

Rezoning Information Package

File Number: 3360-20/20180001

Subject: Cariboo Regional District Central Cariboo Area Rural Land Use Amendment Bylaw No. 5133, 2018

Electoral Area: F

Date of Referral: April 6, 2018

Date of Application: January 11, 2018

Property Owner's Name(s): Patrick and Sherrill Young / Daniel and Kelly Alexander

Applicant's Name: Patrick Young

SECTION 1: Property Summary

Legal Description(s): District Lot 11735, Cariboo District

Size of Property: 1.34 ha (3.32 ac)

Area of Application: 1.34 ha (3.32 ac)

Current Zoning:

Rural 3 (RR 3)

Min. Lot Size Permitted:

0.8 ha (1.98 ac)

Proposed Zoning:

Rural 2 (RR 2)

Min. Lot Size Permitted:

2 ha (4.94 ac)

Legal Description(s): That Parcel or Tract of Land Adjoining District Lot 11735, Cariboo District, Containing 1.155 ha More or Less (Crown File 5407814)

Size of Property: 1.55 ha (3.83 ac)

Area of Application: 1.55 ha (3.83 ac)

Current Zoning:

Resource/Agricultural (R/A)

Min. Lot Size Permitted:

32 ha (79.07 ac)

Proposed Zoning:

Rural 2 (RR 2)

Min. Lot Size Permitted:

2 ha (4.94 ac)

Location: Quesnel Lake

Total Area of Application: 2.89 ha (7.14 ac)

(DL 11735 and Crown Portion)

Proposed Use: Applicants are applying for a Crown Grant Offer to amalgamate with existing DL 11735 to create private water access.

No. and size of Proposed Lots: One 2.89 ha (7.14 ac) rural residential lot after consolidation

Name and type of existing road system: N/A

Services Available: None

Within the influence of a Controlled Access Highway: No

Within the confines of the Agricultural Land Reserve: No

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: Quesnel Lake and Whiffle Creek

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) Quesnel Lake
North

(b) Unsurveyed Crown Land
South

(c) Unsurveyed Crown Land
East

(d) Unsurveyed Crown Land
West

SECTION 2: Planning Report

Background:

It is proposed to amalgamate 1.55 ha of a Crown grant offer (File No. 5407814) with DL 11735 to create a 2.89 ha parcel. The proposal is to rezone from Rural 3 (RR 3) and Resource/Agricultural (R/A) zones to Rural 2 (RR 2) zone in Central Cariboo Area Rural Land Use Bylaw No. 3503, 1999.

Location and Surroundings:

The proposal is located in a remote area on Quesnel Lake as shown in Appendix B. Whiffle Creek flows through the subject property and into Quesnel Lake as shown in Appendix D. The property is surrounded by unsurveyed Crown land.

Application History / Relevant Applications:

The rezoning application is associated with Crown grant offer File No. 5407814. The proponent has been offered a Crown lease subject to rezoning of the property to an appropriate residential zone that would reflect the proposed land uses.

CRD Regulations and Policies:

The proposal is supported by the Central Cariboo Area Rural Land Use Bylaw policies with regards to Crown land development policies. The property has been a Crown lease for decades and the intent of the rezoning is to appropriately zone the lease area for sale acquisition by the lease holders. RLUB Crown land policies Sections 3.6 states that:

3.6 Crown Lands

Recognizing that much of the land adjacent to existing settlements areas, not presently used for residential or agricultural purposes, remain as Crown land in the right of the Province, it is the policy of the Board to support the establishment and development of crown Land Plans for the subdivision of properties for development purposes on Crown lands, in accordance with the objectives and policies of this bylaw, to take advantage of existing community services, where available, and as not to conflict with agricultural or resources uses.

Due to the presence of Quesnel Lake and Whiffle Creek bordering the property, compliance with CRD Shoreland Management Policy is recommended for both riparian protection and on-site sewage disposal.

Rationale for Recommendations:

The purpose of this rezoning is to provide the private lake access for the property owners through the Crown grant parcel. Therefore, planning staff is supportive of the rezoning amendment as the proposal complies with the Crown Land Policies and Objectives of the Central Cariboo Area RLUB.

Development on the Crown grant parcel is limited, as much of the parcel will be covered by the riparian protection area. The Ministry of Forest, Lands, Natural Resource Operations and Rural Development is supportive of the Shoreland Management covenant as CRD requirement for the use of existing dry cabins.

Recommendation:

That the Cariboo Regional District Central Cariboo Area Rural Land Use Bylaw Amendment Bylaw No. 5133, 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: - April 13, 2018

See attached.

Ministry of Transportation and Infrastructure: - April 25, 2018

The Ministry of Transportation and Infrastructure has no objection in principle to the Zoning Amendment Bylaw 5133.

Advisory Planning Commission: March 15, 2018

See attached.

Ministry of Environment: April 9, 2018

See attached.

Carrier-Chilcotin Tribal Council: -

Lhtako Dene Nation: -

Xats'ull First Nation: - April 30, 2018

The Xats'ull First Nation (Soda Creek Indian Band) is comfortable moving forward with this referral.

Williams Lake Indian Band: -

SECTION 4: Board Action

Date of Meeting: May 25, 2018

That the Cariboo Regional District Central Cariboo Area Rural Land Use Bylaw Amendment Bylaw No. 5133, 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.

Date of Meeting: August 24, 2018

That Cariboo Regional District Central Cariboo Area Rural Land Use Amendment Bylaw No. 5133, 2018 be read a third time this 24th day of August, 2018.

ATTACHMENTS

Appendix A: Bylaw No. 5133

Appendix B: General Map

Appendix C: Specific Map

Appendix D: Orthographic Map

Other: Applicant's supporting documentation
Ministry of Environment - Habitat Section Comments
Interior Health Comments
APC Comments
Public Hearing Results Form



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5133

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to amend Bylaw No. 3503, being the "Central Cariboo Area Rural Land Use Bylaw No. 3503, 1999".

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a Rural Land Use 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, hereby enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as the "Cariboo Regional District Central Cariboo Area Rural Land Use Amendment Bylaw No. 5133, 2018".

2. AMENDMENT

Bylaw No. 3503 of the Cariboo Regional District is amended by:

- i) rezoning District Lot 11735, Cariboo District and That Parcel or Tract of Land Adjoining District Lot 11735, Cariboo District, Containing 1.155 ha More or Less (Crown File 5407814) from Rural 3 (RR 3) zone and Resource/Agricultural (R/A) zone to Rural 2 (RR 2) zone); and
- ii) amending Schedules "A" and "C" accordingly.

READ A FIRST TIME THIS 25th DAY OF May, 2018.

READ A SECOND TIME THIS 25th DAY OF May, 2018.

A PUBLIC HEARING WAS HELD ON THE 2nd DAY OF August, 2018.

READ A THIRD TIME THIS 24th DAY OF August, 2018.

ADOPTED THIS _____ DAY OF _____, 2019.

Chair

Manager of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5133 cited as the "Cariboo Regional District Central Cariboo Area Rural Land Use Amendment Bylaw No. 5133, 2018", as adopted by the Cariboo Regional District Board on the _____ day of _____, 2019.

Manager of Corporate Services

Appendix B: GENERAL MAP



LEGEND

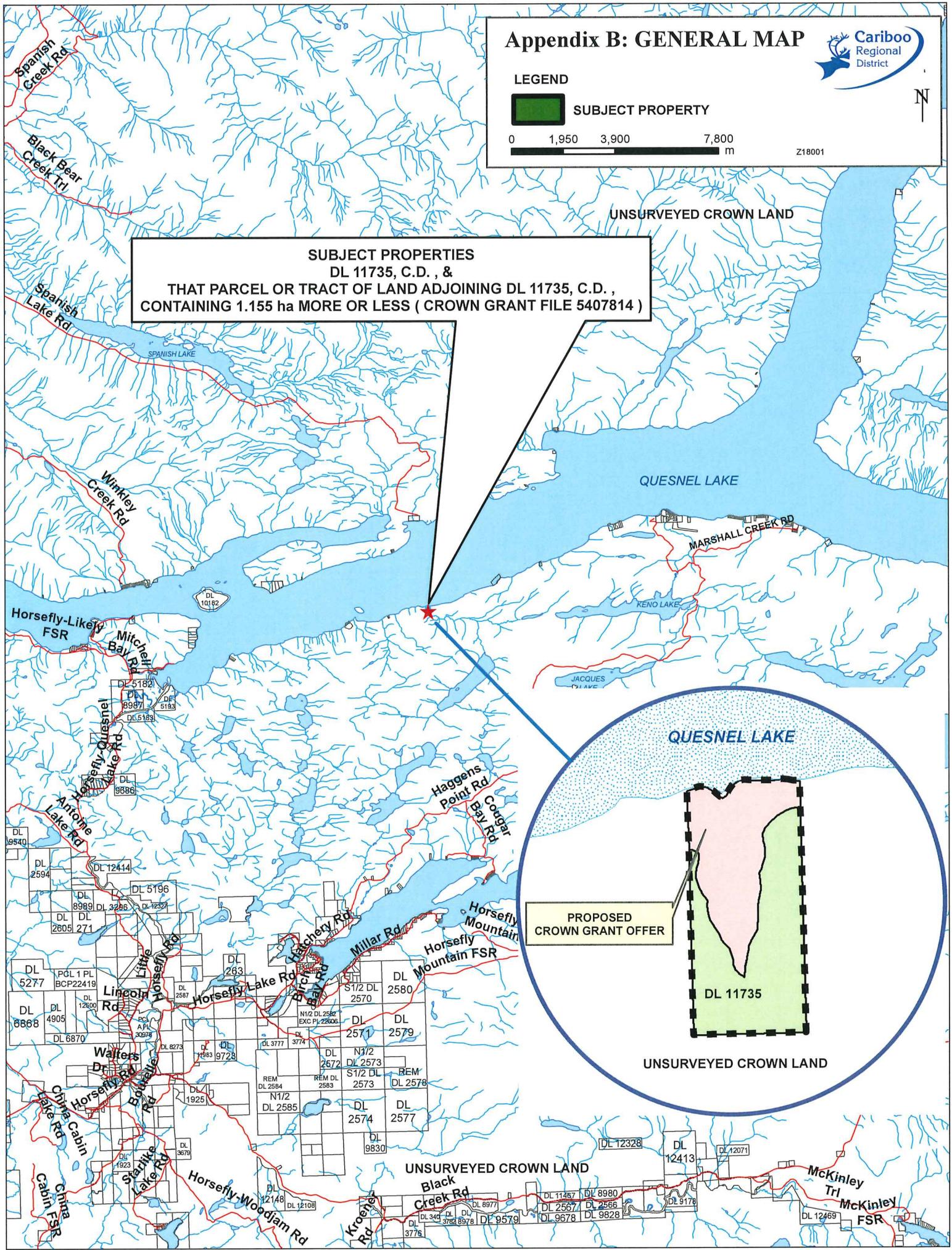
 SUBJECT PROPERTY

0 1,950 3,900 7,800 m

Z18001



**SUBJECT PROPERTIES
DL 11735, C.D. , &
THAT PARCEL OR TRACT OF LAND ADJOINING DL 11735, C.D. ,
CONTAINING 1.155 ha MORE OR LESS (CROWN GRANT FILE 5407814)**



PROPOSED
CROWN GRANT OFFER

DL 11735

UNSURVEYED CROWN LAND

Appendix C: SPECIFIC MAP



- SUBJECT PROPERTY / LOT AFTER CONSOLIDATION
- PROPOSED RURAL 2 (RR 2) ZONE

30 15 0 30 m

MEASUREMENTS
ARE METRIC Z18001



QUESNEL LAKE

WATER LEVEL

HIGH WATER MARK

731m (2400') CONTOUR

CABIN
31.22 sq. m
+/- 25 m

CABIN
31.22 sq. m
+/- 25 m

+/- 15 m

SHED
22.3 sq. m

TREED
AREA

TREED
AREA

TREED
AREA

UNSURVEYED CROWN
LAND (USCL)

EXISTING R/A ZONE

UNSURVEYED CROWN
LAND (USCL)

TREED
AREA

WHIFFLE CREEK

2400' CONTOUR

DL 11735, C.D. ,
+/- 1.34 ha
EXISTING RR 3 ZONE

THAT PARCEL OR TRACT OF LAND ADJOINING DISTRICT LOT 11735,
CARIBOO DISTRICT, CONTAINING 1.155 ha, MORE OR LESS.
TO BE AMALGAMATED WITH DISTRICT LOT 11735.
+/- 1.55 ha

Appendix D: ORTHOGRAPHIC MAP



LEGEND

 SUBJECT PROPERTY

0 30 60 120 m Z18001



QUESNEL LAKE

DL 11735

**SUBJECT PROPERTIES
DL 11735, C.D. , &
THAT PARCEL OR TRACT OF LAND ADJOINING DL 11735, C.D. ,
CONTAINING 1.155 ha MORE OR LESS (CROWN GRANT FILE 5407814)**

Describe the existing use of the subject property and all buildings: _____

Vacant land apart from 2 small existing cabins near the upland parcel, dating from the 1960's.

The cabins/property are used for camping & fishing

Describe the proposed use of the subject property and all buildings: _____

To remain the same, camping and fishing

Describe the reasons in support for the application: The rezoning of this land will permit the new owners of the upland property to acquire the Crown Grant for the land. This will allow them to gain access via water to their property. The only reason this land was not acquired by the original owner in the 1950's was due to a potential hydro dam on Quesnel River, which restricted property acquisition below 2400' in elevation along the lake.

Provide a general description of vegetation cover (i.e. treed, grassland, forage crop etc.): _____

Existing natural vegetation (trees, shrubs etc).

Provide general geographical information (i.e. existing lakes, streams, physical features etc.): _____

The property lies next to Quesnel Lake, and is bisected by Whiffle Creek.

The west cabin is approximately 15m from Whiffle Creek. East cabin would be approximately 25m from Whiffle Creek. Both cabins are set back approximately 25m from Quesnel Lake

Services Currently Existing or Readily Available to the Property (check applicable area)

* *Readily Available means existing services can be easily extended to the subject property.*

Services	Currently Existing?		Readily Available?*	
	Yes	No	Yes	No
Hydro	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Telephone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Water System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Sewer System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sewage Disposal System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Well	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Cariboo Regional District – Rural Land Use Amendment Bylaw
Referral #490489

Habitat Section Comments
Christine Lion, Habitat Biologist, FLNRORD
March 2, 2018

Cariboo Regional District
File No.
APR 09 2018
Referred To

Fish Streams

Whiffle Creek is classified as an S4 stream (fish bearing, <1.5 m wide). There are historical records of fish species such as Chinook salmon, coho salmon and, rainbow trout in Whiffle Creek. The land use objectives under the Cariboo-Chilcotin Land Use Plan (CCLUP) specify that riparian vegetation should be maintained along S4 streams to keep stream channel processes and bank stability, except at road crossings. In addition, adverse changes to the organic input and shading of streams should be minimized. The implementation of the Shoreland Management Policy along Whiffle Creek should help protect the riparian vegetation.

Lakes

Quesnel Lake is classified as an L1 lake (>1000 ha), and under CCLUP, a 10 m riparian reserve zone should be maintained. The implementation of the Shoreland Management Policy along Quesnel Lake should help protect the riparian vegetation.

Works in or about a Stream

Any work completed in or around Quesnel Lake or Whiffle Creek, such as (**but not limited to**) erosion protection, constructing a pier, wharf or dock, or a stream crossing will require a notification or approval under Section 11 of the *Water Sustainability Act*. More information can be found at www.frontcounterbc.gov.bc.ca.

APR 13 2018

RESPONSE SUMMARY

Referred To

Approval Recommended for Reasons
Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to
Conditions Outlined Below

Approval Not Recommended Due
to Reasons Outlined Below

April 13 2018

Our interests are unaffected by
this proposal.

Thank you.

Marion Masson

Signed By: 

Title: Environmental Health Officer

Date: April 13 2018

Agency: Interior Health Authority

MAR 15 2018

File No: 3360-20/20180001

Referred To ADVISORY PLANNING COMMISSION RESPONSE FORM

Minutes of the meeting of the Electoral Area 'F' advisory planning commission held on MAR 13 / 18 in the BIG LAKE, located at BIG LAKE, BC, commencing at COMMUNITY HALL

PRESENT:

Chair GEORGE ATAMNENVIC

Members ROSS MCCOURBRY
DOUG WHITE
JACK DARNEY (BY TELEPHONE)

Recording Secretary

Owners/Agent, or

Contacted but declined to attend

ABSENT:

BOB HOOKER
JOHN HOYRELL

ALSO PRESENT:

Electoral Area Director JOAN SURLEY
Staff support (if present)

Agenda Items

REZONING APPLICATION – 3360-20/20180001 (District Lot 11735, Cariboo District / That Parcel or Tract of Land Adjoining District Lot 11735, Cariboo District, Containing 1.155 ha More or Less (Crown File 5407814))

LAKE, be supported/rejected for the following reasons:

- i) 1 : "THAT the application to rezone property at QUESNEL
- ii) crown land consolidate with existing owned parcel for a total of 7.14 acres.

For:

~~Against:~~

~~CARRIED/DEFEATED~~

Termination

: That the meeting terminate.

CARRIED

Time:

7.30pm

Recording Secretary

Chair

RESULTS OF PUBLIC HEARING

File No: 3360-20/20180001

Date: August 2, 2018

Location: Likely Community Hall

Re: **CARIBOO REGIONAL DISTRICT CENTRAL CARIBOO AREA RURAL LAND USE AMENDMENT BYLAW NO. 5133, 2018.**

Persons Present:

- Director: *Joan Sorley*
- Owner(s): *Patrick Young*
- Agent:
- 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 _____.
 - 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: _____ Name: _____
 - 2) Date: _____ Name: _____
 - The following verbal comments and questions were received: (add additional sheet if required)
 - Comments in favour:

 - Comments of concern/opposition:
 - Attendees were asked three times for further comments and/or questions.
 - The Chair called the meeting adjourned at _____.

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

Joan Sorley
Signature of Chair