

REQUEST FOR DECISION

Lillooet Lake Estates and Heather Jean Properties Land Use
Contract Bylaw No.88, 1976 and:
Proposed SLRD Zoning and OCP Amendments
For second reading and Public Hearing waiver and notifications



Meeting date: Sept 28, 2022

To: SLRD Board of Directors

PURPOSE:

The purpose of this staff report is to seek revisions to Bylaws 1721 and 1722 after second reading based on input received at a public information meeting that was held on June 28, 2022. Once the bylaw has been revised and given second reading again, a public hearing will be scheduled. This report outlines the key changes that are proposed to be made to the bylaws based on community input. In addition, the report requests that a public hearing be held electronically and not waived.

RECOMMENDATIONS:

THAT second reading of Bylaw 1721-2022, cited as "Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1721-2022" be rescinded.

THAT Bylaw 1721-2022, cited as "Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1721-2022" be given second reading, as amended.

THAT second reading of Bylaw 1722-2022, cited as "Squamish-Lillooet Regional District Electoral Area C Official Community Plan Bylaw No. 689, 1999 Amendment Bylaw No. 1722-2022" be rescinded.

THAT Bylaw 1722-2022, cited as "Squamish-Lillooet Regional District Electoral Area C Official Community Plan Bylaw No. 689, 1999 Amendment Bylaw No. 1722-2022" be given second reading.

THAT the public hearing for Bylaws 1721-2022 and 1722-2022, required pursuant to section 464 of the *Local Government Act* be scheduled and advertised and that Electoral Area C Director Russell Mack be appointed as Chair with Director Ford appointed as alternate.

RELEVANT POLICIES:

[Land Use Contract Bylaw No. 88, 1976](#)

[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 Regional Growth Strategy Bylaw No. 1062, 2008](#)

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 Lillooet Lake Estates and Heather Jean Properties 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 Lillooet Lake Estates and Heather Jean Properties. Additionally, the communities are located in a geologically active area, therefor SLRD staff are also proposing the creation of a Debris Flow Hazard Development Permit Area to protect developments in these two communities from well documented natural hazards.

BACKGROUND:

The following staff reports outline the background issues related to this file:

March 30, 2022 Staff Report:

https://slrd.civicweb.net/FileStorage/C569628D4F1948ECB36889A5C4A8D21F-20220330%20LLE_HJP_RFD.pdf

May 25, 2022 Staff Report:

https://slrd.civicweb.net/FileStorage/62D84FAEFE8649209689036FAB24C73D-20220525%20LLE_HJP1721_1722_attsRedacted.pdf

Public Information Meeting:

On June 28, 2022, SLRD staff held a public information meeting with the Lillooet Lake Estates and Heather Jean Properties communities. Approximately 16 people attended in-person and 8 people attended online.

The following edits were requested for the bylaws:

ISSUE	STAFF RESPONSE
Lot 93 is the correct works yard lot, not Lot 90	Definition of Works Area changed to refer to Lot 93
McCullough Creek is shown slightly incorrectly on the map and should be shown in the right-of-way with a slight crossing of Lot 50D	Map changed to shift McCullough Creek to the east slightly with a slight crossing of Lot 50D

The owner of Lot 73 believes that there should be more gross floor area allocated to his parcel to address accessory buildings	Section 5.5.5.2 has been revised in order to allocate an extra 100 square metres to Lot 73 to accommodate a retail use.
The definition of what constitutes a site "alteration" needs clarification in Bylaw 1722 so that it does not prohibit basic gardening and landscaping.	A new "Exemption" section has been added to the Development Permit Area regulations that allows for tree and garden planting that does not involve land grading, contouring, slope terracing or land reinforcement.
A question was asked about the cost of a development permit for hazardous conditions	Staff stated that a reasonable fee will be set. Staff will need to amend Fees Bylaw 1301 under separate cover, to create a price category. For comparison, hazard DPs in Howe Sound East are currently set at \$500.
A question was raised about houses that are already large and close the maximum size.	Staff noted that 350 m ² is a standard house size used throughout the SLRD. No change to the Bylaws is proposed.
A question was raised about the height of accessory buildings.	Bylaw 1721 has been amended to clarify the height of accessory buildings at 6 m, aligned with other rural residential areas.
An attendee stated that they don't believe that all accessory buildings should require a development permit	Staff have created a size exemption for development permits at 15 m ² in s 17.22 b) Bylaw 1722.

