

VILLAGE OF PEMBERTON

BYLAW No. 821, 2017

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

WHEREAS pursuant to Section 137 of the *Community Charter* a Council may amend its Zoning Bylaw from time to time;

AND WHEREAS the Council of the Village of Pemberton deems it desirable to amend the zoning to permit a works yard use in the Public (P-1) zone on a site specific basis on *Lot 5, Plan 31658, D.L. 203, LLD* to allow BC Hydro to upgrade their existing field office/works yard;

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

1. **CITATION**

This Bylaw may be cited as "Village of Pemberton Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017"

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

a) Section 104. Definitions:

- i. by adding the following in alphabetical order:

Works Yard

means the use of Land, Buildings and Structures operated by, or on behalf of the Village of Pemberton, Province of British Columbia or Government of Canada, for the interior and exterior storage, maintenance or repair of buildings, infrastructure, materials or equipment. The use may include office space but excludes communication tower &/or electrical sub-station.

b) Section 312.1 Public (P-1) Permitted Land Uses:

- i. by adding Works Yard **(a)** to the list of Permitted Land Uses.
- ii. By adding a list of provisos under Permitted Land Uses: (a) this use shall only be permitted on *Lot 5, Plan 31658, D.L. 203, LLD*, and is not permitted on any other lands in this zone.

c) Schedule A – Zoning Map is amended by rezoning the subject property “Lot 5, Plan 31658, D.L. 203, LLD” from C-1 to P-1, as per the attached Schedule 1, which is attached to and forms a part of this bylaw.

READ A FIRST TIME this 25th day of July, 2017.

READ A SECOND TIME this 21st day of November, 2017.

NOTICE OF PUBLIC HEARING for **Village of Pemberton Zoning (BC Hydro Field/Works Yard Office) Amendment Bylaw No. 821, 2017 PUBLISHED IN THE PIQUE NEWSMAGAZINE** on this ____ day of _____, 2017 and **PUBLISHED IN THE PIQUE NEWSMAGAZINE** on this _____ day of _____, 2017.

PUBLIC HEARING HELD this ____ day of _____, 2017.

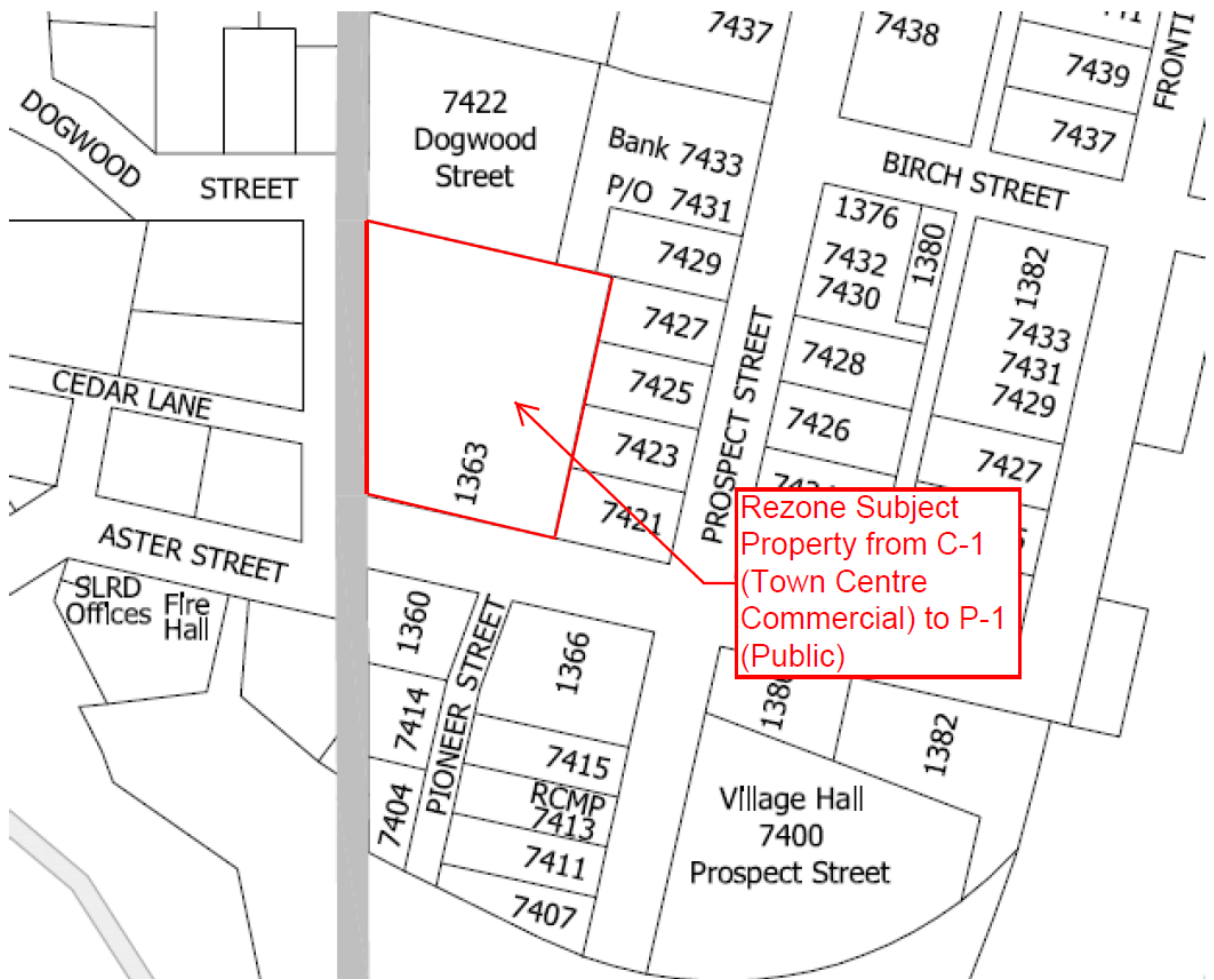
READ A THIRD TIME this ____ day of _____, 2017.

ADOPTED this _____ day of _____, 2017.

Mayor
Mike Richman

Corporate Officer
Sheena Fraser

Schedule 1



Date: November 21, 2017

To: Nikki Gilmore, Chief Administrative Officer

From: Lisa Pedrini, Village Planner

Subject: Consideration of Zoning Amendment Bylaw No. 466, 2001, Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 for Second Reading

PURPOSE

This report further considers an application from BC Hydro to amend the Zoning Bylaw to facilitate an upgrade to the existing BC Hydro Field Office/Works Yard at 1363 Aster Street. The report submits an update of how the applicant has addressed the items that Council resolved had to be addressed before the application could proceed to Second Reading, as well as input from the community at large. As a result, Zoning Amendment Bylaw No. 821, 2017 is being presented for Second Reading in addition to the scheduling of a public hearing.

