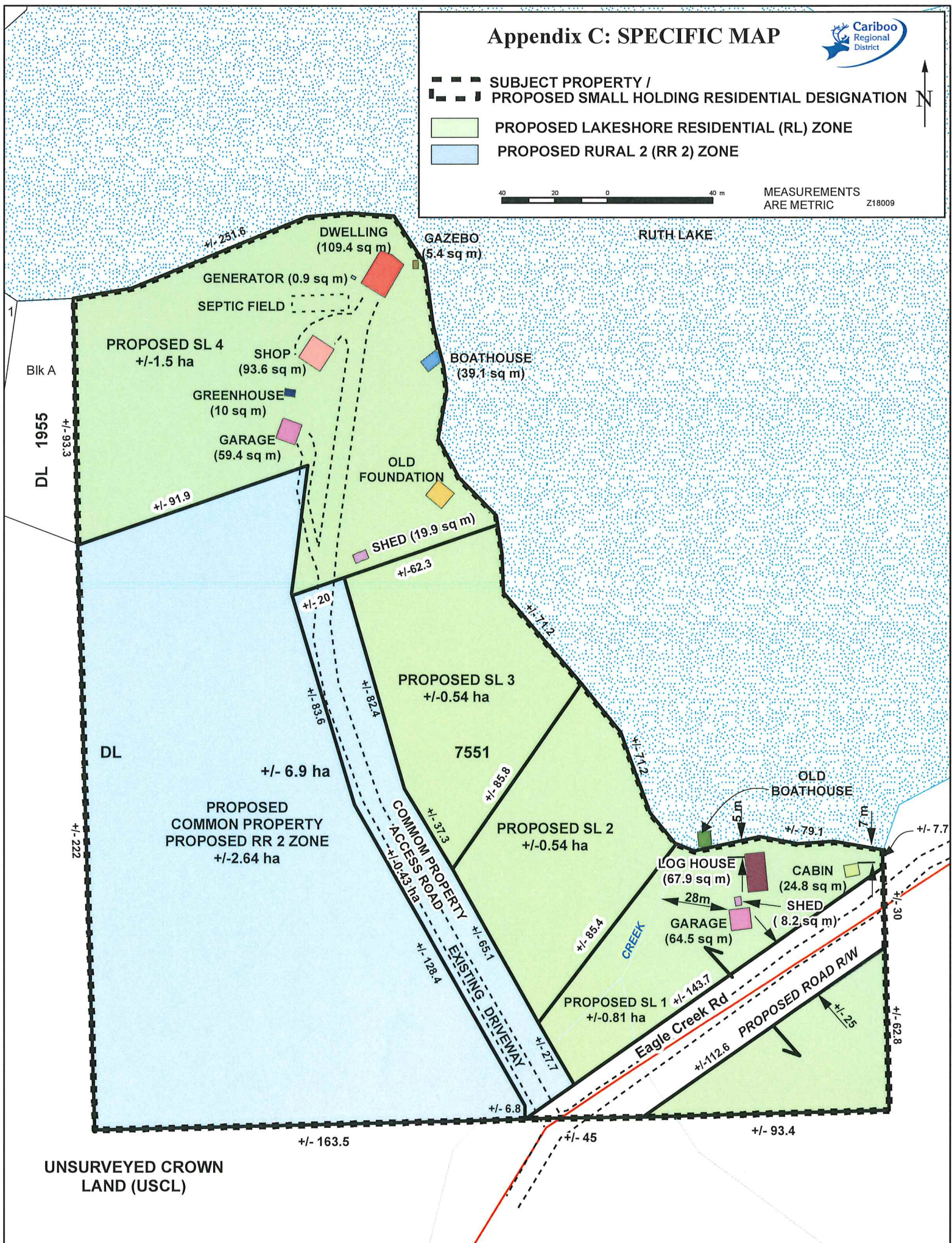


- SUBJECT PROPERTY /
- PROPOSED SMALL HOLDING RESIDENTIAL DESIGNATION

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



MEASUREMENTS ARE METRIC Z18009



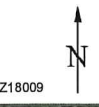
LEGEND

Appendix D: ORTHOGRAPHIC MAP

