



Request for Decision

Black Tusk Helicopters, Area D
Zoning Amendment Bylaw No. 1523-
2017 Second Reading

Date of Meeting: Meeting – July 26, 2017

File No. 3360.20.97

Owner: Crown Land (Province) / Tenure Holder: Black Tusk Helicopters Inc.

Applicant/Agent: Cascade Environmental Resource Group

Location: Echo Lake, Electoral Area D

Legal description: THAT PARCEL OR TRACT OF LAND IN THE VICINITY OF MOUNT MURCHISON, GROUP 1, NWD.

OCP	Zoning:	ALR	DP Area:
Designation:	RR4 (Rural Resource	Status:	Wildfire Protection
Resource	4)	No	RAR
Management			Comprehensive

Recommendations:

THAT Bylaw No. 1523-2017, cited as "Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1523-2017" be read a second time.

THAT the Board direct staff to schedule and advertise a public hearing and delegate the holding of the public hearing to Electoral Area D Director Tony Rainbow with Chair Jack Crompton as alternate delegate pursuant to Section 469 of the *Local Government Act*, for the consideration of Bylaw No. 1523-2017, cited as "Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1523-2017".

Key Information:

Black Tusk Helicopters (BTH), which operates a commercial recreational tenure on Crown land in Electoral Area D, has submitted an application for rezoning. The application received first reading at the May 24, 2017 Board meeting. The referral process has been completed and a summary of the comments received outlined later in this report.

The subject area would be rezoned from the existing RR4 zone to a new BC5 (Backcountry Commercial 5) zone. The subject area is the Echo Lake satellite camp in the Red Tusk zone of BTH's Crown Land tenure and is approx. 0.165 ha.

The applicant is basing their proposal on their 2013 management plan that has been approved by the Province. The Red Tusk zone of BTH's tenure is used for winter and summer activities (heli-skiing/boarding and heli-hiking/biking/fishing, requires a boat, helicopter or plane to access the area with the exception of Mount Sedgewick and has hiking trails to Henrietta and Echo Lakes.

The existing satellite camp consists of a helipad and camping area. The rezoning application proposes a small 2 level cabin with a maximum gross floor area (GFA) of ~150 m². It would contain two bathrooms, the lower level would have one bunkroom that sleeps 10 people with a small common area (~45 – 50 m²) and the upper level would have a kitchen, foyer, lounge, and deck (~100 – 105 m²). The rezoning application also includes two camping pads as no formal campsites currently exist. The cabin and the decks are all outside the 30 m riparian assessment area.

RELEVANT POLICIES:

Squamish-Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008
Electoral Area D Official Community Plan Bylaw No. 1135-2013
Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016
Sea to Sky LRMP

REFERRAL COMMENTS:

Vancouver Coastal Health Authority

Comments received. VCHA noted that they had no objection to the proposed development provided all of the following conditions and issues can be met:

- The water system supplying water for domestic purposes (food preparation, consumption, sanitation) must comply with the Drinking Water Protection Act and Regulation.
- A Construction Permit is required for the construction of the water system, and an Operating Permit is required for the water system. Related forms and guidelines are listed under water quality resources at this link: <http://www.vch.ca/public-health/environmental-health-inspections/drinking-water>
- The domestic waste water (black and grey water) must be disposed of in accordance with the BC Sewerage System Regulation.
- The proponent may be interested in the recently published Provincial Manual of Composting Toilet and Grey Water Practice.
<http://www2.gov.bc.ca/gov/content/environment/waste-management/sewage/onsite-sewage-systems/publications>
- The remote location of the tenure may pose logistical challenges for achieving compliance with regulatory requirements, however, VCHA has issued water system Construction Permits and sewerage system permits/filings for similar remote and unserved developments.

Lil'wat Nation

Comments received. The Lil'wat note that the application area is outside their traditional territory, and they have no further comments.

Resort Municipality of Whistler

No comments received.

District of Squamish

No comments received.

Ministry of Transportation & Infrastructure

No comments received.

Ministry of Forests, Lands, and Natural Resource Operations

No comments received.

Squamish Nation

No comments received.

ANALYSIS:

The proposed amendment bylaw is attached to this report. The BC5 zone would permit a small cabin and two camping pads along with the helicopter landing pad. The referral comments received do not require any proposed changes to the amendment bylaw as currently drafted.

The proposed zoning would include a maximum height (8 m) and gross floor area (150 m²) restriction on the cabin. It will also include a provision to restrict the cabin to a maximum accommodation of 10 people as per the application information and Crown management plan. This also helps to address the LRMP aspect. The two campsites would be limited to tent camping and also have a maximum gross floor area (10 m²) restriction on them.

The applicant indicates that there are no existing wells, and no proposed wells. Any additional water would require a water licence. There would be a water reservoir of approx. 2,500 L located in the attic of the cabin. Water would then be gravity fed from that attic reservoir, and greywater collected in buckets under sink.

The application proposes that all waste (garbage, recycling, organic) and residual wastewater will be flown back to Squamish. No septic system planned therefore, and a composting toilet will be used at the site.

To address any wildlife management concerns, the SLRD can use guidelines in the Comprehensive Development Permit Area (DPA) in the Area D OCP as it includes site design, landscaping, and solid waste guidelines.

While the proposed development is outside the 30 m riparian assessment area, the Wildfire Protection DPA would be triggered by the proposed cabin. The proposed rezoning area is designated Non-Settlement Area in the Regional Growth Strategy. Backcountry Resorts without residential components are potentially considered consistent with the Non-Settlement Area designation. The proposed commercial cabin with accommodation for 12 or fewer people would be consistent with a backcountry resort in the RGS.

While the LRMP does not speak to the gross floor area of a commercial cabin, based on information from the previous files, the LRMP does consider commercial cabins that accommodate less than or equal to 12 people as a permitted use in the Echo Lake area. As it was raised as an issue in previous applications, the Board may wish to consider limiting the size of the proposed cabin to a figure less than 150 m² of gross floor area.

REZONING APPLICATION HISTORY:

BTH has previously submitted a number of rezoning applications for this area starting back in 2006.

- 2006 application for a 4 ha parcel of land with a 3 storey, 4 bedroom, 2,365 ft² building
 - The SLRD determined that the building was too large and did not comply with the draft Sea to Sky LRMP. In December 2006 the SLRD Board determined that the application was inconsistent with the LRMP.
- 2007 application with revised plans.
 - This application was rejected due to the similarity of the revised plans with the original plans from 2006.
- 2008 application that changed the building to a 2 storey, 1,587 ft² building that would accommodate 12 people still including a 4 ha parcel of land.
 - The footprint of the building remained the same as the 2007 version, but was reduced in height and gross floor area.
 - There was an ongoing issue regarding whether the proposed building constitutes a cabin or a lodge as the LRMP has certain prohibitions for the area that Echo Lake falls within. There was correspondence between the SLRD and the Province on the language in the LRMP.
 - The result being that the LRMP does not permit a commercial backcountry lodge at Echo lake, however, it does not specifically exclude a small cabin with accommodation for up to 12 people for either commercial or public use.
 - The LRMP makes the distinction between commercial lodges (more than 12 people) and commercial cabins (less than or equal to 12 people).
 - This application was put on hold.
- 2009 application was submitted in October following on from the previous application that was put on hold.
 - The application was presented to the SLRD Board in December 2009.
 - At that time BTH was renewing its Licence of Occupation with the Province and revising their management plan.
 - The SLRD received correspondence from the Squamish Nation in early 2010 regarding their concerns with the proposal and the Provincial tenure renewals.
 - The SLRD Board resolved to defer the application for a two month period at the March 2010 meeting.
 - No further progress was made on the application and it lapsed.

Options:

- (1) Give Bylaw No. 1523-2017 second reading and schedule the public hearing.
- (2) Refer back to staff for more information prior to giving the bylaw second reading.
- (3) Refuse the application.

Preferred Option: Option 1 is the preferred option.

Regional Considerations: While the actual application area located within Area D is quite small, it is connected to the larger BTH commercial tenure area. BTH operates out of the District of Squamish throughout its tenure covering a large portion of Electoral Area D.

Attachments:

Appendix 1: Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1523-2017

Follow-Up Action & Communications Plan:

Schedule the public hearing.

Submitted by: Ian Holl, Senior Planner

Reviewed by: Kimberly Needham, Director of Planning and Development Services

Approved by: Lynda Flynn, Chief Administrative Officer

**SQUAMISH-LILLOOET REGIONAL DISTRICT
BYLAW NO. 1523-2017**

A bylaw of the Squamish-Lillooet Regional District to amend the Squamish-Lillooet Regional District
Electoral Area D Zoning Bylaw No. 1350-2016

WHEREAS the Board of the Squamish-Lillooet Regional District wishes to amend Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016;

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 D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1523-2017”.
2. Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016 is amended as follows:
 - (a) By rezoning the subject property outlined in bold dashed lines included in Schedule 1, which is attached to and forms part of this bylaw, from the existing RR4 zone to the new BC5 (Backcountry Commercial 5) zone.
 - (b) By inserting the new section 11.7 BC5 – Backcountry Commercial 5 Zone into section 11 Commercial Zones as follows.

SECTION 11.7 – BC5 – BACKCOUNTRY COMMERCIAL 5 ZONE (Black Tusk Helicopters)

Intent

- 11.7.1 The intent of this zone is to provide for commercial recreation-associated uses located within the Black Tusk Helicopters Inc.’s Echo Lake crown land tenure area.

Permitted Uses

- 11.7.2 In the BC5 Zone the *use* of land, *buildings* and *structures* is limited to the locations shown on the current provincially-approved Black Tusk Helicopters Crown Land Tenure Management Plan and restricted to:
- commercial cabin
 - tent campsite
 - helicopter landing pad
 - *accessory uses*

Regulations

- 11.7.3 On a parcel located in the BC5 Zone, no *building* or *structure* shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the

table below in which Column I sets out the matter to be regulated and Column II sets out the regulations.

