

**VILLAGE OF PEMBERTON  
-REGULAR COUNCIL MEETING AGENDA-**

**Agenda** for the **Regular Meeting** of Council of the Village of Pemberton to be held Tuesday, January 19, 2016, at 5:30 p.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1416.

*“This meeting is being recorded on audio tape for minute-taking purposes as authorized by the Village of Pemberton Audio recording of Meetings Policy dated September 14, 2010.”*

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<b>Item of Business</b>	<b>Page No.</b>
<b>1. CALL TO ORDER</b>	
<b>2. APPROVAL OF AGENDA</b>	
<b>Recommendation: THAT</b> the Agenda be approved as presented.	
<b>3. RISE WITH REPORT FROM IN CAMERA (CLOSED)</b>	
<b>4. ADOPTION OF MINUTES</b>	
<b>a) Regular Council Meeting No. 1414 – Tuesday, December 15, 2015</b>	<b>4</b>
<b>Recommendation: THAT</b> the minutes of Regular Council Meeting No. 1414 held Tuesday, December 15, 2015, be adopted as circulated.	
<b>b) Special Council Meeting No. 1415 – Wednesday, December 30, 2015</b>	<b>12</b>
<b>Recommendation: THAT</b> the minutes of Special Council Meeting No. 1415 held Wednesday, December 30, 2015, be adopted as circulated.	
<b>5. BUSINESS ARISING</b>	
<b>6. COMMITTEE MINUTES - FOR INFORMATION</b>	
<b>7. DELEGATIONS</b>	
<b>a) Ms. Anna Helmer, President, Pemberton Farmers Institute – Commercial Events on Agricultural Land Reserve Properties</b>	<b>14</b>
<b>b) Mr. Garth Phare, President of Pemberton &amp; District Chamber of Commerce, &amp; Ms. Andrea Vanloon, Director of Pemberton &amp; District Chamber of Commerce and Pemberton Commercial Events Committee – Commercial Events on Agricultural Land Reserve Properties</b>	
<b>8. REPORTS</b>	
<b>a) Corporate &amp; Legislative Services</b>	
<b>i. Agri-tourism &amp; Farm Retail Sales in the Agricultural Land Reserve Discussion Paper &amp; Proposed Minister’s Bylaw Standard</b>	<b>15</b>
<b>Recommendation: THAT</b> the Agri-tourism & Farm Retail Sales in the ALR Report and information provided be received for information.	

<b>b) Finance &amp; Administration</b>	
i. <b>Cellular Phone Policy Update</b>	63
<b>Recommendation: THAT</b> Council provide direction to Staff as to how to proceed.	
<b>c) Mayor</b>	
<b>d) Councillors</b>	
<b>9. BYLAWS</b>	
a) <b>Fourth and Final Reading</b>	71
i. <b>Village of Pemberton Official Community Plan Amendment ('580' Hillside Lands) Bylaw No. 789, 2015</b>	79
<b>Recommendation: THAT</b> Official Community Bylaw No. 654, 2011, Amendment ('580' Hillside Lands) Bylaw No. 789, 2015, be given Fourth and Final Reading.	
ii. <b>Village of Pemberton Zoning Amendment ('580' Hillside Lands) Bylaw No. 790, 2015</b>	81
<b>Recommendation: THAT</b> Village of Pemberton Zoning Bylaw No. 466, 2011, Amendment ('580' Hillside Lands) Bylaw No. 790, 2015, be given Fourth and Final Reading.	
<b>10. CORRESPONDENCE</b>	
a) <b>For Information</b>	
i. <b>Union of British Columbia Municipalities, dated December 17, 2015, regarding approval for the Strategic Wildfire Prevention Initiative FireSmart Grant</b>	88
<b>Recommendation: THAT</b> the correspondence from Union of British Columbia Municipalities be received for information.	
ii. <b>Sea to Sky Community Services, dated January, 2016, regarding appreciation for Community Enhancement Fund support for the Christmas Hamper Program</b>	90
<b>Recommendation: THAT</b> the correspondence from Sea to Sky Community Services be received for information.	
iii. <b>Creative BC, dated January 8, 2016, regarding support of BC's motion picture industry</b>	91
<b>Recommendation: THAT</b> the correspondence from Sea to Sky Community Services be received for information.	
iv. <b>Sea to Sky Clean Air Society, dated January 12, 2016, regarding appreciation for Community Enhancement Fund support for Pemberton Bike to Work Week 2016</b>	92
<b>Recommendation: THAT</b> the correspondence from Sea to Sky Clean Air Society be received for information.	

**b) For Action**

No correspondence for action to be received.

**11. DECISION ON LATE BUSINESS**

**12. LATE BUSINESS**

**13. NOTICE OF MOTION**

**14. QUESTION PERIOD**

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**15. ADJOURNMENT**

**VILLAGE OF PEMBERTON  
-REGULAR COUNCIL MEETING MINUTES-**

**Minutes of the Regular Meeting** of Council of the Village of Pemberton held on Tuesday, December 15, 2015 at 9:00 a.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1414.

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**IN ATTENDANCE:** Mayor Mike Richman  
Councillor Ted Craddock  
Councillor Jennie Helmer  
Councillor James Linklater  
Councillor Karen Ross

**STAFF IN ATTENDANCE:** Nikki Gilmore, Chief Administrative Officer  
Sheena Fraser, Manager of Corporate & Legislative Services  
Paige MacWilliam, Legislative Assistant  
Tim Harris, Manager of Operations & Development Services  
Cameron Chalmers, Development Planning Consultant

**Public:** 7

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**1. CALL TO ORDER**

At 9:07 a.m. Mayor Richman called the meeting to order.

**2. APPROVAL OF AGENDA**

Moved/Seconded  
**THAT** the Agenda be approved as presented.  
**CARRIED**

**3. RISE WITH REPORT FROM IN CAMERA (CLOSED)**

Council did not rise with report from In Camera.

**4. ADOPTION OF MINUTES**

**a) Regular Council Meeting No. 1413 –Tuesday, December 1, 2015**

Moved/Seconded  
**THAT** the minutes of Regular Council Meeting No. 1413 held Tuesday, December 1, 2015, be adopted as circulated.  
**CARRIED**

**b) Public Hearing – Village of Pemberton Official Community Plan Amendment ('580' Hillside Lands) Bylaw No. 789, 2015 – Tuesday, December 8, 2015**

Moved/Seconded  
**THAT** the minutes of the Public Hearing for Village of Pemberton Official Community Plan Amendment ('580' Hillside Lands) Bylaw No. 789, 2015, held Tuesday, December 8, 2015, be adopted as circulated.  
**CARRIED**

**c) Public Hearing – Village of Pemberton Zoning Amendment (‘580’ Hillside Lands) Bylaw No. 790, 2015 – Tuesday, December 8, 2015**

Moved/Seconded

**THAT** the minutes of the Public Hearing for Village of Pemberton Zoning Amendment (‘580’ Hillside Lands) Bylaw No. 790, 2015, held Tuesday, December 8, 2015, be adopted as circulated.

**CARRIED**

**5. BUSINESS ARISING**

There was no business arising.

**6. COMMITTEE MINUTES – FOR INFORMATION**

There were no minutes to be received.

**7. DELEGATIONS**

There were no delegations to be received.

**8. REPORTS**

**a) Office of the CAO**

**i. Green River Quarry**

Moved/Seconded

**THAT** Council receives the Green River Quarry report for information;

**AND THAT** Council make a formal request to the Pemberton Valley Dyking District that the Village of Pemberton would like access to the materials at the Green River Quarry for Community Use and Community Benefit.

**CARRIED**

**ii. 2015 – 2019 Five Year Financial Plan Timeline**

Moved/Seconded

**THAT** Council receive the Five Year Financial Plan and Tax Rates Bylaws’ Report for information.

**CARRIED**

**b) Corporate & Legislative Services**

**i. Community Enhancement Fund Grant – Sea to Sky Clean Air Society – Bike to Work Week**

Moved/Seconded

**THAT** Council approves an allocation from the Community Enhancement Fund, in the amount of \$1,000, to the Sea to Sky Clean Air Society to support the promotion of 2016 Bike to Work Week.

**CARRIED**

**c) Mayor**

Mayor Richman reported on the following:

- Acknowledged Hops Connect, a local business, for receiving *Business in Vancouver's* 2015 Exporter of the Year award in the natural resources category
- Extended appreciation to Mr. Paul Vacirca, co-owner and manager of Rona, for donating the Christmas lights on display in front of the downtown community barn
- Reminder of the Village Office and Community Centre Holiday Schedule
- Announced that there will be Christmas concerts this week at Signal Hill
- Announced that the Drinking and Driving Counter Attack is underway
- Wished everyone happy holidays

**d) Councillors**

**Councillor Craddock**

Councillor Craddock wished everyone a happy and safe holiday season.

**Councillor Linklater**

Councillor Linklater did not have anything to report at this time.

**Councillor Helmer**

Councillor Helmer did not have anything to report at this time.

**Councillor Ross**

Councillor Ross did not have anything to report at this time.

## 9. BYLAWS

### a) Third Reading

#### i. Village of Pemberton Official Community Plan Amendment ('580' Hillside Lands) Bylaw No. 789, 2015

Moved/Seconded

**THAT** Council amend Official Community Bylaw No. 654, 2011, Amendment ('580' Hillside Lands) Bylaw No. 789, 2015 by replacing Schedule "A", with the revised Schedule "A" attached to this report.

**CARRIED**

Moved/Seconded

**THAT** Official Community Bylaw No. 654, 2011, Amendment ('580' Hillside Lands) Bylaw No. 789, 2015 be given Third Reading, as amended.

**CARRIED**

Moved/Seconded

**THAT** Council request that the Approving Officer consider the 2013 Keystone Environmental Report follow-up recommendations in conjunction with the subdivision application review and that staff report back to Council.

**CARRIED**

#### ii. Village of Pemberton Zoning Amendment ('580' Hillside Lands) Bylaw No. 790, 2015

Moved/Seconded

**THAT** Council amend Village of Pemberton Zoning Bylaw No. 466, 2011, Amendment ('580' Hillside Lands) Bylaw No. 790, 2015 to:

1. replace Schedule "A", with the revised Schedule "A" attached to this report;
2. delete Section 302C.2(c) and replace it with the following:

The densities may be increased from the requirements identified in Section 302B.2(a) to the requirements identified in Section 302.3(b) providing contributions toward community amenities have been provided through a voluntary contribution of \$9165 per single family or bed & breakfast lot, payable either:

- i) in cash prior to the registration of a plan of subdivision and to be held in a reserve fund by the Village for the purpose of future recreational capital costs on sports

fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses; and/or

- ii) in-kind works and services provided that they are approved by the Village in writing prior to the registration of a plan of subdivision for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses;
3. delete the word "maximum" and replace it with the word "minimum" in Section 303B.2 (b);
  4. delete Section 303B.2(e) and replace it with the following:

The densities may be increased from the requirements identified in Section 303B.2(a) and 303B.2(b) to the requirements identified in Section 303.2(c) and Section 303.2(d) providing contributions toward community amenities have been provided through a voluntary contribution of \$9165 per single family or bed & breakfast lot or \$6110.00 per townhouse unit, payable either:

- i) in cash at the earlier of building permit issuance or registration of a plan of subdivision, to be held in a reserve fund by the Village for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses; and/or
- ii) in-kind works and services provided that they are approved by the Village in writing at the earlier of building permit issuance or registration of a plan of subdivision, for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses.

**CARRIED**

Moved/Seconded

**THAT** Village of Pemberton Zoning Bylaw No. 466, 2011, Amendment ('580' Hillside Lands) Bylaw No. 790, 2015 be given Third Reading as amended.

**CARRIED**

## 10. CORRESPONDENCE

### b) For Information

No correspondence for information for consideration.



**c) For Action**

- i. **Ms. Melissa Darou, dated December 5, 2015, regarding concerns about the condition of road markings on Highway 99 between Whistler and Pemberton and requesting the Village raise this with the Ministry of Transportation and Infrastructure.**

Moved/Seconded

**THAT** correspondence be sent to the Ministry of Transportation and Infrastructure regarding the condition of road markings on Highway 99 between Whistler and Pemberton and request that maintenance in this area be made a priority;

**AND THAT** a copy of the correspondence be sent to MLA Jordan Sturdy.

**CARRIED**

- ii. **Ms. Kristen Clark, Director of Legislative and Corporate Services, Squamish-Lillooet Regional District, dated December 9, 2015, regarding recommended changes from the Resort Municipality of Whistler regarding the Squamish-Lillooet Regional District Solid Waste and Resource Management Plan.**

Moved/Seconded

**THAT** the correspondence from the Squamish-Lillooet Regional District regarding the Solid Waste and Resource Management Plan be referred to Planning Staff for review and comment.

**CARRIED**

- iii. **Ms. Danyta Welch, Union of British Columbia Municipalities, dated December 9, 2015, regarding input sought on Ministry of Agriculture's Agri-Tourism Bylaw Standard.**

Moved/Seconded

**THAT** staff prepare a report regarding Agri-Tourism, which will include information from the Squamish-Lillooet Regional District's Agriculture Advisory Committee, Squamish-Lillooet Regional District's Board, and the Pemberton Farmer's Institute, for Council's consideration at the February 2, 2016, regular meeting.

**AND THAT** staff send correspondence to the Ministry of Agriculture requesting an extension for providing comment on the Agri-Tourism Bylaw Standard.

**CARRIED**

**11. DECISION ON LATE BUSINESS**

There was no late business to be considered.

## 12. LATE BUSINESS

There was no late business

## 13. NOTICE OF MOTION

There was no notice of motion.

## 14. QUESTION PERIOD

### Maureen Douglas – 1472 Olive Street

Ms. Douglas reminded Council of the Chamber of Commerce's study on the wedding industry in the Pemberton Valley and suggested that the Chamber of Commerce's input be included in the report to Council regarding the Ministry of Agriculture's Agri-Tourism Bylaw Standard.

## 15. IN CAMERA

Moved/Seconded

**THAT** pursuant to Section 90 (1) (a) personnel and (g) litigation and (k) negotiations, of the *Community Charter*, the Council of the Village of Pemberton serve notice to hold an In-Camera Meeting on today's date for the purpose of dealing with matters for which the public shall be excluded from attending.

**CARRIED**

At 9:55 a.m. the Council meeting was recessed.

At 10:05 a.m. the Council meeting was reconvened and moved In Camera.

At 12:54 p.m. Council rose with report and reconvened the meeting.

## 16. RISE WITH REPORT

Council Rose with Report on appointments to the following Commissions:

### i) Advisory Land Use Commission

Nikki Vanker  
Annie Millar  
Amica Antonelli  
Kathy Jenkins

### ii) Advisory Design Review Commission

Bob Adams  
Caroline McBain  
Nicole Brink  
Marc Mendonca

**17. AJOURNMENT**

Moved/Seconded

**THAT** the December 15, 2015 Regular meeting be adjourned at 12:54 p.m.

**CARRIED**

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

**VILLAGE OF PEMBERTON  
-SPECIAL COUNCIL MEETING MINUTES-**

**Minutes of the Regular Meeting** of Council of the Village of Pemberton held on Wednesday, December 30, 2015 at 8:00 a.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1415.

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**IN ATTENDANCE:** Councillor Ted Craddock  
Councillor James Linklater  
Councillor Karen Ross

**By Telephone:** Councillor Jennie Helmer

**Absent:** Mayor Mike Richman

**STAFF IN ATTENDANCE:** Nikki Gilmore, Chief Administrative Officer  
Sheena Fraser, Manager of Corporate & Legislative Services  
Robert Grossman, Fire Chief

**Public:** 1

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1. Appointment of the Presiding Member

Moved/Seconded

**THAT** Councillor Ross be appointed the Chair of the meeting in the absence of Mayor Richman and as Councillor Helmer, who is Acting Mayor, is unable to attend in person.

**CARRIED**

2. **CALL TO ORDER**

At 8:00 a.m. Councillor Ross called the meeting to order.

3. **APPROVAL OF AGENDA**

Moved/Seconded

**THAT** the Agenda be approved as presented.

**CARRIED**

4. **Alternative Approval Process – Triple Combination Pumper Truck Loan Authorization Bylaw No. 795, 2015 – Alternative Approval Process Results**

Moved/Seconded

**THAT** this report and the Certificate of Sufficiency, both dated December 30, 2015, regarding the Alternative Approval Process conducted to seek approval from the electorate for borrowing from the Municipal Finance Authority for the sum of \$533,536 for the purchase of a Triple Combination Pumper Truck be received.

**CARRIED**

## 5. BYLAWS

### a) Adoption

#### i. Triple Combination Pumper Truck Loan Authorization Bylaw No. 795, 2015

Moved/Seconded

**THAT** the Village of Pemberton Triple Combination Pumper Truck Loan Authorization Bylaw No. 795, 2015 be given Fourth and Final Reading.

**CARRIED**

Council sought clarification as to the Notice provided for the Special Council Meeting. Staff confirmed that the Council Meeting Calendar, located on the Village website, was updated to include the December 30<sup>th</sup> Special Council Meeting on December 15<sup>th</sup>, Notice of the Special Council Meeting, which included the purpose of the meeting, was posted on the Village Notice Boards at the Village Office and at the Post Office on December 22<sup>nd</sup> and in the Whistler Question on December 22<sup>nd</sup> and December 29<sup>th</sup>. The Agenda for the Special Meeting was posted on December 24<sup>th</sup> with a revised agenda, that included the report to Council with the results of the Alternative Approval Process, was posted on December 29<sup>th</sup> and a reminder notice was posted on the Village Facebook Page.

## 6. AJOURNMENT

Moved/Seconded

**THAT** the December 30, 2015 Special meeting be adjourned at 8:07 a.m.

**CARRIED**

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

**WEBSITE FORM SUBMISSION**

The following was submitted from the pemberton.ca **Request to Appear before Council Form**.

**Full Name:** Anna Helmer

**Email Address:** [REDACTED]

**Phone Number:** [REDACTED]

**Mailing Address:** [REDACTED]

**Street Address:** [REDACTED]

**Town/City:** Pemberton

**Province/State:** BC

**Postal/Zip Code:** V0N 2L0

**Country:** Canada

**Requested Date:** 1/19/2016 12:00:00 AM

**Purpose of Presentation:** Presentation from the President of the Pemberton Farmers Institute on the impact of commercial events held on ALR properties in the Pemberton area.

**By submitting this form, you agree to the terms and conditions listed below: I**

Agree

**TERMS & CONDITIONS**

I/We acknowledge that only the above matter will be discussed during the delegation and that Council shall not act on a request from a delegation until the next regular meeting.

Where the subject matter of a delegation pertains to legal matters, personnel, and/or private property issues, the Village of Pemberton reserves the right not to hear such delegations.

Comments that are defamatory, hateful, racist, discriminatory, homophobic, sexist, contrary to good morals, disrespectful to persons will not be accepted.

Council meetings are public meetings unless the public interest requires closure to the public pursuant to the Community Charter. This request may become part of the public record in the meeting agenda package, which will be distributed to Council, staff, media, and the public online at [www.pemberton.ca](http://www.pemberton.ca).

**Date:** January 19, 2016  
**To:** Nikki Gilmore, Chief Administrative Officer  
**From:** Sheena Fraser, Manager of Corporate & Legislative Services  
**Subject:** Agri-tourism & Farm Retail Sales in the ALR  
Discussion Paper & Proposed Minister's Bylaw Standard

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### **PURPOSE**

The purpose of this report is to provide to Council information from other entities respecting the Ministry of Agriculture's Discussion Paper & Proposed Minister's Bylaw Standard related to Agri-tourism & Farm Retail Sales in the ALR (Appendix A).

### **BACKGROUND**

At the Regular Council Meeting No. 1414, held Tuesday, December 15, 2015, Council received correspondence from Danyta Welch, Union of British Columbia Municipalities, regarding input being sought on the Ministry of Agriculture's Agri-tourism Bylaw Standard.

Council was also advised that this matter had been before the Squamish Lillooet Regional District Board at the November 25, 2015 Board Meeting. In this regard, the SLRD Board passed the following resolutions:

***Direction Request - Ministry of Agriculture - Discussion Paper and Proposed Minister's Bylaw Standards (September 14, 2015) - Regulating Agri-tourism & Farm Retail Sales in the ALR***

***It was moved and seconded:***

*THAT the Direction Request - Ministry of Agriculture - Discussion Paper and Proposed Minister's Bylaw Standards (September 14, 2015) - Regulating Agri-tourism & Farm Retail Sales in the ALR be received.*

**CARRIED**

***It was moved and seconded:***

*THAT the Ministry of Agriculture be requested to reconsider the definition of agri-tourism so as to include commercial events in the agri-tourism definition, as the commercial events industry is an important part of the Pemberton Valley economy that supports agriculture in the community.*

**CARRIED**

***It was moved and seconded:***

*THAT the SLRD send a letter to the Minister of Agriculture outlining the SLRD's and the SLRD Agricultural Advisory Committees' (AAC) comments on the Proposed Criteria for Minister's Bylaw Standards.*

**CARRIED**

***It was moved and seconded:***

*THAT the Board's resolution of August 26, 2015 regarding the moratorium on bylaw enforcement related to commercial events on properties located within the Agricultural Land Reserve be maintained until such time as a final definition of agri-tourism is provided by the Province.*

**CARRIED**

As a result of discussion that took place at the Council meeting the following resolution was passed:

*Moved/Seconded*

***THAT*** staff prepare a report regarding Agri-Tourism, which will include information from the Squamish-Lillooet Regional District's Agriculture Advisory Committee, Squamish-Lillooet Regional District's Board, and the Pemberton Farmer's Institute, for Council's consideration at the February 2, 2016, regular meeting.

***AND THAT*** staff send correspondence to the Ministry of Agriculture requesting an extension for providing comment on the Agri-Tourism Bylaw Standard.

**CARRIED**

## **DISCUSSION & COMMENTS**

### **Agency Comments:**

Attached, for Council's review as Appendix A, is the Discussion Paper which was issued by the Ministry of Agriculture on September 15, 2015 with a request that comment from local government be provided by November 30, 2015. Subsequently, the deadline for comment was extended to January 15, 2016.

As per Council's request, also attached to this report is the following:

- Squamish Lillooet Regional District Staff Report, dated November 25, 2015, seeking Board Direction with respect to the Discussion Paper and Proposed Minister's Bylaw Standards regulating Agri-tourism & Farm Retail Sales in the ALR (Appendix B). This report includes comments from the Area C & Area B Agricultural Advisory Committees.
- Presentation to the SLRD Board by Roxanna Kurne, Pemberton Farmers Institute, dated December 15, 2105 (Appendix C)

Council had requested information from the Area C Agricultural Advisory Committee as well. The minutes of the November 4, 2015 meeting at which this issue was discussed are not yet available; however, as noted above the SLRD Staff report does bring forward the comments made by the Committee at that meeting.



### **Extension for Comments Request:**

The revised deadline for comment was established at January 15, 2016. As per Council's direction, correspondence was sent to the Ministry of Agriculture requesting an extension to February to accommodate a more thorough review and allow time for Staff to prepare a report. However, Ministry Officials have advised that although comments received after January 15, 2016 may be considered any comments received after January 31, 2016 will not be considered. Given this information, it was determined that it would be appropriate to bring forward the information requested for review and discussion by Council on January 19<sup>th</sup> rather than wait until February 2<sup>nd</sup>. Unfortunately, as a result of staff absences a full review and analysis of the discussion paper has not been completed.

### **Chamber of Commerce: Pemberton Commercial Events Committee**

It should be noted that in October the Squamish Lillooet Regional District sent correspondence to the Pemberton & District Chamber of Commerce requesting that they established a committee to review the discussion paper and provide feedback specifically on commercial events in Pemberton (Appendix D). As a result the Pemberton Commercial Events Committee was established and has met twice on December 15, 2015 and again on Tuesday, January 12, 2016. The Committee is made up of local individuals or businesses involved in the special events industry, which includes wedding planning, as well as representatives from local government and the SLRD Agricultural Advisory Committee. Village of Pemberton Staff also attended both meetings and participated in the discussions.

The Committee concluded its review and correspondence was sent to the SLRD on January 14, 2016. A copy of that letter is attached as Appendix E.

Additionally, the Committee has submitted a letter in response to the Ministry of Agriculture providing feedback to the Discussion Paper. A copy of that letter is attached as Appendix D.

### **COMMUNICATIONS**

There is no communications element required at this time.

### **LEGAL CONSIDERATIONS**

There are no legal, legislative or regulatory considerations at this time.

### **IMPACT ON BUDGET & STAFFING**

There are no impacts to the budget or staff hours for considerations at this time.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

There are no interdepartmental impacts or approvals required at this time.

### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

The proposed bylaw standards being considered by the Ministry are intended to expand upon existing provincial regulations and policies as a means to provide clearer direction to local government with respect to agri-tourism and farm retail sales within the Agricultural Land Reserve. Enforcement will remain the responsibility of the Agricultural Land Commission (ALC), however, if the local governments proceed with the implementation of any new standards or

regulations it will become the responsibility of local government and in the case of the Pemberton Valley, properties outside the Village boundaries, the SLRD to oversee. The SLRD has been actively working on review of the discussion paper through consultation with the Agricultural Advisory Committee and has sought comment from a working group established by the Pemberton & District Chamber of Commerce.

### **ALTERNATIVE OPTIONS**

As this report and the documentation appended is provided for information purposes there are no options being recommended at this time.

### **POTENTIAL GOVERNANCE CONSIDERATIONS**

Review of the Discussion Paper & Proposed Minister's Bylaw Standard meets with Strategic Priority No. One: Economic Vitality and Priority No. Four: Social Responsibility

### **RECOMMENDATIONS**

**THAT** the report and information provided be received for information.

### **Attachments:**

- Appendix A:** Agri-tourism & Farm Retail Sales in the ALR, Discussion Paper & Proposed Ministers' Bylaw Standards, dated September 14, 2015
- Appendix B:** SLRD Staff Report to the Board, dated November 25, 2015
- Appendix C:** Pemberton Farmers Institute Presentation to the Board, dated December 16, 2015
- Appendix D:** Correspondence from the SLRD to the Chamber of Commerce, dated October 27, 2015.
- Appendix E:** Correspondence from the Chamber of Commerce to the SLRD, dated January 14, 2016
- Appendix F:** Correspondence from the Chamber of Commerce Pemberton Commercial Events Committee, dated January 14, 2016, to Honourable Norm Letnick, Minister of Agriculture

### **MANAGER:**



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Sheena Fraser  
Manager of Corporate & Legislative Services

### **CHIEF ADMINISTRATIVE OFFICER REVIEW**



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Nikki Gilmore, Chief Administrative Officer

## Input Sought on Agri-Tourism Bylaw Standard

**Dec. 9, 2015**

The B.C. Ministry of Agriculture has extended the consultation period on its discussion paper for a proposed Minister's Bylaw Standard for agri-tourism in the Agricultural Land Reserve. The deadline for submissions is January 15, 2016.

The [discussion paper](#) outlines a draft Minister's Bylaw Standard intended to assist local government bylaw development regulating agri-tourism, agri-tourism accommodation and farm retail sales in the Agricultural Land Reserve. Agri-tourism operators have also have been afforded the opportunity to provide their feedback.

Based on the input received, staff will prepare any necessary revisions and submit the bylaw standard for the Minister's approval. If approved, the definitions and bylaw standard criteria in Part 4 of the document will be incorporated in the *Guide for Bylaw Development in Farming Areas* pursuant to Section 916 of the Local Government Act.

Comments may be submitted by mail, fax or email:

Ministry of Agriculture Strengthening Farming Program  
1767 Angus Campbell Road Abbotsford, B.C.  
V3G 2M3  
Fax: (250) 356-0358  
[AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)

Please copy UBCM with your submission through [Danyta Welch](#), Program and Policy Officer (250) 356-5193.



**Regulating  
Agri-tourism and Farm Retail Sales  
in the Agricultural Land Reserve**

**DISCUSSION PAPER AND PROPOSED MINISTER'S BYLAW  
STANDARDS**

**September 14, 2015**

**November 30, 2015** - *revised to extend the deadline for feedback to midnight PST  
January 15, 2016 and to open the consultation to Agri-tourism Operators to provide  
feedback.*

**Prepared by:  
Strengthening Farming Program  
Innovation and Adaptation Services Branch**

## Executive Summary

This discussion paper ('white paper') has been prepared by the B.C. Ministry of Agriculture (AGRI) Strengthening Farming Program, Innovation and Adaptation Branch for input on the establishment of a Minister's Bylaw Standard to assist local government bylaw development regarding agri-tourism, agri-tourism accommodation and farm retail sales.

Its preparation follows the 2014 AGRI's consultation on the Agricultural Land Reserve (ALR) Use, Subdivision and Procedure Regulation (ALR USP Regulation) in which local governments expressed strong support for AGRI to provide greater clarity in guidance to local government bylaws on agri-tourism.

The proposed Minister's Bylaw Standard criteria, set out in Part 3.0, result from input contributed by the Agricultural Land Commission (ALC), local governments and the agricultural sector. While the proposed Minister's Bylaw Standard provisions apply to land in the Agricultural Land Reserve (ALR), local governments may also wish to adopt for all agriculturally zoned property.

AGRI invites local governments to review the proposed Minister's Bylaw Standard and provide feedback to the contact listed on page 13 by November 30, 2015. Feedback received will be analysed by AGRI staff, with updates and improvements made to the proposed Minister's Bylaw Standard in preparation for the Minister of Agriculture's (Minister) consideration.

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# Introduction

This paper outlines draft criteria to assist local governments in regulating their agri-tourism, agri-tourism accommodation and farm retail sales bylaws, aiming to encourage further discussion on the matter with local governments, the ALC and the farm sector. It is important that the bylaw standard criteria effectively guide local government land use regulations within the context, and intents, of the *Agricultural Land Commission, Farm Practices Protections (Right to Farm)*, and *Local Government and Community Charter Acts* and their regulations. The draft criteria reflect analysis undertaken by AGRI staff, previous consultations with local governments, the ALC, industry, and the Ministry of Community, Sport and Cultural Development (CSCD).

## 1.0 Part one – The Criteria Development Process

This paper explores and proposes land use regulation and policy guidance for local governments to address agri-tourism and farm retail sales issues in their communities, while recognizing these uses are permitted (with exceptions) within the ALR.

Following consultation with stakeholders and approval by the Minister, the bylaw criteria will become a Minister’s Bylaw Standard and incorporated within the “Guide for Bylaw Development in Farming Areas” (Bylaw Guide).<sup>1</sup>

### 1.1 Purpose and Goals

The purposes of establishing land use regulation criteria to address local government concerns regarding agri-tourism and farm retail sales are to:

1. Establish a Minister’s Bylaw Standard that provides flexibility for local governments to shape agri-tourism activity in their community while ensuring that agriculture in the ALR continues as a priority use;
2. Address the needs of the agriculture sector/industry to supplement farming income;
3. Minimize the impact of agri-tourism and retail sales on farm practices and farming potential in farming areas;
4. Minimize loss and/or fragmentation of farmland due to agri-tourism and retail sales uses;
5. Reduce the financial imbalance that results from large scale commercial operations locating inexpensively in the ALR and outcompeting those that have located in appropriate commercial zones; and
6. Minimize the risk of agri-tourism and farm retail sales buildings and structures being used for non-farm purposes.

### 1.2 Stakeholders

Stakeholders involved in developing these Bylaw Standard criteria include:

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<sup>1</sup> Under the *Local Government Act* (Part 26, Division 8, Section 916), the Minister responsible for the *Farm Practices Protection (Right to Farm) Act* can develop bylaw standards to guide the development of zoning and farm bylaws. Development of provincial standards is intended to promote consistency in the regulation of, and planning for, farming. However, provision has been made under Section 916(3) to allow the standards to differ, if necessary, to respond to BC’s diverse farming industry and land base.

- a) Local governments and their Agricultural Advisory Committees (AAC);
- b) Agriculture industry;
- c) ALC;
- d) Strengthening Farming Directors Committee,
- e) CSCD; and
- f) Ministry of Jobs, Tourism and Skills Training.

## 1.3 Objectives of the Process

The objectives of the process are to:

1. Create a set of Bylaw Standard criteria for stakeholder review;
2. Consult with stakeholders; and
3. Develop a Minister's Bylaw Standard that local governments can apply as regulation or policy.

## 1.4 Key Steps

The key steps in creating the Minister's Bylaw Standard are:

1. Review relevant literature including AGRI and ALC policies;
2. Review and compare local government regulations and policies;
3. Develop draft criteria;
4. Consult with internal and external stakeholders on the draft criteria;
5. Revise criteria for consideration by the Minister;
6. Seek Minister's approval; and
7. Encourage local governments to adopt and apply criteria.

## 1.5 Current Status (August 2015)

AGRI staff have:

- Reviewed previous agri-tourism and farm retail sales consultations with local governments, industry, the ALC and CSCD;
- Reviewed existing ALC policies on agri-tourism, agri-tourism accommodation and farm retail sales; and,
- Prepared this draft discussion 'white paper' on agri-tourism and farm retail sales land use bylaw guidance for further local government consultations over the 2015/2016 fall and winter.

## 1.6 Context for Bylaw Standard Establishment

AGRI has initiated Minister's Bylaw Standards in the past for three significant agricultural issues which have been approved by the Minister. AGRI staff use the Minister's Bylaw Standards to encourage local governments to adopt them into their land use bylaws. They are:

- Regulating Medical Marihuana Production Facilities in the ALR (2014);
- Combined Heat and Power Generation at Greenhouses in the ALR (2013); and



- Siting and Size of Residential Uses in the ALR (2011).

These Minister's Bylaw Standards can be found in AGRI's "Guide for Bylaw Development in Farming Areas" with additional information at:

<http://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards-and-farm-bylaws>.

## 2.0 Part two - Background

### 2.1 Context

Farmers throughout B.C. are looking for options to increase their economic viability, including agri-tourism and farm retail sales. These two particular issues have become more prominent in recent years and local governments are amending their agri-tourism, agri-tourism accommodation and farm retail sales bylaws, sometimes causing frustration with farmers and the public. Sometimes there may be conflicting community views on what actually constitutes agri-tourism activities, and what 'accessory', 'seasonal', and 'temporary' within this context really mean.

While the ALC provides direction regarding agri-tourism and farm retail sales in the ALR, one of the questions asked during the Ministry's 2014 ALR USP Regulation consultation process included agri-tourism, with local governments indicating strong support for AGRI to develop greater clarity in bylaw guidance for agri-tourism. Incorporating analysis from previous consultation, AGRI staff anticipate strong response from stakeholders on the subject.

Ideally, developing this new Minister's Bylaw Standard will assist in balancing stakeholder concerns, minimize community frustration, and provide greater certainty while maintaining the flexibility required for local government community decision making and variation. The proposed Minister's Bylaw Standard applies to property in the ALR. Given, however, that agricultural activity in B.C. takes place both on ALR and non-ALR property, local governments with agriculturally zoned land may also consider adopting it.

### 2.2 Current Policy, Legislation and Regulation

Agri-tourism and farm retail sales are defined as farm uses by the ALR USP Regulation<sup>2</sup> of the *Agriculture Land Commission Act* where a farm use means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*:

- Agri-tourism is a tourist activity, service or facility accessory to ALR land classified as a farm under the *Assessment Act*, if the use is **temporary and seasonal**, and promotes or markets farm products grown, raised or processed on the farm.
- Farm retail sales if all of the farm product offered for sale is produced on the farm on which the retail sales are taking place, or at least 50% of the retail sales area is limited to the sale of farm products produced on the farm on which the retail sales are taking place

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<sup>2</sup> B.C. Reg. 171/2002 Agricultural Land Reserve Use, Subdivision and Procedure Regulation. Last retrieved August 24, 2015 from <http://www.alc.gov.bc.ca/alc/content.page?id=A631A2319799460A98F62978A2FE60E3>

and the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m<sup>2</sup>.

Local governments cannot prohibit agri-tourism activities, other than agri-tourism accommodation, or farm retail sales regulated by the ALR USP Regulation unless by a Farm Bylaw designated by the Minister by Section 917 of the *Local Government Act*.

The ALC also publishes several policy documents on agri-tourism, agri-tourism accommodation and farm retail sales with respect to land in the ALR.

*“The policies of the Commission provide interpretation and clarification of the regulations; outline guidelines, strategies, rules or positions on various issues and provides clarification and courses of action consistently taken or adopted, formally or informally.”<sup>3</sup> - ALC*

These ALC policies include their terms of ‘seasonal’ and ‘temporary’:

- **Temporary** –means a use or activity in a facility or area that is established and used on a limited time basis for agri-tourism activities. If a building or structure is required for this use, temporary use of the building or structure means a use for agri-tourism for less than 12 months of the year. The building or structure may be used for other permitted uses during the course of, or for the remainder of the year.
- **Seasonal** - means a use or activity in a facility or area for less than 12 months of the year.<sup>4</sup>

A recent 2015 B.C. Supreme Court ruling *Heather Hills Farm Society v. Agricultural Land Commission*, addresses the subject of agri-tourism, and in this case whether a particular golf course and sheep pasture is a permitted agri-tourism use. Interestingly, within the reasons for judgement that ultimately dismisses the petition; the judge also references what cannot be described as reasonably temporary, with respect to what is written in the ALR USP Regulation:

*[51] The Regulation also requires that an agri-tourism use be temporary and seasonal. A golf course requires alteration of the land in the form of particular landscaping, sand traps, water hazards etc. Photographs that were put into evidence show changes of precisely that kind to the petitioners’ property. Those changes must remain in place as long as operation of the golf course continues and cannot reasonably be described as temporary.<sup>5</sup>*

The intent of this proposed Bylaw Standard is to provide greater clarity on what constitutes agri-tourism, agri-tourism accommodation, farm retail sales, and the definitions of temporary and seasonal.

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<sup>3</sup> ALC. *Legislation and Regulation*. Last retrieved August 24, 2015 from <http://www.alc.gov.bc.ca/alc/content.page?id=4179AB0F33494261A5B6CEF2A4F8F296>

<sup>4</sup> ALC. *Policy #4 Activities designated as Farm Use: Agri-tourism Activities in the ALR*, 2003. Last retrieved August 24, 2015 from [http://www.alc.gov.bc.ca/alc/DownloadAsset?assetId=9A907E9B31224D808675BE2E5D78ADBB&filename=policy\\_4\\_agri-tourism\\_activities.pdf](http://www.alc.gov.bc.ca/alc/DownloadAsset?assetId=9A907E9B31224D808675BE2E5D78ADBB&filename=policy_4_agri-tourism_activities.pdf)

<sup>5</sup> *Heather Hills Farm Society v. Agricultural Land Commission*, 2015 BCSC 1108

For farm retail sales, the processing/marketing of off-farm products may not be protected under the *Farm Practices Protection Act* unless there are limits prescribed by the Minister under the *Farm Practices Protection Act*.<sup>6</sup> This has implications for farms considering those options.

## 3.0 Part three – Proposed Set of Criteria

Part three introduces a set of criteria in which local governments would be encouraged to consider when developing or amending their own bylaws on agri-tourism, agri-tourism accommodation and farm retail sales. A rationale is provided for why certain criteria provisions should be introduced and a proposed list is summarized of criteria and definitions.

### 3.1 Proposed Definitions

<b>Accessory (agri-tourism)</b>	means that the <i>agri-tourism</i> is subordinate to the active <i>farm operation</i> on the same lot. <i>Agri-tourism</i> uses and activities only augment a farmer’s regular farm income, not exceed or replace it.
<b>Agri-tourism</b>	is travel that combines agricultural or rural settings with products of agricultural operations – all within a tourism experience that is paid for by visitors. It is a tourist activity, service or facility which is <i>accessory</i> to a <i>farm operation</i> , as defined in the <i>Farm Practices Protection (Right to Farm) Act</i> , where the land is classified as a farm under the <i>Assessment Act</i> ; and, where the farm is in active operation each year.
<b>Off-farm and non-farm products</b>	means products that are not from the <i>farm unit</i> of which the subject property is part.
<b>Regular Seasonal (agri-tourism)</b>	means the occurrence over the same <i>season(s)</i> , or at the same time, each year.
<b>Season (agri-tourism)</b>	means: one of the four periods of the year: spring, summer, autumn or winter; the period of the year when something that regularly occurs every year happens; e.g. pumpkin festival before Halloween; and/or the period(s) when most people take their holidays, go to visit places, or take part in an activity outside of work.
<b>Seasonal (agri-tourism)</b>	means: relating to, dependant on, determined by, or characteristic of a particular <i>season</i> of the year; fluctuating according to the <i>season</i> ; and/or

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<sup>6</sup> For more information, readers may wish to review the September 7, 2011 BC Farm Industry Review Board decision *Maddalozzo v. Pacific Coast Fruit Products Ltd* last retrieved September 8, 2015 from [http://www2.gov.bc.ca/assets/gov/business/natural-resource-industries/agriculture/agriculture-documents/bc-farm-industry-review-board-docs/maddalozzo\\_v\\_pcfp\\_dec\\_sep7\\_11.pdf](http://www2.gov.bc.ca/assets/gov/business/natural-resource-industries/agriculture/agriculture-documents/bc-farm-industry-review-board-docs/maddalozzo_v_pcfp_dec_sep7_11.pdf)

available, or used, during one or more *seasons*, or at specific times of the year - for less than twelve months of the year.

**Small-scale (agri-tourism)**

means to be minor or limited in size, scope, or extent. [Local governments could specify amounts.]

**Temporary (agri-tourism)**

means having a limited duration, lasting or designed to last for only a limited time each week, month, or year. E.g. an activity occurs each year at the same time at a nearby festival, or other event, or only a maximum duration of three days at a time.

### 3.2 Accessory Farm Activity

Local governments should identify *agri-tourism* as a permitted *accessory* use in all zones where agriculture or farming is a permitted use. *Accessory agri-tourism* use in the ALR is subordinate and customarily incidental to the active *farm operation* on the same lot. **Agri-tourism uses and activities only augment a farmer’s regular farm income, rather than exceed or replace it.**

**Table 1. Examples of Agri-Tourism and Farm Incomes**

Column A	Column B
Agri-tourism Income	Farm Income
Entry or participation fees, tour fees	Primary agricultural production income
Fees for tours, services and workshops related to the farm operation	Value-added operations: processing of <i>own farm products</i>
Retail sales of <i>off-farm</i> or <i>non-farm products</i>	Retail sales of <i>own farm products</i>
Agri-tourism accommodation charges	

To be considered *accessory*, the annual income from *agri-tourism* [Column A] must be no more than the annual regular farm income [Column B]. The ALC may allow a larger proportion of *agri-tourism* activity on a farm, if the farmer applies for a non-farm use approval.

Examples include a farmer intending to regularly host special events such as commercial weddings, conferences or an annual music festival. A local government could decide whether to support those commercial activities in its zoning if it is authorized by the ALC.

### 3.3 Farm Class

Income from *accessory agri-tourism* activities is not used to define *farm class* under the *Assessment Act* (Sec 23 and Farm Class Reg. 411/95). Income for the purposes of *farm class* is calculated based on the farm gate amounts for qualifying agricultural products and must be generated in one of two relevant reporting periods (i.e., once every two years).

### 3.4 Agri-tourism Temporary and Seasonal Use in the ALR

Local governments should regard *agri-tourism* uses as a *temporary* and *seasonal* use. See the definitions for guidance on defining these terms.

### 3.5 Permitted and ALC approval required agri-tourism activities

Table 2. Tiers of Agri-tourism Activities

Activities	Tier 1 Permitted Agri-tourism activities	Tier 2 Activities/events that require ALC approval
On-farm	<ul style="list-style-type: none"> <li>• educational tours – general public, school children</li> <li>• on-farm marketing, including U-pick and pumpkin patches</li> <li>• temporary corn maze or Christmas tree maze</li> <li>• agricultural heritage events</li> <li>• ranch or farm tours</li> <li>• livestock shows</li> <li>• harvest festivals</li> <li>• on-farm classes and/or workshops related to the farm operation</li> <li>• farm stays or B&amp;B</li> <li>• on-farm processing facility tours</li> </ul>	<ul style="list-style-type: none"> <li>• Non-farm-uses and commercial entertainment activities which do not have an agricultural component:</li> <li>• e.g., paint ball course, dirt bike trails, all-terrain vehicles trails, mini-train parks, remote control runways, helicopter tours, etc.</li> <li>• event and facility rentals</li> <li>• concerts, theatre or music festivals</li> <li>• commercial weddings, banquets, celebrations and any other commercial assembly activity</li> </ul>
Parking	<ul style="list-style-type: none"> <li>• self-contained, off-road parking</li> <li>• some overflow could be on neighbouring farm(s) provided it's for infrequent events, no permanent alterations to the agricultural land, and no resurfacing such as with gravel or asphalt paving</li> <li>• allow for school and tour buses</li> <li>• on-road parking at the discretion of the local government or Ministry of Transportation in Regional Districts</li> </ul>	<ul style="list-style-type: none"> <li>• Off-site overflow parking that is used on a frequent basis or that requires resurfacing</li> </ul>
ALC non-farm use application approval or local government	<ul style="list-style-type: none"> <li>• No local government temporary use or rezoning permits required,; outright use is permitted</li> </ul>	<ul style="list-style-type: none"> <li>• ALC non-farm use application approval</li> <li>• Local government non-agriculture related activities or</li> </ul>

permit requirements	<ul style="list-style-type: none"> <li>No ALC non-farm use application approval</li> </ul>	events may also require a separate zone or temporary use permit <ul style="list-style-type: none"> <li>Special local government permits - per event or per day, or both</li> </ul>
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### 3.6 Agri-tourism Accommodation

Section 3 of the ALR USP Regulation permits *accessory* accommodation for agri-tourism on a farm in the ALR, but allows a local government to regulate and/or prohibit the use.

Where accommodation for agri-tourism is allowed by a local government the following standards are recommended:

- Total developed area for buildings, landscaping and access to the accommodation must be no more than 5% of the parcel area;
- Could include a maximum of 10 sleeping units composed of:
  - Seasonal* campsites, *seasonal* cabins, or bed-and-breakfast (B+B) bedrooms (**maximum of four**) B+B bedrooms per legal parcel is recommended);
  - Unless ALC consent is received, accommodation must not include cooking facilities because doing so may result in long term rental housing on farm land;
  - The local government could specify the number of persons per unit;
  - Should an operator wish to have more than 10 sleeping units, he/she could apply to the local government and the ALC;
  - On smaller lots, a local government may wish to set a lower number of allowed sleeping units;
  - The BC Building Code should be the minimum standard applied for sleeping units such as cabins.
- Should be located close to the front of the lot, or an adjacent side road, and clustered with the *home plate(s)* of the farm residence(s). A farmer may wish to vary this location to minimise impact on his/her farm.
- Depending on the location of the farm, the *agri-tourism* accommodation may need to be available during more than one *season*, or its availability may vary with the *seasons*; e.g., horseback riding on trails in spring, summer, and fall, and cross-country skiing in the winter.
- Occupation of a lot *by agri-tourism* accommodation are only permitted to be *temporary*, *seasonal*, and/or *regular seasonal*, to a maximum stay per person or per family of 30 consecutive days in any 12 calendar-month period. The ALC may allow longer occupation if the farmer applies for a non-farm use; local zoning would also have to allow it.
- Each local government which permits *agri-tourism* accommodation could develop a monitoring methodology to ensure the occupation meets the above criteria.

## 3.7 Other Agri-tourism Criteria

### 3.7.1 Off-street Loading Areas and Parking

Off-street loading areas may be needed to transfer field products to a market stand/shop, and to the customer's vehicle. For criteria, see Part 2 of the "Guide for Bylaw Development in Farming Areas".

All vehicles visiting the *agri-tourism* activities must be parked on site, or as otherwise permitted by the local government. The parking capacity could be based on the average daily vehicle numbers (recommended); local parking bylaws may have a different measure and short term events with large numbers of people may require different parking standards. Overflow parking occurs on public roads should adhere to local bylaws including clearances for emergency vehicles and farm machinery.

For farm site parking overflow situations, *agri-tourism* operators should provide alternate means of transportation, such as shuttles, bicycle parking, or horse corrals and off-site horse trailer parking areas.

To minimise impacting farm land, parking should be along field edges, adjacent to farm roads, farm yard areas near farm structures.

- The parking and loading area surfaces should maximize infiltration of precipitation to limit impacting a farm's ground and surface water; pavement may not be appropriate.
- The depth and type of fill for *agri-tourism* parking and loading areas should facilitate possible future removal e.g., if the *agri-tourism* activity ceases.

### 3.7.2 Site Layout for Agri-tourism Activities

Site coverage and setbacks for *agri-tourism* structures must follow the standards for farm structures provided in Part 2 of the "Guide for Bylaw Development in Farming Areas". *Agri-tourism* facilities should be located to minimize coverage of farm land and minimise disturbance of the present and potential future operation of the farm, neighbouring farms or nearby urban uses; e.g., close to the road, and/or clustered with other farm structures.

### 3.7.3 Lights

Floodlights and spotlights for *agri-tourism* activities should be directed away and/or screened from adjacent farms and other land uses.

### 3.7.4 Signage

Each *agri-tourism* and farm retail operation, and the farm itself, should be allowed at least one sign of at least 1.0 square metre. Normally, signs are located at the farm entrance, but variation should be allowed for different building and site layouts and to ensure traffic safety. Third-party signs and lighting of signs should follow local bylaws.

### 3.7.5 Noise

Loudspeakers and other noise sources associated with the *agri-tourism* activity could be regulated with local government noise bylaws.

## 3.8 Farm Retail Sales and Marketing

For on-farm retail marketing, farmers sell their own *farm products*, and may sell some *off-farm or non-farm products* directly from the *farm unit* and may require a retail indoor and/or outdoor sales and display area.

Areas necessary for on-farm retail sales but not calculated as part of the on-farm retail sales area are:

- storage space for products awaiting display and/or bulk sales; larger storage areas may be available in a barn;
- an office area for doing sales and farm-related paperwork;
- washrooms;
- driveways, parking and loading areas; and
- some preparation space where products are put in packages for display or shipping.

Local governments should not limit retail sales area of a farmer's own *farm products* i.e. the *direct farm marketing area*. The ALR USP Regulation does not state an upper limit.

Local government regulations must allow for the possibility of a retail sales area for complementary *off-farm or non-farm products*. The ALR USP Regulation requires at least 50% of the total retail sales area be devoted to that farm's products, and where both *farm products* and *off-farm or non-farm products* being sold, the allowed upper limit of the total of the indoor and outdoor sales area is 300 square metres. This should be adopted by local governments and not reduced.

To develop a larger retail sales area, or to sell less than 50% of that farm's *farm products*, a farmer must have both local government and ALC non-farm use application approval.

## 3.9 Local Government Permits and Fees

Other than the usual permits and fees required for construction, local governments should only require permits and fees for operations that require a non-farm application to the ALC and should not require the use of temporary (commercial) use permits.

Local governments should only request reimbursement of extra local government costs generated by the event or operation; e.g., policing, fire service, road clean-up, and/or traffic management.

## 3.10 Commercial Weddings

The use of the ALR for commercial weddings is considered a non-farm use which requires approval of the ALC. Where a farm has received non-farm use approval from the ALC, the local



government may require a rezoning or temporary use permit. Temporary use permits are the preferred method of dealing with this use as the local government can place additional controls on the use that are not possible through zoning. These requirements could include hours of operation.

### 3.11 Bistros and Restaurants

Bistros, cafes and restaurants are considered in most cases non-farm uses which require non-farm use approval of the ALC. Under specific criteria in the ALR USP Regulation, however, winery, brewery, cidery, distillery, and meadery lounges are permitted which do not require non-farm use approval.

## 4.0 Ministry Contact Information

Stakeholders are welcome to provide feedback on the content of this discussion by email or letter.

**Email:** [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)  
**Mailing Address:** Ministry of Agriculture, Strengthening Farming Program  
1767 Angus Campbell Road  
Abbotsford, B.C. Canada V3G 2M3



## DIRECTION REQUEST

### Ministry of Agriculture – Discussion Paper and Proposed Minister’s Bylaw Standards (September 14, 2015) – Regulating Agri-tourism & Farm Retail Sales in the ALR

**Meeting dates:** November 25, 2015

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**To:** SLRD Board

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#### REQUESTS:

It is requested that the SLRD Board of Directors provide input on the proposed Minister’s Bylaw Standards regarding agri-tourism and farm retail sales in the ALR.

It is also suggested that the SLRD send a letter outlining the SLRD’s and the SLRD Agricultural Advisory Committees’ (AAC) comments on the Proposed Criteria for Minister’s Bylaw Standards (as set out on page 3-6 of this report) as well as any additional Board comments to the Ministry of Agriculture in response to the Ministry’s call for local government and AAC comments.

Direction is also sought with respect the Board resolution of August 26, 2015 *“THAT there be a moratorium on bylaw enforcement related to commercial events on properties located within the Agricultural Land Reserve until the expected redefinition of agritourism is released by the Agricultural Land Commission in January 2016”*, given that the proposed Minister’s Bylaw Standards on Agri-tourism and farm retail sales has now been released.

#### KEY ISSUES/CONCEPTS:

Recently, the SLRD received a Discussion Paper and Proposed Minister’s Bylaw Standards on regulating agri-tourism and farm retail sales in the Agricultural Land Reserve (ALR) from the Ministry of Agriculture. The discussion paper (dated September 14, 2015) is attached as Appendix 1. The Ministry has requested local government comments on the proposed Minister’s Bylaw Standards by November 30, 2015. The proposed guidelines are for local government zoning bylaws regarding agri-tourism, agri-tourism accommodation, and farm retail sales. The intent of the proposed Bylaw Standard is to provide greater clarity on what constitutes agri-tourism, agri-tourism accommodation, farm retail sales, and the definitions of temporary and seasonal.

The current version of the Bylaw Standards guide (May 2015) contains no guidelines for agri-tourism activities, agri-tourism accommodation, or farm retail sales. The creation of new guidelines follows on from the 2014 consultation process that the Ministry undertook on the ALR Use, Subdivision, and Procedure Regulation. The feedback provided to the Ministry will then be analyzed by Ministry staff and updates and improvements made to the proposed Bylaw Standards for consideration by the Minister of Agriculture.

## RELEVANT POLICIES:

Electoral Area C OCP & Zoning Bylaws  
SLRD Agritourism Policy  
Agricultural Land Commission (ALC) Act  
Agricultural Land Reserve (ALR) Use, Subdivision, and Procedure Regulation

## BACKGROUND:

Further development of the Minister's Bylaw Standards is part of a larger continual effort by the Ministry of Agriculture (MAg) working in conjunction with the Agricultural Land Commission (ALC) and Local Governments to educate the public about the vital role of the ALR. Both MAg and the ALC continue to reiterate that the ALR should be considered as a provincial zone for agriculture and local government zoning bylaws play a critical role in complementing ALR regulations and providing additional land use controls to support and protect agriculture from being undermined or degraded by non-agricultural land uses.

At the August 26, 2015 Board meeting the SLRD Board passed the following resolution:

*THAT there be a moratorium on bylaw enforcement related to commercial events on properties located within the Agricultural Land Reserve until the expected redefinition of agritourism is released by the Agricultural Land Commission in January 2016.*

In light of the proposed Minister's Bylaw Standards, and discussions with Ministry of Agriculture staff, it seems clear that there is no expected redefinition of agri-tourism in Provincial regulations, only the creation of guidelines for local governments to consider for bylaw development.

As described in previous staff reports, and outlined in the Ministry of Agriculture discussion paper, in order for a property in the ALR to qualify as being able to conduct agri-tourism activities or agri-tourism accommodation, there are numerous essential criteria. While the ALR regulations may allow certain uses without an application to the ALC, those uses may require an application to the SLRD prior to being established. This is discussed in the Analysis section of this report.

The Minister's Bylaw Standards or *Guide for Bylaw Development in Farming Areas* notes that local government plans and bylaws have a critically important role to play in developing a fair and supportive regulatory climate for agriculture and aquaculture. The guide outlines standards for developing and amending bylaws affecting farming areas (land in the ALR, land zoned for agriculture, and land affected by a valid and subsisting aquaculture licence under the *Fisheries Act*). Review of the existing and proposed guidelines is an important part of implementing the Pemberton Valley Agricultural Area Plan (PVAAP). While there are a number of different bylaws and documents that include policies for agriculture, the PVAAP is the adopted plan that is meant to weave them together and implement actions that yield positive outcomes for protecting farming and expanding the agricultural industry. The Area B, Lillooet, and St'at'imc Agricultural Plan includes similar policy goals around protecting agriculture land. As stated in the discussion paper, MAg staff use the Minister's Bylaw Standards to encourage local governments to adopt them into their land use bylaws.

## ANALYSIS:

As stated in section 1.1 of the discussion paper, Purpose and Goals:

*The purposes of establishing land use regulation criteria to address local government concerns regarding agri-tourism and farm retail sales are to:*

- 1. Establish a Minister's Bylaw Standard that provides flexibility for local governments to shape agri-tourism activity in their community while ensuring that agriculture in the ALR continues as a priority use;*
- 2. Address the needs of the agriculture sector/industry to supplement farming income;*
- 3. Minimize the impacts of agri-tourism and retail sales on farm practices and farming potential in farming areas;*
- 4. Minimize the loss and/or fragmentation of farmland due to agri-tourism and retail sales uses;*
- 5. Reduce the financial imbalance that results from large scale commercial operations locating inexpensively in the ALR and outcompeting those that have located in appropriate commercial zones; and*
- 6. Minimize the risk of agri-tourism and farm retail sales buildings and structures being used for non-farm purposes.*

### **Proposed Criteria for Minister's Bylaw Standards**

While there is no proposed change to the definition of agri-tourism in the ALR Use, Subdivision, and Procedure Regulation, the discussion paper includes a number of proposed criteria for regulating agri-tourism activities, agri-tourism accommodation, and farm retail sales. These proposed criteria are based on the existing ALR regulations and policies, and as such many are already required by Provincial law.

The discussion paper highlights that local governments should identify agri-tourism as a permitted *accessory* use in all zones covering the ALR, and that the agri-tourism uses and activities are subordinate to the active farm operation, and can only augment a farmer's regular income, and not exceed or replace it. These requirements already exist in the ALR regulations and policies. A parcel must have farm class under the BC *Assessment Act* to be able to undertake agri-tourism activities, and if a property no longer has farm class then the agri-tourism activity or agri-tourism accommodation use is no longer permitted. Any building or structure (existing or new) used for, or associated with, an agri-tourism activity or accommodation use would be considered an assembly use under the BC Building Code. Such uses (which include farm buildings which are used for agri-tourism) require a building permit from the SLRD.

SLRD staff have taken the discussion paper to the Area B and C Agricultural Advisory Committees (AACs) for their comments. SLRD staff have also reviewed the proposed Minister's Bylaw Standards, and offer the following comments to the Ministry of Agriculture (outlined by section of the proposed Minister's Bylaw Standards):

### Section 3.1 Proposed Definitions

It would be unnecessary to have a separate definition for ACCESSORY (AGRI-TOURISM) when the elements can be incorporated into the proposed definition of AGRI-TOURISM. It is recommended by the SLRD that the proposed definitions of ACCESSORY (AGRI-TOURISM) and AGRI-TOURISM be combined.

### Section 3.2 Accessory Farm Activity

It is helpful to further address and clarify the accessory nature of agri-tourism by discussing income and revenue from different sources. The distinction between farm income and agri-tourism income is useful though as mentioned by the SLRD Agricultural Advisory Committees (AACs), there are questions remaining regarding how these requirements will be addressed with respect to monitoring, auditing, and enforcement, and the connections with Provincial and Local Governments, the Surveyor of Taxes, and BC Assessment. Further clarity around farm income, and how government oversight is meant to occur needs to be provided.

### Section 3.3 Farm Class

In addition to the section above, the proposed standards provide additional clarification regarding agri-tourism income and how it would not be used to define farm class under the BC Assessment Act.

### Section 3.4 Agri-tourism Temporary and Seasonal Use in the ALR

Local governments are able to create their own definitions of temporary and seasonal to use in zoning bylaws. The proposed definitions in the discussion paper are more suitable than the current definitions included in ALC policies.

### Section 3.5 Permitted and ALC approval required agri-tourism activities

The table in this section should be revised to ensure that it clearly indicates agri-tourism activities (Tier 1) and non-farm uses (Tier 2). It is currently incorrectly labelled as tiers of agri-tourism activities when in fact the ALC and Ministry of Agriculture have stated that non-farm uses are not agri-tourism activities. Otherwise the division between the columns accurately reflects the Provincial regulations and policies regarding what is permitted as Agri-tourism Activities (with no application to the ALC) and what is considered non-farm use and requires a non-farm use application to the ALC and a rezoning or TUP application to the Local Government.

Regardless of the labelling issue, the table clearly indicates activities that are considered agri-tourism and therefore permitted by the ALC, and other activities that are non-farm uses and require approval from the ALC and local government. It would be worthwhile for the Province to further define what the agriculture part of agri-tourism entails – ensuring that the intent and purpose of agri-tourism activities are farm/agriculture centric.

### Section 3.6 Agri-tourism Accommodation

This section reiterates the current regulations and policies regarding agri-tourism accommodation with some additional criteria around siting within the farm residential footprint, which staff believe will be beneficial. The SLRD is actively considering incorporating farm residential footprint regulations into its zoning bylaws with the intent to minimize the impact of residential and non-agricultural uses on farm land. This is a key component of the SLRD Pemberton Valley Agricultural Area Plan implementation.

One point of clarification is required from the Ministry regarding what is meant by a monitoring methodology (see the last point on page 10 of the discussion paper). What type of monitoring methodologies are proposed by the Province for local governments to employ to address agri-tourism accommodation occupancy issues?

### Section 3.7 Other Agri-tourism Criteria

The other proposed new agri-tourism criteria regarding off-street parking and loading areas, site layout, lights, signage, and noise are important ancillary criteria. Parking, especially, is an issue of concern regarding potential negative effects on farm land. It is important to address for legitimate agri-tourism activities, in addition to dealing with non-farm use issues. The SLRD has previously noted several recent problematic issues associated with parking connected with unpermitted non-farm use activities thus highlighting the need to regulate parking, loading, and traffic issues with respect to both agri-tourism and non-farm uses.

### Section 3.8 Farm Retail Sales and Marketing

An issue with the existing farm retail sales regulations is how the 50% requirement should be monitored. It is crucial to allow farmers to sell their own farm products on the farm, however, it becomes challenging to determine whether a farm is selling more off-farm and non-farm products than actual farm products. It is important to ensure that a farm does not become a retail centre for any type of product simply as a means to support the farm as that would violate the spirit of the ALR while also negatively affecting existing zoned commercial areas in municipal downtowns and retail centres.

### Section 3.10 Commercial Weddings

Section 3.10 of the discussion paper clearly states that commercial weddings are considered a non-farm use and require both approval from the ALC and the SLRD with respect to provincial and local government regulations. As per the discussion paper:

*“The use of the ALR for commercial weddings is considered a non-farm use which requires approval of the ALC. Where a farm has received non-farm use approval from the ALC, the local government may require a rezoning or temporary use permit. Temporary use permits are the preferred method of dealing with this use as the local government can place additional controls on the use that are not possible through zoning. These requirements could include hours of operation.”*

This is unchanged from the current situation. These uses will continue to require ALC approval and subsequent local government approval in the form of TUPs or rezoning applications.

### Section 3.11 Bistros and Restaurants

This section highlights an important point that bistros, cafes, and restaurants are non-farm uses that require ALC approval and subsequent local government approval in the form of TUPs or rezoning applications. It is only under certain conditions that limited restaurant type uses might be allowed as part of a winery, brewery, cidery, distillery, or meadery operation. On a related note, it should also be noted that bakeries are not a permitted use in the ALR without a non-farm use application and a rezoning application or TUP.

## AAC COMMENTS:

The SLRD has sought comments from each AAC regarding the proposed Minister's Bylaw Standards regarding agri-tourism, agri-tourism accommodation, and farm retail sales.

### Area C AAC comments

The Area C AAC discussed the proposed bylaw standards at their November 4, 2015 meeting. There were some questions around the tourist activity vs. educational activity piece in considering agri-tourism activities. For example, farm tours and festivals for visitors as opposed to workshops for new and developing farmers.

There were questions raised around the farm income vs. agri-tourism income piece and how that was going to be monitored and audited and by whom? It was noted by AAC members that there should be some mechanism for agri-tourism similar to what BC Assessment uses for new/developing farms/farmers. For example, setting a clearly defined limited time period for new farms to have an agri-tourism income greater than the farm income as the farm is being developed. This would then revert back once the time period was over. The intent by the AAC members was to address the potential imbalance in small new farms with limited farm income vs. larger established farms that could have larger agri-tourism income as their farm income was likely to be greater.

### Area B AAC comments

The importance of protecting agricultural land as the primary purpose of the ALR was emphasized. It was also recognized that commercial weddings are a relatively uncommon event in the Lillooet area at present. At this time, little to no concern has been raised by local community members and land owners regarding this non-farm use activity to the knowledge of the AAC members present. Further, it was felt that it was a good idea for the Minister to work to provide clarity and certainty around agri-tourism and non-farm uses – terms and permitted uses/activities – through developing Bylaw Standards.

### *Specific AAC Issues:*

- Golf Courses & Agri-tourism- The distinction made on page 6 in the court case regarding golf courses is important and supported by the Area B AAC.
- 3.1 Proposed Definitions – The Area B AAC is appreciative of the attempt to provide clarity around agri-tourism definitions; however, confusion and lack of clarity remains with *regular season*, *season*, *seasonal* and *temporary* definitions.
- 3.6 Agri-tourism Accommodation - "*Total developed area for buildings, landscaping and access to the accommodation must be no more than 5% of the parcel area.*" – The Area B AAC suggest a wording change here, as the area of parcel in the ALR/arable land is often not the whole parcel in SLRD Electoral Area B (many properties are only partially in the ALR).
- Non-Farm Use - Misunderstanding of and around the non-farm use application and approval process should be addressed through this process. Communications and outreach from the Ministry would be beneficial – to support both local governments and the agricultural community in adapting to these proposed bylaw standards.

The Area B AAC is supportive of the general direction of the draft Minister’s Bylaw Standards on Agri-tourism.

Overall, the proposed Minister’s Bylaw Standards provide additional clarity on difficult and topical issues. Continued work by the Ministry of Agriculture and the Agricultural Land Commission is needed in order to strengthen the ALR in BC. The presence and expansion of non-farm uses in the ALR can undermine food security and a healthy agriculture industry across BC.

The proposed bylaw standards reflect and expand upon current provincial regulation and policy to provide clarity to local governments regarding agri-tourism and farm retail sales in the ALR. The ALR is not intended to provide or be a source of residential housing stock or opportunities for non-farm commercial and industrial activities. However, ALR regulations have created space for agri-tourism as a potential farm and agriculture centric approach to generate additional income supporting agricultural production on a property. However, as the ALC adds uses to the ALR in order to provide non-agricultural opportunities for farmers to supplement their farm income, the ALR has, in many ways, become more permissive than many other zones, in direct contradiction to its primary purpose and intent.

Bylaw standards are important for providing guidance to local governments. In order to effectively strengthen agriculture, it will be vital to carry out rigorous and comprehensive updates to the ALC Act and ALR Use, Subdivision, and Procedure Regulation in order to help bolster agriculture.

**OPTIONS:**

Option 1 (Preferred Option):

Forward a letter outlining SLRD and AAC comments on the Proposed Criteria for Minister’s Bylaw Standards, as noted on pages 3-6 of this report to the Ministry of Agriculture along with any Board resolutions/comments.

Option 2:

Do not forward a letter to the Ministry of Agriculture.

**ATTACHMENTS:**

Appendix 1: Ministry of Agriculture Discussion Paper and Proposed Minister’s Bylaw Standards (September 14, 2015) – Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve

Prepared by: I. Holl, Planner

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

Approved by: L. Flynn, Chief Administrative Officer





**Regulating  
Agri-tourism and Farm Retail Sales  
in the Agricultural Land Reserve**

**DISCUSSION PAPER AND PROPOSED MINISTER'S BYLAW  
STANDARDS**

**September 14, 2015**

**Prepared by:  
Strengthening Farming Program  
Innovation and Adaptation Services Branch**

## Executive Summary

This discussion paper ('white paper') has been prepared by the B.C. Ministry of Agriculture (AGRI) Strengthening Farming Program, Innovation and Adaptation Branch for input on the establishment of a Minister's Bylaw Standard to assist local government bylaw development regarding agri-tourism, agri-tourism accommodation and farm retail sales.

Its preparation follows the 2014 AGRI's consultation on the Agricultural Land Reserve (ALR) Use, Subdivision and Procedure Regulation (ALR USP Regulation) in which local governments expressed strong support for AGRI to provide greater clarity in guidance to local government bylaws on agri-tourism.

The proposed Minister's Bylaw Standard criteria, set out in Part 3.0, result from input contributed by the Agricultural Land Commission (ALC), local governments and the agricultural sector. While the proposed Minister's Bylaw Standard provisions apply to land in the Agricultural Land Reserve (ALR), local governments may also wish to adopt for all agriculturally zoned property.

AGRI invites local governments to review the proposed Minister's Bylaw Standard and provide feedback to the contact listed on page 13 by November 30, 2015. Feedback received will be analysed by AGRI staff, with updates and improvements made to the proposed Minister's Bylaw Standard in preparation for the Minister of Agriculture's (Minister) consideration.

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# Introduction

This paper outlines draft criteria to assist local governments in regulating their agri-tourism, agri-tourism accommodation and farm retail sales bylaws, aiming to encourage further discussion on the matter with local governments, the ALC and the farm sector. It is important that the bylaw standard criteria effectively guide local government land use regulations within the context, and intents, of the *Agricultural Land Commission, Farm Practices Protections (Right to Farm)*, and *Local Government and Community Charter Acts* and their regulations. The draft criteria reflect analysis undertaken by AGRI staff, previous consultations with local governments, the ALC, industry, and the Ministry of Community, Sport and Cultural Development (CSCD).

## 1.0 Part one – The Criteria Development Process

This paper explores and proposes land use regulation and policy guidance for local governments to address agri-tourism and farm retail sales issues in their communities, while recognizing these uses are permitted (with exceptions) within the ALR.

Following consultation with stakeholders and approval by the Minister, the bylaw criteria will become a Minister’s Bylaw Standard and incorporated within the “Guide for Bylaw Development in Farming Areas” (Bylaw Guide).<sup>1</sup>

### 1.1 Purpose and Goals

The purposes of establishing land use regulation criteria to address local government concerns regarding agri-tourism and farm retail sales are to:

1. Establish a Minister’s Bylaw Standard that provides flexibility for local governments to shape agri-tourism activity in their community while ensuring that agriculture in the ALR continues as a priority use;
2. Address the needs of the agriculture sector/industry to supplement farming income;
3. Minimize the impact of agri-tourism and retail sales on farm practices and farming potential in farming areas;
4. Minimize loss and/or fragmentation of farmland due to agri-tourism and retail sales uses;
5. Reduce the financial imbalance that results from large scale commercial operations locating inexpensively in the ALR and outcompeting those that have located in appropriate commercial zones; and
6. Minimize the risk of agri-tourism and farm retail sales buildings and structures being used for non-farm purposes.

### 1.2 Stakeholders

Stakeholders involved in developing these Bylaw Standard criteria include:

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<sup>1</sup> Under the *Local Government Act* (Part 26, Division 8, Section 916), the Minister responsible for the *Farm Practices Protection (Right to Farm) Act* can develop bylaw standards to guide the development of zoning and farm bylaws. Development of provincial standards is intended to promote consistency in the regulation of, and planning for, farming. However, provision has been made under Section 916(3) to allow the standards to differ, if necessary, to respond to BC’s diverse farming industry and land base.

- a) Local governments and their Agricultural Advisory Committees (AAC);
- b) Agriculture industry;
- c) ALC;
- d) Strengthening Farming Directors Committee,
- e) CSCD; and
- f) Ministry of Jobs, Tourism and Skills Training.

## 1.3 Objectives of the Process

The objectives of the process are to:

1. Create a set of Bylaw Standard criteria for stakeholder review;
2. Consult with stakeholders; and
3. Develop a Minister's Bylaw Standard that local governments can apply as regulation or policy.

## 1.4 Key Steps

The key steps in creating the Minister's Bylaw Standard are:

1. Review relevant literature including AGRI and ALC policies;
2. Review and compare local government regulations and policies;
3. Develop draft criteria;
4. Consult with internal and external stakeholders on the draft criteria;
5. Revise criteria for consideration by the Minister;
6. Seek Minister's approval; and
7. Encourage local governments to adopt and apply criteria.

## 1.5 Current Status (August 2015)

AGRI staff have:

- Reviewed previous agri-tourism and farm retail sales consultations with local governments, industry, the ALC and CSCD;
- Reviewed existing ALC policies on agri-tourism, agri-tourism accommodation and farm retail sales; and,
- Prepared this draft discussion 'white paper' on agri-tourism and farm retail sales land use bylaw guidance for further local government consultations over the 2015/2016 fall and winter.

## 1.6 Context for Bylaw Standard Establishment

AGRI has initiated Minister's Bylaw Standards in the past for three significant agricultural issues which have been approved by the Minister. AGRI staff use the Minister's Bylaw Standards to encourage local governments to adopt them into their land use bylaws. They are:

- Regulating Medical Marihuana Production Facilities in the ALR (2014);
- Combined Heat and Power Generation at Greenhouses in the ALR (2013); and

- Siting and Size of Residential Uses in the ALR (2011).

These Minister's Bylaw Standards can be found in AGRI's "Guide for Bylaw Development in Farming Areas" with additional information at:

<http://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards-and-farm-bylaws>.

## 2.0 Part two - Background

### 2.1 Context

Farmers throughout B.C. are looking for options to increase their economic viability, including agri-tourism and farm retail sales. These two particular issues have become more prominent in recent years and local governments are amending their agri-tourism, agri-tourism accommodation and farm retail sales bylaws, sometimes causing frustration with farmers and the public. Sometimes there may be conflicting community views on what actually constitutes agri-tourism activities, and what 'accessory', 'seasonal', and 'temporary' within this context really mean.

While the ALC provides direction regarding agri-tourism and farm retail sales in the ALR, one of the questions asked during the Ministry's 2014 ALR USP Regulation consultation process included agri-tourism, with local governments indicating strong support for AGRI to develop greater clarity in bylaw guidance for agri-tourism. Incorporating analysis from previous consultation, AGRI staff anticipate strong response from stakeholders on the subject.

Ideally, developing this new Minister's Bylaw Standard will assist in balancing stakeholder concerns, minimize community frustration, and provide greater certainty while maintaining the flexibility required for local government community decision making and variation. The proposed Minister's Bylaw Standard applies to property in the ALR. Given, however, that agricultural activity in B.C. takes place both on ALR and non-ALR property, local governments with agriculturally zoned land may also consider adopting it.

### 2.2 Current Policy, Legislation and Regulation

Agri-tourism and farm retail sales are defined as farm uses by the ALR USP Regulation<sup>2</sup> of the *Agriculture Land Commission Act* where a farm use means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*:

- Agri-tourism is a tourist activity, service or facility accessory to ALR land classified as a farm under the *Assessment Act*, if the use is **temporary and seasonal**, and promotes or markets farm products grown, raised or processed on the farm.
- Farm retail sales if all of the farm product offered for sale is produced on the farm on which the retail sales are taking place, or at least 50% of the retail sales area is limited to the sale of farm products produced on the farm on which the retail sales are taking place

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<sup>2</sup> B.C. Reg. 171/2002 Agricultural Land Reserve Use, Subdivision and Procedure Regulation. Last retrieved August 24, 2015 from <http://www.alc.gov.bc.ca/alc/content.page?id=A631A2319799460A98F62978A2FE60E3>

and the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m<sup>2</sup>.

Local governments cannot prohibit agri-tourism activities, other than agri-tourism accommodation, or farm retail sales regulated by the ALR USP Regulation unless by a Farm Bylaw designated by the Minister by Section 917 of the *Local Government Act*.

The ALC also publishes several policy documents on agri-tourism, agri-tourism accommodation and farm retail sales with respect to land in the ALR.

*“The policies of the Commission provide interpretation and clarification of the regulations; outline guidelines, strategies, rules or positions on various issues and provides clarification and courses of action consistently taken or adopted, formally or informally.”<sup>3</sup> - ALC*

These ALC policies include their terms of ‘seasonal’ and ‘temporary’:

- **Temporary** –means a use or activity in a facility or area that is established and used on a limited time basis for agri-tourism activities. If a building or structure is required for this use, temporary use of the building or structure means a use for agri-tourism for less than 12 months of the year. The building or structure may be used for other permitted uses during the course of, or for the remainder of the year.
- **Seasonal** - means a use or activity in a facility or area for less than 12 months of the year.<sup>4</sup>

A recent 2015 B.C. Supreme Court ruling *Heather Hills Farm Society v. Agricultural Land Commission*, addresses the subject of agri-tourism, and in this case whether a particular golf course and sheep pasture is a permitted agri-tourism use. Interestingly, within the reasons for judgement that ultimately dismisses the petition; the judge also references what cannot be described as reasonably temporary, with respect to what is written in the ALR USP Regulation:

*[51] The Regulation also requires that an agri-tourism use be temporary and seasonal. A golf course requires alteration of the land in the form of particular landscaping, sand traps, water hazards etc. Photographs that were put into evidence show changes of precisely that kind to the petitioners’ property. Those changes must remain in place as long as operation of the golf course continues and cannot reasonably be described as temporary.<sup>5</sup>*

The intent of this proposed Bylaw Standard is to provide greater clarity on what constitutes agri-tourism, agri-tourism accommodation, farm retail sales, and the definitions of temporary and seasonal.

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<sup>3</sup> ALC. *Legislation and Regulation*. Last retrieved August 24, 2015 from <http://www.alc.gov.bc.ca/alc/content.page?id=4179AB0F33494261A5B6CEF2A4F8F296>

<sup>4</sup> ALC. *Policy #4 Activities designated as Farm Use: Agri-tourism Activities in the ALR*, 2003. Last retrieved August 24, 2015 from [http://www.alc.gov.bc.ca/alc/DownloadAsset?assetId=9A907E9B31224D808675BE2E5D78ADBB&filename=policy\\_4\\_agri-tourism\\_activities.pdf](http://www.alc.gov.bc.ca/alc/DownloadAsset?assetId=9A907E9B31224D808675BE2E5D78ADBB&filename=policy_4_agri-tourism_activities.pdf)

<sup>5</sup> *Heather Hills Farm Society v. Agricultural Land Commission*, 2015 BCSC 1108

For farm retail sales, the processing/marketing of off-farm products may not be protected under the *Farm Practices Protection Act* unless there are limits prescribed by the Minister under the *Farm Practices Protection Act*.<sup>6</sup> This has implications for farms considering those options.

### 3.0 Part three – Proposed Set of Criteria

Part three introduces a set of criteria in which local governments would be encouraged to consider when developing or amending their own bylaws on agri-tourism, agri-tourism accommodation and farm retail sales. A rationale is provided for why certain criteria provisions should be introduced and a proposed list is summarized of criteria and definitions.

#### 3.1 Proposed Definitions

<b>Accessory (agri-tourism)</b>	means that the <i>agri-tourism</i> is subordinate to the active <i>farm operation</i> on the same lot. <i>Agri-tourism</i> uses and activities only augment a farmer’s regular farm income, not exceed or replace it.
<b>Agri-tourism</b>	is travel that combines agricultural or rural settings with products of agricultural operations – all within a tourism experience that is paid for by visitors. It is a tourist activity, service or facility which is <i>accessory</i> to a <i>farm operation</i> , as defined in the <i>Farm Practices Protection (Right to Farm) Act</i> , where the land is classified as a farm under the <i>Assessment Act</i> ; and, where the farm is in active operation each year.
<b>Off-farm and non-farm products</b>	means products that are not from the <i>farm unit</i> of which the subject property is part.
<b>Regular Seasonal (agri-tourism)</b>	means the occurrence over the same <i>season(s)</i> , or at the same time, each year.
<b>Season (agri-tourism)</b>	means: one of the four periods of the year: spring, summer, autumn or winter; the period of the year when something that regularly occurs every year happens; e.g. pumpkin festival before Halloween; and/or the period(s) when most people take their holidays, go to visit places, or take part in an activity outside of work.
<b>Seasonal (agri-tourism)</b>	means: relating to, dependant on, determined by, or characteristic of a particular <i>season</i> of the year; fluctuating according to the <i>season</i> ; and/or

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<sup>6</sup> For more information, readers may wish to review the September 7, 2011 BC Farm Industry Review Board decision *Maddalozzo v. Pacific Coast Fruit Products Ltd* last retrieved September 8, 2015 from [http://www2.gov.bc.ca/assets/gov/business/natural-resource-industries/agriculture/agriculture-documents/bc-farm-industry-review-board-docs/maddalozzo\\_v\\_pcfp\\_dec\\_sep7\\_11.pdf](http://www2.gov.bc.ca/assets/gov/business/natural-resource-industries/agriculture/agriculture-documents/bc-farm-industry-review-board-docs/maddalozzo_v_pcfp_dec_sep7_11.pdf)



available, or used, during one or more *seasons*, or at specific times of the year - for less than twelve months of the year.

**Small-scale (agri-tourism)**

means to be minor or limited in size, scope, or extent. [Local governments could specify amounts.]

**Temporary (agri-tourism)**

means having a limited duration, lasting or designed to last for only a limited time each week, month, or year. E.g. an activity occurs each year at the same time at a nearby festival, or other event, or only a maximum duration of three days at a time.

### 3.2 Accessory Farm Activity

Local governments should identify *agri-tourism* as a permitted *accessory* use in all zones where agriculture or farming is a permitted use. *Accessory agri-tourism* use in the ALR is subordinate and customarily incidental to the active *farm operation* on the same lot. **Agri-tourism uses and activities only augment a farmer’s regular farm income, rather than exceed or replace it.**

**Table 1. Examples of Agri-Tourism and Farm Incomes**

Column A	Column B
Agri-tourism Income	Farm Income
Entry or participation fees, tour fees	Primary agricultural production income
Fees for tours, services and workshops related to the farm operation	Value-added operations: processing of <i>own farm products</i>
Retail sales of <i>off-farm</i> or <i>non-farm products</i>	Retail sales of <i>own farm products</i>
Agri-tourism accommodation charges	

To be considered *accessory*, the annual income from *agri-tourism* [Column A] must be no more than the annual regular farm income [Column B]. The ALC may allow a larger proportion of *agri-tourism* activity on a farm, if the farmer applies for a non-farm use approval.

Examples include a farmer intending to regularly host special events such as commercial weddings, conferences or an annual music festival. A local government could decide whether to support those commercial activities in its zoning if it is authorized by the ALC.

### 3.3 Farm Class

Income from *accessory agri-tourism* activities is not used to define *farm class* under the *Assessment Act* (Sec 23 and Farm Class Reg. 411/95). Income for the purposes of *farm class* is calculated based on the farm gate amounts for qualifying agricultural products and must be generated in one of two relevant reporting periods (i.e., once every two years).

### 3.4 Agri-tourism Temporary and Seasonal Use in the ALR

Local governments should regard *agri-tourism* uses as a *temporary* and *seasonal* use. See the definitions for guidance on defining these terms.

### 3.5 Permitted and ALC approval required agri-tourism activities

Table 2. Tiers of Agri-tourism Activities

Activities	Tier 1 Permitted Agri-tourism activities	Tier 2 Activities/events that require ALC approval
On-farm	<ul style="list-style-type: none"> <li>• educational tours – general public, school children</li> <li>• on-farm marketing, including U-pick and pumpkin patches</li> <li>• temporary corn maze or Christmas tree maze</li> <li>• agricultural heritage events</li> <li>• ranch or farm tours</li> <li>• livestock shows</li> <li>• harvest festivals</li> <li>• on-farm classes and/or workshops related to the farm operation</li> <li>• farm stays or B&amp;B</li> <li>• on-farm processing facility tours</li> </ul>	<ul style="list-style-type: none"> <li>• Non-farm-uses and commercial entertainment activities which do not have an agricultural component:</li> <li>• e.g., paint ball course, dirt bike trails, all-terrain vehicles trails, mini-train parks, remote control runways, helicopter tours, etc.</li> <li>• event and facility rentals</li> <li>• concerts, theatre or music festivals</li> <li>• commercial weddings, banquets, celebrations and any other commercial assembly activity</li> </ul>
Parking	<ul style="list-style-type: none"> <li>• self-contained, off-road parking</li> <li>• some overflow could be on neighbouring farm(s) provided it's for infrequent events, no permanent alterations to the agricultural land, and no resurfacing such as with gravel or asphalt paving</li> <li>• allow for school and tour buses</li> <li>• on-road parking at the discretion of the local government or Ministry of Transportation in Regional Districts</li> </ul>	<ul style="list-style-type: none"> <li>• Off-site overflow parking that is used on a frequent basis or that requires resurfacing</li> </ul>
ALC non-farm use application approval or local government	<ul style="list-style-type: none"> <li>• No local government temporary use or rezoning permits required,; outright use is permitted</li> </ul>	<ul style="list-style-type: none"> <li>• ALC non-farm use application approval</li> <li>• Local government non-agriculture related activities or</li> </ul>

permit requirements	<ul style="list-style-type: none"> <li>No ALC non-farm use application approval</li> </ul>	events may also require a separate zone or temporary use permit <ul style="list-style-type: none"> <li>Special local government permits - per event or per day, or both</li> </ul>
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### 3.6 Agri-tourism Accommodation

Section 3 of the ALR USP Regulation permits *accessory* accommodation for agri-tourism on a farm in the ALR, but allows a local government to regulate and/or prohibit the use.

Where accommodation for agri-tourism is allowed by a local government the following standards are recommended:

- Total developed area for buildings, landscaping and access to the accommodation must be no more than 5% of the parcel area;
- Could include a maximum of 10 sleeping units composed of:
  - Seasonal* campsites, *seasonal* cabins, or bed-and-breakfast (B+B) bedrooms (**maximum of four**) B+B bedrooms per legal parcel is recommended);
  - Unless ALC consent is received, accommodation must not include cooking facilities because doing so may result in long term rental housing on farm land;
  - The local government could specify the number of persons per unit;
  - Should an operator wish to have more than 10 sleeping units, he/she could apply to the local government and the ALC;
  - On smaller lots, a local government may wish to set a lower number of allowed sleeping units;
  - The BC Building Code should be the minimum standard applied for sleeping units such as cabins.
- Should be located close to the front of the lot, or an adjacent side road, and clustered with the *home plate(s)* of the farm residence(s). A farmer may wish to vary this location to minimise impact on his/her farm.
- Depending on the location of the farm, the *agri-tourism* accommodation may need to be available during more than one *season*, or its availability may vary with the *seasons*; e.g., horseback riding on trails in spring, summer, and fall, and cross-country skiing in the winter.
- Occupation of a lot *by agri-tourism* accommodation are only permitted to be *temporary*, *seasonal*, and/or *regular seasonal*, to a maximum stay per person or per family of 30 consecutive days in any 12 calendar-month period. The ALC may allow longer occupation if the farmer applies for a non-farm use; local zoning would also have to allow it.
- Each local government which permits *agri-tourism* accommodation could develop a monitoring methodology to ensure the occupation meets the above criteria.

## 3.7 Other Agri-tourism Criteria

### 3.7.1 Off-street Loading Areas and Parking

Off-street loading areas may be needed to transfer field products to a market stand/shop, and to the customer's vehicle. For criteria, see Part 2 of the "Guide for Bylaw Development in Farming Areas".

All vehicles visiting the *agri-tourism* activities must be parked on site, or as otherwise permitted by the local government. The parking capacity could be based on the average daily vehicle numbers (recommended); local parking bylaws may have a different measure and short term events with large numbers of people may require different parking standards. Overflow parking occurs on public roads should adhere to local bylaws including clearances for emergency vehicles and farm machinery.

For farm site parking overflow situations, *agri-tourism* operators should provide alternate means of transportation, such as shuttles, bicycle parking, or horse corrals and off-site horse trailer parking areas.

To minimise impacting farm land, parking should be along field edges, adjacent to farm roads, farm yard areas near farm structures.

- The parking and loading area surfaces should maximize infiltration of precipitation to limit impacting a farm's ground and surface water; pavement may not be appropriate.
- The depth and type of fill for *agri-tourism* parking and loading areas should facilitate possible future removal e.g., if the *agri-tourism* activity ceases.

### 3.7.2 Site Layout for Agri-tourism Activities

Site coverage and setbacks for *agri-tourism* structures must follow the standards for farm structures provided in Part 2 of the "Guide for Bylaw Development in Farming Areas". *Agri-tourism* facilities should be located to minimize coverage of farm land and minimise disturbance of the present and potential future operation of the farm, neighbouring farms or nearby urban uses; e.g., close to the road, and/or clustered with other farm structures.

### 3.7.3 Lights

Floodlights and spotlights for *agri-tourism* activities should be directed away and/or screened from adjacent farms and other land uses.

### 3.7.4 Signage

Each *agri-tourism* and farm retail operation, and the farm itself, should be allowed at least one sign of at least 1.0 square metre. Normally, signs are located at the farm entrance, but variation should be allowed for different building and site layouts and to ensure traffic safety. Third-party signs and lighting of signs should follow local bylaws.

### 3.7.5 Noise

Loudspeakers and other noise sources associated with the *agri-tourism* activity could be regulated with local government noise bylaws.

## 3.8 Farm Retail Sales and Marketing

For on-farm retail marketing, farmers sell their own *farm products*, and may sell some *off-farm or non-farm products* directly from the *farm unit* and may require a retail indoor and/or outdoor sales and display area.

Areas necessary for on-farm retail sales but not calculated as part of the on-farm retail sales area are:

- storage space for products awaiting display and/or bulk sales; larger storage areas may be available in a barn;
- an office area for doing sales and farm-related paperwork;
- washrooms;
- driveways, parking and loading areas; and
- some preparation space where products are put in packages for display or shipping.

Local governments should not limit retail sales area of a farmer's own *farm products* i.e. the *direct farm marketing area*. The ALR USP Regulation does not state an upper limit.

Local government regulations must allow for the possibility of a retail sales area for complementary *off-farm or non-farm products*. The ALR USP Regulation requires at least 50% of the total retail sales area be devoted to that farm's products, and where both *farm products* and *off-farm or non-farm products* being sold, the allowed upper limit of the total of the indoor and outdoor sales area is 300 square metres. This should be adopted by local governments and not reduced.

To develop a larger retail sales area, or to sell less than 50% of that farm's *farm products*, a farmer must have both local government and ALC non-farm use application approval.

## 3.9 Local Government Permits and Fees

Other than the usual permits and fees required for construction, local governments should only require permits and fees for operations that require a non-farm application to the ALC and should not require the use of temporary (commercial) use permits.

Local governments should only request reimbursement of extra local government costs generated by the event or operation; e.g., policing, fire service, road clean-up, and/or traffic management.

## 3.10 Commercial Weddings

The use of the ALR for commercial weddings is considered a non-farm use which requires approval of the ALC. Where a farm has received non-farm use approval from the ALC, the local

government may require a rezoning or temporary use permit. Temporary use permits are the preferred method of dealing with this use as the local government can place additional controls on the use that are not possible through zoning. These requirements could include hours of operation.

### 3.11 Bistros and Restaurants

Bistros, cafes and restaurants are considered in most cases non-farm uses which require non-farm use approval of the ALC. Under specific criteria in the ALR USP Regulation, however, winery, brewery, cidery, distillery, and meadery lounges are permitted which do not require non-farm use approval.

## 4.0 Ministry Contact Information

Stakeholders are welcome to provide feedback on the content of this discussion by email or letter.

**Email:** [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)  
**Mailing Address:** Ministry of Agriculture, Strengthening Farming Program  
1767 Angus Campbell Road  
Abbotsford, B.C. Canada V3G 2M3

APPENDIX C

PEMBERTON FARMER'S INSTITUTE,  
9318 PEMBERTON MEADOWS ROAD,  
PEMBERTON, B.C., V0N2L2

DEC. 16, 2015

SLRD  
BOARD OF DIRECTORS

RE: COMMERCIAL EVENTS ON ALR LAND WITHIN THE SLRD

THE PRESSURE IS ON. AGAIN.

ACCESS TO FARMLAND WITHIN THE ALR IN THE PEMBERTON AREA IS RESTRICTED FOR FARMERS.

IT IS RESTRICTED FOR USE BY FARMERS ACROSS THE SPECTRUM LARGE TO SMALL. THE PRIMARY RESTRICTIONS ARE OWNERSHIP AND LAND PRICES. BECAUSE LAND PRICES ARE HIGH, FARMERS GENERALLY ARE UNABLE TO PURCHASE LAND TO BEGIN FARMING, OR TO EXPAND THEIR EXISTING HOLDINGS. SMALL FARMERS WANTING TO RENT LAND ARE OFTEN FACED WITH RESTRICTIVE RENTS THAT ARE NOT SUSTAINABLE. MANY NEW LAND OWNERS HAVE PURCHASED FARM LAND WITH OTHER USES IN MIND THAT DO NOT INCLUDE AGRICULTURE AND ARE ONLY ALLOWING THEIR LAND TO BE FARMED SO THAT THEY GET CHEAPER PROPERTY TAXES. IT IS QUITE EASY TO MAKE MORE MONEY OFF OF FARMLAND BY DOING THINGS OTHER THAN FARMING SUCH AS EVENT HOSTING.

CURRENTLY, MANY SEED POTATO GROWERS RENT LAND IN ORDER TO MEET THEIR CROP ROTATION REQUIREMENTS. SEED POTATOES ARE LEGISLATED TO A 4 YEAR CROP ROTATION, BUT MANY ARE ON 5, 6 OR EVEN 7 YEAR ROTATION. CROP ROTATION IS AN ACCEPTABLE, EVEN RECOMMENDED FARM PRACTICE WHICH HELPS TO RELIEVE PEST PRESSURE, AND VARIETAL VOLUNTEERS IN SUBSEQUENT CROPS. RENTAL PROPERTY IS OFTEN NOT AVAILABLE FOR CONVENTIONAL CROPS SUCH AS SEED POTATOES DUE TO A PERCEPTION BY OWNERS THAT CONVENTIONAL FARMING IS BAD.

ADD TO THIS THE DESIRE TO USE FARMLAND FOR COMMERCIAL EVENTS WITH THE POTENTIAL FOR THESE USES TO RENDER PARTS OF THE ALR UNAVAILABLE FOR FARM USE. ZONING SUCH AS TEMPORARY USE PERMITS OR WORSE NON-FARM USE ZONING EFFECTIVELY REMOVE THE LAND FROM PRODUCTION. THE CUMULATIVE EFFECTS OF THIS TYPE OF ZONING COULD HAVE DEVASTATING AFFECTS ON THE ABILITY OF FARMERS TO MAKE A LIVING I.E. RUN THEIR BUSINESS. YES, FARMING IS A BUSINESS A VERY SOPHISTICATED BUSINESS. THE ALR WAS CREATED IN AN ATTEMPT TO RELIEVE THIS PRESSURE ON FARMERS AND FARMING. CONSEQUENTLY, IF THIS USES WERE TO BE PERMITTED REZONING IN ANY FORM SHOULD NOT BE AN OPTION.

ONE SOLUTION, IF SUCH USES WERE TO BE ALLOWED, WOULD BE TO NOT CHANGE THE ZONING BUT INSTEAD TO REQUIRE SPECIAL EVENT PERMITS FOR EACH COMMERCIAL EVENT INSTEAD OF THE CURRENT 200 PERSON TRIGGER. ALSO ALL OTHER PERMITS THAT OTHER 'PERMANENT' VENDORS ARE REQUIRED TO HAVE WOULD APPLY SUCH AS A SAFETY PLAN FOR EMERGENCIES, PROPER WATER AND SEWER, INSURANCE.

ANOTHER SOLUTION WOULD BE TO SUPPORT SUCH USES WITHIN THE ' FARM HOME PLATE' OR DESIGNATED RESIDENTIAL AREA ON THE FARM. THIS WOULD REDUCE THE AMOUNT OF ALIENATION OF THE LAND FROM FARMING.

WE DO NOT SUPPORT THE USE OF TEMPORARY LAND USE PERMITS OR NON-FARM USE ZONING IN THE ALR ESPECIALLY WHERE THESE USES DID NOT EXIST BEFORE 1973 WHEN THE ALR WAS ESTABLISHED.

THE AGRICULTURE AREA PLAN GENERALLY DOES NOT SUPPORT EXCLUSIONS OR NON-FARM USE ZONING.

SINCERELY

ROXANNA KUURNE  
TREASURER, PEMBERTON FARMER'S INSTITUTE

ANNA HELMER  
PRESIDENT, PEMBERTON FARMER'S INSTITUTE





Box 219, 1350 Aster Street  
Pemberton, BC V0N 2L0  
Ph. 604-894-6371, 800-298-7753  
F: 604-894-6526  
info@slrd.bc.ca www.slrd.bc.ca

October 27, 2015

**BY EMAIL ONLY: info@pembertonchamber.com**

Pemberton and District Chamber of Commerce  
1392 Portage Road, PO Box 370  
Pemberton, BC  
V0N 2L0

**Attention: Garth Phare**

Dear Mr. Phare:

**Re: Commercial Events in Pemberton and Electoral Area C**

I am writing to advise you that the Squamish-Lillooet Regional District (SLRD) Board passed the following resolution:

*THAT the Squamish-Lillooet Regional District send a letter to the Pemberton & District Chamber of Commerce (PDCC) to advise that the SLRD is looking forward to the PDCC striking a committee to:*

- a. consider and give feedback on commercial events in the Pemberton Valley; and*
- b. develop guiding principles for the commercial events industry to:*
  - i. succeed in the Pemberton Valley; and*
  - ii. benefit the local agricultural sector; and*
  - iii. in so developing such principles, to address the following issues:*
    - 1. water and septic systems;*
    - 2. washroom facilities;*
    - 3. building design and lack of building permits;*
    - 4. parking and traffic;*
    - 5. negative effects on farming;*

6. *noise and nuisance issues not addressed in noise and nuisance bylaws;*
  7. *public safety, fire and emergency operations;*
  8. *unfair competition with legitimately zoned commercial businesses (i.e. non-payment of commercial property taxes, lower land costs, etc.); and*
  9. *land use planning (i.e. residentially zoned properties, ALR land, etc.).*
- iv. *to strengthen the commercial events industry and strengthen agriculture in the Pemberton Valley.*

In light of the above resolution, we ask that the PDCC consider striking a committee to address the issues as identified above and to report back in due course to the SLRD Board regarding the outcome of the work undertaken by the PDCC committee.

Regarding future action by SLRD staff in respect of commercial events in the Pemberton Valley, please be advised that the SLRD Board has passed the following resolutions:

1. *SLRD staff to develop and bring forward for consideration by the Board an Area C noise and nuisance bylaw, such bylaw to be aligned with the Village of Pemberton noise and nuisance bylaw to the extent possible.*
2. *Wait for the expected redefinition of agri-tourism to be released by the Agricultural Land Commission in January 2016. [\*See note below\*]*
3. *SLRD staff to review the District of Kent's regimes/processes with respect to agriculture (i.e. "home plate" considerations) for their applicability to the SLRD.*
4. *SLRD staff to implement the Pemberton Valley Agricultural Area Plan as much as possible.*

[\*SLRD staff has now been advised by the Ministry of Agriculture that that the Agricultural Land Commission will not be releasing a redefinition of agri-tourism. Rather, the Ministry of Agriculture is now circulating (for comment by local governments and interested agencies) a draft version of the Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales. SLRD staff is currently undertaking a review of this draft document and will be preparing a report for the SLRD Board.]

Please let me know if you have any questions.

Yours truly,



Lynda Flynn  
Chief Administrative Officer

Pemberton and District Chamber of Commerce  
PO Box 370  
Pemberton, BC  
V0N 2L0

January 14, 2016

Squamish Lillooet Regional District  
Box 219  
Pemberton, BC  
V0N 2L0

Attention: Lynda Flynn

Dear Ms. Flynn:

RE: Commercial Events in Pemberton and Electoral Area C

I am writing in response to your letter sent to Garth Phare on October 27, 2015. As a result of your letter to him, I was appointed to strike a committee to provide feedback on your concerns around commercial events in Pemberton. The committee includes people directly involved in special events such as weddings, as well as representatives from the SLRD, Village of Pemberton, and Agricultural Advisory Committee.

In general, our committee fully supports commercial events in the Pemberton valley, but recognises that certain principles must be adhered to. The issues are as follows:

1. water and septic systems - must be properly designed/constructed
2. washroom facilities - venues need to be self sufficient. Guests must have access to clean, well stocked and properly functioning toilet and hand washing facilities, whether portable or permanent.
3. building design and lack of building permits – only approved, existing buildings should be allowed to be used for commercial events. This is a problem area as most of the existing buildings on farms are not approved for assembly uses. Tents are a good option
4. parking and traffic – be clear on the specific number of spots available. Once these spots are spoken for, then require shuttles to and from the venue. Parking should not impose on neighbours and nearby streets
5. negative effects on farming – should be on a case by case basis but should be regulated by the venue owner/manager (no fireworks or loud music after 11pm, etc.). Ensure the site for commercial activities is positioned well away from productive land.
6. noise and nuisance issues not addressed in noise and nuisance bylaws – adhere to upcoming SLRD noise bylaw. Owners/managers must be present at all events to help manage this

7. public safety, fire and emergency operations – venue operators should be required to fill out at least one permit per year outlining their venue dates and numbers. This could include proof of insurance, and a safety plan
8. unfair competition with legitimately zoned commercial businesses –
  - don't feel there is any real threat to these businesses because of the high demand to host events in the Pemberton valley
  - operators in the ALR that aren't farming their land are a problem
  - legitimate farms that host events should continue to be taxed as a farm
  - the number of weddings a farm is allowed to have per year will help minimize competition with commercial businesses
9. land use planning (i.e. residentially zoned properties, ALR land, etc).
  - need to make it clear as to what is allowed to happen (commercial events, business, etc.) on ALR land and residentially zoned properties, ensuring that the land is being used for what it is zoned for
  - ALR land owners that receive approval from the Ministry of Agriculture should not have to rezone or apply for a temporary use permit
  - should we require some kind of public notification to neighbours if a person is considering using their land for commercial events?
10. NEW ADDITION – must have insurance for commercial events

To summarize, a clear easy process needs to be established in order for a venue to host commercial events in the Pemberton valley. This includes proper permissions from the Ministry of Agriculture and/or Village of Pemberton/ SLRD and a set of guidelines for both the venue operator and customer.

The commercial events industry has become very important to Pemberton's economy. It also provides a great opportunity for bona fide farms to supplement their incomes and showcase local agricultural products. Our hope is that it will continue to flourish with some simple guidelines that are followed by all operators.

Please let me know if you have any questions. I look forward to further discussions with you on this matter.

Yours truly,

Andrea Vanloon  
Pemberton and District Chamber of Commerce Director



January 14th, 2016

Hon. Norm Letnick  
Ministry of Agriculture Strengthening Farming Program  
1767 Angus Campbell Road  
Abbotsford, BC V3G2M3

[AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)

**Re: Pemberton & District Chamber of Commerce Submission on Proposed Minister's Bylaw Standard Criteria and Agri-Tourism**

Dear Minister Letnick,

We appreciate the request to submit comments and recommendations regarding the proposed Minister's Bylaw Standard Criteria for agri-tourism, wedding and commercial events on properties within the Agricultural Land Reserve. Pemberton & District Chamber of Commerce formed a sub-committee of farmers, corporate businesses, agricultural advisory members, municipal and regional district government to discuss and provide feedback.

The proposed Bylaw Guide provides clear framework for supporting agri-tourism activities but we feel that such activities as special events, destination weddings and long-table dinners should be included in the definition. We appreciate that all such events will require ministry approval. Such events have a significant revenue impact on Pemberton's economy and are currently temporary or seasonal and generally are not altering or damaging the land.

Pemberton & District Chamber of Commerce respectfully makes the following recommendations:

- Commercial events should be allowed to help supplement farm incomes, however, should be limited to no more than 10 events per year per location so as not to disrupt the farm operation and/or neighbours drastically. If they go over 10, or a fair number, they should have to apply for nonfarm use, as this is more of a commercial venture.
- Owners/managers should be present to help educate the guests about farming. There is a real interest in understanding where food comes from, this would help promote local agriculture.

- Local produce/farm products that are available should be used for the event.
- The area used for events should be on a “non-productive” part of the farm, so as not to take good land out of production. The land used for these events should not be altered e.g.. buildings, parking lots.
- NON-Farm use should not require that land be rezoned, provided that the farm is not being permanently altered to host commercial events.
- The permitting process at all levels should be as simple and clear as possible, with the option to re-apply annually.
- Transportation shuttles should be considered to help manage traffic and prevent parking concerns
- Neighbourhood should be considered during the permit process in terms of event, attendance numbers and duration times of the event.

Thank you for allowing us to provide feedback.

Should you have any questions regarding our submission of recommendations, please do not hesitate to contact us.

Regards,

Andrea Vanloon - Director  
Pemberton & District Chamber of Commerce  
Commercial & Special Events Committee  
604.894.6773

pembertonvalleyfarms@gmail.com

**Date:** January 19, 2016  
**To:** Nikki Gilmore, Chief Administrative Officer  
**From:** Lena Martin, Manager of Finance and Administration  
**Subject:** Council Cell Phone Allowance

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## **PURPOSE**

To present to the Council options for including the capital purchase of cell phone as well as a Cell Phone Allowance as a part of Council Remuneration.

## **BACKGROUND**

At the Committee of the Whole Meeting No. 141, held Tuesday, December 1, 2015, the Committee discussed the Council Computer Allowance Policy and reviewed whether or not cellular telephones should qualify for inclusion as part of the \$1,000 provided to each member of Council per term. As a result, the following resolution was passed:

*Moved/Seconded*

**THAT** the Committee of the Whole recommends to Council that cell phones be included in the Council Computer allowance.

**CARRIED**

At the Regular Meeting No. 1413, the recommendation from the Committee of the Whole was brought forward under Late Business. Staff advised that the Village has a Cellular Phone policy which may be reviewed in conjunction with the Councillor Computer Purchase Allowance policy. In this regard, the following resolution was passed by Council:

*Moved/Seconded*

**THAT** staff be directed to prepare amendments to the Cellular Phone Policy and the Councillor Computer Purchase Policy to allow for the inclusion of cellphones in the Council Computer Allowance.

**CARRIED**

## **DISCUSSION AND COMMENTS**

In 2009, the Village of Pemberton committed to environmental sustainability by reducing the use of paper and copying. To support this goal the Village (VOP) supplies a laptop computer or equivalent for each of Mayor and Council for business purposes, up to \$1,000 per council term as established in the Councillor Computer Purchase Policy (Appendix A). Councillors may purchase the used equipment at the time of upgrade, replacement (every three years) or at the end of their term in office, for the depreciated value.

Additionally the Mayor will be provided with a cellular phone or Blackberry, at their preference and the Municipality's expense, as established in the Cellular Phone Policy (amended March

30, 2009 - Appendix B). An option to purchase will be given at the end of the term; however, if this option is not exercised, the unit remains the property of the Municipality. Should the Mayor wish to purchase his or her own unit, they shall be responsible for the cost and will retain ownership of the unit. In the case of Municipal ownership, the unit's contract will be added to the current consolidated plan and the invoices will be mailed directly to the Municipality. In the event another provider is chosen by the Mayor, the monthly invoices would be mailed directly to the Municipality for payment.

The cost associated with the purchase and use of a cell phone is in addition to remuneration for expenses related to attending conventions or conferences (UBCM, LMGLA), outside boundary meetings and travel costs. These expenses are either approved through the budget process or by Council resolution.

An exemption equal to 1/3 of Mayor or Council Salary is provided each year under the *Income Tax Act* and the *Local Government Act*. A Municipality may pay a non-accountable expense allowance to an elected officer to perform the duties of that office. (*IT292, Taxation of Elected Officers of Incorporated Municipalities, School Boards, Municipal Commissions and Similar Bodies.*)

Expense allowance is identified as restricted to the non-accountable payment an employer is authorized to make to an officer or member which is received by them because of their position and not for any specific duties they may perform, such as attending a convention or travelling on municipal business, for which they are usually reimbursed for part or all of their expenses. Those reimbursements are not taxable and are not regarded as allowances. (*Income Tax Act Subsection 81 (2), 5(1), 8(1) and 8(3)*). Examples of these expenses are supplies, cell phone expenses, and or other similar expenses used in this role.

An inquiry to the following Municipalities was conducted to determine remuneration paid to Councillors in equivalent sized areas (approximately 2,600 estimated population).

	<u>Computer</u>	<u>Phone</u>	<u>Cell Plan</u>
Elkford	Yes	Mayor	Mayor
Invermere	Yes	No	No
Anmore	No	No	No
Chetwynd	No	No	Yes \$25/mth all

The following larger Municipalities have a Communication Reimbursement Policy.

	<u>Phone or Phone and Usage Plan</u>	<u>Population</u>
Abbotsford	Yes	138,501
Fort St. John	Yes	21,523
Peachland	Mayor only	5,094

## **COMMUNICATIONS**

Review of the Village's Cellular Phone Policy and Council Computer Purchase Policy does not require a communications element.



## **LEGAL CONSIDERATIONS**

The 1/3 expense allowance exemption under the *Income Tax Act* may already be considered as payment for the reimbursement of a phone or phone usage plan.

## **IMPACT ON BUDGET & STAFFING**

The following policies may be adjusted to allow for a cell phone expense allowance for Councillors:

1. **Councillor Computer Purchase Policy:** Update the definition of the computer allowance to include Smartphones and Blackberry. The term budget allowance may stay the same or be increased.
2. **Cellular Phone Policy:** Update the definition from Mayor to Mayor and Councillors. The budget will require updating to include the new cost of Councillor phone plans. A budget allowance maximum may be identified for each phone plan.

Staff are able to include the update of the policies in their current work plans.

## **INTERDEPARTMENTAL IMPACT & APPROVAL**

There are no interdepartmental impacts or approvals required.

## **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

No impact on the region or neighboring jurisdictions.

## **ALTERNATIVE OPTIONS**

The options for consideration are outlined below for Council's consideration:

- Option 1:** Update the Councillor Computer Purchase Policy to include the cost of a computer and/or a Smart phone or Blackberry.
- Option 2:** Update the Cellular Phone Policy to include Councillors in the Village of Pemberton Cell Phone Plan, with or without a maximum budget.
- Option 3:** Update both the Councillor Computer Purchase Policy and the Cellular Phone Policy to include the purchase of a phone and the budget allowance for a cell phone plan.
- Option 4:** No Cell Phone Allowance for Councillors.

## **POTENTIAL GOVERNANCE CONSIDERATIONS**

The Computer Allowance meets with the Village's goals to be more environmentally sustainable by reducing the use of paper and copying and meets with Strategic Priority No. Two: Good Governance to be an open and accountable government and fiscally responsible.

**RECOMMENDATIONS**

**THAT** Council provide direction to Staff as to which option to proceed with.

**Attachments:**

**Appendix A:** Councillor Computer Purchase Policy, approved June 2, 2009

**Appendix B:** Cellular Phone Policy, as amended March 30, 2009.



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Lena Martin  
Manager of Finance and Administration

**CHIEF ADMINISTRATIVE OFFICER REVIEW**



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Nikki Gilmore  
Chief Administrative Officer

## Councillor Computer Purchase Policy

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### Purpose

One of the Village of Pemberton strategic goals is to be more environmentally sustainable by reducing the use of paper and copying. To support this strategic goal the Village (VOP) will supply a laptop computer for each of Mayor and Council for business purposes, to the extent possible within approved budgets. Each Councillor must sign a Computer Equipment Agreement, declaring that they will return the computer equipment at the end of their term.

### Policy

- 1.0 The make/model/type of the equipment supplied shall be determined by the Village based on the current computer standards used and will comply with the operating requirements of the current configuration in use at the Village of Pemberton offices.
- 2.0 The equipment supplied will include Microsoft Office (Word, Excel, Power Point, Outlook), Adobe Reader and Anti- Virus Protection (or current equivalent at time of purchase).
- 3.0 All equipment will be maintained by the Village's computer contractor at Village expense.
- 4.0 All computers will remain the property of the Village, unless purchased by the Councillor, in accordance with Section 5 of this policy.
- 5.0 Computer equipment will be eligible for upgrade every three years.
- 6.0 The budgeting for Councillor's computer equipment will be based on the election cycle, with provision for equipment in the year of each election so that funds are available for equipping incoming Councillors.
- 7.0 Councillors may purchase the used equipment at the time of upgrade or replacement (every three years) or at the end of their term in office, for the depreciated value of the computer.
- 8.0 If a Councillor chooses not to purchase the computer equipment at the end of their term in office, the computer equipment will be returned on or before the Councillors last day as a member of Council.
- 9.0 Councillors will return their equipment upon request at anytime by an authorized VOP officer.

10.0 If a Councillor wishes to upgrade before the end of three years, the Councillor must pay to VOP the prorated value of the cost of the original computer equipment. The prorated value is calculated by the following formula (considered on a case by case basis):

- (a) Divide the original purchase price by 36 (3 yrs. X 12 months)
- (b) Subtract the number of months since the computer was purchased from 36 to determine the number of remaining months in the computer's 3 year life.
- (c) Multiply the product of step (a) by the results of step (b) to determine the prorated amount to be paid by the Councillor to VOP.
- (d) Should the Councillor wish to retain any of the equipment being replaced under this provision, for personal use, they shall pay an additional amount as set out in Section 5 of this policy. Otherwise, all replaced equipment shall be returned to VOP.

11.0 Once computer equipment is allocated all Council and Committee agenda packages will be provided electronically. Hard copies will only be provided in exceptional cases.

Approved: June 2, 2009

## **Cellular Phones**

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### **1. Purpose**

To provide guidelines for Employees and the Mayor's use and expense reimbursement of municipal cellular phones, including Blackberries, etc. on both business and personal basis.

### **2. Policy**

#### **i) Acquisition**

Department Managers are authorized to provide cellular phones to conduct Municipal business as required. The Finance Department will arrange to have new activations and replacement phones coordinated, in conjunction with the employee, and said phone provided.

#### **ii) Airtime**

Employees have been set up with plans that reflect their average usage. These rate plans are reviewed and adjusted as necessary. Where an employee consistently exceeds plan coverage, with no business justification, they will be responsible for extra charges. An employee may request for increased plan coverage to include evenings and weekends at their own expense.

#### **iii) Billing**

The consolidated bill is sent to the Village office for payment. An analysis report will be requested periodically. Any recommendations of rate plans will be reviewed and made if there is a cost savings.

#### **iv) Usage**

For safety, company employees are not permitted to use a cell phone, either hand-held or hands-free, while operating a motor vehicle on company business or company time. While driving, calls cannot be answered and should be directed to voice mail. In the case of an emergency, the car should be parked safely before making a call.

#### **v) Damage**

Employees are responsible for the care and maintenance of their cell phone. Any phones damaged or lost are the responsibility of the company employee. Any warrantee claims, please contact the Finance Department.

vi) Misuse

Misuse of this policy will attract disciplinary measures appropriate to the circumstances.

**3. Employees**

An employee need for a cellular phone will be based on the following business criteria:

- i) Workplace safety
- ii) Degree of urgency that messages need to be acted upon
- iii) Frequency of out of office communications
- iv) Frequency of usage
- v) Alternative communication devices are unavailable or ineffective
- vi) Improvement to customer service.

The unit will be provided at the municipality's expense and will remain the property of the municipality.

**4. Mayor**

The Mayor will be provided with a cellular phone or Blackberry, at their preference, at the municipality's expense. An option to purchase will be given at the end of the term; however, if this option is not exercised, the unit shall remain the property of the Municipality. Should the Mayor wish to purchase their own unit, they shall be responsible for the cost and will retain ownership of the unit.

In the case of municipal ownership, the unit's contract will be added to the current consolidated plan and the invoices will be mailed directly to the municipality. In the case of non-municipal ownership, it is advised that in order to take advantage of the group discount that the Mayor signs up with the provider already used by the Municipality. In the event another provider is chosen by the Mayor, the monthly invoices should also be mailed directly to the municipality so that timely payments and expenses allocations for budget purposes may be made.

**5. Reimbursement & Usage**

- i) Personal calls during business hours are discouraged, but are unavoidable, so it is recommended that they are kept to a minimum;
- ii) Personal calls outside hours are permitted where the user is enrolled in the consolidated cell phone plan;
- iii) Long distance calls of a personal nature will be reimbursed in full to the Municipality.
- iv) Any charges in excess of plan coverage will be paid by the employee (\$200).

**Date:** January 19, 2016

**To:** Nikki Gilmore, Chief Administrative Officer

**From:** Cameron Chalmers, Contract Development Planner

**Subject:** Official Community Bylaw No. 654, 2011, Amendment ('580' Hillside Lands) Bylaw No. 789, 2015 and Zoning Bylaw No. 466, 2001, Amendment ('580' Hillside Lands) Bylaw No. 790, 2015 – Consideration of Adoption.

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### **PURPOSE**

This report presents, for Council's consideration of Fourth and Final reading, OCP Amendment Bylaw No. 789, 2015 and Zoning Amendment Bylaw No. 790, 2015 with respect to the application from 580049 Ltd. for single family and multi-family development on lands legally described as Lots 2 & 3, DL 211, EPP21848, LLD.

### **BACKGROUND**

A detailed report on the "580" Hillside Development Lands Application – originally proposed as a mixed land use development proposal - was presented at the Committee of the Whole (COW) Meeting No. 129 held on April 7, 2015. The report also presented agency referral comments, Village Advisory Land Use Commission's (ALUC) comments and Staff comments specifically related to the development concept. The Committee of the Whole (COW) passed the following resolution on April 7, 2015:

*Moved/Seconded*

**THAT** Staff be directed to give the proponents an opportunity to address issues raised by the Committee of the Whole, referral agencies, the Advisory Land Use Commission and Staff before bylaws are presented for Council's consideration;

**AND THAT** Staff be directed to present additional information to the Advisory Land Use Commission so that they may fully understand the context and background of the proposed land use changes, before bylaws are presented for Council's consideration;

**AND THAT** Staff be directed to proceed to the next stage of preparing amending bylaws based on this application for Council's consideration;

**CARRIED**

**OPPOSED: Councillor Helmer**

Following this, an updated report on the application, which included a summary of the comments from referral agencies and Village Staff and identified specific points for discussion, was presented to the Committee of the Whole Meeting No. 134 held on June 2, 2015 where the following recommendation was passed:

*Moved/Seconded*

**THAT** Staff bring forward an Official Community Plan ('580' Hillside Lands) Amendment Bylaw and Zoning ('580' Hillside Lands) Amendment Bylaw for first reading on July 7, 2015;

**AND THAT** the Staff report include reference to the Bylaws not receiving 2nd reading until the Village has been provided with the results of a developer-led public info meeting, and until all outstanding information on the application has been received by the Village of Pemberton.

