



REQUEST FOR DECISION

McGillivray Falls Zoning Amendment Bylaw 1696-2020 (First Reading)

Meeting Date: November 25, 2020

To: SLRD Board

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

Legal Description: DISTRICT LOT 4363 LILLOOET DISTRICT EXCEPT PLAN A14338

RGS Designation: Non-Settlement Area	OCP Designation: Rural Residential	Zoning: Rural 1	ALR Status: N/A	Development Permit Areas: N/A
--	--	---------------------------	---------------------------	---

RECOMMENDATIONS:

THAT Bylaw 1696-2020, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1696-2020” be introduced and given first reading.

THAT Bylaw 1696-2020, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1696-2020” 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:

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 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 McGillivray Falls. 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](#)

BACKGROUND:

An information report went to the October 28, 2020 SLRD Board meeting, introducing the proposed amendments and scope of the project. Appendix A outlines Amendment Bylaw No. 1696-2020 and Appendix B outlines the RR McG Zone.

In 2016, the SLRD worked on new zoning for McGillivray Falls. 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.

The current staff-initiated zoning amendment process builds on the previous work completed in 2016, which included community engagement processes. 43 properties are subject to the McGillivray Falls Land Use Contract Bylaw No. 87 (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.

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 the RR McG Zone – a zone that reflects the development on the property. For clarity, no changes to what is currently provided for under LUC 87 will be contemplated under this staff-initiated project. Additionally, the SLRD is not proposing to discharge LUC 87. 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 McG McGillivray Falls Zone

The RR McG Zone reflects the DRAFT zoning previously prepared for McGillivray Falls, which mirrors what is currently provided for under 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.

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.
- 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.

The purpose of the proposed zoning amendment is to give the McGillivray Falls Recreation Retreat Ltd. (MFRR) 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.

ANALYSIS:

Regional Growth Strategy Bylaw No. 1062, 2008

McGillivray Falls is designated Non-Settlement Area in the SLRD Regional Growth Strategy. As such, development beyond what is currently provided for under LUC 87 is not contemplated or supported.

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

McGillivray Falls 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 McGillivray Falls parcel is 72.90 hectares. With 43 private sites, the density for the entire development area is 1.7 hectares. No further density will be supported, with Amendment Bylaw 1696-2020 limiting development to what is currently provided for under LUC 87.

Zoning: Electoral Area C Zoning Bylaw No. 765, 2002 Review and Land Use Contract No. 87

The RR McG Zone reflects what is currently provided for under the LUC 87, 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.

Terrain Hazards

McGillivray Falls is not in a mapped terrain hazard area, though there are steep slopes in the area.

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. 1696-2020 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. 1696-2020 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. 1696-2020

Appendix B: RR McG Zone

Prepared by: C. Dewar, Senior Planner

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

Approved by: M. Helmer, Chief Administrative Officer

**SQUAMISH-LILLOOET REGIONAL DISTRICT
BYLAW NO. 1696-2020**

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. 1696-2020”.
 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 PON – Ponderosa Guest Ranch Zone:
RR MCG – McGillivray Falls Zone
 - (b) By inserting the following 5.4 RR MCG ZONE – MCGILLIVRAY FALLS into Schedule A Zoning Bylaw under SECTION 5 RURAL ZONES and following the SECTION 5.3 RR PON ZONE as follows:
-

SECTION 5.4 – RR MCG ZONE – MCGILLIVRAY FALLS

Intent

- 5.4.1 The intent of this *zone* is to provide for residential development consistent with the original Land Use Contract.

Definitions

- 5.4.2 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 site.

Common Site(s) means those sites coloured “green” on the Site Plan in 5.4.8.

Greenbelt Area means that portion or portions of the Lands coloured white on the Site Plan in 5.4.8 together with the remaining lands comprising District Lot 4363.

Lodge Area means the area designated *Lodge Area* and coloured brown on the Site Plan in 5.4.8.

Private Site(s) means any or all of the of the 43 building sites shown on the Site Plan in 5.4.8, in particular sites 1-40 and 43-45 and excludes *Common Sites*, *Greenbelt Area*, *Lodge Area* and *Works Area*.

Works Areas means any or all of the Work and Special Use Areas shown on the Site Plan in 5.4.8.

Permitted Uses

5.4.3 Land, *sites*, buildings, and structures in the RR McG Zone shall be used for the following purposes only:

- .1 Private Sites – 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 uses consistent with their use and retention as natural, unimproved areas, however, underground services and pathways in the greenbelt area 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.

