

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

**Agenda** for the **Regular Meeting** of Council of the Village of Pemberton to be held Tuesday, October 20, 2020 at 9:00 a.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1525.

*"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.**

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Item of Business	Page No.
<b>1. 9:00 A.M. CALL TO ORDER REGULAR MEETING</b>	
In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.	
<b>2. APPROVAL OF AGENDA</b>	
<b>Recommendation:</b> THAT the Agenda be approved as presented.	
<b>3. DEVELOPMENT VARIANCE PERMIT</b>	
<b>a) Presentation of Development Variance Permit No. 126 – 1441 Vine Road</b>	6
<b>Note:</b> The meeting will be open to allow for an opportunity for public input	
<b>Recommendation:</b> THAT Council approves Development Variance Permit No. 126	
<b>AND THAT</b> the Mayor and Chief Administrative Officer be authorized to execute the Permit.	
<b>4. ADOPTION OF MINUTES</b>	
<b>a) Regular Council Meeting No. 1523, Tuesday, October 6, 2020</b>	21
<b>Recommendation:</b> THAT the minutes of Regular Council Meeting No. 1523, held Tuesday, October 6, 2020, be adopted as circulated.	
<b>b) Special Council Meeting No. 1524, Tuesday, October 13, 2020</b>	31
<b>Recommendation:</b> THAT the minutes of Special Council Meeting No. 1524, held Tuesday, October 13, 2020, be adopted as circulated.	
<b>5. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING</b>	
None	
<b>6. RISE WITH REPORT FROM IN CAMERA</b>	
There is no rise with report.	
<b>7. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE</b>	
None	

## 8. COMMITTEE MINUTES - FOR INFORMATION

None

## 9. DELEGATION

There are no delegation presentations.

## 10. REPORTS

### a) Office of the Chief Administrative Officer

#### i. Verbal Report

#### ii. Community Economic Recovery Infrastructure Program Applications 33

**Recommendation One: THAT** the Village of Pemberton apply to the Community Economic Recovery Infrastructure Program for up to \$677,000 for the construction of the Pemberton Farm Road East Multi-Use Path.

**Recommendation Two: THAT** the Village of Pemberton apply to the Community Economic Recovery Infrastructure Program for up to \$1 million dollars for the construction of the Pemberton & Area Mountain Bike Skills Park.

### b) Corporate & Legislative Services

#### i. 2021 Council Meeting Schedule 36

**Recommendation: THAT** Council provide direction with respect to the 2021 Regular Council Meeting schedule.

#### ii. 2021 Committee & Liaison Appointments 42

**Recommendation: THAT** Council review the 2020 Committee Appointment Listing, advise and make appointments for 2021 as required by resolution for the following:

- Emergency Planning & Operations Committee
- Parcel Tax Review Panel
- Cemetery Committee
- Squamish-Lillooet Regional District Board
- Pemberton Valley Utilities & Services Committee
- Pemberton Lillooet Treaty Advisory (PLTAC)
- Sea to Sky Hospital District Board
- Pemberton & District Library Board
- Municipal Insurance Association of BC
- Spelkúmtn Community Forest Interim Board

**AND THAT** Council provide direction with respect to the 2021 Acting Mayor Schedule.

### c) Finance Department

#### i. Municipal Finance Authority Equipment Financing – Recreation Services Truck 50

**Recommendation: THAT** Council of the Village of Pemberton authorizes up to \$20,516 be borrowed, under Section 178 of the *Community Charter*, from the Municipal Finance Authority, for the purpose of a Recreation Services Truck;

**AND THAT** the loan be repaid within three (3) years, with no rights of renewal.

d) Development Services

i. Official Community Plan Amendment – Early and Ongoing Consultation

53

**Recommendation One:** THAT Council has considered the obligations under Section 475 of the *Local Government Act* with respect to the Official Community Plan amendment application by on Lot 3, DL 203, LLD, Plan 12807 and requests that the Applicant organize, advertise, and host at least one (1) public information meeting prior to consideration of First and Second reading of the forthcoming OCP amending bylaw.

**Recommendation Two:** THAT Council has considered Section 475 of the *Local Government Act* and directs Staff to consult with the following organizations before consideration of First and Second Reading to the forthcoming OCP amending bylaw:

- Lil'wat Nation
- Ministry of Transportation and Infrastructure
- Ministry of Education
- Squamish Lillooet Regional District
- Pemberton Valley Dyking District
- CN Rail
- School District No. 48 – Sea to Sky
- Pemberton and District Chamber of Commerce
- TELUS
- BC Hydro

ii. Major Development Permit – ‘Elevate at Sunstone’ – Amendment

59

[Click here to view Appendix A](#)

[Click here to view Appendix C](#)

**Recommendation:** THAT DP No. 083 be authorized for issuance, and the Mayor and Chief Administrative Officer be authorized to execute the Permit, subject to the successful completion of the following conditions to the satisfaction of the Manager of Development Services:

- a) Provision of a landscape bond in accordance with BCSLA standards in the amount of \$220,012.80;
- b) Registration of subdivision plans for the proposed lot-line adjustment;
- c) Execution of an easement agreement between the subject lands and proposed Lot 2 on the lot line adjustment plan registered on title to permit the encroachment of the Sierra Mechanized Earth Wall and snow dump area on the easterly neighbouring lot; and
- d) Payment of any outstanding review fees.

**AND THAT** DP No. 083 hereby varies Section 8.3 of the Village of Pemberton Zoning Bylaw No. 832, 2018 by reducing the required number of Visitor Parking Stalls from twelve (12) to four (4).

**AND THAT** DP No. 083 hereby varies Section 7.21 a) i) and 4.13 a) viii) of the Village of Pemberton Zoning Bylaw No. 832, 2018 to permit retaining walls in substantial compliance with the Elevation Site Plan Drawings prepared by Urban West Architecture, dated 2<sup>nd</sup> of October 2020.

e) Recreation Department	
i. Recreation Services COVID-19 Pandemic Response Update	80
<b>Recommendation: THAT</b> Council receives the Recreation Services COVID-19 Response Update.	
<b>11. BYLAWS</b>	
a) Bylaws for First, Second and Third Readings	
i. Village of Pemberton Council Procedure Bylaw No. 788, 2015, Amendment Bylaw No. 888, 2020	90
<b>Recommendation: THAT</b> Village of Pemberton Council Procedure Bylaw No. 788, 2015, Amendment (Order of Proceedings) Bylaw No. 888, 2020, receive First, Second and Third Readings.	
ii. Village of Pemberton Business Licence Bylaw No. 855, 2019, Amendment (Housekeeping) Bylaw No. 890, 2020	134
<b>Recommendation: THAT</b> Village of Pemberton Business Licence Bylaw No. 855, 2019, Amendment (Housekeeping) Bylaw No. 890, 2020, receive First, Second and Third Readings.	
b) Bylaw for Third Reading	
i. Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment Bylaw (Child Care Centre) No. 889, 2020	149
<b>Recommendation: THAT</b> Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment Bylaw (Child Care Centre) No. 889, 2020, receive Third Reading.	
<b>12. MAYOR'S Report</b>	
<b>13. COUNCILLORS' Reports</b>	
<b>14. CORRESPONDENCE</b>	
a) For Action	
None	
b) For Information	
i. Suzanne Robert, Mount Currie, dated October 5, 2020, regarding sidewalk concerns in front of Signal Hill Elementary.	151
<b>Recommendation: THAT</b> the correspondence be received.	
<b>15. DECISION ON LATE BUSINESS</b>	
<b>16. LATE BUSINESS</b>	
<b>17. NOTICE OF MOTION</b>	
<b>18. QUESTION PERIOD</b>	152

**19. IN CAMERA**

**THAT** the meeting is closed to the public in accordance with the *Community Charter* Section 90 (c) Employee Relations, 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.

**20. RISE WITH REPORT**

**21. ADJOURNMENT OF REGULAR COUNCIL MEETING**

**Date:** October 20, 2020

**To:** Nikki Gilmore, Chief Administrative Officer

**From:** Joanna Rees, Planner

**Subject:** Development Variance Permit No. 126 – 1441 Vine Road

**PURPOSE**

The purpose of this report is for Council to consider issuance of Development Variance Permit (DVP) No. 126 to vary the requirements of the Village of Pemberton Sign Bylaw No. 380, 1995.

**BACKGROUND**

Agent Pride Signs Ltd., on behalf McDonald’s with permission of the property owner Husky Oil Operations Ltd., have applied for a development variance permit. The purpose of the Permit is to vary the Village of Pemberton Sign Bylaw No. 380, 1995 to permit one (1) electronic sign featuring changeable copy. The proposed sign will be located at the McDonald’s Drive-Thru, located on the southside of the building, at 1441 Vine Road. The applicant’s description of the proposal and rationale is attached as **Appendix A**.

**DISCUSSION & COMMENTS**

The proposed electronic changeable copy sign will replace the existing sign located at the McDonald’s Drive-Thru. The proposed sign is single sided with a total display area of 1.85m<sup>2</sup> and is 2.36 m in height. The proposed menu-board features a dual screen display and is intended to show the current menu. The menu-board also features changing images of varying products which may phase in and out in different areas of the screen, along with varying components of the menu. The proposed sign is internal to the site and the brightness level can be controlled. The sign will be used to facilitate the drive thru which operates from 4am until midnight daily. An image of the proposed sign is shown in Figure 1.



**Figure 1:** Image of proposed sign

The Village of Pemberton Sign Bylaw No. 380, 1995 Section 3.1 indicates that signs that are not expressly permitted in this bylaw are prohibited in the Village and Section 3.2 identifies prohibited signs including changeable copy signs and electronic message signs which incorporate animated visual messages projected on a screen or copy changes electronically. The intent of this section is to prevent the use of distracting and flashy signs from negatively impacting neighbouring properties and streetscapes.

The screen would not be visible from the street as it is facing an interior lot of the neighbouring property and the drive thru is buffered with trees. The signage is not proposed to contain flashing graphics, and, with the sign location oriented to the drive-thru lane, it should not present a distraction off-site. The proposed changeable copy sign is considered appropriate for the drive-thru and is expected to have minimal impacts on neighbouring properties and the streetscape.

A copy of Development Variance Permit No. 126 is attached as **Appendix B**.

### **EXTERNAL REFERRAL COMMENTS**

**Ministry of Transportation and Infrastructure:** No objections.

**Pemberton & District Chamber of Commerce:** No comment.

### **COMMUNICATIONS**

Notice of Council's intent to consider issuance of the Development Variance Permit (DVP) was sent to adjacent property owners within 100 metres of the subject lands as per Section 499 of the *Local Government Act* and the Village Development Procedures Bylaw 725, 2013.

At the meeting that the DVP is being considered, although not specified by the *Local Government Act*, it is the Village's practice to give anyone in attendance who believes they are impacted by the application, an opportunity to be heard before the application is considered. As such, following the Staff presentation of the report the meeting will be opened to allow for comment from the public in attendance.

Impacted parties may also submit comments in writing. At the time of writing this report, no public comments have been received.

### **LEGAL CONSIDERATIONS**

Development Variance Permits (DVP's) are subject to Division 9 of the *Local Government Act*. On application by an owner of land, a local government may, by resolution, issue a DVP that varies the provisions of certain bylaws, including a Sign Bylaw. A DVP must not vary the use and density of land, residential rental tenure of a flood plain specification.

### **IMPACT ON BUDGET & STAFFING**

There are no impacts on budget or staffing as the applicants paid the requisite application fees and the Village will cost recover any additional expenses as per the Development Procedures Bylaw No. 725, 2013.

**INTERDEPARTMENTAL IMPACT & APPROVAL**

There are no interdepartmental impacts and approvals required regarding this application.

**IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

There are no impacts on the region or other neighbouring jurisdictions.

**ALTERNATIVE OPTIONS**

The following options have been provided for Council’s consideration:

1. **THAT** Council approves Development Variance Permit No. 126;
2. **THAT** Council refuses the application for Development Variance Permit No. 126; and

**THAT** Council refers the application for Development Variance Permit No. 126 back to Staff to address any further considerations.

**RECOMMENDATIONS**

**THAT** Council approves Development Variance Permit No. 126

**AND THAT** the Mayor and Chief Administrative Officer be authorized to execute the Permit.

**ATTACHMENTS:**

**Appendix A:** Applicants Letter of Rationale

**Appendix B:** Development Variance Permit No. 126

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



Village of Pemberton  
Development Services  
7400 Prospect Street  
Pemberton, BC V0N 2L0

August 7, 2020

Re: McDonald's #40069 – 1441 Vine Road – Request for Development Variance Permit

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To whom it may concern,

Please accept the following in addition to the provided drawings in support of the proposed Development Variance Permit for the McDonald's site located at 1441 Vine Road. McDonald's is proposing to replace the existing drive-thru signage with a new electronic sign which feature electronic changeable copy. This site currently has one menu board which serves the existing single lane drive through.

### **Proposal:**

The sign is proposed to replace the existing sign. The proposed menu-board features a dual display and is intended to show the current menu. The menu-board also features changing images of varying products which may phase in and out in areas of the screen, along with varying components of the menu. The menu-board sign also features an order confirmation screen that will display text confirming the order to the patron as it is entered.

**Sign #1:** Drawing reference: ODMB, 55in Dual Display – Single sided Dual Menu Order Board

- Overall Height: 2.362m
- Overall Area: 1.85m<sup>2</sup>
- Electronic Ground Sign

### **Summary of Relief Requested**

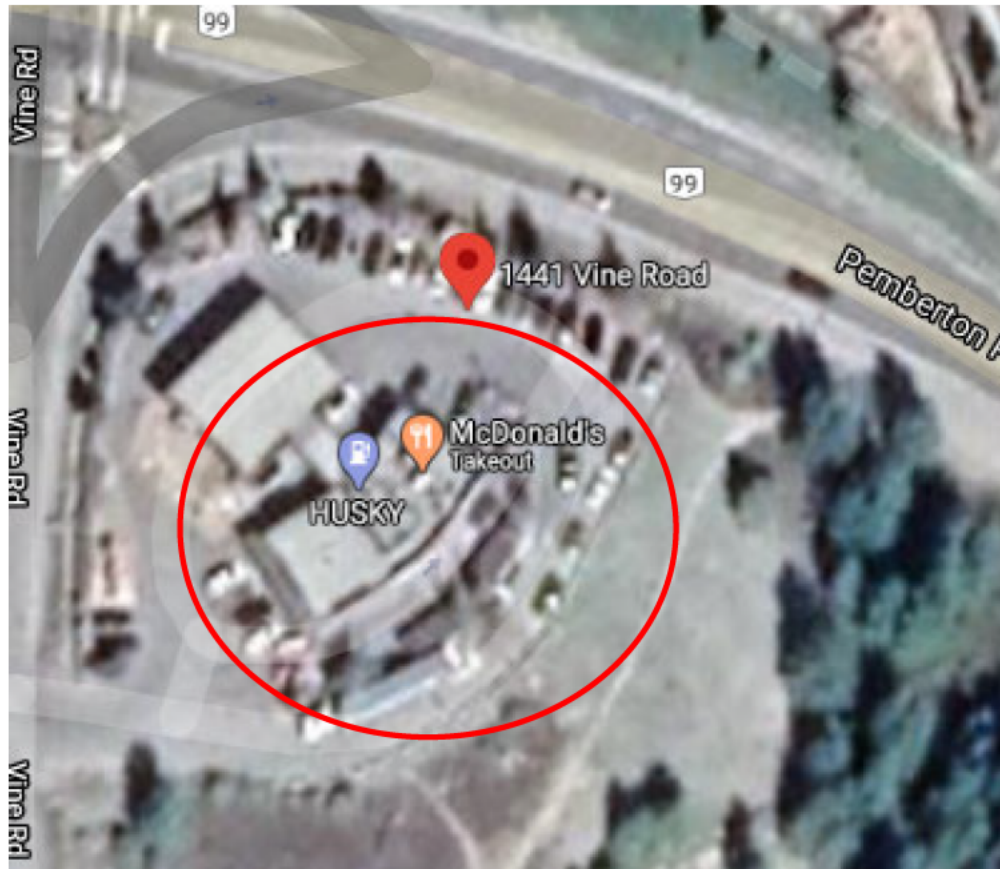
- To permit one (1) electronic changeable copy drive-thru menu-board sign, with a total display area of 1.85m<sup>2</sup> and a height of 2.362m where the bylaw does not permit electronic changeable copy.



Proposed menu board sign

**Site Location:**

The subject lands are located at the southeast corner of Pemberton Portage Rd and Vine Road. The property is generally surrounded by various commercial retailers. The site is currently developed with a McDonald's Restaurant.



Approximate site location indicated in red outline.

### Rationale:

McDonald's proposes to replace the existing drive-thru signage for their sites across Canada. These modern signs allow for a more compact and streamlined design, are fully controllable relating to the messaging and content, and allow for complete control of the brightness.

McDonald's is a permitted commercial use for this lot, and as such the restaurant operates from 6am until 10pm daily. Part of their business includes the existing drive thru which operates legally from 4am until midnight daily and in order to effectively serve patrons, the signage needs to be illuminated and be visible during business hours. The sign is completely controllable in terms of brightness and includes a built in ambient light sensor so that the brightness can be controlled above the ambient light levels at varying times of the day. The sign is internal to the site and is not intended to create light spill outside of the site. McDonald's is happy to work with the Village of Pemberton on illumination levels for the proposed sign.

The sign requires content change to effectively promote McDonald's menu offerings to their patrons in a timely fashion. The menu board shows the varying menu offerings, as well as images

of products which may change in portions of the screen. The menu board also has an order confirmation display, which allows patrons to view their orders as they are entered as a means of confirmation and quality control. As the drive-thru is designed to provide for efficient service, the content of the signage is required to change more quickly so it is visible to the patrons during their limited exposure to the sign. The signage is not proposed to contain obnoxious flashing, and with the sign location oriented to the drive-thru lane it will not present a distraction off-site.

The sign is incidental to the operation of the drive-thru and is not intended to be readily visible or legible from the street. The new sign is single sided and is also located facing into the parking lot and the screen would not be visible from the street as it is facing an interior lot of the neighboring property. Based on the foregoing, the sign will not alter the existing character of the area and is compatible with the existing development. The site currently has some landscaping in place to shield from the townhomes that are over 200 feet away. If required by the Village, McDonald's is open to adding additional screening or landscaping in order to help alleviate any concerns.



Example of a completed dual lane site from a recent installation.

### **Conclusion:**

Pride Signs Ltd formally requests your support and approval of this application. The signage program represents a significant investment into the site and enhances the on-site experience

for patrons while increasing business for the restaurant. The existing menu board sign is 8.73' high with the display area of 10'-0" x 6.25' for a sign area of 62.5 sq.ft. (5.81m<sup>2</sup>) per side as the existing sign is double sided (total existing sign area 11.62m<sup>2</sup>). The new menu board is 1.85m<sup>2</sup> in area and has an overall height of 7.75' and 4.80' in width. Overall, the sign area is a significant reduction from the existing drive-thru sign and the overall aesthetics are improved significantly. The proposal represents a reduction in sign area relative to the existing drive through sign. Through dimming measures and reduced illuminated sign area relative to the existing, McDonald's will mitigate impact to the night sky. The proposal will not have a detrimental impact on the surrounding neighbourhood or streetscape due to the internal siting of the sign and site layout which helps provide a buffer from the adjacent roadways. The restaurant requires operational signage during its business hours, and not permitting such would prove to be detrimental to their business. We thank the Village of Pemberton for their consideration of this proposal, and should you have any questions, please contact the undersigned.

Thank you,

[REDACTED]

Isabella Cerelli  
Manager, Government Relations & Permit Services

T: [REDACTED]

E: [REDACTED]



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**VILLAGE OF PEMBERTON  
Development Variance Permit 126  
1441 Vine Road Sign Variance**

Issued to: **Husky Oil Operations Ltd.**

File No.  
**DVP#: DVP126**

(Registered owners according to Land Title Office, hereafter referred to as the "Permittee")

Address: **Lot A, District Lot, 203 Lillooet District, Plan KAP74508  
PID: 025-809-598  
1441 Vine Road, Pemberton, BC**

- 1) This Development Variance Permit is issued subject to compliance with all Bylaws of the Village of Pemberton applicable thereto, except as specifically varied or supplemented by this permit.
- 2) This Development Variance Permit applies to and only to those lands within the Village of Pemberton described below:

Parcel Identifier: **025-809-598**

Legal Description: **Lot A, DL 203, LLD, Plan KAP74508**

Civic Address: **1441 Vine Road, Pemberton, BC.**

as shown on the attached **Schedule "A"**, attached hereto and forming part of this permit, referred to hereafter as the "Land".

- 3) **WHEREAS** the applicant has made application to permit one (1) electronic sign featuring changeable copy located at McDonald's Drive-Thru located on the subject "Land".

**THEREFORE**, the Village of Pemberton Sign Bylaw No. 380, 1995 is hereby varied as follows and as shown on **Schedule "B"** which is attached to and forms part of this permit:

The following section of the Village of Pemberton Sign Bylaw No. 380, 1995 is varied by excluding the following requirements:

Section 3.1



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Signs that are not expressly permitted in this Bylaw are prohibited in the Village.

### Section 3.2 Prohibited Signs

j) changeable copy signs

l) video signs or electronic message signs or any sign which incorporates animated visual messages which are projected on a screen or which changes copy electronically.

- 4) This Permit shall not have the effect of varying the use or density of the land specified in Village of Pemberton Zoning Bylaw No. 832, 2018 or a flood plain specification under s. 524 of the *Local Government Act RS2015*.
- 5) This Permit authorizes variances to the standards in Village of Pemberton Sign Bylaw No. 380, 1995., and the signage shall be constructed to conform with the Schedules attached to this permit.
- 6) This Permit prevails over the provisions of the Bylaw in the event of conflict.
- 7) Security Requirements: Nil
- 8) The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part hereof.
- 9) This Permit is not a building permit.
- 10) Notice of this Permit shall be filed in the Land Title Office at New Westminster under s. 503 of the *Local Government Act RS2015*, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the Land affected by the Permit.

**AUTHORIZED BY RESOLUTION PASSED BY THE VILLAGE OF PEMBERTON  
COUNCIL THIS**

**20th DAY OF OCTOBER, 2020.**



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Mike Richman, Mayor

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Nikki Gilmore, Chief Administrative Officer

END OF DOCUMENT

DRAFT



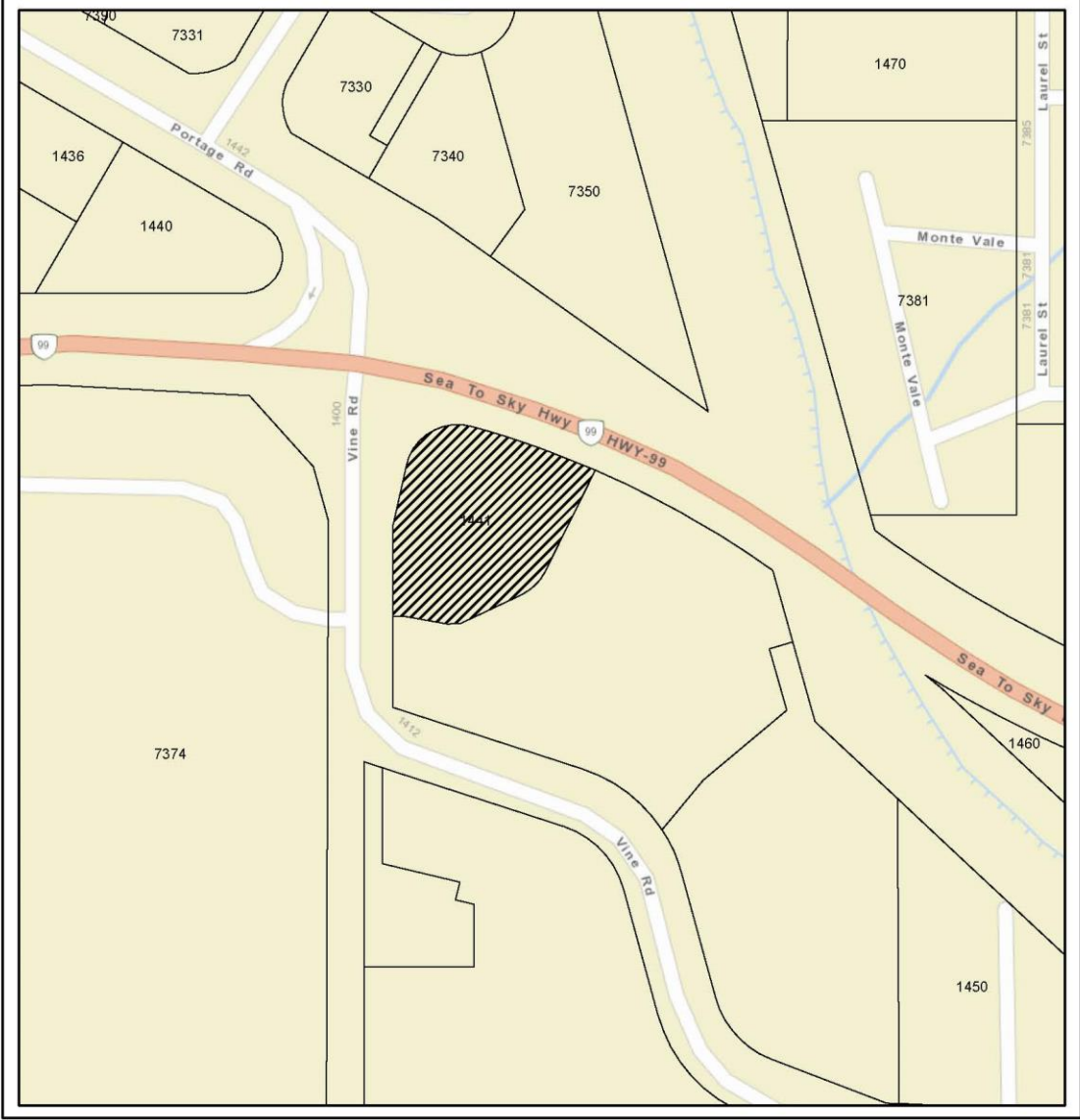



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Schedule "A"



 Subject Property

1441 Vine Road  
Lot A DL 203 LLD KAP74508

0 25 50 100 150 Meters

Date: 2020 / 10 / 6

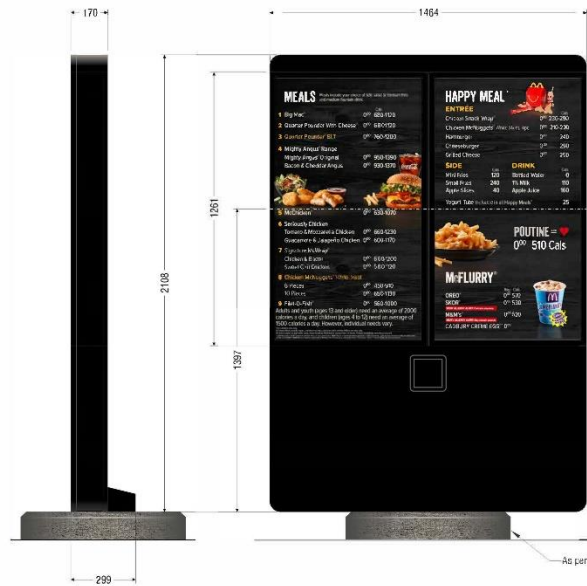
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Schedule "B"

S/S Main Menu Board  
Scale: 3/4" = 1'-0"



TOTAL SIGN AREA = 1.85m<sup>2</sup>

Material Specifications

1. Internal frame mate kit: Steel, powder coated Pantone 420 ( Matte Grey )
2. External covers: Aluminum power coated Pantone 2479CP ( Matte Black )
3. External perimeter (1"): Aluminum power coated Pantone 425 ( Matte Grey )
4. Digital display equipment: Samsung outdoor display model OHF ( two included )

Power & Data Requirements

1. Power supply: 120v Single Phase 60Hz 20A
2. Data feed: CAT6 cable with RJ45 Termination ( 2 Required )

Drawing No:  
**00MB\_55in Dual Display**

**Sign 1**

Structural Reference:  
**MCD\_MB040069.150B1**

Electrical Requirements

**120v**

Preliminary Approval  
 Approved for Production  
July 13, 2017 T. Dodge

REVISION DATE:



Various Locations  
Canada



DRAWN BY: T. Dodge  
DATE: May 1, 2017

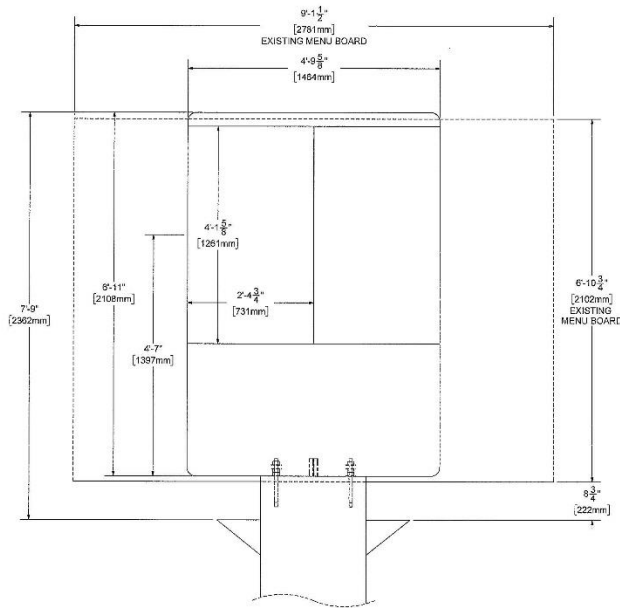


# Village of PEMBERTON

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PROPOSED MENU BOARD HAS SIGNIFICANTLY LESS  
WIND LOAD THAN EXISTING MENU BOARD

**MCD -MB040069.150 B1**  
SHEET # 1 OF 1

EXISTING MENU BOARD AREA = 67 SF  
NEW MENU BOARD AREA = 33 SF

**DESIGN NOTES:**  
LOADS AS PER 2012 BCBC FOR  
PEMBERTON, BCBC AREA:  
WIND  $q(150) = 0.4 \text{ kPa}$   
SNOW  $S_s = 1.8 \text{ kPa}$   
 $S_r = 0.2 \text{ kPa}$

**EXISTING CONCRETE  
CAISSON / ANCHOR BOLTS**

<p><b>PRIDE SIGNS</b> THE SIGNAGE COMPANY OF THE VANCOUVER AREA 250 HURONTARIO STREET, SUITE 101, MISSISSAUGA, ON L4W 1M7 TEL: (905) 276-1111 FAX: (905) 276-1112 WWW.PRIDE SIGNS.COM</p>	<p><b>McDONALDS</b> 1441 VINE RD PEMBERTON, BC</p>	<p><b>ODMB, 55" DOUBLE MENU DISPLAY</b></p> <p>D1: RELEASED FOR PERMIT CUT FILE: _____</p> <p>WEIGHT: 728 LBS</p>
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DRAFT



3707 1st Avenue, Burnaby, BC V5C 1S6

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

**Minutes of the Regular Meeting** of Council of the Village of Pemberton held on Tuesday, October 6, 2020 5:30 p.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1523.

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**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  
Jill Brooksbank, Sr. Community Partnerships & Communications Coordinator  
Lisa Pedrini, Manager of Development Services  
Tom Csima, Manager, Operations & Projects  
David Ward, Assistant Operations Manager  
Joanna Rees, Planner  
Elysia Harvey, Legislative Assistant

**PUBLIC:** 5

**MEDIA:** 1

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

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

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**1. CALL TO ORDER REGULAR MEETING**

At 5:34 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 amended to remove item 11 a) consideration of Council Procedure Amendment Bylaw No. 888, 2020.

**CARRIED**

### **3. ADOPTION OF MINUTES**

#### **a) Regular Council Meeting No. 1522, Tuesday, September 15, 2020**

Moved/Seconded

**THAT** the minutes of Regular Council Meeting No. 1522, held Tuesday, September 15, 2020, be adopted as circulated.

**CARRIED**

### **4. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING**

There was no business arising from the previous Regular Council Meeting.

### **5. RISE WITH REPORT FROM IN CAMERA**

Council rose with report with the following resolution:

Moved/Seconded

**THAT** pursuant to section 11.1 (c) of the airport lease agreement all leaseholders be advised that they must hold Sudden and Accidental coverage up to \$250,000;

**AND THAT** leaseholders that have fuel storage tanks be required to hold Sudden and Accidental coverage at a higher threshold to be determined by Staff.

**CARRIED**

Moved/Seconded

**THAT** Leaseholders are not required to hold Environmental Impairment Liability for Gradual Pollution.

**CARRIED**

### **6. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE**

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

### **7. COMMITTEE MINUTES - FOR INFORMATION**

#### **a) Mayor's Task Force on COVID-19 Response and Recovery Meeting No. 4, Tuesday, August 25, 2020**

Moved/Seconded

**THAT** the minutes of the Mayor's Task Force for COVID-19 Response and Recovery Meeting No. 4, held Tuesday, August 25, 2020, be received for information.

**CARRIED**

## 8. COMMITTEE RISE WITH REPORT

### a) Mayor's Task Force for COVID-19 Response and Recovery

#### Community Enhancement Fund

Moved/Seconded

**THAT** up to seven hundred dollars (\$700) be allocated from the Community Enhancement Fund towards Mayor's Task Force for COVID-19 Response and Recovery initiatives

**CARRIED**

Moved/Seconded

**THAT** five hundred dollars (\$500) be retained in the Community Enhancement Fund for 2020 Sea to Sky Community Services food bank and Lil'wat Nation Community Christmas hamper programs.

**CARRIED**

### b) Community Foundation of Whistler - Grant Application - Update

Jill Brooksbank, Senior Community Partnerships & Communications Coordinator, provided an update to Council on a grant application submitted to the Community Foundation of Whistler's Emergency Fund. Should the application be successful, funds could be used to support the Mayor's Task Force for COVID-19 Response and Recovery's initiative of hosting and developing a Virtual Hub as well as towards facilitating access to pay-as-you-go phones for members of the community without access to technology. The Virtual Hub concept was identified as a priority of the Mayor's Task Force in response to community feedback, with an intent to provide timely information and updates related to COVID-19 to the community.

Moved/Seconded

**THAT** the verbal update on the Community Foundation of Whistler grant application be received.

**CARRIED**

## 9. DELEGATION

There were no delegation presentations.

## 10. AMENDMENT TO AGENDA

Moved/Seconded

**THAT** consideration of item 14 a) Correspondence for Action from the Rotary Club of Pemberton be moved ahead in the agenda.

**CARRIED**

## 14. CORRESPONDENCE

### a) For Action

- i. **James Linklater, President, Rotary Club of Pemberton, dated September 30, 2020, seeking Council's support for proclamation of October 24<sup>th</sup> as World Polio Day.**

Moved/Seconded

**WHEREAS**, in 1985 Rotary International launched Polio Plus and spearheaded the Global Polio Eradication Initiative with the World Health Organization, U.S. Centres for Disease Control and Prevention, UNICEF, and the Bill & Melinda Gates Foundation, that has immunized over 2.5 billion children to date; and

**WHEREAS**, polio cases have dropped by 99.9 percent from 350,000 in 1988 to 22 in 2017 and the world stands on the threshold of eradicating the disease forever; and

**WHEREAS**, to date, Rotary has contributed US\$1.8 billion and is working to raise an additional \$150 million to be matched with a \$300 million grant from the Bill & Melinda Gates Foundation; and

**WHEREAS**, World Polio Day is celebrated around the globe on October 24<sup>th</sup>. It was established by Rotary International over a decade ago to commemorate the birth of Jonas Salk, who in 1955 led the first team to develop a vaccine against poliomyelitis; and

**WHEREAS**, there are 50 Rotary Clubs with over 1,450 members in Rotary District 5040 (BC), and 2 Rotary Clubs with over 40 members in Whistler, all committed to the eradication of polio and sponsoring service projects to address such critical issues as poverty, health, hunger, illiteracy, and the environment in their local communities, and abroad.

**NOW, THEREFORE**, I, Mike Richman, Mayor of the Village of Pemberton and Council do hereby proclaim October 24<sup>th</sup>, 2020 as **WORLD POLIO DAY**

In the Village of Pemberton and encourage all citizens to join us and Rotary International in the campaign for a polio-free world.

**CARRIED**

## 11. REPORTS

### a) Office of the Chief Administrative Officer

- i. **Resubmission of Childcare BC New Spaces Grant Application – Discussion**



Council considered variables of resubmitting the Childcare BC New Spaces Grant application along with feedback from Staff. Discussion took place on the following:

- Further funding and/or borrowing options;
- Other potential projects for increasing daycare spaces & partnership opportunities;
- Revisions to the application;
- Implications of the upcoming Provincial election and changes in government leadership.

Moved/Seconded

**THAT** the grant application to the Childcare BC New Spaces program be resubmitted.

**CARRIED**

**ii. Electric Vehicle Charging Stations, Joint Grant Application with Resort Municipality of Whistler – Verbal Report**

Tom Csima, Manager of Operations & Projects, reported on the possibility of a joint grant application with the Resort Municipality of Whistler to facilitate an additional two (2) dual-port electric vehicle charging stations for the Village, for a total of four (4) . Appropriate locations for the charging stations were discussed and a recommendation made for installation near the Recreation Site due to accessibility to electric connection and to avoid over-night parking. Mr. Csima advised that in order to move forward with the application, confirmation of interest as well as the number of charging stations is required from the Village.

Moved/Seconded

**THAT** submission of a joint grant application with the Resort Municipality of Whistler for four (4) Electric Vehicle Charging Stations be supported as presented.

**CARRIED**

**iii. Rural and Northern Communities Fund Application, Multi-Modal Transportation Hub on Lot 13**

Moved/Seconded

**THAT** an application to the Rural and Northern Development Infrastructure Program for the development of a Multi-Modal Transportation Hub for up to \$1.6 million dollars be supported.

**CARRIED**

#### **iv. Additional Funding Opportunities – Verbal Update**

CAO Gilmore updated Council regarding availability of grant funding through the Community Economic Recovery Infrastructure Program (CERIP). The program offers 100% funding for approved applications and would be suitable for facilitating two projects: one for construction of the Pemberton Farm Road East portion of the Friendship Trail, including additional lighting and crosswalk flashers to the application; the other for the Bike Skills Park.

Moved/Seconded

**THAT** the verbal report on the Community Economic Recovery Infrastructure Program (CERIP) funding opportunities be received.

**CARRIED**

#### **b) Operations Department**

##### **i. Village of Pemberton 2020 Water System Performance Assessment Report**

Moved/Seconded

**THAT** the Village of Pemberton Water System Performance Assessment 2020 be received.

**CARRIED**

### **12. BYLAWS**

#### **a) Bylaw for First and Second Readings**

##### **i. Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment Bylaw (Child Care Centre) No. 889, 2020**

Moved/Seconded

**THAT** Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment Bylaw (Child Care Centre) No. 889, 2020, receive First and Second Readings.

**CARRIED**

Moved/Seconded

**THAT** Staff be directed to convene a public hearing on Tuesday, October 20, 2020 at 9:00 a.m. via the electronic means utilized by the Village.

**CARRIED**

### **13. MAYOR'S Report**

#### **DiamondRally Event 2020 – Discussion**

Moved/Seconded

**THAT** the organizers of the DiamondRally event be invited to attend a future Council meeting to address any concerns in advance of their event.

**CARRIED**

Mayor Richman reported on the following meetings:

- Squamish-Lillooet Regional District Board Meeting – September 16<sup>th</sup> & 17<sup>th</sup>; items on the agenda included:
  - Climate action & budget allocation
  - Investing In Canada Infrastructure Grant application for facilitation of improved internet connectivity and food hub & cold storage facility
  - Delegation presentation from SHAW representative
  - Increase to FireSmart funding
  - Update on Fine Peace development near Furry Creek
- Sea to Sky Regional Hospital District Board Meeting – September 16<sup>th</sup>; agenda items included:
  - Consideration of budget and reserves
  - Healthcare priorities in the Sea to Sky Corridor
  - Consideration of Whistler Trauma Centre expansion proposal
- UBCM Minister Meetings:
  - Minister Robinson to discuss affordable housing, partnership with Sea to Sky Community Services, and park n' ride grant application
  - Minister Heyman to discuss Provincial Parks including Joffre Lakes
  - Minister Trevena to discuss regional transit
- Meeting with Vancouver Coastal Health regarding an update on numbers and resources for the second wave of the COVID-19 pandemic and increases in surgeries completed.
- Sea to Sky Community Services representatives meeting to discuss options for affordable housing projects
- Meeting with MP Patrick Weiler & Mayors of the Sea to Sky Corridor to discuss subsidies and Provincial funding initiatives.
- Meeting with Lil'wat Nation Chief Dean Nelson and PVDD to tour Grandmother Slough area.

Mayor Richman also acknowledged the great loss to the community with the recent passing of Shirley Henry, former Mayor and Alderperson, and extended condolences to her friends and family.

## 14. COUNCILLOR'S Report

### Councillor Craddock

Councillor Craddock reported on the following meetings and events:

- Attended Minister Meetings along with the Mayor and Village Staff
- Pemberton Valley Dyking District meeting
- Municipal Insurance Association of British Columbia (MIABC) Annual General meeting
- 40<sup>th</sup> annual Terry Fox Run
- Economic Development Collaborative Meeting
- Meeting with Allen McEwan from the Pemberton Wildlife Association
- Commented on the recent upgrades to traffic calming and line painting

### **Councillor Noble**

Councillor Noble extended condolences to the family of Shirley Henry.

**Councillor Zant did not report.**

**Councillor Antonelli did not report.**

## **15. CORRESPONDENCE**

### **a) For Action**

- i. *Moved ahead in agenda*

### **b) For Information**

- i. **Agnes Jackman, Board Member, Council of Senior Citizens' Organizations, dated September 11, 2020, regarding proclamation of October 1st, 2020, as UN International Day of Older Persons.**
- ii. **Brooke Browning, Squamish-Lillooet Regional District Electoral Area C, dated September 15, 2020, regarding provision of childcare services in the Sea to Sky Corridor.**
- iii. **Jonathan X. Cote, Mayor, City of New Westminster, dated September 15, 2020, seeking support for a resolution regarding universal access to no-cost prescription contraception.**
- iv. **Patrick Weiler, MP, West Vancouver-Sunshine Coast-Sea to Sky Country, dated September 17, 2020, sharing details of the investments to be made through the Federal Safe Restart Agreement.**
- v. **Rebecca Biship, Program Officer, UBCM Community Emergency Preparedness Fund Program, dated September 30, 2020, advising of funding approval for the Village's revised *Arn Canal Integrated Flood Mitigation Project*.**

- vi. **Fran and Bill Cuthbert, Village of Pemberton, dated October 1, 2020, expressing concerns to School District 48 regarding development plans for 1409 Poplar Street.**
- vii. **Cory Heavener, Director of Child Welfare, Ministry of Children and Family Development, dated October 1, 2020, announcing October as Foster Family Month in British Columbia.**

Moved/Seconded

**THAT** items i, ii, iii, iv, v, and vii of the above correspondence be received for information.

**CARRIED**

Moved/Seconded

**THAT** in response to correspondence item vi. from Fran and Bill Cuthbert dated October 1, 2020, Staff contact School District 48 to review the development plans for 1409 Poplar Street to ensure concerns are being met.

**CARRIED**

## **15. DECISION ON LATE BUSINESS**

Moved/Seconded

**THAT** discussion of Hillside Development Guidelines with respect to construction of retaining walls in the Sunstone Development be added to the agenda.

**CARRIED**

## **16. LATE BUSINESS**

Councillor Craddock sought clarification of implementation of the Village's Hillside Development Guidelines at the Sunstone Development as a result of recent concerns from residents regarding construction of retaining walls affecting adjacent properties.

CAO Gilmore advised that construction of retaining walls is regulated within the Village's Zoning Bylaw and that two (2) stop-work orders have been issued in this regard. Compliance with Village regulations regarding permitted construction of retaining walls, in particular on hillside developments, will be reviewed by Staff to ensure these are being followed.

## **17. NOTICE OF MOTION**

There was no Notice of Motion.

## **18. QUESTION PERIOD**

There were no questions from members of the public.

## 19. IN CAMERA

Moved/Seconded

**THAT** the meeting is closed to the public in accordance with the *Community Charter* Section 90 (g) Litigation or Potential Litigation, Law Enforcement 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 8:19 Council moved In Camera.

## 21. RISE FROM IN CAMERA

At 8:27 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 8:27 p.m. the Regular Council Meeting was adjourned.

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

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

**Minutes of the Special Meeting** of Council of the Village of Pemberton held on Tuesday, October 13, 2020 9:00 a.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1524.

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**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

**PUBLIC:** 0

**MEDIA:** 0

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

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

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**1. CALL TO ORDER REGULAR MEETING**

At 9:01 a.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**

**15. IN CAMERA**

Moved/Seconded  
**THAT** the meeting is closed to the public in accordance with the *Community Charter* Section 90 (c) Employee Relations 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**

## **16. MOVE IN CAMERA**

At 9:02 a.m. Council moved In Camera.

## **17. RISE FROM IN CAMERA**

At 9:30 a.m. Council rose from In Camera with report.

## **18. RISE WITH REPORT**

Council Rose with Report and Mayor Richman advised that at the Special In Camera Meeting Council approved an Organization Restructure that includes the establishment of the full-time positions of Project & Research Coordinator and Communications and Grant Coordinator and directed the CAO to begin the recruitment process effective immediately.

## **19. ADJOURNMENT OF REGULAR COUNCIL MEETING**

Moved/Seconded

**THAT** the Regular Council Meeting be adjourned.

**CARRIED**

At 9:30 a.m. the Regular Council Meeting was adjourned.

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer



**Date:** October 20, 2020

**To:** Nikki Gilmore, Chief Administrative Officer

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

**Subject:** Community Economic Recovery Infrastructure Program Applications

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### **PURPOSE**

The purpose of this report is to seek support for two (2) funding applications to the Community Economic Resilience Program for the construction of the Pemberton Farm Road East Multi-Use Path and the Pemberton & Area Mountain Bike Skills Park.

### **BACKGROUND**

The Community Economic Recovery Infrastructure Program (CERIP) provides fully-funded provincial grants to support economic resilience, tourism, heritage, and urban and rural economic development projects in communities impacted by COVID-19.

Under the CERIP, the Province is committing up to \$90 million to support community economic resilience, tourism, heritage, and urban and rural economic development projects. Eligible applicants can receive a one-time, 100% funded provincial grant up to \$1 million dollars, to support four (4) key streams:

- Community Economic Resilience;
- Destination Development;
- Unique Heritage Infrastructure; and
- Rural Economic Recovery.

Each organization may submit for up to two (2) projects under the CERIP program. The intake period opened on October 1, 2020 and closes on October 29, 2020. Eligible projects should be shovel ready and must start construction in 2021.

Staff used the following criteria to select the projects to be put forward for funding consideration:

- gross eligible project costs are under \$1 million;
- the project is shovel ready; and
- it meets the criteria of the funding program.

As a result, the Pemberton Farm Road East Multi-Use Path and the Pemberton & Area Mountain Bike Skills Park were both selected to put forth for a funding request.

It should be noted that the Pemberton & Area Mountain Bike Skills Park has also been submitted for a funding request under the Community, Culture and Recreation (CCR) Infrastructure Stream. Should the Village be successful in obtaining funding under both programs, Staff recommends declining the funds from the CCR program as it requires \$165,145 in matching funds.

## **DISCUSSION & COMMENTS**

### **Pemberton Farm Road Multi-Use Path:**

The scope of the Pemberton Farm Road East Multi-Use Path includes the construction of a delineated path on the west shoulder of Pemberton Farm Road East. The path will connect to the Friendship Trail located at the north of the soccer fields on the Pemberton & Area Recreation site. Project works include site preparations, relocation of a BC Hydro pole, path paving, line painting, landscaping, path lighting, construction of a 100m boardwalk and installation of crosswalk flashers. Class B project costs equal \$676,360. It is anticipated this project will be built concurrently to the Pemberton Farm Road East road upgrades, and as a result may realize cost saving for both projects.

### **Pemberton & Area Mountain Bike Skills Park:**

Constructed at the south end of the soccer fields at the Pemberton & District Recreation Site, the Pemberton & Area Mountain Bike Skills Park project includes the construction of a pump track, dirt jumps and skills features. Project works include site preparations, construction of skills features, addition of water service for irrigation, and park lighting. Class B project costs equal \$999,258. The Pemberton Off-Road Cycling Association will also be contributing \$25,000 towards the project costs.

## **COMMUNICATIONS**

There are no communications considerations at this time. However, should the Village be successful in obtaining funding for either of the proposed projects, the Village would be bound to the communications requirements as set out in the funding agreement.

## **LEGAL CONSIDERATIONS**

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

## **IMPACT ON BUDGET & STAFFING**

As the funding covers 100% of eligible project costs, there will be no budget impacts. If the projects are approved, an upfront one-time grant payment is made towards the project, and payment is issued upon signing of the contribution agreement.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

If successful, oversight of both projects will be undertaken by the Operations and Projects Department and would be need to be incorporated into the 2021 work plans for the Department.

Interdepartmental Approval by:	Tom Csima, Manager of Operations
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### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

As the Pemberton & Area Mountain Bike Skills Park is a recreational amenity, it will need to be incorporated into the Pemberton Valley Utilities & Services (PVUS) service. This process was discussed at the last PVUS Committee held Thursday, October 8, 2020 where the Committee supported working though the Process for Adding Recreation Amenities into the Pemberton & District Recreation Service for this amenity and where the Village has been assigned the lead.

### **ALTERNATIVE OPTIONS**

There are no alternative options for consideration.

### **RECOMMENDATIONS**

#### **Recommendation #1**

**THAT** the Village of Pemberton apply to the Community Economic Recovery Infrastructure Program for up to \$677,000 for the construction of the Pemberton Farm Road East Multi-Use Path.

#### **Recommendation #2**

**THAT** the Village of Pemberton apply to the Community Economic Recovery Infrastructure Program for up to \$1 million dollars for the construction of the Pemberton & Area Mountain Bike Skills Park.

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

**Date:** October 20, 2021  
**To:** Nikki Gilmore, Chief Administrative Officer  
**From:** Sheena Fraser, Manager of Corporate & Legislative Services  
**Subject:** 2021 Council Meeting Schedule

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### **PURPOSE**

The purpose of this report is to provide Council background on the requirements to establish the Regular Council Meeting schedule each year and present a proposed meeting schedule for 2021.

### **BACKGROUND**

In accordance with Section 127 (1) (b) of the *Community Charter* and Section 6 (b) of the *Village of Pemberton Procedure Bylaw No. 788, 2015*, the Village of Pemberton must make available prior to January 1<sup>st</sup> the Council meeting schedule for the upcoming year and “give notice of the availability of the schedule in accordance with Section 94 (public notice) at least once a year.”

Section 94 of the *Community Charter* sets out the requirements for giving public notice and specifies that notice must be published in a newspaper that is distributed weekly and that at least two (2) notices must be published.

*The Village of Pemberton Council Procedure Bylaw No. 788, 2015* Section 6 (b) (i) states that Regular Council meetings must “be held on Tuesday’s of each month the dates and times shall be established by Council resolution before December 15th of each year for the subsequent year”. Section 6 (b) (iii) establishes that “there shall not be a meeting during the month of August unless Council resolves otherwise”.

As such, the Council meeting schedule for 2021 must be determined by resolution and Notice must be issued in time to meet the January 1<sup>st</sup> deadline as established by the *Community Charter*.

### **DISCUSSION & COMMENTS**

The Council Procedure Bylaw provides flexibility to consider each year which Tuesday of the month the Regular Council meeting should take place, evaluate the meeting times, or consider holding only one meeting a month as determined by Council.

This flexibility has resulted in the meeting schedule being adjusted to be more responsive to other Council obligations such as the Union of British Columbia Municipalities Conference (UBCM) and the Lower Mainland Local Government Association (LMLGA) meetings. It also considered other activities that result in a busy time for both Council and Staff from an operational perspective and the timing of statutory holidays (office closures) or vacation periods (Christmas and March Break). In some cases, Council determined that during those busy times it was appropriate to hold only one meeting a month.

**Meeting Times:**

In 2017 Council established that the first meeting of the month be held at 5:30PM and the second meeting of the month be held at 9:00AM. These meeting times remained the same for 2020 and are suggested for 2021.

**2021 Meeting Calendar: Appendix A & B**

In preparing the Council meeting schedule for 2021, Staff takes into consideration statutory holidays (office closures – see yellow highlights) in an attempt to avoid holding meetings on a Tuesday following a Statutory Holiday, vacation periods (Christmas and March Break – see green highlights), and Council obligations (LMLGA /UBCM – see orange highlights). In this regard, Staff has prepared two options for consideration:

**OPTION ONE – Appendix A**

Meetings	Month	Time
One Meeting a Month	April, August, September and December	5:30PM
Two Meetings a month	January, February, March, May, June, July, October (1 <sup>st</sup> meeting follows Thanksgiving), and November	5:30PM and 9:00AM
No Meetings		

**OPTION TWO – Appendix B:**

Meetings	Month	Time
One Meeting a Month	January, May, August, September, December	5:30PM
Two Meetings a month	February (1 <sup>st</sup> meeting follows Family Day), March, April, June, July, October, and November	5:30PM and 9:00AM
No Meetings		

It should be noted that the Village has traditionally not held a Council meeting in August as this month is set aside for summer break. However, as a result of the timing of the Labour Day long weekend and UBCM Conference being held the week of September 13<sup>th</sup> to set aside August would mean an almost two month break between the last meeting in July and the first meeting in September. In this regard, both options presented propose a Regular Meeting to be held August 31<sup>st</sup>. Option One has the first meeting in September on the 28<sup>th</sup> whereas Option Two sets it for September 21<sup>st</sup> so that the regular schedule can resume in October and November. It should be noted that holding a Regular Meeting the week following UBCM does present challenges as the agenda preparation is difficult to achieve given Staff work schedules related to UBCM.

As per the Procedure Bylaw, if a matter of urgency must be addressed, Council does have the ability to call a Special Council meeting at any time and may do so by providing 24 hours' notice or if a meeting is called last minute, by resolution waiving the notice requirement. As such, depending on the budget deliberation schedule there may be a need to hold a Special Meeting in April to accommodate the budget process and the week of May 10<sup>th</sup> to facilitate final readings of the Five Year Financial Plan and Tax Rates Bylaws.

### **Committee of the Whole and In Camera Meetings:**

There is no requirement to establish the meeting schedule for the Committee of the Whole and In Camera meetings.

The current practice has been to hold the Committee of the Whole and In Camera meetings either the afternoon prior to the first Regular meeting of the month (5:30PM), or immediately following the second Regular meeting of the month (9:00AM), with Committee of the Whole usually being held in the afternoon (1:00PM). However, at the request of Council Staff has adjusted the start time of the Committee of the Whole on the days the Regular Meeting is scheduled at 5:30 p.m. if the agenda is not full. If Council is agreeable, this practice would continue in 2021 with some adjustments during budget deliberations as an extra meeting may be required depending on the schedule set.

### **COMMUNICATIONS**

As per Section 94 of the *Community Charter*, once the schedule has been approved by resolution of Council, a Public Notice will be issued in the local newspapers in December and before January 1, 2020.

Notice will also be provided on the Website, in the eNEWS and via posting on the Village's Facebook Page and Blog and posted on the Village Notice Boards located at the Post Office and at the Village Office.

### **LEGAL CONSIDERATIONS**

Establishing the 2021 meeting schedule and undertaking the required notification meets with the legislation as established in the *Community Charter* and the Village of Pemberton Council Procedure Bylaw No. 788, 2015. There is no requirement for legal review.

### **IMPACT ON BUDGET & STAFFING**

The preparation of this report was done in-house and is included as part of the regular work plan for Corporate & Legislative Services.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

There are no interdepartmental impacts or approvals required as the holding of Council meetings is part of the regular business of the Village.

### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

Depending on which Tuesday each month that Council determines the meeting will be held, there could be some impact on other jurisdictions if their Council/Board or Committee meetings are held the same day.

In this regard, the Library Board holds their Board meetings on the first Thursday of each month at 7PM except for July and August. As well, the Regional District Board meetings are traditionally held on the third Wednesday/Thursday of each month. At this time the 2021 Board Meeting Calendar has not been set.

**ALTERNATIVE OPTIONS**

There are no alternative options presented at this time.

**RECOMMENDATIONS**

**THAT** Council provide direction with respect to the 2021 Regular Council Meeting schedule.

**Attachments:**

**Appendix A: Option One** - 2021 Proposed Council Meeting Schedule

**Appendix B: Option Two** - 2021 Proposed Council Meeting Schedule

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

One page full-year calendar.

WinCalendar January 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

WinCalendar February 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

WinCalendar March 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

WinCalendar April 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

WinCalendar May 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

WinCalendar June 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

WinCalendar July 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

WinCalendar August 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

WinCalendar September 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

WinCalendar October 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

WinCalendar November 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

WinCalendar December 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	



One page full-year calendar.

WinCalendar January 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
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WinCalendar August 2021						
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WinCalendar September 2021						
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WinCalendar October 2021						
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WinCalendar November 2021						
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WinCalendar December 2021						
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**Date:** October 20, 2020  
**To:** Nikki Gilmore, Chief Administrative Officer  
**From:** Sheena Fraser, Manager of Corporate & Legislative Services  
**Subject:** 2021 Committee & Liaison Appointments

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**PURPOSE**

The purpose of this report is to present to Council the current list of Committee and Board appointments and to confirm appointments of Village Council representative(s) for 2021.

**BACKGROUND**

Each year, in the fall, Council reviews the Committee and Liaison Appointment list and makes revisions if necessary, as several organizations in which the Village participates require that the appointment be made by resolution of Council for the following year. Council is also required to establish and confirm the schedule for Acting Mayor in the event of the Mayor’s absence.

Attached as **Appendix A** is the 2020 Council Committee listing and those appointments requiring a resolution of Council are highlighted in yellow.

**DISCUSSION & COMMENTS**

**Appointment of Acting Mayor:**

Pursuant to Section 130 (1) of the *Community Charter* and Section 11 of the Council Procedure Bylaw No. 788, 2015 Council must by December “*designate Councillors to serve on a rotating basis as the member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of Mayor is vacant*”.

Traditionally the Village has established a three-month rotation starting each December as follows:

- December, January, February
- March, April, May
- June, July, August
- September, October, November

This appointment schedule has been based on alphabetical order except in the case whereby a member of Council knows in advance they are unable to fulfill the role of Acting Mayor during the time assigned. When reviewing the Acting Mayor schedule, Council members may wish to consider vacation and work schedules that may impact their ability to fulfill the responsibilities during a specific period of the year.

The schedule for 2020 was established as follows:

December, January, February	Councillor Antonelli
March, April, May	Councillor Craddock
June, July, August	Councillor Zant
September, October, November	Councillor Noble

***The Acting Mayor Schedule must be confirmed by resolution each year before December.***

### **Parcel Tax Review Panel:**

As per sections 204 (1) and (2) of the *Community Charter*, before a parcel tax is imposed for the first time on a new property, Council must appoint at least three (3) persons as the members of the Parcel Tax Review Panel. The Panel must then consider any complaints respecting the parcel tax roll and then must authenticate the roll, no later than March 16<sup>th</sup>.

In 2020 Councillors Antonelli, Noble and Zant were appointed to the Parcel Tax Review Panel. The Panel did not meet in 2020.

***Appointments to the Panel by resolution are required for 2021.***

### **Appointment to Council Committees:**

Pursuant to Section 52 (b) of the Council Procedure Bylaw the Mayor is an ex-officio member of all Village of Pemberton Committees and is entitled to vote on any matter before a Committee. Although any Council member is entitled and welcome to attend a committee meeting section 52 (a) of the Council Procedure Bylaw No 788, 2015 notes that a Councillor is not entitled to vote on a question if they are not a member of that specific committee.

The Village does not have any Standing Committee's; however, in May of this year a new Select Committee, the Mayors Task Force on COVID-19 Response and Recovery, was established with a six (6) month term which will be reassessed no later than December 2020.

The Village utilizes the Committee of the Whole for other specific work.

### **Select Committee of Council:**

Pursuant s. 142 of the *Community Charter*, a Select Committee is appointed by Council to consider or enquire into any matter and report its findings to Council. As per the legislation at least one (1) member of a Select Committee must be a Council Member.

#### **The Mayors Task Force on COVID-19 Response and Recovery:**

The Mayors Task Force was established in response to the COVID-19 Pandemic to provide recommendations to Council with respect to response and recovery efforts for both the economic and social sectors.

Mayor Richman and Councillor Zant were appointed to the Mayors Task Force at the Regular Council Meeting No. 1515 held May 26, 2020. The Chief Administrative Officer and Senior Community Partnerships and Communications Coordinator are also appointed to the Task Force and administrative support is provided by the Village's Legislative Assistant. Council will need to reassess whether this Select Committee will continue beyond 2020. If the Mayors Task Force does continue its work Council appointments to the Task Force will need to be considered.

### **Committee Established by Bylaw:**

#### **Emergency Planning & Operations Committee:**

The *Village of Pemberton Emergency Measures Bylaw No. 539, 2004* establishes that the Village must have an Emergency Planning & Operations Committee. The role of the Committee is to facilitate emergency preparedness, response and recovery measures for the Village of Pemberton. Membership on the Committee as established in the Bylaw includes one member of Council, the CAO, Emergency Program Coordinator, Departments Heads or their designate and other members that Council may determine. The meeting schedule is determined by the Committee.

Councillor Noble is the currently appointed and an Alternate has not been assigned.

***This appointment must be reaffirmed each year.***

### **Working Committees:**

A Working Committee is a Staff facilitated committee that may be established by the CAO or another organization to which a member of Council or Staff or both may represent the Village or Council acting as a liaison between the Committee and the Village. At this time, the Village has no Working Committee's that require participation by Council.

### **Community Committee:**

A Community Committee may be a committee that is established by another organization or has been established by a group to bring together groups or individuals to work on a specific issue or undertake a project of some form. This is not a Committee of Council but rather a Committee on which the Village has been invited to participate. In this regard, the Village participates on the following Community Committees:

#### **Cemetery Committee:**

The Pemberton Cemetery is funded through the Squamish-Lillooet Regional District (SLRD) Pemberton Valley Utilities and Services (PVUS) Committee budget and oversight for the Cemetery is provided by a Committee made up of representatives from the Legion, a local resident, SLRD Electoral Area C and the Village. In 2016, the Village was requested to appoint a new member to the Board as the previous Village representative had moved and other members of the Board were retiring. The Village representative could be either a community member or a member of Council. At that time, it was decided that it would be appropriate for a Council member to represent the Village on the Committee.

Councillor Zant is the current Village appointment to the Cemetery Committee with Councillor Antonelli as the Alternate.

***This appointment must be reaffirmed by resolution each year.***

### **Joint Committees (Intergovernmental):**

The Village participates on four (4) Joint or Intergovernmental Committees and the following members are currently appointed to represent the Village:

#### **NuKwanTwal Intergovernmental Relations Committee:**

The Mayor, Chief Administrative Officer and Sr. Community Partnerships and Communication Coordinator represent the Village.

It should be noted that in 2019 it was agreed that all of Council be appointed to the NuKwanTwal Gathering; however, as the Gathering is a community event in which the representatives of all the local jurisdiction Council's, Board's or Committees are invited it is not necessary to make an official appointment.

#### **Pemberton Emergency Management Committee – subcommittee of NuKwanTwal:**

The Mayor, Chief Administrative Officer and Emergency Program Coordinator represent the Village.

**Regional Economic Development Collaborative:**

The Village is represented by Councillor Craddock (who has been appointed as the Chair for 2020), the Chief Administrative Officer and the Sr. Community Partnerships & Communications Coordinator represent the Village with Councillor Antonelli appointed as the alternate.

**Sea to Sky Regional Transit Commission:**

The Village is represented by the Mayor, Councillor Craddock and the Chief Administrative Officer.

A resolution of Council is only required if a current sitting member wishes to step down from one of the above noted Committees.

**Board Appointments:**

**Squamish-Lillooet Regional District Appointments:**

The Village of Pemberton is represented on the Squamish-Lillooet Regional District (SLRD) Board and Committees affiliated with the work of the SLRD. Pursuant to section 197 and 200 of the *Local Government Act*, the Village appoints one member to act as the Village representative to the SLRD Board and a second member as an Alternate. This is confirmed by resolution at the beginning of Council's term and reconfirmed each year. If either the Village representative or the Alternate resigns from Council or elects to no longer be the Village representative, then Council would be required to make a new appointment.

**Squamish-Lillooet Regional District Board:**

The SLRD Board meets on the third Wednesday and Thursday of the month.

In 2020, Mayor Richman was re-appointed as the Village of Pemberton representative with Councillor Zant as the Alternate.

**Pemberton Valley Utilities and Services Committee (PVUS):**

The PVUS Committee is a Committee of the Squamish-Lillooet Regional District Board, convened to discuss shared services between SLRD Electoral Area C and the Village of Pemberton. Committee recommendations are forwarded to the SLRD Board for endorsement. PVUS Committee meetings are held based on a schedule established by the Committee each year.

The current appointments are Mayor Richman and Councillor Zant.

**Sea to Sky Regional Hospital District:**

Sea to Sky Regional Hospital District exists to borrow funds and finance construction projects or equipment purchases at facilities located within the hospital district boundary. Regional hospital districts are governed under the provincial *Hospital District Act*. The Sea to Sky Regional Hospital District Board is composed of the SLRD Electoral Area C and D Directors, along with the Municipal Directors from the Village of Pemberton, the Resort Municipality of Whistler, and the District of Squamish.

Currently, Mayor Richman is the Village appointment with Councillor Zant the Alternate.

### **Pemberton Lillooet Treaty Advisory Committee (PLTAC):**

The Village must appoint two (2) representatives to the Pemberton Lillooet Treaty Advisory Committee (PLTAC), which is a committee listed on the SLRD's exterior committee list. The mandate of the PLTAC is to ensure that local government interests are represented in the treaties being negotiated in the Pemberton-Lillooet Regional District under the BC Treaty Commission (BCTC) process<sup>1</sup>.

The PLTAC has not met in several years but in anticipation that there may be work for the Committee to do in the future it is recommended that Council make an appointment. The meeting schedule is based on the need to call a meeting and is coordinated by the SLRD.

Mayor Richman is the Village appointee with Councillor Zant the Alternate.

***A resolution of Council must be submitted to the SLRD Board each year by December 1<sup>st</sup> confirming the Village's appointments to the above noted Committees for the following year.***

### **Pemberton & District Library Board:**

The Village of Pemberton is represented at the Library Board by a member of Council. The Library Board meets on the first Thursday of each month at 7pm in the Library except for July and August. Trustees are required to attend a minimum of six (6) meetings a year and each meeting lasts on average 1 – 1.5 hours.

The Village is represented by Councillor Antonelli with Councillor Noble the Alternate.

***The Village is required to re-confirm appointments by resolution each year.***

### **Spelkúmtn Community Forest Board:**

In 2018, the Village and Lil'wat Nation established the Spelkúmtn Community Forest Corporation to make application to the Ministry of Forests, Lands and Natural Resource Operations and Rural Development for a Community Forest Licence and subsequently oversee the operations of a the Spelkúmtn Community Forest.

In anticipation of the Community Forest Licence being approved an Interim Board was appointed and the Village's representatives are Mayor Richman, Councillor Craddock and Nikki Gilmore, Chief Administrative Officer. The Lil'wat Nation representatives are Chief Dean Nelson, Councillor Maxine Bruce and Kerry Mehaffey, Interim Chief Administrative Officer/Chief Executive Officer, Lil'wat Business Group.

***These appointments must be re-affirmed by resolution for 2021.***

It should be noted that it is anticipated the work of the Interim Board will likely conclude in 2021 as the Village has been advised the Community Forest Agreement Application process is moving along. In this regard, as per the Community Forest Partnership Agreement between Lil'wat Nation and the Village of Pemberton, recruitment will take place for four (4) community members (2 from Lil'wat Nation and 2 from Village of Pemberton) to join the Board at which time those representing each organization on the Interim Board will step down. The Mayor and Chief will remain as Board members.

### **Association Membership:**

#### **Municipal Insurance Association of BC:**

The Village is a member of the Municipal Insurance Association of BC (MIABC). As such, the Village must appoint two (2) members of Council (one voting and one non-voting member) to represent the Village at the MIABC Annual General Meeting, which is held each year during the Union of British Columbia Municipalities (UBCM) meeting in September.

In 2020, Councillor Craddock and Councillor Antonelli were the Village representatives to MIABC.

***The Village is required to confirm appointments by resolution each year.***

### **Liaison to other entities (committees/boards):**

In 2009, as a means of developing and supporting cooperation between jurisdictions and organizations, Council determined it would be productive to have a member of Council attend open meetings of other committees or organizations as means ensuring the Village is kept informed of initiatives or projects being undertaken in the community.

In the past, Council members have fulfilled this by attending meetings of the Pemberton Valley Dyking District (PVDD), Pemberton Valley Trails Association (PVTA) (if no one on Council was already a member of the organization) and the Signal Hill Elementary/Pemberton Secondary School Parent Advisory Committees. Attendance at other community committee meetings has also been dependent on individual Council member interests.

It should be noted that Council members attending these meetings are not appointments nor do they have any voting privileges as such they do not sit at the table as a board or committee member; rather members are in attendance as observers.

In 2020, Council members expressed interest and attended the following Committee/Board meetings:

- Pemberton Valley Dyking District (Councillor Craddock)
- Pemberton Valley Trails Association (Councillor Noble)
- SLRD Agricultural Advisory Committee (Councillor Noble)
- Tourism Pemberton (Councillor Zant)

### **COMMUNICATIONS**

Upon confirmation of appointments, correspondence will sent each organization advising who the Village representative will be and providing contact information as appropriate.

The Committee appointment list will be posted on the Village website and Committee appointments will be added to each Council member's biography.

### **LEGAL CONSIDERATIONS**

Establishing Committees and appointing representatives to Committees meets with legislation outlined in the *Community Charter* as noted above and the *Village of Pemberton Council Procedure Bylaw*.

### **IMPACT ON BUDGET & STAFFING**

This report was prepared in-house and is incorporated as part of the regular routine of the Corporate & Legislative Services Department.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

There are no interdepartmental impacts to facilitate the committee appointments.

### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

The appointment of members of Council to Committees, joint Committees or Boards of other jurisdictions is not uncommon and supports intergovernmental relations.

### **ALTERNATIVE OPTIONS**

There are no alternative options for consideration.

### **RECOMMENDATIONS**

**THAT** Council review the 2020 Committee Appointment Listing, advise and make appointments for 2021 as required by resolution for the following:

- Emergency Planning & Operations Committee
- Parcel Tax Review Panel
- Cemetery Committee
- Squamish-Lillooet Regional District Board
- Pemberton Valley Utilities & Services Committee
- Pemberton Lillooet Treaty Advisory (PLTAC)
- Sea to Sky Hospital District Board
- Pemberton & District Library Board
- Municipal Insurance Association of BC
- Spelkúmtn Community Forest Interim Board

**AND THAT** Council provide direction with respect to the 2021 Acting Mayor Schedule.

### **Attachments:**

**Appendix A:** 2020 Council Committee List

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



# APPENDIX A

## 2020 VILLAGE OF PEMBERTON COMMITTEES & LIAISON

Approved by Council – Council Meeting No. 1501, November 5, 2019  
Updated Meeting No. 1515, May 26, 2020 (Mayors Task Force)

COMMITTEE/BOARD	CHAIR/COUNCIL REPRESENTATIVE	ALTERNATE/OTHER	STAFF/OTHERS
Committee of the Whole Finance                      Airport Public Works/Parks      Fire Governance                Recreation Policy	<b>Chair – Mayor or Acting Mayor</b> Council & CAO		
<b>Parcel Tax Review Panel</b>	Amica Antonelli Leah Noble Ryan Zant		
<b>Emergency Planning &amp; Operations Committee</b> (established by Bylaw No. 539, 2004)	Leah Noble		CAO Emergency Prog. Co. Fire Chief Mgr. Fin & Admin Mgr, Ops & DS
<b>SELECT COMMITTEE</b>  Mayors Task Force COVID Response and Recovery	Mike Richman	Ryan Zant	CAO Sr. Communications and Community Partnerships Coordinator
<b>STANDING COMMITTEE</b> - None			
<b>WORKING COMMITTEE</b> - None			
<b>COMMUNITY COMMITTEE</b>			
<b>Cemetery Committee</b>	Ryan Zant	Amica Antonelli	
<b>JOINT COMMITTEES (INTERGOVERNMENTAL)</b>			
NuKwanTwal Intergovernmental Relations Committee	Mike Richman		Sr. Community Partnerships & Communications Coordinator
Pemberton Emergency Management Committee (subcommittee of NuKwanTwal)	Mike Richman		CAO Emergency Program Coordinator
Regional Economic Development Collaborative	Ted Craddock	Amica Antonelli	CAO Sr. Community Partnerships & Communications Coordinator
Sea to Sky Regional Transit Commission/Committee	Mike Richman	Ted Craddock	CAO
<b>BOARD APPOINTMENTS</b>			
<b>Squamish-Lillooet Regional District (SLRD)</b>	Mike Richman	Ryan Zant	
<b>Pemberton Valley Utilities &amp; Services Committee (PVUS)</b>	Mike Richman	Ryan Zant	CAO Mgr, Fin. & Admin
<b>Pemberton Lillooet Treaty Advisory (PLTAC)</b>	Mike Richman	Ryan Zant	
<b>Sea to Sky Regional Hospital District Board</b>	Mike Richman	Ryan Zant	
<b>Pemberton &amp; District Library Board</b>	Amica Antonelli	Leah Noble	
<b>Municipal Insurance Association of BC (MIABC)</b>	Ted Craddock	Amica Antonelli	
<b>Spelkúmtn Community Forest Interim Board</b>	Mike Richman	Ted Craddock	CAO
<b>LIAISON TO OTHER COMMITTEES/BOARDS</b>			
Pemberton Valley Dyking District	Ted Craddock		
Agricultural Advisory Committee (SLRD)	Leah Noble		
Pemberton Valley Trails Association	Leah Noble		
Tourism Pemberton	Ryan Zant		Sr. Communications and Community Partnerships Coordinator
<b>ACTING MAYOR</b>			
December, January, February	Amica Antonelli		
March, April, May	Ted Craddock		
June, July, August	Ryan Zant		
September, October, November	Leah Noble		
Mayor is ex officio member of all committees. Chair is in <b>Bold</b> if one has been established.			
All Councilors are welcome to attend any committee meetings.			

**Date:** October 20, 2020

**To:** Nikki Gilmore, Chief Administrative Officer

**From:** Lena Martin, Manager of Finance

**Subject:** Municipal Finance Authority Equipment Financing – Recreation Services Truck

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## **PURPOSE**

The purpose of this report is to seek Council's approval to apply for short term equipment financing with the Municipal Finance Authority (MFA) of BC, for the funding of the Recreation Services Truck.

## **BACKGROUND**

As identified in the 2020 Pemberton Valley Utilities & Services Committee (PVUS) budget, a Recreation Services Truck was transferred to the Village of Pemberton as part of the recreation service transfer in 2019. At the time of transfer the Recreation Services Truck was under a MFA equipment loan with the Squamish-Lillooet Regional District (SLRD). To transfer the loan to the Village of Pemberton, the SLRD MFA funding was paid and dissolved. In 2020, the PVUS Committee requested that in the 2020 budget the funding be reinstated under the Village of Pemberton, for the remaining term of the original debt.

## **DISCUSSION & COMMENTS**

MFA has an Equipment Financing Program that takes the place of the former Leasing Program. Loans under this short-term borrowing program are available to municipalities pursuant to section 178 of the *Community Charter* – Short Term Capital Borrowing.

Benefits of the programs are:

- Low interest rates based on the Canadian Dollar Offered Rate (CDOR) rate
- No fees or taxes
- Local Government retains ownership of asset
- Extra principal payments may be made at any time
- No penalties or fees for paying out early

Terms of the loan:

- Financing agreements having amortization periods between 1 - 5 years do not require approval from the public
- Variable interest rate with fixed payment schedule

As a planned capital expenditure in the 2020 Financial Plan, the Recreation Services Truck will cost \$1,163 in 2020, \$6,969 in 2021, 2022 and \$5,807 in 2023, and can be accommodated in the current operating budget. The calculated interest rate of the loan is 1.23125% with a principal repayment of \$20,516 over three (3) years.

**COMMUNICATIONS**

There are no communications considerations at this time.

**LEGAL CONSIDERATIONS**

Loans under this short-term borrowing program are available to municipalities pursuant to section 178 of the *Community Charter – Short Term Capital Borrowing*.

**IMPACT ON BUDGET & STAFFING**

The annual cost of equipment financing has been estimated on a three (3) year amortization schedule and can be accommodated in the 2020 Operating budget. The current borrowing rate set by MFA is 1.23125% for equipment financing.

Recreation Truck Estimated Annual Payments:

<b>MFA Loan Details</b>	
Principal Value	\$20,516.00
Current Interest Rate	1.23125%
Amortization Period	36
Payments in Term	36
Fixed Monthly Payment	\$580.77
<b>Total Principal</b>	\$20,516.00
<b>Total Estimated Interest</b>	\$392.99
<b>Total Estimated Cost</b>	\$20,908.99
<b>Final Payment</b>	
Estimated Final Payment	\$580.66

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

The securing of the financing will be facilitated through the Finance Department and can be accommodated as part of the regular duties.

### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

The MFA short term equipment loan is included in the PVUS budget, a shared service between the Village of Pemberton and a portion of the SLRD Electoral Area C. The cost of the repayment will be shared by both jurisdictions as allocated by the service establishment bylaw for recreation.

### **ALTERNATIVE OPTIONS**

There are no alternative options that Staff recommends at this time.

### **RECOMMENDATIONS**

**THAT** Council of the Village of Pemberton authorizes up to \$20,516 be borrowed, under Section 178 of the *Community Charter*, from the Municipal Finance Authority, for the purpose of a Recreation Services Truck;

**AND THAT** the loan be repaid within three (3) years, with no rights of renewal.

Submitted by:	Lena Martin, Manager of Finance
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

**Date:** October 20, 2020

**To:** Nikki Gilmore, Chief Administrative Officer

**From:** Lisa Pedrini, Manager of Development Services

**Subject:** Official Community Plan Amendment – Early and Ongoing Consultation

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**PURPOSE**

The purpose of this report is for Council to consider the early and ongoing consultation requirements described in Section 475 of the *Local Government Act* and provide direction for early and ongoing consultation for an Official Community Plan (OCP) amendment proposed on a portion of the Tiyata Lands.

This report is in response to an application by Craig Burns, Agent on behalf of 1193317 BC Ltd. (Bruce van Mook) to amend the OCP Bylaw No. 654, 2011 by re-designating Lot 3, DL 203, LLD, Plan 1287 from ‘Residential’ to ‘Civic and Institutional’ to accommodate a companion rezoning application. The amendments together would enable the development of a 6,950 m<sup>2</sup> public francophone school, with auxiliary parking, playing fields and community garden.

**BACKGROUND**

Conseil scolaire francophone de la C.B. (School District #93) has made application to the Village of Pemberton for an amendment to the Official Community Plan (OCP) to develop the vacant second stage of the Tiyata development lands for a public school. The application’s intent is to designate the subject property in the OCP for institutional use and to amend the Zoning Bylaw No. 832, 2018 to P-1 (Public) to create a school/community space aimed at francophone education. The design of the school would be three (3) storeys, to serve students from kindergarten to Grade 12 (K-12) and incorporate much needed childcare spaces for infant/toddler and preschool-aged children. The school would feature a French-first language program, intended only for children whose parents are part of the francophone minority. The school would accommodate approximately 390 students and would adhere to stringent admissions criteria for both the school and the daycare. The subject lands are depicted in **Appendix A**. A conceptual site plan for the school is included as **Appendix B**.

The subject lands are currently designated ‘Residential’ in anticipation of future Tiyata residential development. The subject lands would also need to be designated as Development Permit Areas No. 1 (Environmental Protection) and 2 (Land Constraints).

The application involves an amendment to the OCP, and therefore trigger’s Council’s consideration under Section 475 of the *Local Government Act* which addresses Council’s requirements for early and ongoing consultation.

## **DISCUSSION & COMMENTS**

Per Section 475 of the *Local Government Act*, Council must consider an appropriate level of engagement for each specific OCP amendment contemplated.

Given the Village of Pemberton's practice of referring rezoning development applications to First Nations and affected jurisdictions, Staff recommend the standard application referral, with the addition of the Ministry of Education, which would provide the following agencies an opportunity to comment:

- Lil'wat Nation
- Ministry of Transportation and Infrastructure
- Ministry of Education
- Squamish-Lillooet Regional District
- Pemberton Valley Dyking District
- CN Rail
- School District No. 48 – Sea to Sky
- Pemberton and District Chamber of Commerce
- TELUS
- BC Hydro

Staff also recommend to Council that the Applicant be required to organize, advertise and host an online public information meeting with respect to the proposed land use amendments before Council considers First and Second Reading to the forthcoming OCP amending bylaw.

The purpose of this report is for Council to provide direction with respect to early and ongoing consultation as part of the ongoing Official Community Plan amendment application. This report is not intended to facilitate discussion about the relative merits of the proposal nor is it requesting direction on the application itself. The consultation process will run parallel with the Staff and agency review and the OCP amendment and rezoning bylaws will be brought forward for substantive consideration in due course.

## **COMMUNICATIONS**

This report and request for Council direction does not require communication beyond appearing on a regular agenda of Council. It will be the applicants' responsibility to advertise and provide notification to adjacent property owners about the required developer-led public information session.

## **LEGAL CONSIDERATIONS**

Section 475 of the *Local Government Act* reads as follows:

### ***Consultation during development of official community plan***

**475** (1) *During the development of an official community plan, or the repeal or amendment of an official community plan, the proposing local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.*

- (2) *For the purposes of subsection (1), the local government must*
- (a) *consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing, and*
  - (b) *specifically consider whether consultation is required with the following:*
    - (i) *the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan;*
    - (ii) *the board of any regional district that is adjacent to the area covered by the plan;*
    - (iii) *the council of any municipality that is adjacent to the area covered by the plan;*
    - (iv) *first nations;*
    - (v) *boards of education, greater boards and improvement district boards;*
    - (vi) *the Provincial and federal governments and their agencies.*
- (3) *Consultation under this section is in addition to the public hearing required under section 477 (3) (c).*
- (4) *If the development of an official community plan, or the repeal or amendment of an official community plan, might affect agricultural land, the proposing local government must consult with the Agricultural Land Commission.*

### **IMPACT ON BUDGET & STAFFING**

There are no budget or staffing considerations as the costs are recoverable with the application.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

There are no interdepartmental impacts or approvals required respecting the processing of this application as it is a function of the Development Services Department and will be incorporated within the current workplan.

### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

Neighbouring jurisdictions including the Lil'wat Nation and the SLRD are given the opportunity to comment on this OCP amendment through the standard referral process. There are no anticipated impacts on the region or neighbouring jurisdictions.

### **OPTIONS FOR CONSIDERATION**

**Option One:** That Council supports the Staff recommended standard referral process and the requirements for a developer-led public information session as a means of securing early and ongoing consultation.

*This is the recommended option. The application will result in a new public school/daycare aimed at improving the quality of the education offered by École de la Vallée de Pemberton and recognizing the constitutional rights of the*

*francophone community with added benefits to the entire Village in terms of jobs, childcare spaces and reclaimed recreational programming space. Accordingly, Staff consider the standard development referrals process and the requirement for a public information session hosted by the Applicant to be sufficient enough to meet the requirements of Section 475.*

**Option Two:** That Council provide additional direction respecting early and ongoing consultation pursuant to Section 475 of the *Local Government Act*.

## **RECOMMENDATIONS**

### **Recommendation No. 1**

**THAT** Council has considered the obligations under Section 475 of the *Local Government Act* with respect to the Official Community Plan amendment application by on Lot 3, DL 203, LLD, Plan 12807 and requests that the Applicant organize, advertise, and host at least one (1) public information meeting prior to consideration of First and Second reading of the forthcoming OCP amending bylaw.

### **Recommendation No. 2**

**THAT** Council has considered Section 475 of the *Local Government Act* and directs Staff to consult with the following organizations before consideration of First and Second Reading to the forthcoming OCP amending bylaw:

- Lil'wat Nation
- Ministry of Transportation and Infrastructure
- Ministry of Education
- Squamish Lillooet Regional District
- Pemberton Valley Dyking District
- CN Rail
- School District No. 48 – Sea to Sky
- Pemberton and District Chamber of Commerce
- TELUS
- BC Hydro

### **Attachments:**

**Appendix A: Location Map**

**Appendix B: Conceptual Site Plan**

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



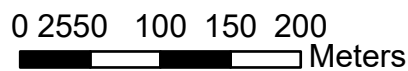
# Location Map

Appendix A



 Subject Property

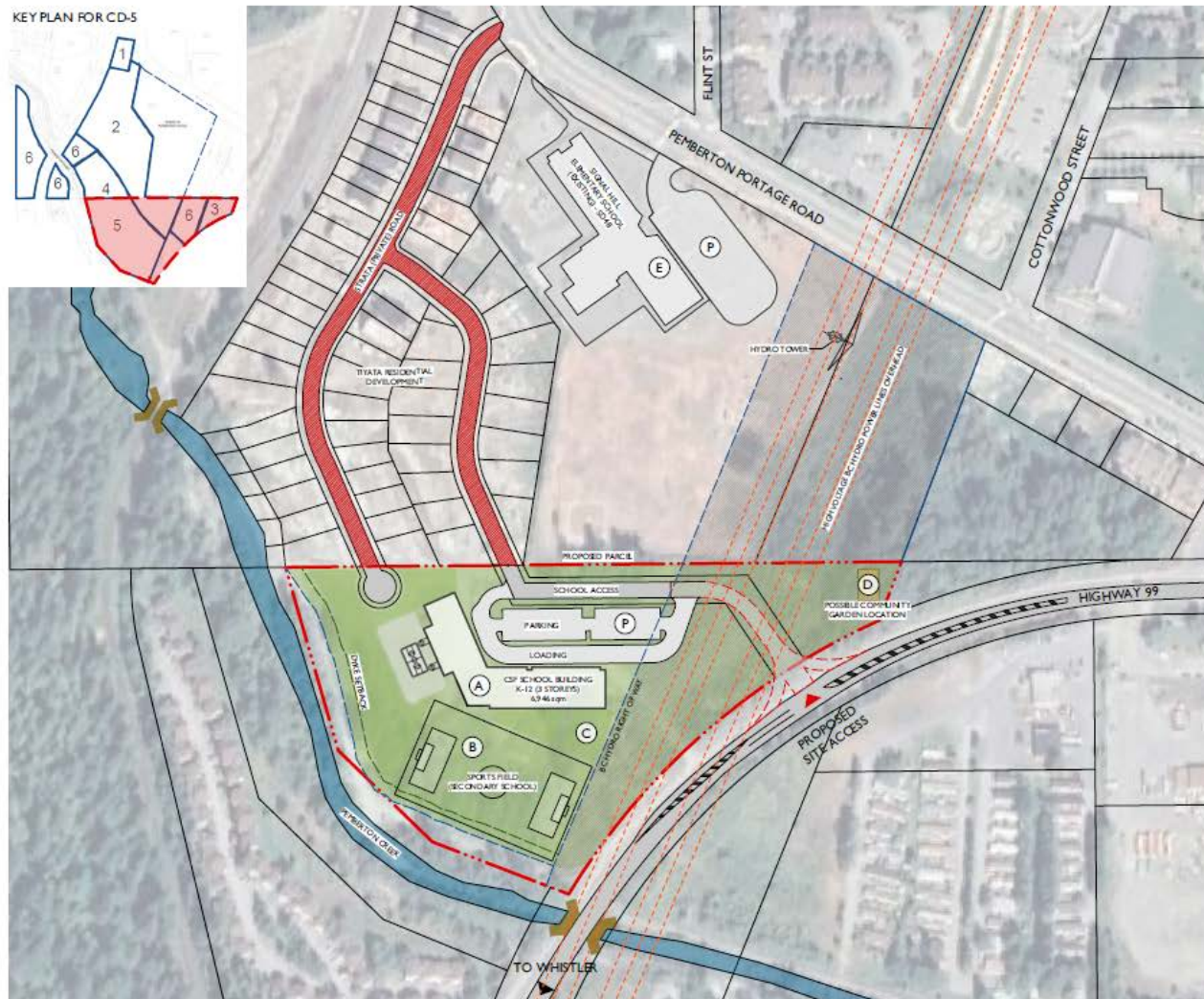
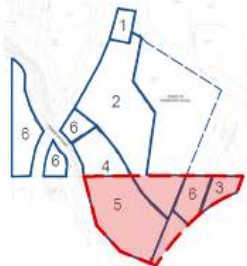
Lot 3 DL 203 LLD PLAN 1287



# Appendix B

CSF Pemberton  
2020-10-09

KEY PLAN FOR CD-5



PROPERTY INFORMATION	
<b>SITE AREA:</b>	10.13 acres
<b>LEGAL:</b>	Lot 3 District Lot 203 Lillooet District Plan 12807
<b>OWNER:</b>	1193317 B.C. LTD.
<b>EASEMENTS / SROW:</b>	BC Hydro Plans CG246, CG253, CG657, BC413
<b>AGENT:</b>	Craig Burns, Principle Architecture

SCHOOL FACILITY REQUIREMENTS	
<b>CSF (SD 93) K-12 SCHOOL:</b>	390 students 40K 200E 150S
<b>CHILDCARE:</b>	12 Infant/Toddler + 25 Preschool Age
<b>TOTAL FLOOR AREA:</b>	3 storeys, 6,946 sq m floor area
<b>MINIMUM PLAY FIELD SIZE:</b>	60m x 100m
<b>BUS LOADING:</b>	CSF School Bus Program, loading on site
<b>VEHICLE PARKING:</b>	per Village of Pemberton Bylaw 832, 2018

TOTAL USEABLE AREA	5.90 acres
PROPOSED PARCEL	10.13 acres
BC HYDRO RIGHT OF WAY	3.18 acres
DYKE SETBACK	1.3 acres
HIGH VOLTAGE BC HYDRO TRANSMISSION LINES (OVERHEAD)	
STRATA (PRIVATE) ROAD	
PUBLIC ROAD	
POTENTIAL SITE ACCESS ROAD + CROSSING	
(A)	CSF SCHOOL BUILDING K-12 (3 STOREYS)
(B)	SPORTS FIELD (SECONDARY SCHOOL)
(C)	OUTDOOR PLAY AREA + LANDSCAPE
(D)	POSSIBLE COMMUNITY GARDEN LOCATION
(E)	SIGNAL HILL ELEMENTARY SCHOOL (EXISTING) - SD48
(P)	PARKING

Site Plan  
Scale: 1:2500

## Site Plan - Rezoning A0

**Date:** October 20, 2020

**To:** Nikki Gilmore, Chief Administrative Officer

**From:** Joanna Rees, Planner

**Subject:** Major Development Permit – ‘Elevate at Sunstone’ - Amendment

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### **PURPOSE**

The purpose of this report is for Council to consider authorizing issuance of the attached amended Development Permit, which includes a variance to the Village of Pemberton Zoning Bylaw No. 832, 2018 parking regulations with respect to visitor parking and retaining wall requirements.

### **BACKGROUND**

On Tuesday June 26, 2018 Council authorized the issuance of Development Permit Application (DPA-013) Elevate at Sunstone Major DP (included as **Appendix A**) to permit the development of a 52-unit, multi-family residential townhouse project.

To date, Sunstone Ridge Development Ltd. (the Applicant) has commenced construction of the first townhouse building; however, through the sales and marketing phase, the Applicant reports a limited demand for two-bedroom interior townhouse units. The proponents submit that there seems to be greater market demand for three bedroom end units. Accordingly, the Applicants approached the Village with the prospect of amending the existing approvals and the RTA-1 zone to facilitate the construction of a duplex multi-family project.

On June 16, 2020, Zoning Amendment Bylaw No. 883, 2020 was adopted to permit duplexes as a permitted Principal Use in the Residential Townhouse Amenity 1, Sunstone (RTA-1) Zone.

Additionally, to permit the proposed change from townhouses to duplexes, an amendment to the Development Permit No. 013 was required to assess the changes against the form and character guidelines of Development Permit Area No. 6 (Multi-family and/or Commercial Development) as contained in the Official Community Plan. The amended proposal requires approval by Council.

On July 16, 2020, a subdivision (boundary extension) application was submitted to the Village’s Approving Officer to amend the lot line between Lots A (Elevate) & B (adjacent vacant property) to increase the size of the subject property and permit a larger area for the Elevate at Sunstone Development. The application is being processed separately by the Approving Officer.

The amended Development Permit application was brought to the Advisory Design Review Commission on Thursday September 10, 2020. The following resolution was passed:

*Moved/Seconded*

***THAT the Advisory Design Review Commission recommends that Council support the proposed amendment to Major Development Permit No. 013 ‘Elevate at Sunstone’.***

**CARRIED**

## **DISCUSSION AND COMMENTS**

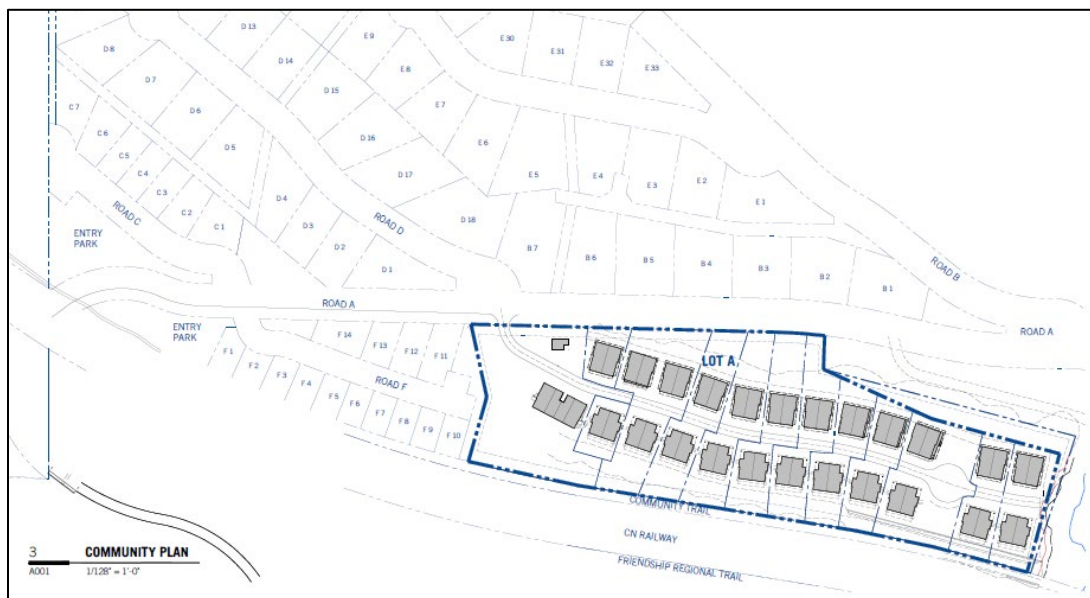
### **SITE DESCRIPTION**

The subject property is Lot A, District Lot 211, Lillooet Land District, Plan EPP82372, and is located at 4000 Sunstone Way. The property is designated as a Development Permit Area for Form and Character in the Village's Official Community Plan (OCP) under Development Permit (DP) Area No. 6 – Multi-family and/or Commercial Development. Following the lot line adjustment noted above, the subject property will measure 3.31 ha.

The subject lands are located on a significant slope and the proposed development provides southward views over the Pemberton Valley to Mt. Currie. One fourplex townhouse is currently being constructed on the site under DP No. 013.

Adjacent lands are zoned for residential uses. The neighbouring properties to the west are small lots where single detached homes are being constructed. The property is bounded to the east by lands owned by the same owner for future phases. The south boundary abuts the CN railway right-of-way, with a community pedestrian trail provided by Sunstone running north and parallel to the rail line and the Friendship Trail running south and parallel to the rail line.

A map of the subject property is shown below in Figure 1.



**Figure 1:** Location of the subject property

### **PROPOSAL DESCRIPTION**

The amended proposal is to develop twenty-four (24) multi-family residential buildings consisting of a total of fifty (50) residential units. One of the buildings is the existing four-plex under construction. The additional twenty-three (23) duplexes proposed are 2-storey, 3 bedroom plus a den. The duplexes range in size from 251 square metres to 263.7 square metres. An accessory building for garbage and recycling is to be located near the site entrance.



Figure 2: Digital rendering of proposal

The site has been designed to accommodate the topography. The strata road will slope at an average of approximately 5%, with the two rows of buildings at significantly different elevations, creating a cascading effect down the hillside.

The applicant has advised that the proposed architectural design is inspired by the simple forms of traditional mountain villages and the local tradition of West Coast modern architecture. The applicants design rational is included as **Appendix B**. Architectural features include sloped metal roofs, extensive glazing, substantial deck areas, and prominent roof overhangs to soften the massing of the buildings, respond to the topography of the site and protect views. The siting is intended to work with the contours of the subject lands and minimize the visible impacts of the hillside development. A digital rendering of the proposal is shown above in Figure 2.

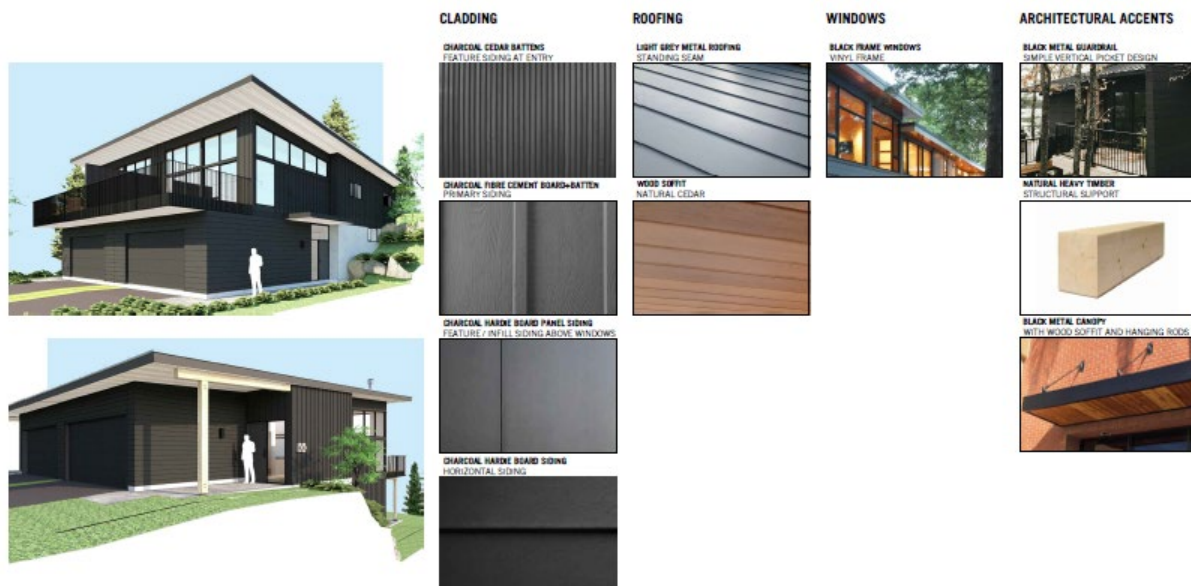


Figure 3: Materials board

Materials include fiber cement board and batten, cedar battens, Hardie board siding and metal roofing, creating a durable exterior in grey tones. Black window frames and metal guardrails will

be used to complement the grey tones. Natural cedar soffits will soften the exteriors of the buildings through the use of wood. The material board is shown above in Figure 3.

The applicant advises that passive building design principles have been implemented to minimize energy usage and carbon footprints, referencing the south-facing glazing and deep roof overhangs to provide summer shading. Garages will be pre-wired for electric vehicle charging stations.

Lighting is proposed throughout the site to illuminate addresses, entrances, visitor parking and open spaces. Lighting is limited to protect nighttime views. An illuminated site monument will be located at the site entry to provide a “gateway” as residents and visitors enter the site.

The proposed landscape plan includes a variety native and non-native trees, shrubs, perennials and grasses considering the four seasons. The landscaping aims to support biodiversity, reduce pesticide use, and support water conservation by minimizing the use of water for irrigation. Existing vegetation on the perimeter of the site will be retained where possible.

The revised DP No.083 is attached to this report as **Appendix C**.

## **ZONING BYLAW NO. 832, 2018**

The subject property is zoned Residential Townhouse Amenity 1, Sunstone (RTA-1). The following is an assessment of the proposal in the context of the Zoning Bylaw No. 832, 2018 requirements:

- a) Townhouses and Duplexes are permitted land uses in the RTA-1 zone.
- b) The proposal is below the maximum 25 units/ha density permitted on the site, proposing 15 units/ha.
- c) The proposed buildings cover 19.4% of the site, well below the maximum lot coverage of 40%.
- d) The proposed buildings comply with the front, rear, west interior, north interior and south interior lot line setback requirements.
- e) The proposed buildings comply with the 10.5 metre maximum height requirement.

## **VARIANCE REQUEST**

The Applicant’s variance rationale is included as **Appendix B**.

## **Parking**

Parking will be provided with single and double garages attached to each unit based on unit-type. The project also proposes driveway lengths that will accommodate additional parking in front of each unit. Accordingly, the application represents that duplex units will each have four (4) spaces, including the driveway parking. The fourplex will have twelve (12) spaces in total, including driveway parking. The development will have four (4) visitor spaces including one (1) accessible space. In total, 200 spaces will be provided to accommodate the residential development.

The Bylaw requirement for this project would be 101 spaces, resulting in a surplus of 99 parking spaces. Based on the surplus parking, the applicant is seeking a variance to reduce the visitor parking standard from the twelve (12) stalls required to four (4).

<b>Parking Analysis</b>					
<b>Unit Type</b>	<b>Parking required</b>	<b>Number of dwelling units proposed</b>	<b>Total Parking required</b>	<b>Proposed Parking per unit</b>	<b>Total Proposed</b>
<b>Duplex</b>	2 per dwelling unit	46	92	4 per dwelling unit	184
<b>Townhouse</b>	2 per dwelling unit	4	8	2 per dwelling unit (X2) 4 per dwelling unit (X2)	12
<b>Visitor Parking</b>	0.25 spaces per dwelling unit	50	13	N/A	4
<b>Accessible Parking</b>	Minimum 1 space	N/A	1	N/A	1
<b>Totals</b>			<b>114</b>		<b>200</b>
<b>EV Parking</b>	All multiple unit residential requiring at least ten (10) parking spaces shall provide one (1) electric vehicle for every ten (10) parking stalls required, which is readily accessible for charging a vehicle in a required parking space.			All Garages will be pre-wired for electric vehicle charging stations.	
<b>Bicycle Parking</b>	All multiple unit residential shall provide bicycle parking at a rate of 20% of the required vehicle parking		20 bicycle parking spaces		Bicycle storage can be facilitated within individual garages.

### **Retaining Walls**

The following sections of the Zoning Bylaw No. 832, 2018 are applicable to the proposed retaining walls on the subject property:

- Section 4.13 Projections into Required Setback and Exceptions to Siting Requirements*  
 (a) Every part of any setback required by this Bylaw shall be open and unobstructed by any building or structure, except that, a setback may contain architectural or

*functional structures or a building or structure feature such as but not limited to; window sills, sunlight control projections, balconies, cornices, eaves, gutters, chimneys, pilasters, canopies, ornamental features or window bays, provided that:*

*viii. A retaining wall to a maximum height of 1.2 m may be sited on any portion of a lot.*

### 7.21 Retaining Walls

(a) In a residential zone, a single retaining wall shall:

- i. Not exceed a Height of 1.2 m measured from the average natural grade level at its base; and*
- ii. Not be located within 0.6 m, measured horizontally, of any other retaining wall.*

Planted slopes are designed to reduce the use of retaining walls. However, due to the significant drop in grade through-out the site the applicant is seeking a variance to allow the following retaining walls:

- A series of two-tiered rock boulder retaining walls between the downslope units to mediate the significant drop in grade between the access road and the rear yards. The lower tier measures 2.5 metres and the upper tier is 0.6 metres tall.
  - Landscaping will screen these rock stack walls to minimize their appearance from the community trail to the south of the subject lands.
- A Sierra Earth Mechanized Wall
  - Ranging from 3.3m to 7.26m in height and 120 metres in length, the wall is proposed at the south-eastern corner of the subject lands.
  - The wall is intended to be able to support plant life to have the appearance of a green-wall.
  - The proposed retaining wall extends 4.3 metres onto the adjacent easterly property owned by the Applicant and will require an easement to permit the encroachment.

Retaining walls above 1.2 metres require a separate Building Permit and require sign-off by a Geotechnical Engineer.

Staff recommend that Council support both variance requests included in DP No. 013.

### HILLSIDE DEVELOPMENT DESIGN GUIDELINES

The proposal is generally compliant with the Village of Pemberton Hillside Design Guidelines. The Guidelines are being applied though the project as a whole as it is in-stream and it is important to note that the project was well under way before the adoption of the guidelines.

<b>Compliance with Village of Pemberton Hillside Development Guidelines</b>	
<b>Criterion/Objective</b>	<b>How proposed multi-family housing will be consistent with Village Objectives</b>
<b>Site and Subdivision Design</b>	
Visual Impact	<ul style="list-style-type: none"> <li>• Buildings will be built into the natural topography</li> <li>• Building siting will optimize view potential using lower rooflines and staggered placement</li> </ul>



	<ul style="list-style-type: none"> <li>• Lighting is limited and downwards facing to protect the dark sky and night-time views</li> </ul>
Housing Diversity and Design	<ul style="list-style-type: none"> <li>• The Four-plex and duplexes will contribute to housing diversity within the greater Sunstone neighbourhood</li> <li>• Buildings respond to the natural slope of the hillside with a stepped foundation</li> <li>• The building design promotes the conservation of energy and reduction of greenhouse gas emissions</li> </ul>
Streetscape	<ul style="list-style-type: none"> <li>• The road is accessible to emergency vehicles</li> <li>• The narrow and curved road encourages reduced vehicle speeds making it feel safe to be shared among pedestrians, cars and cyclists</li> </ul>
Grading and Retaining	<ul style="list-style-type: none"> <li>• The manufactured grade mimics natural slopes and the lot grading does not compromise visual objectives</li> <li>• The retaining walls located across the down-slope units are naturalized using boulders and screened with tiered landscaping</li> </ul>
Geotechnical and Hydro-geological	<ul style="list-style-type: none"> <li>• All roadworks structures and retaining structures will be designed and inspected by a professional geotechnical consultant</li> <li>• Post-development stormwater runoff is required to be controlled so as not to exceed pre-development levels</li> </ul>
Landscaping	<ul style="list-style-type: none"> <li>• Existing trees on the perimeter of the property will be retained where possible</li> <li>• Landscaping is designed to reduce maintenance and conserve water</li> </ul>

### COMPLIANCE WITH DEVELOPMENT PERMIT GUIDELINES

The subject property is situated within Development Permit Area No. 6 Form and Character of Multi-Family and/or Commercial Development. Only DP Area (DPA)

The DPA No. 6 guidelines particularly address siting, building form, open spaces, circulation & parking and streetscape improvements & landscaping. The guidelines can be found in the Village of Pemberton’s Official Community Plan, Section 7.0 – Development Permit Area Guidelines.

The following table summarizes Staff’s review of the application against the applicable DPA guidelines:

Development Permit Areas for the Form and Character of Development	
Applicable Guideline	Staff Comments
<b>Objectives</b>	
To provide a unifying and functional framework for quality and effectively integrated multi-family, mixed use (multi-family/commercial) and commercial development; and	The proposal represents a well-designed multiple-family development in an emerging neighbourhood.

<p>Showcase the area’s natural features, heritage landmarks, open spaces and parks.</p>	<p>The proposal includes siting to optimize views to highlight the area’s natural features.</p>
<p><b>Guidelines</b></p>	
<p><b>a) Siting</b> - Development should recognize and complement the site’s existing conditions, topography, natural vegetation, hydrology, solar exposure, site circulation and view corridors.</p> <ul style="list-style-type: none"> <li>• Design for solar exposure to public and private spaces (summer shade and winter sun) and define and enhance the street edge in the placement and design of buildings and open spaces.</li> <li>• Provide a strong visual and physical relationships to pedestrian walkways and public spaces and provide opportunities for natural surveillance (eyes on the streets and open spaces).</li> <li>• Achieve privacy for residential units through inset balconies, decks and patios, and screening.</li> <li>• Provide barrier free access.</li> </ul>	<p>The site is isolated and does not impact any existing development. As a sloping site, it utilizes the natural topography to inform building siting to minimize the visual impact of the development from surrounding areas and to preserve view corridors for future residents. The proposal is designed for maximum solar exposure.</p> <p>The building design incorporates oversized patios, large overhangs, and natural landscaping to further minimize the visual intrusion to neighbouring units.</p> <p>Privacy walls are utilized between neighbouring balconies and patio spaces.</p>
<p><b>b) Building Form</b> – Buildings are to be consistent with Pemberton’s small town character and reflect its rural traditions of strong, simple and functional building forms.</p> <ul style="list-style-type: none"> <li>• Provide a cohesive design program for the development (i.e., structural, mechanical, lighting and landscaping).</li> <li>• Avoid blank walls which are visible from the street or parks which lack architectural detailing.</li> <li>• Reduce the mass and scale of buildings through design features such as variations in roof form, wall recesses/projections, texture/colour, vertical accents, windows, balconies, dormers and façade detailing.</li> <li>• Design buildings to positively address the public realm on street frontages and sidewalks.</li> <li>• Encourage decks, balconies and porches to provide sunny, usable outdoor spaces.</li> </ul>	<p>The building form is directly informed by the sloping aspect of the site. The down-slope and up-slope buildings have been specifically designed to work with the topography on the site. The sloping roof forms, overhangs and decks will soften the scale of the project.</p> <p>Each unit will have garage access, providing sufficient and secured storage from the exterior of the buildings.</p> <p>The contemporary design will reflect the character of an emerging neighbourhood.</p> <p>Balconies are utilized on each unit to provide sunny, usable, outdoor space.</p> <p>The low sloping roof design ensures view corridors are maintained. The primary roof feature will be the fireplace chimney flues that will have a slim, simple profile.</p>

<ul style="list-style-type: none"> <li>• Create interest with the roof structure using architectural features such as chimneys, cupolas, towers and venting. Roof mounted equipment should be concealed from pedestrian viewpoints.</li> <li>• Provide visual variety along streetscapes by varying individual unit designs.</li> <li>• Face main entrances to the street, being clearly visible and directly accessible from the sidewalk. Entrances should reinforce proximity to grade level, particularly avoiding multi-storey features. Diminish the appearance of garage doors from public streets.</li> <li>• Preference for side by side, up and down or staggered unit configuration to maximize the number of units facing the street.</li> <li>• Create interest by varying use of the building's scale, modulation, materials and colour in the placement and detailing of elements such as bay windows, entrances lighting, graphics and street furnishings.</li> </ul>	<p>The main entrances on the downhill units face the street and are clearly visible and accessible from the sidewalk. The main entrances on the upsloping units are accessed from a side entrance accessed from the street.</p> <p>Visual variety along the streetscape is created by the different dwelling faces exposed due to grade variation.</p>
<p>c) <b>Construction Materials</b> – The buildings should be sufficiently durable to withstand Pemberton's varied climate while also exhibiting quality construction and a small town character:</p> <ul style="list-style-type: none"> <li>• Use exterior materials that have been traditionally applied and/or are durable for the area including stone, wood, brick, and glass.</li> <li>• Discourage the use of the following exterior building materials: vinyl siding, plywood, particle board and synthetic materials such as cultured stone. Stucco and tile for large areas should be discouraged.</li> <li>• Use well designed window treatments of articulated wood, stone or metal details. Relective or heavily tinted glass and snap-in muntin bars are not recommended.</li> </ul>	<p>Building materials are generally hearty with the use of metal roofing and charcoal fibre cement board and batten as the primary siding.</p> <p>The application includes a mix of charcoal stained siding, muted light grey metal roods and black picket guardrails. Large roof overhands with natural cedar soffits will complement the charcoal colour scheme.</p>

<ul style="list-style-type: none"> <li>• Apply exterior building colours that complement nature’s spectrum; earth hues and the natural colours of foliage, grass, sky and woods.</li> <li>• Brighter colours may be appropriate as accents such as doorways, window frames, signs, graphics, store fronts and/or displays.</li> <li>• Ensure approval of all playground and park infrastructure by the Canadian Standards Association.</li> <li>• Complement neighbouring roof lines/pitches. Brightly-coloured metal roofs are discouraged.</li> <li>• Anchoring buildings with continuous durable finishing providing a sense of permanence and protection from street level impacts.</li> <li>• Wood roofing (Class A) will not be permitted under any circumstances as per the Village’s Building Bylaw.</li> <li>• Use muted or natural roof colours where appropriate.</li> </ul>	
<p>d) <b>Streetscape Improvements and Landscaping</b> – The development should provide amenities for residents and visitors, while also adding interest to the street and showcasing local businesses.</p> <ul style="list-style-type: none"> <li>• Incorporate planting consistent with the Village’s standards contained within the Plant List.</li> <li>• Consider four season landscaping for both aesthetics and maintenance reasons.</li> <li>• Appropriately design, protect and select durable landscaping as not to be harmed by snow clearing or other maintenance works (i.e. sweeping).</li> <li>• Prioritize the retention of existing trees and vegetation.</li> <li>• Accommodate grading on individual properties, minimizing cut and fills and discourage retaining walls.</li> <li>• Incorporate <i>Low Impact Development Techniques</i> into site, service and landscape planning.</li> </ul>	<p>All plantings meet the technical requirements of a colder climate and meet a minimum hardiness zone suitable to the Pemberton climate.</p> <p>The landscaping has been designed to reduce maintenance and support water conservation.</p> <p>Existing trees around the perimeter of the site will be maintained as much as possible.</p> <p>Interior landscaping is ample and will provide a suitable streetscape.</p> <p>Cut and fill will be required over much of the site – even though the proposal responds very well to the topography, retaining walls are proposed on the downslope portion between the down sloping units. The use of tiered boulders with plantings will reduce the visual impact.</p> <p>A sierra mechanically stabilized earth (SME) wall is proposed along the south eastern portion of the property. The wall is designed</p>

<ul style="list-style-type: none"> <li>• Provide irrigation for all landscaped and open areas.</li> <li>• Incorporate landscaped areas within parking lots to break up large paved areas. The landscaped areas can also be used in the winter for snow storage.</li> </ul>	<p>to support plant life in order to minimize the visual impact. On the landscape plan L-14 it is shown to be hydroseeded. The existing SME wall on the western side of the property is mostly grassed.</p> <p>The visitor parking area is appropriately landscaped.</p>
<p>e) <b>Circulation and Parking</b> - A development's accommodation of internal and external vehicular circulation, parking and servicing is an important consideration in the functioning and accessibility of the project.</p> <ul style="list-style-type: none"> <li>• Screen or camouflage from public view all exterior services including utility tanks, hydro transformers, gas installations, garbage and recycling containers, preferably with a durable fenced enclosure, landscaping or printed art or images.</li> <li>• Ensure that garbage and recycling receptacles and dumpsters are provided and located within a lockable building (bear proof).</li> <li>• Accommodate efficient snow removal, including designated snow storage and drainage areas for access roads, loading and parking areas</li> <li>• Abide by the Village Construction Requirements as not to unsafely or inconveniently disrupt adjacent business operations or pedestrian movements during construction.</li> </ul>	<p>The majority of the parking for the proposal is contained within private driveways and garages. There is a limited number of visitor stalls, and no parking areas are located in areas visible from surrounding streets.</p> <p>A cul de sac is included in the road design to allow for a truck turn around for emergency access vehicles.</p> <p>Garbage/recycling is proposed at the entrance in a strata road-fronting location within an enclosure.</p>
<p>f) <b>Snow Management</b> – Site and building design shall mitigate the challenges related to freezing temperatures and precipitation. All developments shall manage snow through the site plan design and building form.</p> <ul style="list-style-type: none"> <li>• Restrict snow from dumping or being dumped onto adjoining streets, sidewalks and right of ways.</li> <li>• Mitigate freeze / thaw cycle impacts including snow shed, roof drip, icicles, ice dams, and water infiltration.</li> </ul>	<p>Three snow dump zones are included along the length of the access road. The snow dump zone on the east side encroaches onto the neighbouring property (also owned by the applicant), as an easement will be required to facilitate this.</p> <p>The roofs of the uphill duplexes have been directed away from the residential entries and sidewalk areas. The roofs on the downhill building will contain heavy duty gutters and snow stops to prevent shedding.</p>

<ul style="list-style-type: none"> <li>Prevent roofs from shedding towards pedestrian walkways, points of entry and loading or parking areas.</li> </ul>	<p>The light grey coloured metal roofing will help mitigate freeze thaw cycles as it will reflect light and heat absorption.</p>
<p>g) <b>Lighting</b> - Provide a lighting plan for new development. Fixtures on public roads shall be in accordance with Village Lighting Standards, while lighting on private property should be down shielded, as to illuminate only the desired display, pedestrian corridor, sign or building feature. Flashing, blinking or coloured lighting except for festival lighting is not supported.</p>	<p>Spotlights are utilized to illuminate the entrance sign.</p> <p>Two lit bollards are used to cast low light at the visitor parking.</p> <p>Two streetlamps are proposed; one at the post office boxes to provide general lighting security near the entry and one at the end of the cul-de-sac.</p> <p>The individual townhouses are animated with up/down light to highlight the addressing. The entries will also have up/down light to highlight the wood soffits.</p>
<p>h) <b>Crime Prevention Through Environmental Design (CPTED) Principles</b> - Development shall comply with the following principles:</p> <ul style="list-style-type: none"> <li>Provide clear border definition of controlled space.</li> <li>Provide clearly marked transitional zones that indicate movement from public to semi-public to semi-private to private spaces.</li> <li>Locate vehicle and pedestrian access points, gathering areas and loitering areas to locations with natural surveillance in order to increase safety and perception of safety of users, and increase risks (deterrent) to offenders.</li> <li>Design and land use should relate to the context of on-site land uses and structures, immediate adjacencies, and the surrounding neighbourhood.</li> <li>Site landscaping should have clear sight lines, prevent concealment, direct users safely, be permeable and maintain relationships (eyes on street).</li> <li>Re-designate the use of space to provide natural barriers to conflicting activities.</li> </ul>	<p>The proposal appears to conform to generally accepted CPTED principles.</p> <p>The uphill balconies overlook the shared access road to provide opportunities for natural surveillance.</p> <p>Site lighting has been placed to ensure proper visibility at night while maintaining a low impact to neighbouring areas.</p> <p>The landscaping maintains clear sight lines from the access road to the unit entries.</p>

<ul style="list-style-type: none"> <li>• Seek land use mix that promotes natural surveillance.</li> <li>• Overcome distance and isolation through improved communication, break-up large impersonal space, enhance sight lines, provide a range of land uses, and offer legitimate activity generators.</li> <li>• Avoid building designs, public amenities/services and street furniture that create excuses for loitering, nuisance and criminal behaviour.</li> </ul>	
<b>Development Permit Area No. 6 Multi-Family and/or Commercial Development</b>	
<b>Applicable Guideline</b>	
<b>Comments</b>	
<b>Objectives</b>	
<ul style="list-style-type: none"> <li>• Create livable and attractive neighbourhoods.</li> <li>• Provide visual and physical cohesiveness that reflect our small town character.</li> </ul>	<p>See above.</p>
<b>Guidelines</b>	
<p>a) <b>Siting</b> – The site design should minimize direct visual intrusion to surrounding homes. Privacy can be achieved through inset balconies, decks and patios, screening and/or off-setting windows.</p>	<p>See above.</p>
<p>b) <b>Building Form</b> – The development should break up larger buildings in to smaller units or clusters while ensuring that intensive residential developments reflect the scale and character of the area. Also provide sufficient and secured exterior accessed storage areas for each unit.</p>	<p>See above.</p>
<p>c) <b>Open Spaces</b> – The development should be designed to accommodate the appropriate passive and/or recreational activities of the neighbourhood and:</p> <ul style="list-style-type: none"> <li>• Provide private outdoor open space for all units (i.e. patio, porch, deck, balcony, yard, etc.).</li> </ul>	<p>The units are designed to create private outdoor space for all units. Up slope units feature large over hanging balconies. Down slope units feature both rear yard balconies and patio spaces</p>

<ul style="list-style-type: none"> <li>• Consider fences only if they positively contribute to the attractiveness of the neighbourhood and will be durable over time.</li> </ul>	
<p>d) <b>Circulation and Parking</b> – The accommodation of internal and external vehicular circulation, parking and servicing is an important consideration in the functioning and accessibility of a development.</p> <ul style="list-style-type: none"> <li>• Situate residential parking areas, garages and driveways as a minor component of the site when viewed from the street.</li> <li>• Fully screen from public view all exterior services including utility installations, garbage and recycling containers, preferably with a durable fenced enclosure and landscaping.</li> </ul>	<p>See above.</p> <p>Due to the site topography, to avoid steep sloping driveways, residential parking and garages are sited to be adjacent to the street.</p>
<p>e) <b>Streetscape Improvements and Landscaping</b> - The development should provide amenities for residents and the surrounding neighbourhood.</p> <ul style="list-style-type: none"> <li>• Install landscaping along all property lines, except where there is an access point.</li> <li>• Provide irrigation for all landscaped yards and open areas (excluding areas undisturbed in their natural state).</li> <li>• Utilize landscaping to provide definition for pedestrian corridors and defining private or semi-private spaces.</li> <li>• Accommodate grading on individual properties, minimizing cut and fills and discouraging retaining walls.</li> <li>• Incorporate landscaped areas within parking lots to break up large paved areas. The landscaping can also be used in the winter for snow storage areas.</li> </ul>	<p>See above.</p> <p>All soft landscaped areas are to be irrigated with a high efficiency design irrigation system.</p> <p>Cut and fill will be required over much of the site – even though the proposal responds very well to the topography, retaining walls are proposed on the downslope portion between the down sloping units. The use of tiered boulders with plantings will reduce the visual impact.</p>

**COMMUNICATIONS**

This application process does not require a communication element.



### **LEGAL CONSIDERATIONS**

The issuance of Development Permits is regulated by the *Local Government Act (LGA)* ss. 489 and 490.

### **IMPACT ON BUDGET & STAFFING**

All costs associated with the processing of this application, including Staff and consulting time, are recoverable 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 this application.

### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

There are no impacts on the region or neighbouring jurisdictions.

### **ALTERNATIVE OPTIONS**

The following options have been provided for Council's consideration:

1. **THAT** Council authorizes issuance of Development Permit No. 083 with the following conditions:
  - a) Provision of a landscape bond in accordance with BCSLA standards in the amount of \$220,012.80;
  - b) Registration of subdivision plans for the proposed lot-line adjustment;
  - c) Execution of an easement agreement between the subject lands and proposed Lot 2 on the lot line adjustment plan registered on title to permit the encroachment of the Sierra Mechanized Earth Wall and snow dump area on the easterly neighbouring lot; and
  - d) Payment of any outstanding review fees.

**AND THAT** both variance requests be supported.

2. **THAT** Council refuses the application for Development Permit No. 083; and
3. **THAT** Council refers the application for Development Permit No. 083 back to Staff to address further considerations.

### **RECOMMENDATION**

**THAT** DP No. 083 be authorized for issuance, and the Mayor and Chief Administrative Officer be authorized to execute the Permit, subject to the successful completion of the following conditions to the satisfaction of the Manager of Development Services:

- a) Provision of a landscape bond in accordance with BCSLA standards in the amount of \$220,012.80;
- b) Registration of subdivision plans for the proposed lot-line adjustment;

- c) Execution of an easement agreement between the subject lands and proposed Lot 2 on the lot line adjustment plan registered on title to permit the encroachment of the Sierra Mechanized Earth Wall and snow dump area on the easterly neighbouring lot; and
- d) Payment of any outstanding review fees.

**AND THAT** DP No. 083 hereby varies Section 8.3 of the Village of Pemberton Zoning Bylaw No. 832, 2018 by reducing the required number of Visitor Parking Stalls from twelve (12) to four (4).

**AND THAT** DP No. 083 hereby varies Section 7.21 a) i) and 4.13 a) viii) of the Village of Pemberton Zoning Bylaw No. 832, 2018 to permit retaining walls in substantial compliance with the Elevation Site Plan Drawings prepared by Urban West Architecture, dated 2<sup>nd</sup> of October 2020.

**ATTACHMENTS:**

**Appendix A:** Development Permit No. 013

**Appendix B:** Design and Variance Rationale

**Appendix C:** Amended Development Permit No. DP No. 083

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

August 24, 2020

**Village of Pemberton**

Box 100  
7400 Prospect Street  
Pemberton BC V0N 2L0

**RE: Design Rationale for “Elevate at Sunstone”****Project Overview**

‘Elevate at Sunstone’ is a proposed 50 unit residential development in the newly formed community of Sunstone Ridge. This multifamily community is situated on a steep sloping site near the base of the mountain, south of Road A and just north of the CN Railway line providing dramatic southward views over the Pemberton Valley to Mt. Currie. The project is comprised of 24 residential buildings (1 fourplex and 23 duplexes) and one accessory building for garbage and recycling.

All buildings are accessed off of a shared common road complete with a cul-de-sac providing safe distances for emergency vehicle maneuvering. Four visitor parking stalls have been provided at the entry of the development. Three areas for snow dump have been designated at the entry, cul-de-sac and at the end of the common road.

There are 2 types of duplexes; the uphill duplexes are located on the north side of the common road and the downhill duplexes and fourplex on the south side. All duplexes have a full length driveway and double car garage which can accommodate parking up to 4 vehicles per unit. Duplexes are organized over 2 storeys and include 3 beds plus den and feature generous open living space providing access to a large exterior deck and southward views.

**Revisions to the previous DP submission**

There have been a number of revisions to this proposed development since the previous DP submission dated 2018 04 10. These revisions are a response to feedback from potential home buyers as well as comments our team received in the first ADRC meeting. Revisions are as follows:

- Increased lot size to allow for some additional dwellings beyond the cul de sac at the eastern edge of the property.
- Revised all of the building types from sixplexes to duplexes. (except for the fourplex which is currently under construction as per the previous DP) This allowed us to offer larger units, increased parking w/ double car garages, additional bedrooms and better access to natural light in all of the units.
- Deleted all rock stack retaining walls in favour of naturally landscaped slopes where possible. We have proposed 1 sierra mechanically stabilized earth wall along the southeastern portion of the property where grades are more challenging.
- Reduced the amount of plantings throughout the development in favour of larger hydro seeded areas in order to help reduce maintenance concerns and strata fees.
- Revised the front entry design in order to provide a more welcoming front entry experience from the common road. Interior layouts were also revised to offer more generous living space and bedroom sizes.

### **Design Rationale and Compliance with OCP and DP guidelines**

'Elevate at Sunstone' is a proposed multifamily community with a focus on outdoor living. The architecture is inspired by the simple forms of traditional mountain villages as well as the local tradition of west coast modern architecture. The buildings are well set back from the lot lines and required setbacks in order to ensure a minimal visual impact from Road A and adjacent properties. All buildings are two storeys and heights are kept to a minimum by recessing the building forms into the hillside. The shared access road running through the site closely follows the existing contours so that the natural form of the mountainside is maintained. To ensure privacy to neighbouring lots, existing trees around the perimeter of the site will be maintained as much as possible. Furthermore, the balconies and outdoor living space views are directed to the south for maximum solar exposure while not overlooking neighbouring properties. The buildings are organized in two rows of duplex buildings with 1 fourplex on the south side of the common road.

The roof design of all buildings takes the form of one low sloping roof opening to the southern view and tucking discreetly into the hillside behind. Roof heights have been carefully considered so that the duplexes located on the uphill side of the roadway have a view overtop of the downhill side duplexes. Penetrations in the roofs will be kept to a minimum with the primary roof feature being the fireplace chimney flues that will have a slim, simple profile that will tie into the modern cabin aesthetic. The majority of units have entries that face the access road for a friendly and neighbourly design.

The proposed exterior building materials were selected for their high level of durability, suitability to the local climate and architectural appeal. They are characterized by a mix of charcoal stained siding (vertical and horizontal orientations), light grey metal roofs, black picket guardrails and large areas of glazing oriented to the southern views, providing for a very open and contemporary feel. Generous roof overhangs with natural cedar soffits will provide a warm feel throughout the development.

The streetscape design has been carefully considered in order to create a calm and welcoming environment. A site monument will be located at the site entry to provide a "gateway" as visitors enter the site. The streetscape is generously landscaped and will provide varying experiences throughout the changing seasons. The garage doors facing the shared access road have been designed to match the color of the adjacent siding to assist with creating a calm streetscape. Landscape plantings will include native and appropriate non-native plants that are adapted to site conditions, climate and design intent. The use of native vegetation promotes regional identity and a sense of place, supports biodiversity, reduces pesticide use, and supports water conservation by minimizing the use of potable water for irrigation. Filled slopes with plantings are designed to reduce the use of retaining / foundation walls. Plantings will be kept back from the curb edge of the shared access road in order to support their success in a snowy winter climate.

Passive building design principles have been implemented to minimize the energy usage and carbon footprint of the community. All of the south facing living spaces have large amounts of efficient glazing with deep five foot roof overhangs in order maximize summer shading and also to maximize low sun angle penetration in the winter. All units will be equipped with high performance heat recovery ventilators in order to provide an efficient and comfortable living environment. Garages will be pre-wired for electric vehicle charging stations.

Each duplex unit has a full length driveway for access to an attached 2 car garage which also provides vehicle parking for multiple vehicles or guests. Snow management has been considered by providing 3 snow dump zones along the length of the access road. The roofs of the uphill duplexes have been directed away from the residential entries and sidewalk areas in order to ensure a safe pedestrian environment. The roofs of the downhill building will contain heavy duty gutters and snow stops. In addition, light grey coloured metal roofing will help mitigate freeze thaw cycles as they reflect light and heat absorption.

Principles of “Crime Prevention Through Environmental Design” have been implemented through various landscape, building and lighting design strategies. The landscaping is designed to maintain clear sight lines from the access road to the unit entries. The uphill balconies overlook the shared access road to provide opportunities for natural surveillance. Site lighting has been thoughtfully placed to ensure proper visibility at night while maintaining a low impact to neighbouring areas. Two streetlamps are proposed; one at the post office boxes to provide general lighting security near the entry and one streetlamp at the end of the cul-de-sac for security and to prevent loitering. The individual townhouses are animated with up/down light to highlight the addressing and the entries will also have up/down light to highlight the wood soffits and provide warmth at the main entrances.

### **Parking Variance**

We are requesting a variance on the quantity of designated visitor parking spaces and accessible parking spaces given that the proposal far exceeds the required parking for residential units by 100 spaces (min. requirement is 100 spaces and we are providing 200). Each two-bedroom unit provides two parking spaces and each three-bedroom unit provides four parking spaces which exceeds the minimum ratios from Section 500. Because of this, visitor stalls have been reduced from the required 13 spaces to 3 spaces located along the access road. The number of accessible parking spaces has been reduced from the required 4 spaces to 1 space along the access road because each individual driveway has the ability to allow for accessible parking.

‘Elevate at Sunstone’ is a proposed development that has been carefully designed in order to comply with the OCP policies, the zoning bylaw and the development permit guidelines. The design creates a safe and appealing housing community that respects the neighbouring properties and fits appropriately into its mountainside context.

If you have any questions or require further clarification please feel free to contact our office



**Justin Bennett**, Architect AIBC  
Principal

**UWA** | Urban West Architecture Inc.  
justin@uwarchitecture.com  
604.603.1332

October 5, 2020

**Village of Pemberton**

Box 100  
 7400 Prospect Street  
 Pemberton BC V0N 2L0

**RE: Variance Request for “Elevate at Sunstone” – Lot 5 Sunstone Ridge**

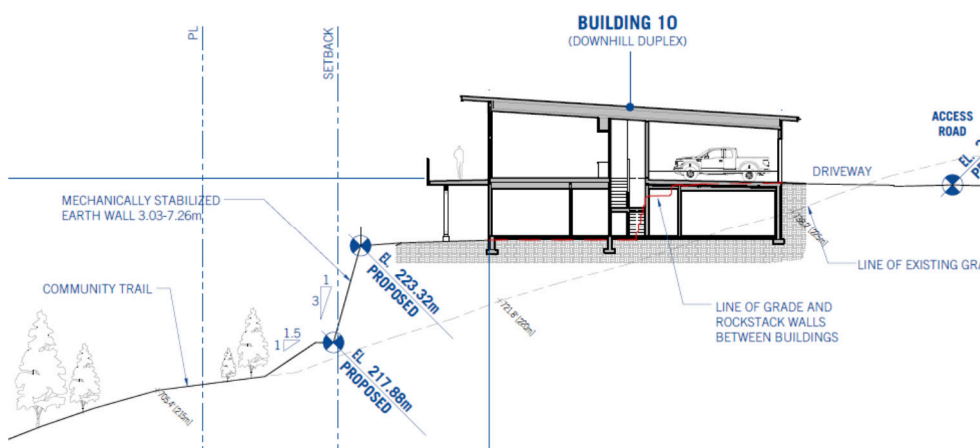
Dear Joanna Rees

Please find attached the following revised drawings for your reference to be reviewed in conjunction with this letter:

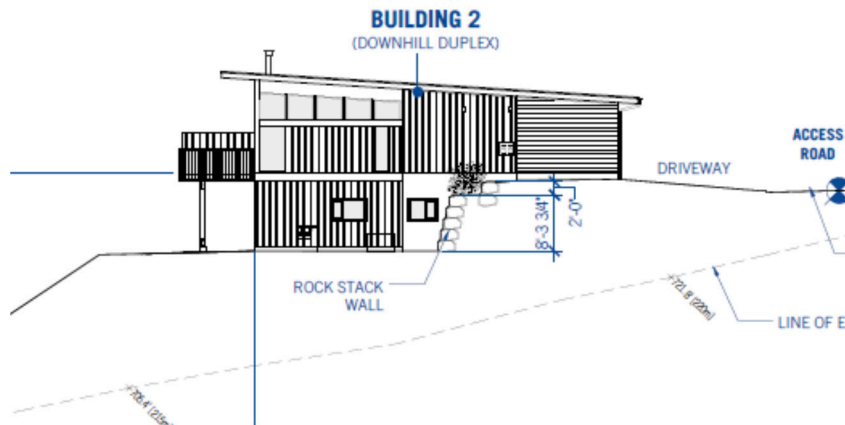
- A011 Site Plan dated 2020 10 05
- A015, A016 Site Sections dated 2020 10 05

Thank you for the email dated October 1<sup>st</sup>, 2020 indicating that a variance would be required as part of our application to amend Development Permit #83 in order to facilitate the development of a some retaining walls that are higher than what is permitted in the zoning bylaw. This letter is intended to clarify the location and heights of those retaining walls and also provide a rationale as to why they were proposed.

We have proposed a Mechanically Stabilized Earth Wall on the south-eastern corner of the property which ranges in height from 3.3m to 7.26m. Refer to#3/A015 (and the image below) for a site section that represents this condition. Please note that this wall does extend onto the adjacent property to the east however this property is owned by the same owner. This wall is intended to be able to support plant life so it will have the appearance of a green wall and provide an attractive appearance from the nearby community trail.



We have also proposed a series of 8'-4" high rock stack walls located between all of the Downhill duplexes in order to mediate the significant drop in grade between the access road and the rear yards of all of these duplexes. Trees and plantings will screen these rock stack walls in order to minimize their appearance from the community trail. Refer to #1/A015 for a site section through this area and also the image below.



Our design team has made great efforts to grade the site in order to provide an attractive and naturally landscaped appearance along the mountainside and minimize the use of retaining walls as much as possible. Due to the significant drop in grade throughout the site we had to implement some taller retaining walls in strategic areas in order to develop the site in a feasible manner.

We would like to note that our previously approved Development Permit had significantly more high retaining walls – approximately 300m of a 4-5 meter high rock stack walls along the lower part of the site and 250m of 3-4m high rock stack walls along the upper part of the site.

Thank you for considering our variance request and including it in our amended DP submission. If you require any additional information please feel free to contact me directly.

Sincerely,

**Justin Bennett**, Architect AIBC  
Principal

**UWA** | Urban West Architecture Inc.  
justin@uwarchitecture.com  
604.603.1332

**Date:** October 20, 2020

**To:** Nikki Gilmore, Chief Administrative Officer

**From:** Christine Burns, Manager of Recreation

**Subject:** Recreation Services COVID-19 Pandemic Response Update

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**PURPOSE**

The purpose of this report is to inform Council on current Recreation COVID-19 Pandemic response.

**BACKGROUND**

The impacts of the COVID-19 Pandemic resulted in the Village of Pemberton closing all Recreation facilities and suspending all services on March 14, 2020. As previously discussed, Staff mobilized quickly and responded with a robust online program option for the community. Recreation moved to a Phase 2 response for programs and services on July 2, 2020 which included modified fitness centre hours with a new reservation process, fitness classes and programs for children.

**DISCUSSION & COMMENTS**

**INITIAL RESPONSE**

As identified, Staff responded at the onset of the Pandemic and pivoted into offering online programming for adult and senior fitness classes as well as children. Moving into Phase 2 on July 2, 2020 the following recreation services were provided and are noted below:

**Summer 2020 Programs**

<b>2020</b>	<b>Participants</b>	<b>Summer 2019 Comparison</b>
Registration	191	252
Classes Offered	40	46
Classes Cancelled	9 (22.5%)	7 (15%)
Classes Run	31	39
Gross Program Revenue	\$23,945.00	\$30,574.50

**Summer Registration Highlights (Children's Camps)**

<b>2020 Program</b>	<b>Participants</b>
Canoe Camp	10 per session (52 unique registrants)
Soccer Camp (5-14 yrs)	28
Soccer Camp (3-5yrs)	8
Art Experience (5-9yrs)	7 per session



Babysitters Course (11-15yrs)	8
Kite Camp (4-5 and 6-10yrs)	New Program
Crafty Campers (same as above)	New Program
Town Tour (6-10yrs)	New Program

**Summer Registration Highlights (Adult Programs)**

Rise and Shine – 6 people per set  
 Outdoor HIIT Circuit – 7 people per set – NEW Program  
 Run Club – 14 registrants

**Summer Registration Highlights (50+ Programs)**

Strength Training – Average 6 persons per session  
 Chair Yoga – Average 6 per session

**Registration Day information for Fall 2020 Programs**

- Recreation Guide remained virtual as a result of current Pandemic status and tight turn around for creating Fall programming.
- August 24, 2020 marked Fall Registration Day which saw 67 unique registrations resulting in \$12,786.71 of deferred programming revenue.

**Community Centre Fitness Use**

- July and August saw the return to Fitness Centre use, there were 180 timeslots created with the potential of 44 users spread through three (3) workout spaces in the Community Centre during each timeslot.
- Individual visits to the fitness centre totaled 1,311.
- Total number of new Memberships sold was 90.

**Community Centre Facility Use**

- July and August saw no use of the facility for anything beyond internal programming and Staff Occupational Health and Safety COVID-19 Safety Plan training for PCC Staff.
- Field rentals:
  - 43 nights of Slo-Pitch at the Meadows and the Signal Hill Elementary facility; and
  - Gates Lake Park had five (5) Saturdays of Music and Yoga in the park organized by the Birken Recreation and Cultural Society.

**COMMUNICATIONS**

Notice of new facility operations, programs and registration is provided through the eNEWS, Recreation and Village Facebook Pages, and email communication for current passholders. See **Appendix A** for marketing material used for Phase 3 introduction to programs and services.

**LEGAL CONSIDERATIONS**

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

## **IMPACT ON BUDGET & STAFFING**

### **STAFFING**

The Recreation Department has been working to continue offering innovative programs, services and act as a physical resource for Community Groups offering additional programs and services. Phase 3 has seen a return to work for all full-time Staff and casual Staff in the Rec (Youth and Seniors Centre), programs and Customer Service to offset the operational schedule when full-time Staff are occasionally unavailable.

### **PLANNING FOR A NEW NORMAL**

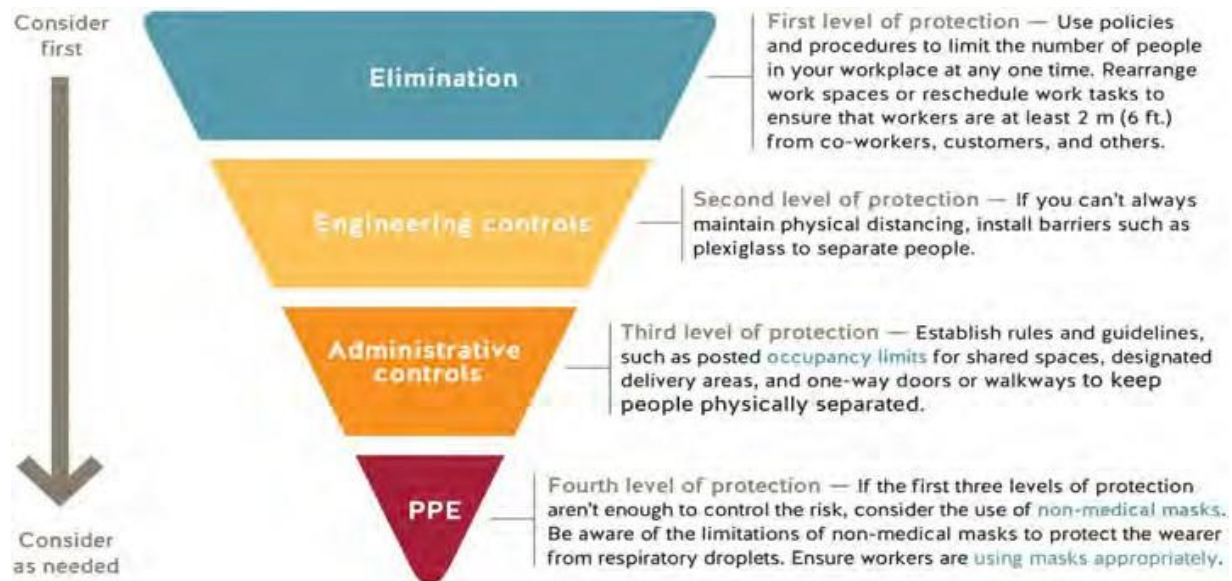
At this time, organizations and businesses are working with their associations and WorksafeBC to continue to understand safe re-opening protocols implemented specifically for each industry and how they continue to evolve. The infographic below outlines part of the process taken to plan for Phase 3 of Recreation in Pemberton.



Previously seen the chart below shows a hierarchy of protection that has been recommended by WorkSafeBC to meet our goal in planning a “Return to Play” under the optimal circumstances in order to eliminate the potential for transfer of COVID-19.

Recreation Services have continued to modify the physical environment, providing visual cues for people to follow that will minimize contact, manage the flow in the facility by creating new spaces for personal belongings and developing entry and exit procedures for all to adhere to when participating in recreation at the Pemberton & District Community Centre (PCC).

**Hierarchy of Protection:**



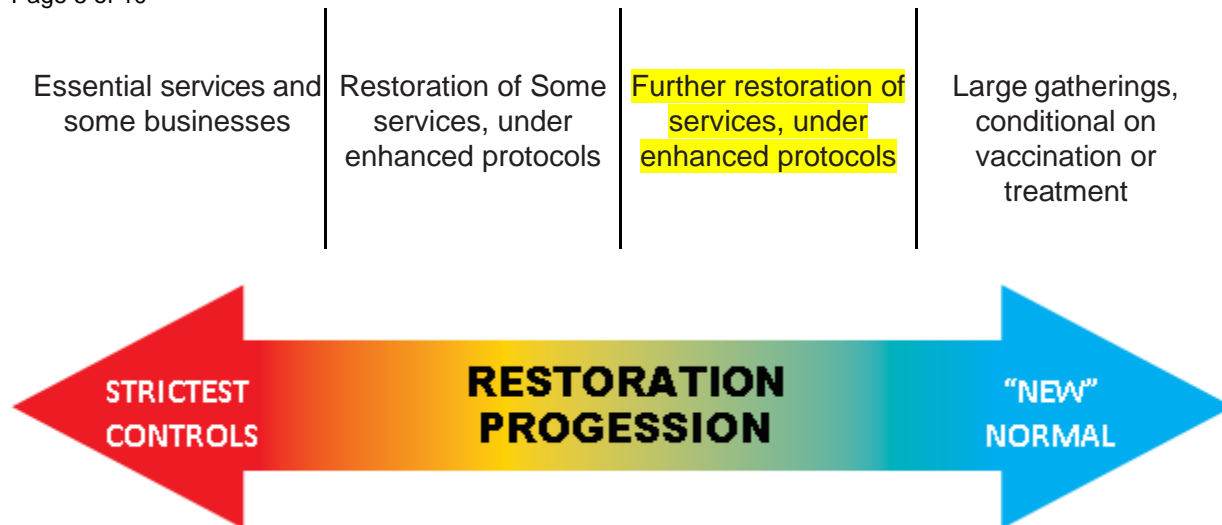
**HOW RECREATION IS WORKING WITH PROVINCIAL PHASES**

The framework below has been provided by the British Columbia Recreation and Parks Association (BCRPA) and as you can see they have taken the Provinces 4 Phases of return to ‘new normal’ and applied what the Recreation industries return to play can look like through each Phase.

**PROGRESSIVE PLANNING FRAMEWORK**

Province of BC “Next Steps” PHASES





**RECREATION LEVELS of Increased Restarting of Operations**

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<ul style="list-style-type: none"> <li>Limited # of outdoor facilities are open for casual use (e.g. sport fields, racquet courts, washrooms)</li> <li>Indoor facilities closed</li> <li>Programming all online</li> </ul>	<ul style="list-style-type: none"> <li>Expanded # of outdoor facilities are open for modified casual use (e.g. more washrooms, sport courts, table sports, some playgrounds)</li> <li>Limited access to indoor facilities where physical distancing can be achieved</li> <li>Programming is limited outdoor, online continues</li> </ul>	<ul style="list-style-type: none"> <li>Progressive expansion from some to all outdoor facilities open for modified casual use (e.g. sport groups begin to use amenities)</li> <li>Progressive expansion from some to all indoor spaces open with measures to ensure physical distancing</li> <li>Programming is expanded outdoor, is expanded indoor from limited to extensive, continues online</li> </ul>	<ul style="list-style-type: none"> <li>All outdoor facilities open for "New Normal" use</li> <li>All indoor facilities are open for "New Normal" use</li> <li>Full programming in "New Normal" phase, continues online</li> </ul>

## PEMBERTON & DISTRICT COMMUNITY CENTRE RESPONSE

Currently the Province is in Phase 3 of reopening and for Recreation this is reflective of Level 3 in the Chart above. Staff have continued to work to evolve programs and services as represented in the chart below:

Provincial Reopening Phase	PCC Reopening Priority Level	Services Restarted	Target Timing	Staffing Approach
1	A	Online programming for adult and children's fitness	Started in March	Used permanent staff
		Implemented Online sales of Memberships	Started in March	Used permanent staff
		Manager of Recreation Started	27-Apr	New permanent staff
2	B	Fitness Facilities	02-Jul	Using permanent staff
		Children's summer programming	06-Jul	Using contractors and hired 2 new casual Program Leaders to fulfill commitment
		Group Fitness Classes Indoor/Outdoor	06-Jul	Using contract instructors, permanent staff
		Meadows ready for action	Early July	Using permanent staff to facilitate contracts with Slo-pitch and Soaring Club
		Rec Site ready for use	Early July	Reached out to PYSA about use
3	C	SD93	September 8th	Allow to return with controlled entrance
		Youth Centre reopening	09-Sep	Rehiring casual Youth Workers
		Seniors Centre reopening	after Thanksgiving	Using permanent staff - moving slow with this demographic
		Increase Indoor Fitness Class Offerings	14-Sep	Using contract instructors and permanent staff
		External Personal Training	29-Sep	Various private operators
		Increase fitness centre offerings to include mornings	29-Sep	Bring back full-time staff October 5th
		Designated Vulnerable Population fitness times	08-Sep	Using Fitness Programmer - collaborate with individuals and groups like Whistler Adaptive Sports
		User Group Bookings at PCC	phased in during September	Rehiring casual front desk staff

		Resuming wider range of recreation programs and facility rentals	October	Rehiring casual Program Instructors and using previously rehired staff
		Washrooms	External Access Closed October	Watching how used internally to determine external access
		Parkade	November	Must determine how to control access to whole facility through use
4	D	Resume full hours of operations at PCC	2021 sometime	Rehiring of any casual staff not back yet
		Drop in Programs - like Open Gym and Drop in Sports	2021 sometime	With widespread vaccine

Staff have created a Recreation Services COVID-19 Return to Play Safety Plan which includes guidelines for how the following priorities will be achieved in accordance with:

- Minimal demographic overlap
- Facility users providing programming opportunities of any kind, including meetings, must provide a COVID-19 Safety Plan for approval which outlines how they will operate their program in addition to agreeing to the PCC's COVID-19 Safety Plan as to how they will move forward in using the facility.
- Children, and youth programming have been prioritized as this has been identified as a priority for the community.
- Diversified hours of operation for the Fitness Centre have been achieved with the return of early morning fitness blocks in October
- Seniors programming at the REC is currently being reviewed and multiple timeslots in the fitness area have been allocated for vulnerable individuals.

At the same time, the following demographics have been prioritized for return to service:

- Francophone School District No. 93.
- Children, youth and seniors programs.
- Facility bookings for organizations that provide programming for children, youth, seniors, and other vulnerable populations.
- Fitness services have been reorganized to include the Fitness Centre and Great Hall A only, with a total capacity of 12 in the Fitness Centre and 10 in Great Hall A, totalling 22 per timeslot.
- Fitness programs have been designated to Room C with a capacity of 10 per program.

Staff are consistently looking to achieve efficiencies in the booking software (Perfectmind) to ensure seamless interactions for the public.

The current hours of operation are Monday 8am to 9pm, Tuesday through Thursday 6am to 10pm, Friday 6am to 9pm and Saturday 8am to 1pm. Tuesday and Thursday from 10:30am to 12:30pm is for individuals with compromised immune systems and other vulnerable situations.

Children's programs are being offered directly through PCC and through a variety of contractors and facility use agreements. The following organizations have returned to the PCC through a phased approach during the month of September:

- Francophone School District No. 93: two (2) classes/day and use of Great Hall B & C for gym classes for the school
- Gymnastics
- Jujitsu
- Karate
- Increased fitness programming
- Increased fitness centre blocks to workout
- Personal Training
- Designated Fitness Centre times for Vulnerable Populations
- Afterschool care
- Dance Classes
- Reopening of the REC for youth programming

Operational hours will be staffed by current full-time employees as follows:

- Manager of Recreation Services
- Facility Maintenance Coordinator
- Recreation Programmers (2)
- Marketing and Business Coordinator
- Administrative Assistant

Casual employees will begin to cover occasional shifts however, the goal is to be as fiscally responsible to the community as possible by all full time Staff contributing to operations directly, even the Manager of Recreation will cover approximately 15 hours of operations on a bi-weekly basis.

The overarching facility goals for use of the building revolve around ensuring a safe return to play for all demographics of the Pemberton and SLRD communities. Programs, services and rentals have all had staggered start and end times to minimize cross over of demographics when entering, exiting and using the facility. The Recreation Services team believe a cohesive balance has currently been struck and are beginning to add to the uses of the Facility. The PCC remains closed on Sundays to allow for a thorough clean and sanitization of the facilities.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

The above noted project will not impact the day to day operations of any other departments.

### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

Collaborative efforts between neighboring jurisdictions including Whistler, Squamish, Sea to Sky School District No. 48 and Francophone School District No. 93 continues to occur to ensure consistent practices for continual operations of parks, playgrounds, water parks and recreation facilities and programs. This has included increased communication between Recreation Departments of each organization to ensure attempts to be congruent through the Sea to Sky Corridor for members of each Community.

**ALTERNATIVE OPTIONS**

There are no alternative options for consideration.

**RECOMMENDATIONS**

**THAT** Council receives the Recreation Services COVID-19 Response Update.

Prepared or Submitted by:	Christine Burns, Manager of Recreation Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer



# PEMBERTON & DISTRICT COMMUNITY CENTRE PHASED RE-OPENING UPDATE

Our goal is to serve as many as possible, safely.  
We are going to achieve this through a thoughtful  
demographic-centered schedule.



## CHILDREN'S PROGRAMMING **SEPT 8**

Our new protocols reduce travel inside the building. When this is not possible we are limiting interactions between programs by staggering usage/access.

- SMALLER CLASS SIZES
- DESIGNATED, STAGGERED ENTRANCES & EXITS
- DIRECT ACCESS TO ROOM FROM OUTSIDE WHEN POSSIBLE
- ONLY PARTICIPANTS PERMITTED IN THE BUILDING
- ALL PROGRAMS HAVE AN APPROVED COVID-19 SAFETY PLAN



## ÉCOLE LA VALLÉE **SEPT 8**

- DESIGNATED, STAGGERED ENTRANCES & EXITS
- SD93 APPROVED COVID-19 SAFETY PLAN



## THE REC **SEPT 9**

We look forward to inviting back the youth and seniors to The REC in a way that will ensure everyone's safety. The program schedule has been planned to avoid mixing demographics.

- LIMITED OCCUPANCY
- STAGGERED PROGRAMMING
- INCREASED CLEANING OF HIGH TOUCH SURFACES



## VALUE ADDED CLASSES **SEPT 14**

- SMALLER CLASS SIZES
- REGISTER ONLINE - NO DROP-IN
- DESIGNATED ENTRANCES & EXITS
- COME PREPARED
- LIMITED WASHROOM & CHANGEROOM ACCESS
- ALL PROGRAMS HAVE AN APPROVED COVID-19 SAFETY PLAN



## PERSONAL TRAINING

- REGISTER ONLINE
- 1 TRAINER PER TIMESLOT



## FITNESS CENTRE **SEPT 29**

- REGISTER ONLINE - NO DROP-IN
- COME PREPARED
- LIMITED WASHROOM & CHANGEROOM ACCESS
- CALL OR EMAIL IF YOU NEED TO CHANGE OR CANCEL YOUR BOOKING

**NEW SPACES! NEW SCHEDULE! TUESDAY - FRIDAY**  
(6-7AM) (7:15-8:15AM) (8:45-9:45AM) (4:30-5:30PM)  
(5:45-6:45PM) (7-8PM) (8:15-9:15PM \*not available Friday\*)  
SATURDAY (9:15-10:15AM) (10:30-11:30AM) (11:45-12:45AM)

**YOUTH (13 TO 18) - WED & FRI (3:15-4:15PM)**  
**VULNERABLE POPULATION - TUES & THUR (10:30AM-12:30PM)**



## GUIDELINES THAT ARE HERE TO STAY

- STAY HOME IF YOU ARE NOT FEELING WELL
- WASH OR SANITIZE YOUR HANDS
- MAINTAIN A PHYSICAL DISTANCE OF 2 METERS
  - WEAR A MASK WHEN THIS IS NOT POSSIBLE
- CONTROLLED ACCESS - ONLY PARTICIPANTS ALLOWED IN THE BUILDING

[WWW.PEMBERTONRECREATION.CA](http://WWW.PEMBERTONRECREATION.CA)

E: pemrecinfo@pemberton.ca T: 604-894-2340

**Date:** October 6, 2020

**To:** Nikki Gilmore, Chief Administrative Officer

**From:** Elysia Harvey, Legislative Assistant

**Subject:** Council Procedure Amendment (Order of Proceedings) Bylaw No. 888, 2020.

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### **PURPOSE**

The purpose of this report is to introduce Council Procedure Amendment (Order of Proceedings) Bylaw No. 888, 2020 for First, Second and Third Readings (**Appendix A**).

### **BACKGROUND**

On June 17, 2020, the Province issued Ministerial Order No. 192, which called upon local government to make its 'best efforts' to meet the legislative requirements to hold open meetings that enable the public to participate in person. To accompany the Ministerial Order the Province provided Ministerial Guidelines (**Appendix B**) with respect to how this could be accomplished along with recommendations on other actions a local government could take to ensure openness, accountability, accessibility and transparency.

At the Regular Council Meeting No. 1518, held June 30, 2020, Council passed a resolution to continue to hold open meetings by electronic means as Council Chambers is too small to safely accommodate in person meetings and still maintain the COVID-19 distancing protocols established by the Public Health Officer.

Council further considered the recommendation provided in the Ministerial Guidelines with respect to adjusting the order of proceedings when meetings are to be held via electronic means. The adjustment would bring forward items that may be of greater public interest (ie: staff reports, bylaw presentations and readings) for consideration earlier in the agenda. In this regard, the following resolution was passed:

*Moved/Seconded*

***THAT*** the agenda Order of Proceedings and Business be amended by moving consideration of bylaw readings to follow staff reports for the July Regular Council meetings;

***AND THAT*** Staff be directed to prepare a Council Procedure Bylaw Amendment respecting this change

***CARRIED***

As per the resolution above, in preparing the meeting agenda, Staff has adjusted the Order of Proceedings to accommodate the proposed change. The next step is to bring forward a Council Procedure Bylaw Amendment to confirm this order adjustment.

Staff took advantage of this amendment opportunity to include some other minor changes as outlined below.

### **DISCUSSION & COMMENTS**

In particular, the proposed Bylaw amendment applies to Section 18 *Order of Proceedings and Business* and would adjust the order of proceedings by moving consideration of Bylaw Readings forward in the agenda to follow Staff Reports.

An amendment to Section 10 is also proposed by deleting subsection h), which was an amendment made in response to the Public Health Orders issued in March 2020 related to social distancing, and replacing it to clarify that members of Council, committees, and commissions are all considered to be deemed present at a meeting when attending electronically

Finally, several other minor housekeeping amendments to the Bylaw have been incorporated to correct numbering inconsistencies.

### **COMMUNICATIONS**

As per section 123 (3) of the *Community Charter*, notice of the proposed amendment was posted in the Pique Newsmagazine on Thursday, September 24, 2020 and Thursday, October 1, 2020. **(Appendix D)**

Notice was also posted at the Village of Pemberton Notice Boards at the Village Office and Post Office, on the Village Facebook Page, and in the eNEWS on Friday, October 2, 2020.

### **LEGAL CONSIDERATIONS**

The amendment to Section 18 follows a recommendation by Ministerial Guidelines for best practices when holding meetings electronically.

Legal review was sought for the amendment to Section 10 to ensure clarity for participation in electronic meetings.

The updated section number references are considered minor housekeeping amendments and as such legal review was not required for these.

### **IMPACT ON BUDGET & STAFFING**

The Bylaw amendment was prepared in-house and this initiative has been accommodated as part of the day to day activities of the Corporate & Legislative Services Department.

**INTERDEPARTMENTAL IMPACT & APPROVAL**

There are no interdepartmental impacts or approvals required.

**IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

This bylaw amendment has no impact on other jurisdictions.

**ALTERNATIVE OPTIONS**

There are no alternative options for consideration.

**RECOMMENDATIONS**

**THAT** Village of Pemberton Council Procedure Bylaw No. 788, 2015, Amendment (Order of Proceedings) Bylaw No. 888, 2020, receive First, Second and Third Readings.

**ATTACHMENTS:**

- Appendix A:** Council Procedure Amendment (Order of Proceedings) Bylaw No. 888, 2020
- Appendix B:** Provincial Guidelines for Ministerial Order 192
- Appendix C:** Council Procedure Bylaw No. 788, 2015 – March 2020 consolidated version
- Appendix D:** Notice to Residents

Prepared by:	Elysia Harvey, Legislative Assistant
Manager Approval by:	Sheena Fraser, Manager of Corporate & Legislative Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

## APPENDIX A

### VILLAGE OF PEMBERTON COUNCIL PROCEDURES AMENDMENT BYLAW No. 888, 2020

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Being a bylaw to amend the Village of Pemberton Council Procedure Bylaw No. 788, 2015

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**WHEREAS** Council may amend its bylaws from time to time when deemed appropriate:

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

1. This bylaw may be cited for all purposes as Village of Pemberton Council Procedure Bylaw No. 788, 2015, Amendment (Order of Proceedings) Bylaw No. 888, 2020.
2. Village of Pemberton Council Procedure Bylaw No. 788, 2015, be amended as follows:

That **Section 6** subsection (b)(iii) be amended by changing the section reference from Section 31 to 32;

That **Section 10** be amended by deleting subsection (h) and replacing it as follows:

(h) Despite (b) and (c) above, in the event of a health, environmental or safety emergency, where it is not possible to have a quorum or the Mayor or Acting Mayor physically present for a meeting, all or any portion of the members may participate in a Council, committee, commission or special meeting by means of electronic or other communication facilities, **and are deemed to be present at the meeting**, so long as they comply with the remaining requirements of this Section.

That **Section 13** be amended as follows:

subsection (d) be amended by changing the section reference from 12(e) to 13(e)

subsection (e) be amended by changing the section reference from 12(d) to 13(d)

That **Section 18** be amended by deleting subsection (a) and replacing it as follows:

## APPENDIX A

- a) The agenda for all regular Council meetings contains the following matters in the order in which they are listed below:
- i) Call to Order
  - ii) Approval of Agenda
  - iii) Rise with Report from In Camera (Closed) [*If applicable*]
  - iv) Adoption of Minutes
  - v) Business Arising from the Minutes
    - (1) Regular Meeting
    - (2) Committee of the Whole
  - vi) Committee Minutes – for Information
  - vii) Delegations – requests to address Council
  - viii) Staff Reports
  - ix) Bylaws
    - (1) First and second Reading
    - (2) First, Second and Third Reading
    - (3) Third Reading
    - (4) Adoption
  - x) Mayor's Report
  - xi) Councillor Reports
  - xii) Correspondence
    - (1) For action
    - (2) For information
  - xiii) Decision on Late Business
  - xiv) Late Business
  - xv) Notice of Motion
  - xvi) Question Period
  - xvii) Adjournment

**APPENDIX A**

That **Section 22** subsection a) iii) and iv) be amended by changing the section reference from 21 to 22.

That **Section 26** subsection c) be amended by changing the section reference from 25 (b) (iii) to (vii) to read 26 (b) (iii) to (vii).

That **Section 31** subsection h) be amended by changing the section reference from 30 a) to 31 a).

**NOTICE OF INTENTION TO AMEND** Council Procedures Bylaw No. 788, 2015  
**PUBLISHED IN THE** Pique Newsmagazine October 8, 2020, and October 15, 2020.

**READ A FIRST TIME** this \_\_\_\_\_ day of, \_\_\_\_\_ 2020.

**READ A SECOND TIME** this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

**READ A THIRD TIME** this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

**RECONSIDERED AND FINALLY ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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

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

First, Second, Third Readings

# APPENDIX B



## Guidance for Open Meetings, Electronic Meetings and Timing Requirements for Bylaw Passage under Ministerial Order 192

### Introduction

This document provides guidance to local governments on open meetings, electronic meetings and the timing requirements for bylaw passage as outlined in Ministerial Order 192 (replaces M139).

[http://www.bclaws.ca/civix/document/id/mo/mo/2020\\_m192](http://www.bclaws.ca/civix/document/id/mo/mo/2020_m192)

Order 192 repeals and replaces M139, moves local governments towards normal operations as they move through the restart process. The guidance below provides practical advice to local governments while operating under Order M192 and measures that support recommendations of the Provincial Public Health Officer (PHO) and the principles of local government openness, accountability, accessibility and transparency.

This document focuses on the primary changes set out in Order M192. However, all other previous provisions under M139 such as conducting public hearings electronically, allowing for Council, Boards and the Islands Trust Body to meet electronically and deferring improvement district annual general meetings, remain in effect under Order M192. Other rules such as those provided for in legislation or local government procedure bylaws such as: notice requirements; voting rules; and, minutes also continue to apply.

Order M192 continues to provide local governments flexibility in their meeting procedures while moving towards increased public presence at local government meetings where appropriate, for both “in person” and electronic meetings. Order M192 also transitions local governments to more standard rules in relation to bylaw adoption, limiting the previous Order’s broad authority to read and adopt a bylaw on the same day it has been given to third reading to now only apply to the types of bylaws specified in Order M192.

### Guidance for Ministerial Order 192

As local governments transition back towards more normal operations as part of [BC’s Restart Plan](#) -- including holding meetings with the public in attendance -- new or amended policies and procedures are needed to support elected officials, local government staff and the public.

### Open Meetings

Order M192 requires local governments to undertake “best efforts” to meet the legislative requirements for open meetings so the public can continue to participate and understand local government decision-making in a way that is meaningful for them.

Local governments that are unable to meet the PHO recommendations and requirements and hold open meetings where the public can attend in person are now required to adopt a resolution to provide a



rationale for the continued need to meet without the public present. They must also describe what local measures are being taken to meet the principles of openness, transparency and accessibility. The resolution may be in reference to a specific meeting or, if the same circumstances apply, more than one meeting.

Best efforts from local governments include:

- Provide information to the local government staff, elected officials and the public on how the local government is meeting the PHO requirements and recommendations at open meetings:
  - how many members of the public can safely be accommodated at the meeting location while meeting physical distancing guidelines;
  - whether another meeting location has been considered to provide better space for public attendance (and what, if any, are the limitations of that space); and,
  - how public attendance at meetings will be managed if there is limited space; (e.g. restricting numbers of attendees; ensuring no crowds at entranceways).
- Offer alternative means by which the public can provide input on agenda topics before or during a meeting to increase accessibility (e.g. via email, online submission form, phone or written letter);
- If in-person presence will not be physically possible in the meeting room, consider technology for enabling the public to be present by electronic means (e.g. livestream proceedings in a space made available in other facilities where people can watch and hear the open meeting);
- Adjust the agenda and meeting schedules so that matters that are likely to be controversial or attract high public interest are the subject of a separate meeting held in a larger facility;
- Provide draft agendas, minutes and archived video of meetings (if available) to the public to facilitate public understanding of local government decision making; and,
- Document and be able to provide information to the public about what efforts have been made and considered if the local government needs to continue to meet without the public physically present.

For more information on legislative open meeting requirements please see:

<https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/councils-boards/meetings/rules>

### **Electronic Meetings**

Order M192 requires that local governments undertake best efforts to provide facilities that enable the public to hear, or watch and hear, meetings if the meeting is held electronically or council members are attending by means of electronic communication.

If after best efforts, local governments are unable to provide the facilities where the public can hear, or watch and hear a meeting held electronically, they must provide, by resolution, the reasons for not providing facilities that allow the public to hear, or watch and hear, the meeting. The resolution must also describe the means by which they are ensuring openness, transparency, accessibility and accountability in respect of the meeting. The resolution may be in reference to a specific meeting or, if the same circumstances apply, more than one meeting.

Best efforts from local governments include:

- Electronic meetings should attempt to resemble the in-person public meeting as much as possible, adhering to rules of procedural fairness. This means making best efforts to follow existing procedures and to allow members of the public to be heard;
- Explore alternative facilities that provide the means for the public to hear, or watch and hear, the electronic meeting (e.g. a larger venue or a venue that provides technology for the public to hear, or watch and hear the meeting);
- Explore available technology that will enable the public to hear, or watch and hear, the meeting (e.g. livestream, record and provide an archived copy on the local government website, or provide a telephone at the facility for the public to hear the meeting); and,
- Anticipate technology issues and consider allowing additional time on the agenda to resolve technical issues, including the possible lag when live-streaming.

For more information on electronic meetings please see:

<https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/councils-boards/meetings/electronic>

### **Timing Requirements for Bylaw Passage**

Order M192 repeals the authority for the expedited passage of bylaws under M139 which authorized bylaw adoption in the same day as third reading for regional districts and the Islands Trust and narrows the eligibility for the expedited single-day bylaw adoption of certain financial bylaws by municipalities. This recognizes that the number and scope of very time-sensitive emergency-focused decisions needed diminish as local governments move into transition and restart, while providing targeted flexibility for certain municipal financial bylaws.

Allowing for at least a single day between third reading and adoption creates an opportunity for both reflective critical thought and other necessary actions, such as conditions, approvals, and further public input. Providing this time contributes to the principles of good governance, fairness and public process. However, it is critical that that the Province continue to provide municipalities with the tools to quickly and effectively manage their cash flow issues. Many municipal financial bylaws also often have an annual requirement, meaning that they must occur within a specific timeframe, and if not adopted when necessary, could carry significant financial risk for a community.

The following bylaws regarded as important to the financial health and operation of have been authorized for expediated process where adoption can occur on the same day as third reading. These bylaws do not require approval, electoral consent or electoral assent. Bylaw making powers under the *Community Charter*, include:

- Financial Plan (s.165);
- Revenue Anticipation Borrowing (s.177);
- Municipal Fees (s.194);
- Annual Property Tax Bylaw (s.197);
- Parcel Tax Bylaw (s.200);
- Parcel Tax Roll for the Purpose of Imposing Tax (s.202);

- General Authority for Permissive exemptions (s.224);
- Revitalization Tax Exemptions (s.226); and,
- Alternative Municipal Tax Collection Scheme (s. 235).

Bylaw making powers *under the Local Government Act*:

- Tax sales, as referred to in Divisions 4 [Annual Tax Sales] and 5 [Tax Sale Redemption Periods] of the Local Government Finance (COVID-19) Order made by MO 159/2020, or otherwise under Division 7 [Annual Municipal Tax Sale] of Part 16 [Municipal Provisions] of the *Local Government Act*.

The authority for expedited bylaw passage timing is not provided to regional districts as they have the existing authority under LGA s.228 to pass certain bylaws on the same day if there are 2/3 votes cast. It is also not provided to the Islands Trust as it is primarily a land use planning body and have limited involvement in emergency services and therefore are less likely to need the streamlined bylaw passage moving forward.

For more information on the bylaw adoption process please see:

<https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/bylaws/bylaw-adoption-process>

## **Further Guidance on Best Practices and Operational Considerations for Local Government Open Meetings**

Order M192 requires that local governments make best efforts to hold open meetings with the public in attendance. The guidelines below are to help reduce the risk of person-to-person transmission of COVID-19 during open meetings and to assist local governments to create policies and procedures that follow the PHO requirements and recommendations and support the principles of local government openness, transparency and accessibility.

### **Training for Elected Officials and Local Government Staff**

- Establish safe meeting policies and procedures based on the recommendations of the PHO;
- Identify areas of risk for holding open meetings and develop policies and procedures to address risks using the [WorkSafeBC COVID-19 Safety Plan template](#);
- Provide training for elected officials and local government staff including review of amended policies and procedures for open meetings, available technologies, changes to occupancy limits, meeting room flow/setup and how tasks are completed;
- Keep a record of who has completed and attended training and provide a way for elected officials, staff and the public to bring forward health and safety concerns for open meetings;
- Have a plan in place that considers what to do if someone falls ill at an open meeting or starts to feel unwell; and,
- Revisit open meeting procedures and policies every few weeks to ensure best efforts are continuing to be met and to review questions/concerns from the public.

### **Public Notice**

- Provide public notice that meetings of council or board are now open to the public;
- Create a robust communication plan so members of the public understand how to continue to be involved with their local government;
- Include a contact (e.g., corporate officer) in the public notice for the public to contact if they wish to attend remotely, call-in or provide comment on agenda items (*this will depend on technological capabilities of each local government*);
- Include information on the local government website, public notice posting place, social media and other community notice boards that outline the health and safety measures in place for open meetings (e.g., physical distancing; limit on number of people; attendance only if well);
- Include where draft meeting minutes and archived recordings of meetings (if available) may be found on the local government website;
- Include information on how the public can hear, or watch and hear the meeting either online or if another facility is provided for this purpose;
- Provide an e-mail subscription service where the public can sign up to receive notice of upcoming meetings, agendas and minutes or a newsletter with links to these items on the local government website;
- Provide regular updates to the public on changes that are made to procedures and policies for council or board meetings; and,
- If the community newspaper has shut down, notice may be given by alternative means per s.94(4) of the *Community Charter*.

### **Meeting Location**

- Post signage, including occupancy limits and effective hygiene practices at the main entrance to the building and meeting room. Signage should also be posted indicating who is restricted from entering the premises (including visitors and staff with symptoms of COVID-19 or those who feel unwell);
- PHO has developed guidance for the retail food and grocery store sector that requires at least five square metres of unencumbered floor space per person;
- Have a greeter at the front entrance to explain safety procedures;
- Create separate entrance and exit doors and one-way walkways in the meeting space;
- Implement cleaning and sanitizing protocols for the meeting space before, during and after the meeting (e.g., multiple speakers using the same podium) particularly for high touch surfaces;
- Consider leaving doors open so there is no need to touch doors handles;
- Arrange the space in such a way as to meet physical distancing requirements for council or board members, local government staff and the public (e.g., members of the public moving in the space before, during and after the meeting and location of chairs and aisles);

- Post directional signage at the entrance to the meeting room (e.g., that the public may not move chairs or other furniture and no food or drink except closed mugs/water bottles);
- Created designated seating areas for the public and any delegations; and,
- Consider alternative venues if the space can't accommodate the public at all due to physical distancing requirements and if it won't pose challenges for the technology being used. Local governments may by bylaw or resolution provide that meetings be held outside of the municipal boundaries (s.134.1 *Community Charter* and s.224 *Local Government Act*) Typically, this provision is in the local government procedure bylaw.

### **Elected Officials Attendance at Meeting Location**

- If some members of council or board choose to attend by means of electronic communication, ensure that if quorum is lost there is a procedure in place to either suspend proceedings until quorum is achieved or cancel or postpone the meeting;
- Ensure council or board members can hear those members attending by electronic means;
- Amend the procedure bylaw to allow for electronic special meetings and electronic participation at regular meetings by some members (if this is not already provided for);
- In the procedure bylaw, develop guidelines to assist with electronic meeting process including how the presiding member will take a vote on a motion or bylaw adoption; and,
- Outline the process for how members attending electronically can participate in the debate.

### **Local Government Staff at Meeting Location**

- Provide an option for local government staff presenting on agenda topics to present remotely or call-in to the meeting; and,
- Ensure physical distancing is in place for local government staff at the meeting.

### **Public Attendance at Meeting Location**

- Provide space for the public to physically attend the meeting, but also encourage members of the public to attend remotely if this option is available;
- Create a local government webpage with a picture of the public gallery showing the meeting space, how physical distancing requirements are being met and outline cleaning and sanitizing protocols;
- Provide information on how many members of the public can reasonably be accommodated in the meeting space, while meeting physical distancing requirements;
- Outline how in-person attendance at meetings will be managed at the start, during and after the meeting;
- Provide access to hand sanitizer before members of the public enter the building or meeting room and post signage indicating those who are unwell must stay home;

- Have a staff member act as a greeter to explain the new protocols in place as the public enters the building (e.g. how to fill the public seating area – left to right or what to do if they must leave during the meeting or attend the washroom);
- Provide a designated seating area for delegations to limit how far they have to move through the space to present to council or board; and,
- Clearly mark how the public may enter and exit the space.

### **Agendas**

- Provide agendas early if possible and make them available online and at the public notice posting place for the public to review what is coming up (this may help the public make an informed decision as to whether they wish to attend the meeting);
- At the top of the agenda or in some other way clearly state how the public may provide comment on agenda items both at the meeting and via email, online submission form, phone or written letter prior to the meeting and how these will be addressed at the meeting;
- Consider bunching agenda topics that may be of greater public interest at the beginning so a break can be provided afterwards if people wish to leave the meeting or consider controversial topics at different meetings;
- Provide opportunities for the public to leave at different points during the meeting;
- Move the consent agenda to the end of the meeting;
- Provide opportunities in the agenda to allow people to leave the meeting room safely; this may assist in not having everyone leave at the same time;
- If possible, postpone controversial agenda topics or consider using other engagement tools so the public can provide input outside of a meeting; and,
- Provide information to the public on how comments received via other mechanisms (email; letter; public engagement tool) will be presented at a council or board meeting or incorporated into the agenda.

### **Provide Opportunities for the Public to Watch and Hear Electronically (if technology is available)**

- Provide easy to understand information on the local government website, public notice posting place and in other community spaces for the public to understand how they can attend electronically (if available) including:
  - how to call in and listen if this option is available;
  - where to view a livestream or archived version of the meeting; and,
  - how to ask questions during question period if this is an option;
- Make archived versions of recorded meetings and meeting minutes available to the public as soon as possible after the meeting; and,

- Ensure the chair advises participants that the meeting is being recorded and include a statement to this effect in the agenda.

### **Opportunities for the Public to Provide Input on Meeting Topics**

- Actively promote others means for the public to participate in council or board meetings;
- Ensure the process for the public to submit comments on agenda topics is well understood and there are several options available to support accessibility (e.g., by email, letter, phone, drop-box);
- If only limited seating is available for the public and there is a public question period, consider how questions from those in attendance and those attending electronically (if available) will be managed;
- Explore options for expanded on-line or in-person public engagement opportunities for specific projects and issues (particularly those that may be potentially controversial); and,
- Consider ways in which questions not answered at the meeting may be made public.

### **Delegations at Open Meetings**

- Outline a clear method for delegations to participate in the meeting on the local government website;
- Continue to accept in-person delegations if physical distancing requirements can be met and the item is on the agenda;
- Provide alternative methods for delegations to present (e.g., written; electronic; drop-box; pre-recorded video or real-time presentation);
- Provide a reserved spot for a delegation to sit if they are presenting at the meeting location; and,
- Schedule delegations at the beginning of the meeting or stagger them so there are fewer people at the meeting location.

### **Minutes**

- Post draft minutes of open meetings on the local government website and at the public notice posting place or other designated places after the meeting; and,
- If council or board members or local government staff attend electronically, reflect disconnections and connections in the meeting minutes.

### **Technical Difficulties**

- Create a plan for when technical difficulties arise, including the process if a technical failure does not allow for the meeting to continue;
- Do a trial run with volunteers if using new technology or in a new location;
- Have a staff member on standby who is the contact for participants with technical issues;

- Ensure accessibility considerations have been made for people with hearing or visual impairments;
- Solidify roles and responsibilities should there be technology issues or a technology failure;
- Practice organizing and incorporating public comments into the meeting;
- Provide etiquette guidelines for those attending online or by phone (e.g., muting themselves unless speaking, stating full name, behavior expectations or they may be dropped from the meeting);
- If the public is able to participate in a live streamed meeting, consider what controls the moderator has and consider a chat option where questions can be asked; and,
- Consider privacy and security of the platform being used.

## Background

### Open Meetings

The *Community Charter* (CC), Division 3 – Open Meetings s.89 and *Local Government Act* (LGA) s.226(1)(a) provide that council and regional district board meetings must be open to the public unless the subject matter relates to one of the items listed in the closed meetings section of the legislation.

Under legislation all meetings of local government elected (councils and boards) and appointed bodies (such as committees, commissions and other subsidiary bodies) must be open to the public. Discussion and decisions must occur in properly called meetings, where the public can review the agenda and listen to the debate to understand how and why a council or board is making decisions. The requirement for open meetings is broad, in keeping with the principles of openness, transparency and accountability.

The previous Orders under the *Emergency Program Act* recognized the need for local governments to make necessary decisions and provided an override to existing open meeting rules and waived the requirement for councils (including the City of Vancouver), regional district boards and the Islands Trust to hold meetings in a venue that is open to the public.

### Electronic Meetings

Section 128 of the CC and s.226 of the LGA provide that local governments may hold special meetings electronically and allow council or board members to attend regular meetings by means of electronic communication if it is authorized in their procedure bylaw. The legislation provides that except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the meeting at the meeting location.

The previous Orders under the *Emergency Program Act* recognized the need for local governments to continue to be able to hold meetings while following physical distancing guidelines and provided an override to existing rules and procedure bylaws and allowed councils (including the City of Vancouver), regional district boards and the Islands Trust to hold all or part of any meeting electronically. It also waived the requirement to provide facilities that enable to public to hear, or watch and hear, the meeting.



## Timing Requirements for Bylaw Passage

Section 135(3) of the CC requires municipal councils to leave one day between third reading of a bylaw and final adoption. Section 228 of the LGA provides that regional districts may adopt a bylaw in the same meeting if the bylaw receives at least 2/3 votes cast and it does not require approval, consent, or assent under any Act. Bylaws for the Islands Trust are subject to section 11 of the Islands Trust Regulation [application of CC and LGA] where trust bodies are subject to the bylaw timing requirements under the *Community Charter* and *Local Government Act*.

The previous Orders under the Emergency Program Act provided authority for municipalities, regional districts, and the Islands Trust to adopt bylaws on the same day as third reading with some limitations. It relaxed the requirements under s.135(3) of the CC and allowed municipalities to pass bylaws on the same day as third reading. It further relaxed the requirement for regional district bylaws by allowing for same day adoption if the motion for adoption received the majority of the votes cast (rather than 2/3 votes cast), provided that the bylaw did not require approval, consent, or assent under an Act before adoptions.

## Additional Resources:

BC Centre for Disease Control

- [Event Planning](#)
- [General COVID-19 Information](#)

### WorkSafeBC

- [Municipalities and COVID-19 safety](#)
- [WorkSafeBC Safety Plan Template](#)
- [WorkSafeBC Signs and Templates](#)
- [General Guide to Reducing Risk https://www.worksafebc.com/en/about-us/covid-19-updates/covid-19-returning-safe-operation](https://www.worksafebc.com/en/about-us/covid-19-updates/covid-19-returning-safe-operation)

### BC Municipal Safety Association

- [Pandemic Exposure Control COVID-19](#)

### Government of Canada

- [Risk assessment for mass gatherings](#)

### World Health Organization

- [Planning recommendations for mass gatherings](#)
- [Getting workplace ready for COVID-19](#)

## [Ombudsperson's Guide to Open Meetings](#)

## [AMTCO Electronic Council Meeting Resources](#)

### Electronic Participation Procedure:

[https://amcto.com/Resources-Publications/Resources/Electronic-Council-Meetings/Electronic\\_Meeting\\_Procedure\\_2020.aspx](https://amcto.com/Resources-Publications/Resources/Electronic-Council-Meetings/Electronic_Meeting_Procedure_2020.aspx)

**Procedure for Electronic Participation in City Council Meetings:**

[https://amcto.com/Resources-Publications/Resources/Electronic-Council-Meetings/Procedures for City Council Participation in Elect.aspx](https://amcto.com/Resources-Publications/Resources/Electronic-Council-Meetings/Procedures_for_City_Council_Participation_in_Elect.aspx)

# VILLAGE OF PEMBERTON COUNCIL PROCEDURE BYLAW NO. 788, 2015

**Fourth & Final Readings  
July 7, 2015**



**OFFICE CONSOLIDATION: March 31, 2020**

This document is an office consolidation of the Village of Pemberton Council Procedure Bylaw No. 788, 2015 (adopted July 7, 2015) and subsequent amendments adopted by Village Council as noted below:

<b>Bylaw No</b>	<b>Section Amendment</b>	<b>Council Meeting</b>	<b>Date</b>
Village of Pemberton Council Amendment (Section 31) Bylaw No. 864, 2019	Section 31 – Reconsideration by Council Member	Regular Council Meeting No. 1494	June 11, 2019
Council Procedure Amendment (Electronic Participation) Bylaw No. 875, 2020	Section 10 – addition of sub-clause (h)	Special Council Meeting No. 1511	March 31, 2020

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application that original bylaw should be consulted.

The Village of Pemberton will, in no event, be liable or responsible for damages of any kind arising out of the use of this consolidation.

This is not the official version of the Village of Pemberton Council Procedure Bylaw No. 788, 2015, nor is it admissible in a court of law. For such purposes, official certified copies can be obtained from the Village Office or by contacting us at: [admin@pemberton.ca](mailto:admin@pemberton.ca).

## Village of Pemberton

### BYLAW No. 788, 2015

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A bylaw to repeal and replace the Village of Pemberton Council Procedure Bylaw No. 656, 2011 and its amendments, Bylaw No. 687, 2012 and Bylaw No. 737, 2013.

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**WHEREAS** the Council of the Village of Pemberton must by bylaw regulate Council meetings and their conduct, and must by bylaw provide for the procedure that is to be followed in passing bylaws, pursuant to Section 124 (1) of the *Community Charter*.

**THEREFORE BE IT RESOLVED** that the Municipal Council of the Village of Pemberton enacts a Procedure Bylaw as follows:

#### TABLE OF CONTENTS

##### **PART 1 - INTRODUCTION**

1. Title
2. Table of Contents
3. Definitions
4. Application of Rules of Procedures

##### **PART 2 – COUNCIL MEETINGS**

5. Inaugural Meeting
6. Dates, Times and Locations of Meetings
7. Notice of Regular Council Meetings
8. Notice of Special Meetings
9. Confidential Matters
10. Electronic Participation at Meetings (Amended 2020)

##### **PART 3 – DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR**

11. Appointment of Acting Mayor

##### **PART 4 – COUNCIL PROCEEDINGS**

12. Attendance of Public at Meetings
13. Minutes of Meetings to Be Maintained and Available to Public
14. Release of In Camera (Closed) Meeting Items
15. Calling Meeting to Order
16. Adjourning Meeting Where No Quorum
17. Agenda
18. Order of Proceedings and Business
19. Late Business
20. Notice of Motion
21. Petitions and Correspondence

22. Voting at Meetings
23. Delegations
24. Points of Order
25. Conduct and Debate
26. Motions Generally
27. Motions to Commit
28. Motion for the Main Question
29. Amendments Generally
30. Reconsideration by Mayor
31. Reconsideration by Council Member (Amended 2019)
32. Adjournment

#### **PART 5 - BYLAWS**

33. Copies of Proposed Bylaws to Council Members
34. Form of Bylaws
35. Reading and Adopting Bylaws
36. Bylaws Must Be Signed

#### **PART 6 - RESOLUTIONS**

37. Copies of Resolutions to Council Members

#### **PART 7 – COMMITTEE OF THE WHOLE**

38. Notice for COTW
39. Minutes of COTW to Be Maintained and Available to the Public
40. Presiding Members of COTW Meetings and Quorum
41. Points of Order at Meetings
42. Conduct of Debate
43. Voting at Meetings
44. Adjournment

#### **PART 8 - COMMITTEES**

45. Duties of Standing Committees
46. Duties of Select Committees
47. Ratification of Committee Resolutions by Council
48. Notice of Committee Meetings
49. Minutes of Committee Meetings to Be Maintained and Available to Public
50. Quorum
51. Conduct and Debate
52. Voting at Meetings

#### **PART 9 - COMMISSIONS**

53. Commission Meeting Conduct

#### **PART 10 - GENERAL**

54. Validity of the Bylaw
55. Repeal

## PART 1 – INTRODUCTION

### 1. Title

This Bylaw may be cited as the “**COUNCIL PROCEDURE BYLAW NO. 788, 2015**”.

### 2. Table of Contents

The table of contents is for convenience of reference only, and is not for use in interpreting or enforcing this Bylaw.

### 3. Definitions

“**Chief Administrative Officer**” means the Chief Administrative Officer for the Village;

“**Chair**” means the Mayor, Acting Mayor or other Member who is chairing a meeting;

“**Commission**” means a municipal commission established under s. 143 of the *Community Charter*;

“**Committee**” means a standing, select, or other committee of Council established under s. 141 and 142 of the *Community Charter*;

“**Committee of the Whole**” means a committee comprised of all Council Members of the Village of Pemberton to consider and recommend to Council on matters of the Village’s business. The Committee sits in a deliberative rather than a legislative capacity, for informal debate and preliminary consideration of matters awaiting action;

“**Corporate Officer**” means the municipal officer assigned responsibility under section 148 [*corporate officer*];

“**Council**” means the council of the Village of Pemberton;

“**Councillor**” means a member of a council other than the mayor;

“**Council Chambers**” means the premises located at 1350 Aster Street, Pemberton, B.C. or the Village Office, 7400 Prospect Street;

“**Delegation**” means an individual or group who wishes to bring information to Council or committee or other advisory body on a topic specified on a Request to Appear as a Delegation Form;

“**Inaugural Meeting**” means the first meeting of the newly elected Council at which the members elected at the most recent general local election are sworn in or are meeting for the first time after the swearing in ceremony;

**“In Camera”** means a meeting of the Village of Pemberton Council, committees or commissions which is closed to the public pursuant to the provisions of s. 90 of the *Community Charter*;

**“Mayor”** means the Mayor of the Village of Pemberton;

**“Public Notice Posting Places”** means the notice board at the Village Office at 7400 Prospect Street, the Post Office at 7431 Prospect Street and on the Village Web Site;

**“Special Council Meeting”** means a meeting of the Council other than a Regular or Inaugural Meeting.

**“Swearing In Ceremony”** means the event at which the newly elected members of Council take the oath of office. This could take place at the Inaugural Meeting or at a different time and place prior to the Inaugural meeting of Council.

**“Village”** means the Village of Pemberton;

**“Village Office”** means the premises located at 7400 Prospect Street, Pemberton, B.C.;

**“Village Web Site”** means the information resource found at an internet address provided by the Village.

#### **4. Application of Rules of Procedure**

- a) The provisions of this Bylaw govern the proceedings of Council, and all standing, select committees and commissions of Council, as applicable.
- b) In cases not provided for under this Bylaw, the then most current edition of Robert's Rules of Order applies to the proceedings of Council, committees and commissions to the extent that those Rules are:
  - i) applicable in the circumstances, and
  - ii) consistent with provisions of this Bylaw or the *Community Charter*.

### **PART 2 – COUNCIL MEETINGS**

#### **5. Inaugural Meeting**

- a) Following a general local election the first Council meeting must be held on the first Tuesday of November.

- b) If a quorum of council members elected at the general local election has not taken office by the date of the meeting referred to in section 4 (a), the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

## **6. Dates, Times and Locations of Meetings**

- a) All Council meetings must take place at the Council Chambers within the Village except when Council resolves to hold meetings elsewhere.
- b) Regular Council meetings must:
  - i) be held on Tuesdays the dates and times shall be established by Council resolution before December 15th of each year for the subsequent year;
  - ii) be adjourned no later than three (3) hours after being called to order unless Council resolves to proceed beyond that time in accordance with section 31;
  - iii) notwithstanding clause (b) (i) above, there shall not be a meeting during the month of August unless Council otherwise resolves.
- c) Regular Council meetings may:
  - i) be cancelled or postponed to a different day, time and place by Council by resolution, provided that two consecutive meetings are not cancelled; and
  - ii) be postponed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least two (2) days' written notice.
- d) In Camera (Closed) Council meetings may:
  - i) be held on the same day as the Regular Council Meeting as established in section 6 (b) (i).
- e) Special Meetings, being a meeting other than a statutory, regular or adjourned meeting, may:
  - i) be called by Council at a Regular meeting of Council;
  - ii) be called by the Mayor at his or her discretion at any time;



- iii) be requested by two or more Council Members, in writing to the Mayor, Chief Administrative Officer and Corporate Officer. If the Mayor or Acting Mayor is absent or unable to act, or for any reason neither have arranged within twenty-four (24) hours after receiving a request under this section then two (2) or more members of Council may themselves call for a Special Meeting to be held within the next seven (7) days.

## **7. Notice of Regular Council Meetings**

- a) In accordance with section 127 of the *Community Charter*, Council must prepare annually on or before January 1 each year, a schedule of the dates, times and places of Regular Council meetings and must make the schedule available to the public by posting it at the Public Notice Posting Places.
- b) In accordance with section 127 of the *Community Charter*, Council must give notice annually on or before January 1 of the time and duration that the schedule of Regular Council meetings will be available beginning on that date in accordance with section 94 of the *Community Charter*.
- c) If revisions are necessary to the annual schedule of the Regular Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places and publish in the newspaper to indicate any revisions to the date, time, duration and place of, or cancellation of, a Regular Council Meeting.

## **8. Notice of Special Meetings**

- a) Except where notice of a special meeting is waived by unanimous vote of all council members under section 127(4) of the *Community Charter*, a notice of the date, hour, and place of a Special Council meeting must be given at least twenty-four (24) hours before the time of meeting, by:
  - i) posting a copy of the notice at the Public Notice Posting Places, and
  - ii) providing the notice and the agenda electronically by email as well as providing a copy of both for each Council member in the Council member's mailbox at the Village Office as requested.
- b) The notice under section 7 (a) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.
- c) Notice of any Meeting called under Section 5 (e) (ii) will be signed by the Members calling the Meeting, or by the Corporate Officer in place of the Mayor.

## 9. Confidential Matters

- a) As stated in the *Community Charter*, matters deemed to be of a confidential nature in accordance with the provisions of section 90 may be considered in a meeting closed to the public (In Camera).

## 10. Electronic Participation at Meetings

- a) Provided that all of the conditions set out in section 128 (2) of the *Community Charter* are met, and subject to section 9 (b), a member of council or of a council committee or commission, other than the presiding member, who is unable to attend at any council, committee, commission or special meeting, as applicable, may participate in the meeting by means of electronic or other communications facilities.
- b) As a limit on section 9 (a), no more than two (2) members of Council, committee or commission may participate at any one meeting by way of electronic or other communications facilities.
- c) In instances where the Mayor will participate in a meeting electronically, the Council member designated to act in place of the Mayor shall preside.
- d) In absence of the Mayor and the Council member designated to act in the place of the Mayor the member present shall elect from among themselves a presiding member for that meeting;
- e) Where a meetings is held under this section the facilities must enable the public to hear, or see and hear, the participation of the member or members participating electronically unless the meeting is closed pursuant to section 90 of the *Community Charter*;
- f) Members of Council who are participating in a meeting under this section are deemed to be present at the meeting;
- g) Council members may not attend by electronic means more than a maximum of four (4) meetings as identified in this section per calendar year.
- h) Despite (b) and (c) above, in the event of a health, environmental or safety emergency, where it is not possible to have a quorum or the Mayor or Acting Mayor physically present for a meeting, all or any portion of the members may participate in a Council, committee, commission or special meeting by means of electronic or other communication facilities, so long as they comply with the remaining requirements of this Section. **(Amendment Bylaw No. 875, 2020, Special Council Meeting No. 1511, March 31, 2020)**

## **PART 3 - DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR**

### **11. Appointment of Acting Mayor**

- a) Annually by December, Council must from amongst its members designate Councillors to serve on a rotating basis as the member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant for the subsequent year.
- b) Each Councillor designated under section 10 (a) must fulfill the responsibilities of the Mayor in his or her absence.
- c) If both the Mayor and the member designated under section 10 (a) are absent from the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting pursuant to section 14 (b).
- d) The member designated under section 10 (a) or chosen under section 10 (c) has the same powers and duties as the Mayor in relation to the applicable matter.

## **PART 4 – COUNCIL MEETING PROCEEDINGS**

### **12. Attendance of Public at Meetings**

- a) Except where the provisions of section 90 of the *Community Charter [meetings that may or must be closed to the public]* apply, all Council meetings must be open to the public.
- b) Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter [requirements before Council meeting is closed]*.
- c) This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:
  - i) Committee of the Whole
  - ii) Standing and Select Committees,
  - iii) Parcel Tax Review Panel,
  - iv) Board of Variance,
  - v) Advisory bodies as established by Council.
- d) Despite section 11(a), the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under

section 10 may expel or exclude from a Council meeting a person in accordance with section 24 (h).

### **13. Minutes of Meetings to Be Maintained and Available to Public**

- a) Minutes of the proceedings of Council and its Committees and Commissions must be:
  - i) legibly recorded,
  - ii) certified as correct by the Corporate Officer or designate, and
  - iii) signed by the Mayor or other member presiding after adoption of the minutes.
- b) Minutes of the proceedings of Council and its committees and commissions shall record:
  - i) The place, date and time of meeting;
  - ii) The names of the Presiding Member or members and record of the attendance of members;
  - iii) Motions of the meeting without note or comment.
- c) With exception to the Mayor and Councillor reports only the motions and actions of Council (action minutes) will be recorded.
- d) Subject to section 12 (e), and in accordance with section 97(1) (b) of the *Community Charter*, minutes of the proceedings of Council must be open for public inspection at the Village Office during its regular office hours.
- e) Section 12 (d) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under section 90 of the *Community Charter*.

### **14. Release of In Camera (Closed) Meeting Items**

- a) At the first Regular Meeting of Council after a Closed Meeting, the Mayor shall announce the decisions made in the Closed Meeting that Council has determined by resolution are no longer confidential matters, and that this include which Councillors declared conflict in a closed matter when brought forward to the public.
- b) Biannually, the Corporate Officer shall bring to the attention of the Council those items that were dealt with in a Closed Meeting and have not been released for public information, and Council shall then determine by resolution which items are no longer confidential

matters and announce the decisions at the next Regular Meeting of Council.

### **15. Calling Meeting to Order**

- a) As soon after the time specified for a Council meeting as there is a quorum present, the Mayor, if present, must take the Chair and call the Council meeting to order, however, where the Mayor is absent, the Councillor designated as the member responsible for acting in the place of the Mayor in accordance with section 10 must take the Chair and call such meeting to order.
- b) If a quorum of Council is present but the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under section 10 do not attend within twenty (20) minutes of the scheduled time for a Council meeting:
  - i) the Corporate Officer must call to order the members present, and
  - ii) the members present must choose a member to preside at the meeting.

### **16. Adjourning Meeting Where No Quorum**

- a) If there is no quorum of Council present within twenty (20) minutes of the scheduled time for a Council meeting, the Corporate Officer or designate must:
  - i) record the names of the members present, and those absent, and
  - ii) adjourn the meeting until the next scheduled meeting.

### **17. Agenda**

- a) Prior to each Regular Council meeting, the Corporate Officer must prepare an Agenda setting out all the items for consideration at that meeting.
- b) The Corporate Officer must make the agenda available to the members of Council on the Friday afternoon prior to the meeting.
- c) The Corporate Officer must make the agenda available to the members of the public no later than the Friday afternoon prior to the meeting.
- d) Council must not consider any matters not listed on the Agenda unless a new matter for consideration is properly introduced and approved as a late item of business pursuant to section 18.

- e) Materials relating to late items of business presented at a Regular Council meeting shall be distributed to the Corporate Officer, Chief Administrative Officer, Recording Secretary and all senior staff in attendance.

## **18. Order of Proceedings and Business**

- a) The agenda for all regular Council meetings contains the following matters in the order in which they are listed below:
  - i) Call to Order
  - ii) Approval of Agenda
  - iii) Rise with Report from In Camera (Closed) [*If applicable*]
  - iv) Adoption of Minutes
  - v) Business Arising from the Minutes
    - (1) Regular Meeting
    - (2) Committee of the Whole
  - vi) Committee Minutes – for Information
  - vii) Delegations – requests to address Council
  - viii) Reports
    - (1) Staff
    - (2) Mayor
    - (3) Councillor
  - ix) Bylaws
    - (1) First and second Reading
    - (2) First, Second and Third Reading
    - (3) Third Reading
    - (4) Adoption
  - x) Correspondence
    - (1) For action
    - (2) For information
  - xi) Decision on Late Business
  - xii) Late Business
  - xiii) Notice of Motion
  - xiv) Question Period

xv) Adjournment

- b) Particular business at a Council meeting must in all cases be taken up in the order in which it is listed on the agenda unless otherwise resolved by Council.

## **19. Late Business**

- a) An item of business not included on the Agenda must not be considered at a Council meeting unless introduction of the late business is approved by Council at the time allocated on the Agenda for such matters.
- b) If the Council makes a resolution under section 18 (a) to deal with a matter at the same meeting it is introduced, information pertaining to the late business must be distributed to the members.

## **20. Notice of Motion**

- a) Any Council member may give a “Notice of Motion” respecting an item which he or she intends to present by giving a copy of such motion to the Corporate Officer during a meeting of Council.
- b) Upon the member being acknowledged by the Chair and the Notice of Motion being read to the meeting, such motion shall appear in the minutes of that meeting as a Notice of Motion and must be placed on the agenda of the next Regular Council Meeting or other future meeting designated by the member bringing forward the Notice of Motion for consideration.

## **21. Petitions and Correspondence**

- a) Petitions and correspondence, presented to Council must be legibly written or printed, signed and contain a return address and telephone number.
- b) Unsigned email correspondence will be accepted if it contains the name of the author, return mailing and civic address, and telephone number. All communication presented to Council will be subject to *Freedom of Information and Protection of Privacy Act*.
- c) Every petition or correspondence for a Council meeting must be delivered to the Corporate Officer by 12 noon on the Wednesday prior to a regular meeting.

## **22. Voting at Meetings**

- a) The following procedures apply to voting at Council meetings:

- i) when debate on a matter is closed the presiding member must put the matter to a vote of Council members;
- ii) when the Council is ready to vote, the presiding member must put the matter to a vote by stating:
  - "Those in favour raise your hands." and then "Those opposed raise your hands."
- iii) when the presiding member is putting the matter to a vote under section 21 (a) (i) and (ii) a member must not:
  - (1) leave the room;
  - (2) make a noise or other disturbance; or
  - (3) interrupt the voting procedure under section 21 (a) (ii) unless the interrupting member is raising a point of order.
- iv) after the presiding member finally puts the question to a vote under section 21 (a) (ii), a member must not speak to the question or make a motion concerning it;
- v) the presiding member's decision about whether a question has been finally put is conclusive;
- vi) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand;
- vii) Should any member refrain from voting when any question is put, the member shall be regarded as having voted in the affirmative and the members vote shall be counted accordingly;
- viii) if a vote is not unanimously in favour the presiding member must ask the opposing member if they wish their vote and name to be recorded in opposition and the recording secretary will be so instructed;
- ix) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative.

### **23. Delegations**

- a) Persons or groups of persons wishing to appear as a delegation before Council shall advise the Corporate Officer in writing by noon on the seventh (7) day prior to the date of the meeting.



- b) Requests to appear as a delegation before Council must include the name, address and telephone number of the person who wishes to speak on behalf of the delegation and the purpose of the presentation that will form part of the presentation must be provided at the time of the application.
- c) Each address must be limited to ten (10) minutes with a question period of five (5) minutes for a total of fifteen (15) minutes unless a longer period is agreed to by unanimous vote of those members present.
- d) Where written application has not been received by the Corporate Officer as prescribed in section 22 (a), an individual or delegation may address the meeting if approved by the majority vote of the members present.
- e) Council must not permit a delegation to address a meeting of the Council regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
- f) The Corporate Officer may schedule a maximum of two (2) delegations to any Council meeting. Delegations shall be placed on the agenda on a first come basis.
- g) The Corporate Officer may schedule delegations to another Council meeting, a committee or advisory body or ask staff to address the delegate's issue as deemed appropriate according to the subject matter of the delegation.
- h) The Corporate Officer may decline to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council. If the delegation wishes to appeal the Corporate Officer's decision, the information must be distributed under separate cover to Council for their consideration.
- i) Council shall not act on a request from a delegation until the next regular meeting, unless consent by two-thirds vote of Council present is given to consider the matter following the delegation presentation.
- j) A delegate may not speak on an issue that is the subject of a staff report not yet presented to a Council meeting.

## **24. Points of Order**

- a) Without limiting the presiding member's duty under section 132(1) of the *Community Charter*, the presiding member must apply the correct procedure to a motion:

- i) if the motion is contrary to the rules of procedure in this bylaw, and
  - ii) whether or not another Council member has raised a point of order in connection with the motion.
- b) When the presiding member is required to decide a point of order:
- i) the presiding member must cite the applicable rule or authority if requested by another Council member,
  - ii) another member must not question or comment on the rule or authority cited by the presiding member under section 23 (b) (i), and
  - iii) the presiding member may reserve the decision until the next Council meeting.

## **25. Conduct and Debate**

- a) A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- b) Members must address the presiding member by that person's title of Mayor, Acting Mayor or Councillor.
- c) Members must address other non-presiding members by the title Councillor.
- d) No member must interrupt a member who is speaking except to raise a point of order.
- e) If more than one member speaks the presiding member must call on the member who, in the presiding member's opinion, first spoke.
- f) Members who are called to order by the presiding member:
  - i) must immediately stop speaking,
  - ii) may explain their position on the point of order, and
  - iii) may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter*.
- g) Members speaking at a Council meeting:
  - i) must use respectful language,
  - ii) must not use offensive gestures or signs,
  - iii) must speak only in connection with the matter being debated,

- iv) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded, and
  - v) must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding member and Council in connection with the rules and points of order.
- h) If a member does not adhere to section 24 (g), the presiding member may order the member to leave the member's seat, and
- i) if the member refuses to leave, the presiding member may cause the member to be removed by a peace officer from the member's seat, and
  - ii) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- i) A member may require the question being debated at a Council meeting to be read at any time during the debate if that does not interrupt another member who is speaking.
- j) The following rules apply to limit speech on matters being considered at a Council meeting:
- i) a member may speak more than once in connection with the same question only:
    - (1) with the permission of Council, or
    - (2) if the member is explaining a material part of a previous speech without introducing a new matter;
  - ii) a member who has made a substantive motion to the Council may reply to the debate;
  - iii) a member may speak to a question, or may speak in reply, for longer than a total time of ten (10) minutes only with the permission of Council.

## **26. Motions Generally**

- a) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- b) A Council member may make only the following motions, when the Council is considering a question:
  - i) to refer to committee;
  - ii) to amend;

- iii) to lay on the table;
  - iv) to postpone indefinitely;
  - v) to postpone to a certain time;
  - vi) to move the previous question, or the question;
  - vii) to adjourn.
- c) A motion made under section 25 (b) (iii) to (vii) is not amendable or debatable.
- d) Council must vote separately on each distinct part of a question that is under consideration at a Council meeting if requested by a Council member.

### **27. Motion to Commit**

- a) Until it is decided, a motion made at a Council meeting to refer to a committee precludes an amendment of the main question.

### **28. Motion for the Main Question**

- a) In this section, "main question", in relation to a matter, means the motion that first brings the matter before the Council.
- b) At a Council meeting, the following rules apply to a motion for the main question, or for the main question as amended:
- i) if a member of Council moves to put the main question, or the main question as amended, to a vote, that motion must be dealt with before any other amendments are made to the motion on the main question; and
  - ii) if the motion for the main question, or for the main question as amended, is decided in the negative, the Council may again debate the question, or proceed to other business.

### **29. Amendments Generally**

- a) Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- b) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- c) A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.

- d) A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question.
- e) An amendment may be amended once only.
- f) An amendment that has been negated by a vote of Council cannot be proposed again.
- g) A Council member may propose an amendment to an adopted amendment.
- h) The presiding member must put the main question and its amendments in the following order for the vote of Council:
  - i) a motion to amend a motion amending the main question;
  - ii) a motion to amend the main question, or an amended motion amending the main question if the vote under section 28 (h) (i) is positive;
  - iii) the main question.

### **30. Reconsideration by Mayor**

- a) In accordance with section 131 of the *Community Charter*, the Mayor may at the same council meeting as the vote took place or at any time within thirty (30) days after the adoption or rejection of any bylaw, resolution or proceeding, return same for consideration by Council subject to the following:
  - i) it has not had the approval or assent of the electors and been adopted,
  - ii) it has not already been reconsidered by Council; and
  - iii) it has not been acted upon by any Officer, employee or Agent of the Village.
- b) In returning matters for council's reconsideration the Mayor may state the reasons or objections, which will be recorded in the minutes. Council shall as soon thereafter as convenient, consider the reasons or objections and either:
  - i) reaffirm the Bylaw, resolution or proceedings; or
  - ii) reject the bylaw, resolution or proceedings.
- c) Bylaws and resolutions that are rejected after reconsideration are deemed to be absolutely vetoed, rescinded and repealed, and are of

no force or effect whatsoever, and shall not be reintroduced for a period of six (6) months except with the unanimous consent of Council.

- d) A bylaw, resolution, or proceeding that is reaffirmed under section 131 of the *Community Charter* is as valid and has the same effect as it had before reconsideration

**31. Reconsideration by Council Member (Amendment Bylaw No. 864, 2019/Adopted June 11, 2019)**

- a) Subject to subsection d) a Council Member who voted with the majority either for or against a motion, may at the next Council Meeting introduce a motion;
  - i. to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and
  - ii. to reconsider an adopted bylaw after an interval of at least twenty-four (24) hours following its adoption.
- b) Council must not discuss the main matter referred to in subsection a) unless a motion to reconsider that matter is adopted by an affirmative vote of Council.
- c) A vote to reconsider must not be reconsidered.
- d) Council may only reconsider a matter that has not:
  - i. had the approval or assent of the electors and been adopted;
  - ii. been reconsidered under subsection (1) of section 131 of the Community Charter [Mayor may require council reconsideration of a matter]; or
  - iii. been acted on by an officer, employee or agent of the Municipality.
- e) A motion under subsection a) must be introduced in compliance with section 19 (Late Business).
- f) If a motion to reconsider is defeated, the subject matter of the resolution or proceeding may not be open for consideration by the Council within six months except by way of a new and substantially different motion.
- g) A bylaw, resolution, or proceeding that is reaffirmed under section 31 (a) is deemed as valid and has the same effect as it had before reconsideration.
- h) Bylaws or resolutions that are rejected after reconsideration under section 30 (a) are deemed to be absolutely vetoed, rescinded and repealed, and are of no force or effect whatsoever, and shall not be

reintroduced for a period of six (6) months except with the unanimous consent of Council.

### **32. Adjournment**

- a) Council may continue a council meeting after three (3) hours only by an affirmative vote.

## **PART 5 – BYLAWS**

### **33. Copies of Proposed Bylaws to Council Members**

- a) A proposed bylaw may be introduced at a Council meeting only if a copy of it has been delivered to each Council member at least twelve (12) hours before the Council meeting, or all Council members unanimously agree to waive this requirement.

### **34. Form of Bylaws**

- a) A bylaw introduced at a council meeting must:
  - i) be printed;
  - ii) have a distinguishing name;
  - iii) have a distinguishing number;
  - iv) contain an introductory state of purpose;
  - v) be divided into sections.

### **35. Reading and Adopting Bylaws**

- a) The presiding member of a Council meeting may:
  - i) have the Corporate Officer read a synopsis of each proposed bylaw, and then;
  - ii) request a motion that the proposed bylaw be read.
- b) The readings of the bylaw may be given by stating its title and object.
- c) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.

- d) Subject to section 882 of the *Local Government Act* [*OCP Adoption Procedures*], each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.
- e) In accordance with section 135 of the *Community Charter* [*Requirements for passing bylaws*], Council may give two or three readings to a proposed bylaw at the same Council meeting.
- f) Despite section 135 (3) of the *Community Charter*, and in accordance with section 890(9) of the *Local Government Act* [*Public Hearings*], Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

### **36. Bylaws Must Be Signed**

- a) After a bylaw is adopted, and signed by the Corporate Officer and the presiding member of the Council, the Corporate Officer must have it placed in the Village's records for safekeeping and endorse upon it:
  - i) the Village's Corporate Seal;
  - ii) the dates of its readings and adoption; and
  - iii) the date of Ministerial Approval or Approval of the Electorate as applicable.

## **PART 6 – RESOLUTIONS**

### **37. Copies of Resolutions to Council Members**

- a) A resolution may be introduced at a Council meeting only if a copy of it has been delivered to each Council member at least twelve (12) hours before the Council meeting, or all Council members unanimously agree to waive this requirement.

## **PART 7 – COMMITTEE OF THE WHOLE (COTW)**

### **38. Notice for COTW Meetings**

- a) A notice of the day, hour and place of a COTW meeting must be given at least twenty-four (24) hours before the time of the meeting by:
  - i) posting a copy of the notice at the Public Notice Posting Places; and



- ii) providing the notice and agenda electronically by email as well as providing a copy of both for each Council Member in the Council member's mailbox at the Village Office as requested.

### **39. Minutes of COTW Meetings to Be Maintained and Available to Public**

- a) Minutes of the proceedings of COTW must be:
  - i) legibly recorded,
  - ii) certified by the Corporate Officer,
  - iii) signed by the member presiding at the meeting, and
  - iv) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

### **40. Presiding Members at COTW Meetings and Quorum**

- a) The Mayor shall preside the COTW if present, however, where the Mayor is absent the Councillor designated as the member responsible for acting in the place of the Mayor in accordance with section 10 must take the Chair and call the meeting to order. The quorum of COTW is the majority of Council members.

### **41. Points of Order at Meetings**

- a) The presiding member must preserve order at a COTW meeting and, subject to an appeal to other members present, decide points of order that may arise.

### **42. Conduct and Debate**

- a) The rules of procedure of the Council shall be observed in the COTW, so far as may be applicable, except that:
  - i) a member may speak any number of times on the same question; and
  - ii) no member shall speak continuously for more than five (5) minutes to a question.

### **43. Voting at Meetings**

- a) Votes at a COTW meeting must be taken by a show of hands if requested by a member.
  - i) the presiding member must declare the results of voting.

#### **44. Adjournment**

- a) When all matters referred to COTW have been considered a motion to terminate and report to Council shall be adopted.

### **PART 8 -- COMMITTEES**

#### **45. Duties of Standing Committees**

- a) Standing committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:
  - i) matters that are related to the general subject indicated by the name of the committee;
  - ii) matters that are assigned by Council;
  - iii) matters that are assigned by the Mayor.
- b) Standing committees report and make recommendations to Council through their minutes.

#### **46. Duties of Select Committees**

- a) Select committees must consider, inquire into, report, and make recommendations to Council about the matters referred to the committee by the Council.
- b) Select committees report and make recommendations to Council through their minutes.

#### **47. Ratification of Committee Resolutions by Council**

- a) All resolutions adopted by a Committee must be presented to Council for ratification except for the following:
  - i) Resolutions referring items to staff;
  - ii) Resolutions deferring an item;
  - iii) Resolutions receiving a report or information; and
  - iv) Defeated resolutions.

#### **48. Notice of Committee Meetings**

- a) Notice and Agenda of committee meetings, including the times, dates and places of the meetings must be given by:
  - i) posting a notice of the meeting at the Public Notice Posting Places; and

- ii) providing a copy of the notice and agenda electronically by email to each member of the committee at least twenty-four (24) hours prior to the meeting.

#### **49. Minutes of Committee Meetings to Be Maintained and Available to Public**

- a) Minutes of the proceedings of a committee must be:
  - i) legibly recorded,
  - ii) certified by the Corporate Officer or his/her designate and the presiding member, and
  - iii) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

#### **50. Quorum**

- a) The quorum for a committee is a majority of all of its members.

#### **51. Conduct and Debate**

- a) The rules of the Council procedure must be observed during committee meetings, so far as is possible and unless as otherwise provided in this Bylaw.
- b) Council members attending a meeting of a committee, of which they are not a member, may participate in the discussion only with the permission of a majority of the committee members present.

#### **52. Voting at Meetings**

- a) Council members attending a meeting of a committee of which they are not a member must not vote on a question.
- b) The Mayor is an ex officio member of all Committees and therefore is entitled to vote on any matter before the Committee.

### **PART 9 - COMMISSIONS**

#### **53. Commission Meeting Conduct**

- a) The procedures for governing conduct of Commissions shall be set out within the Commissions establishing bylaw and shall reflect the Council Meeting Proceedings as noted in Part 4 of this Bylaw as amended from time to time.

## **PART 10 – GENERAL**

### **54. Validity of the Bylaw**

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

### **55. Repeal**

- a) Village of Pemberton Council Procedure Bylaw No. 656, 2011 and its amendments, Bylaw No. 687, 2012 and Bylaw No.737, 2013, are hereby repealed.

**NOTICE OF INTENTION TO CONSIDER** Council Procedures Bylaw No. 788, 2015 **WAS PUBLISHED IN THE** Pique Newsmagazine **on June 4th and June 11th.**

**READ A FIRST TIME** this 16<sup>th</sup> day of June, 2015

**READ A SECOND TIME** this 16<sup>th</sup> day of June, 2015

**READ A THIRD TIME** this 16<sup>th</sup> day of June, 2015

**ADOPTED** this 7<sup>th</sup> day of July, 2015

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer



## Public Notice

### Notice to Amend Council Procedure Bylaw No. 788, 2015

Questions?  
We're  
Listening.



(604) 894.6135



admin@  
pemberton.ca



www.  
pemberton.ca

In accordance with section 123 (3) of the *Community Charter* notice is hereby given that the Council of the Village of Pemberton intends to amend Council Procedure Bylaw No. 788, 2015 at the **Regular Council Meeting to be held on Tuesday, October 20th, 2020 at 9am.**

In particular, section 18 *Order of Proceedings and Business* will be amended to adjust the order of proceedings by moving consideration of Bylaw Readings forward in the agenda to follow Staff Reports. This change follows a recommendation by Ministerial Guidelines that if meetings are to be held via electronic means, items that may be of greater public interest (ie: staff reports, bylaw presentation and readings) should be considered at the beginning of the meeting.

Other amendments to the Bylaw include minor housekeeping to correct numbering inconsistencies and clarification of electronic participation for committee and commission members.

A copy of the proposed Council Procedure Amendment (Order of Proceedings) Bylaw No. 888, 2020, is available on the Village of Pemberton website.

Questions and comments can be directed to Sheena Fraser, Manager of Corporate & Legislative Services, at 604-894-6135 ext 228 or sfraser@pemberton.ca.

[www.pemberton.ca](http://www.pemberton.ca)

**Date:** October 20, 2020  
**To:** Nikki Gilmore, Chief Administrative Officer  
**From:** Sheena Fraser, Manager, Corporate & Legislative Services  
**Subject:** Business Licence Amendment (Housekeeping) Bylaw No. 890, 2020

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### **PURPOSE**

The purpose of this report is to present Business Licence Amendment (Housekeeping) Bylaw No. 890, 2020 for First, Second and Third Readings.

### **BACKGROUND**

In 2019, Business Licence Bylaw No. 855, 2019 was adopted with some minor amendments brought forward later that year.

Since that time, Staff determined there was a need to make further amendments to provide clarity with respect to the implementation of the Bylaw and make updates to align with the Zoning and Bylaw Notice Enforcement Bylaws. As a result, a more thorough review took place which has resulted in additional minor administrative changes with an aim to improve the bylaw.

The draft amending Bylaw was presented at Committee of the Whole meeting No. 207, held on Tuesday, October 6, 2020, for comment by the Committee. As a result of the Committee's review the following resolution was passed:

*Moved/Seconded*

***THAT*** the proposed Business Licence Bylaw No. 855, 2019, amendment incorporate the changes discussed including addition of licensing requirements for trailers, not removing the limit of five (5) Food Truck and Temporary Commercial Vending licences issued per year and clarifying that the Auxiliary Business Fee does not apply to Food Truck and Temporary Commercial Vending in the event that a licence holder operates in more than one location.

***CARRIED***

Staff have incorporated the comments provided by the Committee and the amendments to the bylaw are outlined below under Discussion and Comments.

### **DISCUSSION & COMMENTS**

As noted above, several changes to the Business Licence Bylaw have been made which are outlined below and are shown on the Business Licence Amendment (Housekeeping) Bylaw No. 890, 2020 attached as **Appendix A**:

## **Definitions:**

In the current Bylaw a *Food Truck* was referred to as a *Portable Food Vendor*; however, no definition existed for that use in the Bylaw nor was this a definition utilized in the Zoning Bylaw. As such, there was confusion on the part of business operators as whether a food truck was permitted. In this regard, the use of portable food vendor was removed and replaced with *Food Truck* and this was added to the definition section of the Business Licence Bylaw to align with the Zoning Bylaw.

***Food Truck*** has the same meaning as set out in the Village of Pemberton Zoning Bylaw as amended or replaced from time to time.

The definition of a *Temporary Commercial Vendor* was amended to add in the words 'mobile store' for clarity.

***Temporary Commercial Vendor*** means a Business which offers for sale from a stationary vehicle, mobile store or temporary stall that is not part of a permanent use on the lot, goods, other than food items for immediate consumption, otherwise permitted to be sold in the zone in which the vehicle or stall is located.

Finally, as part of the amendments presented in 2019 a new definition was added to describe an *Independent Contractor*. In this regard, the definition has been broadened in scope to establish that an *Independent Contractor* may be someone contracted by the Village (as opposed to just one department) and include not only recreation program services but also short-term projects or events as noted below:

***Independent Contractor*** for the purposes of this Bylaw means an individual person who is contracted by the Village to provide services to facilitate a specific recreation program or assist with a short-term project or event and works as required.

## **Part 5: APPLICATION FOR BUSINESS LICENCE**

Section 5.1 was updated slightly by changing some wording for administrative purposes. This is a housekeeping amendment and does not change the original intent of the clause.

## **Part 6: ISSUING OF A BUSINESS LICENCE**

Section 6.3 of Part 6 has been deleted and replaced with new wording to provide clarity. This is a housekeeping amendment, and the intent of the clause has not changed.

## **Part 8: TRANSFER OR CHANGE OF BUSINESS LICENCE AT THE REQUEST OF THE BUSINESS**

Part 8 is amended by changing the section title and removing the requirement of a business operator to provide notice in writing of a closure. Experience has determined that business operators rarely remember to provide written notice to the Village upon closure of a business. For the Village, it is a time-consuming process to seek a formal letter of closure notification especially if the business owner has left the community. In most instances, if by chance a former business

operator can be contacted, Staff is advised that because the business was closed or no longer operating, the business licence was simply not renewed.

Business Licences are valid from January 1 until December 31<sup>st</sup> of each year. In this regard, the Village sends an invoice in late November/early December for the following year. By removing the requirement to provide notice of closure in writing the Village will now be able mark businesses that do not renew as inactive as it is presumed that they are closed or no longer doing business within the Village (in the case of a Non-Resident Business Licence). If it is discovered that a business continues to operate and does not renew by January 31<sup>st</sup> a penalty will be applied and/or a fine levied only if they continue to operate after having been notified of the need to renew after the deadline.

This new approach will save on administrative time, reduce the hours spent following up with operators to seek a formal written notice and reduce the amount of bad debt carried over each year due to unpaid invoices.

#### **Part 9: PERIOD OF BUSINESS**

Section 9.1 has been amended to provide clarity. This is a housekeeping amendment and does not change the original intent of the clause.

#### **PART 10: BUSINESS LICENCE FEES**

Part 10 has been amended by adding a new clause (section 10.2) clarifying that refunds on business licences will not be provided if a business ceases to do business at any time during the year. This is the Village's current practice; however, it was not clearly laid out.

Section 10.3 is renumbered and amended to establish that in the event a business licence application is refused or withdrawn by the applicant, prior to a business licence being issued, a refund will be issued less an administrative fee and inspection fee if an inspection took place. This ensures cost recovery of Staff time expended to review the application and/or to facilitate an inspection.

Section 10.7 of Part 10 is new and recognizes that the Village has grown resulting in businesses possibly operating from more than one location. Under the current bylaw each business location must hold a valid business licence at the established Business Licence Fee which results in higher business licence fees than another similar business would pay. In response to the comments made by business operators doing the same business in more than one location, a new Auxiliary Business Fee of \$50 has been incorporated and will be applied to each auxiliary location doing the same type of business. This is a cost savings to the business operator and is responsive to feedback received from the business community.

At the request of the Committee of the Whole section 10.8 has been added which clarifies that the Auxiliary Business Fee does not apply to holders of Food Truck or Temporary Commercial Vending business in the event that they are located on more than one property.



## **Part 12: RENEWAL OF BUSINESS LICENCE**

Section 12.2 has been amended by removing the reference to 'penalty' and replacing it with the wording 'Late Payment Fee'. A penalty is a fine which would be levied if a business is doing business without a valid business licence permit and is addressed under the Fines section. This is a housekeeping amendment to provide clarity and does not change the intent of the clause.

### **Additional Fee for Late Payment:**

In response to business owner feedback, the Late Payment Fee has been reduced from 100% if paid after January 31<sup>st</sup> to 25%.

## **Part 13: REFUSAL, SUSPECTION OR CANCELLATION OF A BUSINESS LICENCE**

Section 13.1 is amended by incorporating the points previously noted in Part 12 above into sentence format. This is also a housekeeping amendment and the intent of the clause has not changed.

## **Part 14: STREET, PARK, MOBILE OR TEMPORARY VENDING**

This section has been deleted in whole and replaced with new and updated clauses to provide clarity and address administrative inconsistencies. In particular, this section now aligns with the Zoning Bylaw uses related to Food Trucks by removing the reference to Portable Food Vendor and using the more common term "Food Truck" and simplifies language and formatting for ease of reading.

Section 14.2 has been reformatted and new clauses added in which business licence holders must provide information as to how compliance with the Wildlife Attractants Bylaw, Sign Bylaw and Noise Regulation Bylaw will be met [s. 14.2 (c)], the requirement to comply with any conditions imposed by the provincial health authority or the Village's fire department [s.14.2 (e)] and establishes that a Food Truck/Temporary Vendor may not operate within six metres of a fire hydrant [s. 14.2 (f)].

Section 14.3 has been expanded to limit only one (1) Food Truck or one (1) Temporary Commercial Vending Licence per parcel of land. Under the current bylaw the limit applies only to Food Trucks and with the recommended limit of five (5) Licences in total this amendment has been included (see below).

Section 14.6 has been reformatted and includes the addition of s. 14.6 (b) which requires that the mobile cart, truck, vehicle, etc. must be able to be moved on their own wheels or towed by another vehicle. This will ensure a temporary stall does not become a permanent feature.

Initially Staff proposed that the limit on the number of Mobile Food Vendors (Food Truck) licences per year be removed noting that the current bylaw did not establish a limit on the number of Temporary Commercial Vending Licences that could be issued. However, as note above and in response to comments from the Committee of the Whole the limit of five (5) mobile licences remains and for clarity section 14.7 establishes that the maximum applies to both Food Trucks and Temporary Commercial Vending.

#### **Part 16: COMMUNITY EVENTS**

Section 16.1 has been amended by removing the references to commercial liability insurance policies as this is a requirement set out in both the Special Events and Open Spaces and Park Use Bylaws under which a permit for an event would be issued. As such, it is not a requirement of a business licence and has been removed. This is a housekeeping amendment.

#### **Part 17: SPECIAL EVENTS**

Section 17.7 has been amended for the same reasons as noted above in Part 16.

#### **Part 19: BUSINESS LICENCE EXEMPTIONS**

Section 19.1 (c) is amended to broaden the scope to allow for independent contractors to be hired by the Village in general and to align with the amendment to the definition of Independent Contractor as noted above.

#### **Part 20: FARMERS' MARKETS**

Section 20.1 has been amended to align with the amendments made in Part 16 and 17 as Permits are issued via the Special Events and/or Open Spaces and Park Use Bylaws.

#### **Part 24: PENALTIES**

Section 24.2 has been updated to increase the maximum fine as per section 263 of the *Community Charter* and reference the new Bylaw Notice Enforcement Bylaw which was adopted in March, 2020. This is a housekeeping amendment.

#### **Schedule A: FEES**

Schedule A has been updated to reflect the changes in Part 10 related to the Administration Fee and the Inspection Fee required to be paid in the event that a Business Licence application in process is either refused or withdrawn.

Part 10.7 shows the supported Auxiliary Business Fee of \$50.

Part 12 identifies the Late Payment Fee at 25% reducing it from 100%.

#### **COMMUNICATIONS**

As per section 59 (2) of the *Community Charter*, notice was issued in the Pique Newsmagazine on October 8, 2020 and October 15, 2020 advising that Council will be considering amendments related to business regulation. Notification was also issued via the Village's Facebook Page, eNEWS (Friday, October 16<sup>th</sup>) and posted at the Village Notice Boards located at the Village Office and Post Office. A copy of the advertisement is attached as **Appendix B**.

### **LEGAL CONSIDERATIONS**

The proposed amendments to the Business Licence Bylaw have received legal review to ensure compliance with legislation.

### **IMPACT ON BUDGET & STAFFING**

The preparation of the Business Licence Amendment Bylaw was facilitated in-house with some legal review to ensure compliance with legislation. This work was identified to be done and incorporated into the Corporate & Legislative Services work plan.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

Implementation of the changes to the fee structure will be facilitated by the Department of Finance.

Interdepartmental Approval by:	Lena Martin, Manager of Finance
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### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

Review of the Business Licence Bylaw and amendments to it has no impact on other jurisdictions.

### **ALTERNATIVE OPTIONS**

There are no alternative options for consideration at this time.

### **RECOMMENDATIONS**

**THAT** Business Licence (Housekeeping) Amendment Bylaw No. 890, 2020 be given First, Second and Third Readings.

### **ATTACHMENTS:**

**Appendix A:** Business Licence (Housekeeping) Amendment Bylaw No. 890, 2020

**Appendix B:** Business Licence Amendment Bylaw Notification

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

## APPENDIX A

### VILLAGE OF PEMBERTON BUSINESS LICENCE AMENDMENT (HOUSEKEEPING) BYLAW No. 890, 2020

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Being a bylaw to amend the Village of Pemberton Business Licence Procedure  
Bylaw No. 855, 2019

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**WHEREAS** Council may amend its bylaws from time to time when deemed appropriate:

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

1. This bylaw may be cited for all purposes as Village of Pemberton Business Licence Bylaw No. 855, 2019, Amendment (Housekeeping) Bylaw No. 889, 2020.
2. Village of Pemberton Business Licence Bylaw No. 855, 2020, 2019, be amended as follows:

#### **Part 2: DEFINITIONS**

The following definitions be added:

***Food Truck*** has the same meaning as set out in the Village of Pemberton Zoning Bylaw as amended or replaced from time to time.

The definition of Independent Contractor and Temporary Commercial Vendor be deleted and replaced with the following:

***Independent Contractor*** for the purposes of this Bylaw means an individual person who is contracted by the Village to provide services to facilitate a specific recreation program or assist with a short-term project or event and works as required.

***Temporary Commercial Vendor*** means a Business which offers for sale from a stationary vehicle, mobile store or temporary stall that is not part of a permanent use on the lot, goods, other than food items for immediate consumption, otherwise permitted to be sold in the zone in which the vehicle or stall is located.

## **Part 5: APPLICATION FOR BUSINESS LICENCE**

Section 5.1 is deleted and replaced with the following:

- 5.1 Every *person* applying for a *business licence* shall complete a *business licence* application in a form approved by the Licence Inspector, or, if available, shall apply online with the prescribed application form via the Provincial Government One Stop Business Registration, provided however an applicant who wishes to apply online shall also provide the Village with the prescribed *business licence* fee at the time of application and with such further information as may be requested by the Village.

## **PART 6: ISSUING OF A BUSINESS LICENCE**

Section 6.3 is deleted and replaced as follows:

- 6.3 A person carrying on a business that does not have a permanent base of operation within the Village must apply for and obtain a business licence under this bylaw before advertising, soliciting, promoting or carrying on that business within the Village.

## **PART 8:**

PART 8 is renamed:

### **TRANSFER OR CHANGE OF BUSINESS LICENCE AT THE REQUEST OF THE BUSINESS**

Section 8.1 (a) closing of business is deleted and the section renumbered.

## **PART 9: PERIOD OF BUSINESS LICENCE**

Section 9.1 is deleted and replaced with the following:

- 9.1. All Business Licences issued under this Bylaw shall be for the calendar year to commence the first day of January and will expire on the thirty-first day of December each year except if a *business licence* is previously forfeited under this Bylaw.

## **PART 10: BUSINESS LICENCE FEES**

Part 10 is deleted and replaced as follows:

- 10.1 An applicant for a *business licence* must pay to the Village the applicable *business licence fee* for that *business licence* at the time of application and a *business licence* is not valid until it has been issued by the *Licence Inspector*.

- 10.2. No refund of the annual licence fee shall be made because the licensee ceases to do business at any time.
- 10.3. The Village shall refund business licence fees where a business licence application is withdrawn by the applicant prior to the business licence being issued, or the business licence application is refused by the Village, less the administration fee as set out in Schedule "A".
- 10.4. Despite section 10.3, in the event that an inspection by a Village Official takes place and the business licence application is refused or withdrawn by the applicant, a refund of the *business licence* fee will be issued, less the administration fee and an inspection fee as set out in schedule "A".
- 10.5 An applicant for a new *business licence* submitting the application between October 1<sup>st</sup> and December 31<sup>st</sup> will pay a reduced licence fee as set out in Schedule 'A'.
- 10.6 An applicant for a cannabis retail *business licence* must pay a non-refundable application processing fee as per Schedule 'A' before the *business licence* application is accepted for review.
- 10.7 Where a person holding a licence under this bylaw carries on the same business, under the same business name, at more than one location within the Village, the fee for licencing for each additional premises is the Auxiliary Business Fee set out in schedule "A".
- 10.8 Despite Section 10.7, where a person holds a Food Truck or Temporary Commercial Vending *business licence* at more than one location, the Auxiliary Business Fee does not apply.

## **PART 12: RENEWAL OF BUSINESS LICENCE**

Section 12.2 is deleted and replaced as follows:

- 12.2 Every business shall renew their *business licence* by January 31<sup>st</sup> of the current calendar year. In the event the business fails to renew their *business licence* on or before January 31<sup>st</sup>, the business shall pay, in addition to the annual *business licence fee* for the renewal period, a Late Payment Fee as set out in Schedule 'A'.

**PART 13: REFUSAL, SUSPENSION OR CANCELLATION OF A BUSINESS LICENCE**

- 13.1 A Licence Inspector may refuse an application for *business licence* in any specific case if the Inspector considers that the proposed operation cannot be carried out safely and in accordance with this Bylaw or other applicable enactments or laws.

**PART 14: STREET, PARK, MOBILE OR TEMPORARY VENDING**

Part 14 is deleted and replaced as follows:

- 14.1 Any person applying for a *Food Truck* or *Temporary Commercial Vending business licence* shall provide a copy of any contract or agreement with the Village which authorizes them to operate the Business on a Village park, sidewalk or road, as the case may be.
- 14.2 Every *Food Truck Vendor* and *Temporary Commercial Vendor* must:
- (a) Provide proof of insurance for the vehicle, vending cart, trailer, truck, vehicle or temporary stall;
  - (b) Ensure their operation complies with the Village's Zoning Bylaw;
  - (c) Provide the Licence Inspector with information as to how the person will comply with:
    - i. The Wildlife Attractants Bylaw
    - ii. The Sign Bylaw; and
    - iii. The Noise Regulation Bylaw
  - (d) Obtain prior written permission from the owner of the land, allowing the *Food Truck*, portable vending cart, mobile store, trailer, truck, vehicle, or temporary stall to be located on a property which is zoned to accommodate the intended use and provide a copy of such permission to the *Licence Inspector*.
  - (e) Comply with any conditions imposed by a provincial health authority or the Village's Fire Department.
  - (f) Not operate within six (6) metres of a fire hydrant.
- 14.3 Only one (1) *Food Truck* licence or one (1) *Temporary Commercial Vending Licence* will be issued per parcel of land

14.4 *Food Truck Vendors* must:

- a) obtain permission to use washroom facilities on the property or in adjacent premises, and provide a written statement indicating said permission;
- b) provide a garbage container at the location of the vending cart, trailer, truck, vehicle, or temporary stall, and pick up all garbage and debris, within 100 meters of their location, which is a result of their business operation;
- c) obtain a *business licence* for each separate location where the business will be operated; and
- d) meet Provincial health regulations applicable to their operation, and provide written confirmation of compliance from a Provincial health officer

14.6 *Temporary Commercial Vendors* must ensure their portable vending cart, mobile store, trailer, truck, vehicle, or temporary stall: :

- a) is fully self-contained with no service connection other than electrical service being required;
- b) is capable of being moved on their own wheels without alteration or preparation or be towed by another vehicle;
- c) is located other than on a highway, sidewalk, or boulevard, except in required off-street parking spaces, but not so as to interfere with or block any motor vehicle, pedestrian exit, or walkway; and
- d) is kept in good repair.

14.7 A maximum of five (5) *Food Truck* or *Temporary Commercial Vending* licences will be issued in a calendar year.

**PART 16: COMMUNITY EVENTS**

Part 16 is amended by deleting section 16.1 and replacing it as follows:

- 16.1 Organizers of Community Events, where vendors are present, will be required to obtain a *business licence* that will cover all vendors participating in the Community Event and must comply with the Special Events or Open Spaces and Park Use Bylaw.

**PART 17: SPECIAL EVENTS**



Section 17.7 (a) and (b) is deleted and replaced as follows:

17.7 Any Business providing Special Events shall comply with the Special Events Bylaw.

#### **PART 19: BUSINESS LICENCE EXEMPTIONS**

Section 19.1 (c) is deleted and replaced as follows:

c) *Independent Contractor* hired by the Pemberton and District Community Centre to facilitate an activity, program or support an event run by the Recreation Services Department or by the Village to assist with a short-term project or event.

#### **PART 20: FARMERS' MARKETS**

20.1 Farmers' Markets are required to obtain a *business licence* that will cover all vendors participating in the market and will be required to enter into a contract with the Village and comply with the Special Events or Open Spaces and Park Use Bylaws.

#### **PART 24: PENALTIES**

Section 24.2 (a) (b) and (c) is deleted and replaced as follows:

24.2 A person found guilty of an offence under this bylaw is liable:

- a) If proceedings are brought under the *Offence Act (B.C.)*, to pay a fine to maximum of \$50,000 and such other amounts as the court may impose in relation to the offence;
- b) If a ticket is issued under the Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, 2018, as amended or replaced from time to time, to pay a fine to a maximum of \$1,000;
- c) If a bylaw notice is issued under the Bylaw Notice Enforcement Bylaw No. 874, 2020, as amended or replaced from time to time, to pay a penalty to a maximum authorized under that *Local Government Bylaw Notice Enforcement Act*.

#### **FEE SCHEDULE**

Schedule A is deleted and replaced.

**NOTICE OF INTENTION TO AMEND** Business Licence Bylaw No. 855, 2019  
**PUBLISHED IN THE** Pique Newsmagazine on October 8, 2020 and October 15, 2020.

**READ A FIRST TIME** this \_\_\_\_\_ day of, \_\_\_\_\_ 2020.

**READ A SECOND TIME** this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

**READ A THIRD TIME** this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

**RECONSIDERED AND FINALLY ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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

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

## SCHEDULE 'A'

### FEES

#### **Part 8. Transfer or Change at the Request of the Business**

Transfer and Change Fees (8.2) \$ 25.00

#### **Part 10.1 Business Licence Annual Fees:**

Business Licence Fee (Resident & Non-Resident): (10.1) \$ 150.00

Administration Fee: (10.3 – application withdrawn or refused) \$ 25.00

Inspection Fee: (10.4 – application withdrawn/refused) \$ 100.00

#### **Business Specific Fees (Part Noted):**

Cannabis Production Facility - Standard (22) \$5,000.00

Cannabis Production Facility – Micro (22) \$2,500.00

Cannabis Retail (23) \$5,000.00

Community Event (16) \$ 150.00

Farmers' Market (20) \$ 300.00

Street, Park, Mobile or Temporary Vending (14) \$ 300.00

Short-Term Vacation Rental (21) \$ 300.00

Special Event (17) \$ 100.00

Trade Contractor (15) \$ 150.00

Vending Machines (18) \$ 150.00

#### **Part 10.5 Reduced Fee for Applications received between October 1<sup>st</sup> and December 31<sup>st</sup>: (Amendment Bylaw No. 871, 2019)**

The Business Licence Annual Fee for new applications received between October 1<sup>st</sup> and December 31<sup>st</sup> will be 50% of the full business licence annual fee set out in Part 10.1.

#### **Part 10.6 Non-Refundable Application Processing Fee**

Cannabis Retail Business Licence Applications \$1,000.00

#### **Part 10.7 Auxiliary Business**

Business Auxiliary to an existing business \$ 50.00

#### **Part 12. Business Licence Late Payment Fee:**

Business Licence Renewals received after January 31<sup>st</sup> will be subject to a Late Payment Fee of 25%.

### Questions?

We're  
Listening.



604.894.6135



admin@  
pemberton.ca



www.pemberton.ca

In accordance with s. 59 (2) of the *Community Charter* notice is hereby given that the Council of the Village of Pemberton intends to amend Business Licence Bylaw No. 855, 2018 at the **Regular Council Meeting to be held on Tuesday, October 20th, 2020 at 9:00a.m.**

### What is the Business Licence Amendment (Housekeeping) Bylaw No. 890, 2020 about?

In general terms, the purpose of the proposed housekeeping bylaw amendment will be to:

1. Address minor changes to wording, of several definitions and clauses to improve clarity
2. Establishes a new Auxiliary Business Fee of \$50 per location if doing the same business in more than one location
3. Amends and reduces the late payment fee if the Business Licence is renewed after January 31st
4. Removes the requirement to provide notice in writing of a business closure

### What is the significance?

The amending Bylaw will improve and clarify several sections of the Bylaw and responds to feedback received from the Business community respecting the late payment fee.

### How do I get more information?

Copies of the proposed Bylaw and relevant background documentation may be inspected at the Village of Pemberton Office, 7400 Prospect Street during office hours from Thursday, October 8th to Monday, October 19th 2020 and also available online at [www.pemberton.ca](http://www.pemberton.ca)

### How can I provide Feedback?

All persons, who consider they are affected by the proposed Amending Bylaw, will be provided a reasonable opportunity to make representation to Council in writing. Written submissions must be addressed to "Mayor and Council", and must be received by, noon, Friday, October 16, 2020 to:

**Email:** [admin@pemberton.ca](mailto:admin@pemberton.ca)

**Fax:** 604-894-6136

**Hard Copy:** Corporate & Legislative Services, P.O. Box 100, 7474 Prospect Street, Pemberton, BC

Written submissions received for the proposed Bylaw Amendment will be included in the Agenda Package and will be available on the Village of Pemberton website at [www.pemberton.ca](http://www.pemberton.ca)

Sheena Fraser, Corporate Officer

# THE VILLAGE OF PEMBERTON

## BYLAW NO. 889, 2020

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**Being a bylaw to amend the Village of Pemberton Zoning Bylaw No. 832, 2018**

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

**AND WHEREAS** the Council of the Village of Pemberton deems it desirable to amend the Zoning Bylaw to permit Child Care Centers as a principal use in all Commercial Zones including: Town Centre (C-1), Tourism (C-2), Portage Road (C-3), Service (C-4) and Neighbourhood Pub (C-5);

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

### 1. CITATION

This Bylaw may be cited for all purposes as "Zoning Bylaw 832, 2018, Amendment (Child Care Centre Text Amendment) Bylaw No. 889, 2020."

2. Village of Pemberton Zoning Bylaw No. 832, 2018 is amended by:

I. Adding the following sub-section as a Permitted Principal Use:

i. as 15.1.1(e) in the Commercial, Town Centre (C-1) Zone;

*(e) Child Care Centre*

ii. as 15.2.1 (b) in the Commercial, Tourism (C-2) Zone;

*(b) Child Care Centre*

iii. as 15.3.1 (b) in Commercial, Portage Road (C-3) Zone;

*(b) Child Care Centre*

iv. as 15.4.1 (b) in Commercial, Service (C-4); and

*(b) Child Care Centre*

v. as 15.5.1 (c) in Commercial, Neighbourhood Pub (C-5)

*(c) Child Care Centre*

II. Renumbering the remainders of Sections 15.1.1, 15.2.1, 15.3.1, 15.4.1, and 15.5.1 to incorporate the new Permitted Principal Use.

**READ A FIRST TIME** this 6<sup>th</sup> day of October 2020.

**READ A SECOND TIME** this 6<sup>th</sup> day of October 2020.

**NOTICE OF PUBLIC HEARING FOR VILLAGE OF PEMBERTON ZONING BYLAW NO. 832, AMENDMENT (CHILD CARE CENTRE) BYLAW NO. 889, 2020, WAS PUBLISHED IN THE PIQUE NEWSMAGAZINE ON OCTOBER 8, 2020 AND OCTOBER 15, 2020.**

**PUBLIC HEARING HELD** this 20<sup>th</sup> day of October, 2020.

**READ A THIRD TIME** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**APPROVED BY THE MINISTER OF TRANSPORTATION AND INFRASTRUCTURE PURSUANT TO SECTION 52 of the *Transportation Act***  
this this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

Third Reading

October 5, 2020

Village of Pemberton

Box 100

Pemberton, V0N 2L0

**TO THE MAYOR AND COUNCIL:**

This a follow-up to my letter of September 8, 2020 and a response from the Village dated September 17, 2020.

It appears the sidewalk in front of Signal Hill Elementary School is not going to happen since the Village did not secure, in writing, any promises made by the developer.

I would like to request that the Village secure the sidewalk in front of SHES in a covenant in the next phase of the Tyata development.

Also where is the park the developer had in the plans for Tyata?

Yours truly,

Suzanne Robert

██████████

Mt Currie, ██████████

## 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*