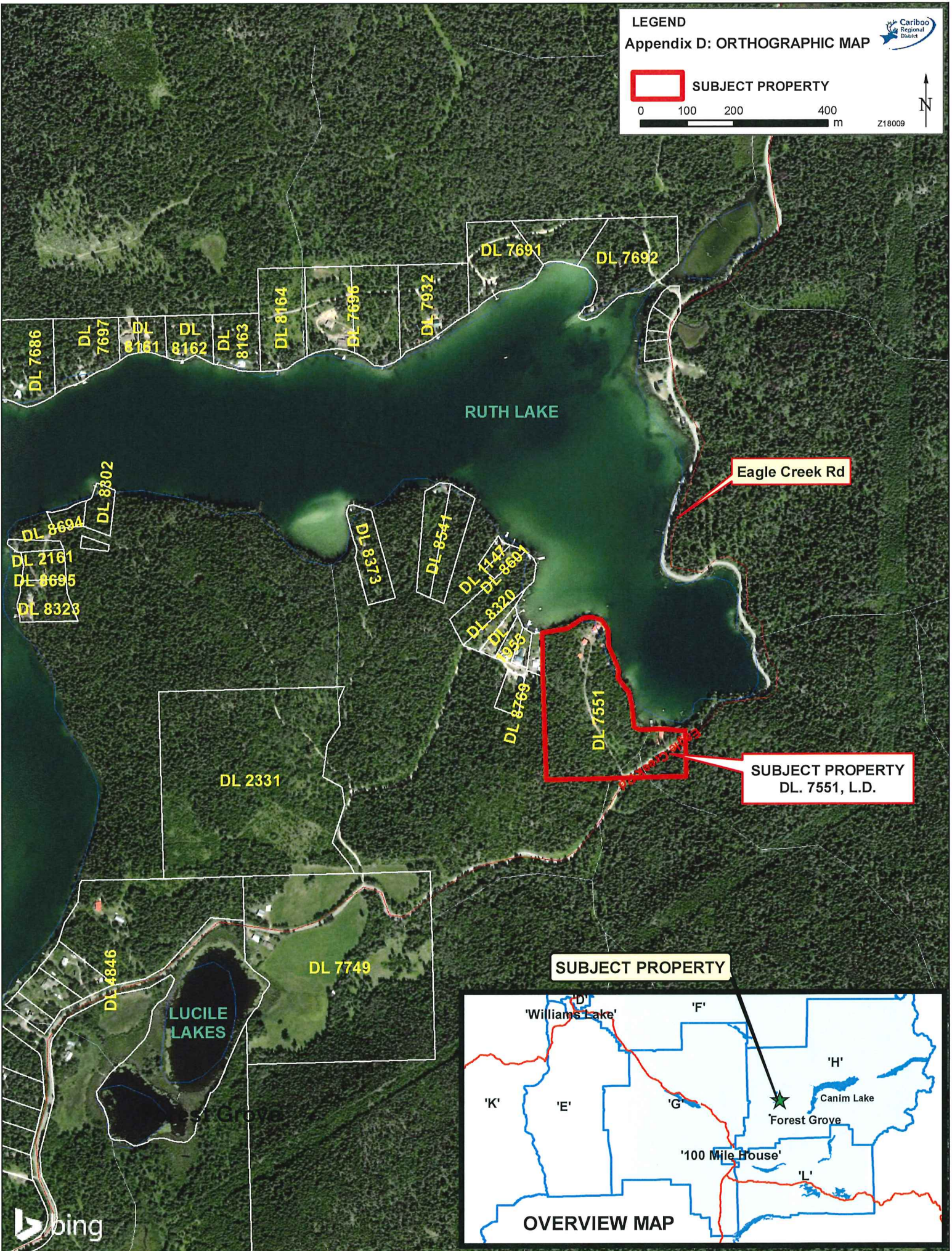


 SUBJECT PROPERTY

0 100 200 400 m



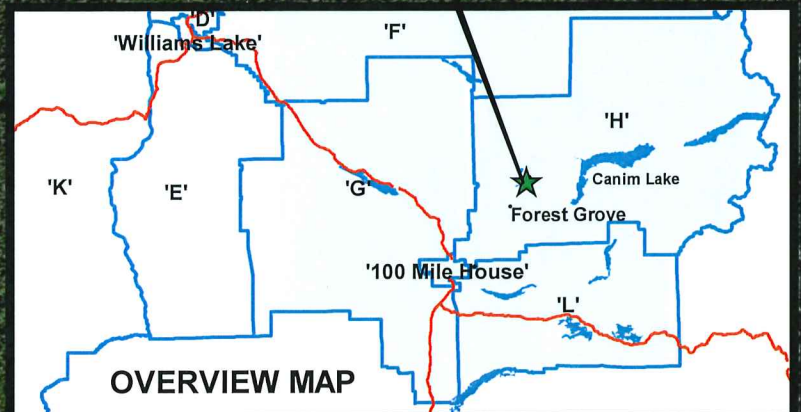
Z18009



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.

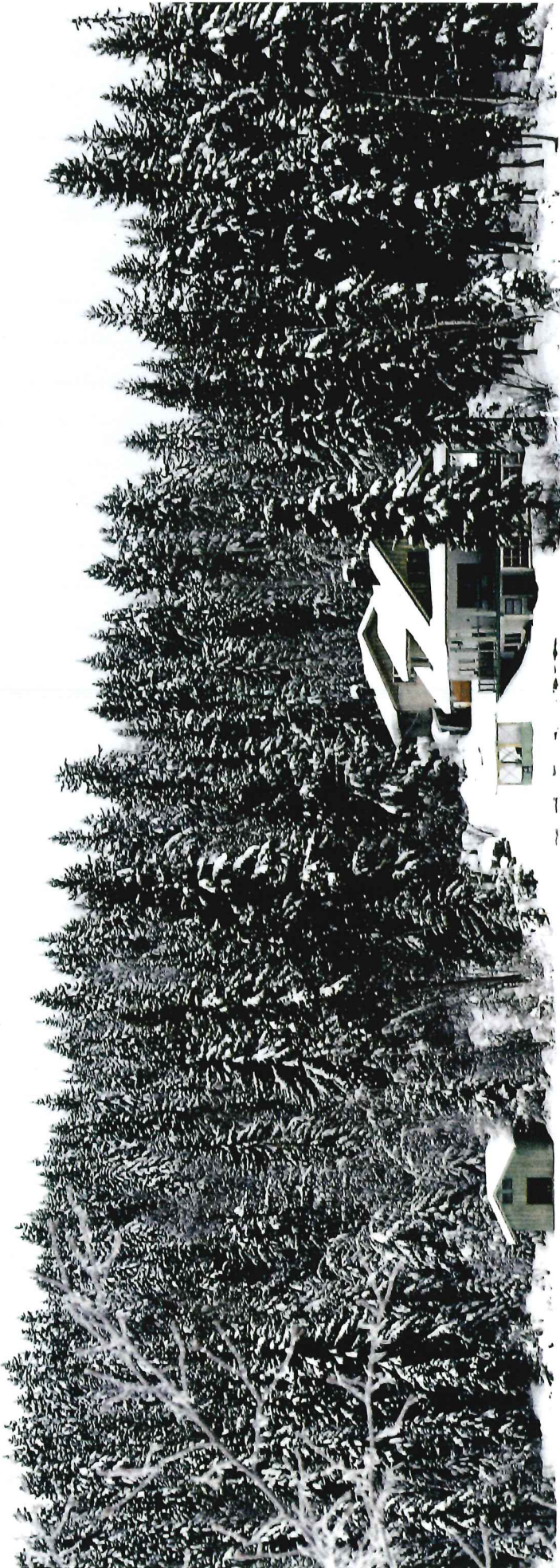
This land has a lot of waterfront on Ruth Lake. The development design allows each proposed lot to have significantly more waterfront on the lake than many of the existing lots and more than what the zone requires. There is a small watercourse near the southern end, it does have water flowing in it most 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

