



REQUEST FOR DECISION

McGillivray Falls Zoning Amendment

Bylaw 1696-2020 (Second Reading)

Meeting Date: January 27, 2021

To: SLRD Board

Location: Electoral Area C, in the vicinity of Anderson Lake

Legal Description: DISTRICT LOT 4363 LILLOOET DISTRICT EXCEPT PLAN A14338

RGS Designation: Non-Settlement Area	OCP Designation: Rural Residential	Zoning: Rural 1	ALR Status: N/A	Development Permit Areas: N/A
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RECOMMENDATIONS:

THAT Bylaw 1696-2020, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1696-2020” be given a second reading.

THAT pursuant to s. 464(2) of the Local Government Act, the public hearing regarding Bylaw No. 1696-2020, cited as “Squamish-Lillooet Regional District Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1696-2020” be waived.

THAT notice of the waiver of the public hearing regarding Bylaw No. 1696-2020, cited as “Squamish-Lillooet Regional District Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1696-2020” be given in accordance with s. 467 of the *Local Government Act*.

THAT pursuant to Section 52(3)(a) of the Transportation Act, Bylaw 1696-2020, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1696-2020” be sent to the Ministry of Transportation & Infrastructure for its approval prior to adoption of the bylaw.

KEY ISSUES/CONCEPTS:

In 2014, the provincial government amended the *Local Government Act* to terminate all land use contracts as of June 30, 2024. Local governments are required to have zoning bylaws in place by June 30, 2022 that will apply to the land once the land use contracts are terminated. Once land use contracts are terminated, only the zoning will apply. This will result in non-conforming uses, as the underlying zoning for McGillivray Falls is Rural 1 (RR1) - which does not allow for the level of development currently on the property. Under this non-conforming situation, if a fire were to occur there would be no opportunity to rebuild.

McGillivray Falls Zoning Amendment Bylaw 1696-2020 (Second Reading)

To address the provincial requirements and non-conforming situation of the current underlying zoning, SLRD staff are proposing zoning amendments for McGillivray Falls. The proposed zoning amendments build on previous work completed by SLRD staff.

The purpose of this report is to present the comments received through the bylaw referral process.

Previous Board Resolution

At the November 25, 2020 SLRD Board meeting, the SLRD Board resolved:

THAT Bylaw 1696-2020, cited as "Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1696-2020" be introduced and given first reading.

THAT Bylaw 1696-2020, cited as "Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1696-2020" be referred to the appropriate First Nations, Vancouver Coastal Health Authority, and provincial agencies including the Ministries of Transportation & Infrastructure, and Forests, Lands, Natural Resource Operations and Rural Development.

Following first reading, SLRD staff initiated a 30-day referral to appropriate First Nations, the Interior Health Authority, and provincial agencies including the Ministries of Transportation & Infrastructure, Forests, Lands, and Natural Resource Operations and Rural Development for comment. No concerns were received during the referral period. As such, SLRD staff are recommending the Board give second reading to Amendment Bylaw 1696-2020.

Lil'wat Nation

No response received.

N'Quatua

No response received.

Interior Health

Interior Health (IH) is supportive of this zoning amendment provided no further developments or buildings are being proposed. IH notes that existing water supply systems are on a long-term boil water notice because they are assessed as untreated drinking water at risk of containing pathogens. Onsite sewerage disposal systems for these parcels have not been reviewed. IH recommends compliance checks if there were any change to the existing dwellings or land use to ensure safe disposal of wastewater. The Healthy Communities division of IH recommend that these land use parcels upgrade their community services to provide safe drinking water and safe wastewater disposal to the residents on these land parcels.

Ministry of Transportation and Infrastructure

The referral was reviewed, and the Ministry of Transportation and Infrastructure has no objection in principle to the proposed zoning amendment.

Ministry of Forests, Lands and Natural Resources Operations

The referral was 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

The SLRD is not proposing to discharge the McGillivray Fall Land Use Contract Bylaw No. 87, 1976. Rather the new zoning will address the non-conforming issue of the current zoning, and once the land use contracts terminate in 2024, the new zoning will be the land use regulation in place. The SLRD is not considering any changes from what is currently provided for under the land use contract, therefore staff recommends that the public hearing be waived, and that the waiver be advertised as per s.464(2) *Local Government Act*. After the Board gives second reading of the Proposed Bylaw, the Proposed bylaw will be sent to the Ministry of Transportation & Infrastructure (MOTI) for their approval as per Section 52 of the BC *Transportation Act*.

RELEVANT POLICIES:

[Squamish-Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008](#)
[Squamish-Lillooet Regional District Electoral Area C Official Community Plan Adoption Bylaw No. 689, 1999](#)
[Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002](#)
[Land Use Contract Bylaw No. 87, 1976](#)

BACKGROUND:

An information report went to the October 28, 2020 SLRD Board meeting, introducing the proposed amendments and scope of the project. Appendix A outlines Amendment Bylaw No. 1696-2020 and Appendix B outlines the RR McG Zone.

In 2016, the SLRD worked closely with the McGillivray Falls community to develop new zoning. A contract planner was working on the zoning, but due to complications with the larger Area C Zoning project, the SLRD had to put the zoning amendments on hold.

The current staff-initiated zoning amendment process builds on the previous work completed in 2016, which included community engagement processes. 43 properties are subject to the McGillivray Falls Land Use Contract Bylaw No. 87 (LUC 87). SLRD staff have been in communications with McGillivray Falls Recreation Retreat Ltd. (MFRR) notifying of the proposed zoning amendment as well as associated process and timeframes.

Scope of Projects

The key purpose of the zoning amendments is to address the provincial requirements for land use contract termination and the non-conforming situation of the current underlying zoning. The zoning amendments will replace the underlying Rural 1 zone with the RR McG Zone – a zone that reflects the development on the property. For clarity, no changes to what is currently provided for under LUC 87 will be contemplated under this staff-initiated project. Additionally, the SLRD is not proposing to discharge LUC 87. Rather the new zoning will address the non-conforming issue of the current zoning, and once the land use contract terminates in 2024, the new zoning will be the land use regulation in place.

RR McG McGillivray Falls Zone

The RR McG Zone reflects the DRAFT zoning previously prepared for McGillivray Falls, which mirrors what is currently provided for under LUC 87. The underlying zoning that applies to McGillivray Falls is Rural 1 (RR1) and does not allow for the current level of development on the property.

Summary of New Zoning

- The intent of the McGillivray Falls (RR McG) Zone is to provide for residential development consistent with the original Land Use Contract.
- The maximum of private sites permitted is forty-three.
- Permitted uses include not more than one house or cottage per private site, one single family dwelling or mobile home, and an accessory building of not more than 10 m².
- Provisions are also included for *Common Sites*, *Works Areas*, *Lodge Area*, and *Greenbelt Areas*.

Please see Appendix B for further details.

The purpose of the proposed zoning amendment is to give the McGillivray Falls Recreation Retreat Ltd. (MFRR) underlying zoning so that they are not left in a non-conforming land use situation once the land use contract terminates. The work is being carried out by the SLRD pro bono. Note that some members of MFRR approached SLRD staff in June 2020 seeking amendments to the proposed zoning in order to facilitate a revision of the site plan/lot layout as well as safe storage of propane. Since the initial discussions in June, SLRD staff has been made aware that there may not be consensus within MFRR as to these changes. Thus, the SLRD is not considering any changes from what is currently provided for under the land use contract. MFRR may seek changes to the existing regulations and site plan through a future paid zoning amendment application.

ANALYSIS:

Regional Growth Strategy Bylaw No. 1062, 2008

McGillivray Falls is designated Non-Settlement Area in the SLRD Regional Growth Strategy. As such, development beyond what is currently provided for under LUC 87 is not contemplated or supported.

OCP: Electoral Area C Official Community Plan Bylaw No. 689, 1999 Review

McGillivray Falls is designated Rural Residential under the Area C OCP. According to the Area C OCP, an Objective for the Rural Residential lands is:

- To promote development consistent with the existing rural and semi-rural character of the area.

Further, Rural Residential Policies state:

4.1. Lands set aside for residential development are indicated on Map 1- Land Use Designations as Rural Residential.

4.2. Permitted uses in Rural Residential areas are a single family home, a secondary suite, home-based businesses, home industry, accessory buildings, and ancillary uses related to the above.

McGillivray Falls Zoning Amendment Bylaw 1696-2020 (Second Reading)

4.5. Subject to soil conditions, geotechnical hazards, water supply, and policies for the preservation of agricultural land, in all Rural Residential areas the minimum parcel area shall be 2 hectares.

4.6. Where suitable conditions exist and where maintaining an overall density of 2 hectare parcels is desirable, the Regional District will consider development applications that propose to cluster housing together on lots smaller than 2 hectares provided the density for the entire development area remains at 1 lot per 2 hectares.

The McGillivray Falls parcel is 72.90 hectares. With 43 private sites, the density for the entire development area is 1.7 hectares. No further density will be supported, with Amendment Bylaw 1696-2020 limiting development to what is currently provided for under LUC 87.

Zoning: Electoral Area C Zoning Bylaw No. 765, 2002 Review and Land Use Contract No. 87

The RR McG Zone reflects what is currently provided for under the LUC 87, including the overall layout of the development sites. The zoning amendment addresses the non-conforming issues of the current underlying zoning, but does not provide for further density, development or uses.

Terrain Hazards

McGillivray Falls is not in a mapped terrain hazard area, though there are steep slopes in the area.

REGIONAL IMPACT ANALYSIS:

No new development is being proposed, thus regional impacts are negligible.

OPTIONS:

Option 1 (PREFERRED OPTION)

Give second reading to Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1696-2020 and waive the public hearing. Advertise the waiver of the public hearing as required by the Local Government Act. Send the bylaw to the Ministry of Transportation & Infrastructure for its approval prior to adoption.

Option 2

Do not give second reading to the Proposed Bylaw and/or do not waive the public hearing, and refer back to staff for more information, or for revision.

Option 3

Reject the zoning amendment.

FOLLOW UP ACTION: If approved by the Board, proceed with public hearing waiver and send the bylaw to the Ministry of Transportation & Infrastructure for its approval prior to adoption.

ATTACHMENTS:

Appendix A: Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1696-2020

Appendix B: RR McG Zone

Appendix C: Referral Responses



REQUEST FOR DECISION

McGillivray Falls Zoning Amendment Bylaw 1696-2020 (Second Reading)

Prepared by: D. Kyobe, Planner

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

Approved by: M. Helmer, Chief Administrative Officer

SQUAMISH-LILLOOET REGIONAL DISTRICT BYLAW NO. 1696-2020

A bylaw of the Squamish-Lillooet Regional District to amend Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002

WHEREAS the Board of the Squamish-Lillooet Regional District wishes to amend Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002;

NOW THEREFORE, the Regional Board of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1696-2020”.
 2. Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002 is amended as follows:
 - (a) By adding the following designation to Table 2-1 Designation of Zones, to come after RR PON – Ponderosa Guest Ranch Zone:
RR MCG – McGillivray Falls Zone
 - (b) By inserting the following 5.4 RR MCG ZONE – MCGILLIVRAY FALLS into Schedule A Zoning Bylaw under SECTION 5 RURAL ZONES and following the SECTION 5.3 RR PON ZONE as follows:
-

SECTION 5.4 – RR MCG ZONE – MCGILLIVRAY FALLS

Intent

- 5.4.1 The intent of this *zone* is to provide for residential development consistent with the original Land Use Contract.

Definitions

- 5.4.2 Definitions shall be the same as in Section 1 of the Zoning Bylaw except:

Accessory Building means a building customarily incidental and subordinate to the principal building on the same site.

Common Site(s) means those sites coloured “green” on the Site Plan in 5.4.8.

Greenbelt Area means that portion or portions of the Lands coloured white on the Site Plan in 5.4.8 together with the remaining lands comprising District Lot 4363.

Lodge Area means the area designated *Lodge Area* and coloured brown on the Site Plan in 5.4.8.

Private Site(s) means any or all of the of the 43 building sites shown on the Site Plan in 5.4.8, in particular sites 1-40 and 43-45 and excludes *Common Sites*, *Greenbelt Area*, *Lodge Area* and *Works Area*.

Works Areas means any or all of the Work and Special Use Areas shown on the Site Plan in 5.4.8.

Permitted Uses

5.4.3 Land, *sites*, buildings, and structures in the RR McG Zone shall be used for the following purposes only:

- .1 Private Sites – Permitted Uses:
 - a) Not more than one (1) house or cottage per *private site*
 - b) one single family dwelling or mobile home
 - c) an *accessory building* of not more than 10 m²
- .3 Common Site(s) – Permitted Uses
 - a) restricted to recreation grounds and hiking trails and pedestrian pathways and shall not be used for any purpose inconsistent with their use and retention as natural, unimproved areas.
 - b) buildings are not permitted.
- .4 Works Areas – Permitted Uses
 - a) restricted to workshops for welding, machine parts manufacturing and repairing, septic tank servicing, storage of building supplies and materials, storage of water and the repair and maintenance of all necessary equipment for the property.
- .5 Greenbelt Area – Permitted Uses
 - a) restricted to recreation grounds and hiking trails and pedestrian pathways and uses consistent with their use and retention as natural, unimproved areas, however, underground services and pathways in the greenbelt area may be constructed and maintained.
 - b) buildings are not permitted.
- .6 Lodge Area – Permitted Uses
 - a) restricted to community use for social gatherings, group and individual recreation activities.

Density

5.4.4 The maximum of *private sites* permitted is forty-three (43).

Maximum Floor Area

5.4.5 Total floor area of all buildings on a *site* must not exceed 375 square metres.

Height

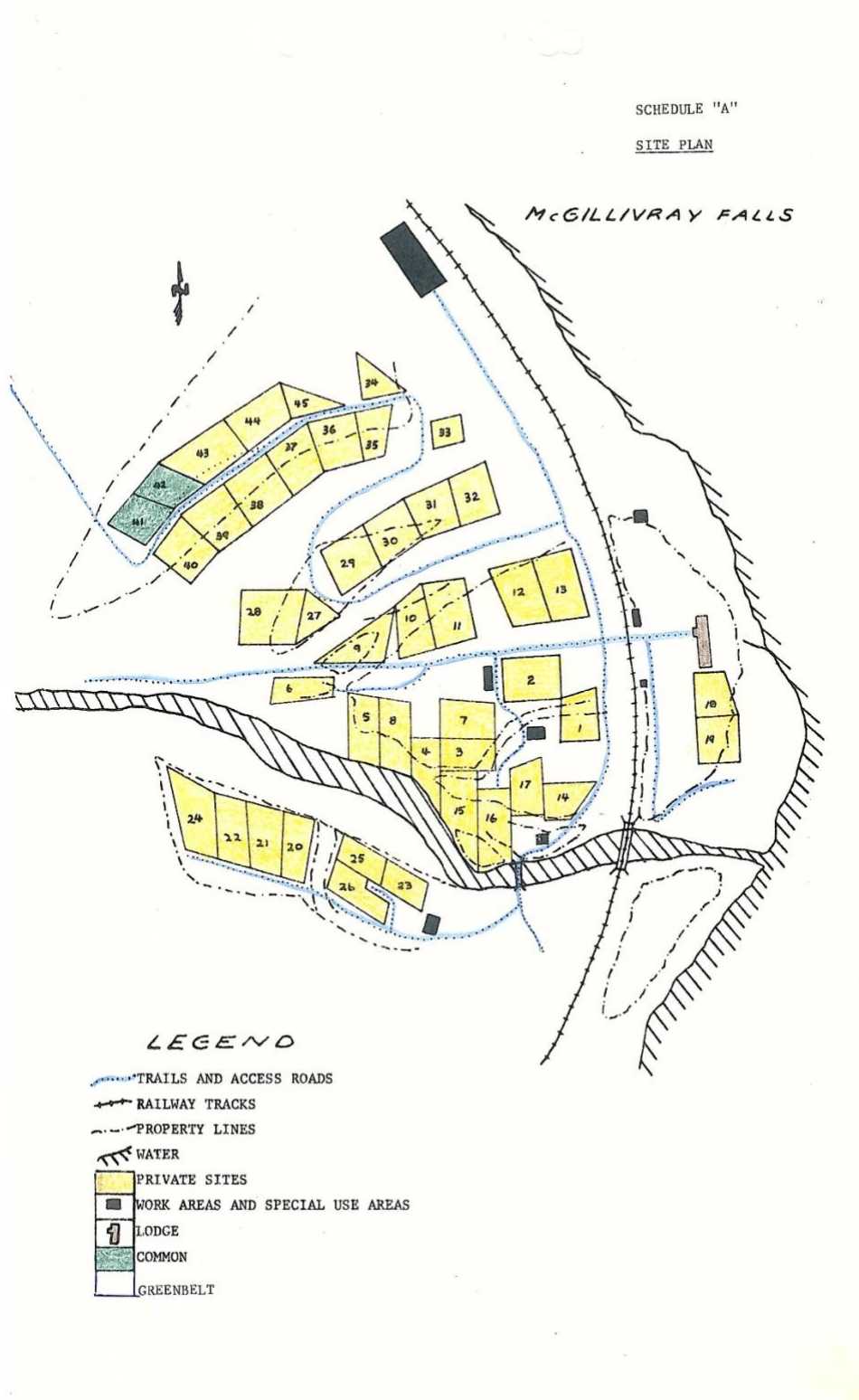
5.4.6 No building shall exceed 7.62 metres in *height*.

Roads, Ways and Paths

5.4.7 All roads and ways are private and must be located substantially as shown on the Site Plan in 5.4.8. The SLRD is not responsible for their construction, installation, maintenance or repair.

Site Plan

5.4.8 The location and size of the *sites* must be substantially in accordance with the following Site Plan:



- (c) The Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 762, 2002, Schedule B Maps is amended as follows:

The land outlined on the map on Schedule 1 to this bylaw and legally described as "District Lot 4363, Lillooet District" is rezoned from RR1 Zone (Rural 1) to RR MCG Zone (McGillivray Falls).

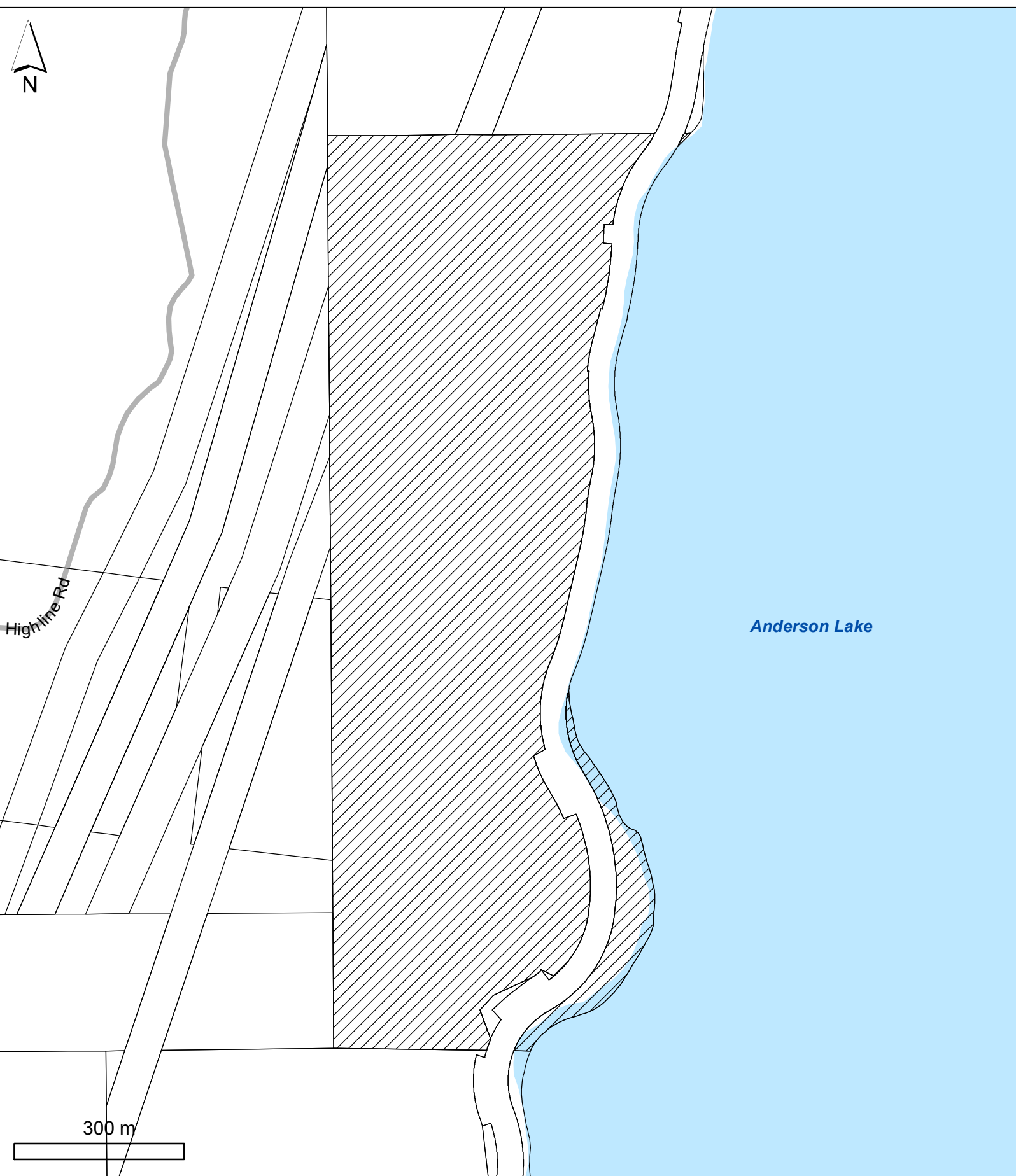
- (d) By adding Amendment Bylaw 1696-2020 to the Summary of Amendments table as follows:

1696-2020	McGillivray Falls Zoning Amendment	, 2021
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READ A FIRST TIME this	25 th day of	NOVEMBER, 2020
READ A SECOND TIME this	day of	, 2021
PUBLIC HEARING waived this	day of	, 2021
READ A THIRD TIME this	day of	, 2021
APPROVED PURSUANT TO SECTION 52 (3)(a) OF THE TRANSPORTATION ACT this	day of	, 2021
ADOPTED this	day of	, 2021

Jen Ford
Chair

Kristen Clark
Corporate Officer



**Schedule 1: Squamish-Lillooet Regional District Electoral Area C
Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1696-2020**



RR 1 to RR MCG

SECTION 5.4 – RR MCG ZONE – MCGILLIVRAY FALLS

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- b) one single family dwelling or mobile home
- c) an *accessory building* of not more than 10 m²

.3 Common Site(s) – Permitted Uses

- a) restricted to recreation grounds and hiking trails and pedestrian pathways and uses consistent with their use and retention as natural, unimproved areas, however, underground services and pathways in the greenbelt area may be constructed and maintained.
- b) buildings are not permitted.

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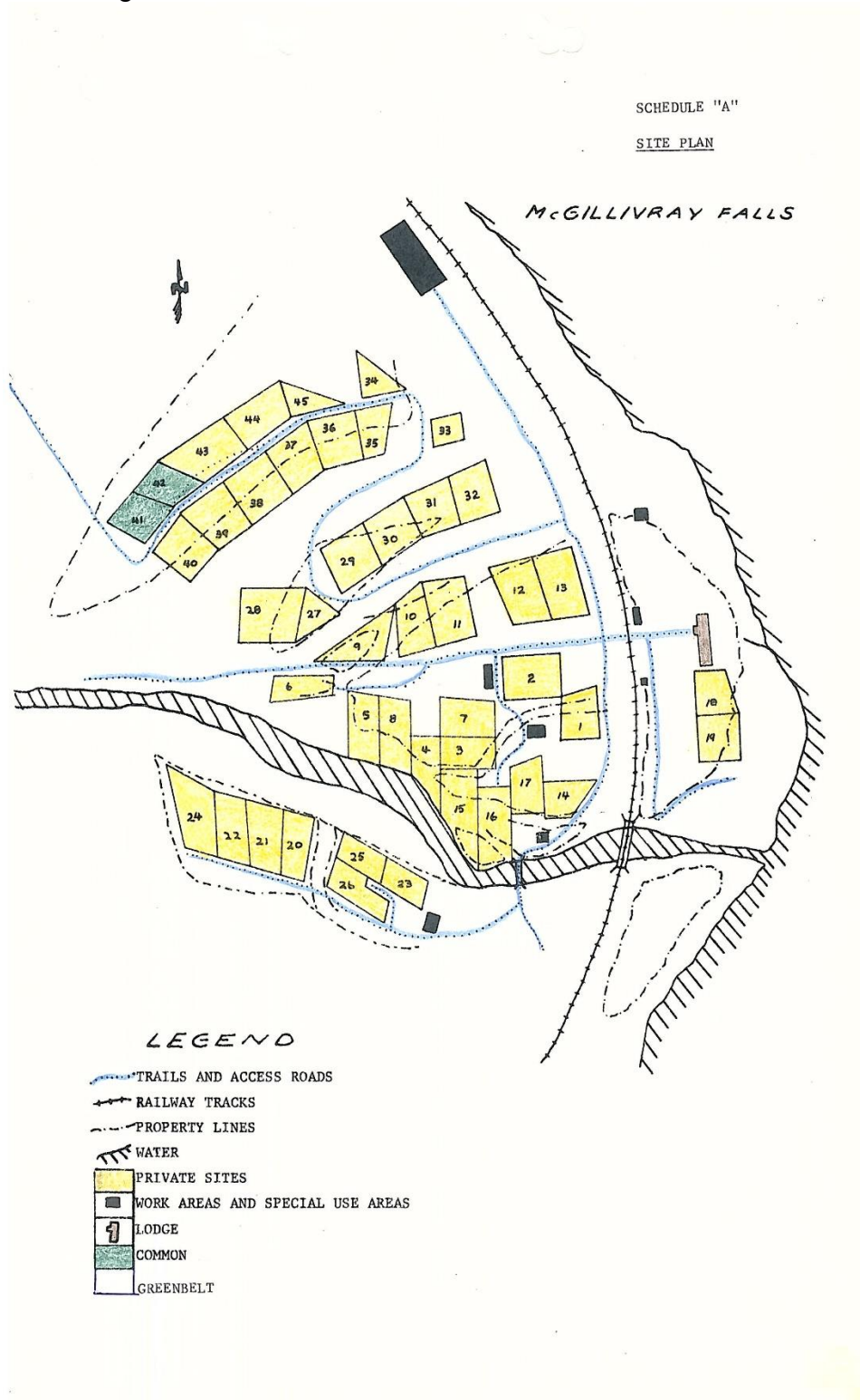
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Roads, Ways and Paths

- 5.4.7 All roads and ways are private and must be located substantially as shown on the Site Plan in 5.4.8. The SLRD is not responsible for their construction, installation, maintenance or repair.

Site Plan

5.4.8 The location and size of the *sites* must be substantially in accordance with the following Site Plan:





January 12, 2021

Daniel Kyobe, Planner
Squamish-Lillooet Regional District
Box 219, 1350 Aster Street,
Pemberton, BC V0N 2L0

E-mail: dkyobe@slrd.bc.ca

Dear Mr. Daniel Kyobe:

Re: Ponderosa Estates– Zoning Amendment Application – SLRD First Reading Referral;
McGillivray Falls Zoning Amendment Bylaw No.1696-2020 – SLRD First Reading Referral.

The application is to allow for the zoning amendments to address the provincial requirements for land use contract termination. Local governments are required to have zoning bylaws in place by June 30, 2022 for Ponderosa Estates and for McGillivray Falls by June 30, 2024 that will apply to the land once the land use contracts terminate.

Interior Health, Healthy Communities has received an update on the drinking water supply systems for these parcels from our Drinking Water Environmental Health Officer:

Ponderosa Estates Zoning Amendment Application – SLRD First Reading Referral

The Interior Health Drinking Water Program has received a request for comments on zoning amendments at Ponderosa Estates located in SLRD Electoral Area C, lot 2663 and 4805, Lillooet District. Ponderosa Estates currently has 26 properties with existing single-family dwellings, trailers and accessory buildings. Existing water systems in this area include “Ponderosa Strata Community- Lower Tank” (Facility # 14-149-0003), “Ponderosa Strata Community- Middle Tank” (14-149-00029) and “Ponderosa Strata Community- Upper Tank” (14-089-00103). These three water supply systems are on a long-term boil water notice because they are assessed as untreated drinking water at risk of containing pathogens. Connecting new buildings to these water systems would not be recommended due to the existing boil water notices, but no further developments or buildings are being proposed by this zoning amendment application. Based on this information, this zoning amendment should not negatively impact the community drinking water supply.

McGillivray Falls Zoning Amendment Bylaw No.1696-2020 – SLRD First Reading Referral

The Interior Health Drinking Water Program has received a request for comments on zoning amendments at McGillivray Falls located in SLRD Electoral Area C, lot 4363, Lillooet District. McGillivray Falls currently has 43 properties with existing single-family dwellings, mobile homes and accessory buildings. The “McGillivray Falls Water System” (Facility # 0660630) is supplying these residences with drinking water. This water supply system is on a long-term boil water notice because it is assessed as untreated drinking water at risk of containing pathogens. Connecting new buildings to this water system would not be recommended due to the existing boil water notice, but no further developments or buildings are being proposed by this zoning amendment application. Based on this information, this zoning amendment should not negatively impact the community drinking water supply.

Interior Health has not reviewed the onsite sewerage disposal systems for these parcel, we would recommend compliance checks by an authorized person if there were any change to the existing dwellings or land use to ensure safe disposal of wastewater.

Healthy Communities would recommend that these land use parcels upgrade their community services to provide safe drinking water and safe wastewater disposal to the residents on these land parcels.

Health evidence has demonstrated that affordable, accessible and good quality housing for people allows them the opportunity to engage in activities of daily living while optimizing their health. Please contact our office if you have questions.

Yours Sincerely



Clare Audet
Environmental Health Officer – Healthy Communities – Healthy Community Development