



REQUEST FOR DECISION

9669 Pemberton Portage Rd (Area C) – Zoning Amendment
Bylaw No. 1705-2021 (Third Reading & MOTI Approval)

Meeting Date: February 23, 2022

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

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 read a third time; and

THAT pursuant to Section 52(3)(a) of the *Transportation Act*, Bylaw 1705-2021, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1705-2021” be sent to the Ministry of Transportation and Infrastructure for their approval prior to adoption of the bylaw.

THAT cash funds in the amount of \$105,000, as per the SLRD Community Amenity Contributions Policy No. 2-2018, be submitted to the SLRD prior to adoption of the bylaw.

KEY ISSUES/CONCEPTS:

Amendment Bylaw 1705-2021 was given second reading at the November 24, 2021 SLRD Board meeting and a Public Hearing was held February 1, 2022. This report provides a summary of comments received as part of the Public Hearing process, with public comments generally supportive of the project. Amendment Bylaw 1705-2021 (Appendix A) is being presented for consideration of third reading.

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 [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 have been 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. In this case, the applicant is providing a 5 percent park dedication.

[Community Amenity Contributions Policy No. 12-2018](#)

As per the SLRD Community Amenity Contributions Policy, 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 amounts to a value of \$105,000. The applicant will submit cash funds of this amount to the SLRD prior to adoption of the zoning amendment bylaw. . The cash funds will go into the Amenities reserves (30040) with a specific project code.

[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.

At the November 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 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".

Public Hearing

The SLRD received 3 written submissions in advance of the 9669 Pemberton Portage Road Public Hearing, which took place electronically on February 1, 2022. Two members of the public (one of which was the applicant) attended the Public Hearing and provided comments as part of the comment period. Written and oral submissions all shared support for the project, and a common theme was the need for additional housing opportunities given demand and increasing housing costs. It was indicated the project would be a positive addition to the community.

See Appendix B for the Public Hearing Minutes, including submissions.

MOTI Approval

As per Section 52(3)(a) of the *Transportation Act*, Amendment Bylaw 1705-2021 must be sent to the Ministry of Transportation and Infrastructure (MOTI) for their approval prior to adoption of the bylaw. MOTI also indicated in their referral response following first readings that, "Ministry has initiated consultation N'Quatqua and Tit'q'et First Nations", and "we are required to complete consultation prior to final approval of the zoning bylaw." MOTI approval in advance of fourth reading will confirm both these required aspects.

ANALYSIS:

Public Hearing submissions were generally supportive of the project. SLRD policies are also supportive of site-specific rezoning applications in the Mt. Currie – D'Arcy corridor, where suitability criteria are met. For full analysis, please see [previous staff reports](#).

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 third reading to Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1705-2021 and send to Ministry of Transportation and Infrastructure for their approval prior to adoption of the bylaw.

Require cash funds in the amount of \$105, 000, as per the SLRD Community Amenity Contributions Policy No. 2-2018, be submitted to the SLRD prior to adoption of the bylaw.

Option 2

Revise as per Board direction and give third reading Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1705-2021 and send to Ministry of Transportation and Infrastructure for their approval prior to adoption of the bylaw.

Require cash funds in the amount of \$105, 000, as per the SLRD Community Amenity Contributions Policy No. 2-2018, be submitted to the SLRD prior to adoption of the bylaw.

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, refer to MOTI for approval and seek Letter of Credit from the applicant.

ATTACHMENTS:

Appendix A: Zoning Amendment Bylaw No. 1705-2021

Appendix B: Public Hearing Minutes – February 1, 2022

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)

