



Request for Decision

Zoning Amendment Bylaw No. 1692-2020 (Electoral Area A) Bylaw No. 1693-2020 (Electoral Area B), Bylaw No. 1694-2020 (Electoral Area D)
Retaining Wall & Housekeeping Amendments (Second Reading)

Meeting Date: February 24, 2021

To: SLRD Board

RECOMMENDATION:

THAT Bylaw No. 1692-2020, cited as "Squamish-Lillooet Regional District Electoral Area A Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1692-2020" be given a second reading.

THAT pursuant to s. 464(2) of the Local Government Act, the public hearing regarding Bylaw No. 1692-2020, cited as "Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999 ~~765, 2002~~, Amendment Bylaw No. 1692-2020" be waived.

THAT notice of the waiver of the public hearing regarding Bylaw No. 1692-2020, cited as "Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999 ~~765, 2002~~, Amendment Bylaw No. 1692-2020" be given in accordance with s. 467 of the Local Government Act.

THAT Bylaw No. 1693-2020, cited as "Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300, 2013, Amendment Bylaw No. 1693-2020" be given a second reading.

THAT pursuant to s. 464(2) of the Local Government Act, the public hearing regarding Bylaw No. 1693-2020, cited as "Squamish-Lillooet Regional District Zoning Bylaw No. 1300-2013 ~~765, 2002~~, Amendment Bylaw No. 1693-2020" be waived.

THAT notice of the waiver of the public hearing regarding Bylaw No. 1693-2020, cited as "Squamish-Lillooet Regional District Zoning Bylaw No. 1300-2013 ~~765, 2002~~, Amendment Bylaw No. 1693-2020" be given in accordance with s. 467 of the Local Government Act.

THAT Bylaw No. 1694-2020, cited as "Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1694-2020" be given a second reading.

THAT pursuant to s. 464(2) of the Local Government Act, the public hearing regarding Bylaw No. 1694-2020, cited as "Squamish-Lillooet Regional District Zoning Bylaw No. 1350-2016 ~~765, 2002~~, Amendment Bylaw No. 1694-2020" be waived.

THAT notice of the waiver of the public hearing regarding Bylaw No. 1694-2020, cited as "Squamish-Lillooet Regional District Zoning Bylaw No. 1350-2016 ~~765, 2002~~,

Amendment Bylaw No. 1694-2020" be given in accordance with s. 467 of the Local Government Act.

RELEVANT POLICIES:

[Squamish-Lillooet Regional District Strategic Plan \(2019-2022\)](#)

[Squamish-Lillooet Regional District Electoral Area A Zoning Bylaw No. 670, 1999](#)

[Upper Bridge River Valley Official Community Plan Bylaw No. Bylaw 608, 1996](#)

[Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300, 2013](#)

[Squamish-Lillooet Regional District Electoral Area B Official Community Plan Bylaw No. 1073, 2008](#)

[Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016](#)

[Squamish-Lillooet Regional District Electoral Area D Official Community Plan Bylaw No. 1135-2013](#)

KEY INFORMATION:

Bylaw No. 1692-2020, Bylaw No. 1693-2020, and Bylaw No. 1694-2020 were brought to the Board for first reading on November 25, 2020. The Board directed Staff to refer the Bylaws to affected First Nations, Provincial agencies and ministries, member municipalities and the Lillooet and Area B Agricultural Advisory Committee. No amendments to the bylaws have been proposed.

These Bylaws also introduced the following housekeeping amendments:

1. The replacement of the existing definition of Agriculture in Electoral Areas A, B, and D. An update to the Agriculture definition in Area C is being brought forward in Amendment Bylaw 1695-2020.
2. The addition of Temporary Use Permit language in Electoral Area A and B, which allows all zones to consider Temporary Use Permits.
3. Updated *Local Government Act* (LGA) section references for Electoral Areas A and B.
4. The replacement of the existing Driveway Gradient regulations in Electoral Area D with updated regulations. Updates to the Driveway Gradient regulations in Area C are being brought forward in Amendment Bylaw 1695-2020.

SLRD staff is requesting that the public hearing be waived as the bylaws are consistent with the Squamish-Lillooet Regional District Electoral Area A Official Community Plan Bylaw No. 689, 1999, the Squamish-Lillooet Regional District Electoral Area B Official Community Plan Bylaw No. 1073, 2008, and the Squamish-Lillooet Regional District Electoral Area D Official Community Plan Bylaw No. 1135-2013. The bylaws will need to be given final approval by the Ministry of Transportation and Infrastructure prior to adoption.

Background

At the November 25, 2020 Board meeting, the Board considered a first reading report ([November 25, 2020 Staff Report](#)) and passed the following resolutions:

THAT Bylaw No. 1692-2020, cited as “Squamish-Lillooet Regional District Electoral Area A Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1692-2020” be given first reading and referred out to affected First Nations, Provincial agencies and ministries.

THAT Bylaw No. 1693-2020, cited as “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300, 2013, Amendment Bylaw No. 1693- 2020” be given first reading and referred out to affected First Nations, Provincial agencies and ministries, as well as the District of Lillooet.

THAT Bylaw No. 1694-2020, cited as “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350, 1999, Amendment Bylaw No. 1694- 2020” be given first reading and referred out to affected First Nations, Provincial agencies and ministries, as well as the District of Squamish and Resort Municipality of Whistler.

The proposed bylaws were referred out to relevant agencies, local governments and First Nations. Bylaw No. 1693-2020 was also referred to the Area B Agricultural Advisory Committee as per the Board request.

DISCUSSION:

Retaining Walls

As discussed in the first reading report linked above, the proposed bylaws will address retaining walls higher than 2.5 m and with a minimum terrace depth of 1.2 m in Electoral Areas A, B and D. Appropriate heights and depths of the retaining walls were determined by surveying other Regional Districts and municipalities in British Columbia. The survey results, and a detailed discussion on the retaining walls/structures issue being addressed by these proposed bylaws can be found in the [May 27, 2020 Staff Report](#).

Housekeeping Amendments

The Bylaws will replace the existing definition of Agriculture in Electoral Areas A, B, and D with an updated Agriculture definition to align them with current ALC farm use provisions. The addition of standard Temporary Use Permit language is also proposed, which enables all zones to consider Temporary Use Permits. This is consistent with the approach used in other SLRD zoning bylaws. References to the LGA in the Electoral Areas A and B Zoning Bylaws will also be replaced to reflect the most up to date section numbers current as of October 28, 2020. Finally, the existing Driveway Gradient regulations in Area D will be updated to improve clarity of interpretation and implementation.

Referral Responses

Lillooet and Area B Agricultural Advisory Committee

The Area B AAC passed the following motion:

THAT the Electoral Area B AAC endorse the new Agriculture definition, as per Amendment Bylaw 1693-2020.

Lillooet Tribal Council

No response received.

Lil'wat Nation

No response received.

N'Quatua

No response received.

P'egp'ig'lha Chief and Council (T'it'q'et)

No response received.

Squamish Nation

No response received.

District of Lillooet

No response received.

Village of Pemberton

No response received.

District of Squamish

The referrals were reviewed, and the District has no concerns/comments about the proposed bylaws.

Resort Municipality of Whistler

No response received.

Agricultural Land Commission

No response received.

Ministry of Transportation and Infrastructure

The Ministry has no objections with the retaining wall amendments. It should be noted that the Province has specified a minimum setback of 4.5 metres for any building, mobile home, retaining wall or other structure that is adjacent to a highway right of way under Ministry jurisdiction.

Ministry of Forests, Lands and Natural Resources Operations

The referrals were reviewed, and the Ministry of Forests, Lands and Natural Resources Operations has no concerns/comments about the proposed bylaws as the *Land Act* is unaffected.

Public Hearing Waiver

Staff recommends that the public hearing be waived, and that the waiver be advertised as per s.464(2) *Local Government Act*. A waiver is recommended because the proposed retaining wall amendments and housekeeping amendments are consistent with the Squamish-Lillooet

Regional District Electoral Area A Official Community Plan Bylaw No. 689, 1999, the Squamish-Lillooet Regional District Electoral Area B Official Community Plan Bylaw No. 1073, 2008, and the Squamish-Lillooet Regional District Electoral Area D Official Community Plan Bylaw No. 1135-2013.

ANALYSIS:

- A new term – *retaining wall* – has been added to Zoning Bylaw No. 670, 1999, Zoning Bylaw No. 1300, 2013, and Zoning Bylaw No. 1350, 2016.
- Section 4.5 of Zoning Bylaw No. 670, 1999: Landscaping & Screening in the General Regulations has been updated to include retaining wall provisions that require the stepping of retaining walls over 2.5 m/8.2 ft in height.
- Section 4.5 of Zoning Bylaw No. 1300, 2013: Landscaping & Screening in the General Regulations has been updated to include retaining wall provisions that require the stepping of retaining walls over 2.5 m/8.2 ft in height.
- Section 4.12 of Zoning Bylaw No. 1350, 2016: Landscaping & Screening in the General Regulations has been updated to include retaining wall provisions that require the stepping of retaining walls over 2.5 m/8.2 ft in height.
- Current definition – *agriculture* – has been updated in Zoning Bylaw No. 670, 1999, Zoning Bylaw No. 1300, 2013, and Zoning Bylaw No. 1350, 2016.
- A new category – Temporary Use Permit Areas – has been added to Section 4 – General Regulations of Zoning Bylaw No. 670, 1999 and Zoning Bylaw No. 1300, 2013.
- All *Local Government Act* section references have been updated in Zoning Bylaw No. 670, 1999 and Zoning Bylaw No. 1300, 2013.
- Current regulations – *Driveway Gradients* – provisions in SECTION 5 – Parking and Loading Regulations have been updated in Zoning Bylaw No. 1350-2016.

SUMMARY:

The proposed retaining wall bylaw amendments are intended to mitigate the potential negative visual impacts of large retaining walls by requiring stepped walls in Electoral Area A, Electoral Area B, and Electoral Area D. The proposed replacement of the current definition of agriculture in Electoral Areas A, B, and D Zoning Bylaws will ensure the definitions are aligned with current ALC farm use provisions. All references to the *LGA* in the Electoral Areas A and B Zoning Bylaws will also be replaced to reflect updated section numbers of the most current *Act*. Finally, replacing the existing Driveway Gradient regulations in Area D with updated regulations addresses clarity concerns in both interpretation and implementation.

REGIONAL IMPACTS:

The retaining wall provisions being added to the general regulations will apply to all of Electoral Area A, Electoral Area B, and Electoral Area D.

The proposed replacement of the current definition of agriculture will apply to all of Electoral Area A, Electoral Area B, and Electoral Area D.

A new category – Temporary Use Permit Areas will be added and allow all zones in Electoral Area A and B to consider Temporary Use Permits.

All *Local Government Act* section references in Electoral Areas A and B Zoning Bylaws will be updated to reflect the numbering in the most current version of the *LGA*.

Driveway gradient regulations in Area D will be updated to addresses clarity concerns in both interpretation and implementation.

Option 1 (Preferred Option)

Give Bylaw No. 1692-2020, Bylaw No. 1693-2020, and Bylaw 1694-2020 second reading and waive the public hearing. Advertise the waiver of the public hearing as required by the *Local Government Act*.

Option 2

Do not give second reading to Bylaw No. 1692-2020, Bylaw No. 1693-2020, and Bylaw 1694-2020 at this time and refer back to staff for more information or revision.

Option 3

Do not proceed with Bylaw No. 1692-2020, Bylaw No. 1693-2020, and Bylaw No.1694-2020.

Option 4

Other, as per Board direction.

NEXT STEPS:

If the recommendation is approved, staff will advertise the waiver of the public hearing as required by the *Local Government Act*.

ATTACHMENTS:

Appendix A: Draft Squamish-Lillooet Regional District Electoral Area A Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1692-2020
Draft Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300, 2013, Amendment Bylaw No. 1693-2020
Draft Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350, 1999, Amendment Bylaw No. 1694-2020

Prepared by: D. Kyobe, Planner

Reviewed by: K. Needham, Director of Planning & Development Services

Approved by: M. Helmer, Chief Administrative Officer