REGIONAL IMPACT ANALYSIS:

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

SUMMARY:

The purpose of the proposed zoning amendment bylaw is to give the Lillooet Lake Estates and Heather Jean Properties more appropriate underlying zoning so that they are not left in a non-conforming land use situation once the land use contract terminates. These bylaws have been initiated by the SLRD, rather than an application by the communities. The SLRD is not considering many changes from what is currently provided for under the land use contract. The proposed OCP amendments will create a hazard development permit area to ensure that future construction is only in areas deemed "safe for the use intended" by a Professional Engineer or Geoscientist with expertise in creek hazards and debris flows.

OPTIONS:

Option 1 (PREFERRED OPTION)

Rescind 2nd reading, then give second reading to Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1721-2022 and schedule an electronic public hearing;

Give second reading "Squamish-Lillooet Regional District Electoral Area C Official Community Plan Bylaw No. 689, 1999 Amendment Bylaw No. 1722-2022" and schedule the electronic public hearing.

Option 2

Rescind 2nd reading then revise the bylaw(s) as per Board direction and give second reading to the Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1721-2022 as revised. Waive the public hearing.

Rescind 2nd reading then revise the bylaw(s) as per Board direction and second first reading to the Squamish-Lillooet Regional District Electoral Area C Official Community Plan Bylaw No. 689, 1999 Amendment Bylaw No. 1722-2022 as revised. Waive the public hearing.

Option 3

Refer the proposed bylaw amendments back to SLRD staff for more information, or for revision.

Option 4

Reject the proposed bylaw amendments.

FOLLOW UP ACTION:

If approved by the Board, proceed with initiating the public hearing notification process. =

ATTACHMENTS:

Appendix A: Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1721-2022

Appendix B: Squamish-Lillooet Regional District Electoral Area C Official Community Plan Bylaw No. 689, 1999 Amendment Bylaw No. 1722-2022

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

Approved by: C. Dalton, Chief Administrative Officer

**SQUAMISH-LILLOOET REGIONAL DISTRICT
BYLAW NO. 1722-2022**

A bylaw of the Squamish-Lillooet Regional District to amend Squamish-Lillooet Regional District
Electoral Area C Official Community Plan Bylaw No. 689, 1999

WHEREAS the Board of the Squamish-Lillooet Regional District wishes to amend Squamish-Lillooet Regional District Electoral Area C Official Community Plan Bylaw No. 689, 1999;

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 Official Community Plan Bylaw No. 689, 1999 Amendment Bylaw No. 1722-2022”.
2. Squamish-Lillooet Regional District Electoral Area C Official Community Plan Bylaw No. 689, 1999 is amended as follows:

(a) By inserting Debris Flow Hazard in Section 17. NATURAL HAZARDS with the following:

Development Permit Area 5: Lillooet Lake-Heather Jean Debris Flow Hazard Area

- 17.21. Pursuant to Section 488(1)(b) of the Local Government Act, this Natural Hazard Protection Development Permit Area (DPA) is designated for the protection of development in Lillooet Lake Estates and Heather Jean Properties from hazardous conditions. The lands legally described Parcel A District Lot 4901, Lillooet Land District Plan 11938 and DL4901 Lillooet Land District except plans 11938 and EPP 10321”, encompassing the communities of Lillooet Lake Estates and Heather Jean Estates, are designated as a development permit area for the protection of development from the debris flow hazard associated with Cataline Creek.

In accordance with section 489 of the Local Government Act, the following prohibitions apply within this development permit area, unless the owner first obtains a development permit:

- a. land must not be subdivided;
- b. construction of, addition to or alteration of a building or other structure greater than 15 m² must not be started; and
- c. land must not be altered.