Density

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

Maximum Floor Area

5.4.5 Total floor area of all buildings on a *site* must not exceed 375 square metres.

Height

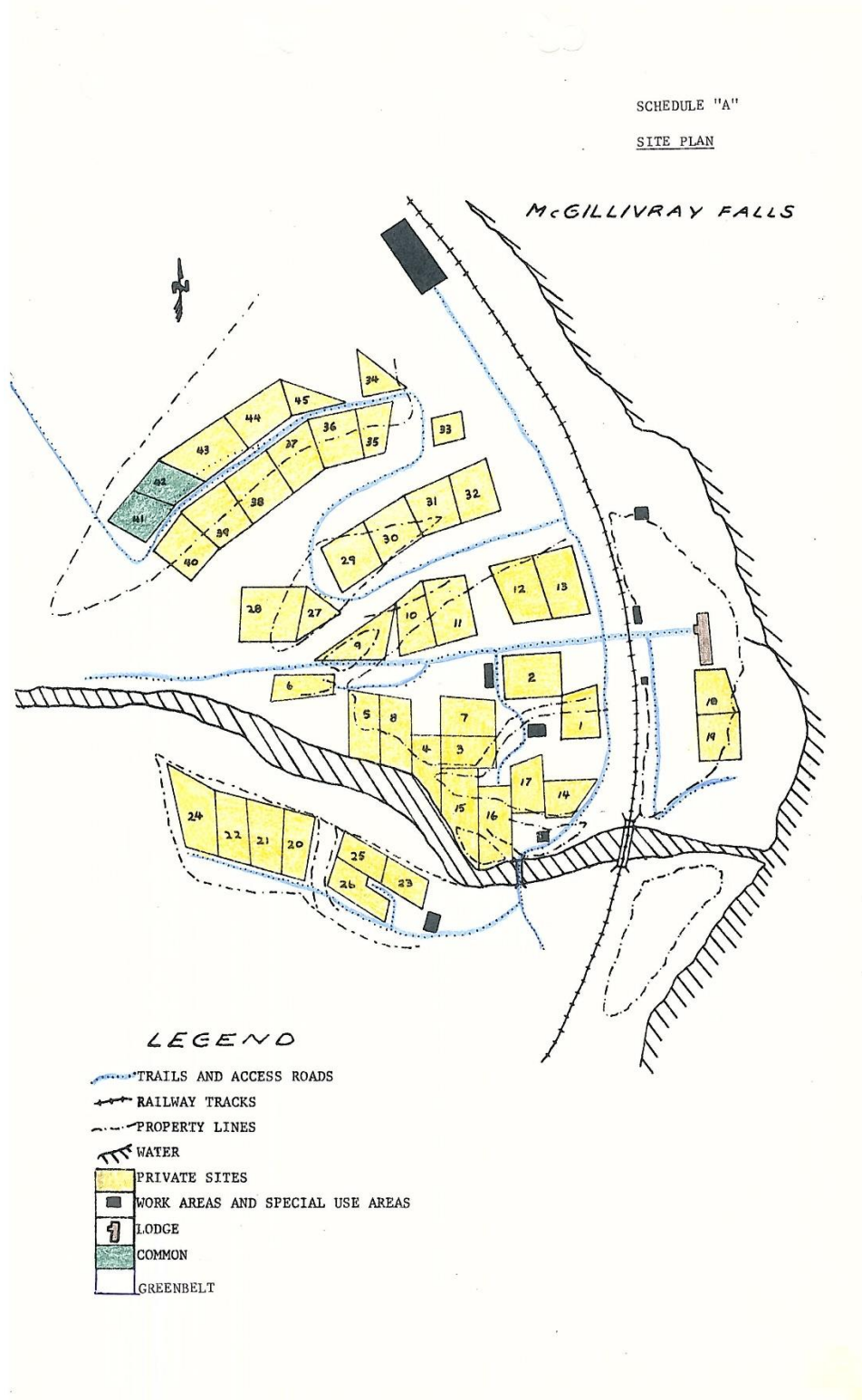
5.4.6 No building shall exceed 7.62 metres in *height*.

Roads, Ways and Paths

5.4.7 All roads and ways are private and must be located substantially as shown on the Site Plan in 5.4.8. The SLRD is not responsible for their construction, installation, maintenance or repair.

Site Plan

5.4.8 The location and size of the sites must be substantially 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 outlined on the map on Schedule 1 to this bylaw and legally described as “District Lot 4363, Lillooet District” is rezoned from RR1 Zone (Rural 1) to RR MCG Zone (McGillivray Falls).