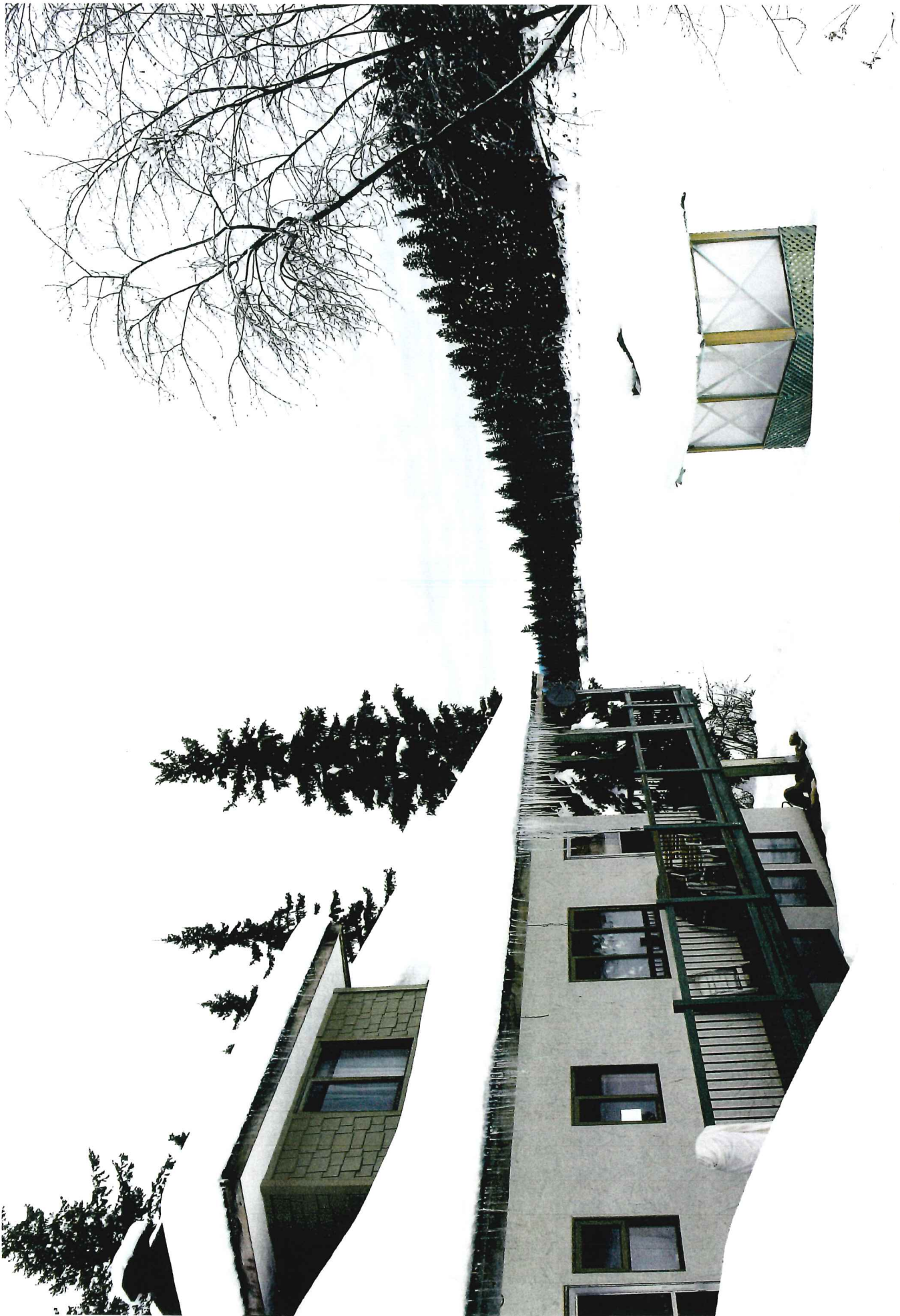
the Regional District and are happy to comply with them as part of this process. They live on the lake and have been enjoying it for many years and believe in its environmental protection.