Special Conditions that Justify Designation:

Debris flows are very fast-moving, liquefied landslides that carry soil and other debris including boulders, and vegetation. They typically occur in creeks with slopes between 15 and 35 degrees, with watershed areas between 0.1 and 10 km². Cataline Creek is a typical example, with slopes in the above range and a watershed area of 4 km². The most significant contributor to debris flow occurrence is a supply of readily erodible material, often created by rock falls and landslides. A debris flow is typically initiated by a mass movement in the upper reaches of a creek. Mechanical weathering, especially during freeze-thaw cycles in the spring and fall generate rock fall, which supplies debris to the channel areas and may be a trigger in itself. Rain and rain on snow is a potential trigger for debris flows, particularly in November and December. Once initiated, debris flows typically travel down a confined channel, overrunning streamflow thus sustaining mobility and momentum, which may put life and property at risk.

- 17.22. Development may be highly unlikely in some areas of Lillooet Lake Estates and Heather Jean Estates without significant mitigation works and some areas may need to remain free of development in perpetuity, or until such a time when mitigation works to reduce potential hazard to acceptable levels has been undertaken.
- 17.23. The following are the guidelines respecting how the above special conditions will be addressed and apply to all lands in Lillooet Lake Estates and Heather Jean Estates.
- a. Where possible, development should be sited to avoid hazards. Where impossible or impractical to avoid hazards, mitigation measures may be required.
 - b. Conditions relating to the permitted uses, density or scale of buildings should be imposed as necessary to reduce potential hazard to acceptable levels.
 - c. Applications for land alteration/disturbance, subdivision, or building permits shall include a site-specific report from a qualified Professional Engineer or Professional Geoscientist (with expertise in creek hazards) that identifies potential risk from debris flow hazards and proposed risk reduction measures if required for safe use.
 - d. The report shall include professional certification that the land/building may be safely used for the purpose intended, and the following information as applicable to the development:
 - i. Slope and stream profiles with documentation of the limits of slope instability shall be provided and run out limits of debris in creeks. Consideration shall be given to the limits and types of instability and changes in stability that may be induced by site clearing, road building, climate change, timber harvesting, and future development both upslope and downslope of the subject property.
 - ii. Inspections of up-stream channels and flood ways, including channel confinement and creek gradients;
 - iii. Sources of alluvium (channels and eroded banks), protection of groundwater resources, and related hydrologic features, which are factors that may affect the field defined limit of flooding and related erosion and deposition, as well as the potential for debris torrents
 - iv. Recommended wet weather shutdown criteria for worker safety during site clearing, road building, and building construction.
 - v. Appropriate land use recommendations such as restrictions on tree cutting, surface drainage, filling and excavation.
 - e. Development Permits shall be in accordance with the recommendations of the applicable geohazard report or reports, including required mitigative measures.
 - f. Where development also falls within other DP areas, geohazard report shall be coordinated with other required reports to create a comprehensive development permit application.
 - g. Where a conflict arises between DPA 2 (riparian assessment area) and DPA 5 (wildfire protection), the requirements of DPA 5 shall be given priority.

Exemptions

- 17.24 Exemptions may be granted by the Director of Planning and Development Services for the following circumstances:
- a. Additions to buildings or structures up to 10% of the existing ground floor area

- b. Buildings or structures with a footprint of 10m² or less, not intended for residential occupancy
- c. Removal of hazard trees as recommended by a Certified Arborist or professional forester
- d. Riparian enhancement
- e. Flood management
- f. Subdivision to facilitate a lot consolidation or a boundary adjustment, provided that no additional parcels are created
- g. Public utilities and infrastructure
- h. Emergency response
- i. Planting of trees, shrubs or gardens, where no land grading, contouring, slope terracing or land reinforcement occurs.

3. Map 5: Hazards is updated to include the land covered by Development Permit Area 5: Lillooet Lake- Heather Jean Debris Flow Hazard area as indicated on Schedule A to this Bylaw.

