

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

Agenda for the **Regular Meeting** of Council of the Village of Pemberton to be held Tuesday, April 13, 2021 at 5:30 p.m. via electronic means through a ZOOM Webinar. This is Meeting No. 1536.

"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](#). Link to the Zoom Webinar: <https://us02web.zoom.us/j/88634087111>**

Item of Business	Page No.
1. CALL TO ORDER (3:30PM)	
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. Village of Pemberton IN CAMERA (Closed) Meeting (3:30PM)	
THAT the meeting is closed to the public in accordance with the <i>Community Charter</i> Section 90 (1) (c) Employee Relations, (e) Acquisition, Disposition or Expropriation of land, (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.	
3. OPEN THE REGULAR MEETING (5:30 PM)	
4. APPROVAL OF AGENDA	1
Recommendation: THAT the Agenda be approved as presented.	
5. ADOPTION OF MINUTES	
a) Regular Council Meeting No. 1534, Tuesday, March 16, 2021	5
Recommendation: THAT the minutes of Regular Council Meeting No. 1534, held Tuesday, March 16, 2021, be approved as circulated	
b) Special Council Meeting No. 1535, Thursday, April 1, 2021	15
Recommendation: THAT the minutes of Special Council Meeting No. 1535, held Thursday, April 1, 2021, be approved as circulated.	
6. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING	
7. RISE WITH REPORT FROM IN CAMERA	
8. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE	
9. COMMITTEE MINUTES - FOR INFORMATION	
None	

10. DELEGATION

11. REPORTS

a) Office of the Chief Administrative Officer

i. Verbal Report

b) Development Services

i. Development Variance Permit No. 127 – 7665 Cerulean Drive 18

Recommendation: THAT Council provides direction to Staff regarding which option is preferred.

ii. Development Variance Permit No. 128 – 7661 Cerulean Drive 111

Recommendation: THAT Council provides direction to Staff respecting the preferred option.

iii. Sabre Way Road Renaming 145

Recommendation: THAT Council approves the naming of the unnamed road providing future access to Den Duyf Park and Lot C DL 211, EPP408024 Sabre Way, Sabre Way;

AND THAT the Den Duyf family be informed of the road naming.

12. BYLAWS

a) Bylaws for First, Second, Third Readings and Adoption

i. 2021 – 2025 Five Year Financial Plan Bylaw No. 895, 2021 149

Recommendation: WHEREAS Ministerial Order M192, issued June 17, 2020, enables municipalities during the Provincial State of Emergency to adopt certain financial bylaws on the same day it receives Third Reading;

AND WHEREAS the Ministerial Order M192 applies to section 165 (Financial Plan) of the *Community Charter*;

AND WHEREAS the Village of Pemberton is presenting the 2021-2025 Five Year Financial Plan Bylaw No. 895, 2021 for Council's consideration;

THEREFORE BE IT RESOLVED THAT the 2021-2025 Five Year Financial Plan Bylaw No. 895, 2021 receive First, Second and Third Readings and be Adopted.

b) Bylaws for First, Second and Third Readings

i. Business Licence Bylaw No. 855, 2019 Amendment Bylaw No. 894, 2021 158

Recommendation: THAT Business Licence Bylaw No. 855, 2019 Amendment (Cannabis Fees) Bylaw No. 894, 2021 receive First, Second and Third Readings.

13. MAYOR'S Report

- a) **Sea to Sky Soils Request for Proposal – Organics Management at the North Shore Transfer Station - discussion**

14. COUNCILLORS' Reports

15. CORRESPONDENCE

a) **For Action**

- i. **Vickey Brown, President, BC Farmers Market Association & Heather O'Hara, Executive Director, BC Farmers Market Association, dated March 5, 2021, reporting on the BC Farmers' Market Nutrition Coupon Program in Pemberton and requesting a thank you letter be sent to the Honourable Adrian Dix, Minister of Health, for supporting and funding the BC Farmers' Market Nutrition Coupon Program.** 191

Recommendation: THAT correspondence be sent to the Honourable Adrian Dix, Minister of Health, thanking the Minister and the Ministry for its ongoing support and funding of the BC Farmers' Market Nutrition Coupon Program.

- ii. **Mayor Lisa Helps, City of Victoria, dated March 10, 2021, requesting endorsement of the Help Cities Lead Campaign and communicating this to the following Ministers:** 192

- **Minister of Environment and Climate Change Strategy, ENV.Minister@gov.bc.ca**
- **Minister of Municipal Affairs, MAH.Minister@gov.bc.ca**
- **Minister of Energy, Mines, and Low-Carbon Innovation, EMPR.Minister@gov.bc.ca**
- **Minister of Finance, FIN.Minister@gov.bc.ca**
- **Attorney General and Minister responsible for Housing, AG.Minister@gov.bc.ca**

Recommendation: THAT Council provide direction.

- iii. **Pemberton Secondary School Students, dated March 26, 2021, presenting a petition asking to be recognized as stakeholders in the Climate Action Plan being developed by the Village and suggesting actions to be included in the Plan.** 194

Recommendation: THAT Council receive the Climate Action Plan Petition submitted by the Pemberton Secondary Students.

- iv. **Ruth Simons, Lead, Howe Sound Biosphere Region Initiative, dated March 27, 2021, extending an invitation to attend the Howe Sound Community Forum to be held from 10:00 am to 12:30 pm on Friday, April 23rd.** 198

Recommendation: THAT Council inform Staff if they wish to attend the Howe Sound Community Forum.

- v. **Darquise Desnoyers, Director, BC Lyme Society, dated March 30, 2021, requesting that the Village participate in the Lighting Up Green campaign on May 3rd or throughout the month of May in recognition of Lyme Disease Awareness Month.** 200

Recommendation: THAT Council provide direction.

b) For Information

- i. Mike Little, Mayor, District of North Vancouver, dated March 4, 2021, addressed to UBCM members, requesting support for the Help Cities Lead campaign. 202**
- ii. Copy of correspondence from Lyn Hall, Mayor, City of Prince George, dated March 17, 2021, addressed to BC Utilities Commission, in opposition to BC Hydro's proposed 2020 Street Lighting Rate Application. 205**
- iii. Copy of correspondence from Lyn Hall, Mayor, City of Prince George, dated March 18, 2021, addressed to the Honourable Patty Hajdu, Minister of Health, presenting a resolution passed by Council regarding the overdose crisis and the need for immediate development of a Pan-Canadian overdose action plan. 206**
- iv. Copy of correspondence from District of Sicamous, dated March 18, 2021, addressed to the Honourable Katrine Conway, Minister of Forests, Lands, Natural Resource Operations and Rural Development, presenting a resolution requesting that federal and provincial governments adopt stricter enforcement measures to prevent the spread of aquatic invasive species. 208**
- v. Copy of correspondence from District of Sicamous, dated March 18, 2021, addressed to the Honourable George Heyman, Minister of Environment and Climate Change Strategy, presenting a resolution requesting that invasive Asian clams be designated a Prohibited Aquatic Invasive Species under the Controlled Alien Species Regulation under the Wildlife Act. 211**
- vi. Copy of correspondence from Lisa Helps, Mayor, City of Victoria, dated March 31, 2021, addressed to the Honourable Harry Bains, Minister of Labour, requesting consideration of a motion passed by Council expressing support for the right of laid off workers to return to their jobs when the pandemic eases. 214**

Recommendation: THAT the correspondence be received.

16. DECISION ON LATE BUSINESS

17. LATE BUSINESS

18. NOTICE OF MOTION

19. QUESTION PERIOD

216

20. IN CAMERA

THAT the meeting is closed to the public in accordance with the *Community Charter* Section 90 (1) (c) Employee Relations, (e) Acquisition, Disposition or Expropriation of land, (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.

21. RISE WITH REPORT

22. ADJOURNMENT OF REGULAR COUNCIL MEETING

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

Minutes of the Regular Meeting of Council of the Village of Pemberton held on Tuesday, March 16, 2021 at 9:00 a.m. via electronic means through a ZOOM Webinar. This is Meeting No. 1534.

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

ABSENT: Councillor Ryan Zant

STAFF IN ATTENDANCE*: Nikki Gilmore, Chief Administrative Officer
Sheena Fraser, Manager of Corporate & Legislative Services

Lisa Pedrini, Manager of Development Services
Joanna Rees, Planner
Cameron Chalmers, Contract Planer
Robert Grossman, Fire Chief
Chris Derouin, Building Official
Tom Csima, Manager of Operations & Projects
Vinka Hutchinson, Communications & Grant Coordinator
Emily White, HR Coordinator/Executive Assistant
Nikki Segovia, Building & Planning Clerk
Gwendolyn Kennedy, Legislative Assistant

PUBLIC: 10

MEDIA: 1

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

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

9:00 a.m. 2021 BUDGET INFORMATION SESSION

This information session took place prior to the start of the Regular Council Meeting.

1. CALL TO ORDER REGULAR MEETING

At 9:46 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

3. ADOPTION OF MINUTES

a) Regular Council Meeting No. 1533, Tuesday, March 2, 2021

Moved/Seconded

THAT the minutes of Regular Council Meeting No. 1533, held Tuesday, March 2, 2021 be approved 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

5. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE

6. COMMITTEE MINUTES - FOR INFORMATION

There were no Committee minutes for receipt.

7. DELEGATION

There were no delegations.

8. REPORTS

a) Office of the Chief Administrative Officer

i. Verbal Update

There was no verbal update.

b) Corporate & Legislative Services

i. Lower Mainland Local Government Association - Resolution for Consideration

Moved/Seconded

THAT the following resolution be submitted to the Lower Mainland Local Government Association for consideration at the Annual General Meeting to be held May 12th to 14th, 2021:

WHEREAS in the summer of 2020, in response to the COVID-19 pandemic, the Province moved to Phase 3 of BC's Restart Plan which resulted in Destination BC focusing on encouraging residents to Explore BC as a way to promote domestic tourism;

AND WHEREAS the Explore BC campaign has been so successful that unprecedented numbers of residents and visitors have sought ways to experience the Province's natural environment and these numbers are expected to continue beyond the active pandemic phase;

THEREFORE BE IT RESOLVED THAT UBCM request that the Provincial government provide funding to the provincial ministries responsible for managing parks, crown lands, and recreation sites and to local governments to assist in establishing sustainable tourism policies and programs to ensure that visitor use of lands and natural resources is done in a manner that protects the natural environment in perpetuity.

CARRIED

Moved/Seconded

THAT Councillor Noble attend the 2021 Virtual Annual LMLGA Conference and AGM;

AND THAT Staff be directed to arrange registration for the Councillors who will attend.

CARRIED

Moved/Seconded

THAT Council supports the following resolution, to be submitted jointly with the District of Squamish to the Lower Mainland Local Government Association for consideration at the Annual General Meeting to be held May 12th to 14th, 2021:

WHEREAS the Province of B.C. has committed to supporting universal childcare and launched the New Spaces Fund to create thousands of new childcare spaces across B.C.

AND WHEREAS many rural and remote communities in BC face higher-than-average construction costs, including additional hazard mitigation and flood construction level requirements, also face a high unmet community demand for safe, affordable, and licensed childcare facilities.

THEREFORE BE IT RESOLVED THAT UBCM requests that the Minister and Ministry of Children and Family Development acknowledge communities contending with defensible higher-than-average construction costs and evidenced unmet childcare needs by updating the New Spaces Funding criteria to allow for the submission of proposals that exceed the current \$40,000 per space funding limit.

CARRIED

c) Pemberton Fire Rescue Department

At 10:03 a.m. Fire Chief Grossman joined the meeting.

i. FireSmart – Community Resilience Investment Grant Funding Opportunity

Moved/Seconded

THAT an application for grant funding, up to \$150,000.00, from the Union of BC Municipalities (UBCM) under the Community Resiliency Investment (CRI) program, which provides 100% funding for the Village of Pemberton FireSmart program be supported.

CARRIED

ii. Road Rescue Service Provision Outside Squamish-Lillooet Regional District Electoral Area C

Moved/Seconded

THAT Council supports the continuation of Pemberton Fire Rescue to provide Road Rescue Service to areas outside the Squamish-Lillooet Regional District Electoral Area C that include the following:

- Highway 99 North/Duffey Lake Road, to the boat launch on Duffey Lake and to Blowdown Creek as per agreement with Lillooet Road Rescue,

and, when a known entrapment is confirmed, the following areas:

- Hurley River Forest Service Road past the 16-kilometer boundary
- Pemberton Portage Road past the SLRD Electoral Area C boundary
- Highline Road
- In-Shuck-ch past the 25-kilometer boundary

CARRIED

At 10:18 a.m. Fire Chief Grossman left the meeting.

c) Development Services

At 10:18 a.m. Joanna Rees and Cameron Chalmers joined the meeting.

i. Development Variance Permit No. 127 – 7665 Cerulean Drive

Joanna Rees, Planner, presented a report describing the non-conforming retaining wall and the variances requested. Ms. Rees noted that four written comments of the application had been received prior to the report deadline and

were attached to the report. Two additional letters, were received prior to the meeting and forwarded to Council.

Following the Staff report, Mayor Richman opened the meeting to the public for comment regarding DVP No. 127.

Niki Vankerk, Village resident, left the meeting prior to when the floor was opened to the public. Ms. Vankerk's comment submitted in writing in the meeting chat was read aloud by Legislative Assistant Gwendolyn Kennedy:

I would like to register my concerns about the use of huge retaining walls to build houses more suited for flat lots than hillside lots. I think developers need to be held to a higher standard before lots are approved on steep slopes. I don't support this particular request as the wall is much too high. It creates an environment in which neighbors will be in the shadow unless they also build out, and also visually the neighborhood starts to look very unappealing. A straight wall of such a height seems unsafe from both the top and bottom.

Stephanie Nicoll-Russell, Applicant, spoke in support of the application, emphasizing the challenge of building on a steep lot and requesting that Council return a favourable reply to their variance request.

David Russell, Applicant, spoke in support of the application, noting that the house design with a walk-out basement is suited to a steep lot. Mr. Russell also questioned the apparent inconsistencies between the building and zoning bylaws.

Marc MacIvor, new owner of neighbouring property, 7663 Cerulean Drive, stated that he would not repeat the points made in his letter, but added a concern that once the fill is removed from the toe of the wall on the eastern side, the wall will further encroach on his property.

Councillors requested clarification from Staff regarding the following issues:

- the apparent inconsistencies between building and zoning bylaws;
- confirmation that granting of the variances would not include relaxation of additional bylaw requirements; and
- the steepness of the lot relative to other properties in the neighbourhood;

Barbara Turrin, Village Resident, explained that her property located at the Ridge, and other Ridge properties, are much steeper than the subject lands at 7665 Cerulean Drive.

Mayor Richman called for more questions or comments, and hearing none, closed the floor to the public.

Councillors discussed the variance request from the perspective of the bylaw contraventions, the visual impacts of the wall that are not in alignment with the Hillside Design Guidelines, and the hardship imposed on the neighbouring property owners by the wall.

Moved/Seconded

THAT Council authorizes issuance of Development Variance Permit No. 127 with the following conditions:

- (a) Provision of a landscape bond in the amount of \$6,000.00, 120% of the soft landscaping costs

Further discussion ensued and as a result the above noted motion was withdrawn and a new motion put forward.

Moved/Seconded

THAT Council refers the application for Development Variance Permit No. 127 back to Staff to work with the applicants and the developer to address concerns of the neighbouring property owners.

CARRIED

At 11:10 a.m. Ms. Rees and Mr. Cameron left the meeting.

11. BYLAWS

a) Bylaws for Adoption

i. Village of Pemberton Board of Variance Bylaw No. 893, 2021

Moved/Seconded

THAT the Village of Pemberton Board of Variance Bylaw No.893, 2021 be adopted.

CARRIED

12. MAYOR'S Report

Mayor Richman reported on the following meeting and events:

- The Pemberton Valley Utilities and Services Committee meeting was rescheduled due to lack of quorum and will take place Thursday, March 18th.
- Weekly conference calls with Vancouver Coastal Health have focused on the vaccine roll out. Mayor Richman suggested that, due to low numbers of seniors registering for the vaccine, to improve efficiency in small communities, the vaccine could be offered to all adults. VCH will consider potential ways to improve the efficiency of the vaccine roll out.

- COVID-19 vaccinations commence tomorrow, Wednesday March 17 for Seniors, 80 years of age or older. To book your appointment, call 1.877.587.5767. Visit the Village website or vch.ca/covid-19 for more information.
- The Public Health Officer has amended the gathering and events order. Up to 10 people may now gather outdoors. All restrictions for indoor gatherings remain in place.
- The Parcel Roll Review Panel will sit at 3pm today, Tuesday March 16. For Zoom meeting details, visit the Village website.
- The Affordable Housing survey results are now available. Visit haveyoursay.pemberton.ca to view the results.

12. COUNCILLORS Reports

Councillor Craddock reported on the following:

- Attended the Economic Development Collaborative meeting and introduced Laura Murphy, Village Research and Projects Coordinator, who will providing support to the Collaborative on behalf of the Village. The Collaborative received and discussed Veronica Woodruff's report, Regional Economic Development Strategy.

Councillor Noble did not report.

Councillor Antonelli did not report.

Councillor Zant was absent from the meeting and did not report.

13. CORRESPONDENCE

a) For Action

There was no correspondence for action.

b) For Information

- i. Correspondence from Margaret McCullough, City of Victoria resident, dated February 28, 2021, presenting an e-petition requesting that the Government of Canada ban the operation of puppy mills.**
- ii. Correspondence from Jonathan Coté, Mayor, New Westminster, dated March 4, 2021, requesting Council's support at the LMLGA Virtual Conference in May for their resolution regarding Local Government Election Candidate access to multifamily dwellings for the purposes of canvassing or distributing candidate information.**

- iii. **Correspondence from Jonathan Coté, Mayor, New Westminster, dated March 4, 2021, requesting Council's support at the LMLGA Virtual Conference in May for their resolution requesting that the Province engage with regional governments to develop legislation that would provide regional districts with the authority to restrict the sale and distribution of single-use items.**
- iv. **Copy of correspondence from Jonathan Coté, Mayor, New Westminster to the Honourable Harry Bains, Minister of Labour, dated March 5, 2021, requesting that the BC government protect the livelihoods of laid-off hotel and tourism industry workers.**
- v. **Copy of correspondence from Jonathan Coté, Mayor, New Westminster to the Honourable Melanie Mark, Minister of Tourism, Arts, Culture and Sport, dated March 5, 2021, requesting that the BC government protect the livelihoods of laid-off hotel and tourism industry workers.**
- vi. **Copy of correspondence from Christine Fraser, Mayor, Township of Spallumcheen, to the Honourable Patty Hajdu, Minister of Health, dated March 5, 2021, supporting the adoption of 988, a national three-digit suicide and crisis hotline.**
- vii. **Correspondence from Patrick Weiler, MP, West Vancouver-Sunshine Coast-Sea to Sky Country, dated March 10, 2021, announcing a 10-year, \$517 million investment in the Canada-British Columbia Housing Benefit that will provide financial support to low income, marginalized groups, to help with monthly rent payments.**
- viii. **Correspondence from Patrick Weiler, MP, West Vancouver-Sunshine Coast-Sea to Sky Country, dated March 10, 2021, announcing details of funding support for live arts and music and heritage programs under the Emergency Support Fund for Cultural, Heritage and Sport Organizations.**
- ix. **Correspondence from Patrick Weiler, MP, West Vancouver-Sunshine Coast-Sea to Sky Country, dated March 10, 2021, announcing \$2.75 billion in funding over five years, starting in 2021, to enhance public transit systems and switch them to cleaner electrical power, including supporting the purchase of zero-emission public transit and school buses.**
- x. **Copy of correspondence from Jamie Ross, Mayor, Belcarra, to Nelly Shin, MP, Port Moody-Coquitlam, supporting the 9-8-8 crisis line initiative.**
- xi. **Correspondence from Kelly Kenney, Corporate Officer, City of Langley, dated March 11, 2021, requesting favourable consideration at the LMLGA Virtual Conference in May for their resolution requesting the**

Province permanently reinstate the \$300/month benefit for people receiving disability benefits and income assistance and move to raise disability and income assistance to a livable rate that is above the market basket measure.

- xii. **Correspondence from Kate Barchard, Corporate Officer, City of Pitt Meadows, dated March 11, 2021, presenting for information two resolutions related to fair taxation from railway operations and industrial parks for inclusion and discussion at the upcoming LMLGA Convention.**
- xiii. **Correspondence from Patrick Weiler, MP, West Vancouver-Sunshine Coast-Sea to Sky Country, dated March 11, 2021, inviting feedback through an online program development questionnaire regarding potential priorities for federal funding from Infrastructure Canada that will support retrofits, repairs or upgrades of existing public buildings and the construction of new public buildings.**

Moved/Seconded

THAT the correspondence be received
CARRIED

15. DECISION ON LATE BUSINESS

There was no late business.

16. LATE BUSINESS

17. NOTICE OF MOTION

There was no notice of motion.

18. QUESTION PERIOD

There were no questions from the public.

At 11:21 a.m. the Regular meeting was recessed.

At 11:40 a.m. the Regular meeting was reconvened.

19. IN CAMERA

Moved/Seconded

THAT the meeting is closed to the public in accordance with the *Community Charter* Section 90 (1) (c) Employee Relations (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. RISE FROM IN CAMERA

At 12:07 p.m. Council rose from In Camera and the Regular Meeting was recessed.

At 1:36 p.m. the Regular meeting was reconvened.

21. IN CAMERA

Moved/Seconded

THAT the meeting is closed to the public in accordance with the *Community Charter* Section 90 (1) (c) Employee Relations (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

22. RISE FROM IN CAMERA

23. ADJOURNMENT OF REGULAR COUNCIL MEETING

Moved/Seconded

THAT the Regular Council Meeting be adjourned.

CARRIED

At 1:40 p.m. the Regular Council Meeting was adjourned.

Mike Richman
Mayor

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 Thursday, April 1, 2021 at 9:00 a.m. via electronic means through a ZOOM Webinar. This is Meeting No. 1535.

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

ABSENT: Councillor Amica Antonelli

STAFF IN ATTENDANCE*: Nikki Gilmore, Chief Administrative Officer
Tom Csima, Manager of Operations & Projects
Gwendolyn Kennedy, Legislative Assistant

PUBLIC: 0

MEDIA: 0

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

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

1. CALL TO ORDER SPECIAL MEETING

At 9:02 a.m. Mayor Richman called the Special Meeting to Order.

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

2. APPROVAL OF AGENDA

Moved/Seconded

THAT the agenda be approved as presented.

CARRIED

3. REPORTS

a) Office of the Chief Administrative Officer

i. Lower Mainland Local Government Association Resolution Revision – New Spaces Fund Eligibility Criteria

CAO Gilmore informed Council that the Village's application for daycare funding under the New Spaces Fund was unsuccessful. The Village will be eligible to reapply at the next intake and if Council desires, to develop a funding model to cover the costs in excess of \$40,000 per space.

Moved/Seconded

THAT the following resolution passed at Regular Council Meeting No. 1534 held Tuesday, March 16, 2021, be rescinded:

Moved/Seconded

THAT Council supports the following resolution, to be submitted jointly with the District of Squamish to the Lower Mainland Local Government Association for consideration at the Annual General Meeting to be held May 12th to 14th, 2021:

WHEREAS the Province of B.C. has committed to supporting universal childcare and launched the New Spaces Fund to create thousands of new childcare spaces across B.C.

AND WHEREAS many rural and remote communities in BC face higher-than-average construction costs, including additional hazard mitigation and flood construction level requirements, also face a high unmet community demand for safe, affordable, and licensed childcare facilities.

THEREFORE BE IT RESOLVED THAT UBCM requests that the Minister and Ministry of Children and Family Development acknowledge communities contending with defensible higher-than-average construction costs and evidenced unmet childcare needs by updating the New Spaces Funding criteria to allow for the submission of proposals that exceed the current \$40,000 per space funding limit.

CARRIED

Moved/Seconded

THAT Council supports the following resolution, to be submitted jointly with the District of Squamish to the Lower Mainland Local Government Association for consideration at the Annual General Meeting to be held May 12th to 14th, 2021:

WHEREAS the Province of B.C. has committed to supporting universal childcare and launched the New Spaces Fund to create thousands of new childcare spaces across B.C.

AND WHEREAS many rural and remote communities in BC face higher-than-average construction costs, including additional hazard mitigation and flood construction level requirements, also face a high unmet community demand for safe, affordable, and licensed childcare facilities.

THEREFORE BE IT RESOLVED THAT UBCM request that the Minister of State for Child Care work with the Ministry of Children and Family Development to define exceptional circumstances within the New Spaces Funding criteria to include consideration of the impacts of the following:

- Demonstrated high need for more child care spaces
- Flood and other hazard mitigation construction costs

- Higher than average land, labour and construction costs
 - Limited availability of public lands fit for child care use
 - Low commercial vacancy rates,
 - High cost of commercial spaces
- to enable the approval of applications that exceed the current \$40,000 per space threshold.

CARRIED

15. IN CAMERA

Moved/Seconded

THAT the meeting is closed to the public in accordance with the *Community Charter* Section 90 (1) (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

At 9:07 a.m. Council moved In Camera.

16. RISE FROM IN CAMERA

At 9:49 a.m. Council rose without report.

17. ADJOURNMENT OF SPECIAL COUNCIL MEETING

Moved/Seconded

THAT the Special Council Meeting be adjourned.

CARRIED

At 9:49 a.m. the Special Council Meeting was adjourned.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Date: April 13, 2021

To: Nikki Gilmore, Chief Administrative Officer

From: Joanna Rees, Planner

Subject: Development Variance Permit No. 127 – 7665 Cerulean Drive

PURPOSE

The purpose of this report is for Council to reconsider issuance of Development Variance Permit (DVP) No. 127 (7665 Cerulean Drive) attached as **Appendix A**.

BACKGROUND

The application was submitted by David Russell and Stephanie Nicoll-Russell (the “Applicants”), owners of the subject property located at 7665 Cerulean Drive.

The history and relevant background information for DVP No. 127 was outlined in the report presented to Council on March 16th, 2021 which is attached as **Appendix B**.

The following variances from Sections 4.13 and 7.21 of Zoning Bylaw No. 832, 2018 were previously requested:

- To vary Section 4.13(a) viii. in order to allow a retaining wall in excess of 1.2 metres in height to be placed on the portion of the site in general compliance with the location and height on the Site Plan completed by Doug Bush Survey Services, dated October 5, 2020, or in a location approved by Building Permit, not to exceed 43 metres in length; and
- To vary Section 7.21 (a) i. to vary the maximum height of a retaining wall, from 1.2 metres to a maximum of 4.32 metres, a variance of 3.12 metres.

The DVP application was initially considered by Council at the Regular Meeting No. 1535, held on March 16th, 2021, and the following resolution was passed:

Moved/Seconded

THAT Council refers the application for Development Variance Permit No. 127 back to Staff to work with the Applicants and the developer to address concerns of the neighbouring property owners.

CARRIED

DISCUSSION & COMMENTS

The Applicants considered Council’s comments and prepared an amendment to the variance proposal as detailed in this report and described by the Applicants in **Appendix C**.

The Applicants have proposed to remove the top two rows of the existing retaining wall and completely bury the entire bottom row of the retaining wall, as shown in Figure 1. This will result in a retaining wall with the appearance of 2.8 metres in height. This represents a 35% reduction in the appearance of the height of the wall from the existing height.

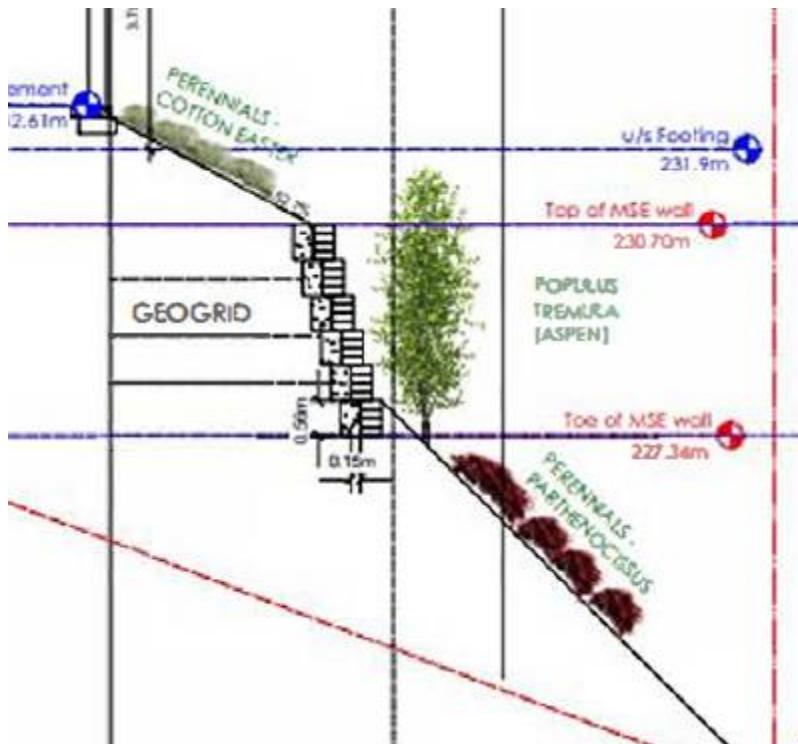


Figure 1: Revised retaining wall proposal

The Applicants remain committed to landscaping the retaining wall and creating a landscaped buffer to further mitigate visual impacts.

The following variances from Sections 4.13 and 7.21 of Zoning Bylaw No. 832, 2018 are requested as an alternative to the original application:

- To vary Section 4.13(a) viii. in order to allow a retaining wall in excess of 1.2 metres in height to be placed on the portion of the site in general compliance with the location and height on the Site Plan, completed by Doug Bush Survey Services, dated October 5, 2020, or in a location approved by Building Permit, not to exceed 43 metres in length; and
- To vary Section 7.21 (a) i. to vary the maximum height of a retaining wall, from 1.2 metres to a maximum of 3.36 metres, a variance of 2.16 metres.

While the appearance of the wall will be 2.8 metres, the variance of 3.36 metres is required to accommodate the 0.56 metre portion of the buried wall.

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 887, 2020.

At the meeting that the DVP is being considered, although not specified by the *Local Government Act*, it is the Village's practice to provide 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 Council may wish to consider opening the meeting to allow for comment from the public in attendance.

LEGAL CONSIDERATIONS

Development Variance Permits (DVP's) are subject to Part 14, 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 the Zoning Bylaw. A DVP must not vary the use and density of land, residential rental tenure, or 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. 887, 2020.

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 authorizes issuance of the original Development Variance Permit No. 127(A) with the following conditions:
 - a. Provision of a landscape bond in the amount of \$6,000.00, 120% of the soft landscaping costs
2. **THAT** Council authorizes issuance of the amended Development Variance Permit No. 127 (B) with the following conditions:
 - a. Provision of a landscape bond in the amount of \$6,000.00, 120% of the soft landscaping costs
3. **THAT** Council refuses the application for Development Variance Permit No. 127; and

4. **THAT** Council refers the application for Development Variance Permit No. 127 back to Staff to address any further considerations.

RECOMMENDATIONS

THAT Council provide direction to Staff regarding which option is preferred.

ATTACHMENTS:

Appendix A: Amended Development Variance Permit No. 127 (B)

Appendix B: March 16th, 2021 Staff Report and DVP No. 127 (A) – 7665 Cerulean Drive

Appendix C: Applicant’s Letter of Rationale

Prepared by:	Joanna Rees, Planner
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer



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**VILLAGE OF PEMBERTON
Development Variance Permit #127
7665 Cerulean Drive**

Issued to: **Stephanie Nicoll-Russel and David Russel** File No.
DVP#: DVP127

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

Address: **Lot 24, District Lot 211, Lillooet District Plan EPP88381
PID: 030-665-469
7665 Cerulean Drive, 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: **030-665-469**

Legal Description: **Lot 24, DL 211, LDP EPP88381**

Civic Address: **7665 Cerulean Drive, Pemberton, BC.**

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

- 3) The Village of Pemberton Zoning Bylaw No. 832, 2018 is hereby varied as follows and as shown on Schedule "C" which is attached to and forms part of this permit:
 - a) To vary Section 4.13(a) viii. in order to allow a retaining wall in excess of 1.2 m in height to be placed on the portion of the site in general compliance with location and height on the Site Plan completed by



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Doug Bush Survey Services dated October 5th 2020 or in a location approved by Building Permit, not to exceed 43 m in length; and

- b) To vary Section 7.21 (a) i. to vary the maximum height of a retaining wall, from 1.2 m to a maximum of 3.36 m, a variance of 2.16 metres.
- 4) All retaining wall landscape screening to be installed on the said lands shall be in substantial compliance with the Landscape Plan prepared by Soundscape Garden, dated 11th October 2020, attached to and forming a part of this Permit as **Schedule C**;

Landscaping Plan – Retaining Wall Screening

approved by the Village Council on the XX day of April 2021.

- 5) This Development Variance Permit is issued subject to the Permittee providing security in the form of Cash, Bond or an Irrevocable Letter of Credit in the amount of \$6,000.00 which is equal to 120% of the estimated total cost of the required works (\$5000.00) to secure provision of the on-site soft landscaping. The Letter of Credit shall be received before issuance of a Building Permit and kept in force until all the landscaping works are completed and installed to the satisfaction of the Village.

The Permittee shall complete all works and landscaping referenced in **Schedule C** to the satisfaction of the Municipality within one (1) year from the date that the Building Permit has been issued. If the landscaping is not completed to the satisfaction of the Municipality within the required time, the security deposit may be used to undertake the required landscaping. Extensions to the one (1) year time limit may be applied for in writing thirty days prior to the expiry date, pending approval from the Village.

- 6) The Permittee shall be responsible for maintaining all the landscaping, in an orderly and responsible manner.
- 7) 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*, or any other servicing standard or requirement in Village of Pemberton Subdivision and Development Control Bylaw No. 677, 2012.
- 8) This Permit prevails over the provisions of the Bylaw in the event of conflict.



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- 9) 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.
- 10) This Permit is not a building permit.
- 11) 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 COUNCIL THE

XXth DAY OF APRIL 2021.

Mike Richman, Mayor

Nikki Gilmore, Chief Administrative Officer

END OF DOCUMENT

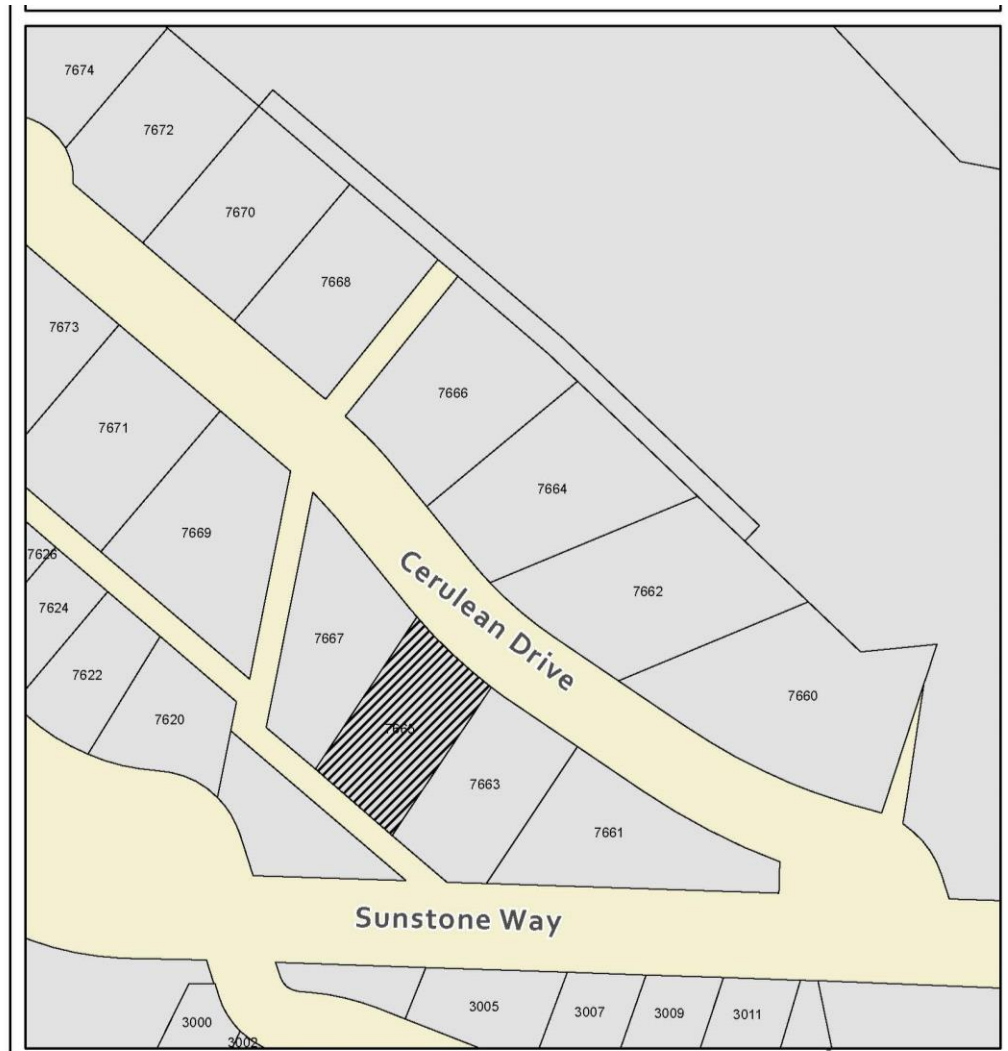


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Schedule "A"



Legend

 Subject Property

7665 Cerulean Drive
Lot 24 DL 211 LLD Plan EPP8381



Date: 2020 / 10 / 13

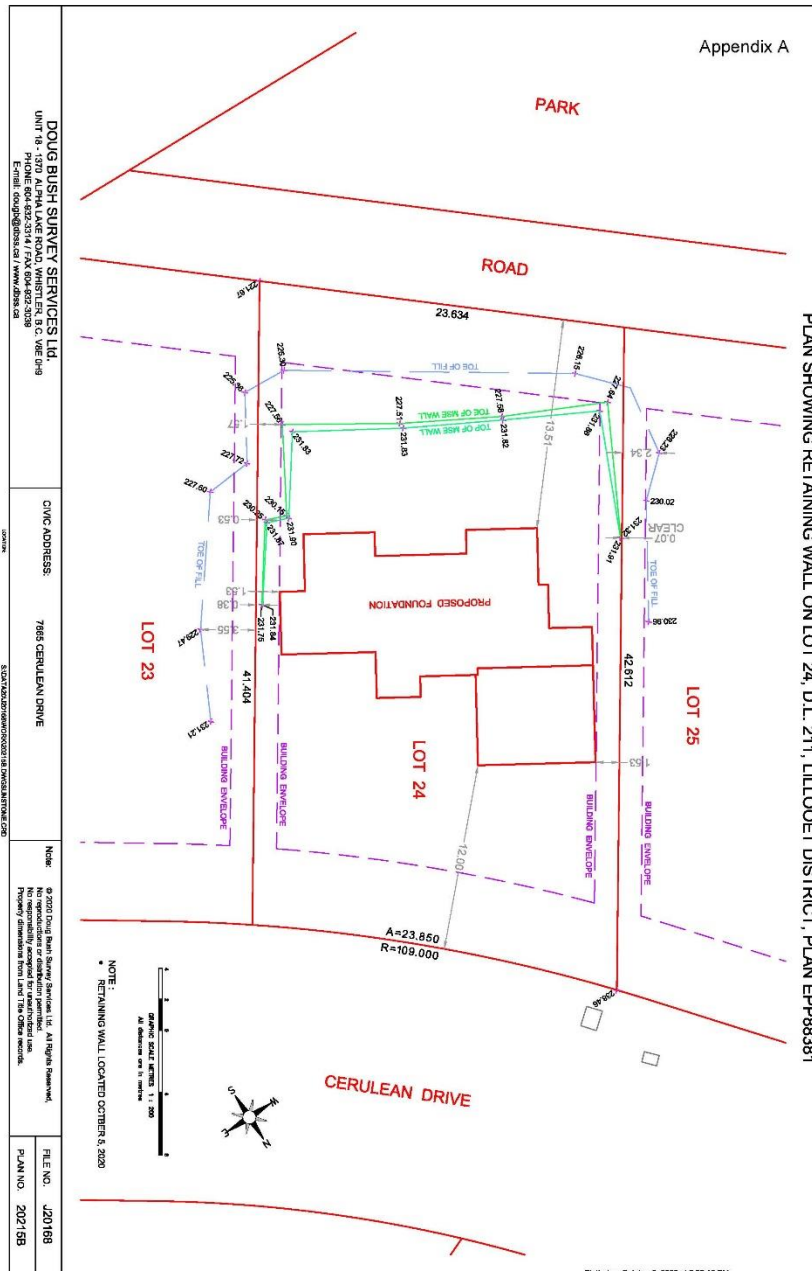


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Schedule "B"

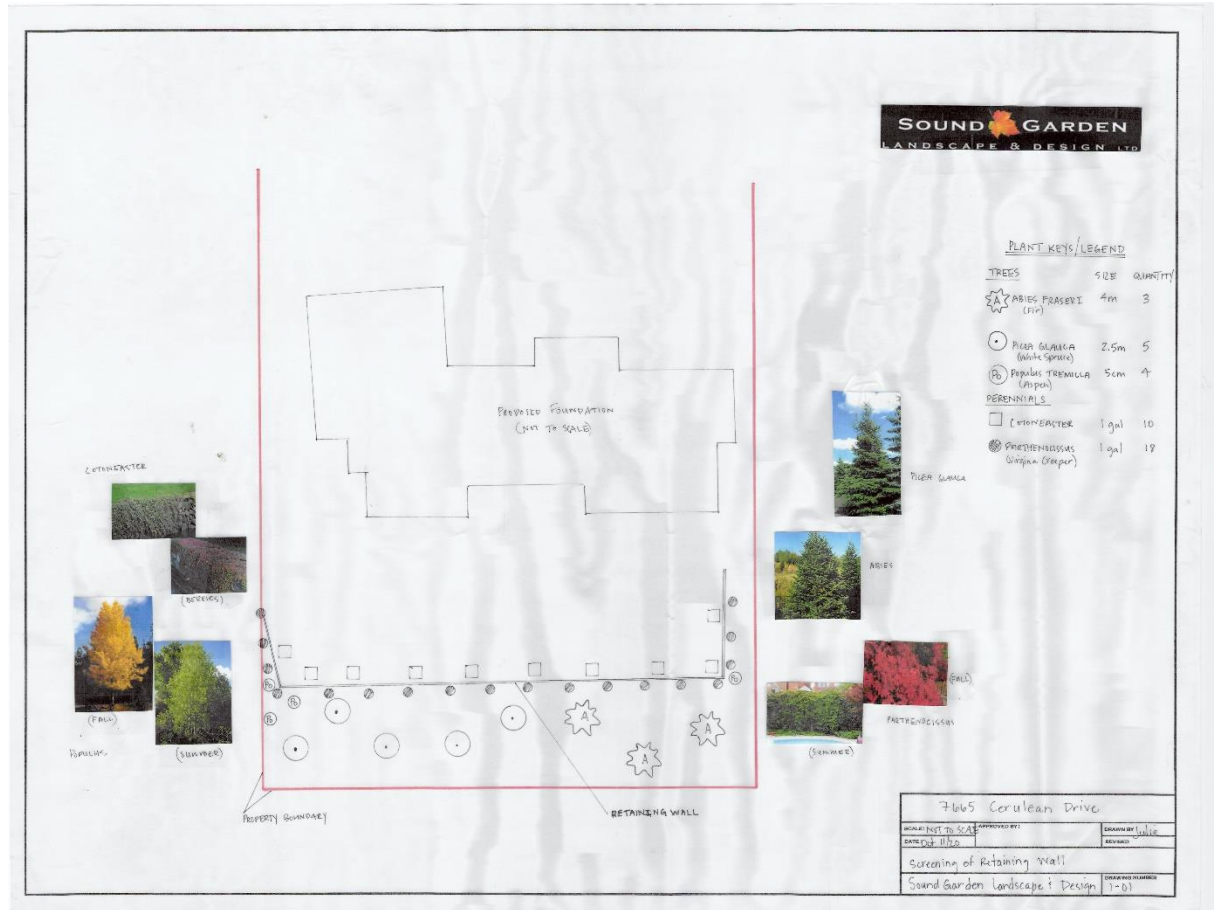


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Schedule "C"



Date: March 16, 2021
To: Nikki Gilmore, Chief Administrative Officer
From: Joanna Rees, Planner
Subject: Development Variance Permit No. 127 – 7665 Cerulean Drive

PURPOSE

The purpose of this report is for Council to consider issuance of Development Variance Permit (DVP) No. 127. The application was submitted by David Russell and Stephanie Nicoll-Russell (the “Applicants”), owners of the subject property located at 7665 Cerulean Drive.

BACKGROUND

The following section outlines the background on the application, including any previous permits or orders that have been issued on the subject lands to date:

On July 31, 2019, Site Alteration Permit No. 2019-11 was issued authorizing the following works:

- Exploratory site grubbing works which allowed the applicant to clear the site within their building envelope to determine how they would build on the site.
- Construction of retaining walls up to 1.2 metres. The Permit specifically stated that any retaining wall 1.2 metres or higher required a Retaining Wall Permit.
- Establishment of a driveway which allowed the applicant to create access to continue building on the site.

On August 25, 2020, Building Permit No. 1951 was issued for construction of a single detached dwelling with a secondary suite. On the building permit plan approved, a retaining wall of less than 1.2 metres was shown.

The Village of Pemberton Building Bylaw No. 867, 2019 requires a permit for a retaining wall of 1.2 metres or higher. Retaining walls are subject to Section 4.13 and 7.21 of the Zoning Bylaw No. 832, 2018, described below. Retaining walls above 1.2 meters in height require a variance to be constructed.

Upon Staff noticing that the retaining wall built on the property exceeded 1.2 metres, a Stop Work Order was issued on September 23, 2020 due to the construction of a retaining wall in contravention of Part 7.21 of the Village of Pemberton Zoning Bylaw No. 832, 2018.

The applicants applied to the Board of Variance to appeal the Zoning Bylaw retaining wall regulations to permit the existing wall. At the Board of Variance meeting, held on October 28th, 2020, a resolution was passed that the variances did not constitute as a minor variance and therefore fell outside the scope of the Board’s jurisdiction.

DISCUSSION & COMMENTS

The Applicants are requesting variances to allow for an existing retaining wall structure to facilitate the development of a single detached residential dwelling. The following variances from Sections 4.13 and 7.21 of Zoning Bylaw No. 832, 2018 are requested:

- To vary Section 4.13(a) viii. in order to allow a retaining wall in excess of 1.2 metres in height to be placed on the portion of the site in general compliance with the location and height on the Site Plan completed by Doug Bush Survey Services (shown on Schedule “B” of **Appendix A**), dated October 5, 2020, or in a location approved by Building Permit, not to exceed 43 metres in length; and
- To vary Section 7.21 (a) i. to vary the maximum height of a retaining wall, from 1.2 metres to a maximum of 4.32 metres, a variance of 3.12 metres.

This variance is to accommodate the existing height and location of the retaining wall. Over and above the variance, if supported, a retaining wall building permit is required for a retaining wall higher than 1.2 metres including sign off from a geotechnical engineer.

The Development Variance Permit is attached as **Appendix A**. The applicant’s description of the proposal and rationale is attached as **Appendix B**.

Description of Variance

The subject lands legally described as Lot 24, District Lot 211, Lillooet District Plan EPP88381, are known municipally as 7665 Cerulean Drive. The location of the subject lands is shown on Schedule A of **Appendix A**. The topography of the subject lands is sloped to the South West.

The subject lands are designated Residential in the Official Community Plan and are zoned Residential Amenity 1, Sunstone (RSA-1) as per Village of Pemberton Zoning Bylaw No. 832, 2018. Adjacent lands are residential, and a pedestrian path and park land is located adjacent to the rear lot line. The existing retaining wall on the subject lands is shown in **Figure 1**.



Figure 1: Photo of retaining wall located at 7665 Cerulean Drive taken on October 9, 2020

The siting of the retaining wall is adjacent to the rear and interior lot lines as shown in green in **Figure 2**. The height of the retaining wall ranges from 0.09 metres on the east interior lot line (next to Lot 23 or 7663 Cerulean Drive) to 4.32 metres at its maximum height adjacent to the rear lot line to 0.59 metres adjacent to the westerly interior lot line (next to Lot 25 or 7667 Cerulean Drive).

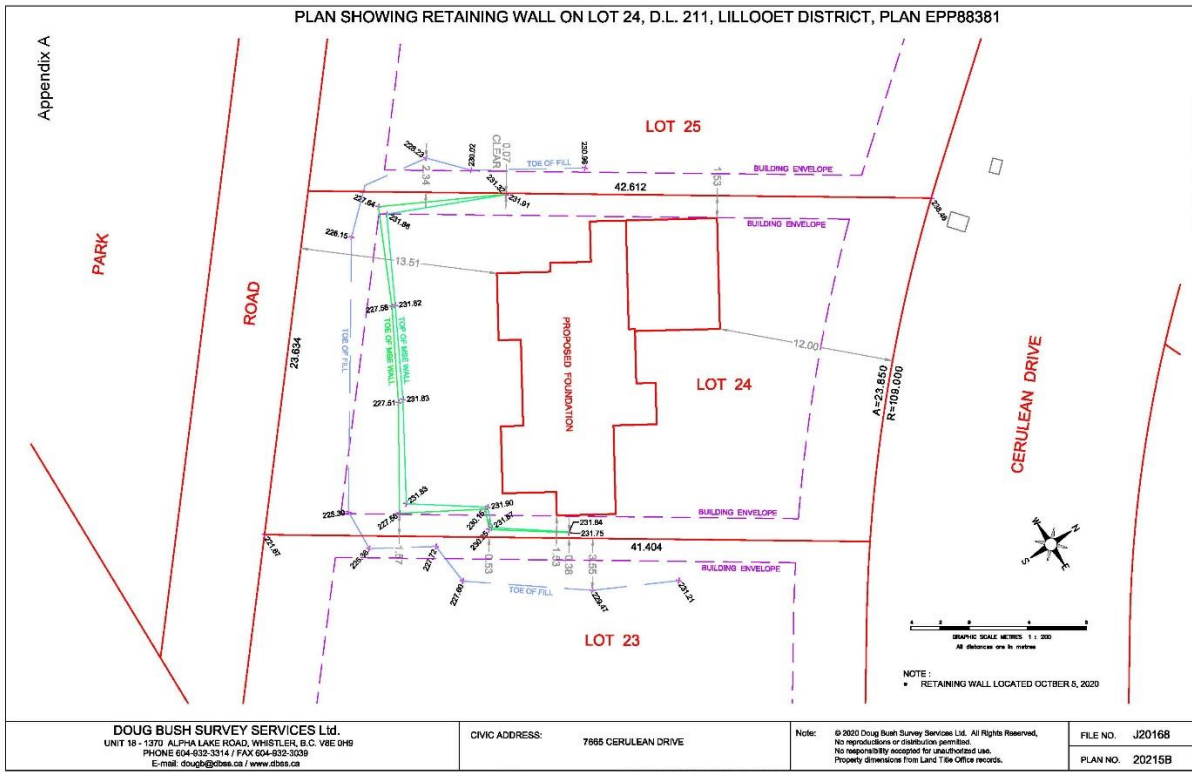


Figure 2: Site Plan completed by Doug Bush Survey Services Ltd.

The Applicants have advised they are committed to landscaping the retaining wall and creating a landscaped buffer to mitigate visual impacts. The Applicants submitted a digital rendering of the proposed landscape screening, **Figure 3**, and a landscape plan completed by Sound Garden Landscape & Design, dated October 11, 2020 (Schedule C of **Appendix A**).



Figure 3: Digital rendering of the proposed retaining wall landscaping.

Zoning Bylaw No. 832, 2018

The following setbacks apply to the subject lands as per the Residential Amenity 1, Sunstone (RSA-1) Zone:

- b) Minimum Front Setback: 5 metres
- c) Minimum Rear Setback: 5 metres
- d) Minimum Interior Side Setback: 1.5 metres
- e) Minimum Exterior Side Setback: 3 metres

The existing retaining wall is within both the easterly and westerly interior lot line setbacks. The retaining wall is 0.38 meters from the easterly lot line and 0.07 meters from the westerly lot line.

The existing retaining wall requires a variance from the followings Sections 4.13 a) viii) and 7.21 a) i) of Zoning Bylaw No. 832, 2018.

Projections into the required setbacks are only permitted in accordance with the following policies of Section 4.13:

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; windowsills, 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*

Retaining walls are limited in height in accordance with Section 7.21:

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 current provisions in the Zoning Bylaw No. 832, 2018 are a change from the previous Zoning Bylaw. 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. Staff do not have a rationale for the change that was made, however the 1.2 metre height limitation is one that has been utilized as a trigger point for more rigorous engineering and visual analysis in other jurisdictions.

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 887, 2020.

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 Council may consider opening the meeting to allow for comment from the public in attendance.

Staff have received four (4) written comments at the time of preparing this report which are attached as **Appendix C**.

LEGAL CONSIDERATIONS

Development Variance Permits (DVP's) are subject to Part 14, 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 the Zoning Bylaw. A DVP must not vary the use and density of land, residential rental tenure, or 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. 887, 2020.

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 authorizes issuance of Development Variance Permit No. 127 with the following conditions:
 - a. Provision of a landscape bond in the amount of \$6000.00, 120% of the soft landscaping costs
2. **THAT** Council refuses the application for Development Variance Permit No. 127; and
3. **THAT** Council refers the application for Development Variance Permit No. 127 back to Staff to address any further considerations.

RECOMMENDATIONS

THAT Council provide direction to Staff on which option they wish to proceed with.

ATTACHMENTS:

Appendix A: Development Variance Permit No. 127

Appendix B: Applicant's Letter of Rationale

Appendix C: Public Comments

Prepared by:	Joanna Rees, Planner
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

**VILLAGE OF PEMBERTON
Development Variance Permit #127
7665 Cerulean Drive**

Issued to: **Stephanie Nicoll-Russel and David Russel** File No.
DVP#: DVP127

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

Address: **Lot 24, District Lot 211, Lillooet District Plan EPP88381
PID: 030-665-469
7665 Cerulean Drive, 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: **030-665-469**

Legal Description: **Lot 24, DL 211, LDP EPP88381**

Civic Address: **7665 Cerulean Drive, Pemberton, BC.**

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

- 3) The Village of Pemberton Zoning Bylaw No. 832, 2018 is hereby varied as follows and as shown on Schedule "C" which is attached to and forms part of this permit:
 - a) To vary Section 4.13(a) viii. in order to allow a retaining wall in excess of 1.2 m in height to be placed on the portion of the site in general compliance with location and height on the Site Plan completed by

Doug Bush Survey Services dated October 5th 2020 or in a location approved by Building Permit, not to exceed 43 m in length; and

- b) To vary Section 7.21 (a) i. to vary the maximum height of a retaining wall, from 1.2 m to a maximum of 4.32 m, a variance of 3.12 metres.
- 4) All retaining wall landscape screening to be installed on the said lands shall be in substantial compliance with the Landscape Plan prepared by Soundscape Garden, dated 11th October 2020, attached to and forming a part of this Permit as **Schedule C**;

Landscaping Plan – Retaining Wall Screening

approved by the Village Council on the XX day of March 2021.

- 5) This Development Variance Permit is issued subject to the Permittee providing security in the form of Cash, Bond or an Irrevocable Letter of Credit in the amount of \$6,000.00 which is equal to 120% of the estimated total cost of the required works (\$5000.00) to secure provision of the on-site soft landscaping. The Letter of Credit shall be received before issuance of a Building Permit and kept in force until all the landscaping works are completed and installed to the satisfaction of the Village.

The Permittee shall complete all works and landscaping referenced in **Schedule C** to the satisfaction of the Municipality within one (1) year from the date that the Building Permit has been issued. If the landscaping is not completed to the satisfaction of the Municipality within the required time, the security deposit may be used to undertake the required landscaping. Extensions to the one (1) year time limit may be applied for in writing thirty days prior to the expiry date, pending approval from the Village.

- 6) The Permittee shall be responsible for maintaining all the landscaping, in an orderly and responsible manner.
- 7) 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*, or any other servicing standard or requirement in Village of Pemberton Subdivision and Development Control Bylaw No. 677, 2012.
- 8) This Permit prevails over the provisions of the Bylaw in the event of conflict.

- 9) 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.
- 10) This Permit is not a building permit.
- 11) 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 COUNCIL THE

XXth DAY OF MARCH 2021.

Mike Richman, Mayor

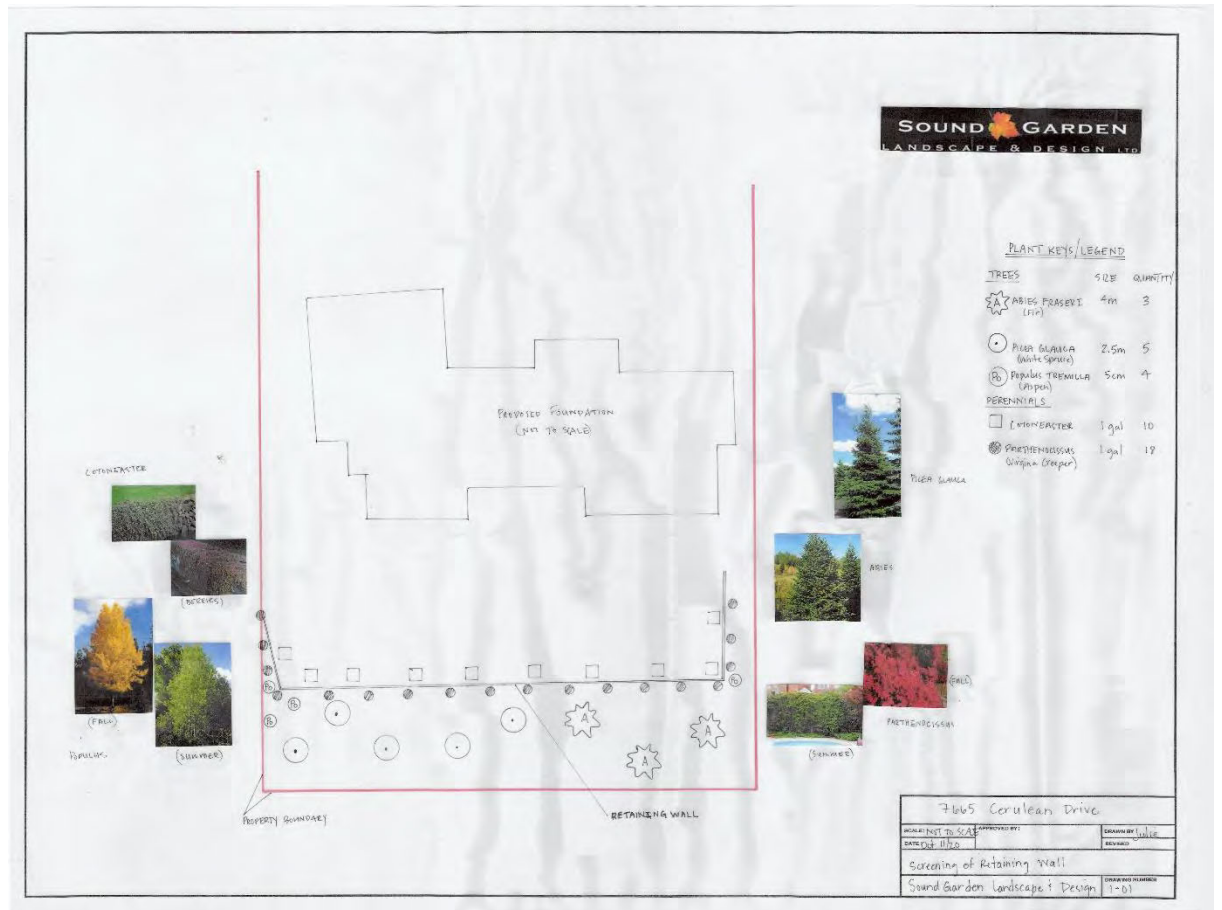
Nikki Gilmore, Chief Administrative Officer

END OF DOCUMENT

Schedule "A"



Schedule "C"



Village of Pemberton
Box 100, Pemberton, BC V0N 2L0

January 30, 2021

Dear Mayor & Council.

Thank you for the opportunity to hear our request for a Variance regarding our retaining wall, 7665 Cerulean Drive.

This letter will provide you with some background of our situation, address the hardship involved to build a retaining wall, the options that were considered and the solutions to address the visual impact of the wall.