**CARRIED**

**OPPOSED: Councillor Helmer**

As per the recommendation above, Staff presented OCP ('580' Hillside Lands) Amendment Bylaw No. 789, 2015 and Zoning ('580' Hillside Lands) Amendment Bylaw No. 790, 2015 for consideration of First Reading at the Regular Meeting of Council No. 1401 held on July 7, 2015 where the following recommendation was passed:

*Moved/Seconded*

**THAT** Official Community Bylaw No. 654, 2011, Amendment ('580' Hillside Lands) Bylaw No. 789, 2015 be given First Reading;

**CARRIED**

**OPPOSED: Councillor Helmer**

**THAT** Zoning Bylaw No. 466, 2001, Amendment ('580' Hillside Lands) Bylaw No. 790, 2015 be given First Reading;

**CARRIED**

**OPPOSED: Councillor Helmer**

**THAT** Second Reading of Official Community Bylaw No. 654, 2011, Amendment ('580' Hillside Lands) Bylaw No. 789, 2015 and Zoning Bylaw No. 466, 2001, Amendment ('580' Hillside Lands) Bylaw No. 790, 2015 not be considered until the Applicant:

- Holds a public information session regarding the proposed development, at their own expense, and forwards the consultation results to the Village Planner;
- Works with Staff to create a draft Land Development Agreement (Restrictive Covenant) that addresses outstanding items mentioned in Appendix B, and any additional items that may arise as a result of the public information session;
- Submits more refined details with respect to the Siting and Massing of the proposed Hotel/Conference Centre; and
- Demonstrates access to the satisfaction of the Village.

**CARRIED**

**OPPOSED: Councillor Helmer**

At the Regular Council Meeting No. 1412, held on Tuesday, November 17<sup>th</sup> 2015, Staff presented a report to Council describing how the applicant had addressed the identified action items noted above. Staff also presented newly revised OCP ('580' Hillside Lands) Amendment Bylaw No. 789, 2015 and Zoning ('580' Hillside Lands) Amendment Bylaw No. 790, 2015 for consideration of second reading in addition to the scheduling of a Public Hearing. The following resolutions were passed:

*Moved/Seconded*

**THAT** Official Community Bylaw No. 654, 2011, Amendment ('580' Hillside Lands) Bylaw No. 789, 2015 receive Second Reading.

**CARRIED**

**OPPOSED: Councillor Helmer**



*Moved/Seconded*

**THAT** Staff be directed to prepare a report for the next Council Meeting on the "580" Hillside Lands that includes an explanation on the difference between fee simple and strata lot subdivisions, as well as a summary of referral agency comments received for this application.

**CARRIED**

*Moved/Seconded*

**THAT** Staff advise referral agencies of a deadline for receiving comments and that any referral agencies' comments submitted after noon on Wednesday, November 25, 2015 will be presented to Council on December 1, 2015, so that they can be received prior to the Public Hearing.

**AND THAT** a Public Hearing for Official Community Bylaw No. 654, 2011, Amendment ('580' Hillside Lands) Bylaw No. 789, 2015 be scheduled for 7PM Tuesday, December 8th, 2015, at Council Chambers.

**CARRIED**

**OPPOSED: Councillor Helmer**

The Public Hearings for both bylaws were held on Tuesday, December 8, 2015 and attended by 17 members of the public. Details respecting these meetings are provided later in this report.

Subsequently, at the Regular Council Meeting No. 1414, held Tuesday, December 15, 2015 Official Community Plan Amendment ('580' Hillside Lands) Bylaw No. 789, 2015 was given Third Reading as amended by replacing Schedule A with a revised Schedule. As well, Council also passed the following resolution:

*Moved/Seconded*

**THAT** Council request that the Approving Officer consider the 2013 Keystone Environmental Report follow-up recommendations in conjunction with the subdivision application review and that staff report back to Council.

**CARRIED**

As well, Zoning Amendment ('580' Hillside Lands) Bylaw No. 790, 2015 was given Third Reading as amended as follows:

*Moved/Seconded*

**THAT** Council amend Village of Pemberton Zoning Bylaw No. 466, 2011, Amendment ('580' Hillside Lands) Bylaw No. 790, 2015 to:

1. replace Schedule "A", with the revised Schedule "A" attached to this report;
2. delete Section 302C.2(c) and replace it with the following:

*The densities may be increased from the requirements identified in Section 302B.2(a) to the requirements identified in Section 302.3(b) providing contributions toward community amenities have been provided through a voluntary contribution of \$9165 per single family or bed & breakfast lot, payable either:*

*i) in cash prior to the registration of a plan of subdivision and to be held in a reserve fund by the Village for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses; and/or*

*ii) in-kind works and services provided that they are approved by the Village in writing prior to the registration of a plan of subdivision for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses;*

3. delete the word “maximum” and replace it with the word “minimum” in Section 303B.2 (b);

4. delete Section 303B.2(e) and replace it with the following:

*The densities may be increased from the requirements identified in Section 303B.2(a) and 303B.2(b) to the requirements identified in Section 303.2(c) and Section 303.2(d) providing contributions toward community amenities have been provided through a voluntary contribution of \$9165 per single family or bed & breakfast lot or \$6110.00 per townhouse unit, payable either:*

*i) in cash at the earlier of building permit issuance or registration of a plan of subdivision, to be held in a reserve fund by the Village for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses; and/or*

*ii) in-kind works and services provided that they are approved by the Village in writing at the earlier of building permit issuance or registration of a plan of subdivision, for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses.*

**CARRIED**

## **DISCUSSION AND COMMENTS**

As noted above, the Public Hearings for Bylaw No. 789, 2015 and Bylaw No.790, 2015 were held December 8<sup>th</sup> 2015 and seventeen (17) members of the public were present. The Village received a total of three (3) written submissions expressing concerns with the proposed development.

During the Public Hearing for Bylaw 789, 2015, three (3) persons expressed their support for the OCP Amendment bylaw, and one (1) person expressed their concerns. During the Public Hearing for Bylaw No. 790, 2015, two (2) persons expressed their support for the Zoning Amendment Bylaw, one (1) of whom is a resident of Area C (Reid Road), and one (1) of whom is a resident of Squamish (and former resident/Councillor of the Village of Pemberton). No persons expressed opposition to Bylaw 790, 2015.

At the Public Hearing, Staff made representation that the Owner would be obligated to enter into a *Land Title Act* Section 219 Restrictive Covenant, also known as a Land Development

Agreement (LDA). The Covenant secures the Village's off-site improvement requirements and voluntary amenity contributions. It is based on phasing provided by the Owner. Following the Public Hearing, an additional obligation for the Owner to undertake further environmental studies, as recommended by their initial Environmental Assessment Report, has been included as per Council's direction.

Additionally, the LDA will require the completion of parkland dedication initially agreed to as part of the five-lot subdivision that created the parent parcels to this development. There are existing agreements and obligations between several different owners that are intended to facilitate that dedication. *\*See additional information under CAO comments at the end of this report.*

### **POST-PUBLIC HEARING CONSIDERATIONS**

Zoning Amendment ('580' Hillside Lands) Bylaw No. 790, 2015 has received the approval of the Ministry of Transportation and Infrastructure (MOTI).

### **COMMUNICATIONS**

There are no communications elements required at this time.

### **LEGAL CONSIDERATIONS**

In accordance with the *Local Government Act*, s. 894 (1), after a public hearing, the Council may, without further notice or hearing,

- (a) adopt or defeat the bylaw, or
- (b) alter and then adopt the bylaw, provided that the alteration does not
  - (i) alter the use,
  - (ii) increase the density,
  - (iii) without the owner's consent, decrease the density of any area from that originally specified in the bylaw.

Though Council retains this discretion at Fourth Reading, Third Reading, which was granted December 15, 2015 is considered approval in principle, and the Owner has met the obligations established by Council through the process.

### **IMPACT ON BUDGET & STAFFING**

The research and preparation of the report/bylaw is a component of the daily work undertaken by the Operations & Development Services Department. All costs associated with the processing of this application have been included in the budget and are cost recoverable through the application fees.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

There are no interdepartmental impacts or approvals required respecting the processing of this application as it is a function of the Operations and Development Services Department.

### **OPTIONS / NEXT STEPS**

Following are the options for Council's consideration::

1. Give OCP ('580' Hillside Lands) Amendment Bylaw No. 789 and Zoning ('580' Hillside Lands) Amendment Bylaw No. 790, 2015 Fourth and Final Reading on January 19, 2015
2. Not give OCP ('580' Hillside Lands) Amendment Bylaw No. 789 and Zoning ('580' Hillside Lands) Amendment Bylaw No. 790, 2015 Fourth and Final Reading on January 19, 2015.

### **POTENTIAL GOVERNANCE CONSIDERATIONS**

Support of this initiative is consistent with all four Strategic Priorities:

1. Economic Vitality – the Village values and supports a competitive and diversified economy with engaged corporate citizens;
2. Good Governance – the Village is committed to citizen engagement, being an open, honest and accountable government, and fiscal responsibility;
3. Excellence in Service – delivering highest quality level municipal services within the scope of our resources.
4. Social Responsibility - the Village strives to create a strong and vibrant community recognizing the importance and benefits of both healthy and engaged citizens as well as an accessible and well managed natural environment.

### **RECOMMENDATIONS:**

#### **Bylaw 789, 2015**

**THAT** Village of Pemberton Official Community Bylaw No. 654, 2011, Amendment ('580' Hillside Lands) Bylaw No. 789, 2015, be Adopted. (Appendix A)

#### **Bylaw 790, 2015**

**THAT** Village of Pemberton Zoning Bylaw No. 466, 2011, Amendment ('580' Hillside Lands) Bylaw No. 790, 2015 be Adopted. (Appendix B)

**Attachments:**

**APPENDIX A:** Official Community Plan ('580' Hillside Lands) Amendment Bylaw No. 789, 2015 for Adoption.

**APPENDIX B:** Zoning ('580' Hillside Lands) Amendment Bylaw No. 790, 2015 for Adoption



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Cameron Chalmers,  
Contract Development Planner


**MANAGER OF OPERATIONS AND DEVELOPMENT SERVICES REVIEW**



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Tim Harris,  
Manager of Operations and Development Services

**CHIEF ADMINISTRATIVE OFFICER**



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Nikki Gilmore  
Chief Administrative Officer

**CHIEF ADMINISTRATIVE OFFICER COMMENTS:**

One of the existing agreements is the Three Year Lease and Option to Purchase Agreement between the Village and the Den Duyf family signed in 2012. The Village currently holds a lease for recreation purpose on a portion of the lands identified as Lot 4, DL211, Plan EPP21848. In order to exercise the option to purchase the recreation site the Agreement, set out various conditions that must be completed prior to purchasing the lands.

The conditions are as follows:

- Apply for & gain approval from Agricultural Land Commission (ALC) to exclude, include and allow non-farm use in Agricultural Land Reserve (ALR);
- Rezone the identified land for Recreational Use;
- Prepare a plan Subdivision which would see Lot 4 divided into five (5) parcels and this includes legal survey work;

- Re-align “school access road” but undertaking the following:
  - Stop up and close portion of the existing road,
  - Establish the new alignment through Reference Plan,
  - Arrange for Land Owner signature & registration at Land Titles Office
- Rezone a portion of the lands to reduce the minimum parcel area Finalize the survey & prepare a Subdivision Plan
- Apply to the Approving Officer to have the lands subdivided into five (5) Lots;
- Prepare a Statement of Adjustment for taxes, road re-alignment costs, rezoning and subdivision costs;
- Exercise the Option to Purchase the recreation site lands

The Village completed all of the conditions outlined above and submitted all documentation to the Den Duyf family on July 22, 2015 and requested a closing date. No response was provided. Documents of this nature expire within six (6) months of issuance if not registered with the Land Title Office. In November, due to the documents nearing their expiry, the Village was required to update the survey plan and the Approving Officer required to re-sign the submission. This was completed and the revised documents were resubmitted to the property owner on November 30, 2015. The Village is eagerly awaiting for the execution of the documents by the property owner which will enable the completion of the subdivision and registration at the Land Title Office. Subsequently, the Village will be able to complete the purchase of the Recreation Lands.

With respect to the 580 Development, without the completion of the above note subdivision of Lot 4, DL211, EPP21848, the parcels will not be separate lots and therefore, the parkland dedication that runs with the original subdivision of the Sabre/Biro lands cannot be completed. Further the storm water management plan, which is specific to the 580 Development only, requirements, cannot be met. These two conditions are both reliant on the Den Duyf family dedicating the parkland upon completion of the Lot 4 subdivision and have also been identified as a requirement in the Three Year Lease and Option to Purchase.

**VILLAGE OF PEMBERTON**

**BYLAW No. 789, 2015**

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**Being a bylaw to amend the Village of Pemberton Official Community Plan Bylaw No. 654, 2011**

---

**WHEREAS** the Council may amend its Official Community Plan from time to time;

**AND WHEREAS** the Council of the Village of Pemberton deems it desirable to amend the Official Community Plan Bylaw to accommodate residential development in the Hillside area;

**NOW THEREFORE** the Council of the Village of Pemberton in open meeting assembled **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as “Official Community Plan Bylaw 654, 2011, Amendment (‘580’ Hillside Lands) Bylaw No. 789, 2015.”
2. Village of Pemberton Official Community Plan Bylaw No 654, 2011 is amended as follows:
  - a) Amend Map B to re-designate the “Subject Lands” identified in Schedule A of this bylaw from “Special Planning Area (Hillside)” to “Residential”.
  - b) Amend Map L to designate the “Subject Lands” as identified in Schedule A of this bylaw as “Development Permit Areas No. 1 – Environmental Protection; No. 2 - Natural Hazards; and No. 6 – Multi-family and/or Commercial Development.

**READ A FIRST TIME** this 7th day of July, 2015.

**READ A SECOND TIME** this 17th day of November, 2015.

**NOTICE OF PUBLIC HEARING** for Village of Pemberton Official Community Plan Bylaw No. 654, 2011, Amendment (‘580’ Hillside Lands) Bylaw No. 789, 2015 was published in the **Pique Newsmagazine** on **November 26th, 2015** and **December 3rd, 2015**, and in the **Whistler Question** on **December 1st, 2015**.

**PUBLIC HEARING HELD** this 8th day of November, 2015.

**READ A THIRD TIME** this 15<sup>th</sup> day of December, 2015.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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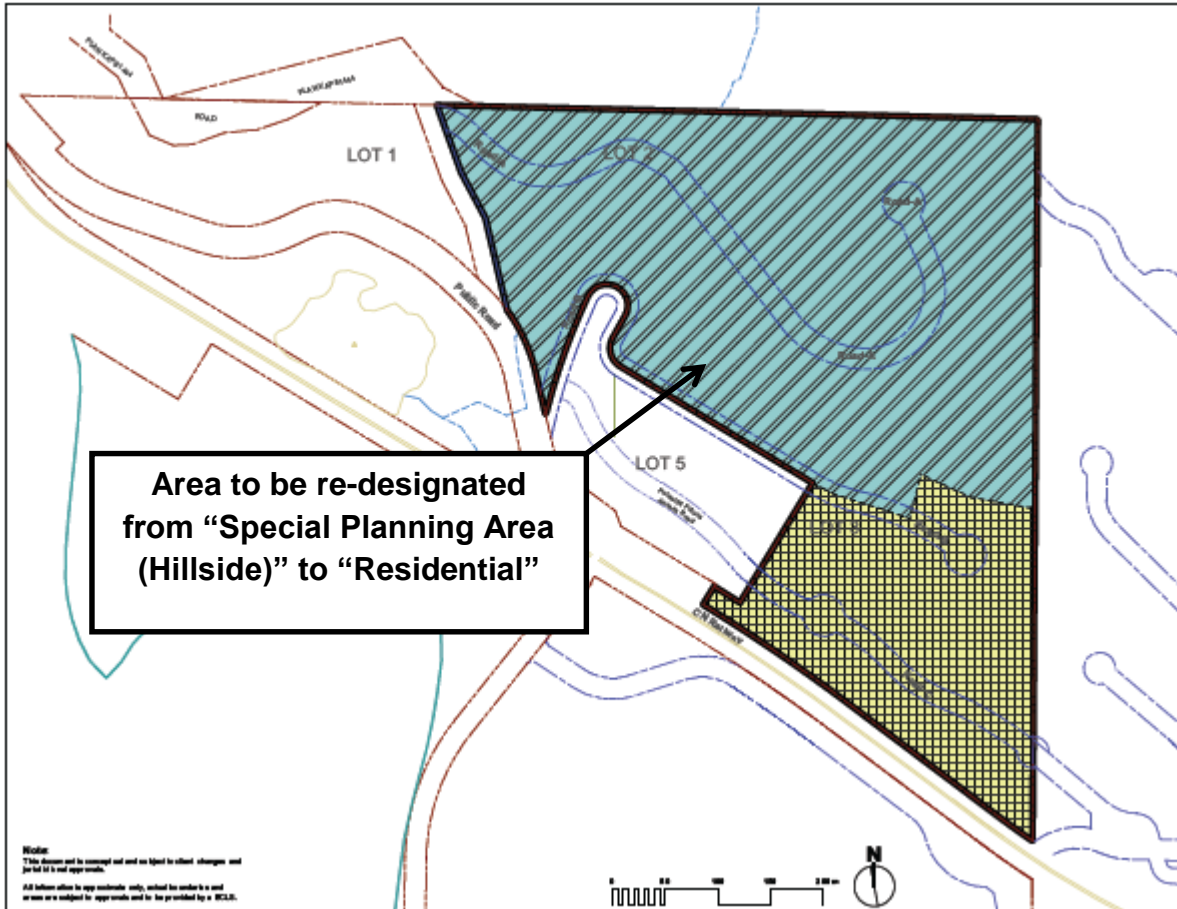
Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

# Schedule A

Village of Pemberton OCP Bylaw No. 654, 2011,  
Amendment ('580' Hillside Lands) Bylaw No. 789, 2015  
"Subject Lands"





**VILLAGE OF PEMBERTON**

**BYLAW No. 790, 2015**

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**Being a bylaw to amend the Village of Pemberton Zoning Bylaw No. 466, 2001**

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**WHEREAS** the Council may amend its Zoning Bylaw from time to time;

**AND WHEREAS** the Council of the Village of Pemberton deems it desirable to zone lands for Residential Uses;

**NOW THEREFORE** the Council of the Village of Pemberton in open meeting assembled **ENACTS AS FOLLOWS:**

**1. CITATION**

This Bylaw may be cited for all purposes as “Village of Pemberton Zoning Bylaw No. 466, 2001, Amendment (‘580’ Hillside Lands) Bylaw No. 790, 2015.”

**2. Village of Pemberton Zoning Bylaw No. 466, 2001 is amended by addition of the following as Section 302 C:**

**“302C RESIDENTIAL (AMENITY) ZONE RSA-2**

*The intent of the RSA-2 Zone is to provide for the purpose of low density single family dwellings, and to provide density incentives earned by provision of certain amenities.*

**302C.1 Permitted Uses**

Single Residential Dwelling  
Home Occupation <sup>(a)</sup>  
Accessory Suite <sup>(b)</sup>  
Bed and Breakfast <sup>(c)</sup>  
Accessory Uses

<sup>(a)</sup> Home Occupation shall be subject to the requirements of Section 207.

<sup>(b)</sup> Accessory Suite shall be subject to the requirements of Section 210 (1) and (3).

<sup>(c)</sup> Bed and Breakfast shall be subject to the requirements of Section 224.

