

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

Agenda for the **Regular Meeting** of Council of the Village of Pemberton to be held Tuesday, December 12, 2017, at 5:30 p.m. at the **Council Chambers, 7400 Prospect Street**. This is Meeting No. 1461.

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

<u>Item of Business</u>	Page No.
1. CALL TO ORDER	
In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.	
2. APPROVAL OF AGENDA	1
Recommendation: THAT the Agenda be approved as presented.	
3. RISE WITH REPORT FROM IN CAMERA (CLOSED)	
4. ADOPTION OF MINUTES	
a) Regular Council Meeting No. 1460 – Tuesday, November 21, 2017	5
Recommendation: THAT the minutes of Regular Council Meeting No. 1460, held Tuesday, November 21, 2017, be adopted as circulated.	
5. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING	
a) Communications Policy	
Note: The Communications Policy was adopted at the Regular Meeting on November 21 st , 2017, however the old Communications Policy was not rescinded. Therefore, a recommendation to rescind the 2008 Policy is provided below.	
Recommendation: THAT the Communications Policy, dated 2008, be rescinded.	
6. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE	
There is no business arising from Committee of the Whole.	
7. COMMITTEE MINUTES - FOR INFORMATION	
There are no Committee Minutes for presentation.	
8. BYLAWS	

a) Bylaws for Third and Fourth Readings

i. Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 – Third and Fourth Readings 14

Recommendation: THAT Village of Pemberton Zoning Bylaw No. 466, 2011, Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 be given Third Reading.

Recommendation: THAT Village of Pemberton Zoning Bylaw No. 466, 2001, Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 be given Fourth and Final Reading.

9. REPORTS

a) Operations and Development Services Department

i. Development Permit Application (DPA010) - 1363 Aster Street BC Hydro Field Office/Works Yard 29

Download Appendices:

<https://www.pemberton.ca/public/download/documents/46550>

Recommendation: THAT the Development Permit Application No. 010 (BC Hydro Field Office/Works Yard Development) be approved subject to the following conditions:

- That a landscape plan, prepared by a professional Landscaping Company, be submitted and approved by Village Staff, as well as a cost estimate of landscaping works and security deposit (in the form of an Irrevocable Letter of Credit or equivalent) to complete the works. The landscaping should include an irrigation program and conform to the Village's Plant List;
- That a Comprehensive Building Sign Plan be submitted and approved by Village Staff;
- That BC Hydro be required to install Village approved decorative wrap around the Pad Mounted Transformer (PMT);
- That the surface parking spaces be paved and specifically demarcated;
- That all engineering requirements be approved by Village staff;
- Any proposed future building signs be approved by Village staff in conformance with the Village of Pemberton Sign Bylaw.

ii. SLRD Regional Growth Strategy Amendment Bylaw No. 1514-2017 42

Recommendation: THAT the Squamish-Lillooet Regional District be informed, before January 8, 2018, that the Village of Pemberton accepts the Squamish-Lillooet Regional District Growth Strategy Bylaw No. 1062, 2008, Amendment Bylaw No. 1514, 2017.

- b) Office of the Chief Administrative Officer
 - i. Roaming Horses – Verbal Update
- c) Corporate and Legislative Services Department
 - i. Crown Land Tenure Licence 242125 (One Mile Lake Area) – Extension Application 72

Recommendation: THAT the Replacement Application for a thirty year Lease Agreement over **THOSE PARTS OF DISTRICT LOTS 239 AND 5444, TOGETHER WITH THAT PARCEL OR TRACT OF LAND IN THE VICINITY OF DISTRICT LOT 259, LILLOOET DISTRICT**, containing 56.42 hectares, for a Regional Park purpose be approved.
- d) Mayor’s Report
- e) Councillor Reports

10. BYLAWS

- a) Bylaw for First, Second and Third Reading
 - i. Site Alteration Bylaw No. 822, 2017 – First, Second and Third Reading 75

Recommendation: THAT Site Alteration Bylaw No. 822, 2017, be given First, Second and Third Reading.

11. CORRESPONDENCE

- a) For Action
 - i. Jamee Justason, Executive & Association Services Coordinator, UBCM, dated November 23, 2017, providing notice of upcoming 2018 Lower Mainland LGA Events. 112

Recommendation: THAT Council provide direction.
 - ii. Pamela Goldsmith-Jones, Member of Parliament, dated November 28, 2017, requesting feedback on the proposed framework for excise duties on all cannabis products via written comments to the Department of Finance by December 7, 2017. 114

Recommendation: THAT Council provide direction.
 - iii. Terry Rysz, Mayor, District of Sicamous, dated November 29, 2017, requesting support for prevention of Quagga and Zebra mussels in BC lakes, and provision of a template letter of support to submit to the Minister of Environment and Climate Change Strategy in this regard. 115

Recommendation: THAT Council provide direction.

b) For Information

- i. Pamela Goldsmith-Jones, Member of Parliament, dated November 22, 2017, announcing Canada’s National Housing Strategy. 120**

Recommendation: THAT the above correspondence be received for information.

- ii. Pamela Goldsmith-Jones, Member of Parliament, dated November 27, 2017, providing an update on Phase II of the federal government’s 2018 infrastructure investment plan, “Investing in Canada Plan”. 121**

Recommendation: THAT the above correspondence be received for information.

- iii. Mike Farnworth, Minister of Public Safety and Solicitor General, dated November 30, 2017, providing a response to the Village’s concerns regarding legalization and regulation of non-medical cannabis and request for an extension to provide feedback. 122**

Recommendation: THAT the above correspondence be received for information.

- iv. Lisa Beare, Minister of Tourism, Arts and Culture, dated December 1, 2017, following up on discussions from the 2017 UBCM Convention. 124**

Recommendation: THAT the above correspondence be received for information.

12. DECISION ON LATE BUSINESS

13. LATE BUSINESS

14. NOTICE OF MOTION

15. QUESTION PERIOD

126

16. ADJOURNMENT

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

Minutes of the Regular Meeting of Council of the Village of Pemberton held on Tuesday, November 21, 2017 at 9:00 a.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1460.

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

STAFF IN ATTENDANCE: Nikki Gilmore, Chief Administrative Officer
Sheena Fraser, Manager of Corporate & Legislative Services
Lisa Pedrini, Senior Planner
Elysia Harvey, Legislative Assistant

Public: 5

1. CALL TO ORDER

At 8:30 a.m. Mayor Richman called the meeting to order.

In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.

2. APPROVAL OF AGENDA

Moved/Seconded

THAT the agenda be approved as presented.

CARRIED

3. IN CAMERA

Moved/Seconded

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

CARRIED

At 8:30 a.m. Council moved In Camera.

At 8:52 a.m. Council did not rise with report and the Regular Council Meeting was reconvened.

4. ADOPTION OF MINUTES

a) Regular Council Meeting No. 1459 – Tuesday, November 7, 2017

Moved/Seconded

THAT the minutes of Regular Council Meeting No. 1459, held Tuesday, November 7, 2017, be adopted as circulated.

CARRIED

5. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING

There was no business arising from the previous regular council meeting.

6. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE MEETING

There was no business arising from Committee of the Whole

7. COMMITTEE MINUTES – FOR INFORMATION

There were no minutes to be received.

8. DELEGATIONS

- a) Lisa Trotter, Senior Regional Transit Manager and Levi Megenbir, Senior Transit Planner from BC Transit presented the Sea to Sky Corridor Regional Transit Study Report. Future objectives for regional transit service were conveyed based on service levels, funding models, market demand, and governance models. The objective of the study was to identify potential transit demand in the Sea to Sky Corridor and what it would look like in terms of design. The study identified regional transit as a high priority both regionally and provincially. Discussion took place with respect to cost sharing possibilities, funding models and governance.
- b) Tanya Richman, Co-Chair, Child and Youth Mental Health & Substance Use Collaborative (CYMH-SU) acknowledged the Village's support of the CYMH-SU initiative and presented the Pemberton and Area Suicide Intervention Toolkits. Three types of Suicide Intervention Toolkits have been developed - one for professionals, one for caregivers and parents, and one for youth. These toolkits are a resource to help people support friends or family who are attempting or considering suicide.

Ms. Richman advised that the funding for the Collaborative initiative across the province concludes December 31, 2017 despite the work local governments did to lobby the provincial government to continue funding. The Pemberton Collaborative has committed to continue meeting as a group with an aim to ensure collaboration between agencies continues.

Moved/Seconded

THAT follow up correspondence be sent to the Honourable Adrian Dix, Minister of Health, the Honourable Judy Darcy, Minister of Mental Health and Addictions and the Honourable Katrine Conroy Minister of Children & Family Development

to express the importance of continued funding beyond December 31, 2017 for the work that the Pemberton Child and Youth Mental Health and Substance Use Collaborative has been doing in Pemberton and for Collaboratives across the Province.

CARRIED

Moved/Seconded

THAT correspondence be sent to the SLRD, Lil'wat Nation, RCMP, BC Ambulance Service, Pemberton Secondary School, Signal Hill Elementary School, Pemberton Medical Centre, the Pemberton Doctors Office and Doctors of BC requesting a letter of support for the Village of Pemberton's request to the Minister of Health, Minister of Mental Health and Addictions and Minister of Children and Family Development to continue funding beyond December 31, 2017 for the Child and Youth Mental Health and Substance Use Collaborative initiative.

CARRIED

9. REPORTS

a) Finance and Administration Department

i. 2018 – 2022 Five Year Financial Plan Timeline

Moved/Seconded

THAT the Five Year Financial Plan and Tax Rates Bylaws' timeline be approved as presented.

CARRIED

b) Operations and Development Services Department

i. Development Variance Permit Application No. 119 (1350 Aster Street)

Moved/Seconded

THAT the Development Variance Permit Application No. 119 (1350 Aster Street) be approved.

CARRIED

**OPPOSED: Councillor Craddock &
Councillor Linklater**

Moved/Seconded

THAT a review of parking requirements set out in the Official Community Plan (OCP) be considered.

CARRIED

A request was made that Council consider moving forward item 10 (a) (i) Zoning Amendment Bylaw (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017, to accommodate the representatives from BC Hydro present at the meeting.

Moved/Seconded

THAT Second Reading of Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 be brought forward for consideration.

CARRIED

ii. Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 – Second Reading

Moved/Seconded

THAT Zoning Bylaw No. 466, 2001, Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 as amended be given Second Reading.

CARRIED

Moved/Seconded

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.

CARRIED

At 10:45 a.m. the Regular Council Meeting was recessed.

At 10:55 a.m. the Regular Council Meeting was reconvened.

c) Mayor's Report

Mayor Richman reported on the following:

- Attended a transit partnership meeting with the CAO where attendees considered cost sharing options, fare increases, revenue generation, park and ride options, and potential short-term transit solutions.
- Discussions are continuing with internet providers Shaw and TELUS for solutions to the internet connectivity issues in Pemberton.
- Attended the Vancouver Coastal Health Congress meeting with other local government representatives, health-related community groups, and Staff.
- The Village has issued a November update for the Water Conditioning Project. Visit www.pemberton.ca to view.
- STATS Canada is currently conducting public consultation for their upcoming 2021 Census Program. Before each census, Statistics Canada initiates an extensive consultation program that allows data users and interested parties across Canada to share their views on how they use census data and the type of information they believe should be available from the census. Take the Census Survey at www.statcan.gc.ca
- It's Customer Appreciation Week at the Pemberton & District Community Centre, take advantage of select free programming between November 20th-26th. Visit www.slrd.bc.ca for details

- Buy Local and support the BC Buy Local Week initiative November 27 – December 3, 2017. Discover Pemberton-based businesses and celebrate their contribution to our economy and community. Visit www.bcbuylocal.com for details

UPCOMING EVENTS

- Boomerang Bags will be hosting a Sewing Circle on November 22nd at the Pemberton Community Centre between 6pm-9pm
- Hosted by Growing Great Children, a Holiday Sing Along with Ira Pettle will be taking place at the Downtown Community Barn on December 1st at 4pm.
- The 2017 Christmas Bazaar is being hosted by the Pemberton Children's Centre at Pemberton Secondary School on Saturday, December 2nd.
- The next SLRD meeting will be taking place this Wednesday and Thursday, November 22nd and 23rd.

d) Councillors' Reports

i. Councillor Ted Craddock

Councillor Craddock reported on the following:

- Attended the Pemberton Valley Dyking District (PVDD) meeting;
- Attended the Pemberton Tourism meeting where representatives from BC Parks and Forests, Lands and Natural Resource Operations & Rural Development (FLNRO), Sea to Sky Recreation District, provided information on visitor statistics to local recreation sites and tourist destinations such as Joffre Lakes Provincial Park, Meager Creek area, and keyhole hot springs.

Moved/Seconded

THAT Staff extend an invitation to an upcoming meeting of Council be extended to representatives from BC Parks and the FLNRO Sea to Sky Recreation District to discuss backcountry tourism in our area and future impacts to our area.

CARRIED

MEETING EXTENSION

Moved/Seconded

THAT pursuant to section 32 of the Village of Pemberton Council Procedure Bylaw No. 788, 2015 the Regular Meeting be extended to continue beyond three hours.

CARRIED

ii. Councillor James Linklater

Councillor Linklater reported on the following:

- Attended the Winterfest Committee meeting;

- Recognized the Pemberton Fire Department for their efforts on the road closure on Sunday November 19th, 2017.
- Noted that horses are posing a traffic safety concern.

iii. Councillor Karen Ross

Councillor Ross did not report

iv. Councillor Jennie Helmer

Councillor Helmer did not report.

10. BYLAWS

a) Bylaws for Second Reading

i. Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 – Second Reading

Consideration of this matter took place earlier in the meeting. Please see notes above.

11. CORRESPONDENCE

a) For Action

i. Simon Croak, dated November 4, 2017, providing feedback on BC Hydro's public information session on October 26th 2017 regarding BC Hydro's rezoning application and field office construction.

Moved/Seconded

THAT the above correspondence be received for information.

CARRIED

ii. Kristyn Zakall, dated November 16, 2017, requesting addition to Street Name Listing.

Moved/Seconded

THAT the above correspondence be received for information.

CARRIED

b) For Information

i. Katrine Conroy, Minister of Children and Family Development, dated November 3, 2017, declaring November as Adoption Awareness Month and drawing attention to adoption resources available in British Columbia

including the Adoptive Families Association of British Columbia (AFABC) and the *Adopt BC Kids* website.

Moved/Seconded

THAT the above correspondence be received for information.

CARRIED

- ii. **Bruce Ralston, Minister of Jobs, Trade and Technology, dated November 6, 2017, encouraging participation and nominations for the 2018 Open for Business Awards (OFB).**

Moved/Seconded

THAT the above correspondence be received for information.

CARRIED

12. DECISION ON LATE BUSINESS

There was no late business for consideration

13. LATE BUSINESS

14. NOTICE OF MOTION

There was no Notice of Motion presented for consideration.

15. QUESTION PERIOD

No questions were presented.

At 11:50 a.m. the Regular Council meeting was recessed.

At 12:02 p.m. the Regular Council meeting was reconvened.

16. IN CAMERA

Moved/Seconded

THAT pursuant to Section 90 (1) (a) Human Resources, (e) Acquisition, Disposition or Expropriation of Land, (k) Negotiations of the Community Charter, the Council of the Village of Pemberton serves notice to hold an In-Camera Meeting on today's date for the purpose of dealing with matters for which the public shall be excluded from attending.

CARRIED

At 12:02 p.m. Council moved In Camera.

At 12:50 p.m. Council Rose with Report.

17. RISE WITH REPORT

Council Rose with Report on the Following:

Commission Appointments:

Board of Variance Appointments:

Niki Vanker, Drew Meredith and Alan Leblanc were re-appointed to the Board of Variance for a three (3) year term to expire in December 2020.

Advisory Land Use Commission:

Amica Antonelli, Heather Rogers, Sarah Allen & Bob Adams were appointed to the Advisory Land Use Commission for a two year term to expire in December 2019.

Advisory Design Review Commission:

Carolyn McBain, Annie Oja & Lisa Ames were appointed to the Advisory Design Review Commission for a two year term to expire in December 2019.

Lil'wat Fire Service Agreement:

The Fire Service Agreement between the Village of Pemberton and Lil'wat Nation was approved and signed by the Mayor and Chief Administrative Officer.

Pemberton Airport Due Diligence Study

Council approved entering into a Memorandum of Understanding with 3BP Solutions to undertake a Due Diligence Study to explore the current commercial development potential of the Pemberton Airport.

At 1:00 p.m. the Regular Council Meeting was recessed to accommodate the Committee of the Whole meeting.

At 1:27 p.m. the Regular Council Meeting was reconvened.

18. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE MEETING

Recommendations from the Committee of the Whole:

a. Community Initiative and Opportunity Fund

Moved/Seconded

THAT correspondence be sent to the Squamish-Lillooet Regional District Board requesting that a Service Establishment Bylaw be considered to facilitate

funding for the Visitors Information Centre operated by the Pemberton & District Chamber of Commerce.

CARRIED

b. Communications Policy – Update

Moved/Seconded

THAT the Communications Policy, as amended, be approved.

CARRIED

19. ADJOURNMENT

At 1:27 p.m. the Regular Council Meeting was adjourned.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

DRAFT

Date: December 12, 2017

To: Nikki Gilmore, Chief Administrative Officer

From: Lisa Pedrini, Senior Planner

Subject: Consideration of Zoning Bylaw No. 466, 2001, Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 – Public Hearing Results and Consideration of Third and Fourth (Final) Reading

PURPOSE

This report presents the results of the Public Hearing held for Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 with respect to the application from BC Hydro for upgrades to their field office/works yard located on land legally described as Lot 5, DL 203, LLD, EPP21848 (1363 Aster Street). The report includes options for Council's consideration with respect to Third Reading and Fourth Readings.

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 Development Agreement and works with staff to develop a Draft Covenant that outlines negotiated Community Amenity Contributions before Third Reading.*

CARRIED

At the Regular Council Meeting No. 1460, held on Tuesday, November 21, 2017, Staff presented a report to Council describing how the applicant had addressed the identified action items noted above. Staff also presented a revised Zoning (BC Hydro Field Office/Works Yard) Amendment Bylaw No. 821, 2017 for consideration of Second Reading in addition to the scheduling of a Public Hearing. The following resolution was passed:

Moved/Seconded

THAT Zoning Bylaw No. 466, 2001, Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 as amended 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.

CARRIED

DISCUSSION AND COMMENTS

The Public Hearing for Bylaw No. 821, 2017 was held December 5th 2017 at Council Chambers and eight (8) members of the public were present. The Village received a total of two (2) written submissions providing comments on the proposed development. One (1) of the letters received supported the proposed bylaw amendment (attached as **Appendix A**) and one (1) letter noted opposition (attached as **Appendix B**). During the Public Hearing for Bylaw No. 821, 2017, seven (7) persons expressed their support for the Bylaw. No persons during the Public Hearing expressed opposition to Bylaw No. 821, 2017. The minutes for the Public Hearing are attached as **Appendix C**.

POST-PUBLIC HEARING CONSIDERATIONS

Prior to Council consideration of Third and Fourth Readings of Bylaw No. 821, BC Hydro has agreed to enter into a Land Development Agreement that outlines their voluntary amenity contributions.

COMMUNICATIONS

After the close of a Public Hearing, Council may not hear from or receive correspondence from interested parties relating to the Bylaw rather only Staff members may receive new information and/or submissions.

No other communication elements are required at this time.

LEGAL CONSIDERATIONS

In accordance with the *Local Government Act*, s. 470 (1), after a public hearing, the Council may, without further notice or hearing,

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

The *Community Charter*, s. 480, states that:

Despite section 135 (3) [*at least one day between third reading and adoption*] of the *Community Charter*, a council may adopt a zoning bylaw at the same meeting at which the bylaw passed third reading.

As such, Bylaw No. 821, 2017, may be given both Third and Fourth Readings at this meeting.

IMPACT ON BUDGET & STAFFING

The research and preparation of this report/bylaw is a component of the daily work undertaken by the Operations and Development Services Department. All costs associated with the processing of this application are recoverable.

INTERDEPARTMENTAL IMPACT & APPROVAL

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

ALTERNATIVE OPTIONS / NEXT STEPS

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

1. Give Zoning Amendment Bylaw No. 821, 2017 (attached as **Appendix D**) Third and Fourth (Final) Reading on December 12, 2017.

This is the preferred option. If Council is amenable to giving the Bylaw Third Reading at this time, there is no legislative impediment to giving it Fourth Reading as well (see Legal Considerations above). This allows Council to consider the associated Development Permit Application which is also on the December 12, 2017 Council agenda.

2. Give Zoning Amendment Bylaw No. 821, 2017 Third Reading on December 12, 2017 and consider Fourth Reading at a future Council Meeting (the next Regular Meeting is scheduled for January 16, 2018).

This is an option if Council wishes to wait to give the amending Bylaw Fourth and Final Readings until the next meeting. Consideration of the Development Permit Application would also need to be deferred until January 16, 2018.

3. Not give Zoning Amendment Bylaw No. 821, 2017 Third Reading and rescind First and Second Readings, thus rejecting the application.

POTENTIAL GOVERNANCE CONSIDERATIONS

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

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

RECOMMENDATIONS:

THAT Village of Pemberton Zoning Bylaw No. 466, 2011, Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 be given Third Reading.

THAT Village of Pemberton Zoning Bylaw No. 466, 2001, Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 be given Fourth and Final Reading.

Attachments:

Appendix A: Letter of support from George and Shirley Henry

Appendix B: Letter of opposition from Dave Steers

Appendix C: Public Hearing Minutes for Zoning Amendment Bylaw No. 821, 2017

Appendix D: Zoning Amendment Bylaw No. 821, 2017

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



November 28, 2017.

Ms. Sheena Fraser, Corporate Officer,
Village of Pemberton, Box 100,
Pemberton, B.C., V0N 2L0

Dear Ms Fraser;

**RE: Village of Pemberton Zoning Amendment
(BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017.**

The current B.C. Hydro works yard is located strategically in a valley fraught with natural disasters. The area was first noticed by early surveyors as they came through the valley looking for landings for steamships. The tiny Pemberton Creek fan seemed to be the only exception to the flooding that is persistent in the Lillooet River Valley. Unfortunately, it was too far away from the 'gold trail' to be part of that story.

Interest in building a railroad to the interior identified this as suitable for some facilities. The creek became a water supply for the locomotives, as well as water power or generating electricity for operation of the telegraph service. The present public works garage was the storage tank for the water for the steam engines. This area was free from flooding and slides that were pervasive in the area. This was also a consideration for the fire hall location which had to be in a safe location.

In the late 40's, BC Electric chose the current site because it was beyond the reach of these natural disasters. They needed a location to keep the equipment necessary to maintain and repair the transmission towers should disaster strike. The same conditions exist today and the valley is no freer from natural disaster than it ever was. Having the equipment and personnel in such a location adds a measure of assurance to the safety and operation of our vital power systems and a quick response to maintaining access to the substation which supplies power to the area.

The current fire response and village maintenance crew use of this safe corridor. They have reasonable access to the community and valley. If redevelopment occurs will the resultant growth add to the congestion and interfere with this response? Parking in the business core is a disaster at rush hour and increasing business density would only exacerbate this problem.

The current use of the Hydro site has minimal effect on traffic and the surrounding neighbours. It is a valuable asset to the community and the location is key to long term service to the area.

We urge the Village of Pemberton to reverse the zoning back to P-1 to ensure the continuance of this service and allow the upgrades to this facility to move forward.

Yours truly,

A handwritten signature in cursive script that reads "George & Shirley Henry".

George & Shirley Henry,

██████████, Pemberton, B.C.,

From: D Steers [mailto:]
Sent: November 29, 2017 9:41 AM
To: VoP Admin <admin@pemberton.ca>
Subject: BC Hydro Zoning Amendment

Dear Mayor and Council,

Would it not make more sense to leave the C-1 zoning in place and take this opportunity to move BC Hydro to the Industrial Park instead of rezoning land in the middle of downtown for "semi-industrial use"? Why would Pemberton want that kind of activity in its downtown core?

Sincerely,

Dave Steers

VILLAGE OF PEMBERTON
- PUBLIC HEARING MINUTES-

Minutes of the Public Hearing of Council of the Village of Pemberton held on Tuesday, December 5, 2017 at 7:00 p.m. in Council Chambers, 7400 Prospect Street.

IN ATTENDANCE: Mayor Mike Richman
Councillor Karen Ross (arrived late)
Councillor Jennie Helmer (By phone)

STAFF IN ATTENDANCE: Nikki Gilmore, Chief Administrative Officer
Sheena Fraser, Manager of Corporate & Legislative Services
Tim Harris, Manager of Operations & Development Services
Lisa Pedrini, Senior Planner
Elysia Harvey, Legislative Assistant

MEMBERS OF PUBLIC: 8

MEDIA: 0

1. CALL TO ORDER and OPENING STATEMENTS

In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.

At 7:05 p.m. Mayor Mike Richman, called the Public Hearing to order and read the following Opening Statement for the Village of Pemberton Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017:

Lisa Pedrini, *Village Planner* will make a brief presentation on the *Zoning Amendment Bylaw* and Sheena Fraser, *Manager of Corporate & Legislative Services*, will record your comments for the minutes which will form part of the public record on this matter.

Also in attendance is Councillor Jennie Helmer, attending by phone; Councillor Karen Ross is on route and will be joining the meeting as soon as possible. Councillor Ted Craddock is unable to attend this meeting tonight, and Councillor Ted Linklater is not in attendance.

This Public Hearing is convened pursuant to Section 465 of the Local Government Act to allow the public to make representations to Council respecting matters contained in proposed *Village of Pemberton Zoning Amendment (BC Hydro Field Office/ Works Yard) Bylaw No. 821, 2017*.

Notification of this Public Hearing was advertised in the November 28th, 2017, issue of the "Whistler Question" Newspaper and the November 23rd & 30th, 2017, issues of the "Pique Newsmagazine".

A Notice was also posted at *Village of Pemberton Offices, the Village Notice Board located at the Post Office, and on the Village Website*. Notices were also mailed to all properties within 100 meters of the subject property.

Every one of you present who believes that your interest in the property is affected by the proposed Bylaw shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed Bylaw.

Each speaker will have up to five (5) minutes to be heard. Once everyone has had a chance to speak, those who wish to speak again may do so if they have new points to present.

None of you will be discouraged or prevented from making your views known. However, it is important that you restrict your remarks to matters contained in the proposed Bylaw.

When speaking please commence your remarks by clearly stating for the public record your **full name and address** and whether or not you are in favour or opposed to the Bylaw.

Members of Council may, if they so wish, ask questions following a presentation. However, the main function of Council Members at this Public Hearing is to listen rather than to debate the merits of the proposed Bylaw. This Public Hearing is not a question and answer period; it is an opportunity for the public's views to be heard.

Please refrain from applause or other expressions.

After this Public Hearing has concluded, Council will further consider this Bylaw at the Regular Council Meeting to be convened on Tuesday, December 12, 2017, at 5:30 pm in Council Chambers, located at the Village Office.

May I remind you that tonight is your final opportunity for input on the proposed Bylaw.

2. INTRODUCTION OF VILLAGE OF PEMBERTON ZONING AMENDMENT (BC Hydro Field Office/Works Yard) BYLAW NO. 821, 2017

Lisa Pedrini, Senior Planner, provided an overview and explanation of the Village of Pemberton Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017.

The purpose of Bylaw 821, 2017 is to facilitate the re-development of BC Hydro's Field Office/Works Yard on the subject lands legally described as Lot 5, DL 203, Plan 31658, LLD located at 1363 Aster Street, by amending the Village's Zoning Bylaw No. 466, 2001 to rezone the subject lands from "Town Centre Commercial (C-1)" to "Public (P-1)".

Specifically, Bylaw 821, 2017 would result in amendments to the Zoning Bylaw that include:

- 1.) Adding a definition of "Works Yard", to Section 104 - DEFINITIONS.

"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."
- 2.) Adding "Works Yard" to the list of permitted land uses in the Public (P-1) Zone.
- 3.) Adding a proviso to the Public (P-1) zone that the "Works Yard" use shall only be permitted on Lot 5, Plan 31658, D.L. 203, LLD (the subject property), and is not permitted on any other lands in this zone.
- 4.) Amending the Zoning Map referred to as Schedule A by rezoning the subject property from C-1 to P-1, as illustrated in the proposed bylaw.

Ms. Pedrini explained that the reason the applicants require a rezoning is due to the fact that the land is currently zoned C-1 and a public utility field office/works yard is a permitted use in the C-1 zone. Previously the land was zoned Public (P-1) but this amended when Zoning Bylaw No. 466, 2001 was adopted. Therefore the use is considered 'legal non-conforming', and may continue at this location as long as it is not expanded (i.e. no additions are made to the existing building). By rezoning the property back to Public (P-1) zone, the use becomes legal and conforming again and the proposed improvements are able to proceed.

The intent of the P-1 zone is to accommodate public and institutional facilities, and the P-1 zone is not considered an industrial zone. Uses currently permitted in the P-1 zone include Assembly and Civic uses.

Ms. Pedrini noted that the subject land is designated Downtown in the Village Official Community Plan (OCP) and the proposed use is consistent with the OCP. The property has also been designated as a Development Permit Area for 'Downtown Revitalization' and as such a Development Permit application is also being processed concurrently to allow the upgrade to take place.

Ms. Pedrini also noted that renderings of the proposed upgrades were provided for information and available to view.

3. LISTING OF CORRESPONDENCE RECIEVED

Sheena Fraser, Manager of Corporate & Legislative Services, advised that the Village has received two (2) submissions as of noon, Wednesday, November 29th, 2017, which are included in the agenda package. One (1) submission was in opposition to the proposed bylaw and one (1) was in support of the proposed bylaw. The Village received no further submissions after the deadline noted above.

4. PUBLIC SPEAKERS

Mayor Richman called for submissions from the public:

Brody Dyck – 60-1450 Vine Rd. (Village of Pemberton) – SUPPORT

Mr. Dyck provided his comments both as a Village resident and also as a BC Hydro employee. He noted that having the BC Hydro field office located downtown and in close proximity to the substation located at the roundabout, facilitates a shorter response time for BC Hydro workers to attend to emergencies, etc.

Mr. Dyck also noted that upgrades to the current BC Hydro field office located downtown in the Village would enable use of a propane forklift to remain on site, resulting in a reduction to the noise, traffic, and safety concerns currently posed by the necessity of operating a crane truck around the Village.

Chris MacMurchy – 1476 Lupin St. (Village of Pemberton) – SUPPORT

Mr. MacMurchy stated he was also a BC Hydro employee living in the Village of Pemberton, and wished to support the previous comments.

He reiterated that the BC Hydro field office is currently in a good location, in close proximity to the substation, and allowing it to remain there would allow for continued quick response by BC Hydro workers to hydro related issues or emergencies.

He also commented that having a propane forklift accommodated on site at the upgraded field office would be quieter for Village residents than the current diesel crane truck being used.

Justin Davies – 8687 Pemberton Meadows Rd. - SUPPORT

Mr. Davies, a long-time area resident, spoke about the positive presence BC Hydro has had in the Village for many years. He commented that during several local emergencies over the years, including major floods, BC Hydro has assisted with good response times.

Mr. Davies further commented that upgrades to the existing BC Hydro facility would improve the area aesthetically.

At 7:15 p.m. Councillor Ross joined the meeting.

Albert Bush – 7446 Prospect St. (Village of Pemberton) – SUPPORT

Mr. Bush commented that the current site of the BC Hydro field office is in a good location from an emergency standpoint.

He also confirmed the good reputation BC Hydro has maintained over the years within the Village of Pemberton and that no one has complained about their presence at the current location.

Greg Thompson – 9416 Gaby Rd. (Birken) – SUPPORT

Mr. Thompson commented that having the BC Hydro field office remain in a central location within Pemberton is beneficial to all, including residents outside the Village limits, as it allows BC Hydro to have a good response time to calls.

Mr. Thompson supported the proposed building improvements/upgrades to the current BC Hydro field office.

Valerie Gagnon – 9422 Gaby Rd. (Birken) – SUPPORT

Ms. Gagnon noted that moving the BC Hydro office to the industrial park located in the flood plain would not be a good idea, and the BC Hydro office should stay in its current location.

Gabriela Kuester – 9416 Gaby Rd. (Birken) - SUPPORT

Ms. Kuester confirmed she is in support of the BC Hydro field office/works yard zoning amendment bylaw.

5. CLOSING STATEMENTS

Mayor Richman called three (3) times for any other submissions and hearing none made the following closing statements:

On behalf of Council and myself I would like to thank all of you who have attended this meeting. Your input and participation in the process is greatly appreciated.

Please note that after the Public Hearing is adjourned, the opportunity for public discussion is ended and Council may not hear from or receive correspondence from interested parties relating to this bylaw. This bylaw is now a matter for Council's consideration based upon information received to date.

6. ADJOURNMENT

At 7:20 p.m. the Public Hearing was adjourned.

Sheena Fraser
Corporate Officer

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 23rd day of November, 2017 and **PUBLISHED IN THE PIQUE NEWSMAGAZINE** on this 30th day of November, 2017.

PUBLIC HEARING HELD this 5th day of December, 2017.

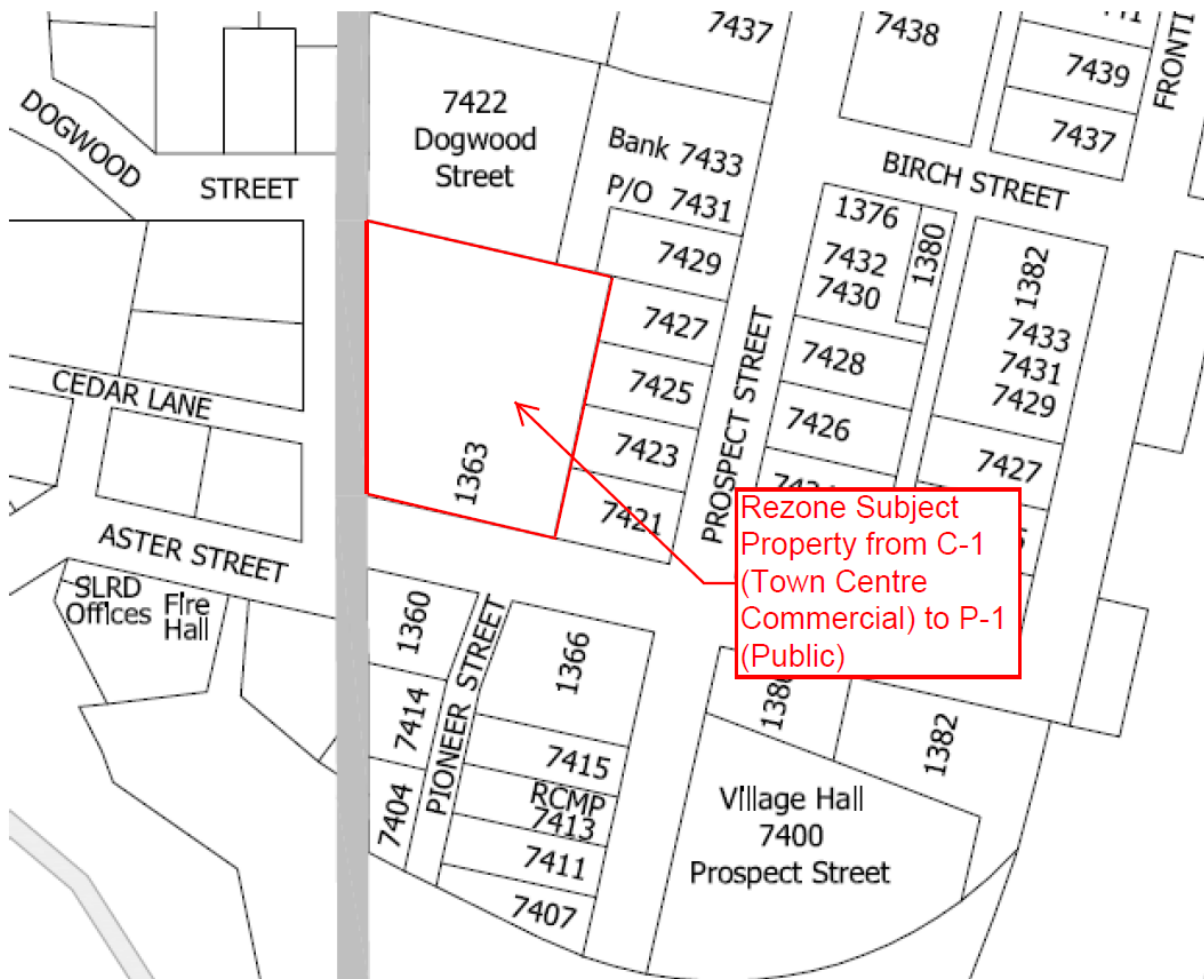
READ A THIRD TIME this ____ day of _____, 2017.

ADOPTED this _____ day of _____, 2017.

Mayor
Mike Richman

Corporate Officer
Sheena Fraser

Schedule 1



Date: December 12, 2017

To: Nikki Gilmore, Chief Administrative Officer

From: Lisa Planner, Senior Planner

Subject: Development Permit Application (DPA010) – BC Hydro
1363 Aster Street
Lot 5, DL 203, LLD, Plan KAP2731

PURPOSE

The purpose of this report is to present an application for a Form and Character Development Permit (DP) for a property within the Village’s DP Area No. 4 – Downtown Revitalization. The subject property is the BC Hydro Field Office/Works Yard (1363 Aster Street) located at the northeast corner of Aster Street and Dogwood Street. This report reviews the submission and provides Council with a recommendation for their consideration.

BACKGROUND

On September 29, 2017, the Village of Pemberton received an application for a Development Permit (DP – Form and Character) related to the upgrade of the BC Hydro Field Office/Works Yard located at 1363 Aster Street. The proposed redevelopment of the site allows BC Hydro to accommodate larger equipment and more robust operational requirements and safety standards on site. Details of the form and character of the proposed development were presented to the public at a developer-led Public Information Session held October 26, 2017 at the Pemberton Community Centre.

Details of the proposed design were also presented to Council at their Regular Meeting held November 21, 2017 at which time they passed the following resolution with respect to the rezoning application for the subject property:

Moved/Seconded

THAT Zoning Bylaw No. 466, 2001, Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 as amended be given Second Reading.

CARRIED

Moved/Seconded

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.

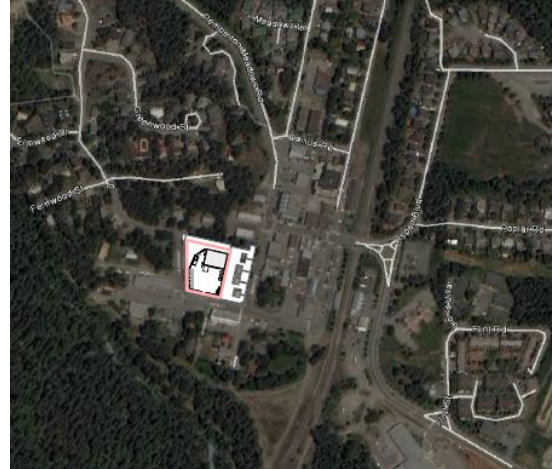
CARRIED

More details on the proposed development can be found in **Appendix A**.

DEVELOPMENT PROPOSAL

The following provides an overview of the development proposal:

- a) **Location:** The subject property is located at 1363 Aster Street on land legally described as Lot 5, DL 203, LLD, Plan 31658. The site currently houses the BC Hydro Field Office facility and has for almost 60 years. The site measures 5,170 m² in area. The applicants have acknowledged that the present site is not ideal and has provided evidence of their challenge to find an alternate site that meets their strict requirements. BC Hydro's regional strategy compels them to have a presence north of "Suicide Hill" and south of Mt. Currie so coordinated service can be maintained throughout the seasons. In addition, the location of the field office must be out of the flood plain, on soils not susceptible to liquefaction and away from fractured, talus rock slopes.



- b) **Development:** The proposal to redevelop the Field Office includes demolishing the existing buildings and developing a combined two (2) storey 914 m² administration building with a warehouse, three (3) truck bays, and a covered storage shed at the rear of the site. The building has been designed to current Building Code standards for most components but will exceed the current Building Code to seismically meet BC Hydro's much higher standards for Post-Disaster. From an energy perspective, the building will be designed to meet intensity of 100kWh/m²/year and shadow LEED™ certification. This entails using LED lighting, low-flow plumbing fixtures, higher levels of building insulation and durable materials that require less maintenance and replacement.

Figure 1: Existing Conditions

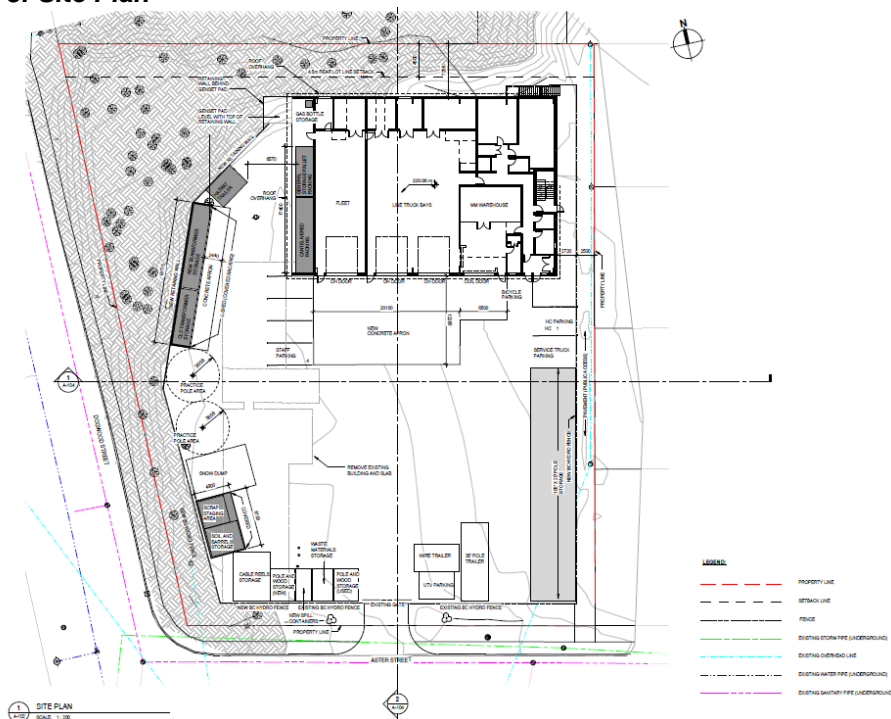


Figure 2: Artist's Rendering of New Building



- a) **Site Plan:** The site plan shown below indicates the general location of the proposed buildings on the site. The main building is situated as far to the rear as possible to “nestle” the building into the northern edge of the site, retaining as many existing trees as possible. The majority of site storage has also been situated in the northwest corner, to facilitate screening by the tall trees and maintain the natural conditions of the site.

Figure 3: Site Plan



- b) **Built Character:** The building has a simple, modern industrial form and a colour scheme of blue, green and dark grey. A monopitch roof slopes away from the public streets. The south east corner of the building has been deemed the most prominent and forms the main entrance to the building. The roof extends beyond the building to create a warm wood-type soffit which wraps the north and east walls and returns to grade on the north side. This frames a metal panel clad façade that is grounded with a base of split face masonry. The metal panel colours of blue and green tones are randomly set in dark grey to create interest. The panels are oriented horizontally to articulate the façade and the colours focus in density towards the south east corner to highlight the building entrance.

The overhead doors on the south façade are expressed with two rows of glazing and the solid panels are coloured similarly to the surrounding façade. Likewise, exterior doors are also coloured to match the siding in order to downplay their prominence in the building elevation.

Figure 4: South (Front) Elevation

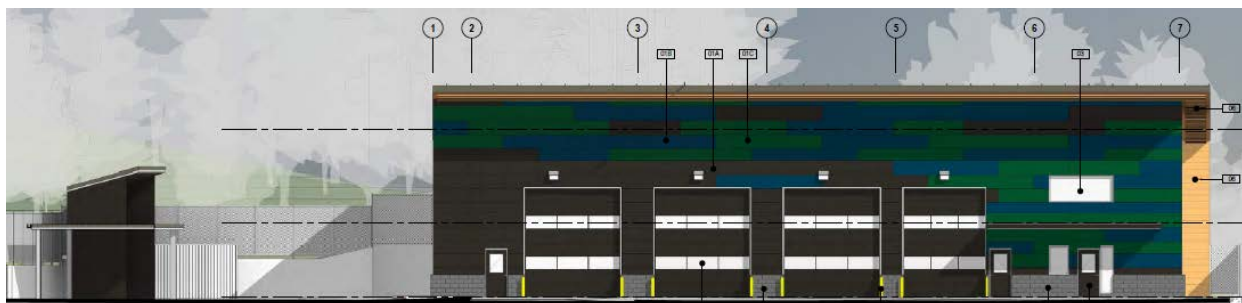
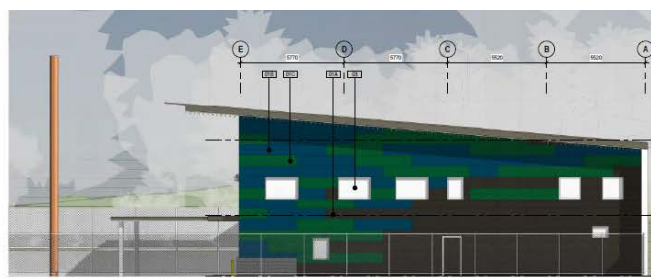


Figure 5: West and East Side Elevations



- c) **Construction Materials:** The proposal states that the exterior materials, finishes and detailing include metal paneling, wood and split-face masonry. The metal panel colours of sky blue and green tones are randomly set in dark grey to create interest. The panels are oriented horizontally to articulate the façade and the colours focus in density towards the south east corner to highlight the building entrance.

The overhead doors on the south façade are expressed with two rows of glazing and the solid panels are coloured similarly to the surrounding façade. Likewise, exterior doors are also coloured to match the siding in order to downplay their prominence in the building elevation.

Samples of the proposed building materials are shown below.

Figure 6: Exterior Finishes



- d) **Streetscape Improvements & Landscaping:** The application states that the new development will be landscaped along the south (front) and east sides of the lot with the remainder of the lot kept in a natural state. A detailed landscape plan has been prepared by Craven Huston Powers Architects & Landscape Architects and is attached as **Appendix B**. New lighting and landscaping along the front of the building will improve the streetscape.
- e) **Circulation and Parking:** Access to the site will remain off Aster Street. Access is restricted to BC Hydro staff only through a secured gate. One additional pedestrian access gate will be located east of the existing vehicular gate. The number of work vehicles on site is not expected to increase. The proposal includes the required number of parking and loading spaces located outside in the enclosed yard.

DISCUSSION AND REFERRAL COMMENTS

1) Development Services

Land Use – The subject land is currently designated “Downtown” in the Official Community Plan (OCP). Utility and Industrial uses are provided for in the “Downtown” Land Use Designation.

Zoning – The subject property is zoned C-1 (Town Centre Commercial) as per Zoning Bylaw No. 466, 2001. The following is an assessment of the proposal in the context of the Zoning Bylaw requirements:

- a) A field office/works yard is a not **permitted land use** in the C-1 zone, which is why the applicants have applied for a rezoning amendment to rezone the subject property to Public (P-1). The amending bylaw, Zoning Bylaw No. 466, 2001,

Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 defines and permits a “works yard” on a site specific basis in the P-1 zone in this location only. At the time of preparing this report, Bylaw No. 821, 2017 had received first and second reading and a Public Hearing had been held. If the Bylaw is adopted, then the proposed development will conform as a permitted land use.

- b) The proposed development complies with the 10.5 meter **maximum height** restriction based upon a calculation of average finished grade. The proposed height is approximately 9.5 m.
- c) The proposed development meets **setback** requirements.
- d) The proposed buildings cover 19% of the lot and therefore comply with the 75% **maximum lot coverage** requirement.
- e) Based on the requirements noted in Section 500 – Off Street Parking Spaces, the **parking provisions** have been met by this proposal; six (6) parking stalls are required but seven (7) parking spaces have been included on the site plan. One (1) handicap space is required and has been provided.
- f) The required loading spaces are two (2). Three (3) have been provided.

2) Advisory Design Review Commission

The application was reviewed by the Village’s Advisory Design Review Commission (ADRC) on October 11, 2017 at which time the ADRC passed the following recommendation:

Moved/Seconded

THAT the Advisory Design Review Commission advises Council that it supports the project in principle with further consideration being given to the following:

- a) A lighting plan that includes specifications of fixtures, location of lights and denotes 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.

CARRIED

As a result of further discussion, the resolution was reconsidered and the following motion was made:

Moved/Seconded

THAT the resolution noted above be rescinded.

CARRIED

Further discussion took place respecting the Commissions concerns and comments.

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

As a result, the applicants submitted a lighting plan, and revised the landscaping plan. The revisions were reviewed by the ADRC on December 4, 2017 and the following recommendation by the ADRC was made:

Moved/Seconded

THAT the BC Hydro Field Office/Works Yard Development Permit be supported;

AND THAT the applicant be requested to consider a mix of deciduous and conifers along the east fence and around the PMT.

CARRIED

COMPLIANCE WITH DEVELOPMENT PERMIT GUIDELINES

The OCP designates the subject property as Development Permit Area No. 4 – Downtown Revitalization in 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.

Given this DP Area designation, the application must be reviewed in accordance with the Guidelines stated under Section 7.4.2.2 of the OCP. The following is a summary of this review:

- a) *Building Form* – *The Building does reflect the size and scale of the downtown given its adherence to the height requirements.* The simple building form is rectangular with a shed roof similar to adjacent developments. The building form cannot be considered harmonious with existing buildings in the C-1 zone, given its drastic setback. The purposeful siting of the building at the rear of the site, rather than at the front lot line (which is allowed at 0m in the C-1 zone), serves to improve the look from the street. Building materials were chosen to complement the Development Permit Guidelines and be durable throughout the seasons. Colours were chosen to reflect nature's spectrum (earth, foliage, grass, sky and woods) as per the OCP and create pedestrian interest.
- b) *Streetscape Improvements and Landscaping* – Streetscape improvements and new landscaping are a significant component of the project. A combination of formed concrete block and chain-link fence will surround the site on three sides, with an alternative to chain-link (decorative Omega fencing) at the front of the property. The remaining three sides are fenced with traditional chain-link fence as per the company's policy.

The plans also include a new concrete sidewalk with wheelchair let-down along Aster Street and improved lighting levels. A combination of evergreen and deciduous trees line the front of the parcel and are located along the eastern edge of the site and around the Pad Mounted Transformer (PMT) in an effort to screen the use with a green buffer. The landscape plan is attached as **Appendix B**. Artist's renderings of the landscaping are shown below in Figure 7 & 8.

No public open space is contemplated as part of this development given its restricted use. However, the location will benefit from the project's lighting plan which will serve to illuminate this dark corner, and from added opportunities to display public art.

At the Dogwood and Aster Street intersection, the design includes a prominent architecturally finished wall that can be used for housing public art on either a permanent or changing basis. A necessary PMT located at the south east corner and within the private property set-back will be clad with decorative film as a further public art opportunity, also depicted in Figure 7.

Figure 7 – Streetscape and Landscape Features on the western corner



Figure 8 – Landscape Features on the eastern corner



- c) *Circulation and Parking* - Access to the site remains in the same location off Aster Street. The development is restricted to BC Hydro employees and by their standards requires security fencing around the perimeter to keep trespassers out. Circulation of work vehicles has been taken into account in the siting of the development. The development proposal includes seven (7) at grade parking stalls for employees situated along the east and will be visible from the street.

Figure 9 – Parking Area & Eastern Fence



The application also includes the development of a public pathway along the eastern edge of the property, basically providing access to the informal trail that climbs the slope to the church located above. As such, the vehicle lane access to the four properties on Prospect is now proposed to be removed and replaced with this pedestrian trail.

- d) *Signage* - The plans indicate corporate signage at the south-east side along the concrete exterior wall. A Comprehensive Sign Plan must be submitted to the Village for any proposed new development located in a Commercial Zone or Development Permit Area. The requirement to submit a Comprehensive Building Sign Plan will be a condition of the Development Permit should it be approved. Staff will review it against the Sign Bylaw for conformance.

COMMUNICATIONS

Development Permit applicants must provide notice of the proposed development through signage on the site. This has been accommodated and signage is in place.

DEVELOPMENT PERMIT - DPA010
Lot 5, DL 203, LLD, Plan 31658

David Maté, Agent for BC Hydro, has applied for permission to redevelop the existing Works Yard to improve operations and modernize the Field Office for public utility uses. BC Hydro has also made application to rezone the subject property to allow this use to continue in the C-1 Zone, as it is currently legally non-conforming.

Land Use: Works Yard - Field Office/Covered & Open Storage
Gross Floor Area: 914 m² (9838.21 sq. ft.)
Parking Spaces: 7
Architectural Character: Modern Industrial

WANT MORE INFO? Contact Lisa Pedrini, Senior Planner
Phone: 604.894.6135 x234
Email: lpedrini@pemberton.ca

www.pemberton.ca

If deemed necessary, Council can direct Staff to arrange a Public Information Meeting for Development Permits in DP Area No. 4 (Downtown Revitalization).

LEGAL CONSIDERATIONS

The processing of a Development Permit application is regulated by Sections 490 – 491 contained in Part 13 of the *Local Government Act RS2015 (LGA)* and by the Village's Development Procedures Bylaw 725, 2013, as amended from time to time.

Development Permits are issued by resolution of Council as per the *Local Government Act*.

IMPACT ON BUDGET & STAFFING

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

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

A review of this application has no impact on the region or neighbouring jurisdictions. As noted above, the SLRD has provided referral comments.

ALTERNATIVE OPTIONS

Alternative Options for consideration are as follows:

Option One: That Council approves the Development Permit with conditions as set out in the Staff report.

This is the preferred approach.

Option Two: That Council directs Staff to proceed to a Public Information Meeting to solicit additional comments from the community before approving the Development Permit.

Staff notes that BC Hydro was required to hold a Public Information Session as part of the rezoning application, which invited interested members to attend and offer comments. This also included the opportunity for the public to provide comment on the building design as presented in renderings of the proposed development. As such, staff does not see a need to hold another meeting.

Option Three: That Council defers the approval of the Development Permit until the Rezoning Application is approved, if the Rezoning Application is not adopted on December 12, 2017.

POTENTIAL GOVERNANCE CONSIDERATIONS

Review and consideration of the BC Hydro Development Permit Application meets with:

Strategic Priority No. One: Economic Vitality to support a competitive and diversified economy;
Strategic Priority No. Two: Good Governance by being an accountable government;
Strategic Priority No. Three: Excellence in Service by supporting the deliverance of the highest quality of municipal services; and
Strategic Priority No. Four: Social Responsibility by creating a strong and vibrant community.

RECOMMENDATION

THAT the Development Permit Application No. 010 (BC Hydro Field Office/Works Yard Development) be approved subject to the following conditions:

- That a landscape plan, prepared by a professional Landscaping Company, be submitted and approved by Village Staff, as well as a cost estimate of landscaping works and security deposit (in the form of an Irrevocable Letter of Credit or equivalent) to complete the works. The landscaping should include an irrigation program and conform to the Village's Plant List;
- That a Comprehensive Building Sign Plan be submitted and approved by Village Staff;

- That BC Hydro be required to install Village approved decorative wrap around the Pad Mounted Transformer (PMT);
- That the surface parking spaces be paved and specifically demarcated;
- That all engineering requirements be approved by Village staff;
- Any proposed future building signs be approved by Village staff in conformance with the Village of Pemberton Sign Bylaw.

Appendix A: Development Proposal, dated September 29, 2017

Appendix B: Landscape Plan, dated October 24, 2017

Appendix C: Advisory Design Review Committee Minutes, dated October 11, 2017

Appendix D: Advisory Design Review Commission Minutes, dated December 4, 2017

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

Date: December 12, 2017
To: Nikki Gilmore, Chief Administrative Officer
From: Lisa Pedrini, Senior Planner
Subject: SLRD RGS Amendment Bylaw No. 1514, 2017 – Referral for Acceptance

PURPOSE

The purpose of this report is to seek a resolution of support for Squamish-Lillooet Regional District (SLRD) Regional Growth Strategy Amendment Bylaw No. 1514, 2017.

BACKGROUND

The SLRD is in the process of undertaking a major amendment to the SLRD Regional Growth Strategy Bylaw No. 1024, 2008. This major amendment is intended to tighten the language around land use to prevent sprawl, contain growth within established urban centres in the Regional District and remove the enabling language contained in the RGS that could be used to facilitate a future resort based residential settlement between Squamish and Whistler (namely the Garibaldi at Squamish development).

Notices of initiation for the Regional Growth Strategy (RGS) amendment bylaw were first received by the Village in January 2017 (as a minor amendment), and then again in May 2017 (as a major amendment). The purpose of these notices was to inform member municipalities of the proposed changes and to seek comments or suggested changes before the bylaw is formally referred to all affected local governments for a resolution of acceptance.

Detailed staff reports outlining the intent of the RGS amendment bylaw were presented to Council at the Regular Council meetings held on February 7, 2017 and again on June 20, 2017. On both occasions the Village Council has indicated its support for the bylaw.

Particularly, at the Village of Pemberton Regular Council Meeting No. 1443, held February 7, 2017, the following resolution was made:

Moved/Seconded

THAT the Squamish Lillooet Regional District be informed that the Village of Pemberton is supportive of the proposed Squamish-Lillooet Regional District Growth Strategy Bylaw No. 1062, 2008, Amendment (Growth Management) Bylaw.

CARRIED

And at the Village of Pemberton Regular Council Meeting No. 1453, held June 20, 2017, the following resolution was made:

Moved/Seconded

THAT the Squamish Lillooet Regional District be informed that the Village of Pemberton is supportive of the proposed major SLRD Squamish-Lillooet Regional District Growth Strategy Bylaw Amendment Bylaw No. 1062, 2008, Amendment Bylaw No. 1514, 2017.

CARRIED

COMMENTS AND DISCUSSION

The Village received a formal referral for RGS Amendment Bylaw No. 1514, 2017 on October 30, 2017 (see **Appendix A**). As a reminder, the purpose of Bylaw 1514, 2017 is to address specific text amendments in support of the SLRD Regional Growth Strategy (RGS) *Goal 1: Focus Development into Compact, Complete, and Sustainable Communities* which focus on specific concerns regarding the proposed Garibaldi at Squamish (GAS) project. The specific text amendments are being made in support of the SLRD RGS *Goal 1: Focus Development into Compact, Complete, Sustainable Communities* - specifically to:

- Replace the first bullet under Strategic Direction 1.1 a) with: *Direct growth and settlement development towards Member Municipalities and existing SLRD Master Planned Communities.*
- Amend the Master-Planned Communities land use designation description by replacing the phrase “*Significant future growth will be accommodated in these communities*” with:
 - “*For existing SLRD master planned communities, further growth is not supported beyond what is currently contemplated in SLRD Official Community Plans (OCPs) and what is specified in the SLRD Regional Growth Strategy (RGS) Zoning and OCP amendments that propose to increase density or area of existing SLRD master planned communities are not supported.*”
 - “*New master planned communities and/or urban areas are not supported outside of the established settlement areas.*”
- Remove the Destination Resort language found on pages 24-26 of the RGS Bylaw.

The proposed amendment has not changed since initially contemplated in January 2017; only the process by which the amendment is carried out has been altered (from a minor to major amendment process). This was done in order to expand the opportunity for engagement and to facilitate a public hearing, held September 17, 2017, to allow the Squamish Nation, Garibaldi at Squamish Inc. and any other parties affected by the amendment the opportunity to be heard. See the SLRD Staff Report dated October 25, 2017 (attached as part of **Appendix A**) for a summary of the results of the September 17th Public Hearing.

For more information on the Amendment and Rationale as provided by the SLRD – refer to their Current Projects page for background on RGS Amendment Bylaw No. 1514, 2017, available on the SLRD website here:

<http://www.slrd.bc.ca/planning-building/planning-development-services/current-projects/rgsamendment-growth-management-text-amendments>]

As RGS Amendment Bylaw No. 1514, 2017, is being processed as a major amendment; the *Local Government Act* requires a sixty (60) day referral period be provided to affected local governments for acceptance of the amendment bylaw. Unanimous acceptance by all affected local governments is required prior to third reading. However, if an affected local government fails to act within the period for acceptance or refusal (i.e. the 60-day period), the local government is deemed to have accepted the regional growth strategy, as per section 436 of the *Local Government Act*.

Acceptance of a regional growth strategy by an affected local government must be done by resolution of the local government. The SLRD has asked the Village of Pemberton to provide a response of acceptance or refusal by January 8, 2018.

COMMUNICATIONS

The Village will respond to the referral by correspondence to the SLRD.

LEGAL CONSIDERATIONS

In accordance with SLRD RGS Bylaw 1062, 2008 and *Local Government Act RSBC 2015, s. 437*, the process for a major amendment requires that the amendments are to be formally referred out to all affected local governments as per the Consultation Plan noted under the *LGA, s. 434*.

For information, the Village of Pemberton is a member municipality along with the Districts of Squamish and Lillooet and the Resort Municipality of Whistler. All member municipalities and any adjoining regional districts are considered affected local governments.

IMPACT ON BUDGET & STAFFING

Participating in the RGS review is a component of the day to day operations undertaken by the Operations and Development Services Department and has been incorporated into the 2017 work plan.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts as reviewing referrals from the SLRD is a function of the Operations and Development Services Department.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

The Village's support for the proposed amendment helps send a clear message that the Village is supportive of the key principles and growth management objectives of the RGS, which was developed and accepted by all member municipalities with extensive community consultation, and that the Village of Pemberton, like the other member municipalities, does not support the establishment of a new urban settlement (under the pretext of a destination resort) in the Sea to Sky area.

ALTERNATIVE OPTIONS

The Village of Pemberton supported the proposed amendment when it was referred to the Village earlier in 2017. However, Council may choose not to pass a formal resolution of acceptance and do nothing, which will be deemed as acceptance, or they may choose to pass a resolution rejecting acceptance. This option is not recommended.

As the Village is a partner to the RGS, passing a resolution of acceptance allows the RGS Amendment Bylaw to proceed as it must be unanimously accepted by all affected local governments.

POTENTIAL GOVERNANCE CONSIDERATIONS

Participating in the 2016-2017 RGS Review is consistent with the Strategic Priority Three: Excellence in Service through the delivery of quality municipal services by participating in regional initiatives.

RECOMMENDATION

THAT the Squamish-Lillooet Regional District be informed, before January 8, 2018, that the Village of Pemberton accepts the Squamish-Lillooet Regional District Growth Strategy Bylaw No. 1062, 2008, Amendment Bylaw No. 1514, 2017.

Attachments:

Appendix A: SLRD correspondence dated October 30, 2017

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



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info@slrd.bc.ca www.slrd.bc.ca

October 30, 2017

Village of Pemberton
Box 100
Pemberton, BC V0N2L0
By email: sfraser@pemberton.ca

Dear Mayor and Council:

**RE: Squamish-Lillooet Regional District Regional Growth Strategy Amendment
Bylaw No. 1514-2017 – 60 day Referral for Acceptance**

The Squamish-Lillooet Regional District (SLRD) initiated an amendment of the *Squamish-Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008* to address specific text amendments in support of the SLRD Regional Growth Strategy (RGS) *Goal 1: Focus Development into Compact, Complete, Sustainable Communities* - specifically to:

- *Replace the first bullet under Strategic Direction 1.1 a) with: Direct growth and settlement development towards Member Municipalities and existing SLRD Master Planned Communities.*
- *Amend the Master-Planned Communities land use designation description by replacing the phrase “Significant future growth will be accommodated in these communities” with:*
 - *For existing SLRD master planned communities, further growth is not supported beyond what is currently contemplated in SLRD Official Community Plans (OCPs) and what is specified in the SLRD Regional Growth Strategy (RGS). Zoning and OCP amendments that propose to increase density or area of existing SLRD master planned communities are not supported.*
 - *New master planned communities and/or urban areas are not supported outside of the established settlement areas.*
- *Remove the Destination Resort language found on pages 24-26 of the RGS Bylaw.*

Notice of Initiation was provided to affected local governments on May 17, 2017 (copy enclosed for reference). Information and staff reports pertaining to the RGS Amendment process to date are available on the SLRD current projects page here:

<http://www.slrd.bc.ca/planning-building/planning-development-services/current-projects/rqs-amendment-growth-management-text-amendments>

As RGS Amendment Bylaw No. 1514-2017 is being processed as a major amendment, the *Local Government Act* requires a 60-day referral period be provided to affected local governments for acceptance of the amendment bylaw. Note unanimous acceptance by all affected local governments is required prior to third reading. However, if an affected local government fails to act within the period for acceptance or refusal (i.e. the 60-day period), the local government is deemed to have accepted the regional growth strategy. Please refer to section 436 of the *Local Government Act* for further details.

Acceptance of a regional growth strategy by an affected local government must be done by resolution of the local government. Please provide responses (acceptance or refusal) by January 8, 2018.

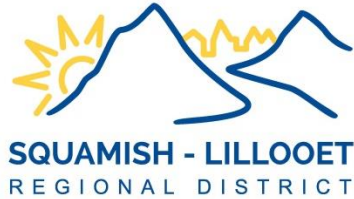
The SLRD Board looks forward to the receipt of a response from your organization. Should you have any questions, please contact Kim Needham, Director of Planning and Development Services at kneedham@slrd.bc.ca or Claire Daniels, Planner at the SLRD at cdaniels@slrd.bc.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'K Needham', with a long, sweeping horizontal stroke extending to the right.

Kim Needham,
Director of Planning and Development Services
Squamish-Lillooet Regional District

enclosures: RGS Amendment Bylaw No. 1514-2017 Board Report – October 25, 2017
Notice of Initiation – May 17, 2017



REQUEST FOR DECISION

Regional Growth Strategy Amendment Bylaw No. 1514-2017
(Growth Management Text Amendments)

Meeting date: October 25, 2017

To: SLRD Board

RECOMMENDATION:

THAT Squamish-Lillooet Regional District (SLRD) staff be directed to initiate the 60 day referral to all affected local governments regarding Squamish-Lillooet Regional District Growth Strategy Bylaw No. 1062, 2008 Amendment Bylaw No. 1514-2017, for their acceptance prior to coming back to the SLRD Board for third reading and adoption of the bylaw.

PURPOSE:

The purpose of this report is to update the SLRD Board on the Squamish-Lillooet Regional District Growth Strategy Bylaw No. 1062, 2008 Amendment Bylaw No. 1514-2017 process, including the public hearing held on September 13, 2017 and to start the referral process.

BACKGROUND:

The Squamish-Lillooet Regional District (SLRD) initiated a major amendment of the *Squamish-Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008* to address specific text amendments in support of the SLRD Regional Growth Strategy (RGS) *Goal 1: Focus Development into Compact, Complete, Sustainable Communities* - specifically to:

- *Replace the first bullet under Strategic Direction 1.1 a) with: Direct growth and settlement development towards Member Municipalities and existing SLRD Master Planned Communities.*
- *Amend the Master-Planned Communities land use designation description by replacing the phrase "Significant future growth will be accommodated in these communities" with:*
 - *For existing SLRD master planned communities, further growth is not supported beyond what is currently contemplated in SLRD Official Community Plans (OCPs) and what is specified in the SLRD Regional Growth Strategy (RGS). Zoning and OCP amendments that propose to increase density or area of existing SLRD master planned communities are not supported.*
 - *New master planned communities and/or urban areas are not supported outside of the established settlement areas.*
- *Remove the Destination Resort language found on pages 24-26 of the RGS Bylaw.*



REQUEST FOR DECISION

Regional Growth Strategy Amendment Bylaw No. 1514-2017
(Growth Management Text Amendments)

Previous Board Resolutions

The following resolutions were made by the SLRD Board on June 28/29, 2017:

THAT the Board adopt the Consultation Plan pursuant to s. 434 of the Local Government Act and that the holding of a public hearing be deemed to be necessary.

THAT Bylaw No. 1514-2017, cited as "Squamish-Lillooet Regional District Growth Strategy Bylaw No. 1062, 2008 Amendment Bylaw No. 1514-2017", be introduced and read a first and second time.

THAT the Board direct staff to schedule and advertise a public hearing and delegate the holding of the public hearing to Chair Jack Crompton, with Electoral Area C Director Russell Mack as alternate delegate, pursuant to s. 469 of the Local Government Act, for the consideration of Bylaw No. 1514-2017, cited as "Squamish-Lillooet Regional District Growth Strategy Bylaw No. 1062, 2008 Amendment Bylaw No. 1514-2017".

RELEVANT POLICIES:

Squamish-Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008

KEY ISSUES/CONCEPTS:

Meetings

SLRD staff met with the proponents of the GAS project, specifically Rod MacLeod, Vice President for Planning on August 17, 2017. The purpose of the meeting was for GAS to better understand the proposed changes. It was also communicated at this meeting that, "we [GAS] have confirmed with our partners at the Squamish Nation that they wish to appear with us at the upcoming public hearing".

SLRD staff reached out to Squamish Nation in June and July to arrange a meeting to discuss the proposed amendments. No response was received. It should be noted that Squamish Nation is a partner in the GAS project.

Public Hearing

A public hearing was held on September 13, 2017, as per the June 28/29, 2017 Board resolution. The adopted consultation plan scheduled the public hearing to be held in September, providing over 2 months (11 weeks) for meetings to take place with Squamish Nation and Garibaldi at Squamish Inc. (GAS). Public input was also sought through the SLRD website and social media channels. At the public hearing, two members of the public spoke in opposition of Amendment Bylaw No. 1514-2017, one of which was GAS Vice President for Planning Rod MacLeod. Squamish Nation did not attend the public hearing. Written submissions were provided by Squamish Nation and GAS (see appendix A).

At the public hearing, Rod MacLeod addressed the chair and spoke about his opposition of the RGS text amendments. It is felt that the SLRD is changing the rules in the middle of the project and that the changes are aimed at GAS. He asked that all wording around destination resorts remain in the RGS (for full details, see Appendix A Written Submissions).

A member of the public and resident of Portage Rd., Birken also expressed support for the GAS project.

The Squamish Nation written submission stated that the Squamish Nation disagrees with the proposed amendment to the RGS, specifically with reference to the removal of the Destination Resort language. Further, the written submission communicates that Squamish Nation asserts and maintains Aboriginal and commercial interests in the Squamish-Lillooet Regional District, and the proposed amendments will significantly affect the economic development opportunities in the region for their people. The written submission communicated disappointment that the SLRD has not discussed the proposed amendment with the Squamish Nation, and that they maintain their request for dialogue on this matter and request a meeting with the SLRD prior to this amendment proposal being put to the SLRD board for decision. Note, as outlined below under the timeline of events to date, SLRD staff reached out to the Squamish Nation multiple times to arrange a meeting to discuss the proposed amendment - no response was received from Squamish Nation.

TIMELINE OF EVENTS TO DATE:

November 10, 2016

As part of the RGS 5-year Review process, an Elected Officials Forum was held on November 10, 2016 (attended by representatives of the SLRD, District of Squamish, Resort Municipality of Whistler and Village of Pemberton). This was the second of three forums planned for and committed to in the RGS Review Consultation Plan, and the focus was on growth management. At this forum, the RGS Steering Committee received direction to:

- **Prepare a minor amendment of the RGS to strengthen existing policies that direct future growth within the Region to existing communities; and**
- **Eliminate policies regarding the development of destination resorts.**

The proposed amendments to the RGS were prepared by the RGS Steering Committee pursuant to the above request. The SLRD and its member municipalities continue to have serious concerns regarding the establishment of new urban communities or destination resorts in the SLRD outside of existing member municipality and master planned community boundaries.

December 14, 2016

The SLRD Board resolved by an affirmative 2/3 vote to proceed with the proposed amendments as a minor amendment. 30 days written notice was then given to each affected local government, as required by the SLRD *Minor Amendment Process* outlined in the SLRD RGS Bylaw No. 1062, 2008. Note that affected local governments did not identify any concerns/issues with the proposed text amendments.

March 15, 2017

In advance of the March 15, 2017 Board meeting in which Amendment Bylaw No. 1514-2017 was being presented for readings, the SLRD received letters from Garibaldi at Squamish Inc. (March 9, 2017) and the Squamish Nation (March 10, 2017), respectively. The letters were formally received by the Board at this meeting and referred to staff. The Amendment Bylaw was not given any readings.

April 19, 2017

The SLRD Board resolved to initiate a major amendment process, in response to and recognition of comments received in letters from the Squamish Nation and Garibaldi at Squamish Inc. 30 days written notice was then given again to affected local governments and

staff were directed to prepare a consultation plan, as per section 434 of the Local Government Act (LGA). Note that the RGS Amendment Bylaw No. 1514-2017 has not changed since initially contemplated in December 2016. Only the process by which the amendment is carried out has been altered (from a Minor to Major Amendment Process).

June 28/29, 2017

The SLRD Board adopted the RGS Amendment Bylaw No. 1514-2017 consultation plan and deemed that the holding of a public hearing was necessary. The SLRD Board gave first and second reading of Amendment Bylaw No. 1514-2017 and directed staff to advertise and schedule a public hearing.

July-August 2017

SLRD staff reached out twice to Squamish Nation to arrange a meeting to discuss the proposed amendments. No response was received.

SLRD staff met with GAS proponents on August 17, 2017 to discuss the proposed amendments in advance of the public hearing. It was communicated at this meeting that Squamish Nation would be attending the public hearing along with GAS representatives.

September 13, 2017

As per the June 28/29 Board resolution, a public hearing was held on September 13, 2017 at the SLRD Boardroom. Two members of the public spoke in opposition of Amendment Bylaw No. 1514-2017, one of which was GAS Vice President for Planning Rod MacLeod. Squamish Nation did not attend the public hearing. Written submissions were provided by Squamish Nation and GAS (See Appendix B Written Submissions).

October 25, 2017 Board

Staff update report to the Board regarding Amendment Bylaw No. 1514-2017.

ANALYSIS:

The proposed amendments are in support of and contribute to the SLRD RGS *Goal 1: Focus Development into Compact, Complete, Sustainable Communities*.

For the full Amendment and Rationale – refer to the Current Projects page for background on RGS Amendment Bylaw No. 1514-2017, available on the SLRD website here:

<http://www.slrd.bc.ca/planning-building/planning-development-services/current-projects/rgs-amendment-growth-management-text-amendments>

Affected Local Government & First Nations Comments - Summary

(See Appendix D for full responses)

Metro Vancouver Regional District (MVRD):

In response to the second *Notice of Initiation* regarding the major amendment process, MVRD provided the following response/comments:

“The proposed major amendment strengthens the SLRD’s growth management policy, emphasizing growth in established settlement areas where public services and infrastructure are already available. This is in line with the SLRD’s RGS Smart Growth Principles, helping the region to avoid urban and rural sprawl while protecting green spaces and natural habitat. In addition to our shared growth management objectives, our districts also share a large boundary along the north east portion of Metro Vancouver’s Electoral Area A. *Metro Vancouver 2040:*

REQUEST FOR DECISION

Regional Growth Strategy Amendment Bylaw No. 1514-2017
(Growth Management Text Amendments)

Shaping our Future (Metro 2040), our regional growth strategy, has similar goals to that under consideration by the SLRD including *Metro 2040* Goal 1: Create a Compact Urban Area, and *Metro 2040* Goal 4: Develop Complete Communities. Metro Vancouver staff support efforts to undertake regional growth management to achieve compact, complete communities that help create livable and sustainable regions on both sides of our shared boundary.”

No other responses were received from affected local governments on the second *Notice of Initiation* (major amendment process).

Lil'wat Nation:

At the request of Lil'wat Nation, an information referral was extended to the Lil'wat Nation. The Lil'wat Nation Director of Land and Resources provided the following comments:

“The Lil'wat Nation was not properly consulted on the Regional Growth Strategy when it was originally developed in 2008. As a result, the Regional Growth Strategy as a whole remains an outstanding issue for the Lil'wat Nation. We therefore are not in a position to provide any comments on the proposed amendments.”

Please note that extensive consultation with First Nations, including the Lil'wat Nation, took place throughout the development of the RGS. A full copy of the First Nations engagement process was provided to the Board in June of 2012 and can be provided again if the Board requests. Additionally, it should be noted that First Nations are not signatory to the RGS and are not considered affected local governments under the LGA.

In the context of the RGS - the development, any amendments and implementation – engagement with First Nations is pursued in the spirit of enhancing neighbour-to-neighbour relationships and exploring opportunities for cooperation and collaboration.

The SLRD Board and member municipalities have provided unanimous support for RGS Amendment Bylaw No. 1514-2017. MVRD staff have also provided support for RGS Amendment Bylaw No. 1514-2017 and the other affected local governments have not identified any issues/concerns. The proposed text amendments are aligned with SLRD RGS's Smart Growth Principles and the SLRD RGS Goals.

Next Steps as Outlined in Consultation Plan

- The next phase of the amendment process, as per the consultation plan, is the bylaw adoption process, which involves referrals to affected local governments and bylaw readings by the Board (third reading and adoption).
- Referrals and acceptance of RGS Amendment Bylaw No. 1514-2017. The Major Amendment Process, as per section 436 of the LGA, requires a 60-day referral period be provided to affected local governments for acceptance of the amendment bylaw. (Please note that this referral is in addition to the Notice referral required prior to first reading of the bylaw). Note unanimous acceptance by all affected local governments is required prior to third reading. However, if an affected local government fails to act within the period for acceptance or refusal (i.e. the 60-day period), the local government is deemed to have accepted the regional growth strategy. (*Potentially November - December*)
- Third reading and adoption of RGS Amendment Bylaw No. 1514-2017. (*Potentially at the January Board meeting*)



REQUEST FOR DECISION

Regional Growth Strategy Amendment Bylaw No. 1514-2017
(Growth Management Text Amendments)

- As soon as practical after adopting a regional growth strategy, the Board must send a copy of the RGS to affected local governments and the minister.

(See Appendix B: Consultation Schedule – RGS Amendment Bylaw No. 1514-2017 (Growth Management Text Amendments) for further details)

REGIONAL IMPACTS ANALYSIS:

The SLRD RGS is an initiative of and applies to the four member municipalities and Electoral Areas B, C and D. It is a tool to support collaboration and achievement of *smart growth*. Any amendments to the RGS will impact all those who are signatory to the RGS Bylaw. Further, amendments conducted through the major amendment process involve referrals to and acceptance by all affected local governments.

FOLLOW UP ACTION:

- Bring RGS Amendment Bylaw No. 1514-2017 back to the Board for consideration of third reading once the 60-day referral to affected local governments for acceptance is completed.

ATTACHMENTS:

Appendix A: September 13 Public Hearing Minutes and Written Submissions (RGS Amendment Bylaw No. 1514-2017 only)

Appendix B: Consultation Schedule – RGS Amendment Bylaw No. 1514-2017 (Growth Management Text Amendments)

Appendix C: Squamish-Lillooet Regional District Growth Strategy Bylaw No. 1062, 2008 Amendment Bylaw No. 1514-2017

Appendix D: Referral Responses (Metro and Lil'wat Nation)

Submitted by: C. Daniels, Planner

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

Approved by: L. Flynn, Chief Administrative Officer



PUBLIC HEARING

Squamish-Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008, Amendment Bylaw No. 1514-2017

Squamish-Lillooet Regional District Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1522-2017

Squamish-Lillooet Regional District Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1523-2017

Squamish-Lillooet Regional District Electoral Area C Official Community Plan Bylaw No. 1484-2017

Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 1485-2017

SQUAMISH-LILLOOET REGIONAL DISTRICT

Minutes of a Public Hearing convened by the Squamish-Lillooet Regional District Board, held in the Board Room at the Squamish-Lillooet Regional District office, Pemberton, BC on September 13, 2017, at 7:00 p.m.

Present were: R. Mack, Electoral Area C Director; J. Crompton, SLRD Chair, K. Needham, Director of Planning & Development Services, I. Cooper, Contract Planner, I. Holl, Senior Planner; C. Daniels, Planner, T. Mitchell, Planning & Building Assistant (Recording Secretary); and ~40 members of the public.

CALL TO ORDER

Director Mack introduced and called the meeting to order at 7:00 PM.

CHAIR’S INTRODUCTORY COMMENTS

Good evening, my name is Russell Mack, and as the Electoral Area C Director for the Squamish-Lillooet Regional District, I will be chairing this public hearing. I would like to introduce Kim Needham, Director of Planning and Development, Ian Holl, Senior Planner, Claire Daniels, Planner, Ian Cooper, Contract Planner, and Trish Mitchell, Building & Planning Assistant who will be recording your comments.

I would like to recognize that this meeting is being held on the Traditional Territory of the Lil’wat Nation.

This public hearing is convened pursuant to Section 464 of the *Local Government Act* to allow the public to make representations to the Board respecting matters contained in the proposed bylaws:

- 1. Squamish-Lillooet Regional District Regional Growth

Strategy Bylaw No. 1062, 2008, Amendment Bylaw No. 1514-2017

2. Squamish-Lillooet Regional District Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1522-2017
3. Squamish-Lillooet Regional District Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1523-2017
4. Squamish-Lillooet Regional District Electoral Area C Official Community Plan Bylaw No. 1484-2017
5. Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 1485-2017

Tonight, we will be dealing with the five bylaws in four separate groups: firstly, the Regional Growth Strategy Amendment Bylaw; secondly, the Brew Creek rezoning application; thirdly, the Black Tusk Helicopters rezoning application; and finally, Electoral Area C OCP and Zoning Bylaws.

This public hearing was advertised in the August 31 and September 7 issues of the Pique Newsmagazine. Every one of you present who believes that your interest in the property is affected by the proposed bylaws shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaw.

None of you will be discouraged or prevented from making your views known. However, it is important that you restrict your remarks to matters contained in the proposed bylaw. When speaking please address myself as Chair and commence your remarks by clearly stating your name and address.

Members of the Regional Board or staff may ask or respond to questions following a presentation. However, the function of the Board representatives at this public hearing is to listen rather than to debate the merits of the proposed bylaws.

After this public hearing has concluded, the Regional Board may, without further notice or hearing, adopt or defeat the bylaws, or alter and then adopt the bylaws, provided that the alteration does not alter the use or increase density.

May I remind you that tonight is your opportunity for input on the bylaws and that after the conclusion of this hearing, no further public comments can be received.

1. Squamish-Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008, Amendment Bylaw No. 1514-2017

To date, we have received 1 written submission regarding the RGS Amendment Bylaw. (Another written submission was provided at the public hearing by R. MacLeod).

I will now ask Claire Daniels to introduce the bylaw.

Following that, the floor will be opened to members of the public, and you will be given the opportunity to speak to the bylaws.

STAFF PRESENTATION

(STAFF PRESENTATION)

PUBLIC COMMENTS

Rod MacLeod – 1033 Brothers Place, Squamish

R. MacLeod spoke about his opposition of the RGS text amendments that include the removal of the destination resort policy language. It was suggested that the amendment not proceed. He referred to an “explicit approval”. He mentioned that Garibaldi at Squamish (GAS) has been working on this project for many years and have spent millions of dollars to succeed. They are in partnership with the Squamish Nation and have an existing interim agreement with the Mountain Resorts Branch in which they will be submitting a conceptual master plan this fall. It was communicated that GAS successfully received an Environmental Certificate from the Province following an Environmental Assessment Process, which includes 40 conditions. They have received approval from 2 Provincial Ministries. He stated that this project needs to rebuild momentum and regain support of the community and local governments. Further, it was stated that GAS is required to consult with local governments and that it will be 2-3 years before the master planning process is complete. He mentioned the benefits of the project, such as job creation for the Squamish Nation and the nearby community, their intention to protect the environment, the creation of ski-in, ski-out residences and they intend to provide an independent transit service to the area. They see this project as a live, work, play opportunity. Mr. MacLeod expressed that the SLRD’s removal of the destination resort policies are a concern to GAS and they see it as just another hurdle to go through. It is felt that the SLRD is changing the rules in the middle of the project and that the changes are aimed at GAS. He asked that all wording around destination resorts remain in the RGS.

Jack Crompton – SLRD Chair

J. Crompton asked what R. MacLeod meant when he used the words “explicit approval”?

Rod MacLeod

R. MacLeod clarified that he was not suggesting that the project had explicit approval, simply that they used the Destination Resort policy and had followed it specifically. He confirmed that GAS has not applied for anything from the SLRD or other local governments.

Don Coggins – Portage Road

D. Coggins expressed his support for this project saying that it will bring business and revenue to the area. He thinks that it is bad that the SLRD and Whistler would stop private development and that Whistler should not control all the ski operations in the area. Things should be allowed to grow not just in allotted areas.

Susie Gimse – Portage Road

S. Gimse stated that she was hoping the Area C OCP discussion would take place before the RGS discussion. Further, she asked what is meant by growth, how the SLRD RGS quantifies growth.

CLOSURE

Director Mack

I am now going to call three times for further submissions.

For the first time, are there further submissions?

For the second time, are there further submissions?

For the third time, are there further submissions?

With no further comments, I will now declare this hearing on Bylaw No. 1514 closed.

TERMINATION

2. Squamish-Lillooet Regional District Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1522-2017

Director Mack

To date, we have received 1 written submission regarding the Brew Creek Centre Zoning Amendment Application and the associated bylaw.

I will now ask Ian Holl to introduce the bylaw.



SLRD Board
Squamish-Lillooet Regional District
PO Box 219,
Pemberton BC, V0N 2L0

September 13, 2017

Re: RGS Amendment Public Hearing input

Dear Board Members,

Garibaldi at Squamish opposes this proposal to amend the Regional Growth Strategy, which changes our Mountain Resort project from being specifically encouraged to specifically discouraged. We would like to point out that this is changing the rules in the middle of our approval process and we request that this amendment not be approved.

Our project has invested several millions of dollars in the years since the current Regional Growth Strategy was adopted, undertaking all the studies and engagement needed for an Environmental Assessment Certificate, which was issued in January 2016. We also continue to work with our consulting team on the Master Plan process for the Provincial Mountain Resorts Branch.

We have a partnership agreement with the Squamish Nation, whose members will benefit economically through training and jobs, socially through highlighting their history and culture, plus environmentally through considerable and ongoing input into the EA Conditions and future permits. Work is underway on many of the 40 conditions in the EA Certificate

We have an existing Interim Agreement with the Mountain Resorts Branch that allows us to carry out the on-hill planning work. We intend to submit a revised Conceptual Master Plan this fall so that the Mountain Resort Branch can review the changes that have been incorporated into the plan. We also intend to make these plans known to stakeholders and the general public and we will solicit more public feedback.

When the public sees our new plans, we believe they will be excited and enthusiastic and this will help us secure local government support.

The SLRD is proposing to change the rules in the middle of this process by removing Destination Resort Language. Pages 24-26 of the RGS (enclosed) define and identify Guidelines that all describe Garibaldi Mountain Resort perfectly. All planning within the Conceptual Master Plan was done based on the existing RGS Destination Resort Guidelines and meets all of the criteria, such as:



- Ski in ski out communities clustered within walking distance to lifts and services, commitment to local and regional transit, a focus on water and energy conservation, independent infrastructure. About half of the land will not be altered.

This year round mountain resort will bring sustained prosperity for the whole region with:

- **Economic benefits** – millions of dollars in direct and indirect taxation and revenues to all four levels of government, thousands of jobs per year during construction, and thousands of operating jobs at buildout, many fulltime, year-round and well-paying
- **Environmental benefits** – EA Conditions require many more detailed studies to be done, including a Construction Monitoring plan, and more studies on the Brohm River. We also intend to protect the fragile alpine meadows that are currently being degraded by off road/trail dirt bike and ATV damage. Half of the Controlled Recreation Area preserves forest that would otherwise be logged
- **Social benefits** – Squamish Nation culture and heritage will be protected and highlighted during construction and operations. There are a large number of young families that have moved to Squamish for affordable housing, and that commute to work and then drive their kids to Whistler or Cypress to ski. We will offer recreational opportunities close to home for these families

The proposed RGS changes are unfair as they are coming while we are in the process of undertaking all of the studies asked of us by the Province as we work towards final approval of the resort.

We have discussed the RGS changes with your staff and we have been told that the proposed amendments do not change the process for us and that we still need to amend the RGS and then undertake OCP and zoning changes. We do not agree with the concept that we would have to amend the RGS anyway when the current Destination Resort Guidelines specifically allows for what we are proposing.



We feel that the proposed wording in all three amendments is specifically aimed at the Garibaldi at Squamish project and it is a concern that a local government would set out to change the rules in the middle of an ongoing process.

Garibaldi at Squamish requests that the SLRD Board not amend the RGS and leave the wording as it has been throughout the recent history of this project.

Thank-you,

Rod MacLeod
Vice-President Planning
Garibaldi at Squamish Inc

Jim Chu
President,
Garibaldi at Squamish Inc.



September 13, 2017

Linda Flynn, CAO
Squamish-Lillooet Regional District
PO Box 219
Pemberton, BC
V0N 2L0

Dear Ms. Flynn:

RE: Amendment to Regional Growth Strategy (“RGS”)

Thank you for your letter dated May 10, 2017.

Respectfully, the Squamish Nation disagrees with the proposed amendments to the RGS, specifically with reference to the removal of Destination Resort language.

The Squamish Nation asserts and maintains Aboriginal and commercial interests in the Squamish-Lillooet Regional District, and the proposed amendments will significantly effect the economic development opportunities in the region for our people.

As previously communicated, we are deeply disappointed that the SLRD has not discussed the proposed amendments with the Squamish Nation. We maintain our request for dialogue on this matter and request a meeting with the SLRD prior to this amendment proposal being put to the SLRD board for decision.

Chen kwen mantumi
(I thank you),

Chief Gibby Jacob
KáKeltn Siyám
Executive Operating Officer
Intergovernmental Relations, Natural Resources, & Revenue
Squamish Nation

Cc: Kim Needham, SLRD - Director of Planning and Development



CONSULTATION SCHEDULE -- RGS Amendment Bylaw No. 1514-2017 (Growth Management Text Amendments)

(Checklist)

	WHO	WHEN		HOW
	STAKEHOLDERS	ITEM	TIMELINE	CONSULTATION ACTIVITIES
INITIATION				
✓	Elected Officials, CAOs, RGS Steering Committee	Elected Officials Forum #2	November 10, 2016	Elected Officials Forum held to discuss growth management in the region.
✓	SLRD Board*	SLRD Board Resolution to Initiate RGS Amendment	April 19, 2017	As per s.433 of the LGA , preparation of a regional growth strategy [including amendments] must be initiated by resolution of the Board.
✓	SLRD Staff	Prepare Consultation Plan and Notifications	May/June 2017	SLRD Staff to prepare Consultation Plan and Written Notice of Initiation.
✓	SLRD Board, Affected Local Governments, Minister*	Provide Notice of Initiation	May/June 2017	As per s. 433(4) of the LGA , the proposing Board must give written notice of an initiation under this section to affected local governments and to the minister.
✓	SLRD Board*	SLRD Board Resolution to adopt Consultation Plan	June 28, 2017	As per s. 434 of the LGA , the Board must adopt a consultation plan, as soon as practicable after the initiation of the RGS review. At this time, the Board must consider whether the consultation plan should include the holding of a public hearing.
✓	SLRD Board*	First and Second Reading of the RGS Amendment Bylaw	June 28, 2017	As per the LGA , recommend that the Board give first and second reading to the RGS Amendment Bylaw.
✓	Intergovernmental Advisory Committee*	IAC	Ongoing	Required by s. 450 of the LGA ; an Intergovernmental Advisory Committee has already been formed as part of the RGS Review.
ENGAGEMENT				
✓	Public	Public Engagement	July - August 2017	Engage and request input through local media (advertorials, ads) and online channels (SLRD website, social media).
✓	First Nations	Engagement	July - August 2017	Meet with First Nations. The SLRD made two requests to meet with Squamish Nation. No communications were received back from Squamish Nation. SLRD staff did meet with GAS proponents in August.
✓	Public	Public Hearing	September 2017	As per Board resolution and adopted Consultation Plan.
ADOPTION				
	Affected Local Governments*	Referrals and acceptance of RGS Amendment Bylaw	September/October 2017	As per s. 436, before it is adopted, a regional growth strategy must be accepted by the affected local governments; 60 days are required for this referral period. Revisions to be made, if necessary, based on referral comments and recommendations.
	SLRD Board*	Third Reading and Adoption of RGS Amendment Bylaw	Fall 2017	As per the LGA , recommend that the Board give third reading and final adoption to the RGS Amendment Bylaw.
	IAC, Affected Local Governments, Affected Agencies & Organizations, First Nations, MCSCD*	Distribution of Adopted Bylaw	Fall 2017	As per s. 443, as soon as practicable after adopting a regional growth strategy, the Board must send a copy of the regional growth strategy to: the affected local governments; any greater boards and improvement districts within the regional district; and the minister.

* Required by Local Government Act

SQUAMISH-LILLOOET REGIONAL DISTRICT

BYLAW NO. 1514-2017

A bylaw to amend the Regional Growth Strategy for the Squamish-Lillooet Regional District

WHEREAS the *Local Government Act* provides for a regional district to undertake the development, adoption, implementation, monitoring and review of a regional growth strategy under Part 13,

AND WHEREAS the Squamish-Lillooet Regional District adopted a regional growth strategy on June 28, 2010,

NOW THEREFORE the Board of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “Squamish-Lillooet Regional District Growth Strategy Bylaw No. 1062, 2008, Amendment Bylaw No. 1514-2017”.
2. The Squamish-Lillooet Regional District Growth Strategy Bylaw No. 1062, 2008 is amended as follows:
 - (a) By updating the Summary of Amendments table to include this bylaw.
 - (b) By replacing the first bullet under Strategic Direction 1.1 a) in Goal 1 - Focus Development into Compact, Complete, Sustainable Communities, with:

“Direct growth and settlement development towards Member Municipalities and existing SLRD Master Planning Communities.”
 - (c) By amending the Master-Planned Communities land use designation description in Goal 1 - Focus Development into Compact, Complete, Sustainable Communities, by replacing the phrase “Significant future growth will be accommodated in these communities” with:
 - “For existing SLRD master planned communities, further growth is not supported beyond what is currently contemplated in SLRD Official Community Plans (OCPs) and what is specified in the SLRD Regional Growth Strategy (RGS). Zoning and OCP amendments that propose to increase density or area of existing SLRD master planned communities are not supported.
 - New master planned communities and/or urban areas are not supported outside of the established settlement areas.”
 - (d) By deleting the Destination Resorts section in Goal 1 - Focus Development into Compact, Complete, Sustainable Communities.

WRITTEN NOTICE GIVEN TO AFFECTED LOCAL GOVERNMENTS on the 17th day of May, 2017

READ A FIRST TIME this 28th day of JUNE, 2017.

READ A SECOND TIME this 28th day of JUNE, 2017.

PUBLIC HEARING held on the 13th day of SEPTEMBER, 2017.

READ A THIRD TIME this day of , 2017.

ADOPTED this day of , 2017.

Jack Crompton
Chair

Kristen Clark
Corporate Officer

August 22, 2017

File: CR-07-08-SLRD

Kim Needham, Director of Planning and Development Services
Squamish-Lillooet Regional District
Box 219, 1350 Aster Street
Pemberton, BC V0N 2L0

Dear Ms. Needham:

Re: Squamish-Lillooet Regional District Regional Growth Strategy Amendment Bylaw No. 1514-2017

Thank you for the Notice of Initiation dated May 17, 2017 (Attachment 1) extending the opportunity for Metro Vancouver to provide comment on the proposed major amendment of Squamish-Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008 to address specific text amendments in support of the SLRD Regional Growth Strategy (RGS) Goal 1: Focus Development into Compact, Complete, Sustainable Communities. As an affected local government, Metro Vancouver appreciates the opportunity to be consulted on regional growth issues and policy.

We understand that this proposed amendment was originally considered a minor amendment (notice sent to Metro Vancouver January 20, 2017), but that the SLRD Board has opted to proceed with a major amendment process with a public hearing scheduled for the fall of 2017. Metro Vancouver staff wrote to the SLRD in support of the minor amendment on February 6, 2017 (Attachment 2). The purpose of this letter is to express continued staff support of the change which is now proposed as a major amendment.

The proposed major amendment strengthens the SLRD's growth management policy, emphasizing growth in established settlement areas where public services and infrastructure are already available. This is in line with the SLRD's RGS Smart Growth Principles, helping the region to avoid urban and rural sprawl while protecting green spaces and natural habitat. In addition to our shared growth management objectives, our districts also share a large boundary along the north east portion of Metro Vancouver's Electoral Area A.

Metro Vancouver 2040: Shaping our Future (Metro 2040), our regional growth strategy, has similar goals to that under consideration by the SLRD including *Metro 2040* Goal 1: Create a Compact Urban Area, and *Metro 2040* Goal 4: Develop Complete Communities. Metro Vancouver staff support efforts to undertake regional growth management to achieve compact, complete communities that help create a livable and sustainable regions on both sides of our shared boundary.

During the upcoming referral period in September and October, we look forward to the opportunity to solicit comment from Metro Vancouver elected officials through the Metro Vancouver Regional

Planning Committee and the Metro Vancouver Regional District Board. Please let us know how you would like Metro Vancouver to be engaged in the process.

Thank you for the opportunity to provide comment on this proposed amendment.

Sincerely,



Heather McNell
Acting Director, Regional Planning and Electoral Area Services

HM/TH/er

Encl: Attachment 1: SLRD Notice of Initiation, May 17, 2017 (Doc#22167773)
Attachment 2: MVRD Comment Referral Letter, Feb 6, 2017 (Doc#20685133)

23015922



September 29, 2017

Box 219 – 1350 Aster Street
Pemberton BC V0N 2L0
cdaniels@slrd.bc.ca

Attention: Claire Daniels

Dear Ms. Daniels:

**Re: Referral letter for SLRD Strategy Amendment Bylaw no. 1514-2017 -
Notificaiton**

Lil'wat Nation File: 09142017-002

We are writing to you in response to your letter dated September 14, 2017 providing notification of a proposed amendment to the SLRD Regional Growth Strategy – bylaw no. 1514-2017.

The Squamish Lillooet Regional District overlaps with the traditional territory of the Lil'wat Nation. These lands have been used and occupied by the Lil'wat since time immemorial. The Province of British Columbia has been notified of the existence of the Lil'wat Nation's traditional territory.

The Lil'wat Nation asserts unextinguished title to its traditional territory, sovereignty over its traditional territory, and a right to self-determination. The Lil'wat Nation's aboriginal rights, including title, are protected under s. 35 of the *Constitution Act, 1982*.

A series of recent court decisions have:

- upheld the existence of aboriginal title in British Columbia;
- declared that aboriginal title coexists with crown title;
- limited the instances in which aboriginal title can be infringed by British Columbia or a third party;
- established strict criteria for any such infringement;
- declared that aboriginal title includes the right to choose the use to which the land is put;
- placed a legal duty on the Province of British Columbia to undertake meaningful consultation with First Nations and accommodate potential infringement; and
- declared that accommodation may have economic and/or cultural components.

Furthermore, the Supreme Court of Canada confirmed in the *Tsilhqot'in* decision that aboriginal title is real and meaningful, territorial in nature, and that First Nation consent is required for the use of its aboriginal title lands and resources. The decision also specifically states that aboriginal title confers:

. . . the right to decide how the land will be used; the right of the enjoyment and occupancy of the land; the right to possess the land; the right to economic benefits of the land; and the right to pro-actively use and manage the land. (at para. 73)

As a consequence of these decisions, British Columbia is under a legal obligation to consult with the Lil'wat Nation, and, where appropriate, seek consent from Lil'wat Nation and accommodate the Lil'wat Nation for infringements on its aboriginal title and rights.

The Lil'wat Nation was not properly consulted on the Regional Growth Strategy when it was originally developed in 2008. As a result, the Regional Growth Strategy as a whole remains an outstanding issue for the Lil'wat Nation. We therefore are not in a position to provide any comments on the proposed amendments.

Sincerely,



Harriet VanWart, Director
Department of Land and Resources
Lil'wat Nation



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

May 17, 2017

Village of Pemberton
Box 100
Pemberton, BC V0N2L0
By email: sfraser@pemberton.ca

Dear Mayor and Council:

**RE: Squamish-Lillooet Regional District Regional Growth Strategy Amendment
Bylaw No. 1514-2017 - NOTICE**

This *Notice of Initiation* follows on and is related to previous RGS Minor Amendment Notice dated January 20, 2017 (copy enclosed). Please be advised that the Squamish-Lillooet Regional District (SLRD) has opted to proceed with a **major amendment process** of the *Squamish-Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008* to address specific text amendments in support of the SLRD Regional Growth Strategy (RGS) *Goal 1: Focus Development into Compact, Complete, Sustainable Communities*. The following resolutions were made by the SLRD Board on April 19, 2017:

THAT in response to and recognition of comments received in letters from the Squamish Nation and Garibaldi At Squamish Inc. with respect to the draft Bylaw 1514-2017 cited as "Squamish-Lillooet Regional District Growth Strategy Bylaw No. 1062, 2008 Amendment Bylaw No. 1514-2017", the Squamish-Lillooet Regional District resolves to initiate a Regional Growth Strategy (RGS) process, as per section 433 of the Local Government Act, and to initiate the RGS amendment as a major amendment to address specific text amendments in support of the SLRD RGS Goal 1: Focus Development into Compact, Complete, Sustainable Communities - specifically to:

- *Replace the first bullet under Strategic Direction 1.1 a) with: Direct growth and settlement development towards Member Municipalities and existing SLRD Master Planned Communities.*
- *Amend the Master-Planned Communities land use designation description by replacing the phrase "Significant future growth will be accommodated in these communities" with:*

- *For existing SLRD master planned communities, further growth is not supported beyond what is currently contemplated in SLRD Official Community Plans (OCPs) and what is specified in the SLRD Regional Growth Strategy (RGS). Zoning and OCP amendments that propose to increase density or area of existing SLRD master planned communities are not supported.*
- *New master planned communities and/or urban areas are not supported outside of the established settlement areas.*
- *Remove the Destination Resort language found on pages 24-26 of the RGS Bylaw; and*

THAT the Squamish-Lillooet Regional District Board direct staff to prepare a Consultation Plan regarding the above proposed major amendment as per sections 434(2) and (3) of the Local Government Act.

Enclosed is the SLRD RGS Amendment Bylaw No. 1514-2017. Additionally, the SLRD RGS Bylaw No. 1062, 2008 is available on the SLRD website here:

<http://www.slrd.bc.ca/inside-slrd/bylaws/regional-growth-strategy-bylaw>

Information and staff reports pertaining to the RGS Amendment process to date are available on the SLRD current projects page here: <http://www.slrd.bc.ca/planning-building/planning-development-services/current-projects/rgs-amendment-growth-management-text-amendments>

The proposed amendment has not changed since initially contemplated in December 2016 and written notice provided to affected local governments in January 2017. Only the process by which the amendment is carried out had been altered (Minor to Major Amendment Process). Note a public hearing is proposed to be held as part of the major amendment process.

The proposed text amendments were prepared by the RGS Steering Committee pursuant to a request made at an RGS Elected Officials Forum held November 10, 2016 (attended by representatives of the SLRD, District of Squamish, Resort Municipality of Whistler and Village of Pemberton). As per section 433 of the *Local Government Act*, 30 days written notice is hereby given to each affected local government. The SLRD Board will be considering first and second reading of the RGS Amendment Bylaw on June 28, 2017 at 10:30 am in the SLRD Boardroom, 1350 Aster Street, Pemberton, BC. Any written comments provided by affected local governments will be considered prior to bylaw readings.

Please provide any comments by June 23, 2017.

The SLRD Board looks forward to the receipt of any comments from your organization. Should you have any questions, please contact Kim Needham, Director of Planning and Development Services at kneedham@slrd.bc.ca or Claire Daniels, Planner at the SLRD at cdaniels@slrd.bc.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Needham". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Kim Needham,
Director of Planning and Development Services
Squamish-Lillooet Regional District

enclosures: SLRD RGS Amendment Bylaw No. 1514-2017
RGS Minor Amendment Notice – January 20, 2017

Date: December 12 ,2017

To: Nikki Gilmore, Chief Administrative Officer

From: Sheena Fraser, Manager of Corporate & Legislative Services

Subject: Crown Land Tenure Licence 242125 – Extension

PURPOSE

The purpose of this report is to seek the approval of Council to make application for an extension of the Crown Land Tenure Licence 242125 for lands located south of One Mile Lake Park.

BACKGROUND

In 2012 the Village made application to the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO), for a Licence of Occupation on the lands identified as **THOSE PARTS OF DISTRICT LOTS 239 AND 5444, TOGETHER WITH THAT PARCEL OR TRACT OF LAND IN THE VICINITY OF DISTRICT LOT 259, LILLOOET DISTRICT**, containing 56.42 hectares, for a Regional Park purpose. The Licence of Occupation was approved for a five (5) year period. A map of the area is attached as Appendix A.

DISCUSSION & COMMENTS

The Village has received notification that the Licence of Occupation, which is now referred to as a Lease Agreement, will expire on December 12, 2017. As such, the Village is required to submit a Replacement Application and make a request to extend the Lease Agreement for a period of time between two and thirty years.

The Replacement Application must include an application fee of \$200, a site plan (see Appendix A), a management plan describing the existing improvements (ie trails) and any scheduled development or maintenance plans and a resolution of Council endorsing the application. The application must be submitted by January 6, 2018 although an extension has been requested and granted.

Staff is in the process of preparing a management plan and is seeking a resolution of Council supporting or endorsing the Village making application for continued use of this area through a Lease Agreement. It is recommended that the application be for a period of thirty years or more to ensure long term occupancy for the community.

COMMUNICATIONS

There are no communications considerations at this time.

LEGAL CONSIDERATIONS

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

IMPACT ON BUDGET & STAFFING

The Lease Agreement fee is \$1/year. There are no impacts to the budget or staff hours for considerations at this time.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts or approvals required to facilitate the Replacement Application process.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

The Sea to Sky Trail and several trails managed by the Pemberton Valley Trails Association lie within the lease area. Renewal of the lease agreement is beneficial to ensuring that the Village and Squamish-Lillooet Regional District continues to hold tenure on the lands for recreational purposes.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

Renewal of this Lease Agreement is in alignment with Strategic Priority One: Economic Vitality to support tourism in the Pemberton Valley and Strategic Priority Four: Social Responsibility to create a strong and vibrant community recognizing the importance and benefits of healthy and engaged citizens.

RECOMMENDATIONS

THAT the Replacement Application for a thirty year Lease Agreement over **THOSE PARTS OF DISTRICT LOTS 239 AND 5444, TOGETHER WITH THAT PARCEL OR TRACT OF LAND IN THE VICINITY OF DISTRICT LOT 259, LILLOOET DISTRICT**, containing 56.42 hectares, for a Regional Park purpose be approved.

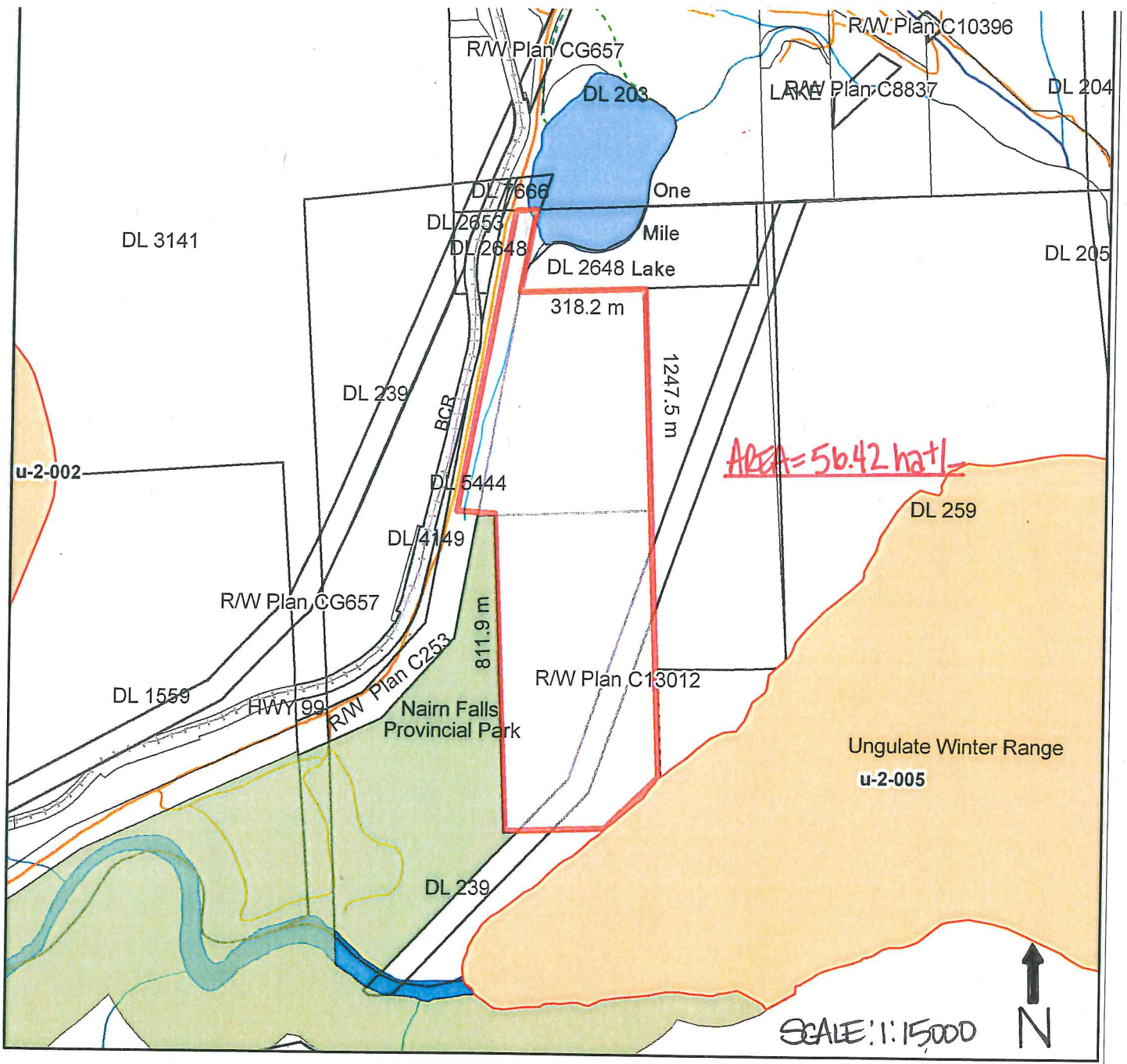
ATTACHMENTS:

Appendix A: Lease Agreement Site Plan

Submitted by:	Sheena Fraser, Manager of Corporate & Legislative Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

LEGAL DESCRIPTION SCHEDULE

LEGAL DESCRIPTION: THOSE PARTS OF DISTRICT LOTS 239 AND 5444, TOGETHER WITH THAT PARCEL OR TRACT OF LAND IN THE VICINITY OF DISTRICT LOT 259, LILLOOET DISTRICT, CONTAINING 56.42 HECTARES, MORE OR LESS



Date: Tuesday, December 12, 2017

To: Nikki Gilmore, Chief Administrative Officer

From: Sheena Fraser, Manager of Corporate & Legislative Services
Tim Harris, Manager of Operations & Development Services

Subject: Site Alteration Bylaw No. 822, 2017 – First, Second and Third Readings

PURPOSE

The purpose of this report is to introduce for consideration of First, Second and Third Readings the Village of Pemberton Site Alteration Bylaw No. 822, 2017, attached as **Appendix A**

BACKGROUND

At the Committee of the Whole Meeting, held on September 12, 2017 a draft Site Alteration Bylaw was presented for review and discussion. The report and draft bylaw are attached as **Appendix B**.

In this regard, the Committee provided comment to staff and the following resolution was passed:

Moved/Seconded

***THAT** the Site Alteration Bylaw be referred back to staff for amendments, as discussed, and the Bylaw brought forward for readings after legal review.*

CARRIED

The draft bylaw was referred for legal review to ensure that the Bylaw as proposed meets with the authority given to local government and legislative requirements as set out in the Community Charter. The legal review is now complete and Site Alteration Bylaw No. 822, 2017 is being presented to Council for consideration of First, Second and Third Readings.

DISCUSSION & COMMENTS

As noted above, the legal review resulted in some minor changes being made to the bylaw. In this regard, the preamble has been adjusted to include a revised purpose statement to reflect the powers of Council more broadly and section 3.0 has been replaced with a general interpretive statement which includes the severance clause which was originally noted at the end of the bylaw.

Section 4 - Definitions:

Several definitions have been enhanced or further developed. For example, the definition of “Invasive Species” is more precise and reflects what municipalities are authorized to restrict under section 9 of the *Community Charter* (protection of the natural environment) and the Regulation noted.

The reference to ‘contaminated soil’ has been removed from the definition of “Other Materials” as under Section 9 of the *Community Charter* and the Responsible Minister Regulation, the Minister of Environment would then be required to sign off on any permits issued by the Village under this Bylaw. As such, it was determined that in order to ensure that Site Alteration Permits are not held up because of Ministerial review it would be best to remove the reference to contaminated soil. In the event that contaminated soil of any type was deposited the Village would turn the matter over to the Ministry of Environment to address.

Finally, the definition of “Owner” has been made broader to address common property of a strata corporation.

Section 10 - Permit Application Requirements:

This section has been restructured for better clarity and simplification. As such, the requirements previously set out in section 10.4 (site alteration over 1000 m³) have been incorporated into section 10.3 in order to avoid duplication.

Section 11 – Permit Issuance:

This section has been enhanced to better set out the authority of the Manager with respect to issuance of a Permit.

Section 12 – General Conditions:

This section has also been further developed by improving upon some of the language to provide better clarity and adding in reference to “municipal infrastructure” in section 12.3 (a) and (b).

Clauses 12.5, 12.6 and 12.10 in the original draft bylaw have been removed. The rationale is that these requirements are best set out in the Application Form and will be noted on the Permit that is issued and signed by the Permit Holder. In order to ensure that these elements have been addressed the application form will include a check list which Staff will identify for the applicant what information is or is not needed.

Section 14 – Permit Revocation and Reinstatement

Section 14.2 has been revised by removing the ten (10) day notice period as that could allow for unauthorized work to continue for a long period of time. This ensures that once notification is given by the Manager the work must stop immediately similar to a Stop Work Order.

Section 16 – Reconsideration of Site Alteration Permit Application (Tree Cutting)

Section 16.2 has been revised by removing the requirement to submit a fee with a request for reconsideration of the Managers decision related to the cutting and removal of trees as under the *Community Charter* a person has a statutory right to reconsideration. As such, the Village does not have the authority to impose a fee and if it does, it would unlikely survive a legal

challenge. In this regard, rather than put the Village at risk, Staff determined it would be appropriate to remove the reference to a fee to process a reconsideration request.

Schedule A: Site Alteration Permit Fees:

Schedule A has been revised to adjust the surcharge for unpermitted work, to be in alignment with the permit fee rather than a surcharge of \$5,000 regardless of the Permit type. Staff felt that a large surcharge applied on smaller projects would be unreasonable.

Schedule B: Fines

Finally, Schedule B which established a fine of \$150 has been removed as it will be incorporated into an amendment to the Municipal Ticket Information Bylaw.

COMMUNICATIONS

Should the Bylaw as presented be adopted, Staff will prepare an information flyer that will be distributed to the development and construction community to advise them of the new requirements.

As well, the Village website will be updated to include information on the Site Alteration Permit requirements along with an online application form.

LEGAL CONSIDERATIONS

Section 8 of the *Community Charter* gives a municipality the rights, powers and privileges of a natural person of full capacity. Specifically, Section 8 (3) enables Council, by bylaw, to regulate, prohibit and impose requirements in relation to a number of items including 8 (3) (c) *trees* and 8 (3) (m) *the removal of soil and the deposit of soil or other material*.

Legal review of the proposed bylaw was completed and some minor adjustments were made to some of the definitions and clarification was made with respect to the permit process. It was also determined that the bylaw does not require concurrent authority and therefore review by the Ministry of Environment (regarding soil deposit) or the Ministry of Energy and Mines (regarding soil removal) is not required.

IMPACT ON BUDGET & STAFFING

This bylaw was prepared in-house and incorporated into the work plans for both the Corporate & Legislative Services Department and the Operations & Development Services Department. There were some costs associated with legal review and those costs have been accommodated in the budget.

INTERDEPARTMENTAL IMPACT & APPROVAL

The bylaw will be enforced and applications reviewed and issued by the Operations and Development Services Department. This new procedure will be incorporated into the daily activities of the Department and can be accommodated.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

Adoption of the Site Alteration Bylaw No. 822, 2107 has no impact on the region or neighbouring jurisdictions. However, it should be noted that this bylaw is in alignment with SLRD Soil Deposit and Removal Bylaw No. 1423-2015 in order to provide consistency between jurisdictions given that many of the contractors and developers in this area work in both jurisdictions.

ALTERNATIVE OPTIONS

Should Council not wish to proceed with First, Second and Third Readings of Site Alteration Bylaw No. 822, 2017, the following alternatives are provided for consideration:

Option One: Give Site Alteration Bylaw No. 822, 2017 First Reading and request that Staff do further work on the Bylaw and bring it back for further consideration at a future meeting.

Option Two: Not give Site Alteration Bylaw No. 822, 2017 Readings and request that further research be done and the Bylaw brought back for further review and consideration at a future meeting.

These options are not recommended.

POTENTIAL GOVERNANCE CONSIDERATIONS

The establishment of the Site Alteration Bylaw No. 822, 2017 meets with Strategic Priority Two: Good Governance whereby the Village is committed to being an open and accountable government; Strategic Priority Three: Excellence in Service whereby the Village is committed to delivering the highest quality level municipal services through the development of solid internal processes; and Strategic Priority Four: Social Responsibility where by the Village strives to create a strong and vibrant community recognizing the importance of a well-managed natural environment.

RECOMMENDATIONS

THAT Site Alteration Bylaw No. 822, 2017 be given First, Second and Third Reading.

ATTACHMENTS:

Appendix A: Site Alteration Bylaw No. 822, 2017

Appendix B: Report to Committee of the Whole, dated September 12, 2017.

Prepared or Submitted by:	Sheena Fraser, Manager of Corporate & Legislative Services Tim Harris, Manager of Operations & Development Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

**VILLAGE OF PEMBERTON
BYLAW NO. 822, 2107**

A bylaw to regulate Site Alterations within the Village of Pemberton

WHEREAS under the *Community Charter*, Council may enact bylaws to regulate, prohibit and impose requirements in relation to trees, the removal and deposit of soil and other material, to protect the environment and the well-being of the community, and may impose fees for the exercise of authority to so regulate, prohibit and impose requirements;

AND WHEREAS Council considers that site alteration involving the deposit or removal of cut trees, soil and other materials should be orderly, in keeping with good practices and so as to minimize nuisance, safety concerns and the spread of invasive species within the community;

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

1.0 TITLE

- 1.1 This bylaw may be cited for all purposes as the “Village of Pemberton Site Alteration Bylaw No. 822, 2017”.

2.0 APPLICATION

- 2.1 This Bylaw applies to all lands within the Village of Pemberton.
- 2.2 Nothing in this Bylaw shall preclude anyone from complying with the provisions of any other local, provincial, or federal regulations or enactment.

3.0 INTERPRETATION

- 3.1 In this Bylaw, except as otherwise indicated, words and phrases are to be construed in accordance with the *Community Charter* and *Interpretation Act*. A reference to a statute refers to a statute of the Province of British Columbia and a reference to any statute, regulation, or bylaw refers to that enactment as amended or replaced from time to time. If any section or portion of this Bylaw is held to be invalid by a court of competent jurisdiction, such invalid section or portion is severed and does not affect the remainder of this Bylaw.
- 3.2 Schedule A is attached to and forms part of this Bylaw.

4.0 DEFINITIONS

4.1 In this Bylaw, the following definitions apply:

Bylaw Enforcement Officer means a person appointed by the Village to act on matters of bylaw enforcement.

Council means the elected Council members for the Village.

Deposit means the placement, storage, filling, spilling or releasing, directly or indirectly, of soil, other materials or cut trees on lands in the Village where the soil or trees were not previously located.

Manager means a person who holds the position of Manager of Operations & Development Services for the Village or a person designated to act on their behalf in the administration of this Bylaw.

Invasive Species means any alien invasive species of plant identified in the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation* under the *Community Charter*.

Landscaping Materials means any materials used for hard or soft landscaping such as, but not limited to, brick, gravel, stone, rock, concrete, timber, metals, plants, grasses, shrubs, trees used to improve landscape or outdoor space.

Other Materials includes, but is not limited to, construction and demolition waste, masonry rubble, concrete, asphalt, wood waste, unchipped lumber, drywall, refuse, undecomposed organic matter, soil containing invasive species, and other similar matter.

Owner means an owner as defined in the *Community Charter*, and in relation to the common property of a strata corporation, includes the strata corporation.

Parcel means any lot, block or area in which land is held or into which it is subdivided.

Parcel Line means any boundary of a parcel.

Permit means the written authority for Site Alteration granted by the Manager or designate pursuant to this Bylaw.

Permit Holder means a person holding a permit issued by the Village.

Registered Professional means an arborist, engineer, geoscientist, agrologist, environmental consultant, soil scientist, biologist, or land surveyor who is registered with a professional association that is regulated by a statute, appointed to act in the capacities described under the sections of this Bylaw requiring a registered professional;

Removal or remove means to remove trees or to take, excavate, or extract soil or other material from a parcel on which it exists or has been deposited.

Site means any parcel of land and any group of lots or parcels of land.

Site Alteration means any of the following, or combination of the following:

- (a) the placing, dumping or deposit of cut trees, soil or other materials on land,
- (b) the removal of vegetation, trees or soil or other materials from land,
- (c) the alteration of the grade of the land by any means including placing soil, clearing and grubbing,
- (d) the compaction of soil or the creation of impervious surfaces; and

to **alter a site** means to direct, cause, allow or suffer a site alteration.

Soil means clay, silt, topsoil, fill, sand, gravel, cobbles, boulders, peat or other substance of which land is naturally composed, down to and including the bedrock but does not include other material.

Stockpile means a human-made accumulation of soil or other material held in reserve for future use, distribution or removal.

Tree means any living erect, woody plant which is 10cm (4") or more in diameter measured 1.4 m (4.5') above ground, and for the purpose of this Bylaw does not include a hedge.

Village means the Village of Pemberton.

Wood waste means wood residue in mechanically shredded form and includes sawdust, hog fuel, bark, chips, slabs, shavings, trimmings, edgings, or other such waste which is the result of any manufacturing process involved in the production of lumber or other wood products.

5.0 PROHIBITION

- 5.1 No person shall cause, direct, suffer or allow site alteration on any parcel or site within the Village except in accordance with this Bylaw.

6.0 PERMIT REQUIREMENTS

- 6.1 Subject to an exemption in this Bylaw or under an enactment of British Columbia or Canada, no person shall cause, permit, suffer or allow the alteration of a parcel or site within the Village unless the person:
 - a) has applied for and been issued a valid and subsisting permit for such alterations; and
 - b) carries out the alterations in accordance with this Bylaw and the terms and conditions set out in the permit.

7.0 PERMIT EXEMPTIONS

7.1 Despite section 5 of this Bylaw, a permit is not required where the site alteration:

- a) results in the deposit or removal of less than 10 cubic metres (m³) of soil in a calendar year;
- b) is for the purpose of constructing or maintaining provincial roadways, forest service roads, walkways or trails;
- c) is on land owned by, or works undertaken by, the Village (or its appointed agents);
- d) is on land managed under the *Forest Act* or regulated under the *Highways Act* and for which a provincial soil permit has been obtained, so long as the land continues to be used as managed forest or highways;
- e) is related to and in accordance with a valid building permit issued by the Village;
- f) is required as part of the clean-up or remediation of a parcel of land as directed and approved by the *Ministry of Environment*;
- g) is undertaken as a permitted farm use on land located within the Agricultural Land Reserve (ALR), as specified within the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*. (For certainty, soil deposit or removal as a non-farm use or for non-farm uses require a permit under this Bylaw);
- h) is undertaken as flood protection works in emergency circumstances by or on behalf of a dyking authority; or,
- i) is undertaken to resolve emergency situations that present an immediate danger related to flooding, erosion or other immediate threats to life or property, including removal of hazardous trees, provided the Village's Manager has been informed;
- j) is carried out only for the purpose of landscaping a property using proper landscaping materials subject to the landscaping being completed within four (4) months.

8.0 PERMIT APPLICATION

8.1 An application for a permit must be made on a form provided by the Village.

8.2 A separate application for a separate permit must be made for each parcel that is to be altered, in accordance with section 10.0 (Permit Application Requirements).

8.3 The permit application must be signed by the applicant, and

- a) If the applicant is not the owner, by all owners of the parcel or site, and
- b) In the case of strata property:

- i. by an authorized representative(s) of the strata corporation plus the strata lot owner for the property where the site is to be altered; and
- ii. by resolution of the strata council if the site alterations apply to common property.

9.0 PERMIT APPLICATION FEES

- 9.1 An application for a permit must be accompanied by a non-refundable permit fee and a refundable deposit as set out in Schedule "A";
- 9.2 In the event of unpermitted work carried out in advance of a Permit being issued, a surcharge in addition to the site alteration permit application will be required as set out in Schedule "A".

10.0 PERMIT APPLICATION REQUIREMENTS

10.1 Subject to section 10.2, every application for a site alteration permit which includes between 50 cubic metres (m³) and 100 cubic metres (m³) of soil, other material or trees shall be accompanied by:

- a) the location of the parcel or site:
 - (i) from which trees, soil and other material are to be removed, in the case of their being deposited, or
 - (ii) the location of the parcel or site to which cut trees, soil or other material are to be deposited, in the case of their removal;
- b) the general description and volume of the soil, other material or trees to be deposited or removed;
- c) a tree management plan, prepared by a registered professional arborist identifying removal and protection areas within the parcel or site as may be applicable along with a rationale for the removal of the trees; and
- d) if required by the Manager, detailed plans, data and specifications for the proposed parcel or site prepared by a Registered Professional to a scale of not more than 1:1,000, unless otherwise authorized by the Manager, showing the contour of the ground in its current state and containing information regarding the site alteration with respect to any (or all) of the matters set out in section 10.3.

10.2 Where an application under section 10.1 relates to a parcel (or portion thereof) that is:

- a) situated within the Agricultural Land Reserve (ALR);
- b) subject to flooding or floodplain hazards, including flood construction level covenants, save harmless covenants or identified on provincial flood mapping; or
- c) situated within a development permit area pursuant to section 488(1)(a) of the *Local Government Act* (protection of the natural environment, its ecosystems and biological diversity),

if required by the Manager, the application must include detailed plans, data and specifications for the proposed site prepared by a Registered Professional to a scale of not more than 1:1,000, unless otherwise authorized by the Manager, showing the contour of the ground in its current state and containing information regarding the site alteration with respect to any or all of the matters set out in section 10.3.

10.3 Every application for a permit for site alteration that involves more than 100 cubic metres (m³) of soil, cut trees or other material shall be accompanied by detailed plans, data, and specifications for the proposed site prepared by a Registered Professional to a scale of not more than 1:1,000, unless otherwise authorized by the Manager, showing the contour of the ground in its current state and shall contain information regarding the site alteration with respect to the following matters:

- a) the location of the site:
 - (iii) from which trees, soil and other material are to be removed, in the case of their being deposited, or
 - (iv) the location of the site to which cut trees, soil or other material are to be deposited, in the case of their removal;
- b) the general description and volume of the soil or other material to be deposited or removed;
- c) a tree management plan, prepared by a Registered Professional Arborist identifying removal and protection areas within the site and a rationale for the removal of the trees;
- d) all features including buildings, structures, tree cover, roads, bridges, and natural watercourses;
- e) land uses and designations, such as ALR, zoning, floodplain areas, environmentally sensitive areas, and First Nations reserve land;
- f) the proposed slopes which will be maintained upon completion of the site alteration;
- g) the proposed methods to control the erosion of the banks of the site alteration area;
- h) the proposed methods of drainage control during the site alterations;
- i) the proposed methods to control noise and dust generated by the proposed site alterations;
- j) the proposed methods and locations of access to the site during the site alterations;
- k) the proposed grading and rehabilitation plan for the site during and upon completion of the proposed site alterations, copies of any remediation requirements of the Agricultural Land Commission;

- l) the proposed location of buffers and tree cover, and the location and grade width of berms as may be required;
- m) the proposed schedule for the deposit or removal of soil, cut trees or other materials, indicating the amounts to be either removed or deposited on a monthly basis;
- n) the proposed routes to and from the site;
- o) a traffic management plan, which would include but not be limited to a description of the frequency of vehicles, signage, placement of safety control devices, and other traffic control that would minimize the disturbance created;
- p) copies of all other necessary approvals and permits from Federal and Provincial authorities required by statute or regulation in connection with the proposed site alteration;
- q) if the proposed site alteration takes place on ALR land, information on the past and proposed farming activity, if applicable, the relationship of the soil deposit or removal to existing or proposed farming activity on the land, impact on the agricultural capability of the land, and a report, prepared by a registered professional agrologist, identifying the positive benefit of the proposed soil deposit or removal to agriculture;
- r) a site reclamation plan including an Invasive Species Management Plan, prepared by a registered professional to be incorporated into the permit.

10.4 Without limiting information required as part of an application under subsections 10.1, 10.2 or 10.3, the Manager may require an applicant to provide any other information the Manager considers appropriate or necessary to facilitate the review of the Permit application.

11.0 PERMIT ISSUANCE

11.1 Where the Manager is satisfied that:

- a) an application for a permit under this Bylaw has been submitted in complete form;
- b) the proposed site alteration set out in the application conforms with this Bylaw and other applicable bylaws of the Village; and
- c) the applicant for the permit has paid the Village the required application fees and the refundable deposit;

the Manager may issue the permit.

11.2 The Manager may make orders with respect to a particular site, if the Manager considers that an application or site alteration in progress is not in compliance with this Bylaw, and to ensure compliance, may impose specific terms, restrictions, and requirements as a condition of permitting site alteration work to proceed.

- 11.3 The Manager may impose conditions on a permit that restrict the location of deposit or removal and the type and volume of soil, other materials or trees to be deposited or removed based on the information supplied by the applicant under sections 10.1, 10.2 or 10.3, to ensure the deposit or removal occurs in the manner and amount specified in the application. Where the applicant is required to submit detailed plans, data and specifications under section 10.2 or 10.3, the Manager may issue the permit on conditions pertaining to subsections 10.3, to ensure the applicant undertakes the site alterations in accordance with the detailed plans, data and specifications provided.
- 11.4 For the purposes of ascertaining compliance with this Bylaw, the Manager may require an owner or Permit Holder to provide records in relation to the parcel or site or site alteration and without limitation, may require a report from a Registered Professional in relation to the parcel, site, or site alteration.
- 11.5 Every owner and Permit Holder of a parcel or site that is the subject of a site alteration must comply with all conditions set out in the Permit or in an order respecting the parcel or site, as well as with the conditions, restrictions and requirements of this Bylaw.
- 11.6 In the event that site alterations begin without a permit, the Manager has the discretion to waive or reduce the surcharge as identified in Schedule A.

12.0 GENERAL CONDITIONS

- 12.1 Subject to any further restrictions imposed by the Manager, or a variation authorized by the Manager in writing, site alteration activities may only occur between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. Saturday. These hours may be varied by the Manager where the Manager considers the work cannot be carried out effectively within these hours.
- 12.2 Site Alteration activities are not permitted on Sundays or statutory holidays unless prior written authorization from the Manager is provided.
- 12.3 No person may undertake any site alterations so as to do any of the following:
- a) foul, obstruct, divert, or impede the flow of or damage or destroy any watercourse, municipal infrastructure, ditch, drain, sewer, or other water utility, whether privately or publicly owned;
 - b) damage or destroy amenities on the lands or adjacent lands including, without limitation, any utilities, works or services, municipal infrastructure, statutory rights of way, structures, buildings or improvements;
 - c) contravene any Village bylaw or provincial or federal law;
 - d) threaten the health and safety of the public;
 - e) result in the use of any parcel or site in a manner inconsistent with the current zoning for the permit lands;

- f) compromise the hydrological function or drainage capacity of the parcel, site, or adjoining lands;
- g) result in soil on the parcel, site or adjacent land becoming unstable or susceptible to erosion, slippage, landslide, slumping or settling;
- h) result in costs for the Village, Regional District, or other government entity to provide public utilities, works or services to the parcel, site or adjoining lands;
- i) permit dust, dirt or noise to escape the parcel line or site boundary that may cause a private or public nuisance;
- j) result in the coverage of topsoil; or
- k) allow or suffer the growth, or increased growth of invasive species on the parcel or site that is subject to site alteration.

12.4 All descriptions, plans and specifications submitted by the applicant in support of the permit application and marked 'FINAL' by the Village form part of and are incorporated into the permit and the permit specifically limits site alterations in accordance with the descriptions, plans and specifications accepted by the Village.

12.5 The issuance of a permit does not constitute authority to conduct processing of soil on the parcel or site or any part thereof if not appropriately zoned for such use.

12.6 Every permit issued pursuant to this Bylaw shall expire twelve (12) months following the date of issuance unless an expiry date for a different term is expressly specified in the permit. Every permit shall cease to authorize site alterations upon the expiry date unless the permit has been renewed in accordance with sections 13.1, and 13.2.

12.7 No permit issued pursuant to the terms of this Bylaw may be transferred, assigned or sold.

12.8 The owner is responsible for the removal of any soil, cut trees or other material deposited without a permit, or contrary to the terms of a permit. Failure to remove or the soil, cut trees or other material within the time period so given for the removal may result in the Village or its appointed agents entering onto the parcel or site and carrying out the work required to effect the removal of soil or other material at the expense of the owner.

12.9 If required under the terms of the permit, upon completion of the site alteration authorized by a permit, the permit holder shall deliver to the Manager a certificate from a Registered Professional stating that all site alterations are in substantial compliance with the requirements of the permit and good environmental and engineering practices.

13.0 PERMIT RENEWAL

13.1 A permit for site alterations may be renewed at the request of the applicant for one additional term not to exceed twelve (12) months if the Manager or his designate determines, after inspecting the permit parcel that the applicant is in full compliance with the permit and this Bylaw.

13.2 Application for renewal of a permit or part thereof will be made in the same manner as provided herein for a new permit along with a non-refundable renewal fee as set out in Schedule A. The original application may be re-submitted for renewal, provided all applicable drawings and specifications are updated as necessary to identify any material changes to site conditions and to demonstrate compliance with current bylaws and regulations.

14.0 PERMIT REVOCATION AND REINSTATEMENT

14.1 The Manager may issue a stop work order, with immediate effect, acting reasonably, if site alteration activities have not been undertaken in accordance with the terms and conditions of this Bylaw or the permit.

14.2 The Manager may, by delivery of written notice to a permit holder, revoke or suspend a permit under this Bylaw where:

- a) the Permit Holder has contravened this Bylaw, or another bylaw of the Village;
- b) the Permit Holder has contravened a term or condition of the permit;
- c) the permit was issued on the basis of descriptions, plans and specifications in support of the permit application that were incorrect or misleading; or,
- d) the permit holder failed or refused to comply with a stop work order made pursuant to this Bylaw.

14.3 The Manager may reinstate a permit if the applicant provides a report from a Registered Professional confirming compliance with the Bylaw.

15.0 ENFORCEMENT

15.1 The Manager, Bylaw Enforcement Officer, other Village employees, persons retained by the Village for inspection purposes, and agents of the Village are authorized individually or in combination to enter at all reasonable times on any parcel to ascertain whether the provisions of this Bylaw are being observed.

15.2 A person must not hinder or obstruct a person authorized under section 15.1 from carrying out an inspection or enforcement of this Bylaw.

16.0 RECONSIDERATION OF SITE ALTERATION PERMIT APPLICATION

TREE CUTTING

16.1 An applicant for a site alteration permit to authorize the cutting and removal of trees may, pursuant to s.52 of the *Community Charter*, request reconsideration of the Manager decision within ten (10) days following the date on which the decision is mailed, emailed or faxed to them.

16.2 A request for reconsideration must be delivered in writing to the Manager and must set out the grounds on which the applicant considers the Manager's decision is

inappropriate and what decision the applicant considers the Council ought to substitute.

- 16.3 The Manager of Corporate & Legislative Services for the Village must place each request for reconsideration on the agenda of a meeting of the Council to be held not earlier than two (2) weeks from the date on which the request for reconsideration was received by the Village.
- 16.4 The Manager of Corporate & Legislative Services will notify the applicant and any other person who the Manager reasonably considers may be affected by the reconsideration, of the date of the meeting at which it will occur.
- 16.5 After hearing from the applicant, the Manager, and any other person considered by Council to have provided relevant information by or at the time of hearing, Council may confirm or set aside the decision of the Manager, or substitute its own decision along with any conditions, restrictions or requirements it considers necessary or appropriate.

17.0 OFFENCES AND PENALTIES

- 17.1 Any person commits an offence against this Bylaw who:
 - a) fails to comply with a term or condition of a permit;
 - b) fails to comply with an order or notice under this Bylaw; or
 - c) causes, allows or suffers a violation of this Bylaw, a term or condition of a permit, or an order or notice under this Bylaw,

and each day that a violation is caused or allowed to continue constitutes a separate offence under this Bylaw.

- 17.3 Any person who is found guilty of a violation under this Bylaw shall be liable to pay:
 - a) a fine of up to \$1,000.00 if issued a ticket under the *Village of Pemberton Municipal Ticket Utilization Bylaw*;
 - b) a fine of up to Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed, if proceedings are brought under the *Offence Act*.

18.0 FEES AND COST RECOVERY

- 18.1 Where a person fails to pay the Village's costs as required by this Bylaw or where a person subject to an order under this bylaw fails to take action required by the order and the Village carries out the work or otherwise fulfills the requirement, the Village may recover its costs from the owner, occupier or person responsible for the work or for payment of the costs, as a debt to the Village. Money owed to the Village under this bylaw is payable upon receipt of an invoice from the Village.
- 18.2 If an amount owing under this Bylaw for work done or services provided to land or improvements remains unpaid on December 31st of the year in which the debt was incurred, the amount is deemed to be taxes in arrear and may be collected from the owner of the land or improvements in the same manner and with the same remedies as for property taxes.

READ A FIRST TIME **this** **day of** **, 2017.**

READ A SECOND TIME **this** **day of** **, 2017.**

READ A THIRD TIME **this** **day of** **, 2017.**

ADOPTED **this** **day of** **, 2017.**

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

First, Second and Third Reading - December 12, 2017

**Schedule A:
Site Alteration Permit Fees:**

Permit	Fee	Refundable Deposit*	Unpermitted Work in advance of a Site Alteration Permit, Surcharge in addition to the Site Alteration Permit Application Fee
SECTION 10			
Site Alteration Permit for the deposit or removal of soil or other material less than 50 cubic metres (m ³)	Not Applicable	Not Applicable	Not Applicable
Site Alteration Permit for deposit or removal of more than 50 cubic metres (m ³) and up to 100 cubic metres (m ³), trees or other material in any calendar year	\$100	\$1,000	\$1,000
Site Alteration Permit for deposit or removal of more than 100 cubic metres (m ³) and up to 1,000 cubic metres (m ³), trees or other material in any calendar year	\$250	\$2,500	\$2,500
Site Alteration Permit for the deposit or removal of more than 1,000 cubic metres (m ³), trees or other material in any calendar year.	\$500	\$5,000	\$5,000
SECTION 13			
Permit Renewal	\$ 50		

*The refundable deposit shall be security for the completion of all requirements established in the Site Alteration Permit and may be used at any time by the Village to secure the completion of any requirement or undertake remediation works as required.

Date: September 12, 2017
To: Nikki Gilmore, Chief Administrative Officer
From: Sheena Fraser, Manager of Corporate & Legislative Services
Tim Harris, Manager of Operations & Development Services
Subject: Site Alteration Bylaw – Draft for Discussion

PURPOSE

The purpose of this report is to present to the Committee of the Whole a draft of a proposed Site Alteration Bylaw for review and discussion attached as **APPENDIX A**.

BACKGROUND

In the fall of 2012, as a result of several very visible lots within the Village being cleared in anticipation of development that had not yet occurred, Staff were directed to research what options were available to the Village to ensure that the property owners keep their lands in reasonable conditions or screened so that it does not impact the visual quality of the community especially if development of the property was slowed for any reason.

As a result, Staff researched options and presented to the Committee of the Whole several legislative tools that could be put in place for consideration. These included establishment of a Site Alteration Bylaw, a Soil Removal and Deposit Bylaw, a Tree Protection Bylaw, which were regulatory in nature and would be enforceable through permits, fees and fines, or an amendment to the Development Permit Guidelines established in the Official Community Plan which would see the addition of language related to site alteration which was more policy focused in implementation. The intent of this latter approach was to ensure that, prior to any works being done on a parcel of land, a property owner was required to have a Development Permit approved and issued.

At that time, the Committee and subsequently Council directed staff to amend the OCP to include and enhance language related to site alteration and in January, 2013 the Official Community Plan (Site Alteration DP Guidelines) Amendment Bylaw No. 722, 2012 was adopted and attached as **APPENDIX B**.

Although the intent of the additional Development Permit requirements was to bring to the forefront the importance of ensuring that an undeveloped site does not become an eyesore and negatively impact the community; unfortunately, as a result of a slowdown in development at the time, the opportunities to implement these requirements, especially on those lands that were already cleared continue to be limited. As a result, the Village has relied on the Unightly Premises Bylaw but that bylaw also has had its limitations.

In the last year and a half, interest in developing in the Village of Pemberton has increased which has entailed activity on several high profile lots at the entrance of the Village and along Portage Road. As well, significant work has been taking place on the Hillside properties and staff has been fielding interest for the development of several other lands throughout the Village. As such, it has become apparent that it would be in the best interest of the Village to put in

place a regulatory bylaw¹ that establishes regulations and/or conditions related to altering a site and specifically addresses the deposit and/or removal of soil and other materials as well as the removal of trees. The rationale for this is that this type of work can significantly impact a neighbourhood and the community as a whole. .

At the Regular Council Meeting No. 1452, held on June 6, 2017, Council reviewed the 2017 Strategic Priorities and Department Work Plans and at that time staff were asked to add to the work plans several items including the establishment of a Site Alteration Bylaw and Policy.

DISCUSSION & COMMENTS

In preparation for developing a Site Alteration Bylaw staff researched and reviewed similar bylaws from the District of Squamish, the Resort Municipality of Whistler and the Squamish-Lillooet Regional District. As well, review also included bylaws from other communities around the province that have been managing development with a focus on bylaws and/or policies adopted in the past two to three years. This was done to ensure that the language in the bylaw was up to date and reflected current legislative authorities or regulations.

Staff has prepared a draft bylaw for review by the Committee of the Whole that is reflective of the recent Soil Deposit and Removal Bylaw adopted by the SLRD in 2016 and incorporates components of the District of Squamish Site Alteration Bylaw as amended over time given that it covers a broader range of site alteration activities.

Permit Application and Fees:

The draft bylaw establishes that anyone wishing to make alterations to their property must apply for and be issued a Site Alteration Permit. This includes the requirements that must be met in order to make application for a Permit (Section 10). In considering that not all site alterations may be significant, staff determined that it would be reasonable to establish that the deposit or removal of soil, trees and other materials less than 10 cubic metres in a calendar year would not require a Permit; however, anything over and above that amount would. In this regard, the fee structure has taken into account that a larger project will require more staff time for review and as such three fee levels have been established:

Permit	Fee	Refundable Deposit*
Site Alteration Permit for deposit or removal of more than 10 cubic metres (m ³) and up to 100 cubic metres (m ³), trees or other materials in any calendar year	\$100	\$1,000
Site Alteration Permit for deposit or removal of more than 100 cubic metres (m ³) and up to 1,000 cubic metres (m ³), trees or other materials in any calendar year	\$250	\$2,500
Site Alteration Permit for the deposit or removal of more than 1,000 cubic metres (m ³), trees or other materials in any calendar year.	\$500	\$5,000

¹ A regulatory bylaw enables the municipality to put in place fees and establish fines for non-compliance

As well, the requirement for a refundable deposit has been included to ensure that all works are completed to the satisfaction of the Village. In the event that an applicant does not properly follow the conditions of the Permit, the Village has the ability to enter onto the site and complete the work and draw down on the deposit to recover costs. Alternatively, the Bylaw also includes the ability for the Village to add on to the property taxes any amount owing for works or services completed by the Village on the lands.

Permit Conditions:

Upon receipt of an application, staff will review and, if the application is responsive to all the requirements set out in Section 10, a Site Alteration Permit will be issued with conditions. Section 12 outlines the main conditions but the Manager has the ability under the Bylaw to impose other conditions as may be deemed appropriate. The Permit conditions also require that a post site alteration report be submitted to the Village as a means of ensuring that all works have been completed. Permits will be issued for a twelve (12) month period and can be extended if requested subject to a renewal fee being paid and approval of the Manager. As well, the Manager has the ability at any time to revoke the Permit or issue a Stop Work Order if it is deemed that the applicant is not meeting the conditions as set out in the Permit.

Tree Cutting:

Under the Section 8 (3) (c) of the *Community Charter*, the municipality has the ability to establish a bylaw specifically to address tree removal. Staff did consider preparing a separate bylaw specifically to address this matter; however, in reviewing Site Alteration Bylaws from other communities it was determined that it would be appropriate to include in the proposed Site Alteration Bylaw requirements respecting trees. As such, in the application requirements an applicant must provide a tree management plan, prepared by an Arborist or other registered professional, which identifies the removal and protection areas within the site as well as the rationale for the removal of the trees. This has been included to ensure that trees that may not need to be removed will be protected.

With respect to tree removal only, under Section 52 of the *Community Charter*, an applicant who has had their permit application denied may request consideration by Council. The process by which reconsideration is established is set out in Section 16 of the Bylaw. As this will require staff resources a fee of \$150 has been established to make application for reconsideration. This is in keeping with the practices of other municipalities.

Fines:

Included in the bylaw is the ability to fine a property owner in the event that they are non-compliant with the bylaw. A fine of \$150 has been set. As well, any unpermitted work in advance of a Site Alteration Permit issuance carries with it a surcharge of \$5,000 in addition to the permit application fees.

Summary:

Staff developed the proposed Site Alteration Bylaw with the aim to address the concerns of Council and ensure that staff have the tools required to effectively regulate and control the activities that may take place as a result of alterations to a parcel of land in anticipation of development. It should be noted, that a condition of the Permit issuance is that all other permits and permissions, for example a Development Permit Development Variance Permit, or Temporary Use Permit, must first be in place. This ensures that clearing of a site will only take

place if development of the lands is imminent, thereby reducing the risk that lands will be cleared and sit empty without proper remediation for long periods of time. As well, this bylaw is in alignment with the SLRD Soil Deposit and Removal Bylaw to be consistent across jurisdictions.

COMMUNICATIONS

At this time, there is no communications elements to be considered; however, if the Bylaw does proceed forward and is adopted an information flyer will be prepared that will be distributed to the development and construction community to advise them of the new requirements. As well, the Village website will be updated to include information on the Site Alteration Permit requirements along with an online application form.

LEGAL CONSIDERATIONS

Section 8 of the *Community Charter* gives a municipality the rights, powers and privileges of a natural person of full capacity. Specifically, Section 8 (3) enables Council, by bylaw, to regulate, prohibit and impose requirements in relation to a number of items including 8 (3) (c) *trees* and 8 (3) (m) *the removal of soil and the deposit of soil or other material*.

The proposed bylaw has not received legal review to ensure that it meets with the legislative requirements and/or authority and this will be undertaken after the Committee of the Whole reviews and provides direction.

IMPACT ON BUDGET & STAFFING

The proposed Site Alteration Bylaw was prepared in-house and incorporated into the Departmental work plans for the Operations and Development Services and Corporate and Legislative Services.

There will be some costs attributed to legal review which has not yet been completed and those costs are unknown at this time.

INTERDEPARTMENTAL IMPACT & APPROVAL

The above noted project has been incorporated into the 2017 Work Plans and if supported and subsequently adopted, the daily management of the Permit process will be supported by Operations and Development Services with support from Bylaw Enforcement as required.

Interdepartmental Approval by:	Tim Harris, Manager of Operations and Development Services
Interdepartmental Approval by:	Sheena Fraser, Manager of Corporate and Legislative Services

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

In 2016, the Squamish-Lillooet Regional District adopted Soil Deposit and Removal Bylaw No. 1423-2015. The intent of Bylaw No. 1423-2015 is to regulate the Deposit and Removal of Soil within Electoral Areas A, B, C and D of the Squamish-Lillooet Regional District. The proposed Soil Alteration Bylaw is in alignment with the permit conditions established in the SLRD Bylaw and has been done intentionally as many developers and contractors doing work within the SLRD also work in the Village of Pemberton. By keeping the regulations similar it will help to gain compliance and reduce confusion related to the requirements between jurisdictions.

ALTERNATIVE OPTIONS

The following options are presented for consideration:

Option One: Support the proposed Site Alteration Bylaw as presented and recommend that following legal review the Bylaw be brought forward for readings at the next Regular Council Meeting.

Option Two: Support the proposed Site Alteration Bylaw with recommended changes refer the Bylaw as amended for legal review and brought forward for readings at an upcoming Regular Council Meeting..

Option Three: Not support the proposed Site Alteration Bylaw and recommend that further work be done, including legal review, and brought back to the Committee of the Whole for further review and discussion.

Option Four: Not support the proposed Site Alteration Bylaw.

POTENTIAL GOVERNANCE CONSIDERATIONS

Development of a Site Alteration Bylaw meets with Strategic Priority Two: Good Governance whereby the Village is committed to being open and accountable government; Strategic Priority Three: Excellence in Service by delivering the highest level of municipal services within the scope of our resources; and Strategic Priority Four: Social Responsibility whereby the Village strives to create a strong and vibrant community and managing the natural environment.

RECOMMENDATIONS

THAT the Committee of the Whole provide comment with respect to the proposed Site Alteration Bylaw as presented.

Attachments:

Appendix A: Draft Site Alteration Bylaw

Appendix B: Official Community Plan (Site Alteration DP Guidelines) Amendment Bylaw No. 722, 2012.

Submitted by:	Sheena Fraser, Manager of Corporate & Legislative Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

VILLAGE OF PEMBERTON

BYLAW NO. _____, 2017

A bylaw to regulate Site Alterations within the Village of Pemberton

WHEREAS a Municipal Council may, by bylaw, regulate, prohibit and impose regulations to the deposit and removal of soil, trees and other materials pursuant to Section 8(3) of the *Community Charter*.

AND WHEREAS the Municipality may impose rates or levels of fees for a permit for site alterations on any land or area in the Village of Pemberton;

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

1.0 TITLE

- 1.1 This bylaw may be cited for all purposes as the “Village of Pemberton Site Alteration Bylaw No. _____, 2017”.

2.0 APPLICATION

- 2.1 This Bylaw applies to all lands within the Village of Pemberton.
- 2.2 Nothing in this Bylaw shall preclude anyone from complying with the provisions of any other local, provincial, or federal regulations or enactment.

3.0 PURPOSE

- 3.1 This Bylaw has been enacted for the purpose of regulating the deposit and removal of soil, trees and other materials within the Village in the general public interest.

4.0 DEFINITIONS

- 4.1 Within this Bylaw, the following definitions apply:

Bylaw Enforcement Officer means a person appointed by the Village to act on matters of bylaw enforcement.

Contaminated Soil means the presence in soil of a hazardous waste or another prescribed substance in quantities or concentrations exceeding provincial environmental quality standards.

Council means the elected Council members for the Village of Pemberton.

Deposit means the placement, storage, filling, spilling or releasing, directly or indirectly, of soil or other material on lands in the Village where the soil or other material was not previously located.

Manager means a person who holds the position of Manager of Operations & Development Services for the Village of Pemberton or such persons designated by the Manager to act on their behalf in the execution of this Bylaw.

Invasive Species means a species not native to British Columbia whose introduction or spread does or is likely to cause economic or environmental harm or harm to human health.

Other Materials includes, but is not limited to, construction and demolition waste, masonry rubble, concrete, asphalt, wood waste, unchipped lumber, drywall, refuse, undecomposed organic matter, contaminated soil, soil containing invasive species, and other similar matter.

Organic Waste means biodegradable, compostable waste of plant or animal origin from domestic or industrial sources.

Owner means a person registered in the records of the Land Title Office as the fee simple owner of a lot, including the strata corporation in the case of a lot under strata ownership.

Parcel means any lot, block or area in which land is held or into which it is subdivided.

Parcel Line means any boundary of a parcel.

Permit means the written authority granted by the Village and/or the Manager pursuant to this Bylaw for the alteration of a site.

Permit Holder means a person holding a permit issued by the Village.

Registered Professional means an, engineer, geoscientist, agrologist, environmental consultant, soil scientist, biologist, or land surveyor who is registered with a professional association that is regulated by a statute, appointed to act in the capacities described under the sections of this Bylaw requiring a registered professional;

Removal or remove means to take, excavate, or extract soil from a lot on which it exists or has been deposited.

Site means any lot or parcel of land and any group of lots or parcels of land.

Site Alteration means the placing, dumping or removal of fill or topsoil from land, vegetation and tree removal, or the alteration of the grade of the land by any means including placing fill, clearing and grubbing, the compaction of soil or the creation of impervious surfaces, or any combination of these activities.

Soil means clay, silt, topsoil, sand, gravel, cobbles, boulders, peat or other substance of which land is naturally composed, down to and including the bedrock but shall not include other material.

Stockpile means a human-made accumulation of soil or other material held in reserve for future use, distribution or removal.

Tree means any living erect, woody plant which is 10cm (4") or more in diameter measured 1.4 m (4.5') above ground, and for the purpose of this Bylaw does not include a hedge,.

Village means the Village of Pemberton.

Wood waste means wood residue in mechanically shredded form and includes sawdust, hog fuel, bark, chips, slabs, shavings, trimmings, edgings, or other such waste which is the result of any manufacturing process involved in the production of lumber or other wood products.

5.0 PROHIBITION

- 5.1 No person shall cause or permit the alteration of a site within the Village except in accordance with this Bylaw.
- 5.2 No person shall alter a site on any land within the Village without a valid permit or exemption under the *Environmental Management Act*, and amendments thereto.

6.0 PERMIT REQUIREMENTS

- 6.1 Subject to the other terms in this Bylaw, no person shall cause or permit the alteration of a site within the Village unless the person:
 - a) has applied for and been issued a valid and subsisting permit for such alterations; and
 - b) carries out the alterations in accordance with this Bylaw and the terms and conditions set out in the permit.

7.0 PERMIT EXEMPTIONS

- 7.1 Despite section 5 of this Bylaw, a permit is not required where the site alteration:
 - a) Results in the deposit or removal of less than 10 cubic metres (m³) of soil in a calendar year;
 - b) is for the purpose of constructing or maintaining provincial roadways, forest service roads, walkways or trails;
 - c) is on land owned by, or works undertaken by, the Village (or its appointed agents);

- d) is on land managed under the *Forest Act* or regulated under the *Highways Act* and for which a provincial soil permit has been obtained, so long as the land continues to be used as managed forest or highways;
- e) is related to and in accordance with a valid building permit issued by the Village;
- f) is required as part of the clean-up or remediation of contaminated soils as directed and approved by the *Ministry of Environment*;
- g) is undertaken as a permitted farm use on land located within the Agricultural Land Reserve (ALR), as specified within the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*. (For certainty, soil deposit or removal as a non-farm use or for non-farm uses require a permit under this Bylaw);
- h) is undertaken as flood protection works in emergency circumstances by or on behalf of a dyking authority; or,
- i) is undertaken to resolve emergency situations that present an immediate danger related to flooding, erosion or other immediate threats to life or property, including removal of hazardous trees, provided the Village's Manager has been informed.

8.0 PERMIT APPLICATION

- 8.1 An application for a permit must be made on a form provided by the Village.
- 8.2 A separate application for a separate permit must be made for each parcel that is to be altered, as per section 10.0 (Permit Application Requirements).
- 8.3 The permit application must be signed by the applicant, and
 - a) If the applicant is not the owner, by all owners of the parcel, and
 - b) In the case of strata property:
 - i. by an authorized representative(s) of the strata corporation plus the strata lot owner for the property where the site is to be altered; and
 - ii. by resolution of the strata council if the site alterations apply to common property.

9.0 PERMIT APPLICATION FEES

- 9.1 An application for a permit must be accompanied by a non-refundable permit fee and a refundable deposit as set out in Schedule "A";
- 9.2 In the event of unpermitted work in advance of Site Alteration Permit Issuance a surcharge in addition to the Site Alteration Permit Application will be required as set out in Schedule "A".

10.0 PERMIT APPLICATION REQUIREMENTS

10.1 Subject to section 10.2, every application for a site alteration permit which includes between 10 cubic metres (m³) and 100 cubic metres (m³) of soil, other material or trees shall be accompanied by:

- a) the location of the site from which soil, trees or other materials is to be removed from, in the case of deposition, or the location of the site to which soil, trees or other materials is to be deposited to, in the case of removal;
- b) the general description and volume of the soil, other material or trees to be deposited or removed;
- c) a tree management plan, prepared by an Arborist or registered professional, identifying removal and protection areas within the site as may be applicable along with a rationale for the removal of the trees;

The Manager is entitled to require that such application also be accompanied by detailed plans, data and specifications for the proposed site prepared by a Registered Professional to a scale of not more than 1:1,000, unless otherwise authorized by the Manager, showing the contour of the ground in its current state and containing information regarding the site alteration with respect to any (or all) of the matters set out in section 10.3 as may be required by the Manager.

10.2 Where the application set out in section 10.1 relates to parcels (or portions thereof) that are:

- a) situated within the Agricultural Land Reserve (ALR);
- b) subject to flooding or floodplain hazards, including flood construction level covenants, save harmless covenants or identified on provincial flood mapping;
- c) situated within a development permit area pursuant to section 488(1)(a) of the *Local Government Act* (protection of the natural environment, its ecosystems and biological diversity)

The Manager is entitled to require that such application also be accompanied by detailed plans, data and specifications for the proposed site prepared by a Registered Professional to a scale of not more than 1:1,000, unless otherwise authorized by the Manager, showing the contour of the ground in its current state and containing information regarding the site alteration with respect to any (or all) of the matters set out in section 10.3 as may be required by the Manager.

10.3 Every application for a permit for site alteration that involves more than 100 cubic metres (m³) of soil, trees or other material and up to 1,000 cubic metres shall be accompanied by detailed plans, data, and specifications for the proposed site prepared by a Registered Professional to a scale of not more than 1:1,000, unless otherwise authorized by the Manager, showing the contour of the ground in its current state and shall contain information regarding the site alteration with respect to the following matters:

- a) the location of the site from which soil and other material is to be removed from, in the case of soil deposition, or the location of the site to which soil or other material is to be deposited to, in the case of soil removal;
- b) the general description and volume of the soil or other material to be deposited or removed;
- c) a tree management plan, prepared by an Arborist or Registered Professional, identifying removal and protection areas within the site and a rationale for the removal of the trees;
- d) all features including buildings, structures, tree cover, roads, bridges, and natural watercourses;
- e) land uses and designations, such as ALR, zoning, floodplain areas, environmentally sensitive areas, and First Nations reserve land;
- f) the proposed slopes which will be maintained upon completion of the site alteration;
- g) the proposed methods to control the erosion of the banks of the site alteration area;
- h) the proposed methods of drainage control during the site alterations;
- i) the proposed methods to control noise and dust generated by the proposed site alterations;
- j) the proposed methods and locations of access to the site during the site alterations;
- k) the proposed grading and rehabilitation plan for the site during and upon completion of the proposed site alterations, copies of any remediation requirements of the Agricultural Land Commission;
- l) the proposed location of buffers and tree cover, and the location and grade width of berms as may be required;
- m) the proposed schedule for the deposit or removal of soil, trees or other materials, indicating the amounts to be either removed or deposited on a monthly basis;

- n) the proposed routes to and from the site;
- o) a traffic management plan, which would include but not be limited to a description of the frequency of vehicles, signage, placement of safety control devices, and other traffic control that would minimize the disturbance created;
- p) copies of all other necessary approvals and permits from Federal and Provincial authorities required by statute or regulation in connection with the proposed site alteration;
- q) if the proposed site alteration takes place on ALR land, information on the past and proposed farming activity, the relationship of the soil deposit or removal to existing or proposed farming activity on the land, impact on the agricultural capability of the land, and a report, prepared by a Professional Agrologist, identifying the positive benefit of the proposed soil deposit or removal to agriculture;
- r) a site reclamation plan including an Invasive Species Management Plan, prepared by a Registered Professional to be incorporated into the permit.

10.4 Every application for a permit for site alteration that involves more than 1,000 cubic metres (m³) of soil, trees or other material shall be accompanied by detailed plans, data, and specifications for the proposed site prepared by a Registered Professional to a scale of not more than 1:1,000, unless otherwise authorized by the Manager, showing the contour of the ground in its current state and shall contain information regarding the site alteration as set out in Section 10.3 (a through r):

10.5 Under this section the Manager is entitled to require an applicant to provide any other information the Manager deems appropriate or required to facilitate the review of the Permit application.

11.0 PERMIT ISSUANCE

11.1 Where

- a) a completed application for a permit under this Bylaw has been submitted; and,
- b) the proposed site alteration set out in the application conforms with this Bylaw, all other bylaws of the Village, and all other applicable enactments; and,
- c) the applicant for the permit has paid the Village the required application fees and the refundable deposit;

The Manager may issue the permit, issue the permit with all or some conditions as per section 12.0 or refuse the permit for non-compliance with the Bylaw.

12.0 PERMIT CONDITIONS

12.1 Permitted site alteration activities may only occur between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. Saturday unless otherwise restricted by the permit.

12.2 Site Alteration activities are not permitted on Sundays or statutory holidays unless prior written authorization from the Manager is provided.

12.3 No person may undertake any site alterations so as to do any of the following:

- a) foul, obstruct, divert, or impede the flow of or damage or destroy any watercourse, ditch, rain, sewer, or other water utility, whether privately or publicly owned;
- b) damage or destroy amenities on the lands or adjacent lands including, without limitation, any utilities, works or services, statutory rights of way, structures, buildings or improvements;
- c) contravene any Village bylaw or provincial or federal law;
- d) threaten the health and safety of the public;
- e) result in the use of the permit lands in a manner inconsistent with the current zoning for the permit lands;
- f) compromise the hydrological function or drainage capacity of the permit lands or adjoining lands;
- g) result in soil on the land or on adjacent land becoming unstable or susceptible to erosion, slippage, landslide, slumping or settling;
- h) result in excessive costs for any government to provide public utilities, works or services to the permit lands or adjoining lands;
- i) permit dust, dirt or noise to escape the property boundary that may cause a private or public nuisance;
- j) result in the coverage of topsoil; or
- k) permit the promotion of growth of invasive species on the parcel that are subject to the permit.

- 12.4 All descriptions, plans and specifications submitted by the applicant in support of the permit application and marked 'FINAL' by the Village form part of and are incorporated into the permit and the permit specifically limits site alterations in accordance with the descriptions, plans and specifications accepted by the Village.
- 12.5 The permit holder is at all times responsible for compliance with the provisions of this Bylaw and any other applicable enactment and for any claim, demand, damage, loss, costs, expense, fees or fine that may arise from site alterations.
- 12.6 The permit holder shall save harmless, indemnify and keep indemnified the Village, its elected officials, officers, employees, and contractors from any claims, demands, damages, losses, costs, expenses, fees, fines, actions, proceedings whatsoever brought by persons arising from the issuance of a permit under this Bylaw with respect to the site alterations authorized under a permit.
- 12.7 The issuance of a permit does not constitute authority to conduct processing of soil on the parcel or any part thereof if not appropriately zoned for such use.
- 12.8 Every permit issued pursuant to this Bylaw shall expire twelve (12) months following the date of issuance unless an expiry date for a different term is expressly specified in the permit. Every permit shall cease to authorize site alterations upon the expiry date without the necessary permit renewal in accordance with sections 13.1, and 13.2.
- 12.9 No permit issued pursuant to the terms of this Bylaw may be transferred, assigned or sold.
- 12.10 Before a permit is issued, the applicant shall have first obtained all permits (Development Permit, Development Variance Permit, Temporary Use Permit, etc.) or other Permits and permissions as established and required by the Village and any other authority having jurisdiction. The requirement to have all Village permits and permissions in place may be waived at the discretion of the Manager.
- 12.11 Any soil, trees or other materials deposited without a permit (or contrary to the terms of a permit) shall be removed from the parcel by the owner of the parcel at the owner's expense. Failure to remove or remediate the soil or other material within the time period so given for the removal or remediation shall constitute an offence under this Bylaw. In the event that the owner of the parcel fails to remediate the lands or remove the soil or other material in accordance with this section within the stated time period, the Village or its appointed agents may, at its sole discretion and at the expense of, as the case may be, the permit holder or the owner of the parcel, enter onto the parcel or any part thereof and carry out the work required to remediate or effect the removal of soil or other material.

12.12 The Manager may impose conditions on a permit that restrict the location of deposit or removal and the type and volume of soil, other materials or trees to be deposited or removed based on the information supplied by the applicant under section 10.1, 10.2 or 10.3 of the Bylaw, to ensure the deposit or removal occurs in the manner and amount specified in the application. Where the applicant is required to submit detailed plans, data and specifications under section 10.2 or 10.3 of the Bylaw, the Manager may issue the permit on conditions pertaining to subsections 10.3 of the Bylaw to ensure the applicant undertakes the site alterations in accordance with the detailed plans, data and specifications provided.

12.13 If required under the terms of the permit, upon completion of the site alteration authorized by a permit, the permit holder shall deliver to the Manager a certificate from a Registered Professional stating that all site alterations are in substantial compliance with the requirements of the permit and good environmental and engineering practices.

13.0 PERMIT RENEWAL

13.1 A permit for site alterations may be renewed for one additional term not to exceed twelve (12) months at the request of the applicant if the Manager determines, after inspecting the permit parcel that the applicant is in full compliance with the permit and this Bylaw.

13.2 Application for renewal of a permit or part thereof will be made in the same manner as provided herein for a new permit along with a non-refundable renewal fee as set out in Schedule A. The original application may be re-submitted for renewal, provided all applicable drawings and specifications are updated as necessary to identify any material changes to site conditions and to demonstrate compliance with current bylaws and regulations.

14.0 PERMIT REVOCATION AND REINSTATEMENT

14.1 The Manager may issue a stop work order, with immediate effect, acting reasonably, if site alteration activities have not been undertaken in accordance with the terms and conditions of this Bylaw or the permit.

14.2 The Manager may, by delivery of a ten (10) day written notice to a permit holder, revoke or suspend a permit under this Bylaw where:

- a) The permit holder has contravened this Bylaw, or another bylaw of the Village;
- b) The permit holder has contravened a condition of the permit;

- c) The permit was issued by the Village on the basis of descriptions, plans and specifications submitted by the permit holder in support of the permit application which were incorrect or misleading; or,
- d) The permit holder failed or refused to comply with a stop work order made pursuant to this Bylaw.

14.3 The Village may reinstate a permit if the applicant provides a report from a Registered Professional confirming compliance with the Bylaw.

15.0 ENFORCEMENT

15.1 The Manager, Bylaw Enforcement Officer, all Village employees, persons retained by the Village for inspection purposes, and agents of the Village are authorized individually or in combination to enter at all reasonable times on any parcel to ascertain whether the provisions of this Bylaw are being observed.

15.2 For the purposes of ascertaining compliance with this Bylaw, the Manager may require a permit holder to provide records of the site alteration activities and/or a specified report from a Registered Professional.

16.0 RECONSIDERATION OF SITE ALTERATION PERMIT APPLICATION

TREE CUTTING

16.1 An applicant for a site alteration permit to authorize the cutting and removal of trees may, pursuant to s.52 of the *Community Charter*, request reconsideration of the Manager decision within ten (10) days of the date on which the decision is mailed, emailed or faxed to them.

16.2 A request for reconsideration must be delivered in writing to the Manager and must set out the grounds on which the applicant considers the Village Official's decision is inappropriate and what decision the applicant considers the Council ought to substitute, and must be accompanied by the fee set out in Schedule "A".

16.3 The Manager of Corporate & Legislative Services must place each request for reconsideration on the agenda of a meeting of the Council to be held not earlier than two (2) weeks from the date on which the request for reconsideration was delivered.

16.4 The Manager of Corporate & Legislative Services must notify the applicant and any other person who the Manager reasonably considers may be affected by the reconsideration, of the date of the meeting at which it will occur.

16.5 At the meeting, the Council may either confirm the decision of the Manager or substitute its own decision.

17.0 OFFENCES AND PENALTIES

- 17.1 Any person commits an offence against this Bylaw who:
- a) undertakes a site alteration without a permit where a permit is required;
 - b) violates a provision of this Bylaw;
 - c) fails to comply with a term or condition of a permit;
 - d) fails to comply with an order or notice given under this Bylaw; or,
 - e) refuses or hinders an inspection under this Bylaw.
- 17.2 Any person who neglects or refuses to carry out works prescribed by the Manager to remedy a contravention of this Bylaw commits an offence.
- 17.3 Any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this Bylaw, is guilty of an offence and
- a) shall be liable to a fine set out in the Village of Pemberton Municipal Ticket Utilization Bylaw as amended from time to time; or
 - i. shall be liable to a fine of not less than the amount identified in Schedule "B" attached hereto, in addition to any other penalty imposed under this bylaw;
 - ii. where a specific penalty has not otherwise been designated, shall be liable to a fine and/or penalty of not less than One Hundred Fifty Dollars (\$150) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed; or
 - iii. any combination of the above.
 - b) the penalties and remedies imposed under subsection a) shall be in addition to and not in substitution for, any other penalty or remedy imposed by or permissible under this Bylaw or any other enactment; and
 - c) each day that a violation is caused or allowed to continue constitutes a separate offence under this Bylaw.

**Schedule A:
Site Alteration Permit Fees:**

Permit	Fee	Refundable Deposit*
SECTION 9		
Site Alteration Permit for the deposit or removal of soil or other materials less than 10 cubic metres (m ³)	Not Applicable	Not Applicable
Site Alteration Permit for deposit or removal of more than 10 cubic metres (m ³) and up to 100 cubic metres (m ³), trees or other materials in any calendar year	\$100	\$1,000
Site Alteration Permit for deposit or removal of more than 100 cubic metres (m ³) and up to 1,000 cubic metres (m ³), trees or other materials in any calendar year	\$250	\$2,500
Site Alteration Permit for the deposit or removal of more than 1,000 cubic metres (m ³), trees or other materials in any calendar year.	\$500	\$5,000
Unpermitted work in advance of Site Alteration Permit Issuance, Surcharge in addition to Site Alteration Permit Application Fee.	\$5,000	
SECTION 13		
Permit Renewal	\$ 50	
SECTION 16		
Reconsideration by Council (Trees only)	\$150	

*The refundable deposit shall be security for the completion of all requirements established in the Site Alteration Permit and may be used at any time by the Village to secure the completion of any requirement or undertake remediation works as required.

**Schedule B:
Fines**

	FINE
Non-Compliance with Site Alteration Permit conditions (Section 12)	\$150

DRAFT - for COW - Sept 12

From: Jamee Justason [<mailto:jjustason@ubcm.ca>]
Sent: November 23, 2017 4:14 PM
Subject: Save the Date: Important Upcoming Lower Mainland LGA Events

Attn:
Mayor/Chair
Council/Board
Senior Staff

Dear Lower Mainland LGA member local governments:

This is a notice of important events coming up in 2018. Please mark your calendars.

CivX 2018

The one-day CivX event will happen on **Thursday, April 12, 2018** at the SFU Wosk Centre for Dialogue in Vancouver.

CivX events are an idea exchange for anyone within the BC local government sector. The 2018 theme is **Smart Cities - Smart Regions**. Highlighted areas include the Smart Cities Challenge, Transportation and SELA (Safe Energy Leadership Alliance). Registration will open in the new year. [Learn more](#).

Convention & AGM

The Convention & AGM will be held **May 9-11, 2018** in Whistler.

Our theme is: **Connectivity**. Cities are about connections. Small or large, cities exist to connect people to commerce, to services, and to each other. At the 2018 Lower Mainland LGA conference, we are going to host conversations and learning sessions on the connections that matter most to our members.

We will explore the future of the physical connections that tie our region together; be they rails, roads, or fiber. We will explore our connection to the environment and the ecological networks that will need to be preserved to sustain our region. We will challenge ourselves to explore our past so that we can create a better future. Finally, through learning and dialogue we will explore ways to forge stronger political connections with each other and with citizens to strengthen democracy and better serve our communities.

As always, the Lower Mainland LGA conference will be your best opportunity to make connections across the region and ensure that what matters most to you finds its way into policy so that the communities and regions of the Lower Mainland LGA continue to thrive. Register now to get connected.

- **Hotel Room Block** – at the newly renovated Delta Whistler Village Suites is open and available for reservations now. [Make your reservation here.](#)
- **Registration** – for the Convention & AGM will open in February 2018. The deadline for the early bird rate is March 31.
- **Session and Workshop Proposals** – if you are interested in participating with a session or workshop, the deadline for proposals is January 15. [Learn more.](#)
- **Sponsors** – we are looking for sponsors for the Convention. [List of opportunities.](#)
- **Trade Show** – we are looking for participants for our trade show. [Learn more.](#)
- **Charitable Non-Profit Trade Show Booth** – every year we provide one charity a complimentary trade show booth. [Applications are available here.](#)

Please contact me if you have any questions or comments.

Your [2017-2018 Lower Mainland LGA Executive](#) and myself look forward to seeing you at these events.

Best Regards,

Jamee

Jamee Justason

Executive & Association Services Coordinator

Union of BC Municipalities

Lower Mainland Local Government Association

60 – 10551 Shellbridge Way

Richmond, BC V6X 2W9

Phone: 604-270-8226 Ext. 100

Email: jjustason@ubcm.ca

Websites: www.ubcm.ca and www.lmlga.ca

November 28, 2017

Village of Pemberton
Box 100
Pemberton, B.C.
V0N 2L0

Dear Mayor and Council,

As part of our commitment to keeping cannabis out of the hands of youth and profits out of the hands of criminals we introduced the Cannabis Act last April and intend to bring this into effect by July 2018.

The Government is asking for feedback from stakeholders and businesses on the proposed framework for excise duties on all cannabis products. Written comments should be sent to fin.cannabis-taxation-cannabis.fin@canada.ca on or before December 7, 2017.

We have heard concerns from local municipalities about shouldering the burden of enforcement and invite you to share your feedback.

Sincerely,



Pamela Goldsmith-Jones, MP
West Vancouver-Sunshine Coast-Sea to Sky Country

District of Sicamous

446 Main Street
PO Box 219
Sicamous, BC
VOE 2V0

T: 250 836 2477
F: 250 836 4314
E: info@sicamous.ca
sicamous.ca



November 29, 2017

Honourable George Heyman
Minister of Environment and Climate Change Strategy
Via E-mail: ENV.Minister@gov.bc.ca
PO Box 9047 Stn Prov Govt
Rm 112, Parliament Buildings
Victoria, BC V8W9E2

Re: Prevention of Quagga and Zebra Mussels

Dear Honourable Heyman,

On behalf of the District of Sicamous we write to express our concern about the threat of Quagga and Zebra mussels. Sicamous submitted a resolution at UBCM that was endorsed requesting more funding from the Provincial Government to increase awareness and Education for the threat of Quagga and Zebra mussels into BC Lakes.

The effects to ALL BC Lakes would be devastating:

- Zebra and quagga mussels filter water to the point where food sources such as plankton are removed, altering food webs. This also causes clearer water, allowing sunlight to penetrate deeper, increasing growth of aquatic vegetation. One mussel can produce one million mussels per year.
- Impact fish and wildlife by increasing toxic algal blooms.
- Large colonies affect spawning areas, impacting the survival of fish eggs.
- Affects recreational activities by cutting swimmers feet as a result of their sharp shell
- Non-reversible once infested with mussels, all BC Lakes will be contaminated and there is currently no solution to destroy them.
- Cost to British Columbia will be Billions, to government, taxpayers and businesses if mussels manage to get into our eco-system
- Eco-system compromised, water intakes plugged, fish destroyed, beaches destroyed
- No long-term research provided on drinking water quality
- Negative tourism impact

Solutions:

- Guard the borders - cost British Columbia Millions to guard the borders 24/7 365 days per year to prevent infestation or Boat border crossing hours, that work.
- Train border patrols - this is a serious issue, they must collect the correct information from boaters (of all kinds such as zodiacs, blow up paddle boards)

- More conservation officers, with more authority
- This is no longer a campaign, it should now be a department of the government with funding to continue prevention
- This is no longer a provincial problem, it is a federal problem, lakes that are contaminated in Canada should not be allowed to let boats leave without inspection to prevent contaminating other lakes.
- Transport Canada should now prevent float planes from hopping provinces and states
- Education – Major Media campaign announcing BC’s commitment to keep our waters pristine. TV, Billboards, News paper, social media
- All Municipalities and Regional Districts should run a banner on their website home pages – “British Columbia is Committed to keeping their lakes Quagga and Zebra Mussel free. Please respect our Lakes and boarder crossing patrols, STOP at the boat inspection stations”. This should have a link to a website explaining the seriousness of this issue, and explain fines for breaking the law by transporting invasive species.
- All British Columbia tourism sites should also announce and run the banner on their sites. Tourism will stay healthy if BC lakes stays healthy.
- Boaters registration, should include education
- Immediate allocations of funds dedicated to research, to enable BC biologists to work on a solution with Manitoba & US studies research groups. Let’s work on removing them, together.
- Collaborate with infested US bordering Lakes on research and prevention of cross contamination.
- Collaborate with Alberta and Saskatchewan to stay mussel free

Funding:

BC government will find the funds (billions) if we lose the battle against mussels, as we’ll need to manage the problem. This is how can we help fund the prevention now (millions):

- Out of province user pay at all BC boat ramps
- Lake passes for BC boaters
- All fines are allocated back to the program
- Boat registration increase some funding back to project

Thank you for your consideration of this issue.

Regards,



Terry Rysz, Mayor
DISTRICT OF SICAMOUS

Cc: Mark Zarcharias, Deputy Minister (via email: DM.ENV@gov.bc.ca)
 Wendy Booth, UBCM President (via email: wndbooth@gmail.com)
 UBCM Members (via emails)

DATE, YEAR

Honourable George Heyman
Minister of Environment and Climate Change Strategy
Via E-mail: ENV.Minister@gov.bc.ca
PO Box 9047 Stn Prov Govt
Rm 112, Parliament Buildings
Victoria, BC V8W9E2

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- Boat registration increase some funding back to project

Thank you for your consideration of this issue.

Regards,

Cc: Mark Zarcharias, Deputy Minister (via email: DM.ENV@gov.bc.ca)
Wendy Booth, UBCM President (via email: wndbooth@gmail.com)
UBCM Members (via emails)

From: Pam.Goldsmith-Jones@parl.gc.ca [<mailto:Pam.Goldsmith-Jones@parl.gc.ca>]

Sent: November 22, 2017 3:19 PM

To: Pam.Goldsmith-Jones@parl.gc.ca

Subject: Announcing Canada's National Housing Strategy

Dear Mayor and Council,

Thank you for participating in the consultations on Canada's National Housing Strategy (NHS). I wanted to make sure you have a copy of the strategy which was released today, and I look forward to working together to deliver on this incredible opportunity.

You can read the full NHS here: www.placetocallhome.ca.

I welcome your interest and ideas anytime.

Sincerely,

Pamela Goldsmith-Jones



Pamela Goldsmith-Jones

Member of Parliament

West Vancouver-Sunshine Coast-Sea to Sky Country

Parliamentary Secretary to the Minister of International Trade

Room 583, Confederation Building

Ottawa, ON K1A 0A6

Tel. 613.947.4617

pam.goldsmith-jones@parl.gc.ca

www.pgoldsmithjones.ca

Facebook: [@pgoldsmithjones](https://www.facebook.com/pgoldsmithjones)

Instagram: [@pgoldsmithjones](https://www.instagram.com/pgoldsmithjones)



Pamela Goldsmith-Jones

Member of Parliament
West Vancouver - Sunshine Coast - Sea to Sky Country

November 27, 2017

Village of Pemberton
Box 100
Pemberton, B.C.
V0N 2L0

Dear Mayor and Council,

I am pleased to provide you with a brief update on Phase II of the federal government's infrastructure investment plan.

With regard to the Investing in Canada Plan, the federal government and the government of British Columbia are currently negotiating an integrated bilateral agreement to determine what percentage of the total cost of projects (cost-sharing) will be the responsibility of the provincial government. The federal government is committed to 40% of the total cost of projects. Discussions are going well, and the deadline for the agreement is March 2018.

With regard to Phase I projects that are underway, I have heard from some of you that it is advisable or even necessary to extend the deadline for completion beyond the date specified in the agreement. Once again, the federal and provincial governments are discussing how we can support you. Please call me if you have a project that requires a more flexible deadline.

Meanwhile, I appreciate knowing your priorities for the 2018 Phase II Investing in Canada ^{Plan} plan. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "P. Goldsmith-Jones".

Pamela Goldsmith-Jones, MP
West Vancouver-Sunshine Coast-Sea to Sky Country

Room 583, Confederation Building | 6367 Bruce Street
Ottawa, ON K1A 0A6 | West Vancouver, BC V7W 2B8
Tel.: 613 947 4617 Fax: 613 947 4620 | Tel.: 604 913 2660 Fax: 604 913 2664
pam.goldsmith-jones@parl.gc.ca
www.pgoldsmithjones.ca

Village of Pemberton
Regular Council Meeting No. 1461
Tuesday, December 12, 2017
121 of 126



NOV 30 2017

His Worship Mike Richman
Mayor of the Village of Pemberton
PO Box 100
Pemberton BC V0N 2L0

Dear Mayor Richman:

Thank you for your letter dated November 15, 2017, expressing the Village of Pemberton's views and suggestions regarding the legalization and regulation of non-medical cannabis in British Columbia. Your comments and request for an extension to provide additional feedback have been shared with the Cannabis Legalization and Regulation Secretariat (the Secretariat).

The Secretariat is responsible for coordinating the Province's planning for the safe implementation of legalized non-medical cannabis in British Columbia. British Columbia's approach prioritizes protecting young people, making health and safety a priority, keeping cannabis out of the hands of criminals, and keeping our roads safe. The Province is also committed to developing a made-in-BC regulatory framework that supports economic development throughout British Columbia.

While the initial broad public and stakeholder engagement has concluded, please be advised that a Joint Provincial-Local Government Committee on Cannabis Regulation with the Union of BC Municipalities have been established. The Province is committed to working with local governments and this committee will provide an ongoing forum for communication and consultation with local governments as the Province develops the regulatory framework for legalized non-medical cannabis. Although, the Village of Pemberton was not able to provide a written submission during the engagement period, I welcome you to submit your input to the Secretariat as soon as possible.

Please note, should you make a submission it will not be posted on the engagement website as it will have been received after the close of the engagement period. However, please be assured that it will be included in the engagement process to help inform the development of a regulatory framework that best represents the interests and priorities of British Columbians. Submissions that were received from organizations during the consultation period are available on the site now: <http://engage.gov.bc.ca/BCcannabisregulation/>.

.../2

His Worship Mike Richman
Page 2

Understanding the views of communities across British Columbia is of significant importance as we proceed with the development of the provincial regulatory framework and will help us make the important decisions that will need to be made in the coming months.

Thank you for writing.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Farnworth". The signature is fluid and cursive, with a large, stylized initial "M" and "F".

Mike Farnworth
Minister of Public Safety
and Solicitor General



DEC - 1 2017

Ref: 31366

His Worship Mayor Mike Richman
Village of Pemberton
PO Box 100
Pemberton, BC V0N 2L0

Dear Mayor Richman:

It was a pleasure to meet with your delegation at this year's Union of British Columbia Municipalities (UBCM) Annual Convention. I appreciated the opportunity to discuss matters of importance to you and your community.

The Ministry of Tourism, Arts and Culture is committed to building on our province's strengths to make British Columbia (BC) a global leader in arts and culture, and to make tourism a job creator throughout BC.

Pemberton contributes significantly to the provincial economy, particularly through your thriving tourism sector. Thank you for sharing with me your concerns regarding tourism development and its impact on the local environment and wildlife.

Providing a safe environment for residents and visitors to enjoy public and private forest lands around Pemberton is an important priority. The Destination Development Program led by Destination BC (DBC) is a great opportunity to work together with other local governments and tourism stakeholders in the Sea-to-Sky area to discuss and address some of the concerns related to visitor demand. DBC also has a variety of funding programs that may be applicable to your community. For more information about these programs, I recommend you contact Mr. Peter Harrison, Director of Destination Development and Co-op Marketing Programs, by telephone at 250 387-8578, or by email to Peter.Harrison@destinationbc.com.

For information on managing recreational use on Crown land, I recommend you contact Mr. Robert van der Zalm, Regional Manager, Coast, with the Ministry of Forests, Lands, Natural Resource Operations, and Rural Development. Mr. van der Zalm can be reached by telephone at 604 485-0708 or by email to Robert.vanderZalm@gov.bc.ca.

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His Worship Mayor Mike Richman
Page 2

UBCM's Gas Tax Program may also be an option for obtaining financial support to upgrade and build new or enhanced recreational facilities. Program staff at UBCM can answer any questions you may have. They can be contacted at: gastax@ubcm.ca or 250 356-5134.

In addition, the Ministry of Municipal Affairs and Housing is currently preparing for discussions with the Federal government on the Investing in Canada Infrastructure Program, which may assist in addressing some of your concerns related to increased tourism in your region. All local governments will be notified directly when details of this program are finalized.

Thank you again for taking the time to meet. I appreciate your passion and commitment to build a strong, sustainable, innovative economy that works for everyone.

Sincerely,



Lisa Beare
Minister

pc: Honourable Selina Robinson
Minister of Municipal Affairs and Housing

Mr. Peter Harrison

Mr. Robert van der Zalm

OPEN QUESTION PERIOD POLICY

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

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

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

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