



Planning Application Information Sheet

Application Type: Rezoning/OCP Amendment

File Number: 3360-20/20220036

Bylaw(s): South Cariboo Area Official Community Plan Amendment Bylaw No. 5403, 2022 and South Cariboo Area Zoning Amendment Bylaw No. 5404, 2022

Electoral Area: H

Date of Referral: July 06, 2022

Date of Application: May 09, 2022

Property Owner's Name(s): ROBERT D WILSON
MARIE F ROBERT

SECTION 1: Property Summary

Legal Description(s): District Lot 2195, Lillooet District, Except Plans KAP57428, KAP58890 and KAP61796

Property Size(s): 15.32 ha (37.86 ac.)

Area of Application: 15.32 ha (37.86 ac.)

Location: 3973 and 3983 Ruth Lake Road

Current Designation:
Commercial

Min. Lot Size Permitted:
N/A

Lakeshore Residential

0.8 ha (1.98 ac.)

Proposed Designation:
Commercial

Min. Lot Size Permitted
N/A

Lakeshore Residential

0.8 ha (1.98 ac.)

Current Zoning:
Acreage Reserve (RA 2)

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

Tourist Commercial (C 2)

4,000 sq. m (43,057 sq. ft.)

Proposed Zoning:

Tourist Commercial (C 2)

Min. Lot Size Permitted:

4,000 sq. m (43,057 sq. ft.)

Lakeshore Residential 2 (RL 2)

0.8 ha (1.98 ac.)

Proposal: To subdivide the property into three lots. One lot with three cabins to remain Tourist Commercial C 2 zone.

No. and size of Proposed Lots: Lot 1 - 5.3 ha (13.10 ac.)

Lot 2 - 3.2 ha (7.91 ac.)

Lot 3 - 5.0 ha (12.36 ac.)

Existing Buildings: Lodge - 362.32 sq. m (3,900 sq. ft.)

2 Pumphouses - 2.32 sq. m (25 sq. ft.), 5.95 sq. m (64 sq. ft.)

Sauna - 35.68 sq. m (384 sq. ft.)

Fish cleaning Shed - 8.92 sq. m (96 sq. ft.)

Greenhouse - 23.41 sq. m (252 sq. ft.)

Primary Residence - 362.32 sq. m (3,900 sq. ft.)

3 Cabins - 61.32 sq. m (660 sq. ft.) each

Barn - 111.48 sq. m (1,200 sq. ft.)

Proposed Buildings: No new buildings proposed.

Road Name: Ruth Lake Rd.

Road Type: Gravel/Dirt Road

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

Services Available: Hydro, Telephone and Sewage Disposal System.

Within the confines of the Agricultural Land Reserve: No

Required to comply with the Shoreland Management Policy: Yes - Riparian and Septic

Name of Lake/Contributing River: Ruth Lake

Lake Classification: High

Within Development Permit Area: Yes

Development Permit Area Name: Aquatic Habitat Development Permit Area

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

	Land Use:	Lot Sizes:
(a) North	060 - 2 Acres Or More (Single Family Dwelling, Duplex)	4.39 ha (10.84 ac.)
(b) South	060 - 2 Acres Or More (Single Family Dwelling, Duplex)	6.70 ha (16.55 ac.)
(c) East	Ruth Lake	---
(d) West	061 - 2 Acres Or More (Vacant)	5.43 ha (13.41 ac.)

PLANNING COMMENTS

Background:

It is proposed to rezone a 15.32 ha (37.86 ac.) subject property to allow for a three-lot subdivision. The subject property is currently split zoned as Acreage/Reserve (RA 2) and Tourist Commercial (C 2) in the South Cariboo Area Zoning Bylaw No. 3501, 1999 and is split designated as Lakeshore Residential and Commercial respectively in the South Cariboo Area Official Community Plan Bylaw No. 5171, 2018.

The applicants have requested to rezone a portion of the subject property from Tourist Commercial (C 2) and Acreage Reserve (RA 2) zones to Tourist Commercial (C 2) and Lakeshore Residential 2 (RL 2) zones. To be consistent with the proposed zoning, the respective portion of the subject property is also proposed to be redesignated from Commercial and Lakeshore Residential designations to Commercial and Lakeshore Residential designations in a different configuration as shown in Schedules A. The proposal includes one tourist commercial lot of 3.2 ha (7.91 ac.) with three existing cabins and a lodge, and two Lakeshore Residential lots of 5.0 ha (12.36 ac.) and 5.3 ha (13.10 ac.) in size with an existing primary residence on one of the proposed lots as shown in Appendix C.

Location & Surroundings:

The subject property is located at 3973 and 3983 Ruth Lake Road, north of Forest Grove, adjacent to Ruth Lake with wetland at the shoreline as shown in Appendix D. The property is within the Aquatic Habitat Development Permit Area. Currently, the property is being used as a Commercial resort with cabins on the tourist commercial zoned area. The remainder of the property is being

used for residential purposes and the non-developed portion of the property is covered in trees and grassland.

Besides three cabins, one lodge and a primary residence, there are several ancillary structures on the property including pumphouses, sauna, fish cleaning shed, greenhouse, and a barn. It is mostly surrounded by single-family dwellings to the north and south, Ruth Lake to the east and vacant rural residential lots to the west of the subject property across the street.

CRD Regulations and Policies:

3501- South Cariboo Area Zoning Bylaw, 1999

5.2 TOURIST COMMERCIAL (C 2) ZONE

5.2.2 ZONE PROVISIONS

- (a) LOT AREA (minimum) = 4,000 sq. m (43,057 sq. ft.)

5.17 LAKESHORE RESIDENTIAL 2 (RL 2) ZONE

5.17.2 ZONE PROVISIONS

- (a) LOT AREA (minimum) = 0.8 hectare (1.98 acre)

Rationale for Recommendations:

Planning staff are supportive of the proposed zoning amendment application. The subject property is currently zoned for residential and tourist commercial activities, and there is no change in the land use of the property with no new buildings proposed at present. The proposal is in compliance with Section 9.2.1 of the South Cariboo Area Official Community Plan (OCP) Bylaw by providing sufficient opportunities for commercial development on Ruth Lake to meet the local needs of area residents and incidental tourist needs. Further, the proposal supports sustainable commercial recreation uses in the neighbourhood by utilizing the existing lake amenities that are compatible with surrounding residential uses. The subdivision proposal also maintains the varied character of the area, by permitting a range of lot sizes as encouraged in Section 8.2.1 of the OCP bylaw. As there is no substantive change in the land use of the property, it is anticipated to have minimal impact on the neighbouring residential properties.

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, road construction and/or road dedication, archaeology assessment, sewage disposal, proof of water, geotechnical review, providing access to Ruth Lake, drainage, and driveway access.

The Interior Health Authority (IHA) has commented and has expressed certain concerns received from the area Drinking Water Officer regarding the water system servicing the existing resort and lodge. As per Interior Health records, there are currently two permitted water systems servicing the main lodge and cabins which will be inadequate for the proposed new lots or future cabins. It is further noted that the current water operator does not meet requirements of the Drinking Water Protection Regulation. Both water systems are on a Boil Water notice for inadequate operations and maintenance. The water source is a surface water that currently does not meet the Drinking Water Treatment Objectives (Microbiological) for Surface Water Supplies in BC. Therefore, planning staff recommend registering a covenant on proposed commercial Lot 2 to ensure no new cabins are constructed until the water system is upgraded to the Provincial standards, as per IHA's recommendation.

The subject property is located within the CRD Building Inspection Service Area. The CRD Chief Building Official (CBO) has no objections to this proposal. A building permit will be required for any future development on the property.

The Electoral Area 'H' Advisory Planning Commission (APC) has returned comments to reject the application. Planning staff acknowledge APC recommendation and respectfully disagree as there is no change in the land use of the property. It is basically a subdivision proposal with lot-line adjustments. Planning staff have no objections to the proposal, but the Board may wish to take the APC comments into consideration.

The applicants must comply with the CRD Shoreland Management Policy with respect to sewage disposal and riparian protection due to the presence of highly sensitive Ruth Lake adjacent to the subject property. This will further ensure the ability of the proposed new lots to accommodate sustainable sewerage disposal systems for any future development.

Further, the subject property is within the Aquatic Habitat Development Permit Area as designated under Section 488(1)(a) of the *Local Government Act* for protection of the natural environment, its ecosystems and biological diversity. This requires a Development Permit for any development or land disturbance within the 15 m (49.21 ft.) riparian setback from the natural boundary of the lake. However, for the proposal in hand, having a shoreland management covenant with respect to sewage disposal and riparian protection registered on title will mostly exempt the development permit requirement.