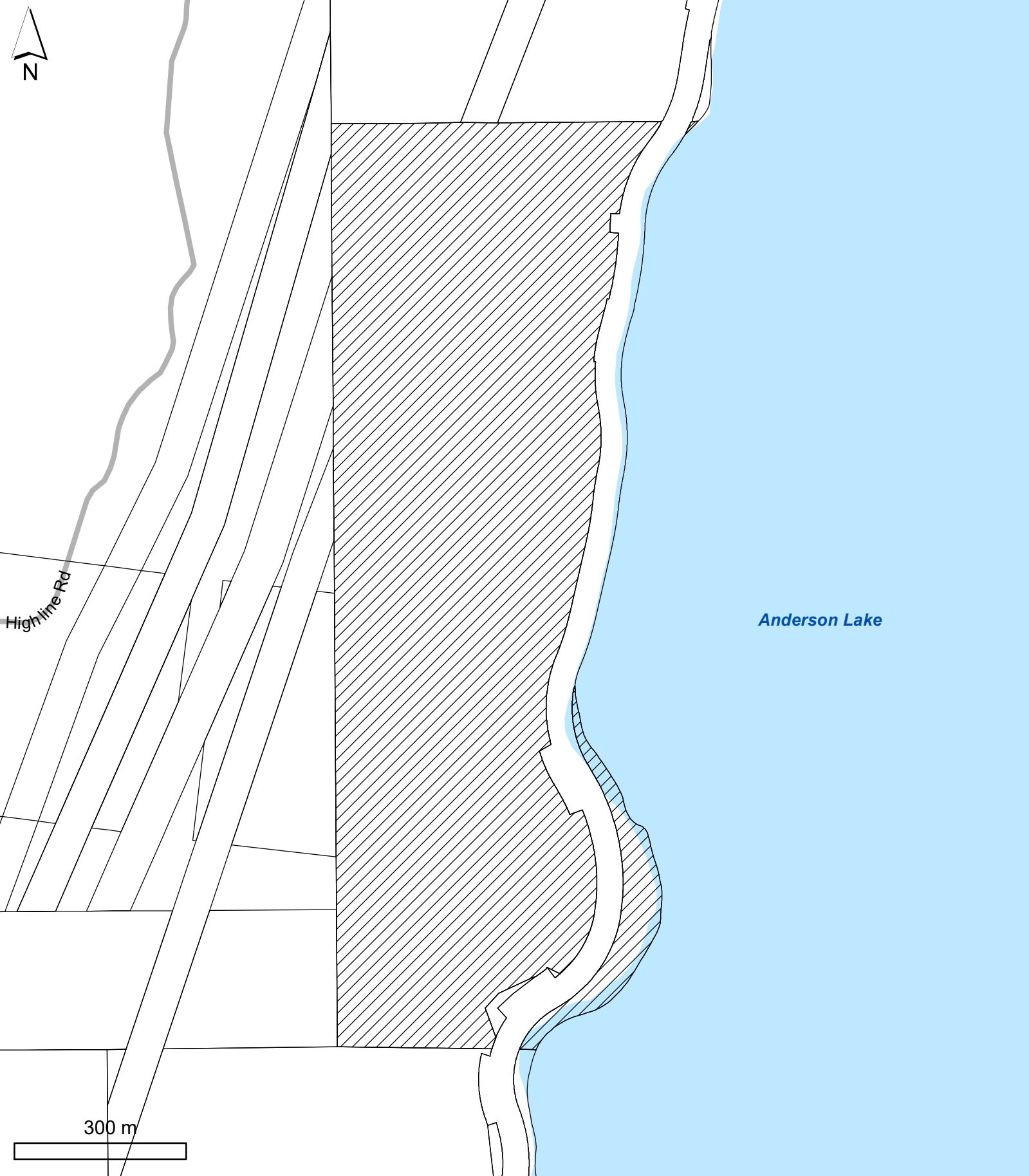
(d) By adding Amendment Bylaw 1696-2020 to the Summary of Amendments table as follows:

1696-2020	McGillivray Falls Zoning Amendment	, 2021
-----------	------------------------------------	--------


READ A FIRST TIME this	25 th day of	NOVEMBER, 2020
READ A SECOND TIME this	day of	, 2021
PUBLIC HEARING held 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

Tony Rainbow
Chair

Kristen Clark
Director of Legislative Services and Corporate
Services



Schedule 1: Squamish-Lillooet Regional District Electoral Area C
Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1696-2020

 RR 1 to RR MCG

SECTION 5.4 – RR MCG ZONE – MCGILLIVRAY FALLS

Intent

- 5.4.1 The intent of this *zone* is to provide for residential development consistent with the original Land Use Contract.

Definitions

- 5.4.2 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 site.

Common Site(s) means those sites coloured “green” on the Site Plan in 5.4.8.

Greenbelt Area means that portion or portions of the Lands coloured white on the Site Plan in 5.4.8 together with the remaining lands comprising District Lot 4363.

Lodge Area means the area designated *Lodge Area* and coloured brown on the Site Plan in 5.4.8.

Private Site(s) means any or all of the of the 43 building sites shown on the Site Plan in 5.4.8, in particular sites 1-40 and 43-45 and excludes *Common Sites*, *Greenbelt Area*, *Lodge Area* and *Works Area*.

Works Areas means any or all of the Work and Special Use Areas shown on the Site Plan in 5.4.8.

Permitted Uses

- 5.4.3 Land, *sites*, buildings, and structures in the RR McG Zone shall be used for the following purposes only:

.1 Private Sites – 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 uses consistent with their use and retention as natural, unimproved areas, however, underground services and pathways in the greenbelt area may be constructed and maintained.
- 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 uses consistent with their use and retention as natural, unimproved areas, however, underground services and pathways in the greenbelt area 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.

Density

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

Maximum Floor Area

- 5.4.5 Total floor area of all buildings on a *site* must not exceed 375 square metres.

Height

- 5.4.6 No building shall exceed 7.62 metres in *height*.

Roads, Ways and Paths

- 5.4.7 All roads and ways are private and must be located substantially as shown on the Site Plan in 5.4.8. The SLRD is not responsible for their construction, installation, maintenance or repair.

Site Plan

5.4.8 The location and size of the *sites* must be substantially in accordance with the following Site Plan:

