

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

Agenda for the **Regular Meeting** of Council of the Village of Pemberton to be held Tuesday, September 15, 2020 at 9:00 a.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1522.

"This meeting is being recorded as authorized by the [Village of Pemberton Video Recording & Broadcasting of Electronically Held Council, Committee, and Board Meetings](#)"

*** All Council and Staff will be attending the meeting electronically. Instructions for public participation at the meeting can be found [here](#).**

Item of Business	Page No.
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1. 9:00 A.M. CALL TO ORDER REGULAR MEETING

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

Recommendation: THAT the Agenda be approved as presented.

3. ADOPTION OF MINUTES

a) Regular Council Meeting No. 1521, Tuesday, September 1, 2020

Recommendation: THAT the minutes of Regular Council Meeting No. 1521, held Tuesday, September 1, 2020, be adopted as circulated.

4

4. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING

5. RISE WITH REPORT FROM IN CAMERA

6. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE

7. COMMITTEE MINUTES - FOR INFORMATION

There are no Committee minutes for receipt.

8. DELEGATION

There are no delegation presentations.

9. REPORTS

a) Office of the Chief Administrative Officer

i. Community, Culture & Recreation Grant Application (Mountain Bike Skills Park)

11

Recommendation #1

THAT the Village of Pemberton apply to the Community Culture and Recreation Program for up to \$620,000 for the construction of the Pemberton & District Mountain Bike Skills Park.

AND THAT the Village of Pemberton fund the applicant's portion of \$113,460;

AND THAT Council provide direction on funding the applicant portion.

Recommendations #2

THAT Staff be directed to prepare a Memorandum of Understanding (MOU) between the Village of Pemberton and the Pemberton Off-Road Cycling Association (PORCA) that details their commitment to continued fundraising to offset the applicant's share.

Recommendations #3

THAT Staff prepare a report to the Pemberton Valley Utilities and Services Committee to begin the process for incorporating the Bike Skills Park into the Recreation Service.

Recommendation #4

THAT the Village submit a request to Pemberton Valley Utilities and Services Committee requesting the Bike Skills Park to cost-share the applicant's portion of the Community, Culture and Recreation Grant.

- ii. **Childcare BC New Spaces Fund Village of Pemberton Grant Application – Verbal Update**

10. BYLAWS

a) Bylaw for First, Second and Third Readings

- i. **Village of Pemberton Development Procedures Bylaw No. 887, 2020**

18

Recommendation: THAT Village of Pemberton Development Procedures Bylaw No. 887, 2020, be given First, Second and Third Readings

11. MAYOR'S Report

12. COUNCILLORS' Reports

13. CORRESPONDENCE

a) For Action

- i. **Suzanne Robert, Mount Currie, dated September 8, 2020, regarding sidewalk concerns between Signal Hill Elementary & Tiyata Blvd.**

34

Recommendation: THAT the correspondence be referred to Staff for response.

- ii. **Ron Blackall, Village of Pemberton, dated August 17, 2020, regarding residential fire safety concerns.**

35

Recommendation: THAT the correspondence be referred to Staff for response

AND THAT the Fire Department work with Communications to develop an enhanced public awareness campaign and for distribution to Strata Developments.

- iii. **Ned Hodaly, General Manager, TELUS Communications, dated September 10, 2020, regarding rural community connectivity and a letter of support to the Prime Minister.**

37

Recommendation: THAT the Village of Pemberton send correspondence to the Prime Minister encouraging the federal government to prioritize policies that encourage private sector investment in connectivity for rural and remote communities.

- iv. **Jaye Russell, Executive Director, Sea to Sky Community Services, dated September 11, 2020, requesting support for an application to BC Housing's Community Housing Fund.**

42

Recommendation: THAT Council provide direction.

b) For Information

There are no correspondence items for information.

14. DECISION ON LATE BUSINESS

15. LATE BUSINESS

16. NOTICE OF MOTION

17. QUESTION PERIOD

47

18. IN CAMERA

THAT the meeting is closed to the public in accordance with the *Community Charter* Section 90 (c) Employee Relations and (k) Negotiations that in the view of Council could reasonably expect to harm the interest of the municipality if they were held in public.

19. MOVE TO IN CAMERA

20. RISE WITH REPORT FROM IN CAMERA

21. ADJOURNMENT OF REGULAR COUNCIL MEETING

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

Minutes of the Regular Meeting of Council of the Village of Pemberton held on Tuesday, September 1, 2020 5:30 p.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1521.

IN ATTENDANCE*: Mayor Mike Richman
Councillor Ted Craddock
Councillor Leah Noble
Councillor Amica Antonelli
Councillor Ryan Zant

STAFF IN ATTENDANCE*: Nikki Gilmore, Chief Administrative Officer
Sheena Fraser, Manager of Corporate & Legislative Services
Lisa Pedrini, Manager of Development Services
Lena Martin, Manager of Finance
Cameron Chalmers, Planning Consultant
Elysia Harvey, Legislative Assistant

PUBLIC: 2

MEDIA: 1

****ALL COUNCIL MEMBERS AND STAFF ATTENDED ELECTRONICALLY***

A RECORDING OF THE MEETING WAS MADE AVAILABLE TO THE PUBLIC & MEDIA

1. CALL TO ORDER REGULAR MEETING

At 5:31 p.m. Mayor Richman called the Regular 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. DELEGATION

There were no delegation presentations.

4. ADOPTION OF MINUTES

a) Regular Council Meeting No. 1520, Tuesday, July 28, 2020

Moved/Seconded

THAT the minutes of Regular Council Meeting No. 1520, held Tuesday, July 28, 2020, 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. RISE WITH REPORT FROM IN CAMERA

There was no rise with report.

7. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE

There was no business arising from the Committee of the Whole.

8. COMMITTEE MINUTES - FOR INFORMATION

a) Mayor's Task Force for COVID-19 Response & Recovery Committee Meeting No. 002, Monday, July 6, 2020

Moved/Seconded

THAT the minutes of the Mayor's Task Force for COVID-19 Response & Recovery Committee Meeting No. 002, held Monday, July 6, 2020, be received for information.

CARRIED

b) Mayor's Task Force for COVID-19 Response & Recovery Committee Meeting No. 003, Monday, July 27, 2020

Moved/Seconded

THAT the minutes of the Mayor's Task Force for COVID-19 Response & Recovery Committee Meeting No. 003, held Monday, July 27, 2020, be received for information.

CARRIED

9. REPORTS

a) Office of the Chief Administrative Officer

i. Duffy Lake Road Concerns, Village of Pemberton & RCMP Joint Letter to Ministry of Transportation & Infrastructure – Verbal Update

CAO Gilmore advised that during a recent meeting with RCMP, discussion took place regarding increasing safety concerns along the Duffy Lake Road due to several fatal accidents over the past few months. The importance of advocating for more signage to increase driver awareness was discussed and it was suggested that a joint letter be sent to the Ministry of Transportation & Infrastructure. Council supported the idea and requested that SLRD and Lil'wat Nation also be approached to support a joint letter. CAO Gilmore advised that Staff will reach out to the neighbouring jurisdictions and once drafted the letter would be circulated to Council and an update brought back to a future meeting.

ii. UBCM Community Emergency Preparedness Fund: Structural Flood Mitigation

Moved/Seconded

THAT the funding application for \$750,000 to UBCM's Community Emergency Preparedness Fund under the Structural Mitigation Stream for the Arn Canal Culvert Upgrade Project be supported.

CARRIED

iii. UBCM Asset Management Planning Program

Moved/Seconded

THAT the application to UBCM's Asset Management Planning Program for funding, for an amount up to \$12,000, towards the development of the Asset Management Program be supported.

CARRIED

b) Finance

i. 2019 Statement of Financial Information

Moved/Seconded

THAT the 2019 Statement of Financial Information be approved for filing with the Ministry of Municipal Affairs and Housing under the *Financial Information Act*.

CARRIED

c) Development Services

i. Community Amenity Contribution Policy

Moved/Seconded

THAT the Village of Pemberton Community Amenity Contribution Policy (September 2020) be approved.

CARRIED

10. BYLAWS

There were no bylaws for reading or adoption.

11. MAYOR'S Report

Mayor Richman reported on the following meetings & events:

- Welcomed Council & Staff back from August break & commented on increased number of visitors to the area as well as traffic on the roads;
- Recent meetings with MLA Sturdy, MP Patrick Weiler, Mayors of the Sea to Sky Corridor, Chief Dean Nelson, and the Mayor's Task Force for COVID-19 Response & Recovery;
- Squamish-Lillooet Regional District Board Meeting – August 26th; agenda items included:
 - \$1,500 allocated to Devine Transfer Station from Area C Amenity Funds
 - \$20,000 committed towards a grant application to support the Museum's schoolhouse building relocation project from the Area C Amenity Fund;
 - Delegation presentation from Pemberton Valley Agricultural Land Use Inventory;
 - Public Hearing on the new proposed campsites at Whistler Olympic Park;
 - Request to obtain quotes for construction of a trail from Lions Bay to Squamish;
 - WedgeWoods re-zoning application and implications of amenities contributions, affordable housing, & transit;
- Several community events including the Pemberton Aerothon and Art Hop event, organized by the Pemberton Arts Council;
- Community announcements:
 - Recognition of the ongoing efforts by the forestry sector and workers fighting forest fires in the area;
 - Condolences to the families affected by the Cottonwood Court house fires and recognition of the community for their support;
 - Appreciation for Pemberton Fire Rescue for their quick response to the house fires and for their diligent work over the busy Summer months;
 - With school returning residents are reminded of the 30km/hr zone, as well that there can be much anxiety for families with children returning to school during the pandemic;

Mayor Richman advised of a request received from Vern Shanoss, In-SHUCK-ch Elder, Sachteen Community, for a letter of support from the Village for a grant application to the Indigenous Climate Health Action Program. Mayor Richman sought Council's support to provide a letter of support.

Moved/Seconded

THAT a letter of support be issued in support of the Sachteen Community's grant application to the Indigenous Climate Health Action Program.

CARRIED

12. COUNCILLORS' Reports

Councillor Zant reported on the following:

- Recognition of Pemberton Fire Rescue's response to the Cottonwood Court house fire;
- Recognition of the financial and emotional support from the community for the families affected by the fire;
- Appreciation for the wildfire crews for their ongoing work;
- Attended a recent Cemetery Committee meeting and advised the parking lot and fencing upgrades are recently completed.

Councillor Craddock did not report.

Councillor Noble did not report.

Councillor Antonelli did not report.

13. CORRESPONDENCE

a) For Action

- Maja McCloskey on behalf of the Advocacy Committee, Pemberton & District Chamber of Commerce, dated August 24, 2020, expressing concerns for childcare in our community and seeking collaboration on an action plan.**

In response to the correspondence received by the Pemberton & District Chamber of Commerce, Council discussed reviewing the action items from the Childcare Needs Assessment at the next Committee of the Whole meeting and identifying if there might be any additional advocacy opportunities.

Moved/Seconded

THAT a review of the Childcare Needs Assessment be added to the agenda of the next Committee of the Whole meeting.

AND THAT the Chamber be advised of the upcoming discussion and a response from the Village forthcoming.

CARRIED

b) For Information

- i. Suzan Hewat, Mayor, Village of Kaslo, dated July 23, 2020, seeking support for a UBCM resolution regarding a strategy for rural economic development through health care.**
- ii. Lori Ackerman, Mayor, City of Fort St. John, dated July 31, 2020, providing a letter to Premier John Horgan regarding the BC Utilities Commission's approval of BC Hydro's application to amend the net metering service rate.**
- iii. Jessie Christophersen, Information & Member Services Coordinator Recycling Council of British Columbia, dated August 11, 2020, announcing October 19th through 25th, 2020, as Waste Reduction Week in Canada.**

Moved/Seconded

THAT the above correspondence be received for information.

CARRIED

- iv. Patrick Weiler, MP, dated August 7, 2020, regarding changes to the Investing in Canada Infrastructure Program and the creation of the COVID-19 Resilience Stream.**

Discussion took place regarding applications for funding which are currently underway for submission by the Village.

Moved/Seconded

THAT the correspondence from Patrick Weiler, MP, dated August 7, 2020, be received for information.

CARRIED

15. DECISION ON LATE BUSINESS

None required.

16. LATE BUSINESS

There was no late business for consideration.

17. NOTICE OF MOTION

There was no Notice of Motion.

18. QUESTION PERIOD

There were no questions from the public.

19. IN CAMERA

Moved/Seconded

THAT the meeting is closed to the public in accordance with the *Community Charter* Section 90 (e) Acquisition, Disposition or Expropriation of lands and (k) Negotiations and related discussions that in the view of Council could reasonably expect to harm the interest of the municipality if they were held in public.

CARRIED

20. MOVE IN CAMERA

At 6:48 p.m. Council moved In Camera.

21. RISE FROM IN CAMERA

At 6:55 p.m. Council rose from In Camera without report.

22. ADJOURNMENT OF REGULAR COUNCIL MEETING

Moved/Seconded

THAT the Regular Council Meeting be adjourned.

CARRIED

At 6:55 p.m. the Regular Council Meeting was adjourned.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Date: Tuesday, September 9, 2020

To: Nikki Gilmore, Chief Administrative Officer

From: Jill Brooksbank, Sr. Community Partnerships & Communications Coordinator

Subject: Community, Culture & Recreation Program Application
Design and Construction of a Mountain Bike Skills Park

PURPOSE

The purpose of this report is to seek support for an application to the Community, Culture and Recreation Infrastructure Fund for the design and construction of a mountain bike skills park at the Pemberton & District Recreation Site.

BACKGROUND

In 2016, the Village was first approached by the Pemberton Off-Road Cycling Association (PORCA) to discuss the development of a bike skills park in Pemberton. In 2019, PORCA obtained funding from the Whistler Blackcomb Foundation, in the amount of \$25,000, to support the construction of the Park.

After a review of vacant land that the Village leases/owns, Lot 12 behind the BMX track was initially identified as a potential location. However, this location was later removed as a consideration after a preliminary review by BC Hydro concluded that there was insufficient clearance from the hydro lines. At Council Meeting No. 1506, held on January 14, 2020, Council made the following recommendation to assist PORCA in finding a location for the skills park:

Moved/Seconded

THAT the concept of establishing a bike skills park at the recreation site and/or on the Village owned lot on Frontier Street (north of The Downtown Barn), be supported in principle;

AND THAT Staff be directed to explore options and bring back a report at a future meeting.

CARRIED

After a Staff review of both the Frontier Street location and the Pemberton Recreation Site, it was determined that the Recreation Site was the most appropriate location for the skills park given its land designation, proximity to the mountain bike trails, and the future supporting amenities to be located at that site.

Now that a location has been identified, Staff are seeking support to submit an application to the Community, Culture and Recreation Infrastructure Fund for the design and construction of a pump track, dirt jumps and skills features at the Pemberton & District Recreation Site. The Park will be

located at the south end of the Recreation Site, behind the soccer fields as shown in **Appendix A**.

Professionally design and planned, the mountain bike skills park construction will be a Village and PORCA partnership, with the completed amenity becoming an asset of the Village of Pemberton. Throughout the riding season, PORCA will be using the skills park for youth camps (including summer camps for up to 48 children and afterschool camps for up to 36 children), skills clinics and events. The organization will be required to enter into a Public Space Contract, similar to the BMX Society, which will outline each organizations responsibility and obligations and will require PORCA to obtain liability insurance, which they currently hold.

The economic and social benefits of mountain bike skills park have been well established. The popularity of Pemberton as a mountain biking destination continues to grow annually. In the 2017 Mountain Biking Economic Impact Study, it was stated that out of town visitors who rode local trails in 2016 spent \$908,000 locally. PORCA's annual events and camps, as well as private skills camps, draw cyclists from within the Sea to Sky Corridor and the Lower Mainland. With an accessible, well designed skills park, the community is well positioned to hold professional events and skills clinics creating opportunities for local businesses such as the accommodators, restaurants and retail.

This amenity will support the many mountain bikers in our community by creating a safe and controlled space to increase skills and confidence. Currently, residents have to travel to Whistler or further south to access a skills park. By creating a free and inclusive Park, we are able to provide access to a high-quality, professionally built facility without having to leave the community. This improved access encourages healthy living and physical activity while establishing a sense of place for our large mountain biking community.

DISCUSSION & COMMENTS

The Community, Culture, and Recreation (CCR) Program will fund infrastructure projects that support projects that improve citizen's access to and quality of cultural, recreational and community spaces.

The CCR Program is a component of the over-arching Investing in Infrastructure Program (ICIP) which provides funding through an Integrated Bilateral Agreement (IBA) between Canada and British Columbia for capital projects. The goals of ICIP are to create long-term economic growth, build inclusive, sustainable communities and support a low carbon, green economy. The Program supports projects that can be completed in five (5) years following approval.

The CCR program funds up to 73.33% (a combination of funding from the Province and the Federal Government), therefore the applicant portion is 26.67%. As Gas Tax Community Works Funds count towards the federal contribution for these purposes, they may not be utilized for the applicant's share of the project.

PORCA will be committing the \$25,000 towards the project from the Whistler Blackcomb Foundation and will commit to further fundraising to raise the remainder of the applicant's portion. Staff are recommending that the Village draft a Memorandum of Understanding (MOU) with PORCA which outlines the expectations of continued fundraising for the applicant's portion of the grant and maintenance of the Park features (including the pump track, dirt jumps and skills features).

Attached as **Appendix B** is a concept of the asphalt pump track. The Village will also approach the Squamish-Lillooet Regional District to seek cost sharing for the applicant's portion. In addition, discussion have been had with the developers of Sunstone regarding the allocation of Community Amenity Contributions (CACs) towards the placement of gravel and site prep, however, this has not yet been secured. Until cost-sharing from the SLRD and/or through CAC contributions have been confirmed, the Village will need to backstop the applicant's portion. Any funds raised by PORCA will be removed from the total project costs, and the remaining cost share, less additional grant funding, sponsorships, CACs and other contributions, would reduce the Village's portion.

COMMUNICATIONS

This project does not require a communications element at this time. However, should the Village of Pemberton be successful in obtaining funding, we would be bound by the communications terms and conditions within the funding agreement.

LEGAL CONSIDERATIONS

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

IMPACT ON BUDGET & STAFFING

Project scoping and the development of the application will be completed by the Office of the CAO and can be accommodated within the day-to-day work of this department.

The following tables identify the estimated project cost and financial contributions required to submit the grant:

Class B Capital Cost Estimate		
Item	Description	TOTAL PRICE (\$)
1.0	Engineering, Design and Project Management	
1.01	Engineering and Design	\$46,910
	Engineering, Design and Project Management SUBTOTAL	\$46,910
2.0	Site Works	
2.01	Site Clearing	\$110,000
2.02	Surveying	\$4,000
	Site Works SUBTOTAL	\$114,000
3.0	Civil Works	
3.01	Dirt Jumps & Skills Park	\$160,000
3.02	Asphalt Pump Track	\$115,000
3.03	Split rail fencing (~300m)	\$24,000
3.06	Potable water service	\$10,000
3.07	Water Fountain/bottle refill station	\$6,500
	Civil Works SUBTOTAL	\$315,500
4.0	Landscaping & Other	
4.01	Hydroseeding	\$2,500
4.02	Bear bins (1 Recycle, 1 Garbage with pads)	\$4,000

4.03	Bike Racks (2)	\$2,600
4.04	Picnic Tables (2 including pads)	\$4,000
4.05	Signage	\$1,500
4.06	Irrigation & service	\$15,000
	Landscaping & Other SUBTOTAL	\$29,600
5.0	Electrical	
5.01	Lighting conduit	\$10,000
	Electrical SUBTOTAL	\$10,000
	TOTAL (excl. GST and Contingency)	\$516,010
	Contingency	\$103,202
	TOTAL AMOUNT (excl. GST)	\$619,212

Financial Contributions

Project Cost	\$619,212
Applicant Portion (26.67%)	\$165,144
PORCA (WB Foundation Grant)	(\$25,000)
Community Amenity Contribution Funds	(\$26,684)
Village Backstop Amount	\$113,460

In order to fund the backstop amount of \$113,480, Council could consider short-term borrowing or the allocation of a combination of Boardwalk Reserves (\$100,000) and Road Reserves (\$13,480), which are both held in General Capital Reserves, to this initiative.

Alternatively, the project scope could be reduced. Staff will discuss potential options with PORCA and will bring back ideas for consideration to be presented at the Council Meeting.

It should be noted that the applicant share will likely decrease given PORCA's commitment to continue to fundraise for the applicants share. PORCA is willing to enter into a MOU with the Village in this regard.

INTERDEPARTMENTAL IMPACT & APPROVAL

Project construction will require oversight from both the Operations and Development Services Departments. Once the project has been completed the Operations Department will be responsible for general maintenance of the Park, including mowing and rubbish collections.

Interdepartmental Approval by:	Lisa Pedrini, Manager of Development Services
Interdepartmental Approval by:	David Ward, Assistant Manager of Operations

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

As this project is a recreational amenity, and will need to be incorporated into the Pemberton Valley Utilities and Services (PVUS) service following the process established at that Committee. The Village will also be seeking a matching contribution for the applicant's portion from the SLRD.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

RECOMMENDATIONS

Recommendation #1

THAT the Village of Pemberton apply to the Community Culture and Recreation Program for up to \$620,000 for the construction of the Pemberton & District Mountain Bike Skills Park.

AND THAT the Village of Pemberton fund the applicant's portion of \$113,460;

AND THAT Council provide direction on funding the applicant portion.

Recommendations #2

THAT Staff be directed to prepare a Memorandum of Understanding (MOU) between the Village of Pemberton and the Pemberton Off-Road Cycling Association (PORCA) that details their commitment to continued fundraising to offset the applicant's share.

Recommendations #3

THAT Staff prepare a report to the Pemberton Valley Utilities and Services Committee to begin the process for incorporating the Bike Skills Park into the Recreation Service;

Recommendation #4

THAT the Village submit a request to Pemberton Valley Utilities and Services Committee requesting the Bike Skills Park to cost-share the applicant's portion of the Community, Culture and Recreation Grant.

Attachments:

Appendix A: Recreation Concept Plan

Appendix B: Asphalt Concept Plan

Submitted by:	Jill Brooksbank, Sr. Community Partnerships & Communications Coordinator
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

Appendix A



Navigation and scale controls including a scale bar (0-150m), a north arrow, and a zoom level of 34.2%.

Note: This is a conceptual planning documents. It is subject to architectural, engineering, public engagement and approvals.

CROSLAND DOAK DESIGN
Landscape Architecture + Building Design

3121 Alta Vista Road
Windsor, BC, V0N 1E9
504-855-8308
info@CroslandOakDesign.com
CroslandOakDesign.com

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2020-06-11	Driveway & Tree Mutil
2019-09-28	Plan Review
Date	Issued For

Village of Pemberton
client
Pemberton Farm Road Recreation Facility

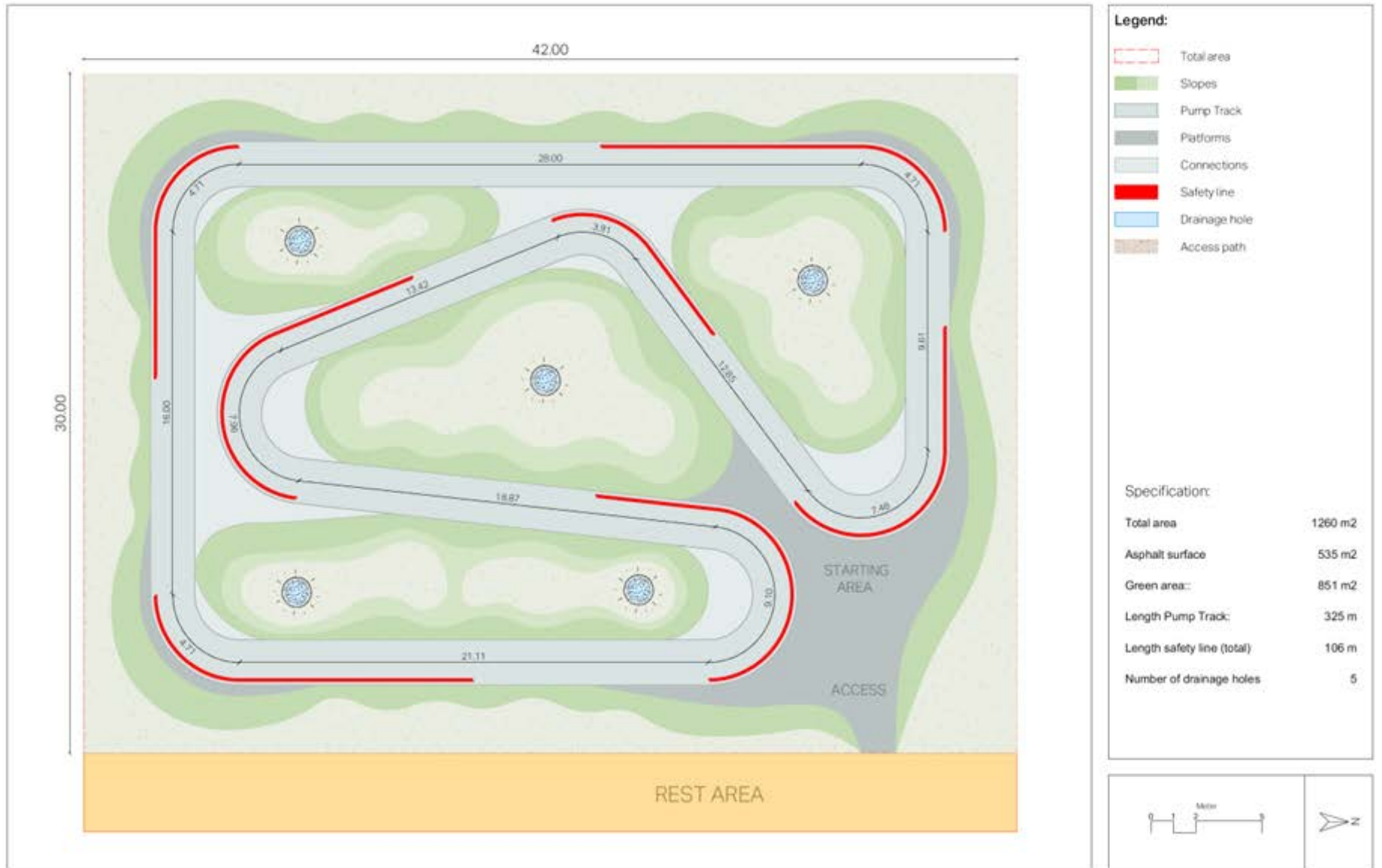
project title
Conceptual MasterPlan- 2019

scale: 1:750

project no. 1307

L0.1 drawing no.

10/16/2020 10:11 AM



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Bikeparks & Pumptracks
Track & Bush Worksolutions GmbH | Via Salaria 4 | 20137 Roma | (Italy) Rome
 +41 81 911 1232 | info@velosolutions.com

Town of Pemberton
Pump Track | **Version B**

Track Design:	Tech. Drawer:	Client:
Claudio Caluori	Amedeo Gadotti	Town of Pemberton

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Preliminary
 09-09-2020 | Scale: 1:150 / A3

id at all times, remain the exclusive property of Velosolutions and may not be used or reproduced without written consent.

Date: September 15, 2020

To: Nikki Gilmore, Chief Administrative Officer

From: Joanna Rees, Planner

Subject: Development Procedures Bylaw No. 887, 2020

PURPOSE

The purpose of this report is to introduce the Village of Pemberton Development Procedures Bylaw No. 887, 2020 for First, Second and Third Readings.

BACKGROUND

The purpose of the Development Procedure Bylaw is to define the procedures under which an owner of land may apply for an amendment to the Official Community Plan or Zoning Bylaw or for the issuance of a permit.

Staff presented the draft Development Procedure Bylaw at the Committee of the Whole Meeting No. 206, held on September 1, 2020, and outlined the following significant changes proposed in the updated Development Procedures Bylaw:

- Formatting, References, and Clarity
 - Staff have rewritten the Development Procedures Bylaw to be clear and succinct. The Bylaw was re-formatted, references to provincial legislation were updated, and repetitive policies were consolidated.
- Prioritizing Affordable Housing Applications (Section 3.5)
 - A statement was included to fast track the processing of development applications to facilitate affordable housing secured through a Housing Agreement.
- Change to Fees (Section 4)
 - Application fees have been increased to reflect current costs and ensure effective cost recovery.
- Delegation (Section 12)
 - To contribute to streamlined internal processes, the following development permit applications have been included as Minor Development Permits, which are delegated by Council to the Manager of Development Services for approval:
 - a) Minor amendments to Major Development Permits issued by Council;
 - b) Development Permits required for site clearing and grading;
 - c) Development Permits under the following Development Permit Areas
 - i) Development Permit Area No.1 – Environmental Protection
 - ii) Development Permit Area No. 2 – Land Constraints; and
 - iii) Development Permit Area No. 3 – Enhancement of Agriculture.
- Removal of detailed application process schedules
 - The detailed application process schedules were removed and are to be replaced with a separate user-friendly and accessible “Guide to Development Applications”.

As a result, the Committee of the Whole passed the following resolution:

Moved/Seconded

THAT Staff review the comments provided by the Committee and include in the Development Procedures Bylaw changes providing a distinction between major vs. minor environmental protection areas;

AND THAT the Bylaw with changes noted be referred to Council for consideration of readings.

CARRIED

DISCUSSION & COMMENTS

Staff have revised the Development Procedures Bylaw No. 887, 2020 (attached as **Appendix A**) in accordance with the resolution of the Committee of the Whole made September 1, 2020.

Development Permits for Development Permit Area (DPA) No.1 - Environmental Protection have been differentiated into Minor and Major Development Permits. A Development Permit for DPA No.1 - Environmental Protection is triggered if the subject lands are located within the Environmental Protection Area or if the subject lands are located within a Riparian Area. DPA No.1 is illustrated on Map K of the Village of Pemberton Official Community Plan, attached to this report as **Appendix B**.

The following is an excerpt from the Village of Pemberton Official Community Plan to define a Riparian Area:

Riparian Areas within Map K comprise a 30 meter strip of land on each side of the stream, measured from the High Water Mark (HWM). For a stream in a ravine narrower than 60 meters (excluding the HWM stream width), the riparian area is measured from the high water mark to a point 30 meters beyond the top of the ravine bank. For a stream in a ravine 60 meters wide or wider (excluding the high water stream width), the riparian area is measured from the high water mark to a point 10 meters beyond the top of the ravine bank.

Development Permits that are required on lands located within Riparian Areas are proposed to be delegated to the Manager of Development Services as a Minor DP. The Manager of Development Services will be responsible to ensure that Riparian Areas remain free of development, including the disturbance of soils and vegetation, in order to protect fish habitat based on an Environmental Assessment provided on behalf of the applicant from a qualified environmental professional.

All other development permits located in the Environmental Protection Area are proposed to remain as a Major Development Permit to be authorized by Council.

COMMUNICATIONS

The Development Procedures Bylaw and the Guide to Development Applications will be made available via the Village of Pemberton Website and at reception of Municipal Hall upon request.

As well, the Bylaw and the Guidelines will be provided to local development community members via email.

LEGAL CONSIDERATIONS

Section 895 of the *Local Government Act* requires that a local government that has adopted an official community plan bylaw or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for the issue of a permit under this Part.

Section 931 of the *Local Government Act* permits a local government to impose development application fees by bylaw. Fees must not exceed the estimated average costs of processing, inspection, advertising, and administration that are usually related to the type of application or other matter to which the fee relates.

IMPACT ON BUDGET & STAFFING

The research and preparation of the report and the bylaw is a component of the daily work undertaken by the Development Services Department. Development application fees ensure recovery of the costs associated with processing, inspecting, advertising and administration of development applications.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts or approvals required respecting this Bylaw.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

This Bylaw has no impact on other jurisdictions.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

RECOMMENDATIONS

THAT the Development Procedures Bylaw No. 887, 2020 receive First, Second and Third Reading.

ATTACHMENTS:

Appendix A: Village of Pemberton Development Procedures Bylaw No. 887, 2020

Appendix B: Village of Pemberton Official Community Plan – Map K

Prepared by:	Joanna Rees, Planner
Manager Approval:	Lisa Pedrini, Manager of Development Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

THE VILLAGE OF PEMBERTON
BYLAW No. 887, 2020

Pemberton Development Procedures Bylaw

WHEREAS Council has adopted an Official Community Plan Bylaw and Zoning Bylaw;

AND WHEREAS Council must by bylaw define procedures under which an Owner of land may apply for an amendment to the Official Community Plan, or to a bylaw or for the issue of a permit under the Local Government Act S.460;

AND WHEREAS the Village has designated areas within which development permits are required in the Official Community Plan and areas where temporary uses may be allowed in the Zoning Bylaw;

AND WHEREAS Council wishes to define procedures under which an Owner of land may apply to subdivide land;

AND WHEREAS under the Community Charter and Local Government Act, Council may delegate certain powers, duties and functions to an officer or employee of the Village;

AND WHEREAS Council may, by bylaw, specify a distance from affected land for the purpose of notifying Owners and occupants of proposed bylaw amendments and permits;

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

1. TITLE

- 1.1. This bylaw may be cited for all purposes as the Village of Pemberton Development Procedures Bylaw No. 887, 2020.

2. INTERPRETATION

2.1. In this Bylaw:

“Applicant” Means the *Owner(s)* of the property that is the subject of the application or an agent of the *Owner(s)* duly authorized in writing by the *Owner(s)* to act as agent for the *Owner(s)* in relation to the application;

“Approving Officer” means the person appointed by *Council* under the *Land Title Act* and *Local Government Act*;

“Community Charter” Means the *Community Charter*, SBC 2003, c.26, as amended;

- “Corporate Officer”** means the Officer for the Village appointed under the *Community Charter*;
- “Council”** means the *Council* of the Village;
- “Manager”** means the person appointed by the Chief Administrative Officer for the Village as the Manager and includes any person temporarily appointed or designated to act in their place;
- “Official Community Plan”** means the Village of Pemberton Official Community Plan, as amended or replaced from time to time;
- “Owner”** means, in respect of real property, the registered owner(s), and verified by the Village through either a Land Title Office search or BC Assessment Roll search, or an Individual duly authorized to represent a corporation or strata corporation;
- “Sign Bylaw”** means the Village of Pemberton Sign Bylaw, as amended or replaced from time to time;
- “Strata Conversion”** means the conversion of a previously occupied building to a strata pursuant to the *Strata Property Act*;
- “Subdivision”** means the division of land into two (2) or more parcels, whether by plan, apt descriptive words or otherwise, lot boundary adjustments and lot consolidation;
- “Subdivision and Development Control Bylaw”** means the Village of Pemberton Subdivision and Development Control Bylaw, as amended or replaced from time to time;
- “Village”** means the Village of Pemberton;
- “Zoning Bylaw”** means the Village of Pemberton Zoning Bylaw, as amended or replaced from time to time.

- 2.2. Unless otherwise defined herein, words and phrases in this Bylaw have the same meanings as in the *Local Government Act, Community Charter, or Interpretation Act* (British Columbia), as the context requires. A reference to a statute, regulation or bylaw refers to that enactment as amended or replaced from time to time.
- 2.3. A reference contained within this Bylaw to any enactment of British Columbia or the *Village* of Pemberton is a reference to the enactment amended, revised, consolidated or replaced from time to time.

3. APPLICATION AND GENERAL REQUIREMENTS

3.1. This Bylaw applies to:

- a) Amendments to:
 - i) The *Official Community Plan*;
 - ii) The *Zoning Bylaw*;

- b) Issuance of:
 - i) Development Permit, Major
 - ii) Development Permit, Minor
 - iii) Development Variance Permit
 - iv) Temporary Use Permit

- c) Applications for:
 - i) *Subdivisions*, including Bare Land Strata;
 - ii) *Subdivision* Tentative Approval Letter Extensions
 - iii) Form P Phased Strata Declarations and Form P Amendments
 - iv) *Strata Conversions* of previously occupied buildings;
 - v) Discharge of a Covenant

3.2. The *Manager* may prescribe:

- a) the form and content of application forms for bylaw amendments and the issuance of permits;
- b) different forms for different types of applications; and
- c) whether or not an application is complete.

3.3. An *Applicant* must submit an application as follows:

- a) Completed and accompanied by supporting documents as indicated on the form;
- b) Filed with the *Village* of Pemberton Development Services Department;
- c) Signed by either the *Owner(s)* of the subject lands or by a person authorized to sign on behalf of the *Owner(s)*; and
- d) Accompanied by the fees prescribed in **Schedule A**.

3.4. All applications that meet the requirements of this Bylaw shall be processed in accordance with the municipal bylaws and regulations as well as the related provisions of the *Local Government Act* and the *Community Charter*.

3.5. Where an application aims to develop a multi-unit building subject to a Housing Agreement for the provision of affordable purchased or rental housing the application processing timelines will be prioritized and expedited as feasible.

3.6. All bylaw amendments and permit applications are required to complete a pre-application meeting with Development Services Staff unless waived by the *Manager*. Costs associated with additional pre-applications meetings and correspondence shall be

recovered from the *Applicant*, as prescribed in **Schedule A**.

- 3.7. If the *Manager* determines that an application is incomplete, the *Applicant* will be asked to provide the required information, documents or fees, and if the *Applicant* does not complete the application within the time specified by the *Manager*, the application and fee will be returned.
- 3.8. Any applications that remain inactive for more than one (1) year may be deemed abandoned and be closed. If deemed abandoned, *Council* will rescind readings to any bylaws that concern the closed application. The *Applicant* will be invoiced any outstanding *Village* processing fees.

4. **APPLICATION FEES**

- 4.1. An application is not complete until all applicable fees are paid and all of the information required in relation to the application has been received by the *Manager*.
- 4.2. All fees submitted with an application shall be non-refundable, except as otherwise provided for in this bylaw.
- 4.3. The non-refundable fees set out in **Schedule A** are minimum fees payable. If the *Village* determines that the cost to process the development application is greater than the non-refundable deposit, then these additional costs shall be recovered from the *Applicant* based on actual *Village* Staff and/or contractor costs directly related to the processing of the application. The calculation of these recoverable costs will be based on the actual cost of Staff and contractor time including a 10% administration fee as set out in **Schedule A**. The fees shall be payable prior to final permit issuance or will be invoiced following bylaw adoption.
- 4.4. The *Village* recovers processing fees by invoicing ongoing costs. The *Village* reserves the right to withhold the review of an application if the account is in arrears.
- 4.5. *Applicants* are responsible for additional external consulting fees accrued by the *Village* and, depending on the complexity of the application, the *Manager* may require a minimum deposit to be submitted at the time of application based on estimates provided by the *Village*.
- 4.6. If the application requires more than one (1) public hearing, the payment of an additional amount as shown in **Schedule A** shall be required prior to the scheduling of additional hearings or meetings.
- 4.7. If *Council* declines to advance an application to public hearing, the public hearing costs shall be returned to the *Applicant*.
- 4.8. The review of certain applications requires evaluation of the new development's water and sanitary sewer servicing. Pursuant to the *Village's Subdivision and Development Control Bylaw*, the *Village* requires the *Applicant* to provide a deposit fee to cover the *Village's Contractor's* expenses to update and evaluate both the water and sanitary

system models as they pertain to any proposed works. The fee as set out in **Schedule A** is a deposit, and funds that remain unused in the analysis will be returned to the *Applicant*. Further, more complex developments may cost more than the referenced amount which in turn will be the responsibility of the *Applicant*. The *Manager* will provide a cost estimate to the *Applicant* should more complex analysis be required.

- 4.9. If the application does not proceed to a point where the servicing analysis is not yet completed, these costs shall be returned to the *Applicant*.
- 4.10. Any legal costs associated with the review, preparation and registration of permits and covenants at the Land Titles Office is cost recoverable by the *Village*.

5. INFORMATION SIGNS

5.1. Information Signs are required for the following applications:

- a) *Official Community Plan* Amendment
- b) *Zoning Bylaw* Amendment
- c) Major Development Permit
- d) Development Variance Permit
- e) Temporary Use Permit

5.2. The *Owner* shall be responsible for the printing, posting, removal and any other costs of a project information sign.

5.3. The sign shall be posted within fourteen (14) days of acceptance of the application by the *Village*. An application is incomplete and will not be processed until the sign has been posted on the property. The *Applicant* or developer shall notify the Development Services Department in writing once the sign is posted.

5.4. No later than fourteen (14) days before *Council* consideration of any application requiring the sign, the *Owner* shall confirm the sign accurately reflects the application being considered by *Council*, and amend the sign as necessary.

5.5. The sign must be placed in the most visible location to be clearly legible from the adjoining street or land and be clear of all site obstructions.

5.6. The *Manager* will develop and prescribe the *Village* information sign template in conformance with the *Village* of Pemberton Style Guide.

5.7. The sign shall be designed consistent with the *Village's* template and contain the following information:

- a) type of application, application number, civic address, legal description and the *Applicant's* name.
- b) general description of the project approved by the *Manager*.

5.8. Failure to comply with any or all of these requirements may delay the processing of the application involved.

6. CHANGE OF OWNERSHIP

6.1. If there is a change of *Ownership* of a parcel of land that is the subject of a development application, the *Owner* shall provide an updated title certificate and written agent authorization, if required, prior to proceeding further with the application.

7. GENERAL OFFICIAL COMMUNITY PLAN AND ZONING BYLAW AMENDMENTS

7.1. Prior to consideration of any amending bylaws, the *Manager* may refer an application to amend the *Zoning Bylaw* or *Official Community Plan* to *Council* with a report that includes recommendations, prepared in consultation with such Staff as the *Manager* deems necessary and *Council* may:

- a) proceed with enacting an amending bylaw;
- b) reject or refuse the application.

8. PUBLIC INFORMATION MEETING

8.1. *Council* or the *Manager* may require an *Applicant* to hold a Public Information Meeting, at their cost, for a bylaw amendment. The notice of the Public Information Meeting shall be given by:

- a) either mailing or otherwise delivering at least ten (10) days before the Public Information Meeting to the *Owners* or occupiers, as shown on the assessment roll as at the date of the application, within a distance of one hundred (100) meters from the property line of the lands subject to the amendment application; and
- b) additional means as required by the *Manager*.

9. NOTICE OF PUBLIC HEARING

9.1. Notice of *Council's* intention to amend the *Official Community Plan* or the *Zoning Bylaw* shall be pursuant to Section 466 of the *Local Government Act*. Further, any notices that are mailed or otherwise delivered prior to the public hearing pursuant to Section 466 of the *Local Government Act* are to include properties at a distance of no greater than 100 meters from the property line of the lands subject to the amendment application.

10. GENERAL PERMIT APPROVAL

10.1. Where authorized by the *Council* or approved by the *Manager* where delegated, a notice of permit will be registered in the Land Title Office, indicating that the land described in the notice is subject to a permit.

10.2. Subject to the terms of the permit, where the holder of the permit does not substantially commence construction with respect to the works authorized by the permit within two (2) years of the issue date, the permit is deemed lapsed.

10.3. Where land is subject to more than one Development Permit Area designation, only one Development Permit application is required. However, the application must address the requirements and submit the fee of each applicable Development Permit Area as per the *Official Community Plan*.

11. SECURITY DEPOSIT

11.1. In the case of all Development Permits or Temporary Use Permits requiring a security as a condition of approval, the *Village* will require a cash deposit or irrevocable letter of credit in the form and amount satisfactory to the *Manager* to ensure satisfactory completion of all conditions contained in the permit.

12. DEVELOPMENT PERMIT DELEGATION

12.1. *Council* hereby delegates to the *Manager* the exercise of all of the powers, duties and functions of *Council* in respect to the issuance of Minor Development Permits under Section 490 of the *Local Government Act*.

12.2. For the purposes of this Bylaw, a Minor Development Permit shall include only the following:

- a) Minor amendments to Major Development Permits issued by *Council*;
- b) Development Permits required for site clearing and grading;
- c) Development Permits under Development Permit Area No.1 – Environmental Protection where the subject lands are located in a Riparian Area;
- d) Development Permits under Development Permit Area No. 2 – Land Constraints; and Development Permit Area No. 3 – Enhancement of Agriculture;
- e) Development within Development Permit Areas No. 4, 5 & 6 for the form and character of development involving:
 - i. exterior repainting of an entire building, or an entire part of a building whereby the colours differ from the approved Development Permit or the existing colour;
 - ii. landscape changes or new landscaping, including both installation of planting materials (but not seasonal planting) and installation of permanent planters, guardrails, rock stacking and other hard landscaping;
 - iii. changes to not more than two (2) exterior building or roofing materials;
 - iv. exterior lighting alterations or installation of additional exterior lighting;
 - v. non-structural exterior building repairs that alter the building appearance;
 - vi. new exterior windows or doors that alter the exterior appearance of the building;
 - vii. placement of exterior communications equipment that are visible from a public road and project more than three (3) meters from the roof or face of the building;
 - viii. additions to buildings or structures, where the total interior floor area is increased by 20 m² or less;
 - ix. new buildings or structures for storage or refuse and recycling facilities which conform to the *Village* requirements;
 - x. new buildings or structures with a total interior floor area of 20 m² or less;

- xi. Comprehensive Sign Plans and issuance of a Development Permit for the signs where a sign is consistent with the *Village Sign Bylaw*;
- xii. storage container approval and renewal; or
- xiii. any other exterior changes to a property that the *Manager* deems to be minor in terms of the impact on the subject and adjacent properties.

12.3. With respect to an application for a Minor Development Permit, the *Manager* may:

- a) issue the permit, with or without conditions; or
- b) refuse the permit, providing reasons in writing to the *Applicant*.

12.4. Where a Development Permit also includes any variance to the *Zoning Bylaw*, *Sign Bylaw*, or *Subdivision and Development Control Bylaw*, the authority to consider an application for, and to issue or refuse a Development Permit remains with *Council*.

12.5. The *Owner* of any property that is subject to the decision of the *Manager* pursuant to Section 490 of the *Local Government Act* and Section 156 of the *Community Charter*, is entitled to have *Council* reconsider a decision of the *Manager* on the following terms:

- a) within thirty (30) calendar days of the *Manager*' decision the *Applicant* shall submit a letter to *Council* through the *Corporate Officer* requesting that the decision of the *Manager* be reconsidered by *Council*;
- b) the *Manager* shall submit a report to *Council* attaching the *Applicant*'s Minor Development Permit application and setting out the *Manager*'s reasons with respect to their decision on the application;
- c) at a date and time set by *Council*, the *Applicant* shall have the opportunity to appear before *Council* and be heard regarding the *Manager*'s decision; and
- d) following the *Applicant*'s opportunity to be heard, *Council* will reconsider the application and either uphold the *Manager*'s decision to deny the application or approve the application with or without conditions.

12.6. Notwithstanding Section 6.1, the *Manager* may request a decision from *Council* at their discretion.

13. MAJOR DEVELOPMENT PERMITS

13.1. With respect to a Major Development Permit application, *Council* may:

- a) issue the permit, with or without conditions;
- b) refer the application to Staff for further review and report in accordance with the Development Permit Area Guidelines, or
- c) refuse the permit, providing reasons in writing to the *Applicant*.

14. DEVELOPMENT VARIANCE PERMITS

14.1. The *Manager* will refer an application for a development variance permit to *Council* with a report that includes recommendations from the *Manager*, prepared in consultation with such Staff as the *Manager* deems necessary.

14.2. *Council* shall give notice of its intention to issue a Development Variance Permit pursuant to Section 499 of the *Local Government Act*. Further, any notices that are mailed or otherwise delivered are to include properties at a distance no greater than 100 meters from the property line of the lands subject to the Development Variance Permit application.

14.3. With respect to a development variance permit application, *Council* may:

- a) issue the permit, with or without conditions;
- b) refer the application to Staff for further review and report; or
- c) refuse the permit, providing reasons in writing to the *Applicant*.

15. TEMPORARY USE PERMITS

15.1. Temporary Use Permit Applications shall be reviewed in accordance with the *Village of Pemberton's Zoning Bylaw*.

15.2. *Council* shall give notice of its intention to issue a Temporary Use Permit pursuant to Section 494 of the *Local Government Act*. Further, any notices that are mailed or otherwise delivered are to include properties at a distance no greater than 100 meters from the property line of the lands subject to the Temporary Use Permit application.

15.3. With respect to a temporary use permit application, *Council* may:

- a) issue the permit, with or without conditions;
- b) refuse the permit, providing reasons in writing to the *Applicant*; or
- c) refer the application to Staff for further review and report.

16. GENERAL SUBDIVISION AND STRATA APPLICATION PROCEDURES

16.1. Applications for *Subdivision*, Bare Land Strata *Subdivision*, and Form P Phased Strata Declarations shall be submitted to the *Manager* and forwarded to the *Approving Officer* for decision.

16.2. In response to an application for *Subdivision*, the *Approving Officer* may:

- a) approve the *Subdivision*, with or without conditions; or
- b) refuse the application.

17. SUBDIVISIONS, INCLUDING BARE LAND STRATA

17.1. The *Approving Officer* may exempt a parcel from the minimum frontage required under the *Local Government Act*.

17.2. A Tentative Approval Letter (TAL) issued by the *Approving Officer* outlining the conditions of *Subdivision* will be provided to the Applicant and/or Agent and the conditions of the TAL must be met to the *Approving Officer's* satisfaction prior to final subdivision.

18. SUBDIVISION TENTATIVE APPROVAL LETTER EXTENSIONS

18.1. Application is made by letter to the *Manager* for consideration by the *Approving Officer*.

18.2. Fees for an extension to a Tentative Approval Letter are as per **Schedule A**.

19. FORM P PHASED STRATA DECLARATIONS AND FORM P AMENDMENTS

19.1. Application is made by letter to the *Manager* for consideration by the *Approving Officer*.

19.2. Any security required for common facilities shall be provided by cash deposit or irrevocable letter of credit.

20. STRATA CONVERSION OF A PREVIOUSLY OCCUPIED BUILDING

20.1. Unless otherwise delegated in this bylaw, *Council* is the approving authority for *Strata Conversion* of previously occupied buildings;

20.2. The *Approving Officer* can perform the duties of the approving authority under of the *Strata Property Act* with respect to a *Strata Conversion* of a previously occupied building that comprises:

- a) a previously occupied commercial building with five (5) or fewer units; and
- b) a previously occupied residential building with a maximum of two (2) dwelling units.

20.3. Respecting the decision of the *Approving Officer* to approve a Strata Plan for a previously occupied building, with or without conditions, or refuse to approve a strata plan for a previously occupied building, the decision of the *Approving Officer* is final and may not be appealed.

20.4. In determining a *Strata Conversion* application, the approving authority may:

- a) Approve the application, with or without conditions; or
- b) refuse the application.

21. INACTIVE APPLICATIONS

21.1. If information requested by the *Manager* pursuant to an application is not provided within six (6) months, and the *Manager* considers the *Applicant* is not actively attempting to meet the requirements of the application otherwise, the *Manager* may, by registered letter, notify the *Applicant* of an intention to close the application.

21.2. If the *Manager* is not satisfied that completion of an application is not being actively pursued after thirty (30) calendar days following delivery of a notice under section 11.1, the *Manager* may consider the application to be abandoned and cause the application to be closed.

22. SUBSEQUENT APPLICATIONS

22.1. Subject to the *Local Government Act*, if an application made under this Bylaw is refused by either the *Manager* or by *Council*, as applicable, a same or similar reapplication may

not be submitted until at least one (1) year has passed following the date of the refusal.

22.2. Where an *Applicant* intends to appeal to *Council* to vary the time limit set in section 7.3 pursuant to section 460(3) of the *Local Government Act*, the *Applicant* shall submit, in writing, a detailed statement as to why the time limit for the reapplication should be varied.

22.3. Despite section 7.3, *Council* may, by an affirmative vote of at least 2/3 of its members that are eligible to vote on the reapplication, allow a person to reapply within the one (1) year period.

23. SEVERABILITY

23.1 If any section, subsection, sentence, clause, sub clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

24. SINGULAR

24.1 Whenever the singular is used throughout this Bylaw, it shall also mean the plural.

25. REPEAL

25.1. The Village of Pemberton “Development Procedures Bylaw No. 725, 2013” is repealed.

READ A FIRST TIME this ____th day of ____, 2020.

READ A SECOND TIME this ____th day of ____, 2020.

READ A THIRD TIME this ____th day of ____, 2020.

ADOPTED this ____th day of ____, 2020.

Mayor

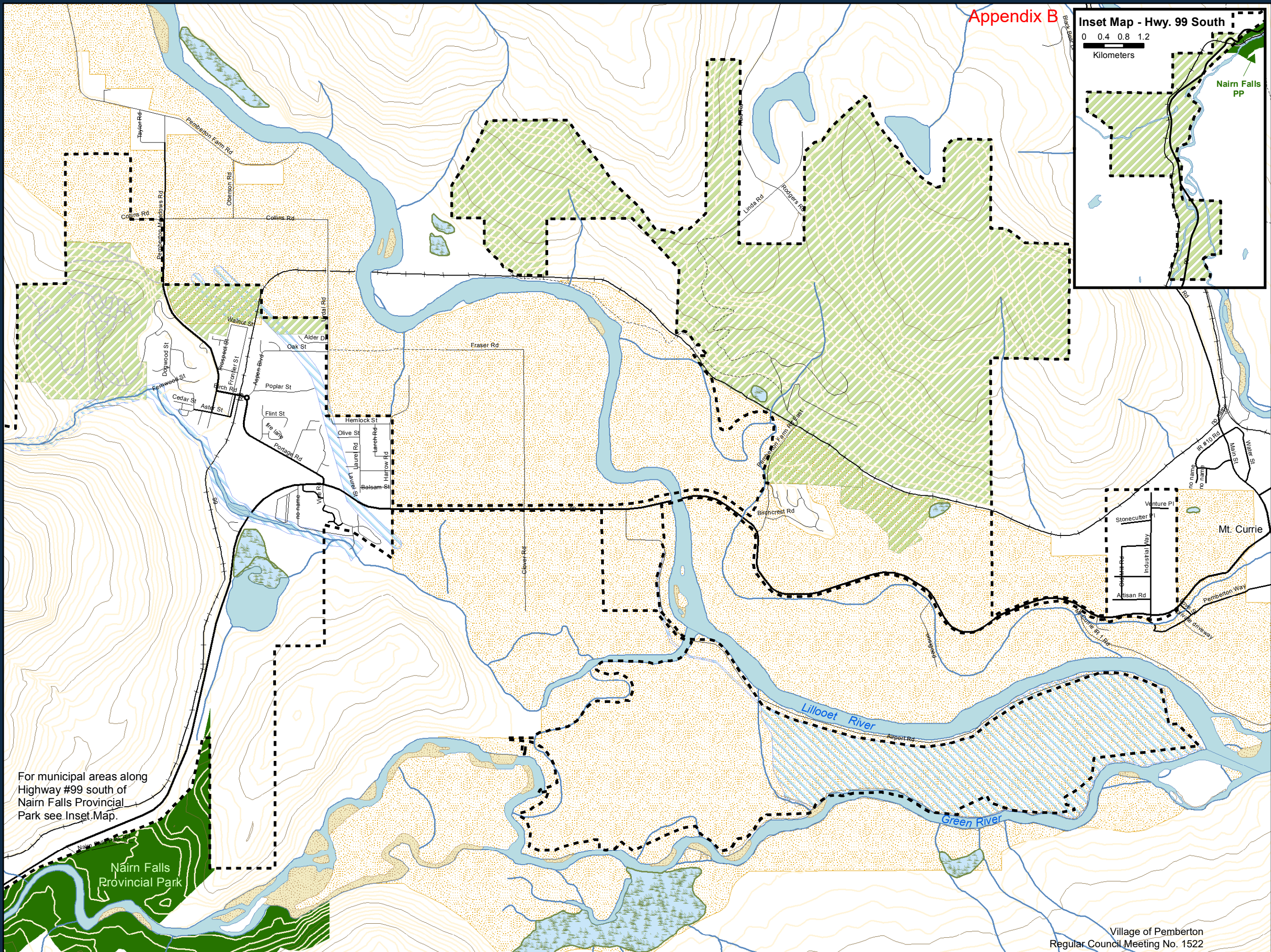
Corporate Officer

SCHEDULE "A"

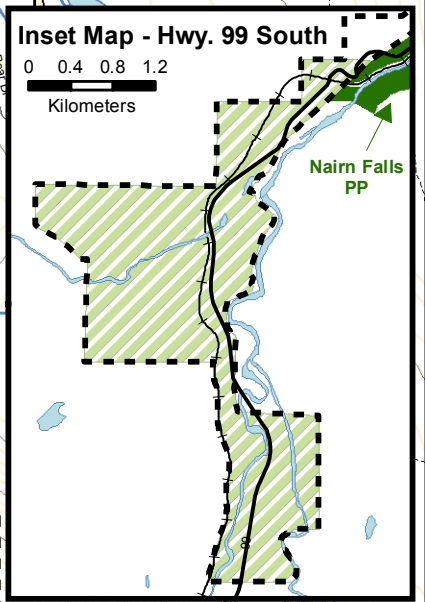
Application Type	Non-Refundable Application Fee		Public Notification Fee	Water and Sanitary Servicing Model Analysis Deposit
<i>Official Community Plan & Zoning Bylaw Amendment</i>	\$1200.00	Residential	\$750.00 per Public Meeting	Water: \$3000.00 Sanitary: \$3000.00 *additional expenses may be required depending on the complexity of the required analysis
<i>Official Community Plan Bylaw Amendment</i>	\$900.00	+ \$250.00 for each additional lot or dwelling unit in excess of the first ten (10) lots or dwelling units proposed		
<i>Zoning Bylaw Amendment</i>	\$900.00			
Major Development Permit for Form and Character	\$900.00			
Minor/Major Development Permit for Environmental Protection	\$600.00		All Other Uses + \$250.00 for each additional 100 m ² of floor area in excess of the first 1000.00 m ²	
Minor Development Permit for Land Constraints	\$400.00			
Minor Development Permit for Enhancement of Agriculture	\$400.00			
Major Development Permit Renewal	\$200.00			
Minor Development Permit	\$360.00			
Minor Development Permit Renewal	\$200.00			
Development Variance	\$450.00			
Temporary Use Permit	\$500.00			
<i>Subdivision</i>	\$500.00	+ \$150.00 for each additional lot created		
Bare Land Strata	\$500.00			
Strata Title Conversion	\$500.00			
Tentative Approval Letter Extension	\$200.00		\$500.00	
Discharge of a Covenant	\$200.00			
Cost Recovery	Staff and Contractor Time Expenses		Admin Fee	Total
Applies to all applications.	The cost of additional time spent processing applications above the application fee deposit will be recovered based on actual costs for <i>Village</i> of Pemberton staff and contractor time.		10% administration fee is added to the Cost Recovery Fee based on staff and contractor expenses.	Staff & Contractor Expenses at cost + 10% Admin Fee = Total Cost Recovery Fee

Map K
Environmentally
Sensitive Areas

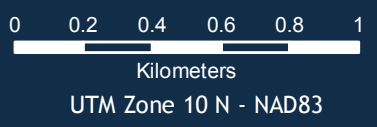
- Legend**
- Village Boundary
 - Provincial Park
 - Sensitive Areas**
 - Development Permit Area No. 1 - Environmental Protection
 - Riparian Area
 - Agricultural Land Reserve
 - Transportation**
 - Highway
 - Arterial Road
 - Local Road
 - Resource Road
 - Proposed Road
 - Railway
 - Hydrography**
 - Lake/River
 - Wetland
 - Sand/Gravel Bar
 - River/Stream - Definite
 - River/Stream - Indefinite
 - Elevation Contour**
 - Index Contour (100m)
 - Intermediate Contour (20m)



Appendix B



For municipal areas along Highway #99 south of Nairn Falls Provincial Park see Inset Map.



This map was produced for the Village of Pemberton, December 2014

September 8, 2020

Village of Pemberton

Box 100

Pemberton, V0N 2L0

TO THE MAYOR AND COUNCIL:

I would like to follow-up from my many letters regarding the sidewalk that was suppose to be built by the developer of Tyata. This is the section from Tyata to Signal Hill Elementary School entry. The area has a high traffic and high pedestrian use making it unsafe with no sidewalk.

I hope the village can put some pressure on the developer to come forward with the commitments they made at the time of the development. It appears they have been given many concessions without giving back to the community.

Please make Pemberton a safe place to walk for everyone.

Yours truly,

Suzanne Robert

██████████

Mt Currie, ██████████

Aug 17, 2020, at 11:27 AM

Good morning Mike,

Time to re visit our last conversation. I don't know the cause yet at Cottonwood,as I wasn't around, yet I would guess BBQ, smoker, or combustibile of some sort.

Maybe council should sent out a public notice to home owners ,renters etc regarding a fire break behind their bbq's. My friends place at creekside, has nothing but cedar siding next to their BBQ.

I recommend the strata get involved and simply instal a piece of tin or hardy board behind their bbq's, and make it part of their bylaws. The insurance company's might be happier...

WRM, and our own fire chief , could make this happen. Compliance is easier if more information is shared. You and I have been around for a while, how many house fires do you remember in the last 25 years...?

Maybe I'm losing my memory, but I sure don't recall these numbers....

Thanks,
rb

Mar 30, 2020, at 10:50 AM

Good morning Mike,

Backyard fires are becoming one more problem in our community. The fire in the Glen last night is still under investigation, and I could see as I helped drag hose down the street, that the house was gone. I'm not sure how many people lost everything, but I would guess a suite, and a family upstairs. We have people in our own complex, that think it's ok to have a back yard campfire, in a cedar sided building, some with cedar roofs. The steel roofs are great for embers, but access to a steel roof is the other problem for fire fighters, and the building burns beneath the steel roof.

I think you and council, should change the by laws, no camp fire pits in the back yards of any town homes, condos, and single family homes in the village. The alcohol and dope only make matters worse, and there is a certain demographic that seems to need their back yard fires.

I will be contacting the fire chief as well, in whistler and pemberton,our insurance companies, BC rail (who own the two rentals in our complex). This should be a big wake up call for everyone who thought back yard fires are ok, not in this day and age.

I fought forest fires for twenty years, and have attended over 400 of them across Canada. The new normal is not normal at all, and people must change their habits.

This subject needs to be dealt with, so I hope you will bring up at a council meeting.

Regards,
Ron Blackall

Sent from my iPad

From: Ned Hodaly <Ned.Hodaly@TELUS.COM>

Sent: September 10, 2020 10:01 AM

Subject: TELUS COVID-19 Update: Supporting Our Communities and Helping Them Stay Connected

TELUS COVID-19 Update: Supporting Our Communities and Helping Them Stay Connected

September 10, 2020

To our valued Municipal Partners,

As mentioned in previous communications, at TELUS, the health and safety of our customers, communities and team members remains our #1 priority. As an essential service, we are maintaining our efforts to keep you connected during this challenging time.

Partnering for a Healthier Future

See a locally licensed doctor fast from your smartphone, including evenings and weekends and at no cost: TELUS Health has partnered with Babylon Health, a global leader in digital health that combines the power of AI with the medical expertise of doctors. Together, we created Babylon by TELUS Health which allows British Columbian's and Albertan's to see a locally licensed doctor fast from their smartphone, including evenings and weekends and at no cost to them. The app is free to download and video consultations with doctors are covered by provincial healthcare.

We encourage you to let your community members know that if they don't have a family doctor or need healthcare after hours, Babylon by TELUS Health is here for them. The service can also be used to check symptoms – including those of COVID-19, book appointments and get prescriptions and referrals for diagnostic tests or specialists. Download the free app from the App Store or Google Play, register and it's ready to use. For more information, visit telus.com/babylon.

Connectivity Programs for Low-Income Families, Vulnerable Youth and People with Disabilities

Low-cost, high speed internet and an affordable computer: We have expanded our Internet for Good program to make it easier for both Canadian families and people with disabilities to access low-cost, high speed internet. Principals at any school in British Columbia and Alberta can now reach out to us directly for Internet for Good codes for families at their schools that they deem in-need, and who may not have met our regular criteria for the program. Moreover, people with disabilities that receive the Canada Pension Plan Disability Benefit, or provincial equivalent are now eligible to access our Internet for Good program.

Broadening the reach of this initiative will ensure that more people have access to low-cost, high speed internet and an affordable computer. Eligible families and people can apply at telus.com/internetforgood.

Access to a free smartphone and free data plan for two years: Moreover, in partnership with the Children's Aid Foundation of Canada, we are expanding our Mobility for Good program nationally, ensuring vulnerable youth aging out of foster care can stay connected to the people, resources and information that matter most, particularly during the pandemic. By providing access to a free smartphone and free data plan for two years, we are helping ensure this underserved demographic has the opportunity to realize their full potential. You will soon be able to donate your old devices to be refurbished and provided to a youth in need! Eligible youth can apply at telus.com/mobilityforgood.

TELUS Supports Communities During COVID-19

Since the pandemic, over 150 communities throughout British Columbia and Alberta have reached out for support on both community and business continuity needs. We want to assure you that we are here for your community. Please don't hesitate to reach out for any support you may need. We have proactively extended supporting our communities for their TELUS provided business continuity needs until the end of 2020.

Letter to Prime Minister Justin Trudeau: Prioritization of Rural Connectivity Across Canada

Now more than ever, we have learned from COVID-19 that connectivity infrastructure plays an important role in the daily lives of Canadians. I will be reaching out to you shortly with a draft letter that you can customize as you see fit, to ask you to send to Prime Minister Justin Trudeau, to request that his government prioritizes rural connectivity in the upcoming Speech from the Throne on September 23.

If you have any questions, please let me know. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Hodaly". The signature is fluid and cursive, with a large initial "N" and a long, sweeping tail.

Ned Hodaly
General Manager
Cell: (604) 209-8605

From: Ned Hodaly <Ned.Hodaly@TELUS.COM>
Sent: September 10, 2020 12:03 PM
Subject: Prioritization of Rural Connectivity Across Canada

Prioritization of Rural Connectivity Across Canada

September 10, 2020

Good Afternoon,

As a follow up to the update I sent earlier today, I'm reaching out to gauge your interest in sending a letter to Prime Minister Justin Trudeau to request that his government prioritizes rural connectivity in the upcoming Speech from the Throne on September 23. Municipalities of all sizes play a role in representing rural and remote communities and know too well the essential role connectivity infrastructure plays in the daily lives of Canadians.

COVID-19 has reinforced the importance of access to high speed internet and wireless services not only to stay in touch with loved ones, but to enable telecommuting, virtual health care services, and remote learning. While many Canadians and businesses have been able to adapt to this new reality, there are still too many rural Canadians that are being left behind.

That is why we need your help to urge the Government of Canada to prioritize policies that encourage private sector investment in connectivity for rural and remote communities, including a new approach to spectrum policy.

To assist, we've taken the liberty of providing a proposed draft letter (**attached**) to the Prime Minister, that can be customized as you see fit.

If you have any questions, please let me know.

Sincerely,



Ned Hodaly
General Manager
Cell: (604) 209-8605

SAMPLE LETTER

September XX, 2020

The Right Honourable Justin Trudeau, P.C., M.P.
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

By email: pm@pm.gc.ca

CC: Chrystia.Freeland@canada.ca (Hon. Chrystia Freeland, Minister of Finance)

CC: ISI.minister-ministre.ISI@canada.ca (Hon. Navdeep Bains, Minister of Innovation, Science and Industry)

CC: Alyx.holland@pmo-cpm.gc.ca; ryan.dunn@canada.ca; elder.marques@canada.ca;
jeremy.broadhurst@dpmo-cvpm.gc.ca

Dear Prime Minister,

On behalf of [INSERT NAME OF MUNICIPALITY], I am writing to you to raise the urgent need for increased rural connectivity, and to ask that you **prioritize rural connectivity in the upcoming Speech from the Throne** on September 23. The ongoing COVID-19 pandemic has reinforced the essential role connectivity services play in the daily lives of Canadians, not only to stay in touch with loved ones, but to telecommute, access virtual health care services, and enable remote learning. While many Canadians and businesses have been able to adapt to the new reality we find ourselves in, there are still too many rural Canadians that are being left behind.

As you prepare to lay out the Government of Canada's priorities in the Speech from the Throne, we urge you to prioritize policies that **encourage private sector investment in connectivity for rural and remote communities**. The need for new or improved broadband connectivity in [MUNICIPALITY], and communities like ours, is urgent.

To deliver better connectivity to our communities – and all of rural Canada – we ask that the federal government encourage rural network investment and deployment by:

1. **Expediting the 3500 MHz and 3800 MHz spectrum auctions** so that this spectrum can be put to use for all Canadians, sooner;
2. Imposing meaningful deployment conditions across accelerated timelines to all spectrum holders. For example, a **“use it or lose it” spectrum policy** that requires greater rural deployment within five years of a license grant, where failure to build results in forfeiture of that license;

3. **Ending the use of spectrum set asides**, particularly for rural areas, as set-aside eligible telecoms companies do not have a track record of deploying in rural Canada, and that spectrum goes unused; and
4. Continuing to invest in rural connectivity programs by launching the Universal Broadband Fund, supporting the CRTC Broadband Fund, and identifying opportunities to match or **coordinate funding programs with the provinces**.

We can no longer afford delays to the roll out of wireless connectivity. We hope that you will include rural connectivity as a key priority in the Speech from the Throne. We ask that these commitments be reflected in new ministerial mandate letters, reflecting your government's commitment to **encourage private sector investment in connectivity for [INSERT NAME OF MUNICIPALITY]**, and all of rural Canada.

I look forward to hearing from you on how your government is going to prioritize rural connectivity to ensure equal access for all Canadians to reliable wireless services and high speed internet.

Sincerely,

[INSERT NAME]



September 11, 2020

Village of Pemberton
7400 Prospect Street
PO BOX 100
Pemberton, BC V0N 2L0

Re: BC Housing Community Housing Fund Application

To Mayor and Council,

I write to Mayor and Council to request support and co-submission of an affordable housing application in response to BC Housing's Request for Proposal RFP#1070-2021/28. The RFP supports the creation of new rental housing units under the Building BC: Community Housing Fund and facilitates the development of long-term rental housing for families, seniors and persons with disability. This introduction letter provides a background of SSCS's involvement in Pemberton, the need for affordable housing in the community, and a request to co-submit the application to BC Housing for funding.

By way of background, Sea to Sky Community Services (SSCS) was incorporated in 1978 and has a long history of developing and operating affordable housing projects in the region. We currently operate 156 low to moderate income housing units in Squamish, with another 76 units coming onside through BC Housing's Community Housing Fund in Spring of 2022, a project in partnership with the District of Squamish.

SSCS has been working in partnership with the people of Pemberton and area for decades. It has always been a very warm and cordial relationship. While funding is sometimes scarce, the dedication and hearts are strong, and it has made our job of delivering effective services so much easier. This year, in response to the COVID-19 pandemic, SSCS joined the Mayor's Task Force. It likely comes as no surprise to the Village and regional residents that more affordable housing was identified as a number one priority.

The Village of Pemberton and surrounding area has a serious deficit of affordable housing, the needs of which were identified in the Age-Friendly Housing Needs Assessments completed in 2019. The Building BC: Community Housing Fund is an opportunity to respond to community housing needs that should not be missed. SSCS is offering our resources and experience, and request the Village of Pemberton to consider co-submitting an application for funding. With the Village's support, we will continue to work with staff to identify a possible housing site, explore development potential, and establish a project team that will bring our housing vision to life. The funding application is due January 2021 so time is of



the essence. Attached are sample letters of intention addressed to BC Housing that the Village may wish to use to demonstrate their support.

We hope you will consider our request for support. Should you have any questions, do not hesitate to contact us.

Yours truly,

Jaye Russell, Executive Director
Sea to Sky Community Services
Ph: 604 892 5796
E: jaye.russell@sscs.ca

Attachments:

Draft Letter of Intention to BC Housing from the Village of Pemberton
Draft Letter of Intention to BC Housing from Sea to Sky Community Services

August 24, 2020

Ms. Naomi Brunemeyer
Director, Regional Development
BC Housing
Ste. 1701 - 4555 Kingsway
Burnaby, BC V5H 4V8

Re: upcoming application to BCH Community Housing Fund

Dear Ms. Brunemeyer,

It is a pleasure to introduce myself on behalf of the citizens of the Village of Pemberton. We are a wonderful community nestled in the beautiful Pemberton Valley.

Like many communities we have been impacted by the Covid-19 crisis. Many residents work in the service industry and have experienced employment interruption. We must make sense of it in some manner. In response I initiated the 'Mayor's Task Force on the impact of Covid-19' to explore ways of building a stronger community as we gradually recover. Membership on this committee is broad and inclusive of many stakeholders. One prominent member is Jaye Russell, executive director of Sea to Sky Community Services Society (STSCSS). They have provided many worthy social programs in Pemberton for several years.

In formulating a workplan to move forward with, the committee identified a few priority action steps. It likely comes as no surprise that more affordable housing was/is our number one priority. We have a serious deficit in this area. Ms. Russell stepped up to offer the resources and experience of her team to assist us in preparing an application to your Community Housing Fund in January 2021. STSCSS will be our development partner and manager of the finished facility. Our intention is to have a full application ready by year end. It will include a needs analysis, location, schematic design, and budget along with any other requirements you have. More details will follow from STSCSS.

My task with this letter, beyond introducing you to our council, administration and citizens, is to impress upon you the scale of our need, AND to inform you that this project has the full support of my entire council. Senior staff have been instructed to assist the process in everyway possible and I can say with confidence that they are doing so with enthusiasm. On a personal level I will strive to ensure that my office keeps this project front and centre. We are serious about ensuring we can meet the housing needs of our citizens. Where we lack capacity we will engage outside sources. While I appreciate there is

a large province wide demand for more affordable housing, I believe in some measure that it is Pemberton's turn. We intend to demonstrate this.

I thank you for this opportunity. We look forward to your response and to our future dealings with BC Housing. I hope to have the please of meeting with you one day soon.

Yours truly,

Mike Richman
Mayor

DRAFT

Ms. Naomi Brunemeyer
Director, Regional Development
BC Housing
Ste. 1701 - 4555 Kingsway
Burnaby, BC V5H 4V8

Re: upcoming application to BCH Community Housing Fund

Dear Naomi:

I am honoured to submit this letter in concert with Mayor Richman's, in support of the upcoming application to your Community Housing Fund.

By way of background our society has been working in partnership with the people of Pemberton and area for decades. It has always been a very warm and cordial relationship. While money is always short the dedication and hearts are strong, and it has made our job of delivering effective services so much easier.

The leadership of Mayor Richman and his council both is genuine and compelling. The community is very much in need of more affordable housing. While small in size, it is obvious to me that they are placing a great deal of priority on this initiative.

It therefore makes it easy for us to meet that dedication with equal measure. We are assembling a project team to prepare a very compelling application by this coming January.

We have enjoyed working with you and your team Naomi and we welcome your input during these early days. Thank you

Yours

Jaye

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*