### **302C.2 Lot Sizes**

- (a) The minimum lot sizes as a base density are as follows:
- |                             |                       |
|-----------------------------|-----------------------|
| Single Residential Dwelling | 20,000 m <sup>2</sup> |
| Bed and Breakfast           | 20,000 m <sup>2</sup> |
- (b) The minimum lot sizes where the requirements identified in Section 302.C(c) have been fulfilled are as follows:
- |                             |                      |
|-----------------------------|----------------------|
| Single Residential Dwelling | 1,400 m <sup>2</sup> |
| Bed and Breakfast           | 1,400 m <sup>2</sup> |
- (c) The densities may be increased from the requirements identified in Section 302C.2(a) to the requirements identified in Section 302C.2(b) providing contributions toward community amenities have been provided through a voluntary contribution of \$9165 per single family or bed & breakfast lot, payable either:
- i) in cash prior to the registration of a plan of subdivision and to be held in a reserve fund by the Village for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses; and/or;
  - ii) in-kind works and services provided that they are approved by the Village in writing prior to the registration of a plan of subdivision for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses.

### **302C.3 Buildings and Structures**

- (a) No more than two dwellings (which includes an accessory suite) may be located on a parcel.
- (b) No more than two accessory buildings or structures are permitted on a parcel.

### **302C.4 Building Heights**

Refer to the regulations contained in Section 302.2, which shall apply.

### **302C.5 Setbacks**

Refer to the regulations contained in Section 302.3, which shall apply.

### **302C.6 Lot Coverage**

The lot coverage of all buildings on a lot shall not exceed 40%.

### **302C.7 Off-Street Parking**

Off-street parking spaces shall be provided in accordance with the requirements of Division 500.

### **302C.8 Screening and Landscaping**

Screening and landscaping shall be provided in accordance with the regulations in Division 400.

### **302C.9 Signage**

Signage should be limited to that permitted pursuant to Section 207(7) – Home Occupation.

### **302B.10 Watercourse Setbacks**

Setbacks from any watercourses on the property must be in accordance with the requirements of the Village of Pemberton, Ministry of Environment and the Department of Fisheries and Oceans.

## **3. Village of Pemberton Zoning Bylaw No. 466, 2001 is amended by addition of the following as Section 303B:**

### **303B RESIDENTIAL TOWNHOUSE (AMENITY) ZONE RTA-2**

*The intent of the RTA-2 Zone is to provide for the purpose of moderate density townhouse or single family development, and to provide density incentives earned by provision of certain amenities.*

#### **303B.1 Permitted Uses**

Townhouse  
Single Residential Dwelling <sup>(a)</sup>  
Home Occupation <sup>(b)</sup>  
Accessory Uses

(a) Single Residential Dwellings within this zone shall be subject to all the requirements of Section 302.

(b) Home Occupation shall be subject to the requirements of Section 207.

**303B.2 Lot Sizes**

(a) The minimum lot sizes as a base density are as follows:

Single Residential Dwelling	20,000 m <sup>2</sup>
Townhouse	20,000 m <sup>2</sup> per unit

(b) The minimum unit size for a Townhouse is 300 m<sup>2</sup>.

(c) Where the requirements identified in Section 303B.2(e) are fulfilled, the permitted density of a Single Residential use may be increased to the following:

Minimum Lot Size	700 m <sup>2</sup> <sup>(a)</sup>
Minimum Lot Width 1	18 m <sup>(b)</sup>
Maximum Floor Space Ratio	0.50

(d) Where the requirements identified in Section 303B.2(e) are fulfilled, the permitted density of a Townhouse use may be increased in accordance with the regulations contained within Section 303.3 of the RT-1 Zone.

(e) The densities may be increased from the requirements identified in Section 303A.2(a) and 303A.2(b) to the requirements identified in Section 303A.2(c) and Section 303A.2(d) providing contributions toward community amenities have been provided through a voluntary contribution of \$9165 per single family or bed & breakfast lot or \$6110.00 per townhouse unit, payable either:

- i) in cash at the earlier of building permit issuance or registration of a plan of subdivision, to be held in a reserve fund by the Village for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses; and/or
- ii) in-kind works and services provided that they are approved by the Village in writing at the earlier of building permit issuance or registration of a plan of subdivision, for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses.

**303B.3 Buildings and Structures**

(a) No more than two dwellings including an accessory suite may be located on a parcel.

- (b) No more than two accessory buildings or structures are permitted on a parcel.

**303B.4 Building Height and Setbacks**

- (a) Single Residential Dwellings refer to regulations contained in Section 302.2 and 302.3, which shall apply.
- (b) Townhouse refer to regulations contained in Section 303.2 and 303.3, which shall apply.

**303B.5 Lot Coverage**

The lot coverage of all buildings on a lot shall not exceed 40%.

**303B.6 Off-Street Parking**

Off-street parking spaces shall be provided in accordance with the requirements of Division 500.

**303B.7 Screening and Landscaping**

Screening and landscaping shall be provided in accordance with the regulations in Division 400.

**303B.8 Signage**

Signage should be limited to that permitted pursuant to Section 207(7) – Home Occupation.

**303B.9 Watercourse Setbacks**

Any watercourses on the property must be in accordance with the requirements of the Village of Pemberton, Ministry of Environment and the Department of Fisheries and Oceans Canada.

- 4. Schedule A – Zoning Districts Map of Zoning Bylaw 466, 2001 is amended by re-zoning the lands shown shaded on Schedule 1 of this Bylaw from SLRD Electoral Area C Zoning: Rural 1 – Rural Residential sub zone (RR1<sub>Res</sub>) to Village of Pemberton Residential (Amenity) Zone (RSA-2) and Residential Townhouse (Amenity) Zone (RTA-2).

**READ A FIRST TIME** this 7<sup>th</sup> day of July, 2015.

**READ A SECOND TIME** this 17<sup>th</sup> day of November, 2015.

**NOTICE OF PUBLIC HEARING** for Village of Pemberton Zoning Bylaw No. 466, 2001, Amendment ('580' Hillside Lands) Bylaw No. 790, 2015 was published in the **Pique Newsmagazine** on November 26th, 2015 and December 3rd, 2015, and in the **Whistler Question** on December 1st, 2015.

**PUBLIC HEARING HELD** this 8<sup>th</sup> day of December, 2015.

**READ A THIRD TIME** this 15<sup>th</sup> day of December, 2015.

**APPROVED BY THE MINISTER OF TRANSPORTATION AND INFRASTRUCTURE PURSUANT TO SECTION 52 of the *Transportation Act*** this 22<sup>nd</sup> day of December, 2015.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 201\_.

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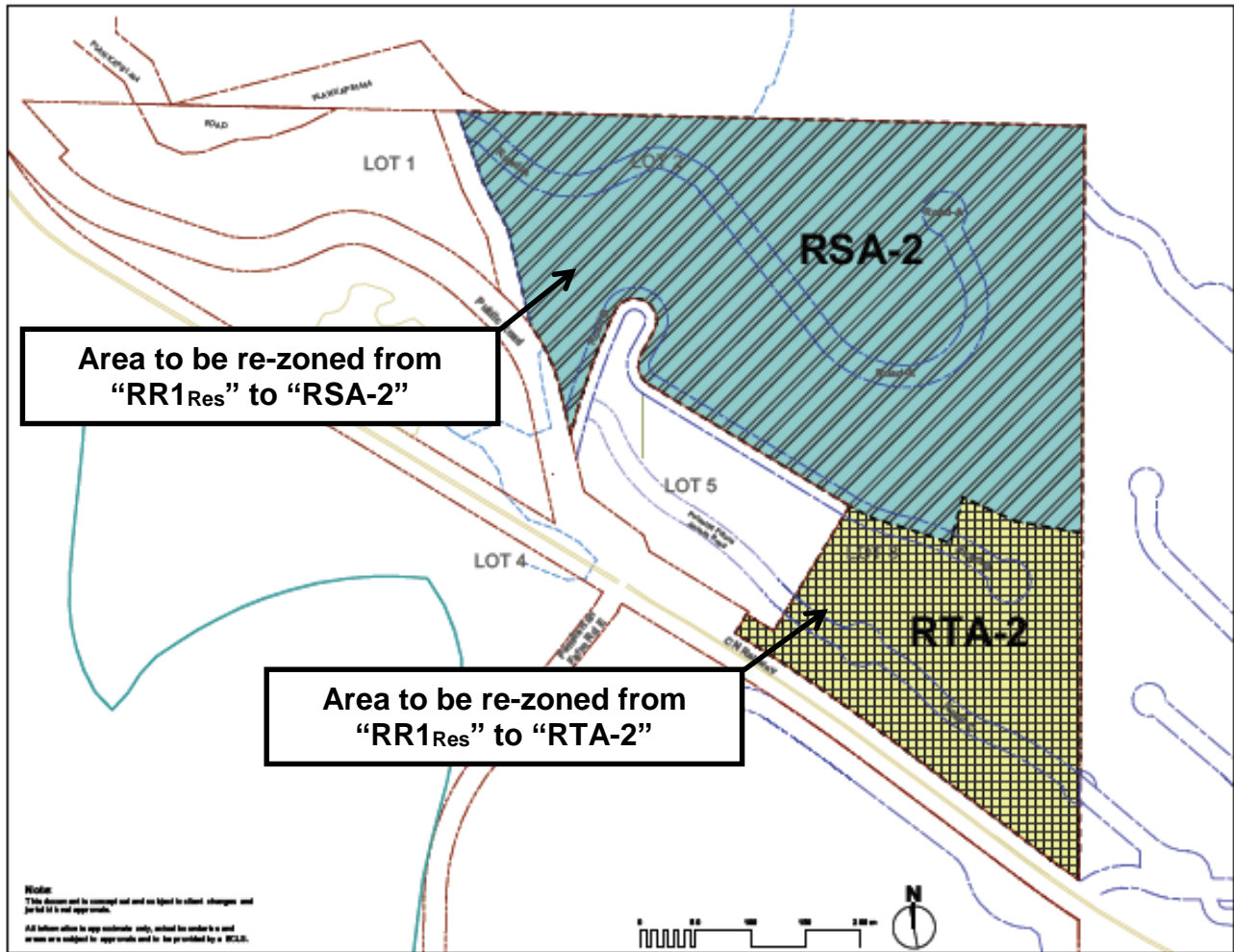
Mike Richman  
Mayor

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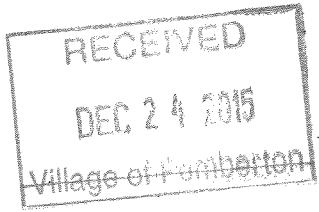
Sheena Fraser  
Corporate Officer

# Schedule A

Village of Pemberton Zoning Bylaw No. 466, 2001,  
Amendment ('580' Hillside Lands) Bylaw No. 790, 2015  
"Subject Lands"



agard



# Local Government Program Services

...programs to address provincial-local government shared priorities



December 17, 2015

Mayor Richman and Council  
Village of Pemberton  
Box 100  
Pemberton, BC V0N 2L0



**FIRST NATIONS'**  
**Emergency Services**  
BRITISH COLUMBIA

**RE: Strategic Wildfire Prevention Initiative - Approval of 2016 FireSmart Grant (SWPI-613: Pemberton FireSmart Education & Training Project)**

Dear Mayor and Council,

Thank you for submitting an application under the 2016 FireSmart Grant Program for the above noted project.

I am pleased to inform you that the Evaluation Committee has approved funding for your project in the amount of \$10,000.00.

Grant payments will be issued when the approved project is complete and UBCM has received and approved the required final report and financial summary.

The conditions of approval are outlined in the Program & Application Guide and the general Terms & Conditions are attached. In addition, please note the approved grant is also subject to the following requirements:

- (1) The funding is to be used solely for the purpose of the above named funding program and project, and for the expenses itemized in the budget that was approved as part of your application;
- (2) Funds are not transferable to other projects;
- (3) All funded activities are to take place within the 2016 calendar year;
- (4) The final report is required to be submitted within 30 days of project completion and no later than January 31, 2017. The report must include:
  - Completed and signed copy of the final report form
  - Financial summary



**BRITISH COLUMBIA**  
www.gov.bc.ca

**The Strategic Wildfire Prevention Initiative is managed by the Provincial Fuel Management Working Group. For program information, visit the Funding Program section at:**

**www.ubcm.ca**

LGPS Secretariat

Local Government House  
525 Government Street  
Victoria, BC, V8V 0A8

E-mail: lgps@ubcm.ca  
Phone: (250) 356-2947



- Copies of any community assessments, FireSmart Community Plans or any other plan that was developed or updated as part of the 2016 SWPI FireSmart grant.

On behalf of the Evaluation Committee, I would like to congratulate you for responding to this opportunity to address community safety issues in your community.

If you have any questions, please contact Local Government Program Services at (250) 356-2947 or by email at [lgps@ubcm.ca](mailto:lgps@ubcm.ca).

Sincerely,



Peter Ronald  
Programs Officer

cc: *Kim Slater, Communications and Grants Coordinator, Village of Pemberton*

*Enclosure*

RECEIVED

JAN 11 2016

Village of Pemberton

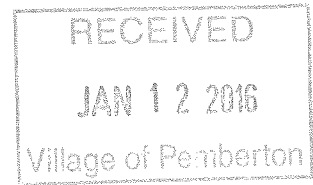
Dear Friends at the Village of Pemberton,

Thank you so much for your recent donation to Sea to Sky Community <sup>(Pemberton Christmas Hampu Program)</sup>. Your gift is greatly appreciated! Please visit us at [www.sscs.ca](http://www.sscs.ca) for information about the great services and programs we can offer with your support.

Best,  
Hazel

Village of Pemberton  
Regular Council Meeting No. 1416  
Tuesday, January 19, 2016  
Page 90 of 94

Jan 2016



January 8, 2016

Mayor Richman and Council  
Village of Pemberton  
Box 100  
Pemberton, BC V0N 2L0

Dear Mayor Richman and Council:

On behalf of Creative BC, I would like to thank you, members of your Council, and your administration for your continued support of British Columbia's motion picture industry.

Creative BC is an independent non-profit agency created, and supported, by the Province of British Columbia to help grow its creative sector which includes the motion picture (film and television), digital and interactive media, music, magazine and book publishing industries.

As you know, BC's motion picture industry is a major contributor to our provincial economy, creating thousands of jobs and benefitting local communities. BC is also one of the top three full-service production centres in North America and a destination of choice among major US studios such as Disney, Warner Bros., Paramount and Columbia Pictures, to name a few. We also have a dynamic domestic industry that produces a wide range of screen-based entertainment that is seen by audiences around the world.

The fact that BC has gained an international reputation as a leading motion picture production centre is due in part to the strong support it receives from local governments such as yours. In particular, I would like to acknowledge the work of Sheena Fraser and her staff for their assistance in meeting the needs of producers from BC and around the world over the past year.

I would like to take this opportunity to introduce you to Marnie Orr, Creative BC's Community Engagement Manager. Marnie is responsible for helping resolve Industry production issues with all levels of government and stakeholders, proactively advising on the development of standardized guidelines and procedures to facilitate production and building strong community relationships.

We look forward to working with you to ensure BC remains a film-friendly destination that benefits both local communities and the production community in the coming year.

Yours sincerely,

Prem Gill  
CEO

TEL 604 736 7997  
INFO@CREATIVEBC.COM  
WWW.CREATIVEBC.COM

2225 WEST BROADWAY  
VANCOUVER, BC  
CANADA V6K 2E4

BRITISH COLUMBIA'S  
CREATIVE INDUSTRY  
CATALYST



Sea to Sky Clean Air Society  
P.O. Box 1015  
Pemberton B.C. V0N 2L0  
[kmancer@seatoskycleanair.com](mailto:kmancer@seatoskycleanair.com)  
604-907-0019

January 12<sup>th</sup>, 2016

Dear Village of Pemberton Mayor and Council,

On behalf of the Sea to Sky Clean Air Society, I apologize for not attending the most recent council meeting and I would like to thank you for your generous commitment of \$1000 from the CEF Fund for Pemberton Bike to Work Week 2016. The additional funding will allow us to expand the event and establish it as an annual affair. This year it will be better than ever!

In the coming months, we will be creating partnerships, promoting the event, cementing the final details and sharing with you accordingly. I will be making a request to appear before council in the spring and will update you on further details.

I would like to thank the staff of the Village of Pemberton for their hard work and their efficient manner in answering my questions in regards to the CEF application process, they have been a pleasure to work with.

Thank you for your support and participation in Pemberton Bike to Work Week!

Sincerely,

A handwritten signature in black ink that reads "Kari Mancer". The signature is written in a cursive, flowing style.

Kari Mancer  
Program Manager, [Sea to Sky Clean Air Society](#)  
604-907-0019 // [kmancer@seatoskycleanair.com](mailto:kmancer@seatoskycleanair.com) // [www.seatoskyairquality.ca](http://www.seatoskyairquality.ca)  
Learn more at <http://www.biketowork.ca/>

# STRATEGIC PRIORITIES CHART

February 2015

## CORPORATE PRIORITIES (Council/CAO)

### NOW

1. **FRIENDSHIP TRAIL BRIDGE: Application**
2. **COMMUNITY FOREST: Feasibility**
3. **BOUNDARY EXTENSION: Analysis**
4. **PVUS: Joint Governance Review**
5. **SHELF READY PROJECT: Selection**

### TIMELINE

February  
y June  
March  
June  
June

### NEXT

- CAPITAL STRATEGY
- RECREATION SERVICE DELIVERY
- ECONOMIC DEVELOPMENT STRATEGY
- SEWER FEES
- FIRE SERVICES AGREEMENT
- ONE MILE LAKE PLAN
- FIRST NATION SHARED SERVICES

### ADVOCACY / PARTNERSHIPS

- *Gas Tax Grant*
- *Friendship Trail Bridge Grant*
- *PVUS Joint Governance Review*

## OPERATIONAL STRATEGIES (CAO/Staff)

### CHIEF ADMINISTRATIVE OFFICER

1. **FRIENDSHIP TRAIL: Application - Feb.**
  2. **PVUS: Joint Governance Review - June**
  3. **BOUNDARY EXTENSION: Analysis - Mar.**
- **SHELF READY PROJECT: Selection**
  - FIRE SERVICES AGREEMENT

### FIRE

1. Fire Truck Specifications - April
  2. Fire Hall Design - June
  3. FUSS Report: Review Priorities - Mar.
- Training Ground Upgrades
  -

### CORPORATE & LEGISLATIVE SERVICES

1. **COMMUNITY FOREST: Feasibility - June**
  2. Council Procedure Bylaw - April
  3. Employee Manual - Sept.
- ECONOMIC DEVELOPMENT STRATEGY
  - Chamber Welcome Sign

### OPERATIONS

1. Reservoir - June
  2. Water Looping - Sept.
  3. I&I and Outflow inspections - May
- ONE MILE LAKE: Projects & Plan
  - Eagle Drive Remediation

### FINANCE / ADMINISTRATION

1. CAPITAL STRATEGY: Priorities - Oct.
  2. SEWER FEE: Analysis - Nov.
  3. Admin fee Bylaw Review - Sept.
- Expense Policy Review
  -

### DEVELOPMENT

1. Barn Program - April
  2. Agricultural Parks Plan - Sept.
  3. Development Procedure Bylaw - June
- Zoning Bylaw
  - OCP Review

**CODES:** **BOLD CAPITALS** = NOW Priorities; **CAPITALS** = NEXT Priorities; *Italics* = Advocacy;  
Regular Title Case = Operational Strategies

## OPEN QUESTION PERIOD POLICY

**THAT** the following guidelines for the Open Question Period held at the conclusion of the Regular Council Meetings:

- 1) The Open Question Period will commence after the adjournment of the Regular Council Meeting;
- 2) A maximum of 15 minutes for the questions from the Press and Public will be permitted, subject to curtailment at the discretion of the Chair if other business necessitates;
- 3) Only questions directly related to business discussed during the Council Meeting are allowed;
- 4) Questions may be asked of any Council Member;
- 5) Questions must be truly questions and not statements of opinions or policy by the questioner;
- 6) Not more than two (2) separate subjects per questioner will be allowed;
- 7) Questions from each member of the attending Press will be allowed preference prior to proceeding to the public;
- 8) The Chair will recognize the questioner and will direct questions to the Councillor whom he/she feels is best able to reply;
- 9) More than one Councillor may reply if he/she feels there is something to contribute.

*Approved by Council at Meeting No. 920  
Held November 2, 1999*

*Amended by Council at Meeting No. 1405  
Held September 15, 2015*