BACKGROUND

A detailed report on the BC Hydro zoning amendment application as well as agency referral input, Advisory Land Use Commission (ALUC) recommendations and staff comments related to the Field Office/Works Yard Upgrade was presented to Council at their Regular Meeting No. 1455, held July 25th, 2017, and the following resolution was passed:

Moved/Seconded

THAT Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 receive First Reading;

AND THAT Second Reading of Zoning Bylaw No. 466, 2001, Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 not be considered until the Applicant:

- *Holds a public information session or staff supported online engagement strategy seeking public sentiment on the proposed development, at their own expense, and forwards the consultation results to the Village Planner;*
- *Submits a Development Permit/Development Variance Application outlining refined detail with respect to the form and character of the proposed Field Office/Works Yard and the nature of its parking requirement variance request;*
- *Agrees to enter into a Land Use Agreement and works with staff to develop a Draft Covenant that outlines negotiated Community Amenity Contributions before Third Reading.*

CARRIED

DISCUSSION & COMMENTS

This section of the report informs how the applicant has addressed the outstanding items identified above before the application could proceed to Second Reading.

1. Hold a Public Information Session to gauge early feedback on the Proposal.

Village Council required BC Hydro to hold a Public Information Session, at their expense, in support of their application to rezone their downtown property to allow for an upgrade to their Field Office/Works Yard. As the use is currently legal non-conforming, the use cannot be expanded at this location unless the bylaw is amended to permit the use outright. As a means of gauging the community's sentiment toward this rezoning request, it was resolved that BC Hydro gather feedback from the community on their proposal to expand their semi-industrial operations at this location before the proposed amendment bylaw could receive Second Reading.

In accordance with Council's resolution (noted above in Background), the applicants held a Public Information Session on Thursday, October 26th, 2017 at the Pemberton Community Centre. BC Hydro's advertising for the public session consisted of advertisements placed in The Question on October 24th and the Pique Newsmagazine on October 26th and a sign posted at the Roundabout for a week in advance of the date. The event had been originally booked for October 18th, with earlier advertising but inclement weather necessitated the cancellation of that date, as such an amended sign was placed in advance of the second meeting at the Roundabout. In addition, information about the Public Information Session information was shared by the Village in the Village of Pemberton eNews, Facebook page and through direct emails to the Advisory Land Use Commission and Advisory Design Review Commission members and the Chamber of Commerce.

At the Information Session, story boards explaining the proposal and depicting the form and character of the new Field Office/Works Yard building and proposed landscaping were presented (attached as **Appendix A**). BC Hydro staff was available for questions and attendees were invited to provide written comments.

Following the Information Session, Jerry Muir, Community Relations Manager for BC Hydro, submitted the results of their engagement to the Senior Planner. In terms of attendance, BC Hydro advised that approximately twenty-five (25) people attended, nineteen (19) signed in and seven (7) comments were submitted. Comments received at the meeting are attached as **Appendix B**.

In summary, from the results of those who attended and commented, the majority appears in favour with the proposed redevelopment and pleased with the aesthetics of the anticipated design. Questions were raised about access and water service lines located within the informal laneway referred to as St. David's Laneway. Given that the property was subdivided many years ago, and the four (4) residential properties were formerly owned by BC Hydro, the servicing for these properties likely crossed the parent parcel. Unfortunately, when this property was subdivided, an easement was not included in the subdivision process. Consequently, BC Hydro will need to locate the service lines and inform the Village of how this will be resolved.

The Village also received a submission on the proposal from a resident of Pemberton that attended the Public Information Session that does not support the rezoning. These comments were received via the Village's website online submissions and the correspondence is included on the agenda for receipt by Council. A copy is also attached to this report as **Appendix C**. This resident raises concerns that the location of the BC Hydro Field Office/Works Yard in the Village's downtown (and the corresponding truck traffic) is incompatible with a pedestrian-oriented downtown core, and notes his preference for redevelopment of commercial and residential uses in their current location.

2. Submit a Development Permit outlining the design details of the proposed Field Office/Works Yard Upgrade

BC Hydro submitted an application for a major Development Permit (DP) for Form and Character of the Development - Downtown Revitalization on September 29, 2017. Review of the DP is in process and a staff report on the application will be presented to Council for consideration at a future meeting.

The proposed design of the upgrade is shown below in a rendering labelled **Figure 1**, as presented at the Public Information Session held October 26, 2017 (see **Appendix B**).

Figure 1: Rendering of the Proposed Field Office/Works Yard Upgrade and Landscaping



VIEW ACROSS ASTER ST.

The following is a summary of the design of the Field Office/Works Yard facility, as provided by the Applicants, with some preliminary comments from Planning Staff noted in *italics*.

- The design places the building at the rear of the site, away from the street.

Planning Staff Comment:

The front yard set-back in the C-1 zone is 0 m, to encourage developments to have an interesting and pedestrian scaled façade. Given the semi-industrial use of the property, it is preferable to have it set back from the property line, as proposed.

- It will be screened to recede in the background to maintain an appropriate scale with stored yard materials placed against the building and up against the hillside to keep out of the line of sight from the street.

Planning Staff Comment:

The proposed screening consists of landscaping along the front and new plantings along the eastern boundary of the site, as recommended by the ADRC (see referral comments). It should be noted that BC Hydro's Corporate Security Standards dictate the need for chain link fencing as shown in the attached drawings. They have been given a special dispensation for not providing barbed wire as they are using a higher cost alternate technology in lieu. Staff has been advised by BC Hydro that the chain link fencing cannot include dark mesh or standard slat inserts similar to what is used now due to BC Hydro's strict security standards.

- The new building is designed to the latest building standards for most components but will exceed the current building code to:
 - Seismically meet the higher standards for Post-Disaster dictated in the proposed new Building Code
 - Improve sustainability by shadowing LEED™ certification¹
 - Meet design requirements for 1:500 year flood protection
 - Reduce environmental impact and load on the Village's infrastructure by collecting and managing storm water surge onsite
 - Improve security by following Crime Prevention Through Environmental Design (CPTED) principles.

Planning Staff Comment:

Staff welcomes seismic and flood improvements and sustainability features. It should be noted that collecting and managing storm water on site and following Crime Prevention Through Environmental Design are required elements of any Development Permit in the Downtown DP Area No. 4.