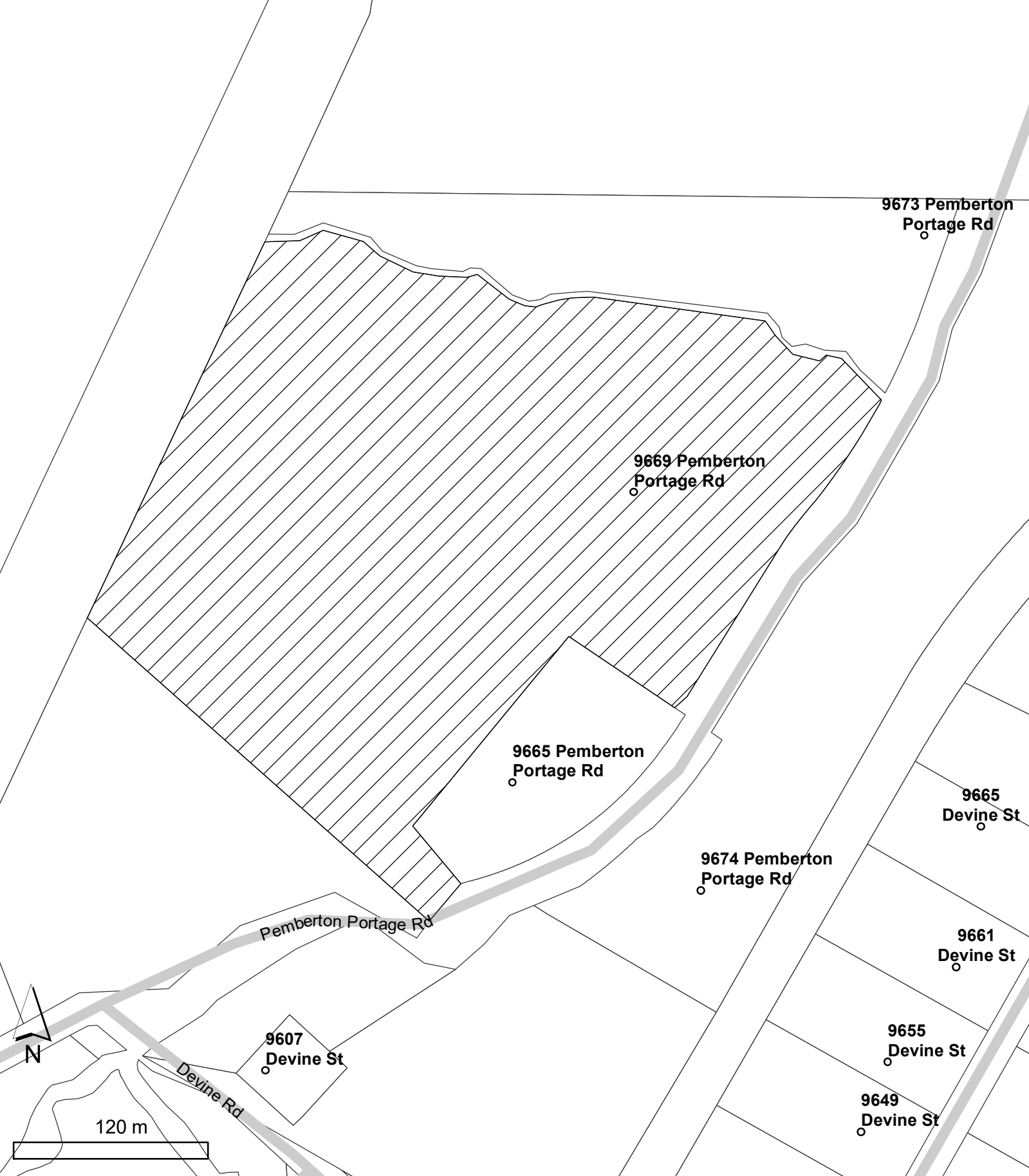
(e) By adding Amendment Bylaw 1705-2021 to the Summary of Amendments table as follows:

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	24 day of	November, 2021
PUBLIC HEARING held this	1 day of	February, 2022
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



PUBLIC HEARING
9669 Pemberton Portage Road Rezoning:
Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002,
Amendment Bylaw No. 1705-2021

SQUAMISH-LILLOOET REGIONAL DISTRICT

Minutes of a Public Hearing convened by the Squamish-Lillooet Regional District Board, held electronically via Zoom on February 1, 2022 at 4:00 p.m., pursuant to Squamish-Lillooet Regional District Planning Procedures Policy No. 14-2019.

Present were: R. Mack., Meeting Chair and Electoral Area C Director; K. Needham, Director of Planning and Development Services; C. Dewar, Senior Planner; L. Plotnikoff, Planning and Building Assistant (Recording Secretary); P. Campbell, Project and Research Coordinator; and 2 members of the public, including the applicant.

CALL TO ORDER

Director Mack introduced and called the meeting to order at 4:00 PM.

CHAIR'S INTRODUCTORY COMMENTS

Good evening, my name is Russell Mack, and as the Electoral Area C Director of the Squamish-Lillooet Regional District Board, I will be chairing this electronic public hearing. I would like to introduce Kim Needham, Director of Planning and Development Services, Claire Dewar, Senior Planner, and Lara Plotnikoff, Planning and Building Assistant who will be recording your comments.

I would like to recognize that collectively we are on the unceded territories of all of the First Nations within our regional boundaries.

This public hearing is convened pursuant to Section 464 of the *Local Government Act* to allow the public to make representations to the Board respecting matters contained in the proposed bylaw:

1. "Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1705-2021"

This Public Hearing is being held electronically and we welcome and thank those who have joined us via Zoom video and phone. The Public Hearing is also being recorded and will be uploaded to the SLRD website for public viewing.

This public hearing was advertised in the January 20 & 27 issues of the Pique Newsmagazine. Every one of you present who believes that your interest in the property is affected by the proposed Bylaw shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the Bylaw. None of you will be discouraged or prevented from making your views known. However, it is important that you restrict your remarks to matters contained in the proposed Bylaw.

I will now provide some brief instructions for those of you participating in this evening's Public Hearing via Zoom Online Video or Phone Conferencing.

For members of the public wishing to make a submission, please use the 'raise hand' feature.

We will call on each person to speak in turn and your microphone will be unmuted.

