

**VILLAGE OF PEMBERTON  
-COMMITTEE OF THE WHOLE MEETING AGENDA-**

**Agenda** for the **Committee of the Whole** of Council of the Village of Pemberton to be held Tuesday, December 8, 2020, at **3:00 p.m.** in Council Chambers, 7400 Prospect Street. This is Meeting No. 209.

*“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 to view the meeting can be found [here](#).**

---

Item of Business	Page No.
<b>1. CALL TO ORDER</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>	1
<b>Recommendation:</b> THAT the Agenda be approved as presented.	
<b>3. ADOPTION OF MINUTES</b>	
<b>a) Committee of the Whole Meeting No. 208, Tuesday, October 6, 2020</b>	2
<b>Recommendation:</b> THAT the minutes of the Committee of the Whole Meeting No. 208, held Tuesday, October 6, 2020, be adopted as circulated.	
<b>4. HILLSIDE DEVELOPMENT AND RETAINING WALLS</b>	6
<b>Recommendation:</b> THAT the Committee of the Whole recommend to Council that Staff be directed to undertake a review and amendment process to the Village of Pemberton Zoning Bylaw No. 832, 2018 to address retaining wall height provisions;	
<b>AND THAT</b> Committee of the Whole recommend to Council any matters to be taken into consideration in undertaking the review and preparing the Zoning Bylaw amendments.	
<b>5. PEMBERTON AND DISTRICT INITIATIVE FUND – COMMUNITY GROUP 2020 REPORTS AND FUTURE FUNDING REQUESTS - DISCUSSION</b>	
<b>Request for Decision: Pemberton and District Initiative Fund – 2021 Funding Intake:</b> <a href="https://slrd.civicweb.net/FileStorage/0E166695F509485F90FC989F56489000-_RFD_2021_PDIFfunding_attBmrks.pdf.pdf">https://slrd.civicweb.net/FileStorage/0E166695F509485F90FC989F56489000-_RFD_2021_PDIFfunding_attBmrks.pdf.pdf</a>	
<b>Late Item Addendum:</b> <a href="https://slrd.civicweb.net/FileStorage/60CC0458C46A4D41BD6F4D904A94D53B-_RFD_2021_funding_ADDENDUM_Cover_att.pdf">https://slrd.civicweb.net/FileStorage/60CC0458C46A4D41BD6F4D904A94D53B-_RFD_2021_funding_ADDENDUM_Cover_att.pdf</a>	
<b>Community Group Presentations:</b> <a href="https://slrd.civicweb.net/FileStorage/00ECE005D8124B62A23D7C4494EF2F77-Dec3PDIFPresentations.pdf">https://slrd.civicweb.net/FileStorage/00ECE005D8124B62A23D7C4494EF2F77-Dec3PDIFPresentations.pdf</a>	
<b>NOTE:</b> The Report and PDIF presentation documents have been provided by the Squamish-Lillooet Regional District (SLRD) and includes the SLRD Staff Report presented at the Pemberton Valley Utilities and Services (PVUS) Committee on December 3, 2020 at which members of Council were also present to hear the Community Group Presentations.	

This SLRD Staff Report provides background information on the new Pemberton and District Initiative Fund (PDIF) and includes the 2020 Community Group Final Reports and applications for future funding for 2021 and beyond.

The PVUS Committee is seeking the Village's review of the PDIF funding applications and referral comments.

## **6. ADJOURNMENT**

**VILLAGE OF PEMBERTON  
-COMMITTEE OF THE WHOLE MEETING MINUTES-**

**Minutes** for the **Committee of the Whole** of Council of the Village of Pemberton held Tuesday, October 6, 2020, at **1:00 p.m.** in Council Chamber, 7400 Prospect Street. This is Meeting No. 208.

---

**ATTENDING:** Mayor Mike Richman  
Councilor Ted Craddock  
Councilor Leah Noble  
Councilor Amica Antonelli  
Councilor Ryan Zant

**STAFF:** Nikki Gilmore, Chief Administrative Officer  
Sheena Fraser, Manager of Corporate & Legislative Services  
Jill Brooksbank, Sr. Community Partnerships & Communications  
Coordinator  
Elysia Harvey, Legislative Assistant

**PUBLIC:** 1

**MEDIA:** 1

***Please Note: This meeting was held electronically, and all members of Council, Staff and Public attended through electronic means. A recording of the meeting was made available to the public & media.***

---

**1. CALL TO ORDER**

At 1:02 p.m. Mayor Richman called the October 6, 2020, Committee of Whole 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 circulated.  
**CARRIED**

**3. ADOPTION OF MINUTES**

**a) Committee of the Whole Meeting No. 207, Tuesday, September 15, 2020**

Moved/Seconded  
**THAT** the minutes of Committee of the Whole Meeting No. 207, held Tuesday, September 15, 2020, be adopted as amended.  
**CARRIED**

#### 4. DELEGATION

##### a) Bobby Boyd, Manager, Pemberton Children's Centre - Update on Centre Operations and Needs

Mr. Boyd discussed some of the current challenges at the Pemberton Children's Centre which have been amplified due to the COVID-19 Pandemic. Staff shortages caused by cold and flu viruses have negatively impacted staff/children ratios and could result in closures if ratios are not able to be maintained as per licensing requirements. A minimum of twelve (12) staff members are required to operate the Children's Centre per day. In addition, roles of staff have changed due to COVID-19 policies, and increased handwashing, sanitization and pre-screening each child before entering the daycare have increased the daily workload. Mr. Boyd indicated one of the most prominent challenges is the low median wage for childcare workers, which continues to affect staff retention and the ability to open additional childcare spaces even if those spaces were available.

Committee members discussed potential opportunities to support the Pemberton Children's Centre through advocacy, including local training, grant applications, provincial funding support, and increased wages for childcare workers.

#### 5. CHANGES TO PROVINCIAL NAME CHANGE, FLAG, COAT OF ARMS – DISCUSSION

Committee members discussed recent correspondence received requesting support for change to the Province's name, flag, and coat of arms. Topics of discussion raised included the following:

- uncertainty of proposed alternatives;
- priorities during a pandemic;
- process & costs involved;
- advocacy through Union of British Columbia Municipalities & Lower Mainland Local Government Association.

Moved/Seconded

**THAT** the subject of proposed changes to provincial name, flag and coat of arms be brought back to the Committee of the Whole prior to the next Lower Mainland Local Government Association (LMLGA) conference for consideration of submitting a potential resolution.

**CARRIED**

## 6. RECREATION SITE NAMING DISCUSSION

Discussion took place regarding appropriate acknowledgement of donors, businesses, and contributions to the Village's Recreation Site through naming of amenities building(s), soccer fields, or the site as a whole. There was further discussion related to ensuring that the Den Duyf family, who donated the lands to the Village for the purposes of recreation, are acknowledged as part of the naming consideration and best options to do so.

Moved/Seconded

**THAT** the Committee recommend to Council that the following resolution be considered:

**THAT** the naming of Village of Pemberton recreation assets be considered on a case by case basis.

**CARRIED**

Moved/Seconded

**THAT** the Committee of the Whole recommends to Council that the future amenity building at the Recreation Site be named to recognize contributions of the Rotary Club of Pemberton.

**CARRIED**

Moved/Seconded

**THAT** Staff correspond with the Den Duyf family to suggest recognition of their donation through naming of the Recreation Site, including a suggestion to change the name of Sabre Way.

**CARRIED**

## 7. BUSINESS LICENCE BYLAW AMENDMENT REVIEW

At 2:33 p.m. Mayor Richman declared a conflict of interest and left the meeting, and Councillor Noble assumed the role of acting mayor.

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**

At 2:52 p.m. Mayor Richman returned to the meeting.

**8. ADJOURNMENT**

Moved/Seconded

**THAT** the Committee of Whole be adjourned at 2:53 p.m.

**CARRIED**

---

Mike Richman  
Mayor

---

Sheena Fraser  
Corporate Officer

DRAFT

**Date:** December 8, 2020  
**To:** Nikki Gilmore, Chief Administrative Officer  
**From:** Cameron Chalmers, RPP, MCIP, Consulting Planner  
**Subject:** Hillside Development and Retaining Walls

---

## **PURPOSE**

The purpose of this report is to facilitate discussion and seek direction from the Committee of the Whole respecting retaining structures in Hillside Developments, and more specifically to seek direction on potential Zoning Bylaw amendments to accommodate hillside development.

## **BACKGROUND**

In 2019, Council adopted the Village of Pemberton Hillside Development Guidelines (the “Guidelines”) as a significant step forward in the management of hillside development and its potential impacts. Primarily aimed at minimizing the visual and off-site impacts, Council directed Staff to implement and incorporate the Guidelines by whatever means possible. Council also directed that the Guidelines be implemented through the impending Official Community Plan update and other policy works under development by the Village. The adoption of the Guidelines marks an important transition point in the approach to hillside development in Pemberton.

Since adoption of the Guidelines, Staff have made progress in implementing Council’s expressed vision for hillside development, but it is still in a period of transition and growth, with additional policy work required before Council will be in a position to fully implement a regulatory approach to hillside development. Though there have been successes, there has also been some challenges, particularly with respect to in-stream developments which were already underway when the Guidelines were adopted.

The purpose of this report is to outline the evolving approach to hillside development including considerations in the development process going forward, the continued policy development effort, and to specifically seek direction from the Committee of the Whole on a Zoning Bylaw issue that has emerged recently regarding retaining walls.

### *General Hillside Development Approach*

The hillside development projects that are currently at the building stage are primarily on sites where the fundamental planning framework was established many years ago and predate the Village’s current hillside development approach and Guidelines. Past rezoning and subdivision approvals were properly issued but did not consider grading and lot preparation matters to the extent that they are currently and will be in the future under the new Guidelines. Most notably,

these earlier subdivisions established road network and lotting patterns but left the individual building design and final lot preparation (grading) to the end-purchasers of individual lots.

The consequence is that individual purchasers moving into the building phase are experiencing challenges in achieving suitable building sites and desired yards, particularly with respect to the current Village Zoning Bylaw limitations on retaining wall height which will be specifically addressed in this report. The Village has received two Board of Variance applications for over-height retaining walls that have been constructed. Staff anticipate more requests for variances in the future.

### *Recent Evolution of Hillside Development*

Since the early approvals for hillside development the Village has continued to refine its approach to hillside development. From a policy perspective, the Hillside Development Guidelines have provided Staff and the development community a framework to inform development on hillside lands.

Applications received since adoption of the Guidelines have been assessed against the Guidelines, even though they may have been initially approved before the Guidelines. Applicants have generally responded well and are making efforts to align their projects with the vision established by the Village.

The Building Division of Development Services has issued a Bulletin to builders to clearly outline the Building Permit requirements for retaining walls which has been an issue of late. The Bulletin was prepared in response to a mounting issue with individual lot owners constructing retaining walls without building permits and over-height. The Bulletin has the effect of establishing a clear approach to retaining wall construction, to comply with a provision of the Zoning Bylaw that appears to not have been applied consistently in the past. Specifically, it clarifies the Zoning Bylaw requirement for a Building Permit for retaining walls more than 1.2 metres in height and specifically outlines the permit information requirements.

Moving forward, for land use and planning applications including rezoning, subdivision, and development permit, a number of efforts have been made to address matters of lot grading and retention, earlier on in the process at the project scale, rather than the individual lot scale. Through the Village's Development Permit tool and existing Development Permit Area Guidelines No. 1 (Environmental Protection) and No. 2 (Land Constraints) the Village will from this point forward require comprehensive site grading plans prior to subdivision approval for future projects. A recent example of this approach is the Development Permit issued for comprehensive lot grading on the south side of Seven O'Clock Drive in Sunstone. For rezoning applications, a fulsome understanding of lot grading of land proposed for development will be a determinant at the land use stage.

Additional policy development and more specific Development Permit Area Guidelines are the likely outcomes of the forthcoming Official Community Plan update both of which will benefit the Village's approach to hillside development.

### *Retaining Wall Zoning Provisions*

Despite the ongoing efforts to refine the approach to hillside development, there is one specific regulatory issue that requires direction from the Committee of the Whole. As mentioned, the



Village has received two Board of Variance Applications for over-height retaining walls in recent weeks, and more are anticipated in the short-term.

At their meetings of October 28, 2020 and November 26, 2020, the Board of Variance considered applications for retaining walls that have been constructed at Sunstone by individual lot owners, without Building Permits or other Village approvals. In both instances, the Board of Variance exercised their statutory ability to determine the variance was not minor, effectively referring the matter to the Development Variance Permit process and to Council.

The Village of Pemberton Zoning Bylaw No. 832, 2018 includes zoning provisions for retaining walls in the General Regulations as follows:

#### 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.

The effect of this section is to limit retaining walls throughout the Village to a height of 1.2 metres regardless of location and site conditions. The second provision effectively means that if retention of more than 1.2 metres is required by the site condition, multiple retaining walls can be utilized, provided each wall is separated by 0.6 metres horizontal distance.

The current provisions in the Zoning Bylaw are a change from the previous Zoning Bylaw which read as follows:

215 (2) The design and construction of a retaining structure greater than 2.4m in height shall be supervised by a Registered Professional. Sealed copies of the design plan and inspection reports prepared by the Registered Professional for all retaining structures greater than 2.4m in height shall be submitted to a Building Official prior to acceptance of the works. (Bylaw 501/Adopted June 3, 2003)

Of note, the previous zoning regulations did not state a maximum retaining wall height, but rather placed additional engineering requirements on retaining walls exceeding 2.4 metres.

The maximum height of 1.2 m is deemed appropriate by Staff for building lots in flat, flood-prone lots, but it is recognized that it is not suitable for hillside development. However, the 1.2m height limitation is one that has been utilized as a trigger point for more rigorous engineering and visual analysis in other jurisdictions based on the Association of Professional Engineers and Geoscientists of BC (APEGBC) guidelines for when review is required of retention walls. Though the 1.2m trigger is common to compel engineering review, the current bylaw established it as a maximum height of retaining walls. This was included from the first draft of the 2018 Zoning Bylaw, and despite extensive internal and external scrutiny of the Zoning Bylaw throughout the process, the implication of this regulation on hillside development was not identified.

There are a number of issues arising from the new approach to retaining walls in the Zoning Bylaw, but the principal issue is the establishment of a maximum height. At 1.2 metres, the maximum height is inconsistent with the realities of hillside development. Retention is a necessary component of most hillside development which by its very nature is prone to significant grade variations and undulations within and between individual lots. With the adoption of the

Zoning Bylaw in July, 2018, the height amendment was introduced mid-stream of the hillside sites currently at the building phase. As a result, the zoning regulations have generated an issue of significant importance that results in substantial impacts on the ability to build on the newly created hillside lots.

Another challenge has been an inconsistent application of the Zoning Bylaw provisions over past years, and the resulting confusion this has generated. Several retaining walls exceeding 1.2 metres have been constructed within the Village at large, with and without clear Building Permit approvals. Though the Building Official has now clarified the permit requirements through a Bulletin, and the Bylaw is being enforced, the issue with the current zoning provision as written is creating challenges and compelling the first wave of variance requests.

### **DISCUSSION & COMMENTS**

Staff are requesting Committee of the Whole direction to initiate a Zoning Bylaw amendment process to amend the retaining wall provisions, and particularly the maximum height provisions. The amendments are intended to enable building site construction at the site level on a limited number of lots already created in a hillside condition.

Though Staff view this as a remedy in the short term, the amendments will also be framed to ensure that future development permits required in advance of subdivision approvals in hillside sites will also be captured. At the Development Permit stage, there will be much more latitude for the Village to work with applications on the location, appearance, height, and impacts of retaining walls at a more flexible scale than possible at the individual lot level.

Though the precise zoning approach has not been determined and would be finalized should the Committee direct Staff to proceed, Staff envision a combination of the previous and current zoning approaches, with additional enhancements to compel landscaping and visual screening. As an example, the new provisions would likely retain the trigger point of 1.2 metres for requiring engineering and potentially building permitting. Staff would also recommend Council utilize their zoning powers to require landscaping for any retaining wall higher than 1.2 metres. At this point, there is not sufficient rationale to include or justify a modified retaining wall maximum height based on APEGBC guidelines, and Staff do not recommend that as an approach, particularly since new developments will require Development Permits and retention will go through specific scrutiny as part of that review.

Staff are sensitive to Council's recent positions and deliberations on retaining walls and will seek to reflect that should a zoning amendment process be directed. However, Staff are also compelled to seek a solution to the retaining wall issue in the face of a number of current and forthcoming building permit applications on hillside sites. Staff do not foresee an option to facilitate reasonable hillside development under the present limitations created by the Zoning Bylaw.

Accordingly, Staff are recommending that the Committee of the Whole recommend to Council that Staff be directed to initiate a review and amendment to the retaining wall provisions of the Zoning Bylaw.

## **COMMUNICATIONS**

Should the Committee of the Whole endorse the Staff recommendation and recommend to Council that Staff be directed to prepare a Zoning Bylaw amendment, the amendment will follow the communications requirements of the Development Procedures Bylaw and *Local Government Act*, including a requisite public hearing. Additional consultation with affected landowners, variance applicants, and developers of hillside developments are anticipated throughout the process.

## **LEGAL CONSIDERATIONS**

Council has the authority to direct and undertake amendments to the Zoning Bylaw as established in the *Local Government Act*.

## **IMPACT ON BUDGET & STAFFING**

The preparation and processing of the Zoning Bylaw amendment requested in this report is a high priority given the impacts currently being faced by landowners and developers on hillside sites. The issue of hillside developments and retaining walls in particular has consumed considerable Staff time and resources in Building and Planning to address individual lot owner matters. Though the preparation and processing of the proposed Zoning amendment will consume approximately 25-30 hours of Staff and Consultant time, it may potentially result in a reduction in Staff time and effort expended on addressing hillside development matters including the need to hold Board of Variance meetings to address the same issue on individual lots

## **INTERDEPARTMENTAL IMPACT & APPROVAL**

The proposed zoning amendments will be a collaborative effort between Planning and Building within the Development Services department but does not have direct impacts on other municipal departments.

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

A review of this initiative has no impact on other jurisdictions.

## **ALTERNATIVE OPTIONS**

There are no alternative options to consider in this report. The Committee may recommend to Council to direct Staff to proceed with a Zoning Bylaw amendment process or not.

## **RECOMMENDATIONS**

**THAT** the Committee of the Whole recommend to Council that Staff be directed to undertake a review and amendment process to the Village of Pemberton Zoning Bylaw No. 832, 2018 to address retaining wall height provisions;

**AND THAT** Committee of the Whole recommend to Council any matters to be taken into consideration in undertaking the review and preparing the Zoning Bylaw amendments.

Prepared by:	Cameron Chalmers, RPP, MCIP, Consulting Planner
Manager Approval:	Lisa Pedrini, Manager of Development Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer