



REQUEST FOR DECISION

Birkenhead Estates Zoning Amendment Bylaw 1743-2022 (First Reading)

Meeting Date: February 23, 2022

To: SLRD Board

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

Legal Description: Lot "B", District Lot 4895, Lillooet Land District, Plan 21690

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 1743-2022, cited as "Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1743-2022" be introduced and given first reading.

THAT Bylaw 1743-2022, cited as "Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1743-2022" be referred to the appropriate First Nations, the Birkenhead Lake Estates strata, Vancouver Coastal Health Authority, and provincial agencies including the Ministries of Transportation & Infrastructure, and Forests, Lands, Natural Resource Operations and Rural Development.

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 that will apply to the land once the land use contracts are terminated. The SLRD already has underlying zoning in place for Birkenhead Lake Estates. Once land use contracts are terminated, only the zoning will apply. This may result in non-conforming uses, as the underlying zoning for Birkenhead Lake Estates is Rural 1 (RRM) - 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.

To address the non-conforming situation of the current underlying zoning, SLRD staff are proposing zoning amendments Birkenhead Lake Estates. The proposed zoning amendments build on previous work completed by SLRD staff.

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](#)

Birkenhead Lake Estates Land Use Contract:

<https://www.slrld.bc.ca/sites/default/files/land-contracts/Birkenhead%20Lake%20Estates%20LUC%20122%20%28March%202011%29.pdf>

BACKGROUND:

Appendix A outlines Amendment Bylaw No. 1743-2022

A contract planner prepared new a zoning for Birkenhead Lake Estates through “Electoral Area C Zoning Bylaw 765-2002, Amendment Bylaw Number 1485-2017” which received first and second reading and went to a public hearing in September, 2017. At the public hearing, there were no concerns raised about Birkenhead Lake Estates. 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 that was started in 2017, which included community engagement processes with all properties that are subject to a LUC. Ninety-nine private sites (minus lot 42) are subject to the Birkenhead Lake Estates Land Use Contract Bylaw No. 122,1977 (LUC 122). SLRD staff have been in communication with Birkenhead Lake Estates strata members notifying them of the proposed zoning amendment as well as the associated process.

Scope of Project

The key purpose of the zoning amendment is to address the provincial requirements for land use contract termination (on June 30, 2024) and the non-conforming situation of the current underlying zoning. The zoning amendment will replace the underlying Rural 1 zone with the RR BIR Zone – a zone that reflects the development on the property. For clarity, no changes to what is currently provided for under LUC 122 will be contemplated under this staff-initiated project. Additionally, the SLRD is not proposing to discharge LUC 122. 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 Birkenhead Lake Estates BIR Zone

The RR BIR Zone reflects the draft zoning previously prepared for Birkenhead Lake Estates, which generally mirrors what is currently provided for under LUC 122. The underlying zoning that applies to Birkenhead Lake Estates is Rural 1 (RRM) and does not allow for the current level of development on the property.

Summary of New Zoning

- The intent of the Birkenhead Lake Estates (RR BIR) Zone is to provide for residential development consistent with the original Land Use Contract.
- The maximum of private sites permitted is 99 (note that there are 99 lots labelled on the site plan, however, Lot 42 is not included) .
- 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*.

The purpose of the proposed zoning amendment is to give the Birkenhead Lake Estates 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.

ANALYSIS:

Regional Growth Strategy Bylaw No. 1062, 2008

Birkenhead Lake Estates is designated Non-Settlement Area in the SLRD Regional Growth Strategy. As such, development beyond what is currently provided for under LUC 122 is not contemplated or supported.

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

Birkenhead Lake Estates 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.
- 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 Birkenhead Lake Estates parcel includes 99 private sites (excluding Lot 42) and allows for an additional caretaker's house. No further density will be supported, with Amendment Bylaw 1743-2022 limiting development to what is currently provided for under LUC 122.

Zoning: Electoral Area C Zoning Bylaw No. 765, 2002 Review and Land Use Contract No. 122

The RR BIR Zone reflects what is currently provided for under the LUC 122, 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, other than for a caretaker's cabin.

REGIONAL IMPACT ANALYSIS:

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

OPTIONS:

Option 1 (PREFERRED OPTION)

Give first reading to Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1743-2022 and initiate the referral process.

Option 2

Revise as per Board direction and give first reading to the Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1743-2022 as revised.

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, proceed with initiating referral process for the zoning amendment bylaw.

ATTACHMENTS:

Appendix A: Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1743-2022

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

Reviewed by: M. Helmer, Chief Administrative Officer

Approved by: M. Helmer, Chief Administrative Officer

Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765-2002, Amendment Bylaw No. 1743-2022

A bylaw of the Squamish-Lillooet Regional District to adopt a zoning bylaw for Electoral Area C

WHEREAS the Board of the Squamish-Lillooet Regional District wishes to amend the Zoning Bylaw for Electoral Area C;

NOW THEREFORE the 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. 1743-2022”.
2. Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765-2002 is amended as follows:
 - (a) By adding the following to the Table of Contents: SECTION 5.5 – RR BIR ZONE- BIRKENHEAD LAKE ESTATES.
 - (b) By adding the following designation to Table 2-1 Designation of Zones, to come after RR MCG – McGillivray Falls Ponderosa Guest Ranch Zone:
RR BIR – Birkenhead Lake Estates Zone.
 - (c) By inserting the following 5.5 RR BIR ZONE – BIRKENHEAD LAKE ESTATES ZONE into Schedule A Zoning Bylaw under SECTION 5 RURAL ZONES and following the SECTION 5.4 RR MCG ZONE as follows:

5.5 RR Bir - Birkenhead Lake Estates Zone

Applicability

- 5.5.1 Despite any other provisions of this Bylaw, the following provisions apply to Lot “B” District Lot 4895, Lillooet District, Plan 21690 and the RR Bir *Zone*.

Intent

- 5.5.2 The intent of this *zone* is to provide for residential development consistent with the original Land Use Contract and to protect the integrity and amenity of the residential community.

Applicability of Land Use Contract Until Terminated

- 5.5.3 In the event of conflict between provisions of these zoning regulations and those of the Land Use Contract, the provisions of Birkenhead Lake Estates Land Use Contract Authorization Bylaw No. 122, 1977 shall apply until it is terminated.

Definitions

5.5.4 Definitions shall be the same as in Section 1 of the 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 yellow on Schedule “A” of this *zone* and includes the roads.

Private Site(s) means any of the 99 building *sites* shown on Schedule “A” of this *zone*, except the site number 42.

Site(s) means any one of the areas on Schedule “A” of this *zone* coloured green. The delineation of *sites* is set out on Schedule “A” of this *zone*.

Utility Area means those *sites* coloured red, blue, and purple on Schedule “A” of this *zone*.

Permitted Uses

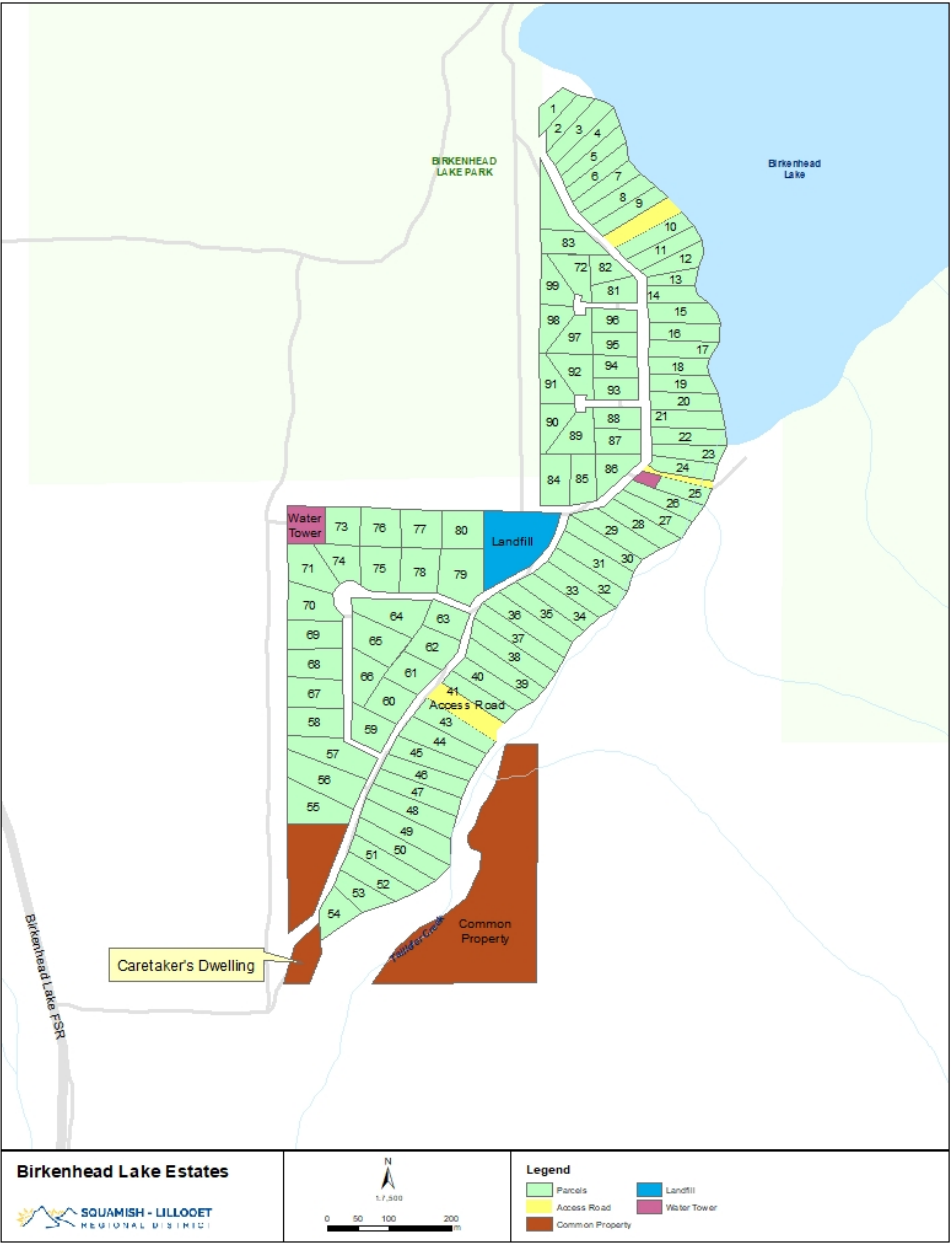
5.5.5 Land, *sites* and *buildings* may not be used for any purpose except that set out in the RR Bir Zone. Schedule “A” is part of this *zone*.

- .1 No *development* is permitted on those three (3) *sites* coloured red on Schedule “A” of this *zone* except for one caretaker dwelling or *cottage* on site A (immediately south of Lot 54) and subject to the provisions in Section 5.5.5.2(2)
- .2 **Private Sites:**
 - (1) The maximum number of *private sites* permitted is ninety-eight (98), excluding Lot 42.
 - (2) Permitted *Uses*:
 - a) Not more than one (1) house or *cottage* per *site*
 - b) one (1) *single family dwelling* or *mobile home* not less than 25 m²
 - c) one *accessory building* provided
 - i. *height* does not exceed 3.5 m
 - ii. *gross floor area* does not exceed 10 m²
 - d) provided all *buildings* are *setback* from Taillefer Creek a minimum 7.62 m and the *setback* area is retained in a natural state with no clearing or alteration.
- .3 **Common Site(s)**
 - (1) Permitted *Use*:
 - a) access to lake and stream and retained as natural or unimproved area
 - b) *buildings* are not permitted.
- .4 **Utility Areas(s)**
 - (1) Permitted *uses*:
 - a) 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 utilities for the property.
- .5 Garbage and Sanitary Landfill

- (1) Required *Use*
 - a) a sanitary landfill that meets provincial standards and regulation is required to be provided on the *site* coloured blue on Schedule “A”.
- .6 Roads, Ways and Paths
 - (1) All roads and ways are private and must be located substantially as shown on Schedule “A” of this *zone*. The *SLRD* is not responsible for their construction, installation, maintenance or repair.

SCHEDULE A to the Birkenhead Lake Estates Zone:

SCHEDULE A



(d) By adding Amendment Bylaw 1743-2022 to the Summary of Amendments table as follows:

1743-2022	Birkenhead Lake Estates Zoning Amendment	adoption date , 2022
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READ A FIRST TIME this day of , 2022

READ A SECOND TIME this day of , 2022

PUBLIC HEARING HELD on day of ,2022

READ A THIRD TIME this day of ,2022

PER s.52 (3)(a) of the *Transportation Act*,
APPROVED by the
MINISTRY OF TRANSPORTATION
AND INFRASTRUCTURE this day of , 2022

ADOPTED this day of , 2022

Jen Ford
Chair

Kristen Clark
Corporate Officer