The overall design includes:

- a) An architecturally finished wall dedicated for the display of public art at the corner of Aster Street and Dogwood Drive.

¹ Shadowing LEED certification means that they will follow the standards but not seek certification.

The DP application notes that *“the public face of the site along Aster Street will be addressed with a decorative fence, bookended with two architectural, board-formed concrete walls. One wall will have the ability to host public art at the prominent corner of Aster Street and Dogwood Drive, and the other wall will support identifying signage. A PMT (pad mounted transformer) located at the south-east corner of the site could be clad with decorative film as a further public art opportunity.”*

Planning Staff Comment

The concrete architectural features proposed at either end of the property frontage are an attractive design element. In terms of public art, the development would benefit from a voluntary gifting of an appropriate piece of public art or funding from BC Hydro to purchase a local piece as a community amenity contribution. It is unfortunate that a PMT is to be located between the sidewalk and the fence, but as the proposal notes, it does provide another opportunity for public art, if the proponents are required to “shrink wrap” it with local art pieces similar to what RMOW has done.

b) Improved Street and Area Lighting

Planning Staff Comment

Consideration of the style and intensity of the new lighting will be addressed through the DP application.

c) New concrete sidewalk with wheelchair let-down along Aster Street

Planning Staff Comment

Off-site improvements such as this are a standard requirement of Development Permits.

d) A public access pathway along the east side of the property

Planning Staff Comment

The public access pathway will allow pedestrian movement along the area between the property boundary and the rear of the small lots along Prospect Street, in place of the lane. The path does not currently lead to an established trail network rather; it leads to an informal trail traveling up/down the cliff to the United Church property. Future redevelopment of the adjacent properties on Prospect Street will be impacted by the removal of the lane (which is not presently protected by a formal easement but is located on the subject property), but the pathway could be beneficial in future if an easement is granted. The submission does not address the loss of the vehicular access to, and the siting of utilities serving the adjacent four small lots along Prospect Street.

BC Hydro has advised staff they have commissioned an electromagnetic and ground penetrating radar scan of the lane to see if they can locate any utilities in the next two weeks. Their consultants have been in contact with the Village’s Engineering Technician who has found an old “sketch” of the parcel before subdivision. Once they know if/where any services are located, then they will be in position to determine next steps.

- e) A landscape design that features an exterior that is an aesthetic fit to the existing and future streetscape

Planning Staff Comment

The property is currently screened by mature trees along Aster Street. The applicants have submitted a revised Landscape Plan as part of their DP application, which proposes to add more landscaping along the eastern portion of the chain link fence. The landscape plan will be accessed as part of the DP application.

- f) No parking variances have been requested as part of the Development Permit application.

3. Agree to Enter into a Land Use Agreement (Covenant) that outlines Community Amenity Contributions before Third Reading

The applicants have been made aware of the Village's policy on community amenity contributions, and are agreeable to meet with staff to discuss the potential of voluntary community amenities. This meeting will be required to take place before the Bylaw reaches Third Reading.

REFERRAL COMMENTS

Not all referral comments (external and internal) are available at this stage; they will be provided when the DP application is presented to Council. The following are the referral comments received to date:

a) Pemberton and District Chamber of Commerce

The Secretary-Treasurer of the Pemberton and District Chamber of Commerce advised the Village on October 10, 2017 that the Board of Directors had no further comments at this time regarding the Development Permit (DPA010) BC Hydro Site.

b) Advisory Design Review Commission

The Village's Advisory Design Review Commission met on October 11, 2017 to review the BC Hydro Development Permit Application and give feedback on the overall development concept. At that meeting the ADRC passed the following resolution:

Moved/Seconded

THAT the Advisory Design Review Commission recommends to Council that BC Hydro Development Permit Application (DPA-010) be supported conditional on the applicant providing the following:

- a) A lighting plan that includes specifications of fixtures, location of lights and how the art wall will be lit;
- b) Revised landscape plan that proposes more visual interest and better screens the east side of the building;
- c) A 3D representation of the site and buildings in order to represent views from different areas of the downtown.

AND THAT the Advisory Design Review Commission would like an opportunity to review the revised plans prior to consideration by Council.

CARRIED

Planning Staff Comment

*The DRAFT minutes of the ADRC meeting are attached as **Appendix D.***

PROPOSED AMENDMENT BYLAW

Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017, was given First Reading on July 25, 2017 as a means of demonstrating conditional support of the application. At that time, the proposed Zoning Amendment Bylaw was worded to define and permit a Works Yard use in the C-1 (Town Centre Commercial) Zone on a site-specific basis on *Lot 5, Plan 31658, D.L. 203, LLD, and is not permitted on any other lands in this zone.* The Bylaw at First Reading is attached as **Appendix E.**

Staff is now recommending that Zoning Amendment Bylaw No. 821, 2017 be reworded to rezone the property from C-1 back to P-1 (Public), the version attached as **Appendix F**, and to add to the list of permitted uses in the P-1 Zone “Works Yard” as similarly defined below:

Works Yard

means the use of Land, Buildings and Structures operated by, or on behalf of, the Village of Pemberton, Province of British Columbia or Government of Canada, for the interior and exterior storage, maintenance or repair of buildings, infrastructure, materials or equipment. The use may include office space but excludes communication tower and/or electrical sub-station.

This revised approach would change the zoning of the subject property back to its original zone of P-1 (Public), which is what the property was zoned before the adoption of Zoning Bylaw No. 466, 2001. The Works Yard use could thus be permitted on a site specific basis in the P-1 zone on the subject property only, thus facilitating BC Hydro’s redevelopment plans at 1363 Aster Street.

Planning staff feel that this approach more accurately reflects the long standing public utility use of this property in this location, rather than permitting it as a site specific use in the C-1 zone.

COMMUNICATIONS

Subject to Section 464 of the *Local Government Act*, a Public Hearing must be held for both OCP and the Zoning Amendment Bylaws, after first reading of the bylaw and before third reading. Notice of the Public Hearing will be given as per s. 466 of the *LGA [RSBC 2015]* in the form of two (2) ads published in the local newspaper within the specified time period and notification being sent to adjacent property owners. It will also be advertised on the Village’s website and Facebook Page and included in the eNews.

LEGAL CONSIDERATIONS

The processing of a Rezoning application is regulated by various sections contained in Part 14 of the *LGA [RSBC 2015]* and by the Village's *Development Procedures Bylaw 725, 2013*, as amended from time to time.

Bylaws that have received First Reading may be amended before Second Reading without a requirement to rescind First Reading.