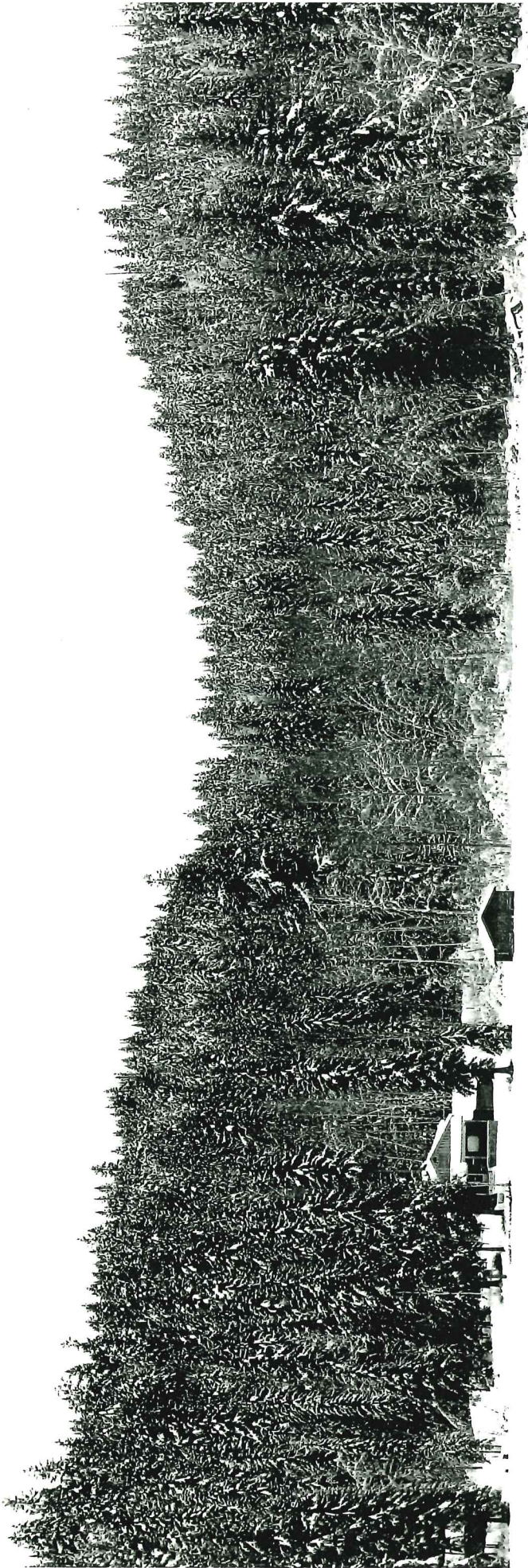
There are many buildings on the land now. The buildings on Strata Lot 4 were built over many years by Mrs. Elliott's father and this is the home they now live in. There is an old foundation on this lot but it has been deteriorating for years, cannot be used for building purposes and it would be difficult 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 Wagner

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

ABSENT: JORG HEIZMANN, PAUL LOEPKY, ALISA MARCETTI

ALSO PRESENT: Electoral Area Director Margo Wagner  
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 Wagner  
Recording Secretary

Peter Sanders  
Chair

## RESPONSE SUMMARY

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

Interior Health appreciates the opportunity to provide a health perspective to the Zoning and Official Community Plan amendment for this proposal to create 5 residential lots.

Interior Health supports sustainable minimum lot sizes of 1 hectare for residential development requiring both an onsite sewerage disposal and an onsite drinking water supply system.

In order to ensure sustainable development, it is recommended that the applicant obtain a report from an Authorized Person confirming that there is adequate space and site conditions to support Type 1 trench bases disposal areas, along with full reserve dispersal area.

The proposal should consider and assess the cumulative impacts of onsite sewerage systems on these multiple lots and of the overall impact of the onsite sewerage systems within this given area on drinking water, water table mounding, surface water quality and groundwater contamination as part of the sustainability planning.

Interior Health encourages and supports the CRD Shoreland Management Policy.

If you have any questions, please contact our staff at [HBE@interiorhealth.ca](mailto:HBE@interiorhealth.ca)

Signed By:  Title: Environmental Health Officer

Date: June 29, 2018 Agency: Interior Health Authority



RESULTS OF PUBLIC HEARING

File No: 3360-20/20180009

Date: July 19, 2018

Location: Forest Grove Community Hall

Re: 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

Persons Present:

- Director: Margo Wagner
- Owner(s):
- Agent: Nigel Hemingway
- Public: See attached list
- Staff:
- No public in attendance (excluding owner/agent)

- Waited ten (10) minutes and then called the meeting adjourned.
- Welcome and introduction by the Area Director/Alternate
- The "Purpose of a Public Hearing", including the rules for the meeting and the specifics of the application were read out and the hearing was called to order at 7:00pm.
- The Chair read out comments received from the referral process including CRD planning staff's comments and board actions to date.
- The Chair read out the following letters received from the public: (attached)(add additional sheet if required)
  - 1) Date: July 17/18 Name: Alyano Del Regan
  - 2) Date: July 17/18 Name: Doug White
  - July 17/18 Name: Robert White
  - July 17/18 Name: Janine North
- The following verbal comments and questions were received: (add additional sheet if required)
  - Comments in favour:
    - Has some concerns are potential of future smaller lots otherwise in favour.
    - 3 letters of support submitted via email attached.
  - Comments of concern/opposition:
    - Maintaining quality of drinking water.
    - Concern over silt build up in the lake - recommended to contact MCE.
- Attendees were asked three times for further comments and/or questions.
- The Chair called the meeting adjourned at 8:00pm

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

Margo Wagner  
Signature of Chair

Attendance List

Public Hearing For

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

Name  
(Please Print)

Address  
(Please Print)

ALVIANO DEL DEGAN

3942 EAGLE CREEK ROAD

Leon Del Degan

1412 7<sup>th</sup> Ave New Westminster

NIGEL HODGINSWAY

PO BOX 1270, 100 MILE HOUSE BC

RIC ELLIOTT

PO BOX 2, FOREST GROVE, B.C.

JAN ELLIOTT

PO BOX 2, FOREST GROVE, BC.

WENDY FOSTER

BOX 600, 108 RANCH

Sandy Foster

✓ /

Alviano Del Degan  
3942 Eagle Creek Road  
B.C.

Tel. 250-397-2297  
Tel. 604-522-0281

July 17, 2018

- 1 Before beginning my response to address the Rezoning / OCP Amendment Application. There are several items that you as a public service provider should address.
  - a) Your communications assume that everyone has personal internet access to acquire further information "which is patently presumptuous on your part". Why is the total information package not being originally supplied (Drawings Included) to those that are being asked to respond or participate. If the Map insert that was supplied with the memo is the best that your office could generate to depict what is being proposed, it falls far short of "information" to make an educated and rational decision upon.
  - b) Your statement to meet statutory requirements is an embarrassment to the public, and to further request that the public carry out your responsibility for further notification is an affront to you carrying out your public duties and service responsibilities.
  - c) Your regional telephone system is also woefully lacking in areas and servicing is at a "wait until we get there" attitude. No emergency or contact services available even if you have a telephone.
  
- 2 To Address Bylaw No. 5142 "Change from Agricultural designation to Small Holding Residential designation"
  - a) Most of the properties surrounding the lake were based on a Lease system from the Provincial government (with boat access only), and other restrictions. At some stage these leases could be purchased from the Provincial government.
  - b) When the Agricultural designation was applied, there must have been considerable reasoning and logic to designate it so.
  - c) What has changed? Nothing on the property itself, other than greed.
  - d) It was a large enough plot to be deemed as an agricultural designation, and not a lakeshore residential, what has changed? As many other properties abut lakefronts that are agricultural in their usage?
  
