



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

Meeting Date: November 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: Rural Residential	OCP Designation: Rural Residential	Zoning: Rural 1	ALR Status: N/A	Development Permit Areas: N/A
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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 given a second reading.

THAT the Board direct staff to schedule and advertise a public hearing, to be held electronically, and delegate the holding of the public hearing to Electoral Area C Director Russell Mack with Director Jen Ford as alternate delegate pursuant to Section 469 of the *Local Government Act*, for the consideration of Bylaw 1705-2021, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1705-2021”.

KEY ISSUES/CONCEPTS:

Amendment Bylaw 1705-2021 was given first reading at the February 24, 2021 Board meeting. The referral process was also initiated at that time. Referral comments received are included in this report, with Vancouver Coastal Health (VCH) referral comments requiring action from the applicant. Based on referral comments from VCH, the applicant has been working to address water quality and sewerage servicing items. VCH is now satisfied with the water testing results and covenant approach. Amendment Bylaw 1705-2021 (Appendix A) is being presented for consideration of second reading and the scheduling of a public hearing.

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 Subdivision Proof of Water Policy 6.7](#)
- [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 (see Appendix B: Site Plan). 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).

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 is 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.

Previous Board Resolutions

At the February 24, 2021 SLRD Board meeting, the SLRD Board resolved:

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.

Following first reading, SLRD staff initiated a 30-day referral to appropriate First Nations, the Village of Pemberton, and provincial agencies including the Vancouver Coastal Health Authority, the Ministries of Transportation & Infrastructure, and Forests, Lands, Natural Resource Operations and Rural Development for comment. All comments received during the referral period have been addressed. As such, SLRD staff are recommending the Board give second reading to Amendment Bylaw 1705-2021 and schedule a public hearing.

Referral Comments

Vancouver Coastal Health Authority (VCH)

VCH has reviewed the referral and provided comments related to water quality and sewerage servicing. Specifically, VCH recommended that water quality testing be conducted to evaluate arsenic levels as per the VCH Subdivision Guidelines. Additionally, it was recommended that sewerage servicing covenants be established. The proponent worked to address both these items, and VCH has confirmed water and servicing matters have been adequately addressed for the zoning amendment stage (restrictive covenants will be required at the subdivision stage).

Ministry of Transportation and Infrastructure (MOTI)

The referral was reviewed, and the MOTI has no objection in principle to the proposed zoning amendments. The referral also notes that specific comments related to the subdivision proposal will be provided to the applicant as part of MOTI's review of the Preliminary Subdivision Application. Additionally, the referral response communicated that the Ministry has initiated consultation with N'Quatqua and Tit'q'et First Nations, and that the Ministry is required to complete consultation prior to final approval of the zoning bylaw. The SLRD will be informed should either Nation have any comments, questions or concerns related to the proposed zoning bylaw. MOTI confirmed Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

The referral was reviewed, and the Ministry of Forests, Lands and Natural Resources Operations has no concerns/comments about the proposed bylaws as the Land Act is unaffected.

Lil'wat Nation

Upon review of the referral, the Lil'wat Nation determined that the subject property does not fall within their traditional territory and therefore does not have comments.

N'Quatqua

Please see MOTI response noted above.

Village of Pemberton

No response.

ANALYSIS:

Official Community Plan Bylaw No. 689, 1999

The Electoral Area C OCP Bylaw No. 689, 1999 includes policy guidance for site specific rezoning applications, such as suitability criteria and permitted uses. Specifically, the OCP states:

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.*

Note 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.

Electoral Area C Zoning Bylaw No. 765, 2002

The proposed RR2 Zone aligns with the permitted uses outlined in Section 4.2 of the Area C OCP Policy. Further, the parcel coverage, parcel area, siting requirements, and dwellings per parcel remain consistent with all Electoral Area C Rural zoning and VCH recommendations. The RR2 Zone also introduces a maximum gross floor area for single family dwellings, which is aligned with best practices and other zones in the SLRD. See Appendix A for full details.

Community Amenity Contributions Policy

The SLRD adopted a Community Amenity Contributions Policy in October 2018. 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 of this value to the SLRD prior to adoption of the zoning amendment bylaw.

Park Dedication Policy

As per the SLRD Park Dedication Policy, a park dedication is required, or the applicant may provide cash in lieu totaling 5 percent of the market value of the land being proposed for subdivision. The applicant has provided a park dedication of 6472 m² along the eastern boundary of the site adjacent to Strata Lot 7 (see Appendix B Site Plan).

Professional Reports

Professional Report	Findings
Proof of Water – quantity	The applicant has provided confirmation from qualified professionals that the SLRD’s water Policy requirement of 500 gallons per day on parcels under 10 acres can be met.
Proof of Water – quality	The applicant has provided confirmation from qualified professionals that the water quality testing meets <i>VCH’s Subdivision Guidelines</i> . Specifically, VCH has confirmed: “ <i>The applicant provided water quality sample results for each of the wells located on the 8 proposed lots. Test results indicate the naturally-occurring arsenic level in one of the wells is above the MAC of 10.0ug/L but below 25.0ug/L. The VCH Subdivision Guidelines does provide for consideration of lots with arsenic concentrations in the range noted in the test result. In these cases, the applicant is directed to consult a professional geoscientic to conduct an assessment which would provide sufficient data to assure the Drinking Water Officer that the ground</i>

	<p><i>water quality is safe by not exceeding 25ppb in the foreseeable future and the supply with <25ppb is sustainable for the propose intended. As requested the applicant has met this requirement and the professional report has been provided.</i> Further, VCH stated “<i>they are comfortable that this well water can be adequately treated for consumption</i>” and if the proposal proceeds to subdivision stage VCH “<i>will require registration of a Section 219 Restrictive Covenant to ensure a suitable water treatment device is installed on the property and remains operational. Other Section 219 Restrictive Covenants may be considered for other lots if appropriate</i>”.</p>
Sewerage Servicing	<p>The VCH referral response notes the applicant has provided test pits and percolation holes on each of the proposed lots and has demonstrated suitable soil and site conditions for sewerage servicing for each of the lots.</p>
Geotechnical Hazard Assessment	<p>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 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 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 were determined to be very low. Building envelope covenants will be required to address the recommendations of the geotechnical assessment.</p>
Riparian Assessment	<p>The south-west corner of the subject property is within a Riparian Assessment Area. The applicant submitted a Riparian Areas Protection Regulation Assessment Report 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.</p>

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 second reading to Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1705-2021, and schedule an electronic public hearing.

Option 2

Revise 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. 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, provide notice of public hearing as per s. 469 of the Local Government Act.

ATTACHMENTS:

Appendix A: Zoning Amendment Bylaw No. 1705-2021

Appendix B: [Site Plan](#)

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. 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.

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)

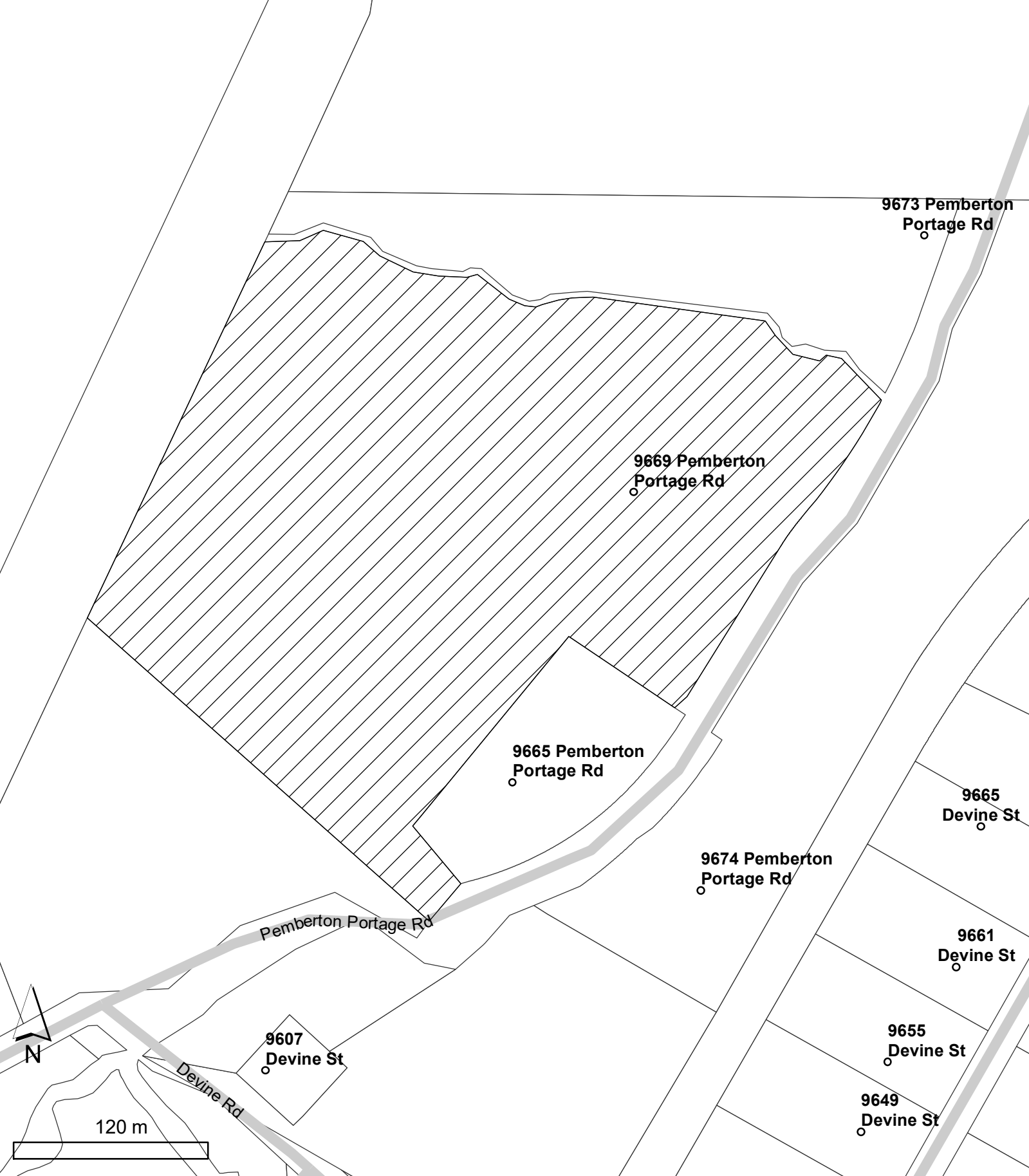
(e) By adding Amendment Bylaw 1705-2021 to the Summary of Amendments table as follows:

1705-2021	9669 Pemberton Portage Road Rezoning – RR2	, 2022
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READ A FIRST TIME this	24 day of	February , 2021
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

Jen Ford
Chair

Kristen Clark
Corporate Officer



Schedule 1: Zoning Amendment Bylaw No. 1705-2021

 RR1 to RR2