4. The table of consolidations is hereby updated to include this bylaw as follows:

BYLAW NO.

DATE OF ADOPTION

1722-2022	Lillooet Lake and Heather Jean DPA Zoning Amendments	Month, day, year
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READ A FIRST TIME this 30th day of March, 2022.

READ A SECOND TIME, as amended this 25th day of May , 2022.

SECOND READING rescinded this XXth day of

READ A SECOND TIME this XX^h day of

PUBLIC HEARING held this day of , 2022.

READ A THIRD TIME, this day of , 2022.

ADOPTED this day of , 2022.

Jen Ford
Chair

Kristen Clark
Corporate Officer

**SQUAMISH-LILLOOET REGIONAL DISTRICT
BYLAW NO. 1721-2022**

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. 1721-2022”.
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 RR MCG – McGillivray Falls Zone:
RR LLHJ – Lillooet Lake – Heather Jean Zone
 - (b) By inserting the following 5.5 RR LLHJ ZONE – LILLOOET LAKE – HEATHER JEAN into Schedule A Zoning Bylaw under SECTION 5 RURAL ZONES and following the SECTION 5.4 RR MCG ZONE as follows:

SECTION 5.5 – RR LLHJ ZONE – LILLOOET LAKE – HEATHER JEAN ZONE

Intent

- 5.5.1 The intent of this RR LLHJ zone is to provide for residential development and community space for the 152 sites in Lillooet Lake Estates and 18 sites in Heather Jean Properties, generally consistent with the original Land Use Contract.

Definitions

- 5.5.2 Definitions shall be the 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 private site.

Common Site(s) means those un-numbered sites shown on the Site Plan.

Private Site(s) means any or all of the of the numbered building sites generally as shown on the Site Plan and excludes *Common Sites* and *Works Area*.

Works Area means site 93 as shown on the Site Plan.

Permitted Uses

- 5.5.3 Land, buildings, and structures in the RR LLHJ Zone shall be used for the following purposes only:

- .1 Private Sites – Permitted Uses:
- a) one *single family dwelling* or *mobile home* per *private site*
 - b) *secondary suite*
 - c) *public utility* buildings or structures
 - d) *home based business*
 - e) one *retail* store, on site 73 only.
 - f) accessory buildings as regulated by section 3.3 Accessory Buildings in the General Regulations section of this bylaw.
- .2 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.
- .3 Works Area – Permitted Uses
- a) restricted to workshops for the fabrication, storage, maintenance and repair of tools, machinery, equipment, parts and other materials and supplies needed or incidental to maintain or service the property.

Density

- 5.5.4 .1 The maximum number of private sites permitted in Lillooet Lake Estates is one hundred and fifty-two (152), with no more than one *dwelling* (which may include a *secondary suite*) located per site.
- .2 The maximum number of private sites permitted in Heather Jean Properties is eighteen (18), with no more than one *dwelling* (which may include a *secondary suite*) located per site.

Maximum Floor Area

- 5.5.5 .1 *Gross floor area* of all buildings on a *site* must not exceed 500 square metres.
- .2 Despite section 5.5.5.1, the maximum *gross floor area* on *site* 73 may be increased by an additional 100 square metres for a *retail* use.

Minimum Parcel Area for New Subdivisions

- 5.5.6 The minimum *parcel area* shall be 1200 square metres.

Height

- 5.5.7 No *building* shall exceed 10 metres in *height*.
- 5.5.8 No *accessory building* shall exceed 6 metres in *height*.

Parcel Coverage

- 5.5.9 The *parcel coverage* of all buildings and structures shall not exceed 35 percent.

Roads, Ways and Paths

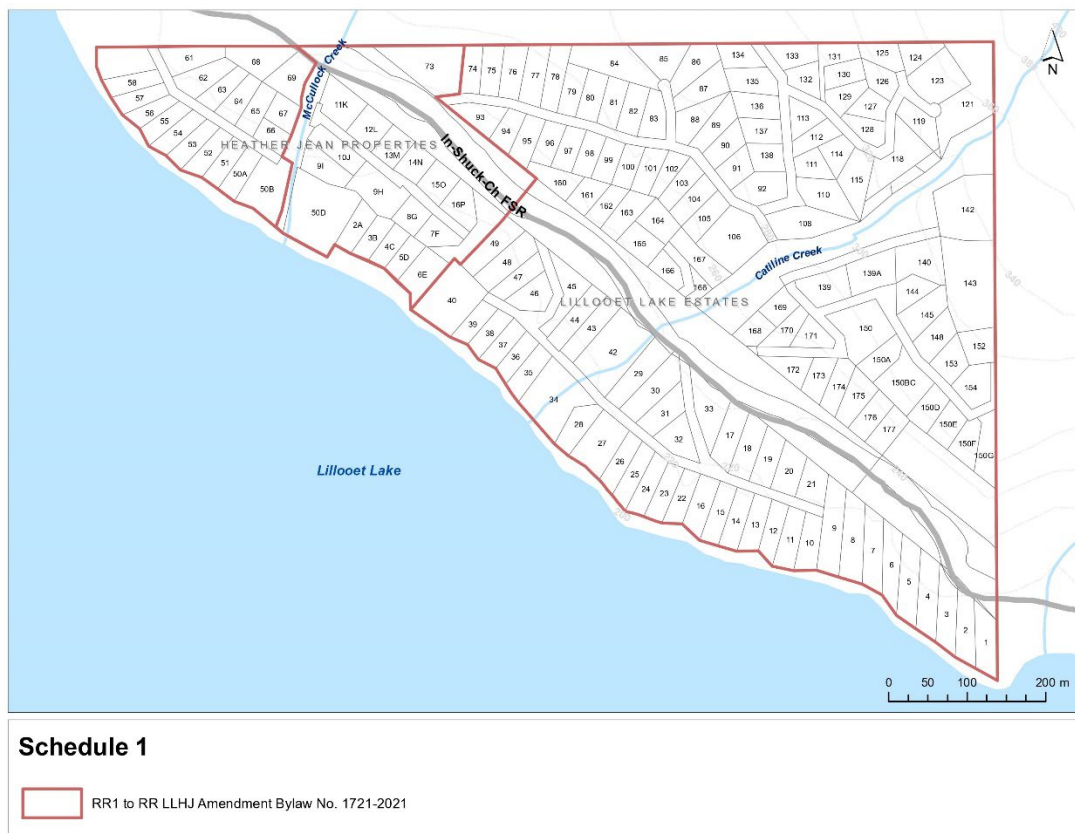
- 5.5.10 All roads and ways are private and must be located substantially as shown on the Site Plan in 5.5.11. The SLRD is not responsible for their construction, installation, maintenance or repair.

Parking & Loading

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

Site Plan

- 5.5.12 The location and size of the private sites and common sites shall be generally in accordance with the following Site Plan:



- (c) The Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 762, 2002, Schedule B Maps is amended as follows:

The land legally described as “Parcel A District Lot 4901, Lillooet Land District Plan 11938 and DL4901 Lillooet Land District except plans 11938 and EPP 10321” is rezoned from RR1 Zone (Rural 1) to RR LLJE Zone (Lillooet Lake – Heather Jean Zone).

- (d) By adding Amendment Bylaw 1721-2022 to the Summary of Amendments table as follows:

1721-2022	Lillooet Lake – Heather Jean Zone	, 2022
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READ A FIRST TIME this	30th day of	March, 2022
READ A SECOND TIME, as amended this	25 th day of	May, 2022
SECOND READING rescinded this	th day of	, 2022
READ A SECOND TIME this	th day of	, 2022
PUBLIC HEARING held this	day of	, 2022
READ A THIRD TIME this	day of	, 2022
APPROVED PURSUANT TO SECTION 52 (3)(a) OF THE TRANSPORTATION ACT this	day of	, 2022
ADOPTED this	day of	, 2022

Jen Ford
Chair

Kristen Clark
Corporate Officer