

INFORMATION REPORT

Ponderosa Estates Land Use Contract Bylaw No. 117, 1977 and
McGillivray Fall Land Use Contract Bylaw No. 87, 1976:
Termination and SLRD Zoning Amendments

Meeting date: October 14, 2020 /October 28, 2020

To: SLRD Electoral Area Directors / SLRD Board of Directors

PURPOSE:

The purpose of this staff report is to inform the EAD/Board of the provincial requirements associated with land use contract termination and the proposed zoning approach for Ponderosa Estates and McGillivray Falls.

RELEVANT POLICIES:

Land Use Contract Bylaw No. 117, 1977

Land Use Contract Bylaw No. 87, 1976

Squamish-Lillooet Regional District Zoning Bylaw No. 765, 2002

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 Ponderosa Estates and 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.

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

DISCUSSION:

In 2016, the SLRD worked on new zoning for Ponderosa Estates and McGillivray Falls. Please see Appendix A and B for this DRAFT zoning. A contract planner named Ian Cooper 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 proposed staff-initiated zoning amendment processes would begin fall 2020.

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 a zone that reflects the development on the property. For clarity, no changes to what is currently provided for under LUC

117 or LUC 87 will be contemplated under these staff-initiated projects. Additionally, the SLRD is not proposing to discharge LUC 117 or LUC 87. 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.

Ponderosa Estates

The zoning amendment will reflect the DRAFT zoning previously prepared for Ponderosa Estates and supported by the strata, which mirrors what is currently provided for under Land Use Contract Bylaw No. 117 (LUC 117). The underlying zoning that applies to Ponderosa Estates is Rural 1 (RR1) and does not allow for the current level of development on the property.

RR Pon – Ponderosa Guest Ranch Zone – Summary of New Zoning

- The intent of the Ponderosa Guest Ranch (RR Pon) Zone is to provide for residential development consistent with the original Land Use Contract and to protect the integrity and amenity of residential community.
- Permitted uses provide for one single family dwelling per strata lot, trailers (if specified requirements are met), an accessory building, and the keeping of not more than 2 boarder or lodgers.
- Total Floor Area of all buildings on a site must not exceed 375 m².
- No building shall exceed 7.62 metres in height.
- Provisions are also included for *Common Areas* and *Greenbelt Areas*.

Please see Appendix A for further details.

26 properties are subject to the Ponderosa Estates LUC 117. SLRD staff have been in communications with the Ponderosa Estates strata notifying of the proposed zoning amendment as well as associated process and timeframes.

McGillivray Falls

The zoning amendment will reflect the DRAFT zoning previously prepared for McGillivray Falls, which mirrors what is currently provided for under Land Use Contract Bylaw No. 87 (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.

RR McG – McGillivray Falls Zone – 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 and to protect the integrity and amenity of the residential community.
- 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.

43 properties are subject to the McGillivray Falls 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.



INFORMATION REPORT

Ponderosa Estates Land Use Contract Bylaw No. 117, 1977 and
McGillivray Fall Land Use Contract Bylaw No. 87, 1976:
Termination and SLRD Zoning Amendments

The purpose of the proposed zoning amendment is to give the McGillivray Falls strata 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.

FOLLOW UP ACTION:

Prepare Zoning Amendment Bylaws for first reading.

ATTACHMENTS

Appendix A: DRAFT Zoning – RR Pon – Ponderosa Guest Ranch Zone

Appendix B: DRAFT Zoning - RR McG – McGillivray Falls Zone

Submitted by: C. Dewar, Senior Planner

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

Approved by: M. Helmer, Chief Administrative Officer

7.15 RR Pon – Ponderosa Guest Ranch Zone

7.15.1 Despite any other provisions of this Bylaw, the following provisions apply to DL 26663 and 4805, Lillooet District and the RR Pon Guest Ranch Zone

Intent

7.15.2 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 residential community.

Applicability of Land Use Contract Until Terminated

7.15.3 In the event of conflict between provisions of these zoning regulations and those of the Land Use Contract, the provisions of Ponderosa Guest Ranch Land Use Contract Bylaw No. 117, 1977 shall apply until it is terminated.

Definitions

7.15.4 Definitions shall be the same for 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 Area(s) means any or all parts of the *Site* exclusive of the *Strata Lots*

Height means the vertical distance measured from curb level provided that when a building is located on ground above or below curb level, height shall be measured from the highest elevation of the finished grade of the site, as follows

- Flat roof buildings: to the highest point of the building;
- Pitched roof buildings, with ceilings: to the mean height line between the highest point of the building and the ceiling below;
- Pitched roof building: to the mean height line between the highest point of the building and a point 2.45 metres above the floor immediately below
- All other structures: to the highest point of a structure.

Greenbelt Area means those unimproved portions of the *Common Area*

Private Site(s) means any or all building sites or *strata lots*, shown on **Schedule "A"**, except *Common Areas*, *Greenbelt Area* and *Works Area*.

Site means any or all building sites or *strata lots*, shown on **Schedule "A"**, inclusive of *Common Areas*, *Greenbelt Area* and *Works Area*

Strata Lot means any or all of the 26 *Strata lots* shown on **Schedule "A"**

Works Area means the area designated Works Area and coloured black on **Schedule "A"**.

Permitted Uses

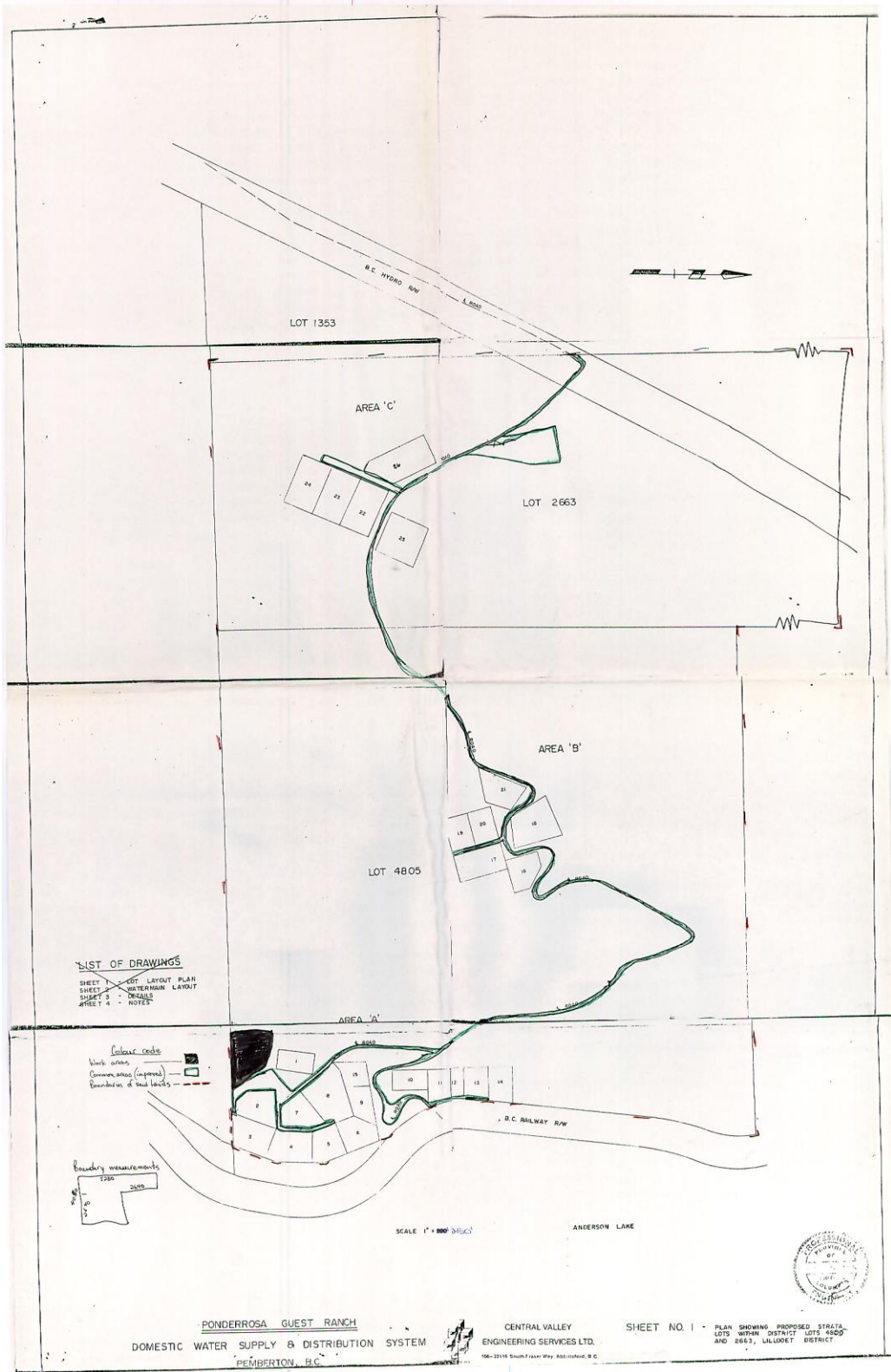
7.16.5 Land, *sites* and buildings may not be used for any purpose except that set out in the RR Pon zone. **Schedule "A" is part of this zone**