COLUMN I Matter to be Regulated		COLUMN II Regulations
.1	Minimum <i>parcel area</i> for new subdivisions	0.165 ha
.2	Maximum <i>gross floor area</i> for <i>permitted uses</i> - commercial cabin - tent campsite	150 m² 10 m² per campsite
.3	Maximum number of people accommodated in the commercial cabin	10
.4	Maximum number of tent campsites	2
.5	Maximum <i>gross floor area</i> of each tent site associated with the tent campsite <i>use</i>	10 m ²
.6	Minimum <i>setback</i> from a waterbody for all <i>uses</i>	30 m
.7	Maximum <i>height</i> of commercial cabin	8 m

Parking and Loading

11.7.4 Motor vehicle and bicycle parking and loading shall comply with the requirements of Section 5 of this bylaw.

READ A FIRST TIME this 24th day of MAY, 2017.

READ A SECOND TIME this 26th day of JULY, 2017.

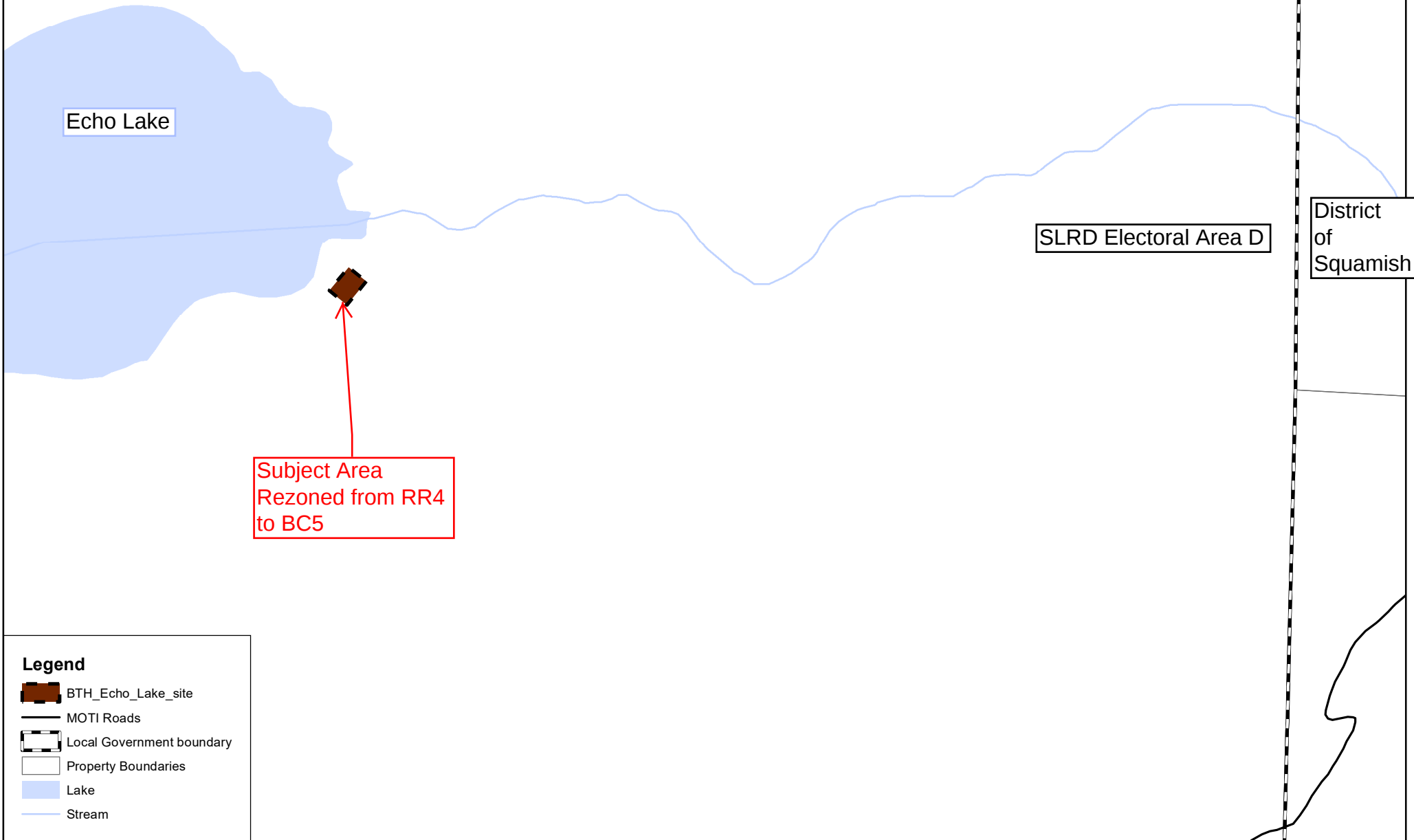
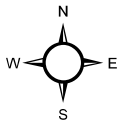
PUBLIC HEARING held on the _____ day of _____, 2017.

READ A THIRD TIME this _____ day of _____, 2017.

ADOPTED this _____ day of _____, 2017.

Jack Crompton
Chair

Kristen Clark
Corporate Officer



Legend

-  BTH_Echo_Lake_site
-  MOTI Roads
-  Local Government boundary
-  Property Boundaries
-  Lake
-  Stream