



## Request for Decision

Pinecrest Estates Land Use  
Contract Discharge Bylaw No.  
1374-2017 (Area D)

**Date of Meetings: EAD/Board Meetings – July 12/26, 2017**

### **Recommendations:**

THAT Bylaw No. 1374-2017, cited as “Squamish-Lillooet Regional District Land Use Contract Authorization Bylaw No. 102, 1976, Discharge Bylaw No. 1374-2017” be introduced and read a first and second time.

THAT pursuant to s. 464 of the *Local Government Act*, the public hearing regarding Bylaw No. 1374-2017, cited as “Squamish-Lillooet Regional District Land Use Contract Authorization Bylaw No. 102, 1976, Discharge Bylaw No. 1374-2017” be waived.

THAT notice of the waiver of the public hearing regarding Bylaw No. 1374-2017, cited as “Squamish-Lillooet Regional District Land Use Contract Authorization Bylaw No. 102, 1976, Discharge Bylaw No. 1374-2017” be given in accordance with s. 467 of the *Local Government Act*.

### **Attachments:**

Appendix 1: Squamish-Lillooet Regional District Land Use Contract Authorization Bylaw No. 102, 1976, Discharge Bylaw No. 1374-2017

### **Key Information:**

The proposed Discharge Bylaw No. 1374-2016 would remove the land use contract from 58 out of 75 strata lots at Pinecrest Estates. Once the land use contract is discharged, the regulations of Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016 and the PR1 (Pinecrest Residential 1) zone would apply to the 58 properties.

As part of this process, and because the Land Use Contract (LUC) Authorization Bylaw No. 102, 1976 is registered on the title of each strata lot, the SLRD can only remove the land use contract from those strata lots where the strata lot owners have given their consent. Only 59 out of 75 strata lot owners responded to the SLRD’s request for consent or non-consent. One of the 59 respondents did not consent to the removal of the land use contract from their lot. The remaining 16 strata lot owners who did not respond at all would have the land use contract remain on their particular lots.

The SLRD had been in communication with strata council members, and sent out an initial letter on January 10, 2017 to each individual strata lot owner to obtain their consent for the discharge of the contract from their title. A follow up letter was sent by the SLRD to each strata lot owner on April 4, 2017 as at that time, there were still 27 lot owners who had not responded.



As per section 546 of the *Local Government Act*, a land use contract may be discharged with the agreement of the owner of any parcel that is described in the bylaw as being covered by the amendment. As noted previously, the Pinecrest Estates strata council has been informed, and letters have been sent seeking the consent of each strata lot owner at Pinecrest Estates, to discharge the Pinecrest Estates Land Use Contract Authorization Bylaw No. 102, 1976.

If any strata lot owner does not consent to the discharge, then the land use contract will remain in effect on their particular strata lot until all land use contracts are terminated automatically in June 30, 2024 as per s. 548 of the *Local Government Act*. A strata lot owner could also submit an application to discharge the land use contract from their particular lot before 2024 at their own cost through a process that would be similar to a rezoning application.

The proposed bylaw does not need to be referred to any agencies, and can be given first and second reading now. The majority of the community supports discharging the land use contract and so the public hearing is proposed to be waived. The bylaw will need to be sent to the Ministry of Transportation & Infrastructure (MOTI) for their approval after 3<sup>rd</sup> reading as per Section 52 of the *BC Transportation Act*.

There have been several community meetings and workshops with Pinecrest Estates regarding the proposed discharge of the land use contract, and the development of the zoning that was included in the Area D Zoning Bylaw No. 1350-2016 for Pinecrest. The Pinecrest Estates community has been supportive of removing the land use contract and replacing it with more up to date and appropriate zoning to reflect the community direction and vision. The major changes were focused on increasing the parcel coverage and building footprint regulations from the limitations of the land use contract. A forthcoming amendment to the Area D Zoning Bylaw No. 1350-2016 will add provisions around the potential for encroachment onto limited common (strata) property.

Now that zoning is established beneath the still active land use contract, this bylaw to discharge the contract is presented to the Board. It is proposed that the public hearing be waived as the OCP supports the replacement of land use contracts with updated zoning that carries forward the rural residential character of the community.

**Relevant Policies:**

Land Use Contract Authorization Bylaw No. 102, 1976  
Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016

**Options:**

- (1) **(Preferred Option)** Give Bylaw No. 1374-2017 first and second readings, and waive the public hearing.

Option 1 is the preferred option as it reflects the will and intent of the community to replace the outdated and rigid land use contract with new updated zoning to better reflect and regulate the current vision.



The OCP is supportive of Pinecrest Estates as a rural residential community and the proposed discharge of the land use contract is in line with that and therefore the public hearing can be waived.

- (2) Do not give Bylaw No. 1374-2017 first and second readings, or waive the public hearing, and refer back to staff for more information.
- (3) Other, as determined by the Board.

**Regional Considerations:** The proposed land use contract discharge bylaw affects Pinecrest Estates in Electoral Area D only. In particular the proposed bylaw would remove the contract from only 58 out of 75 strata lots, and the land use contract would remain in effect on the remaining 17 lots. There are no regional implications associated with this proposed bylaw.

**Submitted by:** I. Holl, Senior Planner

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

**Approved by:** L. Flynn, Chief Administrative Officer

**SQUAMISH-LILLOOET REGIONAL DISTRICT**  
**LAND USE CONTRACT DISCHARGE BYLAW NUMBER 1374-2017**

**A bylaw of the Squamish-Lillooet Regional District to authorize the discharge of a Land Use Contract**

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WHEREAS the Squamish-Lillooet Regional District, as authorized by Land Use Contract Authorization Bylaw No. 102, 1976 entered into a Land Use Contract with Pinecrest Estates Limited for the purpose of regulating the terms and conditions under which the lands described in the Land Use Contract should be developed;

AND WHEREAS the said Land Use Contract was registered in the Land Title Office in Vancouver under number E63894;

AND WHEREAS the Board of the Squamish-Lillooet Regional District wishes to discharge the Land Use Contract;

AND WHEREAS the consent of the owners to the discharge of the Land Use Contract has been obtained as per Section 546(2) of the *Local Government Act*;

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 the "Squamish-Lillooet Regional District Land Use Contract Authorization Bylaw No. 102, 1976, Discharge Bylaw No. 1374-2017".
2. The Squamish-Lillooet Regional District is hereby authorized and empowered to discharge the Land Use Contract No. E63894 only from the properties identified in Table 1 below, and the Board Chair and Corporate Officer are hereby authorized to execute all documents to discharge and cause the Land Use Contract to be discharged from those identified properties in Table 1 in the Land Title Office at Vancouver, British Columbia;

**TABLE 1: Properties discharged from the Land Use Contract**

<b>PID</b>	<b>Legal Description</b>
005-443-989	Strata Lot 1, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-012	Strata Lot 2, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
004-237-943	Strata Lot 3, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-047	Strata Lot 4, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
002-837-447	Strata Lot 6, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-071	Strata Lot 7, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-187	Strata Lot 8, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-217	Strata Lot 9, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
002-463-059	Strata Lot 10, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-241	Strata Lot 11, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-284	Strata Lot 12, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-357	Strata Lot 14, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-420	Strata Lot 16, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-438	Strata Lot 17, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District

<b>PID</b>	<b>Legal Description</b>
005-444-497	Strata Lot 20, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-519	Strata Lot 21, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-527	Strata Lot 22, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-578	Strata Lot 25, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-608	Strata Lot 28, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-616	Strata Lot 30, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-632	Strata Lot 31, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
002-768-755	Strata Lot 32, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-667	Strata Lot 33, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-691	Strata Lot 34, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-705	Strata Lot 35, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-721	Strata Lot 37, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-730	Strata Lot 38, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-764	Strata Lot 40, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
002-926-911	Strata Lot 41, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-772	Strata Lot 42, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-089-298	Strata Lot 45, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-837	Strata Lot 46, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
004-256-182	Strata Lot 47, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-861	Strata Lot 48, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-934	Strata Lot 52, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
002-728-206	Strata Lot 53, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-969	Strata Lot 54, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-977	Strata Lot 55, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District,
005-444-993	Strata Lot 56, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
004-081-609	Strata Lot 57, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-445-019	Strata Lot 58, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
002-579-707	Strata Lot 59, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-445-027	Strata Lot 60, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
003-390-284	Strata Lot 61, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
003-390-314	Strata Lot 62, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-445-035	Strata Lot 63, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-445-043	Strata Lot 64, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
002-755-661	Strata Lot 65, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
003-667-138	Strata Lot 66, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-445-051	Strata Lot 67, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-445-060	Strata Lot 68, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-445-078	Strata Lot 69, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-445-086	Strata Lot 70, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-445-094	Strata Lot 71, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District

<b>PID</b>	<b>Legal Description</b>
005-445-108	Strata Lot 72, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
003-318-800	Strata Lot 73, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-445-116	Strata Lot 74, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-445-124	Strata Lot 75, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District

2. The Squamish-Lillooet Regional District notes, for clarity, that the Land Use Contract No. E63894 shall remain on those properties identified in Table 2 below.

**TABLE 2: Properties NOT discharged from the Land Use Contract**

<b>PID</b>	<b>Legal Description</b>
003-322-831	Strata Lot 5, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
003-501-779	Strata Lot 13, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-403	Strata Lot 15, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-454	Strata Lot 18, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-471	Strata Lot 19, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-535	Strata Lot 23, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-551	Strata Lot 24, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
002-645-688	Strata Lot 26, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-594	Strata Lot 27, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
003-701-468	Strata Lot 29, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
002-464-713	Strata Lot 36, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-756	Strata Lot 39, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-781	Strata Lot 43, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-802	Strata Lot 44, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-888	Strata Lot 49, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-412-340	Strata Lot 50, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District
005-444-900	Strata Lot 51, Plan VAS559, District Lot 2668, Group 1, New Westminster Land District

READ A FIRST time this	26 <sup>th</sup> day of	JULY, 2017
READ A SECOND time this	26 <sup>th</sup> day of	JULY, 2017
PUBLIC HEARING waived this	26 <sup>th</sup> day of	JULY, 2017
READ A THIRD time this	day of	, 2017
APPROVED by the MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE this	day of	, 2017
ADOPTED this	day of	, 2017

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Jack Crompton  
Chair

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Kristen Clark  
Secretary