.1 Strata Lots - Permitted Uses

- (1) One (1) single family dwelling not including a mobile home or similar
- (2) The keeping of not more than two (2) boarders or lodgers
- (3) Uses customarily incidental to those above
- (4) Trailers provided:

- a) Trailers must not be a non-permanent type of travel trailer that does not exceed 9 metres in length
 - b) A building permit for a permanent dwelling has been issued for the *lot*
 - c) Any trailer is removed before September 30th in the year it was placed on the lot or when the permanent dwelling is occupied, which ever is earlier
- (5) An *accessory building* for the storage of tools, outboard motors, camping equipment and other recreational equipment and gear.
- .2 Maximum Floor Area
- a) Total floor area of all buildings on a *site* must not exceed 375 m²
- .3 Height
- a) No building shall exceed 7.62 metres in *height*
- .4 Common Area(s) – Permitted Uses
- a) Private parkland or open space
 - b) Roadways, trails and pathways
 - c) Horse barns and paddocks
 - d) Open fields
 - e) Picnic sites
- .5 Greenbelt Area – 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 provide that underground services and pathways may be constructed and maintained.
 - b) Buildings are not permitted.
- .6 Roads, Ways and Paths
- a) All roads and ways are private and must be located substantially as shown on **Schedule “A”**. The SLRD is not responsible for their construction, installation, maintenance or repair.
- .7 Garbage and Sanitary Landfill
- a) a sanitary landfill that meets provincial standards and regulations is required to be provided.
- .8 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.

Schedule "A" to RR Pon Zone – Ponderosa Estates Site Plan



PONDEROSA GUEST RANCH
DOMESTIC WATER SUPPLY & DISTRIBUTION SYSTEM
PEMBERTON, B.C.



CENTRAL VALLEY
ENGINEERING SERVICES LTD.
106-2118 South Fraser Way, Abbotsford, B.C.

SHEET NO. 1 - PLAN SHOWING PROPOSED STRAITS
LOTS WITHIN DISTRICT LOTS 4800
AND 2663, LILLOOET DISTRICT

7.14 RR McG – McGillivray Falls Zone

7.14.1 Despite any other provisions of this Bylaw, the following provisions apply to DL 4363, Lillooet District and the RR McG - McGillivray Falls Zone

Intent

7.14.2 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 residential community.

Applicability of Land Use Contract Until Terminated

7.14.3 In the event of conflict between provisions of these zoning regulations and those of the Land Use Contract, the provisions of McGillivray Falls Land Use Contract Bylaw No. 87, 1976 shall apply until it is terminated.

Definitions

7.14.4 Definitions shall be the same for 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 **Schedule “A”**

Greenbelt Area means that portion or portions of the Lands coloured white on Schedule “A” together with the remaining lands comprising District Lot 4363

Lodge Area means the area designated Lodge Area and coloured brown on **Schedule “A”**

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

Works Area means any or all of the of the Work and Special Use Areas shown on **Schedule “A”**.

Permitted Uses

7.14.5 Land, *sites* and buildings may not be used for any purpose except that set out in the RR McG zone

.1 The location and size of the *sites* must be substantially in accordance with **Schedule “A”** to the RR McG zone. **Schedule “A” is part of this zone**

.2 Private Sites:

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

(2) 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.

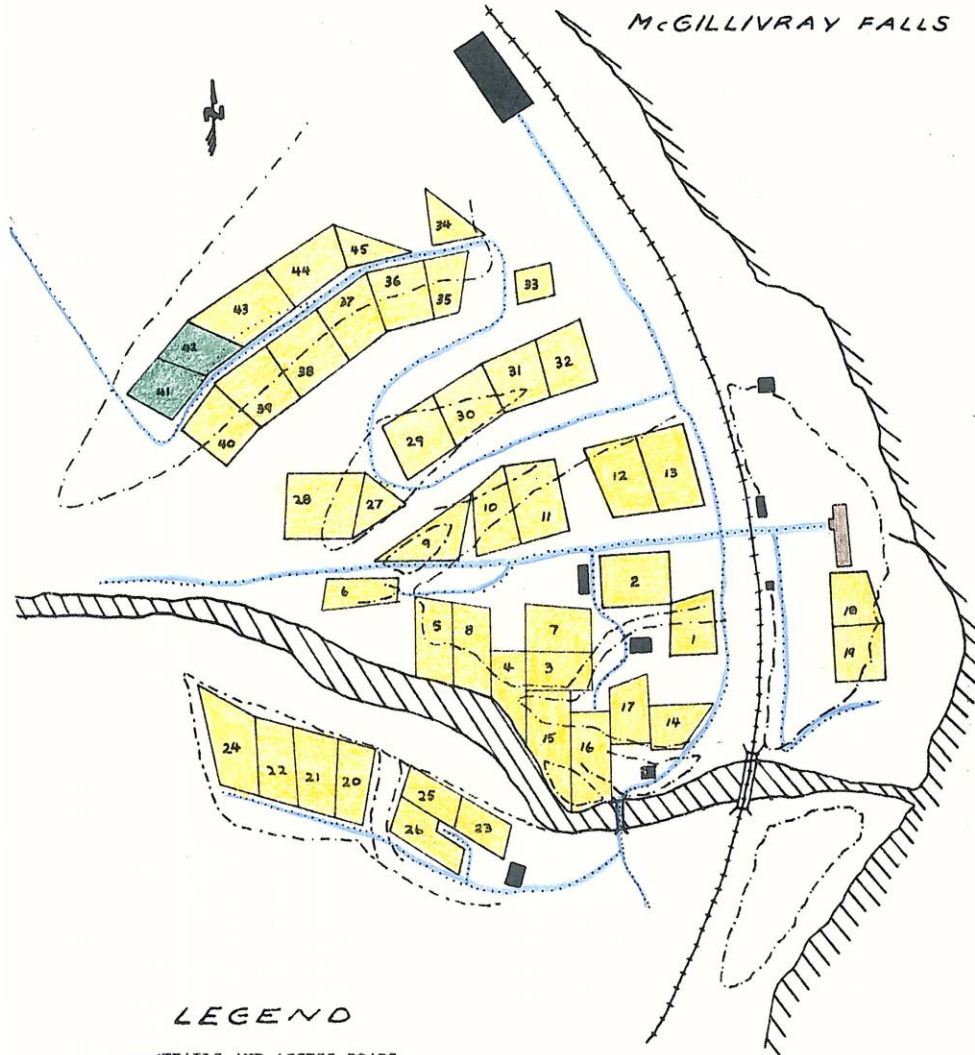
.4 Works Areas – Permitted Uses

- 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 shall not be used for any purpose inconsistent with their use and retention as natural, unimproved areas provide that underground services and pathways 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.
- .7 Garbage and Sanitary Landfill
- a) a sanitary landfill that meets provincial standards and regulations is required to be provided.
- .8 Roads, Ways and Paths
- a) All roads and ways are private and must be located substantially as shown on **Schedule "A"**. The SLRD is not responsible for their construction, installation, maintenance or repair.

Schedule "A" to RR McG zone - McGillivray Falls Site Plan

SCHEDULE "A"

SITE PLAN



LEGEND

- TRAILS AND ACCESS ROADS
- RAILWAY TRACKS
- PROPERTY LINES
- WATER
- PRIVATE SITES
- WORK AREAS AND SPECIAL USE AREAS
- LODGE
- COMMON
- GREENBELT