

REQUEST FOR DECISION
9669 Pemberton Portage Rd (Area C) – Zoning
 Amendment Bylaw No. 1705-2021

Meeting Date: February 24, 2021				
To: SLRD Board				
Applicant: Sebastian De La Rosa				
Location: Electoral Area C, 9669 Pemberton Portage Rd in the vicinity of Blackwater Creek				
Legal Description: PID 029-238-412 (LOT A, DL 5024)				
RGS Designation: Urban	OCP Designation: Rural Residential	Zoning: Rural 1	ALR Status: N/A	Development Permit Areas: N/A

RECOMMENDATIONS:

THAT Bylaw 1705-2021, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1705-2021” be introduced and given first reading.

THAT Bylaw 1705-2021, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1705-2021” 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.

KEY ISSUES/CONCEPTS:

The SLRD received a zoning amendment application for District Lot 5024, 9669 Pemberton Portage Rd. The subject property is 11 hectares in size and currently zoned Rural 1 (RR1) in SLRD Electoral Area C Zoning Bylaw 765, 2002. The property is bound by Blackwater Creek to the north, Crown Land to the south, BC Hydro right-of way- to the west, and Pemberton Portage Road to the east. The property location is shown in Appendix 1, Schedule A.

The proposed zoning amendment is to facilitate subdivision and would see the property rezoned proposed new zone –Rural 2 (RR2) thereby reducing the minimum parcel size to one hectare. The Electoral Area C Official Community Plan (OCP) Bylaw No. 689, 1999 includes specific policies that enable site specific rezoning applications in the Mt. Currie – D’Arcy corridor, subject to conformance with suitability criteria such as soil conditions, slope, geotechnical hazards and water supply. The subject property is in conformance with the suitability criteria and the Amendment Bylaw 1705-2021 is being brought to the Board for first reading and to initiate the referral process.

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](#)
[Squamish-Lillooet Regional District Park Dedication Policy No: 6.9](#)
[Squamish-Lillooet Regional District Community Amenity Contributions Policy No: 2-2018](#)

BACKGROUND:

The application is for a zoning amendment to reduce the minimum parcel size to facilitate the subdivision of the land at 9669 Pemberton Portage Road. The applicant is proposing an eight-lot subdivision with one common property lot (Appendix B). The final lot configuration will be determined during the subdivision process. Staff are proposing the creation of a new Rural 2 (RR2) zone, which complements the existing Rural 1 (RR1) and Rural 3 (RR3) zones, and creates additional housing opportunities that are aligned with the Electoral Area C Official Community Plan (OCP).

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.

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.

The Ministry of Transportation and Infrastructure (MoTI) has additional requirements (geotechnical, water, septic) that they can request at the subdivision approval stage, and there will be site/building specific requirements at the Building Permit stage. A referral will be made to MoTI after 1st reading of zoning amendment bylaws and any other requirements will be identified for SLRD staff at that time.

Given the scale of the proposed subdivision the following SLRD Board policies will apply, and will be addressed as part the zoning amendment process.

[Park Dedication Policy No: 6.9](#)

A park dedication would be required, or the applicant may provide cash in lieu totalling 5 percent of the market value of the land being proposed for subdivision

[Community Amenity Contributions Policy No. 12-2018](#)

\$15,000 per new lot created is recommended. Additional amenities may be sought at the discretion of the SLRD Board.

ANALYSIS:

SLRD Staff conducted an initial review of the zoning amendment application and determined the following will need to be addressed as part of the zoning amendment application process.

Proof of Water

Additional information regarding water quantity and quality, as required by Electoral Area C Official Community Plan Bylaw No. 689, 1999. Section 4.18. that confirms water supply is available to all 8 proposed lots (at least 500 gallons per day on parcels under 10 acres). The well construction report conducted by Fraser Valley Well Drilling confirms that the water quantity criteria can be met for the property.

Geotechnical Hazard Assessment

The Electoral Area C Official Community Plan (OCP) Bylaw No. 689, 1999 mapping indicated that some of the proposed lots fronting Blackwater Creek are in a terrain hazard zone and may be prone to prone stream avulsion and slope stability concerns. A geotechnical report conducted by a qualified professional was requested to determine if the proposed lots are safe for the intended residential use. The applicant provided a geotechnical assessment (Appendix C) conducted by Kontur Geotechnical Consultants. The general conditions, slope stability, avalanche, rock fall, debris flows, and flooding hazards were assessed. It was determined that the soils would provide adequate bearing support for single-family residential buildings. No significant slope instability was noted; however, the assessment recommends that habitable buildings be set back from slope crests by a minimum of 5 metres to mitigate potential surficial instability within slopes and potential erosion of the slope along Blackwater Creek. No sources of rockfall were noted and the probability of debris flows, flooding and snow avalanches are were determined to be very low.

Riparian Assessment

The south-west corner of the subject property is within a Riparian Assessment Area. A Riparian Assessment Report (RAR) was requested to identify any Stream Protection and Enhancement Area. Any land alteration within 30 metres of a stream or lake requires a development permit under the RAR Development Permit Area (DPA). This ensures an adequate buildable area and that riparian areas are protected during any works associated with the application. The applicant submitted a Riparian Areas Protection Regulation Assessment Report (Appendix D) prepared by Cascade Environmental Resource Group. It was determined that the proposed development will meet the riparian protection standard if the development proceeds as proposed in the report and complies with the measures, if any, recommended in the report.

The professional reports are available on the SLRD [9669 Pemberton Portage Road project webpage](#).

Community Amenity Contributions Policy

The SLRD adopted a Community Amenity Contributions Policy in October 2018 (see Appendix E). It should be noted that the contributions associated with the policy are voluntary in nature. An amenity contribution of \$15,000 *per new* lot created is recommended. While the subdivision is for eight residential lots, seven new residential lots are proposed to be created. This would amount to a value of \$105,000. The applicant will submit a Letter of Credit to the SLRD prior to third reading of the zoning amendment bylaw.

Park Dedication Policy

A park dedication would be required, or the applicant may provide cash in lieu totaling 5 percent of the market value of the land being proposed for subdivision (see Appendix E). The applicant has provided a park dedication of 6472 m² along the eastern boundary of the site adjacent to Strata Lot 7. Staff are in discussions with the applicant about other potential configurations of the park dedication area to improve access and visibility.

Proposed Zone: RR2 ZONE (Rural 2)

An amendment bylaw has been drafted that reflects the permitted uses outlined in Section 4.2 of the Area C OCP Policy. Parcel coverage remains consistent with all Electoral Area C Rural zoning and the minimum parcel area is 1 hectare –which is aligned with SLRD policies and meets Vancouver Coastal Health Authority recommendations.

Permitted Uses in the proposed RR2 (Rural 2) zone align with Electoral Area C Official Community Plan Bylaw No. 689, 1999 and are as follows:

Permitted Uses

5.2.1 Land, buildings and structures in the RR2 zone shall be used for the following purposes only:

(1)

- (a) one single family dwelling;
- (b) one secondary suite;
- (c) farm use excluding intensive agriculture;
- (d) home based business;
- (e) auxiliary uses, buildings and structures;
- (f) horticulture, excluding cannabis production facility.

Dwelling Size

5.2.2 The maximum gross floor area of a single family dwelling shall be 350 m² or up to 430 m² if a secondary suite is provided.

Siting Requirements

5.2.3 No structure shall be located within 7.5 metres of a parcel line.

Parcel Coverage

5.2.4 The parcel coverage of all buildings and structures shall not exceed 20 percent.

Parcel Area

5.2.5 The minimum parcel area in the Rural 2 RR2 zone shall be 1 hectare.

Dwelling per Parcel

5.2.6 No more than one dwelling, which may include a secondary suite may be located on a parcel one hectare or greater.

Note: Parking, Siting Requirements, Usable Parcel Area, and Auxiliary Building specifications are as per the Electoral Area C Zoning Bylaw No. 765, 2002 regulation/standards.

REGIONAL IMPACT ANALYSIS:

The SLRD Regional Growth Strategy Bylaw No. 1062, 2008 and Electoral Area C Official Community Plan Bylaw No. 689, 1999 support opportunities to provide for rural residential development on one hectare lots in the Mount Currie – D’Arcy Corridor within the Rural Residential Land Use Designation. Similar precedents have been set by in the area where water quantity and quality criteria, and geotechnical and riparian conditions 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 first reading to Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1705-2021

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. 1705-2021 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.



REQUEST FOR DECISION

Zoning Amendment Bylaw No. 1705-2021 (First Reading)

ATTACHMENTS:

Appendix A: Zoning Amendment Bylaw No. 1705-2021

Appendix B: Site Plan

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. 1705-2021**

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. 1705-2021”.
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 RR1_{LUC} Rural 1 – Land Use Contract Sub Zone:
RR2 – Rural 2 Zone
 - (b) By renumbering Schedule A Zoning BLAW as follows, with formatting/renumbering amendments to current Section 5 and update the Table of Contents Accordingly:
SECTION 5 – RURAL ZONES
SECTION 5.1 RR1 ZONE – RURAL 1
SECTION 5.2 RR2 ZONE – RURAL 2
SECTION 5.3 RR3 ZONE – RURAL 3
SECTION 5.4 RR PON ZONE – PONDEROSA ESTATES
SECTION 5.5 RR MCG ZONE – MCGILLIVRAY FALLS
 - (c) By inserting the following 5.2 RR2 ZONE – RURAL 2 into Schedule A Zoning Bylaw under SECTION 5 RURAL ZONES and following the SECTION 5.1 RR1 ZONE - RURAL 1 as follows:

SECTION 5.2 – RR2 ZONE – RURAL 2

Permitted Uses

- 5.2.1 Land, buildings and structures in the RR2 zone shall be used for the following purposes only:
- (1)
 - (a) one single family dwelling;
 - (b) one secondary suite;
 - (c) farm use excluding intensive agriculture;
 - (d) home based business;
 - (e) auxiliary uses, buildings and structures;
 - (f) horticulture, excluding cannabis production facility.

Dwelling Size

5.2.2 The maximum gross floor area of a single family dwelling shall be 350 m² or up to 430 m² if a secondary suite is provided.

Siting Requirements

5.2.3 No structure shall be located within 7.5 metres of a parcel line.

Parcel Coverage

5.2.4 The parcel coverage of all buildings and structures shall not exceed 20 percent.

Parcel Area

5.2.5 The minimum parcel area in the Rural 2 RR2 zone shall be 1 hectare.

Dwelling per Parcel

5.2.6 No more than one dwelling, which may include a secondary suite may be located on a parcel one hectare or greater.

Parking & Loading

5.2.7 Motor vehicle and bicycle parking and loading shall comply with the requirements of Section 4 of this Bylaw.

- (d) 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 5024, Lillooet District Plan KAP92970" is rezoned from RR1 Zone (Rural 1) to RR2 Zone (Rural 2)

- (e) By adding Amendment Bylaw 1705-2021 to the Summary of Amendments table as follows:

1705-2021		, 2021
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READ A FIRST TIME this	day of	, 2021
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

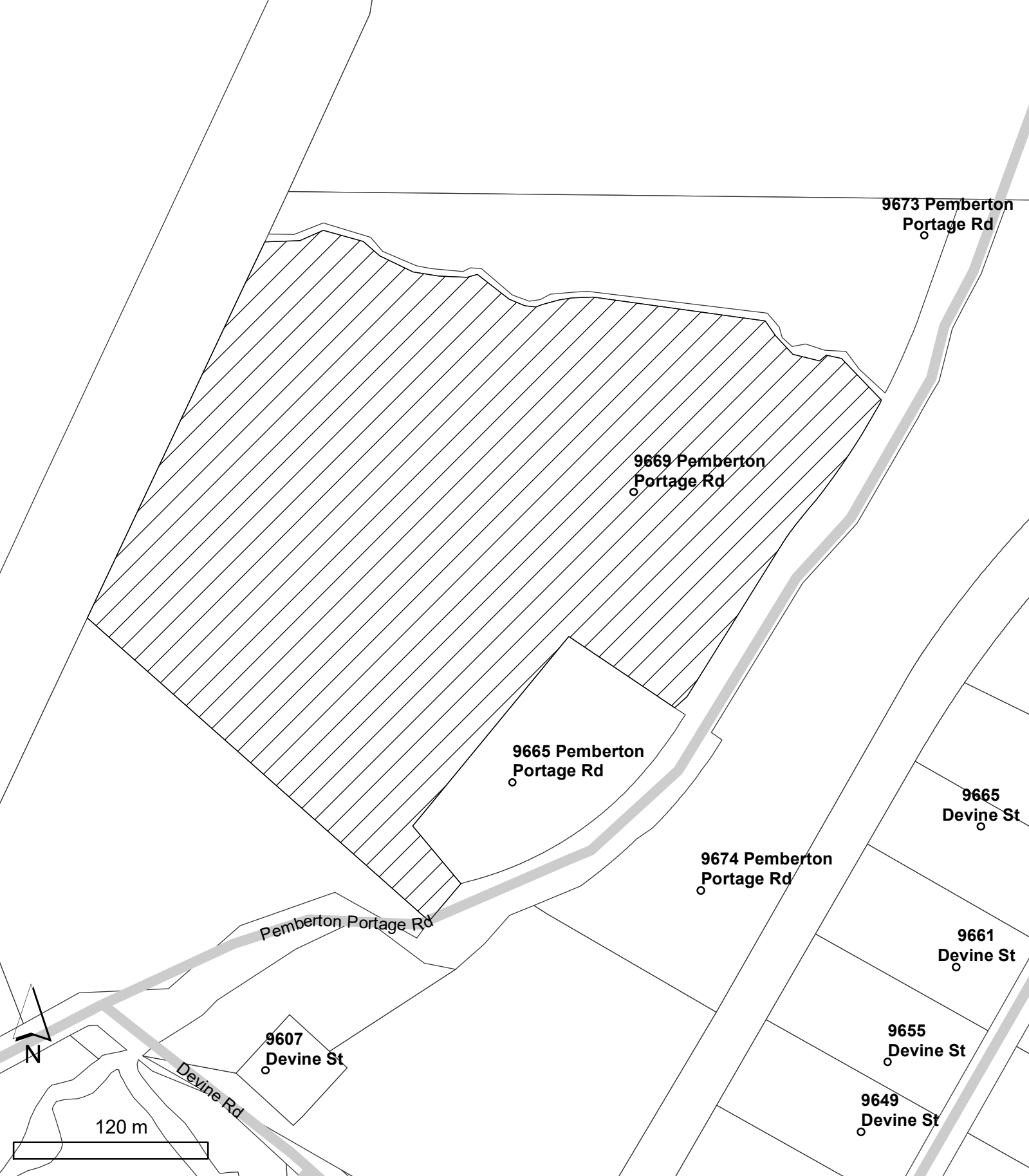
ADOPTED this

day of

, 2021

Jen Ford
Chair

Kristen Clark
Corporate Officer



Schedule 1: Zoning Amendment Bylaw No. 1705-2021

 RR1 to RR2

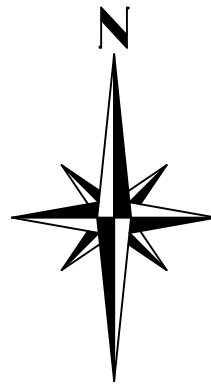
**PROPOSED BARELAND STRATA PLAN OF LOT A,
DISTRICT LOT 5024, LILLOOET DISTRICT,
PLAN KAP92970.**

9669 Pemberton Portage Road, Devine, BC

0 18 36 54
SCALE 1:900 METRIC

All distances horizontal ground-level
distances in metres and decimals
thereof, unless otherwise noted.

The intended plot size is 864mm in
width by 560mm in height (D size) when
plotted to scale.



Appendix B



File 2020-181-4.dwg

**BUNBURY & ASSOCIATES
LAND SURVEYING LTD.**
SQUAMISH 604-892-3090
WHISTLER 604-932-3770
WWW.BUNBURY-SURVEYS.COM

This plan is based on the following Land Title
and Survey Authority of BC records:

Plan KAP92970
Plan KAP92971

Jeremy T. Childs, BCLS #955
9th day of February, 2021