

**ADVISORY LAND USE COMMISSION**

**Agenda** for the Advisory Land Use Commission Meeting of the Village of Pemberton to be held Tuesday, February 24, 2015 at 5:30pm (7400 Prospect/White Building)

- 1. CALL TO ORDER**
- 2. MEMBERS UPDATE-ELECTION OF CHAIR** 6
  - Bylaw 626
- 3. MINUTES**
  - Draft Minutes of April 15, 2014 3
- 4. OR108-OCP/Zoning Amendments-Hillside Mixed Use Development** 26
  - Report to ALUC
- 5. OR116-Zoning Amendment-Minimum Parcel Size**
  - Report to ALUC 10
- 6. DEVELOPMENT UPDATE – verbal**
- 7. NEW BUSINESS**
- 8. NEXT MEETING-TBA**
- 9. ADJOURNMENT**

**THE VILLAGE OF PEMBERTON**  
**BYLAW NO. 626, 2009**  
**Advisory Planning Commissions Bylaw**

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**WHEREAS** pursuant to Section 898 (1) of the *Local Government Act* a Council may, by bylaw, establish an advisory planning commission to advise council on matters respecting land use, community planning or proposed bylaws and permits under Divisions 2, 7, 9 and 11 of the *Local Government Act*,

**AND WHEREAS** pursuant to Section 898 (3) of the *Local Government Act* a bylaw establishing an advisory planning commission must provide for the commission's composition, method for the appointment of members, the procedures governing the commission's conduct and referral of matters to be considered;

**THEREFORE BE IT RESOLVED** that the Municipal Council of the Village of Pemberton enacts an Advisory Planning Commission Bylaw as follows:

**1. This Bylaw may be cited as the "ADVISORY PLANNING COMMISSIONS BYLAW NO. 626, 2009".**

**2. The Village hereby establishes two distinct Advisory Planning Commissions known as: "Design Review APC" and "Land Use APC".**

**3. Composition**

(1) The "Design Review APC" shall be composed of six (6) members. One (1) member shall be a Director of the Pemberton and District Chamber of Commerce as selected by this organization.

(2) The background and qualifications of the remaining five (5) members of the "Design Review APC" should provide design and development expertise that is appropriate to the Pemberton context. Council should make best efforts to appoint the following professionals and/or community members with specific knowledge of:

- architectural design;
- community planning;
- construction/development; and
- landscape design.

(3) Two thirds ( $2/3^{\text{rds}}$ ) of the individuals appointed as members to the "Design Review APC" shall be qualified as follows:

- a resident of the Village; or
- a resident of Squamish Lillooet Regional District's Area C; or
- a property owner in the Village for a minimum of one year.

- (4) The “Land Use APC” shall be composed of six (6) members.
- (5) The background and qualifications of the members should be reflective of an array of interests and perspectives within the Pemberton community. Council should make best efforts to balance the make-up of the “Land Use APC” and appoint members that have specific knowledge in one or more of the following areas:
  - agriculture;
  - children and youth;
  - environment stewardship;
  - land development/ construction;
  - local education;
  - recreation;
  - seniors/accessibility; and
  - tourism.
- (6) All individuals appointed as members to the “Land Use APC” shall be qualified as follows:
  - a resident of the Village; or
  - a resident of Squamish Lillooet Regional District’s Area C; or
  - a property owner in the Village for a minimum of one year.

#### **4. Appointments**

- (1) Members of the “Design Review APC” and “Land Use APC” shall be appointed by council for a term of two years. Appointments will be staggered by one year and members will be appointed in conjunction with council’s committee appointments that occur annually in December. Notwithstanding, the inaugural Commission will appoint half of its members to a one year term to facilitate staggered appointments in the future.
- (2) Members of the “Design Review APC” and the “Land Use APC” should not be appointed to more than three (3) consecutive terms.
- (3) Council may assign a member of council to both the “Design Review APC” and the “Land Use APC”, however, the council representative is not considered a member of the Commissions and therefore shall not be eligible to be an official (voting) member, but may attend in a resource capacity between council and the Commissions.
- (4) All members of the “Design Review APC” and the “Land Use APC” shall serve without remuneration, but may be paid reasonable and

necessary expenses that arise directly out of the performance of their duties.

## 5. Procedures for Governing Conduct

(1) Members of the “Design Review APC” and “Land Use APC” shall abide by the following Code of Ethics:

- attend all meetings except for reasons beyond their control, whether or not they feel that they have any useful input into the subjects under discussion;
- accept that if they miss more than three (3) meetings in any twelve (12) month period, they may be asked to resign;
- make best efforts to become fully informed of the possible effects of decisions related to proposed developments, policy or guidelines amendments or other specific planning directions; and
- hold themselves free of any conflicts of interest.

Any member who fails to adhere to the Code of Ethics will be asked to resign from the respective Commission.

(2) Meetings of the “Design Review APC” and the “Land Use APC”:

- shall be held in a timely manner as needed to address issues that arise from time to time or as referred by the Village;
- may set a regular meeting date and time, if deemed necessary;
- shall be open to the public;
- shall provide notice posted on the Village Notice Board and website, at least twenty-four hours in advance of the meeting, indicating the day, hour and place of the meeting;
- shall have a Village appointed Recording Secretary to keep the minutes of all meetings. The minutes shall be legibly recorded, signed by the chair or member presiding, and open for public inspection in accordance with the *Local Government Act*.
- may make rules by majority resolution, as it sees fit to govern its conduct noting that in so doing the intent is that in general the rules of parliamentary debate shall apply: members will address the chair, motions will be made and seconded, the Chairperson will call the question and the vote will be recorded.

- (3) The Chairperson of the “Design Review APC” and the “Land Use APC” shall be elected by vote of the members at the first meeting of the year.

The Chairperson:

- shall preside, when present, at any meeting and generally shall fulfill all of the duties usually performed by the Chairperson; and
  - shall have the same right of voting as the other members of the “Design Review APC” or “Land Use APC” and in case of an equality of votes for and against the question, the question is resolved in the negative and the Chairperson shall so declare.
- (4) The “Design Review APC” and the “Land Use APC” may elect one (1) of its members to be Vice-Chairperson, who in the absence of the Chairperson shall preside at meetings of the Commissions. In case the Chairperson is absent from a meeting and no Vice-Chairperson has been elected, the members present, if a quorum is present, shall elect one (1) of their members to act as Chairperson of that meeting.
- (5) Four (4) voting members constitutes a quorum for each the “Design Review APC” or the “Land Use APC”. A quorum is required to undertake:
- the transaction of business, and the decision;
  - all acts whatsoever authorized or required to be done, except as otherwise provided for; and
  - all questions of adjournment and others that may come before the Commissions.
- (6) Applicants for a particular bylaw amendment or permit are entitled to be given notice, attend and be heard at the corresponding Commission meetings.

## **6. Matters for Referral**

- (1) The “Design Review APC” shall review and provide council with recommendations on matters respecting Village design related issues particular to the following:
- Development permit and development variance permit applications;
  - Reports and policy analysis, notably development permit applications and guidelines;

- Planning and design documents (i.e. Official Community Plan, Village Vision and Zoning Bylaw), rezoning applications and reports that specifically relate to the form and character of a building, outdoor spaces and landscaping; and
  - Any other matters referred by council.
- (2) The “Land Use APC” shall review and provide Council with recommendations on matters respecting land use, community planning, major policy issues and proposed land use bylaws, permits and other applicable regulations, particular to the following:
- Reports and policy analysis including community and neighbourhood planning, housing, and economic development;
  - Applications for amendment of the Official Community Plan and Zoning Bylaw;
  - Major development applications; and
  - Any other matters referred by council.

## **7. Reporting Procedure**

- (1) The “Design Review APC” shall:
- provide input at early stages in the design review process, the timing of which will be determined on a case by case basis by the Manager of Development Services.
  - provide recommendations and comments with respect to matters outlined in Paragraph 6 (1) of this Bylaw. Recommendations shall be in the form of formal resolutions and shall be specific in their direction. The recommendations will be used by Village staff and their consultants when discussing a project with an applicant, and may be used by council when making decisions on development applications.
- (2) The “Land Use APC” shall
- provide input at early stages with regard to community planning and land use matters, the timing of which will be determined on a case by case basis by the Manager of Development Services.
  - provide recommendations and comments to the Village with respect to the matters outlined in Paragraph 6(2) of this Bylaw. Recommendations shall be in the form of formal resolutions and shall be specific in their direction. The recommendations will be used by Village staff and their consultants when discussing a

project with an applicant, and may be used by council when making decisions on land use and community planning issues.

- (3) Council will inform the “Design Review APC” and the “Land Use APC” of its decisions, yet council is in no way bound to the advice or recommendations of the commissions. Decisions not conforming to the “Design Review APC” and/or “Land Use APC” recommendations may be further discussed by the commissions should it be deemed appropriate or necessary by council.

#### **8. Staff Resources and Support**

- (1) The Manager of Development Services or their designate shall serve as a resource person.
- (2) The Manager of Development Services shall appoint a Recording Secretary to document the minutes of the meetings.

#### **9. General**

- (1) If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
- (2) This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter*.

**READ A FIRST TIME** this 20<sup>th</sup> day of January, 2009

**READ A SECOND TIME** this 20<sup>th</sup> day of January, 2009

**READ A THIRD TIME** this 20<sup>th</sup> day of January, 2009

**RECONSIDERED, FINALLY PASSED and ADOPTED** this 3<sup>rd</sup> day of February, 2009

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Mayor

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Administrator

**ADVISORY LAND USE COMMITTEE MINUTES**

**Minutes** for the Advisory Land Use Commission of the Village of Pemberton held March 31, 2014 at 5:30 pm at [LOCATION].

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**IN ATTENDANCE:**

Bob Adams, Acting Chairperson  
Nikki Vankirk, Member  
Tracy Napier, Member  
Kirsten McLeod, Member  
Bob Adams, Members

**STAFF IN ATTENDANCE:**

Caroline Lamont, Manager of Development Services

**PUBLIC IN ATTENDANCE:**

Cam McIvor, Pemberton Music Festival

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**1) CALL TO ORDER**

At 5:05 the Chair called the Meeting to Order. Bob Adams chaired the meeting, in place of Saad Hasan who was absent.

**2) MINUTES**

Members indicated that both Kirsten's and Nikki's names were spelled incorrectly.

**Moved by Nikki Vankirk  
Seconded by Kirsten McLeod**

**THAT the March 5, 2014 Advisory Land Use Commission minutes be approved, as amended.**

**CARRIED**

**3) DOWNTOWN PARKING MANAGEMENT PLAN**

The Development Services Manager reviewed the Parking Management Plan and noted that the recommendations were developed from input received through the Downtown Enhancement Strategy and accepted best practices. Staff then reviewed the recommendations contained within the Plan.

The Commission raised several concerns with regard to parking and circulation issues in the Downtown:

- Loading continues to be a challenge, as loading bays are difficult to access and as a result truck drivers unload in the alley. This issue needs to be addressed.
- Private parking areas should also have strong pedestrian connections to the downtown



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- Consider a “friendly” timeline on the most accessible parking spaces, for example along Birch, in front of the Pharmacy and in front of the Pemberton Hotel.

**Moved by Tracy Napier  
Seconded by Nikki Vankirk**

**THAT the Advisory Land Use Commission recommended support for the Downtown Parking Management Plan.**

**CARRIED**

**4) TEMPORARY USE PERMIT NO. 005 – PEMBERTON MUSIC FESTIVAL**

The Development Services Manager outlined the proposed Temporary Use Permit Guidelines together with the Temporary Use Permit for the Pemberton Music Festival. Additional information was provided by Cam McIvor (representative for the Pemberton Music Festival) related to: the changes in the 2014 festival including the exclusion of the airport, the preparation of a Traffic Management Plan (by engineers familiar with music festivals), 3 day tickets only, shuttle services, use of IR#2, dust mitigation, site clean-up, security including mounted enforcement, farm improvements, pedestrian routing and onsite services.

There was also an indication that there was an environmental review of ditches in accordance with the Riparian Areas Regulation, a soil mitigation plan and festival parking options.

The Commission asked several questions related to the following:

- In and out privileges for parking (yes for campers, but intent that patrons will prefer to stay on site)
- Charitable contributions (still being determined, in 2008 there was a \$3 fee per ticket)
- Directing people in advance of arriving of the setup (mail out wristband and information before arriving in Pemberton)
- Garbage pick-up (the Festival will be responsible for picking up garbage anywhere where people from the Festival go in the greater community, for example on the trails to the downtown)
- Security considers pre-event, event and post event
- Water connections will be provided from McRae Road (public line) and must be approved by Vancouver Coastal Health (will require bulk water permit, pumper system for firefighting)
- Tripartite Agreement with ALC, Village and SLRD is outstanding

The ALUC members then directed questions with regard to agricultural enhancements. Mr. McIvor indicated that they are irrigating the site, will provide opportunities for a farmers market, as well there is the volunteer (\$3/ticket fee) contribution. The Commission indicated that there should be greater benefits for agriculture community wide.

There was also discussion about the impact the Festival will have on not only the valley bottom trails but also possible closures or detours on the Mosquito Lake trails.

The ALUC indicated that the TUP should be for this year only with a reasonable renewal if important requirements are met.

**Moved by Nikki Vankirk  
Seconded by Tracy Napier**

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**THAT the Advisory Land Use Commission recommended support the TUP 005 for the Pemberton Music Festival subject to the following conditions:**

- a) **Formalize the volunteer contribution of \$3 per ticket; and**
- b) **Approval for 2014 only, and that consideration of the 2015 and 2016 events be conditional on performance in 2014.**
- c) **Identify an outreach program that will inform trail users of possible detours or closures during the Festival.**

**CARRIED**

**5) NEXT MEETING**

The next meeting was date would be set as required

**6) ADJOURNMENT**

At 7:12 p.m. the meeting was terminated.

This is a true and correct copy of a meeting of the Advisory Land Use Commission of the Village of Pemberton, held March 31, 2014.

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Chair

**Date:** February 24, 2015  
**To:** Advisory Land Use Commission  
**From:** Lisa Pedrini, Planner  
**Subject:** OCP/Zoning Amendments to allow for Hillside Mixed Use Development

**Village of Pemberton OCP Bylaw No. 654, 2011, Amendment Bylaw 780, 2015  
Village of Pemberton Zoning Bylaw No. 411, 2001, Amendment Bylaw 781, 2015**

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## **PURPOSE**

This purpose of the report is to present an application for Official Community Plan and rezoning to facilitate a proposed development on lands referred to as the “580 Hillside” Development (previously known as the “Biro” Development) as a mixed use development including single family residential, multi-family residential, and potential tourist accommodation with parks and trails. This report seeks comments from the Advisory Land Use Commission on first and second readings for Official Community Plan and Zoning Amendment Bylaws to enable the development of this mixed use neighbourhood on the subject property.

## **REFERENCE**

**Applicant:** 580049 B.C. Ltd.

**Agent:** Cam McIvor, Intuitive Management

**Legal Description:** Lot 2 & 3, DL 211, EPP 21848, LLD

**Existing OCP Designation:** **Hillside Special Planning Area**

**Proposed OCP Designation:** **Hillside Mixed Use Designation** (a newly created Land Use Designation designed to permit the proposed development)

**Existing Zoning:** **RR1** - Rural Residential (under SLRD Area C Zoning Bylaw)

**Proposed Zoning:** **CD6** - Comprehensive Development 6 (‘580’ Hillside Development). This is a newly created CD zone designed specifically to permit the proposed development.

## **BACKGROUND**

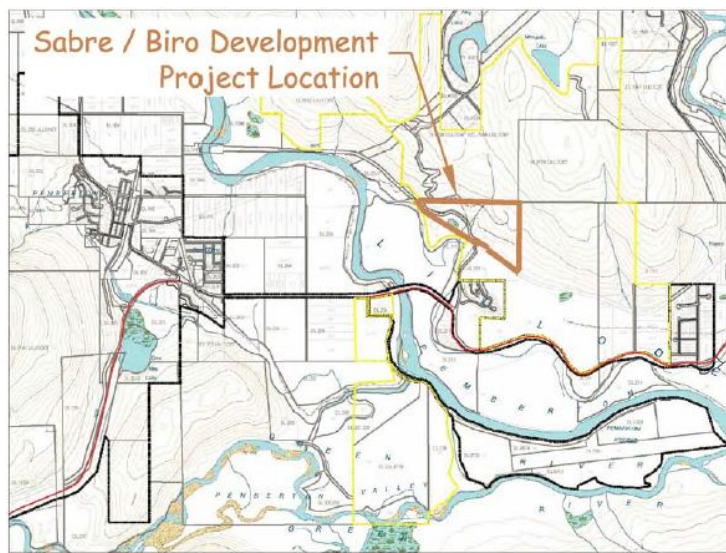
The subject property comprises part of the Hillside Area<sup>1</sup> which was removed from the SLRD and incorporated into the Village of Pemberton in 2011. On October 28, 2011, the Village of Pemberton Official Community Plan (OCP) was amended through Bylaw 675, 2011 to designate these lands as "Hillside Special Planning Area". At the same time, the Bylaw also designated them as within the Village of Pemberton's Urban Growth Boundary. The OCP amendment stated that development of this Hillside area should be generally consistent with the directions of the Hillside Lands, Planning Status Report created in 2011. This report provides a comprehensive overview of the subject lands and identified conceptual land uses for Lots 2 and 3 as "*Residential, Parks and Open Space*" with a "*Commercial Accommodation*" node.

On February 7, 2012 a Tentative Approval Letter (TAL) was issued for a four (4) lot subdivision of Lot 1, DL 211, Plan KAP87919 and Block A, DL 211, KAP83576. The subdivision and an accompanied Section 219 (No Build) Covenant were registered on August 17, 2012. The subject property is comprised of Lots 2 and 3 that were created as a result of this subdivision.

In November 2013, Official Community Plan (Hillside Special Planning Area Policies) Amendment Bylaw 742, 2013 set out the policies to complement the Hillside Special Planning Area designation. It is important to note that despite the directions of the two OCP amendments, applications for individual development parcels within the Hillside Area still require OCP and zoning amendments to be initiated by the land owners or their designates.

## **DISCUSSION & COMMENTS**

The subject property is located adjacent to Pemberton Farm Road East within the Village of Pemberton, approximately 3.6 km east from the Village center and 0.5 km north of the Pemberton Plateau development. Lot 2 measures 12.83 ha, and Lot 3 measures 8.99 ha, for a combined area of 21.8 hectares (54 acres). Both lots are situated on previously cleared sloping hillside just above the CN Rail right of way. A location map of the subject property is shown below as the 'Sabre/Biro Development' Project Location, now referred to as the '580' Lands.



<sup>1</sup> 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 Sunstone Ridge property to the east of the subject '580' property was approved for similar single family and multi-family residential uses in 2011 via OCP Amendment Bylaw 679, 2011 and Zoning Amendment Bylaw 680, 2011. The overall Hillside design concept encompasses both properties, with shared roads, trails, and a comprehensive servicing plan. While the adjacent Sunstone Ridge property represents approximately 5.0% of the entire Hillside Lands, the subject '580' property represents less than 1%.

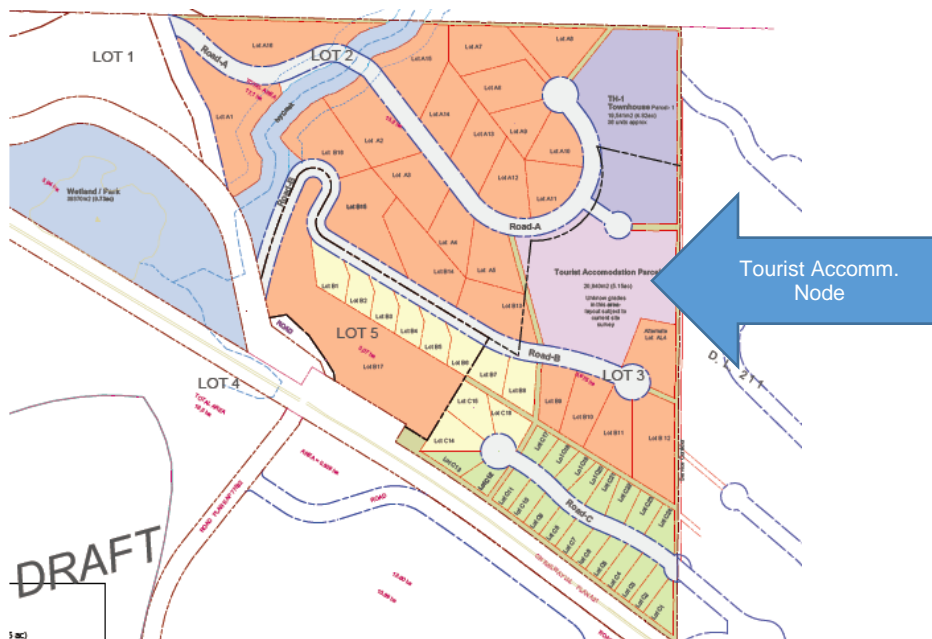
The total area proposed for single family residential lots is approximately 17.7 ha (11.6 ha on Lot 2 and 6.1 ha on Lot 3). The proposed development concept for Lots 2 and 3 is for a total of fifty-one (51) single family residential lots in three (3) different lot sizes as follows:

- 25 Large Residential Lots (greater than 2,025-sm lot area)
- 5 Medium Residential Lots (1,200-sm – 2,024-sm lot area)
- 21 Small Residential Lots (700-sm – 1,199-sm lot area)

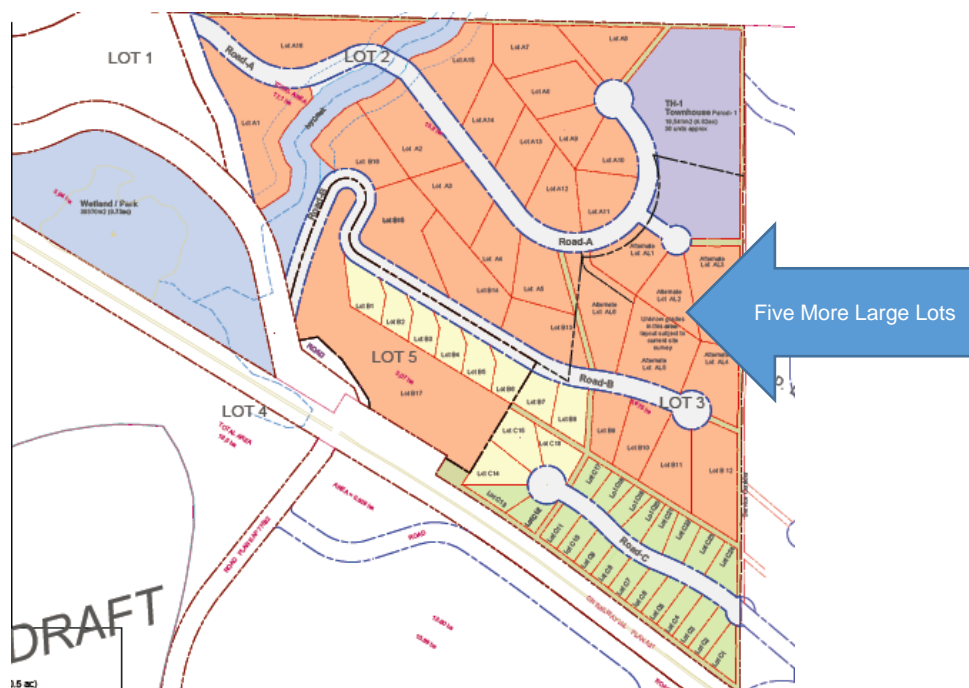
The area proposed to be developed as multi-family residential townhouse units is approximately 2.1 ha in total area and the proposed development is eighteen (18) units/ha, which is a common townhouse density. The area proposed for tourist accommodation is approximately 2.1-ha in total area. This zone was been created to allow this portion of the site to be developed as either a tourist commercial hotel (conference centre) or as additional Large Residential lots with a minimum lot size of 2,025-sm.

The currently proposed overall Land Use Plan and Site Plan (which consists of two concepts) are illustrated in the following drawings. It should be noted that this Rezoning application only applies to Lots 2 and 3 in the existing subdivision, but the development is inextricably linked to the timing and success of the Sunstone Lands' development.

**Concept Plan 1 - with Tourist Accommodation Node included**



**Concept Plan 2 - without Tourist Accommodation Node included**



**Amenities:**

The previous subdivision of the parent property, Lot 1, DL 211 (SO54) which took place in 2012 subdivided into four (4) lots primarily to divide individual legal Title in the lands between the three former owners – Sabre, Biro and Tulloch. At the time the zoning (as per the SLRD) would permit the proposed subdivision, but the proposed subdivision would only be in compliance with the Village's Official Community Plan if a No-Build covenant was registered on each property as to ensure that certain Development Permit or subdivision requirements for servicing could be fulfilled. As such, a Section 219 (No Build) Covenant was registered on Title in order to allow the subdivision to proceed, and this is attached as **Appendix A**.

This Covenant assured that certain amenities would be secured at rezoning or supplemental subdivision. The Amenities contained in the covenant include:

- (a) Dedicate park land equal to 5% of the land mass;
- (b) Contribute \$9165 per building lot and \$6110 per multiple family dwelling to the Village pursuant to the Village's Community Amenity Contribution Policy;
- (c) Perform appropriate flood proofing or protection or register an appropriate Flood Covenant against the Lands as may be required by and in a form satisfactory to the Village; and
- (d) Enter a site servicing agreement with the Village of Pemberton in a form satisfactory to the Village.

As all amenities with respect to this rezoning were negotiated during an earlier process, there is no need to replicate this through the application of amenity zoning to this property.

### **Affordable Housing**

- Two primary forms of housing are being proposed: single family lots and townhome units all at market value.
- The single family lots come in three sizes, which consist of “small lot” single family development, medium sized and large lot SFD. Small lots are more affordable.
- The large and medium size single family lots are supportive of secondary suites including detached garages (more sensitive to the terrain, rather than clearing a larger building footprint).
- At this time the unit sizes of the townhomes have not yet been determined as this would happen as part of the Development Permit application process. However, townhomes are considered to be a more affordable option than single family residential.

### **Cultural Values**

The subject property is located within the traditional territory of the Lil'wat Nation. Several archaeological and traditional use studies have been undertaken in the surrounding area. Arrowstone Archeological Consulting in conjunction with Land and Resources Department of Lil'wat Nation conducted an Archeological Impact Assessment (AIA) which was completed in January 2010. The objectives of the AIA were to identify and evaluate any archaeological sites, identify and assess possible impacts by the proposed development areas to any identified archaeological sites, to provide recommendations regarding the need for further studies, and to recommend viable alternatives for managing adverse impacts.

Two archeologically significant sites were identified in the AIA. Both sites are outside of the property that is subject to this application. Since no archaeological sites were in the Biro Hillside Site, no impacts to archaeological sites are anticipated within the subject area as a result of proposed development activities. There are no other direct cultural offerings.

### **Environmental Considerations**

#### ***Natural Environment***

The proponent retained Keystone Environmental to complete an Environmental Assessment of the project lands in March 2013. The Executive Summary of the Environmental Assessment notes *“the EA report assesses and evaluates potential environmental effects of the proposed development and recommends mitigation measures to be implemented to avoid, minimize and manage potential effects. Specifically, key potential environmental impacts of the proposed project includes the removal of approximately 9 ha of previously disturbed mixed forest habitat in young to mid-seral stages, and the potential for indirect effects on Ivey Creek and its associated wetland areas. The EA also considered potential Project effects on a federally Endangered Species at Risk: the sharp-tailed snake which was reportedly observed in proximity to the northwest portion of the site.”*

Keystone Environmental has provided direction with regard to the sharp tailed snake indicating that the development site is less likely to accommodate the species due to the lack of riparian

areas/food sources. Keystone has indicated that in order to protect a potential population of sharp-tailed snakes and the habitat they may be using in the Pemberton Valley, the project will be subject to the Best Management Practices for Amphibians and Reptiles in Urban and Rural Environments in British Columbia (2004). A full copy of the EA Report is available by contacting the Village Planner.

**Village Staff Note:** the EA report includes information on the 2011 documented observation of a Red-Listed Species at Risk (Sharp-Tailed Snake) in Table 1, on p. 7 of the Environmental Assessment. However, even though this documented siting is acknowledged, in other sections of the report the language used appears to cast doubt on the find, through the use of phrases like “*the sharp-tailed snake which was reportedly observed*” (p. i); “*this particular sighting, if confirmed by further study, would expand the known range*” (p.13) and “*with the exception of potential SAR snake habitat present on-site*” (p.26). For this reason staff requested that the applicants provide a further update to the 2013 EA report to rectify the uncertainty that the report appears to imply about the authenticity of the independent siting of this endangered species (sharp-tailed snake) by Dr. Leslie Anthony in August 2011.

## **Site Servicing and Infrastructure**

A Conceptual Servicing Design Brief was prepared by Gilbey Engineering Services in 2012 to describe the servicing concept for connection of the proposed development to the Village of Pemberton infrastructure and for the method of stormwater managements. The report confirms that all proposed works and services will conform to Village of Pemberton requirements and the requirements of any other authorities with jurisdiction. The report is summarized in the following sections. Although the current development concept differs slightly from the layout in the Servicing Design Brief, the findings of that report are still valid for the current development concept.

## **Site Description and Development Details**

The proposed development will be accessed from Pemberton Farm Road East, and will yield 51 single family parcels (in three different lot sizes), a townhouse parcel, and a tourist accommodation parcel. The site is north of the CN Railway and is approximately 22 ha in size (gross site area including road and servicing right-of-ways).

### **1. Roadworks and Access**

The proposed development site will be generally accessed from Highway 99 via Pemberton Farm Road East. Pemberton Farm Road East is paved south of the CN rail crossing with an existing paved width of 7 m. North of the CN Rail crossing it is constructed with varying widths and a granular surface, and provides access to very limited development.

The McKenzie Basin Forest Service Road (FSR) branches off Pemberton Farm Road East approximately 250 m north of the CN Railway crossing and provides limited access to areas north including Ivey Lake Estates. There currently is no formal road-of-way within the development site for this FSR. This FSR within the development site has been previously upgraded to a 10 m wide granular surface with rip-rap lined ditches, and has a maximum grade of 12%.



Cul-de-Sac Roads #1 and #2 were partially constructed pursuant to a Preliminary Layout Approval issued for a subdivision while the property was within the Squamish Lillooet Regional District. That subdivision process however was not completed. Road #1 has been constructed with a 9 m wide granular surface and rip-rap ditches, and has a maximum grade of 12%. Road #2 has been constructed to subgrade, and approximately half of the road has been surfaced with sub-base gravel. The roadway top width varies from 8 m to 11 m, and it has a maximum grade of 11%. Road #3 has not yet been constructed, and will have moderate grades.

In order to preserve the rural nature of this development, it is proposed to construct the subdivision roads to a rural hillside standard consistent with roads proposed for the adjacent Sunstone Ridge development. The proposed roadworks and detailed cross-sections have been provided. The main road through the site will be upgraded to the local road standard, with 3.3 m wide paved traveled lanes, an adjacent 1.5 m wide paved walkway lane, 0.5 m wide granular shoulders, and a 20 m wide right-of-way. Ditches and culverts will convey surface drainage, and will be armoured where recommended by the geotechnical engineer to prevent erosion.

The remaining roads that provide access to development parcels will be upgraded or constructed to the cul-de-sac standard, with 3.3 m wide paved traveled lanes, 0.5 m wide granular shoulders, and an 18 m wide right-of-way. Ditches and culverts will convey surface drainage, and will be armoured where recommended by the geotechnical engineer to prevent erosion. The turn-around for the cul-de-sacs will have minimum pavement and right-of-way radii of 10.25 m and 15 m respectively. It is not proposed to upgrade Pemberton Farm Road East south of the railway or west of the Forest Service Road as they are existing roads that do not provide direct driveway access to development parcels.

A Traffic Impact Study prepared for Ravens Crest, now Sunstone Ridge Developments, by Delcan in August 2011 investigated timing of improvements to the highway intersection and to the rail crossing. The scale, timing and configuration of development assumed in this Study have since changed. However, based on development levels in the Study, it appears that, for the currently proposed '580' property and Sunstone Ridge developments, no highway intersection improvements will be required, and upgrading of the railway crossing to bells and flashers is potentially required. An updated traffic impact study will need to be undertaken to confirm what, if any, improvements are required for the highway intersection and railway crossing given the current development scenario.

## **2. Pedestrian Circulation**

Pedestrian and bike circulation will be provided for within the development. Due to the expected low volume of pedestrian and bicycle traffic and the rural nature of the development, urban style separated concrete walkways are not proposed. The main road through the site will include a dedicated 1.5 m wide paved walkway. This walkway will be constructed adjacent to the travelled vehicle lane. The cul-de-sac roads will not have a dedicated walkway due to the expected low vehicle and pedestrian volumes; it is proposed that it be shared between vehicles, pedestrians, and bicycles. Similarly, the existing section of Pemberton Farm Road East that runs through the site but is not proposed for upgrading will be shared between users.

## **3. Water Services and Fire Protection**

At this time, there are no municipal water services provided to the site. The Village of Pemberton water system is currently servicing the nearby Pemberton Plateau development, and

is proposed to be extended to the subject property. For the purposes of the engineer's design brief, the applicants assumed that municipal water services have been extended to the Sunstone Ridge site.

Connection to the municipal water system will be made at three (3) locations as indicated in Figure 11. The watermain layout will be looped to provide circulation except for the section on the Forest Service Road servicing Estate Lots 1 & 2. The size of the watermains is estimated to be 200 mm diameter, and will be confirmed during detailed design through water system computerized modeling. Watermain alignments will be curved to match road alignments subject to joint deflection limitations. Servicing right-of-ways will be provided as required where pipes are not within road rights-of-ways.

Three (3) pressure zones will be established compatible with those proposed on the adjacent Sunstone Ridge Development, and one (1) pressure reducing station will be required. System Operating pressures at peak demand will range from 44-psi to 140-psi. Individual 25-mm diameter water services will be provided to each single-family property, and 150-mm diameter services will be provided to the multi-family and tourist accommodation parcels. Fire hydrants will be provided in accordance with Fire Underwriter Society and Village of Pemberton requirements.

***A comprehensive water supply strategy, to the satisfaction of the Village, will be required before any development is permitted on the subject lands.***

#### **4. Sanitary Sewer Services**

At this time, there are no municipal sanitary sewer services provided to the site. The Village of Pemberton sanitary sewer service is currently serving the nearby Pemberton Plateau development, and is proposed to be extended to the Sunstone Ridge Subdivision development site. Again for the purposes of the engineer's design report, it is assumed that municipal sanitary sewer services have been extended to the Sunstone Ridge site.

Gravity sewer systems will be provided to all development parcels. The gravity sewer mains will be 200-mm diameter and configured generally as indicated in Figure 12. Parcels located on the northwest 2/3 of the site will drain by gravity to a pumpstation located west of the railway crossing and north of the railway. The pumpstation will pump effluent to the gravity sewer system that services parcels in the south-east 1/3 of the site. The sewer system will discharge by gravity into the Sunstone Ridge sewer system near the southeast corner of the site. Sewermain alignments will be curved to match road alignments subject to joint deflection limitations. Servicing right-of-ways will be provided as required where pipes are not within road right-of-ways.

Individual 100-mm diameter service connections will be provided to each single-family property. Multi-family properties and the tourist accommodation parcel will have 150-mm diameter services connections. Where individual service connections have to cross private development parcels, appropriate easements will be provided.

***A comprehensive sewage supply strategy, to the satisfaction of the Village, will be required before any development is permitted on the subject lands.***

## 5. Storm Water Management

An integrated stormwater management regime is proposed to manage stormwater flows on the site so that post-development peak stormwater discharge is limited to pre-development levels. This will be achieved through implementation of stormwater Best Management Practices and Low Impact Development principles.

Minimizing impervious surfaces is a key priority for management of stormwater runoff. In this regard, pavement widths will be kept at a minimum, and individual parcel sizes will be relatively large in comparison to those typically found in urban areas.

Stormwater run-off will generally be collected in the roadside ditch system, and discharged to existing ditches or natural drainage channels. Roof gutters will not be connected to a piped municipal storm sewer system and will instead discharge to an on-site disposal system. Soak-away pits will be utilized for perimeter drains. Existing wetlands within and adjacent to the site will be used to detain or retain stormwater to ensure that post-development flows are limited to predevelopment levels.

***A comprehensive storm water management strategy, to the satisfaction of the Village, will be required before any development is permitted on the subject lands.***

## 6. Power, Telephone and Street Lighting

The applicant has noted that underground power supply and telephone services will be provided for the site in accordance with Village of Pemberton servicing standards. Street lighting will be ornamental to match that which is proposed for the adjacent Sunstone Ridge development, and will be designed to Dark Sky standards.

### Proposed Bylaw Amendments

Village of Pemberton Bylaw No. 654, 2011, Amendment Bylaw No. 780, 2015 proposes to do the following:

- Amend the Village of Pemberton OCP map in order to designate the subject land as "Hillside Mixed Use" from "Special Planning Area (Hillside)"

Village of Pemberton Zoning Bylaw No. 466, 2001, Amendment Bylaw No. 781, 2015 proposes to do the following:

- Rezone the land from RRes 1 -Rural Residential to CD 6 – Comprehensive Development Zone 6 (Hillside).
- Limits the Hillside Commercial use to hotel, convention centre, accessory uses or large lot single family residential.

Copies of the two proposed bylaws are attached as **Appendix B** and **Appendix C**.

**RECOMMENDATIONS**

**THAT** the ALUC provide comment on these OCP and Zoning Amendment Bylaws.

**Attachments:**

- A – Section 219 (No Build) Covenant
- B – Proposed OCP Amendment Bylaw No. 780, 2015
- C – Proposed Zoning Amendment Bylaw No. 781, 2015



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Lisa Pedrini,  
Planner

KAMLOOPS LAND TITLE OFFICE

LAND TITLE ACT  
FORM C (Section 233) CHARGE  
GENERAL INSTRUMENT - PART 1

Aug-17-2012 12:00:32.001

CA2723154

1340735567 PAGE 1 OF 6 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Digitally signed by Ian Terence Davis  
3UXBSR  
DN: cn=CA, ou=Ian Terence Davis  
3UXBSR, o=Lawyer, ou=Verify ID at  
www.juriset.com/LKUP.ctm?  
id=3UXBSR  
Date: 2012.08.17 11:48:27 -0700  
Ian Terence  
Davis 3UXBSR

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Race & Company

Shelley Key, Authorized Agent

File No.: 47269

201-1365 Pemberton Avenue, PO Box 1850

Squamish

BC V8B 0B3

Phone: 604-892-5254

Document Fees: \$72.50

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

027-701-522

LOT 1 DISTRICT LOT 211 LILLOOET DISTRICT PLAN KAP87819

STC? YES

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

4. TERMS: Part 2 of this instrument consists of (select one only)

(a)  Filed Standard Charge Terms D.F. No.

(b)  Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

580049 B.C. LTD. (INC. NO. BC0580049)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

VILLAGE OF PEMBERTON

7400 PROSPECT STREET, PO BOX 100

PEMBERTON

BRITISH COLUMBIA

V0N 2L0

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Transferor(s) Signature(s)

Derek McLauchlan

Barrister & Solicitor

215-8171 Cook Road  
Richmond, BC, V6Y 3T8

Y	M	D
12	07	09

580049 B.C. Ltd.  
by its authorized signatory(ies):

Print Name: Werner Karl Biro

Print Name:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

LAND TITLE ACT  
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

\_\_\_\_\_  
Suzanne Belanger  
Commissioner for Taking Affidavits in BC  
7400 Prospect Street  
Pemberton, BC, V0N 2L0

Y	M	D
12	07	19

Village of Pemberton  
by its authorized signatory(ies):

\_\_\_\_\_  
Print Name: Sheena Fraser

\_\_\_\_\_  
Print Name: Jordan Sturdy

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

THIS AGREEMENT MADE THIS \_\_\_\_\_ day of June, 2012

BETWEEN:

**580049 B.C. Ltd.**, a corporation having its registered and records office located at 215- 8171 Cook Rd, Richmond, B.C., V6Y 3T8  
(hereinafter called the "Covenantor")

OF THE FIRST PART

AND:

**VILLAGE OF PEMBERTON**, a Municipality duly incorporated under the laws of the Province of British Columbia, having an address at 7400 Prospect Street, Pemberton, BC V0N 2L0  
(hereinafter called the "Covenantee")

OF THE SECOND PART

WHEREAS:

- A. The Covenantor is the registered owners of ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the District of Squamish, in the Province of British Columbia, and more particularly described as:  

**Lot 1 District Lot 211 Lillooet District Plan KAP 87819**  
**Parcel Identifier: 027-701-522**  
(hereinafter called the "Lands");
- B. The Covenantor intends to subdivide the Lands in accordance with the proposed subdivision plan attached as Schedule "A";
- C. Section 219 of the Land Title Act provides that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of land or the use of a building or to be erected on land, in favour of a Municipality or the Crown.
- D. The Covenantor has agreed to restrictions on the use of the Lands.

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that pursuant to Section 219 of the Land Title Act, and in consideration of the sum of One Dollar (\$1.00) now paid to the Covenantee by the Covenantor (the receipt and sufficiency where of is hereby acknowledged), the parties hereto covenant and agree each with the other as follows:

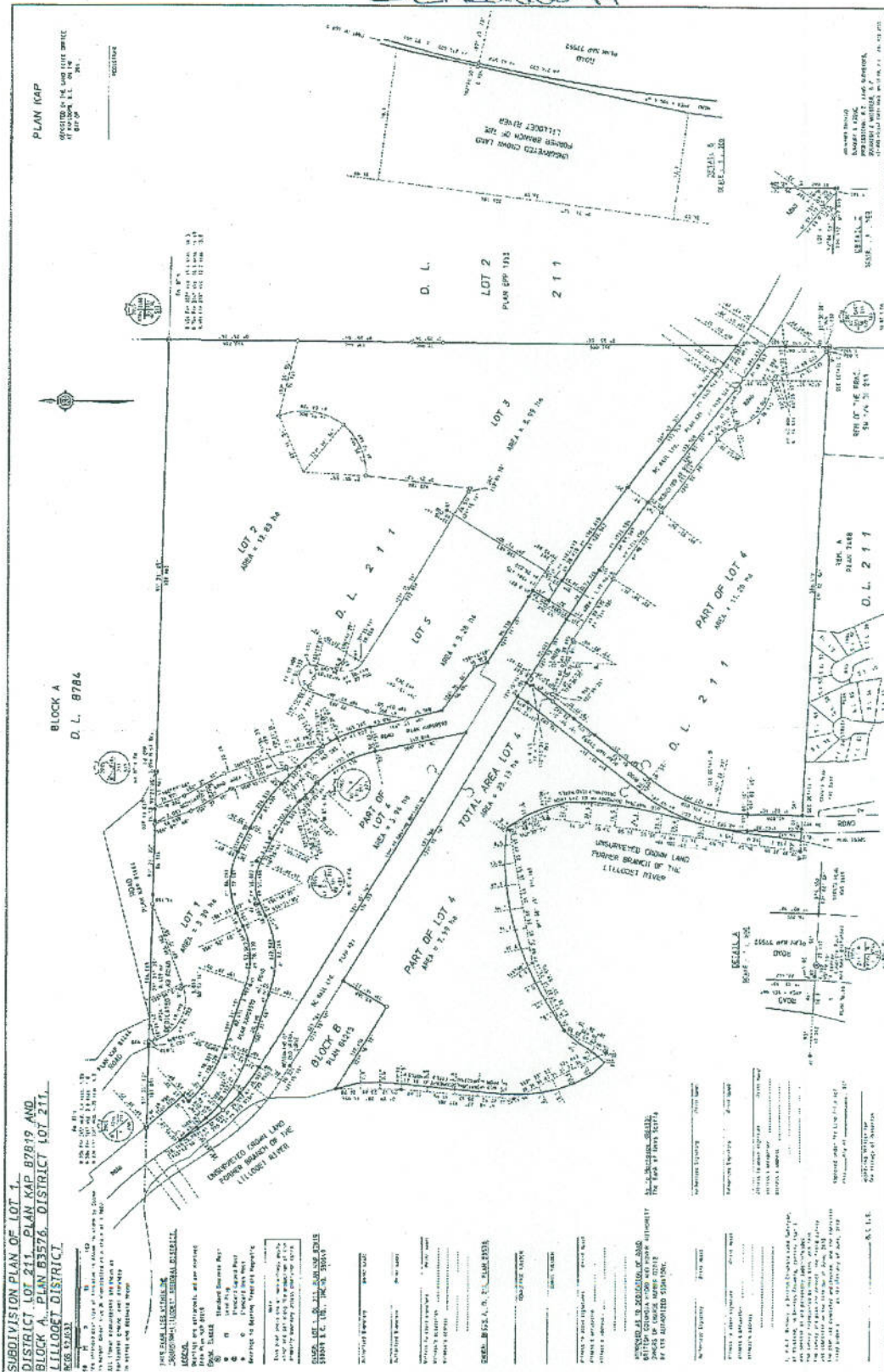
1. The Covenantor, on behalf of itself and its heirs, executors, administrators, successors and assigns, hereby covenants and agrees with the Covenantee, as a covenant in favour of the Covenantee pursuant to Section 219 of the Land Title Act, it being the intention and agreement of the Covenantor that the provisions hereof be annexed to and run with and be a charge upon the Lands, that from and after the date hereof that the Covenantor shall not build, place or erect or permit the building, placement or erection of any buildings, structures or improvements on the Lands, nor shall the Covenantor apply for or be permitted to apply for a building permit or be entitled to a Development Permit, unless and until the Covenantor complies with the following requirements :
  - (a) Dedicate or transfer to the Covenantee park land equal to 5% of the land mass of the Lands from the Lands or other property, in any event to be satisfactory to the Covenantee;
  - (b) Pursuant to the Covenantee's Community Amenity Contribution Policy, contribute \$9,165 per building lot and \$6,110 per multiple family dwelling to the Covenantee ;
  - (c) Perform appropriate flood proofing or protection or register an appropriate Flood Covenant against the Lands as may be required by and in a form satisfactory to the Covenantee; and
  - (d) Enter a site servicing agreement with the Covenantee in a form satisfactory to the Covenantee.
2. Nothing contained or implied herein shall prejudice or affect the rights and powers of the Covenantee in the exercise of its functions under any public and private statutes, by-laws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Covenantor.



3. The covenants set forth herein shall charge the Lands pursuant to Section 219 of the Land Title Act and the burden of which shall run with the Lands. It is further expressly agreed that the benefit of all covenants made by the Covenantor herein shall accrue solely to the Covenantee and that this Agreement may only be modified or discharged by agreement of the Covenantee, pursuant to the provisions of Section 219(5) of the Land Title Act.
4. Notwithstanding anything contained herein, the Covenantor shall not be liable under any of the covenants and agreements contained herein where such liability arises by reason of an act or omission occurring after the Covenantor ceases to have any further interest in the Lands.
5. Wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.
6. This Agreement shall endure to the benefit of and be binding upon the parties hereto, their respective successors and assigns.
7. The parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement.
8. The Covenantor shall indemnify and hold the Covenantee and its officers, employees, agents and elected officials harmless from and against any and all claims, actions, costs, liabilities or losses that they may at any time hereafter suffer or be put to in connection with this Covenant, including any actual legal costs that are incurred in connection with any enforcement of this covenant.

AS EVIDENCE to their Agreement to the above terms, the parties each have executed and delivered this Agreement by executing the Land Title Act Form C to which this Agreement is attached and forms part of this Agreement.

# Schedule "A"



**THE CORPORATION OF THE VILLAGE OF PEMBERTON**

**BYLAW NO. 780, 2015**

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

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

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

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

1. This Bylaw may be cited for all purposes as “Official Community Plan Amendment (‘580’ Hillside Lands) Bylaw No. 780, 2015.”
2. Village of Pemberton Official Community Plan Bylaw No 654, 2011 is amended as follows:
  - a) Add a new designation to Section 6.0 entitled Hillside Mixed Use Designation that reads: **Hillside Mixed Use Designation** means residential and tourist accommodation/conference centre uses that serve the needs of both the local community and visitors.
  - b) Amend Map B to redesignate the “subject lands” identified in Schedule A of this bylaw from “Special Planning Area (Hillside)” to “Hillside Mixed Use”.
  - b) Amend Map L to designate the “subject lands” as identified in Schedule A of this bylaw as “Development Permit Areas No. 1 – Environmental Protection; No. 2 - Natural Hazards; No. 6 – Multi-family and/or Commercial Development.

**READ A FIRST TIME** this day of , 2015.

**READ A SECOND TIME** this day of , 2015.

**PUBLIC HEARING HELD** this day of , 2015.

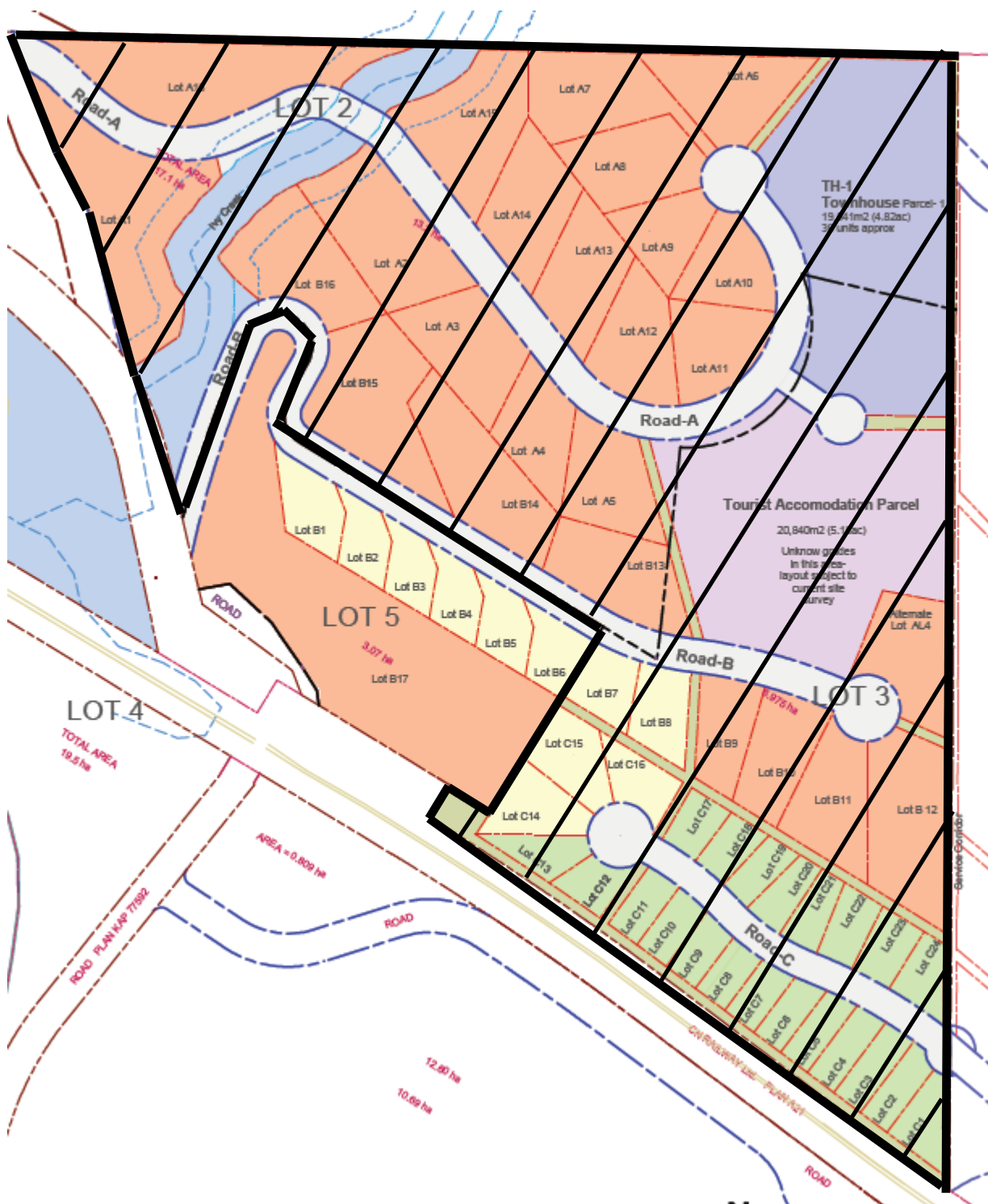
**READ A THIRD TIME** this day of , 2015.

**PASSED AND ADOPTED** this day of , 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

## Schedule A "Subject Lands"



The subject lands are redesignated from Special Planning Area (Hillside) to Hillside Mixed Use Designation.

# THE CORPORATION OF THE VILLAGE OF PEMBERTON

## BYLAW NO. 781, 2015

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

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

**AND WHEREAS** the Council of the Village of Pemberton deems it necessary to amend the Zoning Bylaw to accommodate a mixed use development that is located on the Hillside Area within the Village;

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

#### 1. CITATION

This Bylaw may be cited for all purposes as “Village of Pemberton Zoning Amendment (‘580’ Hillside Development) Bylaw No. 781, 2015.”

#### 2. Village of Pemberton Zoning Bylaw No. 466, 2001 is amended as follows:

Adding to Section 104 DEFINITIONS as follows:

**Conference Centre** means a specialized hotel designed and built to provide lodging and host conferences, exhibitions, large meetings, seminars, training sessions, etc. It may consist of a large hall for public assembly as well as a number of smaller lecture rooms and other office space, a restaurant, a spa devoted to overall well-being and/or a variety professional therapeutic/aesthetic retail services and a range of leisure activities.

Adding Section 316F COMPREHENSIVE DEVELOPMENT 6 ZONE (‘580’ Hillside) as follows:

#### **“316F COMPREHENSIVE DEVELOPMENT 6 ZONE (‘580’ Hillside) CD 6**

*The intent of the CD 6 Zone is to accommodate a mix of land uses on an area referred to as the ‘580’ Hillside Development, which includes a variety of single-family and multi-family residential uses, a limited amount of tourist commercial to accommodate a conference centre that fits within a large lot residential context, parks, open space and trails.*

The regulations in the tables in this section apply to land in the Comprehensive Development 6 (‘580’ Hillside Development) Zone, as indicated by the column headings. For purposes of regulation, the area within the boundary of the CD 6 Zone is divided into five (5) separate areas labelled as Area A through Area E inclusive while the location of each separate area is identified on Appendix “A” to this Zone. Each area boundary within the CD 6 Zone shall be considered a zone boundary for the purposes of this Bylaw and separate regulations shall apply to each area as contained in this section.

**316F.1 PERMITTED USES OF LAND, BUILDINGS AND STRUCTURES**

- (1) The following *uses, buildings and structures* and no others shall be permitted within the Comprehensive Development 6 ('580' Hillside Development) CD 6 Zone:

	<b>Area A</b>	<b>Area B</b>	<b>Area C</b>	<b>Area D</b>	<b>Area E</b>
<b><i>Principal Uses of Land, Buildings and Structures</i></b>					
<i>Single Residential Dwelling – Large Lot</i>	•				•
<i>Single Residential Dwelling – Medium Lot</i>		•			
<i>Single Residential Dwelling – Small Lot</i>			•		
<i>Multi-family Townhouse</i>				•	
<i>Conference Centre</i>					•
<i>Park/Trails</i>	•	•	•	•	•
<b><i>Accessory Uses of Land, Buildings and Structures</i></b>					
<i>Uses accessory to principal uses</i>	•	•	•	•	•
<i>Home Occupation Use, subject to Section 207</i>	•	•	•	•	• *
<i>Bed and Breakfast</i>	•	•			• *

**316F.2 DENSITY OF PERMITTED USES, BUILDINGS AND STRUCTURES**

- (1) All uses, buildings and structures in the Comprehensive Development 6 Zone shall comply with the following regulations regarding size, siting, density, and lot size.

	<b>Area A</b>	<b>Area B</b>	<b>Area C</b>	<b>Area D</b>	<b>Area E</b>
<b>Maximum Lot Coverage</b>					
<i>Single Residential Dwelling – Large Lot</i>	50% of useable site area				50% of useable site area
<i>Single Residential Dwelling – Medium Lot</i>		50% of useable site area			
<i>Single Residential Dwelling – Small Lot</i>			50% of useable site area		
<i>Multi-family Townhouse</i>				50%	
<i>Tourist Commercial - Hillside (Conference Centre)</i>					50%
<b>Maximum Floor Area Ratio (FAR)</b>					
<i>Single Residential Dwelling – Large Lot</i>	0.50				
<i>Single Residential Dwelling – Medium Lot</i>		0.50			
<i>Single Residential Dwelling – Small Lot</i>			0.50		
<i>Multi-family Townhouse</i>				0.75	
<i>Tourist Commercial - Hillside (Conference Centre)</i>					1.5



	<b>Area A</b>	<b>Area B</b>	<b>Area C</b>	<b>Area D</b>	<b>Area E</b>
<b>Maximum Building Height (meters / stories)</b>					
<i>Single Residential Dwelling – Large Lot</i>	10.5 m				
<i>Single Residential Dwelling – Medium Lot</i>		10.5 m			
<i>Single Residential Dwelling – Small Lot</i>			9 m		
<i>Multi-family Townhouse</i>				10.68 m	
<i>Tourist Commercial - Hillside (Conference Centre)</i>					11.5 m 3 stories
<b>Minimum Building Setbacks</b>					
Front	5	5	6 m	7.5 m	5
Rear	5	5	7.5 m	5 m	5
Side-Exterior	3.0	1.5	1.2 m	3 m	1.5
Side-Interior				3 m	
<b>Minimum Lot Size (m<sup>2</sup>)</b>					
<i>Single Residential Dwelling – Large Lot</i>	2025 m <sup>2</sup>				
<i>Single Residential Dwelling – Medium Lot</i>		1200m <sup>2</sup>			
<i>Single Residential Dwelling – Small Lot</i>			700 m <sup>2</sup>		
<i>Multi-family Townhouse</i>				5,000m <sup>2</sup>	
<i>Tourist Commercial - Hillside (Conference Centre)</i>					20,500 m <sup>2</sup>

	Area A	Area B	Area C	Area D	Area E
<b>Accessory Buildings</b>					
Maximum floor area	10 m <sup>2</sup>	10 m <sup>2</sup>	10m <sup>2</sup>	10 m <sup>2</sup>	10 m <sup>2</sup>
Maximum height	3m	3m	3m	3m	3m
Minimum setbacks					
Front yard	6m	6m	6m	6m	6m
Rear yard	1.5 m	1.5 m	1.5 m	1.5 m	1.5 m
Side yard	1.5 m	1.5 m	1.5 m	1.5 m	1.5 m

#### **316F.4 CONDITIONS OF USE**

- (1) All uses, buildings and structures in the Comprehensive Development 6 Zone must comply with the following additional conditions of use:
  - a) In Area "E", the entire area must be used exclusively for either *Single Residential Dwelling – Large Lot*, or *Hillside Tourist Commercial (Conference Centre)*, but not both.
- (2) All Garage Provisions from RS-1 Zone for Areas A & B, and from RS-2 zone for Area C apply.

#### **316F.4 OFF-STREET PARKING AND LOADING**

- (1) Off-street parking and loading shall be provided in accordance with the requirements of Division 500 of this Bylaw.
- (2) Notwithstanding Section 316D.3 (1), the off-street parking requirements for the following uses shall be as follows:
  - a) Townhouse: 2 spaces per unit, plus an additional 0.25 space per unit for Visitor Parking;
  - b) Hillside Tourist Commercial Use: 1 space per 37 square meters of gross floor area."

#### **316F.5 WATERCOURSE SETBACKS**

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

Amend Schedule A – Zoning Map to rezone the land from RR1 Rural Residential - 1 to CD6 Comprehensive Development 6 ('580' Hillside Development).

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

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

**NOTICE OF PUBLIC HEARING FOR VILLAGE OF PEMBERTON ZONING AMENDMENT BYLAW ('580' HILLSIDE DEVELOPMENT) NO. 781, 2015 WAS PUBLISHED IN THE QUESTION ON \_\_\_\_\_, 2015 AND \_\_\_\_\_, 2015.**

**PUBLIC HEARING HELD** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

**APPROVED BY THE MINISTER OF TRANSPORTATION AND INFRASTRUCTURE PURSUANT TO SECTION 52 of the *Transportation Act*** this \_\_\_\_ day of \_\_\_\_\_, 2015.

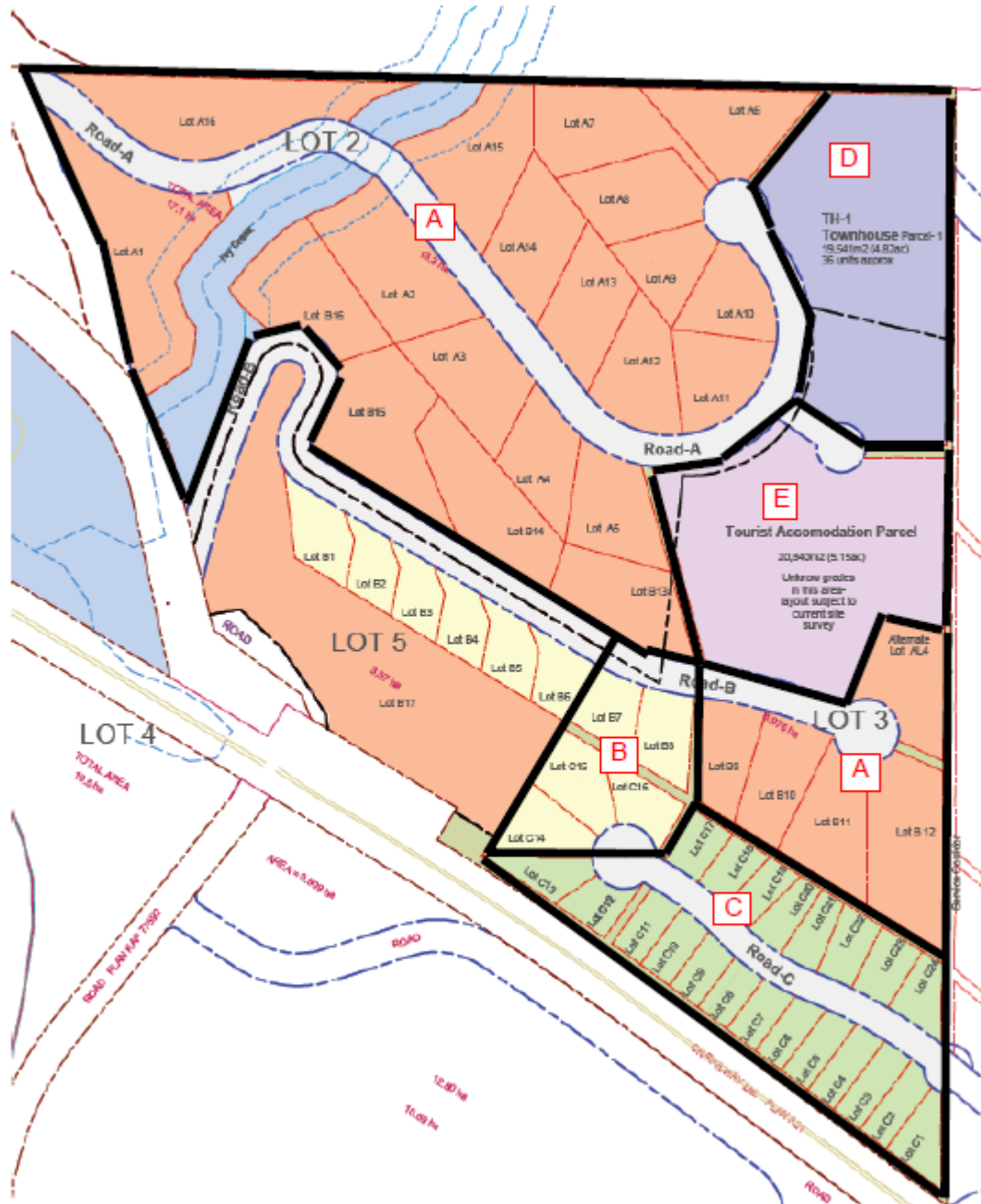
**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

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

# SCHEDULE A

Comprehensive Zone 6-'580' Hillside Development  
Bylaw 781, 2015



The subject lands are rezoned from RR1 Rural Residential-1 to CD 6 Comprehensive Development 6 ('580' Hillside ).

**Date:** February 24, 2015  
**To:** Advisory Land Use Commission  
**From:** Lisa Pedrini, Planner  
**Subject:** Zoning Amendment-Minimum Parcel Size  
SLRD Bylaw No. 765, 2002, Amendment Bylaw No. 782, 2015 (OR# 116)

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### **PURPOSE**

The purpose of this report is to present Zoning Amendment (Minimum Parcel Area Revisions) Bylaw No. 782, 2015 for the Advisory Land Use Commission's comments on forthcoming initial readings and 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**

In anticipation of a subdivision application for a five (5) lot subdivision of Lot 4, DL 211, EPP21848 to separate the Sabre land holdings and consolidate Block B into the farm land in order to facilitate the Village's Recreational Lease and Option to Purchase Agreement, staff discovered an inconsistency between the OCP and Zoning for this subject property which would preclude this subdivision. Attached as **Appendix A** is a copy of the Plan for a proposed five (5) lot subdivision for reference of the location of the commercial / recreational / residential site.

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.*

Both the proposed commercial and residential portion of the site were 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*).

The parcel size requirements must be amended in order to allow future subdivision of the parcel.

## **DISCUSSION & COMMENTS**

In order to address the inconsistency in the zoning of this parcel with the OCP designation, and 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.*

This is the quickest, easiest method, 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 could also consider waiving the requirement for a public hearing as per s. 890, (4) of the *Local Government Act*.

The proposed bylaw amendment (Bylaw 782, 2015), attached as **Appendix C**, facilitates this change.

## **COMMUNICATIONS**

Given the minor nature of the amendment and that the rezoning is consistent with the Official Community Plan, it is recommended that the public hearing be waived. 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 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.

## **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. There will be costs associated with legal review which have not yet been determined. The cost to facilitate the advertising of the Notice to Waive the Public Hearing will be approximately \$370. 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:

- 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.

### **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 ALUC provide comment on this Zoning Amendment Bylaw.

### **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) SLRD Bylaw No. 782, 2015



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Lisa Pedrini,  
Planner





## 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<sup>PF</sup> and AGR<sup>LUC</sup> 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<sup>PF</sup>) Sub Zone

6.2 In addition to the uses permitted in section 6.1, the following uses are permitted in the Pemberton Fringe (AGR<sup>PF</sup>) 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<sup>LUC</sup>) Sub Zone

- 6.3 (1) Notwithstanding the provisions of the AGR zone, land in the AGR Land Use Contract (AGR<sup>LUC</sup>) 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  $\frac{1}{4}$  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

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

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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** 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 those lands legally described as Lot 4, DL 211, Lillooet District EPP21848, now within the Village of Pemberton Boundaries, 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 24<sup>th</sup> day of February 2015 and the 3<sup>rd</sup> day of March 2015.

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

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

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

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