Recommendation:

1. That the South Cariboo Area Official Community Plan Amendment Bylaw No. 5403, 2022 be given first and second reading.
2. That the South Cariboo Area Zoning Amendment Bylaw No. 5404, 2022 be given first and second reading, and that adoption be subject to the following conditions:

- i. Adoption of the South Cariboo Area Official Community Plan Amendment Bylaw No. 5403, 2022.
- ii. The applicant offering to enter into and entering into a Section 219 covenant to ensure compliance with the CRD Shoreland Management Policy with respect to sewerage disposal and riparian protection.
- iii. The applicant offering to enter into and entering into a Section 219 covenant to ensure no new cabins are constructed on the proposed commercial Lot 2 (see Appendix C) until the water system is upgraded to meet Provincial standards.

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

That the cost of preparation and registration of the “no new cabins until improved water system” covenant be borne by the applicants.

REFERRAL COMMENTS

Health Authority: July 26, 2022

Thank you for the opportunity to provide comments on this application. It is our understanding that the above referenced application seeks approval to subdivide the property into three lots. One lot with three cabins to remain Tourist Commercial C 2 zone. The following comments are for your consideration:

We received a response from the area Drinking Water Officer who has the following concerns related to the water system servicing the existed resort and lodge.

Currently, the property has two permitted water systems on file, the main lodge water system, and the cabin water system. After a review of the proposal, I would have concerns with the proposal proceeding if the water operator intends to supply water from the existing water systems to new cabins or sites on the existing resort property or either of the 2 proposed additional lots.

The principal reasons include:

- The operator is not meeting the Drinking Water Protection Regulation Section 8 Schedule B. Both water systems are on a Boil Water Notice for inadequate operations and maintenance and the water operator hasn't been submitting water samples.
- The water source is a surface water source that currently does not meet the Drinking Water Treatment Objectives (Microbiological) for Surface Water Supplies in BC. Disinfection is required to control all microbiological pathogens (bacteria, viruses, protozoa).

- There are outstanding infractions including but not limited to not having a current and up to date Emergency Response and Contingency Plan on file.

Ministry of Transportation and Infrastructure: July 20, 2022

EDAS # 2022-03908

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

- o Access
- o Road Construction and/or Road Dedication
- o Archaeology Assessment
- o Sewage Disposal
- o Proof of Water
- o Geotechnical Review
- o Providing Access to Water (Ruth Lake)
- o Drainage
- o Driveway Access

Advisory Planning Commission: July 28, 2022

See attached.

Ministry of Environment and Climate Change Strategy:

No response.

CRD Chief Building Official: July 20, 2022

No comments/objections

ATTACHMENTS

Appendix A: Bylaw 5403 and 5404
Appendix B: General Map
Appendix C: Specific Map
Appendix D: Orthographic Map
Appendix E: Existing Zones Map
Other: Applicants Supporting Documentation
Advisory Planning Commission Comments



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5403

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. 5403, 2022".

2. AMENDMENT

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

Redesignating part of District Lot 2195, Lillooet District, Except Plans KAP57428, KAP58890 and KAP61796 from Commercial and Lakeshore Residential designations to Commercial and Lakeshore Residential designations, as shown on Schedule "A".

READ A FIRST TIME this _____ day of _____, 2022.

READ A SECOND TIME this _____ day of _____, 2022.

A PUBLIC HEARING WAS HELD ON THE _____ DAY OF _____, 2022.

READ A THIRD TIME this _____ day of _____, 2022.

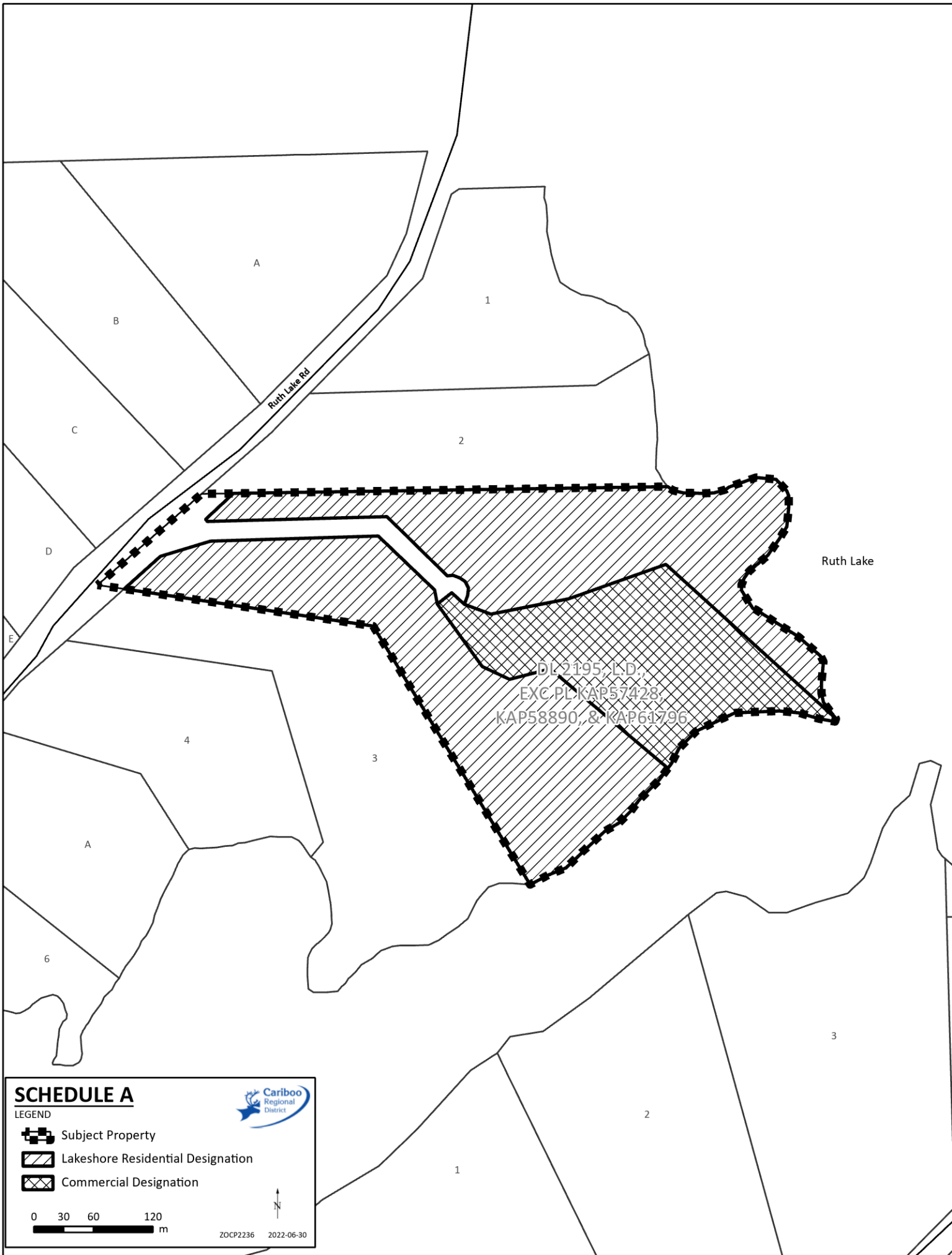
ADOPTED this _____ day of _____, 2022.

Chair

Manager of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5403, cited as the "South Cariboo Area Official Community Plan Amendment Bylaw No. 5403, 2022", as adopted by the Cariboo Regional District Board on the _____ day of _____, 2022.

Manager of Corporate Services



A

B

C

D

E

1

2

Ruth Lake

4

3

A

6




3

2

1

SCHEDULE A

LEGEND

-  Subject Property
-  Lakeshore Residential Designation
-  Commercial Designation



0 30 60 120
m

ZOCP2236 2022-06-30



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5404

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. 5404, 2022".

2. AMENDMENT

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

- i) rezoning part of District Lot 2195, Lillooet District, Except Plans KAP57428, KAP58890 and KAP61796 from Tourist Commercial (C 2) and Acreage Reserve (RA 2) zones to Tourist Commercial (C 2) and Lakeshore Residential 2 (RL 2) zones, as shown on Schedule "A"; and
- ii) amending Schedules "C" and "D" accordingly.

READ A FIRST TIME THIS _____ DAY OF _____, 2022.

READ A SECOND TIME THIS _____ DAY OF _____, 2022.

A PUBLIC HEARING WAS HELD ON THE _____ DAY OF _____, 2022.

READ A THIRD TIME THIS _____ DAY OF _____, 2022.

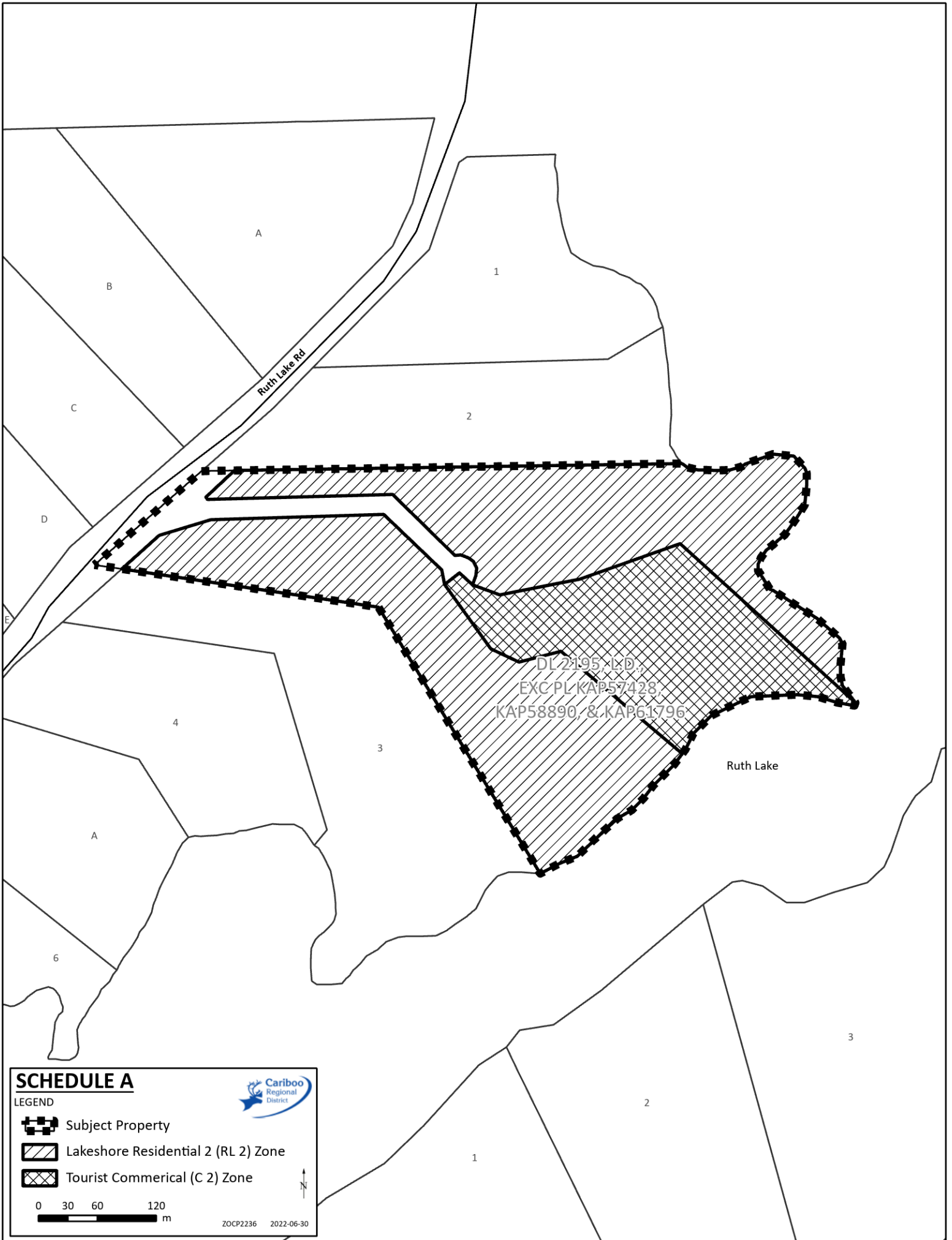
ADOPTED THIS _____ DAY OF _____, 2022.

Chair

Manager of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5404, cited as the "South Cariboo Area Zoning Amendment Bylaw No. 5404, 2022", as adopted by the Cariboo Regional District Board on the _____ day of _____, 2022.

Manager of Corporate Services



SCHEDULE A

LEGEND



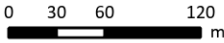
Subject Property



Lakeshore Residential 2 (RL 2) Zone



Tourist Commerical (C 2) Zone



ZOCP2236 2022-06-30

Appendix B: GENERAL MAP



LEGEND



ALR



Subject Property

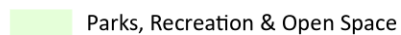
Designations



Commercial



Lakeshore Residential



Parks, Recreation & Open Space



Resource Area



Rural Residential



Agriculture

0 200 400 800

m

ZOCP2236

2022-06-09



SUBJECT PROPERTY
DL 2195, L.D., EXC PL KAP57428,
KAP58890, & KAP61796

Wilcox Rd

Ruth Lake Rd

Eagle Creek Rd

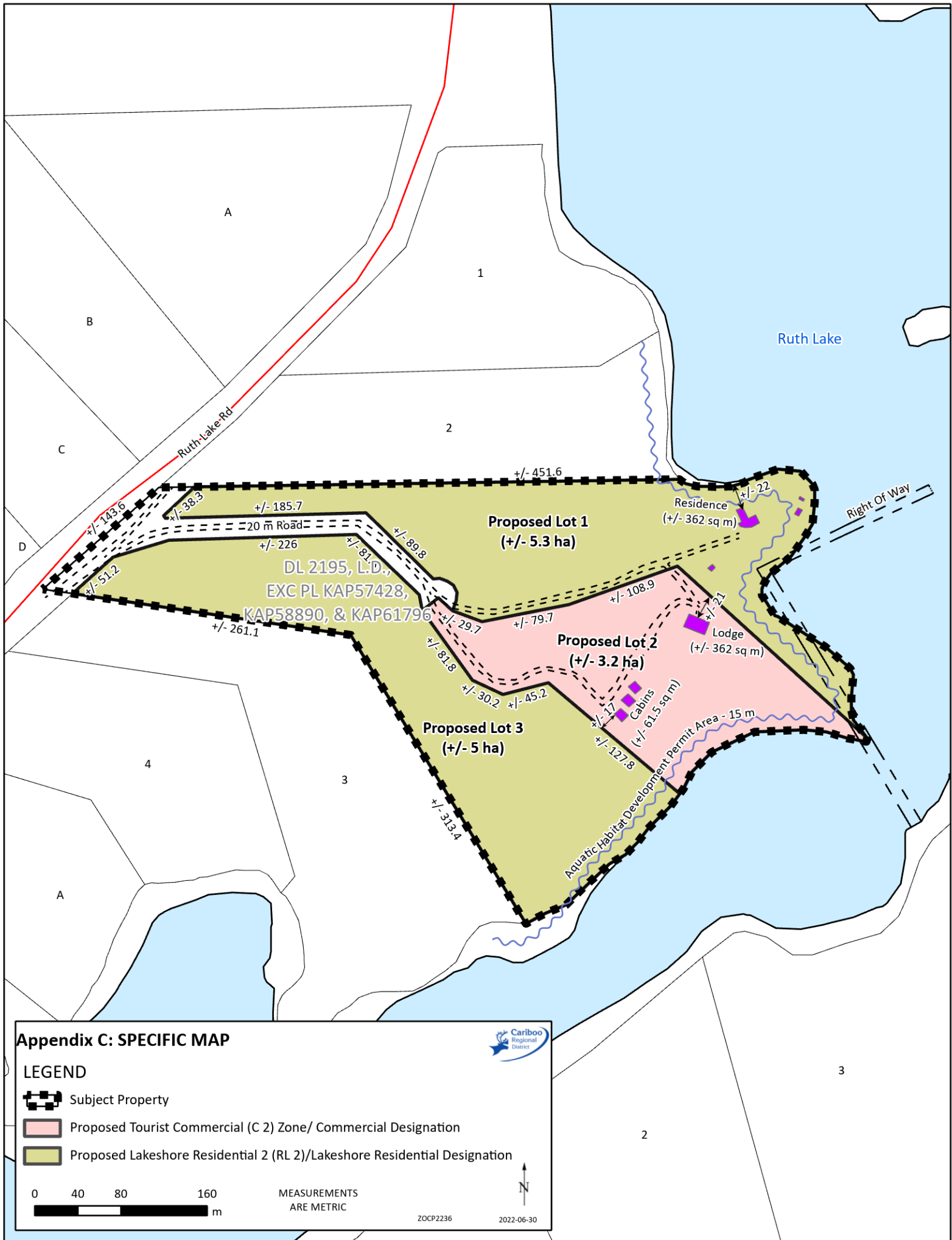
Ruth Lake

Lucile Lakes

Lucile Lakes

Becker Lake

Nettie Lake



Appendix D: GENERAL MAP ORTHO



LEGEND

 Subject Property

 ALR



0 30 60 120
m

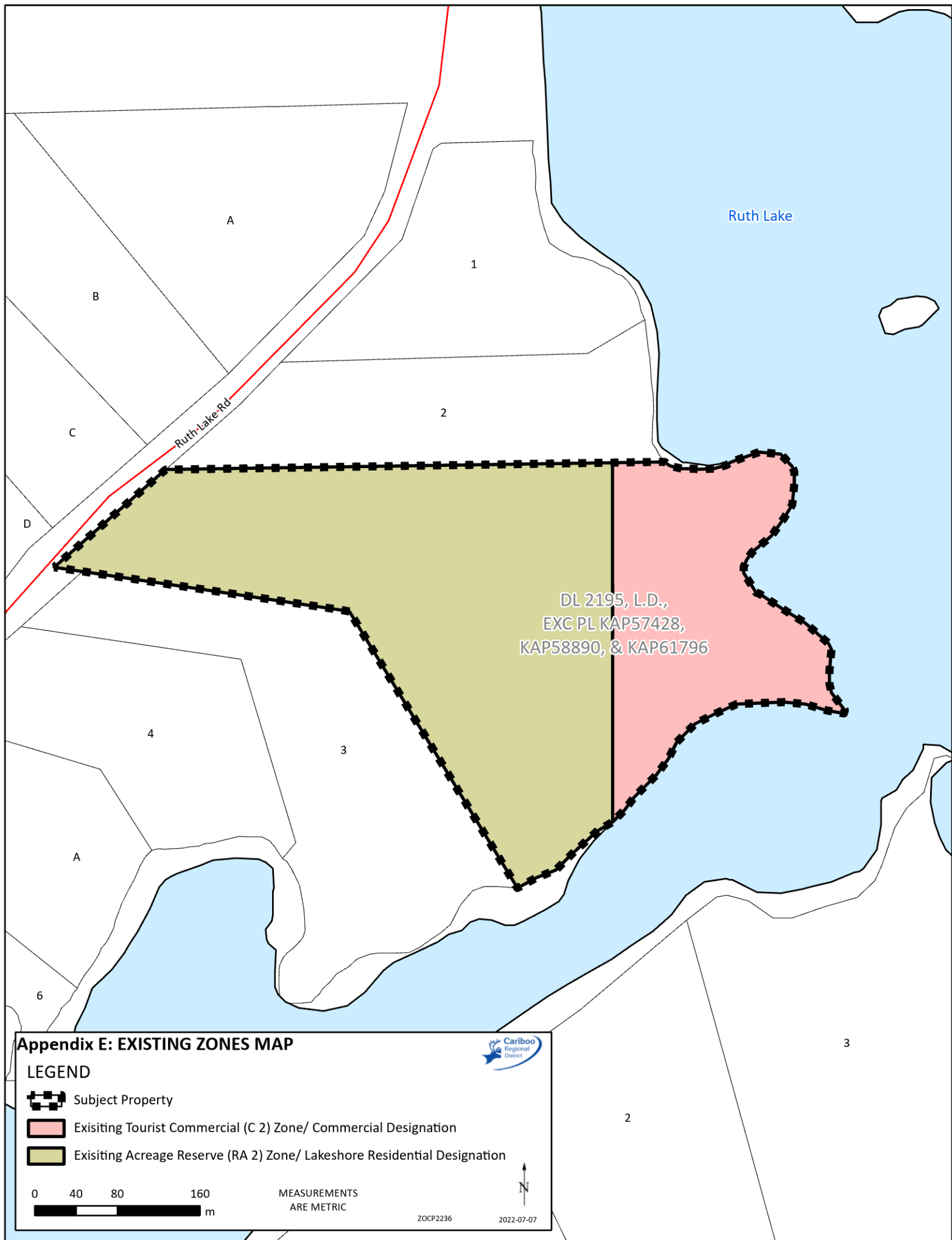
ZOCP2236

2022-06-09



SUBJECT PROPERTY
DL 2195, L.D., EXC PL KAP57428,
KAP58890, & KAP61796

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



Describe the existing use of the subject property and all buildings: See page 3A

Describe the proposed use of the subject property and all buildings: See page 3A

Describe the reasons in support for the application: See page 3A

Provide a general description of vegetation cover (i.e. treed, grassland, forage crop etc.): NON-DEVELOPED land has mixed deciduous and coniferous trees, some grassland in the pasture, and wetland at the shoreline

Provide general geographical information (i.e. existing lakes, streams, physical features etc.): Current lot has approximately 2900 ft of shoreline on Ruth 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Telephone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Water System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Sewer System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewage Disposal System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Well <u>cabins & house</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

↳ Lodge is on lake water since early 1950's.

Page 3A

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

**Resort/Vacation Rental & Primary Residence of owners*

Lodge and Cabins are used as short-term vacation rental. Lodge is seasonal mid May to mid October. Cabins are open year-round.

Owner Residence is the primary home of the Resort owners.

Barn is used for storage: wood, seasonal equipment

Sauna, fish cleaning house and greenhouse are used for their intended purpose.

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

**Close Resort Operations*

Subdivide and rezone the 37 acres into 3 lots, each with lake frontage (see preliminary surveyor map of proposed subdivision)

Lot 1 – RA 2 – 5.3 ha: Acreage Reserve which would include current Lodge, sauna, fish cleaning house, greenhouse and garden.

Lot 2– RR 2-2 – 3.2 ha: Rural 2 (with special exemption) which would include current owner residence and 3 cabins.

Lot 3 – RA 2 – 5.0 ha: Acreage Reserve which would include fenced pasture, mixed forest, and current shelter barn. No development planned for the foreseeable future.

Describe the reasons in support of the application

Current owners purchased the property in 2016. The Resort was barely operating at the time of purchase, many buildings required repairs and upgrades which have been completed.

- 1) In the past 6 years, there has been an over 400% increase in the cost of Commercial Property & Liability Insurance (from \$3900 in 2016 to now \$21,000 in 2022). Wildfires in the area in 2017 and 2021 created significant loss of revenue. The pandemic related cancellations in 2020 and 2021 added a devastating financial impact on tourism operators. It has required support from the Red Cross in 2017, and Small Business loans and grants in 2020 and 2021 to meet the increasing cost demands. This is a small resort with limited income potential. It would take

significant investment to build more rental units to see profitability, and that is not financially realistic.

- 2) We've become increasingly concerned with the danger of wildfires on the property due to the irresponsible behaviour from a surprising number of guests. Burning campfires left unattended, people smoking while walking on the forest trails, and general disregard for the dangers of such behaviour.

We'd love to stay in our home, but commercial operations long term seems unlikely. Selling one of the proposed lots would allow us to pay off debt and ideally stay in the area. We've become members of the community here at Ruth Lake, in Forest Grove and in 100 Mile House. We'd like to continue to be a part of this community well into retirement.

ADVISORY PLANNING COMMISSION RESPONSE FORM

Minutes of the meeting of the Electoral Area 'H' advisory planning commission held on July 28/22
in the Community Hall, located at Forest Grove, BC, commencing at 7.05pm

PRESENT:

Chair Peter Sanders,

Members Jack Darbe, Helen Kellington, Karen Smith,
Will Van Osch,

Recording Secretary Margo Wagner

Owners/Agent, or Francis & Daryl Wilson.
☐ Contacted but declined to attend

ABSENT: Tom Ince, Alyssa Maricchi

ALSO PRESENT: Electoral Area Director

Margo Wagner
Staff support (if present)

Guest Wendy Phillips - potential APC secretary

Agenda Items

REZONING/OCP APPLICATION – 3360-20/20220036 (DISTRICT LOT 2195, LILLOOET DISTRICT, EXCEPT PLANS KAP57428, KAP58890 AND KAP617961)

Will Van Osch / Helen Kellington "THAT the application to rezone/redesignate property at 3973 AND 3983 RUTH LAKE ROAD, be supported/rejected for the following reasons:

- i) Need long term planning to be enforced - new OCP.
 - ii) Only commercial property on Ruth Lake. Empathetic to the owners financial issues & Covid etc.
- The proposed property lines need to be reconsidered.

For: 0

Against: 5

CARRIED/DEFEATED

Termination

Helen Kellington / Jack Darbe : That the meeting terminate.

CARRIED

Time: 7.55.

Margo Wagner
Recording Secretary

Peter Sanders
Chair