- 3 To Address Bylaw No. 5143 "Change from Rural 1 (RR 1) zone to Lakeshore Residential and Rural 2 (RR 2) zones"
  - a) What restrictions were applied or in force within the Agricultural designation? Which we are now being asked to circumvent or alter to satisfy a non performing agricultural entity.
  - b) Has there been any consideration given to the stream flowing through the properties in question
  - c) Has there been any consideration given to the neighbouring residents concerning the change that is currently being applied and proposed for?

Alviano Del Degan  
3942 Eagle Creek Road  
B.C.

Tel. 250-397-2297  
Tel. 604-522-0281

July 17, 2018

- 4 The subject property is located at 3920 and 3924 Eagle Creek Road
  - a) Which property is the actual applicant as there are 2 addresses listed in the application handout?
  - b) Is there a previous division and civil land registry entry for the two (2) properties listed in the handout? Were there separate fees and taxes applied to both and paid for the two (2) current listed addresses?
  
- 5 What benefit does it provide or generate for the immediate neighbours?
  - a) The area that the neighbours are located in has already been severely impacted by the turbidity generated in the water by watercraft within the shallow shelf fronting the proposed expansion, and potential increase of traffic.
  - b) Has there been an independent study conducted as to the effect that the increased residential impact will generate on the water and livability quality currently being used for drinking by the neighbouring residents?

*Alviano Del Degan*

## Nyree Alexander

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**From:** Ricjan Elliott <ricjan.elliott@gmail.com>  
**Sent:** July-17-18 3:29 PM  
**To:** Nigel Hemingway  
**Subject:** Fwd: Rezoning application DL 7551 LD

----- Forwarded message -----

**From:** **Doug White** <[doug.white110@gmail.com](mailto:doug.white110@gmail.com)>  
**Date:** 15 July 2018 at 10:00  
**Subject:** Rezoning application DL 7551 LD  
**To:** "ricjan.elliott" <[ricjan.elliott@gmail.com](mailto:ricjan.elliott@gmail.com)>

Ric and Jan

We support your application for rezoning of the above property.

Doug White  
Elaine Hansen-White 3872 Eagle Creek Road  
Ruth Lake

--  
Jan Elliott  
Home: 250-397-2630  
Email: [ricjan.elliott@gmail.com](mailto:ricjan.elliott@gmail.com)

## Nyree Alexander

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**From:** Ricjan Elliott <ricjan.elliott@gmail.com>  
**Sent:** July-17-18 3:27 PM  
**To:** Nigel Hemingway  
**Subject:** Fwd: Sign for Elliott's Application for Development Proposal – Ruth Lake

----- Forwarded message -----

**From:** Robert White <[robertwhite19421942@gmail.com](mailto:robertwhite19421942@gmail.com)>  
**Date:** 27 June 2018 at 12:45  
**Subject:** Re: Sign for Elliott's Application for Development Proposal – Ruth Lake  
**To:** Ricjan Elliott <[ricjan.elliott@gmail.com](mailto:ricjan.elliott@gmail.com)>

Ric and Jan,

Thank-you for taking the time to explain your proposed development and the reasons why you are taking this step. I must confess that I feel a cold shiver when I see a sign like yours. Over the years we have seen a great deal of change and a significant increase in the number of people who live at least part of the year on the lake.

My lake experience predates yours by at least ten years and one of my earliest childhood memories is being taken swimming on a hot summer day to your log cabin property. That would probably have been in 1946. It was at that time owned by Manley Romans who was a family friend. In those years we lived in Forest Grove so would probably have come often in the summer months. We built our own cabin in 1947 but kept our boat at your place for several years.

We all face the problem of allowing our property to pass easily into the hands of the next generation. You have come up with a creative solution and I cannot in conscience bring myself to generate any opposition. There may be others who disagree with any further development based on the premise that this is a very vulnerable lake and that we have reached the limits of safe development. However, in fairness none of us have any idea where those limits might be.

Our biggest fear is that a precedent will be set allowing lake shore to be removed from the Agricultural Land Reserve. Yours is private land and you may, of course, seek approval as you see fit. Crown land would be an entirely different matter, but doubt that will happen any time soon.

Good luck with your application. I will make a point of explaining it to those who might oppose this step. It will no doubt come up at our annual general meeting in August. You are welcome to attend that meeting and offer your own explanation.

Robert

On Wed, Jun 27, 2018, 10:22 AM Ricjan Elliott, <[ricjan.elliott@gmail.com](mailto:ricjan.elliott@gmail.com)> wrote:  
We wanted to send you an email outlining our application for a development proposal.

Our first step is to change the current agricultural zoning to residential.

Once the zoning change is approved the next step is for approval of our proposed development.

Our property has been in my family since June 1, 1958 – 60 years! I spent summers on the lake as well time in the spring, fall and occasionally some time in the winter as well.

We, Ric and myself, purchased the lake property from my Mom & Dad's estate. In order to do that we sold our house in New Westminster and moved here to live at the lake full time and we love living here. We have three daughters who would like the opportunity to have their own lot on Ruth Lake. We want to subdivide the property so all of the family can enjoy their own piece of Ruth Lake.

The options available for subdivision are private lots or strata lots.

We chose to apply for a strata development. Why?

The private lots would be too expensive to develop for a number of reasons. The larger expense would be the construction costs to bring the current driveway up to the highways department standards for public roads.

What makes up the five strata lots: Lot #1 is where the old log cabin sits, our house is situated at the other end of the property which would be Lot #4. The second and third lots sit between the old log cabin and our house. This means that only two lots would be built on at some time in the future. Currently the old log cabin is used by our daughters and their children. The fifth lot would be the common property part of the strata for use by all of the strata owners. The common area lot runs along the west side of the driveway. The toe of a very steep hill runs the length of this area which makes the common area (lot #5) unsuitable for building development.

We hope this explains what we are doing and why we are doing it. Please feel free to give us a call – we are happy to talk about our plans and answer any questions you may have.

You can reach us by phone at: 250-397-2630 or by email at: [ricjan.elliott@gmail.com](mailto:ricjan.elliott@gmail.com)

Ric & Jan Elliott

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Jan Elliott

Home: 250-397-2630

Email: [ricjan.elliott@gmail.com](mailto:ricjan.elliott@gmail.com)

## Nyree Alexander

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**From:** Ricjan Elliott <ricjan.elliott@gmail.com>  
**Sent:** July-17-18 3:24 PM  
**To:** Nigel Hemingway  
**Subject:** Fwd: The Sign for Elliott's Application for Development Proposal – Ruth Lake

----- Forwarded message -----

From: **Janine North** <[janine.skyfall@gmail.com](mailto:janine.skyfall@gmail.com)>  
Date: 27 June 2018 at 20:05  
Subject: Re: The Sign for Elliott's Application for Development Proposal – Ruth Lake  
To: Richard Elliott <[ricjan.elliott@gmail.com](mailto:ricjan.elliott@gmail.com)>

Tom and I are very supportive. All the best and we will see you at the end of July.

Warm regards,

Janine North  
[Janine.skyfall@gmail.com](mailto:Janine.skyfall@gmail.com)  
[3520 Oceanview Drive](#)  
[Queen Charlotte,](#)  
[Haida Gwaii, BC, V0T 1S0](#)  
(250) 614-8128 cell

On Jun 27, 2018, at 12:29 PM, Richard Elliott <[ricjan.elliott@gmail.com](mailto:ricjan.elliott@gmail.com)> wrote:

We wanted to send you an email outlining our application for a development proposal.

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We hope this explains what we are doing and why we are doing it. Please feel free to give us a call – we are happy to talk about our plans and answer any questions you may have.

You can reach us by phone at: 250-397-2630 or by email at: [ricjan.elliott@gmail.com](mailto:ricjan.elliott@gmail.com)

Ric & Jan Elliott

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Home: 250-397-2630  
Email: [ricjan.elliott@gmail.com](mailto:ricjan.elliott@gmail.com)

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Home: 250-397-2630  
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