

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

Agenda for the **Committee of the Whole** of Council of the Village of Pemberton to be held **Tuesday, March 17, 2015 at 11:30 AM** in the Council Chambers, 1350 Aster Street. This is meeting No. 127.

"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."

Time	Item of Business	Page No.
	1. CALL TO ORDER	
	2. APPROVAL OF AGENDA	
	Recommendation: THAT the agenda be approved as presented.	
	3. HILLSIDE PLANNING AREA OVERVIEW	
	a) Review of Village of Pemberton (minimum parcel size) SLRD Zoning Amendment Bylaw No. 782, 2015	2
	Recommendation: THAT the Committee of the Whole receives the information and provide direction to staff on preferred next steps with respect to Village of Pemberton (minimum parcel size) SLRD Zoning Amendment Bylaw No. 782, 2015.	
	4. ADJOURNMENT	

Date: March 17, 2015

To: Nikki Gilmore, Chief Administrative Officer

From: Lisa Pedrini, Contract Planner

Subject: Deferment of Village of Pemberton (minimum parcel size) SLRD Zoning Amendment Bylaw No. 782, 2015

PURPOSE

The purpose of this report is to give Council an overview of the OCP designated Hillside Special Planning Area in order for Council to understand the context of the Village-initiated Village of Pemberton (minimum parcel size) SLRD Zoning Amendment Bylaw No. 782, 2015.

BACKGROUND

During Council's consideration of Village of Pemberton (minimum parcel size) SLRD Zoning Amendment Bylaw No. 782, 2015, at its Regular Meeting held March 3, 2015, Council passed the following resolution:

Moved/Seconded

***THAT** Council defers consideration of Village of Pemberton (Minimum Parcel Size) SLRD Zoning Amendment Bylaw No. 782, 2015 to the next Committee of the Whole meeting for further discussion.*

CARRIED

DISCUSSION & COMMENTS

Development Services Staff has prepared a 20+ slide PowerPoint Presentation which will be presented to the Committee of the Whole on March 17, 2015. This presentation will cover the current status, background and future development scenarios of the Hillside Special Planning Area. The impetus for this presentation came from Council's need to understand the overall context of this planning area in order to make a decision on Village of Pemberton (minimum parcel size) SLRD Zoning Amendment Bylaw No. 782, 2015, which was initially presented to Council at its Regular Meeting held March 3, 2015 for first and second reading, with consideration of waiving the public hearing.

Attached for information as **Appendix A** is *The Hillside Lands, Pemberton, Planning Status Report, dated July 26, 2011*. The original staff report respecting the Zoning Amendment bylaw, dated March 3, 2015, is attached as **Appendix B**.

As the presentation will demonstrate, supporting the Zoning Amendment Bylaw No. 782, 2015 is merely one step in a series of steps necessary for the Village to undertake in order to facilitate

the transfer of recreational lands that were gifted to the Village from Art and Nellie Den Duyf in 2012. The Village is currently at the tail-end of a Three Year Recreational Lease and Option to Purchase Agreement which expires on July 19, 2015.

The steps involved in transferring this land from the Land Owner to the Village include:

- Apply for & Gain approval from the Agricultural Land Commission (ALC) to exclude, include and allow non-farm use in Agricultural Land Reserve (ALR) (*ALC Resolution 235/2013*);
- Amend the Village OCP & Zoning Bylaw to enable the use of the land for Recreational purposes (OCP Amendment Bylaw 740, 2013, and Zoning Amendment Bylaw 741, 2013);
- Prepare for Subdivision which includes realignment of the existing road
- Reduce minimum parcel area to enable Subdivision via Zoning Amendment Bylaw 782, 2015 (which is the subject of this staff report);
- Finalize Survey Preparation & prepare the Subdivision Plan;
- Apply to the Village's Approving Officer to have the lands subdivided into five (5) Lots;
- Exercise Option to Purchase {ideally} before July 19, 2015

The only steps remaining at this time are the last four itemized above.

CONSIDERATION OF WAIVING THE PUBLIC HEARING

As mentioned earlier, Council may choose to consider waiving the requirement for a Public Hearing, as per Section 890 of the *Local Government Act*, based on the fact that the Zoning Amendment is in compliance with the Official Community Plan. The benefit of waiving the public hearing is related to timing as waiving this requirement would see the bylaw receive final readings two weeks earlier than if a Public Hearing were to be held.

The following table outlines the timing of the process (a) if the Public Hearing is waived; and (b) if Council chooses to hold a Public Hearing for Village of Pemberton (minimum parcel size) SLRD Zoning Amendment Bylaw No. 782, 2014.

Option A Waive Public Hearing Requirement	Option B Hold Regular Public Hearing
April 7, 2015: First and Second reading and resolve to waive public hearing	April 7, 2015: First and Second reading
April 9 & 16, 2015: Notify the Public of decision to Waive the Public Hearing in accordance with Section 893, <i>LGA which entails publishing an ad in two consecutive issues of the local newspaper the last of which is not less than three (3) days and not less than ten (10) days before Third Reading</i>	April 9 & 16, 2015 Notify the Public of the Intention to Hold a Public Hearing in accordance to Section 892, <i>LGA which entails publishing an ad in two consecutive issues of the local newspaper the last of which is not less than three (3) days and not less than ten (10) days before the Public Hearing</i>

April 21, 2015 – 9AM	April 21, 2015 – 7PM
Consider Third reading at morning meeting	Hold Public Hearing at a separate meeting in the evening
May 5, 2015	May 5, 2015
Fourth & Final reading	Consider Third Reading
	May 19, 2015
	Fourth and Final reading

COMMUNICATIONS

Council’s Consideration of a Zoning Amendment will require Public Notification as per the *Local Government Act (LGA)*, and the type of notification required is determined on the basis of whether Council chooses to waive the Public Hearing or hold the Public Hearing.

LEGAL CONSIDERATIONS

The processing of a Zoning Amendment application is regulated by various sections contained in the *Local Government Act (LGA)* – Part 26 and by the Village’s Development Procedures Bylaw 725, 2013 as amended from time to time.

IMPACT ON BUDGET & STAFFING

As per the Option to Lease Agreement costs associated with this work will be recoverable on a 50% cost-sharing basis with the land owner. It is anticipated that the remaining cost of pursuing the option to purchase will be \$7,500.

INTERDEPARTMENTAL IMPACT & APPROVAL

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

ALTERNATIVE OPTIONS

This item was deferred in order to allow staff the opportunity to present information related to the Hillside Area as a means of assisting Council in making well informed decisions. There are no alternative options for consideration at this time.

POTENTIAL GOVERNANCE CONSIDERATIONS

It is consistent with the Strategic Plan Priority 1: Economic Vitality to foster investment within the Village and Priority 3: Excellence In Service through the continuation of delivering quality municipal services by processing development applications efficiently.

RECOMMENDATIONS

THAT the Committee of the Whole receives the information and provide direction to staff on preferred next steps with respect to Village of Pemberton (minimum parcel size) SLRD Zoning Amendment Bylaw No. 782, 2015.

Attachments:

Appendix A: Hillside Lands, Pemberton, Planning Status Report, July 26, 2011

Appendix B: Report to Council dated March 3, 2015 – Zoning Amendment – Minimum Parcel Size SLRD Bylaw No. 765, 2002, Amendment Bylaw No. 782, 2015 (OR#116)



Lisa Pedrini,
Contract Planner

MANAGER:



Pete Neff,
Manager of Operations and Development Services

CHIEF ADMINISTRATIVE OFFICER REVIEW



Nikki Gilmore,
Chief Administrative Officer



**HILLSIDE LANDS, PEMBERTON
PLANNING STATUS REPORT**

**Village of Pemberton
July 26, 2011**

1.0 BACKGROUND

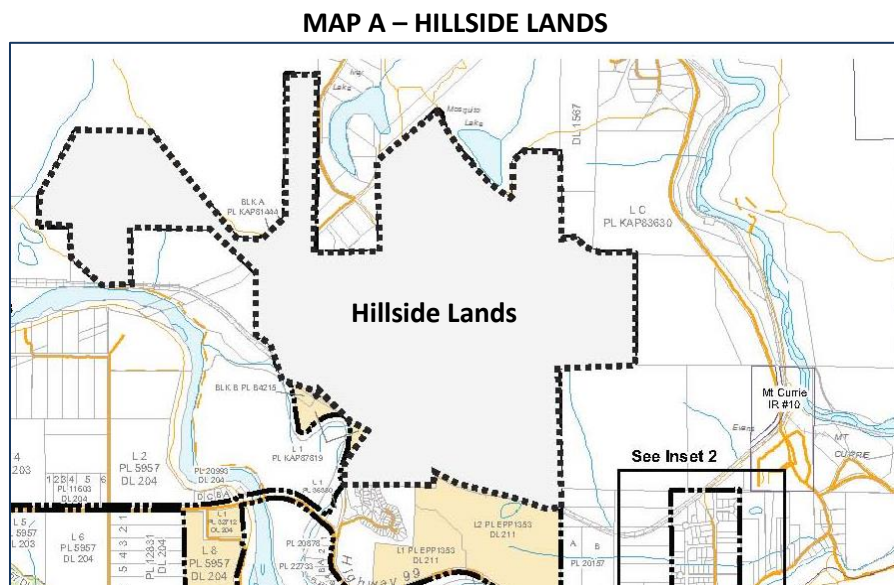
The Village of Pemberton, in consultation with the Lil'wat Nation, the provincial government and the Squamish Lillooet Regional District has designated certain lands within the municipality to accommodate future growth of the community. The process to designate these lands for urban-type development was the recommendation of the Pemberton and Area Sub-Regional Land Use Planning Study (2007) which then informed the Area C Official Community Plan (2008), and the Squamish Lillooet Regional District's Regional Growth Strategy (2010).

The Sub-Regional Planning Study provided the overall policy directions within the Regional Growth Strategy as to manage the long-term urban growth in the Pemberton-Mt. Currie area together with a clear process for establishing a Village of Pemberton urban growth area. The area has since been designated for such purposes in the Regional Growth Strategy; incorporated into the Village's boundary; and been subject to a comprehensive servicing plan for the entire Hillside area.

This report provides background information to the OCP amendment that particularly considers the incorporation of the Hillside Lands into the Village's Urban Growth Boundary. The report recognizes the information available which provides the basis for the OCP policies and designations related to land, planning as to guide the development of the Hillside Lands. This report provides the background while the OCP amendment provides the policies to ensure that the growth node is developed in a manner that is consistent with principles and policies of the Village's Official Community Plan.

2.0 HILLSIDE LANDS

The Hillside Lands are identified in *Map A* below. The boundaries of the Hillside Lands include all of the privately held lands along the south facing slope that were part of the Village's 2011 boundary extension. The lands that have not been included are those lands that are part of the Agricultural Land Reserve, except for a portion of Lot 1, KAP87819 situated immediately south of the Canadian National rail line, west of the proposed independent school and east of Pemberton Farm Road East.



3.0 LAND USE FRAMEWORK

Development within the Hillside area shall be in accordance with the policies, directions, strategies and designations of the Village's Official Community Plan. Several amendments to the OCP will be required to recognize the Hillside lands' constraints, designations, amenities, connectivity, servicing connections and phasing. The more detailed requirements notably specific land use designations, development permit designations and other amenities will be addressed in subsequent site specific OCP amendments.

Therefore, despite the directions of initial Hillside Area OCP amendment, applications for individual development parcels will still require OCP and zoning amendments, as initiated by the land owners or their designates.

3.1 Site Constraints

The following provides an overview of the status of the Hillside Lands' site constraints to development that include the natural environment, archaeological and cultural sites, geotechnical and slope stability, Agricultural Land Reserve, wildfire protection, and visual impacts.

a) Natural Environment

The subject lands are located on a south facing hillside of the Pemberton Valley situated on the north side of the Lillooet River, facing Mt. Currie. The area is characterized by a rocky ridgeline which bisects the site from west to east. There are several watercourses on the lands including the shoreline of Mosquito Lake, the Ivey Lake drainage and ephemeral wetlands and streams. Wildlife known to the area include deer, northern goshawk and rubber boa as well as black bear, red-tailed hawks, ravens and the northern alligator lizard.

Bedrock has been glacially scoured producing smooth rounded forms. The rock faces dispersed throughout the site are unforested areas with scrub, mossy and grassy bedrock outcrops. The remaining lands comprise a diverse coniferous, deciduous and mixed forest in an array of successional stages. The Hillside has been mapped as part of the Interior Douglas Fir warm wet (IDFww) biogeoclimatic zone (the adjacent valley bottom is identified as coastal Western Hemlock southern dry subarctic (CWHds1). The area provides strong evidence of human-made environments including logging, quarries, trails, roads, ditches and areas of fill.

The lands south of the CN Rail line are currently designated within the Agricultural Land Reserve and are low lying. The lands between the independent school site and Pemberton Farm Road West are currently cleared and used for quarrying and gravel processing activities.

b) Archaeological and Cultural Sites

An Archaeological Impact Assessment (AIA) was completed the southern half of the Hillside Lands' property. The report undertook the following: identified and evaluated any found archaeological sites; discussed possible impacts from proposed development; and provided recommendations regarding the need and scope for further archaeological studies and viable alternatives for managing impacts. The AIA undertook more than 250 subsurface tests and confirmed the known site EbRq-15 consists of two petroglyphs.

Future development in and around EbRq-15 shall not encroach within 20 m of the site and the mountain bike trails close to the site shall be re-routed. An AIA is required for the remaining lands (not included in the AIA of Phase One of the Sunstone Development) prior to any consideration of land use designations, rezoning or subdivision.

c) Geotechnical Considerations and Slope Stability

The Hillside area bedrock is mapped as the Cadawallader Group (Woodsworth 1977) volcanic arc assemblage consisting of metamorphic equivalents of volcanic flows and marine sedimentary rocks, which translates to bedrock terrain with thin or negligible soil cover with significant pockets of granular soil. The Sub Regional Planning Study has mapped areas with high geotechnical hazard whereby the Official Community Plan (Map L) has identified lands with slopes greater than 40%.

The Hillside lands do not appear to have any areas with high geotechnical hazard, yet have several areas with steeper slopes. In particular along the rocky ridgeline that bisects the area and west of Ivey Lake. Policies regarding development on steep slopes are included in the Official Community Plan n development permit area guidelines.

d) Agricultural Land Reserve

The Hillside lands are not within the Agricultural Land Reserve, except for the lands immediately south of the CN Rail line. The Village will not consider a non-agricultural land use designation for these lands unless approval has been granted by the Agricultural Land Commission.

e) Wildfire Protection

The Village of Pemberton has prepared a Wildfire Protection Plan which has identified portions of the Hillside Area as high or extreme wildland fire risk. Any development in this area will be designated a development permit area for protection from wildfire.

f) Visual Impacts

The Hillside Lands will provide incredible views for the new residents; however, it is also important that the development does not create a negative visual impact from publicly recognized view corridors. At rezoning, specific development proposals shall provide photographs and/or view analysis details recognizing potential visual impacts to the site of not only the buildings but also the potential disruption from constructed roads and servicing corridors.

The public view corridors are illustrated in *Appendix A* for the following public view points/corridors:

- Highway 99 at Clover Road (looking north east)
- Highway 99 at the Lillooet River Bridge (looking north east)
- Pemberton Farm Road East (looking north and north east): and
- Festival Site along Highway 99 (looking north-west)

Development along the top of the ridge and skyline shall be avoided (roof pitches should not be visible or break up the ridge or sky line). There should be recognition of visual impacts of the proposed development both the summer and the winter months. Any outdoor lighting must be down-shielded and not illuminate areas unnecessarily.

g) Recreational Trails

The Hillside Area is known regionally for its incredible trails, used for mountain biking, hiking, jogging and equestrian. There Hillside area has close to 20 trails/abandoned roads that provide a significant recreational value to both residents and visitors.

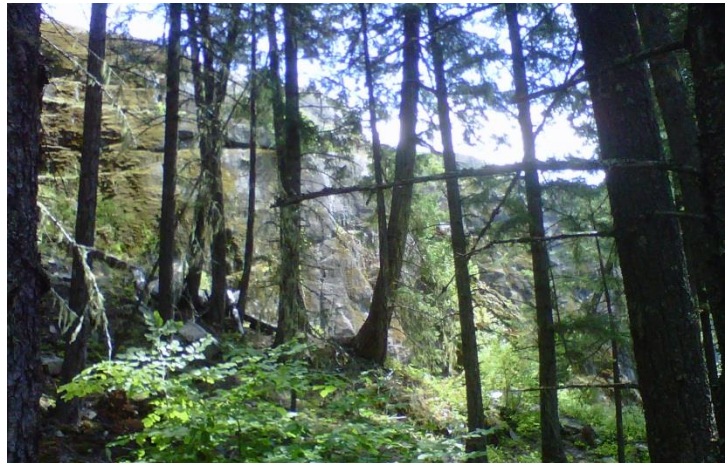
The following outlines the draft policy identified in the Sea to Sky Corridor Recreational Trail Management Plan and the Pemberton and Area C Trails Master Plan in the consideration of existing trails in the Sea to Sky Corridor. In addition to ongoing support by local and provincial governments, the policy statement indicates:

- Require that when new development or resource uses occur in proximity to existing trails, the trail amenity be protected through best practices in planning, design and management;
- Only consider the rerouting or redevelopment of an existing trail when protection is not possible due to the pending impacts of new development or resource uses and where the proposed changes has been deemed necessary to achieve other important community objectives;
- Guarantee a net gain to the overall quality, quantity and/or experience of the trail network in the rerouting and redevelopment of existing trails;
- Apply an experience-based (fun, trail users, scenery, challenge, etc.) rather than only a quantity (length of trail)based approach in the planning and development of new trails
- Require that any cost of completing any replacement trails will be borne by the property owner or resource use licensee;
- Agree to the rerouting or redevelopment of discontinued trials for the replacement trail must be secured prior to final approval of the new land development or resource uses;
- Cash-in- lieu for trail development will only be considered when it is deemed acceptable by the local municipality;
- Incorporate the net gain for trails approach into an amenity agreement/density bonus policy recognized in municipal Official Community Plans, triggered in conjunction with rezoning and development applications; and
- Work with advisory groups to identify potential trail network expansion and/or enhancement areas that are consistent with, and can be incorporated into, integrated land use processes, regional or municipal plans.

Any developments on the Hillside shall address this policy as it relates to the net gain of trails in the area.

h) Rock Climbing and Bouldering

There is a small rock face used for rock climbing and bouldering on the Hillside Lands. The amenity is situated immediately north of the CN Rail line on a portion close to the southern exit of the Mission Impossible trail. Development could consider the protection of this route, as it is somewhat isolated from the more developable portions of the site.



3.2 Development Potential

The Official Community Plan recognizes that the Village has many constraints in identifying areas suitable for new development, whether it be lands designated as Agricultural Land Reserve, steep slopes, flood plains or riparian areas. It is likely due to these constraints that the Village has achieved a relatively compact development footprint. The Sub-Regional Planning Study indicates that given Pemberton's rate of growth, the population will outgrow the existing footprint in 10-20 years, and the only appropriate locations for new urban growth will be on lands with moderate slopes out of the valley bottom such as the Benchlands and the Hillside area.

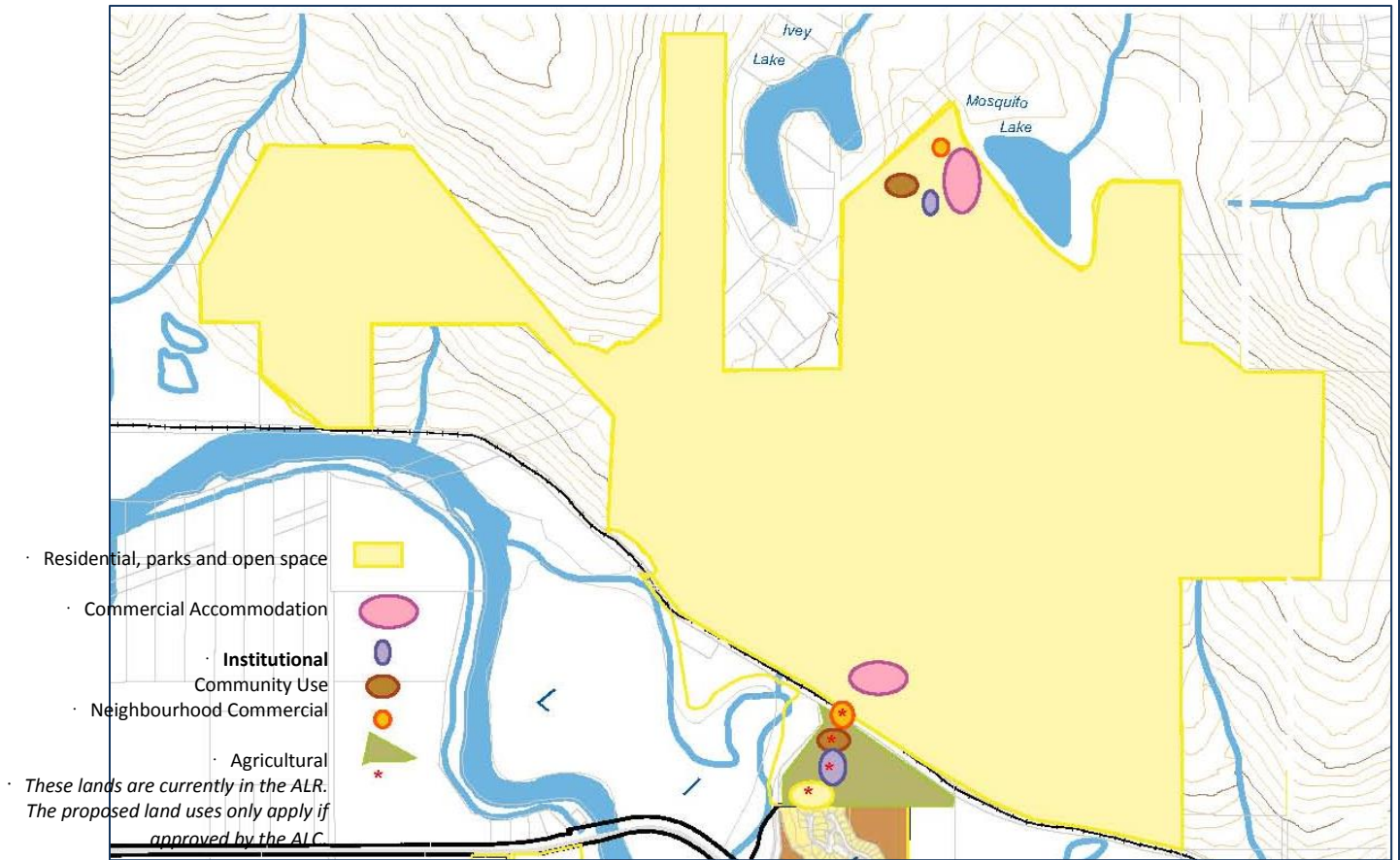
The OCP's planning direction which states that *Growth is Managed with Community Priorities* sets down corresponding policies to be adhered to when considering new development areas. The proposed Hillside lands at build-out have the potential to accommodate approximately 2,100 units (lands identified in RGS). The remaining lands within the Village of Pemberton boundaries will comprise approximately 2,100 units (which includes 1,100 approved but not developed units in the Benchlands, Signal Hill/Tiyata and other infill properties). These unit counts do not include the existing units in and around Ivey Lake and Reid Road or the Pemberton North Improvement District (currently within the SLRD). Once construction commences it is anticipated that the total build-out of Hillside area will exceed 20 years.

The Hillside Lands are anticipated to be a satellite neighbourhood slightly distanced from the existing urban area, yet with the opportunity to be a well-designed compact neighbourhood integrated with open areas as well as existing and proposed land uses such as the Pemberton Plateau subdivision, independent school, Pemberton Industrial Park and Mount Currie. The challenge in the development will be to maximize densities while not compromising the natural features and viewscape of the lands.

The Hillside Lands provide undulating terrain that will comprise a series of developable pods. For the most part the predominant land uses on the sloping site will be residential, parks and open spaces. As noted in the Official Community Plan, downtown is to continue as the dominant commercial node as well as the cultural and social focal point. Regardless, other areas within the Hillside Lands have some potential for additional uses such as commercial accommodation (resort/hotel/lodge), institutional (churches, education) and/or community uses (recreation, leisure facilities, emergency services) and limited neighbourhood commercial (to serve the needs of the neighbourhood). The

actual location of these land uses have been generally identified in *Map B*. The definitive location of the individual land uses shall be determined with each phase of development.

MAP B – CONCEPTUAL LAND USE



3.3 Site Planning and Density

The Sub-Regional Planning Study has identified a minimum gross residential density of 5.25 units per hectare. As noted previously, the site has several areas that should not be developed primarily due to steep terrain, trail alignments or preservation areas (riparian or archaeological). The challenge will be to maximize site densities without compromising the natural character of the site. The Village encourages specific developments to incorporate innovative site design principles (such as clustering, conservation design and site specific zoning) to retain the integrity of the lands while meeting projected density targets. Reduced densities will only be considered if it is to preserve the natural character or amenities of the site.

3.4 Development Permit Areas

The Hillside Lands will be designated in the OCP (in accordance with Section 919 and 920 of the *Local Government Act*) as Development Permit Areas for the purposes of environmental protection, land constraints (steep slopes, wildfire interface zones), enhancement of agricultural (on or abutting ALR lands) and form and character of development (intensive residential and multi-family/commercial development). The Development Permit Area Guidelines currently exist in the Official Community Plan.

3.5 Subdivision

In accordance with the *Land Title Act*, any subdivisions must be approved by the Approving Officer and be in accordance with municipal policies and bylaws.

4.0 COMMUNITY AMENITIES

The Village currently has a Community Amenity Policy that is intended to collect payments for a Community Amenity Reserve Fund. The existing charge imposed is \$9165 per single family unit and \$6060 per multifamily unit. The Village has provided a ball park estimate for the potential generation of the amenity charge of approximately \$16 million. This calculation made the assumption that approximately 2100 units (being 50% single family/50% multifamily) at the current charge out rate would be approximately \$15.98 million (\$9.62 million + \$6.36 million).

It is the intent that the Village develop provisions for amenity zoning (density bonusing) for the site. As a result the Village will consider rezoning the lands for density provided certain community amenities are either provided by the developer or a cash payment is received. The Community Amenity Policy costing will continue as a benchmark for the market value of such community enhancements and/or contributions. In accordance with the *Local Government Act* as recognized in Schedule B of the OCP, the Village has identified those amenities recommended through community consultation. In reviewing this listing it appears that the following top priorities could potentially be addressed in the Hillside development:

A community arena and/or indoor pool – A significant community amenity would be the provision of a site and/or delivery of the facilities (either through financial contributions or construction) and/or ongoing operations through joint use agreements with institutional or accommodation uses. The owners of the site legally described as the southern half of Lot 1, EPP 1353, and DL 211 have previously indicated that these lands could be dedicated to the Village for recreation purposes. The Village will be undertaking a planning process that provides more details with regard to this potential amenity, in addition the use of the lands for non-agricultural purposes would need to be approved by the ALC.

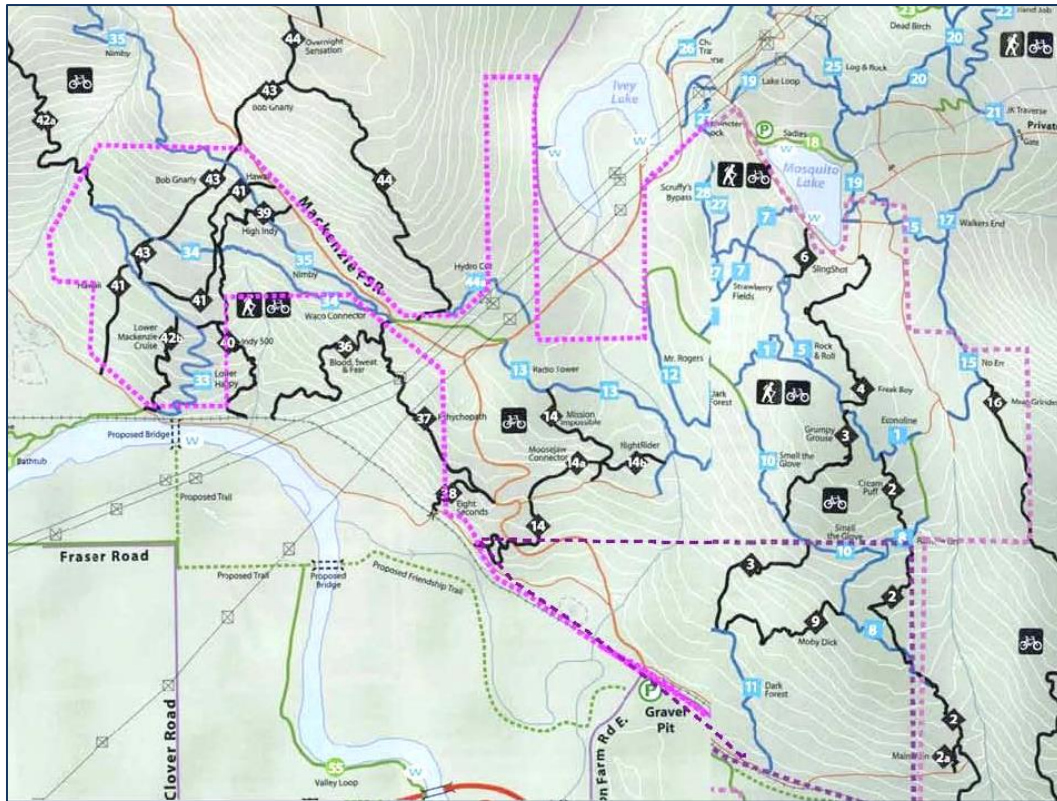
Public Washrooms – These facilities could be incorporated into other recreation amenities.

Multi-Use Sports Fields – A facility to host large sporting events and may include all season fields and lighting for evening/night time use and year-round/all season use.

Recreation Trails – The majority of the trails are located on the upper half of the Hillside as prior to the transfer of these lands to the Lil'wat Nation they were Crown lands. The Lil'wat and the Pemberton Valley Trails Association currently have a management agreement for the trails. Any development on the Hillside should secure the integrity of the Mosquito Lake area trails in accordance with the No Net Loss of Trails policy and involve consultation with the Pemberton Valley Trails Association. There is also an existing rock climbing and bouldering route near the lower route of the Mission Impossible trail. The trails in the area are indicated in Map C.

The Trails Master Plan also indicates that certain trailhead improvements are needed to serve the recreational trails, notably map kiosks, parking and public washrooms. Improved trailheads would be valuable near Mosquito Lake and in the valley (i.e. Pemberton Farm Road West).

MAP C – EXISTING TRAILS



Friendship Trail – The proposed Friendship Trail highlighted in the Pemberton and Area C Trails Master Plan is intended to travel immediately south of the Hillside Lands and CN Rail right of way from Mount Currie en route to the Village including a bridge crossing over the Lillooet River. The proposed trail would be an important amenity for both the future residents of the Hillside area as it would provide a direct and safe non-vehicular route to the downtown. The trail is important as it also provides a safe commuting and recreational route for residents of the Village, Area C and Mount Currie (Lil'wat Nation).

Community Garden and/or Greenhouses – The provision of common gardens would be a great community amenity, for the new residents or community-wide.

Affordable and Special Needs Housing – The Village's Affordable Housing Strategy recognizes the importance of providing a range of housing opportunities and price points for the community. Secondary suites are encouraged.

Other priorities include an outdoor skating rink, squash/racquet ball courts, curling rink, track, indoor tennis, equestrian stadium and clubhouses at playing fields

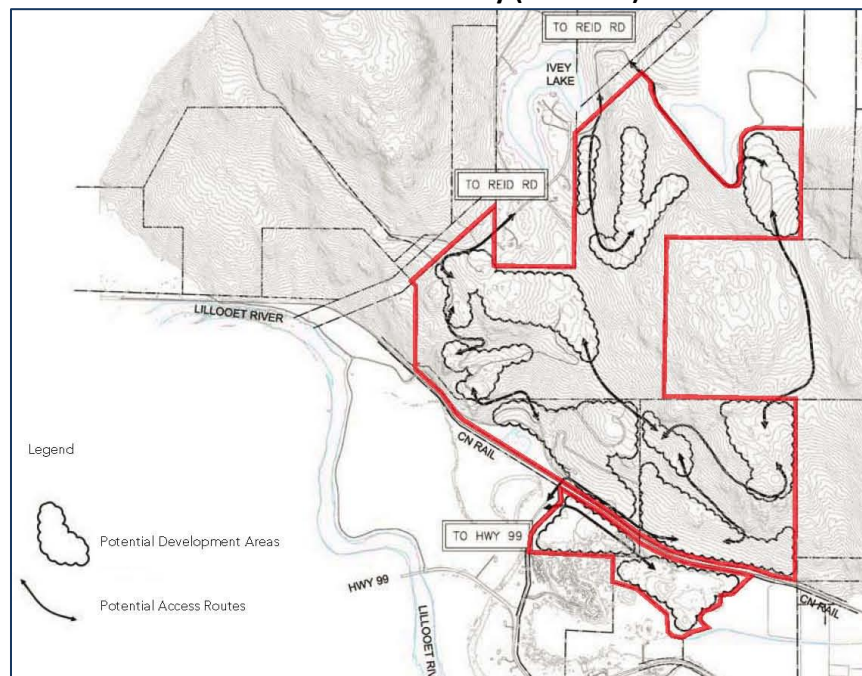
5.0 CONNECTIVITY

Neighbourhood Connectivity – Given the undulating and sloping terrain, the Hillside area will be developed in pods. Each of these areas shall have pedestrian trail connections through the site, leading to Highway 99 and the proposed Friendship Trail as well as Mosquito Lake and Reid Road. The neighbourhoods should also be safe for residents to walk within.

It also should be a priority that the individual subdivisions be linked by roads both for vehicular connectivity (subject to the impact such connections may have on the natural character of the site and visual impacts) and emergency access (refer to Map D below). The Village's Subdivision and Development Control requirements will be applicable but will also consider alternative Hillside Road standards to minimize the impacts of the road development on the natural landscape and views to the site. The area may consider strata subdivisions to reduce site disruption, where they also facilitate vehicular connectivity.

Pemberton Connectivity – The Hillside area will require certain improvements to incorporate the lands into the existing transportation network. In particular, CN Rail will need to approve of any new or improved crossings and the Ministry of Transportation and Infrastructure shall approve of the highway intersection improvements (both of these agencies should be consulted with regard to their requirements). In addition, the neighbourhoods must be planned in the long term to provide vehicular and trail connections from Highway 99 including at minimum an emergency access developed to Reid Road. It should be also recognized that active logging still occurs in the Mackenzie Basin area and therefore consultation with Ministry of Forests will be required.

MAP D – Connectivity (East Side)

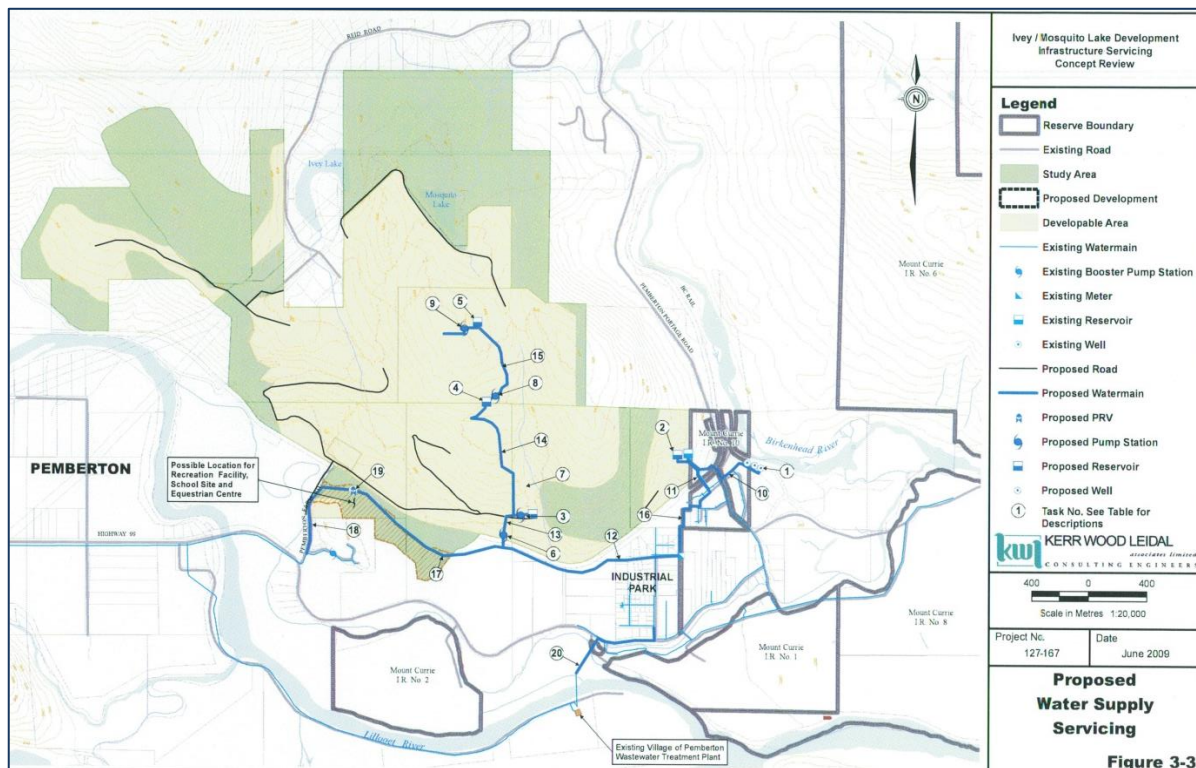


6.0 SERVICING

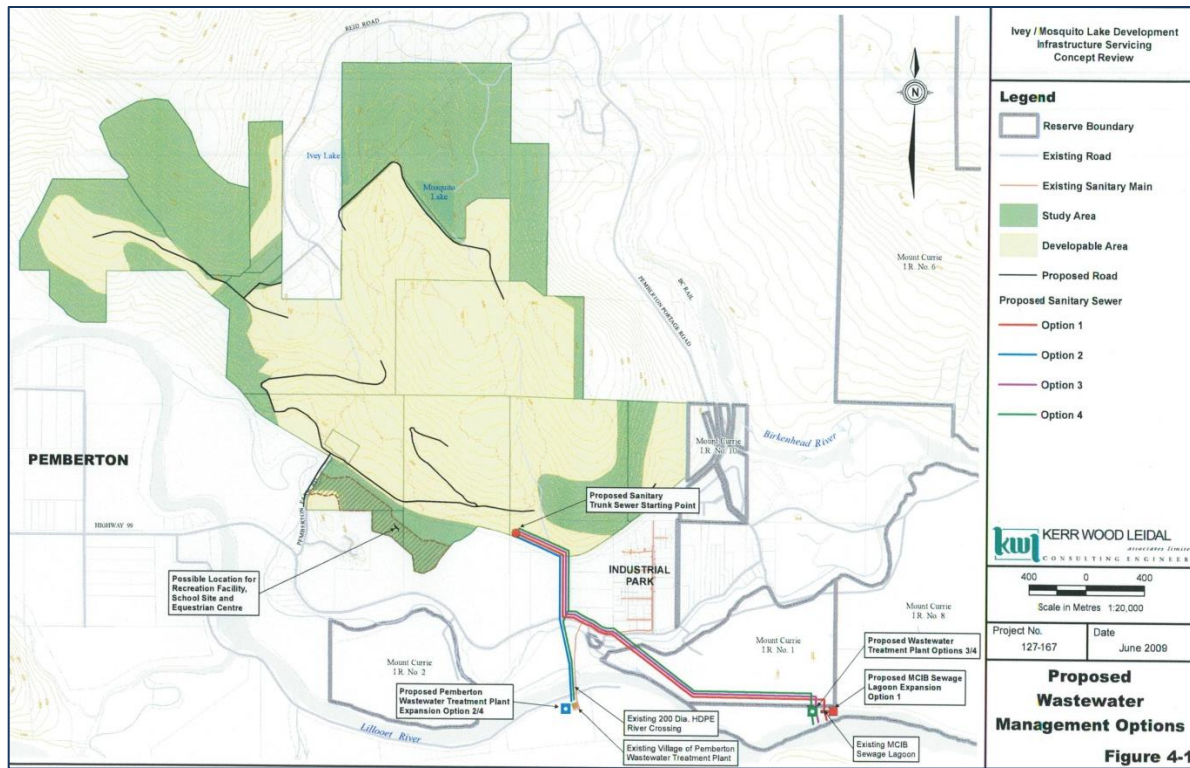
The Ivey and Mosquito Lake Development Concept Servicing Report (2009 Kerr Wood Leidal) reviews the options for primary water supply and wastewater treatment and disposal for the Hillside Lands (in addition to several additional parcels that are not yet within Village boundaries). The report examines the potential for water and sanitary connections to the existing infrastructure of the Village of Pemberton or the Lil'wat Nation as well as other infrastructure such as major road access, storm water management and utilities. It is also possible given the significant off-site investments that the initial development phases will need to commit to, it is likely that an agreement to recoup a fair portion of these costs in later phases will be considered (i.e. latecomer's agreement).

The concept plan for water and wastewater (Map E and Map F, respectively) indicate that servicing would most logically be initiated on the lower development parcels. Any parcel specific development shall not only refer to the findings of the Servicing Report and coordinate with other Hillside area landowners but also consult with both Lil'wat and the Village of Pemberton before developing site specific servicing options.

MAP E – PRELIMINARY WATER ROUTING



MAP F – PRELIMINARY WASTEWATER ROUTING



7.0 PHASING

The phasing of the development of the Hillside Lands shall consider the most logical approach given land use, servicing and property interests. The Ravenscrest property has completed the most significant work in terms of fulfilling the Village’s development application requirements including an environmental inventory and archaeological investigations. The Village expects to have a formal rezoning application from the owners/agents of this property in the near future.

In addition, the lands immediately to the west of the Ravenscrest holdings (the northern half of Lot 1, EP, DL 211) have undertaken significant quarrying works on the property and for the most part the site is significantly disturbed. From a land use perspective it appears reasonable that these lower parcels proceed first. The Conceptual Servicing Report also recognizes that from a design and capital investment perspective, the Ravenscrest and Sabre properties should be in the initial phases of the Hillside development. It is not anticipated that the neighbourhood commercial development will be needed until there is a justifiable service population (neighbourhood commercial is defined in the OCP land use designations).

The phasing is reflected in the OCP Amendment as only the lower parcels have been included in the Urban Growth Boundary. The owners of the remaining Hillside Lands will be considered for inclusion in the Urban Growth Boundary once an environmental inventory and archaeological investigations have been completed. The phasing plan is noted in Map G.

Date: March 3, 2015
To: Nikki Gilmore, Chief Administrative Officer
From: Lisa Pedrini, Planner
Subject: Zoning Amendment-Minimum Parcel Size
SLRD Bylaw No. 765, 2002, Amendment Bylaw No. 782, 2015 (OR# 116)

PURPOSE

The purpose of this report is to present Zoning Amendment (Minimum Parcel Area Revisions) Bylaw No. 782, 2015 for Council's consideration of First and Second Readings and to give consideration of waiving the public hearing in accordance with the requirements of the *Local Government Act*.

This is a municipality initiated rezoning application to amend the parcel size requirements of the Agriculture Zone of SLRD Bylaw No. 765, 2002, in order to facilitate the subdivision of property having the legal description of Lot 4, DL 211, Lillooet District Plan EPP21848 (PID 028-961-072).

BACKGROUND

Staff is aware that a subdivision application for a five (5) lot subdivision of Lot 4, DL 211, EPP21848 to separate the Den Duyf land holdings and consolidate Block B into the farm land in order to facilitate the Village's Recreational Lease and Option to Purchase Agreement is forthcoming. For reference, attached as **Appendix A** is a copy of the Plan for a proposed five (5) lot subdivision. However, during a preliminary review staff discovered a discrepancy with the minimum parcel size provision of the Zoning for this subject property which would preclude this subdivision.

Staff acknowledge that the zoning for the 7.76 ha portion of the property to be used as a recreation site is in place. This portion of the site was rezoned PR-1 (Parks and Recreation) in 2013 in anticipation of the subdivision and the lease agreement (Village of Pemberton Zoning Amendment Bylaw No. 741, 2013). This zone allows recreation facilities such as indoor and outdoor buildings, structures, fields and/or courts designed and equipped to accommodate sporting, learning and/or leisure activities. This zone is consistent with the subdivision application.

However, the zoning for the proposed commercial (0.809 ha) and residential (2.43 ha) portions of the site remain zoned AGR (Agriculture), under the SLRD's Electoral Area C Zoning Bylaw. The lands were annexed from Area C into the Village Boundaries in May 2011. Following annexation, SLRD Bylaw No. 765, 2002 became the Village's bylaw as it regulates lands that were added to the Village Boundary in 2011. Although the Village's OCP was amended to re-designate these lands as "Hillside Special Planning Area" in June 2011, the Village Zoning Bylaw was never amended to incorporate the commercial and residential portions of this area into the Village's Zoning Bylaw.

The SLRD's AGR Zone applies to all lands in Area C that are in the ALR (see **Appendix B** for an excerpt of this Bylaw). As per the SLRD Electoral Area C Zoning Bylaw No. 765, 2002, the provisions of the AGR zone with respect to minimum parcel size read:

- *Where subdivision has been authorized under the Agricultural Land Commission Act, the minimum parcel area shall be two hectares.*
- *(2) Notwithstanding the provisions of section 6.9 (1), the minimum parcel area may be reduced to less than two hectares where:*
 - *(a) the creation of a new parcel has been authorized under the Agricultural Land Commission homesite severance policy; or*
 - *(b) an application for subdivision within the ALR to create parcels less than two hectares was under consideration by the Agricultural Land Commission on the date of adoption of this bylaw and approval of the subdivision was given by the ALC after the date of adoption of this bylaw.*

Under the current zoning the minimum parcel size remains at 2.0 ha, and the proposed commercial site is only 0.809 ha. The parcel size requirements as it applies to this portion of the site must be amended in order to allow the proposed future subdivision of the parcel.

For council's information, although both the proposed commercial and residential portion of the site were previously in the ALR, they were both successfully excluded from the ALR in July 2013 (*ALC Resolution 235/2013*). Further, the Village was verbally advised by the ALC that an application for a subdivision within the ALR (under Sec. 21(2) of the *Agricultural Land Commission Act*) was not necessary, given the above-noted exclusion and the approval of the "Non-farm Use in the ALR" for the Rec Site (*ALC Resolution 236/2013*).

DISCUSSION & COMMENTS

In order to allow the parcel to be subdivided/consolidated, it is staff's recommendation that the Village amend the provision of the SLRD Electoral Area C Bylaw that pertains to the minimum parcel size of the AGR Zone, to add a site-specific exception after 6.9 (2) which reads:

- (3) *Notwithstanding the provisions of 6.9(1) and 6.9(2), the minimum parcel size for those lands legally described as Lot 4, DL 211, Lillooet District EPP21848, now within the Village of Pemberton Boundaries, shall be 0.8 hectares.*

The proposed bylaw amendment (Bylaw 782, 2015), which is attached as **Appendix C**, facilitates this change. This bylaw amendment was initiated by Village staff and has the endorsement of the landowner.

Staff is confident that this is the most efficient method to address this discrepancy, and can be considered a small "housekeeping" amendment to amend the relevant section of the SLRD bylaw (which is deemed to be a Village of Pemberton bylaw for the boundary expansion lands,

as the Bylaw existed on the date of the extension). It should be noted that Council may also consider waiving the requirement for a public hearing as per s. 890, (4) of the *Local Government Act*, given the minor nature of the change and the fact that it is consistent with the Official Community Plan. Basically what this means is that the Village must notify the public of their intention to amend the bylaw as per Bylaw 782, 2015 and that they intend to waive the public hearing.

REFERRAL COMMENTS

Advisory Land Use Commission

Following discussion of this application at their meeting held February 24, 2015, the Advisory Land Use Commission passed the following resolution:

Moved/Seconded

THAT the ALUC recommend that Council support the rezoning application for the subject property and waive the Public Hearing requirements.

CARRIED.

Agricultural Land Commission

The Provincial Agricultural Land Commission (the "Commission") has reviewed the proposed Village-initiated rezoning application pertaining to lands affected by the Commission's decisions on Files 53182 (exclusion), 53221 (non-farm use) and 53375 (inclusion). The Commission has no objection to the amendment of the Village's zoning bylaw by Bylaw No. 782, 2015 to match provisions in the Village's Official community Plan and enable the intended actions on Plans EPP21848, EPP37899 and EPP40824.

The Commission notes that Lot B of Plan EPP40824 is now being proposed as a future park, rather than for agricultural use. The Commission's decision commented as follows: "*While it is clear that the land proposed for inclusion would require substantial improvements in order to be used for agriculture, the Commission welcomes its inclusion into the ALR.*" Under section 3(1)(f) and (g) of the current ALR Use, Subdivision and Procedure Regulation (B.C. Reg. 171/2002), the following are among the land uses permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw: use of an open land park established by a local government for biodiversity purposes, for passive recreation purposes, or for heritage, wildlife and scenery viewing purposes, as long as the area occupied by any associated buildings and structures does not exceed 100 m² for each parcel.

Those limitations are aimed at ensuring that the land would still be available for agriculture if the need arises in the future. Please note that if the Village wishes to carry on any other activities on Lot B, Plan EPP40824 it will be necessary to make application to the Commission unless the Village's proposal is in accordance with a future revision of the ALR Regulation.

Update: Staff let the ALC know that the Village's intention for the wetland park would be in keeping with the ALC's regulations of showcasing biodiversity, providing passive recreation purposes, and facilitating wildlife and scenery viewing purposes.

Referral comments have also been requested from the SLRD, the Lil'wat Nation, and CN Rail, but their responses were not received in time for inclusion in this staff report. Nonetheless, it is not anticipated that the Referral Agencies will have any concerns with this text amendment. If Comments are received, they will be presented in an upcoming staff report before Third Reading.

COMMUNICATIONS

Given the minor nature of the amendment and that fact that the rezoning is consistent with the Official Community Plan, Council has the ability to waive a public hearing. The Village has followed this process several times in the past as a cost-saving and time-saving measure. Staff would recommend that council consider waiving the public hearing in this circumstance. If this is the case, 'A Notice to Waive the Public Hearing' will be required in accordance with section 893 of the *Local Government Act*.

Notice of the zoning amendment and the intent to waive the public hearing will also be provided through the Village ENEWS, Website and posted on the Village Notice Boards.

LEGAL CONSIDERATIONS

Pursuant to Section 24 (1) of the *Local Government Act*, the bylaws and resolutions of the municipality to which an addition is made extend to the additional area, and continue in force until altered or repealed by Council;

And subject to section 782 (4.1) of the *Local Government Act* and letters patent, if the area of a municipality is extended, a provision of a bylaw that applies to the area continues in force as if it were a bylaw of the municipality until it is amended or repealed by the council.

The Village does have the legislative authority to undertake this amendment and to waive the requirement for a public hearing. Notice will be issued pursuant to section 94 of the *Community Charter*.

IMPACT ON BUDGET & STAFFING

The research, preparation of this bylaw and report is a component of the daily work undertaken by the Operations & Development Services Department. The cost to facilitate the advertising of the Notice to Waive the Public Hearing will be approximately \$350. There will also be costs associated with legal review that have not yet been determined.

As per the Option to Lease Agreement costs associated with this work will be recoverable on a 50% cost-sharing basis with the land owner.

INTERDEPARTMENTAL IMPACT & APPROVAL

There is no interdepartmental impact or approvals required.

ALTERNATIVE OPTIONS

There are several other options that Council may wish to consider:

- Rezone the portion from the SLRD's AGR Zone to the Village's A-1 'Agricultural' zone which does not have a minimum parcel size that would preclude the subdivision application.

Staff Comments: *This route would entail a VOP initiated rezoning on behalf of the landowners, and it could be a fairly straightforward process as the portion of the site intended for potential Commercial use has already been excluded from the ALR. However, given that the Village's OCP does not contemplate Agricultural uses for this parcel, there is some risk that if this were challenged, it would be inconsistent with the OCP.*

- Rezone the portion from the SLRD's AGR Zone to a new place-holding zone in the Village's Zoning Bylaw to permit the subdivision.

Staff Comments: *This route would entail a VOP initiated rezoning on behalf of the landowners, to create a special spot zone that was analogous to that with the stated intent of being a holding zone, pending re-development. A public hearing would be necessitated. This would be a more lengthy option as a new zone would have to be crafted and approved.*

- Rezone it directly to its intended future use of 'Neighbourhood Commercial'.

Staff Comments: *This route might be considered premature at this time, and also would be a more lengthy process since the land owners would need to provide all the details on their future plans for the site, and a public hearing would be necessitated.*

- Vary the minimum parcel size for this particular property only.

Staff Comments: *This is also a quick method. However, the Village's legal counsel cautioned the Village against this approach as a parcel size regulation may be considered to be a density regulation, and as such, it could not be varied by a DVP.*

Due to the reasons outlined above, Staff is confident that the best course of action is to simply amend the SLRD's (now Village's) Bylaw to allow for a site-specific reduction of the minimum parcel size of the AGR Zone for this particular property only.

Council may also choose the option of holding a regular public hearing as part of this bylaw amendment process, which entails advertising, sending notices to adjacent land owners, and introduction and explanation of the Amendment Bylaw by Planning Staff during the public hearing.

Staff Comments: *Due to the minor nature of the change and the extra staff time involved, staff recommends that Council choose to waive the public hearing requirement.*

POTENTIAL GOVERNANCE CONSIDERATIONS

It is consistent with the Strategic Plan Priority 1: Economic Vitality to foster investment within the Village and Priority 3: Excellence In Service through the continuation of delivering quality municipal services by processing development applications efficiently.

RECOMMENDATIONS

THAT Council give Village of Pemberton (Minimum Parcel Size) SLRD Bylaw No. 782, 2015 first and second reading;

THAT the requirements for a Public Hearing be waived as per section 890 (4) of the *Local Government Act*,

AND THAT a Notice to Waive the Public Hearing be advertised in accordance with section 893 of the *Local Government Act*.

Attachments:

- A – Subdivision Plan of Five (5) lot subdivision of the subject property
- B - Provisions of the AGR Zone from the SLRD Electoral Area C Zoning Bylaw No. 765
- C – Proposed Zoning Amendment (Minimum Parcel Area) Bylaw No. 782, 2015



Lisa Pedrini,
Planner

MANAGER:



Peter Neff
Manager of Operations and Development Services

CHIEF ADMINISTRATIVE OFFICER REVIEW



Nikki Gilmore
Chief Administrative Officer

Excerpt from SLRD Electoral Area C Zoning Bylaw 765, 2002

AGR ZONE (AGRICULTURE)

Permitted Uses

- 6.1 Land, buildings and structures in the AGR Zone shall be used for the following purposes only:
- (1)
 - (a) farm use including intensive agriculture;
 - (b) single family dwelling;
 - (c) one secondary suite;
 - (d) bed and breakfast home;
 - (e) uses permitted in section 4.2.

 - (2) On parcels 4 hectares or greater the additional permitted uses are:
 - (a) a second single family dwelling, where authorization has been obtained from the Agricultural Land Commission

 - (3) On parcels 8 hectares or greater the additional permitted uses are:
 - (a) portable wood manufacturing plants where only timber taken from the property on which the portable mill is situated is processed and only for personal use with no commercial sale of products.

 - (4) On parcels 60 hectares or greater in the AGR ZONE, (excluding the AGR^{PF} and AGR^{LUC} Sub Zones), the additional permitted uses are:
 - (a) Medical marihuana production facility provided that:
 - (i) no such building shall exceed 10 metres in height

(Amendment Bylaw 1307, 2014)

AGR Pemberton Fringe (AGR^{PF})Sub Zone

- 6.2 In addition to the uses permitted in section 6.1, the following uses are permitted in the Pemberton Fringe (AGR^{PF})sub zone:
- (a) garden nursery.
 - (b) On parcels 2 hectares or greater the additional permitted use is:
 - (i) a second single family dwelling, where authorization has been obtained from the Agricultural Land Commission or where approved by the SLRD under a delegation agreement with the ALC;
 - (ii) bed and breakfast inn;
 - (iii) horse riding academy, boarding stable and indoor riding arena.

AGR Land Use Contract (AGR^{LUC}) Sub Zone

- 6.3 (1) Notwithstanding the provisions of the AGR zone, land in the AGR Land Use Contract (AGR^{LUC}) sub zone is subject to the provisions of the particular land use contract applicable to the land.
- (2) In the event of conflict between provisions of a land use contract and these zoning regulations, the provisions of the land use contract apply.

Site Specific Uses

- 6.4 (1) In addition to uses permitted in section 6.1, garden nursery is a permitted use on that part of District Lot 180, LLD lying east of Pemberton Meadows Road.
- (2) In addition to uses permitted in section 6.1, horse riding academy, boarding stable and indoor riding arena is a permitted use of Lot C, District Lot 179, LLD, Plan 2054,
- (3) Horse riding academy, boarding stable and indoor riding arena on Lot 6, District Lot 204, LLD, Plan 12831 is not subject to the maximum floor area provision under section 6.5(3).
- (4) In addition to uses permitted in section 6.1, horse riding academy, boarding stable to a maximum of 40 stalls and indoor riding arena is a permitted use of the fractional southwest ¼ of District Lot 211, LLD, except Plan 7488.

(Amendment Bylaw No. 821)

Maximum Area for Non-Agricultural Buildings and Uses

- 6.5 (1) The maximum floor area for a principal dwelling in the AGR zone, except the AGRPF sub zone, shall be 350 square metres (3760 square feet).
- (2) The maximum floor area for a second dwelling in the AGR zone shall be 185 square metres (1990 square feet).
- (3) The maximum combined floor area for a horse riding academy, boarding stable, and indoor riding arena in the (AGRPF) sub zone shall be 100 square metres.
- (4) The maximum combined floor area for buildings used in a medical marihuana production facility shall be 2,500 square metres.

(Amendment Bylaw 1307-2014)

Dwellings Per Parcel

- 6.6 (1) No more than two single family dwellings may be located on a parcel.
- (2) Notwithstanding the provisions of section 6.6(1), additional dwellings necessary for farm use in conjunction with bona fide agricultural operations may be located on a parcel.

Siting Requirements

- 6.7 (1) No structure shall be located within 7.5 metres of a parcel line.
- (2) No medical marihuana production facility shall be located within 15 metres of a parcel line.

(Amendment Bylaw 1307-2014)

Parcel Coverage

- 6.8 (1) The parcel coverage of all buildings and structures shall not exceed 5 percent except where the parcel is one hectare or less, the parcel coverage shall not exceed 15 percent.

- (2) Subsection (1) does not apply where a building or structure is used in conjunction with a bona fide agricultural operation.

(Amendment Bylaw No. 841)

Parcel Area

- 6.9 (1) Where subdivision has been authorized under the Agricultural Land Commission Act, the minimum parcel area shall be two hectares.
- (2) Notwithstanding the provisions of section 6.9(1), the minimum parcel area may be reduced to less than two hectares where:
- (a) the creation of a new parcel has been authorized under the Agricultural Land Commission homesite severance policy; or
- (b) an application for subdivision within the ALR to create parcels less than two hectares was under consideration by the Agricultural Land Commission on the date of adoption of this bylaw and approval of the subdivision was given by the ALC after the date of adoption of this bylaw; or
- (3) ***Notwithstanding the provisions of 6.9(1) and 6.9(2) the minimum parcel area for those lands legally described as Lot 4, DL 211, EPP21848 shall be 0.8 hectares.***

Parking

- 6.10 Off-street parking shall be provided in accordance with the provisions of section 4.21.

As consolidated October 2014.

VILLAGE OF PEMBERTON

BYLAW No. 782, 2015

Being a bylaw to amend Squamish Lillooet Regional District
Electoral Area C Zoning Bylaw No. 765, 2002

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

AND WHEREAS pursuant to Section 24 (1) of the *Local Government Act* the bylaws and resolutions of the municipality to which an addition is made extend to the additional area, and continue in force until altered or repealed by Council;

AND WHEREAS subject to section 782 (4.1) of the *Local Government Act*, and Letters Patent, if the area of a municipality is extended, a provision of a bylaw that applies to the extension area continues in force as if it were a bylaw of the municipality until it is amended or repealed by the council;

AND WHEREAS the Council of the Village of Pemberton deems it desirable to amend a provision of the SLRD Electoral Area C Zoning Bylaw No. 765, 2002 that applies to the minimum parcel size of Lot 4, DL 211, Lillooet District Plan EPP21848 to allow for its future subdivision;

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 (Minimum Parcel Size) SLRD Bylaw No. 782, 2015".

2. SLRD Electoral Area C Zoning Bylaw No. 765, 2002 be amended as follows:

a) Section 6 - AGR ZONE (AGRICULTURE) is amended by adding the following to the end of Section 6.9 - Parcel Area:

(3) Notwithstanding the provisions of 6.9(1) and 6.9(2), the minimum parcel size for a portion of those lands legally described as Lot 4, DL 211, Lillooet District EPP21848, now within the Village of Pemberton Boundaries, shown attached as Schedule A, shall be 0.8 hectares.

READ A FIRST TIME this ___ day of _____, 2015.

READ A SECOND TIME this ___ day of _____, 2015.

NOTICE OF INTENTION TO WAIVE THE PUBLIC HEARING for Village of Pemberton Zoning Amendment (Minimum Parcel Size) SLRD Bylaw No. 781, 2015 **PUBLISHED IN THE** Question on the ___ day of _____ 2015 and the ___ day of _____ 2015.

READ A THIRD TIME this ___ day of _____, 2015.

ADOPTED this ___ day of _____, 2015.

Mayor
Mike Richman

Corporate Officer
Sheena Fraser

SCHEDULE A
Bylaw 782, 2015