IMPACT ON BUDGET & STAFFING

The research and preparation of this report is a component of the daily work undertaken by the Development Division of the Operations & Development Services Department. All costs associated with the processing of this application, including staff time, are recoverable from the applicant's fees as per the Village's *Development Procedures Bylaw 725, 2013*, as amended from time to time.

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

There are five options:

1. Council may give Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 (attached as **Appendix F**) Second Reading based on the information provided in this report, and Schedule a Public Hearing.

This is the recommended option.

2. Council may choose to give Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 (attached as **Appendix E**), based on the original wording of the Bylaw (i.e., allowing the use as a site specific use in the C-1 zone in this location) and schedule a Public Hearing.

This option is also supported by staff, but is not preferred as it is felt the use is better suited under a P-1 zone than the C-1 Town Centre Commercial zone. Both bylaw amendment options are compliant with the OCP.

3. Council may choose to give the Zoning Amendment (BC Hydro Field Office/Works Yard/Works Yard) Bylaw No. 821, 2017 (attached as **Appendix F**) Second Reading but not schedule a Public Hearing until the Development Permit Application is presented in full. This would allow both public and Council to review the entire submission before the Public Hearing takes place.

The benefit to this approach is that Council and the public will have a fuller understanding of how the proposed development meets the Downtown Revitalization guidelines contained in the OCP as the future report will include more details and

comments from engineering and the ADRC. However, this approach will hold up the rezoning process.

4. Council may refuse the rezoning application.

If Council were to decide that the semi-industrial use, regardless of how it is zoned, is not appropriate given its location in the Town Centre and regardless of what the ultimate end design of the Field Office/Works Yard upgrade will look like, it can refuse to give the rezoning application further readings.

5. Council may provide another option.

POTENTIAL GOVERNANCE CONSIDERATIONS

Responding to the proposed Zoning Amendment Applications is consistent with Strategic Plan Priority One: Economic Vitality to foster investment within the Village and Priority Three: Excellence In Service through the continuation of delivering quality municipal services by processing development applications efficiently.

RECOMMENDATION

THAT Zoning Bylaw No. 466, 2001, Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017, (attached to this report as Appendix F), be given Second Reading;

AND THAT a Public Hearing for Village of Pemberton Zoning Bylaw No. 466, 2001, Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 be scheduled for 7 PM Tuesday, December 5th, 2017, at Council Chambers.

Attachments:

Appendix A – Community Information Session Story Boards, October 26, 2017

Appendix B – Results of the Community Information Meeting

Appendix C – Submission to Council opposing Rezoning Application

Appendix D – ADRC Minutes, October 11, 2017

Appendix E – Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 - as presented for First Reading

Appendix F – Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 – preferred version for Second Reading

Submitted by:	Lisa Pedrini, Village Planner
Manager Approval by:	Tim Harris, Manager of Operations and Development Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

Date: July 25, 2017

To: Nikki Gilmore, Chief Administrative Officer

From: Lisa Pedrini, Village Planner

Subject: Zoning Amendment (BC Hydro Field Office) Bylaw No. 821, 2017
Rezoning Application - BC Hydro Field Office Upgrade

PURPOSE

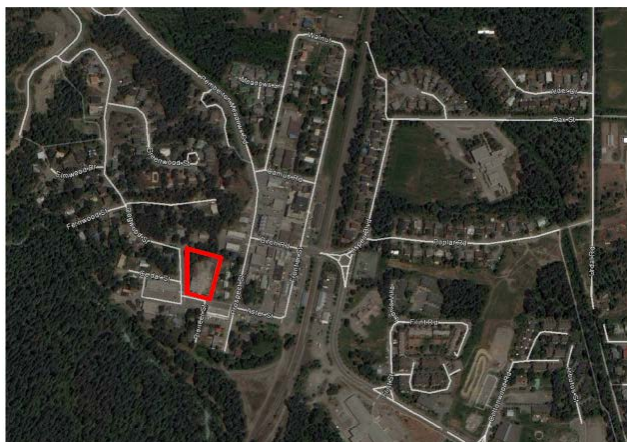
The purpose of the report is to present information on an application to amend the Village Zoning Bylaw to facilitate an upgrade to the existing BC Hydro field office/works yard at 1363 Aster Street. Included in the report is information on the development proposal as supplied by the applicants and includes agency referral, Village Advisory Land Use Commission's (ALUC) and staff comments for Council's consideration related to the development concept and presents a Zoning Bylaw Amendment for a site-specific amendment to the C-1 zone to allow limited utility uses to occur on land legally described as Lot 5, DL 203, Plan 3165, LLD for First Reading.

This report also presents a summary of the identified action items that must be addressed by the Applicant before the application can proceed to Second Reading.

BACKGROUND

BC Hydro has been operating a works yard on their property in Pemberton located at 1363 Aster Street (the northeast corner of Aster and Dogwood) in Pemberton's downtown since the 1950's. The area of the property is approximately 5,200m² (0.517 ha) in size. The property encompasses the area currently used as the lane known as St. David's Lane that provides rear access to the four adjacent residential lots along Prospect Street. The location of the development is shown below in Map A.

MAP A – BC HYDRO FIELD OFFICE/WORKS YARD



SITE LOCATION PLAN

The site contains numerous older buildings and structures built over 60 years ago, and has been used as a storage and workshop facility for BC Hydro vehicles and equipment.

The subject property is designated “Downtown” in the Village of Pemberton Official Community Plan (OCP). The Downtown Designation includes ‘*a diversity of uses such as residential, commercial, services, mixed use, civic, institutional, assembly, parks and open spaces, light industrial and transportation and utilities uses.*’

The subject property is zoned “Town Centre Commercial (C-1)” in the Village Zoning Bylaw No. 466, 2001. However, the property’s use as a public utility works yard is not among the list of permitted uses in the C-1 Zone. Given that the current use does not conform to the list of permitted uses in the C-1 Zone, the use and building are both considered legal non-conforming.

A historical review of previous Zoning Bylaws revealed that this use was conforming in the former Zoning Bylaw No. 247, 1989 as well as in the original Zoning Bylaw No. 152, 1983. In both previous iterations of the bylaw the site was zoned “Public (P1)” and was explicitly permitted as “public utility use”.