Background of our situation

- We purchased our lot in October 2017 prior to road and services being constructed. The construction of the road added a 13 ft/4m change in elevation to our already steep lot.
- In preparation for our build, we designed our home as one story with a walkout basement before the road and sewer services were built.
- Upon receiving a Site Alteration Permit from the Village of Pemberton (VoP) on July 31, 2019, we began preparation by removing trees.
- In June 2020, we began filling our lot with required structural fill.
- Following the purchase of 120 truckloads of structural fill and recognizing that significant fill was still required and that we were losing the size of our building envelope, we requested a survey of the fill and lot from Doug Bush Survey Services Ltd., *Appendix A*.
- The survey confirmed that using only structural fill due to the steepness of our lot, would result in our building envelope decreasing by 30% from the original Site Plan at time of purchase, *Appendix B*.
- It was never our intent to build a retaining wall, which is the reason it was not shown on our building plans at the time of submission for a Building Permit.
- The Developer of Sunstone recommended the design and material for the retaining wall we purchased.

Upon much consideration and professional input from Kontur Geotechnical Consultants, we decided to proceed with building of the retaining wall based on the design of our home approved by Sunstone's Design Review committee and submitted with our Building Permit application. We followed Sunstone's Design and Building Guidelines, June 27, 2019 which state, "retaining walls over 1.2m must be designed and approved by a Geotech." Kontur Geotechnical Consultants provided the engineering on September 18, 2020 for the required approval, *Appendix C*.

During the three-week build of our \$50k retaining wall, the Village of Pemberton's (VOP) Building Inspector, Chris Derouin and David Russell met on-site three times. On Chris' final visit it was agreed upon by both parties and confirmed David would submit for a Building Permit upon receiving the

final inspection from Kontur Geotechnical Consultants in the early week of September 14, 2020. On September 15, 2020, we received a Stop Work Order from the VoP's Development Services Department. The required documentation was nonetheless submitted and the building permit was stalled pending approval from the Board of Variance.

Reasons a retaining wall was built and plans for build

- When we filled at a grade 2:1, recommended by Kontur Geotechnical Consultants, the fill came up 15 feet and back 30 feet - we lost the ability to have a walkout basement.
- Without the build of the retaining wall, we would not meet the VoP's Zoning Bylaw 832, 2018 8.11 (l), That portion of *any* lot used as a driveway from the lot line to a required parking area does not exceed the grade of 20%.
- Without the build of the retaining wall, the grade of our driveway would be 45%; too steep to drive a vehicle up or down the driveway. With the retaining wall, our driveway will be at a grade of 16% which will be driveable for vehicles, especially important from November – March each year.
- The retaining wall is needed as the majority of our home will sit on the wall.
- The lot is too steep and not deep enough to have multiple retaining walls, a house and include a driveway.

Imagine A below indicates the steepness from the top of the street to our building envelope, which is 5.5m/18' from the upper lip to the building site.



Image B below indicates the top of our lot from the street, the steepness of our lot confirms you cannot see our building envelope below. With our raised elevation on the retaining wall, we still must start the driveway on the east side of the lot, coming across the lot to access the house as opposed to being able to drive straight down the driveway to our home from the street.



- A site section, *Appendix D*, completed by Ms. Wassberg of MW Design Studio on November 18, 2020 confirms the steepness of our lot and the need for a retaining wall.
- A site section, *Appendix E*, completed by Ajia Canadian Building Systems Inc on November 23, 2020 confirms the steepness of our lot with our home situated on our lot and the need for the retaining wall.
- Emergency vehicles will be able to access the grade of 16%, without the retaining wall, emergency vehicles would not be able to safely access our home.
- Should we have not built a retaining wall, the cement foundation for our home would need to be a total of 25 feet high of which would be visible from Sunstone Way. We believe, based on the Developer's recommendation that the retaining wall is more aesthetically pleasing within the neighbourhood than a cement wall.
- Without a retaining wall, we could put our home on 25-foot stilts (the height of the retaining plus of the basement). This means we would need to build a second story on our home (currently our home is one floor with a walkout basement). By building our home on stilts, a retaining wall would still be required to support the front of the home and to retain the fill from the driveway. The size of the retaining wall would be approximately 12 feet (4m). This retaining wall would still be visible from the Sunstone Way.
- By building our retaining wall, we created a flat building pad to build our home on which now will be accessible by vehicles, particularly important during the winter months.
- The retaining wall retains the 120 loads of structural fill on our lot which supports most of our home.
- There is no harm to the existing ecosystem due to the build of our retaining wall.

- The retaining wall does not block any planned play areas or public walkways. It is constructed between 5 to 10m in front of a public access path.
- The wall is appealing with the ability to include trees and vines (see rendition photo below, Image C).
- There will be less visual impact with completed landscaping opposed to a cement foundation or a large amount of structural fill.
- Depending where the neighbouring properties build, their views to the west will not be blocked by our home having a retaining wall, as each home on our street will require fill and/or a retaining wall.
- We adhered to Sunstone Design Guidelines which states, “no section of exterior wall should be higher than two stories.” We believe the visual impact of a three-story home would overpower the look from Sunstone Way.
- Our lot is one of the two steepest lots on Cerulean Drive. The slopes of the lots on Cerulean Drive increase from the bottom to the top of the street; as you go up the Cerulean Drive, lots become steeper and then begin to plateau at the top of the street.
- To mirror the image of the existing retaining wall, same height, longer in length built by our neighbours on their lot at 7671 Cerulean Drive.

Solutions to address the visual impact of wall

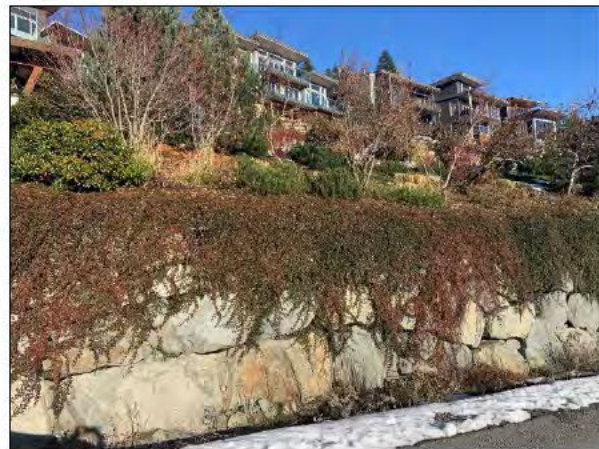
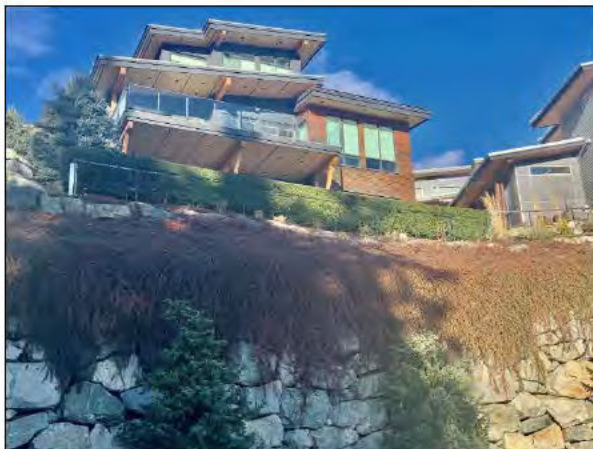
We recognize the visual impact retaining walls have on developments. We also are aware that in hillside developments retaining walls may be required and that landscaping will minimize the look of such walls.

As requested by the VoP’s Building Services Department, we have submitted a comprehensive landscape design completed by Sound Garden Landscape and Design, see attached. You will note that our proposed landscape design is made of natural building materials so the visual impact will be minimized with natural landscaping. The landscaping plan does follow VoP’s Hillside Guidelines, Landscaping. The proposed landscaping will further enhance the completed landscaping in Sunstone. Prior to the landscaping request, we submitted Image C to the VoP; the intent was to hide the look of the retaining wall. We have submitted in writing to the VoP that landscaping will be completed by June 30, 2021. Please note we purchased our lot as the green space below appealed to us, notice that the landscaping adds attraction to the green space.

Image C is a rendition of our home with landscaping in front of the retaining wall.



Image D, taken November 2020 of the newly constructed subdivision Baxter Creek, located in the Rainbow subdivision in Whistler. As per the recommendation of Sound Garden, we have proposed planting the same vine on our submitted landscaping plan.



Addressing the Village of Pemberton VoP’s Hillside Design Guidelines, April 2020 we believe our retaining wall and landscaping plan addresses the Vision and Goals:

- Vision: Hillside developments will be environmentally sensitive, functionally appropriate, aesthetically pleasing and economically feasible.
- Goals: Development applications within hillside areas should work to achieve the vision for hillside development by focusing on achieving the following goals: Complement the scenic hillside character of Pemberton; Screen visual impact and minimize unsightly cut and fill; Integrate unique natural features such as landforms, rock outcroppings, viable existing stands of trees and vegetation, ravines, water features, hilltops and ridgelines into new neighbourhoods; Avoid development on unstable or hazardous sites and prevent potential rockfall hazards; Preserve and enhance access to trails and outdoor recreation; Protect wildlife habitat, wildlife corridors and other environmental values; and Manage storm run-off and limit erosion hydrology.

Specially to the Visual Guidelines section

~1.1.1 Images of retaining walls below are not recommended – our retaining wall is neither of these two designs below:



Blasted rock wall leaves stark and negative mark on the landscape.



Unattractive visually dominant retaining wall.

~1.1.1: Landscaping is capable of hiding retaining walls – our landscape plans confirm this as well as **Image C** above.

~1.1.1: Consider using natural building materials – our retaining wall complies with this guideline.

~1.3: Streetscape Objective state: Developments are accessible to emergency vehicles – without a retaining wall, driveway would be too steep for emergency vehicle access.

~1.4.1: Grading and Retaining Objectives state: Retaining walls can be used to reduce slope disturbance, rather than modify natural terrain – our retaining wall has reduced slope disturbance.

~1.5.1: Sign-off from the geotechnical engineer(s) must be provided – this has been completed and received by the VoP.

~2 Landscaping: our submitted landscaping plans meets these requests.

Neighborhood Impacts

Currently two homes on Cerulean Drive have occupancy, two homes are currently being built, (not including ours). Of the two occupied homes, one home has two retaining walls over 1.2m. Of the two homes currently being built, one home has built a retaining wall, same height/much longer than ours, the other home does not have a retaining wall but required a significant amount of structural fill to build his home up to accommodate his driveway; the owner has the room to do so within his lot, we did not as our lot size is smaller and steeper than his. Both homeowners recognize the challenge of building on our steep lot and have written letters in support of our retaining wall.

We recognize our neighbour, Ms. Edwards' of 7663 Cerulean Drive concern of our retaining wall. Since the issue of the stop work order, we have not been able to return to our lot to address the overflow of fill on the neighbouring lot, 7663 Cerulean Drive. We informed the owner, Ms. Edwards, when David met her at her lot in November, we would complete upon removal of the stop work order.

In Ms. Edwards' letter to Council on January 26, 2021 she noted her concern is blocking her view to the south, this is completely incorrect. The view to the south, south-west and Mt. Currie is wide open. Her view to the East from her basement might be compromised by our wall if she has windows in her basement and moves her house down the lot by cutting her tree line down. Her main floor will be above our retaining wall. Please note in Ms. Edwards drawing submission in her letter to Council on January 26, 2021 there are three separate retaining walls, each of which are 1.2m. The three retaining walls of 1.2m, plus the height of the foundation and the fact that her lot is already higher than ours results in her main floor being above our retaining wall. Please note due to the steepness of our lot compared to Ms. Edwards' lot, we are unable to build three separate retaining walls.

Moving forward

Council is to be applauded for supporting staff's acknowledgement that the existing Zoning Bylaw for retaining walls does not comply on hillside developments and therefore amending the bylaw is recommended. While we recognize and support the processes involved, upon review from staff at the VoP, it should be noted the VoP has granted four permits specifically for retaining walls over 1.2m since July 2018 when the current bylaw was adopted; under the same bylaw we are requesting the same permit. Of the other permits approved, development permits were not required for retaining walls over 1.2m. It should be noted that of the permits granted, there are retaining walls higher and longer than ours with no landscaping requirements. We thank the previous Variance Committee members and recognize the difficult situation they were faced with approving our request for a variance at the October 28, 2020 Variance Committee meeting for our retaining wall; Mr. A. LeBlanc confirmed that we are the first home builders to be requested by senior staff to obtain a variance from the variance committee for a retaining wall over 1.2m since the bylaw was adopted. Due to the hardship for a build on our lot, we are requesting the same permit, under the same Zoning Bylaw.

Having lived (rented and owned) in several different subdivisions over the past 25 years, we have witnessed new neighbourhoods increase as developments have been approved by council,

including hillside developments that include retaining walls. We too desire the community of Pemberton to maintain its natural beauty in all subdivisions. With approval of our request for a Development Variance Permit for our existing retaining wall with our landscaping plan, we feel we will be maintaining Pemberton's naturally beauty and will enhance the existing landscaping Sunstone has achieved.

We are hopeful Council recognizes the due hardship and will support our request for the required Development Variance Permit for our retaining wall while acknowledging:

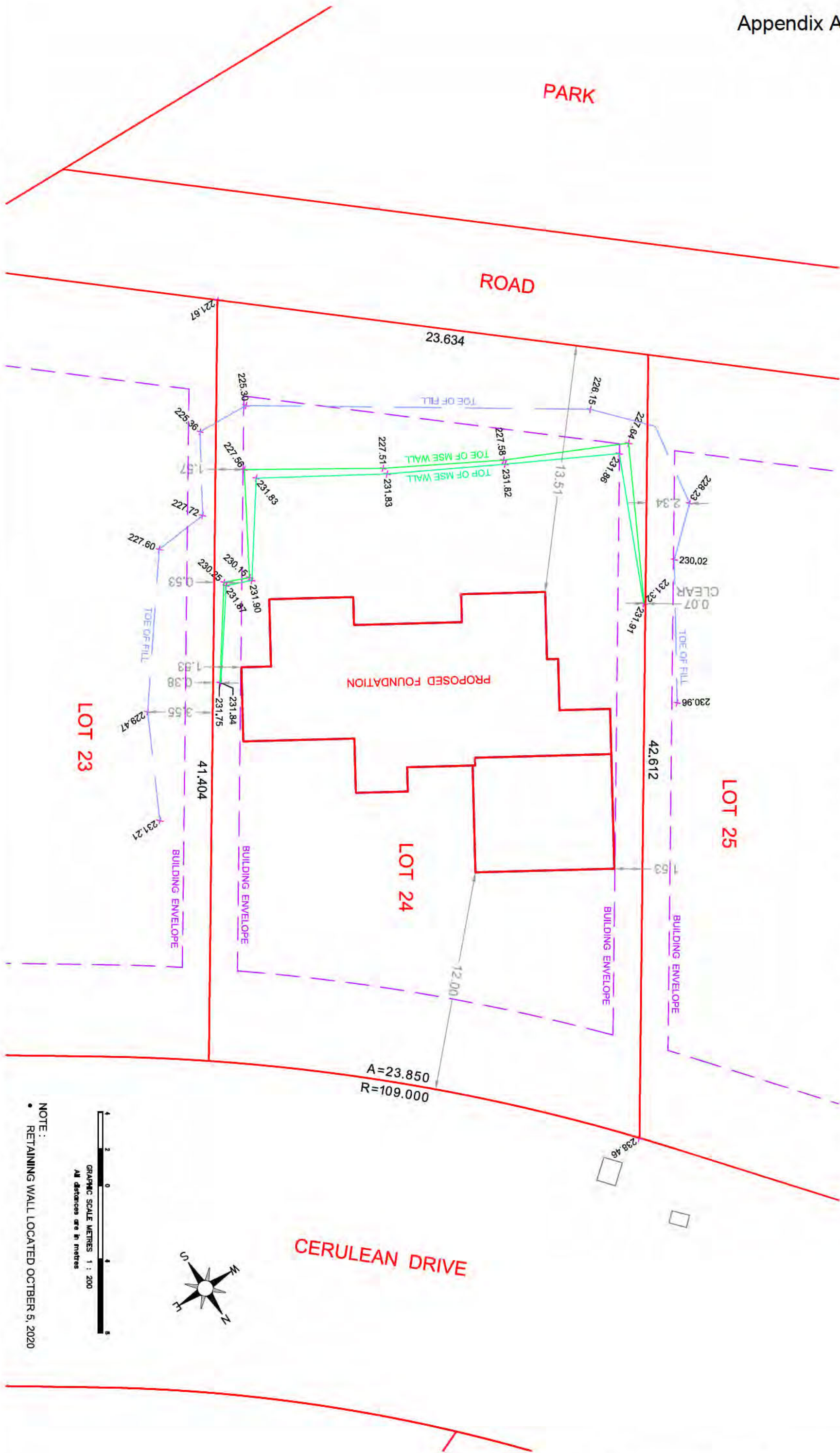
- Evidence confirming the steepness of our lot and the need for a retaining wall we have built
- Challenges without a retaining wall to build our driveway according to Bylaw 832 That portion of *any* lot used as a driveway from the lot line to a required parking area does not exceed the grade of 20%.
- Our landscaping plan shows minimum visual impact of our retaining wall
- We adhered to Sunstone's Design Guidelines
- We adhered to VoP's Hillside Guidelines
- VoP have recognized the Bylaw does not show favour for lots in hillside developments
- Public support for our existing retaining wall

In recognition of the shortened building timeframe in Pemberton, the already five months delay in building our home and the added costs involved to obtain a Development Variance Permit, it is hoped there are no further delays in approving our requested Variance and we can move forward in applying for a Development Variance Permit.

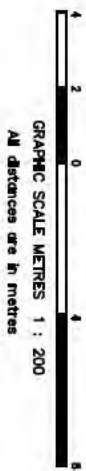
Thanking you in advance for your consideration.

Sincerely,
David Russell and Stephanie Nicoll-Russell
7665 Cerulean Drive, Pemberton

PLAN SHOWING RETAINING WALL ON LOT 24, D.L. 211, LILLOOET DISTRICT, PLAN EPP88381



NOTE:
• RETAINING WALL LOCATED OCTOBER 5, 2020



DOUG BUSH SURVEY SERVICES Ltd.
 UNIT 18 - 1370 ALPHA LAKE ROAD, WHISTLER, B.C. V8E 0H9
 PHONE 604-932-3314 / FAX 604-932-3039
 E-mail: dougb@dbs.ca / www.dbs.ca

CIVIC ADDRESS:

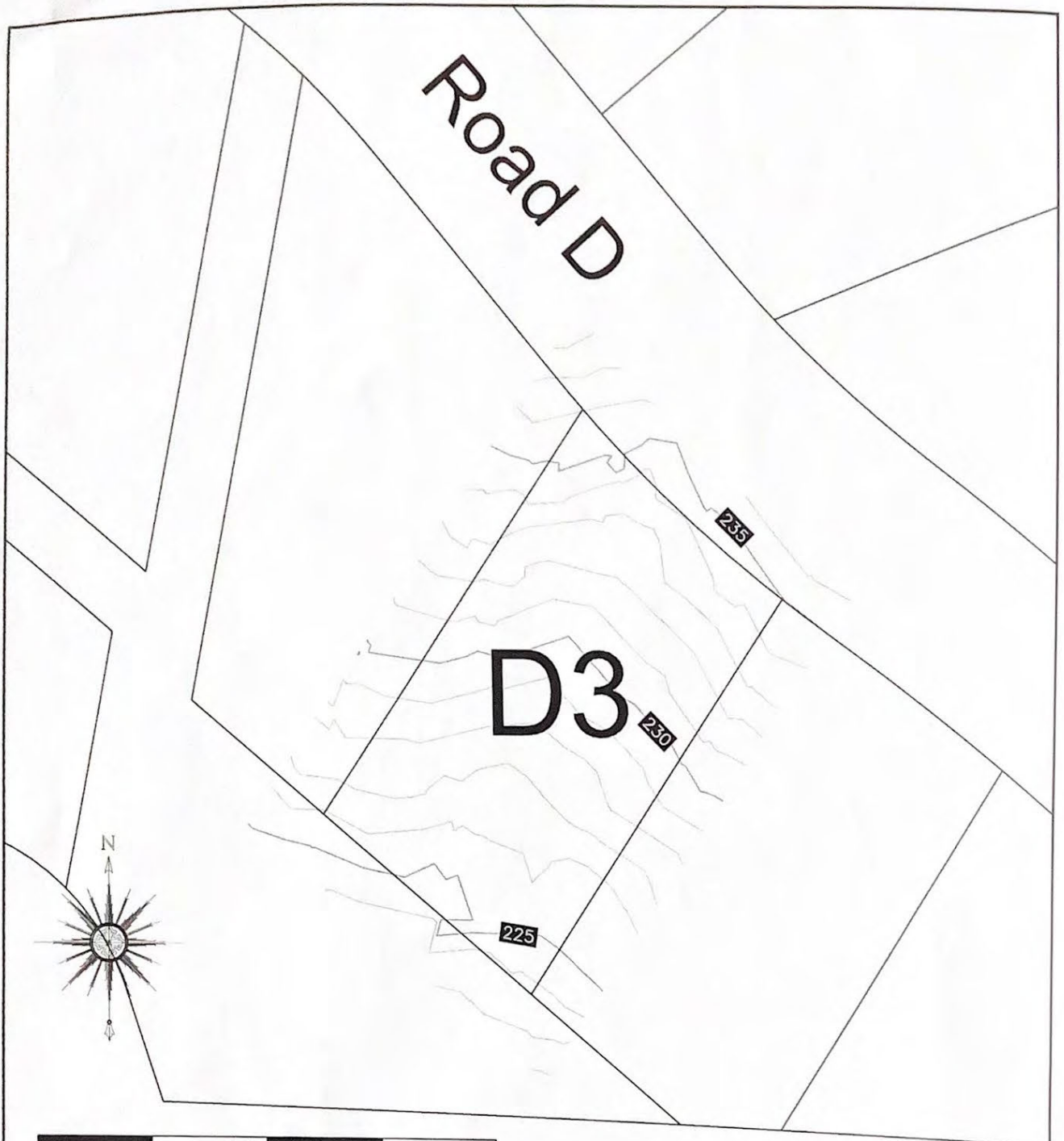
7665 CERULEAN DRIVE

Note:

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 No reproductions or distribution permitted.
 No responsibility accepted for unauthorized use.
 Property dimensions from Land Title Office records.

FILE NO. J20168

PLAN NO. 20215B



Notes

1. Property boundaries are shown approximately and are subject to change in the final subdivision plan.
2. Lidar information is approximate and was generated prior to subdivision servicing construction.
3. Contours are in geodetic meters and are georeferenced.

GILBEY ENGINEERING SERVICES
9674 Pemberton Portage Road
P.O. Box 1735, D'Arcy, B.C. V0N 1L0
telephone: 604-452-3610
e-mail: gilbey33@telus.net

Client: Sunstone Ridge Developments Ltd
Project: Sunstone Ridge Development - Phase 1
Drawing: Lot D3 - Lidar Topography (4Feb18)



MEMORANDUM

September 18, 2020

Project No.: K-191219-00

To: Dave Russell
Tree Top Homes

By Email: [REDACTED]

Cc:

From: Evan Sykes, P.Eng.
Kontur Geotechnical Consultants Inc.

Subject **Field Reviews**
Retaining Wall
Lot D3, Sunstone Development, Pemberton, BC

As requested, Kontur Geotechnical Consultants Inc. (Kontur) completed intermittent field review during construction of a Mechanically Stabilized Earth (MSE) Wall. A proprietary Atlantic Industries Ltd (AIL) wall system was used for construction of the wall. Subgrade preparations for the MSE wall generally consisted of excavation to below design subgrade elevation removing organics and loose soils to expose dense sand with trace to some silt and some gravel. The exposed sand layer was compacted with a heavy vibratory compactor to a very dense state. Design subgrade elevation was achieved with river sand and gravel (25mm minus), compacted with several passes of a heavy vibratory compactor to achieve at least 95% Modified Proctor Maximum Dry Density (Density reports attached). The fill created a slope with an inclination of about 2H: 1V (Horizontal: Vertical) in front of the wall.

The temporary excavation, where required to allow for space for the geogrid was excavated at an inclination of about 3H: 4V (Horizontal: Vertical).

The MSE wall was constructed with Miragrid 10XT Geogrid extending at least 5.5m behind the wall face in the upper two rows and 4.5m for the lower rows. Wall heights at the front of the wall were about 4.5m.

A drainage pipe consisting of 100mm perforated PVC pipe was installed near the back of the geogrid outletting to the side of the wall. The pipe was surrounded by at least 150mm of 19mm clear crushed gravel wrapped in non-woven filter fabric. Backfill for the wall generally consisted of 50mm minus dredged river sand and gravel placed in lifts about 300mm thick compacted to a very dense state with several passes of a heavy vibratory compactor.

The retaining wall was considered to have been constructed in general compliance with Kontur's drawings and recommendations.

Kontur trusts that the information described above meets your current requirements. If you should have any concerns or questions, please do not hesitate to contact the undersigned.



Sincerely,

Kontur Geotechnical Consultants Inc.

Per:



Evan Sykes, P.Eng.
Principal Geotechnical Engineer

Reviewed by:



J.Y. (Yoshi) Tanaka, P.Eng.
Principal Geotechnical Engineer

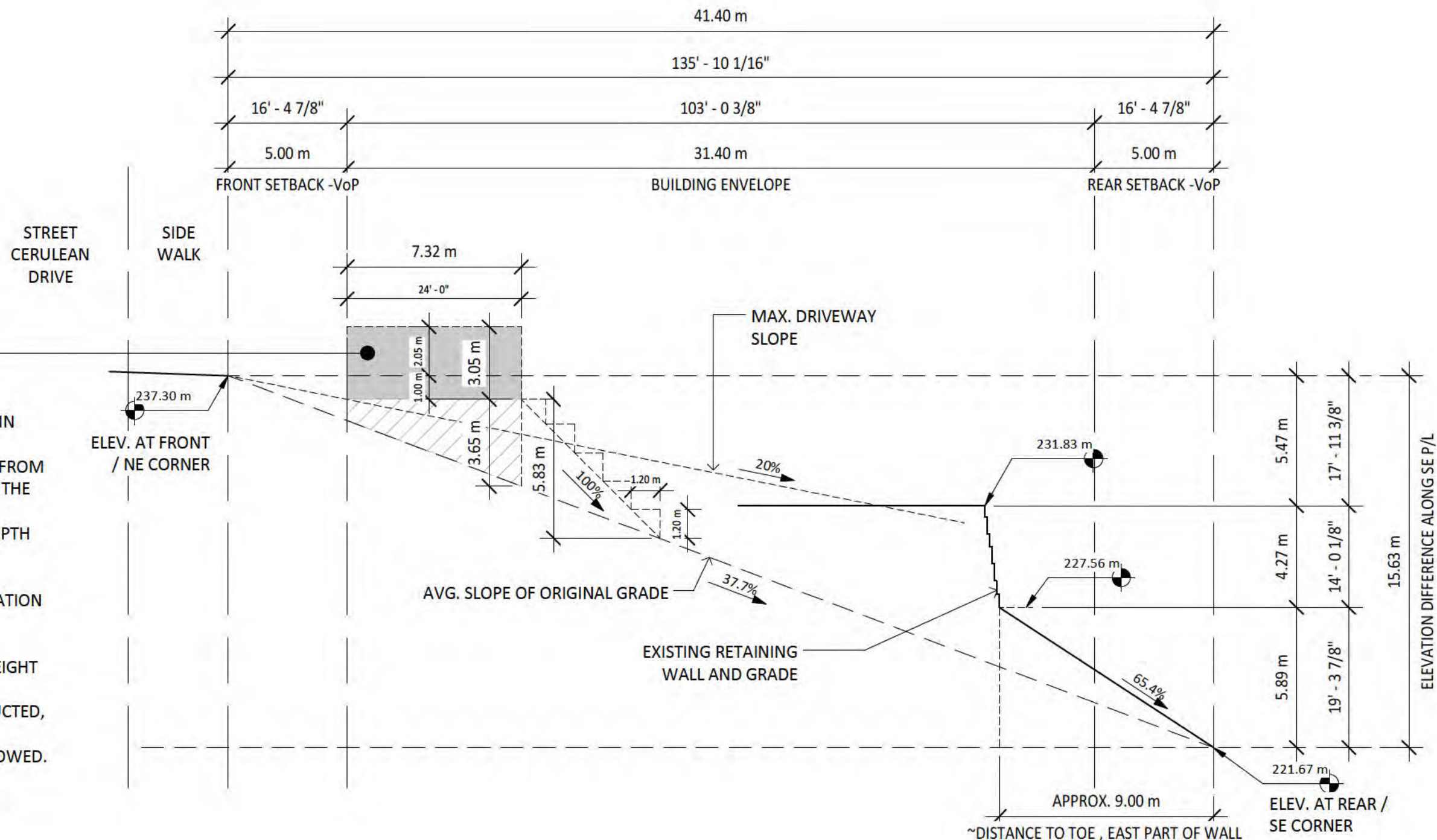
Attachments: Photographs
Sieve Analysis Report
Field Density Report

D3 - SITE SECTION ALONG SE P/L

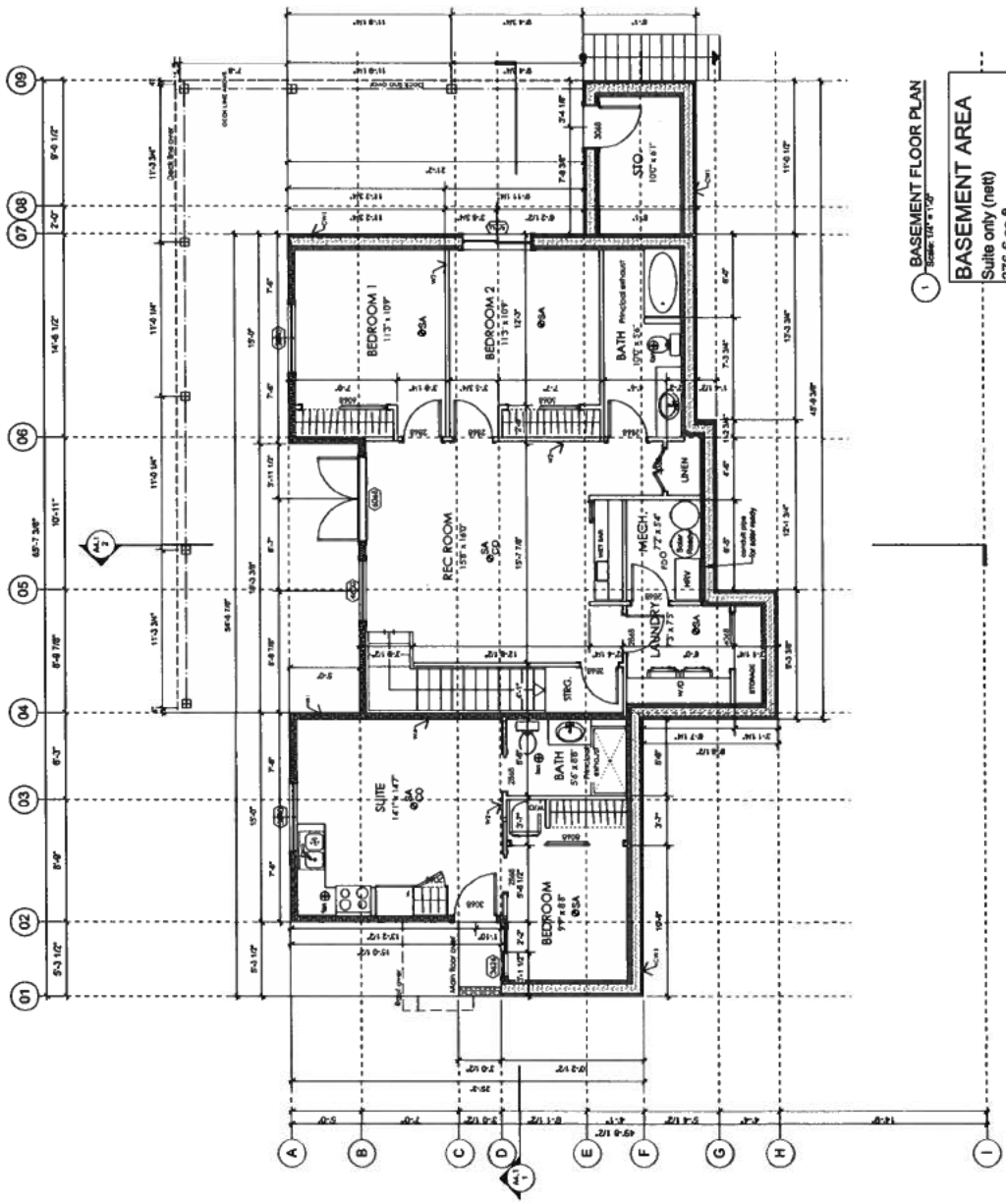
**CONCEPTUAL MASSING OF *MINOR* BUILDING ON LOT D3
OUTLINING THE MINIMAL HEIGHT OF RETAINING***

- MINIMAL DISTANCE TO ROAD (AS PER VoP ZONING) IN ORDER TO MINIMIZE RETAINING
- MAXIMUM DRIVEWAY SLOPE (NO DRAINAGE AWAY FROM GARAGE TAKEN INTO ACCOUNT -THIS WOULD RAISE THE BUILDING)
- MINIMAL DEPTH OF BUILDING (APPROX. GARAGE DEPTH ONLY INCL. WALLS.)
- MINIMUM OF ~3.65 M (12 FT) RETAINING / FOUNDATION WALL VERTICALLY AT END OF GARAGE WOULD BE REQUIRED.
- A WALL AT 1:1 RATIO WOULD INCREASE OVERALL HEIGHT OF RETAINING TO ~5.85 M (~19FT).
- THE FURTHER BACK (SOUTH) RETAINING IS CONSTRUCTED, THE HIGHER IT WILL BECOME AS THE LOT IS SUBSTANTIALLY STEEPER THAN MAX DRIVEWAY ALLOWED.

*This is a diagram of the grade through the property -this is not depicting a proposed design.



RUSSELL RESIDENCE
 7665 CERULEAN DRIVE, PEMBERTON BC.



1 BASEMENT FLOOR PLAN
 Scale: 1/8" = 1'-0"

BASEMENT AREA
 Suite only (nett)
 376.6 sq ft
 Total basement
 1499.8 sq ft

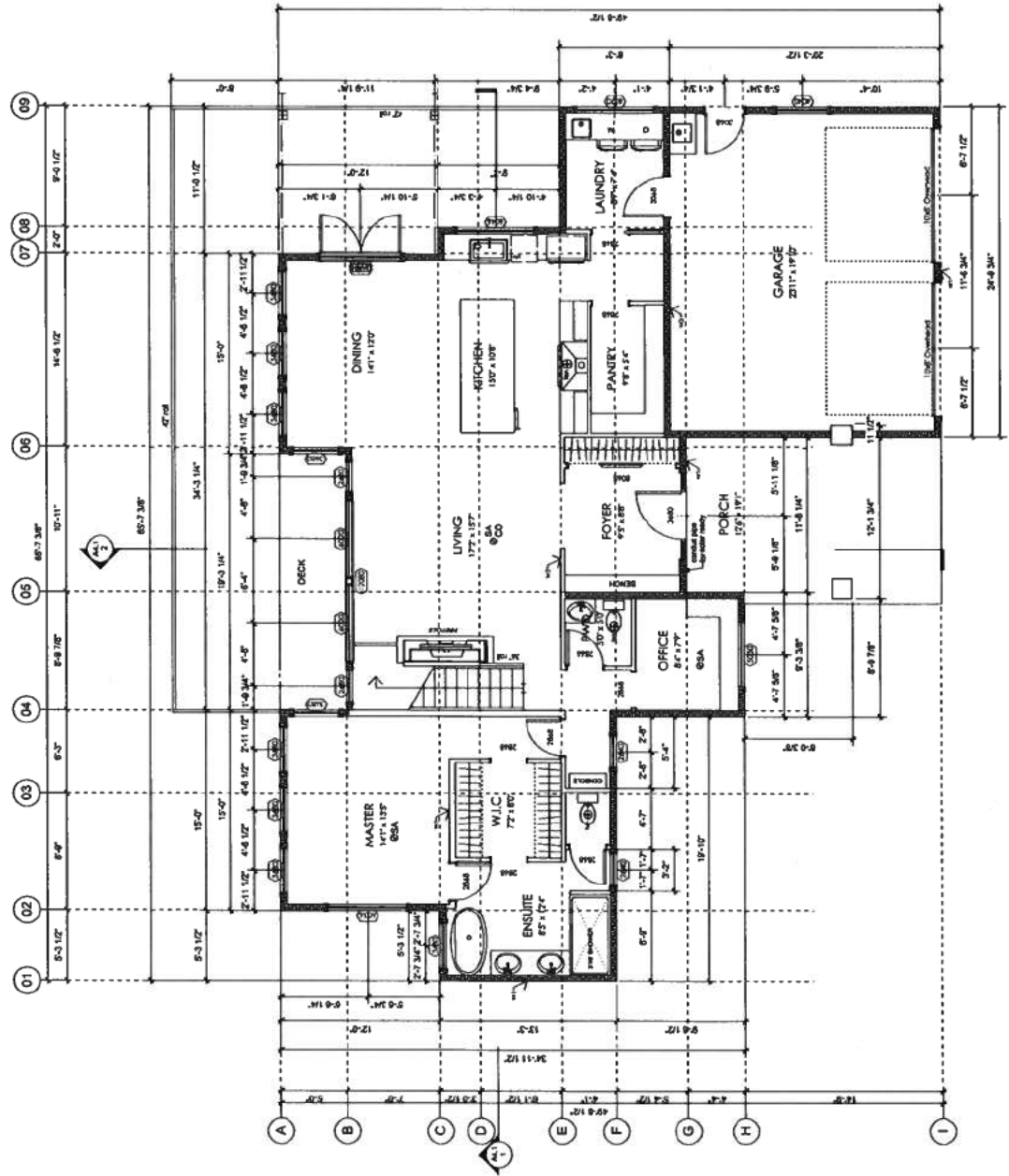


NOTE: ALL FRAMED WALL DIMENSIONS ARE SHOWN TO FACE OF STUD

NOTE: ALL FRAMED WALL DIMENSIONS ARE SHOWN TO FACE OF STUD



RUSSELL RESIDENCE
7665 CERULEAN DRIVE, PEMBERTON BC.



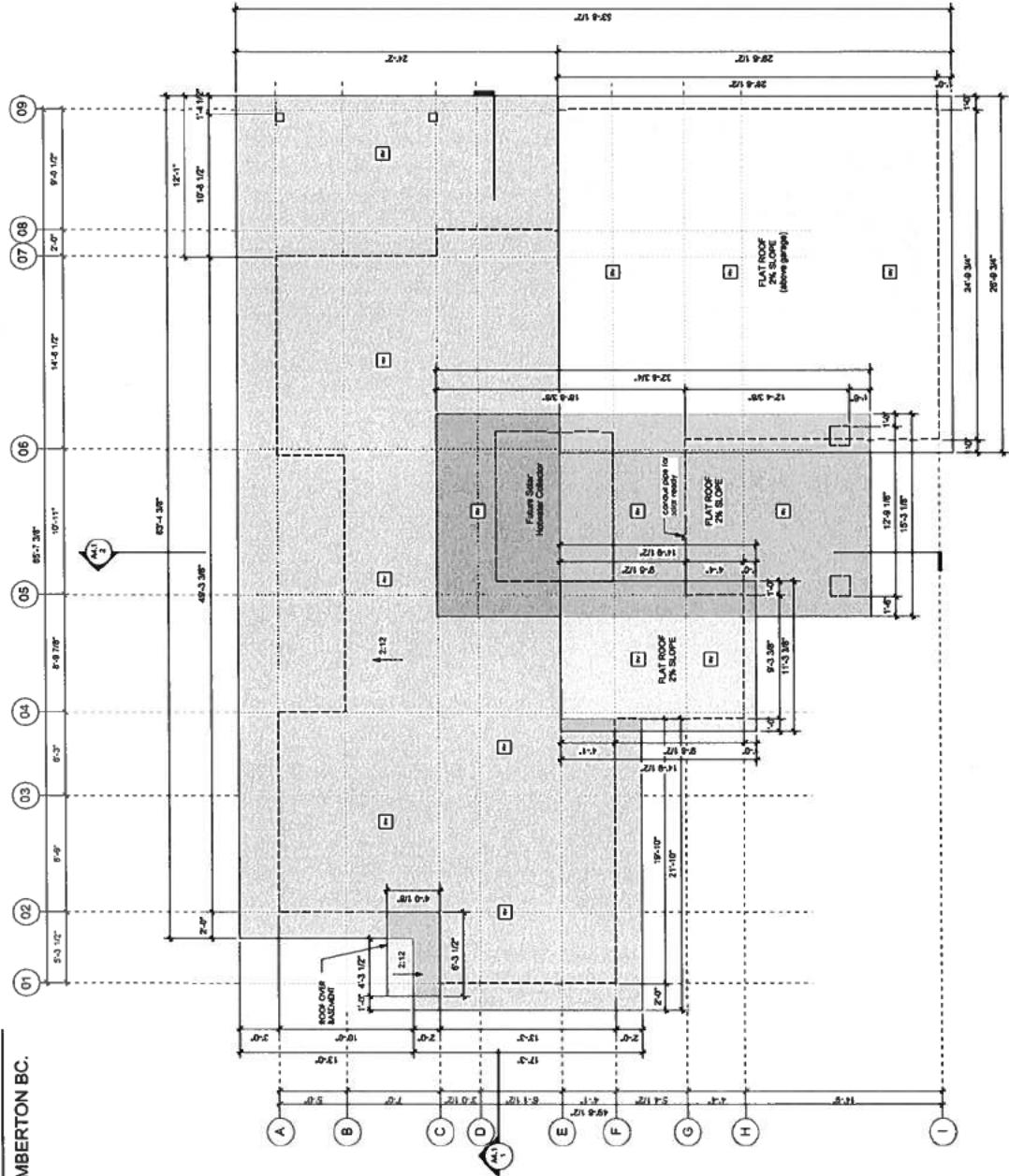
1 MAIN FLOOR PLAN
SCALE: 1/8" = 1'-0"

MAIN FLOOR
Includes Stairs & Foyer
1538.3 sq ft
GARAGE AREA
503.5 sq ft
Total Main Floor
2041.7 sq ft

NOTE: ALL FRAMED WALL DIMENSIONS ARE SHOWN TO FACE OF STUD

NOTE: ALL FRAMED WALL DIMENSIONS ARE SHOWN TO FACE OF STUD

RUSSELL RESIDENCE
7665 CERULEAN DRIVE, PEMBERTON BC.



1 ROOF PLAN
Scale: 1/4" = 1'-0"



NOTE: ALL FRAMED WALL DIMENSIONS ARE SHOWN TO FACE OF STUD

NOTE: ALL FRAMED WALL DIMENSIONS ARE SHOWN TO FACE OF STUD

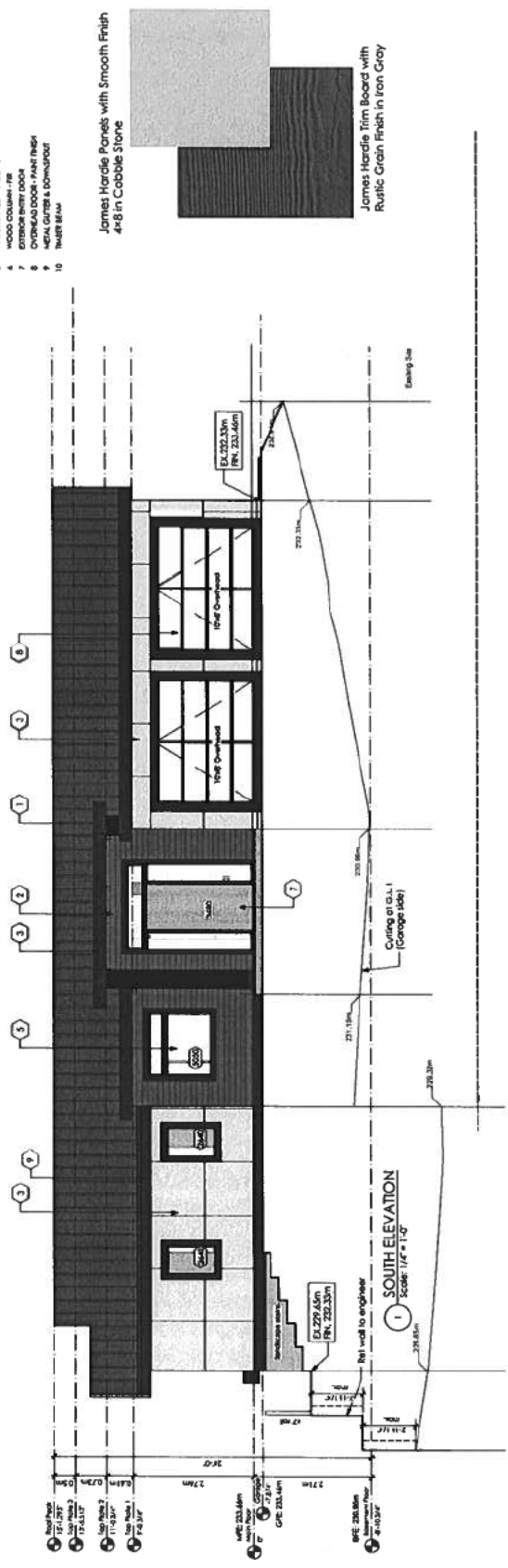
RUSSELL RESIDENCE

7665 CERULEAN DRIVE, PEMBERTON BC.

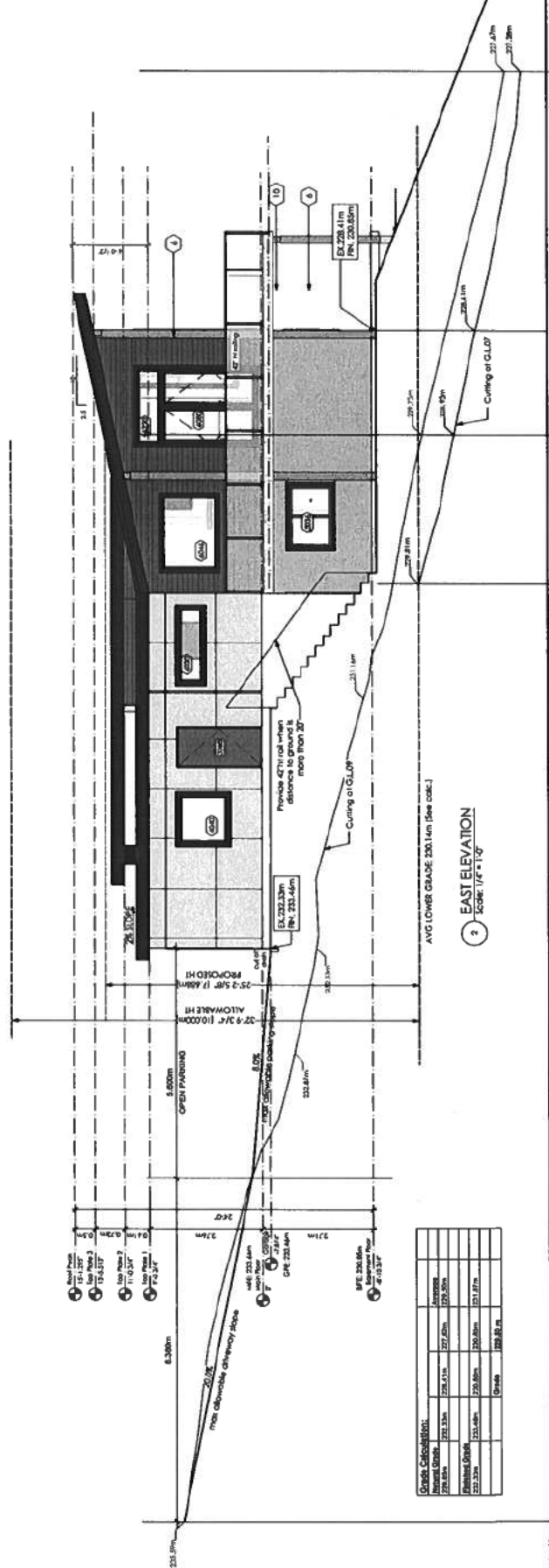
- EXTERIOR FINISHES - SEE COLOUR SCHEDULE**
1. PREPARED METAL ROOFING
 2. METAL ROOFING - POLYURETHANE ON RAISED - 7/16" HIGH
 3. WOOD SHAKES - POLYURETHANE ON RAISED - 7/16" HIGH
 4. WOOD SHAKES - POLYURETHANE - 7/16" HIGH
 5. WOOD SHAKES - POLYURETHANE - 7/16" HIGH
 6. WOOD SHAKES - POLYURETHANE - 7/16" HIGH
 7. WOOD SHAKES - POLYURETHANE - 7/16" HIGH
 8. WOOD SHAKES - POLYURETHANE - 7/16" HIGH
 9. WOOD SHAKES - POLYURETHANE - 7/16" HIGH
 10. WOOD SHAKES - POLYURETHANE - 7/16" HIGH

James Hardie Panels with Smooth Finish
4x8 in Cobble Stone

James Hardie Trim Board with
Rustic Grain Finish in Iron Gray



1 SOUTH ELEVATION
Scale: 1/8" = 1'-0"



2 EAST ELEVATION
Scale: 1/8" = 1'-0"

Grade Calculations:

Station	Grade	Change
1+00	278.53m	
1+25	278.53m	0.00m
1+50	278.53m	0.00m
1+75	278.53m	0.00m
2+00	278.53m	0.00m
2+25	278.53m	0.00m
2+50	278.53m	0.00m
2+75	278.53m	0.00m
3+00	278.53m	0.00m
3+25	278.53m	0.00m
3+50	278.53m	0.00m
3+75	278.53m	0.00m
4+00	278.53m	0.00m
4+25	278.53m	0.00m
4+50	278.53m	0.00m
4+75	278.53m	0.00m
5+00	278.53m	0.00m
5+25	278.53m	0.00m
5+50	278.53m	0.00m
5+75	278.53m	0.00m
6+00	278.53m	0.00m
6+25	278.53m	0.00m
6+50	278.53m	0.00m
6+75	278.53m	0.00m
7+00	278.53m	0.00m
7+25	278.53m	0.00m
7+50	278.53m	0.00m
7+75	278.53m	0.00m
8+00	278.53m	0.00m
8+25	278.53m	0.00m
8+50	278.53m	0.00m
8+75	278.53m	0.00m
9+00	278.53m	0.00m
9+25	278.53m	0.00m
9+50	278.53m	0.00m
9+75	278.53m	0.00m
10+00	278.53m	0.00m

AJIA
CUSTOM PREFAB HOMES
1-888-990-AJIA (2542)
www.ajia.ca

AJIA CUSTOM BUILDING SYSTEMS INC.
11000 150th Street, Surrey, BC V3R 1G4

CONTRACTOR:
MARCUS MOONAWAN
1307 130th Street, Richmond, BC V7A 1G4

DATE: 11/11/2019

Elevations

LOCAL AUTHORITY: CEMISS

LOCAL RESPONSIBILITY: CEMISS

LOCAL AUTHORITY: CEMISS

DATE: 11/11/2019

PROJECT: RUSSELL RESIDENCE

SCALE: 1/8" = 1'-0"

DATE: 11/11/2019

PROJECT: RUSSELL RESIDENCE

Appendix B

RUSSELL RESIDENCE

7665 CERULEAN DRIVE, PEMBERTON BC.

AJIA
CANADIAN
BUILDING SYSTEMS INC.

1-888-990-AJIA (2642)
www.ajia.ca

ALLI CAMPBELL
BUILDING SYSTEMS INC.
11000 WINDYVALE RD
V1V 1G4
BC, CANADA V1V 1G4
PH: 250-733-1100
FAX: 250-733-1101
WWW.AJIA.CA

ENGINEER
MARCUS M. MOULDER
REGISTERED PROFESSIONAL ENGINEER
NO. 1287 DESIGN B1
P. 11/10/2016, 16: 17:15
16. 11/10/2016, 16: 17:15

Elevations

DATE APPROVED:

DATE, DESCRIPTION:

LOCAL AUTHORITY:

DATE POSTAGE:

DESIGN BY:

DESIGN FOR:

DESIGN:

PROJECT:

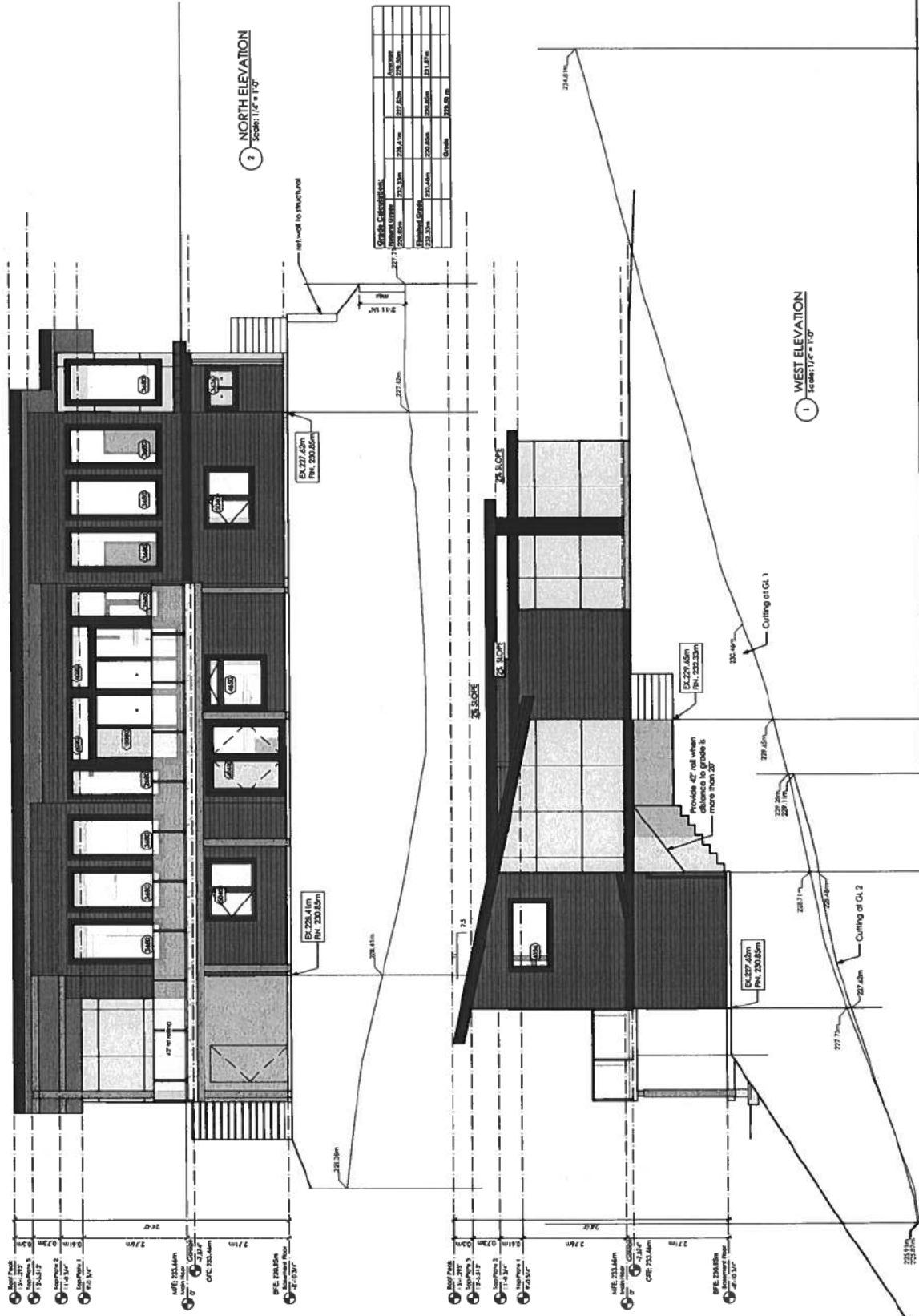
A3.2

20-03

DATE: 11/10/16

TIME: 11:13:14 AM

Appendix B

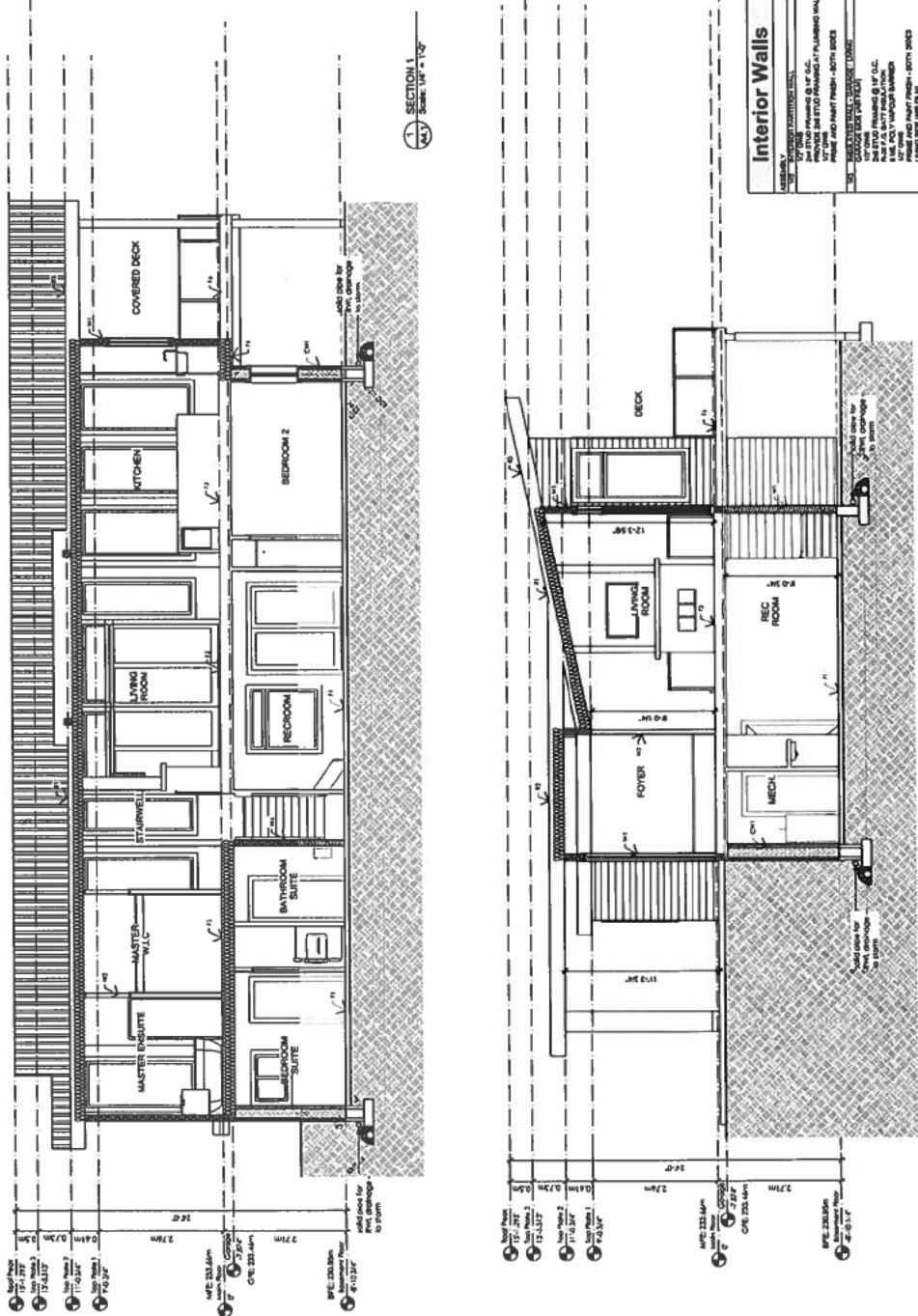


Grade Calculations:

Item	Start	End	Height
Finished Grade	273.33m	277.82m	4.49m
Existing Grade	273.33m	277.82m	4.49m
Finished Grade	272.33m	276.82m	4.49m
Existing Grade	272.33m	276.82m	4.49m
Grade	273.33m	276.82m	3.49m

RUSSELL RESIDENCE

7665 CERULEAN DRIVE, PEMBERTON BC.



SECTION 2
Scale: 1/4" = 1'-0"

SECTION 1
Scale: 1/4" = 1'-0"

NO.	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL PRICE
1	ROOFING MATERIALS	1500	1.20	1800.00
2	WOOD ROOF TRUSSES	120	15.00	1800.00
3	INSULATION	2000	0.80	1600.00
4	CEILING MATERIALS	1000	1.50	1500.00
5	WALL MATERIALS	1500	1.00	1500.00
6	FLOOR MATERIALS	1000	1.20	1200.00
7	PAINT	500	2.00	1000.00
8	LABOR	1000	1.00	1000.00
9	PERMITS	1	500.00	500.00
10	CONTINGENCY	1	1000.00	1000.00
11	TOTAL			12000.00

NO.	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL PRICE
12	ROOFING MATERIALS	1500	1.20	1800.00
13	WOOD ROOF TRUSSES	120	15.00	1800.00
14	INSULATION	2000	0.80	1600.00
15	CEILING MATERIALS	1000	1.50	1500.00
16	WALL MATERIALS	1500	1.00	1500.00
17	FLOOR MATERIALS	1000	1.20	1200.00
18	PAINT	500	2.00	1000.00
19	LABOR	1000	1.00	1000.00
20	PERMITS	1	500.00	500.00
21	CONTINGENCY	1	1000.00	1000.00
22	TOTAL			12000.00

NO.	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL PRICE
23	ROOFING MATERIALS	1500	1.20	1800.00
24	WOOD ROOF TRUSSES	120	15.00	1800.00
25	INSULATION	2000	0.80	1600.00
26	CEILING MATERIALS	1000	1.50	1500.00
27	WALL MATERIALS	1500	1.00	1500.00
28	FLOOR MATERIALS	1000	1.20	1200.00
29	PAINT	500	2.00	1000.00
30	LABOR	1000	1.00	1000.00
31	PERMITS	1	500.00	500.00
32	CONTINGENCY	1	1000.00	1000.00
33	TOTAL			12000.00

NO.	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL PRICE
34	ROOFING MATERIALS	1500	1.20	1800.00
35	WOOD ROOF TRUSSES	120	15.00	1800.00
36	INSULATION	2000	0.80	1600.00
37	CEILING MATERIALS	1000	1.50	1500.00
38	WALL MATERIALS	1500	1.00	1500.00
39	FLOOR MATERIALS	1000	1.20	1200.00
40	PAINT	500	2.00	1000.00
41	LABOR	1000	1.00	1000.00
42	PERMITS	1	500.00	500.00
43	CONTINGENCY	1	1000.00	1000.00
44	TOTAL			12000.00

NO.	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL PRICE
45	ROOFING MATERIALS	1500	1.20	1800.00
46	WOOD ROOF TRUSSES	120	15.00	1800.00
47	INSULATION	2000	0.80	1600.00
48	CEILING MATERIALS	1000	1.50	1500.00
49	WALL MATERIALS	1500	1.00	1500.00
50	FLOOR MATERIALS	1000	1.20	1200.00
51	PAINT	500	2.00	1000.00
52	LABOR	1000	1.00	1000.00
53	PERMITS	1	500.00	500.00
54	CONTINGENCY	1	1000.00	1000.00
55	TOTAL			12000.00

NO.	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL PRICE
56	ROOFING MATERIALS	1500	1.20	1800.00
57	WOOD ROOF TRUSSES	120	15.00	1800.00
58	INSULATION	2000	0.80	1600.00
59	CEILING MATERIALS	1000	1.50	1500.00
60	WALL MATERIALS	1500	1.00	1500.00
61	FLOOR MATERIALS	1000	1.20	1200.00
62	PAINT	500	2.00	1000.00
63	LABOR	1000	1.00	1000.00
64	PERMITS	1	500.00	500.00
65	CONTINGENCY	1	1000.00	1000.00
66	TOTAL			12000.00

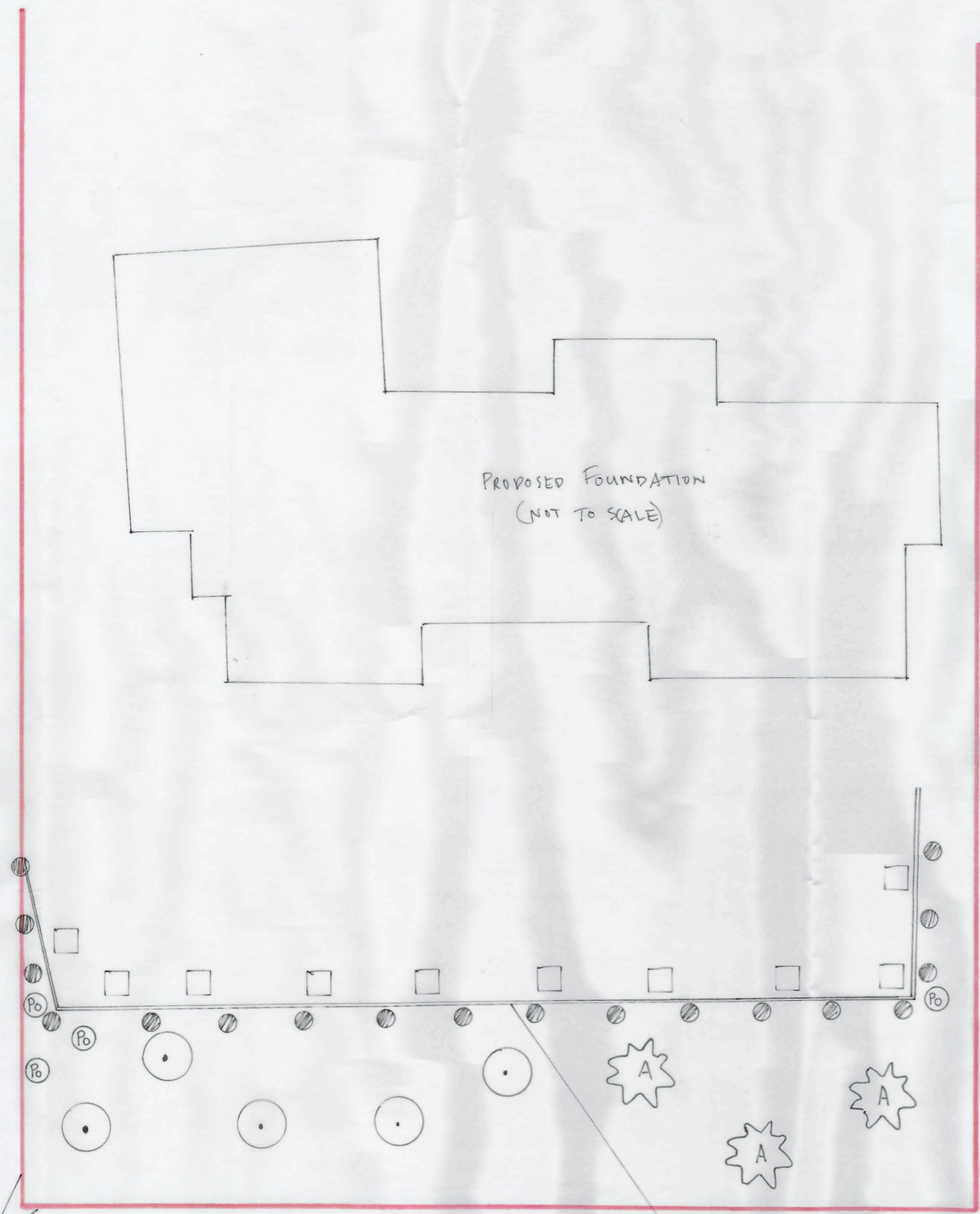
NOTE: ALL FRAMED WALL DIMENSIONS ARE SHOWN TO FACE OF STUD

AJIA
 1-888-990-AJIA (2542)
 www.ajia.ca
 AIA CUSTOM PREFAB HOMES
 BUILDING SYSTEMS INC.
 11111 150th Street, Surrey, BC V3R 0K1
 TEL: 604-591-1111
 LOCAL AUTHORITY: PEMBERTON BC
 SHEET: A4.1
 DATE: 20-03
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DESIGNED BY: [Name]

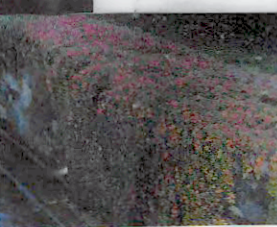


PLANT KEYS/LEGEND

TREES	SIZE	QUANTITY
ABIES FRASERI (Fir)	4m	3
PICEA GLAUCA (White Spruce)	2.5m	5
POPULUS TREMULA (Aspen)	5cm	4
PERENNIALS		
COTONEASTER	1 gal	10
PARTHENOISSUS (Virginia Creeper)	1 gal	18



COTONEASTER



(BERRIES)



(FALL)

POPULUS



(SUMMER)



PICEA GLAUCA



ABIES



(FALL)

PARTHENOISSUS



(SUMMER)

7665 Cerulean Drive		
SCALE: NOT TO SCALE	APPROVED BY:	DRAWN BY Julie
DATE: Oct 11/20		REVISED
Screening of Retaining Wall		
Sound Garden Landscape & Design		DRAWING NUMBER
		Village of Pemberton Council Meeting No. 1536 Tuesday, April 13, 2021 62 of 216

TITLE SEARCH PRINT

File Reference: Lisa Ames

Requestor: Reception WREC

Declared Value \$329000

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District KAMLOOPS
Land Title Office KAMLOOPS

Title Number CA7398706
From Title Number CA7260251

Application Received 2019-03-18

Application Entered 2019-03-20

Registered Owner in Fee Simple
Registered Owner/Mailing Address: DAVID FRANCIS RUSSELL, BUILDER
STEPHANIE ANNE NICOLL-RUSSELL, PROJECT COORDINATOR
[REDACTED]
PEMBERTON, BC
VON 2L0
AS JOINT TENANTS

Taxation Authority North Shore - Squamish Valley Assessment Area
Pemberton, Village of
Pemberton Valley Dyking District

Description of Land
Parcel Identifier: 030-665-469
Legal Description:
LOT 24 DISTRICT LOT 211 LILLOOET DISTRICT PLAN EPP88381

Legal Notations
HERETO IS ANNEXED RESTRICTIVE COVENANT CA1132532 OVER LOT 1
PLAN EPP1353

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL
GOVERNMENT ACT, SEE CA4415324

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL
GOVERNMENT ACT, SEE CA4415329

HERETO IS ANNEXED EASEMENT CA6987764 OVER PART OF LOTS B EPP74427

HERETO IS ANNEXED RESTRICTIVE COVENANT LB319180 OVER LOT 1
PLAN EPP1353

TITLE SEARCH PRINT

File Reference: Lisa Ames

Declared Value \$329000

Charges, Liens and Interests

Nature: COVENANT
 Registration Number: CA6503577
 Registration Date and Time: 2017-12-11 18:40
 Registered Owner: VILLAGE OF PEMBERTON
 Remarks: INTER ALIA

Nature: RESTRICTIVE COVENANT
 Registration Number: CA6503578
 Registration Date and Time: 2017-12-11 18:40
 Remarks: INTER ALIA
 APPURTENANT TO PCL A (DD W34182F PL A21)
 DL 211 LD

Nature: EASEMENT
 Registration Number: CA6503589
 Registration Date and Time: 2017-12-11 18:40
 Remarks: INTER ALIA
 APPURTENANT TO LOT 8 EPP72101

Nature: STATUTORY BUILDING SCHEME
 Registration Number: CA7273860
 Registration Date and Time: 2018-12-31 10:16
 Remarks: INTER ALIA

Duplicate Infeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

FIRST AMENDMENT TO DISCLOSURE STATEMENT

(Amending the Disclosure Statement dated September 14, 2017.)

This First Amendment to Disclosure Statement is dated July 20, 2018.



SUNSTONE RIDGE DEVELOPMENTS LTD.

**Address for Service
and Business Address**

701-1155 Robson Street
Vancouver, B.C.
V6E 1B5

Real Estate Brokerage

Whistler Real Estate Company Ltd.
17-4308 Main Street
Whistler, B.C.
V0N 1B4

The Developer reserves the right to use its own employees to market the subdivision lots being offered for sale pursuant to this Disclosure Statement. Any employees of the Developer who market the offered subdivision lots on behalf of the Developer may not be licensed under the *Real Estate Services Act* (British Columbia) and are not acting on behalf of the purchasers.

This Disclosure Statement has been filed with the Superintendent of Real Estate, but neither the Superintendent, nor any other authority of the government of the Province of British Columbia, has determined the merits of any statement contained in the Disclosure Statement, or whether the Disclosure Statement contains a misrepresentation or otherwise fails to comply with the requirements of the *Real Estate Development Marketing Act*. It is the responsibility of the developer to disclose plainly all material facts, without misrepresentation.

This First Amendment to Disclosure Statement amends the Disclosure Statement dated September 14, 2017 (the "**Disclosure Statement**") with respect to an offering by Sunstone Ridge² Developments Ltd. (the "**Developer**") for the sale of certain subdivision lots located in the Village of Pemberton, British Columbia in a development known as "Sunstone Pemberton". All capitalized terms used herein shall have the meanings given to them in the Disclosure Statement, unless expressly defined herein. The Disclosure Statement is hereby amended as follows:

1. The notice of rescission right under Policy Statement 5 issued by the Superintendent on page ii is deleted in its entirety.
2. The notice of rescission right under Policy Statement 6 issued by the Superintendent on page iii is deleted in its entirety.
3. Exhibit A is deleted from the list of Exhibits after the Table of Contents.
4. Section 1.4 is amended by deleting the names "Amanda Girling, Jeremy Turner and Nyal Wilcox" and replacing them with the names "Jeremy Turner and James Dales".
5. Section 1.5(1) is amended by deleting the table in its entirety and replacing it with the following:

Party	Year(s)	Nature and Extent of Experience (including types of previous development properties)
Sunstone Ridge Developments Ltd.	9	The Developer was created specifically for the purpose of the development of the Parent Property, which includes the Development, and has no prior development experience.
James Dales	36	James Dales is a director of the Developer. He has been in the civil works and contracting industry for approximately 36 years and successfully ran his own company. He has been involved in the planning of the Development.
Jeremy Turner	13	Jeremy Turner is a director of the Developer. He has been involved in the planning of the Development and was recently involved in the development of another residential subdivision project in Pitt Meadows, BC.
Nyal Wilcox	21	Nyal Wilcox is the president of the Developer. As a former commercial real estate lawyer, he worked extensively with various developers on numerous projects. Since leaving the practice of law 12 years ago to go into private business he has overseen a small four lot subdivision in Port Coquitlam, BC, the acquisition of several commercial sites, the development of a senior's residence in Nanaimo, BC, and has been involved in the planning of the Development.

6. Section 2.1 is amended by deleting the first and second paragraphs thereof in their entirety and replacing them with the following:

"The Developer intends that the development known as "Sunstone Pemberton" (the "**Development**") shall form part of a larger residential community (the "**Community**") to be developed over an unknown number of years on several parcels of land located in the Village of Pemberton, British Columbia (the "**Village**") comprising approximately 274 acres (the "**Parent**

Property"). The Developer anticipates that the Community will include parks which will be owned and operated by the Village. It is not intended that there will be any arrangements for the sharing of costs or facilities between the Development and the balance of the Community.

The Developer subdivided the Parent Property to create the Lands (as defined in Section 4.1), on which the Development will be constructed. The Development will be comprised of 39 single family residential lots (collectively, the "**Lots**", and individually a "**Lot**"), as shown in Exhibit "A-1".

7. Section 2.3 is amended by deleting the words "Parent Property is" from the first line of the last paragraph thereof and replacing them with "Lands are".
8. Paragraph 3.1(g) is amended by deleting the second sentence thereof in its entirety.
9. Section 4.1 is deleted in its entirety and replaced with the following:

"The Lands are legally described as follows:

PID: 030-329-639
 Lot 3
 District Lot 211
 Lillooet District
 Plan EPP72101

PID: 030-329-647
 Lot 4
 District Lot 211
 Lillooet District
 Plan EPP72101

The Developer anticipates that the Lots, once subdivided from the Lands, will be legally described as follows:

Lots 1-39
 District Lot 211
 Lillooet District
 Plan EPP_____."

10. Section 4.2 is deleted in its entirety and replaced with the following: "The Developer is the registered and beneficial owner of the Lands".
11. Section 4.3 is amended by deleting the words "Parent Property is" from the first line of the first paragraph thereof and replacing them with "Lands are".
12. Subparagraph 4.3(a)(v) is deleted in its entirety.
13. Section 4.3(b) is deleted in its entirety and replaced with the following:

"i. Covenant CA2219878

Covenant CA2219878 is a covenant in favour of the Village and the Ministry of Transportation and Infrastructure that requires the Developer to complete certain works, including the construction of a trail, and do certain things before a school is constructed on the portion of the Lands referred to in the agreement as the "School Lands". This covenant is currently registered against the entirety of the Parent Property; however, the intention is that the covenant will ultimately only encumber the "School Lands", which are separate from the Lands. Following the subdivision of the Parent Property and upon the request of the Developer, the Village will discharge this covenant from title to the Lands. This covenant will not encumber titles to the Lots.

ii. Mortgage CA2253671 and Assignments of Rents CA2253672

Mortgage CA2253671 is a mortgage granted by the Developer in favour of HSBC Bank Canada (the "**Lender**") in order to secure financing in respect of the Lands, and Assignment of Rents CA2253672 is an assignment of rents granted by the Developer in favour of the Lender as collateral security to Mortgage CA2253671. The Lender will provide a partial discharge of these encumbrances, insofar as they relate to any particular Lot, within a reasonable amount of time following the completion of the sale of such Lot. Mortgage CA2253671 and Assignment of Rents CA2253672 are hereinafter referred to, together, as the "**Lender's Charges**".

iii. Covenant CA2265131, Modification CA6503563, Priority Agreement CA2265132 and Priority Agreement CA6503564

Covenant CA2265131 is a restrictive covenant granted in favour of the Village which prohibits the Developer from subdividing the Lands until certain works have been completed, including, without limitation, the construction of a community garden, the installation of park amenities to be agreed upon by the Village and the construction of a trail. The Village will discharge this covenant upon the Developer fulfilling its obligations therein. This restrictive covenant is modified by CA6503563.

Priority Agreement's CA2265132 and CA6503564 grant Covenant CA2265131 and Modification CA6503563 priority over the Lender's Charges, respectively.

iv. Restrictive Covenant CA6503578 and Priority Agreement CA6503580

Restrictive Covenant CA6503578 is granted in favour of the British Columbia Railway Company ("**BCRC**") in which the Developer acknowledges that there are railway lands adjacent to or abutting the Lands (the "**Railway Lands**"). The Developer agrees not to use the Lands in any way that would adversely affect the lateral support or the stability of the slope between the Lands and the Railway Lands, nor the existing grades or the drainage patterns on or effecting the Railway Lands. The Developer also agrees not to object to the Railway Lands being used for railway purposes or to any noise or vibration or any other effect associated with such use. The Developer agrees to indemnify and save harmless the BCRC in relation to any of the items listed in this restrictive covenant.

Priority Agreement CA6503580 grants Restrictive Covenant CA6503578 priority over the Lender's Charges.

v. Covenant CA6503577 and Priority Agreement CA6503579

Covenant CA6503577 is granted in favour of the Village in which the Developer acknowledges that the Lands may be subject to and affected by noise and vibration as a result of the use of the Railway Lands. The Developer agrees to indemnify and save harmless the Village from any claims, actions and damage to or loss of property on or about the Lands.

Priority Agreement CA6503579 grants Covenant CA6503577 priority over the Lender's Charges.

vi. Easement CA6503589 and Priority Agreement CA6503590

Easement CA6503589 is a nuisance easement granted in favour of the owner of the lands located adjacent to the Lands (the "**Festival Lands**"). The Developer as grantor is granting such easement and rights to the owner of the Festival Lands in relation to any noise, vibration, dust, lights or other actions or occurrences which may cause a nuisance in relation to any outdoor performance or festival which may be carried out on the Festival Lands. The Developer agrees not to make any claim or take any action against the owner of the Festival Lands in regards to the items listed in such easement.

Priority Agreement CA6503590 grants Easement CA6503589 priority over the Lender's Charges."

- 14. Section 4.4 is amended by deleting each of paragraphs (c), (d) and (e) therein and replacing each of them with the words "Intentionally Deleted".
- 15. Section 5.1 is amended by deleting the table in its entirety and replacing it with the following:

"Actual Commencement Date	Estimated Completion Date
July 1, 2017	October 1, 2018 to December 31, 2018"

- 16. Section 6.1 is deleted in its entirety and replaced by the following:

"The approving officer for the Village issued a Tentative Approval Letter ("**TAL**") for the proposed subdivision to create the Lands on April 7, 2017, which TAL was re-issued by TAL S052 on June 29, 2017. On July 26, 2017 TAL S067, which is subsequent to TAL S052, was issued, TAL S067 was subsequently re-issued on September 15, 2017. TAL S052 and S067 issued on March 20, 2018 replaced the previous TAL's S052 and S067, which were then re-issued on June 20, 2018. This satisfies the Developer's obligations under Policy Statement 5 issued by the Superintendent."
- 17. Section 6.2 is deleted in its entirety and replaced by the following:

"The Developer has sufficient financing available from a third party lender and its own resources to constitute a "satisfactory financing commitment" for the construction of the Development (as defined in Policy Statement 6 issued by the Superintendent) but retains the right to elect to obtain additional third party financing in the future, which financing and the security therefor the Developer will cause to be discharged from title to any particular Lot conveyed to a purchaser within a reasonable time after receipt of the net sale proceeds from the purchaser of such Lot."
- 18. Exhibit A is deleted in its entirety.

STATEMENT RE: DEEMED RELIANCE

Section 22 of the *Real Estate Development Marketing Act* provides that every purchaser who is entitled to receive this Disclosure Statement is deemed to have relied on any false or misleading statement of a material fact contained in this Disclosure Statement, if any, and any omission to state a material fact. The developer, its directors and any person who has signed or authorized the filing of this Disclosure Statement are liable to compensate the purchaser for any misrepresentation, subject to any defences available under section 22 of the Act.

DEVELOPER'S DECLARATION

The foregoing statements disclose, without misrepresentation, all material facts relating to the Development referred to above, as required by the *Real Estate Development Marketing Act* of British Columbia, as of July 20, 2018.

SUNSTONE RIDGE DEVELOPMENTS LTD.

by its authorized signatory:

Per: 
Authorized Signatory

The Directors of Sunstone Ridge Developments Ltd. in their personal capacity:


JAMES DALES


JEREMY JURNER

[REDACTED]
Barbara and Scott Turrin

Pemberton, B.C.

VON 2L3

Jan. 31, 2021

Village of Pemberton – Attention Mayor and Council

Dear Mike and Council Members,

We would like to offer our support for Dave and Stephanie’s application for a variance on their retaining wall at 7665 Cerulean Drive. The current height of 1.2m for retaining walls is simply not sufficient for residential sized lots in a steep hillside development. We have seen Dave and Stephanie’s landscape plans which clearly shows what the wall will look like when the home is complete. The wall will be masked beautifully and blend in with the landscape. As will the other retaining walls which will be required in Sunstone and the Ridge developments.

We would like to share our personal story. With rose colored glasses we purchased a stunning lot at The Ridge and began to plan for our dream home in this Valley where we have lived for twenty plus years. After our purchase, the road was put in which added substantial elevation. With this new elevation and setbacks on our lot we realized we could now build our two-story dream home in the middle of the air as ground was a long, long way down. We have successfully almost built our now three-story dream home. We have invested everything we have into the community we love. However, we had to build retaining walls they were not an optional if we wanted to build on this site.

In hindsight we should have known more. In hindsight the developer should have had more information regarding the grade of these lots before they were marketed for sale. In hindsight we do feel the Village Planning Department should have expected “substantial retaining walls” would be required at The Ridge and Sunstone Developments. Looking at the homes that have been built so far retaining walls were required in almost every situation.

Walking through our new neighborhood looking at the vacant lots, many more retaining walls will be required. We can all assume that most of the folks who have purchased these steep lots did not start their dream with “I can’t wait to spend \$50,000 to \$100,000 on retaining walls” before I start to build.

We hope the Village will assist our future neighbors Dave and Stephanie to get on with building their home.

With regards,

Scott and Barbara Turrin

Cc [REDACTED]

January 31, 2021

Karen Ross

[REDACTED]
Pemberton, BC [REDACTED]

Village of Pemberton
7400 Prospect Street
Pemberton BC V0N 2L0

RE: Hillside Development and Retaining Wall

Dear Mayor and Council,

I am a homeowner in the Elevate at Sunstone townhomes located in the Hillside Development area. It has come to my attention that the owners of 7665 Cerulean Drive in Sunstone are applying for a variance under the existing Zoning Bylaw to allow for an over height retaining wall on their property.

As a resident of the Sunstone development, I am writing you to express my full support for the variance that will allow a change in the maximum height provision on these steeply graded hillside lots. As it is now, most of the development on the south side lots of Seven O'clock Drive have permits for retaining walls and some appear to be above the maximum height provided for in the Bylaw. In my opinion the higher retaining walls, once landscaped will provide a more natural look that is consistent with the rest of the development. With a lower retaining wall, it is possible that the structures would have an exposed 3 story wall which can look very stark and out of place. I will be driving by the retaining walls for years to come and would prefer the aesthetics of the more natural landscaping with a consistent look.

Thank you for your consideration of my support for this variance.

Regards,

[REDACTED]

Karen Ross

Joanna Rees

From: Gregory Dennie [REDACTED]
Sent: Monday, February 1, 2021 11:58 AM
To: Sheena Fraser; Joanna Rees
Cc: David Russell
Subject: Development Variance Permit - 7665 Cerulean Drive, Pemberton

Good day Mayor and Council

I write today in support of my neighbours (Mr. and Mrs. Russell) who own the property under development (currently on hold), which is 2 lots away from mine, on the same side (south side/downslope) of the street.

I support objectives of Staff, Council, and Mayor which are forward-thinking and have a future vision of what are our core values, what do we embrace, etc..

I can advise personally of the challenges and dynamics of planning and constructing on my unique downslope lot. Other property owners nearby (south-side/downslope) may or already have experienced similar challenges.

The existing retaining wall at 7665 Cerulean Drive, in my view, is suitable for the unique terrain (and neighbourhood) and allows for a functional driveway. The general appearance of the retaining wall, although somewhat a matter of personal opinion, could easily be altered with landscaping and screening efforts.

There are other existing retaining walls within Sunstone and elsewhere in Pemberton, which were required to contend with slope-side challenges. This same requirement can be said to exist within certain individual lots.

I support the granting of a Development Variance Permit, under the existing zoning bylaw, to allow the property owners to move forward with their plans.

Respectfully Submitted,

Gregory Dennie
[REDACTED] Cerulean Drive, Pemberton

Mayor and Council
Village of Pemberton
Box 400, 7600 Prospect Street
Pemberton BC V0N 2L0

March, 2021

Attention: Mayor and Council

RE: Variance application for 7665 Cerulean Drive, Pemberton BC

I am the owner of 7663 Cerulean Drive, located adjacent to, and north of, the above referenced property. I am very concerned about the application for a variance with respect to the Village of Pemberton zoning bylaw Section 4.13a) viii) and/or Section 7.21 regarding the height of a retaining wall.

I oppose the requested variance and request that the application for it be refused.

Cerulean Drive (in Sunstone) is a new development, situated to take advantage of stunning views of Mount Currie, and the valleys both north and south of the development. Cerulean Drive traverses along a hillside, allowing for sloped lots that should permit each owner to enjoy the extensive view corridor. It was my expectation when I purchased the lot that these views would be protected by reasonable building restrictions. My expectations are consistent with the principles set out in the Hillside Development Design Guidelines adopted by the Village of Pemberton Council in their meeting of November 19, 2019 (see extracts in Appendix to this letter).

During this past summer (while I was away, as it happens), the owner of 7665 Cerulean Drive made extensive modifications to the property that have:

- directly and substantially impaired the use and enjoyment of my adjacent property;
- adversely affect the natural environment;

and, in my opinion;

- defeated the intent of the applicable bylaw and the integrity of the plans as set out by the Village of Pemberton and the future development plans.
- Set a poor precedent moving forward for future development.

Specifically:

1. Massive amounts of fill had been added to build up a large terrace which is approximately 18ft. (5.49 meters not including a fence or retaining structure that will be added to retain the soil on top of the wall) above the original grade at its

easternmost edge running the entire north-south width of the lot¹ (see photos A and B).

Photo A: # 7665 taken from corner of # 7663 at lower edge of property



¹ To a layperson, this terrace would seem to violate the Village of Pemberton Zoning Bylaw 4.13(a) vi. regarding an uncovered patio or terrace no greater than 0.6m above grade.

Photo B: # 7665 taken from corner of # 7663 at street level (Cerulean Drive)



2. The fill is held in place by a retaining wall built of wire cages which runs along my property line. This retaining wall forms an unsightly and complete barrier to what was previously an open view south along the south Pemberton valley (see photo C). It also substantially reduces the options for attractive building sites and building orientations on my lot.

Photo C: # 7665 taken from central area of # 7663



3. It is my understanding that the fill was added and the retaining wall built without a Site Alteration Permit or Retaining Wall Permit. In the absence of these permits, it is unclear whether the fill and retaining wall were properly engineered, and whether they are stable. There is now a PCV pipe running out of the lower part of the wall structure directly onto my lot which I assume is a drainage. Please see photo.
4. The addition of a house on top of this fill would result in a combined structure equivalent to a 4-story building at the front of the lot as that is where the foundation has been placed. Not at the road edge of the lot as in the case of other homes on the road. A combined structure this size would obstruct not only my view lines, but also those of the neighbours across Cerulean Drive (up the slope, to the west) and the adjacent neighbours both to the north of my lot, and to the south of 7665 Cerulean Drive.
5. Without written or verbal consent from the owner while building the said wall a large amount of fill was spilled onto my property and will have to be dealt with (removed to enable proper assessment of the underlying soil and structure by an

engineer) before my property can be prepped for building. (See Photo D). Furthermore, several trees on my property are now dying as the fill is now completely surrounding them at a considerable height. It will be very challenging to plant trees or shrubs on the property line without proper soil in place and some way to retain the fill that has been put in place.

Photo D: Fill overflowing from # 7665 onto my lot



6. In order to achieve a building envelope where I could again enjoy the original view lines, I would need to carry out a similar modification to my property, a considerable and unanticipated expense. Such a modification would itself need a variance and could set off a domino effect with adjacent neighbours, each needing modifications to achieve what should be available to us all – a lovely view. It would also make it impossible for me to build a house that blends into the landscape.

The variance that is sought is not minor in nature. The combination of the massive amount of fill from property line to property line, the unsightly wire cage retaining wall, and the impact on the vegetation have substantially affected my views and potential building sites, and have in fact, devalued my property. The existing terrace and proposed building are quite inconstant with many elements of the Hillside Development Design Guidelines, which, while not law, have been put in place to provide guidance for developments such as Sunstone (some key extracts are set out in the Appendix to this letter).

I have further submitted a complete design plan of my property that has been approved on all levels and follows all the guidelines as set out by the Sunstone development team and the village of Pemberton to show that these walls are not necessary. As such, I am

re submitting my letter dated January 26th to provide the plans for my property and help guide Council in making an informed decision.

As stated previously, I respectfully request that the Council refuse the variance application regarding 7665 Cerulean Drive, and take whatever steps are possible to require the owner to remove the improperly added fill and retaining walls without delay.

Sincerely,

Lee Edwards

Owner: 7663 Cerulean Drive Pemberton

Residence :

Cell Number [REDACTED] .

Appendix

Extracts from Hillside Development Design Guidelines Adopted November 2019,
published April 2020

1.2 Housing Diversity, Design, Massing and Setback Objectives

- Visual dominance of development on the hillside is reduced.

1.2.1 Housing Diversity, Design, Massing and Setback Guidelines

- Respond to the natural slope of the hillside by using a stepped foundation and setting the building into the hillside to help integrate it with the natural landform.
- Avoid large, unbroken expanses.
- Avoid over height buildings and minimize the visual impact of new buildings on steep slopes.
- Terrace back yards to reduce grading/retaining.

1.4 Grading and Retaining Objectives

- Manufactured grades mimic natural slopes.
- Site and lot grading do not compromise visual objectives.
- Retaining structures integrate well with the onsite architectural character and natural environment. Visual dominance as a result of development is reduced by sensitive grading.

1.4.1 Grading and Retaining Design Guidelines

- **Retaining walls can be used to reduce slope disturbance, rather than modify natural terrain – lot sizes should increase as the natural slope increases**
- **Site grading and retaining walls respect existing terrain; that is, large cuts/fills are not used to create ‘buildable lots’ or flat yards.**

Lee Edwards

Owner of 7663 Cerulean Drive, Pemberton BC

January 26, 2021

Mayor and Council
Village of Pemberton

Sent via email to: admin@pemberton.ca

RE: Variance application for 7665 Cerulean Drive, Pemberton BC

Dear Mr. Mayor and Council,

I am the owner of 7663 Cerulean Drive, located adjacent to, and north of, the above referenced property. I made a detailed submission to the October 31, 2020 Board of Variance meeting regarding this property, setting out my opposition to the requested variance. I also attended the January 12, 2021 Council meeting, where proposed changes to the by-laws concerning retaining walls were discussed. I am very aware of the issues and discussion regarding Pemberton's retaining wall by-laws, Hillside Development Design Guidelines and the changes in the wording and enforcement of Pemberton by-laws over time.

I have two main areas of concern around the use of large retaining walls in the new hillside developments around Pemberton, and in Sunstone in particular:

- 1) **The negative impact of these walls with respect to**
 - a) **the adjacent properties, including blocking sightlines, limiting options for siting buildings, adverse impact on vegetation, and safety issues with respect to people or property falling off, all of which combine to reduce the enjoyment and value of the neighbouring lots; and**
 - b) **the overall appearance of the development in that these walls are not consistent with the Village of Pemberton Hillside Development Design Guidelines.**
- 2) **The assertion that these walls are necessary to build on lots such as those on Cerulean Drive, which I can show is not true.**

I will address the second point first. I understand that some have asserted that the only way to build on some of these new hillside lots in Pemberton is to utilize large retaining walls. To demonstrate that it is in fact possible to design a home that works WITH the slope with no need for large (greater than 1.2 m) retaining walls, I have attached a copy of the engineered plan for my lot (please see details in the Appendix to this letter). This design complies with current Village of Pemberton building by-laws and the Village of Pemberton Hillside Development Design Guidelines (as well as meeting Sunstone's Design and Building Guidelines – the design has already been approved by Sunstone).

The photo below shows one view of the design, which incorporates an energy efficient home, large enough for a family with one or two children plus a suite (2,460 square feet on two levels), a two-tiered yard with ample safe space for children, gardens and the retention of the existing trees. The upper floor

1

is accessible from street level with a conveniently flat driveway. The design takes advantage of the slope to provide access from the lower level directly to the garden. A large retaining wall is simply not needed.



The above rendering does not show the retaining wall that has been built on 7665 Cerulean Drive, which is located in the left background. Here are two photos of that retaining wall, taken from a position on my property approximately at the left side of the above rendering. The lot line markers are plainly visible, and show how the fill has overflowed onto my lot, burying the base of the trees.



The wall is 4.32 m high at its highest point and, at its closest point, is only 0.39 m from the shared property line (the site plan and other details are available in the meeting materials for the October 31, 2020 Board of Variance meeting <https://www.pemberton.ca/public/download/files/156368>). The full retaining wall structure runs from lot line to lot line and changes the entire character of the lot, which is approximately 10,500 square feet, from sloping to flat. It is not an exaggeration to say that it looms over my property, obscuring the view that I previously had to the south. The presence of the massive retaining wall has limited the viable building sites and orientations on my lot. It is plainly visible from the entrance to Sunstone. It is simply not possible to “fix” this through a landscaping plan.

The drainage pipe improperly drains onto my lot. The fill that has spilled over the property line has adversely impacted the vegetation on my lot, and I will need to have it moved and the vegetation underneath restored.

It is my understanding that there is no requirement under the building by-laws for safety rails to be built on a retaining wall of this nature, despite the obvious risk of falls for people or property onto adjacent lots or the walking trail that runs below.

Quite simply, this retaining wall does not comply with the Village of Pemberton building by-laws and does not remotely align with the Hillside Development Design Guidelines. I invite you to drive up to Sunstone for a first hand look.

I understand from the discussion at the January 12, 2021 council meeting that broad development issues around building on sloped lots can best be addressed at the “street scale”, not at the lot level, but that has not been done (at least not uniformly) in the issuance of past development permits. I believe this is an issue with the lots on Cerulean Drive, where the location of Cerulean Drive itself, which was built after the lots were sold, changed the elevation profile of the downhill lots, making them much steeper than when they were first put on the market. As a result, some property owners are finding their building options to be quite constrained. I commend the Mayor and Council for seeking to find solutions to the current issues.

However, any solution must take into account the impact of these massive retaining walls on the neighbours. I have described the negative impact of just one retaining wall on one adjacent property, but more generally, these massive retaining walls impair sightlines, create safety issues, impact the building design options, impact the drainage and vegetation, and change the appearance of the neighbourhood.

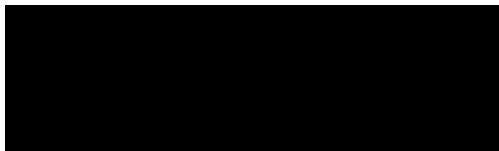
In my opinion, if these massive retaining walls, built in violation of building by-laws and without prior approval, are allowed to proliferate, it calls into question the meaning of our by-laws, and sets a poor precedent.

It may be that the best solution to the issues around hillside development in Pemberton includes some relaxation of the current by-laws concerning retaining walls, but there also needs to be some meaningful limit. Massive walls, built right to the property line, should not be permitted.

I appreciate that Mayor and Council recognize the financial difficulty that property owners that are “mid-stream” have with this issue. I would also add there is a similar urgency from my perspective to have this resolved in a timely way.

I hope this helps the Mayor and Council make an informed decision regarding the integrity of further development in Pemberton. I would be happy to answer any questions that the Mayor, Council or the Planning Department might have.

Yours truly,



Lee Edwards

Appendix: Engineered Building Plan for 7663 Cerulean Drive

EDWARDS RESIDENCE

SHEET INDEX	
ID	NAME
A-001	Cover Sheet
A-101	Site Plan
A-102	Foundation Plan
A-103	Lower Level Floor Plan
A-104	Main Level Floor Plan
A-105	Roof Plan
A-106	Landscaping Plan
A-201	Elevations N & S
A-202	Elevations E & W
A-301	Sections
A-302	Sections
A-401	Details
A-402	Details
A-501	Schedules

GENERAL NOTES:

1. CONTRACTOR SHALL CHECK ALL LEVELS AND DIMENSIONS ON SITE, AND BE RESPONSIBLE FOR THE SAME. DO NOT SCALE DRAWINGS.
2. ALL DIMENSIONS ARE TAKEN FROM STUD TO STUD/CONCRETE OR TO THE FACE OF SHEATHING OF PREFABRICATED PANELS.
3. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE LATEST BCBC.
4. TOP OF EXTERIOR FOUNDATION WALLS TO BE 203mm ABOVE FINISHED GRADE.
5. CONTRACTOR TO VERIFY ALL SERVICE LINES PRIOR TO CONSTRUCTION.
6. CAULK ALL EXTERIOR OPENINGS.
7. RECIRCULATING SYSTEM AND HOT WATER PIPES TO BE INSULATED TO RSI 0.35 (R 2.84).
8. HEAT RECOVERY VENTILATOR WITH MINIMUM 85% EFFICIENCY RATING AT SPECIFIED FLOW RATE.
9. HOT WATER TANK OR ON DEMAND TANKS MUST BE 78% EFFICIENCY OR GREATER. ELECTRIC TANKS TO BE INSULATED WITH MINIMUM RSI 1.74 (R 10).
10. SITE CERTIFICATE REQUIRED.
11. CONTRACTOR SHALL REVIEW THESE PLANS THOROUGHLY, MAKE A DETAILED SITE VISIT, AND SHALL IMMEDIATELY BRING ANY INCONSISTENCY, SITE LAYOUT PROBLEM, OR ANY OTHER REQUEST FOR CLARIFICATION TO THE OWNER FOR RESOLUTION PRIOR TO THE DELIVERY OF ANY BID. FAILURE TO DO SO SHALL CAUSE THE CONTRACTOR TO BE INELIGIBLE FOR EXTRAS RELATING TO SUCH MATTERS.
12. SEE STRUCTURAL DRAWINGS FOR ALL STRUCTURAL ASPECTS.
13. DRAWINGS OF EXISTING SITE COMPONENTS ARE, IN GENERAL, DIAGRAMMATIC. EXACT LOCATIONS SHALL BE DETERMINED BY THE CONTRACTOR FROM FIELD MEASUREMENTS TAKEN BY THE CONTRACTOR'S PERSONNEL.
14. DIMENSIONS SHALL GOVERN THESE DRAWINGS AND THEY ARE NOT TO BE SCALED.
15. ALL INTERIOR FINISHES, MILLWORKS AND EQUIPMENTS TO BE OWNER SPECIFIED. CONTRACTOR TO VERIFY ALL EQUIPMENTS, FURNISHING AND MILLWORKS RELATED TO ELECTRICAL, MECHANICAL AND PLUMBING WITH OWNER PRIOR TO CONSTRUCTION AND FABRICATIONS.



DESIGN:



BC Passive House Inc.

BC Passive House Inc.
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Pemberton, BC V0N 2K0

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BCPASSIVEHOUSE.COM

BUILDING PERMIT ONLY

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Edwards

7663 Cerulean Drive
Lot D2, Sunstone
Pemberton, BC

Client:

Lee Edwards

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Item No.	Date: (dd/mm/yy)	Revisions:

PROJECT NO: LED

DRAWN BY: PS

SCALE: AS NOTED

SHEET SIZE: 22" x 34" (ANSI-D 559 x 864)

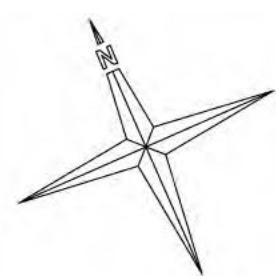
SHEET TITLE

Cover Sheet

A-001

SHEET 1

OF 14



EDWARDS RESIDENCE

STREET #: 7663 CERULEAN DRIVE
LOT D2, SUNSTONE, PEMBERTON

PID #: UNREGISTERED

ZONING: RSA-1

LOT AREA: 1020 m² / 10,979 ft²

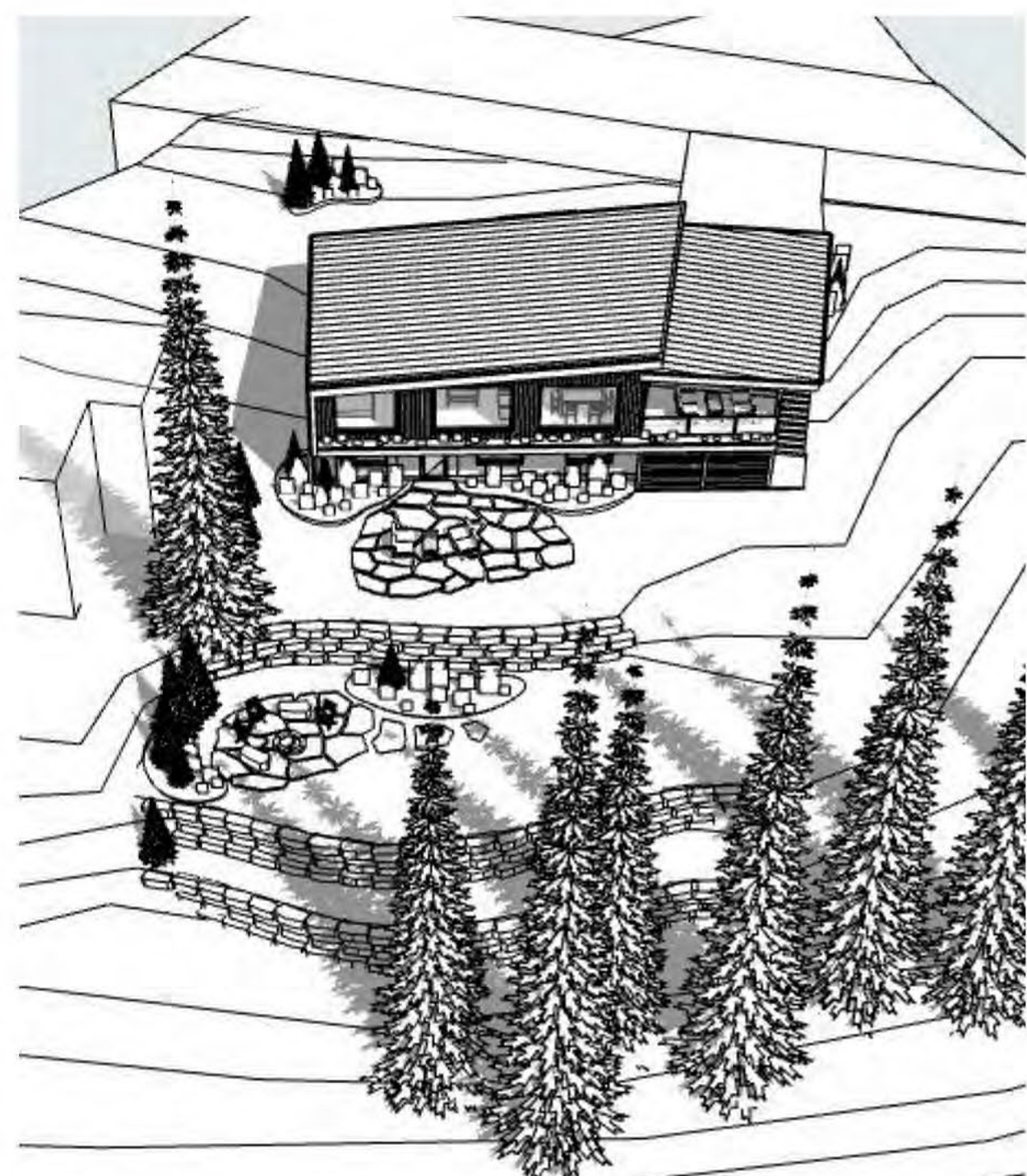
PROPOSED GFA: 228.5 m² / 2460 ft²
ALLOWED GFA: 408 m² / 4391 ft²

PROPOSED FSR: 0.22
ALLOWED FSR: N/A

BUILDING HEIGHT: approx. 7.05 m
MAX HEIGHT ALLOWED: 10.5 m

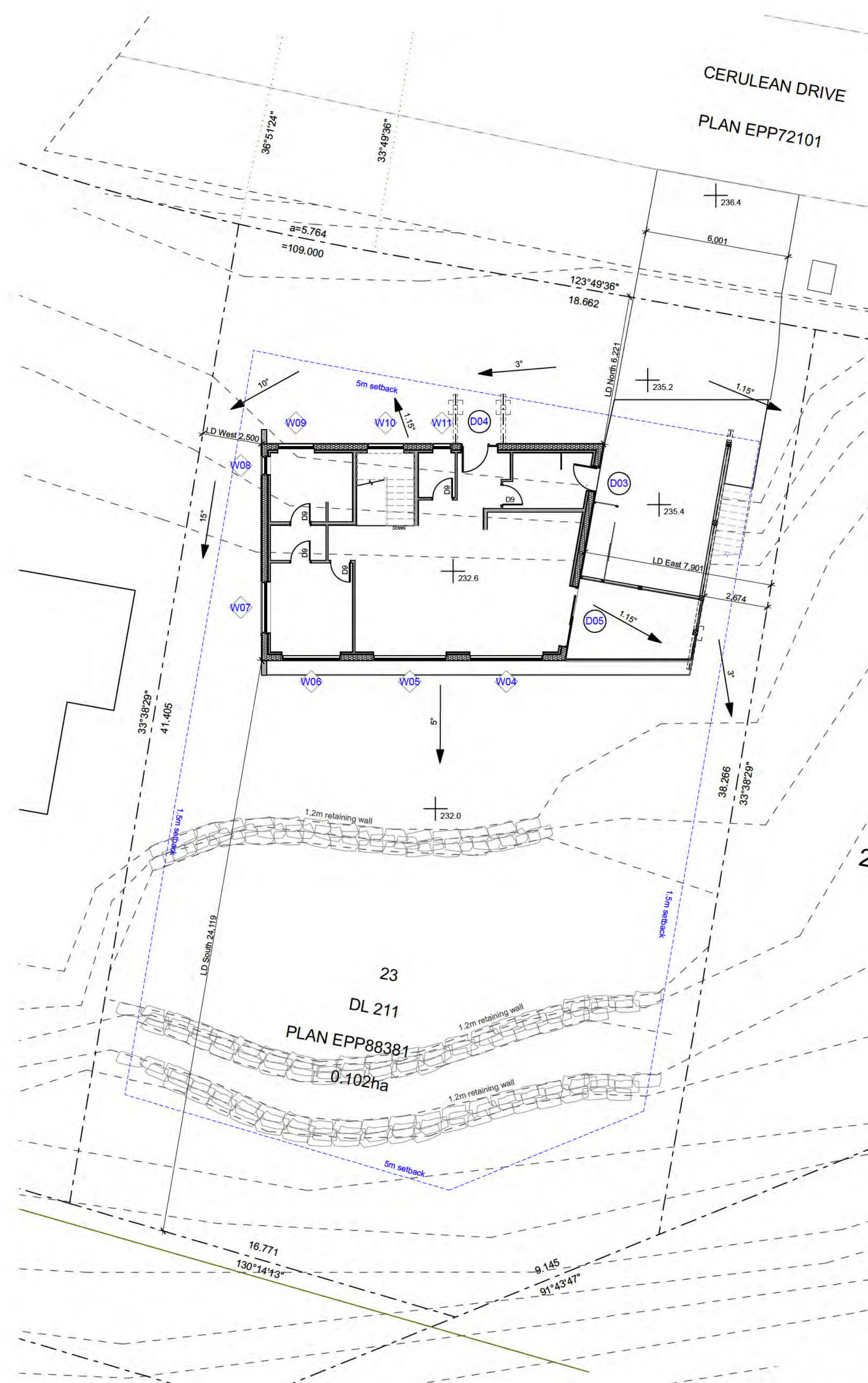
PROJECTED AREA: 121.4 m²

SITE COVERAGE: 121.4*100/1020 = 12%
SITE COVERAGE MAX ALLOWED: 40%



LIMITING DISTANCE CALCULATIONS				
WALL FACE	WALL AREA (m ²)	UNPROTECTED OPENINGS (m ²)	LIMITING DISTANCE (m)	PERMITTED OPENINGS (m ²)
SOUTH	73.6	28.2	24.1	580.8
EAST	39.4	10.1	7.9	62.4
NORTH	43.7	6.3	6.2	38.4
WEST	40	2.9	2.5	6.3

BCBC 2012
9.10.15.4 GLAZED OPENINGS IN EXPOSED BUILDING FACE
1) EXCEPT AS PROVIDED IN SENETENCES (6), THE MAXIMUM AGGREGATE AREA OF GLAZED OPENINGS IN AN EXPOSING BUILDING FACE SHALL
c) WHERE THE LIMITING DISTANCE IS NOT LESS THAN 1.2m, BE EQUAL TO OR LESS THAN THE LIMITING DISTANCE SQUARED



Site Plan

SCALE: 1:125

DESIGN:



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PROJECT NO: LED

DRAWN BY: PS

SCALE: AS NOTED

SHEET SIZE: 22" x 34" (ANSI-D 559 x 864)

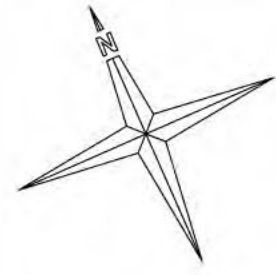
SHEET TITLE

Site Plan

A-101

SHEET 2

OF 14



NOTES:

1. ALL DIMENSIONS ARE TAKEN FROM WALL FACES.
2. REFER TO STRUCTURAL DRAWINGS FOR ALL STRUCTURAL INFORMATION.
3. ALL FOUNDATIONS SHOULD BE LOCATED A MINIMUM OF 0.6m BELOW GRADE FOR FROST PROTECTION. (REFER TO GEOTECHNICAL REPORT)

WALL ASSEMBLIES:

FROM INTERIOR TO EXTERIOR

- W1: 203.2mm (8") CONCRETE EXTERIOR/RETAINING WALL**
- 12.5mm DRYWALL INT. FINISH
 - 38x89mm SERVICE WALL @ 406.4 O.C. W/ ROCK WOOL INSULATION
 - 203.2mm REINFORCED CONCRETE (CAST IN PLACE)
 - 101.6mm RIGID INSULATION
 - WATERPROOFING MEMBRANE
 - PARPING
 - DIMPLEBOARD FOUNDATION PROTECTION (BELOW GRADE)
 - (REFER TO STRUCTURAL DRAWINGS FOR REBAR SPECS.)

- W2: 203.2mm (8") CONCRETE RETAINING WALL**
- 203.2mm REINFORCED CONCRETE (CAST IN PLACE)
 - (REFER TO STRUCTURAL DRAWINGS FOR REBAR SPECS.)

- W3: 235mm (2x10") EXTERIOR WALL**
- 12.5mm DRYWALL INT. FINISH
 - 38x89mm SERVICE WALL @ 406.4mm O.C. W/ ROCK WOOL INSULATION
 - 15mm OSB SHEATHING (TAPED & SEALED) - AB & VB
 - 38x235mm STUDS @ 809.6mm O.C. W/ DENSE PACK CELLULOUS INSULATION
 - 15mm DIFFUSION BOARD SHEATHING
 - CONTINUOUS AIR BARRIER
 - 19mm STRAPPING
 - SIDING (SEE ELEVATIONS)

- P1: 89mm (2x4") INTERIOR WALL (ALL INTERIOR WALLS UNLESS NOTED OTHERWISE)**
- 12.5mm DRYWALL
 - 38x89mm STUDS @ 406.4mm O.C.
 - 12.5mm DRYWALL

- P2: 140mm (2x6") INTERIOR WALL**
- 12.5mm DRYWALL
 - 15mm OSB SHEATHING
 - 38x140mm STUDS @ 406.4mm O.C.
 - 12.5mm DRYWALL

FLOOR ASSEMBLIES:

FROM TOP TO BOTTOM

- F1: CONCRETE SLAB ON GRADE**
- FLOOR FINISH (TBC)
 - 101.6mm CONCRETE SLAB
 - 6 mil POLY (TAPED, SEALED AT EDGES - AB & VB)
 - 152.4mm RIGID INSULATION (TBC)
 - (ALL STRUCTURAL AS PER ENGINEERING - FILL UNDER SLAB AS PER GEOTECH)

- F2: 301.6mm (11 7/8") TJI FLOOR**
- FLOOR FINISH (TBC)
 - 19mm T&G OSB SHEATHING GLUED & SCREWED
 - 301.6 TJI JOISTS @ 406.4mm O.C.
 - RESILIENT CEILING CHANNEL
 - 15mm DRYWALL CEILING FINISH
 - (ALL STRUCTURAL AS PER ENGINEERING)

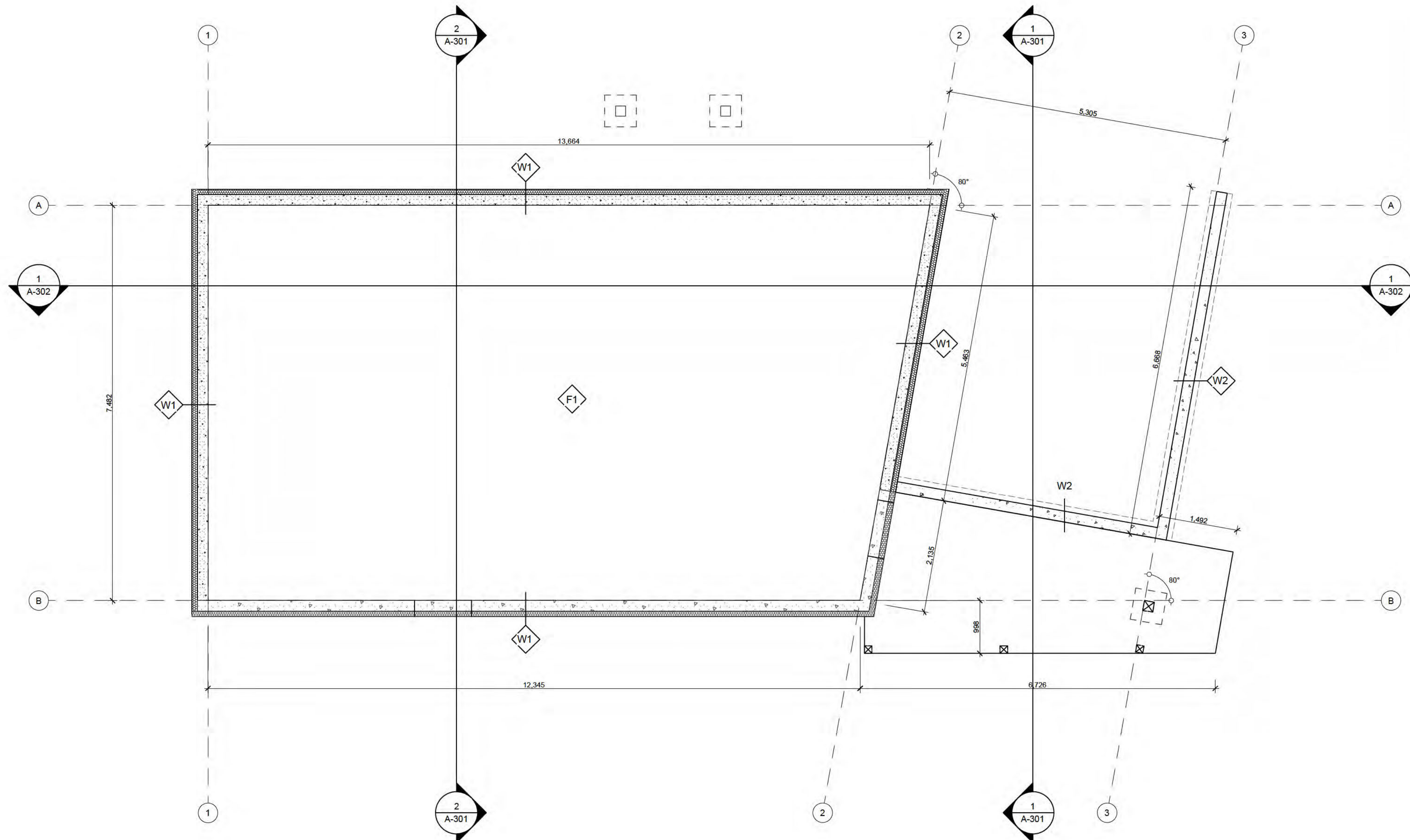
- F3: 301.6mm (11 7/8") TJI FLOOR (INSULATED)**
- FLOOR FINISH (TBC)
 - 19mm T&G OSB SHEATHING GLUED & SCREWED
 - 301.6 TJI JOISTS @ 406.4mm O.C. W/ DENSE PACK CELLULOSE INSULATION
 - 15mm DIFFUSION BOARD SHEATHING
 - CONTINUOUS AIR BARRIER
 - 19mm STRAPPING
 - VENTED SOFFIT
 - (ALL STRUCTURAL AS PER ENGINEERING)

ROOF ASSEMBLIES:

FROM INTERIOR TO EXTERIOR

- R1: 355.6mm (14") TJI STANDING SEAM METAL (INSULATED) - SOLAR READY**
- CEILING FINISH (TBC)
 - 38x89mm (SPLIT) FURRING @ 487.7mm O.C. SERVICE CAVITY
 - 15mm OSB SHEATHING (TAPED AND SEALED - AB & VB)
 - 355.6mm TJI JOISTS @ 406.4mm O.C. W/ DENSE PACK CELLULOSE INSULATION, (UNINSULATED W/ VENTED SOFFIT AT OVERHANGS)
 - 15mm DIFFUSION BOARD SHEATHING
 - SIGA MAJCOAT MEMBRANE
 - 38x89mm STRAPPING @ 809.6mm O.C.
 - 15mm PLYWOOD SHEATHING
 - STANDING SEAM METAL ROOFING (TBC)

- R2: 301.6mm (11 7/8") TJI STANDING SEAM METAL**
- VENTED SOFFIT
 - 301.6mm TJI JOISTS @ 406.4mm O.C.
 - 15mm PLYWOOD SHEATHING
 - STANDING SEAM METAL ROOFING (TBC)



WD - Foundation Plan

SCALE: 1:50

DESIGN:



BC Passive House Inc.

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Edwards

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Pemberton, BC

Client:
Lee Edwards

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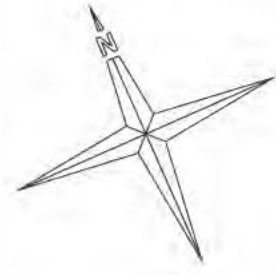
Item No.	Date: (dd/mm/yy)	Revisions:

PROJECT NO: LED
DRAWN BY: PS
SCALE: AS NOTED
SHEET SIZE: 22" x 34" (ANSI-D 559 x 864)

SHEET TITLE
Foundation Plan

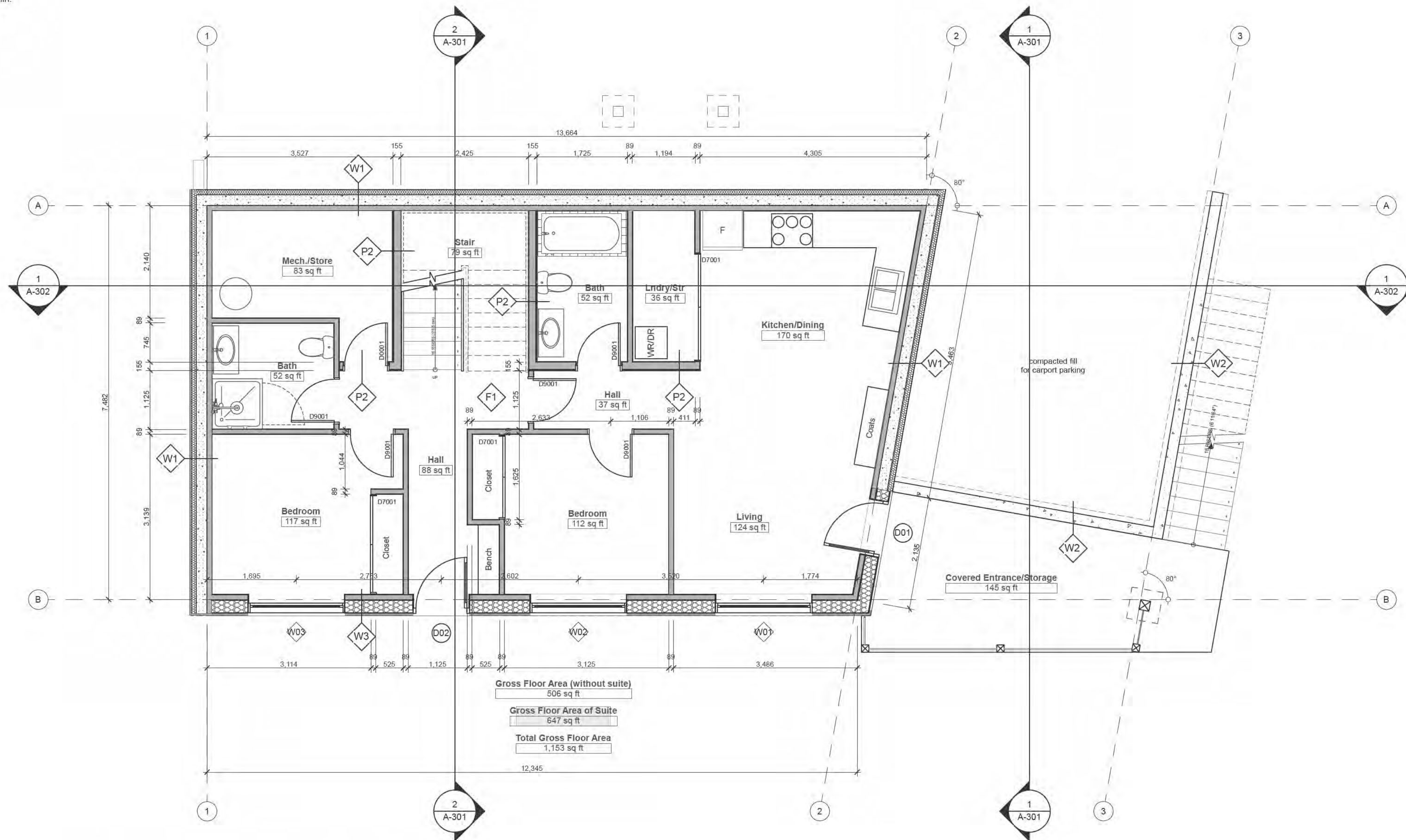
A-102

SHEET 3 OF 14



NOTES:

1. ALL DIMENSIONS ARE TAKEN FROM STUD TO STUD/CONCRETE OR TO THE FACE OF SHEATHING OF PREFABRICATED PANELS.
2. HOT WATER TANK REQUIRES PAN AND DRAIN.
3. ALL PENETRATIONS THROUGH AIR BARRIER TO BE SEALED (DOORS, WINDOWS, ETC.).
4. FLASHING IS REQUIRED OVER ALL UNPROTECTED OPENINGS. BCBC 9.27.3.8.
5. GUARDS WITHIN DWELLING UNIT - HEIGHT min. 900mm.
6. HANDRAIL HEIGHTS - 865mm - 965mm.
7. EXTERIOR GUARDS - HEIGHT min. 900mm WITHIN 1.8m OF GRADE AND min. 1070mm ELSEWHERE.
8. GLASS IN GUARDS HAS TO BE SAFETY GLASS OF THE LAMINATED OR TEMPERED TYPE CONFORMING TO CAN/CSG-12.1-M.
9. SMOKE ALARMS TO BE INSTALLED AS PER BCBC 9.10.19.
10. FOUNDATION DRAINAGE AS PER 9.14.2.
11. FIREPLACE TO BE INSTALLED AS PER BCBC 9.22.
12. VENTILATION AS PER 9.32.
13. CARBON MONOXIDE ALARMS AS PER BCBC 9.32.4.2.
14. REFER TO STRUCTURAL DRAWINGS FOR ALL STRUCTURAL INFORMATION.



WD - Lower Level Floor Plan

SCALE: 1:50

Gross Floor Area (without suite)
506 sq ft
Gross Floor Area of Suite
647 sq ft
Total Gross Floor Area
1,153 sq ft

DESIGN:



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DRAWN BY: PS

SCALE: AS NOTED

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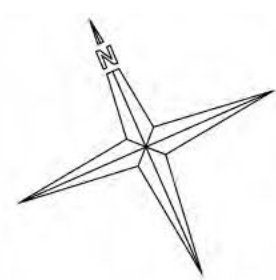
SHEET TITLE

Lower Level Floor Plan

A-103

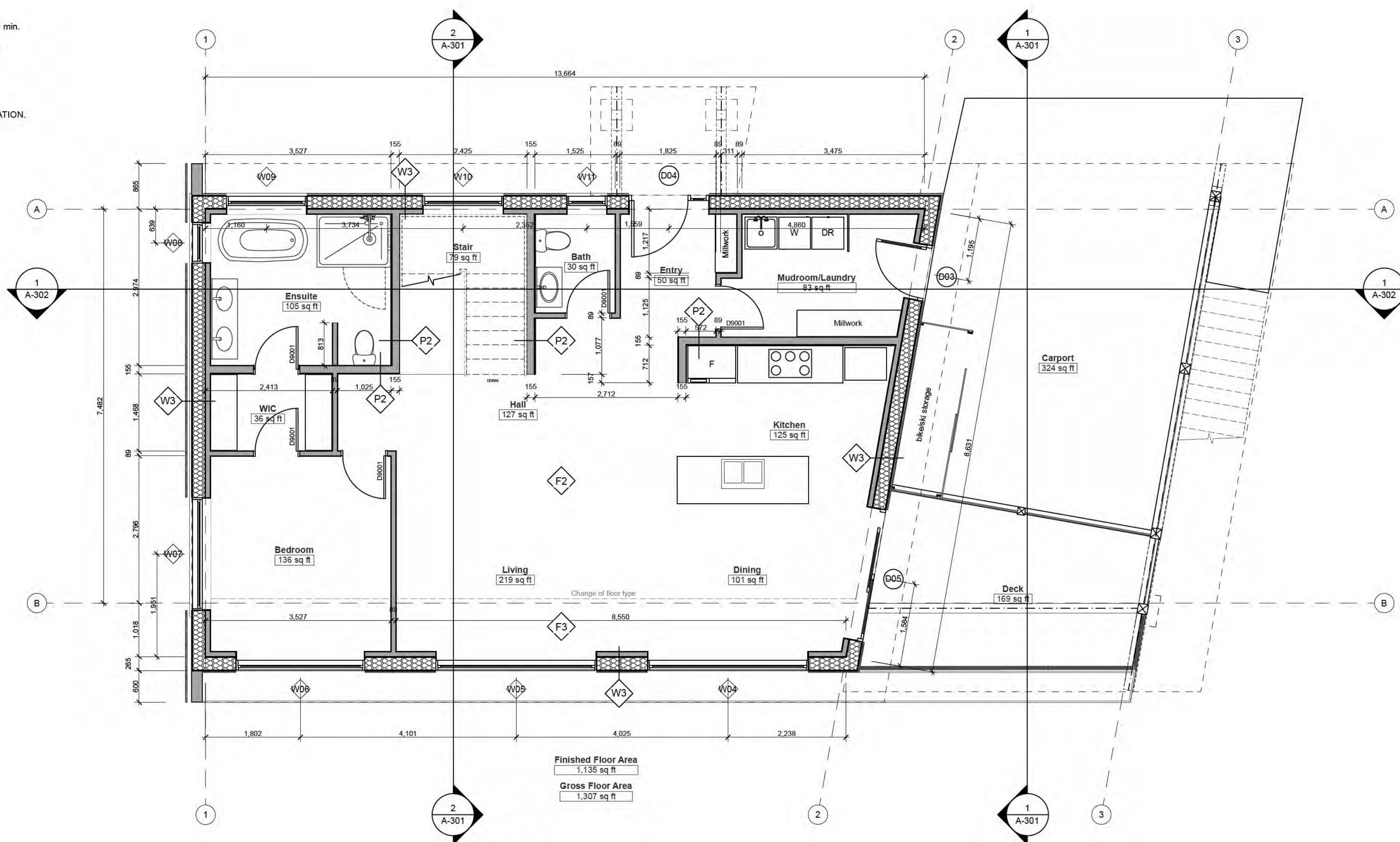
SHEET 4

OF 14



NOTES:

1. ALL DIMENSIONS ARE TAKEN FROM STUD TO STUD/CONCRETE OR TO THE FACE OF SHEATHING OF PREFABRICATED PANELS.
2. HOT WATER TANK REQUIRES PAN AND DRAIN.
3. ALL PENETRATIONS THROUGH AIR BARRIER TO BE SEALED (DOORS, WINDOWS, ETC.).
4. FLASHING IS REQUIRED OVER ALL UNPROTECTED OPENINGS. BCBC 9.27.3.8.
5. GUARDS WITHIN DWELLING UNIT - HEIGHT min. 900mm.
6. HANDRAIL HEIGHTS - 865mm - 965mm.
7. EXTERIOR GUARDS - HEIGHT min. 900mm WITHIN 1.8m OF GRADE AND min. 1070mm ELSEWHERE.
8. GLASS IN GUARDS HAS TO BE SAFETY GLASS OF THE LAMINATED OR TEMPERED TYPE CONFORMING TO CAN/CGSB - 12.1-M.
9. SMOKE ALARMS TO BE INSTALLED AS PER BCBC 9.10.19.
10. FOUNDATION DRAINAGE AS PER 9.14.2
11. FIREPLACE TO BE INSTALLED AS PER BCBC 9.22.
12. VENTILATION AS PER 9.32.
13. CARBON MONOXIDE ALARMS AS PER BCBC 9.32.4.2.
14. REFER TO STRUCTURAL DRAWINGS FOR ALL STRUCTURAL INFORMATION.



WD - Main Level Floor Plan

SCALE: 1:50

Finished Floor Area
1,135 sq ft
Gross Floor Area
1,307 sq ft

DESIGN:



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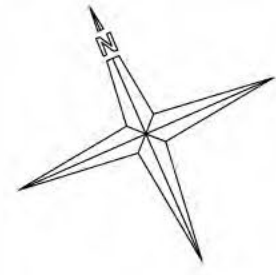
SHEET TITLE

Main Level Floor Plan

A-104

SHEET 5

OF 14



ROOF PLAN LEGEND

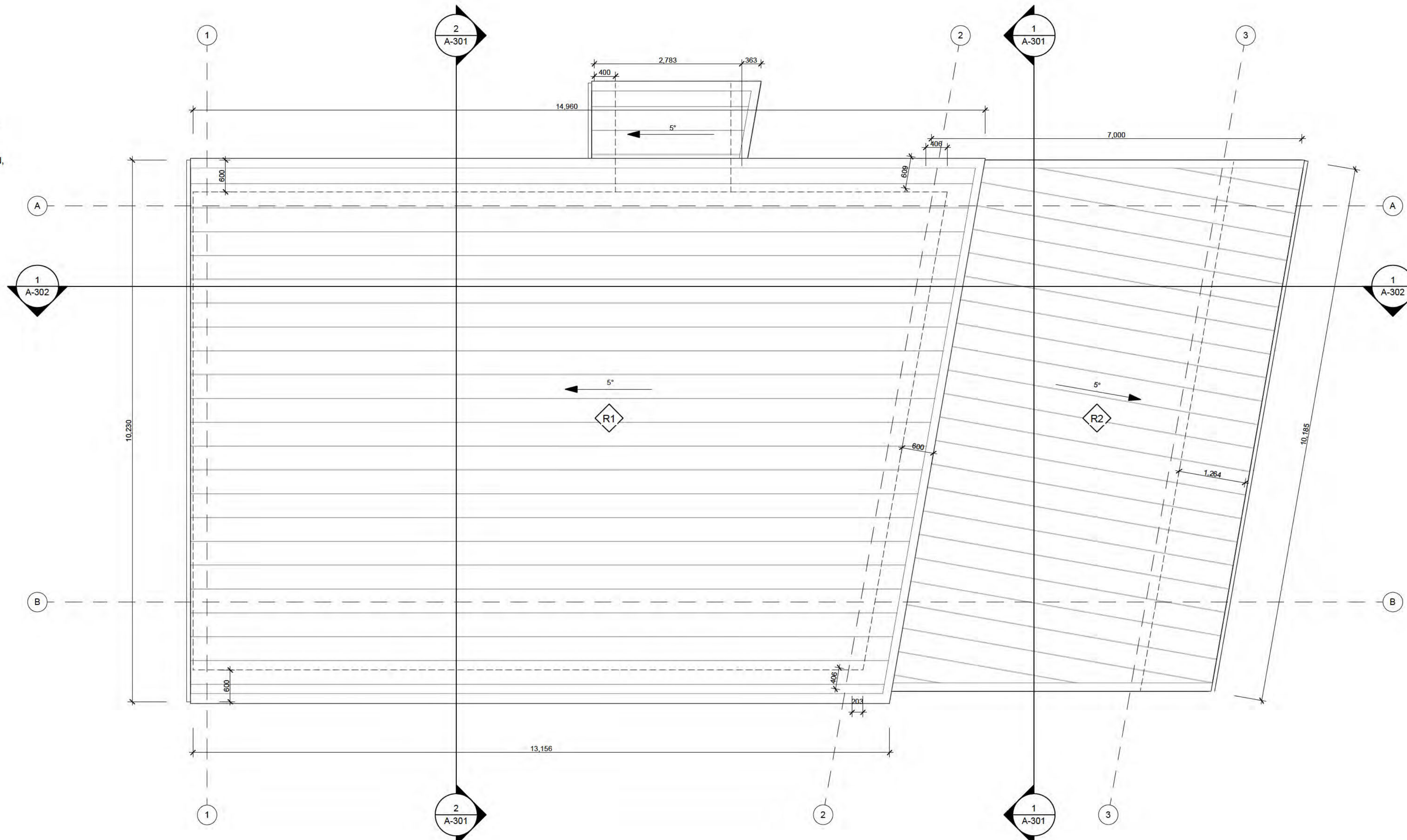
← INDICATES ROOF SLOPE

NOTES:

1. ALL DIMENSIONS ARE TAKEN FROM STUD TO STUD OR TO THE FACE OF SHEATHING OF PREFABRICATED PANELS.
2. PREFABRICATED ROOF ASSEMBLIES DO NOT REQUIRE VENTILATION. UNINSULATED OVERHANGS TO BE VENTED WITH SOFFIT VENT STRIPS.
3. REFER TO ENGINEERS DRAWINGS FOR SNOW LOAD CALCULATIONS.
4. ROOF R2 TO BE SOLAR READY.

ROOF ASSEMBLIES:
FROM INTERIOR TO EXTERIOR

- R1: 355.6mm (14") TJI STANDING SEAM METAL (INSULATED) - SOLAR READY**
- CEILING FINISH (TBC)
 - 38x89mm (SPLIT) FURRING @ 487.7mm O.C. SERVICE CAVITY
 - 15mm OSB SHEATHING (TAPED AND SEALED - AB & VB)
 - 355.6mm TJI JOISTS @ 406.4mm O.C. W/ DENSE PACK CELLULOUS INSULATION, (UNINSULATED W/ VENTED SOFFIT AT OVERHANGS)
 - 15mm DIFFUSION BOARD SHEATHING
 - SIGA MAJCOAT MEMBRANE
 - 38x89mm STRAPPING @ 609.6mm O.C.
 - 15mm PLYWOOD SHEATHING
 - STANDING SEAM METAL ROOFING (TBC)
- R2: 301.6mm (11 7/8") TJI STANDING SEAM METAL**
- VENTED SOFFIT
 - 301.6mm TJI JOISTS @ 406.4mm O.C.
 - 15mm PLYWOOD SHEATHING
 - STANDING SEAM METAL ROOFING (TBC)



WD - Roof Plan

SCALE: 1:50

DESIGN:



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SCALE: AS NOTED

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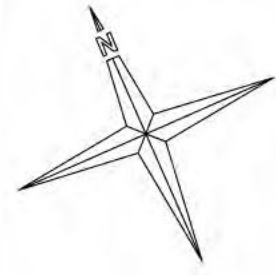
SHEET TITLE

Roof Plan

A-105

SHEET 6

OF 14

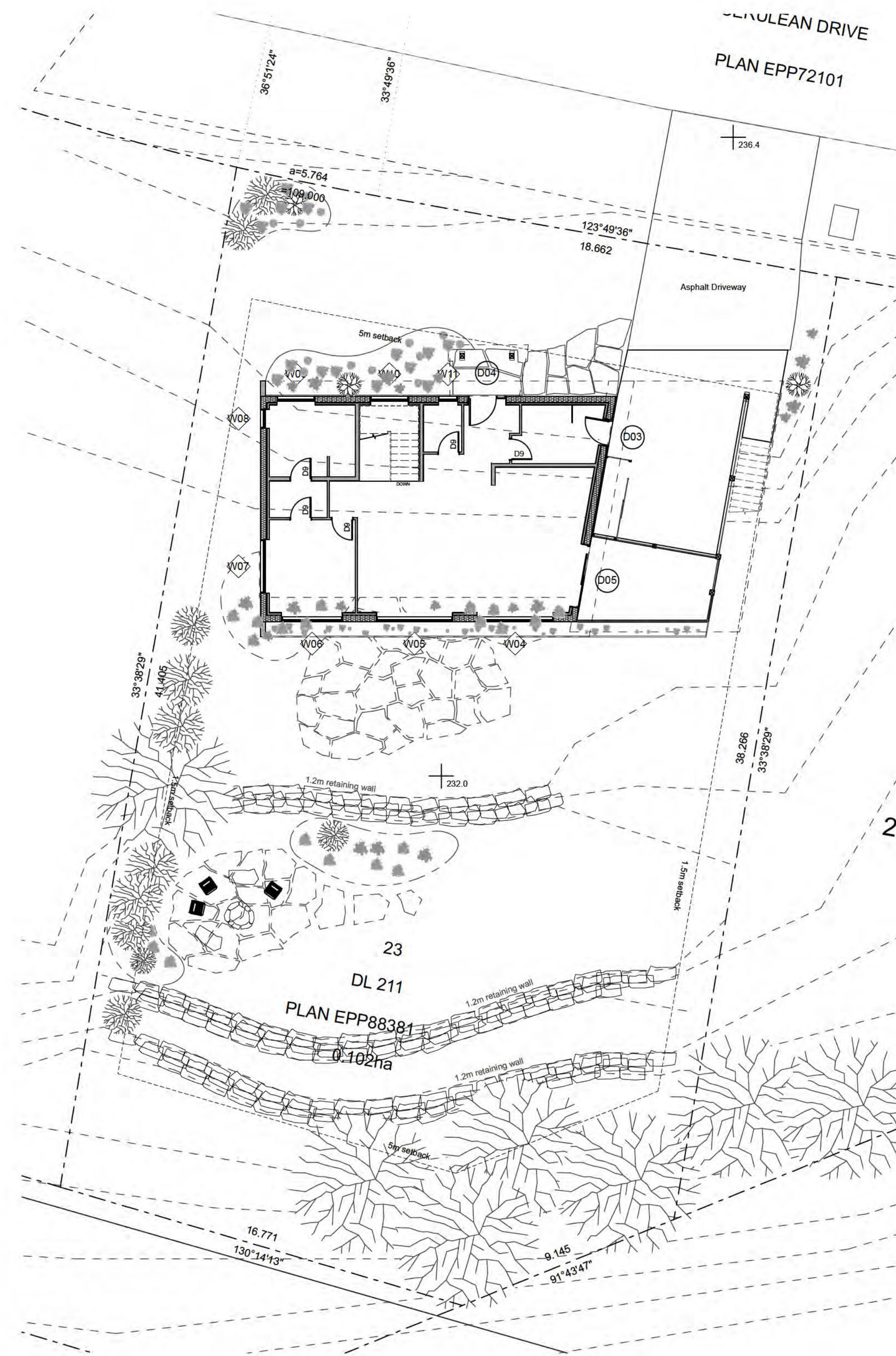


NOTES:

1. EXISTING TREES TO BE PRESERVED. NO GRADE CHANGE WITHIN DRIPLINE.
2. FIRE SMART RATING TO BE CONSIDERED FOR ALL PLANTINGS AND GROUND COVER MATERIALS.
3. ANY RETAINING WALLS TALLER THAN 1.2m TO BE STEPPED AT A 45°.
4. ELEVATION/GRADE CHANGE TO BE DONE BY GRADING WHEREVER POSSIBLE TO MINIMIZE THE AMOUNT AND HEIGHT OF RETAINING WALLS.

LEGEND:

	ROCK STACK WALL (TBC)
	PLANTINGS - ASSORTED VARIETIES, PREDOMINANTLY NATIVE - SEE PLANT LIST (BY OTHER)
	CONIFEROUS TREES - PRIVACY SCREENING (TBC)
	FLAGSTONE PATHS & PATIO (TBC)



Landscape Plan

SCALE: 1:125

DESIGN:



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DRAWN BY: PS

SCALE: AS NOTED

SHEET SIZE: 22" x 34" (ANSI-D 559 x 864)

SHEET TITLE

Landscaping Plan

A-106

SHEET 7

OF 14

MATERIAL LEGEND: (ALL MATERIALS TBC)

- 1. HARDIE "REVEAL" SIDING
- 2. STANDING SEAM METAL ROOFING W/ SNOW GUARD
- 3. VERTICAL WOOD SIDING
- 4. WOOD PRIVACY SCREEN
- 5. GLASS PANEL RAILING
- 6. GLULAMS
- 7. T&G VENTED SOFFIT
- 8. BOARD FORM CONCRETE
- 9. CORTEN STEEL



South Elevation

SCALE: 1:50



North Elevation

SCALE: 1:50

DESIGN:



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Edwards

7663 Cerulean Drive
Lot D2, Sunstone
Pemberton, BC

Client:

Lee Edwards

Item No.	Date: (dd/mm/yy)	Issued For:
1.	18/11/20	PRELIM PRICING & REVIEW
2.	10/12/20	ISSUED FOR BP

Item No.	Date: (dd/mm/yy)	Revisions:

PROJECT NO: LED
DRAWN BY: PS
SCALE: AS NOTED
SHEET SIZE: 22" x 34" (ANSI-D 559 x 864)

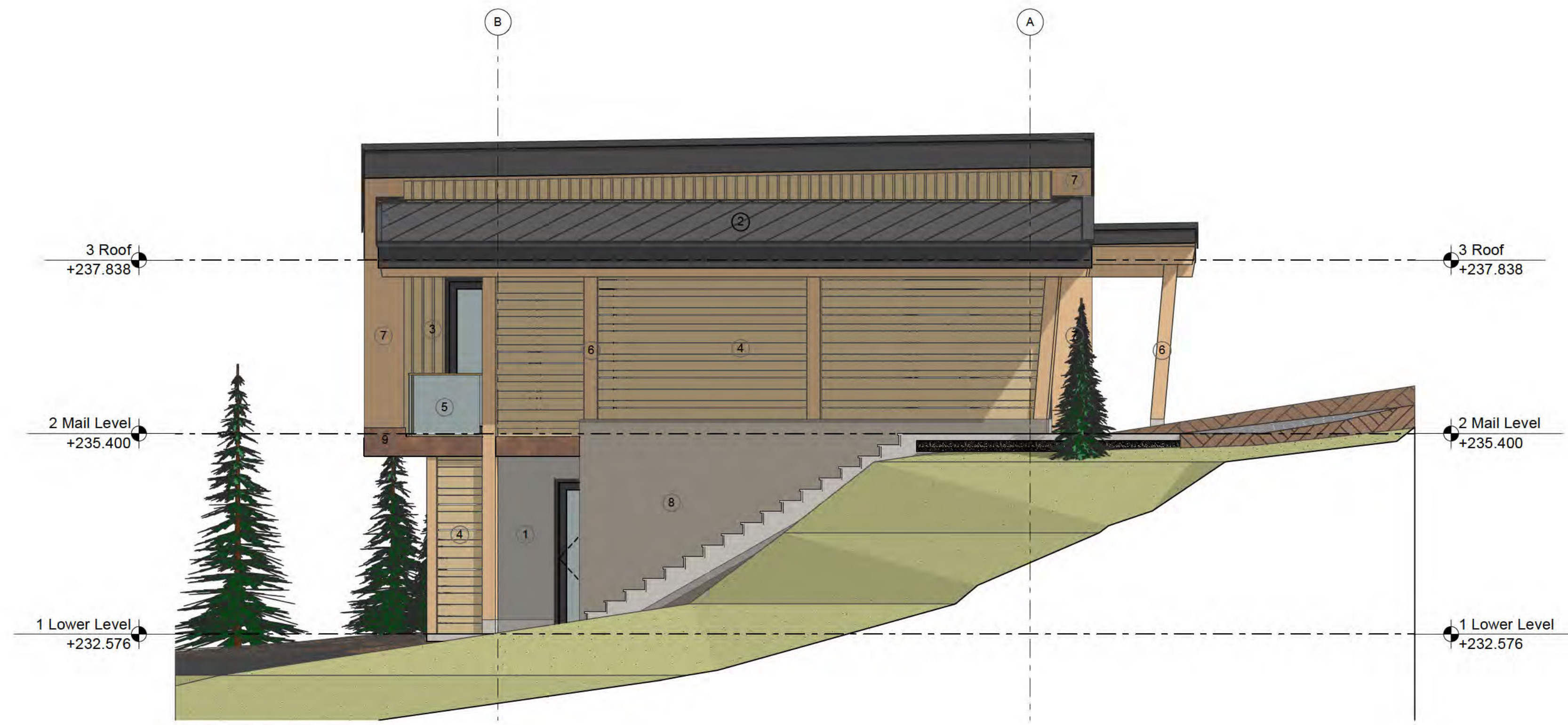
SHEET TITLE
Elevations N & S

A-201

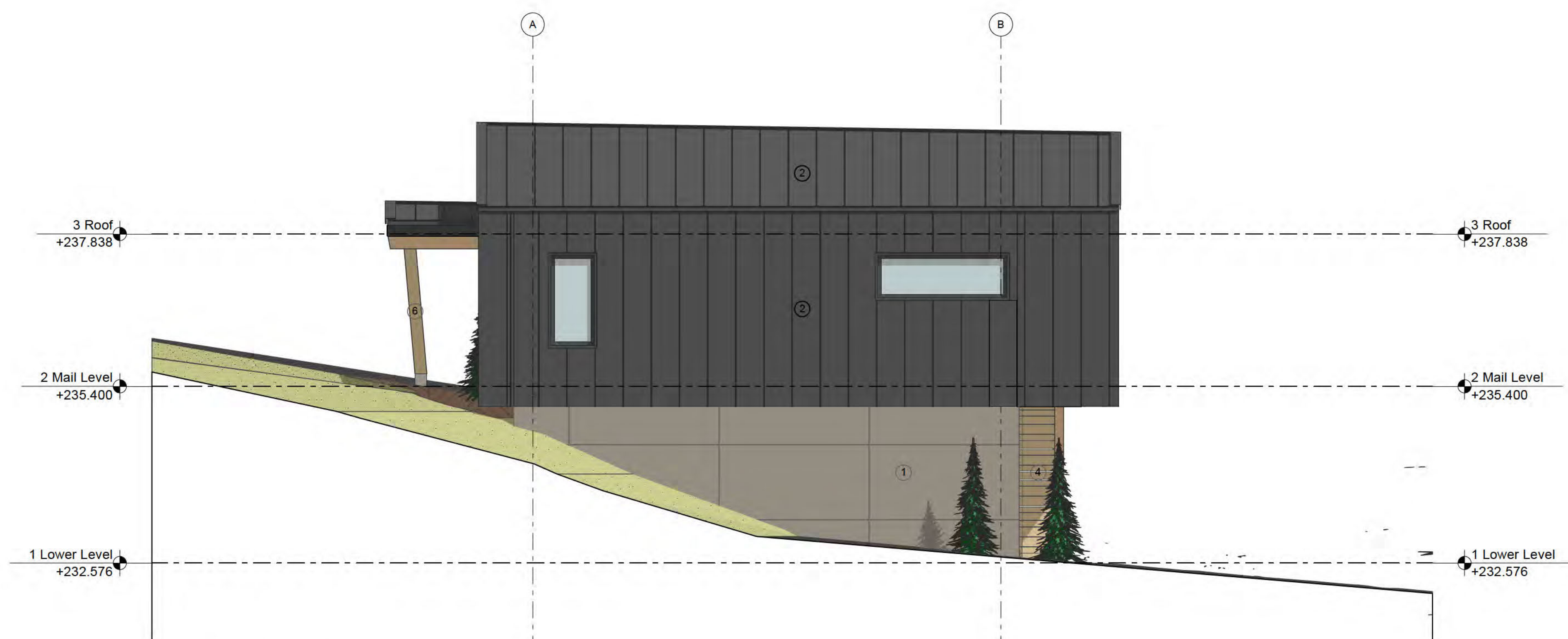
SHEET 8 OF 14

MATERIAL LEGEND: (ALL MATERIALS TBC)

- 1. HARDIE "REVEAL" SIDING
- 2. STANDING SEAM METAL ROOFING W/ SNOW GUARD
- 3. VERTICAL WOOD SIDING
- 4. WOOD PRIVACY SCREEN
- 5. GLASS PANEL RAILING
- 6. GLULAMS
- 7. T&G VENTED SOFFIT
- 8. BOARD FORM CONCRETE
- 9. CORTEN STEEL



East Elevation
SCALE: 1:50



West Elevation
SCALE: 1:50

DESIGN:



BC Passive House Inc.

BC Passive House Inc.
1928 Artisan Road,
Pemberton, BC V0N 2K0
PHONE: (604) 894-5084
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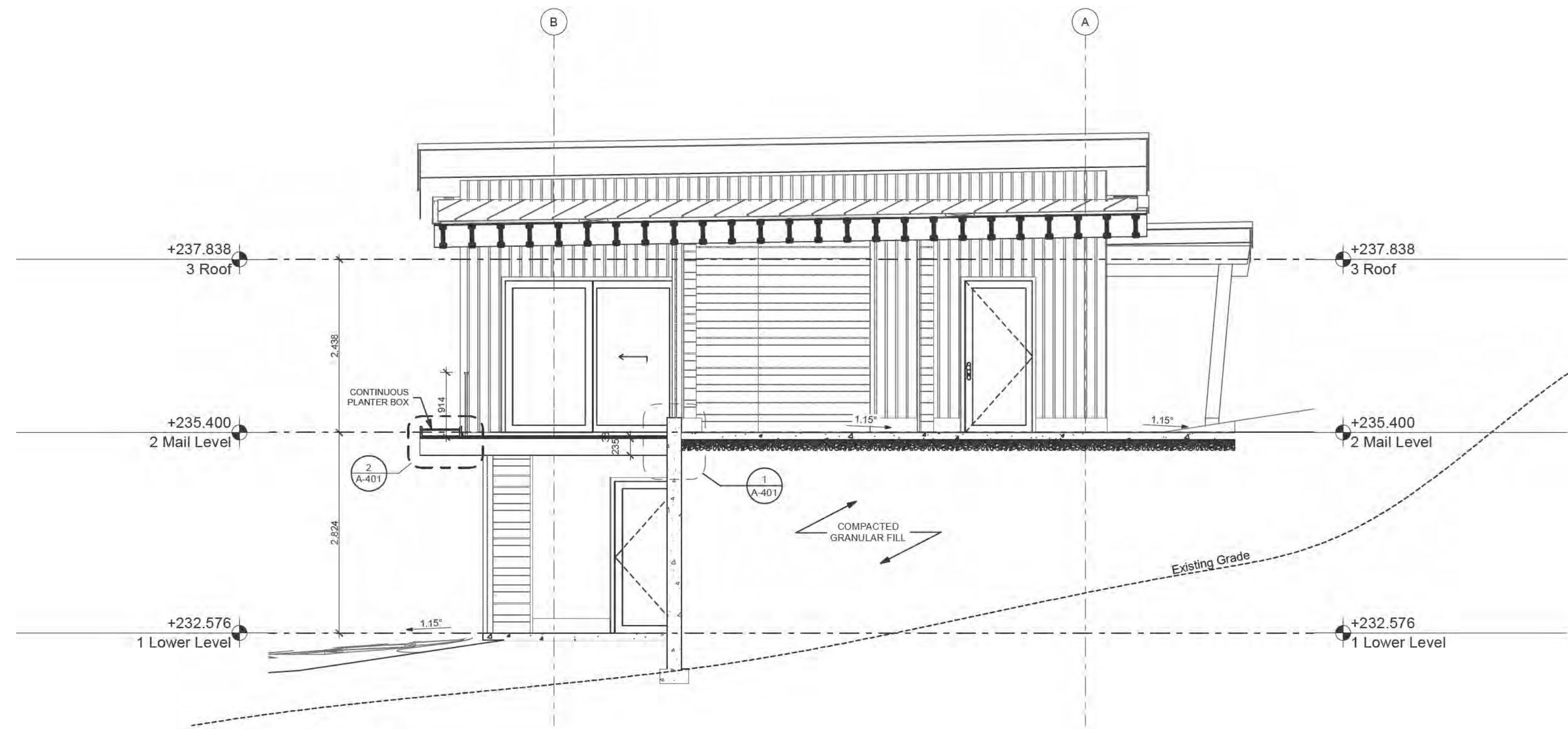
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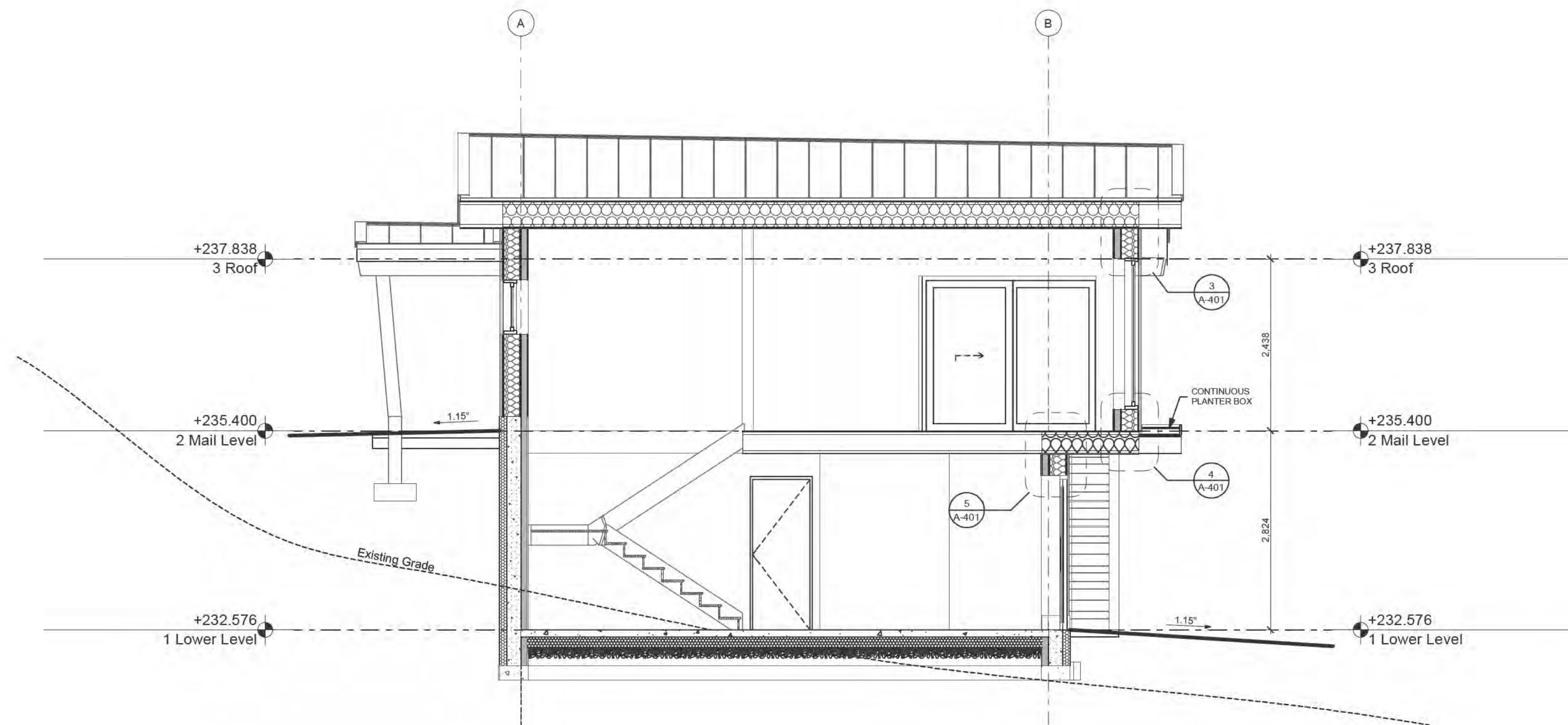
PROJECT NO: LED
DRAWN BY: PS
SCALE: AS NOTED
SHEET SIZE: 22" x 34" (ANSI-D 559 x 864)

SHEET TITLE
Elevations E & W

A-202
SHEET 9 OF 14



Cross Section A
SCALE: 1:50



Cross Section B
SCALE: 1:50

NOTE:
REFER TO STRUCTURAL DRAWINGS FOR ALL STRUCTURAL INFORMATION.

DESIGN:
PASSIVEHOUSE

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SCALE: AS NOTED
SHEET SIZE: 22" x 34" (ANSI-D 559 x 864)

SHEET TITLE

Sections

A-301

SHEET 10 OF 14

DESIGN:



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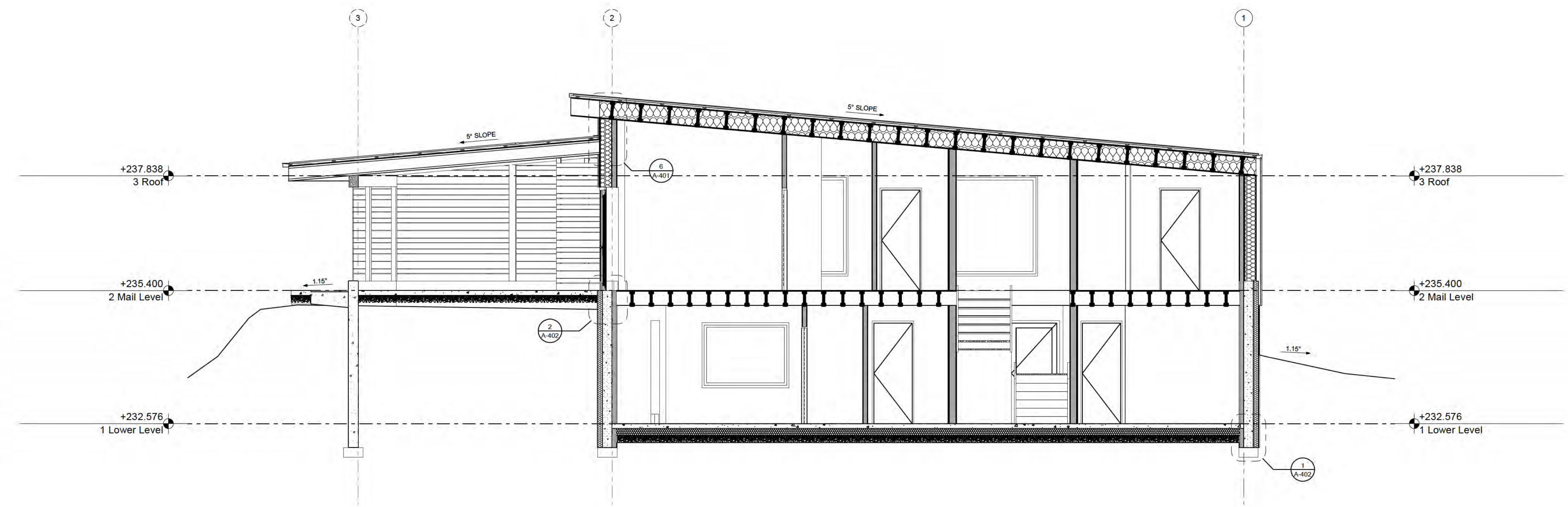
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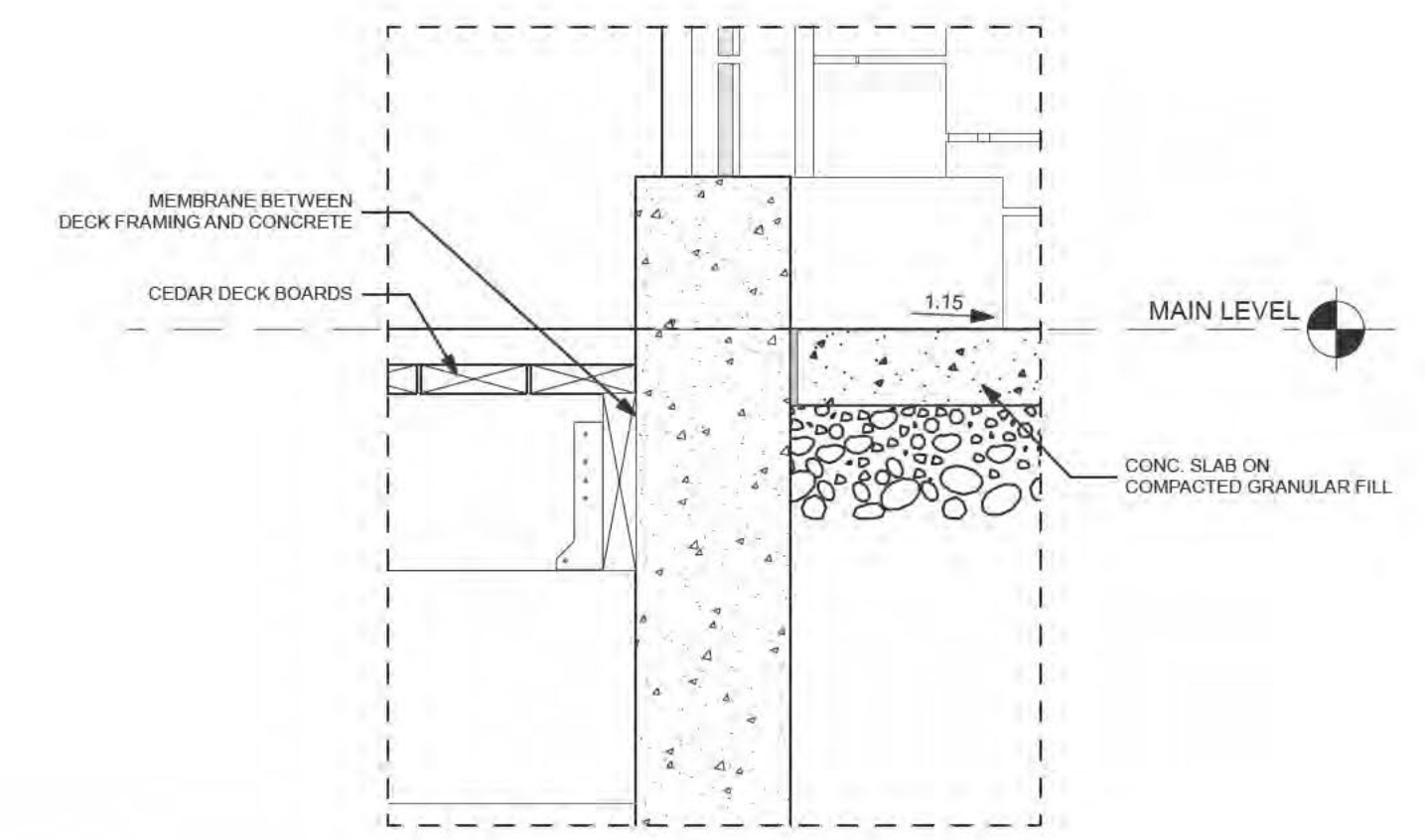
PROJECT NO: LED
DRAWN BY: PS
SCALE: AS NOTED
SHEET SIZE: 22" x 34" (ANSI-D 559 x 864)

SHEET TITLE
Sections

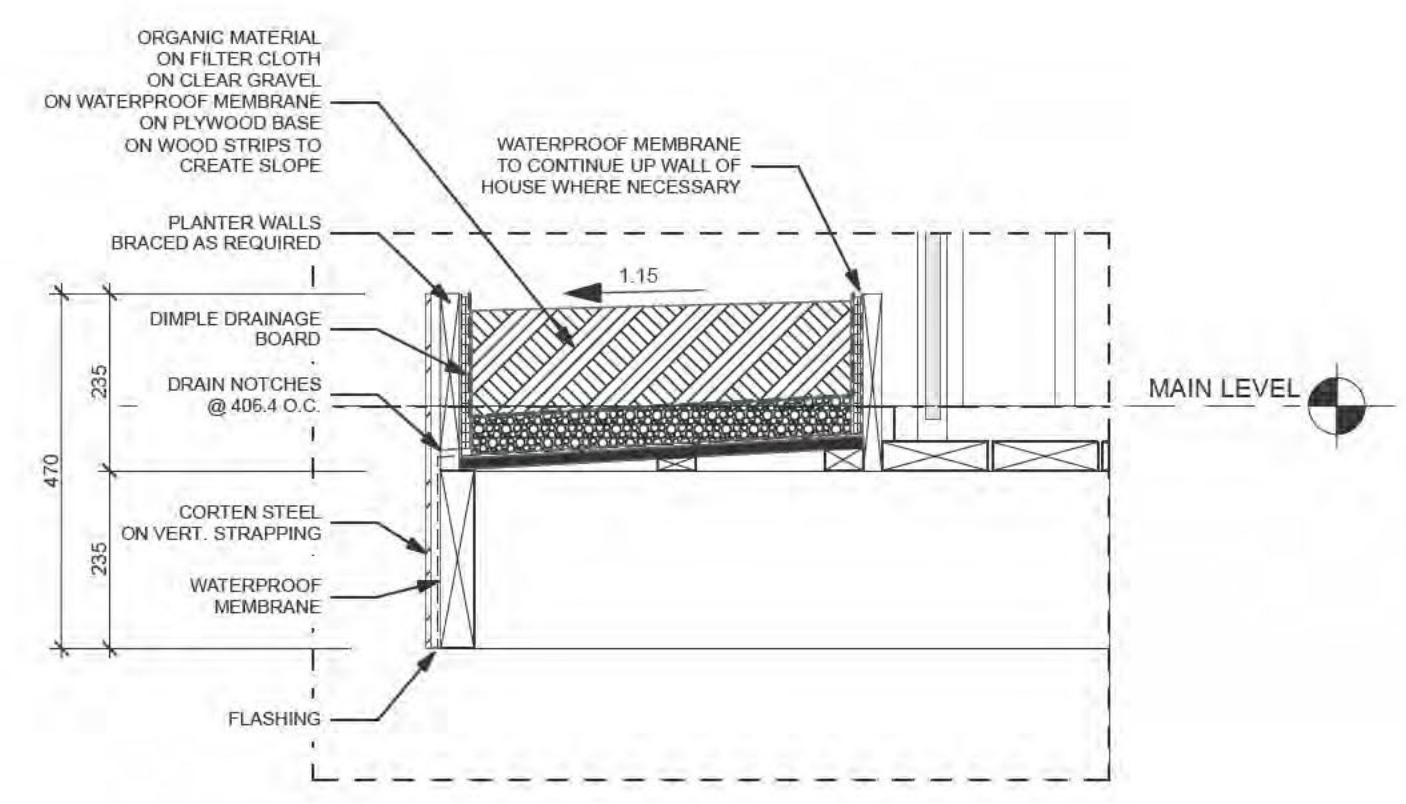
A-302
SHEET 11 OF 14



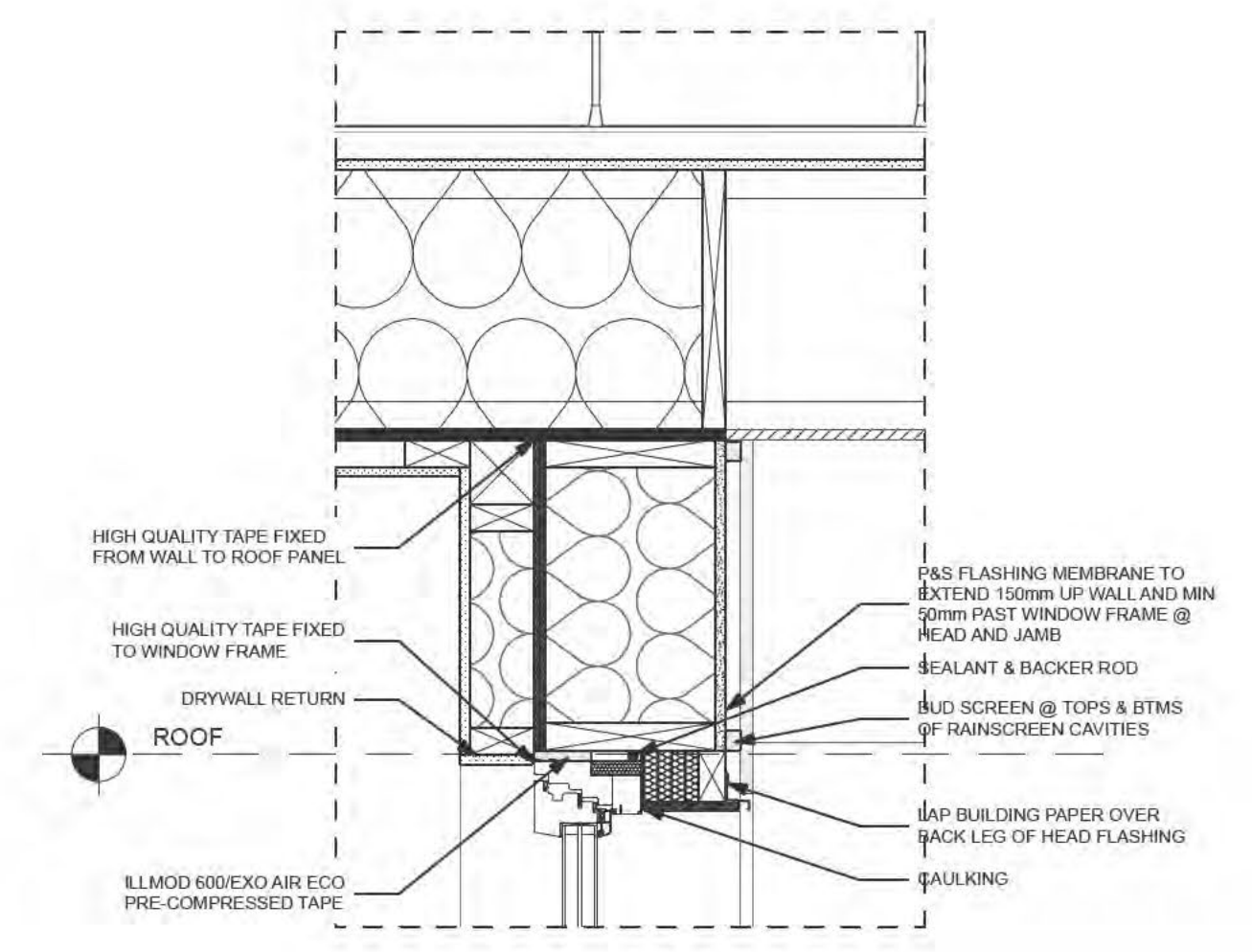
NOTE:
REFER TO STRUCTURAL DRAWINGS FOR ALL STRUCTURAL INFORMATION.



1
A-401
DETAIL 1
 SCALE: 1:10



2
A-401
DETAIL 2
 SCALE: 1:10



3
A-401
DETAIL 3
 SCALE: 1:10

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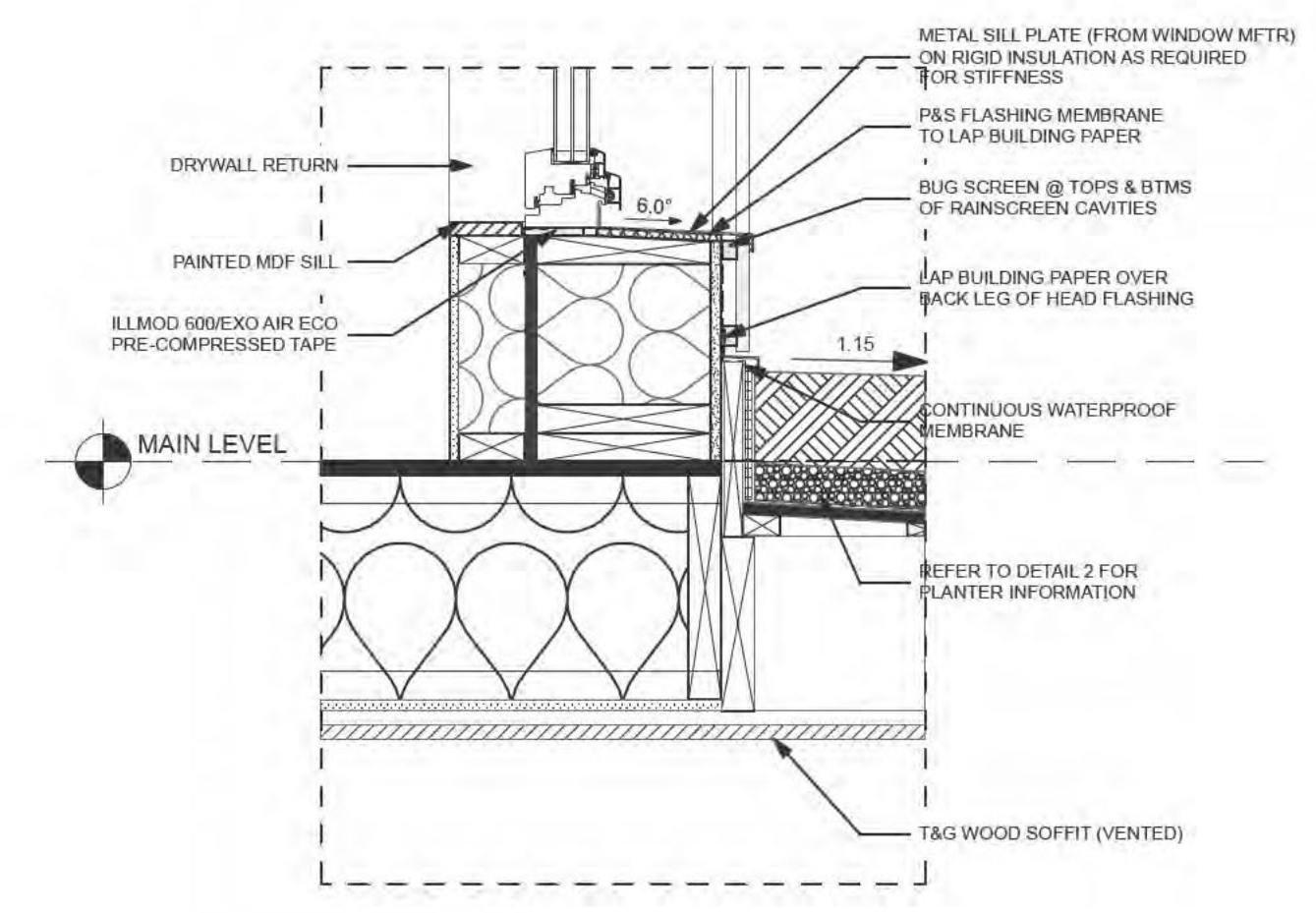
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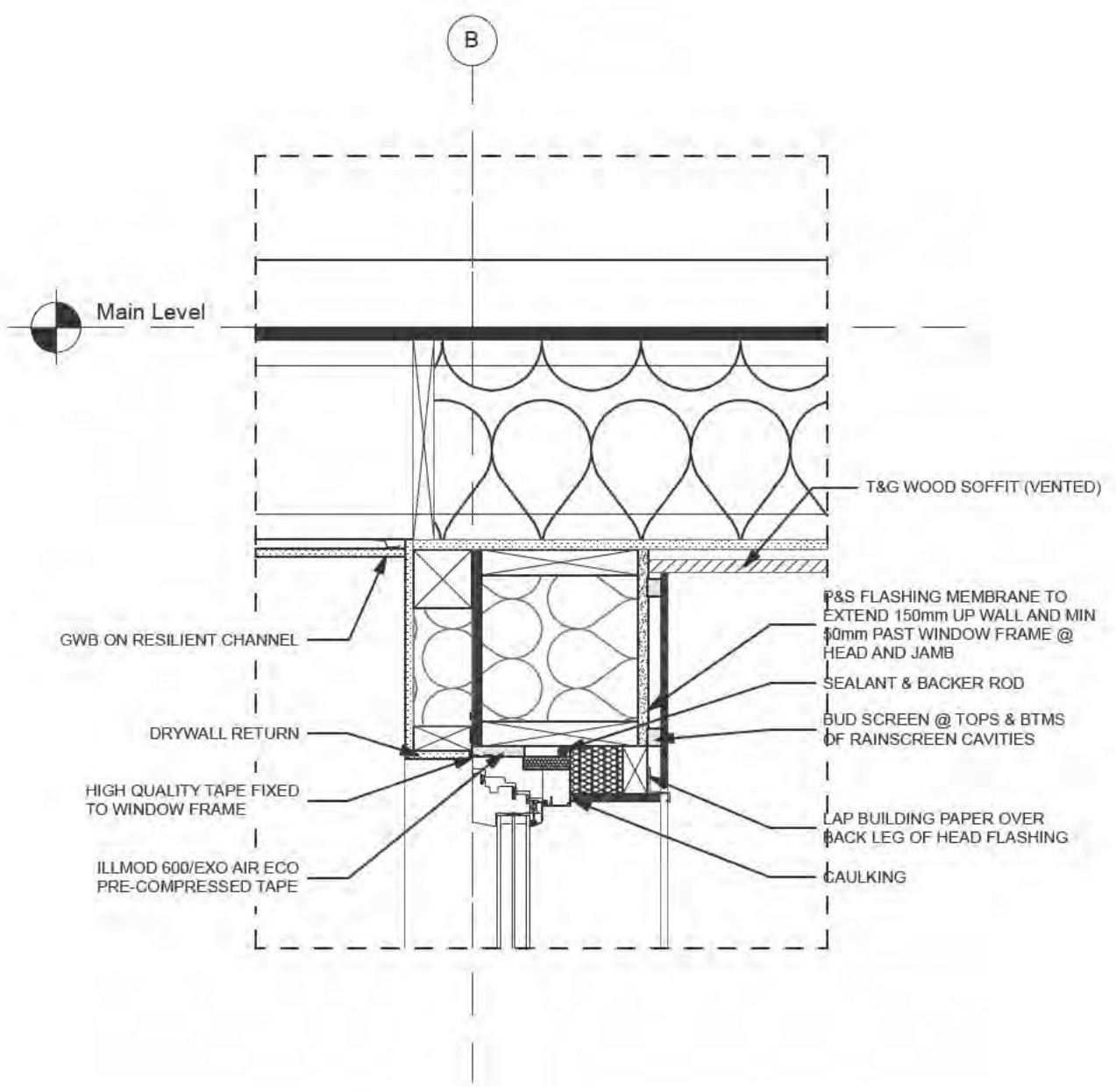
PROJECT NO: LED
 DRAWN BY: PS
 SCALE: AS NOTED
 SHEET SIZE: 22" x 34" (ANSI-D 559 x 864)

SHEET TITLE
Details

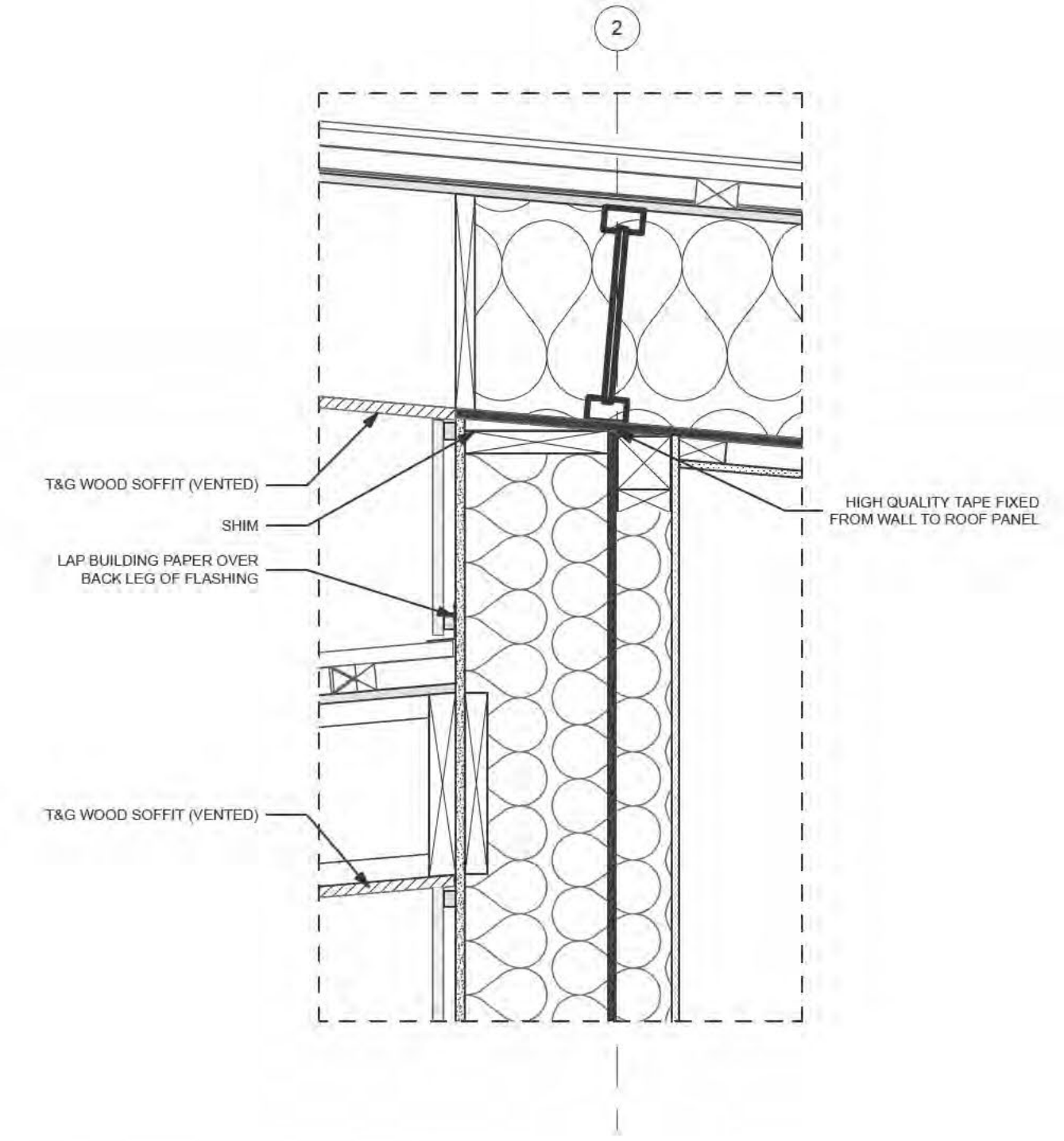
A-401
 SHEET 12 OF 14



4
A-401
DETAIL 4
 SCALE: 1:10



5
A-401
DETAIL 5
 SCALE: 1:10



6
A-401
DETAIL 6
 SCALE: 1:10

NOTE:
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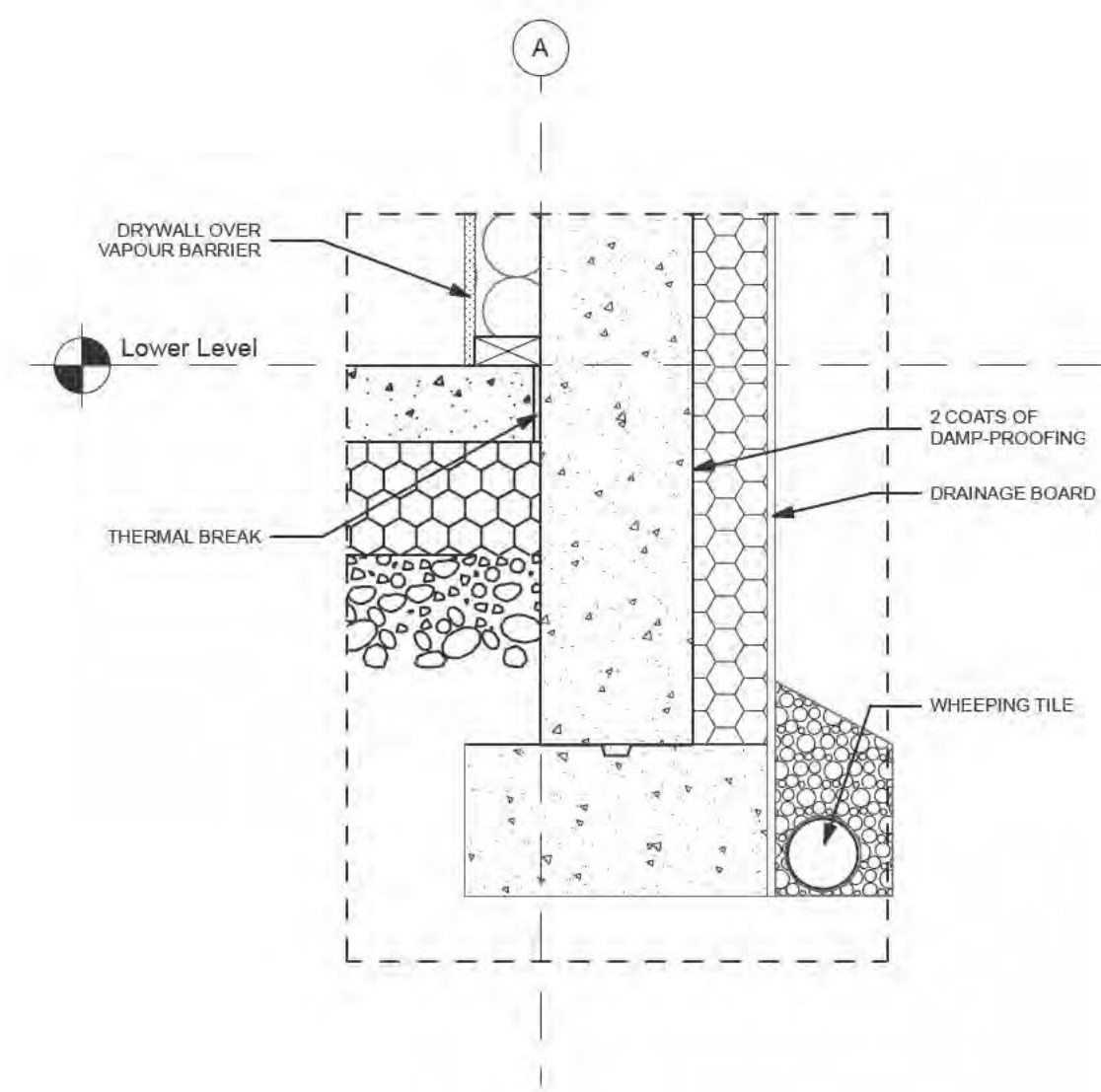
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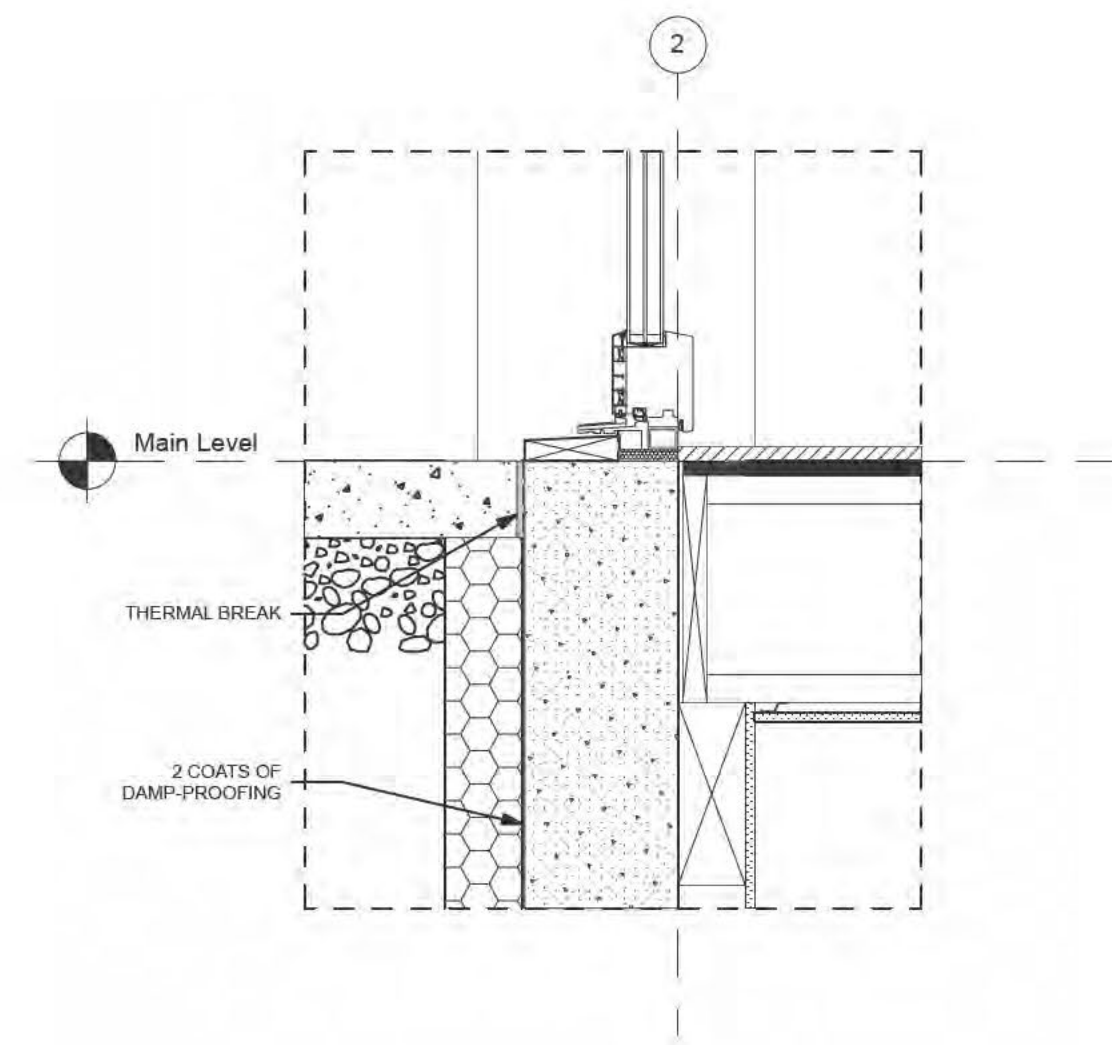
Details

A-402

SHEET 13 OF 14



1 DETAIL 7
A-402 SCALE: 1:10



2 DETAIL 8
A-402 SCALE: 1:10

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SHEET TITLE

Schedules

A-501

SHEET 14 OF 14

Window Schedule							
Image	Element ID	Height (mm)	Width (mm)	Header Height (mm)	Sill Height (mm)	Surface Area (m2)	Comments
	W01	4'-6"	6"	2,134.0	558.8	2.54	
	W02	4'-6"	6"	2,134.0	558.8	2.54	
	W03	4'-6"	6"	2,134.0	558.8	2.54	
	W04	7'	10'	2,438.0	304.0	6.55	
	W05	7'	10'	2,438.0	304.0	6.55	
	W06	7'	8"	2,438.0	304.0	5.25	
	W07	2'-6"	7"	2,134.0	1,168.8	1.65	
	W08	5'	2'-6"	2,134.0	406.8	1.19	Opaque
	W09	2'-6"	5'	2,134.0	1,168.8	1.18	
	W10	2'-6"	5'	2,134.0	1,168.8	1.18	
	W11	2'-6"	2'-6"	2,134.0	1,168.8	0.60	Opaque

Door Schedule						
Image	Element ID	Quantity	Height	Width	Surface Area (m2)	Comments
	D0	1	7'	2'-8"	1.91	
	D01	1	7'	3'-2"	2.36	
	D02	1	7'	3'-2"	2.36	
	D03	1	7'	3'-2"	2.36	
	D04	1	7'	3'-6 1/4"	3.36	
	D05	1	7'	8"	5.59	
	D7	1	6'-8"	5'-1"	3.29	
	D7	1	6'-8"	6'-1/4"	3.88	
	D7	1	6'-8"	6'-7 1/4"	4.24	
	D9	10	7'	2'-8"	1.91	

U-value of building assemblies

Passive House with PHPP Version 9.3

/ Climate: PHPP-Standard / TFA: 0 m² / Freq. overheating: % / PER: kWh/(m²a)

Secondary calculation: Equivalent thermal conductivity of still air spaces -> (on the right)
Wedge-shaped assembly layer -> (on the right)
Unheated / uncooled attic -> (on the right)

Building assembly description							
Assembly no.	Building assembly description						Interior insulation?
01ud	Exterior Wall Typical						
Orientation of building element		Heat transmission resistance [m²K/W]		Interior Rsi		0.13	
Adjacent to		exterior Rse		0.13			
Area section 1	1 [W/(m²K)]	Area section 2 (optional)	1 [W/(m²K)]	Area section 3 (optional)	1 [W/(m²K)]	Thickness [mm]	
Gypsum Board	0.250					12	
Stud Wall with Rockwool	0.037			Studs	0.130	89	
OSB	0.130					15	
Stud Wall with Cellulose	0.038	Studs	0.130			235	
Fibreboard	0.090					15	
Percentage of sec. 1		Percentage of sec. 2		Percentage of sec. 3		Total	
73%		15.0%		12.0%		36.6 cm	
U-value supplement		U-value:		0.135 W/(m²K)		R = 42	

Building assembly description							
Assembly no.	Building assembly description						Interior insulation?
02ud	Foundation Wall Below Grade						
Orientation of building element		Heat transmission resistance [m²K/W]		Interior Rsi		0.13	
Adjacent to		exterior Rse		0.00			
Area section 1	1 [W/(m²K)]	Area section 2 (optional)	1 [W/(m²K)]	Area section 3 (optional)	1 [W/(m²K)]	Thickness [mm]	
Gypsum Board	0.250					12	
Stud Wall with Rockwool	0.036			Studs	0.130	89	
Concrete Wall	2.100					203	
XPS Insulation	0.027					102	
Percentage of sec. 1		Percentage of sec. 2		Percentage of sec. 3		Total	
88%				12.0%		40.6 cm	
U-value supplement		U-value:		0.165 W/(m²K)		R = 34	

Building assembly description							
Assembly no.	Building assembly description						Interior insulation?
03ud	Exterior Roof Typical						
Orientation of building element		Heat transmission resistance [m²K/W]		Interior Rsi		0.10	
Adjacent to		exterior Rse		0.10			
Area section 1	1 [W/(m²K)]	Area section 2 (optional)	1 [W/(m²K)]	Area section 3 (optional)	1 [W/(m²K)]	Thickness [mm]	
Gypsum Board	0.250			Studs	0.130	12	
Framing with Air Space	0.210					38	
OSB	0.130					15	
TJI (355.6) with Cellulose	0.038	Joists	0.130			356	
Fibreboard	0.090					15	
Percentage of sec. 1		Percentage of sec. 2		Percentage of sec. 3		Total	
76%		12.0%		12.0%		43.6 cm	
U-value supplement		U-value:		0.124 W/(m²K)		R = 46	

Building assembly description							
Assembly no.	Building assembly description						Interior insulation?
04ud	Exterior Floor Slab						
Orientation of building element		Heat transmission resistance [m²K/W]		Interior Rsi		0.17	
Adjacent to		exterior Rse		0.00			
Area section 1	1 [W/(m²K)]	Area section 2 (optional)	1 [W/(m²K)]	Area section 3 (optional)	1 [W/(m²K)]	Thickness [mm]	
Concrete Slab	2.100					102	
XPS Insulation	0.027					152	
Percentage of sec. 1		Percentage of sec. 2		Percentage of sec. 3		Total	
100%						25.4 cm	
U-value supplement		U-value:		0.171 W/(m²K)		R = 33	

Village of Pemberton
Box 100, Pemberton BC V0N 2L0

March 31, 2021

Dear Mayor and Council.

Again, we thank you for the opportunity to bring forth our request for a Development Variance Permit for our existing retaining wall at 7665 Cerulean Drive.

On March 24, we met with VoP Planner, Joanna Rees and Consultant, Cameron Chalmers to discuss the resolution carried by council at the March 16 council meeting. We have heard your comments regarding our retaining wall, we recognize we are putting council in a “very uncomfortable situation”, as addressed by Councillor Craddock.

We are proposing changes to our existing retaining wall and addressing concerns by our neighbours, 7663; with these changes, it is our hope that council will proceed with approval for our request of a Development Variance Permit.

Proposed changes:

- Removal of the two top rows of the retaining wall.
- Burying the entire bottom row of the retaining wall.
- Redesigning our home.
- Increasing the site set back.
- Removal of the existing form work and rebar for the footings.
- Keep our existing landscape plan as submitted.
- Keep deadline of June 30 to complete the landscaping.

Results of completing the proposed changes:

- the front height of the retaining wall will be reduced from 4.32m to 2.8m. Difference of 5 feet/35% reduction.
- in accordance of Building Bylaw, 7.21 Retaining Walls (a) in a residential zone, a single retaining wall shall: i. not exceed a Height of 1.2m measured from the average *natural grade level* at its base, therefore, if we were to leave the two rows the height of our retaining wall measured from the natural grade will be 2.05m.
- the entire bottom row of the wall will be buried by using the existing materials in front of the wall, this will result in a decrease of the height of the front face by one row. Currently only a portion of the bottom row is buried. The base of the retaining wall will start from the average *natural grade* at its base, Zoning Bylaw, (a) i.
- our driveway will remain adhering to Zoning Bylaw 832, 2018 8.11 (I), That portion of any lot used as a driveway from the lot line to a required parking area does not exceed the grade of 20%.
- the engineering of the retaining wall will not be impacted.
- the visual impact of the front face of retaining wall will be less in a few months' time.

In reviewing the letter addressed to council from the owners of 7663 Cerulean Drive dated March 13, we are addressing & resolving the following concerns in relation to their lot:

- Point Source Drainage: the drainage pipe installed near the back of the geogrid on the retaining wall will be cut and then capped resulting in no discharge onto lot 7663. Once cut, there will be no visual impact of the pipe from 7663. With the pipe cupped and capped, it will no longer contradict the Design and Building Guideline, page 7 & 9 under site works paragraph 4: “New construction and re-grading within a lot must not interrupt the subdivision or cause point source discharge of water on adjacent lots.” An email from Kontur Engineering dated, March 31, Appendix A, is attached for reference to the above.
- Encroachments of fill from toe fill of retaining wall & overflow fill: VoP Building Inspector confirmed on March 29, that he will write a letter confirming that our stop work order will remain for the house only. Therefore, we can begin removing fill from 7663. Neighbours at 7663 approve the removal of the encroaching fill on their lot. Work to begin about the week of April 13.
- Access stair in set back: in accordance of the BCBC (BC Building Code), our stairs and walkways will be designed as landscape features and not structures which will be permitted within the site setbacks.
- Perimeter drainage is connected to the municipal storm drain and therefore will not cause water to drain towards 7663.
- Tree root suffocation: we received an email on March 24 from 7663, “We met with an arborist this morning, and he says the tree should be okay provided the material is removed sooner than later and the roots are not disturbed.” We have agreed to removing fill around the trees when work begins about the week of April 13. We will taking safety precautions for the tree roots as addressed in the March 24 email.
- Reduction of building envelope: With removal of the top two rows of the retaining wall, the building envelope will be reduced, and the site backs will be increased. This then result in a smaller home then we have designed.
- Additional over height retaining walls: further retaining walls required on either side of our driveway will conform to Zoning Bylaw 832, 2018.
- Footings: with the removal of the two top rows of the wall, and the redesign of our home the side setbacks will increase and the footings will exceed the minimum of 1m geotechnical setback of the wall.

NOTE: we met with the owners of 7663 on March 30; confirmation of resolutions of both parties will follow in a separate email.

With the proposed changes and the completed results mentioned above, the financial impact for us is estimated at \$20,000. This includes:

- Labour to remove the form work, machine time to move fill, redesign of our home, reconstruction of the form work and rebar for the footings, surveying the location of home, relocating municipal water, sewer, and storm water services.

The financial impact just to remove entire wall would be more than \$45,000.

In our letter to you, dated January 30 we specified the steepness of our lot compared to others on Cerulean Drive, the following provides further detailed information:

- our lot, 7665 is at a 37.7% grade steepness as per our site section drawing.
- 7671 is at 28% grade steepness as per the site section map presented at the BOV meeting on November 26, 2020.
- The contour map, Appendix B, of Cerulean Drive, confirms our lot has a significant elevation change from street through to our building envelope in comparison to the other lots.

We designed our home as a home with a walkout basement which for hillside developments is typical when adapting to the existing hillside. Recognizing the steepness of our lot, referring to the attached images including the site section drawings, please note:

- Image 1: by removing the top two rows of the wall and setting them back .06m as per the Zoning Bylaw 832, 2018, our backyard would host a 23% steepness grade. The landscape plan we have proposed will decrease the visual impact of the wall. Moving the home back further back towards the street will result in a steeper driveway.
- Image 2: should we had built our retaining wall in accordance with Zoning Bylaw, 832, 2018: there would be very little difference with the visual impact to the front facing view of the retaining wall. The backyard grade steepness would be 23.6%. The driveway would remain at a 14.8% grade. Moving the home back further back towards the street will result in a steeper driveway.
- Image 3: With the two rows completely removed our backyard will be at a 56% steepness grade. The driveway would remain at a 14.8% grade. Moving the home back further back towards the street will result in a steeper driveway.

Additionally, we would like to address comments made by council at the March 16 meeting following the presentation our report:

- Mayor Richman asked for staff comment on the steepness of the lots in relation to the Developer changing the grade of the lot. Cameron Chalmers remarked: "Exceptionally steep lot. This lot left on its own at a 37.7% degree slope will be challenged to do anything meaningful without some substantial retainment." "This particular phase of the project was left to each individual lot to achieve each own grading. I don't imagine this lot will be typical of every lot remaining. It will be one of the steepest up there."
- Councillor Craddock comment, "hardships created for the neighbours", hardships have been addressed and will be resolved as previously confirmed.
- Councillor Craddock commented that the BOV did not approve our request for a Development Variance request at the BOV meeting on October 28, 2020. While the resolutions reads, "does not constitute a minor variance and therefore falls outside the mandate of the Board of Variance", we would disagree with Councillor Craddock's statement of the committee not approving our request based on the following comments made by BOV committee members in deciding on the resolution: "I don't quite feel equipped to pass judgement on this, probably should go to Council." "I don't have the expertise to make a decision on this." Based on the steep lots on this street, "we are going to receive one application after another." "We need to push this to council because it is bigger than this one lot." "I do not want to reject this variance; I do not want to approve this variance." "I want to see some sort of effort made by council to just make sure they know what we are dealing with here."
- street, "we are going to receive one application after another." "We need to push this to council because it is bigger than this one lot." "I do not want to reject this variance; I do not want to

approve this variance, “I want to see some sort of effort made by council to just make sure they know what we are dealing with here.”

- Council Antonelli’s comment, “I don’t think the whole wall needs to be removed. I do think it should be modified & address the issues made by the neighbours.” As noted above, we have proposed to modify our wall.
- Councillor Antonelli comment, “The trees form a perimeter around the wall, and I expect that when the trees grow up, they will be cut down.”
 - We have attached an email from our Landscape Designer, Soundgarden Design Ltd speaking to this comment, Appendix C.

Mayor and council, we are hoping to receive your support and be granted a Development Variance Permit by recognizing the following:

- our proposed changes to the retaining wall,
- the outcomes reflecting the proposed changes,
- the height of the wall will decrease by 35%,
- in good faith we are working with 7633 and have addressed their concerns,
- the site sections images showing the steep grade of our lot,
- both the significant financial impact to resolve the concerns and the time lost in trying to resolve this issue

Sincerely,

Dave Russell & Stephanie Nicoll-Russell
7665 Cerulean Drive



MEMORANDUM

April 6, 2021

Project No.: K-191219-00

To: Dave Russell
Tree Top Homes

From: Evan Sykes, P.Eng.
Kontur Geotechnical Consultants Inc.

Subject: Memorandum
Retaining Wall Modifications
7665 Cerulean Dr, Pemberton, BC R1

By Email: [REDACTED]

As requested, Kontur Geotechnical Consultants Inc. (Kontur) is providing comments regarding the removal of two rows of a Mechanically Stabilized Earth (MSE) retaining wall constructed on the subject property. The existing retaining wall is about 4.5m in height with proprietary components provided by Atlantic Industries Ltd (AIL). The existing MSE wall was designed by Kontur with site reviews completed during construction to confirm general compliance with recommendations.

Based on discussions with the property owner it is being considered to lower the height of the retaining wall by two rows of facing units (about 1.1m). A slope inclined at 2H: 1V (Horizontal: Vertical) would then be graded to achieve the design subgrade elevation for the proposed single family residential building. The building foundations would be located about 2.5m from the crest of the new slope. The slope would be constructed with the structural fill placed as backfill for the existing wall with geogrid placed for the MSE retaining wall being left in place as much as practical.

A drainpipe placed with a relatively level gradient within the retaining wall would have the east end capped to mitigate the low potential for water to influence the adjacent property. The West end of the pipe would remain open.

Kontur is of the opinion that the proposed lowering of the MSE wall height and construction of a fill slope to achieve the final grade of the existing wall would not decrease the stability of the existing retaining wall.

Kontur trusts that the information described above meets your current requirements. If you should have any concerns or questions, please do not hesitate to contact the undersigned.

Sincerely,

Kontur Geotechnical Consultants Inc.

Per:



Evan Sykes, P.Eng.
Principal | Geotechnical Engineer

Reviewed by:



J.Y. (Yoshi) Tanaka, P.Eng.
Principal | Geotechnical Engineer

Attachments: Interpretation and Use of Study and Report Document



INTERPRETATION AND USE OF STUDY AND REPORT DOCUMENT

1.0 STANDARD OF CARE

This study and Report have been prepared in accordance with generally accepted engineering consulting practices in this area. No other warranty, expressed or implied, is made. Engineering studies and reports do not include environmental engineering or consulting.

2.0 COMPLETE REPORT

All documents, records, data and files, whether electronic or otherwise, generated as part of this assignment are a part of the Report which is of a summary nature and is not intended to stand alone without reference to the instructions given to us by the Client, communications between us and the Client, and to any other reports, writings, proposals or documents prepared by us for the Client relative to the specific site described herein, all of which constitute the Report.

IN ORDER TO PROPERLY UNDERSTAND THE SUGGESTIONS, RECOMMENDATIONS AND OPINIONS EXPRESSED HEREIN, REFERENCE MUST BE MADE TO THE WHOLE OF THE REPORT. WE CANNOT BE RESPONSIBLE FOR USE BY ANY PARTY OF PORTIONS OF THE REPORT WITHOUT REFERENCE TO THE WHOLE REPORT.

3.0 BASIS OF THE REPORT

The Report has been prepared for the specific site, development, building, design or building assessment objectives and purpose that were described to us by the Client. The applicability and reliability of any of the findings, recommendations, suggestions, or opinions expressed in the document are only valid to the extent that there has been no material alteration to or variation from any of the said descriptions provided to us unless we are specifically requested by the Client to review and revise the Report in light of such alteration or variation.

4.0 USE OF THE REPORT

The information and opinions expressed in the Report, or any document forming the Report, are for the sole benefit of the Client. NO OTHER PARTY MAY USE OR RELY UPON THE REPORT OR ANY PORTION THEREOF WITHOUT OUR WRITTEN CONSENT. WE WILL CONSENT TO ANY REASONABLE REQUEST BY THE CLIENT TO APPROVE THE USE OF THIS REPORT BY OTHER PARTIES AS "APPROVED USERS". The contents of the Report remain our copyright property and we authorise only the Client and Approved Users to make copies of the Report only in such quantities as are reasonably necessary for the use of the Report by those parties. The Client and Approved Users may not give, lend, sell or otherwise make the Report, or any portion thereof, available to any party without our written permission. Any use which a third party makes of the Report, or any portion of the Report, are the sole responsibility of such third parties. We accept no responsibility for damages suffered by any third party resulting from unauthorised use of the Report.

5.0 INTERPRETATION OF THE REPORT

Nature and Exactness of Descriptions: Classification and identification of soils, rocks, geological units, contaminant materials, building envelope assessments, and engineering estimates have been based on investigations performed in accordance with the standards set out in Paragraph 1. Classification and identification of these factors are judgmental in nature and even comprehensive sampling and testing programs, implemented with the appropriate equipment by experienced personnel, may fail to locate some conditions. All investigations, or building envelope descriptions, utilizing the standards of Paragraph 1 will involve an inherent risk that some conditions will not be detected and all documents or records summarising such investigations will be based on assumptions of what exists between the actual points sampled. Actual conditions may vary significantly between the points investigated and all persons making use of such documents or records should be aware of, and accept, this risk. Some conditions are subject to change over time and those making use of the Report should be aware of this possibility and understand that the Report only presents the conditions at the sampled points at the time of sampling. Where special concerns exist, or the Client has special considerations or requirements, the Client should disclose them so that additional or special investigations may be undertaken which would not otherwise be within the scope of investigations made for the purposes of the Report.

Reliance on Provided information: The evaluation and conclusions contained in the Report have been prepared on the basis of conditions in evidence at the time of site inspections and on the basis of information provided to us. We have relied in good faith upon representations, information and instructions provided by the Client and others concerning the site. Accordingly, we cannot accept responsibility for any deficiency, misstatement or inaccuracy contained in the report as a result of misstatements, omissions, misrepresentations or fraudulent acts of persons providing information.

To avoid misunderstandings, KONTUR should be retained to work with the other design professionals to explain relevant engineering findings and to review their plans, drawings, and specifications relative to engineering issues pertaining to consulting services provided by KONTUR. Further, KONTUR should be retained to provide field reviews during the construction, consistent with building codes guidelines and generally accepted practices. Where applicable, the field services recommended for the project are the minimum necessary to ascertain that the Contractor's work is being carried out in general conformity with KONTUR's recommendations. Any reduction from the level of services normally recommended will result in KONTUR providing qualified opinions regarding adequacy of the work.

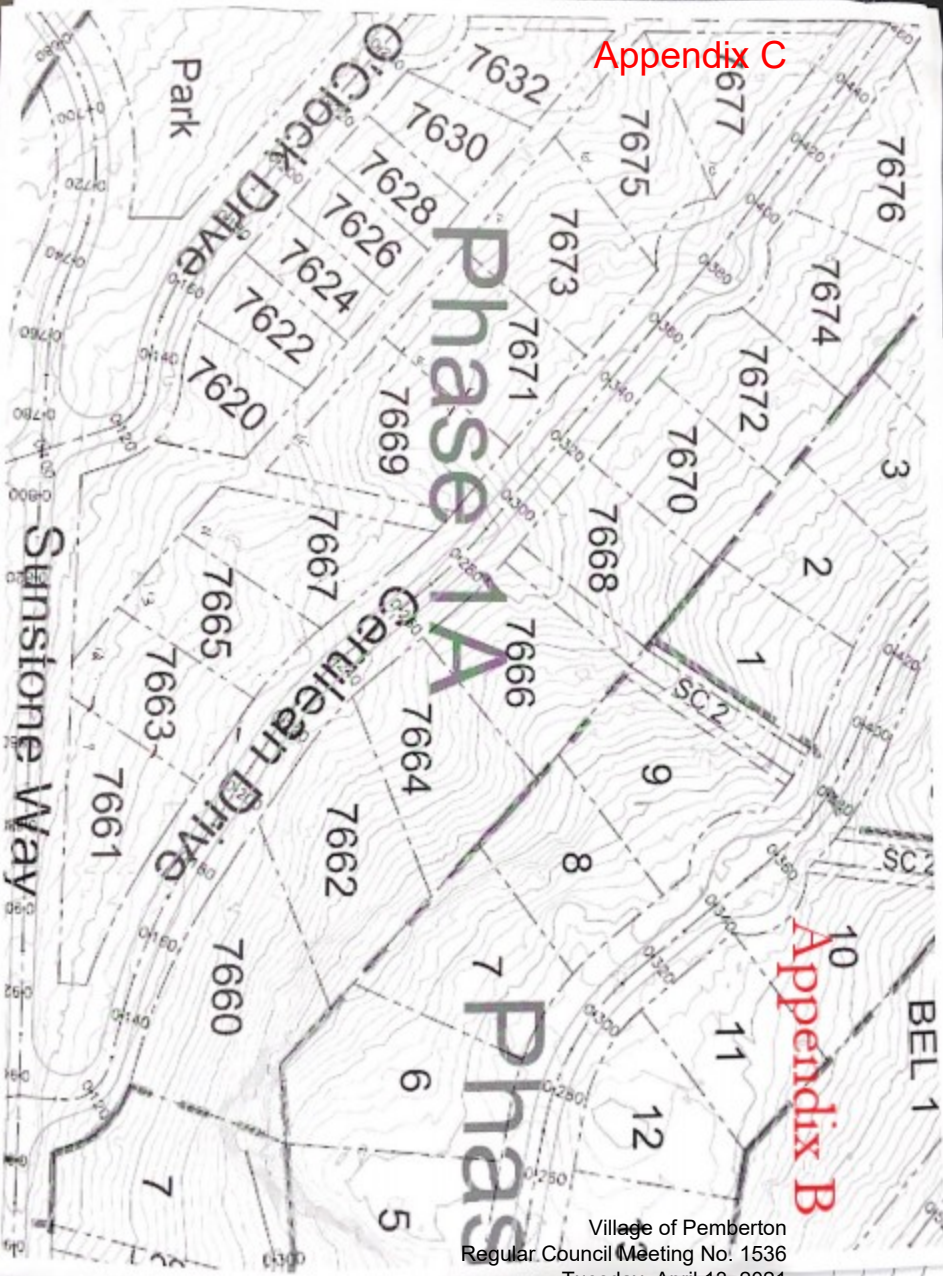
6.0 ALTERNATE REPORT FORMAT

When KONTUR submits both electronic file and hard copies of reports, drawings and other documents and deliverables (KONTUR's instruments of professional service), the Client agrees that only the signed and sealed hard copy versions shall be considered final and legally binding. The hard copy versions submitted by KONTUR shall be the original documents for record and working purposes, and, in the event of a dispute or discrepancy, the hard copy versions shall govern over the electronic versions. Furthermore, the Client agrees and waives all future right of dispute that the original hard copy signed version archived by KONTUR shall be deemed to be the overall original for the Project.

The Client agrees that both electronic file and hard copy versions of KONTUR's instruments of professional service shall not, under any circumstances, no matter who owns or uses them, be altered by any party except KONTUR. The Client warrants that KONTUR's instruments of professional service will be used only and exactly as submitted by KONTUR.

The Client recognizes and agrees that electronic files submitted by KONTUR have been prepared and submitted using specific software and hardware systems. KONTUR makes no representation about the compatibility of these files with the Client's current or future software and hardware systems.

Appendix C



From: Julie van Haeften [REDACTED]
Date: Wed, Mar 24, 2021 at 6:36 PM
Subject: Re: scan0029.pdf
To: Stephanie Nicoll-Russell [REDACTED]

Hello Stephanie,

Abies Fraseri do get tall. That is the entire reason for choosing that variety, so that it may provide a visual screening of the retaining wall. That being said I do not believe that in 15-20 years the height of the tree would actually become so large that it would not only cover the wall but start to block views from the property above. Not to mention they are considered a “fire smart” tree. They are not quick to light up.

Dwarf varieties are always available but this variety of Abies was chosen for it’s specific benefits. 1) Visual Effect 2) Fire Smart 3) Drought Tolerant 4) Native to area
Hope this helps but again it isn’t really a big deal to switch it out for a dwarf variety.

Sincerely,

Julie van Haeften

Certified Horticulturist

Landscape Industry Certified Technician

SoundGarden Landscape Design Ltd.
[REDACTED]
[REDACTED]
[REDACTED]

web: www.asoundgarden.com

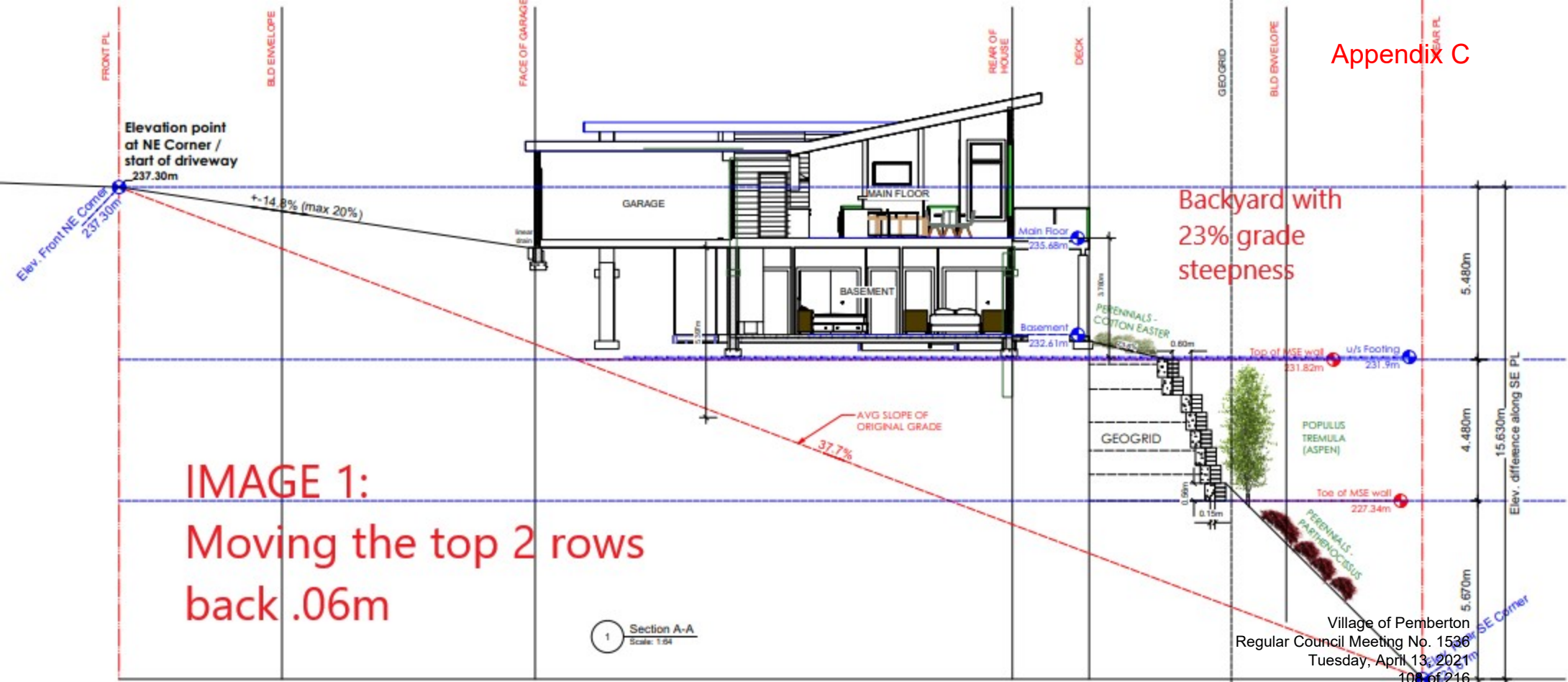
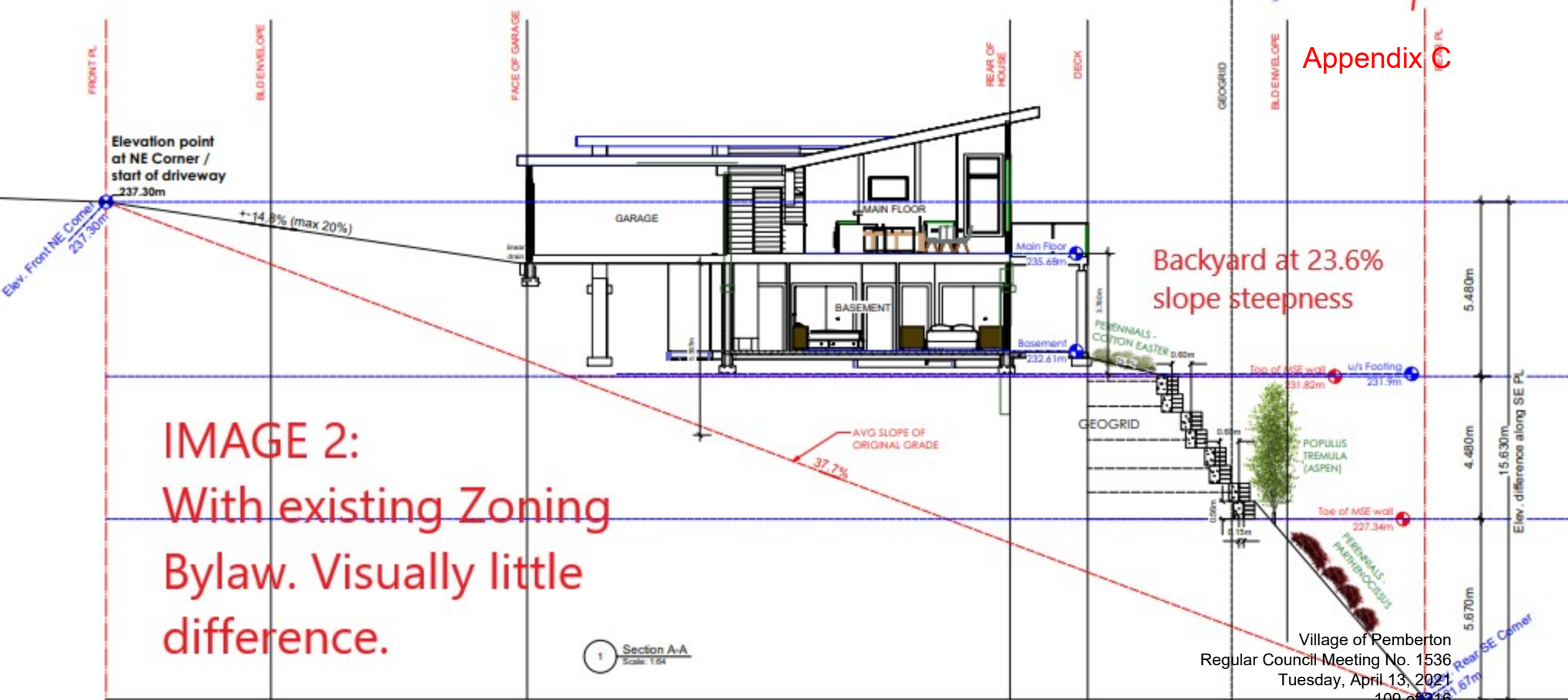


IMAGE 1:
Moving the top 2 rows
back .06m



Elevation point at NE Corner / start of driveway 237.30m

+/- 14.8% (max 20%)

Backyard at 23.6% slope steepness

IMAGE 2:
With existing Zoning Bylaw. Visually little difference.

AVG SLOPE OF ORIGINAL GRADE 37.7%

1 Section A-A Scale: 1:84

Village of Pemberton
Regular Council Meeting No. 1536
Tuesday, April 13, 2021
109 of 216

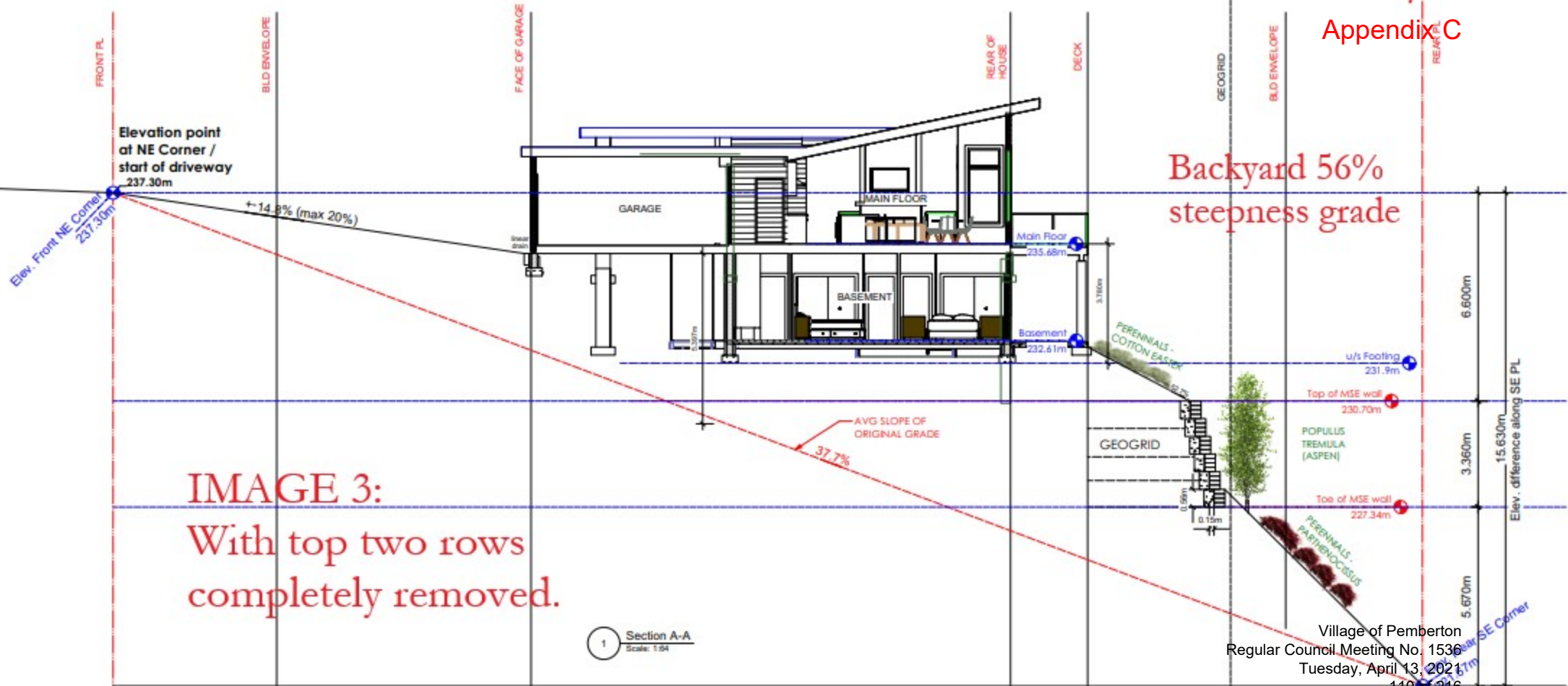


IMAGE 3:
With top two rows completely removed.

Date: April 13, 2021

To: Nikki Gilmore, Chief Administrative Officer

From: Joanna Rees, Planner

Subject: Development Variance Permit No. 128 – 7661 Cerulean Drive

PURPOSE

The purpose of this report is for Council to consider issuance of Development Variance Permit (DVP) No. 128. The application was submitted by Stephen and Sandi Britt (the “Applicants”), owners of the subject property located at 7661 Cerulean Drive.

DISCUSSION & COMMENTS

The Applicants are requesting variances to allow for proposed retaining wall structures to facilitate the development of a single detached residential dwelling. The following variances from Sections 4.13 and 7.21 of Zoning Bylaw No. 832, 2018 are requested:

- To vary Section 4.13(a) viii. to allow a retaining wall in excess of 1.2 metres in height to be placed on the portion of the site in general compliance with the location and height on the Site Plan completed by Architect M.E. Roy, dated September 28, 2020 (shown on Schedule “B” of **Appendix A**), or in a location approved by Building Permit; and
- To vary Section 7.21 (a) i. to vary the maximum height of a retaining wall:
 - from 1.2 metres to a maximum of 4.8 metres, a variance of 3.6 metres;
 - from 1.2 metres to a maximum of 1.5 metres, a variance of 0.3 metres;
 - from 1.2 metres to a maximum of 2 metres, a variance of 0.8 metres; and
 - from 1.2 metres to a maximum of 2 metres, a variance of 0.8 metres

Over and above the variance, if supported, a retaining wall building permit is required for a retaining wall higher than 1.2 metres including sign off from a geotechnical engineer.

The Development Variance Permit is attached as **Appendix A**. The applicant’s description of the proposal and rationale is attached as **Appendix B**.

Description of Variance

The subject lands legally described as Lot 22, District Lot 211, Lillooet District Plan EPP88381, are known municipally as 7661 Cerulean Drive. The location of the subject lands is shown on Schedule A of **Appendix A**. The topography of the subject lands is sloped to the South West with an average slope of 25.83%.

The subject lands are designated Residential in the Official Community Plan and are zoned Residential Amenity 1, Sunstone (RSA-1) as per Village of Pemberton Zoning Bylaw No. 832, 2018. The property is an irregular shaped corner lot. The front and easterly exterior lot line is adjacent to Cerulean Drive; the rear lot line is adjacent to Sunstone Way; and adjacent to the westerly interior lot is residential property 7663 Cerulean Drive.

Three site sections of retaining walls are proposed, as shown on the Site Plan prepared by Architect M.E. Roy, attached in **Appendix B**. Typical sections for each wall are provided to show the highest wall portions that will taper off at each section.

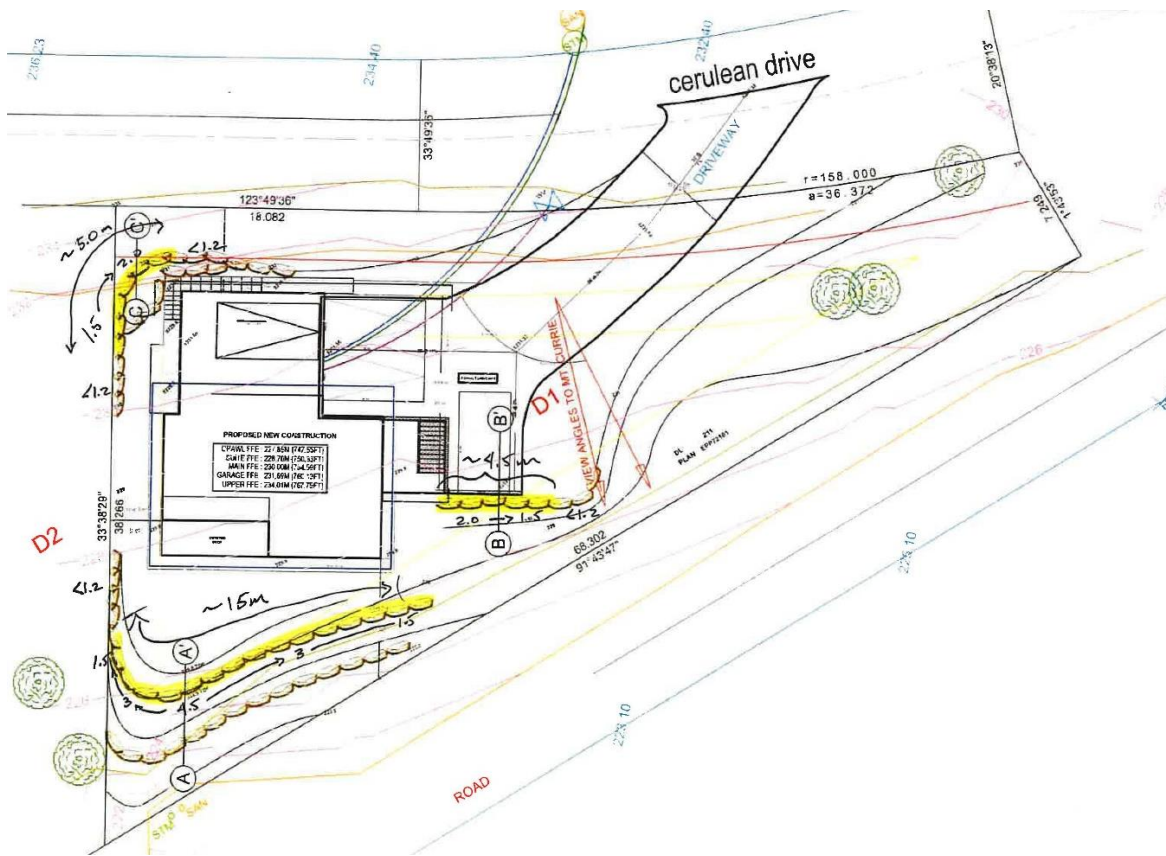


Figure 1: Site Plan –indicating the tapering heights of each retaining wall section

Site Section A proposes two retaining walls located at the southern corner of the interior and rear lot lines, respectively adjacent to 7663 Cerulean Drive and Sunstone Way. The proposed lower wall is 1.5 metres in height with a horizontal setback distance of a minimum of 3.4 metres to the upper wall. This wall will appear to be 1.2 metres with 0.3 metres buried. The upper wall is proposed to be 4.8 metres in height and will appear to be 4.5 metres with 0.3 metres buried.

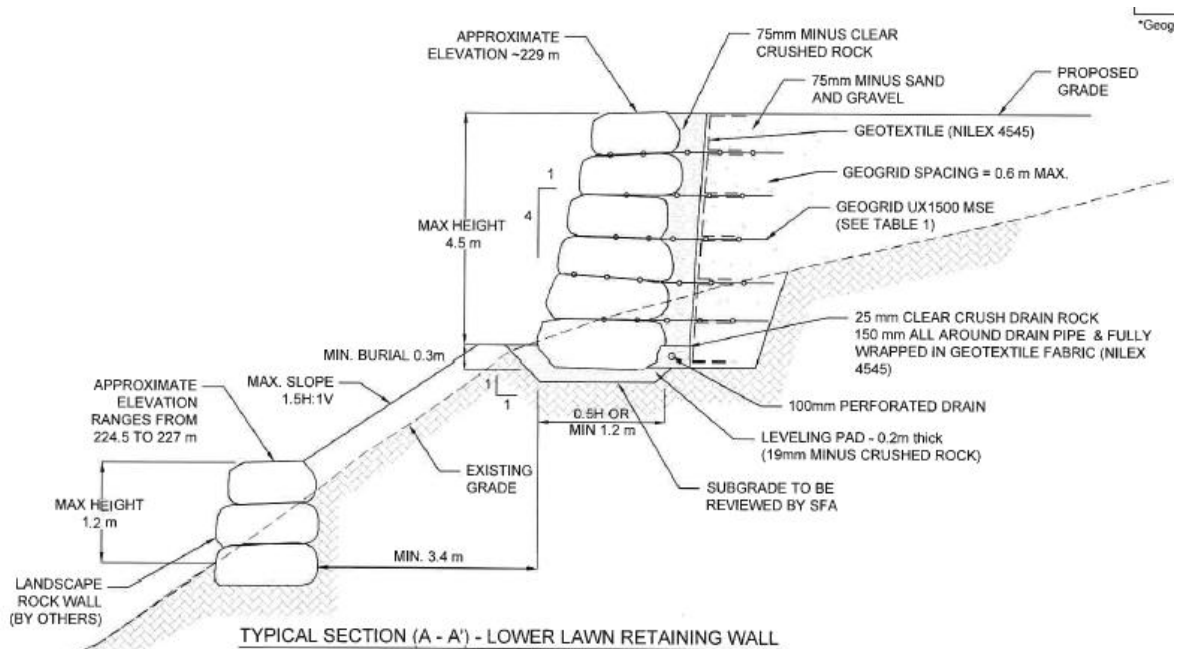


Figure 2: Site Section A

Site Section B proposes one retaining wall between the proposed parking space and the rear lot line, adjacent to Sunstone Way. The proposed retaining wall is 2.3 metres in height but will appear to be 2.0 metres, with 0.3 metres being buried.

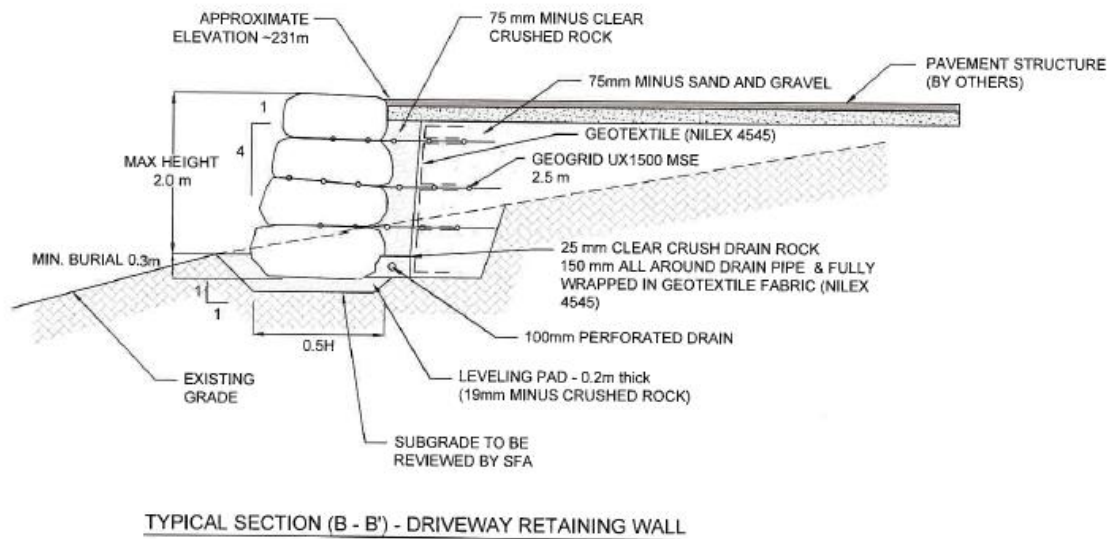
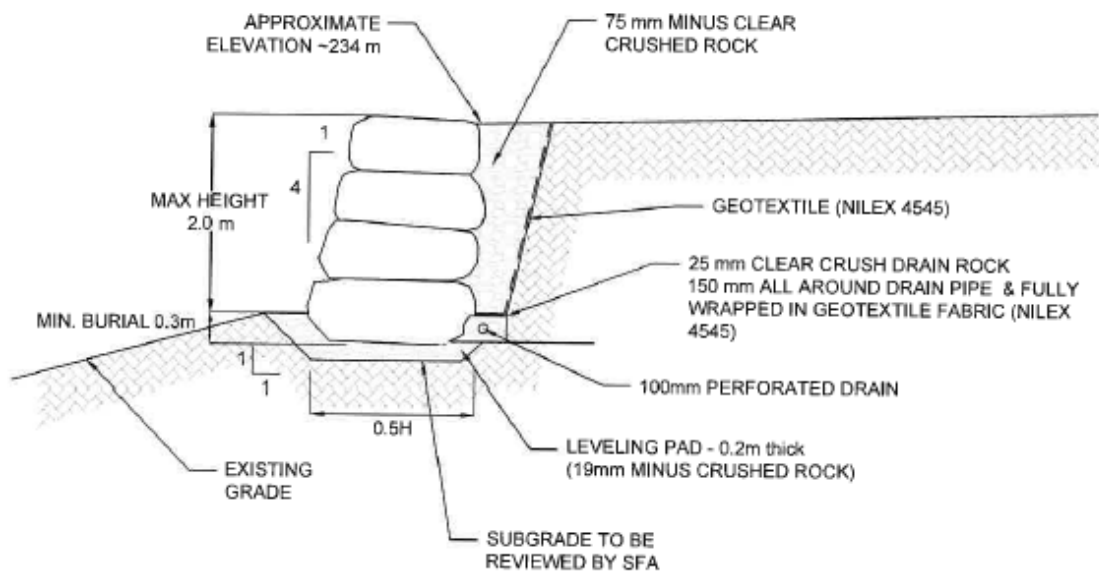


Figure 3: Site Section B

Site Section C proposes one retaining wall located at the corner of the interior and front lot lines, respectively adjacent to 7663 Cerulean Drive and Cerulean Drive. The proposed retaining wall is 2.3 metres in height but will appear to be 2.0 metres, with 0.3 metres being buried.



TYPICAL SECTION (C - C') - WEST CORNER DRY STACK RETAINING WALL

Figure 4: Site Section C

The Applicants have advised they are committed to landscaping the retaining wall and creating a landscaped buffer to mitigate visual impacts most notably for Site Section A adjacent to Sunstone Way. The Applicants submitted a landscape plan completed by ME Roy, TT, attached as Schedule C of **Appendix A**.

Zoning Bylaw No. 832, 2018

The proposed retaining walls require a variance from the followings Sections 4.13 a) viii) and 7.21 a) i) of Zoning Bylaw No. 832, 2018.

Projections into the required setbacks are only permitted in accordance with the following policies of Section 4.13:

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; windowsills, 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*

Retaining walls are limited in height in accordance with Section 7.21:

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 current provisions in the Zoning Bylaw No. 832, 2018 are a change from the previous Zoning Bylaw. 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. Staff do not have a rationale for the change that was made, however the 1.2 metre height limitation is one that has been utilized as a trigger point for more rigorous engineering and visual analysis in other jurisdictions.

COMMUNICATIONS

An Information Sign was posted on the subject lands as per the requirements set out in Development Procedures Bylaw 887, 2020.

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 Development Procedures Bylaw 887, 2020.

At the meeting that the DVP is being considered, although not specified by the *Local Government Act*, it is the Village's practice to provide 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 Council may wish to consider opening the meeting to allow for comment from the public in attendance.

LEGAL CONSIDERATIONS

Development Variance Permits (DVP's) are subject to Part 14, 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 the Zoning Bylaw. A DVP must not vary the use and density of land, residential rental tenure, or 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. 887, 2020.

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 authorizes issuance of Development Variance Permit No. 128 with the following conditions:
 - a. Provision of a landscape bond in the amount of \$3,840.00, 120% of the soft landscaping costs
2. **THAT** Council refuses the application for Development Variance Permit No. 128; and
3. **THAT** Council refers the application for Development Variance Permit No. 128 back to Staff to address any further considerations.

RECOMMENDATIONS

THAT Council provide direction to Staff respecting the preferred option.

ATTACHMENTS:

Appendix A: Development Variance Permit No. 128

Appendix B: Applicant's Letter of Rationale

Prepared by:	Joanna Rees, Planner
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer



PO Box 100
7400 Prospect St.
Pemberton
British Columbia
CANADA
V0N2L0

P. 604.894.6135
F. 604.894.6136

www.pemberton.ca

**VILLAGE OF PEMBERTON
Development Variance Permit #128
7661 Cerulean Drive**

Issued to: **Sandi and Stephen Britt**

File No.
DVP#: DVP128

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

Address: **Lot 22, District Lot 211, Lillooet District Plan EPP88381
PID: 030-665-442
7661 Cerulean Drive, 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: **030-665-442**

Legal Description: **Lot 22, DL 211, LDP EPP88381**

Civic Address: **7661 Cerulean Drive, Pemberton, BC.**

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

- 3) The Village of Pemberton Zoning Bylaw No. 832, 2018 is hereby varied as follows and as shown on Schedule "C" which is attached to and forms part of this permit:
 - a) To vary Section 4.13(a) viii. in order to allow retaining walls in excess of 1.2 metres in height to be placed on the subject lands; and
 - b) To vary Section 7.21 (a) i. to vary the maximum height of a retaining wall:



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- from 1.2 metres to a maximum of 4.8 metres, a variance of 3.6 metres;
- from 1.2 metres to a maximum of 1.5 metres, a variance of 0.3 metres;
- from 1.2 metres to a maximum of 2 metres, a variance of 0.8 metres; and
- from 1.2 metres to a maximum of 2 metres, a variance of 0.8 metres

- 4) All retaining wall landscape screening to be installed on the said lands shall be in substantial compliance with the Landscape Plan prepared by ME Roy, TT, attached to and forming a part of this Permit as **Schedule C**;

A-1.1 Site Plan - Landscaping

approved by the Village Council on the XX day of April 2021.

- 5) This Development Variance Permit is issued subject to the Permittee providing security in the form of Cash, Bond or an Irrevocable Letter of Credit, in the amount of \$3840.00, which is equal to 120% of the estimated total cost of the required works (\$3200.00) to secure provision of the on-site soft landscaping. The Letter of Credit shall be received before issuance of a Building Permit and kept in force until all the landscaping works are completed and installed to the satisfaction of the Village.

The Permittee shall complete all works and landscaping referenced in **Schedule C** to the satisfaction of the Municipality within one (1) year from the date that the Building Permit has been issued. If the landscaping is not completed to the satisfaction of the Municipality within the required time, the security deposit may be used to undertake the required landscaping. Extensions to the one (1) year time limit may be applied for in writing thirty (30) days prior to the expiry date, pending approval from the Village.

- 6) The Permittee shall be responsible for maintaining all the landscaping, in an orderly and responsible manner.
- 7) 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*, or any other servicing standard or requirement in Village of Pemberton Subdivision and Development Control Bylaw No. 677, 2012.
- 8) This Permit prevails over the provisions of the Bylaw in the event of conflict.



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- 9) 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.
- 10) This Permit is not a building permit.
- 11) 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 COUNCIL THE

XXth DAY OF APRIL 2021.

Mike Richman, Mayor

Nikki Gilmore, Chief Administrative Officer

END OF DOCUMENT



Village of PEMBERTON

PO Box 100
7400 Prospect St.
Pemberton
British Columbia
CANADA
V0N2L0

P. 604.894.6135
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Schedule "A"


Location Map

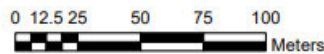


7661 Cerulean Dr

Lot 22, District Lot 211, Lillooet District Plan EPP88381

Legend

 Subject Property





PO Box 100
7400 Prospect St.
Pemberton
British Columbia
CANADA
V0N2L0

P. 604.894.6135
F. 604.894.6136

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Schedule "B"

DRAFT

Prepared for:
Sandra & Stephen Britt
6-1447 Vine Road, Pemberton, BC

ROCK STACK RETAINING WALL DESIGN DRAWINGS
Proposed New Home
Lot D1, Sunstone Subdivision, Pemberton, BC

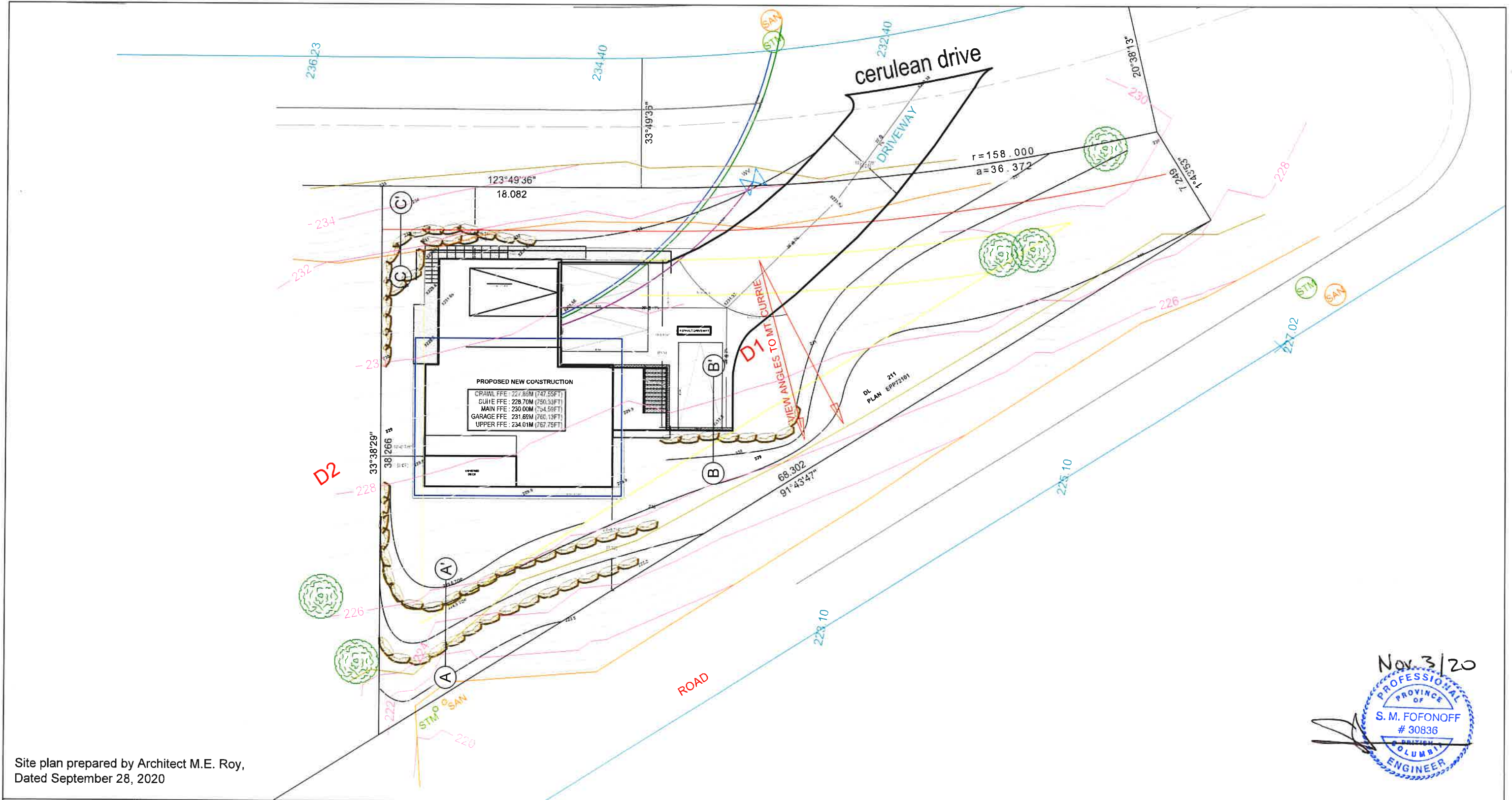


SFA GEOTECHNICAL INC
#1 - 38920 Queens Way
Squamish, BC V8B 0K8
604 898 1093



Dwg No: 1165-00

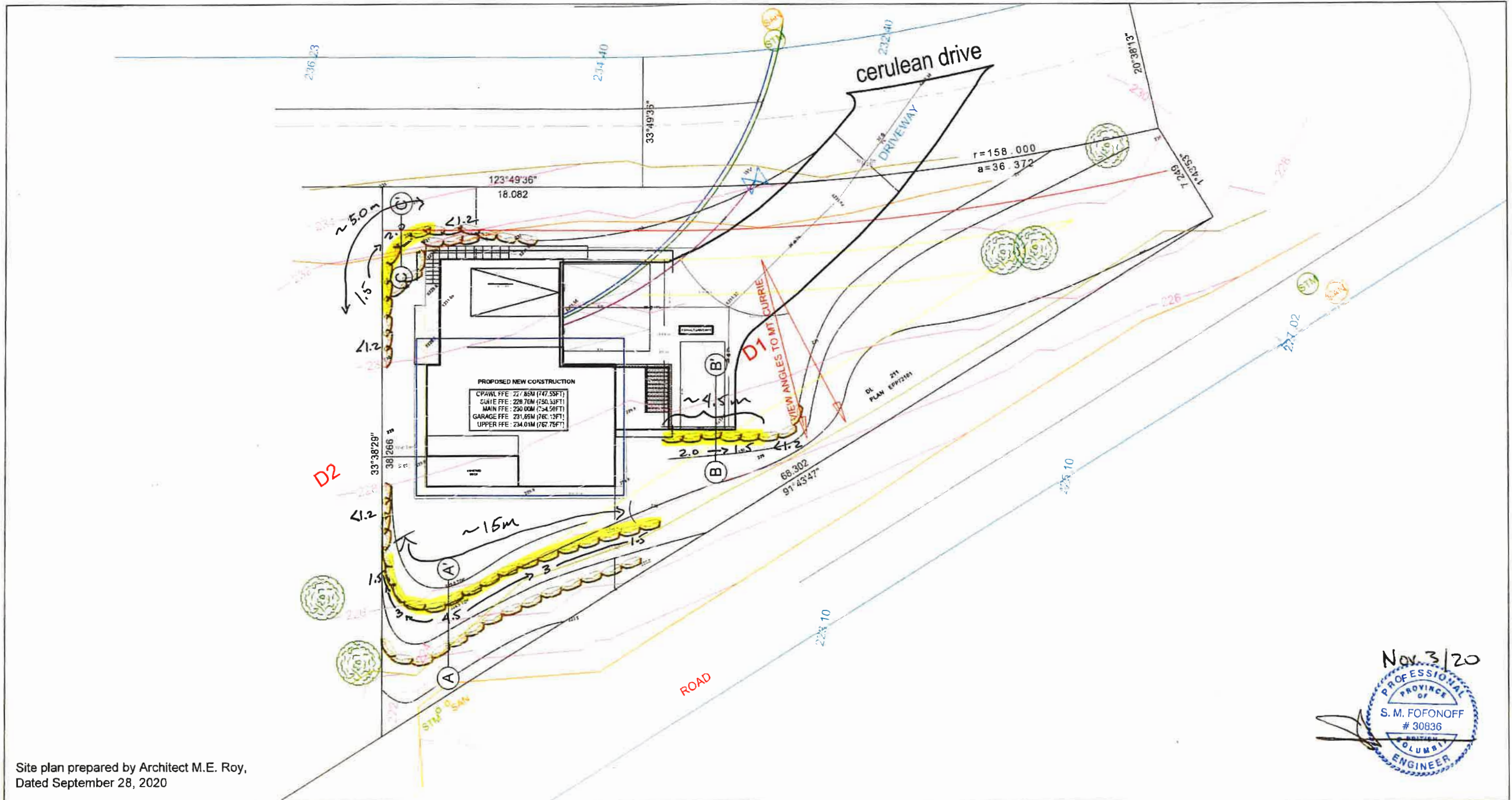
Date: November 3, 2020



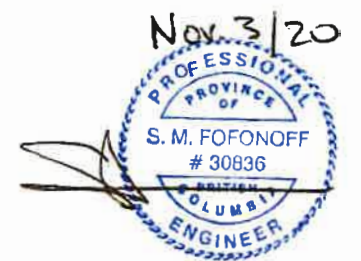
Site plan prepared by Architect M.E. Roy,
Dated September 28, 2020

Nov 3/20

	SFA GEOTECHNICAL INC #1 - 38920 Queens Way Squamish, BC V8B 0K8 604 898 1093	PROPOSED NEW HOME Lot D1, Sunstone, Pemberton, BC RETAINING WALLS PLAN VIEW	DRAWN BY: WG REVIEWED BY: SF DATE: October 9, 2020 SCALE: NTS	REVISION NO.: A DESCRIPTION: ISSUED FOR PERMIT DATE: NOV. 3, 2020	JOB NO.: 1165 DRAWING NO.: 1165-01



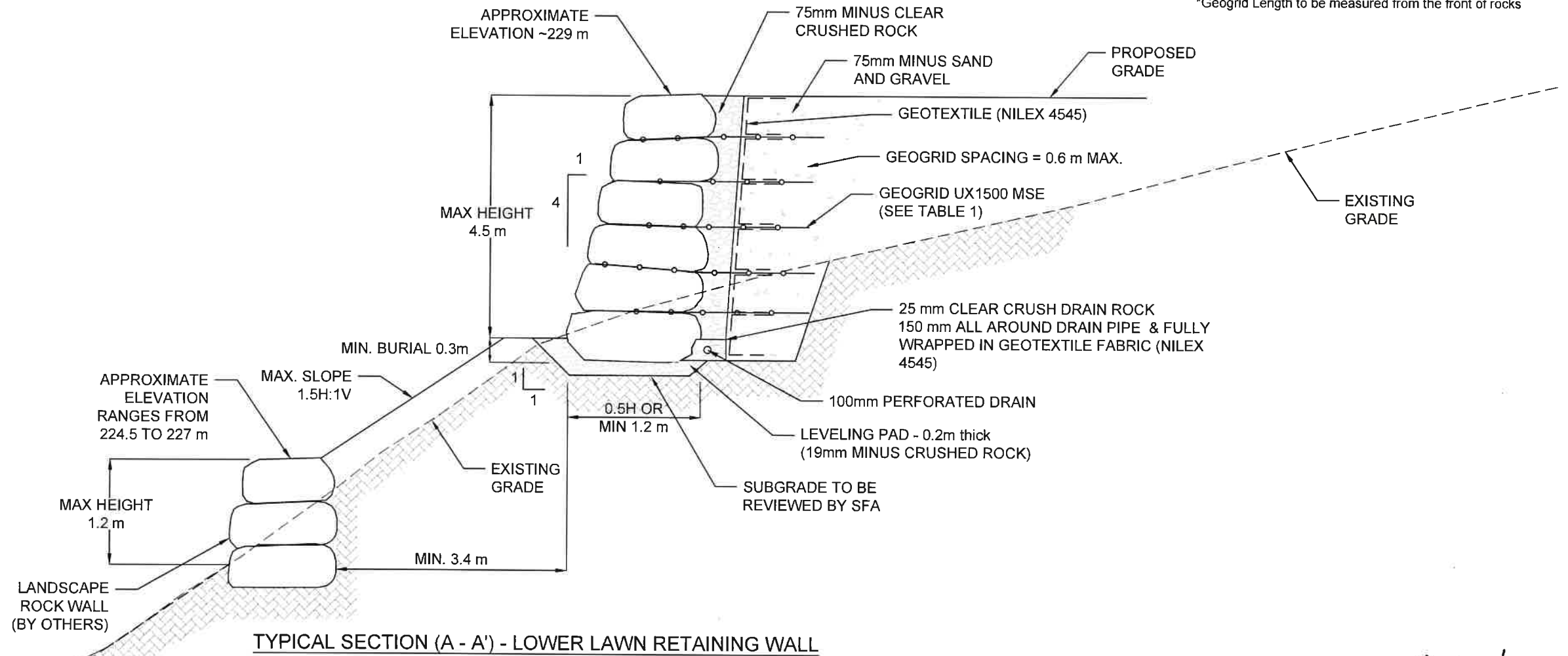
Site plan prepared by Architect M.E. Roy,
Dated September 28, 2020



	SFA GEOTECHNICAL INC #1 - 38920 Queens Way Squamish, BC V8B 0K8 604 898 1093	PROPOSED NEW HOME Lot D1, Sunstone, Pemberton, BC RETAINING WALLS PLAN VIEW			DRAWN BY: WG REVIEWED BY: SF DATE: October 9, 2020 SCALE: NTS	REVISION NO.: A ISSUED FOR PERMIT DATE: NOV. 3, 2020	JOB NO: 1165 DRAWING NO: 1165-01

Wall Height (m)	Geogrid Type	Geogrid Length* (m)
GREATER THAN 2.5 m	UX1500	5.75
LESS THAN 2.5 m	UX1500	3.5
UNDER 1.2 m	NO GRID	

*Geogrid Length to be measured from the front of rocks



Nov-3/20
 PROFESSIONAL
 PROVINCE OF
 S. M. FOFONOFF
 # 30836
 BRITISH COLUMBIA
 ENGINEER



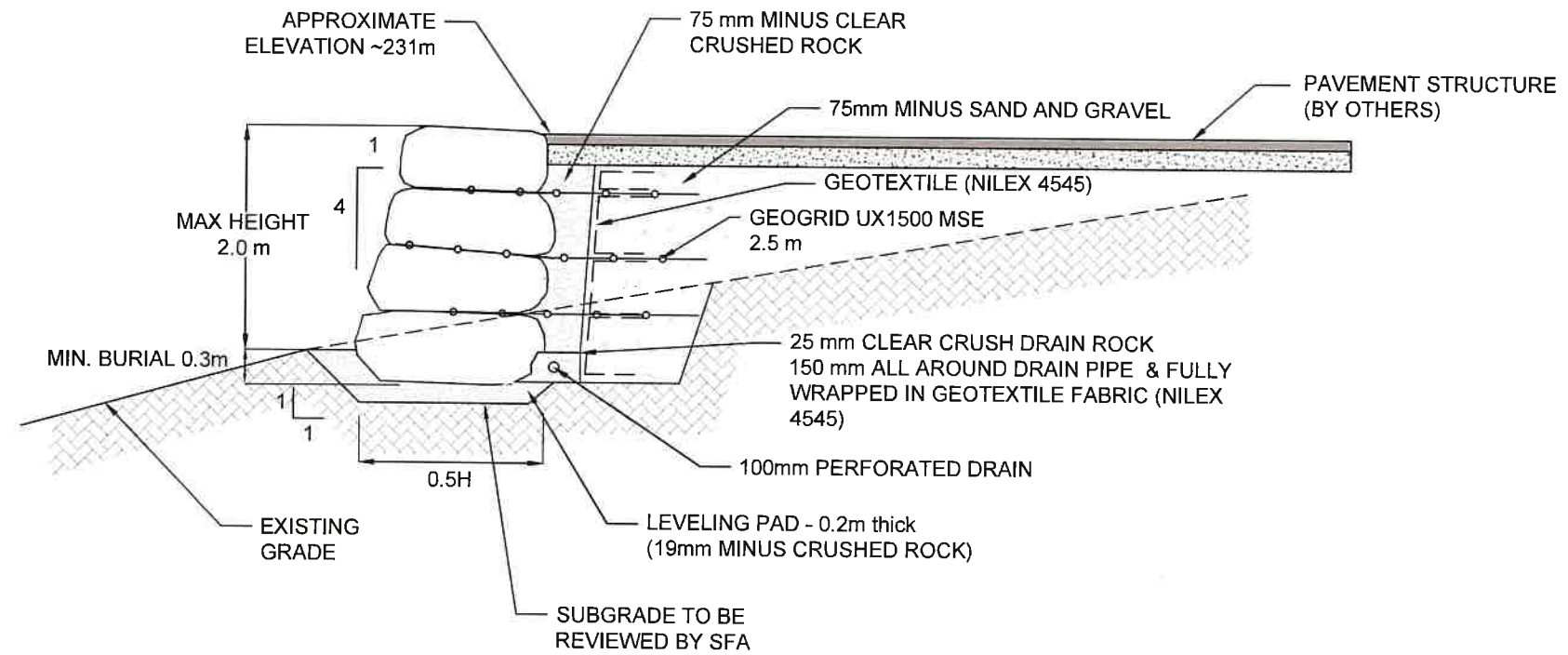
SFA GEOTECHNICAL INC
 #1 - 38920 Queens Way
 Squamish, BC V8B 0K8
 604 898 1093

PROPOSED NEW HOME
 Lot D1, Sunstone, Pemberton, BC
LAWN RETAINING WALL
 TYPICAL SECTION

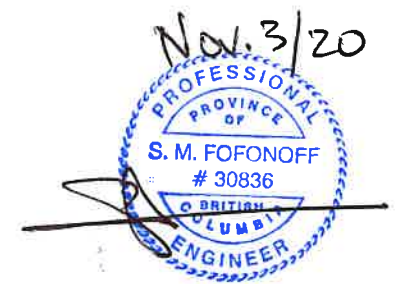
DRAWN BY: WG
 REVIEWED BY: SF
 DATE: October 9, 2020
 SCALE: NTS

REVISION NO.:	DESCRIPTION	DATE
A	ISSUED FOR PERMIT	NOV. 3, 2020

JOB NO: 1165
 DRAWING NO: 1165-02



TYPICAL SECTION (B - B') - DRIVEWAY RETAINING WALL



SFA GEOTECHNICAL INC
 #1 - 38920 Queens Way
 Squamish, BC V8B 0K8
 604 898 1093

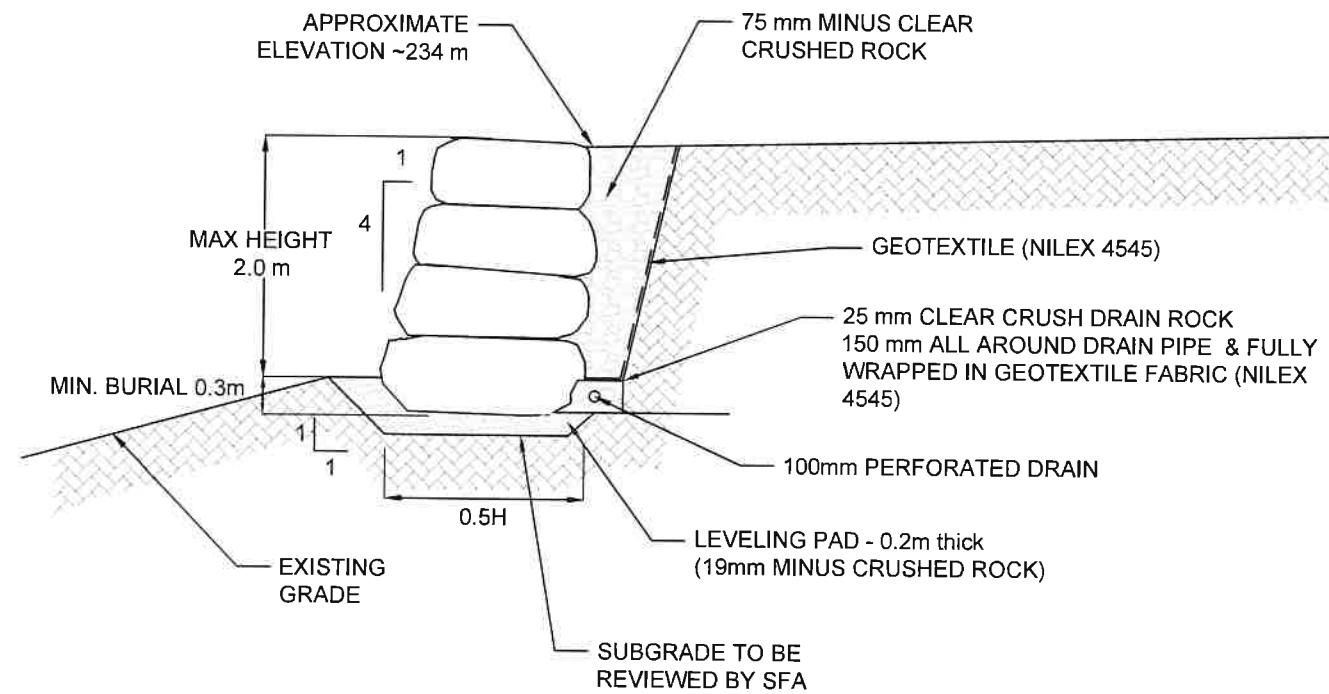
PROPOSED NEW HOME
 Lot D1, Sunstone, Pemberton, BC
DRIVEWAY RETAINING WALL
 TYPICAL SECTION

DRAWN BY: WG
 REVIEWED BY: SF
 DATE: October 9, 2020
 SCALE: NTS

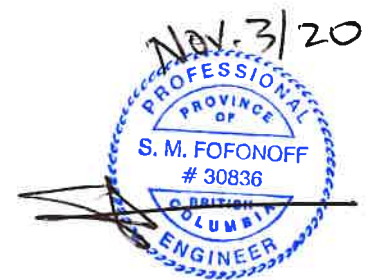
REVISION NO.:	DESCRIPTION	DATE
A	ISSUED FOR PERMIT	NOV. 3, 2020

JOB NO: 1165

DRAWING NO: 1165-03



TYPICAL SECTION (C - C') - WEST CORNER DRY STACK RETAINING WALL



SFA GEOTECHNICAL INC
 #1 - 38920 Queens Way
 Squamish, BC V8B 0K8
 604 898 1093

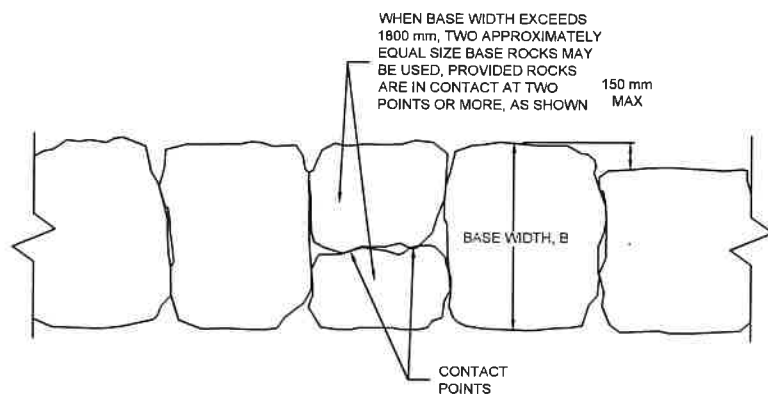
PROPOSED NEW HOME
 Lot D1, Sunstone, Pemberton, BC
DRY STACK RETAINING WALL
 TYPICAL SECTION

DRAWN BY: WG
 REVIEWED BY: SF
 DATE: October 9, 2020
 SCALE: NTS

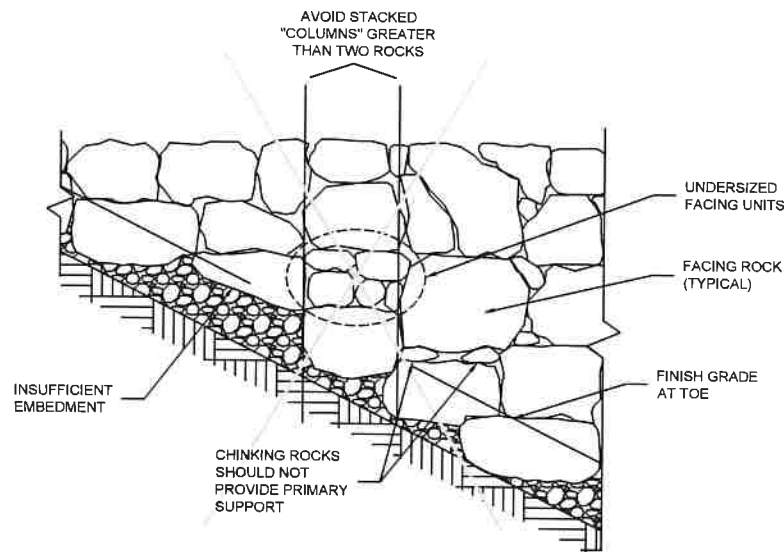
REVISION NO.:	DESCRIPTION	DATE
A	ISSUED FOR PERMIT	NOV. 3, 2020

JOB NO: 1165

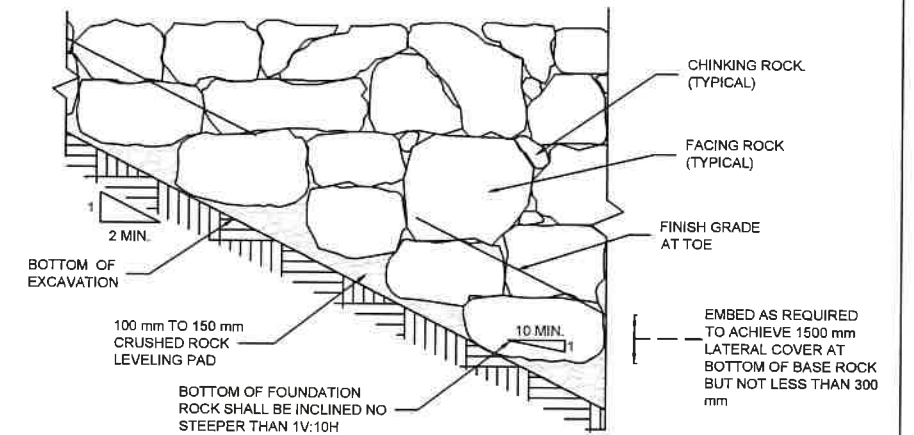
DRAWING NO: 1165-04



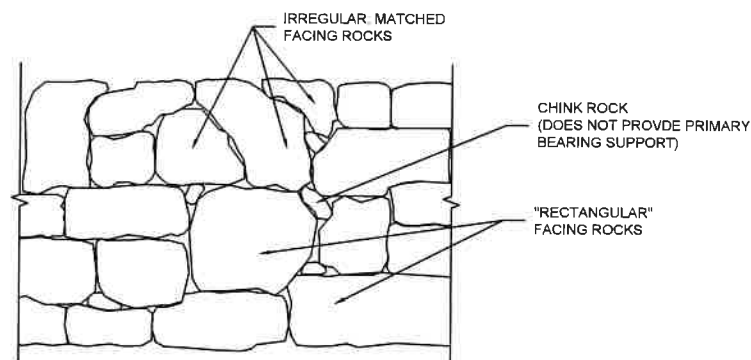
BASE ROCK TOLERANCES



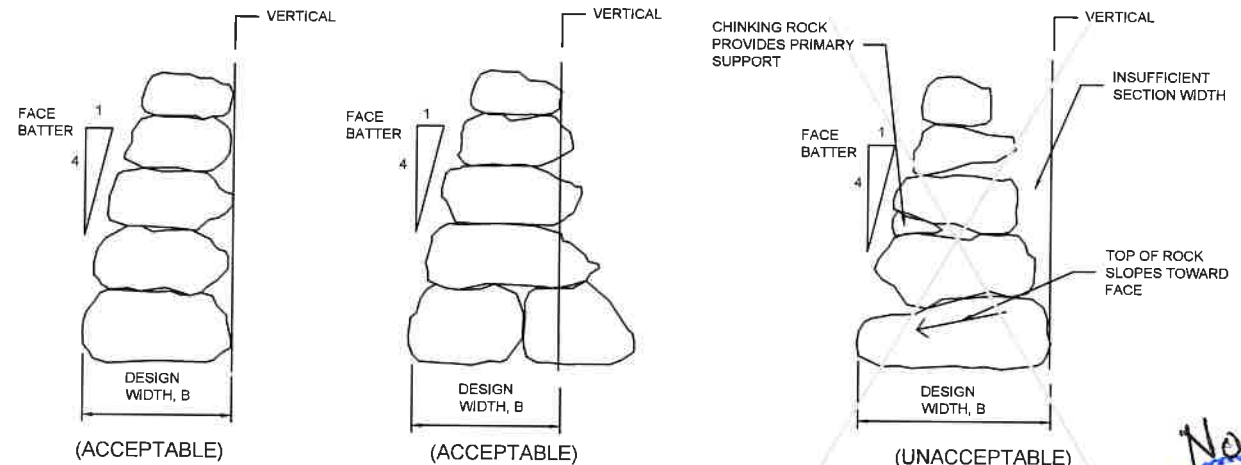
ACCEPTABLE ROCK PLACEMENT



UNACCEPTABLE ROCK PLACEMENT



RECTANGULAR & IRREGULAR FACING ROCKS



STACKING REQUIREMENTS

Nov. 3/20
 PROFESSIONAL
 PROVINCE OF
 S. M. FOFONOFF
 # 30836
 BRITISH COLUMBIA
 ENGINEER



SFA GEOTECHNICAL INC
 #1 - 38920 Queens Way
 Squamish, BC V8B 0K8
 604 898 1093

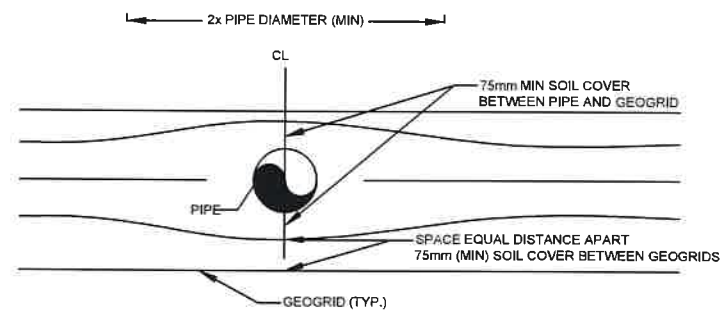
PROPOSED NEW HOME
Lot D1, Sunstone, Pemberton, BC
RETAINING WALLS
TYPICAL DETAILS (1/2)

DRAWN BY: WG
 REVIEWED BY: SF
 DATE: October 9, 2020
 SCALE: NTS

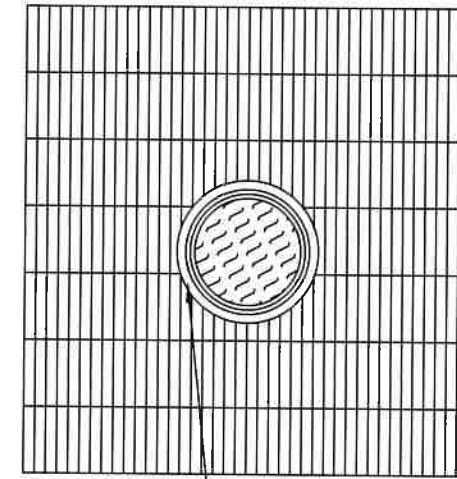
REVISION NO.:	DESCRIPTION	DATE
A	ISSUED FOR PERMIT	NOV. 3, 2020

JOB NO: 1165

DRAWING NO: 1165-05

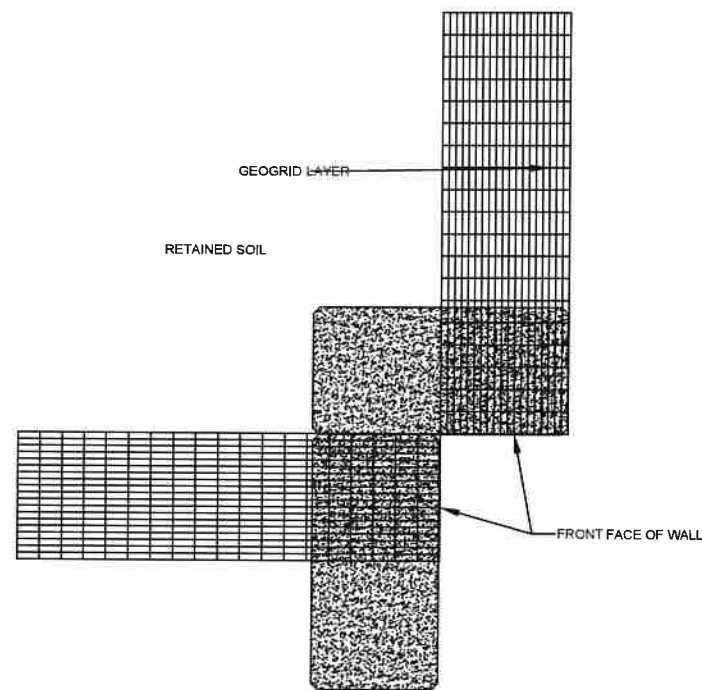


REINFORCEMENT DETAIL AT PIPE (SECTION)

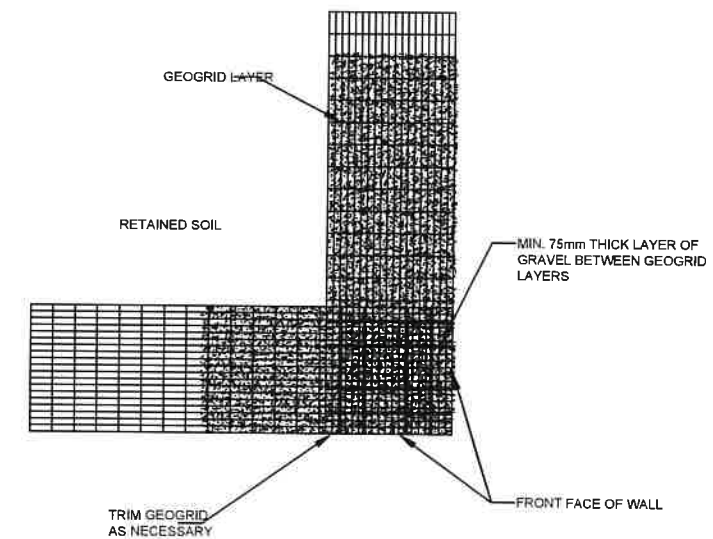


CUT OPENING IN GEOGRID
A MAX OF 50mm LARGER
THAN VERTICAL INCLUSIONS

REINFORCEMENT AT VERTICAL INCLUSIONS



REINFORCEMENT AT OUTWARDS CORNERS



REINFORCEMENT AT INWARDS CORNERS



SFA GEOTECHNICAL INC
#1 - 38920 Queens Way
Squamish, BC V8B 0K8
604 898 1093

PROPOSED NEW HOME
Lot D1, Sunstone, Pemberton, BC
RETAINING WALLS
TYPICAL DETAILS (2/2)

DRAWN BY:	WG	REVISION NO.:	DESCRIPTION	DATE
REVIEWED BY:	SF	A	ISSUED FOR PERMIT	NOV. 3, 2020
DATE:	October 9, 2020			
SCALE:	NTS			

JOB NO: 1165
DRAWING NO: 1165-06

PART 1 - GENERAL

- 1.1 In these Notes, the Engineer is SFA Geotechnical.
- 1.2 These notes must be read in conjunction with 1165-01 to 1165-06.
- 1.3 The work described and shown involves the supply and installation of the proposed Rock Stack Retaining Walls using natural rocks as facing units.
- 1.4 The Contractor shall confirm the locations and conditions of all man-made structures which could be affected or damaged by the work. Structures which may be affected or damaged by the work must be reported to the Engineer in advance of the work to take place. The Engineer may change the design or approve of modifications to installation techniques proposed by the Contractor to preclude damage or conflict with existing structures.

PART 2 - MATERIALS

- 2.1 Base & Facing Rocks
 - Rocks used for wall construction shall be hard, angular, and durable, and resistant to physical, climatic and chemical decomposition.
 - Rocks shall be roughly rectangular, tabular or cubical in shape, and shall be intact without any open fractures, foliation or other plane weakness.
 - Rounded rocks or cobbles shall not be used.
- 2.2 Cap Rocks
 - Cap Rocks shall weigh at least 90 kg (200 lb) so that they will be not movable by hand.
- 2.3 Chinking (Filled) Rocks
 - Chinking Rocks shall be used to fill rock gaps that exceed 150 mm to prevent backfill materials falling out through large gaps.
 - Chinking Rocks shall consist of spalls from the parent (facing) rocks.
 - Chinking Rocks shall not be movable by hand.
- 2.4 Backfill Soils
 - Backfill Soils shall consist of 75 mm minus pit run sand and gravel containing less than 5% fines or materials otherwise approved by SFA may be used.
 - The Contractor shall provide samples and/or sieve analysis results of the Backfill soils to the Engineer upon request.
- 2.5 Geogrid
 - The retaining walls have been designed on the basis of Tensar Grid UX1500 with a long-term design strength of 41.8 kN/m for a 120 year design life. Geogrid coverage shall be 100%.
 - Alternative geogrid may require redesign of the wall by the Engineer and may not be substituted without written authorization from the Engineer.
- 2.6 Levelling Pad
 - Levelling pad shall consist of at least 300 mm of 19 mm clear crushed gravel.
- 2.7 Foundation Subgrade
 - Foundation subgrade shall consist of native sand and gravel soils approved by the Engineer.
 - Any grade reinstatement of the subgrade shall be completed using Leveling Pad or Backfill materials.

PART 3 - EXECUTION

- 3.1 Foundation Excavation
 - Foundation excavation must be sufficiently wide to permit placement of the specified leveling pad.
 - The foundation excavation should extend deep enough to provide the required leveling pad thickness and required burial depth.
 - Any unsuitable soils encountered at the foundation locations must be sub-excavated and replaced with the leveling pad or backfill materials once the unsuitable soil removal is approved by the Engineer.
- 3.2 Base Rock Placement
 - Base rocks must be placed on subgrade and leveling pad approved by the Engineer.
 - All rocks (both base & facing rocks) should be placed with the longest rock dimension perpendicular to the wall alignment, the second largest dimension parallel to the wall alignment, and the smallest dimension should be its vertical dimension.
 - If base rock widths exceed 1.8 m (6.0 ft) it is acceptable to use two equally sized rocks with a total width of at least B, provided the rocks are bearing against each other in at least two locations.
 - Adjacent base rocks to the paired base rocks must be a single rock with a minimum width of B.
 - The overall use of base rocks with a width less than B should be minimized.
- 3.3 Facing Rock Placement
 - Each facing rock should bear on at least two other rocks (staggered placement with no vertical columns of rock or continuous vertical joints through the retaining wall).
 - Each rock should have at least three bearing points - two at the front and one at the back.
 - The front-most bearing point for each facing rock should be within 150 mm (6") of the average face of the wall.
 - The rear of the rocks should be aligned along on imaginary vertical plane unless otherwise noted in the Drawings.
 - If facing rocks are larger than the minimum width of B, they can extend beyond the imaginary plane provided that they do not interfere with the drainage.
 - Rocks with shapes that create voids with a linear dimension greater than 300 mm shall be placed elsewhere to obtain a better fit.
 - If gaps larger than 150 mm cannot be avoided, they should be chinked (filled) with smaller rocks.
 - Chinking rocks shall not be movable by hand and can be grouted in place if necessary. Chinking rocks shall not provide primary support for overlying rocks.
- 3.4 Backfill Placement & Compaction
 - Backfill materials should be placed beyond each course of the base or facing rocks once they are installed and secured in place.
 - Each backfill lift shall not exceed the top of each base or facing course.
 - Backfill shall be compacted to 95% of the maximum density as determined by ASTM 1557 (Modified Proctor). The moisture content of the backfill material prior to and during compaction shall be uniformly distributed throughout each lift and shall be with 2% of the optimum moisture content.
 - Backfill shall be placed and compacted in lifts not to exceed 300 mm or the height of the facing rocks, whichever is smaller.
 - Only lightweight hand-operated equipment shall be allowed within 1.5 m of the facing rocks.

3.5 Geogrid Placement

- Geogrid shall be oriented with the highest strength axis (machine direction) perpendicular to the wall alignment.
- Geogrid shall be placed at the elevations and to the extent shown in the Drawings or as directed by the Engineer.
- Geogrid shall be laid horizontally in the direction perpendicular to the face of the retaining wall.
- Geogrid shall be pulled taut, free of wrinkles and anchored at the end of each layer prior to backfill placement on geogrid.
- Geogrid shall be continuous throughout their embedment lengths (Coverage Ratio 100%)
- Spliced connections between shorter pieces of geogrid are not permitted.
- Backfill materials shall be placed, spread and compacted in such a manner that minimizes the development of slack in geogrid.
- Tracked construction equipment shall not be operated directly on geogrid. A minimum fill thickness of 150 mm is required prior to operation of tracked vehicles over geogrid. Tracked vehicles should not turn on the geogrid to prevent tracks from displacing the fill and geogrid.

3.6 Cap Rock Placement

- Cap rocks that do not meet the requirements described in 2.2 should be grouted in place to prevent accidental dislodging.

PART 4 - CONSTRUCTION INSPECTION

The Contractor shall notify SFA Geotechnical Inc. a minimum 48 hours in advance of the commencement of the following aspects of the work:

- Site Stripping & Foundation Excavation
- Base Rock Placement
- Drain Pipe & Backfill Placement/Compaction behind Base Rocks
- Facing Rock Placement
- Geogrid Placement



SFA GEOTECHNICAL INC
 #1 - 38920 Queens Way
 Squamish, BC V8B 0K8
 604 898 1093

**PROPOSED NEW HOME
 Lot D1, Sunstone, Pemberton, BC
 RETAINING WALLS
 NOTES**

DRAWN BY:	WG	REVISION NO.:	DESCRIPTION	DATE
REVIEWED BY:	SF	A	ISSUED FOR PERMIT	NOV. 3, 2020
DATE:	October 9, 2020			
SCALE:	NTS			

JOB NO: 1165
 DRAWING NO: 1165-07



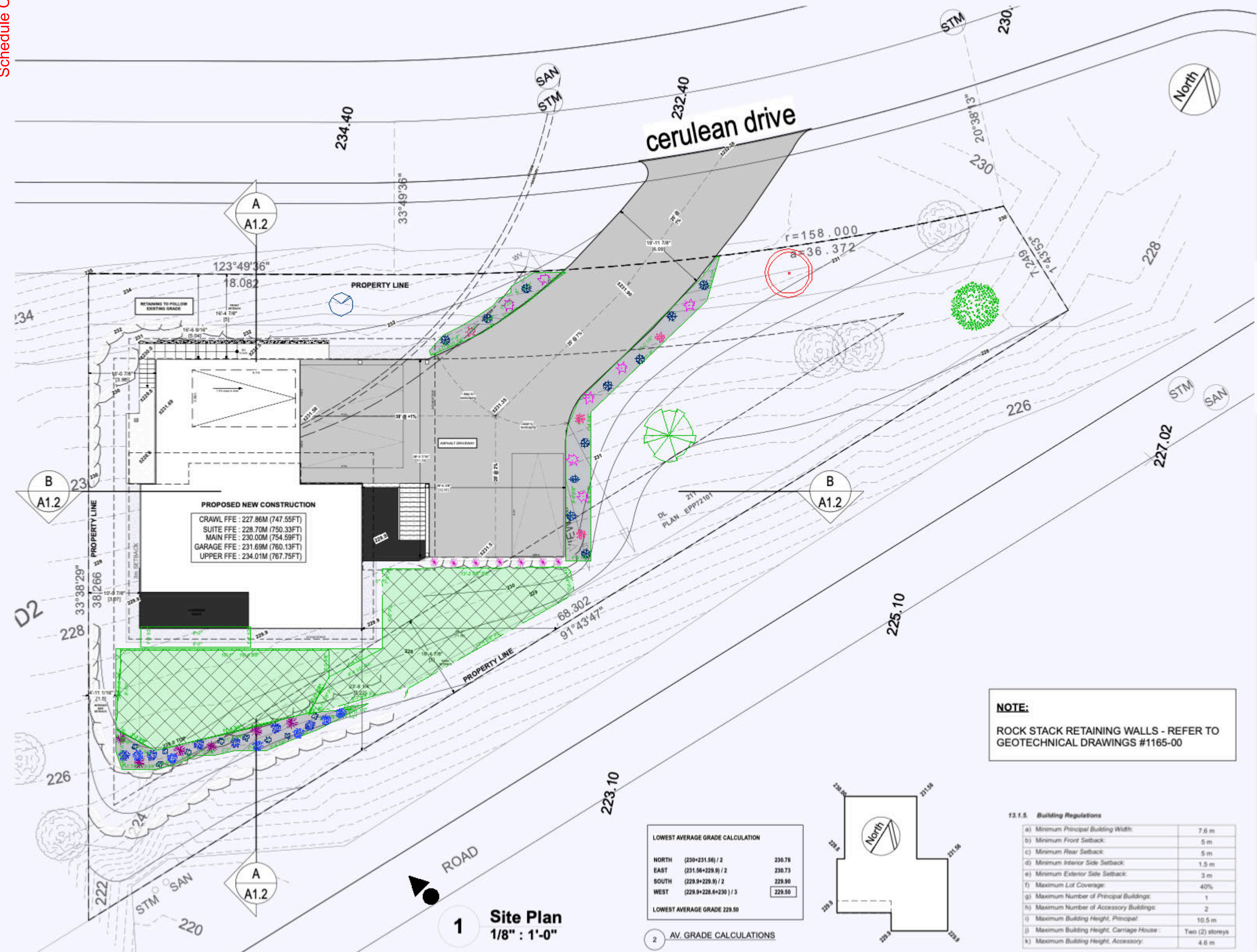
PO Box 100
7400 Prospect St.
Pemberton
British Columbia
CANADA
V0N2L0

P. 604.894.6135
F. 604.894.6136

www.pemberton.ca

Schedule "C"

DRAFT



Issued For:	Date:
REVIEW	09 MAR 2020
GEOTECHNICAL REVIEW	14 MAR 2020
STRUCTURAL REVIEW	30 MAR 2020
PROGRESS SET	06 JUN 2020
GEO REVIEW	19 JUN 2020
CLIENT REVIEW	07 JULY 2020
STRUCTURAL REVIEW	02 SEPT 2020
ENERGY REVIEW	28 SEPT 2020
DESIGN REVIEW	15 OCT 2020

No:	Revision:	Date:
1		

PLANT LEGEND

Common name	Latin Name	Symbol	Quantity
Trees			
Blue Spruce	Picea pungens	Symbol	1
Japanese Maple	Acer palmatum	Symbol	1
Autumn Blaze Maple	Acer x freemanii	Symbol	1
Plants			
Bloodgrass	Cenchrus setaceus	Symbol	14
Golden Sedum	Sedum adolphii	Symbol	11
Blue Juniper	Juniperus squamata	Symbol	7
Karl Foerster	Calamagrostis acutiflora	Symbol	11
Wild Thyme	Thymus serpyllum	Symbol	9
Black Eyed Susan	Rudbeckia hirta	Symbol	8

PROPOSED NEW CONSTRUCTION
 CRAWL FFE : 227.86M (747.55FT)
 SUITE FFE : 228.70M (750.33FT)
 MAIN FFE : 230.00M (754.59FT)
 GARAGE FFE : 231.69M (760.13FT)
 UPPER FFE : 234.01M (767.75FT)

NOTE:
 ROCK STACK RETAINING WALLS - REFER TO
 GEOTECHNICAL DRAWINGS #1165-00

LOWEST AVERAGE GRADE CALCULATION

NORTH (230+231.56) / 2	230.78
EAST (231.56+229.9) / 2	230.73
SOUTH (229.9+229.9) / 2	229.90
WEST (229.9+228.6+230) / 3	229.50

LOWEST AVERAGE GRADE 229.50

2 AV. GRADE CALCULATIONS

13.1.5. Building Regulations

a) Minimum Principal Building Width:	7.6 m
b) Minimum Front Setback:	5 m
c) Minimum Rear Setback:	5 m
d) Minimum Interior Side Setback:	1.5 m
e) Minimum Exterior Side Setback:	3 m
f) Maximum Lot Coverage:	40%
g) Maximum Number of Principal Buildings:	1
h) Maximum Number of Accessory Buildings:	2
i) Maximum Building Height, Principal:	10.5 m
j) Maximum Building Height, Carriage House:	Two (2) storeys
k) Maximum Building Height, Accessory:	4.6 m

1 Site Plan
 1/8" : 1'-0"

Title: **SITE PLAN**

Project: **Britt Residence**
 7661 CERULEAN DRIVE, PEMBERTON BC

Drawn By: ME ROY, TT
 Scale: AS SHOWN

Sheet No: **A-1.1**

A-1.1 SITE PLAN

Date: February 24, 2021

To: Village of Pemberton, B.C./Board of Variance
For: Development Variance Permit application

From: Stephen & Sandi Britt
Address: 7661 Cerulean Drive, Pemberton, B.C. V0N 2L3

We are seeking a relaxation of the current retaining wall Zoning Bylaw No. 823, 2018 Section 7.21 a) retaining wall height maximum of 1.2 metres. We have designed our plans to build our house up on the highest access point of the property (road level) and this requires one of our retaining walls to exceed the 1.2 meters height by only 3.3 meters and two other retaining walls will exceed by only 0.8.

1. We would like to have a flat driveway and access to the entrance of the garage and carport.
2. We would like to take advantage of the best views of Mount Currie from our lot.
3. We would like to be the furthest off of the lower road for noise/traffic reasons.
4. We would like to have as much of a yard as possible in front of our house to be able to have a lawn and garden.

SFA Geotechnical Inc. has designed our retaining walls keeping in mind the natural surroundings and properties, the rock walls will be comparable to the walls that the developer has installed on the roadways. (See pictures) As well as guaranteeing the property is appropriately engineered for the type soil in the area.

We plan to landscape on the landings of the walls so it will esthetically pleasing and blend well with the natural beauty of the environment in this development.

When we purchased the property we were not informed of this bylaw by the developer or realtor. We had always planned to build our home off of the roadway for the above reasons. We have neighboring properties that have gone beyond the bylaw of 1.2 metres by far larger quantities and we feel we are presenting a rock wall design that is within a reasonable amount to exceed the 1.2 metres by only 3.3 metres. We feel any further delays and changes to our plans will cause additional costs and undue hardship.

Thank you for your time and consideration in this matter.

Stephen & Sandi Britt



Figure 1: Lower Road Rock Wall



Figure 2: Rock wall across from out lot



Figure 1: Top view from our road of our lot



Figure 2: View from lower road of our lot



Figure 1: Example of plant, Bloodgrass, that will be planted adjacent to the proposed retaining walls

THE ATTACHED IS TO CERTIFY THAT ON MARCH 5, 2019, THE STATE OF THE TITLE TO THE LANDS DESCRIBED THEREIN IS AS STATED AND IS SUBJECT TO THE NOTATIONS APPEARING THEREIN. THIS CERTIFICATE IS TO BE READ SUBJECT TO THE PROVISIONS OF SECTION 23(1) OF THE LAND TITLE ACT AS AMENDED AND THE LAND ACT SECTIONS 47, AND 52-57 (SEE R.S.B.C. 1979, CHAPTER 214).

"SHOLTO SHAW"

SHOLTO SHAW, for RACE & COMPANY,



TITLE SEARCH PRINT
File Reference: 59974dnp
Declared Value \$319000

2019-03-05, 10:34:25
Requestor: Nadine Carey

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District KAMLOOPS
Land Title Office KAMLOOPS

Title Number CA7302645
From Title Number CA7260249

Application Received 2019-01-18

Application Entered 2019-01-23

Registered Owner in Fee Simple
Registered Owner/Mailing Address: SANDRA WALLACE BRITT, SALES MANAGER
STEPHEN BRADLEY BRITT, CARPENTER



Taxation Authority North Shore - Squamish Valley Assessment Area
Pemberton, Village of
Pemberton Valley Dyking District

Description of Land
Parcel Identifier: 030-665-442
Legal Description:
LOT 22 DISTRICT LOT 211 LILLOOET DISTRICT PLAN EPP88381

Legal Notations
HERETO IS ANNEXED RESTRICTIVE COVENANT CA1132532 OVER LOT 1
PLAN EPP1353

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL
GOVERNMENT ACT, SEE CA4415324

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL
GOVERNMENT ACT, SEE CA4415329

HERETO IS ANNEXED EASEMENT CA6987764 OVER PART OF LOTS B EPP74427

HERETO IS ANNEXED RESTRICTIVE COVENANT LB319180 OVER LOT 1
PLAN EPP1353

TITLE SEARCH PRINT

File Reference: 59974dnp
Declared Value \$319000

2019-03-05, 10:34:25
Requestor: Nadine Carey

Charges, Liens and Interests

Nature: COVENANT
Registration Number: CA6503577
Registration Date and Time: 2017-12-11 18:40
Registered Owner: VILLAGE OF PEMBERTON
Remarks: INTER ALIA

Nature: RESTRICTIVE COVENANT
Registration Number: CA6503578
Registration Date and Time: 2017-12-11 18:40
Remarks: INTER ALIA
APPURTENANT TO PCL A (DD W34182F PL A21)
DL 211 LD

Nature: EASEMENT
Registration Number: CA6503589
Registration Date and Time: 2017-12-11 18:40
Remarks: INTER ALIA
APPURTENANT TO LOT 8 EPP72101

Nature: STATUTORY BUILDING SCHEME
Registration Number: CA7273860
Registration Date and Time: 2018-12-31 10:16
Remarks: INTER ALIA

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

205 – 38026 2nd Ave.
[REDACTED]
[REDACTED]Sandra & Stephen Britt
[REDACTED]January 29, 2019
File: 1165

Attention: Sandra & Stephen Britt

**Re: Geotechnical Recommendations – Proposed New Home –
Lot D1, Sunstone Subdivision, Pemberton, BC**

1.0 INTRODUCTION

We understand that it is proposed to construct a new home on Lot D1 of The Sunstone Subdivision development in Pemberton, BC. SFA Geotechnical Inc. has been asked to provide geotechnical recommendations for the project.

Design drawings are not yet available. The home is expected to be two levels of wood framed construction over concrete foundations and concrete foundation walls with a pool and hot tub proposed in front of the house. Based on expected building grades some stripping, excavation and filling will likely be required.

This report presents the findings of our review of the site conditions and our experience in the area. This report was prepared exclusively for our client, for their use, and for the use of others on their design team, and for the use of the Village of Pemberton in the permitting process, however it remains the property of SFA.

2.0 SITE DESCRIPTION

The lot slopes down to the southwest from approximately 233 m to 224 m geodetic. The site is undeveloped and treed. The site is bounded by roadways to the north, south and east and by a residential lot to the west.

3.0 SOIL CONDITIONS & GROUNDWATER

In general, the geology of the region consists of quaternary bedrock overlain by glacial deposits. With reference to the Geological Survey of Canada map 5324 the surficial geology is described as glaciofluvial veneer comprised of well to poorly sorted, commonly stratified sand and gravel.

We expect the groundwater to be well below the proposed foundation depths. Some perched groundwater may be encountered within the glacial soils over the less permeable layers within the deposit.

4.0 RECOMMENDATIONS

4.1 Site Stripping

Site stripping beneath the building includes removal of any organics, topsoil, variable fill materials, and

any other material considered to compromise the design recommendations stated herein to expose the underlying glacial till or bedrock. We recommend that all foundations be lowered, if necessary, so that they are supported on glacial till or bedrock where encountered.

SFA should be contacted to review stripped subgrade prior to placement of formwork.

4.2 Engineered Fill

Engineered fill will be located beneath grade supported slabs. In the context of this report any “engineered fill” is defined as clean sand to sand and gravel fill, containing less than 8% fines, compacted in 300 mm loose lifts to a minimum standard of 100% of its Standard Proctor Maximum Dry Density (ASTM D698) while at a moisture content that is within 2% of its optimum for compaction.

All fill materials should be placed and compacted under the review of SFA.

4.2 Foundations

4.2.1 Spread Foundations

It is expected that foundations will be supported on the native subgrade soils of glacial till. Following the recommended site preparation, the subgrade soils are considered suitable to support conventional spread foundations at a serviceability limit state (SLS) bearing pressure of up to 150 kPa and a factored ultimate limit state (ULS) of 300 kPa.

If bedrock is encountered at foundation level SFA should be asked to review and make further recommendations.

4.2.2 Settlement of Foundations

Post construction settlements are estimated to be less than 25 mm with differential settlements of less than 1 in 300.

4.2.3 Seismic Design of Foundations

The seismic site response classification for this site is “Site Class C” in accordance with Table 4.1.8.4.A of the 2012 BCBC.

The underlying soils are not considered susceptible to liquefaction.

4.2.4 Frost Protection

All foundations should be located a minimum of 0.6 m below site grades for frost protection.

All foundation subgrades must be reviewed by SFA prior to foundation construction.

4.3 Concrete Slabs on Grade

All grade supported concrete slabs, should be underlain by a minimum of 150 mm of 19 mm clear crushed gravel, to help prevent moisture from accumulating below the slab, placed over compacted “engineered fill” as described in this report. The gravel should be lightly tamped in place. We recommend that a poly moisture barrier be placed overlying the gravel beneath the grade supported slabs to help reduce moisture

within the concrete.

4.4 Foundation Drainage

We recommend that the building design include a conventional perimeter drainage system to help intercept and control runoff and surficial drainage and to ensure that groundwater does not accumulate below the floor slabs or adjacent foundation walls. The under slab fill should have a hydraulic connection to the perimeter drain to help ensure water does not build up below the slab or adjacent to foundation walls. This can be achieved with weep holes or by placing gravel below foundations.

4.5 Earth Pressures on Buried Walls

We recommend that buried walls be designed for static and seismic earth pressures. We recommend that the wall be designed for a static pressure distribution of $5.4H$ (kPa) triangular, where H is the height of the restrained soil in metres. Dynamic loading induced by the design earthquake should be added to the static loads and should be taken as $1.4H$ (kPa) inverted triangular. The preceding loading recommendations assume that the backfill is a clean, free draining sand and gravel, the backfill is level behind the wall, and the wall is frictionless.

Our calculations assume that a back-of-wall drainage system will be installed to prevent the build up of any water pressure behind the walls. All earth pressures provided herein are unfactored soil parameters and are assumed to be unfactored loads.

5.0 FIELD REVIEWS

As is normally required for municipal Letters of Assurance, SFA Geotechnical Inc. will carry out sufficient field reviews during construction to ensure that the geotechnical design recommendations contained within this report have been adequately communicated to the design team and to the contractors implementing the design. These field reviews are not carried out for the benefit of the contractors and therefore do not in any way effect the contractors' obligations to perform under the terms of his/her contract.

It is the contractors' responsibility to advise SFA Geotechnical Inc. (a minimum of 24 hours in advance) that a field review is required. Geotechnical field reviews are normally required at the time of the following:

- | | |
|---------------------------|---|
| 1. Site Stripping | Review of excavation and stripped subgrade |
| 2. Subgrade | Review of foundation subgrade |
| 3. Backfill / Frost Depth | Review of adequacy of backfill and frost protection |
| 4. Slab-on-grade | Review of subgrade preparation for any grade supported concrete slabs |

It is critical that these reviews are carried out to ensure that our intentions have been adequately communicated. It is also critical that contractors working on the site view this document in advance of any work being carried out so that they are familiar with the sensitive aspects of the project. It is the responsibility of the developer to notify SFA Geotechnical Inc. when conditions or situations not outlined within this document are encountered.

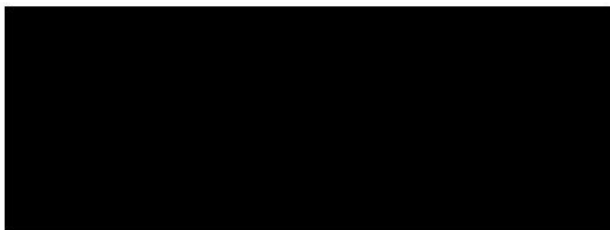
6.0 CLOSURE

This report is prepared solely for use by our client and their design team for this project as described to the general standards of similar work for similar projects in this area and no other warranty of any kind is expressed or implied. SFA Geotechnical Inc. accepts no responsibility for any other use of this report.

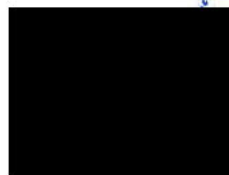
We are pleased to assist you with this project and we trust this information is helpful and sufficient for your purposes at this time. Please do not hesitate to call the undersigned if you require clarification or additional details.

For:
SFA Geotechnical Inc.

Reviewed by:



Will Gerrard, P.Geo.
Geoscientist

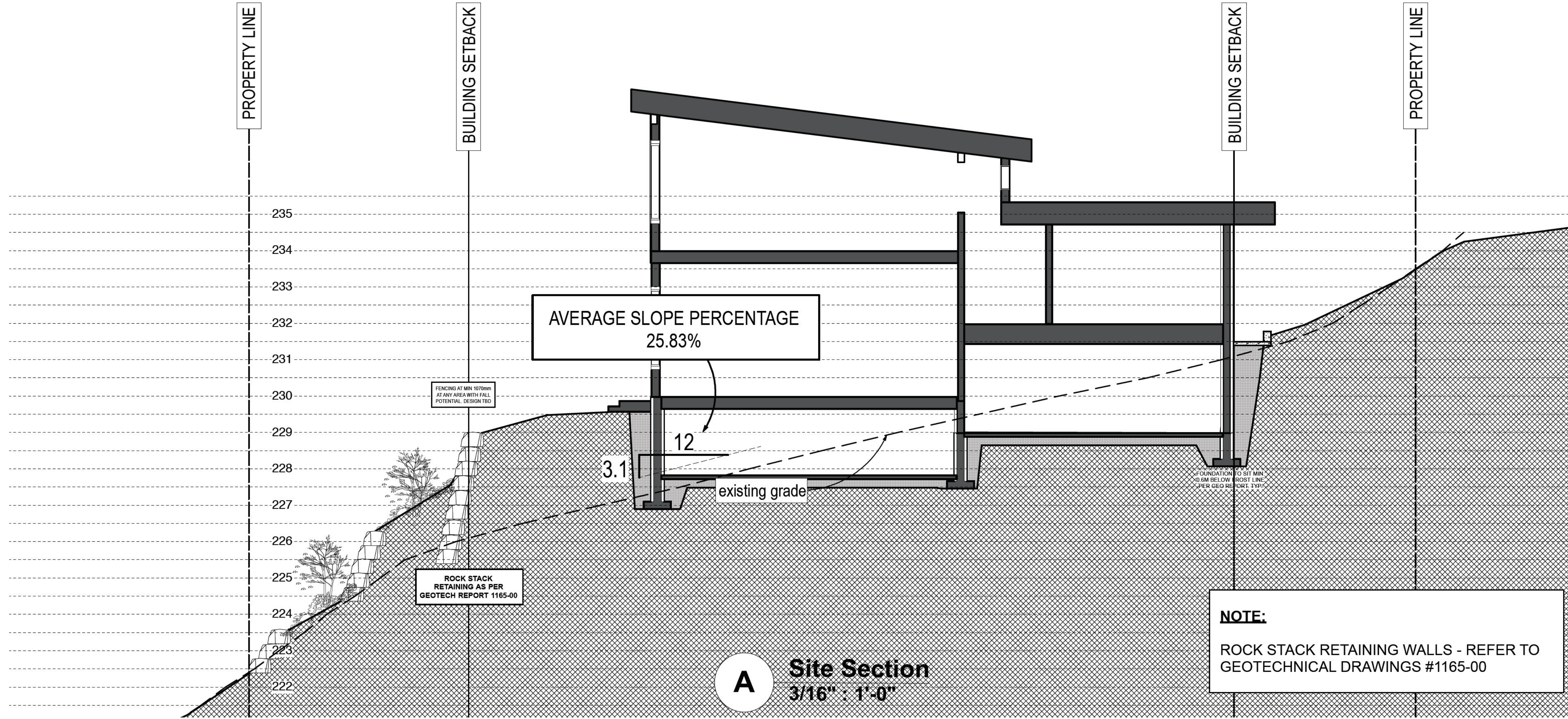


Jan 29, 2019

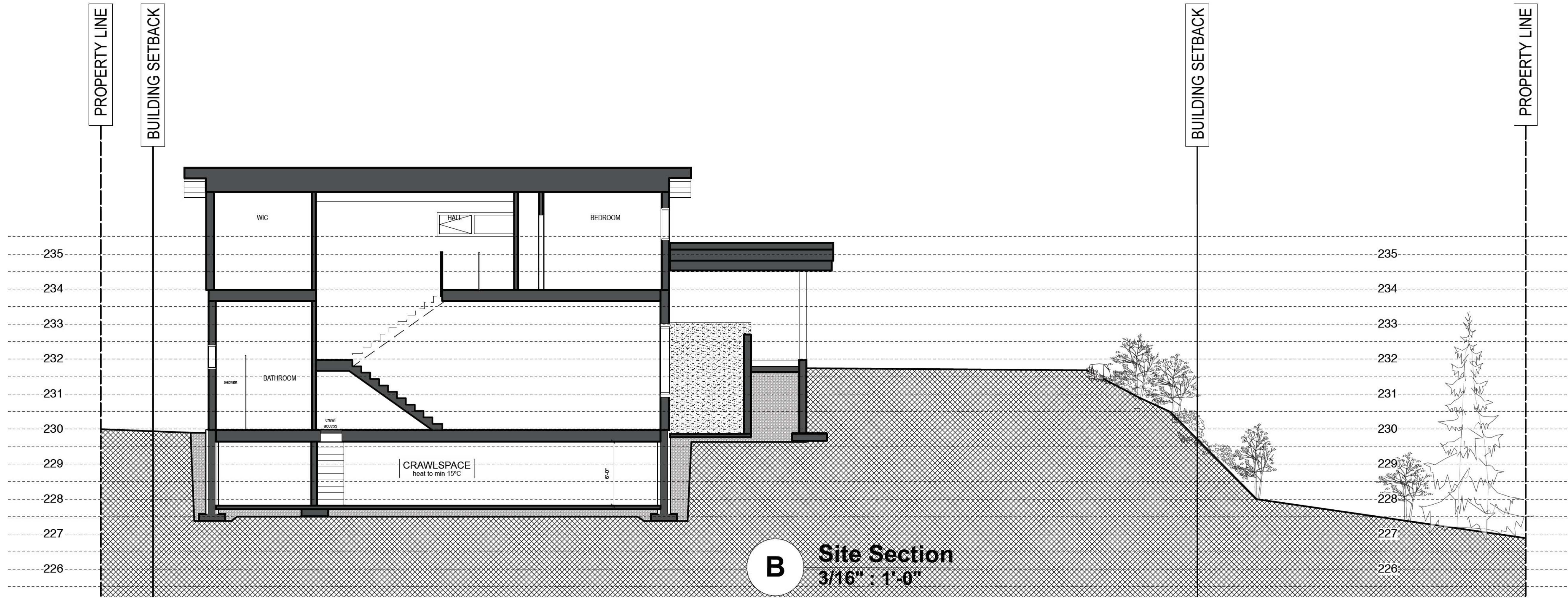
Steven Fofonoff, M.Eng., P.Eng.
Principal

Issued For:	Date:
REVIEW	09.MAR.2020
GEOTECHNICAL REVIEW	14.MAR.2020
PROGRESS SET	08.JUNE.2020
GEO REVIEW	19.JUNE.2020
CLIENT REVIEW	07.JULY.2020
STRUCTURAL REVIEW	02.SEPT.2020
ENERGY REVIEW	28.SEPT.2020
DESIGN REVIEW	15.OCT.2020
BUILDING PERMIT	05.NOV.2020
VoP REQUEST	26.MAR.2021

No:	Revision:	Date:
▲		



A Site Section
3/16" : 1'-0"



B Site Section
3/16" : 1'-0"

Title
SITE SECTIONS

Project
Britt Residence
7661 CERULEAN DRIVE, PEMBERTON BC

Drawn By: ME ROY, TT
Scale: AS SHOWN
Sheet No:

A-1.2

Date: April 13, 2021
To: Nikki Gilmore, Chief Administrative Officer
From: Lisa Pedrini, Manager of Development Services
Subject: Request to Dedicate a Street as Sabre Way

PURPOSE

The purpose of this report is to seek Council’s support to name an unnamed road located off Pemberton Farm Road East to “Sabre Way”. A location map of the subject area is attached as **Appendix A**.

BACKGROUND

In 2011, through an Agreement signed between the Village of Pemberton and Art and Nellie Den Duyf, a portion of lands, referred to as Den Duyf Park (formerly the Pemberton & District Recreation Site), was donated to the Village of Pemberton for the purposes of recreation. As part of the subdivision process, a road crossing the lands to connect Pemberton Farm Road East to the properties beyond (Sunstone Ridge and the Education Site) was dedicated for access. In 2014, the family asked that the road be named “Sabre Way” in recognition of their donation.

A report to Council was presented at the Regular Meeting No. 1447, held April 11, 2017, to seek Council’s approval of the road naming. The following resolution was passed:

Moved/Seconded

THAT Council approve the naming of the unnamed road located at the recreation site, Sabre Way;

AND THAT the Den Duyf family be informed to this effect.

CARRIED

Moved/Seconded

THAT staff prepare a new Street Naming and Addressing Bylaw.

CARRIED

On September 12, 2017, Council adopted the Street Naming and Civic Addressing Bylaw No. 819, 2011 (Bylaw No. 819) to regulate the assignment of street names and addressing numbers within the Village. On April 19, 2019, Council considered and approved a request for street names within the Sunstone Development, which included the naming of the main route through the development as Sunstone Way. The entrance to the subdivision, off Pemberton Farm Road East, was via Sabre Way. On August 18, 2020, the Village received a written request from Nyal Wilcox, Sunstone Ridge Developments Ltd., to change the name of Sabre Way to Sunstone Way to maintain the same name for this continuous stretch of road which would help with wayfinding as this was proving to be a challenge for deliveries in the Sunstone Development.

Council directed Staff to reach out to the Den Duyf family, the donors of the subject property, to inform them of the road name change request and determine how they would officially like to be recognized for the donation of land. The family's representative had no opposition to the street name change and advised of the family's preference to have the site named in their honor.

On December 8, 2020, at their Regular Meeting No. 1529, Council agreed to rename Sabre Way to Sunstone Way, in accordance with Bylaw 819, Section 4 A ii. On March 2, Council rose with report on the Naming of the Recreation Site and Unnamed Road off Pemberton Farm Road East:

At In Camera Meeting No. 1530, held Tuesday, January 12, 2021, Council resolved that the recreation site be named Den Duyf Park in recognition of the Den Duyf Family gift to the Village and further resolved that the unnamed road that accesses the Recreation site north of the site located at 7362 Pemberton Farm Road East be named Sabre Way.

DISCUSSION & COMMENTS

It is the Village's desire to acknowledge the Den Duyf family's contribution by not only naming the recreation site as Den Duyf Park but also choosing another street in the vicinity to name Sabre Way. The Village feels this is the best and most appropriate way to recognize the gift of the land from the Den Duyf family.

The unnamed road off Pemberton Farm Road East that will provide future access to both the Recreation Site and Lot C, DL 211, Plan EPP40824, (still under ownership by members of the Den Duyf family) would be a fitting option to name Sabre Way. The family has been consulted and is agreeable to this suggestion. As such, Staff recommend that Council name the unnamed road located north of Lot C, DL 211, EPP40824, as shown on **Appendix A**, Sabre Way.

COMMUNICATIONS

Following the legal plan registration, Village Staff will update the Village Street Addressing Maps and notify all agencies of the new name.

LEGAL CONSIDERATIONS

Under Section 39 of the *Community Charter*, the Village has the authority to assign street names to municipal streets, roads, lanes, etc. The process by which streets are named is established by Street Naming & Civic Addressing Bylaw No. 819, 2017.

IMPACT ON BUDGET & STAFFING

The facilitation of street naming is undertaken by the Development Services Department and is incorporated into the day-to-day work plan as required and can be accommodated.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental approvals required. New mapping will be prepared and provided to all Village Departments.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

The establishment of new streets and names for the Village of Pemberton has no impact on the region or neighbouring jurisdictions. Upon registration of the street names and establishment of the civic addressing, new mapping will be prepared and provided to the appropriate authorities such as BC Assessment, ECOMM (911) and the Village of Pemberton Fire Rescue Department.

ALTERNATIVE OPTIONS

There are no alternatives options provided at this time.

RECOMMENDATION

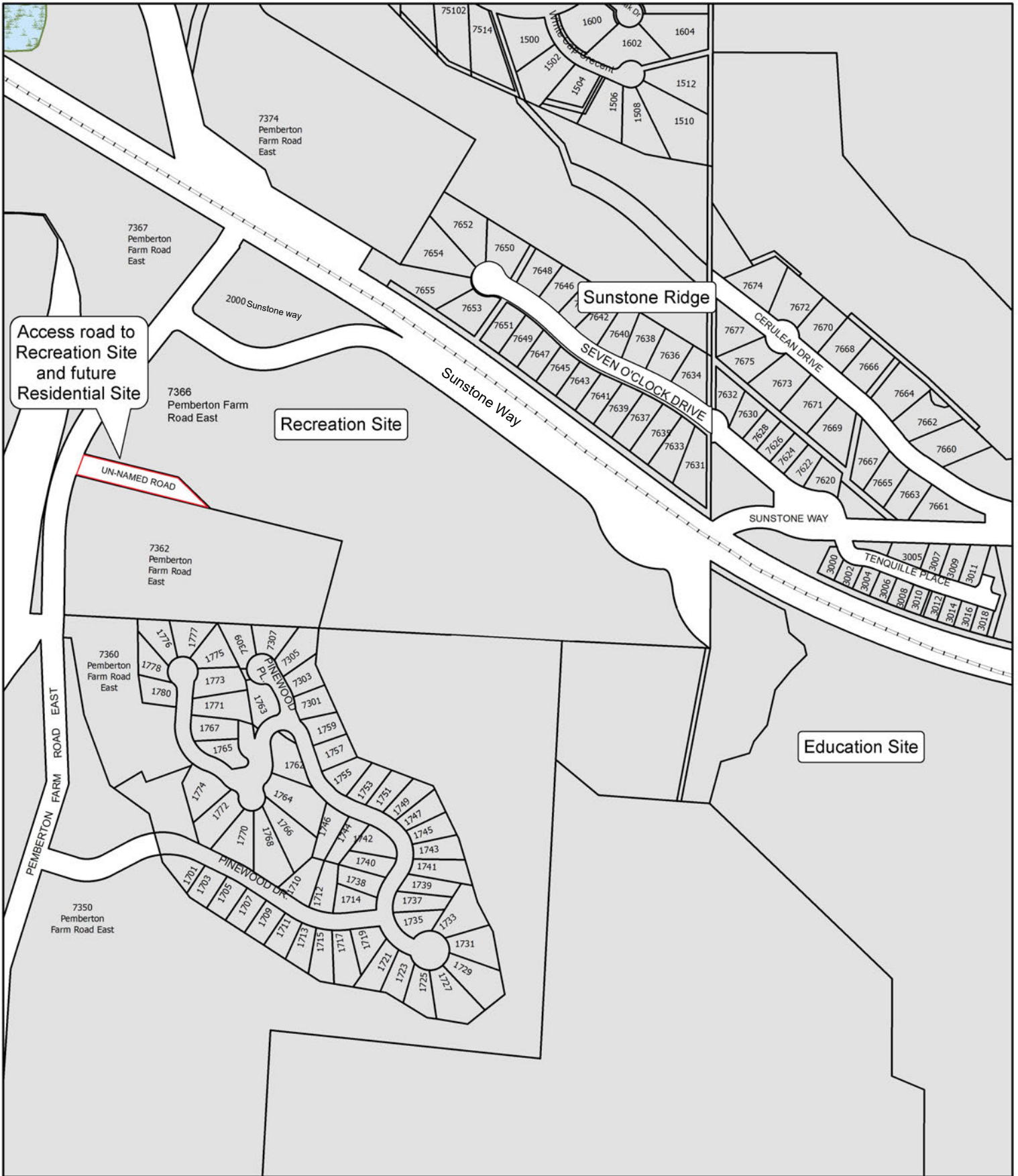
THAT Council approves the naming of the unnamed road providing future access to Den Duyf Park and Lot C DL 211, EPP408024 Sabre Way, Sabre Way;

AND THAT the Den Duyf family be informed of the road naming.

Attachments:

Appendix A: Subject Area Map

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



Sabre Way Location Map

N



Date: April 13, 2021

To: Nikki Gilmore, Chief Administrative Officer

From: Lena Martin, Manager of Finance

Subject: Village of Pemberton 2021-2025 Five (5) Year Financial Plan Bylaw No. 895, 2021
– First, Second, Third Readings and Adoption

PURPOSE

The purpose of this report is to introduce the Village of Pemberton 2021-2025 Five (5) Year Financial Plan Bylaw No. 895, 2021 for First, Second, Third Readings and Adoption (**Appendix A**).

BACKGROUND COMMENTS AND DISCUSSION

At the Committee of the Whole meeting No. 213, held Tuesday, March 16, 2021, Staff presented the draft Five Year Financial Plan for review and comment. The purpose of the Plan is to combine the tools of financial forecasting and strategizing to develop a long-term, sustainable plan. Tax bylaws will be based on the revised roll and will include any year-end adjustments.

The Committee reviewed the draft Budget and draft Five Year Financial Plan and passed the following resolution:

Moved/Seconded

THAT the Committee of the Whole supports the 2021 Draft Budget and 2021 – 2025 Five-Year Financial Plan as presented;

AND THAT the Committee of the Whole supports the preparation of the 2021 – 2025 Five-Year Financial Plan and 2021 Tax Rates Bylaws to be brought forward for Council consideration.

CARRIED

COMMUNICATIONS

There are no communications requirements at this time.

LEGAL CONSIDERATIONS

The Five-Year Financial Plan Bylaw must be adopted by May 15th of each year as per sections 165 and 197 of the *Community Charter*.

The preparation of the Five-Year Financial Plan Bylaw meets with the requirements of the *Community Charter* and *Local Government Act*.

Ministerial Order M192, issued June 17, 2020, enables municipalities during the Provincial State of Emergency to adopt certain financial bylaws on the same day it receives Third Reading;

IMPACT ON BUDGET & STAFFING

The impact to the budget increases the revenues and increases the transfers to reserves in the Five-Year Financial Plan and can be accommodated in the work plan of the Finance 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

WHEREAS Ministerial Order M192, issued June 17, 2020, enables municipalities during the Provincial State of Emergency to adopt certain financial bylaws on the same day it receives Third Reading;

AND WHEREAS the Ministerial Order M192 applies to section 165 (Financial Plan) of the *Community Charter*;

AND WHEREAS the Village of Pemberton is presenting the 2021-2025 Five Year Financial Plan Bylaw No. 895, 2021 for Council's consideration;

THEREFORE BE IT RESOLVED THAT the 2021-2025 Five Year Financial Plan Bylaw No. 895, 2021 receive First, Second and Third Readings and be Adopted.

ATTACHMENTS:

Appendix A: 2021-2025 Five (5) Year Financial Plan Bylaw No. 895, 2021

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

VILLAGE OF PEMBERTON

BYLAW No. 895, 2021

A bylaw of the Village of Pemberton respecting the Five (5) Year Financial Plan beginning with the year 2021.

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

1. Schedule "A" attached hereto and made part of this Bylaw is hereby adopted and is the Village of Pemberton Five Year Financial Plan established with the year ended December 31, 2021.
2. This Bylaw may be cited for all purposes as the "Village of Pemberton 2021-2025 Five (5) Year Financial Plan Bylaw No. 895, 2021."

READ A FIRST TIME this 13th day of April, 2021.

READ A SECOND TIME this 13th day of April, 2021.

READ A THIRD TIME this 13th day of April, 2021.

ADOPTED this 13th day of April, 2021.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Village of Pemberton						
Consolidated 2021 - 2025	2020	2021	2022	2023	2024	2025
	<i>Budget Prior Year</i>	Budget	Budget	Budget	Budget	Budget
Revenues:						
Taxation	2,280,892	2,440,992	3,301,619	3,257,112	3,404,748	3,735,572
Water and sewer user rates	1,866,090	2,034,447	2,111,680	2,199,142	2,297,378	2,401,379
User charges	2,552,125	2,315,887	2,559,416	2,598,408	2,650,837	2,703,595
Penalties and interest income	30,000	32,500	32,825	33,317	33,984	34,663
Government transfers:						
Provincial	4,735,836	4,987,416	399,914	405,897	413,995	422,255
Federal	2,000	2,000	2,000	2,000	2,000	2,000
Other local governments	1,788,214	1,848,338	1,445,024	1,931,821	1,451,763	1,651,826
Investment income	23,860	27,860	28,135	28,552	29,115	29,691
Other revenues	742,548	695,960	169,182	571,497	674,630	5,177,825
Collections on behalf of other governments	2,971,629	2,971,629	3,001,345	3,046,365	3,107,293	3,169,439
	16,993,195	17,357,029	13,051,140	14,074,111	14,065,742	19,328,246
Expenditures:						
General government	2,320,838	2,761,289	2,762,494	2,743,736	2,797,777	2,902,353
General Amortization	763,369	736,215	736,215	736,215	736,215	736,215
Fire protection services	694,397	701,857	717,256	737,535	737,908	1,004,027
Development and planning services	667,633	748,153	673,229	683,193	696,677	710,430
Public works and parks	1,163,646	1,317,678	1,274,809	1,291,229	1,400,395	1,424,772
Recreation	1,305,213	1,293,107	1,276,401	1,311,542	1,321,724	1,350,144
Water utility	913,902	845,319	848,620	852,145	884,252	919,108
Water Amortization	160,089	165,089	165,090	165,091	165,092	165,093
Sewer utility	873,291	1,001,142	1,001,127	1,016,955	1,039,039	1,043,074
Sewer Amortization	275,339	278,339	278,340	278,341	278,342	278,343
Airport services	65,637	70,098	71,157	72,224	73,668	75,142
Airport Amortization	54,423	54,423	54,424	54,425	54,426	54,427
Transfers to other governments	2,971,629	2,971,629	3,001,345	3,046,365	3,107,293	3,169,439
	12,229,404	12,944,338	12,860,508	12,988,997	13,292,809	13,832,568
Annual (Surplus) / Deficit	(4,763,791)	(4,412,691)	(190,632)	(1,085,114)	(772,932)	(5,495,678)
ADJUSTMENTS REQUIRED TO BALANCE FINANCIAL PLAN TO CONFORM WITH LEGISLATIVE REQUIREMENTS						
Non-cash items included in Annual (Surplus)/Deficit						
Amortization on tangible capital assets	(1,253,220)	(1,234,067)	(1,234,070)	(1,234,073)	(1,234,076)	(1,234,079)
Cash items NOT included in Annual (Surplus)/Deficit						
Capital expenditures	6,382,320	7,495,858	1,528,600	1,997,300	2,762,500	17,047,500
Loan proceeds	(320,516)	(420,000)	(875,000)	(825,000)	(2,215,000)	(12,000,000)
Long term debt payments	217,923	229,843	283,084	316,572	340,759	645,233
Capital Equipment payments	167,410	180,538	181,783	180,502	153,132	205,258
Transfers from Statutory Reserves	(532,540)	(532,540)	(100,000)	-	-	-
Transfer to Statutory Reserves	987,000					
Transfers from Non-Statutory Reserves	(577,526)	(1,399,468)	(511,219)	(338,575)	(89,156)	(369,527)
Transfers to Non-Statutory Reserves	845,207	849,908	917,454	988,387	1,054,773	1,201,293
Transfers to/(from) Unappropriated Surplus	(1,152,267)	(757,382)	-	-	-	-
Financial Plan Balance	(0)	0	(0)	(0)	(0)	0
General Fund (Surplus) / Deficit	(0.00)	0.00	(0.00)	(0.00)	(0.00)	0.00
Water Fund (Surplus) / Deficit	-	-	-	-	-	-
Sewer Fund (Surplus) / Deficit	(0.00)	-	-	-	-	-
Airport Fund (Surplus) / Deficit	(0.00)	0.00	-	-	(0.00)	(0.00)

**Village of Pemberton
5 Year Financial Plan Bylaw No. 895, 2021
2021 Revenue Policy Disclosure**

The development of the 2021 – 2025 Five Year Financial Plan was completed during the ongoing COVID-19 Pandemic. The Village of Pemberton and its government partners monitor and continue to assess the impact of COVID-19 on our community and local government operations and finances. This Plan includes cost measures and recovery grants that assist with the financial pressures the community faces, and in support of economic recovery, as well as a focus on core service delivery. The Village will continue to work with our Federal and Provincial partners to support a coordinated response to COVID-19.

1. The table below shows the proportion of proposed 2021 revenue raised from each funding source. One column shows the proposed revenue including Transfer to Other Governments and the other excluding the Transfers to Other Governments. Transfers to Other Governments are funds requisitioned by other government or government agencies for specifically defined projects.

The Village has a bylaw to charge specific administrative fees for various tasks, such as tax certificates, titles searches, rentals as well as other tasks including a 10% administrative fee. This bylaw was last updated December 18th, 2012. By billing these fees to individual users, this allows a more realistic tax levy as the tax payers are not subjected to funding these miscellaneous expenses.

The Village of Pemberton will continue to seek other sources of revenue to reduce the reliance on property taxes.

Parcel Taxes are taxes levied for the purpose of paying the debt on the Municipality's Water and Sewer Infrastructure. The rates are reviewed annually to determine if they meet the required debt payment schedule for the upcoming fiscal year. Parcel Taxes are reviewed annually and updated in accordance with the *Community Charter* Sec. 204.

Revenue Sources 2021	% Total Revenue(\$19,707,037) Including Transfers to Other Governments*	% Total Revenue(\$16,735,408) Excluding Transfers to Other Governments
Property Taxes	26.1%	12.9%
Parcel Taxes	1.6%	1.9%
User Fees & Charges	22.1%	26.0%
Grants	34.7%	40.8%
DCCs	2.7%	3.2%
Other Revenues	3.9%	4.6%
Proceeds from Borrowing	2.1%	2.5%
Transfers	6.8%	8.1%
Total	100.0%	100%

Village of Pemberton
5 Year Financial Plan Bylaw No. 895, 2021
2021 Revenue Policy Disclosure

2. a) The Provincial Class Multiples are established by the Provincial Government by *British Columbia Regulations 426/2003* and *439/2003*. These rates are used to calculate the tax rates for other government bodies (Collections for Other Governments) with the exception of the Squamish-Lillooet Regional District (SLRD). Both the Village and the SLRD's tax rates are established by the multiples set by Council. Following is a comparison of the two multiples with the variance identified in bold:

	Village Multiples	Provincial Multiples
Class 1 - Residential	1.00	1.00
Class 2 - Utilities	5.63	3.50
Class 5 – Light Industry	3.40	3.40
Class 6 - Commercial	2.25	2.45
Class 7 – Non Profit	1.00	1.00
Class 8 - Farm	1.00	1.00

- b) In addition, the Ministry also sets a ceiling for the maximum allowable rate for Class 2 (Utilities). Following is the regulation:

BC Regulation 329/96 defines a rate ceiling for class 02 property for 2000 and subsequent years. The regulation states:

“2. In setting the tax or levy rate for class 2 property for general municipal purposes, a municipality must not exceed the greater of

- a) \$40 for each \$1,000 of assessed value, and
- b) 2.5 times the rate applicable to class 6 property for general municipal purposes in the municipality for the same taxation year.”

- c) Furthermore, those properties that were included in the 2011 Boundary Extension (Order in Council No. 165) under Class 2 (*Utility), the tax rate is set each year as per Sections 5 and 6 of the Taxation (Rural Area) Act Regulation, BC Reg. 387/82.

The following table outlines the distribution of taxes between the property tax classes.

Property Class	Municipal Tax Rates	% of Total Property Assessment Value (\$1,034,567,263)	% of Total Property Tax
Residential (Class 01)	1.5593	84.1%	69.2%
Utilities (Class 02)	8.7713	0.2%	0.7%
Utilities (Class 02) Rural	3.9400	1.4%	2.9%
Light Industry (Class 05)	5.3018	1.1%	2.9%
Business/Commercial (Class 06)	3.5085	12.9%	23.9%
Rec/Non-Profit (Class 08)	1.5593	0.3%	0.3%
Farm (Class 09)	1.5593	0.03%	0.02%
Total		100%	100%

* The 2021 Class 2 (Utility) Rural Tax Rate is 3.94 per each \$1,000 of actual value of property. This rate is set each year as per Sections 5 and 6 of the Taxation (Rural Area) Act Regulation, BC Reg. 387/82 as per Order in Council No. 165 (2011) Village Boundary Extension.

**Village of Pemberton
5 Year Financial Plan Bylaw No. 895, 2021
2021 Revenue Policy Disclosure**

3. Following is a list of permissive exemptions granted for the taxation year and the amount of municipal tax revenue forgone:

Municipal Land and Buildings	\$ 4,883
BC Conference of Mennonite Brethren	\$ 427
Pemberton Childcare Society	\$ 1,134
Pemberton Lion's Society	\$ 1,803
Stewardship Pemberton	\$ 310
Pemberton Search and Rescue	\$ 432
	\$ 9,184
Total Municipal Tax Revenue Forgone	<u><u>\$ 9,184</u></u>

In 2013, Council updated the Permissive Tax Exemption Policy to clarify the criteria, establish timelines for submission and to include an application form which will provide clear guidelines and deliverables for both Staff and the Applicant. Following is the updated Policy and Purpose:

Permissive Tax Exemption Policy:

The Village of Pemberton recognizes the significant value of organizations and groups in our community who provide worthwhile programs and services to our residents

The purpose of this Policy is to ensure that the organizations applying for a permissive tax exemption meet the criteria and that the application process is consistent and meets the goals, policies and general operating principles of the Village. The sources of Municipal revenue are limited and a request for an exemption must be considered in concert with other needs of the Village. Council will determine the amount of revenue to be foregone by permissive tax exemptions for non-profit organizations. Council at its sole discretion may grant varying percentages of tax exemptions up to 100% of the tax exemption.

Exemptions are not given to services that are otherwise provided on a private or for profit bases. This would provide an unfair competitive advantage and is not permitted as per Section 25 of the *Community Charter*.

Requests for permissive tax exemptions for organizations whose facilities are outside the boundaries of the Village of Pemberton will not be considered.

Further information, including the complete Policy and Application can be found on the following link on Village website:

http://www.pemberton.ca/media/177127/Permissive_Tax_Exempt_Policy-Jun2013.pdf

Village of Pemberton
5 Year Financial Plan Bylaw No. 895, 2021
2021 Revenue Policy Disclosure

Note 1

General 2021 Assumptions:

- Municipal tax revenues increased by 4% in 2021 with 1.8% to Operating and 2.2% to Capital Reserve. For a smaller condo or townhome this equals an annual increase of approximately \$25, for larger valued single family homes this equals an annual increase of approximately \$55 tax and \$55 in Assessment growth.
- Non-Market Change Report (NMC) for 2021 shows an average change in assessment value of 9.97% (*NMC 5.21%, Market 4.76%*). Some classes show higher change while others show lower change, than the average. Those properties that show growth higher than average will see an increase in taxes, and properties that show growth lower than average will see a decrease in taxes, with a 0% tax increase.
- Frontage tax is calculated on \$3.53 per meter for water and \$5.79 per meter for sewer. Frontage tax is amended based on the retiring or securing of debt.
- The Industrial Park Parcel Taxes equal the debt based on the overall costs of the project to install the water infrastructure to the Industrial Park in 2007. Only those properties that did not choose to commute (pay upfront) their cost are levied.
- User fees for water rates in 2021 will stay the same.
- User fees for sewer have a \$40,000 budget increase in 2021

General 2021 – 2025 Assumptions:

- A 10% Administration Fee will be charged to individual user requests and tasks.
- Operating costs will increase at annual rates ranging from 1% in 2022 to 2% in 2025, to allow for incremental returns following the COVID – 19 pandemic.
- Payroll and benefit related costs are projected to increase at a rate of 2% to 5% per year, reflecting anticipated settlements under the Village’s collective bargaining agreements, corresponding increases for non–union staff, escalations in benefit costs and other staffing adjustments.
- General debt collections, frontage and/or parcel taxes, will equal the general debenture interest and principle payments. This tax is paid by all property owners within the Village of Pemberton who have the ability to connect to the Village’s Infrastructure.
- Transfers to external agencies are forecasted to increase at a rate of 1% in 2022 to 2% in 2025.

**Village of Pemberton
5 Year Financial Plan Bylaw No. 895, 2021
2021 Revenue Policy Disclosure**

Note 2

2021 – 2025 Capital Expenditures:

Capital Expenditures	2021	2022	2023	2024	2025
Admin Department					
Bylaw Truck	45,000				
White Building Paint and Roof Repair		20,000			
E-charging Station				150,000	
Municipal Hall				2,000,000	
	45,000	20,000	-	2,150,000	-
Fire Department					
Mini Repeater for further signal reach down InShuk FSR	2,500				
SCBA Tank Replacement 5 per year	7,500				
Upgraded Gas detectors (worksafe compliance)	10,000				
Truck Radio Upgrades (3 @ \$2,500)	7,500				
Commercial Bunker Gear Washers (Worksafe Compliance) 2 @ \$5,000	10,000				
Commercial Bunker Gear Dryer (Worksafe Compliance)	3,850				
New Security Fencing Training Ground	25,000				
Fire Hall Design	20,000				
Portable Radios	6,250				
SCBA Tank Replacement 5 per year		7,500			
Fire Truck		575,000			
Ladder Truck			475,000		
SCBA Tank Replacement 5 per year			7,500		
Equipment Replacement				65,000	
SCBA Tank Replacement 5 per year				7,500	
Fire Hall/ Land and Improvements					12,000,000
SCBA Tank Replacement 5 per year					7,500
	92,600	582,500	482,500	72,500	12,007,500
Public Works and Parks					
Loader	275,000				
EV Charger	49,000				
Electric Sign	6,000				
Soccer Field and Amenity Building	4,200,011				
Pebble Creek Road Repair	212,023				
Farm Rd East	306,000				
Farm Rd Trail	217,000				
Sidewalk	76,000				
Bike Skills Park	999,258				
Works Building Improvement	10,000				
Works Building Roof Repair	14,000				
One Mile Lake Swingset	50,000				
Dog Park Fencing	36,000				
Frontier Drainage		100,000			
Boardwalk Repair		150,000			
Works Building			100,000		
Works Equipment			150,000		
	6,450,292	250,000	250,000	-	-
Water Projects					
Genset	276,867				
Scada Improvements	70,000				
Water Truck	60,000				
Water Treatment Investigation and Preliminary Design	90,000				
Chlorine Analyzer Eagle Drive	10,000				
Flow Meter Replacement	15,000				
Well #3 Pump head and Motor Replacement	40,000				
Water Feasibility		100,000			
Fernwood Watermain		150,000			
AC Line Trailer Park			150,000		
Well Design			400,000		
Industrial Park Looping				500,000	
Water Well Expansion					5,000,000
	561,867	250,000	550,000	500,000	5,000,000
Sewer Projects					
Village Wide Scada Upgrades	50,000				
Outfall Inline Flushing System	10,000				
2 Variable Frequency Drives	10,000				
Industrial Park Generator	100,000				
Inflow/Infiltration Study		50,000			
Walnut Lift Station		300,000			
Frontier Drainage			100,000		
Lift Station			100,000		
	170,000	350,000	200,000	-	-
	7,319,759	1,452,500	1,482,500	2,722,500	17,007,500

Date: Tuesday, April 13, 2021
To: Nikki Gilmore, Chief Administrative Officer
From: Gwendolyn Kennedy, Legislative Assistant
Subject: Business Licence Bylaw No. 855, 2019, Amendment (Cannabis Fees) Bylaw 894, 2021

PURPOSE

The purpose of this report is to present Business Licence Bylaw No 855, 2019 Amendment (Cannabis Fees) Bylaw No. 894, 2021, for First, Second, and Third Readings.

BACKGROUND

At the Committee of the Whole Meeting No. 212, held Tuesday, March 2, 2021, the Committee considered business licence fees for cannabis related businesses. At Regular Council Meeting No. 1533, held later the same day, Council passed the following resolution:

Moved/Seconded

THAT Staff be directed to undertake an amendment process to the Village of Pemberton Business Licence Bylaw No. 855, 2019, that will include the following changes:

- 1. to reduce the business licence fees for Cannabis Retail Stores and Cannabis Production Facilities to 50% of their current rate in 2022;*
- 2. to further reduce these fees to match our standard business licence fees in 2023;*
- 3. to add an application fee of \$1,000 to business licence applications for Cannabis Production Facilities; and*
- 4. to increase application fee for business licence applications for Cannabis Retail Stores from \$1,000 to \$1,000 plus advertising costs for the notification as required by Village of Pemberton Recreational Cannabis Retail Policy DEV-011 and by section 94 of the Community Charter.*

CARRIED

This report presents the amendment bylaw including the recommended changes (**Appendix A**) for Council's consideration. For convenience, other minor housekeeping amendments and the addition of a fee for follow-up inspections by the Building Official and Fire Chief have been included in this Bylaw.

For reference, an office consolidation of Business Licence Bylaw No. 855, 2019, is attached as **Appendix B** and shows the proposed changes in red.

DISCUSSION & COMMENTS

Part 2 – Interpretation

Part 2 has been amended to improve clarity. The heading has been changed from DEFINITIONS to INTERPRETATION to broaden the scope and interpretive provisions previously found in Parts 27, 28 and 29 and been incorporated in Part 2.

Definitions of Building Official and Fire Chief have been added as these terms now appear in Part 7.

Part 7 – Inspection of Premises

Sections 7.1 and 7.2 have been broadened to extend authority for inspections to include the Building Official, Bylaw Enforcement Officer, and Fire Chief.

Sections 7.3 and 7.4 have been added to add fees for return inspections made by the Fire Chief and Building Official.

Part 10 – Fees

The addition of an application processing fee of \$1,000 for cannabis production facility applications and an increase of the application processing fee for cannabis retail store applications are noted in section 7.

Schedule A – Fees

The format of Schedule 'A' has been revised to clearly present the phased approach to the changes to fees for cannabis retail stores and cannabis production facilities.

The new fees for follow-up inspections are shown in the new Schedule 'A', as are the amended application processing fee for cannabis retail stores and the new application processing fee for cannabis production facilities.

COMMUNICATIONS

As per Section 94 of the *Community Charter*, Notice to the Public was issued in the Pique Newsmagazine on April 1 and April 8, 2021. Notice was also provided through the ENEWS, and Village Website.

LEGAL CONSIDERATIONS

Section 59 of the *Community Charter* empowers Council to regulate in relation to business.

IMPACT ON BUDGET & STAFFING

This project has been accommodated as part of regular Staff responsibilities and has no impacts to the budget or staff hours.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts associated with this bylaw amendment.

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 Business Licence Bylaw No. 855, 2019, Amendment (Cannabis Fees) Bylaw No. 894, 2021, receive First, Second and Third Readings.

ATTACHMENTS:

Appendix A: Business Licence Bylaw No. 855, 2019 Amendment (Cannabis Fees) Bylaw No. 894, 2021

Appendix B: Office Consolidation of Business Licence Bylaw No. 855, 2019, with track changes, for purpose of Council presentation.

Prepared or Submitted by:	Gwendolyn Kennedy, Legislative Assistant
Manager Approval:	Sheena Fraser, Manager of Corporate & Legislative Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

**VILLAGE OF PEMBERTON
BYLAW No. 894, 2021**

A bylaw to amend Village of Pemberton Business Licence Bylaw No. 855, 2019

WHEREAS pursuant to Section 59 of the *Community Charter*, Council is empowered to regulate in relation to business;

AND WHEREAS Council is empowered to provide for granting of business licences, to fix and impose licence fees and regulate certain trades, occupations and businesses in the Village of Pemberton;

AND 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, **ENACTS AS FOLLOWS**:

PART 1: CITATION

1.1 This bylaw may be cited for all purposes as the “Village of Pemberton Business Licence Bylaw 855, 2019, Amendment (Cannabis Fees) Bylaw No. 894, 2021”.

PART 2: APPLICATION

2.1. Village of Pemberton Business Licence Bylaw No. 855, 2019, is amended as follows:

a) **PART 2 DEFINITIONS** is amended by:

- i. renaming the Part to **PART 2 INTERPRETATION**;
- ii. adding the following definitions to section 2.1:

Building Official means the individual appointed to this role for the Village or their designate.

Fire Chief means the individual appointed to this role for the Village or their designate.

iii. adding the following new sections:

2.2. In this Bylaw, a reference to an *Act* refers to a statute of British Columbia and a reference to any statute, regulation or other enactment refers to that enactment as amended or replaced from time to time.

- 2.3. Except as otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter, Local Government Act, Interpretation Act*, and Zoning Bylaw No. 832, 2018.
- 2.4. Headings are used for convenience only and must not be construed as defining or limiting the scope of intent.
- 2.5. Words in the singular include the plural, and words in the plural include the singular.
- 2.6. If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion must be severed, and the remainder of the Bylaw continues to be valid and enforceable.
- 2.7. Nothing in this Bylaw relieves a person from complying with any Federal or Provincial enactment or any other bylaw or requirement of a permit, order, or licence.
- 2.8. In the event of inconsistency between a provision of this Bylaw and that of another enactment, the more restrictive enactment is deemed to apply.

e) **PART 7 INSPECTION OF PREMISES** is amended as follows:

- i. Section 7.1. is replaced with:

Every owner, occupier, or business licence holder of any business in the Village shall give to the *Licence Inspector, Bylaw Enforcement Officer, Building Official, or Fire Chief*, access at any reasonable hour to the premises from which the business is carried on.

- ii. Section 7.2 is replaced with:

The *Licence Inspector, Bylaw Enforcement Officer, Building Official, or Fire Chief*, may inspect the premises for which a business licence application is made, or a business licence is issued, and such inspection shall be for the purpose of observing compliance with all applicable bylaws as amended from time to time

- iii. Section 7.3 is added as follows:

When more than one inspection is required by the *Fire Chief* to confirm that the premises are in compliance with all applicable bylaws, a fee, as set out in Schedule 'A' of this Bylaw, shall be payable, for each additional inspection by the *Fire Chief*, prior to issuance of the business licence.

iv. Section 7.4 is added as follows:

When more than one inspection is required by the *Building Official* to confirm that the premises are in compliance with all applicable bylaws, a fee, as set out in Schedule 'A' of this Bylaw, shall be payable, for each additional inspection by the *Building Official*, prior to issuance of the business licence.

f) **PART 10 FEES** is amended as follows:

i. Section 10.6 is replaced with the following:

An applicant for a cannabis retail business licence or a cannabis production facility business licence must pay a non-refundable application processing fee as per Schedule 'A' before the business licence application is accepted for review.

f) **PART 27 SEVERABILITY, PART 28 MASCULINE/SINGULAR, and PART 29 BYLAW SHALL PREVAIL** are deleted and **PART 30 REPEAL AND SCHEDULE** is renumbered accordingly to **PART 27**.

g) **Schedule 'A'** of Business Licence Bylaw No. 855, 2019 is hereby deleted and replaced with a new Schedule 'A' that is attached and hereto forms part of this Bylaw.

READ A FIRST TIME this ____ day of _____, 2021.

READ A SECOND TIME this ____ day of _____, 2021.

READ A THIRD TIME this ____ day of _____, 2021.

ADOPTED this ____ day of _____, 2021.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

SCHEDULE 'A' FEES

Fee Description	As of January 1, 2021	As of January 1, 2022	As of January 1, 2023
Part 7. Inspection of Premises			
Additional Inspection, Fire Chief (7.3)	\$100.00	\$100.00	\$100.00
Additional Inspection, Building Official (7.4)	\$100.00	\$100.00	\$100.00
Part 8. Transfer of Change at the Request of the Business			
Transfer or Change Fee (8.2)	\$25.00	\$25.00	\$25.00
Business Licence Fees			
Administration Fee (10.3: application withdrawn or refused)	\$25.00	\$25.00	\$25.00
Inspection Fee (10.4: application withdrawn or refused)	\$100.00	\$100.00	\$100.00
Business Licence Fee, Resident and Non-Resident	\$150.00	\$150.00	\$150.00
Business Specific Fees (Part Noted)			
Cannabis Production Facility, Standard (22)	\$5,000.00	\$2,500.00	\$150.00
Cannabis Production Facility, Micro (22)	\$2,500.00	\$1,250.00	\$150.00
Cannabis Retail Store (23)	\$5,000.00	\$2,500.00	\$150.00
Community Event (16)	\$150.00	\$150.00	\$150.00
Farmers' Market (20)	\$300.00	\$300.00	\$300.00
Street, Park, Mobile or Temporary Vendor (14)	\$300.00	\$300.00	\$300.00
Short-Term Vacation Rental (21)	\$300.00	\$300.00	\$300.00
Special Event (17)	\$100.00	\$100.00	\$100.00
Trade Contractor (15)	\$150.00	\$150.00	\$150.00
Vending Machine (18)	\$150.00	\$150.00	\$150.00
Part 10.5 Fee Reduction for Applications Received Between October 1st and December 31st			
All Businesses	-50%	-50%	-50%
Part 10.6 Non-Refundable Application Processing Fee			
Cannabis Retail Store	\$1,000.00	\$1000.00 + Costs	\$1,000.00 + Costs
Cannabis Production facility	NA	\$1,000.00	\$1,000.00
Part 10.7 Auxiliary Business			
Fee for business that is auxiliary to an existing business	\$50.00	\$50.00	\$50.00
Part 12. Business Licence Late Payment Fee			
All Businesses	+25%	+25%	+25%

BUSINESS LICENCE BYLAW

VILLAGE OF PEMBERTON

BYLAW No. 855, 2019

**CONSOLIDATED VERSION
with proposed amendments
incorporated (noted in red)**



LAST OFFICE CONSOLIDATION: December 16, 2020

This document is an office consolidation of the Village of Pemberton Business Licence Bylaw No. 855, 2019 (adopted February 19, 2019) and subsequent amendments adopted by Village Council.

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 the use of this consolidation.

This is not the official version of the Village of Pemberton Business Licence Bylaw No. 855, 2019, 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.

List of Amending Bylaws

BYLAW NO.	SECTION	DESCRIPTION	ADOPTED
871, 2019	Part 2 Part 13 Part 19 Schedule A	Definitions Refusal, Suspension or Cancellation Business Licence Exemptions FEES	November 19, 2019
890, 2020	Part 2 Part 5 Part 6 Part 8 Part 9 Part 10 Part 12 Part 13 Part 14 Part 16 Part 17 Part 19 Part 20 Part 24 Fee Schedule	Definitions Application for Business Licence Issuing of a Business Licence Transfer or Change of Business Licence at the Request of the Business (Renaming) Period of Business Licence Business Licence Fees (deleted and Replaced) Renewal of Business Licence Refusal, Suspension or Cancellation of a Business Licence Street, Park, Mobile or Temporary Vending Community Events Special Events Business Licence Exemptions Farmers' Market Penalties Schedule A Replaced	November 3, 2021

VILLAGE OF PEMBERTON

BYLAW No. 855, 2019

Being a bylaw to Provide for Licencing of Businesses in the Village of Pemberton

WHEREAS pursuant to Section 59 of the *Community Charter*, Council is empowered to regulate in relation to business;

AND WHEREAS Council is empowered to provide for granting of business licences, to fix and impose licence fees and regulate certain trades, occupations and businesses in the Village of Pemberton;

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

PART 1: CITATION

1.1. This bylaw may be cited for all purposes as the “Village of Pemberton Business Licence Bylaw No. 855, 2019”.

PART 2: DEFINITIONS ~~INTERPRETATION~~

2.1. In this Bylaw:

Bed and Breakfast means the accessory use of a detached dwelling for tourism accommodation in which a maximum of two (2) bedrooms of an owner-occupied detached dwelling are available as tourism accommodation.

Building Official means the individual appointed to this role for the Village or their designate.

Business means engaging in a trade, occupation, profession, commercial or industrial activity or an undertaking of any kind; and engaging in a trade, occupation, profession, commercial or industrial activity or any undertaking of any kind, but does not include an Employee, or an activity carried on by the Provincial Government, by corporations owned by the Provincial Government or by agencies of the Provincial Government.

Business Licence means a licence issued pursuant to this Bylaw.

Business Licence Fee means the annual fee as set out in Schedule ‘A’.

Business Name means the name, words, trademark, and/or symbol which a Business uses to identify, indicate or advertise the Business.

Bylaw Enforcement Officer means a *person* appointed to that position for the Village by the Chief Administrative Officer.

Cannabis has the same meaning as in the *Cannabis Act (Canada)*, subject to any prescribed modifications.

Cannabis Production means the processing, packaging, testing, destroying, storing or shipping cannabis, or any combination of these, as authorized by a licence issued under Government of Canada regulations.

Cannabis Retail means the retail sale of non-medical (recreational) cannabis for consumption off-premises, as authorized under the *Cannabis Control and Licensing Act* (British Columbia).

Community Charter means the *Community Charter*, S.B.C., c26.

Community Event means a public event occurring within the Village of Pemberton, is sponsored by a bona fide recognized nonprofit organization or a governmental organization and includes but is not limited to parades, festivals, celebrations and displays.

Community Group means a type of group or organization that is created and operates for a specific purpose or to provide a specific service in a community for the public benefit of the members of the community but does not hold society status. (*Amendment Bylaw No. 871, 2019*)

Corporate Officer means the Corporate Officer of the Village.

Council means the Municipal Council of the Village.

Employee means a *person* who is on the payroll record of a Business, which holds a *business licence*, for which Government of Canada payroll tax deductions are levied by the Business regarding that individual *person*, and shall also include a *person* who obtains no less than 85% of their yearly income from one Business only.

Farmers' Market means an open air or fully or partly covered market for retail sales of agricultural products, artisan crafts and locally prepared foods and beverages sold directly by farmers and artisans to consumers, where a minimum of 60% of the products sold are agricultural products.

Fire Chief means the individual appointed to this role for the Village or their designate.

FOIPPA means the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996 c.165.

Food Truck has the same meaning as set out in the Village of Pemberton Zoning Bylaw as amended or replaced from time to time. (*Amendment Bylaw 890, 2020*)

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. (*Amendment Bylaw No. 871, 2019 & Amendment Bylaw No. 890, 2020*)

Licence Inspector means the *person* from time to time duly appointed by the Chief Administrative Officer as Licence Inspector for the Village of Pemberton.

MTI Bylaw means the Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, 2018, and as amended from time to time or superceded.

Non-Profit Organization means a club, society, or association that is organized and operated solely for: social welfare, civic improvement, pleasure or recreation and any other purpose except profit. (*Amendment Bylaw No. 871, 2019*)

One-Stop Business Registration means the Provincial Government's online initiative which enables a Business to register with multiple public agencies in one step.

Owner means any person who is the registered owner as indicated in the records of the Kamloops, British Columbia Land Title Office, and includes any *person* in actual or apparent possession of Real Property under a lease, licence or other agreement and includes any authorized representative of the aforesaid.

Person means an individual, corporation, partnership or party, and the personal or legal representatives of a *person*, to whom the context can apply according to law.

Premises means stores, offices, warehouses, factories, buildings, houses, enclosures, yards or other places occupied, or capable of being occupied, by a Business entity for the purpose of carrying on a Business.

Provincial Government means the government of the Province of British Columbia.

Real Property means land, with or without improvements so affixed to the land as to make them in fact and law part of it.

Resident Business means a business carried on, in or from premises within the municipality;

Non-Resident Business means a business, other than a resident business, carried on within the municipality or with respect to which any work or service is performed within the municipality;

Off-Street Parking means the use of private land for the parking of motor vehicles other than on a highway.

Principal Residence means the dwelling where an individual primarily lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver's licenses, personal identification, vehicle registration and utility bills.

Safety Standards Act means the *Safety Standards Act* S.B.C. 2003 c.39.

Secondary Suite means a separate dwelling unit which is completely contained within a detached dwelling, which meets the requirements of the *BC Building Code*, and is subordinate in size, extent or purpose to the residential principal building on the lot upon which the *secondary suite* is located.

Short-Term Vacation Rental Operator means a *person* who owns or operates a *Short-Term Vacation Rental*.

Short-Term Vacation Rental means the use of a dwelling unit, or a portion of a dwelling unit, for *tourism accommodation*, but does not include Bed and Breakfast establishment, Bed and Breakfast Inn, Hostel, Motel or Hotel as these establishments are defined in the Village of Pemberton Zoning Bylaw No. 832, 2018.

Special Event means a Business involving short term or temporary events, performances, concerts, exhibitions, entertainment or concessions that, except as provided otherwise in the bylaw, does not exceed seven (7) days with the calendar year and includes but is not limited to retail sale, auction, Trade Show, flea market, craft fair, circus or carnival.

Special Event Bylaw means the Village of Pemberton Special Event Bylaw No.750, 2014, and as amended from time to time or superceded.

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. **(Amendment Bylaw No. 890, 2020)**

Ticket Information means a municipal ticket information issued accordance with the Municipal Ticket Information Bylaw.

Trades Contractor means a Business Type that provides service in a trade that is designated by the Advanced Education Industry Training Authority of the Province of British Columbia as a trade within which it is mandatory that journey *persons* hold a valid 'Certificate of Qualification' to practice their trade and apprentices must be registered through an apprenticeship agreement.

Tourism Accommodation means the use of land, buildings, or structures for providing temporary commercial lodging by visitors for a period not to exceed thirty (30) consecutive days or 182 days in a twelve (12)-month period, and specifically excludes Residential occupancy by any *person* other than the owner and short-term vacation rental unless specifically permitted in this Bylaw.

Vending Machine means any machine or device operated mechanically or otherwise by inserting a coin, token or slug, or operated by credit or debit card, for the sole purpose of selling or dispensing any goods, wares, merchandise, or dispensing refreshments, confections and food, tobacco products, detergents and machines or devices providing a service but does not include clothes washers/dryers.

Village means the Village of Pemberton.

- 2.2. In this Bylaw, A reference to an Act refers to a statute of British Columbia and a reference to any statute, regulation or other enactment refers to that enactment as amended or replaced from time to time.
- 2.3. Except as otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter, Local Government Act, Interpretation Act, and the Zoning Bylaw 832, 2018*.
- 2.4. Headings are for convenience only and must not be construed as defining or limiting the scope or intent.
- 2.5. Words in the singular include the plural, and words in the plural include the singular.
- 2.6. If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion must be severed, and the remainder of the Bylaw continues to be valid and enforceable.
- 2.7. Nothing in this Bylaw relieves a person from complying with any Federal or Provincial enactment or any other bylaw or requirement of a permit, order, or licence.
- 2.8. In the event of inconsistency between a provision of this Bylaw and that of another enactment, the more restrictive enactment is deemed to apply.

PART 3: ADMINISTRATION

- 3.1. The Licence Inspector is hereby appointed to administer and carry out the provisions of this bylaw.
- 3.2. Words defining responsibilities and authority shall be construed to be an internal administration direction and not as creating a duty.

PART 4: AUTHORITY

- 4.1. The Licence Inspector is authorized to grant, issue, transfer, suspend or cancel a *business licence* as herein provided or refuse to grant, issue or transfer a *business licence*;
- 4.2. All Premises from which an applicant for a *business licence* proposes to carry on or conduct any Business in respect of which a *business licence* is required to be held pursuant to this Bylaw, shall comply with all relevant Bylaws of the Village before a *business licence* is granted; and the applicant shall upon request produce such certificates or letters of approval as may be required by Federal, Provincial or Village authorities with respect to the Business.
- 4.3. The Licence Inspector may only issue a *business licence* if the *business licence* Fee as set out in schedule 'A' has been paid.
- 4.4. The Licence Inspector may require confirmation of approval, in a form satisfactory to the Licence Inspector, from the Ministry of Health, R.C.M.P. or the Village Fire Department respecting a *business licence* application and in such cases the Licence Inspector must not issue a *business licence* until he has received such approvals. A *business licence* holder shall immediately notify the Licence Inspector of any suspension or cancellation for any such approvals and the License Inspector may suspend the *business licence* pending reinstatement of such approvals.
- 4.5. A *business licence* issued under this Bylaw is not a representation or acknowledgement by the Village to an applicant or holder of a *business licence* that the proposed Business complies with any or all applicable laws or other enactments.
- 4.6. A *person* carrying on a business within the Village must at all times comply:
 - a) With this Bylaw, other Bylaws of the Village or other local government having jurisdiction over the business activity, and with any applicable enactments of the Provincial and Federal governments;
 - b) With any and all terms and conditions, restrictions, or limits of a license issued under this Bylaw and any other applicable enactment;

PART 5: APPLICATION FOR BUSINESS LICENCE

- 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 applying online on 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.
(Amendment Bylaw No. 890, 2020)

- 5.2. Information provided on the *business licence* application may be subject to “*Freedom of Information and Protection of Privacy Act*” enquiries.

PART 6: ISSUING OF BUSINESS LICENCE

- 6.1. Subject to the *Community Charter*, and unless exempted under Provincial Government or Federal legislation or specifically exempted under this Bylaw, any *person* carrying on Business in the Village, whether a Resident Business or Non-Resident Business, must first hold a valid and subsisting *business licence* issued by the Village.
- 6.2. No *business, person* or representative shall advertise, solicit or promote for a Business activity without first obtaining a *business licence*.
- 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. *(Amendment Bylaw No. 890, 2020)*
- 6.4. A business may conduct or offer any number of different business activities within the Business for which the *business licence* is issued provided however that each business activity is disclosed and included in the *business licence* application and the *business licence* which is issued indicates that each business activity is approved
- 6.5. At the time a *business* undertakes any new activity that would alter the information previously provided on the *business licence* application form, the holder of the *business licence* shall notify the Licence Inspector of such change, pursuant to section 8 of this Bylaw.

PART 7: INSPECTION OF PREMISES

- 7.1. Every *owner, occupier* or *business licence* holder of any Business in the Village shall give to the *Licence Inspector, Bylaw Enforcement Officer, Building Official, or Fire Chief*, access at any reasonable hour to the *premises* from which a *business* is carried on.
- 7.2. The *Licence Inspector, Bylaw Enforcement Officer, Building Official, or Fire Chief*, may inspect the *premises* for which a *business licence* application is made or a *business licence* is issued and such inspection shall be for the purpose of observing compliance with all applicable bylaws as amended from time to time.
- 7.3. When more than one inspection is required by the *Fire Chief* to confirm that the premises are in compliance with all applicable bylaws, a fee, as set out in Schedule A of this Bylaw, shall be payable, for each additional inspection by the Fire Chief, prior to issuance of the business licence.

- 7.4. When more than one inspection is required by the *Building Official* to confirm that the premises are in compliance with all applicable bylaws, a fee, as set out in Schedule A of this Bylaw, shall be payable, for each additional inspection by the Building Official, prior to issuance of the business licence.

PART 8: TRANSFER OR CHANGE OF BUSINESS LICENCE AT THE REQUEST OF THE BUSINESS (Amendment Bylaw No. 890, 2020)

- 8.1. A holder of a *business licence* shall notify the License Inspector in writing prior to:
- a) changing the Business Name, phone number and/or fax number, emergency contact name, mailing address (Business Information);
 - b) changing the *business owner* or *business licence* holder;
 - c) changing the location of the *business*;
 - d) changing or adding to the *business*;
 - e) change to the liquor licence or addition of a liquor licence for the *business*.
- 8.2. With the exception of changes made at the time of renewal of a *business licence*, a holder of a *business licence* shall pay the applicable transfer and change fee as set out in Schedule 'A'.
- 8.3. Where more than one change is contemplated involving the *business owner*, *business location* or *business* activities, the existing *business licence* shall be deemed to be cancelled and a new *business licence* application shall be made by the *business licence* holder.

PART 9: PERIOD OF BUSINESS LICENCE

- 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. (Amendment Bylaw No. 890, 2020)

PART 10: BUSINESS LICENCE FEES (Amendment Bylaw No. 890, 2020)

- 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 1st and December 31st 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 11: FORM AND DISPLAY OF LICENCE

- 11.1. Every *business licence* issued pursuant to this Bylaw shall be in a form as may be prescribed by the Licence Inspector from time to time.
- 11.2. Every Business shall permanently display the current *business licence* in a prominent location within the Premises for which the *business licence* has been issued. Every *person* doing *business* in other than a fixed or permanent place of Business shall carry such *business licence* on their *person* and prior to the commencement of Business or solicitation shall display the *business Licence* in such manner as will allow the *business licence* to be viewed and read.

PART 12: RENEWAL OF BUSINESS LICENCE

- 12.1. Each *business* shall ensure that their *business licence* is renewed annually, whether notice is given by the Village or not, and the *business* shall pay the annual *business licence fee*.
- 12.2. Every business shall renew their *business licence* by January 31st of the current calendar year. In the event the business fails to renew their *business licence* on

or before January 31st, 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'.
(Amendment Bylaw No. 890, 2020)

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.
(Amendment Bylaw No. 890, 2020)
- 13.2. A *business licence* may be suspended or cancelled, by the Licence Inspector, for reasonable cause including, but not limited to, failure to comply with a term or condition of a *business licence* or failure to comply with this or any other Bylaw of the Village.
- 13.3. Before suspending or canceling a *business licence*, the Licence Inspector shall give written notice to the holder of the *business licence* indicating that the *business licence* is suspended or canceled and that the Business must cease operation within seven (7) days of the date of the written notice. The written notice shall indicate the reasons for the suspension or cancellation and provide instructions to the *business licence* holder for the removal of the suspension or cancellation of the *business licence*.
- 13.4. Written notice of intention to cancel or suspend shall be delivered by registered mail to the address of the Business and the address of the contact *person* as indicated on the *business licence* application.
- 13.5. No *person* shall carry on a *business* for which a *business licence* is required by this Bylaw during a period of suspension of such *business licence*.
- 13.6 A person whose business license has been refused, suspended or cancelled by the Licence Inspector and who intends to appeal such refusal, suspension or cancellation to the Village of Pemberton Council shall, within ten (10) business days from the date of suspension or cancellation, inform the Corporate Officer, in writing, of the intention to appeal such refusal, suspension or cancellation.
(Amendment Bylaw No. 871, 2019)
- 13.7 The notice of intention to appeal shall state in a concise fashion the grounds upon which the appeal is based. (Amendment Bylaw No. 871, 2019)
- 13.8 The Corporate Officer shall refer the matter to the Village of Pemberton Council for reconsideration. (Amendment Bylaw No. 871, 2019)

PART 14: STREET, PARK, MOBILE OR TEMPORARY VENDING

(Amendment Bylaw No. 890, 2020)

- 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 15: TRADE CONTRACTORS

15.1. Any *person* applying for a Trade Contractor *business licence* shall provide proof of the mandatory Certification of Qualification or Apprenticeship Agreement along with their *business licence* application.

PART 16: COMMUNITY EVENTS

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. (*Amendment Bylaw No. 871, 2019*)

16.2. Where all vendors are *businesses* that have a current *business licence*, an additional *business licence* is not required for a Community Event.

PART 17: SPECIAL EVENTS

17.1. Unless otherwise provided herein, every *person* desirous of holding a Special Event shall obtain a *business licence* prior to holding the Special Event. This shall not apply to *Community Events*.

17.2. A *business licence* is not required for a Special Event held at Premises that holds a valid *business licence* for a Special Event and the Premises are zoned to hold Special Events.

- 17.3. A *business licence* for each vender is required. Where a *business* has a current *business licence*, an additional *business licence* is not required for a Special Event.
- 17.4. The applicant for a *business licence* for a Special Event being held shall submit, along with the *business licence* application, written authorization from the Village that the Special Event is in conformance with Special Event Bylaw.
- 17.5. All machines, rides and equipment to be used by the public at a carnival or circus must conform to the safety requirements of the *Safety Standards Act* and all elevating devices must have the Identification Label provided for under the *Safety Standards Act* visibly attached as required.
- 17.6. Any and all structures that are erected as part of a circus or carnival or music festival shall be inspected and certified by a structural engineer authorized to practice in British Columbia.
- 17.7 Any Business providing Special Events shall comply with the Special Events Bylaw. (*Amendment Bylaw No. 871, 2019*)

PART 18: VENDING MACHINES

- 18.1. No *person* owning or occupying any Premises shall keep or permit to be kept therein or thereon any third-party Vending Machine or bank machine unless the Vending Machine Business or the bank machine Business holds a *business licence* and has paid the appropriate *business licence* fee for each Vending Machine or bank machine.

PART 19: BUSINESS LICENCE EXEMPTIONS (*Amendment Bylaw No. 871, 2019*)

- 19.1 The following are not required to obtain a business licence within the Village of Pemberton:
 - a) *Non-Profit Organization*;
 - b) *Community Group*;
 - 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. (*Amendment Bylaw No. 871, 2019*)

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. (*Amendment Bylaw No. 871, 2019*)

PART 21: SHORT-TERM VACATION RENTALS

21.1. General Regulations

- a) A *short-term vacation rental business licence* is valid for one (1) dwelling unit only.
- b) A *short-term vacation rental operator* shall not advertise the *short-term vacation rental* prior to the issuance of a *business licence* for that *short-term vacation rental*.
- c) Every advertisement for a *short-term vacation rental* must disclose, in respect to the Short-Term Vacation Rental being advertised,
 - i. a valid *business licence* number;
 - ii. the maximum permitted guest occupancy of the *short-term vacation rental* pursuant to the Zoning Bylaw;
 - iii. the number and location of off-street parking spaces available to guests and a statement that such number is the maximum number of vehicles that paying guests of the *short-term vacation rental* are permitted to bring to the premises; and
 - iv. the Village of Pemberton Quiet Hours pursuant to the Noise Regulation Bylaw No. 699, 2012 as amended or replaced from time to time;
- d) The following information shall be provided in a notice visible upon entering a *short-term vacation rental* unit:
 - i. the *business licence* number for the *short-term vacation rental*;
 - ii. the maximum permitted guest occupancy of the *short-term vacation rental* pursuant to the Zoning Bylaw;
 - iii. the number and location of off-street parking spaces available to guests and a statement that such number is the maximum number of vehicles that paying guests of the *short-term vacation rental* are permitted to bring to the premises;
 - iv. the Village of Pemberton Quiet Hours pursuant to the Noise Regulation Bylaw No. 699, 2012 as amended or replaced from time to time; and

- v. the name, address, email and telephone number of the *Short-Term Vacation Rental Operator* and the contacts required under s. 21.3.1(c) of this Bylaw.
- e) For clarification, a requirement of this Bylaw pertaining to *short-term vacation rental* is an addition to other requirements contained herein that are generally applicable to businesses.

21.2. Principal Residence Requirement

- a) A *short-term vacation rental operator* must not operate a *short-term vacation rental* unless the *short-term vacation rental* is located in:
 - i. the *principal residence* of the *short-term vacation rental operator*, or
 - ii. a *secondary suite* that is in a detached dwelling where the *short-term vacation rental operator* has their *principal residence*.

21.3. Short-Term Vacation Rental Application

- a) Any *person* making application for a *business licence* for a *short-term vacation rental* shall, at the time of making such application, in addition to the general requirements under this bylaw, provide;
 - i. confirmation of ownership of the premises;
 - ii. proof of their principal residence of the property, which may include proof of homeowner grant, employer-issued pay stubs, voter registration, documentation showing you received provincial or federal government benefits, or income tax documentation, and a drivers licence or utility bill alone is insufficient proof of principal residence;
 - iii. the name, address and telephone number of one or two local contacts, other than the applicant, as an emergency contact; and
 - iv. proof of adequate parking pursuant to the Zoning Bylaw and a parking plan.
- b) In considering an application for a business license for a *short-term vacation rental*, the *Licence Inspector* may consider whether a *short-term vacation rental business licence* held by the applicant has been previously cancelled.

21.4. Good Neighbour Agreement

- a) All *short-term vacation rental business licence* applicants must sign a Good Neighbour Agreement, in a form approved by the *Licence Inspector*, prior to the business licence being issued.

- b) Any violation of the Good Neighbour Agreement may result in the *short-term vacation rental business licence* being cancelled.

21.5. Short-Term Vacation Rental *Business Licence* Location and Allocation Cap

- a) The number of *short-term vacation rental licences* available in a calendar year shall be limited to no more than 5% of the total number of single-family dwelling units located in each neighbourhood identified in the table below and shown on the map attached as Schedule 'C':

Neighbourhood
Aspen Fields
Benchlands
The Glen
Pemberton Plateau
The Ridge
Town Centre
Sunstone Ridge

- b) If an application for a license cannot be allowed due to s. 21.5.(a) of this Bylaw, the application will be placed on a waiting list.
- c) The applications on the waitlist referred to in s. 21.5. (b) of this Bylaw will be considered if s. 21.5 (a) of this Bylaw allows for the application to proceed and in chronological order of when the applications were placed on the wait list.

PART 22: CANNABIS PRODUCTION

22.1. A person must obtain a *business licence* before operating the business of *cannabis production*.

22.2. Any person applying for a *cannabis production business licence* shall provide proof of issuance of a federal licence from Health Canada to the Licence Inspector.

22.3. Any person applying for a *cannabis production business licence* must provide the Licence Inspector with the following information, in documented form:

- a) Parking Plan;
- b) Site Plan;
- c) Security Plan;
- d) Sign Plan;
- e) Permission of the owner of the building if the space is rented or leased; and
- f) Proof of payment of all applicable licence and inspection fees.

22.4. Operational Requirements

- a) A person carrying on the *business of cannabis production* must install the following measures in the *cannabis production* facility for security and safety, and ensure they are operating and maintained in good working order at all times:
 - i. Security systems that meet or exceed the requirements of the Liquor and Cannabis Regulation Branch (B.C.) as set out in the *Cannabis Retail Store Licence Terms and Conditions Handbook*, as amended from time to time;
 - ii. Fire Alarm systems that, when installed or replaced, meet current CSA standards as approved by the Fire Chief for the Village and that are monitored at all times;
 - iii. Air filtration and odour suppression systems that meet the standards of the BC Building Code, as approved by the Chief Building Official for the Village; and
 - iv. Any other security measures that the Chief of Police (RCMP) or the Fire Chief for the Village consider necessary in the circumstances of a specific facility or premises for public safety or security or fire safety, as applicable.

PART 23: CANNABIS RETAIL

- 23.1. A person must obtain a *business licence* before operating a *cannabis retail business*.
- 23.2. Any person applying for a *cannabis retail* business licence shall provide proof of issuance of a Provincial Licence from the Liquor and Cannabis Regulation Branch (LCRB).
- 23.3. Any *person* applying for a *cannabis retail* business licence must provide the Licence Inspector with all of the following information in documented form:
 - a) Parking Plan;
 - b) Site Plan;
 - c) Security Plan;
 - d) Sign Plan;
 - e) Permission of the owner of the building if the space is rented or leased;
 - f) Proof of completion of the LCRB Employee Training Program; and
 - g) Proof of payment of all applicable licence and inspection fees.

23.4. Operational Requirements

- a) A person carrying on a *cannabis retail* business must limit the operation to the hours of 9:00 a.m. and 9:00 p.m. only.
- b) A person carrying on a *cannabis retail* business must install the following measures for security and safety on the business premises, and ensure they are operating and maintained in good working order at all times:
 - i. Security systems that meet or exceed the requirements of the Liquor and Cannabis Regulation Branch (B.C.) as set out in the *Cannabis Retail Store Licence Terms and Conditions Handbook*, as amended from time to time;
 - ii. Fire Alarm systems that, when installed or replaced, meet current CSA standards as approved by the Fire Chief for the Village and that are monitored at all times;
 - iii. Air filtration and odour suppression systems that meet the standards of the BC Building Code, as approved by the Chief Building Official for the Village; and
 - iv. Any other security measures that the Chief of Police (RCMP) or the Fire Chief for the Village consider necessary in the circumstances of a specific facility or premises for public safety or security or fire safety, as applicable.

PART 24: PENALTIES

24.1. Any person who:

- a) contravenes any provision of this bylaw;
- b) causes or allows any act or thing to be done in contravention of any provision of this bylaw; or
- c) fails or neglects to do anything required to be done by any provision of this bylaw

commits an offence, and each day that the offence continues constitutes a separate offence.

24.2 A person found guilty of an offence under this bylaw is liable:

(Amendment Bylaw No. 890, 2020)

- 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*.

PART 25: BYLAW ENFORCEMENT

25.1. The *Licence Inspector*, their designate from time to time or a *Bylaw Enforcement Officer* may enforce the provisions of this Bylaw.

PART 26: DUTY OF CARE

26.1. This Bylaw does not create any duty of care whatsoever on the Village, its elected and appointed officials, Employees or agents in the respect of:

- a) the issuance of a *Business Licence*;
- b) inspection made by the Licence Inspector or failure to make an inspection; and/or
- c) the enforcement of this Bylaw.

~~PART 27: SEVERABILITY~~

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

~~PART 28: MASCULINE/SINGULAR~~

~~Whenever the masculine is used throughout this Bylaw, it shall also mean the feminine; and whenever the singular is used throughout this Bylaw, it shall also mean the plural.~~

~~PART 29: BYLAW SHALL PREVAIL~~

~~Where the provisions of this Bylaw conflict with the provisions of any other Bylaw of the Village, the Bylaw with the most stringent provision shall prevail.~~

PART 27: REPEAL AND SCHEDULE

27.1. The following bylaw is hereby repealed:

Village of Pemberton Business Licence Bylaw No. 842, 2018

27.2. Despite subsection 27.1 every order made under Business Licence Bylaw No. 842, 2018 and its amendments continue in effect.

27.3. Schedules 'A', 'B' and 'C' are attached to and form part of this bylaw and are enforceable in the same manner as this bylaw:

READ A FIRST TIME this 5th day of February, 2019.

READ A SECOND TIME this 5th day of February, 2019.

READ A THIRD TIME this 5th day of February, 2019.

ADOPTED this 19th day of February, 2019.

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

(Amendment Bylaw No. 890, 2020)

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 1st and December 31st: (Amendment Bylaw No. 871, 2019)

The Business Licence Annual Fee for new applications received between October 1st and December 31st 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 (Amendment Bylaw No. 890, 2020)

Business Auxiliary to an existing business \$ 50.00

Part 12. Business Licence Late Payment Fee:

Business Licence Renewals received after January 31st will be subject to a Late Payment Fee of 25%. *(Amendment Bylaw No. 890, 2020)*

SCHEDULE 'A' FEES

Fee Description	As of January 1, 2021	As of January 1, 2022	As of January 1, 2023
Part 7. Inspection of Premises			
Additional Inspection, Fire Chief (7.3)	\$100.00	\$100.00	\$100.00
Additional Inspection, Building Official (7.4)	\$100.00	\$100.00	\$100.00
Part 8. Transfer of Change at the Request of the Business			
Transfer or Change Fee (8.2)	\$25.00	\$25.00	\$25.00
Business Licence Fees			
Administration Fee (10.3: application withdrawn or refused)	\$25.00	\$25.00	\$25.00
Inspection Fee (10.4: application withdrawn or refused) (Amendment Bylaw No. 890, 2020)	\$100.00	\$100.00	\$100.00
Business Licence Fee, Resident and Non-Resident	\$150.00	\$150.00	\$150.00
Business Specific Fees (Part Noted)			
Cannabis Production Facility, Standard (22)	\$5,000.00	\$2,500.00	\$150.00
Cannabis Production Facility, Micro (22)	\$2,500.00	\$1,250.00	\$150.00
Cannabis Retail Store (23)	\$5,000.00	\$2,500.00	\$150.00
Community Event (16)	\$150.00	\$150.00	\$150.00
Farmers' Market (20)	\$300.00	\$300.00	\$300.00
Street, Park, Mobile or Temporary Vendor (14)	\$300.00	\$300.00	\$300.00
Short-Term Vacation Rental (21)	\$300.00	\$300.00	\$300.00
Special Event (17)	\$100.00	\$100.00	\$100.00
Trade Contractor (15)	\$150.00	\$150.00	\$150.00
Vending Machine (18)	\$150.00	\$150.00	\$150.00
Part 10.5 Fee Reduction for Applications Received Between October 1st and December 31st (Amendment Bylaw No. 871, 2019)			
All Businesses	-50%	-50%	-50%
Part 10.6 Non-Refundable Application Processing Fee			
Cannabis Retail Store	\$1,000.00	\$1000.00 + Costs	\$1,000.00 + Costs
Cannabis Production facility	NA	\$1,000.00	\$1,000.00
Part 10.7 Auxiliary Business (Amendment Bylaw No. 890, 2020)			
Fee for business that is auxiliary to an existing business	\$50.00	\$50.00	\$50.00
Part 12. Business Licence Late Payment Fee (Amendment Bylaw No. 890, 2020)			
All Businesses	+25%	+25%	+25%

SCHEDULE 'B'

FINES

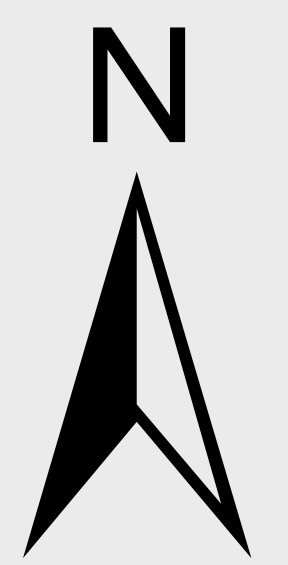
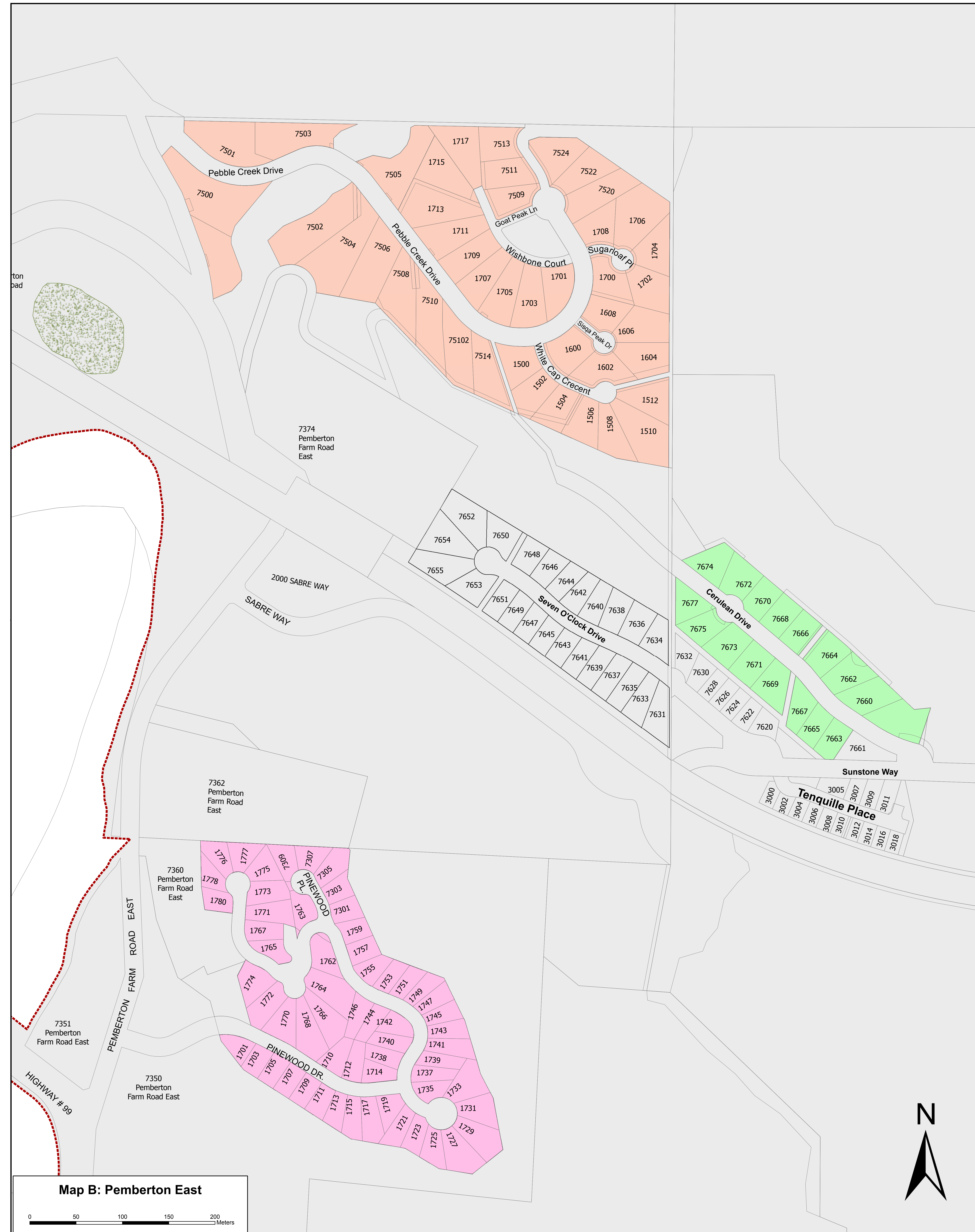
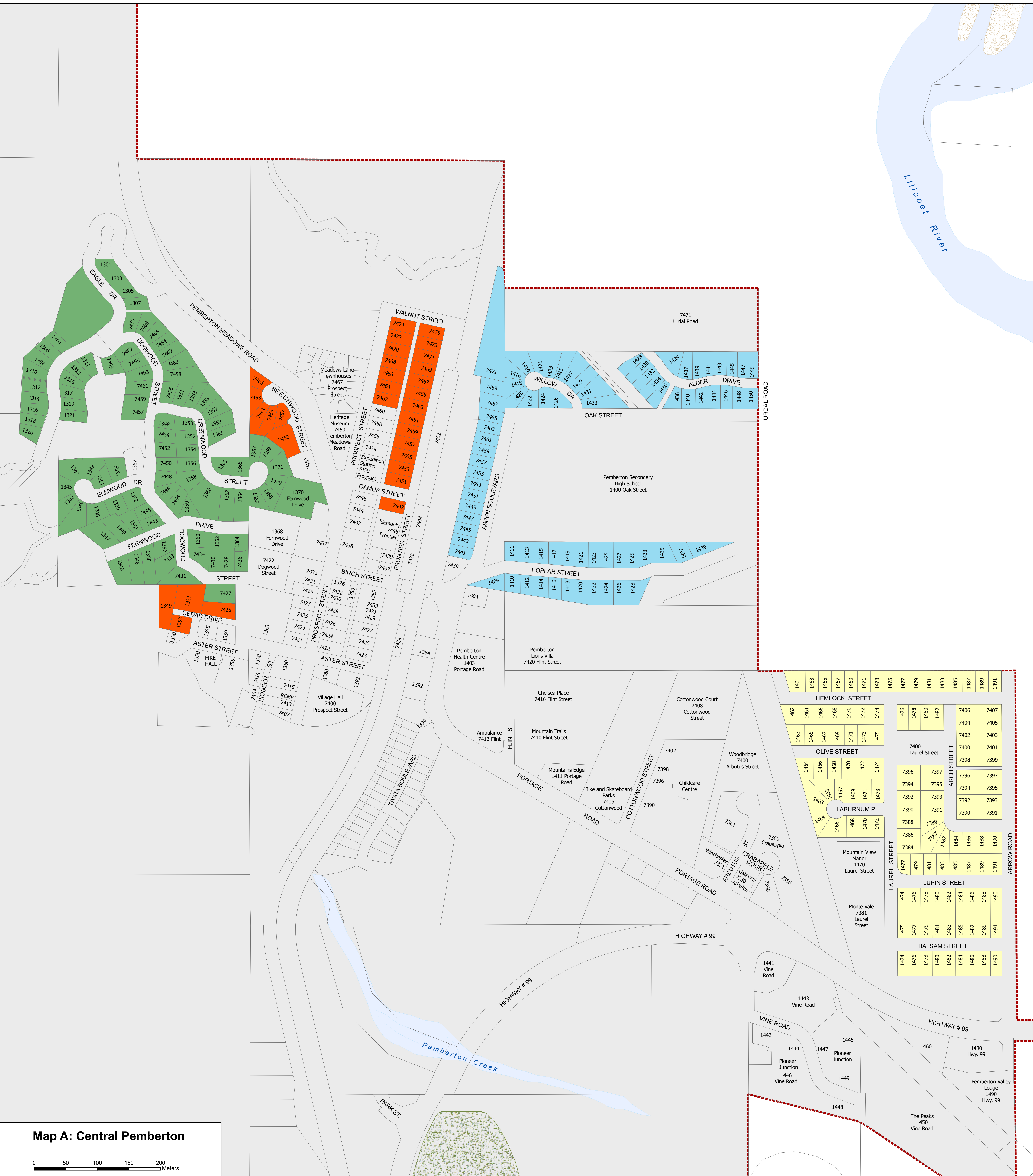
6.2 -	Resident Business without Business Licence:	
	1 st Offence	\$ 75.00
	2 nd Offence (1 week after 1 st offence)	\$150.00
	3 rd Offence (1 week after 2 nd offence)	\$300.00
	Subsequent Offences	\$450.00
6.3 -	Non-Resident Business without Business Licence:	
	1 st Offence	\$ 75.00
	2 nd Offence (1 week after 1 st offence)	\$150.00
	3 rd Offence (1 week after 2 nd offence)	\$300.00
	Subsequent Offences	\$450.00
7.1 -	Failure to Provide Access	\$150.00
11.2 -	Failure to Display Valid Licence:	
	1 st Offence	\$ 75.00
	2 nd Offence (1 week after 1 st offence)	\$150.00
	3 rd Offence (1 week after 2 nd offence)	\$300.00
	Subsequent Offences	\$450.00
13.5 -	Carrying on Business while Suspended:	
	1 st Offence	\$150.00
	2 nd Offence (1 week after 1 st offence)	\$300.00
	3 rd Offence (1 week after 2 nd offence)	\$450.00
14.4 (d) -	Mobile Vendor without Business Licence	
	1 st Offence	\$300.00
	2 nd and Subsequent Offences	\$450.00
21.1(b) -	Short-Term Vacation Rental Advertising without a Business Licence	\$600.00
21.1(c) -	Short-Term Vacation Rental failure to display business licence number in advertisements	\$ 75.00
22.1	Cannabis Production without a Business Licence	\$600.00
22.4	Cannabis Production in contravention to operational requirements, per offense	\$ 75.00
23.1	Cannabis Retail without a Business Licence	\$600.00
23.4	Cannabis Retail in contravention to operational requirements, per offense	\$ 75.00

Schedule C Business License Bylaw No.855, 2019 Neighbourhood Allocation Cap Map



GENERAL: This map is intended for general reference only. For the most up to date information contact the Village of Pemberton directly.

- Aspen Fields
- Pemberton Plateau
- The Glen
- Town Center
- Benchlands
- Sunstone
- The Ridge





March 5, 2021

Mike Richman
Mayor, Village of Pemberton
Box 100
Pemberton, BC V0N 2L1

Dear Mayor Richman & Council,

We would like to share with you the exciting results of the 2020 BC Farmers' Market Nutrition Coupon Program in Pemberton. BC Association of Farmers Markets (BCAFM) delivers this provincial program and is extremely proud of its deep impact on both people and farmers across BC, particularly at this time during the COVID pandemic.

Over the last year, this valued program connected with 75 communities making fresh, healthy, local foods more accessible to 15,890 British Columbians and directly benefited 940 farmers across British Columbia.

In 2020, a total of **\$10,896** was invested directly in **Pemberton** through the Program.

Our partner in your community, the **Sea to Sky Community Services - Pemberton** provided lower-income pregnant women, families and seniors with coupons to purchase fresh fruits, vegetables, cheese, eggs, nuts, fish, meat and herbs direct from farmers at your local farmers' market.

As a result, program participants from Pemberton ate more local foods, learned about healthy eating, and felt connected to their community. At the same time, the local food system was strengthened with farmers in your community benefitting from additional revenue to sustain their farms.

Our Request To You

Our community partners, participants and farmers are grateful for this Program in your community. If you agree, we kindly ask you to send a thank you letter to the Honourable Adrian Dix, Minister of Health. Your encouragement and feedback can strengthen support for ongoing funding for the Farmers' Market Nutrition Coupon Program and ensure we continue to build healthier BC communities together.

Opportunity to Meet?

If you were like to learn more about the Program, the work of your local farmers market and community partners, we would be pleased to organize an online meeting. Please contact the program manager, Peter Leblanc at peter@bcfarmersmarket.org set this up.

We look forward to working with your community again in 2021!

With gratitude,



Heather O'Hara
Executive Director
BC Association of Farmers' Markets



Vickey Brown
President, Board of Directors
BC Association of Farmers' Markets

BC Association of Farmers' Markets

208 - 1089 West Broadway Vancouver, BC V6H 1E5
604-734-9797 | bcfarmersmarket.org | bcfarmersmarkettrail.com



March 10, 2021

Dear Colleagues,

On behalf of Victoria City Council, I am writing today to inform you that Council has voted to endorse the Help Cities Lead campaign and to request that your city consider doing the same. Emissions from buildings account for about 11% of the province's GHG emissions. This is the third highest source of GHG emissions in BC after road transportation (27.1%) and the oil and gas sector (17.6%). For municipalities, GHG emissions from existing buildings account for 40-60% of community emissions. In Victoria, this number is around 50% of our community GHG inventory.

In British Columbia, the regulation of buildings typically occurs at the provincial level. For the past two decades British Columbia has been at the forefront of action and policies taken in Canada to reduce energy use and GHG emissions from buildings. The 2018 CleanBC Plan moved the province further in this direction with key commitments for the building sector such as a net-zero energy building standard by 2032, a building upgrade standard by 2024, and exploring building energy labelling options.

A number of local governments, including Victoria, are keen to take even bolder action, and have set ambitious targets of our own to significantly reduce GHG emissions from buildings over the next 10 years in alignment with climate emergency declarations. The success of the Province in achieving deep emissions reductions from the building sector are directly connected to the success of local governments to achieve their own targets because most buildings are situated within these communities. However, tools currently available to local governments to pursue these ambitious reduction targets are largely limited to information campaigns and incentives. Although helpful, on their own these tools are insufficient to achieve broad and deep energy and GHG reductions given limited budgets.

Help Cities Lead (helpcitieslead.ca) is an education and awareness campaign working to build support for more focused collaboration between the Province of British Columbia and local governments on building climate policy.

The campaign project team identifies five regulatory measures where additional authority would be instrumental for municipalities in accelerating climate action:

1. Regulating GHG emissions for new buildings – the BC Energy Step Code only regulates energy efficiency in new buildings. Leading local governments would also like the ability to regulate GHG emissions from new buildings.
2. Mandatory home energy labelling - In Canada and British Columbia, legislation requires energy labelling for a broad range of consumer products including motor vehicles, furnaces, windows, lightbulbs, and kitchen appliances. However, there are no labeling requirements for the single largest purchase a given Canadian is likely to make—their home.

3. Property assessed clean energy (PACE) financing - programs allow property owners to finance the up-front cost of building energy efficiency upgrades—such as more efficient heating systems, or windows—by paying the costs back over time via a voluntary property tax assessment. The assessment is attached to the property, not an individual; if, and when, the property is sold, the financing carries on with the new owner.

4. Regulating GHG emissions for existing buildings – this would include the development of a new regulation that would set greenhouse gas emissions targets from existing buildings.

5. Mandatory building energy benchmarking and reporting - Energy benchmarking is the process of collecting and monitoring energy data from a large number of buildings over time so that governments and the private sector can compare the performance of any one participating building against similar properties.

Direction to implement the first three of these measures – enabling local governments to regulate GHG emissions for new buildings, home energy labelling, and PACE financing – were included in the ministerial mandate letters issued in November 2020. Help Cities Lead encourages the Province to move as quickly as possible and in close consultation with local governments to develop and implement these measures.

Help Cities Lead would also like the Province to enable local governments to choose, when ready, to opt into the remaining two measures not addressed by the mandate letters – namely, regulating GHG emissions for existing buildings and building energy benchmarking and reporting.

The suite of initiatives is intended to compliment what the provincial government and utilities are already doing in this area and help to lay the groundwork for eventual province-wide adoption of these measures.

These actions would let municipalities, ready to take bolder action on climate, lead the way in regulating emissions in buildings. This would provide a template for action for other jurisdictions and even for provincial regulation in the future.

As such, we are requesting that your city consider endorsing the Help Cities Lead campaign and that you communicate this support directly to the Province by writing to the below Ministers:

- Minister of Environment and Climate Change Strategy, ENV.Minister@gov.bc.ca
- Minister of Municipal Affairs, MAH.Minister@gov.bc.ca
- Minister of Energy, Mines, and Low-Carbon Innovation, EMPR.Minister@gov.bc.ca
- Minister of Finance, FIN.Minister@gov.bc.ca
- Attorney General and Minister responsible for Housing, AG.Minister@gov.bc.ca

Thank you for your time and consideration. Please do not hesitate to reach out should you have any questions regarding this letter.

Sincerely,



Lisa Helps
Victoria Mayor

The City of Victoria recognizes the Songhees and Esquimalt Nations in whose traditional territories we live and work "Hay swx qa"

Climate action plan petition

We, the students of PSS, as the future stewards of this community, would like to be recognized as stake holders in the climate action plan being developed and as such, feel the plan should include these things.

1. Improved transportation in and out of the community.
2. Students of PSS should get bus passes because for some the 8 dollar round trip fee might be unaffordable to some.
3. Launch an educational campaign to try to get citizens to waste less food and buy more locally grown produce.
4. Put-up more water bottle filling stations around the town and especially places youth frequent, like the skatepark or the rec.
5. Ensure that no old growth forest is logged within the community forest and lobby the provincial government for more old growth forest protection.
6. Put more recycling bins around town, with separate bins to tell people what type of plastic to put in that bin.

NAME:	SIGNATURE:
Sam [redacted]	[redacted]
Zahna [redacted]	[redacted]
Patrick [redacted]	[redacted] JUT
Amelia [redacted]	[redacted]
Ashley [redacted]	[redacted]
Vivian [redacted]	[redacted]
Molly [redacted]	[redacted]
Quinn [redacted]	[redacted]
Georgia [redacted]	[redacted]
Jasmine [redacted]	[redacted]
Floyd [redacted]	[redacted]
Brynn [redacted]	[redacted]
Oscar [redacted]	[redacted]

Climate action plan petition

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NAME:	SIGNATURE:
Isla	[Redacted]
Sophie	[Redacted]
Eila	[Redacted]
Livan	[Redacted]
Greta	[Redacted]
Sydney	[Redacted]
Brynn [Redacted]	[Redacted]
Hadden	[Redacted]
Taj	[Redacted]
Will	[Redacted]
Sean	[Redacted]
Kimberly Kimberly	[Redacted]
Jack [Redacted]	[Redacted]

Hilroy

Climate action plan petition

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6. Put more recycling bins around town, with separate bins to tell people what type of plastic to put in that bin.

NAME:	SIGNATURE:
Riki	
Marlene	[REDACTED]
Janae	[REDACTED]
Kali	[REDACTED]
Emma	[REDACTED]
colton	[REDACTED]
Emily	[REDACTED]
Horatio	[REDACTED]
Shelby	[REDACTED]
David	[REDACTED]
KATRINA	[REDACTED]
Talisha	[REDACTED]

Hilroy

Climate action plan petition

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NAME:	SIGNATURE:
Jenn [redacted]	[redacted]
Lovina [redacted]	[redacted]
[redacted]	[redacted]
Cove [redacted]	[redacted]
Josh [redacted]	[redacted]
Rylan [redacted]	[redacted]
Rebecca [redacted]	[redacted]
Georgia [redacted]	[redacted]
Kaya [redacted]	[redacted]
Wyatt [redacted]	[redacted]
Tegan [redacted]	[redacted]

From: Ruth Simons <howesoundcommunityforum@gmail.com>
Sent: March 27, 2021 1:18 PM
Subject: Save the Date - April 23rd @ 9:30 Howe Sound Community Forum

Hello Forum members and observers,

It is that time again! The Howe Sound Community Forum will take place over **Zoom from 10:00 am - 12:30 pm on Friday, April 23rd**. The two hours including time for break-out rooms will include:

- Around the region updates - 5:00 min updates - please assign one representative from Squamish Nation, each Regional District, Municipality, local Trust Council. **Please consider the update as it contributes towards the purpose of the forum: *to maintain and enhance the economic, environmental, cultural, and social well-being of the Howe Sound for the benefit of present and future generations.***
- Presentation from [Destination BC: Destination Development Strategy for Sea to Sky](#) (see below for more details), and [the Sunshine Coast Please participate in the current Destination Education Survey - deadline April 9th.](#)
- Report from the [Ocean Watch Action Committee](#) with particular attention to:
 - the Marine Reference Guide - launch events, current use, value, and succession.
 - addressing Sea Level Rise
- Update on UNESCO designation of Átl'ka7tsem/Howe Sound Biosphere Region
- Discussion on topics arising from the forum and networking in break-out rooms.

You can find [notes from the previous forum](#) that took place on October 23, 2020 and the history of the forums [here](#).

About the Sea To Sky Destination Management Council

The Sea-to-Sky Destination Management Council (S2S DMC) was created in 2020 to implement the Sea-to-Sky Corridor Destination Development Strategy. The Sea-to-Sky planning area, for the purposes of this strategy, includes the communities from West Vancouver and the North Shore, Bowen Island, and other island communities through to Lillooet and Gold Bridge. Representatives from destinations throughout the Sea-to-Sky corridor (North Vancouver, West Vancouver, Bowen Island, Squamish, Whistler, Pemberton, Lillooet, Bridge River Valley, and the Squamish-Lillooet Regional District), Indigenous communities, and the provincial government have provided their expertise in outlining priorities to begin the long-term implementation of the Sea-to-Sky Destination Development Strategy.

Any questions or suggestions, please contact:

Ruth Simons, Lead, Howe Sound Biosphere Region Initiative [REDACTED] [REDACTED]

Coordinating:

Howe Sound Community Forum *Established in 2000*

To provide a forum for local governments, Regional Districts and First Nations discussion to maintain and enhance the economic, environmental, cultural and social well being of Átl'ka7tsem/Howe Sound for the benefit of present and future generations.

Squamish Nation - District of West Vancouver - Village of Lions Bay - Town of Gibsons - Resort Municipality of Whistler - Village of Pemberton - Bowen Island Municipality - Gambier Island Local Trust - District of Squamish - Metro Vancouver - Sunshine Coast Regional District -Squamish Lillooet Regional District

Communities are located on the unceded territories of the Skwxwú7mesh (Squamish), xʷməθkʷəy̓əm (Musqueam), sə́lilwətaʔt (Tseil-Waututh), shíshálh (Sechelt) , and Líl'wat (Lil'wat) Nations.

From: [REDACTED]
Sent: March 30, 2021 9:23 AM
To: VoP Admin <admin@pemberton.ca>
Subject: May 3rd Light up Green for Lyme Disease Awareness



Dear Pemberton Mayor and Council,

We hope this letter finds you well and that you had a good start to the new year.

We are once again preparing for the yearly Light up Green for Lyme Disease on May 3rd, 2021. We skipped 2020 as there was too much uncertainty at that time due to COVID-19. In order to raise awareness, members of BC Lyme are reaching out to their communities to support their efforts in Lighting up their cities with Green Lights wherever possible and to share on social media the reason you are Lighting up Green. I am hoping that the village of Pemberton will participate in this awareness campaign.

Some of the participants were: Vancouver City Hall, Science World, VCC Sails, Rogers Arena, BC Place Stadium, Telus Garden and numerous Cities in the lower mainland, the valley and the interior, all displaying Green Lights for Lyme Disease Awareness. The main awareness day is on May 3rd 2021, but for those who can light up longer, this is very much appreciated as the entire month of May is Lyme Disease awareness month.

Even though BC Lyme Support Group is presently unable to meet in person, we continue to meet on Zoom for the duration of the pandemic, Attendance is always free and open to all, including family and friends of those suffering from Lyme Disease.

Lyme Disease is the most common and fastest growing vector-borne infection in Canada and the United States. It is caused by the bacteria *Borrelia burgdorferi*, transmitted by a tick. The tick also carries many Lyme co-infections! It has now spread to every province and state in North America and it is directly impacting people in our community, many with life-altering consequences.

Lyme Disease is preventable by taking the right precautions and spreading the word. People are spending more time outdoors during this pandemic, making it more important that everyone is well-informed on how to protect themselves and their loved one from this vector-borne disease. This is why this awareness campaign is so important. Prevention is our best chance to avoid infection! You will find information on prevention, safe tick removal, transmission and more on our website <https://www.bclyme.com>

Again, we appreciate your participation in Lighting up Green for Lyme Disease Awareness Month and/or share information on social media.

Regards,

Darquise Desnoyers
Director, BC Lyme
Non-Profit Society

[REDACTED]
[REDACTED]



March 4, 2021
File:

Dear UBCM Members:

Re: Help Cities Lead (HCL) Campaign

The District of North Vancouver is sending this letter to you requesting support of the Help Cities Lead (HCL) campaign.

At its regular meeting of February 22, 2021, the District of North Vancouver Council passed the following resolution:


THAT Council support the Help Cities Lead initiative by writing letters to Ministers Heyman (Minister of Environment and Climate Change Strategy), Osborne (Minister of Municipal Affairs), Ralston (Ministry of Energy, Mines, and Low Carbon Innovation), Eby (Attorney General and Minister Responsible for Housing), and Robinson (Minister of Finance) requesting five policy actions which would empower the District of North Vancouver to help align building policy with Intergovernmental Panel on Climate Change (IPCC) science to achieve our climate targets;

AND THAT Council send a letter Metro Vancouver Regional District asking Metro Vancouver to also support the initiative;

AND THAT Council send a letter to all BC Local Governments asking them to support the initiative.

Please find a copy of the letter sent to the ministers attached for your information and consideration.

Sincerely,


Mike Little
Mayor

Enclosure



March 3, 2021
File:

The Honourable Minister George Heyman
Minister of Environment and Climate Change Strategy

The Honourable Josie Osborne
Minister of Municipal Affairs

The Honourable Bruce Ralston
Minister of Energy, Mines, and Low Carbon Innovation

The Honourable David Eby
Attorney General and Minister responsible for Housing

The Honourable Selina Robinson
Minister of Finance

Dear Ministers:

Re: Help Cities Lead (HCL) Campaign

The District of North Vancouver is sending this letter to you as an endorsement of the Help Cities Lead (HCL) campaign.

As you are aware, municipalities are on the front lines of climate change dealing with the impacts of floods, droughts, forest fires, heat waves, etc. We directly influence about half of Canada's energy use and emissions. The success of the province in achieving deep emissions reductions from the building sector is directly connected to the success of local governments in achieving their own targets. While municipalities have shown strong climate leadership, expanded regulatory authority is needed for taking bolder steps to achieving our climate targets.

HCL is an education and awareness campaign focused on accelerating building decarbonization through collaboration between the Province of British Columbia and local governments. The group is led by Climate Caucus and supported by local governments and environmental NGO's.

Why buildings? Emissions from buildings account for about 11% of the province's greenhouse gas (GHG) emissions and for municipalities, GHG emissions from existing buildings account for 40-60% of community emissions. A number of BC local governments have made climate emergency declarations and set ambitious targets to significantly reduce GHG emissions from buildings over the next 10 years. However, local governments are largely limited to information

campaigns and incentives for pursuing these ambitious reduction targets. Recent climate policy modelling shows that on their own, these policy tools are insufficient to achieve broad and deep energy and GHG reductions given limited budgets.

HCL campaign recommends a suite of expanded authorities for local governments that will enable communities to take bolder action on reducing GHG emissions from new and existing buildings:


- Property assessed clean energy (PACE) financing
- Mandatory home energy labelling
- Regulating GHG emissions for new buildings
- Regulating GHG emissions for existing buildings
- Mandatory building energy benchmarking and reporting

We are pleased to see that the November 2020 mandate letters to the Ministers of Municipal Affairs and Energy, Mines and Low Carbon Infrastructure support the implementation of PACE financing. We also note that the mandate letter for the Minister of Finance supports home energy labelling. Finally we pleased to see that the mandate letter to the Attorney-General and Minister Responsible for Housing includes support for regulation of GHG emission of new buildings.

We support the directions set out in these new mandate letters regarding PACE financing, home energy labelling, and GHG requirements for new buildings and request that the province empower local governments to opt to take action, if they so choose, on the two remaining items of the Help Cities Lead's campaign, namely GHG requirements for existing buildings and building energy benchmarking. Additional information about each of the initiatives can be found at <https://www.helpcitieslead.ca/>

It is our hope that you would consider meeting with a delegation from Help Cities Lead for further discussion on these initiatives.

Sincerely,



Mike Little
Mayor



OFFICE OF THE MAYOR

1100 Patricia Blvd. | Prince George, BC, Canada V2L 3V9
p: 250.561.7600 | www.princegeorge.ca

March 17, 2021

By email: commission.secretary@bcuc.com

BC Utilities Commission
Suite 401, 900 Howe Street
Vancouver, BC V6Z 2N3

RE: British Columbia Hydro and Power Authority (BC Hydro): 2020 Street Lighting Rate Application

To Whom It May Concern:

On behalf of the City of Prince George Council, please accept this letter in opposition to BC Hydro's proposed 2020 Street Lighting Rate Application (Application).

The Application, submitted by BC Hydro in November 2020, seeks approval for an increase in the monthly rate charged per street light which includes a surcharge to recover the costs incurred by BC Hydro to convert existing High Pressure Sodium (HPS) light fixtures to LED fixtures.

While the City of Prince George supports the environmental benefits that will result from the conversion to LED technology, we are not in support of a surcharge rate downloaded to municipalities to cover the disposal of existing lights and their associated depreciation costs.

As such, we respectfully request that the City's concerns be considered in the evaluation of BC Hydro's Street Lighting Rate Application.

Sincerely,



Mayor Lyn Hall

cc: All UBCM Member Local Governments



OFFICE OF THE MAYOR

1100 Patricia Blvd. | Prince George, BC, Canada V2L 3V9
p: 250.561.7600 | www.princegeorge.ca

March 17, 2021

Transmitted via email: patty.hajdu@parl.gc.ca

The Honourable Patty Hajdu, P.C. M.P.
Minister of Health
House of Commons
Ottawa, Ontario K1A 0A6

RE: Opioid Crisis and Call for Overdose Action Plan

Dear Minister,

The City of Prince George Council and Staff have taken part in conversations with many stakeholders across our community regarding the impact of the opioid crisis on local health and policing resources. We acknowledge the steps taken by the Government of Canada thus far in addressing the need to improve access to treatment and harm reduction services, legal protection for individuals seeking emergency services during an overdose by way of the Good Samaritan Drug Overdose Act, awareness and prevention around the use of opioids, and the continued work to reduce the illegal and often tainted opioid supply.

To further support the country's effort in addressing the opioid crisis, the City of Prince George calls upon the Government of Canada to further its work through the implementation of a National Overdose Action Plan. As such, the City supports the following resolution shared by other municipal councils across the province:

WHEREAS the opioid crisis is one of the largest public health emergencies of our lifetime, with a death about every two hours on average and a death toll of over 16,360 since 2016 (January 2016 to March 2020);

AND WHEREAS other countries have significantly reduced drug-related fatalities with reforms such as legal regulation of illicit drugs to ensure safe supply and decriminalization for personal use;

AND WHEREAS the federal government has indicated it is premature to discuss these measures until there are comprehensive supports for people to get well;

AND WHEREAS supports are needed, but measures that save lives are essential if people are to survive and access supports;

AND WHEREAS the Canadian Association of Chiefs of Police has stated that they agree the evidence suggests “decriminalization for simple possession as an effective way to reduce the public health and public safety harms associated with substance use”;

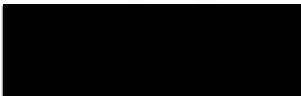
AND WHEREAS the overdose crisis rages, showing few signs of abating;

THEREFORE BE IT RESOLVED that Council:

- a) request that the Government of Canada:
 - i) declare the overdose crisis a national public health; and*
 - ii) immediately seek input from the people most affected by this crisis and meet with provinces and territories to develop a comprehensive, Pan-Canadian overdose action plan, which includes comprehensive supports and full consideration of reforms that other countries have used to significantly reduce drug-related fatalities and stigma.**

On behalf of Council, thank you for your consideration of this request.

Sincerely,



Mayor Lyn Hall
City of Prince George

cc: All UBCM Member Local Governments
Todd Doherty, MP for Cariboo-Prince George
Bob Zimmer, MP for Prince George-Peace River-Northern Rockies

District of Sicamous

446 Main Street
PO Box 219
Sicamous, BC
V0E 2V0

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



March 18, 2021

Honourable Katrine Conroy
Forests, Lands, Natural Resource Operations and Rural Development
Parliament Buildings
Victoria, British Columbia V8V 1X4

DELIVERED VIA EMAIL

Re: Aquatic Invasive Species Enforcement

Dear Minister Conroy,

At its February 10, 2021 Regular Council meeting, the Council for the District of Sicamous passed the following resolution:

"WHEREAS Canada is home to 20 percent of the world's fresh water, and the spread of aquatic invasive species (AIS) poses irreparable environmental, social and economic threats that will cost Canadian taxpayers billions of dollars in lost tourism and economic opportunities, and other unknown costs;

AND WHEREAS the spread of AIS is largely connected to human activity, including the unsafe transport of watercraft and floatplanes between bodies of water;

AND WHEREAS current government efforts through fines for failing to stop at a B.C. Watercraft Inspection Station, there is a lack of specific provincial or federal regulation and enforcement that is directed at watercraft owners who fail to prevent the spread of AIS by cleaning, draining, and drying their watercraft before transport;

THEREFORE, BE IT RESOLVED that the provincial and federal governments adopt increased and stricter enforcement measures for watercraft and floatplane owners including the introduction of a significant fine for watercraft and floatplane owners that fail to Clean, Drain and Dry their watercraft or floatplane before transporting it to another body of water and an increase in the fine issued to motorists who fail to stop at a Watercraft Inspection Station."

We kindly request your consideration and support of this resolution and have enclosed background information on the resolution for your reference.

Regards,
DISTRICT OF SICAMOUS

cc: Minister of Environment and Climate Change Strategy
Premier Horgan
UBCM Member Municipalities

PDistrict of Sicamous

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

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



Memo

To: Southern Interior Local Government Association

From: District of Sicamous Council

Date: February 22, 2021

Re: Certified Resolution 21-068
Enforcement for the protection of waterways from Aquatic Invasive Species

District of Sicamous Council's concern for the wellbeing of its community, province, and country inspired Resolution 21-068 which calls for tougher enforcement measures to prevent the spread of Aquatic Invasive Species (AIS) in Canada.

While Sicamous, home to Shuswap and Mara lakes, is particularly vulnerable to the spread of AIS, the detrimental effects are not limited to our community and would have environmental, economic, and social consequences province- and country-wide.

Council has long supported federal and provincial prevention efforts that have largely focused on educating the public through awareness campaigns and voluntary compliance. The Canadian Action Plan to Address the Threat of Aquatic Invasive Species states: "...there are few specific regulations directed at recreational and commercial boating related to preventing the spread of aquatic invasive species."

Watercraft inspection stations, like those in BC that target recreational boaters through awareness and compliance, are simply unable to inspect all watercraft transported between waterways due to limited operational hours. Fines are issued to motorists who fail to stop at these mandatory inspection stations; however, the fine is minimal considering the potential consequences of spreading AIS. While the federal Fisheries Act and provincial Wildlife Act, both contain sections which make unauthorized fish introductions illegal and include prosecution for such activity, there is no legislation around the transport of watercraft without proper decontamination.

Council, therefore, submits Resolution 21-068 which calls on the province and federal government for increased enforcement, tougher penalties and the introduction of legislation that criminalizes the transport of watercraft and floatplanes between waterways without first decontaminating.

District of Sicamous
446 Main Street
PO Box 219
Sicamous, BC
V0E 2V0

T: 250 836 2477
F: 250 836 4314
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sicamous.ca



Certified Resolution # 21-068

It was moved and seconded:

THAT Council submit the following resolution to the Southern Interior Local Government Association:

WHEREAS Canada is home to 20 percent of the world's fresh water, and the spread of aquatic invasive species (AIS) poses irreparable environmental, social and economic threats that will cost Canadian taxpayers billions of dollars in lost tourism and economic opportunities, and other unknown costs;

AND WHEREAS the spread of AIS is largely connected to human activity, including the unsafe transport of watercraft and floatplanes between bodies of water;

AND WHEREAS current government efforts through fines for failing to stop at a B.C. Watercraft Inspection Station, there is a lack of specific provincial or federal regulation and enforcement that is directed at watercraft owners who fail to prevent the spread of AIS by cleaning, draining, and drying their watercraft before transport;

THEREFORE, BE IT RESOLVED that the provincial and federal governments adopt increased and stricter enforcement measures for watercraft and floatplane owners including the introduction of a significant fine for watercraft and floatplane owners that fail to Clean, Drain and Dry their watercraft or floatplane before transporting it to another body of water and an increase in the fine issued to motorists who fail to stop at a Watercraft Inspection Station.

Carried

Certified a true and correct copy of a resolution endorsed by the Council at its Regular Council Meeting held on February 10, 2021.

Dated this 18th day of February, 2021.

Jennifer Bruns
Corporate Officer

District of Sicamous

446 Main Street
PO Box 219
Sicamous, BC
V0E 2V0

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



March 18, 2021

Honourable George Heyman
Minister of Environment and Climate Change Strategy
Parliament Buildings
Victoria, British Columbia V8V 1X4

DELIVERED VIA EMAIL

Re: Invasive Asian Clams

Dear Minister Heyman,

At its January 27, 2021 Regular Council meeting, the Council for the District of Sicamous passed the following resolution:

"WHEREAS invasive Asian clams (Corbicula fluminea) are known to threaten the natural biodiversity of lakes by competing with native species for sustenance and space, cause biofouling to water treatments systems, alter water chemistry, and potentially reduce the quality of drinking water;

AND WHEREAS the spread of Asian clams will have significant environmental, social, and economic consequences for our waterways, wildlife and communities;

AND WHEREAS the Controlled Alien Species Regulation exists under the Wildlife Act to enforce controls for species that pose a risk to people, property, wildlife, and wildlife habitat:

THEREFORE BE IT RESOLVED that UBCM ask the Province of British Columbia to designate invasive Asian clams (Corbicula fluminea) as a Prohibited Aquatic Invasive Species under the Controlled Alien Species Regulation under the Wildlife Act."

We kindly request your consideration and support of this resolution and have enclosed background information on the resolution for your reference.

Regards,

DISTRICT OF SICAMOUS

cc: Minister of Forests, Lands, Natural Resource Operations and Rural Development
Premier Horgan
UBCM Member Municipalities

District of Sicamous

446 Main Street
PO Box 219
Sicamous, BC
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sicamous.ca



Memo

To: Southern Interior Local Government Association

From: District of Sicamous Council

Date: February 22, 2021

Re: Certified Resolution 21-047
Asian clams (*Corbicula fluminea*) worthy of Controlled Alien Species Regulation

Asian clams (*Corbicula fluminea*) are not native to Canada, however a recent study conducted by the Columbia Shuswap Invasive Species Society (CSISS), discovered live Asian clams in Shuswap Lake. According to the Invasive Species Council of BC, the species has also made its way to southern Vancouver Island and river systems in the Lower Mainland including the Fraser River, Pitt River, and Coquitlam River.

After the CSISS study was brought to the attention of the District of Sicamous Council, research demonstrated that Asian clams, which can self-fertilize and reproduce rapidly, have the capacity to disrupt natural biodiversity and ecosystems, negatively impact native species by competing for sustenance and space, cause biofouling to water treatment systems, alter water chemistry, and reduce the quality of drinking water.

Further inquiry determined Asian clams are not scheduled within the Controlled Alien Species Regulation under the Wildlife Act which controls "alien animals that pose a risk to the health or safety of people, property, wildlife or wildlife habitat." Council argues that Asian clams pose such risks with environmental, social, and economic consequences for waterways and communities provincewide.

Therefore, Council pursued and adopted Resolution 21-047 which calls on B.C. Government to use its authority to designate Asian clams as an Aquatic Invasive Species under the Controlled Alien Species Regulation.

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

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



Certified Resolution # 21-047

It was moved and seconded:

WHEREAS invasive Asian clams (*Corbicula fluminea*) are known to threaten the natural biodiversity of lakes by competing with native species for sustenance and space, cause biofouling to water treatments systems, alter water chemistry, and potentially reduce the quality of drinking water;

AND WHEREAS the spread of Asian clams will have significant environmental, social, and economic consequences for our waterways, wildlife and communities;

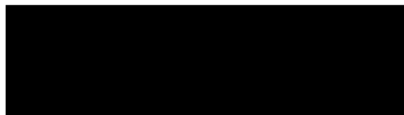
AND WHEREAS the Controlled Alien Species Regulation exists under the Wildlife Act to enforce controls for species that pose a risk to people, property, wildlife, and wildlife habitat:

THEREFORE BE IT RESOLVED that UBCM ask the Province of British Columbia to designate invasive Asian clams (*Corbicula fluminea*) as a Prohibited Aquatic Invasive Species under the Controlled Alien Species Regulation under the Wildlife Act.

Carried

Certified a true and correct copy of a resolution endorsed by the Council at its Regular Council Meeting held on January 27, 2021.

Dated this 11th day of February, 2021.



Jennifer Bruns
Corporate Officer



March 31, 2021

The Honourable Harry Bains
Minister of Labour
PO Box 9064, Stn Prov Govt
Victoria, BC V8W 9E2

Dear Minister Bains,

On behalf of Victoria City Council, I am writing today to request favourable consideration for the below motion passed at the March 11, 2021 Council meeting:

WHEREAS the covid pandemic has exacerbated existing inequalities and its social, health, and economic impacts are particularly devastating for women and racialized communities; and

WHEREAS the tourism and hospitality industries have been drastically impacted; and

WHEREAS of the 50 000 hotel workers that were laid of in March 2020, the majority are women and people of colour; and

WHEREAS the duration of the pandemic means that recall rights require extension; and

WHEREAS there are reports of hotels in British Columbia refusing to commit to bringing workers back to their jobs when business returns; and

WHEREAS the City of City of Victoria is committed to a COVID recovery plan that takes better care of people, the environment, and the community than the systems we had before the pandemic; and

WHEREAS the City of City of Victoria recognizes hotel workers and people who work in the tourism industry as valued and valuable members of our community;

THEREFORE, BE IT RESOLVED THAT the City of City of Victoria affirms that people should not lose their livelihoods due to the pandemic; and

.../2

THAT the City of Victoria write to the Ministers of Labour and Tourism expressing our support for the right for laid off workers to return to their jobs when the pandemic eases; and

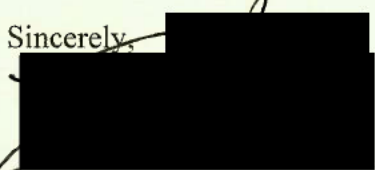
THAT this letter be forwarded to all BC municipalities asking to write their support; and

THAT the City of Victoria writes to the Association of Vancouver Island and Coastal Communities.

Though not expressly in the resolution, the intention of this motion was to write to both the Association of Vancouver Island and Coastal Communities and the Union of BC Municipalities, encouraging them to host future conferences and events in venues that respect worker rights and pay at least a living wage. A copy has been sent to both organizations.

Thank you for your time and consideration. Please do not hesitate to reach out should you have any questions regarding this letter.

Sincerely,


Lisa Helps
Victoria Mayor

Cc: Honourable Melanie Mark, Minister of Tourism, Arts, Culture and Sport
The Association of Vancouver Island and Coastal Communities (AVICC)
The Union of British Columbia Municipalities (UBCM)

The City of Victoria recognizes the Songhees and Esquimalt Nations in whose traditional territories we live and work "Hay swx ga"

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*