

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

**Agenda** for the **Regular Meeting** of Council of the Village of Pemberton to be held Tuesday, October 20, 2015 at 9:00 a.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1409.

*"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:</b> THAT the Agenda be approved as presented.	
<b>3. RISE WITH REPORT FROM IN CAMERA (CLOSED)</b>	
<b>4. ADOPTION OF MINUTES</b>	
<b>a) Committee of the Whole No. 137 – Tuesday, October 6, 2015</b>	<b>3</b>
<b>Recommendation:</b> THAT the minutes of the Committee of the Whole Meeting No. 137, held Tuesday, October 6, 2015, be adopted as circulated.	
<b>b) Special Council Meeting No. 1407 – Tuesday, October 6, 2015</b>	<b>6</b>
<b>Recommendation:</b> THAT the minutes of Special Council Meeting No. 1407, held Tuesday, October 6, 2015, be adopted as circulated.	
<b>c) Public Hearing – Village of Pemberton Zoning Amendment (Restaurant Uses) Bylaw No. 793, 2015 – Tuesday, October 6, 2015</b>	<b>7</b>
<b>Recommendation:</b> THAT the minutes of the Public Hearing for Village of Pemberton Zoning Amendment (Restaurant Uses) Bylaw No. 793, 2015, held Tuesday, October 6, 2015, be adopted as circulated.	
<b>d) Regular Council Meeting No. 1408 –Tuesday, October 6, 2015</b>	<b>17</b>
<b>Recommendation:</b> THAT the minutes of Regular Council Meeting No. 1408, held Tuesday, October 6, 2015, be adopted as circulated.	
<b>5. BUSINESS ARISING FROM THE MINUTES</b>	
<b>6. COMMITTEE MINUTES - FOR INFORMATION</b>	
<b>7. DELEGATIONS</b>	
No requests to address Council.	
<b>8. REPORTS</b>	
<b>a) Mayor</b>	
<b>b) Councillors</b>	

**9. BYLAWS**

**a) First, Second and Third Reading**

24

- i. Village of Pemberton Permissive Tax Exemption (St. David’s Church) Bylaw No. 796, 2015 – First, Second and Third Reading**

**Recommendation: THAT** Council give the Village of Pemberton Permissive Tax Exemption (St. David’s Church) Bylaw No. 796, 2015 First, Second and Third Reading.

**b) Third Reading**

- i. Village of Pemberton Zoning Amendment (Restaurant Uses) Bylaw No. 793, 2015 – Third Reading**

28

**Recommendation: THAT** Council provide direction with respect to which option to proceed with regarding next steps for Village of Pemberton Zoning Amendment (Restaurant Uses) Bylaw No. 793, 2015.

**10. CORRESPONDENCE**

**a) For Information**

- i. Mr. Rose, dated September 30, 2015, regarding a call for action on climate change**

59

**Recommendation: THAT** correspondence from Mr. Rose, dated September 30, 2015, be received for information.

**b) For Action**

- i. Dr. Shannon Paul, Co-Chair, and Cathy Benns, Co-Chair, Growing Great Children, dated October 14, 2015, request for donation for a gift basket for the “Glamour and Glitz” Silent Auction**

66

**Recommendation: THAT** \$100 be allocated from Community Enhancement Fund for staff to create a silent auction basket as a donation to the Growing Great Children “Glamour and Glitz” event.

**11. DECISION ON LATE BUSINESS**

**12. LATE BUSINESS**

**13. NOTICE OF MOTION**

**14. QUESTION PERIOD**

68

**15. IN CAMERA (CLOSED)**

**Recommendation: THAT** pursuant to Section 90 (1) (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.

**16. ADJOURNMENT**

**VILLAGE OF PEMBERTON  
-COMMITTEE OF THE WHOLE MEETING MINUTES**

**Minutes** for the **Committee of the Whole** of Council of the Village of Pemberton held Tuesday, October 6, 2015 at 3:00 p.m. in Council Chamber, 7400 Prospect Street. This is Meeting No. 137.

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**ATTENDING:** Mayor Mike Richman  
Councillor Jennie Helmer  
Councillor James Linklater  
Councillor Karen Ross

**STAFF:** Nikki Gilmore, Chief Administrative Officer  
Sheena Fraser, Manager of Corporate & Legislative Services  
Paige MacWilliam, Legislative Assistant  
Lena Martin, Manager of Finance & Administration  
Lisa Pedrini, Planner  
Wendy Olsson, Executive Assistant

**Public:** 2

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**1. CALL TO ORDER**

At 3:00 p.m. Mayor Richman called the October 6<sup>th</sup>, 2015 Committee of Whole meeting to order.

**2. APPROVAL OF AGENDA**

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

**3. PERMISSIVE TAX EXEMPTION FOR ST. DAVIDS CHURCH**

Moved/Seconded  
**THAT** the Committee of the Whole recommend to Council that Staff be directed to prepare a Permissive Tax Exemption Bylaw for St. David's Church and provide notice to the public as per the *Community Charter*.  
**CARRIED**

Moved/Seconded  
**THAT** this item be brought forward at the Regular Council Meeting No. 1408, to be held later today, October 6, 2015.  
**CARRIED**

Moved/Seconded

**THAT** the Committee of the Whole recommend to Council that Staff be directed to prepare the Permissive Tax Exemption Bylaw for St. David's Church for a ten (10) year term.

**CARRIED**

#### **4. ONE MILE LAKE MASTER PLAN UPDATE**

Moved/Seconded

**THAT** the Committee of the Whole recommend to Council that the One Mile Lake Park Master Plan Update - 2015 Terms of Reference and Consultation Plan be approved as presented.

**CARRIED**

Moved/Seconded

**THAT** the Committee of the Whole recommend to Council that an additional \$1,000 to added to the budget to support the proposed One Mile Lake Park Master Plan – 2015 Consultation Plan.

**CARRIED**

Moved/Seconded

**THAT** the Committee of the Whole recommend to Council that correspondence be sent to Lil'wat Nation inviting them to participate in the One Mile Lake Master Plan consultation.

**CARRIED**

Moved/Seconded

**THAT** this item be brought forward at the Regular Council Meeting No. 1408, to be held later today, October 6, 2015.

**CARRIED**

#### **5. AGRICULTURE PLAN UPDATE**

Moved/Seconded

**THAT** the Committee of the Whole receives this report for their information;

**AND THAT** the Committee of the Whole support staff continuing to work with Stewardship Pemberton to develop the Agricultural Parks Plan as per the attached Work Program submitted by Stewardship Pemberton on September 24th, 2015.

**CARRIED**

Moved/Seconded

**THAT** the details of the proposed consultation (public outreach tactics, budget, timing) be brought forward in a subsequent report for Committee of the Whole's information.

**CARRIED**

Moved/Seconded

**THAT** the Committee of the Whole recommend to Council that it confirms a commitment of \$2,500 in kind for staff assistance with this project.

**CARRIED**

Moved/Seconded

**THAT** this item be brought forward at the Regular Council Meeting No. 1408, to be held later today, October 6, 2015.

**CARRIED**

## **6. LOWER MAINLAND LOCAL GOVERNMENT ASSOCIATION**

The Committee discussed coordinating with the Squamish-Lillooet Regional District to meet with executive of the Lower Mainland Local Government Association.

## **7. IRONMAN**

Mayor Richman presented his concerns regarding cyclist safety and his desire to see a contribution from Ironman to improve the safety of Pemberton Meadows Road.

Moved/Seconded

**THAT** staff will follow up with the Ministry of Transportation and Infrastructure respecting the Ironman approval process.

**CARRIED**

## **8. ADJOURNMENT**

At 4:05 p.m. the Committee of the Whole was adjourned.

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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 Special Meeting** of Council of the Village of Pemberton held on Tuesday, October 6, 2015 at 4:00 p.m. in Council Chamber, 7400 Prospect Street. This is Meeting No. 1407.

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

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

**Public:** 0

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**1. CALL TO ORDER**

At 4:05 p.m. Mayor Richman called the meeting to order.

**2. WAIVING OF PUBLIC NOTICE**

Moved/Seconded

**THAT** pursuant to Section 127 (4) of the *Community Charter* and Section 8 (a) of Council Procedure Bylaw No. 778, 2015 notice of this Special Meeting of Council, to be held Tuesday, October 6, 2015, be waived.

**CARRIED UNANIMOUSLY**

**3. RESOLUTION TO MOVE IN CAMERA (CLOSED)**

Moved/Seconded

**THAT** pursuant Section 90 (1) (a) personnel, (k) negotiations and (i) legal advice of the Community Charter, the Council of the Village of Pemberton service 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**

**4. RISE WITH REPORT**

Council rose from In Camera without report.

**5. ADJOURNMENT**

Moved/Seconded

**THAT** the October 6, 2015 Special meeting be adjourned at 5:08 p.m.

**CARRIED**

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

**VILLAGE OF PEMBERTON  
- PUBLIC HEARING MINUTES-**

**Minutes** of the **Public Hearing** of Council of the Village of Pemberton held on Tuesday, October 6, 2015 at 7:00 p.m. at the Squamish-Lillooet Regional District Office, 1350 Aster Street.

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**IN ATTENDANCE:**

Mayor Mike Richman  
Councillor Jennie Helmer  
Councillor James Linklater  
Councillor Karen Ross

**STAFF IN ATTENDANCE:**

Nikki Gilmore, Chief Administrative Officer  
Sheena Fraser, Manager of Corporate & Legislative Services  
Lisa Pedrini, Planner  
Paige MacWilliam, Legislative Assistant  
Robert Grossman, Fire Chief  
Wendy Olsson, Executive Assistant

**MEMBERS OF PUBLIC:**

**15**

**MEDIA:**

**1**

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**1. CALL TO ORDER**

At 7:00 p.m. Mayor Mike Richman, called the Public Hearing to order and read the following Opening Statement for the Village of Pemberton Zoning Amendment (Restaurant Uses) Bylaw No. 793, 2015:

Lisa Pedrini, Planner for the Village of Pemberton, will make a presentation on the Village of Pemberton Zoning Amendment (Restaurant Uses) Bylaw No.793, 2015 and Sheena Fraser, Corporate Officer, will record your comments.

Also in attendance are Councillor Helmer, Councillor Linklater and Councillor Ross.

The Public Hearing is convened pursuant to Section 890 of the *Local Government Act* to allow the public to make representation to Council respecting matters contained in the proposed Village of Pemberton Zoning Amendment (Restaurant Uses) Bylaw No.793, 2015.

This public hearing was advertised in the Question on September 22<sup>nd</sup>, 2015 and September 29<sup>th</sup>, 2015.

Notice was also posted at the Village of Pemberton Office, the Village of Pemberton Notice Board located at the Post Office and on the Village Website, eNews and Facebook Page.

Everyone present shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaw. No one will be discouraged or prevented from making their views known. However, it is important that remarks be restricted to matters contained in the proposed Bylaw.

When speaking, please commence your remarks by clearly stating your name and address.

Members of Council may, ask questions following presentations; however, the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaw.

The Public is reminded that this Public Hearing is the final opportunity for input on the proposed Bylaw and Council may not hear from or receive correspondence from interested parties relating to the bylaw upon the close of the meeting

After this Public Hearing has concluded, Council will at a subsequent Council Meeting further consider the Bylaw.

## **2. INTRODUCTION OF VILLAGE OF PEMBERTON ZONING AMENDMENT (RESTAURANT USES) BYLAW NO. 793, 2015**

Lisa Pedrini, Village Planner, provided an overview and explanation of the Village of Pemberton Zoning Amendment (Restaurant Uses) Bylaw No. 793, 2015. The purpose of Bylaw 793, 2015 is to clarify the definition of drive-in (or drive-through) restaurants and exclude “drive-in restaurants” as a permitted use in the C-2 (Tourist Commercial), C-3 (Portage Road Commercial) and C-5 Zones (Neighbourhood Pub Commercial) Zones, which sit on either side of Highway 99 and Portage Road, in order to preserve the unique identity of Pemberton’s Gateway Area.

This bylaw is a Village initiative being undertaken to:

1. Assist in the creation of a strong sense of arrival to the Pemberton community through natural, landscaped and built elements distinctive to Pemberton;
2. Protect the unique commercial characteristics of Pemberton’s existing businesses by controlling the development of formula-based restaurants in the Gateway and Portage Road areas.



The bylaw proposes two changes:

1. To clarify the definition of restaurant use:

Currently, the Village of Pemberton Zoning Bylaw No. 466, 2001, defines restaurants as follows:

**Restaurant Use** means an eating establishment where food is sold to the public for immediate consumption within the premises or delivered to other premises, but excludes facilities for the consumption of food in motor vehicles parked on the site, or with drive-through takeout facilities.

The Village's Zoning Bylaw presently makes a distinction between a 'restaurant' and a 'drive-in restaurant'.

**Drive-in restaurant** means a building providing for restaurant use with drive-through takeout facilities or consumption of food in vehicles parked on the lot.

However, Bylaw 793, 2015 will even further clarify the definition to make it explicitly clear that a restaurant use does not include drive-through takeout facilities.

A proposed new definition contained in Bylaw 793, 2015 is as follows:

**Restaurant use:** means an eating establishment where food is sold to the public for immediate consumption within the premises or delivered to other premises. Restaurant use when specified in this bylaw as a permitted use excludes, unless expressly provided otherwise, drive-in restaurants.

2. To remove "drive-in restaurants" from the list of permitted uses in the C-2 (Tourist Commercial), C-3 (Portage Road Commercial) and C-5 (Neighbourhood Pub Commercial) zones.

This bylaw does not propose to remove restaurants as a permitted use in the C-2, C-3, and C-5 zones. Albeit, a "drive-in or drive-through" restaurant will no longer be an outright permitted use in these zones. That being said, drive-through restaurants may still be considered by Council via a site-specific rezoning application, and as such the merits of each application will be evaluated on a case by case basis.

### 3. LISTING OF CORRESPONDENCE

Sheena Fraser, Manager of Corporate & Legislative Services, advised that the Village has received three (3) submissions as of noon, Wednesday, September 30, 2015, which are included in the agenda package, expressing opposition to the proposed

bylaw from Mr. Greg Pantages, Function Gate Pemberton Pub Holdings, owner of property located at 1480 Portage Road, Ms. Rita Dhahan and Mr. Ron Parma, owners of property located at 1443 Vine Road, and Ms. Joanne Molinaro, Sabre Holdings Corp., representing the owners of property located at 1460 Portage Road.

In addition, two submissions expressing opposition were received from Mr. Derek Lee, Prospero International Realty, owner of property located at 7370 Highway 99, on October 2, 2015, (Appendix A) and from Mr. David MacKenzie, General Manager, Pemberton Valley Lodge, representing owners of property located at 1490 Sea to Sky Highway (Appendix B). Both letters were provided to Council, made available to the public at the hearing and attached to the minutes for information.

#### **4. PUBLIC SPEAKERS**

Mayor Richman called for submissions from the public:

##### **Barj Dhahan, 6312 Elm Street, Vancouver – OPPOSED**

Mr. Dhahan was attending and speaking on behalf of his wife who is the half owner of the undeveloped property behind the Husky gas station. He and his wife are Tim Hortons franchisees, they purchased the property knowing drive-through restaurants were an allowable use. When they purchased the property, they met with Village representatives to explore the option of developing a first responders tri-services building as well as a drive-through restaurant.

Mr. Dhahan spoke about the potential of developing a Tim Hortons, including job creation and investment in the community. He stated that this bylaw would grant the existing McDonalds a monopoly on drive-through service. Mr. Dhahan declared support for the gateway vision and his willingness to develop according to development permit guidelines.

Mr. Dhahan concluded by stating that new drive-through designs as well as improvements in vehicle efficiency are reducing greenhouse gas emissions caused by idling at drive-through restaurants. Mr. Dhahan requested that Council not move this bylaw amendment forward.

##### **Ron Parmar, 7350 13<sup>th</sup> Avenue, Burnaby - OPPOSED**

Mr. Parmar is half owner of the undeveloped property behind the Husky gas station. Mr. Parmar advised that he is opposed to the amending bylaw for the same reasons as stated by Mr. Dhahan and noted that money has already been invested in developing a site plan based on the drive through restaurant use. Mr. Parmar felt that at this time it is unfair to remove this use and opposes this bylaw.

**Joanne Molinaro, 7451 Dogwood Street, Pemberton - OPPOSED**

Ms. Molinaro represents the owners of the undeveloped lot at 1460 Portage Road. Ms. Molinaro would like to see a consistent vision for Pemberton, stated that changes to zoning causes unease for investors and raised concern that the rules keep changing. As property owners, she noted that they have been paying over \$10,000/year in property taxes since 2003.

Ms. Molinaro asserted that jobs created by a drive-through restaurant would lead to a greater reduction in emissions by reducing the number of people commuting to Whistler for work. She also stated that drive-through restaurants would increase dining options for low-income residents.

Ms. Molinaro concluded by reaffirming her opposition to the amending bylaw.

**Adam Adams, 1414 Willow Drive, Pemberton – OPPOSED**

Mr. Adams disagreed that developing the gateway will impact the existing businesses in the downtown area as traffic passing along the highway is unlikely to head into downtown. Mr. Adams noted he is opposed to the amending bylaw.

**Jasper Balsamo-Lack, 7465 Aspen Boulevard, Pemberton – OPPOSED**

Mr. Balsamo-Lack stated that he would support the development of drive-through restaurants as long as they upheld their corporate responsibility to provide a level of service consistent with other locations.

**David MacKenzie, 1414 Willow Drive, Pemberton - OPPOSED**

Mr. MacKenzie spoke as an owner and the General Manager of the Pemberton Valley Lodge, which is located behind an undeveloped property located at 1480 Portage Road on Highway 99. He spoke about the challenge to obtain financing to establish non-formula based business. He stated that a site plan was created for the lot zoned C-5 in 2010, which clearly depicted a drive-through restaurant. In 2013, the proponent submitted a rezoning application to include drive-through restaurants as an allowable use on this property, which the Village passed in 2014.

Mr. MacKenzie stated that consideration of Bylaw 793, 2015 has raised concerns for a potential developer interested in moving forward on building on the lot adjacent to the Pemberton Valley Lodge. He also spoke about the desire to see new development in this area that could act as an anchor to the Pemberton Valley Lodge and would also increase Pemberton tax revenues.

Also, speaking as the President of Tourism Pemberton, Mr. MacKenzie asserted that increased development in the gateway area would entice tourists to stop. In addition, he stated that development in the gateway area would create jobs.

Mr. MacKenzie concluded by stating that he is not in support of the amending bylaw.

**Ted Craddock, 1463 B Laburnum, Pemberton – UNDECLARED**

Mr. Craddock stated that agencies to which this bylaw – and the 2013 rezoning bylaw that provided for drive-through restaurants as an allowable usage on one lot (zoned C-5) in the gateway area - were referred must have changed their opinion on drive-through restaurants as an allowable use between 2013 and 2015. He suggested that consideration of this zoning amendment bylaw be deferred until after the upcoming consideration of the Official Community Plan.

**Niki Vankerk, 7451 Aspen Boulevard, Pemberton – IN FAVOUR**

Ms. Vankerk stated that she supports the amending bylaw as she supports the unique character of the Village and feels that limiting the number of chain restaurants along the highway is a good thing and would support existing businesses in town. Ms. Vankerk also clarified that when the Advisory Land Use Commission reviewed the 2013 rezoning request on the lot in front of the Pemberton Valley Lodge (zoned C-5) in the gateway area, the request was for the inclusion of many new allowable uses, not particularly drive-through restaurants. Ms. Vankerk noted that she has talked to others in the community who also support the removal of drive-through restaurants from this part of the community.

**Rob Szachury, 7359 Larch Street, Pemberton – OPPOSED**

Mr. Szachury expressed concern about restricting allowable uses creating uncertainty in the economic climate of Pemberton. He also spoke in support of formula based business that are open outside of regular business hours and create entry level jobs.

**Zoe Martin, 1874 Cottonwood Court, Pemberton – IN FAVOUR**

Ms. Martin stated that she chose to move to Pemberton because of the character of the town. She stated that removing drive-through restaurants as an allowable use in the gateway area would support existing business in town noting that she felt that drive through restaurants would be a detriment to existing businesses. Ms. Martin commented that this bylaw amendment would not limit Tim Hortons, as an example, from opening in Pemberton as there are many Tim Hortons that are not drive throughs. Ms. Martin noted that she did not want to see Pemberton develop to look similar to Squamish and Revelstoke.

**Cail Low, 1427 Willow Drive, Pemberton – OPPOSED**

Mr. Low is opposed to the bylaw as he stated there is a need for new business development to grow the tax base. In addition, Mr. Low stated that he wishes to see more affordable restaurants in Pemberton.

**5. ADJOURNMENT**

Mayor Richman reminded that after the Public Hearing is adjourned the opportunity for public discussion has ended and Council may not hear from or receive correspondence from interested parties relating to this bylaw. It will now be a matter for Council's consideration based upon the information received to date.

Mayor Richman called three (3) times for any other submissions, and hearing none closed the Public Hearing at 7:45 p.m.

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Mike Richman  
Mayor

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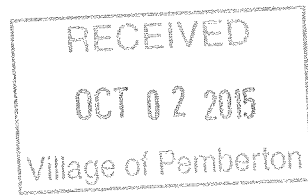
Sheena Fraser  
Corporate Officer

Appendix A

Oct 1, 2015

Village of Pemberton

PO Box 100 Pemberton , BC, V0N 2L0



Mayor and Council

Re: Zoning Amendment (Restaurant Use) Bylaw No. 793-2015-land use restriction

Dear Mayor and Council

I wish to voice my opposition to the proposed changes to the zoning guidelines for the Gateway properties. I recently purchased the Mount Curie View Mobile Home Park located at 7370 Highway 99 with the intention of someday developing the commercial zoned lands into a commercial development with a selection of retail tenants. I have some experience in the area having managed and developed many shopping centers and retail complexes throughout BC. In order to make any development successful there needs to be a selection of national and local tenants. The national tenants help to give the banks confidence to lend to the developer the money to construct. These tenants that may have a need for a drive through component. That is not to say they all would want it, as it does take more land to put in a drive through, but it does help to have the flexibility to allow for it. When you put any type of restrictions on developers it will just take that much longer to develop. Currently I do not see a rash of drive through restaurants in Pemberton nor do I see a lot of them applying for locations. This puzzles me as to why council wants to put this in place. There does not appear to be a pressing need to do this zoning change.

I urge you to reconsider and hopefully not pass the change to the zoning so developers, like me, can have the best possible chance to make improvements to our properties for the benefit of all the citizens of Pemberton.

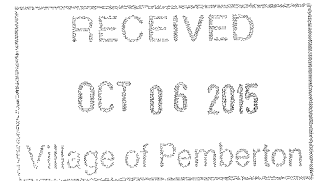
Yours Truly

A handwritten signature in black ink, appearing to read "Derek Lee".

Derek Lee

President

Prospero International Realty



October 4, 2015

Mayor & Council  
Village of Pemberton  
P.O. Box 100  
Pemberton, BC  
VON 2L0

Dear Mayor & Council,

This correspondence is in regards to the zoning amendment that is currently before council to remove drive-thrus from the C2 , C3 and C5 zones.

Back in late 2013 and early 2014 I, on behalf of the 131 owners of Pemberton Valley Lodge, worked with Function Gate Pemberton Pub Holdings to undergo a rezoning of the C5 lot in front of the Pemberton Valley Lodge. We felt, at the time, that it was in our best interests to work with the landowner in moving along a development that would fill a void that Pemberton Valley Lodge does not provide: food service.

In 2004, when the Pemberton Valley Lodge was being built, this C5 parcel of land was owned by the owners/developer of the Lodge. In an effort to raise more funds to complete the Lodge, this C5 lot was sold off. It was always intended to be a food service establishment.

Since the selling off of this parcel, I have continually tried to work with the land owners to develop the lot. Over the years of consulting with the landowner and various developers, it was understood that the concept of just a pub and restaurant would not be a financially viable option. In order to move forward, there would need to be a multi-commercial development: a pub/restaurant, a retail or services component, and a drive-thru/franchise to anchor the development.

The drive thru/franchise component is what makes this a financially viable development. Banks are more willing to provide financing for something they already know has an established reputation and will generate revenue. Investors and developers will not invest funds for an independent venture with no guarantee of return. It is too risky. Hence the rezoning process in 2013/2014.

Currently we have a group ready to purchase this lot and develop it so long as the zoning remains in place. Negotiations for this purchase have recently hit roadblocks with this rezoning before council. It has made our development group uneasy and unwilling to move forward knowing that the viability of this development is dependent on the drive-thru/franchise component.

For 11 years now I have had to look at a dirt lot in front of my business and every day it causes me great frustration.

I find it disingenuous that council would permit the zoning in January of 2014 and then a few short months later, in camera, decide to rescind portions of the zoning they had just approved! After the time, energy and cost to the land owner to try and get the zoning to a point where the lot is attractive to buyers/developers, the Village is trying to pull the rug out from under them. Your decision would make any future developer looking at Pemberton leery that at any

time the Village is going to change the rules of the game. This uncertainty that you have created will undoubtedly have me looking at empty dirt lots all over town for decades to come.

The reasoning provided in the council package for your decision to amend the zoning was due to "particular concern with the Gateway (Highway 99 and Portage) corridor as it may negatively impact Pemberton's entry and small town character". As it stands, the entry to Pemberton is already negatively impacted by having nothing on the undeveloped lots lining the highway. Developers are savvy enough to understand that in a town like Pemberton, they cannot build something that does not conform to the character of the town. Take for example, the McDonalds on Highway 99. It in no way looks like a typical McDonalds. In fact the design of it has it seamlessly fit into the Frontier character that Pemberton is trying convey. It would be logical to believe that other developers would follow suit.

In closing, I would just like to be clear that changing this zoning would negatively impact the Pemberton Valley Lodge. It would make it extremely difficult to find a partner who would be willing to take on the risk of buying and developing something without financial certainty. So, to be clear, I and the 130 other owners/taxpayers I represent, do not support this zoning amendment.

Sincerely,



David MacKenzie  
General Manager/Owner  
Pemberton Valley Lodge



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

**Minutes of the Regular Meeting** of Council of the Village of Pemberton held on Tuesday, October 6, 2015 at 7:00 p.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1408.

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

**STAFF IN ATTENDANCE:** Nikki Gilmore, Chief Administrative Officer  
Sheena Fraser, Manager of Corporate & Legislative Services  
Lisa Pedrini, Planner  
Robert Grossman, Fire Chief  
Wendy Olsson, Executive Assistant  
Paige MacWilliam, Legislative Assistant

**Public:** 10

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**1. CALL TO ORDER**

At 7:45 p.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)**

**a) Fire Underwriter Survey – 2008 Review of Fire Protection Services for Fire Insurance Grading**

Mayor Richman advised that the Village posted the Village of Pemberton's Fire Underwriter Survey – 2008 Review of Fire Protection Service for Fire Insurance Grading on the website on October 2, 2015, after receiving permission from the Fire Underwriters Survey.

**4. ADOPTION OF MINUTES**

**a) Regular Council Meeting No. 1405 –Tuesday, September 15, 2015**

Moved/Seconded

**THAT** the minutes of Regular Council Meeting No. 1405, held Tuesday, September 15, 2015 be adopted as circulated.

**CARRIED**

**b) Special Council Meeting No. 1406 – Friday, September 18, 2015**

Moved/Seconded

**THAT** the minutes of the Special Council Meeting No. 1406, held Friday, September 18, 2015 be adopted as circulated.

**CARRIED**

**5. BUSINESS ARISING**

There was no business arising.

**6. COMMITTEE MINUTES – FOR INFORMATION**

No minutes to be received.

**7. DELEGATIONS**

No delegations to be received.

**8. REPORTS**

**a) Fire Department**

**i. Fire Protection Classification and Apparatus Update Report**

Moved/Seconded

**THAT** the Fire Protection Classification and Apparatus Update Report, dated October 6, 2015, be received for information.

**CARRIED**

**b) Mayor**

Mayor Richman reported on the following:

- Attended the Community Forest Open House on Sept. 16
  - Community Forest Feasibility Study Report should be completed shortly.
- Attended the Annual Lil'wat Nation Salmon BBQ on Sept. 18
- Recognized Steve Flynn, PVDD, and Russel Mack, SLRD, for the work they did during the high water event on Sept. 20
- Attended the UBCM Mayor's Caucus on Sept. 21
- Attended UBCM on Sept. 22 – 25, which included Minister's Meetings:
  - Minister of Transportation and Infrastructure regarding cycling and pedestrian safety along Portage Road, as well as improving cycling infrastructure in the area and replacing Pemberton Creek Bridge.

- Minister of Forest, Lands and Natural Resource Operations regarding the potential creation of a Community Forest.
- Premier, Minister of Community, Sport and Cultural Development and representatives from Aboriginal Affairs regarding the Friendship Trail Bridge project.
- Met with CN Rail regarding Gates Lake Park crossing and the Lillooet River Train Bridge crossing.
- Congratulated Rotary and Lions for hosting the Pemberton Barn Dance on Sept. 26 and extended appreciation and thanks for bringing it back.
- Extended appreciation to Stewardship Pemberton for hosting BC Rivers Day on Sept. 27
- Attended the BC Seniors Living Association conference and tradeshow in Whistler on Sept. 28
- Moderated the Federal Election All Candidates Meeting on Sept. 29
- Reminded the public to vote in the upcoming Federal Election
- Met with Pemberton Secondary School Principal on Oct 3 to discuss future planning for school in Pemberton
- Advised that Scouts Canada is considering Pemberton as the site for a week long Cuboree to celebrate the 100<sup>th</sup> year for Cub Scouts
- Announced plan to attend “The Art of Chairing Meetings” workshop and training session.
- Met with Chief Dean Nelson to discuss the Friendship Trail.
- Wished everyone a happy Thanksgiving

Mayor Richman also provided highlights from discussion that took place at the Squamish-Lillooet Regional District (SLRD) Board meeting held on September 30:

- Delegation from FortisBC on the Eagle Mountain - Woodfibre Pipeline Project, Oct. 7 Open House in Squamish and public comment accepted until Oct. 15
- Agreement with Forest, Lands and Natural Resource Operations to restrict the public from camping on Crown land in the SLRD during music festivals
- Letter sent to Lillooet Tribal Council to assess interest in the six northern St’at’imc communities in attending a Community to Community (C2C) forum

Mayor Richman reminded of upcoming events:

- Howe Sound Community Forum on Oct. 16
- Pemberton Arts Council’s Annual MADE Fundraiser at the Community Centre on Oct. 17
- Village of Pemberton By-Election for the Office of Councillor
  - Two candidates have been nominated
  - General voting day will be Nov. 7

## **c) Councillors**

### **Councillor Ross**

Councillor Ross reported on the following:

- Attended the Pemberton & District Health Foundation Golf Tournament on Sept. 17 noting that it was well attended and fund raised will go towards the purchase of equipment and programming within the Sea to Sky corridor.
- Attended the Federal Election All Candidates Meeting on Sept. 29
- Attended UBCM Sept 22 – 25 noting this was her first Conference and that it was an excellent opportunity to network and speak to elected officials from other communities and reported on the following:
  - Minister's Meetings
  - Policy Sessions
  - Networking Events
  - Municipal Insurance Association annual general meeting
  - Attended Municipal Finance Authority meeting

### **Councillor Helmer**

Councillor Helmer reported on the following:

- Attended the Community Forest Open House on Sept.16
- Attended the SLRD Agricultural Advisory Committee Meeting on Sept. 24
- Acknowledged the passing of Jack Ronayne, long-time Pemberton resident

### **Councillor Linklater**

Councillor Linklater reported on the following:

- Attended the Community Forest Open House on Sept.16
- Attended the Pemberton & District Library Board meeting on Sept. 15
  - Book Houses to be installed in Pemberton and SLRD
- Volunteered at the Barn Dance on Sept. 26
  - Extended appreciation to Steven Hitchens and Tony Medd for organizing
  - Money raised for the Lions Villa, the Elliot Family and the playscape project at the Pemberton Community Centre.
- Attended UBCM Sept. 22 - 25
  - Recognized Mayor for presenting to Ministers
  - Recognized Councillor Ross for networking

- Recognized Nikki Gilmore, CAO, and Staff for quality of briefing notes
- Attended the Truth and Reconciliation session noting that it was a powerful session.
- Attended the Federal Election All Candidates Meeting on Sept. 29
- Announced plan to travel with Pemberton Youth Soccer to an away game in Campbell River this upcoming weekend

## 9. BYLAWS

No bylaws for consideration.

## 10. CORRESPONDENCE

### a) For Information

- i. **Mr. Adam Adams, correspondence regarding Fire Department, dated September 14, 2015**
- ii. **Green Communities Committee, regarding corporate carbon neutrality for 2014, dated September 15, 2015**

Moved/Seconded

**THAT** the correspondence from Mr. Adams, dated September 14, and, Green Communities Committee, dated September 15, be received for information.

**CARRIED**

### b) For Action

- i. **BC Transit – Transit Betterments Program**

Moved/Seconded

**THAT** a multi-jurisdictional Transit Working Committee, comprised of staff representing the Village of Pemberton, Lil'wat Nation and Squamish-Lillooet Regional District, be established to review related issues and initiatives;

**AND THAT** the Transit Minor Betterments Program and referred to the Committee to prepare recommendations for consideration by each local government Board/Council;

**AND THAT** correspondence be sent to Squamish-Lillooet Regional District & Lil'wat requesting their participation and appointment of a staff member to the Transit Working Committee.

**CARRIED**

## 11. DECISION ON LATE BUSINESS

Moved/Seconded

**THAT** Council approve consideration of the following items of business, as recommended at the Committee of the Whole Meeting No. 137:

- Permissive Tax Exemption for St. David's Church
- One Mile Lake Master Plan Update
- Agricultural Plan Update

**CARRIED**

## 12. LATE BUSINESS

### a) Permissive Tax Exemption for St. David's Church

Moved/Seconded

**THAT** Council direct Staff to prepare a Permissive Tax Exemption Bylaw for St. David's Church for the period of ten years and provide notice to the public as per the *Community Charter*.

**CARRIED**

### b) One Mile Lake Mater Plan Update

Moved/Seconded

**THAT** Council approves the One Mile Lake Park Master Plan Update - 2015 Terms of Reference and Consultation Plan as presented.

**CARRIED**

Moved/Seconded

**THAT** an additional \$1,000 to added to the budget to support the proposed One Mile Lake Park Master Plan – 2015 Consultation Plan.

**CARRIED**

Moved/Seconded

**THAT** correspondence be sent to Lil'wat Nation inviting them to participate in the One Mile Lake Master Plan consultation.

**CARRIED**

### c) Agriculture Plan Update

Moved/Seconded

**THAT** Council confirms in-kind support, in the amount of \$2,500, for staff assistance with the Agricultural Plan Update Project.

**CARRIED**

## 13. NOTICE OF MOTION

There was no notice of motion.

#### **14. QUESTION PERIOD**

##### **Braden Dupuis – Pique Newsmagazine**

Mr. Dupuis requested clarification on the next steps in the processes of considering the Village of Pemberton Zoning Amendment (Restaurant Uses) Bylaw No. 793, 2015 and Village of Pemberton Triple Combination Pumper Truck Loan Authorization Bylaw No. 795, 2015.

##### **Russell Mack, 9909 Haylmore Road, D'Arcy**

Mr. Mack, former Pemberton Fire Rescue Chief, provided information on the history of the Fire Engine fleet.

##### **Nikki Vanker, 7451 Aspen Drive, Pemberton**

Requested information on why the Fire Underwriters Survey's permission was required before the Village of Pemberton's 2008 Review of Fire Protection Services for Fire Insurance Grading could be released to the public.

##### **Cail Low, 1427 Willow Drive, Pemberton**

Encouraged Council to set aside reserves to prepare for infrastructure replacements.

#### **15. AJOURNMENT**

Moved/Seconded

**THAT** the October 6, 2015 Regular meeting be adjourned at 9:02 p.m.

**CARRIED**

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

**Date:** October 20, 2015  
**To:** Nikki Gilmore, Chief Administrative Officer  
**From:** Lena Martin, Manager of Finance  
**Subject:** Permissive Tax Exemption – St. David’s Church

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### **PURPOSE**

To present to Council the Permissive Tax Exemption (St. David’s Church) Bylaw No.796, 2015 for First, Second and Third readings.

### **BACKGROUND**

In 2006, Council provided St. David’s Church a ten (10) year Permissive Tax Exemption which will expire December 31, 2015. As such, a new bylaw is required to continue to provide St. David’s with a permissive tax exemption. As such, Staff brought forward a report to the Committee of the Whole meeting No. 137, 2015, held on Tuesday, October 6, 2015 where the following resolution was passed:

Moved/Seconded

**THAT** the Committee of the Whole recommend to Council that Staff be directed to prepare a Permissive Tax Exemption Bylaw for St. David’s Church and provide notice to the public as per the Community Charter.

**CARRIED**

Moved/Seconded

**THAT** the Committee of the Whole recommend to Council that Staff be directed to prepare the Permissive Tax Exemption Bylaw for St. David’s Church for a ten (10) year term.

**CARRIED**

As per the above, the Permissive Tax Exemption Bylaw is before Council for consideration of First, Second and Third Readings.

### **COMMUNICATIONS**

The Village provided Notice as per the requirements of Section 94 of the *Community Charter* in order to meet our legislative obligations through advertisements in the local newspaper on October 8 and 15, 2015.

Notice was also provided through the Village ENEWS and Website.

### **LEGAL CONSIDERATIONS**

There are no legal considerations at this time.



**IMPACT ON BUDGET & STAFFING**

Renewing a Permissive Tax Exemption for additional terms, does not impact other taxpayers, but rather it impacts the Municipality in the amount of foregone municipal revenue. Based on 2015 figures and rates, below is a table for the amount of foregone municipal tax for the current Permissive Tax Exemption should Council grant a renewal to the Society (this number may change for 2016 and beyond depending on how the assessed value changes year over year). Following is the estimated forgone revenue for renewing the Permissive Tax Exemption:

<b>Organization</b>	<b>Estimated Municipal Tax Foregone (1 year)</b>	<b>Estimated Total Tax Exemption (1 year)</b>
St. David's Church	\$315	\$977

Sections 224 through 227 of the Community Charter provides Council with the authority to grant Permissive Tax Exemptions under certain conditions. An exemption under this statute only applies to the municipal portion of the tax bill, however when the municipality grants a Permissive Tax Exemption under certain sections the other taxing authorities typically follow suit and provide exemption from their portion of the tax bill pursuant to their governing statute (e.g., school tax the School Act). This table reflects both the municipal portion and the total taxes which include the other taxing authority's exemption amounts.

As per section 220 (1) (h) (i) of the Community Charter, a Statutory Exemption is automatically granted, for the improvement portion of the assessment, for a religious organization using the building. Therefore, the Permissive Exemption is for the land portion of the assessment only.

Neither of these exemptions removes the requirement to pay the frontage taxes, which total approximately \$318 annually, which is in addition to the numbers provided in the table above.

The cost of advertising was \$300.

**INTERDEPARTMENTAL IMPACT & APPROVAL**

This project will impact the day to day operations of the Finance Department and the Office of the CAO, and can be accommodated and incorporated into the daily routines.



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Lena Martin  
Manager of Finance & Administration



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Nikki Gilmore  
Chief Administrative Officer

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

There are no impact to regional or neighbouring jurisdictions anticipated.

### **ALTERNATIVE OPTIONS**

An alternative is to not give the Village of Pemberton Permissive Tax Exemption (St. David's Church) Bylaw No. 796, 2015 First, Second and Third Readings; however, Staff does not recommend this option.

### **POTENTIAL GOVERNANCE CONSIDERATIONS**

Providing St. David's Church a Permissive Tax Exemption supports Strategic Priority Four: Social Responsibility by recognizing the need for spiritual support to members of the community.

### **RECOMMENDATION**

**THAT** Council give Village of Pemberton Permissive Tax Exemption (St. David's Church) Bylaw No. 796, 2015, First, Second and Third readings;

**AND THAT** a Special Meeting of Council be scheduled for Thursday, October 22, 2015, to give Fourth and Final reading to the Village of Pemberton Permissive Tax Exemption (St. David's Church) Bylaw No. 796, 2015, to comply with the October 31, 2015 deadline as established by the BC Assessment Authority.

### **Attachments:**

Appendix A – Village of Pemberton Permissive Tax Exemption Bylaw (St. David's Church) No. 796, 2015



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Lena Martin  
Manager of Finance & Administration

### **CHIEF ADMINISTRATIVE OFFICER REVIEW**



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Nikki Gilmore  
Chief Administrative Officer

**VILLAGE OF PEMBERTON**

**BYLAW No. 796, 2015**

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A Bylaw to Provide for a Permissive Tax Exemption for St. David's United Church.

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**WHEREAS** pursuant to Section 224 (2) (f) of the *Community Charter*, the Council may, by bylaw exempt certain land, improvements or both from taxation;

**AND WHEREAS** it is deemed advisable to enact a new bylaw granting exemption in relation to property that is exempt in part under Section 220 (1) (h) for buildings for public worship;

**NOW THEREFORE** the Council of the Village of Pemberton in open meeting assembled enacts as follows:

1. The portion of the land hereinafter described which is the entirety of the said lands surrounding the exempt church which is set apart and in use for the purpose of public worship, is hereby exempted from municipal property taxation under Section 224 (2) (f) of the *Community Charter* for a ten (10) year period from 2016 until 2025:
  - (a) Lot 1, Plan 11025, District Lot 203, Lillooet Land District.
2. This Bylaw may be cited for all purposes as the "Village of Pemberton Permissive Tax Exemption (St. David's Church) Bylaw No. 796, 2015".

**READ A FIRST TIME** this 20<sup>th</sup> day of October, 2015.

**READ A SECOND TIME** this 20<sup>th</sup> day of October, 2015.

**READ A THIRD TIME** this 20<sup>th</sup> day of October, 2015.

**ADOPTED** this \_\_\_\_\_ day of October, 2015.

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

**Date:** October 20, 2015

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

**From:** Lisa Pedrini, Village Planner

**Subject:** Zoning Amendment (Restaurant Uses) Bylaw No. 793, 2015 – Public Hearing Results and Next Steps

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### **PURPOSE**

This report presents the results of the Public Hearing held for the Village-initiated Zoning Amendment Bylaw No. 793, 2015 to restrict drive-through restaurants in certain areas of the Village's Gateway. The report includes options for Council's consideration with respect to next steps.

### **BACKGROUND**

Earlier in 2014, the former Council directed staff to explore limiting the number of formula (particularly franchise, fast food) restaurants in Pemberton. There was particular concern with the Gateway (Highway 99 and Portage) corridor as it may negatively impact Pemberton's entry and small town character. Former Development Services Staff undertook research on the issue and presented a legal opinion to Council In Camera in September 2014 with respect to the legality of undertaking land use restrictions that could be applied to restrict formula restaurants in Pemberton. Earlier this spring, staff brought this issue back to Council In Camera for information and direction on next steps. At the Council Meeting No. 1397 held May 19, 2015, Council rose from In Camera with report on the following:

Moved/Seconded

**THAT** Staff be directed to research and prepare a report for a Committee of the Whole meeting with respect to enhancing certain zoning and development permit requirements to deter certain formula based businesses in Pemberton's Gateway area.

**CARRIED**

A report on a proposal to limit drive-through restaurants in the Gateway area of Pemberton was presented to the Committee of the Whole (COW) Meeting No. 134 held on June 2, 2015 at which time the following recommendation was passed:

Moved/Seconded

**THAT** the Committee of the Whole direct staff to prepare a Zoning Amendment Bylaw for Council's consideration that clarifies the definition of a drive-in restaurant and excludes drive-in restaurants as a permitted use in the C-2, C-3 and C-5 zones.

**CARRIED**

Moved/Seconded

**THAT** staff continues to explore enhancements to the Sign Bylaw and the OCP Bylaw, for example, additional and applicable Development Permit Area criteria to limit formula based businesses in Pemberton.

**CARRIED**

Following the COW Meeting No. 134, while undertaking further research on this rezoning initiative, Staff discovered that a rezoning was undertaken in 2013 for a property in the Gateway that resulted in 'Drive-In Restaurants' being added to the list of permitted uses in the C-5 (Neighbourhood Pub Commercial) Zone. The rezoning application was submitted by Function Gate Pemberton Pub Holdings Ltd. and the lot in question is located at 1480 Portage Road, the only property in the Village zoned C-5. The original C-5 zone permitted:

- Neighbourhood Pub
- Accessory Beer and Wine
- Combined Commercial/Residential
- Accessory Use
- Storage Container.

Function Gate Pemberton Pub Holdings Ltd.'s request was to rezone the subject property to C-2 (Portage Road Commercial) but in the end it was decided to expand the list of uses allowed in the C-5 zone to include some, but not all, uses permitted in the C-2 zone. The additional uses that were added via Zoning Amendment Bylaw 746, 2014, which was approved on January 14, 2014, included:

- Hotel
- Motel
- Country Inn
- Restaurant
- Drive-In Restaurant
- Recreation and Leisure Retail
- Spa Facility

On June 25, 2015 staff reached out to the landowner to inform him of the proposed bylaw amendment and the options available to him to present any concerns he may have to Council about this change.

A report summarizing agency comments and introducing consideration of Zoning Amendment Bylaw No. 793, 2015 was presented to the Regular Council Meeting No. 1402 held July 21, 2015<sup>1</sup> where the following recommendations were passed:

Moved/Seconded

**THAT** Village of Pemberton Zoning Bylaw No. 466, 2001, Amendment (Restaurant Uses) Bylaw No. 793, 2015 receive First and Second Reading.

**CARRIED**

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<sup>1</sup>At 10:00 a.m. Councillor Molinaro declared a conflict of interest pursuant to Community Charter Section 100 (2) (a) and (b) due to these lands under consideration being part of a family holding and left Council Chambers. At 10:25 a.m. Councillor Molinaro returned to Council Chambers.

Moved/Seconded

**THAT** staff resend the referral package, including information on Bylaw 746, 2014, to the relevant referral agencies for feedback prior to the Public Hearing.

**CARRIED**

Moved/Seconded

**THAT** a public hearing for Bylaw 793, 2015 be scheduled for 7pm on Tuesday September 1, 2015.

**CARRIED**

Moved/Seconded

**THAT** a courtesy notification of the Public Hearing be mailed at least 10 days before the public hearing to all affected owners of bare land (undeveloped lands) despite the LGA, Section 892 (7), that states that notification requirements do not apply if 10 or more parcels owned by 10 or more persons are the subject of the bylaw alteration.

**CARRIED**

An updated report summarizing agency comments on the re-referral and a recommendation that the Public Hearing be postponed was presented to the Regular Council Meeting No. 1404 held September 1, 2015 where the following recommendations were passed:

Moved/Seconded

**THAT** Council receives the Update on Zoning Amendment (Restaurant Uses) Bylaw No. 793, 2015 for information;

**AND THAT** a Public Hearing for Zoning Bylaw No. 466, 2001, Amendment (Restaurant Uses) Bylaw No. 793, 2015 be rescheduled for 7pm on Tuesday October 6, 2015 in Council Chambers;

**AND THAT** a courtesy notification of the Public Hearing be mailed at least 10 days before the public hearing to all affected owners of bare land (undeveloped lands) despite the LGA, Section 892 (7), that states that notification requirements do not apply if 10 or more parcels owned by 10 or more persons are the subject of the bylaw alteration.

**CARRIED**

As per Council's direction, an additional request for referral comments on Bylaw 793, 2015 was forwarded to the Pemberton & District Chamber of Commerce, Tourism Pemberton, the SLRD, and the Village's Advisory Land Use Commission on July 28, 2015. The results of both referrals are summarized below:

Agency/Organization	First Referral	Second Referral
ALUC	support	support
Chamber of Commerce	support	support
Tourism Pemberton	no response	oppose
SLRD	support	support
Lil'wat Nation	support	n/a
MOTI	support	n/a

## **DISCUSSION AND COMMENTS**

The public hearing for Bylaw 793, 2015 was held October 6<sup>th</sup> 2015 and fifteen (15) members of the public were present. The Village received a total of five (5) written submissions expressing opposition to the Bylaw. Three (3) of these letters were received by the deadline of September 30<sup>th</sup>, and were included with the public hearing agenda. They are attached as **Appendix 1**.

Minutes from the public hearing are attached as **Appendix 2**. Appendix B also includes the two (2) written submissions received after the deadline of September 30<sup>th</sup>, 2015.

During the Public Hearing, eight (8) persons expressed their opposition to the amendment bylaw, of which three (3) of the eight (8) were persons who had already submitted letters of opposition. The majority of those who expressed their opposition to the amending bylaw were owners of lands zoned C-2, C-3 or C-5 and/or who would be directly impacted by the proposed removal of 'drive-in restaurants' from the list of permitted uses on these properties.

Two (2) persons, both residents of Pemberton, expressed their support for the bylaw.

Based on the results of the Public Hearing held October 6<sup>th</sup>, 2015, the various options available to Council are outlined under the Section of this report entitled "Alternative Options/Next Steps".

## **COMMUNICATIONS**

After the close of a public hearing, Council members cannot accept any further information or submissions in order to allow a fair process as established by provincial case law. Therefore, no further communication from interested parties with Council is allowed at this time, nor included in this report.

The Village recently included this information and more on its website in a document entitled Public Hearing Information Sheet which can be found at:

[http://www.pemberton.ca/media/269777/Public\\_Hearing\\_Infosheet\\_2015.pdf](http://www.pemberton.ca/media/269777/Public_Hearing_Infosheet_2015.pdf)

## **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.

## **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.

### **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.

### **ALTERNATIVE OPTIONS / NEXT STEPS**

Based on the input received at the Public Hearing, Council has several options to choose from:

1. Give Zoning Amendment Bylaw No. 793, 2015 Third Reading on October 20, 2015 (bylaw attached as **Appendix 3**).
2. Not give Zoning Amendment Bylaw No. 793, 2015 Third Reading on October 20, 2015 and rescind First and Second Readings.
3. Hold an additional Public Hearing for Zoning Amendment Bylaw No. 793, 2015 in order to give the public another opportunity to make their opinions on the amendment known.
4. Instruct staff to amend the bylaw or to present more information on the proposed alteration (e.g., conduct more research, further analysis, or outreach with local business owners). Once presented, the additional information could be contemplated by Council, whom could then schedule another (second) public hearing before considering Third Reading.
5. Not give Zoning Amendment Bylaw No. 793, 2015 Third Reading at this time, and put the bylaw “on hold” in order to bring the Bylaw back in the future after an Official Community Plan (OCP) revision process has had the chance to gauge whether or not there is continued public support for automobile convenient services like ‘drive-in or drive-through’ restaurants in the Pemberton Gateway area.

### **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.

### **RECOMMENDATION**

**THAT** Council provides direction with respect to which option to proceed with regarding next steps for Bylaw No. 793, 2015.



**Attachments:**

**APPENDIX 1** – Letters received before the deadline of Wed, Sept 30<sup>th</sup>

**APPENDIX 2** – PH Minutes (including Letters received after the Sept 30<sup>th</sup> deadline)

**APPENDIX 3** - Zoning Amendment Bylaw No. 793, 2015



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Lisa Pedrini, Contract Village Planner

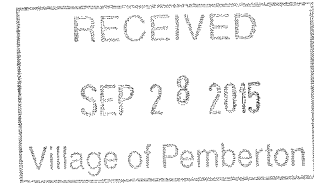
**CHIEF ADMINISTRATIVE OFFICER/  
ACTING MANAGER OF DEVELOPMENT SERVICES REVIEW**



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Nikki Gilmore, Chief Administrative Officer

Village of Pemberton  
Po Box 100 Pemberton BC  
V0N-PL0



To the Mayor and Council

September 28th /2015

Re Zoning Bylaw Amendment To Limit formula based Restaurants in the Pemberton's Gateway area.

With respect to this zoning change that is before Council.

We are the owners of the piece of property that is in front of the Pemberton Valley lodge and have been for many years. The Civic Address is 1480 Portage Road Pemberton BC.

When we first purchased the property it was Zoned C5 it allowed for a Neighbourhood Pub, accessory beer and wine, combined commercial/residential, accessory uses, and storage container. Which was sufficient Zoning for what we were proposing at the time. While we were designing our Pub with a beer and wine store the Province back when we were in the process of getting our development permit, ripped the rug out from under us and put a moratorium on Beer and wine stores in BC. This made the development not feasible so we stopped the process and tried to get a beer and wine license for several months so we could proceed with our development, but were unsuccessful, so we decided to try and sell the property. We had a few interested parties but no takers as they all came back with the same conclusion, without a beer and wine store it made the project not feasible.

After a few years of trying to sell it with no takers along with Pemberton having the history of being a no-go place for developers, we decided to go for re-zoning to try and make the property more appealing for a potential developer. After going through the motions and expense we were successful, we now have zoning on the property that allows us to have; a Hotel, Motel, Country Inn, Restaurant, Drive in Restaurant, Recreation and Leisure Retail, Accessory Single Residential Uses, Neighbourhood Pub, accessory Beer and Wine store, Combined Commercial Residential, Accessory Uses, and storage container, a Spa facility was added with combination of C2 and C5 now together to form the new C5 zone. C2 had Gasoline Service station which was taken out. Accessory Uses was a doubled up so was storage container so you would not put them down twice in the new C5 Zoning.

Now we seemed to have a viable way for a developer to feel comfortable to move ahead with a development on this particular piece of property. We tried for years to sell to an interested developer and it was listed with a real estate company, not one person was interested we had a few inquires but nothing serious. We dropped the list price several times but we kept running into the same issue that Pemberton is a no-go zone for developers. They seemed just not interested in Pemberton in the slightest so we decided to lower the price way down just recently to try and attract some developers, it worked, we are losing our shirt but we have to move along it's been way to long trying to get something going on this property. We had an interested buyer come in and

they were ready to go signed up deposit in place but the response they got from the Municipality seemed they just wanted to put up road blocks to any development, so they walked. We had another one waiting in the wings and they told me they were going ahead actually phoned me and said they are doing it and they also had a great relationship with the lodge and it was all a go, they were doing the deal together then at the last minute they walked. Again after talking to some one at the Municipality and especially after being told they were going to down zone C2/C3/C5 properties after we went to all the trouble to get the zoning so they said "Forget it we are out, it is just to risky".

These developers are not flakey they're not a build it take the money and run type of guys they're known to build and hold onto properties. Pemberton needs these types of developers badly to get Pemberton going this will help create a good tax base and keep people in town with construction and retail jobs so Pemberton can generate more tax money for services and infrastructure that it badly needs. These guys are there for the long term but they need cooperation from the powers to be to get a viable development and help get the town moving. What I have heard lately (again) it's a no-go zone for Development and I have heard that for years the same thing over and over. I know most all of them and they all seem to say the same thing "I would never do anything in Pemberton" they are anti-development to many road blocks. These development companies all know each other and share information, their words get out fast.

Now we have developers running for cover and the Planning department taking away Drive through Restaurants from the present Zoning. What a waste of councils time. All it does is send another strong message to developers that Pemberton is a no-go development Zone again. What is wrong with say a Tim Hortons in front of the Lodge or for that matter any where in the gate way area. These types of restaurants can be built so they are not in your face, as well as they can be blended into any development that is being proposed on these properties, at that time you can decide if it is appropriate for this so called Gateway situation you are trying to create.

Pemberton needs development and you need it badly, the gateway area needs to be opened up, let the development happen. I have been told that you don't want these types of business in the Gate way area because you want people to go into town well the people that you are looking for to go into town are not going to go into town. The way Pemberton is set up now it doesn't look like a town, the town of Pemberton is hidden away the lay out and access doesn't work that well. You need development in the gate way area to bring the flow into the town of Pemberton so people want to drive into the downtown area. The way the town is situated now people drive by without ever seeing the actual town of Pemberton, the gate way area must be developed so it becomes an extension of the town.

You need to bring the town of Pemberton to the Gateway area let Development happen, Banks, Restaurants, bike shops, spas, sports shops, clothing stores what ever, the stuff that makes a town then you will see more traffic into other parts of the town

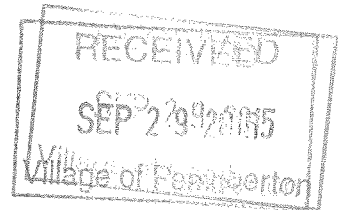
your looking for, as people will become curious and want to explore other parts of Pemberton now they fly right on by there is nothing to attract them in, but vacant dirt lots.

Now back to this so called proposed no drive in Restaurants in the Gate way area first of all if done right they can be made as I said before to blend in nicely with any proposed development and if your worried about them all rushing to Pemberton to build their fast food shops if this zoning change dose not go through they won't, as Pemberton does not have the population base to support them as of yet. Plus these types of restaurants are a convenience for many people lots of kids get their first taste of employment with them, they sponsor many sports teams and some become involved with the community.

A few weeks ago when I was first told about this Zoning change being proposed one of the concerns was that the food was not very good, is this why this is being proposed because some one in the municipal hall dose not like the food? More of these types of Restaurants are moving into healthier fast foods this is what the public is wanting/demanding making more salads, less saturated fatty foods, hormone free Beef etc. another concern was we also don't want to take away from the other restaurants, this is also untrue as these types of people fit a different target market. A younger family with kids that is always on the go don't have time to stop and eat or for that matter the money to spend in the other restaurants. They might eat at these "fancier" restaurants once every couple months for a treat due to the expense. I do not see these types of restaurants feeling the impact from this target market. I was also informed that the green house gases that are produced while waiting in a drive-through were of concern for our environment which seems like another excuse. Think of all the jobs these restaurants and businesses could create for the town of Pemberton construction, employment which will help reduce the amount of people commuting to Whistler there for lowering green house gas emissions in a big way. Also in your Report to Committee of the whole dated Jun 2 /2015 you mention some of these other towns that your basing this proposed Zoning Bylaw change who have looked into changing the rules and have failed, Nelson, BC, New West Minister, and Whistler and some US towns trying to limit formula based business well let me tell you you are nothing like these towns not in size and looks, as of yet. So to try and use these towns as a reference to this proposed Zoning change is not at all right in my opinion.

We the owners of the said Lands Function gate Pemberton Pub Holdings at 1480 Portage Road Pemberton BC with C5 zoning are totally opposed to this zoning change that's before the mayor and council. One of your alternative Options to this bylaw you have stated in your report are to not move forward with any Zoning bylaw amendments or to only consider removing Drive in restaurants in only one or two of the C2, C3, C5 Commercial Zones in the Gate way area. I personally want our C5 zoning left the way it is and approved back in January 7th 2014 and not to be changed in way what so ever.

Thank You  
Function Gate Pemberton Pub Holdings  
C. Nikki Gilmore, CAO



Rita J. Dhaban and Ron Parmar  
1039956 B.C. Ltd.  
# 1058 - 2560 Shell Road  
Richmond, BC V6X 0B8

Tel. No. 604-278-6721 Fax. No. 604-278-6726

September 29, 2015

Mayor and Council  
Village of Pemberton

Delivered via Email: [admin@pemberton.ca](mailto:admin@pemberton.ca)

**Re: Public Hearing Notice – Zoning Amendment (Restaurant Uses) Bylaw No. 793, 2015**

Dear Mayor and Council Members

We are the owners of 1443 Vine Road, Pemberton, a large vacant parcel of land located behind the Husky and McDonald's outlets. We purchased this property in September 2011 with the intention of developing the property for commercial uses allowed under the C-2 zoning to meet the growing needs of local residents and travelling public, and to contribute to the economic and social prosperity of the community.

After a series of meetings with the former Mayor Jordan Sturdy, Daniel Sailland (Chief Administrative Officer) and Caroline Lamont (Manager of Development Services) to understand the development needs and priorities of the Village of Pemberton including the "Gateway" vision for uses along the provincial Highway No. 99 to provide a welcoming entry to Pemberton as well as automobile convenient services and restaurants, we engaged the architectural firm of PJ Lovick Architect Ltd. to produce some conceptual drawings for consideration. The concept included a Tri-Services/Commercial development comprising of new building to accommodate fire, ambulance and police and a second building for retail/restaurant (attached).

We received a letter dated September 18, 2013 from Ms. Caroline Lamont, Manager of Development Services, providing comments for the proposed development (attached). An approval was also received from the Ministry of Highways and Transportation for an exit on to Highway 99 for emergency vehicles. Later in 2014, a number of revised site plans were submitted showing a Tri-Services building a restaurant with a drive-thru (attached). On March 19, 2014 we received a letter (attached) from Daniel Sailland, Chief Administrative Officer, stating that:

"By way of this letter the Village of Pemberton wishes to confirm its ongoing commitment to the proposed concept of a Tri-Services/Commercial development and occupancy on your property."

Since early 2015 we have also met with His Worship the Mayor and Nikki Gilmore, Chief Administrative Officer regarding our proposed development. As such we have been keen on moving

forward with our project in two stages, first with the restaurant and later with a Tri-Services use subject to obtaining necessary commitments from the three service providers.


We are opposed to the proposed zoning amendment to exclude the drive-in restaurant in the C-2, C-3 and C-5 zones. The proposal appears to be discriminatory in nature with a negative impact on values of properties located in these zones.

We are, however, fully supportive of the Gateway development as our property is located in the entrance to Pemberton. Design features for any proposed developments in these zones can be managed through the existing Development Permit Area Guidelines allowing for attractive and enhanced streetscapes. As the subject zones are located along Highway 99, the economic viability of new developments will be directly linked to the automotive and restaurant type uses for the travelling public as well as local residents.

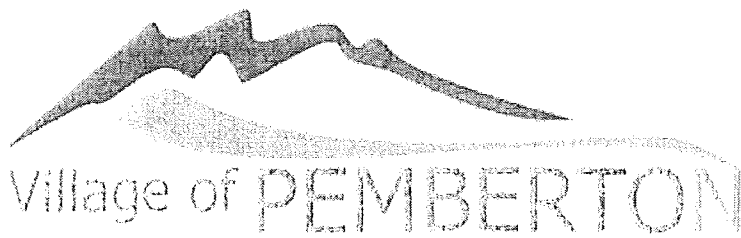
We trust you will take our concerns and our opposition to the proposed zoning amendment into consideration before making a decision.

Sincerely,

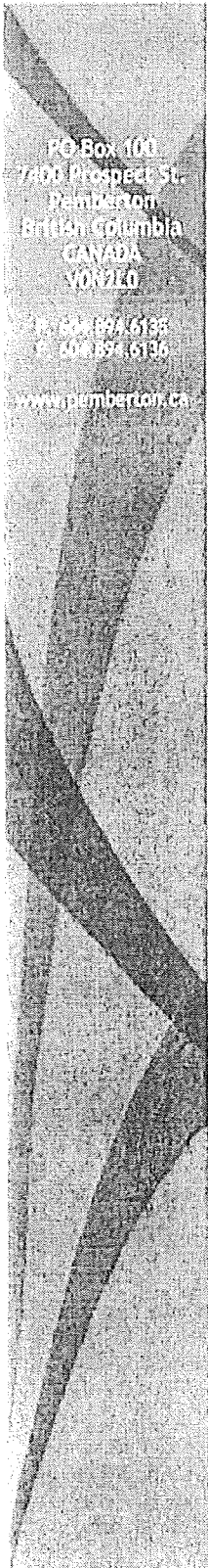
  
Rita J. Dhahan

  
Ron Parmar





Village of PEMBERTON



March 19, 2014

Mr. Barj S. Dhanan  
Sandhurst Group  
#1058 - 2560 Shell Road  
Richmond, BC, V6X 0B8

Dear Mr. Dhanan;

By way of this letter the Village of Pemberton wishes to confirm its ongoing commitment to the proposed concept of a Tri-Services/Commercial development and occupancy on your property.

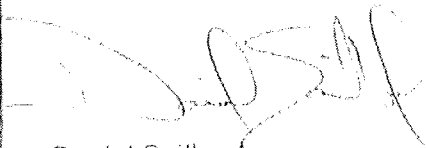
Following discussions with Council, the Village's does wish to clarify that its commitment is conditional on the following:

- approval of final established lease costs,
- approval of the final terms, commitments and contributions required by each of the parties within the tri-service structure and agreement.

Once the Village of Pemberton has the all the requested details pertinent to the tri-services development it will review and formalize its ultimate participation.

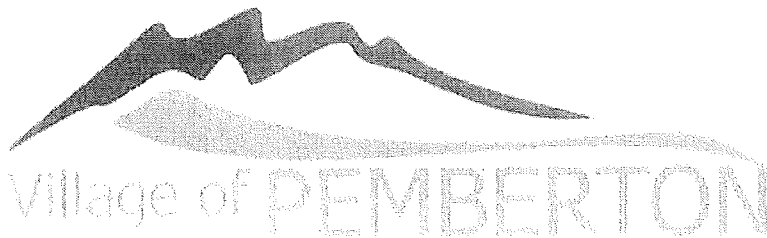
The Village of Pemberton is enthusiastic about this project and looks forward to its progress and eventual completion. If you have any questions or would like to further discuss the matter, please contact myself at the Village office.

Sincerely,  
**VILLAGE OF PEMBERTON**



Daniel Sailland  
Chief Administrative Officer





September 18, 2013

Mr. Barj S. Dhanan  
Sandhurst Group  
#1058 – 2560 Shell Road  
Richmond, BC  
V6X 0B8

Dear Mr. Dhanan:

**Re: Vine Road Proposed Ambulance Station, Fire Hall and Commercial**

The Village of Pemberton has referred your proposed site plan as prepared by P.J. Lovick Architect Ltd. (dated July 2013) for review by internal departments and the municipal engineer. In addition to the Village's comments provided, contact should be made with provincial or other regulating agencies to ensure the proposed development complies with their requirements (i.e. Ministry of Transportation and Infrastructure). The Village is able to provide the appropriate contacts names and numbers of these interests.

The Village's comments are provided below for your consideration:

**Planning Comments (*Development Services Department*)**

The subject property received approval of a Development Permit (DPA 41 and DP49) on December 5, 2006 for a hotel building and commercial uses. The permit has not been issued as "*subject to*" conditions have not been fulfilled. The permit approval did not include an expiry, but yet it must be in accordance with the Village's new Official Community Plan (OCP).

The proposed development program and site plan has been reviewed in accordance with the designations and policies of the Village's OCP, Zoning Bylaw and Development Permit Area Guidelines, as follows:

*Official Community Plan* - The property is currently designated in the OCP as "Gateway" which means "*uses along provincial Highway No. 99 which provides a welcoming entry to Pemberton as well as automobile convenient services to visitors and residents. Uses that would be developed in this corridor include residential, accommodation, civic functions, service stations, restaurants and ancillary commercial uses.*"

The site plan identifies three proposed uses being an ambulance station, fire hall and retail. The ambulance station and fire hall would both be considered civic functions, and therefore consistent with the OCP.

September 16, 2013

The proposed retail use is not consistent with the OCP land use designation and may need an OCP amendment subject to the type of retail uses (refer to zoning review below). The Village has prepared a *Commercial Needs Analysis* which indicated that the community is currently over serviced by retail space and further that retail uses be directed to the Downtown Core (refer to link: [http://www.pemberton.ca/media/89304/Commercial Analysis - Revised February-1.pdf](http://www.pemberton.ca/media/89304/Commercial_Analysis_-_Revised_February-1.pdf) ).

*Zoning* – The property is currently zoned C-2 which permits hotel, motel, gas service station, country inn, drive-in restaurant, and recreation and leisure retail. Civic uses are not permitted, nor are retail uses unless they are recreation and leisure which are defined as a *retail store that specializes in the selling, renting and repairing of goods and articles that are used in the pursuit of recreation and leisure activities of the outdoor variety, such as skiing, snowboarding, cycling and mountain biking, hiking, camping, mountain climbing, kayaking, canoeing, and other similar activities, and would exclude stores where the merchandise is not the principal focus of such activities.* To permit the uses proposed a rezoning would be required.

*Development Permit Area Guidelines* – The subject lands are part of the Gateway Development Permit Area as designated in the OCP. The DPA Guidelines identifies general directions related to the siting of the building, building form, construction materials, streetscape improvements and landscaping, circulation and parking, snow management, lighting, and crime prevention design. In addition, Gateway has additional guidelines related to open spaces, siting, landscaping, circulation and parking. The following comments are derived from a preliminary review of the DP Guidelines and the site plan:

- The layout of the building facing Highway 99 is dominated by surface parking. A landscaped buffer should be provided between the roadway and parking areas (“*screen parking areas...to public street with landscaping and buildings*”). Preference would be to break up the parking with both building features and landscaping.
- Recognize the need to designate areas for snow storage.
- Incorporate open space for the *purposes of outdoor seating, socializing and passive recreation of residents or the travelling public.*
- The development should be visible and attractive from the highway/street – this is a gateway location to the Village.
- Loading bays and garbage/recycling facilities have not been identified, and are required.
- Access to service bays, loading docks and garbage/recycling should not be directly visible from public view.
- Pedestrian connectivity both within and to the site should be provided. The sidewalk should continue along the Vine Road frontage, with trail connections connecting the existing Valley Loop Trail system from east of the property through to the controlled intersection of Vine Road and Highway 99.

#### **Building and Bylaw Comments (*Development Services Department*)**

- It is unlikely that the Ministry of Transportation and Infrastructure will allow a direct highway access so close to Vine Road. A more appropriate solution would be to reconfigure the site plan so that the emergency vehicles exit directly onto Highway 99. The exit could be controlled with emergency lights. This also would have less impact on the residential properties as the emergency vehicles are going straight onto the highway and not in front of the condo units.

- It would be ideal if the ambulance station had direct access to their required parking spaces.

### **Village Engineer**

The following comments also consider the notes contained in the PDF sketch and generally include:

- Access to Highway 99 – right in, right out– will need comment and approval from Ministry of Transportation and Infrastructure. There are also signage and drainage issues that may need to be considered along the highway frontage.
- The Village has recently been in review of the future sanitary servicing of the mobile home area west of Vine Road and that servicing may be provided through Vine to the siphon. This would ease the sanitary load on the existing main on Highway 99. A right of way may be required through the subject property to facilitate this design.
- Improvements to Vine Road likely with consideration to pedestrian movement and street lighting.
- If emergency access continues on Vine Road, restricting access from Highway 99 through to the fire hall is probably a good idea so that returning emergency vehicles are not dealing with two-way customer traffic. Parking restrictions for stalls directly linked to fire hall for fire hall/ambulance staff/volunteers should be provided and restricted for this use only.
- Site design appears to facilitate stop and shop businesses rather than drive thru commercial uses.
- Parking arrangements should consider ingress and egress from parking stalls. Hammerhead turn-arounds may be needed in certain instances.
- The traffic lights on Highway 99 and Portage should be controlled by emergency vehicles.
- Sanitary and water servicing appears to be readily available.

### **Fire Department**

- Concern would be the noise from sirens etc. leaving the fire hall and ambulance station.
- The location and facilities for fire trucks being washed after a call should be considered.

### **Public Works**

- Consider reversing floor plans so that administration offices for both fire and ambulance are side by side and truck/ambulance bays are on the outside. This would allow for expansion in the future of one more bay each.
- Consideration to accommodate public works offices and garage in facility

### **Finance**

- All taxes are paid to date.

Please note that these are only preliminary comments, which will be expanded once more details regarding the proposed buildings and land uses are provided.

Sincerely,



**VILLAGE OF PEMBERTON**

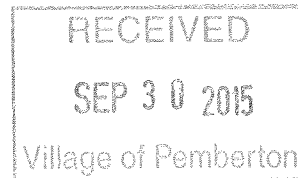
Caroline Lamont

Manager of Development Services





PO BOX 38, PEMBERTON, B.C. V0N 2L0



*Since*  
**1956**

September 30, 2015

Village of Pemberton  
PO Box 100, Pemberton, BC V0N 2L0

RE: Zoning Amendment (Restaurant Uses) Bylaw No. 793, 2015 – land use restriction

Dear Mayor and Councillors:

We are strongly opposed to the downzoning (again) of the Gateway properties. What message are you trying to send to the investors in your community? We are not Whistler, not Nelson, not New Westminster, not Whistler.

We are the owners of 1460 Portage Road, which is kitty corner to the Pemberton Valley Lodge. We purchased the property in 2003. Since purchasing the property the environmental requirements by the Province have gotten tougher, our highway access has been reduced/or altogether eliminated, and now the Village of Pemberton wants to restrict the zoning? Do they want to see nothing on the highway? What are paying +- \$10,000/year in property taxes (for the past 12 years) for?

The document talks to restricting formula based businesses on these properties by eliminating 'drive-in' (and by association 'drive-through') uses from these properties on the highway. We feel this is an ad hoc reaction to try and protect businesses 'in town', thinking that this decision will promote people to drive into town and patronize the establishments there.

It is true that many people do not support the concept of formula based businesses in their town. But we feel they are alienating certain demographics that they don't belong to. Where is a senior able to get a coffee for less than \$2? Where else can someone with mobility issues get a meal without leaving their vehicle? And the thing is that these types of businesses are serving a different market than a sit-down restaurant. Pemberton needs more choices, not less. Why is Pemberton closing doors?

The people that developed the building that houses McDonald's had a vision and built it in a way that provides character to the site and has an old country, western feel to it. The 'gateway' of Pemberton could be developed in a way that piggy-backs on this theme and enhance the town a lot more than letting them sit empty. If Council thinks Pemberton's economy is based off restaurants in the downtown core and that this amendment will drive people into downtown, you've missed the boat.

Protect the businesses in town by providing better signage. Don't penalize the owners of the properties on the highway to do it.



PO BOX 38, PEMBERTON, B.C. V0N 2L0

*Since*  
**1956**

Sincerely,  
SABRE HOLDINGS CORP.

Joanne Molinaro

**VILLAGE OF PEMBERTON  
- PUBLIC HEARING MINUTES-**

**Minutes** of the **Public Hearing** of Council of the Village of Pemberton held on Tuesday, October 6, 2015 at 7:00 p.m. at the Squamish-Lillooet Regional District Office, 1350 Aster Street.

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**IN ATTENDANCE:**

Mayor Mike Richman  
Councillor Jennie Helmer  
Councillor James Linklater  
Councillor Karen Ross

**STAFF IN ATTENDANCE:**

Nikki Gilmore, Chief Administrative Officer  
Sheena Fraser, Manager of Corporate & Legislative Services  
Lisa Pedrini, Planner  
Paige MacWilliam, Legislative Assistant  
Robert Grossman, Fire Chief  
Wendy Olsson, Executive Assistant

**MEMBERS OF PUBLIC:**

**15**

**MEDIA:**

**1**

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**1. CALL TO ORDER**

At 7:00 p.m. Mayor Mike Richman, called the Public Hearing to order and read the following Opening Statement for the Village of Pemberton Zoning Amendment (Restaurant Uses) Bylaw No. 793, 2015:

Lisa Pedrini, Planner for the Village of Pemberton, will make a presentation on the Village of Pemberton Zoning Amendment (Restaurant Uses) Bylaw No.793, 2015 and Sheena Fraser, Corporate Officer, will record your comments.

Also in attendance are Councillor Helmer, Councillor Linklater and Councillor Ross.

The Public Hearing is convened pursuant to Section 890 of the *Local Government Act* to allow the public to make representation to Council respecting matters contained in the proposed Village of Pemberton Zoning Amendment (Restaurant Uses) Bylaw No.793, 2015.

This public hearing was advertised in the Question on September 22<sup>nd</sup>, 2015 and September 29<sup>th</sup>, 2015.

Notice was also posted at the Village of Pemberton Office, the Village of Pemberton Notice Board located at the Post Office and on the Village Website, eNews and Facebook Page.

Everyone present shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaw. No one will be discouraged or prevented from making their views known. However, it is important that remarks be restricted to matters contained in the proposed Bylaw.

When speaking, please commence your remarks by clearly stating your name and address.

Members of Council may, ask questions following presentations; however, the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaw.

The Public is reminded that this Public Hearing is the final opportunity for input on the proposed Bylaw and Council may not hear from or receive correspondence from interested parties relating to the bylaw upon the close of the meeting

After this Public Hearing has concluded, Council will at a subsequent Council Meeting further consider the Bylaw.

## **2. INTRODUCTION OF VILLAGE OF PEMBERTON ZONING AMENDMENT (RESTAURANT USES) BYLAW NO. 793, 2015**

Lisa Pedrini, Village Planner, provided an overview and explanation of the Village of Pemberton Zoning Amendment (Restaurant Uses) Bylaw No. 793, 2015. The purpose of Bylaw 793, 2015 is to clarify the definition of drive-in (or drive-through) restaurants and exclude “drive-in restaurants” as a permitted use in the C-2 (Tourist Commercial), C-3 (Portage Road Commercial) and C-5 Zones (Neighbourhood Pub Commercial) Zones, which sit on either side of Highway 99 and Portage Road, in order to preserve the unique identity of Pemberton’s Gateway Area.

This bylaw is a Village initiative being undertaken to:

1. Assist in the creation of a strong sense of arrival to the Pemberton community through natural, landscaped and built elements distinctive to Pemberton;
2. Protect the unique commercial characteristics of Pemberton’s existing businesses by controlling the development of formula-based restaurants in the Gateway and Portage Road areas.



The bylaw proposes two changes:

1. To clarify the definition of restaurant use:

Currently, the Village of Pemberton Zoning Bylaw No. 466, 2001, defines restaurants as follows:

**Restaurant Use** means an eating establishment where food is sold to the public for immediate consumption within the premises or delivered to other premises, but excludes facilities for the consumption of food in motor vehicles parked on the site, or with drive-through takeout facilities.

The Village's Zoning Bylaw presently makes a distinction between a 'restaurant' and a 'drive-in restaurant'.

**Drive-in restaurant** means a building providing for restaurant use with drive-through takeout facilities or consumption of food in vehicles parked on the lot.

However, Bylaw 793, 2015 will even further clarify the definition to make it explicitly clear that a restaurant use does not include drive-through takeout facilities.

A proposed new definition contained in Bylaw 793, 2015 is as follows:

**Restaurant use:** means an eating establishment where food is sold to the public for immediate consumption within the premises or delivered to other premises. Restaurant use when specified in this bylaw as a permitted use excludes, unless expressly provided otherwise, drive-in restaurants.

2. To remove "drive-in restaurants" from the list of permitted uses in the C-2 (Tourist Commercial), C-3 (Portage Road Commercial) and C-5 (Neighbourhood Pub Commercial) zones.

This bylaw does not propose to remove restaurants as a permitted use in the C-2, C-3, and C-5 zones. Albeit, a "drive-in or drive-through" restaurant will no longer be an outright permitted use in these zones. That being said, drive-through restaurants may still be considered by Council via a site-specific rezoning application, and as such the merits of each application will be evaluated on a case by case basis.

### 3. LISTING OF CORRESPONDENCE

Sheena Fraser, Manager of Corporate & Legislative Services, advised that the Village has received three (3) submissions as of noon, Wednesday, September 30, 2015, which are included in the agenda package, expressing opposition to the proposed

bylaw from Mr. Greg Pantages, Function Gate Pemberton Pub Holdings, owner of property located at 1480 Portage Road, Ms. Rita Dhahan and Mr. Ron Parma, owners of property located at 1443 Vine Road, and Ms. Joanne Molinaro, Sabre Holdings Corp., representing the owners of property located at 1460 Portage Road.

In addition, two submissions expressing opposition were received from Mr. Derek Lee, Prospero International Realty, owner of property located at 7370 Highway 99, on October 2, 2015, (Appendix A) and from Mr. David MacKenzie, General Manager, Pemberton Valley Lodge, representing owners of property located at 1490 Sea to Sky Highway (Appendix B). Both letters were provided to Council, made available to the public at the hearing and attached to the minutes for information.

#### **4. PUBLIC SPEAKERS**

Mayor Richman called for submissions from the public:

##### **Barj Dhahan, 6312 Elm Street, Vancouver – OPPOSED**

Mr. Dhahan was attending and speaking on behalf of his wife who is the half owner of the undeveloped property behind the Husky gas station. He and his wife are Tim Hortons franchisees, they purchased the property knowing drive-through restaurants were an allowable use. When they purchased the property, they met with Village representatives to explore the option of developing a first responders tri-services building as well as a drive-through restaurant.

Mr. Dhahan spoke about the potential of developing a Tim Hortons, including job creation and investment in the community. He stated that this bylaw would grant the existing McDonalds a monopoly on drive-through service. Mr. Dhahan declared support for the gateway vision and his willingness to develop according to development permit guidelines.

Mr. Dhahan concluded by stating that new drive-through designs as well as improvements in vehicle efficiency are reducing greenhouse gas emissions caused by idling at drive-through restaurants. Mr. Dhahan requested that Council not move this bylaw amendment forward.

##### **Ron Parmar, 7350 13<sup>th</sup> Avenue, Burnaby - OPPOSED**

Mr. Parmar is half owner of the undeveloped property behind the Husky gas station. Mr. Parmar advised that he is opposed to the amending bylaw for the same reasons as stated by Mr. Dhahan and noted that money has already been invested in developing a site plan based on the drive through restaurant use. Mr. Parmar felt that at this time it is unfair to remove this use and opposes this bylaw.

**Joanne Molinaro, 7451 Dogwood Street, Pemberton - OPPOSED**

Ms. Molinaro represents the owners of the undeveloped lot at 1460 Portage Road. Ms. Molinaro would like to see a consistent vision for Pemberton, stated that changes to zoning causes unease for investors and raised concern that the rules keep changing. As property owners, she noted that they have been paying over \$10,000/year in property taxes since 2003.

Ms. Molinaro asserted that jobs created by a drive-through restaurant would lead to a greater reduction in emissions by reducing the number of people commuting to Whistler for work. She also stated that drive-through restaurants would increase dining options for low-income residents.

Ms. Molinaro concluded by reaffirming her opposition to the amending bylaw.

**Adam Adams, 1414 Willow Drive, Pemberton – OPPOSED**

Mr. Adams disagreed that developing the gateway will impact the existing businesses in the downtown area as traffic passing along the highway is unlikely to head into downtown. Mr. Adams noted he is opposed to the amending bylaw.

**Jasper Balsamo-Lack, 7465 Aspen Boulevard, Pemberton – OPPOSED**

Mr. Balsamo-Lack stated that he would support the development of drive-through restaurants as long as they upheld their corporate responsibility to provide a level of service consistent with other locations.

**David MacKenzie, 1414 Willow Drive, Pemberton - OPPOSED**

Mr. MacKenzie spoke as an owner and the General Manager of the Pemberton Valley Lodge, which is located behind an undeveloped property located at 1480 Portage Road on Highway 99. He spoke about the challenge to obtain financing to establish non-formula based business. He stated that a site plan was created for the lot zoned C-5 in 2010, which clearly depicted a drive-through restaurant. In 2013, the proponent submitted a rezoning application to include drive-through restaurants as an allowable use on this property, which the Village passed in 2014.

Mr. MacKenzie stated that consideration of Bylaw 793, 2015 has raised concerns for a potential developer interested in moving forward on building on the lot adjacent to the Pemberton Valley Lodge. He also spoke about the desire to see new development in this area that could act as an anchor to the Pemberton Valley Lodge and would also increase Pemberton tax revenues.

Also, speaking as the President of Tourism Pemberton, Mr. MacKenzie asserted that increased development in the gateway area would entice tourists to stop. In addition, he stated that development in the gateway area would create jobs.

Mr. MacKenzie concluded by stating that he is not in support of the amending bylaw.

**Ted Craddock, 1463 B Laburnum, Pemberton – UNDECLARED**

Mr. Craddock stated that agencies to which this bylaw – and the 2013 rezoning bylaw that provided for drive-through restaurants as an allowable usage on one lot (zoned C-5) in the gateway area - were referred must have changed their opinion on drive-through restaurants as an allowable use between 2013 and 2015. He suggested that consideration of this zoning amendment bylaw be deferred until after the upcoming consideration of the Official Community Plan.

**Niki Vankerk, 7451 Aspen Boulevard, Pemberton – IN FAVOUR**

Ms. Vankerk stated that she supports the amending bylaw as she supports the unique character of the Village and feels that limiting the number of chain restaurants along the highway is a good thing and would support existing businesses in town. Ms. Vankerk also clarified that when the Advisory Land Use Commission reviewed the 2013 rezoning request on the lot in front of the Pemberton Valley Lodge (zoned C-5) in the gateway area, the request was for the inclusion of many new allowable uses, not particularly drive-through restaurants. Ms. Vankerk noted that she has talked to others in the community who also support the removal of drive-through restaurants from this part of the community.

**Rob Szachury, 7359 Larch Street, Pemberton – OPPOSED**

Mr. Szachury expressed concern about restricting allowable uses creating uncertainty in the economic climate of Pemberton. He also spoke in support of formula based business that are open outside of regular business hours and create entry level jobs.

**Zoe Martin, 1874 Cottonwood Court, Pemberton – IN FAVOUR**

Ms. Martin stated that she chose to move to Pemberton because of the character of the town. She stated that removing drive-through restaurants as an allowable use in the gateway area would support existing business in town noting that she felt that drive through restaurants would be a detriment to existing businesses. Ms. Martin commented that this bylaw amendment would not limit Tim Hortons, as an example, from opening in Pemberton as there are many Tim Hortons that are not drive throughs. Ms. Martin noted that she did not want to see Pemberton develop to look similar to Squamish and Revelstoke.

**Cail Low, 1427 Willow Drive, Pemberton – OPPOSED**

Mr. Low is opposed to the bylaw as he stated there is a need for new business development to grow the tax base. In addition, Mr. Low stated that he wishes to see more affordable restaurants in Pemberton.

**5. ADJOURNMENT**

Mayor Richman reminded that after the Public Hearing is adjourned the opportunity for public discussion has ended and Council may not hear from or receive correspondence from interested parties relating to this bylaw. It will now be a matter for Council's consideration based upon the information received to date.

Mayor Richman called three (3) times for any other submissions, and hearing none closed the Public Hearing at 7:45 p.m.

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Mike Richman  
Mayor

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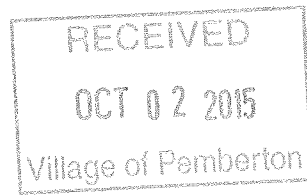
Sheena Fraser  
Corporate Officer

Appendix A

Oct 1, 2015

Village of Pemberton

PO Box 100 Pemberton , BC, V0N 2L0



Mayor and Council

Re: Zoning Amendment (Restaurant Use) Bylaw No. 793-2015-land use restriction

Dear Mayor and Council

I wish to voice my opposition to the proposed changes to the zoning guidelines for the Gateway properties. I recently purchased the Mount Curie View Mobile Home Park located at 7370 Highway 99 with the intention of someday developing the commercial zoned lands into a commercial development with a selection of retail tenants. I have some experience in the area having managed and developed many shopping centers and retail complexes throughout BC. In order to make any development successful there needs to be a selection of national and local tenants. The national tenants help to give the banks confidence to lend to the developer the money to construct. These tenants that may have a need for a drive through component. That is not to say they all would want it, as it does take more land to put in a drive through, but it does help to have the flexibility to allow for it. When you put any type of restrictions on developers it will just take that much longer to develop. Currently I do not see a rash of drive through restaurants in Pemberton nor do I see a lot of them applying for locations. This puzzles me as to why council wants to put this in place. There does not appear to be a pressing need to do this zoning change.

I urge you to reconsider and hopefully not pass the change to the zoning so developers, like me, can have the best possible chance to make improvements to our properties for the benefit of all the citizens of Pemberton.

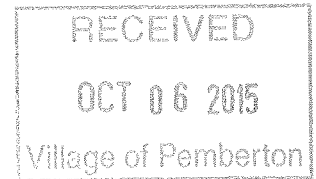
Yours Truly

A handwritten signature in black ink, appearing to read "Derek Lee".

Derek Lee

President

Prospero International Realty



October 4, 2015

Mayor & Council  
Village of Pemberton  
P.O. Box 100  
Pemberton, BC  
VON 2L0

Dear Mayor & Council,

This correspondence is in regards to the zoning amendment that is currently before council to remove drive-thrus from the C2 , C3 and C5 zones.

Back in late 2013 and early 2014 I, on behalf of the 131 owners of Pemberton Valley Lodge, worked with Function Gate Pemberton Pub Holdings to undergo a rezoning of the C5 lot in front of the Pemberton Valley Lodge. We felt, at the time, that it was in our best interests to work with the landowner in moving along a development that would fill a void that Pemberton Valley Lodge does not provide: food service.

In 2004, when the Pemberton Valley Lodge was being built, this C5 parcel of land was owned by the owners/developer of the Lodge. In an effort to raise more funds to complete the Lodge, this C5 lot was sold off. It was always intended to be a food service establishment.

Since the selling off of this parcel, I have continually tried to work with the land owners to develop the lot. Over the years of consulting with the landowner and various developers, it was understood that the concept of just a pub and restaurant would not be a financially viable option. In order to move forward, there would need to be a multi-commercial development: a pub/restaurant, a retail or services component, and a drive-thru/franchise to anchor the development.

The drive thru/franchise component is what makes this a financially viable development. Banks are more willing to provide financing for something they already know has an established reputation and will generate revenue. Investors and developers will not invest funds for an independent venture with no guarantee of return. It is too risky. Hence the rezoning process in 2013/2014.

Currently we have a group ready to purchase this lot and develop it so long as the zoning remains in place. Negotiations for this purchase have recently hit roadblocks with this rezoning before council. It has made our development group uneasy and unwilling to move forward knowing that the viability of this development is dependent on the drive-thru/franchise component.

For 11 years now I have had to look at a dirt lot in front of my business and every day it causes me great frustration.

I find it disingenuous that council would permit the zoning in January of 2014 and then a few short months later, in camera, decide to rescind portions of the zoning they had just approved! After the time, energy and cost to the land owner to try and get the zoning to a point where the lot is attractive to buyers/developers, the Village is trying to pull the rug out from under them. Your decision would make any future developer looking at Pemberton leery that at any

time the Village is going to change the rules of the game. This uncertainty that you have created will undoubtedly have me looking at empty dirt lots all over town for decades to come.

The reasoning provided in the council package for your decision to amend the zoning was due to "particular concern with the Gateway (Highway 99 and Portage) corridor as it may negatively impact Pemberton's entry and small town character". As it stands, the entry to Pemberton is already negatively impacted by having nothing on the undeveloped lots lining the highway. Developers are savvy enough to understand that in a town like Pemberton, they cannot build something that does not conform to the character of the town. Take for example, the McDonalds on Highway 99. It in no way looks like a typical McDonalds. In fact the design of it has it seamlessly fit into the Frontier character that Pemberton is trying convey. It would be logical to believe that other developers would follow suit.

In closing, I would just like to be clear that changing this zoning would negatively impact the Pemberton Valley Lodge. It would make it extremely difficult to find a partner who would be willing to take on the risk of buying and developing something without financial certainty. So, to be clear, I and the 130 other owners/taxpayers I represent, do not support this zoning amendment.

Sincerely,



David MacKenzie  
General Manager/Owner  
Pemberton Valley Lodge



VILLAGE OF PEMBERTON

BYLAW No. 793, 2015

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

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**WHEREAS** pursuant to Section 903 of the *Local Government Act* a Council may amend its Zoning Bylaw from time to time;

**AND WHEREAS** the Council of the Village of Pemberton deems it desirable to create a strong sense of arrival to the Pemberton community through natural, landscaped and built elements distinctive to Pemberton;

**AND WHEREAS** the Council of the Village of Pemberton deems it desirable to protect the unique commercial characteristics of Pemberton's existing businesses by controlling the development of formula-based restaurants in the Gateway and Frontier Street areas;

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

1. **CITATION**

This Bylaw may be cited as "Village of Pemberton Zoning (Restaurant Uses) Amendment Bylaw No. 793, 2015"

2. **Village Zoning Bylaw No. 466, 2001 be amended as follows:**

a) Section 104 Definitions:

- i. by deleting the definition of 'restaurant use' and replacing it with the following:

a. **restaurant use:** means an eating establishment where food is sold to the public for immediate consumption within the premises or delivered to other premises. Restaurant use when specified in this bylaw as a permitted use excludes, unless expressly provided otherwise, drive-in restaurants.

b) Section 307.1 Permitted Land Uses (C-2):

- i. by deleting 'Drive-in Restaurant' from the list of Permitted Land Uses under Tourist Commercial C-2.

c) Section 308.1 Permitted Land Uses (C-3):

- i. by deleting 'Drive-in Restaurant' from the list of Permitted Land Uses under Portage Road Commercial C-3.

d) Section 310.1 Permitted Land Uses (C-5):

- i. by deleting 'Drive-in Restaurant' from the list of Permitted Land Uses under Neighbourhood Pub Commercial C-5.

**READ A FIRST TIME** this 21<sup>st</sup> day of July, 2015.

**READ A SECOND TIME** this 21<sup>st</sup> day of July, 2015.

**NOTICE OF PUBLIC HEARING for Village of Pemberton Zoning (Restaurant Uses) Amendment Bylaw No. 793, 2015 PUBLISHED IN THE QUESTION** on the 22<sup>nd</sup> day of September, 2015 and on the 29<sup>th</sup> day of September, 2015.

**PUBLIC HEARING** held this 6<sup>th</sup> day of October, 2015.

**READ A THIRD TIME** this \_\_\_\_ day of \_\_\_\_\_, 2015.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor  
Mike Richman

\_\_\_\_\_  
Corporate Officer  
Sheena Fraser

**From:** Chris Rose [REDACTED]  
**Sent:** September-30-15 5:37 PM  
**Cc:** Chris Rose <[chris@sculptor.bc.ca](mailto:chris@sculptor.bc.ca)>  
**Subject:** Climate Chang



(250) 285-3245

[chris@sculptor.bc.ca](mailto:chris@sculptor.bc.ca)

350 Sutil Road, PO Box 621

Quathiaski Cove

Quadra Island, BC V0P 1N0

[www.sculptor.bc.ca](http://www.sculptor.bc.ca)

September 30, 2015

**Mayor and Councillors** of the 163 BC Municipalities

**Regional District Directors**

### **A call for action on Climate Change**

Ladies and Gentlemen.

I am writing to you as an ordinary, but very concerned Canadian Citizen. I'm not a scientist, but I have been an observer of our environment for more than 80 years. I do not like what is happening to our world and fear for our grandchildren's future as well as the survival of our species on this planet. On 6. August 2014 I wrote a letter to the Chairperson UBCM (attached) and I received an answer with the suggestion that I should address my concerns to you the Municipalities Leaders directly.

As you know the world leaders have been debating the need for action to **mitigate Climate Change** in International conferences since 1990. Very few leaders have taken any action to avoid the "**Climate Tipping Point**" looming on the horizon. Methane and other dangerous GHGs as well as ocean hydrates are already released into the atmosphere at a rate that is greater than what the oceans can absorb, thus we are facing the acidification of the oceans which will result in the breakdown of the world ecosystem.

The time has come when we all and you as leaders of the BC. Communities in particular have to ask yourself „What can I do to mitigate the dangers of climate change?" To help you in your debate, please look at the following information:

(1) **Bavarian Village of Wildpoldsried Rages in \$5.7 Million/year by Selling Green Energy**“ < <http://cleantechnica.com/2012/08/29/bavarian-village-rages-in-5-7-million-year-by-selling-green-energy>>

(2) **Big payoff from clean energy in the District of Rhein-Hunsruck, Germany;**  
<[http://edmontonjournal.com/story\\_print.html?i=10332925&sponsor=](http://edmontonjournal.com/story_print.html?i=10332925&sponsor=)> and  
<[http://www.go100percent.org/cms/index.php?id=77&tx\\_ttnews%5Btt\\_news%5D=258&cHash=81261a7fdf5436a56620c595d7f531c9](http://www.go100percent.org/cms/index.php?id=77&tx_ttnews%5Btt_news%5D=258&cHash=81261a7fdf5436a56620c595d7f531c9)>

(3) **The Spanish Island of El Hierro near it Goal**  
<http://www.npr.org/sections/parallels/2014/09/17/349223674/tiny-spanish-island-nears-its-goal-100-percent-renewable-energy>>

(4) **Costa Rica**

<http://www.iflscience.com/environment/costa-rica-has-only-used-renewables-electricity-year> and <<http://www.theguardian.com/commentisfree/2015/mar/30/truth-behind-costa-rica-renewable-energy-reservoirs-climate-change>>

Naturally there are many other jurisdictions in the world that have taken the big step forward in Clean Energy development. I recognize that our Premier will say: “We are already there and have been for years, remember Mr. W.C. Bennett got the ball rolling”. Yes, Bill Bennett built the great dams at the Peace River. It was done at high financial, environmental and social costs and with a total disregard for the rights of our Native People. Now we are facing similar problems with the intended construction of Site C-Dam. This time we are encountering additional and more serious difficulties; namely the rapid glacier melt – in 30 years there may not be enough water to fill the dams.

Should we consider alternative plans for future energy demands? - Should we prepare for events and make plans over which we have more local control? – There is no doubt that the development of clean energy at local levels will lead to a more robust economy by reducing costs, increase employment and reduced CO2 pollution.

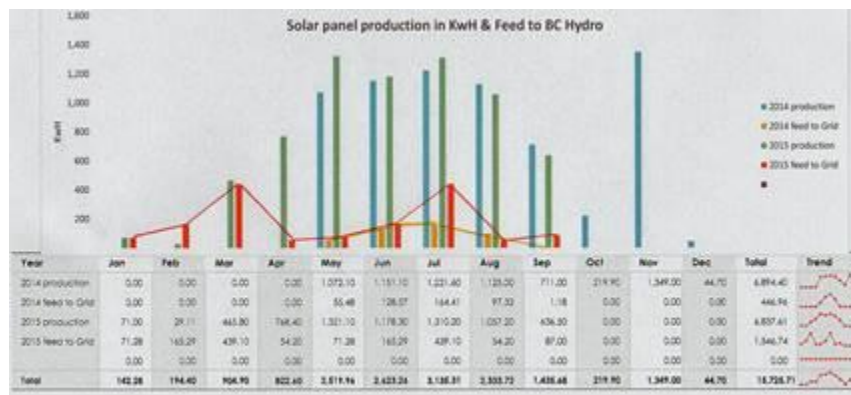
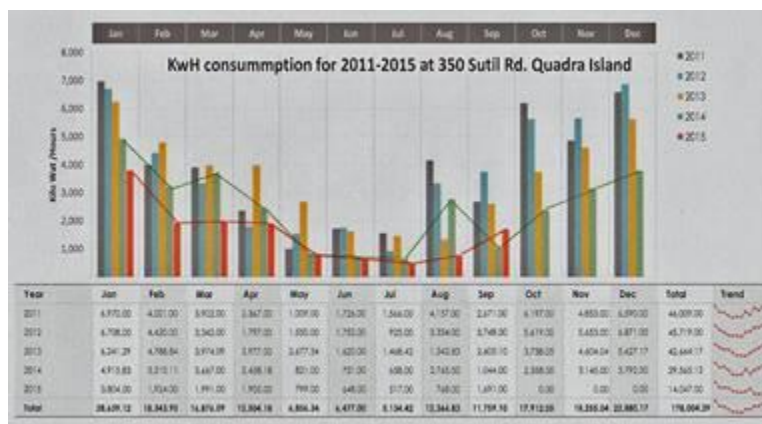
It is clear that we have to reduce the fossil fuel consumption to nearly ZERO as soon as possible. To achieve such a goal we have to think of changes in the transportation systems (car, rail, trucking, public transit etc.). We have to think of changes to the building codes and the construction methods (insulation, roof structures with solar panels and/green flat-roofs, light/energy-producing cladding, internal recycling and more efficient re-use of human/building waste, etc.). We have to think of the agricultural and farming production (solar panels on barn roofs, convert animal waste into methane to produce heat/energy). We should be thinking of “Farmer-Owned windmills” for the production of electricity as well as extra income and pensions. We have to think of the communication systems and the needs to extend it. We need to free ourselves of our copper dependency (transmission lines) and make energy and information available to every person regardless of their location and this should be done at the lowest cost possible.

The above are a few aspects that are required to mitigate climate change and they call for leadership at the local level.

As side from the question of what leaders in the community can do there is the aspect of what the individual can do? For your information, in early 2014 I sold \$20,000 of my RIFs (Pipe line) and invested that money in an Inverter and 30 Solar Panels. It took a little over two weeks for an electrician and a helper to install all the equipment. Unfortunately a snowfall delayed the finished job by a week. See my video of the installation

<https://www.youtube.com/watch?v=WMiWHp0FakY>

The following graphs show the result over the last 16, information is based on BC Hydro meter reading and inverter since March 2014. 2011-2013 data is based on BC Hydro Statements.



Since March 2014 the Solar Panels have produced a total of 13,649.54 Kwh of which 736.83 Kwh was feed back into BC Hydro grid. If I were 10 years younger I would install a small windmill and our power needs would reduce to zero. Furthermore I would install a power storage device such as Tesla batteries and or a flywheel. I would buy an electric car for short trips in the 100 km radius. On this subject I should mention that I see the demand for electric vehicles increase very soon and the public will look for recharging stations in the communities and thus force the local/provincial government into action through legislation to make these services available.

There are also some very positive trends developing, I quote from [Tracking the Energy Revolution — Canada 2015](#), “our annual assessment of the nation’s clean energy performance. We found that, thanks to provincial policy leadership, last year, the value of new clean energy projects approached CAD\$11 billion, up 88 percent from 2013. Further, in 2013, the most recent year for which reliable data exists, **Canada’s clean energy industries were together responsible for 26,900 direct jobs—up a respectable 14 percent over the previous year**”. (Coverage: [The Globe and Mail](#), [National Observer](#), [CBC News](#), [iPolitics](#), [The Exchange with Amanda Lang](#))

Finally, you may ask why I’m sending this letter. The answer is simple: We need greater leadership in Canada on environmental issues. We have squandered 20 years due to procrastination. If we don’t act quickly we will all fall behind and join the communities of the third world and experience unforeseeable disasters.

You may feel inclined to ignore the above or you may explore what actions you as leader can take. In either case I would be more than happy to hear about your plans – hopefully it will be a progression towards “Clean Energy” and mitigation of climate change

Best Regards,

Chris Rose



www.sculptor.bc.ca

350 Sutil Road, PO Box 621  
Quathiaski Cove  
Quadra Island, BC V0P 1N0  
chris@sculptor.bc.ca

6. August 2014

The Chairperson UBCM  
Suite 60-10551 Shellbridge Way  
Richmond, BC.  
V6X 2W9

Dear Madam/Sir

I read with interest your theme for the “Leading Edge – UBCM 2014” Conference in Whistler, September 2014.

My wife and I built our house in Whistler 1972 with the help of Mr. Jim Cook (concrete footings and roof). We sold our property in 1999. Our house was well constructed with #1 Fir and 2x6 T&G clear cedar roof-decking under the daily guidance of Mr. Jim Murray, Building Inspector and friend – it was built like a precursor to the R2000 systems. The house had a 2 bed-room suite for local workers and a three bedroom spacious area in which we lived for 26 years. The entire house landed up as landfill in 2000.

I am narrating the above as one problem that require attention for your deliberations. However, more importantly I would like to direct your attention to the UN “Fifth Intergovernmental Report on Climate Change”. Certainly some of your members may have heard about this report but most of you are probably unfamiliar with the details. As members of the world society we will have to take drastic actions forthwith to avoid the consequences looming on the horizon.

As a soft introduction to the subject of “Climate Change” I suggest that the members of the UBCM look at: “**National Ice Core Lab**” <<http://natgeotv.com/ca/extreme-ice/videos/national-ice-core-lab>> then view the videos “**Tipping Points**” <<http://www.thetippingpoints.com/>>. There is also a very important document. <<http://climatechange.worldbank.org/content/climate-change-report-warns-dramatically-warmer-world-century>>, 18.Nov.2012. Finally you may want to read the report by the President of the USA, July 2014 “**The Cost of Delaying Action to Stem Climate Change**”:

[http://www.whitehouse.gov/sites/default/files/docs/the\\_cost\\_of\\_delaying\\_action\\_to\\_stem\\_climate\\_change.pdf](http://www.whitehouse.gov/sites/default/files/docs/the_cost_of_delaying_action_to_stem_climate_change.pdf)

No doubt some of your representatives may say “this is not in our jurisdiction” and will brush it off as “a problem for the Provincial and Federal Governments to resolve”. However, you are the elected leaders of your community and as your Conference theme suggests: “strive to become a leading edge practitioner, be innovative, accept significant challenges and find solutions”. I suggest that the looming natural disasters of flash-floods, wildfires, heat waves, ice storms and other extreme weather-pattern, changes that already taking place, will affect if not totally dislocate anticipated budget forecasts at all levels of society, thus Climate Change is a subjects that require your immediate attention because the impact of it will hit all our communities directly.

The question is what will the UBCM do to combat, mitigate and alleviate Climate Change”? Here are some thoughts for consideration:

- 1.) Send an expression of concern to the Provincial and Federal Governments that their present laws and rules of Green House Gas Emissions Reductions are insufficient and that they require immediate and more positive attention/actions
- 2.) Send an expression of concern to the Provincial and Federal Governments that the lack of support for the development of Clean Energy Production (Wind, Solar, Bio-mass, Thermal, Tidal power etc) is totally unsatisfactorily and has to be strengthened immediately.
- 3.) Send a request to the Provincial and Federal Governments that both Government levels change their fiscal policies from providing grants, subsidies, tax-exemptions/allowances, road constructions, water-rights, waste discharge rights and other direct and/or indirect benefits to fossil fuel mining companies – and that these direct and indirect benefits be stopped and be redirected in support of the Clean Energy Industry.
- 4.) In line with the recent request by the IMF that all levels of Government levy a considerably higher carbon tax on the petrochemical industry and reduce individual income taxes.
- 5.) Send a request to the Provincial and Federal Governments to change the building codes so that future private and public constructions are required to include modern clean energy producing/collecting devices (roofs, outside walls, walk-ways etc)
- 6.) Send a request to the Provincial and Federal Governments to start the planning/ implementation of electrification of the transportation industry (Railroads, Municipal Transit systems, cards, trucks etc)
- 7.) Send a request to the Provincial and Federal Governments that all public/private electric utilities that use water storage/dams as their supply source are required to install reverse flow water lines and or pumps.

At the municipal level you may want to start developing plans:



- 1.) All municipalities should begin with the installation of solar panels on the rooftops of all public buildings exposed to direct sunlight (city halls, sports arenas, bus shelters/garages, bus stops etc. (The cost of installations will pay for itself within 6 years)
- 2.) Building permits to private and/or corporate builders should be vetted for inclusion of clean energy devices. Clean energy should become part of any new construction or renovation.
- 3.) Renovations of older homes should be encouraged – demolition must be discouraged and only if there is a recycling plan in place.
- 4.) Many public water supply systems are built with an elevated source of the water. There may be opportunities to incorporate dynamo type turbines to harness electric power for municipal consumption.
- 5.) Wherever possible, the feasibility of wind turbines should be explored
- 6.) Solar panels (very popular in Europe) could augment and considerably reduce the cost of the municipal electric bill and surplus power returned to the public grid.
- 7.) Waste water must be another subject for consideration. The methane can be converted into energy, filtered water can be re-used for irrigation, the sludge can be converted into fertilizer (Some of the Whistler “gold” improved my garden for many years).

I encourage you to be aggressively proactive in the direction of clean energy and the reduction of the use of fossil fuel/petrochemical energy.

**The world has not much time left. We have reached the “Tipping Point”.**

For your interest I’m attaching a video of the installation of the solar panels on our house on Quadra Island in Feb/March 2014

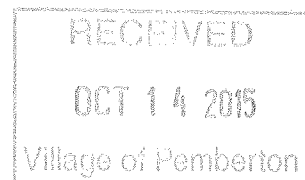
<https://www.youtube.com/watch?v=WMiWHp0FakY>.

The 30 panels are producing 8Kw/day (clouds no sun) to 59Kw/day (sunny). Since 14.March 2014 the panels have produced 4851Kw which translates into an average 31.6Kw/day (reading Aug 5, 2014, 2 pm).

I wish you all the very best in your deliberations in the world class Resort Municipality of Whistler in September 2014. Please consider the points above.

Chris Rose

To:  
Village of Pemberton  
Mayor and Council



October 14, 2015

*Growing Great Children is seeking donations for a silent auction ...*

As you may have already heard, Growing Great Children is a volunteer-based, non-profit group -- a community collective promoting the growth and development of children ages 0 – 6 in Pemberton.

Over the past few years, we have organized events for children and their families. Many of these events are free, like the dress up playdates and live entertainment at the Community Centre. We bring educational speakers at various times throughout the year to assist parents with various topics of interest and have donated several trees to be planted around the Pemberton water park to provide much-needed shade for families. We also manage a Facebook page & website to promote our events and activities, host a children's tent at Slow Food Cycle Sunday, and take part in the Canada Day Parade.

Another popular event is coming up soon – our eagerly anticipated “Glamour and Glitz.” This is an evening event that gives the women in our community an opportunity to get out for a Christmassy chance to mingle. The event includes a showcase of local businesses, giving attendees an opportunity to pick up some Christmas presents, perhaps grab a mini-manicure, as well as talk with friends, renew acquaintances, and enjoy a sampling of appetizers included in the ticket price. We also organize a silent auction, collecting donated items from local businesses. The auction proved a success last year, raising funds that went back into the Growing Great Children budget, allowing us to continue our work in the community. This will be the seventh year running that Growing Great Children has hosted this popular event.

I hope that you are able to help us by donating an item for our auction.

For more information on Growing Great Children, please visit our website at [www.growinggreatchildren.com](http://www.growinggreatchildren.com).

Thank you so much for your consideration!

Sincerely,

Cathy Benns & Shannon Paul  
(Growing Great Children)

# 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*