With the adoption of Zoning Bylaw 466 in 2001, the subject property’s zoning changed from “Public (P-1)” to “Town Centre Commercial (C-1)”, presumably to eventually cease the public utility use in this location in the future and facilitate its future redevelopment into a permitted use. The intent of the C-1 Zone in Zoning Bylaw 466, 2001 is to “*accommodate uses usually found in a town centre.*” When this Bylaw was adopted in 2001, it appears that the following additional commercial/light industrial uses (that had been previously permitted) were not carried forward:

- “Sign Shop”;
- “Tire Dealer”;
- “Appliance and Repair Store”;
- “Car Wash” and
- “Combined Hardware and Covered Building Supply”.

However, four specific commercial/light industrial uses in the C-1 Zone were grandfathered on a site-specific basis. The uses that were intentionally allowed to continue in the C-1 Zone include:

- “Auto Repair Shop” (currently Black’s Tires);
- “Equipment Servicing, Rental and Repair Shop” (Valley Chainsaw);
- “Glass & Mirror Repair Shop” (Mountain Glass) and
- “Gasoline Service Station” (currently AC Gas).

While records of the Village’s Zoning Bylaw review that took place in 2000-2001 are not available, it appears the rationale for this change may have been to remove the ability to develop certain light industrial uses incompatible to the Town Centre (those that did not yet exist at the time) albeit allow other long-standing businesses to remain. Nonetheless, when the new Official Community Plan was adopted in 2011, it continued to contemplate a diversity of uses including “light industrial” and “utility” uses in the Downtown.

DISCUSSION & COMMENTS

David Mate, Agent on behalf of BC Hydro, submitted an application to upgrade the BC Hydro field office/works yard on February 14, 2017¹ and. The redevelopment is proposed to include a new main building and out-building with covered storage. The current facility no longer meets BC Hydro's operational needs and safety standards as the field office building is in poor condition and requires upgrades to meet the present building code. The applicants were advised that in order for BC Hydro to redevelop the site they must seek an amendment to the Zoning Bylaw to explicitly permit the utility use at this location due to its legal non-conforming status. The *Local Government Act* stipulates that a non-conforming use cannot be extended (enlarged) and may remain only if the use does not change or cease to exist for longer than six (6) months.

Before submitting the rezoning application, BC Hydro sought alternative locations for a new field office/works yard. Their site selection process included screening prospective properties in accordance with a comprehensive list of requirements to operate as post-disaster, including the property being:

1. Outside of the ALR
2. Outside of the floodplain
3. North of Suicide Hill and south of Mount Currie
4. Fully serviced with water, sewer, power, etc.
5. Not too expensive in order to fit within the overall project budget, including an analysis of selling the existing property, and re-building on an alternative property
6. Composed of good geotechnical soils
7. Free of environmental contamination
8. Outside of Federal and Provincial lands, including Reserve lands
9. Outside of residential areas
10. Level site with access for trucks
11. 1.5 acres and fairly rectangular

The Village has been informed that, initially, 54 properties were identified; however, after applying the first five (5) criteria, 51 of the 54 were eliminated. Only three (3) properties were identified as having potential (shown in orange in **Appendix A**). Unfortunately, the three (3) properties also failed to meet the test of the requirements listed. BC Hydro concluded that all properties, including their current property, had issues, but that the current site was best able to meet their requirements and needs.

PROPOSED DEVELOPMENT CONCEPT

The proposed development concept is for a new Pemberton Field Office that will work in concert with BC Hydro's other regional facilities to support a coordinated response to operational requirements. The proposed development will be 1,039 sq. m. (11,200 sq. ft.) consisting of:

- A Two (2) Storey Building containing three (3) full-sized vehicle bays, warehouse, workshop & various offices
- Support spaces i.e., uncovered storage areas
- Employee amenities

¹ <http://www.pemberton.ca/public/download/documents/42244>

MAP B: PROPOSED DEVELOPMENT SITE PLAN



The existing building and slab would be removed and a new field office would be re-located at the northern edge of the lot, with a new concrete apron fronting it, leaving plenty of room for exterior storage onsite. Existing trees and the green slope along Dogwood Street would remain. Parking would be located on the eastern edge of the property. A new fence would be constructed with dedicated space for public art. Existing trees along the Aster would remain.

The proposed development is expected to be constructed in a single phase, in a manner that allows the existing building to continue to be used throughout the upgrade.

PHOTOS 1 & 2: EXISTING CONDITIONS



Photograph 1: Site building – looking southwest

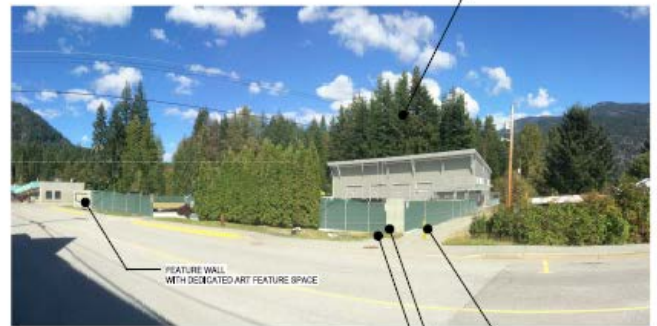


Photograph 2: Storage shed on west portion of the Site – looking west

PHOTOS 3 & 4: EXISTING & PROPOSED VIEW FROM SOUTHEAST CORNER



EXISTING VIEW FROM SOUTH EAST CORNER



PROPOSED VIEW FROM SOUTH EAST CORNER



PHOTOS 5 & 6: EXISTING & PROPOSED VIEW FROM SOUTHWEST CORNER



EXISTING VIEW FROM SOUTH WEST CORNER



PROPOSED VIEW FROM SOUTH WEST CORNER



REVIEW OF DEVELOPMENT CONCEPT

Affordable Housing

- The proposal does not include any residential development.
- Given that combined commercial residential development is a permitted use in the C-1 zone, should this application not be approved, there is future potential to see the site re-developed to include residential uses, including the potential for affordable units.
- At this time it would be difficult to predict the number of a future residential uses that could be included on this site but it is highly likely that apartments, considered to be a more affordable option on the spectrum of affordability in relation to housing type, are a high potential.

Amenity Contributions

- It is standard for the Village to see a voluntary contribution from applicant at the time of rezoning for certain community amenities to help address the burden which new development imposes on the demand for public facilities, services and amenities. Village

Staff will approach the proponents of this development with respect to discussing a possible Community Amenity Contribution (CAC).