For those on the phone, the raise hand feature can be accessed by pressing star nine [*9]. We will use the last three digits of your phone number to call on you to speak.

For those on a computer, smartphone or tablet, click the raise hand icon on your screen. We will call on you to speak using the name you have used on screen.

Written submissions can be sent in until the end of the Hearing by email to cdewar at slrd dot bc dot ca (cdewar@slrd.bc.ca).

When speaking please address myself as Chair and commence your remarks by clearly stating your name and address or community of residence.

Members of the Regional Board or staff may ask or respond to questions following a presentation. However, the function of the Board representatives at this public hearing is to listen rather than to debate the merits of the proposed bylaws. After this public hearing has concluded, the Regional Board may, without further notice or hearing, adopt or defeat the bylaws, or alter and then adopt the bylaws, provided that the alteration does not alter the use or density.

May I remind you that tonight is your opportunity for input on the bylaw and that after the conclusion of this hearing, no further public comments can be received.

To date, we have received 3 written submission(s) regarding the 9669 Pemberton Portage Road Zoning Amendment Application and the associated bylaw.

I will now ask Senior Planner Claire Dewar to introduce the bylaw.

After Claire's presentation, the applicants will be given a brief opportunity to speak.

Following that, the floor will be opened to members of the public, and you will be given the opportunity to speak to the bylaws.

**STAFF PRESENTATION
9669 Pemberton Portage
Road Rezoning**

C. Dewar, Senior Planner, gave a presentation which described the proposed zoning amendment bylaw. The presentation provided information with respect to the project description, intent, referral comments, SLRD Board policies, regional impact analysis and next steps of the rezoning.

PUBLIC COMMENTS

Susie Gimse from Birken

S. Gimse submitted her support for the project stating the area has been home to the Pemberton and Whistler workforce and as rural properties are becoming more desirable there are none available. S. Gimse would like to see more of these types of applications for these developments hoping to see more places that are affordable to live.

**Sebastian De la Rosa
from Birken (applicant)**

S. De la Rosa stated he has been living in the area for 5 years and currently resides 1km from proposed subdivision. S. De la Rosa feels community is important and wants it to grow in a positive way however there is a lack of land available in the area to do so. S. De la Rosa reported after having a discussion with a local real estate agent that there has been an 80% drop in availability in the area.

No additional members of the public spoke.

TERMINATION

Director Mack called three times for further comments, he terminated the public hearing for:

**Squamish-Lillooet Regional District Electoral Area C
Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1705-2021.**

at 4:17 pm.

"ORIGINAL SIGNED BY"

R. Mack, Chair

"ORIGINAL SIGNED BY"

L. Plotnikoff, Recording Secretary

From: [Planning](#)
To: [Claire Dewar](#); [Kim Needham](#)
Subject: FW: *** External *** 9669 Portage Road Rezoning
Date: January 31, 2022 4:19:31 PM

-----Original Message-----

From: Guy Deschenes [REDACTED]
Sent: January 31, 2022 4:17 PM
To: Planning <planning@slrd.bc.ca>
Subject: *** External *** 9669 Portage Road Rezoning

Hello SLRD Board of Directors, I'm confident that the new subdivision at 9669 Portage Road will be a positive addition to our community.

Thank you,

Guy Deschenes

[REDACTED]
[REDACTED]
Devine, BC
V0N 1L0

From: [Planning](#)
To: [Melany Helmer](#); [Kim Needham](#); [Claire Dewar](#)
Subject: FW: *** External *** 9669 Pemberton Portage Road
Date: January 26, 2022 12:52:45 PM

From: Natalie Ollivier [REDACTED]
Sent: January 26, 2022 12:28 PM
To: Planning <planning@slrd.bc.ca>
Subject: *** External *** 9669 Pemberton Portage Road

Dear board,

I hope this email finds you well. Just want to address my comments regarding the subdivision happening in the zone. I've been in the area for three years, I really love the community and my life here, and I want to say that projects like these brings a positive future for the community.

I know the lot well, and I think this project suits well for people like me and our neighbours.

Thank you for taking the time to listen to my comments,

Regards,

Natalie

[REDACTED]

Darcy, V0N1L0.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [Planning](#)
To: [Kim Needham](#); [Claire Dewar](#)
Subject: FW: *** External *** Rezoning 9669 portage Rd
Date: January 31, 2022 8:05:48 AM

From: Richard Dunnigan [REDACTED]
Sent: January 29, 2022 10:23 AM
To: Planning <planning@sIRD.bc.ca>
Subject: *** External *** Rezoning 9669 portage Rd

I would like to add "yes" to rezoning of 9669 Pemberton portage Rd.
There is a need for more affordable lots as the local population grows.
Most first time buyers cannot afford to buy raw land or homes closer to Pemberton due to Increasing values.
The addition of these lots will add to an almost non existent inventory of affordable land in the D'arcy area.

Richard Dunnigan and Lenora Fegan Vote yes for the rezoning of 9669 Portage Rd.

[REDACTED]

[REDACTED] D'arcy B.C.

VON1B0