

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

**Agenda** for the **Regular Meeting** of Council of the Village of Pemberton to be held Tuesday, April 27, 2021 at 9:00 a.m. via electronic means through a ZOOM Webinar. This is Meeting No. 1537.

*"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/83922323714>**

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Item of Business	Page No.
<b>1. CALL TO ORDER REGULAR MEETING</b>	
In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.	
<b>2. APPROVAL OF AGENDA</b>	1
<b>Recommendation:</b> THAT the Agenda be approved as presented.	
<b>3. ADOPTION OF MINUTES</b>	
<b>a) Regular Council Meeting No. 1536, Tuesday, April 13, 2021</b>	6
<b>Recommendation:</b> THAT the minutes of Regular Council Meeting No. 1536, held Tuesday, April 13, 2021, be approved as circulated.	
<b>4. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING</b>	
<b>5. RISE WITH REPORT FROM IN CAMERA</b>	
<b>6. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE</b>	
<b>7. COMMITTEE MINUTES - FOR INFORMATION</b>	
None	
<b>8. DELEGATION</b>	
<b>a) RCMP Annual Update – Inspector Robert Dykstra, Officer in Charge, Sea to Sky Detachment, Sergeant Sascha Banks, and Corporal Mike Hamilton</b>	
<b>9. REPORTS</b>	
<b>a) Development Services</b>	
<b>i. DVP No. 129 (formerly DVP No. 124) – 1368 Fernwood Drive</b>	17
<b>Recommendation One:</b>	

**THAT** Council approves Development Variance Permit No. 129 for 1368 Fernwood Drive and that the Mayor and Chief Administrative Officer be authorized to execute the permit;

**THAT** Council requests the Building Inspector ensure full compliance with on-site and visitor parking for each future Building Permit within the proposed subdivision;

**AND THAT** Council requests the Approving Officer and the Village Engineers consider the following comments in consideration of the final subdivision application:

- Provision of adequate snow-clearing
- Provision of adequate drainage
- Off-site improvements to the existing portion of Fernwood Drive
- Whether on-street parking should be limited or restricted.

**b) Office of the Chief Administrative Officer**

**i. Verbal Report**

**c) Corporate & Legislative Services**

**i. Corporate & Legislative Services 2021 First Quarter Report – Regular Council Meeting Outstanding Resolution Listing Update** 41

**Recommendation:** **THAT** the Regular Council Meeting Outstanding Resolution Listing Update report be received.

**ii. Notice on Title – 7628 Seven O'clock Drive** 45

**Recommendation One:** **THAT** the report from the Manager of Corporate & Legislative Services, dated April 27, 2021 be received.

**Recommendation Two:** **THAT** the Corporate Officer be directed to file a Notice in the Land Title Office stating that:

- (a) A resolution relating to the land has been made under Section 57 of the Community Charter; and
- (b) Further information respecting the resolution maybe inspected at the Village of Pemberton Municipal Hall.

**d) Recreation Services Department**

**i. Recreation Services 2021 First Quarter Report** 58

**Recommendation:** **THAT** the Recreation Services Department 2021 First Quarter report be received.

**e) Development Services**

**i. Development Services 2021 First Quarter Report** 65

**Recommendation:** **THAT** the Development Services 2021 First Quarter Report be received.

<ul style="list-style-type: none"> <li>ii. <b>Discharge of Covenant CA2723154 modified by CA4950099 from Lot 5, DL 211, EPP 2184</b></li> </ul>	69
<p><b>Recommendation: THAT</b> Council authorizes the discharge of Covenant CA2723154 modified by CA4950099 from Lot 5, DL 211, EPP 2184;</p> <p><b>AND THAT</b> the Chief Administrative Officer be authorized to effect the discharge.</p>	
<ul style="list-style-type: none"> <li>f) <b>Operations Department</b></li> </ul>	
<ul style="list-style-type: none"> <li>i. <b>Operations 2021 First Quarter Report</b></li> </ul>	92
<p><b>Recommendation: THAT</b> the Operations Department 2021 First Quarter report be received.</p>	
<ul style="list-style-type: none"> <li>g) <b>Pemberton Fire Rescue Department</b></li> </ul>	
<ul style="list-style-type: none"> <li>i. <b>Pemberton Fire Rescue 2021 First Quarter Report</b></li> </ul>	94
<p><b>Recommendation: THAT</b> the Pemberton Fire Rescue Department 2021 First Quarter report be received.</p>	
<b>10. BYLAWS</b>	
<ul style="list-style-type: none"> <li>a) <b>Bylaws for First, Second, Third Readings and Adoption</b></li> </ul>	
<p>Council for the Village of Pemberton will consider ALL readings of the forgoing bylaws, including adoption, at the same meeting, by authority of the following Ministerial Order No. 192/2020 related to COVID-19 Pandemic Emergency Measures.</p>	
<p><b>Recommendation 1:</b></p>	
<p><b>THAT</b> Village of Pemberton 2021 Annual Tax Rates No. 896, 2021 receive First, Second, and Third Readings.</p>	
<p><b>Recommendation 2:</b></p>	
<p><b>THAT</b> Village of Pemberton 2021 Annual Tax Rates No. 896, 2021 be adopted.</p>	
<p><b>Recommendation 3:</b></p>	
<p><b>THAT</b> Village of Pemberton Bylaw No. 136, 1979, Sewer Frontage Amendment Bylaw No. 897, 2021 receive First, Second, and Third Readings.</p>	
<p><b>Recommendation 4:</b></p>	
<p><b>THAT</b> Village of Pemberton Bylaw No. 136, 1979, Sewer Frontage Amendment Bylaw No. 897, 2021 be adopted.</p>	
<p><b>Recommendation 5:</b></p>	
<p><b>THAT</b> Village of Pemberton Bylaw No. 137, 1979, Water Frontage Tax Amendment Bylaw No. 898, 2021 receive First, Second, and Third Readings.</p>	

**Recommendation 6:**

**THAT** Village of Pemberton Bylaw No. 137, 1979, Water Frontage Tax Amendment Bylaw No. 898, 2021 be adopted.

**Recommendation 7:**

**THAT** Village of Pemberton Sanitary Sewer System Regulation Connection and Rates Amendment Bylaw No. 899, 2021 receive First, Second, and Third Readings. 111

**Recommendation 8:**

**THAT** Village of Pemberton Sanitary Sewer System Regulation Connection and Rates Amendment Bylaw No. 899, 2021 be adopted.

**Recommendation 9:**

**THAT** Village of Pemberton Water Regulation Connection and Rates Bylaw No. 232, 1989, Amendment Bylaw No. 900, 2021 receive First, Second, and Third Readings. 114

**Recommendation 10:**

**THAT** Village of Pemberton Water Regulation Connection and Rates Bylaw No. 232, 1989, Amendment Bylaw No. 900, 2021 be adopted.

**Recommendation 11:**

**THAT** Village of Pemberton Alternative Municipal Tax Collection Scheme (2021) Bylaw No. 901, 2021 receive First, Second, and Third Readings. 117

**Recommendation 12:**

**THAT** Village of Pemberton Alternative Municipal Tax Collection Scheme (2021) Bylaw No. 901, 2021 be adopted.

**b) Bylaws for Adoption**

**i. Business Licence Bylaw No. 855, Amendment Bylaw No. 894, 2021** 119

**Recommendation: THAT** Business Licence Bylaw No. 855, Amendment Bylaw No. 894, 2021 be adopted.

**11. MAYOR'S Report**

**12. COUNCILLORS' Reports**

**13. CORRESPONDENCE**

**a) For Action**

**i. Anna Scott, Director, Pemberton Animal Welfare Society (PAWS), dated April 12, 2021, requesting consideration of PAWS for any funding opportunities that become available.** 123

**Recommendation: THAT** Staff respond providing information on available funding sources.



**b) For Information**

- i. Copy of correspondence from John Vassilaki, Mayor, Penticton, dated April 13, 2021, addressed to Brian Fenkel, President, UBCM, requesting that UBCM write a letter to Premier John Horgan requesting reconsideration of invoking Provincial Paramountcy as it relates to the violation of Penticton City Council’s authority and the City of Penticton’s Zoning Bylaws at 352 Winnipeg Street, Penticton, BC. 125
- ii. Press release, Phillip Cooper, Communication Manager, City of Penticton, dated April 13, 2021, regarding the letter to Brian Fenkel, President, UBCM requesting reconsideration of invoking Provincial Paramountcy as it relates to the violation of Penticton City Council’s authority and the City of Penticton’s Zoning Bylaws at 352 Winnipeg Street, Penticton, BC. 127
- iii. Patrick Weiler, MP, West Vancouver-Sunshine Coast-Sea to Sky Country, dated April 14, 2021, announcing the Green and Inclusive Community Buildings program to support green and inclusive community buildings through retrofits, repairs, upgrades and new builds. 128
- iv. Patrick Weiler, MP, West Vancouver-Sunshine Coast-Sea to Sky Country, dated April 15, 2021, announcing \$40 million in funding for “Getting Started”, the second round of the Housing Supply Challenge (HSC), which will be launched on June 9, 2021. 129
- v. Kyle Leitch, Village resident, dated April 23, 2021, regarding community-based drainage ditch clean-up project, “ridthevidcleanup.” 130

**Recommendation:** THAT the correspondence be received.

**14. DECISION ON LATE BUSINESS**

**15. LATE BUSINESS**

**16. NOTICE OF MOTION**

**17. QUESTION PERIOD**

**18. IN CAMERA**

131

**THAT** the meeting is closed to the public in accordance with the *Community Charter* Section 90 (1) (e) the acquisition, disposition or expropriation of land or improvements, and (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21, 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.

**19. RISE WITH REPORT**

**20. 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, April 13, 2021 at 3:30 p.m. via electronic means through a ZOOM Webinar. This is Meeting No. 1536.

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

**ABSENT:**

**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  
Laura Murphy, Project & Research Coordinator  
Vinka Hutchinson, Communication & Grant Coordinator  
Gwendolyn Kennedy, Legislative Assistant

**PUBLIC:** 6

**MEDIA:** 1

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

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

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**1. CALL TO ORDER REGULAR MEETING (3:30 PM)**

At 3:31 p.m. Mayor Richman called the Regular Meeting to Order.

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

**2. VILLAGE OF PEMBERTON IN CAMERA (CLOSED) MEETING (3:30PM)**

Moved/Seconded

**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.

**CARRIED**

At 3:31 p.m. Council moved In Camera.

At 4:51 p.m. Council Rose without Report and the Regular Meeting was recessed.

**3. OPEN THE REGULAR MEETING (5:30 PM)**

At 5:31 p.m. the Regular Meeting was reconvened.

**4. APPROVAL OF AGENDA**

Moved/Seconded

**THAT** the agenda be approved as presented.

**CARRIED**

**5. ADOPTION OF MINUTES**

**a) Regular Council Meeting No. 1534, Tuesday, March 16, 2021**

Moved/Seconded

**THAT** the minutes of Regular Council Meeting No. 1534, held Tuesday, March 16, 2021, be approved as circulated.

**CARRIED**

**b) Special Council Meeting No. 1535, Thursday, April 1, 2021**

Moved/Seconded

**THAT** the minutes of Special Council Meeting No. 1535, held Thursday, April 1, 2021, be approved as circulated.

**CARRIED**

**6. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING**

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

**7. RISE WITH REPORT FROM IN CAMERA**

There was no rise with report.

**8. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE**

There was no business arising.

**9. COMMITTEE MINUTES - FOR INFORMATION**

There were no Committee minutes for receipt.

## 10. DELEGATION

There were no delegations.

## 8. REPORTS

### a) Office of the Chief Administrative Officer

#### i. Verbal Update

CAO Gilmore provided an update of a recent meeting of the Pemberton Valley Emergency Management Committee:

- Funding for work on the Arn Canal outlets has been received and the engineering work is in progress.
- Plans are in place to install the Ryan River and Miller Creek gauges before the freshet if possible.
- Sediment removal work will be complete in the next week with 60,000 m<sup>3</sup> removed.
- The Committee received an update regarding the Pole Yard Dike, the monitoring gauge for the Birkenhead River, and the Grandmother Slough.
- Discussion focused on funding of future work with concerns raised due to the Provincial requirement that the entity that makes application and receives funding must hold the Asset.
- An acknowledgement of the Village's letter regarding the Miller Dike seismic requirements has been received.
- A high rate of sediment accumulation has been observed in Pemberton Creek. Investigation is ongoing.

Moved/Seconded

**THAT** the CAO Verbal Report be received.

**CARRIED**

### b) Development Services

At 5:41 p.m. Joanna Rees and Cameron Chalmers joined the meeting.

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

Joanna Rees, Planner, presented a report summarizing the revised variance request and the alternative options available to Council.

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

The applicant, Stephanie Nicoll-Russell, spoke in support of the variance request, pointing out that they have made significant changes to the plans, reducing the height of the wall by 35%, increasing the side setbacks, and redesigning the home. Ms. Nicoll-Russell explained that the fill encroaching on the neighbouring lot will be removed once the Stop Work order is relaxed to allow the removal of form work. Ms. Russell noted that the proposed landscaping work would be completed by the deadline and asked Council to approve the variance with the proposed changes without further delay.

Mark McIvor, owner of the neighbouring property located at 7663 Cerulean Drive, spoke against the variance request, expressing concern regarding the property owners meeting their commitments in a timely manner and stating that building on hillside lots such as these can be accomplished without large retaining walls through the use of appropriate building designs and methods.

Sandi Britt, owner of the property located at 7661 Cerulean Drive, spoke in support of the variance request, stating that the revised retaining wall proposal is reasonable.

Mayor Richman called for further comments from the public and hearing none, opened the floor to Council for discussion.

Moved/Seconded

**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; and
- b. The property owners continue to work with the neighbours to satisfy their concerns.

Further discussion ensued, the motion was withdrawn, and Staff sought clarification regarding Council's expectations of revisions prior to the variance request being reconsidered.

Moved/Seconded

**THAT** Council refers the application for Development Variance Permit No. 127 back to Staff to address with the Applicants considerations including revising the proposal to be in closer compliance with the Zoning Bylaw and addressing concerns identified by the neighbours located at 7663 Cerulean Drive, including potential soil sloughing and the height and elevation of the wall to restore the view of the neighbour.

**CARRIED**

**i. Development Variance Permit No. 128 – 7661 Cerulean Drive**

Joanna Rees, Planner, presented a report summarizing the revised variance request and the alternative options available to Council.



Following the Staff report, Mayor Richman opened the meeting to the public for comment regarding DVP No. 128.

The applicant, Sandi Britt, spoke in support of the variance request, explaining that they had not been aware of the zoning restriction on retaining walls when they submitted their plans for approval, and that the plans showing the proposed retaining walls were approved by the developer. The retaining walls have been proposed to permit the development of a flat, accessible, yard for the owners' enjoyment. The walls do not obstruct neighbours' views and match the style of the developer's rock stack walls located across the street.

Mark McIvor, owner of the neighbouring property located at 7663 Cerulean Drive, spoke in opposition to the variance requests, stating that the walls are unnecessary and defy the intent of the Hillside Development Design Guidelines.

Dave Russell, owner of 7665 Cerulean Drive, spoke in support of the variance request.

Mayor Richman called for more comments from the public and hearing none, opened the floor to Council for discussion.

Moved/Seconded

**THAT** Council refers the application for Development Variance Permit No. 128 back to Staff to address with the Applicants further considerations including revising the proposal to align with the intent of the Zoning Bylaw and demonstrating the visual impacts.

**CARRIED**

At 6:48 p.m. Ms. Rees and Mr. Cameron left the meeting.

At 6:48 p.m. Lisa Pedrini joined the meeting.

ii. **Sabre Way Road Renaming**

Moved/Seconded

**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.

**CARRIED**

At 6:52 p.m. Ms. Pedrini left the meeting.

At 6:52 p.m. Lena Martin joined the meeting.

### 13. BYLAWS

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

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

Moved/Seconded

**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.

**CARRIED**

At 7:08 p.m. Ms. Martin left the meeting.

#### b) Bylaws for First, Second and Third Readings

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

Moved/Seconded

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

**CARRIED**

### 16. MAYOR'S Report

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

Mayor Richman asked Councillor Noble to explain the concern raised by Sea to Sky Soils regarding the awarding of the contract for removal of organic waste from the North Vancouver waste facility to Princeton-based Arrow Transportation Systems, Inc.

Councillor Noble informed Council that Sea to Sky Soils is at risk of losing 80% of their business with the loss of this source of organic waste, and that the Sea to Sky Soils proposal offers value that was not considered in the Metro

Vancouver Staff recommendation to award the contract to Arrow Transportation Systems.

Moved/Seconded

**THAT** Staff prepare a letter of support for Sea to Sky Soils' proposal for presentation at the April 16<sup>th</sup> meeting of Metro Vancouver Zero Waste Committee;

**AND THAT** a delegation from the Village attend the meeting to speak on behalf of Sea to Sky Soils.

**CARRIED**

b) Mayor Richman reported on the following meetings and events:

- Attended meeting with the Sea to Sky Community Services Society, BC Housing, and local homeless outreach worker where the need for short-term and supportive housing was discussed;
- Received a call from a developer considering purchase of a parcel of land at the Hillside;
- Attended the Pemberton Valley Utilities and Services Committee meeting. Councillor Zant, also present, will report;
- Attended the Emergency Management Committee Meeting. CAO Gilmore has reported on this meeting;
- Attended the Squamish-Lillooet Regional District meetings:
  - The Pemberton Valley Utilities and Services Committee budgets were approved.
  - A toilet will be provided at Furry Creek;
  - Discussion focused on the Tiger Bay development which was referred back to Staff for more work prior to First reading.

c) **COVID-19**

- Met with Mayors, Members of Parliament, and Vancouver Coastal Health where discussion focused on the COVID-19 vaccine roll-out. Mayor Richman has made the case for Pemberton residents to be included in the Whistler vaccination due to the constant flow between the two communities.
- The next COVID-19 vaccination clinic in Pemberton will be at the **Pemberton Community Centre on Thursday April 29 from 10am to 5pm.**
- People aged 55+, Indigenous peoples aged 18+ and people deemed clinically extremely vulnerable aged 16+ are now eligible to register for a vaccine appointment. Please visit [getvaccinated.gov.bc.ca](https://getvaccinated.gov.bc.ca) to book or visit the Vancouver Coastal Health website.
- AstraZeneca/COVISHIELD vaccine is available for people age 55 - 65 - please book directly through a participating pharmacy.
- People aged 50+, 45+ and 40+ will be able to register later this week. Please visit the Vancouver Coastal Health website for more details.
- Pemberton residents, 18 years of age and older who have not yet been vaccinated, and who work in Whistler are eligible to receive a COVID-19 vaccination starting on April 12th. Visit [vch.ca/whistler](https://vch.ca/whistler) for full details.



## 17. COUNCILLORS Reports

### **Councillor Craddock reported on the following:**

- Attended the Spelkúmtn Community Forest Public Information Session on April 7<sup>th</sup> where Klay Tindall of Lil'wat Forestry Ventures delivered an excellent presentation setting out the 2021 harvest plan and Councillor Maxine Bruce did a great job as host of the event.

### **Councillor Zant reported on the following:**

- Attended the Pemberton Valley Utilities and Services Committee meeting where current projects were reviewed and provided a brief update on the basketball court project.
- Attended the Library Board meeting:
  - Instead of the donation of laptops as promised by ScotiaBank, \$15,000 will be donated so that the library may select the most suitable laptops.
  - The new Board plans to incorporate into their meeting opening statement a statement acknowledging meeting on the unceded territory of the Lil'wat Nation;
  - The library has signed on as a safe space for the LGBTQ2S+ community.

**Councillor Noble did not report.**

**Councillor Antonelli did not report.**

## 18. 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.**

Moved/Seconded

**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.

**CARRIED**

- 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:**

- **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**

Moved/Seconded

**THAT** the correspondence be received.

**CARRIED**

- 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.**

Moved/Seconded

**THAT** the Climate Action Plan Petition submitted by the Pemberton Secondary Students be received.

**CARRIED**

- 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 23<sup>rd</sup>.**

Moved/Seconded

**THAT** Councillor Antonelli will attend the Howe Sound Community Forum.

**CARRIED**

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

Moved/Seconded

**THAT** the correspondence be received.

**CARRIED**

**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.**
- 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.**
- 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.**
- 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.**
- 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.**
- 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.**

Moved/Seconded

**THAT** the correspondence be received

**CARRIED**

**15. DECISION ON LATE BUSINESS**

**16. LATE BUSINESS**

**17. NOTICE OF MOTION**

## **18. QUESTION PERIOD**

There were no questions from the public.

## **19. IN CAMERA**

Moved/Seconded

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

**CARRIED**

At 8:03 p.m. Council moved In Camera.

## **20. RISE FROM IN CAMERA**

At 9:30 p.m. Council rose from In Camera.

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

Moved/Seconded

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

**CARRIED**

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

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

**Date:** April 27, 2021

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

**From:** Cameron Chalmers, RPP, MCIP, Consulting Planner

**Subject:** Development Variance Permit No. 129 – 1368 Fernwood Drive

**PURPOSE**

The purpose of this report is for Council to consider issuance of Development Variance Permit (DVP) No. 129 for a lot located at 1368 Fernwood Drive. (**Appendix A**) The DVP has been submitted in furtherance of a subdivision application to create a three (3) lot plus remainder subdivision on the subject lands. The DVP is to reduce the Village of Pemberton road dimension standards and underground utility requirements in Subdivision and Development Control Bylaw No. 677, 2012 to facilitate alternate road and underground servicing standards for the extension of Fernwood Drive.

**BACKGROUND**

The Owners and Applicants, Karen and Miles Dyczkowski, submitted an application for subdivision approval on April 24, 2018. The subdivision proposal is to create three (3) new residential lots on a 0.47 hectare (1.17) acre property legally described as Lot. 1, Plan KAP 38637, DL 203, LLD at 1368 Fernwood Drive.

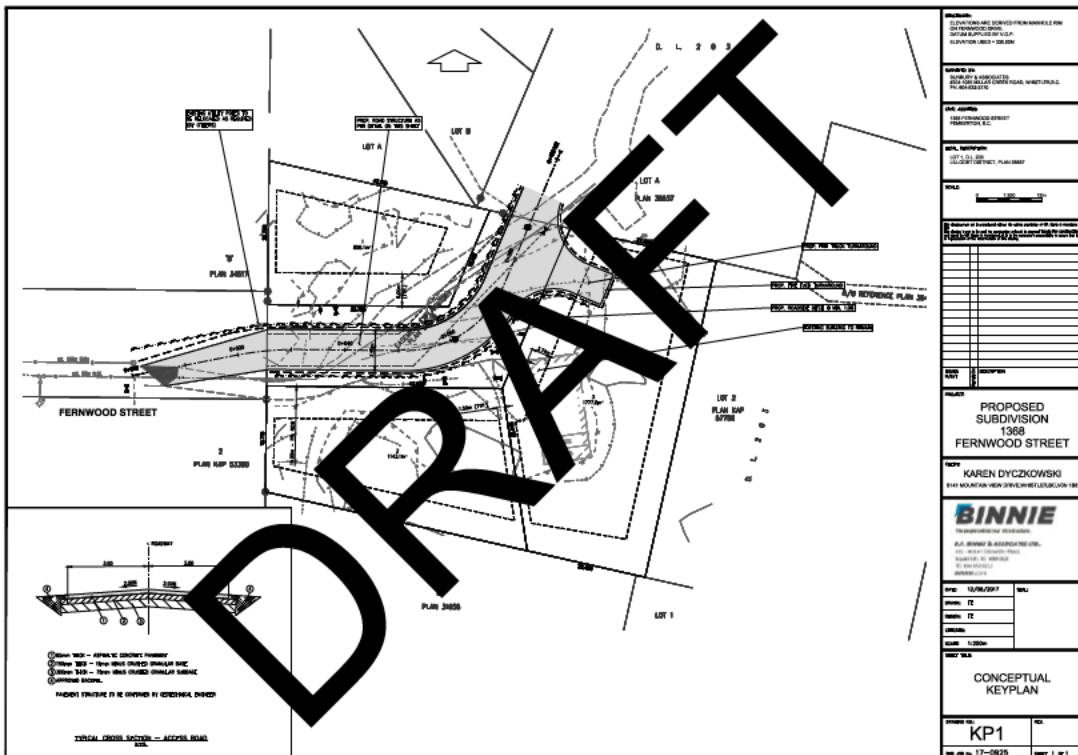




Shortly following receipt of the application, a concern was identified with the obligation to provide access to lands beyond, and most specifically the property addressed as 1370 Fernwood Drive which is not part of the application. This adjacent lot has legal access off Prospect Street, but that legal access does not provide physical access to the property, which is instead achieved by an historic private easement through the subject lands at 1368 Fernwood Drive.

At the request of the Village Approving Officer, the Owners explored the option of creating a bareland strata subdivision, which would have necessitated the inclusion of the neighbouring property in the strata corporation. The current Owner of the adjacent 1370 Fernwood Drive did not wish to participate, thereby negating the ability to create a bareland strata subdivision while preserving unfettered access to the adjacent 1370 Fernwood Drive property.

Accordingly, the Owners of the subject property clarified their application in August 2018 to specifically apply for a fee simple subdivision application which would extend Fernwood Drive as a public road through the subject property to the adjacent property thereby providing access to both the newly created lots and the neighbouring property at 1370 Fernwood Drive as shown below:



In order for a fee simple subdivision and public road dedication to proceed, the Owners have elected to submit a DVP application to modify the standards of the Subdivision and Development Control Bylaw No. 677, 2012 to narrow the width of the road extension being developed through the new subdivision. A companion variance to continue the overhead electrical, cable and telephone lines has also been submitted.

The Approving Officer issued a Tentative Approval Letter (TAL) on November 26, 2019 with the requirement that that Owners construct the extension of Fernwood Drive either in accordance with the standards in the Subdivision and Development Control Bylaw or an approved variance. The Owners have elected to pursue the variance approach.

### **COUNCIL AND DEVELOPMENT VARIANCE PERMIT HISTORY**

The Owners submitted an application for Development Variance Permit No. 124 on April 20<sup>th</sup>, 2020 to facilitate the proposed subdivision. The initial application included a request to vary the Subdivision Development Control Bylaw to permit a reduced road-width standard substantially as applied for in this current application for DVP 129. The initial variance included a request to vary the Zoning Bylaw to reduce front yard setbacks for an existing building.

Council considered DVP 124 at Regular Council Meeting No. 1515, held on May 26<sup>th</sup>, 2020, and the following resolution was passed:

*Moved/Seconded*

***THAT*** Council refers the application for Development Variance Permit No. 124 back to Staff to address the following considerations:

- a) *Snow Clearing*
- b) *Drainage*
- c) *Setback on the house*
- d) *Impacts to neighbors (parking and road width)*
- e) *Snow storage*
- f) *Pedestrian connectivity*

**CARRIED**

Following the Council decision, the Applicants considered Council's comments and prepared an amendment to the variance proposal. The proposed DVP was amended to eliminate the proposed Zoning Bylaw setback for the house. Council reconsidered the application at the Regular Meeting No. 1529, held December 8, 2020, which included the amended DVP and a Staff report providing additional clarification on Council's questions and comments in their resolution that did not materially affect the content of the proposed DVP. Council put forward the following resolution, which was defeated:

*Moved/Seconded*

***THAT*** Council approves Development Variance Permit No. 124 to facilitate a future subdivision of the lot located at 1368 Fernwood Drive.

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

**DEFEATED**

As the motion to approve the DVP application was defeated, the application was correspondingly refused pursuant to the Village of Pemberton Development Procedures Bylaw. Immediately following the refusal, the applicant was invited to make a submission to Council to waive the mandatory one-year waiting period following a refused development application.

In response to a letter-request from the Owners, presented at Regular Council Meeting No. 1530, held on January 12, 2021, Council unanimously passed the following resolution:

*Moved/Seconded*

**THAT** the request to have the one-year time limit waived for re-application of a development variance permit for 1368 Fernwood Drive be approved.

**CARRIED**

The present application was submitted on February 10, 2021. The proposed variance is substantially the same as the previous application in terms of the requested variances.

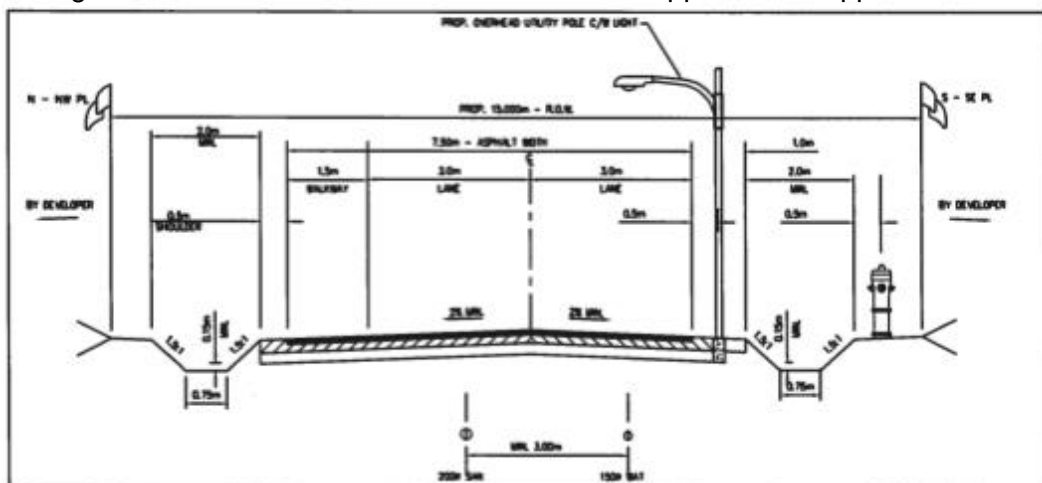
**PROPOSAL DESCRIPTION**

The proposed DVP No. 129 would vary two general requirements of Subdivision and Development Control Bylaw No. 677, 2012 generally to achieve a reduced road width and to permit overhead utility lines.

With respect to the road dimension variances, the following table outlines the Bylaw standard requirements for Hillside Roads, and then the variance requested. The effect would be to reduce the right-of-way and finished portion of the road, resulting in a narrower road.

Standard	Bylaw 677, 2012 Standard	Proposal	Variance Requested
Right-of-Way Width	18.0 metres	15.0 metres	- 3.0 metres
Asphalt Width	8.1 metres	7.5 metres	- 0.5 metre
Lane Width	3.3 metres	3.0 metres	- 0.3 metres
Ditch Width	3.6 metres	2.0 metres	- 1.6 metres

The following road cross section has been submitted in support of the application.



**PROP. TYPICAL SECTION**  
 SCALE 1:100



The second variance sought to the Subdivision and Development Control Bylaw is to section 7.1.1 which requires electrical, cable, and telephone lines to be located underground in new subdivisions. The effect of the variance would be to continue the overhead alignment of these current utilities through the new subdivision.

## **DISCUSSION & COMMENTS**

Staff has reviewed the application for DVP against the most applicable hillside standards for roads and note that the variance is not completely out of character with the area or the neighbourhood. Fernwood Drive is currently a substandard road in terms of width and surfacing. The roadway is constrained by topography and steep slopes and has resulted in an adaptive road alignment and finishing.

The Owners submit that given the constraints imposed by parcel size and topography, the variances are necessary to achieve a public roadway to provide access to lands beyond and provide access to the new subdivision.

Staff note that the proposed variance would be permissive and would not approve the road cross-sections or any other engineering design. That would happen through the subdivision approvals process as the Owner is obligated to design and construct the new roadway through the TAL. Should Council approve the DVP, the next step would be for the Owner to prepare detailed engineering designs for Village review and ultimately approval by the Village's Approving Officer. The ultimate design may or may not include all of the approved variances to the extent permitted in the permit, but that determination cannot be made until all of the considerations are addressed at detailed design. At the final detailed engineering design stage, matters such as fire-hydrants, light-standards, and details around drainage and other technical considerations would be assessed. For clarity, these matters are not the subject of the DVP and have not been designed as yet.

At their meetings of May 26, 2020 and December 8, 2020, individual Councillors raised a number of comments and concerns about development matters on the site. Many of the comments and concerns are related to the ultimate engineering and design of the road and the ability for each parcel to provide parking.

At the meeting of December 8, 2020 Council specifically raised the issue of parking on proposed Lot 1 (the uphill lot). That is a matter that must be proven out by the Owner at the time of Building Permit as per the Zoning Bylaw. The reason for that timing is that until the final geotechnical work is completed and the building(s) are designed and located on the site, it will be challenging to establish a site plan that is binding on the future purchaser of the lot. The proposed subdivision does not require a development permit, and Staff are not aware of any mechanism that Council can employ to oblige the creation of a binding site plan at this stage of the process. Through the subdivision approval, the Approving Officer will ensure that each of the lots will be buildable. Furthermore, Council can be assured that the future building permits will not be approved unless the future application complies with the Village of Pemberton parking standard. Typically, a site plan is not a pre-requisite of a subdivision application because if Council wishes, an alternative has been provided through which Council can advise the Building Official of their concerns and request for specific attention to parking matters at the Building Permit stage.

Snow-clearing and details on the road design, and off-site improvements to Fernwood Drive were technical considerations raised. In terms of process, the Owners have received a Tentative Approval Letter which is attached as **Appendix B**. It outlines the conditions that the Owner must satisfy before the Approving Officer will consider approval of the subdivision. The primary requirement of this, and most, Tentative Approval Letters is to provide detailed engineering design for the construction of the roadway. Those design details are typically secured through a Servicing Agreement, under which the Owner's post a security in the amount of 120% of the value of the construction.

At the December 8, 2021 individual Councillors requested additional details on the engineering design. In response, the Applicants requested a quotation from their civil engineer to advance the detailed design. The Applicants letter attached as **Appendix C** advises that the cost of detailed engineering design is between \$50,000-\$85,000. This will absolutely be a requirement before subdivision approval; however, the Owners are not prepared to undertake that cost in support of the variance permit, as the expenditure typically follows the certainty of the standard to be designed to. If Council approves the DVP, the Owners will design to an alternate standard. If Council does not approve the DVP, the Owner's would have an option to design to the Bylaw standard. Staff concur that it is not reasonable for the Owner's to expend on detailed design until the design standard is confirmed.

As with the parking matter, Staff have included a recommendation that Council communicate the concerns raised in past meetings to the Approving Officer, should they wish to proceed with the proposed DVP.

In summary, Staff support the proposed DVP application. It is consistent with the application of alternate standards on hillside development sites. Staff have all confidence that the matters raised by Council will be addressed through the standard subdivision and building permit process yet have included a recommendation that enables Council to communicate their comments and concerns to the respective decision makers.

## **COMMUNICATIONS**

Notice of Council's intent to issue the DVP was sent to adjacent property owners within 100 metres of the subject lands as per the Village Development Procedures Bylaw 725, 2013 on April 16, 2016. A notification sign was also posted on the property.

At the time of the report, the Village has received one letter, which is attached as **Appendix D**.

## **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**

Other municipal departments including operations, fire, and the Village engineering consultant have commented on the application and will be involved through the detailed design stage.

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

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

### **ALTERNATIVE OPTIONS**

1. **THAT** Council approves Development Variance Permit No. 129 for 1368 Fernwood Drive, and that the Mayor and Chief Administrative Officer be authorized to execute the permit;
2. **THAT** Council refuses the application for Development Variance Permit No. 129.
3. **THAT** Council refers application for Development Variance Permit No. 129 back to Staff to address the following considerations:  
(to be added by Council)

### **RECOMMENDATIONS**

#### **Recommendation One:**

**THAT** Council approves Development Variance Permit No. 129 for 1368 Fernwood Drive, and that the Mayor and Chief Administrative Officer be authorized to execute the permit;

**THAT** Council requests the Building Inspector ensure full compliance with on-site and visitor parking for each future Building Permit within the proposed subdivision;

**AND THAT** Council requests the Approving Officer and the Village Engineers consider the following comments in consideration of the final subdivision application:

- Provision of adequate snow-clearing
- Provision of adequate drainage
- Off-site improvements to the existing portion of Fernwood Drive
- Whether on-street parking should be limited or restricted.

### **ATTACHMENTS:**

**Appendix A:** Development Variance Permit No. 129

**Appendix B:** Tentative Approval Letter

**Appendix C:** Applicant's Submission Letter

**Appendix D: Correspondence Received to Report Deadline**

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



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**VILLAGE OF PEMBERTON  
Development Variance Permit 129  
1368 Fernwood Drive Servicing Variance**

Issued to: **Karen and Miles Dyczkowski**

File No.  
**DVP#: DVP129**

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

Address: **Lot 1, District Lot, 203 Lillooet District, Plan KAP38637  
PID: 008-391-181  
1368 Fernwood 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: **081-391-181**

Legal Description: **Lot 1, DL 203, LLD, Plan KAP38637**

Civic Address: **1368 Fernwood 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) Whereas the applicant has made application for subdivision to create three (3) fee-simple lots plus remainder generally as shown on **Schedule "B"**;

And,

Whereas creation of the new residential lots will necessitate the construction of a new highway extension of Fernwood Drive, and whereas the proposed extension of Fernwood Drive does not meet the road dimension and underground utility standards of the Village of Pemberton Subdivision and Development Control Bylaw No. 677, 2012, and will create a non-conformance with the setback, front yard



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provisions of the Residential 1 (R-1) zone in the Village of Pemberton Zoning Bylaw No. 832, 2018;

Therefore, the Village of Pemberton Subdivision and Development Control Bylaw No. 677, 2012 is hereby varied as follows and as shown on **Schedule "C"** which is attached to and forms part of this permit:

A) Road Standards:

Standard	Bylaw 677, 2012 Standard	Variance Granted
Right-of-Way Width	18.0 metres	15.0 metres
Asphalt Width	8.5 metres	7.5 metres
Lane Width	3.3 metres	3.0 metres
Ditch Width	3.6 metres	2.0 metres

B) Utility Design Standards: The Section 7.1.1 standard requiring underground utility connections in new subdivisions is varied to permit the continuation of overhead electrical, cable, and telephone service.

- 4) This Permit shall not have the effect of varying the use or density of the land specified in Village of Pemberton Zoning Bylaw No. 832, 2018 or a flood plain specification under s. 524 of the *Local Government Act RS2015*, or any other servicing standard or requirement in Village of Pemberton Subdivision and Development Control Bylaw No. 677, 2012.
- 5) This Permit authorizes variances to the standards in Village of Pemberton Subdivision and Development Control Bylaw No. 677, 2012, but does not constitute an approval of the detailed design of the proposed services for any approvals or construction.
- 6) This Permit prevails over the provisions of the Bylaw in the event of conflict.
- 7) Security Requirements: Nil

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- 8) The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part hereof.
- 9) This Permit is not a building permit.
- 10) Notice of this Permit shall be filed in the Land Title Office at New Westminster under s. 503 of the *Local Government Act RS2015*, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the Land affected by the Permit.

**AUTHORIZED BY RESOLUTION PASSED BY THE VILLAGE COUNCIL THE  
27th DAY OF APRIL, 2021.**

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

\_\_\_\_\_  
Nikki Gilmore, Chief Administrative Officer

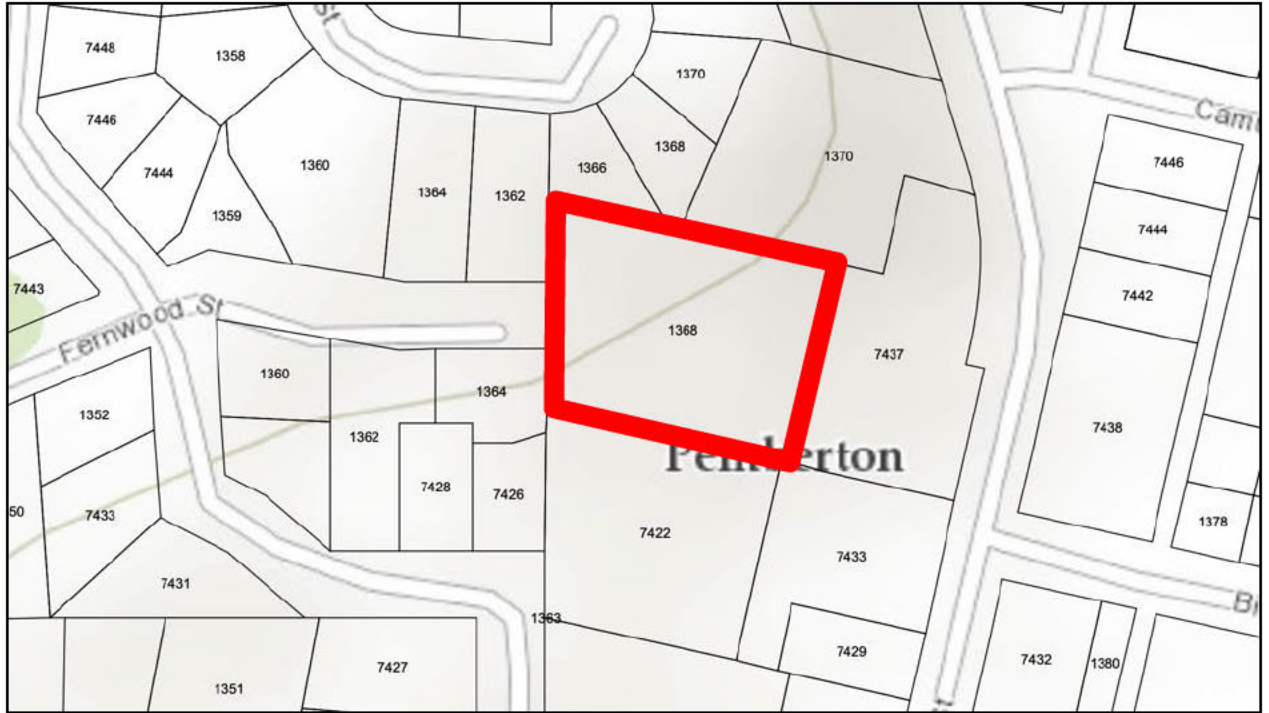
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## Schedule "A"





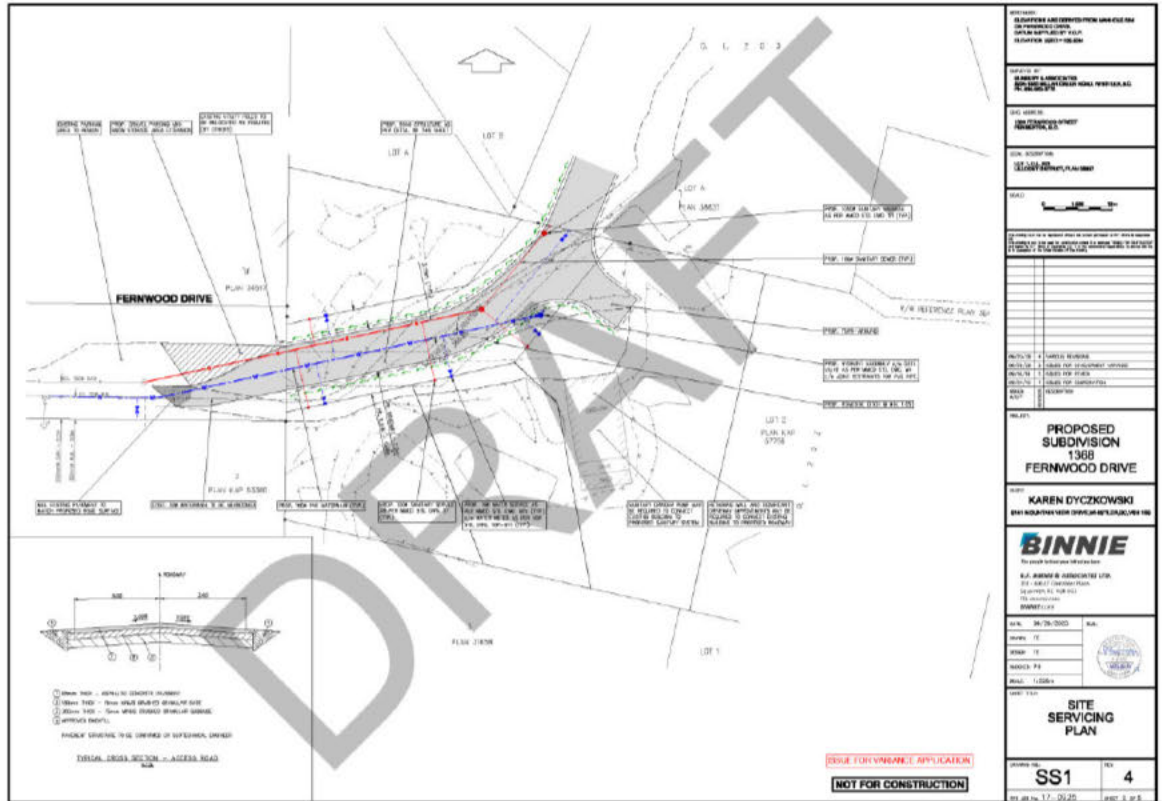


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## Schedule "C"





November 25, 2020

Karen Dyczkowski and Miles Dyczkowski  
 P.O. Box 369  
 Pemberton, BC  
 V0N 2L0

Via email: kmdkaren@gmail.com

Dear: Karen and Miles

**Re: Tentative Approval Letter  
 SO-71: Three (3) Lot Plus Remainder Subdivision of 1368 Fernwood  
 Drive, Pemberton BC**

Please accept this correspondence as a *Tentative Approval Letter (TAL) with conditions* for the subdivision of lands legally described as follows:

- Lot 1, District Lot 203, Plan 38637 (the "Subject Lands")

This TAL is issued for the tentative approval for the subdivision of the above referenced lands in to three (3) new fee simple lots and a remainder lot, including road dedication generally illustrated in **Schedule "A"**, subject to the terms and conditions outlined in this letter.

The lands referred to in this tentative approval letter are known as the "subject lands".

This TAL provides the list of conditions that shall be fulfilled to the satisfaction of the Approving Officer prior to final subdivision approval as follows.

### **1. Land Use and Regulatory Considerations**

The lands are regulated under the Village of Pemberton Zoning Bylaw. As the subdivision application was made prior to adoption of the current Zoning Bylaw No. 832, 2018, the application has been reviewed in accordance with the previous Zoning Bylaw No. 466, 2001. All lots created by the subdivision shall be consistent with the requirements of Zoning Bylaw No. 466 as of the date of the application, and in generally in accordance with the tentative layout in **Schedule "A"**.

- a. The subdivision shall comply with the Village of Pemberton Village of Pemberton Subdivision and Development Control Bylaw No. 677, 2011 and all other applicable municipal land use bylaws (Official Community Plan and Zoning Bylaw).
- b. The subdivision shall comply with all obligations and restrictions of existing covenants or encumbrances on title. Additional restrictive covenants and encumbrances may be required concurrent with subdivision approval.

- c. Future uses, development or construction on the lands will be subject to Zoning Bylaw No 832, 2018.

## **2. Subdivision Approval Requirements**

- a. The subdivision shall be affected by Plan of Subdivision prepared by a British Columbia Land Surveyor and registered at the Land Title Office in accordance with the Land Title Act and other applicable regulations.
- b. Upon satisfactory completion of the conditions of this Tentative Approval Letter, please provide a Plan of Subdivision in a registerable form for signature by the Approving Officer.
- c. The Approving Officer, upon acceptance of the final plan of subdivision for approval will require three (3) paper prints and one (1) electronic version (PDF) of the Plan of Subdivision for the Village's records.
- d. A current (within 30 days) State of Title Certificate will be required to be submitted with the subdivision plan for final approval. Please note these comments have been prepared without reviewing a copy and as such additional subdivision conditions may be imposed after reviewing the title.

## **3. Geotechnical Analysis**

- a. The Owner shall submit a comprehensive geotechnical investigation of the subject lands, and any adjacent lands affected by the construction of roads and/or services required to service the subdivision. The geotechnical investigation shall be completed by a qualified geotechnical engineer to the satisfaction of the Approving Officer. The geotechnical study shall identify all pre- and post-construction geotechnical hazards, a detailed cut and fill plan for any rock excavation, and recommendations to ensure geotechnical stability and safety post construction. Should the geotechnical investigation recommend restrictions on the development of any of the newly created parcels, the Approving Officer will require a restrictive covenant pursuant to section 219 of the Land Title Act.

## **4. Park Dedication**

- a. Park dedication in the amount of 5% of the subject lands is required pursuant to section 510 of the Local Government Act. Park shall be provided either by dedication of land as park to the satisfaction of the Approving Officer or as a cash-in-lieu payment pursuant to section 510 of the Local Government Act.

## **5. Subdivision Servicing General**

- a. As per section 509 of the Local Government Act, the design of all roads, water distribution works, sanitary collection works, and storm collection works shall comply with the Village of Pemberton Subdivision and Development Control Bylaw, or an approved Development Variance

Permit, and shall be approved by the Approving Officer or Municipal Engineer before construction or alteration.

- b. All works and services shall be designed and constructed for the full extent of the newly constructed roadway to provide service for lands beyond. The extended portion of the services will be subject to a latecomers agreement under section 508 of the Local Government Act.
- c. The owner shall enter into a Servicing Agreement in the form prescribed in the Subdivision and Development Control Bylaw for all or a portion of the works on the newly dedicated road within the subject lands. A security will be required for the servicing agreement in the amount determined by the Owner's engineers estimate and the Subdivision and Development Control Bylaw.
- d. A Servicing Agreement in the form prescribed in the Subdivision and Development Control Bylaw will be required for all works within the current Fernwood road right-of-way, including alteration of the land. A security will be required for the servicing agreement in the amount determined by the Owner's engineers estimate and the Subdivision and Development Control Bylaw.
- e. If applicable all utility corridors and public realms such as parks shall be provided with adequate access by Village of Pemberton maintenance vehicles and shall be demonstrated as having such access.
- f. Hydro, telephone, cable, gas, and any other third-party utilities will be provided on the detailed design drawings to the satisfaction of the utility provider and the Approving Officer.

## **6. Roads**

- a. The extension to Fernwood Drive identified on **Schedule "A"** shall be dedicated on the Plan of Subdivision and be constructed in compliance with the Local Road standards established in the Subdivision and Development Control Bylaw or an approved Development Variance Permit.
- b. The proposed road extension in **Schedule "A"** and the proposed road cross section in **Schedule "B"** will not meet the standards established in the Subdivision and Development Control Bylaw for a local road and will require Council approval of a Development Variance Permit. Please contact Planning Services for additional detail and requirements for the Development Variance Permit process.
- c. The extension of Fernwood Drive shall be designed, dedicated and constructed as a public highway from the current terminus of Fernwood road to the north property boundary to provide unencumbered access to lands beyond.

- d. The Fernwood Drive extension shall provide a turn-around to the satisfaction of the Approving Officer and the Village Engineer in consultation with the Fire Chief.
- e. All roadway design shall be reviewed by the qualified Geotechnical Professional, and all roadway construction shall be monitored by a qualified Geotechnical Professional.

**7. Water Supply**

- a. The Owner shall design and construct a municipal water distribution system to provide each newly created lot with potable water to the standards established in the Subdivision and Development Control Bylaw or approved Development Variance Permit.
- b. The water system shall be designed and constructed for the entire length of the Fernwood Drive extension.
- c. Excess or extended water supply works will be subject to a Latecomer Agreement pursuant to section 510 of the Local Government Act.

**8. Sanitary Collection**

- a. The Owners shall design and construct a comprehensive municipal sanitary collection system providing sanitary collection service to each newly created lot to the standards established in the Subdivision and Development Control Bylaw or an approved Development Variance Permit.
- b. The sanitary system shall be designed and constructed for the entire length of the Fernwood Drive extension.
- c. Excess or extended sanitary supply works will be subject to a Latecomer Agreement pursuant to section 510 of the Local Government Act.

**9. Stormwater Management**

- a. The Owner shall design and construct a comprehensive stormwater management system for Fernwood Drive and to each newly created lot to the standards established in the Subdivision and Development Control Bylaw or an approved Development Variance Permit.
- b. The stormwater management design shall include an analysis of downstream stormwater capacity.
- c. The stormwater management plan shall be reviewed by a qualified Geotechnical Professional.

**Taxes, Fees and Charges**

- a. Any outstanding application processing fees, consulting fees, registration fees, and taxes shall be paid prior to subdivision approval.



- b. The application is subject to the Village of Pemberton Development Cost Charge Bylaw, which establishes a charge of \$5,356.93 for each of the three newly created lots for a total charge of \$16,070.79 and all charges shall be paid before final subdivision approval.

The terms and conditions of this Tentative Approval Letter are based on the Subdivision Layout attached as **Schedule “A”** and are valid for one-year from the date of this letter. This Tentative Approval Letter shall not in any way be construed as final subdivision approval as required under the *Land Title Act* and the *Local Government Act*. Tentative Approval may be extended subject to any amendments; a request in writing for an extension will be considered by the Approving Officer for a further 12 months for a fee prescribed by Bylaw.

Should you have any questions, please do not hesitate to contact me.

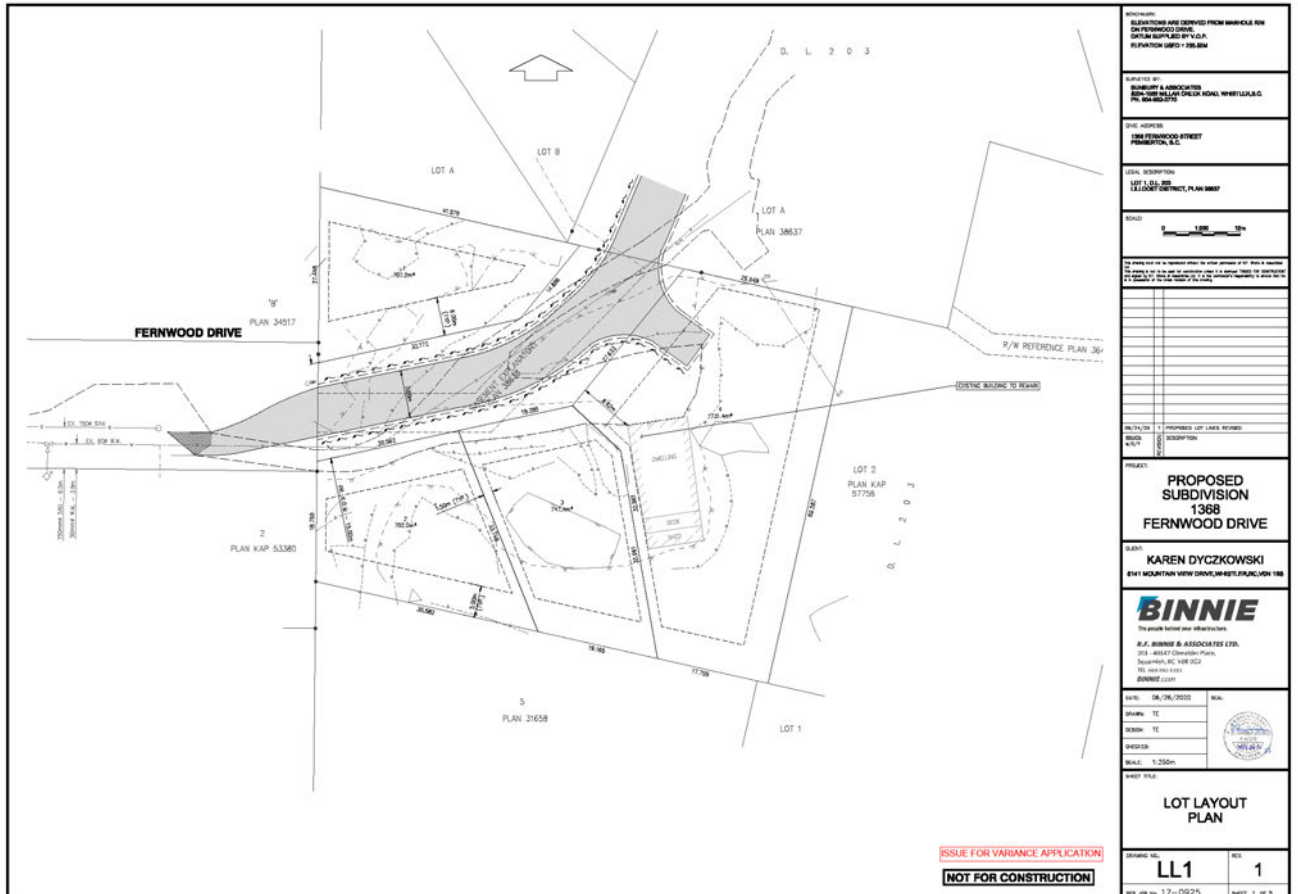
Yours Truly,  
**VILLAGE OF PEMBERTON**



Nikki Gilmore  
Approving Officer

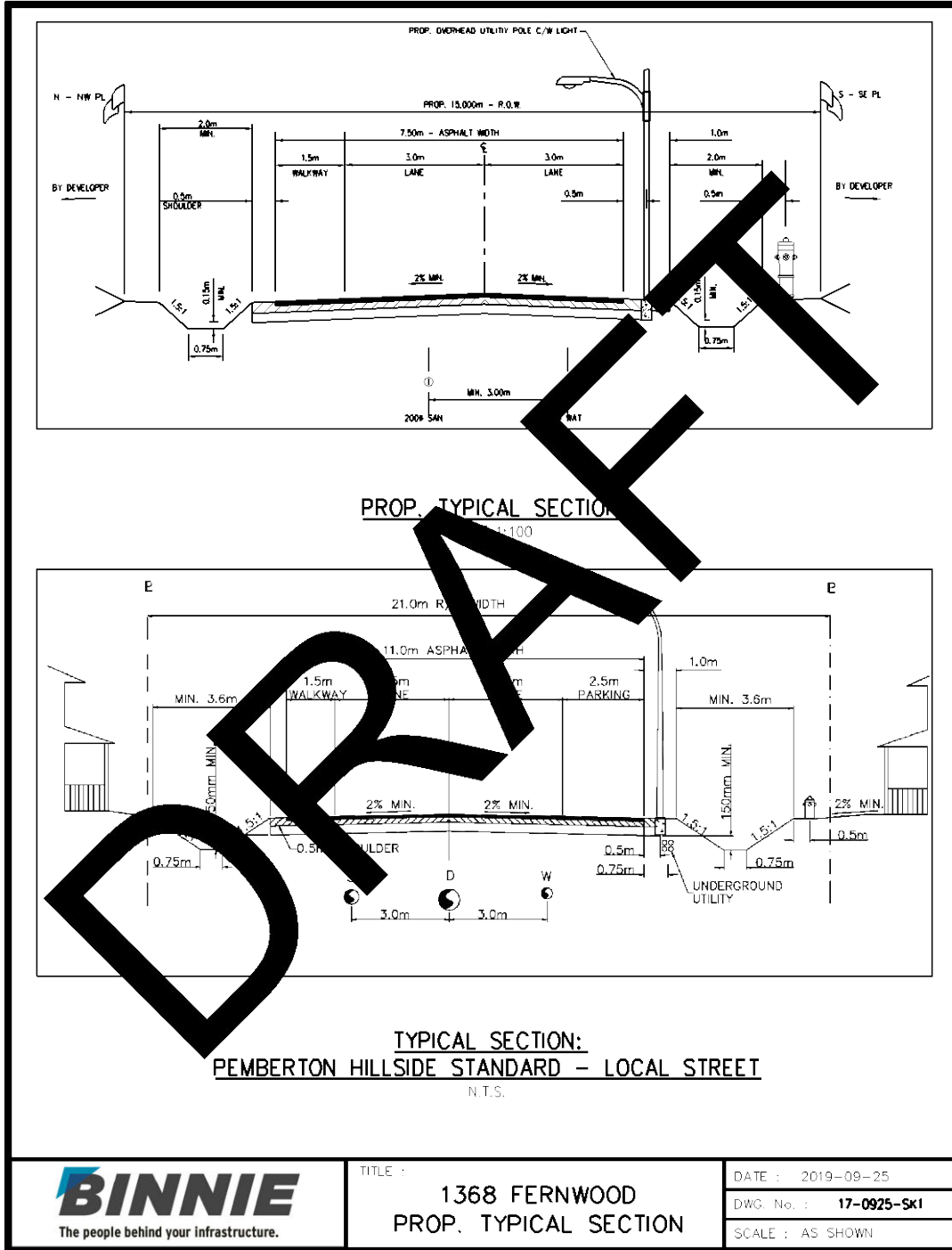
Cc: Robert Grossman, Fire Chief  
Lisa Pedrini, Manager of Development Services  
Lena Martin, Manager of Finance & Administration Services  
Cameron Chalmers, Cameron Chalmers Consulting (Village Consultant)  
Richard Avedon-Savage, ISL Engineering (Village Consultant)

Schedule "A"  
 Tentative Subdivision Plan





Schedule "B"  
 Proposed Road Cross-Section



February 16, 2021

Village of Pemberton  
PO Box 100  
7400 Prospect St  
Pemberton, BC  
V0N 2L0

Attention: Village of Pemberton Council Members

We, Miles and Karen Dyczkowski, the resident owners of 1368 Fernwood Dr, do hereby submit the attached Development Variance application for your consideration for the proposed subdivision located at 1368 Fernwood Dr. In this application we are seeking road variances as follows:

#### Road Variances

Standard	Bylaw 677, 2012	Proposed	Variance Requested
Right-of-Way Width	18.0 metres	15.0 metres	- 3.0 metres
Asphalt Width	8.1 metres	7.5 metres	- 0.5 metres
Lane Width	3.3 metres	3.0 metres	- 0.3 metres
Ditch Width	3.6 metres	2.0 metres	- 1.6 metres

The second variance sought to the Subdivision and Development Control Bylaw is to Section 7.1.1 which requires electrical, cable, and telephone lines to be located underground in new subdivisions. The purpose of the variance would be to have the approval of the variance in the event it is required by utility company.

#### **BACKGROUND**

The property was purchased in January of 2018 with the intention of sub dividing the lot. The property is a 1.17 acre parcel of land with an existing 1400 sqft bungalow, built in 1990. The property has one neighbour to the north who has an easement to cross through to get access to their lot.

Upon civil and survey work, it was determined, the large parcel of land could be subdivided into four lots but the access to the neighbouring lot with the easement would require them to participate in either a strata development or inclusion in the bareland strata. The neighbours do not wish to contemplate either alternative at this point in time.

An alternative solution of a fee-simple subdivision was proposed to the Village staff. We have received a Temporary Approval Letter (TAL) from the Village of Pemberton to proceed with the subdivision application for the subdivision but a Development Variance Permit of the Subdivision and Development Control Bylaw is required in order to proceed, as road variances are required as described above.

DVP application #124 was initially considered by Council at their Regular Meeting No. 1529, held on May 26, 2020. Council requested certain considerations be addressed. An amendment to the variance was prepared and each consideration was addressed which was again submitted to Council at their Regular Meeting No. 1515, held on December 8, 2020. The variance request was defeated, and we now are re-submitting the variance request.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

Although the lot is large, the topographical restraints are, very steep slopes on the upper north, lower south, and lower east areas of the lot. The proposed sub-division would see three additional lots and a road extension of Fernwood Dr that will be designed, dedicated, and constructed as a public road from the current terminus of Fernwood Dr road to the north property boundary. This road would provide unencumbered access to neighbours property, with a turn-around for fire and emergency vehicles. Draft of the lot and road locations attached

## **ROAD VARIANCES REQUEST**

The primary reason for the development variance request is for approval of relaxation on certain limited subdivision servicing requirements to allow for the cost effective and efficient use of land. The proposed road would be located generally in the same position as the existing road.

## **RATIONALE IN SUPPORT OF THE PROPOSED ROAD VARIANCES**

1. The Village of Pemberton standards are intended for collector roads, as opposed to a small road with no-exit, intended to serve a small number of residences. The requested right of way width of 15m variance is in-line with several other roads in the Village of Pemberton such as Tenquille Road in Sunstone.
2. Technical considerations such as snow clearing, drainage and snow storage are not the subject of the DVP as they will be addressed in the subdivision process. We are obligated to design and construct the new roadway as per the Tentative Approval Letter (TAL). The final design may or may not take advantage of all of the approved variances, but that determination cannot be made until all of the considerations are addressed at the detailed design stage. The civil engineer has provided a cost estimate of approximately \$50,000 to 85,000 to provide the specific details on the considerations raised by Council.
3. Parking considerations are subject to building bylaws.
4. The requested variance from Village of Pemberton standards will also make efficient use of buildable land, make available three additional infill lots.
5. The conditions for subdivision outlined in the Temporary Approval Letter will ensure that the subdivision works with the natural environment.
6. The development is small and the density of the resulting from the subdivision of the lot relative to the size of the lot is much less than similar lots in the area and therefore the subdivision will not affect the use and enjoyment of the adjacent lands.
7. The variances requested do not vary permitted uses or densities under bylaw 677, nor do they defeat the intent of the applicable bylaw.
8. The resulting public road would eliminate the easement for the neighbouring lot and afford them unencumbered access to their property.

Thank you for your time in considering this application.

Karen and Miles Dyczkowski  
Pemberton, BC

**From:** Erica Finnsson [REDACTED]  
**Sent:** Tuesday, April 20, 2021 11:55 AM  
**To:** Sheena Fraser <sfraser@pemberton.ca>  
**Subject:** DVP 1368 Fernwood

Hello,

I own 1370 Fernwood which is immediately beside 1368 Fernwood. I will be the neighbour affected the most by the new road and development construction and I fully, 100% support the variance application.

The variances are so minor they won't be noticeable, and the new section of road will be closer to compliance than the stretch of Fernwood that precedes it. I have spoken with the applicants at length about the proposed road. The design makes perfect sense and will enhance the neighbourhood.

Please stop using this application as a mechanism to block their future development. At a time when families are leaving town due to housing shortages and renters are constantly getting evicted, infill housing is the most sensible and logical way to make a positive impact on our community housing issues. And, if anything, we should be removing barriers, not unreasonably denying minor variance applications.

I'm not blind to the fact that the construction that will undoubtedly be going on for a few years on the edge of my property will have an impact on my life. I still support this 100% because in the end it will be good for Pemberton residents.

Thank you for your consideration,

Erica Finnsson  
[REDACTED]  
[REDACTED]

**Date:** April 27, 2021

**To:** Council

**From:** Sheena Fraser, Acting Chief Administrative Officer & Manager of Corporate & Legislative Services

**Subject:** Regular Council Meeting Outstanding Resolutions Listing - Update

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### **PURPOSE**

To present to Council a listing of the outstanding resolutions from previous Regular Meetings for which action on the matter or item has not been completed or is in progress as at March 31, 2021.

### **BACKGROUND**

As a means of keeping track of outstanding resolutions or action items Staff has developed a resolution/action item tracking listing. This listing is updated after each Council meeting and as matters have been actioned or resolved the issue/matter/item is removed from the listing. This listing is used for internal and administrative purposes and assists Staff with work plan reviews.

### **DISCUSSION & COMMENTS**

Staff initiates action on direction provided by Council through resolutions made at Regular or Special Council meetings. If the direction provided by Council is not in alignment with the current strategic plan, priorities or work plans or is not budgeted it may be necessary for Staff to review and adjust the work program or budget to include new activities or initiatives. In some instances, Staff may be required to complete another project or initiative before they are able to action new direction. As well, it may be that direction requires involvement from other jurisdictions or authorities and as such delays may result. Staff work diligently to move all direction by Council forward in a timely and efficient manner.

The current listing of outstanding items and the status of the work related to the item is attached as **Appendix A**.

It should be noted there are some outstanding resolutions passed by the previous Council. In this regard, the following items are held over from previous Council and are identified on the chart in light blue and are as follows:

- Affordable Housing – Development Cost Charges (incorporated into the Affordable Housing Action Plan and has been incorporated into the 2021 work plan as also identified as a priority by this Council).
- Boundary Extension (deferred to a later date)
- Single Use Strategies

A review of the meeting minutes indicate that all resolutions passed by Council have been actioned as such there have been no changes to the outstanding resolution listing in the First Quarter.

**COMMUNICATIONS**

There is no communications element required.

**LEGAL CONSIDERATIONS**

There are no legal considerations at this time.

**IMPACT ON BUDGET & STAFFING**

There is no impact on budget or staffing.

**INTERDEPARTMENTAL IMPACT & APPROVAL**

There is no interdepartmental impact or approvals required.

**IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

There is no impact on the region or neighbouring jurisdictions

**ALTERNATIVE OPTIONS**

There are no alternative options for consideration.

**RECOMMENDATIONS**

**THAT** the Regular Council Meeting Outstanding Resolution Listing Update report be received.

**Attachments:**

**Appendix A:** Regular Council Meeting Outstanding Resolution Listing as at March 31, 2021

Submitted by:	Sheena Fraser, Acting Chief Administrative Officer & Manager of Corporate and Legislative Services
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## APPENDIX A

### REGULAR COUNCIL OUTSTANDING RESOLUTION LISTING AS AT March 31, 2021

Mtg No	Date	Topic	Resolution	Comment
1463	06-Feb_18	<b>Affordable Housing – Development Cost Charges</b>	<b>THAT</b> consideration of an Eligible Development for Waiving or Reducing Development Cost Charges component be included as part of the Development Cost Charge Bylaw review anticipated for 2018.	<b>STATUS UPDATE:</b> This was referred for consideration as part of the 2019 Affordable Housing Action Plan. This will be incorporated during the review and update of the Development Cost Charge Bylaw scheduled to take place in 2021.
1472	12-June-18	<b>Boundary Extension</b>	<b>THAT</b> Staff explore the possibility of a smaller boundary extension initiative that would include only the lands occupied by the independent power projects and present this information at a future Committee of the Whole meeting.	<b>STATUS UPDATE:</b> Staff is reviewing options and will bring this matter back in the future.
1477	2-Oct-18	<b>Single Use Items – Reduction Strategies</b>	<b>THAT</b> the development of a Single-Use Items Strategy be brought forward for consideration as part of the 2019 strategic planning and budget deliberation process.	<b>STATUS UPDATE:</b> The Provincial Government concluded its province wide consultation for B.C. Plastic Action Plan and announced in September that it is developing the framework to allow local governments to ban certain types of plastic products. As well, it is proposing to draft a new regulation under the <i>Community Charter</i> to allow local governments to ban single-use plastics without requiring provincial approval.  Staff are monitoring and will bring this initiative back when more details are available.
1507	28-Jan-20	<b>Village of Pemberton Gateway Sign Relocation</b>	<b>THAT</b> Staff facilitate refurbishment of the current southern Gateway Sign and explore the cost to refurbish the sign versus development of a new sign and design options for the addition of “welcome” in Ucmalmicwts and French.  <b>THAT</b> an application to apply for a Crown land tenure through the community institutional program	<b>STATUS UPDATE:</b> This item was brought forward for consideration in the 2020 budget but deferred to 2021.  The application has received review by Lil'wat Nation Referrals Committee and is now complete and is in process of being

## APPENDIX A

### REGULAR COUNCIL OUTSTANDING RESOLUTION LISTING AS AT March 31, 2021

			to relocate the southern Gateway Sign to Part of Primary: DISTRICT LOT 239, LILLOOET DISTRICT, Plan 24TR6_NEW_WESTMINISTER, PIN 6088620 be endorsed.	submitted to the Province. <b>Note:</b> This process takes up to 2 years.
1520	28-July-20	<b>Crown Land Tenure Application – Lillooet River Park and Boat Launch (Old Waste Water Treatment Plan at Highway 99)</b>	<b>THAT</b> Staff explore making application for a crown land tenure to facilitate waterfront access in this area	<b>STATUS UPDATE:</b> This initiative is on hold until confirmation is received that the Crown Land Tenure has been approved.
1528	30-Nov-20	<b>Development Cost Charge Bylaw</b>	<b>THAT</b> Staff be directed to prepare an Eligible Development for Waiving or Reducing Development Cost Charge Bylaw for consideration by Council in 2021.	<b>STATUS UPDATE:</b> This matter has been incorporated into the 2021 work plan.

**Date:** April 27, 2021  
**To:** Council  
**From:** Sheena Fraser, Acting, Chief Administrative Officer & Manager, Corporate & Legislative Services  
**Subject:** Notice on Title – 7628 Seven O’Clock Drive, Pemberton, BC  
Lot 19, District Lot 211, Lillooet District, Plan EPP88381.

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**PURPOSE**

The purpose of this report is to recommend filing a Notice on Title on the property at 7628 Seven O’Clock Drive, Pemberton, BC legally described as Lot 19, District Lot 211, Lillooet District, Plan EPP88381.

**BACKGROUND AND COMMENTS**

A Section 57 Notice on Title provides advice to any potential purchasers of a property that unauthorized or uninspected construction has taken place on the site and the purchaser should investigate the matter to determine, to their own satisfaction, whether they wish to proceed with the purchase of the property.

If a property owner, having received a Notice on their Title, corrects the contravention to the satisfaction of the Village, they may apply to have the Notice removed, at their own expense.

The application of Notice on Title is governed by a statutory process and the property owner must be provided an opportunity to appear before Council to respond to the Village’s position. Placing a Notice on Title may not move forward until that opportunity has been provided.

In April 2020, the Village received a building permit application for a single-family home to be constructed at 7628 Seven O’Clock Drive. A report from the Building Inspector is attached as **Appendix A** and outlines the background information respecting this matter.

The Building Permit was issued in May 2020; however, it was not until an administrative review of the Building Permit File done in July 2020, that it was identified the building height did not comply with the Sunstone Residential Townhouse Amenity 1 Zone (RTA-1). As the roof was completed and construction on the home was close to lock up there was no opportunity to make an adjustment to the building plans to reduce the height as such construction could continue.

In this regard, the property is in the Sunstone Residential Townhouse Amenity 1 Zone (RTA-1) and section 13.2.6 establishes the maximum building height at two storeys (**Appendix B**). This is less than 10.5 metres, which is the height to which the home was built, as set out in section 14.2.6 of the Residential Townhouse Amenity 2, The Ridge (RTA-2) (**Appendix C**).

Given the roof was in place, there was no way to remedy the non-compliance without stopping work and dismantling the roof to reduce the height which would be costly to the property owner.

Discussion has taken place with the property owner who is agreeable to the issuance of a Section 57 Notice on Title.

### **DISCUSSION**

Section 57 of the *Community Charter* provides Council with a tool to protect future purchasers of any property deemed to be in contravention of Village bylaws, particularly as they relate to building and liability matters.

As noted in the Building Inspectors Report and in the background section of this report, the property owner is not able to bring the building into compliance with the height regulations. In this regard, the property owner has indicated agreement with having a Section 57 Notice placed on Title.

### **COMMUNICATIONS**

Notification to the property owner of the intent to place a Section 57 Notice on Title respecting the non-conforming building was provided by mail and email on Friday, April 16, 2021. As per the section 57 (3) of the *Community Charter*, the property owner has been advised that should they desire an opportunity to be heard on this matter it will be provided at the Council Meeting at which the matter is being considered.

### **LEGAL CONSIDERATIONS**

Section 57 of the *Community Charter* sets out the process by which a local government may consider placing a Notice on Title in which the Building Inspector observes a condition that is contravention of a bylaw. The section is noted as **Appendix D** attached.

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

The establishment of a Section 57 Notice on Title has been facilitated in-house; however, there will be some costs associated with the registration of the Notice on Title at the Land Title Office. These costs can be accommodated.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

At this time there are no interdepartmental impacts or approvals required.

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

There are no impacts on the region or neighboring jurisdictions.

### **ALTERNATIVE OPTIONS**

There are no alternative options for consideration.

**RECOMMENDATIONS**

**Recommendation One:** THAT the report from the Manager of Corporate & Legislative Services, dated April 27, 2021 be received.

**Recommendation Two:** THAT the Corporate Officer be directed to file a Notice in the Land Title Office stating that:

- (a) A resolution relating to the land has been made under Section 57 of the Community Charter; and
- (b) Further information respecting the resolution maybe inspected at the Village of Pemberton Municipal Hall.

**Attachments:**

**Appendix A:** Building Inspectors Report, dated April 6, 2021

**Appendix B:** Zoning Bylaw No. 832, 2018 – Residential Townhouse Amenity 1, Sunstone (RTA-1)

**Appendix C:** Zoning Bylaw No. 832, 2018 – Residential Townhouse Amenity 2, The Ridge (RTA-2)

**Appendix D:** *Community Charter, Section 57*

Submitted by:	Sheena Fraser, Acting Chief Administrative Officer & Manager of Corporate & Legislative Services
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**Date:** April 6, 2021  
**To:** Sheena Fraser, Manager of Corporate & Legislative Services  
**From:** Chris Derouin, Building Inspector  
**Subject:** Section 57 NOTICE ON TITLE – 7628 Seven O'clock Dr.

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### **PURPOSE**

The purpose of this report is to recommend the filing of a Notice on Title with respect to the property at 7628 Seven O'clock Dr., Pemberton, BC legally described as **Lot 19, District Lot 211, Lillooet District, Plan EPP88381**.

### **BACKGROUND**

A building permit application was received by Village Staff on April 8, 2020 and received zoning review on May 5, 2020. The lot is located in the Sunstone Residential Townhouse Amenity 1 Zone (RTA-1) which allows a maximum building height for a principal, detached house of two (2) storeys.

Due to some mapping discrepancies and the property being located very close to the border of two zones, the proposed residence was reviewed for zoning compliance as being located in the Residential Townhouse Amenity 2 (RTA-2) Zone, which allows a maximum building height for a principal, detached house of 10.5 metres.

The map below shows the two zones represented in the same color and the property in question.





This matter of non-compliance was brought to the attention of the Village in July, 2020 when it was noticed during a review of the building file that the height was not in compliance with the Zoning. Unfortunately, the project was too far along for the builder to make the changes required.

The project is now nearing completion and the builder has requested final inspection and occupancy. However, as concern has been raised that zoning compliance cannot be achieved an option available is to place a Section 57 Notice on Title.

In this regard, due to the resulting, albeit inadvertent, zoning contravention, it is recommended that this item be brought forward for Council's consideration of the filing of a Section 57 Notice on Title. The homeowner has been informed and has no objections.

### **LEGAL CONSIDERATIONS**

Section 57 of the *Community Charter* allows the Village to file Notice on Title of any property where the Building Inspector:

- a) observes a contravention of a municipal bylaw, provincial building regulation, or another enactment that relates to the construction or safety of buildings or other structures; or
- b) discovers that something was done without a permit or inspection.

Before notice may be filed on title under Section 57 of the *Community Charter*, Council must give the Building Inspector and the property owner an opportunity to be heard.

Section 57 of the *Community Charter* states that the owner of the property must be provided the opportunity to be heard prior to a notice being registered on the title.

### **RECOMMENDATIONS**

As a result of the contravention of Zoning Bylaw No. 832, 2018, the Building Official recommends to Council that it consider a resolution as per Section 57(3) of the *Community Charter* that states:

**THAT** after providing the Building Official and the Owner an opportunity to be heard, Council may confirm the recommendations of the Building Official and pass a resolution directing the Corporate Officer to file a Notice in the Land Title Office stating that:

- (a) a resolution relating to that land has been made under this section, and
- (b) further information about it may be inspected at the municipal hall.

Prepared by:	Chris Derouin, Building Official
Manager Approval:	Lisa Pedrini, Manager of Development Services

**13.2 Residential Townhouse Amenity 1, Sunstone (RTA-1)***(Amendment Bylaw No. 841, 2018; Adopted October 16, 2018)*

The Residential Townhouse Amenity 1, Sunstone (RTA-1) Zone is to provide for Small Lot Detached Dwellings and Residential Townhouse development on lots within the Sunstone Neighbourhood, and to provide density incentives earned by the provision of certain amenities.

**13.2.1. Permitted Principal Uses**

- (a) Dwelling, Detached
- (b) Dwelling, Townhouse
- (c) Dwelling, Duplex (Amendment Bylaw No. 883, 2020; Adopted June 16, 2020)

**13.2.2. Permitted Accessory Uses**

- (a) Home Occupation
- (b) Secondary Suite

**13.2.3. Conditions of Use:**

- (a) Secondary Suites are permitted only on lots created and developed as Single Detached Dwelling units.
- (b) Duplex dwellings are permitted in multi-family developments of three (3) units or greater, on lots greater than 1,850m<sup>2</sup>. (Amendment Bylaw No. 883, 2020; Adopted June 16, 2020)
- (c) A maximum of one (1) Secondary Suite is permitted on a lot.
- (d) A maximum of one (1) Accessory Building or Structure, up to a maximum size of 10m<sup>2</sup>, is permitted on a lot.
- (e) The minimum lot sizes as a base density are as follows:
  - i. Detached Dwelling                      20,000 m<sup>2</sup>
  - ii. Townhouse                                      20,000 m<sup>2</sup> per unit
- (f) Where the requirements identified in Section 13.2.3(g) are fulfilled, the permitted density of a Single Residential use may be increased to the following:
  - i. Minimum Lot Size:                      350 m<sup>2</sup>
  - ii. Minimum Lot Width:                      12 m
- (g) Where the requirements identified in Section 13.2.3(g) are fulfilled, the permitted density of a Townhouse use may be increased in accordance with the regulations contained within the RM-1 Zone:
  - i. Minimum Lot Size:                      700 m<sup>2</sup>
  - ii. Maximum Floor Area Ratio:              0.50
- (h) The densities may be increased from the requirements identified in Section 13.2.3(d) to the requirements identified in Sections 13.2.3(e) and (f) by providing contributions toward community amenities have been provided through a payment of \$9,165 per detached dwelling or \$6,110 per townhouse unit, payable either:

- i. in cash at the earlier of building permit issuance or registration of a plan of subdivision, to be held in a reserve fund by the Village for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and accessory uses; and/or
- ii. in-kind works and services provided that they are approved by the Village in writing at the earlier of building permit issuance or registration of a plan of subdivision, for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and accessory uses.

#### 13.2.4. Density Regulations

a) Maximum Density, Detached:	n/a
b) Maximum Density, Townhouse:	25 units per Ha

#### 13.2.5. Lot Regulations

a) Minimum Lot Size, Detached:	350 m <sup>2</sup>
b) Minimum Lot Size, Townhouse:	700 m <sup>2</sup>
c) Minimum Lot Width, Detached:	12 m
d) Minimum Lot Width, Townhouse:	n/a

#### 13.2.6. Building Regulations

a) Minimum Front Setback, Detached:	6 m
b) Minimum Front Setback, Townhouse:	7.5 m
c) Minimum Rear Setback, Detached:	7.5 m
d) Minimum Rear Setback, Townhouse:	5 m
e) Minimum Interior Side Setback, Detached:	1.2 m (i)
f) Minimum Interior Side Setback, Townhouse:	3m
g) Minimum Exterior Side Setback, Detached:	1.2 m (i)(ii)
h) Minimum Exterior Side Setback, Townhouse:	3 m
i) Maximum Lot Coverage, Detached:	50%
j) Maximum Lot Coverage, Townhouse:	40%
k) Maximum Building Height, Principal, Detached:	Two (2) storeys
l) Maximum Building Height, Townhouse:	10.5 m
m) Maximum Building Height, Accessory, Detached:	3 m
n) Maximum Building Height, Accessory, Townhouse:	4.6 m

#### Conditions of Use

- i. In the case where a side lot line flanks a street a minimum side setback is 2.4 m.
- ii. One side setback may be reduced to 0.6 meters for **garage area only**; however, 0.6 m setbacks may not abut each other on adjacent lots.

**13.2.7. Off-Street Parking**

- (a) Off-street parking spaces shall be provided in accordance with the requirements of this Bylaw.

**13.2.8. Screening and Landscaping**

- (a) Screening and landscaping shall be provided in accordance with the regulations in this Bylaw.

**13.2.9. Signage**

- (a) Signage should be limited to that permitted pursuant to the requirements of this Bylaw and the Village of Pemberton Sign Bylaw.

**13.2.10. Watercourse Setbacks**

- (a) Setbacks from any watercourses on the property must be in accordance with the requirements of the Village of Pemberton, Ministry of Environment and the Department of Fisheries and Oceans.

**14.2 Residential Townhouse Amenity 2, The Ridge (RTA-2)***(Amendment Bylaw No. 841, 2018; Adopted October 16, 2018)*

The *Residential Townhouse Amenity 2, The Ridge (RTA-2) Zone* is to provide for *Small Lot Detached Dwellings* and *Residential Townhouse* development within the Ridge Neighbourhood, and to provide density incentives earned by the provision of certain amenities.

**14.2.1. Permitted Principal Uses**

- (a) *Dwelling, Detached*
- (b) *Dwelling, Townhouse*

**14.2.2. Permitted Accessory Uses**

- (a) *Home Occupation*
- (b) *Secondary Suite*

**14.2.3. Conditions of Use**

- (a) *Secondary suites* are permitted only on *lots* created and developed as *Detached Dwelling units*.
- (b) A maximum of one (1) *secondary suite* is permitted on a *lot*.
- (c) A maximum of two (2) *accessory buildings or structures* are permitted on a *lot*.
- (d) The minimum size for a *townhouse* is 300 m<sup>2</sup>.
- (e) The minimum lot sizes as a base density are as follows:
 

i. <i>Detached Dwelling</i>	20,000 m <sup>2</sup>
ii. <i>Townhouse</i>	20,000 m <sup>2</sup> per unit
- (f) Where the requirements identified in Section 14.2.3(h) are fulfilled, the permitted density of a *Detached Dwelling* use may be increased to the following:
 

i. <i>Minimum Lot Size</i>	700 m <sup>2</sup>
ii. <i>Minimum Lot Width</i>	18 m
iii. <i>Maximum Floor Area Ratio</i>	0.50
- (g) Where the requirements identified in Section 14.2.3(h) are fulfilled, the permitted density of a *Townhouse* use may be increased in accordance with the regulations contained within the RM-1 Zone:
 

i. <i>Minimum Lot Size:</i>	700 m <sup>2</sup>
ii. <i>Minimum Lot Width:</i>	18 m
iii. <i>Maximum Floor Area Ratio</i>	0.50
- (h) The densities may be increased from the requirements identified in Section 14.2.3 (e) to the requirements identified in Section 14.2.3(f) and Section 14.2.3 (g) providing contributions toward community amenities have been provided through a voluntary contribution of \$9,165 per *detached dwelling* lot or \$6,110 per *townhouse* unit, payable either:

- i. in cash at the earlier of building permit issuance or registration of a plan of subdivision, to be held in a reserve fund by the Village for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and accessory uses; and/or
- ii. in-kind works and services provided that they are approved by the Village in writing at the earlier of building permit issuance or registration of a plan of subdivision, for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and accessory uses.

#### 14.2.4. Density Regulations

(a) Maximum Density, <i>Detached</i> :	0.50 FAR
(b) Maximum Density, <i>Townhouse</i> :	25 units per Ha

#### 14.2.5. Lot Regulations:

a) Minimum Lot Size, <i>Detached</i> :	700 m <sup>2</sup>
b) Minimum Lot Size, <i>Townhouse</i> :	700 m <sup>2</sup>
c) Minimum Lot Width, <i>Detached</i> :	18 m
d) Minimum Lot Width, <i>Townhouse</i> :	n/a

#### 14.2.6. Building Regulations:

a) Maximum Lot Coverage:	40%
b) Minimum Front Setback, <i>Detached</i> :	5 m
c) Minimum Front Setback, <i>Townhouse</i> :	7.5 m
d) Minimum Rear Setback, <i>Detached</i> :	5 m
e) Minimum Rear Setback, <i>Townhouse</i> :	5 m
f) Minimum Interior Side Setback, <i>Detached</i> :	1.5 m
g) Minimum Interior Side Setback, <i>Townhouse</i> :	3 m
h) Minimum Exterior Side Setback, <i>Detached</i> :	3 m
i) Minimum Exterior Side Setback, <i>Townhouse</i> :	3 m
j) Maximum Building Height, <i>Detached or Townhouse</i> :	10.5 m
k) Maximum Building Height, <i>Accessory</i> :	4.6 m

#### 14.2.7. Off-Street Parking

- (a) Off-street parking spaces shall be provided in accordance with the requirements of this Bylaw.



**14.2.8. Screening and Landscaping**

- (a) Screening and landscaping shall be provided in accordance with the regulations in this Bylaw.

**14.2.9. Signage**

- (a) Signage should be limited to that permitted pursuant to the requirements of this Bylaw and the Village of Pemberton Sign Bylaw.

**14.2.10. Watercourse Setbacks**

- (a) Setbacks from any watercourses on the property must be in accordance with the requirements of the Village of Pemberton, Ministry of Environment and the Department of Fisheries and Oceans.

# Community Charter

## APPENDIX D

### Note against land title that building regulations contravened

57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector

(a) observes a condition, with respect to land or a building or other structure, that the inspector considers

(i) results from the contravention of, or is in contravention of,

(A) a municipal bylaw,

(B) a Provincial building regulation, or

(C) any other enactment

that relates to the construction or safety of buildings or other structures, and

(ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or

(b) discovers that

(i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and

(ii) the permit was not obtained or the inspection not satisfactorily completed.

(2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must

(a) give notice to the registered owner of the land to which the recommendation relates, and

(b) after notice under paragraph (a), place the matter before the council.

(3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that

(a) a resolution relating to that land has been made under this section, and

(b) further information about it may be inspected at the municipal hall.

(4) The corporate officer must ensure that all records are available for the purpose of subsection (3) (b).

(5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.

(6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.

(7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,

(a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,

(a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the *Land Title Act*, and

(b) the assurance fund or the minister charged with the administration of the *Land Title Act* as a nominal defendant is not liable under Part 20 of the *Land Title Act*.

(8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.

(9) The authority under this section is in addition to any other action that a building inspector is authorized to take in respect of a matter referred to in subsection (1).

**Date:** April 27, 2021  
**To:** Nikki Gilmore, Chief Administrative Officer  
**From:** Christine Burns, Manager of Recreation  
**Subject:** Recreation Service 2021 First Quarter Report

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**PURPOSE**

The purpose of this report is to provide Council with an update on the First Quarter activities of the Pemberton and District Recreation Services.

**BACKGROUND**

Quarterly reports will be provided throughout the year as a means of keeping Council up to date with the Recreation Service Department projects and activities.

**DISCUSSION & COMMENTS**

This report provides an overview of First Quarter activities undertaken by the Department of Recreation Services from January 1, 2021 to March 31, 2021.

**Winter Programming:**

As a result of Public Health Restrictions registration for Winter programs through our online booking system Perfectmind, was somewhat random with:

- Afterschool programming opening on Monday December 7, 2020
- General Children’s programs opening on Monday December 21, 2020
- Adult Fitness also opening on Monday December 21, 2020

A comparison respecting operation and activities between 2020 and 2021 is provided below:

<b>Pemberton Community Centre Activities</b>	<b>Statistics 2020</b>	<b>Statistics 2021</b>
Registration	743 participants	549 participants
Classes Offered	140	69
Classes Cancelled	43 (30%)	6
Classes Run	97	63
Gross Program Revenue	\$45,770.05	\$32,709.80

**1. School Aged Children Winter Offerings:**

Staff focused on creating as many school aged programs as possible in conjunction with contractors and through hiring program leader Staff. The following programs were offered by program contractors:

- Youth Kickboxing
- Kids Fit

- An array of Dance programs by Pemberton Dance Academy

Programs facilitated by Staff this winter included:

- Monday through Friday Afterschool Program
- Pro D Days and Early Dismissals
- Themed Spring Vacation Camps

Winter 2021 Programs (January – March) Registration Highlights for Children’s Programs include:

<b>Activity</b>	<b>Registrants</b>
Afterschool Program	Full (8 registrants Monday, Wednesday, Thursday, Friday’s average 4 and Tuesday 12)
Themed Spring Vacation Camps	Full (8 registrants/9 days)
Kids Fit	Full (8 registrants)
Youth Kickboxing	Full (6 registrants)
Kinder Acro	Full (11 registrants)
Little Ballerinas	Full (10 registrants)
Acro/Jazz 1&2	Full (12 registrants)
Acro/Jazz 3&4	Full (12 registrants)
Mini Acro	Full (8 registrants)

## 2. Adult Group Fitness Offerings:

Winter Group Fitness programming required Staff to pivot multiple times as a result of repeated modifications to the Public Health Order for Gatherings and Events. Staff was required to cancel, postpone, re-create and deliver all new fitness programs to meet the new expectations laid out by the Public Health Officer. The major shift in January was the elimination of High Intensity Fitness classes and the introduction of a 3-metre square box for each participant in the class which resulted in minimizing the number of participants per class to a maximum of eight (8) plus an instructor.

On March 29, 2021, the Public Health Orders were updated and as a result a complete pause of Group Fitness Classes was mandated and while individual workouts could continue all participants are now required to wear a mask while exercising. Despite these challenges the following programs did run successfully until the changes came into effect:

<b>Activity</b>	<b>Registrants</b>
Rise and Shine	8 registrants
Glutes, Abs and Roll	8 registrants
Mum & Baby Fitness	6 registrants
Slow Burn	8 registrants
Yin Yoga	8 registrants
Sweatless Body Buster	8 registrants
Value Added Classes	Full most weeks

### 3. Pre-Registered Fitness Centre Use:

A total of 1,549 unique fitness centre bookings were made between January 1 to March 31, 2021.

With the updated PHO on November 7, 2020, Recreation Services was required to update the COVID-19 Safety Plan. In this regard, modifications were made to the workout timeslot schedule to accommodate sanitization between sessions and to guarantee no patron overlap. The new schedule and protocols were continued through January, February and March and are as follows:

<b>Fitness Blocks (Tuesday through Friday)</b>	
	6:00 – 7:00am
	7:30 – 8:30am
	9:00 – 10:00am
	3:00 – 4:00pm
	4:30 – 5:30pm
	6:00 – 7:00pm
	7:30 – 8:30pm
<b>Fitness Blocks (Saturday)</b>	
	9:30 – 10:30am
	11:00 – 12:00pm
	12:30 – 1:30pm

The chart below provides a breakdown of the number of Memberships sold in January, February and March in comparison to the Fourth Quarter of 2020:

<b>Pass Types</b>	<b>October thru December</b>	<b>January thru March</b>
1 Month Adult	87	65
1 Month Senior/Student	22	9
10x Adult	152	147
10x Senior/Student	41	34
3 Month Adult	40	33
3 Month Student/Senior	7	4
6 Month Adult	6	8
6 Month Student/Senior	1	1
1 Year Adult	4	2
1 Year Student/Senior	2	1
<b>Total</b>	<b>362</b>	<b>304</b>



#### 4. Seniors and Youth Programing:

Youth Services in the REC continued through January, February and March with significant fluctuations in attendance as the Pandemic continued.

<b>The REC (average participant use)</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>
Wednesday	4 youth	19 youth	4.5 youth
Thursday	7 youth	17 youth	12 youth
Friday	17 youth	32 youth	29 youth
Saturday	5 youth	24 youth	19 youth

Please note that prior to the COVID-19 Pandemic sign in was not practiced, therefore, 2020 and 2019 numbers may not be fully accurate.

Senior's programming continued in an online format with consistent participation from 12 regular participants for the following:

<b>Activity</b>	<b>Registrants</b>
Strength Training	Average of 7 participants
Chair Yoga	Average of 6 participants

The outside Walk and Talk program continued with some disruptions as per the Public Health Orders continually modified restrictions, with an average of four (4) Seniors joining on a weekly basis.

#### 5. Facility Updates for First Quarter

The following work took place at the Pemberton Community Centre in the First Quarter:

- Pemberton Community Centre and the REC fire inspections completed.
- Merv 13 filter upgrades (Hospital/surgical centre filtration)
- Backflow maintenance complete/new air bleeders on geothermal units
- Lift maintenance ongoing (windows/roof works).
- Occupational Health & Safety (OH&S) inspection complete and deficiencies remedied.
- Request for Proposal for New Cleaning Contractors was issued for an April 1, 2021 start.
- Updated emergency procedures/fire safety plan.
- Re-certification of playground inspector's exam complete and working with the Manager of Operations & Projects to have the Facilities Maintenance Coordinator perform all playground inspections for the Village.
- Order playground hand sanitizer stations for various parks, One Mile Lake Park and Nature Play Park in particular.
- Planned for Easter Weekend closure to complete interior window cleaning involving lift work, and the fitness centre bi-annual service and deep clean.
- Mid-March saw return of Landscaping crew for spring clean up with weekly service to begin April 1<sup>st</sup>.

## 6. Indoor Facility Use:

On-going Pandemic protocols continued through the Winter as a result no new bookings were received. That said, accommodations have been made to facilitate space for the Pemberton community Vaccination Clinics, hosted by Vancouver Coastal Health, which began March 17, 2021 for the 80+ age group.

PCC had the following bookings continue through the Winter:

- École la Vallée
- Whistler Gymnastics
- Karate

## 7. Parks and Fields:

During the First Quarter, the coordination of the Village Park Use Permits (PUP's) was transitioned from the Office of the CAO to Recreation Services. Work has been taking place to efficiently amalgamate the Village processes with that of the SLRD and updating the software system.

Park Use Permit applications have been received from several community groups seeking to secure outdoor space for their Spring/Summer activities. Those applications either approved or in process are listed below;

- Stewardship Pemberton
- Girl Guides
- Pemberton Farmers Market
- Pemberton Off Road Cycling Association (PORCA)
- Birken Recreation and cultural Society
- Pemberton Canoe Association
- Pemberton Youth Soccer Association
- Story Walks
- Skateboard Camps
- Rocky Mountain Sports Camps
- Pemberton Arts Council
- Softball for Adults and Children

Meadows Fields:

- Monthly checks continued for January, February, March.

The Rec Site:

- No activity on the part of Recreation Services for January, February, March

Gates Lake

- Monthly monitoring continued for January, February, March.

## **Phase 3 – Continued Activation through Public Health Order**

Access to the PCC for Phase 3 of programs and services continue to be on a registration basis only and drop in opportunities were not permitted. The adaptation to the facility's modified hours of operation in November, in response to the updated Public Health Orders, continued into the First Quarter and as noted above Group Fitness began it with a suspension of High Intensity Group Fitness Classes and new space restrictions for individual participants in Group Fitness

Classes. This change required a maximum of 8 persons per class and modification of the fitness programming offered.

In February, École la Vallée put in place an Administrative Closure due to an abnormally high number of positive COVID-19 cases in the school and the potential for exposure transfer. At the same time there were several community members testing positive which had the potential to impact staffing. As a result, of operational concerns a temporary suspension of PCC programs and services was put in place from February 8<sup>th</sup> to 15<sup>th</sup>. This allowed for a required reset.

In March, Public Health Officer imposed further restrictions on the Province; however, those did not impact Recreation until March 29, 2021 when once again Group Fitness classes were paused and masks became required for individuals to exercise, and space requirements per person were increased. Staff are now moving forward with the planning of Group Fitness classes for outside with a maximum participation of 10 including instructor. The requirement to wear a mask while working out in the Fitness Centre has been supported by Community Centre members and no changes to the ratio of fitness centre participants were required.

### **COMMUNICATIONS**

Recreation Services coordinates with the Communications and Grant Coordinator on the initiatives and projects that are currently underway to ensure that information is communicated to residents through the eNEWS, Facebook and other social network mediums. As such, considerable communication has been undertaken related to the Pemberton and District Community Centre operations and continued changes taking place for Fitness Services and programs because of continued updates to the Public Health Order on Gatherings and Events.

### **LEGAL CONSIDERATIONS**

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

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

The Recreation Services Department operates on the Squamish-Lillooet Regional District (SLRD) Board approved annual budget, reserves, grants and on a cost recovery basis as per the SLRD Recreation Service Fees and Charges Bylaw No. 1635-2019, as amended.

The COVID-19 Pandemic has had an impact to the budget and staffing schedule; however, through innovation and adjustments to programming full-time hours continued to be provided for full-time Staff and casual Staff in the First Quarter. All full-time Staff continued to offset operations through a varied schedule and casual Staff were used to ensure disruptions to programming and services being re-introduced did not occur.

Additional expenses continue to be accumulated in order to be compliant with WorkSafeBC, Provincial Health Authority and other governing bodies, and to ensure all aspects of the COVID-19 Safety Plan were being met. There continues to be expenses related to COVID-19 response with the potential to continue throughout 2021. The Village and the SLRD have received COVID-19 Safe Restart Grants for Local Governments from the Province that will be jointly allocated for 2021 and beyond to offset any operational losses or direct COVID expenses that have not already been covered.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

There are no interdepartmental impacts or approvals required.

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

Currently, collaborative efforts exist between Whistler, and Squamish to mindfully return to Recreation Services in a similar manner. This will positively impact residents of the region as a whole. It has also been identified that consultation will be required with Sea to Sky School District No. 48, School District No. 93, Sea to Sky Community Services and various other service groups in the community in order to thoughtfully continue to program for 2021 to meet potential needs of the community.

### **ALTERNATIVE OPTIONS**

This report is presented for information. There are no alternative options for consideration.

### **RECOMMENDATIONS**

**THAT** the Pemberton and District Recreation Services 2021 First Quarter Report be received.

Submitted by:	Christine Burns, Recreation Services Manager
Acting CAO Approval by:	Sheena Fraser, Acting Chief Administrative Officer

**Date:** April 27, 2021  
**To:** Nikki Gilmore, Chief Administrative Officer  
**From:** Lisa Pedrini, Manager of Development Services  
**Subject:** Development Services 2021 First Quarter Report: January – March

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**PURPOSE**

The purpose of this report is to inform Council of the activities of the Development Services Department for the First Quarter of 2021.

**BACKGROUND**

Quarterly reports will be provided throughout the current year as a means of keeping Council up to date with building, planning and development activities.

**DISCUSSION & COMMENTS**

This report provides an overview of the number of permits issued and applications received between January 1 and March 31, 2021 in the following areas:

**BUILDING DIVISION**

**January - March 2021 - Building Permit Overview**

A breakdown of building permit data for the First Quarter of 2021 is provided below.

<b><u>Type of Permit</u></b>	<b><u># of BP's Issued</u></b>	<b><u>Value of Construction</u></b>	<b><u>Permit Fees</u></b>
Single Family Dwelling	2	\$1,436,142	\$10,907
Single Family Dwelling with suite	2	\$1,973,436	\$17,043
Manufactured Homes (mobile)	0	0	0
Multi Family Dwelling (owned)	0	0	0
Duplex	5	\$5,640,264	\$40,982
Multi Family Dwelling (rental)	0	0	0
Industrial	0	0	0
Institutional	0	0	0
Farm Building	0	0	0
Other (Decks, Stairs, Reno, Plumbing, etc.)	29	\$886,500	\$16,337
Tenancy Improvements (Commercial/Industrial)	0	0	0
<b>Total Permits – 1<sup>st</sup> Quarter 2021</b>	<b>38</b>	<b>\$9,936,342</b>	<b>\$85,269</b>

The following Development Cost Charges were collected in the First Quarter of 2021.

Fund	DCCs Collected in First Quarter
Roads	\$5,635
Drainage	\$286
Sewer	\$13,587
Water	\$6,599
Parks	\$8,769
<b>TOTAL</b>	<b>\$ 34,876</b>

## PLANNING DIVISION

### 2021 Current Development Applications

A list of applications currently in-house is provided below; information new to the First Quarter is shown in **bold font**.

Application #	Project	Status
DP86	Harmony Reach (Wye Lands) – Combined Commercial Residential Development	On hold pending DVP125
DP88	The Aspect – 1422, 1426, 1430 Portage Road – Multi-family Building	In Process
<b>DP90</b>	<b>7454 Prospect Street – Tenquille Building – Mixed Use Building</b>	<b>Received 02.19.21; In Process</b>
<b>DVP127</b>	<b>7665 Cerulean Drive- Retaining Wall Variance</b>	<b>Received 02.21.21; In Process</b>
<b>DVP128</b>	<b>7661 Cerulean Drive – Retaining Wall Variance</b>	<b>Received 02.24.21; In Process</b>
<b>DVP129</b>	<b>1368 Fernwood – Road &amp; Utility Variances</b>	<b>Revised Application Received 02.26.21; In Process</b>
OR131	French School CSF (SD#93)	In Process
OR132	Retaining Wall Zoning Bylaw Amendment	<b>Did not move forward</b>
<b>OR133</b>	<b>Nkwûkwma (Benchlands) Neighbourhood Concept Plan Submission</b>	<b>Received 03.19.21; In Process</b>
SO61	Tiyata – Phase 4 – 16 Small Lot Subdivision	In Process
SO71	1368 Fernwood – 4 Lot Subdivision	In Process
SO75	1350 Aster Street- SLRD/VOP Lot Split	In Process
SO76	1400 Oak Street – PSS Lot Split	In Process
SO78	Sunstone Phase 2	In Process
SO79	1929 Stone Cutter Place – VOP & SLRD	In Process
<b>SO81</b>	<b>Sunstone Phase 1C – 14 Feet Simple Lots + Remainder</b>	<b>Received 01.19.21; In Process</b>
<b>SAP 2021-1</b>	<b>7520 Pebble Creek Drive</b>	<b>In Process</b>
<b>SAP 2021-2</b>	<b>1936 Carpenter Road</b>	<b>In Process</b>
<b>SAP 2021-3</b>	<b>7632 Seven O’Clock Drive</b>	<b>In Process</b>
<b>SAP 2021-4</b>	<b>3012 Tenquille Place</b>	<b>In Process</b>



DPA: Development Permit  
 DVP: Development Variance Permit  
 LL: Liquor Licence

SO: Subdivision  
 BoV: Board of Variance  
 CL: Cannabis Licence

DPm: Minor Development Permit  
 OR: OCP/Zoning Amendment  
 SAP: Site Alteration Permit

## 2021 Long Range Planning Projects

The following is a list of long-range planning projects and policy work and their respective status as of March 31, 2021.

Project	Status
Affordable Housing Action Plan – Work Program	<b>In Process – Virtual information session and community survey completed; results to be analyzed; meetings held with Lions and BC Housing</b>
Climate Action Plan	<b>In Process – Key stakeholder engagement completed, virtual information session &amp; community survey to be launched in April 2021</b>
Zoning Bylaw Text & Mapping Amendments	In Process
Development Cost Charge (DCC) Bylaw Review	<b>In Process</b>
Official Community Plan (OCP) Review	<b>In Process</b>
Building Bylaw Update	In Process

## COMMUNICATIONS

The Development Services Department works with the Communications & Grants Coordinator to regularly update the Village’s website with current information related to planning and building to meet statutory requirements related to notification as needed.

The new online public engagement website – HaveYourSay.Pemberton.ca is used to share information and seek input on Long Range Planning Projects.

## LEGAL CONSIDERATIONS

There are no legal considerations as this report is being presented for information purposes.

## IMPACT ON BUDGET & STAFFING

The Development Services Division operates on a cost recovery basis as per the *Development Procedures Bylaw No. 887, 2020*, as amended from time to time. All applications for development, subdivision, temporary use and building permits have fees associated with the review. If the review of development applications exceeds the deposit, then any additional time is cost-recoverable from the applicant.

## INTERDEPARTMENTAL IMPACT & APPROVAL

The Development Services Department works closely with all Village Departments through referrals and coordination of public hearings, reports, and presentations to Council.

**IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

There are no impacts on the region or neighbouring jurisdictions.

**ALTERNATIVE OPTIONS**

This report is presented for information. There are no alternative options for consideration.

**RECOMMENDATIONS**

**THAT** the Development Services 2021 First Quarter Report be received.

Submitted by:	Lisa Pedrini, Manager of Development Services
Acting CAO Approval by:	Sheena Fraser, Acting Chief Administrative Officer

**Date:** April 27, 2021

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

**From:** Nikki Segovia, Building and Planning Clerk

**Subject:** Discharge of Covenant CA2723154 modified by CA4950099 from Lot 5, DL 211, EPP 21848 (7374 Pemberton Farm Road East)

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### **PURPOSE**

The purpose of this report is to seek Council's approval to authorize the discharge of CA2723154 modified by CA4950099 from 7374 Pemberton Farm Road East, legally described as Lot 5, District Lot 211, Lillooet District Plan EPP 21848 in preparation for a potential sale of the property.

### **BACKGROUND**

Covenant CA2723154 was registered as a Section 219 Restrictive Covenant on July 9, 2012 as part of the plan to subdivide lands known as "The Ridge". The legal description of the land registered was Lot 1, District Lot 211 Lillooet District Plan KAP 87819. The agreement between 5840049 B.C. Ltd. (the owners of The Ridge lands) and the Village of Pemberton was essentially a means to ensure the lands were developed in accordance with the development plan identified in the covenant as Schedule "A" and for the Developer to agree to restrictions as outlined in the covenant. A copy of Covenant CA2723154 is attached as **Appendix A**.

Covenant CA2723154 was later modified on January 19, 2016 by Covenant CA4950099 at the time of rezoning of The Ridge lands. The legal description of the lands on the covenant modification are Lot 2 and Lot 3, District Lot 211, Lillooet District Plan EPP 21848 and pertained to Phase 1, 2 and 3 of The Ridge subdivisions. Covenant CA4950099 is attached as **Appendix B**.

Covenant CA2723154 was modified by the removal of subsections 1(b) and 1(d), the former being the removal of a Community Amenity Contribution and the latter the removal of a site servicing agreement.

Since the Covenant was modified, Phase 1 and 2 of The Ridge have been completed and Phase 3 is in progress. [Phase 3 is also referred to as "Phase 1C Sunstone" and is the proposed subdivision of Lot B, DL 211, LLD, Plan EPP74427 for a 14-lot subdivision.]

The Covenant is listed on the Title for the subject lands with the legal description as Lot 5, District Lot 211, Lillooet District Plan EPP21848 with the remark "Inter Alia," meaning "among other things". The Land Title is attached as **Appendix C**. As both Covenant CA2723154 and its modification CA4950099 do not include Lot 5 in their schedules or appendix maps, it is believed that the Covenant was registered to Lot 5 in error as the property is adjacent to both Lots 1, 2 and 3. This is probably due to the fact, that at one time, Lot 5 was part of a parent parcel. However, Lot 5 is legally not part of a parent parcel, the owner of Lot 5 (7374 Pemberton Farm Road East)

has requested to discharge the subject Covenant and its modification to facilitate a land transaction.

### **DISCUSSION & COMMENTS**

The effect of discharge of CA2723154 modified by CA4950099 would be to remove it entirely from the lands legally described as Lot 5, District Lot 211, Lillooet District Plan EPP21848.

The Covenant establishes certain restrictions and developer obligations on Lot 1, 2 and 3. The request for discharge is based on any future land transactions being erroneously burdened and restricted by the Covenant currently registered on Title to Lot 5.

Should the sale transaction be completed and/or the current or a different future owner pursue development of the lands in a form different than that identified in the Rural Residential (RR-1) zoning, an Official Community Plan (OCP) and Zoning Bylaw amendment application will be required. At that stage, the Village will have an ability to reset and redirect the development and fine tune any additional amenities, developer obligations or covenants to be registered through a new Land Development Agreement.

Staff are therefore prepared to support the discharge of Covenant CA2723154 modified by CA4950099.

### **COMMUNICATIONS**

This decision does not require a communications element.

### **LEGAL CONSIDERATIONS**

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

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

Pursuant to Development Procedures Bylaw No. 887, 2020, a fee of \$200, is collected by the Village to facilitate the discharge of a covenant. Further, all legal costs associated with filing the discharge at the Land Title Office are cost recovered.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

This decision has no impact on other Village departments.

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

This decision has no impact on other jurisdictions.

### **ALTERNATIVE OPTIONS**

Alternative Options for consideration are as follows:

**Option One:** THAT Council authorizes the discharge of Covenant CA2723154 modified by CA4950099 from Lot 5, DL 211, EPP 21848 and authorizes the Chief Administrative Officer to effect the discharge.

**Option Two:** THAT Council refuse to discharge Covenant CA2723154 modified by CA4950099 from Lot 5, DL 211, EPP 21848.

**RECOMMENDATIONS**

**THAT** Council authorizes the discharge of Covenant CA2723154 modified by CA4950099 from Lot 5, DL 211, EPP 2184

**AND THAT** Council and authorizes the Chief Administrative Officer to effect the discharge.

**ATTACHMENTS:**

**Appendix A:** Covenant CA2723154

**Appendix B:** Covenant CA4950099 (modification)

**Appendix C:** Land title document for Lot 5, DL 211, EPP 21848

Prepared by:	Nikki Segovia, Building and Planning Clerk, Development Services
Manager Approval:	Lisa Pedrini, Manager of Development Services
Acting CAO Approval by:	Sheena Fraser, Acting Chief Administrative Officer

KAMLOOPS LAND TITLE OFFICE

Aug-17-2012 12:00:32.001

CA2723154

LAND TITLE ACT  
FORM C (Section 233) CHARGE

GENERAL INSTRUMENT - PART 1 Province of British Columbia

1340735567 PAGE 1 OF 6 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Ian Terence  
Davis 3UXBSR

Digitally signed by Ian Terence Davis  
3UXBSR  
DN: c=CA, ou=Ian Terence Davis  
3UXBSR, o=Lawyer, ou=Verify ID at  
www.juricef.com/LKUP.cfm?  
id=3UXBSR  
Date: 2012.08.17 11:48:27 -07'00'

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Race & Company

Shelley Key, Authorized Agent

File No.: 47269

201-1365 Pemberton Avenue, PO Box 1850

Squamish

BC V8B 0B3

Phone: 604-892-5254

Document Fees: \$72.50

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

027-701-522

LOT 1 DISTRICT LOT 211 LILLOOET DISTRICT PLAN KAP87819

STC? YES

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

4. TERMS: Part 2 of this instrument consists of (select one only)

(a)  Filed Standard Charge Terms D.F. No.

(b)  Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

580049 B.C. LTD. (INC. NO. BC0580049)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

VILLAGE OF PEMBERTON

7400 PROSPECT STREET, PO BOX 100

PEMBERTON

BRITISH COLUMBIA

V0N 2L0

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Transferor(s) Signature(s)

Derek McLauchlan

Barrister & Solicitor

215-8171 Cook Road

Richmond, BC, V6Y 3T8

Y	M	D
12	07	09

580049 B.C. Ltd.

by its authorized signatory(ies):

Print Name: Werner Karl Biro

Print Name:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

**LAND TITLE ACT  
FORM D**

**EXECUTIONS CONTINUED**

Officer Signature(s)

**Execution Date**

Transferor / Borrower / Party Signature(s)

\_\_\_\_\_  
Suzanne Belanger  
Commissioner for Taking Affidavits in BC  
7400 Prospect Street  
Pemberton, BC, V0N 2L0

Y	M	D
12	07	19

Village of Pemberton  
by its authorized signatory(ies):

\_\_\_\_\_  
Print Name: Sheena Fraser

\_\_\_\_\_  
Print Name: Jordan Sturdy

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**OFFICER CERTIFICATION:**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.



THIS AGREEMENT MADE THIS \_\_\_\_\_ day of June, 2012

BETWEEN:

**580049 B.C. Ltd.**, a corporation having its registered and records office located at 215- 8171 Cook Rd, Richmond, B.C., V6Y 3T8

(hereinafter called the "Covenantor")

OF THE FIRST PART

AND:

**VILLAGE OF PEMBERTON**, a Municipality duly incorporated under the laws of the Province of British Columbia, having an address at 7400 Prospect Street, Pemberton, BC V0N 2L0

(hereinafter called the "Covenantee")

OF THE SECOND PART

WHEREAS:

- A. The Covenantor is the registered owners of ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the District of Squamish, in the Province of British Columbia, and more particularly described as:

**Lot 1 District Lot 211 Lillooet District Plan KAP 87819**

**Parcel Identifier: 027-701-522**

(hereinafter called the "Lands");

- B. The Covenantor intends to subdivide the Lands in accordance with the proposed subdivision plan attached as Schedule "A";
- C. Section 219 of the Land Title Act provides that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of land or the use of a building or to be erected on land, in favour of a Municipality or the Crown.
- D. The Covenantor has agreed to restrictions on the use of the Lands.

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that pursuant to Section 219 of the Land Title Act, and in consideration of the sum of One Dollar (\$1.00) now paid to the Covenantee by the Covenantor (the receipt and sufficiency where of is hereby acknowledged), the parties hereto covenant and agree each with the other as follows:

1. The Covenantor, on behalf of itself and its heirs, executors, administrators, successors and assigns, hereby covenants and agrees with the Covenantee, as a covenant in favour of the Covenantee pursuant to Section 219 of the Land Title Act, it being the intention and agreement of the Covenantor that the provisions hereof be annexed to and run with and be a charge upon the Lands, that from and after the date hereof that the Covenantor shall not build, place or erect or permit the building, placement or erection of any buildings, structures or improvements on the Lands, nor shall the Covenantor apply for or be permitted to apply for a building permit or be entitled to a Development Permit, unless and until the Covenantor complies with the following requirements :
  - (a) Dedicate or transfer to the Covenantee park land equal to 5% of the land mass of the Lands from the Lands or other property, in any event to be satisfactory to the Covenantee;
  - (b) Pursuant to the Covenantee's Community Amenity Contribution Policy, contribute \$9,165 per building lot and \$6,110 per multiple family dwelling to the Covenantee ;
  - (c) Perform appropriate flood proofing or protection or register an appropriate Flood Covenant against the Lands as may be required by and in a form satisfactory to the Covenantee; and
  - (d) Enter a site servicing agreement with the Covenantee in a form satisfactory to the Covenantee.
2. Nothing contained or implied herein shall prejudice or affect the rights and powers of the Covenantee in the exercise of its functions under any public and private statutes, by-laws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Covenantor.

3. The covenants set forth herein shall charge the Lands pursuant to Section 219 of the Land Title Act and the burden of which shall run with the Lands. It is further expressly agreed that the benefit of all covenants made by the Covenantor herein shall accrue solely to the Covenantee and that this Agreement may only be modified or discharged by agreement of the Covenantee, pursuant to the provisions of Section 219(5) of the Land Title Act.
4. Notwithstanding anything contained herein, the Covenantor shall not be liable under any of the covenants and agreements contained herein where such liability arises by reason of an act or omission occurring after the Covenantor ceases to have any further interest in the Lands.
5. Wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.
6. This Agreement shall endure to the benefit of and be binding upon the parties hereto, their respective successors and assigns.
7. The parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement.
8. The Covenantor shall indemnify and hold the Covenantee and its officers, employees, agents and elected officials harmless from and against any and all claims, actions, costs, liabilities or losses that they may at any time hereafter suffer or be put to in connection with this Covenant, including any actual legal costs that are incurred in connection with any enforcement of this covenant.

AS EVIDENCE to their Agreement to the above terms, the parties each have executed and delivered this Agreement by executing the Land Title Act Form C to which this Agreement is attached and forms part of this Agreement.



Status: Registered

Doc #: CA4950099

RCVD: RQST: 2021-03-28 11.36.52

FORM\_C\_V21 (Charge)

KAMLOOPS LAND TITLE OFFICE

LAND TITLE ACT  
FORM C (Section 233) CHARGE

Jan-26-2016 17:04:37.001

CA4950098 CA4950099

GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 12 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Lynda Marie Stokes L2AVIP  
c=CA, cn=Lynda Marie Stokes L2AVIP,  
o=Lawyer, ou=Verify ID at  
www.juricert.com/LKUP.cfm?id=L2AVIP

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Lynda Stokes, Barrister & Solicitor

Murdy & McAllister

1155 - 555 Burrard Street

Vancouver

BC V7X 1M8

Phone: 604 689-5263

File: 4853

Document Fees: \$143.16

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

SEE SCHEDULE

STC? YES

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

Modification

CA2723154

4. TERMS: Part 2 of this instrument consists of (select one only)

(a)  Filed Standard Charge Terms D.F. No.

(b)  Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

580049 B.C. LTD.

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

VILLAGE OF PEMBERTON

PO BOX 100, 7400 PROSPECT STREET

PEMBERTON

BRITISH COLUMBIA

V0N 2L0

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Michelle Van Beek ph. 604.894.6135

Commissioner for Taking Affidavits in British Columbia

PO Box 100 - 74 Prospect St.

Pemberton, BC

Execution Date		
Y	M	D
16	01	19

Transferor(s) Signature(s)

580049 B.C. Ltd., by its authorized signatory(ies):

[signed]

WALTER FERANICK, President

[signed]

WARREN BIRD, Secretary

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

**LAND TITLE ACT  
FORM D**

**EXECUTIONS CONTINUED**

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

\_\_\_\_\_  
Yolanda McKenzie - Reception

Y	M	D
16	01	19

Commissioner for Taking Affidavits in British Columbia

PO Box 100 - 74 Prospect St.  
Pemberton, BC 604-894-6135

Village of Pemberton, by its authorized signatories:

[signed]

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

[signed]

\_\_\_\_\_  
Nikki Gilmour  
Chief Administrative Officer

**OFFICER CERTIFICATION:**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**Part 2 – Terms of Instrument**

**SECTION 219 COVENANT**

THIS AGREEMENT MADE THIS 19 day of January, 2016

BETWEEN:

**580049 B.C. LTD.**  
106-1656 Martin Drive  
Surrey, BC V4A 6E7

(the "Owner")

AND:

**VILLAGE OF PEMBERTON**  
7400 Prospect Street  
Pemberton, BC V0N 2L0

(the "Village")

WHEREAS:

- A. The Owner owns and proposes to develop certain lands and premises located within the Village of Pemberton, in the Province of British Columbia, that are legally described in Item 2 of Part 1 of the *Land Title Act* Form C to which this Agreement is attached (the "Land");
- B. The Owner has applied to rezone a portion of the Land to a comprehensive mixed use development as set out in Village of Pemberton Bylaw No. 790, 2015, being an Amendment Bylaw No. 466, 2011 (the "Zoning Bylaw");
- C. The Owner proposes to develop the Land in three (3) phases (referred to individually in this Agreement as "Phase 1", "Phase 2" and "Phase 3" respectively and together referred to as the "Phases"), substantially as shown on the drawing attached to this Agreement as Schedule "A" (the "Phasing Plan");
- D. The Owner retained Keystone Environmental Ltd. to assess and evaluate potential environmental effects of the proposed development on the Land and to recommend mitigation measures to be implemented to avoid, minimize or manage potential effects and was provided a report entitled *Environmental Assessment, Biro Sabre Hillside Development, Pemberton, BC* and dated March 2014 (the "Environmental Report");



**LAND TITLE ACT  
FORM E**

**SCHEDULE**

**PAGE 3 OF 12 PAGES**

---

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID] [LEGAL DESCRIPTION]

**028-961-048 LOT 2 DISTRICT LOT 211 LILLOOET DISTRICT PLAN EPP21848**

STC? YES

---

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID] [LEGAL DESCRIPTION]

**028-961-064 LOT 3 DISTRICT LOT 211 LILLOOET DISTRICT PLAN EPP21848**

STC? YES

---

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID] [LEGAL DESCRIPTION]

STC? YES

- E. The Owner retained Delcan to conduct a traffic impact study for the proposed development on the Land and was provided a report entitled *Ravens Crest Developments Traffic Impact Study – FINAL* dated August 2011 (the “Traffic Report”);
- F. The Environmental Report and Traffic Report are referred to in this Agreement as the “Initial Reports”;
- G. The Owner has voluntarily agreed to:
- (a) provide the Village with certain amenities described in this Agreement;
  - (b) design construct and install certain works and services including, but not limited to highways, which are necessary to serve the proposed development of the Land, including those portions of the Land associated with each of the Phases (such portion of the Land, hereinafter referred to as the “Phase 1 Land”, “Phase 2 Land” and “Phase 3 Land”) and for lands beyond the Land; and
  - (c) contractually obligate itself to provide the amenities, works and services set out in this Agreement;
- H. There is a covenant registered against title to the Land under number CA2723154 (the “Covenant”) and the Owner and Village have agreed to modify the terms of the Covenant;
- I. Section 219 of the *Land Title Act*, R.S.B.C. 1996 c.250 provides that a charge may be registered against title to land whether of a negative or positive nature in respect of the use of land or the use of a building on or to be erected on land, in favour of a municipality; and
- J. The Owner has agreed to grant and the Village agrees to accept this Agreement on the terms and conditions herein contained.

NOW THEREFORE, pursuant to section 219 of the *Land Title Act*, and in consideration of the sum of Ten Dollars (\$10.00) now paid by the Grantee to the Owner (the receipt and sufficiency where of is hereby acknowledged), and other good and valuable consideration, the parties hereto covenant and agree each with the other as follows:

#### 1.0 MODIFICATION OF COVENANT

- 1.1 The Covenant is modified by deleting subsections 1(b) and 1(d) .

#### 2.0 GENERAL LAND DEVELOPMENT AND SUBDIVISION RESTRICTIONS

- 2.1 The Owner covenants and agrees with the Village that the Land must not be subdivided, built on, used or occupied for any purpose whatsoever, except in strict accordance with this Agreement.

- 2.2 The Land will be developed in the order, and generally in accordance with, the Phasing Plan.
- 2.3 The parties acknowledge that the distances and areas depicted on the Phasing Plan are approximate and are subject to being changed when the Land is surveyed for subdivision or for the creation of the strata lots.
- 2.4 The Owner covenants and agrees with the Village that:
  - (a) prior to the earlier of the first development permit or first building permit being issued for the Land or any subdivision of the Land, the Owner will cause to be prepared:
    - (i) by a qualified professional retained by the Owner, a green energy plan to incorporate design principals into any development on the Land in order to reduce energy and water use and reduce waste and greenhouse gasses associated with such development (**the “Green Energy Plan”**) through such measures as incorporating passive energy and rain water capture systems for irrigation and drainage, optimizing the use of renewable energy and meeting recognized standards such as the EnerGuide 80 rating or R-2000 certification;
    - (ii) in consultation with the Pemberton Valley Trails Association, and to the satisfaction of the Village, an area trails plan to identify and develop pedestrian and bicycle trail connections across the Land (**the “Pedestrian and Bicycle Trail Plan”**);
    - (iii) by one or more qualified professionals retained by the Owner in consultation with the Canadian National Railway Company:
      - (1) an analysis of noise associated with the railway right of way and mitigation measures to address such noise (**the “Noise Analysis”**);
      - (2) an evaluation of ground-borne vibration transmission using site testing capable of measuring frequencies between 4 Hz and 200 Hz,  $\pm 3$  dB with an RMS averaging time constant of 1 second to determine if any proposed dwelling units on the Land situated within 75 metres of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz (**the “Vibration Evaluation”**);
    - (iv) comprehensive design plans for sanitary sewer, water and drainage works and services and highways for the Land or for each Phase of the Land to standards acceptable to the Village having regard to standards set out in the Village of Pemberton Subdivision and Development Control Bylaw

No. 677, 2011 and having regard to the existence and location of the railway right of way ("**Municipal Service Plans**");

- (v) to the satisfaction of the Village, supplemental reports to update, as necessary, all matters referred to in the Initial Reports (the "**Supplemental Reports**"); and
- (b) the Land will be developed and built upon in accordance with the Initial Reports, the Green Energy Plan, the Pedestrian and Bicycle Trail Plan, the Noise Analysis, the Vibration Evaluation, the Municipal Service Plans and the Supplemental Reports.

### **3.0 PRIOR TO EXECUTION**

3.1 Concurrently with the execution of this Agreement, the Owner will:

- (a) pay to the Village all arrears of taxes outstanding against the Land;
- (b) pay to the Village all current taxes currently due and payable upon the Land on the basis and in accordance with the assessment and collector's roll entries; and
- (c) reimburse the Village for any legal costs incurred in connection with this development, including the negotiation and drafting of this Agreement.

### **4.0 DEVELOPMENT OF THE LAND**

4.1 For the development of the Phase 1 Land, Phase 2 Land or Phase 3 Land, as applicable, the Owner covenants and agrees to:

- (a) construct works and services including, but not limited to, highways in accordance with the **Municipal Service Plans** and unless and until the Owner has entered into a servicing agreement with the Village for the development of each Phase, the form of which must be to the satisfaction of the Village, that Phase of development of the Land must not be built upon or subdivided;
- (b) construct and provide the amenities, works and services including, but not limited to, highways, set out in the attached Schedule "B" in accordance with the details set out for the Phase or Phases identified in the last column of the Schedule; and
- (c) grant to the Village all necessary titles, highway dedications, statutory rights-of-way and easements required by the Village or other agency to accommodate the works, services and highways described in the **Municipal Service Plans** and to accommodate the development of any lands beyond the Land.

- 4.2 The Owner acknowledges and agrees that the Land is subject to development cost charges in accordance with Village of Pemberton Development Cost Charges Bylaw No. 723, 2013.

**5.0 MODIFICATION AND RELEASE OF AGREEMENT**

- 5.1 This Agreement may be modified by agreement of the Village with the Owner, or discharged by the Village, pursuant to the provisions of section 219 of the *Land Title Act*;
- 5.2 Upon completion of the Owner’s obligations under this Agreement, the Village will execute a discharge of this Agreement

**6.0 RELEASE AND INDEMNITY**

- 6.1 The Owner hereby releases and forever discharges and covenants not to sue the Village and its officers, elected officials, servants, agents, successors and assigns from all manner of actions, causes of action, suits, debts, dues, accounts, bonds, covenants, contracts, claims and demands whatsoever against the Village which the Owner ever had, now has or hereafter may have in connection with the subject matter of this Agreement including the negotiation and entering into this Agreement and the adoption of the Zoning Bylaw.
- 6.2 The Owner will indemnify and save harmless the Village and its officers, elected officials, servants, agents successors and assigns from and against any and all actions and proceedings, costs, damages, expenses, including fees of solicitors and other professional advisors,, claims and demands whatsoever and by whosoever brought by reason of or in any way arising out of or related to the breach, violation or non-performance of any term, condition, covenant, or other provision of this Agreement or the granting of this Agreement and the construction, installation, maintenance, repair or reconstruction of any amenities, works or services described in this Agreement including, but not limited to, any and all claims related to damage to the Land or injury to a person arising from any fire, wild fire, flooding, debris flows, rock fall on or about the Land and for injurious affection, whether such claims arise at law or under any statute, including, but not limited to, the *Expropriation Act*.

**7.0 INTERPRETATION**

- 7.1 Nothing contained or implied in this Agreement may prejudice or affect the rights and powers of the Village in the exercise of its functions under any public and private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Land as if this Agreement had not been executed and delivered by the Owner;
- 7.2 This Agreement does not:
  - (a) affect or limit any enactment applying to the Land; or

- (b) relieve the Owner from complying with any enactment.
- 7.3 This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.
- 7.4 The parties will do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement.
- 7.5 Time is of the essence of this Agreement.
- 7.6 Wherever the singular or masculine is used in this Agreement, the same will be construed as meaning the plural, feminine or the body politic or corporate where the context or the parties so require.
- 7.7 Headings are for convenience only and are not to affect the construction or interpretation of this Agreement.
- 7.8 If any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion will be severed and the decision that it is invalid will not affect the validity of the remainder of this Agreement.
- 7.9 This Agreement will be governed and construed in accordance with the laws of the Province of British Columbia.

IN WITNESS WHEREOF the parties hereby acknowledge that this agreement has been duly executed and delivered by executing the Forms C and D attached hereto.







**Schedule "B"**

**Amenities, Works and Services**

Elements	Description	Phase
Voluntary Community Amenity Contribution	Provide cash contribution of \$9,165.00 per lot for single-residential dwelling purposes comprising less than 20,000 square metres that may result from subdivision of the Land, to be retained by the Village in a municipal reserve fund for the purpose of recreation infrastructure	All
Voluntary Community Amenity Contribution	Provide cash contribution of \$6,110.00 per dwelling unit for any duplex residential, townhouse, apartment or other multi-family development comprising less than 20,000 square metres that may result from subdivision of the Land, to be retained by the Village in a municipal reserve fund for the purpose of recreation infrastructure	All
Traffic Calming Measures	Incorporate speed bumps and roundabouts into highway design in order to mitigate the impact of vehicular traffic associated with development on the Land.	All
Improvements to Highways	Improve the Pemberton Farm Road East, south of the CN railway line crossing to Highway 99, to municipal standards.	1
Improvements to Highways	Improve sightlines at the Pemberton Farm Road East Crossing.	1
Improvements to Highways	Address risks associated with industrial activity on Forest Service Road through signage and other means, to the satisfaction of the Village.	1
Community Linkages / Connectivity of Trails	Dedicate of one or more statutory rights of way, in accordance with the Pedestrian and Bicycle Trail Plan, in favour of and to the satisfaction of the Village.	All
Transit Stops	Construct additional transit stops in proximity to the development to the satisfaction of the Village.	1
Measures to Discourage Trespassing on Railway Lands	Construct a safety berm that adjoins and runs parallel to railway rights-of-way with returns at the ends, 2.0 metres above grade at the property line and with side slopes not steeper than 2.5 to 1. Install minimum 1.83 metre high chain link fencing or similar material that is not easily cut along the length of both sides of	3

Elements	Description	Phase
	the railway right of way adjacent to of Phase 3 Land to prevent trespassing onto the railway line.	
Measures to Address Railway Noise	Construct a noise attenuation barrier that adjoins and runs parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 4.0 metres above top-of-rail; construct an acoustic fence without openings and of a durable material weighing not less than 20 kg. per square metre of surface area; and undertake other mitigation measures identified in the Noise Analysis to address noise associated with the railway right of way.	3
Measures to Address Railway Vibration	If the Vibration Evaluation reveals vibration transmission in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz, then isolation measures will be required to ensure living areas of any dwelling units do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.	3
Solid Waste Management	Provide a plan for on-site solid waste, recycling and organics collection that is consistent with the Squamish Lillooet Regional District's Solid Waste Management Plan. If such services are to be provided by the Village, then curbside collection requirements must be taken into account in the design of strata roads, driveways, and on-street parking.	All
Measures to Reduce Greenhouse Gas Emissions ("GHG")	Undertake measures to reduce GHG in accordance with Green Energy Plan	All

**TITLE SEARCH PRINT**

2021-04-08, 08:38:56

File Reference:

Requestor: Nikki Segovia

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

<b>Title Issued Under</b>	SECTION 98 LAND TITLE ACT
<b>Land Title District</b> Land Title Office	KAMLOOPS KAMLOOPS
<b>Title Number</b> From Title Number	CA2723159 CA2723160 KD99111
<b>Application Received</b>	2012-08-17
<b>Application Entered</b>	2012-11-27
<b>Registered Owner in Fee Simple</b> Registered Owner/Mailing Address:	GERALD PAGE TULLOCH, AUTOBODY REPAIRMAN CONNIE TULLOCH, HOMEMAKER [REDACTED] PEMBERTON, BC V0N 2L0 AS JOINT TENANTS
<b>Taxation Authority</b>	North Shore - Squamish Valley Assessment Area Pemberton, Village of Pemberton Valley Dyking District
<b>Description of Land</b> Parcel Identifier: Legal Description:	028-961-102 LOT 5 DISTRICT LOT 211 LILLOOET DISTRICT PLAN EPP21848
<b>Legal Notations</b>	THIS TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND RESERVE ACT, SEE AGRICULTURAL LAND RESERVE PLAN M11227

**TITLE SEARCH PRINT**

2021-04-08, 08:38:56

File Reference:

Requestor: Nikki Segovia

**Charges, Liens and Interests**

Nature: UNDERSURFACE RIGHTS  
 Registration Number: KD99112  
 Registration Date and Time: 1990-12-13 13:09  
 Registered Owner: HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA  
 Remarks: INTER ALIA  
 SEE KD99111  
 SECTION 47, LAND ACT  
 PART FORMER BLOCK A DL211 LILLOOET  
 DISTRICT SHOWN ON PLAN B3576

Nature: MORTGAGE  
 Registration Number: KR61301  
 Registration Date and Time: 2001-07-06 13:35  
 Registered Owner: THE BANK OF NOVA SCOTIA  
 Remarks: EXTENDED BY CA2723161

Nature: COVENANT  
 Registration Number: CA2723154  
 Registration Date and Time: 2012-08-17 12:00  
 Registered Owner: VILLAGE OF PEMBERTON  
 Remarks: INTER ALIA  
 MODIFIED BY CA4950099

Nature: MORTGAGE  
 Registration Number: CA2723161  
 Registration Date and Time: 2012-08-17 12:00  
 Registered Owner: THE BANK OF NOVA SCOTIA  
 Remarks: EXTENSION OF KR61301

**Duplicate Infeasible Title** NONE OUTSTANDING

**Transfers** NONE

**Pending Applications** NONE

**Date:** Tuesday, April 27<sup>th</sup>, 2021  
**To:** Nikki Gilmore, Chief Administrative Officer  
**From:** Tom Csima, Manager of Operations and Projects  
**Subject:** Operations Department 2021 First Quarter Report: January – March 2021

---

### **PURPOSE**

The purpose of this report is to inform Council on the activities of the Department of Operations for the First Quarter of 2021.

### **BACKGROUND**

Quarterly reports are provided throughout the year as a means of keeping Council up to date with the Public Works Capital and Operational projects and activities.

### **DISCUSSION & COMMENTS**

The first quarter commenced with snow clearing operations well underway, with some infrequent but large snow falls in January and February, though overall was a relatively low snowfall year. Public Works crews took on regular snow clearing at the airport runway, taxiways, and East Taxiway Access Road this year which added to the workload, as well as taking over the new Sunstone Development snow clearing, though the takeover occurred in late February, resulting in minimal impact this year.

The first quarter also involved extensive recruitment, as the Operations team was slightly re-structured due to the concurrent departures of the Assistant Manager of Operations and the Development Services GIS and Planning Technician. The latter was redefined as Engineering and GIS Technician within the Operations Department, and the position was filled by Usman Tarar in mid-February. The Village successfully recruited a new Assistant Manager of Operations and Alasdair Chapple will commence early in the Second Quarter.

### **Regular Maintenance and Small Projects**

#### **Public Works**

- Regular operation, inspection, and maintenance of sanitary lift stations, Wastewater Treatment Plant (WWTP), Water Conditioning Plant, Wellhouse and Pumping Stations
- Public Works Building staff washroom construction underway
- Wellhouse Standby Generator RFP issued
- Well #3 Redevelopment and subsequent pump/motor troubleshooting
- Village wide water main flushing
- WWTP Belt press compressor replacement
- WWTP outfall dive inspections
- Ongoing pot-holes and road repairs
- Road and sidewalk sweeping
- Sewer force main break/repair – Plateau/Hwy 99

- Water main/service connection repair – Industrial Park (Miller Capilano lot)
- Investigation into Portage Road Water main leak (Crestline)
- SLRD Transfer station site servicing planning
- Development Engineering design review

### **Parks**

- Ongoing garbage collection from public receptacles and daily sanitization of public toilets
- Christmas lights removal/decommission.
- Completion of boardwalk connection at One Mile Lake, to the new unnamed inlet channel trail
- Spring parks preparations, including debris and gravel removal from parks and boulevards.
- Recreation site preparations, including Soccer Field #2 design review, and Bike Skills Park site clearing

## **COMMUNICATIONS**

The Operations Department works regularly with the Office of the CAO to provide updates on the initiatives and projects that are currently underway to ensure that the Village's website is updated, and information is communicated to residents through the eNEWS and the Village's Facebook Page.

## **LEGAL CONSIDERATIONS**

There are no legal considerations at this time.

## **IMPACT ON BUDGET & STAFFING**

The Operations Department operates on the approved annual municipal budget, reserves, and Provincial and Federal grants.

## **INTERDEPARTMENTAL IMPACT & APPROVAL**

The Operations Department works closely with all Village Departments through referrals and coordination of public notices, reports, and presentations to Council.

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

There are no impacts on the region or neighbouring jurisdictions

## **ALTERNATIVE OPTIONS**

There are no alternative options for consideration.

## **RECOMMENDATIONS**

**THAT** the Operations Department 2021 First Quarter Report be received.

Submitted by:	Tom Csima, Manager of Operations and Projects
Approved by the Acting CAO:	Sheena Fraser, Acting Chief Administrative Officer

**Date:** April 27, 2021  
**To:** Nikki Gilmore, Chief Administrative Officer  
**From:** Robert Grossman, Fire Chief  
**Subject:** Pemberton Fire Rescue 2021 First Quarter Report

---

### **PURPOSE**

To provide Council with a summary of the activities of the Pemberton Fire Rescue Department for the First Quarter of 2021.

### **BACKGROUND**

The Village of Pemberton Fire Rescue is a volunteer department that provides service to the residents of the Village of Pemberton (Village of Pemberton Bylaw No. 807, 2016). In addition, the existing Fire Service Agreement with the Squamish-Lillooet Regional District (SLRD) establishes that fire protection services are provided to Pemberton Meadows (SLRD Bylaw No.1082, 2008), Pemberton Heights (SLRD Bylaw No. 1083, 2008) and the Pemberton Fire Protection Specified Area as defined within the Fire Service Agreement.

Pemberton Fire Rescue also provides Road Rescue Service to the entire SLRD Electoral Area C covering 5,570 square kilometers pursuant to SLRD Pemberton Fire Rescue Contribution Service Conversion and Establishment Bylaw No. 715-2001.

Fire Service is also provided to Lil'wat Nation through a separately negotiated Fire Service Agreement which was established in 2017.

### **DISCUSSION & COMMENTS**

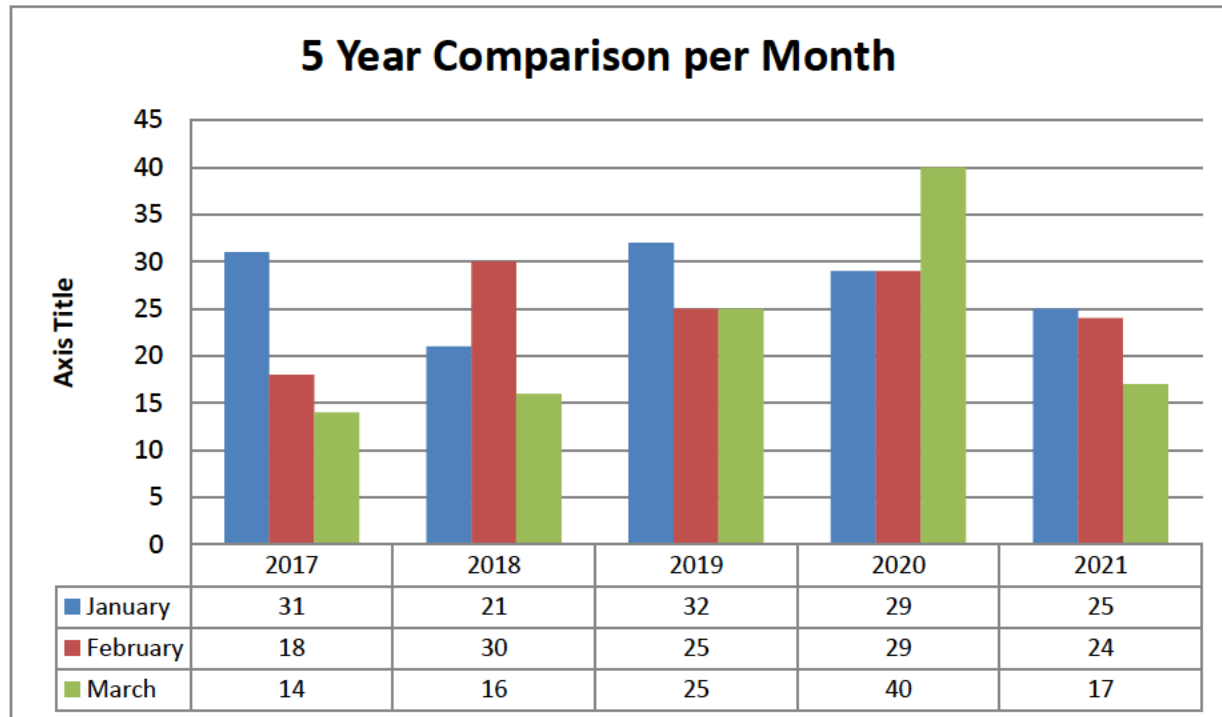
#### **Incidents:**

For the First Quarter, Pemberton Fire Rescue responded to sixty-six (66) incidents.

In review and comparison to previous years call volumes are down. The cooler weather in March and COVID measures kept incidents down as not as many people were traveling. It is anticipated that there will be an increase in traffic volumes as the weather starts to get warmer, which in turn will result in an increase in incidents. As well, BC Wildfire Services has issued a press release advising communities of a drying trend and as such the risk of wildland fire is elevating very quickly. The Coastal Fire Center appreciates communities continued cooperation and efforts at fire prevention and reporting.



A comparison chart by Quarter over the last five (5) years is shown below.



The highlighted green squares indicate number of incidents greater than number of days in a month.

	2017	2018	2019	2020	2021
January	31	21	32	29	25
February	18	30	25	29	24
March	14	16	25	40	17
April	21	22	33	25	0
May	38	37	55	24	0
June	35	33	60	16	0
July	32	48	47	36	0
August	38	38	33	36	0
September	24	51	49	32	0
October	27	29	26	32	0
November	21	21	36	24	0
December	27	43	38	15	0
Totals	326	389	459	338	66

Below is a breakdown of the average number of Firefighters attending incidents and the average number of those attending by response types. This information is helpful to highlight the challenges Pemberton Fire Rescue encounters because of being a small Department and as many Firefighters hold fulltime jobs outside the community it means attendance at daytime calls is limited. That said, Pemberton Fire Rescue is pleased to also be able to show how our member numbers have grown especially since 2018.

**Average number of Firefighters attending Incidents since 2015.**

Year	2017	2018	2019	2020	2021
Total # Incidents	326	389	459	348	66
Average # responders	5.60	5.04	4.75	7.05	7.42
Total Members Per Year	23	20	25	31	37
Percentage of members responded	24%	25%	19%	23%	20%

The average number of firefighters that attended each response type over a 5-year period.

	Minimum Personnel Requirements	2017	2018	2019	2020	2021
Medical Aid	4	4.87	4.42	4.13	5.64	5.75
Motor Vehicle Accident	8	6.63	5.77	4.87	8.87	8.33
Alarms	16	4.69	5.32	5.07	5.35	8.60
Wires Down	8	9.35	4.27	5.93	7.33	9.00
Burn Complaint	8	4.83	4.60	2.75	7.67	2.67
Chimney Fire	16	6.25	7.92	7.67	9.00	10.25
Smoke Sighting	8	5.60	6.13	5.87	7.64	16.00
Structure Fire	16	9.11	9.00	7.86	12.00	9.50
Vehicle Fire	8	5.44	6.00	5.70	8.83	13.00
Wildland Fire	16	6.00	7.45	6.00	7.20	7.00

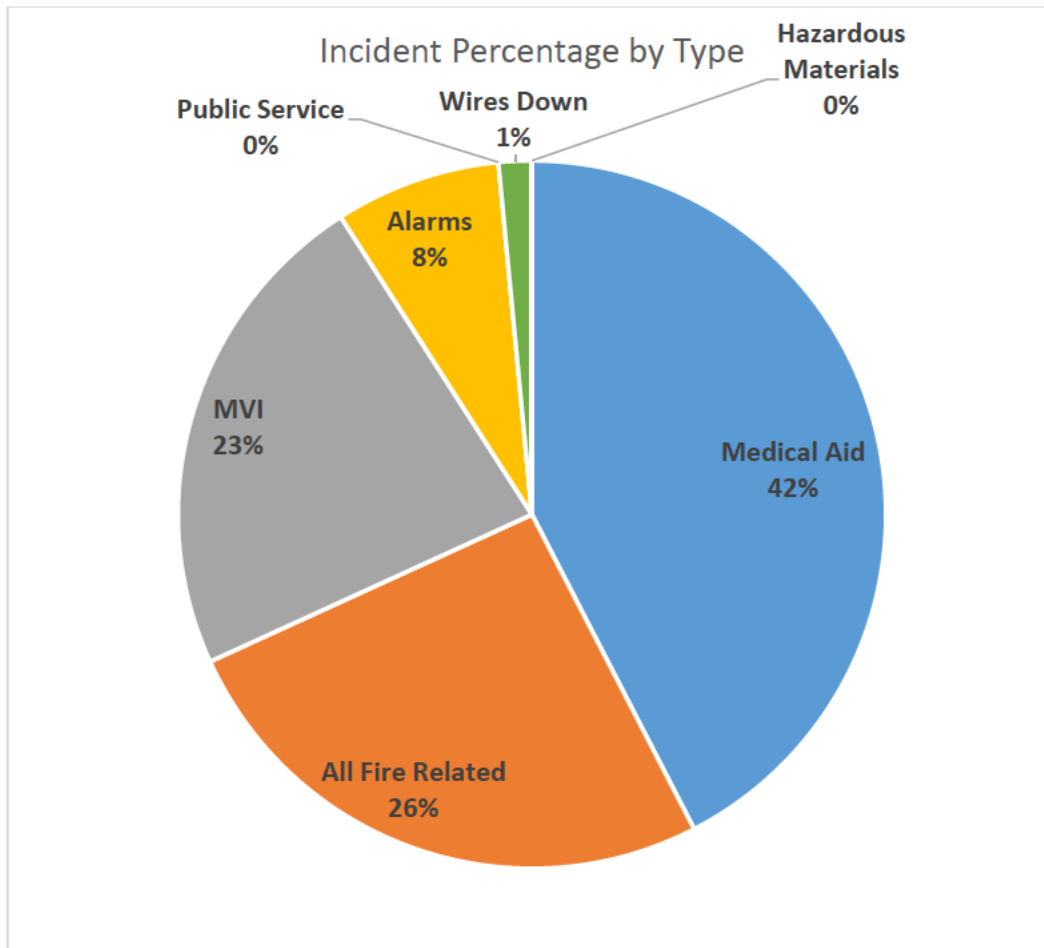
### Number of Incidents per day for 2021 Year

Day	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Totals
1		2	1										3
2	1												1
3	2												2
4	2												2
5		1											1
6	3	2	1										6
7			2										2
8	1												1
9		1	2										3
10	1	2	1										6
11													1
12		2											2
13	3	1	1										5
14	1												1
15		3	1										4
16	1		1										2
17													0
18			3										3
19		1											1
20	2	1	1										4
21	0	3	1										4
22	3		1										4
23													0
24		1											1
25	1	1	1										3
26		2											2
27		1											1
28	1												1
29													0
30	2												2
31	1												1
Totals	25	24	17										66
Days Month	31	28	31	30	31	30	31	31	30	31	30	31	66
Colour Coding	1 - 2			3 - 4			5 - 10			11 +			

**Types of Responses:**

As set out in the Fire Department Establishment Bylaw No. 807, 2016, Pemberton Fire Rescue responds to several types of incidents, and as per locations identified in the Service Agreements with the SLRD and Lil'wat Nation.

Below is a pie chart and a table summarizing the number of callouts per type of incident attended Year to Date (YTD).

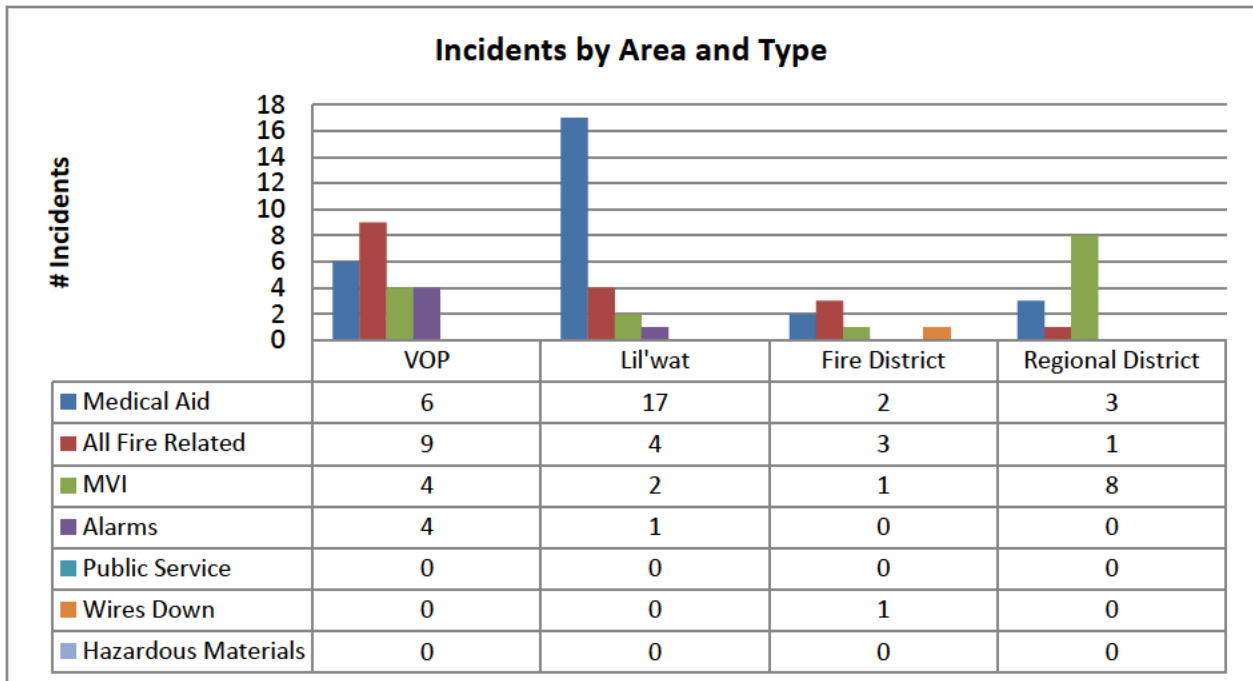


**Incidents by Area:**

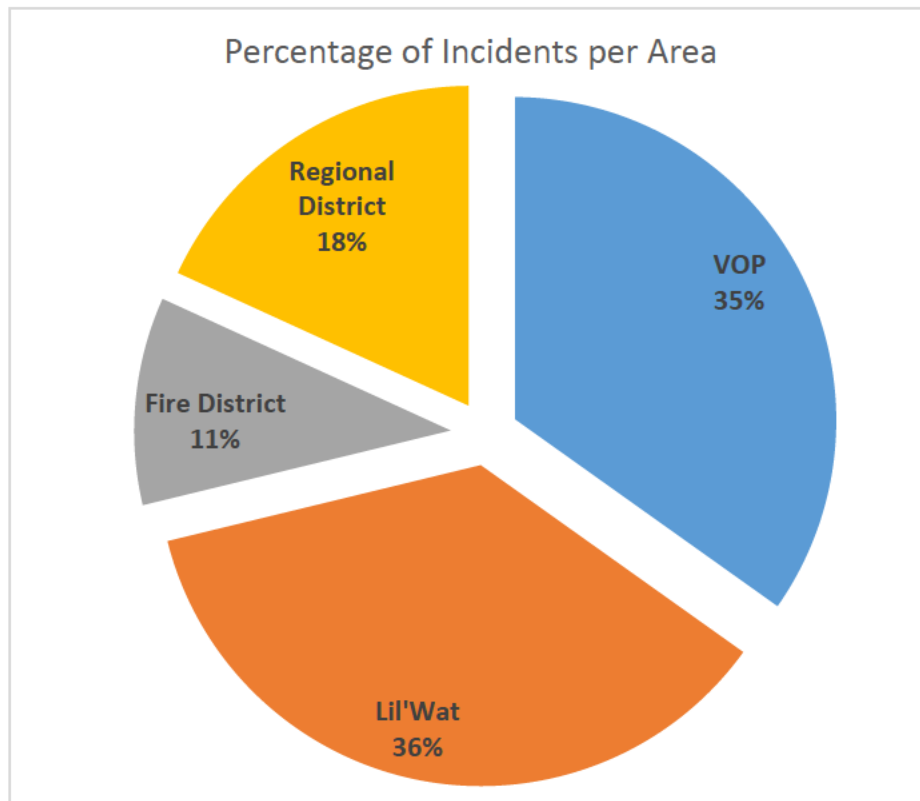
The breakdown of the incident reports is categorized into the following regions:

- Village of Pemberton Boundaries.
- Lil'wat Nation;
- Fire District Service Areas; and
- Regional District (or outside the Fire District zones including north of Mount Currie, north of The Heights and south of the Village Boundaries)

The chart below shows the Incidents by Area and Type:



Below is a chart showing the percentage breakdown of Incidents by Area Year to Date (YTD).



### **Membership:**

At the end of the First Quarter, membership stands at thirty-seven (37) and is comprised of two (2) full-time members, thirty-five (35) volunteers (paid on-call) members.

### **Training:**

Members in the First Quarter continued training on a weekly basis under a modified program. In response to the COVID-19 Pandemic protocols five (5) to Seven (7) training sessions are being held per week with 4 – 5 members attending each training session. This revised training program has required an increased commitment by the Chief and Deputy Chief to maintain the training requirements set forth by the Province while at the same time abiding to the social distancing protocols set forth by the Province.

### **First Quarter Commitments:**

	<b>Total Number</b>	<b>Hours</b>
<b>Training</b>	58	130.50
<b>Special Training</b>	15	105.50
<b>Public Events</b>	0	0
<b>Meetings</b>	6	4.5
<b>Set-up/taken down of Events</b>	1	6
<b>Incidents</b>	66	71

### **Fire Prevention, Inspections & Public Events:**

During the First Quarter, the following fire prevention, inspections, education, and public service initiatives were completed and attended by Pemberton Fire Rescue members.

- Six (6) new business application review and fire inspection
- Two (2) Fire Safety Plans were reviewed.

### **COMMUNICATIONS**

This report is a quarterly update and does not require any communications element.

### **LEGAL CONSIDERATIONS**

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

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

This report has been prepared in-house and is an element of the regular day to day operations of the Pemberton Fire Rescue Department.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

There are no interdepartmental impacts or approvals for considerations at this time.

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

The activities of Pemberton Fire Rescue, such as increased fire prevention awareness activities, firefighter recruitment and training support to improve upon the current level of service to the Village and the Fire Service District Service Area. This is a benefit to the community and positively impacts the Squamish-Lillooet Regional District and Lil'wat Nation.

### **ALTERNATIVE OPTIONS**

This report is being presented for information as such there are no alternative options for consideration.

### **RECOMMENDATIONS**

**THAT** the Pemberton Fire Rescue Department 2021 First Quarter report be received.

Prepared by:	Gabrielle Stauber, Administrative Assistant
Manager Approval:	Robert Grossman, Fire Chief
CAO Approval by:	Sheena Fraser, Acting Chief Administrative Officer



**Date:** April 27, 2021  
**To:** Nikki Gilmore, Chief Administrative Officer  
**From:** Lena Martin, Manager of Finance  
**Subject:** Village of Pemberton Tax, Water, Sewer Bylaws – First, Second, Third Readings and Adoption

---

### **PURPOSE**

The purpose of this report is to introduce the following Village of Pemberton Bylaws for First, Second, Third Readings and Adoption;

- 2021 Annual Tax Rates No. 896, 2021 (**Appendix A**)
- Sewer Frontage Tax Amendment, No. 897, 2021 (**Appendix B**)
- Water Frontage Tax Amendment, No. 898, 2021 (**Appendix C**)
- 2021 Sewer Rate Amendment, No. 899, 2021 (**Appendix D**)
- 2021 Water Rate Amendment and No. 900, 2021 (**Appendix E**)
- Alternative Municipal Tax Collection Scheme (2021) Bylaw No. 901, 2021 (**Appendix F**)

### **BACKGROUND**

At the Regular Council meeting No. 1536, held Tuesday, April 13, 2021, Council reviewed the draft Five Year Financial Plan and passed the following resolution:

*Moved/Seconded*

**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.

**CARRIED**

Annual Tax Rates, Water and Sewer Frontage Rates and Water and Sewer User Rates have been established under the Five-Year Financial Plan Bylaw and the Revised Roll from BC Assessment.

## **COMMENTS AND DISCUSSION**

The ongoing COVID-19 Pandemic continues to create a financial strain in the community. For 2020, the Province of BC announced BC's COVID-19 Action Plan to support business and local government. In this plan, Provincial school taxes for some classes were reduced and the penalty date for business and farm classes was postponed to October 1, 2020. The Village of Pemberton further supported the community by freezing taxes and focusing on core service deliverables.

For 2021, Council may, by bylaw, establish an alternative municipal tax collection scheme under section 235 of the *Community Charter*. A bylaw may establish penalties and interest to be applied in relation to payments made after a tax due date established by the bylaw.

Property taxes are due as follows:

- (a) if the municipality has not established an alternative scheme, in accordance with the general tax collection scheme under section 234;
- (b) if the municipality has established an alternative scheme under section 235, in accordance with the election of the owner under section 236.

### **General tax collection scheme (s. 234 C.C)**

- (1) If this section applies, property taxes for a year are due on July 2 of the year.
- (2) The Lieutenant Governor in Council may make regulations establishing penalties and interest that must be applied by municipalities in relation to payments made after the tax due date under subsection (1).

### **Alternative municipal tax collection scheme (s. 235 C.C)**

- (1) A council may, by bylaw, establish one or more dates on which all or part of the property taxes under this Part are due.
- (2) A bylaw under subsection (1) must establish an annual period during which owners may make elections under section 236 [owner may elect which scheme to use].
- (3) A bylaw under subsection (1) may:
  - (d) establish penalties and interest to be applied in relation to payments made after a tax due date established by the bylaw;

The Alternative Municipal Tax Collections Scheme Bylaw No. 901, 2021 sets a July 2<sup>nd</sup> due date and applies a 5% penalty on any unpaid taxes. Any remaining unpaid taxes on October 1, 2021 will have the final 5% penalty applied. If property owners wish to pay a 10% penalty after July 2<sup>nd</sup> the *Community Charter* requires that owners be given a period to give notice to the municipality. The bylaw sets June 15<sup>h</sup> as the deadline to give notice. Staff does not anticipate any requests for the General Scheme with a 10% penalty on July 3<sup>rd</sup>. Staff will encourage property owners who are financially able to meet the July 2<sup>nd</sup> due date to still do so, to help keep Village programs and services in place.

## **Financial Impact**

Postponing 50% of the property tax penalty to October 1, 2021 through the Alternative Municipal Tax Collection Scheme Bylaw No. 901, will provide all property owners an additional 90 calendar days of payment relief during the COVID-19 Pandemic. Staff anticipates forgoing approximately \$10,000 in penalty revenue with the extended penalty date. Revenue losses under the Alternative Municipal Tax Collection Scheme are eligible under the Covid Recovery Grant.

## **COMMUNICATIONS**

There are no communications requirements at this time.

## **LEGAL CONSIDERATIONS**

Tax Bylaws must be adopted by May 15th of each year as per sections 165 and 197 of the *Community Charter*.

The preparation of the Tax Bylaws meets with the requirements of the *Community Charter* and *Local Government Act*.

Ministerial Order M192, 2020, 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 as such it is recommended that the Bylaws presented be given First, Second and Third Reading along with Adoption at this meeting.

## **IMPACT ON BUDGET & STAFFING**

The impact to the budget from the Alternative Municipal Tax Collection Scheme is eligible for funding from the Covid Recovery Grant 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**

The bylaw amendments have no impact on other jurisdictions.

## **ALTERNATIVE OPTIONS**

Council may choose the General tax collection scheme (s. 234 C.C), with a 10% tax penalty after the tax due date (July 2).

## **RECOMMENDATIONS**

### **Recommendation 1:**

**THAT** Village of Pemberton 2021 Annual Tax Rates No. 896, 2021 receive First, Second, and Third Readings.

### **Recommendation 2:**

**THAT** Village of Pemberton 2021 Annual Tax Rates No. 896, 2021 be adopted.

### **Recommendation 3:**

**THAT** Village of Pemberton Bylaw No. 136, 1979, Sewer Frontage Amendment Bylaw No. 897, 2021 receive First, Second, and Third Readings.

### **Recommendation 4:**

**THAT** Village of Pemberton Bylaw No. 136, 1979, Sewer Frontage Amendment Bylaw No. 897, 2021 be adopted.

### **Recommendation 5:**

**THAT** Village of Pemberton Bylaw No. 137, 1979, Water Frontage Tax Amendment Bylaw No. 898, 2021 receive First, Second, and Third Readings.

### **Recommendation 6:**

**THAT** Village of Pemberton Bylaw No. 137, 1979, Water Frontage Tax Amendment Bylaw No. 898, 2021 be adopted.

### **Recommendation 7:**

**THAT** Village of Pemberton Sanitary Sewer System Regulation Connection and Rates Amendment Bylaw No. 899, 2021 receive First, Second, and Third Readings.

### **Recommendation 8:**

**THAT** Village of Pemberton Sanitary Sewer System Regulation Connection and Rates Amendment Bylaw No. 899, 2021 be adopted.

**Recommendation 9:**

**THAT** Village of Pemberton Water Regulation Connection and Rates Bylaw No. 232, 1989, Amendment Bylaw No. 900, 2021 receive First, Second, and Third Readings.

**Recommendation 10:**

**THAT** Village of Pemberton Water Regulation Connection and Rates Bylaw No. 232, 1989, Amendment Bylaw No. 900, 2021 be adopted.

**Recommendation 11:**

**THAT** Village of Pemberton Alternative Municipal Tax Collection Scheme (2021) Bylaw No. 901, 2021 receive First, Second, and Third Readings.

**Recommendation 12:**

**THAT** Village of Pemberton Alternative Municipal Tax Collection Scheme (2021) Bylaw No. 901, 2021 be adopted.

**ATTACHMENTS:**

**Appendix A: 2021 Annual Tax Rates Bylaw No. 896, 2021**

**Appendix B: Sewer Frontage Tax Amendment Bylaw No. 897, 2021**

**Appendix C: Water Frontage Tax Amendment Bylaw No. 898, 2021**

**Appendix D: 2021 Sewer Rate Amendment Bylaw No. 899, 2021**

**Appendix E: 2021 Water Rate Amendment Bylaw No. 900, 2021**

**Appendix F: Alternative Municipal Tax Collection Scheme Bylaw: No. 901, 2021**

Prepared by:	Lena Martin, Manager of Finance
Acting CAO Approval by:	Sheena Fraser, Acting Chief Administrative Officer

# VILLAGE OF PEMBERTON

## BYLAW No. 896, 2021

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A bylaw for the levying of annual tax rates for Municipal, Regional District and Sea to Sky Regional Hospital District purposes for the year 2021.

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

1. The following rates are hereby imposed and levied for the year 2021:
  - (a) For all lawful general purposes of the municipality on the assessed value of land and improvements taxable for general municipal purposes, rates appearing in column "A" of Schedule "A" attached hereto and forming a part hereof.
  - (b) For purposes of the Squamish-Lillooet Regional District on the assessed value of land and improvements taxable for general municipal purposes, rates appearing in column "B" of Schedule "A" attached hereto and forming a part hereof.
  - (c) For purposes of the Sea to Sky Regional Hospital District on the assessed value of land and improvements taxable for hospital purposes, rates appearing in column "C" of Schedule "A" attached hereto and forming a part hereof.
2. The minimum amount of taxation upon a parcel of real property shall be One Dollar (\$1.00).
3. This bylaw may be cited as the "Village of Pemberton Annual Tax Rates Bylaw No. 891, 2021."

*\*Bylaw Readings and Final Adoption all given at the same Council Meeting as per Ministerial Order No. M192/2020*

**READ A FIRST TIME** this 27<sup>th</sup> day of April, 2021.

**READ A SECOND TIME** this 27<sup>th</sup> day of April, 2021.

**READ A THIRD TIME** this 27<sup>th</sup> day of April, 2021.

**ADOPTED** this 27<sup>th</sup> day of April, 2021

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

**Village of Pemberton  
Schedule "A"  
Bylaw No. 896, 2021**

**2021 Tax Rates**

Tax Rates (dollars of tax per \$1,000 taxable value)
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PROPERTY CLASS	A General Municipal (Includes Reserves & CEF)	B Regional District (RD)	C Sea to Sky Regional Hospital District (STSRHD)
1 Residential	1.5593	0.9585	0.0330
2 Utility	8.7713	5.3965	0.1154
5 Light Industry	5.3018	3.2590	0.1121
6 Business/Other	3.5085	2.1567	0.0808
8 Rec/Non-Profit	1.5593	0.9585	0.0330
9 Farm	1.5593	0.9585	0.0330

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



**VILLAGE OF PEMBERTON**

**BYLAW No. 897, 2021**

**Sewer Frontage Tax Amendment Bylaw**

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**Being a bylaw to amend “The Village of Pemberton Sewer Frontage Tax Bylaw No. 136, 1979 Amendment Bylaw No. 860, 2019”**

---

**WHEREAS** it is deemed expedient and necessary to amend tax on frontage of owners of land by amending Bylaw No. 136, 1979 Amendment Bylaw No. 860, 2019,

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

1. This bylaw may be cited as “Village of Pemberton Bylaw No. 136, 1979, Sewer Frontage Amendment Bylaw No. 897, 2021.”
2. Section 3 (b) of “The Corporation of the Village of Pemberton Bylaw No. 136, 1979” is hereby deleted and the following substituted therefore:
  - b. The annual rate shall be Five Dollars and Seventy Nine Cents (\$5.79) per meter of taxable frontage.
3. The “Village of Pemberton Sewer Frontage Tax Amendment Bylaw No. 860, 2019” is hereby repealed

**READ A FIRST TIME** this 27<sup>th</sup> day of April, 2021.

**READ A SECOND TIME** this 27<sup>th</sup> day of April, 2021.

**READ A THIRD TIME** this 27<sup>th</sup> day of April, 2021.

**ADOPTED** this 27<sup>th</sup> day of April, 2021.

*\*Bylaw Readings and Final Adoption all given at the same Council Meeting as per Ministerial Order No. M192/2020*

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

**VILLAGE OF PEMBERTON**

**BYLAW No. 898, 2021**

**Water Frontage Tax Amendment Bylaw**

---

**Being a bylaw to amend “The Village of Pemberton Bylaw No. 137, 1979  
Amendment Bylaw No. 859, 2019”**

---

**WHEREAS** it is deemed expedient and necessary to amend tax on frontage of owners of land by amending Bylaw No. 137, 1979 Amendment Bylaw No. 859, 2019;

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

1. This bylaw may be cited as “Village of Pemberton Bylaw No. 137, 1979, Water Frontage Tax Amendment Bylaw No. 898, 2021.”
2. a. Section 2 of “The Corporation of the Village of Pemberton Bylaw No. 137, 1979” is hereby deleted and the following substituted therefore:
  - b. The annual rate shall be Three Dollars and Fifty Three Cents (\$3.53) per meter of taxable frontage.
3. The “Village of Pemberton Water Frontage Tax Amendment Bylaw No. 859, 2019” is hereby repealed.

**READ A FIRST TIME** this 27<sup>th</sup> day of April, 2019.

**READ A SECOND TIME** this 27<sup>th</sup> day of April, 2019.

**READ A THIRD TIME** this 27<sup>th</sup> day of April, 2019.

**ADOPTED** this 27<sup>th</sup> day of April, 2019.

*\*Bylaw Readings and Final Adoption all given at the same Council Meeting as per Ministerial Order No. M192/2020*

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

**VILLAGE OF PEMBERTON**

**BYLAW No. 899, 2021**

---

A bylaw to amend the Village of Pemberton Sewer Rates Bylaw No. 882, 2020.

---

**WHEREAS** it is deemed necessary to amend the rates and charges and billing system for the use of the Sanitary Sewer System to meet increased operational costs of the system;

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

1. Schedule "A" of, Amendment Bylaw No. 882, 2020 is hereby deleted and replaced with a new Schedule "A" which is attached hereto and forms part of this bylaw, and which takes effect on January 1, 2021.
  - c) Utility billing is done on an annual basis providing residents the option to pay monthly, quarterly or annually before the tax due date of the billing year.
  - d) A 10% penalty will be added to such rates, rents and charges remaining unpaid after the tax billing due date of the billing year.
2. This bylaw may be cited for all purposes as the "Village of Pemberton Sanitary Sewer System Regulation Connection and Rates Amendment Bylaw No. 899, 2021."

**READ A FIRST TIME** this 27<sup>th</sup> day of April, 2021.

**READ A SECOND TIME** this 27<sup>th</sup> day of April, 2021.

**READ A THIRD TIME** this 27<sup>th</sup> day of April, 2021.

**ADOPTED** this 27<sup>th</sup> day of April, 2021.

*\*Bylaw Readings and Final Adoption all given at the same Council Meeting as per Ministerial Order No. M192/2020*

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

VILLAGE OF PEMBERTON  
Bylaw No. 899, 2021  
Schedule "A"

2021 Annual Sewer Rates			
Flat Rates (Billed Annually)			
		2020	2021
	<b><u>Domestic</u></b>		
1. Seniors housing projects		\$ 355.99	\$ 372.01
2. Single family dwellings		\$ 543.10	\$ 570.26
-In addition, per residential suite in a S/F dwelling		\$ 271.41	\$ 284.98
3. Apartments/Duplexes/Multi-family dwellings/& trailers - per unit		\$ -	\$ -
-under 1,000 sq. ft.		\$ 355.99	\$ 373.79
-over 1,000 sq.ft		\$ 543.10	\$ 570.26
4. Bed & Breakfast service, guest/rooming house		\$ 776.35	\$ 815.16
-in addition, per rental room for > 2 rooms		\$ 125.39	\$ 131.66
- in addition, per residential suite		\$ 271.41	\$ 284.98
5. Swimming Pool		n/a	n/a
	<b><u>Commercial</u></b>		
1. Motels, Hotels, Inns, Lodges		\$ 781.08	\$ 820.14
- per room (with or without bath)		\$ 108.40	\$ 113.82
- per room (with kitchen)		\$ 125.39	\$ 131.66
- for each pool &/or hot tub		n/a	n/a
2. Strata Hotel		\$ 781.08	\$ 820.14
- per room (with or without bath)		\$ 108.40	\$ 113.82
- per room (with kitchen)		\$ 125.39	\$ 131.66
- per room (with kitchen and laundry)		\$ 271.41	\$ 284.98
- laundry facility		\$ 310.15	\$ 325.65
- for each pool or hot tub		n/a	n/a
3. Beauty parlours and barber shops (per chair)		\$ 662.93	\$ 696.08
4. Cafe, restaurant, coffee shop or dining room			\$ -
-40 seats maximum (including seasonal/outdoor seating)		\$ 1,645.49	\$ 1,727.76
-over 40 seats		\$ 2,442.74	\$ 2,564.87
5. Food & Beverage preparation facilities < 1000 sq. ft.		\$ 662.93	\$ 696.08
-total area = 1,000 - 2,000 sq. ft.		\$ 993.99	\$ 1,043.69
-total area = > 2,000 sq. ft.		\$ 1,325.57	\$ 1,391.85
6. Medical/Dental Practice - one practitioner		\$ 1,066.71	\$ 1,120.04
- per additional practitioner		\$ 533.35	\$ 560.01
7. Retail stores, < 1000 sq. ft.		\$ 662.93	\$ 696.08
- > 1000 sq. ft.		\$ 1,656.34	\$ 1,739.16
8. Banks, offices < 1,000 sq. ft.		\$ 743.74	\$ 780.93
- > 1,000 sq. ft.		\$ 2,252.13	\$ 2,364.73
9. Service stations, garages, card locks, etc.		\$ 1,493.61	\$ 1,568.29
-in addition - for unmetered vehicle wash facility		n/a	n/a
10. Laundries - for each washing machine (or minimum annual charge)		\$ 310.15 \$ 1,551.86	\$ 325.65 \$ 1,629.45
11. Unmetered industrial/commercial usage		\$ 1,086.22	\$ 1,140.53
12. Beverage rooms, lounges, pubs		\$ 2,487.05	\$ 2,611.40
13. Greenhouse or Nursery (adjusted seasonal rate)		\$ 662.93	\$ 696.08
14. Water Bottling - unmetered		\$ 662.93	\$ 696.08

VILLAGE OF PEMBERTON  
Bylaw No. 899, 2021  
Schedule "A"

		<u>Institutions</u>		
	1. Schools, per classroom		\$ 873.60	\$ 917.28
	2. Churches (flat rate)		\$ 662.93	\$ 696.08
	3. Hospitals, Emergency Services Stations		\$ 1,833.30	\$ 1,924.96
	-hospitals, in addition per bed		\$ 147.97	\$ 155.37
<b>Metered Rates (Billed Quarterly)</b>				
	1. Inside Municipal Boundaries - Statutory Declaration Program		\$ -	\$ -
	a) Residences w ith Suite		\$ -	\$ -
	Fixed Quarterly Meter Charge		\$ 30.85	\$ 32.39
	Plus Volumetric Rate (m3)		\$ 1.12	\$ 1.18
				\$ -
	b) Industrial/Commercial Users		\$ -	\$ -
	Fixed Rate (under 300m3)		\$ 231.63	\$ 243.21
	Volumetric Rate (m3 after 300m3)		\$ 1.18	\$ 1.24
				\$ -
	c) Industrial/Commercial Users		\$ -	\$ -
	Flat Rate (for Units w ith non-functioning or no meters)		\$ 296.43	\$ 311.25
				\$ -
	d) *Bu k Sew er Rate (m3)		\$ 4.78	\$ 5.02
				\$ -
	2. Outside Municipal Boundaries		\$ -	\$ -
	a) Residential/Commercial/Industrial		\$ -	\$ -
	Fixed Rate (under 300m3)		\$ 274.49	\$ 288.22
	Volumetric Rate (m3 after 300m3)		\$ 1.52	\$ 1.59
				\$ -
	b) Residential/Commercial/Industrial		\$ -	\$ -
	Flat Rate (for Units w ith non-functioning or no meters)		\$ 258.50	\$ 271.42
*Large bu k sew er disposals require individual negotiated agreements.				

**VILLAGE OF PEMBERTON  
BYLAW No. 900, 2021**

---

A bylaw to amend the Village of Pemberton Water Rates Bylaw No. 884, 2020.

---

**WHEREAS** it is deemed necessary to amend the rates and charges and billing system for waterworks services to meet increased operational costs of the system;

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

1. Schedule "A" of Bylaw No. 232, 1989, Amendment Bylaw No. 884, 2020 is hereby deleted and replaced with a new Schedule "A" which is attached hereto and forms part of this bylaw and which takes effect on January 1, 2021.
2. Billing
  - a) Utility billing is done on an annual basis and is due with property taxes on the property tax due date.
  - b) A 10% penalty will be added to such rates, rents and charges remaining unpaid after the property tax due date.
3. This bylaw may be cited for all purposes as the "Village of Pemberton Water Regulation Connection and Rates Bylaw No. 232, 1989, Amendment Bylaw No. 900, 2021."

**READ A FIRST TIME** this 27<sup>th</sup> day of April, 2021.

**READ A SECOND TIME** this 27<sup>th</sup> day of April, 2021.

**READ A THIRD TIME** this 27<sup>th</sup> day of April, 2021.

**ADOPTED** this 27<sup>th</sup> day of April, 2021.

*\*Bylaw Readings and Final Adoption all given at the same Council Meeting as per Ministerial Order No. M192/2020*

---

Mike Richman  
Mayor

---

Sheena Fraser  
Corporate Officer

VILLAGE OF PEMBERTON  
Bylaw No. 900, 2021  
Schedule "A"

<b>VILLAGE OF PEMBERTON</b>		
<b>Water Rates 2021</b>		
		<b>2021</b>
<b>Flat Rates (Billed Annually)</b>		
<u><b>Domestic</b></u>		
1. Seniors housing projects		\$ 389.45
2. Single family dwellings & trailers		\$ 593.45
-In addition, per residential suite in a S/F dwelling		\$ 296.71
3. Apartments/Duplexes/Multi-family dwellings - per unit		
-under 1,000 sq. ft.		\$ 389.45
-over 1,000 sq. ft.		\$ 593.45
4. Bed & Breakfast service, guest/rooming house		\$ 1,000.54
-in addition, per rental room for > 2 rooms		\$ 198.53
- in addition, per residential suite		\$ 297.14
5. Swimming Pool		\$ 108.47
<u><b>Commercial</b></u>		
1. Motels, Hotels, Inns, Lodges		\$ 889.44
- per room (with or without bath)		\$ 131.34
- per room (with kitchen)		\$ 175.27
- for each pool &/or hot tub		\$ 186.57
2. Strata Hotel		\$ 889.44
- per room (with or without bath)		\$ 131.34
- per room (with kitchen)		\$ 175.25
- per room (with kitchen and laundry)		\$ 218.96
- laundry facility		\$ 224.42
- for each pool or hot tub		\$ 186.57
3. Beauty parlours and barber shops (per chair)		\$ 654.87
4. Cafe, restaurant, coffee shop or dining room		
-40 seats maximum (including seasonal/outdoor seating)		\$ 1,210.68
-over 40 seats		\$ 1,796.88
5. Food & Beverage preparation facilities < 1000 sq. ft.		\$ 654.87
-total area = 1,000 - 2,000 sq. ft.		\$ 982.14
-total area = > 2,000 sq. ft.		\$ 1,309.38
6. Medical/Dental Practice - one practitioner		\$ 654.87
- per additional practitioner		\$ 327.27
7. Retail stores, < 1000 sq. ft.		\$ 639.12
- > 1000 sq. ft.		\$ 1,342.78
8. Banks, offices < 1,000 sq. ft.		\$ 717.18
- > 1,000 sq. ft.		\$ 1,656.90
9. Service stations, garages, card locks, etc.		\$ 960.75
-in addition - for unmetered vehicle wash facility		\$ 1,790.49
10. Laundries - for each washing machine		\$ 224.42
(or minimum annual charge)		\$ 1,122.49
11. Unmetered industrial/commercial usage		\$ 2,008.56
12. Beverage rooms, lounges, pubs		\$ 1,829.53
13. Greenhouse or Nursery (adjusted seasonal rate)		\$ 1,048.18
14. Water Bottling - unmetered		\$ 2,085.57
15. Weekly Hydrant Connection - Building Development (unmetered) *plus damage deposit		\$ 46.35



VILLAGE OF PEMBERTON  
Bylaw No. 900, 2021  
Schedule "A"

	<b><u>Institutions</u></b>	
	1. Schools, per classroom	\$ 642.49
	2. Churches (flat rate)	\$ 639.12
	3. Hospitals, Emergency Services Stations	\$ 1,348.80
	-hospitals, in addition per bed	\$ 108.84
	<b>Metered Rates (Billed Quarterly)</b>	
	1. Inside Municipal Boundaries - Statutory Declaration Program	
	a) Residences with Suite	
	Fixed Quarterly Meter Charge	\$ 27.93
	Plus Volumetric Rate - first 65 m3 (per m3)	\$ 1.40
	Plus Volumetric Rate - after 65 m3 (per m3)	\$ 3.15
	b) Industrial/Commercial Users	
	Fixed Quarterly Meter Charge	\$ 142.68
	Volumetric Rate	\$ 1.17
	c) Industrial/Commercial Users	
	Flat Rate (for Units with non-functioning or no meters)	\$ 402.05
	d) *Bulk Water Rate	
	Connection Fee	\$ 25.00
	plus rate per (m3)	\$ 4.56
	2. Outside Municipal Boundaries	
	a) Residential/Commercial/Industrial	
	Fixed Quarterly Meter Charge	\$ 35.90
	Plus Volumetric Rate - first 65 m3 (per m3)	\$ 1.44
	Plus Volumetric Rate - after 65 m3 (per m3)	\$ 3.80
	b) Residential/Commercial/Industrial	
	Flat Rate (for Units with non-functioning or no meters)	\$ 1,002.18
	3. PNWS Bulk Water Supply Service Agreement	
	**This rate has been negotiated and is included in a separate agreement	
	*Large bulk water purchases and sewer disposals require individual negotiated agreements where the annual quantity of water purchased by a single bulk customer exceeds 50,000 m3, and the Village has executed a Water Supply Service Agreement with the bulk water supply customer.	

## VILLAGE OF PEMBERTON

### BYLAW No. 901, 2021

---

**Being a bylaw to establish an Alternative Municipal Tax Collection Scheme (2021).**

---

**WHEREAS** Council may, by bylaw, establish an alternative municipal tax collections scheme pursuant to section 235 of the *Community Charter* for the year 2021;

**AND WHEREAS** unless the general tax collection scheme is determined to apply under section 236 of the *Community Charter*, the provisions of this bylaw apply;

**AND WHEREAS** property taxes for the year 2021 are due on July 2, 2021.

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

1. **CITATION**

This Bylaw may be cited as “Village of Pemberton Alternative Municipal Tax Collection Scheme (2021) Bylaw No. 901, 2021.”

2. **INTERPRETATION**

In this bylaw, unless the context requires otherwise:

**Collector** means the municipal officer assigned responsibility as collector of taxes for the municipality;

**Community Charter** means *Community Charter*, SBC 2003, c. 26 as amended or replaced from time to time;

**General tax collection scheme** means the tax collection scheme under s.234 of the *Community Charter*;

**Owner** has the meaning set out in the *Assessment Act*;

**Property taxes** means taxes under Division 3 (*Property Value Taxes*), 4 (*Parcel Taxes*) or 5 (*Local Service Taxes*) of Part 7 (*Municipal Revenue*) of the *Community Charter*.

**Village** means Village of Pemberton;

### 3. **Alternative Municipal Tax Collection Scheme 2021**

- a) If all or part of the **property taxes** remain unpaid after July 2, 2021, penalties will be applied in accordance with the following provisions;
- i) The **collector** must add to the unpaid **property taxes** for the parcel and improvements for the year 2021 a penalty equal to 5% of the portion that on July 2, 2021 remains unpaid, and
  - ii) The **collector** must add to the unpaid **property taxes** for the parcel and improvements for the year 2021 a penalty equal to 5% of the portion that on September 30, 2021 remains unpaid, and
  - iii) The penalty referred to in paragraph (i) is due as part of the property taxes for the year 2021 for the parcel and improvements.
- b) For the year 2021, an **owner** may under s.236 of the *Community Charter* make an election to pay under the alternative municipal tax collection scheme established by this bylaw or under the **general tax collection scheme** by giving written notice of the election of the general tax collection scheme to the Village before June 15, 2021.

### 4. **SEVERABILITY**

If any section, subsection, clause or phrase of this bylaw is held to be invalid for any reason by a court or competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the bylaw.

**READ A FIRST TIME** this 27<sup>th</sup> day of April, 2021.

**READ A SECOND TIME** this 27<sup>th</sup> day of April, 2021

**READ A THIRD TIME** this 27<sup>th</sup> day of April, 2021

**ADOPTED** this 27<sup>th</sup> day of April, 2021.

*\*Bylaw Readings and Final Adoption all given at the same Council Meeting as per Ministerial Order No. M192/2020*

---

Mike Richman  
Mayor

---

Sheena Fraser  
Corporate 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 13<sup>th</sup> day of April, 2021.

**READ A SECOND TIME** this 13<sup>th</sup> day of April, 2021.

**READ A THIRD TIME** this 13<sup>th</sup> day of April, 2021.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

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

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

**SCHEDULE 'A' FEES**

<b>Fee Description</b>	<b>As of January 1, 2021</b>	<b>As of January 1, 2022</b>	<b>As of January 1, 2023</b>
<b>Part 7. Inspection of Premises</b>			
Additional Inspection, Fire Chief (7.3)	\$100.00	\$100.00	\$100.00
Additional Inspection, Building Official (7.4)	\$100.00	\$100.00	\$100.00
<b>Part 8. Transfer of Change at the Request of the Business</b>			
Transfer or Change Fee (8.2)	\$25.00	\$25.00	\$25.00
<b>Business Licence Fees</b>			
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
<b>Business Specific Fees (Part Noted)</b>			
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
<b>Part 10.5 Fee Reduction for Applications Received Between October 1<sup>st</sup> and December 31<sup>st</sup></b>			
All Businesses	-50%	-50%	-50%
<b>Part 10.6 Non-Refundable Application Processing Fee</b>			
Cannabis Retail Store	\$1,000.00	\$1000.00 + Costs	\$1,000.00 + Costs
Cannabis Production facility	NA	\$1,000.00	\$1,000.00
<b>Part 10.7 Auxiliary Business</b>			
Fee for business that is auxiliary to an existing business	\$50.00	\$50.00	\$50.00
<b>Part 12. Business Licence Late Payment Fee</b>			
All Businesses	+25%	+25%	+25%



**From:** [no-reply@webguidecms.ca](mailto:no-reply@webguidecms.ca)  
**To:** [Sheena Fraser](#); [Nikki Gilmore](#); [Gwendolyn Kennedy](#)  
**Subject:** Website Submission: Write to Mayor & Council - pemberton.ca  
**Date:** Monday, April 12, 2021 5:16:58 PM

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Village of Pemberton - Website Submission: Write to Mayor & Council - pemberton.ca

## Website Submission: Write to Mayor & Council - pemberton.ca

### Form Submission Info

**First Name:** Pemberton Animal Wellbeing Society

**Last Name:** Anna Scott

**Street Address:** [REDACTED]

**PO Box:** [REDACTED]

**Town/City:** Pemberton

**Province:** British Columbia

**Postal Code:** V0N 2L0

**Phone Number:** [REDACTED]

**Email:** pawspemberton@gmail.com

**Please attach any related documents (if applicable):**

**Message to Mayor & Council:** Dear Mayor and Council,

I wanted to introduce myself virtually, as the new director of PAWS. I took over for Rachael after she had her baby two years ago.

I understand that with us not applying for the grants available last year, there was word going around that we didn't need funding or donations. It was an unfortunate set of circumstances that led us to not being organized in time to apply, and I apologize if this inconvenienced anyone. When I took over as director, there was not

much structure or paper trail with our previous finances, and the volunteer who had taken over writing our grant applications backed out last minute. We can always use help financially, especially now as we weren't able to do any in person fundraisers last year.

We have had some time to organize ourselves and I just wanted to put it out there that we would very much like to apply for grants and funding in the future, if any are available.

I ran into Ted Craddock picking up trash on Airport Road a few weeks ago (which is very much appreciated, thank you Ted!). It was lovely to meet him face to face and touch base about our situation. He told me to write to mayor and council, so I hope this letter finds its way to the correct people!

Thank you again for all your help and support, and I look forward to meeting you all in person some day!

Kind Regards,  
Anna Scott

Village of Pemberton



*Mayor's Office, City of Penticton*

171 Main Street, Penticton, B.C. V2A 5A9

Tel: 250-490-2400 Fax: 250-490-2402

www.penticton.ca

April 13, 2021

**President Brian Frenkel**  
c/o Union of British Columbia Municipalities  
525 Government Street  
Victoria, BC V8V 0A8

**Re: B.C. Government's Use of Provincial Paramourncy to Undermine Local Government Bylaws**

Dear President Frenkel:

On behalf of Penticton City Council, I am requesting the Union of British Columbia Municipalities write a letter to Premier John Horgan requesting the reconsideration of invoking Provincial Paramourncy as it relates to the violation of Penticton City Council's authority and the City of Penticton's Zoning Bylaws at 352 Winnipeg Street, Penticton, BC.

The following is a timeline of events:

- When COVID-19 struck in March, 2020 many facilities that provided showers, laundry services, and meals to our most vulnerable in our community had to close and/or adapt. The City via its Emergency Operations Centre (EOC), Emergency Management BC and BC Housing worked together to find a temporary "hygiene station" and isolation shelter for anyone that was needing to isolate during COVID.
  - 352 Winnipeg Street was not an ideal site for a hygiene station as it was adjacent to two seniors' homes. However, as the site contained a vacant and free standing building that could quickly be fitted for a hygiene station, the EOC supported and worked with BC Housing to quickly stand-up the hygiene station.
- In September, 2020 BC Housing approached the City to turn the isolation shelter into a 42 bed Temporary Emergency Winter Shelter. This use was contrary to City Zoning Bylaws and although met with trepidation from the neighbourhood, Council ultimately approved a Temporary Use Permit (TUP) for the isolation shelter to be converted and operate as Temporary Winter Shelter until April 1, 2021.
  - Video of the lengthy Council debates from our October 6<sup>th</sup> and 20<sup>th</sup>, 2020 meetings can be found on our website to better understand how clear individual Council members were that this was not an appropriate location, but that in the midst of the pandemic, they would grant a TUP on this one occasion.

- In March 2021, BC Housing sought an extension to this TUP until March 31, 2022 in effect changing the use from a temporary, emergency winter shelter to a year round shelter. Council denied this request based on zoning bylaws and the previous clearly communicated unsuitability of this location.
  - Via resolution, Council further directed Penticton’s Safety and Security Advisory Committee to develop location selection criteria for a new, permanent winter shelter for Penticton.
  - Council initially learned of the Province’s interests in exploring the use of paramourncy via an interview on Global news with Minister David Eby, who had met with Council twice early in the year to discuss a supportive housing project at 3240 Skaha Lake Rd., Penticton, BC.
- Again in March, BC Housing stated their intention to continue operations of the facility “on a balance of convenience” and asked Council to reconsider. Having been presented no alternate location as requested or new information; based on zoning bylaws and the previously communicated unsuitability of this location Council did reconsider the request and again denied the request.
  - Via resolution, Council further directed staff to work with BC Housing to find alternate solutions.
- At the writing of this letter, 352 Winnipeg now operates in contravention of the City of Penticton bylaws as a newly established year round shelter following the threat of Provincial Paramourncy.

While the issue at hand is a matter of land use and planning, it is important to note according to data provided directly from the current Minister responsible for Housing to City Council, Penticton has the highest number of supportive housing beds per capita in the Interior region. Each of these beds was developed with Penticton City Council’s input and with respect for their role in the local decision making process.

In closing, Penticton City Council is hoping Minister David Eby, whom has invoked paramourncy on behalf of the Province, or Premier John Horgan as the head of a Government that promised to work collaboratively with Local Governments, reconsiders their position and adheres to our City’s bylaws. As this could happen to any one of the other 188 local governments in B.C., we ask that the Union of British Columbia Municipalities, on behalf of its membership, request Premier John Horgan reconsider the use of Provincial Paramourncy with respect to 352 Winnipeg Street, Penticton, BC.

Yours truly,



John Vassilaki

Mayor

- cc. Penticton City Council  
 Donny van Dyk, Chief Administrative Officer  
 Dan Ashton, Member of Legislative Assembly  
 BC Local Government Elected Officials

## **Council seeks support from UBCM to help challenge Provincial Paramountcy**

(Penticton, BC – April 13, 2021) – On behalf of City Council, Penticton Mayor, John Vassilaki, has sent a letter to the Union of British Columbia Municipalities (UBCM) President, Brian Frenkel, requesting UBCM prepare a letter to BC Premier, John Horgan, supporting Council's position that the Province's recent use of Paramountcy is a violation of two Council decisions and the City's zoning Bylaws.

"My letter to Mr. Frenkel made it very clear that the issue at hand is a matter of land use and cooperative planning between two levels of government," said Penticton Mayor, John Vassilaki. "The Attorney General and Minister Responsible for Housing, David Eby, would have British Columbians believe that the City of Penticton is not doing its part to support the housing crisis. This is simply not the case and information provided directly from the Minister shows that Penticton has the highest number of supportive housing beds per capita in the interior region. All of these beds were developed with Penticton Council's input and with respect for Council's role in the decision making process.

"Today our previous working relationship of bilateral cooperation has been replaced by a unilateral hammer that puts our residents at risk of having the Provincial Government plan our community. As such, Council has reached out to Mr. Frenkel and the UBCM membership at large to seek their support in reversing the Province's conduct towards Penticton, or any other community they disagree with."

-30-

### **Contact:**

Philip Cooper  
Communication Manager  
City of Penticton  
250-490-2583





*Patrick Weiler*

Member of Parliament

West Vancouver-Sunshine Coast-Sea to Sky Country

April 14, 2021

Today, the Honourable Catherine McKenna, Minister of Infrastructure and Communities, announced the launch of the Green and Inclusive Community Buildings program across Canada to support green and inclusive community buildings through retrofits, repairs, upgrades, and new builds.

As part of the Strengthened Climate Plan, the program will deliver \$1.5 billion in funding over the next five years to projects that improve the places where Canadians gather, access services, and connect with others in the community, while saving energy, cutting pollution, and offering thousands of good jobs.

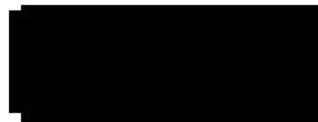
The program will invest in projects that meet a minimum threshold for energy efficiency improvements and that increase social inclusion in under-served and high-needs communities across Canada. Projects could include: the installation of energy efficient windows in public libraries; the construction of an Indigenous cultural centre built to green specifications; and, other such projects that would reduce energy waste, improve ventilation and contribute to inclusive community spaces.

Local governments, provincial and territorial governments, and not-for-profit and Indigenous organizations may now apply for funding through the Green and Inclusive Community Buildings program for projects that retrofit or build new publicly-accessible buildings that provide services to the public. At least 10 per cent of this funding will be allocated to projects serving First Nations, Inuit, and Métis communities, including Indigenous populations in urban centres.

Through the Green and Inclusive Community Buildings program, we will continue to work together to build a healthier environment, a healthier economy and more inclusive communities for all Canadians.

[For more information about the program and instructions to apply, please visit this webpage.](#) If you have any questions, please do not hesitate to reach out to our office. We stand ready to support your application in any way that we can.

Sincerely,



Patrick Weiler, MP

*West Vancouver-Sunshine Coast-Sea to Sky Country*

*Constituency Ottawa*

6367 Bruce Street Suite 282, Confederation Building  
West Vancouver 229 Wellington Street, Ottawa

British Columbia V7W 2G5 Ontario K1A 0A6

Tel.: 604-913-2660 | Fax.: 604-913-2664 Tel.: 613-947-4617 | Fax.: 613-847-4620

Village of Pemberton

Regular Council Meeting No. 1537

Tuesday, April 27, 2021

128 of 131



*Patrick Weiler*

Member of Parliament

West Vancouver-Sunshine Coast-Sea to Sky Country

April 15, 2021

Every Canadian deserves a safe and affordable place to call home.

Today, the Honourable Ahmed Hussen, Minister of Families, Children and Social Development and Minister Responsible for Canada Mortgage and Housing Corporation (CMHC), and Adam Vaughan, Parliamentary Secretary to the Minister of Families, Children and Social Development and Minister responsible for Canada Mortgage and Housing Corporation (CMHC), announced \$40 million in funding for "Getting Started", the second round of the Housing Supply Challenge (HSC), which will be launched on June 9, 2021.

The Housing Supply Challenge invites local solutions from across Canada that improve affordable housing pre-development processes from idea to shovel, and everything in between! For the "Getting Started" round, the following organizations are encouraged to apply:

- For-profit and not-for-profit organizations
- Indigenous organizations and groups
- Canadian post secondary institutions
- Government (provincial, territorial, Indigenous, municipal, local and regional)
- Teams composed of a variety of participants
- \*All applicants must be affiliated with a legally incorporated organization

The Housing Supply Challenge is being delivered by Canada Mortgage and Housing Corporation (CMHC). Future rounds of the five-year challenge will tackle additional issues related to housing supply, including Northern Housing, Construction Technology, Scaling Solutions, and Public Perception of New Development.

For more information about the Housing Supply Challenge [please visit this webpage](#). If you have any questions or concerns, please feel free to reach out to our office.

Sincerely,



Patrick Weiler, MP

*West Vancouver-Sunshine Coast-Sea to Sky Country*

*Constituency Ottawa*

6367 Bruce Street Suite 282, Confederation Building  
West Vancouver 229 Wellington Street, Ottawa Village of Pemberton  
British Columbia V7W 2G5 Ontario K1A 0A6 Regular Council Meeting No. 1537  
Tel.: 604-913-2660 | Fax.: 604-913-2664 Tel.: 613-947-4617 | Fax.: 613-847-4620 Tuesday, April 27, 2021  
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# Website Submission: Write to Mayor & Council - pemberton.ca

## Form Submission Info

**First Name:** Kyle

**Last Name:** Leitch

**Street Address:** [REDACTED] Street

**PO Box:** [REDACTED]

**Town/City:** Pemberton

**Province:** BC

**Postal Code:** VON2L0

**Phone Number:** [REDACTED]

**Email:** [REDACTED]

**Please attach any related documents (if applicable):**

**Message to Mayor & Council:** Hello!

There's a great movement starting out in Whistler right now!! Is this something we could get going here in Pemberton? The drainage ditches (all linked to our waterways) up and down the meadows and the highway dyke trail from the Macdonolds northbound seem to be the worst. Is there someone/some organization that would normally be responsible for their clean up or has it always been a citizen project?

#ridthevidcleanup #1millionbottlechallenge

<https://www.facebook.com/groups/800892894168235/?ref=share>

Village of Pemberton



## 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*