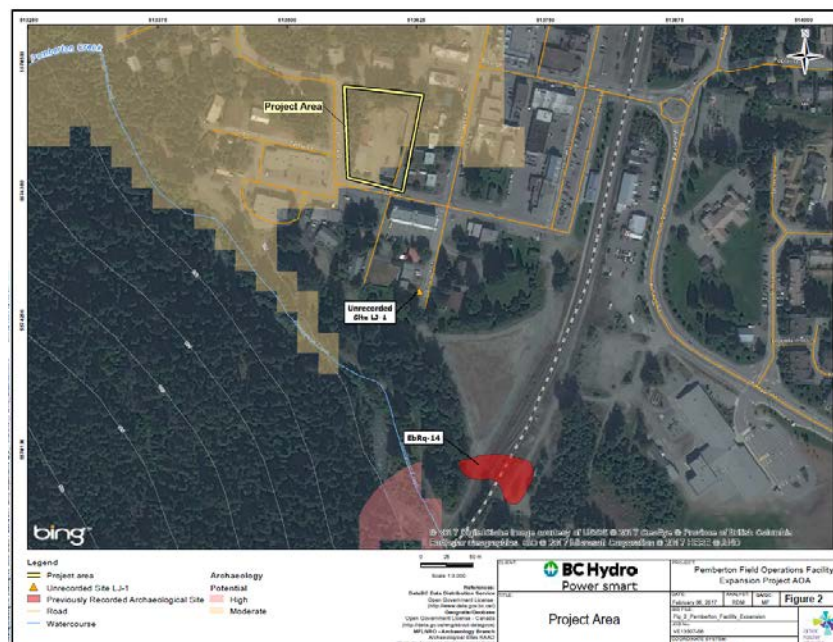
- There are several ways that municipalities can approach securing amenity funds at rezoning. The Village can utilize amenity zoning or the funds can be secured through a legal agreement like a Land Development Agreement or Restrictive Covenant.

Planning Staff Note: Village staff will seek to negotiate a voluntary amenity contribution as part of the rezoning process.

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.
- Amec Foster Wheeler, in association with a representative of the Lil'wat Nation, conducted an archeological overview assessment (AOA) of the site. The objectives of the AOA were to assess archaeological potential and identify any conflicts with archaeological resources in support of an application to rezone the subject property and upgrade the existing facilities.
- The Assessment concluded that there are landscape characteristics associated with low to moderate archaeological potential within the BC Hydro property especially in undisturbed areas of the site, given its similarity to other recorded sites within 5 km.
- It is recommended that a pre-construction archaeological impact assessment (AIA), in snow free conditions, be undertaken of the moderate potential terrain location outside the Field Operations Facility fence line to identify if any archaeological resources may be present. Depending on the results of the pre-construction AIA, monitoring and spot-screening may be required.

MAP C: NEARBY ARCHAEOLOGICAL SITES



Development Services Staff Comment: *That in the event that archaeological resources be uncovered during development of the site, the appropriate protocols be followed with respect to notifying the provincial archaeology branch.*

Downtown Revitalization (Official Community Plan)

Pursuant to the Village Official Community Plan (OCP), the subject property is located within the Downtown Revitalization Development Permit (DP) Area No. 4, whereby the Village encourages enhancements and redevelopment of the downtown area to provide a more vibrant environment for businesses, residents and visitors. The objectives of the Downtown Revitalization DP Area are an effort to fulfill the following:

- *Enhance Pemberton's authentic identity by providing a framework for the character and form of buildings, landscaping, streetscapes and circulation.*
- *Create a strong sense of arrival to the Pemberton community through natural and built gateway elements.*
- *Accommodate and integrate infrastructure needs with parking and transit.*
- *Showcase and enhance the surrounding natural features, heritage landmarks, open spaces and parks.*

These objectives were based on the findings of the Downtown Enhancement Strategy, http://www.pemberton.ca/media/15150/draft_strategy_may_27_09.pdf, endorsed by the Village of Pemberton in 2009. The Downtown Enhancement Strategy prioritizes a mix of land uses at increased densities, a strong sense of arrival, pedestrian friendly streetscapes, and focused and designed open spaces/landscaping. Opportunities to provide public art, streetscape furniture and lighting that share Pemberton's authentic identity and landscaping features that showcase natural assets are to be encouraged in the Downtown.

The area of the downtown where the subject property is located is shown below in pink, conceptualized in the Strategy as "Redevelopment/ Potential Mixed Use".

MAP D: DOWNTOWN ENHANCEMENT STRATEGY CONCEPTUAL LAND USE



- As such, the request needs to be reviewed in the context of the OCP and the Downtown Enhancement Strategy. The continuation of the existing land use unfortunately does not provide design elements that contribute to a strong sense of place, pedestrian friendly streetscapes, or publicly inviting open spaces/landscaping. The applicants have offered to improve the aesthetic of the security fencing by buffering it with additional landscaping and providing a feature wall at the southeast corner that could display public art (potentially First Nations inspired). But given the nature of the site's operations, staff has been advised that security fencing is mandatory.
- This proposed upgrade will improve the site as is; however, consideration of the redevelopment potential of the entire downtown block should be discussed. The proposed development limits what can be done in terms of a comprehensive development plan for this parcel in combination with the lots along Prospect Street that contain the smaller "company" homes.
- Should the application be supported, staff will ensure that the redevelopment will follow the Downtown Revitalization Development Permit Guidelines for Form and Character to the extent possible. The end design of the Field Office site should be considered at the same time as the land use change to fully comprehend the implications of approving this rezoning application.

Development Services Staff Comment: *It is recommended that the Development Permit Application for this project be submitted and evaluated concurrently with the zoning amendment application, in order to allow Council and the community to gain a sense of the form and character of the design of the new field office and other site improvements.*

Environmental Considerations

- BC Hydro retained Keystone Environmental to complete an Environmental Site Assessment (ESA) of the subject property in February 2017.
- The Executive Summary notes "*with the exception of hydrocarbon contamination to be present in the vicinity of the pole bunks, if any, there is considered to be a low potential for constituents of concern to be present in the site soil, groundwater and/or vapour at concentrations greater than the applicable CSR land and water use standards*"
- Keystone Environmental goes on to summarize that contamination associated with pole bunks would be minor and localized and since the site is intended to be redeveloped, this matter could be dealt with at the time of site preparation for redevelopment.

Development Services Staff Comment: *Staff will have the ESA peer reviewed at the Development Permit or Building Permit Stage.*

Fire Protection

- The Fire Chief did not identify any concerns with the proposed application.

Roads and Access

- The proposed development site will be accessed from Aster Street along the southern edge of the property. It is assumed that most traffic generated from the proposed

development will be heading east from the site to access Highway 99 via Pemberton Portage Road.

