



## REQUEST FOR DECISION

**2510 Summit Rd** (Area C) – Zoning Amendment Bylaw No.  
1699-2020;  
Reduction of Minimum Parcel Size  
Second Reading and Public Hearing Waiver

**Meeting Date:** March 24, 2021

**To:** SLRD Board

**Applicant:** James Wilson

**Location:** Electoral Area C, 2510 Summit Road, Birken BC

**Legal Description:** PID 025-444-026 (LOT 2, DL 1251)

**RGS  
Designation:**  
Rural  
Residential

**OCP  
Designation:**  
Rural  
Residential

**Zoning:**  
Rural 1 (RR1)

**ALR Status:**  
N/A

**Development Permit  
Areas:**  
N/A

### RECOMMENDATIONS:

THAT Bylaw 1699-2020, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1699-2020” be given a second reading.

THAT pursuant to s. 464(2) of the Local Government Act, the public hearing regarding Bylaw No. 1699-2020, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1699-2020” be waived.

THAT notice of the waiver of the public hearing regarding Bylaw No. 1699-2020, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1699-2020” be given in accordance with s. 467 of the *Local Government Act*.

### KEY ISSUES/CONCEPTS:

Amendment Bylaw 1699-2020 was given first reading at the December 16, 2020 Board meeting. The referral process was also initiated at that time. SLRD staff have now completed the referral process for Bylaw 1699-2020, with comments received provided in this report.

### BACKGROUND:

The SLRD received a zoning amendment application for District Lot 1251, 2510 Summit Rd. The property is currently zoned Rural 1 (RR1) in SLRD Electoral Area C Zoning Bylaw 765, 2002. The property location is shown in Appendix A, Schedule A. The proposed zoning amendment is to facilitate subdivision of the parcel into two lots and would see the property rezoned to RR1-Residential subzone RR1(RES) thereby reducing the minimum parcel size to one hectare.

### Previous Board Resolution

At the December 16, 2020 SLRD Board meeting, the SLRD Board resolved:

*THAT Bylaw 1699-2020, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1699-2020” be introduced and given first reading.*

THAT Bylaw 1699-2020, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1699-2020” 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 Village of Pemberton, and provincial agencies including the Vancouver Coastal Health Authority, the Ministries of Transportation & Infrastructure, and Forests, Lands, Natural Resource Operations and Rural Development for comment. All comments received during the referral period have been addressed. As such, SLRD staff are recommending the Board give second reading to Amendment Bylaw 1699-2020. The proposed zoning amendment is generally consistent with the Electoral Area C Official Community Plan (OCP) Bylaw No. 689, 1999, SLRD staff are recommending that the public hearing be waived. A rezoning notification sign is posted on the property and no inquiries or concerns have been made.

### Referral Comments

#### Vancouver Coastal Health Authority (VCH)

VCH has reviewed the referral and provided comments related to drinking water and soil conditions.

#### *Drinking water*

Note that the applicant has provided proof of only one well per lot. As the proposed RR1-Residential subzone RR1(RES) permits two serviceable buildings on one lot, VCH recommends that each serviceable building be serviced by an independent water source because having two or more buildings serviced from a single water source (one well) constitutes a water supply system as per the *Drinking Water Protection Act*. These small water supply systems face a number of regulatory hurdles and are generally not economically feasible to operate, and therefore are not recommended.

#### *Soil conditions*

VCH has stated that the soil conditions on the subject property are suitable for in the installation of a primary and reserve sewerage system.

SLRD staff have communicated to the applicant VCH’s recommendation that each serviceable building should have an independent source of water. The applicant has provided a letter from Arden Consulting Engineers Ltd. (Appendix C) who had previously completed flow testing of two drilled wells on the subject property, which states that in their opinion a second well could be drilled on each of the two proposed lots with sufficient water quantity to service a single-family residence. SLRD staff have had further consultations with VCH and Ministry of Transportation and Infrastructure – the subdivision authority. It has been determined that a second source of

water on each lot can be identified at the subdivision application review and referral stage. SLRD staff are satisfied with this requirement.

Ministry of Transportation and Infrastructure (MOTI)

The referral was reviewed, and the Ministry of Transportation and Infrastructure has no objection in principle to the proposed zoning amendments, and provided the following general comments related to access and parking, drainage, and setbacks. MOTI has provided the following comments:

*Access and Parking*

Accesses to be located in an area acceptable to the Ministry and constructed in accordance with the BC Supplement to TAC Manual. All parking to be provided on-site per the ITE Parking and Trip Generation Manual.

*Drainage*

No storm drainage shall be directed into Ministry of Transportation and Infrastructure systems. This would include, but is not limited to, collection/run-off of the internal road/driveway system.

Setback

All structures are to be located at least 4.5 meters back from the highway right-of-way, or 3 meters, where the structure has access from another street.

A comprehensive review and comments will be provided to the applicant through the subdivision review process.

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

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.

Lil'wat Nation

The Lil'wat Nation does not have any comments about the proposed bylaw amendments. However, if any new information were to arise that may impact on Lil'wat aboriginal rights, title or interests, the Lil'wat Nation would expect to receive notice and to have an opportunity to provide comments at that time.

N'Quatqua

No response.

Village of Pemberton

No response.

Public Hearing Waiver

The proposed zoning amendment is generally consistent with the Electoral Area C Official Community Plan (OCP) Bylaw No. 689, 1999 and thus a local government may waive the holding of a public hearing as per section 464(2) of the *Local Government 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](#)  
[Policy No. 6.7 \(BP- Subdivision – Proof of Water\)](#)

**ANALYSIS:**

The Electoral Area C Official Community Plan (OCP) Bylaw No. 689, 1999 includes specific policies that enable site specific rezoning applications subject to conformance with suitability criteria such as soil conditions, slope, geotechnical hazards, and water supply.

*OCP Policy: 4.18. Outside of the Sutherland Road neighbourhood, the minimum parcel size for Rural Residential designated lands in the Mt. Currie - D'Arcy corridor may be amended, through a site-specific rezoning application, to one hectare, subject to conformance with suitability criteria such as soil conditions, slope, geotechnical hazards, and water supply.*

Proof of Water

The applicant has provided confirmation from qualified professionals that the SLRD's water Policy No. 6.7 requirement of 500 gallons per day on parcels under 10 acres can be met. Proof of a second source of water on each lot will be dealt with during the Ministry of Transportation and Infrastructure's (MOTI) subdivision review and approval process. At that time, MOTI may have additional requirements (geotechnical, water, septic) that they can request.

Terrain Stability

The Electoral Area C Official Community Plan Bylaw No. 689, 1999 mapping shows the property is not within or near any mapped terrain hazard areas. Should slopes be greater than 40%, a geotechnical report may be required.

Riparian Assessment Area

There are no riparian areas located on the subject property, however the applicants were made aware of the Riparian Area Regulations, as all of Electoral Area C is within the RAR Development Permit Area. Should the applicant wish to alter land or build within this Riparian Assessment Area (within 30m of a water body/feature), a Development Permit will be required prior to construction.

**REGIONAL IMPACT ANALYSIS:**

The SLRD Regional Growth Strategy Bylaw No. 1062, 2008 and Electoral Area C Official Community Plan Bylaw No. 689, 1999 support small lot development in the Birken area. Similar precedents have been set by neighbours, where water quantity and quality criteria have been met, thus regional impacts are minor. The Ministry of Transportation and Infrastructure (MOTI), as the subdivision approving authority, will ultimately determine the suitability for subdivision.

**OPTIONS:**

**Option 1 (PREFERRED OPTION)**

Give Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1699-2020 second reading and waive the public hearing.

**Option 2**

Give a second reading to the Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1699-2020 and schedule a public hearing.

**Option 3**

Refer the zoning amendment application back to SLRD staff for more information, or for revision.

**Option 4**

Reject the zoning amendment application.

**FOLLOW UP ACTION:** If approved by the Board, provide notice of the waiver of a public hearing as per s. 467 of the *Local Government Act*.

**ATTACHMENTS:**

**Appendix A:** Zoning Amendment Bylaw No. 1699, 2020

**Appendix B:** Concept Plan

**Appendix C:** Arden Consulting Engineers Ltd Water Supply - Proposed Subdivision of Lot 2, DL 1251, Birken, BC

**Appendix D:** Referral Responses

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  
ELECTORAL AREA C ZONING BYLAW NO. 765-2002  
AMENDMENT BYLAW NO. 1699-2020**

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

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**WHEREAS** the Board of the Squamish-Lillooet Regional District wishes to amend the 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 the 'Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1699-2020.
2. The Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, is hereby amended as follows:

The Official Zoning Map, Schedule C, Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002 is hereby amended by:

- (i) rezoning DL 1251, Lot 2, Plan KAP71081 Except Plan KAP72339, as outlined on Schedule A, which is attached to and forms part of this bylaw, from Rural 1 zone (RR1) to Rural 1 - Rural Residential sub-zone (RR1<sub>RES</sub>)

| BYLAW NO. | SUMMARY OF AMENDMENTS                                                                                                                         | DATE OF ADOPTION |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| XXXX-XXXX | Lot 2 DL 1251, Plan KAP71081 Except Plan KAP72339, LLD – from Rural 1 zone to: Rural 1 – Rural sub zone (RR1 <sub>RES</sub> ) – Map Amendment | _____, 2020      |

|                                                                  |                                         |
|------------------------------------------------------------------|-----------------------------------------|
| READ A FIRST TIME this                                           | 16 <sup>th</sup> day of DECEMBER, 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 BY THE MINISTRY OF<br>TRANSPORTATION AND INFRASTRUCTURE | day of _____, 2021.                     |
| ADOPTED this                                                     | day of _____, 2021.                     |

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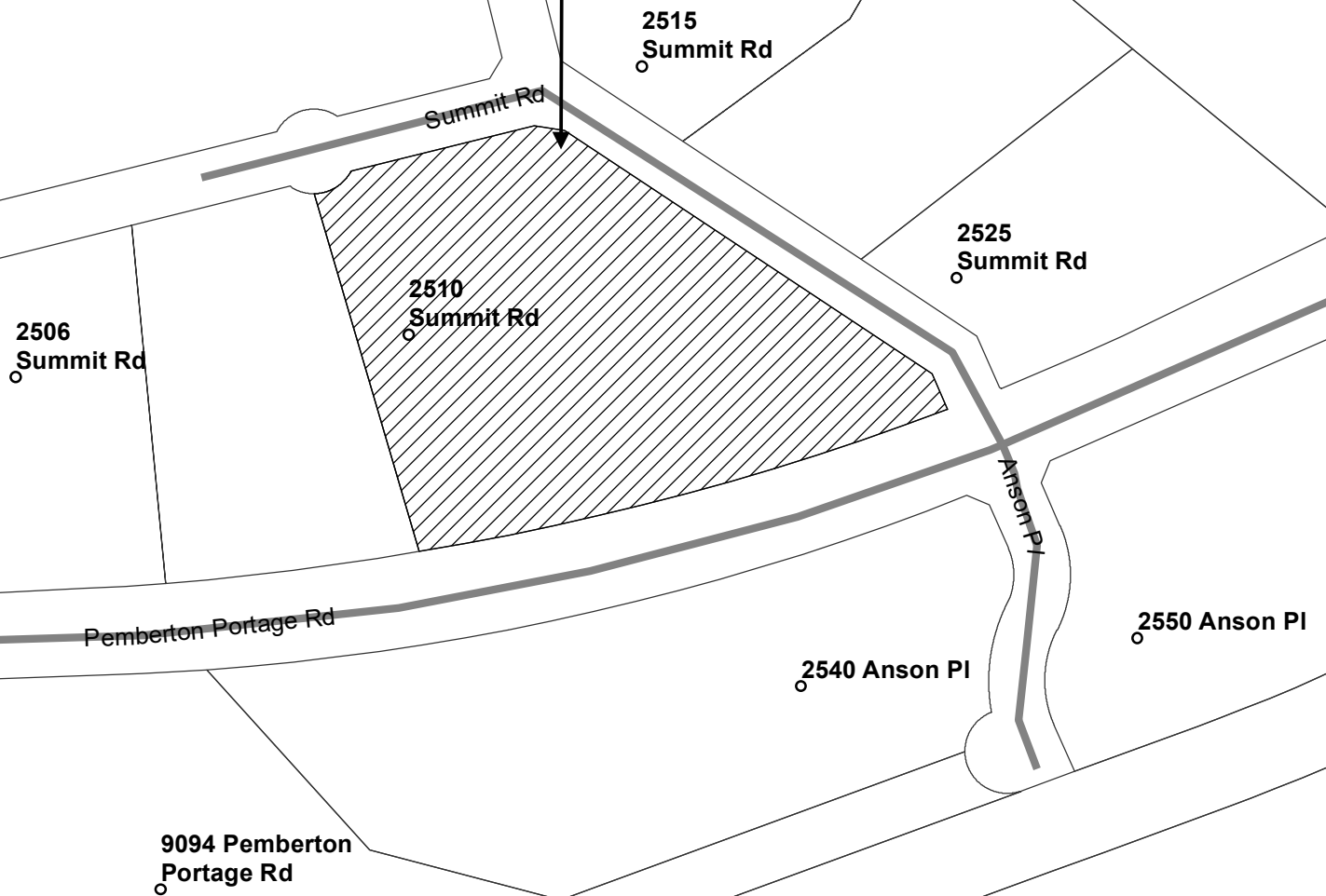
Jen Ford  
Chair

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Kristen Clark  
Corporate Officer

**SCHEDULE "A"**  
**ZONING BYLAW AMENDMENT BYLAW NO. 1699-2020**  
**SQUAMISH - LILLOOET REGIONAL DISTRICT**

DL 1251, Lot 2, Plan KAP71081 Except Plan  
KAP72339 to be rezoned from RR1 to RR1 (RES)



**Schedule A**

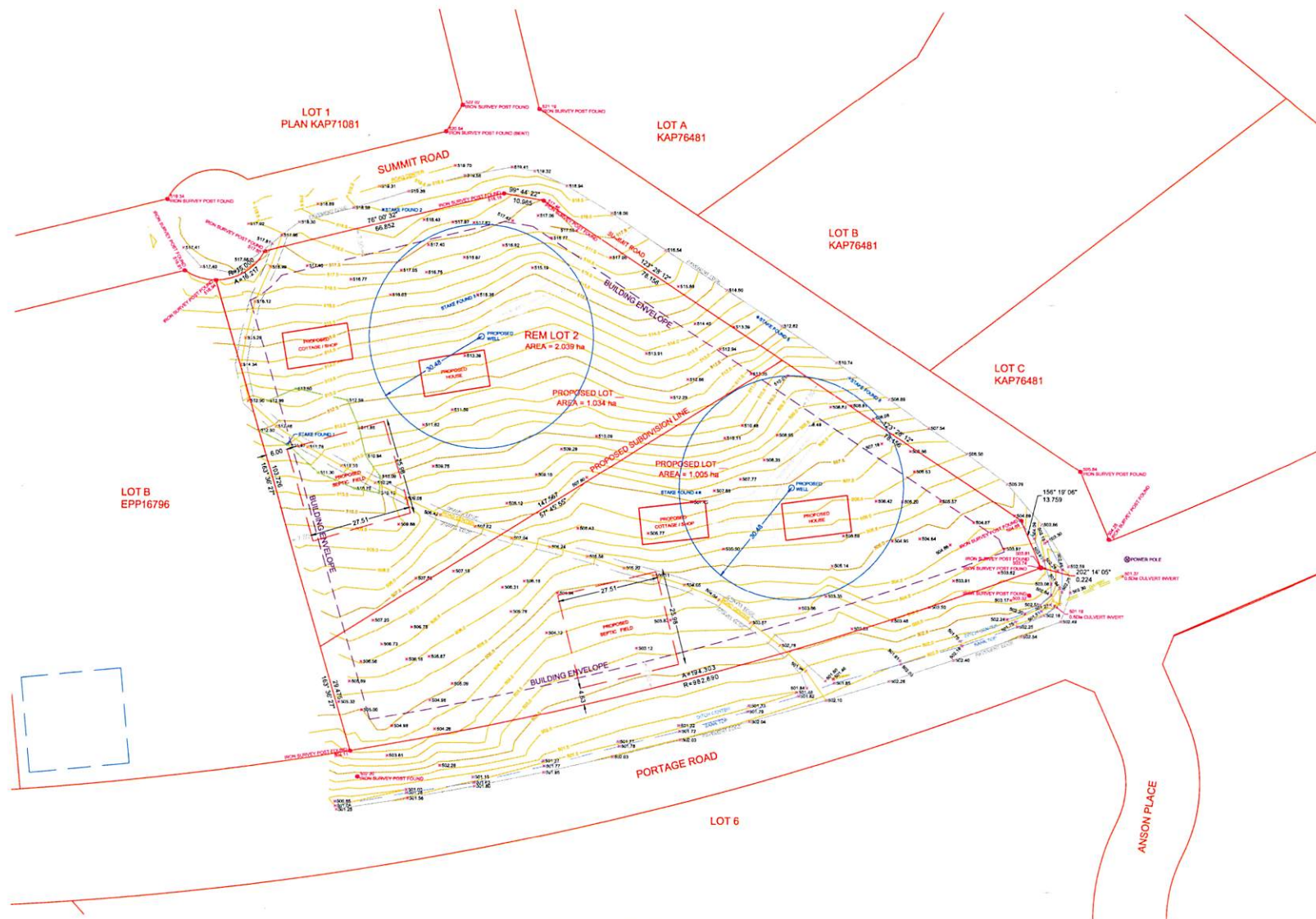


LOT 2 DISTRICT LOT 1251 LILLOOET DISTRICT PLAN  
KAP71081 EXCEPT PLAN KAP72339 "Subject Property"



## Appendix B

PLAN SHOWING TOPOGRAPHY AND SITE FEATURES SITUATED UPON LOT 2, D.L. 1251, LILLOOET DISTRICT, PLAN KAP71081 EXCEPT PLAN KAP72339



NOTE:

- FIELD SURVEY COMPLETED JULY 27, 2020
- \*12345 DENOTES SPOT ELEVATION IN METRES
- BEARINGS ARE DERIVED FROM GPS SURVEY
- PROPERTY DIMENSIONS ARE FROM L.T.O. RECORDS
- CONTOURS ARE AT 0.5m INTERVALS

GRAPHIC SCALE METRES 1 500  
All distances are in metres

|                                                                                                                                                                                                                                                    |            |                                                                                                                                                                                                                               |                              |                             |                                                                                                                                      |                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------|----------------|
| DOUG BUSH SURVEY SERVICES Ltd.<br>Douglas J. Bush, A.S.C.T., R.S.I.<br>Applied Science Technologist (Geomatics)<br>Unit 18, 1370 Alpha Lake Road, Whistler, B.C. V8E 0H9<br>Phone 932-3314 / Fax 932-3039<br>E-mail: doug@dbss.ca / http://dbss.ca | Revision : | Notes:<br><br>ELEVATIONS ARE GEODETIC CVD28<br>DERIVED FROM MONUMENT NO. 817583 (STABLE MARKING 83278)<br>LOCATED ON NORTHWEST SIDE OF PORTAGE ROAD<br>600' CUT AT SOUTH END OF GATES LAKE<br>ELEVATION USED = 416.117 METRES | Plan date<br>August 20, 2020 | Client:<br><br>JAMES WILSON | Certified Correct:<br><br>Douglas J. Bush A.S.C.T., R.S.I.<br>Applied Science Technologist (Geomatics)<br>The 27th day of July, 2020 | SCALE: 1:500   |
|                                                                                                                                                                                                                                                    |            |                                                                                                                                                                                                                               | Files<br>20199.DRD           |                             |                                                                                                                                      | JOB NO. J20199 |
|                                                                                                                                                                                                                                                    |            |                                                                                                                                                                                                                               | P.I.D.: 025-444-026          |                             |                                                                                                                                      | DWG. 20149D-1  |



February 11, 2021

File 20-78

James Wilson  
1351 Fernwood Street  
Pemberton, BC  
V0N 2L0

Dear Mr. Wilson

**Re: Water Supply - Proposed Subdivision of Lot 2, DL 1251, Birken, BC**

Arden Consulting Engineers Ltd. (ACE) has previously completed flow testing of two drilled wells on the subject property (November 9, 2020 report). The wells were drilled and flow tested in order to satisfy Squamish-Lillooet Regional District (SLRD) Policy No. 6.7 – Proof of Water. The policy requires parcels less than 10 acres in size to demonstrate the availability of a minimum of 500 gallons of water per day on each lot. The results of the flow testing on each of the proposed lots are summarized below:

**Table 1 – Summary of Well Testing**

| Proposed Lot # | Well ID Plate # | Flow (Lpm) tested | Flow Lpd | Drillers Estimate (Lpm) |
|----------------|-----------------|-------------------|----------|-------------------------|
| 2              | 61575           | 31                | 44,600   | 302                     |
| 1              | 61576           | 29                | 41,700   | 95                      |

The yields of both wells tested substantially exceed the minimum required by policy 6.7. It is our understanding that the zoning allows for the construction of a second residence on each of the two proposed parcels. Although sufficient water quantity exists in each of the two drilled wells to service a second dwelling, Vancouver Coastal Health has indicated that they do not support allowing two future residences to share a single well as this creates a Water Supply System. A second source of water would be required on each lot to support a second dwelling.

ACE has reviewed the BC Water Resources Atlas for all the wells within 300m of the subject site. The wells are listed in Table 2 Below.

**Table 2 – Summary of Surrounding Wells**

| Well Tag # | Well Plate ID | Finished Depth (ft) | Address           | Well Yield (US gpm) | Water Depth (ft) |
|------------|---------------|---------------------|-------------------|---------------------|------------------|
| 100862     |               | 46                  | Portage Road      | 15                  | 28               |
| 100861     |               | 138                 | Portage Road      | 15                  | 104              |
| 114122     | 42985         | 137                 | Lot 6 Anson Place | 50                  | 50               |
| 111549     | 42659         | 115                 | Anson Place       | 75                  | 45               |

ARDEN CONSULTING ENGINEERS LTD.



The yields reported for the surrounding wells exceed the 500 gallons per day minimum required by the SLRD. Based on the review of the surrounding wells, and our knowledge of the site wells, it is our opinion that a second well could be drilled on each of the two proposed lots with sufficient water quantity to service a single family residence.

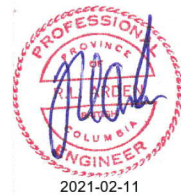
We trust that this provides the information you currently require. If you have any questions or require comment, please feel free to contact the undersigned.

Yours truly,

**ARDEN CONSULTING ENGINEERS LTD.**

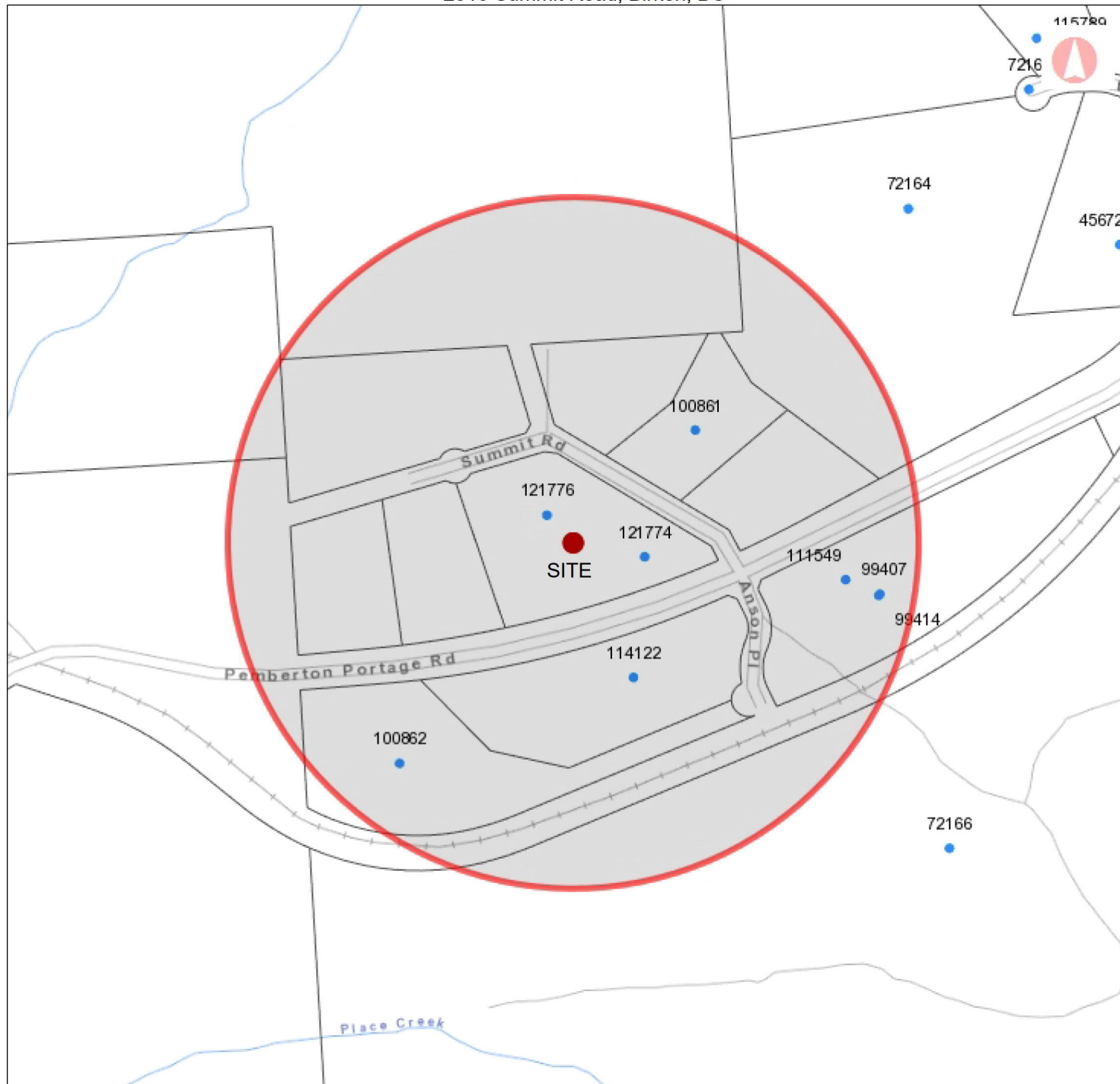
**PER:**

Rob Arden, P.Eng



Enclosure      BC well registry map of area

2510 Summit Road, Birken, BC



iMapBC Mapping

### Legend

Groundwater Wells - All

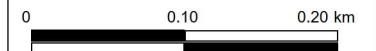
ARTESIAN\_IND

Reported Artesian Well

Well

PMBC Parcel Cadastre - Pri  
TileCache

300m radius



1: 5,000

### Copyright/Disclaimer

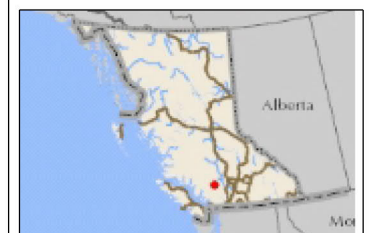
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Datum: NAD83

Projection: NAD\_1983\_BC\_Environment\_Albers

Key Map of British Columbia



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**Health Protection**

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January 27, 2021  
Squamish Lillooet Regional District  
Box 219, 1350 Aster St.,  
Pemberton, BC  
V0N 2L0  
Attn: David Kyobe, Planner

Dear David,

**RE: Request for comments –**

The intent of this zoning amendment would be to allow for a subdivision to be considered. Subdivision proposals considered by *Ministry of Transportation and Infrastructure* are typically forwarded to VCH for comment during the consideration phase. At that time VCH would review soil and site conditions, drinking water sources and other characteristics as per our viewpoint. As a formal subdivision proposal has not yet been submitted VCH has not been asked to comment formally on a proposed subdivision. However, documentation has been received regarding the drinking water sources and the soil conditions. Comments on these items are noted below.

Drinking Water

The applicant has included information related to the wells which have been drilled on each proposed lot which indicate each well has adequate water volume for a single family dwelling. The wells have registration tags attached to each. My understanding is that the proposed change from Rural 1 (RR1) to RR1-Residential subzone RR1(RES) would allow for up to 2 serviced buildings on each proposed lot. It should be considered that the servicing of 2 or more buildings from a drinking water source would constitute the creation of a water supply system under the Drinking Water Protection Act. VCH does not recommend the proliferation of small water supply systems throughout the region be encouraged. Our experience is that these small systems face regulatory challenges and are often not economically feasible to operate. If this request is approved it may be worth considering a clause which limits density on each lot to 1 serviced building unless a 2<sup>nd</sup> water source is available on the property. Failing this the proponent should acknowledge understanding of this.

Soil conditions

The applicant has demonstrated suitable soil conditions on each proposed lot for the installation of a primary and reserve sewerage system.

In summary there do not seem to be any physical indications from our viewpoint that this property is not suited to the location of 2 single family dwellings. Should the applicant decide to pursue a subdivision proposal we will be prepared to provide further comment in this regard.

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**Health Protection**

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Thank you for the opportunity to review this application and to provide comments from our perspective. Feel free to contact me if you have any questions.

Regards,



Dan Glover  
Senior Environmental Health Officer  
VCH – Sea to Sky Region  
Cc Dr. John Harding, MHO  
Cc John Choi, Acting Mgr. HP



Your File #: 3360.20.118

MoTI File #: 2020-06231

Date: Dec/29/2020

Squamish-Lillooet Regional District  
1350 Aster Street  
Box 219  
Pemberton, British Columbia V0N 2L0  
Canada

Attention: David Kyobe, Planner

**Re: Proposed Bylaw 1399 for:  
District Lot 1251, Lot 2, Plan KAP71081 Except Plan KAP72339  
Map: 1237967,612034  
2510 Summit Road, Birken**

Thank you for the opportunity to comment on the proposed rezoning at 2510 Summit Road. Ministry approval under Section 52(3)(a) of the *Transportation Act* is not required as the site is located outside the Ministry's Controlled Area (800m from a Controlled Access Highway intersection). Generally, the Ministry has no objection to the proposal.

The applicant will be required to submit a [Preliminary Subdivision Application](#) to our office for review. Comprehensive review comments to be provided to the applicant through the subdivision review process. However, we can provide the following general comments at this time:

Access and Parking:

Accesses to be located in an area acceptable to the Ministry and constructed in accordance with the BC Supplement to TAC Manual. All parking to be provided on-site per the ITE Parking and Trip Generation Manual.

Drainage:

No storm drainage shall be directed into Ministry of Transportation and Infrastructure systems. This would include, but is not limited to, collection/run-off of the internal road/driveway system.

Setback:

All structures are to be located at least 4.5 meters back from the highway right-of-way, or 3 meters, where the structure has access from another street.

| Local District Address                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------|
| Squamish Area Office<br>101-42000 Loggers Lane<br>Squamish, British Columbia V8B 0H3<br>Canada<br>Phone: () - Fax: (604) 898-4376 |

If you have any questions please feel free to call Kattia Woloshyniuk at (236) 468-1926.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Kattia', with a stylized flourish extending from the end.

Kattia Woloshyniuk  
A/ Senior Development Officer



January 29, 2021

Squamish-Lillooet Regional District  
PO Box 219 – 1350 Aster Street  
Pemberton, BC V0N 2L0  
Email: [DKyobe@slrd.bc.ca](mailto:DKyobe@slrd.bc.ca)

Attention: David Kyobe, Planner

**Re: 2510 Summit Road, Birken BC–Zoning Amendment Bylaw No. 1699-2020–  
SLRD First Reading Referral**

**Our File: 12212020-001 SLRD SLRD Zoning Bylaw no 1699-2020 – 2510 Summit  
Road, Birken**

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We are writing to you in response to your letter dated December 21, 2020 informing us of the zoning bylaw amendment for subdividing at 2510 Summit Road, Birken and asking us to bring forward any aboriginal interests we may have on or adjacent to the land in question.

A portion of 2510 Summit Road, Birken lies within the traditional territory of the Lil'wat Nation. These lands have been used and occupied by the Lil'wat since time immemorial. The Province of British Columbia has been notified of the existence of the Lil'wat Nation's traditional territory.

The Lil'wat Nation asserts unextinguished title to its traditional territory, sovereignty over its traditional territory, and a right to self-determination. The Lil'wat Nation's aboriginal rights, including title, are protected under s. 35 of the *Constitution Act, 1982*.

A series of recent court decisions have:

- upheld the existence of aboriginal title in British Columbia;
- declared that aboriginal title coexists with crown title;
- limited the instances in which aboriginal title can be infringed by British Columbia or a third party;
- established strict criteria for any such infringement;
- declared that aboriginal title includes the right to choose the use to which the land is put;
- placed a legal duty on the Province of British Columbia to undertake meaningful consultation with First Nations and accommodate potential infringement; and

- declared that accommodation may have economic and/or cultural components.

Furthermore, the Supreme Court of Canada confirmed in the *Tsilhqot'in* decision that aboriginal title is real and meaningful, territorial in nature, and that First Nation consent is required for the use of its aboriginal title lands and resources. The decision also specifically states that aboriginal title confers:

. . . the right to decide how the land will be used; the right of the enjoyment and occupancy of the land; the right to possess the land; the right to economic benefits of the land; and the right to pro-actively use and manage the land. (at para. 73)

As a consequence of these decisions, British Columbia is under a legal obligation to consult with the Lil'wat Nation, and, where appropriate, seek consent from Lil'wat Nation and accommodate the Lil'wat Nation for infringements on its aboriginal title and rights.

We have reviewed the information provided with this referral regarding the zoning bylaw amendment for subdivision at 2510 Summit Road, Birken. We do not have any comments at this time regarding this decision. However, if any new information were to arise during the course of this activity that indicates there may be impacts on Lil'wat aboriginal rights, title or interests, we would expect to receive notice and to have an opportunity to provide comments at that time. Furthermore, nothing in this letter is intended to affect the scope of, or the opportunity to exercise, any of Lil'wat's aboriginal rights, nor is it intended to accept any infringement of same.

Sincerely,



---

Harriet VanWart, Director  
Land and Resources Department  
Lil'wat Nation