- The intersection of Aster and Dogwood has an unconventional configuration that can result in driver confusion and pedestrian and cyclist safety. The Village tasked ISL Engineering to create options for intersection improvements in 2010 for another project. Staff forwarded these options (attached as **Appendix B**) to the BC Hydro team with the intent that they be reviewed and contemplated, should it be required that off-site upgrades are required or recommended as part of the site upgrade.
- Binnie and Associates analyzed the four options for improving the Aster Street and Dogwood Street intersection including:
 1. All-Way Stop-Control
 2. Two-Way Stop-Control
 3. Painted Centre Traffic Circle
 4. Modern Roundabout
- Their findings note that the Village consider the All-Way Stop-Control (Option 1) based on the information provided, as this option will require the least amount of adjacent property acquisition for construction. Their analysis states that this option is also expected to provide safer operations for pedestrians, and cyclists compared to the existing configuration. In addition, it notes that for the driveway access to the subject property, the civil designer should ensure that adequate site lines are available to egress traffic from the proposed development. Binnie also concluded that while the Painted Centre Traffic Circle and Modern Roundabout options would also provide safer operations, the All-Way Stop-Control was preferred; given the [present] low traffic volumes at this intersection.

Operations & Development Services Staff Comment: *The analysis of the various options for intersection improvement was based on the traffic impact study prepared for the application in question. It did not anticipate the increase in traffic that may result if/once development of the Benchlands proceeds. It will be up to the Village of Pemberton to determine if upgrades to existing roads will be required as part of this development.*

Site Servicing and Infrastructure

- The Village's Consulting Engineer, Richard Avedon-Savage, P. Eng. of ISL Engineering, has reviewed the redevelopment proposal and offered the following comments on June 5, 2017 (**Appendix C**):

Water Supply and Sanitary Connection

Part of the development permit application process requires an evaluation of the water and sanitary sewer servicing be completed for this project. Pursuant to the Village's Subdivision and Development Control (SDC) Bylaw No. 677, 2011, the Village of Pemberton requires the Developer to cover the Village's engineering consultant's cost to update and evaluate both the water and sanitary system models as they pertain to any proposed works. These computer models must be maintained by the Village to ensure the existing infrastructure is adequately sized to supply sufficient capacity for the developing community.

Offsite sanitary and water infrastructure improvements may be required once the design flows have been provided to the Village and the existing systems including pipe networks, pump stations, forcemains and other related infrastructure have been evaluated.

Engineering Staff Comment: *Both a comprehensive water supply strategy, to the satisfaction of the Village, and a comprehensive sewage supply strategy to the satisfaction of the Village, will be required before any redevelopment is permitted on the subject lands.*

Storm Management

A connection to the existing storm sewer is shown on the servicing drawings. However, under item 6 titled "BC Hydro Rezoning Rationale" of the Rezoning application; the storm water management system is noted as "not tying into the Village storm system, BC Hydro is reducing its environmental footprint and its load on the Village's infrastructure."

Engineering Staff Notes: *The applicant will need to confirm intent of any stormwater discharge offsite. Confirmation of downstream storm capacities are required if there is a connection to the offsite storm sewer. A comprehensive storm water management strategy, to the satisfaction of the Village, will be required before any redevelopment is permitted on the subject lands.*

Sidewalks

The existing sidewalk fronting the development is asphalt surfaced. This will require upgrading to a concrete sidewalk including a concrete letdown for the driveway entrance to the proposed development and cross walk at Dogwood Drive and Aster Street.

Power, Telephone and Street Lighting

Underground Hydro/Tel is required for the proposed development. The applicant is requested to provide Electrical drawings showing the electrical and communication infrastructure. A typical trench detail is required on the drawings for all offsite infrastructure works. Streetlights are required along the frontage of Aster Street and Dogwood Drive.

Engineering Staff Note: *The applicant will need to provide a Streetlight Plan, to the satisfaction of the Village, prepared by a Professional Engineer registered in the Province of British Columbia and in good standing.*

Offsite Works and Services

Upon acceptance of the proposed offsite works and services, a detailed construction cost estimate will be required by the Village of Pemberton and will form the basis for the Servicing Agreement and any bonding requirements. The Developer will be required to enter into a Servicing Agreement with the Village of Pemberton for all site improvement works as outlined in the current SDC Bylaw.

Traffic Impacts

- The proponents retained R.F. Binnie & Associates Ltd. to prepare a traffic impact study for the proposed redevelopment to review the background traffic conditions within the study area and estimate the potential site generated traffic volumes on the surrounding road network and propose necessary strategies to manage them.
- The Traffic Impact Study concluded that transportation improvements were not necessary to support the traffic generated by the re-development. The study notes that the Village Zoning Bylaw would require thirty-eight (38) off-street parking spaces, two accessible parking spaces, and one loading space to be provided. The proponents are seeking a variance to reduce this to six (6) in total. This variance requested will be considered as part of the review of the Development Permit Application, should the rezoning application be approved.

Planning Staff Comment: *A review of the Traffic Impact Study was completed by ISL Engineering (**Appendix C**). Prior to consideration of 2nd reading, any comments and/or questions must be addressed by the applicant.*

REFERRAL AGENCY COMMENTS

a) Advisory Land Use Commission

The Village's Advisory Land Use Commission met on May 29, 2017 to review the BC Hydro Zoning Amendment application and give feedback on the overall development concept. At that meeting they passed the following resolution:

Moved/Seconded

THAT the ALUC recommends that Council support a site specific zoning amendment to the C-1 Zone to allow an electric utility works yard & field office subject to the following conditions:

- That the use explicitly excludes communication tower &/or electrical sub-station;
- That the new building be built to a high architectural standard in keeping with Form and Character Development Permit Guidelines for the downtown (DP Area #4 - Downtown Revitalization);
- That BC Hydro and the Village work together to improve the traffic flow at the intersection of Aster Street and Dogwood Street;
- And That Council consider holding the amendment at third reading until they are satisfied the site, architectural, and landscape plans for the subject property meet the Village's Form & Character Guidelines for Downtown Revitalization.

CARRIED

Planning Staff Comment: *The minutes of the meeting are attached as **Appendix D**.*

b) Pemberton and District Chamber of Commerce

The Secretary-Treasurer of the Pemberton and District Chamber of Commerce advised the Village on May 30, 2017 that the Board of Directors had been unable to reach a consensus on the referral given strong opinions held by the Board members either in support of and opposed to this requested change. The Board resolved to provide independent anonymous comments on the requested change. The comments as submitted are attached as **Appendix E**.

Planning Staff Comment: *In order to ensure that referrals sent to affected agencies result in a clear direction, staff will respectfully request that in future the Chamber Board of Directors pass a motion outlining either support, conditional support or opposition, and to itemize specific concerns with a proposal rather than forwarding individual comments.*

PROPOSED BYLAWS

At this time, Planning Staff are introducing for Council's consideration Zoning Amendment (BC Hydro Field Office) Bylaw No. 821, 2017, for First Reading as a means of demonstrating conditional support of the application. The proposed Zoning Amendment Bylaw is attached as **Appendix F**.

The proposed bylaw permits Works Yard use in the C-1 Zone on a site-specific basis and thus amends Zoning Bylaw No. 466, 2001, to:

- (1) Add a definition of "Works Yard" to Section 104 - Definitions; and
- (2) Add "Works Yard" to "Section 306.1 - Permitted Land Uses" of the C-1 Zone, with a notation that "*This use shall only be permitted on Lot 5, Plan 31658, D.L. 203, LLD, and is not permitted on any other lands in this zone.*"

Staff is recommending that the following items be addressed prior to Second Reading and the scheduling of a Public Hearing:

1. Developer Led Public Open House

It is recommended by Development Services staff that the Applicants hold a Public Information Meeting, at their cost, or design another appropriate means of public engagement (online engagement) to obtain input from the community around the proposed zoning amendment. Public outreach would help to gauge the level of positive support for these changes and assist Council in making an informed decision on this application.

Information presented at the Public Information Meeting, or through another means supported by staff, should explain how the proposed land uses adhere to the Village's Community Vision for the Downtown, as expressed through the OCP.

2. Submission of a Downtown Revitalization Development Permit/Variance Application

It is recommended, and supported by the ALUC's recommendation, that the Applicants submit a full Development Permit (DP) Application for Form and Character of the new development to be considered in tandem with the Rezoning Application. This DP application would include BC Hydro's request for an off-street parking requirement variance from thirty-eight (38) spaces to six (6) spaces for employee parking, as indicated in the Traffic Impact Analysis.

3. Draft Land Use Agreement

It is standard practice for the Village to secure certain items at rezoning through the use of a Land Development Agreement or Restrictive Covenant between the Applicant and the Village prior to Adoption. It is recommended that any negotiated amenities, such as, but not limited to, CAC's be secured through a land use agreement that is developed by the applicant and staff working together before the Bylaw receives Second Reading. Other items that may also be deemed appropriate for inclusion in the proposed Land Use Agreement are as follows.

- Alternative Egress/Road Improvements/Traffic Calming Measures
- Formalized use of the rear land by Prospect Street property owners
- Landscaping/Buffering / Fencing as per the Village's standards
- Public Art and Streetscape Improvements
- Green Initiatives – i.e., plans for the upgraded Field Office to be as energy efficient as possible.

COMMUNICATIONS

Subject to Section 464 of the *Local Government Act*, a Public Hearing must be held for both OCP and the Zoning Amendment Bylaws, after first reading of the bylaws and before third reading. Notice of the Public Hearing will be given as per s. 466 of the *LGA [RSBC 2015]*.

In addition, if deemed beneficial by Council, additional public outreach may be facilitated by the Village through "Have Your Say" sessions.

LEGAL CONSIDERATIONS

The processing of an OCP Amendment and Rezoning application is regulated by various sections contained in Part 14 of the *LGA [RSBC 2015]* and by the Village's Development Procedures Bylaw 725, 2013, as amended from time to time.

IMPACT ON BUDGET & STAFFING

The research and preparation of this report is a component of the daily work undertaken by the Operations & Development Services Department. All costs associated with the processing of this application, including staff time, are recoverable from the applicant's fees as per the Village of Pemberton Development Procedures Bylaw 725, 2013, as amended from time to time.

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 / NEXT STEPS

There are five options:

1. Council may choose to give the Bylaw First Reading and withhold Second Reading until the Applicant performs the following:
 - Holds a public information session or staff supported online engagement strategy seeking public sentiment on the proposed development, at their own expense, and forwards the consultation results to the Village Planner;
 - Submits a Development Permit/Development Variance Application outlining refined detail with respect to the form and character of the proposed Field Office and the nature of its parking requirement variance request;
 - Agrees to enter into a Land Use Agreement and works with staff to develop a Draft Covenant that outlines negotiated Community Amenity Contributions before Third Reading.
2. Council may choose to give the Bylaw both First and Second Reading prior to a Public Information Meeting, the submission of a full Development Permit Application. Staff does not support this option as it is important that the design be presented to demonstrate the visual effect on the downtown.
3. Council may choose to not give the Bylaws First Reading at this time, and request that the Applicant hold a Public Information Meeting before any Bylaw Readings are contemplated. Staff feels that even though the application would benefit from some indication of early community input, Staff is prepared to support giving the Bylaws First Reading at this time; however, Staff strongly recommends holding off the consideration of Second Reading until the items outlined in this report are submitted.
4. Council may refuse the application.
5. Council may provide another option.

POTENTIAL GOVERNANCE CONSIDERATIONS

Responding to the proposed Zoning Amendment Applications is consistent with Strategic Plan Priority One: Economic Vitality to foster investment within the Village and Priority Three: Excellence In Service through the continuation of delivering quality municipal services by processing development applications efficiently.

RECOMMENDATIONS

THAT Zoning Bylaw No. 466, 2001, Amendment (BC Hydro Field Office) Bylaw No. 821, 2017 be given First Reading;

AND THAT Second Reading of Zoning Bylaw No. 466, 2001, Amendment (BC Hydro Field Office) Bylaw No. 821, 2017 not be considered until the Applicant:

- Holds a public information session or staff supported online engagement strategy seeking public sentiment on the proposed development, at their own expense, and forwards the consultation results to the Village Planner;
- Submits a Development Permit / Development Variance Application outlining refined detail with respect to the form and character of the proposed Field Office and the nature of its parking requirement variance request;
- Agrees to enter into a Land Use Agreement and works with staff to develop a Draft Covenant that outlines negotiated Community Amenity Contributions before Third Reading.

Attachments:

- Appendix A – Alternate Locations & Constraint Mapping
- Appendix B – Proposed Intersection Improvement Options
- Appendix C – ISL Correspondence, June 5, 2017
- Appendix D – ALUC Minutes, May 29, 2017
- Appendix E – Chamber of Commerce Board of Directors’ comments
- Appendix F – Amendment (BC Hydro Field Office) Bylaw No. 821, 2017

Submitted by:	Lisa Pedrini, Village Planner
Manager Approval by:	Tim Harris, Manager of Operations and Development Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer